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RECEIVED  
OCT 30 2019  
TOWN OF LOS GATOS  
PLANNING DIVISION

October 30, 2019

Town Council  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95030

**RE: Modifications to the Hillside Development Standards and Guidelines (HDSG)**

Members of the Town Council,

The Planning Commission (PC) at its August 14, 2019 meeting made two recommendations regarding modifications to the HDSG.

I agree with the first recommendation of the PC which strikes the following:

~~"A significant cellar below grade square footage element is included in the design, unless it conflicts with other standards"~~ (Chapter 4 Development Intensity, C. Exceptions to maximum floor area #8, pg. 30)

No alternative language is necessary since the intent is sufficiently described elsewhere in the HDSG as shown below:

*"Excavate or use below-grade rooms to reduce effective bulk. The visual area of the building can be minimized through a combined use of grading and landscaping techniques."* (Chapter 5. Architectural Design, F. Minimizing building bulk and mass, Guidelines 1.k, pg. 38)

I strongly disagree with the second recommendation of the PC which rejects the following modification to the HDSG:

~~"New houses that do not exceed 5,000 square feet in gross floor area meet the allowable floor area ratio and that are not visible from any established viewing platform area."~~ (Chapter 9, B. Project Approval Authority, 2. Projects That May Be Approved By The Development Review Committee, pg. 66)

Instead, the PC made the following recommendation:

*“Leave in place current language in Chapter IX with respect to the approval process for Hillside Development applications over 5,000 square feet in floor area”*

The Planning Commission based its argument for this second recommendation on two points:

1. Streamlining is not significantly improved when DRC replaces PC as the deciding body.
2. Visibility and transparency of the approval process is better with PC involvement.

### Streamlining

Any reduction in administrative burden and cost is welcome. In this case, contrary to the argument made by the PC, the reduction is significant as enumerated below:

1. Hearing delay: The difference between a hearing date for DRC as compared to PC is measured many times in months. As a result, construction could be delayed several months or more depending upon construction schedules and time of year.
2. Continuance: Continuance of an application to a later date is not infrequent. Individual PC agenda items can take longer than expected hence postponing following items several weeks or sometimes months.
3. Burdening the commissioners: Involving the planning commissioners solely for the purpose of the current 5,000sf mandatory PC review increases the workload of the commissioners whose valuable time can be spent on other projects.
4. Burdening the applicant: Preparation for a PC meeting takes a great deal of time and adds stress to an already stressful and lengthy process. If absolutely necessary, then the imposition is warranted, but for this specific concern, the imposition appears excessive.
5. Cost: The application fee for a PC hearing is nearly \$4,000 more than that of a DRC hearing. In addition, professional representation which occurs commonly at the PC meeting can add thousands of dollars to the total cost in order to address just the 5000sf review.
6. End result unchanged: Staff presented data at the PC meeting on August 14, 2019 showing that the majority of applications that triggered the 5000sf review were approved by the PC. All for naught is the money, time, and effort spent for a result that would have been achieved otherwise through the expert scrutiny of the planning department and DRC.

### Visibility and Transparency

Visibility and transparency (V&T) to the public is essential in the approval of an application. The notion that a PC meeting offers more V&T than a DRC meeting is debatable. Further, the notion that a PC meeting offers more V&T than a DRC meeting specifically for the 5000sf review is hard to justify at all.

1. Application Review: If the PC is correct in its assumption that V&T is effectively superior at a PC meeting than at a DRC meeting, then theoretically all applications should be reviewed by the PC. This is not practical and most assuredly defeats any attempt at streamlining. It is important that exceptions and other notable guideline violations warrant critical review by the PC; the 5000sf review is not an exception nor is it even a guideline.
2. Public Noticing: Both DRC and PC meetings are noticed thus offering concerned residents V&T of each process and the opportunity to voice one's opinion regardless of the meeting venue. Neither is superior to the other in this regard.

3. Meeting Times: DRC meetings are at a defined time albeit in the morning. PC meeting agenda items are not at a defined time but ostensibly more accessible to those who work during the day. However, waiting until an item is called at a PC meeting can be lengthy and result in a late night hearing which dramatically negates the initiative to attend and be heard. People need to go back to work the next morning. Consequently, each has its deficiencies with no meeting venue demonstrating patently superior V&T.
4. Oral Presentations: Up to 75% of the population suffers from some form of public speaking fear. As a result, V&T for those inclined to speak at a PC meeting is limited to a minority percentage. Planning commissioners base their decisions in part on this vocal minority which is not necessarily the voice of the community at large. While DRC meetings are subject to the same bias, they can offer a less intimidating setting for those fearful of the microphone. Even though V&T is inherently compromised because of this glossophobia, the impact is usually worse at the PC level.
5. Letters: In contrast to oral presentations, letters are a more conducive means for eliciting broad community participation. They eliminate the fear of public speaking and can provide a more thorough argument not possible with the 3 minute restriction placed on oral presentations. Further, V&T of letters is the same for DRC and PC therefore diminishing any perceived benefit of V&T for PC involvement.
6. Attendance: Meeting attendance is a reasonable barometer of V&T. At the August 14, 2019 PC meeting when modifications to the HDSG were discussed, public attendance by my observation was zero. Such a poorly attended meeting with no community participation is a direct reflection of the success, or in this case, failure of V&T and objectively shows that V&T is not superior at the PC level.

In summary, the recommendation to relieve the PC of reviewing applications that are less than 6000sf and have no other issues is a prudent one. It shows a practicality and a sensitivity to the applicant. As explained above, the proposed streamlining unquestionably reduces administrative burden and cost while visibility and transparency of the process is maintained throughout. Notwithstanding, it is appropriate for applications that exceed 6000sf to be reviewed by the PC given that an exception is triggered. The commissioners' input at this level is invaluable. However, applications that are below 6000sf do not trigger an exception and do not violate any guidelines with regard to square footage alone. These applications are more efficiently handled at the DRC level without burdening the commissioners. It is important to note that the opportunity for PC review is always available if bulk, mass, and scale are inappropriate regardless of square footage.

Critically reviewing the HDSG is helpful in ferreting out any unclear language, improving the purpose, and keeping standards and guidelines up-to-date. The modification regarding applications below 6000sf is a pristine example of appropriate critical review and one to embrace.

Sincerely,

*Anthony Badame*  
Anthony D. Badame, MD



## Jocelyn Shoopman

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**To:** Jon Witkin  
**Subject:** RE: Hillside development

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

From: Jon Witkin <[jon.witkin@gmail.com](mailto:jon.witkin@gmail.com)>  
Sent: Saturday, October 19, 2019 10:02 AM  
To: Jocelyn Shoopman <[jshoopman@losgatosca.gov](mailto:jshoopman@losgatosca.gov)>  
Subject: Hillside development

Jocelyn

Is there any chance that like Woodside we could consider 5 acre lots per hillside home development minimum ?

It seems just too much stress on existing resources to develop on less. These hillsides are fragile and there are many slides.

They are eyesores locating these hillside homes next to each. While looking up at the hills for a beautiful natural landscape it mars the view.

They are a health and safety menace. The proper engineered retaining walls are never enough.

Thank you for your considerations.

Jon Witkin

