

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 11, 2015**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 11, 2015, at 7:00 PM.

MEETING CALLED TO ORDER

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

ROLL CALL

Present: Vice Chair Mary Badame, Commissioner Charles Erikson, Commissioner Melanie Hanssen, Commissioner D. Michael Kane, Commissioner Tom O'Donnell, and Commissioner Joanne Talesfore

Absent: Chair Kendra Burch

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF FEBRUARY 25, 2015

MOTION: Motion by Commissioner O'Donnell to approve the meeting minutes of February 25, 2015, as amended.
Seconded by Commissioner Kane.

VOTE: Motion passed 6-0.

WRITTEN COMMUNICATIONS

Desk Item for Item 3.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Housing Element Advisory Board

Commissioner Hanssen

- The March 5, 2015 HEAB meeting with Commissioners Talesfore and Erikson:

- Finalized its recommendation for approval of the Draft Housing Element to be forwarded to the Planning Commission in April and the Town Council in May for approval.

VERBAL COMMUNICATIONS (AUDIENCE)

None.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

1. 15343 Santella Court (Lot 7)

Architecture and Site Application: S-14-072

APN: 527-09-016

Property Owner/Applicant: Davidon Homes

Appellant: David Weissman

Project Planner: Marni Moseley

Appeal of a Development Review Committee decision to approve the construction of a new single-family residence on property zoned HR-2½:PD.

Vice Chair Badame opened the public hearing.

Marni Moseley, Associate Planner, presented the staff report.

Commission members asked questions of staff.

David Weissman (Appellant)

- Commented that the DRC decision is inconsistent with the Town's Hillside Development Standards for visibility and tree protection. The applicant has now provided a visual analysis, not available at the DRC meeting, which calculates the visibility of the house from the exact corner of Los Gatos Boulevard and Blossom Hill Road only and gives no explanation of how the calculations were done. The primary photo was taken in February, well after the oaks had begun to leaf out and provide more screening, but should have been taken in December when the oaks were bare. The property owners should respect the constraints associated with hillside development, as noted in the Hillside Development Standards, and fit the house to the lot, not vice-versa. A solution would be to reduce the house in size and move part of it to the treeless gradual slope to the west.

Commission members asked questions of Mr. Weissman.

Jeff Thayer (Applicant)

- Commented that he is VP of Davidon Homes and has brought Steve Abbs and Carl Lagoni, the architect, to address the Commission.

Carl Lagoni

- Commented that Lot 7 of the Highlands is no different from the other lots in the development that are also challenging with respect to topography, plants, and visibility. They have crafted a sensibly placed home that fits on the lot in an appropriate fashion. They have created articulation and character where the home is visible.

Steve Abbs

- Commented that their application has zero exceptions to the Hillside Guidelines and Standards. The primary photo was taken from a viewing platform defined in the Hillside Guidelines. The house is well designed for the site.

Commission members asked questions of Mr. Abbs.

David Weissman (Appellant)

- Commented that all the alternatives presented would fit much better on the lot if their sizes were reduced. The project is in complete compliance with the Hillside Standards, except for the visibility issue. Abuse of the existing trees during construction puts them at risk for premature death. He emphasized the importance of considering potential visibility when calculating the visibility of proposed homes. Extensive understory grading has been done to the lots without specific grading permits required by the Hillside Standards.

Commission members asked questions of Mr. Weissman.

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

Commission members discussed the matter.

Commission members asked questions of staff.

MOTION: **Motion** by **Commissioner O'Donnell** to find that no further environmental analysis is required; the project is consistent with PD Ordinance 2147; the project is consistent with Hillside Development Standards and Guidelines and the Hillside Specific Plan; the project is consistent with the considerations for approval of Architecture and Site applications; and to approve Architecture and Site Application S-14-072 subject to the conditions of approval as noted in Exhibit 4 of the staff report dated March 11, 2015 and Exhibit 12 of the Development Plan, and to deny the appeal of a DRC decision.

Commissioner Kane requested the motion be amended to add the Town arborist shall make periodic visits to the site at the direction of the Community Development Director.

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

Seconded by Commissioner Kane.

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

Planning Manager Joel Paulson cited the appeal rights.

NEW PUBLIC HEARINGS

2. 681 Blossom Hill Road, Suite 100

Conditional Use Permit Application: U-14-022

APN: 529-65-028

Property Owner: Tom Consunji, CHL Ventures LP

Applicant: Jeff Burrill, Studio 37, LLC

Project Planner: Erin Walters

Requesting approval of a Conditional Use Permit for a high turnover sit down restaurant (Pizza Studio) on property zoned CH:PD.

Vice Chair Badame opened the public hearing.

Erin Walters, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Jeff Burrill

- Commented that Pizza Studio would fit into and be a benefit to Los Gatos, because they provide healthy food made with pride. He has been a restaurateur for 20 years and is a local resident. He has been in contact with the HOA president and addressed all concerns he had.

Commission members asked questions of Mr. Burrill.

Tom Consunji

- Commented that they are very excited to have Pizza Studio come to the development and complete the retail space. They are prepared to work with the HOA and the neighbors.

Commission members asked questions of Mr. Consunji.

Natalie Ladd

- Commented that she lives adjacent to the site and is a board member on the HOA. She is also a Commissioner on the Transportation and Parking Commission and has found that employees of businesses along Los Gatos Boulevard park on Los Gatos Boulevard, where there is ample parking, and she hopes employees of Pizza Studio will do the same. She believes the concerns of the HOA have been addressed.

Jeff Burrill

- Commented that the opportunity for employees to park on Blossom Hill Road is wonderful, but in the end they want it to be convenient for patrons to come to their restaurant.

Commission members asked questions of Mr. Burrill.

Vice 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 Talesfore** to approve Conditional Use Permit U-14-022 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated March 11, 2015, with the added condition that windows of the establishment shall remain free of stacked materials. The required findings were made as noted in Exhibit 2 of the staff report dated March 11, 2015.
Seconded by Commissioner Hanssen.

Commission members discussed the matter.

Commission members asked questions of staff.

VOTE: **Motion passed 4-2 with Commissioners O'Donnell and Erekson opposing.**

Planning Manager Joel Paulson cited the appeal rights.

3. **240 El Cajon Way**
Architecture and Site Application: S-14-036
APN: 424-24-042
Property Owner/Applicant: Dmitry Lebedenko
Project Planner: Jennifer Savage

Requesting approval to demolish an existing single-family residence, construct a new single-family residence, and exceed the maximum floor area on property zoned R-1:8.

Vice Chair Badame opened the public hearing.

Jennifer Savage, Senior Planner, presented the staff report.

Commission members asked questions of staff.

Dmitry Lebedenko

- Commented that the current design has benefited greatly from the consulting architect's feedback. The proposed house maintains the existing character and design of the neighborhood and is consistent with General Plan recommendations. The height profile matches adjacent homes. They have collected signatures from neighbors on their street and in the immediate neighborhood in favor of the project. The house will far exceed the existing General Plan requirements in terms of the environment and sustainability.

Commission members asked questions of Mr. Lebedenko.

Neil Grenzebach

- Commented that he lives next door to the site and represents himself and Bill Ross, the neighbor to the rear. The applicant's lot is two feet higher than his and Mr. Ross's, so anything built on it is higher by two feet. The first floor has ten-foot ceilings that could be lowered to decrease the

imprint to the skyline. He questioned how the site would drain. There is a giant oak tree whose roots would likely be cut by digging during construction.

Commission members asked questions of Mr. Grenzebach.

Dmitry Lebedenko

- Commented that they lowered the house by 3.5 feet at the suggestion of the consulting architect by adjusting the ceiling height between the first and second floors and lowering the roof pitch. If they changed any of those parameters, then all others have to change, and in most cases the overall height of house would be taller. According to the arborist about 25% of the oak tree's root system would be impacted by construction, which can be mitigated. Drainage is planned with retaining pits at the front of the property for the water runoff from the roof. There is only a difference of 1' between the height of his property and those of Mr. Grenzebach and Mr. Ross.

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

Commission members discussed the matter.

Commission members asked questions of staff.

MOTION: **Motion by Commissioner Kane to deny Architect and Site Application S-14-036 due to inability to make findings and because it is in conflict with the Residential Design Guidelines.
Seconded by Commissioner O'Donnell.**

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

Planning Manager Joel Paulson cited the appeal rights.

NEW OTHER BUSINESS

4. Report from Community Development Director, Laurel Prevetti
 - Town Council met 3/3/15; considered the North 40 Specific Plan and set a special meeting for April 14, 2015 to continue their deliberations.

ADJOURNMENT

Meeting adjourned at 9:43 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, March 11, 2015

Kendra Burch, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager