

**Mon 3/14/2022 11:56 PM**

Hi Savannah,

Thanks for your help in answering my questions this morning.

The owners of the property located at 280 Carlton Avenue (APN 424 16 067) wants to add a second story to their property. I am concerned that this second-story addition will have the following impacts on the surrounding property:

Privacy – The second story can cause privacy impacts for adjacent and nearby homes by creating unwanted view points from windows that would allow someone to look into the yards and private spaces of the neighbors. The privacy-invasion is my big concern. My back wall of the house (a master bedroom and two other bedrooms) are facing the backyard. My master bedroom has a double glass door facing the backyard. The big window of the other bedrooms almost covers the entire back wall. The back and side windows of the second-story addition would cause the loss of my privacy – anyone in the second-story rooms can look into my yards and private spaces.

Neighborhood Pattern - I live in a neighborhood that consists of predominantly one-story homes - eight out of nine homes on Carlton Avenue are one-story and eighteen out of eighteen homes on Carlester Drive are one-story. Currently, the only two-story home on Carlton is on a corner lot. The second-story addition will change the appearance and characters of the homes on Carlton and Carlester neighborhood.

Sunlight and shade – The additional building height created by a second story can block sunlight into a nearby home or create too much shade in nearby yards.

Per owners' Neighborhood Outreach Document, the owners of 280 Carlton Ave may think that planting more trees in the backyard and/or increasing the fence height may increase some privacy. Planting trees as screens will not work – when the winter comes and leaves drop, the privacy disappears. Increasing the height of the fence also will not work as the windows on the second level are much higher than the fence. Further, a higher fence will change the appearance of the yards.

In the document, the owners mentioned that they would put their kids in the upstairs bedroom that has a bigger window towards [REDACTED]. They think that this would mitigate the privacy concerns because their two kids are in school and enrichment programs most of the day, so this room with a larger window will be used primarily for sleeping. They also think that all larger second-story windows will have privacy blinds. This is likely the owners' ideal scenarios. In a few years, the kids will grow up and become young adults; the second-story will be occupied by young adults and likely someone else.

Due to the above concerns, I request the building department to review these concerns and support alternatives to avoid the impacts on surrounding properties that are caused by the second-story addition.

Thanks,

[REDACTED]  
[REDACTED]

Los Gatos

**Mon 3/14/2022 3:13 PM**

Hello Ryan and Savannah,

My name is [REDACTED] and I live at [REDACTED]

The house behind us on 280 Carlton Ave (APN 424 16 067) is planning to build a second story and the post went up over the weekend.

When the owners stopped by a few weeks ago to talk about the second story, I did not have an immediate concern, as I could not visualize how it will project over the fence.

I do not mind the second story as an idea, but the current plan shows a huge window that is direct across from our two windows. One of them is the master bedroom, another one - is my son's bedroom (8<sup>th</sup> grader).

This is a huge concern to our privacy. When we rebuilt our house a few years ago, we did not add on the second story. The second story would give us the ability to have an extra bedroom for two of our boys and increase the house value, but we keep the house to three-bedroom out of the concert and respect our neighbor's privacy.

I would politely ask to either relocate that window so it does not overlook directly into our bedrooms or to make it into the narrow top window above average person height.

Thank you,

[REDACTED]

**Wed 3/16/2022 3:12 PM**

Hi Savannah,

Thanks for your email.

After looking into the pending project plan on Town of Los Gatos's website, I noticed that the windows facing my home are very large. These windows look into a large section of my home – an actively used backyard/garden; a master bedroom with a double door; and two bedrooms each with a large window.

I have gone through a home addition project. We remodeled and increased the living area of our home in a 6,000+ sq. ft. lot at the ground level for a family of 4. My children were 8- and 6-year old at the time. When we planned our project, we liked the idea of having a second-story addition - more living space, better views, increase in property value, etc. However, we also considered other factors (privacy, neighborhood pattern, sunlight and shade, etc.) in determining whether a second-story addition was appropriate for our current location. Like many other additions of one-story homes in the neighborhood, we decided not to add a second-story in order to retain the characters/appearance of the existing neighborhood (Carlton Avenue/Carlester Drive) and respect the privacy of the surrounding neighbors.

Due to the privacy concern, I respectfully request the pending plan to be reviewed and considered other design options. Specifically, the back and side windows need to be much smaller and to be relocated with the base of the windows above the eye level of an average adult.

Attached are pictures taken from my home for review.

Thanks,

██████















**Fri 3/18/2022 5:54 PM**

Via email

Ms. Savannah Van Akin, Assistant Planner  
Mr. Ryan Safty, Associate Planner  
Community Development Department  
Los Gatos, CA

Dear Ms. Savannah and Mr. Safty,

I am the property owner of [REDACTED]. I am writing this letter to express my comments in connection with the proposed plan to construct a second story addition to the existing property on 280 Carlton Avenue.

The Despotovics stopped by my house a couple of months ago to distribute some images of what the 2-story home would look like (just pictures with no dimensions). I perceived the visit as a courtesy notification to affected neighbors, thinking that there would be additional notifications such as plan details. I appreciate their outreach, but the images provided are not enough for anyone to form any opinion on the spot. The moment came last week (week of March 7) when I saw workers putting up posts on the roof. I realize the addition creates concerns for me.

1. A one-story community

Carlton, Carlester and neighboring streets predominantly have one-story homes. These homes create a peaceful architectural flow, one of the elements that makes this part of Los Gatos a sought-after neighborhood where people enjoy its charm. There are many families here with 2-3 school age children who happily reside in single-story homes, enjoying the closeness they offer. Although there are 2-story houses in the neighborhood, they blend in as corner properties or in a cul de sac. A 2-story property on a relatively busy street such as Carlton where properties on both sides are primarily single-story homes tarnishes its clean appearance.

2. Privacy

When I saw the posts and the workers, I instantly recognized the threat to my privacy. For a week now, I have not opened the blinds wide in my living room and family room like I used to. Looking up at the right-hand corner of the backyard seeing those posts (and potentially a structure soon) obstructing part of the sky view is disappointing. My property is already not directly behind 280 Carlton. Other neighbors are even more adversely affected. A second story with windows all around turns my property into a bird cage. It does not matter whether the occupants of the second floor are children or whether they are home all the time or not. A loss of privacy is a loss. I cannot plant taller trees in the back yard to block because there are power lines.



I sincerely hope that the natural charm and beauty in this neighborhood can be preserved and treasured. I have never thought of building a second story on my property out of respect and courtesy to my friendly neighbors. I respectfully ask you to consider my comments above. Thank you.

Sincerely,

[REDACTED]  
[REDACTED]

**Mon 3/21/2022 9:29 AM**

Hello Savannah,

We have received a reply from the owners to our previous ask to respect our privacy while planning the 280 Carlton Ave project. The reply does not address our request to avoid the view inside our bedrooms and actively used backyard.

A. The proposed tree planting solution will take several years to work and is not a permanent solution. Once the house is built - the occupant of the house will have a clear view into our master and kids' bedroom.

If the trees are planted:

1. It would take several years for them to grow, in the meantime, our house and the backyard is exposed
2. For those types of trees, no legal guarantees can be made that in that time they will not be removed
3. The trees can be cut down due to the ownership change.

B. For the fence lattice solution - our lot sits higher than the 280 Carlton lot and even a 1-foot lattice will not provide adequate privacy to either bedrooms or a backyard.

Upon further inspection of the plans for the proposed second story, we saw that both second-story bedrooms have windows on the sides - those windows address the egress requirements. Therefore, the windows that face [REDACTED] are not required per city code.

All of our bedrooms are built with the permit and have a single window.

If the lighting in the bedroom is the concern - there are several ways to solve it: recess lights, skylights, a window at the top of the room, with the height to the opening starting at minimum average person height

Regards,

[REDACTED]

To: Town of Los Gatos  
Planning Director/Commission

March 22, 2022

## **Notice of Appeal**

### **New Second-Story Addition at 280 Carlton Avenue, Los Gatos (APN 424 16 067)**

Thank you for your reply regarding the window minimum opening area (5.7 sq ft; 24”H x 20”W – net clear). The Despotovics’ second-story windows (facing the back and east) are significantly larger than the minimum requirements and each room has more than one window. The window size of these windows ranging from (48”H x 96”W) to (30”H x 54”W).

Per Despotovics’ response (dated 3/16/2022) to the neighbors’ privacy concern issue, they said that “relocating or resizing of the backyard window is not an option”. It appears that they do have an option to redesign and make a change to the window; but they are unwilling to do so.

The Town of Los Gatos provides residential design guidelines (copy attached/highlighted in yellow) to homeowners who want to add a new second story to an existing home. Section 3.11.2 of the guidelines states that:

***"Minimize privacy intrusions on adjacent residences***

- ***Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes.***
- ***When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.***
- ***Where possible, second floor windows that might intrude on adjacent property privacy should have sill heights above eye level."***

The Town of Los Gatos Code of Ordinances, Section 29.20.480(c) - Administrative Procedure for Residential Project (copy attached/highlighted in yellow) states that ***"if the Planning Director intends to approve the application, a "Notice of Pending Approval" will be mailed to neighboring residents and property owners including any applicable conditions, exactions or dedications as required. The notice will advise the neighboring residents and property owners of the applicant's plans, and that the application will be approved ten (10) days from the date of mailing. Any interested person as defined in section 29.10.020 will have (10) days from the date of approval in which to file a written notice of appeal to the Planning Commission with the Planning Director."***

Section 29.10.020 (copy attached/highlighted in yellow) defines an interested person as ***"any person or persons or entity or entities who own property or reside within one thousand (1,000) feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision."***

As of today, I have not received a Notice of Pending Approval from the Town of Los Gatos. As such, I do not know whether the Planning Director intends to approve the application. Since this subject is time sensitive; and there is a time window to file a written notice of appeal to the Planning Commission with the Planning Director, this letter will serve as the notice of appeal. Please forward this letter and the attachments to the Planning Director and Planning Commission. Please advise if there is any issue in forwarding this appeal letter to them.

 , Los Gatos



### 3.10 ARCHITECTURAL DETAIL

#### 3.10.1 Porches and Entries

- Select columns that are traditional to the architectural style of the house. Take care in selecting columns with an appropriate width to height ratio for the style. Except for a very few styles, the columns should have appropriate caps and bases with proportions typical of the style.
- Provide a well proportioned beam between the column caps and the roof. Size and detail the beam so that it looks like a convincing structural member. It should be visible both from inside and outside of the porch. A common problem is to make this element of the porch too small or to face it with a material (e.g., siding) that would not carry the weight above if it were structural. For most architectural styles, molding and trim will divide the beam vertically into three major elements of varying height.
- Railings should generally be constructed of wood unless the specific architectural style allows for metal or stone. Provide both top and bottom rails with the bottom rail raised above the porch floor level.
- Vertical balusters should be appropriate to the architectural style. Some are quite simple while others may have special shapes.
- Take care in designing porch stairs. They generally should match the porch floor (e.g., wood) or the sidewalk material if other than concrete (e.g., brick).

*Note: All porches are expected to be usable and have a minimum depth of 6 feet or preferably more.*

#### 3.10.2 Balconies

- Avoid balconies that project more than 3 feet from the face of the building unless they are typical of the architectural style.
- Provide supporting brackets or beams that are large enough to clearly appear to provide structural support for the balcony.
- Railings should be designed as discussed above for porch railings. For longer railings, intermediate posts with caps and bases should be used to break the railing into smaller increments.

#### 3.10.3 Brackets

- Brackets at roof overhangs, balconies and bay windows should be designed to extend to fascia/balcony edge/projecting bay front or slightly beyond. Avoid stub brackets that do not appear substantial enough to support the element above.



*Porch beam example with good depth and details*



*Some architectural styles suggest simple columns and railings*



*While others require much more refined details*

#### 3.10.4 Chimneys

- Chimneys should extend to ground level. Avoid cantilevers above the ground.
- Chimney materials, size, shape and height should be appropriate to the architectural style and to the scale of the house. Avoid undersized chimneys that are too narrow and too low. Add chimneys for gas fireplaces when the architectural style would normally feature chimneys.
- Provide chimney caps that are interesting and appropriate to the architectural style.

#### 3.10.5 Roof flashing and vents

- Paint flashing and vents to match the color of the roof.

#### 3.10.6 Skylights

- First, consider the use of roof dormers or clerestories instead of skylights.
- Use flat profile skylights rather than domed models.
- Select glazing to avoid the feeling of roof beacons or lanterns that are highly visible from the street or neighboring properties.

### 3.11 PRIVACY AND SOLAR ACCESS

#### 3.11.1 Minimize shadow impacts on adjacent properties

- Locate structures to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.

#### 3.11.2 Minimize privacy intrusions on adjacent residences

- Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes.
- When windows are needed and desired in side building walls, they should be modest in size and not directly opposite windows on adjacent homes.
- Where possible, second floor windows that might intrude on adjacent property privacy should have sill heights above eye level or have frosted or textured glass to reduce visual exposure.
- Bay windows should be avoided on side walls where they would intrude on adjacent residents' privacy.
- Second floor balconies and decks should be used only when they do not intrude on the privacy of adjacent neighbors.

- As a general rule, balconies and decks that are more than two feet above grade should try to maintain a distance of ten feet from side property lines and twenty feet from rear property lines when the adjacent use is single family residential.
- When allowed, the design of railings should be tailored to the privacy concerns of neighbors (e.g., balcony or deck sides overlooking adjacent windows or actively used yard space should be solid in form). Open railings should only be used where privacy concerns are minimal.
- Landscaping may be used to mitigate privacy concerns so long as the landscaping does not deny solar access to living spaces and actively used yard areas of neighboring homes.
- Landscaping used for privacy screening purposes, should be of sufficient size and of an appropriate species to provide such privacy within a two year time frame.
- Trees should be twenty-four inch box size.
- Shrubs used to promote privacy should be fifteen gallon in size and six feet minimum height at planting.
- As a general rule, privacy landscaping should be placed with a cone-of-vision defined by a thirty degree angle from the side window jambs of second story windows.

### 3.11.3 Design and plan for energy efficiency

- Design to minimize energy costs by selecting and locating landscaping and windows to block hot summer sun exposure and allow winter sun exposure.

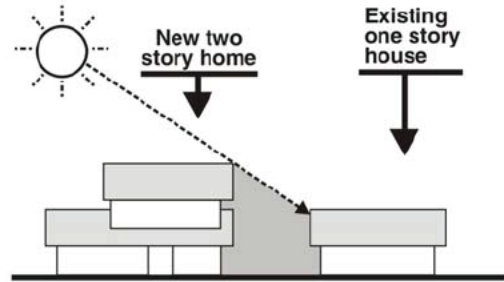
### 3.11.4 Solar Panels

The Town supports the use of alternative energy sources and provides the following advisory guidelines to reduce potential negative visual impacts of solar energy systems.

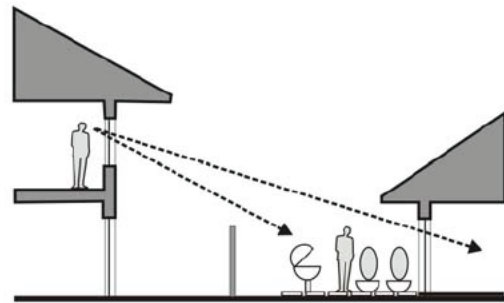
- Design solar panels and any piping to be an integral part of the architecture.
- Align solar panel faces with that of the underlying roof slope. Avoid panels with slopes that are different than that of the roof.
- Integrate the design of panels into the design of the roof. Avoid a tacked-on appearance.

### 3.11.5 Minimize exterior lighting impacts on neighbors

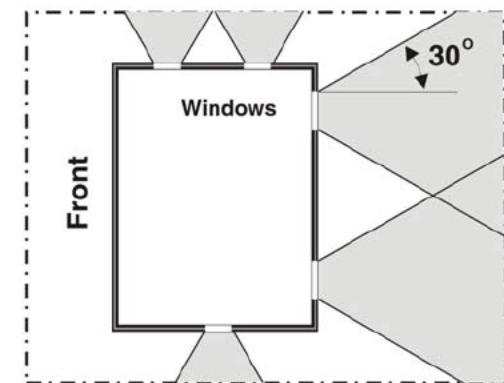
- All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures are preferred rather than strictly utilitarian security lighting fixtures.



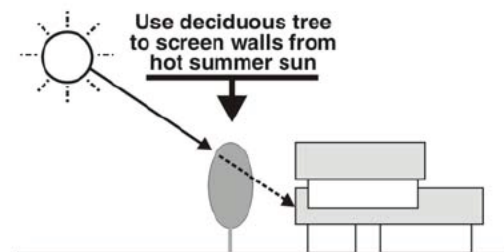
*Avoid second floor masses in locations that would block sun access to adjacent homes*



*Avoid placing windows in locations that would look into adjacent neighbors' windows or active private yard spaces*



*Place landscaping in the shaded areas shown on the diagram above to mitigate privacy intrusions on adjacent homes*



*Use landscaping to minimize energy usage*



## Los Gatos, CA Code of Ordinances

THE CODE OF THE TOWN OF LOS GATOS, CALIFORNIA modified

SUPPLEMENT HISTORY TABLE modified

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CODE COMPARATIVE TABLE 1968 CODE

CODE COMPARATIVE TABLE - ORDINANCES modified

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## DIVISION 5. - PROCEDURES



### Sec. 29.20.405. - Applications and notices of appeal.



When an approval or review of any action is sought under the terms of this chapter, a written application or notice of appeal is required to be filed. All applications and notices of appeal are filed in the office of the Planning Director, except notices of appeal to the Council which are filed in the office of

(Ord. No. 1316, § 5.40.010, 6-7-76)

**Sec. 29.20.410. - Application forms.** ⋮

The Planning Director prescribes the form and content of all applications and notices of appeal. If information not ordinarily required is reasonably necessary to permit the correct determination of an application, the Planning Director may instruct the applicant to provide the additional information. Every application must show in a manner prescribed by the Planning Director that the owner of the land in question is the applicant or joins in the application.

(Ord. No. 1316, § 5.40.020, 6-7-76)

**Sec. 29.20.415. - Fees.** ⋮

When an application or notice of appeal is required to be filed, there is a filing fee which is set by Council resolution and which shall be paid at the time of filing. If no Council resolution sets a fee, there is no fee.

(Ord. No. 1316, § 5.40.030, 6-7-76; Ord. No. 1363, 8-1-77)

**Sec. 29.20.420. - Requirements for action.** ⋮

Except as otherwise provided by statute, all Planning Commission actions shall be performed by an affirmative vote of a majority of the members present. A quorum is required for any action except a decision to adjourn.

(Ord. No. 1316, § 5.40.040, 6-7-76; Ord. No. 1375, 11-21-77)

**Sec. 29.20.425. - Consolidated proceedings.** ⋮

When a single project has to have both a conditional use permit and architecture and site approval, a combined application may be filed and the matter considered in a consolidated proceeding.

(Ord. No. 1316, § 5.40.050, 6-7-76)

**Sec. 29.20.430. - Hearings required.** ⋮

(a) Hearings are required in the determination of the following matters:

- (1) Amendments to this chapter which change land from one (1) zone to another or which create, abolish or alter a zone or the regulations of a zone which govern a land use.
- (2) Variances.
- (3) Conditional use permits.



- (4) Appeals, regardless of whether a hearing was required for the original determination.
- (5) Revocations or Town-initiated modifications of any permit or approval, regardless of whether a hearing was required for the existing permit.
- (6) Applicant-initiated modification for any permit or approval when a hearing was required for the existing permit.
- (7) Time extensions for any permit or approval when a hearing was required for the existing permit.
- (8) Demolition of a designated landmark.
- (9) Whether to extend suspension of action on applications for subsection (8).
- (b) For the purposes of this section, a matter is deemed to be one where a hearing was required on the existing permit or approval, if a hearing is currently required by this chapter for the existing permit or approval.

(Ord. No. 1316, § 5.40.060, 6-7-76; Ord. No. 1328, 8-2-76; Ord. No. 1375, 11-21-77; Ord. No. 1963, § II, 11-15-93)

#### **Sec. 29.20.435. - Consent items.**

Any matter for determination by the Planning Commission, including matters requiring a noticed public hearing, may be placed on the Planning Commission's meeting agenda as a separate item or as a consent item together with other matters, at the discretion of the Planning Director. At the request of any member of the Planning Commission, any consent item must be removed from the consent calendar and be considered as a separate item. At the request of any member of the audience any consent item for which a noticed hearing is required must be removed, and any other consent item may be removed from the consent calendar and considered as a separate item.

(Ord. No. 1316, § 5.40.065, 6-7-76; Ord. No. 1375, 11-21-77)

#### **Sec. 29.20.440. - Continuances.**

All hearings under this division may be continued from time to time.

(Ord. No. 1316, § 5.40.070, 6-7-76)

#### **Sec. 29.20.445. - Findings.**

Except in the case of hearings concerning the adoption of ordinances, where a hearing is required by this chapter, the body which renders the decision must make findings sufficient to bridge the analytic gap between the raw evidence and the decision. When a hearing concerns adoption of an ordinance, only those findings required by statute need be made.

**Sec. 29.20.450. - Notices.**



Where a hearing is required by this chapter other than a hearing concerning an ordinance amendment, the following notice is required. At least ten (10) days before the hearing, the Planning Director shall give notice by publication at least once in a newspaper of general circulation, published and circulated in the Town, or if there is none, by posting in at least three (3) public places in the Town, and through the United States mail, with postage prepaid using addresses from the last equalized assessment roll, or alternatively, from such other records of the Assessor or the Tax Collector as contain more recent addresses in the opinion of the Director, to all properties lying within a three-hundred-foot radius of the land which is the subject of the hearing.

(Ord. No. 1316, § 5.40.090, 6-7-76; Ord. No. 1654, 4-22-85)

**Sec. 29.20.455. - Development Review Committee.**



A Development Review Committee is established for the Town. The members of the Development Review Committee who attend all of the Committee meetings are the Planning Director, the Town Engineer, the Building Official and the Director of Parks, Forestry and Maintenance Services. The Fire Chief, Chief of Police, Town Attorney and Health Officer are also members of the Development Review Committee, but each of them only attends meetings when it is determined that the matters under consideration require attendance or when the Planning Director requests attendance.

(Ord. No. 1316, § 5.40.100, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1617, 5-21-84)

**Sec. 29.20.460. - Chair.**



The Planning Director shall be the Chair of the Development Review Committee. For items that require a public hearing, the Planning Director shall determine whether an item before the Development Review Committee will be placed on the Planning Commission's consent calendar, placed as a regular Planning Commission agenda item or continued to a subsequent Development Review Committee meeting. When the Development Review Committee does not reach a consensus on a matter, a dissenting report is required.

(Ord. No. 1316, § 5.40.110, 6-7-76; Ord. No. 1375, 11-21-77; Ord. No. 1963, § III, 11-15-93)

**Sec. 29.20.465. - Representative members.**



Any member of the Development Review Committee may designate a person to act in the member's place at committee meetings, subject to approval of the Town Manager. One (1) member may not be the designee of another, nor may any one (1) designee represent more than one (1) member.

**Sec. 29.20.470. - Meeting; schedule and notices.**

- (a) A reasonable period of time before each meeting the Chair shall notify the members of the Development Review Committee of the time and place of the meeting. The notification shall state what matters will be considered at the meeting.
- (b) The meetings shall be held on a regular schedule during business hours, but may extend or be continued to other times.

(Ord. No. 1316, § 5.40.130, 6-7-76; Ord. No. 1375, 11-21-77)

**Sec. 29.20.475. - Applicant attendance.**

The applicant or the applicant's representative is required to attend the Development Review Committee meeting.

(Ord. No. 1316, § 5.40.140, 6-7-76; Ord. No. 1375, 11-21-77)

**Sec. 29.20.480. - Administrative procedure for minor residential projects.**

- (1) This procedure is established for review of minor residential projects to provide for neighborhood review in a timely and streamlined process. This process shall be used by the Planning Director for projects listed in [section 29.20.480](#)(2).
  - (a) An application and fee is submitted. In addition to the standard application materials (application and plans), the applicant will be required to submit one (1) set of stamped, addressed envelopes to neighboring residents and property owners. The Planning Department will assist the applicant in determining the neighboring properties to be notified (all properties abutting the applicant's parcel, properties directly across the street and the two (2) parcels on each side of it).
  - (b) The deciding body reviews the application using the Town's Development Standards, as well as the Town Code requirements.
  - (c) If the Planning Director intends to approve the application, a "Notice of Pending Approval" will be mailed to neighboring residents and property owners including any applicable conditions, exactions or dedications as required. The notice will advise the neighboring residents and property owners of the applicant's plans, and that the application will be approved ten (10) days from the date of mailing. Any interested person as defined in [section 29.10.020](#) will have ten (10) days from the date of approval in which to file a written notice of appeal to the Planning Commission with the Planning Director .
  - (f) If the Planning Director determines that the application cannot be approved because it

Code of Ordinances does not comply with the Town's Development Standards and the applicant is unwilling to revise the plans, then the applicant may file an Architecture and Site Application (including the required fee) and the application shall be considered by the Planning Commission.

- (2) In addition to the projects identified in subsections [29.20.745](#)(12) and (15), the following projects will be considered under this administrative procedure.
  - (a) New second-story additions to single and two-family dwellings.
  - (b) Additions to an existing second story where the additional area will exceed one hundred (100) square feet.
  - (c) Reconstruction to a portion of a single or two-family dwelling or an accessory structure with a nonconforming setback.
  - (d) Accessory structures exceeding a combined square footage of four hundred fifty (450) square feet.
  - (e) Additions to accessory structures resulting in the structures containing a combined square footage more than four hundred fifty (450) square feet.
  - (f) Request to reduce side and rear yard setback requirements for accessory structures.
  - (g) Sport court lighting and/or fencing over six (6) feet high enclosing court game areas.

(Ord. No. 1963, § IV, 11-15-93; Ord. No. 2100, § II, 7-1-02; Ord. No. 2149, § I, 5-1-06; Ord. No. 2283, § I, 5-21-19)

### **Sec. 29.20.485. - Administrative procedure for minor historic projects.**

This procedure is established for review of minor historic residential or commercial projects not covered under the architecture and site approval process or the minor residential development permit for designated properties with a LHP overlay zone. This process shall be used by the Historic Preservation Committee and the Planning Director.

- (1) An application with no fee is submitted.
- (2) The deciding body reviews the application using the designating ordinance as well as the Town Code requirements.
- (3) The following projects will be considered under this administrative procedure.
  - a. Additions to an existing second story residence where the additional area will be one hundred (100) square feet or less and is visible from the street(s) in the immediate neighborhood.
  - b. New residential accessory structures less than four hundred fifty (450) square feet in area visible from the street(s) in the immediate neighborhood.
  - c. Additions to the first floor of a residence (excluding additions not visible from the street that do not exceed fifteen (15) percent of the existing floor area of the house

- d. Exterior alterations which require a building permit that changes the historic architectural style of the structure or eliminates/alters character defining features. This includes but is not limited to: new porches, porch enclosures, awnings, new dormer windows, bay windows and change in siding material.
- (4) The following projects do not fall under this application and can be approved by the Planning Director through the building permit process provided it meets Town Code and the designating ordinance requirements:  
Building repairs including replacement of exterior siding, windows, trim, and roof materials where the repair work or replacement matches the original building form and materials.

(Ord. No. 2041, § V, 2-2-98; Ord. No. 2169, § I, 10-20-08; Ord. No. 2264, § I, 11-7-17)

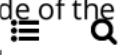
**Secs. 29.20.490—29.20.525. - Reserved.**



< Secs. 29.20.350—29.20.400. - Reserved.

DIVISION 6. - AMENDMENT >



Code of Ordinances 

*Fence height* means measured from finished grade and shall be measured from either side of the property line which affords affected property owners the most buffering from noise, light, glare, or privacy impacts.

*Historic structure* means:

- (1) Any structure that is located within an historic district; or
- (2) Any structure that is historically designated; or
- (3) Any primary structure constructed prior to 1941, unless the deciding body has determined that the structure has no historic significance and should not be included in the Town Historic Resources Inventory.

*Home occupation* means the use of a dwelling unit for a nonresidential purpose, but in a limited manner both subordinate to the residential use and not discernible from the exterior of the dwelling unit so used.

*Hospital* means an institution designed and operated to provide a full range of diagnostic, surgical and therapeutic treatment to the sick or injured, as well as short-term recuperative residency for patients. "Hospital" does not include convalescent, nursing or rest homes as defined herein.

*Hotel/motel* means a building where lodging, with or without meals, is provided for compensation and where occupancy is generally limited to no more than thirty (30) days.

*Interested person* means:

- (1) *Residential projects.* Any person or persons or entity or entities who own property or reside within one thousand (1,000) feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
- (2) *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

*Junkyard* means any open space where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, rubber tires, old building materials, old plumbing fixtures, and bottles. Junkyard includes automobile wrecking yard, any open area where automobiles are disassembled, but does not include lawful activities in buildings.

*Land, abutting* means parcels of land having a common property line.

*Livestock farming, small* means the raising or keeping of more than four (4) chickens, hens, pigeons or a similar fowl or four (4) rabbits or similar animals, or any ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock, or the raising or keeping for commercial purposes of any cats or dogs, but shall not include hog farming or dairying.