



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: May 25, 2016**

**ITEM NO: 3**

PREPARED BY: Marni Moseley, AICP, Associate Planner  
[MMoseley@losgatosca.gov](mailto:MMoseley@losgatosca.gov)

APPLICATION NO: Architecture and Site Application S-12-103  
 Subdivision Application M-12-008  
 Negative Declaration ND-16-001

LOCATION: **341 Bella Vista Avenue** (west side of Bella Vista Avenue, north of Charles Street)

APPLICANT/  
 PROPERTY OWNER: Jake Peters and Dan Ross

CONTACT: Dan Ross

APPLICATION SUMMARY: Requesting approval to merge two lots and to construct a new single-family residence and remove large protected trees on property zoned R-1:8. No significant environmental impacts have been identified and a Mitigated Negative Declaration is recommended. APNs 529-23-015 and 016.

DEEMED COMPLETE: March 24, 2016  
 FINAL DATE TO TAKE ACTION: September 24, 2016

RECOMMENDATION: Approval, subject to conditions.

PROJECT DATA: General Plan Designation: Low Density Residential  
 Zoning Designation: R-1:8  
 Applicable Plans & Standards: Hillside Development Standards and Guidelines, General Plan  
 Parcel Size: 10,155 square feet (when merged)  
 Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1:8 and RM:5-12
East	Residential	Medium Density Residential	R-1:8
South	Residential	Medium Density Residential	RM:5-12
West	Residential	Medium Density Residential	RM:5-12:PD

CEQA: It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration is recommended.

FINDINGS:

- That the project will not have a significant impact on the environment and a Mitigated Negative Declaration is recommended.
- That the project is consistent with the Hillside Development Standards and Guidelines.
- As required by Section 66474 of the Subdivision Map Act if the Planning Commission denies the subdivision application.

CONSIDERATIONS: ■ As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION: Approve the applications, subject to the attached conditions.

EXHIBITS: Previously received under separate cover March 4, 2016:

1. Initial Study and Mitigated Negative Declaration

Previously received with April 13, 2016 Staff Report:

2. Location map
3. Mitigation Monitoring and Reporting Program (six pages)
4. Response to comments on Mitigated Negative Declaration (48 pages)
5. Required findings (two pages)
6. Recommended Conditions of Approval (13 pages)
7. Project data sheet (two pages)
8. Consulting Architect's report (four pages), received November 13, 2013
9. Consulting Arborist report (35 pages), dated October 28, 2013
10. Consulting Arborist report (11 pages), dated September 24, 2014
11. Applicant's letter (seven pages), received March 25, 2016
12. Town Council Resolution 2012-057 (three pages)
13. Public Comments received by 11:00 a.m. on April 7, 2016 (158 pages)
14. Development Plans (26 sheets), received March 24, 2016

Previously received with April 13, 2016 Desk Item:

15. Comments received from 11:01 a.m. on April 7, 2016 to 11:00 a.m. on April 13, 2016

Received with this Report:

16. Comments received from 11:01 a.m. on Thursday, April 13, 2016 to 11:00 a.m. on Wednesday, May 19, 2016
17. Applicant's response letter and materials, received May 19, 2016 (25 pages)

BACKGROUND:

The proposed application was considered by the Planning Commission on April 13, 2016. The Commission heard from the applicant and took public testimony. The concerns raised by the Commission and the neighbors included geotechnical hazards and slope stability of the site, tree removals, the proposed cellar, and the bulk and mass of the home from the rear. The application was continued to May 25, 2016 to facilitate attendance by project professionals. Staff and the applicant have facilitated the attendance of the following professionals: Town's Consulting Arborist, Town's Consulting Geotechnical Engineer, Town's Environmental Consultant, applicant's Civil Engineer, and applicant's Geotechnical Engineer. The Commission also encouraged the neighbors to meet with the applicant and staff to discuss their concerns prior to the continued meeting date.

Staff provided a sign-up sheet in the Town Council Chambers Lobby after the public hearing and requested that the neighbors provide their contact information to assist staff in coordinating a meeting time and place that worked best for those willing to participate. The neighbors told staff that they would coordinate a group contact on their end and follow up with staff. Staff left the sign-up sheet in the lobby and encouraged the neighbors to provide at least names and addresses if they were interested in participating. The applicant discusses his additional neighborhood outreach since the April 13, 2016 meeting within his response letter (Letter and Attachment 9 of Exhibit 17).

Based on the comments by the neighbors at the April 13, 2016 meeting, the applicant has offered (Exhibit 18) the following modifications to the previously submitted plans:

- Reducing the living floor area by 172 square feet (from 1,278 to 1,106 square feet); and
- Reducing the height of the residence at the southwest corner from 21 feet, eight-inches to 15 feet; and
- Removing the rooftop deck and replacing it with landscaping.

Staff has also received additional comments from the neighbors which are included in Exhibit 16.

RECOMMENDATION:

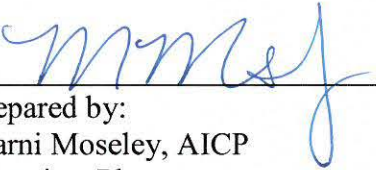
Staff recommends that the Planning Commission take the following actions to approve the Architecture and Site application and Subdivision application:

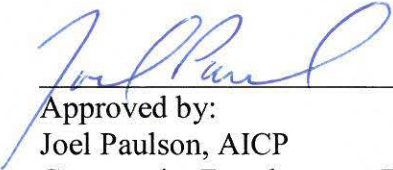
1. Make the Negative Declaration and adopt the Mitigation Monitoring and Reporting Program (Exhibit 3); and
2. Determine that none of the findings required by Section 66474 of the Subdivision Map Act to deny the subdivision application can be made (Exhibit 5); and
3. Make the finding that the project complies with the Hillside Development Standards and Guidelines (Exhibit 5); and
4. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 5); and
5. Approve Architecture and Site Application S-12-103 and Subdivision Application M-12-008 with the conditions contained in Exhibit 6 and the development plans attached as Exhibit 14 with the modifications provided in Exhibit 17.

ALTERNATIVES:

Alternatively, the Commission can:

1. Approve the applications with additional and/or modified conditions; or
2. Continue the matter to a date certain with specific direction; or
3. Deny the Architecture and Site application and Subdivision application.

  
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Prepared by:  
Marni Moseley, AICP  
Associate Planner

  
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Approved by:  
Joel Paulson, AICP  
Community Development Director

JP:MM:cg

cc: Dan Ross, 188 Villa Avenue, Los Gatos, CA 95030  
Jake Peters, P.O. Box 3486, Ketchum, ID 83340