



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
MARCH 09, 2022
110 EAST MAIN STREET
LOS GATOS, CA**

*Melanie Hanssen, Chair
Jeffrey Barnett, Vice Chair
Kylie Clark, Commissioner
Kathryn Janoff, Commissioner
Steven Raspe, Commissioner
Reza Tavana, Commissioner
Emily Thomas, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: 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.

Effective Proceedings: 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.

Deadlines for Public Comment and Presentations are as follows:

- 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
 - 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:
www.LosGatosCA.gov/TownYouTube

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 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 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below). The live stream of the meeting may be viewed on television and/or online at:

<https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1>. **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 Chambers.**

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/84743869016?pwd=ZkVLOERnQ0RVZzc5Qng2eHhrY2cyQT09>.

Passcode: 496531.

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 MELANIE HANSSEN, VICE CHAIR JEFFERY BARNETT, COMMISSIONER KYLIE CLARK, COMMISSIONER KATHRYN JANOFF, COMMISSIONER STEVEN RASPE, COMMISSIONER REZA TAVANA, AND COMMISSIONER EMILY THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
MARCH 09, 2022
7:00 PM**

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

MEETING CALL 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 *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Draft Minutes of the February 23, 2022 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 an Appeal of a Community Development Director Decision to Approve Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:10. APN 532-10-019. **Located at 289 Marchmont Drive.** Property Owner: Durgaprasad Shamain. Applicant: David Britt. Appellants: Mark Jamieson and Don Woodward. Project Planner: Jocelyn Shoopman.

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

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.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/09/2022

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 23, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 23, 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 P.M.

ROLL CALL

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

Absent: None.

VERBAL COMMUNICATIONS

Jeffrey Suzuki

- As Planning Commissioners, please support the Draft 2040 General Plan. It needs to be done for our community, because the housing crisis is a threat to the community, working class families, the homeless, and senior residents. While the General Plan is not the ideal solution, we need something that is functional, so please support it.

Susan Burnett, 85 Ellenwood

- I am concerned about houses coming before the Planning Commission and the Historic Preservation Commission and being taken out of our inventory. We started with 1,300 homes and 270 have already been taken out. We should be adding homes to our list, as many cities do. Now, with SB 9, the committees have to tighten up their views as to what should happen to pre-1940 homes in order keep Los Gatos the way it is.

Ali

- I support the Draft General Plan and am in favor of a push toward affordable housing, the lack of which contributes to homelessness. There is a fair amount of homeless in Los Gatos, and everyone here deserves a roof over their heads. We often destroy historic homes to build mega-homes for the wealthy, but build nothing for workers whose salaries cannot keep pace with the rising costs of housing.

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

1. Approval of Minutes – February 9, 2022

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

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

2. 16509 Bonnie Lane

APN 532-42-013

Property Owner/Applicant/Appellant: Pamela Kee

Project Planner: Ryan Safty

Consider an Appeal of a Community Development Director decision to deny a Fence Height Exception request for construction of a six-foot fence located within the required front yard setback on property zoned R-1:8.

Commissioner Barnett announced that he would recuse himself from participating in the public hearing for 16509 Bonnie Lane due to a conflict of interest based on the proximity of his residence to the subject property.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Pamela Kee, Owner/Applicant/Appellant

- Last summer the Town engineer asked me to stop construction of the fence, so the fence is not complete. This is my daughter's project. We have spoken with the neighbors and tried to be mindful of the community. In particular, we want to add lighting to our very dark street as part of the proposal.

Alexandra Kerlee

- I am the daughter of 16509 Bonnie Lane's owner. We are seeking a fence over three feet because of the headlights from the driveway up the hill. When residents from the three homes drive down the hill their headlights shine directly into our home, including my bedroom, and five feet is the minimum fence height to block the majority of that light. We were unaware of the 2019 three-foot height limit when we built the fence last summer and stopped construction after speaking to the Town and applied for an exception.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Raspe to Deny an Appeal of a Community Development Director Decision to Deny a Fence Height Exception for 16509 Bonnie Lane. Seconded by Commissioner Thomas.**

VOTE: **Motion passed 5-1-1 with Commissioner Tavana dissenting and Vice Chair Barnett recused.**

OTHER BUSINESS

None.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- An introductory community meeting regarding objective standards was held on February 22nd. Feedback was given that will be used in preparing a draft document with objective standards for multifamily and mixed-use development, which will go back to the community for additional input, then to the Planning Commission for a recommendation, and then to Town Council for final action.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Housing Element Advisory Board

Chair Hanssen

- HEAB held its third meeting on February 17th and discussed the process for selecting sites that could be used to achieve the Town's RHNA numbers. Staff is using a Housing Element Site Selection tool that helps to map out potential housing, and a Balancing Act tool, which the public can utilize, that is used in determining sites. The Balancing Act tool will be introduced to the public at a community meeting at the end of March.

Historic Preservation Committee

Commissioner Clark/Commissioner Raspe

- HPC met on February 23rd and considered four items.

- o Recommended alterations to an existing property.
 - o Denied a request to remove an historic property from the inventory.
 - o Approved a request to remove an historic property from the inventory.
 - o A preliminary review for a technical demolition of an historic property.
- A member of the public expressed concern regarding the historic housing inventory losses the Town has sustained over time, finding affordable housing, and how development would impact the preservation of the Town's historic inventory.

Commission Matters

Chair Hanssen

- Asked staff for an update on the Draft General Plan. Staff responded the current tentative date is March 23, 2022 for the Planning Commission to begin review of the Draft General Plan.

ADJOURNMENT

The meeting adjourned at 8:08 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 23, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/09/2022

ITEM NO: 2

DATE: March 4, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:10. APN 532-10-019. **Located at 289 Marchmont Drive.** Property Owner: Durgaprasad Shamain. Applicant: David Britt. Appellants: Mark Jamieson and Don Woodward. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Deny the appeal of a Community Development Director decision approving a request for construction of a second story addition to an existing single-family residence on property zoned R-1:10, located at 289 Marchmont Drive.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: Single-Family Residential (R-1:10)
Applicable Plans & Standards: General Plan
Parcel Size: 10,000 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:10
East	Residential	Hillside Residential	HR-1
West	Residential	Low Density Residential	R-1:10

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the west side of Marchmont Drive (Exhibit 1). The property is 10,000 square feet with an existing 2,003-square foot one-story residence and a 483-square foot attached garage. The immediate neighborhood contains one- and two-story residences.

On September 24, 2021, the applicant submitted a Minor Residential Development application for the construction of a second story addition to an existing single-family residence.

In January of 2022, story poles and signage were installed on the site. On January 14, 2022, the Notice of Pending Approval for the application was mailed to the surrounding property owners and occupants as required by the Town Code. On January 24, 2022, the Minor Residential application was approved. An appeal of the Community Development Director must have been submitted by 5:00 p.m., February 2, 2022.

On January 31, 2022, the decision of the Community Development Director was appealed to the Planning Commission by an adjacent neighbor (Exhibit 8). On February 2, 2022, the decision of the Community Development Director was appealed to the Planning Commission by a second neighbor (Exhibit 9). The applicant has provided a summary of their neighborhood outreach efforts and a response to each of the two appeals received (Exhibits 6, 7, and 10).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of Marchmont Drive (Exhibit 1). The PROJECT DESCRIPTION (continued):

immediate neighborhood includes one- and two-story residential structures.

B. Project Summary

The applicant is proposing to construct a new 1,320-square foot second story addition to an existing 2,003-square foot single-family residence with an existing 483-square foot attached garage (Exhibit 11).

C. Zoning Compliance

A single-family residence is permitted in the R-1:10 zone. The proposed residence is in compliance with the allowable floor area, building coverage, height, setbacks, and parking requirements.

DISCUSSION:

A. Minor Residential Development Analysis

The applicant is proposing to construct a new 1,320-square foot second story addition to an existing single-family residence with an existing 483-square foot attached garage to remain. The proposal also includes a reduction to the main floor of the existing 2,003-square foot residence to 1,737 square feet, for a total proposed square footage of 3,057 square feet (Exhibit 11).

B. Building Design

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design. The immediate neighborhood is comprised of one- and two-story homes with a grade change traveling north along Marchmont Drive.

The Consulting Architect noted that the proposed home is well designed with a traditional architectural style and simple details consistent with the proposed style (Exhibit 4).

The Consulting Architect provided five recommendations for further design refinement of the proposal:

1. Remove the second-floor porch cover and columns.
2. Increase all roof overhangs to be similar to the predominant roof details in the immediate neighborhood.

DISCUSSION (continued):

3. Recess all windows or add wood trim to be consistent with Residential Design Guideline 3.7.4.
4. Reduce the depth of lintels over the windows and doors.
5. Refine the roof edge details.

The applicant revised the plans to address the Consulting Architect's recommendations identified in the report (Exhibit 11). The plan changes are as follows:

1. The roof over the second-floor porch was removed to reduce the two-story mass along the front elevation. The gable roof form was retained to maintain an architectural balance with the gable roof form above the existing attached garage.
2. All roof overhangs were increased to be more consistent with the immediate neighborhood.
3. Wood window and door trim was added to be consistent with Residential Design Guideline 3.7.4.
4. The depth of the lintels over the windows and doors was reduced.
5. Further refinement of the roof edge details was illustrated in the plans to show a more accurate representation of the proposal.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one- and two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 2,211-square feet to 3,277-square feet. The floor area ratios range from 0.15 to 0.26. The proposed residence would be 3,057-square feet with a floor area ratio of 0.31. Pursuant to Town Code, the maximum allowable square footage for the 10,000-square foot lot is 3,100-square feet. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	Total	Lot Size	FAR	No. of Stories
289 Marchmont Dr. (Ex)	R-1:10	2,003	483	2,486	10,000	0.20	1
289 Marchmont Dr. (Prop)	R-1:10	3,057	483	3,540	10,000	0.31	2
293 Marchmont Dr.	R-1:10	2,466	542	3,052	9,968	0.25	1
285 Marchmont Dr.	R-1:10	2,571	480	3,051	9,840	0.26	1
273 Marchmont Dr.	R-1:10	2,349	440	2,789	9,840	0.24	1
292 Marchmont Dr.	R-1:10	2,385	460	2,845	10,120	0.24	1
288 Marchmont Dr.	R-1:10	2,515	460	2,975	10,362	0.24	1
284 Karen Ct.	R-1:10	2,211	46	2,671	15,068	0.15	1
280 Karen Ct.	R-1:10	2,599	460	3,059	12,472	0.21	2
276 Karen Ct.	R-1:10	2,654	480	3,134	13,717	0.19	1
272 Marchmont Dr.	R-1:10	3,277	770	4,047	12,800	0.26	2

DISCUSSION (continued):

The proposed residence would not be the largest home in the immediate neighborhood in terms of square footage. The proposed residence would be the largest in terms of floor area ratio in the immediate neighborhood at 0.31 with the second largest floor area ratio being 0.26 for the homes located at 272 Marchmont Drive and 285 Marchmont Drive. If the immediate neighborhood were to be extended, there are additional two-story residences located at 269 Marchmont Drive and 256 Marchmont Court.

D. Appeals

On January 31, 2022, the decision of the Development Review Director was appealed to the Planning Commission by the adjacent neighbor, Mark Jamieson (Exhibit 8).

A summary of the specific reasons for the appeal are provided below, followed by the staff's analysis in *italic* font. The applicant's response letter addressing each of the appellant's concerns is also attached to this report (Exhibit 10).

1. Loss of solar easement blocking future solar access and increasing shade to yards. The second story addition will be an encroachment on sight boundaries and sunlight to the property. A formal shadow study should be done to assess loss of potential solar access from the proposed second story addition.

Response: Staff coordinated with the Town Attorney and found nothing in the Town's Municipal Code that would prohibit or limit additions due to casting shadows on an adjacent residence in the case where there are not existing solar panels being affected. State Law has a restriction that trees and shrubs may only block 10 percent of existing solar panels. A shadow study was completed by the applicant and can be located on Sheet A9 of Attachment 11. The shadow study shows that that the proposed residence would cast a partial shadow on the adjacent homes at 285 Marchmont Drive and 293 Marchmont Drive during the winter shadow line of December 21st.

2. A 1,320-square foot second story is not in character with neighborhood. The sheer size of 3,057 square feet is slightly below the maximum of 3,100 square feet and is not in character for the neighborhood. Of the 25 houses in the subdivision, only five are two-story homes and these were originally built as two-story structures. These two-story houses are located on corners or cul-de-sacs where they do not encroach on their neighbors. Adding four additional bathrooms does not seem in alignment with California water conservation guidelines.

Response: The proposed expansion of the single-family residence complies with the Town Code requirements for floor area, height, setbacks, lot coverage, and parking

DISCUSSION (continued):

requirements. The proposal would not be the largest home in the immediate neighborhood in terms of square footage. The home located at 272 Marchmont Drive, within the immediate neighborhood, received approval of a Minor Residential Development application for a new second story addition on January 16, 2001. The Town Code does not regulate the number of bathrooms in a residence. The proposed addition is subject to the 2019 California Building Standards Code which requires water-conserving plumbing fixtures.

3. A soil study should be done to evaluate potential effects on the hillside, as well as the homes sitting below 289 Marchmont Drive.

Response: A soils report, prepared by a licensed Civil Engineer specializing in soils mechanics, containing foundation recommendations is required to be submitted with the Building Permit application.

4. The proposed dining room window creates privacy and noise concerns. The construction noise will impact remote learning and the ability to work from home.

Response: An approximately six-foot by three-foot window is proposed along the left elevation facing the adjacent neighbor located at 285 Marchmont Drive. The window is not required for ingress and egress pursuant to Building Code, should the Planning Commission choose to recommend a modification to its location and/or size. Pursuant to Section 16.20.035 of the Town Code, construction activities are limited to the hours of 8:00 a.m. to 6:00 p.m. weekdays, and 9:00 a.m. to 4:00 p.m. Saturdays.

5. Construction vehicles will pose a traffic hazard.

Response: The applicant proposes to accommodate construction vehicles in the existing driveway, as well as along Marchmont Drive, a public street in which construction vehicles are permitted to park. The Hillbrook School traffic counts are monitored by the Engineering Division should there be issues with the traffic flow.

On February 2, 2022, the decision of the Community Development Director was appealed to the Planning Commission by a second adjacent neighbor, Don Woodward (Exhibit 9).

A summary of the specific reasons for the appeal are provided below, followed by the staff's analysis in *italic font*. The applicant's response letter addressing each of the appellant's concerns is also attached to this report (Exhibit 10).

DISCUSSION (continued):

1. Potential lethal hazard with existing shared power line infrastructure adjacent to proposed construction.

Response: The existing electrical distribution line that runs the length of the rear property line of 289 Marchmont Drive is serviced by PG&E. The Town does not have the authority to require PG&E to modernize or upgrade the electrical distribution line.

2. Injury to property value from loss of privacy created by proposed construction.

Response: The Town Code does not regulate views as a protected right from proposed construction. The applicant proposes to retain all existing trees on-site, including trees along the rear property line which currently provide screening.

E. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Attachments 6 and 7).

F. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice of the Planning Commission public hearing was mailed to property owners and occupants within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, March 4, 2022, are included as Exhibit 12.

Following the filing of both appeals the applicant has met separately with each appellant to discuss the concerns raised by each party. No update has been provided at the time of this report's preparation.

CONCLUSION:

A. Summary

The proposed project is in compliance with the Residential Design Guidelines and Town Code regulations. As proposed, the project would create a 3,057-square foot two-story residence with an existing 483-square foot attached garage.

B. Recommendation

Staff recommends that the Planning Commission deny the appeals and uphold the decision of the Community Development Director to approve the Minor Residential Development application subject to the recommended conditions of approval (Exhibit 3).

C. Alternatives

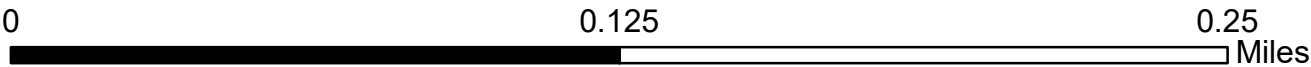
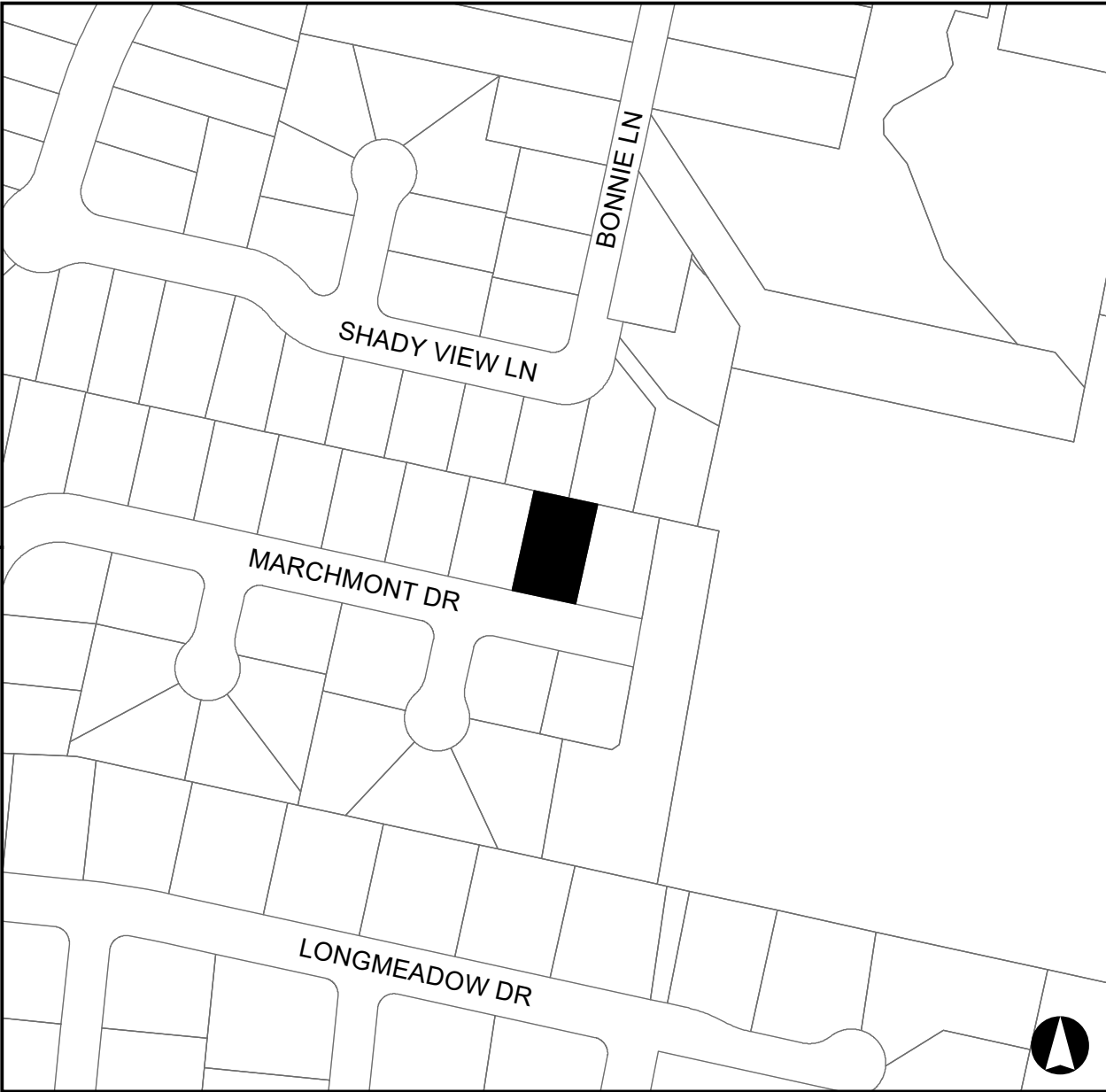
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeals and deny the application; or
3. Approve the application with additional and/or modified conditions.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Consulting Architect's Report, dated October 6, 2021
5. Letter of Justification, received February 16, 2022
6. Applicant's Neighborhood Outreach Efforts, received February 15, 2022
7. Additional Neighborhood Outreach and Signatures of Support, received February 26, 2022
8. Appeal of the Director of Community Development, received January 31, 2022
9. Appeal of the Director of Community Development, received February 2, 2022
10. Applicant's Response to Appeals, received February 16, 2022
11. Development Plans, received November 29, 2021
12. Public Comments received prior to 11:00 a.m., Friday, March 4, 2022

289 Marchmont Drive



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PLANNING COMMISSION – March 9, 2022
REQUIRED FINDINGS FOR:

289 Marchmont Drive

Minor Residential Development Application MR-21-019

Consider an Appeal of a Community Development Director Decision to Approve Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:10. APN 532-10-019. Property Owner: Durgaprasad Shamain. Applicant: David Britt. Appellants: Mark Jamieson and Don Woodward. Project Planner: Jocelyn Shoopman.

FINDINGS

Required finding for CEQA:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

Required Compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family homes not in hillside residential areas.

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PLANNING COMMISSION – March 9, 2022
CONDITIONS OF APPROVAL

289 Marchmont Drive
Minor Residential Application MR-21-019

Consider an Appeal of a Community Development Director Decision to Approve Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:10. APN 532-10-019. Property Owner: Durgaprasad Shamain. Applicant: David Britt. Appellants: Mark Jamieson and Don Woodward. Project Planner: Jocelyn Shoopman.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Minor Residential Development application.
4. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, utilize shields so that no bulb is visible, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.
6. TREE FENCING: Protective tree fencing, and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
7. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
8. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
9. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to

overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

10. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

N:\DEV\CONDITIONS\2022\Marchmont 289 - MR COA - 03-09-22.docx



October 6, 2021

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 289 Marchmont Drive

Dear Jocelyn:

I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

NEIGHBORHOOD CONTEXT

The site is located in an established neighborhood of traditional Ranch Style homes. Houses are all one-story in height with a couple of homes with partial second stories. Photos of the site and its surrounding neighborhood are shown on the following page.





THE SITE



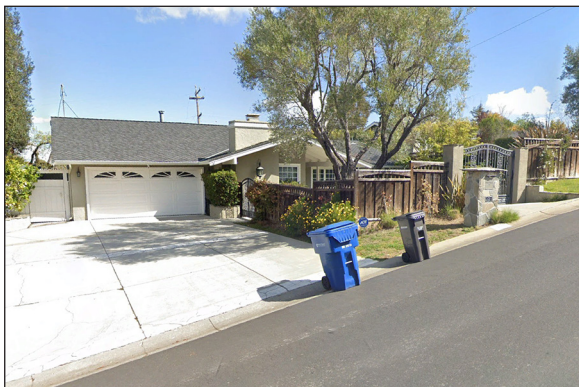
SITE and house to the immediate left



Home to the immediate left



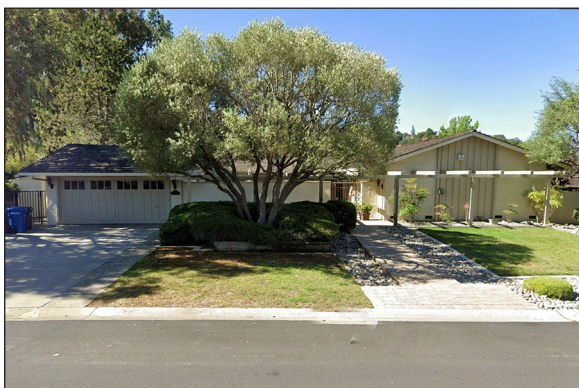
Home to the immediate right



Nearby home on Marchmont Drive



Nearby home on Marchmont Drive



Nearby home on Marchmont Drive



Nearby home on Marchmont Drive

ISSUES AND CONCERNS

The proposed home is well designed with a traditional architectural style and simple details consistent with the architectural style - see proposed elevations below.



Proposed Front Elevation



Proposed Left Side Elevation



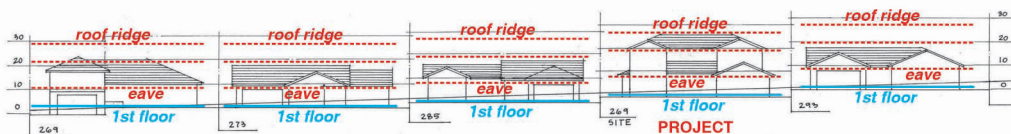
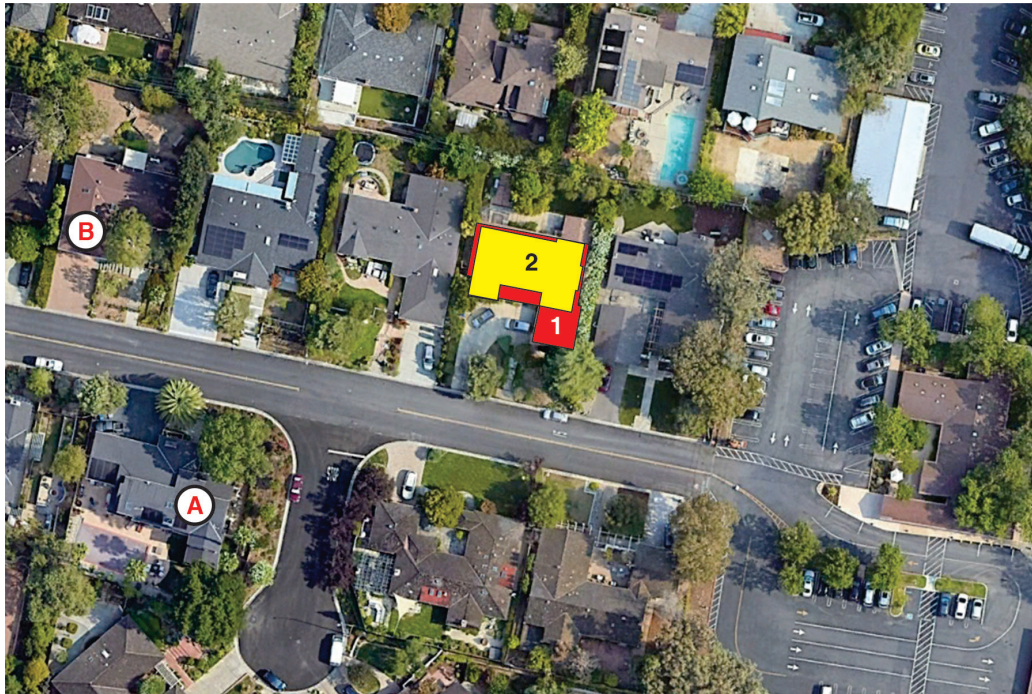
Proposed Rear Elevation



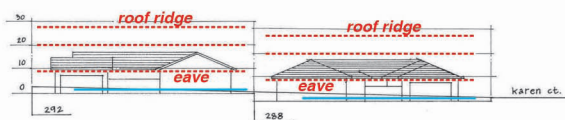
Proposed Right Side Elevation

There are, however, a few issues worthy of further design refinement.

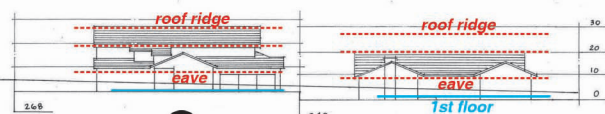
1. The two-story house would be visually taller, with more building mass than is common for the neighborhood.
2. There are only two homes nearby that have a second story, and those have mitigating measures to minimize their visual bulk in order to blend in with the adjacent predominantly one-story homes. The two-story balcony element on the front facade would be especially out of character and scale with this neighborhood - see air photo, streetscape, two-story home photos and front elevation illustrations below.



B

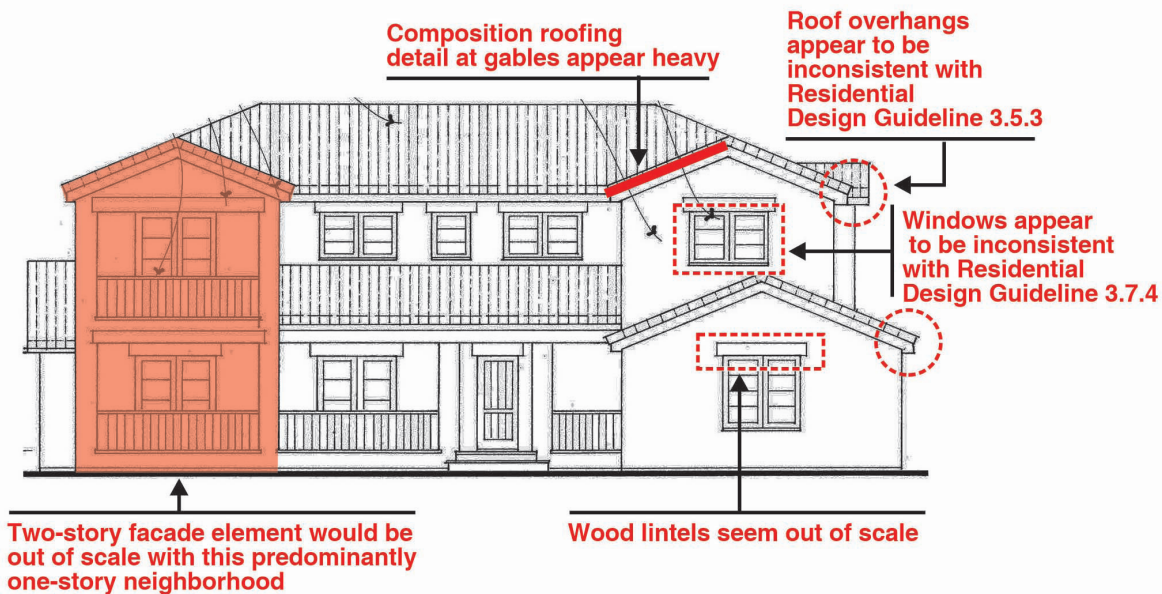


karen cb.



A





3. Wood lintels over windows and doors are acceptable for this architectural style, but those shown on the drawing look too large and out of scale with the size of this house.
4. The drawing do not appear to show deep recessed windows or trim around the windows which would not be consistent with Residential Design Guideline 3.7.4.

3.7.4 Design the windows with attention to matching the traditional details of the architectural style

- Most architectural styles - except Mission, Spanish Eclectic or Modern - should have wood trim around the windows. The trim width should be matched to the style, but in general, should not be less than 3 1/2 inches wide. Head trim depth should be equal to or wider than the jamb casing, but not less than one-sixth of the opening width.
- Projecting window sills and heads are strongly encouraged unless the architectural style would not normally have those features.
- Wood trim is also encouraged on stucco houses unless the window frames are recessed at least 6 inches from the outside face of the wall. The use of stucco covered foam trim is strongly discouraged.
- Divided lights (i.e., larger window panes broken up into smaller pieces) are common in many home styles found in Los Gatos. Use either vertical or square proportions for the smaller window elements. Be consistent in the proportions (i.e., the ratio of the horizontal to the vertical dimension) of the smaller panes. Do not use snap in flat grids to simulate divided lights. Use either true divided lights or one of the newer window systems that have dimensional muntins on both the exterior and interior of the glass along with a spacer muntin between the panes of glass. Use consistently for windows on all sides of the house.

5. The roof overhangs appear small which would not be consistent with Residential Design Guideline 3.5.3.

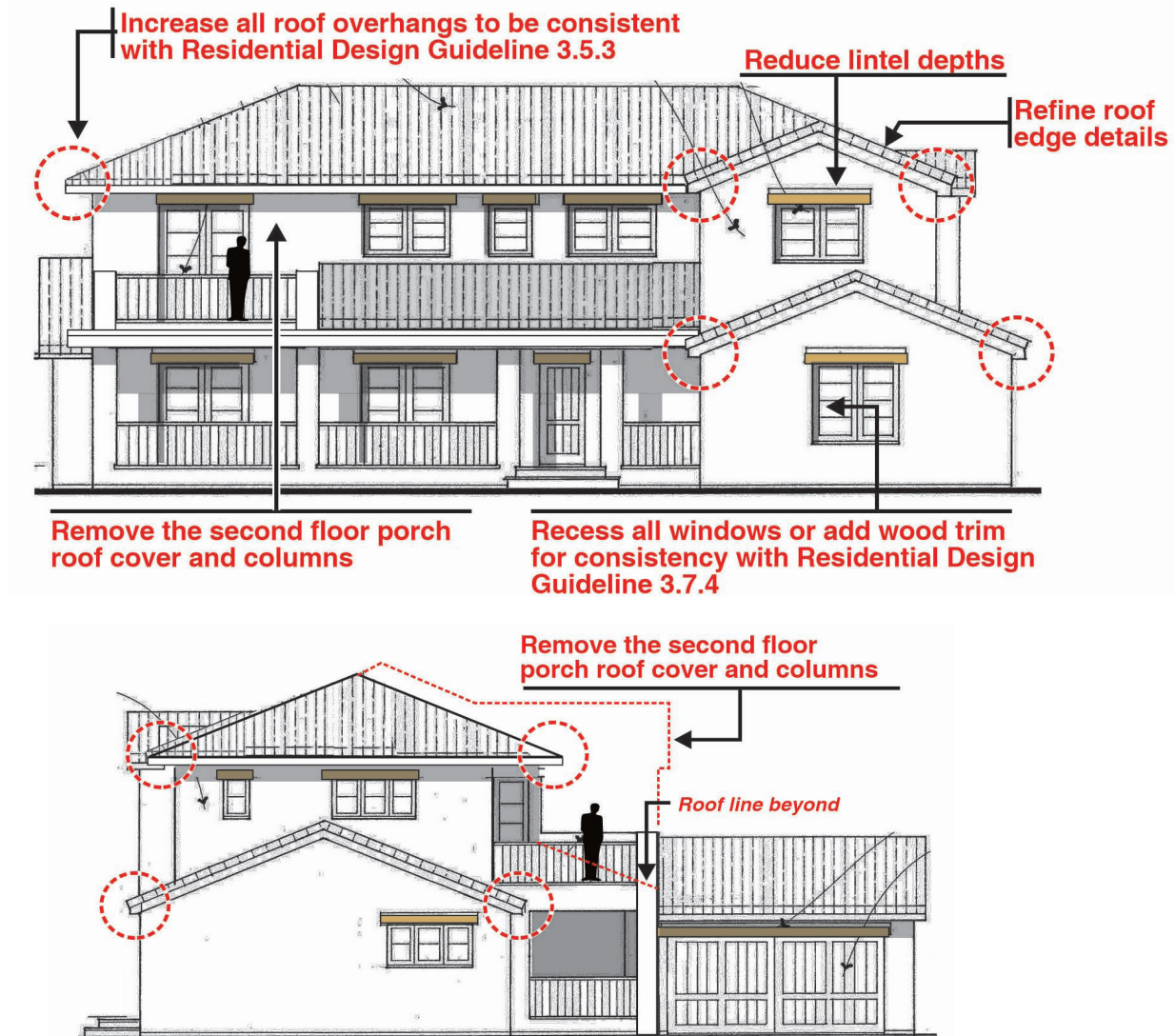
3.5.3 Relate roof overhangs to the architectural style and to the surrounding neighborhood

- Some architectural styles (e.g., Mission and Spanish Eclectic) often come in small and large overhang versions. In those circumstances, tailor the roof overhangs to the general character of the surrounding homes.

6. The roof is noted as composition shingle, but the drawing show roof edges that appear more consistent with tile roofs.

RECOMMENDATIONS

1. Remove the second floor porch roof cover and columns.
2. Increase all roof overhangs to be similar to the predominant roof details in the immediate neighborhood.
3. Recess all windows or add wood trim to be consistent with Residential Design Guideline 3.7.4.
4. Reduce the depth of lintels over the windows and doors.
5. Refine the roof edge details.



If we need to discuss this further, I am available at your convenience.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

Britt/Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030
408.354.6224

November 12, 2021
Revised February 16, 2022

Town of Los Gatos Planning Department
110 East Main St.
Los Gatos, CA 95030

RE: 289 Marchmont Drive

Letter of Justification.

Property owner and Britt/Rowe are proud to propose a new two story addition to an existing single family residence located at 289 Marchmont Drive. The house is designed to accommodate the needs of the family that has lived in this house for the last 8 years and has grown over that time from 2 to 3 kids. The proposed addition is designed so that the 2nd floor has the kids' 3 bedrooms and master. The kids are young and this way parents can stay close to them at night. Janhavi is a doctor at Good Samaritan hospital and Valley medical, and she treats Covid patients. We decided to have an isolated bedroom on the first floor as a quarantine room for her in case of infection exposure. We did not increase the footprint of the house, so that we could preserve all the established trees, outdoor spaces and existing long driveway.

The residence has been designed within the allowed development standards of the R1-10 zone. The residence remodel/addition adopts several of the design goals as outlined in the town's Residential Design Guidelines which includes, but is not limited to:

1. Strong one story elements to mitigate two story mass. This includes a large front porch consistent with the design review guidelines as outlined in section 3.10.1.
2. Proposed exterior finishes have been specified to be high quality and consistent with the architectural style per design review guidelines as outlined in section 3.3.1
3. Proposed exterior finishes have been specified to be compliment the neighborhood as per design review guidelines as outlined in section 3.3.2
4. Proposed window and door material have be specified to match the surrounding neighborhood per design review guidelines as outlined in section 3.7.3
5. Proposed garage adopts design review guideline recommendations as outlined in section 3.4.1.
6. Although proposed addition will increase the total square footage of the home, it will not be the largest home in the neighborhood, and falls within a few hundred feet of approximately 45% of the homes in the neighborhood.

Other design features have been incorporated to mitigate privacy impacts. These include:

- Second floor window with high sills on right and left sides of house.

EXHIBIT 5

- Second story setbacks increased from minimum allowable.

We have followed Town residential design guidelines and asked for no exceptions. We have incorporated all of the recommendations of the town consulting architect. We think a well designed house by Britt- Rowe will be a nice addition to the neighborhood.

Thank you Staff for you assistance with our application. If there are any questions regarding the proposed design, please feel free to contact me.

David Britt

Britt/Rowe

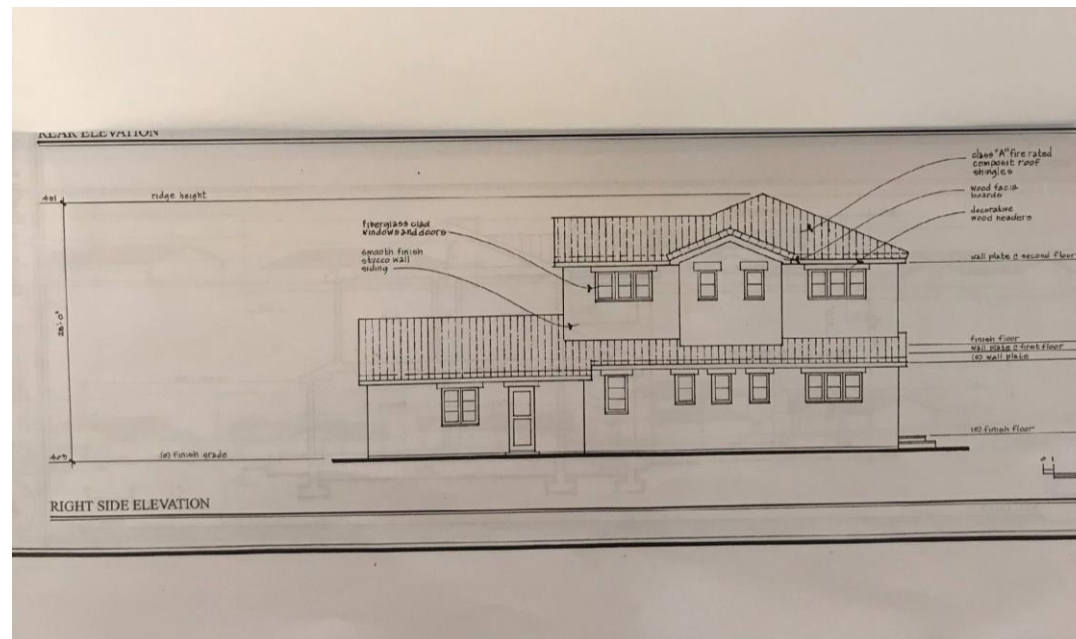
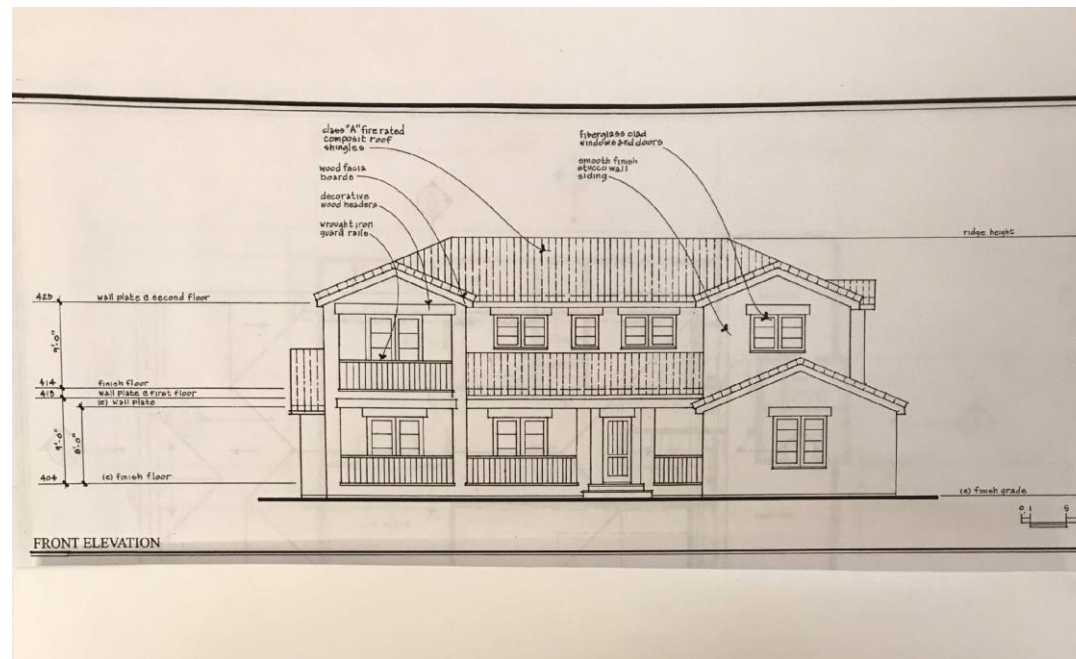
We are your neighbors at 289 Marchmont Dr. We need space for our family that has grown since we moved into this nice neighborhood 8 years ago. Our 3 kids, Arya (11y), Tara (9y) & Manu (6y), are growing up & asking for their personal space. This became more evident when everybody was working from home during the pandemic. So, we are finally going in for a remodel & addition to our existing house. We want to get it done fast since our oldest son is already in middle school & we want to optimize the amount of time he gets to enjoy his own room & our new house. We wanted to give you a heads up since you are our neighbor.

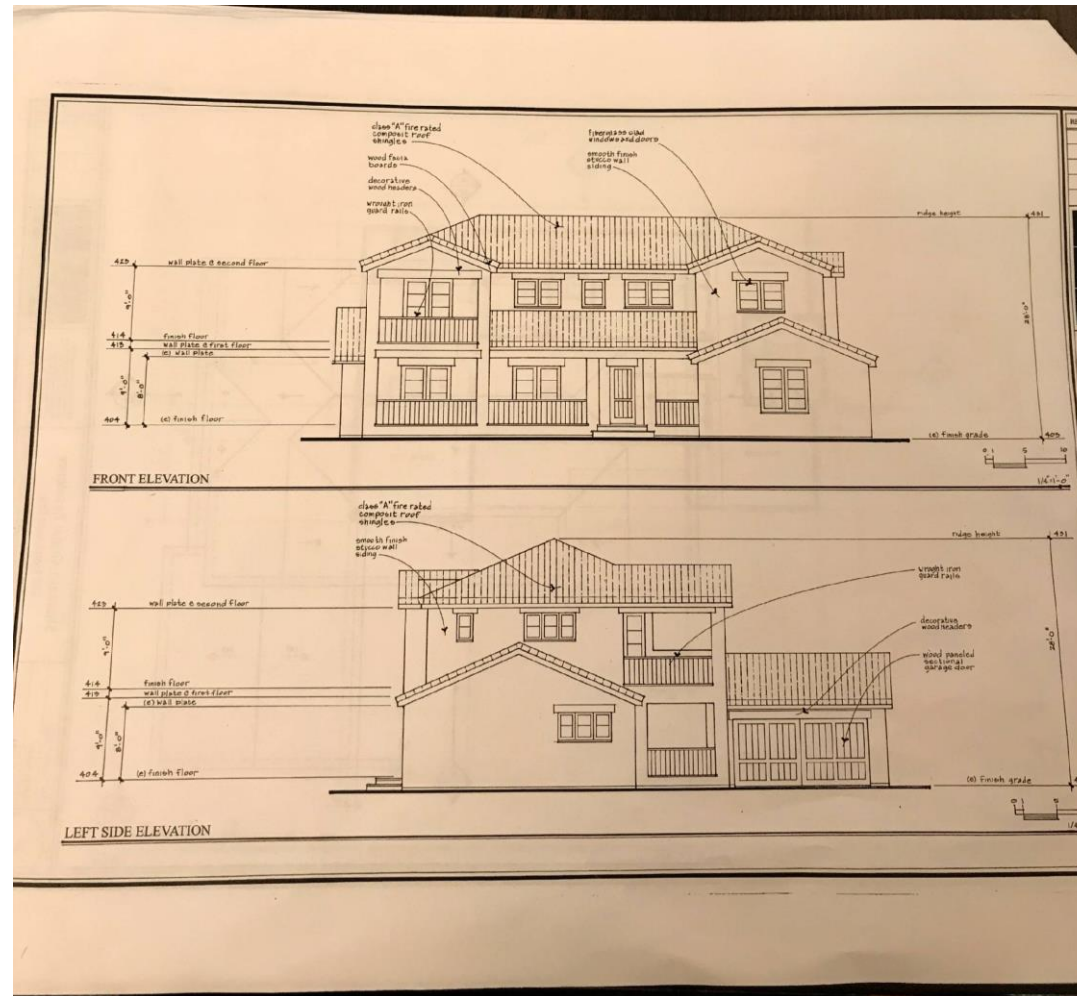
We are collaborating with 'Britt-Rowe', a well established Los Gatos architecture firm which has worked with the town for over 2 decades. One of the partners Mike Rowe lives in Los Gatos on [REDACTED]. Please review the details below & pics at your convenience, & do not hesitate to contact us & our architect with your questions.

