



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
SEPTEMBER 28, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 28, 2022, 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 PM

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Jeffrey Barnett, Commissioner Kathryn Janoff, Commissioner Steve Raspe, Commissioner Reza Tavana, and Commissioner Emily Thomas
Absent: Commissioner Kylie Clark

VERBAL COMMUNICATIONS

None.

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

- 1. Approval of Minutes – September 14, 2022**

MOTION: Motion by Commissioner Tavana to approve adoption of the Consent Calendar. **Seconded by Commissioner Raspe.**

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. 15602 Benedict Lane

Architecture and Site Application S-21-036

APN 424-22-008

Applicant: Azadeh Masrouf

Property Owner: Alireza Mirbagheri and Shadi Zomorodi

Project Planner: Jocelyn Shoopman

Requesting approval for demolition of existing single-family residence and construction of a new single-family residence on property zoned R-1:8.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Commissioner Thomas indicated that she would recuse herself from the public hearing for 15602 Benedict Lane because of the proximity of the subject property to her residence.

Opened Public Comment.

Alireza Mirbagheri, Property Owner

- We moved to Los Gatos a year-and-a-half ago, are very happy here, and hope to retire here. We believe our design proposal provides a good transition between the two homes next to us, one of which is a contemporary design and the other a modern design. Our design is a minimalistic contemporary style that we think fits the neighborhood very well. We considered the comments from the consulting architect regarding the entry, which now is the same height as the neighbors, and have added metal overhang on the garage, complied with the recommended window types, and complied with increasing all the overhangs on the roofs. We propose a two-inch recess on the windows to provide a good compromise to the requested six-inch recess. We did not add the recommended window next to the entry. We have not complied with the recommendation to carry the same material all around the house, because we believe what we have now meets the design guidelines. Slightly beyond the immediate neighborhood there are many homes that have similar designs to what we are proposing. We put a lot of effort into neighborhood outreach and tried to speak to every single one of our neighbors in the immediate neighborhood as defined by the design guidelines, and beyond, and were pleased that all our neighbors support our proposed plan.

Alireza Mirbagheri, Property Owner

- We want to emphasize again our effort to stay within the design guidelines to ensure the design fits well with the neighborhood. We hope the Planning Commission will consider our efforts and the feedback we have received from the neighbors.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe** to approve an Architecture and Site Application for 15602 Benedict Lane, with three changes: 1) Reduce height of front door to 8 feet; 2) Carry wood design feature above front entry into the rear of the structure; and 3) Place the metal overhang design feature higher above the garage door, or reduce the height of the flat roof garage, or revise the flat roof form to an angled roof form.
Seconded by Commissioner Janoff.

Commissioners discussed the matter.

VOTE: **Motion passed 3-2 with Vice Chair Barnett and Commissioner Tavana dissenting.**

Commissioner Thomas returned to the meeting.

3. Amendments to Zoning Regulations of the Town Code

Town Code Amendment Application A-22-002

Location: Townwide

Applicant: Town of Los Gatos

Consider amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding permanent regulations to comply with the requirements of Senate Bill (SB) 9.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Lee Quintana

- My most important question has to do with the fact that the ordinance contains a provision that once a lot split has occurred that the construction on the lot can be processed as a discretionary project, but the bill says that objective standards must be used when implementing SB 9, which covers both the urban lot split and two-unit housing developments by only requiring the lot split to be objective, or building up to four units on a parcel that is not a lot split, but once the lot split has taken place allowing the resulting projects to be discretionary isn't consistent with my understanding of the law.

Tony Jeans

- I have a dilemma when clients ask me to consider a lot split on their property and would like the Commission to consider one change to the draft ordinance. When a client asks me to do a lot split of 60 percent for them to live on and 40 percent to sell the existing ordinance requires me to have a 20-foot wide access to the back lot that is not considered part of that back 40 percent lot, resulting in the back lot being very small deducting the square footage in the access. This is not a property that should be created and have houses designed for it and is a disaster waiting to happen. I urge the Planning Commission to change the draft ordinance to the way every other jurisdiction has it, which is the lot is split 60/40 and an easement to the back lot is allowed. SB 9 requires the Town to give either street frontage for the property or provide a means of access to the street, which other jurisdictions have interpreted to mean an easement, the width of which only needs to be wide enough for a fire truck to access the back lot. The 20-foot width requirement is in the current Town Code, making for a very difficult situation, because the 20-foot width requirement means it is incredibly difficult on most lots to not demolish the house, because it tends to go closer to the side property lines than 20 feet. The 20-foot minimum driveway width should be reduced.

David

- The point of this ordinance is to provide orderly rollout of the State law. Tony Jeans brought up a good example of some of the provisions that don't make sense, but the ordinance is attractive enough that some homeowners will divide their lot that way, with non-optimal results, to follow the letter of the law and get the perceived benefit from the ministerial process in terms of time and money. It makes sense to provide the fewest restrictions possible within reason for this rollout of State law, because more restrictions mean more non-optimal results. Another unintended way this law might fail is lot lines need to be right angles to the street, which is not practical because not every lot in Los Gatos can be divided that way because they are irregularly shaped. Implementing any rules that are impossible for every lot in Los Gatos to follow is a violation of State law. Another way this law might fail is requiring minimum public frontage of 20 feet on public roads, because many lots are not on a public road, but on a private road.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Barnett** to recommend approval of Staff Report Exhibit 1, Draft Permanent Ordinance, to Town Council together with the Planning Commission's proposed amendments and recommendations.
Seconded by Commissioner Janoff.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The Housing Element Advisory Board is scheduled to meet October 20, 2022, to review the Draft Housing Element, which is currently in public review and will go to HCD.
- The October 12, 2022 Planning Commission meeting is cancelled due to lack of items.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Raspe

- The HPC met on September 28, 2022, to consider two projects: 1) Removal of a presumptively historic structure, pre-1941, from the inventory; and 2) Demolition and new construction in an Historic District.

Housing Element Advisory Board

Chair Hanssen

- The HEAB met September 15, 2022, to receive public comment on the Draft Housing Element, which is currently in public review and will then go to HCD.
- The HEAB will meet again on October 6, 2022.

ADJOURNMENT

The meeting adjourned at 10:28 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 28, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin