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A P P E A R A N C E S:

Los Gatos Planning Commissioners:  
Melanie Hanssen, Chair  
Kathryn Janoff, Vice Chair  
Mary Badame  
Jeffrey Barnett  
Kendra Burch  
Matthew Hudes  
Reza Tavana

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

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(619) 541-3405

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P R O C E E D I N G S :

CHAIR HANSSEN: Now we will move on to Agenda Item 4, which is Town Code Amendment Application A-20-001, project location Town Wide. Project Applicant is the Town of Los Gatos. We are asked to forward a recommendation to the Town Council for approval of amendments to Chapter 29 (Zoning Regulations) of the Town Code this time regarding Accessory Dwelling Units, and Ms. Zarnowitz, I understand you'll be giving the Staff Report this evening.

SALLY ZARNOWITZ: Yes, thank you. Also in October 2019 new law was passed regarding Accessory Dwelling Units, or ADUs, and the laws pertained particularly to the sizes, locations, number of ADUs allowed, and the parking.

Before you tonight is a Draft Ordinance which addresses those changes and amends the zoning regulations to address those changes. Also in the discussion there are options for less restrictive regulations should the Commission recommend those to the Town Council.

Jurisdictions have the right to be less restrictive than the state would even require, and so there are several of

1 those options in the Staff Report pertaining primarily to  
2 locations and setbacks.

3 That concludes Staff's report and we are here to  
4 answer questions.

5 CHAIR HANSSEN: Do any Commissioners have  
6 questions of Staff? Commissioner Badame.

7 COMMISSIONER BADAME: Do we have any regulations  
8 to prevent ADUs from being used as an Airbnb?  
9

10 SALLY ZARNOWITZ: Yes, the Airbnb, or the Short-  
11 term Rental Ordinance that went through recently prohibited  
12 new ADUs from being used as a short-term rental.

13 COMMISSIONER BADAME: Thank you.

14 CHAIR HANSSEN: Any other questions for Staff?  
15 All right, seeing none then I will invite comments from  
16 members of the public. Is there anyone that would wish to  
17 make comments on this item? It appears not, so then I will  
18 close... Oh, I'm sorry. I apologize. So, please step to the  
19 podium and state your name and address, and you'll have up  
20 to three minutes.

21 JENNIFER KRETSCHMER: Hello, my name is Jennifer  
22 Kretschmer, AIA. I live at 101 Old Blossom Hill Road. I'm a  
23 resident and a business owner. I am also the vice president  
24 of the AIA Silicon Valley Chapter and on the board of  
25

1 directors for the AIA California, although I'm here to  
2 speak primarily on behalf as a resident and business owner  
3 in Los Gatos.

4           The main item that I would like to address is the  
5 decision to not allow Accessory Dwelling Units in front of  
6 primary residences, primarily because the state does  
7 require cities or towns to allow existing buildings to be  
8 converted into ADUs. We have a situation in this town where  
9 we do have a lot of older homes that are small enough to be  
10 considered an ADU, and rather than seeing those smaller  
11 homes demolished in order to build a larger home and then  
12 they still put an ADU in the back, I would like to propose  
13 that the Commission here consider existing infrastructure  
14 to be allowed to be a detached ADU in front of a primary  
15 residence.  
16

17           The other thing that I'd like you to consider is  
18 that the current amendments are allowing four setbacks of  
19 4'. That is quite adequate but we could go so far as 3' and  
20 still comply to building codes and still have space to go  
21 around the structure, and therefore leave more open space  
22 in the yards of properties if the detached ADU is pushed  
23 all the way towards the back of the property. It still  
24 allows for preventative fire measures, so that is one other  
25

1 consideration that I'd like you to think about, and that's  
2 it.

3 CHAIR HANSSEN: Do any of the Commissioners have  
4 questions for the speaker? Commissioner Hudes.

5 COMMISSIONER HUDES: I had two questions. With  
6 regard to the setback, would changing the setback in any  
7 way allow certain ADUs to be larger than they otherwise  
8 would be?

9 JENNIFER KRETSCHMER: No, it should not as long  
10 as the Town is complying to the state regulations as far as  
11 size.  
12

13 COMMISSIONER HUDES: But there's a difference  
14 between the distance in some small lots, whereby having  
15 more setback the structure would be farther away and  
16 potentially could be larger because of the distance from  
17 the main structure, correct?

