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

Los Gatos Planning Commissioners:	Matthew Hudes, Chair Melanie Hanssen, Vice Chair Mary Badame Kendra Burch Kathryn Janoff Reza Tavana
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
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2 P R O C E E D I N G S:
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4 CHAIR HUDES: We'll now move on to Item 2, which
5 is Town Code Amendment Application A-19-007. The project is
6 Town Wide, the Applicant is the Town of Los Gatos, and it's
7 to consider amendments to Chapter 29, which are the Zoning
8 Regulations of the Town Code regarding demolition
9 regulations.

10 Ms. Armer, I understand you'll be giving the
11 Staff Report.

12 JENNIFER ARMER: Yes, good evening. Good evening,
13 Chair, Vice Chair, Commissioners.

14 The item in front of you is consideration of
15 changes to the definition of "demolition" and "wall" as
16 recommended by the Town Council Policy Committee and
17 forwarded to you for your recommendation to Town Council.,
18 The recommendation from Policy Committee impacts the
19 current definition of demolition and the definition of wall
20 in the following ways:
21

22 For demolition it's deleting the text, "The
23 remaining exterior walls must retain either existing
24 interior or existing exterior wall covering," so that we
25 would be considering the framing of the wall as

1 constituting the wall without having to retain those
2 exterior wall coverings.

3 It would also include revising the repair
4 exception that was recently approved to remove reference to
5 wall coverings since that would no longer be necessary.

6 In addition to that, these changes included in
7 Exhibit 4 also include changes to the definition of wall to
8 remove any reference to wall covering and combine the wall
9 covering for exterior and interior walls into one
10 definition for simplification.

11 These changes are intended to streamline the land
12 use process and reduce costs for remodels of existing
13 homes.

14 This concludes Staff's presentation but I'd be
15 happy to answer any questions.

16 CHAIR HUDES: Thank you. Are there any questions?
17
18 Vice Chair Hanssen.

19 COMMISSIONER HANSSEN: I just had one question.
20 We had heard previously from several architects that there
21 were issues of mold in the walls, so my only question is
22 that the Policy Committee has reviewed this but do we know
23 if other jurisdictions are using framing as a definition
24 for the means to determine whether it's a technical
25 demolition or not?

1 JENNIFER ARMER: Each municipality does have
2 different ways of defining demolition in terms of what the
3 percentage is, whether it's linear feet or the area of the
4 wall, whether the roof is considered, and how they define
5 wall. It's something that we've done a little bit of
6 looking into but it is not always clear what their
7 interpretation is just on a quick research.

8 JOEL PAULSON: I would just add that for
9 reference the City of Saratoga does not include wall
10 coverings. They've made an interpretation and they just
11 look at the framing, just for your reference.

12 CHAIR HUDES: Great, thank you. Any other
13 questions? Commissioner Janoff.

14 COMMISSIONER JANOFF: Thank you. This demolition
15 definition refers parenthetically to non-historic
16 structures. How would historic structures be affected or
17 unaffected by this change in definition?

18 JENNIFER ARMER: Policy Committee's
19 recommendation specifically was not recommending changes to
20 the historic side of this, so the requirement that the
21 exterior wall surface be retained, that only 25-percent of
22 those side face the street, all of that would be maintained
23 as is currently defined.
24
25

1 COMMISSIONER JANOFF: As I recall, some of the
2 discussion from the architects had to do with historic
3 structures and not knowing whether you'd have integrity of
4 wall until you got to the framing.

5 JENNIFER ARMER: And they will still have the
6 ability to request the repair and replace those exceptions
7 that are currently in the code.

8 COMMISSIONER JANOFF: Okay, so repair would allow
9 for that interpretation. Okay, thank you.
10

11 CHAIR HUDES: Okay, thank you. Other questions?
12 So, at this point we'll now invite comments from members of
13 the public on Item 2. I have one card here but if anyone
14 else wishes to speak, please submit a card. Gary Kohlsaas.

15 GARY KOHLSAAS: Good evening, Commissioners.
16 Thank you for being here on the 9/11 anniversary.

17 I am extremely encouraged by this movement that
18 I'm seeing in Los Gatos to listen to the professionals and
19 be willing to change and modify and tweak the rules.

20 This has been one rule that personally I've gone
21 up against many, many times and really kind of frustrated,
22 very frustrated. I'm used to it, but none of my clients
23 are, so I have to explain it every time.
24

25 As Mr. Paulson said, Saratoga defines a wall by
the framing. I have a large project in Saratoga right now.

1 We couldn't demo the house but we could strip all the walls
2 off, all the materials on both sides, which makes it much
3 easier to do several things.

4 The first time the Planning Commission looked at
5 the demolition rules to be changed several months ago I
6 spoke on behalf of that and I listed four examples. I'm not
7 going to do those today but I really want to kind of get
8 into the logistics of how homes are built and inspected and
9 the sequence of it.

10 It's very important because when you're building
11 a house you'll frame a house, you'll frame the walls, and
12 then you'll put your plywood on there, and then we get an
13 inspection, and almost every wall is going to have shear
14 plywood on that. You get that inspected, you get it nailed
15 off, and then you put building paper on there, known as a
16 vapor barrier.

17 You can't do any electrical, insulation, anything
18 like that until you have your house watertight. There are
19 some exceptions, and the building officials now have to
20 grant exceptions if we're in the case that we're saving the
21 interior surface of the wall and in a situation where we
22 want to remove the outside surfaces, leaving drywall or
23 plaster.

1 So now you're doing everything from the outside.
2 You're installing wiring, plumbing, insulation, and those
3 are all supposed to be done when you're watertight, so it
4 really puts a bind on the contractor and his subcontractors
5 and the building officials to be able to switch back and
6 forth between inspecting rough inspections on your
7 electrical, all your utilities, and then coming back from
8 insulation inspection and then getting your shear ply
9 nailing on that, so it just really is awkward.

10
11 But more importantly, what we're trying to do is
12 build homes that are watertight, airtight to a certain
13 degree, and it's very difficult if we have to maintain
14 these surfaces, especially next to your surface, and not
15 only historic homes but homes built... We've encountered
16 homes built in the fifties, sixties, seventies that had
17 little or no vapor barriers, and when a contractor wants to
18 put his warranty on this project they always complain that
19 they can't waterproof, they can't flash a window, so here
20 they have a product that's brand new almost, remodeled, but
21 it's not warrantied.

22 So, I just really applaud you guys and I
23 encourage you guys to consider what the Policy Committee is
24 recommending and Staff is recommending, and I speak for
25

1 several architects. A lot of them couldn't come tonight,
2 but hopefully I can carry the flag.

3 CHAIR HUDES: Okay, thank you. Are there
4 questions?

5 First of all, I wanted to thank you for engaging
6 in this process back at the Historic Preservation Committee
7 and then at the Policy Committee, because I think that
8 having the practical input from people who are actually
9 involved in the work is very important to getting things
10 right. I know it took us a couple of tries to get this
11 finished, so we'll see where we go with it tonight.

12 But just so that I understand and maybe the
13 public can understand, when something goes to technical
14 demo is it the case then once that happens then the project
15 has to comply with current codes, including things like
16 curbs and gutters and bike lanes and things like that?

17 GARY KOHLSAAT: That's correct.

18 CHAIR HUDES: So, that's where the expense... It
19 triggers an expense above and beyond just doing the work if
20 it's called to have a technical demo?

21 GARY KOHLSAAT: Yes, it does trigger that. Many
22 times it would also trigger a DRC or Planning Commission
23 approval, so those extra steps that clients have to
24 consider.

1 I don't think anybody is against undergrounding
2 utilities and putting in sidewalks and things like that,
3 but if you have a house, maybe it's an old ranch house that
4 had wood siding on the front for curbside appeal and for
5 economy reasons they did stucco on the other three sides
6 and you just want to put siding on all four sides so your
7 house actually complies with the Los Gatos Design Standards
8 that all the elevations should kind of match and work with
9 each other. You're trying to comply with what the Town is
10 proposing or supporting but in order to just put siding
11 over stucco or take the stucco off and put siding on, both
12 would be considered demolition, by the way, if you didn't
13 have the inside up. Many times we're remodeling the inside,
14 stripping all the asbestos laden drywall; you have to get
15 all the drywall out these days. So, now this client has to
16 go, "Well, how badly do I want my house to look good on the
17 side of the house if I have to pay for other expenses that
18 were not necessarily in the budget?"

20 So, yes, it certainly does complicate things to
21 go to technical demo and especially for reasons like this
22 that are I'm not really tearing any walls down, so again,
23 show me the demo.

24 CHAIR HUDES: Okay. Thank you very much,
25 appreciate it.

1 GARY KOHLSAAT: Thank you.

2 CHAIR HUDES: I don't see any other cards on this
3 topic, is that correct? Okay, so we'll now close the public
4 portion of the public hearing, and another opportunity for
5 questions for Staff. Any questions or discussion? Okay.
6 Discussion or a motion? Commissioner Badame.

7 COMMISSIONER BADAME: I'll try a motion. It seems
8 pretty cut and dried and this makes sense. Appreciate the
9 input from the architects, from the Staff, and the Policy
10 Committee.
11

12 I move to forward a recommendation of approval to
13 Town Council for Town Code Amendment Application A-19-007,
14 consideration of amendments to Chapter 29 (Zoning
15 Regulations) of the Town Code regarding demolition
16 regulations. I can make the findings for CEQA and the
17 required findings for the General Plan per Exhibit 1.

18 CHAIR HUDES: Okay, thank you. Vice Chair
19 Hanssen.

20 COMMISSIONER HANSSEN: I second the motion.

21 CHAIR HUDES: Okay, we have a motion and a
22 second. Any discussion? Then I will call the question. All
23 in favor? Opposed? Passes unanimously 6-0. Thank you.

24 I guess there are no appeal rights, is that
25 correct? This is a recommendation.

1 SALLY ZARNOWITZ: That's correct, this is a
2 recommendation to Council.

3 CHAIR HUDES: Okay, thank you.
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