



MEETING DATE: 4/19/04
ITEM NO. 18

COUNCIL AGENDA REPORT

DATE: April 12, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER *[Signature]*

SUBJECT: CONSIDER AMENDING THE TOWN CODE TO MODIFY THE CONDITIONAL USE PERMIT TABLE TO ALLOW PARKING LOTS ON PROPERTY ZONED R-1 (SINGLE FAMILY RESIDENTIAL) UNDER LIMITED LAND USE CONDITIONS. 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)). **ZONING CODE AMENDMENT A-03-4** APPLICANT: WESTERN ATHLETIC CLUBS, INC.

RECOMMENDATION:

1. Accept report in the form of meeting minutes from the Planning Commission regarding Zoning Code Amendment A-03-4.
2. Open and hold the public hearing and receive public testimony.
3. Close the public hearing.

If the Town Council decides to approve the requested Zoning Ordinance Amendment, it should take the following actions:

- a. Make required findings (Attachment 1)
- b. Move to waive the reading of the ordinance (Attachment 2)
- c. Move to introduce the ordinance to effectuate the zoning code amendment.

PROJECT DESCRIPTION:

Western Athletic Clubs, representing Courtside Club, is requesting a Zoning Ordinance amendment as a first step in pursuing a proposal to develop a parking lot on three properties located on the

PREPARED BY: *[Signature]*
BUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: PSJ Assistant Town Manager OK Town Attorney Clerk Finance
 Community Development Revised: 4/12/04 4:11 pm

northwest corner of Winchester Blvd. and Newell Avenue. The proposed parking lot is intended to serve employees and patrons of Courtside Club. The three properties are zoned R-1:12 (Single Family Residential) and will be merged into one lot.

When an applicant requests to change the Town Code, staff offers assistance to ensure that the text, if approved, will preserve the integrity of the code and achieve the desired objective. In this case, staff developed a proposed amendment that would be added to the Table of Conditional Use Permits. The proposed amendment reads as follows:

Parking lots that serve a nearby commercial use located on a previously unimproved property in the R-1:12 zone on an arterial street.

Please see Attachment 3, staff report to the Planning Commission, for a complete summary and analysis of the proposed project. Please see Attachment 15 for project plans.

BACKGROUND:

In May of 2003, the applicant commenced research of the issues and challenges associated with developing a parking lot on the subject site. As described below, the applicant solicited comments from the Conceptual Development Advisory Committee (CDAC). In addition, meetings have been held with the General Plan Committee, interested neighbors and most recently the Planning Commission.

Conceptual Development Advisory Committee

On May 14, 2003, the Conceptual Development Advisory Committee (CDAC) reviewed the preliminary plans for a parking lot located on the corner of Winchester Blvd and Newell Avenue from Courtside Club.

In general, the Committee was not opposed to the parking lot proposal. However, based on the concerns of the neighbors, the Committee wanted to ensure that the site would remain a parking lot and not be developed with a commercial structure. If the applicant proposed a parking lot, it will require architectural and site approval and a conditional use permit. The Planning Commission could approve the project with conditions to address any issues deemed to be a concern. Please see complete comments from the May 14th meeting (Attachment 3, Exhibit B).

General Plan Committee

On February 11, 2004, the General Plan Committee reviewed the proposed text of the zoning ordinance amendment. The Committee recommended approval of the Zoning Ordinance Amendment on a 4-3 vote. The Committee was respectful of the neighborhood concern as well as the proposal and voiced their concerns about the specific issues that will need to be addressed as the parking lot design is considered by the Planning Commission. These concerns include

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balancing the needs of Courtside with their neighbors and examining the design issues associated with a parking lot near a residential neighborhood. The Committee also requested that Courtside consider allowing the parking lot to be used by the neighbors for special events such as a block party. Please see complete minutes of the February 11, 2004 meeting (Attachment 3, Exhibit C).

Seven members of the public spoke on the item, representing the Newell Ave. neighborhood and Wimbledon Place Homeowners Association. Please see the attached letters submitted by the interested neighbors (Attachment 3, Exhibit D and E). Some of the concerns that were mentioned are as follows:

1. Concern about how the proposed ordinance amendment would affect the entire Town
2. Ingress and egress location and how the parking lot will work
3. Environmental issues - pollution from the cars
4. Traffic through the Wimbledon Place Neighborhood
5. Concern that a commercial use will be expanding into a residential neighborhood

Planning Commission

On February 25, 2004, the Planning Commission considered this application and recommended denial on a 5-0 vote with one Commissioner abstaining and one Commissioner absent. In general, the Commission was not opposed to the idea of a parking lot on the project site. However, the Commission was receptive to neighbors concerns about increased traffic, membership increase and whether a parking lot is an appropriate use of the site. One of the concerns that the Planning Commission raised was whether it was appropriate to amend the Zoning Ordinance to accommodate a parking lot for one specific use. Since neighbors were opposed to rezoning the parcel to a commercial designation, staff worked with the applicant and the neighbors to find an alternate approach that would allow for a parking lot in a residential zone. The most conservative approach would be to modify the CUP table to allow parking lots in an R-1:12 zone under very limited circumstances.

Initially, the Planning Commission Chair made a motion to recommend approval of the project, but the motion only received one other vote of approval. Because four votes are needed to forward a recommendation on a zone change to the Town Council, the Commission Chair changed her motion to recommend denial. As a result, the matter could move forward to the Town Council. That motion passed on a 5-0 vote (one Commissioner abstained, one Commissioner absent). Please see Attachment 4 for complete minutes from the February 25, 2004 Planning Commission hearing.

On March 1, 2004, Courtside submitted a letter to request that the Town Council hold a hearing to consider Ordinance Amendment A-03-4 (Attachment 5). Pursuant to Zoning Ordinance Section 29-20-580, the applicant must request a Council hearing in order to ensure the matter will be considered by Council.

DISCUSSION:

Since commercial parking lots are not currently allowed in R-1 zones, the applicant cannot develop the project site as a parking lot unless one of the following actions occur :

- A. Change the General Plan land use and Zoning designations to a commercial designation that allows parking lots (i.e. Highway Commercial (CM) or Central Business District C-2)). When this option was suggested, neighbors of the site were very concerned that a non-residential zoning designation could lead to development of a commercial building in the future. The neighbors opposed this option.
- B. Modify the Condition Use Permit (CUP) table to allow parking lots in residential zones under extremely limited circumstances such as when the property is located on an arterial street and will serve a nearby commercial use. The applicant would then have the ability to apply for a CUP for a new parking lot.

Input from the neighbors during the initial review of the project resulted in a clear message to the applicant that they were not supportive of rezoning the site to a commercial designation. In the interest of working with the neighborhood and trying to develop a win-win solution, the applicant decided not to pursue a General Plan and zone change. Instead, the applicant has decided to propose a zoning code amendment to allow parking lots in the R-1:12 zone under limited conditions.

Neighborhood Concern

On March 5, 2004, the Town received a letter from Mr. and Mrs. Burns, residents of 140 Newell Avenue. The first point of the letter states that the Rinconada residents are not opposed to the proposed parking lot, but would like to ensure that the ingress/egress not be located on Newell Ave and that the parking lot must be designed and operated in a manner that reflects the Rinconada residents concerns. The applicant has submitted a conceptual plan that shows the ingress/egress on Winchester Blvd. The location of the ingress/egress and parking lot design and operation will be refined as they proceed through the Architecture and Site and Conditional Use Permit (CUP) process. Secondly, Mr. and Mrs. Burns were interested in whether there was an alterative approach to allow a parking lot in a residential zone. They suggested that the applicant could file a CUP, under the category of "Alternating use of off street parking spaces" of the CUP table, which they suggest would not require Town Council approval. Staff is aware of this code section but determined that section "7j Alternating Uses of off street parking spaces" does not allow for the proposed project. Alternating use of off street parking spaces is included in the Code to allow two uses which are permitted in a zone to share parking spaces through a CUP. For example: If a church and a school are located adjacent to one another in a residential zone and want to share their parking lots and their peak hours of operation do not overlap, they could apply for a CUP that would allow them to share their parking. An important issue to understand is that both a school and a church are allowed uses in a residential zone, with a CUP. The "alternating use of off street parking" section allows them to apply for a CUP to share parking. In the case of

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the proposed project, the stand-alone parking lot is simply not allowed in a residential zone. Third, Mr and Mrs. Burns take an opposing view to the Wimbledon Place Homeowners Association. They claim that the impact of the project on Wimbledon Blvd would be insignificant. Please see the letter from Mr. And Mrs. Burns dated March 5, 2004 (Attachment 6).

On March 11, 2004, the Town received a letter of concern from Mr. Jack Aiello. Please see the attached letter (Attachment 7). Mr. Aiello's concerns are as follows:

- Allowance of commercial parking lots in residential neighborhoods throughout the Town.
- Appropriate in-fill projects that blend with the character of the area.
- Elks club parking on the project site.
- Increased membership of Courtside Club will result in increased traffic and noise.

On April 5, 2004, the Town received five letters from concerned neighbors. The letters from Mr. Kevin Dincher (Attachment 8) and Ms. Mary Rose (Attachment 9) state that they withdraw their previous opposition. The letters from Mr. Steve Busch (Attachment 10) and Mr. and Mrs. Witchel (Attachment 11) state their support for a parking lot. The letter from Ms. Sofia Poullada (Attachment 12) states her concern for overflow Elk's parking and traffic.

Applicant's Position

Following the Planning Commission hearing, the applicant scheduled two meetings with interested neighbors on March 29th and April 1st to further understand their concerns. The applicant has submitted a letter to the Town explaining the proposed project and offering solutions to the concerns that have been raised. To address these concerns, the applicant is willing to incorporate the following items into their project:

1. Constructing a sound wall along the back perimeter of the site (adjacent to residential)
2. Installing taller plant material along Newell Avenue
3. Installing bollards and chain to close the parking lot in the evening
4. Placing signage requesting that employees/patrons "be courteous of our neighbors"

The applicant is also willing to address parking lot lighting, hours of operation, security, use of parking lot, enforcement, implementation and a good neighbor agreement. Please see the attached letter from the applicant (Attachment 13).

Consistency with the General Plan

The proposed zoning code amendment is consistent with the following goals and policies of the General Plan. Please see Attachment 14 for complete General Plan section.

L.P.3.2 Consider nonresidential activity in residential areas only when the character and quality of the neighborhood can be maintained.

L.P 3.3 Protect existing residential areas from adjacent nonresidential uses by assuring that buffers

are developed and maintained. Buffers shall be required as conditions of approval and may consist of landscaping, sound barriers, building setbacks or open space.

L.P.5.3 Require full public review for commercial development to ensure compatibility with adjacent neighborhoods and the Town.

Environmental Review

An Initial Study and Mitigated Negative Declaration were prepared for a previous application for an office building on the subject site. The environmental review was completed by Geier and Geier Consulting in October 2001. The initial study found that the proposed project would not have a significant effect on the environment if certain mitigation measures were incorporated into the project. The initial study concluded that an environmental impact report is not required. A parking lot will have less of an environmental impact than an office building and its associated parking lot, consequently the Initial Study and Mitigated Negative Declaration will be used in the analysis of the parking lot should the text amendment be approved. The Initial Study and Mitigated Negative Declaration are available for review in the project file.

Communication

Staff has notified the public and interested neighbors for all public hearing on this matter to ensure that all interested parties are informed about the proposed project and have an opportunity to provide input. Staff sent out notices of public meetings to all interested neighbors for the Conceptual Development Advisory Committee meeting on May 14, 2003 and the General Plan Committee meeting on February 11, 2004. The February 25, 2004 Planning Commission and April 19, 2004 Town Council hearings were noticed with an eighth page ad in the local newspaper. In addition, staff sent all interested neighbors a copy of the meeting agenda and a staff report.

FISCAL IMPACT: None

Attachments:

1. Required Findings (1 page)
2. Draft Zoning Ordinance Amendment (2 pages)
3. Staff report and desk item to the Planning Commission for the February 25, 2004 hearing, minus plans (13 pages)
4. Verbatim Planning Commission minutes of January 25, 2004 (13 pages)
5. Letter of request for a public hearing from the applicant dated March 1, 2004. (1 page)
6. Letter from Mr. and Mrs. Burns with attachments received March 4, 2004 (12 pages)
7. Letter from Mr. Aiello received March 11, 2004 (3 pages)
8. Letter from Mr. Kevin Dincher dated April 5, 2004 (2 pages)
9. Letter from Ms. Mary Rose dated April 5, 2004 (2 pages)
10. Letter from Mr. Steve Busch dated April 5, 2004 (1 page)
11. Letter from Mr. and Mrs. Witchel dated April 6, 2004 (1 page)

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MAYOR AND TOWN COUNCIL

RE: ORDINANCE AMENDMENT A-03-4

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12. Letter from Ms. Sofia Poullada dated April 5, 2004 (1 page)
13. Letter of justification from applicant received March 12, 2004 (4 pages)
14. General Plan - Land Use Section (1 page)
15. Plans from applicant's justification letter (1 page)

Distribution:

Western Athletic Clubs Inc., 1 Lombard Street, San Francisco, CA 94111
Rodger Griffin, Paragon Design, 405 Alberto Way, Suite A, Los Gatos, CA 95032
Lisa Graf, Courtside Club, 14675 Winchester Blvd. Los Gatos, CA 95032
Interested Neighbors List

BNL:JSG:mdc

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REQUIRED FINDINGS FOR:

Zoning Code Amendment A-03-4

Consider amending the Town Code to modify the conditional use permit table to allow parking lots on property zoned R-1 (Single Family Residential) that are located on an arterial street.

FINDINGS:

- a. That Council determine this Zoning Code Amendment could not possibly have a significant impact on the environment, therefore, the project is not subject to the California Environmental Quality Act (Section 15061 (b)(3));
- b. That the Town Council find that the Ordinance Amendment is consistent with the General Plan.

ORDINANCE

**AN ORDINANCE OF THE TOWN OF LOS GATOS
AMENDING TOWN CODE SECTION 29.20.185
(TABLE OF CONDITIONAL USES)**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I

Town Code Section 29.20.185 shall be amended as follows:

The text shown in Exhibit A attached hereto shall be added to the Table of Conditional Uses.

SECTION II

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on _____, 2004. This ordinance takes effect 30 days after it is adopted.

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

Table of Conditional Uses	RC	HR	R1	RD	RM	R-1D	RMH	O	C-1	C-2	CH	LM	CM
Parking lots that serve a nearby commercial use located on a previously unimproved property in the R-1:12 zone on an arterial street			X										

Date: February 19, 2004
For Agenda Of: February 25, 2004
Agenda Item: 1

REPORT TO: The Planning Commission
FROM: Director of Community Development
LOCATION: Zoning Code Amendment A-03-4

Consider amending the Town Code to modify the conditional use permit table to allow parking lots on property zoned R-1 (Single Family Residential) that are located on an arterial street. 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)).
APPLICANT: Western Athletic Clubs, Inc.

FINDINGS: The Planning Commission must make the finding that the amendment is consistent with the General Plan if the recommendation is for adoption.

ACTION: Recommendation to the Town Council.

ENVIRONMENTAL ASSESSMENT: 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)).

EXHIBITS:

- A. Draft Ordinance, Conditional Use Permit Table, Town Code Section 29.20.185 (2 pages)
- B. Conceptual Development Advisory Committee comments May 14, 2003 (2 pages)
- C. General Plan Committee comments February 11, 2004 (5 pages)
- D. Letter from Interested Neighbors and Summary (2 pages)
- E. Letters from Interested Neighbors (6 pages)
- F. Justification letter dated February 18, 2004 (3 pages)

A. DISCUSSION:

Western Athletic Clubs, representing Courtside Club, has requested the subject Zoning Ordinance amendment as a first step in pursuing a proposal to develop a parking lot on three properties located on the northwest corner of Winchester Blvd. and Newell Avenue. The proposed parking lot is intended to serve patrons and employees of Courtside Club. The three properties are zoned R-1:12 (Single Family Residential) and will be merged into one lot. Commercial parking lots are not currently allowed in R-1 zones.

In order to develop a parking lot on the site, the applicant has two options:

1. Change the General Plan land use and Zoning designations to a commercial designation that allows parking lots. When this option was suggested under a previous application, neighbors of the site were very concerned that a non-residential zoning designation could lead to development of a commercial building in the future.
2. Modify the Condition Use Permit (CUP) table to allow parking lots in residential zones under extremely limited circumstances such as when the property is located on an arterial street and will serve a nearby commercial use.

In the interest of working with the neighborhood and trying to develop a win-win solution, staff and the applicant discussed the matter and the applicant agreed not to pursue a General Plan and Zone change. After receiving input from the Conceptual Development Advisory Committee the applicant decided to pursue option 2 and filed an application proposing to amend the Zoning Ordinance, Table of Conditional Uses. A letter from the applicant is attached for background information (Exhibit F).

Staff intends to work with the applicant and neighbors of the Winchester/Newell property to address all interests and concerns. The applicant met with neighbors on February 19, 2004 to discuss their concerns. The applicant will present the results of that meeting at the Planning Commission hearing. The most conservative approach would be to modify the CUP table to allow parking lots in an R-1:12 zone in very limited circumstances. Staff has prepared a draft text amendment as follows:

“Parking lots that serve a nearby commercial use located on a previously unimproved property in the R-1:12 zone on an arterial street.”

Please refer to the attached Draft Ordinance (Exhibit A). The proposed amendment to the CUP table will affect only unimproved property in an R-1:12 zone that are located on an arterial street. A map will be provided at the hearing to show all the Town’s arterial streets and every location where a R-1:12 zoned property abuts an arterial street. Staff has studied all the properties that are zoned R-1:12 that are located on an arterial street. Staff concluded that only the subject site will be affected by the proposed amendment.

Newell and Winchester Site

The three parcel located on the northwest corner of Winchester Blvd. and Newell Ave is the only site that could be affected by the proposed amendment. The applicant is intends to merge the three parcels to create one parcel and develop a parking lot on this site. Once the parcels are merged, the site will have an approximate 230 feet of frontage on Winchester Blvd. The site is approximately .75 acres and is located near the Courtside Athletic Club. Courtside is planning to use this parking lot for employee parking and to accommodate the overflow parking. With the approval of this Zoning Ordinance Amendment the applicant will need to apply for architecture

and site approval and a conditional use permit in order to develop a parking lot. The public will have an opportunity to review and comment on the plans during the public hearing process. Staff and Planning Commission may also incorporate conditions of approval to address any issues that are raised regarding the use of the parking lot (hours of operation, etc.). The applicant will display a concept parking lot plan at the Planning Commission hearing, but the parking lot design is not the subject of this hearing.

B. CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE RECOMMENDATION:

On May 14, 2003, the Conceptual Development Advisory Committee (CDAC) reviewed the preliminary plans for a parking lot located on the corner of Winchester Blvd and Newell Avenue from Courtside Club.

In general, the Committee was not opposed the parking lot proposal. However, they wanted to ensure that the site would remain a parking lot and not developed with a commercial structure. If the applicant proposed a parking lot, it will require architectural and site approval and a conditional use permit. The Planning Commission could approve the project with conditions to address any issues deemed to be a concern. Please see complete comments from the May 14th meeting (Exhibit B).

C. GENERAL PLAN COMMITTEE RECOMMENDATION:

On February 11, 2004, the General Plan Committee reviewed the proposed text of the zoning ordinance amendment. The Committee recommended approval of the Zoning Ordinance Amendment on a 4-3 vote. The Committee was respectful of the neighborhood concern as well as the proposal and voiced their concerns about the specific issues that will need to be addressed as the parking lot design is considered by the Planning Commission. These concerns include balancing the needs of Courtside with their neighbors and examining the design issues associated with a parking lot near a residential neighborhood. The Committee also requested that Courtside consider allowing the parking lot to be used by the neighbors for special events such as a block party. Please see complete draft minutes of the February 11, 2004 meeting (Exhibit C).

Seven members of the public spoke on the item, representing the Newell Ave. neighborhood and Wimbledon Place Homeowners Association. Please see the attached letters submitted by the interested neighbors (Exhibit D and E). Some of the concerns that were mentioned are as follows:

1. Concern about how the broad language would affect the entire Town
2. Ingress and egress location and how the parking lot will work
3. Environmental issues - pollution from the cars
4. Traffic through the Wimbledon Place Neighborhood
5. Concern that a commercial use will be expanding into a residential neighborhood

D. ENVIRONMENTAL REVIEW

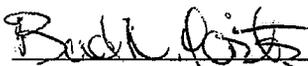
An Initial Study and Mitigated Negative Declaration were prepared for a previous application for an office building on the subject site. The environmental review was completed by Geier and Geier Consulting on October 2001. The initial study found that the proposed project would not have a significant effect on the environment if certain mitigation measures were incorporated into the project. The initial study concluded that an environmental impact report is not required. A parking lot will have less of an environmental impact than an office building and its associated parking lot, consequently the Initial Study and Mitigated Negative Declaration will be used in the analysis of the parking lot should the text amendment be approved. The Initial Study and Mitigated Negative Declaration are available for review in the project file.

E. RECOMMENDATION:

Consider the proposed ordinance amendments and forward a recommendation to the Town Council or return the proposed amendments to the staff with suggested changes.

If the Planning Commission determines that the Town Council should approve the proposed ordinance amendment, the Commission should recommend the following:

- a. That Council determine this Zoning Code Amendment could not possibly have a significant impact on the environment, therefore, the project is not subject to the California Environmental Quality Act (Section 15061 (b)(3));
- b. That the Town Council find that the Ordinance Amendment is consistent with the General Plan; and
- c. That the Council adopt the Draft Ordinance (Exhibit A) amending the Town Code.



Bud Lortz, Director of Community Development

Prepared by: Judie Gilli, Assistant Planner
BNL:JG:mdc

cc: Western Athletic Clubs Inc., 1 Lombard Street, San Francisco, CA 94111
Rodger Griffin, Paragon Design, 405 Alberto Way, Suite A, Los Gatos, CA 95032
Lisa Graf, Courtside Club, 14675 Winchester Blvd. Los Gatos, CA 95032
Interested Neighbors List

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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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Parking lots that serve a nearby commercial use located on a previously unimproved property in the R-1:12 zone on an arterial street			X										

TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95032 (408) 354-6872

SUMMARY OF DISCUSSION OF A REGULAR MEETING OF THE **CONCEPTUAL DEVELOPMENT ADVISORY COMMITTEE** OF THE TOWN OF LOS GATOS FOR MAY 14, 2003 HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 4:30 P.M.

ATTENDANCE

Members Present:

Absences:

Sandy Decker
Steve Glickman
Paul Dubois
Jeanne Drexel
Joanne Talesfore

Staff Present: Bud N. Lortz, Director of Community Development, Tom Williams, Asst Community Development Director, Sandy Baily, Associate Planner

ITEM 1: Corner of Winchester Blvd and Newell Avenue
Conceptual Development Application CD-03-1

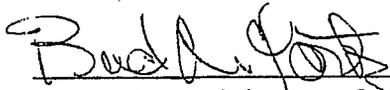
Requesting preliminary review of plans to construct an off-site parking lot for the Courtside Club on properties zoned R-1:12. APNS 409-24-001, 002, 003.
PROPERTY OWNER: Elks Lodge, Bert Click
APPLICANT: Courtside Club

Comments:

1. Parking use as proposed is an improvement over existing conditions and one that seems appropriate for the site.
2. Review ingress/egress issues and try to avoid using Newell Avenue.
3. Would like some type of guarantee, perhaps a deed restriction that will ensure the site remains as a parking lot and is not developed.
4. Adequate landscaping, including the use of landscape berms abutting the street right-of-way to screen parking area is strongly recommended.

ADJOURNMENT Meeting adjourned at 5:30 P.M.. The next regular meeting of the
Conceptual Development Advisory Committee is scheduled for
Wednesday, June 11, 2003.

Prepared by:



Bud N. Lortz, Director of Community Development

cc: Planning Commission Chair

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TOWN OF LOS GATOS
110 East Main Street, Los Gatos, CA 95030 (408) 354-6872

SUMMARY MINUTES OF A REGULAR MEETING OF THE GENERAL PLAN COMMITTEE OF THE TOWN OF LOS GATOS, **FEBRUARY 11, 2004** HELD IN THE TOWN COUNCIL CHAMBERS, CIVIC CENTER, 110 EAST MAIN STREET, LOS GATOS, CALIFORNIA.

The meeting was called to order at 5:30 pm by Chair Michael Burke.

ATTENDANCE

Members present: Josh Bacigalupi, Michael Burke, Steve Glickman, Diane McNutt, Phil Micciche, Morris Trevithick, Mark Weiner.

Members Absent: Barry Bakken, Mark Sgarlato

Staff present: Bud Lortz, Director of Community Development; Suzanne Davis, Associate Planner; Judie Gilli, Assistant Planner.

VERBAL COMMUNICATIONS

None

ITEM 1 ZONING CODE AMENDMENT A-03-4

Bud Lortz introduced the item, explaining that the proposed text amendment to the Zoning Ordinance is being pursued after discussions between staff, the applicant and neighbors of the site. Suggested language for the text amendment was presented.

Rodger Griffin, Paragon Design Group, representing Courtside, provided some history of the site. The property consists of three parcels. The only buildable portion of it fronts on Newell Avenue. The applicant has been searching for a way to benefit the Town by improving the property and providing some additional parking. The proposal is to allow use of it for parking and open space. The applicant has worked with neighbors to accomplish this without a zone change.

Jack Aiello, 135 Newell Court, said he has not talked to anyone regarding the application. He thinks the wording is vague and would allow a parking lot on any R-1 zoned lot. The property has been for overflow parking for the Elks Club activities. Currently there is parking on the property by Courtside. There have been many previous meetings on this and he thought everything had been resolved. The Elks were originally going to develop residences on the site.

Dale Miller, 115 Newell Court, said he abuts the site and although it sounds ok in principle, he is concerned about the impact it could have on his property. He wants the property to remain residential. This is a Town-wide amendment and he wondered if people in other areas have been notified. He feels a traffic analysis should be done. The goal of the neighborhood is to keep it R-1 so that it remains residential in the event it is development independently from Courtside

Larry Fried, 112 Newell Avenue, said he has not been asked for input on this proposal. His concern is that Courtside will continue to sell memberships and even with this lot there will be a parking problem. It is difficult to exit from the street in the morning. He is concerned about parking impacts in the neighborhood.

Max Perlman, 183 Newell Avenue, noted that his home backs up to the Elks property. He feels that the Elks are in violation of their use permit by allowing Courtside to park on the site. A parking lot is an impact. Fumes from vehicles release pollutants, and there is a noise factor. He also commented that there should be a bike lane along the Winchester frontage.

Mary Rose, 501 Clearview Drive, representing the Wimbledon Homeowners Association, said 25 homeowners have submitted written comments; 15 prior to the meeting and 10 additional letters that she presented. She was contacted by the applicant regarding access to the subject property through the Wimbledon HOA property on the corner of Wimbledon & Winchester. The Wimbledon HOA Board objected to the use of the site as a parking lot at that time. Traffic and parking are concerns to the neighborhood. She read a letter to the Committee stating her objection to the proposed Zoning Code Amendment and submitted a copy of the letter for the record. She does not want to see any commercial use of the site or any increase in membership at Courtside Club.

Mike Burke asked and received input from *Ms. Rose* that there are 111 homeowners in the Wimbledon Association. He asked what would be the objection to an entrance from Wimbledon. *Ms. Rose* said that parking on Wimbledon is only a problem when there are large events such as a tennis tournament.

Ann Burns, 140 Newell Avenue, said when neighbors and Courtside met, the neighbors were very supportive of the Courtside proposal provided that there is not a driveway on Newell Avenue. The amendment can be utilized all over Town. There has already been a notice that the Planning Commission will be considering this at an upcoming meeting. The Newell neighborhood has been fighting the Town for 10 years over various projects. The neighborhood will work with the Town and applicant, and she feels the proposal will alleviate much of the parking issues associated with Courtside Club.

Barbara Perlman, 183 Newell Avenue, said she feels like she is on a slow seesaw going up and down. She asked that the Committee please take the proposed amendment very seriously, and if it has to pass, please tighten it up so it won't impact neighborhood streets.

Rodger Griffin noted that many of the items that have been discussed this evening have been worked into the plan. The Elks Lodge will not be using the site for overflow parking. This is a good neighbor solution and the intent is to protect the neighborhood while keeping a viable business going.

Mark Weiner asked for clarification on the parking problems. *Mr. Griffin* said that the goal is to get more people off the street. Employee parking could be on the site so patrons can park closer to the club. There is limited street parking on Winchester.

Steve Glickman asked if the parking lot would be available to the general public. For example, what if the neighbors had a large party. *Mr. Griffin* responded that he would discuss that with Courtside and he feels it is something that can be taken into consideration. Perhaps neighbors could use the lot on request if it didn't conflict with an event at Courtside. There will not be any ingress or egress onto or from Newell Avenue.

Phil Micciche asked if the property is being used for parking by the Elks. *Lisa Graf*, General Manager of Courtside Club said the Club is on a wait list status. Useage of the proposed lot would be for prime time during the day.

Phil Micciche asked if memberships are frozen. *Ms. Graf* said they don't use that term. The Club is not adding any memberships at this time, but memberships are filled as others are dropped.

Mike Burke asked if the memberships would be increased. *Ms. Graf* clarified that there is not a cap on membership but that the number is not being increased under her management. This past year the club has experienced increased usage without an increase in the number of memberships.

Steve Glickman clarified that the membership is not driving the memberships, but that more parking is being sought for the current membership. *Ms. Graf* said Courtside tracks members carefully.

Steve Glickman said it is important to know if memberships will be increased *Ms. Graf* said she has no intention of increasing the membership this year.

Bud Lortz noted that there is not a maximum number of memberships for any of the sport or athletic clubs in Town. The CUP runs with the land so it is parcel specific.

Phil Micciche asked how the proposal might impact other properties in the Town. *Bud Lortz* said when the language was crafted, the intent was to make it as narrow as possible. There are only three undeveloped parcels that are zoned R-1:12 that are on an arterial.

Mark Weiner asked what the risk of the property being converted from R-1 to a commercial zoning. *Bud Lortz* sais that a General Plan amendment and rezoning would be required to accomplish that. If the text amendment is approved, the applicant would have to file subsequent applications for a conditional use permit and architecture and site approval that would be considered by the Planning Commission. Use of the property including lighting, landscaping and hours can be controlled through the use permit process.

Josh Bacigalupi asked if the parking lot can be limited to employee use which might help alleviate some of the neighbors' concerns. *Bud Lortz* said that it could be a condition, and neighborhood use of the lot could also be considered.

Steve Glickman commented on potential impacts such as headlight intrusion. He would like a mechanism to address future impacts should they arise.

Mike Burke asked if the language could be further refined to state that ingress and egress would be from an arterial. *Bud Lortz* noted that the wording has to be legal language and it already limits it to these three parcels. Conditions can be imposed through the CUP process.

Diane McNutt asked for clarification on the process. *Bud Lortz* said the General Plan Committee is an advisory body and the recommendation will be forwarded to the Planning Commission. The recommendation could be for approval or denial. The Council makes the final decision on whether to approve or deny the proposed text amendment.

Diane McNutt said the application will go forward, but she stressed to neighbors not to make any assumptions on how the Council is going to vote. Often, a decision isn't made until the hearing is held. She has some concern about the proposal as it is unusual language that focuses on three specific parcels. *Bud Lortz* said that the Town is trying to be respectful to the neighbors. There are some other items in the CUP table that have been addressed through a narrow perspective. The language is very narrow because the Town doesn't want to see more parking lots in residential zones.

Mike Burke clarified that General Plan Committee minutes will be provided to the Commission. *Bud Lortz* said that the minutes and all correspondence will be provided to the Commission. When it goes on to the Council a verbatim transcript is prepared.

Steve Glickman clarified that commercial parking lots are not desired in residential zones but other parking lots may be appropriate. For example, recreational uses might be located in a residential zone. *Bud Lortz* agreed and said that other uses such as churches and parks are allowed in residential zones and they have parking lots.

Steve Glickman made a motion to recommend favorably. *Phil Micciche* seconded the motion. *Steve Glickman* noted that there is already a parking lot there. In this particular case the Town is trying to achieve the neighborhood's goal and keep the property zoned residential.

Josh Bacigalupi said he would speak favorably to this, but that although the property has been used as a parking lot, it will be intensified under the proposal and that needs to be considered.

Mike Burke said he won't be supporting the motion as he doesn't like the use of such specific language even though it is tight.

DRAFT

Mark Weiner said he doesn't support the usage, but asked that if it goes forward, the impact on the neighborhood be minimized through controlling the hours of use of the parking lot.

Diane McNutt said that there may need to be some traffic calming and/or parking management in this area. There are many different aspects of this that need to be examined at the Commission and Council levels. She thinks the language is unique and pinpointed and that concerns her. She will be asking staff to identify other residential property on arterial streets.

The motion passed four to three (Mike Burke, Mark Weiner and Diane McNutt dissenting).

ITEM 2: APPROVAL OF MINUTES

Phil Micciche made a motion to approve the minutes of January 28, 2004 as submitted. The motion was seconded by *Steve Glickman* and passed unanimously.

ADJOURNMENT

The meeting was adjourned at 6:35 pm by *Mike Burke*. The next meeting of the General Plan Committee is scheduled for Wednesday, February 25, 2004 at 5:00 pm.

Prepared By:


Suzanne Davis, Associate Planner

Letters from Interested Neighbors Summary List

The following residents submitted a letter of concern to the Planning Department. Since the letters were identical in content, staff has included one letter as an example.

Carol and Bob Shultz, 112 Greenfield Pl.(example attached)

Bonnie Virtue, 522 Clearview Dr.

Frances Heininger, 409 Clearview Dr.

Iris Gin, 207 Lorain Pl.

Mary Ruddell, 516 Clearview Dr.

Michelle Grandsean, 101 Cedarcrest Place

Kevin Carver, 101 Cedarcrest Pl.

Anthony Schultz, 105 Lancewood Pl.

Martha Kavanaugh, 108 Greenfield Pl.

June Steiner, 101 Baintree Pl.

Carol Blitz, 103 Strathmore Pl.

Barbara Lea, 121 Strathmore Pl.

Ivone Borbas, 424 Clearview Dr.

Kalman Borbas, 424 Clearview Dr.

Muffy Sanders, 105 Greenfield Pl.

Julie Weiss, 101 Lancewood Pl.

Stephen Busch, 107 Lorain Pl.

February 11, 2004

Bud N. Lortz
Director of Community Development
Town of Los Gatos - Planning Division
P.O. Box 949
Los Gatos, CA 95031

Dear Mr. Lortz,

I am a resident of Wimbledon Place Homeowners Association and wish to assert my objection to the zoning code amendment requested by Western Athletic Clubs Inc. That amendment would allow parking lots on property zoned R-1 that is located on an arterial street. My objection is based on how this amendment would negatively affect my daily life and my property values.

Speaking to my first point, I do not want to enable the Courtside Club to expand beyond its current footprint or capacity. In 1996, when Western Athletic Clubs presented their conceptual model to the Planning Department, parking was deemed adequate to service the members' needs. When the Courtside Club Conditional Use Permit was granted to allow the service of alcoholic beverages, one of the conditions of that permit directly spoke to the concerns of traffic from Courtside exiting onto Wimbledon drive after special events. The Planning Commission was also concerned about the potential growth of the membership of the club. The Courtside Club representatives reassured the commission that their membership numbers were frozen; would not be allowed to grow. In 1999, Courtside Club converted its indoor tennis court space to a gymnasium. At that time, our neighborhood objected strongly, raising the concern that this action seemed to allow the Courtside Club to encourage league play in basketball and could even provide a venue for large functions. We were assured that such concerns were unfounded because adequate designated parking spaces were not provided for such activities.

Based on this historical context, I must refuse to support any action that would create additional parking capacity for the Courtside Club. This attempt to secure additional parking appears to be a move by the Courtside Club to grow the membership of the club and to facilitate more income generating functions on the site. Such actions would increase traffic volume in my neighborhood along with its associated noise and disruption. Further, I see a real potential that these actions would create more noise disruptions emanating from the Courtside Club beyond those with which our neighborhood already has to contend.

To my second point, I object to the use of the property in question for any commercial purpose. Prior attempts to rezone these lots for commercial use have failed. This "zoning code amendment" is merely an attempt by Western Athletics Club to circumvent the process and prevail where they have previously failed to assert their interests over the rights of the residential neighborhood to which they are adjacent. If this amendment is approved by the Council, our property values will decrease. Instead of looking forward to construction of homes one day that will enhance the area on that site, we will face the reality of looking at parked cars, and, sometime in the future, the potential of other commercial construction on that site. Such an amendment to zoning carries with it a very real risk of trespassers on our frontage property that would abut the parking facility and an increase in traffic on Wimbledon Drive—a street that is already virtually unsafe to enter from our side streets or to cross because of traffic that is heavier than would be consistent with a residential neighborhood and drivers that routinely fail to stop at the stop signs and drive at speeds in excess of the posted residential speed of 25 mph on a roadway with blind curves.

If the current Courtside Club parking facilities are not adequate, then it is due to a lack of complete disclosure on the part Western Athletic Clubs when they presented their conceptual model to the Planning Department in 1996 or a diversion from what was presented to the Planning Department. Such business practice must not be rewarded with more concessions. Allowing the club to grow from its current footprint is abhorrent to me and to our Homeowners Association.

Signature: Carol Shultz
Printed Name: Carol and Bob Shultz
Address: 112 Greenfield Place

Judie Gilli - Objection to Western Athletics Club use of additional property for parking

From: "Kristin McCullough (krmccull)" <krmccull@cisco.com>
To: <jgilli@losgatosca.gov>
Date: 02/10/2004 7:57 PM
Subject: Objection to Western Athletics Club use of additional property for parking
CC: <Maryrose@wpha95032.com>

Hi Judie,

I have faxed a letter to you drafted by my home owner's association opposing Courtside's use of the empty lot on Winchester for additional parking. I would like to add to the contents of that letter by mentioning the following. I hope this will be read during the town meeting. I am not able to attend due to responsibilities for my children.

I would like to compare this situation to the issues relative to Hillbrook school on Marchmont. The traffic impact of the Hillbrook school was clearly known before any of the current Marchmont residents purchased their homes as the school has been in it's location for over 80 years. Now, because of the neighborhood uproar, there are severe restrictions on the school both from a commute perspective as well as restrictions on providing the campus to the community for recreational use such as basketball, football, and soccer practices, games, and tournaments.

The Marchmont situation is a bit extreme but if the neighbors there can enact such restrictions on an entity having been fully aware at the time of the purchase of their homes, we should have equal if not greater rights in our concern for the impact of the proposed parking lot. All of us have owned our home understanding that the lot in question was not to be used as a parking lot. In line with the Marchmont restrictions, it would be conceivable to request that the property be better maintained until a single family home, for which the property is zoned, is built. I would like to see this empty gravel lot be planted with grass and/or plants to alleviate the eye sore that is currently there.

Thank you for hearing my concerns.

Regards,
Kristin McCullough
Home owner @ 209 Lorain Place - cross street to Wimbledon

Kristin McCullough
Cisco: FP&A / CDO Finance - IT
krmccull@cisco.com
Office (408) 526-5866
Cell (408) 406-8463

Exhibit E

Judie Gilli - Western Atheletic Club: Zoning Request

From: Kevin Dincher <kevin@kevindincher.com>
To: <JGilli@losgatosca.gov>
Date: 02/10/2004 7:57 PM
Subject: Western Atheletic Club: Zoning Request

February 11, 2004

Bud N. Lortz
 Director of Community Development
 Town of Los Gatos - Planning Division
 P.O. Box 949
 Los Gatos, CA 95031

Dear Mr. Lortz:

I am a homeowner and a Board Member of the Wimbledon Place Homeowners Association. Since I am unable to attend the hearing regarding the request by Western Athletic Clubs, Inc. for a zoning amendment, I am writing to assert my objection to this amendment.

The proposed amendment would allow parking on property zoned R-1. Passing this amendment would adversely affect the daily life and property values of several residential neighborhoods, including the Wimbledon Place Homeowners Association. Such action would increase traffic volume, noise, trespassing and other disturbances in our neighborhood. Wimbledon Dr. is already unsafe. Traffic is heavier than is consistent with a residential neighborhood, while drivers routinely disregard the posted speed limits. Accidents at the intersection of Wimbledon Dr. and Winchester Blvd. are a common occurrence. Additionally, instead of looking forward to the construction of homes on that site that would enhance our neighborhoods, we will face the reality of looking at parked cars and the potential for other commercial construction on that site. If the Council approves this amendment, our property values will undoubtedly decrease.

In 1996, when Western Athletic Clubs presented their conceptual model to the Planning Department, parking was deemed adequate. Subsequently, when the Planning Commission expressed concerns about potential growth of the club's membership, the Courtside Club representative assured the Commission that membership numbers were frozen and would not be allowed to grow. This issue was specifically addressed when the Courtside Club Condition Use Permit was granted to allow the service of alcoholic beverages.

In 1999 the Courtside Club converted its indoor tennis court space into a gymnasium. At that time, our neighborhood objected because of our concern that this action seemed to allow for league basketball and created a venue of larger functions. We were again assured that such concerns were unfounded because parking was adequate for the functions planned.

If parking was deemed adequate and membership numbers frozen, then the existing parking should still be adequate -- and there should be no need to secure additional parking. And yet, this is not the first attempt by Western Athletics Club to obtain additional parking on this site. The Council wisely rejected previous attempts to rezone these lots for commercial use. All of the reasons for rejecting the rezoning apply to this petition for a zoning amendment. The intended use of the property is exactly the same -- with exactly the same negative impact on our neighborhood and property values.

Thank you very much for your consideration.

Sincerely,
 Kevin P. Dincher
 105 Strathmore Place
 Los Gatos, CA 95032

408 395-1031 (from page 2)

Judie Gilli - Courtside Club

From: <Witchela@aol.com>
To: <JGilli@losgatosca.gov>
Date: 02/11/2004 9:34 AM
Subject: Courtside Club

Dear Ms. Gilli,

We are members of the Wimbledon Place Homeowners Association. Unfortunately we cannot attend the 2/11 meeting of the General Plan Committee. However, we want to voice our objection to the proposal of the Courtside Club to create a new parking lot on the corner of Winchester & Wimbledon.

The impact this would have on traffic is only one of our objections. Another is the "down-zoning" of the land from residential use to commercial use. There would seemingly be no financial benefit to the town, yet a new residence would certainly be to the good of the town: its property values, and its aesthetics.

If Courtside needs additional parking, then they must have misrepresented to the planning commission of Los Gatos the number of members they would accept.

We urge the proposal be rejected.

Sincerely,

Jason and Alice Witchel
106 Strathmore Place

Judie Gilli - Courtside's Zoning Amendment Request

From: <CEKirby@aol.com>
To: <JGilli@losgatosca.gov>
Date: 02/10/2004 7:07 PM
Subject: Courtside's Zoning Amendment Request
CC: <McNuttCo@aol.com>, <mrose@ten90group.com>

To: Los Gatos Planning Department

Western Athletic Clubs, Inc. request for a zoning amendment to allow parking lots on property zoned R-1 located on an arterial street near by should be **denied**.

As a resident of Wimbledon Place Homeowner's Association, I have watched the city of Los Gatos accommodate Courtside/Western Athletic Club at the expense of our residential life. It's time to stop! Please. Courtside is now a looming edifice generating incessant traffic and noise. Additional parking will only allow them to expand their events and create more traffic and more noise. When is enough....enough?

Sincerely,

Constance Kirby
509 Clearview Drive
Los Gatos, CA 95032
408-354-7149

RECEIVED

February 11, 2004

FEB 11 2004
5:10 PM
TOWN OF LOS GATOS
PLANNING DIVISION *MDC*

Town of Los Gatos
Community Development Department
Planning Division
Director of Community Development

Bud Lortz;

I apologize that I cannot attend the General Plan Committee meeting scheduled for tonight at 5:30 Pm to discuss Zoning Code Amendment A-03-4. **I am out of town on business otherwise I would be present to voice my very strong objection to the request to modify the use permit on property zoned R-1.**

We have a great neighbor on Newell Avenue. Allowing the use of the property in question to be permitted for use as a parking lot would destroy our neighbor integrity.

Please advise all of the members of the planning committee that having spoke to al of my close neighbors that we are in 100% agreement that we do not want a parking lot at the end of Newell Avenue for essentially all the same reasons that we objected to the Elks proposal to have the zoning changes to allow them to build a medical office building.

The added traffic would represent a grave threat to the peaceful condition of our neighborhood. It would greatly raise the potential for traffic accidents for the children of our neighborhood who now frequently play in the street. The added traffic from members of the athletic club who are in a rush to get to their club or to leave would create grave issues with regard to safety.

I ask the planning committee to vote against any change in the present zoning. Building homes on the available property would better represent the interests of the community as a whole. In specific, it would also devalue my property at 108 Newell Avenue as I am the closest homeowner to the property in question.

I ask you to represent the interests of the citizens of Los Gatos and in particular the citizens and voters of Newell Avenue and reject this request to change the current zoning status.

Sincerely,

Daniel J. Devine, PhD.
108 Newell Avenue
Los Gatos, CA 95032

Judie Gilli - Courtside Parking

From: <Amharris111@aol.com>
To: <JGilli@losgatosca.gov>
Date: 02/12/2004 4:18 PM
Subject: Courtside Parking
CC: <maryrose@wpha95032.com>

The manager of our homeowners association suggested that I attend your town meeting last evening. Unfortunately I had a prior commitment and couldn't make it. I live at Wimbledon Place and have done so since it was built and was one of the first to move in.

I live at 111 Strathmore Place and my phone number, if you should want it, is 408-395-2937.

I am a senior citizen and continue to enjoy my home and its location and have done so since moving in some 25 years ago.

I am not a complainer and really believe that life for everyone would be simpler if everyone minded their own business and we let people do what they want so long as it doesn't do harm to others.

This is a case where it will do harm to others. We moved into this development understanding that zoning regulations had to be adhered to and that those regulations were put in place to benefit all concerned neighbors. To change horses in mid stream, because the racquet club wishes to expand is no reason to do it. It is zoned residential and should stay residential. To change it into a parking lot for Courtside is not what we bargained for and that was not the agreement.

I have no doubt that somewhere down the line Courtside would come back to you with. You know we don't need the additional parking after all, but wish to expand our facilities and build a commercial building. Once its re zoned they can do pretty much what they want. I strongly oppose this intended use of this particular property.

I have had so many people visit me and comment on how beautiful it is coming into Wimbledon Place. The trees, the landscaping the winding road. Don't change the look. It would not be a change for the better.

Allan M. Harris



COURTSIDE CLUB
A SPORTS RESORT

February 18, 2004

Planning Commission
Town of Los Gatos
110 E, Main Street
Los Gatos, CA 95032

RECEIVED

FEB 18 2004

TOWN OF LOS GATOS
PLANNING DIVISION

Re: Letter of justification for Courtside Club parking lot

Courtside Club is requesting your consideration of an amendment to the Town Ordinance that would allow, under very limited circumstances, a parking lot on a residential zoned property. The Club is proposing to develop the property identified as parcels 409-24-001, 409-24-002, 409-24-003. The parcels are located immediately south of the Courtside Club and are bordered by Wimbledon Road, Winchester Boulevard and Newell Avenue. The subject property, purchased by Western Athletic Clubs (D.B.A. Sports Resort Inc.) in September 2003, is currently vacant and is encumbered by a 100-foot wide PG&E high-tension power line easement. The property at this time is undeveloped and covered by gravel and weeds.

It is the Club's intention to develop an attractive, well-landscaped parking lot. The proposed plan will provide additional parking opportunities for Courtside Club as well as esthetically enhancing Winchester Boulevard. Significant elements of the proposed landscape design are construction of a grass berm and installation of hedges along the perimeter of the property, very similar in appearance to the current landscape design of the Courtside Club. Other improvements include new trees, plants and low-level lighting.

The land is comprised of three irregular shaped small parcels. Due to their size, shape, encumbrance by a PG&E easement and proximity of high-tension power lines, Courtside Club believes a parking lot is a great surface use of land on a property encumbered by three parcels. The proposed parking plan will allow for 65 additional parking spaces. These spaces will be used primarily for Courtside Club employee parking and occasional Club and community event parking. This improvement to the Club's parking facilities enables the Club to:

- **Provide more convenient parking for Courtside Club Members**

Courtside Club, under the ownership of Western Athletic Clubs, is approaching its seventh anniversary. Over the past seven years the Club has been successful in establishing itself as an important part of the Los Gatos community. Ninety two percent of the current membership is comprised of Los Gatos residents. Club members have come to rely on the Courtside Club not only as athletic facility but also as a social club. Usage records indicate members use the facility on average three times per week with an average stay of 2.15 hours. This type of usage is not typical of an athletic clubs, therefore has caused parking challenges during our peak hours of operation (8:30am -10:30am and 4:30pm-6:30pm). The proposed parking plan will provide a significant improvement to the Club's operation and the service it provides to its members.

- **Reduce parking congestion on Winchester Boulevard**

The Club understands the concern of the Town and the neighbors regarding traffic congestion on Winchester Boulevard. The proposed parking plan will reduce parking congestion on the street. This proposed plan can benefit Courtside Club, its surrounding neighborhood and the community as a whole.

- **Respond to neighbor requests for more parking**

It is the Club's intention to work with its neighbors to achieve a win-win situation for the neighborhood, the Town and Courtside Club. This proposed project affords Courtside Club with the chance to respond to neighbor requests to develop more parking. Knowing that past attempts to develop this property have been unsuccessful due to the differing interests of the business sector and the homeowners who live in the surrounding neighborhood, Courtside Club has been very methodical in its approach to this project by taking the following steps:

- Prior to the acquisition of the land the Club presented the project to the Los Gatos Conceptual Development Advisory Committee. The feedback to the proposed plan overall was positive. Any and all comments given by the committee and neighbors who attended the meeting have been considered and addressed in the proposed design and landscape plan.
- After receiving input from the Conceptual Development Advisory Committee and learning the neighbors were opposed to a Zone change, Courtside Club filed an application proposing to amend the Zoning Ordinance rather than a General Plan and Zone change.
- Courtside Club sent a letter to the homeowners on Newell Avenue and La Montagne Court describing the project and welcomed any questions or comments. All concerns were responded to directly.
- After several months of negotiations, Courtside Club secured an agreement with the Elks Club and Courtside Club Office Plaza, owned by Mr. Burt Click to purchase the three parcels of land identified as 409-24-001, 409-24-002, 409-24-003.
- Courtside Club presented the proposed text amendment A-03-4 to the General Plan Committee on February 11, 2004.
- Courtside Club has invited its neighbors to attend a series of informal meetings regarding the project on dates scheduled at their convenience.

At the General Plan Committee meeting on February 11, 2004 Committee Members and neighbors posed questions regarding the size of the Club's membership in relation to the parking facility. More so than the parking facility, it is the size of the Club, approved uses of space, equipment and member usage that dictates the membership level. Courtside Club's current and future success relies on its ability to provide adequate facilities and exceptional service to its members.

This Ordinance change is requested after extensive communication with both the neighbors and your staff. Courtside Club is a long-standing partner in the community and a good corporate citizen. Courtside Club respectfully requests your positive consideration of this request.

Courtside Club looks forward to presenting this project to you at the Planning Committee Hearing on February 25, 2004. In the interim, if you have any questions, please feel free to contact Courtside Club General Manager, Lisa Graf at 408-395-7111.

Thank you for your time.

Date: February 25, 2004

For Agenda Of: February 25, 2004

Agenda Item: 1

DESK ITEM

REPORT TO: The Planning Commission
FROM: Director of Community Development
LOCATION: Zoning Code Amendment A-03-4

Consider amending the Town Code to modify the conditional use permit table to allow parking lots on property zoned R-1 (Single Family Residential) that are located on an arterial street. 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)).

APPLICANT: Western Athletic Clubs, Inc.

EXHIBITS: A. - F. Previously provided
G. Letter from interested neighbor dated February 24, 2004
(2 pages)

REMARKS:

This information was received after the staff report was distributed.



Bud N. Lortz, Director of Community Development

Prepared by: Judie Gilli, Assistant Planner

BNL:JG:mdc

N:\DEV\Judie\projects\Zoning - Parking\dsk.wpd



February 24, 2004

Town of Los Gatos
Planning Commission
Director of Community Development
Mr. Bud Lortz

RECEIVED

FEB 24 2004

TOWN OF LOS GATOS
PLANNING DIVISION

To the Los Gatos Planning Commission,

This letter is in regard to the issue of the proposed Zoning Code Amendment A-03-4 for which there is a scheduled hearing before the Planning Commission Meeting on February 25 at 7:15 PM.

My family and I own the property and home at 108 Newell Avenue, immediately adjacent to the three lots on the corner of Newell Avenue and Winchester Boulevard currently zoned R-1. The General Plan Committee recommended approval of a zoning ordinance change from R-1 to allow the 3 lots to be consolidated into a single parking lot by a 4/3-split decision. I understand that it is the Planning Commission's responsibility to determine if this change in the conditional use permit is consistent with the General Plan of the City of Los Gatos. It appears to me and all of my neighbors that I have spoken to that this decision appears to us to only consider the financial benefit to a sole commercial enterprise and not the citizens and taxpayers of Los Gatos to whom you have the responsibility and obligation to serve.

I wish to voice my very strong objection to the change in the conditional use permit from R-1 to a parking lot. This property has been zoned as R-1 for many years and its temporary use as a parking lot for the Elks Club was only a temporary variance for the sole use of the Elks Club. When the Elks Club was given the temporary variance it was noted at that time that the property would revert to R-1 should the Elks Club vacate its current location. I ask that the Planning Commission honor this original agreement.

The current zoning as R-1 should stand. Allowing Western Athletic Clubs to use this property as a parking lot goes against the original designated use for this property. When the Elks Club was active, the property in question only served as a parking lot for occasional events which were normally held in the evening. Even these occasional events resulted in the overflow of cars onto Newell Avenue, frequently congesting traffic flow on Newell Avenue. As Courtside Club operates from early morning to late in the evening, this lot will not be used on an occasional basis (as has been the case in the past) but daily and for approximately 18 hours each and every day.

Allowing this property to be used, as a parking lot to serve Courtside Club will result in a disruption of the tranquility, beauty and safety of our neighborhood in many ways including but not limited to:

- Permanently destroying the visual appeal of the Newell Street neighborhood;
- Permanently destroying the serenity of the neighborhood through the increase in automobile noise throughout each and every day;
- Substantially increasing environmental contamination from automobile exhaust;
- Distasteful illumination of adjacent homes from lighting from the parking lot;
- Devaluation of current single family residences in close proximity to the proposed lot;
- Increasing auto congestion at the street intersections of Wimbledon/Newell and Winchester;
- Permanent intrusion of a commercial use in a residential neighborhood;
- Potential increase in vandalism/crime that would be associated with a un-patrolled parking lot;
- Impacting the safety of children who play or ride their bicycles near or on the streets adjacent to the proposed parking lot (a survey of the current practice of patrons and staff who rush going to and leaving the athletic club would bear out this statement).

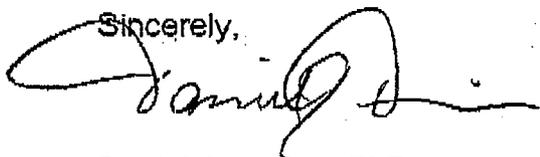
The proposed zoning use change financially benefits only the sole interests of the San Francisco company that operates Courtside Club and not any of the residents of the Wimbledon and Newell neighborhoods. How can the interest of an athletic club outweigh the collective personal and financial interests of the adjacent neighborhoods?

Why can't Courtside Club build a parking structure on their current location that has direct access to Winchester Blvd? Yes -- a parking garage is more expensive than acquiring additional land. The financial consequences are shifted from a commercial enterprise to the local residents.

There are alternative uses for this property, which will better serve the greater benefit of the community to whom you have an obligation to serve. Allowing this property to be used for single-family residences and/or open space/ neighborhood park would better serve the greater interests of the adjoining neighborhoods and protect our overall quality of life, charm and allure of our neighborhood.

For all of the reasons previously noted, I ask you to represent the interests of the citizens-taxpayers-voters of the Newell Ave. and Wimbledon Place neighborhoods and reject this request to change the current zoning status. Protect our interests, our neighborhoods and our children.

Sincerely,



Daniel J. Devine, PhD.
108 Newell Avenue
Los Gatos, CA 95032

APPEARANCES:

Los Gatos Planning Commissioners:
 Jean Drexel, Chair
 Michael Burke
 Phil Micciche
 Tom O'Donnell
 Lee Quintana
 Joanne Talesfore
 Morris Trevithick

Director Of Community Development:
 Bud N. Lortz

Town Attorney:
 Orry Korb

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 Vicki L. Blandin
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

CHAIR DREXEL: I mean we'd have four left, right? One, two, three. We'd have four left. So I don't know if you feel like you need to recuse yourself too?

COMMISSIONER O'DONNELL: I don't, however no matter what I decide, somebody's going to decide it was because I either belong to whatever. So it's probably better to recuse myself so it doesn't appear out of term.

CHAIR DREXEL: Yeah, it's just the appearance. I just don't want any problems with our decision, just because somebody thinks we've got a problem. It's a zoning change, so it's not even directly involved with the... Yeah, Mike?

COMMISSIONER BURKE: Madame Chairman, a couple of points. One is because this is a zoning change, do we need four votes one way or the other on it, and is limiting us to four members going to maybe cause a conflict in that manner?

ORRY KORB: You do need four votes to approve.

COMMISSIONER BURKE: The second thing is, the two members' membership, is it an equity position, or is it strictly a customer based membership? Because I want to make sure the members would not be recusing themselves.

LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

PROCEEDINGS:

CHAIR DREXEL: We have written communications. We were given one communication tonight, a desk item, on the Zoning Code Amendment A-03-4. It was a letter from Daniel J. Devine, Ph.D. And so that's our only written communication. There are no requested continuances, no consent calendar, no continued public hearings. So we are going to open the public hearing to consider Zoning Code Amendment A-03-4.

I'm a member of Courtside, and so I do not have an actual conflict of interest. I don't have any financial interest in Courtside or anything, but I am concerned about an appearance of conflict. And so I think I am going to recuse myself, just because I always have before with issues that involve Courtside, because I don't want anyone out there to think that any part of the public is getting a better deal than they deserve because of a bias of a member of this committee. So I'm going to ask Commissioner Burke to come up here and do the honors, if he would?

COMMISSIONER O'DONNELL: I also (inaudible).

CHAIR DREXEL: Are you? So does that leave enough people here? We've got four.

COMMISSIONER TALESFORE: Five.

LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

ORRY KORB: My understanding of the situation is that these memberships are not equity memberships; they're customer memberships. My advice, which is entirely within the discretion of the individual commissioner to accept or reject, is that there is no conflict of interest under the Fair Political Practice Act, because Courtside is not a source of income or any other provider of gifts or other financial benefit to the member of the Commission.

So long as the Commissioner does not have any specific bias in dealing with this application one way or another, then you're legally free to participate. If you feel that whether you have a bias or not, that the appearance issue is something that concerns you, again, it's within your discretion to step down, but you're not required to do so, so long as you don't have a bias.

CHAIR DREXEL: I do not have a bias. And Tom, you don't have a bias either?

COMMISSIONER O'DONNELL: No, not at all. But again, I am very concerned about the people here who live in the neighborhood. I don't know how I will vote, but if I happen to vote in a way they don't like, they're going to be able to say to themselves he wouldn't have voted that way if he were not a member, and that would be unfortunate.

LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

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

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

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

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
 Item #1, Zoning Code Amendment A-03-4

1 I don't feel I have any bias, but what I'd actually like to
2 do is wait and see. I also don't want to disadvantage a
3 fair hearing.

4 CHAIR DREXEL: Yeah, it is an issue, I guess.

5 ORRY KORB: Let me remind the Commission again.

6 Four votes are required to approve the application, but all
7 you're approving is a positive recommendation, because it's
8 a zone change and does as a matter of course go the Town
9 Council for its consideration. So one way or another, this
10 will be going to Council, and you need not, I think,
11 concern yourself with whether the application would die at
12 this level.

13 CHAIR DREXEL: Mike?

14 COMMISSIONER BURKE: I'm going to ask that Madame
15 Chairman and my fellow commissioner remain on this Board
16 for this. As the neighbors know, I've been on committees
17 that have heard applications on this piece of property many
18 times, and I think that this Body is at its best when it is
19 at its full strength or as close to it, and the fact that
20 we are just making a recommendation, I think the more
21 opinions that we generate here is the fairer process for
22 everybody. So I would ask that the two members remain
23 here, because I look at being a member of an athletic club-

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

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1 CHAIR DREXEL: Right. Okay, well then here we
2 are. We'll stick around. We hashed that one through.

3 All right, so we are going to open the public
4 hearing to hear Zoning Code Amendment A-03-4. Will the
5 applicant please step to the podium and present the
6 project. You have five minutes. Please state your name
7 and address for the record.

8 RODGER GRIFFIN: Yes, good evening Madame Chair
9 and members of the Planning Commission. I'm Rodger Griffin
10 of Paragon Design Group here in Los Gatos. I'm here
11 tonight representing Courtside Club. Lisa Graff, the Club
12 Manager, and Jim Gerber, of Western Athletic Clubs in San
13 Francisco, the parent corporation, are here to supplement
14 my presentation. Following my presentation, Lisa will
15 present a summary of the meetings that we held with the
16 neighbors.

17 I recognize that we are here for the
18 consideration of an amendment to the Zoning Code, and not
19 specifically for the plan, as proposed. However, I believe
20 in this case it's important to know how we got to this
21 point in the processing.

22 The Courtside Club is now the owner of all three
23 parcels. The club has continued to work diligently to be a

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

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1 I'm not a member of Courtside, I'm a member of a different
2 one-is very much of a customer relationship with a
3 business, and I would hate to feel I needed to recuse
4 myself from a business I frequented on a regular basis.

5 CHAIR DREXEL: Well thank you, Commissioner
6 Burke. Well maybe I'll stick around then? What do you
7 think?

8 COMMISSIONER QUINTANA: And I would support that.

9 CHAIR DREXEL: What do you think, Joanne?

10 COMMISSIONER TALESFORE: I would support that.
11 I've seen you in action here, and I do think that you know
12 how to step out of issues and look at them rather with
13 perspective.

14 CHAIR DREXEL: All right. Well, what do you
15 think, Tom? We're in the same boat here.

16 COMMISSIONER O'DONNELL: I am concerned if there
17 are too few people, it won't be fair to anybody.

18 CHAIR DREXEL: Yeah, that's the issue.

19 COMMISSIONER O'DONNELL: And as long as we don't
20 make the final decision, more discussion is better than
21 less discussion, and I certainly agree with Counsel that
22 there really is no legal (inaudible).

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

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1 good neighbor, and they recognize that it would benefit the
2 neighborhood to reduce the number of cars that are
3 currently parked along Winchester Boulevard. To
4 accommodate those cars, Courtside is requesting permission
5 to use the new site for parking, primarily for employees.

6 Courtside is not interested in building a
7 structure on this site, and we can appreciate our
8 neighbors' concerns along with the ramifications of
9 rezoning the property to commercial. This is why we have
10 opted to request this additional to the Conditional Use
11 Permit Table, and therefore allow the site to be used for
12 parking without rezoning.

13 These three parcels are substantially covered by
14 easements, as indicated on this overhead. The hash area
15 that I have here, this is the outline of the entire parcel.
16 All of this area is encumbered by easements. And by the
17 time you take setbacks on the remaining portion of the
18 parcel, the actual building area is quite small.

19 The site as we have proposed it has access only
20 from Winchester. No access will be proposed from Newell,
21 and none is available from Wimbledon. The bus stop will
22 remain, as will the existing no parking along Winchester
23 Boulevard.

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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

8

1 During our meetings with the neighbors, we came
2 to clearly understand their concerns. A number of other
3 considerations have been discussed with the neighbors, such
4 as lighting, hours of use, et cetera. We fully expect by
5 the time that we file for the A & S, along with the
6 Conditional Use Permit, that we will have addressed each of
7 their concerns.

8 This site is now less than pleasant to look at,
9 and an amendment to the ordinance would facilitate a
10 solution that will benefit the surrounding neighborhood.
11 We respectfully request your positive recommendation to the
12 Town Council. And may I save any questions to follow Lisa
13 Graff's summary of the neighborhood meetings?

14 CHAIR DREXEL: Thank you.

15 RODGER GRIFFIN: Okay, great. Lisa?

16 LISA GRAFF: Good evening. Lisa Graff, General
17 Manager of the Courtside Club.

18 I met with two groups of neighbors, the first two
19 representations from the Wimbledon Place Homeowner's
20 Association, Carol Shultz, a homeowner and member of that
21 association; and Kevin Dinsure (phonetic), the president of
22 Wimbledon Homeowner's Association. That was on Friday, the
23 20th of February.
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

9

1 very much like to see Courtside Club stop using the Elks
2 for employee parking as a result of this project.

3 I found the neighbors' requests and concerns to
4 be very reasonable. I feel through our design and with a
5 Conditional Use Permit, we should be able to address all
6 their concerns and create a win-win solution. Thank you.

7 CHAIR DREXEL: Thank you. Questions? Mike?

8 COMMISSIONER BURKE: First of all, for you, Mr.
9 Griffin, you should put a map or a plan up there with these
10 restrictions. I know cutting diagonally across I believe
11 there's an underground water main?

12 RODGER GRIFFIN: Oh, you want the one with the
13 easements?

14 CHAIR DREXEL: Yes.

15 COMMISSIONER BURKE: The easement, yes; the
16 easement plan. I'm just curious, what are the restricted
17 uses that can be done, and what are the easements and what
18 are the restrictions?

19 RODGER GRIFFIN: Okay, this easement right here
20 is a thirty-foot wide water line easement, and we can only
21 pave on that area; there can be no construction. This
22 remaining area is a hundred-foot easement for the overhead
23 wires that go across to the sub-station on the other side,
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

11

1 Then last Sunday I met with representation from
2 the Newell neighborhood. Eleven of our neighbors attended
3 that meeting. In summary, I think the meetings were
4 direct, honest, and constructive. Similar to tonight's
5 presentation, we reviewed the design layout of the plan,
6 gave a brief summary of the process the club has gone
7 through to get to this point, and talked about the club's
8 intention to resolve its current parking crunch during peak
9 hours of operation.

10 It was very clear that our neighbors would not
11 support any project that would require a zone change. They
12 have concerns about increased traffic to the surrounding
13 neighborhood, hours of operation. We talked in great
14 detail about the security of the lot. They are very
15 concerned that Courtside take measures and put systems in
16 place that would secure the lot and ensure that it would be
17 used for Courtside Club and its guests only, not overflow
18 parking, specifically for the Elks Lodge.

19 Through a Conditional Use Permit, our neighbors
20 would like to ensure that our business does not change the
21 way we do our business practice currently, to not include
22 more group events that may cause noise that would interfere
23 with the residential community. Our Newell neighbors would
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

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1 and there is no construction that can take place under
2 that. We can plant trees and such, but they have a maximum
3 height, and there is a list of approved trees that we can
4 use with PG&E's discretion.

5 COMMISSIONER BURKE: Do you know when those
6 easements were placed on this piece of property?

7 RODGER GRIFFIN: No, I do not know the dates that
8 they were placed on the property.

9 COMMISSIONER BURKE: And do you know anything
10 about the terms of how they were placed on the property?

11 RODGER GRIFFIN: The terms?

12 COMMISSIONER BURKE: I mean was the owner of the
13 property at the time compensated for the easements, or was
14 it an imminent domain?

15 RODGER GRIFFIN: That's a history that I'm not
16 totally familiar with, and I'd probably be giving
17 misinformation if I really address that.

18 COMMISSIONER BURKE: Okay.

19 RODGER GRIFFIN: The only thing I do know is that
20 there were two different owners of the properties
21 previously. One property owner was the Elks, who owned
22 this parcel and this parcel, and man named Click owned this
23 parcel in between. And this parcel came up for sale. The
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

12

1 Water District used to own the property about thirty-feet,
2 and they sold it to Click, and in turn, Western Athletic
3 Clubs has purchased it from Click, as well as the other two
4 parcels from the Elks.

5 COMMISSIONER BURKE: Okay, and I have a question
6 for the manager of Courtside. I know at the General
7 Planning Committee one of the concerns was membership, and
8 would membership expand if you have more parking? Will it
9 expand if you have more parking, and what guarantees would
10 there be that it would not expand if there is more parking?

11 LISA GRAFF: Certainly, and I understand that is
12 a concern of both the Council members and our neighbors,
13 one that I appreciated the opportunity to respond. The
14 membership level is a function of club usage, and Courtside
15 Club, unlike any of the other clubs that I've personally
16 managed, has an unusual membership usage pattern in which
17 members at our club stay for a longer period of time. So
18 our membership level is based on club usage. We have no
19 intention of increasing the membership level with its
20 current state and current usage level by the members. I
21 hope that answers your question.
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

13

1 LISA GRAFF: Well, as the club manager, I don't
2 know that I'm in the position to agree to that. I would
3 have to defer that question to our corporate office.

4 CHAIR DREXEL: All right, thank you.

5 LISA GRAFF: Okay.

6 CHAIR DREXEL: Joanne?

7 COMMISSIONER TALESFORE: Yeah, I had a question.
8 It may sound like you've already answered it, however I'd
9 like you to one more time explain to me Courtside's all-over
10 goal with putting this parking lot in. And I know you said
11 parking, but could you elaborate a little bit?

12 LISA GRAFF: Certainly.

13 COMMISSIONER TALESFORE: And how do you see it as
14 benefiting the Town and the situation that you're in now?

15 LISA GRAFF: Certainly. Well, my primary goal is
16 to provide my members convenient parking during our peak
17 hours of operation, and we consider those to be 8:30 to
18 10:30, and 4:30 to 6:30. Those are crunch periods for us.

19 COMMISSIONER TALESFORE: 8:30 to 10:30 am or pm?

20 LISA GRAFF: 8:30am to 10:30am. 4:30pm to
21 6:30pm. We've done such things as created a valet parking
22 service and so forth, but my ultimate goal is to free up
23 the parking lot, take all of my employees out of the
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

15

1 CHAIR DREXEL: As a follow-up, would you be
2 willing to sign an agreement voluntarily that you wouldn't
3 be increasing the membership of Courtside.

4 LISA GRAFF: No, we don't think that would be in
5 our best interest business wise, because it may be the
6 case, like some of our clubs in San Francisco that have
7 been around for twenty-five years, usage patterns will
8 change. It may be the case that members who use the club
9 two to three times per week now with an average stay of
10 two-and-a-quarter hours, which is the case, may use the
11 club once a week with an average stay of an hour. So as
12 our business matures and our membership changes, or the
13 usage pattern changes, we'd like the ability to adjust our
14 membership level according to that.
15

16 CHAIR DREXEL: What about an agreement that was
17 reflective of your current usage patterns, and the number
18 of people that are using it with your current usage
19 pattern? I would image there would be some way to draft
20 something that would reflect that. Since that's your
21 intention already, we don't want to arm-twist you or
22 anything, but if it would resolve that issue, it might be a
23 way to make everyone comfortable, I don't know.
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

14

1 parking lot off of Winchester, and provide them parking at
2 this new proposed site.

3 COMMISSIONER TALESFORE: So it's for the
4 employees then?

5 LISA GRAFF: Primarily for the employees, yes.

6 COMMISSIONER TALESFORE: And the cars that are
7 parked on Winchester, are those employee cars?

8 LISA GRAFF: For the most part. I'm sure
9 members, if they can't find a spot in the lot, they can
10 park on the street and they may be doing that.

11 COMMISSIONER TALESFORE: And how many employees
12 do you have currently?

13 LISA GRAFF: We just got this number for the Town.
14 I believe it was in the range of a hundred-and-eighteen.

15 COMMISSIONER TALESFORE: A hundred-and-eighteen?
16 And how many parking places are proposed?

17 LISA GRAFF: Seventy-three are proposed in this
18 site. But again, those are part-time and full-time
19 employees, so part-time employees have different shifts
20 throughout the day.
21

22 CHAIR DREXEL: So how many employees would you
23 have on site at any particular time?
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

16

1 LISA GRAFF: It could be as much as fifty-five,
2 during our summer hours.
3 CHAIR DREXEL: All right, thank you.
4 CHAIR DREXEL: Mike?
5 COMMISSIONER BURKE: You talked about you base
6 your membership on the usage of your members?
7 LISA GRAFF: Correct.
8 COMMISSIONER BURKE: How do you measure that, and
9 what I mean is is it member trips per week, per day? Is it
10 the maximum number you have during your peak periods? I'm
11 trying to see what is your canary in the mine that's saying
12 we've got too many members?
13 LISA GRAFF: Well, I don't think we have too many
14 members. But the way that we measure it currently is we
15 have a check-in system, that every time a member checks in
16 the club, their usage is recorded. So I can break that
17 down to the hour, which I do. That's how I can come up
18 with these prime times. In addition, if you walk through
19 the fitness center all the equipment may be used, the
20 showers are being used. So there are areas in the club in
21 which we could feel an impact, based on the number of
22 members in the club.
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LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

1 neighborhood that they did not want the employees parking in
2 that lot, is that correct?
3 LISA GRAFF: In the Elks Lodge. Currently now I
4 lease eighteen spots from the Elks.
5 COMMISSIONER QUINTANA: Oh, and that's not this
6 (inaudible)?
7 LISA GRAFF: That's not part of this project, no.
8 COMMISSIONER QUINTANA: Okay, that's what I want
9 to clarify. Thank you.
10 RODGER GRIFFIN: That's over across the street,
11 across Newell.
12 CHAIR DREXEL: All right, any other questions?
13 Thank you very much.
14 LISA GRAFF: You're welcome.
15 CHAIR DREXEL: All right. I have speaker cards.
16 When it's your turn to speak, please come to the podium and
17 state your name and address for the record. I'm going to
18 give two speakers' names, and if one of you will be in the
19 wings waiting, we'll get through you a little faster. The
20 first speaker will be Mary Rose, the second one Max Perlman.
21 MARY ROSE: Hi, my name is Mary Rose. I'm a
22 resident at 501 Clearview Drive, and I'm also here
23 representing the Wimbledon Place Homeowner's Association,
24 which has one-hundred-and-eleven homeowners, with streets
25 that flank both sides of Wimbledon Drive.

LOS GATOS PLANNING COMMISSION MEETING 2/25/2004
Item #1, Zoning Code Amendment A-03-4

1 COMMISSIONER BURKE: Maybe I asked the question
2 wrong. You said in the future you may want to increase
3 your membership because the membership use changes?
4 LISA GRAFF: Mmm-hmm.
5 COMMISSIONER BURKE: What would be your indication
6 of that? Would it be that you had less members coming in
7 during the week, or would it be that you would walk through
8 the club and there would be more open machines? I'm just
9 trying to get a feel of what your (inaudible) would say we
10 can add for members. Or it would be how full the parking
11 lot is? What would be your indicators?
12 LISA GRAFF: I think it would be all three of
13 those things that you mentioned. There's really no
14 scientific approach to determining this, but it's not in our
15 best interest to oversell the club. If members can't get on
16 equipment, if they can't find a parking space, they can't
17 get on a lounge chair, it doesn't serve us well.
18 CHAIR DREXEL: Joanne?
19 COMMISSIONER TALESFORE: A follow-up on that. Did
20 Courtside ever have a cap on its membership?
21 LISA GRAFF: The previous owners did.
22 COMMISSIONER TALESFORE: The previous owners did.
23 That's what I thought. Okay, thank you.
24 CHAIR DREXEL: Lee?
25 COMMISSIONER QUINTANA: I just wanted to clarify
something. You said when you met with the Newell

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1 The concerns that we have about this project
2 frankly are the types of things that have been discussed
3 tonight reflected in your questions, having to do with what
4 does this really mean and what is the actual goal for the
5 Courtside Club?
6 The concern that we have is that this is about
7 additional parking, which will turn into ultimately
8 additional usage of the club, which will turn into
9 additional traffic on our streets, which will also translate
10 to additional concerns about security. There has been
11 significant issues around break-ins in cars and that sort of
12 thing, which will bring this closer to the residents on
13 Newell.
14 And what we would ask for is that these types
15 of concerns be carefully considered as you consider this.
16 I'm concerned as I hear statements being made, but then I'm
17 not seeing commitment to follow that up.
18 For example, the fact that this parking lot will
19 help to get rid of traffic on Winchester, the only way that
20 I can see that it will eliminate parking on Winchester is if
21 the parking on Winchester is turned into a No Parking zone.
22 Otherwise, I have sat for great lengths of time, an hour and
23 two, and watched the traffic patterns and the parking
24 patterns in the lot. What I have observed is that the
25 parking is at capacity on Winchester Boulevard even when the
lot is half empty. It is much easier for a member to come

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1 zipping out of the club, hop into their car, immediately
2 turn right and head right down Winchester, rather than get
3 into queue to get out of the parking lot. I think it's far
4 more convenient, so I don't believe that the cars are going
5 to go away on Winchester.

6 The other concern that we have with regard to
7 Winchester is the placement of the access in and out of the
8 parking lot and the impact it's going to have on people
9 making right-hand turns from Wimbledon Drive, which leads
10 out from our property. In fact, it would be along this
11 bottom level. You make a right-hand turn, basically going
12 perpendicular to the bottom of the drawing here, and I
13 watched it actually very closely tonight. That is not a
14 parking area right now; that's a red zone, and it is in fact
15 a lane of traffic. So if there are people queued up to go
16 into a parking lot there, it only would take three cars to
17 make it impossible then to make a right-hand turn out of
18 Wimbledon Drive, thus blocking traffic on Wimbledon Drive.

19 I'd like to provide some other thoughts for you
20 with regard to the usage of the club, and encourage that in
21 some part of this process that there do be a cap reinstated
22 on the club as it had been in the past, and that being that
23 where it is right now the usage is stated as X number of
24 visits by people that last X number of hours. I'm also a
25 member of the Courtside Club, and I've never had anybody
time me out. I've been timed in, but not out. So I

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1 So I think this is not going to stop with the
2 granting of this ordinance, that there will still be a
3 continual need for more parking, and the traffic situation
4 is going to change with the various other projects of
5 Sobrato and townhouses, which will bring an extra stream of
6 traffic along Winchester.

7 And in any case, the bike lane that should be
8 going from there is being given over to car parking on
9 Winchester outside the Courtside. And when you have twenty-
10 four townhomes going in, there may be somebody who would
11 like to cycle to downtown, and they wouldn't be able to do
12 it at that juncture.

13 There's an easement on my property from when
14 Winchester was widened to accommodate a three-foot bike
15 lane. I lost part of my embankment; they put up this
16 massive wall instead, and by that they also took away the
17 screening of my home from Newell Avenue.

18 And now I have the Winchester traffic and the
19 traffic on the Elks Club Lodge, which is a sixteen-hour a
20 day car park basically, or fifteen hours. So whereas with
21 the activities of the Elks it was only mostly an evening
22 thing and an occasional lunchtime thing, but with Courtside
23 parking there, it's become from 7:00 in the morning, 7:30 in
24 the am, through to the late evenings when the Elks use it.

25 CHAIR DREXEL: Thank you very much. Joanne?

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1 question that and all that one would have to do to justify
2 increasing membership is to say that people are staying
3 less. There's no audit right now; there's no
4 accountability.

5 CHAIR DREXEL: Thank you. All right, next Max
6 Pearlman, and next will be Jack Aiello.

7 MAX PERLMAN: Max Perlman, 183 Newell Avenue.
8 Similar projects have been requested on this site.
9 Originally about a year-and-a-half ago the request was for a
10 medical building on the corner lot there, and twenty-six
11 parking lots for the club on this end. That was a project
12 that was started by the Elks Club and has nothing to do with
13 Courtside.

14 But for the last year-and-a-half cars of the
15 employees have been parked on the back of my house, and I
16 only have a wooden fence between myself and the Elks. And I
17 understood from our meetings that the Courtside Club is
18 still going to need more parking space, but they would make
19 attempts to locate it elsewhere other than the Elks Club.

20 But the situation is that the City doesn't enforce
21 codes anyway. I have written to the Council, I've written
22 to Mr. Bud Lortz, and I have his replies here, that he says
23 that the Elks can do anything that they wish with that
24 parking lot. But I think that the (inaudible) thing is you
25 cannot lease a parking lot, as a fraternal club, to a
commercial entity and say that they have free use of it.

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1 COMMISSIONER TALESFORE: Where do you live in
2 relationship to this parking lot?

3 MAX PERLMAN: I don't live anywhere near there. I
4 live on the other side of the Elks. Do you know where the
5 Elks Lodge is?

6 COMMISSIONER TALESFORE: Right.

7 MAX PERLMAN: You know that pinky wall that goes
8 along?

9 COMMISSIONER TALESFORE: Yes.

10 MAX PERLMAN: I'm behind that wall, and my master
11 bedroom suite backs onto the area where they park. And this
12 was one of the points that I wanted to make, but I lost it.
13 And I don't know how feasible it is.

14 I'm not entirely against them parking there, but
15 I'm just saying if you change an R-1 zone and allow a
16 commercial car park lot on it, you should apply the same
17 rules as are applied to car parks elsewhere, that the
18 residences are screened by a wall, a masonry wall, and not
19 just a loose fence, because I get lights at night shining
20 right into my bedroom when they open the car, the cars
21 starting up, which are polluting, and I don't see on the
22 plan that was shown here before that they even intend to.

23 But I know this is not for you, but if when you
24 change a zoning, you could stipulate that the general rule,
25 because I understand that if it was a commercial enterprise,
they would have to put up a masonry wall, but because it's

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1 in an R-1 zone there is no law. But there is no enforcement
2 on the part of our Town Planning to enforce it. When I
3 complain, I get letters like this from Mr. Bud Lortz, which
4 says they are entitled to whatever the heck they like.

5 CHAIR DREXEL: All right, well thank you. Are
6 there any other questions? Lee?

7 COMMISSIONER QUINTANA: Where would you propose
8 that a masonry wall be placed?

9 MAX PERLMAN: There's a house here and a house
10 here. This wall should be a masonry wall. I'll be quite
11 honest with you, I think that eventually the Elks will still
12 be using it; they will still need the Elks parking lot.
13 They mentioned something about contracting across the road
14 with ICTV to get the eighteen places which they no longer
15 will maybe not use on the Elks parking lot, which is over
16 here. They have a parking lot across the road at ICTV,
17 which is a commercial enterprise. But that means that the
18 seventy-three is not enough. And if more members are
19 joined, then the employees will still park up there.

20 CHAIR DREXEL: All right. Well, we understand
21 your concern. Thank you. Are there any other questions?
22 Morris?

23 COMMISSIONER TREVITHICK: Could you just say again
24 for us where you think the employee parking is at the
25 present time?

MAX PERLMAN: It's on my back fence.

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1 Gatos built those homes so they should go shopping in
2 Campbell.

3 CHAIR DREXEL: Interesting. Okay. Before you
4 leave, Bud, tell us about the Elks Club, the eighteen
5 parking spots, and whether the Elks is zoned R-1, and
6 whether it's okay for them to lease space in an R-1 zone if
7 that's the case.

8 DIRECTOR LORTZ: There was another question?

9 COMMISSIONER TALESFORE: About the wall, the
10 screening I guess.

11 DIRECTOR LORTZ: The Elks have a Conditional Use
12 Permit that was issued probably in the 60's. The Use Permit
13 doesn't have any conditions. It just says a fraternal
14 organization can use it. I've conferred with the Town
15 Attorney and the conclusion was that the Elks can allow
16 people to park on their property. And in terms of any
17 requirements for walls or anything else, it's like any
18 existing non-conforming situation. We allow it to continue.
19 We don't go out and require people to build a wall when we
20 change the code, so there is no requirement for a wall.

21 CHAIR DREXEL: So there's nothing much we can do
22 about that situation? They're locked up by this old CUP?

23 DIRECTOR LORTZ: They are. The best thing that's
24 happening is the Elks are not a very busy organization. If
25 a fraternal organization purchased that Use Permit and that
property from the Elks, it would be unfortunate if it was a

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1 COMMISSIONER TREVITHICK: And all around on
2 Wimbledon and the others as well?

3 MAX PERLMAN: Well, it's obviously outside on
4 Winchester maybe. I can't identify who is parking. I
5 submitted a complaint to the City about my aspect of it,
6 which was only the parking on the upper Elks Lodge, where
7 they have by contract leased eighteen parking spots, as per
8 Ms. Lisa Graff's own words to us at the meeting on Sunday.
9 So that was an illegal lease in my opinion, my humble
10 opinion, because the Elks Lodge is a fraternity lodge, and
11 anything they do for their club they can do, but not lease
12 their property for commercial usage. And Mr. Bud Lortz
13 didn't think that was the case. I have a letter from him
14 saying they can do what they like.

15 COMMISSIONER TREVITHICK: Thank you.

16 MAX PERLMAN: If you'd like to see this letter, I
17 can submit it.

18 CHAIR DREXEL: That's all right. Joanne?

19 COMMISSIONER TALESFORE: I just have one more
20 question. I guess I didn't notice this. Did you say that
21 there's a bikeway right outside?

22 MAX PERLMAN: Yes, in front of the wall below the
23 Elks Lodge and my home there is a bike lane, but it stops at
24 Courtside, which is over there actually. But now you've got
25 twenty-four townhouses being built further down on
Winchester. They need access into the City, unless Los

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1 very active business, because it could get far more
2 intensive. The Elks' activities are fairly low key these
3 days, but they do have special events from time to time.

4 COMMISSIONER TALESFORE: So a follow-up on that,
5 the eighteen spaces that Mr. Perlman is talking about,
6 employees from Courtside parking along his wall. I guess
7 there's no way we could ask them to shift where they park so
8 that the low use of the Elks wouldn't bother him as much as
9 a solid eighteen employees? Do you know what I'm saying? I
10 don't know if we can mitigate any of this, I'm just curious.

11 DIRECTOR LORTZ: We can ask them to do anything.

12 COMMISSIONER TALESFORE: Could we do something
13 like that?

14 DIRECTOR LORTZ: We could ask. That's all we can
15 do. But as I observed the parking out there, the people
16 that are parking on that lot are parking along the retaining
17 wall along Winchester, with the car headlights facing
18 Winchester. Now certainly when somebody pulls into the
19 parking lot, there may be some lights that affect a
20 neighbor, but the reality is that they do park closest to
21 Courtside. There may be eighteen people, so the eighteenth
22 person is closer to Mr. Perlman.

23 CHAIR DREXEL: Mr. Perlman, what do you think
24 about all this?

25 MAX PERLMAN: This is not correct. That is just a
fabrication. There is that incline of their driveway; it

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1 goes up. And they do park some cars on there, and that's
2 preferable because it's less to walk down. I mean, all
3 these fitness people can't walk, but it's easier to walk
4 from the bottom then the top of the car park. Cars are
5 continually parking. I have about a hundred-and-forty feet
6 of fence with the Elks, and they are continually parking. I
7 have photographs, which I've sent the City, of the cars
8 parked one next to the other. They like to park there
9 because they're shaded by trees.

10 CHAIR DREXEL: Okay, you know what we'll do?

11 MAX PERLMAN: But that is not the question I
12 raised here. My problem is my problem, and it's not
13 necessarily a problem that should be discussed here. I
14 wanted to avoid that same problem on this site.

15 CHAIR DREXEL: On this site. We hear that. We
16 hear you, but we were just hoping that maybe if the Town
17 will ask, maybe you will receive. It doesn't hurt.

18 MAX PERLMAN: I have asked. I've been here for
19 twenty-five years asking.

20 CHAIR DREXEL: Well, we're going to ask the Town
21 Staff to also ask on our behalf, and maybe... You know,
22 that's all we can do. But thank you for your input. We
23 appreciate it. One more. Mike?

24 COMMISSIONER BURKE: I know we had the discussion
25 at the General Planning Committee that if this ordinance
were to pass and the Conditional Use Permit was granted for

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1 interpretation that the Use Permit for the Elks runs with
2 the improved Elks property that is located south of Newell.

3 CHAIR DREXEL: And it never applied to this
4 property?

5 DIRECTOR LORTZ: Not to my knowledge.

6 CHAIR DREXEL: Thank you. All right, Mr. Aiello?

7 JACK AIELLO: My name is Jack Aiello, and I live
8 at 135 Newell Court. I've been a resident there for forty-
9 odd years. In that last remark there that Bud made, in
10 meetings that I held with the previous city managers, there
11 was a strong relationship (inaudible) Use Permit, because
12 the overflow of traffic when they had events always went to
13 that area, not the easement, but the one closest to Newell
14 Avenue, the overflow parking went on all those three lots,
15 and that kept it away from the residential area.

16 And now they don't own it, because Courtside Club
17 owns it. And so we're pretty worried about that now,
18 because Bud says they're low key, and they are. They have
19 less events, but they still have their events. And they
20 have another one scheduled in March, and they just had one
21 recently. So we're really worried about that.

22 The other thing I'd like for Bud to do is put up
23 the wording of that amendment on the board here, because I'd
24 like to ask questions on it.

25 CHAIR DREXEL: We can do that.

(Pause while wording is put on visual board.)

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1 this parking lot, we couldn't condition Courtside, because
2 it's a different parcel.

3 DIRECTOR LORTZ: If I understood you correctly, we
4 could not condition the Elks property in any way, shape, or
5 form.

6 COMMISSIONER BURKE: But could we condition the
7 use of this lot to be for an organization that only allows
8 parking on their own property, such that they could not then
9 park on the Elk's lot?

10 DIRECTOR LORTZ: I don't know, that's a legal
11 question. I'll have to run that one by the Town Attorney.

12 CHAIR DREXEL: Thank you, Mr. Perlman. Jack
13 Aiello, and then Bridget Miller. Oh, I'm sorry. Lee? Mr.
14 Perlman, I'm sorry. Was it for Mr. Perlman, or was it for
15 Staff?

16 COMMISSIONER QUINTANA: It was for staff. It can
17 wait if you like.

18 CHAIR DREXEL: No, that's okay. Go for it.

19 COMMISSIONER QUINTANA: The Elks' Conditional Use
20 Permit, did it cover these three parcels as well?

21 DIRECTOR LORTZ: No, as far as I know. Newell
22 Avenue went in twenty years ago. The neighbors that live
23 out there would know better than I do, probably almost
24 thirty. And the Elks' Use Permit really runs with the
25 property that's improved. It doesn't run with this property
because the property owner's been sold. So it's our

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1 JACK AIELLO: Am I to assume that that's the
2 wording of the Amendment to the Zoning?

3 CHAIR DREXEL: Yes. Proposed amendment.

4 DIRECTOR LORTZ: The one thing I would like to
5 clarify is that the Town Attorney offered a slight
6 modification of that language. The text that is before the
7 Planning Commission for consideration reads, "Parking lots
8 that serve a nearby commercial use located on a previously
9 unimproved property in the R-112 Zone on an arterial
10 street." I'll read that again. "Parking lots that serve a
11 nearby commercial use located on a previously unimproved
12 property in the R-112 Zone on an arterial street."

13 JACK AIELLO: Bud, can I ask you this? Would that
14 apply only to these three lots and nothing else in Los
15 Gatos?

16 DIRECTOR LORTZ: Correct.

17 CHAIR DREXEL: All right. Your time is up Mr.
18 Aiello. Well, actually it took us a little while to get
19 that thing up there. What do you want to say?

20 JACK AIELLO: Well, I'm worried like the lady from
21 the Wimbledon Estates, who mentioned about traffic.
22 Seventy-three cars can park in that lot if that is accepted
23 by the Town of Los Gatos. We, coming down Newell Avenue
24 right next to that parking area to make a right-hand turn,
25 if we get lucky, we look down the road to our left, where
that stop light is, where the Courtside is located; and when

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1 it's red, boy, we got a chance to make a right-hand turn so
2 that we can make a left-hand turn onto Lark. Now we've got
3 to compete with seventy-three cars.

4 It's true, as the manager from Courtside had
5 indicated, that a lot of those are employees, and so they
6 shouldn't be moving in and out. But at some time they're
7 going to all be moving in or out, and so that worries us a
8 great deal, because it's tough even now at times to get to
9 the right side on Winchester in order to make a left-hand
10 turn onto Lark. I hope you'll keep that in mind.

11 CHAIR DREXEL: All right, we'll do that. Are
12 there any questions for Mr. Aiello? Thank you very much.
13 All right, Bridget Miller, and then Carol Shultz.

14 BRIDGET MILLER: Hi, my name is Bridget Miller. I
15 live at 115 Newell Court. My concern with the amendment
16 here is that I'd like to have it added that the ingress and
17 egress be on the arterial. And why I bring that up is
18 because when I try to get out on Newell in the morning,
19 Courtside employees are trying to get into the Elks Club.
20 And because they are on Newell, there's no room for a
21 backing up going forward, because you're waiting for
22 Winchester. So I've backed up as many as four cars onto
23 Winchester, trying to get into the Elks Club parking lot,
24 but we're trying to get out.

25 And when you have the ingress and egress on a
residential street, if the parking lot is full, they're

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1 parking lot, but I do want the ingress and egress on the
2 arterial.

3 CHAIR DREXEL: Joanne?

4 COMMISSIONER TALESFORE: I have a slightly
5 different question. It was previously discussed at the
6 General Planning Committee, and suggested by Steve Glickman
7 that perhaps the neighbors could use this parking lot for an
8 event of their own, whether it was a block party, or I'm not
9 sure what it was. Do you see that as something feasible, or
10 something that you would take advantage of if that was the
11 case, or is that recommendation or suggestion not to go
12 anywhere?

13 BRIDGET MILLER: From the Newell part, I think
14 Courtside is going to have employee parking there, we hope
15 as much as possible, because it will keep them out of the
16 residential. I don't see anybody in our neighborhood
17 currently having huge parties that need to use a parking
18 lot.

19 COMMISSIONER TALESFORE: And how many cars park on
20 Newell at any given time?

21 BRIDGET MILLER: Currently right now the residents
22 park there, and it is tough because if you park a car on
23 each side, there's only a lane and a half to get by.
24 Somebody has to stop.

25 COMMISSIONER TALESFORE: And it's the residents
that park on Newell?

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1 going to go onto the residential street. Now, they have put
2 their ingress and egress on Winchester. It's great, a good
3 place for it.

4 What I want it put in there for is for other lots.
5 We'll say well this happened, we can use this for our eight
6 on another lot. So just for making it that a parking lot
7 should ingress and egress on the arterial.

8 CHAIR DREXEL: All right, well thank you. Mike?

9 COMMISSIONER BURKE: Miss Miller, if I remember
10 correctly from previous hearings, you're kind of located
11 diagonal from this lot?

12 BRIDGET MILLER: Yes.

13 COMMISSIONER BURKE: If the Conditional Use Permit
14 Table did say ingress and egress from the arterial, would
15 you be supportive of this?

16 BRIDGET MILLER: From my personal point, I moved
17 in five years ago, it's been an unofficial parking lot for
18 the Elks Club. I do have concerns that it becomes a
19 Courtside parking lot. If the Elks have their Hotrod
20 Association meetings that show up and they have no place to
21 park, they will be in our neighborhood. I realize that
22 we're forfeiting when the Elks Club have large events; their
23 Pancake Breakfasts, they've got parties at night. They've
24 now lost their overflow parking lot. Courtside has a
25 parking issue, so when I moved in it was an unofficial

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1 BRIDGET MILLER: Yeah, but you cannot get two cars
2 and two parked cars on Newell. It is not a wide enough
3 street.

4 CHAIR DREXEL: Thank you, Miss Miller. Carol
5 Shultz, and then Dan Devine.

6 CAROL SHULTZ: Carol Shultz at 112 Greenfield
7 Place. My home is right behind the Courtside Tennis Club,
8 near their indoor courts.

9 I was very instrumental when Western Athletic
10 bought the Courtside Club and they were seeking an alcoholic
11 beverage control license. The process took over three
12 years. It took a lot of time, but one thing we learned was
13 how important it was to get conditions written, conditions
14 that exactly stated what we needed and what we did not want.

15 And actually it worked out so well, when I met
16 with Lisa I complimented her, because for the last several
17 years they've been good neighbors as far as the noise and
18 how it impacts Greenfield Court. We even had a condition
19 put on there that the lights on Greenfield would be turned
20 off at 10:00 o'clock on a timer every night. That has been
21 amazing.

22 I'm bringing this out because as we're looking at
23 this parking lot, we need to be sure that we think very
24 carefully before we put the conditions. And what I would
25 propose is that these conditions be done with... I believe
the process before is the Planning Department came out with

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1 some suggested ones. Courtside also added them. We added
2 them. And we came together on an agreement where everybody
3 could live with those conditions, and those have protected
4 us immensely.

5 I'm very concerned when they turned an inside
6 tennis court into a gymnasium. When I found out about that,
7 I was very concerned, because I could see them now. They
8 have lost the revenue from their banquet facilities with the
9 alcohol beverage license and the conditions that we put on
10 that, so when they went and turned this into a gymnasium,
11 then they could go into league basketball play. They could
12 find other venues where they could generate revenue. I was
13 told then that that would never happen, because they did not
14 have adequate parking to facilitate that kind of activity in
15 the club.

16 I'm very concerned now because they're adding
17 seventy-some spots, and what I can see is it changing their
18 operation, which has been mentioned before. I would like to
19 see the conditions be very specific. You've asked the right
20 questions tonight and I'm very, very encouraged. We need to
21 be sure that the membership is controlled, and the
22 activities, the venues that they offer, do stay with what
23 they have right now and they are not expanded. The noise
24 potential is very great on Greenfield Place, and we worry
25 that the activity change and the growth of Courtside Club
would endanger the peace and quiet of our neighborhood.

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1 they came in, they had an idea of what their venue was going
2 to be, what activities they would have.

3 And at that point in time they said we have
4 adequate parking here, because we're taking out the motel,
5 we're taking out Johnny's Club, so we have enough parking
6 spaces to support our club. Well, now they've grown their
7 activities and they've grown their club to the point that
8 now we have a parking crisis. If you give them a free reign
9 and say well you can get as big as you want, and if your
10 members stay shorter than two hours then we'll have more
11 members, this is what we're facing.

12 CHAIR DREXEL: All right, thank you. We have our
13 last speaker, Dan Devine.

14 DAN DEVINE: Good evening. My name is Dan Devine.
15 I live at 108 Newell Avenue. My property is immediately
16 adjacent to the proposed parking lot. I believe my property
17 would be the single most impacted property by this project.

18 I've owned this home for eighteen years. During
19 that time I have to say that the Elks have been fair
20 neighbors for the most part, because they haven't had a
21 tremendous number of activities where their parking has
22 become a large issue, but they certainly have had a number
23 of activities where their parking lot overflowed onto Newell
24 Avenue and cars parked, at least as far as I can see, up
25 Newell Avenue. My driveway has been blocked a few times by
people who thought it was okay to block my driveway.

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1 CHAIR DREXEL: Thank you. Any questions? Lee?

2 COMMISSIONER QUINTANA: Just one. When was the
3 gymnasium created? Was that after?

4 CAROL SHULTZ: That was since they got the permit,
5 and now my years are going to be fuzzy. I don't know if
6 that was like 2000 or 2001, but about a year after they got
7 the Conditional Use Permit, all of a sudden, just as a fluke
8 I found out that they were in the process of taking one of
9 their four indoor courts and turning it into a gymnasium.

10 I called Natalie Valdez and I said, "What on earth
11 are you doing?" She said, "It's not going to be a venue."
12 I said, "Now you have a place to put parties and banquets,"
13 because of course, one of the conditions on their
14 Conditional Use Permit was if they do have a function with
15 alcohol, all the windows and doors need to be closed. Well,
16 inside an indoor tennis court is a nice place to throw a
17 party too, and I was told no, I didn't have to be concerned
18 with that, because if they wanted any kind of league
19 championship play or other big venues, they don't have
20 enough parking spaces to facilitate that.

21 I have the original documentation when Western
22 Athletic Clubs first presented their whole growth to the
23 Planning Commission in I think it was 1996 or 1997. And in
24 the City Planners' report it is stated that there were
25 enough parking spaces to support the activity of the club,
and that document was signed by Jim Gerber, so that when

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1 I think that certainly turning this into a parking
2 lot has potential to be a disastrous issue for parking for
3 the neighborhood in general, because if the Elks or someone
4 else takes that area over, where does the parking go? I
5 mean there are not alternatives other than the street, our
6 street.

7 I haven't heard anybody from the Town Council, and
8 certainly from this Committee, discuss safety issues. I
9 think the twenty-four townhomes that are being built, the
10 issue of bicycles on the street, or certainly in the bike
11 lane, becomes a real issue. Certainly turning off of Newell
12 Avenue onto Winchester is a bigger issue.

13 If parking is such an issue for the club, why
14 doesn't it build a parking garage? I know that's more
15 expensive, but it would certainly contain the parking to
16 their property. It would relieve the issue of having a
17 commercial enterprise flow over into a residential
18 neighborhood. I don't think there's any resolution in terms
19 of what the Elks may do long term with their property.

20 And when the issue of the medical buildings were
21 brought up, whenever it was several years ago, one of the
22 questions that was posed certainly by your Committee was
23 what's the long term program for development of this
24 property? And I think that still hasn't been answered.

25 So we're chipping away at this piecemeal, and
there's concessions being given up, at least it appears to

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1 me, at each step. And without being able to see the whole
2 picture, I think the Committee may be doing the Town and the
3 residents a very big disservice.

4 CHAIR DREXEL: Thank you very much. Any
5 questions? Mike?

6 COMMISSIONER BURKE: You are right behind this
7 parking lot, right above and behind?

8 DAN DEVINE: That's correct.

9 COMMISSIONER BURKE: Okay. I remember you spoke
10 when we heard the medical building at the General Planning
11 Committee level. What would you see go into this piece of
12 property that would have an economic value, I mean something
13 other than a park, that would be acceptable for you as the
14 immediate neighbor? I mean you're the person that's going
15 to be impacted the most with whatever happens to this
16 property. So what do you see in your mind that could go
17 there, given the constraints on the property, that would
18 have the least impact on you?

19 DAN DEVINE: I think from what I've seen, the only
20 opportunity is there may be the opportunity to build one
21 residence, and the rest of the area that you can't build
22 upon, it would certainly be nice to have a small park in our
23 neighborhood. I think that would certainly add to the
24 allure of the neighborhood; it wouldn't detract from it.
25 Certainly it keeps the commercial enterprise out of the
neighborhood. It eliminates the parking issues entirely.

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1 trimmed once a year. It would certainly be nice to see
2 something done with the property to improve it.

3 A pretty parking lot would certainly be better
4 what we have now, but it still doesn't answer the question
5 of if the Elks basically have activities, where does that
6 parking go? I mean there's no place for it to go. They
7 certainly have had activities in the recent past that have
8 exceeded the parking capacity of the lot now, because they
9 parked on Newell Avenue. And without that lot, it's a
10 disaster in the making.

11 CHAIR DREXEL: Thank you. I was just going to say
12 is there any commercial use you can imagine on that lot that
13 would make you happier than a parking lot?

14 DAN DEVINE: No, I'd like to see it not
15 commercial, because it intrudes into our residence.

16 CHAIR DREXEL: Well, if your options are a parking
17 lot or commercial use, since it is on a main street, which
18 would you prefer?

19 DAN DEVINE: Excuse me?

20 CHAIR DREXEL: It is on a very busy main street
21 that really isn't particularly suitable for R-1 anymore,
22 residential housing, or at least individual residential
23 homes.

24 DAN DEVINE: Why?

25 CHAIR DREXEL: Just take that as a given.

DAN DEVINE: Why?

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1 That would certainly make me happy. I have a hard time
2 believing that if you put a parking lot there with night
3 lighting that you can keep that out of my backyard. Unless
4 you can build a wall about a hundred feet high, I think it's
5 impossible.

6 COMMISSIONER BURKE: I was just going to follow-
7 up. It's being used as a parking lot right now, is that
8 correct?

9 DAN DEVINE: Excuse me?

10 COMMISSIONER BURKE: It's being used, to some
11 extent, as a parking lot now, is that correct?

12 DAN DEVINE: I believe so.

13 COMMISSIONER BURKE: Is there any way, being that
14 it is being used as a parking lot, if it was properly
15 developed as a parking lot with a good wall, and I remember
16 your property as above that, so I understand the wall issue,
17 but with either lights on a timer and proper landscaping, is
18 there any way that situation could improve from what it is
19 today by making this an official parking lot with
20 landscaping, restrictions on lights, restrictions on time of
21 day that it could be used, in your mind?

22 DAN DEVINE: Certainly there's a lot that can be
23 done I think to improve the appearance of that property,
24 because certainly right now it's ugly. I don't know how you
25 can call it anything except ugly. I mean it's gravel that's
not maintained, there's weeds that grow and they're probably

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1 CHAIR DREXEL: Okay, then don't. Thank you.

2 DAN DEVINE: Isn't there one lot that can be built
3 on and couldn't basically that have access to Wimbledon?

4 CHAIR DREXEL: I don't think that's an option
5 anymore, because of the development on Winchester.

6 DAN DEVINE: There's lot of houses on Winchester
7 right now.

8 CHAIR DREXEL: All right, thank you. Thank you.
9 Mr. Davis?

10 RAY DAVIS: Yes, speaking in the public interest,
11 mainly because I was here for the (inaudible), I stuck
12 around here. I'm very familiar with this because I've been
13 here four years, speaking to all these issues that have come
14 before you. I have some questions.

15 Number one, Madame Chairman, I know you're new as
16 a chairman, but I think you and Mr. O'Donnell really should
17 shy away from any perception of impropriety in your
18 discharge of your duties. When you have a membership, and I
19 guess you're located close by, I couldn't quite hear it.

20 COMMISSIONER O'DONNELL: I'm a member.

21 RAY DAVIS: You have a membership too? It is
22 impossible for you, in my opinion, not to be biased.
23 Impossible. And both of you, if you care about the
24 integrity of the Commission, honesty and public domain, you
25 should have recused yourself, because you leave yourself

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1 wide open to criticism of the wrong kind. So I leave that
2 with you, okay?"

3 You know, you should have a copy of the Use Permit
4 in front of you, because that's where the membership is
5 regulated. If I remember correctly, there is a number,
6 maximum membership (inaudible) certainly... You say no? I
7 say I remember something. Let's see it in black and white.
8 Hearsay is not good enough for me, okay? And why you don't
9 have it in front of you, I don't know. So shame on Mr.
10 Lortz, but I've been saying that for four years, and Mr.
11 Lortz smiles, and smiles, and smiles, and does his normal
12 thing.

13 You're talking about the potential for large a
14 influx of car trips per day, new to the neighborhood on a
15 regular basis. You've got Sobrato with thirty-five hundred
16 car trips per day. You've got the townhome thing at two-
17 hundred-and-sixty car trips per day. You've got the new
18 hospital just down the street on Knowle, thirty-five hundred
19 car trips per day. You've got the Jewish Community Center
20 on Oka with a four hundred foot long building, a five
21 hundred student school. What's that, two-thousand car trips
22 per day? I mean two years from now if all that proceeds,
23 who would want to live there? Who in their right mind would
24 want to live there? Nobody.

25 And I know you don't have the final say, but you
have the responsibility to provide for a decent community

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1 frequently, which gives me the ability to check out what's
2 going on in the parking lot, as well as see the traffic
3 situation on Winchester.

4 I think Carol Shultz said it perfectly that if
5 this Conditional Use goes through, you need to be very
6 specific about what conditions are placed. I have concerns,
7 as I think everybody here stated, about the traffic. About
8 two years ago there were so many accidents at the northbound
9 left-hand turn lane onto Wimbledon that they finally changed
10 the light to a traffic signal to meter that traffic.

11 My concern is now that's really the only way to
12 get to the ingress and egress that's being proposed if
13 you're heading northbound on Winchester coming off of Lark,
14 or coming off of 880. So now you've increased the U-turn
15 traffic there. I would really like to see a traffic study
16 done, showing that this is not going to impact the
17 neighborhoods and how this is going to impact traffic on
18 Winchester overall. Lark Avenue, Knowle Avenue, Wimbledon
19 Place; all of those streets are going to be impacted,
20 including the bike lanes, the walkers, the joggers.

21 CHAIR DREXEL: All right, thank you. Do we have
22 any questions? Thank you very much. All right, any more
23 speaker cards? Anyone else want to speak on the matter?
24 Seeing none, would the applicant come forward for rebuttal?
25 The applicant has three minutes.

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1 for these people who are going to live here, and I urge you
2 to do your job. You take the oath of office to uphold the
3 laws; do it.

4 Also, this is amendment is nothing more than...
5 My read it's special privilege for this one project. That's
6 all it is. How will it affect the rest of the community?
7 This is a total change to the whole City of Los Gatos, and
8 nobody has said one word about how it will affect the rest.
9 And that's your charge. That's your main concern. You're
10 not here to issue special privilege, special benefits to one
11 operation. Thank you.

12 CHAIR DREXEL: Thank you, Ray.

13 RAY DAVIS: I want to leave before Mr. Korb says
14 that I'm over time.

15 CHAIR DREXEL: All right, we have one more card,
16 Ina Batinovich? Did I say that right?

17 INA BATINOVICH: It's a touch one. It's Ina
18 Batinovich. Thank you. I am at 504 Clearview, which is off
19 of Wimbledon.

20 In brief, I too am opposed to this parking lot.
21 I'd really rather not see a parking lot there. I'm also a
22 member of Courtside, and I respect that you guys are members
23 of Courtside. But I think being a member of Courtside that
24 I get to see the traffic and the parking situation at
25 Courtside. And also living there I'm ingressing and
egressing off of Wimbledon and onto Winchester very

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1 RODGER GRIFFIN: I'll be brief. The employee
2 parking, eighteen spaces that are currently rented or leased
3 from the Elks, in general they start along Winchester at the
4 lower end of that and move up the line. Some of them might
5 be up adjacent to the higher end there, but they basically
6 start at the bottom and they move up along Winchester. And
7 Lisa is actively working at this time to secure another
8 location for those eighteen parking spaces, so we hope to
9 have a solution to that by the time we present a specific
10 plan for the A & S.

11 It is not our intention to be requesting access
12 along Knowle, and we have no available access along
13 Wimbledon. We do not own contiguous property on Wimbledon.
14 That property is owned by the Courtside Homeowner's
15 Association; it's not a part of this property.

16 We intend to place a sound attenuation wall along
17 the abutting residential homes.

18 CHAIR DREXEL: All right, thank you. Morris?

19 COMMISSIONER TREVITHICK: I have a question. It's
20 been raised in the discussion this evening that first of
21 all, this location is quote a disastrous location for
22 parking. And that same person that mentioned that raised
23 the question related to it, which was why hasn't the club
24 had multiple use of parking on its own property, and other
25 layer of decking or something like that? Has that been
considered as an alternative?

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1 RODGER GRIFFIN: I will have to let them answer
2 that. I have not discussed that with him.

3 JIM GERBER: My name is Jim Gerber, I'm President
4 of Western Athletic Clubs and we own and operate Courtside
5 Club. We proposed a multi-level parking plan and it was
6 summarily dismissed by the City.

7 CHAIR DREXEL: All right. Mike?

8 COMMISSIONER BURKE: A couple of questions for
9 whomever is appropriate, maybe Ms. Graff would be the
10 correct one.

11 If this zoning amendment is approved, and later
12 the application submitted and approved for this to be a
13 Conditional Use Permit for the lot, what would be a
14 reasonable time in your mind for hours of operation of this
15 lot that you would be willing to commit to, basically
16 closing it at a certain time at night and not opening it
17 until a certain time in the morning, as well as having
18 lights on timer and timing it off, just so we get a feel for
19 what you felt that would be.

20 LISA GRAFF: I haven't really given much thought
21 to the morning hours, because our conversations with the
22 neighbors were really more about the evening hours, and we
23 were thinking 9:00pm.

24 COMMISSIONER BURKE: So you'd close the gates at
25 9:00pm? Okay. And the second thing is you stated you
didn't feel it was in your best interest to limit your

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1 suddenly we have more people. We don't have any more
2 members, we just have a lot more usage. If we start a
3 tennis program... We try to do our programming when the
4 members can use the club, which is right after the kids go
5 to school, they all come in and use the club.

6 Now, over the next five or six years, usages and
7 demands may change, and the problem in the United States in
8 the past when membership caps have been agreed to is that
9 usages drop, caps are the same, and revenues go down in the
10 club, and this is what happened here at Courtside six years
11 ago.

12 CHAIR DREXEL: But I'm really not talking a
13 membership cap, and I don't think that's what Commissioner
14 Burke is talking about.

15 JIM GERBER: He's talking about usage.

16 CHAIR DREXEL: He's talking about a cap based on
17 the parking. If it appears, and I think that's something
18 that if there were complaints, the Town could send out
19 somebody to see whether people were parking on Winchester in
20 the bike lane or whatever. I don't know that that's
21 possible, but maybe...

22 JIM GERBER: I think what we'd have to do is
23 eliminate classes that attracted people that came at those
24 hours. See, it's not necessarily associated with membership
25 level at all. Courtside Club, I did sign a letter that said
we thought we had enough parking, and Courtside Club has

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1 membership to an empirical number. Would you agree to limit
2 your membership to that that could be served by authorized
3 parking that you own, or the parking you've leased with the
4 recognition of the Town knowing you've leased?

5 LISA GRAFF: I'm sorry, I don't think I understood
6 your question.

7 COMMISSIONER BURKE: You said you wouldn't think
8 it would be in your best interest to limit your membership
9 to an absolute number. Would you be willing to limit your
10 membership to that which could be served by the parking that
11 you either own or have recorded leases with and approved
12 with on the Town?

13 LISA GRAFF: I'm sorry, I...

14 CHAIR DREXEL: I think the question is if you have
15 a finite number of parking spots, say even including this
16 parking lot, and those parking spots are always full, then
17 that would mean that you had maxed out your membership.
18 Would you be willing to make an agreement... We can't make
19 you do this, but it would dissolve this issue if you could
20 make an agreement that would say that your membership
21 wouldn't... If your members started slopping over into
22 other parking areas, that would mean that you had too many
23 members.

24 JIM GERBER: Let me try to answer that. This
25 isn't a science, and if we start a very popular group
exercise class at 9:00am that far exceeds its popularity,

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1 been absolutely off the charts in terms of people staying
2 extra hours and using the club more than any of our other
3 clubs.

4 CHAIR DREXEL: Maybe Bud can shed some light on
5 this.

6 DIRECTOR LORTZ: Well, the only thing I was going
7 to offer is that the Zoning Ordinance currently enables the
8 Planning Commission to call up a Use Permit. So if there is
9 a concern on the part of this Commission, or the neighbors
10 come to us and are concerned because there's some change in
11 activity that has caused "an intensification under our
12 code," we can call the Use Permit up.

13 CHAIR DREXEL: So we could do that with Courtside?

14 DIRECTOR LORTZ: We could do that today.

15 CHAIR DREXEL: Okay. And if we did that today,
16 then we could look at the Use Permit and see if we needed to
17 make an adjustment as to the level and intensity of use?

18 DIRECTOR LORTZ: Yes.

19 CHAIR DREXEL: So that would be maybe a way around
20 this.

21 COMMISSIONER O'DONNELL: (Inaudible)?

22 ORRY KORB: Is your concern about calling up a Use
23 Permit?

24 COMMISSIONER O'DONNELL: My concern is about
25 vested (inaudible).

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1 ORRY KORB: You cannot change a Use Permit without
2 finding that there is a violation of the Use Permit, and the
3 reason for that again is, as I've said in the past, a Use
4 Permit is a property right, and it is vested in this
5 situation. You can take a look at the operations and
6 determine whether those operations are violating the Use
7 Permit, and you've got to be careful about doing that,
8 because you can't approach that observation as though it's a
9 hearing on the question of whether there is a violation.
10 You're just looking to see whether there is a reason to go
11 further and actually hold a hearing on that question, but
12 you are entitled to examine it, but you have to be careful
13 about how you do it.

14 CHAIR DREXEL: We don't have a copy of the Use
15 Permit before us, so it's really hard to know whether the
16 fact that there seems to be a lot of issues with parking
17 here bears at all on the Use Permit. Is that right?

18 ORRY KORB: That's correct. You don't have the
19 Use Permit before you, and the reason of course is because
20 this application concerns a separate piece of property and
21 it doesn't actually open or in any way touch upon the Use
22 Permit for a separate piece of property.

23 CHAIR DREXEL: So maybe Bud can tell us is
24 anything there, since we're hearing a lot about the use on
25 this piece of property, whether the issue could be opened

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1 from new membership from Courtside spilling onto the streets
2 and byways as well.

3 ORRY KORB: One additional point. I don't have
4 the Use Permit in front of you, as you know, because you
5 don't have it in front of you either. But if Courtside is
6 operating in accordance with its Use Permit, and they still
7 have a parking problem, that does not necessarily entitle
8 the Town to reopen their Use Permit and change either their
9 parking requirements or their mode of operation because of
10 their parking requirements. It just simply means that
11 whatever method was used to determine what the parking
12 requirement would be for those operations just didn't work
13 for every situation under which they operate, and
14 unfortunately that is not something that we penalize them
15 for, because they have a vested right in that permit, so we
16 can't just willy-nilly reopen it.

17 CHAIR DREXEL: Okay, so that doesn't sound like
18 something that will work, unless Bud comes up with something
19 in the Use Permit. Morris?

20 COMMISSIONER TREVITHICK: May I ask the same sort
21 of legal question if I can? It was mentioned that the idea
22 of a multi-level on the site itself was "summarily dismissed
23 by the Town." Can you give me something of the background
24 and when that took place?
25

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1 up? And actually we can end up probably pretty much with a
2 win-win. I understand your concern, but...

3 JIM GERBER: Well, one of the people that spoke,
4 Carol spoke tonight, and she was the most intimately
5 involved with the Use Permit, and she said that the last few
6 years have been fantastic. We are good neighbors, and we
7 try hard to do a good job. We're very responsible in the
8 Town of Los Gatos, and ninety-five-percent of our members
9 are Los Gatos residents.

10 We're here for the long run. We're not trying to
11 pull wool over anybody's eyes. I'm spending a lot of money
12 on this property to take our employees' cars off of
13 Winchester, and we thought we had a good solution here, and
14 for a piece of property that seems to be an orphan, it might
15 be a good use.

16 And there is not an issue with the Use Permit at
17 Courtside Club right now that I'm aware of, and Carol might
18 agree.

19 CHAIR DREXEL: All right. That's something we can
20 ask the Staff, and we're not really speaking to you as bad
21 neighbors or anything. We're just trying to figure out how
22 to...

23 I guess my concern is that we'll end up approving
24 this parking lot, and then we'll end up with all those cars
25 going in and out and we'll still have the additional cars

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1 ORRY KORB: That's not a legal question. I think
2 that is a planning question, so I'll turn that over to Mr.
3 Lortz.

4 COMMISSIONER TREVITHICK: Well okay, legal, if we
5 can do anything about it, reopen it shall we say.

6 ORRY KORB: You mean can you entertain an
7 application for a multi-level parking structure on the site?

8 COMMISSIONER TREVITHICK: Yeah.

9 ORRY KORB: If somebody made an application for it
10 and it was consistent with our zoning requirements, right
11 now yes, that application could be considered.

12 COMMISSIONER TREVITHICK: I'm just trying to see
13 if there's some specific thing that could be looked at
14 rather than a general.

15 ORRY KORB: Yeah, I have to tell you that I'm not
16 looking at the code and I can't tell you without it in the
17 abstract whether a multi-story parking structure would fit
18 within the zoning requirements and can physically fit on the
19 site. Again, that's a question that Mr. Lortz would have to
20 answer for you.

21 CHAIR DREXEL: Lee?

22 COMMISSIONER QUINTANA: Two questions. One is
23 what was your understanding of why the two-story garage was
24 dismissed as an option?

25 JIM GERBER: That multi-level parking in Los Gatos
wasn't encouraged, I believe. I wasn't actually directly

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1 involved with that discussion, and we did not prepare plans
2 or spend any money. We really wanted to find out if it was
3 at all feasible before we spent a significant amount of
4 money to do that.

5 COMMISSIONER TREVITHICK: Do you recall...

6 COMMISSIONER QUINTANA: I have a second question.

7 CHAIR DREXEL: Yes?

8 COMMISSIONER QUINTANA: Unless Commissioner
9 Trevithick's question is a follow-up on that, then I'll wait
10 for my second question.

11 COMMISSIONER TREVITHICK: Just a quick question.

12 Do you recall when that application was made to the Town?

13 JIM GERBER: There was no application. It was a
14 discussion, and I believe that was when Pete was here,
15 Natalie. Four or five years ago, six.

16 CHAIR DREXEL: Lee?

17 COMMISSIONER QUINTANA: My second question is, and
18 this is hypothetical since we have Conditional Use Permits
19 that are already in place in other things, but if, big if,
20 if it were possible to have the Conditional Use Permit for
21 Courtside to specify a specific membership based on current
22 levels of usage and parking availability that could be
23 reviewed every two to three years to adjust that number
24 based on the current situation then, would you be willing to
25 entertain something like that?

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1 CHAIR DREXEL: I have one question. How do you
2 know when folks leave? Being a member there, I check in, I
3 don't check out. You guys wave goodbye, but I don't think
4 you know who you're waving to. So how do you determine
5 usage from people checking in?

6 LISA GRAFF: As Jim said, it's certainly not a
7 science. We do watch the parking in and out. We time the
8 classes, people in the showers. It's an estimated time.
9 And that will vary obviously seasonally. You can play
10 football in our parking lot in August and September, because
11 everyone's gone on vacation. During the summer months when
12 kids are out of school and families utilize the club, usage
13 will change.

14 CHAIR DREXEL: All right, thank you.

15 LISA GRAFF: You're welcome.

16 CHAIR DREXEL: Are there any more questions? I
17 think we've sort of beaten the subject pretty much to death
18 here. Then I will close the public hearing and open it up
19 to the Commissioners for comments, questions of staff, or a
20 motion. Mike?

21 COMMISSIONER BURKE: The General Planning
22 Committee heard this I believe at their last meeting two or
23 three weeks ago, and one of the things the minutes don't
24 reflect, but at least two of the three members who voted
25 against it expressed a concern that this was a general plan
amendment that was being pretty much applied to a very

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1 JIM GERBER: No. I've seen it fail too many times
2 around the United States.

3 CHAIR DREXEL: All right. Joanne?

4 COMMISSIONER TALESFORE: Again, the intent of this
5 extra parking is for the employees?

6 JIM GERBER: Primarily, yes.

7 COMMISSIONER TALESFORE: Primarily the employees?

8 JIM GERBER: Absolutely.

9 COMMISSIONER TALESFORE: So how many employees are
10 employed at night, between the hours of 4:30 and 9:00?

11 LISA GRAFF: I'm guessing right around thirty.
12 Since we do operate until 11:00pm, it would require us to
13 have our employees relocate their cars from the proposed
14 site into our existing site, and obviously at that time
15 there's certainly not a parking problem, and we would do so.
16 We'd probably prefer to do that, because they'd be closer to
17 the building and for security reasons, safety, et cetera.

18 COMMISSIONER TALESFORE: And besides members, you
19 also sometimes encourage your members to bring guests,
20 correct?

21 LISA GRAFF: Our members have that privilege.
22 They can bring a guest to the club, yes.

23 COMMISSIONER TALESFORE: Is there a percentage of
24 guests to members?

25 LISA GRAFF: A member can only bring the same
guest twice per month.

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1 specific piece of property, and I was one of those people,
2 and another member, and it troubled both of us.

3 And I'll state here for the record that that
4 concept alone of what's in front of us, which is really just
5 a General Plan amendment, that it's been very narrowly
6 worded to affect minimal pieces of property bothers me.

7 It also bothers me that I feel that when you have
8 a Conditional Use Permit, that the main concern ought to be
9 is that use compatible with the underlying zone. And I
10 don't see how a commercial parking lot can be compatible
11 with a residential zone, no matter where it's located.

12 I understand that this is a very difficult piece
13 of property to do anything with because of the easements
14 over it, but I don't think that's necessarily reason to
15 grant a Conditional Use Permit. I think we have to look at
16 it and say would I want a commercial parking lot next to or
17 behind my house? That's my thoughts. That's in the
18 abstract of the Zoning Amendment as proposed.

19 In the specific, because this application is being
20 brought up by Courtside, I see it as maybe solving a
21 temporary problem. They need more parking. But as we see,
22 as their parking, is this just going to be a transitory
23 solution and not a permanent one?

24 So those are my thoughts on this, and I think you
25 can probably guess on how I would vote on this at this time.
Thank you.

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1 CHAIR DREXEL: All right. Lee?

2 COMMISSIONER QUINTANA: I think this is
3 problematic. It's sort of a conundrum. But what we have
4 before us is a request for a zoning change, and the way I'm
5 looking at it is somewhat the way Commissioner Burke is,
6 that I'm trying to look at it as if the zoning change were
7 not accompanied by a specific proposal that will come to us
8 later. If we were just looking at the wording of the
9 proposed amendment to the Zoning Code, would we entertain it
10 with any seriousness in terms of what it would do and the
11 policy it would set up. That's where I have my problem. It
12 does seem to present a case where it's being done for one
13 particular property, one particular zone classification
14 within the R-1 district.

15 Then if I put that aside and look at the
16 specifics, it seems that everybody agrees there's a parking
17 problem. This is a very difficult piece of property to
18 develop as a commercial property because of all the
19 easements on it. I believe it equally has constraints as an
20 R-1 residential parcel. I think it could really probably
21 only accommodate one residence off of Newell, and the rest
22 what would you do with? I don't know.

23 What am I leading up to? I'd like to see a win-
24 win that the Town puts into a process that doesn't deviate
25 from what the Town has done in the past, but at the same
time achieve the goals of the community members who want to

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1 COMMISSIONER O'DONNELL: Without prejudice I
2 happen to agree with (inaudible).

3 CHAIR DREXEL: That's not the way you do it.

4 COMMISSIONER O'DONNELL: I'm not legally required
5 to do it, but I don't think I'm going to help anybody if I
6 don't abstain, so I will abstain tonight.

7 CHAIR DREXEL: All right. Thank you.
8 Interesting. Normally we wouldn't be talking about of this
9 stuff; it would normally come up at A & S. And this project
10 did appear before the CDC, the Conceptual Development
11 Committee, and we thought that the parking lot was a good
12 idea, because to me ultimately it's what is the most
13 appropriate use for this site? And it's on a very busy
14 street. It has huge constraints, so to me it either looks
15 commercial, even though it backs up into housing, there are
16 transitional uses of offices often between housing and all,
17 and so I don't see that a commercial small office or
18 something like that would be inappropriate for this site.

19 When you just look at it, you think parking lot is
20 fine, because everyone seemed to think that the neighbors
21 were going to be a lot happier with the parking lot than
22 anything else, that less traffic would be generated. Nice
23 looking parking lot and all, but if it doesn't really
24 resolve the parking overflow at Courtside, if we're going to
25 continue to be subjected to increasing membership at
Courtside who will use the parking lots up and we'll end up

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1 reduce the impact of parking in their neighborhoods and meet
2 Courtside's request for more parking.

3 I know that the General Plan zoning combination
4 was rejected because the neighborhood I understand does not
5 a change in the R-1 zoning, however effectively if a CUP was
6 granted, it really does change the use; there's no
7 difference.

8 So either one of those has their problems. I try
9 to come up with an alternative solution that I am sure must
10 have a flaw, because it hasn't come up from Staff, but I'm
11 going to throw it out anyway. A PD zoning would not require
12 a General Plan amendment, but it would be very specific to
13 that particular use as well. And yeah, one of my
14 Commissioners is whispering to me what I thought might be
15 the problem; the lot is too small. Because otherwise I
16 think it is the solution, because we do have other
17 properties that have General Plan designations that are
18 different than their zonings, and the underlying zoning does
19 not allow the use that is approved by the PD. So that would
be a solution, but apparently it doesn't work.

20 So I'm leaning toward a no, but I'm still open
21 because I think it is somewhat of a conundrum.

22 CHAIR DREXEL: Anyone else have comments?

23 COMMISSIONER O'DONNELL: I think I (inaudible) I
24 am going to abstain.

25 CHAIR DREXEL: You're going to abstain.

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1 back to ground zero, but without the option of adding
2 parking, I'm not sure that gets us anywhere.

3 So that's my dilemma. I'm looking at the use.
4 This use was as proposed supposed to be kindest to the
5 neighbors. I think if the neighbors want nothing to happen
6 on this lot, they're dreaming. I think that it's going to
7 be developed commercially, and if they don't get the parking
8 lot tonight, they will get an office building. You can ask
9 and say whatever you want, but in my opinion that is a
10 logical use for this site. Mike, what do you think of that?

11 COMMISSIONER BURKE: Well, the first thing I want
12 to say is we talk about this lot being constrained. I look
13 at these as manmade constraints. At some point in this
14 piece of property's ownership history, some decision was
15 made to constrain this piece of property by the owner at
16 that time, which in turn devalued its use in the future. At
17 some point a decision was made to grant an easement to run a
18 water line under it, and it could have been eminent domain,
19 which I'm sure they were compensated for. Likewise at some
20 point, another easement to grant a power line, and I'm sure
there was some form of compensation for that.

21 That going forward devalued the uses that this
22 piece of property could have. So if we now look at this
23 piece of property being constrained, thinking we have to
24 kind of bend the rules or make rules to fit, I think we have
25 to look at the constraints being put on this property as

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1 having been with it, not naturally put on, as something that
2 naturally devalues the use of this property. So that's my
3 thought.

4 What can go there properly? I don't know if a
5 small home in the corner with parking. I don't know what
6 could go under the power lines, if a carport or anything
7 could go there, but maybe you could get a duplex there. We
8 like affordable housing close to transit quarters. I don't
9 know.

10 CHAIR DREXEL: All right. Joanne?

11 COMMISSIONER TALESFORE: I don't know, I'll take a
12 stab at this. I agree with what everybody said, and I guess
13 that's where I've been, on both sides of this. I don't want
14 to see this impacting a neighborhood. At the same time I'm
15 thinking yes but it would solve some parking issues, and I'm
16 all for that.

17 And I also cannot see developing a house there or
18 living there. I just couldn't do that. I don't think, even
19 though it's zoned that way, just putting a house there.

20 I think it could cause some safety problems, I'm
21 really well aware of that. But I think if we were creative
22 enough about ingress and egress we could work it out.

23 I don't know, do we limit the size of the parking
24 lot? Would that help a little more? Do we make sure that
25 it's landscaped so well that it becomes an asset because it

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1 coming forward to try to remedy that. That seems to be
2 where we're at.

3 Now, we've talked an awful lot about this parking
4 situation, and membership, and CUP of Courtside, but clearly
5 that's not what's in front of the Commission. It's whether
6 or not this zoning text amendment makes some sense for this
7 property, given this usage atmosphere.

8 We've been dealing with this property for a very
9 long time and we've tried to be sensitive to the neighbors,
10 sensitive to their concerns on the parking as well as the
11 use of this land issue. And we have come up, as a
12 community, with some very innovative approaches, a little
13 unusual, but innovative.

14 We rezoned the Macabee Gopher Trap Company with an
15 LHP overlay to allow it to continue to exist. Is that the
16 right thing to do? Well, some would call it spot zoning,
17 but it's method of dealing with a land use issue that's
18 unique for the Town. We have another section in the CUP
19 Table that talks about wineries, and we allowed a winery to
20 continue to exist, although it was an R-C zone and it was
21 going to become nonconforming and we were going to have to
22 kick them out of town. And the community said this is the
23 right way to go about this.

24 So what we were trying to do is find a unique,
25 innovative approach to dealing with the neighbors' concerns
about future land use, if it were to be changed General Plan

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1 does look like a park, and maybe we put grass between
2 pavers. I don't know, how creative can we be with this?

3 I really don't want to see a two-story parking
4 structure there. I'm not sure what we'd do with it, but I
5 would rather see it as a parking lot I think than anything
6 else, and especially leaving it raw land the way it is. It's
7 not being cared for very well.

8 CHAIR DREXEL: I have a question of Bud. How did
9 we lose the membership cap at Courtside? Do you know how
10 that transpired?

11 DIRECTOR LORTZ: We're back onto membership. I
12 wasn't at the public hearings so I don't know how the
13 dialogue went, but I know that there is a problem with sport
14 clubs and membership caps. They resist them wholeheartedly.
15 So we worked very hard to provide enough parking on the
16 site.

17 I did an analysis through the last couple of weeks
18 that compared the parking that's on this site for the uses
19 that are provided at Courtside against our code, against the
20 codes of numerous other communities, and the parking is
21 sufficient under all of those analyses. They use different
22 methodology to determine the number of parking spaces, but
23 it turned out to be adequate.

24 So the question is, is this club very popular?
25 Kind of like the Coffee Roasting Company, just a popular
club, and consequently having some parking woes, and are now

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1 and zoning to perhaps an office zone, which the neighbors of
2 course do not want, and yet deal with this parking issue,
3 and that's why we are where we are.

4 Now, the applicant did go through the CDAC process
5 and asked the questions early on. They purchased the
6 property based on the input they received through that CDAC
7 process. They heard the neighbors and they were respectful
8 I think of the neighbors' concerns, and remain so in terms
9 of the design of this parking lot.

10 Now, the design of the parking lot and use of the
11 parking lot are not before us tonight. I'm sure everybody
12 would love to weigh in, because we're all solution driven,
13 but those are issues that if this is approved by Council
14 will be the subject of a great deal of input. We've been
15 taking a lot of notes this evening. I'm sure the neighbors
16 have been listening carefully to see if there's some
17 additional conditions perhaps that we haven't discussed that
18 could be imposed here that would work well.

19 One that I'm certainly thinking of is how if this
20 has served as overflow parking with the Elks, perhaps the
21 Courtside folks would be receptive to a condition that
22 allows this parking lot to be used four times a year by the
23 Elks for overflow parking. There you've kind of eliminated
24 the concern that the neighbors raised about that overflow
25 issue, with proper notice and those things. I don't want to
put that condition out there because I'm just thinking off

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1 the top here, but I think there are ways to address some of
2 the concerns that have been raised this evening.

3 CHAIR DREXEL: I frankly don't have any problems
4 with the terminology of the amendment to the zone, because I
5 think that it does solve the solution by the neighbors if
6 they prefer not to have a commercial use put on the site at
7 some point in time, so I think the Staff actually has been
8 very creative with that language and I'm not disturbed by
9 that.

10 I just want to make sure that we don't create more
11 problems ultimately if Courtside should grow in membership.
12 And I realize that that's what is before us, but as a
13 practical matter, that is what I'm concerned about. I think
14 that the parking lot probably has the fewest impacts of
15 anything that could be put there. That's what we're told.
16 In reading the reports and all, it says that the traffic
17 impacts there are less with the parking lot than anything
18 else.

19 DIRECTOR LORTZ: Well, there certainly is no
20 generation of parking demand by some new use. The one thing
21 that I did want to offer, and I'd mentioned it before in
22 terms of the Conditional Use Permit and could it be called
23 up, as you recall, we called it up. This Body reviewed the
24 conditional use permit a few years back, because the
25 neighbors were concerned that they were operating outside
the parameters of the Use Permit, and we had numerous public

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1 that the condition could be written in the Table requiring
2 the ingress and egress only from the arterial?

3 DIRECTOR LORTZ: Well, the Town Attorney
4 definitely has an opinion of the subject, and so do I, but I
5 don't think either of us can support that approach. Orry,
6 would you like to comment?

7 ORRY KORB: I wouldn't recommend it. Again, if
8 this zone amendment was approved, then the next step would
9 be a CUP application for this particular property, and that
10 can certainly be a condition imposed on the CUP.

11 But remember, even though this language may apply
12 only to an individual piece of property, technically it
13 applies to any other property of a similar description.

14 DIRECTOR LORTZ: I'd like to just read into the
15 record the section that I referred to where a Use Permit can
16 be called, and I know this Body has gone through that
17 before. "The Planning Commission on its own motion, or on
18 the recommendation of the Planning Director may, and if
19 requested by Council shall, hold a hearing to consider
20 modifying or revoking any zoning approval that's been
21 granted pursuant to this chapter," which is the Zoning Code,
22 "or any prior ordinance. Notice of the hearing shall be
23 given in the same manner as for the hearing of any
24 application for zoning approval. Written notice of the
25 hearing shall also be mailed to the principals making use of
and relying upon any such zoning approval not less than five

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1 hearings on that, and I think we built a relationship
2 between Courtside and the neighbors through some additional
3 conditions, some clarification of conditions, and we have
4 not heard complaints from the neighbors. But if we do, just
5 as we did with Rinconada Country Club, then that on the
6 Commission's direction could be a topic of discussion.

7 CHAIR DREXEL: All right. Mike?

8 COMMISSIONER BURKE: First of all, Mr. Lortz, I
9 want to acknowledge that yes you tend to have some really
10 creative solutions to difficult problems here and I
11 appreciate that, even though I'm not one that's thrilled by
12 parking lots.

13 One of the comments that was brought up, and I
14 think I also brought this up too at the General Planning
15 Committee meeting is the requirement in general that any
16 parking lot in an R-1 zone have its ingress and egress only
17 from an arterial. And you said that could be part of the
18 conditions of when it was put in.

19 My concern with that is that you might get into a
20 situation where somebody had a lot on an arterial and they
21 said well it's really not practical for me to ingress and
22 egress, but it's a legitimate use and it doesn't specify
23 that anywhere. Or later you get into a situation where the
24 ingress and egress on Winchester here is causing problems or
25 safety issues, and the solution by a traffic engineer is to
have them ingress and egress from Newell. Is there any way

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1 days prior to the date of the hearing." So that's the
2 section that I'm referring to. It's the way that the Town
3 reviews from time to time zoning approvals that have been
4 granted, and particularly Use Permits that have been granted
5 where neighbors have started to raise concerns that perhaps
6 the operation has changed in a way that is outside the
7 parameters of the use permit.

8 CHAIR DREXEL: If another piece of property turned
9 up and wanted to use this part of the Code, they would be
10 required to have a CUP, and they would have to conform to
11 the General Plan, is that right?

12 DIRECTOR LORTZ: That's correct, they would be
13 required to go through the CUP process.

14 CHAIR DREXEL: And being in conformity with the
15 General Plan is part of their approval?

16 DIRECTOR LORTZ: Absolutely.

17 CHAIR DREXEL: And so if somebody wanted to do it
18 some place screwy, we could certainly under the auspices of
19 the General Plan prevent it, I would assume.

20 DIRECTOR LORTZ: That's correct. Originally when
21 we crafted this language we were just using the R-1 zone,
22 and that blanketed the Town. We were using arterial as a
23 way to narrow the number of lots. We subsequently in
24 discussions with the Town Attorney came up with the R-112
25 language to narrow the focus even more.

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1 There is not a lot of property in Los Gatos zoned
2 R-112, and there's three properties located on an arterial
3 street that are undeveloped that could apply for a Use
4 Permit under this zoning. We have scoured the Town. We've
5 gone through every arterial. There's a map that's been
6 developed to look at every arterial. All the zonings along
7 those arterials, and the area that this relates to is the
8 Newell neighborhood, and then there's another little cul de
9 sac just to the south of this on the other side of
10 Winchester that it would apply to, but all of those
11 properties are developed.

12 CHAIR DREXEL: All right. Joanne?

13 COMMISSIONER TALESFORE: I just want to clarify
14 again. So if this should get an okay tonight, it doesn't
15 mean that the ingress and egress is established?

16 DIRECTOR LORTZ: That's correct.

17 ORRY KORB: That's correct.

18 DIRECTOR LORTZ: All you're doing is approving a
19 zone change.

20 CHAIR DREXEL: All right. Lee?

21 COMMISSIONER QUINTANA: Question of the Staff,
22 hypothetical questions. If this were to have a GP change to
23 some commercial with a zoning for office, would Courtside be
24 able to put a parking lot on that piece of property?
25

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1 The reality is the General Plan can be amended,
2 and the zoning in the area can be amended, and any decision
3 you make today does not preclude that from occurring any
4 time in the future, so you're never binding any future body
5 from making that change. So there are no guarantees. And
6 what considerations go into that decision-making we can
7 speculate on until the cows come home.

8 But I will say that both of those determinations
9 are legislative, and they can take into consideration
10 factors that concern the interests of the Town, whatever
11 they may be, in that discussion, and they are highly
12 discretionary and can be denied for any good reason, for any
13 reason at all as a matter of fact.

14 COMMISSIONER QUINTANA: I'd just like to make a
15 comment then. One of my concerns about this is that in
16 looking at the Conditional Use Table, there's no other item
17 in it that has the specificity that this one does, and that
18 is a concern to me. And given the fact that what Orry just
19 said, it seems to me that applying for a General Plan change
20 and a zoning change would be within the processes that the
21 Town has to achieve the goals without bending the rules so
22 to speak.

23 CHAIR DREXEL: Does anyone else have any comments?
24 Morris, don't you have anything to say about this? No?
25 Joanne? All right, I guess we've talked it out. Although I
am concerned about the future expansion of Courtside, they

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1 DIRECTOR LORTZ: Yes, parking lots are allowed in
2 an office zone for example, if that's what you were
3 thinking.

4 COMMISSIONER QUINTANA: The neighborhood's concern
5 is that the property be developed in a commercial use later
6 on. Now if Courtside wanted to sell it and develop it in a
7 commercial use later on, they would have to come through
8 Planning. Wouldn't one of the considerations that Planning
9 has be to look at the effect of the loss of parking on the
10 Courtside operation as to whether that proposed office or
11 whatever use would be suitable for the site?

12 ORRY KORB: Well since they would be a Use Permit
13 on the property, the question probably would be raised as to
14 what's the Use Permit for and if it was related to this
15 parking issue? I can imagine the Planning Commission asking
16 that question.

17 COMMISSIONER QUINTANA: So it is possible that the
18 General Plan and zoning be changed and we are still able to
19 maintain or achieve what the neighborhood would like, is
20 that correct? Control over eventual development.

21 ORRY KORB: Let me try to address that question.
22 What the neighbors are asking for is something that at least
23 presently protects against a commercial development on that
24 site. There was one proposed previously and they fear
25 another one.

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1 have been good neighbors, they can have their CUP pulled up
2 and examined. That's certainly a pretty big stick that we
3 hold over their expansion. The neighbors do not want this
4 to go through a General Plan amendment and zoning change,
5 and so they would be happier—even though they seem very
6 unhappy—they would probably be happier with what's proposed
7 tonight than what they would get, which is either a
8 commercially developed piece of property or a zone change on
9 the property. Isn't that right?

10 DIRECTOR LORTZ: Yes, I think the only comment
11 that was offered this evening from the neighbors was that it
12 would be supportive of a single-family home.

13 CHAIR DREXEL: Well, I think that I personally do
14 not think that that's a particularly good site for a single-
15 family home.

16 COMMISSIONER TALESFORE: And I would agree with
17 that.

18 CHAIR DREXEL: And I don't know how everyone feels
19 about it, but I don't think that we think that that's a
20 particularly good use. So we've got options here, and
21 neither of them are great in terms of what the neighbors
22 want, which is a park, that's what we all want. All of the
23 vacant lots in town, it would be great if they were all
24 parks, but it's unlikely that that's going to happen. So I
25 would rather see this as a parking lot, making people happy
with the language, making Courtside happy with the use, than

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1 dragging this on through another meeting because of
2 language. What do you think?

3 COMMISSIONER TALESFORE: Well I would hope that
4 what this is do is relieve some of the parking issues. I
5 mean I can't think that I would support and think that it's
6 not going to resolve something. And we can look at that at
7 the next... Can we put any conditions on this now? No,
8 this is A & S, right?

9 CHAIR DREXEL: No. That would be A & S that we
10 would do that. This is really just deciding whether this is
11 a good means to get this use on this piece of property.

12 COMMISSIONER TALESFORE: Is that correct?

13 ORRY KORB: This is simply a zone change
14 application. It's not a P.D. You don't put conditions on
15 zone changes of this sort.

16 CHAIR DREXEL: But we have to look at all that
17 stuff, because there's no point in changing the zone if it's
18 not going to satisfy everyone and work.

19 ORRY KORB: Right, but then all of those questions
20 can be addressed through the subsequent applications that
21 would be necessary in order to actually put a parking lot
22 there under this zone change if it were approved.

23 COMMISSIONER TALESFORE: And I think that we'd be
24 sensitive in those sessions for neighborhoods. I mean I'm
25 fairly confident we would be.

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1 situation that is designed specifically for one parcel
2 through a process that usually isn't used that way.

3 CHAIR DREXEL: Orry, yes?

4 ORRY KORB: I certainly understand the point the
5 Commissioner Quintana is making. This is an unusual
6 approach in the manner in which the zone change is designed.
7 But I will say it is an appropriate procedure. We are
8 following the Zoning Code Amendment procedure, so for the
9 record there's nothing inappropriate about it. I think
10 there was a comment earlier about the rules being bent.
11 They're not being bent. It is, again, an appropriate
12 process.

13 And it is a legislative change, and as a
14 legislative change, as I referred to previously, the
15 considerations that go into deciding what is in the best
16 interest of the community are manifold. And so we're not
17 stuck with a very clear four corner rigid process here. You
18 get to take a lot into consideration in making a legislative
19 change, and I just leave those thoughts for your
20 consideration.

21 CHAIR DREXEL: It isn't as though at some later
22 date the Courtside could come and try to get a commercial
23 zoning change or change the zoning to commercial. That
24 could always happen; it's not like they're being precluded.
25 It's just something that will work for now and ease

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1 ORRY KORB: Based on my experience with this Body,
2 I'm sure you would be.

3 CHAIR DREXEL: We are pretty much nitpickers, at
4 least we have that reputation. So Lee, do you have
5 something?

6 COMMISSIONER QUINTANA: Last word. While I'm
7 sympathetic to all of that, I believe that what's before us
8 is a Zoning Code Amendment and we should be looking at it
9 not with the particular perspective of a particular project,
10 but whether the Zoning Code Amendment would make sense of
11 and by itself if there wasn't another application that was
12 behind it, rather than rationalizing approving it because of
13 the project that's coming and that we could put conditions
14 on it.

15 CHAIR DREXEL: So do you think that we should
16 recommend to the Council that the application is denied, but
17 they come back and approach us in a different way? Is that
18 what you're suggesting?

19 COMMISSIONER QUINTANA: Yes, I'm suggesting that
20 this is a difficult piece of land; I think parking on it is
21 probably a good solution for now. I think it's possible
22 that one residence on the Newell side would work, but the
23 rest would not work as residential. So yes, I am suggesting
24 that the applicant look for a solution that falls within the
25 established procedures of the Town, not creating a special

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1 everyone's mind perhaps more than the alternative, which is
2 making it a commercial piece of property now.

3 So having said that, and I know I'm not going to
4 get any support, but I'm going to put it out there anyway.
5 I'm going to move that we recommend that this Zoning Code
6 Amendment A-03-4, it would not have a significant impact on
7 the environment, therefore the project is not subject to the
8 California Environmental Quality Act, Section 15061B3. We
9 recommend to the Town Council that they find the Amendment
10 is consistent with the General Plan. We recommend that the
11 Council adopt the Draft Ordinance Exhibit A amending the
12 Town Code. Is there a second?

13 COMMISSIONER TALESFORE: I have a question. Is
14 this consistent with the General Plan?

15 CHAIR DREXEL: Yeah, I think it is. We're talking
16 about small town character. I don't know, is a parking lot
17 anywhere consistent with small town character?

18 COMMISSIONER TALESFORE: No, I mean the change.

19 CHAIR DREXEL: The change is consistent.

20 COMMISSIONER TALESFORE: I think the change is
21 consistent with us having the ability to legislate a change,
22 but it's not...

23 ORRY KORB: You get to make the determination of
24 whether this is consistent with the General Plan, and the
25 Chair has pointed out the fact that the General Plan

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1 contains a number of different policies that you get to take
2 into consideration in making that consistency determination.

3 CHAIR DREXEL: I don't know where it would be
4 inconsistent with the General Plan.

5 ORRY KORB: So if the motion is that this is
6 consistent, then you get to, voting for yourself, make that
7 decision whether you think it is consistent or not. Staff
8 is bringing this forward and recommending it and has not
9 indicated in its report any belief that this is inconsistent
10 with the General Plan, if that helps.

11 COMMISSIONER TALESFORE: I'll support it because I
12 do think that however we get there, I think that given all
13 of what I'm hearing tonight, I'd rather see a parking lot
14 there than a commercial building or a home.

15 CHAIR DREXEL: All right, so you're seconding?

16 COMMISSIONER TALESFORE: Yes.

17 CHAIR DREXEL: All right. Any comments?

18 DIRECTOR LORTZ: Just for the record too, I'll
19 give you the other example. As I mentioned before, we put a
20 LHP overlay on an industrial use in a residential zone and
21 found that consistent with the General Plan. Now, we can
22 argue about whether it was historic or whatever it was, but
23 it was non-conforming and it was due to go away. The proper
24 thing to do, if you're a utopian planner, is to kick them
25 out of the residential zone. We didn't do that.

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1 I'll ask Mr. Lortz to confirm, that this will probably be
2 reported to Council on the 15th of March.

3 DIRECTOR LORTZ: Yes.

4 ORRY KORB: And that would make your final date
5 for requesting a hearing the 22nd of March if I'm reading
6 that calendar correctly.

7 DIRECTOR LORTZ: Yes, and our suggestion when
8 there is a zone change of this nature is to provide us with
9 a letter requesting the hearing very soon, and we can work
10 with you on that.

11 CHAIR DREXEL: Thank you. All right, the next
12 thing we have is continued other business, and there is
13 none, so that gets us to new other business. Are there any
14 subcommittee reports? Mike?

15 COMMISSIONER BURKE: The General Planning
16 Committee met today for a special meeting to discuss the
17 commercial design guidelines, working with the Town's
18 architect, and one of the things that came out of there was
19 a strong interest to investigate the possibility of mixed
20 use commercial in the C-1 zone along North Santa Cruz
21 between Highway 9 and Blossom Hill on the east side of the
22 street.

23 CHAIR DREXEL: Highway 9.

24 COMMISSIONER BURKE: And Blossom Hill, along the
25 east side of the street. The topic came up as we were
discussing what the architectural should be there and what

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1 We are trying to balance interests in this
2 community. It's not easy to do. It's something that we
3 struggle with, and at the end of the day try to make the
4 right decision for this community, and that's exactly what
5 we're doing this evening.

6 CHAIR DREXEL: All right. So all those in favor?
7 Okay, two for and three against, and Tom's abstaining. Yes?

8 DIRECTOR LORTZ: We need a minimum of four votes
9 one way or the other on this.

10 CHAIR DREXEL: Right. So I guess we will just...
11 What do we do? We forward it to Council with...

12 ORRY KORB: No, I would recommend, and for the
13 sake of expediency perhaps even the Chair would recommend a
14 denial and then have your vote on that motion.

15 CHAIR DREXEL: Okay. Well, then I will make a
16 recommendation to deny it, sorry guys, and we will forward it
17 to Council.

18 COMMISSIONER BURKE: I'll second.

19 CHAIR DREXEL: All right. All those in favor?

20 ORRY KORB: Five to one. One abstention, and that
21 was Commissioner O'Donnell abstaining.

22 For the applicant, this matter will be forwarded
23 to the Town Council in a report. You have the right to
24 request a hearing. You can do so any time from today,
25 other words starting tomorrow, until five days after the
report is made to the Town Council. It is my guess, and

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1 would be appropriate. All it was was an interest. We
2 didn't take any action.

3 CHAIR DREXEL: All right, an interest. Pardon me,
4 I missed the first part.

5 COMMISSIONER BURKE: We were discussing the
6 architectural guidelines for commercial, and when we came to
7 the C-1 zone, located on North Santa Cruz between Highway 9
8 and Blossom Hill, the discussion was that along the east
9 side whether or not that might be an appropriate place to do
10 some mixed use commercial, and there seemed to be a lot of
11 enthusiastic interest from the Committee on that idea.

12 CHAIR DREXEL: All right. That's cool. Anybody
13 else? Okay, you know we had some little things we were
14 going to talk about and it's getting late, but let's just
15 really quickly.

16 I talked to Phil, because this was supposed to be
17 a short meeting, right? Remember? We were going to talk a
18 little bit about the things that were problems in our
19 process that might make us work better. And we are a team,
20 so maybe there are some things that we can do better.

21 Phil isn't here tonight. I did call him and he
22 said that there are two things that bug him. He said he'd
23 like everyone to focus on the major aspects of a project and
24 leave the details to the Staff, and that's for
25 recommendations and whatnot. And also that we should not
question peoples' motives for why they are doing things,

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1 whether it be profit or not is of no immaterial interest to
2 us. It's only really the result of what they're doing. So
3 those are his comments, and I thought they were pretty good
4 ones actually. Anybody else?

5 COMMISSIONER TALESFORE: Is this recommendations?

6 CHAIR DREXEL: Sure, just kind of talking. Yeah,
7 we're talking here.

8 COMMISSIONER TALESFORE: I wondered in some of our
9 reports—I think this has come up before—is that is there any
10 way that sometimes planners might be able to put embedded in
11 our reports the actual policies or guidelines from the
12 General Plan that go along with what the issues are?

13 DIRECTOR LORTZ: We certainly try to do that.

14 COMMISSIONER TALESFORE: Right. I just wondered
15 if it could be like a...

16 DIRECTOR LORTZ: We'll do our best. We'll
17 continue to do our best and if we're falling short on that
18 one, certainly I apologize.

19 COMMISSIONER TALESFORE: Oh, you don't have to
20 apologize. Sometimes it just helps clarify and gets us
21 going in the right direction.

22 DIRECTOR LORTZ: Yes, and if there's some specific
23 examples of projects where we didn't provide that and you
24 thought that would have been useful, if you could let me
25 know and then we'll kind of flag those as types or classes
of applications.

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1 DIRECTOR LORTZ: Okay, very good. I appreciate
2 that.

3 CHAIR DREXEL: All right. Mike, do you have
4 anything you want to add?

5 COMMISSIONER BURKE: Well on this subject, I was
6 taken by chance this week to the County of Santa Clara
7 Planning Web site, and that is an incredibly impressive Web
8 site. People ought to look at it, because you can pull up
9 all the information you ever wanted to know about building,
10 developing, or whatever in the County, to the ordinances,
11 you can type in the address or the parcel number and find
12 zoning information about it. And I thought wow, what a work
13 saver for our staff and for the people that would come to us
14 if they had that type of tool for Los Gatos where they could
15 come and say this is in the HR-1 zone, this is what is
16 expected, these are the setbacks I'm required to do, this is
17 the accessory structure regulation. I mean it went into if
18 you want to put an accessory structure or secondary living,
19 what the setbacks for it had to be, what the qualifications.
20 And I was just really, really impressed. I know the County
21 has a much, much bigger budget than we do and I'm not
22 faulting us at all for not being able to implement it.

23 DIRECTOR LORTZ: But it's something to strive
24 towards.

25 COMMISSIONER BURKE: Well, if you can steal
somebody else's ideas, do it.

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1 COMMISSIONER TALESFORE: Okay. Those are usually
2 when I call you on the phone and say, "Could you..."

3 CHAIR DREXEL: Also, I know we get letters of
4 justification from applicants sometimes who heavily site the
5 General Plan, which I find very helpful. So if they can be
6 encouraged to do that, save your ink and let them use
7 theirs.

8 DIRECTOR LORTZ: Oh, absolutely.

9 CHAIR DREXEL: I think that might be a good
10 requirement.

11 COMMISSIONER TREVITHICK: I have a question. When
12 we're being asked to look at plans, sometimes we are asked
13 to ad hoc whether or not this orientation or that
14 orientation should be for this building or some other place,
15 whether it should be higher or lower on the site. I don't
16 think the Planning Commission should be in a position of
17 having to make those comments in public. I think we should
18 either refer back to the Planners or the architect to get a
19 decision, so that we're not actually micro-managing a site
20 plan.

21 DIRECTOR LORTZ: Well I appreciate that, and are
22 you referring to a previous application?

23 COMMISSIONER TREVITHICK: Yes. Well there's
24 several, but there's one at Cypress for example. We dropped
25 it down two feet and I'm not sure what the consequences of
that really were.

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1 DIRECTOR LORTZ: We'll look at that as a model for
2 some future effort in terms of our Web site.

3 COMMISSIONER BURKE: Web site, but also just the
4 ideas. I bet that saves their planners a lot of grief and
5 counter time, because you can just point people to that and
6 say type in the address and you can get all sorts of
7 information.

8 DIRECTOR LORTZ: Excellent idea. Thank you.

9 CHAIR DREXEL: All right. Lee?

10 COMMISSIONER QUINTANA: I think I'm going to
11 follow-up on what Morris said. He approached it from a
12 different angle than I was going to, but it sort of goes in
13 the same direction.

14 Sometimes I've been a little concerned that when
15 we approve a project with conditions, and the applicant may
16 not be willing to meet all of those conditions, we're
17 forcing the applicant to appeal, I think, because they only
18 have ten days, and if they don't appeal within that, they're
19 going to have to meet all of those conditions. So I sort of
20 agree that when we make those kinds of changes that the
21 Planning Department and the architect should have a chance
22 to look at them and give input to the applicant and that it
23 come back, so that we can see what the result is, because
24 possibly we'll approve it even if we can't achieve what we
25 were looking for. Possibly we would not approve the
project. So if it could come back on the consent calendar.

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1 That's just one of my concerns. It seems like we're forcing
2 people to appeal.

3 The other thing with projects that are approved
4 with conditions, a lot of the times the conditions are that
5 certain changes be made prior to the building permit being
6 issued, and that could be anywhere from a month or two or
7 two years. My thought is that it's hard for people to
8 remember the intent of conditions for a full two years and
9 if those are the conditions that we're approving the project
10 on, would it be possible if they are concerned with actual
11 changes in the project plan that those determinations be
12 made, and if we don't want the applicant to have to go back
13 and do a whole new plan set, that at least those changes
14 that are agreed upon that are architectural or whatever, and
15 part of the A & S, be blue lined on the approved A & S
16 rather than just on the construction plan, so that it's very
17 clear what the conditions were and there's less chance of
18 things getting lost in the shuffle.

19 CHAIR DREXEL: Bud, I was going to ask you about
20 that, because there's some language that I thought was quite
21 lovely in the conditions of approval for Wednesday, January
22 14th, it should be 11th, or whatever it is. It's Conditions
23 of Approval Ten, Eleven, and Twelve. It says "Conditions of
24 Approval. The conditions of approval shall be blue lined
25 and fall on the coversheet of the construction plans." I'd
never noticed those three conditions before. Maybe I just

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1 CHAIR DREXEL: So we don't have to really worry
2 about that. Those are taken care of. If they're on the
3 construction drawings...

4 DIRECTOR LORTZ: Yeah, the reason we use the
5 building permit as the trigger mechanism is we won't issue
6 the building permit until that issue is resolved, and it has
7 to be resolved before the planner will sign off on it.

8 CHAIR DREXEL: Okay. And Lee's concern that
9 people are going to forget what the conditions of approval
10 were from the time of our meeting until construction...

11 COMMISSIONER QUINTANA: And they look at the
12 approved plan set which has a stamp approved, which may not
13 have those changes in it, and check against that.

14 CHAIR DREXEL: But they can't (inaudible).

15 DIRECTOR LORTZ: The Staff won't sign them off
16 unless the issue is addressed. Okay, that's one thing. If
17 two years have gone by and finally the plans come in for
18 construction drawings, and you're concerned about a planner
19 not understanding the conditions, we do one of two things.
20 We'll look at the conditions, and do we understand the
21 condition? And if we have a question about the condition,
22 we'll go into the tape and listen to the condition.

23 COMMISSIONER QUINTANA: Let me phrase this another
24 way.

25 DIRECTOR LORTZ: And a specific would be really
helpful, if you have a specific example.

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1 haven't paid any attention. But it seems like don't those
2 do it for us? I always worry about being so precise that if
3 we forget something we're dead. So sometimes it's better to
4 leave things so that yes, the conditions of approval shall
5 be blue lined in here, but you're still bound by the ones
6 that created at the Planning Commission meeting. I mean how
7 do you handle that?

8 DIRECTOR LORTZ: And I apologize, I was up until
9 midnight with the Council last night, so I can't track a
10 question that lasts more than thirty seconds this evening.

11 CHAIR DREXEL: Okay, my question is can we put our
12 conditions directly on...

13 DIRECTOR LORTZ: Conditions are blue lined on
14 construction drawings.

15 CHAIR DREXEL: I understand that, but that implies
16 that some of these decisions aren't made until the
17 construction drawings, and so that we really don't know...

18 DIRECTOR LORTZ: When the construction drawings
19 are approved by Staff, every issue has been resolved. We
20 don't leave something loose like where the garage is going
21 to go. Some of these conditions, for example we'll take
22 Greenbriar the other night, and there was a lot of design
23 issues that had to be addressed. Those have to be addressed
24 before we'll sign off the construction drawings, if that's
25 what your question was.

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1 COMMISSIONER QUINTANA: I probably could pull one
2 up from our February 11th meeting. We approve a project with
3 conditions. It seems to me that project shouldn't actually
4 be considered finally approved until the conditions that
5 relate to changes in the A & S plans are actually worked
6 out.

7 Okay, Condition Five for the Greenbriar has to do
8 with windows being recessed and tinted and all that kind of
9 thing. That doesn't need to happen before the building
10 permit stage. That's real clear.

11 DIRECTOR LORTZ: Yes, it certainly does. In fact,
12 we've been working on them for the last two weeks to
13 accomplish every one of those.

14 COMMISSIONER QUINTANA: Right, but then you
15 have... Let's see, there was one that certainly I thought
16 should be done prior, and it said "at building stage."

17 CHAIR DREXEL: But they'll all be resolved, Lee.
18 They'll all be resolved.

19 COMMISSIONER QUINTANA: Prior to building stage.

20 CHAIR DREXEL: All right. Well maybe...

21 COMMISSIONER QUINTANA: No, no. I'm going to find
22 this.

23 CHAIR DREXEL: Yeah, why don't you talk to Staff
24 about that, because I feel like I've got a handle on this
25 one. Does anyone else... It's getting late.

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1 I only have one comment to make, and that's the
2 2004 Planners Institute. I've already been to it. It was
3 terrific. Morris has been to it. Joanne's been to it.
4 Actually, if I'm going to be around, I will pay, even though
5 the Town won't pay for it. It's in Monterey. I know this
6 was all in your packets. Do it. It's wonderful. Does it
7 start on a Wednesday? Yeah it does, doesn't it? No, it's
8 March 31st. We don't have a meeting that night. And it's
9 wonderful, so go. Go. It makes you smarter. Maybe on the
10 weekend. It's really good. We learned a lot.

11 COMMISSIONER BURKE: I just have one last item.

12 CHAIR DREXEL: Okay, go for it.

13 COMMISSIONER BURKE: I know that sometimes we find
14 out that mistakes have been made when we read about it in
15 the paper or something like that. Well I was in San
16 Francisco for Valentine's Day and I'm looking at the area
17 map, and I want to ask Staff how this happened. I looked at
18 the map, and the Town of Los Gatos has been moved north of
19 85. (Inaudible) but I haven't seen any environmental
20 reports.

21 FEMALE: Is this a General Plan change?

22 DIRECTOR LORTZ: That was our interpretation of a
23 condition regarding Greenbriar.

24 COMMISSIONER BURKE: What I want to know is how is
25 it consistent with the General Plan?

CHAIR DREXEL: That's amazing.

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1 COMMISSIONER QUINTANA: Don't agree with I
2 understand.

3 DIRECTOR LORTZ: And you're afraid that we're not
4 going to remember what you meant by that.

5 COMMISSIONER QUINTANA: Excuse me?

6 DIRECTOR LORTZ: If I understand your concern
7 correctly, you feel that we may not remember perhaps a year
8 from now exactly what the intent of the Commission was?

9 COMMISSIONER QUINTANA: Yeah, memories fade,
10 number one, and number two, planners on projects change, you
11 have turnover, et cetera.

12 DIRECTOR LORTZ: Certainly.

13 COMMISSIONER QUINTANA: And it seems like if
14 you're making a condition of a project that that condition
15 should be incorporated somehow into the plan set, either by
16 writing or revised, before the approval actually becomes
17 final.

18 CHAIR DREXEL: Okay, Bud, answer quick.

19 DIRECTOR LORTZ: We're not concerned about it. We
20 do have planners that go back into the tape when there's a
21 concern about a particular condition that they don't quite
22 understand, and they listen to the tape and the discussion
23 of it.

24 COMMISSIONER QUINTANA: It would save time.

25 DIRECTOR LORTZ: Well okay, the alternative that I
can think of is that within ninety days the applicant comes

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1 COMMISSIONER BURKE: Isn't that good?

2 CHAIR DREXEL: Oh my God. Okay, Lee?

3 COMMISSIONER QUINTANA: As a geographer major, I
4 appreciate that example of bad cartography. Bud, I do have
5 an example that I can give you outright.

6 DIRECTOR LORTZ: I believe you do.

7 COMMISSIONER QUINTANA: Number Six on...

8 CHAIR DREXEL: Why don't you do it when poor Bud
9 hasn't been up until midnight, Lee? Corner him tomorrow.

10 DIRECTOR LORTZ: Well, I know that Lee has a lot
11 of concerns about these things, and I'd like to hear what
12 she has to say so I can for the rest of the Commission
13 hopefully respond to it.

14 CHAIR DREXEL: Okay.

15 COMMISSIONER QUINTANA: Okay, thank you. Number
16 Six has to do with the garage relocations?

17 DIRECTOR LORTZ: Yes.

18 COMMISSIONER QUINTANA: And it says "Modifications
19 will be reviewed and approved prior to submittal of plans
20 for the building plan check." In this particular case it's
21 going forward, but in other cases that could be a year from
22 then, and that seems like something that should be addressed
23 immediately after the project, so it's not hanging out
24 there, because it is part of the condition of approval, and
25 it's a change in the plan.

DIRECTOR LORTZ: I understand.

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1 back to Staff and resolves the issue. But what if it's
2 ninety-one days? What if it's ninety-three days? Within a
3 reasonable period of time, what's the trigger mechanism?

4 And that's our concern is that I have failed to be
5 able—and I'm certainly not going to do it this evening—to
6 come up with an alternative approach, other than the
7 building permit, as the trigger mechanism for resolving that
8 issue. We could bring it back to the Commission, but I do
9 have real concerns production wise from that perspective.

10 CHAIR DREXEL: Has it ever been a problem?

11 DIRECTOR LORTZ: I don't believe it's been a
12 problem.

13 CHAIR DREXEL: Okay, there you go. I think it
14 works just fine the way it is.

15 MALE: I move that the meeting is adjourned.

16 FEMALE: I second it.

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COURTSIDE CLUB
A SPORTS RESORT

March 1, 2004

Town Council
Town of Los Gatos
110 E, Main Street
Los Gatos, CA 95032

Pursuant to the zoning ordinance section 29.20.580 Courtside Club is requesting a hearing of the Town Council. Courtside Club is requesting your consideration on Ordinance Amendment A-03-4. This Ordinance would allow, under very limited circumstances, a parking lot on a residential zoned property. The Club is proposing to develop the property identified as parcels 409-24-001, 409-24-002, 409-24-003.

A Letter of Justification regarding the Courtside Club project will follow.

Thank you for your consideration.

Lisa Graf
General Manager, Courtside Club

RECEIVED

MAR 04 2004

TO: TOWN OF LOS GATOS COUNCIL MEMBERS

TOWN MANAGER

FROM: WILLIAM & ANN BURNS

RE: **[PROPOSED] CHANGE OF TOWN CODE**
AMENDMENT A-03-4
LOTS 1, 2, & 3- RINCONADA ESTATES

On Wednesday, March 25, 2004, the Planning Commission heard Bud Lortz, Director of Community Development, proposal for a change in the Town Code that would allow Courtside Club/Western Athletic to build a private parking lot designed to accommodate Courtside employees and overflow membership parking. The final vote was 3-2 to reject Mr. Lortz's amendment to the Town Code. An Appeal to overturn that ruling was expected to be filed within five (5) days of the Planning Commission's decision. The final action now rests with the Town Council.

POSITION OF LA RINCONADA RESIDENTS

We write this letter to state that we support the plan of Courtside to develop a private parking area on Lots 1, 2, and 3 of Rinconada Estates for the overflow parking needs of the Courtside employees and members. We have reviewed the plans that have been presented by Paragon and Courtside (**EXHIBIT A**) and can support them as long as the single entrance/exit for parking remains on Winchester Boulevard. We shall **strongly** oppose any changes directed by the Town or Courtside which would place the entrance/exit on Newell Avenue. We believe that we state the opinion of our neighbors in the La Rinconada area.

The residents first met with Courtside Manager Lisa Graf and Paragon Developer Roger Griffin over a year ago at the Conceptual Development Advisory Committee. At that time, the Residents' position was to support Courtside in its efforts to purchase **Lots 1, 2, and 3 of Rinconada Estates (EXHIBIT B)** from the Elks Club. Our demands at that time were: **1) no ingress/egress onto Newell Avenue; 2) a Conditional Use Permit** issued by the Town Council granting Courtside's a private Parking Lot in a residential area which would guarantee the neighbors input as to approval of the plans for the Parking Lot as well as future maintenance of the property; and **3) construction of a sound wall** between Lot 3 and the residence on Lot 4. During that meeting, Bud Lortz suggested that an Amendment to the Town Code would be necessary but **failed** to refer to a legal precedent to substantiate his opinion. At that time, he dismissed our demand for issuance of a **Conditional Use Permit** that would **not** require an amendment to either the Town Code or General Plan. The residents' position was based on the **General Plan and Infill Policy of the Town of Los Gatos** regarding 'established residential areas' (**EXHIBITS C & D**). Developer Roger Griffin of Paragon assured the residents that the proposed Parking Lot would **not** have an ingress/egress onto Newell Avenue.

Over a year went by and the residents heard nothing until Bud Lortz's letter dated

February 2, 2004, (*EXHIBIT E*) was sent to a limited number of Newell Avenue residents. We obviously were shocked by the [Proposed] Amendment to the Town Code. The Development Review Committee had already met and approved Lortz's Amendment **without input** from the Residents. The General Plan Committee was the next step in the approval process. We were told by Lisa Graf, Courtside's General Manager stated that, "*she had been given assurance by Bud Lortz that the amendment would pass*" and Courtside would then be able to proceed with the construction of its Parking Lot.

During the General Plan Committee Meeting, Mr. Lortz was challenged as to how his Amendment would affect other property in town and why it was necessary to change the Town Code when a simple Conditional Use Permit could be granted by the Council. We appreciated the input from Council member McNutt when she asked how many other Residential Lots would be effected by the amended Town Code. Without thinking, Lortz answered 11 or 12, then realized he had revealed his **real motivation** for the change to the Town Code (ability to build parking lots throughout residential areas which are adjacent to an Arterial Street (defined by Caltrans as "*a major thoroughfare, used primarily for through traffic rather than for access to abutting land, that is characterized by high vehicular capacity and continuity of movement*"). Realizing his error, Lortz immediately stated the amendment would only effect Lots 1, 2, and 3 of Riconada Estates. Mr. Lortz has now changed the wording of his [Proposed] Amendment to the Town Code 3 or 4 different times. The final vote was **4-3 for approval**, [Glickman voting for and Council Member McNutt voting against].

The next part of this interesting process occurred at the Planning Commission on *February 25, 2004*. Only a limited number of residents in area had received a letter from Mr Lortz rather than the normal "*Planning Department Notice*". During the meeting, the language of the Amendment was again altered in an attempt to insure passage. However, the final vote was **3-2 for rejection**. Mr. Lortz became very upset as he had promised Courtside the Amendment would be approved. He then stated to the Planning Commission and Courtside/Western Athletic representatives that, "*I will help you get the Appeal put together*" and that he would, "*make certain the new owner of the Elk's Club would get the existing Conditional Use Permit.*"

We did some research into Lortz's assurance to Lisa Graf regarding the approval of an Amendment to the Town Code and how it effected purchase of the property from the Elks Club. On September 30, 2004, Courtside/Western Athletic purchases *Lot 1 (\$375,000)*, *Lot 2 (\$94,000)*, (*EXHIBITS F & G*), and we think *Lot 3 (\$363,000)*, for a total of **\$832,000**. **No** Corporation would spend that amount of money for a Parking Lot unless there were **absolute** guarantees that it could be built. This has put Courtside in a very awkward position. Lisa Graf, Roger Griffin, and the President of Western Athletic could not believe the decision of the Planning Commission to reject Lortz Amendment. We were also very shocked as the Newell Avenue Residents had meet with Lisa Graf and Roger Griffin on *Sunday, February 22, 2004*, to go over the plans and we were willing to accept the plans on the conditions of *no ingress/egress onto Newell Avenue* and the *building of a sound wall between Lots 3 and 4*. However, we absolutely wanted a

Conditional Use Permit issued by the Town Council rather an Amendment to the Town Code which Lortz continues to advocate. In taking with Lisa Graf, she would support the Conditional Use Permit as all Courtside/Western Athletic wants to do is complete the project. As a side note, if Lot 3 had a home built on it, the comparable price would be **\$1.1 Million (EXHIBIT H)**. Thus, in the future if Courtside should no longer need the entire parking lot, it still could make a nice profit by building a home on that lot. The Residents would never stand for a Zone Change from **Residential** to Office as was attempted by the Elks Club in order to build a Medical Building on Lot 3 (**EXHIBIT I**). The current Elks Club property (**LOT 26**) is zoned Residential and has an appraised value of **\$2.4 Million**.

CONDITIONAL USE PERMIT

The residents of the Newell Avenue area are interested in finding an alternative to Lortz's [Proposed] Amendment to the Town Code. As part of that effort, a telephone was made to Assistant Planner Judie Gilli in an attempt to solve the problem. She indicated that the new version of Lortz's amendment would be site specific to **Lots 1, 2, and 3 of Rinconada Estates**. Upon review of this new proposal, the residents of the Newell Avenue area might support the modified version of Lortz amendment provided our original demands will not be compromised. It was also recommended that Lortz refer to the **Los Gatos Town Code, Table of Conditional Uses for property zoned R-1: (2-e) Recreation-Private Sports Recreation Clubs; and (7-j) Alternating Use of Off street Parking Spaces (EXHIBIT J)**. Utilizing the existing Town Code would allow Courtside to go directly through the planning process and not be required to obtain Town Council approval. We have provided copies of the **January 15, 1960** Elk Clubs Use Permit and the **October 24, 1983** Ordinance Amending the Zoning Ordinance for your review (**EXHIBITS K and L**).

WIMBLEDON TOWN HOMEOWNERS ASSOCIATION

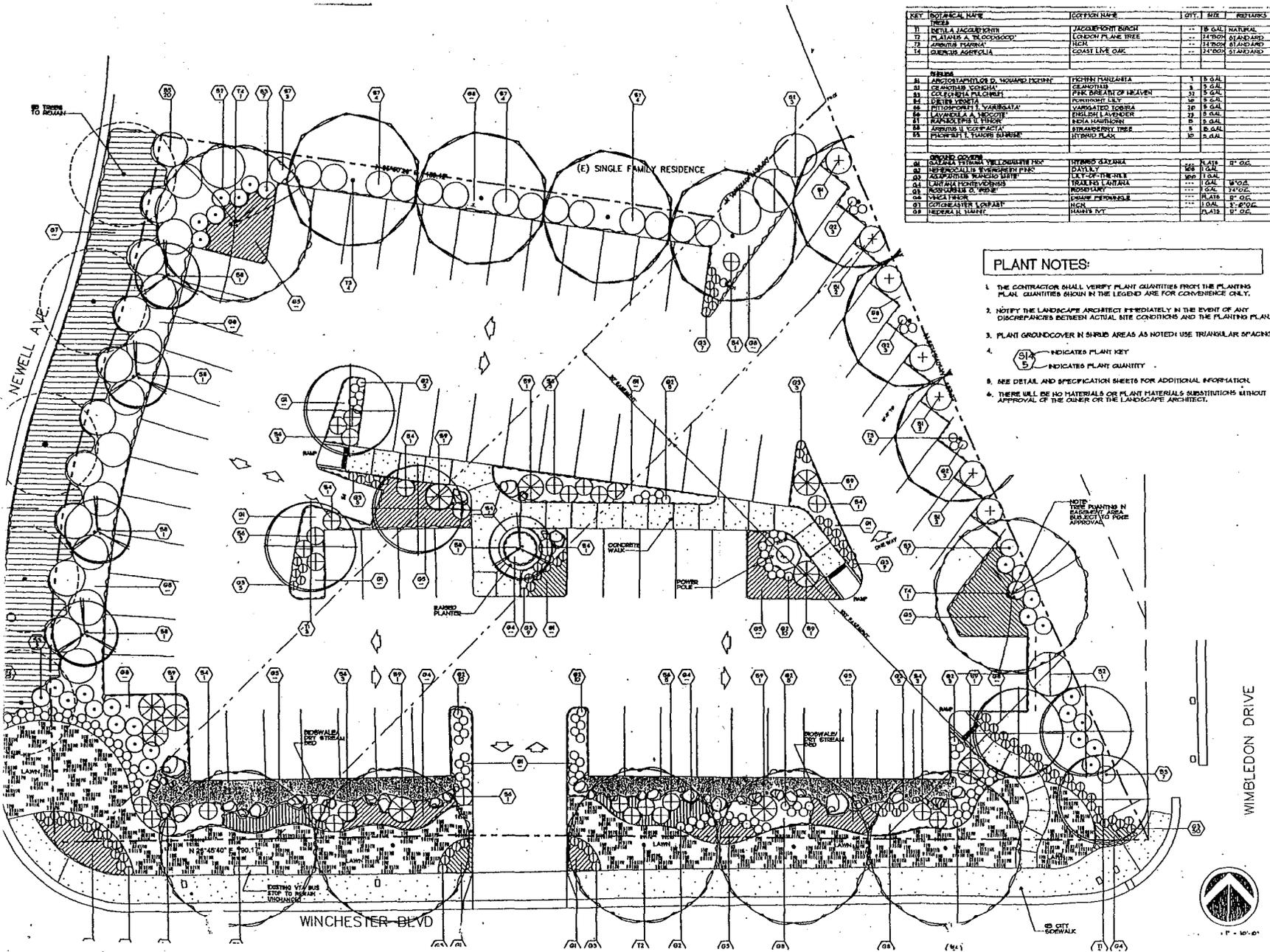
In regards to the objections of Wimbledon Town Homeowners Association to the building of a Private Parking Lot by Courtside, we take an opposing view. The objections seem to be a "**knee jerk**" response to what has happened to the increase traffic on Wimbledon Drive. By having the LaMontague Development, Courtstyle, Vasona Ranch, Wedgwood expansion, and the only other exit from La Rinconada residential area and the Golf Course traffic as well as the 110 Townhomes off this street, Wimbledon Drive has become a major traffic problem for the residents of that area. This can be attributed to poor planning by the Town's Community Development Department rather than Courtsides need for parking. As Courtside's proposed parking lot will ingress/egresses onto Winchester Boulevard, the impact on Wimbledon would be insignificant. The Association has built a fence and landscaped its 20 foot strip to prevent any access to the Courtside's proposed parking lot which openly faces Newell Avenue not Wimbledon Drive. We feel the Courtside Parking Lot would be an excellent addition to our neighborhood as it would turn a very ugly "**gravel pit**" into a nice continuation of the Courtside landscaping. Thus, we urge the Town Council to explore

PAGE 4

traffic calming measure for Wimbledon Drive rather than considering the objections of Wimbledon Town Homeowners Association's in its attempt to block this project.

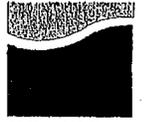
DATED: March 2, 2004

CC: Debra Figone, Town Manager
Lisa Graf, Courtside Manager
Roger Griffin, Paragon



KEY	BOTANICAL NAME	LOCATION NAME	QTY	SIZE	REMARKS
11	DELEA JACQ. BURN	JAZZIER-FONT BURN	1	18 GAL	NATURAL
12	PLATANUS A. BLOODGOOD	LONDON PLANE TREE	1	14" DBH	STANDARD
13	QUERCUS PARVA	HICK	1	14" DBH	STANDARD
14	QUERCUS AGOPYLLA	COAST LIVE OAK	1	14" DBH	STANDARD
IRIGANS					
A1	LANCASHIRE D. SQUARED LEAF	HYDRANGEA	1	18 GAL	
A2	CELANOTHUS VONGHIA	CELANOTHUS	3	5 GAL	
A3	CELEBRISIA FLORENT	PERK BUREAU OF HEAVEN	31	5 GAL	
A4	DRYAS VEGETA	PORTULACA	10	5 GAL	
A5	MITCHAMPTON VANDERKAT	VANDERKAT TOBACCO	10	5 GAL	
A6	LAUREL A. BLOOMING	ENGLISH LAUREL	10	5 GAL	
A7	RAFFLESIA T. THORN	INDIA LAUREL	10	5 GAL	
A8	ARUNDA D. TIGER	STRANDER TREE	5	5 GAL	
A9	PHLOXIA T. THORN	HYDRANGEA	10	5 GAL	
A10	CELANOTHUS VONGHIA	HYDRANGEA	10	5 GAL	
A11	CELANOTHUS VONGHIA	DAVEY	10	5 GAL	
A12	CELANOTHUS VONGHIA	LEAFY-STEMMED	10	5 GAL	
A13	CELANOTHUS VONGHIA	TRAILING LANTANA	10	5 GAL	
A14	CELANOTHUS VONGHIA	ROSEMARY	10	5 GAL	
A15	CELANOTHUS VONGHIA	ORANGE PERENNIAL	10	5 GAL	
A16	CELANOTHUS VONGHIA	HEG	10	5 GAL	
A17	CELANOTHUS VONGHIA	HARVEY	10	5 GAL	

- PLANT NOTES:**
- THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN. QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENIENCE ONLY.
 - NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
 - PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED USE TRIANGULAR SPACING.
 - 51/5 INDICATES PLANT KEY
 - 51/5 INDICATES PLANT QUANTITY
 - SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
 - THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.



REED ASSOCIATES
LANDSCAPE ARCHITECTURE

477 S TAAPPA STREET
SUNNYVALE, CA 94088
www.reed.ae
(408) 481.9020
(408) 481.9021 FAX

**COURTSIDE
PARKING LOT**

WINCHESTER BLVD. @ WIMBLEDON
LOS GATOS, CA 95032

ISSUE	DATE



OWNERSHIP AND USE OF DOCUMENTS:
All drawings, specifications and copies thereof furnished by Reed Associates Landscape Architecture, are and shall remain the property of Reed Associates. They are to be used only with respect to the Project and are not to be used on any other project. Substitution or distribution for credit without regulatory requirements or for purposes in connection with the Project is not to be construed as publication in violation of Reed Associates Landscape Architecture, common law copyright or other reserved rights.

Approved	PJR	Reviewed	xx
Drawn	PJR/RH	Reviewed	xx
Project No.	03.58		
Scale	1" = 10'-0"	Issue Date	10/29/03

PLANTING PLAN

L1.0

*Preserve and
Enhance the
Community
Character*



*Community
Design Element
Issue 1 - Design*



*Community
Design Element
Issue 1 - Design*

2.5 GOALS, POLICIES, IMPLEMENTING STRATEGIES

ISSUE: 1

Los Gatos is distinctive. The small town heritage, natural setting and architectural diversity make our town unique. Preserving these attributes is important to this community. New development should be well-designed to preserve and enhance these attributes. Historic buildings should be preserved.

Goal:

- L.G.1.1 To preserve, promote, and protect the existing small town character and quality of life within Los Gatos.

Policies:

- L.P.1.1 Development shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.
- L.P.1.2 Encourage developers to engage in early discussions regarding the nature and scope of the project and possible impacts and mitigation requirements. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.

Goal:

- L.G.3.1 To maintain the existing character of residential neighborhoods by controlling development.

Policies:

- L.P.3.1 Protect existing residential areas from pressures for non-residential development.
- L.P.3.2 Consider nonresidential activity in residential areas only when the character and quality of the neighborhood can be maintained.
- L.P.3.3 Protect existing residential areas from adjacent nonresidential uses by assuring that buffers are developed and maintained. Buffers shall be required as conditions of approval and may consist of landscaping, sound barriers, building setbacks or open space.
- L.P.3.4 Prohibit uses that may lead to deterioration of residential neighborhoods, or adversely impact the public safety or the residential character of a residential neighborhood.
- L.P.3.5 Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.
- L.P.3.6 Develop and implement appropriate traffic controls to protect residential neighborhoods from the impacts of through traffic such as safety hazards, speeding, noise, and other disturbances.

DEVELOPMENT POLICY FOR IN-FILL PROJECTS

1. In-fill projects should contribute to the further development of the surrounding neighborhood (i.e. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area; not detract from the existing quality of life).
2. An in-fill project should be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, provide comparable lot sizes and open space, consider garage placement, setbacks, density, provide adequate circulation and on-street parking. In-fill development should blend rather than compete with the established character of the area.
3. Corridor lots may be considered if it decreases the amount of public street and is consistent with objects #1 and #2. It must be demonstrated that a benefit to surrounding properties is being provided.
4. The Planned Development process should only be used to accomplish objects #1 and #2. The applicant shall demonstrate the benefit of a Planned Development through excellence in design.
5. Approval of an in-fill project shall demonstrate a strong community benefit and findings of benefit shall be part of the record.
6. Recommend that any new development proposal be reviewed by the Conceptual Development Advisory Committee.

G32\MISC\IN-FILL

EXHIBIT A



TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
PHONE (408) 354-6872 FAX (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
P.O. Box 949
LOS GATOS, CA 95031

February 2, 2004

Dear Newell Avenue Neighbors:

RE: Zoning Code Amendment A-03-4

On February 11, 2004 at 5:30 PM, the General Plan Committee will discuss the following application:

Zoning Code Amendment A-03-4

Consider amending the Town Code to modify the conditional use permit table to allow parking lots on property zoned R-1 (Single Family Residential) that are located on an arterial street. 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)).

APPLICANT: Western Athletic Clubs, Inc

You have been notified of this meeting because you have expressed interest in the Winchester Blvd. and Newell Ave. area applications. The General Plan Committee will consider an application for a zoning code amendment from Western Athletic Clubs Inc. and formulate a recommendation that will be forwarded to the Planning Commission. Final action will be taken by the Town Council at a date that is yet to be determined. We will inform you of any additional meetings and/or hearings concerning this matter.

Thank you for your interest in this area. If you have any questions concerning this matter, please contact Judie Gilli, Assistant Planner, at (408) 399-5702.

Sincerely,

Bud N. Lortz, AICP
Director of Community Development

BNL:JG

Cc: Mailing list

N:\DEV\Judie\projects\Zoning - Parking\letter2-2-04.doc

Santa Clara (CA)

EXHIBIT F

< < < OWNERSHIP INFORMATION > > >

Owner :Sports Resorts Inc Parcel Number :409 23 001
CoOwner : Bldg Id No :1
Site Address:14675 Winchester Blvd Los Gatos 95032
Mail Address:14675 Winchester Blvd Los Gatos Ca 95032
Phone :Owner: Tenant:

< < < SALES AND LOAN INFORMATION > > >

Transferred :04/21/1997 Loan Amount :
Document # :13679345 Multi-parcel Lender :
Sale Price :\$6,350,000 Full Loan Type :
Deed Type:Grant Deed Interest Type :
% Owned :100 Vesting Type:Corporation

< < < ASSESSMENT AND TAX INFORMATION > > >

Land :\$1,473,144 Exempt Type :
Structure:\$29,237 Exempt Amount :
Other : Tax Rate Area :03020
Total :\$1,502,381 03-04 Taxes :\$18,924.66
% Improved :2

< < < PROPERTY DESCRIPTION > > >

Census:Tract:5072.05 Block:3
Map Grid :873 C3
Zoning:Cmpd
Land Use :64 Rec,Recreational Facilities
Sub/Plat :
Legal :

< < < PROPERTY CHARACTERISTICS > > >

Total Rms: Bldg SF : Units : YearBuilt:
Bedrooms : Lot SF:84,506 Patio : EffYearBlt :
Bathrooms: Lot Acres:1.94 Porch : Garage Sp:
Stories : Lot Dimen: Elevator : Garage SF:
Dining Rm: CntlHt/Ac: Lease SF : Bldg Cond:Avg
Family Rm: Pool : Office SF: Bldg Class :
Rec Room : Fireplace: Sprinkler: Bldg Shape :
UtilityRm: Sauna : 1stFlr SF: GarageTyp:
Water Src: Dishwsher: 2ndFlr SF: WallHgt :
Elect Svc: Tennis Ct: 3rdFlr SF: AddtionSF:
Gas Svc : FrameType: Rental SF:

Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.

Santa Clara (CA)

EXHIBIT G

<<< OWNERSHIP INFORMATION >>>

Owner :Sports Resorts Inc Parcel Number :409 23 002
CoOwner : Bldg Id No :1
Site Address:14675 Winchester Blvd Los Gatos 95032
Mail Address:14675 Winchester Blvd Los Gatos Ca 95032
Phone :Owner: Tenant:

<<< SALES AND LOAN INFORMATION >>>

Transferred :04/21/1997 Loan Amount :
Document # :13679345 Multi-parcel Lender :
Sale Price :\$6,350,000 Full Loan Type :
Deed Type:Grant Deed Interest Type :
% Owned :100 Vesting Type:Corporation

<<< ASSESSMENT AND TAX INFORMATION >>>

Land :\$5,482,127 Exempt Type :
Structure:\$5,901,239 Exempt Amount :
Other :\$1,969,891 Tax Rate Area :03006
Total :\$13,353,257 03-04 Taxes :\$181,121.88
% Improved :52

<<< PROPERTY DESCRIPTION >>>

Census:Tract:5072.05 Block:3
Map Grid :873 C3
Zoning:Cmpd
Land Use :64 Rec,Recreational Facilities
Sub/Plat :
Legal :

<<< PROPERTY CHARACTERISTICS >>>

Total Rms: Bldg SF :33,983 Units :1 YearBuilt:1977
Bedrooms : Lot SF:314,503 Patio : EffYearBlt :1977
Bathrooms: Lot Acres:7.22 Porch : Garage Sp:
Stories :2 Lot Dimen: Elevator :Yes Garage SF:
Dining Rm: CntlHt/Ac:Yes Lease SF :33,983 Bldg Cond:Good
Family Rm: Pool : Office SF: Bldg Class :10.5
Rec Room : Fireplace: Sprinkler:Yes Bldg Shape :
UtilityRm: Sauna : 1stFlr SF: GarageTyp:
Water Src: Dishwsher: 2ndFlr SF: WallHgt :14
Elect Svc: Tennis Ct: 3rdFlr SF: AddtionSF:
Gas Svc : FrameType:Special Rental SF:33,983

Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.

METROSCAN QUICK COMPS

1860 Howe Avenue, Suite 455
Sacramento, California 95825

PHONE [800] 866-2783

FAX [916] 921-6781

Prepared For :
Company :
Address :
City, ST, Zip :
Prepared By : Carmelo Pool

Date of Report : 06/25/2001
County Name : Santa Clara (CA)

OWNERSHIP INFORMATION

Parcel No. : 409 24 003
Owner : Los Gatos Elks Building Corp
CoOwner :
Site Address : Newell Ave Los Gatos 95030
Mail Address : 105 Newell Ave Los Gatos Ca 95032
Telephone :

SALES AND LOAN INFORMATION

	Current Transfer	Previous Transfer
Transferred	: 01/01/1973	
Document #	: 3136577	
Sale Price	:	
Deed Type	:	
Loan Amount	:	
Lender	:	
Loan Type	:	
Seller Name	:	

ASSESSMENT AND TAX INFORMATION

Land	:\$19,979	Exempt Type	:
Structure	:	Exempt Amount	:
Other	:	Tax Rate Area	: 03006
Total	:\$19,979	00-01 Taxes	:\$478.62
% Improved	:		

PROPERTY DESCRIPTION

Map Grid : 873 B3
Census : Tract: Block:
Zoning :
Land Use : 69 Vacant, Urban
Sub/Plat :
Legal :

PROPERTY CHARACTERISTICS

Bathrooms :	Stories :	Lot Acres	: .24	Year Built	:
Bedrooms :	Fireplace :	Lot SqFt	: 10,400	Units	:
Dining Rm :	Tennis Ct :	Lot Dimen.	:	OfficeSqFt	:
Family Rm :	Pool :	Bldg SqFt	:	Lease SqFt	:
Util Rm :	Sauna :	GarageSqFt	:	Sprinkler	:
Rec.Room :	Dishwsher :	Garage Sp.	:	Elevator	:
TotalRms :	Air Cond. :	Addl SqFt	:	WallHeight	:

PREPARED FOR

DATE :06/25/2001
County Name :Santa Clara (CA)

Owner :Los Gatos Elks Building Corp
Address :Newell Ave Los Gatos 95030
:Los Gatos
APN :409 24 003

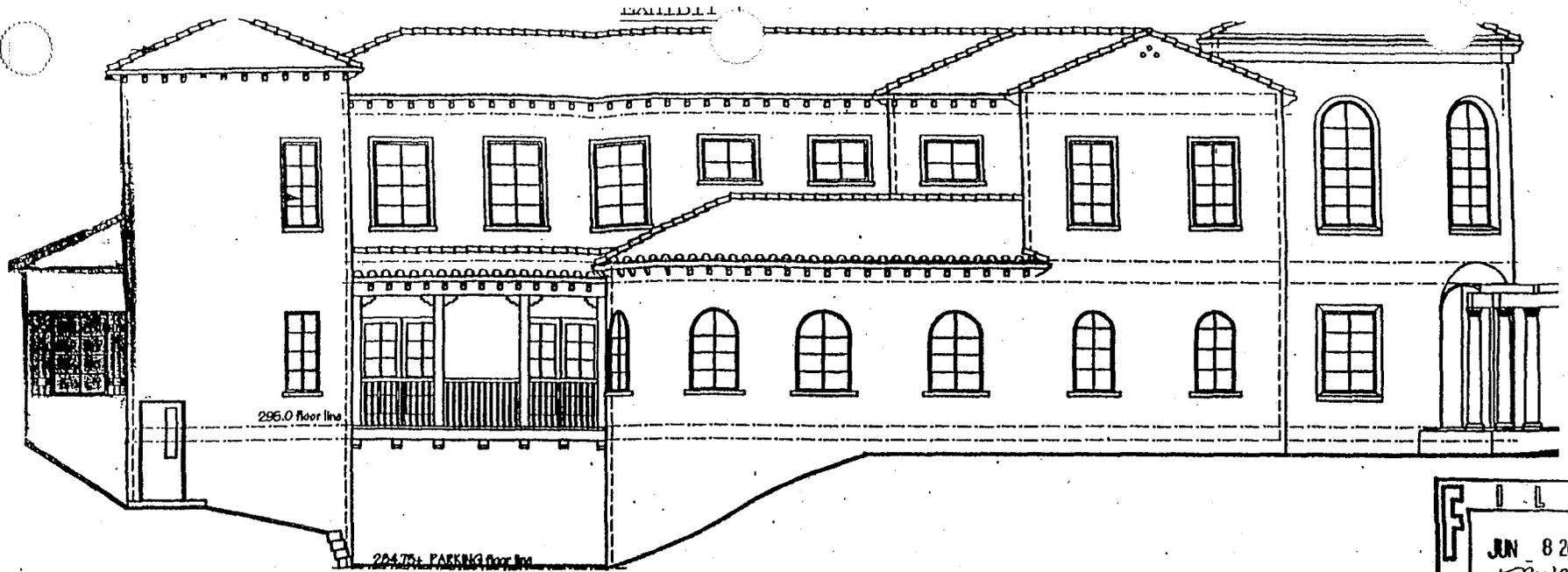
COMPARABLE PARAMETERS USED

PROXIMITY, 1.000
TRANSFERDATE, 6
LANDUSE

COMPARABLES FOUND USING THE ABOVE PARAMETERS:

ADDITIONAL SALES

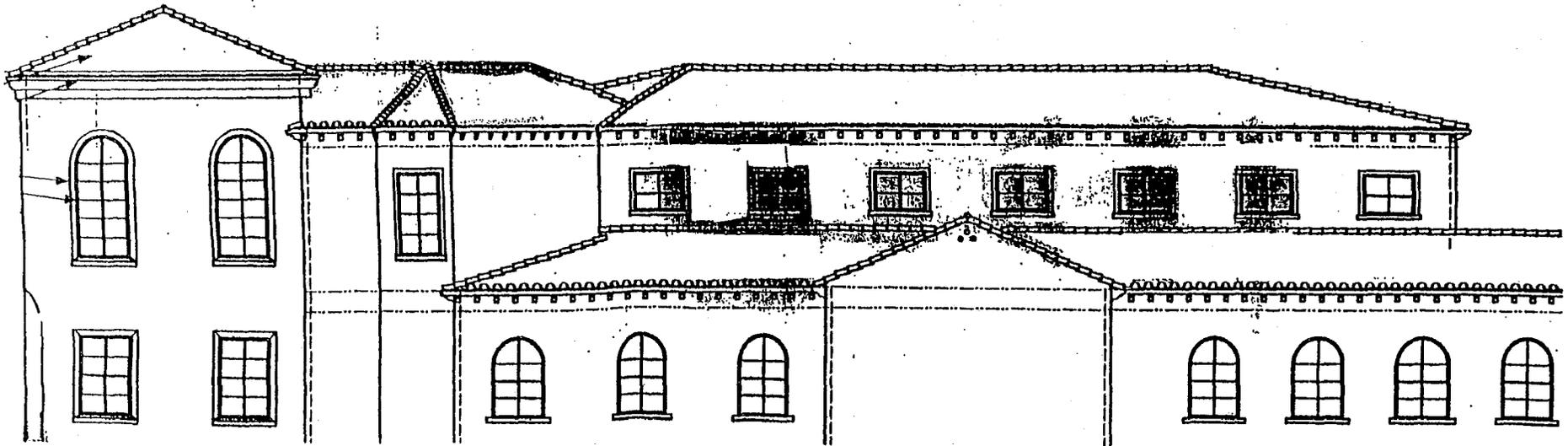
Sale #1 *-----:	MetroScan Comparable Sales	-----:
Owner :Saratoga Palm Development Inc	Parcel	:409 25 021
Site :La Rinconada Dr Los Gatos 95030	Date	:02/15/2001
Mail :3707 Williams Rd San Jose Ca 95117	Price	:\$1,100,000
Use :69 Vacant, Urban	Doc #	:15560904
Map Pg:873 B3	Phone	:
Bedrm :	Bth:	TotRm: YB:1900 Pool:No BldgSF: Ac:.28



NEWELL AVE - SOUTH ELEVATION

ELKS CLUB
 [PROPOSED] MEDICAL BUILDING
 LOT 3- RINCONADA ESTATES
 ZONED RESIDENTIAL

FILE
 JUN 8 2001
me
 TOWN OF LOS GATOS
 OFFICE OF TOWN CLERK
cc: mg



the general plan. Such conditions, without limiting the discretion and authority of the deciding body, may include time limitations, architecture and site approval, street dedication, and street and drainage improvements.

(Ord. No. 1316, § 5.20.120, 6-7-76; Ord. No. 1375, 11-21-77)

Sec. 29.20.180. Conditional use permits.

The adoption of this chapter is based on the premise that there are uses which can be specified for each zone which, in practically all instances, will be mutually compatible. In addition, there are other uses which might be compatible with ordinarily allowed uses if properly located and regulated. These are called conditional uses. They are listed in section 29.20.185. However, the listing of a conditional use does not indicate that the use must be allowed. There will be locations or instances where a specified conditional use is inappropriate in a zone regardless of the extent of regulation.

(Ord. No. 1316, § 5.20.200, 6-7-76; Ord. No. 1363, 8-1-77)

Sec. 29.20.185. Table of conditional uses.

An "X" indicates that an activity is allowed in a zone if a conditional use permit is issued. Activities listed in this table are only allowed where a conditional use permit is issued, or where the activity is specifically listed in the permitted uses for the zone.

ZONING REGULATIONS

§ 29.20.185

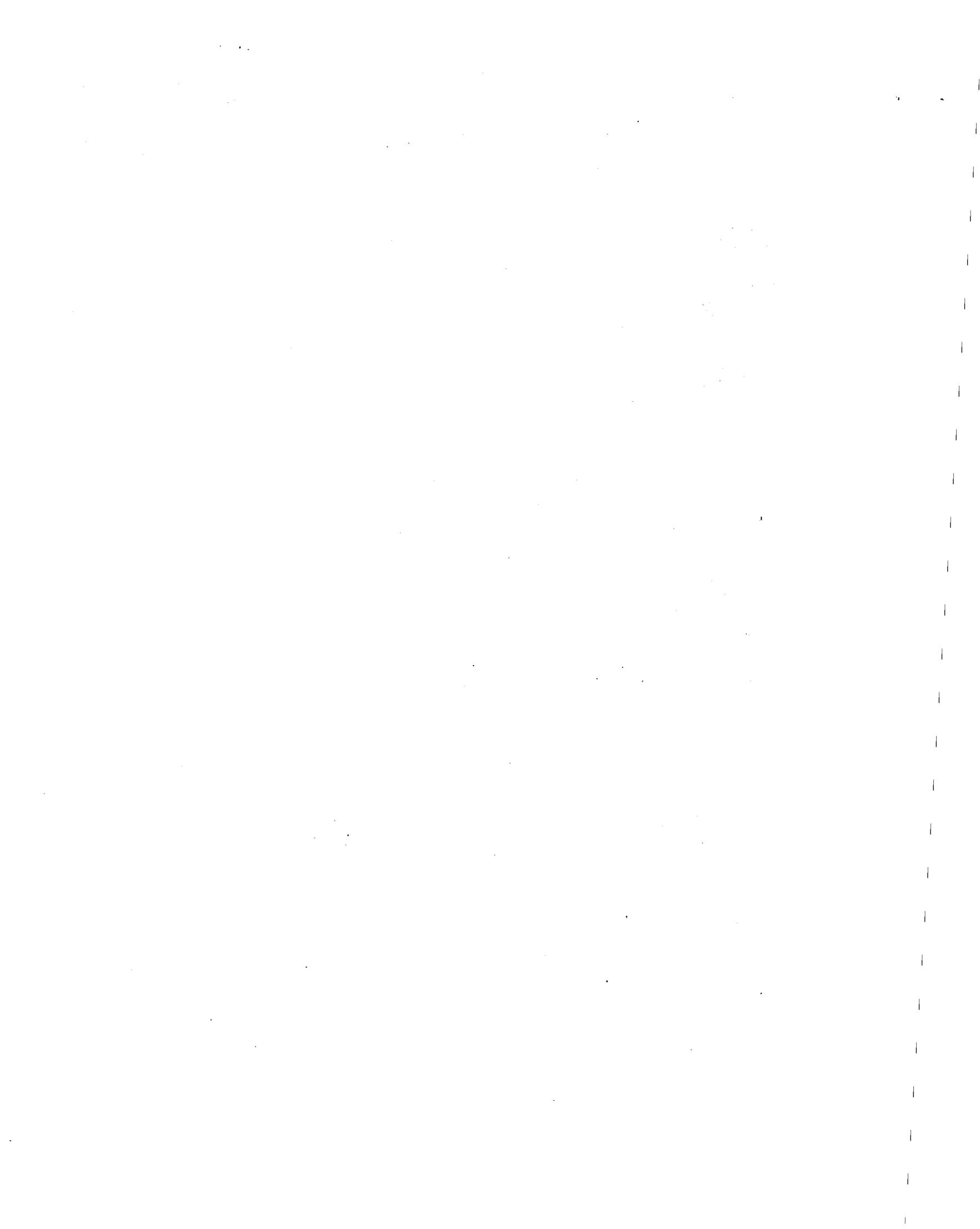
TABLE OF CONDITIONAL USES

	RC	HR	RI	RD	R-M	R-ID	RMH	O	C-1	C-2	CH	LM	CM
(1) Commercial													
a. Banks									X	X	X		
b. Savings and loan office									X	X	X		
c. Drive-up window for any business									X	X	X		
d. Supermarket									X	X	X		
e. Super drugstore									X	X	X		
f. Department store									X	X	X		
g. Shopping center									X	X	X		
h. Motel										X	X		
i. Hotel										X	X		
j. Restaurant including those with outdoor dining areas or take-out food									X	X	X	X	X
k. Establishment selling alcoholic beverages for consumption on premises													
1. In conjunction with a restaurant									X	X	X	X	
2. Without food service (bar)										X			
l. Establishment selling alcoholic beverages for consumption off-premises (this provision only applies to establishments commencing or expanding off-premises sales after April 23, 1981)									X	X	X		
m. Convenience market									X	X	X		
n. Formula retail business										X			
o. Formula retail business greater than 6,000 s.f.									X		X	X	
(2) Recreation													
a. Commercial recreation and amusement establishment									X	X	X	X	
b. Theater										X			
c. Outdoor entertainment										X			
d. Swimming pool for non-incidental use	X	X	X	X	X	X		X	X	X	X	X	X
e. Private sports recreation club	X	X	X	X	X	X		X	X	X	X		
f. Golf course	X	X	X	X	X								
(3) Community services													
a. Public building; police, fire, community center, library, art gallery, museum	X	X	X	X	X	X		X	X	X	X	X	X

ZONING REGULATIONS

§ 29.20.185

TABLE OF CONDITIONAL USES	RC	HR	RI	RD	R-M	R-ID	RMH	O	C-1	C-2	CH	LM	CM
(6) Transmission Facilities/ Utilities													
a. Public utility service yard, station, transmission lines, storage tank, drainage or communication facilities	X	X	X	X	X	X		X	X	X	X	X	X
b. Antenna facilities operated by a public or private utility for transmitting and receiving cellular telephone and other wireless communications	X	X	X	X	X	X		X	X	X	X	X	X
c. Radio and/or broadcast studios								X	X	X	X	X	X
(7) Automotive (Vehicle sales, service and related activities)													
a. New vehicle sales and rental										X	X		
b. Used vehicle sales only incidental to new vehicle sales and rental										X	X		
c. Vehicle tires and accessories, sales, servicing, recapping											X	X	
d. Vehicle body repair and painting											X	X	
e. Vehicle repair and service (garage)												X	X
f. Service station									X	X	X	X	
g. Parking lots or storage garages, not accessory to another use										X	X		
h. Car wash											X		
i. Truck terminal												X	X
j. Alternating use of offstreet parking spaces	X	X	X	X	X			X	X	X	X	X	X
k. Recreational vehicle and equipment storage yard											X	X	X
l. Temporary auto storage for automobile dealers	X	X	X	X	X	X		X	X	X	X	X	X
(8) Residential Uses													
a. One-family dwelling								X	X	X	X	X	
b. Two-family dwelling								X	X	X	X	X	
c. Multiple-family dwelling					X			X	X	X	X	X	
d. Boardinghouse					X				X	X	X		
e. Apartment hotel					X				X	X			
f. Mobile home park					X								



USE PERMIT

Application to the
Town Planning Commission
of the Town of Los Gatos

Application No. _____
Date Received 1-20-60
Hearing: 2-3-60
Continued to: _____

APPLICANT

NAME Los Gatos Lodge # 1857, B.P.O. Elks Date January 15, 1960
Please type or print
320 Village Lane
Address Los Gatos, Calif. Telephone EL. 4-3771

PROPERTY

Address _____
Lot _____ Block _____ Subdivision _____ Zone _____
Description See attached map

IMPROVEMENTS Existing Old Building which has been used as rest home and which will be demolished.

Proposed Construction of a building to be used as a lodge for the B.P.O. Elks, of Los Gatos area.

USE APPLIED FOR Fraternal Building.

APPLICATION:

I, the undersigned owner or owners of the property herein described hereby make application for a Use Permit of the nature set forth above, in accordance with the provisions of Ordinance No. 392 of the Town of Los Gatos, California, and I hereby certify that the information given herein is true and correct to the best of my knowledge and belief.

APPROVED

Respectfully submitted,

Date FEB 3 1960 Signature Donald L. Beatty Exalted Ruler
By [Signature] Address 320 Village Lane - Mailing address P.O. Box 508
By Dwight H. Starnick Chairman
Date January 15, 1960
Secretary

- Planning Commission of the Town of Los Gatos
- NOTES: 1. Attach separate sheets if needed for more complete explanation of any item.
2. Applicants should read attached instruction sheet "Information for Persons Making Application for a Use Permit" before filling in this form.

ORDINANCE NO. 1596

ORDINANCE AMENDING THE ZONING ORDINANCE
AMENDING THE RULES FOR CLUBS, LODGES, HALLS,
AND FRATERNAL ORGANIZATIONS

The Town Council of the Town of Los Gatos hereby ORDAINS:

SECTION 1.

The Table of Conditional Uses in Section 5.20.205 of the Town Zoning Ordinance is amended to read as follows:

2.n. Club, Lodge, Hall, Fraternal Organization: Add an "X" in the columns headed R1, RD and R-1D.

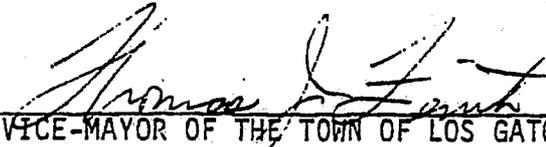
SECTION 2.

This ordinance takes effect 30 days after the date it is adopted. Within 15 days after this ordinance is adopted the Town Clerk shall cause it to be published once in a newspaper of general circulation published and circulated in the Town.

This ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on June 20th, 1983 and adopted by the following vote as an ordinance of the Town of Los Gatos at a continued regular meeting of the Town Council on October 24th, 1983.

AYES:	COUNCIL MEMBERS	<u>Joanne Benjamin, Eric D. Carlson,</u> <u>Terrence J. Daily and Thomas J. Ferrito</u>
NOES:	COUNCIL MEMBERS	<u>None</u>
ABSTAIN:	COUNCIL MEMBERS	<u>None</u>
ABSENT:	COUNCIL MEMBERS	<u>Mayor Brent N. Ventura</u>

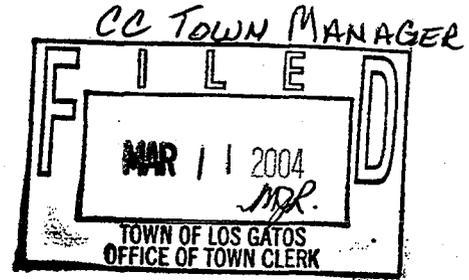
SIGNED:


VICE-MAYOR OF THE TOWN OF LOS GATOS

ATTEST:


CLERK OF THE TOWN OF LOS GATOS

Jack Aiello



March 9, 2004

Town Council of Los Gatos
Planning Commission
Debra Figone, Town Manager
Bud Lortz, Director of Community Development
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Dear Town Official:

The Courtside Club presented a plan to the Planning Commission in March regarding a change to the usage of three vacant lots on Winchester Boulevard between Newell Avenue and Wimbeldon Way. The club proposed to turn these residentially-zoned areas into a parking lot with 73 parking spaces. The Commission wisely rejected the proposal.

The proposal which shortly will be appealed to the Town Council has taken various forms over the last several years. The latest is a disturbingly broad proposal that could affect the quality of life in residential areas throughout Los Gatos. It clearly will have an immediate detrimental effect on the residences in the Newell Avenue area and surrounding areas. It will also increase congestion, noise and traffic risks on Winchester Boulevard.

More importantly for the Town Council, the Director of Community Development is asking the Council to open a Pandora's Box. The proposal before the Council will allow commercial parking lots in residential neighborhoods. In fact, without direction from the Town Council, the Director of Community Development has already allowed commercial parking arrangements at the Elks Club on Newell Avenue. The proposal before the Town Council will extend this opportunity to anyone who wishes to open a commercial parking lot on an arterial street in the Town of Los Gatos.

Allowing commercial parking in a residential neighborhood is, on its face, a bad idea. It increases congestion, invites criminals, adds to noise and pollution. The risk of traffic accidents increases and the potential exists for rapid deterioration of the neighborhood and a decline in home values.

In the past, the Town Council has recognized the importance of avoiding such steps. It has consistently favored development within residential neighborhoods that improve the quality of those neighborhoods. We hope that the current Town Council will reflect on Resolution 1993-62, passed in May 1993 under Mayor

Joanne Benjamin that spelled out with remarkable clarity the importance of retaining the unity of local residential communities.

This resolution established the town's intent to think carefully about the use of "fill-in" parcels in or adjacent to residential neighborhoods. The Council's key findings were that:

"In-fill projects should contribute to the further development of the surrounding neighborhood (i.e., improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life.)"

It also concluded that:

"An in-fill project should be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, provide comparable lot sizes and open space, consider garage placement, setbacks, density, provide adequate circulation and on-street parking. In-fill development should blend rather than compete with the established character of the area."

The Town Council should realize that the latest proposed change in the Town code is an attempt to circumvent previous decisions by the General Planning Committee, the Planning Commission and the Town Council. The Elks Club until recently owned the three lots at the center of this current proposal. (Lots 1, 2, and 3 in Rinconada Estates are located at the intersection of Winchester Blvd. and Newell Ave.) Over the years the Elks Club proposed turning these lots into office buildings or parking areas and attempted to find ways to allow commercial activities within and adjacent to a quiet residential neighborhood. The Planning Committee consistently rejected these efforts with the full support of the neighbors in the area. After failing to obtain permission for commercial usage of the property, the Elks Club sold the three lots to the Courtside Club.

Shortly before selling the lots to Courtside Club, the Elks Club requested a change in zoning to the lots that would allow Courtside Club to use the lots for commercial parking. When the change in zoning was proposed, it was rejected by the General Planning Committee.

So here we are, right back where we were a few months ago. Only now, the Elks Club has sold the lots to the Courtside Club and Courtside is requesting, not a change in zoning for the property, but a change in the Town code to permit parking lots in R-1 zoned areas. Since they could not win a change in the zoning of their property, they are requesting a change in the definition of the zoning codes to allow them to do what they want to do.

Moreover, the Elks Club and Courtside are already violated the zoning rules in the area by using the Elks Club parking lot for commercial parking. The Elks Club property is zoned R-1, yet the Club is renting out 19 spaces in its parking lot to the Courtside Club – and could increase the number of spaces in the future.

The Elks Club has also violated past agreements with residents by selling the three lots in question. Those lots were designed as overflow parking for the Elks Club. Their sole purpose was to ensure that events held at the Elks Club Lodge would not create excessive traffic and congestion within the quiet residential areas behind the club.

Residents have pointed out in the past that the underlying issue is not a lack of parking, but rather a dramatic increase in the membership of the Courtside Club. Because of the increased membership, traffic on Winchester Boulevard has increased and driving in the area has become more hazardous. Courtside Club members are parking at the Elks Club and on both sides of Winchester Boulevard. Traffic and noise has increased in the Newell Avenue residential area. The parking on Winchester has increased the dangers for bicyclists and motorists. The bicycle lanes established by the Town of Los Gatos are not accessible and cyclists attempting to use the lanes are forced to move into traffic lanes to avoid the parked cars.

Looking solely at the usage of the three lots in the Newell Avenue area (and ignoring the broader issue of whether commercial parking is an acceptable usage for R-1 zoned lots), we believe the increase in available parking would solve the problems in our area for only a brief period. The club will continue to grow and traffic conditions, noise and safety are likely to get worse, not better.

We propose that the Town look for a solution that protects the character of the residential neighborhood.

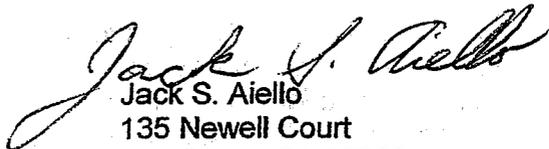
We propose three key steps:

1. Elks Club
 - a. Obtain a written agreement with the Town that will limit the use of the Lodge to members and their families only.
 - b. No further commercial use of the property, including the parking lot.
 - c. Elks Club Lot 26 will retain its zoning as a 4 lot, R-1-8000 property.
2. Lot 3
 - a. Lot 3, the lot closest to Elks Club shall be used for the construction of a single-family custom home. This usage would be consistent with the rest of the neighborhood and would maintain the unity of the area, creating a buffer between the parking area and the existing neighborhood. If properly designed, with proper sound walls, the lot would provide an attractive residential property.

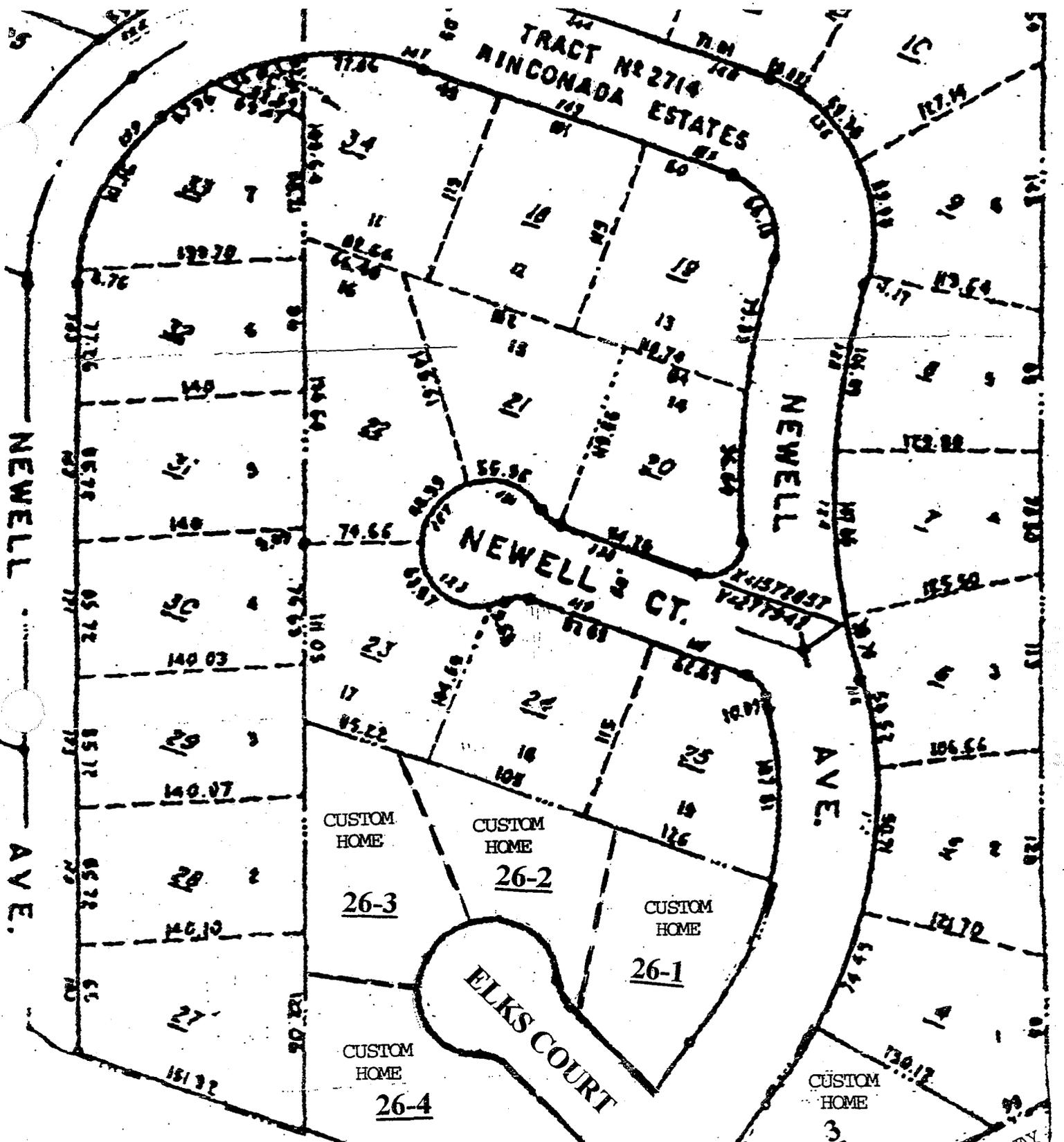
- b.
- 3. Lot 1 and 2
 - a. Allow Lot 1 and 2 to be used for parking for Courtside Club employees only.
 - b. Courtside will limit hours of parking to from 7 AM to 7 PM by installing a time-monitored access system for all employees.
 - c. Ingress and egress will be from Winchester Boulevard.
 - d. Construct a sound wall between the residential areas and the parking lot. Require landscaping with a raised berm in the areas adjacent to Winchester Boulevard.
 - e. If Courtside chooses to install lighting in the parking lot, it must respect the character of the neighborhood and install lighting that does not detract from the quality of the area. Lights should be less than 6 feet above the ground and should be turned off after 7 PM.
 - f. Planning Commission will review the usage of the parking area after six months to determine compliance with the written agreement with the Town. The Planning Commission will also make annual assessments of Courtside's compliance with the conditions on an on-going basis.
 - g. Courtside and the Town will provide for neighborhood comment and consultation prior to completion of design phase and prior to beginning of the construction phase.

We look forward to working with Courtside and the Planning Department on these very important issues.

Sincerely,



Jack S. Aiello
135 Newell Court
Los Gatos, CA 95032
(408) 395-2880



RINCONADA ESTATES

**ELKS CLUB APPLICATION
 LINE CHANGE & MODIFICATION OF
 GENERAL PLAN
 LOTS 1, 2, 3, & 26- RINCONADA ESTATES
 ZONED RESIDENTIAL**

EXHIBIT E

(5)

UTILITY
 2 RIGHT OF WAY
 1
 BMV CUSTOM HOME
 OR
 OPEN SPACE

*C*OLDWELL BANKER PREVIEWS *International*

March 10, 2004

Jack Aiello
135 Newell Court
Los Gatos, California
95032

Dear Jack,

The highest and best use for Lot 3 on Newell Avenue is what it is zoned for now. Lot 3 is a residential lot that would sell immediately if placed on the market. A residential lot with full city improvements, without an old house to tear down and located in the Town of Los Gatos and within the highly desirable Los Gatos school district is a rare find. There can be no better use for this lot than to finally have a custom home built and thus complete the residential Newell Avenue neighborhood .

In today's market with reasonable quality construction a custom home built on lot #3 could sell between \$1,200,000 and \$1,500,000.

As a resident of Newell Avenue I certainly understand the need to keep the residential character of our neighborhood. As a Realtor in the Town of Los Gatos I know on a professional basis the value and desirability of residential lots and homes within the Town of Los Gatos.

Yours truly,

Lou Rae Kagel

(6)

Judie Gilli - Courtside Club (Zoning Code Amendment A-03-4)

From: Kevin Dincher <kevin@kevindincher.com>
To: <JGilli@losgatosca.gov>
Date: 04/05/2004 11:42 AM
Subject: Courtside Club (Zoning Code Amendment A-03-4)

Dear Mr. Lortz:

I have previously written to you to voice my objections to Courtside Club's request for a zoning amendment that would allow the Club to develop the three parcels of land on Winchester Boulevard between Wimbledon Dr. and Newell Ave, as a parking lot. I joined a significant number of my neighbors in expressing our deep concern that the proposed development did not contain sufficient safeguards to protect both property values and quality of life.

I am aware that the Planning Committee rejected Courtside's request for a zoning amendment, and that Courtside Club has subsequently appealed the decision of the Planning Committee to the Town Council. Courtside Club will be presenting their proposal to the Town Council on Monday, April 19, 2004.

In preparation for this appeal, Courtside Club representatives have met with neighboring homeowners to listen to their concerns about the proposed development. Courtside Club General Manager Lisa Graf has reported to homeowners that the Club's proposal now includes a significant number of conditions for development and use based upon these concerns.

I am, therefore, writing to withdraw my objection to the proposed development provided Courtside Club's plans for develop and use include the following conditions:

- Use of the developed parking lot is restricted solely to parking.
- Design changes include:
 1. Construction of a sound wall along the back perimeter of the parking lot.
 2. Installation of taller plant material along Newell Ave.
 3. Placement of specific signage to communicate "Be courteous of our neighbors."
 4. Installation of timer-controlled lighting that will be of sufficient power to illuminate and make discernable the appearance and conduct of all persons on or about the parking lot – but which will also be installed so that it does not disrupt the normal privacy and use of any neighboring residences.
 6. Installation of a security camera to enable Courtside to monitor activity in the parking lot during hours of operation.
 7. Installation of two poles and a chain at the entrance to the lot enabling the lot to be closed.
- The Club's existing Conditional Use Permit applies to the use of the parking lot.
- Other conditions of use include:
 1. The hours of operation of the parking lot will be limited to 5:00 a.m. to 9:00 p.m. Mondays through Fridays and 7:00 a.m. to 9:00 p.m. on Saturdays and Sundays. At other times, the lot will be closed.
 2. The club uses its reasonable efforts to ensure security of the parking lot. A club representative will check the parking lot at opening and closing. Any unauthorized vehicles left in the parking lot for longer than 48 hours will be towed at the owner's expense.
 3. The use of the parking lot is limited to parking for club employees, club members and club

Attachment 8

guests. Upon written request, the club agrees to allow Los Gatos Elks Lodge, Lodge No 1857, the use of the parking lot up to 4 times per years as overflow parking for their events during hours that do not impact the Club's normal operation.

4. The Club uses its reasonable best efforts to communicate the above conditions to club personnel. Methods employed to communicate such conditions include the following:
 - a. Including the conditions in the employee new hire materials;
 - b. Reviewing the conditions in Department Head meetings
 - c. Including the conditions in the Manager on Duty book.

In addition, club employees will be trained about measure to take if a complaint is made regarding any of the above conditions, including contacting the Manager on Duty. If the Manager on Duty is not available, the club's General Manger may be called to investigate and/or resolve the issue.

5. The Club hosts an annual neighborhood meeting to discuss concerns regarding the parking lot and/or overall conditions of use. The Club shall use its reasonable best efforts to address any concerns of its neighbors.

Thanks you very much.

Sincerely,
Kevin P. Dincher
105 Strathmore Place

Los Gatos, CA 95032

Judie Gilli - Courtside Club (Zoning Code Amendment A-03-4)

From: "Mary Rose - WPHA" <maryrose@wpha95032.com>
To: <JGilli@losgatosca.gov>
Date: 04/05/2004 11:18 PM
Subject: Courtside Club (Zoning Code Amendment A-03-4)
CC: "Steve Glickman" <sglickman@losgatosca.gov>, "Diane McNutt" <dmcnutt@losgatosca.gov>, "Joe Pirzynski" <jpirzynski@losgatosca.gov>, "Mike Wasserman" <mwasserman@losgatosca.gov>, "Sandy Decker" <sdecker@losgatosca.gov>

Dear Town Council Members and Mr. Lortz:

I wrote to you and spoke to you several weeks ago about my objections to the Courtside Club's request for a zoning amendment that would make it possible for a parking lot to be placed on the residential lots on Winchester between Newell Avenue and Wimbledon Drive.

I and several of my neighbors have met with Lisa Graf, Courtside Club manager, and other representatives from the Courtside Club to discuss concerns and issue related to the proposed parking lot.

The Courtside Club has said that if they are able to prevail in the Town Council hearing on this matter, they will agree to be bound by conditions in the Conditional Use Permit (CUP) that will address the concerns we have about the traffic, quality of life, and safety in our neighborhood.

I would like to withdraw my objection to the proposed development provided that the Courtside Club's plans for development includes the list of conditions they have said they would accept which are list below.

Regards,
Mary Rose
Resident on Clearview Drive, Los Gatos

Conditions Discussed at Meetings with Courtside Club Representatives and Neighboring Homeowners Regarding Development of R1 Property as Parking Lot on Winchester Between Newell Avenue and Wimbledon Drive

- Use of the developed parking lot is restricted solely to parking.
- Design changes include:
 1. Construction of a sound wall along the back perimeter of the parking lot.
 2. Installation of taller plant material along Newell Ave.
 3. Placement of specific signage to communicate "Be courteous of our neighbors."
 4. Installation of timer-controlled lighting that will be of sufficient power to illuminate and make discernable the appearance and conduct of all persons on or about the parking lot – but which will also be installed so that it does not disrupt the normal privacy and use of any neighboring residences.
 6. Installation of a security camera to enable Courtside to monitor activity in the parking lot during hours of operation.
 7. Installation of two poles and a chain at the entrance to the lot enabling the lot to be closed.
- The Club's existing Conditional Use Permit applies to the use of the parking lot.
- Other conditions of use include:
 1. The hours of operation of the parking lot will be limited to 5:00 a.m. to 9:00 p.m. Mondays through Fridays and 7:00 a.m. to 9:00 p.m. on Saturdays and Sundays. At other times, the lot will be closed.
 2. The club uses its reasonable efforts to ensure security of the parking lot. A club representative will check the parking lot at opening and closing. Any unauthorized vehicles left in the parking lot for

Attachment 9

longer than 48 hours will be towed at the owner's expense.

3. The use of the parking lot is limited to parking for club employees, club members and club guests. Upon written request, the club agrees to allow Los Gatos Elks Lodge, Lodge No 1857, the use of the parking lot up to 4 times per years as overflow parking for their events during hours that do not impact the Club's normal operation.
4. The Club uses its reasonable best efforts to communicate the above conditions to club personnel. Methods employed to communicate such conditions include the following:
 - a. Including the conditions in the employee new hire materials;
 - b. Reviewing the conditions in Department Head meetings
 - c. Including the conditions in the Manager on Duty book.In addition, club employees will be trained about measure to take if a complaint is made regarding any of the above conditions, including contacting the Manager on Duty. If the Manager on Duty is not available, the club's General Manger may be called to investigate and/or resolve the issue.
5. The Club hosts an annual neighborhood meeting to discuss concerns regarding the parking lot and/or overall conditions of use. The Club shall use its reasonable best efforts to address any concerns of its neighbors.

Judie Gilli - Courtside Parking Lot

From: "Steve Busch" <Steve.Busch@nsc.com>
To: <JGilli@losgatosca.gov>
Date: 04/05/2004 6:18 PM
Subject: Courtside Parking Lot

Please register my approval of Courtsides amended plans for a parking lot.
We appreciate their
working with WPHA to address our concerns.

Rgds,
Steve Busch
107 Lorain Place
Los Gatos, CA 95032

Attachment 10

Judie Gilli - Courtside Proposed Parking Lot

From: <Witchela@aol.com>
To: <JGilli@losgatosca.gov>
Date: 04/06/2004 10:41 AM
Subject: Courtside Proposed Parking Lot
CC: <info@wpha95032.com>

To: Town of Los Gatos Planning Department

We reside at 106 Strathmore Place, Los Gatos, part of the Wimbledon Homeowners Association. We were present when Ms. Graf attended the recent board meeting, and subsequently attended a meeting at Courtside to discuss the proposed parking lot on Winchester Blvd.

Although we would certainly prefer residential use of the vacant lot, it is apparent that it will not occur in the near future. We will not be able to attend the Planning Department Meeting later this month. Therefore, we would like to indicate via this e-mail our approval of the limited use zoning amendment for the lot. Courtside's plans for a parking lot seem to address the concerns of their neighbors.

Sincerely,

Alice and Jason Witchel

Attachment 11

Judie Gilli - Re: Courtside Club Parking Lot Proposal - Information Update

From: sofia poullada <sofiapmail@yahoo.com>
To: <mrose@ten90group.com>
Date: 04/05/2004 7:11 PM
Subject: Re: Courtside Club Parking Lot Proposal - Information Update

hi mary,

it doesn't sound to me as though the issue of overflow parking for the elks events has really been addressed. it looks as tho the overflow parking will end up on the streets in the newell area neighborhood. i don't think it will impact wimbledon place much, but still probably not a good precedent!

the other possible issue i see is the problem of increased traffic in the left turn lane on winchester (when heading towards campbell). cars piling up there in order to make first a u-turn, then a right turn into the new parking lot. that left turn lane can only take five cars before the back-up begins to block the adjoining flow through traffic lane on winchester.

best,

sofia poullada

Do you Yahoo!?

[Yahoo! Small Business \\$15K Web Design Giveaway - Enter today](#)

Attachment 12



COURTSIDE CLUB
A SPORTS RESORT

RECEIVED

MAR 12 2004

TOWN OF LOS GATOS
PLANNING DIVISION

March 8, 2004

Town Council
Town of Los Gatos
110 E, Main Street
Los Gatos, CA 95032

Re: Letter of justification for Courtside Club parking lot

Courtside Club is requesting your consideration of an amendment to the Town Ordinance that would allow, under very limited circumstances, a parking lot on a residential zoned property. The Club is proposing to develop the property identified as parcels 409-24-001, 409-24-002, 409-24-003. The parcels are located immediately south of the Courtside Club and are bordered by Wimbledon Road, Winchester Boulevard and Newell Avenue. The subject property, purchased by Western Athletic Clubs (D.B.A. Sports Resort Inc.) in September 2003, is currently vacant and is encumbered by a 100-foot wide PG&E high-tension power line easement. The property at this time is undeveloped and covered by gravel and weeds.

It is the Club's intention to develop an attractive, well-landscaped parking lot. The proposed plan will provide additional parking opportunities for Courtside Club as well as esthetically enhancing Winchester Boulevard. Significant elements of the proposed landscape design are construction of a grass berm and installation of hedges along the perimeter of the property, very similar in appearance to the current landscape design of the Courtside Club. Other improvements include new trees, plants and low-level lighting.

The land is comprised of three irregular shaped small parcels. Due to their size, shape, encumbrance by a PG&E easement and proximity of high-tension power lines, Courtside Club believes a parking lot is a great surface use of land on a property encumbered by three parcels. The proposed parking plan will allow for 75 additional parking spaces. These spaces will be used primarily for Courtside Club employee parking and occasional Club and community event parking. This improvement to the Club's parking facilities enables the Club to:

- **Provide more convenient parking for Courtside Club Members**

Courtside Club, under the ownership of Western Athletic Clubs, is approaching its seventh anniversary. Over the past seven years the Club has been successful in establishing itself as an important part of the Los Gatos community. Ninety two percent of the current membership is comprised of Los Gatos residents. Club members have come to rely on the Courtside Club not only as an athletic facility but also as a social club. The results of a survey sent to all Club members in January 2004 indicates members use the facility on average three times per week with an average stay of 2.15 hours. This

type of usage is not typical of an athletic club, therefore has caused parking challenges during our peak hours of operation (8:30am -10:30am and 4:30pm-6:30pm). The proposed parking plan will provide a significant improvement to the Club's operation and the service it provides to its members.

- **Reduce parking congestion on Winchester Boulevard**

The Club understands the concern of the Town and the neighbors regarding traffic congestion on Winchester Boulevard. The proposed parking plan will reduce parking congestion on the street. This proposed plan can benefit Courtside Club, its surrounding neighborhood and the community as a whole.

- **Respond to neighbor requests for more parking**

It is the Club's intention to work with its neighbors to achieve a win-win situation for the neighborhood, the Town and Courtside Club. This proposed project affords Courtside Club with the chance to respond to neighbor requests to develop more parking. Knowing that past attempts to develop this property have been unsuccessful due to the differing interests of the business sector and the homeowners who live in the surrounding neighborhood, Courtside Club has been very methodical in its approach to this project by taking the following steps:

- Prior to the acquisition of the land the Club presented the project to the Los Gatos Conceptual Development Advisory Committee. The feedback to the proposed plan overall was positive. Any and all comments given by the committee and neighbors who attended the meeting have been considered and addressed in the proposed design and landscape plan.
- After receiving input from the Conceptual Development Advisory Committee and learning the neighbors were opposed to a Zone change, Courtside Club filed an application proposing to amend the Zoning Ordinance rather than a General Plan and Zone change.
- Courtside Club sent a letter to the homeowners on Newell Avenue and La Montagne Court describing the project and welcomed any questions or comments. All concerns were responded to directly.
- After several months of negotiations, Courtside Club secured an agreement with the Elks Club and Courtside Club Office Plaza, owned by Mr. Burt Click to purchase the three parcels of land identified as 409-24-001, 409-24-002, 409-24-003.
- Courtside Club presented the proposed text amendment A-03-4 to the General Plan Committee on February 11, 2004.
- Courtside Club met with representatives from the Wimbledon Place Home Owners Association on February 27, 2004
- Courtside Club hosted a neighborhood meeting regarding the project on Sunday February 29, 2004
- Courtside Club presented the proposed text amendment A-03-4 to the Planning Commission on February 25, 2004
- Courtside Club has invited its neighbors to attend one of two scheduled meetings to review possible conditions of use. The meetings are tentatively scheduled for March 29, and April 1, 2004

At both the General Plan Committee meeting and at The Planning Commission meeting, Committee Members and neighbors posed questions regarding the size of the Club's membership in relation to the parking facility. More so than the parking facility, it is the size of the Club, approved uses of space, equipment and member usage that dictates the membership level. Courtside Club's current and future success relies on its ability to provide adequate facilities and exceptional service to its members.

Through town meetings, neighborhood meetings and other correspondence, the club has come to better understand the concerns of our neighbors. The majority of the neighbor's requests are reasonable and the club believes the neighbor's concerns can be addressed in either the design of the parking lot or through a conditional use permit. Below is a listing of what the club believes to be the major concerns of our neighbors and possible solutions.

Proposed modifications to the existing plans to satisfy neighbor requests:

1. Constructing a sound wall along the back perimeter of lot 3
2. Installing taller plant material along Newell Avenue
3. Installing two poles and chain to close the parking lot in the evening
4. Placing specific signage to communicate "be courteous of our neighbors"

NOTE: The Wimbledon neighbors voiced a concern regarding a possible increase in noise as a result of the new parking facility. The club's existing CUP should satisfy neighbor concerns as it limits the number of outdoor events with amplified sound, the number of outdoor events that serve alcohol and the locations for consumption of alcohol.

Proposed Conditional Uses:

Courtside Club's primary activities or their frequency *will not* change as a result of the new parking facility. Activities that take place in the club may include the following;

- Tennis socials
- Aquatic events including both juniors and master swim meets
- Basketball and volleyball in-house tournaments and league play
- New member socials
- Club employee team-building
- Other Club member athletic and sporting events

The club will not be used as venue for weddings or wedding receptions

1. **Parking Lot lighting.** The new parking lot shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disrupt the normal privacy and use of any neighboring residences. The lighting will be controlled with a timer.

2. **Hours of operation.** The hours of operation of the parking facility shall be limited to:
Monday – Friday 5am – 9pm
Saturday and Sunday 7am – 9pm
3. **Security.** The club shall use its reasonable best efforts to ensure the security of the parking lot. A club representative will check the parking lot at opening and closing. Any unauthorized vehicles left in the parking lot for longer than 48 hours will be towed at the owner's expense.
4. **Use of the parking facility.** The use of the parking lot will shall be limited to club employees, club members and guests. Upon written request, the club agrees to allow the Los Gatos Elks Lodge, Lodge No.1857, the use of the parking lot up to 4 times per year as overflow parking for their events during hours that do not effect the club's normal operation.
5. **Enforcement and implementation.** The club shall use its reasonable best efforts to communicate the above conditions to club personnel. Methods employed to communicate such conditions include the following: including the conditions in the employee new hire materials; reviewing the conditions in Department Head meetings; by including the conditions in the Manager on Duty book. In addition, club employees shall be trained as to measures to take if a complaint is made regarding any of the above conditions, including contacting the Manager on Duty. If the Manager on Duty is not available, the club's General Manager may be called to investigate and or resolve the issue.
6. **Good neighbor agreement.** The club will host an annual neighborhood meeting to discuss any concerns regarding the parking lot and or the approved conditions of use. The club shall use its reasonable best efforts to address any concerns of our neighbors.

This Ordinance change is requested after extensive communication with both the neighbors and your staff. Courtside Club is a long-standing partner in the community and a good corporate citizen. Courtside Club respectfully requests your positive consideration of this request.

Courtside Club looks forward to presenting this project to you at the Town Council Hearing on April 5, 2004. In the interim, if you have any questions, please feel free to contact Courtside Club General Manager, Lisa Graf at 408-395-7111.

Thank you for your time.

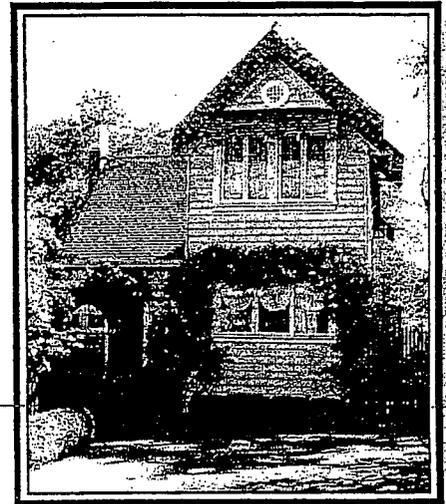


Goal:

- L.G.3.1 To maintain the existing character of residential neighborhoods by controlling development.

Policies:

- L.P.3.1 Protect existing residential areas from pressures for non-residential development.
- L.P.3.2 Consider nonresidential activity in residential areas only when the character and quality of the neighborhood can be maintained.
- L.P.3.3 Protect existing residential areas from adjacent nonresidential uses by assuring that buffers are developed and maintained. Buffers shall be required as conditions of approval and may consist of landscaping, sound barriers, building setbacks or open space.
- L.P.3.4 Prohibit uses that may lead to deterioration of residential neighborhoods, or adversely impact the public safety or the residential character of a residential neighborhood.
- L.P.3.5 Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.
- L.P.3.6 Develop and implement appropriate traffic controls to protect residential neighborhoods from the impacts of through traffic such as safety hazards, speeding, noise, and other disturbances.
- L.P.3.7 Allow development only with adequate physical infrastructure (e.g., transportation, sewers, utilities, etc.) and social services (e.g., education, public safety, etc.)
- L.P.3.8 Discourage corridor lots.
- L.P.3.9 Allow alternative uses of sites and facilities of schools, subject to conditions that will protect the surrounding neighborhood.
- L.P.3.10 Allow redevelopment of unused school sites commensurate with the surrounding residential neighborhood and availability of services
- L.P.3.11 Demolitions: In order to reduce land fill, conserve resources, and preserve neighborhood character, demolitions shall be discouraged and applicants shall submit structural reports to determine whether the demolition of any principle structure is justified.



*Provide a Mix of
Commercial &
Industrial Land
Uses to Maintain
a Full-Service
Town*

ISSUE: 5

It is important to the economic vitality of the Town and to the general benefit of the residents that goods and services are readily available to the citizens of Los Gatos. If a full range of goods and services are not provided sales tax "leakage" will occur, reducing the Town's fiscal stability.

Goals:

- L.G.5.1 To provide residents with adequate commercial and industrial services.
- L.G.5.2 To maintain a balanced, economically stable community within environmental goals.

Policies:

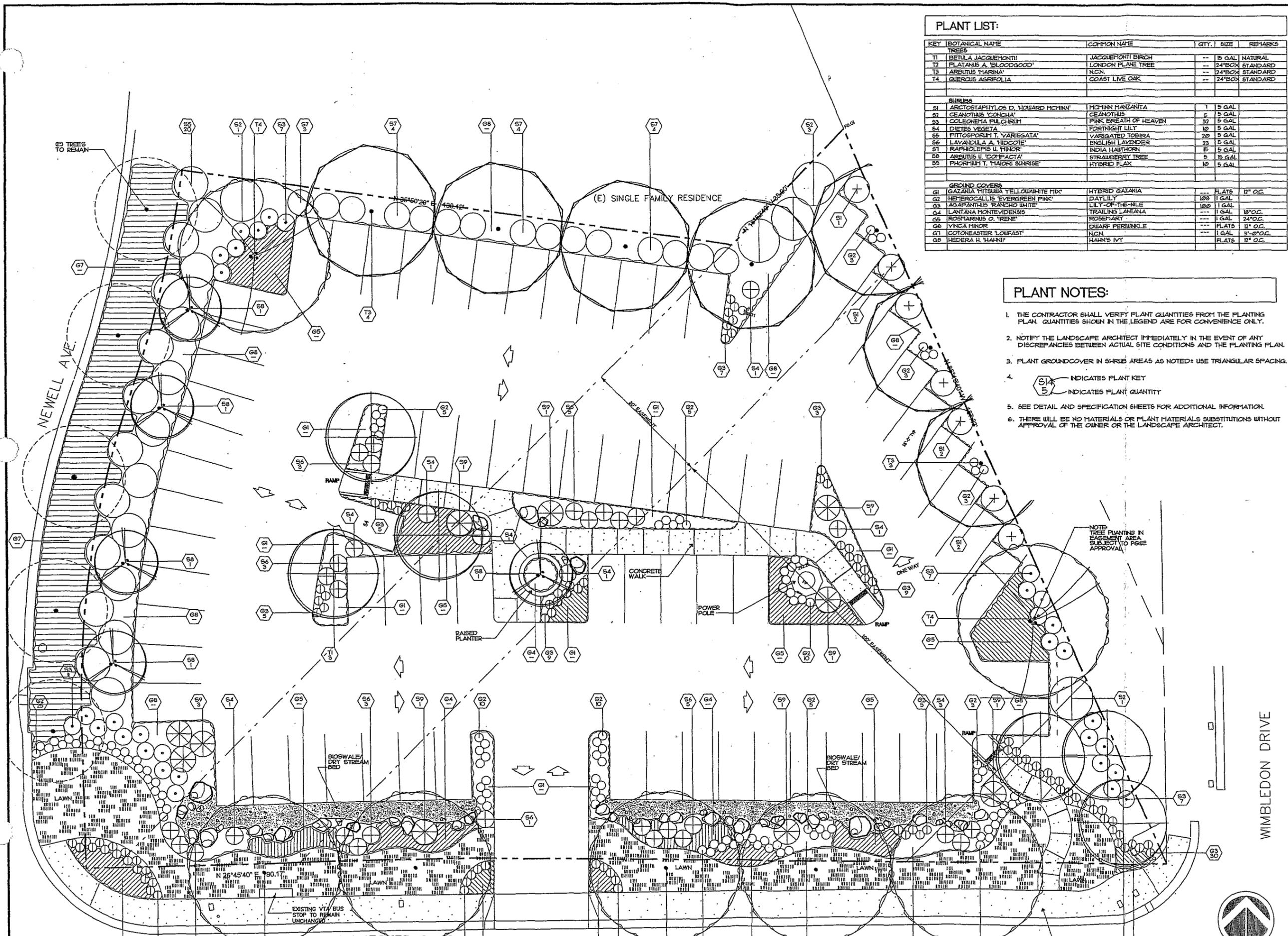
- L.P.5.1 Maintain a variety of commercial uses (a strong downtown commercial area combined with Los Gatos Boulevard and strong neighborhood commercial centers) to meet the shopping needs of residents and to preserve the small-town atmosphere.
- L.P.5.2 Encourage a mix of retail, office and professional uses in commercial areas, except in the Central Business District where retail should be emphasized.
- L.P.5.3 Require full public review for commercial development to ensure compatibility with adjacent neighborhoods and the Town.
- L.P.5.4 Encourage existing light industry and service commercial uses to remain or be replaced with similar uses.
- L.P.5.5 Encourage the development and retention of locally-owned stores and shops.
- L.P.5.6 Encourage development that maintains and expands resident-oriented services and/or creates employment opportunities for local residents consistent with overall land use policies of the Town.
- L.P.5.7 Only allow land uses for which public costs can be justified by overall community benefit.
- L.P.5.8 "Broadening the tax base" shall never be the sole reason for allowing new commercial development or approving a change in a commercial land use.
- L.P.5.9 Retail sales tax "leakage" should be kept to a minimum by providing in-town convenience and comparative shopping opportunities.

Implementing Strategies:

- L.I.5.1 Revise CUP Table: Study Conditional Use Permit Table to determine if any changes (deletions or additions) need to be made to list of uses. Considerations should include factors such as size of building and/or floor space occupied, traffic generation and whether the use would dictate a "trademark" style of building.

Time Frame: 2000 - 2005
Responsible Party: Planning, Town Manager and the Chamber of Commerce



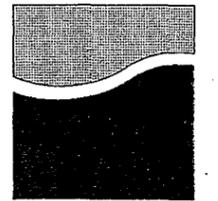


PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
TREES					
T1	BETULA JACQUEMONTII	JACQUEMONTI BIRCH	--	15 GAL	NATURAL
T2	PLATANUS A. 'BLOODGOOD'	LONDON PLANE TREE	--	24" BOX	STANDARD
T3	ARELTIUS 'MARINA'	N.C.N.	--	24" BOX	STANDARD
T4	QUERCUS AGRIFOLIA	COAST LIVE OAK	--	24" BOX	STANDARD
SHRUBS					
S1	ARCTOSTAPHYLOS D. 'HOWARD MCHINN'	MCHINN MANZANITA	1	5 GAL	
S2	CEANOTHUS 'CONCHA'	CEANOTHUS	5	5 GAL	
S3	COLEONEMA FULCHRUM	PINK BREATH OF HEAVEN	32	5 GAL	
S4	DIETES VEGETA	FORTNIGHT LILY	10	5 GAL	
S5	PITTOSPORIUM T. 'VARIEGATA'	VARIEGATED TOBIRA	20	5 GAL	
S6	LAVANDULA A. 'HIDCOTE'	ENGLISH LAVENDER	25	5 GAL	
S7	RAPHANOLIPS II 'MINOR'	INDIA HAZELHORN	5	5 GAL	
S8	ARELTIUS II 'COMPACTA'	STRAWBERRY TREE	5	15 GAL	
S9	PHORLIUM T. 'MAIORI SUNRISE'	HYBRID FLAX	10	5 GAL	
GROUND COVERS					
G1	GAZANIA 'HITSUBIA YELLOW/WHITE MIX'	HYBRID GAZANIA	---	FLATS	12" OC
G2	HEPERCALYPS EVERGREEN PINK	DAYLILY	120	1 GAL	
G3	LAGARANTHUS 'RANCHO UNITE'	LILY-OF-THE-NILE	120	1 GAL	
G4	LANTANA MONTEVIDENSIS	TRAILING LANTANA	---	1 GAL	18" OC
G5	ROSMARINUS O. 'IRENE'	ROSEMARY	---	1 GAL	24" OC
G6	VINCA MINOR	DIWARF PERIWINKLE	---	FLATS	12" OC
G7	COTONEASTER 'LOFAST'	N.C.N.	---	1 GAL	3'-0" OC
G8	HEDERA H. 'HAINII'	HAINII IVY	---	FLATS	12" OC

PLANT NOTES:

1. THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN. QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENIENCE ONLY.
2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED; USE TRIANGULAR SPACING.
4. INDICATES PLANT KEY
 INDICATES PLANT QUANTITY
5. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
6. THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.



REED ASSOCIATES
LANDSCAPE ARCHITECTURE

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SUNNYVALE, CA 94086
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(408) 481.9020
(408) 481.9022 FAX

**COURTSIDE
PARKING LOT**

WINCHESTER BLVD. @ WIMBLETON
LOS GATOS, CA 95032

ISSUE	DATE



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Approved: PJR
Drawn: PJR/RM Reviewed: xx
Project No. 03.56
Scale: 1" = 10'-0" Issue Date 10/29/03

PLANTING PLAN

Attachment 15

L1.0