

Jeffrey Suzuki, Commissioner Reza Tavana, Commissioner Emily Thomas, Commissioner

TOWN OF LOS GATOS PLANNING COMMISSION AGENDA MARCH 10, 2021 110 EAST MAIN STREET LOS GATOS, CA

PARTICIPATION IN THE PUBLIC PROCESS

<u>How to participate</u>: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

<u>Effective Proceedings</u>: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

<u>Deadlines for Public Comment and Presentations are as follows:</u>

- Persons wishing to make an audio/visual presentation on any agenda item must submit the
 presentation electronically, either in person or via email, to the Planning Department by 1
 p.m. or the Clerk's Office no later than 3:00 p.m. on the day of the Planning Commission
 meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - o For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.
Live and Archived Planning Commission meetings can be viewed by going to:

https://www.kcat.org/government-meetings

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING,
PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN
TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:

https://losgatosca-gov.zoom.us/j/85345492294?pwd=U2RQNkNjeDFxck0rWmpLVGJacWs1QT09 Passcode: 241457.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@losgatosca.gov with the subject line "Public Comment Item # " (insert the item number relevant to your comment) or "Verbal Communications — Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR KATHRYN JANOFF, VICE CHAIR BURCH, COMMISSIONER BARNETT, COMMISSIONER HANSSEN, COMMISSIONER SUZUKI, COMMISSIONER TAVANA, AND COMMISSIONER THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.

TOWN OF LOS GATOS PLANNING COMMISSION AGENDA MARCH 10, 2021 7:00 PM

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS (Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) (Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)

1. Item 1 - Draft Minutes from February 24, 2021 Planning Commission Meeting

PUBLIC HEARINGS (Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)

2. Consider a Request for Approval for a Zone Change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) for Property Located at 246 Almendra Avenue. APN: 510-14-019. Zone Change Application Z-20-001. Property Owner: Gary Filizetti. Applicant: Brett Brenkwitz.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT (Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.

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MEETING DATE: 02/24/2021

ITEM NO: 1

DRAFT MINUTES OF THE PLANNING COMMISSION MEETING FEBRUARY 24, 2021

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 24, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. 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.

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

1. Approval of Minutes – February 10, 2021

MOTION: Motion by Commissioner Barnett to approve adoption of the Consent

Calendar. Seconded by Commissioner Burch.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. <u>14300 Lora Drive</u>

Architecture and Site Application S-20-019

APN 409-15-028

Applicant: Krislani Mulia

Property Owner: Amrito Chaube Project Planner: Jocelyn Shoopman Requesting approval for demolition of an existing detached garage and construction of a new single-family residence on property zoned R-1:8 located at 14300 Lora Drive.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Amrito Chaube, Property Owner

They have designed their project to the Los Gatos building codes, ordinances, and design guidelines and take the concerns of neighbors and the neighborhood into consideration. The proposed house would be set in the middle of the lot with minimal shadow impact on neighboring properties. The home is surrounded by existing trees that will reduce the home's visual impact, and they propose adding more screening trees. The home is articulated with roof elevation lines, walls, and balconies to break up the overall mass. Most large windows and glass doors are located at the front and rear elevations to maintain privacy. They followed the Town's consulting architect's guidance and made all his suggested changes. They propose to reduce the height of the home by one-foot to address the neighbors' concerns.

Brian Gonzalez, 14245 Lora Drive

He lives across the street and thinks the design of the proposed house is beautiful. He
asked if there are plans to eventually take down or remodel the old cottage in the front of
the lot or build a new house there. On the right side walking south the roof is sinking and it
is the remaining house on the street that they had hoped would be improved with respect
to curb appeal.

Joe Clark, 14298 Lora Drive

- He lives next door and is concerned regarding mass, bulk, scale, sun exposure, and privacy. The plans are contradictory, for example, the mass, bulk, and scale has three different levels. There are conflicting elevation plans and the grading is incorrect. The grading illustration shows nine steps going up to the house, which puts the finished floor height at the top of their shared neighboring fence at five feet. He suggested the top floor could be shifted to reduce mass and scale. The shadow study is incorrect and the proposed home would block their sunlight, which their child needs due to a medical condition. The current plan does not provide for privacy. They are asking for a reduction in height or a setback.

Michelle Miner

- She designed Joe Clark's house. After the story poles were erected he was concerned about the height because of the sun and privacy issues. The proposed home does not comply with the design guideline that states one should be respectful in scale and character with the neighborhood, because the proposed home's finished floor is five feet above Mr. Clark's property and the house is then 20 feet tall on top of that. The guidelines also state that if

utilizing an extended foundation wall the upper floor should be set back, which it is not. The guidelines also talk about maintaining privacy and solar access to the neighbors, which it does not. The solar plan is inaccurate and based on the finished floor sitting at the same level as Mr. Clark's finished floor, but it is five feet higher.

Lee Quintana, 5 Palm Avenue

- She asked if under the current Los Gatos zoning laws and state laws this large lot could be subdivided into two lots in the future?

Hooman Bolandi, 14333 Mulberry Drive

- His property is behind the subject sight. He has similar concerns as Mr. Clark regarding solar, privacy, scale, drainage, and inconsistencies in drawings. The mass illustrated by the story poles is huge and towers over his property. They ask that the height and second story mass be reduced, more trees added, a lattice installed on the fence, install obscured glass, and provide privacy around the balcony. The shadow study does not take in all angles.

Amrito Chaube, Property Owner

They will address the front cottage at a future phase. Based on the topographical survey the existing house in front is at 262.59 inches height and this has a five inch depth into the ground for the stucco, which was the old code. The new code needs at least one-foot, and then there is a five percent foundation required, which takes them to 263.59 inches, which is what they have proposed. He has spoken with the neighbor at 14333 Mulberry Drive and proposes to reduce the height of the home by two feet and planting additional privacy screen trees. With respect to the neighbor at 14298 Lora Drive, they have their windows facing the back yard and do not look into his house, and they propose to make the windows opaque to five and a half feet.

Krislani Mulia, Architect

- With respect to grading, the stucco line of the existing house in the front is buried about five inches into the ground. This is the main reason why they are elevating the finished floor of the garage to 263 inches. She proposes the finished floor to be 264 inches instead, but Mr. Clark of 14298 Lora Drive insists they drop it down three feet, which they object to because that will cause them drainage problems because the level of the house will be lower than the natural grade.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to continue the public hearing for

14300 Lora Drive to a date certain of April 14, 2021.

Vice Chair Burch requested the motion be amended to include direction to address concerns

with the height of the structure, providing additional tree screening, ensuring that the architectural and civil plans match, and that the Town's Consulting Architect review the revised plans.

The Maker of the Motion accepted the amendment to the motion.

Seconded by Vice Chair Burch.

Commissioners discussed the matter.

VOTE: Motion passed unanimously.

3. 16666 Topping Way

Architecture and Site Application S-19-044 APN 532-09-018

Property Owner/Applicant: Arthur Lin

Project Planner: Sean Mullin

Requesting approval for demolition of an existing single-family residence, construction of a new single-family residence, and site improvements requiring a Grading Permit on property zoned R-1:8 located at 16666 Topping Way.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Steve Yang, Architect

 The proposed house is designed within the parameters of Los Gatos zoning code with respect to height and square footage. If the home is too large, they can mitigate the problem.

Arthur Lin, Owner

- He surveyed 68 houses on Marchmont Drive and of them 11 are built after 2000. Of those 11 all of them are over 3,000 square feet. Of the 11 houses seven are over 3,500 square feet, and four houses are over 4,000 square feet. The house behind the subject site is over 4,000 square feet and two stories. Los Gatos has become more urban and suburban and the houses reflect that style and size, so it is not unreasonable to design a house in 2021 in the current contemporary style, which is larger, and that is what people want. In the proposed house the first floor is only 2,448 square feet, the second floor is 1,528 square feet, almost 1,000 square feet less than the first floor; 40-percent less and less imposing. The grade level is two feet lower than Marchmont Drive. The height of the house is 28 feet tall, two feet lower than the Town's height limit.

Chris Owisney (phonetic), 16665 Topping Way

They live directly across the street from the subject site and are surprised by what the applicant is proposing because he has been an absent property owner, lacks transparency, and has zero communication with the neighborhood. This 7,000-square foot home is massive and much too large for the lot. The windows of the second story look directly into her master bedroom, her daughter's bedroom, and the neighbors next door at 16667 Topping Way. There are almost 11 windows and a glass door on the west side that will look directly into the neighbors to the west. The outdoor patio goes right up to the 10 foot easement line. The look of the home does not match the neighborhood. They ask for a reduction of bulk, mass, and scale of the project and for the applicant to work with the neighbors and hear their concerns.

Robin Matlock, 16678 Topping Way

She and her husband live directly adjacent to the subject property. Topping Way is not in the early stage of transition; it has been undergoing a transformation for many, many years and there is no house of the size and footprint and scale as the proposed home on this street. The lot may be large, but there are no other lots that size on the street and it does not make a good guidepost. They are concerned about their privacy because the proposed home would contain a sunken patio, entertainment area, and large windows lining up against her dining room and main living space. With respect to the proposed home's 2,300 square foot sunken basement they are concerned about erosion, water, flooding, and the need for pumps to run around the clock to pump the water out of this large area.

Mark Stefan, 16647 Topping Way

- He lives across the street from the subject site. He is concerned about the size of the project that will be unlike any other house on the block. The block has great character with views of the hillsides and many single-story homes. The proposed house will completely wipe out his views of the hills. A one-story house would be more appropriate for this lot. The proposed house does not fit in with the character of the neighborhood at all.

Karen

- She lives behind the subject site. The applicant has proposed an excessively sized, very tall two-story house that gives them concerns regarding the size, height, and privacy because there would not be much screening between her home the proposed home. The proposal also calls for removing two tall 15-20 foot trees, which would eliminate most of the screening between the two properties, leaving only one tree in her yard as screening.

Arthur Lin, Owner

- The house is 3,976 square feet on the first floor and 1,528 square feet on the second floor, and the rest of the square footage of the home is in the basement. From the street the house would not look large at all and the FAR is only 27 percent.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to continue the public hearing for

16666 Topping Way to a date certain of April 14, 2021. **Seconded** by

Commissioner Barnett.

Commissioner Burch requested the motion be amended to include ensuring that if the tree removal at the back of the property is required based on the health of the trees that the applicant shall work with staff on installing appropriate replacement trees that would allow ample screening.

The Maker of the Motion accepted the amendment to the motion.

The Seconder of the Motion accepted the amendment to the motion.

VOTE: Motion passed unanimously.

4. 4 Tait Avenue

Zone Change Application Z-20-002 General Plan Amendment Application GP-20-001

APN 510-44-054 Applicant: Jim Foley

Property Owner: Town of Los Gatos Project Planner: Jennifer Armer

Consider a request for approval for a zone change from R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) to C-2:LHP (Central Business District with a Landmark and Historic Preservation Overlay) and a General Plan Amendment to change the land use designation from Medium Density Residential to Central Business District for property located at 4 Tait Avenue.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Jim Foley, Applicant

The Tait firehouse property is zoned for residential use and needs to undergo the proposed zone change and General Plan amendment in order to accomplish the goals of the master lease. The Tate firehouse has always operated as a museum and has had only an ancillary residential use as a component of the old firehouse. The property is adjacent to the Central Business District and the neighbor to the east is zoned for commercial use. This project has restoration at its heart and does not contemplate expansion or redevelopment. They acknowledge that the property borders a residential neighborhood and nearby schools and church, and they have been in touch with the schools and the church and they are supportive of the rezoning effort. Many homeowners in the residential neighborhood also support the project. The General Plan Committee and Town staff recommend approval of the application.

Kat Battaglia/Robert White, 300 West Main Street

- They are directly across from the subject site and an entire side of their house looks out onto that property, so what happens to it is important to them. When they purchased their home the Town told them the firehouse would be used as a museum only and the view they have of it was one of the reasons they bought their home. They are concerned about what will now go into the firehouse and how it might impact traffic, their views, foot traffic, parking, and roof heights.

Lee Quintana, 5 Palm Avenue

- This was the first firehouse in Los Gatos. The first fire bell was moved from the Town plaza back to the firehouse with the understanding that there would be a structure built on that site to house the bell. Her concern is what would happen to the fire bell as part of any plans for the site and whether the bell could be integrated into something available for public use, such as a pocket park. She was a member of the General Plan Committee who was concerned about the possible uses on the site because all uses allowed in the C-2 would be by-right uses and it is not clear what control the Town Council would have over the use rather than just the architecture.

Jim Pappas, 5 Tait Avenue

- Although he would love to see something developed on the site he is concerned about the ability of the Town to control what commercial is and he and his neighbors are concerned that if the use turns into retail there is the likelihood of that retail would change hands frequently. Also, due to beach traffic in the summer any retailers would be unable to do business on the weekends and they would not survive, and that is why the neighbors prefer residential, but if that is not possible, then office.

Jim Foley, Applicant

- He wants to make sure everyone in the surrounding area is on board with the project. They believe this is a project that would keep the Town, the neighborhood, and themselves aligned together. They are open to further comment and encourage everyone to contact

them with any questions. As an actual project comes into focus where they know what the use would be, they will have much more conversation with everyone and be open to ensuring the immediate neighborhood is not impacted and has a chance to provide its input.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Burch to recommend approval of the Zone

Change and General Plan Amendment for 4 Tait Avenue. **Seconded** by

Commissioner Hanssen.

VOTE: Motion passed 6-1 with Commissioner Suzuki dissenting.

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

 A scoping meeting will be held via Zoom on February 25, 2021 regarding the Environmental Impact Report for 110 Wood Road, which is redevelopment of the Los Gatos Meadows facility.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Advisory Committee

Commissioner Hanssen

- The General Plan Advisory Committee February 18, 2021; began consideration of the Community Design Element, the companion Element to the Land Use Element, and will continue discussion of it at the next meeting on March 4, 2021.

Historic Preservation Committee

Commissioner Burch

- The HPC meeting scheduled for February 24, 2021 was continued to a date uncertain, perhaps the first week of March.

ADJOURNMENT

The meeting adjourned at 9:57 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 24, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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MEETING DATE: 03/10/2021

ITEM NO: 2

DATE: March 5, 2021

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval for a Zone Change from O:LHP (Office with a

Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) for Property Located at **246 Almendra Avenue**. APN: 510-14-019. Zone

Change Application Z-20-001. Property Owner: Gary Filizetti. Applicant: Brett

Brenkwitz.

RECOMMENDATION:

Consider a request for approval for a zone change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) for property located at 246 Almendra Avenue.

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.

FINDINGS:

- That there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.
- That the proposed zone change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation.

PREPARED BY: RYAN SAFTY

Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 4

SUBJECT: 246 Almendra Avenue/Z-20-001

DATE: March 5, 2021

BACKGROUND:

The subject parcel is located on the northern side of Almendra Avenue, one property east of the Almendra Avenue and Tait Avenue intersection (Exhibit 1). The parcel is located within the Almond Grove Historic District, but is not listed as a contributor to the Almond Grove Historic District as there are no buildings on the parcel. The parcel is currently developed as a parking lot serving as overflow parking for the restaurant at 235 Los Gatos-Saratoga Road to the north.

The applicant is requesting approval of a zone change from O:LHP to R-1D:LHP to allow for the future construction of a new single-family residence (Exhibit 4). The Landmark and Historic Preservation Overlay Zone (LHP) would remain if the application is approved. No construction is proposed at this time.

DISCUSSION:

A. Zone Change

The applicant is requesting approval of a zone change from O:LHP to R-1D:LHP. The proposed zoning would be consistent with the existing General Plan Land Use designation (as discussed below). Any future single-family development proposed on the parcel would require approval of an Architecture and Site Application with review by the Historic Preservation Committee. The 7,000-square foot parcel complies with the minimum lot size for a single-family dwelling in the R-1D Zone of 5,000 square feet, and a residential use is a principally permitted use within the R-1D Zone.

The subject parcel is currently developed as an overflow parking lot for the adjacent restaurant to the north, with 18 parking spaces. Approval of the restaurant use on the adjacent parcel was not predicated on these 18 parking spaces. A total of 11 parking spaces will be maintained on the adjacent parcel (Exhibit 5), which exceeds the current parking requirement of nine spaces for the 2,660-square foot restaurant.

The subject parcel is bound by parcels with a C-2 zoning designation to the north, O:LHP to the south, R-1D:LHP to the east, and both O:LHP and R-1D:LHP to the west (Exhibit 1).

B. General Plan

The proposed R-1D:LHP zoning would conform with the existing General Plan Land Use designation of Medium Density Residential. Pursuant to the General Plan, "The Medium Density Residential designation provides for multiple-family residential, duplex, and/or small single-family homes."

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SUBJECT: 246 Almendra Avenue/Z-20-001

DATE: March 5, 2021

DISCUSSION (continued):

The subject parcel is surrounded by parcels with a Medium Density Residential General Plan Land Use designation to the south, west, and east (Exhibit 1). The restaurant to the north has a Central Business District Land Use designation.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. <u>Summary</u>

The proposed zone change would be consistent with the existing General Plan Land Use designation and the existing pattern of land uses and zones surrounding the parcel (Exhibit 1).

B. Recommendation

Based on the analysis above, staff recommends that the Planning Commission consider the existing General Plan Land Use designation and the existing zoning designations surrounding the subject parcel and forward a recommendation for approval to the Town Council. If the Planning Commission finds merit with the proposed amendment, it should:

- Make the required finding that there is no possibility that this project will have a
 significant impact on the environment; therefore, the project is not subject to the
 California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with
 certainty that there is no possibility that the proposed amendment to the Town Code
 will have a significant effect on the environment (Exhibit 2);
- 2. Make the required finding that the proposed zone change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation (Exhibit 2); and
- 3. Forward a recommendation of approval of Zone Change Application Z-20-001 to the Town Council.

C. Alternatives

Alternatively, the Planning Commission can:

- 1. Continue the matter to a date certain with specific direction;
- 2. Provide a recommendation for approval with modifications to the Town Council; or
- 3. Provide a recommendation for denial to the Town Council providing findings for denial.

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SUBJECT: 246 Almendra Avenue/Z-20-001

DATE: March 5, 2021

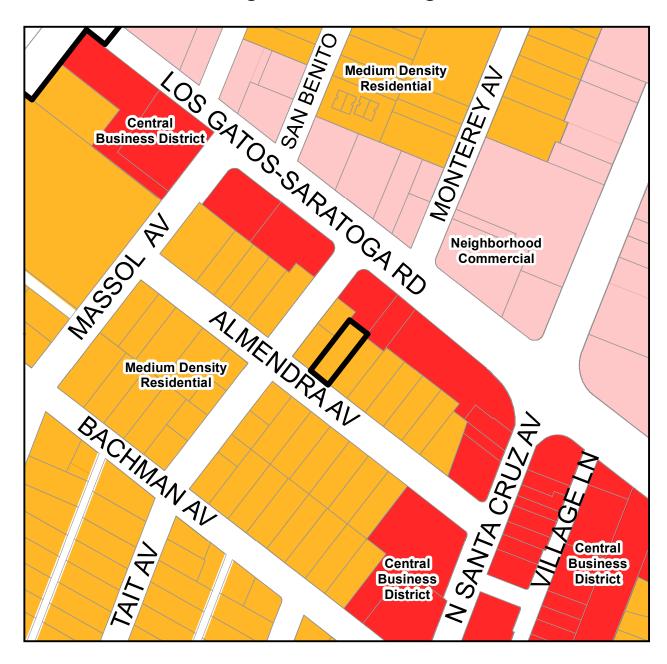
EXHIBITS:

1. Location Maps (showing General Plan Land Use Designations and Existing Zoning)

- 2. Draft Findings
- 3. Draft Ordinance for Zone Change, with Exhibit A
- 4. Letter from Applicant
- 5. Property Plans

246 Almendra Avenue

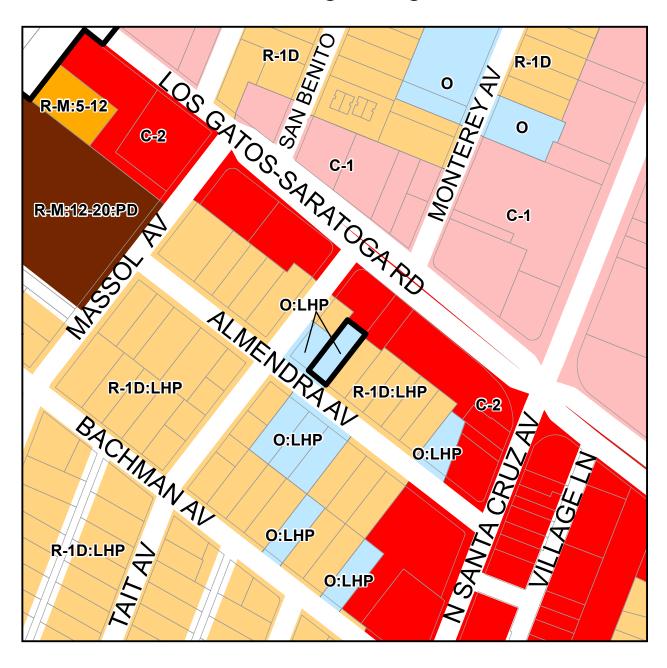
Existing Land Use Designation



Page 19 EXHIBIT 1

246 Almendra Avenue

Existing Zoning



PLANNING COMMISSION – *March 10, 2021* **REQUIRED FINDINGS**

246 Almendra Avenue Zone Change Application Z-20-001

Consider a Request for Approval for a Zone Change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay), for Property Located at 246 Almendra Avenue. APN: 510-14-019. Zone Change Application Z-20-002. Property Owner: Gary Filizetti.

Applicant: Brett Brenkwitz

FINDINGS

Required finding for CEQA:

That there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.

Required consistency with the Town's General Plan:

• That the proposed Zone Change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation.

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ZONING CODE

FROM O:LHP (OFFICE WITH A LANDMARK AND HISTORIC PROPERTY OVERLAY)
TO R-1D:LHP (SINGLE-FAMILY RESIDENTIAL DOWNTOWN WITH A LANDMARK AND
HISTORIC PROPERTY OVERLAY)
FOR PROPERTY LOCATED AT 246 ALMENDRA AVENUE

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

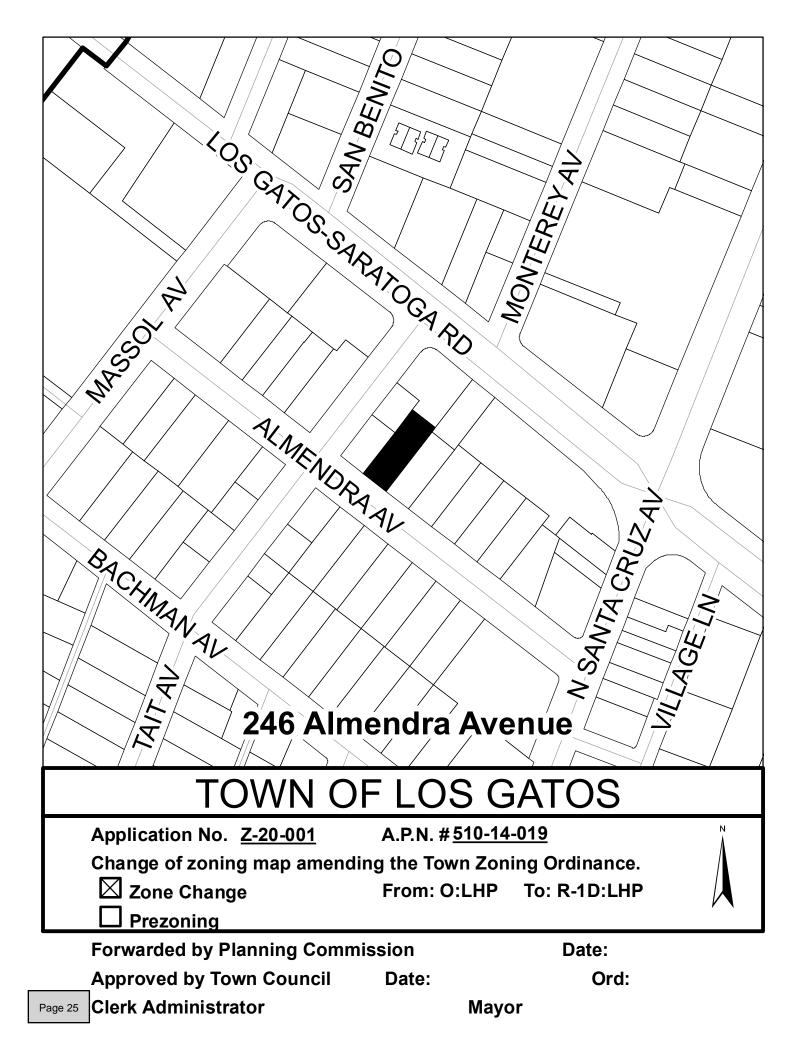
The Town Code of the Town of Los Gatos is hereby amended to change the zoning of the property at 246 Almendra Avenue (Santa Clara County Assessor Parcel Number 510-14-019) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from O:LHP (office with a Landmark and Historic Property Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Property Overlay).

SECTION II

This Ordinance was introduced at a regular meeting of the Town Council of the Town of
Los Gatos on the day of 2021 , and adopted by the following vote as an ordinance of
the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on
the day of 2021. This ordinance takes effect 30 days after it is adopted. In lieu of
publication of the full text of the ordinance within fifteen (15) days after its passage a summary
of the ordinance may be published at least five (5) days prior to and fifteen (15) days after
adoption by the Town Council and a certified copy shall be posted in the office of the Town
Clerk, pursuant to GC 36933(c)(1).

EXHIBIT 3

COUNCIL MEMBERS:	
AYES:	
NAYS:	
ABSENT:	
ABSTAIN:	
	SIGNED:
	MAYOR OF THE TOWN OF LOS GATOS LOS GATOS, CALIFORNIA
	DATE:
ATTEST:	
TOWN CLERK OF THE TOWN OF LOS GATOS LOS GATOS, CALIFORNIA	
DATE:	



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FRANKS & BRENKWITZ, LLP ARCHITECTURE + PLANNING + HISTORICAL PO Box 597, Aptos, CA 95001-0597 Phone (831) 662-8800

LETTER OF TRANSMITTAL

Date: 1-7-21

To: Town of Los Gatos, Community Development Dept.

Attention: Ryan M. Safty, Associate Planner

Job: 246 Almendra Ave. (510-14-019), Zoning Change Request Z-20-001

We transmit: Project Description / Letter of Justification

Project Description

The request for entitlements surrounding the proposed zoning change for this parcel stem from the desire to build a new Single Family Dwelling and possible detached ADU over garage on this particular parcel.

Currently, the parcel supports an asphaltic concrete paved parking lot. The lot's parking spaces are not required by any of the adjacent parcels/ businesses, and thus could be removed without any potential impact or issue. Eliminating the lot would also reduce the non-pervious area contributing to storm water runoff into the street.

The same owner of the project parcel also owns the adjacent property "The Diner of Los Gatos". The existing parking on the diner parcel is sufficient for that business without relying on the overflow parking spaces on the project parcel. Thus, no parking "hardship" will be created with this project.

The neighborhood supports a healthy mix of commercial and residential uses and thus the addition of a new SFD/ ADU would be compatible with the existing neighborhood character.

In summation, the proposed zoning change would be compatible and appropriate for the Town by eliminating an existing (non-aesthetic) parking lot and replacing it with much needed and more aesthetically pleasing housing.

Sincerely,

Brett Brenkwitz, Architect C 25,131

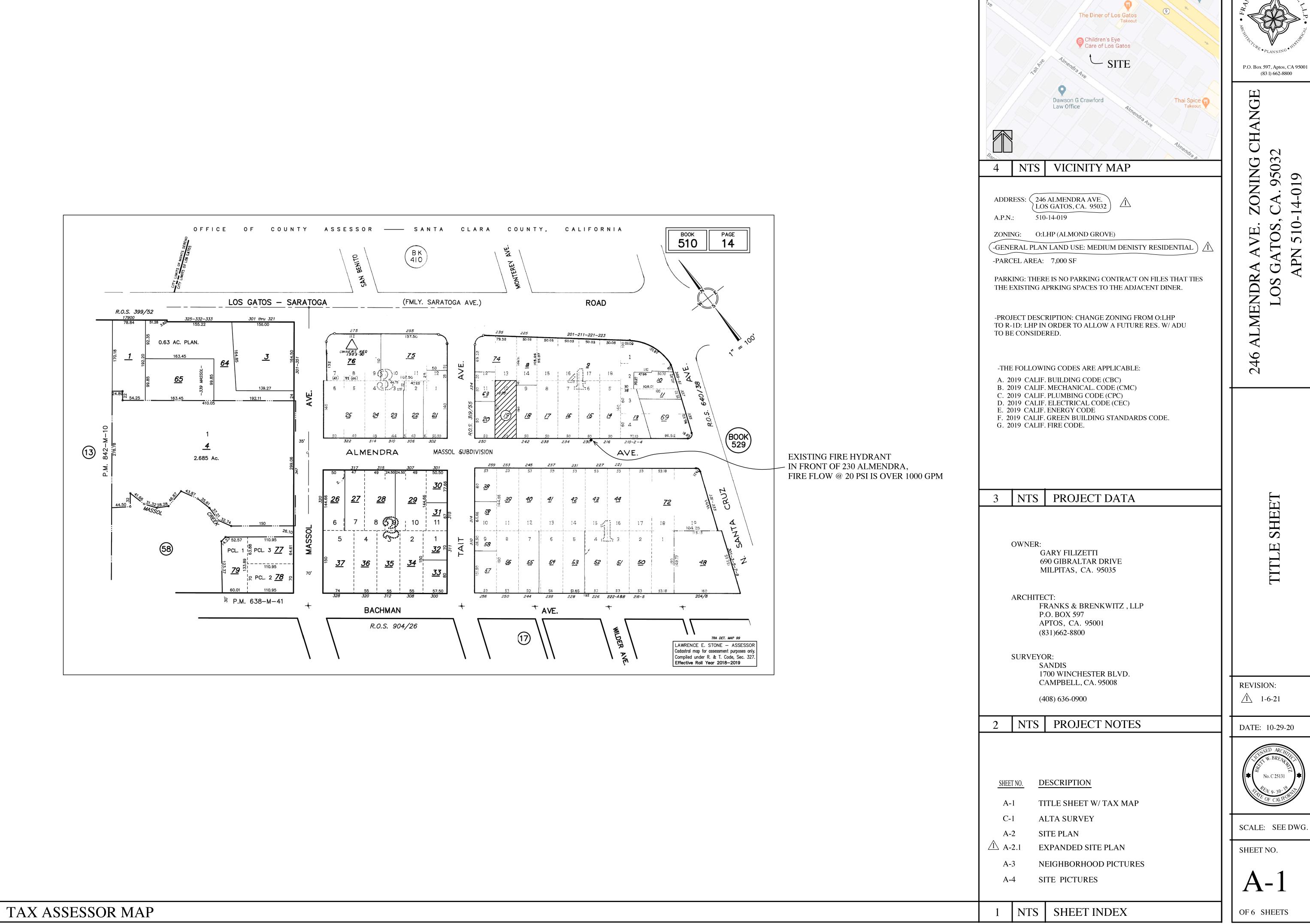
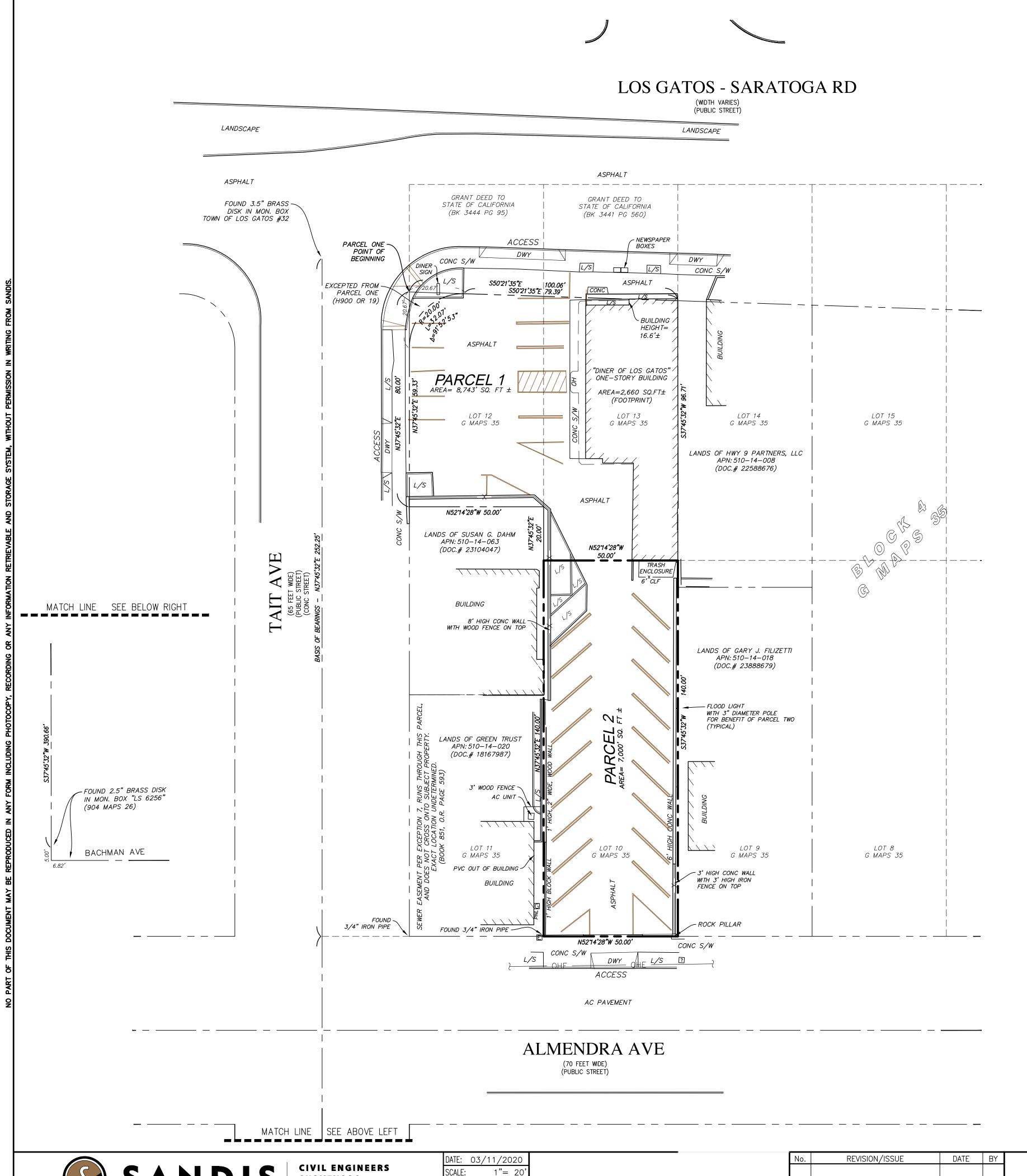


EXHIBIT 5

- Los Gatos



LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS GATOS, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF TAIT AVENUE WITH THE SOUTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY A.T. LOCKWOOD ET AL, TO STATE OF CALIFORNIA BY DEED DATED FEBRUARY 15, 1956 AND RECORDED MARCH 21, 1956 IN BOOK 3444 OF OFFICIAL RECORDS AT PAGE 95, SANTA CLARA COUNTY RECORDS; THENCE LEAVING TAIT AVENUE AND RUNNING ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO STATE OF CALIFORNIA AND ALONG THE SOUTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY A.T LOCKWOOD, ET AL, TO STATE OF CALIFORNIA BY DEED DATED FEBRUARY 15, 1956 AND RECORDED MARCH 19, IN BOOK 3441 OF OFFICIAL RECORDS AT PAGE 560. SANTA CLARA COUNTY RECORDS, SOUTH 50° 21' 35" EAST 100.06 FEET TO THE SOUTHEASTERLY LINE OF LOT 13 IN BLOCK 4 AS SHOWN ON THE MAP OF THE MASSOL SUBDIVISION HEREINAFTER REFERRED TO: THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13, SOUTH 37° 45' 32" WEST 96.71 FEET TO THE SOUTHERLY CORNER THEREOF; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 13, NORTH 52° 14' 28" WEST 50.00 FEET TO THE SOUTHWESTERLY COMMON CORNER FOR LOTS 12 AND 13 IN SAID BLOCK 4 OF SAID MASSOL SUBDIVISION; THENCE ALONG THE LINE BETWEEN SAID LOTS 12 AND 13, NORTH 37° 45' 32" EAST 20.00 FEET; THENCE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 12, NORTH 52°14'28" WEST 50.00 FEET TO THE SOUTHEASTERLY LINE OF TRAIT STREET; THENCE ALONG THE SOUTHEASTERLY LINE OF TAIT STREET NORTH 37' 45' 32" EAST 80.00 FEET TO THE POINT OF BEGINNING, AND BEING PORTIONS OF LOTS 12 AND 13 IN BLOCK 4, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF THE MASSOL SUBDIVISION AS LOS GATOS, CAL, AND WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY ON DECEMBER 29. 1892. IN BOOK "G" OF MAPS AT PAGE 35.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO TOWN OF LOS GATOS IN GRANT DEEDS, RECORDED SEPTEMBER 16, 1983, IN BOOK H900, AT PAGES 19 AND 23, OFFICIAL

PARCEL TWO:

LOT 10. IN BLOCK 4 AS SHOWN UPON THE MAP OF THE MASSOL SUBDIVISION. WHICH WAS FILED FOR RECORD ON DECEMBER 29, 1892 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK "G" OF MAPS, PAGE 35.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE CHICAGO TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORT FOR TITLE INSURANCE NUMBER 98202955-982-EA-KC DATED FEBRUARY 27, 2020.

EXCEPTIONS: (98202955-982-EA-KC)

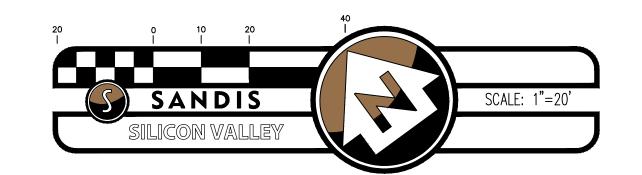
- 7) WAIVER OF ANY CLAIMS FOR DAMAGES TO SAID PROPERTY BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF THE FREEWAY ADJOINING SAID PROPERTY, AS CONTAINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 15, 1956, BOOK 3441, PAGE 560, OF OFFICIAL RECORDS.
- 8) WAIVER OF ANY CLAIMS FOR DAMAGES TO SAID PROPERTY BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF THE FREEWAY ADJOINING SAID PROPERTY, AS CONTAINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 21, 1956, BOOK 3444, PAGE 95, OF OFFICIAL RECORDS.
- 9) SUBJECT PROPERTY IS WITHIN A PROJECT AREA OF THE REDEVELOPMENT AGENCY "TOWN OF LOS GATOS CENTRAL LOS GATOS REDEVELOPMENT PROJECT" RECORDED DECEMBER 05, 1991 AS INSTRUMENT NUMBER 11155292 AND AMENDED PER DOCUMENT RECORDED OCTOBER 28, 2003 AS INSTRUMENT NUMBER 17444059, ALL IN THE OFFICIAL RECORDS OF SANTA CLARA COUNTY.

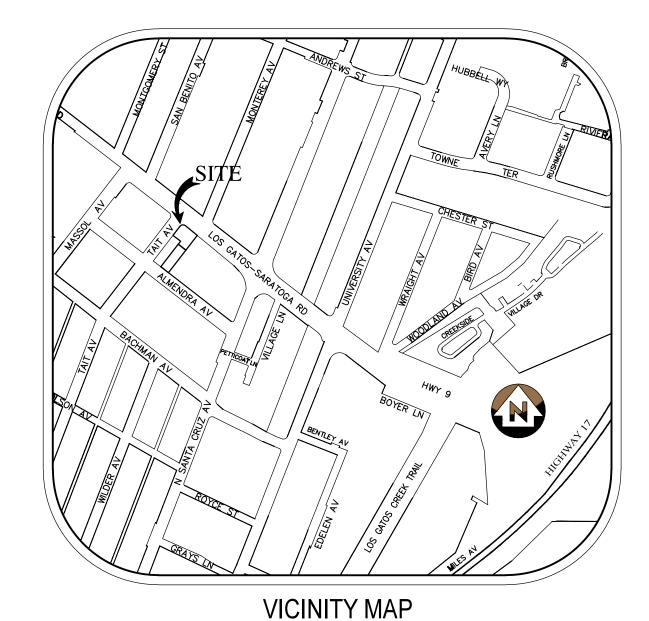
ALTA / NSPS TABLE A - OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS NOTES:

- ITEM 2) ADDRESS OF THE SURVEYED PROPERTY: 235 LOS GATOS-SARATOGA ROAD, LOS GATOS, CA
- ITEM 3) BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X, OF THE FLOOD INSURANCE RATE MAP NO. 06085C0376H WHICH BEARS AN EFFECTIVE DATE OF MAY 18, 2009 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE AND AN ELEVATION CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINATION OR APPLY FOR A VARIANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- ITEM 4) GROSS LAND AREA 15,743 SQUARE FEET OR 0.361 ACRES, MORE OR LESS. PARCEL ONE AREA 8,743 SQUARE FEET OR 0.201 ACRES, MORE OR LESS. PARCEL TWO AREA 7,000 SQUARE FEET OR 0.161 ACRES, MORE OR LESS.
- ITEM 7(b1) SQUARE FOOTAGE OF EXTERIOR FOOTPRINT OF SUBJECT BUILDING IS 2,660 SQUARE FEET, MORE OR LESS.
- ITEM 7(c) MEASURED HEIGHT OF THE SUBJECT BUILDING IS 16.6 FEET± AT LOCATION SPECIFIED HEREON.
- THE SUBSTANTIAL FEATURES OBSERVED DURING OUR FIELD SURVEY ARE SHOWN HEREON.
- TOTAL PARKING SPACES 29 = 27 REGULAR, AND 2 DISABLED.
- THE NAMES OF ADJOINING OWNERS, ACCORDING TO CURRENT TAX RECORDS ARE SHOWN HEREON.
- ITEM 19) PURSUANT TO TABLE A, ITEM 19, THERE ARE NO APPURTENANT EASEMENTS LISTED IN THE REFERENCED TITLE REPORT.

NOTES AND COMMENTS:

- 1) PHYSICAL ACCESS TO PROPERTY VIA PUBLIC RIGHTS OF WAY: LOS GATOS-SARATOGA RD., TAIT AVE. AND ALMENDRA AVE. AS SHOWN HEREON.
- 2) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE OF SITE USE AS A CEMETERY OR BURIAL GROUND.
- 3) TAX MAP PARCEL NUMBERS: PARCEL ONE: 510-14-074, PARCEL TWO: 510-14-019
- 4) THIS IS AN AS-BUILT SURVEY PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS.
- 5) ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 6) THE BEARING OF NORTH 37°45'32" EAST BETWEEN FOUND MONUMENTS ALONG TAIT AVENUE AS DESCRIBED AS THE BEARING OF TAIT STREET IN THAT CERTAIN AFFIDAVIT RECORDED JANUARY 20, 2016 AS DOCUMENT NUMBER 23200413, SANTA CALRA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.





 $1"=500'\pm$

LEGEND

777777777	BUILDING LINE
——————————————————————————————————————	BUILDING OVERHANG
	CENTERLINE
	CURB LINE
X	FENCE LINE
	ORIGINAL PARCEL LINES (G MAPS 35
	PARCEL LINES
	PROPERTY LINE
OHE	
	WALL
	AREA DRAIN
	BOLLARD
	CATCH BASIN
CLF	CHAIN LINK FENCE
CONC	CONCRETE
E	ELECTRIC PULLBOX
•	FOUND IRON PIPE
	FOUND STANDARD MONUMENT
G	GAS METER
L/S	LANDSCAPE
MH	MISCELLANEOUS MANHOLE
PNL	PANEL ON WALL (ELECTRIC)
Φ	STORM DRAIN CLEANOUT
\odot	STORM DRAIN MANHOLE
-0-	SIGNS
	STREET LIGHT PULLBOX
O	SANITARY CLEANOUT
\bigcirc	SANITARY MANHOLE
\	STREET LIGHT LAMP NO ARM
<u>~ </u>	STREET LIGHT SINGLE ARM
₩ [']	WATER METER
₩X	WATER VALVE

SURVEYOR'S CERTIFICATE

TO: PENNANT PROPERTIES, CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(b1), 7(C), 8, 9, 13, 19 AND 20 OF TABLE "A" THEREOF.

THE FIELD WORK WAS COMPLETED ON MARCH 11, 2020.

SANDIS

DATE: MARCH 11, 2020

KELLY S. JOHNSON, P.L.S. CALIFORNIA REG. NO. 9126 EXPIRES SEPTEMBER 30, 2020 KJOHNSON@SANDIS.NET

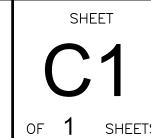
** CERTIFY IS DEFINED AND LIMITED BY SECTION 8770.6 OF THE BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

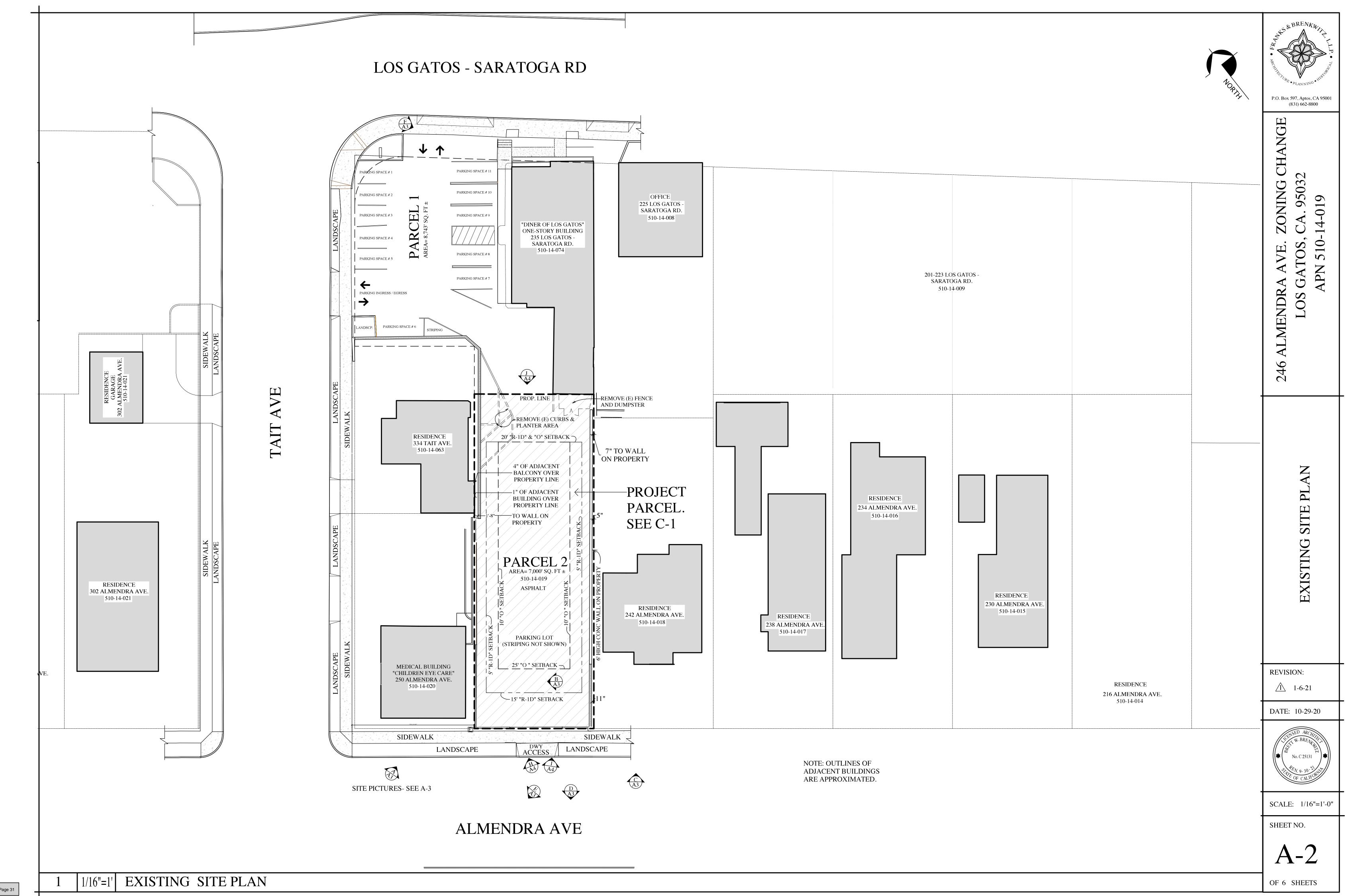


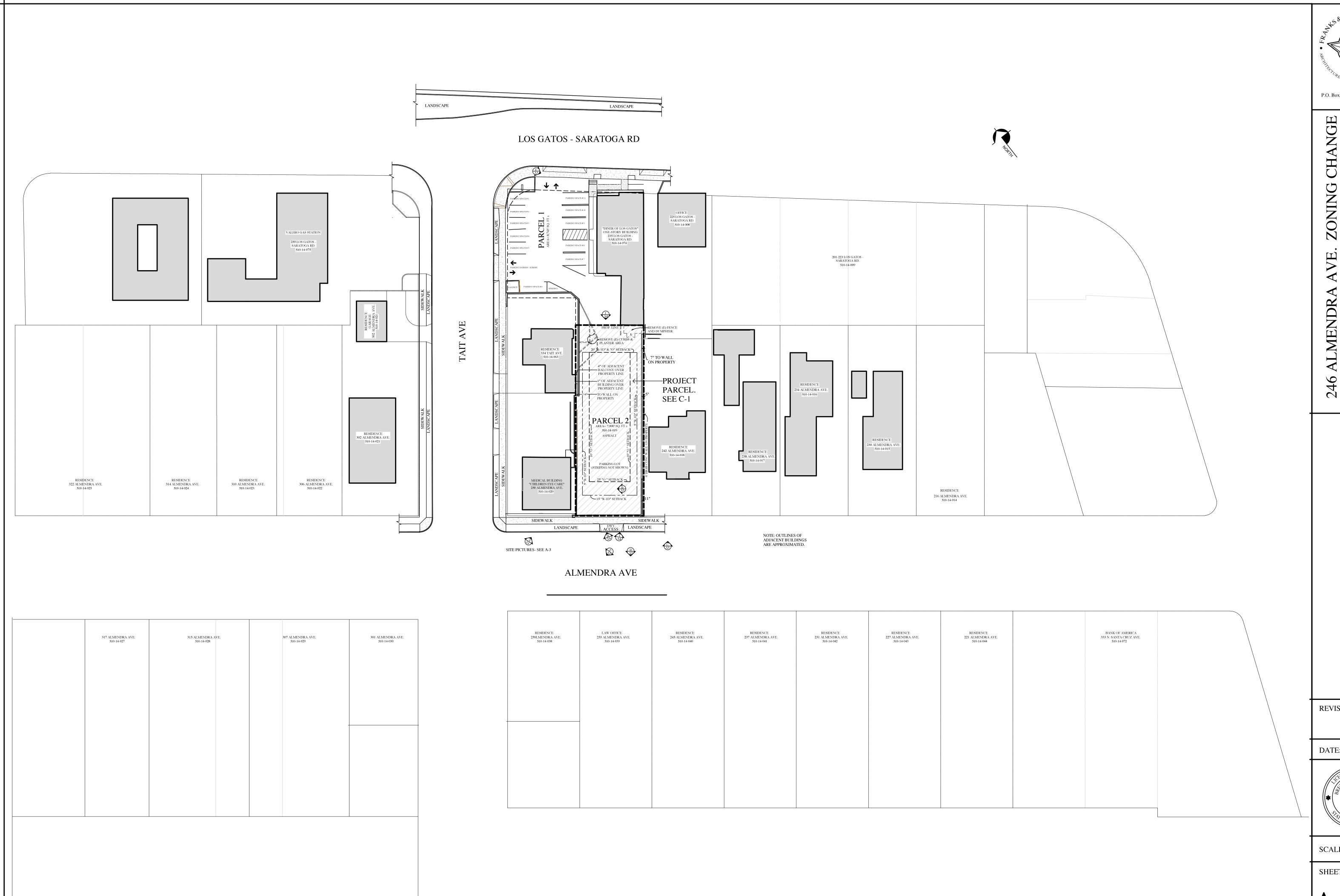
CIVIL ENGINEERS DRAWN BY: APPROVED BY: KSJ DRAWNG NO.: 218244

WAH

ALTA/NSPS LAND TITLE SURVEY 235 LOS GATOS - SARATOGA RD LOS GATOS **CALIFORNIA**







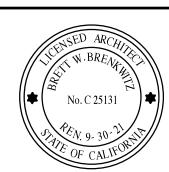
P.O. Box 597, Aptos, CA 95001 (831) 662-8800

CA. 95032-14-019 ZONING ALMENDRA

> SITE **EXISTING EXPANDED**

REVISION:

DATE: 1-6-21

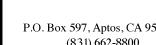


SCALE: 1"=30'

SHEET NO.

OF 6 SHEETS













A NTS EXISTING ADJACENT MED. OFFICE - 250 ALMENRDA AVE.





DATE: 10-29-20



SCALE: NTS

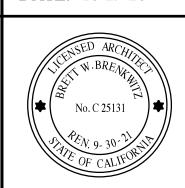
SHEET NO.

OF 6 SHEETS

NTS EXISTING DINER- 235 LOS GATOS - SARATOGA ROAD

NTS | EXISTING HOUSE ACROSS STREET - 253 ALMENDRA AVE.

E | NTS | EXISTING HOUSE ACROSS STREET - 259 ALMENDRA AVE.



SCALE: NTS

SHEET NO.



H NTS AT DRIVEWAY APPROACH LOOKING NORTH

AT DRIVEWAY APPROACH LOOKING NORTHEAST

J NTS AT NORTH PROPERTY LINE LOOKING SOUTH

K NTS BLANK