

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
AUGUST 26, 2015

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, August 26, 2015, at 7:00 p.m.

MEETING CALLED TO ORDER

Chair Burch called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chair Kendra Burch, Vice Chair Mary Badame, Commissioner Charles Erektion, Commissioner D. Michael Kane, Commissioner Tom O'Donnell, and Commissioner Joanne Talesfore

Absent: Commissioner Melanie Hanssen

PLEDGE OF ALLEGIANCE

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

WRITTEN COMMUNICATIONS

None.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner Kane reported that he and Commissioner O'Donnell attended three HPC meetings since the last Planning Commission meeting:

- The 7/22/15 HPC meeting considered four matters:
 - 14316 Mulberry Drive
 - 140 Foster Road
 - 194 Villa Avenue
 - Historic Demolition Penalties

- The 8/19/15 HPC meeting considered four matters:
 - 140 Foster Road
 - 45 Broadway
 - 21 Oak Hill Way
 - 222 Bella Vista Avenue

- The 8/26/15 HPC meeting considered four matters:
 - 15360 Francis Oaks Way
 - 311 W. Main Street
 - 112 Los Gatos Boulevard
 - Historic Demolition Penalties

VERBAL COMMUNICATIONS (AUDIENCE)

None.

APPROVAL OF MINUTES OF AUGUST 12, 2015

MOTION: Motion by **Commissioner Talesfore** to approve the meeting minutes of **August 12, 2015**.
Seconded by **Commissioner Badame**.

VOTE: Motion passed 6-0.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

4. 15371 Santella Court - Lot 8 (taken out of order)

Architecture and Site Application S-15-001

APN 529-09-017

Applicant/Property Owner: Davidon Homes

Contact Person: Steve Abbs

Appellant: David Weissman

Project Planner: Jocelyn Puga

Consider an appeal of a decision of the Development Review Committee to approve an Architecture and Site Application to construct a new single-family residence and remove large protected trees on property zoned HR-2½:PD.

Chair Burch opened the public hearing.

Jocelyn Puga, Assistant Planner, presented the staff report.

Commission members asked questions of staff.

Dave Weissman

- Commented that there are six areas that need to be addressed for the three Highlands applications: 1) How should visibility be calculated? 2) When are alternative viewing platforms appropriate? 3) What constitutes a healthy tree? 4) What constitutes harm to a tree? 5) When should a deciduous tree be assessed for visibility? 6) Should these important visibility calculations be peer reviewed?

Commission members asked questions of Dr. Weissman.

Steve Abbs

- Commented that the height requirement makes it challenging to comply with the Hillside Development Standards and Guidelines. They have complied fully with the arborist's report in preserving existing trees. The visual analysis is to be viewed with the naked eye standing on the viewing platform, not seen 50 feet away from a drone. There are no deciduous trees on Lot 8 providing any screening.

Commission members asked questions of Mr. Abbs.

Dennis Razzari

- Commented that the Hillside Development Standards and Guidelines do not require a nighttime visibility analysis to be done. They do not have control of what homeowners do with curtains or

blinds in their home. With the visibility of the home on Lot 8 being below the canopy, the windows will be screened.

Sandy Decker

- Commented that she agrees with Dr. Weissman's assessment that the Hillside Development Standards and Guidelines need revision and strengthening due to the many ways they can be interpreted. She reminded the Planning Commission that the vision for the Hillside Development Standards and Guidelines, and the quest of the Commission, is that this natural asset be preserved.

John Bourgeois

- Commented that he heard the original subdivision application when he was a Planning Commissioner and reiterated his comments from that evening: The Hillside Development Standards and Guidelines were made for this type of special and beautiful parcel. Not all lots on the parcel are created equal, and consequently a house of a certain size on one lot cannot be guaranteed on its neighboring lot. If the Commission is uncomfortable with the visibility of the three Highlands lots, it is fair to question or even postpone the application.

Commission members asked questions of Mr. Bourgeois.

Lee Quintana

- Commented that she chaired the committee that developed the Hillside Development Standards and Guidelines and even then was concerned with: The visual analysis and its 25% methodology; the allowable maximum development and intensity is flawed for hillsides; the many exceptions that could be allowed; goals of the document as a whole or how it relates to the General Plan's policies and goals.

Steve Abbs

- Commented that they have worked with staff for over a year on this project under the Town's current policies. They have complied with everything except for a few unavoidable exceptions. They have defended their project approvals at great expense. The suggestions made by Dr. Weissman are not feasible. They need to design to the current Town policies, and that is what they have done.

Commission members asked questions of Mr. Abbs.

Dennis Razzari

- Commented that if they take 25% of the average of the rest of the homes in this development, it would be basically the same size home as what is proposed, well within the size and scale of the community. This house is at 2% visibility from the Town viewing platform, as required by the Hillside Ordinance. It is driven by a 30-foot setback on a steep slope; it steps down the hill, and is not highly visible from the end of the cul de sac in comparison to some of the other homes. A smaller house could be designed, but would it be smaller than 2%?

Dave Weissman

- Commented that although the story pole netting of Lot 7 is not very visible from Los Gatos Boulevard, the mass and bulk of the house next door on Lot 6 is readily viewable from that same spot with the naked eye. Davidon asks for fairness, but they are now required to pay for mandatory monthly consulting arborist reports because of continued code violation and bad horticultural practices on the Highlands. In July 2015 Davidon graded Lots 7, 8, 9, and 10 without permits.

Commission members asked questions of Dr. Weissman.

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 Talesfore** to continue the public hearing for the appeal for Architecture and Site Application S-15-001, 15371 Santella Court (Lot 8), to a date certain with direction to staff and the applicant for desired revisions and to return to the Planning Commission due the Commission's inability to make the required findings that the project is consistent with the Hillside Development Standards and Guidelines, the Hillside Specific Plan, or Planned Development Ordinance 2237. The direction included: modify or reconfigure the home to conform to the site; step the cellar; reduce massing; reduce house ridgeline; and improve compliance with Hillside Development Standards and Guidelines.
Seconded by **Commissioner Badame**.

Commission members discussed the matter.

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

Chair Burch reopened the public input portion of the hearing.

The Commission asked questions of the Mr. Abbs.

Chair Burch indicated that the application would return to the Planning Commission on October 28, 2015.

1. **15600 and 15659 Los Gatos Boulevard**
Planned Development Application PD-11-005
Negative Declaration ND-11-007
APNs 424-14-028 and 036
Property Owner: Longs Drug Stores California, LLC
Applicant: Boos Development West
Project Planner: Jennifer Savage

Requesting approval to change the zone from CH to CH:PD to demolish existing commercial buildings (18,052 square feet), to construct new commercial buildings (28,763 square feet), and to operate a super drugstore (CVS) with a drive-through service window. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended.

Chair Burch opened the public hearing.

Jennifer Savage, Senior Planner, presented the staff report.

Commission members asked questions of staff.

Michael Mallard

- Commented that they have listened to the Commission and the public regarding architecture, lighting, and traffic and have come up with a good compromise. They reached out to neighbors within 1,000 feet to include many more neighbors in the design concept.

Commission members asked questions of Mr. Mallard.

Stephen Labonge

- Commented that there are always pharmacists and techs in the pharmacy who are alerted when a customer comes to the drive-through window. The drive-through window is typically for customers who have called in their prescription and are simply picking it up.

Commission members asked questions of Mr. Labonge.

John Moore

- Commented that his business is next to the subject property and he has been hoping for many years that a viable business will move in next door, not an empty car lot that is dark at night. However, he is concerned about the location of the secondary building, that it is too tall.

Commission members asked questions of Mr. Moore.

LeeAnn Daily

- Commented that she lives one block from the proposed project. At a previous meeting she raised her concern regarding traffic on Cherry Blossom Lane, and studies of that traffic have still not been done or addressed in any revisions. This project proposes a daily increase of 2,000 additional cars and she anticipates a great many of them will come down Cherry Blossom Lane.

Commission members asked questions of Ms. Daily.

Vicki Cramer

- Commented that she is concerned with the removal of five oak trees, one of which is 80 years old. The trees back up to her property and filter sunlight, as they will for the future parking lot lights. She asked the developer to build around the trees and try to save them. She is also concerned that the employees of CVS will park on her street.

Commission members asked questions of Ms. Cramer.

Joseph Gemignani

- Commented that he was impressed with the revised design over the initial design, but he does not like the darker roof. He said he would support the project, but he would prefer the lighter colors of the previous design that he feels reflect the Los Gatos Boulevard colors better.

Julie Mercik

- Commented that the Commission has the opportunity to create the best CVS out there with architectural uniqueness, however, she did not support a drive-through window. The traffic on Los Gatos-Almaden and the turn lane is a huge problem. She did not support a parking exception.

Commission members asked questions of Ms. Mercik.

Michael Mallard

- Commented that in order to mitigate traffic CVS is installing a bus bay along Los Gatos Boulevard, adding an additional turn lane, signal modifications, and paying into the regional traffic fund. With respect to the drive-through, it is a different type than found at fast food restaurants. They feel that the traffic on Cherry Blossom Lane is outside their scope of work and the problems there need to be addressed by the Town with traffic calming devices.

Commission members asked questions of Mr. Mallard.

Tony Silva

- Commented that the heights are due to a ceiling height in retail of 12 feet to keep from feeling congested; then 2.5 feet for mechanical, electrical, and fire equipment; then about 2 feet of roof structure, then mechanical units on the roof, about 5.5 feet; then a little bit more for articulation, coming to about 24 feet from existing grade. There is also a 3-foot grade difference between their

property and the neighboring property, so the perceived height of the building is actually 3 feet taller, something they cannot control.

Commission members asked questions of Mr. Silva.

Commission members discussed whether there was a motion to continue the meeting past 11:30 p.m.

Commission members asked questions of staff.

MOTION: **Motion by Chair Burch** to continue the public hearing for Item 1, 15600 and 15650 Los Gatos Boulevard; Item 2, 15343 Santella Court (Lot 7); and Item 3, 15358 Santella Court (Lot 10), to the meeting of September 9, 2015.
Seconded by Commissioner Talesfore.

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

NEW OTHER BUSINESS

1. Report from Community Development Director, Laurel Prevetti
 - None.

ADJOURNMENT

Meeting adjourned at 11:30 p.m.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, August 26, 2015

Kendra Burch, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager