



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

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**MINUTES OF THE PLANNING COMMISSION MEETING  
FEBRUARY 13, 2019**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 13, 2019, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Present: Chair Matthew Hudes, Vice Chair Melanie Hanssen, Commissioner Mary Badame, Commissioner Kathryn Janoff, Commissioner Reza Tavana, and Commissioner Tom O'Donnell  
Absent: Commissioner Kendra Burch

**PLEDGE OF ALLEGIANCE**

Chair Hudes led the Pledge of Allegiance. The audience was invited to participate.

**VERBAL COMMUNICATIONS**

Heidi Owens

- She serves on the Bicycle and Pedestrian Advisory Commission and will be its delegate to the Planning Commission.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

**1. Approval of Minutes – January 23, 2019**

**MOTION:** Motion by Commissioner O'Donnell to approve adoption of the Consent Calendar. **Seconded** by Commissioner Badame.

**VOTE:** Motion passed unanimously

**PUBLIC HEARINGS**

**2. 11 Peralta Avenue**

Minor Residential Development Application MR-18-008

APN 510-42-073

Property Owner: Wendy Fan Kandasamy

Applicant: Tony Jeans

Project Planner: Erin Walters

Requesting approval for construction of an addition to an existing second story of a pre-1941 single-family residence on property zoned R-1:8. Continued from December 12, 2018 and January 23, 2019.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

██████████ (Objecting Neighbor)

- He and his wife live at ██████████, immediately adjacent, below, and south of the subject property. Six of the seven immediate neighbors to 11 Peralta oppose the property expansion due to current onsite parking limitations, which would become worse with the additional cars if the project is approved. Every neighbor is concerned about the majestic oak tree bordering between his property and the subject property. They are concerned about the proposed increase in mass, and the loss of privacy that would occur if 11 Peralta increases 25-33 percent in the back and rises up three stories above them. They are one story below the subject property, so that that second story would be three stories above, and it looks directly down into their back yard, kitchen, and breakfast nook area. Three new entrances on the back side of the proposed home would be on their property line, plus the unnecessary second floor patio would further contribute to their loss of privacy. Mr. Jeans' written representations that the project has no impact on the neighborhood and that the parties are close to resolving their differences is not true. The privacy issue is their largest concern and could be easily resolved by planting Italian Cypress trees, which if they were planted, they could withdraw their objection to the proposed expansion of the length of the house and the mass that that expansion would entail, and also to the large outside second floor deck. They request the Commission require the owners to build at least four onsite garages to house the tenants' cars. They also ask for a \$15,000 bond to ensure the oak tree does not become injured during construction.

Tony Jeans

- The property is configured currently as one single-family unit, one Accessory Dwelling Unit, and one legal nonconforming Accessory Dwelling Unit, and it would be configured the same after the project is complete. The immediate priority is to remodel the Victorian and keep the three units. They plan to build better garages at the rear of the property, if affordable, and also consistent with sequencing, because they need to access the property from the rear during construction, so some of what they would do at the rear cannot be done until construction on the Victorian is complete. They performed neighborhood outreach and incorporated the neighbors' input into the plans, specifically agreeing to keep the tree when Mr. Fox objected to their plan to remove it. They moved the house 3 feet farther away from Mr. Fox's property to lessen his privacy concerns. They could not come

to a resolution on all the concerns of the neighbors at 9 Peralta but did most. The square footage of the home would increase 400 square feet, or 20 percent, so the mass of the home would only increase 11 percent, not the 25-33 percent Mr. Fox asserted. The height at the back is lower than the current home. The balcony is 20 feet away from the Fox's property line and the view from it is blocked by the fence. They would plant trees that would grow to 12 feet to provide privacy for 9 Peralta and still give mountain views to 11 Peralta. They propose trees that would allow light to filter through but could not be seen through. They plan to convert the original rear six-car garage into a two-car garage and a three-car garage. They do not object to the garages, but they are not part of this application.

[REDACTED]

- He lives at [REDACTED], directly across the street from the subject site. Parking is an ongoing problem. The tenants at the subject site have to park in the street because the garages are unusable, so Peralta becomes a parking lot, and it would get worse. He asked for a commitment that the garages would be made usable for the tenants.

[REDACTED]

- He lives at [REDACTED], three houses down from the subject site. He agreed with Mr. Winn's comments regarding the garages and wished they were part of the original permit, because parking is a real problem. He objects to the mass of the home, and he can see from the story poles that his view of the mountains would be cut off.

[REDACTED]

- He and his wife live at [REDACTED] on the northern boundary of the merged lot known as 11 and 15 Peralta. The two parcels form a merged lot under Town Code due to common ownership, but both parcels have sold simultaneously on two occasions in the last 15 years to identical new owners, and such events likely void the certificate of compliance on the property that was filed in 2000.

[REDACTED]

- She lives at [REDACTED]. She supports the project as it has been modified, because it meets all the Town's obligations for ADUs; does not request any changes to nonconforming legal structures, the garages; it maintains the ADUs; and the applicant has been extremely generous in agreeing to move the house three feet farther from the property line. She agreed with Mr. Jeans that a person on the balcony could not see into 9 Peralta's yard.

[REDACTED]

- She lives in the neighborhood and objects to the plan in terms of the mass of the building and the parking problem. The added bedrooms would bring in more tenants and cars on the street. The proposed mass of the building would turn a beautiful, historical street into a parking lot.

Tony Jeans

- The view issue from 37 Peralta is three homes away, and the relative portion of the view they blocked would be infinitesimal based on the view from his street. The focus from 9 Peralta is away from his client's property, not toward it. 9 Peralta is also the largest house on the street. The photo in Mr. Fox's PowerPoint presentation showing his view is dramatically stretched out to make the view he sees appear much larger, when in fact a very small portion of his view would be interrupted. The arborist report states the oak tree may not survive construction; that opinion did not come from him.

- He did not request the proposed house be moved back three feet; Mr. Jeans suggested it. The applicant plans to access the property through a 12-foot strip of land existing between his property and the garages, so the applicant could correct the garages today without any impact to access. The applicant and Mr. Jeans have told him they cannot afford to build the garages and could not guarantee they would build it within a year of occupying the property, or even five years. His contractor and landscaper ran site lines and suggest trees at 18-20 feet to screen the proposed house. They are not locked into Italian Cypress trees for screening, just something that would block the view of the house.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                      **Motion by Commissioner O'Donnell** to approve a Minor Residential Development Application for 11 Peralta Avenue, with added conditions of approval pursuant to the offer of the applicant that prior to the completion of the project as approved the applicant will file all necessary applications to take the three existing garages on the subject property and make them into garages which otherwise comply with present requirements, and that action on pursuance of the permit be done forthwith a responsible time. **Seconded by Commissioner Badame.**

Commissioners discussed the matter.

**Chair Hudes requested the motion be amended so that if the drawing submitted by the applicant at the hearing were to be made part of the record, the record would show that the privacy trees along the southern property line are to be a minimum of 12 feet in height.**

**The maker of the motion accepted the amendment to the motion.**

**The seconder of the motion accepted the amendment to the motion.**

Commissioners discussed the matter.

**VOTE:**                      **Motion passed unanimously.**

**3. 17020 Los Cerritos Drive**

Architecture and Site Application S-16-065

APNs 532-21-012 and 013

Property Owner: Sandy Campbell

Applicant: Glenn Katz

Project Planner: Erin Walters

Requesting approval for site improvements requiring a grading permit on property zoned HR-1.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Glenn Katz

- The homeowner is an individual owner who plans to stay in the home but wants to remodel. There has been confusion about the retaining walls in the pool area. The applicant extended the walls without permits due to bad advice from her contractor, and this work led to the applicant greatly exceeding the 50 cubic yard limitation. They tested using ground penetrating radar and coring, they reviewed soils reports, and did a structural analysis and found that it would be better to reinforce the walls. They ultimately arrived at a wall buttressing strategy to bring them up to the current structural standards, with terraced walls in front to help meet the Hillside Design Guidelines, and they used the same strategy in the rear yard. Although the amount of cut exceeds the Hillside Design Guidelines, it would be difficult to put it back in place; it would not be practical, safe, or stable.

- She lives at [REDACTED], behind and abutting the subject property; they share a fence and their entire back yard faces the applicant's property. They were aware that the applicant was doing construction, and the applicant did notify the neighbors several years ago. A storm drain pipe runs along their shared fence, and because they are directly downhill from the subject property they are concerned about flooding or mudslides, given that they are directly in the path of the water.

Lee Quintana

- She asked if it is possible to remediate this back to what it was before the unauthorized grading was done, not necessarily by removing all the retaining walls, but by making intermediate retaining walls and filling the slope in, in other words burying the retaining walls, and making a stable hill and bringing back the natural topography. The Commission should ask for a technical review that provides possible solutions closer to the Hillside Standards for grading.

Glenn Katz

- Regarding drainage and the adjacent property, their engineering and civil engineering staff are working to guarantee proper drainage from the site. There was never unwillingness to explore other options for restoring the hillside, but the solution they proposed has always been the apparent best option that would meet most of the Hillside Guidelines, not all, but meets the intent of at least the visual side, and in a practical manner that is less disruptive and less costly.

Michael Goodhue

- It is difficult to talk to about the LRDA, because it is where those steep walls were, and the LRDA from the original site went quite a bit into the flat area than the walls built in the seventies or eighties. It would be difficult to put the dirt back on that steep of a slope and have it remain stable, so they are trying to mimic that slope with the terraced walls in the locations where they made the walls taller.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                      **Motion by Commissioner O'Donnell** to continue the public hearing for 17020 Los Cerritos Drive to a date certain, subject to Planning Commission direction. **Seconded by Commissioner Hanssen.**

Commissioners discussed the matter.

**The maker of the motion agreed to amend the motion to include direction from planning commissioners.**

**The seconder of the motion agreed to amend the motion to include direction from planning commissioners.**

**It was determined that the date certain for the next public hearing for 17020 Los Cerritos Drive would be held on April 10, 2019.**

**VOTE:**                      **Motion passed unanimously.**

**OTHER BUSINESS**

**4. Report from the Director of Community Development**

Joel Paulson, Director of Community Development

- Town Council met 2/5/19; introduced a Short-Term Rentals Ordinance; recommended implementing a parklet pilot; and directed staff to move forward with annexing county pockets in the flatlands into the Town's jurisdiction.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

None.

**ADJOURNMENT**

The meeting adjourned at 10:28 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the February 13, 2019 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin

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