



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/24/2024

ITEM NO: 3

DATE: July 19, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owner: Marty and Penny McFarland. Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit on property zoned O:PD, located at 120 Oak Meadow Drive.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: O:PD, Office - Planned Development Overlay
Applicable Plans & Standards: General Plan, Residential Design Guidelines, applicable sections of the Hillside Development Standards and Guidelines
Parcel Size: 17,699 square feet (0.41 acres)

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Office	Office Professional	O:PD
South	Office	Office Professional and Medium Density Residential	O and O:PD
East	Office	Office Professional and Medium Density Residential	O
West	Residential	Office Professional	O:PD

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.
- As required by Section 29.80.095 of the Town Code for granting approval of a Planned Development Overlay Zone.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; floor area ratio (FAR) standards for Parcels A and B; and the minimum lot size and setbacks for Parcel B.
- That the amendment to the Planned Development Overlay is consistent with the General Plan.
- As required by Section 66474 of the State Subdivision Map Act.
- The project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater except for the requested modifications to the maximum driveway slope and for a portion of a building located outside the LRDA.
- The project complies with the Residential Design Guidelines.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

Forward a recommendation regarding Planned Development application PD-22-001, Subdivision application M-20-011, and Architecture and Site application S-22-021 to the Town Council.

BACKGROUND:

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Exhibit 1). The property is developed with an existing 3,621-square foot, two-story residence with a 520-square foot attached garage (Exhibit 15). Oak Meadow Drive, a private road, surrounds the property on three sides. Vehicular access from the private road is provided via a driveway serving the attached garage located along the south property line. Pedestrian access is provided on the west and east property lines. Much of the property is sloped, having an average slope of 15.1 percent. Areas where slopes exceed 30 percent are limited and located along the north property line. Pursuant to Section 1.1 (c) of the Residential Design Guidelines, properties with an average slope of 10 percent or greater located outside of the Hillside Area are subject to the following sections of the Hillside Development Standards and Guidelines (HDS&G):

- Constraints Analysis and Site Selection (excluding visibility).
- Site Planning for:
 - Grading;
 - Drainage;
 - Driveways and Parking; and
 - Geologic Safety.
- Site Elements for Retaining Walls.

Planned Development (PD) Ordinance 1412 was adopted on December 4, 1978, and took effect on January 3, 1979 (Exhibit 5). The PD Ordinance allowed for the following:

1. Demolition of an existing one-story residential structure;
2. Conversion of an existing two-story medical office structure into a residential townhouse unit;
3. Construction of 10 two-story residential townhouse units; and
4. Landscaping, parking, and limited tree removal as granted under precise plan approval.

Construction of the Townhomes and other site improvements were completed in 1981.

The existing PD Ordinance specifies that the permitted uses, conditional uses, and setback requirements for the areas within the boundary of the townhouse complex are those of the

BACKGROUND (continued):

R-M zone. Since the subject property is not located within the townhouse complex and there are no performance standards contained in the PD Ordinance specific to the subject property, the permitted uses, conditional uses, setback requirements, and other development standards applicable to the subject property default to the underlying O zone.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Exhibit 1).

B. Project Summary

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The applicant also requests approval of additional modifications to the performance standards in the PD Ordinance affecting Parcels A and B to allow for the following deviations from the O zone requirements and applicable sections of the HDS&G:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

C. Zoning Compliance

The subject property is located in a PD that provides for a mix of residential and office uses (Exhibit 5). The PD provides that the subject property is governed by the regulations of the

PROJECT DESCRIPTION (continued):

O zone. The proposed project includes subdivision of the property into two lots and construction of a new single-family residence. The proposed subdivision would result in two lots with areas of 11,906 square feet and 5,793 square feet, where 8,000 square feet is the minimum required by the O zone. Following subdivision, the existing residence would be located on Parcel A with a lot coverage of 40.3 percent, where 40 percent is the maximum allowed in the O zone. Additionally, the existing residence would exceed the allowable FAR by 373 square feet. The proposed residence on Parcel B would have a lot coverage of 42.6 percent, where 40 percent is the maximum allowed in the O zone, and would exceed the allowable FAR by 403 square feet. The proposed residence on Parcel B would include reduced setbacks and portions of the structure would be located outside of the LRDA. The proposed driveway serving Parcel B would include a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G. These deviations from the requirements of the O zone and applicable sections of the HDS&G can be allowed if approved as performance standards specific to the project area under a modified PD Ordinance.

Other than the deviations described above, the proposed project complies with the zoning regulations.

DISCUSSION:

B. Planned Development

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. The modified PD would establish the regulations under which these actions would be allowed, including all deviations from the O zone development standards and applicable sections of the HDS&G.

The modified PD would allow for subdivision of the subject property into two parcels. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The proposed PD modification requires continued compliance with all provisions of the O zone, as specified in PD Ordinance 1412, and applicable sections of the HDS&G, except for the items listed below, which are proposed to be allowed through the amended PD ordinance:

- Lot Size: The O zone requires a minimum lot size of 8,000 square feet and the proposed subdivision would result in lots with areas of 11,906 square feet (Parcel A) and 5,793 square feet (Parcel B).
- Lot Coverage: The existing residence would be located on new Parcel A, following subdivision. The lot coverage for Parcel A would be 40.3 percent, where 40 percent is

DISCUSSION (continued):

the maximum allowed in the O zone. Similarly, the proposed residence on Parcel B would have a lot coverage of 42.6 percent, exceeding the limitations of the zone.

- **FAR Standards:** The existing residence would be located on new Parcel A, following subdivision. The FAR of the existing residence would be 0.30 (3,621 square feet), where 0.27 (3,248 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone. Similarly, the proposed residence on Parcel B would have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone.
- **Setbacks:** The proposed residence on Parcel B would include reduced front, rear, and side setbacks.
- **LRDA:** The proposed residence on Parcel B would include portions of the structure located outside of the LRDA.
- **Driveway Slope:** The proposed driveway serving Parcel B includes a portion with a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G.

A summary of the required and proposed development standards that deviate from Town regulations is provided in the table below.

Office Zone Development Standards			
	Standards	Parcel A	Parcel B
Min. Lot Size	8,000 sf	11,906 sf	5,793 sf
Max. Lot Coverage	40 percent	40.3 percent (4,762 sf)	42.6 percent (2,470 sf)
FAR			
Parcel A	0.27 (3,248 sf)	0.30 (3,621 sf)	
Parcel B	0.27 (1,543 sf)		0.34 (1,946 sf)
Setbacks			
Front	25 ft	7 ft*	6 ft
Side	10 ft	59.3 ft	3 ft
Rear (through lots)	25 ft	17.5 ft*	7 ft
Street Side	15 ft	12 ft* and 15.5 ft*	N/A
LRDA		N/A	Portions of residence outside of LRDA
Driveway Slope	Max. 15 percent	N/A	17.5 percent
* Existing condition to remain			

The applicants discuss the requested exceptions in their letter of justification and project description (Exhibit 6 and 7).

DISCUSSION (continued):

The applicant proposes to modify the existing PD Ordinance for the property, which would provide specific guidance for the future subdivision and single-family residential development. The PD Ordinance would define the maximum allowable development, including the maximum floor area and building height. The project includes the required Subdivision and Architecture and Site applications to implement the proposed project if the PD Ordinance is approved.

C. Architecture and Site Analysis

The subject property is located in a PD with an underlying O zone, a nonresidential zone. Town Code Section 29.50.060 provides the FAR standards for single-family and two-family dwellings located in nonresidential zones. Other development standards applicable to the subject property default to those included in the underlying O zone

In the O zone, the size of a single-family dwelling is regulated through lot coverage, FAR standards, height, and setback limitations. The applicant proposes construction of a 1,946 square-foot two-story, single-family residence with 502 square feet of below-grade square footage and a 467 square-foot attached garage (Exhibit 15). The project proposes a hybrid traditional style residence with details and materials that are consistent with the neighborhood. Proposed exterior materials include: a composition shingle roof; vertical wood siding; stucco siding; and aluminum or fiberglass windows (Exhibit 8). A summary of the proposed floor area for the residence is provided in the table below.

Parcel B Floor Area Summary	
	Proposed Square Feet
Lower Floor	305
Main Floor	862
Upper Floor	779
Total	1,946
Maximum Allowed	1,543
Exceeds by	403
Below-Grade Area	502
Garage	467

As discussed above, the proposed lot coverage for Parcel B would be 42.6 percent, where 40 percent is the maximum of the zone. The proposed residence would also have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed. The maximum height of the proposed residence would be 29 feet, six inches, where the zone allows for a maximum height of 35 feet. Lastly, the proposed residence would have reduced setbacks on the front, rear, and north side setbacks.

DISCUSSION (continued):

D. Site Design

Parcel B slopes up approximately 19 feet from east to west and includes several oak and redwood trees. Three of the four oak trees on Parcel B are Large Protected Trees (#101, 102, and 103) and the siting of the residence in the northern portion of the property with reduced setbacks is intended to minimize impacts to these trees. In addition to the reduced setbacks providing additional buffer from the trees, the applicant proposes to cantilever portions of the driveway and garage that are in close proximity to Tree #103. Discussion of the disposition of the existing trees and the potential impacts is included in Section H below.

The proposed residence would be served by a new driveway taking access from Oak Meadow Drive on the east property line with a maximum slope of 17.5 percent. Development of the driveway requires approval of an exception to the HDS&G driveway slope limitation of 15 percent. The applicant indicates that complying with the 15 percent slope limitation would require lowering the garage slab by two feet, increasing grading and necessitating an exception to the HDS&G grading limitations (Exhibit 6). The additional grading required for a compliant driveway would also increase impacts to the trees to remain. The proposed driveway has been reviewed and approved under this application by the Engineering Division and the Santa Clara County Fire Department.

The project includes several retaining walls: one forming the lightwell on the north elevation of the residence with a maximum height of three feet; and two walls adjacent to the driveway with maximum heights of three feet. All retaining walls comply with the Town Code and the applicable sections of the HDS&G.

E. Building Design

The project consists of an eclectic/hybrid traditional style residence with traditional forms and natural appearing materials (Exhibit 7). Exterior materials include: a composition shingle roof; vertical wood siding; stucco siding; and aluminum or fiberglass windows (Exhibit 8). The residence includes gable end forms with gable and shed dormers (Exhibit 15). The proposed attached garage is a single-story form with a flat roof. Portions of the garage would be cantilevered over the descending grade to provide buffer to Tree #103 to the east. A roof terrace is proposed above the garage, accessible from the interior of the residence. In consideration of potential privacy impacts created by the roof terrace, the applicant notes that the terrace is setback 65 feet from the roadway, other adjacent properties are office uses with 30 to 85-foot setbacks, and that existing vegetation to remain provides privacy screening (Exhibit 9).

DISCUSSION (continued):

The Town's Consulting Architect reviewed the proposed residence on May 10, 2022 (Exhibit 10). In the report, the Consulting Architect noted that the applicant has done a good job fitting the house into the difficult site by working around the existing large trees. The Consulting Architect identified two issues and concerns and provided recommendations for changes to the original design to increase compatibility with the Residential Design Guidelines. In response to these recommendations, the applicant provided a written response justifying the design in context of the Consulting Architect's recommendation (Exhibit 11). The Consulting Architect's issues and recommendations are provided below, followed by the applicant's response in *italics*.

1. The large amount of stucco compared to the proposed vertical siding would be out of character to this neighborhood and not consistent with Residential Design Guideline 3.8.2. Reduce the large amount of stucco on the house by extending the vertical siding consistently down to the first-floor line.

There are many types of materials in the neighborhood structures; plaster among them like the building across the street. Stone is not an appropriate application for this. A good portion of the driveway and garage float like a bridge to protect the tree root zones. Stone does not 'float'.

2. The small areas of wood siding on the front and rear elevations are awkward, and the materials change in the same plane which would not be consistent with Residential Design Guideline 3.8.4. Use brick or stone for the building base below the first-floor line or continue the use of vertical siding in this area. The adjacent existing home on this larger parcel has a prominent brick base. If brick or stone is used, provide a projecting brick or stone ledge at the transition with any vertical siding. If vertical siding is used, add a horizontal belly band to break up taller wall planes.

The location of the material is consistent with the style of this house, which is mountain rustic/farmhouse. Horizontal belly band is not appropriate for this home. If we were transitioning from one wood above and another type of wood below, then a belly band might be appropriate, but ours is not the case. In this case, a belly band is not warranted or desirable.

F. Neighborhood Compatibility

The immediate neighborhood contains a single-family residence, two-story townhouses, and one- and two-story office buildings. As stated above, the existing PD ordinance establishes the development standards for the townhouse complex. The subject property and other O zoned properties in the immediate neighborhood are subject to the requirements of the underlying O zone and the FAR standards for single-family and

DISCUSSION (continued):

two-family dwellings in a nonresidential zone. The following is provided for analysis of the neighborhood compatibility of the proposed residence on Parcel B. Office structures are noted.

FAR Comparison - Neighborhood Analysis								
Address	Use	Zoning	Bldg SF	Garage SF	Total SF	Site SF	Bldg FAR	No. of Stories
220 Oak Meadow	Office	O	4,507	0	4,507	11,703	0.39	2
233 Oak Meadow	Office	O:PD	3,283	0	3,283	19,705	0.17	2
234 Oak Meadow	Office	O	1,756	0	1,756	41,200	0.04	1
301 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	7,352	0.36	2
307 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	4,794	0.55	2
311 Oak Meadow	Townhouse	O:PD	2,620	484	3,104	4,952	0.53	2
120 Oak Meadow (Existing lot)	Single-family residence	O:PD	3,621	530	4,151	17,779	0.20	2
120 Oak Meadow (Parcel A)	Single-family residence	O:PD	3,621	530	4,151	12,530	0.30	2
Parcel B	Single-family residence	O:PD	1,946	467	2,413	5,793	0.34	2

The project proposes a new two-story residence, which would be the second single-family residence in the immediate neighborhood. The proposed residence would not be the first two-story structure in the immediate neighborhood. The proposed residence would be 29 feet, 11 inches tall, where 35 feet is allowed by the zone. When considering the residential structures in the immediate neighborhood, the proposed residence would not be the largest in terms of floor area or FAR, but it would be the largest of the two single-family residences in terms of FAR.

G. Grading

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The Town’s Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 4).

H. Tree Impacts

In the December 16, 2022 Arborist Report, the Town’s Consulting Arborist provided an evaluation of 14 trees on the project site within the area of the proposed construction activities (Exhibit 12). Staff notes that Tree #106, a Large Protected coast live oak, suffered structural failure in May 2023. This tree was subsequently removed with a permit in August

DISCUSSION (continued):

2023. Eight trees (#321 through 328) are proposed for removal, all of which are coast redwoods with diameters ranging from four to seven inches. While not proposed for removal by the applicant, the Consulting Arborist indicates that Tree #103 will be compromised from a health and structural perspective given its limited root zone opposite the construction activities. The Consulting Arborist's recommended conditions of approval include requirements that the applicant implement all tree protection recommendations identified in the Arborist Report prepared for the project and that the applicant obtain a Tree Removal Permit for all requested tree removals. The proposed tree removals will require 14 replacement trees, a requirement that is reflected in Exhibit 4.

I. Parking

Section 29.10.150(c)(1) of the Town Code requires that a single-family residence provide two off-street parking spaces. The proposed project includes an attached two-car garage to meet this requirement.

J. General Plan

The proposed amendment to PD Ordinance 1412 to allow subdivision of one lot into two lots, construction of a new single-family residence, and site work requiring a Grading Permit is consistent with the goals and policies of the 2020 General Plan Land Use Element, including, but not limited to:

- Policy LU-1.3 encourages preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments;
- Policy LU-1.4 states, 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;
- Policy LU-6.7 states, 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;
- Policy LU-6.8 states, new construction, remodels, and additions shall be compatible and blend with the existing neighborhood;
- Policy LU-7.3 states, 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; and
- Policy LU-7.4 states, infill projects should be designed in context with the neighborhood

DISCUSSION (continued):

and surrounding zoning with respect to the existing scales and character of surrounding structures, and should blend rather than compete with the established character of the area.

K. CEQA Determination

The Project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

PUBLIC COMMENTS:

The property owner indicates that the project has been discussed with several direct neighbors and a member of the Home Owners Association (HOA) for the townhomes (Exhibit 13). Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, a project sign was installed on the site on May 28, 2024. Installation of story poles is not required under the policy. Additionally, notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. Public comments received prior to 11:00 am, Friday, July 19, 2024, are included as Exhibit 16.

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of Planned Development Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and

CONCLUSION (continued):

- Driveway slope exceeding 15 percent.

No other exceptions are requested. Regarding consistency with the immediate neighborhood, the proposed single-family residence on Parcel B would not result in the largest residential structure in terms of floor area or FAR, would be the largest of the two single-family residences in terms of FAR, and would not be the first two-story residence. The applicant seeks a recommendation from the Planning Commission to the Town Council, who will render the final decision on the project.

B. Recommendation

If the Planning Commission finds merit with the proposed project, staff recommends the Commission take the following actions to forward the PD, Subdivision, and Architecture and Site applications to the Town Council with a recommendation for approval of the proposed project, by recommending that the Town Council:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Exhibit 2);
2. Make the finding that the amendment to the Planned Development Overlay is consistent Town Code Section 29.80.095 (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site.
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Exhibit 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and
6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Exhibit 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Exhibit 3) and approve Subdivision application M-20-011 and

CONCLUSION (continued):

Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Exhibit 4 and the development plans included as Exhibit 15.

C. Alternatives

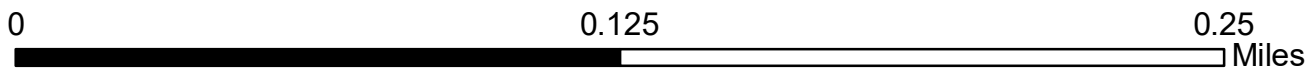
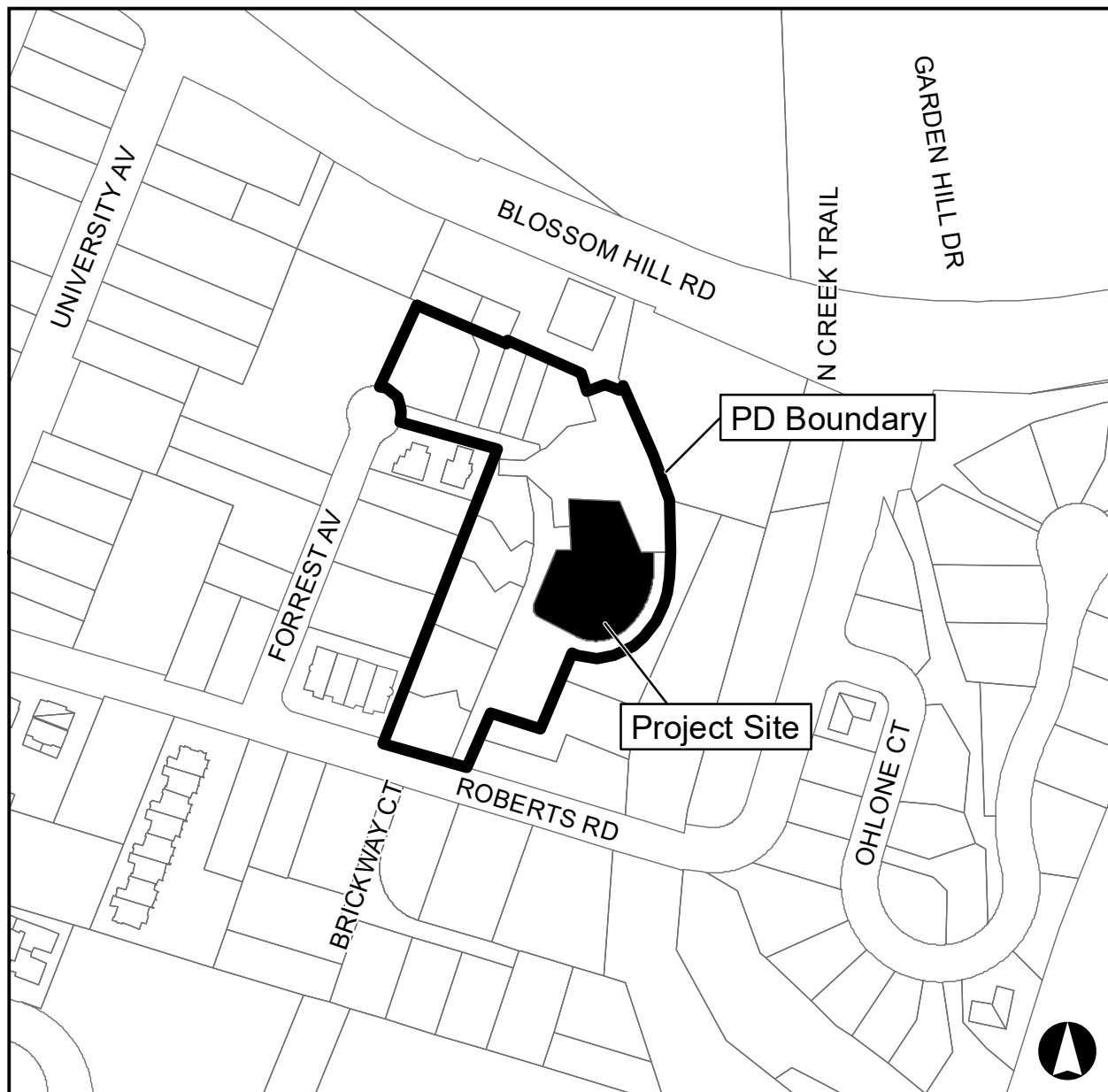
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval the applications with additional and/or modified conditions; or
3. Recommend denial of the applications and make the required findings for denial

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Draft Planned Development Ordinance
4. Recommended Conditions of Approval
5. Planned Development Ordinance 1412
6. Letter of Justification
7. Project Description
8. Color and Materials Board
9. Letter of Justification for Garage Terrace
10. Town's Consulting Architect Report
11. Response to Consulting Architect's Recommendations
12. Arborist Report
13. Summary of Neighbor Outreach
14. Building Envelope Study by Applicant
15. Development Plans
16. Public Comments received by 11:00 a.m., Friday, July 19, 2024

120 Oak Meadow Drive



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DEVELOPMENT REVIEW COMMITTEE – July 24, 2024
REQUIRED FINDINGS & CONSIDERATIONS FOR:

120 Oak Meadow Drive

Subdivision Application M-20-011

Planned Development Application PD-20-002

Architecture and Site Application S-22-021

Requesting Approval for Subdivision of One Lot into Two Lots, Modification of Planned Development Ordinance 1412, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. APN 529-10-131.

Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Property Owners: Marty and Penny McFarland

Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021)

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

Required compliance with the Town Code for granting a Planned Development Overlay Zone:

- As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:
 1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay;
 2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Element, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, and LU-7.4;
 3. Is in conformance with the Residential Design Guidelines and applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater; and
 4. Allows for a new housing unit designed to protect and preserve the existing trees and slopes of the site.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), except for the requested modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning allowing the following:
 - Lot Size: The O zone requires a minimum lot size of 8,000 square feet and the proposed subdivision would result in lots with areas of 11,906 square feet (Parcel A) and 5,793 square feet (Parcel B).
 - Lot Coverage: The existing residence would be located on new Parcel A, following subdivision. The lot coverage for Parcel A would be 40.3 percent, where 40 percent is the maximum allowed in the O zone. Similarly, the proposed residence on Parcel B would have a lot coverage of 42.6 percent, exceeding the limitations of the zone.
 - FAR Standards: The existing residence would be located on new Parcel A, following subdivision. The FAR of the existing residence would be 0.30 (3,621 square feet), where 0.27 (3,248 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone. Similarly, the proposed residence on Parcel B would have a FAR of 0.34 (1,946 square feet), where 0.27 (1,543 square feet) is the maximum allowed for a single-family residence located in a nonresidential zone.
 - Setbacks: The proposed residence on Parcel B would include reduced setbacks.

Required consistency with the Town's General Plan:

- That the amendment to the Planned Development Overlay is consistent with the 2040 General Plan and its Elements and with the 2020 Land Use and Community Design Elements, including but not limited to Policies LU-1.3, LU-1.4, LU-6.7, LU-6.8, LU-7.3, LU-7.4, CD-1.2, CD-3.1, and CD-4.3; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision and type of improvements is not likely to cause serious

public health problems.

- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Required compliance with the applicable sections of the Hillside Development Standards and Guidelines:

- The project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average of 10 percent or greater, except for the requested modification to the performance standards in the PD Ordinance to allow deviations from applicable sections of the HDS&G allowing the following:
 - LRDA: The proposed residence on Parcel B would include portions of the structure located outside of the LRDA.
 - Driveway Slope: The proposed driveway serving Parcel B includes a portion with a maximum slope of 17.5 percent, where a maximum 15 percent slope is the standard in the HDS&G.

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single family residences not in hillside areas. The project was reviewed by the Town's Consulting Architect for compliance with the Town's Residential Design Guidelines. The Consultant noted that the proposed house is well sited to respond to the constraints of the site. The applicant provided a response to the Consultant's recommendations justifying the proposed design and materials.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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

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ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING PLANNED DEVELOPMENT ORDINANCE 1412 PROVIDING
ADDITIONAL PERFORMANCE STANDARDS SPECIFIC TO ONE LOT
ADDRESSED AS 120 OAK MEADOW DRIVE (APN 529-10-131)
RELATING TO SUBDIVISION OF SAID LOT INTO TWO LOTS,
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE,
SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, LOT SIZE,
LOT COVERAGE, SETBACKS, DRIVEWAY SLOPE, AND
BUILDINGS LOCATED OUTSIDE OF THE LEAST RESTRICTIVE
DEVELOPMENT AREA AND
REPEALING PLANNED DEVELOPMENT ORDINANCE 1412**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN
AS FOLLOWS:

SECTION I

The Zoning Ordinance of the Town of Los Gatos is hereby amended to change the zoning of the property shown on the map which is attached hereto marked Exhibit A and is a part of this ordinance, to include new Planned Development (PD) regulations under the zone O-PD (Office-Planned Development).

SECTION II

Uses and Improvements Authorized

The Planned Development Overlay zone established by Ordinance 1412 authorized the following construction and use of improvements and remain in effect with this ordinance:

1. Demolition of an existing one-story residential structure.
2. Conversion of an existing two-story medical office structure into a residential townhouse unit.
3. Construction of 10 two-story residential townhouse units.
4. Landscaping, parking, and limited tree removal as may be granted under precise plan approval.
5. For that area within the boundary of the townhouse complex as shown on the

Official Development Plan, the uses are those specified in the R-M (Multiple Family Residential) zone by Sections 29.040.610 (Permitted Uses) and 29.40.615 (Conditional Uses) of the Zoning Ordinance (as those sections exist at the time of the adoption of this ordinance or as they may be amended in the future). However, no use listed in Section 29.40.615 is allowed unless specifically authorized by this ordinance or by conditional use permit.

In addition to the foregoing construction and use of improvements authorized by Ordinance 1412, the amended Planned Development Overlay zone established by this ordinance authorizes the following construction and use of improvements as shown on the Official Development Plan:

6. Subdivision of one 17,699 square-foot lot addressed as 120 Oak Meadow Drive (APN 529-10-131) into two lots consisting of Parcel A (11,906 square feet) and Parcel B (5,793 square feet);
7. Lot coverage of 40.3 percent on Parcel A;
8. Floor Area Ratio of 0.30 (3,621 square feet) on Parcel A;
9. Construction of a single-family residence and site improvements requiring a grading permit on Parcel B.
10. Lot coverage of 42.6 percent on Parcel B;
11. Floor Area Ratio of 0.34 (1,946 square feet) on Parcel B;
12. Reduced setbacks for the single-family residence on Parcel B of no less than:
 - Front: 6 feet
 - Rear: 7 feet
 - Side (north): 3 feet
13. Portions of the single-family residence on Parcel B as shown on the Official Development Plan located in the Least Restrictive Development Area as defined by the Hillside Development Standards and Guidelines;
14. A driveway serving Parcel B with a maximum slope of 17.5 percent.

SECTION III

Compliance with Other Development Standards

For that area within the boundary of the townhouse complex as shown on the Official Development Plan the development standards of the Town Code Sections 29.40.640 and 29.40.645 shall apply. All general provisions in Article 3 of the Zoning Ordinance apply, and the provision of Chapters Article IV, Residential Zones and Article V, Nonresidential Zones of the Zoning Ordinance apply to the residential and nonresidential portion of the Planned Development respectively except when the Official Development Plan specifically shows otherwise.

SECTION IV

Permits

Architecture and Site Approval, Subdivision Approval, recordation of the Parcel Map, and issuance of all required permits is required before construction work for the single-family residence on Parcel B as shown in the Official Development Plan.

SECTION V

Official Development Plan

The attached Exhibit A (Map), Exhibit B (Site Plan), Exhibit C (Unit A Plan), Exhibit D (Unit B Plan), Exhibit E (Tentative Map), Exhibit F (Civil Plans for Parcel B), and Exhibit G (Architectural Plans for Parcel B), are part of the Official Development Plan.

SECTION VI

Performance Standards

The Planned Development Overlay zone established by Ordinance 1412 provided for the following performance standards and remain in effect with this ordinance:

1. The applicant shall dedicate sanitary and storm sewer easements, to the satisfaction of the Town Engineer.
2. The applicant shall guarantee, by contract and bond, the following improvements, to the satisfaction of the Town Engineer:

3. A 20-foot curb-to-curb roadway (with narrower sections where necessary to avoid significant tree growth) including curb and gutters and paving, from Roberts Road to Forrest Avenue.
4. Sanitary and storm sewers as required.
5. The applicant shall provide a final grading, drainage and traffic circulation plan, to the satisfaction of the Town Engineer.
6. If any indication of archeological remains are encountered during construction activities, all such activities should cease immediately until a qualified archeologist can ascertain the nature of the discovery and recommend mitigation if necessary.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on _____, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on _____, and becomes effective 30 days after it is adopted.

COUNCIL

MEMBERS: AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

PLANNING COMMISSION – July 24, 2024
CONDITIONS OF APPROVAL

120 Oak Meadow Drive
Subdivision Application M-20-011
Architecture and Site Application S-22-021

Requesting Approval for Subdivision of One Lot into Two Lots, Modification of Planned Development Ordinance 1412, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. APN 529-10-131. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.
Property Owners: Marty and Penny McFarland
Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021)

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. TREE REPLACEMENT: Prior to issuance of a Building Permit, the location, size, and species of all required replacement trees shall be provided on the project plans.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.

10. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist Report dated December 16, 2022, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. STORY POLES/PROJECT IDENTIFICATION SIGNAGE: Story poles and/or project identification signage on the project site shall be removed within 30 days of approval of the Architecture & Site application.
13. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement ("the Project") from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant's sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

14. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

15. PERMITS REQUIRED: A Building Permit is required for the construction of the new single-family residence and attached garage. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
16. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
17. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
18. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
19. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
20. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
21. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
22. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
23. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
24. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.

- d. A door buzzer, bell or chime shall be hard wired at primary entrance.
25. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
26. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
27. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
28. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
29. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
- Community Development – Planning Division: (408) 354-6874
 - Engineering/Parks & Public Works Department: (408) 399-5771
 - Santa Clara County Fire Department: (408) 378-4010
 - West Valley Sanitation District: (408) 378-2407
 - Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

30. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the public street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

31. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
32. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
33. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
34. PUBLIC WORKS INSPECTIONS: The Owner, Applicant and/or Developer or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading, or paving. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
36. GRADING PERMIT A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body and the appeal period has passed, the grading permit application with grading plans and associated required materials shall be submitted via email to the PPW engineer assigned to the A&S review. Plan check fees (determined after initial submittal) shall be sent to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. Unless specifically allowed by

the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.

37. SECURITY OF PERFORMANCE: Prior to approval of the grading permit, the applicant shall provide security for the performance of the work described and delineated on the approved grading plans. The form of security shall be one or a combination of the following to be determined by the Town Engineer and subject to the approval of the Town Attorney.
 - a. Bond or bonds issued by one (1) or more duly authorized corporate sureties on a form approved by the Town.
 - b. Deposit, with the Town, money, negotiable bonds of the kind approved for securing deposits of public monies, or other instrument of credit from one (1) or more financial institutions subject to regulation by the State or Federal Government wherein such financial institution pledges funds are on deposit and guaranteed for payment.
38. GRADING PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
39. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of permits or recordation of maps.
40. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
41. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
42. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
43. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town Inspector. At a minimum, watering shall occur three (3) times daily unless the contractor applies a non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or

by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public and private streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH).

44. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
45. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
46. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.
47. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense
48. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
49. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m. during the week and 9:00 a.m. to 4:00 p.m. on Saturdays, construction, alteration, or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
50. WATER METER: Water meters shall be relocated within the property in question, directly inside the property line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork that is damaged during this activity prior to issuance of a certificate of occupancy.
51. SANITARY SEWER CLEANOUT: Sanitary sewer cleanouts shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner, Applicant

and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.

52. PRECONSTRUCTION MEETING: Prior to issuance of any grading or building permits or the commencement of any site work, the general contractor shall:
 - a. Along with the Owner, Applicant and/or Developer, setup a pre-construction meeting with Eric Christianson, Senior Public Works Inspector echristianson@losgatosca.gov (408) 354-6824 to discuss the project conditions of approval, working hours, site maintenance, and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
53. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
54. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
55. GRADING ACTIVITY RESTRICTIONS: Upon receipt of a grading permit, any and all grading activities and operations shall not occur during the rainy season, as defined by Town Code of the Town of Los Gatos, Sec. 12.10.020, (October 15-April 15).
56. DRIVEWAY: The driveway conform with the existing pavement on Oak Meadow Drive shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
57. CONSTRUCTION EASEMENT: Prior to the issuance of a grading or building permit, it shall be the sole responsibility of the Owner, Applicant and/or Developer to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
58. DRAINAGE STUDY: Prior to the issuance of any grading or building permits, the following drainage studies shall be submitted to and approved by the Town Engineer: a drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; a drainage study evidencing that the proposed drainage patterns will not overload the existing storm drain facilities; and detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems (including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding) will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
59. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit. An arborist report may be necessary. Please contact

Tammy Robnett-Illges, Engineering Technician at trobnett-illges@losgatosca.gov or (408) 399-5771 for more information.

60. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall: top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
61. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
62. PROXIMITY OF RETAINING WALLS TO ADJACENT BUILDINGS: Prior to the issuance of a grading or building permit, structural details for the proposed retaining walls located immediately adjacent to or in the immediate vicinity of existing buildings on adjoining lots shall be submitted confirming that said walls will not negatively affect the structural integrity of these buildings.
63. PARCEL MAP: A parcel map shall be recorded. A PDF of the parcel map and all associated materials shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits.
64. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
65. DEDICATIONS: The following shall be dedicated on the parcel map by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
 66. Private storm drainage easement for Parcel B over Parcel A.
 67. Landscape Easement for Parcel A over Parcel B.
68. GEOTECHNICAL/GEOLOGICAL ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations, grading, foundations, and retaining walls shall be inspected by the Owner's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the Owner's soils engineer and submitted to the Town before a certificate of occupancy is granted.
69. GEOTECHNICAL/GEOLOGICAL RECOMMENDATIONS: The project shall incorporate the geotechnical/geological recommendations contained in the project's design-level geotechnical/geological investigation as prepared by the Owner's engineer(s), and any subsequently required report or addendum. Subsequent reports or addendum are

subject to peer review by the Town's consultant and costs shall be borne by the Owner, Applicant and/or Developer.

70. SUPPLEMENTAL GEOLOGIC AND GEOTECHNICAL STUDIES: Supplemental geologic and geotechnical engineering studies may be required in support of the design of the infrastructure and the building type, and the reports and plans shall be submitted to the Town for review.
71. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
72. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
73. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.
74. TRAFFIC IMPACT MITIGATION FEE: Prior to the parcel map recordation, the Owner shall pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos. The fee amount will be based upon the Town Council resolution in effect at the time the building permit is issued. The amount based on the current resolution is \$10,410.72. The final traffic impact mitigation fee for this project shall be calculated from the final plans using the current fee schedule and rate schedule in effect at the time, using a comparison between the existing and proposed uses. For more information please contact Mike Vroman, Senior Traffic Engineer MVroman@losgatosca.gov (408) 399-5777.
75. PRECONSTRUCTION PAVEMENT SURVEY: Prior to issuance of any grading or building permit, the Owner, Applicant and/or Developer shall complete a pavement condition survey documenting the extent of existing pavement defects using a smartphone video (in Landscape orientation only) or digital video camera. The survey shall extend the length of Oak Meadow Drive. The results shall be documented in a report and submitted to the Town for review.
76. POSTCONSTRUCTION PAVEMENT SURVEY: The Owner, Applicant and/or Developer shall complete a pavement condition survey to determine whether road damage occurred as a result of project construction and whether there were changes in pavement strength. Rehabilitation improvements shall be required to restore the pavement to pre-construction conditions. The results shall be documented in a report and submitted to the Town for review and approval before a Certificate of Occupancy for any new building

can be issued. The Owner, Applicant and/or Developer shall be responsible for completing any required road repairs prior to release of the faithful performance bond.

77. **TRAFFIC CONTROL PLAN:** A traffic control plan is required and must be submitted and approved by the Town Engineer prior to the issuance of an encroachment, grading or building permit. This plan shall include, but not be limited to, the following measures:
- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, special events, and other projects in the area. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
 - b. Flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
 - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation, specifying dates and hours of operation.

For more information please contact Mike Vroman, Senior Traffic Engineer
MVroman@losgatosca.gov (408) 399-5777.

78. **HAULING OF SOIL:** Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to, provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required.
79. **SHARED PRIVATE STREET:** The private street accessing Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
80. **PRIVATE STREET PAVEMENT RESTORATION:** Prior to issuance of a Certificate of Occupancy for any new building, the Owner shall complete any necessary road repairs.
81. **COMMON PRIVATE DRIVEWAY:** The common private driveway accessing the Project Site shall be kept open and in a safe, drive-able condition throughout construction and in perpetuity after construction has been completed. If temporary closure is needed, then formal written notice shall be provided at least one (1) week in advance of closure.
82. **EMERGENCY VEHICLE ACCESS:** The Emergency Vehicle Access Easement (EVAE) that traverses the Project Site shall be kept open and in a safe, drive-able condition throughout construction. If temporary closure is needed, then formal written notice shall be provided at least one week in advance of closure.
83. **WVSD (West Valley Sanitation District):** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used. A Sanitary Sewer Clean-out is required for each property at the property line, within one (1)

foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town.

84. **SANITARY SEWER BACKWATER VALVE:** Sewer piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such sewer piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to the issuance of a building permit.
85. **BEST MANAGEMENT PRACTICES (BMPs):** The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
86. **NPDES STORMWATER COMPLIANCE:** In the event that, during the production of construction drawings for the plans approved with this application by the Town of Los Gatos, it is determined that the project will create and/or replace more than 2,500 square feet of impervious area, completion of the NPDES Stormwater Compliance Small Projects Worksheet and implementation of at least one of the six low impact development site design measures it specifies shall be completed and submitted to the Engineering Division before issuance of a grading/building permit.
87. **INFILTRATION BASIN:** The following requirements apply to the proposed infiltration basins:
 - a. Prior to completion of the Final Stormwater Control Plan, a geotechnical engineer shall review the design of the infiltration basin and determine whether additional structural supports are needed to ensure stability of the road and the adjacent hillside during the wet season.
 - b. The assumed infiltration rate shall be verified with actual site-specific soils data prior to the Final Stormwater Control Plan for the road and development, and if the infiltration rate is lower than expected, a hydrologic analysis shall be conducted to ensure that the proposed trench sizes are adequate.
 - c. The road and infiltration trenches shall be protected from sediment generated during construction of homes on the lots. The proposed source control measures shall be indicated on the project plans.
 - d. Maintenance of stormwater treatment and the infiltration trenches shall be the responsibility of the property owner and/or future property owners.

88. **UNLAWFUL DISCHARGES:** It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, or vehicle cleaning.
89. **EROSION CONTROL:** Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
90. **AIR QUALITY:** To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's construction management plan, grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
 - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective

action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
91. **DETAILING OF STORMWATER MANAGEMENT FACILITIES:** Prior to the issuance of any grading or building permits, all pertinent details of any and all proposed stormwater management facilities, including, but not limited to, ditches, swales, pipes, bubble-ups, dry wells, outfalls, infiltration trenches, detention basins and energy dissipaters, shall be provided on submitted grading plans, reviewed by the Engineering Division of the Parks and Public Works Department, and approved for implementation.
92. **WATER FEATURES:** New swimming pools, hot tubs, spas and/or fountains shall have a connection to the sanitary sewer system, subject to West Valley Sanitation District's authority and standards, to facilitate draining events. Discharges from this/these feature(s) shall be directed to the sanitary sewer and are not allowed into the storm drain system.
93. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas, and use of permeable surfaces. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
94. **PAYMENT OPTIONS:**
- a. All payments regarding fees and deposits can be hand delivered or mailed to:
Town of Los Gatos PPW – Attn: Engineering Dept
41 Miles Avenue
Los Gatos, CA 95030
- Checks must be made out to **"Town of Los Gatos"** and should include the project **address and application number** on memo/note line.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

95. **GENERAL:** Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

96. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A1) Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.12 whichever is the more restrictive and Sections 903.2.14 through 903.2.21. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations. 1. An automatic sprinkler system shall be provided throughout all new buildings and structures, other than Group R occupancies, except as follows: a. Buildings and structures not located in any Wildland-Urban Interface and not exceeding 1,200 square feet of fire area. b. Buildings and structures located in any Wildland-Urban Interface Fire Area and not exceeding 500 square feet of fire area. c. Group S-2 or U occupancies, including photovoltaic support structures, used exclusively for vehicle parking which meet all of the following: i. Noncombustible construction. ii. Maximum 5,000 square feet in building area. iii. Structure is open on not less than three (3) sides nor 75% of structure perimeter. iv. Minimum of 10 feet separation from existing buildings, or similar structures, unless area is separated by fire walls complying with California Building Code 706. d. Canopies, constructed in accordance weather protection of vehicle fueling pads per CBC 406.7.1 and not exceeding 5,000 square feet of fire area. 2. An automatic sprinkler system shall be installed throughout all new buildings with a Group R fire area. Exception: Accessory Dwelling Unit, provided that all of the following are met: a. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2. b. The existing primary residence does not have automatic fire sprinklers. c. The accessory dwelling unit does not exceed 1,200 square feet in size. d. The unit is on the same lot as the primary residence. e. The unit meets all apparatus access and water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 3. An approved automatic fire sprinkler system shall be installed in new manufactured homes (as defined in California Health and Safety Code Sections 18007 and 18009) and multifamily manufactured homes with two dwelling units (as defined in California Health and Safety Code Section 18008.7) in accordance with Title 25 of the California Code of Regulations. 4. An automatic sprinkler system shall be installed throughout existing buildings with a Group R fire area when additions are made causing the fire area to exceed 3,600 square feet. Exception: Additions where all of the following are met: a. Building addition does not exceed 500 square feet. b. The resultant structure meets all water supply requirements of Chapter 5 and Appendix B of the 2022 California Fire Code. 5. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, L, M, S and U buildings and structures, when additions are made that increase the fire area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.18. 6. Any change in the character of occupancy or in use of any building with a fire area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety 1 or increased fire risk 2, shall require the installation of an approved fire automatic fire sprinkler system.

97. **REQUIRED FIRE FLOW:** (Letter received) The minimum required fireflow for this project is 500 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]
98. **FIRE APPARATUS (ENGINE) ACCESS ROADWAY REQUIRED:** (As Noted on road study with a compliance roadway from Blossom Hill Rd to Forrest ave) Provide an access roadway with a paved all-weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 50 feet outside and 30 feet inside, and a maximum slope of 15%. Installations shall conform to Fire Department Standard Details and Specifications sheet A-1. CFC Sec. 503.
99. **WATER SUPPLY REQUIREMENTS:** (As Noted on Sheet A-1) Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
100. **ADDRESS IDENTIFICATION:** (As Noted on Sheet A-1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
101. **CONSTRUCTION SITE FIRE SAFETY:** (As Noted on Sheet A-1) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
102. **GENERAL:** This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE
ZONING ORDINANCE EFFECTING ZONE CHANGE NO. 25
FROM O TO O-PD

The Town Council of the Town of Los Gatos does ordain:

SECTION 1.

The Zoning Ordinance of the Town of Los Gatos is hereby amended to change the zoning of the property shown on the map which is attached hereto marked Exhibit A and is a part of this ordinance, from O (Office) to O-PD (Office-Planned Development).

SECTION 2.

Uses and Improvements Authorized

The PD (Planned Development Overlay) zone established by this ordinance authorizes the following construction and use of improvements:

1. Demolition of an existing one story residential structure.
2. Conversion of an existing two-story medical office structure into a residential townhouse unit.
3. Construction of 10 two-story residential townhouse units.
4. Landscaping, parking, and limited tree removal as may be granted under precise plan approval.
5. For that area within the boundary of the townhouse complex as shown on the Official Development Plan, the uses are those specified in the R-M (Multiple Family Residential) zone by Sections 4.32.020 (Permitted Uses) and 4.32.030 (Conditional Uses) of the Zoning Ordinance (as those sections exist at the time of the adoption of this ordinance or as they may be amended in the future). However, no use listed in Section 4.32.030 is allowed unless specifically authorized by this ordinance or by conditional use permit.

SECTION 3.

Compliance With Other Development Standards

For that area within the boundary of the townhouse complex as shown on the Official Development Plan the development standards of the Zoning Ordinance Section 4.32.080 and 4.32.090 shall apply. All general provisions in Article 3 of the Zoning Ordinance apply, and the provision of Chapters 4.10 and 4.40 of the Zoning Ordinance apply to the residential and nonresidential portion of the

Planned Development respectively except when the Official Development Plan specifically shows otherwise.

SECTION 4.
Permits

No construction permits shall issue in a manner complying with the requirements of Section 4.82.120 of the Zoning Ordinance.

SECTION 5.
Official Development Plan

The Official Development Plan for this Planned Development Overlay Zone consists of this ordinance and Exhibits B through D which are a part of this ordinance.

SECTION 6.
Performance Standards

In addition to the foregoing exhibits, the following performance standards are part of the Official Development Plan and must be complied with before issuance of any grading or construction permits.

1. The applicant shall dedicate sanitary and storm sewer easements, to the satisfaction of the Town Engineer.
2. The applicant shall guarantee, by contract and bond, the following improvements, to the satisfaction of the Town Engineer:
 - a. A 20 foot curb-to-curb roadway (with narrower sections where necessary to avoid significant tree growth) including curb and gutters and paving, from Roberts Road to Forrest Avenue.
 - b. Sanitary and storm sewers as required.
3. The applicant shall provide a final grading, drainage and traffic circulation plan, to the satisfaction of the Town Engineer.
4. If any indication of archeological remains are encountered during construction activities, all such activities should cease immediately until a qualified archeologist can ascertain the nature of the discovery and recommend mitigation if necessary.

SECTION 7.

This ordinance takes effect 30 days after the date it is adopted. Within 15 days after this ordinance is adopted the Town Clerk shall cause it to be published once in a newspaper of general circulation published and circulated in the Town.

This ordinance was introduced at a regular meeting of the Town Council
of the Town of Los Gatos on ^{Nov 20, 1978} November 20th, 1978, and adopted by the
following vote as an ordinance of the Town of Los Gatos at a regular meeting
of the Town Council on ^{Dec 4} December 4th, 1978.

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, John B.
Lochner, Peter W. Siemens and Mardi Gualtieri

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS None

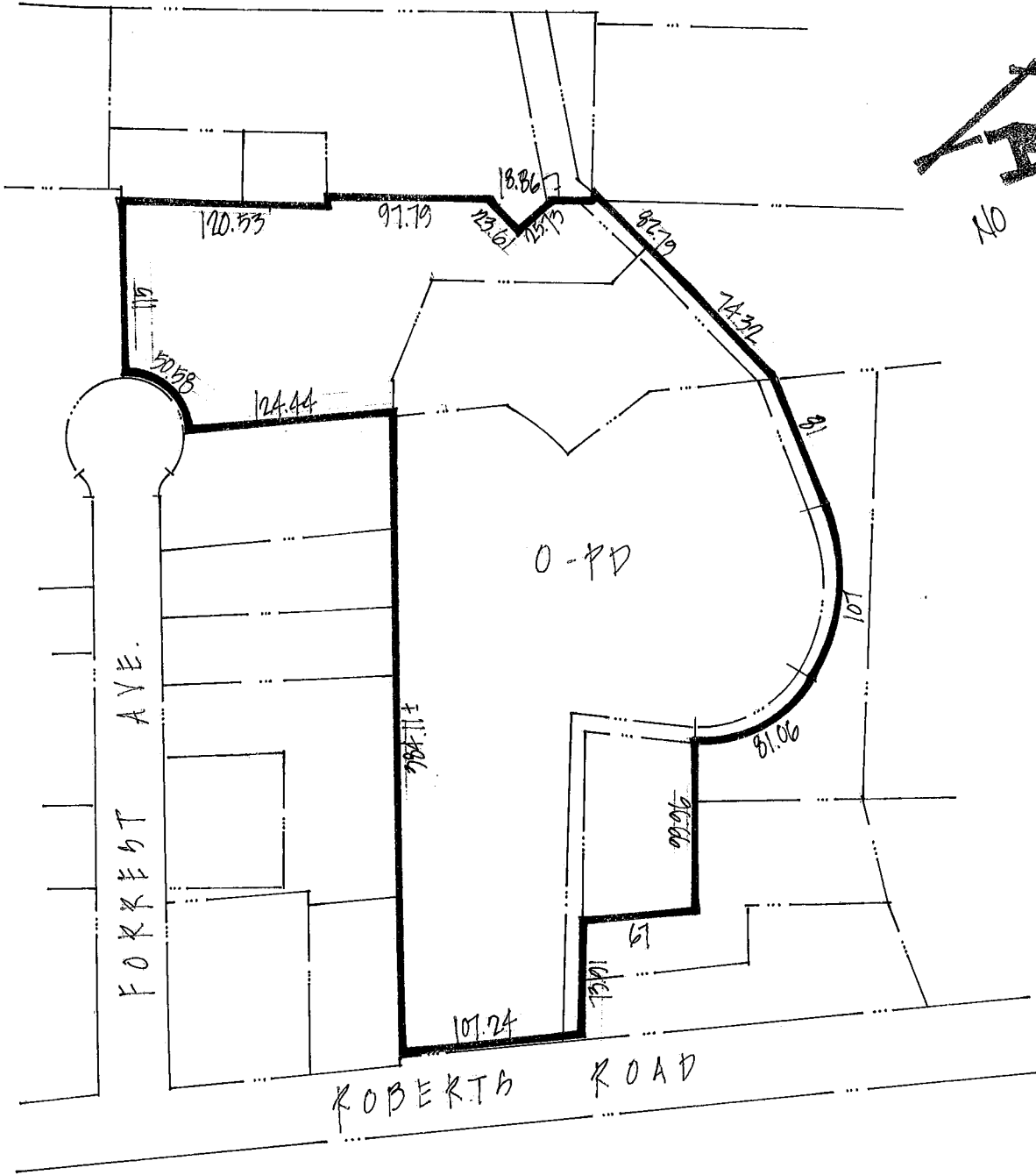
SIGNED:

Mardi Gualtieri
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

Rose E. Aldag
ASS'T CLERK OF THE TOWN OF LOS GATOS

BLOOM HILL RD.



TOWN OF LOS GATOS

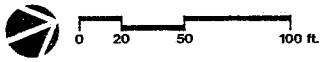
Application No. E-78-5 Change of zoning map
 Amending Town Zoning Ordinance

Zone Change from 0 to O-PD
 Prezoning to _____

Approved by Planning Commission date OCTOBER 11, 1978

Approved by Town Council date 12-4-78 Ord. 1412

Town Clerk (ASS'T) Rose E. Aldeag Mayor Mardi Guabieri



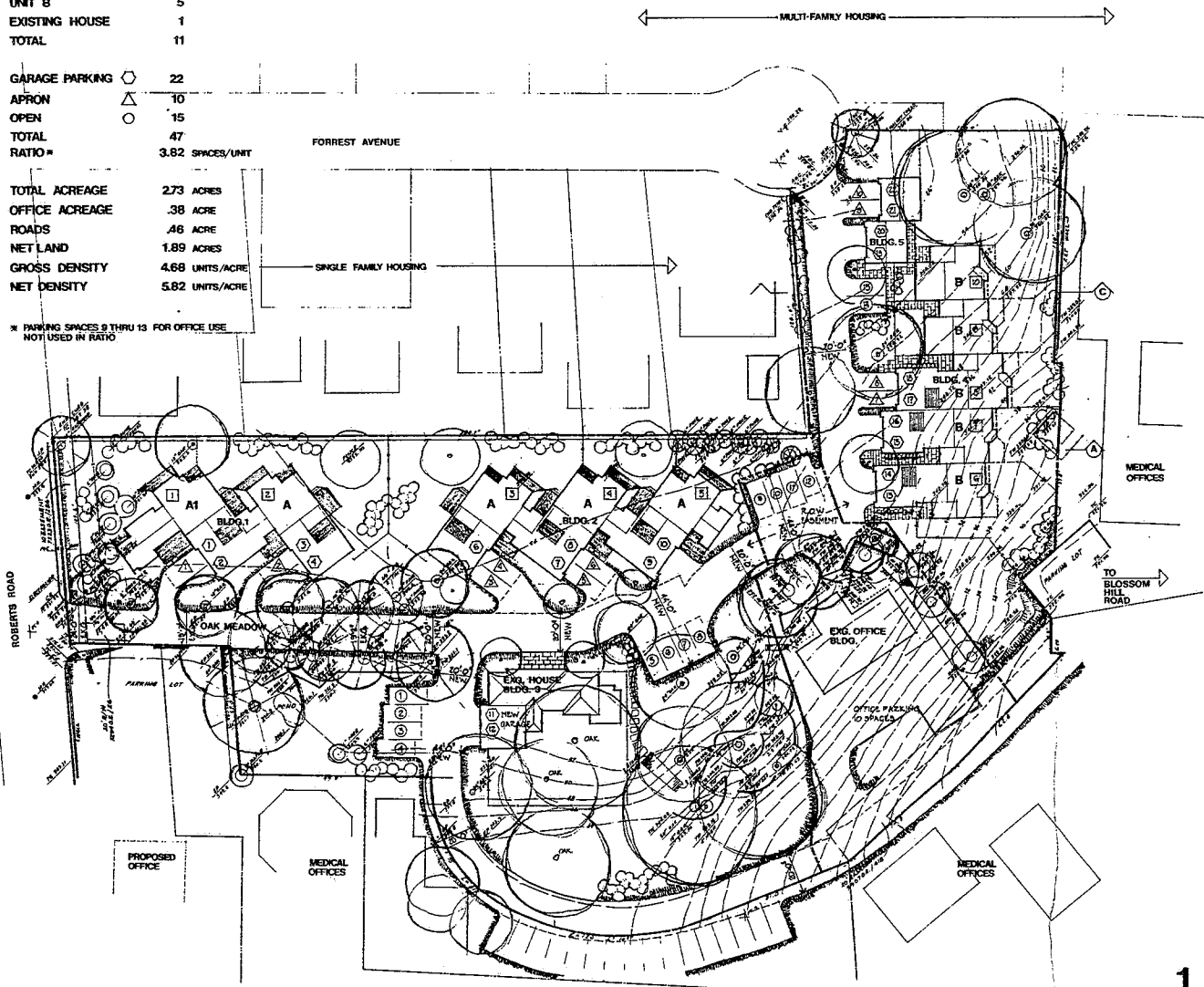
SITE PLAN

UNIT A	5
UNIT B	5
EXISTING HOUSE	1
TOTAL	11

GARAGE PARKING	⊕	22
APRON	△	10
OPEN	○	15
TOTAL		47
RATIO #		3.82 SPACES/UNIT

TOTAL ACREAGE	2.73 ACRES
OFFICE ACREAGE	.38 ACRE
ROADS	.46 ACRE
NET LAND	1.89 ACRES
GROSS DENSITY	4.68 UNITS/ACRE
NET DENSITY	5.82 UNITS/ACRE

* PARKING SPACES 9 THRU 13 FOR OFFICE USE
NOT USED IN RATIO



1

EXHIBIT B

OAK MEADOW

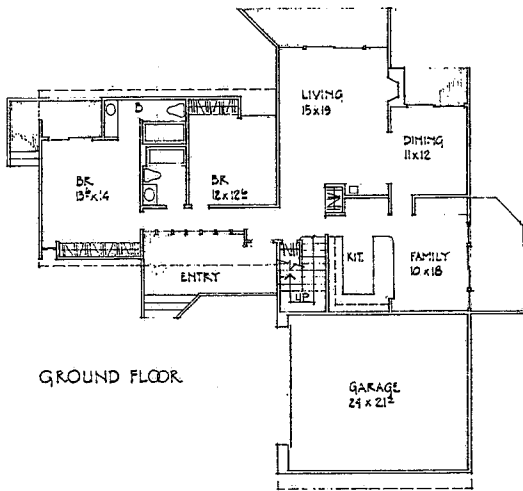
TOWN OF LOS GATOS
SANTA CLARA COUNTY
CALIFORNIA

COLE REED ASSOCIATES
409 ALBERTO WAY
LOS GATOS, CA.

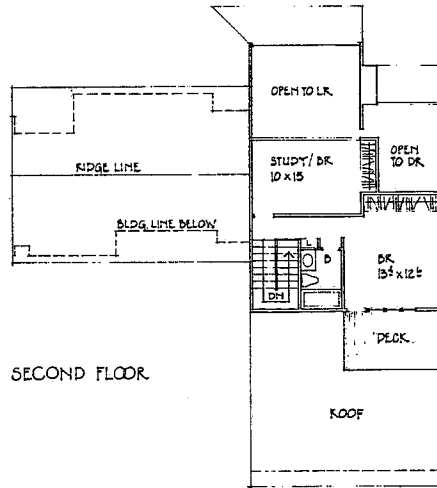
Scale: 1in. = 20ft.
Date: 8 SEP 1976
Job No. 0703

WILLIS AND ASSOCIATES INC AIA ARCHITECTS AND LAND PLANNERS SAN FRANCISCO CALIFORNIA

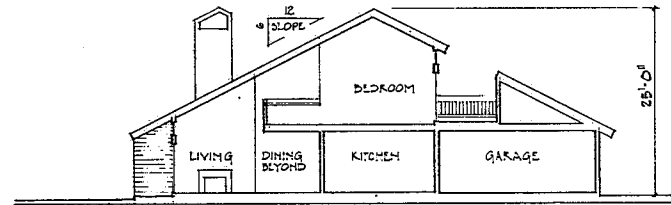
EXHIBIT B



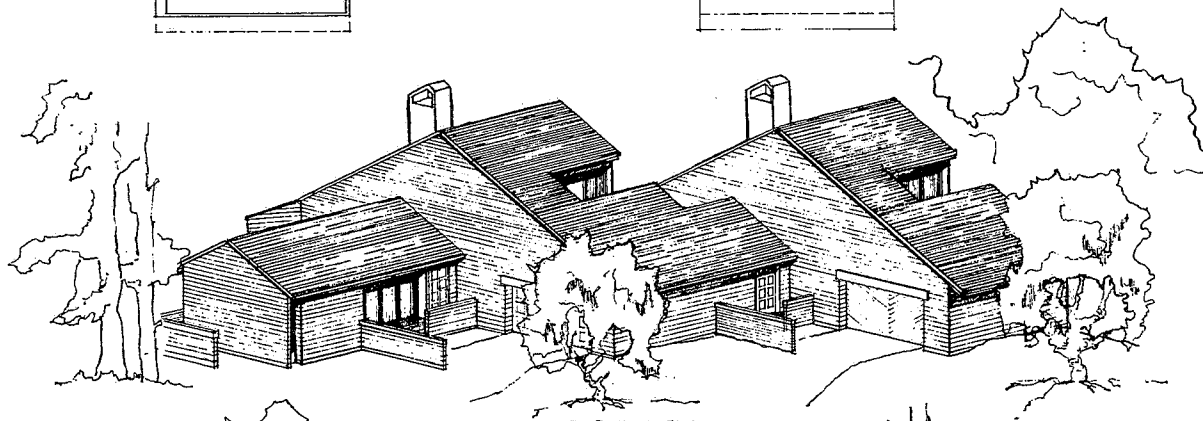
GROUND FLOOR



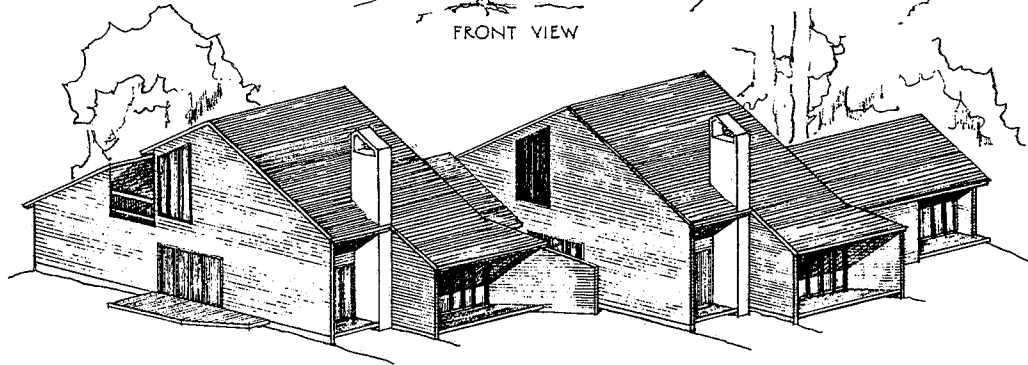
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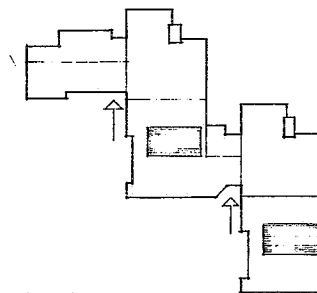
SECTION



FRONT VIEW



REAR VIEW



KEY PLAN

WILLS and ASSOCIATES
 ARCHITECTS
 1000
 California State Bar No. 44573
 State Bar of California No. 10000

OAK MEADOW, LOS GATOS
 COLE REEF

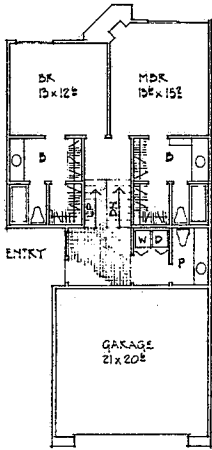
UNIT A
 Scale: 1/8" = 1'-0"
 Date: 22-V-83, 19'

Version
 Job No. 0707-

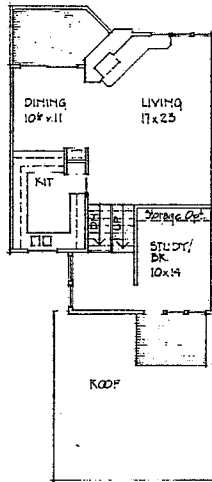
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EXHIBIT C

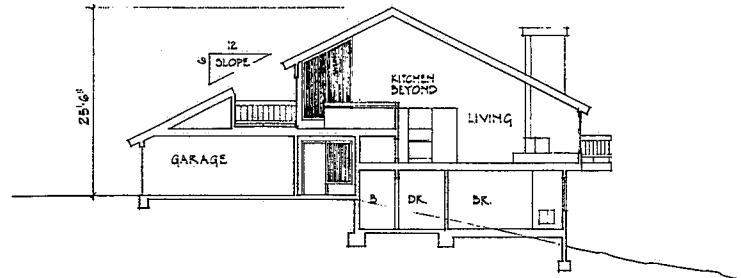
EXHIBIT C



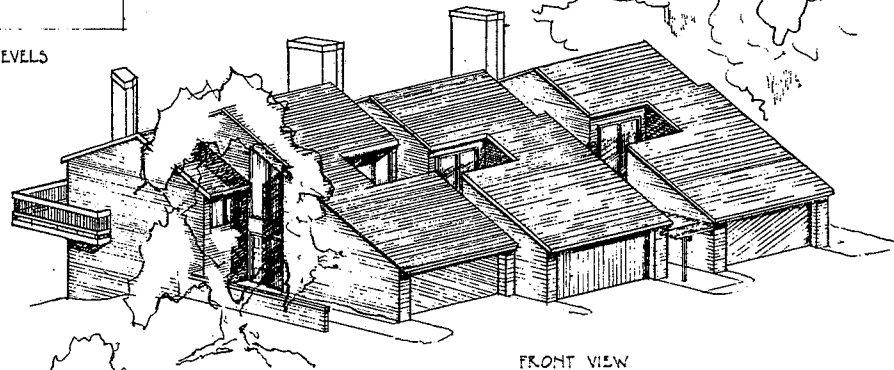
LOWER LEVELS



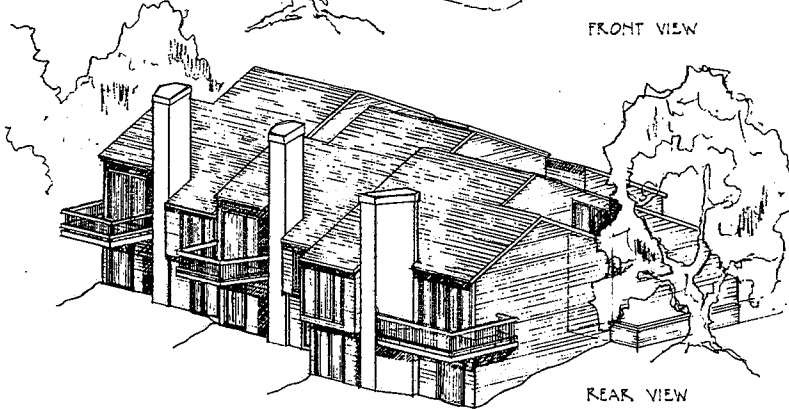
UPPER LEVELS



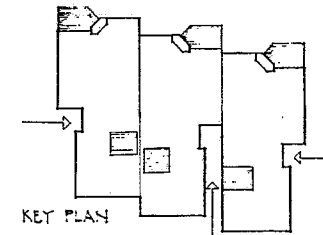
SECTION



FRONT VIEW



REAR VIEW



KEY PLAN

Wills and Associates, Inc.
 ARCHITECTS
 Environmental/Urban
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 Telephone: (310) 206-8800

OAK MEADOW / LOS GATOS
 COLLEFIELD

UNIT 12
 Scale 1/8" = 1'-0"
 Date 22-X-82 9:55
 Version
 Job No. 0702

6

EXHIBIT D

EXHIBIT D

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Job No: 20-207
September 17, 2020

Sally Zarnowitz – Planning Manager
Town of Los Gatos Planning Department
110 E. Main Street
Los Gatos, CA 95030

SUBJECT: Minor Subdivision of Oversized Lot 11 at 120 Oak Meadow Drive, Los Gatos

Dear Sally,

Thank you for the opportunity to utilize the online pre-application process for this project. Enclosed as background information are the PD Zoning Documents for the property from 1978. As you can see from the brevity of the exhibits, it was a much simpler time. Today this would be a hundred conditions and sixty pages of plans.

The current owners, Martin and Penny McFarland purchased the house from the widow of a dentist in 1992 and converted it from a planned dental office while authentically restoring the historic charm of the building. The residence has served them and their two daughters well for the past 30 years. The older daughter Heather is developmentally disabled and still lives with the McFarlands. She works as a courtesy clerk at the local Safeway and is able to walk to work from their home.

With the anticipation of their retirement years, the McFarlands are considering the subdivision of their nearly 18,000 SF oversized property and construction of a new 2,100 SF residence on a 4,800 SF lot to be shared by the younger daughter (a Special Education teacher), her husband, and Heather. The current primary residence is 3611 SF with 5 bedrooms and 3 bathrooms and is simply too large and expensive to own and maintain in the future for the daughters.

Another background note about the property is that the McFarlands Lot 11 was released from the Homeowners' Association - CC&R's in 1985 based upon the enclosed document. However, per the agreement, the McFarlands do still share in road maintenance expenses.

Listed on the Preliminary Plan are some of the development statistics for the property and the new lot with the residence. Note that the existing townhouses are 1,900 SF on narrow 3,100 SF lots.

Job No. 02-207
September 17, 2020
Sally Zarnowitz

This project is one of those unique sites where the option to downsize is available on one's own lot within an already developed community. There will be a nominal impact on the density of development.

It is, in fact, the perfect infill opportunity with already available infrastructure that serves a greatly oversized lot.

We are hopeful that the Town shares our view that by virtue of the flexibility of the PD Zoning, there is an opportunity to further the goals of California's Affordable Housing Mandate-even if it is merely one new small residence at a time in this case.

Sincerely,
TS/CIVIL ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "Terence J. Szewczyk". The signature is fluid and cursive, with the first name being the most prominent.

Terence J. Szewczyk
Principal Engineer



July 19, 2024
Job No. 20-207(rev 2)

Sean Mullin - Senior Planner
Town of Los Gatos - Community Development Department
110 E. Main Street
Los Gatos, CA 95030

Subject: 120 Oak Meadow Drive -- Letter of Justification

Dear Mr. Mullin,

The proposed deviations from the Office Zoning Code for FAR, Lot Size, & setbacks of the new lot and residence are minor compared to the already built townhouse units of the PD Zoned project.

In response to your July 16, 2024 request, we address the deviations as follows (our reply is in bold-italicized text):

- A) Parcel A - FAR The existing historic residence is 400 SF over in size is insignificant as compared to Lot 7 where a 1906 SF townhome sits on a 3,059 SF lot for an FAR of 0.62*
- B) Parcel B: Lot area is 5249 SF where 8,000 SF is required by zoning. Again, the existing townhouse lot sizes are 3,350 SF, 3163 SF, & 3,059 SF.*
- C) Parcel B: FAR exceeds zoning standards - this is irrelevant compared to B above.*
- D) Parcel B: Reduced setbacks are larger than the various zero setbacks of the townhouses.*

Parcel A:

- a) Parcel A proposed lot coverage of 4,800 sf (40.3%) (as indicated on Sheet C-1) exceeds the allowable lot coverage of 4,762 sf (40.0%) by merely 38 sf.*

Parcel B:

- a) Parcel B has a lot area of 5,793 sf, where 8,000 sf is required by the zoning. However,*

by comparison, at least three of the townhouse lots are just under 3100 sf.

b) Parcel B reduced setbacks for residence with attached garage:

	<i>Required</i>	<i>Proposed</i>
<i>Front</i>	<i>25</i>	<i>6</i>
<i>Rear (through lot)</i>	<i>25</i>	<i>7</i>
<i>Side</i>	<i>10</i>	<i>3</i>

It should be noted that many of the townhouse units have zero setbacks.

c) Parcel B proposed lot coverage of 2,470 sf (42.6%) exceeds the allowable lot coverage of 2,317 sf (40%) by 153 sf.

d) Parcel B a portion of the proposed residence (approximately 36 sf) is located outside the least restrictive development area.

e) Parcel B driveway slope of 17.5% exceeds maximum allowed by the Hillside Development Standards and Guidelines of 15%. Were we to comply with 15% the garage slab would be 2' lower and the cut and fill guidelines would be violated with an excessive cut at the 32" oak tree near the driveway bridge. The fire dept will not use this driveway but they do allow up to a 20% slope.

In summary, the 1979 PD Zoning was well intended to provide a creative buffer and transition from medical office to residential uses on this tree studded site. The residential unit types were stylish at that time, with high vaulted ceilings and triangular architectural components built with woodsy and natural exterior materials. Setbacks, FAR, & lot sizes were all ignored in the unit designs. These appear to have been approved within the era when the Town used Planned Development Zoning to avoid compliance with the base zoning district standards. Back then, it was considered progressive and artsy to design clustered townhomes. and "Z" lots.

Sean Mullin - Senior Planner
Job No. 20-207
Page 3 of 3
July 19, 2024(rev2)

Best regards,

A handwritten signature in black ink, appearing to read "Terence J. Szewczyk". The signature is fluid and cursive, with the first name "Terence" being the most prominent.

TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer

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PROJECT DESCRIPTION

TO: TOWN OF LOS GATOS
FROM: JAY PLETT ARCHITECT

THE PROJECT IS A PROPOSAL FOR A NEW HOME IN AN EXISTING PD WITHIN A NEIGHBORHOOD OF MIXED USES - CONDO/TOWNHOMES, SINGLE FAMILY RESIDENTIAL AND PROFESSIONAL OFFICES. THE OWNER HAS LIVED IN THE ADJACENT HOME FOR 31 YEARS AND INTENDS THIS HOME FOR HIS DAUGHTERS USE.

EARLY IN THE PROCESS, THE TOWNHOME NEIGHBORS WERE CONSULTED REGARDING THE PLANNED HOME. THEY EXPRESSED THAT THEY WOULD PREFER THE HOME BE ACCESSED FROM BELOW, RATHER THAN THRU THE HOA PARKING AREA AND THAT THE BRICK FENCE BE RETAINED. THIS PREFERENCE IS INTEGRATED INTO OUR PROPOSAL.

THE McFARLANDS LOVE THE ENVIRONMENT AND ITS BEAUTIFUL OAK TREES. THEY GO TO GREAT LENGTH TO CARE AND NURTURE THE TREES - AND THIS IS WHERE THE DESIGN BEGINS. MARTY WANTED AS MANY TREES AS POSSIBLE TO BE SAVED AND PROTECTED. OUR FIRST STEP WAS TO CONSULT WITH A LICENSED ARBORIST TO ESTABLISH THE PERMISSIBLE PROXIMITY OF THE NEW STRUCTURE TO EACH OF THE TREES SURROUNDING THE HOUSE ON THE SIDE. THESE LIMITS BECAME OUR BUILDING ENVELOPE FOR THE HOME AND GARAGE. WE WILL CANTILEVER OR BRIDGE PARTS OF THE DRIVEWAY AND GARAGE TO FLOAT OVER THE ROOT ZONE OF TREE #103. THE BELOW GRADE AREA HAS BEEN LIMITED IN SCOPE TO NOT ENCROACH MORE THAN RECOMMENDED TO TREE #101. THE UPPER PORTION OF THE HOME WILL BE ON A PIER AND GRADE BEAM TYPE FOUNDATION, AVOIDING THE ROOTS OF TREES #103 AND #102.

PROJECT DESCRIPTION-CONT

THE STYLE OF THE HOME IS ECLECTIC - IT RELATES TO THE FORMS OF ITS COMPANION HOUSE, FORM AND MATERIALS OF THE ADJACENT TOWNHOMES, AND THE MATERIALS OF THE 60'S MODERN ADJACENT OFFICE BUILDINGS. WE HAVE CHOSEN A MIX OF MATERIALS APPLIED IN TRADITIONAL STYLES, COLORCOAT CEMENT PLASTER OF AN EARTHY COLOR AND WOOD SIDING COMPLIMENTING THE NEIGHBORING ARCHITECTURE. UNDER THE OAK TREES, THE CEMENT PLASTER WILL BE OF LOW MAINTENANCE AND MAINTAIN ITS ATTRACTIVENESS. THE WOOD SIDING REFLECTS THAT OF ITS NEIGHBORS.

MUCH THOUGHT, CARE AND CONCERN WAS EMPLOYED IN THIS DESIGN TO ENSURE IT TAKES NEIGHBOR FEEDBACK INTO ACCOUNT AND BLENDS AMICABLY WITH THE NEIGHBORHOOD, AND PRESERVES THE SITE'S TREES.

BEST REGARDS,
JAY PLETT ARCHITECT

MCFARLAND MATERIAL BOARD

OAK MEADOW DR.



CLASS A 30 YR COMPOSITION ROOF



VERTICAL WOOD SIDING



OLD WORLD BEIGE COLOR PLASTER



RECESSED ALUMINIUM FRAMED
WINDOWS IN PLASTER,
DARK COLOR

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JUSTIFICATION FOR TERRACE

TO: TOWN OF LOS GATOS
FROM: JAY PLETT ARCHITECT

ABOVE GARAGE TERRACE

THERE IS NO PRIVACY IMACTS TO NEIGHBORS. THE TERRACE IS SETBACK 65 FEET TO 120 OAK MEADOW AND THE OTHER ADJACENT PROPERTIES ARE OF OFFICE USE WITH 30 AND 85 FOOT SETBACKS. NATURAL VEGETATION AND TREES, NOT TO BE DISTURBED, PROVIDE PRIVACY SCREENING.

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May 10, 2022

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 120 Oak Meadow Drive

Dear Sean:

I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

NEIGHBORHOOD CONTEXT

The site is located on a newly created flag lot in a heavily wooded, sloping site surrounded by mostly two story homes with traditional architectural styles. Photos of the site and surrounding neighborhood context are shown on the following page.





THE SITE



C 120 OAK MEADOW DR



D 233 OAK MEADOW DR



A 301/307/311 OAK MEADOW DR

PROJECT OVERVIEW

The proposed three story house is designed in a hybrid Traditional style. See proposed elevations and sections below.



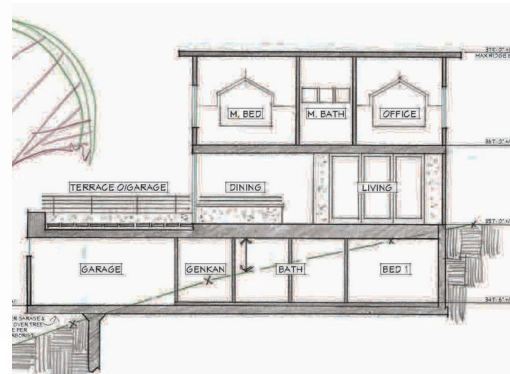
PROPOSED FRONT ELEVATION (Entry)



PROPOSED CROSS SECTION



PROPOSED REAR ELEVATION (Adjacent Neighbor to right)



PROPOSED LONGITUDINAL SECTION



PROPOSED LEFT SIDE ELEVATION (Parking Area Above)



PROPOSED RIGHT SIDE ELEVATION (Entry Access Road Below)

ISSUES AND CONCERNS

This is a difficult site requiring working around the existing large trees, and the applicant has done a good job in fitting the house to the site. I have only a couple of issues for staff's consideration.

1. The large amount of stucco compared to the proposed vertical siding would be out of character to this neighborhood and not consistent with Residential Design Guideline 3.8.2. **There are many types of materials in the neighborhood structures; plaster among them like the building across the street.**

3.8.2 Select materials that are sensitive to the surrounding neighborhood

- *One way of fitting a new house into an existing neighborhood - especially if the new house is bigger than many of the others around it - is to use materials drawn from the surrounding neighborhood. An all stucco house might seem out of character in an all wood neighborhood, but the predominant use of wood siding with some elements of stucco can often work. Where stone accents (e.g., chimneys) are common in a neighborhood, the use of stone at the wall base and elsewhere can assist in making the new home seem better connected to its surroundings. **Stone is not an appropriate application for this. A good portion of the driveway and garage float like a bridge to protect the tree root zones. Stone does not 'Float'.***

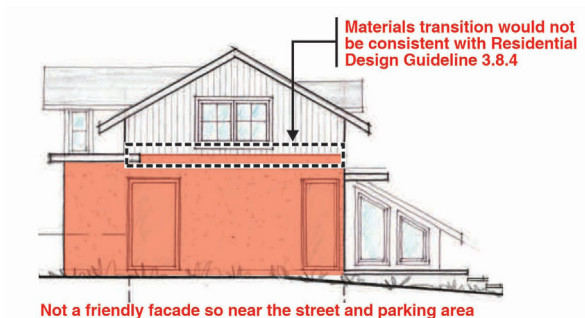
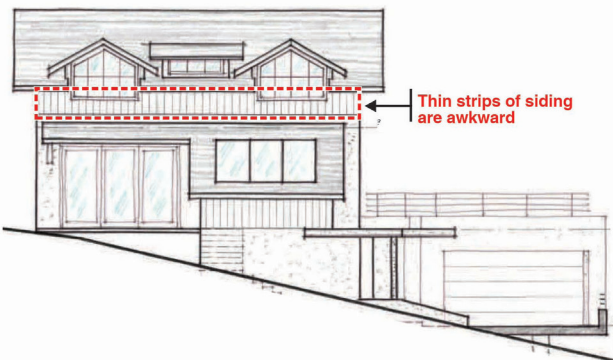


Large amount of stucco would be out of character with this neighborhood and not consistent with Residential Design Guideline 3.8.2

2. The small areas of wood siding on the front and rear elevations is awkward, and the materials change in the same plane which would not be consistent with Residential Design Guideline 3.8.4.

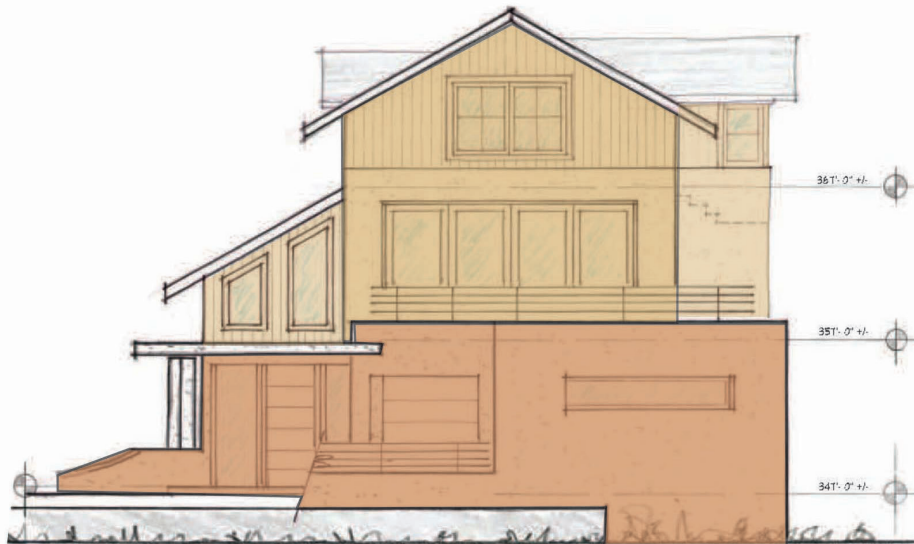
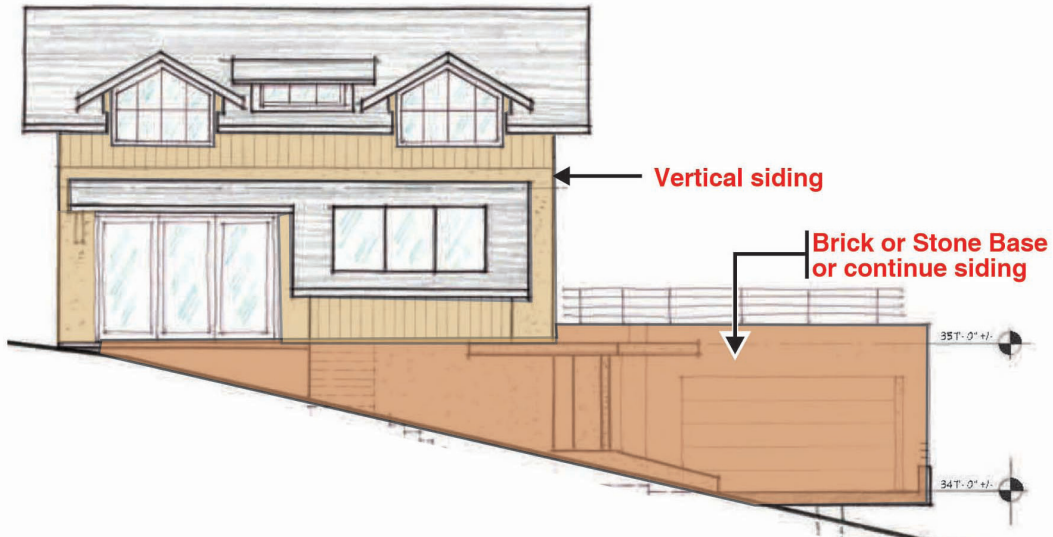
3.8.4 Materials changes The location of the material is consistent with the style of this house, which is mountain rustic/farmhouse.

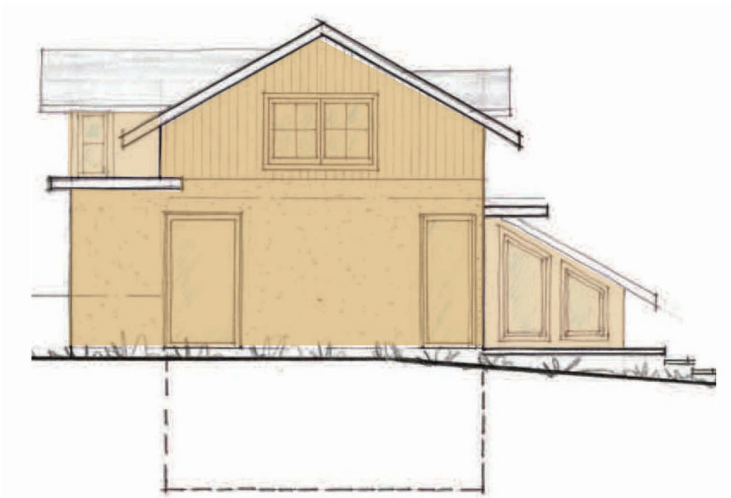
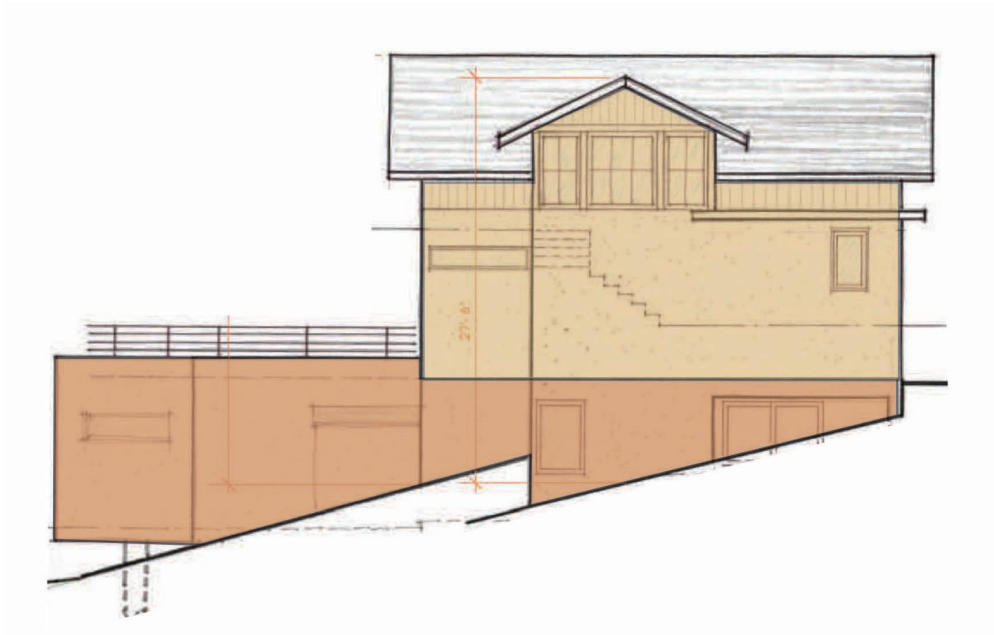
- *Make materials and color changes at inside corners rather than outside corners to avoid a pasted on look.*



RECOMMENDATIONS

1. Reduce the large amount of stucco on the house by extending the vertical siding consistently down to the first floor line. **See prior response.**
2. Use brick or stone for the building base below the first floor line or continue the use of vertical siding in this area. The adjacent existing home on this larger parcel has a prominent brick base - see photo below. If brick or stone is used, provide a projecting brick or stone ledge at the transition with any vertical siding. If vertical siding is used, add a horizontal belly band to break up taller wall planes. **Horizontal belly band is not appropriate for this home. If we were transitioning from one wood above and another type of wood below, then a belly band might be appropriate, but ours is not the case. In this case, a belly band is not warranted or desirable.**





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

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon



May 10, 2022

Mr. Sean Mullin
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 120 Oak Meadow Drive

Dear Sean:

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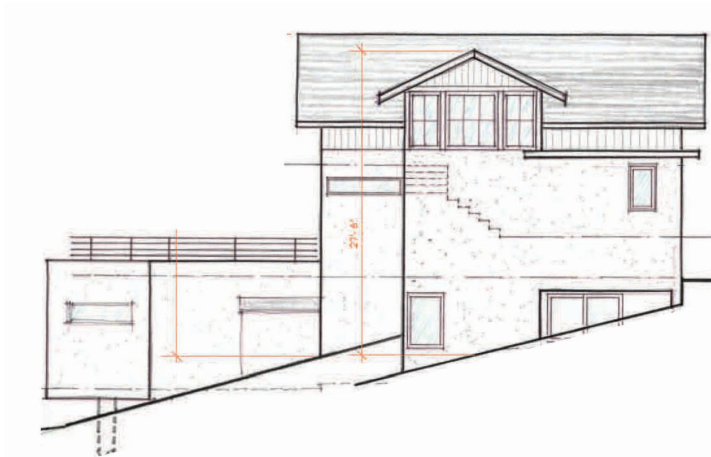
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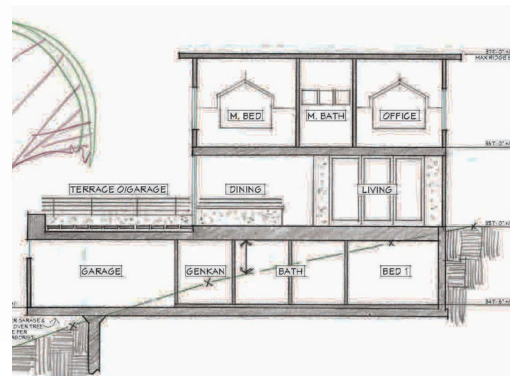
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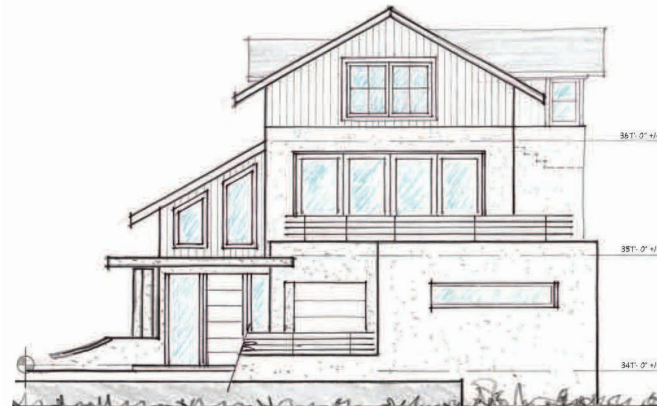
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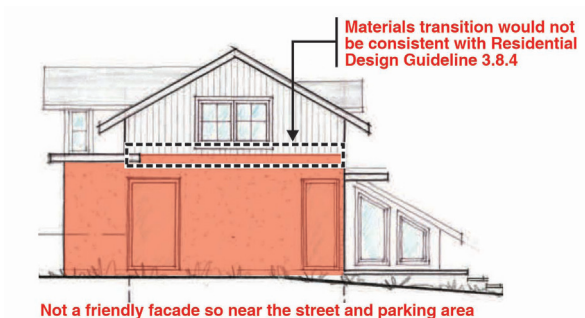
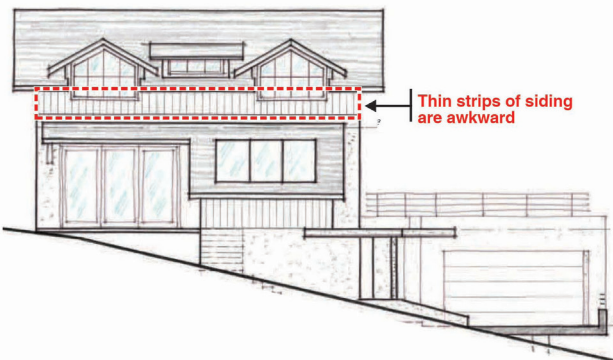


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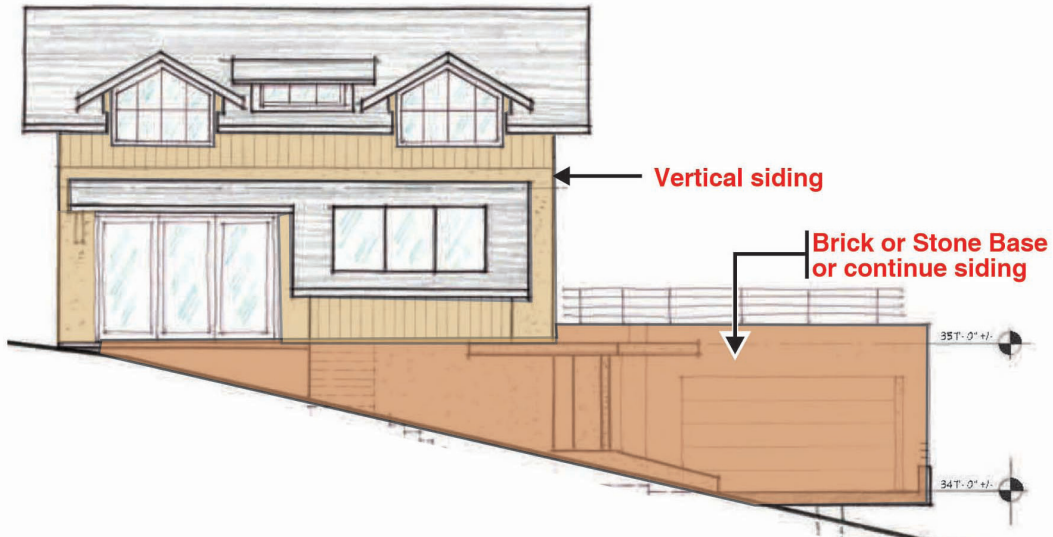
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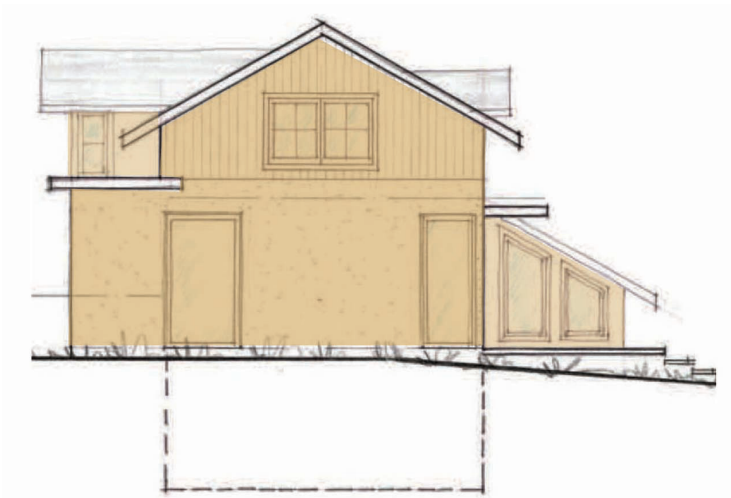
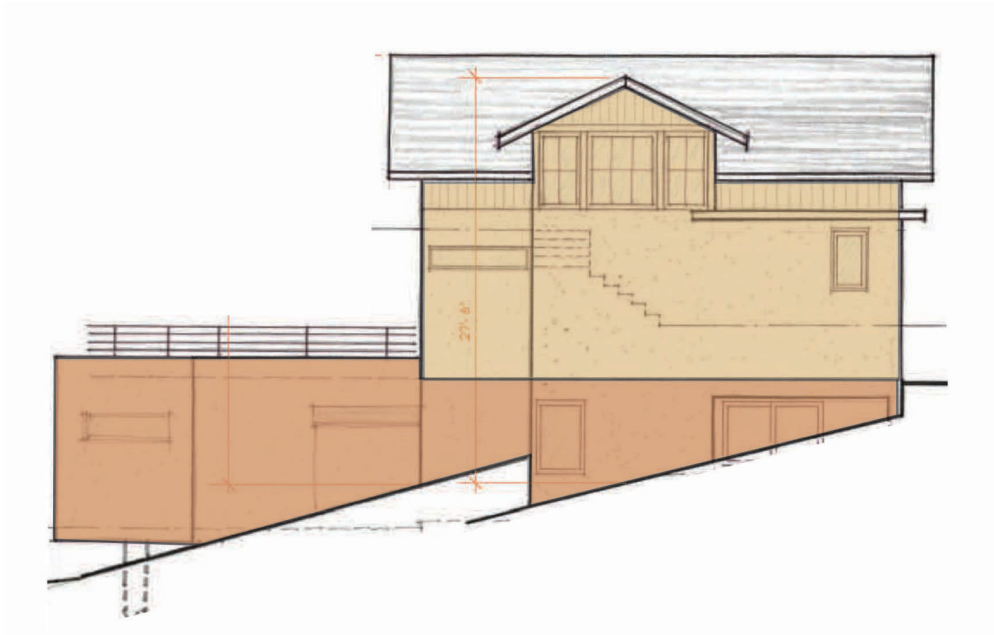
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RECOMMENDATIONS

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

Sincerely,

CANNON DESIGN GROUP

Larry L. Cannon

**Tree Inventory, Assessment,
and
Protection Report**

**120 Oak Meadow Drive
Los Gatos, CA 95032**

Prepared for:

Town of Los Gatos

December 16, 2022

Prepared By:



Monarch Consulting Arborists

Richard Gessner
P.O. Box 1010 - Felton, CA 95018
1 831 331 8982
www.monarcharborists.com



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Summary

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131. The inventory contains fourteen (14) trees comprised of three (3) different species. Five oaks are considered Large Protected and no trees are Exempt. Eleven trees are in good condition and eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Ten trees will be required to be removed including eight small coast redwoods and two large protected oaks, although the plans indicate an attempt to retain valley oak #103. Four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. Tree protection will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs. The applicant will be required to replace ten protected trees according to the ordinance. There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.

Introduction

Background

The Town of Los Gatos asked me to assess the site, trees, and proposed footprint plan, and to provide a report with my findings and recommendations to help satisfy planning requirements.

Assignment

- Provide an arborist's report including an assessment of the trees within the project area and on the adjacent sites. The assessment is to include the species, size (trunk diameter), condition (health, structure, and form), and suitability for preservation ratings. Affix number tags on the trees for reference on site and on plans.
- Provide tree protection specifications, guidelines, and impact ratings for those affected by the project.
- Provide appraised values using the Trunk Formula Technique.

Limits of the assignment

- The information in this report is limited to the condition of the trees during my inspection on December 14, 2022. No tree risk assessments were performed.
- Tree heights and canopy diameters are estimates.



- The plans reviewed for this assignment were as follows (Table 1)

Table 1: Plans Reviewed Checklist

Plan	Date	Sheet	Reviewed	Source
Existing Site Topographic				
Proposed Site Plan	10/03/2022	A-1, C2	Yes	Jay Plett Architect/TS Civil Engineering
Erosion Control				
Grading and Drainage				
Utility Plan and Hook-up locations				
Exterior Elevations	10/03/2022	A-3, A-4	Yes	Jay Plett Architect
Landscape Plan				
Irrigation Plan				
T-1 Tree Protection Plan				

Purpose and use of the report

The report is intended to identify all the trees within the plan area that could be affected by a project. The report is to be used by the Town of Los Gatos and the property owners as a reference for existing tree conditions to help satisfy planning requirements.

Observations

Tree Inventory

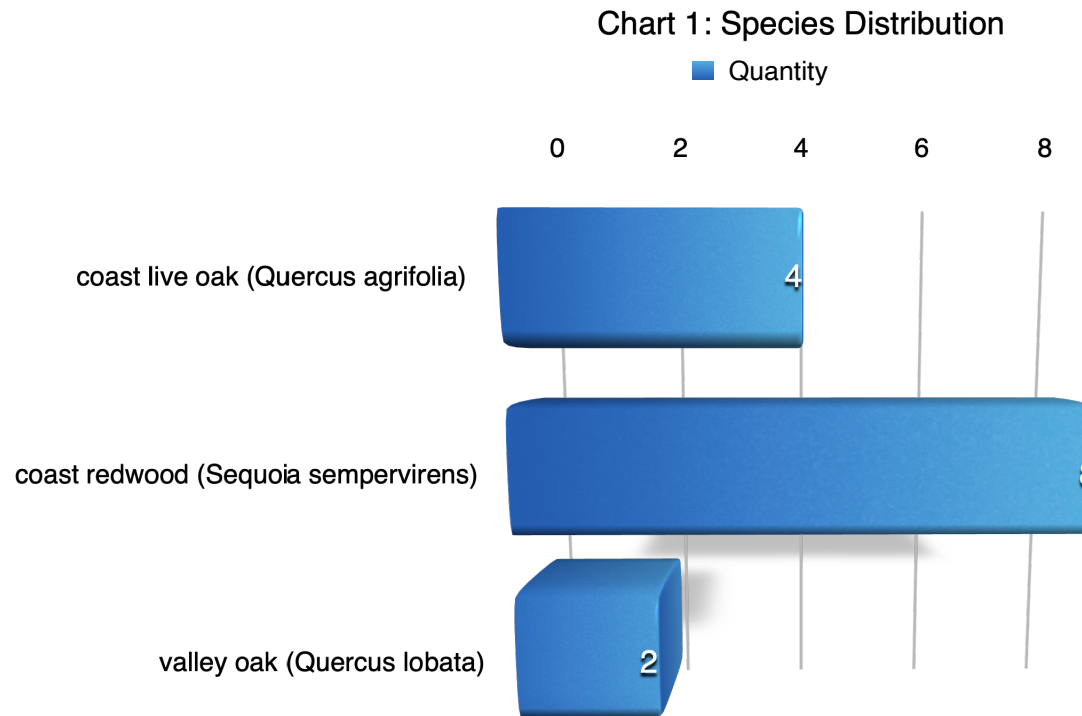
The inventory consists of trees protected by the Town of Los Gatos located on site and those in close proximity on neighboring properties. Sec. 29.10.0960. - Scope of protected trees. All trees which have a four-inch or greater diameter (twelve and one half-inch circumference) of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required. (Appendix A and B). Los Gatos Town Ordinance 29.10.0970 Exceptions (1) states the following: “A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).

Plans

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131.



The inventory contains fourteen (14) trees comprised of three (3) different species (Chart 1). Five oaks are considered Large Protected¹ and no trees are Exempt². Coast redwoods #321 to #328 are not indicated on the plans. Tree #105 (Large Protected) is located on the adjacent parcel.



¹ Large protected tree means any oak (*Quercus spp.*), California buckeye (*Aesculus californica*), or Pacific madrone (*Arbutus menziesii*) which has a 24-inch or greater diameter (75-inch circumference); or any other species of tree with a 48-inch or greater diameter (150-inch circumference).

² A fruit or nut tree that is less than eighteen (18) inches in diameter (fifty-seven-inch circumference).



Analysis

Tree appraisal was performed according to the Council of Tree & Landscape Appraisers *Guide for Plant Appraisal 10th Edition, 2019* (CLTA) along with Western Chapter International Society of Arboriculture *Species Classification and Group Assignment, 2004*. The trees were appraised using the “Cost Approach” and more specifically the “Trunk Formula Technique” (Appendix B).

“Trunk Formula Technique” is calculated as follows: Basic Tree Cost = (Unit tree cost x Appraised trunk area), Appraised Value = (Basic tree cost X functional Limitations (percentage) X Condition (percentage) X External Limitations (percentage)).

The trunk formula valuations are based on four tree factors; size (trunk cross sectional area), condition, functional limitations, and external limitations. There are two steps to determine the overall value. The first step is to determine the “Basic Tree Cost” based on size and unit tree cost. Unit tree cost is calculated by dividing the nursery wholesale cost of a 24 inch box specimen and its replacement size (cost per square inch trunk caliper) which is determined by the *Species Classification and Group Assignment, 2004 Western Chapter Regional Supplement*. The cost of the 24 inch box wholesale specimen was determined through personal communications with BrightView and Normans nurseries in Farmington and Central Wholesale in San Jose for an average of \$214.00.

The second part is to depreciate the tree’s Basic Cost through an assessment of condition, functional limitations, and external limitations. The condition assessment guidelines and percentages are defined in the “Condition Rating” section of this report. Functional limitations are based on factors associated with the tree’s interaction to its planting site that would affect condition, limit development, or reduce the utility in the future and include genetics, placement, and site conditions for the individual tree. External limitations are outside the property, out of control of the owner and also affect condition, limit development, or reduce the utility in the future (i.e power lines, municipal restrictions, drought adaptations, or species susceptibility to pests).

There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.

Appraisal worksheets are available upon request.



Discussion

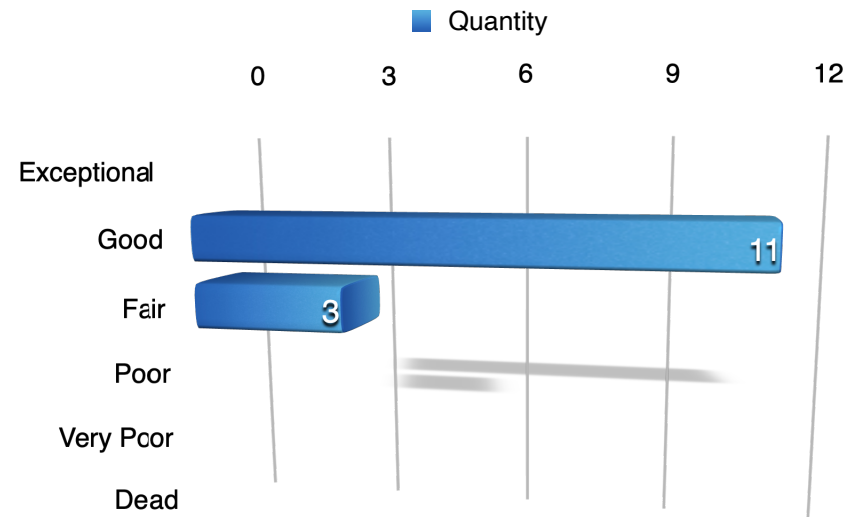
Condition Rating

A tree’s condition is a determination of its overall health, structure, and form. The assessment considered all three criteria for a combined condition rating.

- 91- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Eleven trees are in good condition, however eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Saratoga Tree Service provided a report in September condemning coast live oak #106 recommending removal, however the report did not follow the ISA Best Management Practices for Tree Risk Assessment. The tree could still meet the findings for removal but even with the decay I assessed the tree to be in fair shape. This tree may need advanced assessment for decay detection if removal is controversial.

Chart 2: Condition Ratings



Expected Impact Level

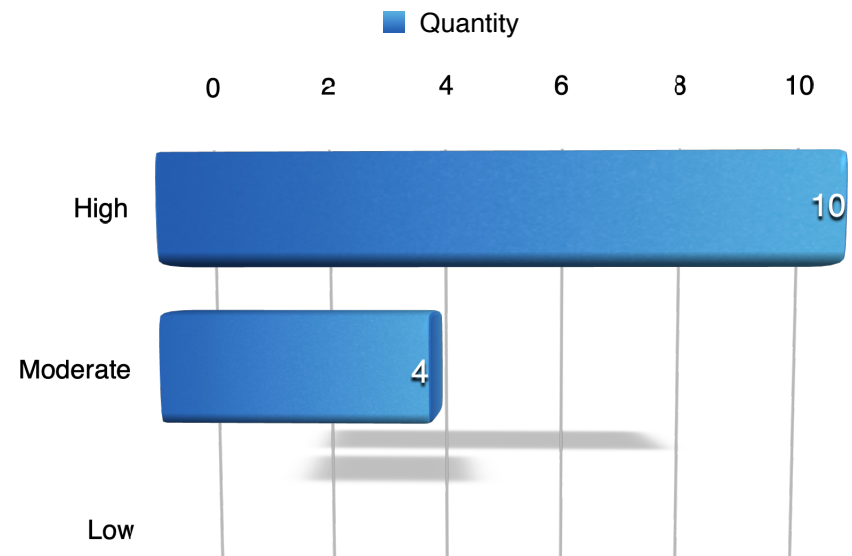
Impact level defines how a tree may be affected by construction activity and proximity to the tree, and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

Ten trees will be required to be removed including eight small coast redwoods (Chart 4). Two large protected oaks would require removal although the plans indicate an attempt to retain valley oak #103. Because there is limited root zone opposite the construction around tree #103 I believe this tree will be compromised both from a health and structural perspective. Tree #106 is located in the footprint of the proposed structure and cannot be retained if a project on this parcel is to be constructed.

The four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. There are both grading and utility impact near these trees and monitoring the construction of the force main, storm drain and dissipator, and the driveway grading and construction. The ideal tree protection zones around these trees will likely need to be reduced to retain them.

Chart 4: Expected Impact



Mitigation for Removals

The table below indicates the recommended replacement values (Table 2). The applicant will be required to replace ten protected trees according to the ordinance. Alternatively it may be possible to create an approved landscape plan or provide an in-lieu payment.

Table 2: Town of Los Gatos Tree Canopy - Replacement Standard

Canopy Size of Removed Tree (1)	Replacement Requirement (2)(4)	Single Family Residential Replacement Option (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

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.



Tree Protection

Typically there are three different tree protection schemes which are called Type I (Appendix D1), Type II and Type III (Appendix D2) trunk protection only. Tree protection focuses on avoiding damage to the roots, trunk, or scaffold branches (Appendix D). The most current accepted method for determining the TPZ is to use a formula based on species tolerance, tree age/vigor, and trunk diameter (Matheny, N. and Clark, J. 1998) (Fite, K, and Smiley, E. T., 2016). Preventing mechanical damage to the trunk from equipment or hand tools can be accomplished by wrapping the main stem with straw wattle or using vertical timbers (Appendix D).

There are four oaks that could be retained if protected which are #101, #102, #104, and #105. Tree protection will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs. Table 3 indicates the protection scheme and causes of potential damage.

Table 3: Tree Protection Zone Radii

Tree Species	I.D. #	Protection Status	Condition	Tolerance	Ideal Tree Protection Radii	Cause	Scheme
valley oak (<i>Quercus lobata</i>)	101	Large Protected	Good	Moderate	27	Force Main, Grading	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	102	Large Protected	Fair	Good	24	Grading, Storm Drain	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	104	Protected	Good	Good	18	Driveway, storm drain	Type I Fence Exclusion. Monitoring
coast live oak (<i>Quercus agrifolia</i>)	105	Large Protected	Fair	Good	18	Storm Drain	Type I Fence Exclusion. Monitoring



Conclusion

The applicant is requesting approval for subdivision of one lot into two, modification of planned development ordinance 1412, construction of a single-family residence, site work requiring a grading permit, and removal of a Large Protected Trees on Property Zoned O:PD APN 529-10-131. The inventory contains fourteen (14) trees comprised of three (3) different species. Five oaks are considered Large Protected and no trees are Exempt. Coast redwoods #321 to #328 are not indicated on the plans. Tree #105 (Large Protected) is located on the adjacent parcel.

Eleven trees are in good condition and eight of those are newly planted small coast redwoods. Three oaks are in fair condition. Saratoga Tree Service provided a report in September condemning coast live oak #106 recommending removal, however the report did not follow the ISA Best Management Practices for Tree Risk Assessment (Appendix F). The tree could still meet the findings for removal but even with the decay I assessed the tree to be in fair shape. This tree may need advanced assessment for decay detection if removal is controversial.

Ten trees will be required to be removed including eight small coast redwoods (Chart 4). Two large protected oaks would require removal although the plans indicate an attempt to retain valley oak #103. Because there is limited root zone opposite the construction around tree #103 I believe this tree will be compromised both from a health and structural perspective. Tree #106 is located in the footprint of the proposed structure and cannot be retained if a project on this parcel is to be constructed.

The four trees #101, #102, #104, and #105 moderately impacted could be retained but will require protection. There are both grading and utility impact near these trees and monitoring the construction of the force main, storm drain and dissipator, and the driveway grading and construction. The ideal tree protection zones around these trees will likely need to be reduced to retain them.

Tree protection around #101, #102, #104, and #105 will consist of a Type I fence scheme and monitoring to help ensure no unnecessary damage occurs.

The applicant will be required to replace ten protected trees according to the ordinance.

There were fourteen trees appraised for a rounded depreciated value of \$190,720.00.



Recommendations

1. Place tree numbers on all the plans. Make sure the trees are clearly indicated for removal on all the plans. The trees should also be very clearly marked on site prior to removal.
2. Install tree protection fence around trees #101, #102, #104 and #105 at the recommended radii where applicable (Table 3, Page 8 or Appendix A). Monitor construction activities around these trees including all grading and utility installations and related trenching.
3. Install temporary irrigation or soaker hoses in all tree protection zones and provide supplemental watering during construction within all TPZ areas. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.
4. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.
5. Refer to Appendix D for general tree protection guidelines including recommendations for arborist assistance while working under trees, trenching, or excavation within a trees drip line or designated TPZ/CRZ.
6. Place all the tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Alternatively create a separate plan sheet that includes all three protection measures labeled "T-1 Tree Protection Plan."
7. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.



8. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

Bibliography

American National Standard for Tree Care Operations: Tree, Shrub and Other Woody Plant Management : Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development, and Construction)(Part 5). Londonderry, NH: Secretariat, Tree Care Industry Association, 2019. Print.

Fite, Kelby, and Edgar Thomas. Smiley. *Managing trees during construction*, second edition. Champaign, IL: International Society of Arboriculture, 2016.

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Matheny, Nelda P., Clark, James R. *Trees and development: A technical guide to preservation of trees during land development*. Bedminster, PA: International Society of Arboriculture 1998.

Smiley, E, Matheny, N, Lilly, S, ISA. *Best Management Practices: Tree Risk Assessment*: International Society of Arboriculture, 2017. Print



Glossary of Terms

Basic Tree Cost: The cost of replacement for a perfect specimen of a particular species and cross sectional area prior to location and condition depreciation.

Cost Approach: An indication of value by adding the land value to the depreciated value of improvements.

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants. The outer extent of the tree crown.

Form: describes a plant's habit, shape or silhouette defined by its genetics, environment, or management.

Health: Assessment is based on the overall appearance of the tree, its leaf and twig growth, and the presence and severity of insects or disease.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that form the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.



Structural evaluation: focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

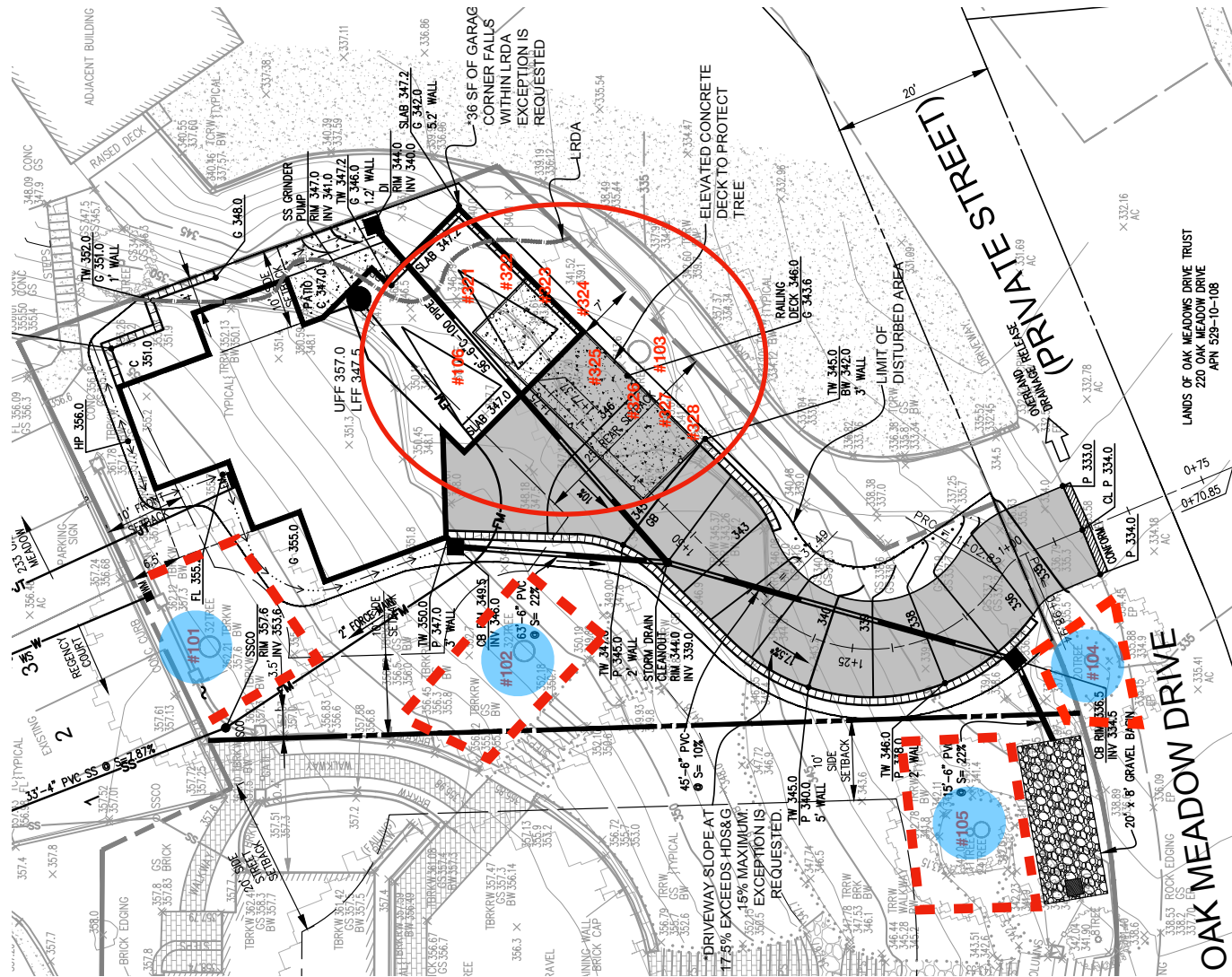
Trunk: Stem of a tree.

Trunk Formula Technique: Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.



Appendix A: Tree Inventory Map and Proposed Site Plan



Red dashed line indicates potential tree protection zones.

Red circle are all removals.



Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radii
valley oak (<i>Quercus lobata</i>)	101	32	55	Good	Moderate	Large Protected	\$28,500.00	27
coast live oak (<i>Quercus agrifolia</i>)	102	17, 14, 19	35	Fair	Moderate	Large Protected	\$16,700.00	24
valley oak (<i>Quercus lobata</i>)	103	43	45	Good	High	Large Protected	\$51,500.00	N/A
coast live oak (<i>Quercus agrifolia</i>)	104	22	25	Good	Moderate	Protected	\$13,500.00	18
coast live oak (<i>Quercus agrifolia</i>)	105	18, 12	35	Fair	Moderate	Large Protected	\$9,600.00	18
coast live oak (<i>Quercus agrifolia</i>)	106	33, 48 86 Below bifurcation	75	Fair	High	Large Protected	\$66,900.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	321	5	10	Good	High	Protected	\$430.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	322	6	10	Good	High	Protected	\$620.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	323	5	10	Good	High	Protected	\$430.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	324	7	10	Good	High	Protected	\$850.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	325	4	10	Good	High	Protected	\$280.00	N/A



Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radii
coast redwood (<i>Sequoia sempervirens</i>)	326	4	10	Good	High	Protected	\$280.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	327	4	10	Good	High	Protected	\$280.00	N/A
coast redwood (<i>Sequoia sempervirens</i>)	328	7	10	Good	High	Protected	\$850.00	N/A



Appendix C: Photographs

C1: Coast redwoods #321 through #328



C2: Valley oak #103



C3: Coast live oak #104



C4: Coast live oak #106



C5: Coast live oak #102

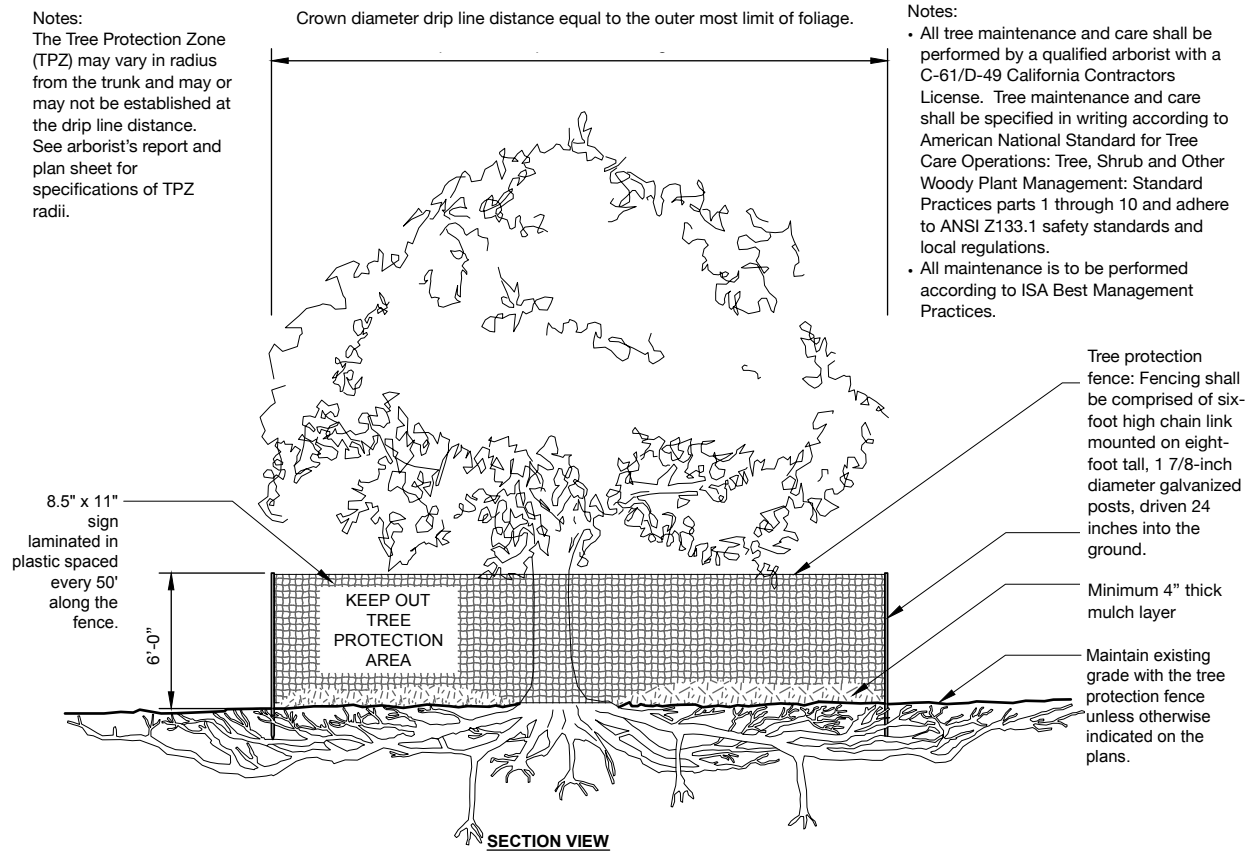


C6: Valley oak #101

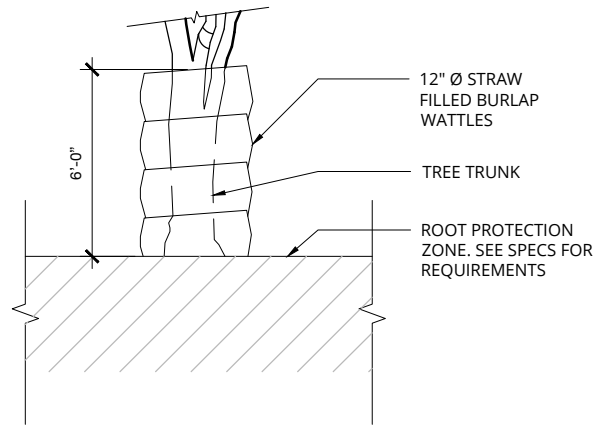


Appendix D: Tree Protection Guidelines

D1: Plan Sheet Detail S-X (Type I)



D2: Plan Sheet Detail S-Y (Type III)

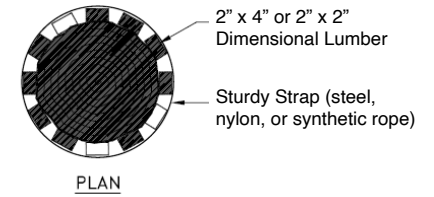


SECTION VIEW

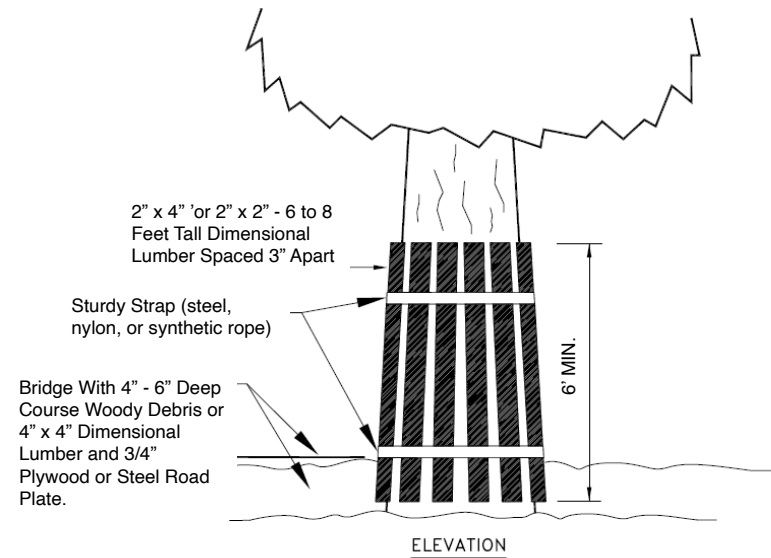
S-Y

TRUNK PROTECTION WITH WATTLE

Note: See Local Ordinance Requirements and Arborist's Report for Additional Protection Specifications and Guidelines.



PLAN



ELEVATION

Trunk Protection Vertical Timber Detail



D3: Section 29.10.1005. - Protection of Trees During Construction

Tree Protection Zones and Fence Specifications

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 ten-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 two-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 eight and one-half-inch by eleven-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." Text on the signs should be in both English and Spanish (Appendix E).



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.

Prohibited Activities

The following are prohibited activities within the TPZ:

- Grade changes (e.g. soil cuts, fills);
- Trenches;
- Root cuts;
- Pedestrian and equipment traffic that could compact the soil or physically damage roots;
- Parking vehicles or equipment;
- Burning of brush and woody debris;
- Storing soil, construction materials, petroleum products, water, or building refuse; and,
- Disposing of wash water, fuel or other potentially damaging liquids.



Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Root Pruning

Roots greater than two inches in diameter shall not be cut. When roots over two inches in diameter are encountered and are authorized to be cut or removed, they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Treatment, including pruning, shall be specified in writing according to the most recent ANSI A-300A Standards and Limitations and performed according to ISA Best Management Practices while adhering to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.



Appendix E: Tree Protection Signs
E1: English

Warning

Tree Protection Zone

**This Fence Shall Not Be Removed
And Is Subject To Penalty According To
Town Code 29.10.1025**



E2: Spanish

Cuidado Zona De Arbol Pretejido

Esta valla no podrán ser sacados
Y está sujeta a sanción en función de
Código Ciudad del 29.101025



Appendix F: Saratoga Tree Service Report

Saratoga Tree Service
13745 Skyline Blvd.
Los Gatos, CA 95033

9-16-2022

Marty McFarland
120 Oak Meadow Drive
Los Gatos, CA 95030

A site visit was performed at the above address to evaluate one large *Quercus agrifolia* (Coast Live Oak).

This has a trunk diameter of about 52 inches and a height of about 50'. It is a rather wide spreading tree. The tree is located at left side of the edge of the property if viewed from the street. This tree has a number tag attached to it indicating #106.

This is a fairly heavily wooded property with many other very large oak trees. Both Live Oaks and Valley Oaks are also on this property.

A close inspection of this particular tree shows some serious areas of trunk decay. The main union of these trunks is a catch for debris that has led into further interior decay. An area at the very base of the tree also shows an area of compromise. Surrounding the base of the tree are old wounds that were cut a long time ago. These have new tissue covering the wounds but the internal decay from these old wounds is probable. There is enough visible decay as well as likely hidden decay areas to surmise that this tree is hollow. Because of the union of these large lower trunks in an area of visible decay, this tree has a greater probability of failure.

Further up in the limb structure, there are also areas of visible decay from large, old pruning wounds. These weaknesses will lead to limb failure on the very long, heavy limbs. One of these long limbs is over the neighboring commercial property parking area. A limb failure in this area could lead to possible vehicle damage or injury to pedestrians. The very large limb that leads toward the home on this property would destroy another oak tree when it fails. It would not likely cause damage to the home.

Because of all the recognized decay in this tree, it is likely that a failure will occur. There is not a good pruning option to make this tree safe as this is a very wide spreading structure. Because of these areas of decay, and the likely damage to adjacent trees and possible neighbor's property, I am recommending removal.

I am including photos to better understand my findings.

Blair Glenn
I.S.A. Certified Arborist
#WC 654a







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. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists 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 all trees.

Respectfully Submitted,
Blair Glenn
I.S.A. Certified Arborist #WC 654a



Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

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

Unless otherwise expressed: a) this report covers only examined items and their condition 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 structural problems or deficiencies of plants or property may not arise in the future.



Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner



ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

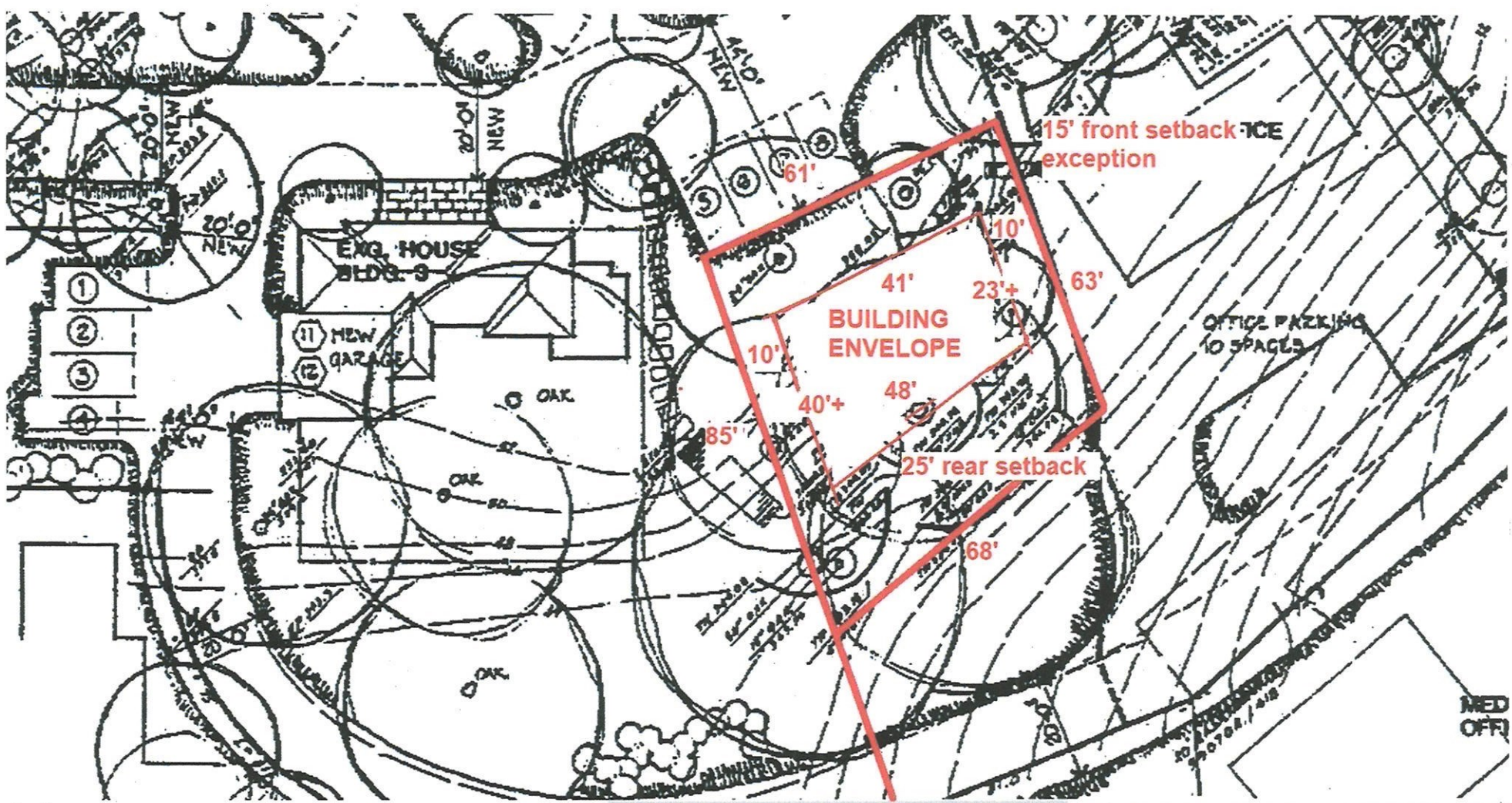


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BUILDING ENVELOPE STUDY

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120 OAK MEADOW

NEW HOME

I/WE LOCATED AT [REDACTED] Oak Meadow  HAVE
REVIEWED THE HOME PLANS DATED 02/29/2024 AND HAVE NO
OBJECTIONS.

7/17/2024
DATE

7/17/2024
DATE

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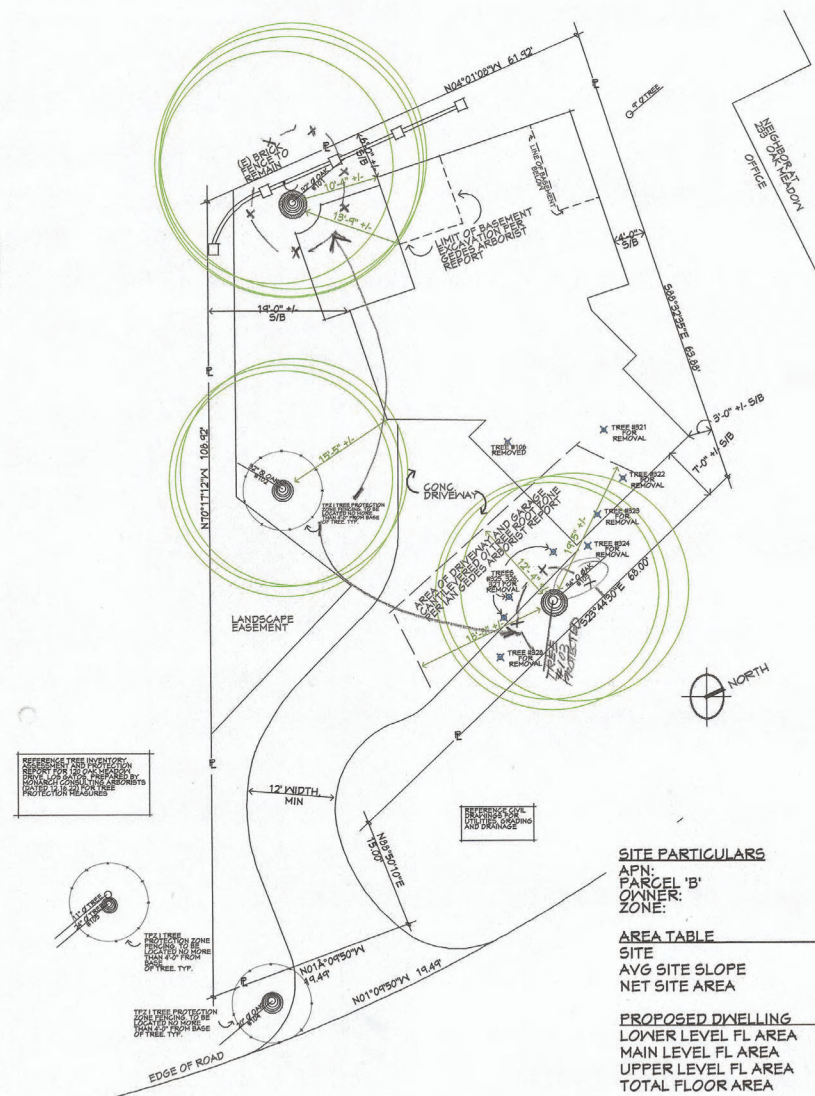
FIRE NOTES:

- FIRE SFRINKLERS REQUIRED:** AN AUTOMATIC RESIDENTIAL FIRE SFRINKLER SYSTEM SHALL BE INSTALLED IN ONE- AND TWO-FAMILY DWELLINGS AS FOLLOWS: 1) IN ALL NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING ONE- AND TWO-FAMILY DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN 3,600 SF WHETHER BY INCREASING THE AREA OF THE PRIMARY RESIDENCE OR BY CREATION OF AN ATTACHED ACCESSORY DWELLING UNIT. 2) IN ALL NEW BASEMENTS AND IN EXISTING BASEMENTS THAT ARE EXPANDED BY MORE THAN 50%. 3) IN ALL ATTACHED ADUS, ADDITIONS OR ALTERATIONS TO AN EXISTING ONE- AND TWO-FAMILY DWELLING THAT HAVE AN EXISTING FIRE SFRINKLER SYSTEM. EXCEPTIONS: 1) ONE OR MORE ADDITIONS MADE TO A BUILDING AFTER JANUARY 1, 2011 THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE FEET OF BUILDING AREA AND MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE
 - WATER SUPPLY REQUIREMENTS:** POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 503.3.5 AND HEALTH AND SAFETY CODE 13114.1.1
 - ADDRESS IDENTIFICATION:** NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS FLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1.
 - CONSTRUCTION SITE FIRE SAFETY:** ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION 81-1. PROVIDE APPROPRIATE NOTATIONS ON SUBSEQUENT PLAN SUBMITTALS, AS APPROPRIATE TO THE PROJECT. CFC CHP. 33.
- BUILDING NOTES:**
- FV SYSTEM -** A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE FV SYSTEM THAT IS REQUIRED BY THE CALIFORNIA ENERGY CODE PERFORMANCE OR PRESCRIPTIVE STANDARDS. THE SEPARATE FV SYSTEM PERMIT MUST BE FINALED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
 - ALL ELECTRIC REQUIREMENT -** THIS RESIDENCE WILL COMPLY WITH THE TOWN'S ALL ELECTRIC AFFLUENCE, ELECTRIC VEHICLE AND ENERGY STORAGE SYSTEM REQUIREMENTS IN ACCORDANCE WITH TOWN CODE SECTION 6.10.020 AND 6.120.020.

CONTENTS

- A-1 SITE PLAN
- A-1.1 NEIGHBORHOOD PLAN
- A-2 LOWER/BASEMENT PLAN
- A-3 MAIN & UPPER LEVELS
- A-4 SECTIONS & ROOF PLAN
- A-5 BUILDING ELEVATIONS

NEIGHBORHOOD SINGLE-FAMILY RESIDENCE



SITE PARTICULARS

APN: 529-10-131
 PARCEL 'B'
 OWNER: McFARLAND
 ZONE: O:FD

AREA TABLE

SITE 5,793 SF
 AVG SITE SLOPE 18%
 NET SITE AREA 4,287 SF

PROPOSED DWELLING

LOWER LEVEL FL AREA 305 SF
 MAIN LEVEL FL AREA 862 SF
 UPPER LEVEL FL AREA 119 SF
 TOTAL FLOOR AREA 1,946 SF
 BELOW GRADE AREA 502 SF
 GARAGE 467 SF

LOT COVERAGE = 2,410 SF / 42%

SITE PLAN

1/8" = 1'-0"

Print date:
 02.29.24
 12.27.22

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McFARLAND
OAK MEADOW DR.
LOS GATOS

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Revisions:

PRELIM
 PERMIT SET
 PRICING SET
 CONST SET

Scale:
 Date: Sheet

A-1



(A) 301/307/311 OAK MEADOW DR



(B) 220 OAK MEADOW DR



(B) 220 OAK MEADOW DR



(C) 120 OAK MEADOW DR



(D) 233 OAK MEADOW DR



(D) 233 OAK MEADOW DR



(E) 234 OAK MEADOW DR

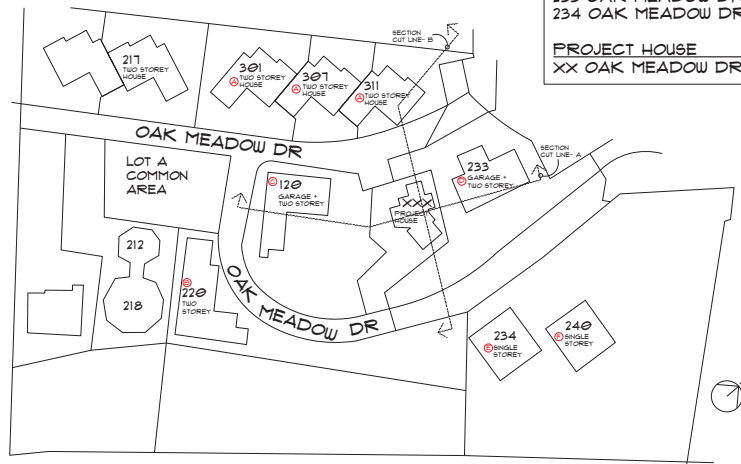


(F) 240/242 OAK MEADOW DR

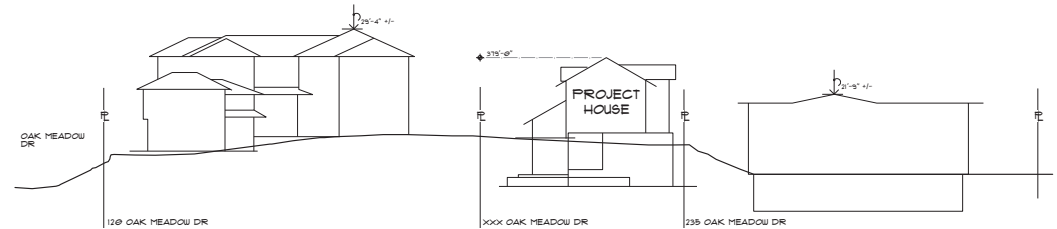
FLOOR AREA/FAR COMPARISONS

ADDRESS	LOT SIZE	FLR AREA	FAR HOUSE	GARAGE (SF)
301 OAK MEADOW DR	7352	*2620	0.356	484
307 OAK MEADOW DR	4794	*2620	**0.546	484
311 OAK MEADOW DR	4952	*2620	**0.529	484
220 OAK MEADOW DR	11703	*4507	**0.385	0
120 OAK MEADOW DR	17179	*3621	0.203	530
233 OAK MEADOW DR	19705	*3283	0.166	0
234 OAK MEADOW DR	41200	1756	0.042	0
PROJECT HOUSE				
XX OAK MEADOW DR	5249	1946	0.336	466.5

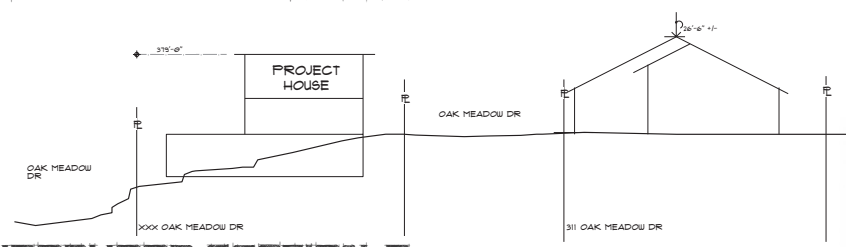
ANALYSIS
 *6 NEIGHBOR HOMES HAVE GREATER FLOOR AREA
 **3 NEIGHBOR HOMES HAVE GREATER FAR
 AS THE STREETSCAPE ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD



NEIGHBORHOOD PLAN
1" = 50'



NEIGHBORHOOD SECTION-A
1/16" = 1'-0"



NEIGHBORHOOD SECTION-B
1/16" = 1'-0"

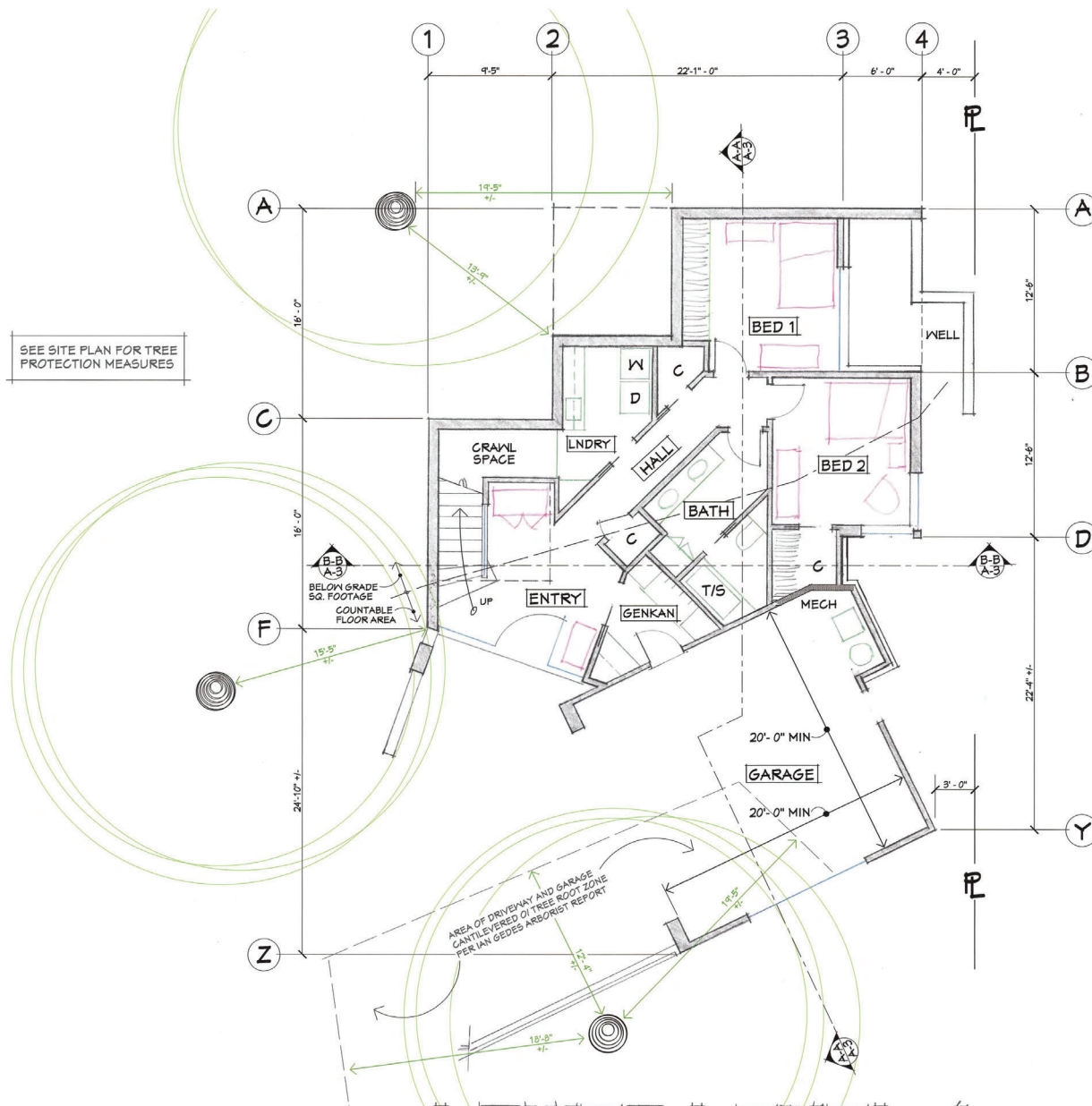
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McFARLAND

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A-1.1



SEE SITE PLAN FOR TREE PROTECTION MEASURES

LOWER LEVEL / BASEMENT / GARAGE

1/4" = 1'-0"

Print date :
 02.29.24
 9.14.23
 12.27.22

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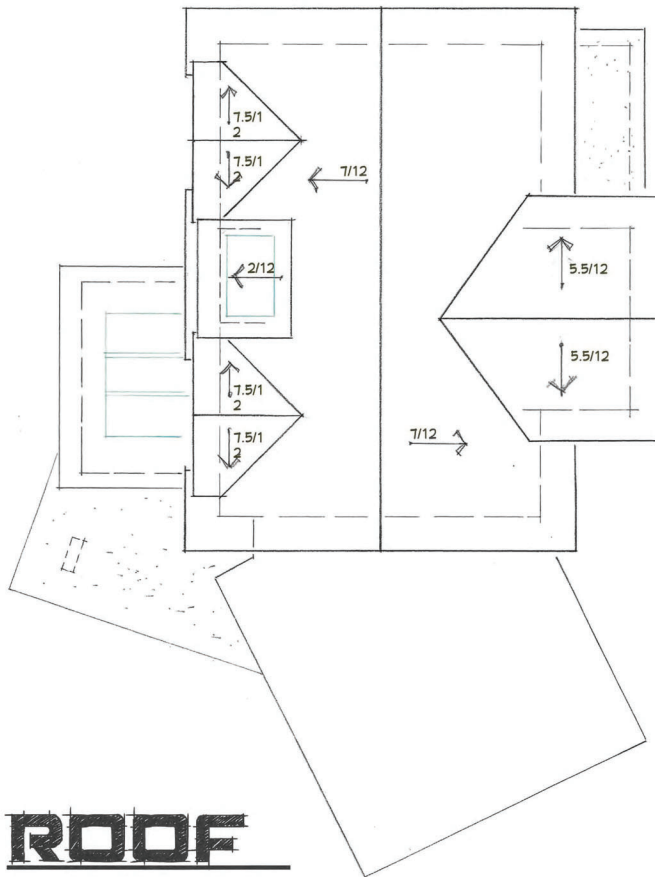
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CONST. SET	<input type="checkbox"/>

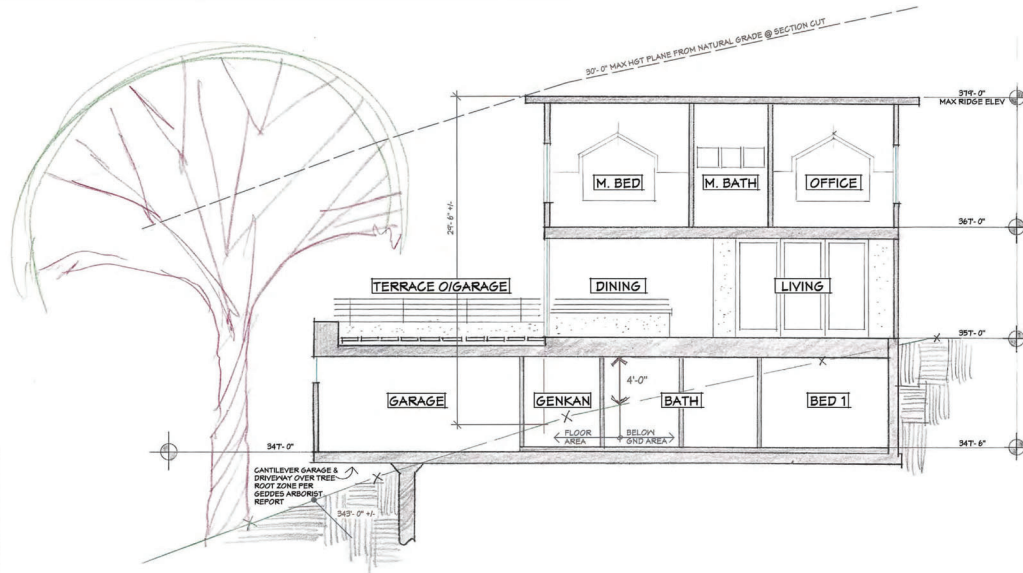
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A-2



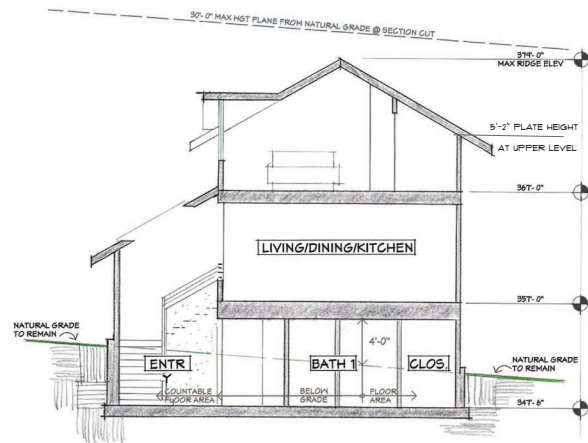
ROOF

1/4" = 1'-0"



SECTION A-A

3/16" = 1'-0"



SECTION B-B

3/16" = 1'-0"

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12.27.22

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A-4

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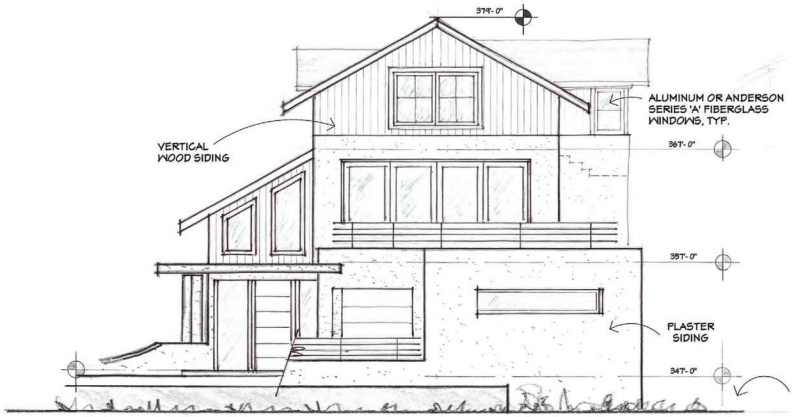
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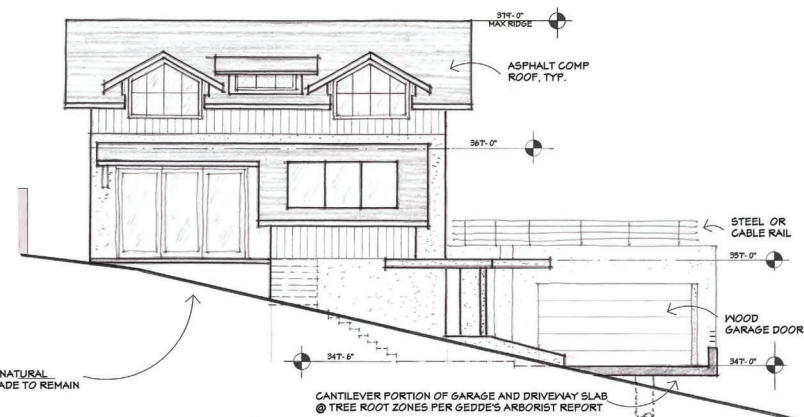
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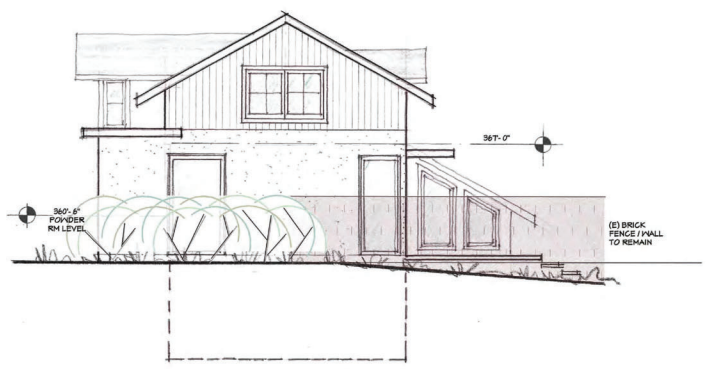
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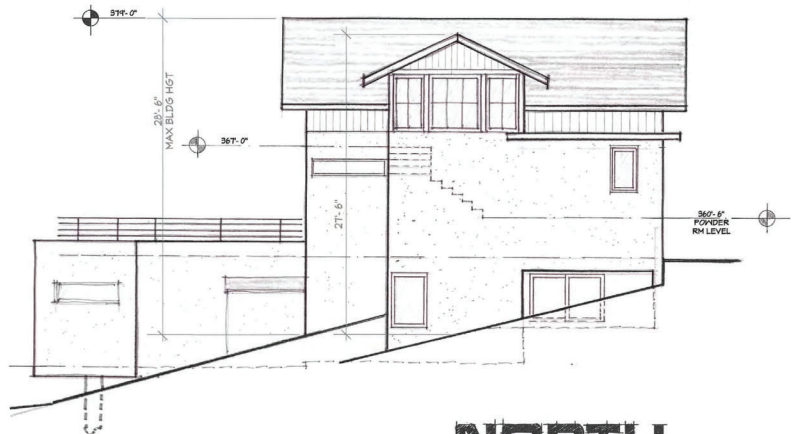
EAST



SOUTH



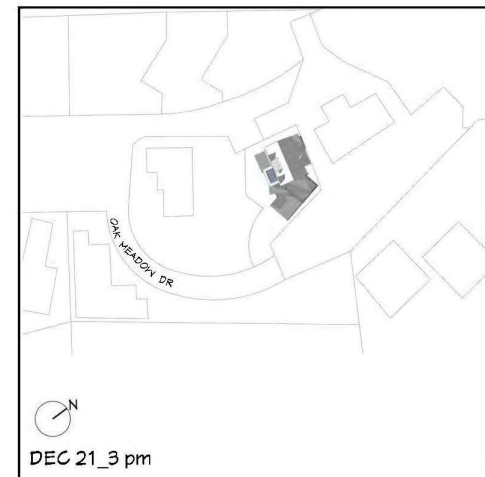
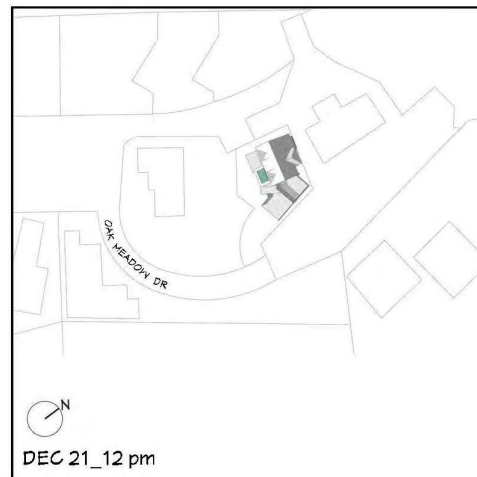
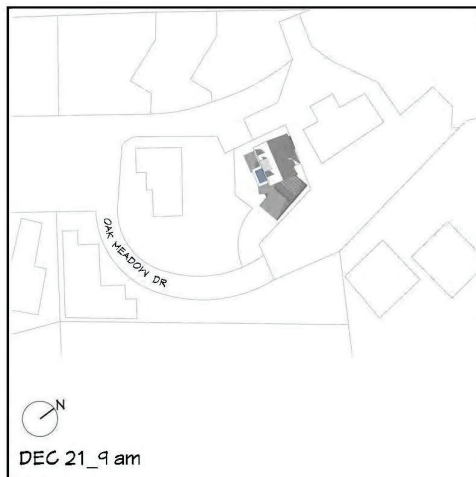
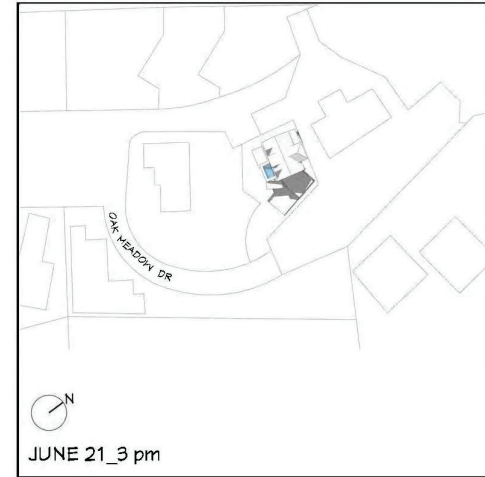
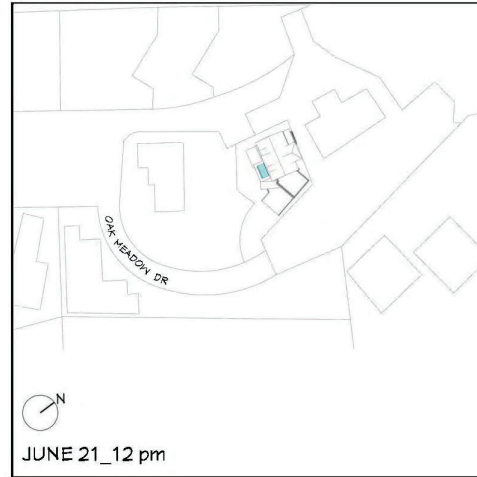
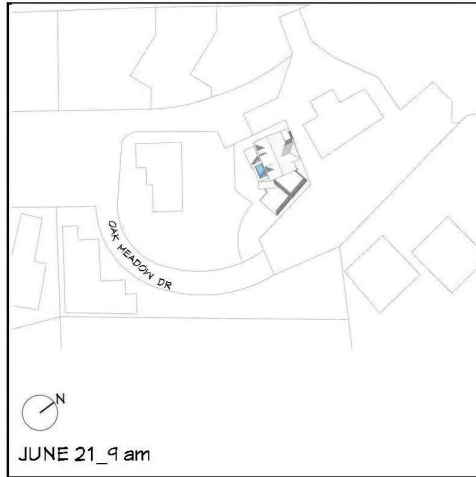
WEST



NORTH

ELEVATIONS

3/16" = 1'-0"



SHADOW STUDY

NOT TO SCALE

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10.03.22

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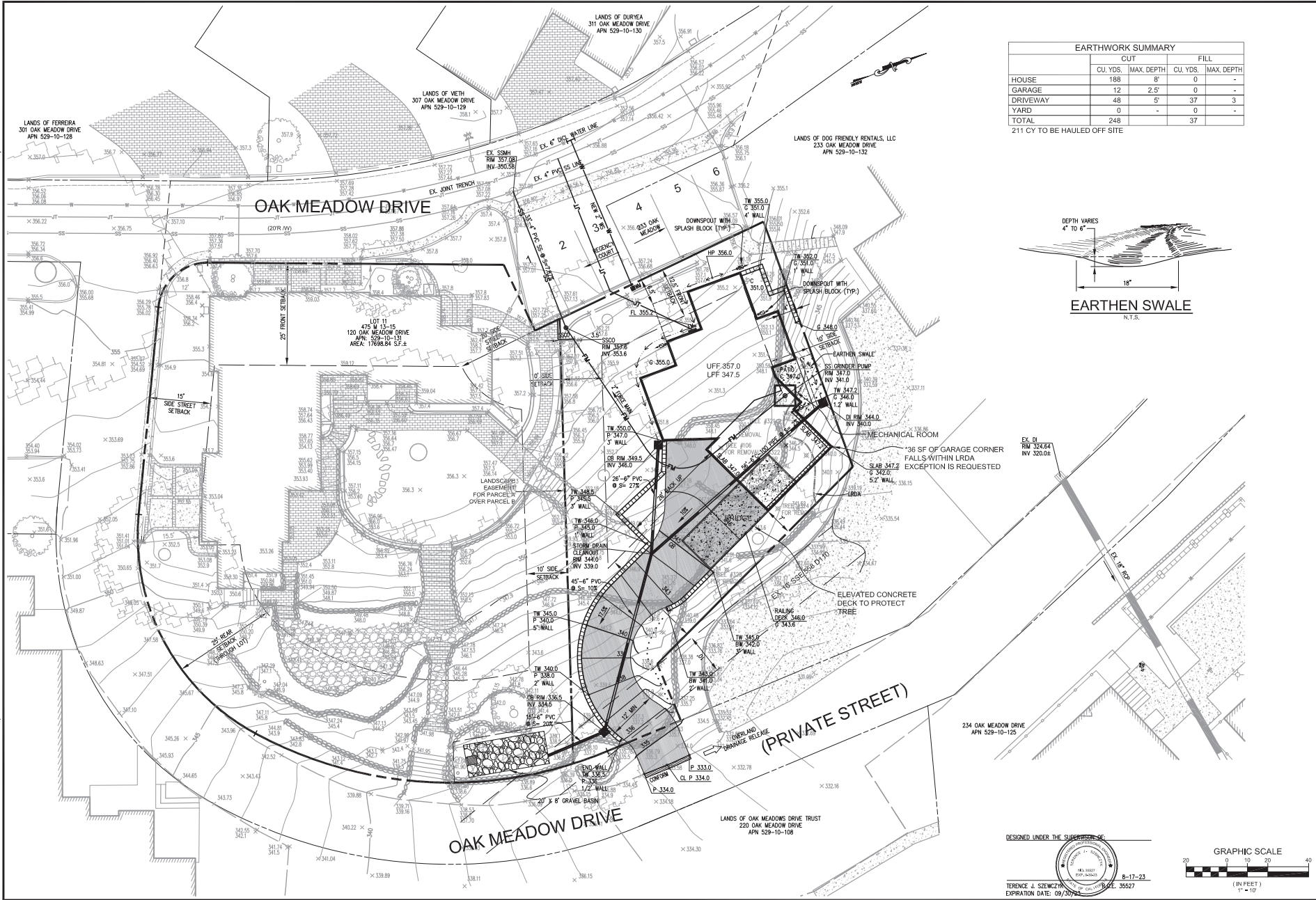
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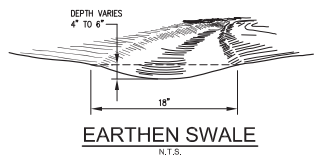
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EARTHWORK SUMMARY

	CUT		FILL	
	CU. YDS.	MAX. DEPTH	CU. YDS.	MAX. DEPTH
HOUSE	188	8'	0	-
GARAGE	12	2.5'	0	-
DRIVEWAY	48	5'	37	3
YARD	0	-	0	-
TOTAL	248		37	

211 CY TO BE HAULED OFF SITE



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1776 TECHNOLOGY DRIVE
SAN JOSE, CA 95110
PH: 408.452.9300
FAX: 408.837.7550

SITE PLAN
120 OAK MEADOW DRIVE
LOS GATOS, CA 95032
APN 529-10-131

NO.	BY	REVISIONS	DATE
1			
2			
3			
4			

DATE: 4-9-24
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS
SHEET NO.
C-2
JOB NO. 20-207
OF 4 SHEETS

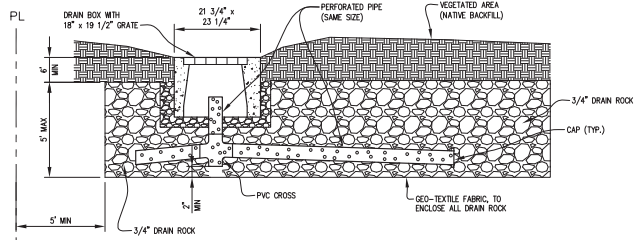
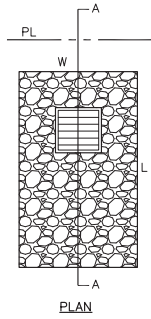
DESIGNED UNDER THE SUPERVISION OF

TERENCE J. SZEWCHYK
EXPIRATION DATE: 08/30/23

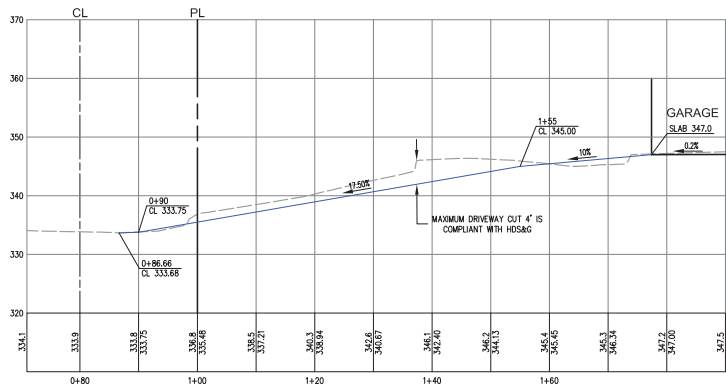
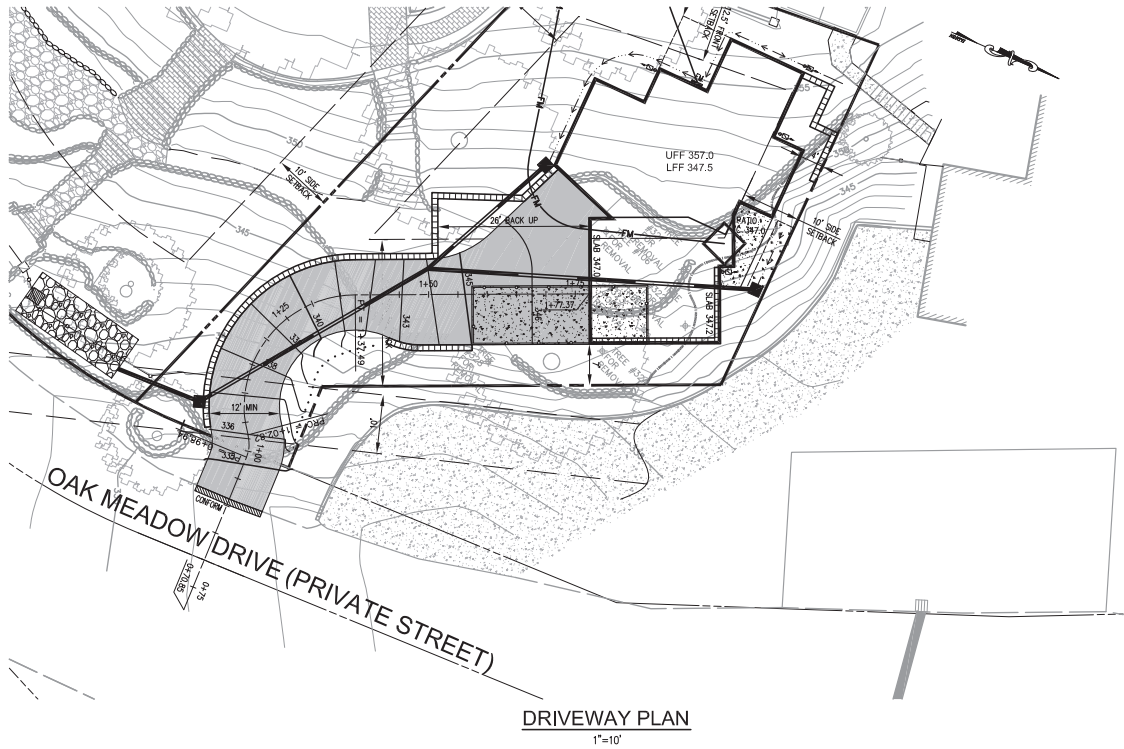
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(IN FEET)
1" = 10'

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GRAVEL BASIN DETAIL
N.T.S.

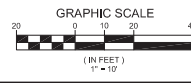


DRIVEWAY PROFILE
1"=10'

DESIGNED UNDER THE SUPERVISION OF



TERENCE J. SZWEDYN
EXPIRATION DATE: 09/30/24



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1776 TECHNOLOGY DRIVE
SAN JOSE, CA 95110
PH: 408-452-9300
FAX: 408-837-7550



LANDS OF MCFARLAND
120 OAK MEADOW DRIVE
MINOR SUBDIVISION AND
PD ZONING AMENDMENT
APN 529-10-131

DRIVEWAY PROFILE
120 OAK MEADOW DRIVE
LOS GATOS, CA 95032
APN 529-10-131

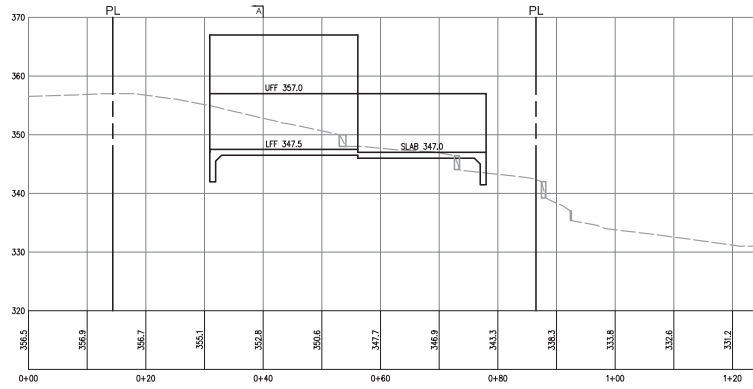
NO.	BY	REVISIONS	DATE

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SCALE: 1"=10'
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SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS

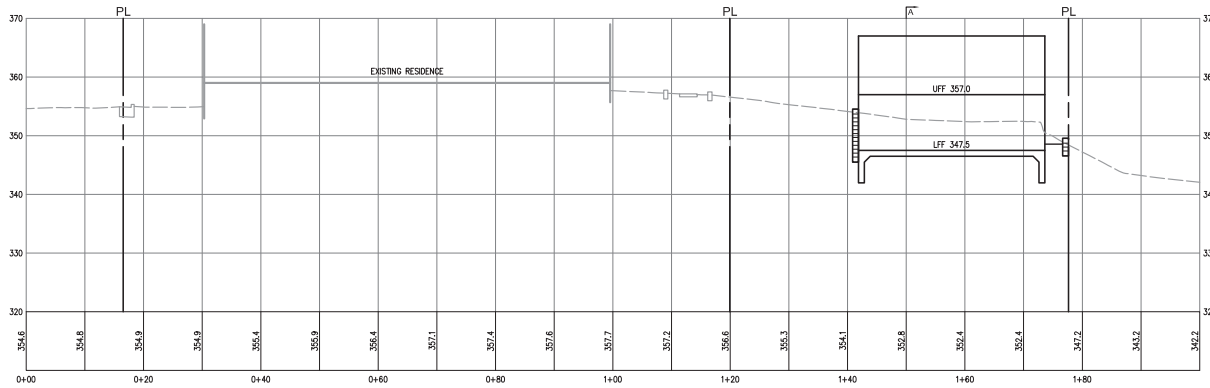
SHEET NO.
C-3
OF 4 SHEETS
JOB NO.
20-207

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SECTION A-A
1"=10'

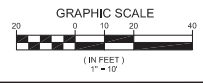


SECTION B-B
1"=10'

DESIGNED UNDER THE SUPERVISION OF



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EXPIRATION DATE: 09/30/2024
8-17-23
35527



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SAN JOSE, CA 95110
PH: 408-452-9300
FAX: 408-837-7550

TSCIL CIVIL ENGINEERING

SITE CROSS SECTIONS
120 OAK MEADOW DRIVE
LOS GATOS, CA 95032
APN 529-10-131

NO.	BY	REVISIONS	DATE
1			
2			
3			
4			
5			
6			
7			
8			

DATE: 4-9-24
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS
SHEET NO.
C-4
JOB NO.
20-207

04/12/2024 12:42pm - H:\2020 sbs\20-207\DWG\20-207 C4 SITE CROSS SECTIONS.dwg - C4

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From: Laura Vieth [REDACTED] >
Sent: Thursday, April 22, 2021 10:40 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Fwd: Proposed Building Plans

Sean, thanks again for the call today. This email along with our conversation is provided to document personal concern as thd property owner of [REDACTED], Los Gatos, CA 95032f regarding noise and aesthetics if easement is granted off Osk Meadow Drive for the subdivision of property at 120 Osk Meadow Drive. If you have any questions or need additional clarification, please let me know.

----- Forwarded message -----

From: Laura Vieth <[REDACTED]>
Date: Mon, Apr 19, 2021 at 9:58 AM
Subject: Proposed Building Plans
To: <smullin@losgatosca.gov>

Sean, greetings and by way of introduction, Laura Vieth, homeowner at [REDACTED] Los Gatos, CA 95032. Regency Court HOA. I would like to schedule time with you to discuss building plans being discussed. I can be reached at [REDACTED]

My husband and I were informed by the property owner at 120 Oak Meadow Drive (not part of our HOA) is planning to subdivide his property and build a house....no concern from that perspective. Our concern is the placement of the driveway.

We understand the driveway is tentatively being discussed to use HOA property on the front side of the street and put the driveway directly across from our driveway. We would like the driveways to be on the backside of the street vs. across from our home.

I look forward to speaking with you soon.

--

Regards,

Laura Vieth

email: [REDACTED]
[REDACTED]

--

Regards,

Laura Vieth (DiPiero)

email: [REDACTED]
[REDACTED]

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