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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Jeffrey Barnett, Chair Steve Raspe, Vice Chair Susan Burnett Kylie Clark Melanie Hanssen Kathryn Janoff Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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3 P R O C E E D I N G S:

4 CHAIR BARNETT: We'll now move on to Public
5 Hearings and Item 2 on the agenda. This concerns a request
6 to the Commission for recommendation to the Town Council
7 for approval of modification of Planned Development
8 Ordinance 2172 to increase the maximum residence size
9 allowed on Lot 14 on property zoned HR-5:PD, located at 300
10 Mountain Laurel Lane, APN 567-24-023, and Planned
11 Development Amendment PD-22-001. The property owner is
12 Bright Smile Dental Office Defined Benefit Plan, and the
13 Applicant is Kunling Wu, Trustee.

14
15 I note that Staff has made a request for a
16 recommendation of approval of this item, but we'll now
17 proceed and ask the Commissioners, by raised hands, if
18 they've had an opportunity to see the property? Thank you.
19 Are there any disclosures by Commissioners?

20 Ms. Armer, you had a comment?

21 JENNIFER ARMER: Yes, I wanted to share that I
22 believe Commissioner Hanssen needs to be recused because of
23 proximity to the project.
24
25

1 COMMISSIONER HANSSEN: I did not know that, but I
2 do live on Santa Rosa Drive. Am I 1,000 feet from the
3 property? Then you can take me into the attendees.

4 CHAIR BARNETT: We'll now move on and ask Mr.
5 Mullin if he is going to give a report this evening on this
6 Agenda Item 2?

7 SEAN MULLIN: Thank you, Chair, and good evening.
8
9 Before you this evening is a request to modify
10 the Shannon Valley Ranch Planned Development overlay to
11 allow an increase in the maximum residence size for Lot 14
12 and the average residence size allowed within the
13 subdivision.

14 The subject property is just over eight acres
15 located in the northern portion of the subdivision. A
16 single-family residence once stood on the property but was
17 destroyed by fire in 1997, prior to the 2004 subdivision.
18 Lot 14 is the last undeveloped residential property in the
19 subdivision.

20 As detailed in your Staff Report, the PD to allow
21 subdivisions to 14 lots was considered numerous times by
22 the DRC and the Planning Commission prior to approval by
23 the Council in 2002. During the final review by the
24 Planning Commission in January 2002 two members of the
25 public spoke and commented that any residence on Lot 14

1 should be rebuilt in the original footprint and of similar
2 size. In response, the Commission forwarded the Planned
3 Development to the Council with an added standard that a
4 replacement residence on Lot 14 be similar in square
5 footage, mass, and scale to the original residence that was
6 destroyed by fire.

7 In March 2002 the Council adopted the PD
8 Ordinance adding the Lot 14 limitations, Performance
9 Standard 8, which other than Lot 14 limits homes in the
10 subdivision to 4,850 square feet with an average size of
11 4,650 square feet, and at least two-thirds of the homes
12 being single-story.

13 Town records for Lot 14 did not provide much
14 detail on the original residence. Included with your Staff
15 Report is a letter from 2016 indicating that the original
16 home was one story and approximately 2,400 square feet.
17 Other anecdotal information indicates that the size of the
18 original residence may have been closer to 3,000 square
19 feet. Given the incomplete nature of the records for Lot
20 14, Staff has messaged to the public over time that the lot
21 could be developed with a single-story residence with a
22 maximum size of 3,000 square feet, should be located in the
23 general area of the previous residence, and any new
24
25

1 residence would be subject to an Architecture and Site
2 approval.

3 After recently purchasing the property the
4 Applicant contacted Staff to explore the development
5 potential of the property. Staff provided guidance on the
6 limitation imposed by the PD and referred the Applicant to
7 the Conceptual Development Advisory Committee to obtain
8 preliminary feedback on increasing the allowed residence to
9 6,000 square feet.

10
11 As detailed in your Staff Report, the CDAC
12 expressed some concerns with the preliminary proposal and
13 recommending that the maximum residence size be more in
14 line with the development in the subdivision. The Applicant
15 has revised their request in response and now seeks a
16 maximum residence size of 4,850 square feet. This increase
17 also requires a change to the average residence size from
18 4,650 square feet to 4,655 square feet. Exhibit 14 includes
19 Revised Performance Standard 8 reflecting the Applicant's
20 request.

21 At this time no development is proposed. A future
22 proposal for a new residence would be subject to
23 discretionary review under a public hearing under an
24 Architecture and Site Application.
25

1 Based on the analysis provided in the Staff
2 Report, Staff recommends forwarding a recommendation of
3 approval to the Town Council.

4 This concludes my presentation and Staff is
5 available for any questions.

6 CHAIR BARNETT: Thank you very much, Mr. Mullin.
7 Are there any questions of Staff from members of the
8 Commission at this time? Commissioner Clark.

9 COMMISSIONER CLARK: I have a question about the
10 request for the 5' increase in the average size. Is that
11 just because this lot increases the total average to 5'
12 over what's currently allowed?

13 SEAN MULLIN: Thank you for that question. Yes,
14 that's the case. Currently the average only considers Lots
15 1-13, so the addition of Lot 14 at 4,850 would bump the
16 average up by 5'.

17 COMMISSIONER CLARK: Okay, thank you.

18 CHAIR BARNETT: Any other questions of Staff at
19 this time? There will be a further opportunity to do so
20 later in the meeting. I don't see any, so we'll now open
21 the public portion of the public meeting and give the
22 Applicant any opportunity to address the Commission for up
23 to five minutes. Ms. Armer, do we have the Applicant ready?
24
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1 JENNIFER ARMER: I see a hand raised, so we will
2 allow you to speak.

3 DERRICK: Hi, this is Derrick. I'm speaking on
4 behalf of Kunling Wu, Trustee for the Bright Smile Dental
5 Trust Fund for this property.

6 We have gone with Staff recommendations to
7 communicate with the HOA as well as the neighbors. We
8 understand that the HOA has given us some feedback
9 regarding any future site development and the concerns that
10 they have regarding building a driveway, potential drainage
11 issues, etc., however, according to Mr. Mullin as well,
12 this is not an actual proposal for any kind of development
13 on the site yet, simply a change to the size of what is
14 permitted to be built onsite, similar to Lots 1-13, which
15 is within the HOA neighborhood.

17 I believe we have done our very best as a non-
18 commercial entity to meet the Town's requests regarding
19 this proposal. If there are any further actions we need to
20 take, we'll be happy to do so. Thank you very much.

21 CHAIR BARNETT: Thank you. Are there any
22 questions for Derrick at this time? I'm not seeing any, so
23 at this time we'll invite comments from members of the
24 public who may wish to speak on this matter, and again
25 remind them to use the raised feature on Zoom and speak

1 when you're called upon. Do we have any members of the
2 public who wish to speak, Ms. Armer?

3 JENNIFER ARMER: If we have anyone here this
4 evening to speak on this item, please raise your hand. I'm
5 not seeing any hands raised, Chair.

6 CHAIR BARNETT: Then we'll move on and ask
7 Derrick if you wish to make any further comments to close,
8 and you have up to three minutes additional if you wish to
9 proceed with that.

10 DERRICK: Thank you very much for your time. We
11 will just ask any Commissioners if you guys have any other
12 comments or thoughts regarding an actual building of a
13 single-story home onsite for future reference in terms of
14 any considerations that we should look into in the planning
15 phase so as to not meet any significant challenges in the
16 future? We already got some feedback from the HOA, which we
17 will take into serious consideration in addressing those
18 concerns. Thank you.

19 CHAIR BARNETT: I appreciate that. Are there any
20 further questions of the speaker by members of the
21 Commission?

22 I had one question, Derrick, about the extent of
23 the public outreach. In our packet it looked like one of
24 the neighbors had shown approval, but we don't have
25

1 information as to the extent of the distribution of the
2 notice.

3 DERRICK: I am not 100% regarding which members
4 within the HOA have received our letters pertaining to this
5 particular request for amending the PD, but I believe it
6 has gone through the HOA. We did get more than one person's
7 feedback from the HOA regarding potential drainage
8 concerns, traffic concerns, also considerations with an
9 adjacent hiking trail that is next to the site, so all of
10 those I think are great advice in terms of moving forward.
11

12 But there are neighbors that said to talk to the
13 HOA, from my understanding. I wasn't personally involved in
14 the discussion, but from what I understand with Kunling Wu
15 is that the neighbors said just refer to the HOA's feedback
16 and Council, and I believe the HOA has done a great job in
17 terms of reaching out to everybody within the community.

18 CHAIR BARNETT: Thank you for the comment, and if
19 there's nothing further from Commissioners for the speaker,
20 I'll close the public portion of the public hearing and ask
21 if Commissioners at this time have any further questions of
22 Staff, wish to comment on the application, or introduce a
23 motion? Commissioner Thomas.

24 COMMISSIONER THOMAS: I just wanted to confirm
25 with Staff for this recommended change that 4,850 square

1 feet would be a maximum. They wouldn't have to build a
2 house that size, correct?

3 SEAN MULLIN: That's correct.

4 COMMISSIONER THOMAS: Okay, thank you.

5 CHAIR BARNETT: Vice Chair Raspe.

6 VICE CHAIR RASPE: Thanks, Chair. My initial
7 thoughts are I find this generally a reasonable request. If
8 the notion was originally considered that the home site
9 could only be as big as the original home, which was 3,000
10 square feet, that puts it well below the structures which
11 currently exist in Lots 1-13, which generally range from
12 4,315 square feet to 4,800-and-some-odd square feet, so
13 limiting any kind of future development there, 3,000 seems
14 to be an unreasonable limitation on that lot.

15
16 It seems to me that the Applicant in this
17 location has done a good job of listening to prior comments
18 in downsizing their size from 6,000 square feet to 4,850
19 square feet. They have the largest lot in the area at eight
20 acres, which would put them at the smallest FAR even at
21 their requested figure. They've agreed to limit the story
22 to one-story, even though there is a mix of one- and two-
23 stories in that development, so it seems to me that all
24 things considered, the Applicant's request in this case
25

1 seems reasonable and I would be inclined to forward a
2 recommendation to Council to allow it to proceed.

3 CHAIR BARNETT: Thank you very much for those
4 comments. We'll move on to Commissioner Janoff.

5 COMMISSIONER JANOFF: Thank you. I would agree
6 with Vice Chair Raspe. I find that this request seems
7 reasonable. I do appreciate that they have reduced their
8 original request from 6,000 square feet down to the maximum
9 for the PD, so that makes sense to me, and it makes sense
10 to increase the average size by 5' in order to accommodate
11 this additional lot.
12

13 I do have a question for Staff. Since this house
14 will be placed on the ridge, and it may not be a
15 significant ridge, would the Hillside Design Standards and
16 Guidelines apply with respect to the height of this
17 proposed structure? I know that's not before us tonight,
18 but when it comes to Architecture and Site, or down the
19 line to the Planning Commission, I would ask Staff if the
20 18' limit for a home that's visible on a ridge would apply
21 to this potential site?

22 SEAN MULLIN: Thank you for that question. Under
23 an Architecture and Site Application the Hillside Standards
24 and Design Guidelines could certainly apply, and you are
25 correct, this ridge is not identified as a significant

1 ridge in the Hillside Specific Plan. I think evaluation and
2 careful consideration of the visibility impact is needed,
3 and there is one viewing area where there is some potential
4 for visibility over by Leigh High School off of Los Gatos
5 Almaden. If it were found to be visible, obviously it would
6 be limited to a height of 18'.

7 Staff will have to look at the Architecture and
8 Site Application, or even some preliminary plans from the
9 Applicant, to definitively determine if that knoll or that
10 outcropping would qualify as, "silhouetting on a ridge" is
11 the language that's used in the Hillside Guidelines. I
12 can't remember the exact figure quoted in the Staff Report,
13 but it does sit some feet below the ridge that Santa Rosa
14 traverses, but looking a little bit more closely today it
15 does have the potential for visibility from that area near
16 Leigh High School, so we'd have to look at that carefully.

17 I would say that there is a performance standard
18 that's not subject to this application that does limit
19 height in the PD, so it would obviously be subject to that.
20 The Applicant is proposing a single-story, which would be
21 part of the limitation, and we would continue to look at
22 things as the project details develop.

23 COMMISSIONER JANOFF: Thank you for that. I
24 wanted to confirm, because Performance Standard 9 or 10
25

1 does give a limit of 25' height, but as we know from our
2 item from last meeting's agenda, we were looking for
3 something well under that height should it be visible, so
4 thank you for clarifying that Staff will be looking at that
5 closely.

6 CHAIR BARNETT: Thank you. We'll move on to
7 Commissioner Clark.

8 COMMISSIONER CLARK: I feel comfortable with this
9 request, and I'll just list off a few of my reasons.
10

11 I think it having the lowest FAR demonstrates
12 that this size increase is reasonable, and the fact that
13 any future development would still have to come to us makes
14 me also feel a lot better.

15 And we don't even know the size of the original
16 development, which I think is worth considering, because
17 it's guesstimating, and it also seems like that rule was in
18 place because of two public comments back in 2002, so it
19 makes sense that things would have changed since then.

20 I think that the size seems like a really good
21 neighborhood fit, so all of the aspects of the request seem
22 reasonable to me and I'm comfortable with it.

23 In terms of the Applicant's question about
24 whether there are any considerations that they should take
25 into account during the process of designing this, I would

1 say that the Planning Commission really heavily weighs and
2 values neighborhood outreach and engagement, and so if
3 there are any neighborhood concerns it's always best to try
4 to work those out with your neighbors beforehand if at all
5 possible; it makes the process a lot easier.

6 Also, I was looking at the list of the different
7 guidelines, codes, and standards that will have to be
8 followed for a property in this location, so I would say
9 just do your best to conform to all of those. Thank you.

10 CHAIR BARNETT: Commissioner Thomas.

11 COMMISSIONER THOMAS: Thank you. I did have one
12 follow up question for Staff mainly to confirm for the
13 Applicant that it does say that the application would be
14 considered in a public hearing either by the Development
15 Review Committee or Planning Commission. Is that only true
16 because currently this would be the largest house in the
17 immediate neighborhood? If they decided to build a smaller
18 house, would it need to even go to the DRC or Planning
19 Commission?
20

21 SEAN MULLIN: Thank you for that question. Any
22 new residence requires an Architecture and Site
23 Application, and an Architecture and Site Application will
24 be reviewed regardless of the size of the house and
25 considered by the DRC, which is the streamlined process, or

1 if there were concerns or an automatic trigger it would be
2 forwarded to the Planning Commission.

3 COMMISSIONER THOMAS: So if it were like largest,
4 it would come to us, otherwise it might just be streamlined
5 through the Development Review Committee?

6 SEAN MULLIN: There's potential for that.
7 Obviously that's based on the merits of the application
8 once we receive it.

9 COMMISSIONER THOMAS: Okay, thank you. I agree
10 that just following the Hillside Design Guidelines, working
11 with the HOA and getting feedback, and like Commissioner
12 Clark said, making sure you're reaching out to neighbors,
13 asking Staff what would trigger it coming to the Planning
14 Commission; that might make the process longer. Thank you
15 for answering those questions. I appreciate it.

16 I also agree with what everyone has said. I'm
17 comfortable with forwarding this for all the reasons that
18 have been stated.

19 CHAIR BARNETT: Thank you, Commissioner. Thomas.
20 I have a couple of items to bring up and one is for Staff.

21 The Homeowners Association generally approved the
22 proposal but had a number of concerns, and would it be
23 correct that those concerns would be addressed downstream
24
25

1 at Architecture and Site or otherwise, but are not
2 necessarily to be addressed at this hearing?

3 SEAN MULLIN: Thank you. Yes, I think that's
4 correct. The HOA did express some concerns and talked about
5 architectural style. Obviously since no development is
6 proposed at this time, there's nothing to respond to.

7 While we're evaluating an Architecture and Site
8 Application in the future we would at least be asking the
9 Applicant how they have dealt with the concerns of the HOA,
10 and we would be asking for another letter from the HOA
11 voicing their support of the project, and obviously they
12 would have to meet all the rest of the Town's standards in
13 the Planned Development Ordinance.

14 CHAIR BARNETT: Okay, great. That's what I was
15 thinking. I had just a couple of comments to add to what's
16 been brought up so far.

17 I think that the fact that there's only a 5%
18 increase over the average home size resulting from the
19 4,850 is de minimis. I think that the fact that there's a
20 small forest, as mentioned previously, is certainly in
21 favor of the application, and there's general conformance
22 with the recommendations of the CDAC.

23 So from all those perspectives I certainly would
24 be in favor of a motion, and therefore will ask if anyone
25

1 wishes to propose a motion at this time? Commissioner
2 Clark.

3 COMMISSIONER CLARK: I can try. I move to forward
4 a recommendation of approval to the Town Council on a
5 request for modification of PD Ordinance 2172 to increase
6 the maximum residence size allowed on Lot 14 on property
7 zoned HR-5:PD, located at 300 Mountain Laurel Lane. I can
8 make the finding that it meets the requirement set forth by
9 Section 29.80.095 of the Town Code, and that it is
10 consistent with the Town's General Plan.
11

12 CHAIR BARNETT: Thank you for that motion, and
13 I'm looking for a second. Commissioner Thomas.

14 COMMISSIONER THOMAS: I second that motion. Do we
15 also need to acknowledge that it's exempt from CEQA?

16 CHAIR BARNETT: Maker of the motion want to
17 comment on that?

18 COMMISSIONER CLARK: It can't hurt, right?

19 COMMISSIONER THOMAS: I'm asking Staff, I guess.
20 Is that a requirement? Do we need to include that?

21 JENNIFER ARMER: Yes, that would be helpful,
22 thank you.

23 COMMISSIONER THOMAS: Okay, I will include that
24 in my second.
25

1 CHAIR BARNETT: That satisfies the seconder.

2 Commissioner Janoff, do you have a comment?

3 COMMISSIONER JANOFF: Yes, I do. I wanted to ask
4 the maker of the motion if Exhibit 14 were part of the
5 motion, in particular because it includes the average
6 square footage going from 4,650 to 4,655 square feet and
7 strikes the language that would limit Lot 14?

8 COMMISSIONER CLARK: Yes, it is. The amended
9 Performance Standard 8 is also part of the motion, thank
10 you.
11

12 CHAIR BARNETT: Any further discussion of the
13 motion?

14 COMMISSIONER JANOFF: Does the seconder need to
15 be asked?

16 CHAIR BARNETT: I'm sorry.

17 COMMISSIONER THOMAS: Yes.

18 CHAIR BARNETT: You do approve that change?

19 COMMISSIONER THOMAS: Yes.

20 CHAIR BARNETT: It sounds like we're ready to
21 vote on the matter, and I'll call the roll. Let's start
22 with Commissioner Janoff.

23 COMMISSIONER JANOFF: Yes.

24 CHAIR BARNETT: Commissioner Thomas.

25 COMMISSIONER THOMAS: Yes.

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CHAIR BARNETT: Commissioner Clark.

COMMISSIONER CLARK: Yes.

CHAIR BARNETT: And Vice Chair Raspe.

VICE CHAIR RASPE: Yes.

CHAIR BARNETT: And Commissioner Burnett.

COMMISSIONER BURNETT: Yes.

CHAIR BARNETT: I vote yes as well, so the matter
passes unanimously 6-0.

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