



MEETING DATE: 2/02/04
ITEM NO. 12
DESK ITEM

COUNCIL AGENDA REPORT

DATE: February 2, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA FIGONE, TOWN MANAGER *Debra Figone*
SUBJECT: CONSIDER ADOPTION OF HILLSIDE DEVELOPMENT STANDARDS & GUIDELINES.

DISCUSSION:

The attached letters were received following distribution of the report and addendum. Attachment 24 is a revised alternate resolution to be used should the Council decide to allow an exemption for the McCarthy Planned Development. The language for the exemption has been changed to clarify that while the maximum floor area will not apply, future Architecture and Site applications will be required to comply with all applicable General Plan, specific plans, Town Code sections and Town standards and guidelines.

Attachments:

- 1.-20. Previously received items
- 21. Letter Peggy Dallas (one page) received February 1, 2004.
- 22. Letter from Clark & Suzanne Cochran (two pages w/three page attachment) received February 2, 2004.
- 23. Letter from Peggy Dallas (one page) received February 2, 2004.
- 24. Revised alternate resolution (two pages)

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PREPARED BY: BUD N. LORTZ *Bnl*
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: Assistant Town Manager *ok* Attorney Clerk Finance
 Community Development Revised: 2/2/04 5:02 pm

Handwritten signature or scribble.

From: "Peggy Dallas" <pdallas@garlic.com>
To: <sglickman@losgatosca.gov>, <mwasserman@losgatosca.gov>, <sdecker@losgatosca.gov>, <dmcnuttt@losgatosca.gov>, <jpirzynski@losgatosca.gov>
Date: 2/1/04 10:56PM
Subject: Proposed Hillside Standards

Dear Councilmembers,

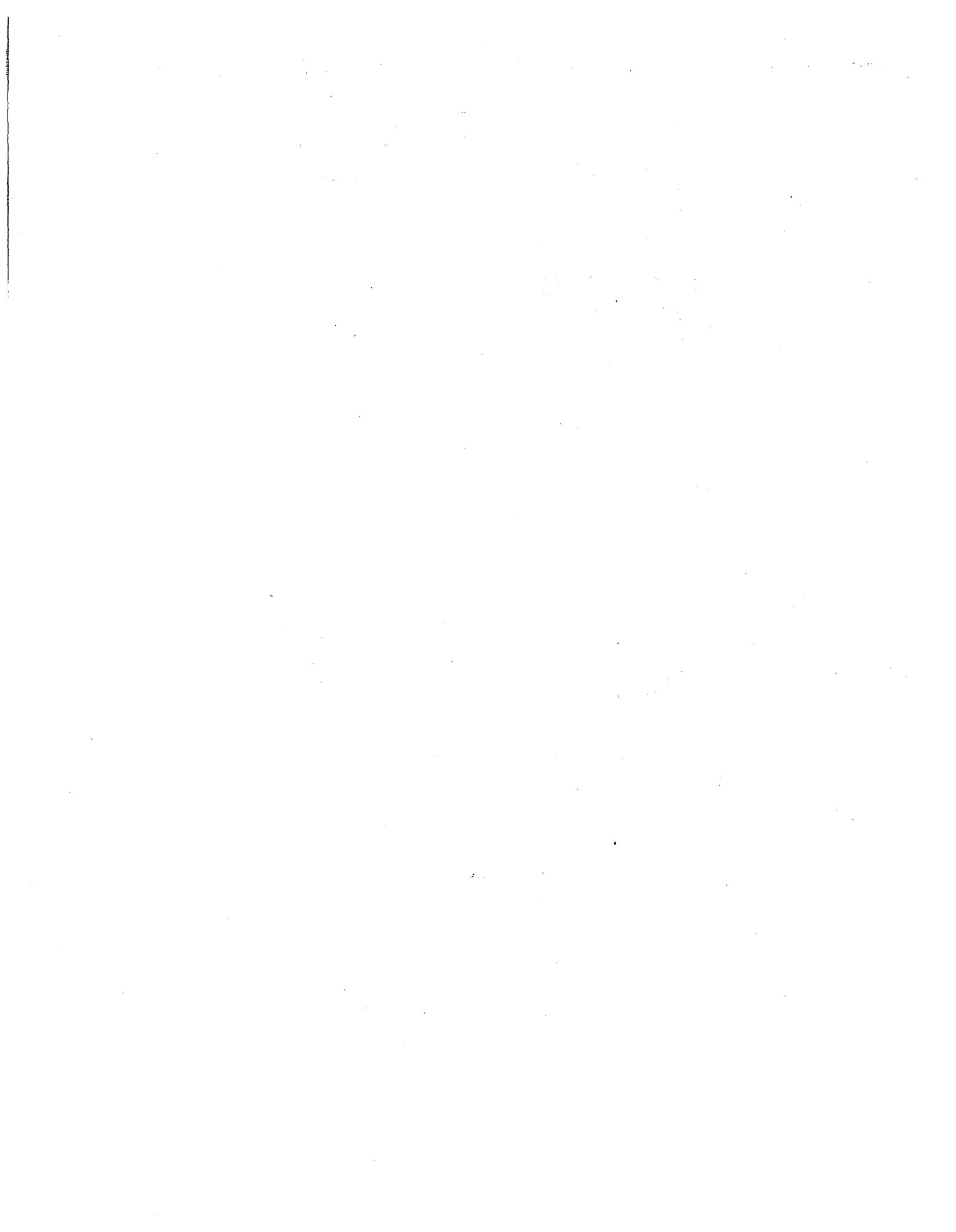
I am writing to ask the council to implement the proposed Hillside Standards without granting an exception to recent planned developments such as the Vineyard Heights Development. I have served as your representative on the Architectural and Hillside Standards Committee for the past four years, and as a hillside community representative to the General Plan Task Forces I and II. I believe that the proposed standards have been carefully written to balance personal property rights with the community's desire to protect the Town's hillside resource. This process included many months of public hearings and everyone with hillside developments during this time knew that new standards would be forthcoming. Specifically, I think the claim that Vineyard Heights is economically undermined under the new standards is unsupported and not relevant.

As a resident of Foster Road, I can fully appreciate the substantial community benefits that the Vineyard Heights Development delivered in exchange for the right to develop some of the most desirable hillside backdrop in the community. Without these benefits, the Vineyard Heights project might not have been allowed to proceed, and they do not justify an exception to the Hillside Standards, in my opinion.

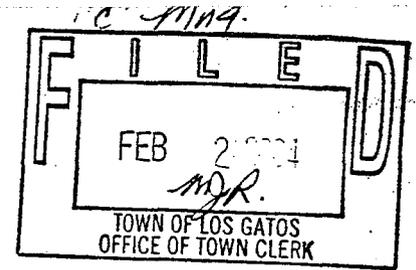
I welcome Joe McCarthy and his Vineyard Heights Development as my neighbor and I appreciate his patient, sensitive approach toward this project, but I urge you to insist that Vineyard Heights adhere to the same Hillside Standards that other 2004 hillside projects will be asked to. In my opinion, the council must explain clearly and specifically what special circumstances justify any exceptions to the written standards.

Peggy Dallas

CC: "Joey McCarthy Jr." <joeym@mccarthy ranch.com>, "Alastair Dallas" <adallas@infospect.com>, <sdavis@losgatosca.gov>, <blortz@losgatosca.gov>, <pdubois@tomasidubois.com>, <leeandpaul@earthlink.net>, <HJEvers@aol.com>, <clerk@losgatosca.gov>



February 2, 2004



The Honorable Mr. Steve Glickman, Mayor
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Cc:

Vice Mayor Mike Wasserman
Council Member Sandy Decker
Council Member Diane McNutt
Council Member Joe Pirzynski

Re: McCarthy Hillside Standards Exemption Request

Mr. Mayor and Council Members,

We applaud the applicant's removing the Guadalupe College eyesore that blighted our hillside, but he did not do this altruistically. He did it for profit and he did it from the very start with full and continued knowledge of the evolving Hillside Standards. He knew they would restrict his flexibility to build and that allowed him to buy the land cheaply. Now he asks to be exempt - for his personal gain. He wants you to change the rules just for him.

Let's look at the details of this request:

We have attached three pages personally obtained from the lots themselves. The same information is available on line at www.mccarthyland.com. Based on this information, Mr. McCarthy will gain approximately \$10 Million profit, but only if he can sell the lots for his full asking price. This is improved if larger houses can be built.

There will be no town benefit by Mr. McCarthy replacing the 160,000 sq ft college with 5 houses of 10,000 sf each. Since they will be such large houses closely spaced on adjacent lots, from downtown they will look like one huge unit. The story poles made this obvious. As a unit, they will dominate our town's hillside vista. Imagine what they will look like when they are all fully lit-up at night. They would become the next Los Gatos landmark. It would be a travesty for our town to be known by these monuments.

There are no A & S applications for these houses, so this request seems moot. However, Mr. McCarthy can already achieve his size request by using basements. Someone paying \$3 Million for a lot can afford a basement. This solution is totally within the approved Hillside Standards. But, if the 25% visibility hillside standards are raised to 40% just for him personally, every citizen in town will pay an awful price for his profit every time they look up at our hills.

McCarthy Hillside Standards Exemption Request - Page 2

The Town Council is charged with upholding our general plan and this request goes against that plan. The Hillside Standards have been worked on for ten years. If this request is approved, the first action after their approval will be to ignore them and approve exactly what those guidelines were enacted to prevent.

If you approve this exemption and overturn the Hillside Standards, then all deep-pocket hillside developers to follow will go around the Planning Commission and use this Council to achieve their special interest goals. Mr. McCarthy feels the Town has already opened the doors to subverting the Hillside Standards because the Town already thanked him by previously granting him an exemption for his personal residence. If this request is approved, we might as well drop the Hillside Standards. They won't be enforceable. Your decision starts the ball rolling in one path or another. Tonight you decide which one it will be.

This is a request driven solely by greed. It is about the special interests of one. We hope it is not the intention of the Town Council to go on record helping one rich developer get richer at the expense of ALL other residents. If you approve this applicant's request, every day, every resident of and visitor to Los Gatos will look up at our beautiful hills - those same hills thought be protected by our Hillside Standards for all to enjoy - and see another eyesore. Why should we trade one eyesore for another?

Closely consider all the negative impacts of approving this request and then side with us and the other 28,000 residents who don't want blighted hillsides, not the one special interest applicant. For the sake of the town now and for our generations to come, vote NO.

Sincerely,

A handwritten signature in cursive script that reads "Clark and Suzanne Cochran". The signature is written in dark ink and is positioned above the typed name and address.

Clark and Suzanne Cochran
60 Rogers Road
Los Gatos, CA 95030

17975 Foster Rd.

Los Gatos Exquisite Estate Sites



Once in a lifetime opportunity to build your dream estate home in a new community with four lots ranging from an acre flat to an acre and a half. Breathtaking views of the mountains, San Francisco, and valley. This community is located only 3 minutes from downtown Los Gatos. City utilities, sanitary sewer, cable tv. Los Gatos schools.

Price range from \$2,995,000 to \$3,500,000

McCarthy Land Co.

408-262-3663

lglots@mccarthyland.com -email

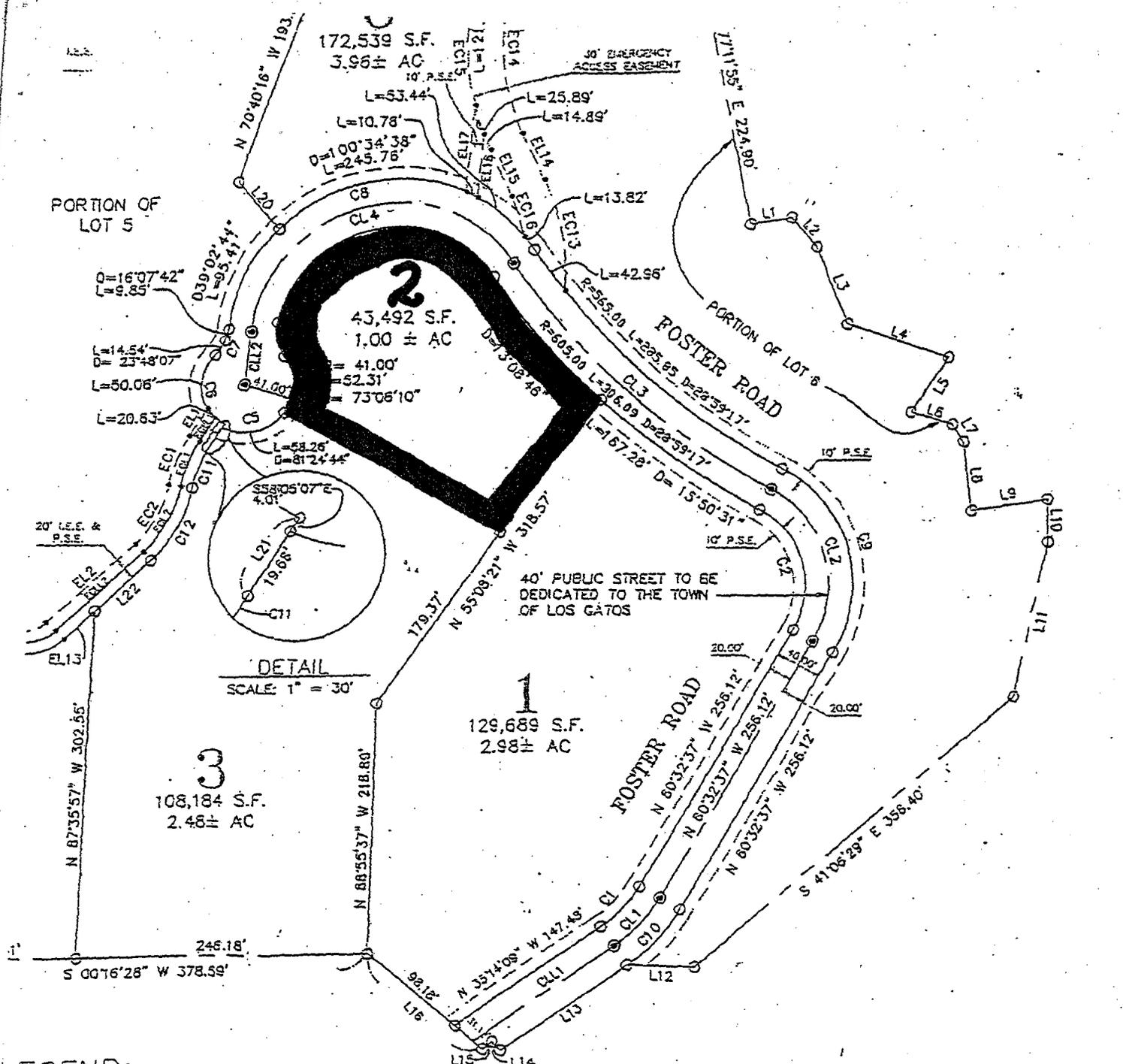
www.mccarthyland.com

Pricing

<u>Lot</u>	<u>Price</u>
2	\$2,995,000
3	\$2,995,000
6	\$3,250,000
1	\$3,500,000

Notes:

- Lot #5 is not listed. It has either been sold already or is yet to be priced: ~ \$3 million (estimate)
- Lot #4 would be Mr. McCarthys' residence.

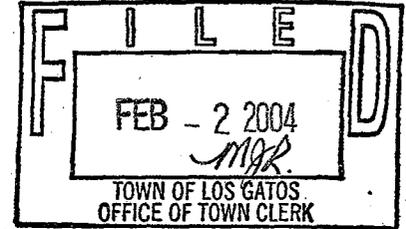




Peggy Dallas, Architect
17681 Foster Road
Los Gatos, CA 95030-7154
(408) 395-6767

February 2, 2004

Hon. Mayor Glickman and Town Council
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030



Dear Mr. Mayor and Councilmembers;

I am writing to express my concerns regarding the language of the proposed resolution approving the Hillside Development Standards & Guidelines. With reference to Attachment 15 of Debra Figone's memo of January 16, I am concerned that the exemption targeting Mr. McCarthy's Planned Development on Foster Road is too broad.

The proposed resolution (Att. 15) states: "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." My concern is that this categorical exemption is more sweeping than Ms. Figone's memo describes. Staff writes that "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..."

If the council adopts the exemption resolution, wouldn't Mr. McCarthy be justified in claiming that no floor area standards apply to development on his five lots? As an approved Planned Development, each proposed house is subject to review by the Town, but the proposed resolution implies that such review must ignore the maximum floor area standards, which I don't believe is the council's intent.

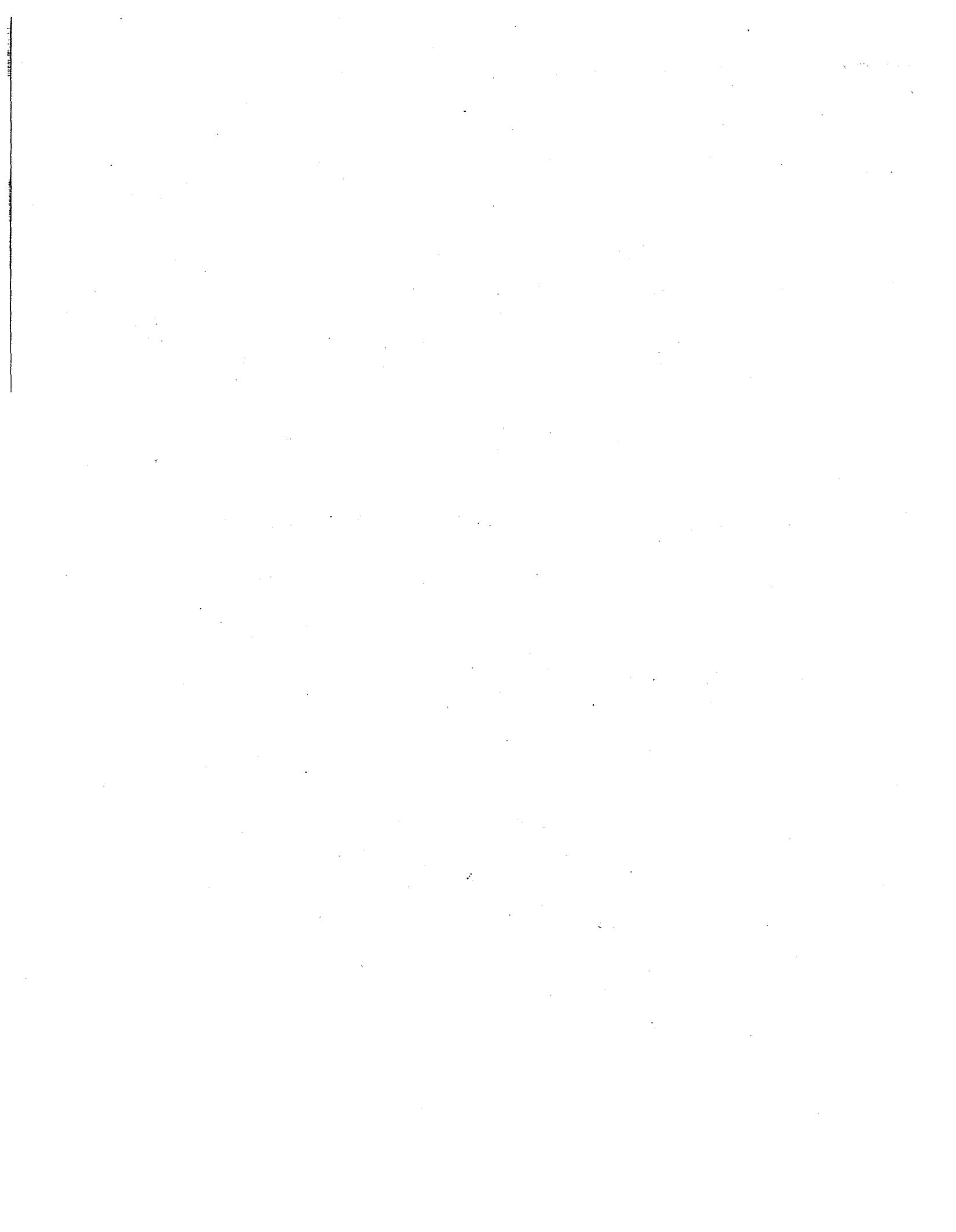
Perhaps the sentence should read:

"Planned Developments approved prior to the effective date of this resolution to which the subsequent architecture and site applications have not been submitted to the Town may ignore the guideline's floor area standards for the purposes of application but are still subject to Town review and the intent of the hillside standards."

As a member of the Hillside Standards Committee, I'd like to make sure that the resolution adopting the standards fulfills the council's intent.

Sincerely,

Peggy Dallas



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 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 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. For any Planned Development approved prior to the effective date of this resolution and for which subsequent Architecture and Site applications have not been submitted to the Town, Architecture and Site applications may be submitted for residences exceeding 6,000 square feet of living space which shall then be subject to discretionary review pursuant to the General Plan, related specific plans, Town Code section 29.20.140 *et seq.* and all applicable Town standards and guidelines.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 2nd day of February, 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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