

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 22, 2014

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 22, 2014, at 7:00 PM.

MEETING CALLED TO ORDER

Chair Smith called the meeting to order at 7:00 pm.

ROLL CALL

Present: Chair Margaret Smith, Vice Chair Kendra Burch, Commissioner Mary Badame, Commissioner Tom O'Donnell, Commissioner Marico Sayoc, and Commissioner Joanne Talesfore

Absent: Commissioner Charles Erikson

PLEDGE OF ALLEGIANCE

Commissioner Sayoc led the Pledge of Allegiance. The audience was invited to participate.

APPROVAL OF MINUTES OF SEPTEMBER 30, OCTOBER 6 AND 8, 2014

MOTION: Motion by Vice Chair Burch to approve the meeting minutes of **September 30, October 6 and 8, 2014.**
Seconded by Commissioner Talesfore.

VOTE: Motion passed 6-0.

WRITTEN COMMUNICATIONS

Desk Item for Item 5.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner Badame

- The 10/22/14 HPC meeting considered three matters:

- 212 Bean Avenue
- 12 Bayview Avenue
- 371 Pennsylvania Avenue

General Plan Committee

Chair Smith

- The 10/22/14 GPC meeting considered one matter:

- Application for project on Twin Oaks

VERBAL COMMUNICATIONS (AUDIENCE)

None.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

None.

Other Business Item #5 was heard out of order.

NEW OTHER BUSINESS

5. **481 Woodland Avenue**
Architecture and Site Application: S-13-072
APN: 529-06-052
Property Owner: Greg Slack
Applicant: Terry J. Martin
Project Planner: Erin Walters

Requesting direction from the Planning Commission regarding an application to demolish an existing single-family residence, to construct a new single-family residence with reduced setbacks, to exceed the maximum allowable floor area and a variance for required parking on a nonconforming property zoned R-1D.

Chair Smith opened the public hearing.

Introduction from Community Development Director, Laurel Prevetti

- Town Council met 10/21/14 in a study session regarding neighborhood compatibility; discussed the Residential Design Guidelines and that the Guidelines provide direction for change to occur in a manner that is respectful to natural settings and existing neighborhoods; requested that the staff and Planning Commission examine applications in a holistic way, looking at the overall intent of the Design Guidelines and using good judgment in the application of the Town's policies and tools.
- 481 Woodland is a different type of agenda item, one that is not ready for final approval, but would benefit from the Commission's direction on certain issues.

Erin Walters, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Brad McCurdy

- Commented that the Los Gatos planning process often requires calculations and documents that create a burden of cost for an applicant. He would welcome the opportunity to discuss height, numbers of stories, massing and design before the applicant spends money on engineering studies, etc. because if they can't build a two-story home it would save money to not have those studies done.

Greg Slack

- Commented that the Town Council told him the lot split should not have been approved because the sewer lines cross the neighbor's lot and there is no access to the house.

Commission members asked questions of Mr. McCurdy and Mr. Slack.

Commission members asked questions of staff.

Wendy Vanni

- Commented that she owns the home next to the subject property and requested the Commission deny the application and direct the project be redesigned as a one-story structure with minimal variances.

Commission members asked questions of Ms. Vanni.

Don Wilhelm

- Commented that he has been helping Ms. Vanni with research and considers the project to be flagrant and intrusive overbuilding on a small piece of property, but he supports the applicant's right to improve the neglected property with an appropriately sized home compatible with the immediate neighborhood, but not as a two-story structure.

Lloyd Nibenberg

- Commented that he lives two homes away from the subject property and recommended the Commission approve the application because the project looks good and would be an upgrade to the community. The proposed home is consistent with the immediate one- and two-story neighborhood.

Commission members asked questions of Mr. Nibenberg.

Brian Gore

- Commented that he lives behind the subject property. He supports the applicant's intention to improve the property; however, he believes a two-story home is not compatible with the neighborhood, and the FAR and mass are inappropriate.

Jack Little

- Commented that the applicant has made no concessions to Ms. Vanni's concerns. Given the applicant's skill in the construction field, the number of variances he is requesting is inexcusable, especially because they come at the expense of the adjacent neighbors.

Brad McCurdy

- Commented that they are willing to entertain any suggestions of creative ways to make the project more appealing to the community.

Commission members asked questions of Mr. McCurdy.

Chair Smith closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members discussed the matter, and provided their views and asked the applicant to consider those views.

NEW PUBLIC HEARINGS

1. **218 Forrester Road**
Architecture and Site Application: S-14-058
APN: 537-29-004
Property Owner: Chad and Erica Dyer
Applicant: Elizabeth Wiersema
Project Planner: Jocelyn Puga

Requesting approval to exceed the maximum floor area for a single-family residence greater than 5,000 square feet on property zoned HR-2½.

Chair Smith opened the public hearing.

Jocelyn Puga, Assistant Planner, presented the staff report.

Bess Wiersema

- Commented that the proposed home is compatible with the immediate neighborhood. They have broken up the mass of the existing home by bringing in a hipped roof, bay elements and lower front entry elements to bring the overall height of the structure down and add architectural

features that allow the house to conform with neighborhood standards and reduce the overall massing.

Commission members asked questions of Ms. Wiersema.

Commission members asked questions of staff.

Amanda Clarke

- Commented that they made Larry Cannon's requested changes: pulling back the front door to create a deeper recess, consistent with neighborhood examples he had seen, and also a change to the materials board.

Commission members asked questions of Ms. Wiersema.

Bess Wiersema

- Commented that they have staff and the consulting architect's approval; they are not the largest home in the neighborhood; while the FAR does exceed current standards, it is well within the bounds of the existing neighborhood. Neighborhood compatibility in many ways is more important than a specific number.

Chair Smith closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members asked questions of staff.

Commission members discussed the matter.

MOTION: **Motion** by **Commissioner O'Donnell** to approve Architecture and Site Application S-14-058 and find the project is categorically exempt pursuant to CEQA Section 15301 and that there should be an exception to the maximum allowed floor area for a house greater than 5,000 square feet in gross area, subject to the conditions of approval as noted in Exhibit 3 of the staff report dated October 22, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated October 22, 2014.
Seconded by **Commissioner Sayoc**.

Commissioner Sayoc requested the motion be amended to state that the square footage exceedance is 84 square feet, and that the six Conditions that apply have been met.

Commissioner O'Donnell agreed to the amendment to the motion.

VOTE: **Motion passed 6-0.**

Planning Manager Joel Paulson cited the appeal rights.

2. 250 Vista Del Monte

Architecture and Site Application: S-14-040
APN: 532-30-055
Property Owner: Amiel and Loreen Balagtas
Applicant: Robert Mayer
Project Planner: Jennifer Savage

Requesting approval to exceed the maximum floor area for a single-family residence on property zoned R-1:8.

Chair Smith opened the public hearing.

Jennifer Savage, Senior Planner, presented the staff report.

Rob Mayer

- Commented that the applicants felt that exceeding the FAR would greatly enhance the usability of their home. None of the neighbors have issues with the proposed design. Two houses in the immediate neighborhood exceed the FAR and look very similar to the proposed design, except that they have two-story entries, whereas they propose a one-story off the rear that has minimal impact to neighbors.

Amiel Balagtas

- Commented that they are asking for a modest change to their home to enhance its functionality and livability.

Chair Smith closed the public input portion of the hearing and returned to the Commission for deliberation.

MOTION: **Motion by Commissioner Talesfore** to approve Architecture and Site Application S-14-040 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated October 22, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated October 22, 2014.
Seconded by Vice Chair Burch.

VOTE: **Motion passed 6-0.**

Planning Manager Joel Paulson cited the appeal rights.

3. **151 East Main Street**
Conditional Use Permit Application: U-14-014
APN: 529-28-001
Property Owner: Diane Goldberg
Applicant: Julian Sakis (Dio Deka)
Project Planner: Jennifer Savage

Requesting approval to operate a minor restaurant (Dio Deka Café) on property zoned C-2.

Chair Smith indicated that she and Commissioner O'Donnell would recuse themselves because both live within 500 feet of the subject property.

Vice Chair Burch opened the public hearing.

Jennifer Savage, Senior Planner, presented the staff report.

Commission members asked questions of staff.

Ivan Gospkt

- Commented that they have spoken to the neighbors and high school students, who support and area excited to have options for healthy lunches. For the students, the only other restaurant is a ten-minute walk with a 15-minute wait, which would take their entire lunch period.

Saul Flores

- Commented that their restaurant fits the bill of specialty retail and that its location is at the edge of the C-2 zone. The restaurant would not only benefit the high school students, but all Los Gatos residents as they move about the neighborhood.

Commission members asked questions of Mr. Gospkt, Mr. Flores, and Julian Platis, the owner.

Alan Goldschneider

- Commented that he is the general manager of the Hotel Los Gatos. They stand behind the project because their guests want more food than what the hotel offers.

Commission members asked questions of Mr. Goldschneider.

Diane Goldberg

- Commented that she is one of the building's owners. The past tenants have been retail, and all have failed because the area is so far from downtown. They are excited to have this restaurant in their space and believe it would serve the area well.

Chair Smith closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members asked questions of staff.

Commission members discussed the matter.

MOTION: **Motion by Commissioner Sayoc** to approve Conditional Use Permit U-14-014 Application subject to the conditions of approval as noted in Exhibit 3 of the staff report dated October 22, 2014, with the added condition that outdoor furniture and heaters shall be removed when the restaurant is closed and outdoor furniture and physical delineation shall match Dio Deka. The required findings were made as noted in Exhibit 2 of the staff report dated October 22, 2014.
Seconded by Commissioner Talesfore.

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

Planning Manager Joel Paulson cited the appeal rights.

4. **16347 Aztec Ridge**
Architecture and Site Application: S-14-050
APN: 532-26-027
Property Owner: Sean Raft
Applicant: Tom Sloan
Project Planner: Jennifer Savage

Requesting approval to demolish an existing single-family residence and to construct a new single-family residence on property zoned HR-2½.

Chair Smith opened the public hearing.

Jennifer Savage, Senior Planner, presented the staff report.

Sean Raft

- Commented that the intent behind the remodel is to maximize the efficiency of the existing space and to keep the profile as low as possible. The project is visible from only one viewing platform. The portion that is over the Guideline's 18-foot requirement is on the front of the house, away from the view.

Commission members asked questions of Mr. Raft.

Commission members asked questions of staff.

Tom Sloan

- Commented that a non-reflective metal roof was chosen to avoid roof parts flying off during high winds on the hill, plus it is a green product known as a "cool roof." The stucco is quite dark and blends into the nature that surrounds it. They are not asking for a large house and tried to put the additions in locations where the foundation is settling, so it can be bolstered up.

Commission members asked questions of staff.

Commission members asked questions of Mr. Sloan.

David Maggetti

- Commented that the house is invisible with a non-reflective roof.

Sean Raft

- Commented that the 500 times magnification photos they provided have caused confusion as to how visible the home would be from the viewing platform.

Chair Smith closed the public input portion of the hearing and returned to the Commission for deliberation.

Commission members discussed the matter.

MOTION: **Motion by Chair Smith** to continue the public hearing for 16347 Aztec Ridge to the meeting of November 12, 2014 to allow the applicant time to provide evidence for the height exception request.
Seconded by Commissioner O'Donnell.

The Commission discussed the matter.

VOTE: **Motion passed 6-0.**

Commission members asked questions of staff.

NEW OTHER BUSINESS (Continued)

5. Report from Planning Manager Joel Paulson
 - Development Review Committee met and approved the demolition of an existing home and construction of a new home at 124 Hillbrook Drive; approved the demolition of an existing home and construction of a new home at 67 Mariposa Avenue, approved a parking lot modification at 15425 Los Gatos Boulevard.

Report from Community Development Director, Laurel Prevetti

- Town Council met 10/21/14; considered the recommendations of their Ad Hoc Committee on the Alcohol and Entertainment Policy and directed that those policy updates be put in ordinance form for Council consideration in late 2014.

ADJOURNMENT

Meeting adjourned at 10:46 p.m.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, October 22, 2014

/s/Margaret Smith, Chair

APPROVED AS TO FORM AND ATTEST:

/s/Joel Paulson
Planning Manager