



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
DECEMBER 8, 2021**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, December 8, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

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

ROLL CALL

Present: Chair Kathryn Janoff, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, Commissioner Reza Tavana, and Commissioner Emily Thomas.

Absent: None.

VERBAL COMMUNICATIONS

None.

The Consent Calendar was moved to the end of the hearing due to technical difficulties.

PUBLIC HEARINGS

2. **16010 Winterbrook Road**
Architecture and Site Application S-20-16
APN 523-26-017
Applicant: Gary Kohlsaat
Property Owner: Drew and Kari Brown
Project Planner: Ryan Safty

Requesting approval for demolition of an existing single-family residence, construction of a new single-family residence, and site work requiring a Grading Permit on property pre-zoned R-1:8.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Drew Brown, Owner

- Our lot is almost an acre and set back from the street with lots of privacy. We hope to build our forever home here and Mr. Kohlsaat's design will give us that.

Gary Kohlsaat, Architect

- The home's concept is a country farmhouse style with a wraparound porch, two stories, and set back from the street. Two properties behind the site are accessed from Stephenie Lane and are the size of this site, while the remaining neighboring properties are all substantially smaller. The house cannot be seen from Winterbrook Road. The new driveway, garage, and house are roughly in the same locations as the old driveway, garage, and house. There is a proposed fire truck turnaround as well as onsite parking. We have left room for a swimming pool and future ADU, with the old ADU being torn down. We have lowered the existing building pad by two feet; the proposed home is shorter than the old home with a net reduction of over three feet in height. We removed many eucalyptus trees that fully screened the property but were a fire hazard, which opened up the views for the neighbors, but we hope to regrow new trees in the future to replace the eucalyptus. The house fits into Los Gatos and into this unique property. We ask the Planning Commission to consider this as a special property in light of the home size requested.

Fred Chung

- We have sent staff a photograph that indicates a large obstruction to our existing views. We have spoken with the applicant and suggested moving the outline of the proposal slightly to the east or west to mitigate the obstruction. Before the removal of the eucalyptus trees, we had a partial view of the mountains and that is why we have raised the view concern. Privacy was not our concern.

Gary Kohlsaat, Architect

- We did look at moving the home to the north, which would help increase the neighbor's view. The existing garage is very tight to the back property line and we needed a little more room to make backup dimensions work. There is a retaining wall parallel to the face of the garage, which prohibits us from moving it much farther to the north. The master bedroom is on the southern part of the second story, which is the primary view blockage. It would be very difficult to move that entire suite somewhere else. We are stacking over the garage and almost the entire first floor. It is very difficult to change the massing of the home. We feel bad that the neighbors would lose some of their view and did the best we could, but faced geometry and math difficulties. This project fits the area very well.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Burch** to approve an Architecture and Site Application for 16010 Winterbrook Road. **Seconded by Commissioner Hanssen.**

VOTE: **Motion passed unanimously.**

3. **16529 Marchmont Drive**

Architecture and Site Application S-21-028

APN 532-09-033

Property Owner/Applicant: Brendon and Mary Cassidy

Project Planner: Erin Walters

Requesting approval for construction of a second story addition to an existing single-family residence on property zoned R-1:8.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Steve Benzing, Applicant/Architect

- The house's modern farmhouse style fits into its surroundings and would be the only two-story home in the immediate neighborhood. The Town architect has stated that while different, this home would be a comfortable addition to the neighborhood and our plan has been revised in accordance with the Town architect's recommendations. The requested addition is 1,300 square feet, but we are subtracting 500 square feet to fit the 500-square foot garage on the lower floor, so the overall addition is 874 square feet and is only 5.5 feet taller than what was previously there. There are many larger homes on Marchmont, some as big as 5,500 square feet, so this home is not much out of character for the neighborhood once expanded a little beyond the Town's definition of "immediate neighborhood." The applicants have conducted neighbor outreach and have received multiple emails expressing support for the project. This neighborhood will transition to a two-story neighborhood in the coming years and this home is well within the maximum allowed by the zoning ordinance.

Brendon Cassidy, Owner

- We wish to live in Los Gatos and retire in this home. We understand we would be the first two-story home on this side of Marchmont, but there are eight two-story homes on the other side and our goal is to be subtle about it.

Susie

- I live in a single-family home surrounded by homes in the 4,000-5,000 square foot range. I have seen the neighborhood evolve, particularly in the past ten years, to a neighborhood of single and two-story homes. I support the applicant's beautiful remodel and find it conservative to the neighborhood.

Skylar Sellers

- I live two homes down from the subject site. I support the project and would like to see more two-story homes in the neighborhood. I plan to build a two-story home in the future myself. The plans look beautiful and makes sense and fit into the neighborhood.

David Mortaz

- I am concerned about the project's impact on our privacy and shadowing. The Cobalt Power team's early assessment says the addition would create so much shadowing that our nearby roof adjacent to the project would be completely useless for installing solar panels. Moving the addition to the center and perhaps forward would probably reduce the impact of the shadow on our roof. The plans show more than four windows looking at our home. I ask that voting on the project be held off until we have heard results of the investigation by Cobalt Power.

Dan Kelly

- We live on the west side of the subject site. The applicants have given us a written commitment that they will compensate us for any loss of the solar power generation that would be caused by their second story addition. I have installers scheduled to come out on Monday to give an estimate for that. I will provide that info to the applicant and move forward with the installation of the additional panels.

Mary

- I am the neighbor behind the subject site. I haven't seen the plans or spoken to the applicants. I want to make sure the second story isn't too high or too close to my back fence.

Mary Cassidy, Owner

- Before we started on this process we made an extensive amount of effort to contact our neighbors in person. Our architect made a tentative draft plan of the outside of the house and went to our immediate neighbors on three occasions and got verbal consent from most of them. We left an envelope with a notification form for the neighbors were not able to reach. The homes on Topping Way, such as Mary's, cannot be seen from our property, even with our requested addition, because of the extensive amount of massive trees. We also contacted David Mortaz, Dan Kelly, and the other neighbors verbally several times. David was always supportive and never mentioned he was getting solar panels until

yesterday. We took all of our neighbors into consideration and kept the addition under the allotted square footage.

Steve Benzing, Applicant/Architect

- There is an enormous tree in the front of David Mortaz's property on the south side that would block any and all solar that he would have. The applicants proposed addition would shade his home only late in the afternoon and in the winter on some of his western facing roofs, which is one of the least usable roofs on which to have solar.

Closed Public Comment.

Commissioner Barnett indicated that he would recuse himself from participating in the public hearing for 16529 Marchmont Drive due to the proximity of his residence to the subject site.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to approve an Architecture and Site application for 16529 Marchmont Drive. Seconded by Chair Janoff.

VOTE: Motion passed 6-0-1 with Commissioner Barnett recused.

4. **140 Prospect Avenue**

APN 529-44-021

Applicant: David Kuoppamaki

Property Owner: Daniel Barragan

Project Planner: Jocelyn Shoopman

Requesting approval for demolition of an existing detached garage, construction of a new detached garage to exceed the floor area ratio, a Grading Permit for site improvements, sport court fencing in excess of six feet, and removal of large protected trees on property zoned R-1:20.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

David Kuoppamaki, Architect

- The existing site is a little over 30,000 square feet with 4,600 square feet for residence and about 600 square feet for garage. The property and the street have very little parking. The lot is the second largest in the neighborhood with the fourth smallest garage. The plan is to build a new 866 square foot garage to replace the 608 square foot garage, as well as extend the side yard patio of the main residence forward with new stairs to a landscaped area and sports court and two guest parking spots in the front of the lot. They hope to add a gazebo and pool in the rear of the lot that would have little impact to adjacent properties with minimal grading. They are willing to eliminate the basement to save the Blue Oak tree.

Jason

- I live next door to the subject site and share a driveway with it. The trees the applicants hope to add would help with the future Accessory Dwelling Unit that is being proposed adjacent to our property. The two added parking spots would be a nice addition considering that there is no street parking. The applicants have been good neighbors that have worked with us to find accommodations. We do not have any issues with the project.

David Kuoppamaki, Architect

- We are proposing an eight-foot redwood fence on the north side and a 12-foot mesh fence around the rest of the sports court. We have spoken to the neighbors and changed our plans slightly to accommodate the neighbor at 120 Prospect Avenue.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen to approve an Architecture and Site application for 140 Prospect Avenue, with the additional conditions of protecting the trees as noted in the packet and removing the proposed below grade space under the detached garage.**

Vice Chair Burch requested the motion be amended to note the recommendations in the arborist report, specifically Items 2 and 3 specifying which trees.

The maker of the motion accepted the amendment to the motion.

Seconded by Commissioner Tavana.

VOTE: **Motion passed 5-0-2 with Commissioners Thomas and Suzuki abstaining.**

5. **Revised Draft Environmental Impact Report for the Draft 2040 General Plan**

Project Planner: Jennifer Armer

Provide the public with an opportunity to give verbal comments on the Revised Draft Environmental Impact Report for Draft 2040 General Plan. **No action will be taken at this meeting.**

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

None.

Closed Public Comment.

6. **Rescind Los Gatos Boulevard Plan**

Consider forwarding a recommendation to the Town Council to rescind the Los Gatos Boulevard Plan.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Claire

- I am concerned about where I can get information on all of this. I've been forwarded messages and seen things on websites but I'm a little bit lost. I'd just like a little bit of guidance.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Burch** to forward a recommendation to Town Council to rescind the Los Gatos Boulevard Plan. **Seconded by Commissioner Hansen.**

VOTE: **Motion passed unanimously.**

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

1. Approval of Minutes – November 10, 2021

MOTION: **Motion by Commissioner Barnett** to modify the minutes to include findings that Exception E in the Fence Ordinance 29.40.032 is applicable as to the six foot fence, based on special circumstances of the lot size and location which strict enforcement would result in undue hardship, and to approve adoption of the Consent Calendar. **Seconded by Commissioner Hanssen.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

7. Drafted Planning Commission 2022 Meeting Calendar

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- A study session with Town Council was held December 7th regarding the General Plan.
- The Town Council completed its discussion on the Los Robles appeal and upheld the Planning Commission's decision.
- The Town's Accela system to intake building and planning applications will be down from December 9th at 5:00 p.m. to December 13th at 8:00 a.m., meaning no one can submit applications or check status.
- The Housing Element Advisory Board will meet December 16th to review draft background information and appendices that will be part of the Housing Element.
- An Urgency Ordinance will be taken to the Town Council on December 21st regarding Senate Bill 9.
- Town Hall will be closed from December 23rd to January 3rd for the holidays.
- Thanks to Vice Chair Burch and Commissioner Suzuki for their service on the Planning Commission as their terms will be ending.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 9:56 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the December 8, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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