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- (1) dissatisfied with the decision of the Planning
 (2) Commission may appeal the decision to the Town
 (3) Council. The appeal must be filed within ten days.
 (4) It must be filed in the clerk's office on forms
 (5) available in the clerk's office, and there is fee for
 (6) filing an appeal.
- (7) CHAIRMAN LYON: The next item on our agenda
 (8) under new public hearings is 17101 Hicks Road and
 (9) 14045 Shannon Road, Development Application
 (10) DEV-99-002, Environmental Impact Report, EIR-00-2, and
 (11) Architecture and Site Application S-99-5.
- (12) COMMISSIONER QUINTANA: I'm afraid I'm going
 (13) to have to recuse myself from this one. My - my
 (14) husband has worked with the developer.
- (15) CHAIRMAN LYON: Okay.
- (16) RAY DAVIS: That'll do it to them.
- (17) CHAIRMAN LYON: And so I - Ms. Camingara
 (18) (phonetic), I'll give you a minute or so to get set.
 (19) Okay. Ms. Camingara, you are ready, and I
 (20) know you've got a big project here, so we'll give you
 (21) a little extra time. I'm going to give you eight
 (22) minutes, because you've got a little bit to go
 (23) through, and hopefully we can keep it under that.
- (24) KATIA CAMINGARA: Okay, thank you.
- (25) CHAIRMAN LYON: So please proceed.

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- (1) KATIA CAMINGARA: Good evening Honorable
 (2) Chairman and Members of the Planning Commission. I'm
 (3) Katia Camingar, director of development at Greenbriar
 (4) Homes, the applicant.
- (5) I'm here this evening to present to you our
 (6) 14 home proposal for this 80 acre property. And given
 (7) that you are already fairly familiar with the prior
 (8) project, as well as with the property, I will focus my
 (9) presentation primarily on a review of the specific
 (10) direction that we have received from Council and an
 (11) illustration of how we have responded to that
 (12) direction.
- (13) And based on that, I will ask for your
 (14) recommendation of approval for the applications that
 (15) are in front of you this evening.
- (16) So let's start by reviewing the direction
 (17) that has been given to Greenbriar. In case there is
 (18) anyone in the audience here this evening who's new to
 (19) this project, I'd like to point out that this property
 (20) has been reviewed at 20 different public hearings over
 (21) the past three and a half years, so much thought and
 (22) planning has gone into the plan that is before you
 (23) this evening.
- (24) Most recently, the Council reviewed the
 (25) previous proposal of 19 homes at their July 2001

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- (1) hearing. And they came back with the following very
 (2) specific direction.
- (3) They asked us to redesign the site plan at
 (4) the HR-5 density designation. They asked us to
 (5) eliminate their widening at Hicks and Shannon Roads.
 (6) And they asked us to leave the open space acreage the
 (7) same and the home sizes as we had proposed them.
- (8) Similarly, you, the Planning Commissioners,
 (9) had asked us to maintain the HR-5 zoning designation.
- (10) And also you had asked us to look at further reducing
 (11) the amount of grading.
- (12) So let's start with the first comment, which
 (13) was the request to stay at the HR-5 density
 (14) designation. We have responded to that by removing
 (15) five homes from our prior proposal and by requesting
 (16) to change the application to an HR-5:PD.
- (17) So what's in front of you this evening is 14
 (18) homes, which is the number of homes that is allowed
 (19) under the HR-5 zoning designation. And by staying
 (20) with the HR-5:PD zoning, we're thus eliminating the
 (21) concerns regarding setting any kind of undesirable
 (22) precedents by approving the density that we're
 (23) proposing.
- (24) The second comment from Council was to
 (25) eliminate the proposed widening along Hicks Road and

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- (1) Shannon Roads. And we have responded to that by
 (2) simply eliminating any kind of widening that we had
 (3) previously proposed on Hicks Road, thus leaving both
 (4) Hicks and Shannon Roads in their current rural
 (5) format.
- (6) The third comment was to keep the open space
 (7) acreage the same and also maintain the house sizes as
 (8) we had proposed them, and we again have done precisely
 (9) that. What's before you this evening is a proposal
 (10) that whereby Greenbriar would dedicate 45 acres of the
 (11) 80 acres as permanent open space, and although the
 (12) average lot size has now increased after we have
 (13) removed five homes, it's increased to 3.2 acres, we
 (14) are still maintaining the maximum house size at 4,850
 (15) square feet and an average of 4,650 square feet as we
 (16) had proposed, and again in keeping with the direction
 (17) given to us by Council.
- (18) The fourth comment was to reduce the amount
 (19) of grading further. And with the new site plan we
 (20) have significantly been able to reduce grading
 (21) further. In fact, the grading has gone from what was
 (22) originally 88,000 cubic yards to 23,000 cubic yards
 (23) for the 14 homesites. This represents a two-thirds
 (24) reduction in the grading and, in our view, it
 (25) represents a very, very restrained approach to grading

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- (1) a property with 80 acres and 14 homesites.
- (2) Of course, given the number of hearings that
- (3) this project has been to, we have also received a
- (4) tremendous amount of other feedback along the way.
- (5) And much of that has focused on insuring that whatever
- (6) gets built here will look very rural when it's
- (7) complete.
- (8) And to that end, I would like to highlight
- (9) for you just some of the many things that we have done
- (10) to address these concerns. And I will show you also a
- (11) representative of one of our lots. This is just one
- (12) lot. But basically what we have done is we have
- (13) unprecedented landscape restrictions with limitations
- (14) on the amount of lawn that anybody can have on their
- (15) property.
- (16) We have restrictions on fence types, where
- (17) they can be located. They can't be located on
- (18) property lines, thereby insuring that we have
- (19) biological movement corridors. We have introduced
- (20) rolled curbs for a more rural approach.
- (21) We have restrictions on the type of lighting
- (22) and the amount of lighting that can be – it's minimal
- (23) street lighting as per the direction of the
- (24) Engineering Department, all with the goal of
- (25) minimizing lights so light doesn't shine off and

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- (1) doesn't generate glare, it just shines down.
- (2) We have variation in the lot sizes and in
- (3) the way the houses are oriented to one another. That
- (4) was another comment, to – that will achieve more of a
- (5) rural look as the development could have occurred over
- (6) time.
- (7) We've also committed to having two-thirds of
- (8) the homes single story, 'cause that seemed to be the
- (9) preference. We have variations in the setbacks and
- (10) the distances between the homes. The distance between
- (11) homes, for example, ranges from 90 feet to 260 feet,
- (12) with an average of 160 feet. And the houses are
- (13) spaced very far apart, very rural feeling.
- (14) So again, those are just some of the few
- (15) things that we have done. But obviously, I've given
- (16) you the landscape restrictions, our suggested CC&Rs
- (17) that illustrate in more detail all the magnitude and
- (18) the depth of the various restrictions that will be
- (19) placed on this property to insure that it remains
- (20) rural.
- (21) As you know, an EIR was certified by Council
- (22) for the 19 home proposal. And subsequently the Town
- (23) also – the Town's consultant also prepared an
- (24) addendum to the EIR, which analyzed this particular
- (25) proposal with 14 homes, and concluded that all the

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- (1) potential impacts can be mitigated to less than
- (2) significant with all the mitigation measures and the
- (3) conditions of approval.
- (4) So having said all that, we're asking you
- (5) this evening for you to recommend approval of our
- (6) project and also the EIR addendum, as well as the
- (7) architecture and site for the demolition of the three
- (8) homes. And I'd be happy to answer any questions you
- (9) may have. Thank you.
- (10) CHAIRMAN LYON: Thank you. Commissioners,
- (11) questions for Ms. Camlingar? Commissioner Muller.
- (12) COMMISSIONER MULLER: Yes. One thing was a
- (13) letter we had received from Michael Burke, and I know
- (14) you've already made arrangements with him on water for
- (15) the fire safety, and he was also asking about overhead
- (16) utilities in showing those. Could you address that?
- (17) KATIA CAMINGARA: Sure. Basically, lot 14
- (18) is, I believe, currently served off of Santa Rosa
- (19) Drive, and that is how we would envision it would be
- (20) served in the future, and that's how it would continue
- (21) to be. So I think he may have suggested in his
- (22) letter – I just briefly saw it – that we would bring
- (23) the utilities through the driveway up to lot 14, which
- (24) is something I didn't envision you wanting, because
- (25) the utilities are already up there.

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- (1) So we would propose that those kinds of
- (2) details can be worked out at the A and S for that
- (3) particular lot.
- (4) COMMISSIONER MULLER: Okay, thank you. And
- (5) then I had another question on – and on an eight acre
- (6) lot that could be like over three-quarters of an acre
- (7) of lawns and, as you know, we discourage that. Would
- (8) you be amenable to renegotiating that downwards, your
- (9) maximum lawn size? Even on a two-acre lot – I mean,
- (10) we're looking at 35, 38,000 square foot lawns. This
- (11) is out of line with our hillside guidelines.
- (12) KATIA CAMINGARA: Yeah, I did get that also
- (13) from Chairman Lyon, I recall, at one of the previous
- (14) hearings and, to tell you the truth, basically I put
- (15) forth what we would suggest. I had not heard really
- (16) any other comments to that effect, but we could
- (17) certainly consider placing some kind of a – saying
- (18) ten percent, or let's say, 13,000 square feet,
- (19) whichever is less.
- (20) COMMISSIONER MULLER: 13,000 square feet?
- (21) We'll talk about it later, but thank you.
- (22) CHAIRMAN LYON: Commissioner Micciche.
- (23) COMMISSIONER MICCICHE: How many different
- (24) model styles are there that you're planning out of the
- (25) 14 – of the 13, really?

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- (1) KATIA CAMINGARA: How many? I'm sorry.
 (2) COMMISSIONER MICCICHE: It appears like
 (3) you've got multiple use of the single models here.
 (4) You've got four types of homes you're planning?
 (5) KATIA CAMINGARA: Yeah, we basically have
 (6) four types of floor plans, and then each has four
 (7) different elevations.
 (8) CHAIRMAN LYON: Commissioner Quintana.
 (9) COMMISSIONER QUINTANA: I have a bunch of
 (10) questions. Sorry about that.
 (11) I still want some clarification on the
 (12) grading. 23,000 cubic yards seems like a lot of
 (13) grading for 14 homesites. Could you please clarify
 (14) that? It's more than 1,500 cubic yards per homesite
 (15) on land that's in the hillside, but is relatively not
 (16) steep where you're proposing to build the homes.
 (17) KATIA CAMINGARA: Yeah. 23,000 cubic yards
 (18) for the 13 homesites, it's roughly 1,600 cubic yards
 (19) per homesite. And that is, in my estimation, and also
 (20) having looked at some other applications that have
 (21) been approved by this very same Planning Commission
 (22) fairly recently, I don't think it's that much for
 (23) average 3.2 acre property. And really, the grading
 (24) approach is really restricted to be basically the
 (25) homesite and then the driveway.

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- (1) COMMISSIONER QUINTANA: So you're not going
 (2) to be moving earth over the entire site.
 (3) KATIA CAMINGARA: Not any more, no.
 (4) COMMISSIONER QUINTANA: Not any more, okay.
 (5) Same question still related to that is the grading for
 (6) the street seems fairly reasonable. Is it possible to
 (7) do the grading for the streets without doing the
 (8) grading to the homesites so that that can be put off
 (9) to A and S?
 (10) KATIA CAMINGARA: I'm not sure if I
 (11) understood your question. Is it possible to have the
 (12) grading for the streets -
 (13) COMMISSIONER QUINTANA: Okay. When you
 (14) submit a tentative map, and it has the improvements
 (15) required with the tentative map, the streets, can that
 (16) be done without grading the homesites at the same
 (17) time?
 (18) KATIA CAMINGARA: Yeah, why don't you answer
 (19) that one.
 (20) PAT COSTANZA: Good evening, Commissioners,
 (21) Pat Costanza with Greenbriar.
 (22) Commissioner Quintana, with the grading,
 (23) it's - it's right now graded to balance on site and
 (24) the grading. The quantities you see is not just for
 (25) the pads, it's also for drainage, to make sure you get

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- (1) appropriate drainage through the streets for the
 (2) streets.
 (3) So to commit to just grading of the streets
 (4) without the lots, that doesn't meet the intent of
 (5) designing a site that will balance on site. So
 (6) there's no import or export. Plus, the homes that we
 (7) have worked over the last three years to design are
 (8) split lots where we saw a steepness in the hillside,
 (9) and we introduced that, as you may recall, many
 (10) meetings ago when it was asked to reduce the grading
 (11) along the hillside. We put step lots in there, and
 (12) then the remaining lots are flat building areas.
 (13) But around that, we have contoured to the
 (14) natural grades. I think what Katia was referring to,
 (15) she did look at some of the past applications in the
 (16) Town to see how many yards they were grading per lot,
 (17) and this is substantially less, and it is
 (18) substantially less to any - anything else that we've
 (19) ever done. I mean, it really is a minimal grading of
 (20) quantity.
 (21) COMMISSIONER QUINTANA: Thank you. Also,
 (22) could you tell me what the greatest cut and fill
 (23) heights are for the pads.
 (24) KATIA CAMINGARA: John. I'll have my
 (25) engineer figure that out.

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- (1) JOHN COUZIA: (Inaudible.) It's a few feet
 (2) in most cases.
 (3) CHAIRMAN LYON: Sir, I'll have you step up
 (4) to the microphone, and we'll get your name and
 (5) address - name for the record so you're not an
 (6) inaudible voice from the audience.
 (7) JOHN COUZIA: Thank you. I'm John Couzia
 (8) with MacKay and Soms Civil Engineers. And I'll tell
 (9) you what, let me take a minute and look at that and
 (10) answer your question.
 (11) You've asked that question before, and over
 (12) the various plans we've answered it. It varies from
 (13) lot to lot, and the contours change - and to give you
 (14) a meaningful answer, let me look at it one more time.
 (15) COMMISSIONER QUINTANA: Thank you.
 (16) CHAIRMAN LYON: Okay. We'll come back, sir,
 (17) thanks.
 (18) COMMISSIONER QUINTANA: If somebody has more
 (19) questions -
 (20) CHAIRMAN LYON: Okay.
 (21) COMMISSIONER QUINTANA: - and then I'll
 (22) come back.
 (23) CHAIRMAN LYON: Commissioner Dubois, you
 (24) have some questions?
 (25) COMMISSIONER DUBOIS: As the direction is to

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- (1) not widen Hicks Road at this point under the Council
 (2) directions, could you briefly discuss what treatments
 (3) you're going to provide on the Intersection with Hicks
 (4) Road and the development, how we're going to safely
 (5) transition vehicles both in and out given that there's
 (6) perhaps obstructions to sight lines and the recorded
 (7) speeds of vehicles out there on Hicks Road.
 (8) KATIA CAMINGARA: Sure. Basically our
 (9) traffic consultant reviewed the proposed intersection
 (10) with the Hicks Road, and then their recommendations
 (11) were also peer reviewed by the Town's peer review
 (12) consultant, or the consultant who worked on the EIR,
 (13) also. And both of them concurred that the way it
 (14) would be handled is there would be, first of all,
 (15) warning signs about 300 feet, I think, from each
 (16) direction, coming on each direction, warning people
 (17) that there is going to be a side street there.
 (18) There is also going to be a stop sign for
 (19) the people coming out of the community. So when
 (20) they're approaching Hicks, obviously they have to
 (21) stop, and there's a line to delineate that.
 (22) And then also we in very careful detail
 (23) analyzed the needed – improvements that need to be
 (24) made to provide the appropriate sight distance, which
 (25) is 330 feet, and to the west of the – towards the

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- (1) Hicks and Shannon Road intersection, there were really
 (2) no additional, you know, widening, tree removal,
 (3) anything like that, required to provide that sight
 (4) distance. That sight distance is fairly good, as you
 (5) probably know. But to the other direction, there was
 (6) going to be a slight bit of grading to provide a
 (7) embankment that is not as high as it is right now just
 (8) to provide that sight distance and the removal of
 (9) eight trees.
 (10) COMMISSIONER DUBOIS: Do you envision –
 (11) KATIA CAMINGARA: I'm sorry, I forgot one
 (12) more thing. They had also at one point considered
 (13) putting in a guardrail on the other side of Hicks
 (14) Road, and both consultants recommended against that,
 (15) and they said but instead they would have reflectors
 (16) there. So when someone's coming out of the community,
 (17) you know, they see a stop sign, they stop, but then
 (18) there's also reflectors so at night you can see that,
 (19) that you have to go one or other direction.
 (20) COMMISSIONER DUBOIS: Have you envisioned a
 (21) left turn transition lane on Hicks Road for those
 (22) vehicles making a left into the –
 (23) KATIA CAMINGARA: Neither one of the traffic
 (24) consultants recommended that.
 (25) CHAIRMAN LYON: Commissioners, other

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- (1) questions? Commissioner Quintana.
 (2) COMMISSIONER QUINTANA: I guess I'm up
 (3) again. Excuse me while I check my notes.
 (4) In the packet that you delivered to all the
 (5) Commissioners, you mentioned commitment to many
 (6) things, and in the landscape guidelines, the
 (7) prohibition of several things.
 (8) Our general plan has a statement that things
 (9) that are stated by the applicant in the hearings that
 (10) we use to impart or fully base our considerations of
 (11) approval on should be incorporated as conditions of
 (12) the project. Would you have any objection to that?
 (13) KATIA CAMINGARA: Would I have any objection
 (14) to having the – our proposed landscape guidelines
 (15) incorporated into the project?
 (16) COMMISSIONER QUINTANA: No, not guidelines
 (17) per se, but in your document in the guidelines, you
 (18) indicate that you're going to prohibit lighted tennis
 (19) courts, you're going to prohibit fountains in the
 (20) front yards and several other things. Those are the
 (21) kind of things that I'm talking about from the
 (22) guidelines and from, I believe it's your Section 3,
 (23) where you indicated how you've addressed some of the
 (24) various issues that were brought up by the public.
 (25) You've indicated a commitment to certain

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- (1) things. That's what I –
 (2) KATIA CAMINGARA: Yeah, I don't have a
 (3) problem with any of those things, and that's why I've
 (4) put them forward.
 (5) COMMISSIONER QUINTANA: Okay. One concern I
 (6) have, and I don't want you to get the impression that
 (7) I'm totally negative towards your proposal, but one
 (8) other concern I have is the sample landscape plan that
 (9) you showed, informal landscaping, or even a natural
 (10) state between the fenced area and the property line,
 (11) and in looking at the guidelines, I'm not sure that
 (12) you've – that you're proposing for the CRCs, I'm not
 (13) sure that I can get from those to insuring that
 (14) particular image.
 (15) I just want you to comment – part of my
 (16) concern is what does non-irrigated space mean?
 (17) I think what we're trying to get is some kind of
 (18) a natural blending of the landscaped areas of the
 (19) house or the property – the parcel itself, and the
 (20) open space easement areas, that we don't wind up
 (21) with – basically that we don't wind up with
 (22) something, in my opinion, like we have on Santa Rosa
 (23) Drive, where when you look up there, you see the
 (24) property lines demarcated by fences and formal
 (25) landscaping, and there's an abrupt change from the

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- (1) open space area to the garden –
 (2) (Pause in Tape.)
 (3) (Beginning of Tape Two, Side One.)
 (4) COMMISSIONER QUINTANA: – indicated that he
 (5) recommended prior to the adoption of the conceptual
 (6) development plan or the tentative map, and I want to
 (7) ask you if you have any objection to the earlier so
 (8) that the information is before the Council before they
 (9) actually make their final decision, since that could
 (10) affect lot six.
 (11) KATIA CAMINGARA: Yeah, I don't have a
 (12) problem making it a condition that we do that work
 (13) prior to it going to Council.
 (14) COMMISSIONER QUINTANA: And my final
 (15) question to you has to do with the open space
 (16) easements on lots six, five and eight. The open space
 (17) all seems to be very contiguous until you reach that
 (18) point. And my question is: Is it possible to modify
 (19) the open space easement on lot six so that the trail
 (20) is within that easement and that it's made contiguous
 (21) with lot eight?
 (22) And then on lot five, there's an isolated
 (23) spot that is dividing the lot by an easement, and the
 (24) trail is not in the open space easement and is –
 (25) would you be agreeable to looking at extending the

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- (1) open space easement from the area that's designated as
 (2) the woodland restoration area to the property line so
 (3) that the trail is actually within the easement?
 (4) I know you didn't – you probably didn't
 (5) even consider that, because the Council's directions
 (6) were not to – to keep the same amount of open space,
 (7) but it creates sort of an awkward island.
 (8) KATIA CAMINGARA: And I guess my preference
 (9) really would be to keep it as we had proposed it,
 (10) simply because that's a fairly sizable lot, and it's a
 (11) very, you know, flat usable area. And actually, in
 (12) the past, we had had a home there, but, you know,
 (13) that's no longer there.
 (14) But the point is that it's, you know,
 (15) usable. It's a very sizable – you've seen that area,
 (16) I think. It has some structures in it now, so our
 (17) preference would probably be to keep that, but let me
 (18) make sure I understand your comment on lot six.
 (19) You said make that contiguous with – did
 (20) you say with lot eight? I mean, it – it kind of
 (21) seems like it is.
 (22) COMMISSIONER QUINTANA: I guess I'm
 (23) referring to the segment of the trail that is outside
 (24) the easement.
 (25) KATIA CAMINGARA: Outside the easement.

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- (1) COMMISSIONER QUINTANA: On lot six –
 (2) KATIA CAMINGARA: You know –
 (3) COMMISSIONER QUINTANA: – it's just a small
 (4) section.
 (5) KATIA CAMINGARA: – actually, it's not,
 (6) because if you look at – do you happen to have –
 (7) okay, the reduced, where it says conceptual site plan
 (8) slash –
 (9) COMMISSIONER QUINTANA: Yeah.
 (10) KATIA CAMINGARA: So it's – that dash
 (11) indicates the trail easement. And as far as I can
 (12) tell, the trail is always in it except when it crosses
 (13) over that driveway.
 (14) COMMISSIONER QUINTANA: Most of it.
 (15) KATIA CAMINGARA: Okay.
 (16) CHAIRMAN LYON: Commissioners, other
 (17) questions for Ms. Camingar? I don't think we've got
 (18) an answer to your depth of cut and fill, and I'm sure
 (19) we're going to get that right now.
 (20) KATIA CAMINGARA: I'm have John Couzia.
 (21) JOHN COUZIA: As you may remember, when we
 (22) set all these lot elevations, we picked the centroid
 (23) of the house to be the existing ground elevation. And
 (24) the fall of the land in most cases is four or five
 (25) feet across where the house sits, therefore, there's a

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- (1) couple feet of cut in the upper end and a couple feet
 (2) of fill in the lower end. And that's for almost all
 (3) of the houses except for the ones that are along the
 (4) upper road, and there's as much as seven feet of cut
 (5) in the back corner on lot ten and four feet of fill in
 (6) the front of that one.
 (7) CHAIRMAN LYON: Now, let me ask you a
 (8) question on lot ten specifically. You've got that
 (9) house located very, I guess horizontal or
 (10) perpendicular to the street. If you were to rotate
 (11) that site so that it more followed the contour, could
 (12) you reduce the amount of cut and fill if you were to
 (13) rotate it 30 degrees counterclockwise?
 (14) JOHN COUZIA: You might be able to do
 (15) something slightly.
 (16) CHAIRMAN LYON: Uh-huh.
 (17) JOHN COUZIA: It depends on sort of a
 (18) hierarchy of what's important in siting the house.
 (19) CHAIRMAN LYON: Uh-huh.
 (20) JOHN COUZIA: So if it was twisted a
 (21) little bit counterclockwise, it could – it could
 (22) line up more with the contours, and so perhaps step
 (23) more closely with the land, but then it would be,
 (24) you know, at an odd angle to the street. So something
 (25) like that could be done. I'm not sure that would

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- (1) be of much value.
 (2) CHAIRMAN LYON: Okay. Commissioners, other
 (3) questions? None. Okay.
 (4) Seeing none, we will move into testimony
 (5) from the public. I have a number of cards here. I
 (6) remind you all that you have – each have three
 (7) minutes for your comments. The first card I have is
 (8) Mr. Ireland. Following Mr. Ireland is Ms. Rask.
 (9) Since we have a lot of cards, I will pre-call names so
 (10) we can keep things moving along.
 (11) JON IRELAND: Thank you for your time. I'm
 (12) Jon Ireland. I've been a resident of Los Gatos for 36
 (13) years.
 (14) I've been following this project because I'd
 (15) like to have one of these homes, and it's very unique
 (16) the fact that it's not very often that you find that
 (17) big of a selection for a new one-story house.
 (18) My wife is handicapped, and I need to move
 (19) out of my house. I want to stay in Los Gatos. And
 (20) there's not that many options for me to find a new
 (21) one-story home in Los Gatos. It's a very attractive
 (22) project. And I just can't say enough about how I
 (23) don't want to leave Los Gatos. I've been here that
 (24) long, and I'd like to stay here forever.
 (25) I – so I could go on and on and say about

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- (1) how nice the project is, but as a citizen for as long
 (2) as I have, I've seen a lot of developments in Los
 (3) Gatos, and I feel this is one of the finer ones.
 (4) And how often do you get a selection of that
 (5) many homes that are one-story houses? So I can't say
 (6) enough for it. And thank you very much for your
 (7) time.
 (8) CHAIRMAN LYON: Thank you, Mr. Ireland. Any
 (9) questions for Mr. Ireland? Thank you, sir.
 (10) Ms. Rask. And after Ms. Rask, we have Mr. Anderson.
 (11) JULIE RASK: Thank you. My name is Julie
 (12) Rask. And I was here at the July hearing, and I just
 (13) wanted to reiterate my feelings for when I had in July
 (14) is I still have now.
 (15) I have a young family. I live in Los Gatos,
 (16) and I have all my life. I was born and raised here,
 (17) and like the gentleman before me, I'd like to stay
 (18) here, and with a young family, Commissioner Muller in
 (19) the previous application indicated that it'd be nice
 (20) to have open space with projects and this project
 (21) presents an open space.
 (22) It would be nice to have trails. The Los
 (23) Gatos Lexington trail is so over – over populated.
 (24) Every week end it's just – it's a traffic jam, and
 (25) it's nice to see a project that address it is trails

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- (1) and the open space and the type of project that I feel
 (2) that this town needs and – and takes into account
 (3) what the people here in the town are looking for in
 (4) open space rural looking project.
 (5) And so I came back. I was here in July, and
 (6) I'm here again now just to say that I support the
 (7) project, and I – I'd like to Commission to take a
 (8) look at it, and thank you for your time.
 (9) CHAIRMAN LYON: Thank you, ma'am. Any
 (10) questions? Thank you. Mr. Anderson. Following
 (11) Mr. Anderson is Mr. Fee.
 (12) KEN ANDERSON: I was wondering if the
 (13) traffic engineer is here today by any chance? Is
 (14) there a traffic engineer? Okay.
 (15) I mean, there's a Town one, right? Okay.
 (16) RAY DAVIS: I don't think so.
 (17) KEN ANDERSON: My name is Ken Anderson. I
 (18) live on Diduca Way off of Shannon, about a mile from
 (19) the intersection of Short and Shannon and Hicks and
 (20) Shannon. About a mile, I think, by road from this
 (21) development.
 (22) I'd like to state I'm in support of it. I
 (23) know people like to keep open space, and I think
 (24) that's not a reality in today's world, but it seems –
 (25) what is a reality is compromise. And I think the

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- (1) Town, the citizens and Greenbriar have all compromised
 (2) on this proposal.
 (3) The town wanted 14 homes, and Greenbriar
 (4) came up with 14 homes. We have 45 acres of open
 (5) space. And we have trails for hiking, hopefully
 (6) equestrians, and I guess possibly bicycles.
 (7) One thing I think I heard in one of the
 (8) meetings was a three-way stop sign at Hicks. I'm
 (9) opposed to this. Once in a while I do make a left
 (10) turn onto Hicks, and it's probably the freest
 (11) intersection in this whole town.
 (12) The traffic impact fee I noticed, I
 (13) calculated out to \$80,000. I went to Los Altos High
 (14) School, so maybe – I don't know, maybe the Los Gatos
 (15) High students can figure that one out.
 (16) But what I'd like to see that money go to,
 (17) instead of just a general fund, is Shannon Road is
 (18) cobblestones in a couple of spots between Short Road
 (19) and the County line. And I just can't believe after
 (20) two years of that condition of that road it's never
 (21) been fixed. And I just – I feel that someone in the
 (22) Town must drive on that road once in a while.
 (23) And so I've never complained about it, but I
 (24) thought okay, I'm going to complain about it now and
 (25) just let you guys know that that road, we've basically

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- (1) got to be off, you know, either in the middle of it or
- (2) on the side trying to avoid this cobblestones.
- (3) The other two intersections I think will be
- (4) impacted by this development, but minimally, it's just
- (5) a cumulation of development, is the Roberts Road,
- (6) Shannon, Los Gatos Boulevard. Why that road isn't
- (7) aligned up, and why we gave permission for the Honda
- (8) guys to build out without taking some of their land
- (9) and straighten that intersection out, I don't know.
- (10) And Cherry Blossom and Blossom Hill is also
- (11) a nightmare. Both those roads bottleneck, and the
- (12) school's there, if you go there at 8:45, I'm sure
- (13) you'll - you'll understand what I mean.
- (14) Thank you very much.
- (15) CHAIRMAN LYON: Thank you, Mr. Anderson.
- (16) Questions for Mr. Anderson? Sir, feel free to give
- (17) Mr. Curtis a call at the Town. He's the Director of
- (18) Public Works, and I'm sure he can address your
- (19) concerns relative to the condition of Shannon Road.
- (20) KEN ANDERSON: Is he the traffic engineer?
- (21) CHAIRMAN LYON: He is the Director of Public
- (22) Works. So the traffic engineers work for him.
- (23) KEN ANDERSON: Got you. Thanks.
- (24) CHAIRMAN LYON: Next person up I have is
- (25) Mr. Fee, followed by Mr. Davis.

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- (1) HENRY FEE: Good evening. My name's Henry
- (2) Fee, and I live across the street. I have 35 acres
- (3) that in large part borders the project here.
- (4) There obviously are more citizens than there
- (5) are developers in Los Gatos, and that makes it a
- (6) little tough on developers. But I think we all have
- (7) to be a little careful of what some writers have
- (8) talked about as the tyranny of the majority.
- (9) There needs to be a sense of equity, a sense
- (10) of fairness, and when a person comes in with a project
- (11) and reads the rules and tries to follow the rules and
- (12) are now in their fourth year, I think somebody's
- (13) dropped the ball. And I think that translates into
- (14) higher costs for houses. So at the same time we're
- (15) fussing that we want a nicer environment, we're
- (16) fussing that we want affordable houses. We need to
- (17) see where some of those problems come from.
- (18) Tonight you'll hear from a number of people
- (19) who say they don't want to see that area, quote,
- (20) spoiled. If you would ask them about their particular
- (21) lots, you'll find that what they did was move out to a
- (22) little postage stamp and then look around and not want
- (23) their neighbors to subdivide their land. I think that
- (24) is somewhat unfair.
- (25) And so I would like to say that I think this

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- (1) developing organization over the last four years, as
- (2) I've come to various meetings and seen your
- (3) suggestions, which sometimes are contrary to your
- (4) suggestion from the meeting before. Sometimes they're
- (5) inconsistent with the guidelines you've given before.
- (6) Each time they've jumped through the hoops, and now I
- (7) think it's time to, in the interest of fairness, to
- (8) recognize that more than half of this private land,
- (9) which was bought at market value and taxes were paid
- (10) on, is being given to the people. Not exactly right
- (11) of eminent domain, but very close without
- (12) compensation. I think fairness speaks for a move
- (13) forward now in granting them their permit. Thank
- (14) you.
- (15) CHAIRMAN LYON: Thank you, Mr. Fee. Any
- (16) questions for Mr. Fee? Seeing none, thank you, sir.
- (17) Next person up I have is Mr. Davis.
- (18) RAY DAVIS: I'm afraid I'm going to have to
- (19) differ from the previous speakers. You know, I don't
- (20) stand to make a buck off this, so, you know, it's a
- (21) problem for me, you know, to give you biased comments
- (22) as we've heard previously.
- (23) I'm going to say right off the bat that this
- (24) is a general plan amendment, a rezoning, therefore,
- (25) you have a duty under the law, State of California, to

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- (1) see that it is appropriate to the community.
- (2) Your instructions from the Council, in my
- (3) opinion, are unlawful. You are not restricted to
- (4) anything. It's a brand new plan. Brand spanking
- (5) new. Totally different, significantly different. You
- (6) have your original duty to make sure that it conforms
- (7) with all the public documents. So please be advised,
- (8) don't spend these meetings on your knees cow towing to
- (9) a Town Council who is - are just uninformed, okay, on
- (10) this issue.
- (11) Peer review. The peer review was done. How
- (12) marvelous. At long last, after 120 years we now have
- (13) peer reviews in Los Gatos. And we now have engineers
- (14) in Los Gatos. How marvelous.
- (15) So let me read you the most important
- (16) comment, in my opinion, (inaudible) peer review. We
- (17) recommend that the following supplemental lot six
- (18) investigation be completed either prior to approval of
- (19) the conceptual development plans or prior to approval
- (20) of the tentative map. Then it goes on to say the same
- (21) thing, okay.
- (22) You know, do you understand the problem with
- (23) the peer reviewer? He doesn't understand that a PUD,
- (24) which is what you have before you, planned unit
- (25) development, is in essence a tentative map. If there

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- (1) are any corrections, it's - this is the time to make
 (2) it.
 (3) So what he's saying to you is, ladies and
 (4) gentlemen, if you're going to serve the public, do not
 (5) approve this tonight under any circumstances until
 (6) this additional geotechnical work is done, okay. I
 (7) hope you understand that.
 (8) I know this type of project doesn't come
 (9) along every day, okay.
 (10) The other thing - some other things. No
 (11) slope analysis. You've got 50 - I want to talk to
 (12) Mr. Dubois there. Slopes are 55 percent or more,
 (13) okay. Not a word in the peer review about the
 (14) steepness of the slope.
 (15) And not a word in anywhere in any of the
 (16) documents that I can find about future ownership of
 (17) the open space. Is there a homeowner association
 (18) that's going to assume jurisdiction of it? Or is this
 (19) going to be given to the Town? I mean, I think
 (20) they're taking advantage of you, okay.
 (21) Now, you can correct me if I'm wrong, maybe
 (22) I just didn't read it -
 (23) CHAIRMAN LYON: Thank you, Mr. Davis.
 (24) RAY DAVIS: - but believe me, it is
 (25) crucial -

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- (1) CHAIRMAN LYON: Thank you, Mr. Davis.
 (2) RAY DAVIS: - don't be country bumpkins
 (3) like they think you are.
 (4) CHAIRMAN LYON: Thank you, Mr. Davis.
 (5) Hopefully I get this one right. Mr. Kokinus. Did
 (6) I -
 (7) MICHAEL KOKINUS: Right on.
 (8) CHAIRMAN LYON: All right.
 (9) MICHAEL KOKINUS: Good evening folks. Thank
 (10) you very much for the time to come before you again
 (11) and to speak some of our opinions and perspectives of
 (12) the area.
 (13) My name's Mike Kokinus, and I have a home
 (14) that overlooks the planned development, and it would
 (15) drastically impact my visual line of sight of the
 (16) valley in front of me.
 (17) I want to make a subtle, but I think very
 (18) important point, and the point made by the Council was
 (19) that this project could be developed up to 14 homes.
 (20) It does nowhere stipulate that 14 homes a priori will
 (21) be built on this site.
 (22) As a result of a lot of the discussion
 (23) that's gone on and a lot of the thoughtfulness that
 (24) the Council put into it, they said up to 14. So
 (25) having said that, I also want to say that I think the

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- (1) developers do have a right to build the homes, but I
 (2) think if they're going to put all 14 in, they should
 (3) earn the right to put all 14 in and not consider it
 (4) from the start that it's theirs to put in all 14.
 (5) Towards that end, they negotiated
 (6) settlement, because I think that's very important,
 (7) should be considered. Specifically, I'd like to talk
 (8) about a couple points.
 (9) I think if they're going to put in the 14
 (10) homes in that area, I think lighting has to be
 (11) drastically reduced. Specifically, I mean the
 (12) streetlights, the proposed streetlights, the four
 (13) proposed streetlights have to be taken out. There's
 (14) no need for them. If you take a look at that
 (15) community, and you say well, you need them in that
 (16) area, I don't want to use this as a comparison, but
 (17) there's no streetlights in Silver Creek.
 (18) I think landscape design, the home - home
 (19) designs in terms of lights, no over - no lights
 (20) should be allowed to be shining upwards. I think all
 (21) the homes should be single story.
 (22) I think the fact there's only four house
 (23) plans that have been proposed turns a rural area into
 (24) a tract development. Again, as mentioned by Dr. Fee,
 (25) people moved out into this area to get away from that

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- (1) exact density. We paid a lot of money for our homes.
 (2) We have value there. We're taxpayers. We have the
 (3) right to be in that area, and that's the reason why we
 (4) want to be there. We left the high density because we
 (5) didn't want to be there.
 (6) So again, the lighting, and again, I think
 (7) the houses should be all single story.
 (8) I think that because there is a proposal to
 (9) develop the house on top, the ridge line lot, if that
 (10) lights - if that home's going to be going in there, I
 (11) think that the number of homes should be reduced to
 (12) counter the impact of a ridge line lot. If in fact
 (13) that ridge line lot is going to be put in there, I
 (14) think it should be rebuilt as per the guidelines of
 (15) the General Plan and of the Council, not turned into a
 (16) 4,600 or 4,800 square foot home. Have it rebuilt on
 (17) the original footprint so it'll be restored as it has
 (18) been already talked about.
 (19) We've discussed issues of grading. And I
 (20) think the issues of limits on future house expansions,
 (21) what happens with the open space from an association
 (22) definitely needs to go ahead and be looked at.
 (23) I want to close by saying I've been coming
 (24) to these meetings for about three and a half years
 (25) now. I think one of the reasons it's taken over 20

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- (1) meetings to get these points taken care of is because
 (2) there's been a lot of people not listening to one
 (3) another. I think along the way the Council and the
 (4) Commission have been very clear about questions that
 (5) they have asked the developer, and I think the
 (6) developer has been – has not taken those opinions to
 (7) heart.
 (8) Thank you very much for your time.
 (9) CHAIRMAN LYON: Thank you, sir. Do we have
 (10) any questions? None.
 (11) The next gentleman, I'm sorry, I cannot read
 (12) your writing very well, but I – it looks as if it is
 (13) A-j-l-o-u-n-y.
 (14) MIKE AJLOUNY: Ajlouny.
 (15) CHAIRMAN LYON: Ajlouny. I'm sorry, sir.
 (16) MIKE AJLOUNY: My name is Mike Ajlouny. I
 (17) live right on the corner of Hicks and Shannon, so the
 (18) development hits three sides of my property, a
 (19) definite impact.
 (20) When moving to that property, I always hoped
 (21) to have homes near the property, so I'm real glad
 (22) there'll be homes behind me. So I am in support of
 (23) the project.
 (24) A couple things, I was kind of – didn't
 (25) like was, and I'll make note of it now, they haven't

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- (1) met with me at all as far as this new development. I
 (2) think they should keep communications open with
 (3) someone so close. The pamphlet they issued to you
 (4) all, I didn't even get a copy of, just the public
 (5) notice for the hearing so I could better prepare for
 (6) it.
 (7) A big issue I have is when I was looking
 (8) forward for them to build this development, we could
 (9) someday tie into sewer and water. And I thought they
 (10) would expand Hicks, but with the idea of my neighbors
 (11) not wanting that drive expanded, which is no problem,
 (12) as long as they run city water and city sewer to that
 (13) end right where the trail ends right at the edge of my
 (14) property so I can tie in.
 (15) I have designed my house I can someday tie
 (16) into that property. It is a public interest not to
 (17) have a septic system and have public sewer.
 (18) Lot 14 on the top of the hill should never
 (19) be built. That thing should be properly removed.
 (20) Hilltop housing is a thing of the past. There's no
 (21) room to build a house up there. It's going to be an
 (22) eyesore any way you look at it. It should never be –
 (23) lot 14 should never be, ever be built.
 (24) The – I need a clarification of the area on
 (25) the west side of my property where the creek is.

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- (1) Access road I think – I don't – you know, it needs a
 (2) lot of clarification of what's going on over there.
 (3) We have a public nuisance in that hidden area. It
 (4) should be blocked off as well as these trails up on
 (5) the hilltops should not exist. Hicks is a place for
 (6) people who party and have a good time on weekends.
 (7) Opening an entire private area unguarded, unsecured,
 (8) would be a huge, huge liability and a breach of our
 (9) neighborhood security.
 (10) Lots number one and – one and 13, I really
 (11) think they should be tilted towards, angled towards
 (12) Shannon – I mean, towards Hicks a little bit,
 (13) respectively, so it kind of will transition my house
 (14) sticking straight onto the road. It'll make a nice
 (15) transition onto – onto the new development instead of
 (16) hitting directly into the new road. So it'll be a
 (17) nice transition point. And something very pleasing to
 (18) look at is probably very, very important.
 (19) Did you guys understand that, what I wanted
 (20) on one and three? Just a little tilt towards the
 (21) corner would be nice. They designed it very well.
 (22) There's a hundred foot setback. I don't
 (23) think on – from Hicks Road. I don't think one and 13
 (24) meet that setback, but that's another issue that can
 (25) be solved later.

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- (1) I have some other issues. I know I'm so
 (2) close, and there's a lot of things here.
 (3) CHAIRMAN LYON: Actually, sir, you've run
 (4) out of time, but –
 (5) MIKE AJLOUNY: Being where I am?
 (6) CHAIRMAN LYON: I'm going to ask you a
 (7) couple of questions.
 (8) MIKE AJLOUNY: Sure.
 (9) CHAIRMAN LYON: Why don't you tell me about
 (10) one of the other issues that you have on your list
 (11) there.
 (12) MIKE AJLOUNY: Okay. Thank you very much.
 (13) That white fence along Shannon, I don't
 (14) really oppose it, but you have to have openings every
 (15) 20 to 40 feet to allow for the migration of the deer.
 (16) There's like 20 deer families that come in and live
 (17) off the river and go back up to the hills during the
 (18) night, and they can't – the young deer will not be
 (19) able to cross those – that fence if you do it.
 (20) They're just everywhere. So you've got to keep
 (21) openings –
 (22) CHAIRMAN LYON: Let me ask you another
 (23) question, sir.
 (24) MIKE AJLOUNY: Yes.
 (25) CHAIRMAN LYON: Basically, are the points

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- (1) that you have on your list relative to the overall
 (2) project or kind of specifics to what one would
 (3) consider architecture and site approvals, i.e.,
 (4) placement of homes, fencing, things of that sort?
 (5) MIKE AJLOUNY: Yes. More floor plans. And
 (6) the blind spot on Shannon, on Hicks Road to the
 (7) entrance. Right when you come up, people come up fast
 (8) on that, and when people are coming out of the – I
 (9) drive out of that road all the time, and when the
 (10) equestrian park was there, there was a lot of
 (11) accidents right there, because when the car would
 (12) creep over, and the car would run into them and smash
 (13) them every time. It was very common once every three
 (14) or four months there'd be a collision.
 (15) So got to work that – somehow work that
 (16) out. The caution signs would be nice. Please extend
 (17) those caution signs past my property so they can be
 (18) warned from my driveway, not just two driveways, so
 (19) they can put entrance – caution driveways
 (20) approaching, you know. Just so we can share the
 (21) problem.
 (22) CHAIRMAN LYON: I think some of those
 (23) traffic safety concerns you have are very valid, sir,
 (24) and I'm sure that we can tie those into conditions of
 (25) approval.

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- (1) MIKE AJLOUNY: And if possible, stop signs
 (2) at that intersection would probably eliminate any risk
 (3) there and slow down the traffic.
 (4) CHAIRMAN LYON: I know coming out of the
 (5) development, sir, the developer has proposed to have a
 (6) stop sign on the way out.
 (7) MIKE AJLOUNY: Of course. But I'm talking
 (8) about actually on Shannon, on Hicks, putting a double
 (9) stop – a three-way stop. I think it would really
 (10) slow things down, and I really think it will make that
 (11) intersection a lot safer.
 (12) CHAIRMAN LYON: Okay. Thank you, sir.
 (13) MIKE AJLOUNY: Sure. Thanks.
 (14) CHAIRMAN LYON: Mr. MacBeth.
 (15) ED MacBETH: Thanks very much. I guess
 (16) I've been up here quite a bit over the last three
 (17) and a half years, too, and I think they have made
 (18) quite a bit of headway in terms of getting this
 (19) project done and to a lot of things that we've talked
 (20) about.
 (21) As I remember back in July, the list that
 (22) they left with was pretty lengthy compared to what was
 (23) discussed earlier with regard to looking into
 (24) geological foundations, construction, getting away
 (25) slab foundations, those kinds of things, so just

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- (1) curious whether or not that's still on your agenda to
 (2) look at.
 (3) The other issue is still looking at lot
 (4) number 14. That still seems like they haven't
 (5) necessarily addressed the whole issue of accessibility
 (6) and safety getting up there. That's one hellacious
 (7) driveway to get up, and I don't know whether or not
 (8) there's – there's still a way for them to avoid the
 (9) problems that they had when it originally burned
 (10) down.
 (11) So, you know, I think I agree with
 (12) Mr. Ajlouny, one of the things that he noted about
 (13) the – about the safety issues of the – of the open
 (14) space. And living right next door, I do know that
 (15) there are an awful lot of people that sort of enjoy
 (16) themselves into – in the what's currently going to be
 (17) the safety entrance off of – off of Shannon. I
 (18) think there is a good point of putting some
 (19) restrictions on the use of that open space and when it
 (20) is available. If it's available at all hours, it
 (21) could create some pretty interesting safety situations
 (22) in the neighborhood.
 (23) So thanks very much.
 (24) CHAIRMAN LYON: Thank you, sir.
 (25) Mr. Frankle.

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- (1) JON FRANKLE: Thank you. I'm John Frankle.
 (2) 17491 Hicks, one block further – further down Hicks
 (3) past the proposed development.
 (4) I'd also like to express as group of
 (5) neighbors, we're not happy every step of the way, but
 (6) we appreciate there has been a lot of response in
 (7) this. And I see maybe not everything has come quite
 (8) as far as we'd like, and lighting could be further
 (9) reduced, but there's been a lot of movement there,
 (10) effort to conserve the trees and (inaudible)
 (11) two-thirds of the homes single story. Maybe – maybe
 (12) more single story would be good, but I've seen a lot
 (13) of movement. So I think we appreciate that.
 (14) And there has been a little less interaction
 (15) with the neighbors than in the early going. They're
 (16) certainly – I see that Greenbriar has listened.
 (17) I do concur, however, that one area I don't
 (18) see too much listening, it has to do again with the
 (19) lot at the top of the hill, which I guess is 14. I
 (20) believe the Council was pretty clear against
 (21) developing here, and I see it coming back on the – on
 (22) the new proposal. So little surprising, and then
 (23) again, if it's – if it's a must that this – the
 (24) development requires this, then again, I believe that
 (25) our guidelines, that it should be perhaps smaller than

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- (1) the other proposal, back on the order of 3,000 square
 (2) feet as before, rather than the 4,700 or so.
 (3) The variety is another issue. I hear at
 (4) most four plans proposed, and that's at most four. If
 (5) everybody buying these homes liked one, could we end
 (6) up with all of them being done off the same floor
 (7) plan? I'd like to see something about enforced
 (8) variety and probably more than four plans to choose
 (9) from would be - would be reasonable and avoid this
 (10) potential of looking like tract homes.
 (11) And finally, again, you know, this is
 (12) approved for up to 14. 14 is still a big change.
 (13) I've - you know, I've spoken before. I've - I was
 (14) more on the side of around 10 or something, but if 14
 (15) is a big change, and then again 4,650 square feet
 (16) average, those are big houses. So put those together
 (17) and I might - I'd prefer something - something give
 (18) a little bit, you know, slightly fewer houses or
 (19) slightly smaller footprints, but I don't know that
 (20) that's a must. That's - those are just my
 (21) preferences.
 (22) And finally, it's just - it's about impact
 (23) to the neighborhood - the neighborhood. I'd like to
 (24) see something not mentioned yet is restrictions on
 (25) noise, and it's come up before. Something with

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- (1) restrictions about outside speakers and ground source
 (2) heating and cooling would be good ways to keep the -
 (3) the noise down. And similar vein, that houses are
 (4) starting out at this size, some limits on future
 (5) expansions, if the houses - if this could be built in
 (6) as conditions so that they don't have the houses
 (7) growing - growing even larger in the future, and it
 (8) could be handled with perhaps built in undeveloped
 (9) basements or something that could be developed
 (10) invisibly.
 (11) But I appreciate the movement. I hope we're
 (12) in the end game now. Thank you.
 (13) CHAIRMAN LYON: Thank you, sir. Questions?
 (14) None. Next person I have is Ms. Hirsch.
 (15) LORRAINE HIRSCH: Hi. I live down Hicks
 (16) Road. I have two quick comments.
 (17) Mr. MacBeth, or was it Ajlouny? Anyway,
 (18) it's definitely correct that teenagers come and
 (19) party on Hicks Road now, so that is something you
 (20) want to think about in terms of trails. We're opening
 (21) up new space for people to come and hang out at
 (22) night.
 (23) And the second thing I wanted to point out
 (24) is that at the beginning of school and the end of
 (25) school, about, I don't know, 8:30 in the morning, and

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- (1) I don't know, 2:30 in the afternoon, the traffic backs
 (2) up from the Christian school down Hicks Road as it
 (3) is. And in the morning I guess it's a bigger concern,
 (4) because that's also when people are trying to get to
 (5) work. If we add in the increased traffic, I think
 (6) that will be a problem.
 (7) I also have one quick question. Is there a
 (8) way to get a report from a qualified ornithologist in
 (9) front of you?
 (10) MR. LORTZ: We can get any report you want.
 (11) If the Commission so desires, we'll continue the
 (12) project and ask for a qualified ornithologist -
 (13) LORRAINE HIRSCH: Oh, no, I mean, I have the
 (14) orin - I mean, I - this is - this would not be a
 (15) city ordered one.
 (16) MR. LORTZ: If you have it, we can copy it
 (17) right now for you.
 (18) LORRAINE HIRSCH: No, I don't have a - I
 (19) don't have a copy of the report, but I'm just
 (20) wondering if I have a report prepared not at city
 (21) expense, can I submit it to you?
 (22) MR. LORTZ: That would be fine.
 (23) LORRAINE HIRSCH: Okay.
 (24) MR. LORTZ: Submit that either to the
 (25) Commission or the Council.

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- (1) LORRAINE HIRSCH: Okay, thank you.
 (2) CHAIRMAN LYON: Thank you, ma'am.
 (3) Mr. Lincoln.
 (4) JOHN LINCOLN: Good evening. Thank you. A
 (5) couple of points.
 (6) I - I would like to see a more selective
 (7) variety of designs. I think four homes is far beyond
 (8) their capabilities. I think Greenbriar's architects
 (9) and designers can come up with more than four homes.
 (10) There's a lot of homes out there.
 (11) I'm not opposed to the development
 (12) entirely. There's a few locations that I think some
 (13) of the earlier speakers have hit upon, so I don't need
 (14) to go into those.
 (15) But the other issue is, again, every home
 (16) out there, whether it be on five acres, 18, 20, 30,
 (17) 40, they're all unique, individual, custom built
 (18) homes. They're not on slab foundations. They're on
 (19) pier and post and beam. And I think there's an
 (20) opportunity here for Greenbriar to step up and be a
 (21) benchmark with regards to designing in the Town. It's
 (22) an opportunity for everybody to make a good show as
 (23) opposed to just coming in and building a bunch of
 (24) tract homes at a high end price.
 (25) Thank you.

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- (1) CHAIRMAN LYON: Thank you, sir.
 (2) Mr. Sweitzer.
 (3) WILLIAM SWEITZER: How are you doing? I'm
 (4) Bill Sweitzer. I have the property on their northern
 (5) boundary up on the hillside.
 (6) Except for the house up on the hillside,
 (7) which I had always hoped that would be preserved as
 (8) hillside, the rest of the plan, I mean, is a good
 (9) compromise, I think, between the Town and the
 (10) developer.
 (11) My only concern is relating to the
 (12) Intensified use of the area, especially in the open
 (13) space area. There's no contingency for any fire
 (14) control on the hillside. With the intensified use,
 (15) that's always a fear of mine, since my property is on
 (16) their upper hillside. And if a fire starts, there is
 (17) absolutely no way to stop it from going, you know, up
 (18) that ridge and all the way up to Santa Rosa and then
 (19) down below on my end.
 (20) So I would like to see some sort of fire
 (21) control put in place continuous with the -- with the
 (22) trails.
 (23) Security of the trails is also an issue, not
 (24) necessarily use of them.
 (25) And then lastly is the dedication of open

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- (1) space. I've been involved -- or am aware of the
 (2) situations now in Saratoga, which is my current home,
 (3) where a developer has promised trails and open space
 (4) only to develop the homes, put them in, renege on that
 (5) offer and have the neighborhood going to a lawsuit to
 (6) force the issue. It's lengthy. It's expensive.
 (7) Before any permits or approval is made of
 (8) the project, I would like a physical dedication to the
 (9) open space preserve for the 43 acres that they're
 (10) proposing. It's -- it's a nice proposal. It's a good
 (11) compromise. It keeps the bulk of the hillside free.
 (12) Having built a postage stamp lot on a big
 (13) hillside, I would like to make sure that I never have
 (14) to see a home on those hillsides, especially if you're
 (15) going to make compromises on the zoning. Thank you.
 (16) CHAIRMAN LYON: Thank you, sir. At this
 (17) time I have no other cards on this item.
 (18) Ms. Camingar, come on back up. You've got
 (19) three minutes to address any comments that you've
 (20) heard from the public, and then we'll have final
 (21) questions from the Commission.
 (22) KATIA CAMINGARA: Thank you. I'd like to
 (23) address a few of the comments that some of the
 (24) neighbors have made.
 (25) One was the question about why don't we put

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- (1) a three-way stop at the Hicks Road and the project
 (2) entry, and I wanted to point out that that was
 (3) actually considered by both of the traffic
 (4) consultants, and they both concluded that it would not
 (5) be a wise choice because the traffic volumes on Hicks
 (6) Road, according to them, did not warrant a stop
 (7) there. But, I mean, I would be happy if that was put
 (8) in if that is what you choose, but I'm just giving a
 (9) little bit of background on that.
 (10) Regarding the streetlights. Someone also
 (11) mentioned that they would like to not see four
 (12) streetlights. And I want to point out again, I have
 (13) mentioned this in the past, if you don't want any
 (14) streetlights, we're fine with that also, however, in
 (15) my discussions with the Department of Engineering of
 (16) the Town, they've indicated that they'd like to see
 (17) lights at the intersection and the end of cul-de-sacs,
 (18) but we can work obviously to make sure that they
 (19) direct light down, not up, and there's different kinds
 (20) of lights for that.
 (21) As far as the open space ever converting for
 (22) any other use, in my opinion, it cannot be done
 (23) because what -- it would be encumbered by an open
 (24) space conservation easement in perpetuity. The way we
 (25) have proposed it.

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- (1) Regarding lot 14, I'd like to mention I did
 (2) not hear direction from Council to eliminate that
 (3) lot. And furthermore, we would like to continue
 (4) having that house because it is a house that burned
 (5) down. If anybody else's house up on Santa Rosa today
 (6) burnt down, we would hope that they could also build
 (7) it. And if you would want to restrict that house
 (8) size, I mean, we'd certainly be open to that, and
 (9) obviously it will be reviewed at A and S.
 (10) I'd also like to mention that, you know, the
 (11) past three and a half years has been about seeking the
 (12) balance between the neighbors' desires for a very
 (13) rural community and also with the right to the
 (14) property owner to develop the property. And I would
 (15) submit to you that we have reached that balance, and
 (16) we think the project has improved.
 (17) I think there is tremendous amount of
 (18) restrictions, I think probably unprecedented in
 (19) anything else I've ever seen done, and I think the end
 (20) result will be a very rural community and have the
 (21) restrictions in place to keep it that way.
 (22) And I seek your approval this evening.
 (23) Thank you.
 (24) CHAIRMAN LYON: Thank you. Commissioners,
 (25) questions for Ms. Camingar? Commissioner Muller.

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- (1) COMMISSIONER MULLER: Yes. There was one
 (2) thing that I didn't hear you address that was
 (3) expressed by a number of members that spoke tonight,
 (4) and that regards the diversity of design within the
 (5) project itself. Four designs?
 (6) KATIA CAMINGARA: That's correct. What we
 (7) have proposed is four floor plans. And we had done an
 (8) extensive survey with the neighbors to also elicit
 (9) their feedback in terms of what kinds of architectural
 (10) styles do they view as suitable for this property,
 (11) what represents rural to them. Because what's rural
 (12) to one person can be very different for another. And
 (13) based on that feedback, we came up with our designs,
 (14) which are craftsman traditional country cottage and
 (15) early California.
 (16) And so even though you - you know, we have
 (17) four plans, each of those homes has four different
 (18) elevations. So - and when you vary them with colors,
 (19) the heights of the homes vary, the massing. Even from
 (20) one house to another, even if it's the same floor
 (21) plan, you'll see that the massing, like the hip roof
 (22) versus a gable, they're different, and you can vary
 (23) the colors and the materials so that no house, no two
 (24) houses will look the same in the community is our
 (25) intent.

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- (1) CHAIRMAN LYON: Commissioners, other
 (2) questions? Seeing none, I will close the public
 (3) hearing, return - oh, Commissioner Dubois, I'm sorry.
 (4) COMMISSIONER DUBOIS: I'm a little confused.
 (5) Can you clarify what is the proposed access to lot
 (6) 14? How do you get there?
 (7) KATIA CAMINGARA: It is proposed to be up
 (8) the same driveway that exists there now. And - but
 (9) in our discussions with the fire department and also
 (10) with Mr. Burke, we have also proposed - you can
 (11) probably see it on your site plan, going - - there's
 (12) another driveway. It would be basically a reciprocal
 (13) easement between the owner of lot 14 and Mr. Burke
 (14) such that if - there's always a second way out for
 (15) each of those, including Mr. Burke, so it's improving
 (16) the situation for both.
 (17) COMMISSIONER DUBOIS: Thank you.
 (18) CHAIRMAN LYON: Commissioners, any other
 (19) questions? Seeing none, I will close the public
 (20) hearing, return this item to the Commission for
 (21) comments, questions of staff or a motion.
 (22) I'll start off with a question of staff.
 (23) Mr. Lortz, this is a PD application in which I think
 (24) is some of the conditions. There's stipulations
 (25) that the proposed homes would come back to - at an

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- (1) AS hearing, but as part of this PD, once that - those
 (2) homes are decided upon and approved at that level,
 (3) they would need to go through a zoning change for
 (4) a change in square footage, et cetera; is that
 (5) correct?
 (6) MR. LORTZ: Yes. The PD establishes a
 (7) maximum floor area, so anybody that would want to add
 (8) on after the home is approved through architecture and
 (9) site approval would have to amend the zoning.
 (10) CHAIRMAN LYON: Okay. Commissioner
 (11) Quintana.
 (12) COMMISSIONER QUINTANA: Would that extend to
 (13) requests for accessory structures as well?
 (14) MR. LORTZ: The PD is very specific about
 (15) what can be built on the property, so there's not a
 (16) lot of latitude there.
 (17) COMMISSIONER QUINTANA: So if it doesn't
 (18) specifically mention the ability to add accessory
 (19) structures, they're not included in the zoning?
 (20) MR. LORTZ: Well, that would be my
 (21) interpretation of it, because it was so specific on
 (22) the front end.
 (23) COMMISSIONER QUINTANA: Could we add that
 (24) language -
 (25) MR. LORTZ: Certainly.

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- (1) COMMISSIONER QUINTANA: - to make it
 (2) absolutely clear?
 (3) MR. LORTZ: Absolutely.
 (4) CHAIRMAN LYON: Commissioner Micciche.
 (5) COMMISSIONER MICCICHE: I just wanted to
 (6) point out on Exhibit A the - under required findings,
 (7) they have the write-up that existed for the two and a
 (8) half requirement. It was - looks like it was
 (9) preprinted from a previous one. That should be
 (10) changed.
 (11) MR. LORTZ: Yes. The request is for the
 (12) HR-5, which would be consistent across the entire
 (13) property.
 (14) CHAIRMAN LYON: Okay, Commissioners, other
 (15) questions of Mr. Lortz, since we seem to be hitting
 (16) him first? Commissioner Muller.
 (17) COMMISSIONER MULLER: I guess we go through
 (18) this sort of with every PD, but how much latitude are
 (19) we going to have at the architectural and site?
 (20) MR. LORTZ: One of the things that I would
 (21) want to make sure, and we're running that off as we
 (22) speak, but if we don't have it for you before you
 (23) decide to make a motion, I would ask that you add to
 (24) the PD that the official development plan is
 (25) conceptual in nature. That is what we've been doing

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- (1) the last year and a half.
- (2) (End of Tape Two, Side One.)
- (3) (Beginning of Tape Two, Side Two.)
- (4) COMMISSIONER MARCUCCI: - and the land
- (5) rural and keeping the open space and actually doing
- (6) some development on there, because it is going to be a
- (7) beautiful place for people to live, and so I just - I
- (8) do appreciate the fact that we - although it has
- (9) probably taken longer than either one of us have
- (10) liked, I think that we have come to some real quality
- (11) projects here. So I would like to say that.
- (12) I think that is all that I had. I would
- (13) ask - and we've had some concerns about, you know,
- (14) promising trails and then having, you know, issues
- (15) with, you know, developers not putting in trails, and
- (16) so I just would ask that as we condition this project
- (17) and get your agreement up here tonight, that we
- (18) wouldn't have any troubles going forward in
- (19) implementing those types of things.
- (20) CHAIRMAN LYON: Okay. Any other comments,
- (21) Commissioners? Commissioner Dubois.
- (22) COMMISSIONER DUBOIS: Yeah. I've only seen
- (23) this thing for a year, but it has definitely come a
- (24) long way, so I do want to applaud the developers for
- (25) the direction they're going in. If I have any

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- (1) concerns, they're still going to be in the area of
- (2) traffic on the Hicks Road entrance area. I'm bothered
- (3) by it a little bit out there. And I'm not quite
- (4) sure - you know, the traffic people have been looking
- (5) at it, and I'm not quite sure - I mean, they're not
- (6) probably seeing what my concerns are, I guess. I'm -
- (7) it seems to be a road that has high speed, reduced
- (8) visibility, and we're going to introduce now turning
- (9) movements in that area, and I'm a little bothered by
- (10) it that it has had a history of some accidents out
- (11) there in the past, apparently, according to one of the
- (12) neighbors who testified here tonight.
- (13) So I guess that's the only area of concern
- (14) that I have in terms of comments.
- (15) CHAIRMAN LYON: Okay. Commissioner
- (16) Quintana.
- (17) COMMISSIONER QUINTANA: You've already heard
- (18) the concerns that I've had, but I have to agree with
- (19) my fellow Commissioners that this project has come a
- (20) long way, and I think you've met the Council's
- (21) direction. And I would also like to add that you, in
- (22) your list of community benefits, you did not include
- (23) under improved hillside fire safety the granting of
- (24) the easement that would make the home from above have
- (25) more than better access so there's two ways to get in

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- (1) and out in an emergency.
- (2) CHAIRMAN LYON: Okay. Well, I'm going to
- (3) get things moving along here. Everybody's had some
- (4) nice comments, but I'm going to make a motion to
- (5) recommend approval to the Town Council for the - for
- (6) this project, for the zone change, planned development
- (7) and the A and S approval with the conditions as stated
- (8) in the - that Mr. Lortz has just supplied the
- (9) correction to us, the 22 pages of conditions, and I do
- (10) have a few more to add.
- (11) Those would be as follows:
- (12) One, that the soil study and geotechnical
- (13) report on lots 1, 6 and 13 be conducted prior to this
- (14) item going - and be peer reviewed prior to this item
- (15) going to the Commission and adoption of a - or
- (16) Council, I'm sorry, prior to adoption of a tentative
- (17) map.
- (18) That the siting of the homes be subject to
- (19) the A and S process.
- (20) That - let me find it here. I apologize.
- (21) That condition 59 - oop, I'm sorry, it is not 59.
- (22) Condition 62 in our updated conditions of approval
- (23) state that there shall be no street lighting in the
- (24) development.
- (25) Condition 61, on final exterior lighting, it

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- (1) shall be reviewed at A and S, and all lighting shall
- (2) be down lighting in nature.
- (3) In terms of grading, any grading done shall
- (4) be at a minimum to construct the roads. Any future
- (5) grading to the project will be considered at A and S.
- (6) From a landscaping perspective, all formal
- (7) landscaping will be within 30 feet of the houses.
- (8) All fencing shall be reviewed at A and S.
- (9) The lawn size be limited to 5,000 square
- (10) feet.
- (11) Any landscaping beyond the 30 foot perimeter
- (12) beyond the house shall be native vegetation in natural
- (13) clustering.
- (14) Fence locations, as determined at A and S,
- (15) shall be the maximum - shall be - let me state this
- (16) appropriately. The fence locations, as determined in
- (17) A and S, shall be the maximum they will be allowed
- (18) from the house with any future fence changes. Meaning
- (19) that they can move closer, but they can't move further
- (20) away.
- (21) As previously stated, but as a condition of
- (22) approval, there shall be no future expansion of the
- (23) homes after approval of the A and S process without
- (24) going through a zone change.
- (25) Lot 14 shall be developed under guidelines

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- (1) of a quote, replacement structure, unquote, meaning
 (2) that it will be similar in square footage, mass and
 (3) scale to the original house that burned down.
 (4) And I would also like to incorporate the
 (5) packages submitted by Greenbriar as part of conditions
 (6) of approval in terms of there's a - Ms. Camingar's
 (7) put forth a lot of information here that I think would
 (8) be appropriate to incorporate as our conditions of
 (9) approval, including landscaping guidelines, CC&Rs, et
 (10) cetera.
- (11) So with that is my motion. Is there a
 (12) second?
 (13) It's been moved and seconded. Comments,
 (14) Commissioners, before going into findings?
 (15) Commissioner Dubois.
 (16) COMMISSIONER DUBOIS: Would the maker of the
 (17) motion consider modifying his recommendations on 62
 (18) with respect to street lighting? I believe that the
 (19) intersection Hicks and the entry to the development
 (20) deserves a streetlight for safety at nighttime to
 (21) enhance visibility in that area. I think it's needed
 (22) for safety.
 (23) CHAIRMAN LYON: I'm actually not going to
 (24) modify that condition. When I look at that area out
 (25) there and, you know, the corner of Shannon and Hicks

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- (1) is not lit, nothing in that area is lit. I don't want
 (2) to set a precedent out there.
 (3) Any other comments Commissioners?
 (4) Commissioner Quintana.
 (5) COMMISSIONER QUINTANA: Just a
 (6) clarification. Does your motion intend to incorporate
 (7) the landscape guidelines as they're currently proposed
 (8) by the developer?
 (9) CHAIRMAN LYON: Yes, with the exception of
 (10) that the lawn limit shall be 5,000 square feet.
 (11) Commissioner Muller. I'm sorry, Commissioner
 (12) Quintana.
 (13) COMMISSIONER QUINTANA: Could I request that
 (14) the Town Arborist look at those and comment on - on
 (15) them before it goes to the Town as part of Staff
 (16) Report to the Council.
 (17) MR. LORTZ: We can do that. We can make
 (18) sure that the consulting arborist look those over and
 (19) provide input to the Council.
 (20) COMMISSIONER QUINTANA: Thank you.
 (21) CHAIRMAN LYON: Commissioner Muller.
 (22) COMMISSIONER MULLER: A point of
 (23) clarification. We were speaking earlier with
 (24) Mr. Lortz about making items such as the grading
 (25) conceptual in nature. Did you incorporate that

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- (1) concept in your motion?
 (2) CHAIRMAN LYON: My comment was that grading
 (3) shall be kept to a minimum to construct the roads, and
 (4) any future grading will be considered at A and S.
 (5) COMMISSIONER MULLER: Okay, that's even more
 (6) specific. Thank you.
 (7) CHAIRMAN LYON: Commissioner Quintana.
 (8) COMMISSIONER QUINTANA: I'm not clear on
 (9) that, because the applicant seemed to indicate that
 (10) all the grading was necessary to construct the road
 (11) because it was a question of drainage and balancing
 (12) cut and fill.
 (13) MR. LORTZ: I think what the maker of the
 (14) motion, the way I interpreted that, is when you get
 (15) the final construction grading drawings, that
 (16) engineering was directed to look at that and make sure
 (17) that it's the minimum necessary to achieve that goal
 (18) and build the roads.
 (19) CHAIRMAN LYON: If you look at previous
 (20) applications, for instance, the McCarthy project there
 (21) at Guadalupe College, we allowed them to construct the
 (22) road and stage dirt such that, you know, the amount of
 (23) cut and fill was minimized on that - on that site.
 (24) And, you know, we would look at balancing it at an A
 (25) and S process with potential export as well.

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- (1) COMMISSIONER QUINTANA: With that
 (2) explanation, I think I can support that. I'm just -
 (3) was a little concerned that that indicated that all
 (4) the grading was going to be done at that time as
 (5) proposed.
 (6) MR. LORTZ: What we're trying to avoid doing
 (7) is partial grading where the developer may walk away
 (8) from the project, and we end up with a problem. So we
 (9) want to make sure that what is done there is the
 (10) minimum necessary to achieve some natural drainage
 (11) conditions, achieve appropriate drainage, but also
 (12) build the roads.
 (13) But I also hear the Planning Commission
 (14) saying try to minimize the amount of grading necessary
 (15) to accomplish that, and that's the direction that's
 (16) been given to the Director of Parks and Public Works.
 (17) COMMISSIONER QUINTANA: Okay, thank you.
 (18) CHAIRMAN LYON: Commissioner Marcucci.
 (19) COMMISSIONER MARCUCCI: I just have one
 (20) quick one. It has to do with the landscaping
 (21) language, and because of the history on this site, and
 (22) especially on lot 14 and the danger of fire, could
 (23) some language be included that the majority of trees
 (24) native - or shrubbery is also - and the word's
 (25) escaping me, but, you know, greenbelt type of planting

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- (1) so like -- it's not fire retardant, but --
 (2) CHAIRMAN LYON: Drought resistant, fire
 (3) resistant --
 (4) COMMISSIONER MARCUCCI: Yeah.
 (5) CHAIRMAN LYON: -- planting.
 (6) COMMISSIONER MARCUCCI: Yes, yes.
 (7) Especially in that area.
 (8) CHAIRMAN LYON: I would -- Commissioner
 (9) Quintana.
 (10) COMMISSIONER QUINTANA: Along those same
 (11) lines, could we consider using a zoned approach to the
 (12) landscaping?
 (13) CHAIRMAN LYON: Could you explain that for
 (14) me?
 (15) COMMISSIONER QUINTANA: The area close to
 (16) the -- closest to the house would be -- and this is
 (17) very approximate, I'm sure that the arborist, the
 (18) consulting arborist for the Town, could define this
 (19) better. The areas closest to the house would be those
 (20) areas that would have higher water use plants that
 (21) also act as fire safety. A little bit further out,
 (22) formal landscaping, predominantly natives, and then
 (23) beyond that, more naturalized landscaping.
 (24) It's very broad in concept, but that's the
 (25) concept so that you will achieve a natural boundary

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- (1) between the parcels and -- between the parcels for the
 (2) building sites and the open space easements so it
 (3) appears natural.
 (4) MR. LORTZ: Mr. Chair, if I may, what I'm
 (5) hearing is -- of course, this is a PD. There's going
 (6) to be architecture and site approval subsequent to
 (7) this, but in terms of the -- the item that you
 (8) attached as a condition of approval that talks about
 (9) the landscape scheme and all of that, we'll ask the
 (10) consulting arborist to take a look at that and
 (11) integrate in if the motion is to incorporate that for
 (12) fire safety purposes.
 (13) COMMISSIONER QUINTANA: If I may, I realize
 (14) that normally specific landscape plans are left to A
 (15) and S, and I totally agree with that. In this case, I
 (16) think we're really talking about land use in laying
 (17) down some principals for the landscaping, and I would
 (18) like to see them included in the PD.
 (19) CHAIRMAN LYON: I actually don't disagree
 (20) with where you're coming from Commissioner Quintana,
 (21) and I -- I don't think I put it as eloquently as you
 (22) did, but I was trying to, you know, set boundaries in
 (23) my additional conditions about, you know, landscaping
 (24) beyond 30 feet from the house would be native
 (25) vegetation, et cetera, to kind of set that zoned -- as

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- (1) you call it, zoned approach, and I'm just trying to
 (2) think of a way to actually eloquently word that.
 (3) I don't know --
 (4) COMMISSIONER QUINTANA: I think what you
 (5) said is fine.
 (6) CHAIRMAN LYON: Okay.
 (7) COMMISSIONER QUINTANA: If the Council wants
 (8) to change it, they can change it.
 (9) CHAIRMAN LYON: Yeah. I'm not quite sure
 (10) how to actually, you know, tie it in specifically.
 (11) But I will -- but I will adopt -- or I will amend my
 (12) comments about native vegetation that they be drought
 (13) resistant and fire resistant outside of that 30 foot
 (14) perimeter around the house -- the houses. Does the
 (15) seconder accept? Okay.
 (16) Any other comments, Commissioners?
 (17) COMMISSIONER QUINTANA: I just have one
 (18) more. I'm a little concerned about the extent of the
 (19) turf area that you've indicated. 5,000 square feet.
 (20) CHAIRMAN LYON: Five thousand.
 (21) COMMISSIONER MULLER: Max. That's a maximum.
 (22) CHAIRMAN LYON: That's a maximum. 5,000
 (23) square feet is -- Mr. Lortz, how big is this room?
 (24) MR. LORTZ: Well, it -- one of the smaller
 (25) downtown lots is 5,000 square feet.

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- (1) CHAIRMAN LYON: Right.
 (2) MR. LORTZ: So you spread that around a
 (3) house.
 (4) CHAIRMAN LYON: It's not a -- it's not
 (5) much. Okay. Any other comments, Commissioners, to
 (6) the motion? So it has been moved and seconded with
 (7) additional conditions and amendments.
 (8) Now the fun part. I do need to make
 (9) findings for this. I have the required findings.
 (10) Commissioner Quintana, you're always so good
 (11) at making all of these findings, so I'm going to put
 (12) you on the spot and have you help me out with these.
 (13) The findings required here for this project
 (14) is that there is required consistency with the Town's
 (15) General Plan. That the proposed general plan
 (16) amendment and zone changes are internally consistent
 (17) with the general plan. And this area has been
 (18) pre-zoned HR-5, and is being annexed in the Town,
 (19) therefore, by having a zone change of HR-5:PD, it
 (20) would be consistent with the General Plan.
 (21) Secondly, that the -- that it has
 (22) consistency with the Hillside Specific Plan, that the
 (23) proposed General Plan amendment and zone change is
 (24) consistent with the Hillside Specific Plan. This area
 (25) is within the Blossom Hill --

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- (1) COMMISSIONER QUINTANA: Sub area one.
 (2) CHAIRMAN LYON: - sub area one, and has
 (3) been - go ahead Commissioner.
 (4) COMMISSIONER QUINTANA: Can I help you out?
 (5) CHAIRMAN LYON: Please help me out on that
 (6) one. I'm -
 (7) COMMISSIONER QUINTANA: It's in sub area
 (8) one, which identified the areas of least restrictive
 (9) development, and the project falls within those
 (10) areas. All the development areas proposed are within
 (11) that area.
 (12) Also, identify riparian areas to be
 (13) preserved.
 (14) CHAIRMAN LYON: And restored.
 (15) COMMISSIONER QUINTANA: And restored as well.
 (16) CHAIRMAN LYON: That the project's community
 (17) benefit as noted, which is in tab six of the
 (18) submission from Ms. Camingar, which provides the
 (19) following community benefits:
 (20) A new housing alternative, public trail
 (21) amenity, dedication of open - 45 acres of open space,
 (22) improve hillside fire safety, improve storm water
 (23) management. As required, an in lieu fee to the below
 (24) market priced program, and as also required, paying
 (25) traffic mitigation fees. Those community benefits

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- (1) outweigh the project's associated traffic impacts.
 (2) In addition to the infill - findings for
 (3) the infill policy, first is that the project
 (4) contributes to the further development of the
 (5) surrounding neighborhood. The development in this
 (6) HR-5:PD zone would contribute to the development
 (7) through the - through improved circulation by
 (8) providing additional fire safety access and would not
 (9) detract from the existing quality of life through the
 (10) dedication of 45 acres of open space.
 (11) Secondly, that the project is designed in
 (12) context with the neighborhood and surrounding zoning
 (13) to the existing scale, character of surrounding
 (14) structures, open space, setback, density, providing
 (15) adequate circulation and on street parking.
 (16) I think as we got this down to the HR-5:PD
 (17) zone, it is in context. It is a transitional piece
 (18) between the other areas of HR-5 and HR-2 and a half
 (19) above it, transitioning out to areas that are
 (20) pre-zoned at HR-20. And that the large lot size,
 (21) large separations between houses, setbacks and density
 (22) of 14 houses is in context with the surrounding area.
 (23) Thirdly, that the planned development
 (24) demonstrates excellence in design. From a land use
 (25) perspective, having a project that has half of its

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- (1) space as dedicated open space and the site circulation
 (2) plan do demonstrate excellence in design. The
 (3) remainder we shall see at A and S from an
 (4) architectural perspective.
 (5) That the project demonstrates strong
 (6) community benefits, and that the findings were made
 (7) into the public record. As I already stated, the
 (8) community benefits have been so noted.
 (9) From an architecture and site, findings
 (10) required for demolition. A demolition of a - a
 (11) demolition permit for a historic structure may be only
 (12) granted if one, the structure poses an imminent safety
 (13) hazard.
 (14) Having seen those houses out there, they are
 (15) imminent safety hazards, and they have been deemed of
 (16) no special historic, architectural or aesthetic value
 (17) by the Historic Preservation Committee of the Town.
 (18) And additionally, we will - we can make the
 (19) finding that with the demolition of those historic
 (20) structures, as well as the one dwelling unit on the
 (21) site, that we will actually be increasing the Town's
 (22) housing stock through the replacement of one destroyed
 (23) home and 13 new.
 (24) Secondly, that the preservation of the
 (25) historic or architecturally significant structures is

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- (1) not possible because of their state of decay and the
 (2) owner's desire or capacity to maintain the structure,
 (3) they have none because it is in such a state of decay,
 (4) and the economic utility of the building has long
 (5) since passed.
 (6) Those are the findings for the said
 (7) proposal. So it has been moved and seconded with
 (8) conditions and findings made.
 (9) Are there any other comments,
 (10) Commissioners? Commissioner Quintana.
 (11) COMMISSIONER QUINTANA: Just a question. Do
 (12) we need to include a finding regarding the
 (13) Environmental Impact Report?
 (14) MR. LORTZ: I was thinking that you would do
 (15) that as next motion.
 (16) CHAIRMAN LYON: Okay. So on the proposal
 (17) for the Development Application DEV-99-002 and
 (18) Architecture and Site Application S-99-5, as so
 (19) stated with conditions and findings. All those in
 (20) favor?
 (21) (Ayes.)
 (22) CHAIRMAN LYON: Aye. Opposed? Passes
 (23) unanimously.
 (24) We now need to adopt the supplemental EIR.
 (25) The previous EIR was -

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- (1) COMMISSIONER QUINTANA: It's an addendum to
 (2) the EIR.
 (3) CHAIRMAN LYON: It is a, I'm sorry, an
 (4) addendum to the EIR.
 (5) MR. KORB: And what we would recommend is
 (6) that the motion recommend certification of the
 (7) addendum.
 (8) CHAIRMAN LYON: Okay. I would then move to
 (9) recommend certification of the addendum to the EIR
 (10) under the auspices that the previous EIR was adopted
 (11) and all impacts were mitigated to less than
 (12) significant. Is there a second?
 (13) COMMISSIONER QUINTANA: Second.
 (14) COMMISSIONER MULLER: Second.
 (15) CHAIRMAN LYON: All those in favor?
 (16) (Ayes.)
 (17) CHAIRMAN LYON: Aye. Passes unanimously.
 (18) MR. KORB: Anybody following this matter, it
 (19) will be - this is a recommendation to the Town
 (20) Council, which means that a hearing will be scheduled
 (21) for the Town Council and will be separately noticed.
 (22) CHAIRMAN LYON: At this point we will take a
 (23) ten minute recess and reconvene -
 (24) (Interruption in tape.)
 (25) CHAIRMAN LYON: - Marchmont Drive. This is

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- (1) an Architecture and Site Application. It is not a
 (2) conditional use. It is focused strictly on
 (3) replacement of existing buildings.
 (4) Will the owner-applicant please come
 (5) forward.
 (6) SARAH BAYNE: Sarah Bayne, head of Hillbrook
 (7) School. Are you ready for me to start?
 (8) Good evening. We are here to hopefully
 (9) complete the final stage of preparing to complete our
 (10) master plan for Hillbrook.
 (11) I'd like to spend most of the time answering
 (12) specific questions that you have, but before I open it
 (13) up to you, I just wanted to bring several items to
 (14) your particular attention.
 (15) First of all, the plan that we have
 (16) submitted, the architecture and site plan, is one that
 (17) maintains the very low and modest profile
 (18) architecturally over all the buildings present and
 (19) planned for Hillbrook. We have been able to produce a
 (20) square footage plan which is in compliance with our
 (21) conditional use permit and also fits the needs and
 (22) requirements of the school going forward.
 (23) There has been, I'm sure you have noticed,
 (24) some change in square footage from one building to the
 (25) other. That has been done to meet the requirements of

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- (1) our accreditation for the addition of an additional
 (2) lavatory and nurse's station in the administration
 (3) building. In exchange, we have reduced square footage
 (4) in other parts of the campus, so therefore our
 (5) actual - even though the master plan was deemed
 (6) conceptual in its writing at the Commission level last
 (7) spring, we have submitted a plan which is of reduced
 (8) square footage to that plan.
 (9) There was a question raised in the staff
 (10) report, which I wanted to just address up front for
 (11) you, which is one about the stucco versus wood siding
 (12) in the art building. Our recommendation for the
 (13) stucco siding for the art building was that stucco was
 (14) also close in - and the building closest to the art
 (15) building. However, if the Commission deems it
 (16) appropriate, as other buildings, including the library
 (17) and the administration building, are wood sided, we
 (18) would be more than happy to go in that direction.
 (19) This is not an issue that we have a particular stance
 (20) on.
 (21) Finally, at the recommendation of the
 (22) Commission in December, we have held a neighborhood
 (23) meeting, and I know that you have a desk item from
 (24) Mrs. Myers about a construction plan, which for this
 (25) project and the project being completed that was

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- (1) started in the year 2000, we have a construction
 (2) plan. In the year 1999, which forms the substance of
 (3) most of her comments, there was no construction plan.
 (4) So this is going forward. We of course have a very
 (5) full conditional use permit with very specific
 (6) restrictions, which the school works daily to meet.
 (7) And at this time I would be happy to answer
 (8) any questions that you might have about the projects.
 (9) CHAIRMAN LYON: Commissioners, questions.
 (10) Commissioner Marcucci.
 (11) COMMISSIONER MARCUCCI: In your neighborhood
 (12) meeting, did you discuss the master plan as we have
 (13) before us tonight? I'm just wondering if the
 (14) neighbors had any particular comments or brought up
 (15) that had already been addressed.
 (16) SARAH BAYNE: The neighbors - the issues
 (17) brought up - actually there's a letter that you
 (18) received as a desk respond - basically summarizing
 (19) the issues that the neighbors brought up in the
 (20) meeting, which had to do with car speed, location of
 (21) signs, telling Hillbrook parents to slow down and
 (22) not - not specifically about the buildings, which
 (23) actually, quite frankly, have not been the center of
 (24) their concerns. Their concerns in general have been
 (25) the impact of Hillbrook traffic on the neighborhood.

17101 Hicks and 14045 Shannon

Recommend approval to TC 7-0.

1. The soil Study and Geotech Study on lots #1,6,and 13, be peer reviewed prior to project being heard by the Town Council and prior to adoption of Tentative Map.
2. The siting of the homes are subject to the A&S process.
3. Condition #62 to state that there shall be no street lighting in the development.
4. Condition #61 to state that all exterior lighting shall be reviewed in the A&S process.
5. All exterior lighting shall be down lighting.
6. All grading shall be kept at a minimum to construct the roads.
7. Any future grading for the project shall be considered in the A&S process.
8. All fencing shall be considered in the A&S process.
9. All formal landscaping will be within 30 feet of the houses.
10. The lawn size shall be limited to 5000 square feet.
11. Any landscaping beyond the 30 foot perimeter of the house shall be native vegetation, drought resistant, fire resistant, and placed into natural clustering.
12. Fence locations shall be determined in the A&S process and shall be the maximum they will ever be allowed from the house. Fences can move closer, but never further away.
13. There shall be no future expansion of the homes after the A&S approval process, unless a zone change is applied for.
14. Lot #14 shall be developed under guidelines of a "replacement structure" and shall be similar in size, mass, and scale as the original home that burned down.
15. All CC&R's are to be incorporated into the Town's conditions of approval.
16. The Town Arborist shall review the landscape guidelines before the project is heard by the Town Council.

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