



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 07/10/2019

ITEM NO: 1

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**DRAFT**

**MINUTES OF THE PLANNING COMMISSION MEETING  
JUNE 12, 2019**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, June 12, 2019, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Present: Chair Matthew Hudes, Vice Chair Melanie Hanssen (arrived late), Commissioner Mary Badame, Commissioner Kendra Burch, and Commissioner Tom O'Donnell

Absent: Commissioner Kathryn Janoff, Commissioner Reza Tavana

**PLEDGE OF ALLEGIANCE**

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

**VERBAL COMMUNICATIONS**

None.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

Chair Hudes requested Item 1, Approval of Minutes May 22, 2010, be pulled from the Consent Calendar and amended them to include: Item 3, Town Code Amendment A-19-001 – Hillside Fences, show that Chair Hudes made a motion to not recommend the actions to the Town Council which failed for lack of a second.

**PUBLIC HEARINGS**

**1. Approval of Minutes – May 22, 2019**

**MOTION:** Motion by Commissioner Badame to approve the Minutes of May 22, 2019, as amended. **Seconded** by Commissioner O'Donnell.

**VOTE:** Motion passed 4-0.

**2. 16212 Los Gatos Boulevard**

Planned Development Application PD-17-002

Negative Declaration ND-19-002

APNs 523-06-010 and 523-06-011

Property Owner/Applicant: 16212 Los Gatos Blvd, LLC

Project Planner: Ryan Safty

Requesting approval of a Planned Development to re-zone two properties zoned CH to CH:PD to allow for construction of a new commercial building.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Eugene Sakai, Studio S Squared Architecture

- He submitted ten letters of support as a Desk Item. In 2016 the Town Council denied their proposed project and advised the Applicant to explore a purely commercial option. In 2017, they presented a retail proposal that preserved and renovated the existing one-story dealership building while adding a retail building at the corner. They have made a number of revisions to the building, such as reducing the mass of the second floor at the corner to provide a reduced scale at the intersection and better views of the mountains, broken up rooflines on the parking lot side to express the stair tower between the two floors, refined the second floor roof massing, simplified the rooflines along the boulevard, and broken up the glass at the corner by adding a stone portal. Their project proposes a modestly-sized development on an extremely underutilized site.

Kathryn Parker, 16475 Ferris Avenue

- She lives near the subject site and is against the proposed building because it does not conform to many of the basic design principles regarding setbacks, views, and Los Gatos' qualities of small scale and pedestrian-friendliness. A 30-foot wall looming up from the sidewalk is not appropriate for Los Gatos Boulevard, especially as this is a corner where the guidelines say the buildings should be limited to one story.

Jeffrey Barnett, 101 Mullin Way

- He represents himself and a number of his neighbors. Their concern is that the proposed building has only a nominal five-foot setback rather than the generous setbacks on most of the other buildings on the boulevard. The project is not in compliance with the Los Gatos Boulevard Plan whose goal is to preserve the character of the Town. The proposal does not follow the Commercial Design Guidelines that stress the importance of a strong landscape setback.

Barbara Dodson, Marchmont Drive

- The Commission should reject the plan because the setback from the sidewalk is insufficient to allow creation of a green space between the sidewalk and building, and the two-story building blocks residents' views of the mountains. She is also concerned about the loss of a dedicated right-turn lane on Shannon Road and the loss of a third lane on Los Gatos Boulevard, which would create new traffic congestion.

Paul Grams

- Why is a huge 30-foot high building proposed for a residential area when it is opposed by all the neighboring residents and serves only to generate more profits for the developer? The proposed five-foot setback is outrageous when no other structure along Los Gatos Boulevard has such a short distance from the curb to the sidewalk. A subterranean garage would allow the building to be set back more.

Roy Moses, 16529 La Croix Court

- The intersection in question is very congested. He respects developers' rights to develop their property and earn a profit, but the people living around the site must also be considered. The building needs to be set back farther from the curb to make it more aesthetic and views of the mountains preserved. The other big issue is taking out the right lane. Kids walk on the edge of the road and removing the right lane would jeopardize their lives.

Scott Schork, Engineer

- The curb will be moved out 10 feet, making the setback much wider. The first floor was moved nine and a half feet forward with the curb so they would be set back six inches farther from the future curb than they were in the prior proposed development. The second story was moved back about one and a half feet, creating better views and making the development consistent with the neighborhood. Porkchop island removal and lane narrowing are Safe Routes to School requirements that improve the traffic flow and reduce the length of time children are in the crosswalk.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**      **Motion by Commissioner Burch** to recommend denial of Planned Development Application PD-17-002 located at 16212 Los Gatos Boulevard based on concerns regarding setbacks, hillside views, whether there is a requirement for the modifications made based on Safe Routes to School, and how traffic on Los Gatos Boulevard would be impacted by losing a lane. **Seconded by Commissioner Badame.**

Commissioners discussed the matter.

Commissioner O'Donnell requested the motion be amended to recommend denial of the application on the basis stated in the hearing.

Commissioners discussed the matter.

The Maker of the Motion declined to amend the motion.

Commissioners discussed the matter.

The Maker of the Motion amended the motion to include language that the recommended denial is based on, *but not limited to*, concerns regarding the setbacks, views, Safe Routes to School, and losing a lane on Los Gatos Boulevard.

The Seconder of the Motion accepted the language amendment to the motion.

**VOTE: Motion passed 4-0.**

**3. 17528 Tourney Road**

Architecture and Site Application S-18-051

APN 537-04-019

Applicant: Hunt Hale Architects

Appellants: Beverly and Steve Miller

Property Owner: Kevin Ebrahimi

Project Planner: Ryan Safty

Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing single-family residence, removal of large protected trees, site improvements requiring a grading permit, and construction of a new single-family residence on property zoned HR-2½.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Steve Miller (Appellant), 17651 Tourney Road

- He and his wife Beverly have lived on Tourney Road for 23 years and are located directly behind the project site. After reviewing the Applicant's plans, he enlisted the help of Tony Jeans, who will speak on his behalf.

Tony Jeans (Appellant Representative)

- He provided a review of the inconsistencies contained in the Applicant's DRC-approved plans for the Commission's information packet. The Applicant has since corrected many of the inconsistencies in the plans that are before the Commission, but some still remain. The Applicant's civil engineer has adjusted the slope, which means a smaller FAR, but what about the other square footage on this property? Due to areas not tabulated as floor area, such as the California room and the carport, the FAR is over that which is stated. The massing could be reduced by removing the attic and reducing the height of the master bedroom tower and closet. A landscape plan was provided. The Appellants would like an attempt made to save Tree 9, a Valley Oak that provides a visual buffer, and would like the three Coast Live Oaks immediately adjacent to the driveway on the left to be protected by Type 3 tree protection. They accept the Applicant's offer to install privets along the property line for screening. The proposal to install four 36-inch box trees does not work with the arborist report requirements.

Kevin Ebrahimi (Applicant), 17528 Tourney Road

- In late 2016 he met with the Appellants, and they stated their only concern was the ridge height. He then submitted his plans, which reflected the Appellants' comments. He brought the single-story portion of the ridge down to 20 feet, 10-inches, including the 2-foot pad drop, but was not agreeable to reducing the ridge height further. One of the trees slated for removal is diseased and must be removed, but the other four trees are being removed in order to lower the pad two feet. However, they are not touching the three trees that are on the Appellants' property and outside the construction area. He submitted a preliminary landscape plan, with new trees oriented to provide the most visual screening for the proposed house.

Lee Quintana, 5 Palm Avenue

- The Hillside Design Standards and Guidelines clearly state that the FAR is not guaranteed and projects need to meet the HDS&G standards and objectives. The Architectural Design section of the HDS&G deals with minimizing bulk and mass and is key to this proposal: "Buildings shall be designed to minimize mass and scale and volume, and the building shall be designed to conform to the natural topography and contours."

Shawn Medved

- He is the previous owner of the subject property and had virtually the same experience with the Appellants when he attempted to develop the site. His project was compliant, they worked diligently with the Appellants and made expensive changes to protect their view, but the Appellants kept moving the goal line. The Appellants would say everything was fine and then new things kept coming up. They ended up in the front of the Planning Commission and the Appellants appealed his project at the eleventh hour even though they had verbally said everything was fine.

William Yuan, Tourney Road

- He lives one house above (south) the Appellants. He is not opposed to neighborhood development, but the story poles for this project appear very tall and close to the road.

Kevin Ebrahimi (Applicant), 17528 Tourney Road

- He asked the Commission to let him know of any concerns they have, because he has looked at the project with staff and his architect and could not find any issues. He asks for the Commission's concerns so he can resolve them and move on and build a home.

Tony Jeans

- He spoke with the Applicant who is possibly prepared to make a few little changes by reducing some of the mass. He requested the Commission give specific direction to the Applicant to revise the plan and return to the Planning Commission or DRC. The project should not be approved today; it should come back one more time.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**      **Motion by Commissioner O'Donnell** to deny the appeal, subject to making changes to the plans as illustrated in the Exhibit presented by the applicant as entered into the record by the Planning Commission. **Seconded by Chair Hudes.**

Commissioners discussed the matter.

**VOTE:**            **Motion passed unanimously.**

## **OTHER BUSINESS**

### **4. Report from the Director of Community Development**

Joel Paulson, Director of Community Development

- Town Council met June 4, 2019; introduced Demolition Ordinance modifications considered by the Planning Commission and sent other modifications back to the Policy Committee.
- GPAC meeting will be held June 20, 2019 to discuss potential land use alternative goals and policies in preparation of the General Plan update.

## **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

### **Conceptual Development Advisory Committee**

Commissioner Badame

CDAC met June 12, 2019 and considered 14926 Los Gatos Boulevard. **ADJOURNMENT**

The meeting adjourned at 10:39 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the June 12, 2019 meeting as approved by the Planning Commission.

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Vicki Blandin

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