



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
JULY 10, 2019**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, July 10, 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, Commissioner Mary Badame, Commissioner Kendra Burch, Commissioner Kathryn Janoff, Commissioner Reza Tavana, and Commissioner Tom O'Donnell

Absent: None.

PLEDGE OF ALLEGIANCE

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

VERBAL COMMUNICATIONS

David Weissman

- He appealed the DRC approval of the Greenridge Terrace Subdivision Map because what the applicant had proposed and what staff had accepted did not comply with what the Town Council had discussed. He pulled his appeal because the applicant has made significant changes.

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

1. Approval of Minutes – June 12, 2019

MOTION: Motion by Commissioner Badame to approve adoption of the Consent Calendar, as amended. **Seconded** by Vice Chair Hanssen.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. 15860-15894 Winchester Boulevard

Architecture and Site Application S-19-026

Subdivision Application M-19-006

APN 529-11-013, -038, -039, and -040

Applicant: Doug Rich, Valley Oak Partners

Property Owners: South Beach Partners LLC and Cumulus Capital Holdings LLC

Project Planner: Jennifer Armer

Requesting approval of a time extension to demolish three existing single-family residences, remove an accessory dwelling unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Georgina Van Horn

- She lives at the University Oaks Condos and is the closest neighbor to this property. She requests the time extension not be approved because the developer has had two years to build and has not, and the Town does not need more office space.

Andrew Spyker

- He also supports not approving the time extension and provided details on the compliance issues, such as squatters having open fires, and said there has been no maintenance on the property in 21 months.

Doug Rich

- Taking action against the squatters was delayed because it took time to get an appointment for a fence installation. They were working with the Los Gatos Police Department on the issue and have kept in touch with the neighbors. They will do what it takes to address the issues.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame** to approve an Architecture and Site Application and Subdivision Application requesting approval for a time extension for 15860-15894 Winchester Boulevard. **Seconded by Commissioner Janoff.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

3. 16 Chestnut Avenue

Architecture and Site Application S-17-047

APN 510-40-012

Applicant/Appellant: Bess Wiersema, Studio 3 Design

Property Owner: Kim Roper

Project Planner: Erin Walters

Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing pre-1941 single-family residence and construction of a new single-family residence on property zoned R-1:12.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Kim Roper, Property Owner

- Today was the first they had heard that they needed an expert witness. They also just got a discussion packet from the Town a few days ago and are unable to address a lot of the issues because of the delay in receiving it. The location the Town wants for her driveway is unsafe because she would not be visible to oncoming traffic.

Bess Wiersema, Studio 3

- This project was intended as a rebuild from the beginning two years ago. This is an existing intersection with other existing driveways that will remain and not change based on site conditions and existing lot frontages, so they are in keeping with the existing neighborhood and very visible to oncoming traffic. The current location is the safest place for the driveway.

Bart Hechtman

- The Planning Commission's discretion should be exercised based on the unique configuration of this intersection, not generic statements pulled from transportation documents that do not apply. Visibility at the present location is excellent. He urged the Commission to uphold the appeal, delete Condition 59, and approve the driveway at the current location.

Sharon Herald

- She will save her remarks for the continuance.

Bob Simmons

- He lives up the street from the subject property. There has never been an accident in the 40-plus years he has lived there due to the multiple stop signs that give great visibility. He hopes the stone wall on the subject property is preserved.

Margo Simmons

- She cannot recall an accident on her street in spite of heavy pedestrian traffic, so if things work leave them alone. The subject's property's driveway is unique in its location and adds to the Town's character and should be preserved.

Doug Evans

- He loves the authenticity of Glenridge and would hate to see it disturbed by moving the driveway. He bikes on that street and it is a very safe location.

Bart Hechtman

- They do not have any additional comments, but the team is available to answer any questions and hopefully discuss the parameters of a continuance if the Planning Commission will entertain that.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner O'Donnell** to continue the public hearing for 16 Chestnut Avenue to the meeting of October 9, 2019. **Seconded by Vice Chair Hanssen.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Commissioner O'Donnell indicated that he would recuse himself from participating in Item 4, 66 E. Main Street, as his residence is within 500 feet of the subject property.

4. 66 E. Main Street

Conditional Use Permit Application U-19-010

APN 529-29-049

Applicant: Alex Anderson

Appellant: Thomas Spilsbury

Property Owner: Jane Thomas Living Trust

Project Planner: Jennifer Armer

Consider an appeal of a Development Review Committee decision approving a Conditional Use Permit Application requesting approval of group classes on property zoned C-2.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Thomas Spilsbury, Appellant

- He owns the property directly across from the subject site and would be directly impacted by the project. People in the neighborhood are not in support of the gym, but he and his neighbors would support it with the following changes and conditions: 1) The CUP is valid and sunsets in 12 months, 2) A six-month review would be conducted, 3) Gym hours would be 7a.m. to 7p.m., 4) No outdoor music or speakers, and 5) The outdoor area should be returned to parking.

Alex Anderson, Applicant

- The Club's interest in 66 E. Main is based on the desire to ensure their members are able to maintain their fitness routines while the Club undergoes a remodel at 285 E. Main. By occupying 66 E. Main they would be able to turn a multi-phase, two-year remodel into a single-phase, one-year remodel. Their business model fits the code and they do not seek a variance. They have sufficient parking and they will leave the parking lot open during the C Club's remodel. Staff will park at 285 E. Main Street.

Melissa Thomas

- She owns the Garden Inn hotel immediately next door to the subject site and welcomes the Club of Los Gatos as a new neighbor. The Club would be a considerate neighbor and she anticipates life and vibrancy returning to this iconic corner.

Jane Thomas

- She owns the subject site and supports the health club. It has taken over 18 months to find a suitable tenant for this site, and after carrying an unsightly vacant corner property for so long she considers herself very fortunate to have found a reliable and established Los Gatos business owner to rent the space.

Mike Williams

- He owns Southern Kitchen Los Gatos. He completely supports the application, saying it would bring more people to the area. Parking is not an issue; they seat 300 people a day in eight hours and parking has not been a problem.

John Lochner

- He is a member of the board of the Veterans Memorial and Support Foundation and they would welcome the Club as next-door neighbors, but would hope the Commission places some restrictions, such as hours and parking, because parking is a major problem.

Kent Hillhouse

- He is president of the Veterans Memorial and supports the Appellant. He believes the project is moving too fast and his organization has not received notification of meetings, although they are located across the street from the subject site. A more thorough examination of the CUP, as requested by the Appellant, is in order.

Jim Free

- He is an advisor to the Veterans Memorial and Support Foundation board. His concern is that this memorial is a place one can go and contemplate and understand the sacrifices made by those who have given their all, and he hopes that can be maintained.

Samantha Moore

- She lives across the street from 66 E. Main. This building was built to show cars, is not soundproof, has Plexiglass walls and a big open space. Gym activity is not meant to be seen on both sides of the street. There is nothing obstructing the view or noise from her building.

Erika Venter

- She is the applicant's neighbor and was surprised that she received no notices with respect to the project. She supports comments made by the Appellant and Ms. Moore. She is a member of the gym, but one thing she needs more than exercise is sleep.

Greg Hacker

- He is the president of the Forbes Mill Homeowners Association. Their biggest concerns are the fact that the original proposal of the CUP was for a temporary use, which seems to have been made more permanent, and they would prefer time limits, possibly the originally proposed one year. The hours of 5a.m. to 10p.m. seems excessive because of the potential for noise.

Alice Hoagland

- The Los Gatos Veterans Memorial Foundation has tried to bring a serene and solemn memorial and a place for reflection to the community. She fears the music and noise from the gym and the added traffic congestion would make it difficult for those looking to the Veterans Memorial to be such a place.

Mike Hogan

- He lives at Forbes Mill in a front unit facing the proposed site. The problem is when the Club owner was asked to make concessions and make them enforceable by putting them into the use permit he objected to them all, yet he said he wants to be a good neighbor.

Noreen Clark

- She has been a member of the Club for 30 years. Although people are concerned about noise, most of the Club members are mature citizens who don't like the music really loud. The Veterans Memorial is on Main Street in the nucleus of the Town where there is the noise of everyday life.

Emilie Schultz

- She is an instructor at the Club and the music they play is at a very low volume. Noise volume is unfounded in this situation, because it is an older crowd who have been working out together for 30 years and they don't like loud music.

Maureen Cappon-Javey

- She is executive director of the New Museum Los Gatos, which is directly across from 66 E. Main. Her concern is parking, and her advice is to put conditions in place so everyone is kept honest. She agreed with a former speaker that being a good neighbor is great but get it in writing.

Catherine Somers

- She is executive director of the Los Gatos Chamber of Commerce. The applicant has persevered through four years of getting permits to rebuild the Club that so many people enjoy and need for fitness. There are a lot of underutilized spaces on Main Street and if they want to reinvigorate the Town they have to start getting people in these spaces.

Maria Ristow

- She is a member of the Club where there are lifelong athletes, an older demographic, and a community of people who support each other and work out. The CUP is all about helping the members have a place to continue working out while the Club has a long overdue remodel.

Fiona Maloney-McCrystle

- She works at the Chamber of Commerce and one of the things they hear most from people is the low morale about empty storefronts, a trend that is very prevalent in the Town currently. There needs to be thoughtful compromising so these empty storefronts can be filled.

Alex Anderson

- After 6 p.m. all classes would be yoga or Pilates. He is eager to comply with ordinances and reiterated that he would be a good neighbor. He stands with the Veterans Memorial, and

anything short of treating it with respect would be unacceptable. His first obligation is to his members, and they have already suffered reductions in showers, the pool, and locker rooms.

Thomas Spilsbury

- Good written agreements make good neighbors. He and the other business owners on the street are okay with the noise as long as it is kept inside the building as the ordinances require. They couldn't live with classes outside because that is not part of the CUP or what was requested in the CUP. The permanent CUP length is an issue because the applicant waffles when asked to stand behind the temporary length. There was no neighborhood outreach, not even to him when he own the property right across the street. The other businesses have tried to be good neighbors and encourage the Club's business, but the applicant needs to meet them in the middle.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Chair Hudes** to deny the appeal and uphold the DRC decision, subject to additional conditions: The use would be for group classes at a non-formula, private sports recreation club and the opportunity for private fitness workout; the language from the letter that says, "Utilizing the front assembly room, approximately 1,700 square feet, for classes like dance, yoga, and Pilates while utilizing the rear exercise room, approximately 3,700 square feet, for exercise equipment, employees and an administrative office," would be inserted; with a three-month report to the Planning Commission from the Community Development Director, and then a six-month review process after the three-month report.

Commissioners discussed the matter.

The motion failed for lack of a second.

MOTION: **Motion by Chair Hudes** to deny the appeal and uphold the DRC decision, subject to amended additional conditions: The use will be a non-formula private sports recreation club offering group classes and facilities for private fitness workout with a three-month administrative review of the project to the Planning Commission from the Community Development Director.

Seconded by Commissioner Badame.

Commissioner Janoff requested the motion be amended to replace "opportunity" with "facility that offers."

The Maker of the Motion accepted the amendment to the motion.

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

VOTE: Motion passed unanimously.

5. 16100 Greenridge Terrace

Subdivision Application M-19-004

APN 528-12-002

Applicant: Hanna & Brunetti

Appellant: David Weissman

Property Owner: Emerald Lake Investments, LLC

Chair Hudes indicated that the Appellant had rescinded his appeal with respect to 16100 Greenridge Terrace and the Planning Commission would not hear the item.

6. Consider the Draft General Plan Vision Statement and Guiding Principles

Jennifer Armer, Senior Planner, presented the staff report.

Opened and Closed Public Comment.

Commissioners discussed the matter.

MOTION: Motion by Vice Chair Hanssen to forward a recommendation on the General Plan Vision Statement and Guiding Principles to the Town Council with Planning Commission changes discussed at this hearing. Seconded by Commissioner Burch.

VOTE: Motion passed unanimously.

OTHER BUSINESS

7. Report from the Director of Community Development

Joel Paulson, Director of Community Development

- GPAC will meet July 18, 2019 to continue discussion on land use alternatives.
- There are no items on the Planning Commission's July 24, 2019 meeting agenda and that meeting will likely be canceled.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Advisory Committee

Vice Chair Hanssen

- GPAC met June 20, 2019; discussed land use alternative and the hillsides and the necessity to grow residential in town.

Historic Preservation Committee

Chair Hudes

- HPC met June 26, 2019; discussed two items:
 - o 62 Ellenwood
 - o 17 North Santa Cruz Avenue

ADJOURNMENT

The meeting adjourned at 11:18 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 10, 2019 meeting as approved by the Planning Commission.

/s/ Vicki Blandin