TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT

MEETING DATE: 02/09/2022

ITEM NO: 2

DATE: February 4, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street**. APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

REMARKS:

On January 12, 2022, the Planning Commission considered the application and continued the matter to February 9, 2022. The Planning Commission directed the applicant to:

- Continue neighbor outreach efforts and contact neighbors that expressed concerns; and
- Provide a three-dimensional rendering of the proposed residence.

Following the meeting of January 12, 2022, the applicant provided updates to staff of their continued neighbor outreach efforts (Exhibit 14). Additionally, the applicant provided a rendering showing the exterior of the residence (Exhibit 15).

STORY POLES:

The installed story poles have remained in place on the site. The project sign was updated to reflect the February 9, 2022, Planning Commission meeting.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CONCLUSION:

A. Summary

The applicant has submitted a summary of their continued neighbor outreach and a three-dimensional rendering at the direction of the Planning Commission.

B. Recommendation

Based on the analysis in the January 12, 2022, Staff Report and the additional information provided by the applicant, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding 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 (Exhibit 2);
2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements (Exhibit 2);
4. Make the findings as required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
5. Make the findings as required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
6. Make the findings as required by 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required (Exhibit 2);
7. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-21-003 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 11.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Planning Commission can:

a. Continue the matter to a date certain with specific direction; or
b. Approve the application with additional and/or modified conditions; or
c. Deny the application.

EXHIBITS:

Previously received with the January 12, 2022 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

Received with the January 12, 2022 Addendum Report:

12. Applicant's response to public comments
13. Public comments received between 11:01 a.m., Friday, January 7, 2022 and 11:00 a.m., Tuesday, January 11, 2022

Received with this Staff Report:

14. Neighborhood outreach summary
15. Three-dimensional rendering

This Page
Intentionally
Left Blank

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Thursday, January 13, 2022 4:03 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
Thank you for the call to discuss follow up steps based on the January 12th planning commission direction for a continuance until February 9th. As part of the follow up, see notes on our outreach efforts:

- As of this evening, January 13, 2022 we sent a note (see below for content of note) to the direct neighborhood sphere as well as those signing the opposition letter Dated December 17th, 2021. This note included our personal contact information and an invitation to our home to discuss the project in plain view of the project.

Included in the distribution is the following (hand delivered):

- 114, 116, 120, 122, 127, 129, 131, 133, 135. 107, 108, 110 and 121 Olive
- 546 San Benito (believe they may also be the owner of 122 olive, but left 2 separate invitations)
- 630 San Benito (home owner of 116 Olive)
- 19330 Overlook Rd (home owner of 116 Olive)

Additionally, specifically for 19330 Overlook Rd I was able to obtain their phone number from a mutual neighbor and have called to leave a voicemail and sent a text message to relay contact information.

Note that went out (also included was our family holiday card):

"Dear Neighbors,

You are invited to join for a meet and greet with the new residents of 118 Olive St.: Thomas and Meredith Reichert and their Family. We have lived here for the past year and would love to meet and share our proposed project to expand our current home to meet the needs of our family. We plan to be out front of our home on Monday January 17th and Friday January 28th around 530p if you're available to join. If you prefer to email, call or text, my contact is below:
thomasmichaelreichert@gmail.com (858)449-4536

Sincerely,
The Reichert Family "

--
Thomas M. Reichert

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Tuesday, January 18, 2022 1:52 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
Reporting back on a few updates for planning commission follow up:

- When I was hand delivering the invitations on January 13th, the resident of [redacted] Olive happened to be outside, Jim. We were able to connect and discuss the reason he signed the reference letter opposing the project. He specifically said he signed because he didn't want us to use the same contractor that performed the [redacted] Olive which he had issues with during their project. I let him know that we are not having that contractor on our bid list and he said he was happy for our project to move forward in that case.
- Lynn, the resident at [redacted] and owner of [redacted] Olive reached out after receiving our note for outreach. She agreed that it was helpful to have neighborhood outreach and she hopes to make it to one of the invite dates.
- First neighborhood invite for Jan 17th at 530p. Residents of [redacted] and [redacted] Olive showed up to discuss and hang out. They both were already in favor of the project and haven't changed their support. We stayed out until 7p. Additionally Pam, resident at [redacted] Olive happened to be walking by on her way to dinner, she stayed to say hi and discuss the project quickly, but actually didn't realize there was an invite in her envelope- sounds like she will try to come out for the second session.
- Haven't heard from any other neighbors since the notes went out with our contact yet.

Thanks and let me know if you think there is anything you believe would be beneficial given the outreach attempts.

- Thomas Reichert

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Thursday, January 27, 2022 1:01 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER

Hi Sean,
More follow up on our post Planning Commission work, we just got back in town so some of these may be slightly behind their actual date of occurrence.

- Pam, resident of [redacted] Olive confirmed she did receive the invite and contact. She hopes to join us for our second session.
- The outdoor public signage was updated with minor wording corrections based on your direction
- The story pole flag was repaired, as noted during a storm which had a single area wrapped around a pole.
- We have talked to the residents, outfront of our homes in verbal conversations not at the formal outreach sessions, at both [redacted] Olive and [redacted] Olive who support our plan

Confirming we still plan to have a second outreach day tomorrow January 28th.
Thank you and let us know about any information needed for the upcoming Planning Commission we should be preparing to attend.
-Thomas Reichert

From: thomas reichert <thomasmichaelreichert@gmail.com>
Sent: Tuesday, February 1, 2022 10:41 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Jay Plett <jay@plett-arc.com>
Subject: Re: 118 Olive Planning Commission Follow up

EXTERNAL SENDER
Hi Sean,

First, thank you for the call and check in. We appreciate you helping us stay on progress. You should have also received a rendering from our architect last week, we don't believe there were any other items from the Planning Commissions requested prior to our next Town meeting.

Following up on the second neighbor outreach night. We had good attendance: Bonnie, Antoinette, Darren, Shellie/Keith, Pam, Jim, Mark/Christie, and Eric.
At first the discussions had a bit of friction and we felt a bit teamed up on, as many of the neighbors who signed the original opposition letter arrived together at the same time. However, after about an hour of talking it felt much friendlier and was quite pleasant, although we didn't agree on everything about the proposed project. My overall takeaways from the night were that we were able to communicate several clarifications that did ease some concerns, the general sentiment was our home design was well received, but there was some reservation about the Towns recommendation for approval of our variances. Additionally it was great to meet a few more neighbors who we hadn't yet known on the block.

Bonnie ([redacted] Olive)- Like several of the neighbors she was concerned about parking and the contractor selection. We clarified that we do not intend to use the contractor from the [redacted] Olive project and we will do our best to use parking on property to ease neighborhood congestion. There were also some good clarifications that we were building lower and smaller than she believed, specifically we ensured that the only area we encroached on the 5' setback on the side yard was at the single story garage area. She previously believed we requested encroachment for both side yards for full length as well as building into our rear yard. I'm not sure if she had an objection with our front set back proposal, but that did come up with Darren. In general, the full group discussed that many other houses on the street have closer setbacks yet several of them voiced concern that they still wanted us to not have any variances (even though many of those with opposition have varances themselves).

Annette ([redacted] Olive)- She had very similar concerns as Bonnie.

Shellie/Keith ([redacted] Olive owner)- They share a similar stance as Bonnie and Annette, but had additional concerns about their view and lighting. We walked by the story poles and clarified the proposed changes above the garage from a patio to a single story roof. In general they liked that change and understood the 2 story addition did follow the 5' setback, but would block some of the views they currently have. We think the clarification that our proposed project is not requesting maximum allowable height was a good common area of sharing. However, they still don't like that we are proposing a 2 story. Several other neighbors were also unaware that our proposal was less than the max allowable height and this seemed to be commonly acceptable once clarified.

Darren [redacted] Olive and [redacted])- While he shared similar concerns with the above, he seemed to primarily be concerned with our requests for any variances. He would prefer we have no variances to

maintain the property in its current zoning conditions. We discussed how the neighborhood has many examples of variances, including those who signed the opposition letter, but continued his position. Overall we learned he likes the project and design, but would prefer if we had no variances. He also mentioned he wished there was more outreach earlier in the project- one area we think in retrospect would have been great advice to take. Our architect mentioned it to us early, but we as new owners and first time home renovators didn't realize the impacts. The Planning Commission's advice to extend to give us this additional time really did help us to engage further and give adequate time to discuss with our neighbors. Another topic which was discussed that night was our driveway length, some concerns about us having less than 20'. The next morning we were able to get a measurement from the garage to the sidewalk and measured it at 20'-4", We believe this clarification helps ease these concerns, but we weren't able to discuss it at the time we all met. In our initial analysis of the neighborhood variances we didn't call out driveway compliance, if we did, [redacted] appears to be one of many homes which doesn't have a 20' clearance. Additionally, we didn't note that this home has an entry stairway that appears to be within 10' of the front setback because we were only reviewing Olive St homes.

Pam ([redacted] Olive)- She continued to stay neutral on her position on the project. She was helpful to keep the conversation as friendly as possible and provided a good neighborly fabric for us all to align with positivity.

Mark/Christie ([redacted]Olive)- They continued their support for the project. One point at the beginning of the meeting we really appreciated their positive support of the project because it felt very much like we were being teamed up against. As mentioned the meeting ended up much better than where it started.

Jim ([redacted] Olive)- He joined the meeting after most others left, but came and shared that he supported our project as long as we don't use the contractor from the [redacted] Olive project.

Eric ([redacted] Olive resident)- He also joined late, but continues to share his support for the project. Additionally he confirmed what we believed in regards to Lynn ([redacted] Olive Owner at [redacted]) that she has now supports our project, but has general concerns about the neighborhood being able to maintain its character in the long term.

In summary of the 2+2 on each side and 5 across from our project during the extension by Planning Commission:
114, 116, 129 and 132 support the project
120 and 122 like the project, but don't agree with the variances and blocking views
127 and 135 have not participated in the outreach
133 remains neutral

We believe the additional time to meet the neighbors was a positive recommendation and that we used that time to engage with the intent of the extension. We suggest the proposed change above the garage to a roof be accepted by the Planning Commission as part of the good faith discussions to take feedback from the neighbors. We don't believe any changes to the variances would be necessary given the Planning Commission's instruction to limit the scope of the extension, the examples given of the immediate neighborhood which also have similar setbacks and FAR's (which were considered as part of the Planning Department recommendation for approval and inline with the the Town's zoning code which allows for variances on these specific types of non-conforming lots and fits the neighborhood streetscape), as well as an understanding from the neighbors that they acknowledged the intention of our meetings would likely not result in significant changes.

Thank you

-Thomas Reichert

PS.
FYI. See follow up note we plan to distribute to the neighbors who came on Friday:

"Hi Neighbors,
It was great to meet you at our house on Friday. We wanted to confirm that we heard your concerns. It's our intention to be mindful of our design and keep in line with the context of the neighborhood. Specifically we understand that there are many homes on this block that exceed the FAR and setback exceptions, we looked at each of these categories and chose to not be the largest, tallest or closest in any position to ensure that any future precedence would not impact greater growth that what already exists on the block, yet still allow families to grow in an environment with rising housing costs and shortages. We will continue to suggest the patio above the garage be changed to a roof to maintain the privacy of our direct neighbor. We also wanted to clarify that our driveway will functionally be designed to be more than 20', which was highly discussed to ensure we have a driveway and a garage space. Lastly, while we know there were several other topics, we would urge you to reach out to us if you would like to discuss further.
Thank you
Thomas, Meredith and Family"

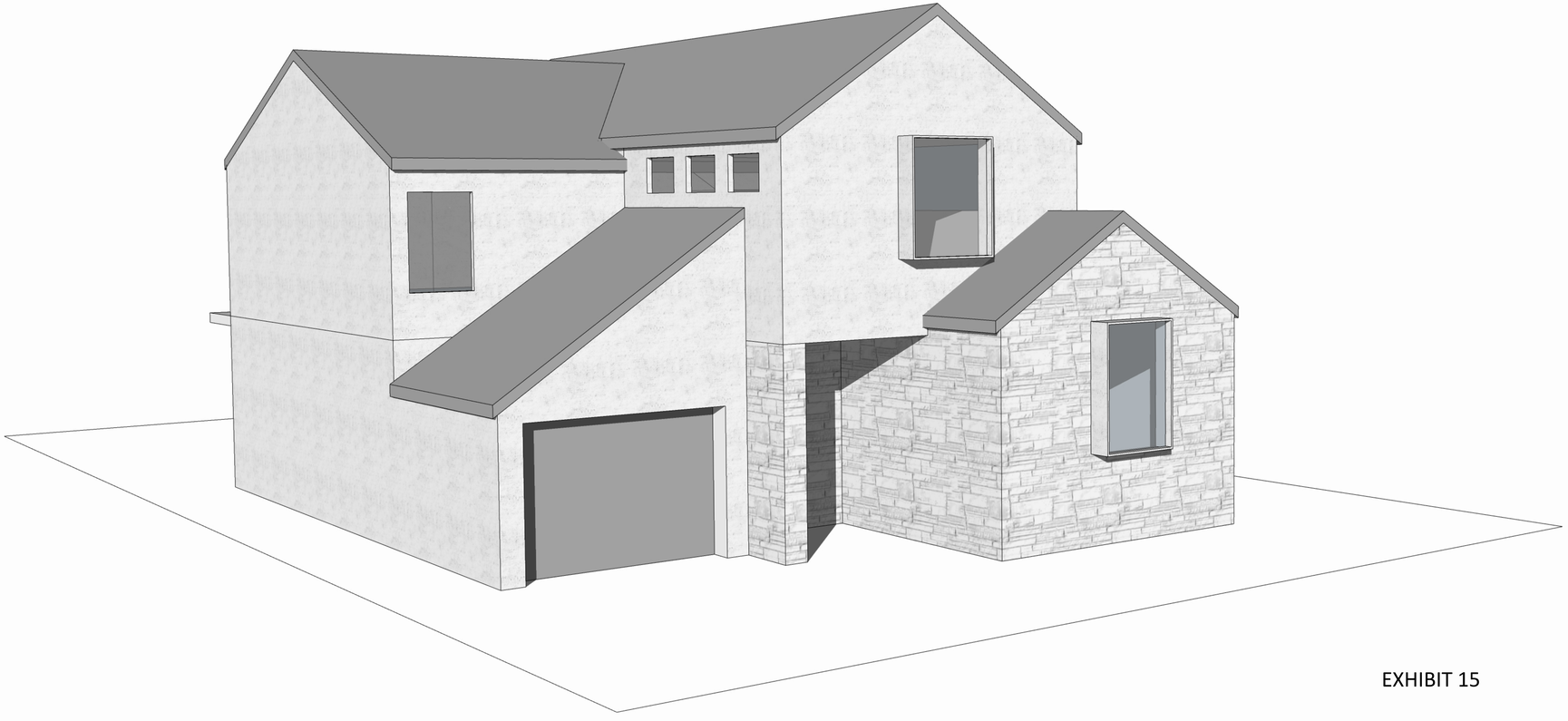

EXHIBIT 15

This Page
Intentionally
Left Blank