



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

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
JUNE 27, 2023**

The Development Review Committee of the Town of Los Gatos conducted a regular meeting on June 27, 2023, at 10:00 a.m.

ROLL CALL

Present: Jennifer Armer, CDD Planning; Robert Gray, CDD Building; Corvell Sparks, PPW Engineering; and Kenny Ip, SCCFD.

Absent: None.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

- None.

CONSENT ITEMS

1. Approval of Minutes – June 20, 2023

MOTION: **Motion by Robert Gray to approve the consent calendar. Seconded by Corvell Sparks.**

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

PUBLIC HEARINGS

2. 145 W. Main Street
Conditional Use Permit Application U-23-008

Requesting Approval of a One Year Extension of an Approval of a Modification to an Existing Conditional Use Permit, Including Alcohol Service and Expanded Hours of Operation in an Existing Restaurant on Property Zoned C-2:LHP. APN 529-01-032. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.

PROPERTY OWNER: David and Sandra Wilson

APPLICANT: Darren Matte, Los Gatos Parkside

PROJECT PLANNER: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Darren Matte, Applicant

Took over the project in January 2022 and anticipates opening by the end of July. Working with neighbors and making modifications to the interior.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Corvell Sparks** to approve with required findings and recommended conditions of approval. **Seconded by Robert Gray.**

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

Appeal rights were recited.

3. 14800 La Rinconada Drive
Architecture and Site Application S-22-040

Requesting Approval for Technical Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence with Reduced Side Yard Setbacks, and Site Improvements Requiring a Grading Permit on a Non-Conforming Property Zoned R-1:12. APN 409-27-017. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.
PROPERTY OWNER/APPLICANT: Dongdong Zhang
PROJECT PLANNER: Erin Walters

The project planner presented the staff report.

Opened Public Comment.

Daniel Le, Owner/Applicant

The proposed building is the same that was proposed through the building permit, the building envelope, the design, and the structural elements. Changes have been made to the project design to address privacy and drainage. The lot frontage is non-conforming and they are requesting a reduced side yard setback. Expressed concern that the project delay is affecting his children's ability to attend the local school. Requests approval of the project.

Stephen Endweiss, Property Owner of 14824 La Rinconada Drive

The original house was conforming when they bought the house. They demolished and rebuilt the house without the proper permits or designs. They can have a two-car garage with a redesign. We want the 10-foot setbacks. They extended the rooflines and foundations without getting permits or soil testing. Does change of owner/applicant on application trigger a new application? Misrepresented neighborhood outreach. No boundary survey was performed but submitted a topographical map. They moved property line stakes. Not enough room for drainage since they are building the corner of the house on top of an untested slope. The house is wider by covering an old existing patio with a new roof and foundation. The proposed seven-foot privacy fence will be useless and will not provide privacy at the center of the house because the property slopes downhill. Geologist certified the property as a flat lot, but the property is not flat and the foundation is not reflected properly in the report. Concerned about structure safety since it has been sitting exposed for so long. The integrity of the hillside has been compromised since they pushed concrete and covered with dirt and compacted it by hand. If the Committee does not agree with a 10-foot setback and you approve the reduced setbacks, then we would like a 10-foot setback if they must demolish the house due to the condition of the wood.

Dr. Joanne Justis, Property Owner of 14824 La Rinconada Drive

Our property is the only property affected by the proposed project. Their property will continue to flood our property without a proper drainage system in place. The house is too close to ours and will cause privacy issues. Our bedrooms face their property, and our backyard is fully exposed. Are the applicants responsible to maintain the permanent fence facing our property? We are requesting 10-foot setbacks. They have had a year to modify their plans and choose not to modify the setbacks. We were told they were doing minor remodel, just adding some bedrooms in the back. Everything has been miscommunicated from day one. We discovered they tore down the existing exterior walls and then we discovered they were building a brand-new house. Now they are requesting a reduced setback. Putting up a metal shield over a small window will not provide privacy. They sent us a diagram and most of the diagrams that have been provided are outdated and do not match what is posted on the website. My dad built this house in 1955 and it has been a peaceful beautiful neighborhood all this time and then all the sudden he chooses to tear down the walls. He is a general contractor and knows the rules and told us the first time we met them that he knew all the ins and outs to do a remodel so that he didn't have to have to do the inspections and permits. We have paid for three property line surveys and claimed that the stakes were removed. The markers are placed along the property line. We have asked the Town multiple times to visit the site before making a decision. The fence will have to be located a foot or two feet up from the property line and the soil is clay. How will the fence located on a slope provide privacy?

Thea Guido, Neighbor

In support of the project. Pleased with how the project was communicated by the applicants. We have no issues with the project and complete faith in the Town's process. It will be a beautiful addition to the neighborhood.

Lorena Chiu, Neighbor

I am one of the neighbors and live on 14599 Clearview Avenue and my other neighbor Helen Owen who lives at 14540 Clearview are supportive of the project. We like homes to be remodeled and to beautify the neighborhood. It is unfortunate that some rules were not followed, but those living in the neighborhood want the house to be built. I walk in the neighborhood and want to see houses be remodeled and completed, increasing property value. Helen Owen and I are in support, including my neighbors on Clearview Avenue and members of La Rinconada Country Club. The property is currently an eyesore. I would like for the applicants to rebuild their home and increase the value of my home and my neighbor's home and our quality of life. I have not met these neighbors at all. This is the first time I have seen them, but we talk about this project when we walk through the neighborhood.

Closed Public Comment.

Committee members discussed the matter.

Staff: Erin Walters, Project Planner

The applicant has addressed privacy issues through screening vegetation along the property line; adding a new seven-foot tall privacy fence located between the properties; running a fence along mid property line; reducing the size of a window along the right elevation; and introducing metal screening grates to screen the outdoor patio area. The applicant made these modifications in response to the neighbor's concerns. These modifications since the building permit was approved.

Staff: Corvell Sparks, Public Works Assistant Engineer

The goal is to keep as much water drainage treatment on site. In this situation there is an emphasis on making sure that there is no runoff to the neighboring site as the existing site promoted runoff. Engineering and the consultants found solutions to mitigate runoff including channeling water towards the back of the site near the garden area. The proposed design is adequate and will address the drainage concerns and is reflected in the development plans and Conditions of Approval. After the DRC process, Engineering will take a closer look at the drainage through the grading permit. The applicant is aware that onsite drainage has historically been a problem and that they are responsible for treating runoff onsite.

MOTION: **Motion by Robert Gray** to approve with required findings and recommended conditions of approval. **Seconded by Corvell Sparks.**

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

Appeal rights were recited.

OTHER BUSINESS

- None.

ADJOURNMENT

The meeting adjourned 10:32 a.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 27, 2023 meeting as approved by the Development Review Committee.

Prepared by:

/s/ Jennifer Armer, AICP, Planning Manager