



MEETING DATE: 1/20/04  
ITEM NO. 20

## COUNCIL AGENDA REPORT

DATE: January 16, 2004  
TO: MAYOR AND TOWN COUNCIL  
FROM: DEBRA FIGONE, TOWN MANAGER  
SUBJECT: CONSIDER ADOPTION OF HILLSIDE DEVELOPMENT STANDARDS & GUIDELINES.

### RECOMMENDATION:

Adopt a resolution approving the Hillside Development Standards & Guidelines (two alternative resolutions have been provided).

### BACKGROUND:

At the January 5, 2004 meeting the Council passed a motion to approve the Hillside Development Standards & Guidelines (HDS&G) with the changes noted under the discussion section of this report. Final action on the resolution formally approving the document was deferred so the Council could discuss a request from Joe McCarthy about how the HDS&G should apply to the five undeveloped lots within his approved Planned Development on Foster Road.

### DISCUSSION:

#### Changes to the HDS&G

The following changes have been made to the HDS&G as directed by Council:

1. Page 5: The former bullet eight is now the second bullet point on the list.
2. Page 6: The word "surrounding" was eliminated from the first paragraph and the second bullet point under section B.
3. Page 13: A reference to the definition of visible home was added.

PREPARED BY:

BUD N. LORTZ  
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSJ Assistant Town Manager OK Attorney PSJ Clerk \_\_\_\_\_ Finance \_\_\_\_\_  
\_\_\_\_\_ Community Development

Revised: 1/16/04 2:45 pm

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4. Page 17: The requirement for a total was added to standard 2 (grading categories).
5. Page 24: Standard 2 was modified to state that the Fire Department will provide input to review of landscape plans.
6. Page 29: Item 1 under **Exceptions to maximum floor area** was modified to include a reference to the definition of visible home.
7. Page 35: An illustration of the two height measurements was added to the document.
8. Page 37: Contours on illustrations have been modified.
9. Page 41: Contours on illustrations have been modified.
10. Minor typos were corrected

#### McCarthy Planned Development

The Council discussed a request from Joe McCarthy to allow an exemption for the five undeveloped lots in the approved McCarthy Planned Development (PD) on Foster Road. Mr. McCarthy has requested that the FAR not be applied to these five lots given the amount of time the project has been in the planning process and due to the demolition of Guadalupe College. Essentially Mr. McCarthy requested that he have the ability to propose a project that might include more than 6,000 square feet. Staff has prepared two resolutions, one approving the HDS&G without an exemption for the McCarthy PD (Attachment 14) and one that includes an exemption (Attachment 15). The language for the proposed exemption states that the maximum floor area standard would not apply to lots within an approved Planned Development where architecture and site applications have not been filed. This criteria is narrow enough that it would apply only to the McCarthy PD. Approval of the exemption simply allows the owner to apply for a home larger than 6,000 square feet. It does not guarantee approval and the burden of proof is on the applicant to demonstrate that the design is appropriate for the particular site, and that a larger home will not significantly impact its visibility.

#### CONCLUSION:

Staff recommends that the Council discuss the two alternative resolutions adopting the Hillside Development Standards and approve one of them.

#### ENVIRONMENTAL REVIEW:

It has been determined that this project could not have a significant impact on the environment, therefore, the project is not subject to the California Environmental Quality Act (section 15061 (b)(3)). Hillside projects will be evaluated for CEQA compliance and against the Hillside Development Standards & Guidelines at the time individual applications are filed.

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FISCAL IMPACT:

None

Attachments:

- 1.-13. Previously received items
14. Resolution (two pages)
15. Alternate Resolution (two pages)
16. Letter from Susan Kankel (one page), received January 14, 2004
17. Revised Hillside Development Standards & Guidelines

BNL:SD

cc: Joe McCarthy, McCarthy Land Co., LLC, P.O. Box 361256, Milpitas, CA 95036-1256  
Dave Weissman, 15431 Francis Oaks Way, Los Gatos, CA 95032

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**RESOLUTION 2004-**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
ADOPTING HILLSIDE DEVELOPMENT STANDARDS & GUIDELINES**

**WHEREAS**, the Town of Los Gatos desires to update its current Hillside Development Standards, and

**WHEREAS**, the General Plan Work Plan includes the adoption of hillside design standards and guidelines (Implementing Strategy CD.I.2.1); and a number of related Implementing Strategies including L.I.2.4, L.I.8.5, CD.I.1.13 and CD.I.2.3; and

**WHEREAS**, adoption of such standards and guidelines will help provide clear direction to developers and homeowners processing development applications (General Plan Implementing Strategy L.I.7.4); and

**WHEREAS**, adoption of such standards and guidelines will help reduce the bulk, mass and scale of new and remodeled homes in the hillside and help new development blend better with its site; and

**WHEREAS**, The Architectural Standards/Hillside Committee recommends that the Revised Public Hearing Draft dated December 2003 be adopted; and

**WHEREAS**, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

**THEREFORE BE IT RESOLVED:** the Town Council of the TOWN OF LOS GATOS does hereby recind Resolution 1998-20.

**FURTHER RESOLVED**, the Town Council adopts the Hillside Development Standards & Guidelines, attached hereto as Exhibit A. In addition, these standards and guidelines shall be used

to review development applications in conjunction with the development standards set forth in the Comprehensive Blossom Hill Open Space Study, dated January 1990. In the event of a conflict, the more restrictive standard or guideline shall apply.

**FURTHER RESOLVED**, the Hillside Development Standards & Guidelines shall apply to all development applications that have not been deemed complete.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 20<sup>th</sup> day of January, 2004, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

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**WHEREAS**, adoption of such standards and guidelines will help reduce the bulk, mass and scale of new and remodeled homes in the hillside and help new development blend better with its site; and

**WHEREAS**, The Architectural Standards/Hillside Committee recommends that the Revised Public Hearing Draft dated December 2003 be adopted; and

**WHEREAS**, the Planning Commission has held a public hearing and forwarded a recommendation for adoption of the same document;

**THEREFORE BE IT RESOLVED:** the Town Council of the TOWN OF LOS GATOS does hereby rescind Resolution 1998-20.

**FURTHER RESOLVED**, the Town Council adopts the Hillside Development Standards & Guidelines, attached hereto as Exhibit A. In addition, these standards and guidelines shall be used

Comprehensive Blossom Hill Open Space Study, dated January 1990. In the event of a conflict, the more restrictive standard or guideline shall apply.

**FURTHER RESOLVED**, the Hillside Development Standards & Guidelines shall apply to all development applications that have not been deemed complete. The maximum floor area standards shall not apply to any Planned Development approved prior to the effective date of this resolution to which the subsequent architecture and site applications have not been submitted to the Town.

**PASSED AND ADOPTED** at a regular meeting of the Town Council held on the 20<sup>th</sup> day of January, 2004, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

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January 11, 2004

Mayor Steve Glickman and Town Council Members  
110 E. Main Street  
Los Gatos, CA 95030

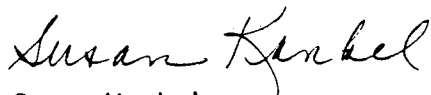
RECEIVED  
JAN 14 2004  
MAYOR & TOWN COUNCIL

Mr. Glickman and Council Members:

My husband and I will be out of the country for the rest of January, which means we will miss the January 20 Council meeting. This is unfortunate because the Reservoir Resolution will appear once again, but I have voiced my concerns in that matter in separate messages to the Council.

I would like to address another matter on the January 20 agenda, that of the Mc Carthy project. I am adamantly opposed to his proposal to allow more than 25% of the buildings be visible from the town. Standards are standards and must not be ignored so that larger buildings can be constructed. This property is what we see from the entire back of our house. Seeing 40% of any new homes will completely change the view in a detrimental manner; indeed, this would be true from any location in town. Please do not give in to a developer who would seek to ruin the character of our town.

Sincerely,



Susan Kankel  
99 Reservoir Road

