



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
NOVEMBER 10, 2021**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, November 10, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

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

ROLL CALL

Present: Chair Kathryn Janoff, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, Commissioner Reza Tavana, and Commissioner Emily Thomas
Absent: None.

VERBAL COMMUNICATIONS

Planning Commissioners paid tribute to former Planning Commissioner Tom O'Donnell who passed away recently.

Chuck Hammers

- Tom O'Donnell spent decades serving Los Gatos in the school district and on the Planning Commission and was very thoughtful, asked good questions, and was much appreciated.

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

- 1. Approval of Minutes – October 27, 2021**
- 2. 300 Marchmont Drive**
Conditional Use Permit Application U-12-002
APNs 532-10-01 and 532-11-011
Applicant/Property Owner: Mark Silver/Hillbrook School

Project Planner: Jocelyn Shoopman

Annual review of an approved Conditional Use Permit for an existing private school (Hillbrook School) on property zoned HR-1.

Commissioner Barnett indicated that he would recuse himself from voting on Item 2 of the Consent Calendar based on the proximity of his home to Hillbrook School.

MOTION: Motion by **Commissioner Hanssen** to approve adoption of the Consent Calendar with additional language to the minutes of October 12, 2021 to clarify the Planning Commission's reasons for approving a fence height exception for 100 Alerche Drive. **Seconded** by **Commissioner Tavana**.

VOTE: Motion passed unanimously with **Commissioner Barnett** recused for **Item 2**.

PUBLIC HEARINGS

3. 103 Tait Avenue

APN 510-18-038

Applicant/Appellant: Kristi Ballou

Property Owner: Ballou Ventures LLC

Project Planner: Sean Mullin

Consider an appeal of a Community Development Director decision to deny a Fence Height Exception Request for construction of a six-foot tall vehicular gate and fencing within the required street-side setbacks, traffic view area, and driveway view area; and construction of a vehicular gate with reduced setbacks on property located in the Almond Grove Historic District zoned R-1D:LHP.

Vice Chair Burch disclosed that she would recuse herself from participating in the public hearing for 103 Tait Avenue for professional reasons.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Michael Ballou, Co-Owner/Appellant

- Our home is in a very public location on a very busy street/corner, and is on a small 6,300-square foot lot, so with the setbacks this leaves a very small backyard. The requested six-foot fence would allow some amount of useable backyard as well as visual privacy for the back porch, stairs to our ADU, and backyard, which are all close to the sidewalk. The fence would also provide security as we have had instances of people walking onto our property.

There are several houses in the neighborhood that have six-foot fences similar to our requested fence.

Ali Miano

- I live across the street from the subject site on Bean Avenue. There is only one driveway in the neighborhood with a gate, so the applicant's requested gate is not in-keeping with the character of the Almond Grove. The former owner of 103 Tait would allow me to access her driveway when I needed to do a three-point turn to back my car into my own driveway. Houses in the neighborhood with six-foot fences do not block the driveways as the requested fence would.

Michael Ballou, Co-Owner/Appellant

- Based on the fences we have seen around the neighborhood, my wife and I believe that what we seek to do on a small portion of our lot is not a burdensome request. The front of the house and two-thirds of the side of the house would have a three-foot fence and only the back yard portion would have the requested six-foot fence. We don't believe our request differs much from locations in the downtown.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to grant an appeal of a Community Development Director's decision to deny a fence height exception for construction of a six-foot vehicular gate and fencing within the required street setbacks for 103 Tait Avenue. Granting of the appeal is limited to allowing construction of a six-foot tall fence in a reduced area in the required street-side setbacks and traffic view area, and construction of a vehicular gate and fencing to be located to satisfy the safety concerns of the Town. **Seconded by Commissioner Tavana.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously with Commissioner Burch recused for Item 3.**

Vice Chair Burch rejoined the meeting.

4. 636 Blossom Hill Road

Conditional Use Permit Application U-21-016

APNs 529-16-047 and 529-16-054

Applicant: Greg Endom, Beverages and More, Inc.

Property Owner: Blossom Hill Pavilion LP

Project Planner: Erin Walters

Requesting approval of a Conditional Use Permit to allow a formula retail business with alcohol sales and tasting, and including 24-hour delivery (BevMo!) on property zoned CH.

Commissioner Barnett disclosed that he is acquainted with David Yee who has correspondence with staff in the packet, but he could make a fair and objective decision on the matter regardless of that acquaintance.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Greg Endom, Applicant

- BevMo! has been around for 25 years and has set the gold standard for being an alcohol retailer. We differentiate ourselves from a typical “liquor store” by hiring only people over 21; do not sell lottery tickets, magazines, newspapers, pornography, or anything that would encourage loitering; and limit access to the store to anyone under 21. Law enforcement, including Los Gatos’ Police Department, is very comfortable with our operations because of our high standards. A large percentage of Los Gatos residents visit our Camden store outside the Town. We propose no exterior changes to the building other than a short screen wall for the shopping carts. In addition to the usual wine, beers, and spirits we have recently expanded our goods to include food, toiletries, household goods, OTC medicines, and even rapid COVID tests. We recently merged with GoBrands who have 30-minute deliveries accomplished by having a very strict controlled delivery area, so we limit our orders for a particular store to a 13-minute drive time to ensure we can also honor that 30-minute commitment. Delivery drivers undergo the same training and certification as store employees. We have contacted all residents and commercial property owners adjacent to the site via letter and sent out mailings required by the state for new licenses to all residents in the area, and no objections were received.

Greg Endom, Applicant

- I am pleased with the community support shown for the proposed location, the letters of support, as well as the signatures of Town residents on the petition. I ask for the Planning Commission’s approval.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hanssen** to approve a Conditional Use Permit for 636 Blossom Hill Road with revised condition received in Addendum Report. **Seconded by Vice Chair Burch.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

5. Review the Draft Updated Traffic Impact Policy and provide feedback.

Ying Smith, Transportation and Mobility Manager, presented the staff report.

Commissioners discussed the matter.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- The 17200 Los Robles Way application for a lot line adjustment was appealed to the Town Council who continued the item to December 7, 2021.
- The Town Council will hold a Study Session on the General Plan on December 7, 2021, at 5:30 p.m. before the normal Town Council meeting.
- Jennifer Armer has been promoted to Planning Manager.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 9:35 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 10, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin