



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
AUGUST 23, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, August 23, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Jeffrey Barnett, Vice Chair Steve Raspe, Commissioner Susan Burnett, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas

Absent: Commissioner Kylie Clark.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – August 9, 2023

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

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

2. 232 Danville Drive

APN 523-43-035

Applicant: D&Z Design Associates, Inc.

Property Owner: Cung Pham and Bien Vo

Project Planner: Savannah Van Akin

Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence Requiring a Grading Permit on Property

Zoned R-1:8. Categorically Exempt Pursuant to the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

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

Opened Public Comment.

Michael Davis, D&Z Design Associates

- The property owners are looking for a bigger house to accommodate their growing family. There are 17 split-level homes, 4 two-story homes, and 21 single-story homes in the neighborhood. The original submittal was modern Italian style home, but that design provided privacy concerns for the neighbors, Town staff, and Consulting Architect. Revisions based off the neighborhood feedback, the Consulting Architect report, and staff comments include: a change in roof materials from metal to a composition shingle that are prevalent in 95 percent of the neighborhood homes; a reduction in square footage from 2,860 square feet to 2,637 square feet; a reduction in building height; a simplification of roof forms; a reduction of upper level massing; the removal of all arched windows; a reduction in the front entry porch height to be in line with the roof eave; a removal of upper level rear balcony and spiral stairs; a reduction in the lower level covered patio size; a reduction in size of the upper level windows at the great room; a removal of slide glass door to the balcony; and addition of two additional trees to the rear property line to the rear neighbors.

Denise Martin, Neighbor

- I live next to the subject site. We met with Michael Davis, who has not mentioned our biggest concern, which is the side yard between the two houses. We have two bedrooms on that side yard, and both of those side yards have locked gates and storage units, but on the plans they call for a path with a gate that leads to the ADU that is inside the house on the back right corner. We were promised a quiet gate located closer to the back yard, but I do not see that anywhere.

Michael Davis, D&Z Design Associates

- We did meet with Denise and her husband. We're going to work with them on where that gate to the ADU goes and will put it wherever they want it on the right side of the property. The gate will close automatically to reduce noise because they have bedrooms on that side yard.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to approve demolition of an existing single-family residence and construction of a new single-family residence

requiring a Grading Permit on property zoned R-1:8 with the condition that 36-inch box screening trees be planted four feet from the rear property line, and reduced gate noise on the left side of the property be implemented through coordination between the applicant and adjacent neighbor. **Seconded by Commissioner Janoff.**

VOTE: Motion passed 5-1 with Commissioner Burnett dissenting.

3. 16220 Harwood Road, Lot B

Architecture and Site Application S-22-036

APN 567-18-076

Applicant: Cherine Bassal

Appellant: Douglas McCracken, Appellant

Property Owner: Majid Mohazzab

Project Planner: Jocelyn Shoopman

Consider an Appeal of a Development Review Committee Decision to Approve Construction of a New Single-Family Residence for Lot B on Property Zoned R-1:10. Categorically Exempt Pursuant to California Environmental Quality Act Guidelines Section 15303: New Construction.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Douglas McCracken, Appellant

- I share a property line with the subject site. We are not opposed to development in the neighborhood but oppose the overall mass and bulk of the structures proposed for lots A, B, and C. The Development Review Committee (DRC) treated the three properties as one, and the neighbors did not understand that most of the work was already approved by the time it got to the DRC and a decision would be made. This appeal focuses on lot B, because as a flag lot it is the most concerning to the neighbors. The biggest issue is the mass and bulk of the second story and its impact on the neighbor's privacy. We ask the Planning Commission and applicant to consider: increasing the square footage on the first floor to reduce the profile of the second floor; removing the second story balcony; specifying a clerestory window in place of the large front window at the turn of the stairs, a raised windowsill, or opaque glass; amend the conditions of approval to require an increase in the height of the fence between the existing properties to the maximum permitted height of eight feet; relocating the heavy equipment entrance to a more central location on the property; and sharing updated design plans incorporating the added conditions of approval.

Athena Niayesh, representing the applicant

- The proposed new home for lot B is fully compliant with California housing laws and the Los Gatos Town Code and Residential Design Guidelines. The concerns of some individuals are just opinions and are not based on the housing codes or design guidelines. This house is not too big for the neighborhood or larger than the average home, as it is within the guidelines and there are eight houses in the neighborhood of similar size. The Accessory Dwelling Unit (ADU) cannot be calculated in the total square footage of the house per California housing law. Any privacy concerns could be resolved by adding trees, and the applicants propose to plant several trees. The proposed balcony would not face the appellant's home, and additional privacy could be achieved by adding a lattice. The second-floor windows of the proposed house are to the left of the appellant's house and there is no direct view. The second-floor windows are 60 feet away from the back yard and 90 feet away from the house. There was much more traffic when there was a school with 80 students instead of the new homes being built in its place. The Appellants suggest a one-story home even though their own home is two stories and built with the maximum height and size, is the tallest home in the neighborhood, their windows overlook lot B and neighboring residences. The proposed house is within the average size of other homes in the neighborhood and is shorter than the Appellant's house.

Nancy Durrett, Neighbor

- Appellant Douglas McCracken is my son-in-law who lives in my home along with my daughter and grandchildren. I have met Mr. Mohazzab three times, and about a year ago he called and asked us to sign a form that we had been informed that he is developing the parcel next door. Now the story poles have gone up and it is the first time we have seen anything regarding the development; we have never seen a plan of this house. Other neighbors have said they have spoken with the applicant and had a neighborhood meeting, but we were not involved in that. The applicant's representative said the proposed home is a little off centered in the back. It is a little to the left but still behind my home. Cars will be going up and down the driveway and I am concerned for my grandchildren's safety. The home does not fit the neighborhood in the way other homes in the neighborhood do, and this is the first house that is representative of being a house behind a house. Yes, my house is just less than 3,000 square feet, but I'm not behind a house as this house is; I urge the Planning Commission to consider that.

Pantella Saban

- I strongly support this project. I live on Belblossom Way, a few minutes' walk from this location. I am glad to see the proposed development, because the lot has been empty. The project presents an opportunity to enhance the beauty and character of our Belwood community while maintaining the aesthetics that define it, ensuring it fits well into the existing fabric of our neighborhood by following the design principles that contribute to the charm of Belwood. The proposed house's design aligns well with the existing architectural style of the neighborhood. Another compelling aspect of the proposal is the potential to contribute positively to property values by developing this empty lot. The size of the

proposed home at 3,100 square feet and two stories is similar to the types of houses in that neighborhood. I urge the Planning Commission to support the construction of this proposed house.

Nina Saade

- I am the owner's daughter and live in Santa Clara with my husband and daughter. With home prices in this area being so high my father's proposed project could be an opportunity for my brother and I to stay in the area where we were raised. My father is acting in good faith and I'm sure he's willing to work with the neighbors to make everyone happy. We just want to raise our children here.

George Saade

- I am the owner's son-in-law. Majid Mohazzab really took the Town's feedback into consideration through multiple iterations of the project. He is building to conform to the neighborhood and designed with intention for his family. He's thinking of his family's privacy through the use of trees and fencing. Informing the neighbors is something he takes seriously, and he followed all the guidelines and got all the signatures.

Armin Ebrahimi

- I live off Belgatos Lane. The traffic from the former school on the subject site goes away when three homes are built on the site. The square footage of the proposed home does not change the number of occupants and traffic impact of the three homes. I walk on Harwood Road and love the neighborhood and the many large homes there in that area. This home is not out of character with the other homes in the neighborhood. Mr. Mohazzab is a friend of mine, and a very shy person who does not talk to the neighbors all the time, but he is the type of person who wants to work with people and is open to adjusting things as needed to accommodate the neighbors. I am looking forward to the empty lot being cleaned up.

Julie

- It is very unfair that the members of the family that belong to this project are the ones who speak the loudest when they do not live in this neighborhood and have no idea what it comes down to. It is not appropriate at all for a bunch of family members to speak up and have opinions because of their dad or brother or uncle running this project. I hope the Town takes into consideration that it is not fair to recruit family members to speak on their behalf.

Linda Higgins

- I live on Belridge Drive at the top of Harwood Road. I am a concerned neighbor who has passed this property for 37 years. I hope the applicants plan to install larger trees than the 24-inch twigs the arborist recommends. I heard the neighbors were informed, but when the house plans were posted for the last meeting, they were literally placed for one day and removed, so the lack of transparency is concerning. Would it be possible to move the

entrance of the house to another portion of this lot, perhaps between the other two homes to allow the McCrackens and Mrs. Durrett additional safety and privacy? This would have the added benefit of providing another access for the heavy equipment so the children living there would be safer. I am also concerned about the unpleasanties with the neighbor disputing Mr. McCracken's informed comments and Mrs. Durrett's comments regarding privacy.

Molly Rhine

- I live on Belcrest Drive, which intersects Harwood Road. What Mrs. McCracken is saying about the flag lot and her loss of privacy should be taken into serious consideration. Belwood is a considerate and flexible community with neighbors who respect each other, listen to each other, don't sneak things by, and don't just go by the code. We do what is best for all of us, which is represented in our lovely international neighborhood. I would like the owner to this lot to reconsider the position of the home, perhaps reduce it, definitely eliminate the balcony that looks out on the home on 16226 Harwood, and be a good prospective neighbor and not just get family members who live a few blocks away to speak highly, but take the high road and consider the long legacy that the McCracken family has had on one of the major roads of Belwood.

Sam Mohazzab

- I am the applicant's son and support this project. My dad has worked with more than three different architects to come up with a final design and collaborated for more than a year with the Planning, Engineering, and Building Departments and consulting architect, and incorporated all their comments. The proposed house is designed to be compatible with the neighborhood as described in the consulting architect's comments. Regarding the appellant's privacy concerns, our presentation showed there is no direct view from any second story window or balcony to the appellant's home and any privacy issues could be easily resolved with trees. A new two-story home would enhance the neighborhood aesthetically and economically.

Majid Mohazzab, Applicant

- I am the property owner. Several people said we did not work with the community. I met with Mr. McCracken more than nine months ago and informed him and other adjacent neighbors about the project and told them where they could go to look at it. Mr. McCracken has my phone number and could call me, but he didn't tell me anything. As my son mentioned, we worked for two years with three different architects to ensure the design fits in with the neighborhood. We also worked more than a year with the Planning Department to address the comments and feedback and implemented them. The Appellant has had ample time to look at the designs and give their feedback. It is not true that all of a sudden the story poles went up and they are surprised. The proposed home on lot B is the smallest house compared to the other houses. Privacy could be taken care of with adding more trees. The consulting architect has said the home would fit nicely within

the neighborhood. The flag lot definition is you don't have access to the public street, so the house next to them is a flag lot and that is the only one in the neighborhood.

Pamela McCracken, Appellant

- Our main concern is that the proposed house would be looking into our back yard where minor children play. Today is the first time we had seen the revised landscape plan, and we agree it is starting to meet the conditions. I had also never seen the town architect's report with the concerns that Commissioner Burnett mentioned. The applicant's presentation spoke about the orange line of the height of the proposed house and showed it near the bottom of our second story, and this is not completely accurate; I think it is higher, but I recognize we have a high house and it would be lower than ours, so we don't dispute that. When we filed the appeal, we filed on behalf of the neighbors. We are not surprised three houses were proposed for the empty lot, and I agree that it has fallen into disrepair, but that is because the applicant has not maintained the lot and it has become an eyesore to the neighborhood. We don't dispute lots A and C, which are on the main road. Lot B is really the problem addressing six houses that neighbor this lot that is set back behind others. We are not disputing development, we just think there should be consideration into what is being developed, especially when it is a new build, and we wish we had been informed more and involved in the communication throughout the process.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to deny an appeal of a Development Review Committee Decision to approve construction of a new single-family residence on Lot B on property zoned R-1:8, and to uphold the decision of the DRC to uphold the application with an added conditions to modify the plans to remove the second-floor balcony, install an eight-foot fence which is no closer than 25 feet to Harwood Road, continuing around all sides of the property, and to the satisfaction of the Community Development Director, the applicant shall plant evergreen trees at a minimum box size of 24-inches per the tree planting locations provided in Exhibit 12 of the staff report.

Commissioner Janoff requested the motion be amended to specify that the number and placement of the trees is per the presentation that the applicant provided to the Planning Commission representing a total of eight new trees.

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

Seconded by Commissioner Janoff.

VOTE: **Motion passed unanimously.**

4. Town Wide – 2023-2031 Housing Element

Zoning Code Amendment Application Z-23-002

General Plan Amendment Application GP-23-002

Applicant: Town of Los Gatos

Forward a Recommendation to the Town Council for a Request to Amend the General Plan to Include a Description of the Housing Element Overlay Zone and Amend the Town Code to Modify the Affordable Housing Overlay Zone Division 5 of Article VIII Overlay Zones and Historic Preservation to be the Housing Element Overlay Zone as Division 5 of Article VIII Overlay Zones and Historic Preservation. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, Which Included the Proposed General Plan Amendments. No Further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-002 and General Plan Amendment Application GP-23-002.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Rosemary Harper

- I live on Alberto Way at the Los Gatos Commons. We are very concerned about development of the property on the corner of Alberto Way and Highway 9. I'm concerned about the height of the property; four stories are overwhelming to the surrounding area where nothing is over two stories. The volume of the increased traffic on a dead-end street with one way in and one way out means in an emergency it would be impossible for all the residents to evacuate. The construction of this proposed property would greatly impact the residents on the street, and the air quality is also a concern.

