

FILING FEES

~~\$286.00 Residential~~
\$1,149.00 per Commercial, Multi-family or Tentative Map Appeal

See
attach
form
for
fees

**Town of Los Gatos
 Office of the Town Clerk**

110 E. Main St., Los Gatos CA 95030

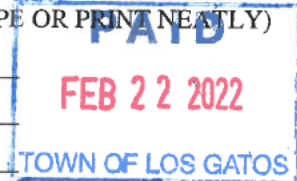
APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: February 9, 2022

PROJECT / APPLICATION NO: S-21-013

ADDRESS LOCATION: 118 Olive St. Los Gatos 95030



13P0000407

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Council members. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because the Planning Commission based their decision on incomplete and inaccurate information and did not address the specific considerations of the concerned neighbors.
 _____, OR
2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is Pertinent information was provided and not delivered to the Planning Commission. Please see attached email from Sean Mullin, Project Planner, and accompanying letter and signature page dated February 7, 2022 from the neighbors.
 _____ (please attach the new information if possible): OR
3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: Shelli Baker
 DATE: February 22, 2022
 PHONE: 408.568.9412

SIGNATURE: Shelli Baker
 ADDRESS: 19330 Overlook Rd.
Los Gatos, CA 95030

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____

CONFIRMATION LETTER SENT: Date: _____

Pending Planning Department Confirmation

TO APPLICANT & APPELLANT BY: _____

DATE TO SEND PUBLICATION: _____

DATE OF PUBLICATION: _____

FILING FEES
\$438.00 (PLAPPEAL) Residential
\$1,763.00 (PLAPPEAL), per
Commercial Multi-family or
Tentative Map Appeal

TRANSCRIPTION \$500 (PLTRANS)

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

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DATE OF PLANNING COMMISSION DECISION _____

PROJECT / APPLICATION NO: _____

ADDRESS LOCATION: _____

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1. The Planning Commission erred or abused its discretion because _____

_____; OR
2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is _____

_____ (please attach the new information if possible): OR
3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: _____ SIGNATURE: _____

DATE: _____ ADDRESS: _____

PHONE: _____

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____

CONFIRMATION LETTER SENT: Date: _____

Pending Planning Department Confirmation

TO APPLICANT & APPELLANT BY: _____

DATE TO SEND PUBLICATION: _____

DATE OF PUBLICATION: _____

We the neighbors respectfully ask for the following changes to the plans for the reasons stated below:

1. Plans to be revised to include omitted and accurate information and condition of approval added regarding building permit submittal
2. Add street repair condition of approval
3. New home to comply with minimum 5-foot side yard setbacks OR remove basement from plans
4. Minimum 20-foot driveway added to site plan which does not include public right-of-way
5. New home not to exceed FAR calculation or basement to be removed from the plans
6. New home to comply w/ minimum front and side setbacks of 15 and 5 feet respectively

1A. Plans are incomplete and do not include: A Construction Management and Job Sequencing Plan, Geotech/Soils Stability Report and peer review, Site Grading Plan and Dewatering Mitigation Plan, stitch pier design for access and soil stability indicating total scope of soils export/import. (Plan currently indicates an obvious error of only 0.9 cubic yards being exported.) Storage/staging areas for lumber, waste containers, toilet, wash out area, and worker parking are also lacking from the plans.

A sampling of omitted dimensions/call outs are: sectionals, rear setback, rear deck elevation and dimensions, and partial west side setbacks . . . The plans need to be revised prior to council approval.

Request: Include a condition of approval that any changes to the plans submitted to the building department shall be denied and resubmitted to the planning department and planning commission.

2A. A significant number of trucks and heavy equipment will be necessary to construct the home and off haul dirt associated with the basement. It will be very challenging for the narrow streets to accommodate these trucks and equipment and there will likely be significant damage done.

Request: Add a condition of approval that Olive street be surveyed before and after construction (e.g. video taken by public works) and that the street, curb, gutter, sidewalk and neighborhood property be repaired to original condition.

3A. Safety/Welfare: The stitch piercing necessary to construct a basement will cause excessive ground shaking and potential damage to the adjacent 80 year old home which is situated on a sloped lot with sump pumps underneath. This issue is further compounded by the request for reduced setbacks.

Request: Remove basement or increase setbacks to conforming.

4A. Emergency access: The narrow street width and lack of viable on-site parking will make it more difficult for cars/trucks in general and more importantly emergency vehicles to access the homes on Olive Street.

Request: provide a minimum 20-foot driveway for off-street parking that does not include the public right of way.

5A. The FAR calculations for a non-conforming lot is already adjusted to a higher allowable coverage than conforming lots. The 1195sf basement is in addition to the allowable FAR. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhood with excessive and out of scale designs.

Request: Reduce the size of the house to conform to FAR guidelines.

6A. There are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications.

Request: Simply repositioning the garage two feet to the east and the house five feet toward the rear of the property allows the house to be built with minimal changes to the design and maintains the overall integrity of the house. These minor alterations also solve the problematic substandard length driveway. These manageable adjustments will eliminate the need for three of the four exceptions/variances and satisfy many of the neighborhood objections and concerns.

1. Sheeli Baker
Signature

2/21/2022
Date

[Redacted Address]

Address

2. [Signature]
Signature

2/21/22
Date

[Redacted Address]

Address

3. [Signature]
Signature

2/21/22
Date

[Redacted Address]

Address

4. [Signature]
Signature

2/21/22
Date

[Redacted Address]

Address

5. [Signature]
Signature

2/21/22
Date

[Redacted Address]

Address

6. Daniel J. Hunsicker
Signature

2/21/2022
Date

[Redacted]
Address

7. James W. Kooper
Signature

2/21/22
Date

[Redacted]
Address

8. J. F. Fournier
Signature

2/21/2022
Date

[Redacted]
Address

9. Andrea Salata
Signature

2/21/22
Date

[Redacted]
Address

10. Annita McPhail
Signature

2/21/22
Date

[Redacted]
Address

February 20, 2022

Re: 118 Olive St. Los Gatos Proposed Project Application

Dear Members of the Los Gatos Town Council,

This letter is to clarify that contrary to statements and implications made to the Planning Commission by the applicant I am not, and in no way, have ever been in support of any aspect of the proposed project.

These inaccurate statements regarding my opinion were made to the Planning Commission meeting on February 9, 2022 by the applicant.

My opinion, which I hope the Town Council supports, is clearly stated in the neighborhood letters dated 12/17/21 and 2/7/22.

Additionally, I am in support of the appeal by Shelli Baker requesting that our neighborhood concerns be addressed.

Sincerely,

James W. Kooper



From: Sean Mullin <SMullin@losgatosca.gov>
Date: February 16, 2022 at 8:29:13 AM PST
To: "Carroll, Darren" [REDACTED]
Cc: Jennifer Armer <JArmer@losgatosca.gov>
Subject: RE: 118 olive street neighborhood opposition letter

Darren,

Thank you for your email. I reviewed the documents posted with the Planning Commission agenda for February 9th and can confirm that your letter (attached) was not included with the Desk Item that was distributed to the Commission. I'm not sure how this occurred and apologize for the oversight. The letter remains part of the public file.

Planning Commission agendas available here:

[https://urldefense.com/v3/_https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGlo5TW_4\\$](https://urldefense.com/v3/_https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGlo5TW_4$)

Any appeal of the Planning Commission decision must be received by the Clerks Office by 4:00 PM, Tuesday, February 22, 2022.

Best regards,
Sean

Sean Mullin, AICP • Senior Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6823 • smullin@losgatosca.gov

[https://urldefense.com/v3/_http://www.losgatosca.gov_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGk4RRcKJ\\$](https://urldefense.com/v3/_http://www.losgatosca.gov_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGk4RRcKJ$) •

[https://urldefense.com/v3/_https://www.facebook.com/losgatosca_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGj13ScPI\\$](https://urldefense.com/v3/_https://www.facebook.com/losgatosca_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSObHHgSbFtB0IH9iwjqjC-x7qUeF9frqiOGGj13ScPI$)

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Our offices are closed Monday, February 21st in observance of the Presidents Day Holiday.

Town offices will resume regular business hours Tuesday, February 22.

Our regular COUNTER hours are Monday through Friday, 8:00 a.m. to 1:00 p.m. and our phone hours are 8:00 a.m. to 5:00 p.m.

Town offices are now open. In accordance with the Santa Clara County Public Health Office Order, we REQUIRE masks indoors regardless of vaccination status. All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the Building and Planning webpages.

General Plan update, learn more at

[https://urldefense.com/v3/_http://www.losgatos2040.com_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSOBHHgSbFtB0IH9iwjqicC-x7qUeF9frqiOGGID9X7b5\\$](https://urldefense.com/v3/_http://www.losgatos2040.com_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSOBHHgSbFtB0IH9iwjqicC-x7qUeF9frqiOGGID9X7b5$)

Housing Element update, learn more at

[https://urldefense.com/v3/_https://engagelosgatoshousing.com_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSOBHHgSbFtB0IH9iwjqicC-x7qUeF9frqiOGGIdurp7hn\\$](https://urldefense.com/v3/_https://engagelosgatoshousing.com_!!CHCva4IQ!T4g8UnXRxU9T6PXLpa8Ln2hSOBHHgSbFtB0IH9iwjqicC-x7qUeF9frqiOGGIdurp7hn$)

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II Think Green, please consider the environment before printing this e-mail.

-----Original Message-----

From: Carroll, Darren [REDACTED]

Sent: Tuesday, February 15, 2022 5:21 PM

To: Sean Mullin <SMullin@losgatosca.gov>

Subject: 118 olive street neighborhood opposition letter

EXTERNAL SENDER

Hello Sean

I was looking at the town website and I could not find a copy of the letter that I hand delivered to you earlier in the day on the day before the meeting - I gave it to you at the front desk. Please guide me to its location

Also, what is the deadline to submit our appeal the decision of the planning committee?

Thank you

Darren Carroll

Sent from my iPhone

Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

RECEIVED

FEB 08 2022 11:35AM

TOWN OF LOS GATOS
PLANNING DIVISION

February 7, 2022

Dear Planning Commissioners of the Town of Los Gatos,

As per the Planning Commission meeting on 1/12/22 there was a motion by Commissioner Barnett to continue the public hearing for 118 Olive Street for 30 days or more to allow applicant additional time to connect with neighbors and to provide additional elevations.

The following neighbors Darren Carroll, Shelli Baker, Keith White, Bonnie Hurwitz and Annette McPhail met at 5:30pm on 1/28/22 in the front yard of 118 Olive St. Unfortunately, the applicant failed to follow the direction of the Planning Commission and did not provide additional renderings. Additionally no surveys, full size plans nor any other information that would allow the neighbors to better understand and make determinations regarding mass, scale and setbacks were provided.

Following a limited amount of discussion, it was starting to become dark outside, and we were joined and interrupted by neighbor Mark and his family (REDACTED). Mark's continuous argumentative interruptions derailed any useful discussion and made it impossible to determine important points and affects of the proposed house. Essentially, this ended the meeting prematurely and left us disappointed and with enhanced frustration.

Unfortunately, it appears that only the neighbors who signed the previously submitted letter were notified by the applicant. This is disappointing because it created a very limited opportunity for resolution by the Olive Street neighbors.

Parking and driveway length

The applicants stated that they have the right to park on the street and will continue to do so. The driveway will be functionally 20 feet and the lift is uncertain based on cost.

Since Olive Street is not fully dedicated, the neighbors believe that "Functionally 20 feet" is not the same as actual 20 feet. Calculating driveway length, including Public Right of Way, does not ensure a permanent condition and is not what the building code states.

Parking on Olive Street is inadequate. Building a house of this size warrants an increased number of occupants and visitors which creates an even greater burden on Olive Streets already crowded and sometimes dangerous parking situation. The car lift is on the plans. It is the only way applicants plan not to exacerbate the parking situation, therefore, any approvals should enforce the plans as drawn.

Set Backs:

The applicants have stated that The Town told them that they needed to widen the garage from the original plan and that is why the west side setback was reduced. The front setback is being reduced because they want a bigger backyard.

The neighbors contend that The Town is determining the garage dimensions, not the location or suggesting that it not go within the setbacks.

Again, there are no compelling or inherent constraints that prevent the proposed house from being built with very slight modifications. Simply repositioning the garage two feet to the east and the house five feet towards the rear of the property allows the house to be built with minimal changes to the design and maintains the overall integrity of the house. It will also eliminate the need for three of the four variances and satisfy many of the neighborhood objections and concerns.

Square footage:

The house is very large and exceeds FAR by 308sf or approximately 23% which does not include the basement of 1195sf. The FAR calculations for non-conforming lots is already adjusted to a higher allowable coverage than conforming lots. Additionally, the use of a basement was established to aid enlarging homes without unnecessarily impacting the neighborhoods with excessive mass and out of scale designs.

The applicants contend that they are only asking for what The Town and their architect have directed them to do.

Rear deck height:

A privacy issue is a concern based on the height of the rear deck. We are unable to determine the height as it is not clear on the submitted plans and nothing additional has been provided for clarification. Although, it is clearly higher than a "walk-out" deck as previously stated at the Planning Commission meeting.

Overall height:

The roof line could be altered and ceiling heights of 9, 10 and 8 feet respectively could be lowered to help reduce the imposing nature of the house and lessen the impact on the adjacent neighbors and impression on the neighborhood as a whole.

The applicants have stated that they are not exceeding the limit and are doing what we are allowed to do.

Neighborhood suggestion:

The house is being demolished and there are no compelling reasons or hurdles why guidelines, ordinances and neighborhood concerns about the size and placement of the proposed house on the lot cannot be met with minimal modifications of the current plan.

Olive Street is comprised exclusively of original or remodeled homes. The proposed home is entirely new construction which requires different rules and ordinances. To be consistent and objective, they should be required to meet the rules and ordinances of one or the other.

As stated in the letter of 12/17/21, due to circumstances of our meeting we still have many unaddressed concerns about the proposal and the effects on our neighborhood. We suggest that the recently approved home at 101 Broadway be an example of how to make compromises and accommodations for all concerned. The applicant's architect was responsible for the Broadway project as well as the planner, Sean Mullins, which could potentially resolve our neighborhood issues without significantly compromising the integrity of the proposed house.

Neighbor, Jim Kooper's, Outreach Experience 1/31/22

Jim Kooper (# [REDACTED]) arrived late to the neighbor's meeting and only Thomas (home owner) and Mark (#112) were there. According to Jim, Mark was really pushy and inserted himself in the conversation he was trying to have with Thomas.

When Jim voiced his concern about parking, the response he received from both Thomas and Mark was it's a free country and they should be able to do what they want. Jim asked that he be more considerate and thoughtful of neighbors particularly during construction since he ran into many problems when Mark was renovating #112 with equipment blocking his driveway, nails in his driveway, etc.

Jim asked - what about compromising? He tried to continue the conversation with Thomas but Mark kept interrupting and kept saying, "It's a free country."

1.	<u>Shelli Baker</u> Signature	<u>2/7/22</u> Date
		
2.	<u>[Signature]</u> Signature	<u>2/7/22</u> Date
		
3.	<u>[Signature]</u> Signature	<u>2/7/22</u> Date
		
4.	<u>[Signature]</u> Signature	<u>2/7/22</u> Date
		
5.	<u>Donna J. K... [Signature]</u> Signature	<u>2/7/22</u> Date
		
6.	<u>[Signature]</u> Signature	<u>2-7-22</u> Date
		
7.	<u>JAMES W KOOPER</u> Signature	<u>2-7-22</u> Date
		
8.		<u>2/7/22</u> Date
9.	<u>[Signature]</u> Signature	<u>2/7/2022</u> Date
10.	 Signature	 Date
11.	 Signature	 Date
12.	 Signature	 Date

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