

**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY  
SEPTEMBER 2, 2008**

The Town Council of the Town of Los Gatos conducted a Regular Meeting on Tuesday, September 2, 2008 at 7:00 P.M.

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

**MEETING CALLED TO ORDER**

**ROLL CALL**

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

**Absent:** None.

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

The Los Gatos/Monte Sereno Police Department's Explorer post is comprised of young people who are interested in pursuing a career in law enforcement. The following Explorers led the Pledge of Allegiance:

**Matthew Harris**, 18, of Gilroy, student at Gavilan Community College, Explorer Post captain

**Kevin Halverson**, 16, of Los Gatos, student Leigh High School

**David Wicker**, 18, of San Jose, student West Valley College

**Anna Wicklander**, 17, of San Jose, student Leigh High School

**Angel Ortiz**, 19, of Campbell, student West Valley College

**Katherine Sumner**, 18, of Los Gatos, student West Valley College

**Nick Caminada**, 15, of Los Gatos, student Los Gatos High School

**Rachel Stein**, 14, of San Jose, student Leigh High School

The audience was invited to participate.

**CLOSED SESSION REPORT**

- There was no Closed Session scheduled for this meeting.

## **PRESENTATIONS**

### **Commendation**

#### **Santa Clara County Fire Department - Fire House Personnel**

**Vice Mayor Mike Wasserman** presented commendations to the Santa Clara County Fire Department personnel assigned to the University Avenue, Shannon Road, and Winchester Boulevard Fire Stations for their service to the Los Gatos community.

**Vice Mayor Mike Wasserman** requested a moment of silence in remembrance of **Fire Fighter Jim McCloskey**.

**Mayor Barbara Spector** invited **Chief Waldvogel** to present a Fire Department Yearbook.

**Chief Waldvogel** presented the yearbook to the Council, Town Manager, and Police Chief.

## **TOWN COUNCIL**

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

1. **Adopt a resolution authorizing the Town Manager to enter into agreements with Geier & Geier Consulting and Strelow Consulting to serve as environment consultants to the Town.  
RESOLUTION 2008-098**
2. **Adopt ordinance effectuating a zone change from C-1 to O. No significant environmental impacts have been identified as a result of this project and a Mitigated Negative Declaration is recommended. Negative Declaration ND-07-150, General Plan Amendment GP-07-003, Zone Change Z-07-002. APNs 424-10- 017, 064 and 065. Property Location: 14881 National Avenue and 14830 Los Gatos Blvd. Property owner: Dr. Lee and Ms. Liz Walker. Applicant: John Lien.  
ORDINANCE 2164**
3. **PPW Job No. 06-03 - Street Resurfacing of Hillside Streets - (Surface Transportation Improvement Program (STIP) - Project 421-811-0001 Adopt resolution approving plans and specifications for the Street Resurfacing of Hillside Street Project and authorize staff to advertise the project for bid. RESOLUTION 2008-099**

## Consent Items – Continued

4. **Adopt resolution approving the parcel map for one lot subdivision for medical office condominium conversion at 14981 National Avenue, and abandoning of the existing light and air easement. RESOLUTION 2008-100**

## TOWN COUNCIL/REDEVELOPMENT AGENCY

5. **Approve Council/Agency minutes of August 18, 2008.**

**Mr. Davis** Pulled Consent Item #1

**Mayor Barbara Spector** stated that the Pulled Consent Item would be heard after the Public Hearing.

**MOTION:**                    **Motion by Vice Mayor Mike Wasserman** to approve Consent Items #2-5.  
                                     **Seconded by Council Member Steve Glickman.**

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

## VERBAL COMMUNICATIONS

**Mr. F. Davis**

- Commented about speed and traffic issues along Kennedy Road.
- Commented that he would like to see traffic calming along the stretch of Kennedy Road between Los Gatos Boulevard and Stonybrook Way.
- Suggested that the County and Town should work together to develop a traffic calming solution for Kennedy Road.

**Mr. R. Davis**

- Commended Todd Capurso and Parks and Public Works for painting the crosswalks around the schools yellow.
- Commented about the candidates for Town Council.

## Verbal Communications – Continued

### Mr. Goguen

- Commented that the Concerned Citizens for a Safer Kennedy Road will hold a meeting on Kennedy Road at 6:00 p.m. to discuss traffic calming options.
- Suggested the placement of stop signs at Englewood Avenue would help address traffic concerns along Kennedy Road.
- Suggested lowering the speed limit to 25 miles per hour on Kennedy Road.

### Mr. Larson, Town Manager

- Commented that Town staff will be attending the neighborhood meeting and will coordinate with the County to explore traffic calming.

## Closed Verbal Communications

## PUBLIC HEARINGS

6. **Consider an appeal of a Planning Commission decision approving a request to construct a new single family residence and to convert an existing pre-1941 residence to an accessory structure on property zoned R-1:8. Architecture and Site Application S-07-211 APN 510-42-052. Property location: 18 Palm Avenue. Property owner: Rick & Nicki Oderio. Applicant: David Zicovich. Appellants: Paul & Lee Quintana.**

**Vice Mayor Mike Wasserman** recused himself from Item #6 due to the location of his residence and his association with the applicant.

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

### Council Comments

- Questioned the appellant's letter about the landscaping design.
- Inquired whether the Town has historically provided guidance about landscaping.

### Mr. Lortz

- Clarified that the Town does not get involved with landscaping issues unless it is related to screening.

## Public Hearing Item #6 – Continued

### **Council Comments**

- Questioned if the original plans were approved by the Town's architect.
- Questioned the difference between the porch design in Attachment #3 versus Attachment #4.
- Expressed concerns about the 3 foot depth of the porch.
- Questioned the environmental issues associated with copper gutters.
- Questioned if the Monterey Pine is in danger of dying and if the tree could be preserved.
- Questioned if shifting the home would extend the length and width of the porch.

### **Mr. Lortz**

- Suggested shifting the house 2 feet to enhance the functionality of the porch.
- Commented on techniques for tree preservation.
- Commented that copper gutters are discouraged in the Residential Design Guidelines and suggested that the use of copper gutters be evaluated further during the discussions on sustainability in the General Plan update process.
- Clarified the layout of the porch when shifting the home 2 feet to the east.

### **Ms. Quintana, Applicants**

- Requested clarification about the height of the dormer.
- Questioned if the roof's ridgeline would be higher if the home was shifted to the east.
- Expressed concerns about impacts to the Monterey Pine tree.
- Questioned the mass and scale of the proposed home and the size of the porch in comparison to those in the neighborhood.
- Expressed concerns about what the proposed project would look like without the tree.
- Commented on landscape design for the proposed project.
- Commented that she was not invited to participate in the re-design of the plans.

### **Council Comments**

- Commented about neighborhood compatibility.
- Questioned if **Ms. Quintana** agrees with the revised plans that would include shifting the home 2 feet to the east.

## Public Hearing Item #6 – Continued

### **Ms. Quintana**

- Stated that the porch is not compatible with the neighborhood.
- Commented about the setback of the proposed home.
- Expressed concerns about shifting the home and questioned if the elevation would change.
- Commented that the home is the widest on the block and has no backyard.

### **Mr. Zicovich, Applicant**

- Commented about the life span of the Monterey Pine.
- Commented that the roof line may be 8 to 10 inches higher if the porch was expanded.
- Commented that the overall house is 7 feet lower than the allowable limit.

### **Council Comments**

- Questioned if the applicant is agreeable to shifting the home.
- Questioned if the square footage would change when shifting the home.
- Questioned the option of sealing the proposed copper gutters.
- Questioned if the applicant could work with staff regarding the width and length of the porch.

### **Mr. Zicovich**

- Commented that the square footage would remain the same.
- Commented that they would explore options for sealing the proposed copper gutters.
- Commented that the applicant would be agreeable to shifting the home.
- Commented that the applicant would work with staff to resolve the width and length of the porch.

### **Mr. Oderio, Owner**

- Commented that he has a back yard and would love to have a functional a porch in the front yard.

### **Mr. Cadiente**

- Commented on the historic value of the home and would like **Mr. Oderio** to rebuild a replica of the historical home that once was there.

### **Mr. Davis**

- Commented that the proposed plans do not blend with the neighborhood.
- Stated that the proposed plans do not meet the infill policy requirements.

Public Hearing Item #6 – Continued

**Mr. Zicovich, Applicant**

- Commented that a landscape design was completed by a licensed architect and delivered to the appellant.

**Mr. Orderio, Owner**

- Commented that the proposed design of the home mitigates privacy issues.

**Ms. Quintana, Appellant**

- Commented about the width of the proposed home.
- Commented that she did receive the landscape design and feels that the proposed plants are not compatible under Oak trees.
- Commented that the appeal was filed because she had no idea of the mass and scale of the proposed project.
- Would like to see the project remanded to Planning Commission for further revisions.

**MOTION:**                    **Motion by Council Member Steve Glickman** to deny the appeal and to approve Architecture and Site application S-07-211 based on the presentation given as Attachment #3 with a direction and condition that the porch, trees, privacy, and the copper gutter issues be resolved to the satisfaction of the Director of Community Development.  
**Motion failed due to lack of second.**

**MOTION:**                    **Motion by Council Member Diane McNutt** to deny the appeal of a Planning Commission decision approving a request to construct a new single family residence and to convert an existing pre-1941 residence to an accessory structure on property zoned R-1:8. Architecture and Site Application S-07-211 and to request that as staff fulfills the decision of the Planning Commission which was to increase the articulation of the house and that they do so using Attachment #4 to preserve a usable porch defined as 5 feet.  
**Seconded by Council Member Steve Glickman.**

## Public Hearing Item #6 – Continued

### **Council Discussion**

- Commented that the redesign of Attachment #4 is closer to a compromise with the neighbors.
- Questioned if landscape would be added to the motion.
- The maker of the motion would not like to add landscape to the motion.
- Commented on the functionality of the different porch widths.
- Commented about the value of neighborhood compatibility.
- Questioned if the approval would come back under Consent Items.

### **Mr. Korb**

- Clarified that a resolution would return to Council.

### **Council Discussion**

- Commented that the Planning Commission did not error in their decision.

**VOTE: Motion passed unanimously.**

### **Council Discussion**

- Commented that the landscape is the responsibility of the homeowner.
- Commented that the Monterey Pine is in the final stages of its life.

## **OTHER BUSINESS**

There is no Other Business scheduled for this meeting.

## **PULLED CONSENT ITEMS**

1. **Adopt a resolution authorizing the Town Manager to enter into agreements with Geier & Geier Consulting and Strelow Consulting to serve as environment consultants to the Town.**  
**RESOLUTION 2008-098**

### **Mr. Davis**

- Commented that Geier and Geier produces documents that are not complete.
- Commented that using another firm is the best approach.

### **Council Comments**

- Commented on using consulting architects to answer questions about environmental issues.



Public Hearing Item #6 – Continued

**Open Public Comments**

**Mr. Crites**

- Suggested that Council consider a no vote on using Geier and Geier as a Biological Consultant.
- Suggested hiring a Biological Consultant that will provide an independent study.

**Closed Public Comments**

**MOTION:**

**Motion by Council Member Steve Glickman** to adopt a resolution authorizing the Town Manager to enter into agreements with Geier & Geier Consulting and Strelow Consulting to serve as environment consultants to the Town.

**Seconded by Council Member Joe Pirzynski.**

**VOTE:**

**Motion passed unanimously.**

**COUNCIL/TOWN MANAGER REPORTS**

**7. Council Matters**

There were no Council Matters.

**8. Manager Matters**

**Mr. Larson**, Town Manager

- Announced that **Tim Boyer**, Parks superintendent will retire effective December 1, 2008.
- Commended **Mr. Boyer** for his public service to the Town and community.

**ADJOURNMENT**

Attest:

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Jackie D. Rose, Clerk Administrator