

DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
MARCH 12, 2014

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, March 12, 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 Erikson, Commissioner Tom O'Donnell, Commissioner Marico Sayoc, Commissioner Joanne Talesfore

Absent: None.

PLEDGE OF ALLEGIANCE

Commissioner O'Donnell led the Pledge of Allegiance. The audience was invited to participate.

APPROVAL OF MINUTES

None.

WRITTEN COMMUNICATIONS

Desk Item for Items 1, 2 and 3.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

None.

VERBAL COMMUNICATIONS (AUDIENCE)

None.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

1. **16428 Englewood Avenue**
Architecture and Site Application: S-13-089
APN: 532-05-019
Property Owner: Steve Massei
Applicant: Gary Kohlsaat
Project Planner: Suzanne Avila

Requesting approval to demolish an existing single-family residence and to construct a new residence with reduced side setbacks and a detached garage with a reduced side setback on property zoned R-1:20.

Chair Smith opened the public hearing.

Suzanne Avila, Senior Planner, presented a staff report.

Gary Kohlsaat

- Commented that they moved a bedroom suite from upstairs to downstairs and changed it to an office, reduced overall ratio proportions between the first and second floor, reduced overall size of house by 58 square feet, moved the second floor setback back to almost 20 feet, and moved the garage away from the side setback. The neighbors are pleased with the changes as it helped with the shadow impact and opened up views.

Commission members asked questions of Mr. Kohlsaat.

Chair Smith 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-13-089 subject to the conditions of approval as noted in Exhibit 12 of the staff report dated March 12, 2014. The required findings were made as noted in Exhibit 11 of the staff report dated March 12, 2014.

Seconded by Vice Chair Burch.

Commission members discussed the matter.

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

Planning Manager Joel Paulson cited the appeal rights.

NEW PUBLIC HEARINGS

2. **16 Clifton Avenue**
Architecture and Site Application: S-13-032
APN: 510-45-087
Property Owner: Ken Crafford
Applicant: Jim Parden
Project Planner: Marni Moseley

Requesting approval to convert an existing five-unit multi-family residence into a single-family residence with a second dwelling unit, construct a second story addition greater than 100 square feet, and exceed the maximum allowable FAR on property zoned R1-D:LHP.

Chair Smith opened the public hearing.

Marni Moseley, Associate Planner, presented a staff report.

Commission members asked questions of staff.

Ken Crafford

- Commented that he grew up in Los Gatos. He and his wife have owned the property since 1969 and have deep ties to it as they wish for their children to also raise their families in Los Gatos and in this home.

Jay Plett

- Commented that they want to return the house to its original form, which will contribute to the neighborhood. The second dwelling unit will be retained as a rental unit, which is consistent with the neighborhood. Parking would come into conformance and be onsite, not on the street.

Lawren Kutting

- Commented that she shares her father's wish for her to raise her family in Los Gatos and in the home in which she was raised.

Commission members asked questions of Mr. Plett.

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

Commission members discussed the matter.

MOTION: **Motion by Vice Chair Burch** to approve Architecture and Site Application S-13-032 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated March 12, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated March 12, 2014.
Seconded by Commissioner Badame.

Commissioner Talesfore requested the motion be amended to add that the Historic Preservation Committee's preference for French doors, with the agreement of the architect and owners, is included in the Conditions of Approval.

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

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

Commission members discussed the matter.

Commission members asked questions of staff.

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

Planning Manager Joel Paulson cited the appeal rights.

- 3. 15588 Benedict Lane**
Architecture and Site Application: S-13-084
APN: 424-22-009
Property Owner: Enviro Diversified Development Inc.
Applicant: Lance Tate
Project Planner: Marni Moseley

Requesting approval to demolish an existing single-family residence and to construct a new single-family residence on property zoned R-1:8.

Chair Smith opened the public hearing.

Marni Moseley, Associate Planner, presented a staff report.

Commission members asked questions of staff.

Lance Tate

- Commented that he is a long time resident of Los Gatos and is building this home for his family. They consulted with their neighbors and came up with a plan that is sensitive to the neighborhood. They have received 17 letters of support from neighbors.

Commission members asked questions of Mr. Tate and architect Chris Spaulding.

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

Commission members discussed the matter.

MOTION: **Motion by Commissioner Sayoc to approve Architecture and Site Application S-13-084 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated March 12, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated March 12, 2014, with Condition #10 of Exhibit 3 amended to state that the metal roof is now acceptable.**

Seconded by Commissioner Erekson.

Commission members discussed the matter.

Commissioner O'Donnell requested the motion be amended to incorporate into the Conditions of Approval that the roof and the board and batten siding materials used be as described to the Planning Commission.

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

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

Commission members discussed the matter.

VOTE: **Motion passed 5-2 with Vice Chair Burch and Commissioner Talesfore dissenting.**

Planning Manager Joel Paulson cited the appeal rights.

4. **300 Marchmont Drive**
 Conditional Use Permit: U-12-002
 Environmental Impact Report: EIR-13-001
 APNs: 532-10-001 and 532-11-011
 Property Owner/Applicant: Hillbrook School/Mark Silver
 Project Planner: Jennifer Savage

Accepting public comment to increase school enrollment and modify operations of an existing private school (Hillbrook School) on property zoned HR-1. No action will be taken at this meeting.

Chair Smith opened the public hearing.

Janhavi Gudal

- Commented that the policy to discourage development along dead end streets has not been considered in the Draft EIR because of the assumption that Marchmont Drive is not a dead end street; but because Ann Arbor Drive is closed, Marchmont Drive is functionally a dead end street.

Sharon Elder

- Commented that she urges the Planning Commission to not certify the DEIR because it is based on questionable data and faulty reasoning. She believes Hillbrook School should mirror the traffic mitigation policies of Blossom Hill Elementary.

Tara Moseley

- Commented that the DEIR is inadequate because it is based on questionable data and faulty reasoning and does not address hazardous conditions and safety concerns related to traffic.

Cindy Vindasius

- Commented that the DEIR is inadequate and should not be certified until it includes an impartial and complete evaluation of using Ann Arbor Drive as a second school access.

Todd Harris

- Commented that participation by parents in Hillbrook's voluntary traffic mitigation plan has decreased since its pilot phase. The DEIR's alternative plan, the Transportation Demand Management Alternative, is based on the presumption that the traffic plan will ensure continued reductions achieved in the pilot plan and that the plan will be sustained.

Rutger Vrijen

- Commented that the DEIR fails to answer what amount of total daily traffic is appropriate for a residential dead end street like upper Marchmont, and has insufficiently evaluated the impacts of the traffic loads on the quality of life and safety of residents. He asks why the widely used ITE traffic standards were not used and added that applying ITE traffic standards to upper Marchmont Drive reveals that acceptable traffic levels are already exceeded.

Don Dobson

- Commented that the DEIR is flawed. Members of the public requested ITE traffic standards be used to evaluate traffic on Marchmont Drive. The alternative plan that was used, the Transportation Demand Management Alternative, has many limitations.

Patti Elliot

- Commented that there is no mention in the DEIR that students staying after school for sports adds a whole new traffic peak period after the afternoon peak period. All the full day traffic counts reflected in the DEIR as "average daily traffic" were taken on days when there was little to no afterschool sports activities. A full and accurate traffic study reflecting Hillbrook's true impact on the neighborhood needs to be conducted.

Kathleen Willey

- Commented that the DEIR has unsupported claims about traffic reduction and there are accuracy problems with the traffic counts. She and her neighbors do not believe the report when it states that 276 more cars, a number they believe is largely underestimated, would not have an impact on traffic and safety.

Mark Jamieson

- Commented that the DEIR is based on insufficient, unreliable, and inconsistent information with not enough data to support the report's conclusions and the data itself changes from page to page. The PM peak period was cut down to one hour to make the data look better.

Barbara Dodson

- Commented that the DEIR fails to satisfy the General Plan's requirement that maximum traffic mitigation be used on streets adjacent to homes and schools. Hillbrook's current traffic program is flawed because it is voluntary, has no traffic reduction targets, and has not reduced overall traffic.

Arya Barirani

- The DEIR is defective, inconsistent, filled with omissions and bases all its conclusions on an exit count of 165 during peak periods. Using exit counts during peak periods is a faulty way to measure true traffic impacts because cars can go into the school during peak hours and exit during non-peak hours.

Kim Bryan

- Commented that the Draft EIR contains inconsistencies and bad data in the Transportation and Traffic section.

Reuel Warkov

- Commented that the entire traffic study portion of the DEIR is defective, because the Traffic Demand Management plan upon which all the assumptions about traffic mitigation programs is based is entirely voluntary. A cap on peak periods, particularly in the afternoons, is ineffective as a traffic mitigation measure because there is a constant flow of students before and after those peak periods. There needs to be a maximum full day trip limit of 400 vehicle trips.

Erin Wentzien

- Commented that the DEIR does not address summer traffic, which is completely different from school year traffic because of summer camps at Hillbrook and other schools, as a separate issue. Until separate information for the summer is generated the DEIR should not be certified.

Hu Wang

- Commented that he is concerned about Hillbrook's requested increase in summer traffic, which could be as high as during the school year and put children in danger.

Robyn Blum

- Commented that it is unacceptable that the DEIR fails to look at Stonybrook Road which has heavy Hillbrook traffic and has a higher than normal amount of accidents. The ITE formula for evaluating the appropriate levels of traffic on residential streets should be used or the DEIR should explain why it is not relevant.

Heather Dal Cielo

- Commented that the DEIR leaves out significant elements from the Transportation and Land Use sections of the General Plan and does not address these key protections. Traffic increases from a Hillbrook expansion would degrade the neighborhood and threaten public safety.

Gretchen Moore

- Commented that the DEIR concludes residents of Hilow Road would not notice a 63% increase in traffic on their street, but Hilow Road is heavily used by families and kids going to school and each car poses a safety risk. The DEIR also found no traffic and safety issues with the shuttle bus stop on Shannon Road and Blossom, but she has witnessed a bus stopping in the bike lane causing children to ride outside the bike lane and into traffic and traffic cutting through the parking lot to get around the backup created by the bus.

Burr Nissen

- Commented that he questions the report's assertion that the residents around Hillbrook school would not notice an increase in traffic due to a Hillbrook expansion and he believes the gate on Ann Arbor Drive should be opened to create a through street.

Brigid Moreton

- Commented that the DEIR is based on questionable data such as disconnected traffic hoses on upper Marchmont and hand-counted traffic, and inconsistent statements, such as the traffic consultant discussing a reduction of overall traffic with the neighbors but then focusing only on peak period traffic.

Maria Ristow

- Commented that the DEIR does not address the Town policy to, "Make land use decisions that encourage walking, biking and public transit use." The report also did not address the fact that a further increase in enrollment at Hillbrook would result in an increase in traffic and potentially a decrease in residential walking and biking. A major deficiency is that the option to open the Ann Arbor gate was not explored.

Ali Khani

- Commented that the DEIR lacks data on the critical issue of safety. Hillbrook traffic was not a problem until the school began its after extra hours and weekend activities. Younger families have moved in with more kids and cars, creating more safety concerns and more chance of accidents.

Darius Fanibanda

- Commented that the DEIR is defective in terms of the traffic increase. He believes the increase in traffic would put them in the range of significantly impaired traffic area.

Jak Van Nada

- Commented that if the Hillbrook expansion were approved then opening traffic through Ann Arbor Drive as an exit only would cut the impact for the residents in half and should be strongly considered. Carpooling and busing should be mandatory. This is a neighborhood street, not a major arterial.

Bill Wagner

- Commented that the DEIR and traffic study does not adequately address the traffic conditions, speed, and safety issues on Hilow Road, all of which will be made worse by adding more traffic, even a limited amount. Because Hilow is wide people drive too fast, adding safety concerns to kids and bikes, etc.

Joe Sordi

- Commented that the DEIR's biggest mistake is the comparison of four days of traffic counts taken in 5/2011 to four days taken in 3/2013 and ignores a full year of counts taken since then. Validity of the DEIR's traffic counts in suspect.

Edward Lozowicki

- Commented that he is concerned with public safety, which is not adequately addressed in the DEIR. There are omissions and internal inconsistencies between the findings and the data presented.

Greg Blum

- Commented that the alternatives proposed in the DEIR are inadequate and based on unreliable and/or false claims. The report does not look at traffic throughout the day, which has increased. Hillbrook needs to put a mandatory and enforceable traffic mitigation program in effect. The no project alternative is the best choice at this time. The DEIR also needs to look at opening the Ann Arbor Drive gate in some form.

Susan Beritzhoff

- Commented that she lives next door to the Hillbrook School and its traffic is unsafe. All Hillbrook traffic enters and exits on Marchmont. The Ann Arbor Drive gate leading to Hillbrook is locked because Ann Arbor residents do not want Hillbrook traffic, but Marchmont Drive has too much of it.

Eric Fox

- Commented that he is a Hillbrook parent and alumni. He supports the findings of the DEIR because it reaffirms the previously issued Negative Declaration supporting the proposed student increase. The DEIR confirms to all Hillbrook parents whose children use the bus they are reducing traffic impacts on the neighborhood. The increase at Hillbrook would alleviate overcrowding in Los Gatos schools while not having an impact on its neighbors.

Rob Hakim

- Commented that he is a Hillbrook parent. He supports the DEIR and its assertion that there are no significant environmental impacts created by Hillbrook's request to modify their CUP and increase their student enrollment.

Chuck Hammers

- Commented that he is the Chairman of Hillbrook. An increase in enrollment would allow the school to bring in more Los Gatos students. He had held over a dozen neighbor meetings. He believes the DEIR is legally sound, data driven, very comprehensive and showed no impact to the surrounding neighborhood.

Steve Benjamin

- Commented that he is a trustee of Hillbrook. As a transportation engineer he was not surprised at the DEIR's conclusion that there would be no significant impacts. The concerns of the neighbors have been addressed and none of the neighbors' claims have been validated with actual data. The DEIR should be accepted as written.

Heidi Collins

- Commented that she supports the DEIR. The conclusions of the DEIR are valid in the context that was given, which was looking at the additional impact of the added enrollment, not the original conditions of the CUP.

Jeffrey Barnett

- Commented that he supports the conclusion of the DEIR that there is no significant impact. Opening the Ann Arbor Gate is unacceptable as no mitigation is required under CEQA because there is no significant impact. The Town assured he and his neighbors when they bought their homes that Ann Arbor Drive was a cul-de-sac and the gate would not be opened for public traffic.

Kenneth Arendt

- Commented that the Ann Arbor gate has never been authorized for Hillbrook students, teachers, staff or maintenance access. Homes on Ann Arbor and hundreds of homes on other streets are being impacted by all the extreme traffic.

Dan Shaw

- Commented that he is a Hillbrook parent and is a trustee. He is an expert in land use planning and finds the DEIR to be a very comprehensive and complete report that includes data from independent certified consultants who have adequately analyzed the potential impacts and concluded that there are no significant impacts.

William Meleyco

- Commented that the DEIR inaccurately tests the sound levels and ignores sports and special events, especially during after school hours. Testing was done during quiet days with no planned events at the school. The report states that the existing levels are at or above acceptable levels but does not suggest any mitigation measures.

Lee Quintana

- Commented that the alternative for opening the Ann Arbor gate was not addressed in the DEIR because it was "politically infeasible." The definition of feasible does not contain political factors. A study on opening the gate needs to be made. The DEIR is deficient in that it contains only the traffic report conclusion but not the analysis.

Dave Demaria

- He and his neighbors on Ann Arbor Drive agree with the conclusion of the EIR that Marchmont has the capacity to carry additional traffic and to adequately serve the neighborhood traffic. Hillbrook is not proposing to alter school access," which is why the Ann Arbor secondary access alternative was considered but rejected, not just for political reasons. They bought their homes on

Ann Arbor knowing there was a CUP condition that said, "The emergency access road shall not be opened at any time to public or school use."

Hal Chase

- Commented that Marchmont and surrounding streets have a traffic problem created by Hillbrook and Hillbrook needs to fix the problem within the requirements of the CUP that they require expanded busing and car-pooling.

Chair Smith closed the public input portion of the hearing.

NEW OTHER BUSINESS

5. Report from Director of Community Development
Planning Manager Joel Paulson
 - Town Council met 2/17/14, discussed appeal of Planning Commission decision denying two homes at 16560 Shannon Road, and remanded the projects back to the Planning Commission; discussed the Albright Way initiative, accepted the 9212 report regarding the initiative, placed the initiative on the 6/3/14 ballot; approved a settlement agreement between Los Gatos Citizens for Responsible Development, the Town, and the developers.
6. Commission Matters
None.

ADJOURNMENT

Meeting adjourned at 10:50 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, March 12, 2014

Margaret Smith, Chair

APPROVED AS TO FORM AND ATTEST:

Joel Paulson
Planning Manager