



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 12/09/2020

ITEM NO: 2

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DATE: December 2, 2020  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: ZKJ LLC. Applicant: Jay Plett, Architect. Project Planner: Sean Mullin

**BACKGROUND:**

The Planning Commission considered the appeal of the Development Review Committee (DRC) decision approving the application on October 28, 2020 and continued the matter to December 9, 2020. The Planning Commission directed the applicant to consider the comments of the Planning Commission, including:

- Move the house forward to the location of the existing garage;
- Reduce the ridge elevation of the upper level; and
- Reduce privacy impacts created by the proposed windows.

**DISCUSSION:**

The applicant has revised the development plans (Exhibit 31) in response to the comments received from the Planning Commission and provided a summary of the revisions to the development plans (Exhibit 29). The footprint of the proposed residence has been shifted forward approximately three and one-half feet to the limit of the front setback. As the residence was shifted forward, it also descended with the slope of the lot, lowering the front (east-west) roof ridge by one-foot, three inches, and the rear (north-south) roof ridge by two feet. The finished floor elevations have also been lowered as follows:

**PREPARED BY:** SEAN MULLIN, AICP  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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DISCUSSION (continued):

Finished Floor Elevation Comparison

	Previous Plans	Revised Plans	Change
Upper Level	497.0	496.5	-0.5
Main Level	487.0	485.5	-1.5
Lower Level	477.0	476.0	-1.0

The revised location of the residence continues to meet the required front setback and the required driveway length, and reduces the slope of the proposed driveway by two percent. No exceptions or Variances are required for the revised project.

In addition to shifting the footprint of the residence forward, the applicant has revised the floor plan of the upper level by sliding the master bedroom and bathroom forward (Exhibit 31, Sheet A-4). The reconfigured floor plan includes three bedrooms, two bathrooms, a laundry room, and a small terrace off the northeast corner of the master bedroom. The revised terrace has been reduced in size from the previous proposal, from approximately 200 square feet to 50 square feet. As a result of the reconfigured floor plan for the upper level, the length of the upper level has been reduced by 11 feet. Coupled with shifting the footprint of the house three and one-half feet towards the front of the property, the rear wall of the upper level has effectively been moved 14 feet, six inches forward on the site relative to the previous plan.

The applicant has revised the placement of windows with the current plans. The revised upper level plan removes the master bedroom window and now includes three minor bathroom and laundry room windows on the west elevation. Two west elevation windows in the bathroom and kitchen area of the main level accessory dwelling unit have been eliminated. Windows on the east elevation of the upper level have also been eliminated as the length of the upper level has been reduced. Windows in the remaining areas of the residence remain consistent to what was previously proposed.

STORY POLES:

Revised story poles and yellow netting have been installed on the site along with the original story poles and orange netting. The two different colors of netting allow for a massing comparison between the previous and revised development plans. The story poles have been certified by a licensed surveyor who indicated that they accurately reflect the height and location of the proposed residence.

PUBLIC COMMENTS:

Public comments received between 11:01 a.m., Wednesday, October 28, 2020 and 11:00 a.m., Friday, December 4, 2020 are included as Exhibit 30.

CONCLUSION:

A. Summary

The applicant has submitted revised development plans responding to the Planning Commission's direction (Exhibit 31).

B. Recommendation

Should the Planning Commission determine that the revised project meets the direction provided at the October 28, 2020 meeting, the Commission can take the actions below to deny the appeal and approve the Architecture and Site application:

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 28);
2. Make the required findings as required by Section 29.10.09030(e) of the Town Code for the demolition of a single-family residence (Exhibit 28);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 28);
4. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 28);
5. Make the finding the project complies with the applicable standards and guidelines of the Hillside Development Standards and Guidelines for lots with an average slope over 10 percent outside of the hillside area (Exhibit 28);
6. 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 28); and
7. Approve Architecture and Site application S-20-003 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 31.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Architecture and Site application.

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SUBJECT: 101 Broadway/S-20-003

DATE: December 2, 2020

EXHIBITS:

Previously received with the October 23, 2020 Staff report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. May 27, 2020 Historic Preservation Committee Action Letter
5. September 1, 2020 Development Review Committee public comments
6. September 1, 2020 Development Review Committee meeting minutes
7. September 15, 2020 Development Review Committee public comments
8. September 15, 2020 Development Review Committee meeting minutes
9. Appeal of Development Review Committee received September 18, 2020
10. Color and materials board
11. Project Description and Letter of Justification
12. Email correspondence between Larry Brandhorst and Jay Plett, September 10, 2020
13. Email correspondence between Karen Kurtz and Jay Plett, September 10, 2020
14. Story pole plan approved June 22, 2020
15. Story pole certification letter dated July 7, 2020
16. Story pole plan (revised) approved October 6, 2020
17. Story pole certification letter dated October 16, 2020
18. Public comments received between 5:01 p.m., Monday, September 14 and 11:00 a.m., Friday, October 23, 2020
19. Development Plans

Previously received with the October 27, 2020 Addendum Report:

20. Project summary by applicant, received October 26, 2020
21. Public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Tuesday, October 27, 2020

Previously received with the October 28, 2020 Desk Item Report:

22. January 22, 2020 Historic Preservation Committee staff report with attachments
23. January 22, 2020 Historic Preservation Committee meeting minutes
24. May 27, 2020 Historic Preservation Committee staff report with attachments
25. May 27, 2020 Historic Preservation Committee meeting minutes
26. Photo exhibits by applicant, received October 28, 2020
27. Public comments received between 11:01 a.m., Tuesday, October 27, 2020 and 11:00 a.m., Wednesday, October 28, 2020

Received with this Staff Report:

28. Revised Required Findings and Considerations
29. Applicant summary of revisions
30. Public comments received between 11:01 a.m., Wednesday, October 28, 2020 and 11:00 a.m., Friday, December 4, 2020
31. Development Plans