Lee Quintana

- I believe there is such an interrelationship between Item 4 and Item 5 that they should both be considered at the same time and at the same meeting, and since it is recommended that Item 5 be continued, I suggest this item be continued as well. The two items are complicated and hard to understand, and I think they need to be addressed together.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to forward a recommendation to the Town Council for a request to amend the General Plan to include a description of the Housing Element Overlay Zone and amend the Town Code to modify the Affordable Housing Overlay Zone Division 5 of Article VIII Overlay Zones and Historic Preservation to be the Housing Element Overlay Zone as Division 5 of Article VIII Overlay zones and Historic Preservation. **Seconded by Commissioner Thomas.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

5. Town Wide – 2023-2031 Housing Element

Zoning Code Amendment Application 2-23-003

General Plan Amendment Application GP-23-003

Applicant – Town of Los Gatos

Forward a Recommendation to the Town Council on a Request to Amend the General Plan Land Use Designation of 16492 Los Gatos Boulevard and Assessor Parcel Number (APN) 532-07-086 from Low Density Residential to Neighborhood Commercial; Amend the General Plan Land Use Designation of Caltrans Right-of-Way Adjacent to 14685 Oka Road from Low Density Residential to Medium Density Residential and from R:1-8 to R-M:14-22, and Apply the Housing Element Overlay Zone to Allow for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage to the Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APNs 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, 529-24-001, 529-24-003, and 532-07-085; 401 Through 409 Alberto Way; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, and 16270 Burton Road; Caltrans Right-of-Way Adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15300, 15349, 15367, 15405, 15425, 15480, 15500, 15795, 16151, 16203, 16392, and 16492 Los Gatos Boulevard; 50 and 165 Los Gatos Saratoga Road; 61 Montebello Way; 14800 and 14840 Oka Road; 50 Park Avenue; 101 South Santa Cruz Avenue. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, Which Included the Proposed General Plan Amendments. No Further Environmental Analysis is Required.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Mark Rosenfeld

- I live at 449 Alberto Way and want to speak on the proposal to build at 405 Alberto Way. The proposal is for two three-story, 50-foot tall buildings with a total of 60 units plus a 114-space garage on the ground level with only 12 guest spaces for the 60 units. Our community consists of two-story condos and townhomes. The proposal is extremely out of character with our neighborhood. Parking on Alberto Way is already bumper-to-bumper in the evening with no parking spaces to be found, and now there are only 12 parking spaces planned for guests of 60 units. The most important thing is that Alberto Way is a dead-end street and in the event of an evacuation there is only one exit for everyone. We have 110 units in our development in addition to the all the townhouses and other condos on that street. The Town needs to provide the residents of Alberto Way with a viable evacuation plan before even considering anything additional to be built there.

Lee Quintana

- There is such an interconnection between Item 4, which you already passed, and Item 5 and what is going on at the Housing Element Advisory Board, and each one is going along a different path at a different time and not considering what is happening at each one. There has been a lot of progress made in certain areas, but there are still sections of the site inventory that may be a problem and will probably result in need for changes in numbers, so we're getting ahead of ourselves in what is actually happening or will end up happening being recommended for approval. There are still so many ifs. One thing I noticed in the addendum on this item is that one of the applications for SB 330 discusses the fact that the recommended approval of the overlay densities and standards will not be able to accommodate the required 30 units per acre density. So again, are we making a mistake by approving that and not considering what standards need to be to accommodate those densities and the other requirements?

Declan

- I don't think anyone is being told about what the State mandated housing project and overlay and all that stuff really is; it's like a vague fog that nobody is telling us. We've been fighting to keep property owners across the street from developing their projects over the years, and now we're onto something else, and it keeps changing, and the place is a major eyesore. Can the Town please come down and talk to the people who live right here on Alberto Way and explain to them what is going on? Why are we not being listened to or explained to on what's going on with these State mandates?

Closed Public Comment.

MOTION: **Motion by Commissioner Janoff** to continue the public hearing for Item 5 to a date certain of September 13, 2023. **Seconded by Commissioner Hanssen.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The Town Council met August 15, 2023, and received a status update on the Housing Element process.
- The Housing Element Advisory Board will hold a special meeting on August 24, 2023, to continue their work of updating the Housing Element.
- A joint study session of the Planning Commission and Town Council will be held in person and via Zoom on September 12th at 7:00 p.m. to discuss the new State laws, including SB 330 and others, and how they will potentially impact development to the Town.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Historic Preservation Committee

Commissioner Burnett

- The HPC met August 23, 2023 to discuss seven agenda items and reviewed plans before the Committee.

ADJOURNMENT

The meeting adjourned at 9:43 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the August 23, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin