

**MINUTES OF THE PLANNING COMMISSION MEETING
MAY 28, 2014**

The Planning Commission of the Town of Los Gatos conducted a Special Meeting on Wednesday, May 28, 2014, at 7:45 PM.

MEETING CALLED TO ORDER

Chair Smith called the meeting to order at 7:45 pm.

ROLL CALL

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

Absent: Vice Chair Kendra Burch

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES OF MAY 14, 2014

MOTION: Motion by Commissioner Talesfore to approve meeting minutes of **May 14, 2014.**
Seconded by Commissioner Sayoc.

VOTE: Motion passed 6-0.

WRITTEN COMMUNICATIONS

Desk Item for Items 2 and 3.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee Matters

Commissioner Badame

- The 5/28/14 Historic Preservation Committee meeting considered four matters:

- 228 Massol Avenue
- 304 Nicholson Avenue
- 315 University Avenue
- North Forty Specific Plan

Housing Element Advisory Board

Commissioner Sayoc

- Because of procedural issues during the 5/22/14 Housing Element Advisory Board meeting, looking at, identifying, and voting on where affordable housing sites would be will take place during the 6/19/14 meeting.

VERBAL COMMUNICATIONS (AUDIENCE)

None.

CONSENT CALENDAR

1. **16 Lyndon Avenue**
Conditional Use Permit Application: U-14-011
APN: 510-44-044
Property Owner: One Six Inc.
Applicant: Colin and Raymond Triplett
Project Planner: Marni Moseley

Requesting approval to operate a personal training facility (Mint Condition Fitness) with group classes on property zoned C-2.

Chair Smith opened the public hearing.

Chair Smith indicated that she would recuse herself from participating in the consent calendar item because she has a lease interest in the building at 16 Lyndon and rents office space there. She appointed Commissioner Erekson to chair the item.

MOTION: Motion by **Commissioner O'Donnell** to approve Consent Item 1.
Seconded by **Commissioner Talesfore**.

VOTE: Motion passed 5-0 with Chair Smith recusing.

Chair Smith returned to the meeting.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

2. **15529 Union Avenue**
Conditional Use Permit Application: U-14-006
APN: 523-41-036
Property Owner: DS Downing LP
Applicant: Terry and Brit Ratto, Moo Ventures LG LLC
Project Planner: Marni Moseley

Requesting approval to operate a high turnover, sit-down restaurant with outdoors seating (Mooyah Burgers) on property zoned C-1.

Chair Smith opened the public hearing.

Marni Moseley, Associate Planner, presented a staff report.

Terry Ratto

- Commented that Mooyah Burgers has 75 locations in the US, with this one being the third in California. It is a family-friendly, custom burger concept that he believes will be an asset to the community.

Commission members asked questions of Mr. Ratto.

Commission members asked questions of staff.

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 Conditional Use Permit Application U-14-006 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated May 28, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated May 28, 2014. With the additional condition of approval that staff work with the property owner in considering a barrier around the outdoor eating area.

Commissioner O'Donnell requested an additional condition of approval be added, that the barrier be without additional expense to the tenant except for the cost of, for example, moveable planter boxes, and that it be consented to by the landlord without altering the rental terms.

The maker of the motion accepted the two conditions.

Seconded by Commissioner O'Donnell.

Commissioner Talesfore amended the motion to change the language from considering a barrier to requiring a barrier.

Commissioner O'Donnell withdrew his second.

The motion failed for lack of a second.

MOTION: **Motion** by **Commissioner Sayoc** to approve Conditional Use Permit Application U-14-006 subject to the findings and considerations stated by Commissioner Talesfore in the previous motion.

Seconded by Commissioner O'Donnell.

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

Planning Manager Joel Paulson cited the appeal rights.

3. **15540 El Gato Lane**
 Architecture and Site Application: S-14-003
 APN: 523-23-021
 Property Owner: Fletch and Florence Sullivan
 Applicant: Chris Spaulding
 Project Planner: Jennifer Savage

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

Chair Smith opened the public hearing.

Jennifer Savage, Associate Planner, presented a staff report.

Commission members asked questions of staff.

Fletch Sullivan

- Commented that their 60 year old home is getting toward the end of its usefulness, but it and the neighborhood are home to them. He pointed out that the Town's architect said the neighborhood will likely transition to larger homes.

Commission members asked questions of Mr. and Mrs. Sullivan and Chris Spaulding, the architect.

Don Mason

- Commented that he supports the project, noting that the tax dollars are important for the Los Gatos schools.

Angela D'Orfani

- Commented that she and her husband live down the street from the Sullivan's and value the improvements the Sullivans are making, because it will continue to raise property values in the neighborhood.

Commission members asked questions of Ms. D'Orfani.

Renato D'Orfani

- Commented that their home, which they remodeled, is of similar in age to the Sullivan's, and he believes their project is positive for their neighborhood, which is in transition.

Randy Lowe

- Commented that the Sullivans are investing in the community. The Sullivan's project will improve not only their house, but also the neighborhood, and will increase the property value of the neighbors.

Henrik Hoyer

- Commented that he lives across the street from the Sullivans and believes the project would be an enhancement to the entire street and that it is important to transition into more aesthetic architecture.

Commission members asked questions of Mr. Hoyer.

Gary Marcum

- Commented that the homes on El Gato are not well built and need updating, and he hopes to one day remodel his home. The street needs more of what the Sullivans are doing, because it makes the street and neighborhood better.

Kristina Burling

- Commented that she lives behind the Sullivans. She was initially concerned about privacy, but she has seen the plans and believes the design is well oriented from her perspective. She supports the project, but hopes there will be no window overlooking her yard.

Commission members asked questions of Ms. Burling

Florence Sullivan

- Commented that they chose to go through the Town's process, which is more extensive than the county process and significantly more expensive, because they want to do a tasteful rebuild that would improve the neighborhood. They have tried to take into consideration the issues raised.

Commission members asked questions of Ms. Sullivan.

Fletch Sullivan

- Commented that he believes the project would bring the neighborhood up, and his neighbors feel the same. There has been no neighborhood opposition to the project.

Commission members asked questions of Mr. Sullivan and Chris Spaulding.

Chair Smith 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 Architecture and Site Application S-14-003 because it does not fit the neighborhood, saying he would adopt the recommendations and the facts as stated in the letter from the Town Architect.
Seconded by **Commissioner Talesfore**.

Commission members asked questions of staff.

Commissioner O'Donnell withdrew the motion.

The seconder agreed to withdraw the motion.

MOTION: **Motion** by **Commissioner O'Donnell** to continue Architecture and Site Application S-14-003 to June 25, 2014.
Seconded by **Commissioner Talesfore**.

Commission members discussed the matter.

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

4. **Zoning Code Amendment**
 Zoning Code Amendment A-14-001
 Project Planner: Jennifer Savage

Consider adoption of amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding the sales, service, and repair of zero emission battery electric vehicles in the C-2 and CH zones, and services stations in the C-1, C-2, CH, and LM Zones.

Chair Smith opened the public hearing.

Jennifer Savage, Associate Planner, presented a staff report.

Commission members asked questions of staff.

Commission members discussed the matter.

MOTION: **Motion** by **Commissioner O'Donnell** to recommend adoption of Zoning Code Amendment A-14-001 to Town Council subject to the Required Findings and Considerations as noted in Exhibit 1 of the staff report dated May 28, 2014.
Seconded by **Commissioner Erikson**.

Commissioner O'Donnell amended the motion to include the LM Zone.

Commissioner Erikson withdrew his second.

Commissioner Badame seconded the motion.

Commissioner Erikson requested the motion be amended to include the sale of internal combustion engines in the LM zone.

Commission members asked questions of staff.

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.

Commissioner Sayoc requested the motion be amended to include sales, service and repair of electric vehicles in the C-1, C-2, C-H, and LM zones.

Commissioner O'Donnell declined to amend the motion.

VOTE: Motion passed 5-1 with Commissioner Sayoc dissenting.

NEW OTHER BUSINESS

5. Report from Planning Manager Joel Paulson
 - Development Review Committee met 5/27/14, approved an addition to an existing home at 200 Johnson Avenue.

6. Commission Matters
 - None.

ADJOURNMENT

Meeting adjourned at 9:53 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, May 28, 2014

/S/ Margaret Smith, Chair

APPROVED AS TO FORM AND ATTEST:

/S/ Joel Paulson
Planning Manager