



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

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**MINUTES OF THE PLANNING COMMISSION MEETING  
DECEMBER 9, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, December 9, 2020, 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 Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Jeffrey Barnett, Commissioner Kendra Burch, and Commissioner Reza Tavana

Absent: None.

**VERBAL COMMUNICATIONS**

None.

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

**1. Approval of Minutes – November 11, 2020**

**MOTION:**                   **Motion by Commissioner Barnett to approve adoption of the Consent Calendar. Seconded by Commissioner Burch.**

**VOTE:**                     **Motion passed unanimously.**

**PUBLIC HEARINGS**

**2. 101 Broadway**

Architecture and Site Application S-20-003

APN 510-45-041

Applicant: Jay Plett, Architect

Property Owner: ZKJ LLC

Project Planner: Sean Mullin

Consider an Appeal of a Development Review Committee decision approving a Request for Demolition of an existing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Karen Kurtz, 107 Broadway (Appellant)

- The proposed house is too long, too tall, blocks the sunlight and views, and obstructs the continuity of the neighborhood. Pushing the house forward should provide a little more light and provide a more open feeling for her, because now the neighbor's large pine tree blocks the sun. An eighth of her present view of the mountains should be available from her upper patio. Although the upper-story back windows are smaller they look out onto her patio and she can see into the applicant's bathroom. Although she hopes she and the applicant can stay on this path of talking and making other adjustments regarding height and privacy, she is disappointed that the house's height has been lowered by only a small amount. The neighbors are concerned about the future of the upper Broadway neighborhood as this project would forever change its character from its current small-scale profile. She believes change for the better is possible if the Design Guidelines and General Plan goals are taken into consideration.

Jay Plett (Applicant/Architect)

- Their modified design satisfies the Planning Commission's direction from the last hearing. They addressed the concerns of 107 Broadway (the appellant) by moving the house forward to the front setback; reconfiguring the upper level by shifting it towards Broadway by 14.5 feet and opening a view corridor; lowering the ridgelines; and moving the mass and height. At the appellant's request they reduced the west elevation windows that face her, two bathroom windows and a laundry room window, rooms whose occupants also want privacy. They also agreed to keep the windows that face up the hill small, and they do not face the appellant. They addressed the concerns of 93 Broadway by reducing the mass; lowering the floor levels; replacing the large terrace with a much smaller two-person porch; and reducing the windows on the east elevation by 25 percent. Staff and the Historic Preservation Committee thoroughly vetted the project and found that it fits in with the neighborhood because they addressed the Town Guidelines in designing the home.

Mark De Mattei

- They have gone above and beyond to satisfy the neighbors' concerns. The height has been lowered by two feet since the last submittal. This is not full two-story volume from the back because six to seven feet of the house is dug into the grade.

Larry Brandhorst, 93 Broadway

- He supports the appeal of the Development Review Committee approval of 101 Broadway. His major concern is that the project would create a lot of privacy issues for his home at 93 Broadway. The proposed home's main floor level is still higher than the existing house's main floor level. Also, the main floor level and back patio of the proposed home is five feet from his back patio and six feet above, putting eye level about six feet above the top of their fence line and looking down on their patio.

Ilona Merli, 89 Broadway

- She lives two doors down from the subject site, but it would still impact her and she can see the entire structure from her yard, which is her main living space. The modifications made make no practical difference in any of the privacy issues. The house is still oriented to the side instead of front-to-back as are all of the other nearby houses. All the windows are still there and there is still a second story balcony, although smaller. She does not believe the project is in keeping with the Guidelines. All the houses nearby have dug down and have living space below, and it would be a double standard if the proposed project does not. She hopes for a more fair agreement.

Jay Plett (Applicant/Architect)

- It is logical that the floor would be above someone else's floor, because the hillside steps up. They have already benched the house into the hill and their drawings illustrate that the house is buried 7 feet in the back. A 25 percent reduction in glazing is a big change and more than acceptable. Everything they have done has been sensitive to the neighbors and they did even more than they had to. The Historic Preservation Committee knew what they were doing when they unanimously approved the project.

