



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 4/5/2022

ITEM NO: 15

DESK ITEM

DATE: April 5, 2022
TO: Town Council
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Planning Commission Decision Approving a Request for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence to Exceed Floor Area Ratio 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:

Attachment 15 includes a letter signed by Shelli Baker (appellant and property owner of 120 Olive Street), Thomas Reichert (property owner of 118 Olive Street), Lynn Woodford (neighbor at 116 Olive Street), and Andrew Coven (property owner of 39 Ashler Avenue). This letter indicates that all parties have reached a compromise on the project, which would result in the following project revisions:

- Increase the west side yard setback from three feet to four feet;
- Reduce the east side yard setback from the required five feet to four feet; and
- Increase the front yard setback from 10 feet to 12 feet, six inches.

The letter indicates that the appellant is willing to withdraw their appeal of the Planning Commission approval of the project if these project revisions are implemented; however, the revised project includes a reduced east side yard setback of four feet where five feet is required, and this reduced setback was not considered by the Planning Commission or included in their approval of the project. Withdrawing the appeal would allow the project approved by the Planning Commission to stand and would allow for minor changes that are in substantial compliance with the approved plans (per Condition of Approval 1) to be approved by staff during Building Permit review. These changes could potentially include the proposed increase

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

REMARKS (continued):

in front and west side yard setbacks, since the residence would not be closer to the property lines than what was approved. However, because the Planning Commission approval did not include reduced east side yard setbacks, withdrawing the appeal would not allow staff to approve a Building Permit that included the revised east side setback. The Council could consider the project revisions detailed in Attachment 15, receive public testimony, and discuss whether the revised project is consistent with the Town Code and compatible with the neighborhood. If the Council finds merit in the revised project, the Council could include the following additional Condition of Approval:

Prior to the issuance of a Building Permit, the development plans shall be revised to include east and west side yard setbacks of no less than four feet and a front setback of no less than 12 feet, six inches.

In addition to the letter discussed above, Attachment 16 includes public comments received between 11:01 a.m., Monday, April 4, 2022, and 11:00 a.m., Tuesday, April 5, 2022.

ATTACHMENTS:

Previously received with the April 5, 2022, Staff Report:

1. January 12, 2022 Planning Commission Staff Report, with Exhibits 1-11
2. January 22, 2022 Planning Commission Addendum Report, with Exhibits 12-13
3. January 12, 2022 Planning Commission Verbatim Minutes
4. February 9, 2022 Planning Commission Staff Report, with Exhibits 14-15
5. February 9, 2022 Planning Commission Desk Item Report, with Exhibits 16-18
6. February 9, 2022 Planning Commission Verbatim Minutes
7. February 10, 2022 Planning Commission Action Letter
8. Appeal of the Planning Commission Decision, received February 22, 2022
9. Applicant's Response to Appeal, received March 21, 2022
10. Supplemental Information from Appellant, received March 31, 2022
11. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
12. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
13. Draft Resolution to Grant Appeal and Deny Project

Previously received with the April 5, 2022, Addendum Report:

14. Public comments received between 11:01 a.m., Thursday, March 31, 2022, and 11:00 a.m., Monday, April 4, 2022

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SUBJECT: 118 Olive Street/S-21-013

DATE: April 5, 2022

ATTACHMENTS (continued):

Received with this Desk Item Report:

15. Email from 118 Olive Street property owner with attachment, dated April 4, 2022
16. Public comments received between 11:01 a.m., Monday, April 4, 2022, and 11:00 a.m., Tuesday, April 5, 2022