



MEETING DATE: 02/07/05
ITEM NO. 8

COUNCIL AGENDA REPORT

DATE: January 28, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER AN APPEAL OF THE DECISION OF PLANNING
COMMISSION APPROVING THE CONSTRUCTION OF A SECOND
STORY ADDITION TO A PRE-1941 RESIDENCE AND TO EXCEED THE
FAR ON PROPERTY ZONED R-1D. ARCHITECTURE AND SITE
APPLICATION S-05-021 PROPERTY LOCATION: **56 BAYVIEW
AVENUE.** PROPERTY OWNER: DAVE AND LYNN DARDIS
APPLICANT: E. GARY SCHLOH APPELLANT: MICHAEL MANLEY

RECOMMENDATION:

1. Open and hold the public hearing and receive public testimony.
2. Close the public hearing.
3. Uphold the Planning Commission's decision and approve Architecture and Site Application S-05-021
4. Refer to the Town Attorney for the preparation of the appropriate resolution.

If the Town Council determines that the Planning Commission's decision should be reversed or modified:

1. The Council needs to find one or more of the following:
 - (1) where there was error or abuse of discretion on the part of the Planning Commission; or
 - (2) the new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or
 - (3) an issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.

(Continued to Page 2)

PREPARED BY: BUD LORTZ 
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: Q Assistant Town Manager OU, Attorney Clerk Finance
Community Development Revised: 1/28/05 11:13 am

2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the application.
3. If the appeal is granted, the Council should make the CEQA findings and zoning consideration in Attachment 3 for the approval of an architectural and site permit and approve the application subject to the conditions in Attachment 4. In particular, Consideration #6 of Attachment 3 encourages exterior architecture, scale and massing of structures that are compatible with the neighborhood. (Attachment 2).
4. Refer to the Town Attorney for preparation of the appropriate resolution.

PROJECT SUMMARY:

The following matrix summarizes the floor area totals for the existing house/garage, the proposed project, and the approved project including the reduction of the garage. The floor area allowed under the FAR calculation is also provided.

	Existing	Proposed Project	Approved Project	Floor Area per FAR calculation
House	2,094 sq. ft.*	2,154 sq. ft.	2,154 sq. ft.	1,943 sq. ft.
Garage	195 sq. ft.	399 sq. ft.	308 sq. ft.	553 sq. ft.
TOTAL	2,289 sq. ft.	2,553 sq. ft.	2,462 sq. ft.	2,496 sq. ft.

**Note: Existing house square footage includes 160 sq. ft. of habitable accessory space attached to garage.*

		FAR		
	Existing	Proposed Project	Approved Project	Floor Area per calculation
House	0.37	0.38	0.38	0.34
Garage	0.034	0.07	0.054	0.098

PLANNING COMMISSION:

On December 8, 2004, the Planning Commission approved the project with added conditions on a 6-1 vote. The planning commission discussed the architecture, mass, scale, and the justification of shifting habitable space from the garage/accessory structure to the main house.

The Commission added several conditions, as follows:

1. The remodeled garage was to be decreased by 70 +/- square feet and not to extend more than 4 feet toward Bean Avenue.
2. A construction schedule and staging plan outlining the time line and areas where materials are to be stored must be given to the neighbors and submitted with construction drawings.
3. A chain link fence with green webbing is to be installed along the shared driveway. The easterly property line is to be surveyed. Note: See attachment 4 for all conditions.

APPEAL:

On December 17, 2004, Michael Manley appealed the Planning Commission's approval of the proposed project. The appellant states that the Planning Commission erred or abused its discretion because it failed to duly consider the mass and scale of the project. Please refer to the notice of appeal (Attachment 1) and the transcripts of the Planning Commission hearing (Attachment 2).

The applicant has prepared a packet of information in response to various concerns and issues that were brought up during the Planning Commission hearing(Attachment 9).

DISCUSSION:

By approving this application, the Planning Commission determined that the application was consistent with the design theme, sense of scale, exterior materials and details as required for the landmark and historic preservation overlay, and that the lot coverage, setbacks and FAR of the proposed project is compatible with the development of surrounding lots.

Neighborhood Compatibility

The Planning Commission determined that the proposal is consistent with the overall character of the neighborhood. Homes in the immediate vicinity include both one and two story homes and range in size from 1,160 +/- square feet to 3,260 +/- square feet. Currently, there are eight homes that exceed the allowable FAR within the vicinity of the subject property. Refer to Attachment 7 for a map and data sheet showing the location of the immediate neighbors and the parcels that are currently over FAR.

The 185 +/- square foot addition to the second floor includes two new bedrooms, and one new bathroom. The most visible change relates to adding a dormer element and an increase to the height of the roof ridge by 2'-9" (Attachment 9).

Town's General Plan

One of the goals of the General Plan is to preserve and enhance the Town's character through exceptional community design. Staff believes that the following sections from the General Plan are the most pertinent to this application.

- | | |
|------------------------|---|
| Policy L.P.3.5 | This community design element policy "assures that the type and intensity of land use shall be consistent with that of the immediate neighborhood." |
| Policy L.P.4.3 | "Maintain the character and identity of existing neighborhoods. New construction, remodels, and additions shall be compatible and blend with the existing neighborhood." |
| Policy L.P.4.6. | "Preserve and protect historic structures and use special care in reviewing new buildings or remodels in their vicinity to address compatibility issues and potential impacts." |

CONCLUSION:

Planning Commission determined that the addition to the second story was compatible to the mass, scale, and architecture of the existing structure and the surrounding neighborhood. Should the Town Council be inclined to deny this appeal, Council may address any remaining concerns through additional conditions of approval.

ENVIRONMENTAL ASSESSMENT:

Is a project as defined under CEQA but is Categorically Exempt 15301 of the State Environmental Guidelines as adopted by the Town.

FISCAL IMPACT: None.

Attachments:

1. Notice of Appeal (1 page), received on December 17, 2004
2. Excerpts from the December 8, 2004 Planning Commission Hearing (21 pages)
3. Required Findings and Considerations (4 pages)
4. Recommended Conditions of Approval (3 pages)
5. Report to the Planning Commission from the Development Review Committee dated December 2, 2004 (17 pages, minus development plans)
6. Desk Item 6 dated December 8, 2004 (3 pages)
7. Map of the neighborhood and data (2 pages), generated by Staff

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MAYOR AND TOWN COUNCIL

SUBJECT: APPEAL OF 56 BAYVIEW AVENUE

February 2, 2005

8. Analysis from applicant (5 pages) letter received on February 2, 2005 and additional documents received on January 25, 2005
9. Development Plans, including a modification to show condition #3 from Planning Commission Approval December 8, 2004 (6 pages), received on January 25, 2005

Distribution:

Michael Manley, 55 Tait Avenue, Los Gatos, CA 95030

Dave and Lynn Dardis, 56 Bayview Avenue, Los Gatos, CA 95030

E. Gary Schloh, 213 Bean Avenue, Los Gatos, CA 95030

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FILING FEES
\$162.99, Residential
\$1047.00 per Commercial, Multi-
family or Tentative Map Appeal

Town of Los Gatos
Office of the Town Clerk
Main St., Los Gatos CA 95030
DEC 17 20
TOWN OF LOS GATOS
CLERK DEPARTMENT
SAL OF PLANNING CO
DECISION
TOWN OF LOS GATOS

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE)

DATE OF PLANNING COMMISSION DECISION: 12/17/02

PROJECT / APPLICATION NO: A-re-ix c D c -?) 24 PAP 123 -49 - C 22

ADDRESS LOCATION: 7\i tJ

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Councilmembers. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because 41: A1 ~[Zd,) 1

2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is ; OR

(please attach the new information if possible): OR

3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council:

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

- Appellant is responsible for fees for transcription of minutes. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
- The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
- An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
- Once filed, the appeal will be heard by the Town Council.
- If the reason for granting an appeal is the receipt of new information, the applicant will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: C. C. IM, Gat,
DATE: 12-17-02
PHONE: LM, c 42-9

SIGNATURE: [Signature]
ADDRESS: 55 Sant Ave
Los Gatos, CA 95030

*** OFFICIAL USE ONLY ***

DATE OF PUBLIC HEARING: 9_17
Pending Planning Department Confirmation
DATE TO SEND PUBLICATION:

CONFIRMATION LETTER SENT: Date:
TO APPLICANT & APPELLANT BY:
DATE OF PUBLICATION: / / 19/ -

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

Los Gatos Planning
Commissioners: Jean Drexel, Chair
Michael Burke
Phil Micciche
Tom O'Donnell
Lee Quintana
Joanne Talesfore
Morris Trevithick

Director Of Community
Development: Bud N. Lortz

Town Attorney: Orry Korb

Transcribed by: Vicki L. Blandin
5500 Van Fleet Avenue
Richmond CA 94804
(510) 526-6049

LOS GATOS PLANNING COMMISSION 12/08/2004
Item 45, 56 Bayview Avenue

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

CHAIR DREXEL: We'll move on to the last item, 56
Bayview Avenue.

GARY SCHLOH: Good evening, Madam Chair, members
of the Planning Commission, or good night, whichever the
case is.

I'm going to be as brief as possible here; I know
they turn the lights out at 11:30. First I want to say
thanks to the Staff for helping me through this report and
a lot of rough road there, so I certainly appreciate that.

I'd like to start out with a description of the
history of the property. In the Anne Bloomfields file, she
says that the house was built in 1918. The neighborhood is
a mix of bungalows, Craftsman, Victorian, and Mediterranean
revivals.

The Dardis family purchased and moved into the
house within the last year. The house has seen no change
since its construction in 1918, with the exception after
the earthquake in 1989 there was the backside of the house
that was reconstructed; had nothing to do with the upstairs

LOS GATOS PLANNING COMMISSION 12/08/2004
Item #5, 56 Bayview Avenue

1 or the front of the house. The fireplace did collapse, but
2 other than that, nothing has happened on that house. At
3 that time the rear of the house, like I say, was
4 reconstructed. We do know that the accessory building had
5 some 160 square feet of living space in it, and we propose
6 to move that area into the remodeled main house.

8 All the changes in areas are documented in the
9 Town cover letter for tonight's meeting, on page 2, and
10 these numbers are also reflected in the architect's plans.
11 The tax records in the Country Assessor have always
12 reflected a house area of 2,282 square feet. The
13 neighborhood compatibility issue is reflected on page 2 of
14 the Town's Staff Report as well, and I would like to
15 expound upon that.

16 Of the seventeen neighbors living closest to the
17 Dardis house, nine are out of compliance with the FAR.
18 Setback issues were also considered. On Bayview there are
19 nineteen houses counted, and seven properties are out of
20 compliance; and on Tait for a total of eight houses, seven
21 properties are not in compliance. In all these cases some
22 of the infractions are the house and some are the garage,
23 and that's pertaining to setbacks that are required;
24
25

1 setbacks in this zone being five feet in required on side
2 setbacks.

3 The design has been reviewed by the Historical
4 Preservation Committee and they have recommended approval
5 unanimously. The consulting architect, Larry Cannon, was
6 complimentary to the design as well. The Town Staff has
7 stated that they think this design meets all the Town
8 mandated guidelines and they have been supportive of the
9 application.
10

11 Lastly, I would like to touch upon the actual
12 design process that I approached with this challenge.
13 Privacy from second stories is always sensitive and I think
14 I have shown respect to the neighbors with this design.
15 Existing on the second floor are two dormer windows looking
16 out to the east on the east elevation, and in one of the
17 bedrooms the new window at the tub area is fully screened
18 from the neighbor to the south. The major view through the
19 master bedroom window to the easterly neighbor's front yard
20 and beyond, the increased height of the garage will screen
21 any views to the back yard of the easterly neighbor, that
22 being that garage that we're proposing to reconstruct.
23

24 Story poles are always suspect and sometimes
25 scary and misunderstanding. The design is not a massive

1 addition to the house and I really want to remind you to
2 keep in mind that the plate height of the lower floor is
3 not increasing in height; however the ridge of the iroof is
4 increasing 2'-9". That is simply to give more space to the
upper floor. On the upper floor, the plate height ;varies
6 between 7' and 7'-8", where it slopes up to cathedal
7 ceilings.

9 I haven't anything more considering the design or
the history of the house. I'll come back up if **you** have
10 questions, or if you questions now.

12 CHAIR DREXEL: Okay, does anyone have a question
13 for the applicant? Lee.

14 COMMISSIONER QUINTANA: Just one right now. What
15 is the existing height of the garage?

16 GARY SCHLOH: The existing height of the garage
17 is 10'.

18 COMMISSIONER QUINTANA: Thank you.

19 CHAIR DREXEL: I'm going to stop for just a
20 second here and make a motion to extend the meeting past
21 11:00 o'clock.

22 COMMISSIONER MICCICHE: I second.

23 CHAIR DREXEL: All in favor? Passes unanimously.
24 All right, next question from Morris.
25

1 COMMISSIONER TREVITHICK: There are no cross
2 sections through the house that we see on your drawings,
3 but could you tell us something about the foundations of
4 the existing house, the original house? Are they
5 satisfactory for the additions you're putting?

6 GARY SCHLOH: Yes, they are satisfactory. I have
7 not had a structural engineer review the foundations, but
8 from my experience I think with that additional... You
9 see, we're not putting very much more load on the house,
10 because of the small area of square footage that we're
11 adding, but the perimeter foundations are adequate. There
12 may be some interior isolated piers that we will put to
13 pick up point loads, but it's insignificant.

15 COMMISSIONER TREVITHICK: Would you say the
16 flooring is level and all that sort of thing as a result of
17 the earthquake, at cetera?

18 GARY SCHLOH: Pretty much level, yes.

19 COMMISSIONER TREVITHICK: Thank you.

20 CHAIR DREXEL: Joanne.

21 COMMISSIONER TALESFORE: Gary, I'm wondering if
22 you reviewed the Town architect's suggestion about the
23 window?
24

25 GARY SCHLOH: Yes, I did.

COMMISSIONER TALESFORE: Was that incorporated?

GARY SCHLOH: That was incorporated. I didn't completely agree with his suggestion; and that's all it was was a suggestion, and he makes note of that. I took his suggestion and used one-third of his suggestion. It's the window on the north elevation; it's a stairway window. He suggested on his second page of his document there that we put a multi-lighted window the entire window, *which* is 7' or 8' high and make it a twenty or twenty-four light window, and that's not acceptable.

COMMISSIONER TALESFORE: Thank you. That's the answer I was looking for, Gary. I liked how you did the treatment.

CHAIR DREXEL: I'm going just do a follow-up to that if that's okay. And so what did you decide you wanted to do there, because Joanne and I both spotted that as being more colonial than Craftsman.

GARY SCHLOH: What did I do there?

CHAIR DREXEL: Yeah.

GARY SCHLOH: I left the window there, but the style of the window... The window that I had there...

CHAIR DREXEL: Oh, okay. Okay, I see it. I'm sorry. Retraction.

RANDY TSUDA: Madam Chair, if I may just briefly comment. What the architect did here is that incorporated window style, that's actually more consistent with the Craftsman style of window rather than the full divided light window.

CHAIR DREXEL: Yes, thank you. All right. Mike.

COMMISSIONER BURKE: You have something listed as blind doors. Are those the doors into the hot water heater room?

GARY SCHLOH: Yes, that's correct.

COMMISSIONER BURKE: And by blind, they look like the siding.

GARY SCHLOH: They will have siding on them, that's correct.

COMMISSIONER BURKE: Okay, thank you.

CHAIR DREXEL: Lee.

COMMISSIONER QUINTANA: What is the length of the proposed house from the front pillar to the back pillar where the roof comes and covers the porches?

GARY SCHLOH: Well it says 51' on the plan.

COMMISSIONER QUINTANA: I didn't even see that. Okay.

GARY SCHLOH: Back pillar to front pillar.

COMMISSIONER QUINTANA: And on the existing, from the front pillar to the corner of the house, excluding the little porch?

GARY SCHLOH: On the front of the house?

COMMISSIONER QUINTANA: From the front...

GARY SCHLOH: That's 32'-3".

COMMISSIONER QUINTANA: And the new plans are what did you say, 52'?

GARY SCHLOH: 51'.

COMMISSIONER QUINTANA: 51'. Thank you.

GARY SCHLOH: That includes both of the porches, front porch and back porch. I didn't mention that the footprint of the new plan is increased by 1'-6" in the back, and that's evident on the plan. Well, it's not the entirety of the back of the house, but it's 1'-6" extension.

CHAIR DREXEL: Anyone else? Are we still working on that one? Okay, anyone else have questions? All right, thank you, Mr. Schloh.

GARY SCHLOH: Thank you very much.

CHAIR DREXEL: We're going to let the public speak. We have a card from Alice Miano.

ALICE MIANO: Here are some items I'd like you consider in opposition to the proposal as planned at this point. First, I'll just list my general arguments for you. By the way, I'm the neighbor that lives behind their house.

First of all the fact that it exceeds the FAR. The neighborhood impact in an historic district. Had I known about that other meeting, I might have been able to talk some sense into those folks too. Privacy encroachment. The fact that we have an enjoined or shared driveway. It's fairly unique I believe in the downtown area. Possible rights of prescriptive easement. Garage issues. Impact of the construction. And parking issues.

So to get to some specifics, first the floor area ratio, which I call the FAR. I hear you saying F-A-R, but FAR seems easier for me and might keep me under the three minutes, I don't know. Current square footage already exceeds the FAR by 151 square feet. The plan calls for shifting 160 square feet from the garage to the house. The new plan exceeds the FAR by 211 square feet, which is an additional 60 over the current excess, and the real square footage beyond the FAR to the house would be the 211 existing, plus the 160 from the garage, for a total of 371 extra square feet to the house.

Now it is true that there are other homes in the neighborhood that exceed the FAR. One is what we refer to affectionately as the Bayview Mystery House. This is the Bayview Mystery House. You can see that this home covers the lot from one side to the other. There is one type of addition here, another sort of addition there. I realize Gary's design is extremely beautiful, but again, it's still a large house for a small lot.

Another home is a rental home across the street from us, and you notice the percentages, 47% of the lot, 41%. There's also a multiple-family dwelling and I'll show you a picture of that in a minute; 630 square feet. That's at 40% of its lot size. Most homes in the neighborhood-and I'm looking at the same report that you have as well-22% to 32%. So it's a significant difference.

Here's the other home. This home is very large, but largely due to its basement, so the square footage doesn't look excessive from the street. But you can see in the back this carport, there are three cars parked here. It appears to be perhaps a multi-family dwelling. I'm not sure if it's permitted for that, but that appears to be what it is.

So we ask you must be usher in an era of ten-gallon homes on five-gallon lots? The point being, must exceeding the FAR become the rule, versus the rare or never granted exception?

So in an historic district. This is my home in 1927. You can see the mountain; it's gorgeous. This by the way is from an historic brochure put out by the First National Bank, which is where Valeriano's is, attracting people to Los Gatos back in 1927. Here's the home today. You can see my next-door neighbor's house, which was allowed to protrude upward. You can see this huge chimney, and that's what you see more than the mountain.

So yes, I ask can we please consider the neighborhood impact in an historic district? In this same brochure, Los Gatos is promoted as a "village of vine and flowered covered cottages." Our home was featured on the Los Gatos Museum's Historic Home Tour in 2002. Other homes in the area have also been that way. Can we keep some of the cottages and not convert them all to mega-homes?

CHAIR DREXEL: Could I ask you to please make your central points, because we really only allow three minutes per person.

1 ALICE MIANO: Okay. All right. Just wanted you
2 to see this picture again.

3 Privacy encroachment. There's an ivy-covered
4 privacy screen. That's going to have to be removed as the
5 back of the home is bumped out 1'-6".

6 The current roof line at the back of the house
7 slopes away from our home, whereas the proposed roof line
8 rises-actually I have here 3', but Gary says 2'-9"-with the
9 bulk of the remodel projecting up and toward our property,
10 culminating in a flat facade versus an inclined facade.

11 There's an additional 185 square feet added to
12 the second floor with large picture window and raised
13 roofline visible from the rear of our house. I can show
14 you the picture now, but it's probably too late and you
15 want me to hurry up.

16 CHAIR DREXEL: Yes, you're really out of time.
17 I'm afraid you're going to have to wrap it up.

18 ALICE MIANO: Well, if you could just... The
19 driveway, okay? The driveway improvement is not detailed
20 on the plan. There is property line in question. We don't
21 have access to the passenger side of our car without use of
22 their driveway. We don't have the access to the west side
23 of our garage and garage property with the build-out of
24
25

1 their garage. We believe there are possible of
2 prescriptive easement with respect to our garage and
3 getting in the car.

4 And efforts to avoid this project. We would like
5 to avoid this project costing us anything. I realize that
6 they would like to do this to their home, but we don't want
7 to do it to ours necessarily if we can avoid this.

8 The current garage is not habitable. It's been
9 unusable and hazardous for over twenty years according to
10 our three previous neighbors that we've known who lived
11 there. Thirty square feet appear to be a lean-to added
12 onto the garage. The proposal is to borrow the 160 feet,
13 which is claimed to be habitable, and turn this garage-now
14 narrowing from a two-car garage-to a one-car garage; this
15 in an area where, as you all know, parking is frequently an
16 issue.

17 Also, footprint changes. Usually if you change
18 the footprint to a garage and the Code requires that
19 there's now to be a 5' setback from the property line.
20 That's not taken into account either to our knowledge.
21

22 CHAIR DREXEL: Maybe a final slide?

23 ALICE MIANO: This is my final slide. I'll skip
24 the conclusion, how's that?
25

1 Staging areas of construction and parking.
2 There's no provision for staging of demolition or
3 construction. These are the construction hours. I feel
4 they're excessive. No provisions to protect our home,
5 automobiles, driveway from dust, debris, noise. YOU know
6 the code there. And finally no provisions for parking that
7 take into account the surrounding neighborhood, including
8 the church and school and it's schedules.

9 So those are the things I'd like you to consider.
10
11 Thank you.

12 CHAIR DREXEL: Thank you. Wait for a minute. We
13 may have questions for you. Lee.

14 COMMISSIONER QUINTANA: I have two questions.
15 One is what is the height of your garage?

16 ALICE MIANO: By the way, I wanted to just say
17 that I have a summary and also some letters.

18 MIKE MANLEY: I'm not sure what the height is,
19 but I would estimate that it's probably 12' or 13'. The
20 height of our house is 12'.

21 CHAIR DREXEL: I wish they'd given this to us
22 earlier.
23
24
25

1 MIKE MANLEY: There is a detail in the packet
2 that you have that shows the house that we're talking
3 about, **56 Bayview**, and our house in **scale** to one another.

4 COMMISSIONER QUINTANA: Yeah, I've seen it. And
5 my second question is, I'd like to hear your conclusion.

6 MIKE MANLEY: She's like to hear the conclusion.

7 ALICE MIANO: Oh, okay. Thank you.

8 COMMISSIONER QUINTANA: We do it for other
9 people; let's do it for her.

10 ALICE MIANO: Basically in the conclusion I just
11 summarize the points, and now I've probably lost that
12 slide, so if someone else has another question, I'll try to
13 find it.
14

15 CHAIR DREXEL: Okay. That's okay.

16 ALICE MIANO: It's also in the last page of...

17 CHAIR DREXEL: Of what you're passing out? Okay,
18 then we don't need to hear it.

19 ALICE MIANO: Yeah, again I only have one copy of
20 that, the PowerPoint thing.

21 MIKE MANLEY: The PowerPoint presentation is
22 being passed around to the entire Commission.

23 CHAIR DREXEL: That's okay. If we're getting it
24 passed...
25

1 ALICE MIANO: Here it is. You can look at it; I
2 don't even have to read it.

3 CHAIR DREXEL: Fine, thank you.

4 MIKE MANLEY: I'd like to make one last comment.
5 This is a very unique situation, these two properties,
6 because they back up to one another. The Dardises really
7 don't have a backyard. What they have is a driveway for a
8 backyard. Their driveway meets our driveway, and so it's
9 sort of a shared space, and we're concerned about the fact
10 that our space is very narrow.

11 For probably fifty years people have been using
12 this space in the same way, and all we're doing is trying
13 to protect our rights and put it on the record, because if
14 we don't put it on the record, we have no legal recourse
15 down the road. We in fact don't like the fact that we have
16 to be here and do this, but the law and the Town Code
17 requires that if we don't come here, then we lose all of
18 our rights.

19 CHAIR DREXEL: All right, thank you. Any other
20 questions of this speaker? Would anyone else like to speak
21 to this issue? The gentleman in the plaid shirt.

22 CITIZEN RAY: First, I don't know whether you
23 folks realize it or not, but it's unlawful under State law
24

1 for you to consider existing non-conforming structures
2 relevant to new development. You need to understand that.
3 New development stands on its own two feet, period. So
4 discount anything that Mr. Schloh said about existing non-
5 conforming FARs. It's unacceptable. And of course
6 developers don't want you to know that.

7 I don't know whether there's any view issues or
8 not; I couldn't tell from the presentation. But if there
9 are, and there normally are when there's a second story
10 going in, the General Plan mandates that any loss of view
11 will be mitigated by half; one half to the new application,
12 one half to the existing property owner's view. I didn't
13 hear any, but they're back-to-back, so maybe there is, and
14 that is very important. It's the law and it's your duty to
15 follow the law.

16 You're not tired, are you, Mrs. Drexel? Am I
17 boring you? Oh, thank you.

18 Number three; I wanted to reiterate the basis for
19 California land use law relevant to applications. Mr.
20 Schloh has the duty under the law to prove 100% that what
21 he proposes is in harmony and consistent with all the
22 existing public documents. So you have the duty, period,
23 to make sure that what is proposed is in harmony and
24

1 consistent. It's real simple. You have that discretionary
2 power. Is his proposal consistent with the General Plan,
3 the zoning, the historical aspect of it, all the public
4 documents? Real simple. And at your retreat, you didn't
5 seem to understand that. You had a statement that it...
6 You need to be familiar with all the public documents.
7 That's so cavalier I cannot believe it. You have to know
8 the spirit and the letter of the public documents so you
9 can make your discretionary judgment; your duty that you
10 took when you took the oath of office to uphold the public
11 laws, Mrs. Drexel. That's from Citizen Ray, okay? Citizen
12 Ray Baby.

14 CHAIR DREXEL: All right, would the applicant
15 come back, please?

16 GARY SCHLOH: Yes, thank you.

17 CITIZEN RAY: Don't fudge.

18 GARY SCHLOH: I tried to write down all of these
19 things that came up, but I don't think I have them all down
20 here.

21 There was a comment about the driveway not being
22 improved, and it is not being improved. It's indicated on
23 the plan we're proposing to improve the driveway.
24
25

1 The garage extension, the Dardises and I have
2 talked about not extending the garage all the way out to
3 the front of their garage to the east, and if that helps to
4 mitigate this problem, we'll take half of the front of that
5 garage. The extension is 9'-6" right now from the existing
6 front of the Dardis' garage. We were to go out 9'-6". We
7 would be willing to go out 4' rather than 9'-6" if that
8 helps the situation.

9 A comment was made about the footprint of the
10 garage being changed. We're not proposing to demolish the
11 garage, so the garage will stay where it is. Maybe I
12 misunderstood something there.

14 The staging of construction. As you know, or if
15 you don't know, in construction there's always a problem
16 with staging in Los Gatos. We propose-and we don't have a
17 contractor yet-but part of the Dardis' driveway would be
18 used to stage for construction. I would think that we
19 could erect a fence and give the Manleys three or four feet
20 onto Dardis' property so that they have access to open
21 their car door and put their garbage cans where they always
22 put them. And there's always the front lawn that we can
23 stage construction as well on the Dardis' property, but I'd
24
25

1 prefer to do it in the back where all the work is taking
2 place.

3 Mr. Davis mentioned about view sheds, and the
4 Manleys haven't mentioned that. I don't think they've
5 mentioned it because there is no interference with the view
6 shed. There's no interference with solar access. We're
7 increasing the height by 2'-9", and again, we're increasing
8 the backside by 1'-9", not 2', not 2'-9", not 3', but 1'-
9 9"; it tells you right on the plan.

10 Now, there is a back porch, but there's an
11 existing back porch, and I'm proposing to keep a back porch
12 and extend it in the back.

13 I'm also proposing in the design to have a place
14 to hide the garbage cans. I don't know how often any of
15 you drive by both of their houses, and I think being a
16 member of the Beautification Committee with the Chamber for
17 many years, I almost wish there was some kind of
18 restriction for the Town of Los Gatos that all homeowners
19 have to put their garbage back of a fence, instead of out
20 in their driveway. Now, I know the Dardises, they have
21 their garbage out in front of their garage, and the
22 Manleys, they use the Dardis' side driveway to put their
23 garbage there. That has nothing to do with the house, but
24
25

1 it's got something to do with-beautification and curb
2 appeal.

3 I know there were many more items there of points
4 that they made. I just want to make a point clear that
5 this house, and the house itself, minus the garage, minus
6 the driveway, if you propose-and I'd ask you to give
7 consideration to this-if you feel there's a consensus that
8 you want to send us back to DRC or back to Historic because
9 of the driveway or the garage, I'd ask you to make-if you
10 can possibly do this-make a condition that we will go back
11 there, but we very much want the approval for the house
12 tonight, because we want to progress and proceed with the
13 construction of the house.

14 And again, I don't know if you can split this
15 apart, but the house is of utmost importance to the
16 Dardises to progress, and you look at the historical
17 preservation people, you look at the architect, they're all
18 complimentary to the design, they all went out there, they
19 looked at it, they're people from the Town that are
20 cognizant of everything that the Town is looking for and
21 they all agree with everything. So I don't have anything
22 else.
23
24

25 CHAIR DREXEL: Mike.

1 COMMISSIONER BURKE: This is a question for you,
2 Mr. Schloh. The section of the garage that you claim is
3 habitable and that the neighbors claim isn't, why is it
4 habitable in your opinion?

5 GARY SCHLOH: It's not habitable. I don't think
6 anyone would live in it now. It was habitable, but I don't
7 know when it was habitable. There's plumbing there.

8 COMMISSIONER BURKE: What type of plumbing? It
9 shows a sink. Is there just a sink there? Is that the
10 only thing that's there?

11 GARY SCHLOH: No, there's a 4" sewer line there
12 that would accept a toilet, but there's no toilet there
13 now. The Dardises have only lived there for one year.
14 Maybe no one's lived in there for some ten years, twenty
15 years, I don't know. County records don't show that people
16 lived in there, but with the square footage that's been
17 allocated to this property, there's no way that there
18 wasn't something in the way of habitable space in there,
19 because the house is virtually all original. There's
20 framing for a closet and there's a gas line in there as
21 well. There's a flue hole in the roof where there was
22 either a cooking stove or heating stove. So when you look
23 at these things and there are hinges on the studs,
24
25

1 indicating there was a person door to go from the garage
2 into this space, it doesn't take a genius to know that that
3 was separate from the garage, and it was about 160 square
4 feet.

5 COMMISSIONER BURKE: Well I just know my parent's
6 place in the Sierras; my dad has his stove and his kind of
7 workshop out there, if not really habitable space. What
8 was there for a floor? Is it a raised floor?

9 GARY SCHLOH: It's a slab.

10 COMMISSIONER BURKE: You're on a slab just like
11 the garage?

12 GARY SCHLOH: That's correct.

13 COMMISSIONER BURKE: Okay.

14 CHAIR DREXEL: Joanne.

15 COMMISSIONER TALESFORE: Referring to the letter
16 of (inaudible) concern that you did not address tonight was
17 "Because the home's backend will be extended by 1.5', the
18 current privacy screen, a beautiful ivy covered structure,
19 will have to be torn down." That's a concern to them.

20 GARY SCHLOH: I don't know if that's the case.
21 can walk... I haven't talked to the Dardises about
22 removing that screen, that green screen there. Between the
23
24
25

1 existing house and that hedge is probably 4', because I can
2 walk there.

3 COMMISSIONER TALESFORE: So are you saying that
4 you will not have to tear it down?

5 GARY SCHLOH: You won't have to tear it down to
6 add 1'-6" to the house.

7 COMMISSIONER TALESFORE: Well that was a concern
8 of theirs, so you've cleared that up. And then their other
9 concern that you did not speak about was, "The roofline
10 slopes away from our home, but the proposed new roof line
11 looms over our property, with large picture windows. It
12 cuts out yet another section of our view of the sky." Now
13 is that the east?

14 GARY SCHLOH: That's the east side. So it says
15 it looms over their property and it takes views away from
16 them?

17 COMMISSIONER TALESFORE: Well, yes.

18 GARY SCHLOH: That's what it says?

19 COMMISSIONER TALESFORE: Because it reconfigures
20 the roofline.

21 GARY SCHLOH: Oh yeah, it reconfigures the
22 roofline, of course. I mean that's how I created the
23 bedroom.
24
25

1 COMMISSIONER TALESFORE: "Cuts out yet another
2 section of view of the sky."

3 GARY SCHLOH: We eliminated two dormers with
4 windows in them in that elevation, and now we have one
5 dormer-of course it's a much larger dormer, but it
6 encompasses a room-and needless to say, we're adding square
7 footage to the upper floor. I've disclosed everything.
8 It's obvious there. I'm not trying to hide anything.

9 But as far as interfering with views, maybe sixty
10 to eighty years ago, the photograph that she shows where
11 everybody's house was single story, that's one thing. Now,
12 I think when they moved into their house, I don't know,
13 seven to ten years ago, there were two story houses every
14 place. So we're changing the height of this roof 2'-9",
15 and what is 2'-9"?

16 We're totally in character with the neighborhood.
17 Larry Cannon says if this were a new house, it would be
18 acceptable in the neighborhood as being a characteristic
19 house of the Craftsman style. What more can you say about
20 this house, this design? I don't think anything.

21 CHAIR DREXEL: All right, any more questions?
22 And you are under. The garage is not as large as it
23 could be (inaudible)?
24
25

GARY SCHLOH: That's correct.

CHAIR DREXEL: Okay, I just wanted to make that clear in terms of its redevelopment on the lot.

GARY SCHLOH: We have somewhat of a hardship there, and hardships are looked upon different than... And by hardship I mean the physical width it takes for a two-car garage, side by side. We would encroach... The fire codes wouldn't let us do that, so we have a one-car garage. It's an oversized one-car garage, but of course there's parking out front in the driveway.

DIRECTOR LORTZ: Just a comment for consideration by the Commission. They're 60 square feet over in terms of FAR on the house. If I did my math right, it's about 70 square feet that you'd eliminate out of the proposed garage by cutting it back by 5 feet; instead of 9 feet it's 4 feet?

GARY SCHLOH: Yes.

DIRECTOR LORTZ: So we're talking about apples and oranges, I respect that, but I'm just saying to the Commission that they're 60 feet over in terms of habitable floor area for the house, and what they were just suggesting this evening was 70 square feet off the garage.

FEMALE: The garage is already smaller than...

DIRECTOR LORTZ: That's true.

COMMISSIONER MICCICHE: Just one comment. Did you invite neighbors to discuss the design before you applied here? When there are changes in the neighborhood, I know I did that with my neighbors, and generally... Did you hear these negatives before?

GARY SCHLOH: Oh, no. You have a petition from twelve neighbors.

COMMISSIONER MICCICHE: Yeah, but not complaining neighbors.

GARY SCHLOH: Oh, the complaining neighbors, no. This came up Monday; Monday afternoon.

COMMISSIONER MICCICHE: But were they ever invited to look to see what you were doing before?

GARY SCHLOH: The Dardises discussed it with them, discussed getting together, but as I understand, that didn't happen.

FEMALE: We talked about (inaudible).

COMMISSIONER MICCICHE: I'm asking him.

CHAIR DREXEL: All right, anybody else have a question? All right, before you sit down I'm going to ask Staff about this driveway business. There isn't a problem with the driveway because it's not changing, and during

1 construction a condition could be imposed that the parties
2 work out access to their driveway through the construction
3 period to the satisfaction of the Director of Planning, or
4 something like that. Is this correct?

5 DIRECTOR LORTZ: Well, if you're addressing the
6 construction issue.

7 CHAIR DREXEL: Yeah.

8 DIRECTOR LORTZ: Yeah, there was discussion about
9 putting some kind of temporary fabric fence.

10 GARY SCHLOH: Yes, yes.

11 DIRECTOR LORTZ: And when I'm talking about a
12 fabric fence, I mean a chain link fence with green fabric
13 on it so that there's some impact in terms of reducing or
14 mitigating the dust issue.

15 GARY SCHLOH: Yes, correct.

16 DIRECTOR LORTZ: And also setting it back far
17 enough so that they can continue to put their garbage cans
18 there.

19 GARY SCHLOH: Yes.

20 CHAIR DREXEL: Okay, so we've got that one sort
21 of. Lee.

1 COMMISSIONER QUINTANA: One question of Staff.
2 My understanding was that the garage was a demo, and I
3 think Mr. Schloh said it wasn't, if I'm correct.

4 GARY SCHLOH: The garage/accessory structure, a
5 portion of it will be demoed. The entire structure is not
6 being demoed, only a portion of it is.

7 COMMISSIONER QUINTANA: So it's not a technical
8 demo. Okay. I'd just like to make my one little comment.

9 CHAIR DREXEL: Could we wait for comments until
10 after we ask questions?

11 COMMISSIONER QUINTANA: Oh, I thought we were
12 finished. I'm sorry.

13 CHAIR DREXEL: Mike.

14 COMMISSIONER BURKE: I've got a couple of
15 questions about the garage accessory structure. One is
16 would we define this as livable space today? I mean, that
17 question was raised, is it really habitable space if it's
18 got a sink and some sort of stove in it on a concrete slab?
19 Because part of the justification is we're just moving
20 habitable space.

21 And secondly, how can it not be a demo, because I
22 am looking at ten feet here, ten feet here, and another ten
23 feet of wall. I'm looking at 30 feet of wall being removed
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25

1 if the accessory structure is being removed, leaving 29...
2 I'm looking at what looks like more than half of the wall
3 area of the accessory structure being removed on the new
4 footprint, so how can it not be a technical demo?

DIRECTOR LORTZ: I think the section that would
apply-and the applicant can correct me if I'm wrong-but
7 it's a historic garage, correct? I mean it's pre-1941?

8 GARY SCHLOH: We believe think it is, yes.

9 DIRECTOR LORTZ: Well, if it is pre-1941, then
10 the historic definition of demolition applies, not the non-
11 historic, and the non-historic is 50%.

12 COMMISSIONER BURKE: So even if it's not a
13 historic structure, and it just happens to be that old,
14 it's not a 50o demolition?

15 DIRECTOR LORTZ: Well, the definition of a
16 demolition on a historic structure is different than a non-
17 historic, and I'll read it to you. "Removal of more than
18 25% of the wall facing a public street or a street facing
19 an elevation if the parcel is a corner lot or is
20 landlocked; or 50% of all exterior walls; or enclosure or
21 alteration of more than 25% of the walls facing the street;
22 or 50% of the exterior walls so they no longer function as
23 an exterior wall."
24
25

1 COMMISSIONER BURKE: I've been here since 5:00
2 o'clock, and I didn't understand a word you said. Sorry.

3 DIRECTOR LORTZ: I can't attest at this evening-
4 unless Rachael, you worked on this project?-whether we've
5 calculated whether this is a historic structure and whether
6 it tests the demolition. The issue though...

(Inaudible voice in background.)

8 DIRECTOR LORTZ: Yes, it is. You're just not
9 hearing me right, which is not unusual.

(Inaudible voice in background.)

11 DIRECTOR LORTZ: So if the Commission is
12 inclined, because of the lateness of the hour, we can go
13 back and test that issue. I'm not clear about what the
14 question is. If the question is whether the nonconforming
15 setback is lost... Because we're maintaining the wall
16 that's along that property line, so that wall is not being
17 demolished, so you can continue to expand along that.
18 We're talking about the wall between the neighbors that are
19 here this evening and this property. And so that wall is
20 not being demolished.
21

22 COMMISSIONER BURKE: I thought it was my
23 understanding if it became a technical demo the new rules
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1 applied and the setbacks applied even if the wall along
2 that property line remained.

3 CHAIR DREXEL: That's my understanding too, but
4 Randy, maybe you can shed some light.

5 RANDY TSUDA: Yeah, given it's a pre-1941
6 structure there are different rules than for non-1941
7 structures, and there is language in there regarding
8 demolition of facades that do not face a public street, or
9 in the case of a corner lot, the side by a public street
10 also, which is the situation here.

11 CHAIR DREXEL: So that this would not be a
12 technical demo, so that the existing setbacks would
13 continue to be in place because it's an historic structure,
14 and less than 50% of the walls are being removed, because
15 it's not on a street. That's the trigger.

16 RANDY TSUDA: Right. So if necessary, just to
17 insure that-and the Commission was inclined to take action
18 on it tonight-the structure that's there, the garage,
19 accessory structure, whatever you want to call it, cannot
20 be demolished under the definition that's allowed here. So
21 no more than what's allowed under the Code can be removed.

22 CHAIR DREXEL: So we could approve this with the
23 condition that the structure cannot be demolished. And
24
25

1 then that way... And if it were demolished, then there'd
2 be a whole other set of rules that would come into play.
3 But it would be a way to move this project forward, unless
4 there's some other problem.

5 DIRECTOR LORTZ: Right. What we would have to do
6 then is ascertain documentation on the historic versus non-
7 historic, and then verify that they're not removing more
8 than either 50% or whatever is required under the historic
9 section.

10 COMMISSIONER BURKE: And back to the other
11 question, you are comfortable that what the applicant
12 claims is habitable space is what we would define as
13 habitable space for the overall FAR of the lot?

14 RANDY TSUDA: Let me explain how Staff viewed
15 that issue of the floor area, that in (inaudible) zone
16 there are basically two floor area ratios, or two
17 allocations of floor area, one for a living area and one
18 the garage. We know where the garage area is. There's a
19 separate room, separate doorway that cannot be utilized as
20 a parking area or a garage area. Given our floor area
21 calculation, it either has to be classified as garage or
22 classified as living area under our Code. It can't be used
23
24
25

1 for parking, so therefore we had to apply it to the living
2 area.

3 CHAIR DREXEL: And somebody could go in there and
4 put in the toilet and hook up the stove and there you'd be.

5 RANDY TSUDA: It has all the hookups already. I
6 guess the question was could someone? Yes, they could.
7 Yes, they can.

8 CHAIR DREXEL: Yes. Lee.

9 COMMISSIONER QUINTANA: Are we finished with
1a questions to Gary?

12 CHAIR DREXEL: Yeah, you can go ahead. He's
13 still up there?

14 GARY SCHLOH: I'm still here.

15 CHAIR DREXEL: We're going to let him just hang
16 out there for as long as we need to. Is everyone finished
17 with questions for Gary? Okay. Thank you, Gary.

18 GARY SCHLOH: Thank you very much.

19 CHAIR DREXEL: All right, Lee.

20 COMMISSIONER QUINTANA: Question of Staff.

21 CHAIR DREXEL: Yes, I'm sorry. I'm closing the
22 public portion of the meeting.

23 COMMISSIONER QUINTANA: Could that be turned into
24 a living unit without applying for a secondary dwelling?
25

DIRECTOR LORTZ: Well, as you recall the Code
2 does allow for an accessory structure to have some plumbing
3 in there, to have a bathroom. It couldn't have a kitchen,
4 because that's how we get to the second unit.

5 COMMISSIONER QUINTANA: Okay. I'd just like to
6 make one comment. My approach to this has been solely on
7 the matter of the increased mass of the house and I believe
the intent of the FAR was to keep the houses from getting
larger than appears comfortable for these smaller lots in
10 the area. A lot of the houses that exceed the FAR in that
11 area were added on to or built prior to the FAR ordinance
12 going into effect.

14 My concern is not with the square footage, but
15 with the visible increase in the mass of the rear of the
16 house, also because it is readily apparent from the street,
17 and therefore I don't believe it's consistent with the
18 intent of the FAR ordinance.

19 CHAIR DREXEL: All right, would someone like to
20 make a motion? Joanne.

21 COMMISSIONER TALESFORE: And make sure that
22 you're ready with your conditions; I'm sure there will be
23 some. I move to approve Architecture and Site Application
24 S-05021.
25

1 As I've learned, FAR is not... I don't think
2 it's an abuse of the FAR at this point as far as a
3 guideline, and I do think given the Historic Preservation
4 Committee approved it, it does have some merit.

5 But anyway, I will move to approve this and
6 request approval to construct a second-story addition. I
7 can make the required findings by Section 15.301-if I'm
8 leaving something out, just somebody jump in and tell me-
9 which include the design theme, sense of scale, exterior
10 materials and details of the proposed project are
11 consistent with the provisions of any applicable landmark
12 in historic overlay zone, and any applicable specific plan
13 in the adopted residential development standards and the
14 lot coverage setbacks, and the FAR of the proposed project
15 is compatible with the development on the surrounding lots.

16 However, I would like to add one thing, that
17 because of the degree of the development on the lot, that
18 we restrict the garage size to that as reflected in the
19 application. Now, would that also be minus the 70 square
20 feet? How does that affect those 70 square feet?

21 DIRECTOR LORTZ: Well, the condition of approval
22 would be that you're accepting the suggestion of the
23 applicant that the garage be reduced to expand no more than
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1 four feet towards the street, essentially resulting in a 70
2 square foot reduction.

3 COMMISSIONER TALESFORE: Okay, does that work?
4 How does everybody feel about that?

5 CHAIR DREXEL: The applicant was comfortable with
6 that, so if the applicant's comfortable with it, I guess...

7 COMMISSIONER TALESFORE: Okay, and that we also
8 add that the parties work out access of the driveway issues
9 during the construction and install the chain link fence
10 with the green webbing-I really appreciate that-and that
11 they be cognizant also of that corner. It's a busy corner,
12 it's a small area. Trucks, please be careful of that,
13 okay? Don't get those construction trucks too much out on
14 the street. I think that's it.

15 DIRECTOR LORTZ: What we could do is actually use
16 a site plan to identify where the staging material shall be
17 placed.

18 COMMISSIONER TALESFORE: That would be great.

19 DIRECTOR LORTZ: And how that will be organized.

20 COMMISSIONER TALESFORE: Okay. That's really
21 important; it's a very tiny area.

22 DIRECTOR LORTZ: I think out of respect to the
23 neighbors also we could find out what the construction
24
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1 schedule is and offer that to the neighbors once a
2 contractor has been identified so the neighbors are aware
3 what's happening and when.

4 COMMISSIONER TALESFORE: Right, okay.

5 DIRECTOR LORTZ And I just wanted to make sure,
6 you went through the findings as required by 2940.075
7 regarding the exceeding of the FAR?

8 COMMISSIONER TALESFORE: I did that.

9 DIRECTOR LORTZ: Good. I just wanted to confirm.

10 COMMISSIONER TALESFORE: And the conditions as
11 required by section 29.20.150 of the Town Code for
12 Architecture and Site. Is that other considerations?

13 CHAIR DREXEL: And we got the conditions in
14 Exhibit B, right?

15 COMMISSIONER TALESFORE: Right, Exhibit B.

16 ORRY KORB: And may I ask the maker of the motion
17 just to clarify one point. You made a reference to
18 "driveway issues" and working those out with the neighbors.

19 COMMISSIONER TALESFORE: Yes.

20 ORRY KORB: One issue raised by the neighbors was
21 a question of whether they have prescriptive rights to a
22 portion of the applicant's driveway. That is a civil issue
23 that would need to be resolved between the parties, but
24
25

1 it's not an issue that we should involve ourselves in by
2 requiring it as a condition that the applicant work that
3 issue out.

4 COMMISSIONER TALESFORE: I wasn't referring to
5 that specifically.

6 ORRY KORB: That's what I want to clarify. Thank
7 you.

8 CHAIR DREXEL: All right, is there a second?

9 COMMISSIONER TREVITHICK: (Inaudible).

10 ORRY KORB: I have to disagree with you,
11 Commissioner Trevithick. I believe that it is. It's a
12 significant issue being raised by the neighbor and I don't
13 want to discredit that issue, but because we have
14 apparently evidence that the title to the property
15 indicates the boundaries that are consistent with their
16 application, that the neighbor is asserting a right that is
17 not a matter of title. They would have to go to court or
18 otherwise establish that right, and we don't have any
19 evidence that it exists, so it would be inappropriate for
20 us to effectively determine that issue by requiring that
21 the applicant do something about it. It's really incumbent
22 upon the neighbor to establish their right. They have
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25

1 asserted it, they certainly have a right to try to
2 establish it, but it is their burden to do that.

3 COMMISSIONER TREVITHICK: (Inaudible).

4 ORRY KORB: They have to provide us with
5 information regarding the size of the lot and their title
6 to that area in order to meet the requirements for
7 development of the lot. I will assume that they have done
8 that. If you are concerned about whether that has been
9 done, you can make that a condition of approval...

10 COMMISSIONER TREVITHICK: That's what I'm saying.

11 ORRY KORB: ...just in the event that it hasn't
12 been done, but I'm assuming that for purposes of the
13 application that that has already been done.

14 DIRECTOR LORTZ: Yes, we could have a survey
15 performed in that area to locate the property line.

16 COMMISSIONER TREVITHICK: Just to the
17 satisfaction of (inaudible).

18 DIRECTOR LORTZ: And then just along the lines of
19 the one issue that we were talking about on the garage is
20 that the remodel work on the garage cannot result in a
21 demolition.
22

23 CHAIR DREXEL: All right. Lee.
24
25

1 COMMISSIONER QUINTANA: I just want to clarify
2 the statement that I made about square footage and the FAR.
3 What I was saying is that I could support the square
4 footage that's being proposed if it were designed in such a
5 way that it didn't increase the mass of the house. That's
6 what I meant by... It wasn't a question of square footage,
7 and I just wanted to clarify that.

8 CHAIR DREXEL, Thank you. All right, call the
9 question. All those in favor? All those opposed?

10 ORRY KORB: Appeal rights. Anyone dissatisfied
11 with the decision of the planning commission may appeal the
12 decision to the Town Council. The appeal must be filed
13 within ten days; it must be filed upstairs in the Clerk's
14 Office. There is a fee for filing an appeal.
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REQUIRED FINDINGS AND CONSIDERATIONS

56 Bayview Avenue

Architecture and Site Application S-05-021

Requesting approval to construct a second story addition to a pre-1941 residence and to exceed the FAR on property zoned RID. APN 510-44-022

PROPERTY OWNER: Dave and Lynn Dardis

APPLICANT: E. Gary Schloh

FINDINGS

- It has been determined that this project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.
- As required by Section 29.40.075 (c) of the Town Code for exceeding the FAR:

The deciding body may allow a FAR in excess of the FAR derived by the formulas in subsections (b)(1), (2) and (3) above if it makes the following findings:

- (1) The design theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:
 - a. Any applicable landmark and historic preservation overlay zone; and
 - b. Any applicable specific plan; and
 - c. The adopted residential development standards; and
- (2) The lot coverage, setbacks and FAR of the proposed project is compatible with the development on surrounding lots.
- (d) Any lot containing more than thirty thousand (30,000) square feet shall be exempt from the floor area ratio limitations.

CONSIDERATIONS

- As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect

to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.

- A. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:
 - 1. The ability of critical roadways and major intersections to accommodate existing traffic;
 - 2. Increased traffic estimated for approved developments not yet occupied; and
 - 3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.
- B. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:
 - 1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
 - 2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available capacities.

Any project receiving Town determination subsection (1)b.1. may proceed. Any project receiving Town determination subsection (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific plan.

- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.
- (3) *Considerations relating to landscaping.* The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special

criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.

- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development.

Buildings should strengthen the form and image of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.

- (5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.
- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.
- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.
- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All

new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.

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CONDITIONS FOR:

56 Bayview Avenue

Architecture and Site Application S-05-021

Requesting approval to construct a second story addition to a pre-1941 residence and to exceed the FAR on property zoned RID. APN 510-44-022

PROPERTY OWNER: Dave and Lynn Dardis

APPLICANT: E. Gary Schloh

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

(Planning Department)

1. EXPIRATION OF APPROVAL: This approval application will expire two years from the date of approval unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
2. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as Exhibit 9. Any changes or modifications to the approved plans shall be approved by the Community Development Director or the Planning Commission depending on the scope of the change(s).
3. GARAGE. Remodel of garage shall be reduced by 70 square feet, and shall not extend more than 4 feet toward Bean Avenue.
4. REMODEL CONSTRUCTION. A construction staging plan identifying where materials will be located during construction shall be submitted with construction plans for review and approval of the addition. A construction schedule for the remodel shall be provided to abutting neighbors. Construction trucks shall avoid interference with street traffic. A chain link fence with green webbing shall be installed along the easterly property line along the driveway.
5. HISTORIC PRESERVATION COMMITTEE. All windows and doors shall be wood. No snap in grids or grids inside the windows are permitted. Simulated wood grids are acceptable (ie: one glass pack with grids applied by manufacturer to inside, outside and between glass), to read as a true divided lite window. Vinyl clad windows are not permitted. All window trim, window finish detail, corner boards, soffits, eaves, millwork and any other detail shall match existing. Siding material shall be real wood, not composite, laminated or fabricated wood product.
6. SURVEY. The easterly property line of the subject property must be surveyed.

(Building Division)

7. PERMITS REQUIRED: A building permit shall be required for the commercial tenant improvement for Pet Food Express. Separate permits are required for electrical, mechanical, and plumbing work as required.
8. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans.
9. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."

10. **TITLE 24 - COMMERCIAL:** For any proposed tenant improvements, the building shall be upgraded to comply with the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design architect, then confirmed by Town staff.
11. **SPECIAL INSPECTIONS:** When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov.
12. **NONPOINT SOURCE POLLUTION STANDARDS:** The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print.
13. **PLANS:** The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
14. **APPROVALS REQUIRED:** The project requires the following agencies approval before issuing a building permit:
 - a. Community Development: Rachel Bacola at (408) 354-6802
 - b. Engineering Department: Fletcher Parsons at 395-3460
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Department of Environmental Health: (408) 918-3400

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

15. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
16. **ENCROACHMENT PERMIT.** All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
17. **PUBLIC WORKS INSPECTIONS.** The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
18. **CONSTRUCTION STREET PARKING.** No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).

19. **SITE DRAINAGE.** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
20. **NONPOINT SOURCE POLLUTION PREVENTION.** On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.
21. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
22. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
23. **FENCING.** Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
24. **AS-BUILT PLANS.** After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
25. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
26. **CONSTRUCTION NOISE.** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

Date: December 2, 2004
For Agenda Of: December 8, 2004
Agenda Item: 6

REPORT TO: The Planning Commission

FROM: The Development Review Committee

LOCATION: 56 Bayview Avenue
Architecture and Site Application S-05-021

Requesting approval to construct a second story addition to a pre-1941 residence and to exceed the FAR on property zoned RID. APN 510-44-022

PROPERTY OWNER: Dave and Lynn Dardis

APPLICANT: E. Gary Schloh

DEEMED COMPLETE: November 15, 2004

FINAL DATE TO TAKE ACTION BY: May 15, 2005

FINDINGS: ® As required by Section 15301 of the State Environmental Guidelines as adopted by the Town that this project is categorically exempt.

\$ As required by Section 29.50.060 (c) of the Town Code for exceeding the FAR

CONSIDERATIONS: ® As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

ACTION: The decision of the Planning Commission is final unless appealed within ten days.

ENVIRONMENTAL ASSESSMENT: It has been determined that this project is categorically exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

EXHIBITS: A. Required Findings and Considerations (four pages)
B. Recommended Conditions of Approval (three pages)
C. Project Description (one page), received October 6, 2004
D. Letter of Justification (one page), received October 6, 2004
E. Architectural Review from Cannon Design Group (two pages), received November 5, 2004
F. Parcel Map (two pages)
G. Development Plans (six pages), received November 17, 2004

A. DISCUSSION:

1. Architecture and Site

The applicant is requesting approval to exceed the allowable Floor Area Ratio (FAR) on a conforming lot zoned R-1D. The subject property is 5,632 square foot lot on Bayview Avenue. The existing home is 2,094 +/- square feet which includes 160 square feet of habitable area in the garage/accessory structure. The applicant proposes to eliminate the 160 square foot habitable area in the structure and add a total of 220 square feet to the existing house for a net increase of 60 square feet. Thirty-five square feet will be added to the main floor and 185 square feet to the existing second story for a total house size of 2,154 square feet. Additionally, this proposal includes a garage of 399 +/- square feet. With this proposal, the habitable square footage within the accessory structure is being shifted into the main structure.

The allowable floor area for this lot is 1,943 square feet for the house and 553 square feet for a garage. The existing house exceeds the allowable floor area by 151 square feet. This proposal is requesting the approval to exceed the allowable floor area for the house structure by 60 additional square feet (Exhibit C and Exhibit D).

2. Neighborhood Compatibility

Homes in the immediate vicinity include both one and two story homes and range in size from 1,160 +/- square feet to 3,260 +/- . Currently, there are three homes that exceed the allowable FAR for lots within the vicinity of the subject property. Based on data provided by the applicant and Town records, following is a neighborhood FAR analysis for 56 Bayview Avenue. The subject property with the proposed addition is included in the table. Refer to

510-44-022 <i>Subject Property</i>	5,632	1,943+/-	0.38			
510-44-001	5,568	1,923 +/-	0.22		1,243 +/-	
510-44-002	6,525	2,204+/-	0.32		1,791 +/-	
510 11021	5,720	1,969 +/-	0.32		1,803 +/-	
510-44-020	5,720	1,969 +/-	0.32		890 +/-	
510-44-019	3,690	1,372 +/-	0.47		1,726+/-	354
510-42-003		2,624 +/-	0.40		3,260+/-	636_
510-18-038	6,596	2,224+1-	0.29		1,908+/-	
51048-039	2,856	1,102+/-	0.41		1,160+/-	58

Exhibit F for a map showing the location of each Assessor Parcel Number.

The main floor addition of 35+1- square feet is to the kitchen. The 185+1- square foot addition to the second floor includes two new bedrooms, and one new bathroom. The most visible change will be to the south and east elevations adding a gable element which will increase the height of the roof ridge (Exhibit G). The Town's consulting architect concluded that the proposed changes appear to be harmonious to the existing mass and style of the existing structure (Exhibit E).

The proposed changes were reviewed and accepted by the Historic Preservation Committee subject to conditions regarding materials used for the addition(Exhibit B).

B. GENERAL PLAN CONFORMANCE AND CONSISTENCY WITH TOWN CODE:

Staff believes that the following sections from the General Plan are the most pertinent to this application.

Policy L.P.3.5 This community design element policy "assures that the type and intensity of land use shall be consistent with that of the immediate neighborhood."

Policy L.P.4.3 "Maintain the character and identity of existing neighborhoods. New construction, remodels, and additions shall be compatible and blend with the existing neighborhood."

Policy L.P.4.6. "Preserve and protect historic structures and use special care in reviewing new buildings or remodels in their vicinity to address compatibility issues and potential impacts."

Pursuant to Town Code 29.40.075 (c), the Planning Commission may allow a FAR in excess of the allowed FAR if the following findings are made:

- (1) The design theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:
 - a. Any applicable landmark and historic preservation overlay zone; and
 - b. Any applicable specific plan; and
 - c. The adopted residential development standards; and
- (2) The lot coverage, setbacks and FAR of the proposed project is compatible with the development on surrounding lots.

C. CONCLUSION:

The Development Review Committee considered this matter on November 9, 2004. Staff believes that the approval of this application would not impact the mass and scale of the existing house, and is consistent with the character of the residential neighborhood. Staff supports this application for the following reasons:

1. The proposed addition is consistent with the mass, scale and style of the existing structure.

The Planning Commission - Page 4
56 Bayview Avenue /S-05-021
December 8, 2004

2. The Historic Preservation Committee proposed addition was found to be consistent with the historic character of the existing house.
3. The proposed addition is compatible with the character of the immediate neighborhood.

The Planning Commission should carefully consider any public input on this matter to determine if the public is directly affected by the proposed application raise compelling concerns or issues that cannot be addressed through additional conditions of approval.

If the Planning Commission finds merit with the proposal, it should:

1. Make the required findings (Exhibit A);
2. Approve the Architecture and Site application subject to conditions (Exhibit B).

A handwritten signature in black ink, appearing to read 'Bud Lortz', written over a horizontal line.

Bud Lortz, Director of Community Development

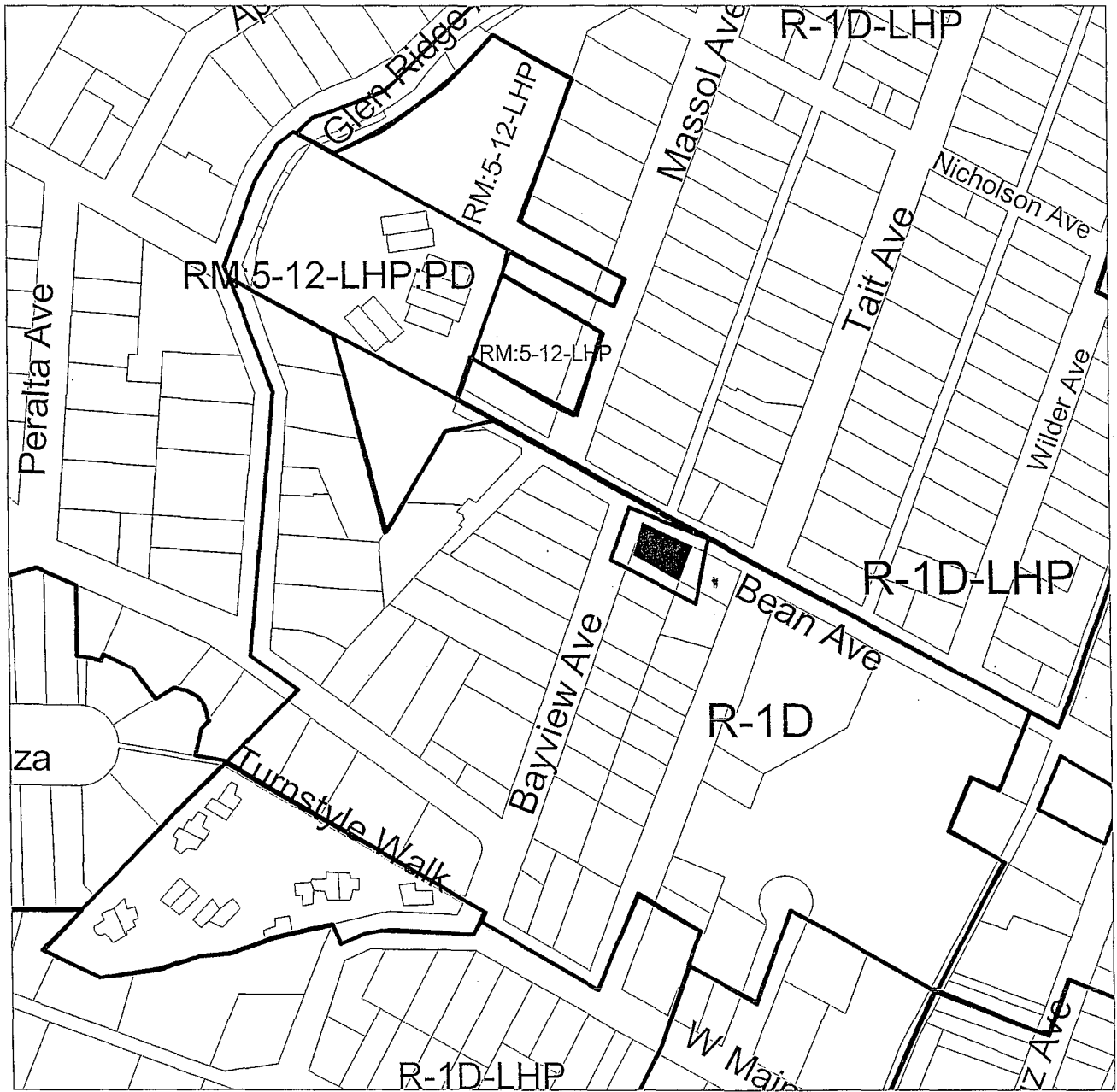
Prepared by: Rachel Bacola, Planning Technician

BNL:RB :mdc

cc: Dave & Lynn Dardis, 56 Bayview Avenue, Los Gatos, CA 95030
E. Gary Schloh, 213 Bean Avenue, Los Gatos, CA 95030

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56 Bayview Avenue



REQUIRED FINDINGS AND CONSIDERATIONS

56 Bayview Avenue

Architecture and Site Application S-05-021

Requesting approval to construct a second story addition to a pre-1941 residence and to exceed the FAR on property zoned RID. APN 510-44-022

PROPERTY OWNER: Dave and Lynn Dardis

APPLICANT: E. Gary Schloh

FINDINGS

- It has been determined that this project is Categorically Exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.
- As required by Section 29.40.075 (c) of the Town Code for exceeding the FAR:

The deciding body may allow a FAR in excess of the FAR derived by the formulas in subsections (b)(1), (2) and (3) above if it makes the following findings:

- (1) The design theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:
 - a. Any applicable landmark and historic preservation overlay zone; and
 - b. Any applicable specific plan; and
 - c. The adopted residential development standards; and
- (2) The lot coverage, setbacks and FAR of the proposed project is compatible with the development on surrounding lots.
- (d) Any lot containing more than thirty thousand (30,000) square feet shall be exempt from the floor area ratio limitations.

CONSIDERATIONS

- As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect

to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.

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(Building Division)

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TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

13. **GENERAL.** All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
14. **ENCROACHMENT PERMIT.** All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
15. **PUBLIC WORKS INSPECTIONS.** The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting an work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
16. **CONSTRUCTION STREET PARKING.** No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
17. **SITE DRAINAGE.** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
18. **NONPOINT SOURCE POLLUTION PREVENTION.** On-site drainage systems shall include a filtration device such as a bio-swale or permeable pavement.

19. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY.** It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
20. **RESTORATION OF PUBLIC IMPROVEMENTS.** The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
21. **FENCING.** Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
22. **AS-BUILT PLANS.** After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
23. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
24. **CONSTRUCTION NOISE.** Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

A DESCRIPTION OF PROJECT
56 Bayview Avenue, Los Gatos

Construct new 35 SF addition to the first floor and add 185 SF to the upper floor for bedrooms. The back side of the roof will be new.

The accessory building will be modified so as to create a parking space for a car and a new roof will be constructed over the accessory building that will complement the existing house.

The major part of the existing house remains unchanged.



213 Bean Avenue

Los Gatos, California 95030

(408) 354-4551

LETTER OF JUSTIFICATION

The project location is 56 Bayview Ave. in Los Gatos and the Owners are Dave and Lynn Dardis.

This project includes the addition of 35 square feet to the downstairs (kitchen area) and the addition of 185 square feet to the second floor.

Presently there exists on the second floor a poorly conceived plan of two bedrooms and one bath. Records show that the house was built in 1918 as a one story house. In the years following that, there were additions of bedrooms in the attic as well as an addition of living space in the accessory building.

The plans reflect a new design that will better accommodate the Dardis Family. We have moved the sub-standard living space in the accessory building into the main house and used some of the existing accessory building to provide a garage for the family. The overall visual impact of this project is very minimal and its Architectural style is consistent with that of the original house. The addition has increased the height of the house by 2'9". Wall heights of the second floor vary between 7'0" and 7'8". The majority of houses in the neighborhood are two story.

In summary, this design is meant to fit into the neighbor environment without any indication of change.



ARCHITECTURE, PLANNING URBAN DESIGN

November 1, 2004

Ms. Rachel Bacola
Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

RECEIVED

NOV 05 2004

TOWN OF LOS GATOS
PLANNING DIVISION

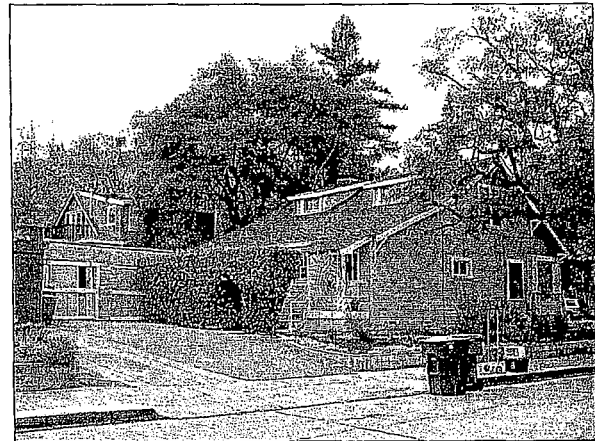
RE: 56 Bayview Avenue

Dear Rachel:

I visited the site, and reviewed the design drawings that you forwarded. The existing house on the site, shown in the photo below, is beautiful home that fits well into the historic character of the neighborhood.



Existing front and north side views



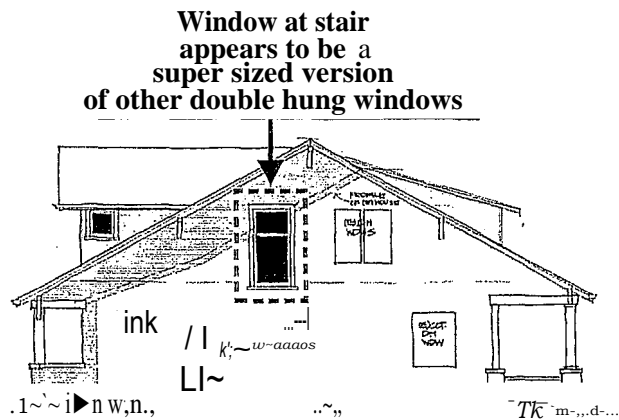
Existing rear and north side views

The proposed changes will modify the existing structure primarily by increasing the roof ridge, adding gable elements to the south and east elevations, and a narrowing and lengthening of the garage. All of the changes seem to fit well with the style and scale of the existing structure. If this were a new house proposed in the neighborhood, it would be my judgement that it would fit in well. The only real issue that I see is whether there is anything significant lost by the changes to a house of good historic quality - a judgement perhaps best made by the Historic Preservation Committee.

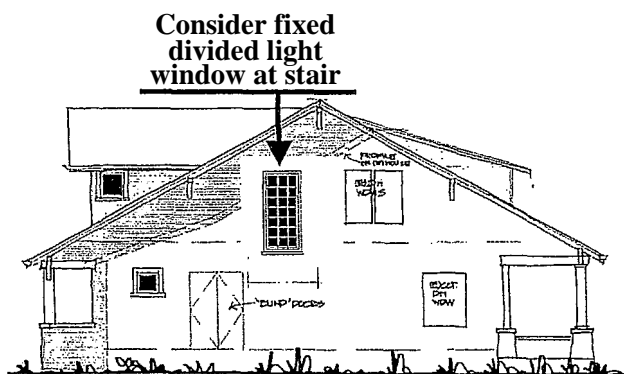
The only design comment and suggestion that I have relates to the stairway window on the north elevation. As proposed, it seems to be an enlarged version of the other double hung windows, and seems a bit large to me. Consideration should be given to making that window more distinctive and reflective of its location in the vertical space of the stairway. Shown on the diagram below is one

DATE

possible solution which is a vertical proportioned, fixed glass window with divided lights to match the upper portions of other first floor windows.



North elevation comment



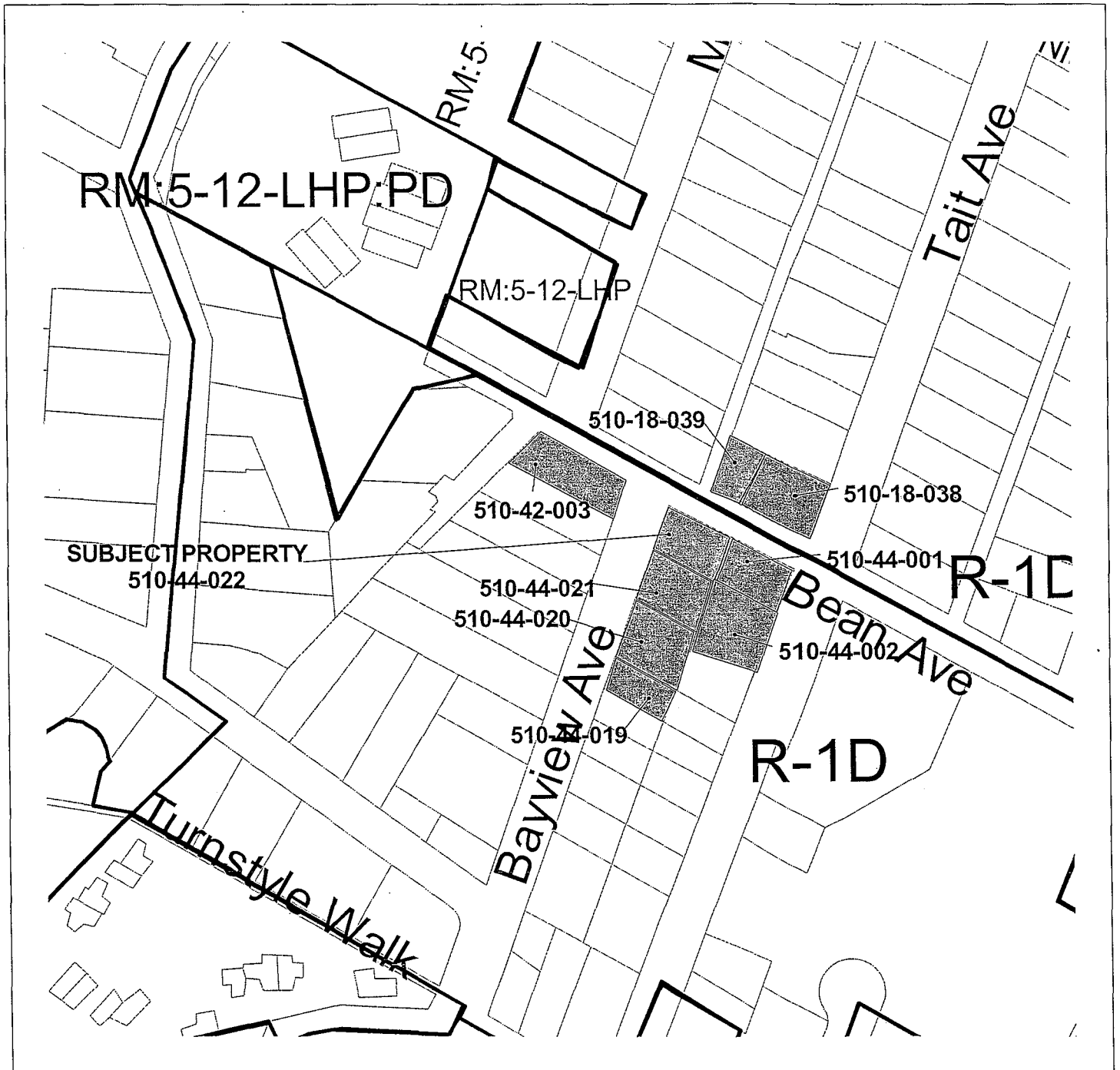
Suggested change to north elevation

Rachel, please let me know if you have any questions, or if there are specific issues of concern that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon AIA AICP
President

Neighborhood Map



Date: December 8, 2004

For Agenda Of: December 8, 2004

Agenda Item: 6

DESK ITEM

REPORT TO: The Planning Commission

FROM: The Director of Community Development

LOCATION: 56 Bayview Avenue
Architecture and Site Application S-05-021

Requesting approval to construct a second story addition to a pre-1941 residence and to exceed the FAR on property zoned RID. APN 510-44-022

PROPERTY OWNER: Dave and Lynn Dardis

APPLICANT: E. Gary Schloh

EXHIBITS: A-G. Previously Submitted
H. Letter with signatures of support (1 Page), received December 8, 2004

REMARKS:

The attached letter of support was submitted after distribution of the Planning Commission packet.

As a follow-up to a question from a Commissioner, this desk item is to clarify the floor area of the proposal to exceed FAR at 56 Bayview Avenue. The garage/accessory structure is currently one structure; a portion of the structure contains habitable area. Please refer to the table below for the breakdown of existing square footage for the house and the garage/accessory structure:

House	Accessory Structure	Giraffe (ft)
1,187 sq. ft. -Main Floor	160 sq. ft.	195 sq. ft.
747 sq. ft. -Second Floor		
1,934 sq. ft. (Total)		
1,934 sq. ft. (House) +160 sq. ft. (Accessory Space)= 2,094 sq. ft. (Grand Total)		

The Planning Commission - Page 2
56 Bayview Avenue /S-05-021
December 8, 2004

The following table is a breakdown of the 220+/- sq. ft. addition to the house, and reoriented garage:

House (sq. ft.)	Accessory Space with a Garage	Garage (sq. ft.)
1,222 sq. ft. -Main Floor	0	399 sq. ft.
932 sq. ft. -Second Floor		
2,154 sq. ft. (Grand Total)		



Bud N. Lortz, Director of Community Development

Prepared by: Rachel Bacola, Planning Technician

BNL:RB:mdc

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Tom Franceschi.
 Connie Franceschi
 Judith King
 Laura Luff
 THMA
 Ed De
 Mary Crompton

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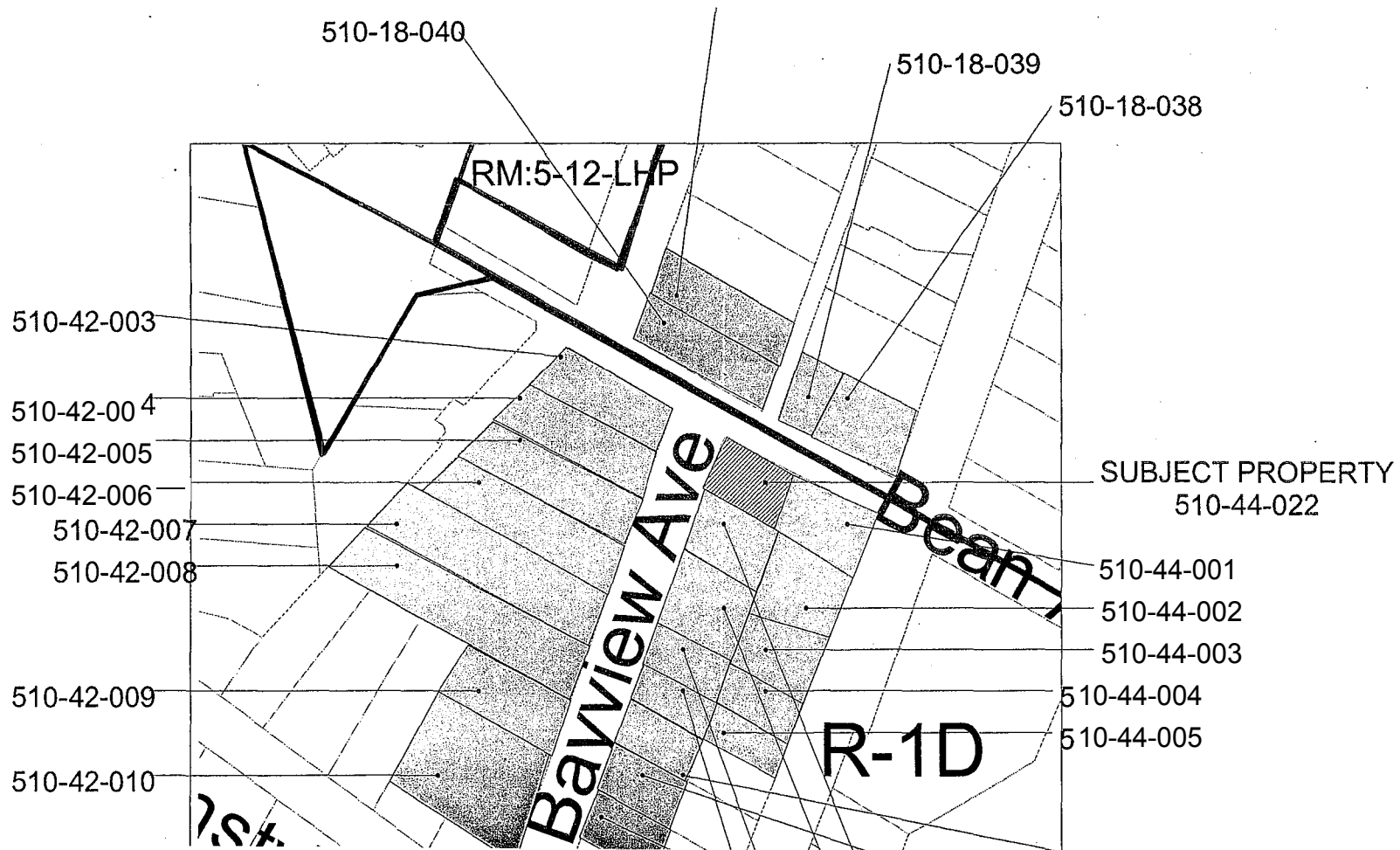
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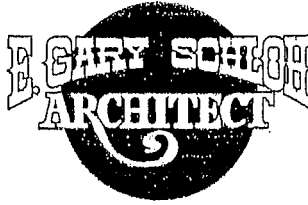
Fax # 408 \$64 45:7+7

Phone # 408 354 4531

TH



Assesor Parcel Number	Lot Size	Allowable Floor Area (sq. ft.)	Existing FAR	Existing House Size	Existing Garage	Over Floor Area
510-44-022/ Subject Property	5,632	1,943	0.38	2,154	195	211
510-44-001	5,568	1,923	0.22	1,243	252	
510-44-002	6,525	2,204	0.27	1,791	360	
510-44-021	5,720	1,969	0.32	1,803	192	
510-44-020	5,720	1,969	0.32	890	300	
510-44-019	3,690	1,372	0.47	1,726	198	354
510-42-003	8,062	2,624	0.40	3,260	600	636
510-18-038	6,596	2,224	0.29	1,908	0	
510-18-039	2,856	1,102	0.41	1,160	0	58
510-42-004	7,987	2,605	0.21	1,722	342	
510-42-005	8,907	2,854	0.24	2,170	280	
510-42-006	0,000	3,100	0.17	728		
510-42-007	13,176	3,750	0.22	2,801	546	
510-42-008	14,151	3,917	0.08	11,184	1,176	
510-42-009	6,726	2,261	0.22	500	418	
510-42-010	5,070	4,060	0.23	3,567	0	
510-44-001	5,568	1,923	0.22	1,243	252	
510-44-002	6,525	2,204	0.27	791	360	
510-44-003;	0	0	0.00	0	0	
510-44-004	3,520	1,319	0.41	1,468	154	149
510-44-005	3,570	1,335	0.51	830	0	495
510-44-015	4,500	1,613	0.22	987	280	
510-44-016	4,500	1,613	0.45	2,045		432
510-44-017	3,960	1,455	0.64	2,552	320	1,097
510-44-018	3,330	1,258	0.19	624	160	
510-18-040	6,480	2,191	0.21	1,404	800	214-Garage
510-18-041	6,030	2,061	0.33	2,026	360	



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FEB - 9. 2(105

TOWN OF LOS GATOS
PLANNING DIVISION

An addition to my previously submitted
LETTER OF JUSTIFICATION (56 Bayview Avenue, Los Gatos)

All information in my previously submitted letter is unchanged.

Changes and additions that I have made in drawing form. are enumerated below:

A. Sheet A-i reflects a change in the garage size on the floor plan. This change is a result of the condition of approval line item 3. The summary line item for the garage reflects the area changes; that being 308 SF. Lastly; a minor modification is reflected in the floor plan (rear corner) so as to maintain 54% of the existing garage wall and be contiguous.

B. Sheet AB/D-1 reflects a change in the 'As-built accessory/demo' plan to satisfy the maintaining of 54% of the existing garage wall.

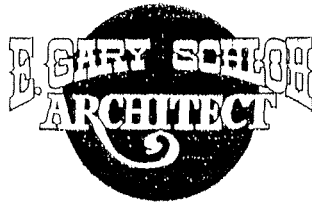
In addition to the documents submitted are the following drawings (submitted with this 'LETTER OF JUSTIFICATION'.

C. Sheet A-4r. The Bean Avenue Streetscape drawing has additional information reflected on it to show site lines of existing 2nd story windows, compared to the proposed site lines. These site lines are to the house located at 55 Tait Avenue.

D. Sheet A-5. This is a sun study plan that shows very limited shadow onto the garage of the 55 Tait Avenue neighbor. Note that the Dardis house has no impact on any part of the 55 Tait Avenue neighbor.

E. Sheet A-6. Photos of the existing house are shown as well as photos of the accessory building. The accessory building is poorly conceived and is not structurally sound. The Town's ordinance is very specific on floor areas for garages and living areas, The accessory building does not meet the Town standards for a garage and as is evident with the photos, this building has a 4" soil line (for a toilet), a gas line, a water connection for a water heater and a roof vent for a stove or cooktop. The data that we have gathered from the County accessors office indicate that the total living area on this property is 2282 SF. Our analysis of the total living area inclusive of the accessory building is 2289 SF. There may always be a question about a 'garage' and was this accessory building ever a garage? The photos are self evident. This space was used a some time to live in and the County acknowledged that with their numbers,

ATTACHMENT



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PLANNING DI VISION

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In summary I wish to address the matter of mass and scale. Scale and proportion must fit together as a hand in a glove. There must be a fit here and without equivocation this design should not be disputed. It passed with overwhelming approval by the planning Commission by a 6 to 1 vote and the Town's consulting Architect, Mr. Cannon has been complimentary to the design and in his judgement the design fits in well with the neighborhood. On past projects of mine, Mr. Cannon has shown a keen sense of how a design may affect the neighborhood around the project; he makes no mention that the scale or the mass conflicts with good design toward any neighbor.


The mass of the down slope of the east roof is unchanged and although the bedroom dormer is larger than the two existing shed dormers, this new dormer is embraced by the east sloping roof to minimize its visual impact to the easterly neighbor. It is also worth mentioning that the entirety of this dormer faces 'open space'. The measurement from the face of this dormer to the 55 Tait neighbor house is 54'.

It is common knowledge in the community that the HFC does not encourage major changes on a front elevation of a house. Major changes if any are always to the rear of a house and that holds true here. The 55 Tait neighbor may suggest that we turn the upstairs plan around and push the master bedroom out to the front. That will not happen on this house. The Dardis Family has a right to add on to their house and this design has been accepted by everyone with authority.

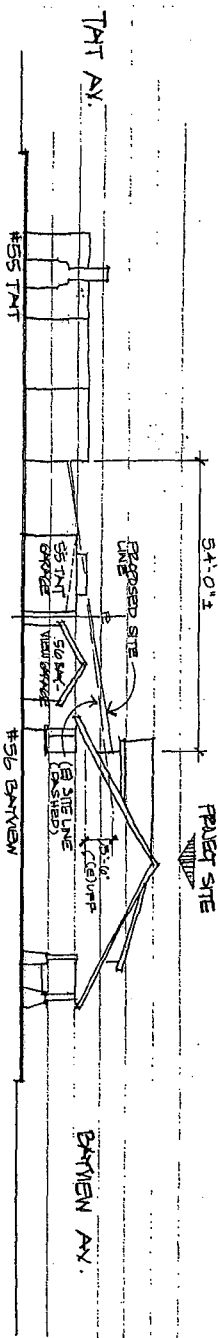
Lastly, but not any less important, the Dardis Family, the Manley Family and myself have most recently met on 29 January 05 and on 31 January 05. The objective was to find a resolution to the mass, scale and privacy problem. No agreements came out of those meetings.

I think enough has been said to justify why this project should be allowed to proceed toward completion.

Respectfully submitted,



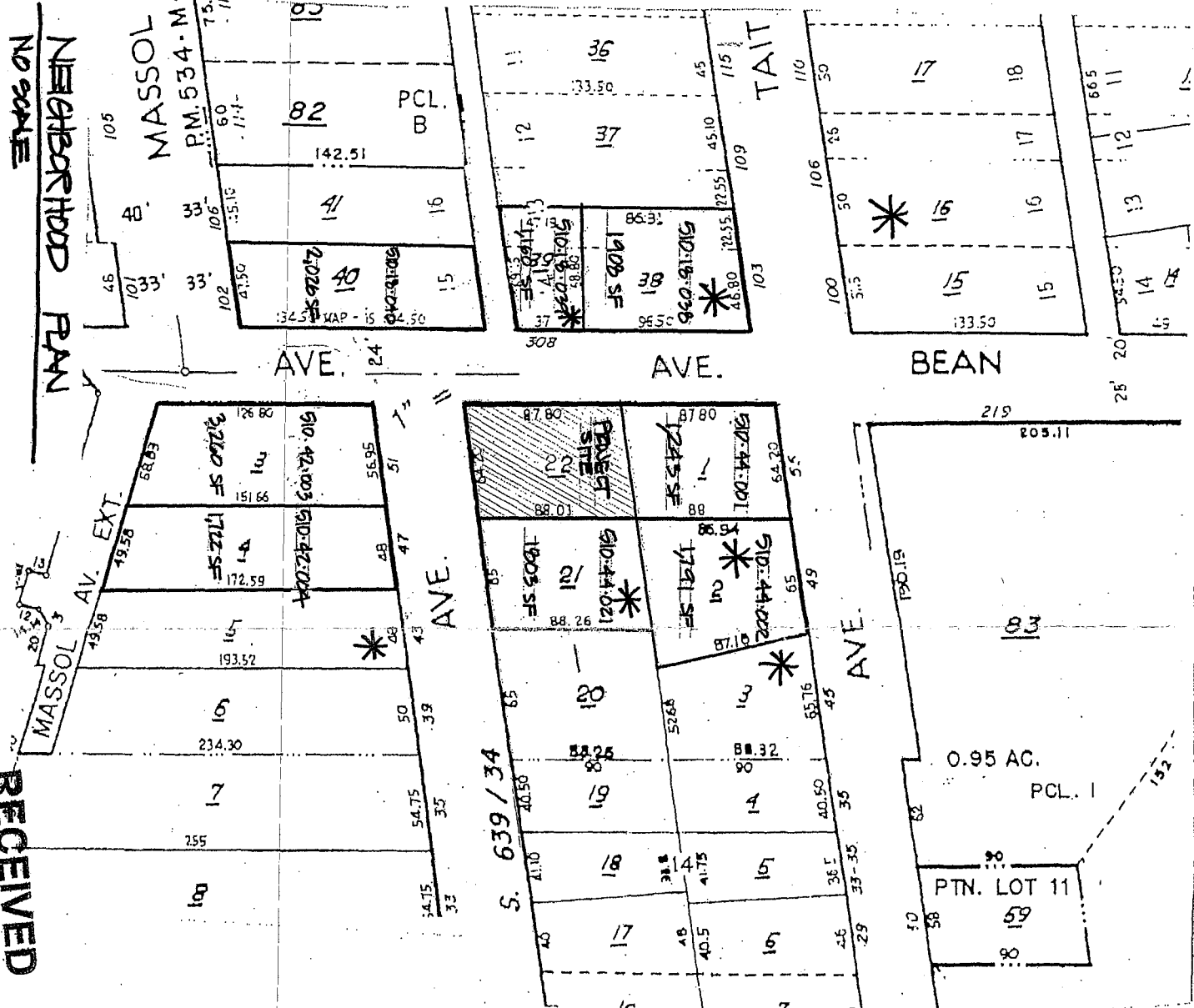
E. Gary Schloh, AIA
2 February 2005



BEAN AV. STREET SCENE

1/4" = 1'-0"

NEIGHBORHOOD PLAN
NO SCALE



* INDICATES NEIGHBOR SIGNATURED
SUPPORT ON 7 DEC 04 DOCUMENT

JAN 2 5 2005

RECEIVED

DATE	DRAWN	CHECK	NO.

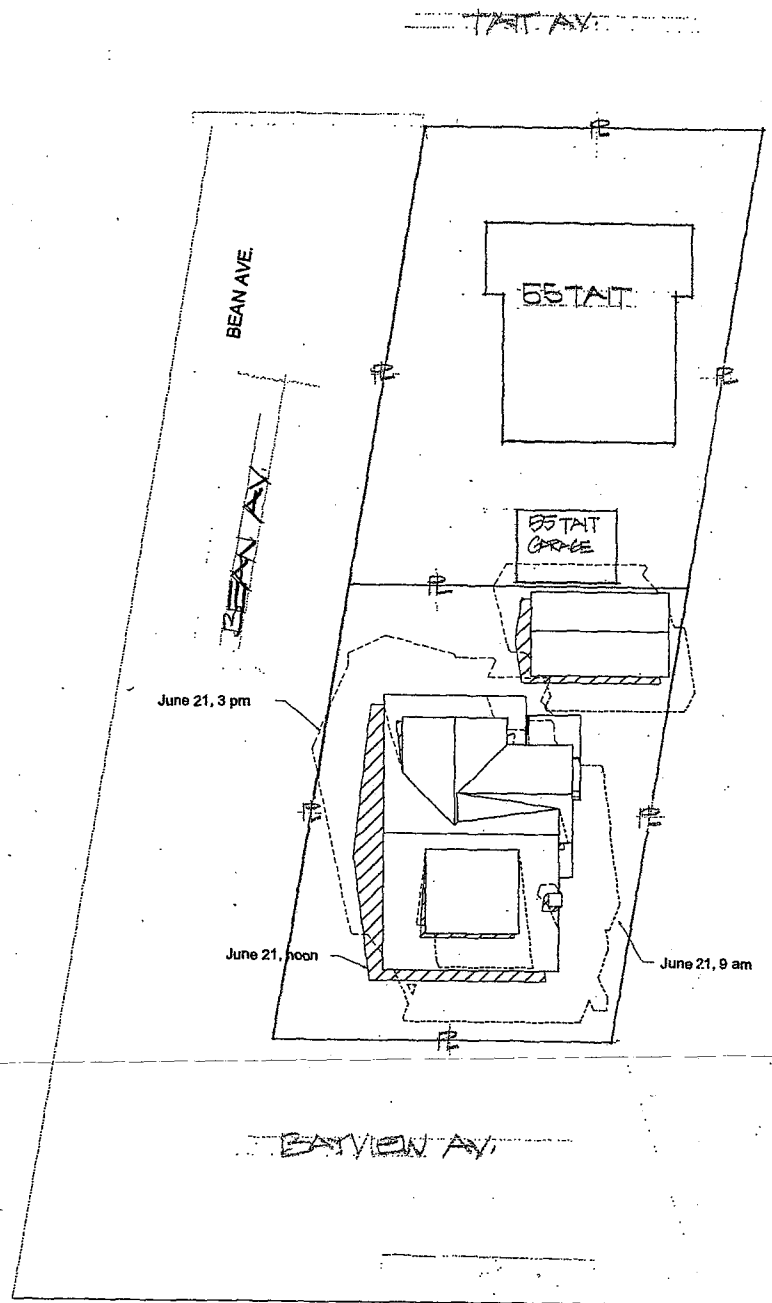
THE DARD'S ARCHITECT
10001/ADDITION
200 BARTON AV. LOS GATOS



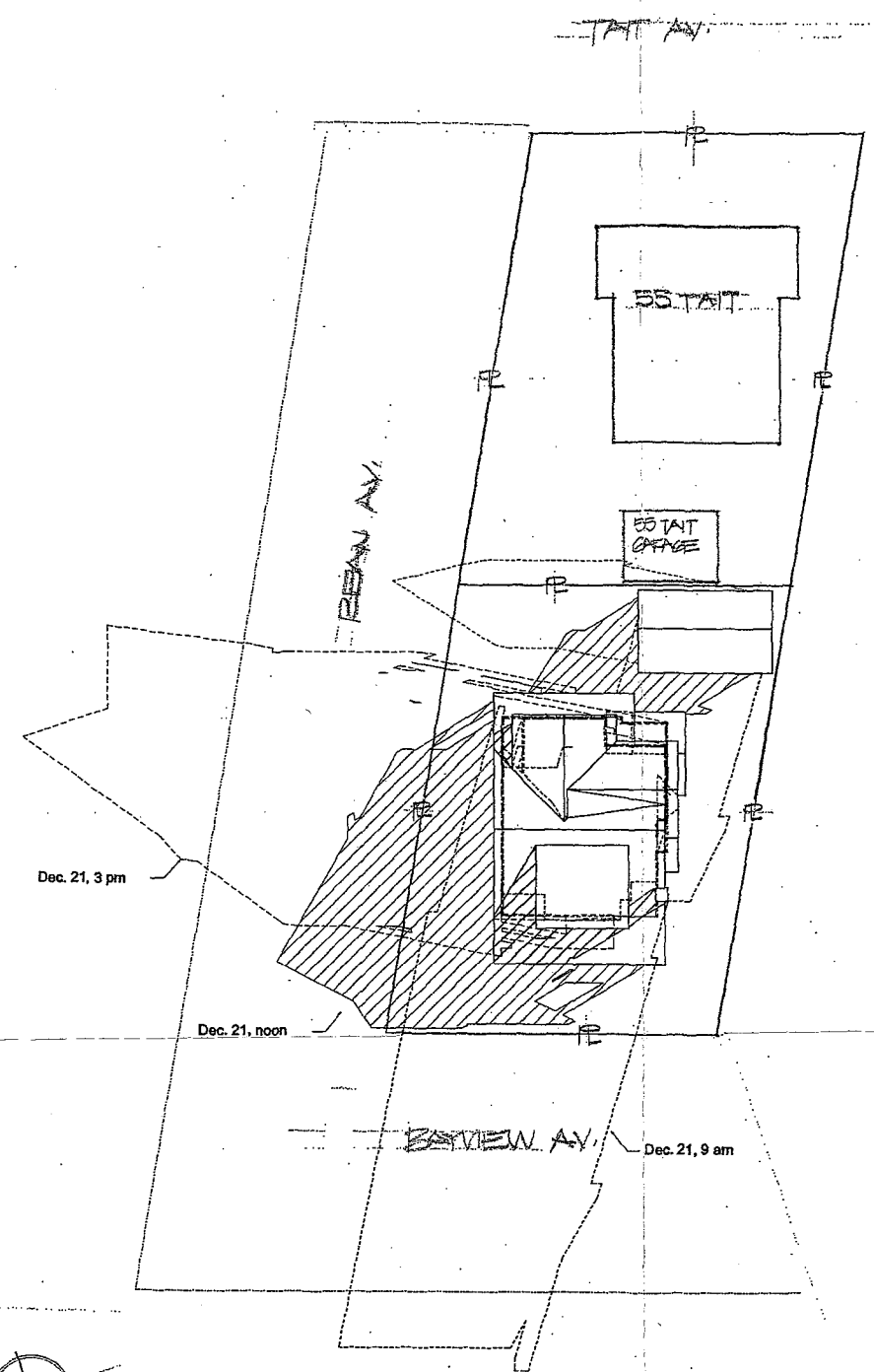
These plans, ideas and designs shown herein are the property of the architect and shall not be used, whole or in part for any purpose for which they are not intended without the written permission of the architect.

NO.	DATE	REVISION

DATE	BY	REVISION




SUMMER SUN STUDY
 SCALE: 1/16" = 1'-0"



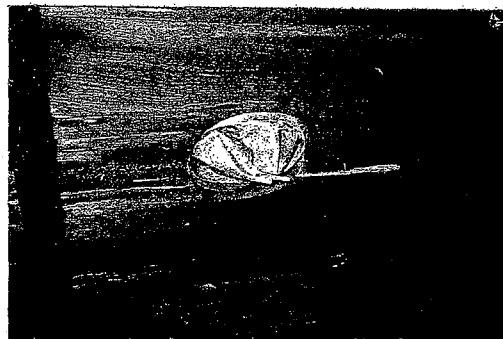
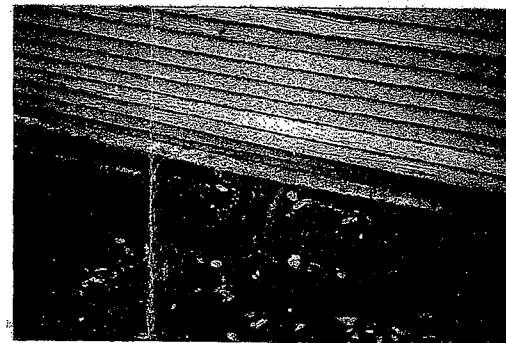
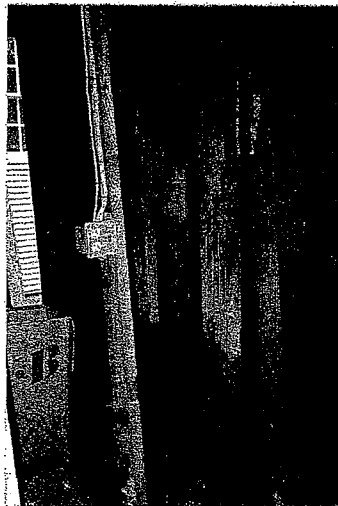
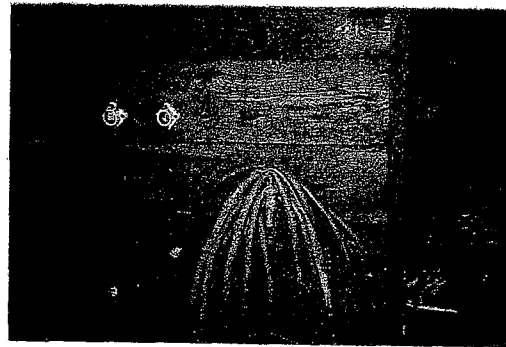

WINTER SUN STUDY
 SCALE: 1/16" = 1'-0"

JUANOS			
PRINTING			
NO.	DATE	REVISION	
<small>These plans, ideas and designs shown herein are the property of the architect and shall not be used for any other purpose for which they are not intended without the written permission of the architect.</small>			

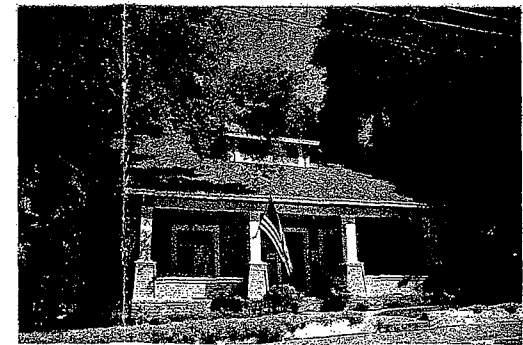


THE DARD'S RESIDENCE	
REMODEL / ADDITION	
220 EASTVIEW AV., LOS GATOS	
DATE	12-01
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JOB NO.	
SHEET	A-5

213 Ram Avenue Los Gatos, California 95030 (408) 384-9551



DETAILS & ACCESSORY BUILDING

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213 Bean Avenue Los Gatos, California 95030 (408) 354-4551.

THE DARDIS RESIDENCE
KENDALL ADDITION
660 MARVEN AV. LOS ANGELES

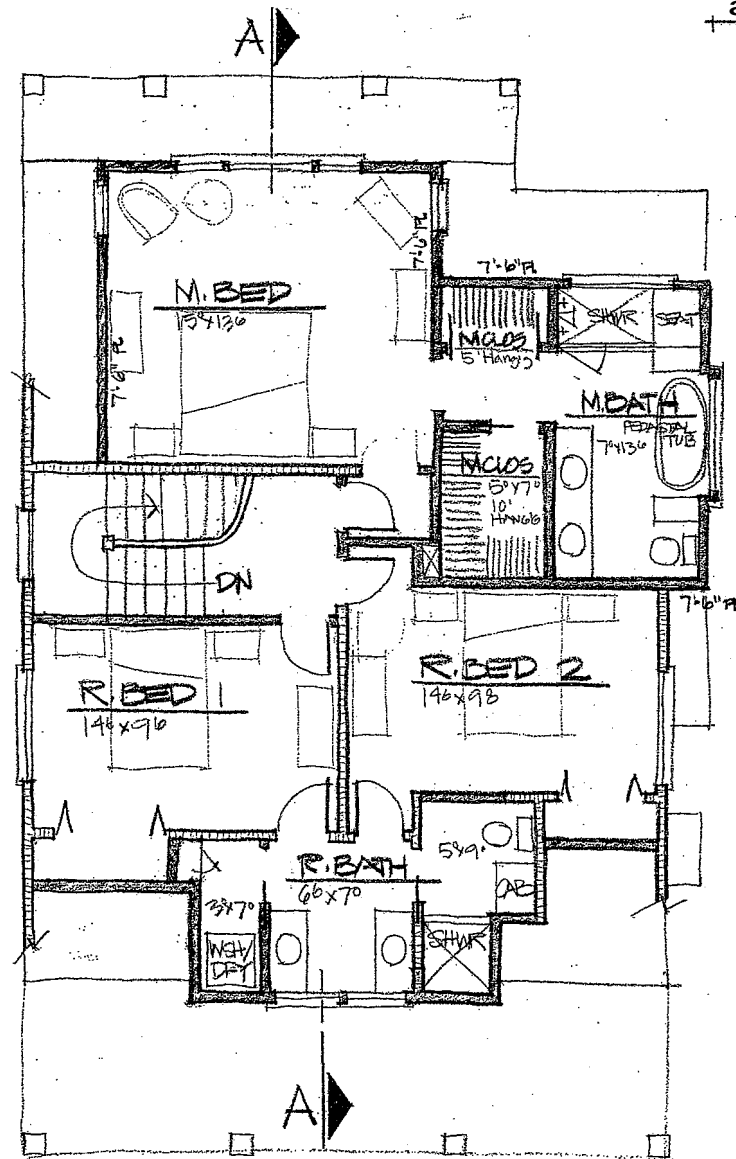
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OF **A-6**

HISTORIC PRESERVATION COMMITTEE CONDITIONS

ITEM 4: 56BAYVIEW AVENUE

The Committee considered a request to construct an residence. Drexel moved to recommend approval of the application to the Director of Community Development subject to the following conditions:

- The plans shall be modified to correctly illustrate what is proposed.
- Siding material shall be real wood, note composite, laminated or fabricated wood product.
- All windows and doors shall be wood. No snap in grids or grids inside the windows are permitted. Simulated wood grids are acceptable (let one glass pack with grids applied by manufacturer to inside, outside and between glass), to read as a true divided lite window. Vinyl clad windows are not permitted.
- All window trim, window finish detail, corner boards, soffits, eaves, millwork and any other detail shall match existing.

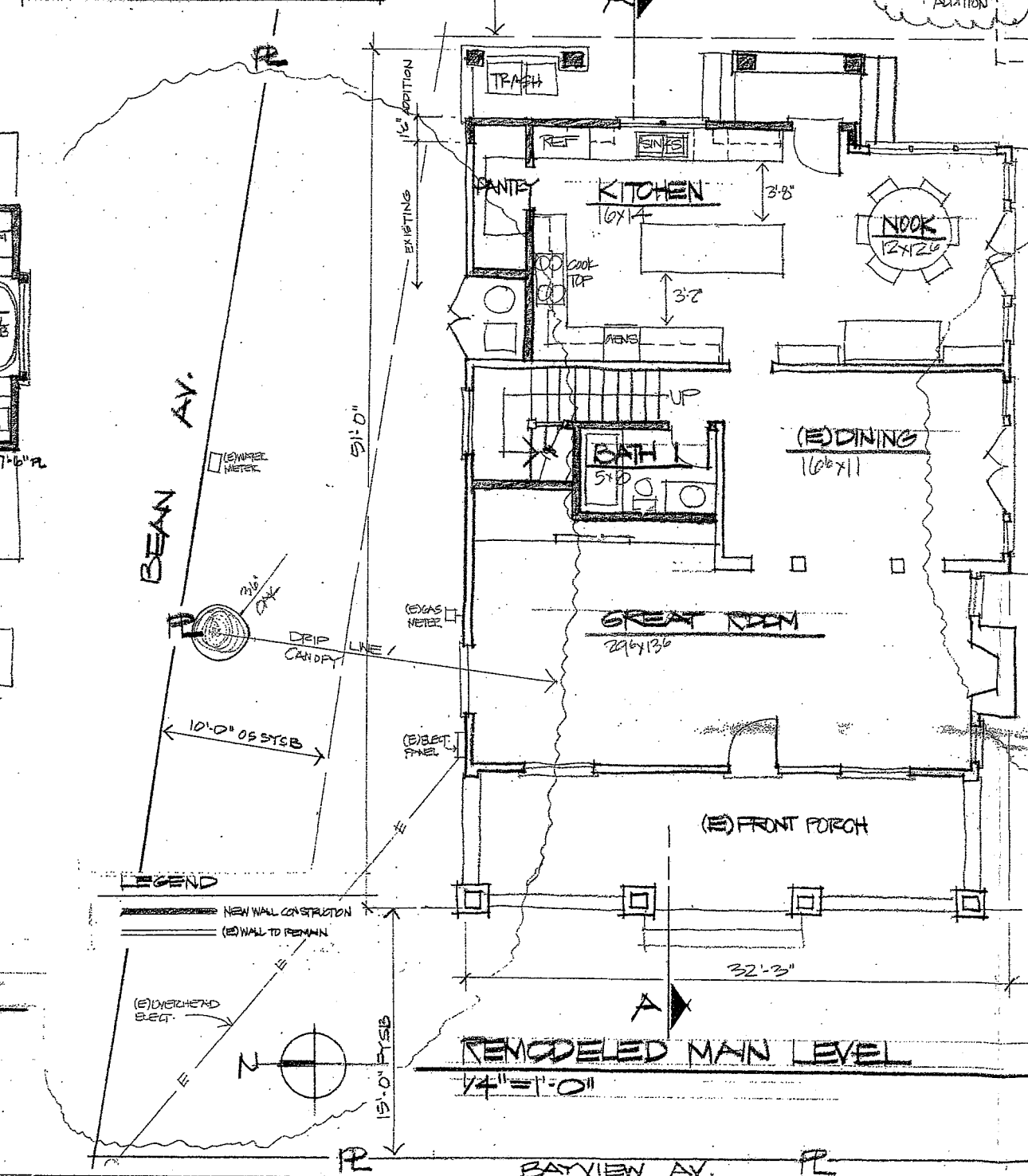


REMODELED UPSTAIRS

14'1" x 11'0"

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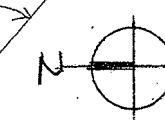
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LEGEND

NEW WALL CONSTRUCTION
(E) WALL TO REMAIN

(E) DRYER HOD BEG.



OWNERS

DAVE AND LYNN DARDIS
56 BAYVIEW AV. LOS GATOS
CA 95032

SUMMARY

5,964 sq. ft.

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SITE PY-EA

5,632

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993P-480-Rm 747

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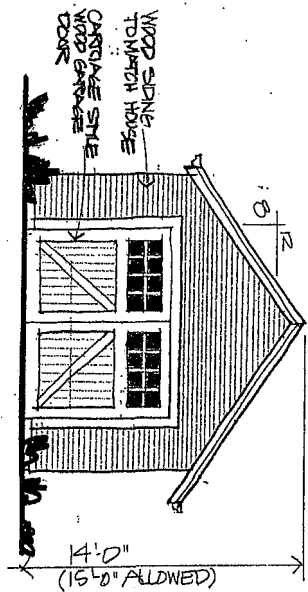
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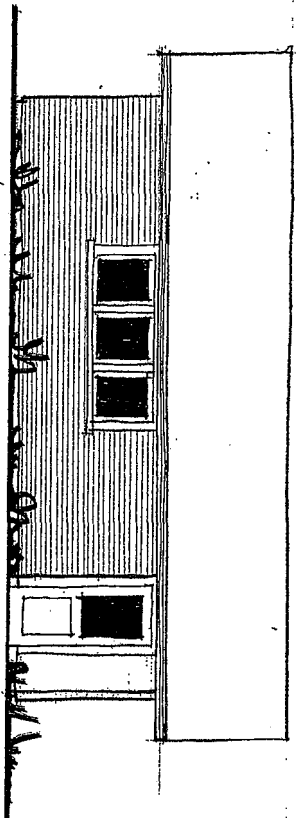
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BY	1/24/05
FOR	1/24/05
PROJECT	1/24/05
REVISION	1/24/05
NO.	1/24/05
DATE	1/24/05



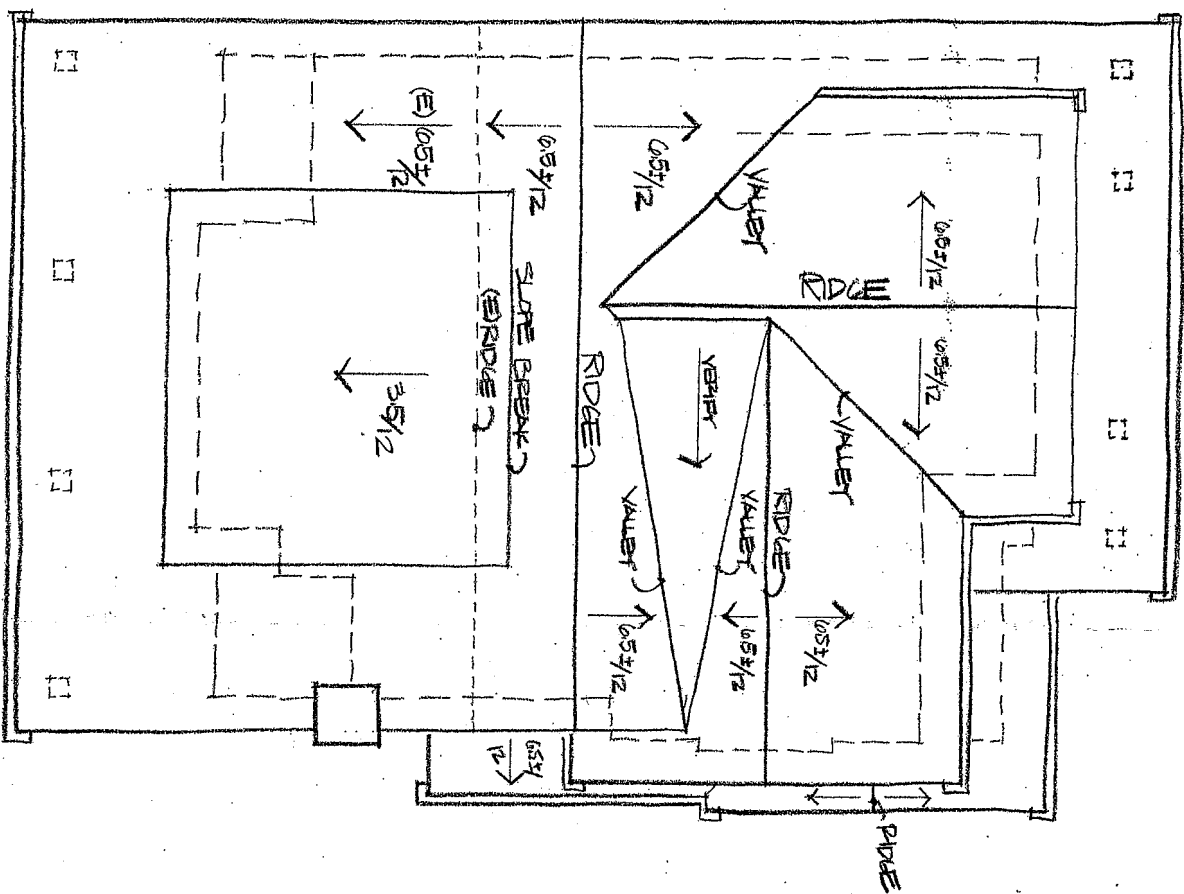
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JOB NO.	1/24/05
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OF	1/24/05



NORTH GARAGE
1/4" = 1'-0" / 300H SIMILAR



WEST ENTRY/GARAGE
1/4" = 1'-0" / 300H SIMILAR



ROOF PLAN
1/4" = 1'-0"

DATE: 1/10/04
DRAWN: [Signature]
CHECK: [Signature]
JOB NO. [Blank]
SHEET: A-2

THE DARD'S RESIDENCE
NEW MODEL / ADDITION
2115 BEAN AV. LOS GATOS



2115 Bean Avenue Los Gatos, California 95030 (408) 354-4551

These plans, ideas and designs shown herein are the property of the architect and shall not be used, whole or in part for any purpose for which they are not intended without the written permission of the architect.

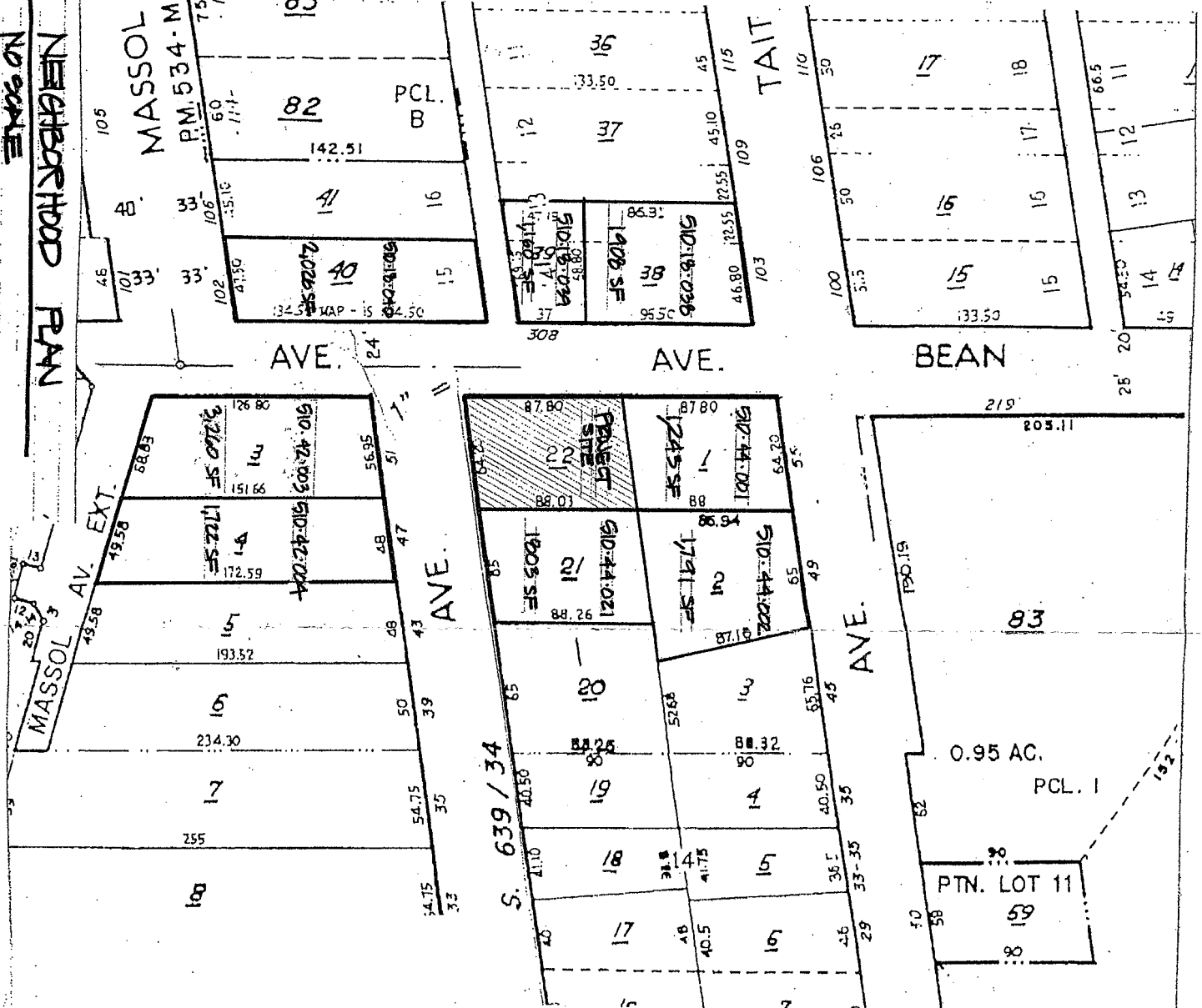
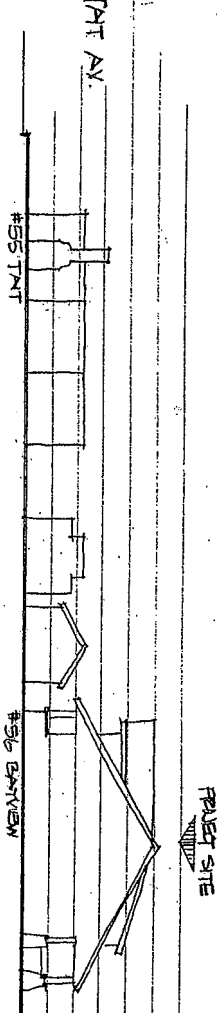
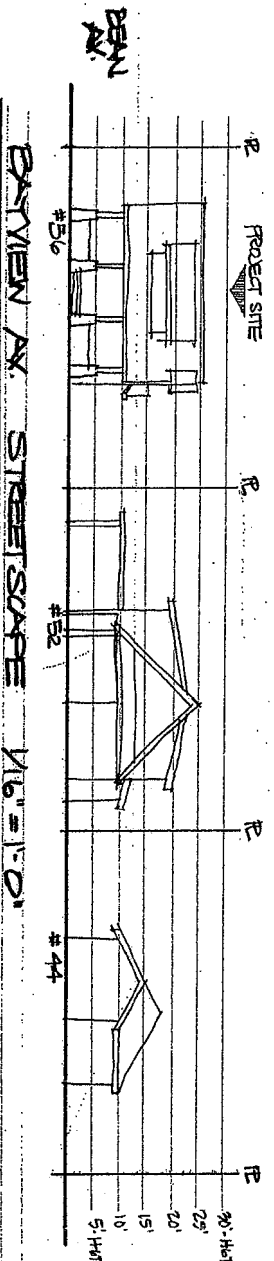
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Town Draft Conditions

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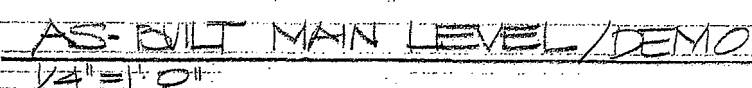
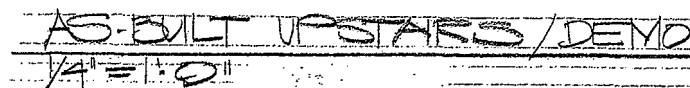
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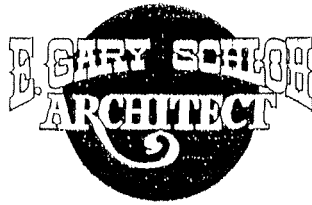
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An addition to my previously submitted
LETTER OF JUSTIFICATION (56 Bayview Avenue, Los Gatos)

All information in my previously submitted letter is unchanged.

Changes and additions that I have made in drawing form are enumerated below:

A. Sheet A-1 reflects a change in the garage size on the floor plan. This change is a result of the condition of approval line item 3. The summary line item for the garage reflects the area changes; that being 308 SF. Lastly; a minor modification is reflected in the floor plan (rear coiner) so as to maintain 54% of the existing garage wall and be contiguous.

B. Sheet AB/D-1 reflects a change in the 'As-built accessory/demo' plan to satisfy the maintaining of 54% of the existing garage wall.

In addition to the documents submitted are the following drawings (submitted with this 'LETTER OF JUSTIFICATION'.

C. Sheet A-4r. The Bean Avenue Streetscape drawing has additional information reflected on it to show site lines of existing 2nd story windows, compared to the proposed site lines. These site lines are to the house located at 55 Tait Avenue.

D. Sheet A-5. This is a sun study plan that shows very limited shadow onto the garage of the 55 Tait Avenue neighbor. Note that the Dardis house has no impact on any part of the 55 Tait Avenue neighbor.

E. Sheet A-6. Photos of the existing house are shown as well as photos of the accessory building. The accessory building is poorly conceived and is not structurally sound. The Town's ordinance is very specific on floor areas for garages and living areas. The accessory building does not meet the Town standards for a garage and as is evident with the photos, this building has a 4" soil line (for a toilet), a gas line, a water connection for a water heater and a roof vent for a stove or cooktop. The data that we have gathered from the County accessors office indicate that the total living area on this property is 2282 SF. Our analysis of the total living area inclusive of the accessory building is 2289 SF. There may always be a question about a 'garage' and was this accessory building ever a garage? The photos are self evident, This space was used a some time to live in and the County acknowledged that with their numbers.



In summary I wish to address the matter of mass and scale. Scale and proportion must fit together as a hand in a glove. There must be a fit here and without equivocation this design should not be disputed. It passed with overwhelming approval by the planning Commission by a 6 to 1 vote and the Town's consulting Architect, Mr. Cannon has been complimentary to the design and in his judgement the design fits in well with the neighborhood. On past projects of mine, Mr. Cannon has shown a keen sense of how a design may affect the neighborhood around the project; he makes no mention that the scale or the mass conflicts with good design toward any neighbor.


The mass of the down slope of the east roof is unchanged and although the bedroom dormer is larger than the two existing shed dormers, this new dormer is embraced by the east sloping roof to minimize its visual impact to the easterly neighbor. It is also worth mentioning that the entirety of this dormer faces 'open space'. The measurement from the face of this dormer to the 55 Tait neighbor house is 54'.

It is common knowledge in the community that the HFC does not encourage major changes on a front elevation of a house. Major changes if any are always to the rear of a house and that holds true here. The 55 Tait neighbor may suggest that we turn the upstairs plan around and push the master bedroom out to the front. That will not happen on this house. The Dardis Family has a right to add on to their house and this design has been accepted by everyone with authority.

Lastly, but not any less important, the Dardis Family, the Manley Family and myself have most recently met on 29 January 05 and on 31 January 05. The objective was to find a resolution to the mass, scale and privacy problem. No agreements came out of those meetings.

I think enough has been said to justify why this project should be allowed to proceed toward completion.

Respectfully submitted,



E. Gary Schloh, AIA
2 February 2005