

**MINUTES OF THE PLANNING COMMISSION MEETING
AUGUST 27, 2014**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, August 27, 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, and Commissioner Marico Sayoc.

Absent: Commissioner Joanne Talesfore

PLEDGE OF ALLEGIANCE

Vice Chair Burch led the Pledge of Allegiance. The audience was invited to participate.

APPROVAL OF MINUTES OF AUGUST 13, 2014

MOTION: Motion by Commissioner Erekson to approve the meeting minutes of August 13, 2014.
Seconded by Commissioner Sayoc.

VOTE: Motion passed 6-0.

WRITTEN COMMUNICATIONS

Desk Item for Item 1.

Written communication from an individual, not pertaining to a specific item on this or any upcoming agenda.

REQUESTED CONTINUANCES

None.

SUBCOMMITTEE REPORTS

Historic Preservation Committee

Commissioner Badame

- The 8/27/14 HPC meeting considered two matters:

- 212 Bean Avenue
- 12 Bayview Avenue

Housing Element Advisory Board

Commissioner Sayoc

- The 8/21/14 HEAB meeting:

- Completed review of the Housing Element with a draft provided to the Planning Commission.

VERBAL COMMUNICATIONS (AUDIENCE)

John Shepardson

- Commented that Chair Smith's store, Domus, would be well suited to the North Forty, saying it might provide the kind of competition the downtown needs. He also asked that the traffic explosion from San Jose be considered with respect to new projects coming to town.

CONSENT CALENDAR

None.

CONTINUED PUBLIC HEARINGS

None.

NEW PUBLIC HEARINGS

1. **550 Hubbell Way**
Subdivision Application: M-14-002
Architecture and Site Application: S-14-010
APN: 529-09-036
Property Owner: 17230 Buena Vista Partners
Applicant: Richard Hartman, Hometech Architecture
Project Planner: Erwin Ordoñez

Requesting approval of a Tentative Map, and Architecture and Site application for the demolition of the existing structure and construction of four attached units on property zoned RM:12-20.

Chair Smith opened the public hearing.

Erwin Ordoñez, Acting Advanced Planning Manager, presented a staff report.

Commission members asked questions of staff.

Gregory Howell

- Commented that in the two-year approval process the project design has endeavored to satisfy the concerns of all parties and has earned the support of those parties.

Commission members asked questions of Mr. Howell and Mr. Hartman, the architect.

Matt Paulo

- Commented that this design is a nice difference from the rest of the designs in the area and hopes the project will be approved.

Pete Meyers

- Commented that he supports the project and thinks the design is beautiful and will be a great addition to the downtown.

Doug Evans

- Commented that he is in favor of the project and enjoys seeing some architectural creativity coming to the neighborhood.

Commission members asked questions of Mr. Howell.

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

Commission members asked questions of staff.

MOTION: **Motion by Commissioner O'Donnell** to approve Subdivision Application M-14-002 and Architecture and Site Application S-14-010 subject to the conditions of approval as noted in Exhibit 3 of the staff report dated August 27, 2014. The required findings were made as noted in Exhibit 2 of the staff report dated August

27, 2014. A traffic condition was added to Exhibit 3 such that construction traffic would be controlled during the morning and afternoon school hours.
Seconded by Vice Chair Burch.

Commission members asked questions of staff.

Commissioner O'Donnell requested that the motion be amended to include that staff determine whether an 8:00 a.m. construction start time is adequate and that it determine when a similar "rush hour" of students would occur in the afternoon and based on that investigation that there be some traffic control in the afternoon.

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

Commission members asked questions of staff.

Chair Smith requested that the motion be amended to include a sign noting the supervising foreman's cell phone number be posted at the property for neighbors to call.

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 6-0.

Planning Manager Joel Paulson cited the appeal rights.

2. 205/215 Westchester Drive (Tree Appeal)

Tree Removal Permit: T-14-060
APNs: 523-35-030 and 031
Applicant/Property Owner: John Fritz
Appellant/Property Owner: Daniel J. Roberts
Project Planner: Jennifer Savage

Appeal of a decision by the Director of Community Development denying a Tree Removal Permit on properties zoned R-1:8.

Chair Smith opened the public hearing.

Jennifer Savage, Senior Planner, presented a staff report.

Commission members asked questions of staff.

John Fritz

- Commented that their neighbors approached them regarding removing the tree due to safety concerns. They have always preferred to keep the tree, but want to address the neighbor's safety issues and so have proceeded with the application for the tree removal.

Commission members asked questions of Mr. Fritz.

Daniel Roberts

- Commented that denial of the Tree Removal Permit was based on the assumption that selected pruning would limit the amount of foliage and pinecone dropping, however, that assumption is not correct. They had the tree trimmed 25% 18 months ago and it has grown back quickly and has begun dropping pinecones again. They cannot use their property under or near the tree and trimming 25% of the tree will not remove enough to change that.

Commission members asked questions of Mr. Roberts.

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 continue the public hearing for 205/215 Westchester Drive (Tree Appeal) to a date certain, with the following direction: Have the Town arborist inspect the pruning already done to the tree and suggest alternative solutions, if any. Provide a legal interpretation based on public nuisance and what the Commission is allowed to do based on pinecone droppings versus actual tree health.
Seconded by Commissioner O'Donnell.

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

Planning Manager Joel Paulson indicated the continuation date would be September 24, 2014.

3. **16570 Garden Lane**
Tree Removal Permit: T-14-070
APN: 424-19-039
Applicant/Appellant/Property Owner: Sagi Ratzin
Project Planner: Jennifer Savage

Appeal of a decision by the Director of Community Development denying a Tree Removal Permit on property zoned R-1:8.

Chair Smith opened the public hearing.

Jennifer Savage, Senior Planner, presented a staff report.

Rafit Ratzin

- Commented that currently there are 14 large trees on their property. They need to enlarge their home, but they only have 10 feet in which to build in the back because they have a 20 foot setback. They also have to provide four parking spaces because there is another unit on the property and they don't have enough room in the front. They removed five trees, two because they were dead, and three because the Town asked them to remove them.

Commission members asked questions of Ms. Ratzin.

Amnan Levy

- Commented that he is the architect for the project. Although the lot is large, it is challenging, because much of the lot is unavailable for construction, leading to the need to remove the tree.

Commission members asked questions of Mr. Levy.

Mark Baron

- Commented that he is the arborist for the Ratzins, who have been "demonized" in reports from staff and the consulting arborist, but they are trying to follow the rules. If the cedar tree was removed the site would still have several mature trees, including eight of the same size, which the consulting arborist agreed with. The tree reduces the buildable space by 25% and should be removed.

Commission members asked questions of Mr. Baron, and Commission members remarked that no disrespect was communicated by the Town.

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 deny the appeal because the required findings could not be made as noted in Exhibit 2 of the staff report dated August 27, 2014, and further on the basis that none of the reasons set forth fit, the 25% rule asserted by the Applicant does not apply, and there is no reason that the Commission could reverse staff's decision.
Seconded by Commissioner Badame.

Commission members discussed the matter.

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

Planning Manager Joel Paulson cited the appeal rights.

4. **15574, 15588, 15602, 15615, 15630, 15644, 15657, 15672, 15685 Shady Lane; 15315, 15310, 15330, 15343, 15358, 15365, 15371 Santella Court; 15675, 15685 Gum Tree Lane; and 15415 Santella Drive**

Planned Development Application: PD-14-003
APNs: 527-09-010 through 024, and 030 through 033.
Property Owner/Applicant: Davidon Homes
Project Planner: Joel Paulson

Requesting approval to modify the existing Planned Development (Ordinance 2147) to modify the requirement for exterior colors on property zoned HR-2½PD. An Environmental Impact Report (EIR) was prepared for the Planned Development (Ordinance 2147) and was certified by the Town Council on December 19, 2005, and no further environmental analysis is required for this application.

Chair Smith opened the public hearing.

Joel Paulson, Planning Manager, presented a staff report.

Commission members asked questions of staff.

Dennis Razzari

- Given the uniqueness of the site and that it is not highly visible from the surrounding community, the site allows an opportunity to have 19 unique homes which they want to honor with colors true to their architectural styles.

Commission members asked questions of Mr. Razzari.

Vance Graham

- Commented that they are trying to be authentic and diverse, because it is set up as a custom home subdivision.

Commission members asked questions of Mr. Graham and Mr. Razzari.

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 **Vice Chair Burch** to forward a recommendation of denial of PD Application PD-14-003 to the Town Council with direction to consider the option of averaging the color schemes based on the architectural merit of the design of the homes, and to provide further guidance to the Planning Commission for future applications and/or the consideration of LRV for home colors.
Seconded by **Commissioner Sayoc**.

Commissioner Sayoc requested the motion be amended to state it would be specific to this Planned Development based on the topography, location, the uniqueness of the site, and given how remote it is from Town viewing platforms.

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

Commission members discussed the matter.

VOTE: **Motion passed 5-1 with Commissioner Erekson opposing.**

NEW OTHER BUSINESS

1. Report from Community Development Director, Laurel Prevetti
 - Town Council met 8/19/14; approved a home on 15540 El Gato Lane to be built with two stories; there will be a future study session on the topic of applying Residential Design Guidelines and codes to newly annexed neighborhoods to ensure consistent definitions in the immediate neighborhood, and the notion of neighborhoods in transition.

ADJOURNMENT

Meeting adjourned at 9:48 pm.

TOWN OF LOS GATOS PLANNING COMMISSION
Wednesday, August 27, 2014

/s/Margaret Smith, Chair

APPROVED AS TO FORM AND ATTEST:

/s/Joel Paulson
Planning Manager