



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 10/25/2017

ITEM NO: 1

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**DRAFT  
MINUTES OF THE PLANNING COMMISSION MEETING  
SEPTEMBER 27, 2017**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 27, 2017, at 7:00 p.m.

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

**ROLL CALL**

Present: Vice Chair D. Michael Kane, Commissioner Mary Badame, Commissioner Melanie Hanssen, Commissioner Matthew Hudes, and Commissioner Kathryn Janoff

Absent: Chair Tom O'Donnell, Commissioner Kendra Burch

**PLEDGE OF ALLEGIANCE**

Vice Chair Kane led the Pledge of Allegiance. The audience was invited to participate.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

None.

**VERBAL COMMUNICATIONS**

Angelia Doerner

- Traffic is a serious concern in Los Gatos, and the Town needs to take a much more aggressive standpoint with so much development going on in Los Gatos that impacts Highways 9 and 17 and Santa Cruz Avenue. A Los Gatos citizen was killed in the crosswalk at Massol and Highway 9; she has requested a light at this intersection five times.

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

**1. Approval of Minutes – September 13, 2017**

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

**VOTE:** Motion passed unanimously

## **PUBLIC HEARINGS**

### **2. 300 Marchmont Drive**

Conditional Use Permit Application U-12-002

APNs 532-10-001 and 532-11-011

Property Owner/Applicant: Hillbrook School

Project Planner: Jocelyn Puga

Annual review of a Conditional Use Permit modification to increase school enrollment for an existing private school (Hillbrook School) on property zoned HR-1.

Jocelyn Puga, Associate Planner, presented the staff report.

Opened Public Comment.

Mark Silver

- He is the head of Hillbrook School and a resident of Los Gatos. The school has abided by its Conditional Use Permit, and worked to mitigate traffic and be a great neighbor. Hillbrook's relationship with the neighborhood has improved dramatically. Over the last two years the school's traffic has dropped dramatically, and they have not violated their CUP.

Chuck Hammers

- He is the Chairman of the Board of Hillbrook School. The school chose a third party, Sensys, to do the counting, because it was important that they get data to the Town directly from a county mechanism without Hillbrook being involved. They believe Hillbrook can be the guideposting for other schools, through Safe Routes to School, to show how they can lower traffic.

Patti Elliot

- The main concern is there are very specific requirements under the CUP for counting, and while she appreciates the school's work, the key is to have a reliable, accurate, verifiable counting system, because the CUP is based around that. The trip numbers are worse than last year's number, and it is critical to find out why before adding additional students.

Barbara Dodson

- With respect to the 24-hour situation, there is quite a bit of traffic before 7:00am, not so much after 7:00pm, but on the ten days when they have evening activities traffic is significant, and so they should definitely be counting for a 24-hour period. Going forward, as the school population increases, will Hillbrook continue to do a good job of staying in compliance with the CUP? That is why it is so important to have a reliable counting system.

Vlado Herman

- He is on the board of directors and head of the finance committee for Hillbrook. His two children attend Hillbrook, and they take the bus to school every morning. He reminded the Commission that there would be large fines levied if Hillbrook falls out of trip count compliance.

Chuck Hammers

- They started with the goal to grow the middle school and create more opportunity for grades six through eight. Hillbrook has done such a good job with the traffic because of the parents who are committed to decreasing the school's traffic numbers.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Vice Chair Kane** to approve an annual review of a Conditional Use Permit modification for Hillbrook School and grant the request to increase school enrollment by an additional 33 students for a maximum of 414 for the 2018-2019 school year.

**Commissioner Hudes requested the motion be amended to urge that Hillbrook School be diligent about ascertaining the operation of the monitoring systems and to incorporate the suggestion for calibration on Exhibit 2, page 2.**

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

**Commissioner Hudes requested the motion be amended to urge Hillbrook School to follow the updated data collection workflow from W-Trans in Exhibit 9.**

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

**Commissioner Hudes requested the motion be amended to select three non-consecutive days to include a sports day in at least one of those three, and to define the counts in the future on a 24-hour day period.**

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

**Seconded by Commissioner Hudes.**

Commissioners discussed the matter.

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

**3. Town Code Amendment A-17-003**

Applicant: Town of Los Gatos

Project Planner: Sally Zarnowitz

Consider amendments to Chapter 29 (Zoning Regulations) of the Los Gatos Town Code to comply with adopted 2016 State Legislation regarding accessory dwelling units.

Sally Zarnowitz, Planning Manager, presented the staff report.

Opened Public Comment.

Cathy Weiner

- She has a legal secondary accessory building. In the spirit of the law, the Commission should consider allowing someone with a detached secondary accessory dwelling to also be able to use part of their home as an additional accessory dwelling.

Linda Swenberg

- When she bought her home, it came with a pool house fully permitted for habitation, but it does not have a kitchen installed because of the Town's parking requirement. Her mother in law resides in the home now, but is not as comfortable as possible because she does not have a kitchen. It does not make sense to prevent citizens from using structures in this manner when they are built to code and done legally with permits.

Jennifer Kretschmer

- She is a local architect. She supports making the current regulations less intrusive to homeowners, because there is an affordable housing issue in Los Gatos. One thing they have done is put high-density affordable housing in one location in town, creating a separate and not equal location. ADUs would help in integrating people with low incomes into the town.

Angelia Doerner

- She asked for a confirmation of what is conforming versus nonconforming with respect to residential properties. She didn't see how the Town could require 80% AMI on the rental amount; she doesn't understand that provision or where it came from and why the Town thinks that's allowed. The Town needs to make sure they use the same definition of household as the North 40.

Marie Rector

- They have a freestanding shop on their property that they would like to convert to an ADU for second income. Their plans meet all of the state's criteria, but they are still awaiting approval from the Town, because it has not adopted the rules laid out by Governor Brown.

Jeff Loughridge

- ADUs can help Los Gatos meet its housing needs. Requiring large minimum lot sizes for ADUs, and not allowing small lot sizes, can restrict their potential development. As long as ADUs meet the maximum square footage, FAR, setbacks, and maximum lot coverage, a small lot size, such as 7,000-8,000 square feet or even smaller, could be appropriate.

Justin Draa

- He is interested in the impact these potential revisions would have, and how HR guidelines would play into it. Asked if a four-acre hillside property with sufficient flat land to build on would be prohibited from building an ADU, as it must be over five acres?

Lee Quintana

- She was in favor of expanding the permitted zone. The process is not clear, because there are things in the staff report and in the ordinance that suggest there are discretionary points, but there are also indications that the laws now require mandatory or ministerial approvals, which doesn't allow for discretion. Parking should be one spot per bedroom, or none, but a minimum of one spot.

Thomas Pratt

- He supported the ADU amendments to Chapter 29, and was pleased that they may consider accessory dwelling units on hillside lots. He was curious as to what factors might or are expected to apply to granting approval for lots less than five acres, and curious as to what restrictions there may be regarding affordability.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Vice Chair Kane** to continue the public hearing regarding Town Code Amendment A-17-003, Accessory Dwelling Units, to the meeting of November 8, 2017, with the request that the issue be heard on the agenda as early as possible. **Seconded by Commissioner Badame.**

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

**OTHER BUSINESS**

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

Joel Paulson, Director of Community Development

- Town Council met 9/19/17; continued 105 Newell; completed public testimony for the Alberto Way office building, with deliberation to take place at the 10/3/17 Council meeting; the North 40 moratorium was extended an additional ten months and 15 days, so the Town can look at completing modifications, with discussion to take place at the 10/3/17 Council meeting regarding modifications to the specific plan.

Robert Schultz, Town Attorney

- Update on motion of attorney fees filed by Grosvenor and SummerHill asking for \$600,000 in attorney's fees and \$90,000 in costs. The Court denied their motion for attorney's fees and gave them nothing, and gave them \$35,000 in costs.

**ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

TOWN OF LOS GATOS PLANNING COMMISSION  
SEPTEMBER 27, 2017

APPROVED AS TO FORM:

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Joel Paulson  
Community Development Director

Prepared by

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/s/ Vicki Blandin