



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 07/11/2018

ITEM NO: 1

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**DRAFT  
MINUTES OF THE PLANNING COMMISSION MEETING  
JUNE 13, 2018**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, June 13, 2018, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Present: Chair D. Michael Kane, Vice Chair Matthew Hudes, Commissioner Mary Badame, Commissioner Kendra Burch, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Tom O'Donnell

Absent: None

**PLEDGE OF ALLEGIANCE**

Commissioner O'Donnell led the Pledge of Allegiance. The audience was invited to participate.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

None.

**VERBAL COMMUNICATIONS**

None.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

**1. Approval of Minutes – May 23, 2018**

**MOTION:** Motion by Commissioner O'Donnell to approve adoption of the Consent Calendar. **Seconded** by Commissioner Badame.

**VOTE:** Motion passed unanimously

## **PUBLIC HEARINGS**

### **2. 223 Massol Avenue**

Minor Residential Development in an Historic District

Applications HS-18-018 and HS-18-031

APN 510-16-020

Property Owner/Applicant: Vladimir Kanevsky

Appellant: Tyler Atkinson, Esq.

Project Planner: Sean Mullin

Consider an appeal of an Historic Preservation Committee decision approving a request for exterior alterations to a non-contributing single-family residence (HS-18-018); and an appeal of an Historic Preservation Committee decision approving a request for an addition to a residential accessory structure less than 450 square feet which is visible from the street (HS-18-031) on property located in the Almond Grove Historic District zoned R1-D:LHP.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Tyler Atkinson, Appellant

- He represents the appellants. The Planning Commission must deny this application on the basis of the applicant asking the Commission to approve construction on his clients' property, and they disagree with the staff report on that point. The applicant has made emotional and misleading accusations against his clients. Two things about the application that should give the Planning Commission great concern are: 1) The applicant is asking the Commission to approve a project that encroaches on clients' property; and 2) A pattern of deceit from the applicant starting with the failure to do strongly recommended community outreach. They request the Commission deny the garage application outright, and continue the residence application to a date certain with specific direction that the Town's Building Department inspect the project to determine any unauthorized construction.

Vladimir Kanevsky, Applicant

- He has had at least four meetings with the Historic Preservation Committee to ensure the house they are building conforms to the neighborhood codes and building codes, and he met with Town staff many times to ensure the original plan they submitted in February 2018 conforms. He knocked on the appellant's door many times but they were never home, and he tried to relay a message through staff to the appellants asking them to call him, but they did not. They did meet eventually and he tried to work with them, but they said his proposed solutions were not enough. He has made many changes to accommodate the appellant's concerns, but has not had any communication from them. The appellant's complaints are always sent to him on the last possible day of every appeal period without

any communication in between. Their last appeal was made based on technicalities and process, and none of the complaints are actually about his house.

Tyler Atkinson

- The applicant has tried to jam through various changes, and it is simply not the case that the appellants ignored him, and the record reflects that; nor is it true that they waited until the last possible day to assert their rights. These appeals to emotion should not govern the Planning Commission's decision. What the applicant calls "technicalities" is actually the law. Building on another person's property, or building a roof that extends into the airspace above a person's property, cannot be done, and the Commission cannot give a blessing to such behavior.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Burch** to deny an appeal of Historic Preservation Committee approval of minor development in an Historic District Applications HS-18-018 and HS-18-031 for 223 Massol Avenue, with the added condition of approval that there is no further increase in the size of the roof over the garage that encroaches on the neighboring property. **Seconded by Commissioner Badame.**

Commissioner O'Donnell requested the motion be amended to remove the additional condition of approval, because the new construction will not further encroach.

The maker of the motion accepted the amendment to the motion.

The seconder of the motion accepted the amendment to the motion.

Commissioners discussed the matter.

**VOTE:**                    **Motion passed unanimously.**

**OTHER BUSINESS**

**3. Report from the Director of Community Development**

Joel Paulson, Director of Community Development

- The Town Council met on 6/5/18:
  - Considered a zone change for 221 Almendra, which will go back for a second reading.
  - Adopted a resolution to suspend formula retail requirements for Conditional Use Permits for up to 18 months.
  - Considered the North 40 Specific Plan amendments and continued it to the 8/7/18 meeting.
- The June 27, 2018 Planning Commission meeting has been cancelled, because the applicant for the only item on the agenda has requested an extension.

**ADJOURNMENT**

The meeting adjourned at 7:51 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 13, 2018 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin