

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 23, 2016

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 23, 2016, at 7:00 pm.

MEETING CALLED TO ORDER

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

ROLL CALL

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

Absent: None.

PLEDGE OF ALLEGIANCE

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

WRITTEN COMMUNICATIONS

Desk Item for Item 2.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS**Historic Preservation Committee****Vice Chair Kane**

- The 3/23/16 HPC meeting considered four matters:

- 131 Johnson Avenue
- 246 University Avenue
- 136 Tait Avenue
- 104 University Avenue

VERBAL COMMUNICATIONS (AUDIENCE)

Angelia Doerner

- Commented that the staff report for the March 30th Planning Commission meeting regarding the North 40 should contain background information to help bring newly interested citizens up to date, and an introduction should be given at the beginning of the meeting with respect to the process going forward.

CONSENT CALENDAR**1. Approval of Minutes – March 9, 2016**

MOTION: Motion by **Commissioner Burch** to approve adoption of the Consent Calendar, as amended.
Seconded by **Commissioner Hudes**.

VOTE: Motion passed 7-0.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

2. **35 N. Santa Cruz Avenue**
Architecture and Site Application S-16-007
APN 510-44-032
Property Owner: Kilkenny Properties, LLC
Applicant: Sean McLoughlin
Project Planner: Erin Walters

Requesting approval of exterior modifications to a pre-1941 commercial building on property zoned C-2.

Chair Badame opened the public hearing.

Erin Walters, Associate Planner, presented the staff report.

Commission members asked questions of staff.

David Friedman

- Commented that they tried to continue the nostalgic feel of the previous store with the proposed exterior modifications.

Commission members asked questions of Mr. Friedman.

Lee Quintana

- Commented that the design introduces four additional vertical elements that none of the other stores on the street have, and is not consistent with the street's historical feel.

Commission members asked questions of Ms. Quintana.

David Friedman

- Commented that they put much time and energy into their design, with the help of the Historic Preservation Committee, and have worked to blend the design into the neighborhood, to upgrade the building, and to create a nostalgic candy store experience.

Commission members asked questions of Mr. Friedman.

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

MOTION: **Motion by Commissioner O'Donnell** to approve Architecture and Site Application S-16-007 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated March 23, 2016. The required findings were made as noted in Exhibit 2 of the staff report dated March 23, 2016.
Seconded by Commissioner Hanssen.

Commission members discussed the matter

VOTE: **Motion passed 7-0**

Community Development Director Joel Paulson cited the appeal rights.

3. **16491 S. Kennedy Road**
Architecture and Site Application S-15-044
APN 532-17-035
Property Owner: Robert Nicol
Applicant: Sully McGrath
Project Planner: Erin Walters

Requesting approval to technically demolish an existing single-family residence, construct a new single-family residence that will exceed the maximum floor area and building height, and a grading permit on property zoned HR-1.

Chair Badame opened the public hearing.

Erin Walters, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Sully McGrath

- Commented that they have tried to meet the current hillside guidelines, but it is a tricky project because of the size and slope. They have softened the appearance of the home as much as possible to try to disappear into the hillside. They have removed the water pump house on South Kennedy. They have reduced the attic space to reduce the floor area of the building. They have changed concrete to pavers for better drainage. They also brought the retaining walls into compliance and made the hillside safer.

Commission members asked questions of Mr. McGrath.

Robert Nicol

- Commented that he accepts the responsibility for hiring the wrong contractor, but he has now put the right team of builders together with Mr. McGrath. He believes they have done their due diligence and provided the required reports and plans to meet the standards.

Commission members asked questions of Mr. Nicol and Mr. McGrath.

Lee Quintana

- Commented that the Commission did not have adequate information on the geotechnical aspects of the site, and the engineering aspects of retaining walls and whether the hillside can be repaired. This is an important enough issue to ask for geotechnical reports and a peer review, and to continue the project.

Commission members asked questions of Ms. Quintana.

Rick Tinsley

- Commented that he is a neighbor to the north of the subject property. The subject property had been neglected and vacant for a long time. Mr. Nicol hired a bad contractor and has tried to rectify the subsequent problems. The house's present condition is a safety hazard. He requests the Commission allow Mr. Nicol to get on with the project, because the neighbors are tired of looking at the blighted site.

Commission members asked questions of Mr. Tinsley.

Oscar Osuna

- Commented that he is the civil engineer and worked on the grading. The site is very steep and has many technical issues, so the tiered wall solution was the best they could do for the current condition. He has tried to balance the needs of the owner and the hillside design guidelines, and

has met frequently with the Town planners and Public Works staff to achieve the best outcome while maintaining an existing structure.

Robert Nicol

- Commented that they are willing to move the cabana or massage the project, as the Commission deems appropriate.

Commission members asked questions of Mr. Osuna and Mr. McGrath.

Chair Badame 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 Kane** to continue the public hearing for 16491 S. Kennedy Road to a date certain.

Commission members asked questions of the maker of the motion.

Commission members asked questions of staff.

Seconded by Commissioner O'Donnell.

Commission members discussed the matter.

Commissioner Kane modified the motion.

MOTION: **Motion by Commissioner Kane** to approve Architecture and Site Application S-15-044 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated March 23, 2016, absent the requested exceptions for grading work outside of the LRDA in the eastern portion of the rear yard. The required findings were made as noted in Exhibit 2 of the staff report dated March 23, 2016.
Seconded by Commissioner Erikson.

VOTE: **Motion passed 7-0**

Community Development Director Joel Paulson cited the appeal rights.

NEW OTHER BUSINESS

5. Report from Community Development Director, Joel Paulson
 - The Planning Commission will meet on March 30, 2016 to consider the architecture and site application for the North 40 Phase One applications.
6. Commission Matters
 - Commissioner Erikson stated that when the Commission considers the North 40 Phase One the issue will not be whether they have a project at the North 40, but whether the application is consistent with the Specific Plan, and it would be very helpful if staff could help the public understand the distinction and focus their comments accordingly. Commissioner Hanssen agreed with Commissioner Erikson's comments.

ADJOURNMENT

Meeting adjourned at 8:45 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, March 23, 2016

Mary Badame, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Community Development Director