

**DRAFT**  
**MINUTES OF THE PLANNING COMMISSION MEETING**  
**JUNE 10, 2015**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, June 10, 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 Erikson led the Pledge of Allegiance. The audience was invited to participate.

**APPROVAL OF MINUTES OF MAY 13, 2015**

**MOTION:** Motion by **Commissioner Talesfore** to approve the meeting minutes of **May 13, 2015**.  
**Seconded** by **Commissioner Kane**.

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

**WRITTEN COMMUNICATIONS**

None.

**REQUESTED CONTINUANCES**

None.

**SUBCOMMITTEE REPORTS**

**Conceptual Development Advisory Committee**

Commissioner O'Donnell

- The 6/10/15 CDAC meeting considered one matter:
  - 401-409 Alberto Way.

**VERBAL COMMUNICATIONS (AUDIENCE)**

John Shepardson

- Commented that in Cupertino the sheriff costs \$300 less per citizen than the Los Gatos Police Department. That \$300 difference multiplied by 30,000 Los Gatos citizens comes to \$9 million annually that could potentially be saved by contracting with the sheriff.

Commission members asked questions of Mr. Shepardson.

**CONSENT CALENDAR**

None.

## NEW PUBLIC HEARINGS

**Chair Burch stated that Agenda Item #2 would be heard before Agenda Item #1.**

**2. 657 University Avenue**

Conditional Use Permit U-15-001

APN 529-10-083

Property Owner: Edward Rhodas

Applicant: Gary Nishita

Project Planner: Jocelyn Puga

Requesting approval of a Conditional Use Permit to operate an auto repair and paint business (Bi-City Paint and Body)

**Chair Burch opened the public hearing.**

Jocelyn Puga, Assistant Planner, presented the staff report.

Commission members asked questions of staff.

Gary Nishita

- Commented that he understood the concerns regarding safe use of the space. They have designed the space so cars can drive in, turn around, and pull out going forward. They are proposing to put mirrors on the sides of the garage doors to prevent accidents. He acknowledged the one bay space was small, but said the portable spray booth can be used not just for painting vehicles but also for prepping them.

Commission members asked questions of Mr. Nishita.

Commission members asked questions of staff.

Mark Mander

- Commented that he does not agree with the proposed use of the site, mainly because of parking. Parking in the area is challenging and already maxed out 8 a.m. to 5 p.m., Monday through Friday. He added that there are already four body shops in the near vicinity with their customers also using parking.

Commission members asked questions of Mr. Mander.

Dennis Gilman

- Commented that he is the manager of South Bay Auto Body and finds it hard to believe that only one person could maintain a business of this caliber. Safety equipment, storage of hazardous waste, and spraying of the vehicles needs to be carefully investigated. Portable spray booths are not legal. It does not sound possible that customers could turn their vehicles around in such a small building.

Commission members asked questions of Mr. Gilman.

Jim Malamatenios

- Commented that he is the owner of South Bay Auto Body and the owner of several buildings on the street. He was told there would be no more Conditional Use Permits allowed for spray booths when the Town revoked the one that he had at 601 University. In this same building there is another "satellite" body shop that takes Los Gatos customers and their dollars to work sites in San Jose, Cupertino, etc., to fix their cars.

Commission members asked questions of Mr. Malamatenios.



Bob Flury

- Commented that he did not plan to make a presentation, but he and the property owner are available to answer questions.

Commission members asked questions of Mr. Flury.

Mike Condo

- Commented that his construction company has done many jobs Downtown. They will restrict the hours when they can bring materials in and will not do so during school traffic hours. They will use trucks no larger than 16 feet. There will be flaggers and they won't stop traffic for more than a couple of minutes when bringing in materials. They will use the two parking spaces in the back except on days they are working on the side of the building.

Commission members asked questions of Mr. Condo.

Hennessey Zander

- Commented that she represents her mother, Harriet Zander, who owns the property next door at 23 E. Main. They are concerned about the safety of the new wall next to her mother's building and how it would be erected. She asked where the construction personnel would park.

Commission members asked questions of Ms. Zander.

Bob Flury

- Commented that they have dialogued with the Zanders, but have not actually gone through the plans with them. It would be more difficult for them if the terrace was in the back of the building and it would necessitate an awkward walkway to get to it. They have tried to design the second story to be compatible with the nearby historic buildings.

Commission members asked questions of Mr. Flury.

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

**MOTION: Motion by Commissioner Erikson to continue Architecture and Site Application S-12-102 to a date to be determined after questioning the applicant.  
Seconded by Commissioner Talesfore.**

Commission members discussed the matter and provided the following direction to the applicant:

- No veranda in front
- No sliding glass doors in front
- Windows need to be in keeping with historic area
- The addition needs to maintain the integrity of the existing building and its first story
- The applicant should meet with the adjacent owner about the construction plan
- A second story front setback is fine, however, it should be "non-ambulatory" (i.e., no access to a useable outdoor area)

**Chair Burch reopened the public portion of the public hearing.**

Chair Burch asked questions of Mr. Flury.

Commission members asked questions of staff.

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

**Commissioner Erikson amended his motion to continue the public hearing for 25 E. Main Street to the meeting of August 12, 2015.**

**The seconder accepted the amendment to the motion.**

**VOTE: Motion passed 6-0-1, Commissioner O'Donnell recused.**

### **NEW OTHER BUSINESS**

3. Report from Community Development Director, Laurel Prevetti
  - Town Council met 5/19/15, approved the Tree Protection Ordinance, heard the Santella Court property appeal, and remanded it back to the Planning Commission. The Council met 6/2/15, continued the North 40 Specific Plan discussion to June 17, 2015, and continued the Union Avenue appeal to June 16, 2015.

### **ADJOURNMENT**

**Meeting adjourned at 9:52 pm.**

TOWN OF LOS GATOS PLANNING COMMISSION  
Wednesday, June 10, 2015

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Kendra Burch, Chair

APPROVED AS TO FORM AND ATTEST:

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Joel Paulson  
Planning Manager