

1 work and in fact a fundamentally new design that would
2 address, and make sure you guys add in here if I forget
3 something, the direction I would give would be to increase
4 the side setbacks, the bulk of the second floor so that it
5 reduces any shadowing or visibility issues.

6 CHAIR MICCICHE: Reduces it?

7 COMMISSIONER TALESFORE: Mmm-hmm. Maybe
8 simplifying the rooflines if that could mean that. Let's
9 see, what else?

10 COMMISSIONER QUINTANA: May I make a suggestion?

11 COMMISSIONER TALESFORE: Does anyone want to?

12 COMMISSIONER BOURGEOIS: That the use of a cellar
13 should be...

14 COMMISSIONER TALESFORE: Oh, do we have to make
15 two?

16 CHAIR MICCICHE: If you're asking to go back for
17 redesign (inaudible).

18 RANDY TSUDA: One motion.

19 CHAIR MICCICHE: You may offer your opinion that
20 can allow a cellar to be built under a deck.

21 COMMISSIONER TALESFORE: Right. I would say that
22 this, we would not be looking at building a cellar under the
23 deck.

24 CHAIR MICCICHE: Even if they didn't get to the
25 limit of the mass you're saying?

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1 COMMISSIONER TALESFORE: In that case, if it would
2 count toward the FAR. If for some reason it fit better under
3 a deck instead of in the front of the house, whatever,
4 right, okay.

5 CHAIR MICCICHE: Do I have a second to the motion?

6 COMMISSIONER QUINTANA: I'll second the motion,
7 but I would like to add something.

8 CHAIR MICCICHE: Yes, you have a right to.

9 COMMISSIONER QUINTANA: Okay. I would move that we
10 add in addition to reducing the square footage of the second
11 story that we actually reduce the volume of the great room.
12 The great room is 35'x16'. There is a clear story that's
13 approximately 24'x16' that is 17.5' high, which adds
14 additional mass to the house.

15 COMMISSIONER TALESFORE: I had already said that.

16 COMMISSIONER TALESFORE: I'm sorry, but sometimes
17 people interpret second story as meaning the square footage
18 of the second story only. I just wanted to make that clear
19 it was the volume.

20 COMMISSIONER TALESFORE: Okay, and perhaps to
21 clarify that even more, to narrow the house so that it
22 doesn't pinch the lot, however that's going to happen. Does
23 that help too?

24 COMMISSIONER QUINTANA: Yeah, but are we saying if
25 there's a cellar component we want the portion aboveground

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1 to clearly be well below the FAR to compensate for the
2 cellar?

3 COMMISSIONER QUINTANA: That's only the part of
4 the deck. I'm talking about all the rest of the cellar?

5 CHAIR MICCICHE: If it follows the cellar policy
6 it doesn't count as the FAR.

7 COMMISSIONER QUINTANA: But the General Plan
8 policy is to encourage cellars to reduce.

9 CHAIR MICCICHE: And we're asking them to reduce
10 the mass. That's what we're asking them to do.

11 COMMISSIONER O'DONNELL: We have a motion
(inaudible).

12 CHAIR MICCICHE: Do you want to add what she's
13 asked?

14 COMMISSIONER TALESFORE: I'm confused now.

15 CHAIR MICCICHE: I guess I don't even know what it
16 is.

17 COMMISSIONER TALESFORE: I thought we were being
18 compliant with the cellar policy as it stands.

19 CHAIR MICCICHE: Has it been seconded? So at this
20 point you're not amending the motion?

21 COMMISSIONER TALESFORE: Right.

22 COMMISSIONER QUINTANA: Okay, and I'm saying I
23 would like it to be consistent with the cellar policy
24 definition as well as the intent of the General Plan policy.
25

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1 COMMISSIONER TALESFORE: I think that's
2 understood.

3 CHAIR MICCICHE: All right, but you're not adding
4 it. Go ahead, Tom.

5 COMMISSIONER O'DONNELL: I don't want to get
6 (inaudible); I never was. I don't want to be in the business
7 of designing this house.

8 CHAIR MICCICHE: I agree with you.

9 COMMISSIONER O'DONNELL: I think that that motion,
10 while I agree with the spirit of the motion, is too
11 exacting. In other words, it starts with saying I want
12 fundamental changes, whatever that means. The house is nice.
13 We don't like the size, but there are things that an
14 architect can do who knows a lot more than we do. I'd like
15 to say I think the house is too big. I think the setbacks
16 aren't big enough; I think that's fairly clear. But I'd like
17 to kind of stay away from here is how I'd design your house.

18 In combination that's what we're saying, at least that's the
19 way I'm interpreting it.
20 So I just want to make it clear I'm going to vote
21 against this motion, not because I disagree with the
22 substance of it, but I really think we're trying to tell
23 them how to design their own house. I would be perfectly
24 happy if they came back and had a lot less bulk. I do agree
25 that if somebody wanted to argue they could have this cellar
that isn't a cellar and we wanted to consider whether we

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1 were going to let them do that and we give them some kind of
2 bonus. If somebody came in and said, "Look, I took away all
3 this bulk and I need something, so I'm going to do this, and
4 even though it doesn't fit your cellar policy, can you let
5 me step over the FAR there?" we might consider it. But I
6 personally don't want to tell a very intelligent architect
7 how best to come back and to make this a lot less bulky.

8 CHAIR MICCICHE: I think we concur with that.

9 COMMISSIONER O'DONNELL: So if we could just say
10 we're going to deny it, we want you to work at reducing the
11 bulk, and we're particularly concerned with the setbacks and
12 the shadowing, and let it go at that.

13 COMMISSIONER TALESFORE: Randy and Tom, not that I
14 disagree with you, but when I was asking directions from
15 Randy I sort of got the other opinion that you wanted me to
16 be a little more specific.

17 RANDY TSUDA: We do appreciate direction on what
18 you're reacting to. I think what I'm reacting to when I read
19 this list of six changes is that the cumulative effect of
20 the all these changes and the specificity is really tying
21 the hands of the architect.

22 COMMISSIONER TALESFORE: I don't mean to do that
23 in the least. Well then shall we just leave it at the fact
24 that there are impacts that need to be addressed, which
25 include shadowing, visibility?

RANDY TSUDA: Yes, reducing the shadow impacts.

1 COMMISSIONER TALESFORE: Reducing the massing,
2 reducing the volume, the setbacks.

3 COMMISSIONER O'DONNELL: Yeah.

4 COMMISSIONER TALESFORE: Did I miss anything?

5 COMMISSIONER QUINTANA: But I would just like to
6 point out that the last time we sent something back with
7 criteria for redesign that was quite nebulous in that way,
8 we were criticized--maybe I shouldn't say criticized--but
9 Counsel felt that we had not given the Applicant enough
10 direction. So we're sort of in between a rock and a hard
11 place.

12 COMMISSIONER TALESFORE: Well, you know what? And
13 then I would like it to come back to us.

14 CHAIR MICCICHE: Excuse me; I'm getting confused
15 on what the motion is now.

16 COMMISSIONER TALESFORE: I amended my motion.

17 COMMISSIONER QUINTANA: I don't know what the
18 motion is anymore.

19 CHAIR MICCICHE: I think there's a possibility
20 here we probably just ought to withdraw this motion and make
21 another one, because I'd be clearer with that one. So I'm
22 going to request you withdraw the motion, remake a motion if
23 you choose that incorporates what's been discussed.

24 COMMISSIONER TALESFORE: Okay, I would like to
25 make another motion that we send back this application.

1 CHAIR MICCICHE: For redesign, refer the
2 application back to Staff for further work and redesign as
3 directed, that the redesign would keep in mind side
4 setbacks, reducing bulk and mass that would reduce shadowing
5 and visual impacts, and then it comes back here. And also
6 that they follow the cellar policy that is in place with the
7 Town.

8 COMMISSIONER QUINTANA: In conformance with the
9 General Plan policy.

10 COMMISSIONER TALESFORE: In conformance with the
11 General Plan, Yes.

12 COMMISSIONER QUINTANA: I will second that.

13 However, I do have a reservation. In the past when we send
14 things back for redesign and we don't make specific
15 requirements and we just say consider, and it comes back to
16 us and they say, "Well, we've met your conditions. We've
17 considered all this," but the Commission doesn't feel it's
18 been changed enough and then we get into a hassle of whether
19 we can deny it now because they put so much work into it. So
20 I just want to be very clear that we do expect to see
21 substantial change.

22 COMMISSIONER TALESFORE: And yet I'm uncomfortable
23 reducing it to some number.

24 COMMISSIONER QUINTANA: No, I agree with you,
25 because if you reduce it to a number you get a design that
is designed to that number.

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1 CHAIR MICCICHE: I think we've heard you, but we
2 elect to do it on a general basis this way it sounds like.
3 Are you seconding that motion as it is?

4 COMMISSIONER QUINTANA: As long as the intent is
5 understood.

6 CHAIR MICCICHE: No, no, I won't accept that. If
7 she's saying it has to be in accordance with the cellar
8 policy, that's very specific. That's the end of that
9 discussion.

10 COMMISSIONER QUINTANA: And not in conformance
11 with the General Plan policy.

12 CHAIR MICCICHE: It's got to be in conformance
13 with the General Plan, not the intent of it.

14 COMMISSIONER QUINTANA: Well what else is there?

15 CHAIR MICCICHE: Because I don't understand what
16 that means. I know what I read in the General Plan. Are you
17 seconding the motion on that basis, or do you want to amend
18 it?

19 COMMISSIONER QUINTANA: I want to amend it to say
20 that it's consistent with the intent of the General Plan
21 policy.

22 CHAIR MICCICHE: Are you accepting that?

23 COMMISSIONER TALESFORE: Fine.

24 CHAIR MICCICHE: Because if you do, I'm not going
25 to support that motion.

COMMISSIONER QUINTANA: Why wouldn't support it?

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1 CHAIR MICCICHE: Because I don't understand how
2 you mean intent, or whose intent. We have a language, a
3 specific language. It's got to conform to the General Plan,
4 period, not the intent of the makers of it or anything else.
5 It has to conform to the language of it.
6 COMMISSIONER TALESFORE: Would the second
7 understand that?
8 COMMISSIONER QUINTANA: Yes, with the proviso that
9 if it doesn't in my opinion conform with the General Plan
10 amendment when it comes back, I'll vote against it.
11 COMMISSIONER TALESFORE: Okay.
12 CHAIR MICCICHE: So have we taken out that intent
13 language now?
14 COMMISSIONER TALESFORE: Yes, I've removed it.
15 CHAIR MICCICHE: Okay, I'm just going to make one
16 fast comment. I'm finding it hard to go along with this
17 because I really have a lot of faith in the consulting
18 architect as I stated, so I'm not going to go along with the
19 motion.
20 But I will call the motion. All in favor? Against?
21 One. Okay, when can we have this back? We'll have to make a
22 motion for a time certain. We haven't done this in a while.
23 RANDY TSUDA: I think at this point I'm not sure
24 that we have a time certain that we can shoot for, so we
25 would sent out another set of notices.

1 CHAIR MICCICHE: We have to resend notices. Okay.
2 They do have appeal rights on this, or not?
3 RANDY TSUDA: No, you continued the application of
4 redesign.
5 CHAIR MICCICHE: Okay.
6 (Chair Micciche reopens the public hearing for 54
7 Chester Street a few hours later.)
8 CHAIR MICCICHE: I'm not certain how the
9 Applicant feels, but I was misunderstanding the ability to
10 appeal a send back, and once I understood it I'm going to
11 suggest I open up the public hearing to ask the Applicant a
12 single question to see if they will do that. If not, I will
13 bring it back for a motion to deny so they can do whatever
14 they want to do at that point.
15 Would the Applicant please come up for the answer
16 of the question? Are you accepting the Commission's decision
17 to go back for redesign, or would you prefer that we deny it
18 and you'll go the route of appeal?
19 KEVIN CRANE: After working three years with the
20 Staff and Historical Committee and the architect in town,
21 I'd rather have it to be denied because we're just looking
22 at it as a mass. For example, the height is only 26'; you
23 can go up to 30'. We designed to be a minimal as possible,
24 and to have it to be denied (inaudible).
25

1 CHAIR MICCICHE: I was reading that along the way.
2 You've answered my question, so at this point I'm going to
3 close the public hearing again. I'm going to reopen the
4 discussion for another motion.

5 ANNA HUYNH: Can I add something to this?

6 CHAIR MICCICHE: Excuse me; I'm sorry. I will
7 reopen it again. Do you have a question?

8 ANNA HUYNH: I heard in the discussion among you
9 guys that there were some inaccurate comments in terms of
10 raising the house. We don't have to raise the house because
11 the property is sloped down. And you're looking at the mass.

12 CHAIR MICCICHE: Let me say this. I'm not opening
13 it up for an additional look at this point. I think you've
14 answered my question. You prefer not to go back to redesign,
15 and at this point I believe you're going to more accept a
16 denial and appeal it, and why don't we leave it at that at
17 this point? Because we're not going to do anything else
18 except make this motion now.

19 ANNA HUYNH: That's fine.

20 CHAIR MICCICHE: I'm going to ask for another
21 motion in denial of the application as wished by Applicant.

22 COMMISSIONER QUINTANA: Point of order. We passed
23 a motion. Can somebody just make another motion on top of
24 it, or is there a procedure here?
25

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1 RANDY TSUDA: Your motion needs to rescind your
2 previous decision, and you can make another motion. You can
3 have one motion that rescinds the previous decision.

4 CHAIR MICCICHE: In line with the Applicant's
5 request, because I'd rather not waste their time and money.

6 COMMISSIONER O'DONNELL: I make a motion to
7 rescind our prior motion (inaudible).

8 CHAIR MICCICHE: Second. All in favor? Against?

9 COMMISSIONER O'DONNELL: Joanne, did you want to
10 make that?

11 CHAIR MICCICHE: Against? I didn't hear you.

12 COMMISSIONER TALESFORD: Yeah, I think I'm
13 against. I think we made a decision based the facts.

14 CHAIR MICCICHE: Okay, then it's 5-1 on rescinding
15 the motion. You're going to make a motion to deny the
16 application?

17 COMMISSIONER TALESFORD: No findings are
18 necessary?

19 RANDY TSUDA: It's basically the findings for
20 approval in reverse. I think you have concerns about the
21 bulk and mass, shadow impacts.

22 COMMISSIONER TALESFORD: Okay, got it. Okay, I
23 move to deny Architecture and Site Application S-05-031 due
24 to the findings and considerations that we could not find,
25 which include bulk and mass, shadowing, visibility, setback,

LOS GATOS PLANNING COMMISSION 2/8/2006
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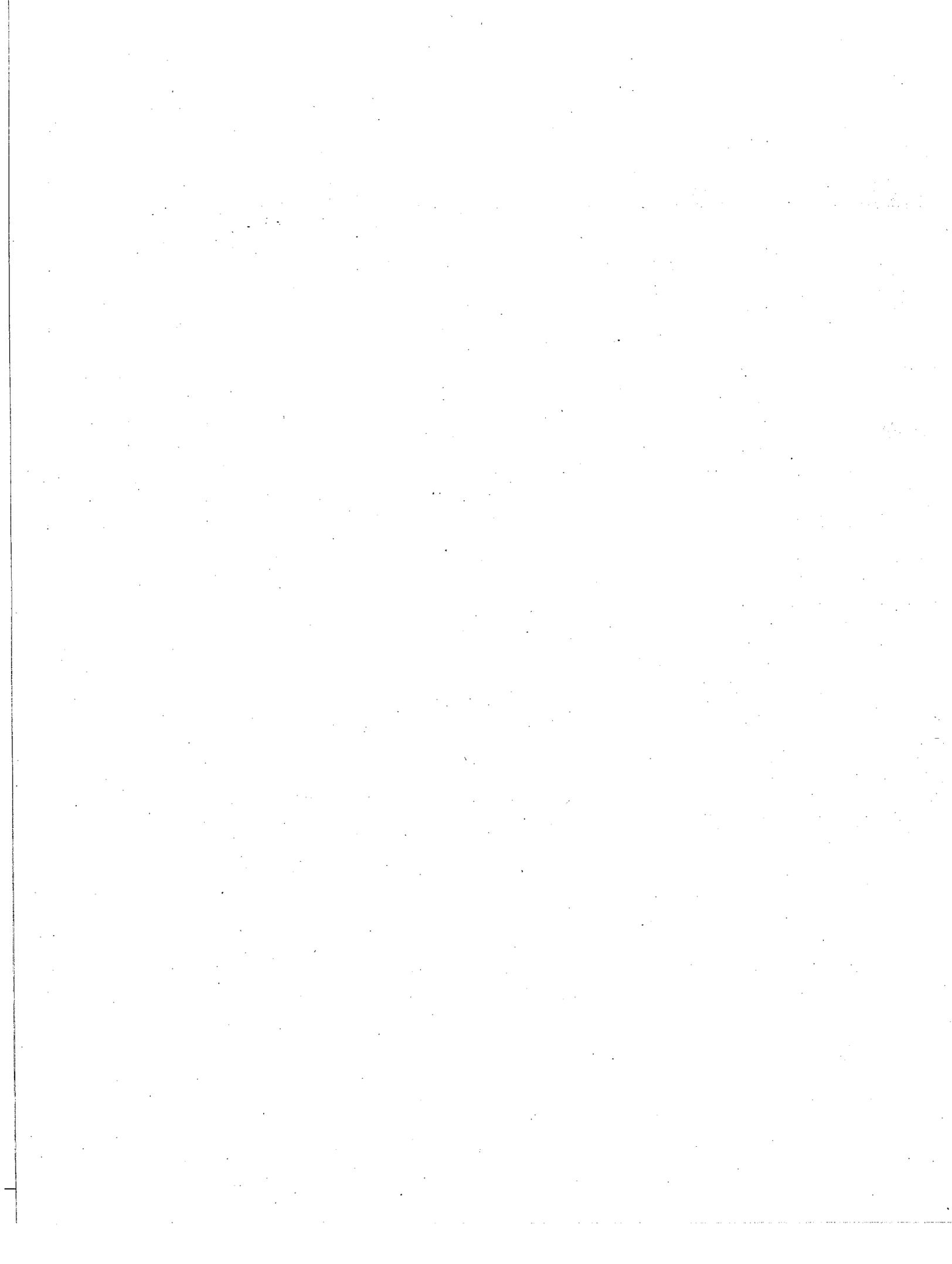
1 character of the neighborhood, the cellar not conforming and
2 the addition of FAR.

3 CHAIR MICCICHE: I second. I'll call the motion.

4 All in favor? Against? Passes 6-0. Thank you.

5 RANDY TSUDA: Appeal rights. This decision is
6 appealable within ten days to the Town Clerk's office. The
7 forms are available in the Town Clerk's office, and there is
8 a fee for appeal.

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REPORT TO: The Planning Commission
FROM: The Development Review Committee
LOCATION: 54 Chester Street
Architecture and Site Application S-05-031

Requesting approval to demolish a pre-1941 residence, construct a new single family residence and accessory structure with reduced setbacks and request for an interpretation of the cellar policy on property zoned R-1D. APN: 529-08-008
PROPERTY OWNER: Anna Huynh and Kevin Crane

DEEMED COMPLETE: January 20, 2006
FINAL DATE TO TAKE ACTION: July 20, 2006

FINDINGS AND

- CONSIDERATIONS:
- As required by Section 29.20.150 of the Town Code for Architecture and Site applications.
 - As required by Section 29.10.09030(e) of the Town Code for the demolition of a single family residence
 - The application is Categorically Exempt from CEQA, Section 15303.

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

- EXHIBITS:
- A. Required Findings and Considerations (1 page)
 - B. Recommended Conditions of Approval (1 page)
 - C. Letter of Justification and project description received January 20, 2006 (2 pages)
 - D. Project Data Sheet
 - E. Design review comments dated April 20, 2005 (1 page)
 - F. Arbor Report dated November 26, 2005 (6 pages)
 - G. Town's Cellar Policy (2 pages)
 - H. Planning Commission Interpretation of Cellar Policy
 - I. Development Plans dated December 1, 2005 (11 pages)

A. DISCUSSION:

1. Project Description

The applicant is requesting approval to demolish a pre-1941 residence, construct a new single family residence and accessory structure and is requesting an interpretation of the cellar policy. The applicant's letter of justification (Exhibit C) and development plans

(Exhibit I) are attached. The existing one story, 1,310 square foot residence is located at 54 Chester St. on a 5,500 square foot lot. The proposed two story Craftsman style home is 1,903 square feet with a 252 square foot detached garage and a 1,726 square foot cellar.

2. Neighborhood Compatibility and Design

The Town's consulting architect reviewed the project and concluded that the design is good and provided two suggestions (Exhibit D). The first is to consider wood caps and bases at the front porch columns, which the applicant incorporated in the design. The second suggestion is to add divided lights to the double hung windows, which the applicant declined. The Town's consulting architect noted that the two suggestions would enhance the design, but were not absolutely essential to a good design.

Chester Street is comprised of one and two story homes with a variety of architectural styles. The proposed house size and floor area ratio (FAR) is compatible with the other homes in the area. Table 1 shows the house size, FAR and lot size of the neighboring properties.

House Size Comparison for 54 Chester Street				
APN	Address	House Size	Lot Size	FAR
529-08-004	46 Chester St.	1,039	5,500	.19
529-08-005	48 Chester St.	936	5,500	.17
529-08-006	50 Chester St.	1,397	5,500	.25
529-08-007	52 Chester St.	1,753	5,500	.32
529-08-009	56 Chester St.	1,882	5,500	.34
529-08-010	58 Chester St.	1,925	5,500	.35
529-08-011	62 Chester St.	1,921	5,500	.35
529-08-012	64 Chester St.	1,966	5,500	.36
529-06-059	41 Chester St.	1,768	4,514	.39
529-06-058	46 Chester St.	1,319	600	.22
529-06-057	47 Chester St.	1,991	5,800	.34
529-06-056	49 Chester St.	1,280	5,600	.23
529-06-044	497 Bird Ave.	3,238	10,890	.30
529-06-043	59 Chester St.	1,739	5,940	.29
529-06-019	499 Wright St.	1,816	7,040	.26
Average		1,731		.29
529-08-008 (proposed project)	54 Chester St.	*1,903 sq. ft.	5,500	.35
*Square footage of propose home if the project is approved with entire cellar not counted in the square footage of house.				

3. Historic Preservation Committee (HPC)

On March 2, 2005 the HPC reviewed the demolition of the existing pre-1941 home and recommended approval based on the following findings:

- A. Based on the evidence provided by the structural engineer, the structure has inadequate structural integrity.
- B. Modifications have been made to the residence which has resulted in the loss of its historic character.
- C. The structure is not associated with any events that have made a significant contribution to the Town.
- D. No significant persons are associated with the site.
- E. There are no distinctive characteristics of type, period or method of construction or representation of work of a master.
- F. Does not yield information important to the Town's history.

4. Arborist Review

The Town's consulting arborist reviewed the project's potential tree impacts (Exhibit E). Five trees protected by the Tree Protection Ordinance are in direct conflict with the proposed home. The Town's consulting arborist finds the removal of these trees in compliance with the Town's Ordinance. The Town's consulting arborist concludes that removal of the trees will not have significant aesthetic impact on the property due to the small size of the trees, species, and low monetary value. Three replacement trees are recommended for the loss of the five trees. The replacement trees and all other recommendations to protect existing trees are included in the recommended conditions of approval for the proposed project.

5. Cellar Policy Interpretation

Proposed Cellar

The total square footage of the cellar is 1,726 square feet. 1,411 square feet of the cellar is beneath the footprint of the home and 315 square feet of the cellar is beneath the attached deck located at the rear of the home.

Staff's Interpretation

The Town's cellar policy states that cellars and basements (except light and exit wells) shall not extend beyond the building footprint. Please see the Town's Cellar Policy (Exhibit F) and Planning Commission's interpretation of the Cellar Policy (Exhibit H). Historically, staff has not considered unenclosed decks to be part of the building footprint. Therefore, 315 square feet of the cellar that is located under the deck is counted toward the square footage of the house. The proposed home is 1,903 square feet, which is also the maximum allowed square footage for the site. If the 315 square foot portion of the cellar is counted toward the house, the applicant would be requesting a home over the maximum square footage allowed by Town Code.

Applicant's request

The applicant is requesting that the Planning Commission make an interpretation that the attached deck is part of the building footprint. Such an interpretation would allow the 315 square foot area of the cellar to not count against the floor area of the home. The applicant points out that the Town's Cellar Policy allows a cellar to be located underneath the building footprint which includes the garage. The applicant believes that an attached deck should be considered part of the building footprint like an attached garage because the attached deck has the same impact as an attached garage. Further, the applicant states that the proposed cellar will not be visible to the neighbors and does not change the look of the house.

B. CONCLUSION:

The cellar issue withstanding, staff has concluded that the home is well designed and is compatible with the neighborhood. The applicant is requesting approval of the project with an interpretation of the cellar policy that considers an attached deck part of the building footprint. Historically, staff has not considered a deck to be part of the building footprint. The Commission should discuss the following key issues:

- Interpretation of building footprint as it relates to attached decks
- Consider if attached decks should be treated similarly to attached garages

Staff finds, in this case, the cellar under the deck will not increase the mass of the proposed home and will not be visible to neighbors. In addition, the under-deck portion of the cellar (315 sq. ft.) is smaller than the cellar area that is permitted under a typical attached two-car garage (440 sq. ft.).

C. RECOMMENDATION:

The Planning Commission should discuss the key issues and take action on the proposed project. If appropriate, the Commission should provide direction for the cellars located beneath attached decks.

If the Planning Commission is satisfied with the current proposal, it should make the following findings and considerations:

1. Make the required findings and considerations (Exhibit A); and
2. Approve the Architecture and Site application subject to the recommended conditions of approval (Exhibit B).

February 8, 2006

If the Planning Commission is not satisfied with the proposed application, it should do one of the following:

1. Approve the proposed application with additional conditions; or
2. Refer the application back to staff for further work as directed; or
3. Deny the application.



Bud N. Lortz, Director of Community Development

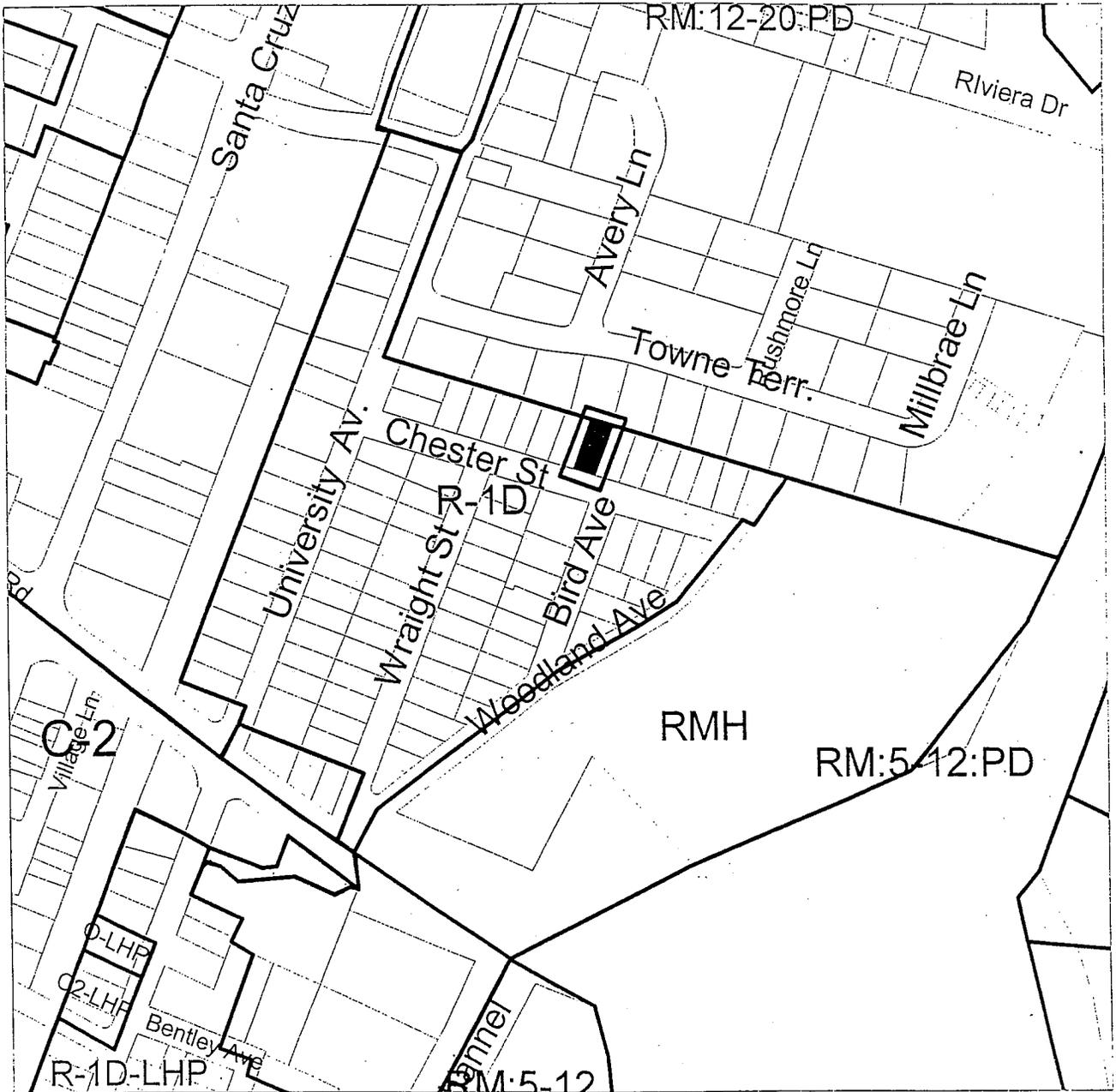
Prepared by: Judie Gilli, Assistant Planner

BNL:RT:jg:mdc

cc: Kevin Crane and Anna Huynh, 54 Chester Street, Los Gatos, CA 95032

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54 Chester Street



REQUIRED FINDINGS AND CONSIDERATIONS FOR

54 Chester Street

Architecture and Site Application S-05-031

Requesting approval to demolish a pre-1941 residence, construct a new single family residence and accessory structure with reduced setbacks and request for and interpretation of the cellar policy on property zoned R-1D. APN: 529-08-008

PROPERTY OWNER: Anna Huynh and Kevin Crane

FINDINGS

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

CONSIDERATIONS

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

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

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

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

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

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

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

Buildings should strengthen the form and image of the neighborhood (e.g.

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

- (5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.
- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.
- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to

any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

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

N:\DEV\FINDINGS\54 Chester.wpd

CONDITIONS OF APPROVAL

54 Chester Street

Architecture and Site Application S-05-031

Requesting approval to demolish a pre-1941 residence, construct a new single family residence and accessory structure with reduced setbacks and request for and interpretation of the cellar policy on property zoned R-1D. APN: 529-08-008

PROPERTY OWNER: Anna Huynh and Kevin Crane

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

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the development plans dated December 1, 2005. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee or the Planning Commission, depending on the scope of the change(s).
2. EXPIRATION: Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. COMPLIANCE MEMORANDUM. The applicant shall prepare and submit a memorandum with the building permit, detailing how each of these Conditions of Approval have or will be addressed.
4. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
5. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.
6. PROTECTIVE FENCING. Prior to any construction or building permits being issued, the applicant shall install the required protective fencing.
7. ARBORIST RECOMMENDATIONS: The Consulting Arborist recommendations dated November 26, 2005 must be strictly adhered to, prior to and throughout construction.
8. SALVAGING OF MATERIALS. At least ten days prior to the date of demolition, the developer shall provide to the Town a written notice and an advertisement published in a newspaper of general circulation, regarding the availability of materials for salvage, including the name and telephone number of a contact person. No salvaging of material shall occur until a demolition permit has been approved by the Community Development Department.
9. RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.

(Building Section)

10. PERMITS REQUIRED: A building permit shall be required for the addition and remodel of the existing single family residence. Separate permits are required for site electrical, mechanical, and plumbing work.

11. **CONDITIONS OF APPROVAL:** The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans.
12. **SIZE OF PLANS:** Four sets of construction plans, maximum size 24" x 36."
13. **SOILS REPORT:** A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. **ALTERNATE:** Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 - Section 1805)
14. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor may be required to be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
 1. Building pad elevation
 2. Finish floor elevation
 3. Foundation corner locations
15. **TITLE 24 ENERGY COMPLIANCE:** California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
16. **TOWN FIREPLACE STANDARDS:** New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of chimneys.
17. **SPECIAL INSPECTIONS:** When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.logoscatosca.gov.
18. **NONPOINT SOURCE POLLUTION STANDARDS:** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print.
19. **APPROVALS REQUIRED:** The project requires the following agencies approval before issuing a building permit:
 1. Community Development: Judie Gilli at 399-5702
 2. Engineering Department: Fletcher.Parsons at 395-3460
 3. Parks & Public Works Department: (408) 399-5777
 4. Santa Clara County Fire Department: (408) 378-4010
 5. West Valley Sanitation District: (408) 378-2407
 6. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)

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

(Engineering Division)

20. CARPORT. Engineering shall confirm carport driveability prior to issuance of a building permit.
21. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
22. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
23. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
24. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
25. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any sump outfall shall be directed to a 5' x 5' x 5' dry well located a minimum of 10-feet from property line.
26. NPDES. All pavement outside of the structure footprint shall be pervious.
27. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
28. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50:015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service.
29. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access

- provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
30. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
 31. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
 32. DRIVEWAY APPROACH. The developer shall install one (1) Town standard residential approach. The new driveway approach shall be constructed per Town Standard Details.
 33. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
 34. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
 35. SANITARY SEWER BACKWATER VALVE. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative (Sec. 6.50.025). The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve, as defined section 103(e) of the Uniform Plumbing Code adopted by section 6.50.010 of the Town Code and maintain such device in a functional operating condition. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.
 36. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00

PAGE 5

Address: 54 Chester St

Architecture and Site Application #S-05-031

a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

37. HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or ff the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.

N:\DEV\CONDITNS\2006\54 Chester.wpd

January 11, 2006

54 Chester Street
Los Gatos, CA 95032

Dear Planning Commission,

We are writing to request for your approval of the design of our resident on 54 Chester Street.

As an introductory background, the project started out as a remodel. Our resident was built in 1920's and is, therefore, classified as a historical resident even though there is no distinguish architectural aspects to it. We have met with the historical committee a few times to ensure that the new design of the house meets the historical committee's requirements. When we submitted the drawings to the planning department for review and for approval of a building permit, they recommended to us to submit a demolition application because the house design may go under the 50% savings requirement. We followed the planning department's recommendation and submitted the demolition application and hired a structural engineer, which found that the house structure was too unsound to be saved. In additions, we paid the fees for the town architect to review the architecture drawing as well.

At this step of the process we thought we were done, but we were notified that drawings did not follow the town's policy about the cellar. We felt that we had spent many months to arrive with a workable design of the resident to accommodate our needs for a big family so it was disappointing to hear that. We decided to go ahead with the project and request for your approval for the following reasons as the planning commission does have the ability to allow exceptions to the cellar policy:

- 1) According to the cellar policy, "the cellar shall not extend beyond the footprint of the main building, including the attached garage". The design of our resident has an attached deck that we considered as an extension of the eating area when our family gets together. I believe that an attached deck can be considered more so than an attached garage as part of the main building. The only difference is that the attached garage is enclosed and used for storage, while the attached deck is open, but a considerable amount of time is spent living on it. For the purpose of the town policy, the attached deck has the same impact as an attached garage.
- 2) We have a large close knit family (32 people) in that we often spend a lot of time together, and we do need space to accommodate them.
- 3) The design of the cellar does not have any impact on the overall design of the house. It is in an obscure location as the look of the resident does not change.

- 4) The design of the cellar does not skew the look to the neighbors. In contrary, it will enhance the value of the neighborhood.

We met with the DRC on January 3, 2006 and there was no concern about any other portion of the design of the resident. We understand that the FAR is set for our lot size that we have to abide by it. In all honesty, we did not realize that we have misinterpreted the cellar policy when we were working on the design of the resident. The main intention of the design was to have room for a big family, yet to stay within the town's policies. We were able to fit a kitchen, an eating area, and a small sitting room on the main floor. The cellar would provide us the sleeping area and the 17' x 18' social area that we need.

As mentioned before, the design of the resident will enhance the look and the value of the neighborhood on Chester Street, as well as the neighborhood of Bird and Wraight Streets. Hence, this value will generate additional property tax income for the town going from \$500 to \$1000 dollars per year. We strongly feel that your approval of deck portion of this project will result in a win-win situation.

Thank you for your consideration in this matter.

Sincerely,

Kevin Crane and Anna Huynh

SINGLE-FAMILY RESIDENTIAL PROJECT DATA

	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
<i>Zoning district</i>	R-1D	R-1D	-
<i>Land use</i>	Single Family Residence	Single Family Residence	-
<i>General Plan Designation</i>			
<i>Lot size (sq. ft.)</i>	5,500	5,500	5,000 minimum
<i>Exterior materials:</i>			
• siding	2" Clapboard sidings	2" Clapboard sidings	-
• trim	wood	wood	-
• windows	plastic	plastic	-
• roofing	composite	composite	-
<i>Building floor area:</i>			
• first floor	974	1,399	-
• second floor	0	504	-
• garage	0	220	-
• cellar	0	1,726	-
• basement	250	0	-
• accessory buildings	0	0	-
<i>Setbacks (ft.):</i>			
• front	15'	15'	15' minimum
• rear	30'	20'	20' minimum
• side	6'	10'	5' minimum
• side street	10'	3'	5' minimum
<i>Average slope (%)</i>	4%	4%	
<i>Maximum height (ft.)</i>	20'	26'	30' maximum
<i>Building coverage (%)</i>	18%	29%	40% maximum
<i>Floor Area Ratio (%)</i>			
• house	974	3,629	sq. ft. maximum
• garage	0	220	sq. ft. maximum
<i>Parking</i>	0	2	two spaces minimum
<i>Tree Removals</i>	6	5 tree removals with mitigation	
<i>Sewer or septic</i>	Sewer	Sewer	-

RECEIVED

APR 26 2005

TOWN OF LOS GATOS
PLANNING DIVISION

April 20, 2005

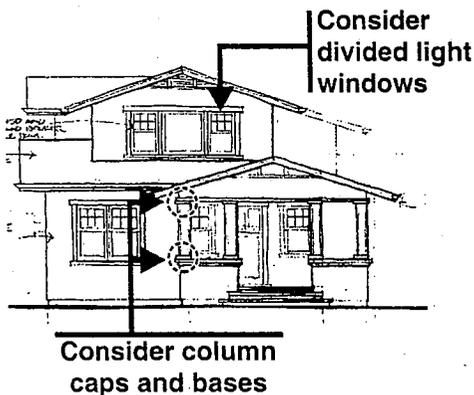
Ms. Judie Gilli
Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

RE: 54 Chester Street

Dear Judie:

I reviewed the drawings, visited the site, and reviewed the October 6, 2004 comments of the Historic Preservation Committee. I think the project looks pretty good. I have only a couple of suggestions that I think would enhance the design, but which are not absolutely essential to a good design. They would be as follows:

1. Consider wood caps and bases at the front porch columns.
2. Consider adding divided lights (real or simulated with depth similar to real divided lights) to the double hung windows since there are already some at and near the rear of the house, and their use is fairly common in the neighborhood.



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

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon AIA AICP
President

TEL: 415.331.3795 FAX: 415.331.3797

180 HARBOR DRIVE, SUITE 219, SAUSALITO, CA 94965

Exhibit E



ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

**A TREE INVENTORY AND REVIEW
OF THE PROPOSED NEW RESIDENCE AT
54 CHESTER STREET
LOS GATOS, CALIFORNIA**

PROPERTY OWNER: Anna Huynh and Kevin Crane
APN: 529-08-008
ARCHITECTURE & SITE APPLICATION #: S-05-031

Submitted to:

Judie Soo Gilli
Community Development Department
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

Prepared by:

David L. Babby, RCA
ASCA Registered Consulting Arborist #399
ISA Certified Arborist #WE-4001A

November 26, 2005

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

Exhibit F

INTRODUCTION

I have been asked by the Town of Los Gatos Community Development Department to review the potential tree impacts associated with a new residence proposed at 54 Chester Street, Los Gatos. This report presents my findings and recommendations.

The plan reviewed for this report includes Sheet A-2 (Main Level Plan) by E. Gary Schloh Architect, dated August 11/16/05. The trees' numbers, locations and canopy dimensions are presented on an attached copy.

FINDINGS

Six trees (#1 thru 6) of Ordinance-size were inventoried for this report. Each is of non-native origin and is of a relatively small size as their trunk diameters range from 4.5 to 7 inches. Specific data compiled for each tree is presented on the attached table.

Tree #5 was not shown on plans reviewed. Its location has been added to the attached map and should not be construed as being surveyed.

By implementation of the proposed design, trees #2 thru 6 would be removed as they are in direct conflict with the proposed components. Given their small size, species and/or relatively low monetary value, I find their loss would comply with the Town's Ordinance. Based on the condition and species of these trees, I recommend mitigation only apply to trees #2, 3 and 6. In doing so, I suggest one tree of 36-inch box¹ size be installed for each removed (three in total).

Regarding tree #1 (a 6.5-inch Magnolia), I find it can be adequately protected provided the recommendations presented in the next section are carefully followed and incorporated into the construction plans.

RECOMMENDATIONS

The recommendations presented below serve as measures to adequately protect tree #1 as well as mitigate the removal of trees #2 thru 6. Any or all recommendations are subject to revision if the plans are revised.

1. Any new underground utilities and services must be situated outside from beneath tree #1's canopy. This includes, if feasible, to establish the "cellar sump outfall" and any associated trenches to be at least eight feet from tree #1's trunk.
2. The section of the proposed front walkway within eight feet of tree #1's trunk should be established entirely on top of existing soil grade (i.e. a no-dig design).

¹ Per the Ordinance, a 36-inch box size is the minimum for removed trees.

3. Reference to this report should be specified on the Site Plan.
4. Any unused, existing underground utilities, lines or pipes beneath tree #1's canopy should be abandoned and cut off at existing soil grade.
5. Mitigation for the loss of trees #2 thru 6 should include the installation of three trees of 36-inch box size. The trees must be planted prior to final inspection and, as necessary for support, be double-staked with rubber tree ties. All forms of irrigation must be of a drip or soaker hose system placed on the soil surface and not in a sleeve. They should be selected from the Town of Los Gatos list of recommended trees (available by contacting the Planning Division).
6. Irrigation should not be sprayed or plant material installed within three to four feet of tree #1's trunk.
7. Trenching for irrigation and lighting beneath tree #1's canopy should be in a radial direction and established no closer than five feet from its trunk.
8. Tree protective fencing must be installed precisely as shown on the attached map and established prior to any demolition, grading, surface scraping or heavy equipment arriving on site. It shall be comprised of five-foot high chain link mounted on eight-foot tall, two-inch diameter steel posts that are driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fencing must remain undisturbed and be maintained throughout construction until final inspection.
9. Unless otherwise approved, all construction activities must be conducted outside the fenced area (even after fencing is removed). These activities include, but are not limited to, the following: demolition, grading, stripping of topsoil, trenching, equipment cleaning, stockpiling/dumping of materials, and equipment/vehicle operation and parking.
10. Any approved grading or trenching beneath tree #1's canopy shall be manually performed using shovels. Roots encountered during the process shall be cleanly severed on the tree side of any cut and immediately covered with soil. The freshly cut ends of roots with diameters of two inches and greater should, prior to being covered, be wrapped with a plastic sandwich bag that is tightly secured using a rubber band. Any roots of two inches and greater in diameter found during trenching should remain intact and tunneled beneath.
11. Any pruning of tree #1 must only be performed under the supervision of an ISA Certified Arborist and according to ISA Standards.
12. Throughout construction during the months of May thru October, supplemental water must be supplied every two to three weeks to tree #1. The application rate should be 50 gallons of water supplied using soaker hoses placed on the soil surface at its mid- to outer-canopy.

13. The disposal of harmful products (such as chemicals, oil and gasoline) is prohibited beneath canopies or anywhere on site that allows drainage beneath canopies. In addition, fuel should not be stored nor shall any refueling or maintenance of equipment occur within 50 feet of the tree #1's trunk (unless on the street). Additionally, herbicides should not be applied beneath tree #1's canopy.

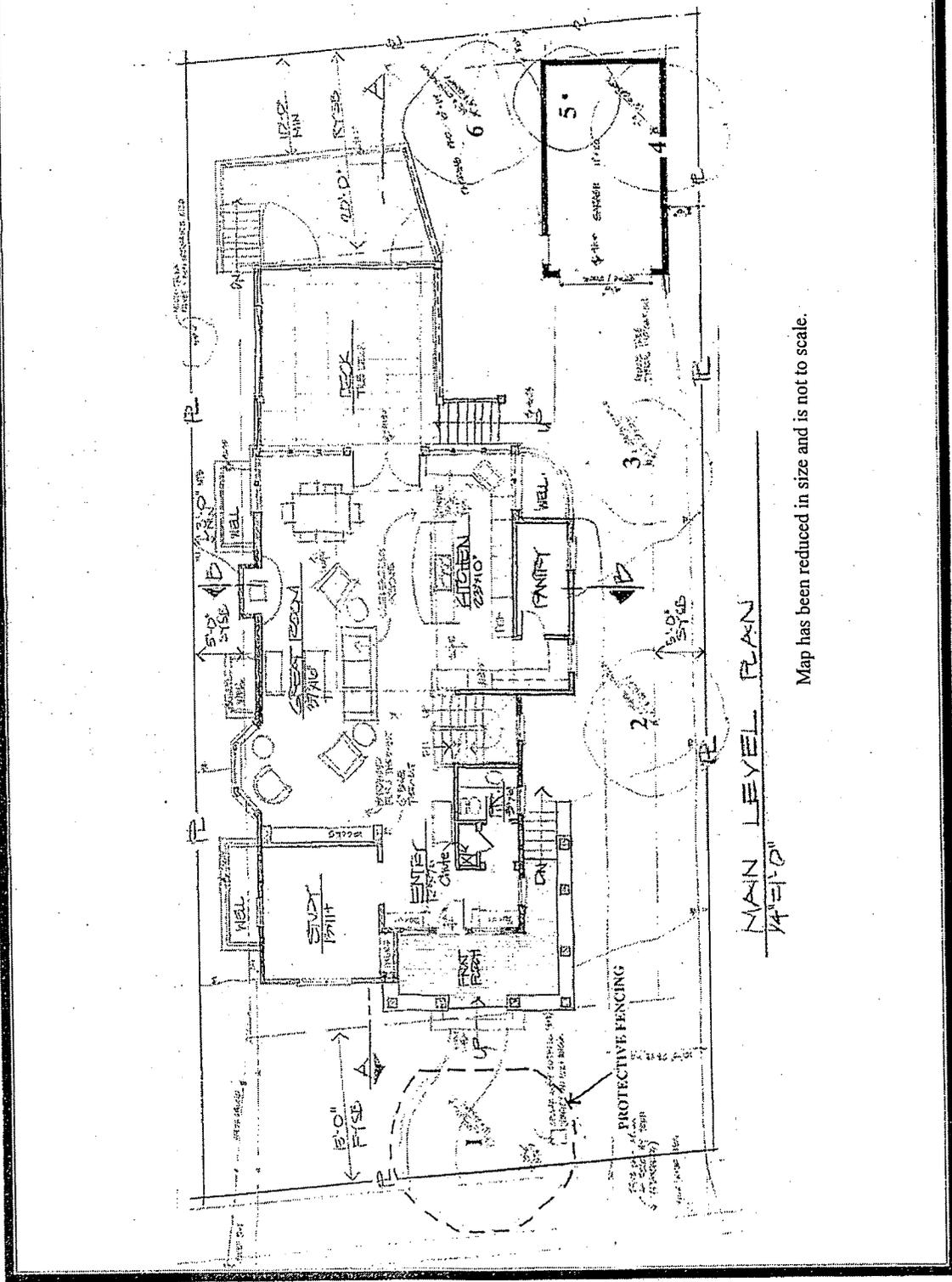
Attachments: Tree Inventory Table
Site Map (copy of Sheet A-2)

TREE INVENTORY TABLE

TREE NO.	TREE NAME	Trunk Diameter (in.) - per Guide for Plant Appraisal	Estimated Height (ft.)	Estimated Canopy Spread (ft.)	Health Condition (100%=Best, 0%=Worst)	Structural Integrity (100%=Best, 0%=Worst)	Overall Condition	Suitability for Preservation	Intensity of Impacts (1=Highest, 5=Lowest)	In Direct Conflict w/ Proposed Design	Not Shown on Plans	Located on Adjacent Property
1	Southern Magnolia (<i>Magnolia grandiflora</i>)	6.5	20	20	100%	100%	Good	High	3	-		
2	Crape Myrtle (<i>Lagerstroemia indica</i>)	5	20	15	100%	50%	Good	Moderate	-	X		
3	Crape Myrtle (<i>Lagerstroemia indica</i>)	4.5	20	15	100%	75%	Good	Moderate	-	X		
4	Tree	7	30	15	75%	50%	Fair	Low	-	X		
5	Tree	5.5	25	10	75%	50%	Fair	Low	-	X	X	
6	Chinese Tallow (<i>Sapium sebiferum</i>)	6.5	25	15	100%	50%	Good	Moderate	-	X		

Site: 54 Chester Street, Los Gatos
 Prepared for: Town of Los Gatos Comm. Develop. Depart.
 Prepared by: David L. Babby, RCA

November 26, 2005



MAIN LEVEL PLAN
 1/4" = 1'-0"

Map has been reduced in size and is not to scale.

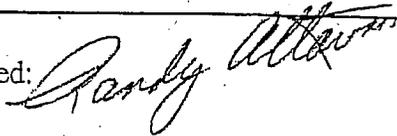
TOWN COUNCIL POLICY
TOWN OF LOS GATOS

Subject: Cellars

Enabling Action:
2002- 167

Page 1 of 2

Approved:



Randy Attaway, Mayor

Effective

Date: October 21, 2002

PURPOSE:

General Plan policy L.P.2.3 states: "Encourage basements and cellars to provide "hidden" square footage in-lieu of visible mass."

The following policy shall be used by staff when reviewing plans that include a cellar.

DEFINITION:

A cellar is an enclosed area that does not extend more than four feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the FAR. That area of a cellar where the building height exceeds four feet above existing or finished grade shall not be included in this definition and shall be included in the floor area calculation. For purposes of this policy, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.

POLICY:

In reviewing plans for cellars staff shall consider the following:

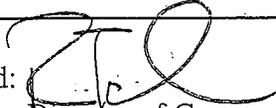
- A cellar shall not extend more than four feet above the adjacent finished grade at any point around the perimeter of the foundation. Below grade floor area must meet the above definition of cellar to be excluded from the floor area calculations for the structure.
- If any portion of a cellar extends more than four feet above grade, that area shall be included in the floor area calculation.

- Light and exit wells may encroach into front and side yard setbacks provided that a minimum three-foot wide pedestrian access is provided around the light well(s). Light wells and exiting shall be the minimum required to comply with the Uniform Building Code criteria for natural light and ventilation.
- Below grade patios may extend out from a cellar into the required rear yard provided that a minimum 10 foot setback is retained from the rear property line.
- Cellars and basements (except light and exit wells) shall not extend beyond the building footprint.
- The Planning Commission may allow an exception to this policy based on extenuating or exceptional circumstances applicable to the property including size, shape, topography, location or surroundings. The Commission shall make findings to support such a decision.

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**PLANNING COMMISSION POLICY
TOWN OF LOS GATOS**

Subject: Planning Commission Interpretation of Cellar Policy

Approved: 
Bud Lortz, Director of Community Development

Effective Date: October 5, 2004

PURPOSE

To establish a policy on the number and location of cellars permitted under the Town Council's Cellar Policy

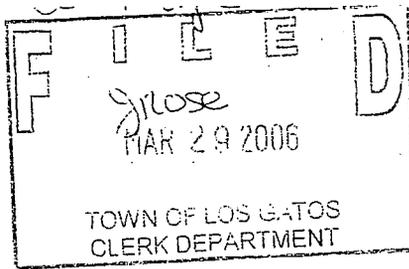
SCOPE

This policy applies to cellars as defined by the Town Council Policy adopted under Resolution 2002-167.

POLICY

A cellar shall not extend beyond the footprint of the main building (included attached garage) or detached accessory structure. One cellar is permitted per property. Additional cellars shall be included in the floor area calculation.

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Elizabeth Ansnes
56 Chester Street
Los Gatos, CA 95032
March 27, 2006

Los Gatos City Council
110 East Mail Street
Los Gatos, CA 95030
Re: Architecture and Site Application S-05-031

Dear Council Members,

I am writing regarding the appeal from a Planning Commission denial for a permit to demolish and rebuild a new home at 54 Chester Street. My home is located just west of the lot in question, and because of the way the proposed house has been designed, I am the neighbor most impacted by the proposal. The plans indicate that the house was moved from the footprint of the present house to sit within a few feet of our shared property line.

A look at the plans showing the shadow lines that will be cast on my house reveals the problem for me; this location virtually cuts off my access to morning sun through most of the year. The plan also proposes to put a side dormer directly opposite the only window on that side of my house. To maintain any privacy, that window would have to be screened or otherwise covered throughout the day.

The present siting of the house includes a wide setback on the west side of the property, presumably designed for a future driveway. The new plans move the house into that setback, and place the driveway on the east side of the lot, where, at least for half its length, it is next to another driveway and then a garage, rather than an occupied house. If you look at the siting of the nearby houses, you will see that most of them are designed to reduce the distance between houses and the shadowing by alternating driveways and houses. These plans move the new house almost as close as possible.

I have no objection to the addition of a second story to the house; I have added one myself. But my plans worked within the footprint of the existing house and the roof line was designed to reduce the impact on

neighboring houses and maintain the mass and bulk that characterize most of the houses on the street. It would not require major changes in the concept for the house to deal with these concerns. I would hope that revisions to this proposal could address them.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Ansnes". The letters are fluid and connected, with a prominent loop at the end of the last name.

Elizabeth Ansnes