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2-20-24

### **212 Thurston Street**

#### **Response to Planning Commission Appeal**

Dear Council Members,

The adjacent neighbor has appealed the Planning Commission approval of Meleah Gullardo's proposed new home at 212 Thurston Street. In the appeal, he states that there was an error or abuse of discretion by the Planning Commission for the "Setback, condition of approval for existing garage to remain" and that the Planning Commission's decision is not supported by substantial evidence in the record as "Setbacks do not conform to R1-D minimum setback requirements".

For the first part, this neighbor has demanded that the existing detached garage be removed since he first learned of the Ms Guillardo's plans to build a new home. Attached is the first letter he sent to the Town complaining about the garage. However, the garage is a legal, non-conforming structure that Ms Guillardo would like to keep and to repair. There is no law or ordinance that requires that this garage be demolished, and the garage was not even part of what was before the Commission. Nevertheless, the Commission addressed the condition of the garage, and at Ms Guillardo's assent, added the condition of approval that the garage is to be repaired in conjunction with the construction of the house.

For the 2<sup>nd</sup> part, the Planning Commission spent considerable amount of time during the hearing discussing, taking testimony and asking questions of the neighbors about the proposed reduced front setback of the main house. This is all recorded in the video record of the hearing. Since the property is a substandard lot, the Town Code allows for the reduction of setbacks, per the Commission's discretion. The Commission fully took into account the context of the site, the setbacks of the surrounding structures, the effect on the rear neighbors

(were the house to be moved back), and the images of the story poles when viewed from up and down the street.

In conclusion, the Commission did not err or abuse its discretion when it added a condition of approval that the detached garage be repaired concurrently with the construction of the main house. It would have been abuse to force the rebuilding and relocation of the existing garage against the owner's wishes.

Secondly, there is ample evidence in the record that the Commission properly considered the proposed reduced front setback for this home, and that their decision was not made in haste, under subterfuge, or duress.

**From:** Eric Rafia <[REDACTED]>  
**Sent:** Friday, July 7, 2023 5:54 PM  
**To:** Planning <[Planning@losgatosca.gov](mailto:Planning@losgatosca.gov)>  
**Subject:** 212 Thurston St, Los Gatos

[EXTERNAL SENDER]

As the owner of the adjacent property at [REDACTED], I am writing to you regarding the proposed development at 212 Thurston Street. I have been informed by the current owners of their intent to construct a new residence on this site. I would greatly appreciate any information regarding a public comment period, including its potential timeline.

My primary concern is the dilapidated garage, which is situated very close to or on the shared boundary line. To better illustrate the situation, I have included photographs demonstrating the disrepair and unsightly nature of this structure. Its location, infringing upon the setback area, is a pressing issue, especially if substantial development is being proposed.

I am categorically opposed to the garage remaining in its current location if that is part of their proposal. I urge that all necessary setback codes for this prospective development be strictly followed.

Furthermore, I have witnessed friends, property owners on Olive Street, face considerable resistance from their neighbors when proposing a second story for their similarly sized lot, resulting in a single-story construction. Although I am uncertain about the plans for 212 Thurston Street, if a second story is proposed, I believe the potential impact on second-story sightlines needs serious consideration. Should these sightlines significantly affect the privacy of adjacent properties, I suggest restrictions be placed on constructing a second story.

Thank you in advance for your time and consideration. I wish you a pleasant weekend.

Best regards,

Eric Rafia

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