Mark De Mattei

- They thought their redesign had addressed much of Mr. Brandhorst's concerns, but they would be happy to install the fence along the property line that Mr. Brandhorst described, and they may have offered that at a prior session.

Karen Kurtz, 107 Broadway (Appellant)

- She does not understand why the back of the proposed house is not considered two-story. She does not want a balcony or even a porch in the back. They had an agreement with Mr. De Mattei that there would not be a deck on top of the flat roof part of the back portion of the house because they would look right over her fence, so she hopes that agreement stays in place. The sun is gone by 10:30 a.m. at this time of year in the one area where she gets

it, so light is a major, major issue for her. With respect to the addendum regarding trees she said the palm tree did not impact her view, and the trees removed in the back now give her sun and if replacement trees are planted she would get zero sun. There is no way the proposed home would blend in with the neighborhood and she requested the height be reduced.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Barnett** to deny an appeal of a Development Review Committee decision and approve an Architecture and Site Application for 101 Broadway. **Seconded by Commissioner Burch.**

**VOTE:**                    **Motion passed unanimously.**

**3. 62 Ellenwood Avenue**

Architecture and Site Application S-20-008

APN 510-20-068

Applicant: Lisa Nichols, Arcanum Architecture, Inc.

Property Owners: Lisa and Case Swenson

Project Planner: Sean Mullin

Requesting approval for demolition of an existing single-family residence, construction of a new single-family residence, removal of a large protected tree, and site improvements requiring a Grading Permit on property zoned R-1:12.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Tim Chappelle, Arcanum Architecture (Applicant)

- This is a pie-shaped parcel with a wide street façade that goes to a point towards the rear and has grade changes. There are eight major oak trees on the property with one that is very restricted. An arborist informed them that to save all the trees they would need to build the house as much as possible outside the canopies of the trees. They considered locating the house in the front of the lot, but it would have a big impact on the neighborhood by eliminating the large green space in front. They then considered removing one of the large trees and pushing the house deeper into the lot and keeping it close to where it is currently, which seemed like the best solution and is the current plan. The massing of the house is terraced and pushes the two-story mass away from the neighboring property line. Neighbors became concerned about the height when story poles

went up, so they reduced the height of the garage by three feet and the overall height of the house by two feet, eight inches.

Judy Wallace, 68 Ellenwood Avenue

- She lives within 300 feet of the subject site. She and her neighbors have objected to certain projects over the years, but it has allowed them to keep their charming neighborhood. The current project is more complicated than the typical objections of size, design, and overall mass with the removal of one and now possibly two oak trees that are valued by the neighborhood. Most of the houses in the neighborhood have done remodels over time, including her home, and have had to adhere to restrictions and what is fair for some is fair for all. She and her neighbors do not object to the character of the project, just the size and mass of the house. She noted that with the basement it is a three-story house. She suggested moving the house to the back of the property and putting the pool in front of it, or reducing the overall size.

Robert Chimenti, 67 Ellenwood Avenue

- He lives across the street from the subject site. His objections are based on the project not following the recommendations of the Los Gatos Residential Design Guidelines. The house does not respect the character and scale of the neighborhood; it is too large and too modern. The house does not maintain the friendly presence to the street as dictated in the Residential Design Guidelines. The proposed plans are neither historical nor in keeping with the neighborhood plans. Removal of the oak tree is in opposition to the Town's Guidelines stating mature landscaping should be preserved.

Susan Pinkel, 66 Ellenwood Avenue

- She lives next door to the subject site. They have a number of objections primarily based upon the Town's Residential Design Guidelines. The house is too large. The lot is an unusual shape and cannot accommodate the typical size home for its square footage, and where it is sited will have the house looming over its neighbors. The house is out of character with the neighborhood and she hoped something could be done to make it more historical looking. She suggested the applicant level the land because they are going up ten feet from the street, and also creating a basement.

Shannon Burnett, 54 Hernandez Avenue

- She and her husband can see the subject site from their back yard and support the project. Although the neighborhood has a historical feel it in fact contains multiple different styles of homes. The proposed home looks beautiful and would enhance the neighborhood. The oak tree is being removed to accommodate the desire to not have the house too close to the street. The applicants have been very mindful of the building materials, styling, and construction quality.

Lee Quintana, 5 Palm Avenue

- The idea when designing on a constrained lot is to design with its constraints in mind rather than thinking they don't matter. The proposed house is uncharacteristically wide for the neighborhood and relatively shallow, and given that the lot is constrained by its pie shape it is more logical to have the house set deeper into the lot so it would not occupy as much of the frontage. Although the applicant has proposed changing the paving to impervious it still does not cut down on the feeling of all the hardscape that this site has. She didn't understand why a residential house needs nine or ten parking spaces and an 18-foot wide driveway. She didn't believe the gate on southern Ellenwood was set back the required amount of feet or that there is room for it to close after a vehicle enters. With respect to the fencing and the request for an exception, she didn't believe the justification meets the three Zoning Code criteria that would allow for a special exception.

Tim Chappelle, Arcanum Architecture (Applicant)

- They have worked with everyone to address their concerns through the design process. The allowed house height is 30 feet and the proposed house is three feet, four inches below the limit and follows the guidelines. Of the 11 houses in the neighborhood they would be the third lowest FAR. This is a transitional neighborhood with a bigger lot that can accommodate the house size. With the existing house, the plate height on the second story is only five feet, ten inches. The neighbors' houses are all bigger, taller, and with more mass on sometimes smaller properties. The existing house is dwarfed and so any new house put there would have an impact. They are trying to be careful and that's why they have made all the changes beforehand, and they still intend to work with the neighbors.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Barnett** to continue the public hearing for 62 Ellenwood Avenue to a date certain of January 27, 2021. **Seconded by Commissioner Burch.**

Reopened Public Comment.

Commissioners asked questions of the applicant.

Closed Public Comment.

Commissioners discussed the matter.

**VOTE:**                        **Motion passed unanimously.**

## **OTHER BUSINESS**

### **4. 2021 Planning Commission Meeting Schedule – Draft**

**MOTION:**                    **Motion by Commissioner Tavana** to approve the 2021 Planning Commission Schedule. **Seconded** by **Vice Chair Janoff**.

**VOTE:**                    **Motion passed unanimously.**

## **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Joel Paulson, Director of Community Development

- Town Council met December 8, 2020;
  - Seated three new Council members.
  - Elected a new Mayor and Vice Mayor.

## **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

### **Conceptual Development Advisory Committee**

Commissioner Barnett

- CDAC met December 9, 2020;
  - Preliminary review of the proposal by McDonald's at 15475 Los Gatos Boulevard to install drive-thru.

### **Historic Preservation Committee**

Vice Chair Janoff

- HPC met November 18, 2020;
  - Technical demo with respect to siding.
  - House on Pine Avenue, request granted for removal from historic inventory.

### **General Plan Advisory Committee**

Commissioner Hanssen

- GPAC has met twice since last Planning Commission meeting.
- Had a working session regarding the basic tenets of the Land Use Element. Will see it again in another week or so, but probably postponed until January.
- At December 3, 2020 meeting GPAC had its first review of the Racial, Social, and Environmental Justice Element.
- Next GPAC meeting will be held on December 17, 2020 and will review the Mobility Element again.

**Commission Matters**

Chair Hanssen

- Congratulated former Commissioners Badame and Hudes and Maria Ristow on their appointments to the Town Council.
- Thanked former Mayor Jensen and former Vice-Mayor Spector for their service to the General Plan Advisory Committee for the past two years as well as to the Town.
- Congratulated new Mayor Marico Sayoc and Vice Mayor Rob Rennie.

**ADJOURNMENT**

The meeting adjourned at 9:25 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the December 9, 2020 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin