



MEETING DATE: 8/16/04

ITEM NO. 14

DESK ITEM

COUNCIL AGENDA REPORT

DATE: August 16, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: TOWN MANAGER [Signature]
SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING A REQUEST TO EXPAND MEMBERSHIP, PROVIDE OUTSIDE SEATING FOR THE RESTAURANT AND SNACK SHOP AND TO DEMOLISH AN EXISTING PRO SHOP, TO ADD ONTO AND CONSTRUCT NEW OUTBUILDINGS, EXPAND AND UPGRADE LANDSCAPING AND PARKING FACILITIES AND TO REMODEL AND ADD ONTO AN EXISTING CLUB HOUSE (LA RINCONADA COUNTRY CLUB) ON PROPERTIES ZONED R-1:20 AND RC AND PREZONED R-1:12. ARCHITECTURE AND SITE APPLICATION S-04-026, CONDITIONAL USE PERMIT U-04-009 PROPERTY LOCATION: 14595 CLEARVIEW DRIVE PROPERTY OWNER: LA RINCONADA PROPERTY APPLICANT: KENNETH RODRIGUES & PARTNERS, INC. APPELLANT: CHRIS DELAOSSA

REMARKS

Attached is an email from a concerned neighbor regarding traffic on Wedgewood Avenue.

Staff met with the appellant today to discuss the report and the following issues were raised:

- Under the "appeal" section of the report to Council, Item 7 states that the appellant had questioned the weight limits of Wedgewood Avenue. The appellant informed the Town that they were questioning the weight limits of Wimbledon Avenue. The Town Engineer concluded the same response for Wimbledon Avenue and that Wimbledon Avenue is adequate to accept service vehicles.

Continued on Page 2

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

Reviewed by: [Signature] Assistant Town Manager [Signature] Attorney ___ Clerk ___ Finance
___ Community Development Revised: 8/16/04 4:01 pm

- Item 8 of the “appeal” section of the Town Council report states that Clearview Drive is a neighborhood collector from LaRinconada Drive to Wedgewood Avenue. To clarify, Clearview Drive is a neighborhood collector from LaRinconada Drive to Wimbledon Avenue.
- The appellant raised a concern that traffic counters were installed on Wedgewood Avenue for the entire month of July and that only one week was analyzed, which he felt was the slowest week. The Town Engineer verified that the traffic counters were set out on July 21st and picked up on August 2nd. The Town has full days of traffic counts from July 22nd through August 1st. The days of July 26th through August 1st were used for the traffic analysis since that period of time had the higher traffic counts.
- The appellant wants the neighbors to be involved in the design of the sidewalk improvements on Wedgewood Avenue. Staff can meet with the neighbors to review the proposed street improvements along the golf course side of Wedgewood Avenue.

In addition, the Background and the Traffic Analysis sections of the Town Council report has the following correction concerning the location of the Wedgewood Avenue entrance:

The Planning Commission requested that the Club investigate the feasibility of reopening the Wedgewood Avenue (west north entrance) for their members and deliveries. Due to past vandalism problems, the Club did not want to fully open the east north entrance (Wedgewood). As a compromise, the Club suggested to the Commission that the east north entrance (Wedgewood) be open for vendors and service trucks. On June 8, 1988, the Commission concurred and made this a condition of approval.

The west north entrance (Wedgewood) had an average daily volume of 49 trips (inbound and outbound) or 25 vehicles, which included 4.5 trucks per day.

Attachments:

- 1 through 10 Previously Submitted
- 11. Email from Nora Rousso (four pages) received August 16, 2004.

BNL:SLB:mdc

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Nora Rousso
225 Wedgewood Avenue
Los Gatos, California 95032

RECEIVED

AUG 16 2004

TOWN OF LOS GATOS
PLANNING DIVISION

August 15, 2004

Hon. Steve Glickman
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: 14595 Clearview Drive/Modification of use permit U-04-009

Dear Mayor Glickman:

I write to express my support for the appeal of Chris Delaossa in this matter. Mr. Delaossa objects to the continued imposition of a condition in the use permit issued to the La Rinconada Country Club which limits all truck deliveries and vendor deliveries to the Wedgewood Avenue entrance alone. The Planning Commission approved the application of the country club to expand its facilities, and approved the continuation of the above-mentioned limitation regarding truck traffic.

The Planning Commission erred when it approved the modification of the current use permit and thereby continued an error that was made years ago when the country club property was annexed to the town. The "basis" of the restriction limiting truck and vendor traffic to Wedgewood is false. Therefore, there is no legal justification to continue the imposition of the current restriction regarding truck traffic. Moreover, **all** vehicular traffic to the country club should be limited to the members' entrance only.

According to a report from the Development Review Committee dated June 4, 2004:

This condition was imposed in 1986 when the Club annexed to the Town. **The basis for this requirement is that the General Plan classifies Wedgewood Avenue as a Neighborhood Collector street and the street has been designed to handle this kind of traffic....** (Emphasis added).

Mr. Delaossa requested the condition be modified to limit truck and vendor traffic to Clearview Drive. The report noted that Clearview Drive residents had objected and continued:

The applicant has not requested this modification and the Town does not recommend that this condition be modified **since it would be in conflict with the General Plan and would direct delivery traffic onto a street designated as a residential street. The construction of the new staging area will reduce the traffic problems that may be associated with deliveries.** (Emphasis added).

As you may know, the Development Review Committee was mistaken, and simply repeated an error presumably made when the use permit was first issued. The Planning Commission thereafter adopted the DRC's "analysis" and thus repeated the error.

First, while a portion of Wedgewood Avenue is classified as a "neighborhood collector," it is simply **not true** that the street was "designed to handle this kind of traffic." In fact, the part of Wedgewood that is a "neighborhood collector" is more ill-suited to "this kind of traffic" (i.e. trucks) than either Clearview or La Rinconada because it is much narrower and has a number of blind curves. In fact, Wedgewood's size and curves make it ill suited to any but the most minimal traffic. The fact that Wedgewood is striped and has stop signs is irrelevant, because the Town and the County are empowered to install or remove traffic control devices such as road stripes, stop signs and speed limit signs. *See e.g.* Town Code sections 15.60.010 and 15.60.020.

Second, and perhaps more important, Town staff and the Planning Commission seem to have missed the fact that La Rinconada and Clearview are also classified as "neighborhood collector streets" in the General Plan. (See Transportation 4.0, Appendix A of the General Plan). Therefore, the conclusion that to limit all vehicle traffic, including truck deliveries to the golf course entrance alone would be "in conflict with the General Plan" was in error. The current limitation in the use permit should never have been imposed. Wedgewood, La Rinconada and Clearview are all on the same footing according to the General Plan and thus any decision regarding vehicle traffic associated with the golf course must be made on some basis other than those streets' designation in the General Plan.

There are really only two logical criteria for making the decision regarding traffic to the country club: the physical condition of the relevant streets, and their proximity to the golf course. On both counts, Wedgewood is the least suited to traffic, be it truck or auto. As stated above, Wedgewood is considerably narrower than either La Rinconada or Clearview. Contrary to the statements of the Clearview residents who testified at the hearing before the Planning Commission, Wedgewood Avenue is not an "arterial street." In fact, half of Wedgewood is not even a "neighborhood collector," it is simply residential.

Clearview and La Rinconada also are better suited to accommodate all traffic because they are closer to the artery that sends vehicles to the relevant "neighborhood collectors," i.e. Winchester Boulevard. The most logical route for all traffic to take is from Winchester to La Rinconada and then to Clearview. This route is the shortest, uses wider streets, and passes by the fewest number of homes, thereby causing risk and inconvenience to the fewest residents.

Since the previously stated justification for the current restriction in the use permit is nonexistent, your obligation is clear. You must eliminate the current restriction limited truck deliveries to Wedgewood Avenue only. Moreover, because Wedgewood Avenue is the least suited to most traffic, you should instead limit **all** vehicular traffic to the Clearview entrance only.

You are authorized to take the above actions pursuant to Town Code section 29.20.295. That section states in pertinent part that when an appeal from the Planning Commission is taken:

[t]he Council shall consider the record and such additional evidence as may be offered by anyone and may affirm, modify or reverse, in whole or in part, the determination appealed from, or make and substitute such other determination as is warranted, or may remand to the Planning Commission for further review and determination.

You must reverse or modify the Planning Commission's decision in this matter because Mr. Delaossa, the appellant, has met his burden of proof. The record clearly indicates that there was "error or abuse of discretion on the part of the Planning Commission." (Town Code section 29.20.295(b)(1)). The record amply demonstrates "error" on the Planning Commission's part.

Because the Clearview neighbors are numerous and outspoken, I am concerned that you may choose to placate them and leave the current restriction in place by simply substituting another "justification" for the one proved to be a fallacy. For example, you and your colleagues may now choose to view this as a matter of "balancing traffic impacts between neighborhoods." It may be tempting to limit truck deliveries to Wedgewood because there are relatively fewer trips by trucks than by members, and therefore the traffic burden on Wedgewood is "lighter." Or, you may attempt to "balance" the interests of the Clearview neighbors versus the Wedgewood neighbors by leaving the current restriction in place. This would be wrong. Since the basis for the current condition does not in fact exist, it would be disingenuous simply to search around for another "basis" simply to retain the status quo.

I realize that what Mr. Delaossa and the other Wedgewood Avenue neighbors seek is not what the Clearview neighbors want. However, there comes a time in every political leader's life when he (or she) has to do what is right, not what is popular and not what is

expedient. You have a unique opportunity to correct a past wrong. Doing the right thing may not please everyone, but it is still the right thing to do.

The Council's obligation is clear. You must reverse or modify the decision of the Planning Commission and order that all vehicular traffic to and from the Rinconada Country Club use the members' entrance only, or, at a minimum, you must eliminate the restriction limiting truck and vendor traffic to the Wedgewood entrance alone.

Thank you.

Very truly yours,

NORA ROUSSO

cc: Hon. Sandy Decker
Hon. Diane McNutt
Hon. Joe Pyrzynski
Hon. Mike Wasserman