

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
DECEMBER 11, 2013

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, December 11, 2013, at 7:00 P.M.

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: Chair Charles Erikson, Vice Chair Margaret Smith, Commissioner John Bourgeois, Commissioner Kendra Burch, Commissioner Tom O'Donnell, Commissioner Marico Sayoc, Commissioner Joanne Talesfore

Absent: None.

APPROVAL OF MINUTES

None.

WRITTEN COMMUNICATIONS

Desk Items for Item 3 and Item 5.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner Burch

- The 12/4/13 HPC meeting considered two matters:
 - 51 Ellenwood Avenue
 - 207 Los Gatos Boulevard
- The 12/11/13 HPC meeting considered two matters:
 - 51 Ellenwood Avenue
 - 212 Bean Avenue

Conceptual Development Advisory Committee Matters

Commissioner Talesfore

- The 12/11/13 HPC meeting considered one matter:
 - 105 Newell Avenue

VERBAL COMMUNICATIONS (AUDIENCE)

John Shepardson

- Commented that big money developers are seeking to takeover Los Gatos and scare the public into believing Netflix is leaving.

RECOGNITION OF COMMISSIONER JOHN BOURGEOIS

CONSENT CALENDAR

1. **Adopt Proposed Meeting Schedule for 2014**
2. **14675 Winchester Boulevard**
Conditional Use Permit Application U-13-019
APN: 409-23-001 and -002.

access, and sky views and the new design adds to the bulk of the structure so it remains incompatible with the neighborhood and conflicts with the Residential Design Guidelines.

Commission members asked questions of Mr. and Mrs. Logan.

Jeff Loughridge

- Commented that Mr. Prolo has worked with his neighbors and presented a more appropriate alternative to his previous submission.

Carol Musser

- Commented that she supports the project because the applicant has met the Town guidelines, has addressed the concerns of the neighbors, redesigned the plans and made concessions and accommodations for compatibility with the neighborhood.

Chris Evenden

- Commented that the plan changes have resulted in a change of only 1.08% to the square footage, the calculations understate the bulk of the home by about 15% because the 330 square foot covered porch is not included, and that they lose a significant portion of the sky view because of the bulk.

Donald Prolo, Sr.

- Commented that when his son bought the property Town staff reassured him he could construct a two-story home, he responded to the objections of adjacent neighbors and gained the support of many residents of the neighborhood and the proposed home is in character with the Loma Alta neighborhood.

Donald Prolo, Jr.

- Commented that the Logan's home blocks his view and compromises his privacy in the same way they complain his home will do to theirs, his proposed home blends well with the neighborhood of Craftsman and ranch style homes, the new design is a great improvement in terms of light to the neighbors and he could reduce the balcony to the minimum required.

Commission members asked questions of Mr. Prolo and architect, Chris Spaulding.

Commission members asked questions of staff.

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

Commission members discussed the matter.

MOTION: **Motion by Commissioner Bourgeois** to approve Architecture and Site Application S-13-049 subject to the conditions as noted in Exhibit 3 of the staff report dated October 9, 2013. The required findings were made as noted in Exhibit 2 of the staff report dated October 9, 2013. Also subject to the following additional Conditions of Approval: 1) Reduce the balcony off the master bedroom to the minimum required to be able to open doors and have air circulation. 2) Minimize the downstairs to the approval of staff, possibly by reducing the master bedroom. 3) Reduce the back patio to the approval of staff.
Seconded by Vice Chair Smith.

VOTE: **Motion passed 5-2 with Commissioners Talesfore and Burch dissenting.**

Planning Manager Joel Paulson recited the appeal rights.

4. **15644 Shady Lane (Lot 3)**
Architecture and Site Application S-13-035.
APN: 527-09-012.
Property Owner/Applicant: Davidon Homes
Project Planner: Suzanne Avila

Requesting approval to construct a new single family residence within an approved Planned Development (Highlands of Los Gatos) on property zoned HR-2½:PD.

Chair Erikson opened the public hearing.

Suzanne Avila, Project Planner, presented a staff report.

Commission members asked questions of staff.

Jeff Thayer

- Commented that he would turn the presentation over to architect Vance Graham.

Vance Graham

- Commented that they have been careful with the slopes of the roofs and how they integrate into the local topography in keeping with the Hillside Ordinance, they have used a neutral color, they are maintaining the single-story edge as the defining element of the geometry, and most of the home is blocked from the viewing platform by trees.

Commission members asked questions of Mr. Graham and Steve Abbs.

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

Commission members discussed the matter.

MOTION: **Motion by Commissioner Talesfore** to approve Architecture and Site Application S-13-035 subject to the conditions as noted in Exhibit 4 of the staff report dated December 12, 2013. The required findings were made as noted in Exhibit 3 of the staff report dated December 12, 2013.
Seconded by Commissioner Bourgeois.

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

Planning Manager Joel Paulson recited the appeal rights.

NEW PUBLIC HEARINGS

5. **258 Union Avenue**
Conditional Use Permit Application U-13-012
Subdivision Application M-13-004
Architecture and Site Applications S-13-20 through S-13-027
Negative Declaration ND-13-002
APN 527-44-012 and 013
Property Applicant: Chris Kummerer, CKA Architects
Property Owner: Valley One Investment, LLC
Project Planner: Suzanne Avila

Requesting approval of a Conditional Use Permit to construct eight residential condominiums on property zoned C-1. An Initial Study and Mitigated Negative Declaration was prepared by the California Environmental Quality Act (CEQA).

Chair Erikson opened the public hearing.

Suzanne Avila, Project Planner, presented a staff report.

Commission members asked questions of staff.

Chris Kummerer

- Commented that they took the CDAC's comments to heart, they made an effort to accommodate neighbors' concerns, their two-story development is consistent with the surrounding properties, and they are below the density set out by the municipal code.

Commission members asked questions of Mr. Kummerer.

Commission members asked questions of staff.

Chi-Ping Siu

- Commented that he would like the development to be less dense because they live at the rear and the tall buildings would overlook their back yard and pool.

Commission members asked questions of Mr. Siu.

Shigong Liu

- Commented that he opposes the development because its windows would face his home and yard and the building would block his sky view.

Maureen Heberling

- Commented that she would like the number of homes reduced from eight to four single-story single-family homes, a required drainage system, notification to neighbors when heavy equipment is to be used, and better notification of meetings.

Lancy Yew

- Commented that the condominiums are too high and too close to her back yard and would take away her privacy and block the sunlight from the east.

Pat Scannura

- Commented that she would welcome the development, but it should be reduced to single-story homes or four units, and she is concerned about the drainage and water runoff from the development.

Lee Quintana

- Commented that this is an attempt to circumvent the need for a General Plan amendment and a rezoning of this property, a CUP used in this manner results in a General Plan that is not consistent with what has actually been built there.

Commission members asked questions of Ms. Quintana.

John Yeager

- Commented that the development would result in a wall of houses overlooking his property, if trees were installed he will lose sunlight, and the zoning should be changed to R-1 so the development would fit in with the neighborhood.

Shawn Wang

- Commented that their proposal includes a drainage plan, they will take neighbors' concerns into consideration, and the density of the development is in the middle range.

Kim Connor

- Commented they took great care to consider the privacy of the lots behind the development.

Commission members asked questions of Mr. Kummerer.

Chair Erikson 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 deny Conditional Use Permit Application U-13-012 based on the density for this particular design is not consistent under the Conditional Use Permit requirements as noted in Exhibit 5 of the staff report dated December 11, 2013 and that the use of the property as proposed would not be in harmony with the various elements and objectives of the General Plan and purpose of the Town Code as noted in Exhibit 5; to deny Subdivision Application M-13-004 based on not making the finding that the site is physically suitable for the development as proposed; to adopt Mitigated Negative Declaration ND-13-002; and deny Architecture and Site Applications S-13-20 through S-13-027 because the back units are not consistent with those requirements as previously stated.**
Seconded by Chair Erikson.

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

Planning Manager Joel Paulson recited the appeal rights.

6. **52 Oak Hill Way**
 Architecture and Site Application S-13-073
 APN: 529-34-101
 Property Owner/Applicant: Devlin Creighton
 Project Planner: Jennifer Savage

Requesting approval to exceed the maximum floor area ratio for an existing single-family dwelling on property zoned R-1D.

Chair Erikson opened the public hearing.

Jennifer Savage, Project Planner, presented a staff report.

Devlin Creighton

- Commented that they want to enclose the downstairs patio, the proposed modification does not change the foundation, require roofline adjustments, or require any exterior adjustments other than placing windows in existing openings, and post square footage is mid-range relative to neighboring properties.

Commission members asked questions of Mr. Creighton.

Rick Van Huesen

- Commented he is Mr. Creighton's back yard neighbor and he supports the project.

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

MOTION: **Motion by Vice Chair Smith** to approve Architecture and Site Application S-13-073 subject to the conditions as noted in Exhibit 3 of the staff report dated December 11, 2013. The required findings were made as noted in Exhibit 2 of the staff report dated December 11, 2013.
Seconded by Commissioner O'Donnell.

Commission members discussed the matter.

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

Planning Manager Joel Paulson recited the appeal rights.

RECOGNITION OF TOWN ATTORNEY JUDITH PROPP

7. **50 University Avenue, Space D200**
 Conditional Use Permit Application U-13-021
 APN: 529-02-044
 Applicant: William Duff Architects (Cleve Brakefield)
 Property Owner: SRI Oldtown, LLC
 Project Planner: Marni Moseley

Requesting approval of a formula retail apparel store (Blue Illusion) in a commercial space previously occupied by a formula retail store (Chico's) on property zoned C-2:LHP:PD.

Chair Erikson opened the public hearing.

Commissioners Sayoc and O'Donnell and Vice Chair Smith recused themselves from participating in the hearing because they live within 500' of the subject property.

Chair Erikson indicated there was still a quorum on the Commission.

Cleve Brakefield

- Commented they are requesting to make tenant improvements of the 1,500 square foot space with no proposed changes to the exterior and a sign in front that will conform to the Town's signage requirements.

Commission members asked questions of Mr. Brakefield.

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

MOTION: **Motion by Commissioner Talesfore** to approve Conditional Use Permit Application U-13-021 subject to the conditions as noted in Exhibit 3 of the staff report dated December 11, 2013. The required findings were made as noted in Exhibit 2 of the staff report dated December 11, 2013.
Seconded by Commissioner Burch.

Commission members discussed the matter.

VOTE: **Motion passed 4-0 with Commissioners Sayoc and O'Donnell and Vice Chair Smith recusing.**

Planning Manager Joel Paulson recited the appeal rights.

NEW OTHER BUSINESS

8. Report from Director of Community Development
Planning Manager Joel Paulson
 - Development Review Committee met on 11/19/13 and recommended approval of a parking lot improvement building permit for 16735 Lark Avenue; 11/26/13 approved construction of an addition for 15941 Quail Hill Road; 12/10/13 approved a grading permit for 16100 Greenridge Terrace for clearance of existing unpaved roadways on a vacant site.
 - Town Council met 12/2/13, approved Napa Style CUP with modifications to the conditions and did not approve the requested tasting area; approved CUP for Palacio for outdoor seating; denied appeal of Tree Removal Permit for 36 Peralta. 12/9/13 conducted interviews for two Planning Commission vacancies and other boards and commissions with appointments to be announced 12/16/13.

9. Commission Matters
None.

ADJOURNMENT

Meeting adjourned at 10:56 p.m.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, December 11, 2013

Charles Erekson, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager