



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 9, 2019**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 9, 2019, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Matthew Hudes, Vice Chair Melanie Hanssen, Commissioner Mary Badame, Commissioner Kathryn Janoff, Commissioner Reza Tavana
Absent: Commissioner Kendra Burch, Commissioner Tom O'Donnell

PLEDGE OF ALLEGIANCE

Commissioner Janoff led the Pledge of Allegiance. The audience was invited to participate.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – September 11, 2019

Chair Hudes requested Item 2, 16 Chestnut Avenue, to be pulled from the Consent Calendar.

MOTION: **Motion by Commissioner Badame to approve adoption of the Consent Calendar. Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously**

PUBLIC HEARINGS

2. **16 Chestnut Avenue**

Architecture and Site Application S-17-047

APN 510-40-012

Applicant/Appellant: Bess Wiersema, Studio3 Design

Property Owner: Kim Roper

Project Planner: Erin Walters

Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing pre-1941 single-family residence and construction of a new single-family residence on property zoned R-1:12. Continued from July 10, 2019.

Chair Hudes stated that the applicants had requested a continuance, however, he pulled the item from the Consent Calendar because under new rules he now has a potential conflict because he lives within the new 1,000 foot zone from the subject site and so he would recuse himself from participating in the public hearing for this item.

MOTION: **Motion by Vice Chair Hanssen to continue the public hearing for 16 Chestnut Avenue to a date certain of December 11, 2019. Seconded by Commissioner Tavana.**

VOTE: **Motion passed 4-0 with Chair Hudes recusing**

3. 56 Central Avenue

Architecture and Site Application S-18-050

APN 529-35-068

Applicant: Rick Hartman, HOMETEC Architecture

Property Owner: Andrew and Ashley Bothman

Project Planner: Jocelyn Shoopman

Consider an appeal of a Development Review Committee decision approving a request for demolition of a dwelling, construction of a new single-family residence with reduced setbacks, and removal of large protected trees on property zoned R-1:10.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Leslie Morley/Appellant

- The applicants use Lots 60, 64, and 70 to justify setbacks of 5 feet on each side of their home, but none have has 5 feet on both sides except for her property, and that is only because of an oversight when the house was built in 1928. The first story of the proposed home has a kitchen window right next to her balcony that looks into her master bedroom. The streetscape rendering is erroneous because it puts both homes on the same level, which they are not, and shows the two homes 10 feet apart when the applicants are requesting only 5 feet, and that is her biggest objection.

Andrew and Ashley Bothman/Applicants

- Lots 60, 67, 70, and 71 all have four-foot setbacks, so their request for 5-foot setbacks is consistent with the neighborhood. Their property is a nonconforming lot and the garage cannot be accessed from the rear of the property, and the property next-door is a flag lot and would never have a house within 50 feet of their home. They discussed their plans for a two-story home with 5-foot setbacks with the appellant multiple times, and in fact the appellant recommended the applicants make 5-foot setbacks a contingency of the sale of the property and even contacted the Community Development Director to set up an informational meeting. The appellant's balcony is over the property line and the appellant has communicated multiple times that it is to be removed in order to become compliant.

Susan Branch

- She lives at 7 Central Court. Granting an exception to the required 10-foot setbacks would set a precedent for 5-foot setbacks in her neighborhood. With 5-foot setbacks on each side and all the existing trees removed it would magnify the impact of the proposed house. The houses the applicants use to justify their request have only one side setback that is less than 10 feet, while the applicants are requesting both side setbacks be 5 feet.

Susan Barden

- She lives at 16386 Lilac Lane and supports the applicant's project. Los Gatos needs young families like the Bothmans to build a balanced community. She is familiar with Central Avenue and believes the proposed home would be a dramatic improvement.

Karen Rogge

- She lives at 70 Central Avenue, a few houses away from the subject site. She is happy someone wants to renovate the property, but she'd like the new home to fit within the neighborhood and street. The elevations for 56 Central were not rendered correctly and the house would actually be 10-feet higher than any other property nearby. Trying to fit a 3,500 square foot home onto this little lot does not fit with this historic community. She was also concerned about the number of historic trees to be removed.

Kristi and Eric Harrison

- They are immediate neighbors on the other side of the subject site. Three houses across the street from the subject site are not built at street level, so the applicant's proposed home at 28 feet would be at least a half-floor above these three houses and would tower over them. The proposed home would be an improvement to the property, but they are concerned that three of the four properties that have 5-foot setbacks are on upper Central, which has a different feel than lower Central.

Andrew and Ashley Bothman/Applicants

- The applicants had no additional comments beyond what they said and provided in their documentation. They hoped the Planning Commission would consider the DRC's review in

support of their project. The height of their proposed home falls within the Town's guidelines and was approved as part of the process.

Leslie Morley/Appellant

- She was not aware of the applicant's plans until the DRC meeting was posted on the property. The applicant's rendering shows her deck well off the property line, which is inaccurate; her deck would be much closer to the proposed home. She did not expect the first story of the proposed home to be on a level that had their kitchen window above her balcony floor.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame to deny the appeal of a DRC decision and approve Architecture and Site Application S-18-050 for 56 Central Avenue. Seconded by Commissioner Janoff.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

4. 16336 Shady View Lane

Architecture and Site Application S-18-060

APN 532-03-034

Appellant: Matt and Carrie Currie

Applicant: De Mattei Construction

Property Owner: Allan and Katty Coulson

Project Planner: Ryan Safty

Consider an appeal of a Development Review Committee decision approving a request for demolition of a single-family residence and construction of a new single-family residence on property zoned R-1:8.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Matt and Carrie Currie/Appellant

- They were concerned when they heard about the project next door because they had never seen the plans. If built as proposed they would bear the burden of the applicant's lot constraints, including unarticulated sheer wall and incredible massing up against the property line. They wanted to be heard but only when they engaged a lawyer did the

applicants take them seriously. The applicants' revised plan is responsive in that it moves the house off the property line an additional 4.5 feet and removes the rear balcony, which was a privacy concern, and would be acceptable but only if the side setback is reflected, the balcony is removed, and a new tree plan is required as a condition of approval.

Jim Whitney, De Mattei Construction/Applicant

- The property owners would not be in opposition to Exhibit 17 and hope the Planning Commission would consider the changes and agree with the appellants' conditions for that. They have gone through a process per the Town and have followed all the procedures set forth and they are in compliance with them.

Missy Fox

- She and her husband live on Shady View Lane on the south side of the subject site. They have spoken with the applicants several times and found them open to their concerns. One minor issue regarding a pool pump has not been resolved but she expects it will be resolved in the future.

Whitney Halladay

- She lives down the street on Hilow Road and drives by the subject site about five times a day. Looking at the story poles she was surprised at how high and out of proportion on an extremely small corner lot the poles look relative to the property and homes nearby. She noted a balcony on the plans but has not seen balconies on any of the other homes in the neighborhood.

Katty Coulson/Applicant

- They spoke to the appellants and 30 other neighbors about their plans and received support from 25 of them. They have made compromises such as removing windows, changing the window shapes and obscuring them, adjusting the tree line, removing the balcony, and extending the space between the shared fence, but the appellants requested that they sign an agreement outside the Planning Commission forum in which they would commit to not make any changes, and that would remain in place even if they sell their home. They want to sign an agreement in a public forum and not with third-party lawyers in the background behind closed doors.

Matt and Carrie Currie/Appellant

- There was never an attempt to force anyone to sign any agreements in private. It was to make sure there was alignment on the changes they wanted to ensure the applicant submitted plans consistent with that, because they were nervous about going before the Planning Commission without clarity from the applicants that they would move forward with plans that would answer their concerns. The cooperation the applicants speak of did not happen until they got a lawyer involved.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame** to deny the appeal of a DRC decision and approve Architecture and Site Application S-18-060 for 16336 Shady View Lane with the added conditions of full conformance of plans per Exhibit 17 that include no second floor balcony, the home is moved an additional 4.5 feet away from the appellant's property, and the tree plan is updated. **Seconded by Commissioner Tavana.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

5. General Plan Amendments Application GP-19-001

Project Location: Town Wide

Applicant: Town of Los Gatos

Consider proposed General Plan amendments to language specific to Highway 17 in Goal TRA-4 and supporting policies.

Matt Morley, Parks and Public Works Director, presented the staff report.

Opened and Closed Public Comment.

MOTION: **Motion by Chair Hudes** to recommend the document as written with the addition of comments from the General Plan Advisory Committee. **Seconded by Commissioner Badame.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

6. Report from the Director of Community Development

Joel Paulson, Director of Community Development

- The Town is still actively recruiting for boards and commissions with a deadline of October 25th at 4:00 p.m.
- The Town Council and Planning Commission met on October 8, 2019 in a joint session regarding the vehicle miles traveled metric as it relates to CEQA, with follow up conversations to occur over the next few months to comply with new state law by July 1, 2020.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Advisory Committee

Vice Chair Hanssen

- The GPAC met to discuss the proposed General Plan Amendment discussed in Item 5. The next step will be for the GPAC to receive the draft alternatives report that relates to the Land Use Element.

Historic Preservation Committee

Chair Hudes

- HPC met September 25, 2019 and reviewed three items:
 - o 16890 Roberts Road
 - o 258 Edelen Avenue
 - o 29 Broadway

ADJOURNMENT

The meeting adjourned at 9:28 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 9, 2019 meeting as approved by the Planning Commission.

/s/ Vicki Blandin