

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
FEBRUARY 26, 2014

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, February 26, 2014, at 7:00 pm.

MEETING CALLED TO ORDER

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

ROLL CALL

Present: Chair Margaret Smith, Vice Chair Kendra Burch, Commissioner Mary Badame, Commissioner Charles Erekson, Commissioner Tom O'Donnell, Commissioner Marico Sayoc, Commissioner Joanne Talesfore

Absent: None.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF FEBRUARY 12, 2014

MOTION: **Motion by Commissioner Talesfore to approve meeting minutes of February 12, 2014.**
 Seconded by Commissioner Erekson.

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

WRITTEN COMMUNICATIONS

Desk Items for Item 2 and Item 5.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner O'Donnell

- The 2/26/14 HPC meeting considered:

- 100 Prospect Avenue

VERBAL COMMUNICATIONS (AUDIENCE)

None.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

1. **16268 Los Gatos Boulevard**
 Architecture and Site Application S-13-050
 Conditional Use Permit Application U-13-020
 APN 532-06-060

Property Owner: Fox Creek Fund
Applicant: Gary Kohlsaas
Project Planner: Suzanne Avila

Requesting approval to demolish an existing commercial building and to construct a new commercial building on property zoned C-1.

Chair Smith opened the public hearing.

Suzanne Avila, Senior Planner, presented a staff report.

Gary Kohlsaas

- Commented that as requested they moved the building back 10 feet, increased the setbacks, incorporated the balconies, and changed the roof tiles. The owners of the next-door retail space want the building pushed back more; however, that would require parking in the front, and the design guidelines call for parking to be shielded from the street.

Marshall Smith

- Commented that the proposed building is too big, not compatible with the area, and is not pedestrian friendly because the parking is in the back. Without a setback of at least 35 feet the building would destroy the visual continuity of the open space associated with the area.

Gary Kohlsaas

- Commented that he believes his building reflects the character of Los Gatos and its design guidelines, he does not believe Mr. Smith's photos are accurate, his building's immediate neighbors have less than 30-foot setbacks, and if they moved the building and parking they would lose parking spaces.

Commission members asked questions of Mr. Kohlsaas.

Florian Barth

- Commented that as the property owner they want to be compliant with the Town's design guidelines and do not want to ask for a variance. Moving the building back would bring it closer to a residential building where they would look into the back yard.

Chair Smith 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 Architecture and Site Application S-13-050 and Conditional Use Permit Application U-13-020 subject to the conditions of approval as noted in Exhibit 6 of the staff report dated February 26, 2014. The required findings were made as noted in Exhibit 5 of the staff report dated February 26, 2014.
Seconded by Vice Chair Burch.

Commission members discussed the matter.

VOTE: **Motion passed 6-1 with Commissioner Badame dissenting.**

Planning Manager Joel Paulson cited the appeal rights.

2. 100 Prospect Avenue

Subdivision Application M-13-003

Environmental Impact Report EIR-13-002

APN 529-44-005

Property Owner/Applicant: Sisters of the Holy Names of Jesus and Mary

Project Planner: Suzanne Avila

Requesting approval to subdivide a 10.3 acre parcel into 17 lots on property zoned R-1:20. An Environmental Impact Report has been prepared.

Chair Smith opened the public hearing.

Suzanne Avila, Senior Planner, presented a staff report.

Commission members asked questions of staff.

Sister Mary Pat Leroy

- Commented that the sale of their property will return it to residential use consistent with their neighborhood. Their plan complies with the General Plan and zoning and will result in de-intensification of the use and the site with the proceeds from the sale going toward future health care of their aging members.

Commission members asked questions of Sister Mary Pat Leroy.

Morgan MacDonald

- Commented that he is a near neighbor to the project. The Sisters have kept them up to date on their plans and addressed their concerns. They support the project.

Phil Micciche

- Commented that he recommends the removal of the Stone House.

Commission members asked questions of Mr. Micciche.

Stephanie Lynott

- Commented that she supports the Sisters' development proposal and believes their decision to sell the property is a responsible and respectful decision.

Jason Farwell

- Commented that he urges the Commission to maintain the number of lots at 17 as each lot has financial impact to the Sisters.

Dennis McEvoy

- Commented that the Sisters have been great neighbors and included their neighbors in their plans. He gives the project his full support but is concerned about the cumulative impact on traffic and schools when converting large properties to residential.

Bill Krause

- Commented that the existing neighborhood has 35-44% longer frontages than what the Sisters request, the lot sizes are below the neighborhood standard, and a 15-lot development rather than 17 lots would be more in character with the neighborhood.

Eric Morley

- The plan has been carefully designed to meet every requirement of the General Plan and Zoning Code, the lot sizes are larger than the lots in the neighborhood, and the Stone House is structurally unsound.

Commission members asked questions of Mr. Morley and Sister Mary Pat Leroy.

Chair Smith 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 recommend that the Town Council certify the Environmental Impact Report EIR-13-002, adopt the Mitigation Monitoring and Reporting Plan, and approve Subdivision Application M-13-003 and Development Plan set forth in Exhibit 9 subject to the conditions of approval as noted in Exhibit 6 of the staff report dated February 26, 2014. The required findings were made as noted in Exhibit 5 of the staff report dated February 26, 2014. The Commission did not follow the recommendations of the Historic Preservation Committee but instead finds the structural integrity of the Stone House is such that it does not meet the requirements of the guidelines.
Seconded by Commissioner Badame.

Commission members discussed the matter.

Commissioner Erekson requested that Condition of Approval #70 be amended to state the hauling of soil would not be between 7:00 am and 9:00 am and between 2:00 pm and 6:00 pm.

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

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

Commissioner Talesfore requested the motion be amended to request the Town Council to consider a memorialization of the site, including the Stone House, in an appropriate manner to be determined by the Council.

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

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

VOTE: Motion passed 7-0.

3. **33 East Main Street**
 Conditional Use Permit Application U-13-024
 APN 529-28-036
 Property Owner: East Main Investment, LLC
 Applicant: Shawn Lucca
 Project Planner: Marni Moseley

Requesting approval to operate a yogurt shop (Yogurt in Love) on property zoned C-2:LHP.

Chair Smith opened the public hearing.

Chair Smith and Commissioner O'Donnell indicated they would recuse themselves from the public hearing item because they live within 500 feet of the subject property.

Marni Moseley, Associate Planner, presented a staff report.

Shawn Lucca

- Commented that the yogurt shop would be family-run and in a spot that doesn't have a similar business in the vicinity. The business will draw in foot traffic and support other nearby restaurants and retail establishments. They have gathered 75 signatures from townspeople who support the business in that area.

Commission members asked questions of Mr. Lucca.

Anthony Kerin, Esq.

- Commented that there is a condition in the lease that would address the Commission's concern about cleanliness in front of the store. (They do not believe a restaurant would survive the CUP process) and no retail businesses have shown interest in the space in four years. The yogurt shop would increase foot traffic and be a positive influence on that area of town.

Shawn Lucca

- Commented they would need some sort of seating and plan on three tables with four chairs each.

Vice 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 Erikson to deny Conditional Use Permit Application U-13-024 on the basis that it is in conflict with Ordinance 2021. Seconded by Commissioner Talesfore.**

Commission members discussed the matter.

VOTE: **Motion passed 5-0.**

Planning Manager Joel Paulson cited the appeal rights.

Chair Smith and Commissioner O'Donnell returned to the meeting.

4. **165 Los Gatos-Saratoga Road**
Conditional Use Permit Application U-13-025
APN 529-04-083
Property Owner: Sueanne and Nicholas Gera
Applicant: Alexander Hult
Project Planner: Marni Moseley

Requesting approval to modify an existing Conditional Use Permit for a restaurant (Hult's) with beer and wine service to full liquor service on property zoned C-2.

Chair Smith opened the public hearing.

Marni Moseley, Associate Planner, presented a staff report.

Commission members asked questions of staff.

Alexander Hult

- Commented that like other restaurants they need to be able to offer the ability to have a drink before dinner, which is part of a fine dining experience.

Commission members asked questions of Mr. Hult.

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

MOTION: **Motion** by **Commissioner Erikson** to recommend that the Town Council approve Conditional Use Permit Application U-13-025 subject to conditions of approval as noted in Exhibit 3 of the staff report dated February 25, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated February 26, 2014.
Seconded by **Commissioner O'Donnell**.

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

NEW OTHER BUSINESS

5. Interpretation of the Sign Ordinance regarding the definition of a Tenant Directory sign.

MOTION: **Motion** by **Commissioner Erikson** to continue Item 5 to the Planning Commission meeting of March 26, 2014.
Seconded by **Vice Chair Burch**.

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

6. Report from Director of Community Development
 Planning Manager Joel Paulson
- Since the last Planning Commission meeting, the Development Review Committee approved two applications: a time extension at 107 Colorado Court and two homes at 234 and 236 Los Gatos Boulevard.
 - Town Council met 2/18/14, discussed the CUP complaint process, discussed the Albright right-of-way easement and set a public hearing for March 17, 2014, and designated an ad hoc committee to explore opportunities for pursuing a Town ballot initiative for the Albright Way project to go on the same ballot as the current initiative.

Commission members asked questions of staff.

7. Commission Matters
 None.

ADJOURNMENT

Meeting adjourned at 10:18 p.m.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, February 26, 2014

Margaret Smith, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager