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**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
FEBRUARY 5, 2007**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Monday, February 5, 2007 at 7:30 P.M.

**TOWN COUNCIL/PARKING AUTHORITY/ REDEVELOPMENT AGENCY**

**Due to technical difficulties, the start of the Council meeting through the consent calendar is not available via video.**

**MEETING CALLED TO ORDER**

**ROLL CALL**

**Present:** Mayor Joe Pirzynski, Vice Mayor Barbara Spector, Council Member Steve Glickman, Council Member Diane McNutt, and Council Member Mike Wasserman.

**Absent:** None.

**PLEDGE OF ALLEGIANCE - LED BY FUTURE LEADER**

The Pledge of Allegiance was lead by **Joey Piazza**, President of the student body at Blossom Hill Elementary School, and **Nick Piazza**, Treasurer of the student body at Blossom Hill Elementary School. The audience was invited to participate.

**CLOSED SESSION REPORT**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
(Government Code Section 54956.8)

Property: 15900 Los Gatos Boulevard (Verizon)

Negotiating parties: Town of Los Gatos (Negotiator: Debra Figone, Town Manager)

Owner's Representative, Jeff Hardy, CB Richard Ellis

Under negotiation: Price and terms of payment

**Mr. Korb** stated that direction given and no action was taken.

## **TOWN COUNCIL**

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

1. **Adopt resolution granting appeal of a Planning Commission decision denying modification of an approved Architecture & Site application relating to grading and landscape improvements on property zoned HR-2½. APN 537-24-013 and remanding application back to Planning Commission for review. Architecture and Site Application S-06-066. Property location: 15350 Suview Drive. Property owner/applicant/appellant: Charles Hackett RESOLUTION 2007-012**
2. **Adopt resolution upholding Planning Commission decision denying a request to construct an addition that exceeds the allowable floor area ratio on property zoned R-1:8. APN 523-12-039. Architecture and Site Application S-02-33. Property Location: 980 Cherrystone Drive. Property owner/appellant: Joan Hinkin. RESOLUTION 2007-013**
3. **Project 0112 - (PPW Job No. 01-12) - Quito Road Bridge Replacements Adopt resolution authorizing the Town Manager to execute a new Cooperative Agreement with the City of Saratoga and the Santa Clara Valley Water District for the Quito Road Bridge Replacement. RESOLUTION 2007-014**
4. **Project (0715) - (PPW Job No. 05-16) Award of Construction Contract for Oak Meadow Park Retaining Wall Replacement.**
  - a. **Adopt Resolution declaring Casey Construction, Inc. to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$45,460. RESOLUTION 2007-015**
  - b. **Authorize staff to issue change orders to the construction contract up to an amount of \$5,000.**
  - c. **Authorize budget revenue adjustment of \$10,460 in State Proposition 12 Park Bond Funds for Project 410-0715.**
  - d. **Authorize budget expenditure adjustment of \$10,460 in State Proposition 12 Park Bond Funds for Project 410-0715.**

Consent Items – Continued

5. **Tract No. 9521 - 14561 Winchester Boulevard Adopt resolution accepting work of Classics at Vasona Ranch. L.P., and authorizing the Town Manager to execute Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator. RESOLUTION 2007-016**
6. **Adopt resolution approving the Memorandum of Understanding between the Town of Los Gatos and the Town Employees' Association for the period November 1, 2006 through November 1, 2008 and authorize the Town Manager to execute the Memorandum of Understanding. RESOLUTION 2007-017**
7. **Adopt resolution approving compensation for Confidential and Temp/Hourly employees. RESOLUTION 2007-018**

**TOWN COUNCIL/REDEVELOPMENT AGENCY**

8. **Approve Council/Agency minutes of January 16, 2007.**

**MOTION:** Motion by **Council Member Steve Glickman** to approve Consent Items #1-8.  
**Seconded** by **Council Member Barbara Spector**.

**VOTE:** Motion passed unanimously.  
**Council Member Barbara Spector** abstained from Consent Item #1.

## **VERBAL COMMUNICATIONS**

### **Mr. Byron**

- Commented regarding fund raising issues for the proposed skate park.
- Questioned the role of the Youth Commission in fund raising.

### **Mrs. Figone**

- Clarified that the Council Policy Committee is reviewing a policy relating to fundraising for the Town's boards, commissions, and committees.
- Commented regarding the upcoming Youth Commission forum to support the skate park.
- Commented regarding the policy on fund raising and reminded the Council that they had asked that the community raise the remaining funds relating to the skate park, and that the Youth Commission as advisory to the Council would not fall under that category.

#### **Council Comments**

- Commented on any commission attempting to raise funds as a commission.
- Commented that individuals could certainly raise funds as an individual of the community, and not representing a commission.
- Commented that unless this issue was agendized, Council would prefer to wait until Policy Committee completes the fund raising policy for all commissions.

### **Mr. Imrie**

- Commented regarding guidelines set for 16840 Cypress Way and that some of the guidelines have not been followed.

### **Mr. Davis**

- Commented on the two public hearings before Council this evening.
- Commented he feels there were violations of the Brown Act during the meeting tonight.

### **Ms. Deloumi**

- Commented regarding the Skate Park Committee's fund raising goals.
- Requested assistance from the community to help achieve these funding goals.

### **Ms. Sayoc**

- Updated the Council and community on a project that the local League of Women Voters is sponsoring to promote after school events for the youth in the community.

Closed Verbal Communication

## PUBLIC HEARINGS

9. **Adopt resolution authorizing the continued use of Supplemental Local Law Enforcement Services Funds (SLESF) to provide funding for one (1) full-time police officer assigned as a motorcycle traffic officer and one (1) full-time police officer assigned as a school resource officer.**  
**RESOLUTION 2007-019**

Staff report made by **Chief Scott Seaman**, Los Gatos-Monte Sereno Police Department.

Open/Close Public Hearing

**MOTION:** **Motion by Council Member Mike Wasserman** resolution authorizing the continued use of Supplemental Local Law Enforcement Services Funds (SLESF) to provide funding for one (1) full-time police officer assigned as a motorcycle traffic officer and one (1) full-time police officer assigned as a school resource officer.  
**Seconded by Council Member Steve Glickman.**

**VOTE:** Motion passed unanimously.

10. **Consider a request for approval of a Planned Development to construct a new residence, pool, tennis court and accessory structures on property zoned HR-22. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration has been recommended. Planned Development Application PD-06-03. Negative Declaration ND-07-04. APNS 537-29-007 & 008. Property location: Kennedy Road @ Forrester Road. Property owner: Acorn Trust Applicant: Rob DeSantis**

Staff report made by **Bud Lortz**, Director of Community Development.

## Public Hearings Continued – Item #10

### Council Comments

- Clarification regarding the Negative Declaration and the Environmental Report relating to the two lots.
- Clarification regarding the Planning Commission concerns relating to the grading issues.
- Clarification regarding the amount of buildable lots that would be allowable on the property.
- Clarification relating to the Hillside Design Guidelines and the proposed project.
- Clarification regarding the allowance of a 10,000 square foot home on the property.
- Clarification regarding site disturbance relating to off-hauling of dirt.
- Commented regarding the reduction of off-haul and identifying the least amount of impact to the hillside.
- Clarification regarding the footprint of the proposed Planned Development.
- Clarification regarding the value of designating the project as a Planned Development.
- Clarification on the restrictions involved with approving the project as a Planned Development.

### Open Public Hearing

#### **Mr. DeSantis**, Applicant

- Commented regarding the proposed design.
- Commented regarding the environmental impacts, design changes, evolved design, and reduction in grading.
- Commented on the visibility impacts from the site if the off-haul of dirt was not permitted.
- Commented regarding the support from the neighbors.
- Commented regarding the proposed home and compliance with the Hillside Guidelines.

#### **Mr. Landry**, Architect

- Commented regarding the site studies for the proposed project.
- Commented regarding the varied roof line.
- Commented regarding the accessory structures.
- Commented regarding the reduction in the square footage in the proposed plan.
- Commented regarding the options relating to grading and the off-hauling of dirt.

Public Hearings Continued – Item #10

**Mr. Landry, Architect - Continued**

- Commented that the proposed project conforms to the Town's standards and guidelines.

**Mr. De Santis, Applicant**

- Commented regarding the proposed project and the green architecture.

**Mr. Berger**

- Commented on supporting the proposed project.

**Mr. Zubrycky**

- Commented on the environmental concerns and preserving the wildlife.
- Commented regarding the views from his home.
- Commented on supporting the proposed project.

**Mr. Davis**

- Commented regarding the construction of massive homes in the community.
- Commented regarding community values.

**Mr. Hancock**

- Commented on supporting the proposed project.
- Commented regarding concerns to the neighbor's views if the dirt was moved to the top of the property.
- Suggested that the trucks which would be off-hauling the dirt from the property not go up Kennedy Road due to the tight turns and road conditions.
- Suggested that the trucks be diverted down Kennedy Road to Los Gatos Boulevard.

**Ms. Weber**

- Commented on supporting the proposed project.

**Ms. Currie**

- Commented regarding the Hillside Specific Plan.
- Commented regarding the off-haul of dirt and the amount of trucks which would be traveling on Kennedy Road.

**Mr. Guardino**

- Commented supporting the proposed project.

**Mr. Morley**

- Commented on supporting the proposed project.

## Public Hearings Continued – Item #10

### **Mr. Ardizzoni**

- Questioned the practices of building large homes in the community.

### **Mr. Raasch**

- Commented on supporting the proposed project.

### **Ms. Quintana**

- Commented that the project is still in the evolving stages.
- Suggested that the proposed project be sent back to staff or the Planning Commission for more study.
- Commented regarding the grading issues relating to the proposed project.
- Commented regarding the topography if the dirt was to remain on the property.

### **Mr. DeSantis, Applicant**

- Commented on supporting the proposed project.
- Commented on the reductions made to square footage of the home.

### **Council Comments**

- Clarification regarding option #2 in the staff report relating to the off-haul of dirt.
- Commented on relocation of dirt through the Architectural and Site Plan.
- Commented regarding the square footage of the home in relation to the two lots.
- Commented on the Hillside Guidelines relating to the proposed project.
- Questioned several issues which exceed the Hillside Guidelines.
- Questioned the Least Restrictive Development Area (LRDA) and the cut and fill requirements.
- Commented on the construction of slopes which exceed the 30% grading policy.
- Clarification regarding the Floor Area Ratio (FAR) of the proposed project.
- Questioned the open space easement.
- Questioned if there were any alternatives besides grading into the slopes for the cabana, tennis courts, and pool.

### **Closed Public Hearing**

Public Hearings Continued – Item #10

Council Discussion

**MOTION:** Motion by **Council Member Mike Wasserman** to approve of PD application with the conditions to direct staff to minimize encroachment into the LRDA of the proposed project, with the zero off haul option, and have staff bring back a final map.  
**Seconded by Council Member Steve Glickman.**

This motion was rescinded by **Council Member Mike Wasserman.**

Council Comments

- Commented on concerns relating to environmental impacts on the property.

**MOTION:** Motion by **Council Member Diane McNutt** to continue matter with direction given to staff to:

- Limit the quantity of off-haul to less than 8,000 square feet.
- Reduce encroachment into the (LRDA).
- Reduce house size to be less than 10,000 square feet.
- Return to Council on April 2, 2007.

**Seconded by Mayor Joe Pirzynski.**

Council Discussion

- Commented regarding community values in Town.
- Commented regarding environmental preservation.
- Commented regarding directions relating to reductions to size of home, reduction to the LRDA encroachment, and grading.

**VOTE:** Motion passed 4/1. **Council Member Barbara Spector** voting no.

MAYOR CALLED FOR A RECESS.

MEETING RESUMED AT 9:50 PM

## **OTHER BUSINESS**

### **11. 16961 Placer Oaks Road**

- a. Determine whether to reconsider decisions granting an appeal of Planning Commission decision granting an appeal denying a two-lot subdivision (lot line adjustment) Subdivision Application m-06-01 and denying demolition of a single family residence and construction of two new residences: Architecture and Site Applications: S-06-016 (Lot #1) and S-06-017 (Lot #2) As Appropriate:**
- b. Adopt resolution granting an appeal of a Planning Commission decision granting an appeal denying a two lot subdivision (lot line adjustment); Subdivision Application: M-06-01 RESOLUTION 2007-011**
- c. Adopt resolution granting an appeal of a Planning Commission decision granting an appeal denying demolition of a single family residence and construction of two new residences; Architecture and Site application: S-06-016 (Lot #1); Architecture and Site Application: S-06-017 (Lot #2) RESOLUTION 2007-010**

Staff report made by **Bud Lortz**, Director of Community Development.

#### **Council Comments**

- Council commended staff for their work on this project.
- Questioned if there were any new modifications from applicant.
- Commented that the applicant was proposing the overall height of the second story home to be reduced by 18 inches.

#### **Mayor Joe Pirzynski**

- Questioned if Council is still interested in reconsidering the decision.
- Commented on the options to finalize a decision this evening.

#### **Mr. Korb**

- Clarified the options before Council this evening.

#### **Open Public Comment**

#### **Mr. Williams**

- Commented regarding the lack of light and views relating to the proposed second story home.

Other Business Continued – Item #11

**Mr. Laurencio**

- Commented on supporting the proposed project.
- Commented that he feels the proposed project is a benefit to the neighborhood.

**Mrs. Greene**

- Commented regarding her request to reconsider the decision.
- Commented regarding her opposition to the proposed project.
- Commented on submitting a petition against cutting down 11 trees to build the proposed homes.

**Mr. Greene**

- Commented on supporting the reconsideration because he feels that the proposed project would change the character of the neighborhood.
- Requested that the proposed project be sent back to the Planning Commission.

**Ms. Jewell**

- Commented on supporting the reconsideration.
- Concerned about the proposed project relating to compatibility of the home in relation to the size of the lot.
- Commented regarding the loss of the trees on the property.

**Ms. North**

- Commented regarding the pruning of the redwood trees on her property line.

**Mr. Ryvola**

- Commented regarding the loss of trees relating to the proposed project.
- Would like to see a smaller home on the property.

**Mr. Wagner**

- Commented on supporting the request for reconsideration.
- Commented regarding the loss of light from the proposed second story home.

**Ms. Laslow**

- Commented on supporting the request for reconsideration.

Other Business Continued – Item #11

**Ms. Erickson**

- Commented on supporting the request for reconsideration.

**Mr. Howell**

- Requested that Council support the decision made at the December 18, 2007 Town Council meeting.
- Commented that the trees being removed are not native to the area and some are considered shrubs.
- Commented that the replacement trees will provide natural privacy for the neighbors.
- Commented that the proposed project meets all the Town's guidelines.

**Mr. Davis**

- Commented that he feels that the infill policy applies to this proposed project.

Closed Public Comment

Council Discussion

- Commented regarding compatibility with other homes in the neighborhood.
- Commented that the proposed project comply with the FAR guidelines.
- Commented that the height reduction satisfies the height requirements for the proposed project.
- Commented regarding use of the trees as a natural privacy.
- Commented that the proposed project complies with the Town's guidelines and rules.
- Commented that the numbers for FAR and height are only part of the Town's guidelines.
- Commented on neighborhood compatibility, mass and bulk relating to the proposed project.

Other Business Continued – Item #11

**MOTION: Motion by Council Member Diane McNutt**

- a. Adopt resolution granting an appeal of the Planning commission decision granting an appeal denying a two lot subdivision application: M-06-01.
- b. Adopt a resolution granting an appeal of the Planning commission decision granting an appeal denying demolition of a single family residence and construction of two new residences; Architecture and Site application S-06-016 (Lot#1) and Architecture and Site application S-06-017 (Lot#2) with conditions of approval to modification to submit height reduction.

**Seconded by Council Member Steve Glickman.**

Council Discussion

- Commented regarding the issue of reconsideration of the proposed project.
- Commented that there was no error by the Planning Commission.
- Commented that there were no new facts presented before Council this evening.
- Commented on concerns regarding the vaulted ceilings.
- Commented regarding the reduction of the roof pitch.
- Commented on the views from the neighbor's backyards.

**VOTE:** Part B. Motion passed unanimously.  
Part C. Motion passed 4/1. **Council Member Barbara Spector** voting no.

**COUNCIL/TOWN MANAGER REPORTS**

**12. Council Matters**

**Council Member Steve Glickman**

- Requested to agendize a discussion regarding the roles for the Youth Commission.
- Suggested inviting the Youth Commission to attend a Council Meeting to engage in discussion regarding their interests and to give them some guidance.

## Council Matters - Continued

### Council Comments

- Commented that the fund raising policy for all commissions is a work in progress and a report will be brought to Council after the March, 2007 Council Policy Committee meeting.
- Suggested that a discussion would be more valuable after the committee report was brought to Council.
- Commented that a commissioner can fund raise as an individual not representing the Youth Commission.
- Commented that Council will have a retreat with the Youth Commission and all commissions in April.

### Mrs. Figone

- Commented on the Youth Commission's desire to host a skate park forum and her guidance on how the forum could be designed without direct fund raising by the Youth Commission.
- Commented that the Council Policy Committee is addressing the issues relating to fund raising involvement.

No Council consensus to agendize **Council Member Steve Glickman's** request at this time.

### 13. Manager Matters

None this evening.

### ADJOURNMENT

Attest:

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Jackie D. Rose, Clerk Administrator