



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
APRIL 27, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, April 27, 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 Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steve Raspe, and Commissioner Emily Thomas
Absent: Commissioner Reza Tavana

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – April 13, 2022

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

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. 280 Carlton Avenue

Minor Residential Development Application MR-22-002

APN 424-16-067

Applicant: Shlomi Caspi

Property Owners: Rada and Mihailo Despotovic

Project Planner: Savannah Van Akin and Ryan Safty

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

Savannah Van Akin, Assistant Planner, presented the staff report.

Opened Public Comment.

Mihailo Despotovic, Property Owner

- Our family of four has lived at 280 Carlton for 11 years. We are quiet and excellent neighbors and are truly vested in our neighborhood. We plan to live in our home at least until our children leave home. Our remodel goal is to add two bedrooms and a bathroom for our children on the second floor. We are building up because our lot is very small, and our backyard is already used for our kids' activities. Neighborhood privacy is very important to us. Our roof is as low as possible to be functional, 6 feet lower than required. We would be adding only a partial second floor with as little as possible added square footage. Our remodel does not expand toward any neighbors, and we are actually retracting some of our second floor walls. We have met many times with Town planners, the Town arborist, and have tried communicating in person with neighbors multiple times.

Sasha Shkolnik, 235 Carlester Drive

- I live behind the subject site. The applicants did talk to us in person in the beginning and provided plans. The applicant's architect was our architect as well, so I trusted the applicants because I know how creative he is. When the story poles went up I was shocked, because as proposed two large windows would look into my bedroom, my children's bedroom, and our back yard. I support the applicant's second story, but privacy is my biggest concern. The applicant has suggested we plant trees for screening, but it would take several years for them to grow and their health cannot be ensured. Although the applicants have proposed a fence, it could not be tall enough to provide privacy. My proposal is the applicants use the existing windows they already have on the side as egress windows and get light from skylights or windows that are 5-6 feet above the floor.

Mihailo Despotovic, Property Owner

- With respect to privacy, there are no code violations, but we are willing to be open. We want everyone to be happy with the outcome. There are three two-story homes very close

to our house, one across the street. There are 20 two-story houses in the neighborhood and none have visible privacy measures such as weird windows, nothing raised, and no screening trees. The Town arborist has suggested industry-standard privacy trees that grow 2-3 feet per year to over 30 feet tall, and are evergreen and opaque year round. I hope we can find a compromise that would not completely destroy our plans and that will also make the neighbors happy.

Shlomi Caspi, Architect/Applicant

- Between the two bedrooms upstairs, one already has the egress window, which is the larger of the two windows facing the side patio area. Yes, we can switch between the windows, but it will end up with a situation where the bigger window is actually closer, because it will be only 8 feet from the property line, but while facing the back it is approximately 25 feet from the property line.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe** to approve a Minor Residential Development Application for 280 Carlton Avenue, with the requirement that the applicant plant trees along the rear property line as designated by the Town arborist. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS:

3. Draft Proposed Capital Improvement Program Budget for Fiscal Years 2022/23 – 2026/27.

WooJae Kim, Town Engineer, presented the staff report.

Opened Public Comment.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe** to recommend approval of the Capital Improvement Program Budget as presented to the Town Council. **Seconded by Commissioner Thomas.**

VOTE: **Motion passed unanimously.**

4. Review and make recommendations on the Draft 2040 General Plan and Final Environmental Impact Report to the Town Council. *Continued from the April 25, 2022 Special Meeting.*

Jennifer Armer, Planning Manager, presented the staff report.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend the changes in the Land Use Element outlined in Exhibit 7 as Items 21, 33, 34, and 40 (as an implementation program). **Seconded by Commissioner Clark.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to remove housing from the Office and Service Commercial designations.

Commissioners discussed the matter.

Seconded by Commissioner Clark.

Commissioners discussed the matter.

Commissioner Janoff amended the motion to include considering reducing the maximum allowed density in the Low Density Residential and Medium Density Residential designations to a number that still supports missing middle housing, but lowers the numbers.

Commissioners discussed the matter.

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

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to continue the hearing until 11:30pm. **Seconded by Commissioner Clark.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

VOTE: **Motion failed 3-3 due to a tie vote with Commissioners Thomas, Raspe, and Barnett dissenting.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Clark to use Commissioner Janoff's original motion, to remove 313 housing units from Office and Service Commercial designations. Seconded by Commissioner Thomas.**

Commissioners discussed the matter.

Commissioner Clark amended the motion to include two additional changes: 1) reverting the properties in the new Community Commercial designation back to Neighborhood Commercial, which would have a reduction of 58 units; and 2) reducing the Central Business District by 67 units.

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

Commissioners discussed the matter.

Commissioner Clark withdrew the motion.

MOTION: **Motion by Chair Hanssen to continue the public hearing regarding Draft 2040 General Plan and Final Environmental Impact Report to a date certain of May 2, 2022. Seconded by Commissioner Raspe.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

ADJOURNMENT

The meeting adjourned at 11:35 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 27, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin