



MEETING DATE: 2/02/04  
ITEM NO. 18  
ADDENDUM

COUNCIL AGENDA REPORT

DATE: January 30, 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).

DISCUSSION:

Attachment 20 is information received after the report was completed.

Attachments:

- 1.-19. Previously received items
- 20. Letter from Joe McCarthy (3 pages) received January 29, 2004

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PREPARED BY:   
BUD N. LORTZ  
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: DSJ Assistant Town Manager DL Attorney \_\_\_\_\_ Clerk \_\_\_\_\_ Finance  
\_\_\_\_\_ Community Development

Revised: 1/30/04 9:28 am



**RECEIVED**

JAN 29 2004

Los Gatos City Council.

TOWN OF LOS GATOS  
PLANNING DIVISION

This letter relates to the Vineyard Heights Development on Foster Road. It is yet another letter concerning the project, along with our attorney, Tom O'Donnell's previous letters.

I will attempt to consolidate all the years of planning, construction and negotiations, which transpired in this very complicated project.

First let us describe the community benefits provided by this project. Recently, as a result of attending numerous Planning Commission and Council meetings, I learned that a number of Los Gatos projects have trouble describing any community benefit. Our project has no such problem. There is not a recent project which approaches the level of community benefits as does Vineyard Heights. To avoid taking time to list the community benefits at the upcoming city council meeting, I have described them below:

- \* A very low impact, six-lot development on a 58-acre parcel with four of the lots clustered to minimize impact.
- \* Removal/demolition of the most offensive visual impact in the Town; a 160,000 sq. foot, six story former college building and a 6,500 sq. foot, four story home located on property so as to be extremely visible from the valley floor.
- \* The demolition, asbestos removal, and off site hauling of all the product remnants of the huge reinforced concrete structure (1,200 tons of concrete rebar alone) was accomplished with the construction of a haulroad over to Alma Bridge Road, so as to avoid affecting the Town and residents of Foster Road. The Town was credited for the recycling of concrete (which was ground on site and reused), lumber and metal.
- \* Removal of one of the Town's most "attractive nuisances." The abandoned buildings were used continuously for drinking and carousing, and even a location of a methamphetamine lab.
- \* Construction of the extension of Foster Road to Town standards, with all underground utilities, i.e., no overhead power lines, sanitary sewer line to valley (no septic tanks), storm drainage improvements, water system, and storm water. We even brought natural gas up Foster which allowed neighbors below to hook up and eliminate the need for propane tanks.
- \* Construction of a new 350,000 gallon water storage tank which provides water for the project, and was oversized to provide fire storage water protection for neighbors down Foster Road.

\* Offsite Construction of 2,100 feet of 8" high tech, fused plastic water pipe line and fire hydrants, which provide the much needed fire protection for Foster Road residents below the project.

\* Extensive negotiations with the Novitiate and the eventual offsite construction of a 3,000 foot emergency access road which will provide police and fire services an alternative access route to Foster Road and a potential exit road for Foster Road residents in the event of an emergency.

\* The relocation of overhead PG&E powers lines. They had been on the Saint Joseph's ridgeline and therefore visible from the valley floor.

\* The restoration of the Saint Joseph's ridgeline, which had been flattened for a baseball diamond.

Please take into consideration the scope of these benefits and the effort that has been put into accommodating the Town and their needs.

Processing for this project started in 1997. A more dense development with 13 lots was initially discussed. We eventually settled, with Lee Bowman's strong recommendation, for a PD with six larger lots including four lots clustered in the area of the former buildings. That Town recommendation resulted in a plan with larger lots designed for larger homes. It is the plan upon which we based our development. As recently as 2002, my house of approximately 10,000 square feet was approved and is under construction.

The elevation of Foster Rd and other grading and driveway restrictions were set by the Town of Los Gatos, which had to be adhered to. These factors created the current height of the lots, which make them more visible to the valley floor. When this process was taking place the current and soon to be old hillside guidelines were in place. These guidelines do not restrict the size of homes due to visibility and therefore made the elevations of the lots practical.

In a previous City Council meeting that took place on September 2, 2003, the council debated over an urgency ordinance prohibiting the approval of applications for personal service businesses. Many references were made to people that were in the "pipeline" for their application for a personal service business license. The council spoke of the affect this new ordinance would have over people that were in the pipeline and how they should be exempt from the new ordinance. Below are some pertinent quotes from the meeting:

Mayor Glickman:

"nothing here is retroactive, it does not affect those in the pipeline"  
(the new ordinance)"will not harm anybody who has made a significant investment in town"

Councilwoman McNutt:

“affect people that already started their plans, it is grossly unfair to be changing the rules of the game mid-stream”

Councilman Wasserman:

“those people that are in the pipeline that have permits on file should certainly not be affected”

“people that come to our planning department that were given guidance, given direction, saying yes you can do that, that our laws allow for that now, the ordinance, the zoning allow for that now should be entitled to do that, I think that is very very important”

All of the benefits previously listed above bring us to the “fairness” issue and the question of being “in the pipeline.” Our development style has always been one of cooperation, straight forwardness, and fairness but we feel that the imposition of an absolute maximum square footage limitation based solely on visibility is definitely not “fair” at this stage of our project. **More** than \$10,000,000 has been spent on the project to date. We feel like the rug is being pulled out from under us.

Based on this line of reasoning our project should be “grandfathered.” Town staff has suggested the following language: “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.” We request that you approve this draft but please also indicate the special facts surrounding this project so that a request for residences of greater than 6,000 square feet will get a fair hearing.

Thank you for your consideration.

Joe McCarthy

