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TOWN OF LOS GATOS, CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY

April 3, 2006/MINUTES
Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, April 3, 2006, in a joint regular session.
7:00 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	Audrey Barber, Van Meter School led the pledge of allegiance. The audience was invited to participate.
	CLOSED SESSION	None.
7:03 PM	COMMENDATIONS	Commendation <ul style="list-style-type: none"> • Paul Gradeel, President - Los Gatos Lions Club Mr. Wasserman presented Mr. Gradeel, President, Los Gatos Lions Club with a commendation in appreciation for their continued projects in the community.
7:06 PM	CONSENT ITEMS #1-6 ITEM #6a WAS PULLED AND HEARD AFTER OTHER BUSINESS	<u>TOWN COUNCIL</u> <ol style="list-style-type: none"> 1. Accept schedule of public hearings.(1-28) 2. Adopt resolution declaring April as "Voter Education Month" (2-3) 3. <u>Project No. 05-06 – Award of Construction Contract for Los Gatos Trail Bridge Deck Replacement. (3-24)</u> <ol style="list-style-type: none"> a. Adopt resolution declaring Anderson Pacific Engineering to be the lowest responsible bidder on the project and awarding a construction contract in the amount of \$53,500. RESOLUTION 2006-027 b. Authorize staff to issue change orders to the contract up to an amount of \$5,000.

	<p align="center">CONSENT ITEMS #1-6</p> <p align="center">Continued</p> <p>ITEM # 6a WAS PULLED AND HEARD AFTER OTHER BUSINESS</p>	<p>4. <u>Landscape and Lighting Assessment Districts No. 1 & 2 (4-26)</u> RESOLUTION 2006-028 Adopt resolution describing improvements and directing preparation of Engineer's Report for Fiscal Year 2006/07.</p> <p>5. Adopt resolution authorizing the transfer of Community Development Block Grant (CDBG) funds and related budget adjustments, and rescinding Resolution 2005-012. (5-39) RESOLUTION 2006- 029</p> <p><u>TOWN COUNCIL/REDEVELOPMENT</u></p> <p>6. <u>Approve Council/Agency Minutes of:</u> b. March 20, 2006 (Joint Session)</p> <p>Motion by Mr. Glickman to approve Consent Items #1-5, and 6b. Seconded by Mrs. Spector.</p>
7:06 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:07 PM	OPEN VERBAL COMMUNICATION	<p>Mr. Song</p> <ul style="list-style-type: none"> • Commented on the concentration camps in China. • Asked for Council's consideration to pass a resolution regarding the concentration camps. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Commented on DiCinzo's cartoon in the Los Gatos Weekly. • Commented that he felt the company sign in front of Netflix Corporation is too small. • Questioned why American Apparel was not on tonight's agenda. <p>Ms. Lee</p> <ul style="list-style-type: none"> • Commented on the concentration camps in China. • Asked for Council's consideration to pass a resolution regarding the concentration camps.
7:19 PM	CLOSED VERBAL COMMUNICATION	

7:19 PM	PUBLIC HEARINGS	Mr. Davis received his first warning for disruption of the meeting (yelling from the audience).
7:19 PM	PUBLIC HEARINGS ITEM #7 15350 WINCHESTER BOULEVARD	<p>ITEM #7 (9-36) Consider an appeal of a Planning Commission decision approving a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM: 5-12:PD. APNs 424-29-024 through 026. Planned Development Applications PD-06-2, Subdivision Application S-06-2, Architecture and Site Applications S-06-12. Property location: 15350 Winchester Boulevard. Property owner/applicant: Santa Clara Development Co. Appellant: Stephanie Carroll (Continued from 3/20/06)</p> <p>Staff report made by Bud Lortz.</p>
7:23 PM	PUBLIC HEARINGS ITEM #7 15350 WINCHESTER BOULEVARD COUNCIL COMMENT	<ul style="list-style-type: none"> • Clarification regarding an agreement made between the owners and the appellant.
7:24 PM	OPEN PUBLIC HEARING	<p>Mr. Liljegren, Appellant</p> <ul style="list-style-type: none"> • Commented on the reductions to the bulk and mass of the home, and stated that the story poles reflect the reductions. • Commented on a value loss in his home if the proposed plan is approved. • Commented on the view loss from different angles of his home. • Commented that he will be economically hurt from the effects of the proposed plan. <p>Ms. Carroll, Appellant</p> <ul style="list-style-type: none"> • Stated that she felt there would be a significant impact to Mr. Liljegren's home. • Commented that she felt there was a lack of knowledge as to what was going to be built on the lot at the time of the sale of the easement. • Commented on the positive changes made to the proposed plan.

	<p>PUBLIC HEARINGS ITEM #7 Continued</p> <p>15350 WINCHESTER BOULEVARD</p>	<p>Council Comments</p> <ul style="list-style-type: none"> • Clarification from applicant as to what he feels should be built on the property. • Questioned a similar structure previously built on another lot within the subdivision. • Clarification on assumptions of a value loss for the appellant's property. • Questioned the effects of the tree screening required for proposed plan. • Clarification on the possibility of any physical changes that could be done to the structure. <p>Mr. Robson, Santa Clara Development/Applicant</p> <ul style="list-style-type: none"> • Commented on the continued changes made to the proposed plan. • Commented that a majority of the neighborhood consists of two-story homes. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Stated that he felt he was not being treated with respect during tonight's meeting. • Commented regarding the use of a parking lot for another home. <p>No further comments from applicants.</p> <p>Mr. Liljegren</p> <ul style="list-style-type: none"> • Commented regarding moving the back wall towards easement to limit loss of backyard space. • Commented on negotiating an economic balance with the developers, and suggested maybe bringing in an arbitrator to mediate. <p>Ms. Carroll</p> <ul style="list-style-type: none"> • Clarified that the lot was never intended for a permanent parking lot.
<p>8:02 PM</p>	<p>CLOSED PUBLIC HEARING</p>	

<p>8:02 PM</p>	<p>PUBLIC HEARINGS ITEM #7 Continued</p> <p>15350 WINCHESTER BOULEVARD</p> <p>COUNCIL DISCUSSION</p>	<p>Motion by Mrs. Spector to uphold the Planning Commission's decision to approve Planned Development Application PD-06-2, Subdivision Application M-06-2 and Architecture and Site Application S-06-12 and add modifications to the ordinance to include:</p> <ol style="list-style-type: none"> 1. Add a statement to Section II of the Ordinance Amendment as Item #7 (Attachment 3) <i>Modification to the approved horizontal Control Plan of Ordinance 2141, to allow a reduction of the side setback for lot 33 to accommodate a property line shift between Lots 33 and 34.</i> 2. Add the following condition to the Subdivision Application (Attachment 4) Property Line Modification. <i>The property line may be shifted between Lots 33 and 34 to accommodate the relocation of the proposed house on Lot 34.</i> 3. Add the following condition to the Architecture and Site Application (Attachment 5) Setback. <i>The side setback from the west property line shall be a minimum of 12 feet.</i> <p>Seconded by Mr. Glickman.</p> <p>Council Comments</p> <ul style="list-style-type: none"> • Commented that the applicant made no further suggestions as to changes that could be made to the proposed plan. • Commented that any financial compensation must be made between the owner and developer and the Town has no jurisdiction over the issue.
<p>8:08 PM</p>	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
<p>8:08 PM</p>		<p>Mr. Korb clarified for the record that Mr Davis received his first warning for violation of Town Code Section 2.20.020, relating to disruption of a meeting (yelling from the audience).</p> <p>Mr. Davis repeated the violation by yelling from the audience, disrupting the meeting and was asked to leave the Chambers.</p>

<p>8:10 PM</p>	<p>PUBLIC HEARINGS ITEM# 8</p> <p>COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG)</p>	<p>ITEM #8 (8-39) <u>Consider the allocation of Community Development Block Grant Funds for FY 2006/07</u></p> <ul style="list-style-type: none"> a. Refer allocation of FY 2006/07 General Fund Grants to the FY 2006/07 Operating Budget. b. Adopt resolution allocating FY 2006/07 Community Development Block Grant (CDBG) funds. RESOLUTION 2006-030 <p>Staff report made by Regina Falkner and Ms. Scheiner.</p>
<p>8:13 PM</p>	<p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Questioned the option of funding Cupertino Community Center if the Town had more funding available. • Clarification regarding consideration to consolidate funding to fewer organizations and grant larger amounts of funds to those organizations.
<p>8:16 PM</p>	<p>OPEN PUBLIC HEARING</p>	<p>Ms. Nakano-Matsumoto, Cupertino Community Services</p> <ul style="list-style-type: none"> • Commented on serving the West Valley Communities for over 30 years. • Commented on their services of providing basic needs to the community. <p>Council Comments</p> <ul style="list-style-type: none"> • Questioned amounts received from other cities. • Clarification on the value of receiving smaller amounts of funding from more agencies. • Questioned partnerships with other non-profits which are currently on the Town's list to receive funding. <p>Ms. Sandoval, Cupertino Community Services</p> <ul style="list-style-type: none"> • Commented on the appreciation for considering Cupertino Community Services application for funding needs. • Commented on volunteer positions at the service center. • Commented on the assistance programs available through Cupertino Community Services. • Asked for support and partnership for future funding ventures. • Thanked staff and Council for their support.

		<p>Ms. Ferm, Cupertino Community Services</p> <ul style="list-style-type: none"> • Commented on the services Cupertino Community Services provides to the Los Gatos community. • Thanked staff and Council for their support. <p>Mr. Cordle, Catholic Charities, Ombudsman Program</p> <ul style="list-style-type: none"> • Commented on the need for funding to maintain the ombudsman program. • Commented on the services the program provides to the community. • Thanked staff and Council for their support.
8:32 PM	COUNCIL DISCUSSION	<p>Motion by Mr. Wasserman to adopt resolution allocating FY 2006/07 Community Development Block Grant (CDBG) funds and to increase funds from the Town Budget to include:</p> <ul style="list-style-type: none"> • A Place for Teens - \$2,500.00 • Art docents of Los Gatos - \$500.00 • Cupertino Community Services - \$2,000.00 <p>Seconded by Mrs. Spector.</p>
8:43 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
8:44 PM	<p>PUBLIC HEARINGS ITEM #9</p> <p>54 CHESTER STREET</p>	Mrs. Spector recused to avoid appearance of bias..
8:44 PM	<p>PUBLIC HEARINGS ITEM #9</p> <p>54 CHESTER STREET</p>	<p>ITEM # 9</p> <p>Consider an appeal of a Planning Commission decision denying demolition of a pre-1941 residence, construction of a new single family residence and accessory structure with reduced setbacks and request for an interpretation of the cellar policy on property zoned R-1D. APN: 529-08-008. Architecture and Site Application: S-05-031. Property location: 54 Chester Street. Property owner/appellant: Anna Huynh and Kevin Crane.</p> <p>Staff report made by Bud Lortz.</p>

<p>8:49 PM</p>	<p>PUBLIC HEARINGS ITEM #9</p> <p>54 CHESTER STREET</p> <p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Clarification regarding the FAR for surrounding parcels. • Clarification regarding the cellar policy relating to the footprint of the home. • Clarification regarding difference between a patio area and deck area.
<p>8:51 PM</p>	<p>OPEN PUBLIC HEARING</p>	<p>Mr. Crane, Applicant/Appellant</p> <ul style="list-style-type: none"> • Commented that the bulk and mass of the home are within the Town's guidelines. • Commented that the second story height is less than surrounding homes in the neighborhood. • Commented that the visibility of the home is kept to a minimum. • Commented that the detached garage reduces mass, but forces the cellar to extend past the footprint of the home. • Commented that the slope of the lot will not permit the proposed plans to conform to the Cellar Policy. • Asked for additional FAR or allowance of the cellar be granted as proposed in the current plans. <p>Mr. Schloh</p> <ul style="list-style-type: none"> • Commented on the design of the home relating to mass and bulk. • Commented on the different elevations of the home. <p>Council Comments</p> <ul style="list-style-type: none"> • Questioned if other options are available for the garage design. • Questioned if a wall under the deck would be present if the cellar did not exist. <p>Mr. Crane, Applicant/Appellant</p> <ul style="list-style-type: none"> • Commented that the cellar is important to the design. • Commented on attaching the garage as an option. • Commented on livable space in the cellar with the proposed plans verses mass, bulk and FAR. <p>Mr. Schloh</p> <ul style="list-style-type: none"> • Clarification on a foundation wall verses a cellar wall.

9:27 PM	PUBLIC HEARINGS ITEM #9 Continued 54 CHESTER STREET CLOSED PUBLIC HEARING	
9:28 PM	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Suggested that design options for a patio area would complement the back of the home. • Commented on the importance of maintaining the language of the Cellar Policy.
	COUNCIL DISCUSSION	<ul style="list-style-type: none"> • Would like to see cellar be contained within the footprint of the proposed home. <p>Motion by Mr. Pirzynski to grant the appeal of the Planning Commission decision denying demolition of a pre-1941 residence, construction of a new single family residence and accessory structure with reduced setbacks, and denying appeal for the extended cellar. Findings for granting the appeal are:</p> <ul style="list-style-type: none"> • There was error or abuse of discretion on the part of the Planning Commission. <p>Seconded by Mr. Glickman.</p>
9:40 PM	MAYOR CALLED THE QUESTION	4/0 Mrs. Spector recused from this Item.
9:40 PM	MAYOR CALLED FOR A RECESS	Meeting resumed at 9:50 PM.
	PUBLIC HEARINGS ITEM #10 615 BLOSSOM HILL ROAD	<p>ITEM #10 Consider an appeal of a Planning Commission decision approving a time extension to April 13, 2006 for a project for a project to construct 49 apartment units and a recreational building on property zoned RM:5-12:PD. APNS: 529-16-026, 073, and 529-14-012. Architecture and Site Application S-06-036. Property location: 615 Blossom Hill Road. Property owner: Steven Dilbeck and Cupertino Development Corporation. Applicant/appellant: Cupertino Development Corporation.</p> <p>Staff report made by Bud Lortz.</p>

	<p>PUBLIC HEARINGS ITEM #10 Continued</p> <p>615 BLOSSOM HILL ROAD</p> <p>COUNCIL COMMENT</p>	<ul style="list-style-type: none"> • Clarification regarding noise levels, and asked if a noise study could be mandatory. • Questioned if the noise levels could have changed since the first study had been initiated.
9:53 PM	<p>OPEN PUBLIC HEARING</p>	<p>Mr. Griffin, Paragon Design, Appellant</p> <ul style="list-style-type: none"> • Asked Council for consideration regarding the extension request. • Commented on the financial aspects pertaining to rental rates and that the economy has not recovered enough to move forward with the project at this time.
10:00 PM	<p>CLOSED PUBLIC HEARING</p>	
10:00 PM	<p>COUNCIL DISCUSSION</p>	<ul style="list-style-type: none"> • Clarification on Town Code relating to time extensions. <p>Mr. Korb stated the specific language for time extensions.</p> <p>Motion by Mrs. Spector to grant the appeal of a Planning Commission decision approving a time extension for 12 months for the project located at 615 Blossom Hill Road.</p> <p>Seconded by Mr. Wasserman.</p> <p>Findings for granting the appeal are:</p> <ul style="list-style-type: none"> • There was error or abuse of discretion on the part of the Planning Commission. <p>Consensus to give 2 extensions of 1 year each as a general policy.</p>
10:09 PM	<p>MAYOR CALLED THE QUESTION</p>	<p>Carried unanimously.</p>
10:10 PM	<p>PUBLIC HEARINGS ITEM #11</p> <p>303 N. SANTA CRUZ AVE.</p>	<p>ITEM #11</p> <p>Consider a request to modify a conditional Use Permit for a restaurant/bakery (La Maisson Du Croissant), to increase the number of seats, hours of operation and to serve beer and wine for a new restaurant (James Randall), on property zoned C-2. Conditional Use Permit U-06-013. APN: 510-14-048. Property location: 303 N. Santa Cruz Avenue. Property owner: Bert Millen. Applicant: Brenda Hammond.</p> <p>Staff report made by Bud Lortz.</p>

10:12 PM	PUBLIC HEARINGS ITEM #11 303 N. SANTA CRUZ AVE. COUNCIL COMMENT	None.
10:13 PM	OPEN PUBLIC HEARING	<p>Ms. Hammond, Applicant</p> <ul style="list-style-type: none"> Commented that beer and wine sales will have a positive effect on her business and she has received much support for her planned restaurant. <p>Council Comments</p> <ul style="list-style-type: none"> Clarification regarding suggestions listed in the staff report for barriers for outdoor seating Stated that beer and wine are permitted only with meals and does not include appetizers. Commented that if a different type of restaurant were to take over the Conditional Use Permit would need to be modified, and alcohol may not be allowed.
10:17 PM	CLOSED PUBLIC COMMENT	
10:17 PM	COUNCIL DISCUSSION	<p>Motion by Mr. Pirzynski to approve request to modify an existing Conditional Use Permit for a restaurant/Bakery (La Maisson Du Croissant) to increase the number of seating, hours of operation, and to serve beer and wine for a new restaurant (James Randall). Motion to include amendment to Condition #5, attachment #2:</p> <ul style="list-style-type: none"> OUTDOOR SEATING: A physical delineation Comparable to attachment 6 shall be installed and shall be a minimum of 3 feet high. But no higher than 4 feet for outdoor seating on the portion of the sidewalk on private property, to the satisfaction of the Community Development director, Chief of Police, and Director of Parks and Public Works. <p>Seconded by Mr. Glickman.</p>
10:19 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
		Motion by Mr. Pirzynski to approve the application, and make the required finds, and add attachment #2.

	<p>PUBLIC HEARINGS ITEM #11 Continued</p> <p>303 N. SANTA CRUZ AVE.</p> <p>COUNCIL DISCUSSION</p>	<p>Findings for approval are:</p> <ol style="list-style-type: none"> 1. The proposed uses of the property are essential or desirable to the public convenience or welfare; and 2. The proposed uses will not impair the integrity and character of the zone; and 3. The proposed uses would not be detrimental to public health, safety or general welfare; and 4. The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code. <ul style="list-style-type: none"> • That the work proposed is consistent with the Redevelopment Plan for the Central Los Gatos Redevelopment Project Area. • As required by section 15301 of the State Environmental Guidelines as adopted by the Town that this project is exempt. <p>Seconded by Mr. Glickman.</p>
10:20 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
10:20 PM	OTHER BUSINESS	None.
10:21 PM	<p>CONSENT ITEMS #1-6 PULLED ITEM #6a</p>	<p><u>TOWN COUNCIL/REDEVELOPMENT AGENCY</u></p> <p>6. <u>Approve Council/Agency Minutes of:</u></p> <p style="padding-left: 20px;">a. March 20, 2006 (Study Session)</p> <p>Motion by Mr. Pirzynski to approve Consent Item #6a.</p> <p>Seconded by Mr. Glickman.</p>
10:21 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
10:21 PM	<p>ITEM #12 COUNCIL MATTERS</p>	<p><u>ITEM #12</u></p> <p>Request by Mr. Pirzynski to place an item on the agenda for discussion regarding violation of Council Code of Conduct Policy by Mr. Glickman.</p> <p>Supported by Mr. Wasserman.</p> <p>Request by Mr. Glickman to place an item on the agenda for discussion regarding violation of Council Code of Conduct Policy by Mr. Pirzynski.</p> <p>Mr. Glickman explained his request concerned a remark made by Mr. Pirzynski at the Council retreat on January 27, 2006.</p> <p>There was no Council consensus to act on this request.</p>

10:31 PM	ITEM #13 MANAGER MATTERS	ITEM #13 None.
10:31 PM	MEETING ADJOURNED	

Submitted by:

ATTEST:

Jackie D. Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator