

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 25, 2015

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 25, 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 Erikson, Commissioner Melanie Hanssen, Commissioner D. Michael Kane, Commissioner Tom O'Donnell, and Commissioner Joanne Talesfore

Absent: None.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF FEBRUARY 11, 2015

MOTION: Motion by Commissioner Erikson to approve the meeting minutes of February 11, 2015.
Seconded by Commissioner Erikson.

VOTE: Motion passed unanimously.

WRITTEN COMMUNICATIONS

Desk Item for Agenda Items #1 and #3.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner O'Donnell reported that he and Commissioner Kane attended the 2/25/15 HPC meeting, and the Committee considered:

- 14325 Mulberry Avenue
- 17061 Wild Way
- 205 University Avenue
- Historic Demolition Ordinance

VERBAL COMMUNICATIONS (AUDIENCE)

Maria Ristow

- Commented that the CVS project should be considered in two parts, because it is asking for a drive-through. The drive-through should be declined first and the building considered second, so it can be designed without the drive-through and with pedestrians and cyclists in mind, and also to get needed additional parking.

John Shepardson

- Commented that the idea of an 880-trip cap for Hillbrook School is setting them up for failure and is rewarding them for violating their CUP over the years. He advocated an increase of no more than 36 students with a trip cap of 880. He also agreed with Commissioner O'Donnell with respect to keeping the Town's maximum height standard of 35 feet for the North 40 and urged the

audience to email the Town Council and tell them to, "Follow Tom O'Donnell." Lastly, he advocated a third party comprehensive review of the Town's policing options.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

1. **258 Union Avenue**
Conditional Use Permit Application: U-13-012
Subdivision Application: M-13-004
Architecture and Site Applications: S-13-20 through S-13-27
APN: 527-44-012 and -013
Property Owner: ValleyOne Investment, LLC
Applicant: Chris Kummerer, CKA Architects
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 they redesigned the project to be more respectful to the neighbors. A solar access study was done and concluded loss of sun to the neighboring yards would be less than 1.5%. There is a double standard from neighbors who have two-story homes 13 feet from the property line, but do not want their project to have two-story homes 37 feet from the property line. Contrary to neighbors' claims that this is a single-story neighborhood, the subject site is surrounded by 96% two-story development.

Commission members asked questions of Mr. Kummerer.

Shane Siemer

- Commented that he did two forms of solar study: a shade analysis and a 3-D model to determine the sun's path and how much shade a site would get. He took two readings from each neighbor's backyard, baseline and new construction. There were several months where there was a slight change between the two, but overall the reading was typically within 1% between the two readings.

Commission members asked questions of Mr. Siemer.

Shigong Lau

- Commented that at the last meeting Mr. Kummerer said the sun/shade affected only ten minutes, but at this meeting he said five minutes; however, he believes he will be affected for 15 minutes. He does not believe the solar studies are reliable, as shown in the photographs he provided. He does not support the buildings being two stories.

Commission members asked questions of Mr. Lau.

Chi-Ping Siu

- Commented that he lives east of the proposed development site. He would support the project if the buildings were single-story, which would allow more sunlight, because two-story buildings would block the sun for a half hour each day, or 2%. Also, one-story buildings would not be as dense as two stories.

Commission members asked questions of Mr. Siu.

John Yeager

- Commented that the development does not fit into the neighborhood. This would be the first development to be built near existing homes, and in general two-story is only allowed next to commercial property. The solar report is misleading because it measures light at two points in the yard but does not measure inside the homes. A solar study by the neighbors shows 45 minutes of shadowing from November to late February.

Jeff Loughridge

- Commented that the General Plan should be followed in this situation, or if changing the General Plan designation is necessary, then the General Plan and zoning maps should be amended, which would allow the Commission flexibility in assuring the project is a good fit for Los Gatos and possibly eliminate the need for a CUP.

Commission members asked questions of Mr. Loughridge.

Commission members asked questions of staff.

Patricia Scannura

- Commented that she is a neighbor and is disappointed Commissioners did not visit her home. She has a two-story home and is not opposed to two-story structures in the development; her problem is the quantity of homes on the site. She is opposed to a below market value home because she does not believe in redistribution of real estate.

Shawn Wang

- Commented that he is the managing member of ValleyOne. He asked the Commission to consider that five letters of opposition are from people who live several streets away. They designed the project to fit the neighborhood with a lower density of eight units.

Commission members asked questions of staff.

Commission members asked questions of Mr. Wang.

Maureen Heberling

- Commented that she is not directly affected by the project, but she is affected by townhouses behind her property, which is what will happen to the neighbors around the proposed project. She requested that the density of eight homes be reduced and added that the current design does not have safe areas for children to play.

Commission members asked questions of Ms. Heberling.

Chris Kummerer

- Commented that while he understands the concerns of the neighbors, does the Town want to see the lot remain empty for another 25 years? His proposal is reasonable and meets all codes.

Shane Siemer

- Commented that the intent of his solar study was to be impartial and show the overall effect of the development to the neighbors' yards, which it did.

Shawn Wang

- Commented that the previous owner had a plan for a 12 to 15-unit condominium, not the current developer, as was asserted by one of the neighbors.

Commission members asked questions of Mr. Siemer, Mr. Kummerer and Mr. Wang.

Chair Burch 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 Conditional Use Permit U-13-012, Subdivision Application M-13-004, and Architecture and Site Applications S-13-20 through S-13-27 subject to the conditions of approval as noted in Exhibit 4 of the staff report dated February 25, 2015, with the amendment that rear units 6, 7 and 8 would be single-story, not two-story, and would go back to the normal 20-foot setback for single-story homes. The required findings were made as noted in Exhibit 3 of the staff report dated February 25, 2015.
Seconded by Commissioner Erikson.

VOTE: **Motion passed 4-3 with Commissioners Badame, Hanssen and Talesfore opposing.**

Planning Manager Joel Paulson cited the appeal rights.

2. **12 Bayview Avenue**
Architecture and Site Application: S-14-128
APN: 510-44-013
Property Owner/Applicant: Reed and Carolyn Hornberger
Project Planner: Marni Moseley

Requesting approval to remove a second unit on property zoned R-1D.

Chair Burch opened the public hearing.

Marni Moseley, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Reed Hornberger

- Commented that he and his wife have lived on the property for 16 months. When purchasing their property, they believed they were purchasing a single-family home. The second unit has not been in active rental stock for 24 years and has never had a separate address or utilities. Their home has been restored to a single-family and it would be financially prohibitive to restore a second unit. A second unit would also be prohibitive space-wise.

Commission members asked questions of Mr. Hornberger.

Melanie Kemp

- Commented that she was the agent representing the Hornbergers when they purchased their home and that she also had not been informed of a second unit. The home was listed on the multiple listing service as a Class 1 single-family residence. There was no documentation in the Town offices that referred to a second unit.

Commission members asked questions of Ms. Kemp.

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

MOTION: **Motion by Commissioner Kane** to approve Architecture and Site Application S-14-128 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated February 25, 2015. The required findings were made as noted in Exhibit 2 of the staff report dated February 25, 2015.
Seconded by Commissioner Badame.

VOTE: **Motion passed 7-0.**

Planning Manager Joel Paulson cited the appeal rights.

3. **17801 Kilkenny Road**
 Architecture and Site Application: S-14-046
 APN: 537-04-012
 Property Owner: Kenna and Mark French
 Applicant: Elizabeth Wiersema
 Project Planner: Erin Walters

Requesting approval to construct an addition greater than 20% of the existing floor area for a single-family residence, height exception, and a grading permit on property zoned HR-2½.

Chair Burch opened the public hearing.

Erin Walters, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Bess Wiersema

- Commented that the home was built in 1941 and it is important to maintain the integrity of the existing architecture in the proposed addition. Two nonconforming structures that encroach on the neighbors will be removed. The garage access is from the existing gravel drive, allowing them to lower the garage height to 9 feet, have limited grading, and maintain every tree on the site.

Commission members asked questions of Ms. Wiersema.

Kenna French

- Commented that they love the historic aspect of their home, but they need to make certain changes for it fit their family's needs and clean up the title of the property. They could not place the garage where they wanted because of setbacks, making it necessary to tuck the garage under the house, which is why they are over the allowed building height for the addition. They also need extra space to accommodate an aging parent.

Dick Clift

- Commented that he owns the property adjoining the subject site. The applicants have done a thoughtful job of addressing the problems along the property line and he likes the design of the house. He supports approval of the design. He is the one person that would be affected by the

height of the addition, but it is mitigated by the design of the home and its location in the trees. The addition is considerably lower than the existing building.

Ed Hodgens

- Commented that he is the father of Ms. French. The home needs additional space for when he visits. He doesn't believe that an additional foot on the height is a severe issue.

Mark French

- Commented that they have tried to configure the property in two other ways that were not feasible, because they broke other rules, putting them in a position of deciding which rule, if broken, would have the least impact, particularly with the neighbors. Although the height of the addition is above the limit, it is located lower than existing house.

Bess Wiersema

- Commented that one of the most significant issues on the site has been the grading on hillside, which is more impactful than height, because they would not cast shadows or create privacy issues for the neighbors. The configuration they chose came about predominantly out of maintaining as much of the hillside as possible, and the architecture came about to be in keeping with the integrity of the existing architecture.

Commission members asked questions of Ms. Wiersema.

Commission members asked questions of staff.

Chair Burch 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-14-046 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated February 25, 2015 with the addition of a condition to require a matte finish on the standing seam metal roof. The required findings were made as noted in Exhibit 2 of the staff report dated February 25, 2015.
Seconded by Commissioner Talesfore.

VOTE: **Motion failed 3-4 with Chair Burch and Commissioners Badame, Hanssen and Kane opposing.**

Commission members discussed the matter.

Commission members asked questions of staff.

MOTION: **Motion by Commissioner O'Donnell** to approve Architecture and Site Application S-14-046 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated February 25, 2015 with the addition of a condition to require a matte finish on the standing seam metal roof. The required findings were made as noted in Exhibit 2 of the staff report dated February 25, 2015. An additional reason for the exception is not only is the porch too high, but the structural part of the house to the right of the porch, shown on drawing A-33, would require substantial design revision, which would significantly affect the excellence of the architecture.
Seconded by Commissioner Erekson.

VOTE: **Motion passed 4-3 with Commissioners Badame, Hanssen and Kane opposing.**

Planning Manager Joel Paulson cited the appeal rights.

NEW OTHER BUSINESS

4. Report from Community Development Director, Laurel Prevetti
 - Town Council met 2/17/15, began deliberations on the Hillbrook School Conditional Use Permit, and continued the matter to the meeting of March 17, 2015. The Council agreed with the Planning Commission's recommendation to set up a Planned Development Study Committee with the General Plan Committee plus four additional members.

ADJOURNMENT

Meeting adjourned at 11:15 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, February 25, 2015

Kendra Burch, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager