



**TOWN OF LOS GATOS
DEVELOPMENT REVIEW
COMMITTEE REPORT**

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
SEPTEMBER 15, 2020**

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on September 15, 2020, at 10:00 a.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online.

ROLL CALL

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Mike Weisz, PPW Engineering; and Katherine Baker, SCCFD.

Absent: None

Staff: Joel Paulson, CDD; Sean Mullin, CDD Planning; Diego Mora, CDD Planning; Robert Schultz, TAO; and Kenny Ip, SCCFD.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

-None.

CONSENT ITEMS

1. Approval of Minutes – September 1, 2020
2. Approval of Minutes – September 8, 2020

MOTION: **Motion by Robert Gray to approve the consent calendar. Seconded by Mike Weisz.**

VOTE: **Motion passed unanimously 4-0.**

PUBLIC HEARINGS

3. 101 Broadway

Architecture and Site Application S-20-003

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP. APN 510-45-041.

PROPERTY OWNER: ZKJ LLC

APPLICANT: Jay Plett

PROJECT PLANNER: Sean Mullin

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Jay Plett

He is the architect for the project speaking on behalf of the request. He and the property owner have worked with the owner of the downhill property at 93 Broadway and agreed to the construction of a privacy fence and moving the upper-level terrace back. They had numerous meetings with the owner of the uphill property at 107 Broadway and agreed to minimize and eliminate some windows on the west elevation. After the previous DRC meeting, they offered to lower the roof ridge more, for a total reduction of two feet, but that appears to have been rejected by the neighbor. They agree to the additional conditions of approval to construct a privacy fence, move the upper-level terrace back, and lower the roof ridge six inches. They will continue to work with the neighbor at 107 Broadway to construct a fence and not plant any shade trees between the properties.

Karen Kurtz

She is the adjacent uphill neighbor. She has concerns about the accuracy of the scale of the drawings, that show her ADU and front porch taller than the story poles, which is not the case. She has met with the applicant and owner and discussed the windows on the upper level, but she also has concerns that the windows on the lower level will invade her privacy. Her biggest concern is that this project will shade her already limited sunlight, and a reduction in height of six inches or two feet will do nothing for this concern. She is concerned that the project does not align with the historic guidelines and is not in-scale with the neighborhood. She asks that the project be continued.

Ilona Merli

She is a neighbor and agrees with the concerns of Karen Kurtz. She is concerned with the impacts the proposed project will have on privacy, the nature of the street, and the yards. She states that views should be directed toward the rear of the property and not to the sides.

Larry Brandhorst

He is the adjacent downhill property owner. He has discussed his concerns with the applicant and owner and has agreed to the construction of a privacy fence, which will help with privacy at his patio, but the house will still look over it. He is concerned with stormwater runoff with the grade difference between the properties but assumes the project Civil Engineer and the Town will address this. He is concerned with the impact the project will have on the Historic District and neighboring property values.

Maria Ristow

She is speaking as a community member. She states that she supports clear guidelines and allowing a project that complies, however, sometimes guidelines don't take into account unique topographies or placements of properties in certain areas such as this part of Broadway. She states that when she looked at the plans at the time of the Historic Preservation Committee meeting, she was supportive, however, the story poles or some indication of the impact to neighboring properties was not available at the time. She believes that something can and should be built on the property, but the proposed home does not respect the more forward placement of other houses in the area. This house moves back and blocks the only source of light for the uphill neighbor and takes away the privacy of the downhill neighbors. She believes that with more collaboration, potentially starting over or changing the project would make more sense.

Jay Plett

He is the architect for the project making closing comments on behalf of the request. The shadow studies provided demonstrate that there will be no shadows cast in a negative way on the uphill neighbor except during the extreme of the solstice where every property is casting shadows on its neighbor. Even during that time, the uphill neighboring house rises above the shadow. The windows on the side elevation that were referred to are up high at the ceiling level. The uphill house will look down onto the proposed house. It is the nature of the neighborhood that as the hillside climbs the uphill houses look down on other properties below, and they are not proposing anything different. They have met with the Historical Preservation Committee, preliminarily for direction and they were on board then. They then formally submitted to the HPC and got a unanimous approval. They have done all they can to work with the neighbors and they request approval of the project.

Terry Sczewczyk

He is the project Civil Engineer. An active drainage system will be implemented that will collect and convey water to a point where it will be allowed to infiltrate into the ground. There is a swale along the side of the property that can be bolstered with a curb.

Closed Public Comment.

Committee members asked questions of staff and discussed the item.

MOTION: **Motion by Robert Gray** to approve the application with the required findings and considerations and recommended conditions of approval.
Seconded by Mike Weisz.

VOTE: **Motion passed unanimously 4-0.**

4. 122 N Santa Cruz Avenue
Conditional Use Permit Application U-20-008

Requesting approval for a new restaurant (Los Gatos Restaurant) with alcohol service on property zoned C-2. APN 529-03-062
PROPERTY OWNER: Richard and Kathryn Green.
APPLICANT: Angelo C. Heropoulos
PROJECT PLANNER: Diego Mora

The project planner presented the staff report.

Opened Public Comment.

Anthony Fish

He is the architect for the project speaking on behalf of the request. He made himself available for any questions and described the project as a ground floor restaurant with outdoor dining use, including a roof deck.

Michael Burke

He is a University Avenue neighborhood resident. He stated that his backyard would be exposed to the project. He has concerns about the loss of retail and the outdoor dining on the roof deck adjacent to residential. He cited the Town's General Plan Land Use Policy 6.1: "Protecting existing residential areas from the impact of non-residential development." He requested the Committee not approve the project and an environmental study be completed regarding the effects of the noise.

Lynne Kennedy

She is a neighborhood resident. She has concerns about the plans and believes sections and neighborhood photos from rooftop level should be provided. She also has concerns that the project will negatively impact residential uses, citing the noise from the occasional Gray's Lane block parties. She believes the rooftop dining with alcohol is incompatible with the narrow commercial district. She would support the project if there were no entertainment, and the restaurant were indoors only with a properly buffered patio. She questions why the Town needs a large restaurant when existing restaurants are struggling to stay open.

Jim Foley

He is a resident and business owner and represented this property as a broker. He stated that the Town has adopted streamlining policy changes, including allowing entertainment by right before 10:00 p.m. in conformance with the Entertainment Policy and the noise regulations. He believes that the architect has designed the project to be compatible with the area and the applicant has reached out to surrounding businesses and residents at large. The market dictates business location choices and this project is pivotal to the economic vitality of the downtown, currently suffering from the COVID-19 pandemic.

Anthony Fish

He is the architect for the project speaking on behalf of the request. He stated that good architecture is about trying to fit into the community and resolving concerns. He clarified that the rooftop deck is focused on Santa Cruz Avenue, and has an enclosed mechanical area that provides a buffer to University Avenue. This application is an approval of the use, and they will continue to design to mitigate noise as the construction of the project moves ahead.

Angelo Heropoulos

He is the applicant working with the architect. He stated that he wants the neighbors to know that he is very cognizant of preserving the integrity of Los Gatos. He believes in bringing in business that promotes success within the community. He states that he is here to listen and open to ensure that the community is happy because their success depends on it.

Closed Public Comment.

Committee members asked questions of staff and discussed the item.

Monica Renn

She is the Economic Vitality Manager for the Town and has been working with the applicant on how to build a successful project that will mitigate any concerns and be compatible with the surrounding neighborhoods. The Town does have a Late Night Entertainment Policy that this CUP is in compliance with. Regarding retail uses – most retail is no longer looking for big footprints downtown as brick and mortar is moving in a different direction.

MOTION: **Motion by Robert Gray** to approve the application with the required findings and considerations and recommended conditions of approval.
Seconded by Mike Weisz.

VOTE: **Motion passed unanimously 4-0.**

ADJOURNMENT

The meeting adjourned 10:50 a.m.

This is to certify that the foregoing is a true

and correct copy of the minutes of the
September 15, 2020 meeting as approved by the
Development Review Committee.

Prepared by:

/s/Sally Zarnowitz, Planning Manager