DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JANUARY 28, 2015

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, January 28, 2015, at 7:00 PM.

MEETING CALLED TO ORDER
Chair Burch called the meeting to order at 7:00 pm.

ROLL CALL
Present: Chair Kendra Burch, Vice Chair Mary Badame, Commissioner Charles Erekson, Commissioner Melanie Hanssen, Commissioner D. Michael Kane, Commissioner Tom O'Donnell
Absent: Commissioner Joanne Talesfore

PLEDGE OF ALLEGIANCE
Commissioner Kane led the Pledge of Allegiance. The audience was invited to participate.

APPROVAL OF MINUTES OF JANUARY 14, 2015

MOTION: **Motion** by **Commissioner Erekson** to approve the meeting minutes of **January 14, 2015.**
Seconded by **Vice Chair Badame.**

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

WRITTEN COMMUNICATIONS
Desk Item for Item 1.

REQUESTED CONTINUANCES – ITEM #2 and #3

MOTION: **Motion** by **Commissioner Kane** to continue the public hearing for Item #2, 720 Blossom Hill Road, and Item #3, Town Code Amendment Zoning Code Amendment to February 11, 2015.
Seconded by **Commissioner O'Donnell.**

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

SUBCOMMITTEE REPORTS

Historic Preservation Committee
Commissioner Kane reported that he and Commissioner O'Donnell attended the 1/28/15 HPC meeting and considered four matters:
- 311 West Main Street
- 1706 Wild Way
- 371 Pennsylvania Avenue
- Almond Grove street paving

Housing Element Advisory Board
Commissioner Hanssen reported that she and Commissioner Erekson attended the 1/27/15 HEAB meeting and deliberated on potential affordable housing sites for the Housing Element.

VERBAL COMMUNICATIONS (AUDIENCE)
None.

CONSENT CALENDAR
None.

CONTINUED PUBLIC HEARINGS

1. <u>258 Union Avenue</u>
Conditional Use Permit Application: U-13-012
APN: 527-44-012 and 013.
Property Owner: ValleyOne Investments, LLC.
Applicant: Chris Kummerer
Project Planner: Joel Paulson

Requesting approval to construct eight residential condominiums on property zoned C-1. An Initial Study and Mitigated Negative Declaration were prepared for the previously proposed project and the Planning Commission certified the Mitigated Negative Declaration and adopted the Mitigation Monitoring Plan on December 11, 2013. No further environmental analysis is required for this project.

Chair Burch opened the public hearing.

Joel Paulson, Planning Manager, presented the staff report.

Commission members asked questions of staff.

Chris Kummerer
- Commented that their proposed eight freestanding condominiums fit in well with the densities of the surrounding areas. The development would be an asset to the community because it helps meet the unmet housing need, promotes smart growth with housing on a transit corridor, and improves a blighted piece of land that has been vacant for 25 years.

Commission members asked questions of Mr. Kummerer.

Kim Conner
- Commented that the development includes a below market rate unit and each has downstairs bedrooms for multi-generational families. The common areas are in addition to the private yards of each unit.

Lee Quintana
- Commented that the Commission should hold a study session and ask the applicant to return with conceptual designs, which the Commission should review and then the applicant would incorporate any suggestions. Following that, the applicant should return with a proposal for amendments to the General Plan and Zoning Code, and a redesign of the project that fits within those requirements and standards.

Commission members asked questions of Ms. Quintana.

John Yeager
- Commented that he lives directly behind the subject property. The Applicant claims to have addressed neighbors' concerns, however, only two units were moved back a little, and there are still eight two-story units crammed on the property. He and his neighbors would like the project to echo the Downing Court project, which has two-story buildings next to the commercial property and one-story buildings next to the existing single-family homes.

Commission members asked questions of Mr. Yeager.

Maureen Heberling

- Commented that she already has two-story homes looming over her property, and that is what her neighbors on Hershner Court and Howes Court would also see if the eight two-story homes are constructed. Both the Town Council and Planning Commission have advised the developer to reduce the number of units from eight, but there are still eight.

Commission members asked questions of Ms. Heberling.

Commission members asked questions of staff.

Shigong Lzu

- Commented that he lives behind the proposed project and will lose his afternoon sun if the two-story units are built. He and his neighbors still believe eight units will be too many, and the project has not improved enough since it was denied at the previous hearing.

Commission members asked questions of Mr. Lzu.

Jeff Wagner

- Commented that he is the Applicant's attorney and is available to answer questions regarding the legality of the detached condos.

Patricia Scannura

- Commented that she lives on Howes Court. She believes the footprint on the subject property is too small for eight units and it should be reduced to six. She owns a two-story home and is not opposed to two-story homes in the proposed development.

Commission members asked questions of Ms. Scannura.

Shawn Wang

- Commented that several of the neighbors have requested one-story homes, but considering the real estate market, the value and the opportunity, they believe no one would build a single-story home at that location and it is an unreasonable request. The project density is in the middle range and they are not asking for exceptions.

Commission members asked questions of Mr. Wang.

Chris Kummerer

- Commented that it has been a long process and a lot of thought has been put into this project. Although it might not be the ideal project, it is a good project, which if not built may result in blighted property for another 25 years, or something even bigger. They are trying to be thoughtful by not building as many units as they are allowed.

Commission members asked questions of Mr. Kummerer

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

Commission members asked questions of staff.

MOTION: **Motion** by **Vice Chair Badame** to deny Conditional Use Permit U-13-012, Subdivision Application M-13-004, and Architecture and Site Applications S-13-20 through S-13-027.

The motion failed for lack of a second.

Commission members discussed the matter.

Commission members asked questions of staff.

Chair Burch reopened the public portion of the public hearing.

Commission members asked questions of Mr. Kummerer.

The Applicant waived any Permit Streamlining Act requirements to allow the item to be continued to a date certain.

Chair Burch closed the public input portion of the hearing.

MOTION: **Motion** by **Commissioner O'Donnell** to continue Conditional Use Permit U-13-012, Subdivision Application M-13-004, and Architecture and Site Applications S-13-20 through S-13-027 to February 25, 2015 with direction to study the shade and shadow impacts to the neighbors, and return with potential solutions, as needed, to address these impacts such as removing or modifying the second stories.
Seconded by **Commissioner Kane.**

VOTE: **Motion passed 5-1 with Vice Chair Badame opposed.**

NEW PUBLIC HEARINGS
None.

NEW OTHER BUSINESS

4. Proposed Update to the Planning Commission Policies and Procedures.
Community Development Director Prevetti and Town Attorney Schultz presented the staff report.

Commission members discussed the matter.

Commission members asked questions of staff.

Commission members provided comments and suggestions to the Town Council regarding the proposed Update.

5. Report from Community Development Director, Laurel Prevetti

- Town Council met 1/20/15, discussed the Veterans Memorial, and did not discuss the Planned Development Zone, which is now tentatively scheduled for 2/17/15.

6. Commission Matters

- None.

ADJOURNMENT

Meeting adjourned at 10:18 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, January 28, 2015

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Kendra Burch, Chair

APPROVED AS TO FORM AND ATTEST:

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Joel Paulson
Planning Manager