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

Los Gatos Planning Commissioners:	Emily Thomas, Chair Kendra Burch, Vice Chair Jeffrey Barnett Susan Burnett Steve Raspe Joseph Sordi Rob Stump
Town Manager:	Chris Constantin
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

4 CHAIR THOMAS: ...number 4, the public hearing for
5 Item 4, which is to consider a request for approval to
6 modify Planned Development Ordinance 1281 to increase the
7 maximum Floor Area Ratio (FAR) and lot coverage for
8 property zoned R-M:5-12:PD. Located at 130 Vasona Oaks
9 Drive. APN 424-42-008. This request for modification of a
10 Planned Development Ordinance is not considered a project
11 pursuant to the California Environmental Quality Act.
12 Planned Development Amendment Application PD-25-002.
13 Applicant is Elad Batito, Green Bay Remodeling Inc., and
14 the property owner is Ken MacDonald.
15

16 Before the Staff Report, may I have a show of
17 hands from Commissioners who visited the property? Are
18 there any disclosures? Yes, Commissioner Barnett.

19 COMMISSIONER BARNETT: I did legal work for this
20 association in 2004. I think that's wasted away by now in
21 terms of conflict, and also notable that the HOA is in
22 support of the application.
23

24 CHAIR THOMAS: Okay, thank you. Ms. Merchant,
25 will you be presenting the Staff Report tonight? Thank you.

1 SAMINA MERCHANT: Thank you, Chair, for the
2 introduction. Good evening, Commissioners.

3 Before you tonight is a request to modify Vasona
4 Oaks Planned Development Ordinance 1281 to allow an
5 increase in the maximum Floor Area Ratio and lot coverage,
6 specifically for Lot 8.

7 In addition to the CEQA discussion in the Staff
8 Report, Staff would like to add that the proposed Planned
9 Development Amendment is exempt from CEQA, and that the
10 Commonsense Exemption, as the limitations allow an
11 additional square footage of 400 square feet, is not
12 considered a significant change.
13

14 The subject property is just under 2,000 square
15 feet, located in the northern portion of the subdivision. A
16 detached single-family residence of 2,001 square feet in
17 size, and with a 460 square-foot attached garage stands, on
18 the property.

19 The Town Council adopted the Planned Development
20 Ordinance in 1975 for 17 single-family lots and one common
21 area lot. The original approved plan shown in Exhibit 3
22 provides details like gross area and building coverage for
23 the subdivision as a whole, and not for individual lots.
24

25 Town records for the subject property, 130 Vasona
Oaks Drive, show that in 1999 a Minor Residential

1 Development Application was approved to convert attic space
2 to living area, indicating the original approved home was
3 two stories and 1,800 square feet.

4 The proposed Planned Development Amendment would
5 allow for an increase to the maximum allowable Floor Area
6 Ratio from 1.01 to 1.22, and lot coverage from 66% to
7 73.4%, for the subject property.

8 The proposed future development includes an
9 increased total of living area from approximately 2,000
10 square feet to 2,400 square feet, with additions proposed
11 for the second floor, and conversion of attic space to
12 living area. The first floor and garage size would remain
13 unchanged.

14 The Applicant submitted a Letter of Justification
15 for the request, approval correspondence with the Vasona
16 Oaks HOA, and a summary of their public outreach visits.

17 As of today, Staff has received no public
18 comments regarding this application. Exhibit 4 includes a
19 Draft Planned Development Ordinance detailing new
20 Performance Standard 9, reflecting the Applicant's request.

21 At this time, no development is proposed. Future
22 proposals for additions would be subject to review under a
23 Minor Residential Development Application.
24
25

1 Based on the findings presented in the Staff
2 Report, Staff recommends forwarding a recommendation of
3 approval for amendment of Planned Development Ordinance
4 1281 to the Town Council.

5 This concludes Staff's presentation, and Staff is
6 available for questions. Thank you.

7 CHAIR THOMAS: Vice Chair Burch.

8 VICE CHAIR BURCH: If we make a change to this
9 today, is it only for this specific lot, or does then the
10 allowable increase in FAR pertain to all the lots?
11

12 SAMINA MERCHANT: This is only specific to Lot 8.

13 VICE CHAIR BURCH: So, any time any of these want
14 to go over, they have to come through this same process.

15 SAMINA MERCHANT: Yes.

16 VICE CHAIR BURCH: Okay, thank you.

17 CHAIR THOMAS: Any other questions? Okay, thank
18 you.

19 We will now open the public portion of the public
20 hearing on Item 4 and give the Applicant an opportunity to
21 address the Commission for up to five minutes, and I
22 believe the Applicant's team, or whoever is speaking for
23 them, is on Zoom.

24 DIRECTOR PAULSON: That's what I understand as
25 well, so if you're going to be speaking on behalf of the

1 project, please raise your hand in Zoom. SLC Design, you
2 can speak.

3 SLC DESIGN: Hi, I am the building designer for
4 this project here. I just want to give a light introduction
5 to what we did for the homeowner.

6 We are proposing a residential renovation
7 addition project that includes the new sunroom and a new
8 addition to the existing structure.

9 On the interior, the second level would feature a
10 relocated kitchen and expanded family room to improve the
11 functionality and the circulations.

12 On the third level are the primary bedrooms and
13 bathroom, which we will be remodeling; and adjacent to the
14 primary bedroom is an existing mezzanine, which they
15 currently use as a shared home office. Both homeowners work
16 from home full-time and currently share this single office
17 space.

18 We are proposing to convert this mezzanine into a
19 new ensuite bedroom, which is an interior addition, by
20 constructing a new staircase to provide direct access to
21 the new ensuite. This will also allow one of the homeowners
22 to use this new space as a dedicated office or a guest
23 room. The additional bedroom also provides much needed
24 flexibility for the household, as the couple's elderly
25

1 parents visit multiple times a year and stay for extended
2 periods, and the family's two sons would then have to share
3 a bedroom; so, with the new bedroom, the home will be
4 better equipped to accommodate for everyone comfortably.

5 Part of the planning process, I know it seems to
6 be exceeding the normal floor area ratio, but it seems like
7 HOA...we have obtained the HOA approval, so we're just asking
8 to see if you guys would approve this project as well.
9 That's it. Thank you.

10 CHAIR THOMAS: Thank you. Are there any questions
11 for the Applicant team at this time? Commissioner Sordi.

12 COMMISSIONER SORDI: Don't have the whole packet,
13 because my iPad crashed. Is the square footage addition all
14 being captured under the same roof without any walls moving
15 out? That's what I recall from my reading, but I don't have
16 it front of me anymore, so I just want to make that
17 clarification.

18 DIRECTOR PAULSON: Is this a question of the
19 Applicant, or Staff?

20 COMMISSIONER SORDI: I'll direct that one to the
21 Applicant.

22 SLC DESIGN: No, the addition is an additional
23 square footage to the existing rear yard.
24
25

1 COMMISSIONER SORDI: Okay, so it's all
2 encapsulated under the existing roof? It's not.

3 SLC DESIGN: No.

4 COMMISSIONER SORDI: Okay.

5 SLC DESIGN: No, it's not.

6 COMMISSIONER SORDI: So, the square footage as
7 well as a bump-out to the back.

8 SLC DESIGN: Yes.

9 COMMISSIONER SORDI: Okay.

10 CHAIR THOMAS: Do you have a follow-up question?

11 COMMISSIONER SORDI: No, I don't have a follow-
12 up. I understand now, thank you.

13 CHAIR THOMAS: Okay. Any additional questions for
14 the Applicant team at this time? So, thank you, and I now
15 invite comments from the public. Is there anyone on Zoom?

16 DIRECTOR PAULSON: There are no hands raised.

17 CHAIR THOMAS: Then if there are no hands raised,
18 I guess now if the Applicant would like to make a closing
19 statement, you will have an additional three minutes to
20 speak.

21 SLC DESIGN: Closing statement. Well, on behalf
22 of the homeowner I just want to... We have done a lot of back
23 and forth with doing just the existing footprint of the
24 home, and it doesn't seem like it would work for the
25

1 family, because as I mentioned before, having the family
2 and the extended parents coming, so with the addition,
3 providing the new bedrooms, and then enlarging the space,
4 it helps them. The functionality of the space where we
5 added the rear yard addition, and also making that
6 additional bedroom in the mezzanine, it really accomplished
7 a lot for them, and so I just hope that you guys will
8 approve this project for them. Thank you.

9
10 CHAIR THOMAS: Thank you. Are there any questions
11 for the Applicant right now? We will now close the public
12 portion of the public hearing on Item 4, and I invite
13 Commissioners to ask questions of Staff, provide comments,
14 or propose a motion.

15 I am going to jump in first. I have a question
16 for Staff, a couple clarifying questions. First, we are
17 just forwarding a recommendation to Town Council, correct?

18 SAMINA MERCHANT: Correct.

19 CHAIR THOMAS: I just want to say to my fellow
20 Commissioners that sometimes when something seems a little
21 bit straightforward, and then we forward a recommendation
22 to Town Council, we haven't discussed some things of our
23 findings that they are required to make, because they are
24 making the final description, so I just want to make sure
25 that we voice our thoughts and opinions and have a

1 discussion about this, even though it's late, for their
2 sake.

3 My second question for Staff is that we are just
4 looking at changing the existing ordinance for the Planned
5 Development today. It seems like the plans for the entire
6 project are somewhat ready to go. They're doing this in two
7 phases, because the proposed plan would be considered a
8 minor residential application and wouldn't have to come in
9 front of the Planning Commission?

10
11 SAMINA MERCHANT: That could be at the discretion
12 of the Planning Director. Yes, you are correct, Chair, that
13 this is in two phases. The PD amendment would enable the
14 property to have an increase in the maximum floor area
15 ratio and lot coverage.

16 CHAIR THOMAS: Okay.

17 DIRECTOR PAULSON: That's the first legislative
18 act that has to happen, because that's the ordinance that
19 governs these properties, including the one before you. So,
20 they need to go through, get that approved hopefully,
21 depending on what Council decides, and then they would come
22 back for whatever application, whether that's a Building
23 Permit, a Minor Residential Development Application, or
24 Architecture and Site.
25

1 Currently, given the parameters of the ordinance,
2 we didn't find a way to be able to do it as a Minor
3 Residential Development Application like it was done
4 previously, and this one also had an added challenge of
5 increasing the lot coverage, because these are townhomes,
6 so we need to go through this step first.

7 CHAIR THOMAS: Okay, thank you for clarifying
8 that. Now, who else? Commissioner Burnett.

9 COMMISSIONER BURNETT: Yes, thank you, Chair. I
10 have a question for Staff. I'm a little confused about the
11 Homeowners Association. There's nothing really in our
12 packet that they approved it or that... I know the Applicant
13 did mention that it was okay with the HOA. Do we need more
14 specification on that?

15 SAMINA MERCHANT: Thank you for the question,
16 Commissioner. There was an exhibit that was included in the
17 Staff Report that is their correspondence with their HOA;
18 page number 797.

19 COMMISSIONER BURNETT: Oh, thank you for that.

20 DIRECTOR PAULSON: It's Exhibit 6.

21 COMMISSIONER BURNETT: Thank you.

22 CHAIR THOMAS: Commissioner Raspe, did you have a
23 question?
24
25

1 COMMISSIONER RASPE: Chair, you asked my
2 question. Thank you so much.

3 CHAIR THOMAS: Anyone else have any questions?
4 Well, then we should probably discuss. Does anyone want to
5 kick it off?

6 COMMISSIONER RASPE: I can be three-for-three
7 tonight, and start.

8 CHAIR THOMAS: Thank you.

9 COMMISSIONER RASPE: It seems to me, again,
10 completely non-objectionable. The ask, I think, is
11 relatively minor. The HOA is in approval; the neighbors
12 seem to agree; so, everybody that is impacted, including
13 this homeowner, seems to be on the same page.

14 The redesign, which we're not actually
15 considering this evening, seems to fit this homeowner and
16 will help future homeowners.

17 I would move to forward a recommendation to Town
18 Council approving the modification of the Planned
19 Development Ordinance as described in the packet. If the
20 Commission would like, I can make that motion now.

21 CHAIR THOMAS: Yes, I think in a moment, perhaps.

22 COMMISSIONER RASPE: Just let me know.

23 CHAIR THOMAS: Okay, thank you. I do just want to
24 add that, although like it is said, we don't have to
25

1 specifically make all these findings, I do think that it
2 fits with changing one of these overlay zones or whatever,
3 and the main thing is does this comply with our General
4 Plan? I think it totally does. I think that's why we don't
5 have a lot to talk about here, because it is a minor change
6 and the HOA and all the neighbors support it, and I believe
7 that it really does comply with the General Plan and
8 everything that is in Section 29.80.095 of the Town Code
9 for the Planned Development Overlay Zone.
10

11 So, with that being said, do you want to now?

12 COMMISSIONER RASPE: I will. Thank you for that
13 input. I will move to forward to Town Council a request to
14 approve to modify Planned Development Ordinance 1281 to
15 increase the maximum floor area ratio and lot coverage for
16 property zoned M:5-12:PD located at 130 Vasona Oaks Drive,
17 APN 424-42-008.

18 I can make the findings as required by Section
19 29.80.095 of the Town Code for granting approval of a
20 Planned Development Overlay Zone, and that the amendment to
21 the Planned Development Overlay Zone is consistent with the
22 General Plan.

23 CHAIR THOMAS: And Commissioner Burnett seconds
24 that. Any discussion?
25

1 COMMISSIONER BARNETT: I have a question
2 regarding the findings and considerations on Exhibit 2. Is
3 that only for Council's consideration, or do we need to
4 make them as a Planning Commission?

5 DIRECTOR PAULSON: What I understand is those are
6 all in Exhibit 2. The Maker of the Motion didn't reference
7 Exhibit 2 specifically, but he mentioned the ordinance
8 section, which encompasses all of those.

9 COMMISSIONER BARNETT: I see. Okay.

10 COMMISSIONER RASPE: And to the extent my motion
11 was unclear, I will explicitly incorporate those into my
12 motion.
13

14 CHAIR THOMAS: Great, then I will call the
15 question. All those in favor, please raise your hand. It
16 passes unanimously.

17 Because this is just a recommendation, there are
18 no appeal rights?

19 DIRECTOR PAULSON: That's correct.

20 CHAIR THOMAS: Okay, great. Thank you.

21 (END)
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