18 JENNIFER KRETSCHMER: I think you could end up  
19 making it larger one way or another depending on the space  
20 that's allocated. There are distances that are required  
21 from the existing primary structure so you can't build  
22 them, even for fire code, right up next to each other, so  
23 that also limits how large an ADU can be.  
24

25

1 COMMISSIONER HUDES: Okay. I had another  
2 questions, if I may?

3 CHAIR HANSSEN: For the speaker?

4 COMMISSIONER HUDES: Yeah.

5 CHAIR HANSSEN: Sure.

6 COMMISSIONER HUDES: The first point that you  
7 made about putting an ADU in front of a primary dwelling,  
8 does that apply to historic as well?

9 JENNIFER KRETSCHMER: I think that that's  
10 actually one of the best ways to utilize that. We have a  
11 few structures where I know people are considering adding  
12 almost what I would call a Frankenhause. In order to keep  
13 the existing character of the original small, historic home  
14 they're adding a giant addition onto the back. If they  
15 would have the option of keeping that smaller, historic  
16 home still in the front area, and if they have of course  
17 enough lot size and enough FAR to build the main structure  
18 behind, then the existing neighborhood character of the  
19 street could remain without that existing historic  
20 structure being demolished or being altered in such a way.

21 COMMISSIONER HUDES: So, are you referring  
22 specifically to the language that says, "An option. A  
23 standard has been included in the Draft Ordinance  
24  
25

1 clarifying that no Accessory Dwelling Unit may be  
2 constructed in front of a Primary Dwelling Unit that is a  
3 historic resource," and are you suggesting that we should  
4 adopt that option?

5 JENNIFER KRETSCHMER: Correct. I am specifically  
6 speaking to Section 29.10.320(b)(3).

7 COMMISSIONER HUDES: Okay, thank you.

8 CHAIR HANSSEN: Vice Chair Janoff.

9 VICE CHAIR JANOFF: Just a question about the  
10 setback. The option that I'm reading is not speaking to a  
11 detached Accessory Dwelling Unit but an attached Accessory  
12 Dwelling Unit and it's asking about whether essentially to  
13 limit it from the current, which is a 5' setback, to allow  
14 a four foot setback. The question I have for you is we  
15 currently require a 5' distance between a primary residence  
16 and an Accessory Dwelling Unit, so if we use the term  
17 "circulation" what's your thought about not having a 5'  
18 circulation, which is generally the requirement for a  
19 detached? It's not a setback from the property line.

21 JENNIFER KRETSCHMER: Right.

22 VICE CHAIR JANOFF: So, if you're suggesting  
23 this... And again, this is referring to attached, that's what  
24 the option language before us...

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JENNIFER KRETSCHMER: Right.

VICE CHAIR JANOFF: I understand your point about the detached.

JENNIFER KRETSCHMER: Right.

VICE CHAIR JANOFF: Would you also say that you would advocate either the 4' or even the 3' setback if it's an attached ADU?

JENNIFER KRETSCHMER: No, I think if it's attached it needs to be attached; there shouldn't be any breezeway. I mean, if they want to design a breezeway they could be allowed a breezeway, but it should not be required.

VICE CHAIR JANOFF: No, I'm not talking about the breezeway, I'm saying... Let's say it's right smack against the primary dwelling unit. What kind of setback are you advocating for that Accessory Dwelling Unit on the property?

JENNIFER KRETSCHMER: Got it. The setback that is for the new writing in the code is acceptable; it's the 5'.

VICE CHAIR JANOFF: Five feet.

JENNIFER KRETSCHMER: Yeah.

VICE CHAIR JANOFF: Thank you.



1 CHAIR HANSSEN: Any other questions for the  
2 speaker? Thank you very much for your comments; it was very  
3 helpful. Is there anyone else from the public that would  
4 like to speak on this item? Sure I didn't miss anyone?  
5 Okay, seeing none, then I will close the public portion of  
6 the hearing and then ask if any of the Commissioners would  
7 like to ask any additional questions of Staff?

8  
9 Before we proceed forward with any motions or  
10 anything I did want to make a comment that in the Staff  
11 Report there is the request to forward a recommendation to  
12 Council for adopting the changes that the state has  
13 designated, and then as Ms. Zarnowitz mentioned there are  
14 several options that we could also consider that would be  
15 more lenient than the state code if we want to facilitate  
16 the development of ADUs.

17 What I'd like to do in terms of process is have  
18 the Commission vote first on the recommendation to adopt  
19 the state law changes and then consider each of the options  
20 separately, and we don't need to reopen the public hearing  
21 for that but we can discuss each one and then vote as to  
22 whether we'd like to go in that direction or not in the  
23 recommendation. So, that being the case are there any  
24 additional questions for Staff, comments that Commissioners  
25

1 would like to make, or would anyone like to make a motion  
2 on the first item, which would be to adopt the state law  
3 changes? Commissioner Barnett.

4           COMMISSIONER BARNETT: I had a very small nit to  
5 pick on pages six and seven of the Draft Ordinance and that  
6 is that Item 8 at the top of page 6 requires one parking  
7 unit per unit for an Accessory Dwelling Unit and then it's  
8 followed by six exceptions, and I was proposing an  
9 additional exception to tie in or to make consistent  
10 paragraph 13(d) on page seven. So the import of this is  
11 that it would harmonize the Draft Ordinance Section  
12 29.10.320(b) (8) on page six with Section  
13 29.10.320(b) (13) (d) on page seven. In other words, that  
14 there would be no parking spaces required for Accessory  
15 Dwelling Units.  
16

17           CHAIR HANSSEN: So, you're suggesting to make a  
18 correction to the Draft Ordinance?

19           COMMISSIONER BARNETT: Correct.

20           CHAIR HANSSEN: Could Staff..

21           SALLY ZARNOWITZ: Yes, I think the understanding  
22 was that that might relate to Junior Accessory Dwelling  
23 Units was the consistency that the Commissioner might be  
24 looking for. Section 13 is about the conversion of existing  
25

1 floor area, and so the conversion does exist. Maybe it's  
2 number 3 under A, (8)(a)(3), "The ADU is within the  
3 existing space of a primary dwelling or an existing  
4 accessory structure," and did you want to add "Junior" to  
5 that, or "Junior ADU"?

6 CHAIR HANSSEN: Commissioner Barnett.

7 COMMISSIONER BARNETT: Yeah, that was the intent  
8 and I did discuss it with Ms. Zarnowitz.

9 CHAIR HANSSEN: Okay, so you would be comfortable  
10 if they made that change that you recommended with the  
11 language in the ordinance?  
12

13 COMMISSIONER BARNETT: Yes, to harmonize those  
14 two sections.

15 SALLY ZARNOWITZ: Yes, and to clarify, we can go  
16 back to make sure those two sections match, which was, I  
17 believe, the Commissioner's concern.

18 CHAIR HANSSEN: Other comments from  
19 Commissioners? Would anyone like to make a motion for the  
20 Draft Ordinance, and then keeping in mind that we'll  
21 discuss the different options that were presented in the  
22 Staff Report subsequent? Commissioner Badame.

23 COMMISSIONER BADAME: I'll try a motion. I move  
24 to forward a recommendation to the Town Council for Town  
25

1 Code Amendment Application A-20-001, amendments to Chapter  
2 29 of the Town Code regarding Accessory Dwelling Units,  
3 with the addition of the changes as recommended by  
4 Commissioner Barnett. I can make the required findings for  
5 CEQA, and I can make the required findings for the General  
6 Plan per Exhibit 1.

7 CHAIR HANSSEN: Is there a second? Commissioner  
8 Hudes.

9 COMMISSIONER HUDES: Second.

10 CHAIR HANSSEN: Would anyone else like to make  
11 comments on the motion before we take a vote? Seeing none,  
12 all in favor? Opposed? Passes unanimously. And are there  
13 appeal rights for the motion?  
14

15 SALLY ZARNOWITZ: No, there are not because it's  
16 a recommendation to Town Council.

17 CHAIR HANSSEN: Thank you. All right, so having  
18 done that I thought we ought to go through the different  
19 options that are in the Staff Report and make a  
20 recommendation as to whether we would wish to recommend to  
21 Council to be more lenient then the language in the state  
22 law.

23 The first option, and I might ask Staff to give  
24 additional explanation. I mean, it's described here but the  
25

1 first option is on page 3, and as I understand it, it has  
2 to do with whether or not... There is a limit of two ADUs  
3 that can be had, but the state law says detached or an  
4 additional Junior ADU inside the house, and then do we want  
5 to add an attached ADU as one of the possibilities, and so  
6 if you could comment on that, if I got that right.

7           SALLY ZARNOWITZ: That's correct, and I have a  
8 sketch if you want to see an example of an attached or a  
9 detached with the Junior. So the Junior ADU as defined by  
10 the state as within the primary residence.

11           CHAIR HANSSEN: I think we would like to see the  
12 drawing.

13           SALLY ZARNOWITZ: The Junior ADU is within the  
14 residence and we'll have an example of a Junior ADU in the  
15 residence and then a detached Accessory Dwelling Unit,  
16 which is what the state requires, and then we also have an  
17 example of attached, which the state does not require that  
18 jurisdictions allow it. So, this is what the state would  
19 require to be allowed and that's what the ordinance allows  
20 right now, a detached. The Junior ADU is within the primary  
21 dwelling plus 150 square feet are allowed for egress.  
22 That's what the state is allowing and then the question is  
23 would the Town want to allow the Junior ADU on the bottom  
24  
25

1 and then the attached ADU all in one structure? So, it  
2 wouldn't increase the numbers. One could still have one ADU  
3 and one Junior ADU, it's just a question of whether or not  
4 you would allow that second ADU to be attached.

5 CHAIR HANSSEN: Do any Commissioners have  
6 questions or comments on that? Commissioner Burch first.

7 COMMISSIONER BURCH: I definitely think we should  
8 support that. I think that that's going to be easier on a  
9 homeowner to provide... That's a much simpler modification or  
10 construction than a completely detached unit that has to be  
11 built. I don't see anything wrong with that.

13 CHAIR HANSSEN: Other comments? Vice Chair  
14 Janoff.

15 VICE CHAIR JANOFF: Yeah, I would agree with  
16 Commissioner Burch. We do want to increase the housing  
17 units, and so this is a good way to do it and giving  
18 homeowners the flexibility to accommodate the nuances of  
19 their property makes good sense.

20 Question for Staff. Is there also an option, if  
21 you go back to the first diagram, that the Junior ADU could  
22 be associated with the ADU?

23 SALLY ZARNOWITZ: Yeah, there should be another  
24 one where there's a Junior ADU. There we go. That is the  
25

1 second question in this option. Yes, would the Town like to  
2 allow a Junior ADU not just within the primary but within  
3 the space of an accessory structure or a larger ADU?

4 VICE CHAIR JANOFF: So, before us is the option  
5 to allow for both, this as well as the prior slide?

6 SALLY ZARNOWITZ: Right, still with the same  
7 number of one ADU and one Junior ADU.

8 VICE CHAIR JANOFF: Okay. My general comment is  
9 yes. I mean, why make it more difficult for homeowners to  
10 manage efficient building of their property and allow for  
11 these additional units?  
12

13 CHAIR HANSSEN: Question for Staff. Allowing this  
14 option they wouldn't be able to have additional square  
15 footage, or would they? Because there's a limit on the  
16 total square footage for a detached ADU, so if the Junior  
17 is... Does that imply that you add the... It could be larger  
18 than it was before?

19 SALLY ZARNOWITZ: There are all these kinds of  
20 questions. The detached ADU would have a certain size up to  
21 the 1,200, and then the Junior ADU would come out of that  
22 one would assume, which would reduce the size of the ADU  
23 just as the Junior ADU reduces the size of the primary  
24 dwelling, the main house.  
25

1 CHAIR HANSSEN: Okay.

2 SALLY ZARNOWITZ: And the Junior ADU still  
3 wouldn't be able to be more than 500 square feet. The  
4 Junior ADU doesn't necessarily have to have its own  
5 restroom; it can share a restroom with the main dwelling,  
6 and it just has a little counter and appliance for cooking.

7 CHAIR HANSSEN: Vice Chair Janoff.

8 VICE CHAIR JANOFF: So, do we need to specify  
9 that? It may be our understanding, but do we need to say  
10 that in this scenario where you have a detached ADU and the  
11 Junior ADU in one building the total does not exceed 1,200  
12 square feet?

14 SALLY ZARNOWITZ: I'm seeing that that might be a  
15 good idea from the attorney.

16 VICE CHAIR JANOFF: I'm just concerned that we  
17 might have a 1,200 ADU and a 500 Junior ADU in that  
18 scenario, which is not our intent.

19 SALLY ZARNOWITZ: Right, and the state requires  
20 that you allow up to an 800 square foot ADU, so that would  
21 be 1,300.

22 VICE CHAIR JANOFF: Would we need to say up to  
23 1,300 if it's joined? Can we have two Junior ADUs?

24 SALLY ZARNOWITZ: Well, no. No, you can't.  
25



1           VICE CHAIR JANOFF: Well, I'm just wondering if  
2 there's a minimum ADU and a maximum or a set Junior. Then  
3 if this is the scenario that's brought before the Town we  
4 might want to say yes to 1,300 square foot total. I mean,  
5 considering that these are ministerial decisions and  
6 there's no discretion, the more that we bound that envelope  
7 to make it perfectly clear seems reasonable.

8           SALLY ZARNOWITZ: It does, and I think we can  
9 take that direction and look at it more closely as well,  
10 because there are other regulations pertaining to accessory  
11 structures on lots and so we could look at that and see how  
12 that would play out, but the main idea of the Junior ADU is  
13 that it is within the existing space or proposed space—  
14 which becomes, I know, complicated—of a structure.

15           JOEL PAULSON: If the Commission is ultimately  
16 interested in providing that direction we can carry that  
17 information forward to the Council and then provide them  
18 with our findings and then they can make that decision.

19           CHAIR HANSSEN: One more question for Staff.  
20 Relative to Vice Chair Janoff's question though, by  
21 definition a Junior ADU is then a primary dwelling, so you  
22 can't have a Junior ADU within a Junior ADU, right?  
23  
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1           SALLY ZARNOWITZ: Well, the state allows the  
2 jurisdiction to limit it to that definition, but should you  
3 wish to take it beyond that we can revise that definition  
4 if that's the direction you're giving. As Mr. Paulson said,  
5 we can look at that and move it forward.

6           JOEL PAULSON: But you theoretically could have a  
7 499 square foot Junior ADU and a 480 square foot detached  
8 ADU, so just because it's less than 500 does not make it a  
9 Junior ADU, so ultimately it's kind of semantics but  
10 technically you could have a detached ADU that's less than  
11 500 and an attached that's within the existing home that's  
12 less than 500 and one of them is going to be a Junior ADU  
13 and one of them is going to be a regular detached ADU.

14           CHAIR HANSSEN: Right, okay. I'm thinking we  
15 should make... I'm going to ask Staff. Would you like us to  
16 make a motion and vote on these or just have comments about  
17 whether we think it's a good idea or not?

18           JOEL PAULSON: I think it would be helpful for  
19 Council's discussion to actually have a motion.

20           SALLY ZARNOWITZ: Yeah, since it's not in the  
21 first motion, then just have individual motions.

22           CHAIR HANSSEN: All right, and I think we can do  
23 this fairly quickly, so let's do that. So, this option is  
24  
25

1 two different options, which is kind of the A and B.  
2 There's the adding the attached ADU as an option and then  
3 the Junior ADU within the detached. So, would someone be  
4 willing to make a motion about whether we want to do that  
5 or not? Commissioner Burch.

6           COMMISSIONER BURCH: I'm going to make a motion  
7 that based on the diagrams shown by Staff for the two  
8 options I would move to forward a recommendation of  
9 approval to Council and note some of the conversation that  
10 has occurred based on the configuration of square footage.

11           CHAIR HANSSEN: Is there a second? Commissioner  
12 Tavana.

13           COMMISSIONER TAVANA: I'll second that.

14           CHAIR HANSSEN: Are there any comments from  
15 Commissioners on this item? Seeing none, I will call the  
16 question. All in favor? Opposed? Passes unanimously.

17           The next option says no Accessory Dwelling Unit...  
18 It's in the Draft Ordinance and do we want to be more  
19 lenient that, "No Accessory Dwelling Unit may be  
20 constructed in front of a primary dwelling that is a  
21 historic resource to prevent adverse impacts on historic  
22 resources." But we could recommend allowing this option to  
23 create Accessory Dwelling Units in front of historic  
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1 resources to add more flexibility. So, comments on that?  
2 And I don't know if Staff wants to clarify any more than  
3 that.

4           SALLY ZARNOWITZ: I would just say that  
5 pertaining to the public comment that we got that it's not  
6 the intent that this language would preclude the conversion  
7 of existing accessory structures or square footage to an  
8 ADU in front of a historic resource, so if there's a  
9 gatehouse or some sort of structure in front of it or that  
10 that could be converted to an ADU.

11           CHAIR HANSSEN: So, this questions is whether we  
12 allow people to construct a new ADU that isn't there right  
13 now in front of a historic resource?  
14

15           SALLY ZARNOWITZ: Yes.

16           CHAIR HANSSEN: Okay. Commissioner Burch.

17           COMMISSIONER BURCH: I just want to make sure  
18 before I make my other comments I'm clear. We do have some  
19 properties downtown that are these very tiny, original  
20 little bungalows but that are existing, so would this say  
21 that for the sake of keeping historic we would allow that  
22 to become an ADU just like... Is that semantics correct?  
23

24           SALLY ZARNOWITZ: That correct, because it's  
25 existing.

1 COMMISSIONER BURCH: Okay. All right, thank you.

2 CHAIR HANSSEN: I just want to ask a clarifying  
3 question, then Commissioner Hudes. We can't prevent that  
4 anyway, or is this something we need to vote on, where they  
5 have a detached Accessory Dwelling Unit, or it's not a  
6 dwelling unit but an accessory unit in front, we have to  
7 vote whether to allow that or not, or they can  
8 automatically do it because of the state law?  
9

10 SALLY ZARNOWITZ: They can convert the existing  
11 floor area; that would be allowed by the state law and by  
12 the ordinance as it's written. The question would be could  
13 they build a new ADU in front of the small bungalow?

14 CHAIR HANSSEN: Commissioner Hudes.

15 COMMISSIONER HUDES: I would strongly oppose that  
16 option. I think it would decrease the value of historic  
17 resources and it would also decrease the value of the  
18 neighborhoods and the Town to put new construction in front  
19 of historic resources. I think we would be getting some  
20 additional dwellings but we would be outright attacking our  
21 historic character of the Town.

22 CHAIR HANSSEN: Vice Chair Janoff.

23 VICE CHAIR JANOFF: Yeah, I agree with  
24 Commissioner Hudes except that I think what's proposed is  
25

1 the reverse. It currently says that no accessory dwelling  
2 may be constructed, and so we're advocating that language  
3 continue.

4           But I did want to comment that the benefit of  
5 having public testimony is I hadn't really thought about  
6 the concept of these small historic properties being  
7 converted to the ADU intact and allowing a new primary  
8 residence to be constructed. I would just like to say,  
9 having served on the Historic Preservation Committee, it's  
10 a brilliant idea to allow that because there have been  
11 many, many applications that are asking to tear down the  
12 historic because it doesn't accommodate the big new house  
13 that the whole family needs and we're saying no, you can't  
14 do that but you've got to make it look the same because  
15 that's Los Gatos' way, and to allow those beautiful little  
16 structures to shine and be purposeful is something I think  
17 is just really brilliant and I thank you for bringing that  
18 concept. I know Staff has it but I hadn't in my mind, so I  
19 appreciate that, and I think anything we can do to preserve  
20 the historic integrity of the Town by not cluttering the  
21 front of these properties with an Accessory Dwelling Unit  
22 that obscures the elevation I think is a great idea.  
23  
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1 CHAIR HANSSEN: Commissioner Hudes, you had  
2 additional?

3 COMMISSIONER HUDES: Just to clarify, those are  
4 two separate concepts. The concept that we heard in public  
5 testimony has nothing to do with this option. This option,  
6 it says would you allow the creation of Accessory Dwelling  
7 Units in front of historic resources and I think that would  
8 be a big mistake.

9 CHAIR HANSSEN: Okay, so would someone like to  
10 make a motion?

11 COMMISSIONER HUDES: I would move to make a  
12 recommendation to Council that we do not adopt this option.  
13

14 CHAIR HANSSEN: Second? Commissioner Badame.

15 COMMISSIONER BADAME: Second.

16 CHAIR HANSSEN: Does anyone else want to make a  
17 comment before we vote? All right, all in favor? Opposed?  
18 None. Passes unanimously. Okay, so that's that option.

19 There are four options total. Option 3 is the new  
20 state law does not require attached Accessory Dwelling  
21 Units to be allowed minimums and rear and side setbacks of  
22 4' and we could recommend this option for having it go from  
23 5' to 4' even though the detached, it's already stated by  
24 state law that it's 4', and correct me if I'm wrong, Staff,  
25

1 we could also allow the attached to have 4' instead of 5'.  
2 So the question on the table is do we want to allow  
3 attached to go down to 4'?

4 SALLY ZARNOWITZ: Maybe just to clarify right  
5 now, the attached ADU would need to meet the setbacks of  
6 the primary dwelling, so 8' in the R-1:8, 10' in the R-1:10  
7 for a side setback. So, this would be allowing even the  
8 attached ADU to go down to 4' on the side or the rear.

9 CHAIR HANSSEN: Vice Chair Janoff.  
10

11 VICE CHAIR JANOFF: For the reasons I commented  
12 on before I think reducing that setback to 4' may not make  
13 sense from a general circulation standpoint, so I  
14 personally would not be in favor of reducing it to the 4'  
15 setback this time.

16 CHAIR HANSSEN: Commissioner Hudes.

17 COMMISSIONER HUDES: Yeah, I would agree with  
18 that. I think that an attached ADU by definition gives you  
19 greater contiguous façade area and so the perception of  
20 greater mass encroaching on space the neighbors assumed  
21 they had would be an issue to me, so again, I don't think  
22 that one is worth it.

23 CHAIR HANSSEN: Okay, would someone like to..  
24 First of all, does anyone else want to comment, and if not  
25



1 would someone like to make a motion on this option?

2 Commissioner Burch.

3 COMMISSIONER BURCH: It sounds like I am going to  
4 move that we do not adopt this option.

5 CHAIR HANSSEN: Is there a second? Commissioner  
6 Hudes.

7 COMMISSIONER HUDES: Second.

8 CHAIR HANSSEN: Any additional comments? Then  
9 I'll call the question. All in favor of the motion? Anyone  
10 opposed? No. Passes unanimously.  
11

12 All right, we have one more. It's on page four.  
13 An option has been included in the Draft Ordinance  
14 clarifying that an Accessory Dwelling Unit may not be added  
15 to an existing second story of a primary dwelling that is  
16 an historic resource to prevent adverse impacts on historic  
17 resources. We could be more lenient and allow people to  
18 create second story Accessory Dwelling Units on historic  
19 resources. Comments or questions? Okay, we have a picture.  
20 Commissioner Burch has a question.

21 COMMISSIONER BURCH: I don't think I understand  
22 why adding a second story ADU means it has to be higher.  
23 What drove that particular option?  
24

25

1                   SALLY ZARNOWITZ: The ordinance currently allows  
2 for a second floor ADU only in the case where there's  
3 already a second floor on a primary dwelling. I think I  
4 said that right. And so in this case when we have a  
5 historic structure, such as the one on the left, that has a  
6 big sloping roof but in the rear there's a second story, so  
7 then when you go to the right the new ADU is put on the  
8 front of the structure on the second story and it has the  
9 potential to change the shape of the house, the primary  
10 dwelling, fairly significantly. So that's in order to get  
11 the plate height in order to stand...to create more plate  
12 height to get the square footage basically, because while a  
13 lot of it could be fit under a gable in order to get more  
14 square footage the plate height goes up.

16                   CHAIR HANSSEN: Vice Chair Janoff.

17                   VICE CHAIR JANOFF: Just again, recognizing what  
18 the Historic Preservation Committee is trying to do in the  
19 Town, we don't readily allow a second story addition even  
20 if the historic property has a second story that  
21 substantially changes the overall appearance of the  
22 historic house, and so I'm not sure why we would be  
23 entertaining adding an ADU which essentially does the same  
24

25

1 thing to alter the historic appearance of a home; I'm not  
2 sure that makes sense for us to do that.

3 CHAIR HANSSEN: Commissioner Badame.

4 COMMISSIONER BADAME: I agree with Vice Chair  
5 Janoff. I'm strongly opposed to this one. I think it has  
6 the potential to impact the character of the historic  
7 neighborhood.

8 CHAIR HANSSEN: And Commissioner Hudes, I thought  
9 you had (inaudible).  
10

11 COMMISSIONER HUDES: I agree.

12 CHAIR HANSSEN: You agree. All right, then if no  
13 one else has a comment would someone like to make a motion  
14 on this item? Maybe Commissioner Burch.

15 COMMISSIONER BURCH: I'm on a roll tonight. I am  
16 going to move that we do not recommend this option either.

17 CHAIR HANSSEN: Is there a second? Commissioner  
18 Hudes.

19 COMMISSIONER HUDES: Second.

20 CHAIR HANSSEN: Okay. If there are no other  
21 comments, and seeing none, I will call the question. All in  
22 favor? Anyone opposed? No. It passes unanimously. Okay,  
23 great.  
24

25

1           So, that is all the options that Staff had in  
2 their Staff Report for us to consider, and we already  
3 talked about whether there are appeal rights and I don't  
4 think there would be on the other options either.

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