



MEETING DATE: 02/07/05
ITEM NO.8
ADDENDUM

COUNCIL AGENDA REPORT

DATE: February 4, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

A handwritten signature in black ink, appearing to read "Debra J. Figone".

SUBJECT: CONSIDER AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING THE CONSTRUCTION OF A SECOND STORY ADDITION TO A PRE-1941 RESIDENCE AND TO EXCEED THE FAR ON PROPERTY ZONED R-1 D. ARCHITECTURE AND SITE APPLICATION S-05-021 PROPERTY LOCATION: **56 BAYVIEW AVENUE.** PROPERTY OWNER: DAVE AND LYNN DARDIS APPLICANT: E. GARY SCHLOH APPELLANT: MICHAEL MANLEY

REMARKS:

The attached letters and documents were submitted to the Community Development Department on February 2, 2005 after the Town Council Report was completed.

The purpose of this addendum is to address pertinent comments expressed by the appellant in the letters addressed to the Town Council. The first letter outlines comments relating to the mass and scale of the approved project, view impacts, privacy concerns, and the architectural integrity of the addition to an existing historic structure. The second letter addresses concerns regarding the notification process of the Historic Preservation Committee (HPC) and Development Review Committee (DRC), and Planning Commission policies and procedures.

1. Mass and Scale

Concerns of the mass and scale of the addition were addressed in the staff report to the planning commission dated December 2, 2004. The most significant changes are to the eastern and southern elevations with a larger dormer replacing two smaller shed dormers, and an increase to the height of the roof ridge of 2'-9".

Continued on Page 2)

PREPARED BY: BUD LOR'Z
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: q Assistant Town Manager „Attorney Clerk Finance
Community Development Revised: 2/4/05 11:42 am

The Planning Commission concluded that the architectural features of the addition are consistent with the mass and scale of the existing house and surrounding neighborhood.

2. View Impacts

The promotion and protection of viewsheds is included under the Community Design Element of the General Plan(C.D.P.1.4). The Commission determined that the impact of the increase in the height of the roof by 2'-9" is minimal.

3. Privacy Concerns

Privacy concerns weigh into the design review process. If Council believes that a measure to mitigate privacy concerns is necessary for this project, a condition can be made to modify the location and/or size to be used for new windows. It is also possible to use frosted glass but this is not recommended on historic buildings. The size of the bedroom window must meet building code requirements and must be in proportion to the architectural elements and other windows of the home.

4. Architectural Integrity of Addition to Historic Structure

The Residential Design Standards for all zones state that the project should be respectful to the existing historic structure and architectural style of the surrounding neighborhood. The Residential Design Guidelines for Pre-1941 Structures state that an addition should be on an inconspicuous portion of the existing structure and suggest that the most appropriate place for an addition is often to the rear or side elevation. Consistent with the guidelines, the majority of the proposed addition is to the rear, with little change to the front of the existing structure. The Historic Preservation Committee reviewed the project and recommended approval of the application with additional conditions relating to specific types of materials to be used for the windows and siding. The DRC deemed the application complete and recommended that it be heard before the Planning Commission for final action.

5. HPC/DRC Notification Process

The Historic Preservation Committee acted on this project as an advisory body to the Community Development Director. Town Code does not require that notices be sent to surrounding neighbors because it is not a hearing where final action can be taken. Similarly, the Development Review Committee meeting acted as an advisory body to the Planning Commission, therefore notices were not sent to surrounding neighbors. Agendas were posted in three public places in Town for both Committee meetings, as required by state law. All applicants are strongly encouraged to meet with their neighbors early in the planning process to solicit their input.

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6. Planning Commission Policies and Procedures

Planning Commission policies and operating procedures were followed for the meeting of December 8, 2004. The applicant is given five minutes to speak and members of the public are given three minutes to speak. In this case, the appellant was granted far more than three minutes to speak. The applicant is then given an opportunity to rebut any comments made by speakers. The total length of the hearing for the item was 58 minutes and only the applicant and appellant spoke on the matter. Please refer to attachment 2 in the report to Town Council for the transcribed meeting minutes.

Attachments:

- 1-9. Previously Submitted
- 10. Two letters from Alice A. Miano and Mike Manley (2 pages), received February 2, 2005.
- 11. Letter with signatures of opposed neighbors and Town residents (1 page), received February 2, 2005.
- 12. Plot map of neighbors who are opposed to the project (1 page), received February 2, 2005.

Distribution:

Michael Manley, 55 Tait Avenue, Los Gatos, CA 95030
Dave and Lynn Dardis, 56 Bayview Avenue, Los Gatos, CA 95030
E. Gary Schloh, 213 Bean Avenue, Los Gatos, CA 95030

Alice Miano and Mike Manley
55 Tait Ave.
Los Gatos, CA 95030

February 1, 2005

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

FEB - 2 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Members of the Town Council:

We write to you as concerned neighbors to express our opposition to the current plan for modification of the home at 56 Bayview, located directly behind our home. While we are not opposed to a construction or remodeling plan for the home per se, we are concerned that the plan as currently proposed allows for a home whose mass and scale would severely detract from the neighborhood, block our view, and curtail our privacy.

As with many home additions, the bulk of this one is borne at the back of the house. But most such additions find themselves in a fenced and/or treed backyard. However, 56 Bayview, has no backyard. Rather, the back of the house overlooks our shared driveway as well as our front yard and is completely visible from the street. Further, the addition is visible not just from any street, but from the corners of Bayview and Tait along Bean, on the holiday carriage route. We would hate to see this historic neighborhood marred by the proposed 185-square-foot second floor addition, which exceeds the FAR by 211 square feet.

In fact, we are also dismayed by the view of this addition. It used to be that when we looked out our kitchen window above our garage, we saw only trees and sky. Now when we look out of the window, the view is taken up by story poles representing several gables of the new addition. Our view of the sky would be lost if the proposed 2'9" were allowed to be added to the height of the building.

Another issue that concerns us is the encroachment upon our privacy. The new second-floor structure overlooks our front yard and driveway. Further, because the garage is also being extended by 4 feet, the current privacy screen, an ivy-covered structure, will be partly torn down. We would like to request that if this privacy screen is lost, that the homeowners be required to install a comparable privacy screen in its place.

Yet another issue is our shared, adjoined driveway. As has been the case since long before we moved into our home in October of 1997, one cannot access the passenger side of a vehicle in our driveway without walking onto our neighbor's adjoined driveway. We would like to request, therefore, as discussed at the Planning Commission meeting of December 8, 2004, that the cloth construction fence that the Commission has called for not be placed on the property line, as listed in the conditions, but rather three feet onto the Bayview property so that passengers can get in and out of our car without difficulty. This was the intent expressed by Director Lortz at the Planning Commission meeting (see transcript, p. 29).

Finally, we wish to point out that of the five homes impacted by a view of the back of 56 Bayview, the owners of three of these homes oppose the project, the others (besides us) being Ovilie Kennedy of 308 Bean and Diana Patrick of 100 Tait. We understand that neighbors from time to time wish to improve their homes, and we have not objected to the projects of countless other neighbors. However, in this case, we feel that the creative talents of Gary Schloh can be put to use to provide the desired space (e.g., through use of a basement) without impacting the rest of the neighborhood so greatly.

Thank you very much for your consideration of these matters and for the opportunity to present our concerns and requests.

Sincerely,



Alice A. Miano and Michael Manley

Alice Miano and Mike Manley
55 Tait Ave.
Los Gatos, CA 95030

February 1, 2005

Los Gatos Town Council
110 E. Main Street
Los Gatos, CA 95030

FEB 2 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Members of the Town Council:

The purpose of this letter is to air our concerns regarding the process of notification to neighbors when a home addition is applied for. We hope that in letting you know about our difficulties recently in gaining access to information about an addition proposed by some neighbors, that perhaps the Council might consider improvements to current procedures.

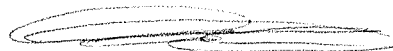
Our principal concern is that although three meetings took place regarding the application of our neighbors at 56 Bayview, we were only notified about the third meeting. Meetings by the Development Review Committee and Historic Preservation Committee went on without any notification to neighbors. It was only when story poles went up at the neighbors' residence that we knew something was up. At that point, we received notification of an impending Planning Commission Meeting, and, per the wording of the notification, we went to the Town Planning Office three days before the proceedings to view related documents of public record.

While we were able to voice our concerns about the neighbors' project at the Planning Commission Meeting, we had only a few minutes to do so and were cut off, while our neighbors were granted nearly an hour to make their case and answer questions. With no opportunity for rebuttal, we were then left with no other option than to appeal to the Town Council, costing us a good deal of time and nearly \$500. When we inquired with the Town Clerk's office regarding why we hadn't been notified of the previous meetings of the Historic Preservation Committee and Development Review Committee, whose appeals are less costly, we were told that we should have received a notice from the Town. But when we asked Rachel Bacola of the Town Planning Office about this, she said that it is only *recommended* that neighbors be notified of these earlier meetings and that the recommendation was not followed in this instance. She gave no reason as to why the recommendation was disregarded.

By not following the recommendation, however, we were at the mercy of our neighbors to approach the subject with us. Indeed, we knew that they had plans for an addition some day. (They had moved here recently, and we had seen them bring architect Gary Schloh with them when they visited the home before the final sale.) We thus approached the neighbors on several occasions hoping they'd talk to us about it, but they did not act upon our requests. After the story poles went up, we approached them two more times. Still, they did not demonstrate an interest in speaking to us until two days before the Planning Commission Meeting, when we were no longer available. More recently, they approached us within a week of the Council Meeting and we met twice, but we were unable to come to any last-minute compromise. In short, leaving things up to the neighbors alone did not work in our case, and we would have appreciated information regarding the scheduling of meetings so that we could have made our concerns known at an earlier, less costly stage of the approval process.

In closing, the two of us have been married for 21 years, 16 of them at a Los Gatos address, 7 of them in the current house on Tait. All has lived in Los Gatos since age 5, Mike since his twenties. We've raised our two children here, one who graduated from Los Gatos High School with a Wildcat Service Award and another who still attends the high school. We restored our home on the corner of Bean and Tait ourselves, and have received many thanks and praise from neighbors and other Town residents for doing so. In short, while we don't feel we deserve greater access to public records and proceedings than our neighbors at 56 Bayview, we feel we should have been accorded at least the same access and notifications.

Sincerely,



Alice A. Miano and Michael Manley



As neighbors and residents of Los Gatos, we do not support the planned remodel of 56 Bayview Avenue as propose. The design fails in its mass and scale to fit the setting and the rest of the house.

Name	Address	Signature	Date
Michael P Foster	28 Pennsylvania Ave	[Signature]	Jan
Chris Potter	33 MIT Ave	[Signature]	12/22/04
David Patrick	100 Tant Ave	David Patrick	12/22/04
Michael P Foster	M P Foster	[Signature]	Dec 27 '04
		[Signature]	1/9/05
		[Signature]	1/9/06
		Los Gatos, CA	

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Highlighted homeowner who are opposed.