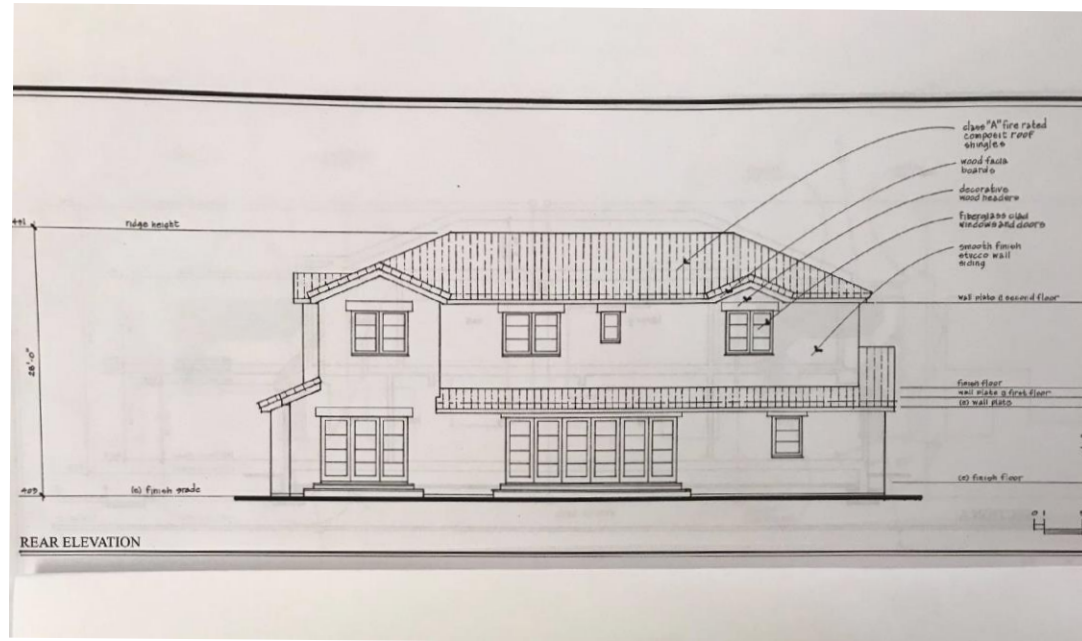
Architect Contact info: David Britt 415-595-3458

Our contact info: Janhavi & Prasad [REDACTED] / email: [REDACTED]

- Second Story addition is setback from existing one story side walls, 12.5' on left, 15.5' on right.
- The second story is set back from the garage as viewed from the street.
- No large windows are proposed on the second floor side walls- 50% of windows on the side are bathroom windows & all are high silled (not portrait) to maintain privacy for all.
- Proposed addition is designed to the allowable town standards for the neighborhood. We are not asking for any special variances.







Britt/Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030
408.354.6224

November 12, 2021
Revised February 16, 2022

Town of Los Gatos Planning Department
110 East Main St.
Los Gatos, CA 95030

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The residence has been designed within the allowed development standards of the R1-10 zone. The residence remodel/addition adopts several of the design goals as outlined in the town's Residential Design Guidelines which includes, but is not limited to:

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6. Although proposed addition will increase the total square footage of the home, it will not be the largest home in the neighborhood, and falls within a few hundred feet of approximately 45% of the homes in the neighborhood.

Other design features have been incorporated to mitigate privacy impacts. These include:

- Second floor window with high sills on right and left sides of house.

- Second story setbacks increased from minimum allowable.

We have followed Town residential design guidelines and asked for no exceptions. We have incorporated all of the recommendations of the town consulting architect. We think a well designed house by Britt- Rowe will be a nice addition to the neighborhood.

Thank you Staff for you assistance with our application. If there are any questions regarding the proposed design, please feel free to contact me.

David Britt

Britt/Rowe

Janhavi Gudal & Durgaprasad Shamain

MRA: 289 Marchmont drive, Los Gatos

We have seen the story poles, and checked out the house design. We do not have any concerns.

Name	Address	Signature	Date
Michele / Joe Regan		^{Dr} Michele Regan	1/25/22
Maggie Leach		Maggie Leach	1/25/22
Randy Pham		Randy Pham	1/25/22
John Dehines		John Dehines	1/25/22
Rini Vrijen		Rini Vrijen	1/25/22
LARRY DUNN		Larry Dunn	1/25/22
Sheila Danner		Sheila Danner	1/25/22
R Prasad		R Prasad	1/25/22
David Francis		David Francis	1/25/22

Table 1: Neighborhood Support: Door-to-door outreach Sheet 1

Janhavi Gudal & Durgaprasad Shamain

MRA: 289 Marchmont drive, Los Gatos

We have seen the story poles, and checked out the house design. We do not have any concerns.

Name	Address	Signature	Date
Dagmar Belshaw		D. Belshaw	11/26/22
Jim Randall		Jim Randall	11/26/22
TOE SORDI		J. Sordi	1/26/22
HU WANG		H. Wang	1/26/22
STEPHEN BERITZ HOF		S. Beritz Hof	11/26/22
ED MESERVE		Ed Meserve	2/3/22
THOTHATHRI SRINIVASAN		Thothathri Srinivasan	2/3/22
Carol DeCorte		Carol DeCorte	2/9/22

Table 2: Neighborhood Support: Door-to-door outreach Sheet 2

No	Name	Address
1	Andrea & Claude Gauthier	[REDACTED]
2	Willem & Heather Dirven	[REDACTED]
3	Robert Brown	[REDACTED]
4	Susie Giordano	[REDACTED]
5	Doug Hembry	[REDACTED]
6	Lynn & George Rossmann	[REDACTED]
7	Ed & Valerie Lozowicki	[REDACTED]

Table 3: Neighborhood Support Via Email

Our in-person & email discussions with the appellants are summarized in a separate letter.



J. Shoopman

TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. Main Street
Los Gatos, CA 95030

**APPEAL OF THE DECISION OF
DEVELOPMENT REVIEW COMMITTEE**

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW COMMITTEE as follows:

DATE OF DECISION: January 24, 2022
PROJECT/APPLICATION: Shamain/Gudal Second Story Addition
LOCATION: 289 Marchmont Drive, Los Gatos, CA

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. **Residential projects.** Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. **Non-residential and mixed-use projects.** Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

- 1- Loss of Solar Easement blocking future solar access and increasing shade to yards,
- 2- An additional 1320 sq ft(4 BR & 4 BR) second story not in character with neighborhood,
- 3- Construction vehicles will pose a traffic hazard to Hillbrook School disrupting traffic pattern.

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the planning commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: Mark Jamieson SIGNATURE: Mark Jamieson
DATE: 1/28/2022 ADDRESS: [REDACTED]
PHONE: [REDACTED] EMAIL: [REDACTED]

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____
COMMISSION ACTION: 1. _____ DATE: _____
2. _____ DATE: _____
3. _____ DATE: _____
PLAPPEAL \$ 221.00 Residential
PLAPPEAL \$ 882.00 Commercial
PLAPPEAL \$ 90.00 Tree Appeals

N:\DEV\FORMS\Planning\2019-20 Forms\Appeal - DEC_2020-01-16.docx

01/16/2020

Mark & Sue Jamieson

Los Gatos, CA 95032

Jihun Choi and Naree Yoon

Los Gatos, CA 95032

January 31, 2022

Los Gatos Planning Commission
110 East Main Street
Los Gatos, CA 95030

Re: Proposed Addition to 289 Marchmont Drive, Los Gatos, CA 95032
(MR-21-019, assessor parcel number 532-10-019)

Dear Los Gatos Planning Commission,

We have reviewed the rough architectural plans and new story poles showing the height of the proposed second story addition at 289 Marchmont Drive and would like to register concerns of the proposal based on the following facts and submit an Appeal to the proposed project.

Project Scope - A Second Story addition of 1320 sq ft including 4 bedrooms and 4 bathrooms is excessive.

1. The sheer size of 3057 square feet is slightly below the maximum of 3100 sq ft and is not in character for the neighborhood.
2. Of the 25 houses in the subdivision, only 5 are 2-story homes and these were originally built as 2-story structures. These 2-story houses are located on corners or cul de sacs where they do not encroach on their neighbors.
3. Adding 4 additional bathrooms does not seem in alignment with California water conservation guidelines.

Inherent Risks -

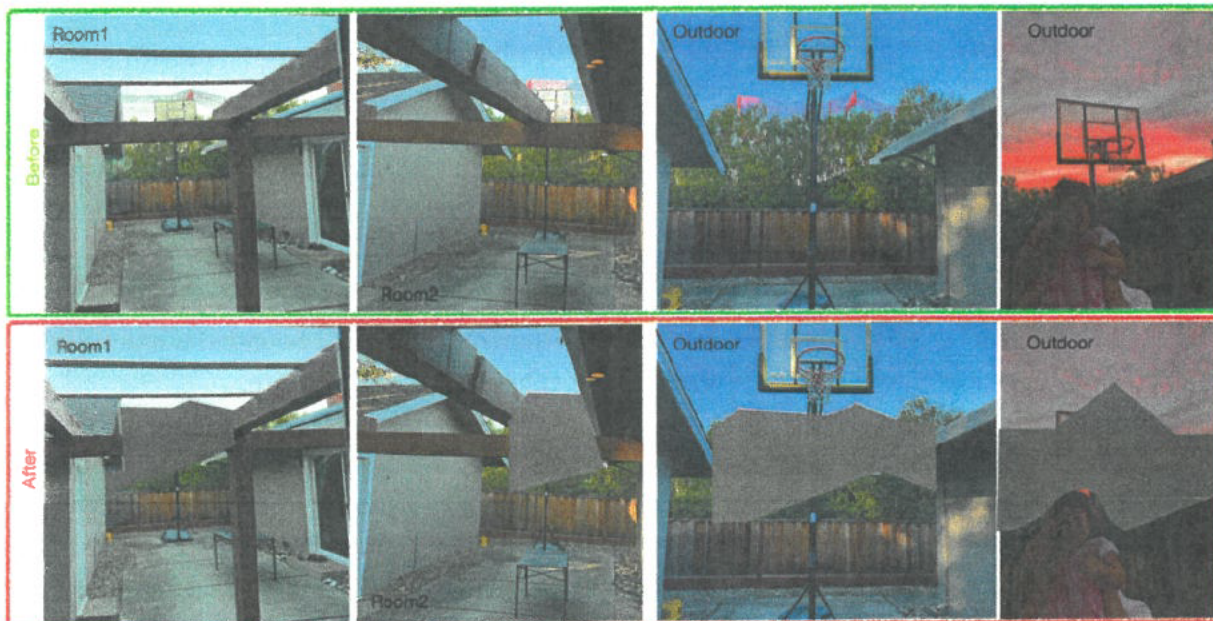
- **Sight** - The second story addition will be an encroachment on our sight boundaries and sunlight to our property as well as others. Several neighbors have expressed concern.
- **Loss of Solar Easement** - the second story addition will block solar access in the future. **This issue will result in decreased property values moving forward.** A formal shade study should be done to assess loss of potential solar access from the proposed second story addition. Even though the initial shade assessment on the plans shows little shading to the adjacent properties, there will be some loss of solar access and will correlate to a loss in property value. We propose an independent architect to more formally assess the effects of the addition to our solar access. **Any solar array loss is disproportionately larger than the shaded area.**

An excerpt from the California Solar Rights Act of 1978 states:

"An important factor when considering solar energy systems is current and future access to unobstructed sunlight. Shade from vegetation growth, increased building heights as a result of remodeling, and construction of new buildings on adjacent parcels can affect the amount of sunlight reaching a solar energy system in the future. California's Solar Shade Control Act provides limited protection to solar energy system owners from shading caused by trees and shrubs on adjacent properties. No similar law exists to prevent new or modified structures on an adjacent property from shading an existing solar energy system. However, Sections 801 and 801.5 of the California Civil Code provide for solar easements, which allow a solar energy system owner access to sunlight across an adjacent parcel. What is an Easement? An easement is a right that allows the holder to make some use of land that is not theirs or prohibits the owner of another property from using their land in some way that infringes on the rights of another property owner. There are two basic types of easements. An affirmative easement is a non-possessory right to use land in the possession of another. A negative easement restricts a property owner from using their property in some manner. A solar easement is generally considered a negative easement because it prevents a property owner from using their property in a manner that would prevent sunlight from reaching a solar energy system located on an adjacent property".

According to the California Civil Code 801.5 we do have the right to not having our solar easement blocked by new construction.

The second story addition will significantly impact sight and sunlight. As shown in pictures from room views and outdoor views, it will block almost 50% sight and sunlight, ultimately will downgrade our life quality and home value



- **Sun** - The second story addition casts shade into bedrooms on both sides of the proposed addition.

-
- **Structural Integrity** - Because 289 Marchmont Drive sits near the top of the Marchmont Dr hill, we have concerns regarding the impact on soil and land that a second story addition as well as and the impact on integrity of the foundations of the neighbors on the hill. It should be noted that there are no two-story homes on this side of Marchmont Drive. We believe a soil study should be done to evaluate potential effects on the back hillside, as well as the homes sitting below 289 Marchmont Drive.
 - **Noise, Privacy, and Remote Work/Education** - For the past eight years we have experienced loud noise based on how the sound carries, directly into our daughter's bedroom. For her final two years of high school, she had to sleep with ear plugs due to driveway noise late in the evening (we can provide video sound that notes the volume from her bed to support these instances). The Dining Room window on the ground floor appears to be located to the street side of the center, which would be directly facing our daughter's bedroom window, as well as our bathroom. For privacy and noise concerns, could this be adjusted more to an area that is not directly across from our windows.



The Shamain's mention a driving force behind their need for a second story was related to children learning remotely. This situation also applies to our families as well. The Jamison's have two children who are attending online high school and college classes. Their studies may not be possible at home with ongoing construction noise.

Furthermore, with such close proximity and setbacks and known existing noise issues, our ability to work from home is directly impacted. Sue Jamieson is a technology consultant, working with C-level executives in conducting webinars and global videos. With her office being adjacent to the Shamain's fence line, she will not be able to perform her duties.

- **Hillbrook School Traffic Disruption** - The ongoing construction with vehicles parking on the street close to the school entrance will disrupt traffic flow in and out of the school, which is

already impacted. A traffic mitigation plan needs to be considered to support the safety of pedestrians that are children and drivers alike.

In closing, due to the above reasons, a second story addition to 289 Marchmont Drive will not only lower our property values but significantly impact us for the foreseeable future in a negative way. We would like the opportunity for our neighborhood to voice their concerns over this proposal and make the necessary changes to support a plan going forward that has less impact on the neighborhood.

Sincerely,

Mark and Sue Jamieson

Jihun Choi and Naree Yoon



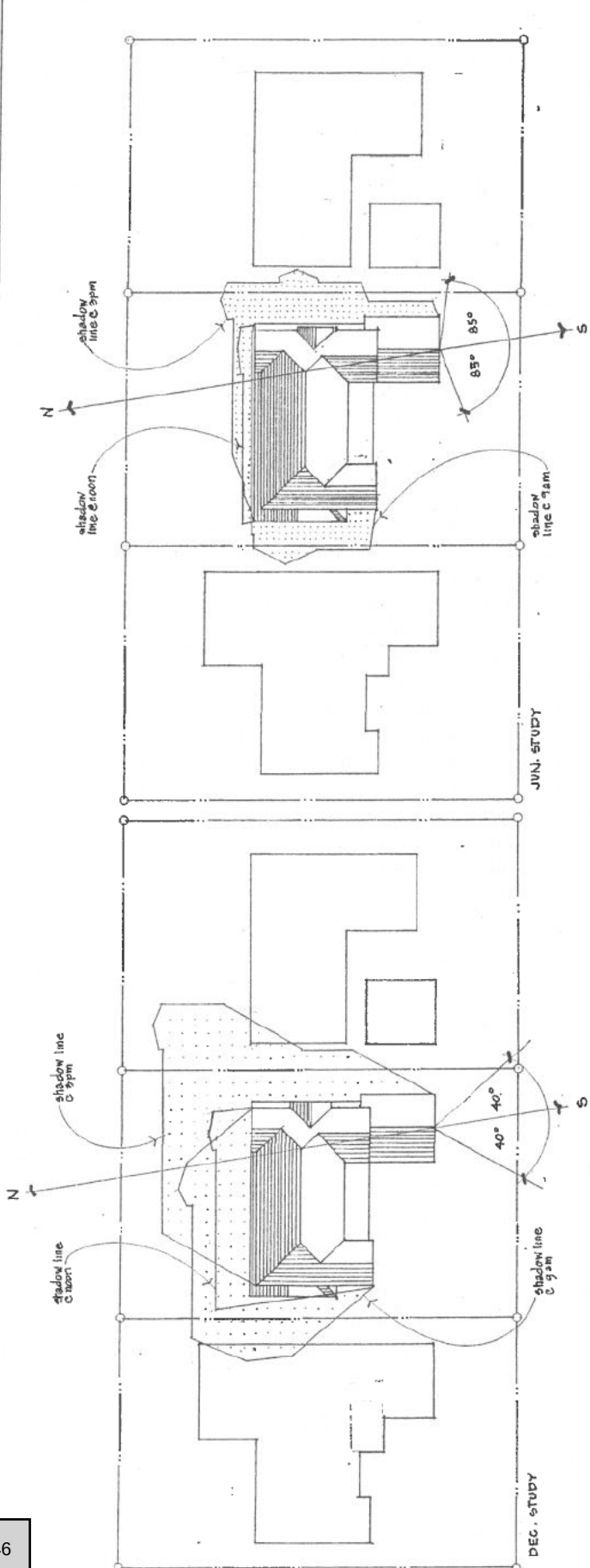
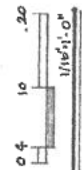
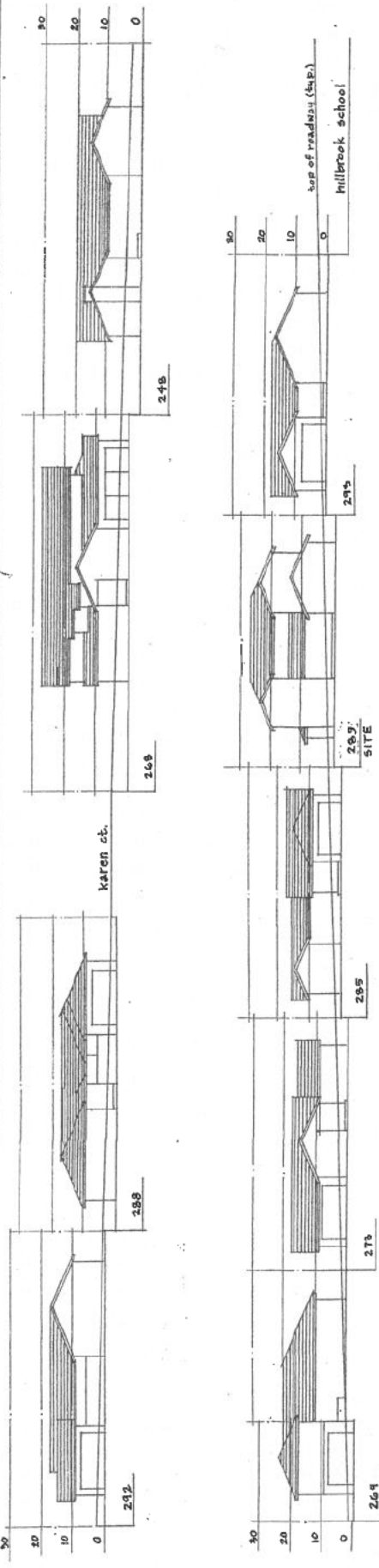
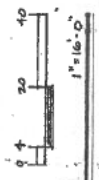
SHEET: Great/shadows
SCALE: noted
DATE: 8-4-21
DRAWN: db

Sharmain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

BRIT + BOWE
BRIT + BOWE
10001 Santa Clara Ave
Los Gatos, CA 95032
408.254.1121
www.britandbowe.com

BR
Brit + Bowe

REVISIONS	BY
[1-5-21]	db





**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT**

110 E. Main Street
Los Gatos, CA 95030

RECEIVED

FEB 2 - 2022

TOWN OF LOS GATOS
PLANNING DIVISION

**APPEAL OF THE DECISION OF
DEVELOPMENT REVIEW COMMITTEE**

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW COMMITTEE as follows:

4:53 pm

DATE OF DECISION: January 14, 2022 (Notice of Pending Approval)

PROJECT/APPLICATION: Second Story Addition to an Existing One Story Single Family Residence

LOCATION: 289 Marchmont Dr (MR-21-019, APN 532-10-019

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

Potential Lethal Hazard with existing shared power line infrastructure adjacent to proposed construction

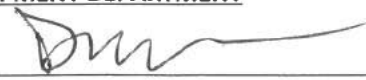
Injury to property value from loss of privacy created by proposed construction

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the planning commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: Don Woodward

SIGNATURE: 

DATE: February 2, 2022

ADDRESS: [REDACTED] Los Gatos, CA 95032

PHONE: [REDACTED]

EMAIL: [REDACTED]

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION:

1. _____
2. _____
3. _____

DATE: _____

DATE: _____

DATE: _____

PLAPPEAL \$ 221.00 Residential
PLAPPEAL \$ 882.00 Commercial
PLAPPEAL \$ 90.00 Tree Appeals

Monday, February 14, 2022

Don Woodward

Los Gatos, CA 95032

To Members of the Town of Los Gatos Development Review Committee:

I present this additional information regarding my appeal of the Development Review Committee's decision regarding the **project located at 289 Marchmont Dr. (MR-21-019, APN 532-10-019)**

1. Regarding discussions with the 289 Marchmont property owners:
 - a. I have met with the property owners on multiple occasions since filing the appeal and found them to be most helpful, friendly and completely open and transparent.
 - b. No changes to the current plan resulted from our discussions; we focused instead on understanding each other. This is a solid plan developed with care and attention to detail and I feel modifications deserve that same care.
2. On the issue of the hazardous power line infrastructure:
 - a. PGE electrical distribution lines on telephone poles run the length of the 289 Marchmont rear property line.
 - b. Though power line maintenance may not be the responsibility of the 289 Marchmont property owners nor the Town of Los Gatos, I feel it important to take this opportunity to notify the Town of Los Gatos that these power lines are in extreme disrepair, and, I believe currently represent a clear and present danger to both persons and property:
 - i. These lines are PGE power distribution lines in two-sets. The lower set of 3 wires is approx. 18-20 feet off the ground and carries 12,000 volts or 4,000 volts per wire. The upper set of 3 wires is approx. 50 feet off the ground and carries 30,000 volts. (Source: PGE ICA & DIFD maps)
 - ii. One of the wires in the lower set has multiple splices, and another of the wires in that set, just inches away, is frayed and split and this can be seen with the naked eye.
 - iii. In October 2021 during a storm, the lower set failed and sent 4000 volts traveling through cable TV lines also strung along the same poles, destroying 3 Television sets at the residence of my 16520 Bonnie Ln neighbor, melting the underground feeder cable from the pole to the junction box at my home, scorching the junction box which was fortunately well grounded which prevented the renegade electricity from entering my home along this path.
 - iv. However, transient voltages surged into my home instead through the breaker panel and destroyed my refrigerator, oven, dishwasher, furnace, a few small fixtures and the PGE demand electricity monitoring shut-off device next to the breaker panel..
 - v. The property damage occurred in a blink of an eye when a 4000 volt power line ruptured from arcing against its neighbor, and, spitting, came to rest in my backyard, live with 4000 volts for four days before PGE found themselves able to allocate a crew to service it. This is the same line that is frayed and split, primed yet for another failure.
 - vi. Ideally the City of Los Gatos can compel PGE to modernize the system, and rid us of this hazard.
 - c. Meanwhile, the power lines are relevant to this appeal because PGE maintains the right to cut foliage away from the lines, which they do twice per year, preventing the use of shrubs and trees as a privacy barrier for lack of sufficient height.
3. Regarding the issue of injury to my property value from loss of privacy:
 - a. An unobstructed direct line of sight into my backyard and also directly into my bedroom windows will be created from windows of proposed 2nd story construction.
 - b. The current view to the mountains behind my house will be obstructed from all rear facing points on my property – from my bedroom windows, the full-length windows in my sitting room, from my back porch, back yard, and side yards.
 - c. The story poles can be seen in direct line of sight all the way from the intersection of Shannon Rd and Bonnie Ln, obstructing the view of the mountains as one drives or walks the entire length up Bonnie Ln.

Thank you for the opportunity to present this information.

Sincerely,



Don Woodward

MRA 21-019: 289 Marchmont Dr

Second Story Addition to Our Home

Wednesday, February 16, 2022 (Updated February 26, 2022)

From: Janhavi Gudal & Prasad Shamain

To: Planning Commission, Development Review Committee, & Town Planning
Department of Los Gatos

Background

We love our Upper Marchmont neighborhood, and have lived at 289 Marchmont Drive for the last eight years. Janhavi has been working as a doctor (MD Internal Medicine) at Good Sam Hospital since 2017 and at Santa Clara Valley Medical Center since 2011.

After we moved here, our family grew prompting us to plan a second story to provide our three kids with their own bedrooms and our master bedroom on the same floor to stay close to them at night, and an additional isolated bedroom on the first floor for Janhavi to quarantine in the event of a prolonged COVID-19 patient exposure. This house will be our forever home where we plan to retire. We want to complete our new house at our earliest and enjoy it with our kids before they leave for college.

We have worked with Britt-Rowe, a reputed Los Gatos architectural firm to design the extra space that our family needs. Our design followed the town residential design guidelines, and has sought no exceptions and no variances. Per our request, Britt-Rowe has incorporated all the recommendations of the town's consulting architect. We do not plan to demolish the house, and we have not increased the footprint of the house. This has enabled us to preserve established trees, our outdoor areas, and the existing long driveway.

We visited our immediate neighbors in person with the design and the contact information (for both Britt-Rowe & us) in November 2021, and received positive responses from them. Our story poles were installed in January 2022. The planning department approved our proposal after their site visit after the story pole installation.

On January 14, 2022, the planning department indicated their intent to approve the proposal by email. The planning department informed us on January 18, 2022 that Jihun Choi and Naree Yoon at 293 Marchmont had emailed them about concerns. We reached out to Jihun and Naree by email and phone message, and started a conversation with them; they indicated that they would like to continue the conversation by email only. On January 21, 2022, Mark & Sue Jamieson at 285 Marchmont sent us an email informing us of their intent to appeal the decision and detailing their concerns. We continued the conversation with the Jamiesons and Choi-Yoons via email, and also had an in-person meeting on Feb 1, 2022 to understand and allay their concerns.

The planning department then informed us that Don Woodward from 16530 Bonnie Lane had filed an appeal on February 2, 2022. We reached out to Don via email and phone. We visited Don's home on February 10, 2022 to discuss his concerns. We invited Don to tour our home to assess his concerns by climbing on the roof. Don visited us on February 12, 2022, climbed on the roof, and toured the proposed addition with us.

Separately, we reached out to our Upper Marchmont neighbors. Twenty-four neighbors, as shown by the green circles in Figure 1 below, have indicated that they support our project or have no concerns. The neighbors who did not respond are labelled "NR" for no response.

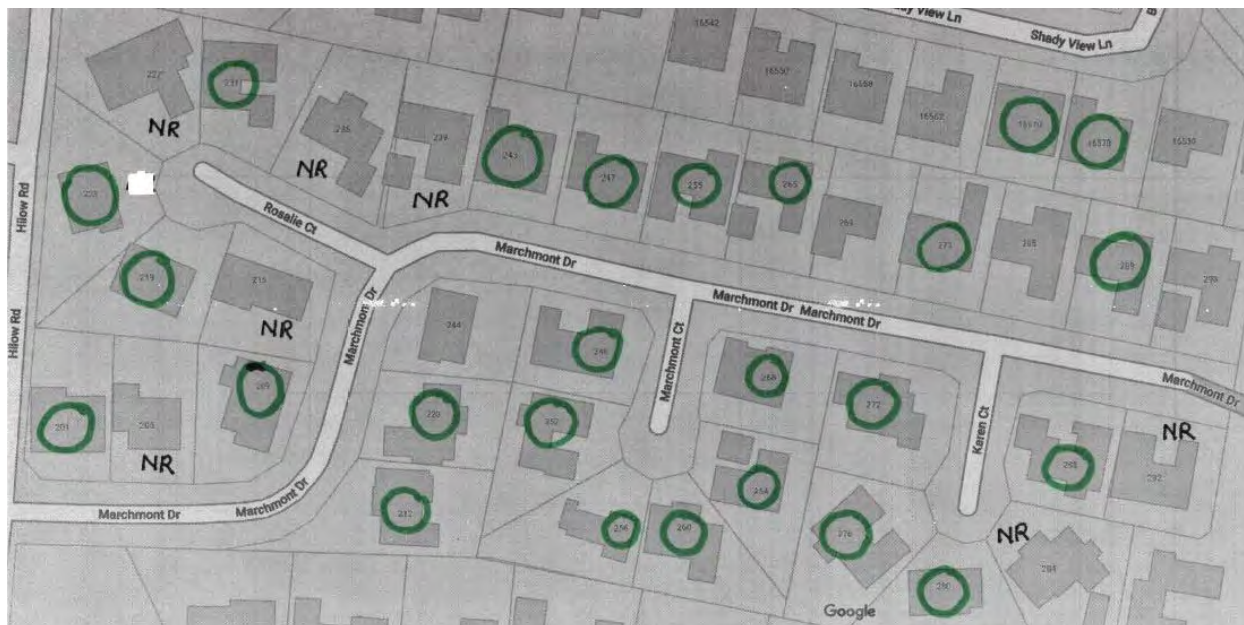


Figure 1: Neighborhood residences that support or have no-Concerns

Summary of Our Discussion with the Concerned Neighbors

Mark Jamieson filed an appeal on January 31, 2022. While the appeal is filed by the Jamiesons, it also includes concerns from our neighbors Jihun Choi and Naree Yoon at 293 Marchmont.

Concerns Raised by Jamiesons and Choi-Yoons

- 1) **Loss of Solar Access** –The Jamiesons are concerned about solar access. We pointed them to the formal solar study that is submitted as a part of the planning documents. The study shows that the shadow cast by the second story lies mainly on our property. The Jamiesons do not have any solar panels.

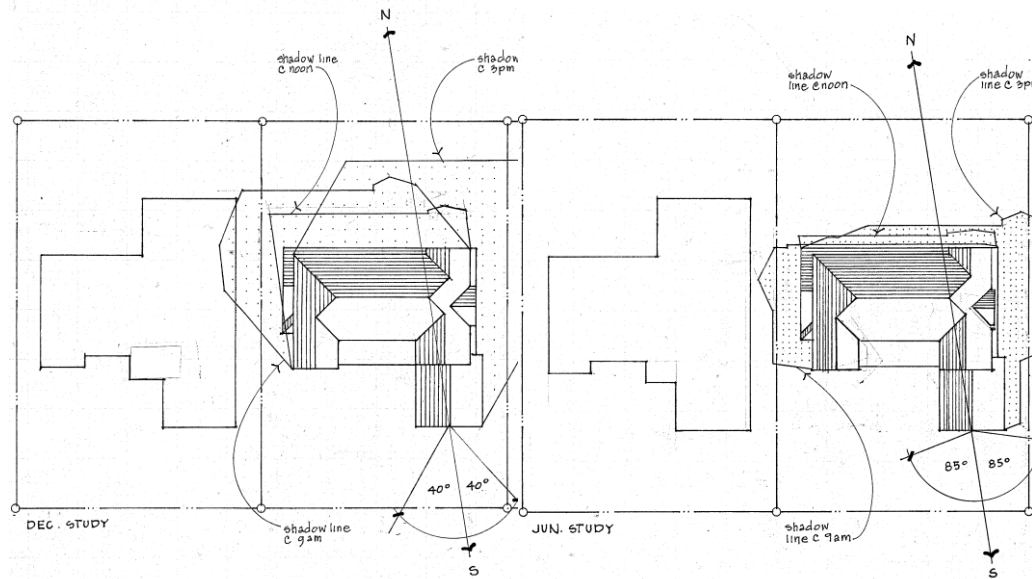


Figure 2: Jamieson Shadow Study, December (Left) and June (Right)

Jamiesons' lot sits at a lower elevation with respect to our lot, and their roof overhang and the side-yard fence cast shadows in their side yard as shown in Figure 3.

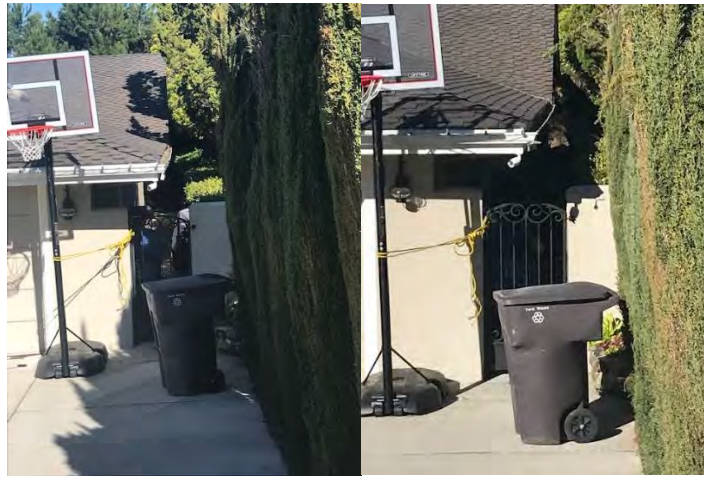


Figure 3: Jamieson Side Yard at 9 am (left) and 3 pm (right) in February 2022

Choi & Yoon had questions about the details of the shadow study. With the help from our architect, we explained to them that the formal shadow study shown in Figure 4 covers the time period when the solar gain is significant. As the established industry practice, the study shows shadow lines at 9 am, noon, and 3 pm in the months of June and December.

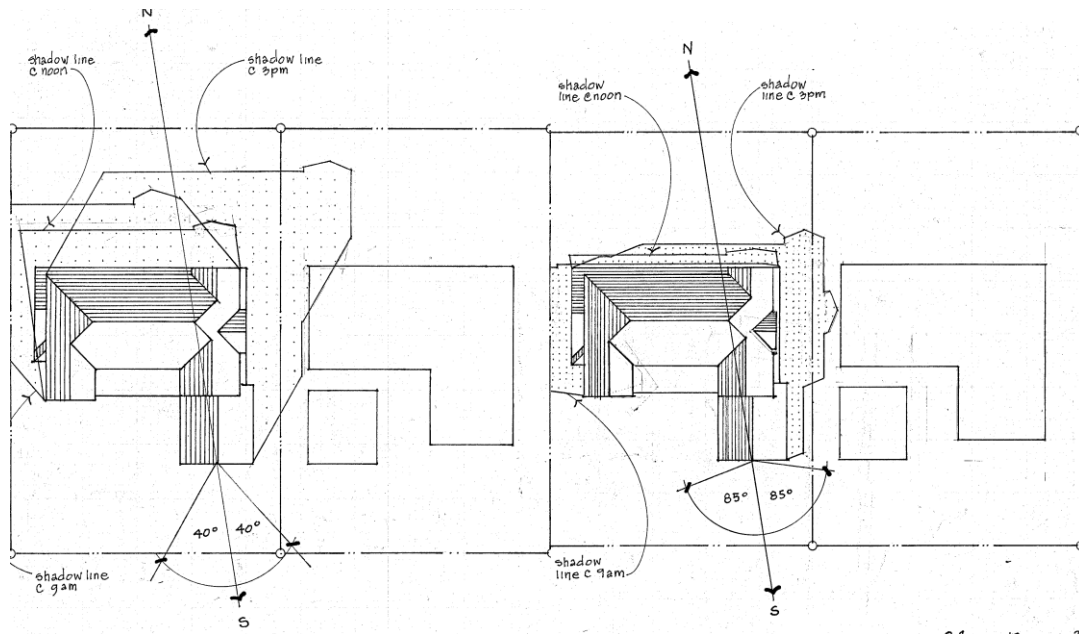


Figure 4: Choi-Yoon Shadow Study, December (Left) and June (Right)

There is no impact on their bedrooms, family room, and outdoor living area between the detached garage and the house (shown with the green ellipse in Figure 5). The minimal shadow cast is in the area (shown with the blue rectangle in Figure 5) which has no windows.



Figure 5: Choi-Yoon Home Schematic

- 2) **Second Story not in Character with the Neighborhood** - We discussed with the Jamiesons and Choi-Yoons the objective and subjective process involving the town planning department and the town consulting architect to ensure that our second story addition is compatible with the neighborhood. We also mentioned that we have sought no exceptions and no variances. The second story has an additional set back, beyond the minimum required, to minimize the stacked-up effect that concerned Choi-Yoons.

The Jamiesons, as stated in their appeal, are under the impression that all the 2 story homes in our subdivision were originally built. Our conversation during neighborhood outreach concluded differently; there were second story additions. Our immediate neighbor Joe Regan

at 272 Marchmont and Ed Meserve at 16578 Shady View related their experiences about adding a second story. We informed the Jamiesons of our findings.

- 3) **Construction Vehicles Parking and Noise-** We informed Jamiesons and Choi-Yoons that our building contractor will follow Los Gatos town ordinances for construction that will help mitigate noise and traffic issues. Additionally, while Marchmont Drive is a public street where construction vehicular parking is allowed, we intend to minimize traffic and parking issues by parking the construction vehicles in our long driveway, which will be preserved and available during the construction since we are not adding to the footprint of the house.
- 4) **Jamiesons' Concern about Their Daughter's Bedroom Privacy** -Their daughter's window is currently visible across the lower fence when we step out to our front porch and paved over outdoor area as shown Figure 6. This window will continue to be visible from our porch in the new design. There is no loss of privacy brought about by the new design.



Figure 6 (a): View of Daughter's Bedroom Window (left)

(b): View of Bedroom Window and Laundry Door with Vent Above (right)

Our new dining room window will face the tall side fence that lies behind the side yard door, and will have no line of sight to any windows because the top lines of all Jamieson's windows are below the top edge of the tall fence since their lot is at a lower elevation. So, we would have the view as shown in Figure 7.

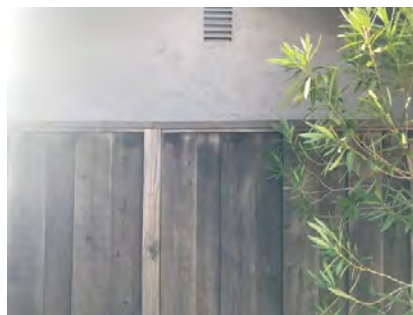


Figure 7: View from the Dining Room Window

We also took this opportunity to mention that Britt-Rowe has followed conservative design practices, and all our windows facing side-yards are privacy preserving high-sill windows even when a taller fence provides an effective privacy screen as in the case above.

- 5) **Structural Integrity** The Jamiesons are concerned about the structural integrity. We informed them that the grading and drainage are not going to change, and soil will not be disrupted since we have not increased the footprint of the house. A soil study will be performed based on the feedback by the Town's Building Department.
- 6) **Views** Since all our houses are facing south, the views towards Santa Cruz mountains are not blocked by the proposed addition.
- 7) **California Water Conservation Guidelines** The Jamiesons have a concern that the additions of bathroom will lead to additional water usage. While we increase the number of bathrooms in the new house, the occupancy will remain the same. With water conserving fixtures, our newer water consumption footprint is expected to be smaller than our current house and other similar neighborhood houses which were built during 1960s.

Concerns Raised by Don Woodward

- 1) **PG&E Power Infrastructure** There was an electrical arcing of the PGE power lines in October 2021 during a windy storm. Don plans to use the Planning Commission as a forum to draw Town's attention to the issue of the power lines not being maintained properly by PG&E. He acknowledged that this issue is not related to our proposal. Since we have increased our rear setback from 43 feet to 56 feet, the proposed second story will be at a safe distance from the power infrastructure.
- 2) **Privacy-** Don is concerned about the privacy of his top bedroom windows. While our windows facing side-yards are privacy preserving high-sill windows, our bedroom windows facing the backyard are not high-sill to meet the egress requirement. Since we have increased our rear setback from 43 feet to 56 feet, Don's 2nd floor bedroom windows and our proposed bedroom windows are separated by a distance of about 130 feet, a separation of 1.5 lots (our lot is 80 feet wide), as shown in Figure 8.



Figure 8: Distance Between the Bedrooms of Two Houses

PG&E trims the trees near the powerline twice a year, and has trimmed them heavily after the October 2021 storm. We took the following pictures (see Figure 9) of Don's house from our roof at an elevation of 17.8 feet from the ground (the floor height of our second story of 12 feet + my height of 5'8"). This provides an idea of the line of sight views from our two proposed windows. The foliage provides sufficient privacy even though it is at its lowest due to winter. We do not have an unobstructed line of sight to Don's bedroom windows or to his backyard. In addition, the distance of 130 feet separating the bedroom windows enhances privacy for both Don and us.

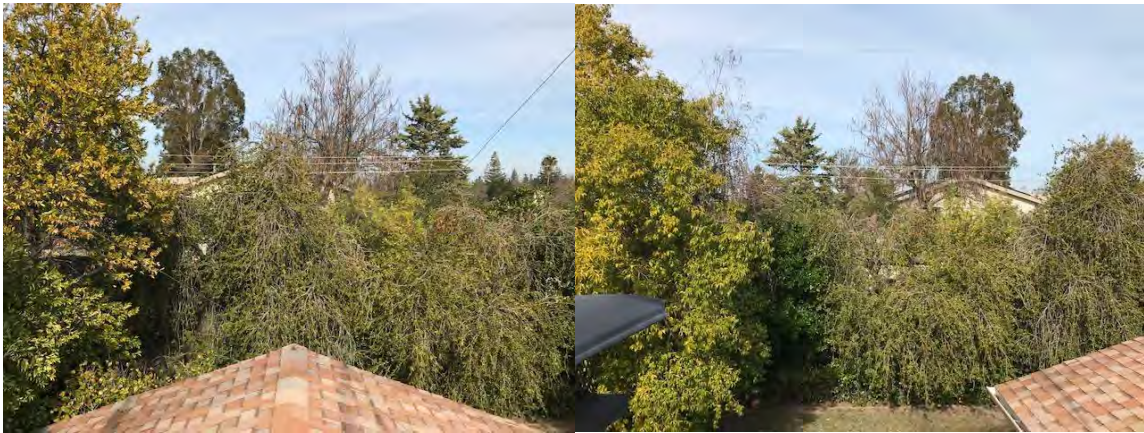


Figure 9: Views from the rear -facing windows, Window 1 (left) and Window 2 (right)

We shared these pictures with Don during our visit to his home on February 10, 2021, and invited him to our roof. He accepted the invitation. He visited us on February 12, 2022, climbed on the roof, and took pictures. He appeared to be convinced that as long as the trees are in place, there is no privacy issue. Since we do not plan to cut any trees, the existing landscape can mitigate any privacy concern.

Our Thoughts

Our project started in March 2021, and we wish to complete this addition as soon as possible. We decided to be sensitive to neighborhood compatibility and neighbor concerns by working with local town architects on a conservative and well thought out design plan with no exceptions or variances from the Town residential design guidelines. We believe that a well-designed house by Britt-Rowe will be a nice addition to our neighborhood.

While it is our intent to address our neighbors' concerns as far as we can, if you are reading this document, it means that there are differences which we could not reconcile. We appreciate your time and your spirit of service towards our community in helping us move forward.

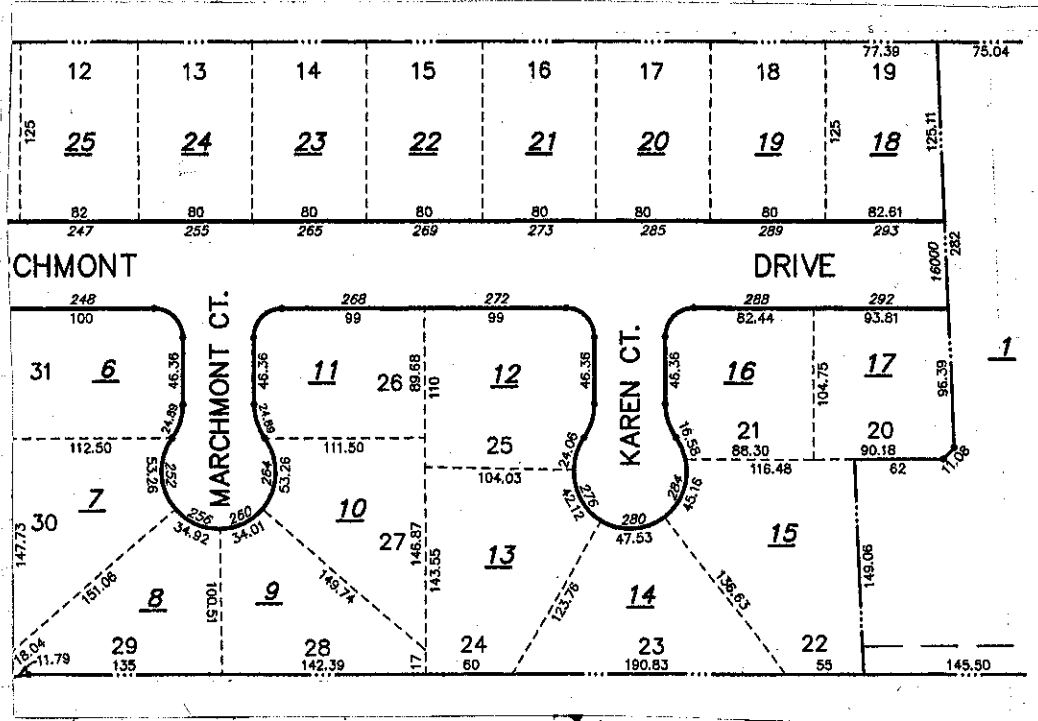
Sincerely,

Janhavi Gudal & Prasad Shamain

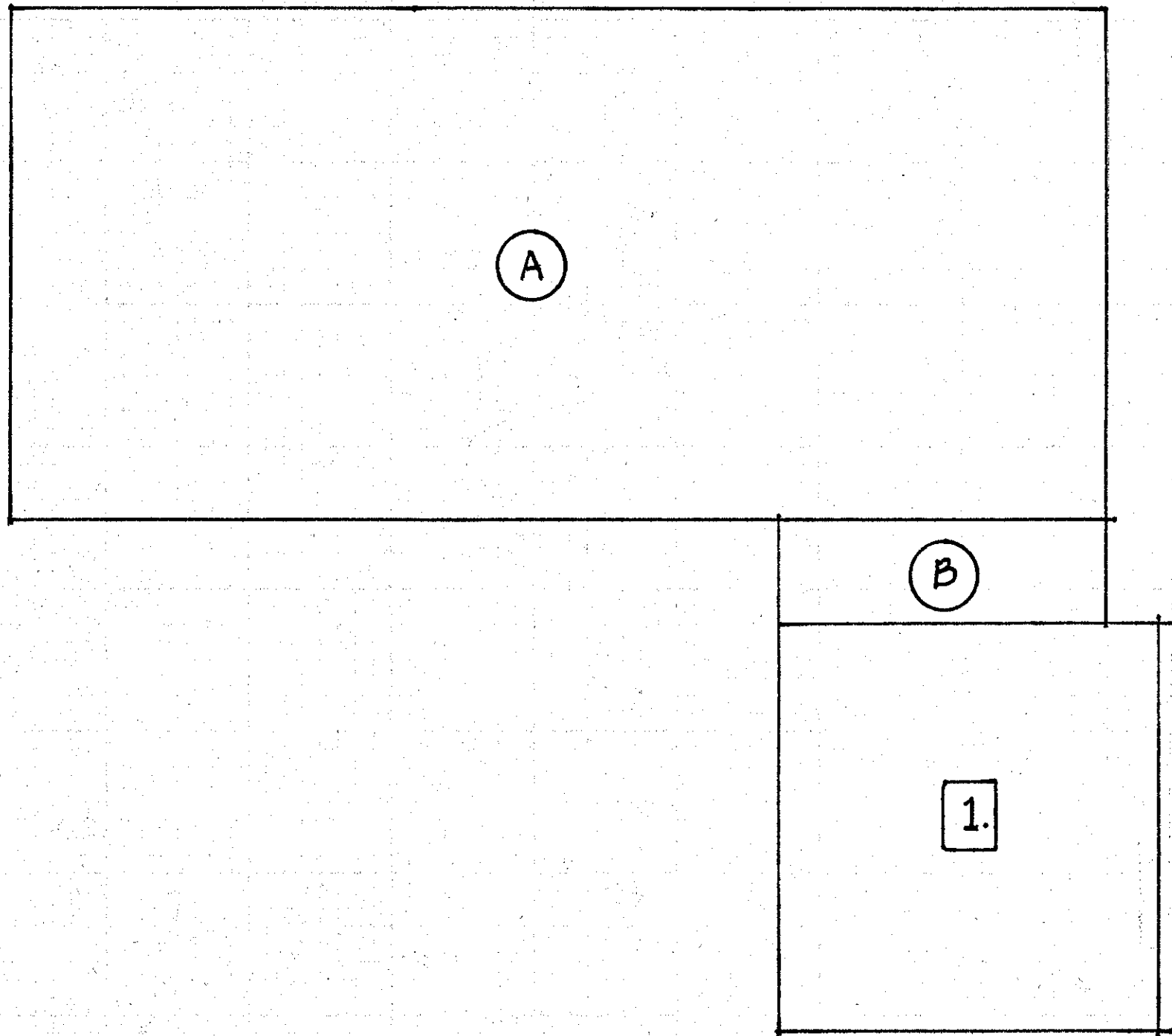
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NEIGHBORHOOD SURVEY

Map #	Address	APN	Lot Size	Structure	FAR	Stories
6.	248 Marchmont Dr.	532.10.006	10,615	2,385	.2246	1
7.	252 Marchmont Ct.	532.10.007	10,890	2,069	.2190	1
8.	256 Marchmont Ct.	532.10.008	10,720	2,599	.2424	2
9.	260 Marchmont Ct.	532.10.009	10,555	2,126	.2014	1
10.	264 Marchmont Ct.	532.10.010	10,829	2,136	.2086	1
11.	268 Marchmont Dr.	532.10.011	10,475	2,186	.2086	1
12.	272 Marchmont Dr.	532.10.012	12,470	3,599	.2884	2
13.	276 Karen Ct.	532.10.013	13,300	2,654	.1995	1
14.	280 Karen Ct.	532.10.014	12,470	2,599	.2084	2
15.	284 Karen Ct.	532.10.015	15,068	2,975	.1974	1
16.	288 Marchmont Dr.	532.10.016	10,362	2,560	.2470	1
17.	292 Marchmont Dr.	532.10.017	10,120	2,385	.2356	1
18.	293 Marchmont Dr.	532.10.018	9,968	2,478	.2458	1
19.	289 Marchmont Dr.	532.10.019	10,000	3,057	.3057	2
20.	285 Marchmont Dr.	532.10.020	10,000	2,571	.2571	1
21.	273 Marchmont Dr.	532.10.021	10,000	2,349	.2349	1
22.	269 Marchmont Dr.	532.10.022	10,000	2,581	.2581	2
23.	265 Marchmont Dr.	532.10.023	10,000	2,385	.2385	1
24.	255 Marchmont Dr.	532.10.024	10,000	2,715	.2715	1
25.	247 Marchmont Dr.	532.10.025	10,000	2,126	.2126	1



SQUARE FOOTAGE CALCULATIONS



Garage Floor Area:

1. 21 x 23 = 483

First Floor Area:

A. 61 x 27 = 1,657

B. 18 x 5 = 90

Total = 1,737

Second Floor Area:

C. 13 x 21 = 273

D. 38 x 26 = 988

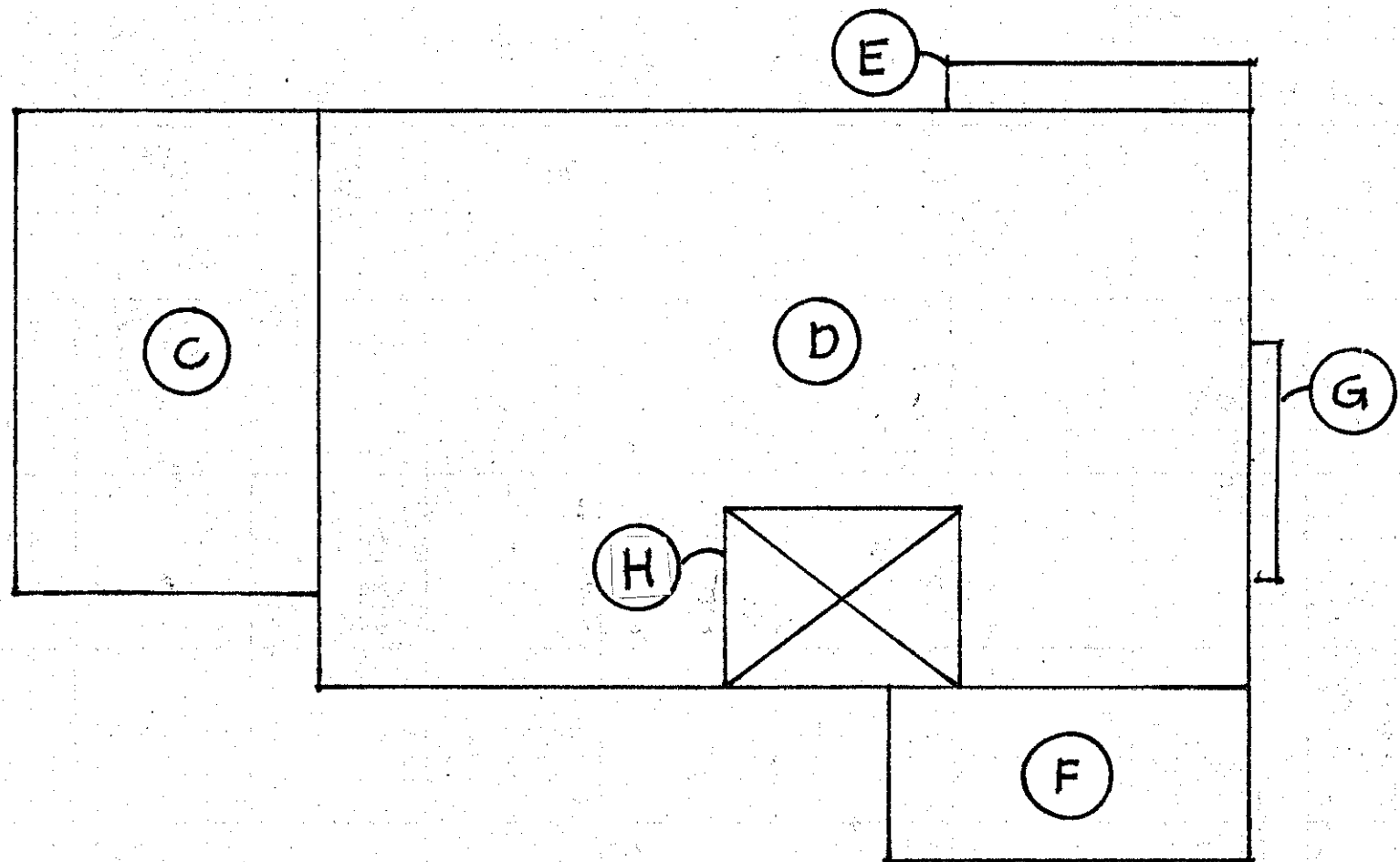
E. 12 x 2 = 24

F. 14 x 8 = 112

G. 1 x 11 = 11

H. 8 x 11 = (-88) (staircase deduction)

Total = 1,320



SHEET INDEX

- A0 Coversheet/Project Info.
- A1 Architectural Site Plan
- A2.1 Existing/Demolition Plan
- A2.2 Exterior Wall Demo Plan
- A2.3 Existing Elevations/Demo Calc's.
- A2.4 Existing Elevations/Demo Calc's
- A3 Proposed First Floor Plan
- A4 Proposed Second Floor Plan
- A5 Proposed Roof Plan
- A6 Proposed Exterior Elevations
- A7 Proposed Exterior Elevations
- A8 Design Sections
- A9 Streetscapes and Shadow Studies

PROJECT CONSULTANTS

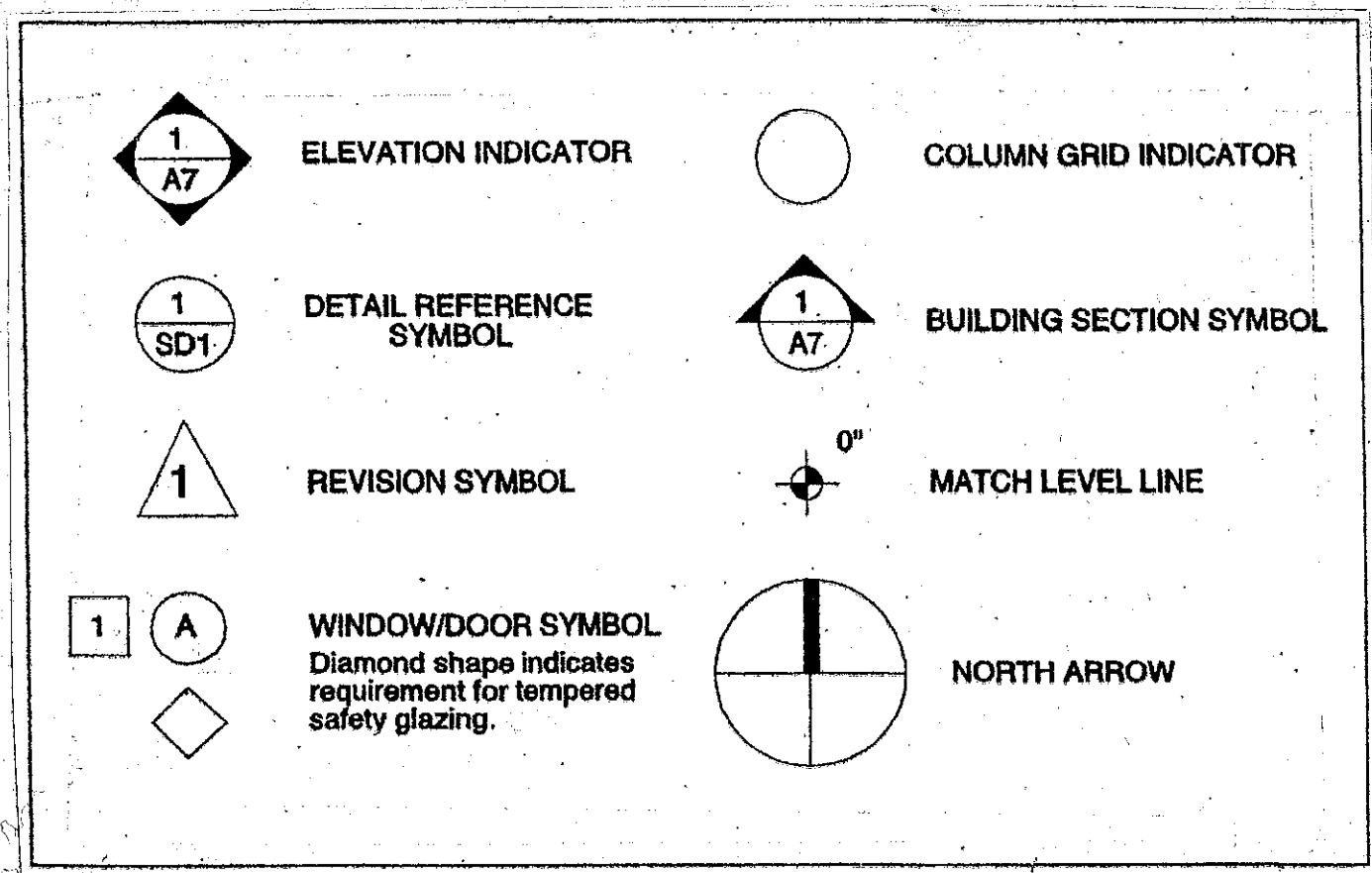
Building Designer:

Britt/Rowe
David Britt
108 N. Santa Cruz Avenue
Los Gatos, CA 95030
P (408) 354.6224

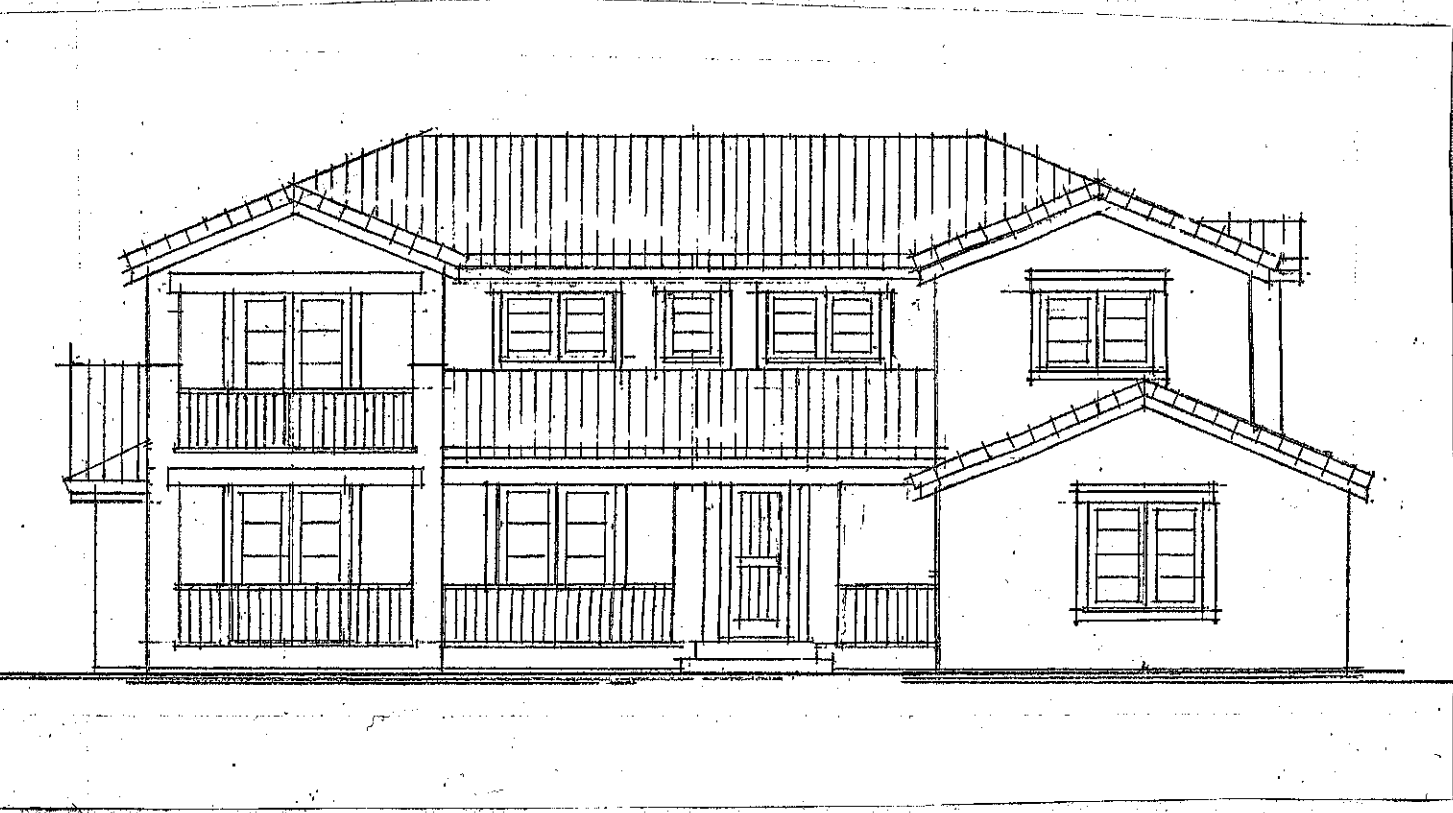
GENERAL PROJECT INFORMATION

Scope of Work:	Second Story Addition to an Existing One Story Single Family Residence		
Property Owner:	Prasad Shamain and Janhavi Gudal 289 Marchmont Dr. Los Gatos, Ca 95032		
Site Address:	289 Marchmont Drive Los Gatos, CA 95032		
APN:	532-10-019		
Zoning:	R1-10		
Lot Area:	10,000 Sq. Ft.		
Average Lot Slope:	Less than 5% (flat)		
FAR:	Existing	Proposed	Allowed
Main Dwelling (sq. ft.):	2,003 (0.2003)	3,057 (0.3057)	3,100 (0.310)
Garage (sq. ft.):	483 (0.0483)	483 (0.0483)	860 (0.0860)
Setbacks:	Existing	Proposed	Allowed
Front:	25'-0"	25'-0"	25'-0"
Left Side:	8'-4"	8'-4"	10'-0"
Right Side:	8'-7"	8'-7"	10'-0"
Rear:	42'-6"	56'-0"	20'-0"
Lot Coverage (sq ft. %):	Existing	Proposed	Allowed
Includes first floor, garage, and covered porches.	2,540 (25%)	2,570 (25%)	4,000 (40%)
Building Height:	Existing	Proposed	Allowed
(measured from existing natural grade to tallest ridge)	17'-0"	28'-0"	30'-0"

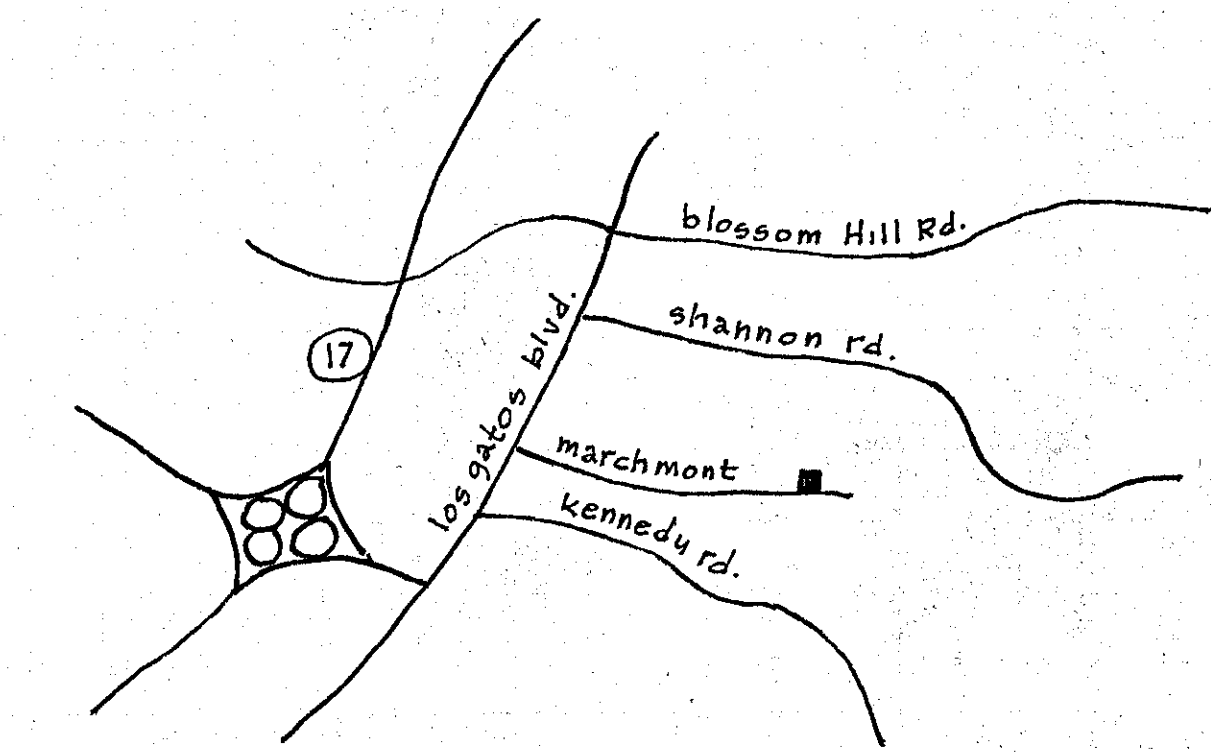
ARCHITECTURAL DRAWING SYMBOLS



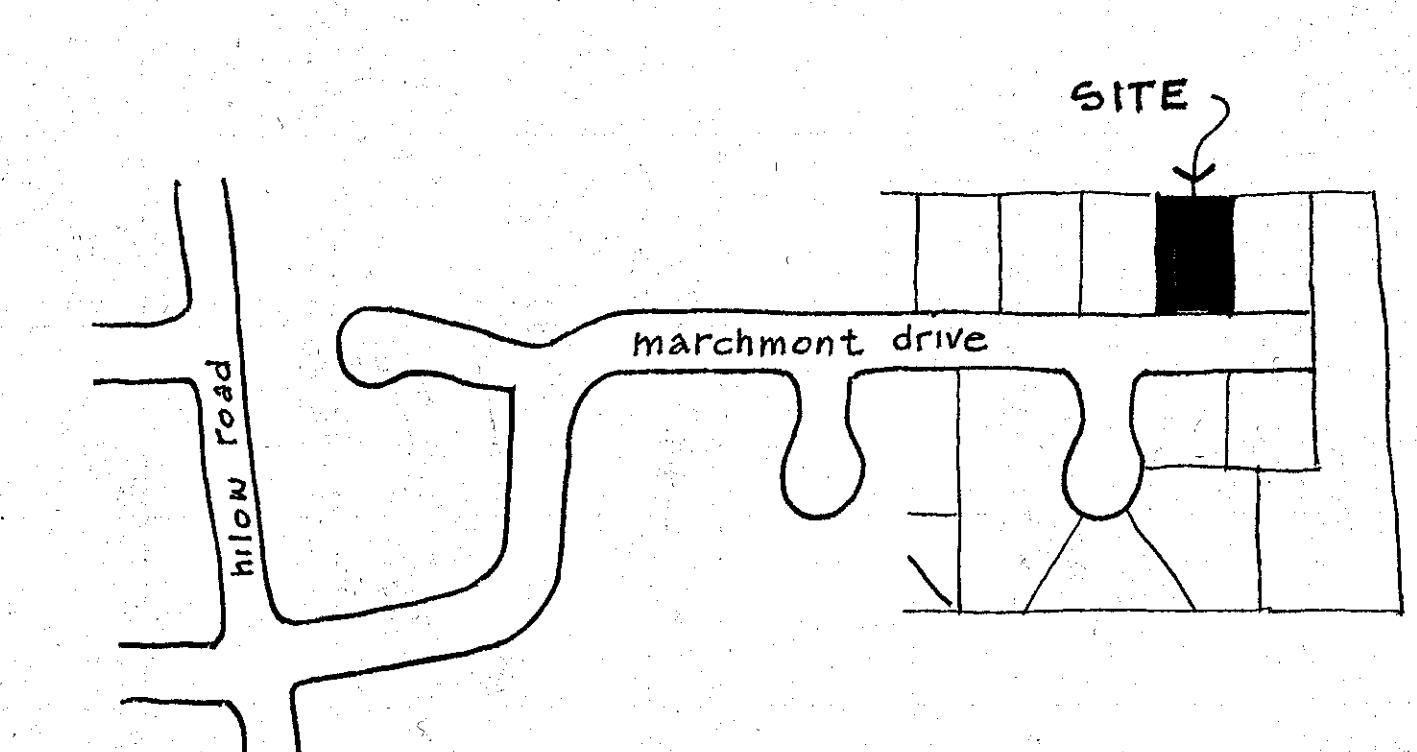
FRONT VIEW OF PROPOSED RESIDENCE



VICINITY MAP



LOCATION MAP



REVISIONS

BY

11.5.21

clb

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

408.354.6224 (office)
408.354.6514 (fax)

BRITT • ROWE retains all rights and ownership to all drawings and specifications. The contents may not be used on any other project without the expressed, written consent of BRITT • ROWE

Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: title sheet / proj. info
SCALE: n/a
DATE: 8.4.21
DRAWN: clb

A0

REVISIONS	BY
11.5.21	db

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

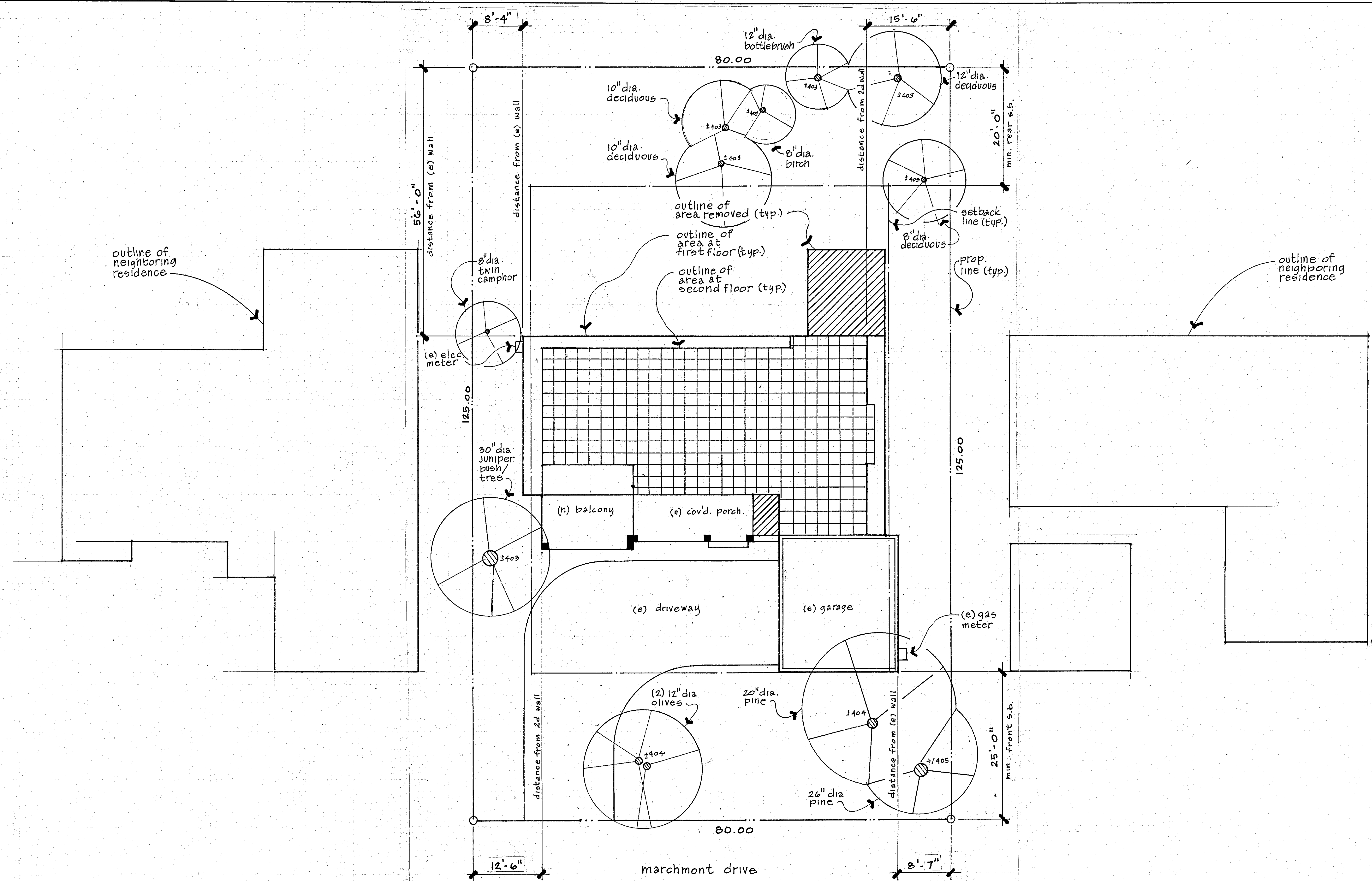
408.354.6224 (office)
408.354.6514 (fax)

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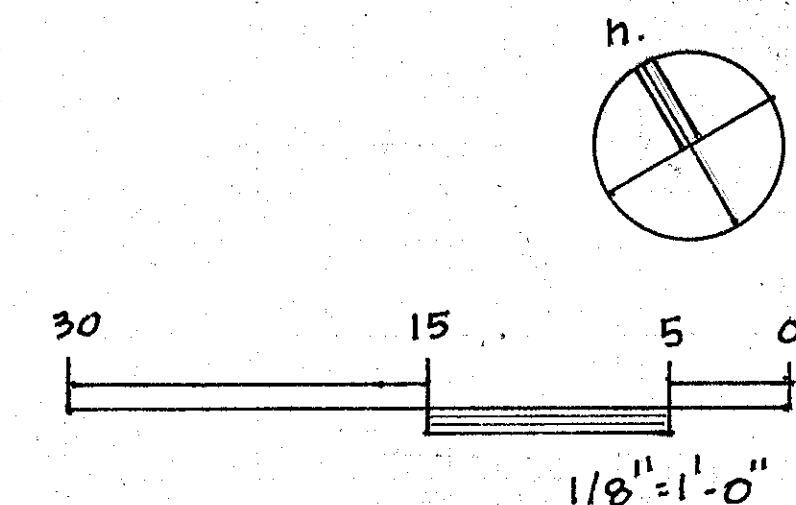
Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: arch. site plan
SCALE: noted
DATE: 8.4.21
DRAWN:

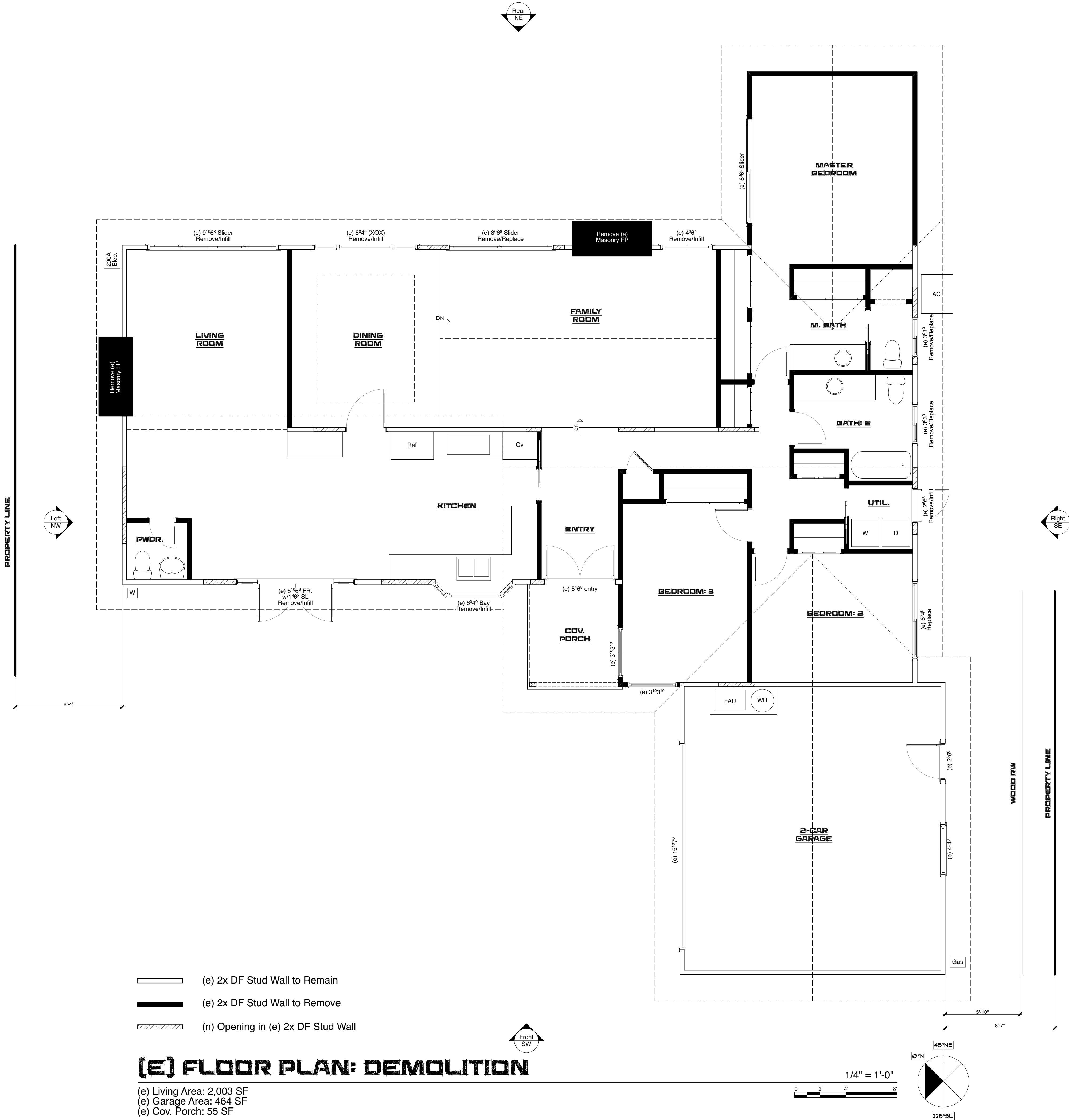
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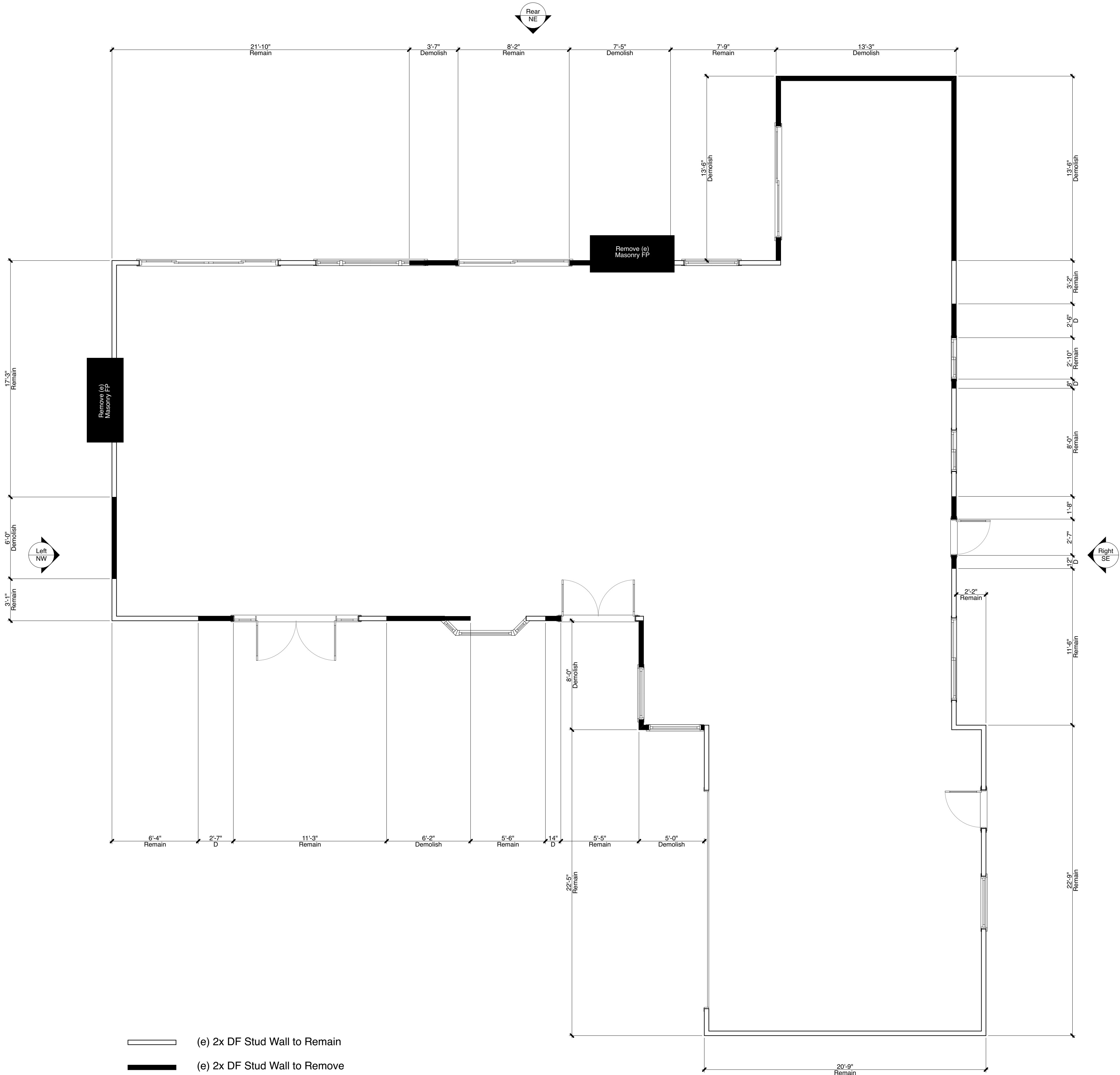
note:
no existing trees
are proposed for
removal.



ARCHITECTURAL SITE PLAN



REVISIONS:		#
11/15/21		
BR BRITT • ROWE 108 N. Santa Cruz Ave. Los Gatos, CA 95030 408.354.6224 (office) 408.354.6514 (fax) www.britt-rowe.com		
Britt Rowe shall retain all rights and ownership to all drawings and specifications. The contents of the drawings may not be used in whole, or in part, without expressed written consent given by Britt Rowe. All construction shall comply with all local & national building codes. All contractors shall verify all conditions to assure conformance to these codes.		
SHAMAIN-GUDAL RESIDENCE 289 Marchmont Drive Los Gatos, CA 95032		
DRAWING:	1st Floor Plan	
PRINTED:	11/15/21	
SCALE:	Noted	
DRAWN BY:	M.A.R.	M.
Professional Stamp		
A2.1		
Jurisdiction Stamps and/or Red Line Notes		

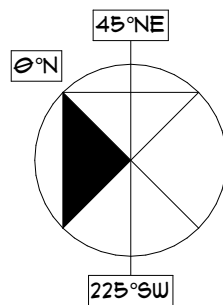


- (e) 2x DF Stud Wall to Remain
- (e) 2x DF Stud Wall to Remove

(E) FLOOR PLAN: EXT. WALL DEMOLITION

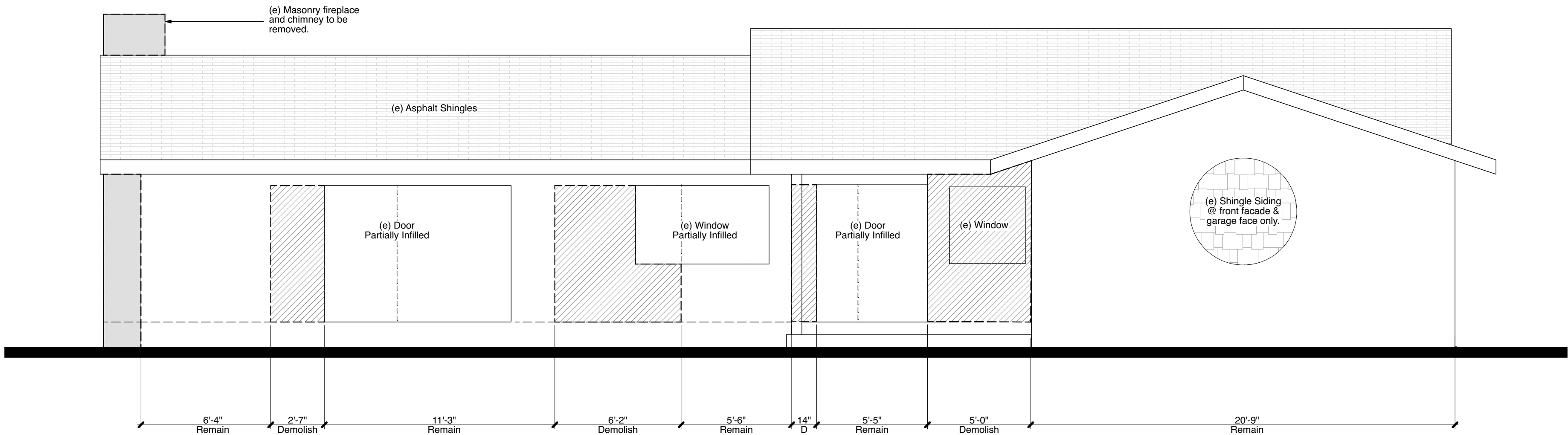
(e) Living Area: 2,003 SF
(e) Garage Area: 464 SF
(e) Cov. Porch: 55 SF

1/4" = 1'-0"

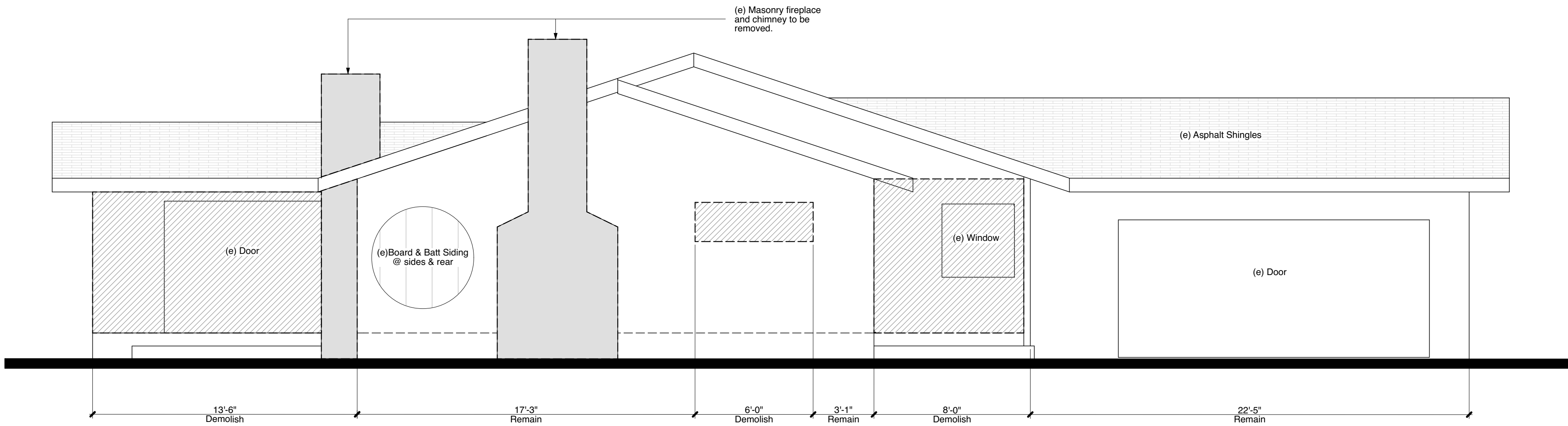
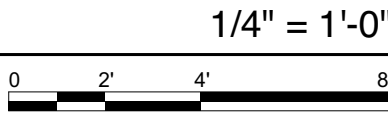


REVISIONS:		#
11/15/21		
 BRITT • ROWE 108 N. Santa Cruz Ave. Los Gatos, CA 95030 408.354.6224 (office) 408.354.6514 (fax) www.britt-rowe.com		
Britt Rowe shall retain all rights and ownership to all drawings and specifications. The contents of the drawings may not be used in whole, or in part, without expressed written consent given by Britt Rowe. All construction shall comply with all local & national building codes. All contractors shall verify all conditions to assure conformance to these codes.		
SHAMAIN-GUDAL RESIDENCE 289 Marchmont Drive Los Gatos, CA 95032		
DRAWING:	2nd Floor Plan	
PRINTED:	11/15/21	
SCALE:	Noted	
DRAWN BY:	M.A.R.	M.
Professional Stamp		
A2.2		

Jurisdiction Stamps and/or Red Line Notes



(E) FRONT ELEVATION (SW)



(E) LEFT SIDE ELEVATION (NW)



TOWN OF LOS GATOS DEMOLITION CALCULATIONS			
	Total Ext. Wall length	Wall Length to Be Removed	Wall Length to Remain
Front	64'-2" LF	14'-11" LF	49'-3" LF
Left Side	70'-2" LF	27'-6" LF	42'-8" LF
Rear	64'-2" LF	24'-3" LF	39'-11" LF
Right Side	70'-2" LF	19'-4" LF	50'-10" LF
Total	268'-8" LF	86'-0" LF	182'-8" LF
	50% = 134'-4" LF	32%	68%

REVISIONS:	#
11/15/21	



BRITT • ROWE

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

408.354.6224 (office)
408.354.6514 (fax)
www.britt-rowe.com

Britt Rowe shall retain all rights and ownership to all drawings and specifications. The contents of the drawings may not be used in whole, or in part, without expressed written consent given by Britt Rowe. All construction shall comply with all local & national building codes. All contractors shall verify all conditions to assure conformance to these codes.

SHAMAIN-GUDAL

RESIDENCE

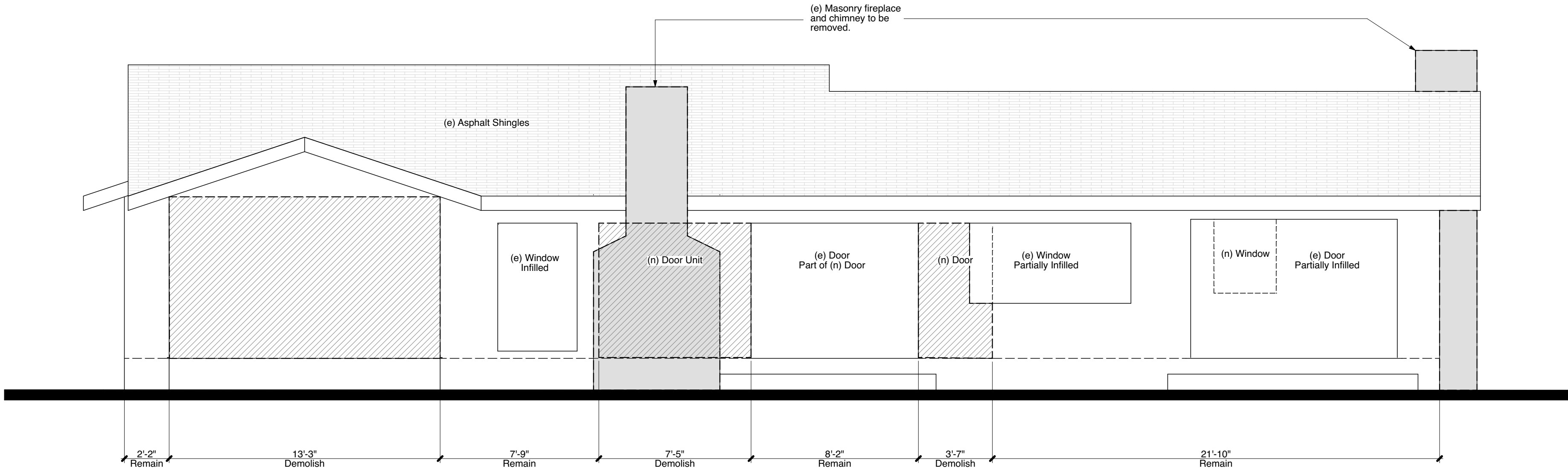
289 Marchmont Drive
Los Gatos, CA 95032

DRAWING:	(e) Elevations
PRINTED:	11/15/21
SCALE:	Noted
DRAWN BY:	M.A.R. <i>M.</i>

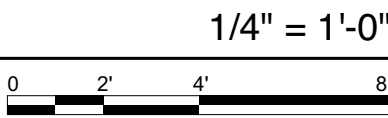
Professional Stamp

A2.3

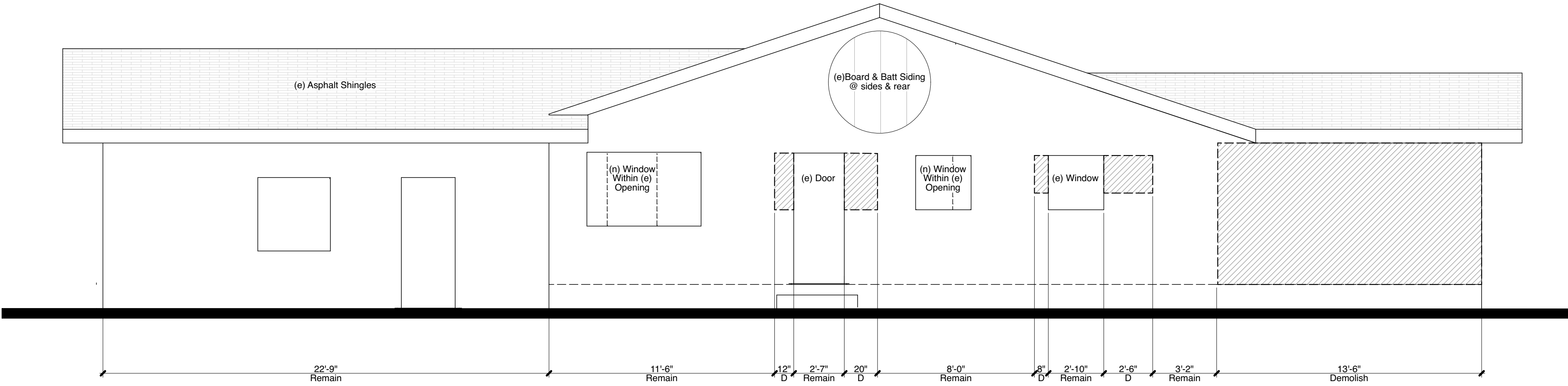
Jurisdiction Stamps and/or Red Line Notes



[E] REAR ELEVATION [NE]



TOWN OF LOS GATOS DEMOLITION CALCULATIONS			
	Total Ext. Wall length	Wall Length to Be Removed	Wall Length to Remain
Front	64'-2" LF	14'-11" LF	49'-3" LF
Left Side	70'-2" LF	27'-6" LF	42'-8" LF
Rear	64'-2" LF	24'-3" LF	39'-11" LF
Right Side	70'-2" LF	19'-4" LF	50'-10" LF
Total	268'-8" LF	86'-0" LF	182'-8" LF
	50% = 134'-4" LF	32%	68%



[E] RIGHT SIDE ELEVATION [SE]



REVISIONS:	#
11/15/21	

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SHAMAIN-GUDAL

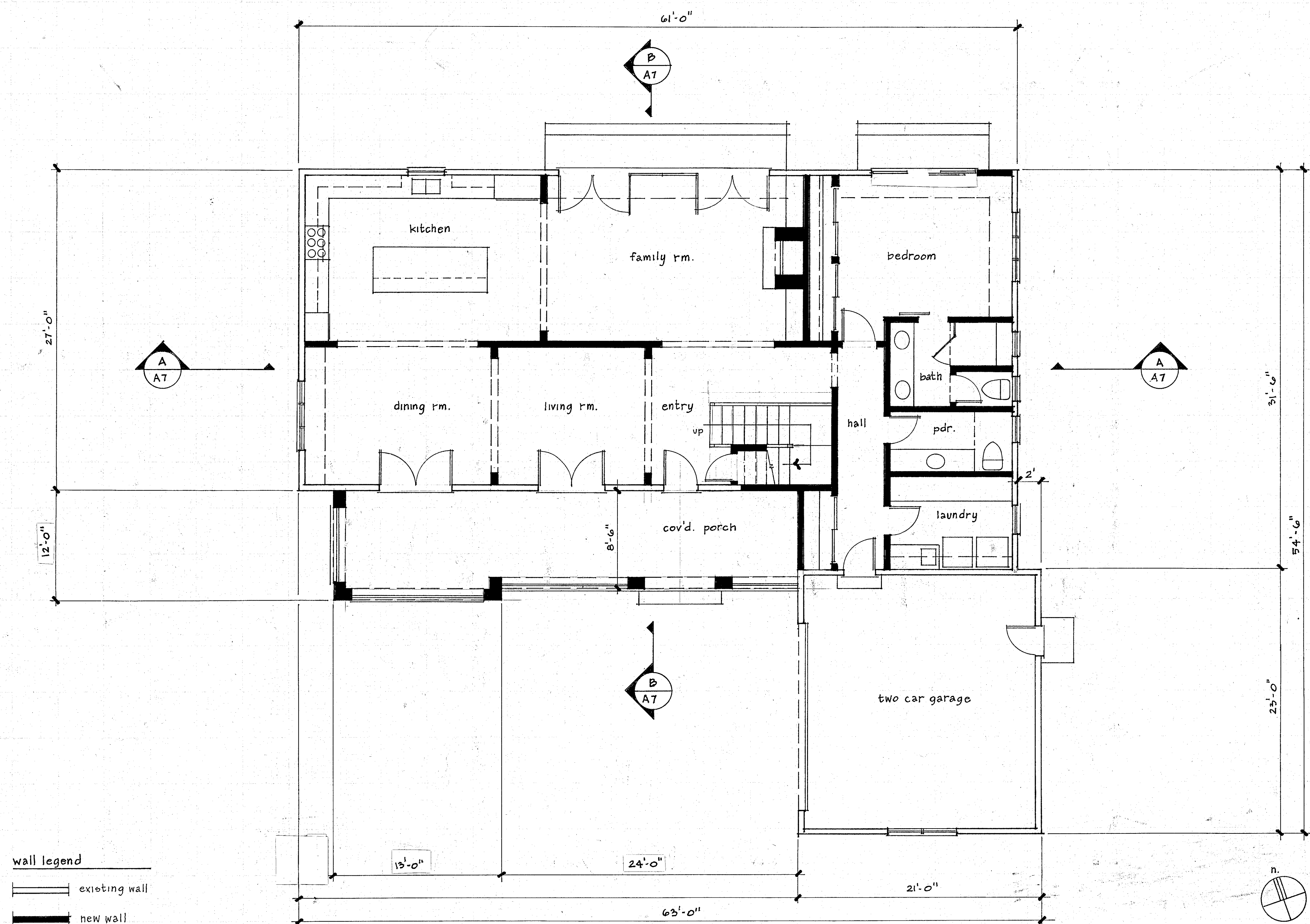
RESIDENCE

289 Marchmont Drive
Los Gatos, CA 95032

DRAWING:	(e) Elevations
PRINTED:	11/15/21
SCALE:	Noted
DRAWN BY:	M.A.R. <i>M</i>

Professional Stamp

A2.4



wall legend

existing wall

new wall

PROPOSED FIRST FLOOR PLAN

REVISIONS	BY
11.5.21	db

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

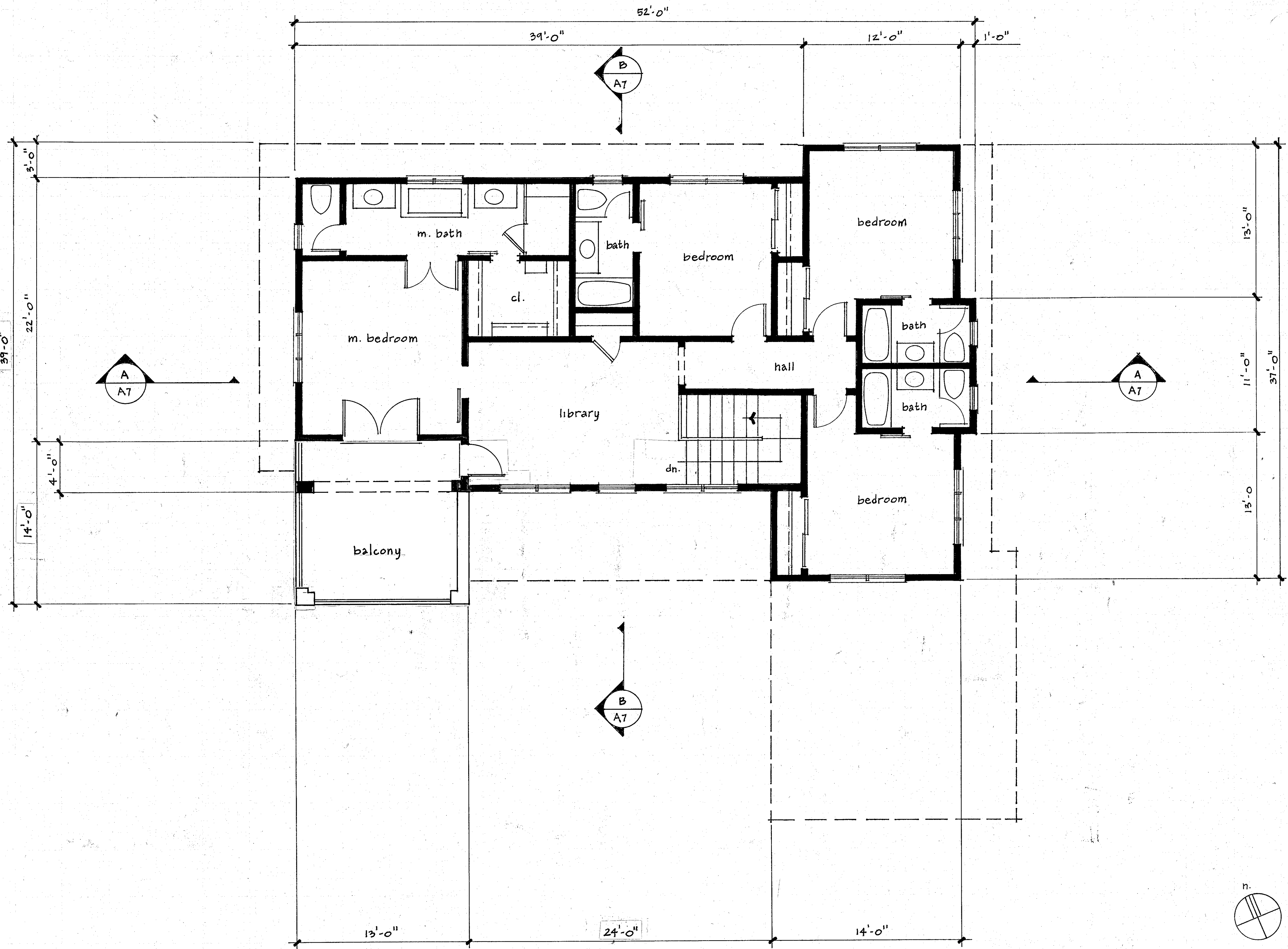
408.354.6224 (office)
408.354.6514 (fax)

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Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: Prop. first floor
SCALE: noted
DATE: 8.4.21
DRAWN: db

A3



PROPOSED SECOND FLOOR PLAN

REVISIONS	BY
11.5.21	db

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

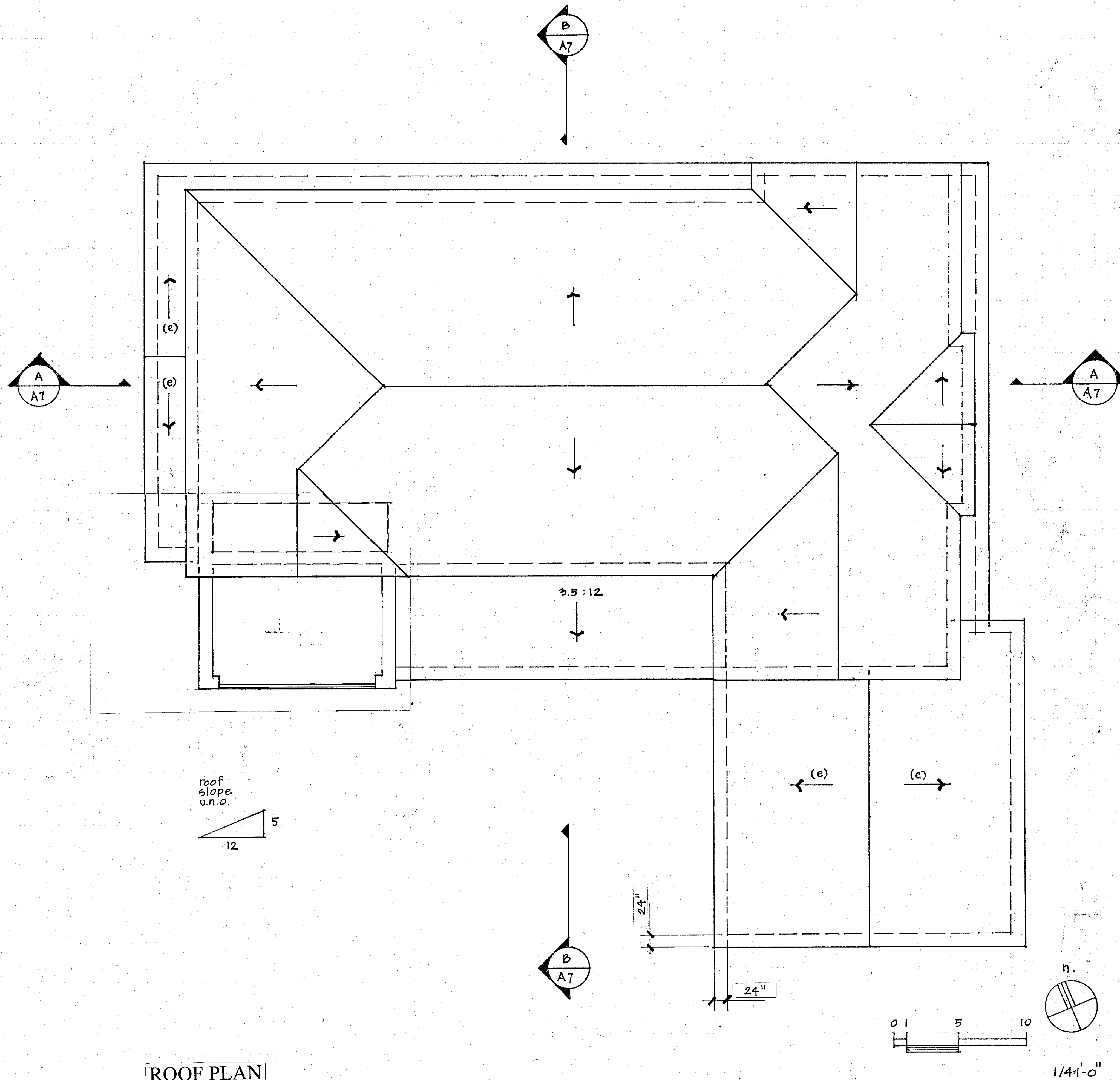
408.354.6224 (office)
408.354.6514 (fax)

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Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: Prop. 2nd fl. Plan
SCALE: noted
DATE: 8.4.21
DRAWN: db

A4



ROOF PLAN

REVISIONS	BY
11.5.21	db

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

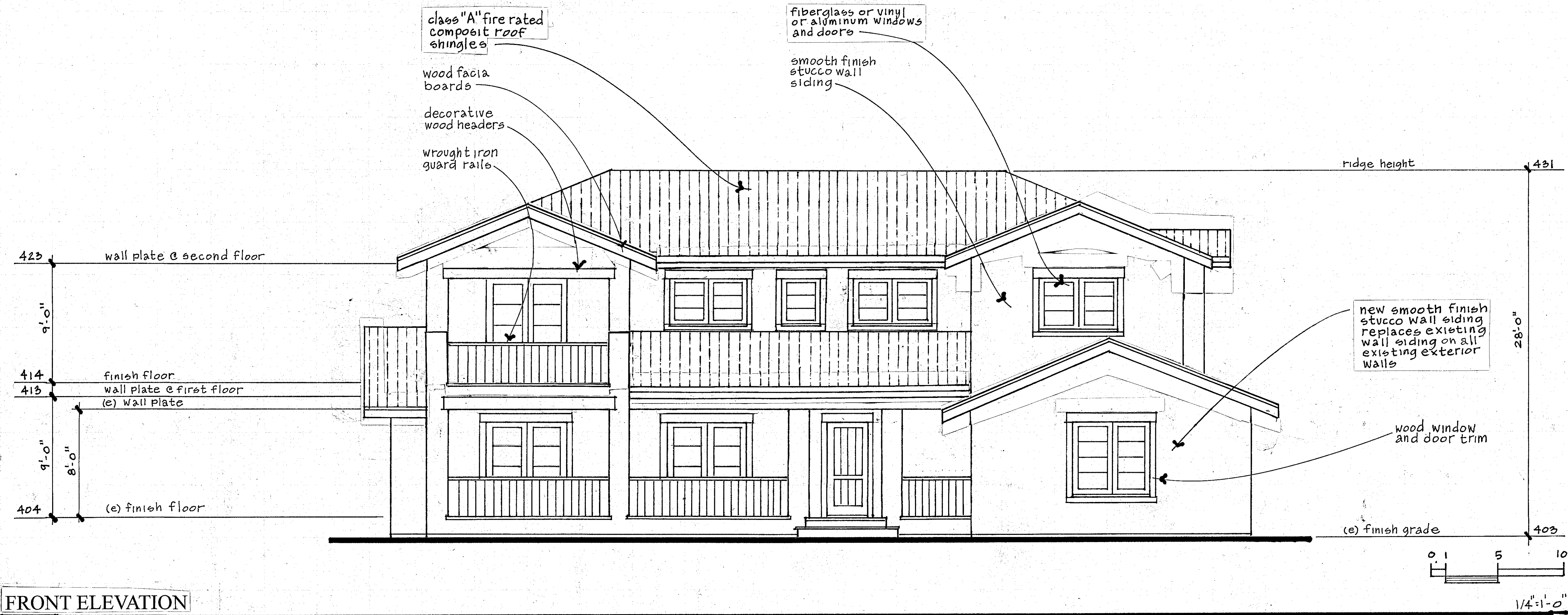
408.354.6224 (office)
408.354.6514 (fax)

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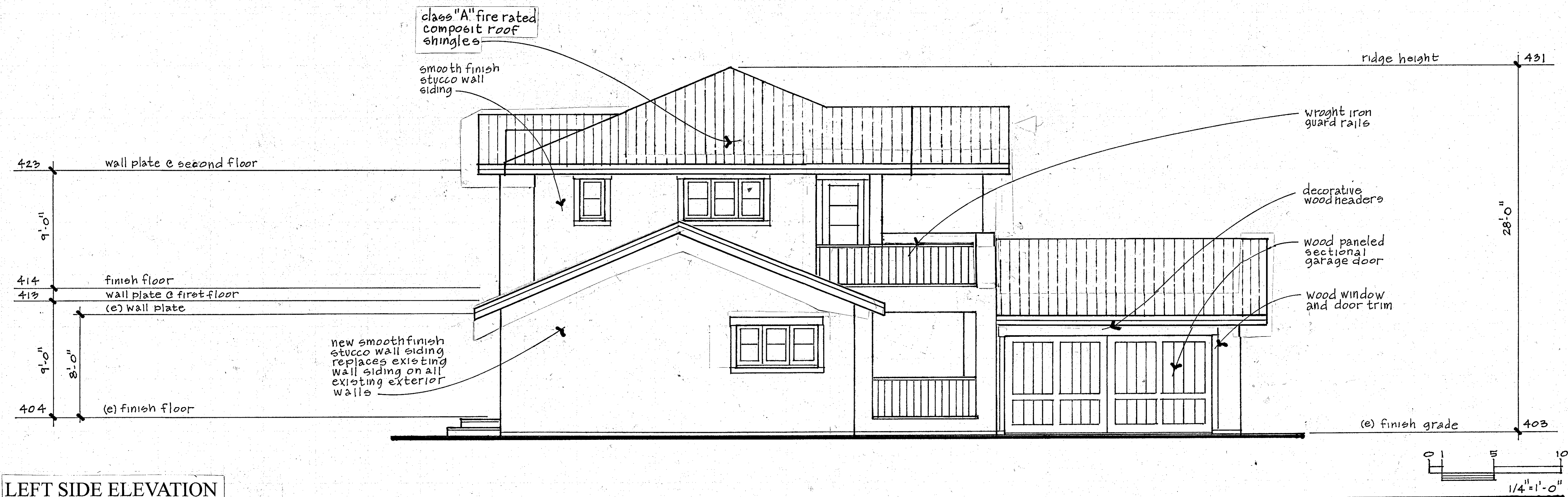
Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET : roof plan
SCALE : noted
DATE : 8.4.21
DRAWN : db

A5



FRONT ELEVATION



LEFT SIDE ELEVATION

REVISIONS	BY
11. 5. 21	db

BR

Britt • Rowe

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Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

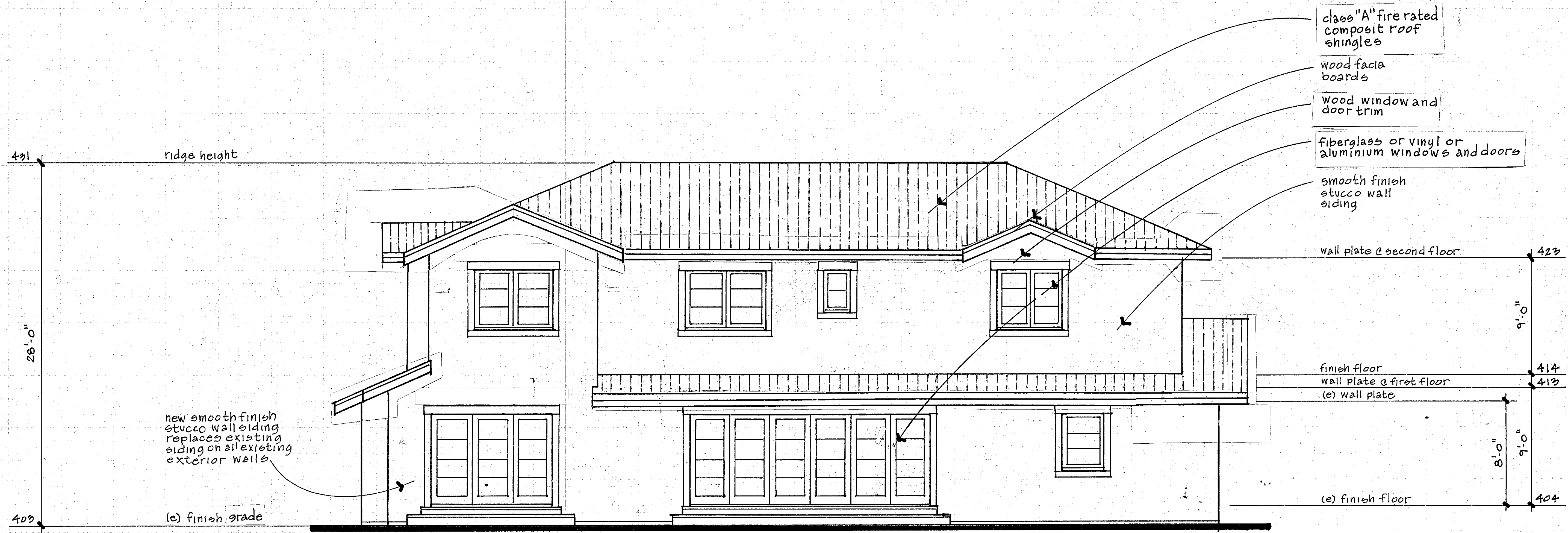
SHEET : elevations

SCALE : noted

DATE : 8.4.21

DRAWN : db

A6



REAR ELEVATION



RIGHT SIDE ELEVATION

REVISIONS		BY
11.5.21		db

BR

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Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: elevations	SCALE: noted	DATE: 8.4.21	DRAWN: db
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A7

REVISIONS	BY
11.5.21	db

BR

Britt • Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

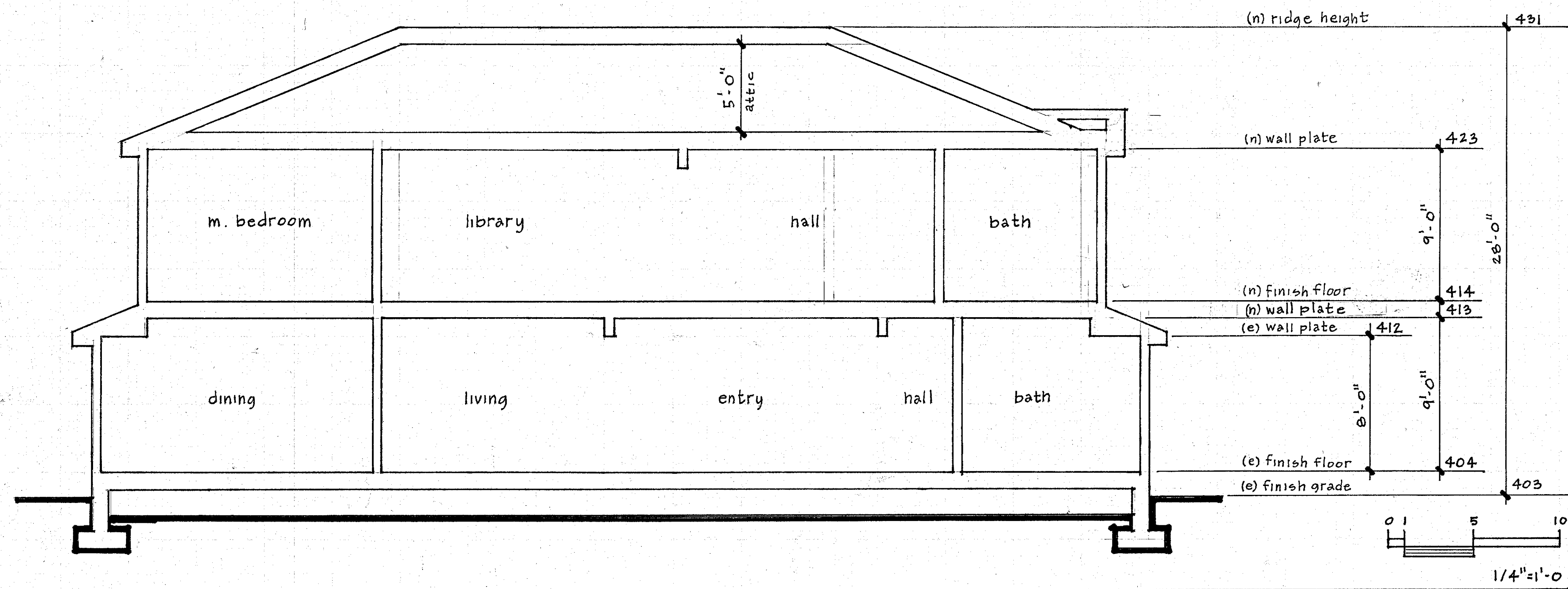
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408.354.6514 (fax)

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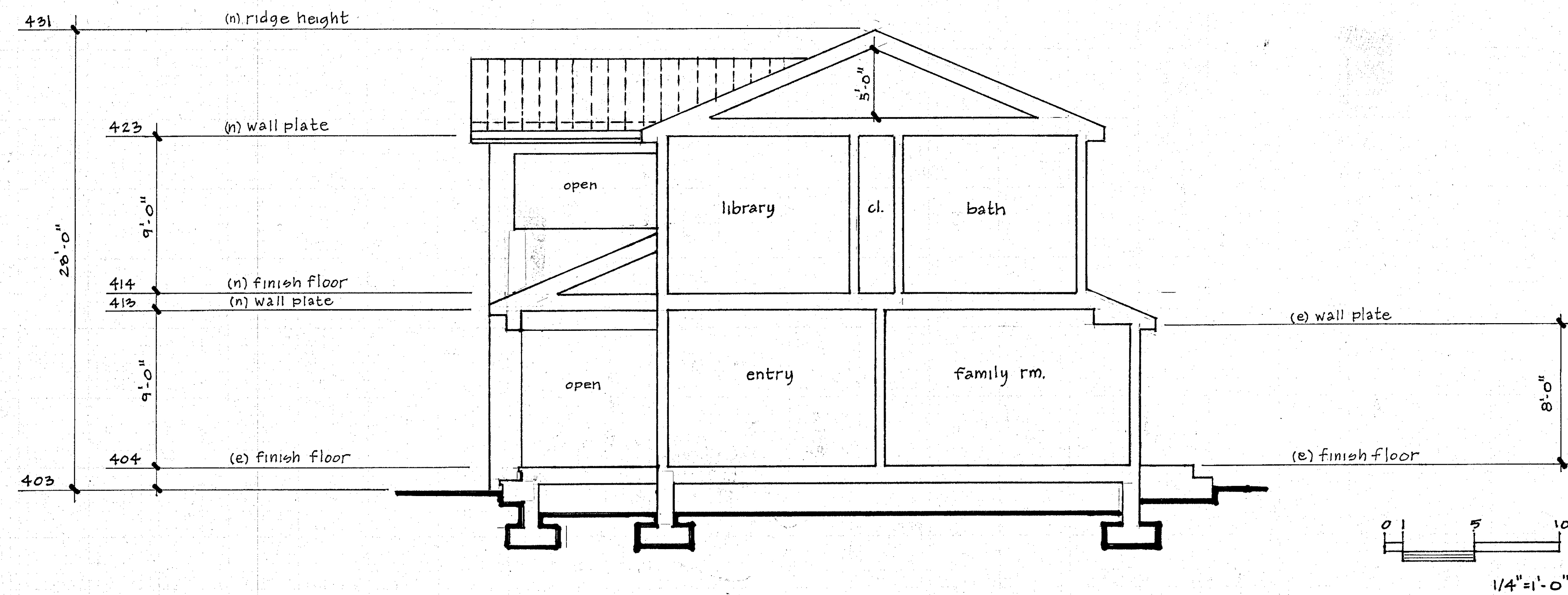
Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET : sections
SCALE : noted
DATE : 8.4.21
DRAWN : db

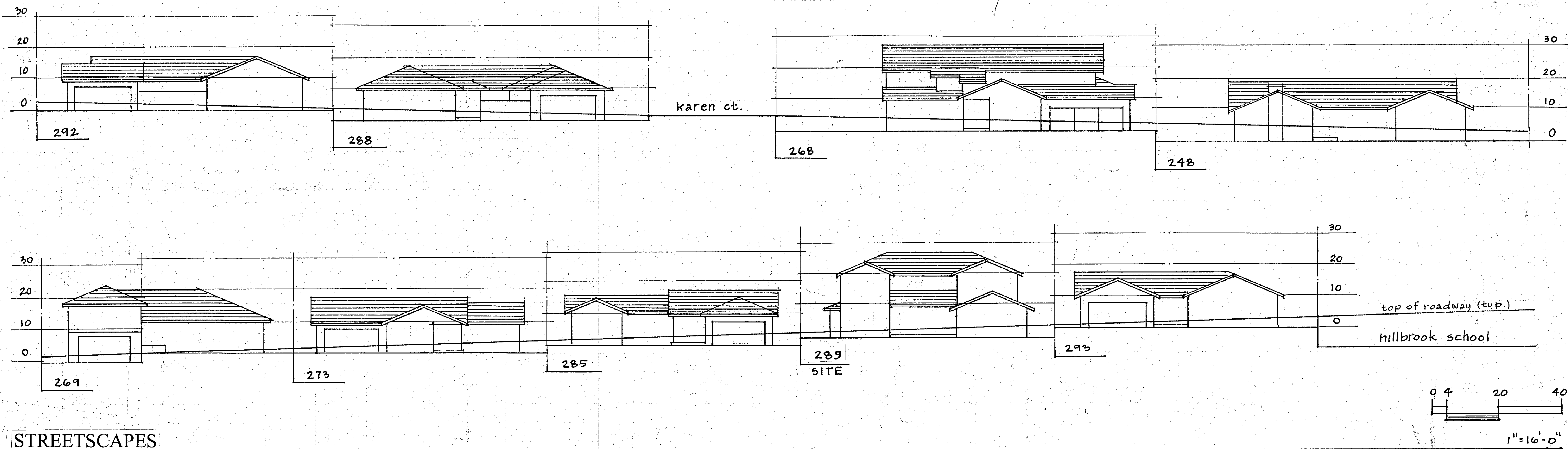
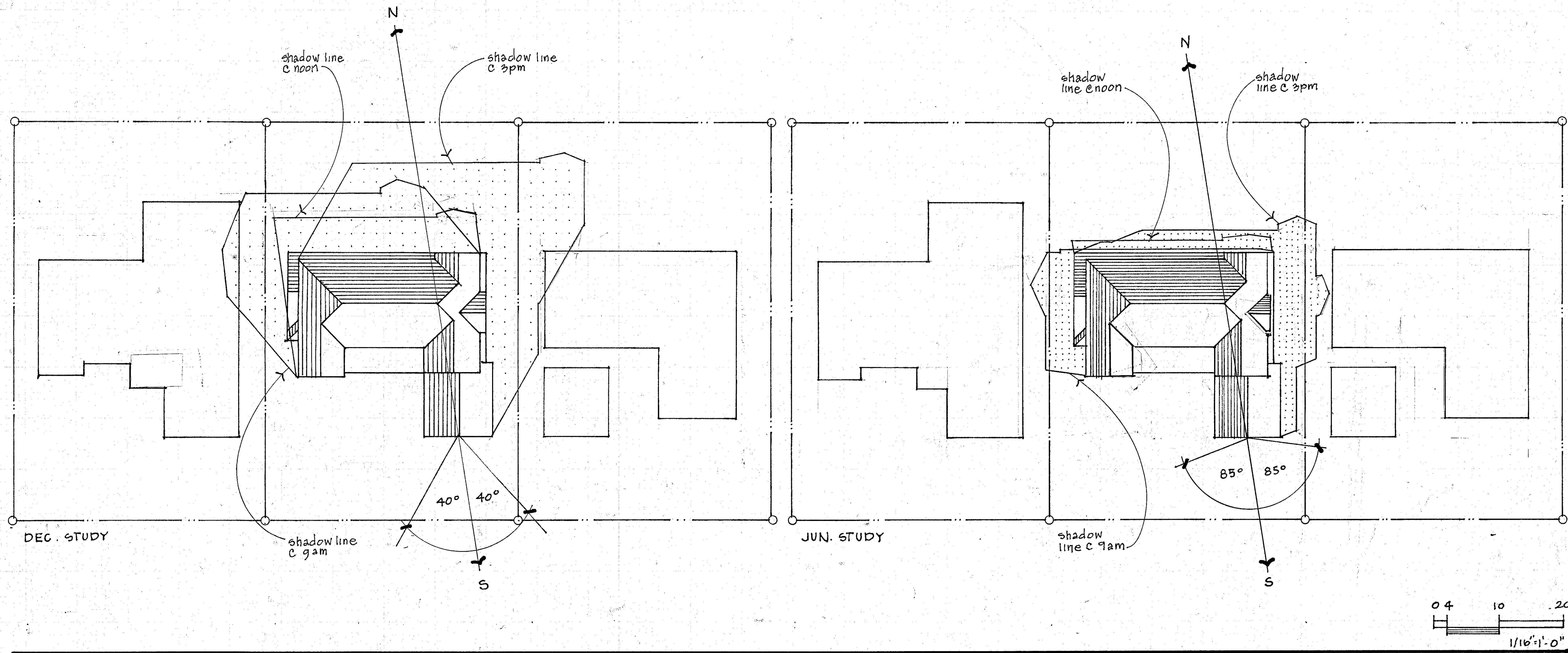
A8



SECTION A



SECTION B



STREETSCAPES

REVISIONS	BY
11.5.21	db

BR

Britt + Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030

408.354.6224 (office)
408.354.6514 (fax)

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Shamain-Gudal Residence
289 Marchmont Drive
Los Gatos, California

SHEET: street/shadows

SCALE: noted

DATE: 8.4.21

DRAWN: db

A9

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From: Ed Lozowicki <[REDACTED]>
Date: February 22, 2022 at 4:21:29 PM PST
To: Janhavi Gudal <[REDACTED]>
Subject: Re: 289 Marchmont dr - Request for your support

Hi Janhavi and Prasad, Valerie and I have no concerns.

Best, Ed Lozowicki

Sent from my iPhone

On Feb 4, 2022, at 6:16 PM, Janhavi Gudal <[REDACTED]> wrote:

Hi Valerie & Ed,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

Our family has grown over the last eight years. We have decided to add a second story to our existing house to provide additional space that our family needs, rooms for kids and an extra bedroom for Janhavi to isolate in case quarantine is required since she treats hospitalized patients including those who are COVID+.

We have worked with Britt-Rowe, a Los Gatos architectural firm (Mike Rowe himself is a Los Gatos resident) to design this addition. We have added space without any demolition. We have not increased the footprint of the house. This way, we are able to preserve our outdoor space, established trees, and the driveway. We have not sought any exception, such as reduced setbacks or increased floor area, in this design. The town consulting architect, independent from the Town Planning Department, has determined that the project has followed the town's residential design guidelines, and is in character with the upper Marchmont neighborhood. The Town's Planning Department has approved the project.

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<https://www.losgatosca.gov/DocumentCenter/View/28264/Plans---289-Marchmont-Dr>

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If you wish to support us in our endeavor, you can reply to this email indicating:

"We support your project" or "We have no concerns".

Please be assured that your email address will not be publicly disclosed.

If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Willem Dirven** <[REDACTED]>

Date: Wed, Feb 9, 2022 at 11:07 PM

Subject: Re: 289 Marchmont Dr: Request for your support

To: Janhavi Gudal <jrgudal@gmail.com>

Cc: Heather <[REDACTED]>, Durga Prasad Shamain <[REDACTED]>

Hi Janhavi & Prasad,

Thank you for reaching out. I did see the sign in your front yard outlining your remodeling plan when I walked our two dogs up to Hillbrook during one of my evening walks.

We have no concerns with your addition.

Since we are considering a remodel ourselves (but not adding a second story), is your reach out something we should consider doing too? Is this a town requirement? Just curious.

Thanks,

Willem

On Fri, Feb 4, 2022 at 6:44 PM Janhavi Gudal <[REDACTED]> wrote:

Hi Willem & Heather,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **susie giordano** <[REDACTED]>
Date: Sun, Feb 6, 2022 at 6:43 PM
Subject: Re: 289 Marchmont Dr: Request for your support
To: Janhavi Gudal <[REDACTED]>

Hi Janhavi!

It's so nice to finally know your names! Of course, we see your son running up and down the hill all of the time. He is such an inspiration to all of us!

I would be happy to support your project; however, I must disclose that I'm not the property owner at 252 Marchmont and only just rent the property through DWM Properties in Los Gatos. If you need to contact the owner for support, you can reach out to the property manager for contact information.

I wish you the best with your project. I'm sure it will be spectacular.

Susie

On Friday, February 4, 2022, 06:59:53 PM PST, Janhavi Gudal <[REDACTED]> wrote:

Hi Susie,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Andrea Gauthier** <[REDACTED]>

Date: Sun, Feb 6, 2022 at 3:35 PM

Subject: Re: 289 Marchmont Dr: Request for your support

To: Janhavi Gudal <[REDACTED]>

Cc: Durga Prasad Shamain <[REDACTED]>, <[REDACTED]>

Hello and congrats on an exciting project!

We support your project.

Andrea & Claude

On Feb 4, 2022, at 6:22 PM, Janhavi Gudal <[REDACTED]> wrote:

Hi Annie & Claude,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[Redacted]

[Redacted]

----- Forwarded message -----

From: **Rbrown9165** <[REDACTED]>
Date: Sun, Feb 6, 2022 at 11:31 AM
Subject: Re: 289 Marchmont Dr: Request for your support
To: [REDACTED]

I have no concerns about your project

Robert Brown

[REDACTED]

-----Original Message-----

From: Janhavi Gudal <[REDACTED]>
To: [REDACTED]
Cc: Durga Prasad Shamain <[REDACTED]>
Sent: Fri, Feb 4, 2022 6:23 pm
Subject: 289 Marchmont Dr: Request for your support

Hi Robert,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[Redacted contact information]

[Redacted contact information]

----- Forwarded message -----

From: **Doug Hembry** <[REDACTED]>
Date: Sun, Feb 6, 2022 at 7:38 AM
Subject: Re: 289 Marchmont Dr: Request for your support
To: Janhavi Gudal <[REDACTED]>

Hi Janhavi & Prasad,

Thanks for your note, and the heads-up on your plans. But living as far away as we do, I don't think your proposal will affect us!

Kind regards.

Doug Hembry

On 2/4/2022 6:37 PM, Janhavi Gudal wrote:

Hi Doug & Diane,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[REDACTED]

[REDACTED]

----- Forwarded message -----

From: **Lynn and George Rossmann** <[REDACTED]>

Date: Sat, Feb 5, 2022 at 1:49 PM

Subject: Re: 289 Marchmont Dr: Request for your support

To: Janhavi Gudal <[REDACTED]>

We have no concerns and support your project.

George Rossmann

On 2/4/2022 6:48 PM, Janhavi Gudal wrote:

Hi Lynn & George,

We are Janhavi & Prasad, your neighbors at 289 Marchmont Drive. We are writing this email to request your support for our home improvement plan.

We have lived here with our three kids (younger two attending Blossom Hill Elementary and the older one attending Fisher Middle) for the last eight years. You may have seen our son running laps up & down the hill in the evenings or us playing badminton in the street on summer evenings. We love our lovely neighborhood. Janhavi also works here as a doctor- MD Internal medicine at Good Samaritan hospital in addition to Valley Medical Center.

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If you need any more details, we will be happy to answer your questions or discuss with you. Our contact details are given below:

Thanks,

Janhavi & Prasad

[REDACTED]

[REDACTED]

--

From: Reuel Warkov <[REDACTED]>
Sent: Friday, February 4, 2022 1:51 PM
To: Jocelyn Shoopman <jshoopman@losgatosca.gov>
Subject: Appealing the proposed changes to 289 Marchmont Dr.

Ms. Shoopman,

I'm writing in support of my neighbors who have objected to the proposed changes to the residence at 289 Marchmont Dr.

Please count me in as opposed to this plan.

Most sincerely,

--

Reuel Warkov

[REDACTED]

Los Gatos, CA

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/09/2022

ITEM NO: 2

ADDENDUM

DATE: March 8, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:10. APN 532-10-019. **Located at 289 Marchmont Drive.** Property Owner: Durgaprasad Shamain. Applicant: David Britt. Appellants: Mark Jamieson and Don Woodward. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 13 includes information from the applicant demonstrating neighborhood outreach. Exhibit 14 includes public comment received between 11:01 a.m., Friday, March 4, 2022, and 11:00 a.m., Tuesday, March 8, 2022.

EXHIBITS:

Previously Received with the March 9, 2022, Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Consulting Architect's Report, dated October 6, 2021
5. Letter of Justification, received February 16, 2022
6. Applicant's Neighborhood Outreach Efforts, received February 15, 2022
7. Additional Neighborhood Outreach and Signatures of Support, received February 26, 2022
8. Appeal of the Director of Community Development, received January 31, 2022
9. Appeal of the Director of Community Development, received February 2, 2022
10. Applicant's Response to Appeals, received February 16, 2022
11. Development Plans, received November 29, 2021
12. Public Comments received prior to 11:00 a.m., Friday, March 4, 2022

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 289 Marchmont Drive/MR-21-019

DATE: March 8, 2022

Received with this Addendum Report:

13. Applicant's Continued Neighborhood Outreach, received March 6, 2022

14. Public Comment received between 11:01 a.m., Friday, March 4, 2022, and 11:00 a.m., Tuesday, March 8, 2022

Britt/Rowe

108 N. Santa Cruz Ave.
Los Gatos, CA 95030
408.354.6224

To: Los Gatos Planning Staff
From: David Britt, Britt/Rowe

RE: 289 Marchmont Drive. Application # MR-21-019

Dear Planning Staff;

The owners of 289 Marchmont Drive, Prasad Shamain and Janhavi Gudal met with the following neighbors and presented them with the proposed design.

[REDACTED]: Ed & June Meserve - "no objections" & volunteered to introduce us to his general contractor in Campbell who worked on house 20 yrs ago (11/6/2021)

[REDACTED]: Don Woodward - reviewed our letter, elevation pics & invited us into his backyard & checked out the adjacency of our house from his backyard, & then declared " I will have no issues." (11/6/2021)

[REDACTED]: Sue Jamieson: "Best of luck" (11/6/2021) - has a verbal conversation with Sue about the project prior to the letter the week of 10/11/2021 when she said "Best of Luck!"

Mark Jamieson: "Let us know if you need help or have any questions" & then he proceeded to give us names/ tips about general contractors Craig Rogers & Joe Masters who have worked on his home remodels in the past (11/14/2021)

[REDACTED]: Maggie Leach- "The house design looks really nice. Let me know if you need any help." (11/6/2021)

[REDACTED]: Jihun "Where will you move when the house is undergoing construction? Good luck" (11/7/2021) - has a verbal conversation with Jihun's wife Naree about the project prior to the letter the week of 10/11/2021 when she said "Best of luck."

[REDACTED]: Joe Regan - he shared his experience with the town for his house remodel & 2nd storey addition, & had no objections for our project. (11/8/2021)

EXHIBIT 13

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March 7, 2022

Planning Commission
Town of Los Gatos

Subject: Comments on 289 Marchmont Project

Dear Sirs;

I am one of the backyard neighbors, located at [REDACTED]. I am not objecting to the concept of adding a second floor, but I believe it can be done with more sensitivity to the neighbors. My lot is low enough that I will not really see the proposed second floor addition.

The drawings show a nine-foot-high ceiling on both the first and second floors. There is no need to have a nine-foot ceiling in all the bedrooms being added. Lowering the ceiling will help drop the roof line. The plans show a 5/12 roof slope. This can easily be lowered to further reduce the ridge line height. My own addition thirty years ago went through this planning process, and I was required to reduce my partial second floor roof to a 3/12 slope, while the first story roof is at a 4/12 slope. You cannot tell that I have different sloping roofs.

The second floor plan shows four bedrooms, each with its own bath. It seems excessive, and more like a boarding house than a single family home. Sharing bathrooms is part of family life. Rooms for rent in the future?

A back extension of the existing home is being demolished, apparently to maximize the second floor area without exceeding the FAR formula. Leaving the existing part of the home in place will reduce the allowable size of the second floor addition.

There seems to be an error in the shadow outline shown on the plans. It appears to show that the adjacent lots are at the same elevation, while they are not. The Jamieson property is three foot lower, while the other side yard is higher. The shadow lines should show a jog at each property. This will result in the shadow falling further onto the lower Jamieson house.

The second story front balcony overlooks the Jamieson house, and impacts their privacy. It seems to me that cutting back the second floor west wall about ten feet from what is drawn will improve their privacy and eliminate the morning shadow problem on their house. There can still be four bedrooms upstairs, perhaps with less bathrooms wasting water. Cutting the roof slope down and lowering top floor by one foot will reduce the mass of this addition and the shadow line.

Given the major construction that will happen, it is time for their roof and hard surface runoff to be captured and delivered to the gutter. A sump pump will be required, as the

289 lot appears to be below the road elevation. I do not want their runoff flowing onto my lower property, and I am sure the Jamiesons feel the same way.

Sincerely, C. Edward Meserve
Retired structural engineer SE1995