



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

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**MINUTES OF THE PLANNING COMMISSION MEETING  
JULY 26, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, July 26, 2023, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 PM**

**ROLL CALL**

Present: Chair Jeffrey Barnett, Vice Chair Steve Raspe, Commissioner Susan Burnett, Commissioner Kylie Clark, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas.

Absent: None.

**PLEDGE OF ALLEGIANCE**

**VERBAL COMMUNICATIONS**

Rigo Gallardo, Carpenters Local 405

- I advocate for area labor standards including: a livable wage; accessible healthcare; accredited apprenticeship programs; opportunity for local hire; and addressing unacceptable exploitation of workers by general contractors hired by developers with tax fraud and wage theft.

Albert Lestre, Carpenters Local 405

- I'm also with Carpenters Local 405. Cities that have implemented these standards are Redwood City, Menlo Park, and Foster City. Berkeley has implemented hard hats and helmets for the workers, and ensures all workers have a certain amount of money and healthcare on every project.

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

1. **Approval of Minutes** – June 28, 2023
2. **Approval of Minutes** – July 12, 2023

**MOTION:** Motion by **Commissioner Clark** to approve adoption of the Consent Calendar. **Seconded** by **Commissioner Janoff**.

**VOTE:** Motion passed unanimously.

## **PUBLIC HEARINGS**

**Chair Barnett indicated that he would recuse himself from participating in the public hearing for Item 3, 200 Happy Acres Road, based on actual or potentially perceived conflicts of interest due to his friendship and past professional relationship with the Applicant's attorney, Mr. Hechtman, who has written a letter concerning the request on this item.**

### **3. 200 Happy Acres Road**

Subdivision Application M-21-006

APN 537-24-030

Applicant: Noel Cross

Property Owner: Fred and Fereshten Toofan

Project Planner: Jocelyn Shoopman

Requesting Approval for Modification to an Existing Subdivision Application (PRJ-97-117) on Property Zoned HR-2½. Categorically Exempt Pursuant to CEQA Guidelines Section 15315: Minor Land Divisions, and Section 15061(b)(3): Common Sense Exemption.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Noel Cross, Applicant/Architect with Bart Hechtman, Land Use Attorney

- This item is unusual in that we're not here to approve a new residence, we are asking for approval of revised conditions for a parcel that was subdivided and recorded over 20 years ago. The original conditions of approval required a cul-de-sac and fire department turnaround at the end of Happy Acres Road at the bottom of the property, which required paving over the creek and installing a long drainage culvert. We have redesigned the roadway and placed the cul-de-sac and turnaround in a more environmentally acceptable location at the top of the property. Both immediate neighbors have signed letters allowing this ingress easement to be used for emergency vehicle access and allowing for the tree removals. The new design keeps grading to a minimum. An arborist report and slope stability study support the project. We support the staff report with the one request to alter the fire department language. The language proposed by the fire department could be interpreted as an agreement by the owners to give up their right to appeal as a condition of this approval, even before they get to the house approval. We want to avoid any dispute and to make it abundantly clear that the condition parallels the language of the ordinance. Both include the right to appeal what we feel is an unjust, unfair, or illegal condition.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Hanssen** to approve a modification to an existing Subdivision Application on property zoned HR-2½ for 200 Happy Acres Road. **Seconded by Commissioner Janoff.**

**Commissioner Janoff requested the motion be amended to include the applicant's proposed changes to Condition #16 that are not currently in Exhibit 3.**

**The maker of the motion accepted the amendment to the motion.**

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

**Chair Barnett returned to the meeting.**

**4. 25 W. Main Street**

Architecture and Site Application S-22-039

Variance Application V-22-001

Conditional Use Permit Application U-23-002

APN 529-01-017

Applicant: Gordon Wong, GKW Architects

Property Owner: Reveal Corp.

Project Planner: Erin Walters

Requesting Approval for Construction of an Addition to a Contributing Building in the Downtown Historic Commercial District; a Conditional Use Permit for a Restaurant Use with Alcohol Service; Variances for Maximum Floor Area and Reduced Parking; and Site Work Requiring a Grading Permit on Property Zoned C-2:LHP. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Gordon Wong, GKW Architects

- I'm the architect, and my wife Jenny will be presenting the project.

Jenny Wong, GKW Architects

- The project's goal is to rehabilitate and preserve the existing historical building. We want to add a place of social value and provide accessibility upgrades, which is the goal of the exterior rear addition. We propose a quality restaurant with an outdoor deck to enhance pedestrian orientation in the Los Gatos Central Business District and to maintain the Town's charm.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Thomas** to approve a request for construction of an addition to a contributing building in the Downtown Historic Commercial District, a Conditional Use Permit for a restaurant use with alcohol service, a Variance for maximum floor area and reduced parking, and site work requiring a Grading Permit on property zoned C-2:LHP for 25 W. Main Street. **Seconded by Commissioner Clark.**

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

#### **OTHER BUSINESS**

**5. 15860-15894 Winchester Boulevard and 17484 Shelburne Way**

Architecture and Site Application S-21-008

Conditional Use Permit Application U-21-010

Variance Application V-21-003

Subdivision Application M-22-008

Mitigated Negative Declaration ND-22-001

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

Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson

Project Planner: Sean Mullin

Requesting Approval for Demolition of One Existing Office and Four Residential Buildings; Construction of an Assisted Living and Memory Care Facility; Variance from the Maximum Height and Lot Coverage of the Zone; Merger of Four Lots into One; and Removal of Large, Protected Trees on Property Zoned O. An Initial Study and Mitigated Negative Declaration Have Been Prepared for this Project.

**Jennifer Armer, Planning Manager, indicated that Item 5, 15860-15894 Winchester Boulevard and 17484 Shelburne Way, would be rescheduled to the Planning Commission meeting of August 9, 2023.**

#### **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

None.

#### **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

##### **General Plan Committee**

Commissioner Hanssen

MINUTES OF PLANNING COMMISSION MEETING OF JULY 26, 2023

- The GPC met on July 20, 2023, and considered and recommended approval of the proposed modifications to the General Plan needed to meet the requirements and for the sites that are in the Housing Element. The next step will be for the proposed modifications to go to the Planning Commission and Town Council.

**Housing Element Advisory Board**

Commissioner Hanssen

- The HEAB met on July 20, 2023, and continued the process of getting the Housing Element approved by HCD, gave additional feedback to staff, and were informed that staff has hired new consultants that have been successful in getting approval for Housing Elements.
- The HEAB will meet every month to review progress and will meet next in August 2023.

**Historic Preservation Committee**

Commissioner Burnett

- The HPC met on July 26, 2023, and considered two items, Fairview Plaza and Bella Vista Avenue.
- Lee Quintana is the newest member of the HPC.

**Commission Matters**

None.

**ADJOURNMENT**

The meeting adjourned at 8:01 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 26, 2023 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin

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