



MEETING DATE: 03/21/05
ITEM NO. 12

COUNCIL AGENDA REPORT

DATE: March 16, 2005
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER A REQUEST TO CHANGE THE GENERAL PLAN DESIGNATION FROM LOW DENSITY RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND TO CHANGE THE ZONE FROM R-1:8:PD TO RM:5-12:PD TO DEMOLISH THE MOTEL AND RESTAURANT AND TO CONSTRUCT 33 RESIDENTIAL UNITS. NO SIGNIFICANT ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED AND A MITIGATED NEGATIVE DECLARATION IS RECOMMENDED. APNS 424-29-024 THROUGH 026- GENERAL PLAN GP 05-1 - PLANNED DEVELOPMENT APPLICATION PD-04-5 - NEGATIVE DECLARATION ND-05-04 PROPERTY LOCATION: 15350 WINCHESTER BLVD PROPERTY OWNER: DONALD BERSANO APPLICANT: SANTA CLARA DEVELOPMENT CO.

RECOMMENDATION:

- 1. Accept report in the form of meeting minutes from the Planning Commission regarding a Planned Development at 15350 Winchester Blvd (Attachment 5).
- 2. Hold the public hearing and receive public testimony;
- 3. Close the public hearing;

Alternative A:

If Council decides to approve the proposed project, the following actions are required (additional conditions may be added to the Planned Development Ordinance):

- 1. Make the Negative Declaration (Exhibit L of Attachment 7);
- 2. Make the required findings (Attachment 1);
- 3. Adopt the resolution approving the General Plan Amendment (Attachment 2);
- 4. Adopt the Mitigation Monitoring Plan (Attachment 4);

PREPARED BY: BUD N. LORTZ, DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: Assistant Town Manager Attorney _____ Clerk _____ Finance
 Community Development Revised: 3/16/05 4:16 pm

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5. Move to waive the reading of the Planned Development Ordinance (Attachment 3);
6. Direct the Clerk to read the title of the Planned Development Ordinance (Attachment 3);
7. Introduce the Ordinance to effectuate Planned Development Application PD-04-5 and the zone change (Attachment 3). Council should incorporate the revised plans (Attachment 9) in the Planned Development.

Alternative B:

If the Council decides that changes should be made to the proposed project, it may:

1. Remand the project to the Planning Commission with direction about the required changes, or
2. Continue the project to a date certain and provide specific direction to the applicant about the required changes.

Alternative C:

If the Council decides that the current General Plan and zoning designation should not be changed, Council should deny the General Plan Amendment and Planned Development Application PD-04-5.

BACKGROUND:

On May 16, 1978, Town Council adopted Ordinance No. 1396 (Exhibit A of Attachment 7) for a Planned Development (PD) at the subject site (Villa Felice). This PD allows the following uses:

- Restaurant
- 31 unit motel with a manager's unit
- 15 two story single family residences
- Existing duplex
- Conference building (never built)

On December 3, 2001, Town Council amended the PD by Ordinance No. 2092 (Exhibit B of Attachment 7). The amendments included the following:

- Demolition of the duplex (duplex has not been demolished).
- Construction of a single family residence on each of the two parcels created where the duplex exists (never built).
- Removal of the single family residence located at 15390 Winchester Blvd from the PD.

LAND USE ANALYSIS:

Since this application involves a General Plan amendment and zone change, Town Council must first consider the land use question. The essential issue to discuss is whether or not the Town should preserve the existing motel and restaurant use. At one time, Villa Felice was an important social and entertainment center which provided the only publicly accessible viewing area of Vasona Lake. Market dynamics in the hotel/motel industry required owners to continually reinvest in their facility.

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Villa Felice did not keep up with these changes and the property fell into a state of decline. The motel/restaurant eventually lost its reputation and no longer was a viable business. For over ten years, the site has been marketed for residential use and funds were not invested to upgrade and maintain the existing use. Attachment 10 documents the continual decline of the motel business. According to Town records, in 1997-1998, the motel ran at an occupancy rate of 81% and generated \$102,808 in taxes to the Town. In 2004-2005, the occupancy rate dropped to 25% and the use only generated \$12,419 in taxes to the Town.

As with any request of this nature, Council needs to carefully determine why the General Plan amendment and zone change is in the best interest of the community. Council has expressed a concern about losing revenue generating uses. In response to this concern, Council has recently directed staff to explore how the Town could regulate the conversion of a revenue generating use to a non-revenue generating use.

As part of this land use analysis, Council will need to carefully evaluate the proposed density and how the proposed use is consistent with the General Plan. Following are some sections of the General Plan that are applicable to the requested General Plan amendment and zone change. The applicant has identified additional sections of the General Plan that they feel support their request due to the decline of the motel and restaurant use (Exhibit C of Attachment 7).

Maintaining of Existing Use

- L.P.1.3 - Encourage economic and social activity consistent with a small-scale, small town atmosphere and image.
- L.P. 5.5 and 6.2 - Encourage the development and retention of small businesses and locally-owned stores and shops that are consistent with the small town character and scale.
- L.P.5.6 - Encourage development that maintains and expands resident-oriented services and or creates employment opportunities for local residents consistent with the overall land use policies of the Town.
- L.P.6.6 - Encourage mixed uses to increase residential opportunities in commercial zones.
- L.G.5.2 - To maintain a balanced, economically stable community within environmental goals.

Proposed Use

- L.P.3.5 - Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.
- H.P.1.1 - Continue to designate sufficient residentially zoned land at appropriate densities to provide adequate sites to meet Los Gatos' new construction need for 2002-2007.
- CD.P.2.2 - Consideration shall be given to siting homes for privacy, livability, protection of natural plant and wildlife habitats and migration corridors, adequate solar and wind conditions. Siting should take advantage of scenic views but should not create significant ecological or visual impacts affecting open spaces, public spaces, or other properties.

DISCUSSION:

1. Project Summary

The applicant is requesting to change the General Plan designation from Low Density Residential (zero to five units per acre) and Neighborhood Commercial to Medium Density Residential (5 to 12 units per acre) and is requesting the adoption of a PD to permit the demolition of a motel and restaurant and to construct 33 single family units (28 market rate units and five Below Market Price (BMP) units), on 5.91 acres. The lots range in size from 4,250 to 6,050 sq ft with home sizes between 2,323 and 2,945 sq. ft.

The density of the development for the subject site is 4.7 units per acre (excluding the BMP units, which pursuant to H.I.1.2(E) of the General Plan, are classified as density bonus units and are not included when calculating density for a property). The density for the entire PD site, which includes the existing Villa Felice town homes is 5.6 units per acre (excluding the BMP units). The proposed density is at the low end of the medium density range. The site is bounded by condominiums to the south, condominiums and single family residences to the west and north and Vasona Lake County Park to the east. The project is described in more detail in the attached Planning Commission report (Attachment 7).

2. Planning Commission

The Planning Commission considered this matter on February 9, 2005 and the following actions were taken:

- Recommended that Town Council adopt the General Plan Amendment on a 4 to 2 vote.
- Recommended that Town Council adopt the Negative Declaration a 5 to 1 vote.
- Forwarded the Planned Development Application to Town Council with no specific recommendation but with the following summarized comments from each Commissioner (See Attachment 5 for verbatim comments).

Commissioner Micciche:

- The change from commercial to residential is to the benefit of the Town.
- Fully recommended the project.
- Applicant has responded to the neighbors positively.
- Over the course of the project, the number of units has been reduced which has effectively reduced the intensity and the density.

Commissioner Burke:

- Opposed to changing the zoning.
- The Town will lose an opportunity for a significant revenue generator.
- Along the ridge line, the number of units should be reduced and the houses should be single story.

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- Density is acceptable, but the intensity of the development should be reduced.
- The removal of the Pine trees needs to be further justified.
- The size of the park could be increased to provide a community benefit.

Commissioner Kane:

- The site should be residential.
- Concerned with intensity of the project.

- The issue with the Pine trees should be further evaluated to determine whether or not they should be removed.

Commissioner O'Donnell:

- Change to residential is acceptable.
- To meet the neighbors concerns, the Pine trees should be removed and replaced with another tree species.
- In favor of reducing the heights of the houses by lowering the grade, as suggested by the applicant.
- The development is too intense.

Commissioner Quintana:

- The project should not be approved.
- Prefers a mixed use development with a small boutique hotel.
- The removal of the Pine trees will greatly change the visual character of the site as viewed from adjacent sites.
- The story poles are very visible from a large portion of Vasona Park.
- More of the trees with a good potential for preservation should be retained.
- Density is not an issue. Increase the intensity toward the inside of the development, and reduce the intensity at the periphery of the lot.
- Maintain or increase the number of units but reduce the intensity, add more one story units.
- The houses are too large for the lots.
- Provide more pedestrian connections.
- Eliminate two or three houses along the ridge.
- Too little communal open space.
- There are no nodes for gathering or talking together.
- There is no continuity between the Villa Felice Townhouses and the proposed development.
- Concerned about the livability of the size of the BMP units.
- Concern about mass and scale.
- The size and scale of the large units should be reduced and medium size houses be added.
- BMP units should mimic the variety of sizes of the market rate units.
- Not only should the PD require that the setbacks shown on the plan be met, but the proposed footprints should also be required.

Commissioner Trevithick:

- The site should be a residential use.
- The proposed open space is correctly located and is a benefit to the development.
- Although the heights of the houses along the ridge should be reduced, there are many pluses with the proposed layout.

3. Staff Comments

Trees

The applicant is proposing to remove 15 Monterey Pine trees along the southern property boundary at the request of the homeowners association of the adjacent development. As discussed in the Arborist report (Exhibit E of Attachment 7), 12 of these trees are in poor condition and are expected to decline regardless of special care. The other three trees are in moderate condition and will require management and monitoring to maintain.

In response to the Commission's concerns and to mitigate the tree removals, the applicant has added 12 or 13 trees along the southern boundary in the backyards of Lots 1 through 12 (their letter indicates 12 trees have been added (Attachment 8), but the plan shows 13 (Attachment 9). The applicant's letter states that the size of these trees will be 48 inch box (Attachment 8); however, the revised plans show 38 inch box (Attachment 9). The applicant will work with the homeowner's association to determine the tree species. A performance standard has been added to the PD to require the 12 additional trees along the southern property line with a size of a 48-inch box. The applicant is willing to retain the existing trees if Council determines they should remain. If the trees are required to remain, performance standard #11, should be deleted from the PD. The applicant is also proposing to add twelve 36-inch box trees in the rear yards along the northern property line.

Due to the number of trees that will remain on the site and the number of trees to be removed, the Town's Consulting Arborist recommended that the trees which are assigned a good or moderate rating be mitigated. Town staff does not recommend mitigation for every tree proposed to be removed. Staff and the Consulting Arborist use careful judgement based on the available evidence to determine whether or not a tree is worth saving and whether mitigation is required. This evidence includes analysis of the tree's health, (is the tree dead, dying or in poor condition), the tree's structural integrity, and the tree species (e.g., Acacia, Tree of Heaven, Monterey Pine, and Boxwood Junipers). Staff has concluded that the mitigation proposed by the Consulting Arborist is adequate. As stated above, the applicant has added twelve 48-inch box trees to the mitigation trees required.

Traffic

Although a majority of the Planning Commission did not raise a concern about the traffic, concerns were expressed by the public. Traffic generated from this proposal will be less than the traffic credit that is assigned to the property based on the previous uses as set forth in the Town's Traffic Impact Policy. Although a traffic study is not required, (pursuant to the Traffic

Impact Policy), the applicant prepared a traffic study in response to concerns raised by staff and the public about traffic on Winchester Blvd. The traffic study was peer reviewed by the Town Traffic Engineer.

The proposed project will generate 1,245 fewer net daily trips, one less AM peak hour trip (net) and 80 fewer PM peak hour trips net than the uses that are allowed by the current PD. As part of this study, the traffic engineer evaluated the sight distances and found that the existing two-way left turn provides safe clear distances and is adequate to handle the volume of traffic that is projected for the project. Based on public comments raised at the hearing, the traffic consultant evaluated the safety of the turning movements to and from the site on Winchester Blvd for the existing conditions and with the proposed project. The Consultant determined that the turning movements do not and will not create a safety hazard (Attachment 11). The Consultant will be present at the Council meeting to answer questions. The applicant has offered to fund improvements along Winchester Blvd if it is determined that improvements are needed to improve the safety along Winchester Blvd (Attachment 9).

Development Intensity

The term “density” and “intensity” are commonly used when discussing residential development projects. “Density” relates to the number of dwelling units per acre and “intensity” relates to the amount of development (building area) in relation to undeveloped land (open space).

Several Planning Commissioners expressed concern with the intensity of the project while supporting the overall density. The following chart summarizes the floor area ratio (FAR) and density of this project (as submitted to the Planning Commission) compared to Vasona Ranch (Winchester at Hwy 85) and Boyer Lane (University south of Hwy 9).

	VILLA FELICE	VASONA RANCH	BOYER LN
Density (du/gross acre)			
Excluding BMP's	4.7	8.2	5.9
Including BMP's	5.6	8.6	6.7
Ex BMP's and slope/riparian area	5.5	8.2	12.0
Inc BMP's and ex slope/riparian area	6.5	8.6	13.7
Overall FAR*			
Gross site sq ft	.30	.33	.17
Net site sq ft (excludes streets/sidewalks)	.39	.40	.23
Net and excluding slope/riparian area	.50	.40	.33

*Excludes garages

The density of the proposal is 4.7 units per acre, not including the BMP units and the existing townhouse units. If the slope along University Avenue is excluded, the resulting density is 5.5

units per acre. The density of the project is at the lower end of the Medium Density Residential, density range (5-12 units per acre). Including the BMP units and excluding the slope, the density is 6.5 units per acre.

The overall FAR for the project is .30. The FAR is roughly .50 if the slope, parking areas and private roads are excluded. The proposed lots range in size from 4250 to 6050 square feet. Although the Town's FAR requirements do not apply to the Multiple Family Residential, in comparison the FAR limitation for a single family development with these lot sizes would be roughly .35 - .36, exclusive of garage area. Therefore, the project's FAR is significantly higher than is typical in a standard single family development.

Development intensity is an issue that is often raised with small lot, single family residential projects. These types of projects create a detached single family project at a density range that falls between a conventional single family development and a new townhouse development. Compared to an attached unit project, the small lot, single family developments provide greater private yard area but tend to provide less usable common open space. Potentially usable open space area is used in the small side yard areas that separate the units. The result is a project that can feel overbuilt if the unit size and resulting FAR is too great. Early in the process, staff recommended that the applicant consider incorporating cellars in the houses to reduce or eliminate the second floor. This design approach would have reduced the intensity of the development. However, the applicant did not pursue the cellar for a variety of reasons which they will address at the meeting.

In response to the Commission's concern, the applicant has modified the plans (see Attachments 8 and 9). The story poles have not been modified to reflect these changes. Following is a summary of the changes:

- Second story elements at the rear and side yards have been reduced on some of the plans. All gable ends at two story rear elevations have been eliminated and replaced with lower profile roof plans. These changes can be reviewed by staff and the Consulting Architect during the Architecture and Site approval process.
- The roof pitches and the plate heights have been reduced to lower building heights for all houses by a minimum of two feet.
- The street adjacent to the houses on the ridge has been narrowed which has allowed the houses along the ridge to be set further back from the top of slope.
- A paint color pallet and roof selections will be modified to help the houses along the ridge blend with the landscape.

Grade

As discussed at the Commission hearing (Attachment 5), the applicant proposes to lower the height of the buildings by reducing the finished grade. The grade is proposed to be lowered one to three feet for all lots, excluding the lots on the ridge. The amount of grade change is limited in various areas of the site to ensure there are no tree impacts. The overall heights of the buildings can be reduced up to five feet with the combination of the lowering of the grade,

reducing the roof pitch and lowering the plate heights as discussed above. This grade change will increase the amount of soil export from 1,500 cubic yards to 9,400 cubic yards. The impact associated with the soil off haul will be the additional truck trips going north on Winchester Blvd to Lark Avenue to access Highway 17. Although the amount of grading will significantly increase, staff supports the proposed change since the grade change will reduce the perceived height of the homes and the intensity of the project. In addition it will not impact any trees, result in drainage problems, or result in a visual impact.

Setbacks

As discussed in the Desk Item report to the Commission (Attachment 6), the applicant worked with two property owners (north of the subject property) in an attempt to mitigate their concern regarding separation between units along the northern property line. The applicant proposes to increase the distance between two of the houses which will shift the lot lines for lots 17 through 22. These revised setbacks are now shown in Attachment 9 and a performance standard is no longer needed to incorporate these changes if this plan is approved.

CONCLUSION:

The applicant has worked closely with the neighbors and has quickly responded to concerns raised by the Planning Commission. Staff has reviewed the proposed alternatives and finds them acceptable, however, the question of intensity remains an issue that should be discussed. If Council finds merit with the proposed project, staff recommends that the revised plans (Attachment 9) be incorporated in the approved plans for the Planned Development Ordinance (Exhibit B of Attachment 3).

ENVIRONMENTAL ASSESSMENT:

It has been determined that this project will not have a significant impact on the environment and a Mitigated Negative Declaration has been prepared for this proposal.

FISCAL IMPACT:

The existing use currently generates approximately \$4,700 in property tax revenue to the Town per year. The motel and restaurant are currently closed, so no other revenue is being generated. There is a 10% occupancy tax for hotel rooms. Assuming the existing 31 units motel rooms remained and 70% of the rooms were booked every night at \$100 each, this would equate to \$79,205 in revenue to the Town. As stated earlier in this report, in 1997-1998, the motel was operating at an 81% occupancy rate which generated \$102,808 in taxes to the Town. Based on numbers provided by the applicant for the residential property values, approximately \$52,000 in property tax to the Town would be generated with the proposed use per year.

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Attachments:

1. Required Findings.
2. Draft Resolution for General Plan amendment.
3. Draft Planned Development Ordinance (including vicinity map and development plans received January 27, 2005).
4. Mitigation Monitoring Plan.
5. Excerpt from the Planning Commission minutes of February 9, 2005.
6. Desk Item Report to the Planning Commission, dated February 9, 2005 for the meeting of February 9, 2005.
7. Report to the Planning Commission, dated February 3, 2005, for the meeting of February 9, 2005 (Exhibit J deleted and incorporated as Attachment 1 of this report. Exhibit K deleted and incorporated as Attachment 4 of this report. Exhibit M deleted and incorporated as Attachment 2 of this report and Exhibit N deleted and incorporated as Attachment 3 of this report).
8. Letter from Santa Clara Development (two pages) received March 7, 2005.
9. Letter from Santa Clara Development (two pages) with revised excerpts of the Development Plans (38 sheets), received March 15, 2005.
10. Occupancy and Tax Chart
11. Letter from Fehr & Peers (two pages) received March 17, 2005.

Distribution:

Santa Clara Development Co, 2185 The Alameda, San Jose, CA 95126
Donald Bersano, 15350 Winchester Blvd, Los Gatos, CA 95030

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REQUIRED FINDINGS FOR:

15350 Winchester Boulevard

Planned Development Application PD-04-5

Negative Declaration ND-05-04

Requesting approval to change the General Plan designation from Low Density Residential and Neighborhood Commercial to Medium Density Residential and to change the zone from R-1:8:PD to RM:5-12:PD to demolish the motel and restaurant and to construct 33 residential units. No significant environmental impacts have been identified and a mitigated Negative Declaration is recommended. APNS 424-29-024 through 026

PROPERTY OWNER: Donald Bersano

APPLICANT: Santa Clara Development Co.

FINDINGS

The findings should specifically address the question of the land use change and the proposed housing density as it relates to the Land Use and Housing Elements of the General Plan.

- All General Plan Amendments must be found to be internally consistent with the General Plan.
- That the zone change is consistent with the General Plan.

RESOLUTION NO. _____

**RESOLUTION OF THE TOWN OF LOS GATOS
AMENDING THE GENERAL PLAN TO CHANGE THE
DESIGNATION FROM LOW DENSITY RESIDENTIAL AND NEIGHBORHOOD
COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR
PROPERTY AT 15350 WINCHESTER BOULEVARD**

WHEREAS, pursuant to Government Code Section 65353, the Town Council conducted a public hearing for consideration of amendments to the General Plan on _____, 2005.

WHEREAS, during this hearing, the Town Council considered the General Plan Amendment to change the land use designation from Low Density Residential and Neighborhood Commercial to Medium Density Residential for property at 15350 Winchester Blvd.

RESOLVED, the Town Council finds that (a) the proposed General Plan amendment is internally consistent with the existing goals and policies of the General Plan and its corresponding elements and (b) that all proceedings have been conducted in compliance with the provisions of Government Code Section 65350 et seq.

RESOLVED, the Town Council hereby changes the land use designation of the General Plan as shown on Exhibit A from Low Density Residential and Neighborhood Commercial to Medium Density Residential.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of
Los Gatos, California, held on the _____ day of _____, 2005 by the following vote:

COUNCIL MEMBERS

AYES:
NAYES:
ABSTAIN:
ABSENT:

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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ORDINANCE

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ORDINANCE NO. 1396 AND ORDINANCE NO. 2092 RELATING TO THE DEVELOPMENT OF THE EXISTING COMMERCIAL PORTION OF THE SITE AND AMENDING THE ZONING MAP FROM R-1:8:PD TO RM:5-12 PD FOR THE PROPERTY LOCATED AT 15350 WINCHESTER BLVD.

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

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning at 15350 Winchester Blvd as shown on the map which is attached hereto marked Exhibit A and is part of this Ordinance from R-1:8:PD (Single Family Residential, minimum lot size 8,000 square feet, Planned Development) to RM:5-12 PD (Multiple Family Residential, 5 to 12 dwelling units per acre, Planned Development).

SECTION II

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Demolition of the existing one story duplex, detached garage and shed.
2. Demolition of the Villa Felice restaurant including administrative offices and support services and the motel.
3. Construction of 29 market rate single family residences and four Below Market Price units.
4. Landscaping, streets, parking, open space and other site improvements shown and required on the Official Development Plan.

5. All other residential uses and improvements listed in Ordinance No. 1396 for the existing Villa Felice Townhouse development are still valid.
6. Uses permitted are those specified in the underlying RM (Multiple Family Residential) zone by Sections 29.40.610 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future, subject to any restrictions or other requirements specified elsewhere in this ordinance including, but not limited to, the Official Development Plan. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by Conditional Use Permit.

SECTION III

COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

SECTION IV

Architecture and Site Approval is required before the demolition of the duplex and construction work for the new dwelling units, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Zoning Ordinance.

SECTION V

The attached Exhibit A (Map) and Exhibit B (Development Plans, 32 sheets), are part of the Official Development Plan. The following must be complied with before issuance of any grading, demolition or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT

(Planning Division)

1. ARCHITECTURE AND SITE APPROVAL REQUIRED. The Official Development Plans and this ordinance establish the allowed uses and intensity of development. The Official Development Plans are conceptual in nature such that minor deviations may be approved through the Architecture and Site approval process if necessary to achieve architectural excellence. These deviations may include finished floor elevations and minor grade changes. The Development Review Committee may be the deciding body of the Architecture and Site applications.
2. SETBACKS. The minimum setbacks permitted are documented on the approved Horizontal Control Plan attached as Exhibit B.
3. HOUSE SIZES. No additional square footage shall be permitted for any of the units.
4. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained prior to the issuance of a Building, Grading or Encroachment Permit.
5. RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structures shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.
6. TENTATIVE MAP. The Development Review Committee may be the deciding body of the tentative map.
7. *EXISTING MASONRY WALL. Existing masonry walls along project boundaries should be maintained at all times during construction to protect all adjacent residents from construction noise. The existing masonry wall along the northern project boundary

that is proposed to be replaced either, 1) should be retained until the noisier phases of project construction are complete (ie: grading, paving, house framing, etc) or 2) should be replaced at the commencement of project construction, prior to project grading activities.

8. FENCES. All fencing and walls shall be reviewed during the Architecture and Site approval process.
9. *CONSULTING ARBORIST. All recommendations identified in the Arborist Report and prepared by Arbor Resources, dated December 17, 2004, and any other supplemental report(s) by the Arborist in relationship to this project, shall be implemented and incorporated during the Architecture and Site approval process and in the final building plans. The applicant shall continue to work with the consultant regarding the grade changes around existing trees prior to Architecture and Site approval.
10. FINAL LANDSCAPE PLAN. The Town's Consulting Arborist shall review the final plans during the Architecture and Site approval process. At that time, the arborist shall determine the required tree protection measures and the proposed tree removal mitigation which shall be incorporated in the final building plans.
11. ADDITIONAL TREES. To mitigate the removal of the Monterey Pine trees along the southern property boundary, twelve 48 inch box trees shall be planted in the backyards of Lots 1 through 12. The applicant shall work with the adjacent homeowners association to determine the tree specie(s). These trees shall be included in the final landscape plan.
12. GENERAL. All existing trees shown to remain on the plan and newly planted trees are specific subjects of approval of this plan and must remain on site.
13. NEW TREES. The new trees to be planted shall be double-staked, using rubber tree ties and shall be planted prior to occupancy.

14. *RAPTORS. If it is not possible to schedule construction between September and January, the project applicant shall be required to conduct a pre-construction survey for nesting raptors by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.
15. NEIGHBORHOOD SIGN. A neighborhood identification sign is permitted and shall be reviewed during the Architecture and Site approval process.
16. SHARED DRIVEWAYS. Small scale residential no driveway parking signs shall be installed where there are shared driveways. These signs and placement will be reviewed during the Architecture and Site approval process and shall be installed prior to final occupancy of those units.
17. BMP UNITS. The developer shall work with the Director of Community Services during the Architecture and Site approval process to make the required arrangements for the BMP units. The BMP units must receive approved building permits prior to the issuance of the building permit for the 28th market rate unit. The BMP contract shall be completed prior to issuance of a building permit.
18. DEED RESTRICTION. Prior to issuance of a building permit, a deed restriction shall be

recorded by the applicant with the Santa Clara County Recorder's office, stating that the required BMP units must be sold as a below market priced unit pursuant to the Town's BMP regulations.

19. SOLAR. During the Architecture and Site approval process, all new residences, to the extent feasible, shall be designed to take full advantage of passive solar opportunities.
20. WINDOWS. All second story windows with a north orientation along the northern property line (lots 17 through 21), shall be recessed high clerestory windows. All first and second story windows along a side elevation which immediately abuts a yard of a neighboring property, shall be recessed high clerestory windows or frosted to allow for privacy. These windows shall be further reviewed during the Architecture and Site approval process.
21. ADDITIONAL UNIT. One additional unit may be permitted if the applicant and the adjacent Villa Felice Townhouse development agree to eliminate the existing parking easement. The addition of this unit will require a minor amendment to the Planned Development and Architecture and Site approval, both of which may be approved by the Development Review Committee. Additional environmental review may be required for this unit.

(Building Division)

22. *CULTURAL RESOURCES. In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.
23. *REMAINS. If human remains are discovered, the Santa Clara County Coroner will be

notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.

24. *REPORT. If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in Appendix K of the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Section 15064.5 of the CEQA Guidelines.
25. *FINAL REPORT. A final report will be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.
26. PERMITS REQUIRED: A building permit shall be required for demolition of existing structures and the construction of the new residences. Separate building permits are required for site retaining walls; separate electrical, mechanical, and plumbing permits shall be required as necessary.
27. CONDITIONS OF APPROVAL: The Conditions of Approval for the Architecture and Site applications must be blue-lined in full on the cover sheet of the construction plans.

28. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
29. DEMOLITION REQUIREMENTS: Obtain a Building Department Application and a Bay Area Air Quality Management Application from the Building Service Counter. Once the demolition form has been completed and all signatures obtained, return the completed form to the Building Service Counter with the J# Certificate, three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
30. *GREASE TRAP. The abandoned grease trap and affected surrounding soils shall be removed as part of the demolition process.
31. *LEAD-BASED PAINT. Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.
32. STREET NAMES & HOUSE NUMBERS: The developer shall submit requests for new street names and/or house numbers from the Office of the Town clerk prior to the building permit application process.
33. SOILS REPORT: A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics. ALTERNATE: Design the foundation for an allowable soils 1,000 psf design pressure. (Uniform Building Code Volume 2 - Section 1805)
34. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation

inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:

- a. Building pad elevation
- b. Finish floor elevation
- c. Foundation corner locations

35. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residences shall be designed with adaptability features for single family residences per Town Resolution 1994-61:

- a. Wooden backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers and bathtubs located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars.
- b. All passage doors shall be at least 32 inches wide on the accessible floor.
- c. Primary entrance shall have a 36-inch wide door including a 5' x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level with an 18-inch clearance.
- d. Door buzzer, bell or chime shall be hard wired at primary entrance.

36. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.

37. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within

10-feet of chimneys.

38. SPECIAL INSPECTIONS: When a special inspection is required by UBC Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out, signed by all requested parties and be blue-lined on the construction plans. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov.
39. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print.
40. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
41. APPROVALS REQUIRED: The project requires the following agencies approval before issuing a building permit:
 - a. Community Development: Sandy Baily at 354-6873
 - b. Engineering Department: Fletcher Parsons at 395-3460
 - c. Parks & Public Works Department: (408) 399-5777
 - d. Santa Clara County Fire Department: (408) 378-4010
 - e. West Valley Sanitation District: (408) 378-2407
 - f. Local School District: (Contact the Town Building Service Counter for the appropriate school district and to obtain the school form.)
 - g. Bay Area Air Quality Management District: (415) 771-6000

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS

(Engineering Division)

42. NPDES MAINTENANCE COVENANT. The homeowner's association shall enter into a maintenance covenant with the Town for maintenance of the stormwater filtration device. The covenant will specify that certain routine maintenance shall be performed by the homeowner's association and will specify maintenance reporting requirements. The covenant shall be recorded prior to release of the first occupancy permit.
43. ABOVE GROUND UTILITY LAYOUT. The applicant shall submit a 75-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by the Community Development Department prior to issuance of the grading permit.
44. JOINT TRENCH PLANS. Joint trench plans shall be reviewed and approved by the Town prior to issuance of the grading permit.
45. PUBLIC IMPROVEMENT SECURITY. The applicant shall supply suitable securities for all public improvements that are a part of the development in a form acceptable to the Town in the amount of 100% (performance) and 100% (labor and material) prior to recordation of the final map. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department.
46. PUBLIC IMPROVEMENTS. The following improvements shall be installed by the developer. Plans for those improvements shall be prepared by a California registered

civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the issuance of a building permit or the recordation of a map. The improvements must be completed and accepted by the Town prior to release of the final three Certificates of Occupancy.

- a. Winchester Boulevard Sidewalk. The pedestrian travel path at the project entrance shall be modified to comply with ADA cross-slope requirements. This may require realignment of the public sidewalk as well.
- b. Private Fire Service. The FDC and valve boxes associated with the private fire service shall be removed under the demolition permit. The curved portion of walk in the vicinity of the valve boxes shall be removed and replaced in a straight alignment prior to acceptance of the public improvements.

47. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.

48. PRECONSTRUCTION MEETING. Prior to issuance of a grading or demolition permit or the commencement of any site work, the general contractor shall:

- a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
49. **RETAINING WALLS.** A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
50. **SOILS REPORT.** One copy of the soils report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
51. **SOILS REVIEW.** Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
52. **SOILS ENGINEER CONSTRUCTION OBSERVATION.** During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to

placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants soils engineer and submitted to the Town before final release of any occupancy permit is granted.

53. *GEOTECHNICAL RECOMMENDATIONS. The geotechnical recommendations presented in the report titled "Geotechnical Report, Villa Felice Residential, 15350 Winchester Blvd, Los Gatos, CA" shall be incorporated into the final design.
54. FINAL MAP. A final map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before grading or building permits are issued.
55. FINAL CC&R'S. Final CC&R's shall be approved by the Town Attorney prior to recordation of the final map. The CC&R's shall include provisions for road improvements, vehicle parking enforcement procedures and the use and restrictions for the side yard easements.
56. EXISTING EASEMENTS. Existing easements shall be abandoned concurrently with recordation of the final map.
57. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
58. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash

companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.

59. DEMOLITION. Existing buildings shall be demolished prior to recordation of the final map.
60. PRIVATE EASEMENTS. Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the final map.
61. SIDEWALK/CURB IN-LIEU FEE. A curb and sidewalk in-lieu fee of \$13,275 shall be paid prior to Map recordation. This fee is based on 295-feet of 4.5-foot wide sidewalk at \$10/SF in accordance with Town policy and as specified in the Town FY2004-05 Comprehensive Fee Schedule. This measurement corresponds to the University Avenue property frontage.
62. PRIVATE SIDEWALK. The on-site private sidewalk shall be connected to the public sidewalk on Winchester Boulevard.
63. PUBLIC SIDEWALK. The public sidewalk in the vicinity of the project entrance shall be modified to comply with ADA cross-slope requirements.
64. DESIGN CHANGES. The applicant's registered engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
65. INSURANCE. One million dollars (\$1,000,000) of liability insurance holding the Town harmless shall be provided in a format acceptable to the Town Attorney before

recordation of the map.

66. PLAN CHECK FEES. Plan check fees shall be deposited with the Town prior to submittal of plans to the Engineering Division of the Parks and Public Works Department.
67. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
68. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a demolition permit.
69. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
70. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security.
71. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way.

Failure to do so will result in rejection of work that went on without inspection.

72. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall--top of wall elevations and locations
 - b. Toe and top of cut and fill slopes
73. NEIGHBOR ACCESS. Access to neighboring properties shall be maintained at all times during construction.
74. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order 01-024 of the amended Santa Clara County NPDES Permit.

75. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

76. *DUST CONTROL (SITES > 4 ACRES). The following measures shall be implemented at construction sites greater than four acres in area:

- a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- b. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- c. Limit traffic speeds on unpaved roads to 15 mph.

- d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - e. Replant vegetation in disturbed areas as quickly as possible.
77. CONSTRUCTION MANAGEMENT PLAN. The applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
78. CONSTRUCTION STREET PARKING. No vehicle having a manufacturer's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior approval from the Town Engineer (§ 15.40.070).
79. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
80. NONPOINT SOURCE POLLUTION PREVENTION. Stormwater treatment measures shall be certified in accordance with C3 requirements. On-site drainage systems shall include filtration devices such as a bio-swales, sediment basins and/or permeable pavement. Infiltration trenches shall be provided along the private street system. Filtration systems shall satisfy C.3 numeric sizing criteria.
81. STORM DRAINAGE. Private storm drain systems shall be designed to accommodate the 10-yr peak storm runoff within the pipe, and the 100-yr peak within the street (between curbs). One-foot minimum freeboard shall be provided between the 100-yr water surface elevation and the adjacent finished floor elevation. The overland release path between the new private street (near Lot 16) and University Avenue shall be

“hardened” to accommodate the 100-year event. As an alternative to “hardening” the surface, gallery inlets and underground pipe capable of accommodating the 100-year event may be provided. Surface drainage at Lots 12 through 16 shall be directed towards the new street and away from the top of slope. The overland release path and “hardened” surface and surface drainage for Lots 12 through 16 shall be evaluated as part of the Architecture and Site review.

82. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town’s storm drains.
83. UTILITIES. The developer shall install all utility services, including telephone, electric power and all other communications lines underground, as required by Town Code §27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service.
84. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing

conditions.

85. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
86. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or final Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
87. SANITARY SEWER LATERAL. Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
88. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding

eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

89. *HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control.
90. SITE LIGHTING. Site lighting on the Planned Development drawings is conceptual. Site lighting shall be reviewed during Architecture and Site review. Fixture details, mounting heights, and site photo metrics should be included for review in the Architecture and Site application package.
91. PERMIT SEQUENCING. Flexibility in the sequencing of permits as specified in these conditions will be allowed subject to the approval of both the Director of Community Development and the Director of Parks and Public Works. A bond will be required for the demolition work if demolition is allowed to occur subsequent to map recordation.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT

92. PUBLIC FIRE HYDRANTS. Public fire hydrant(s) shall be provided at location(s) to be

determined by the Fire Department and the San Jose Water Company. Hydrant(s) shall have a minimum single flow of 1,000 GPM at 20 psi residual, with spacing not to exceed 500 feet. Prior to applying for a building permit, the applicant shall provide civil drawings reflecting all fire hydrants serving the site. To prevent building permit delays, the developer shall pay all required fees to the water company ASAP.

93. HYDRANT LOCATION IDENTIFIER. Prior to project final inspection, the general contractor shall ensure that an approved ("Blue Dot") fire hydrant location identifier has been placed in the roadway, as directed by the Fire Department.
94. TIMING OF REQUIRED WATER SUPPLY HYDRANTS. Installations of required fire service(s) and fire hydrant(s) shall be tested and accepted by the Fire Department, prior to the start of framing or delivery of bulk combustible materials. Building permit issuance may be withheld until required installations are completed, tested and accepted.
95. FIRE ACCESS ROADS. The applicant shall provide access roadways with a paved all weather surface, a minimum unobstructed width of 20 feet, vertical clearance of 13 feet six inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications sheet A-1.
96. FIRE LANE MARKINGS. The applicant shall provide marking for all roadways within the project. Markings shall be per fire department specifications. Installations shall also conform to Local Government Standards and Fire Department Standard Details and Specifications A-6.
97. TIMING OF ROADWAY INSTALLATIONS. Required access roads, up through first lift of asphalt, shall be installed and accepted by the Fire Department prior to the start of

construction. Bulk combustible materials shall not be delivered to the site until installation is complete. During construction, emergency access roads shall be maintained clear and unimpeded unless alternative solutions are approved by the Fire Department. Prior to issuance of a building permit, the developer shall contact the Fire Department to discuss their plan for maintaining the emergency access road during construction. Note that building permit issuance may be withheld until installations are completed.

98. PREMISES IDENTIFICATION. Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.

*Required as Mitigation Measures

SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on , 2005, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on 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

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15350 Winchester Blvd.

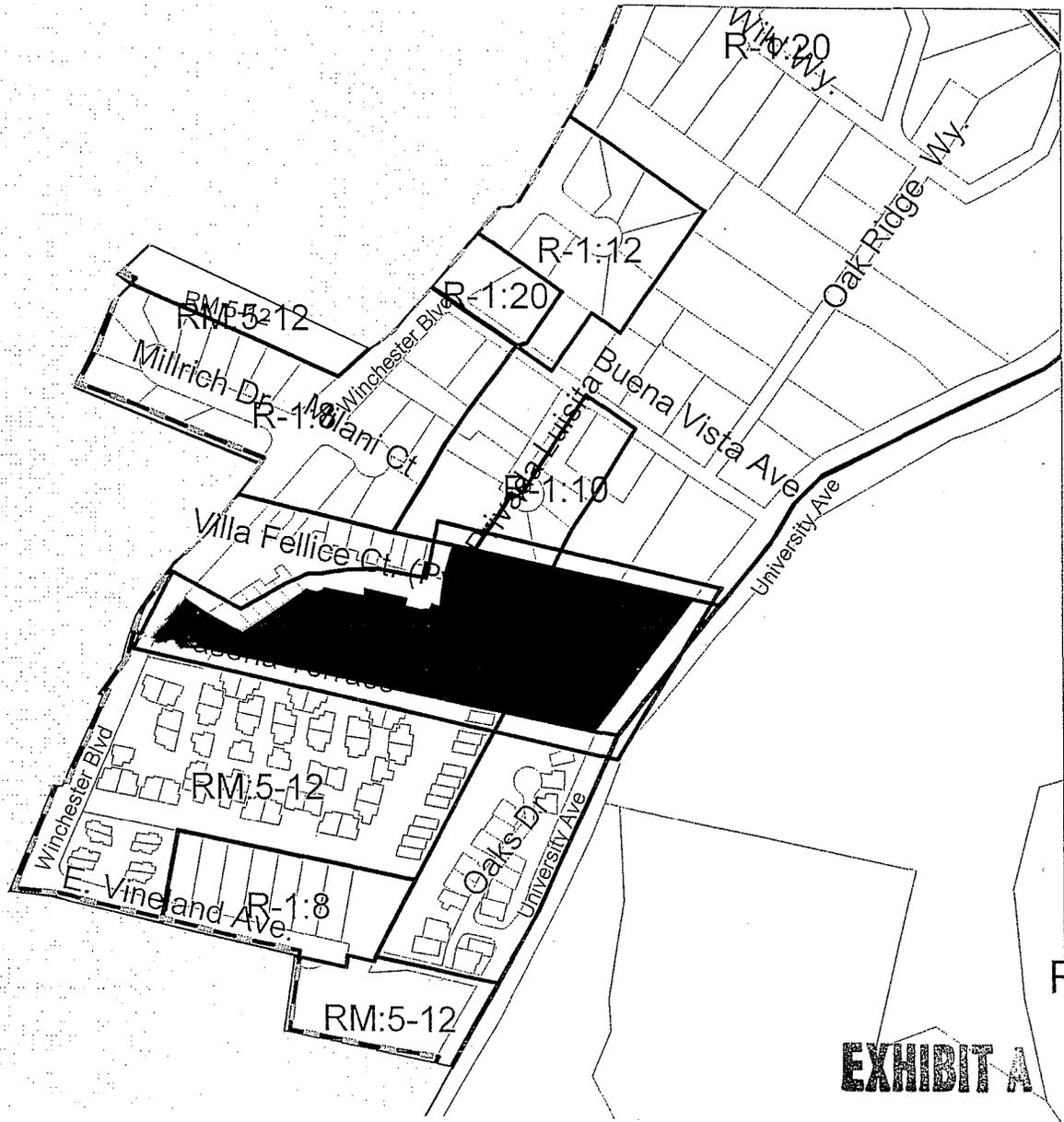


EXHIBIT A

TOWN OF LOS GATOS

Application No. PD-04-5. Change of zoning map amending the Town Zoning Ordinance.

Zone Change from R-1:8:PD to RM:5-12:PD
 Prezoning to _____

Forwarded by Planning Commission date 2/9/05

Approved by Town Council date _____ Ord. _____
Town Clerk _____ Mayor _____

EXHIBIT A

Exhibit B is scanned separately due to large size and number of drawings. This file is identified as CR 03-21-05 12Exhibit B.pdf.

MITIGATION MONITORING PLAN

DATE: January 14, 2005

PROJECT: 15350 Winchester Blvd, PD-04-05 and ND-05-04

<u>Impact</u>	<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
Cultural Resources	<p>In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.</p> <p>If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.</p> <p>If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in Appendix K of the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in Section 15064.5 of the CEQA Guidelines</p>	Required as a condition of approval.	Director of Community Development	During construction

MITIGATION MONITORING PLAN

DATE: January 14, 2005

PROJECT: 15350 Winchester Blvd, PD-04-05 and ND-05-04

<u>Impact</u>	<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
Cultural Resources Continued	A final report will be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.	Required as a condition of approval.	Director of Community Development	During construction
Geology and Soils	The project design shall incorporate all applicable recommendations in the geotechnical investigation by Donald E. Banta and Associates, Inc. (DBA) for the proposed project in order to minimize the potential impacts resulting identified geotechnical constraints.	Required as a condition of approval	Director of Parks and Public Works and Director of Community Development	Prior to issuance of a building/grading permit and during construction.
Noise	Existing masonry walls along project boundaries should be maintained at all times during construction to protect all adjacent residents from construction noise. The existing masonry wall along the northern project boundary that is proposed to be replaced either, 1) should be retained until the noisier phases of project construction are complete (ie: grading, paving, house framing, etc) or 2) should be replaced at the commencement of project construction, prior to project grading activities.	Required as a condition of approval.	Director of Community Development	During construction
Biological Resources	The project applicant shall be required to implement all six recommendations made by the Town's Consulting Arborist, Arbor Resources, in its December 13, 2004 report.	Required as a condition of approval.	Director of Community Development	Prior to issuance of a building permit and during construction

MITIGATION MONITORING PLAN

DATE: January 14, 2005

PROJECT: 15350 Winchester Blvd, PD-04-05 and ND-05-04

<u>Impact</u>	<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
Biological Resources Continued	If it is not possible to schedule construction between September and January, the project applicant shall be required to conduct a pre-construction survey for nesting raptors by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.	Required as a condition of approval.	Director of Community Development	Prior to construction
Hazards and Hazardous Materials	The abandoned grease trap and affected surrounding soils should be removed. Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.	Required as a condition of approval	Director of Community Development	During demolition
Traffic and Transportation	Earth export truck traffic should only be allowed between 9 a.m. and 4 p.m. Monday through Friday.	Required as a condition of approval	Director of Community Development	During construction

MITIGATION MONITORING PLAN

DATE: January 14, 2005

PROJECT: 15350 Winchester Blvd, PD-04-05 and ND-05-04

<u>Impact</u>	<u>Mitigation</u>	<u>Monitoring Action</u>	<u>Responsibility</u>	<u>Timing</u>
Air Quality	<p>The following BAAQMD Enhanced Control Measures shall be implemented in addition to the Town's standard condition for dust control:</p> <ul style="list-style-type: none"> * Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). * Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc). * Limit traffic speeds on unpaved roads to 15 mph. * Install sandbags or other erosion control measures to prevent silt runoff to public roadways. * Replant vegetation in disturbed areas as quickly as possible. 	Required as a condition of approval	Director of Community Development	During construction

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

Los Gatos Planning
Commissioners: Phil Micciche, Chair
Michael Burke, Vice-Chair
D. Michael Kane
Tom O'Donnell
Lee Quintana
Morris Trevithick

Director Of Community
Development: Bud N. Lortz

Town Attorney: Orry Korb

Transcribed by: Vicki L. Blandin
5500 Van Fleet Avenue
Richmond CA 94804
(510) 526-6049

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

CHAIR MICCICHE: We're ready to open the first
public hearing, which is 15350 Winchester Boulevard,
Planned Development Application PD-04-5; Negative
Declaration ND-05-04; and is the applicant here? Would you
come to the podium?

MARK ROBSON: Good evening, members of the
Commission, Town Staff, my name is Mark Robson and I
represent Santa Clara Development Company.

I came before you last April and presented our
plans for the property, and we also discussed the land use
for property back in April of last year. At that meeting
the Planning Commission provided some direction with
respect to our plans, and we also discussed land use.

With respect to the comments that were given us,
the presentation shows our plan is reflective of the
direction that the Commission gave us that evening. A
couple of quick things:

1 One of the comments was to expand this park here,
2 and we did. We had five homes here and we eliminated a home
3 along that bluff to expand that area.

4 In addition to that, we also added about a half
5 an acre to the property and did not add any additional
6 units, so effectively the project became less intense, and
7 that was one of the directions that we received from the
8 Commission.

9
10 At that meeting, when we talked about the land
11 use, the Commission took a straw vote and voted in support
12 of changing the land use from commercial to residential.
13 Subsequent to the Planning Commission meeting we also met
14 with the General Planning Committee, and the General
15 Planning Committee also recommended that the land use be
16 changed from commercial to residential. I think there are a
17 couple of good reasons for changing the land use.

18 One, I think it's a better fit to the site; it's
19 a better fit as a residential site than it is as a
20 commercial. Two, it's better suited for a residential use
21 than it is a commercial use, and the reasons are that it's
22 isolated from downtown and it has poor visibility to a
23 commercial thoroughfare. Because of that, the site has
24 operated on a marginal basis for a long, long time.
25

1 When you approach land use, there's a couple of
2 good questions that I think really highlight that issue,
3 and one of those questions is if the site were converted
4 and had a successful commercial venue, how successful would
5 this neighborhood that surrounds the property be that's
6 never experienced really a truly successful commercial
7 venue? I mean, for a long time that property has been
8 vacant and near vacant, and so the residents in that
9 neighborhood has not experienced a lot of commercial
10 activity.
11

12 The next question that I think is relevant, if
13 the site were vacant today, would the Town and would the
14 neighborhood support building a 31-unit motel on the site,
15 a 14,000 square foot restaurant, a duplex, and a conference
16 center? I think that the answer is no, and the reasons are
17 traffic and the inherent conflicts between commercial and
18 residential. When you look at the Town's General Plan and
19 the goals and visions of the Town, they are to protect,
20 promote, and preserve the character of the neighborhoods,
21 and I think that that wouldn't do that. So because of that,
22 I think that a residential use makes the most sense there.

23 With respect to density, the site is surrounded
24 by a variety of densities. It's somewhat schizophrenic in
25

1 terms of its variety. There's R-1 up here, and on this
2 portion along here, which makes up the other three-quarters
3 of the site, is surrounded by town homes, and the town
4 homes range in density from 7.8 to 7.6 units to the acre.
5 Our application is for 5.6 dwellings per acre, which I
6 think is a nice fit within the confines of what surrounds
7 the property. As I said, you've got R-1 on one side and
8 you've got town homes on the other.

9
10 In addition to that, on the plan that we
11 submitted in April, that plan was for 34 homes. There were
12 30 market rate homes and four BMRs. The plan that we're
13 presenting tonight is for 28 market rate homes and five
14 BMRs, and so there are fewer larger homes now than there
15 were, and I think that's important from an intensity
16 standpoint and I want to point that out.

17 In addition to that, generally the site is
18 surrounded by two-story homes. The town homes that surround
19 the property on these sides are generally two stories. The
20 homes along here are single-story. In our plans—I don't
21 know how well you can see this—but the lighter portion is
22 the two-story sections, and the darker are the single
23 stories. And so in our plans we have a good mix of both
24 two-story and one-story elements that I think breaks up the
25

1 massing and makes it interesting and I think helps the
2 transition between what surrounds the property.

3 Height is an issue that's been raised with
4 respect to the buildings subsequent to putting up the story
5 poles. We've gotten feedback from the neighbors, and we've
6 seen some letters that have been submitted to the Planning
7 Commission with respect to the height of the buildings.
8 Subsequent to that, we have met with our civil engineer and
9 we've met with our architect and talked to them about how
10 we might be able to reduce the height of the buildings by
11 making some grading changes as well some architectural
12 changes, and I think that's possible.

13
14 In fact, along here I think we can reduce the
15 height along here by as much as 3.5'. And along here and
16 along this property line we can probably reduce the height
17 of the buildings by as much as 2'. Along here we can make
18 some architectural changes, but we can't really do anything
19 with respect to grading because of the ridgeline.

20 By doing this though, we would be generating more
21 dirt and offhaul, and when we originally approached the
22 site it was our desire to get as close to a balanced
23 situation with respect to the dirt as we could. By lowering
24 the buildings we would do that by offhauling more dirt, and
25

1 so that may be something that the Planning Commission wants
2 to consider when we talk about that. We are next to
3 Winchester Boulevard, so you won't be driving through a
4 neighborhood, so perhaps pulling the dirt out is an option
5 you want to consider.

6 With respect to the plans, we've put together a
7 virtual tour of our plans this evening and I'd like to
8 share it with you. Before we start though I'd like to
9 simply say that when we met in April, I told you that our
10 goal was to create a great neighborhood and create one with
11 a true sense of place in a place where pedestrian activity
12 was encouraged and pedestrian interaction really happened.
13 With that said, I'd like to take you on the virtual tour.

14 We start at the entrance. Our goal with respect
15 to the entrance was to create a sense of arrival. We've
16 preserved the cypress trees and we've added decorative
17 paving at the entrance in order to create that feeling. Now
18 I'd like to take you on the virtual tour.

19 CHAIR MICCICHE: Excuse me, Mr. Robson. Can you
20 wrap up, because the time has run out on that? If the
21 Commissioners look for more, they'll ask you on that, okay?

22 MARK ROBSON: Okay. The virtual tour takes about
23 a minute.
24
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1 CHAIR MICCICHE: Wrap up with that then.

2 MARK ROBSON: All right. As you can see, the road
3 bumps out, which was a direction that was given by the
4 Commission in the April meeting. The road going down the
5 middle of the site anchored by the park at the back creates
6 a great focal point and unifies the neighborhood. At the
7 end of the street you arrive at the park, which I think is
8 going to be a great destination and gathering place.

9 CHAIR MICCICHE: Very nice.

10 MARK ROBSON: If we could go to a still shot
11 right here so you can take a look at the streetscape. If I
12 could, I'd like to take another minute and conclude.

13 CHAIR MICCICHE: Yeah, why don't you do that?

14 MARK ROBSON: In conclusion, I'd like to say that
15 through the many months of effort that we've put through
16 working with Town Staff, the neighborhood, as well as
17 community leaders, I think we've come up with a plan that
18 really does create a great neighborhood and it has a true
19 sense of place. With the use of our street trees, our low
20 stonewall, and other elements, I think that it's going to
21 be a place that is going to be remarkable and I think is
22 excellent in design.
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1 The plan also includes an additional below market
2 rate unit in our application, and we have five instead of
3 four, and I think that's an important thing to note.
4 Ultimately I think that we've wound up with a very
5 successful project. Thank you.

6 CHAIR MICCICHE: Any questions for the applicant
7 at this time? Commissioner O'Donnell.

8 COMMISSIONER O'DONNELL: I just wanted to know,
9 because he has a presentation up there, is it possible to
10 see the homes along the ridgeline from this presentation
11 you have?

12 MARK ROBSON: No, but behind you is the way the
13 ridgeline will look on the before and the after; the lower
14 picture is before, the upper picture is the after. We do
15 have a picture of the elevations of the homes inside, but
16 not of the ridgeline.

17 COMMISSIONER O'DONNELL: Thank you.

18 CHAIR MICCICHE: Commissioner Quintana.

19 COMMISSIONER QUINTANA: Sort of the same question
20 from a different angle. Do you have a virtual tour of the
21 development from the perspective of the adjacent
22 developments?
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1 MARK ROBSON: No, the virtual tour is from inside
2 the development.

3 COMMISSIONER QUINTANA: Thank you, and I do have
4 one more question if I may.

5 CHAIR MICCICHE: Go ahead.

6 COMMISSIONER QUINTANA: This came before CDAC and
7 then it came before the Planning Commission as a study
8 session.

9 MARK ROBSON: Right.

10 COMMISSIONER QUINTANA: Were there changes in the
11 total square footage?

12 MARK ROBSON: No, the square footage of the homes
13 generally stayed the same.

14 COMMISSIONER QUINTANA: Of the overall project
15 stayed the same?

16 MARK ROBSON: Yes. The land area increased, but
17 the square footage of the homes stayed generally the same.
18 From the plan that we showed you in April we've added a
19 half-acre to the project, and we had 34 homes in that plan;
20 we now have 33. In addition to that, we have two less of
21 the market rate homes, which are the bigger homes.

22 COMMISSIONER QUINTANA: I don't think you
23 understood my question. My question was from the time it
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1 was seen at CDAC to when it was presented to us as a study
2 session; there was a decrease in the number of homes.

3 MARK ROBSON: Right.

4 COMMISSIONER QUINTANA: Was there a decrease in
5 the total square footage when you counted up the square
6 footage from all of the homes?

7 MARK ROBSON: That's a hard question for me to
8 answer. I remember that the total unit count at the CDAC
9 was 43 homes. We were asked to cut the unit count by about
10 a third and we have. I think that I would have to say that
11 absolutely the total square footage of the amount of floor
12 area decreased substantially.

13 CHAIR MICCICHE: Any other questions at this
14 time? Commissioner Kane.

15 COMMISSIONER KANE: Mr. Robson, when you say you
16 could lower the height of the houses, and I don't know if
17 you said could create more space between the houses, what
18 does could mean?

19 MARK ROBSON: Why don't we go to the site plan if
20 we could? It means that it's possible to lower the overall
21 height of the homes by lowering the grade, particularly in
22 this area from the tree over. There's a large cedar tree
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1 here, and from this area over we could lower the grade. But
2 the tradeoff is there would be more dirt offhaul.

3 COMMISSIONER KANE: My concern in looking at the
4 shadow reviews, during the wintertime a great deal of
5 shadow is thrown onto the single-story houses to the north.
6 I didn't know you had the possibility of lowering the
7 houses, but that will certainly promote sunlight I would
8 think if you brought it down, because these shadows that
9 you kindly provided to us sweep out into that neighborhood.

10 CHAIR MICCICHE: Let me make a comment just to
11 clarify. He is offering that; he is suggesting though that
12 there could be a grading and dirt removal issue. If we
13 choose to ignore the grading and dirt issue in lieu of
14 reducing the height of the homes, he's giving us that
15 option.

16 COMMISSIONER KANE: Okay.

17 MARK ROBSON: Right, and as I mentioned in my
18 presentation, because the site is right off of Winchester,
19 I don't think that that's a huge issue. Also the conditions
20 as they're currently written, dirt offhauling does not
21 happen during peak hours; it's all during off-peak hours,
22 so it wouldn't create as much of a traffic issue as well.
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1 COMMISSIONER KANE: This is just part of my wish
2 list, but did you ever consider making units 13, 14, 15
3 one-stories? The ones on the ridgeline.

4 MARK ROBSON: No, not those. We did remove one of
5 those homes from the ridge, but there are also a lot of
6 single-story elements; I'd like to point that out. The dark
7 elements here are single-stories. So for example, in this
8 home here you've got one two-story element right here, but
9 on both sides of it is a single-story element, so there are
10 really strong single-story elements in the plans as they
11 currently are designed. I think when you look at the
12 picture behind you, the ridgeline is substantially improved
13 because you're going to replace what is a much bigger
14 building in terms of its mass and scale.

15 COMMISSIONER KANE: That would have happened in
16 any event, but when I look at the story poles, they just
17 look massive and right on the ridgeline.

18 CHAIR MICCICHE: Is there a question though you
19 want to ask him on that?

20 COMMISSIONER KANE: Yeah.

21 CHAIR MICCICHE: Okay, go ahead.

22 COMMISSIONER KANE: Is there a chance they can
23 make more one-story units?
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1 CHAIR MICCICHE: He's already answered that.

2 COMMISSIONER KANE: That was my question.

3 COMMISSIONER QUINTANA: Do you have any kind of
4 estimates on the grading that would be required to lower
5 the houses?

6 MARK ROBSON: I'm sorry, what was the question?

7 COMMISSIONER QUINTANA: Do you have any kind of
8 gross estimates on the amount of grading that would be
9 offhauled?
10

11 MARK ROBSON: Yeah, we think roughly it's about
12 5,000 yards instead of 1,500 yards. Fifteen hundred yards
13 is what we're planning to offhaul now, and we would be at
14 5,000.

15 CHAIR MICCICHE: Fifteen-hundred, and five?

16 MARK ROBSON: Fifteen-hundred now. It would be
17 5,000 at the change.

18 CHAIR MICCICHE: And it would be 5,000, okay.

19 MARK ROBSON: These are rough numbers.

20 CHAIR MICCICHE: Any other questions at this
21 time?

22 MARK ROBSON: Commissioner Kane, if you'd like to
23 look at the architecture, that might give you a better idea
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1 of what at least the fronts of those buildings are going to
2 look like.

3 COMMISSIONER KANE: Those are 13...?

4 MARK ROBSON: No, it's the same homes, just in a
5 different place in the development.

6 CHAIR MICCICHE: That's what 13, 14, 15 would
7 look like?

8 MARK ROBSON: Yes, and as you can see, there's
9 pretty good gaps between the two-story elements. In the
10 straight R-1 zoning you typically have 16' between two-
11 story elements. Within this project, our average setback
12 between two-story elements is 20', so it's actually more
13 than what you'd have in a standard R-1 zoning; it's more
14 generous in terms of two-story setbacks.

15 COMMISSIONER KANE: Thank you.

16 CHAIR MICCICHE: Seeing no other questions, we'll
17 open this to the public now. I have a number of cards. If
18 anyone else would like to speak on it, please turn in the
19 card. You'll find them in the back there. First speaker I
20 have is Mr. Jim Casey.

21 JIM CASEY: Again, my name is Jim Casey and I
22 live at 120 Privada Luisita—a name I've been spelling for
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1 some 40 years—just to the property immediately to the north
2 of the Villa Felice properties.

3 In fact, about 25 years ago I led the effort to
4 try to stop the motel being put in the middle of a
5 residential area. I spent about \$2,000 doing it, and one
6 thing it proved is that \$20,000 and somebody else's efforts
7 beat out \$2,000 of mine. But that's past history and today
8 I'd like to comment on the existing project.

9 My neighbor, Melissa Gramstad, and I have spoken
10 with the Santa Clara Development Company several times.
11 They've been most accommodative to most of our concerns.

12 One of the things we were quite concerned about
13 is the fence between the two properties. They have planned
14 to upgrade that and have it in place before they take care
15 of all the demolition. So they've been very good about
16 that.

17 They've also been concerned about 20' setbacks on
18 the homes adjacent to our property. That's the setback that
19 I've had to live with with my property, and so should they.

20 We were quite concerned about the height of the
21 buildings and the separation between buildings. We met with
22 them last week and they indicated that they could modify
23 that somewhat. In fact, one of the comments that was handed
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1 me earlier this evening indicates that they are able to
2 separate the upper stories, because the lower stories are
3 rather close, but the upper stories they indicated they
4 could do that.

5 They also indicated that the lighting in the
6 streets adjacent to our property would not reflect down
7 into our yards.

8 So in general I think that the Santa Clara
9 Development Company has come up with a very reasonable
10 approach, something that I think should have been done
11 about 25 years ago instead of the motel, which turned out
12 to be I think a poor decision.

13 I'd like to comment that basically I think this
14 presentation deserves approval, but I would like to see the
15 height of the buildings lowered adjacent to our property,
16 and I think that there is a consideration that maybe the
17 number of units in the property could also be lessened.

18 Back in 1999 there was a big commission put
19 together on one of the previous applicants where they said
20 this property could really support about 25 homes. Well I
21 guess it all depends on what the Planning Department and
22 the Planning Commission wants to allow on a planned
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1 development. If you think it's fair that there ought to be
2 33 homes on there, I guess provided it's done tastefully.

3 One of things that they did agree with, and I
4 think it was a good idea, when they came to my home I
5 showed them in our bedroom we have sort of a transom window
6 over our bed, and they're putting windows up high enough so
7 that our privacy is still maintained.

8 So I think there's been a lot of give and take,
9 far more than on any other applicant.

10 COMMISSIONER MICCICHE: Could you wrap up, sir?

11 JIM CASEY: In general I think this is a good
12 plan. I think a couple of modifications maybe on the height
13 of the buildings and the space between them would be well
14 worthwhile considering. Other than that, I think you've got
15 a good developer and I'd personally like to see it happen
16 before I pass away.

17 CHAIR MICCICHE: Any questions for Mr. Casey?
18 Seeing none, thank you, Mr. Casey.

19 JIM CASEY: You're welcome.

20 CHAIR MICCICHE: Okay, the next speaker I have is
21 Bob Gustke.

22 BOB GUSTKE: Thank you very much. My name is Bob
23 Gustke. I'm a Director and Secretary of the Vasona Terraces
24
25

1 Homeowners Association, which is immediately south of this
2 projected development, and I would like to speak in favor
3 of approval of this project.

4 Like the previous speaker, Santa Clara
5 Development made a presentation to the directors and any of
6 the homeowners that cared to attend, and they did a very
7 nice job of presenting what they were going to do and gave
8 plenty of opportunity for questions from the people
9 attending.

10 That property sat there for a long time without
11 much going on, and it certainly seems clear to me that
12 eventually it will be developed into something. This seems
13 like a plan that should be good for the neighbors and the
14 neighborhood, and I might mention will be good for the
15 property owners, the City of Los Gatos, and the future
16 residents that plan to live there.

17 They addressed three issues that we had similar
18 to the previous ones to our satisfaction, which was
19 replacing the wall between the two properties, addressing
20 the tree issue that has caused damage to the wall, and
21 assuring that the construction is done in a timely manner
22 according to the rules of the City of Los Gatos.
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1 So again, I'd like to speak in favor of this
2 project.

3 CHAIR MICCICHE: Thank you. Any questions? Thank
4 you, Mr. Gustke. Our next speaker is Mr. James Sanders.

5 JIM SANDERS: Mr. Chairman, members, my name is
6 Jim Sanders. I live at 15300 Winchester, unit #1 of the
7 Villa Felice residences, and I'd like to speak in
8 opposition to this proposal.

9 I realized that there are issues of height and
10 noise and new neighbors, and all those things can be
11 overcome with your leadership and some mediation and some
12 give and take.

13 I think there are however some very real traffic
14 safety issues that need a lot more consideration, and I
15 think the acceptance of a traffic study done by the
16 applicant themselves without the City looking into it is
17 wrong.
18

19 I think that you have a very potentially
20 dangerous intersection here. Winchester has a pitch to the
21 south and a curve right there at that pitch. You're going
22 to have all of the cars from 34 residences going in and out
23 of there. People turning left off of southbound Winchester
24 have to slow down because there's a swale as you go in;
25

1 that's going to leave their tail out in that right lane. I
2 think you're asking for a lot of trouble there. I think
3 eventually you're going to have accidents and you're going
4 to have somebody petitioning to put a traffic signal there,
5 and I think that's going to be a problem in the long run as
6 well.

7 I think there is an adjacent piece of property
8 owned by the same folks who own the Villa Felice property
9 that could provide a safety valve, a potential rerouting of
10 the traffic in and out of this area that has not been
11 considered amply. I think that's a matter that really,
12 really deserves some consideration.

13 Now in all fairness and all full disclosure, it
14 would be disingenuous of me not to remind you that I am the
15 southern and westernmost unit there, so that entrance and
16 exit is right outside my kitchen. I have a personal
17 interest in it too, and I'll admit to that personal
18 interest, but my greater interest is traffic safety in and
19 out of that area. I know how hard it is to go in and out of
20 the Villa Felice driveway itself, and that's nowhere near
21 as close to that pitch and curve in Winchester.

22 I think there are some drainage issues, and now
23 I'm really concerned about that when I hear we're talking
24
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1 about digging down deeper to get the rooflines lower. We
2 already have drainage problems down into our units. What's
3 going to be done to mitigate that? You've got 34 lawns and
4 gardens and sprinklers. What's going to happen with all of
5 that runoff? Is that going to come into my backyard? Is
6 that going to come into the Villa Felice residents'
7 properties? I think that's a very, very real issue that has
8 not been addressed substantially.

9 I think that there's a revenue loss. Okay, that
10 property has not been run well; that's a given. Yet the
11 applicant uses the requirements existing under that zoning
12 now to justify his traffic, yet he says we're living in a
13 fairytale world because we don't have traffic in and out of
14 there. Well, let's see what a well-run property there would
15 do. The Town Council has made it clear they don't like the
16 idea of revenue-generating property taken off the rolls.
17 The property taxes from this property will go to
18 Sacramento. The demand for services will come to Los Gatos.

19 CHAIR MICCICHE: Could you wrap up?

20 JIM SANDERS: In closing I would like to say that
21 I know under the Brown Act you all can't meet out at my
22 place, but I would invite each of you individually to come
23 out and look at the problems I'm talking about, the traffic
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1 in and out of that place. Thank you very much for your
2 time.

3 CHAIR MICCICHE: Could you stay there a minute?
4 We'll get some questions from the commissioners.

5 JIM SANDERS: Oh sure.

6 CHAIR MICCICHE: Commissioner Burke.

7 CHAIR BURKE: You said you were opposed to the
8 project and that the current property is not being run
9 well. Would you prefer it stay as it is but be run well?
10 Would that be a better situation do you think?

11 JIM SANDERS: You know, I don't know. I've only
12 lived there two-and-a-half years, going on three years in
13 May. Would I mind having a nice well run spa hotel back
14 there? I don't know; that might be a nice thing for the
15 neighborhood. That, out of the downtown area, might be a
16 nice use of some commercial property that would generate
17 revenue for this town. I can't look into a crystal ball and
18 tell you that. I can only tell you that there are very real
19 safety issues here, and there are issues that have not been
20 fully considered.

21 COMMISSIONER BURKE: Thank you.

22 CHAIR MICCICHE: Any other questions,
23 Commissioners? Do we want to make any comment at this time
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1 on the traffic aspect? I know in the Staff Report where it
2 was stated and I thought we might just reinforce it at this
3 point.

4 FLETCHER PARSONS: The traffic report was
5 prepared by the applicant and it was peer reviewed by the
6 Town, and the Town found it to be a safe project and
7 actually a reduction in traffic.

8 COMMISSIONER MICCICHE: What's assigned to it at
9 this point? The Staff Report stated that I believe, is
10 that correct?

11 FLETCHER PARSONS: Yeah.

12 JIM SANDERS: May I address that, sir?

13 CHAIR MICCICHE: Sure.

14 JIM SANDERS: Staff Report does not however
15 address the fact that the traffic in and out of a 34-, 33-
16 residents development would probably be at peak hours on
17 what is already an overcrowded Winchester Boulevard. The
18 people come in and out of a residential area in the morning
19 and in the evening, and that's the time when Winchester is
20 already very busy. In a use such as is currently allowed,
21 it's a more irregular use and not at rush hour.

22 CHAIR MICCICHE: Excuse me; have you read the
23 Staff Report?
24
25

1 JIM SANDERS: Yes sir, I have.

2 CHAIR MICCICHE: Okay, good enough. Thank you.

3 JIM SANDERS: Sorry, sir?

4 CHAIR MICCICHE: No, no, that's fine. He's
5 answered my question. Thank you very much.

6 JIM SANDERS: Thank you.

7 CHAIR MICCICHE: The last card I have is Melissa
8 Gramstad. Again, if you want to speak on this subject,
9 please turn in a card.

10 MELISSA GRAMSTAD: My name is Melissa Gramstad. I
11 own a home at 112 Privada Luisita. It's a single-story home
12 in the R-1 section, and it's actually by this tree, that
13 single tree up there. My house is right there.

14 I spoke at two other meetings. I met a few times
15 with the developer and my neighbor, Jim Casey. Sandy Bailey
16 also attended one of those meetings. My main concerns
17 regarding the project were privacy, lighting, noise,
18 property value impact, and the density of housing.

19 Santa Clara Development addressed the privacy
20 concerns by agreeing to replace an existing wall between
21 the properties and extending its length between my property
22 and the adjacent new homes. They're also putting smaller
23 windows on the upper floors of these homes.
24
25

1 The lighting and noise concerns were addressed by
2 changing the road configuration so that backyards back up
3 to our property as opposed to a street and garages, and
4 also by placing lower light poles along the section of road
5 nearest our property. These changes should help maintain
6 the property values in our existing neighborhood.

7 Santa Clara development addressed the density of
8 housing concerns by reducing the number of homes, and also
9 acquiring an additional half-acre. The Commission needs to
10 decide if that reduction is adequate.

11 Timing to me is another key issue. I urge the
12 Town to let this project go forward as soon as possible.
13 Changes and improvements to my property have been put on
14 hold and will continue to be delayed while the specifics of
15 the Villa Felice project are determined. I cannot make
16 changes to my property until the existing wall is taken
17 down and replaced. Please put this project on a fast track
18 so we can all get on with our property improvements.
19

20 I'm pleased with the changes that have been made,
21 and I would rather have single-family homes adjacent to my
22 property than a hotel. I support this project and ask for
23 your vote of approval.
24
25

1 CHAIR MICCICHE: Thank you. Any questions? Thank
2 you. I have two more cards here. Mr. Larry Sladewski.

3 LARRY SLADEWSKI: My name is Larry Sladewski. I'm
4 a Monte Sereno resident. I live directly west, on Parkside
5 Court. The layout of the property looks fine. I'm acutely
6 concerned of the traffic. The picture on the left there,
7 labeled Picture #1, as you see where the driveway of this
8 property comes out onto Winchester, you'll see the entrance
9 to my street. They are perhaps ten yards offset from each
10 other.
11

12 The peak times when traffic is going in and out,
13 it's a head-to-head. If I want to turn left onto my street,
14 if somebody wants to turn left into this property, we'll go
15 head-to-head. I've lived at this address for over ten years
16 when it was a working restaurant. I'd come home in the
17 evenings and there's contention. Because of the curve in
18 the road, the grade change, people aren't paying attention
19 to that. So I've had numerous near misses; my wife as well.
20

21 Other neighbors on that street echoed their
22 concern when this was being considered approximately four
23 years ago, a much bigger development then. We raised our
24 concerns on traffic at that time. We never got specific
25 feedback, so I don't know what traffic study has been done,

1 but the acute period would need to be addressed, and maybe
2 at the double turning lane or something different for
3 turning lane.

4 Considering putting in a traffic light would
5 perhaps be worse. I would view that as a major negative to
6 put a traffic light right there. So haven't seen anything
7 productive though offered by the property owners to say how
8 they would address the real traffic risk. Thank you.

9 CHAIR MICCICHE: Any questions? Thank you. Mr.
10 Citizen Ray Davis, you're the next speaker.

11 RAY DAVIS: I want to offer the following
12 comments. This goes to the City Council automatically from
13 here with your recommendation, isn't that right?
14

15 CHAIR MICCICHE: I believe so.

16 RAY DAVIS: We need to know that for sure.

17 CHAIR MICCICHE: That is correct.

18 RAY DAVIS: Okay, good. So there will be a second
19 chance for everybody to come down and speak again when it
20 really counts. Well no, wait a minute, I take that back.
21 Let's just say it goes to the City Council.

22 Speaking from a public interest standpoint, I
23 can't believe that what happened 25 years ago happened.
24 You've got to know that if there was a General Plan, it
25

1 wasn't followed or wasn't observed, and this is a total
2 issue of spot zoning today. Well maybe 25 years ago there
3 was no development there, I don't know.

4 The General Plan today needs your help, and I
5 think by approving this project, you will be helping the
6 General Plan, which is a major, major consideration for
7 quality of life in Los Gatos in the years to come.

8 The objections or the concerns that were
9 expressed by two speakers I think are entirely valid,
10 because this end of town right now, with Sobrato,
11 Courtside, Elks Club parking lot, the Jewish Community
12 Center, and on and on, the 26 homes that are down there by
13 the railroad tracks, the traffic impacts on Winchester are
14 going to be enormous. These gentlemen are talking about the
15 impacts today. You look at what happens three years from
16 now, and look out. So if there's an issue on traffic, and
17 it looks like there is, I think you ought to make a
18 recommendation in the City Council that this be studied to
19 its utmost before it hits the City Council. That is just
20 plain good sense.
21

22 And also I think the other significant thing for
23 me is the fact that they're coming in for a General Plan
24 amendment and rezoning, and it's only 33 homes, when they
25

1 could be in here for 72, whatever it is if they maxed out.
2 That signifies a total change in the approach in Los Gatos
3 as to new development. In the past, since I've been here
4 for five years, everything has been to the max. The
5 developers ruled and the people got the shaft.

6 CHAIR MICCICHE: Could you wrap up, Mr. Davis,
7 please?

8 RAY DAVIS: Yes. This, to me, reads for a total
9 turnaround in the public perception in Los Gatos of what
10 the future will be, and I think it's magnificent. I'll
11 leave that for your consideration.

12 CHAIR MICCICHE: Thank you, Mr. Davis. Any
13 questions of Mr. Davis? Seeing none, next speaker, Kris
14 Linder.
15

16 KRIS LINDER: I'm a homeowner of Vasona Terrace.
17 My unit, #24, faces the wall where the pine trees are to
18 the new development. I apologize for coming in late on
19 this; I'm not up to speed on a lot what's going on.

20 I would just like to address the height issue of
21 the storyboard as you pull in that driveway and the trees
22 that we've enjoyed and give us our view out of our unit.

23 The storyboard, the first one that you see when
24 you come in is so ominous that I'm hoping that somebody's
25

1 saying that isn't really going to be that high, because
2 we're looking at open-weave orange papier-mâché or whatever
3 it is. I don't know if anybody realizes what it's going to
4 look like when it's a solid mass. It's huge. So if I'm
5 behind the times and something is already being done about
6 this or we can talk about this, I would like to know how we
7 do this.

8 I'm an architectural designer here in town, so I
9 might have more sensitivity to knowing what it's going to
10 look like when it's finished, where a lot of folks might be
11 seeing that orange and thinking, well that's not so bad, a
12 little high, but not so bad. But I could show you on our
13 CAD system how bad that is going to look when it's a
14 building. So I want to know, is there something that's
15 going to change about that, or do we have an option to talk
16 about that?

17 And the trees. You devalue my property if you
18 take those trees down. If I lose money selling my property
19 because I don't have that view anymore, I don't know what
20 my options are on that, so I need to know who I talk to
21 about that, or would you like to comment on that?
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1 CHAIR MICCICHE: We can comment at the time on
2 comments. It's duly noted what she said. Oh, could you
3 point out your property with the pointer?

4 KRIS LINDER: I don't know if I can or not. I'm
5 the first driveway as you come past Villa Felice, the very
6 first driveway. All along the wall that's there now, it's a
7 stone concrete stucco wall.

8 CHAIR MICCICHE: Has the applicant seen where
9 she's talking about and is going to rebut?

10 KRIS LINDER: Very old pine trees along this wall
11 on the first driveway past Villa Felice.

12 CHAIR MICCICHE: Thank you. Any questions of the
13 speaker? Seeing none, thank you. The last card I have is
14 Mr. L.A. Varga, Jr.

15 L.A. VARGA, JR.: Gentlemen, I've lived in this
16 vicinity in the unit right about here. I also would like to
17 see the first building right out on the street a little bit
18 lower, but this property can't lay fallow forever.

19 When I came here 25 years ago there was a lot of
20 opposition to building anything in there. One of the people
21 that were just to the north said something like, "I don't
22 want anything built there because my salesman said it would
23 be a grassy field forever." How can you impose that on
24
25

1 people who own property that have been good neighbors, good
2 citizens of our Town? They've voluntarily joined our town
3 and they've been kind of pushed to the side ever since.
4 It's totally unfair.

5 I'm absolutely thrilled that a quality
6 establishment will be built, and I don't have too much more
7 to say, I'm just very happy that we have quality housing.
8 Something is going to go there; this looks like the best
9 we've ever seen.

10 CHAIR MICCICHE: Thank you. Any questions? Seeing
11 none; okay, one more shot. Anybody else like to speak on
12 Item #1? You have your opportunity now. If not, then I'll
13 ask the applicant to come up and rebut.

14 MARK ROBSON: Thank you. With respect to traffic,
15 there have been a lot of questions about traffic. I'd like
16 to make a few points. We did do a traffic study. A traffic
17 study was not required. As they said, it was peer reviewed.

18 I also want to point out that we're going to
19 generate 1,200 fewer trips a day out of that neighborhood
20 than it would as a commercial development. Furthermore, the
21 peak hour trips, the PM peak hour trips will be 80 fewer
22 than it would be as a commercial development. So when that
23 one speaker who lives across the street talked about in
24
25

1 those discreet periods and the discreet peak hour periods,
2 the traffic will be improved. That driveway has been there
3 a long, long time and it had a lot of activity.

4 And so I think that this has been looked at by
5 traffic engineers and has been peer reviewed by the Town,
6 and so I think the traffic works.

7 With respect to drainage, the site in its current
8 configuration is basically all paved, so there's no place
9 for the water to go but to run off to adjacent properties.
10 Because of C-3 requirements that you've got to collect a
11 lot of storm water onsite—you can't just have it rush off—
12 and because of the lawns and so forth, there's places for
13 the water to perk through. There'll be much less water
14 going off the property when we're finished developing it
15 than there currently is in terms of drainage.

16 In terms of the revenues, the property is going
17 to generate a tremendous amount more revenue in its
18 finished developed state than it currently does. We
19 estimate that the property taxes will be about \$552,000 on
20 an annual basis in a finished form, and it's currently
21 generating \$46,000 now. Not all that money comes to the
22 Town, but about 24% of that money comes to the Town, so
23 that's about \$132,000.
24
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1 About another 23% goes to the school district.
2 Making sure that this property is developed is important
3 from a school district perspective too, because the school
4 districts are on basic aid, a status where it's important
5 that property values go up. This development is going to
6 substantially improve property values, which will improve
7 and maintain the schools' status as a basic aid district. I
8 think that's particularly important to the school districts
9 from a revenue standpoint.

10 I think that that answers the questions that were
11 raised. Does anyone have questions they want to ask me?

12 COMMISSIONER MICCICHE: I'm sure there are going
13 to be some questions, so I'm going to put some order to it
14 again if I may, and I'll start with Mr. Burke and go that
15 way.
16

17 COMMISSIONER BURKE: Just one clarification. You
18 stated the Town gets .24¢ on the dollar for property tax.

19 MARK ROBSON: That's my understanding, yes.

20 COMMISSIONER BURKE: Because I talked to the
21 Town's finance director today, and he stated it was about
22 .10¢, so I'm just curious which one?

23 DIRECTOR LORTZ: It's .10¢

24 COMMISSIONER BURKE: It's .10¢.
25

1 DIRECTOR LORTZ: That's actually nine-something,
2 so it's 10¢. We wish it was .24¢.

3 COMMISSIONER BURKE: Okay. Thank you.

4 MARK ROBSON: The school district gets 24%.

5 COMMISSIONER BURKE: But that's not the Town.

6 CHAIR MICCICHE: Would you like to recalculate on
7 that basis then?

8 MARK ROBSON: No, that's the basis of the numbers
9 that were given to me.

10 CHAIR MICCICHE: Thank you. Any other questions?

11 COMMISSIONER TREVITHICK: You mentioned about the
12 school district. Could you give us some idea of any study
13 you might have done of children generation within that
14 particular property?
15

16 MARK ROBSON: We did look at student generation
17 counts, and the generation counts we predict will be about
18 a dozen students--this is for the grade school--and that will
19 be spread between K through eight. We did meet with the
20 school district and talked to them, and they were
21 comfortable with what we were doing.

22 COMMISSIONER MICCICHE: Commissioner Kane.
23
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1 COMMISSIONER KANE: I believe the traffic study
2 that you provided said there would be 1,245 fewer trips a
3 day?

4 MARK ROBSON: Yes.

5 COMMISSIONER KANE: Is it not the case that there
6 are currently no trips per day? I mean, the hotel is down;
7 has been down since 1997.

8 MARK ROBSON: That's correct, in its present form
9 it's that way, but if it were developed and you put people
10 in there and it was active, that's how many trips you would
11 have.

12 COMMISSIONER KANE: So my point is just the
13 correct vision that there's going to be 1,245 at least more
14 trips per day coming out of there than currently exists at
15 this time. That's not to say if a commercial development
16 went in or whatever. So the gentleman who spoke about his
17 head-to-head problems, they're going to come back, and I
18 was wondering if a traffic light is not viewed as helpful?
19 He mentioned double lanes for left-hand turns. Have you
20 thought about any kind of need to mitigate his concern?

21 MARK ROBSON: Our traffic engineer did not think
22 that there was a need for that, but I'm happy to work with
23
24
25

1 the engineering staff and look into that. If that's
2 necessary, we're happy to look at that.

3 COMMISSIONER KANE: Let me ask a question of the
4 Town. Did Staff pick up any concern with the new 1,300-
5 1,500 trips?

6 DIRECTOR LORTZ: Actually it's 360 ADT.

7 COMMISSIONER KANE: And that's?

8 DIRECTOR LORTZ: Average daily traffic.

9 COMMISSIONER KANE: That's below our mathematical
10 concern level?

11 DIRECTOR LORTZ: Everything is a concern, and
12 traffic engineering did look at this and did not determine
13 that there was a concern.

14 COMMISSIONER KANE: Need to do anything?

15 DIRECTOR LORTZ: Yeah.

16 COMMISSIONER KANE: I have a second question.

17 CHAIR MICCICHE: Go ahead.

18 COMMISSIONER KANE: I think it was Ms. Linder.
19 Are any of her pine trees coming down?

20 MARK ROBSON: Thank you. Yes, those pine trees
21 are coming down; I forgot to mention that. And that came
22 out of two board meetings with the board of directors and
23 the community of the adjacent association, and that came
24
25

1 out of the direction from those meetings. They wanted those
2 pine trees removed; they see them as a hazard and as a
3 mess, and the board of that association wants those trees
4 removed.

5 COMMISSIONER MICCICHE: That answers your
6 question?

7 COMMISSIONER KANE: No. Can we put in anything
8 indigenous that wouldn't make a mess?

9 MARK ROBSON: Sure, we can add some trees along
10 that edge to replace those.

11 COMMISSIONER KANE: All right, thank you.

12 CHAIR MICCICHE: Commissioner O'Donnell.

13 COMMISSIONER O'DONNELL: I'm just curious about
14 the ridgeline. I agree with you, looking at the hotel is
15 not a pleasant sight looking up and that your development
16 is better. Nevertheless, it looks like there are a lot of
17 two-stories right fairly close to the ridgeline. I'm sure
18 you considered the placement of those setbacks and all
19 that, but could you help me a little bit with what you
20 considered by way of any moving away from the ridgeline?
21

22 MARK ROBSON: Subsequent to the story poles, as I
23 mentioned we've been looking at the height, both from a
24 grading standpoint and from an architectural standpoint.
25

1 There's not much we want to do on that ridge with respect
2 to grading; we want to leave it in its present condition.
3 But we can lower the heights of those buildings, and we can
4 also look at the rear elevations and see what's happening,
5 see if there's gable ends, and those could be replaced with
6 hips, and do some things like that on the roofline. So I
7 think that there are some things we can do architecturally
8 to soften that edge, and I think architecturally we're
9 looking at reducing the plate heights by about 18".

10 CHAIR MICCICHE: Commissioner Quintana.

11 COMMISSIONER QUINTANA: I don't have any
12 questions at this time.

13 CHAIR MICCICHE: Okay. Commissioner Burke, any
14 more? Morris? Commissioner Kane? No? Seeing no other
15 questions, I'm going to close the public hearing. Thank
16 you.
17

18 MARK ROBSON: Thank you.

19 CHAIR MICCICHE: It's too late. I guess I'm
20 allowed to have somebody come up and ask a question?

21 DIRECTOR LORTZ: Well you just closed the public
22 hearing, so you'd have to reopen it.

23 CHAIR MICCICHE: I'm sorry; I've just closed the
24 public hearing.
25

1 MARK ROBSON: We can talk separately.

2 CHAIR MICCICHE: Okay, Commissioners, I'd like to
3 look for comments at this time. As I read this, I believe
4 one of the things we should decide on first is the change
5 from commercial to residential, and I probably will look
6 for a consensus on that and just go down the line.

7 Commissioner Quintana, are you in favor of the
8 change from commercial to residential?

9 COMMISSIONER QUINTANA: I think I would
10 appreciate if we could have some discussion on it, because
11 I don't think it's (inaudible).

12 CHAIR MICCICHE: You can have a comment on it now.
13 Go ahead.

14 COMMISSIONER QUINTANA: I don't think it's a
15 question of this residential development versus the
16 existing PD. I think that since we are looking at revising
17 the planned development zoning, it's possible to do
18 something that's a compromise between the two.

19 I do think that it would be of benefit to the
20 Town to retain some type of revenue generating business on
21 that site; such as I think one of the gentlemen who spoke
22 talked about a spa hotel. I would call it a small boutique
23 hotel that would not generate nearly the traffic that is
24
25

1 existing, small. Not the restaurant, not the big hotel or
2 motel, but something in between that I think would be
3 compatible with the site and with the Town's concern about
4 losing revenue. So I'm not...

5 CHAIR MICCICHE: In favor of doing it. Okay.
6 Commissioner O'Donnell?

7 COMMISSIONER O'DONNELL: Based on what the hotel
8 has done over the last number of years, it doesn't appear
9 to me that it seems very feasible. Obviously you can
10 conjecture on what could happen, but I think in fairness in
11 light of what I know now, I think that the change to
12 residential would be acceptable to this commissioner.

13 CHAIR MICCICHE: Okay. Commissioner Kane.

14 COMMISSIONER KANE: I've been in town long enough
15 to watch Villa Felice fail and have the prejudicial
16 experience that I'm not sure what could go in there and
17 succeed. So what that means is I'd defer, at least for the
18 moment, to hear from others what they thought might go in
19 there and succeed. To turn the spigot off, presumably
20 forever, for Town revenue is not a good idea; but if the
21 well is empty, then there is no point in keeping it.

22 COMMISSIONER MICCICHE: Are you holding your vote
23 at this point?
24
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1 COMMISSIONER KANE: Yeah, I want to hear some
2 more comments.

3 CHAIR MICCICHE: Morris.

4 COMMISSIONER TREVITHICK: I feel the shift from
5 commercial to residential is in order in light of the
6 effects of the last few years. The market has spoken, and I
7 do feel that there's plenty of opportunity elsewhere for
8 commercial development, and so this should be residential.

9 CHAIR MICCICHE: Thank you. Commissioner Burke.

10 COMMISSIONER BURKE: I'm going to try to put some
11 thoughts together here. I'm sorry my voice is not very
12 well.

13 I am gravely concerned that we would give up the
14 opportunity for a significant revenue generator because a
15 business is maybe not being run well. I'm not saying it
16 could be run well, but it has run well in the past and if
17 people want to use justification that they want a zone
18 change by not running a business well, I would hate for
19 that to be the formula to get a zone change in this town.

20 I did talk to the Town's finance director today
21 and he stated that our five hotels generate approximately
22 \$900,000 in revenue for the Town a year and that basically
23 what we have is a 10% occupancy tax, such that if you pay
24
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1 \$100 for a room, the Town gets \$10. We also get revenue
2 from sales tax, but if you buy a \$100 item at a store, the
3 town only gets a penny.

4 So to replace this hotel, if it was run well with
5 a retail business, assuming it could bring in let's say
6 1/9th of the total we generate out of the five hotels, we're
7 talking about a retail business that does \$10 million
8 dollars worth of business a year.

9 I want to go back to what this Commission did
10 about a year ago with the Sobrato development. We jumped
11 through hoops; we allowed the biggest development in the
12 Town's history to save revenue for the Town. If we vote to
13 turn this into homes, even though it may not be generating
14 revenue now, we're just throwing that all away.

15 I think you also have to look at the fact that
16 with the largest commercial development coming to Town
17 right down the street from this, with a number of employees
18 and visitors and things like that, this is a boom
19 opportunity for a hotel that is for all intents and
20 purposes within long walking distance or relatively short
21 distance of a very large research park. I think the
22 development at Sobrato and the other developments coming
23 would really be a shot in the arm for a small hotel here.
24
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1 If this hotel is not there, they're probably going to send
2 their visitors to the Campbell Inn or someplace like that
3 and we're going to lose the revenue doubly.

4 Another interesting point from talking to the
5 finance director of the Town is that people who stay in the
6 hotels and motels in the Town spend about 2.5 times what
7 the residents do on a nightly basis at the Town's
8 restaurants and shops and things like that, so that there
9 is a multiplication factor.

10 I know a lot of us like to say what's the best
11 land use? Well, if we didn't concern ourselves with the
12 monetary implements of the land use, we'd approve nothing
13 but single-family homes and parks, because that's all
14 people want next to them. So I'm strongly against changing
15 the zoning at this point, because I think it is too
16 important for the Town to give up forever. Thank you.

17 CHAIR MICCICHE: Okay. Seems like we have a two-
18 two and one table going right now, so I'll make my
19 comments.

20 I've looked at this both ways, and even though
21 I've considered strongly the economic aspects of it, I
22 clearly felt--and I put myself in that position--if I was
23 living in that area, the last thing I would want now in my
24
25

1 area would be an active hotel, conference room, and
2 restaurant with traffic going in at all times of the
3 evening and so forth, so I'm very much in favor of
4 converting this from commercial to residential.

5 So at this point the consensus is showing three-
6 two and one hold, so I would look for a motion to put it in
7 form of the consensus if I may. Do you want to comment on
8 it, or are you going to make a motion?

9 COMMISSIONER QUINTANA: I just have one more
10 comment.

11 CHAIR MICCICHE: Oh, go ahead.

12 COMMISSIONER QUINTANA: We're talking about the
13 General Plan change first, is that correct?

14 CHAIR MICCICHE: Yes, that's what they've asked
15 us to do.

16 COMMISSIONER QUINTANA: The General Plan now is
17 office. Under office, I believe under Planned Development
18 Zoning you could have a combination of residential and a
19 small boutique hotel, is that correct?

20 DIRECTOR LORTZ: You could have that
21 accommodation if you modified the PD.

22 COMMISSIONER QUINTANA: Yeah, and I want to
23 clarify that when I said a small boutique hotel, I did not
24
25

1 mean a big restaurant or big conference facilities, just a
2 small hotel.

3 CHAIR MICCICHE: We've heard that from the first
4 time, so can I have a motion based on the consensus I think
5 we just arrived at?

6 COMMISSIONER O'DONNELL: May I just ask, Michael
7 was going to hear everybody before he commented. I'm just
8 curious whether he's prepared to comment before we vote?

9 COMMISSIONER KANE: Any chance if we dug deep
10 enough we'd find any Native American claim to the property
11 and put in a casino? Have we thought about all our
12 possibilities?

13 DIRECTOR LORTZ: Is that a question.

14 COMMISSIONER KANE: You haven't explored all the
15 possibilities, is that what you're telling me?

16 DIRECTOR LORTZ: That's an option.

17 CHAIR MICCICHE: Can we have your comment?

18 COMMISSIONER KANE: Location, location, location.
19 I can't think of anything other than a casino that strikes
20 me as an interesting use.

21 CHAIR MICCICHE: That's fine, but could I have
22 your comment on your vote?

23 COMMISSIONER KANE: Those were my comments.
24
25

1 CHAIR MICCICHE: Okay, and your consensus...

2 Which way would you prefer to go then?

3 COMMISSIONER KANE: Residential.

4 CHAIR MICCICHE: Okay. So can we have a motion
5 please?

6 COMMISSIONER O'DONNELL: I will move to recommend
7 that we do indeed change the zoning, the General Plan, to
8 accommodate residential from its present commercial.

9 CHAIR MICCICHE: Do I have a second?

10 COMMISSIONER TREVITHICK: I second that.

11 CHAIR MICCICHE: Okay, I'll call the vote. All in
12 favor? All against? Passes 4-2. Let's go on then with
13 comments about the existing residential project.

14 Commissioner Quintana, would you like to start this thing?

15 COMMISSIONER QUINTANA: Okay. Do you have any
16 direction on how we should proceed with our comments?

17 CHAIR MICCICHE: No, we have free will.

18 COMMISSIONER QUINTANA: Okay, I will first say
19 that when I went to the site, I walked on both the sites of
20 the Vasona Terrace and Villa Felice developments. In my
21 opinion, the removal of the pine trees is going to greatly
22 change the visual character of the site from off-site.
23 That's one comment.
24
25

1 The other observation I made was driving around
2 Vasona Park, and the yellow netting is very visible from a
3 large portion of Vasona Park, from the main part of the
4 lake down. So that's the framework.

5 Also, my comments are based on not whether this
6 is better than what is there, but is it a good project that
7 stands on its own?

8 Not to take too long to just start this off, my
9 impression is that while the density may work, the
10 intensity of the development is too great. The houses are
11 too large for the lots. There is no pedestrian circulation
12 other than along the main road. There is very little
13 communal open space other than the park; there are no
14 little nodes for gathering or talking together.

15 So those are the beginning of my comments and
16 I'll let other people...

17 CHAIR MICCICHE: Let's hear the rest of them now.

18 COMMISSIONER QUINTANA: You really want to hear
19 all of them?

20 COMMISSIONER MICCICHE: Yeah, if they're
21 intelligent I would, yes.

22 COMMISSIONER QUINTANA: Well I certainly hope I'm
23 intelligent.
24
25

1 COMMISSIONER MICCICHE: No, if the comments are I
2 meant. I'm sorry.

3 COMMISSIONER QUINTANA: And the comments. The
4 issue of intensity, there is a whole section in the General
5 Plan that deals with intensity versus density. If you look
6 at the Vasona Terrace, they have a higher density. The size
7 of their units is smaller and they have much less
8 intensity. There are walking paths throughout the
9 development, there are places for people to sit and gather,
10 and there's a swimming pool area. It's again, a matter not
11 of density, but of intensity.
12

13 Another concern I have is that this is actually
14 part of a larger PD that includes the Villa Felice
15 townhouses, and yet I don't see any continuity between the
16 two. And I did forget to ask the developer a question.

17 CHAIR MICCICHE: Why don't you tell us what you
18 wish you had asked him?

19 COMMISSIONER QUINTANA: What I wish I had asked
20 them was where is the half-acre that was added to the
21 project?

22 CHAIR MICCICHE: Maybe Staff can answer that for
23 you.
24
25

1 DIRECTOR LORTZ: The duplex? Yeah, that's the
2 duplex property up on the north side of the property.

3 COMMISSIONER QUINTANA: Okay, so that's the part
4 that we eliminated on the last go-round, and now we're
5 putting it back in. Okay.

6 In my opinion, there should be no distinction
7 between BMP units and the rest of the units in terms of
8 size or location, and personally I would like to see a
9 great deal more variety in the size of the units. Currently
10 we have units for the BMPs that are 800-1,400, and for the
11 rest of the units it's something like 21,000-29,000. That's
12 a very big difference.

13 I'd also comment on the livability of the BMP
14 units, and I know we don't get into architecture, but the
15 800 square foot unit seems more livable than the 1,400
16 square foot because of the way it's set up it actually has
17 more living area.

18 I still find that the site plan is very
19 structured. The story poles were helpful, but I don't think
20 they clearly gave us an impression of what the overall mass
21 of this project is going to be. I also noted that on the
22 drawings, the elevations: there didn't seem to be the same
23 amount of architectural detail on all side of the
24
25

1 elevation, 360°. As far as the architecture itself goes, it
2 looks pretty good to me; but it's the mass and scale that
3 I'm concerned about, and the height and the livability for
4 the adjacent homeowners.

5 And I found that a land use diagram would be
6 really helpful in understanding the project, because the
7 figures on the coverage didn't seem to add up in terms of
8 open space and developed space.

9 And I also have comments on the Negative
10 Declaration, but I'll hold those. I would make a suggestion
11 that if this project is recommended for approval that we
12 recommend that the intensity of development be reduced,
13 particularly around the periphery of the lot and to
14 concentrate more of the mass on the interior, and recommend
15 that some one-story units be added, and that the size of
16 the larger units be reduced, and some medium-size units be
17 added in.

18 CHAIR MICCICHE: Let me understand that if I may.
19 Are you suggesting that they should increase the number of
20 units in lieu of reducing the size of the exiting units?
21

22 COMMISSIONER QUINTANA: Absolutely not. I'm
23 saying keep the same number of units, but reduce the size
24 of some.
25

1 CHAIR MICCICHE: So you want both? You want the
2 low density and low intensity? Is that what you were
3 saying?

4 COMMISSIONER QUINTANA: I'm not saying reduce the
5 number of units, I'm saying keep it the same.

6 CHAIR MICCICHE: The number of units are at the
7 lowest portion of the item right now.

8 COMMISSIONER QUINTANA: Yeah, or put it however
9 they can work it out so that the intensity and the feel of
10 the project isn't as dense.

11 CHAIR MICCICHE: But keeping the density the
12 same, the number of units the same, is that what you're
13 saying?
14

15 COMMISSIONER QUINTANA: The number of units isn't
16 a concern to me.

17 CHAIR MICCICHE: So it can be higher?

18 COMMISSIONER QUINTANA: It could be higher if
19 they can make it less intense.

20 CHAIR MICCICHE: Okay, that's what I've asked.

21 COMMISSIONER QUINTANA: The rest, I have
22 questions of Staff.

23 CHAIR MICCICHE: We'll come back to that as an
24 item. Commissioner O'Donnell.
25

1 COMMISSIONER O'DONNELL: I have very few
2 comments. One, the discussion we've had over the pine
3 trees. If I understand the applicant, the applicant is
4 saying I'm removing the pine trees because others have
5 asked me to do so, but we would consider adding some other
6 trees in place of them.

7 CHAIR MICCICHE: That's what we heard.

8 COMMISSIONER O'DONNELL: And I think that's a
9 good suggestion, and so we can get to that when we
10 condition it if it were approved.
11

12 As far as the height of the residences are
13 concerned, I've also heard an offer to reduce the height of
14 the residences, including those along the ridgeline; taking
15 into consideration that that would increase in some cases
16 the amount of material we'd have to haul out of there. But
17 I'm personally in favor of reducing the height of the
18 residences.

19 As far as the intensity goes, let me narrow it
20 down. I have the same feeling about the intensity of this
21 project: personally I find it more intense than I would
22 like it. That becomes very difficult except to say that I
23 wish it were less intense. There isn't this open space and
24 the ability to move about that would be nice, that some of
25

1 the neighbors do have. So the intensity does bother me.
2 Those are my comments.

3 CHAIR MICCICHE: Commissioner Kane.

4 COMMISSIONER KANE: I agree with Commissioner
5 Quintana almost wholeheartedly. I like her concerns; I
6 share the same thing when I walk the site.

7 I spent a lot of time yesterday and today
8 learning about the difference between density and
9 intensity, and as I discussed with Staff earlier, came to
10 the profound interpretation that it was just too big.

11 It's just too big. The units are overwhelming,
12 and there's only one of them there right now. I wondered
13 what a row of them would look like. So that's intensity. If
14 there's a way to soften the effect by reconsidering unit
15 size.

16 The Vasona visibility that Commissioner O'Donnell
17 addressed, the pine trees, has to be looked into. Either
18 the pine trees maybe can be reconsidered and stay, or some
19 acceptable substitution can be put in if the Community
20 Development Director can rule on whatever sort of tree goes
21 in, or whether or not those other trees stay.

22 I think it's an interesting observation, the
23 distinction between the BMPs and the regulars. I don't know
24
25

1 how you work that out economically, but I think socially
2 that's an interesting point, and the low price neighbors
3 ought not be identified with huts.

4 CHAIR MICCICHE: Well, let's keep the
5 conversation here. Are those your comments?

6 COMMISSIONER KANE: Yeah, that summarizes my
7 concerns.

8 CHAIR MICCICHE: Commissioner Trevithick.

9 COMMISSIONER TREVITHICK: I have nothing to add
10 to what has been said, except I wish to thank the developer
11 for the fact they have the open space. It's very correctly
12 located for the whole of the project, and I think this is a
13 very big plus, a benefit, so even though I'd like to see
14 some reduction in the heights along the ridgeline, I think
15 there are many plusses in this particular layout.

16 CHAIR MICCICHE: Commissioner Burke.

17 COMMISSIONER BURKE: I'm going to echo the
18 sentiments of my fellow commissioners on the whole
19 intensity issue.

20 I'm also concerned, and I know we've talked about
21 it in the study session about the houses on the ridge above
22 Vasona. I think if this was located in a different place,
23 in a different zoning, like along Blossom Hill Ridge, we
24
25

1 just pure wouldn't allow them, and if we had to allow them,
2 we'd make them single-story. So I think that when the
3 developer says they can't make them single-story that maybe
4 they ought to go back and look at that issue, because that
5 is the main visual impact.

6 One easy way to make them single-story would be
7 to make them your BMP units; they're smaller. I know you're
8 looking at those will be your premier units to sell, but I
9 think that we have to look at the viewscape totally, and I
10 think single-story or less units, or something there, is
11 appropriate.
12

13 I'm also concerned about the pine trees. What I
14 hear, they want them to be removed just because they're
15 messy, and I don't know if any other landowner in town
16 would be allowed to remove pine trees without going through
17 a certain amount of justification to remove them other than
18 they're messy. So that's my comments.

19 CHAIR MICCICHE: Any questions of Staff?
20 Commissioner Quintana.

21 COMMISSIONER QUINTANA: One question I have is
22 why isn't this considered an infill project since it's a
23 "highly underutilized site"?
24
25

1 DIRECTOR LORTZ: The Council in accepting the
2 infill policy really discussed the issue of a site that was
3 undeveloped, and of course this is developed, so Council
4 conclusion was that the infill policy is really for a
5 vacant property.

6 COMMISSIONER QUINTANA: Another question I had
7 was if you could explain to me in more detail the issue of
8 zero lot line versus easement. That was discussed I believe
9 in the Staff Report.
10

11 DIRECTOR LORTZ: Not exactly sure what the
12 question is there.

13 COMMISSIONER QUINTANA: I believe our Staff
14 Report contains a discussion of whether the houses can be
15 zero lot line, with the statement that that is not allowed
16 by fire code and that Staff expressed a concern about the
17 alternative, which was easements on the adjacent
18 properties, so that repairs or maintenance could be done to
19 the adjacent houses.

20 And then there's a statement also that the
21 applicant--I should have asked this of the applicant--
22 believes that their CC&Rs can mitigate these concerns. My
23 question is essentially how can the CC&Rs mitigate the
24 concerns? And number two, it seems like there is no
25

1 difference in effect, whether you call it a zero lot line
2 you give it an easement.

3 CHAIR MICCICHE: What is the question of Staff
4 here?

5 COMMISSIONER QUINTANA: I'm asking them to
6 explain what this is.

7 CHAIR MICCICHE: Okay, then ask it.

8 COMMISSIONER QUINTANA: I did.

9 DIRECTOR LORTZ: Well, if I understood the
10 question correctly, the fire code has to be met, and that
11 has to do with openings along the wall, openings meaning
12 windows and things of that nature. So they have to comply
13 with the fire code, and they will.

14 The issue of maintenance of the property where
15 there's a zero lot line can be handled through an easement,
16 and then how people will gain access someone else's
17 property would be addressed through the CC&Rs.

18 COMMISSIONER QUINTANA: What it states in here is
19 that "openings and other architectural elements would not
20 be permitted along zero lot lines due to fire code
21 requirements," but that if you had a lot line that
22 separated the two houses and you had an easement on one
23 side, effectively making the use the same as a zero lot
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25

1 line, then that wouldn't be required. I don't understand
2 why it should different one way or the other, because
3 physically it's the same.

4 RANDY TSUDA: I'm hearing two parts to your
5 question. One is related to the zero lot line condition
6 versus the condition that is currently proposed. That's one
7 issue.

8 The second issue is whether the maintenance
9 concern goes away if it's zero lot line versus the current
10 configuration?
11

12 COMMISSIONER QUINTANA: Yeah, and I must admit,
13 I'm not sure I remember whether that's clear in the
14 proposal or in the conditions that there would be an
15 easement.

16 RANDY TSUDA: Yes, the way the easement is
17 proposed in the applicant's drawing, and it is delineated.
18 Now the reason why they've avoided the use of a true zero
19 lot line situation is to achieve some semblance of 360°
20 architecture. If it's a true zero lot line configuration
21 you cannot have those kinds of openings and architectural
22 detail as is currently proposed.

23 Now the maintenance concern of how a property
24 owner maintains that wall, whether it's a zero lot line
25

1 wall or whether it's three feet from the property line with
2 a landscape easement, that issue remains the same under
3 either approach, and that can be addressed through the
4 CCNRs, which will outline in what situations the adjoining
5 property owners have rights to maintain their wall, hours,
6 etc.

7 COMMISSIONER QUINTANA: So if it's an easement
8 there can be openings, and if there's not an easement and a
9 zero lot line there can't be openings?

10 RANDY TSUDA: That is correct.

11 COMMISSIONER QUINTANA: But it's the same space.

12 RANDY TSUDA: The space does not necessarily
13 change. It's an accommodation to address the fire code's
14 restriction on openings if a wall is on the property line.

15 COMMISSIONER QUINTANA: And there's no
16 restriction if it's the same space. In other words, the
17 wall is staying in the same place. Nothing changes.

18 RANDY TSUDA: The walls are remaining. The two
19 walls of the adjoining houses can remain in the same
20 location. It's a question of where you draw that property
21 line, whether it's adjacent to one wall or if it's
22 (inaudible).
23
24
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1 COMMISSIONER QUINTANA: That's what I understand,
2 but it doesn't make sense to me that the walls are in the
3 same place if it's a zero lot line. The fire code doesn't
4 allow windows, but if it's an easement, they do.

5 CHAIR MICCICHE: Excuse me. I understand you're
6 disagreeing with the answer.

7 COMMISSIONER QUINTANA: No, I'm just confused by
8 it. It seems like smoke and mirrors or the emperor's new
9 clothes, I'm not sure which.

10 RANDY TSUDA: I understand.

11 COMMISSIONER QUINTANA: Question? Does the 12'
12 wall require special approval since it's higher than the
13 fence code?

14 FLETCHER PARSONS: The PD can do that.

15 COMMISSIONER QUINTANA: And I do have a question
16 with respect to the drainage question. The initial study
17 states that... Well, I can't find it offhand.

18 CHAIR MICCICHE: Would you like us to come back
19 to you on that?

20 COMMISSIONER QUINTANA: No. The initial study
21 states that drainage must be kept off of the slope going
22 towards University Avenue. There are several mitigation
23 measures that have been proposed, and there are some
24
25

1 conditions in the Conditions of Approval. My question is
2 which of the mitigations that are proposed best achieves
3 the goal of ensuring that no drainage will occur over the
4 slope under any reason? The initial study and the Negative
5 Declaration indicate that if the drains were to clog, that
6 there would be flow down the slope. So which is the best
7 solution to ensure that there would be no water on the
8 slope since it's a significantly erodable slope?

9
10 FLETCHER PARSONS: The soils report was really
11 referring to everyday runoff. What we're talking about
12 wasn't really addressed in the soils report. We're talking
13 about a hundred-year event. It's a very rare event, but we
14 still design for it. What we would propose is to protect
15 the slope, to handle that extreme event, and the soils
16 report was really just referring to everyday drainage when
17 it said keep the water off.

18 What we would do is look at alternatives to keep
19 it off, but one of the other alternatives that we would
20 want to look at is piping water down that slope. There's an
21 existing pipe there today; it would be upgraded to handle
22 this extreme condition. Or one of the other alternatives
23 might involve protecting the slope in a way that it could
24 safely take that extreme event.
25

1 COMMISSIONER QUINTANA: Is there a way to store
2 the water so that it doesn't have the potential of going
3 down that slope at all?

4 FLETCHER PARSONS: One of the possibilities we'll
5 look at wouldn't necessarily mean storing it, but it would
6 mean piping it out towards Winchester. And we do propose to
7 investigate this at ANS.

8 COMMISSIONER QUINTANA: I'll continue. It's not
9 clear to me how Larry Cannon reached his conclusions in his
10 architectural letter, but he's not here to ask, so we'll
11 forgot that one.
12

13 How does this meet our regional housing goals
14 with respect to reaching the goal for our needs between
15 2000 and 2007 for very low and moderate housing, and how
16 does it effect the jobs housing balance, all of which are
17 indicated concerns in the General Plan?

18 And the rest of my comments have to do with
19 Negative Declaration.

20 CHAIR MICCICHE: Are you waiting for an answer to
21 those other questions first, or are you just raising it as
22 an issue?

23 COMMISSIONER QUINTANA: I'm raising. Yeah, and if
24 they can be addressed, fine. I'll leave it at that, but I
25

1 would like to come back to the Negative Declaration and the
2 comments that are stated in the Staff Report that I asked.

3 CHAIR MICCICHE: Commissioner O'Donnell, any
4 questions of staff?

5 COMMISSIONER O'DONNELL: No.

6 CHAIR MICCICHE: Commissioner Kane?

7 COMMISSIONER KANE: No.

8 CHAIR MICCICHE: Commissioner Trevithick?

9 COMMISSIONER TREVITHICK: I have a question about
10 traffic if I may. Several people have referred to the
11 congestion at the point of access. I understand the numbers
12 you have are satisfactory from the Town's point of view and
13 other sources as well.
14

15 But over above the actual numbers and the volume,
16 what about things like the curvature? What about the
17 visibility? What about the speed of approach? There are
18 many other dimensions of how you might approach that
19 particular narrow entrance into that property, and I
20 wondered if you have had any chance to look at those extra
21 dimensions?

22 FLETCHER PARSONS: The traffic engineer did spend
23 quite a bit of time out at the site and actually measured
24 site distances and compared them mathematically to design
25

1 speeds and found that the site distances were there. He
2 feels that the two-way left turn that's already striped is
3 adequate based on the traffic numbers that are projected
4 for the project. It has been addressed.

5 CHAIR MICCICHE: All right. Thank you.
6 Commissioner Burke.

7 COMMISSIONER BURKE: I wanted to ask Staff a
8 question about these pine trees. Normally if a homeowner
9 had wanted to remove a row of pine trees because they were
10 messy, they'd have to jump through some hoops and really
11 justify it. Will this applicant need to do that, or will
12 the approval of the PD grant them the authority to remove
13 those pine trees even if it's not necessary to do the
14 development?
15

16 FLETCHER PARSONS: We did look at those pine
17 trees and they are in poor condition, both structurally and
18 also from a disease perspective. The Monterey Pines
19 generally in this area are impacted by the beetle. Those
20 particular trees are stressed, and so replacement would be
21 required, and then we'd work with the homeowners
22 association with the species and location.

23 COMMISSIONER BURKE: Being that we're not
24 actually voting on the PD tonight, we're only making a
25

1 recommendation, I assume that means we won't be
2 establishing conditions, but we'd be making recommendations
3 for change, is that correct?

4 FLETCHER PARSON: Certainly.

5 COMMISSIONER BURKE: Thank you.

6 CHAIR MICCICHE: Would you like to make your
7 comments on the Declaration now, because we'd like to move
8 along?

9 COMMISSIONER QUINTANA: Yes, I would like to
10 state that there are several areas of concerns that I have
11 with the Negative Declaration. The areas are noise,
12 esthetics, biological resources, the grading—which we've
13 already discussed—and the traffic.

14 First I'd like to address the Staff Report's
15 answer to my concerns.

16 When I read the tree ordinance, and I've done it
17 many times, what I come away with is one, the intent of the
18 ordinance is to preserve as many trees as possible; two,
19 that while the Director and the Director of Parks and
20 Recreation have the discretion for granting a tree removal
21 permit—unless it comes to the Commission, and then we do—it
22 states that all trees need to be mitigated, at least two
23 trees per removal, based on a table in the ordinance, which
24
25

1 is based on canopy size, and that canopy size is based how
2 long it will take to replace the biological benefits of the
3 tree canopy.

4 There is also a difference between the condition
5 of the tree and whether the tree is suitable for
6 preservation, and my understanding is that if a tree has a
7 good potential for preservation, the site design should
8 attempt to keep those trees, and that the mitigation is for
9 all of the trees, whether in poor condition or not, because
10 they still have a biological value.

11 So my concern with that section on biological
12 resources has to do with the fact that if we are not
13 replacing the trees that are in poor condition, we have not
14 met the criteria for being able to say there's no impact
15 under CEQA. Since the Town has no criteria that are owned
16 for CEQA significance, we rely on the tree ordinance, and
17 based on the tree ordinance, I do not believe that the
18 mitigation for the trees is adequate.

19 Secondly, the esthetic part of trees. Trees have
20 esthetic value as well; they provide privacy, they provide
21 viewshed.

22 There is a statement in the Negative Declaration
23 that states that the arborist determined that the proposed
24
25

1 tree removals would not significantly affect the site or
2 surrounding properties. I'm not sure what the basis of that
3 was, and I didn't see any reference to it in the arborist's
4 report. When you look at both sides of the project from the
5 adjacent development, it's clear that there's going to be a
6 very significant change in the character of that site from
7 offsite. Again, I'm not sure that that makes it a less than
8 significant impact.

9
10 Replacing the pine trees, to do the same job that
11 they are; I think you're going to need greater setbacks in
12 the backyards that are joined to them.

13 And noise. In my previous professional life I did
14 environmental review, and I have looked at hundreds of
15 noise reports. It's my experience that noise travels up; it
16 travels my line of sight, but it also gets louder as you go
17 up. So if you're on a hill above something, the noise is
18 higher than below. If you're on a second story, it's higher
19 than on the first story.

20 Just sitting on the edge of that slope, you hear
21 traffic noise, not just from University Avenue. There's not
22 much noise coming from University Avenue; it's from the
23 freeway. I don't think that it's adequate do your noise
24 report, when there's a potential that the noise is too
25

1 loud, based on modeling rather than on specific measuring
2 on the site.

3 And then lastly, traffic. If you go by the usual
4 rules, no, there's no traffic impact. But this site hasn't
5 been functional for almost eight or nine years. There is no
6 traffic coming from it, and so it's sort of illogical to
7 say well there's no traffic impact because these have been
8 assigned to this project when they haven't been there for
9 this long.

10
11 Is the traffic study based on current
12 measurements, or just studies that were done for the
13 General Plan, which I believe were modeled and not actual
14 measurements? I may be wrong on that. But just logically,
15 there's going to be an impact, whether it's a CEQA impact
16 or not, it's an impact. You could call it a project impact
17 rather than a CEQA impact if you want to.

18 Lastly, I think it was explained about the
19 exiting the site is an operational issue, not a CEQA issue,
20 and I think it was adequately explained.

21 CHAIR MICCICHE: Thank you for your final
22 comment. Commissioner O'Donnell?

23 COMMISSIONER O'DONNELL: No comment.

24 CHAIR MICCICHE: Commissioner Kane?
25

1 COMMISSIONER KANE: No comment.

2 CHAIR MICCICHE: Okay. On the recommendation, I
3 would like to get recommendations from commissioner
4 separately, or do we put this in a consensus form?

5 ORRY KORB: Well it's entirely your discretion as
6 the Chair of the Commission.

7 CHAIR MICCICHE: I think I'd like to do it on an
8 individual basis, if that's permissible.

9 ORRY KORB: You may already have those comments.

10 CHAIR MICCICHE: Right.

11 ORRY KORB: Did anybody want to add anything else
12 to their recommendation?

13 CHAIR MICCICHE: Commissioner Burke.

14 COMMISSIONER BURKE: Just (inaudible) the
15 recommendation that if the Council sees fit to approve this
16 project, my recommendation is that something be done with
17 the intensity of building on the ridgeline.

18 CHAIR MICCICHE: Just on the ridgeline?

19 COMMISSIONER BURKE: On the ridgeline. If I
20 remember correctly, a PD requires community benefit. I'm
21 not saying reduce the number of units, but I think that
22 there ought to be a combination of less units there and I
23 think the units also ought to be single-story. If we have
24
25

1 that discretion with the PD, we would require it on other
2 ridgelines around town for sure, and I think that this one
3 is no less significant to the viewshed.

4 Also if they really wanted to provide a community
5 benefit, they could increase the size of the park up there
6 by reducing the unit there and moving it somewhere else,
7 which would truly provide a community benefit because that
8 is a beautiful vista point to look out at the lake. If the
9 park was bigger and open to everybody, that would be the
10 community benefit.

11 CHAIR MICCICHE: Just for clarification,
12 Commissioner Burke, are you suggesting that they reduce the
13 density as well as the intensity?

14 COMMISSIONER BURKE: No, I think the density is a
15 good number.

16 CHAIR MICCICHE: So you don't care about reducing
17 the number?

18 COMMISSIONER BURKE: No, I'm saying move... They
19 probably would have to reduce the intensity to move a unit,
20 or reduce the size of the units up there or whatever. Keep
21 the same number of units; even add a unit or two, that
22 doesn't matter. But get the square footage down a little
23 bit, and get the size of the units and the number of units
24
25

1 on the ridge top down. Those should be less and they should
2 only be single-story.

3 CHAIR MICCICHE: My understanding is no community
4 benefit is required on this. That was my understanding. Is
5 that correct?

6 DIRECTOR LORTZ: The two areas where community
7 benefit is required is infill, which it is not, and traffic
8 (inaudible) trips. But I think what Commissioner Burke is
9 talking about is in terms of a PD itself, whether or not
10 there's some beneficial aspect of it, and I think that's
11 what he's speaking of.

12 CHAIR MICCICHE: Is that what you mean?

13 COMMISSIONER BURKE: Yeah, a PD is a
14 discretionary action on the Town's part, and usually the
15 developer offers a benefit to the community to allow a PD.

16 CHAIR MICCICHE: He has offered one. What I was
17 suggesting is it's not required.

18 COMMISSIONER BURKE: Right.

19 CHAIR MICCICHE: Commissioner Trevethick

20 COMMISSIONER TREVITHICK: None.

21 CHAIR MICCICHE: None. Commissioner Kane. The
22 comments you made before...

1 COMMISSIONER KANE: I just want to state the not
2 so obvious, that we have three choices. We don't have to
3 make a motion to recommend.

4 CHAIR MICCICHE: You're just recommending right
5 now.

6 COMMISSIONER KANE: Yeah, but we also have a
7 choice of continuing the matter to a date certain, with
8 specific recommendations. I'm wondering if that's
9 constructive to send it back for review and hear it again
10 before we send it to Council, or is it more efficient to
11 just send it to Council with recommendations and concerns?

12 CHAIR MICCICHE: If you'd like to, Commissioner.

13 COMMISSIONER KANE: I think that would be unfair
14 to the neighbors. I mean it would bring them out to another
15 meeting. I think they want closure on this, so I think that
16 we ought to send it forward to Council who is going to make
17 the ultimate.

18 CHAIR MICCICHE: With your recommendations.

19 COMMISSIONER KANE: With our recommendations, to
20 make the ultimate, and that at least keeps the process
21 moving, however it is.

22 CHAIR MICCICHE: Do you have any additional
23 recommendations?
24
25

1 COMMISSIONER KANE: I don't.

2 CHAIR MICCICHE: Additional ones, Commissioner
3 Quintana?

4 COMMISSIONER QUINTANA: I would recommend to the
5 Council to look at retaining more of the trees that were
6 designated as having good potential for preservation.

7 We've already talked about reducing the intensity
8 of the development in various ways. Again, I would
9 recommend that they look into increasing the intensity
10 towards the inside, but reducing it towards the outside,
11 providing more pedestrian connections. Eliminate two or
12 three houses along the view to Vasona.

13 The BMP units should mimic the variety of sizes
14 of the developments based on the number of each type. And I
15 would recommend that the setbacks that are shown as the
16 minimum setbacks on the plan, that it be added to the
17 ordinance that the actual setbacks are as shown on the
18 development plan, as defined by the building footprints.

19 And then I'm not sure. These are recommendations,
20 but the project as it stands, I would not recommend for
21 approval, and I don't know how you contain that in a
22 motion, if you just have to say yea or nay.
23
24
25

1 CHAIR MICCICHE: I think you're recommending it
2 not be approved then, period, as it is?

3 COMMISSIONER QUINTANA: No.

4 CHAIR MICCICHE: As it is?

5 COMMISSIONER QUINTANA: As it is.

6 CHAIR MICCICHE: That's your recommendation.

7 COMMISSIONER QUINTANA: Okay.

8 CHAIR MICCICHE: Okay. I'll make my comments.
9 I've sat on this thing through the General Planning group,
10 through the Plan review Committee and so forth. I've seen
11 the applicant reduce the number of units, which in my mind
12 effectively reduced the intensity. He did it at the expense
13 of density on his own part. I've seen him respond to the
14 neighbors in a very positive way. I believe the change from
15 commercial to residential is very much in the favor of the
16 Town, so I would fully recommend it as it his at this
17 point.
18

19 I think at this point I'm going to look for a
20 motion to forward the recommendations made by the
21 commissioners to the Town Council, and if so we will do
22 that in a motion following. Would anyone make a motion to
23 do so?
24
25

1 COMMISSIONER QUINTANA: I'm still not clear. Are
2 we recommending approval with these added...

3 CHAIR MICCICHE: We've made independent
4 recommendations; it's not for approval. I'm only asking for
5 a motion to forward those recommendations to the Town
6 Council at this point. Mr. Burke.

7 COMMISSIONER BURKE: I'll make a motion to
8 forward our individual recommendations as the record shows
9 to the Town Council regarding Planned Development
10 Application PD-04-5.

11 CHAIR MICCICHE: Any second?

12 COMMISSIONER O'DONNELL: Second.

13 CHAIR MICCICHE: I'll call the motion. All in
14 favor? Against? Passes.

15 COMMISSIONER BURKE: I move to approve Negative
16 Declaration ND-05-04.

17 CHAIR MICCICHE: Second?

18 COMMISSIONER O'DONNELL: Second.

19 CHAIR MICCICHE: All in favor? Against? Vote is
20 five to one on that?

21 ORRY KORB: Yes, it is. For the record, there are
22 no appeals on the recommendations made to Council. The
23 recommended approval of the General Plan Amendment and the
24
25

1 action to send recommendations to the Council regarding the
2 PD application will both be forward to Council. A hearing
3 will be scheduled before the Town Council that will be
4 separately noticed. Anybody interested in the applications
5 should contact the Town and watch for notices and you will
6 know when this will be heard.

7 CHAIR MICCICHE: Thank you.
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Date: February 9, 2005
For Agenda Of: February 9, 2005
Agenda Item: 1
DESK ITEM

REPORT TO: The Planning Commission
FROM: The Development Review Committee
LOCATION: 15350 Winchester Boulevard
General Plan Amendment GP-05-1
Planned Development Application PD-04-5
Negative Declaration ND-05-04

Requesting approval to change the General Plan designation from Low Density Residential and Neighborhood Commercial to Medium Density Residential and to change the zone from R-1:8:PD to RM:5-12:PD to demolish the motel and restaurant and to construct 33 residential units. No significant environmental impacts have been identified and a mitigated Negative Declaration is recommended. APNS 424-29-024 through 026

PROPERTY OWNER: Donald Bersano
APPLICANT: Santa Clara Development Co.

EXHIBITS: A - N. Previously Submitted
O. Letter from Joseph Thibodeaux (one page) received February 7, 2005
P. Letter from Jan Kyne (one page) received February 7, 2005.
Q. Report from Town's Consulting Arborist, received December 17, 2004

A. REMARKS

Additional Correspondence:

Attached are two letters from concerned neighbors (Exhibits O and P). In addition., the report from the Town's Consulting Arborist which was attached to the original staff report is missing a page. The entire report is attached as Exhibit Q.

Separation Between Buildings:

The applicant has been working with two property owners to the north of the subject property in an attempt to mitigate their concern regarding separation between units along the northern property line. The applicant proposes to increase the distance between two of the houses which will shift the lot lines for lots 17 through 22. Details of this proposal will be provided by the applicant at the hearing. Staff has not had an opportunity to fully evaluate the revised lot configurations. If the Commission finds merit with the modification and decides to take an action at this hearing, the following performance standard (or as modified by the Commission) is recommended to be added to the Planned Development Ordinance (Exhibit N).

LOTS 17 THROUGH 22. The lot lines of these lots, the house location, side setbacks and distances between the buildings may be modified during the tentative map process. The front and rear setbacks shall not be modified.

Commissioners Request for Information:

The following information is provided in response to an inquiry from Commissioner Quintana. According to Metroscan information, which is based on County Assessor records, the lot sizes of the Villa Felice Townhouses are all 4,356 square feet. The town homes range in size from 1,884 to 2,534 square feet. Forty five of the Vasona Terrace units, located south of the subject site, are on a 2,178 square foot lot and have 1,800 square feet of floor area. The 12 other Vasona Terrace units are on a 1,307 square foot lot and contain 1,800 square feet. The amount of open space for each development would need to be researched in the Town archives and is not available at this time.

Under the Noise Compatibility section of the Initial Study, Quintana questioned the source of the noise modeling that was used. The environmental consultant verified that the noise model results are from the Existing Conditions Report included in the General Plan's EIR as Appendix B. This document lists 60dBA (Ldn) at 92 feet for University Avenue from Blossom Hill Road to Lark Avenue.

Commissioner Quintana also questioned the statement in the environmental document that the noise levels generated from the existing roadway traffic would be reduced since the proposed houses are located approximately 70 feet higher in elevation than where the noise is generated. Noise levels are attenuated based on distance. The residences are set back at least 130 feet from University, and the General Plan estimates noise levels at less than 60 dBA (Ldn) at 92 feet. Therefore, any residence located beyond 92 feet would be subject to noise levels below 60 dBA (Ldn), which would be consistent with State Noise Guidelines. At 130 feet, the noise level would be reduced to approximately 58 dBA and the hill would provide some additional attenuation for the majority, if not all of the project. It is important to note that the Town has approved residential developments in the past where noise levels have exceeded the Town's 55-dBA noise guideline but did not exceed the State 60-dBA noise guideline for residential uses.

Commissioner Quintana also questioned what the number of lots and lot sizes were for the preliminary plan that went to the Conceptual Development Advisory Committee. As stated in the report, 26 detached single family units and 17 attached residential units were proposed. The plans were conceptual and the lot sizes were not indicated on the plans.



Bud N. Lortz, Director of Community Development

Prepared by: Sandy L. Baily, Associate Planner

BNL:SLB:mdc

NADEVAREPORTS2005\villa felice.dsk.wpd

Suzanne Davis - Associate Planner
Planning Department
P.O. Box 949
Los Gatos, California 95031

RECEIVED

FEB - 7 2005

Re: 15350 Winchester Blvd.
Planned Development Application PD-04-5
Negative Declaration ND-05-04

TOWN OF LOS GATOS
PLANNING DIVISION

February 5, 2005

Dear Ms. Davis,

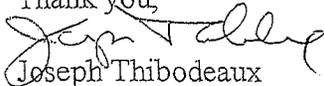
I recently received a public hearing notice regarding the public hearing to be held on Wednesday, February 9, 2005 at 7:00 p.m. to consider the above application by property owner Donald Bersano and applicant Santa Clara Development Company regarding the property at 15350 Winchester Boulevard in Los Gatos, California. I will not be able to attend the meeting, so I am writing to bring up a matter of concern to me.

I live at 15300 Winchester Boulevard, in Unit Number 11. (The Villa Felice Residences.) Presently on the property of Mr. Bersano there is scaffolding to indicate the proposed height of the buildings, which the applicant wishes to construct. The proposed height of the prospective new units along the Villa Felice property line is much too high and its effect on the homeowners at 15300 Winchester Boulevard would be negatively impacted. Homes built at that height next door to us would definitely decrease our property values. Our entire view of Los Gatos-Santa Cruz Mountains would be obstructed. Since the property at 15350 Winchester Boulevard is on a higher grade than our homes at 15300 Winchester Boulevard, this makes the proposed height an even greater problem.

I would request that you and other members of the Planning Commission come out to the Villa Felice property and take a look for yourselves to see why I (and other property owners at Villa Felice) are concerned about the current proposed height of the planned buildings. There are reasonable alternatives available to the Planning Commission that could satisfy all parties. One would be to build homes of greater height in areas nearer the area with Vasona Lake views. The area along the property line of the Villa Felice Residences could be developed at less obtrusive heights. Or the Planning Commission might come up with other acceptable suggestions.

I appreciate your giving consideration to the points of view of the Villa Felice Property Owners in the determination of the above application.

Thank you,



Joseph Thibodeaux

Homeowner Villa Felice Residence Unit 11
15300 Winchester Unit 11

13724 Lexington Court
Saratoga, CA 95070

RECEIVED

FEB - 7 2005

February 4, 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Planning Commission
110 East Main Street
Los Gatos, CA 95030

Ladies/Gentlemen:

I own a townhouse in the Vasona Terrace development next door to the Villa Felice property owed by Donald Bersano.

My opposition to changing the General Plan designation from Low Residential and Neighborhood Commercial to Medium Density Residential concerns the following:

- 1) Thirty-three residential units will put a strain on the water and sewage systems.
- 2) The environmental impact has not been explained other than to say it is "not significant".
- 3) The traffic would increase by a minimum of thirty-three cars, not to mention other commercial traffic needed for refurbishing the units in the years ahead.
- 4) The surrounding property values could diminish, a significant economic factor.

My recommendation for the property is to create a green belt area with lovely rose gardens, blossoming fruit trees and a small coffee shop. The area could be named after Mr. Bersano.

We have willingly and willfully overbuilt our beautiful valley which would benefit from more greenbelt areas. It's a burden we all share. Once in awhile we have an opportunity to make a difference. If the surrounding neighborhood could be convinced that supporting such a green belt area would be to their interest, the plan could be beneficial to all.

Sincerely,



Jan Kyne



ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

**A PRELIMINARY REVIEW OF THE DEVELOPMENT
PROPOSED AT THE VILLA FELICE PROPERTY
15350 WINCHESTER BOULEVARD
LOS GATOS, CALIFORNIA**

RECEIVED

OCT 20 2004

TOWN OF LOS GATOS
PLANNING DIVISION

PROPERTY OWNER: Donald Bersano
APPLICANT: Santa Clara Development Company
APPLICATION #: PD-04-005
NEGATIVE DECLARATION #: ND-05-04
APNS #: 424-29-024 thru 424-29-026

Submitted to:

Sandy L. Baily, AICP
Community Development Department
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

Prepared by:

David L. Babby, RCA
Registered Consulting Arborist #399
Certified Arborist #WE-4001A

October 18, 2004

INTRODUCTION

The Town of Los Gatos Community Development Department has requested I review the tree impacts associated with the development proposed at 15350 Winchester Boulevard (Villa Felice). This report presents my findings and recommendations.

The proposed project involves demolishing an existing motel and restaurant, and constructing 33 new single-family residential homes.

Documents reviewed for this report include the following: {1} a Tentative Map by Santa Clara Development, stamp dated 9/20/04; {2} a Tree Protection Plan (Sheet L0.2) also by Santa Clara Development, not dated; {3} a Tree Survey report by HortScience, Inc., dated 2/98; and {4} a letter by Mr. Ed Brennan of HortScience, Inc., dated 6/18/98.

FINDINGS

A significant amount of additional information is required for the proposed project to comply with the Town's Tree Protection Ordinance, and before the tree impacts can be fully assessed and suitable mitigation provided. Additionally, the trees' "condition" and "suitability for preservation" ratings should be reexamined as there are several trees that appear to have changed from their condition reported in the 1998 Tree Survey. Please note all items required for adherence to the Ordinance are presented in the "Recommendations" section of this report.

The documents reviewed identify 89 trees that will be affected. There are at least an additional 46 "Protected"¹ trees of 15 various species that are located either on site or on neighboring properties, and are vulnerable to damage during development. The majority of these include 12 Camphors, 8 Coast Redwoods, 5 Coast Live Oaks and 5 Monterey Pines.

Trees #161, 163, 164, 172, 177, 181 and 202 appear to have been removed sometime after the Tree Survey report was prepared.

The actual locations of trees #199, 201 and 203 differ from those shown on the "Tree Survey Map" attached to the Tree Survey report. Trees #199 and 201 are located further southeast (on the opposite side of the carport) and tree #203 is situated further west.

¹ "Protected" trees in relation to this project are defined as trees having any trunk with a four-inch or greater diameter; the exception to this includes any fruit or nut tree less than 18 inches in diameter (all measurements are made at three feet above natural grade).

RECOMMENDATIONS

1. Retain the Project Arborist on record for this project, Mr. Ed Brennan of HortScience, to perform the following:
 - a. Inventory all Protected trees that are located {1} on the project site, {2} on neighboring properties with canopies overhanging the site, and {3} along the adjacent public right-of-way within 30 feet of the site.
 - b. The inventory should provide information regarding a tree's species, trunk diameter, height, canopy spread (furthest distance across), health condition, structural integrity, and suitability for preservation. The location of each inventoried tree should also be verified.
 - c. Reevaluate the condition and suitability for preservation of trees already inventoried.
 - d. Review all available plans to determine impacts to existing trees and those intended for installation. Provide comments and suggestions as to whether any project components and/or plans will require further or future evaluation.
 - e. For retained trees, provide design guidelines and specific measures for protecting their longevity and stability before, during and after development. The measures should include a prescribed location for tree protection fencing during demolition and construction.
2. All inventoried trees and their corresponding numbers should be shown on Sheet C-3.
3. Each removed tree assigned a "good" or "moderate" suitability for preservation should be mitigated according to Section 29.10.0985 of the Town Code. Please note this requires modifying the sizes of trees proposed for installation and is dependent upon the Project Arborist's findings. Tree replacements must be selected from the Town of Los Gatos list of recommended trees (available by contacting the Planning Division).
4. The Tree Protection Plan should be revised to clearly show the numbers and species of all inventoried trees (including those not yet surveyed). The plan should also show the additional and updated information by the Project Arborist (such as the change in the trees' condition and those already removed), as well as the recommended location of protective fencing.
5. Dates should be assigned to all plan sheets.

ORDINANCE 2092

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ORDINANCE NO. 1396 RELATING TO THE BOUNDARIES OF THE PLANNED DEVELOPMENT, THE LOT CONFIGURATIONS AND THE DEMOLITION OF A DUPLEX AND GARAGE TO BE REPLACED BY TWO SINGLE FAMILY RESIDENCES, AND AMENDING THE ZONING MAP FROM R-1:8:PD TO RM:5-12 FOR A PORTION OF THE PROPERTY LOCATED AT 15350 WINCHESTER BLVD.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS:

SECTION I

Zoning Map Amendment

The Zoning Map of the Town is hereby amended as shown on Exhibit A.

SECTION II

Uses and Improvements Authorized

The uses and improvements authorized by Ordinance No. 1396 are hereby amended to permit:

1. Demolition of the existing one story duplex, detached garage and shed.
2. Construction of a single family residence on Parcels 2 and 3.
3. All other uses and improvements listed in Ordinance No. 1396 are still valid.

SECTION III

Official Development Plan

The boundary of the Official Development Plan of Ordinance No. 1396 is hereby amended as reflected in Exhibit A (Zone Change Vicinity Map) and the lot lines have been adjusted as reflected in Exhibit B (Development Plans) which are part of the Official Development Plan of Ordinance No. 1396. The following performance standards are part of the Official Development Plan of Ordinance No. 1396 and must be complied with:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT
(*Planning Division*)

1. ARCHITECTURE AND SITE APPROVAL. Separate Architecture and Site approval is required for each of the proposed residences.
2. RECYCLING. All wood, metal, glass and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting type and weight of material, shall be submitted to the Town prior to the Town's demolition inspection.

3. SETBACKS. The side setbacks for the proposed houses on Parcels 2 and 3 shall be a minimum of eight feet.
4. FUTURE DEVELOPMENT. At the time a development is proposed for the Villa Felice site, the access driveways and parking for Villa Felice shall be modified so that they do not cross onto Parcels 2 and 3. The existing connection for the emergency access road through the townhouse development may remain, and may be reconfigured.

(Building Division)

5. DEMOLITION PERMIT REQUIREMENTS: Contact Bay Area Air Quality Management District (415-771-6000) and complete their process as necessary before obtaining a building permit for demolition from the Town Building Department. As part of the permit application process plans shall include all existing structures, existing utility service lines such as water, sewer, P.G. & E. No demolition work shall be done without first obtaining a demolition permit from the Town.
6. NONPOINT SOURCE POLLUTION STANDARDS: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program specification sheet shall be part of plan submittal. The specification sheet (size 24"x36") is available at the Community Development Department counter.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS

(Engineering Division)

7. PARCEL MAP. A parcel map shall be recorded. Two copies of the parcel map shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee.
8. DEDICATIONS. The following shall be dedicated on the parcel map. The dedication shall be recorded before any permits are issued.
 - a. Public Service Easement (PSE). Ten (10) feet wide, as required.
 - b. Ingress-egress, emergency access, storm drainage and sanitary sewer easements, as required.
9. RECIPROCAL EASEMENT. A reciprocal easement shall be granted and recorded prior to the issuance of the final map to allow guests of Parcels 2 and 3 to park in the Villa Felice parking lot.

SECTION IV

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on November 19, 2001, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on December 3, 2001. This ordinance takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steven Blanton, Sandy Decker, Steve Glickman, Joe Pirzynski,
Mayor Randy Attaway

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:/s/ Randy Attaway
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

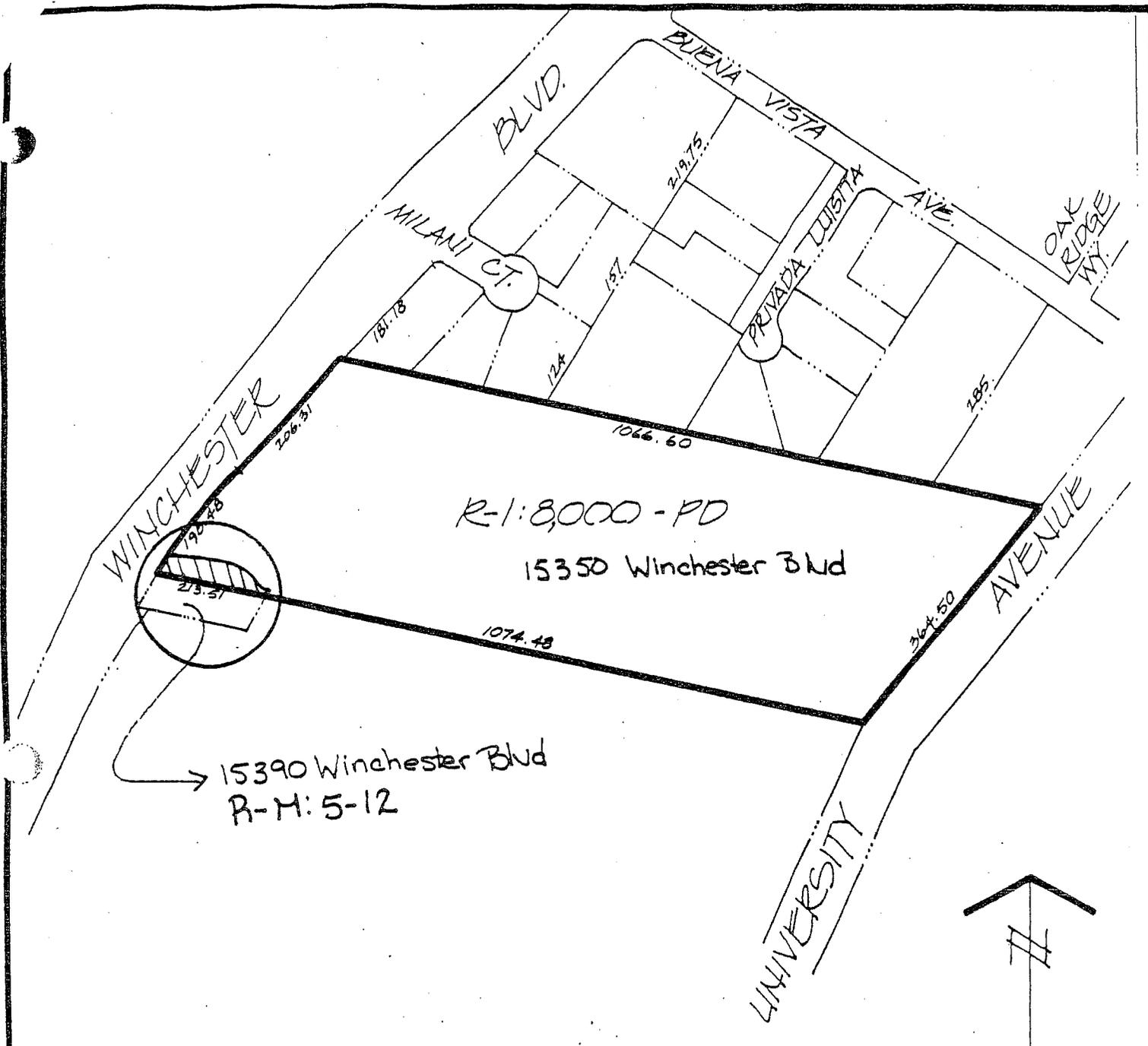


EXHIBIT A SCALE: 1" = 200'

TOWN OF LOS GATOS

Application No. PD-01-1. Change of zoning map amending the Town Zoning Ordinance.

Zone Change from B-1:8:PD to RM:5-12
 Rezoning to _____

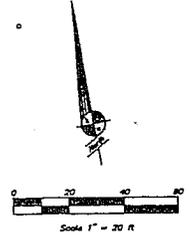
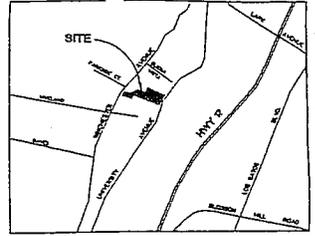
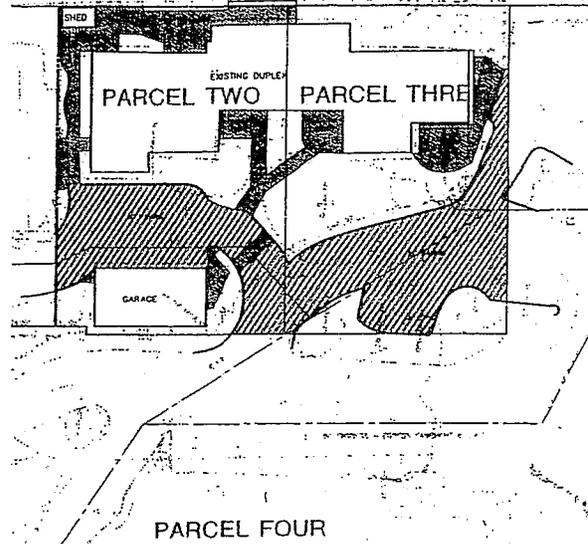
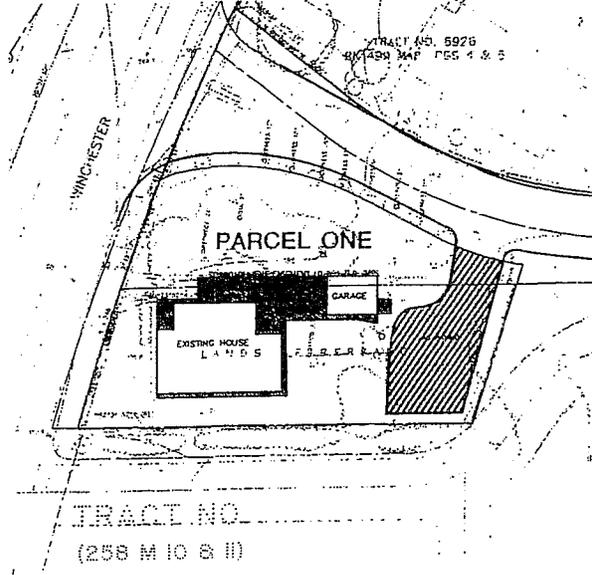
Recommended by Planning Commission date 9.26.01

Approved by Town Council date 12/3/01 Ord. 2092
 Town Clerk _____ Mayor _____

PARCEL ONE	
BUILDING AREA	12948 SQ. FT.
GARAGE AREA	2908 SQ. FT.
AC PAVING AREA	14912 SQ. FT.
CONCRETE AREA	9288 SQ. FT.

PARCEL TWO	
BUILDING AREA	26356 SQ. FT.
GARAGE AREA	8488 SQ. FT.
SHED AREA	858 SQ. FT.
AC PAVING AREA	24238 SQ. FT.
CONCRETE AREA	17372 SQ. FT.

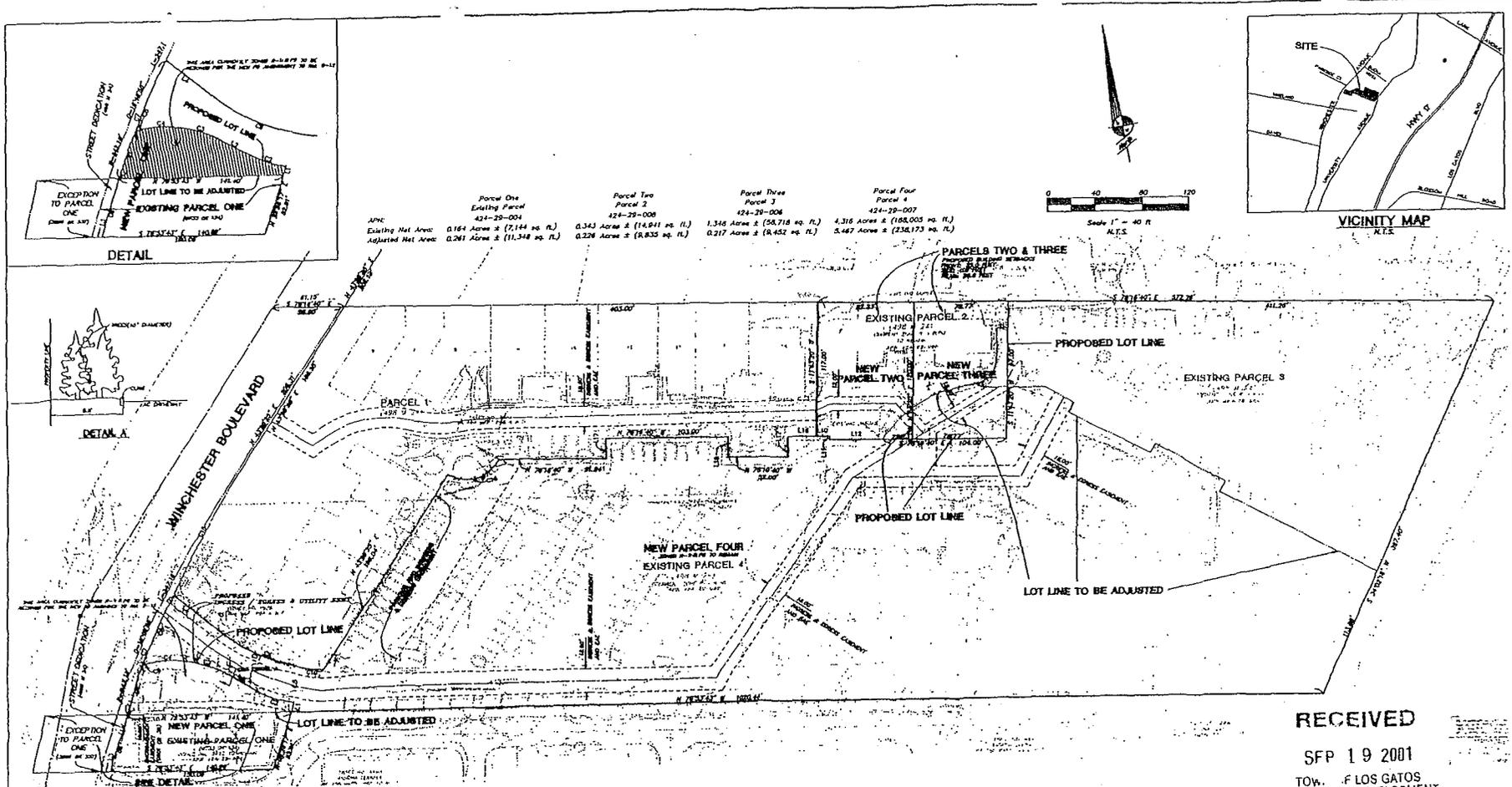
PARCEL THREE	
BUILDING AREA	20762 SQ. FT.
AC PAVING AREA	30432 SQ. FT.
CONCRETE AREA	8322 SQ. FT.



RECEIVED
SEP 19 2001
TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT

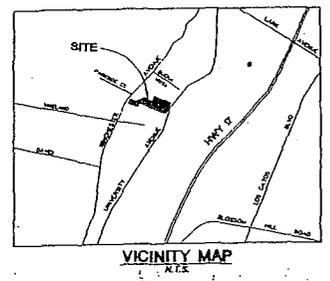
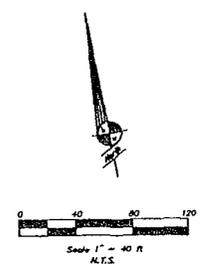
BUILDING & HARDSCAPE AREAS
 FOR LOT LINE ADJUSTMENT EYRHRIT
 KIER & WRICH
 CIVIL ENGINEERS & SURVEYORS, INC.

DATE	NAME
SCALE	
COMPILED	
DRAWN	
CHECKED	
NO.	
2	



Parcel One
Parcel Two
Parcel Three
Parcel Four

APN: Existing Net Area: Adjusted Net Area: 0.164 Acres ± (7,144 sq. ft.)
 424-29-004 0.343 Acres ± (14,811 sq. ft.)
 424-29-008 0.236 Acres ± (10,325 sq. ft.)
 424-29-006 0.217 Acres ± (9,452 sq. ft.)
 424-29-007 5.487 Acres ± (236,173 sq. ft.)



ABBREVIATIONS

ASPHALIC CONDUIT	AC	SANITARY SEWER CLEAN OUT
BACK OF CURVE	BC	SANITARY SEWER MANHOLE
CHAIN BASH	CB	STEAM DRUM MANHOLE
ELECTRICIAN	EL	STREET LIGHT POLE
FACE OF CURVE	FC	TOP OF CURVE
FIRE HYDRANT	FH	WATER VALVE
		ELECTRIC TRANSFORMER
		EMERGENCY ACCESS EASEMENT

LEGEND

SSOO	PROPERTY LINE
CSOH	CENTRLINE
SDAH	LOT LINE TO BE ADJUSTED
SLR	EASEMENT
CRS	CURB
PC	POLE
BEANS	NO STANDARD CITY MOUNTAIN
ELECTRICIAN	ELECTRICIAN
FIRE HYDRANT	FIRE HYDRANT
MANHOLE	MANHOLE
UTILITY POLE	UTILITY POLE
VALVE	VALVE
SOV	SOV
TREE 4" DIA	TREE 4" DIA
SPOT ELEVATION	SPOT ELEVATION

NOTES

1. Topographic Provided by Mackey & Songer dated 1/25/06 and supplemented by a Topographic Survey dated May 24, 2000 Survey by Kier & Wright, Civil Engineers & Surveyors, Inc.
 2. Owners: Howard F. Bersano, Fale Edward Bersano and Donald Bersano 15150 & 15190 Winchester Blvd. Los Gatos, CA 95030
 3. Applicant: Don Bersano 15150 Winchester Blvd. Los Gatos, CA 95030
 4. Drawing prepared by: Jimmy J. Vogt L.S. 6236 Kier & Wright Civil Engineers & Surveyors, Inc. 11500 Scott Boulevard, Building 22, Santa Clara CA 95054
 5. No proposed improvements.
 6. Source of water: Public San Jose Water Company
 7. Sewage disposal: West Valley Sanitation District
 8. Bearings and distances complete from Federal data.
 9. The subject property is shown on the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel number 060333 0001 A, dated January 17, 1979, as being in Flood Zone "0".
- Areas between limits of the 100-year flood and 50-year flood, or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile, or areas protected by levees from the base flood.

LINE TABLE:

LINE	BEARING	DISTANCE	CURVE	RADIUS	DELTA	LENGTH
L1	N 78° 24' 17" E	7.34'	C1	948.00'	1° 32' 36"	31.05'
L2	S 30° 54' 41" E	32.31'	C2	98.00'	11° 23' 00"	32.16'
L3	S 78° 14' 42" E	8.16'	C3	100.00'	18° 11' 36"	28.96'
L4	S 40° 00' 00" E	30.00'	C4	90.00'	28° 11' 25"	32.50'
L5	N 78° 24' 17" E	28.32'	C5	18.00'	22° 02' 11"	6.36'
L6	N 30° 15' 00" E	10.00'	C6	175.00'	32° 14' 34"	38.91'
L7	S 30° 15' 00" E	8.00'	C7	948.00'	8° 37' 08"	108.31'
L8	N 30° 45' 00" E	28.00'	C8	948.00'	7° 11' 06"	82.26'
L9	N 11° 42' 20" E	5.00'	C9	948.00'	4° 06' 11"	67.96'
L10	S 78° 14' 42" E	11.00'	C10	175.00'	3° 13' 46"	17.39'
L11	N 11° 42' 20" E	3.00'	C11	100.00'	28° 43' 46"	41.39'
L12	S 78° 14' 42" E	48.00'	C12	23.00'	20° 38' 17"	8.27'
L13	S 11° 42' 20" E	23.00'	C13	100.00'	34° 28' 11"	31.32'
L14	N 78° 14' 42" E	8.00'	C14	23.00'	42° 48' 03"	23.32'
L15	S 11° 42' 20" E	25.86'	C15	948.00'	7° 15' 08"	132.07'
L16	N 78° 14' 42" E	24.00'	C16	30.00'	88° 31' 18"	38.96'
L17	S 11° 42' 20" E	18.00'				
L18	N 11° 42' 20" E	18.00'				

RECEIVED

SFP 19 2001

TOW. OF LOS GATOS
COMMUNITY DEVELOPMENT

PD-01-1

EXHIBIT B

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
11500 Scott Boulevard, Building 22
Santa Clara, California 95054 FAX: (408) 737-5041

LOT LINE ADJUSTMENT
FOR: BERSANO
15390 WINCHESTER BLVD.
LOS GATOS, CALIFORNIA

DATE: AUGUST, 2001
SCALE: 1"=40'
DRAWN BY: JCS
CHECKED BY: JCS
SHEET: 1
OF 2 SHEETS



**SANTA CLARA
DEVELOPMENT**
An affiliate of Robson Communities

January 28, 2005

M. Bud Lortz
Director of Community Development
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RECEIVED

JAN 31 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Mr. Lortz:

The purpose of this letter of justification is to explain how this development application furthers the goals of the General Plan and meets the intent of its policies in order to achieve the Town's vision. As emphasized in the Town's General Plan, promoting, preserving and protecting the small town character and quality of life in the Town of Los Gatos is of the utmost importance. Accordingly, it is important for any proposed development to be measured against this vision.

This letter is submitted with the development application for 15350 Winchester Boulevard. Santa Clara Development Company is applying to change the General Plan for this property from a combination of Low Density Residential and Neighborhood Commercial to Medium Density Residential, 5-12 units per acre and a modification of the existing PD Zoning.

I. Project & Site Description

The proposed project is a residential neighborhood comprised of thirty-three (33) homes: twenty-eight (28) market-rate homes, five (5) Below Market Price homes (BMPs) and a common open space.

The subject site is 5.9 acres and is currently occupied by the Villa Felice Lodge, including a restaurant and a 33-room motel. The site is surrounded on all sides by residential uses: townhomes to the north and south and single-family detached homes to the northeast. To the west is Winchester Boulevard, and to the east the property ends at a ridgeline overlooking Vasona Park. The site is long and rectangular in shape with a single point of entry from Winchester Boulevard. The land is generally flat, with a gentle slope from the ridgeline towards Winchester Blvd.

The density of the proposed neighborhood is 5.6 du/acre, which is 27% less than that of the adjacent townhomes that predominate the neighborhood. The density of the Villa Felice Townhomes to the north is 7.6 du/acre and the density of the Vasona Terrace Townhomes to the south is 7.8 du/acre.

II. Background

Pursuant to General Plan Policy 1.2, which encourages applicants to engage in early discussions with the Town, we have worked diligently with Town staff, the Town Architect, development committee members and the community to ensure that the

design of our proposed project is of the highest quality and fits into the fabric of the community.

The process of community outreach began in December 2003, when we met with the Conceptual Development Advisory Committee (CDAC) to present our initial plan. At this meeting, members of the CDAC expressed their concern over the density of the site as well as their concern for the lack of a sense of community. Their concerns about density prompted us to modify our plan, which resulted in reducing the number of homes from 43 to 34 homes. We also responded in writing to their additional comments and concerns (See attached *Responses to CDAC Meeting*).

In January 2004, we met with Bud Lortz, Director of Community Development, and the Town Architect, Larry Cannon of Cannon Design Group, for a follow-up meeting to review our plan for further design direction. At this meeting, our goal of creating a unique development that fostered a sense of neighborhood was recognized by the Town Architect, including our unique approach to housing, which focused on making smaller homes live large. Although Mr. Cannon believed that our concept had merit, he felt that it could be better executed by eliminating the condominiums on the ridge and creating more single-story elements. We incorporated these suggestions into our plans.

In April 2004, we met with the Planning Commission at a Study Session and discussed the proposed land use change at length. The Planning Commission expressed their support for the proposed change in a straw vote of 6 – 1 in favor. In June 2004, a public meeting was held at which the Town's General Plan Committee also voted 5 - 1 in favor of changing the land use to residential.

Throughout this process, we have held several neighborhood meetings with adjacent property owners, including the two neighboring homeowner associations. These meetings, in addition to the aforementioned public hearings, have provided opportunities for community members to voice their opinions. While the overall responses from the neighbors and community members have been positive, some expressed concerns over issues such as density, privacy and traffic.

Since the public hearings and neighborhood meetings, we have addressed the concerns that were raised and continued to improve our plans. We reduced our total unit count to 33 and purchased an additional 20,000 square feet of land to bring the density down to 5.6 du/acre. We also redesigned the BMPs to look like the market-rate homes and spread them throughout the neighborhood so that they are indistinguishable. In response to specific concerns about privacy from adjacent single-family homeowners, we adjusted our site plan, reorienting the homes on the NE corner of the site and increasing their rear-yard setbacks to be consistent with neighboring properties.

Although the Town does not require it, we also conducted a traffic study, as this is an important means of exploring the effects that a proposed use may have on the quality of life of the surrounding neighborhood. This study concluded that the proposed project would generate less traffic than the current use. This is consistent with T.P.1.8, which states, "New projects shall not cause the L.O.S. for intersections to drop more than one level if it is at Level A, B or C, and not drop at all if it is at D or below (General Plan page T-5)." More specifically, at the two nearest major intersections, Winchester/Lark and Winchester/Blossom Hill, the level of service with the proposed use will remain the same.

Land Use

The first Land Use Goal as outlined in the General Plan is to "preserve, promote and protect the existing small town character and quality of life within Los Gatos (General Plan page L-5)." In order to accomplish this goal, L.P. 1.7 requires that "in-fill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area, not detract from the existing quality of life) (General Plan page L-6)." The site currently sits as an island of commercial use within an otherwise residential area. Changing the land use to residential will unify the neighborhood and remove this inconsistent land use pattern. Additionally, the quality of life in the neighborhood will improve as the inherent conflicts that occur with a commercial use located next to residential properties will be removed.

The second set of the Town's Land Use Goals has to do with the density of new development and the relative intensity of building types. Proposed developments are called to be consistent in density and intensity with surrounding development and not to visually impact their neighbors. The proposed density is 5.6 du/acre, which is 27% less than adjacent densities (7.8 du/acre to the south and 7.6 du/acre to the north). Additionally, the mass and scale of the new homes are less than the adjacent 8-unit attached townhome buildings. The new homes feature an extensive use of carefully placed one-story elements and large set backs between two-story elements, which create a human scale streetscape and contribute to an overall openness in the neighborhood. The new homes will also be less massive with respect to the existing hotel and restaurant buildings. This will improve the view of the ridgeline and protect the viewshed of Vasona Park, as is consistent with Land Issue # 8 of the General Plan, which calls the Town to preserve its natural beauty.

The third Land Goal for the Town is to "maintain the existing character of residential neighborhoods... (General Plan page L-11)." To achieve this, L.P. 3.4 calls for the Town to "prohibit uses that may lead to deterioration of residential neighborhoods, or adversely impact the public safety or the residential character of a residential neighborhood (General Plan page L-11)." The vacant restaurant, expansive parking lot and marginally operating hotel are not positive elements in this neighborhood and will contribute to long-term problems. The restaurant has not been in operation for the past 5 years, nor has it had a viable commercial offer for the past 10 years. The motel is operating at 30% occupancy. These conditions increase the likelihood for undesirable activities, such as vagrancy and loitering. Additionally, as these conditions are not sustainable from a business perspective, the condition of the site will likely only worsen. The current commercial use is an attractive nuisance that takes away from the quality of life in the area. Replacing this run-down commercial property with an attractive enclave of homes will enhance the character of the surrounding neighborhood.

Land Issue # 3 of the Town's General Plan states: "Residential neighborhoods in Los Gatos are attractive and well-maintained. Planning for neighborhood preservation and protection is one of the most important purposes of the Town's General Plan." Changing the land use on this site to residential does just this. It ensures that the surrounding residential neighborhoods are preserved and protected. This proposed land use change has been studied at length, including public hearings before the General Plan Committee

and the Planning Commission, both of which have recommended approval. It is a positive change for the neighborhood and is consistent with the Town's General Plan.

Site Plan and Architecture

Preserving the special character of Los Gatos is a central theme in the Town's General Plan. Community Design Goal 1.1 calls on the Town to "Preserve and enhance the Town's character through exceptional community design (General Plan page CD-1)." Additionally, L.P.1.1 calls new developments to be "of high quality design and construction, a positive addition to and compatible with the Town's ambiance (General Plan page L-5)." This theme runs throughout the various sections of the General Plan, but the message remains the same: The Town of Los Gatos has a unique character and quality of life that are of the utmost value to the community. We embraced this idea, creating an enclave of homes with ambiance and character through the careful execution of architectural design, site planning and landscape design.

One of Los Gatos' special qualities is its sense of place. In the proposed neighborhood, elements of site planning are used to create this same unique ambiance. Aligning the street down the middle of the neighborhood balances the community and creates a view corridor for all residents to enjoy. Situating the open space at the end of the street enhances the view of the ridgeline, creating a focal point, destination and a gathering place for residents. A sense of arrival to the neighborhood is created with strong entry elements, including the use of existing and new cypress trees, a landscape median and special paving treatment.

Another of Los Gatos' greatest attributes is its village-like character, which comes from the abundance and variety of architectural styles and details in the Town's neighborhoods. Issue #1 of the General Plan states, "The small town heritage, natural setting and architectural diversity make our town unique. Preserving these attributes is important to this community. (General Plan L-5)." The proposed plan features a variety of attractive homes rich with architectural detail. Additionally, the homes are specifically designed to bring a human scale to the neighborhood. The architectural design incorporates many aspects of early California homes reminiscent of the turn of the century Spanish Bungalow architecture. Detailed iron work, clay roof tiles, real wood front doors and beautiful balconies enhance this theme. 11 distinct architectural elevations a wide variety of unique color palettes provide individual character to each home. A generous use of single-story elements, including courtyards and porches oriented towards the street, and the de-emphasis of garage doors adds to the quaint feeling of the neighborhood.

The landscape design reinforces the goals of the site plan and architecture and creates a unified neighborhood with an inviting streetscape. The low stone wall and large fruitless olive trees that run throughout the neighborhood give the variety of homes a constant rhythm, composing their architectural details together into a neighborhood of beauty and character. These consistent landscape elements tie the neighborhood together while at the same time create a canvas on which the rich details of the architecture can be appreciated.

Energy Conservation

The proposed homes are designed with several energy conservation measures. Pre-plumbing for solar water heaters provided in all homes, and most rooms in the homes are fitted with operable windows on at least two walls to encourage cooling by

natural ventilation. Deep overhangs adorn approximately 50% of the homes, which reduce sunlight penetration into openings. Passive solar heating and cooling is accomplished through use of selected trees and architectural design. In addition, selected deciduous trees allow light to pass through to homes during winter months while providing shade during summer months, resulting in lower energy bills for the homeowners.

Conclusion

The Vision for Los Gatos as written in the Town's General Plan states: "The impacts of a new development must be evaluated in light of the development's overall community benefit. In addition, the benefit of a new development must be measured against the ability of the proposed development and its architectural style to harmonize with existing development while minimizing the impacts on existing residential neighborhoods... (General Plan page I-1)." The proposed development fulfills these requirements in many facets. It is a positive addition to the Town, eliminating a potential blight, unifying a residential area and adding attractive new housing to the Town. In addition, upon completion of this project, the annual property tax revenue generated from this site will increase from approximately \$46,000 to approximately \$552,000.

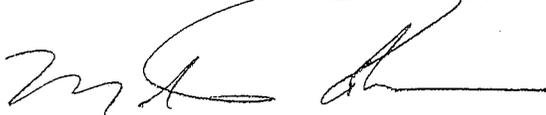
The proposed plan will benefit the community by providing much needed housing opportunities for families that would otherwise not have them. We have recently increased the number of BMP units in our plan from the required 4 homes to 5 homes. This is important because it provides additional opportunities for the broad economic spectrum of residents who contribute to the Town's business, workforce and services.

We have looked for additional ways to give back to the community throughout the development process. We will create a commemorative plaque dedicated to the Villa Felice Lodge to be placed at the open space over-looking Vasona Park. In addition, we will be donating all of the furniture and linens from the hotel to a charity organization, such as New Start Furniture Fund, which provides household goods and furniture directly to needy families. We will also offer the usage of the facilities to the Town's fire and police departments for training purposes prior to the start of construction.

Fundamentally, the proposed neighborhood will be a benefit to the Town by helping preserve, promote and protect the special character and quality of life within the town. Collaborative work with Town staff, development committees and community members has resulted in a plan for a positive change and addition to the Town that is both reflective of community interest and of design excellence. The details of this plan, including the attractive architecture, the carefully designed site plan and generous landscaping plan, work together to create character, interest and a sense of place worthy of the Town's consideration.

Sincerely,

SANTA CLARA DEVELOPMENT COMPANY



Mark Robson
President



TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

(408) 354-6872 Fax (408) 354-7593

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

RECEIVED
DEC 22 2003

December 19, 2003

Rick Knauf
Santa Clara Development Co.
2185 The Alameda
San Jose, CA 95126

RE: 15350 Winchester Blvd
Conceptual Development Application CD-04-2

Requesting preliminary review of plans to demolish the existing motel and restaurant and to construct 26 single family detached units and 17 attached residential units on property zoned R-1:8:PD.

PROPERTY OWNER: Donald Bersano

APPLICANT: Santa Clara Development Co.

On December 10, 2003, the Conceptual Development Advisory Committee reviewed your application. The Committee identified concerns or deficiencies with your proposal which are outlined in the attached meeting minutes.

If you wish to proceed with this project, you should work with Town staff toward the submission of a formal proposal to the Development Review Committee responding to these issues and any additional issues that may be identified as part of the more extensive staff review. It is recommended that you meet with staff before you submit a formal application to the Town.

There are various application fees for the submittal of a development application to the Town that must be paid at the time the application is submitted. A summary of these fees is available from the Community Development Department.

Sincerely,

Bud N. Lortz
Director of Community Development

BNL:mdc

cc: Donald Bersano, 15350 Winchester Blvd, Los Gatos, CA 95030

Attachment

N:\DEV\CD\ACLETTERS\15350WIN.wpd

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 DECEMBER 10, 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: Jeanne Drexel

Sandy Decker
Steve Glickman
Paul Dubois
Joanne Talesfore

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

ITEM 1: 15350 Winchester Blvd
Conceptual Development Application CD-04-2

Requesting preliminary review of plans to demolish the existing motel and restaurant and to construct 26 single family detached units and 17 attached residential units on property zoned R-1:8:PD.

PROPERTY OWNER: Donald Bersano

APPLICANT: Santa Clara Development Company

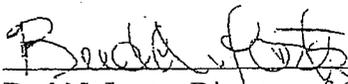
Comments:

- Density is too high. Should be reduced by approximately one third.
- How will this proposal fit with the sense of the Town?
- What is the view impact from Lake Vasona?
- During peak hours there may be a traffic impact with the single driveway entrance to the development.
- The use of porches is a good concept.
- Linear parks could create safety problems. Situate development so that there is an "eye" on the park.
- Will the market support the proposed house size?
- Seniors may not be interested in the units due to the stairs.
- Two covered parking spaces should be provided for the units.
- Concern that the view is being lost from the top down.
- Hold neighborhood meetings with adjacent homeowners association in Los Gatos and Monte Sereno and contact the City of Monte Sereno.
- Provide more open space to create a more rural character.

- The development needs to be excellent in design and provide a central theme for the community. The site provides a great opportunity for a sense of place.
- Development needs to be opened up and a sense of community needs to be created. The proposal is too structured.
- The proposed pathways do not make a desirable walkway.
- A three story element is not favored. Look at creating one and two story designs.
- Provide multiple viewpoints of the lake that the units can take advantage of.
- Zero lot lines may be an issue.
- A traffic study may be required to deal with concerns on Winchester Blvd. Traffic calming measures may be required.
- The proposal separates the different units. The development needs to be more integrated as a community.
- Look at providing quality transitional housing in conjunction with the motel and restaurant.
- Look at ideas for providing a community return for the land.
- Bring in some alternative designs.
- In preparing presentations, ensure that they are comprehensible to the general public. Computer simulations recommended.
- A community charrette is recommended for developing the site.
- Grading on the ridge is a problem.

ADJOURNMENT Meeting adjourned at 5:20 p.m. The next regular meeting of the Conceptual Development Advisory Committee is Wednesday, January 14, 2003.

Prepared by:



Bud N. Lortz, Director of Community Development

cc: Planning Commission Chair

N:\DEV\CDAC\MINUTES\2003\12-10-03.cda.wpd

Response to CDAC Meeting Comments

We have specifically outlined our response to all CDAC comments below:

- . *Density is too high. Should be reduced by approximately one third.*
- . The number of units has been reduced from 43 homes to 33 homes.

- . *How will this proposal fit with the sense of the Town?*
- . The site plan and architecture have been integrated to create a unique neighborhood designed to focus on the park while preserving views of Vasona Lake and beyond.

- . *What is the view impact from Lake Vasona?*
- . The homes will have less of an impact on the view from the ridgeline as do the existing restaurant and hotel.

- . *During peak hours there may be a traffic impact with the single driveway entrance to the development.*
- . A traffic study has been completed for the project comparing existing uses with the new plan. The peak hour trips and overall trips are drastically reduced based on the new plan.

- . *The use of porches is a good concept.*
- . The porches were included on a product that is no longer being used. The proposed homes feature variety of carefully selected architectural details and elements ensuring that the neighborhood is of excellence in design.

- . *Linear parks could create safety problems. Situate development so that there is an "eye" on the park.*
- . The site plan has been changed so that the open space on the bluff is the focal point of the development.

- . *Will the market support the proposed house size?*
- . Through our research, we are comfortable with the size of these homes in the market.

- . *Seniors may not be interested in the units due to the stairs.*
- . We specifically redesigned one of the homes to include a master bedroom on the first floor.

- . *Two covered parking spaces should be provided for the units.*
- . All market rate units have two-car garages and the BMPs have one-car garages. Visitor parking is distributed throughout the site and totals 30 spaces.

- . *Concern that the view is being lost from the top down.*
- . The three-story condominiums have been replaced by two-story homes and the open space size has been increased.

- . *Hold neighborhood meetings with adjacent homeowners association in Los Gatos and Monte Sereno and contact the City of Monte Sereno*
- . Please see comments in the letter of justification.

- . *Provide more open space to create a more rural character.*
- . This has been accomplished by reducing the density.

- . *The development needs to be excellent in design and provide a central theme for the community. The site provides a great opportunity for a sense of place.*
- . A neighborhood is more than a collection of buildings; it is a "place." A place is about people. Our goal is to use excellent site and architectural design to create opportunities for people to interact with one another and foster a true sense community.

- . *Development needs to be opened up and a sense of community needs to be created. The proposal is too structured.*
- . The site plan has been modified to address these items.

- . *The proposed pathways do not make a desirable walkway.*
- . We changed the site plan to eliminate this issue.

- . *A three-story element is not favored. Look at creating one and two story designs.*
- . The three-story condominiums have been replaced by two-story homes with an abundance of one-story elements.

- . *Provide multiple viewpoints of the lake that the units can take advantage of.*
- . One large public viewpoint on the bluff has been established and several homes will have views from the site.

- . *Zero lot lines may be an issue.*
- . To address this concern, we have carefully positioned one-story elements adjacent to the yards thereby increasing their natural light, openness and privacy.

- . *A traffic study may be required to deal with concerns on Winchester Blvd. Traffic calming measures may be required.*
- . A traffic study has been completed for the project.

- . *The proposal separates the different units. The development needs to be more integrated as a community.*
- . The design has been changed.

- . *Look at providing quality transitional housing in conjunction with the motel and restaurant.*
- . Keeping the current uses and required parking would not allow for suburban residential development in addition to existing uses; Bud Lortz confirmed this in the CDAC meeting. The restaurant/motel use is not consistent with surrounding residential uses.

- . *Look at ideas for providing a community return for the land.*
- . The site has had marginal success as a restaurant and hotel. For this reason and the reasons discussed in this letter, the site is of questionable commercial value. As pointed out by the CDAC, the site creates a great opportunity for a sense of place. The site is best suited for residential use and provides an incredible opportunity for a truly great neighborhood. Additionally, the proposed plan creates much needed housing for the Town including 5 BMP units, one more home than required by the Town. Public views are being maintained on the ridge and excellence in design is our expectation.
- . *Bring in some alternative designs.*
- . Through our discussions with Town staff and Larry Cannon, the plans have evolved and this submittal reflects our 7th design concept.
- . *In preparing presentations, ensure that they are comprehensible to the general public. Computer simulations recommended.*
- . We will use a Power Point computer presentation at the study session.
- . *A community charrette is recommended for developing the site.*
- . We are had a study session on April 28th.
- . *Grading on the ridge is a problem.*
- . The homes on the ridge have been pulled back farther than the footprint of the existing motel.



ARCHITECTURE PLANNING URBAN DESIGN

October 20, 2004

Ms. Sandy Baily
Community Development Department
Town of Los Gatos
110 E. Main Street
P.O. Box 949
Los Gatos, CA 95031

RE: Villa Felice

Dear Sandy:

I reviewed the drawings that you forwarded. I really have no comments to add. The design looks very good to me, and I was happy to see a slightly different type of multi-home project than I normally review. The homes should be very nice, relate well one to the next, and the site plan and landscaping should produce a pleasant environment. Please give a call if you have any questions or if I have missed something important.

Sincerely,
CANNON DESIGN GROUP

A handwritten signature in cursive script, appearing to read 'Larry L. Cannon', is written over the typed name.

Larry L. Cannon AIA AICP
President

HORTSCIENCE INC.

TREE REPORT
Villa Felice
Los Gatos CA

PREPARED FOR
Santa Clara Development Co.
2185 The Alameda
San Jose CA 95126

PREPARED BY
HortScience, Inc.
4125 Mohr Ave., Suite F
Pleasanton CA 94566

November 19, 2004

TREE PRESERVATION REPORT

Villa Felice

Los Gatos CA

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Attachments

Tree Survey Map

Tree Survey

Introduction and Overview

Santa Clara Development Co. is planning to redevelop the Villa Felice site in Los Gatos. The proposed project would build a residential housing development on the site. HortScience, Inc. was asked to prepare a Tree Report for the site for review by the Town of Los Gatos.

This report provides the following information:

1. A survey of trees within the proposed project area.
2. An assessment of the impacts of constructing the proposed project on the trees.
3. Guidelines for tree preservation during the design and construction phases of development.

Survey Methods

HortScience, Inc. prepared a Tree Survey Report for this site for a prior development proposal in 1998. This report updates the information provided in the earlier report, and adds trees not then included, as requested by the Town of Los Gatos. The survey included trees 4" in diameter and greater. The survey procedure consisted of the following steps:

1. Identifying the tree as to species and estimating its height;
2. Tagging each tree with an identifying number and recording its location on a map;
3. Measuring the trunk diameter (36" above grade) and crown spread;
4. Evaluating the health and structural condition using a scale of 1 – 5:
 - 5 - A healthy, vigorous tree, reasonably free of signs and symptoms of disease, with good structure and form typical of the species.
 - 4 - Tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.
 - 3 - Tree with moderate vigor, moderate twig and small branch dieback, thinning of crown, poor leaf color, moderate structural defects that might be mitigated with regular care.
 - 2 - Tree in decline, epicormic growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.
 - 1 - Tree in severe decline, dieback of scaffold branches and/or trunk; most of foliage from epicormics; extensive structural defects that cannot be abated.
5. Rating the suitability for preservation as "good", "moderate", or "poor".
Suitability for preservation considers the health, age and structural condition of the tree, and its potential to remain an asset to the site for years to come.

- Good:** Trees with good health and structural stability that have the potential for longevity at the site.
- Fair:** Trees with somewhat declining health and/or structural defects than can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'good' category.
- Poor:** Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes, and generally are unsuited for use areas.

Description of Trees

One hundred forty-seven (147) trees were evaluated. Our 1998 survey included 69 trees. Seven of these were removed (#161, 163, 164, 172, 177, 181, and 202). The current survey added 85 new trees. Descriptions of each tree are found in the *Tree Survey* and locations are plotted on the *Tree Survey Map* (see Attachments). A summary is provided in Table 1.

The tree population at Villa Felice represents a high degree of species diversity. Thirty-three species were present (Table 1). The most frequently occurring species was Monterey pine (25% of the population). Coast redwood (12%), Italian cypress (11%), and coast live oak (9%) were also well represented. Tree size ranged from 4" to 49" diameter.

Table 1: Condition ratings and frequency of occurrence of trees.

Common Name	Scientific Name	Condition Rating			No. of Trees
		Poor (1-2)	Fair (3)	Good (4-5)	
Bailey acacia	<i>Acacia baileyana</i>		1	1	2
Strawberry tree	<i>Arbutus unedo</i>			1	1
Beefwood	<i>Casuarina stricta</i>	1			1
Deodar cedar	<i>Cedrus deodara</i>		1	3	4
Redbud	<i>Cercis sp.</i>	1			1
Camphor	<i>Cinnamomum camphora</i>	1	8		9
Lemon	<i>Citrus limon</i>			1	1
Italian cypress	<i>Cupressus sempervirens</i>		1	15	16
Red gum	<i>Eucalyptus camaldulensis</i>	7			7
Beech	<i>Fagus sp.</i>			1	1
Kumquat	<i>Fortunella sp.</i>		1		1
Black locust	<i>Gleditsia pseudoacacia</i>	1			1
English holly	<i>Ilex aquifolium</i>	1			1
Jacaranda	<i>Jacaranda mimosifolia</i>			1	1
Hollywood juniper	<i>Juniperus chinensis</i> 'Kaizuka' 1		2		3
Crepe myrtle	<i>Lagerstroemia indica</i>		2	2	4
Glossy privet	<i>Ligustrum lucidum</i>		1		1
Sweetgum	<i>Liquidambar styraciflua</i>		1	1	2
Tulip tree	<i>Liriodendron tulipifera</i>			1	1
Southern magnolia	<i>Magnolia grandiflora</i>		1		1
Fruitless mulberry	<i>Morus alba</i>			1	1
Oleander	<i>Nerium oleander</i>		4		4
Monterey pine	<i>Pinus radiata</i>	18	17	2	37
Japanese blk. pine	<i>Pinus thunbergiana</i>		4		4
Torrey pine	<i>Pinus torreyana</i>		1		1
Victorian box	<i>Pittosporum undulatum</i>			1	1
Peach	<i>Prunus persica</i>			1	1
Prunus sp	<i>Prunus sp</i>		1	1	2
Evergreen pear	<i>Pyrus kawakamii</i>		3		3
Coast live oak	<i>Quercus agrifolia</i>		6	7	13
Blue oak	<i>Quercus douglasii</i>		2		2
Valley oak	<i>Quercus lobata</i>		2		2
Coast redwood	<i>Sequoia sempervirens</i>		14	3	17
Total		31 21%	73 50%	43 29%	147 100%

Tree condition was fair (50%) to good (29%).

Thirty-one trees were in poor condition (21%). Most of trees in poor condition were either Monterey pines or red gum. The Monterey pines are in general decline due to age and general site conditions. The red gums, growing on the slope above the Vasona Reservoir, were topped (presumably for view considerations) and therefore poorly structured.

Coast redwood, coast live oak, blue oak, and valley oak, are native to the area and may be indigenous to the site. The other 29 species are exotic.

Suitability for Preservation

Before evaluating the impacts that will occur during development, it is important to consider the quality of the tree resource itself, and the potential for individual trees to function well over an extended length of time. Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape.

Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. For trees growing in open fields, away from areas where people and property are present, structural defects and/or poor health presents a low risk of damage or injury if they fail. However, we must be concerned about safety in use areas. Therefore, where development encroaches into existing plantings, we must consider their structural stability as well as their potential to grow and thrive in a new environment. Where development will not occur, the normal life cycles of decline, structural failure and death should be allowed to continue.

Evaluation of suitability for preservation considers several factors:

Tree health

Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.

Structural integrity

Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.

Species response

There is a wide variation in the response of individual species to construction impacts and changes in the environment. In our experience, for example, southern magnolia is sensitive to construction impacts, while coast live oak is tolerant of site disturbance.

Tree age and longevity

Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change. The potential longevity of the Monterey pines is low because of the mature age and infection with pitch canker.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

We consider trees with good suitability for preservation to be the best candidates for preservation. We do not recommend retention of trees with low suitability for preservation in

areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Table 2: Tree Suitability for Preservation

Good These are trees with good health and structural stability that have the potential for longevity at the site. Thirty-six (36) trees were rated as having good suitability for preservation.

Tree No.	Species	Trunk Diameter (inches)
118	Italian cypress	13
119	Italian cypress	13
120	Italian cypress	10
121	Italian cypress	8,6
122	Italian cypress	12
123	Italian cypress	11
124	Italian cypress	10
152	Italian cypress	10
153	Italian cypress	14
171	Deodar cedar	31
180	Deodar cedar	31
186	Coast live oak	10
187	Coast live oak	16,12
195	Italian cypress	8
196	Italian cypress	8
197	Italian cypress	8
198	Italian cypress	8
199	Italian cypress	8
200	Jacaranda	16
201	Strawberry tree	10
203	Coast live oak	10
204	Deodar cedar	35
205	Coast live oak	21
209	Coast live oak	24
213	Peach	3,3
229	Sweetgum	7
231	Italian cypress	9,4
233	Crepe myrtle	4
234	Crepe myrtle	4
235	Coast live oak	10
238	Coast redwood	8
239	Coast redwood	10
257	Coast live oak	9
262	Beech	5
269	Victorian box	4
270	Coast redwood	24

Moderate

Trees in this category have fair health and/or structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "good" category. Sixty-seven (67) trees were rated as having moderate suitability for preservation.

Tree No.	Species	Diameter (inches)
125	Monterey pine	22
130	Monterey pine	22
131	Monterey pine	20
132	Monterey pine	33
133	Monterey pine	24
141	Monterey pine	15
157	Torrey pine	29
158	Coast redwood	15
159	Coast redwood	12
160	Coast redwood	11
168	Deodar cedar	14
169	Coast redwood	17
170	Coast redwood	12
173	Coast redwood	13
174	Coast redwood	10
175	Coast redwood	14
176	Coast live oak	9
179	Hollywood juniper	16,8
182	Coast redwood	49
183	Coast live oak	24,16,12
184	Coast live oak	14
185	Valley oak	27
206	Coast live oak	8
207	Coast live oak	7
208	Valley oak	12
210	Glossy privet	5,5,4
211	Kumquat	6,4
212	Lemon	5
214	Prunus sp	3,3,3,3...
215	Sweetgum	5
216	Prunus sp	5
217	Camphor	8
218	Camphor	10
219	Camphor	9
220	Camphor	9
221	Camphor	13
222	Camphor	13
223	Camphor	10
224	Camphor	12
225	Evergreen pear	7
226	Evergreen pear	6
227	Evergreen pear	7

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Tree No.	Species	Diameter (inches)
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(Continued from previous page)

230	Fruitless mulberry	5,5,3
232	Italian cypress	7,6
236	Coast redwood	5
237	Coast redwood	7
240	Coast redwood	7
241	Coast redwood	5
242	Coast redwood	8
243	Bailey acacia	9
248	Japanese black pine	3,2,2
249	Japanese black pine	3,2,2
250	Japanese black pine	4,3,3
251	Hollywood juniper	3,3
252	Japanese black pine	3,3,2
253	Coast live oak	12
254	Blue oak	15
255	Bailey acacia	3,3,3
256	Blue oak	8,7,7
259	Monterey pine	17
261	Tulip tree	8
263	Crepe myrtle	4
264	Monterey pine	22
265	Monterey pine	25
266	Monterey pine	18
267	Crepe myrtle	5
268	Southern magnolia	6

Poor

Trees in this category are in poor health or have significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas.

Forty-four (44) trees were rated as having low suitability for preservation.

Tree No.	Species	Trunk Diameter (inches)
126	Monterey pine	25
127	Monterey pine	21
128	Monterey pine	26
129	Monterey pine	25
134	Monterey pine	23
135	Monterey pine	24
136	Monterey pine	16
137	Monterey pine	27
138	Monterey pine	20
139	Monterey pine	23
140	Monterey pine	25
142	Monterey pine	23
143	Monterey pine	27
144	Monterey pine	23
145	Monterey pine	25
146	Monterey pine	28
147	Monterey pine	25
148	Monterey pine	26
149	Monterey pine	26
150	Monterey pine	23
151	Monterey pine	15
154	Monterey pine	22
155	Monterey pine	29
156	Monterey pine	29
162	Monterey pine	21
165	Monterey pine	26
166	Monterey pine	25
167	Beefwood	6,5,4,4
172	Holly	7
178	Hollywood juniper	9
188	Red gum	17,17
189	Red gum	12
190	Red gum	18,16
191	Red gum	14
192	Red gum	18
193	Red gum	17
194	Red gum	23
228	Camphor	7
244	Oleander	7
245	Oleander	7
246	Oleander	7
247	Oleander	7
258	Black locust	30
260	Redbud.	3,2,2

Evaluation of Impacts and Recommendations for Preservation

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The **Tree Survey** was the reference point for tree condition and quality. Potential impacts from construction were evaluated using site plans prepared by HMM Engineers.

Potential impacts from construction were estimated for each tree. The most significant impacts to the trees would occur as a result of grading to construct roadways and building pads, and trenching to install underground utilities. Based on our evaluation of these plans, implementation of the proposed housing construction would allow the preservation of 57 trees (Table 3). Their preservation is predicated on the creation of a Tree Protection Zone and other recommendations in the Tree Preservation Guidelines that follow.

Implementation of the project would require the removal of the remaining 90 trees. Of these, 22 are in poor condition.

Tree Preservation Guidelines

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty for many years. Trees retained on sites that are either subject to extensive injury during construction or are inadequately maintained become a liability rather than an asset. The response of individual trees will depend on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside the Tree Protection Zone can minimize these impacts.

The following recommendations will help reduce impacts to trees from development and maintain and improve their health and vitality through the clearing, grading and construction phases.

Design recommendations

1. A **TREE PROTECTION ZONE** shall be established around each tree. For design purposes the TPZ shall be defined at the edge of the dripline. No grading, excavation, construction or storage of materials shall occur within that zone. When trunks are accurately located and development plans refined, the Consulting Arborist will identify specific **TREE PROTECTION ZONES** for each tree.
2. No underground services including utilities, sub-drains, water or sewer shall be placed in the **TREE PROTECTION ZONE**.
3. **Tree Preservation Notes**, prepared by the Consulting Arborist, should be included on all plans.
4. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
5. Irrigation systems must be designed so that no trenching will occur within the **TREE PROTECTION ZONE**.

Table 3: Trees recommended for preservation

Tree No.	Species	Trunk Diameter (inches)
118	Italian cypress	13
119	Italian cypress	13
120	Italian cypress	10
121	Italian cypress	8,6
122	Italian cypress	12
123	Italian cypress	11
124	Italian cypress	10
169	Coast redwood	17
171	Deodar cedar	31
175	Coast redwood	14
182	Coast redwood	49
183	Coast live oak	24,16,12
184	Coast live oak	14
185	Valley oak	27
186	Coast live oak	10
187	Coast live oak	16,12
188	Red gum	17,17
189	Red gum	12
190	Red gum	18,16
191	Red gum	14
192	Red gum	18
193	Red gum	17
194	Red gum	23
203	Coast live oak	10
204	Deodar cedar	35
205	Coast live oak	21
206	Coast live oak	8
207	Coast live oak	7
208	Valley oak	12
209	Coast live oak	24
214	Prunus sp	3,3,3,3...
215	Sweetgum	5
216	Prunus sp	5
217	Camphor	8
218	Camphor	10
219	Camphor	9
220	Camphor	9
221	Camphor	13
222	Camphor	13
223	Camphor	10
224	Camphor	12
225	Evergreen pear	7
226	Evergreen pear	6
228	Camphor	7
229	Sweetgum	7
243	Bailey acacia	9
253	Coast live oak	12
254	Blue oak	15

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Tree No.	Species	Trunk Diameter (inches)
(continued from previous page)		
255	Bailey acacia	3,3,3
256	Blue oak	8,7,7
257	Coast live oak	9
258	Black locust	30
259	Monterey pine	17
264	Monterey pine	22
265	Monterey pine	25
266	Monterey pine	18
270	Coast redwood	24

Pre-construction treatments and recommendations

1. The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose the **TREE PROTECTION ZONE** prior to demolition, grubbing or grading. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed.
3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the *Best Management Practices for Pruning* of the International Society of Arboriculture. Brush shall be chipped and spread beneath the trees within the **TREE PROTECTION ZONE**.

Recommendations for tree protection during construction

1. No grading, construction, demolition or other work shall occur within the **TREE PROTECTION ZONE**. Any modifications must be approved and monitored by the Consulting Arborist.
2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist.
3. Supplemental irrigation shall be applied as determined by the Consulting Arborist.
4. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the **TREE PROTECTION ZONE**.
6. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

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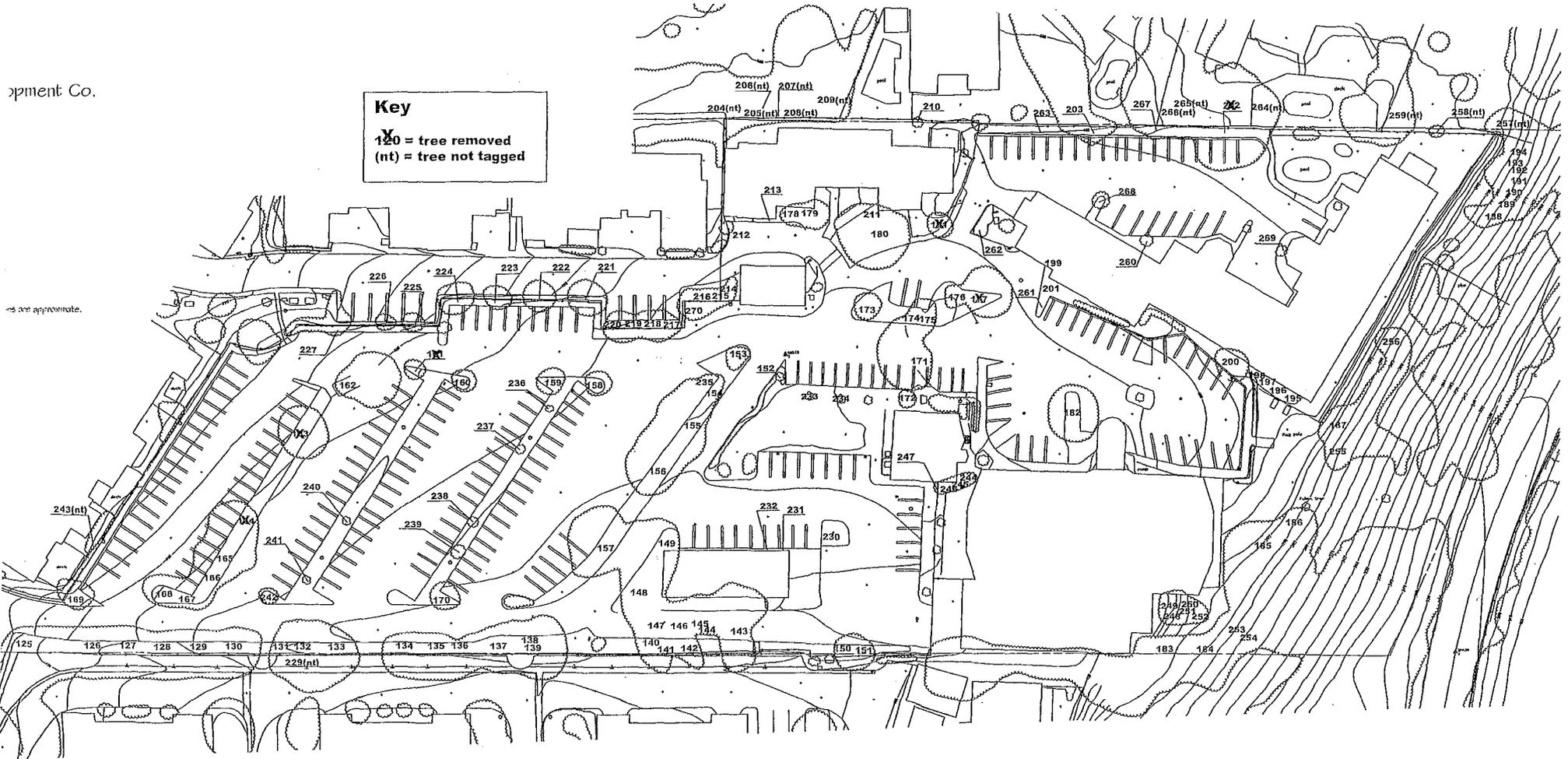


Ed Brennan
Certified Arborist #WE-0105

Map

Department Co.

Key
X = tree removed
(nt) = tree not tagged



not necessarily approximate.

HORTSCIENCE TREE SURVEY



Santa Clara Development Co.-Robsor
 Villa Felice
 Los Gatos CA
 November 2004

TREE SPECIES No.	TRUNK DIAMETER (inches)	HEIGHT (feet)	CROWN SPREAD (feet)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS	
118	Italian cypress	13	35	6	4	Good	Good form.
119	Italian cypress	13	35	5	4	Good	Good form.
120	Italian cypress	10	35	4	4	Good	Good form.
121	Italian cypress	8,6	35	5	4	Good	Good form.
122	Italian cypress	12	35	5	4	Good	Good form.
123	Italian cypress	11	35	4	4	Good	Good form.
124	Italian cypress	10	35	6	4	Good	Good form.
125	Monterey pine	22	30	25	3	Moderate	Two trunks join at 5'.
126	Monterey pine	25	32	40	2	Poor	Foliage sparse, sequoia pitch moth.
127	Monterey pine	21	35	45	2	Poor	Foliage sparse, sequoia pitch moth.
128	Monterey pine	26	40	35	2	Poor	Two trunks join at 5'; red turpentine beetle.
129	Monterey pine	25	45	40	2	Poor	Foliage sparse, sequoia pitch moth; red turpentine beetle.
130	Monterey pine	22	30	30	3	Moderate	Trunk wound east side.
131	Monterey pine	20	35	45	3	Moderate	Trunk leans east.
132	Monterey pine	33	35	45	3	Moderate	Foliage sparse, sequoia pitch moth.
133	Monterey pine	24	35	40	3	Moderate	Foliage sparse, sequoia pitch moth; hip canker.
134	Monterey pine	23	30	30	2	Poor	Foliage sparse, sequoia pitch moth.
135	Monterey pine	24	35	35	3	Poor	Foliage sparse, sequoia pitch moth; red turpentine beetle.
136	Monterey pine	16	30	24	2	Poor	Foliage sparse, sequoia pitch moth; lower branches removed.

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TREE SPECIES No.	TRUNK DIAMETER (inches)	HEIGHT (feet)	CROWN SPREAD (feet)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS	
137	Monterey pine	27	45	45	2	Poor	Foliage sparse, sequoia pitch moth; basal hip canker.
138	Monterey pine	20	40	30	2	Poor	Foliage sparse, sequoia pitch moth.
139	Monterey pine	23	25	25	1	Poor	Was topped to 25'.
140	Monterey pine	25	50	35	2	Poor	Foliage sparse, sequoia pitch moth; red turpentine beetle.
141	Monterey pine	15	45	20	3	Moderate	Straight trunk; good form.
142	Monterey pine	23	40	25	3	Poor	Leans south; basal trunk wound.
143	Monterey pine	27	50	35	2	Poor	Lower branches removed, high crown.
144	Monterey pine	23	50	25	2	Poor	Lower branches removed, high crown.
145	Monterey pine	25	45	18	2	Poor	Lower branches removed, high crown.
146	Monterey pine	28	45	35	3	Poor	Lower branches removed, high crown.
147	Monterey pine	25	50	30	3	Poor	Two trunks join at 5'.
148	Monterey pine	26	45	30	2	Poor	Lower branches removed, high crown.
149	Monterey pine	26	50	35	3	Poor	Lower branches removed, high crown.
150	Monterey pine	23	35	20	2	Poor	Foliage sparse, sequoia pitch moth; red turpentine beetle.
151	Monterey pine	15	30	18	2	Poor	Foliage sparse, sequoia pitch moth; red turpentine beetle.
152	Italian cypress	10	30	5	4	Good	Dense foliage, good form.
153	Italian cypress	14	30	7	4	Good	Dense foliage, good form.
154	Monterey pine	22	35	35	3	Poor	Foliage sparse, sequoia pitch moth.
155	Monterey pine	29	45	45	3	Poor	Foliage sparse, sequoia pitch moth.

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TREE SPECIES No.	TRUNK DIAMETER (inches)	HEIGHT (feet)	CROWN SPREAD (feet)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS	
156	Monterey pine	29	40	35	2	Poor	Two trunks join at 4', included bark; red turpentine beetle.
157	Torrey pine	29	35	35	3	Moderate	Leans north-west.
158	Coast redwood	15	32	24	3	Moderate	Poor leaf color.
159	Coast redwood	12	32	24	3	Moderate	Poor leaf color.
160	Coast redwood	11	30	24	3	Moderate	Poor leaf color.
162	Monterey pine	21	30	35	3	Poor	Leans south.
165	Monterey pine	26	35	40	3	Poor	Foliage sparse, sequoia pitch moth.
166	Monterey pine	25	30	35	2	Poor	Foliage sparse, sequoia pitch moth.
167	Beefwood	6,5,4,4	25	20	2	Poor	Multi-stemmed at base.
168	Deodar cedar	14	30	30	3	Moderate	Foliage sparse; good form.
169	Coast redwood	17	40	20	3	Moderate	Poor color; good form.
170	Coast redwood	12	35	25	3	Moderate	Poor color; good form.
171	Deodar cedar	31	50	50	4	Good	Good color and form.
172	Holly	7	12	7	2	Poor	One-half of trunk dead at base.
173	Coast redwood	13	45	25	3	Moderate	Poor color; good form.
174	Coast redwood	10	24	14	3	Moderate	Poor color; good form.
175	Coast redwood	14	45	22	3	Moderate	Poor color; good form.
176	Coast live oak	9	18	18	3	Moderate	Foliage sparse, gall wasp damaged.
178	Hollywood juniper	9	20	15	2	Poor	Foliar dieback.
179	Hollywood juniper	16,8	25	20	3	Moderate	Full crown.
180	Deodar cedar	31	45	55	5	Good	Mature form; moderate interior dead branches.
182	Coast redwood	49	55	45	3	Moderate	Poor color, good form.
183	Coast live oak	24,16,12	35	45	3	Moderate	Ivy covering scaffold branches.

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TREE SPECIES	TRUNK	HEIGHT	CROWN	CONDITION	SUITABILITY	COMMENTS	
No.	DIAMETER (inches)	(feet)	SPREAD (feet)	1=POOR 5=EXCELLENT	FOR PRESERVATION		
184	Coast live oak	14	22	18	3	Moderate	Ivy covering scaffold branches.
185	Valley oak	27	45	55	3	Moderate	Crown asymmetrical; heavy to south.
186	Coast live oak	10	18	15	4	Good	Lower branches were removed.
187	Coast live oak	16,12			4	Good	Lower branches were removed.
188	Red gum	17,17	35	35	2	Poor	Topped to 20' stump, resprouted.
189	Red gum	12	10	4	2	Poor	Topped to 10' stump, resprouted.
190	Red gum	18,16	35	15	2	Poor	Topped to 20' stump, resprouted.
191	Red gum	14	25	10	1	Poor	Topped to 10' stump, resprouted.
192	Red gum	18	18	4	1	Poor	Topped to 8' stump, resprouted.
193	Red gum	17	23	10	1	Poor	Topped to 12' stump, resprouted.
194	Red gum	23	25	18	2	Poor	Topped to 20' stump, resprouted.
195	Italian cypress	8	30	4	4	Good	Branch tips falling away from trunk.
196	Italian cypress	8	30	4	4	Good	Branch tips falling away from trunk.
197	Italian cypress	8	30	4	4	Good	Branch tips falling away from trunk.
198	Italian cypress	8	30	4	4	Good	Branch tips falling away from trunk.
199	Italian cypress	8	30	4	4	Good	Branch tips falling away from trunk.
200	Jacaranda	16	32	32	4	Good	Spreading form; full crown.
201	Strawberry tree	10	28	24	4	Good	Leans east.
203	Coast live oak	10	25	20	4	Good	Good form and health.
204	Deodar cedar	35	65	60	4	Good	Two main stems
205	Coast live oak	21	35	50	4	Good	Good form and health.
206	Coast live oak	8	20	10	3	Moderate	Crown leans south.
207	Coast live oak	7	25	8	3	Moderate	Crown suppressed.
208	Valley oak	12	28	20	3	Moderate	previously headed.

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TREE SPECIES No.	TRUNK DIAMETER (inches)	HEIGHT (feet)	CROWN SPREAD (feet)	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS	
209	Coast live oak	24	30	40	4	Good.	Trunks attach at 3'.
210	Glossy privet	5,5,4	14	12	3	Moderate	Multi-stemmed at 1'.
211	Kumquat	6,4	10	10	3	Moderate	Multi-stemmed at 1'.
212	Lemon	5	14	8	4	Moderate	Multi-stemmed at 4'.
213	Peach	3,3	12	9	4	Good	Good form and health.
214	Prunus sp	3,3,3,3...	12	20	4	Moderate	Hedgerow.
215	Sweetgum	5	25	8	3	Moderate	Narrow, upright crown.
216	Prunus sp	5	8	5	3	Moderate	Hedgerow.
217	Camphor	8	16	10	3	Moderate	Multi-stemmed at 7'.
218	Camphor	10	16	12	3	Moderate	Multi-stemmed at 7'.
219	Camphor	9	16	12	3	Moderate	Multi-stemmed at 7'.
220	Camphor	9	16	10	3	Moderate	Multi-stemmed at 7'.
221	Camphor	13	16	14	3	Moderate	Multi-stemmed at 7'.
222	Camphor	13	16	14	3	Moderate	Multi-stemmed at 7'.
223	Camphor	10	16	18	3	Moderate	Multi-stemmed at 7'.
224	Camphor	12	16	18	3	Moderate	Multi-stemmed at 7'.
225	Evergreen pear	7	14	10	3	Moderate	Multi-stemmed at 7'.
226	Evergreen pear	6	12	10	3	Moderate	Multi-stemmed at 7'.
227	Evergreen pear	7	12	10	3	Moderate	Multi-stemmed at 7'.
228	Camphor	7	15	10	2	Poor	Dieback in upper crown.
229	Sweetgum	7	20	18	4	Good	Narrow crown.
230	Fruitless mulberry	5,5,3	15	15	5	Moderate	Multi-stemmed at base.
231	Italian cypress	9,4	28	4	4	Good	Upright form.
232	Italian cypress	7,6	12	6	3	Moderate	Upper crown was removed.

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 Los Gatos CA
 November 2004

TREE SPECIES	TRUNK	HEIGHT	CROWN	CONDITION	SUITABILITY	COMMENTS	
No.	DIAMETER	(feet)	SPREAD	1=POOR	FOR		
	(inches)		(feet)	5=EXCELLENT	PRESERVATION		
233	Crepe myrtle	4	14	10	4	Good	Multi-stemmed at 5'.
234	Crepe myrtle	4	14	10	4	Good	Multi-stemmed at 5'.
235	Coast live oak	10	18	16	4	Good	Good form and health.
236	Coast redwood	5	12	6	3	Moderate	Poor leaf color.
237	Coast redwood	7	13	6	3	Moderate	Poor leaf color.
238	Coast redwood	8	14	8	4	Good	Poor leaf color.
239	Coast redwood	10	15	8	4	Good	Bronzing-mite damage.
240	Coast redwood	7	14	8	3	Moderate	Poor leaf color.
241	Coast redwood	5	12	8	3	Moderate	Poor leaf color.
242	Coast redwood	8	30	24	3	Moderate	Poor leaf color.
243	Bailey acacia	9	25	20	4	Moderate	Single trunk.
244	Oleander	7	15	7	3	Poor	Multi-stemmed at 5'.
245	Oleander	7	15	7	3	Poor	Multi-stemmed at 5'.
246	Oleander	7	15	7	3	Poor	Multi-stemmed at 5'.
247	Oleander	7	15	7	3	Poor	Multi-stemmed at 5'.
248	Japanese black pine	3,2,2	8	6	3	Moderate	Multi-stemmed at base.
249	Japanese black pine	3,2,2	8	6	3	Moderate	Multi-stemmed at base.
250	Japanese black pine	4,3,3	8	6	3	Moderate	Multi-stemmed at base.
251	Hollywood juniper	3,3	5	4	3	Moderate	Crown sheared.
252	Japanese black pine	3,3,2	8	6	3	Moderate	Multi-stemmed at base.
253	Coast live oak	12	25	15	3	Moderate	Ivy in crown.
254	Blue oak	15	25	18	3	Moderate	Ivy in crown.
255	Bailey acacia	3,3,3	6	12	3	Moderate	Multi-stemmed at base.
256	Blue oak	8,7,7	20	22	3	Moderate	Poison oak infested.

HORTSCIENCE TREE SURVEY



Santa Clara Development Co.-Robson Homes
 Villa Felice
 Los Gatos CA
 November 2004

TREE SPECIES No.	TRUNK DIAMETER (inches)	HEIGHT	CROWN SPREAD	CONDITION 1=POOR 5=EXCELLENT	SUITABILITY FOR PRESERVATION	COMMENTS	
257	Coast live oak	9	20	15	4	Good	Crown encroaches on site.
258	Black locust	30	35	40	2	Poor	Dieback in upper crown.
259	Monterey pine	17	28	24	5	Moderate	Single trunk.
260	Cercis sp.	3,2,2	12	10	2	Poor	Multi-stemmed at base, split attachment.
261	Tulip tree	8	25	12	4	Moderate	Upright, narrow crown.
262	Beech	5	22	12	5	Good	Good form and health.
263	Crepe myrtle	4	18	6	3	Moderate	Multi-stemmed at 6'.
264	Monterey pine	22	25	18	3	Moderate	Upper crown was removed.
265	Monterey pine	25	45	35	4	Moderate	Single trunk.
266	Monterey pine	18	35	20	3	Moderate	Leaning trunk.
267	Crepe myrtle	5	18	6	3	Moderate	Multi-stemmed at 6'.
268	Southern magnolia	6	14	14	3	Moderate	Poor color foliage.
269	Victorian box	4	15	12	4	Good	Trunk divides at 4'.
270	Coast redwood	24	60	25	4	Good	Good form and health.



ARBOR RESOURCES

Professional Arboricultural Consulting & Tree Care

**A REVIEW OF THE PROPOSED DEVELOPMENT
AT THE VILLA FELICE PROPERTY
15350 WINCHESTER BOULEVARD
LOS GATOS, CALIFORNIA**

RECEIVED

DEC 17 2004

TOWN OF LOS GATOS
PLANNING DIVISION

PROPERTY OWNER: Donald Bersano
APPLICANT: Santa Clara Development Company
APPLICATION #: PD-04-005
NEGATIVE DECLARATION #: ND-05-04
APNS #: 424-29-024 thru 424-29-026

Submitted to:

Sandy L. Baily, AICP
Community Development Department
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95031

Prepared by:

David L. Babby, RCA
Registered Consulting Arborist #399
Certified Arborist #WE-4001A

December 13, 2004

Exhibit F

RECOMMENDATIONS

1. The "Tree Preservation Guidelines" presented on pages 8 thru 10 of the Tree Report (by HortScience, Inc., dated 11/19/04) should be adopted and incorporated into the project's Conditions of Approval.
2. The Project Arborist shall be retained to identify the specific "Tree Protection Zones" and delineate on the Site Plan (or other site related plan) the location of protective fencing for the demolition and construction phases of development. The plan should be submitted to the Town for review.
3. The proposed grading design shall be revised to conform to the Tree Protection Zones that will be designated by the Project Arborist.
4. Prior to issuing development permits, the Project Arborist should review the final plans showing the following project components: grading, drainage, landscaping (both irrigation and planting) and underground sewer, water and utilities. All comments should be submitted to the Town for review.
5. Dates should be assigned to all plan sheets.
6. Based on the relatively high number of trees being removed, I suggest mitigation is limited to those assigned a "good" or "moderate" suitability for preservation (these trees are listed in the previous section). Mitigation should include one of the following three options (listed in order of preference):
 - a. Relocate trees suitable for transplant (as determined by the Project Arborist) to an alternate location on site. This may require boxing and storing the trees prior to commencing demolition and grading, and maintaining them until landscape construction begins. Recommendations for promoting the survival of relocated trees throughout the transplanting process should be prepared by the Project Arborist and submitted to the Town for review.
 - b. Install replacement trees per Table 3-1, Section 29.10.0985 of the Tree Ordinance. The new trees should be selected from the Town's list of recommended trees (available by contacting the Community Development Department) and integrated into the proposed landscape design. They must be planted prior to occupancy and, as necessary for support, be double-staked with rubber tree ties (cross-bars should not be installed between stakes). All forms of irrigation should be of a drip-type system placed on the soil surface and not in a sleeve.
 - c. In the event that replacements cannot be reasonably planted on the subject property, the appraised monetary value of the removed tree shall be paid to the Town Forestry Fund (per Section 29.10.0985, item #2, of the Tree Ordinance). This value can be established by the Project Arborist in accordance with the *Guide for Plant Appraisal, 9th Edition*, published by the ISA, 2000.

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 DECEMBER 10, 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: Jeanne Drexel

Sandy Decker
Steve Glickman
Paul Dubois
Joanne Talesfore

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

ITEM 1: 15350 Winchester Blvd
Conceptual Development Application CD-04-2

Requesting preliminary review of plans to demolish the existing motel and restaurant and to construct 26 single family detached units and 17 attached residential units on property zoned R-1:8:PD.

PROPERTY OWNER: Donald Bersano

APPLICANT: Santa Clara Development Company

Comments:

- Density is too high. Should be reduced by approximately one third.
- How will this proposal fit with the sense of the Town?
- What is the view impact from Lake Vasona?
- During peak hours there may be a traffic impact with the single driveway entrance to the development.
- The use of porches is a good concept.
- Linear parks could create safety problems. Situate development so that there is an "eye" on the park.
- Will the market support the proposed house size?
- Seniors may not be interested in the units due to the stairs.
- Two covered parking spaces should be provided for the units.
- Concern that the view is being lost from the top down.
- Hold neighborhood meetings with adjacent homeowners association in Los Gatos and Monte Sereno and contact the City of Monte Sereno.
- Provide more open space to create a more rural character.

Exhibit G

- The development needs to be excellent in design and provide a central theme for the community. The site provides a great opportunity for a sense of place.
- Development needs to be opened up and a sense of community needs to be created. The proposal is too structured.
- The proposed pathways do not make a desirable walkway.
- A three story element is not favored. Look at creating one and two story designs.
- Provide multiple viewpoints of the lake that the units can take advantage of.
- Zero lot lines may be an issue.
- A traffic study may be required to deal with concerns on Winchester Blvd. Traffic calming measures may be required.
- The proposal separates the different units. The development needs to be more integrated as a community.
- Look at providing quality transitional housing in conjunction with the motel and restaurant.
- Look at ideas for providing a community return for the land.
- Bring in some alternative designs.
- In preparing presentations, ensure that they are comprehensible to the general public. Computer simulations recommended.
- A community charrette is recommended for developing the site.
- Grading on the ridge is a problem.

ADJOURNMENT Meeting adjourned at 5:20 p.m. The next regular meeting of the Conceptual Development Advisory Committee is Wednesday, January 14, 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 SPECIAL MEETING OF THE GENERAL PLAN COMMITTEE
OF THE TOWN OF LOS GATOS, **JUNE 9, 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 Vice Chair Mark Sgarlato.

ATTENDANCE

Members present: Barry Bakken, Mike Burke, Steve Glickman, Diane McNutt, Morris Trevithick,

Members Absent: Josh Bacigalupi, Phil Micciche, Mark Weiner

Staff present: Bud Lortz, Director of Community Development; Sandy Baily, Associate Planner;

VERBAL COMMUNICATIONS

Ray Davis - Commented on Committees and Commission to carefully evaluate future development and its impacts to the Town.

ITEM 1 15350 Winchester Boulevard
Planned Development Application PD-04-5

Requesting approval to change the General Plan designation from Low Density Residential and Neighborhood Commercial to Medium Density Residential and to change the zone from R-1:8:PD to RM:5-12:PD to demolish the motel and restaurant and to construct approximately 38 residential units.

PROPERTY OWNER: Donald Bersano

APPLICANT: Santa Clara Development Company

Mark Robson, applicant, summarized the proposal.

Following are issues and concerns raised by the committee:

- Concern about the distance between the units.
- Concern about losing the restaurant and hotel.
- Concern that the BMP units are segregated from the other units and that the units will be different than the market rate units.
- Will there be any impacts to the public schools?
- What are the revenues generated from the approved commercial use vs a residential development?

Following are public comments:

- Project should be developed as a residential use.
- Applicant should evaluate privacy to the neighbors.
- Development should be tasteful.
- Density should be lowered.

- Development should be consistent with the neighborhood and have adequate play areas for children.
- A density of R-1:8 should be pursued.
- BMP units should not be located near the existing single family residences to the north.
- Schools will be impacted by this proposal.
- Alternative analysis was presented by a neighbor for a low density development.
- Residences need to have adequate rear and front yards.
- Concern about traffic impacts.
- Project must be consistent with the General Plan.
- The change of use to a low density development will eliminate the existing spot zoning.

Committee closed the public portion of the meeting and members summarized their comments regarding the proposal.

Diane McNutt - Would support 5-12 density. (Focus on the low end of the density range.)

Steve Glickman - BMP units should be integrated within the development, not combined together.

Concern about the student increase and impact on schools. Comments from school district are important. Supports residential use.

Barry Bakken - Applicant should meet with the school district. Supports residential use.

Morris Trevithick - Supports residential use.

Mike Burke - If the existing business was run well, would be a fiscal benefit to the Town to maintain the use. The existing use, if improved, would be a benefit to the Town. Not obligated to change the zoning from a General Plan perspective, the current use is best.

Steve Glickman moved to recommend approval of the General Plan amendment and PD amendment.

Morris Trevithick seconded. Passes 5 to 1. The Committee noted that the comments offered by the members will need to be addressed by the applicant as the project is considered by the Planning Commission and Town Council.

Comments: Number of units and school impacts are issues which must be addressed by the applicant.

ITEM 2 Approval of Minutes

- April 14, 2004
- May 26, 2004

Diane McNutt moved and Steve Glickman seconded to approve meeting minutes of April 14, 2004, Passed unanimously.

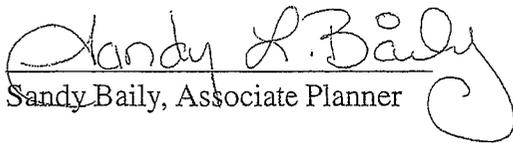
Steve Glickman moved and Morris Trevithick seconded to approve meeting minutes of May 26, 2004. Passed 5-0 with one abstention (Diane McNutt).

General Plan Committee
Regular Meeting of June 9, 2004
Page 3 of 3

ADJOURNMENT

The meeting was adjourned at 6:50 p.m. by Vice Chair Mark Sgarlato. The next regular meeting of the General Plan Committee is scheduled for Wednesday, June 23, 2004 at 5:30 pm.

Prepared By:


Sandy Baily, Associate Planner

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Peggy Levin
Vice President Homeowners' Association
Villa Felice Residences
15300 Winchester Blvd., #15
Los Gatos, Ca 95030

RECEIVED

FEB - 3 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Suzanne Davis
Associate Planner
Planning Department
P.O. Box 949
Los Gatos, CA 95031

Ref: 15350 Winchester Boulevard
Planned Development Application PD-04-5
Negative Declaration ND-05-04

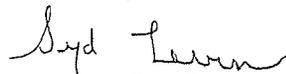
Dear Ms. Davis:

Thank you for the notice advising us that the Town Planning Commission will hold a public hearing regarding the above referenced address on Wednesday, February 9, 2005. We are sorry that we will be out of town that evening and unable to attend.

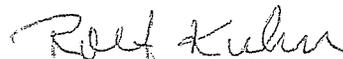
Our recourse is to write a letter stating our objection to the proposed height plan of the buildings as presently indicated by scaffolding at the property. The building plan as shown is obtrusive as viewed from the front of the Villa Felice Residences next door. The 15350 Winchester Boulevard property is on a higher grade than 15300 to start with, making the same building height higher than those at a lower grade. The resulting density and intensity of the new development will be detrimental to our property values and make our homes a less desirable place to live.

Please come to Villa Felice Residences and view the effect the proposed development will have on our homes and consider requiring less obtrusive alternatives. Single story buildings along the Villa Felice Residences property line would be helpful, or perhaps there is a better alternative.

Thank you,



Peggy & Syd Levin
Homeowners
Villa Felice Residences #15



Christine & Rolf Kuhn
Homeowners
Villa Felice Residences #14

Initial Study

Villa Felice
15350 Winchester Boulevard
Los Gatos, California

Planned Development Application PD-04-5
Negative Declaration ND-05-04

Prepared for
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95031

RECEIVED

January 2005

JAN 11 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Prepared by
Geier & Geier Consulting, Inc.
P.O. Box 5054
Berkeley, CA 94705-5054
510/644-2535

Exhibit L

**Town of Los Gatos
Community Development Department**

Environmental Checklist Form

1. Project Title: Villa Felice
15350 Winchester Boulevard
Planned Development Application PD-04-5
Negative Declaration ND-05-04

2. Lead Agency Name and Address: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

3. Contact Person and Phone Number: Sandy Baily, 408/354-6873

4. Project Location: 15350 Winchester Boulevard (Figure 1)

5. Project Sponsor's
Name and Address: Santa Clara Development Company
2185 The Alameda, Suite 150
San Jose, CA 95126

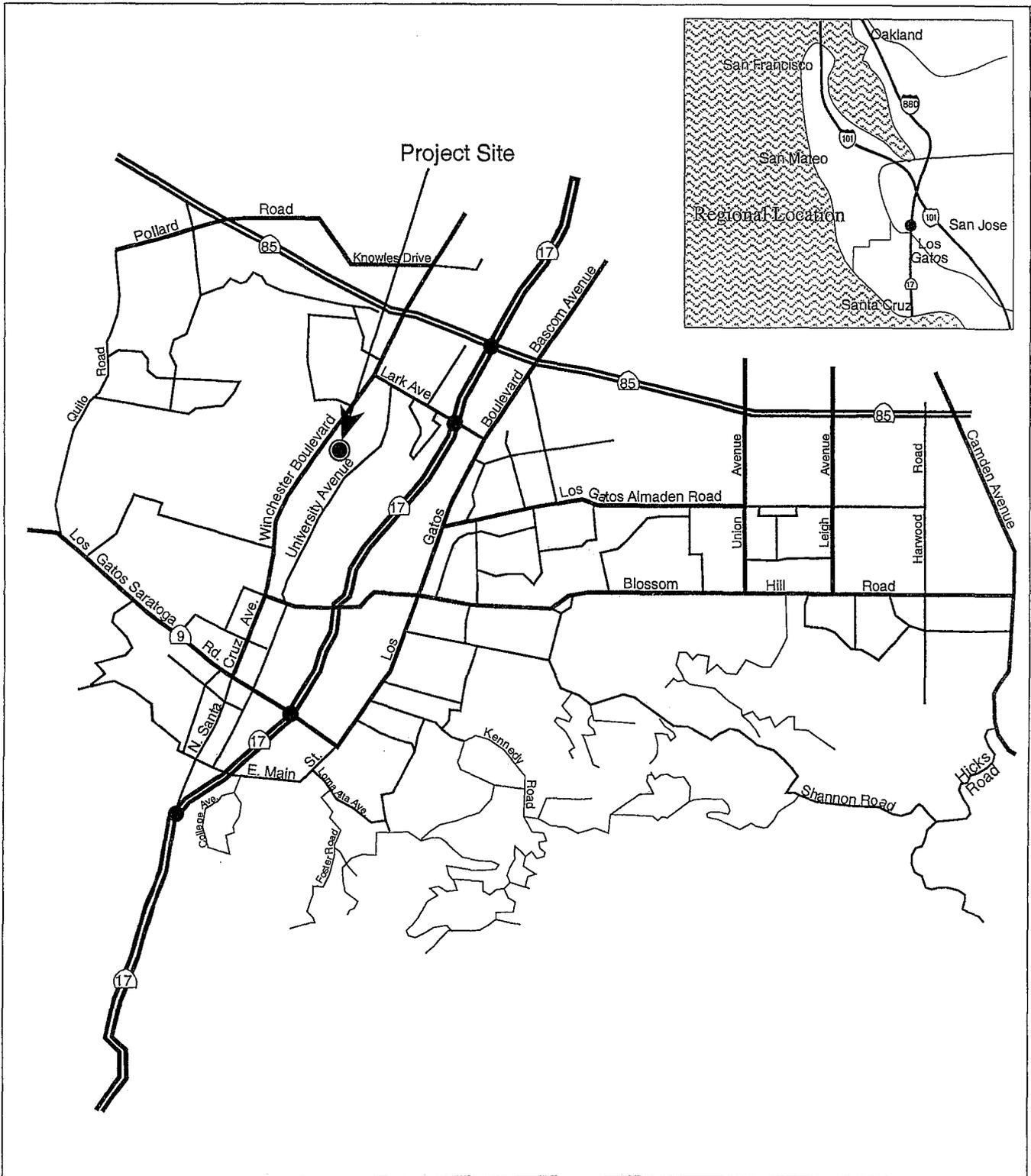
Property Owner's
Name and Address: Donald Bersano
15350 Winchester Boulevard
Los Gatos, CA 95030

6. General Plan Designation: Low Density Residential, 0-5 dwelling units per acres
Neighborhood Commercial

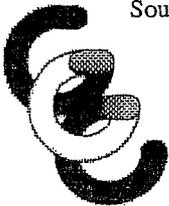
7. Zoning: R-1:8:PD (minimum lot area 8,000 square feet)

8. Description of Project: The project applicant is requesting approval of the following:
 - General Plan Amendment from Low Density Residential and Neighborhood Commercial to Medium Density Residential
 - Rezoning from R-1:8,000:PD (Single-Family Residential, minimum lot area 8,000 square feet) to RM:5-12:PD (Multi-Family Residential, 5 to 12 dwelling units per net acre)

Approval of the above would allow for proposed demolition of existing structures on the 5.91-acre site and construction of 33 residential units. The proposed site plan is shown in Figure 2. Existing development on the project site consists of the Villa Felice Restaurant (approximately 13,700 gross square feet including administrative offices and support services), a 31-unit lodge (hotel), and a duplex (two residential units). The restaurant closed in December 1997.



Source: Geier & Geier Consulting, Inc. (2004)



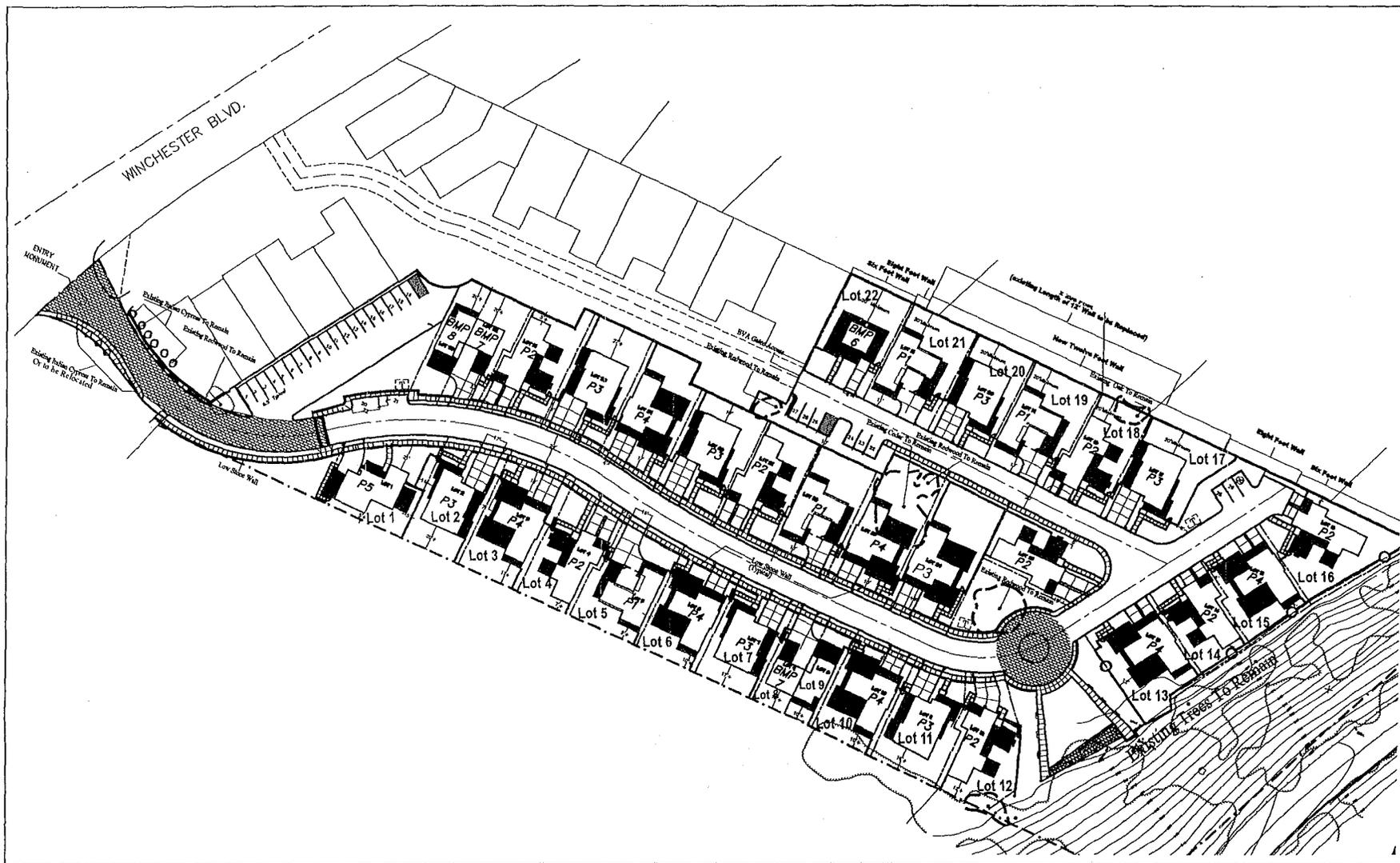
● Project Site

Villa Felice, 15350 Winchester Boulevard, Los Gatos, CA



Proposed Site Plan

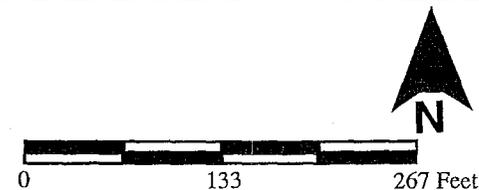
Figure 2



Source: Santa Clara Development Co. (August 16, 2004)



Villa Felice, 15350 Winchester Boulevard, Los Gatos, CA



The 33 single-family homes would consist of: (1) 29 two-story residences ranging from 2,243 to 2,943 square feet in size and five basic floor plans with variations of these plans; (2) four below market price (BMP) homes, of which three would be two stories (either 1,030 or 1,484 square feet in size) and one would be one-story (846 square feet); and (3) common open space. Proposed floor plans range from 3 bedrooms, 3 baths to 4 bedrooms, 4.5 baths. BMP units would be 2 bedroom, 2 baths to 3 bedroom, 3.5 baths. The proposed site plan indicates that all residences would have “Classic Spanish” architecture.

Access to the project would be from Winchester Boulevard. The two existing driveways serving the adjacent Bersano Residence (to the southwest) and the Villa Felice Townhomes (to the northwest), both fronting on Winchester Boulevard, would be retained. The project entrance also would be retained except two of the 15 existing Italian cypress trees would require relocation to accommodate a sidewalk on the south side of the driveway. A private, loop street would extend through the project site and would provide access to all residences. This 24-foot wide street would connect with the east end of an existing private street that currently ends at the project’s northern boundary, providing secondary emergency access to both project residents and residents of the adjacent Villa Felice townhomes. A total of 124 parking spaces would be provided: 30 visitor spaces, 31 apron spaces, and 63 garage spaces.

9. Surrounding Land Uses and Setting: The 5.91-acre site is currently developed with a 13,700 square-foot restaurant (no longer in operation), a 31-unit lodge (hotel), and two single-family residences. Existing buildings and paved areas currently cover 81% of the site (4.8 acres or 207,443 square feet).

The site is bounded by Winchester Boulevard on the west, University Avenue on the east, and residential uses on the north and south. The Villa Felice townhomes, approximately 14 units, are located contiguous to the project’s western and northwestern project boundaries. There are five single-family residential properties located adjacent to the project’s northeastern boundary with three of the homes on these properties located within 40 feet of the project boundary. Along the southern boundary, there are multi-family residential units located along most of its length except for two residences located approximately 40 feet from the southwestern and southeastern corners of the site. There is one residence, the Bersano residence located immediately south of the project’s entrance, and the existing driveway provides access to this residence.

Vasona Lake County Park is located east of the site across University Avenue. Residential uses are located across Winchester Boulevard to the west of the site.

10. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreements): None.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages:

	Aesthetics		Agriculture Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources	X	Geology/Soils
X	Hazards & Hazardous Materials		Hydrology/Water Quality		Land Use/Planning
	Mineral Resources	X	Noise		Population/Housing
	Public Services		Recreation	X	Transportation/Traffic
	Utilities/Service Systems		Mandatory Findings of Significance		

Determination: (to be Completed by the Lead Agency)

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Andy A. Bail for
 Bud N. Lortz, Director of Community Development

1/11/05
 Date

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Evaluation of Environmental Impacts

Issues:

I. Aesthetics - Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Existing views of the project site are principally available from adjacent residences to the north and south. Views of the site from Winchester Boulevard (to the west) are limited since the site's street frontage is limited to the access driveway. Existing residences west and southwest of the site block views of the site from Winchester Boulevard. The slope located along the site's eastern boundary obscures views of the site from University Avenue (to the east), which is located 75 feet lower than most of the project site. Trees located on this slope further obscures views of existing development on the site from University Avenue. Proposed retention of existing trees on this slope and at the project entrance combined with these other factors limiting visibility of the site from Winchester Boulevard or University Avenue would minimize any significant change in views from these streets due to the project.

Proposed residences would be approximately 23.5 to 25.0 feet high adjacent to the northern project boundary, except for the BMP residence, which would be 15 feet tall. Although six of the seven homes would be taller than the existing 6 to 12-foot masonry wall located along northern boundary, the privacy of existing single-family residences to the north would not be significantly affected due to proposed provision of second-story clerestory windows on north sides of five homes (Lots 17 to 21). The BMP unit on Lot 22 would be one story high and the six-foot high wall along the northern project boundary should be adequate to maintain privacy at the home to the north, which is set back approximately 70 feet from the project boundary. However, the seventh home (Lot 16) would have second-story side windows that could overlook the backyard of one or two residences to the north. In addition, this home would be set back only six feet from the northern project boundary. Final home design and window placement will be determined during the Architecture and Site approval process.

Proposed residences along the southern boundary would be approximately 23.5 to 25.5 feet high. Proposed residences would be set back 5 to 20 feet from the southern project boundary, while all but one existing multi-family residential structures to the south are set back 40 feet (one is set back 20 feet) from the project boundary. Combined setbacks would range from 35 feet at Lots 10 and 11 (east end) to 65 feet at Lots 3 and 7, with other lot setbacks approximately 50 to 55 feet. The existing six-foot high wall would help block views between the first floors of project and existing residences. However, proposed removal of mature pines along the southern boundary would increase visibility between the second floors of project residences and existing residences to the south. In addition, views from these residences would

Initial Study - Villa Felice, 15350 Winchester Boulevard

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
---	--------------------------------	---	------------------------------	-----------

be permanently changed since no trees are proposed to be planted along the southern project boundary. The proposed 50- to 65-foot setback would help minimize loss of privacy, although two project units would only have a 35-foot setback. In addition, the potential loss of privacy at existing residences would be minimized by their design (large roof overhangs and solid railings which partially enclose decks).

The project would not significantly affect views from the existing Villa Felice Townhomes, which are located north and west of the site. Setbacks of 60 feet or more would be maintained between project residences and Villa Felice Townhomes, which would minimize the potential for loss of privacy at existing residences. In addition, project homes would be separated from existing townhomes to the west by a parking lot, where there is already an existing parking lot.

Nighttime lighting would not significantly change with the proposed project. At present, lighting is provided throughout the parking lot, which comprises the western half of the site. Some of the pole-mounted lights are located on the project boundary adjacent to existing residences. In addition, existing structures on the site have exterior and interior lighting. With the project, there would be exterior lighting associated with project streets and residences. Any proposed exterior lighting will be specifically reviewed as part of Architecture and Site review. To reduce the potential for disturbance due to nighttime lighting, the final plans will need to satisfy Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary).

II. Agriculture Resources - Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

The 5.91-acre site is currently developed with a 13,700 square-foot restaurant (no longer in operation), a 31-unit lodge (hotel), and two single-family residences. The site's agricultural potential is limited by existing surrounding residential development. Since the site is not in agricultural use, the project would not adversely affect any existing agricultural operations.

III. Air Quality - Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	

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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?		X		
e) Create objectionable odors affecting a substantial number of people?				X

When compared to the approved trip generation potential of the existing restaurant, lodge, and residential uses on the project site, the proposed project would generate 1,245 fewer net new daily trips, 1 fewer net new AM peak hour trips, and 80 fewer net new PM peak hour trips. Nevertheless, the significance of the project's potential increase in air pollutant emissions can be determined by comparing the size of the project to the significance thresholds established by the Bay Area Air Quality Management District's (BAAQMD). Air emissions increases associated with the proposed project would not be considered significant on a local or regional level since the size of the proposed project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold levels for potential significance.¹ The BAAQMD threshold level for potential significance is 375 single-family units; under this size, a detailed air quality analysis is not required unless warranted by the specific nature of the project or project setting. Based on the project size and estimated decreases in approved traffic generation levels, an air quality impact assessment would not need to be prepared and submitted to the BAAQMD for review.

Construction activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard construction notes that are included with all projects require the contractor to "meet or exceed the requirements of the appropriate air quality management agencies..." Therefore, standard Town requirements will require implementation of the BAAQMD's dust control measures. However, these measures apply to sites of three acres or less. Since the project site is almost six acres, implementation of the BAAQMD's enhanced control measures (in addition to standard measures) will also be required to mitigate potential construction emissions to a less-than-significant level. In addition to the standard Town dust control measures, the following measures will be required:

1. Due to the size of the site (over three acres), the following BAAQMD Enhanced Control Measures shall be implemented in addition to the Town's standard condition for dust control:

Enhanced Control Measures

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.

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- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*
- *Replant vegetation in disturbed areas as quickly as possible.*

Construction equipment emits carbon monoxide and ozone precursors during combustion of diesel fuel. The BAAQMD's determination, however, is that these emissions have been included in the emissions inventory, which was the basis for the '97 CAP and subsequent air quality plans. Since the BAAQMD does not consider construction-related exhaust emissions to be "new" emissions, they would not impede attainment or maintenance of ozone or CO standards in the air basin.² Therefore, their impact would be considered less than significant.

IV. Biological Resources - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community (i.e., aquatic and wetland habitat) identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Policy O.P.3.3 of the Open Space Element of the Los Gatos General Plan emphasizes preservation of public and private landscaping along Town streets. The Los Gatos Tree Protection Ordinance states that the preferred tree replacement is two or more trees of a species and size designated by the Director of the Parks and Public Works Department. Tree replacement requirements are based on canopy size, which is defined in Table 3-1 of the Ordinance, *Tree Canopy – Replacement Standard*. Tree canopy replacement

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requirements range from two to six 24-inch box size trees or one to two 36-inch and/or 48-inch box size trees, depending on the canopy size of the tree to be removed.

A tree report was prepared by HortScience, Inc. for the applicant in November 2004. This report was peer reviewed by the Town’s Arborist, Arbor Resources in December 2004. AR findings and recommendations are presented as follows and included as Attachment 1. At present, there are approximately 147 trees of 33 various species on the project site and adjacent properties. Of these, 132 are regulated by Town Ordinance and suitability of these trees for preservation are classified as follows:

- Good Suitability: 35 (26% of ordinance-size trees)
- Moderate Suitability: 58 (44% of ordinance-size trees)
- Poor Suitability: 39 (30% of ordinance-size trees)

The project applicant proposes to retain 54 ordinance-size trees (41%) and remove 78 ordinance-size trees (59% of ordinance-size trees). Of the trees proposed to be removed, suitability for preservation would be as follows: 18 good suitability, 30 moderate suitability, and 30 low suitability. The Town Consulting Arborist determined that proposed tree removal would not significantly affect the site or surrounding properties. However, the Arborist recommends (but does not require) that retention of Tree #180, a large Deodar cedar, be considered due to its excellent condition rating. The Town will require the project applicant to comply with tree canopy replacement requirements outlined in Section 29.10.0985 of the Tree Protection Ordinance, and the Town’s Consulting Arborist will determine tree replacement requirements. The Parks and Public Works Department or the Town’s Consulting Arborist will determine the adequacy of the project’s Landscape Plan with respect to the number, size, species of tree replacements, reducing potential conflicts with local policies and ordinances to a less-than-significant level.

Due to the extent of proposed tree removal, size of many on-site trees to be removed, and proximity to Vasona Lake Park and Los Gatos Creek, it is possible that proposed tree removal and project construction activities could disrupt any nesting activities occurring in or near trees to be removed. Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. State Fish and Game Code Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” In the San Francisco Bay area, most raptors breed from February through August. If construction could be scheduled to occur between September and January, the nesting season could be avoided, and no impacts to nesting raptors would be expected. However, in most cases, construction cannot be scheduled during the non-breeding seasons due to limitations associated with soil erosion, which can prevent equipment operations and delay construction. The raptor survey required below will preclude any potential impacts on nesting raptors, in the event any occur on the site at the time of project construction.

In addition, during project construction, there would be the potential for damage to the trees that are proposed to be retained. Implementation of the following measures will reduce these potential construction impacts to a less-than-significant level:

2. *If it is not possible to schedule construction between September and January, the project applicant shall be required to conduct a pre-construction survey for nesting raptors by a qualified ornithologist*

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in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest."

- The project applicant shall be required to implement all six recommendations made by the Town's consulting arborist, Arbor Resources, in its December 13, 2004 report. These measures are included in Attachment I.*

V. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

The project site is already developed and surface soils were disturbed during construction of existing development on the subject property. However, since the site is located near Los Gatos Creek, the potential for encountering cultural resources cannot be completely eliminated. Therefore, the following mitigation measures will be required to minimize potential impacts on subsurface archaeological resources in the event they are encountered during project construction:

- In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.*
- If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.*
- If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines.*

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7. *A final report will be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.*

Potential historic resources on the project include the restaurant, office building, lodge, duplex, and maintenance building. An historical and architectural evaluation was completed by Archives and Architecture (AA) for the existing buildings on the project site in 1998.³ A copy of this report is on file at the Los Gatos Community Development Department. AA determined that although Villa Felice was an important social and entertainment center since the 1950's, the buildings have been constructed since the 1960's. Two buildings retain remnants of buildings that were associated with the La Pace Villa summer resort that were originally constructed in the 1930's. These buildings, however, have been radically remodeled leaving very little of their historic style in evidence. None of the individual buildings nor the Villa Felice complex as a whole appear to meet any of the criteria that would make them eligible for the National Register of Historic Places or the California Register of Historic Resources. Additionally, AA determined that the Villa Felice complex would not be eligible for listing at the local level based on the Town's evaluation method.

The Los Gatos Historic Preservation Committee reviewed the project proposal and recommended approval of proposed demolition of project structures for the following reasons:⁴

- The buildings are not associated with any events that have made a significant contribution to the Town.
- No significant persons are associated with the site.
- There are no distinctive characteristics of type, period, or method of construction or representation of work of a master.
- Does not yield information important to the Town's history.

VI. Geology and Soils - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?		X		
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		

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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	

A review of the Town's hazards maps⁵ indicates that the project site has a moderate erosion hazard, moderate to high shrink-swell potential, negligible slope stability hazard, no potential for liquefaction, low to moderate potential for fault rupture, and moderate potential for seismic shaking. No debris flow hazards were identified for the site. The Town's Fault Map indicates that the project property is located immediately north of a fault trace, which is mapped as traversing the parcel south of the site.⁶

In 1998, ENGEO Inc. completed a geotechnical investigation for a previous development proposal at the project site. In 2004, a geotechnical investigation was completed by Donald E. Banta & Associates, Inc. (DBA) for the current development proposal. Copies of these studies are on file at the Los Gatos Community Development Department. The 2004 DBA investigation reviewed the 1998 ENGEO report but also conducted a site reconnaissance, subsurface exploration, laboratory testing, and engineering analyses of the field and laboratory data. Based on its investigation, DBA concluded that the site is suitable for the single-family residential construction provided its recommendations are incorporated into the design and construction of the project. Conclusions and recommendations of the DBA report are summarized below.

The San Francisco Bay Area is considered by geologists and seismologists as one of the most seismically active regions in the United States. The significant earthquakes which occur in the Bay Area are associated with crustal movement generally along well-defined, active fault zones. The California Division of Mines and Geology (CDMG) has issued maps locating "Active Fault Near-Source Zones" to be used with the 1997 Uniform Building Code. The closest significant faults to the project site are the Monte Vista-Shannon fault (approximately 1.1 miles from the site) and the San Andreas fault (approximately 4.5 from the site). However, the U.S. Geological Survey predicts that there is a 62 percent chance of at least one magnitude 6.7 or greater earthquake capable of causing widespread damage striking the San Francisco Bay regional between 2002 and 2031. During such an earthquake, very strong ground shaking of the site could occur. However, it should be noted that most of the Bay Area as well as surrounding residences are subject to similar groundshaking hazards. DBA also indicates that the potential for earthquake-induced liquefaction of soils underlying the site is very low. DBA specify criteria and standards in accordance with the Uniform Building Code (UBC) for site grading, drainage, seepage control, pavement design, retaining wall design, erosion control, and foundation design. Compliance with applicable UBC requirements and sound engineering practices would be adequate to mitigate regional seismic safety concerns, such as groundshaking, to a less-than-significant level.

The project site is located on a knoll area between Winchester Boulevard and University Avenue. The western half of the site slopes from approximately 390 feet at Winchester Boulevard to 402 feet near the center of the site, with a maximum slope of approximately 4.5 percent. The central and eastern portion of the site is a relatively flat knoll, sloping at approximately one percent to the west, north, and east. The easterly portion of the site is a steeply inclined (1.5:1) bluff area with a total elevation difference of

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approximately 70 feet (330 feet in elevation at the base of the slope at the eastern project boundary). The proposed grading plan indicates that approximately 7,500 cubic yards would be cut and 6,000 cubic yards would be fill, resulting in the export of approximately 1,500 cubic yards of excess fill.

DBA identifies two geotechnical engineering considerations: (1) proper removal of old fills and underground obstructions (old foundations, swimming pool backfill, septic tanks/leach lines, burn pits, underground tanks, etc.); and (2) erosion protection of the top of slope along the eastern end of the developed portion of the property. Old fill materials must be removed and recompacted and all underground obstructions must be removed and replaced with compacted structural fill. Due to the steepness of the slope on the eastern portion of the site, the potential for erosion would be high and surface drainage generated on the site must not be allowed to drain onto this slope. DBA recommends several options to reduce erosion hazards on this slope: (1) grade the area adjacent to the top of slope to drain in a westerly direction for at least 10 feet to area drains; (2) cut the existing slope to extend the top of slope toward University Avenue, but raising the existing grades within 20 feet of the top of slope is not recommended; or (3) construct a combination cut-off, retaining wall with a lined drainage channel along the west side of the wall. Town requirements will include provision of a complete erosion control plan (including interim erosion control measures and drainage controls such as bio-swales and energy dissipaters). Both Town and DBA measures would reduce potential erosion hazards to a less-than-significant level.

The following measure shall be required to reduce identified potentially significant seismic, slope stability, erosion, and soil hazards to less-than-significant levels:

8. *The project design shall incorporate all applicable recommendations in the geotechnical investigation by Donald E. Banta and Associates, Inc. (DBA) for the proposed project (included as Attachment 2) in order to minimize the potential impacts resulting identified geotechnical constraints.*

VII. Hazards and Hazardous Materials - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

The project site is not included on any Hazardous Wastes and Substances Sites List.⁷ A Phase I Environmental Site Assessment was completed by ENVIRON International Corporation for the project site in November 2004.⁸ A copy of this report is on file at the Los Gatos Community Development Department. Based on visual observation of the property, review of sources of historical information, interviews with representatives of the current property owner, and review of regulatory agency databases, the following “recognized environmental conditions” (RECs) were identified:

- **Abandoned Grease Trap:** A 1,500-gallon steel, underground storage tank (UST), previously used as a grease trap from the kitchen, was installed in 1980 within an abandoned concrete swimming pool. The grease trap had reportedly been left empty since the restaurant closed in 1998. However, soils contamination assessments in 2003 and 2004 indicate that an isolated area of contamination is present at about five feet to the northwest of the grease trap (approximately five feet below ground surface). Removal of this trap and affected soil are recommended.
- **Asbestos-Containing Materials (ACMs):** The existing restaurant was found to have asbestos-containing materials (ACMs) in dining room. The owners’ residences were not surveyed and it is possible that ACM may be present. All existing structures on-site are proposed to be demolished, and demolition would be required to comply with state and federal regulations for inspection and removal of hazardous building materials. The U.S. EPA enforces the requirement that all ACMs be handled, removed and disposed of according to all applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) standards. The applicant of this project will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Such clearance would ensure compliance with applicable regulations and therefore, that the potential for this public health hazard would be reduced to a less-than-significant level.
- **Lead-based Paint (LBP):** Based on the age of some on-site buildings (as far back as 1932), it is possible that lead-based paint has been used at the property. A lead survey conducted in 1973

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determined that the exterior trim paint at the restaurant building and kitchen interior paint contain lead. Removal of LBP in accordance with applicable regulations is recommended.

- Former USTs: There were two USTs located beneath the parking area to the west of the restaurant building. The USTs were removed in February 1991 and soil samples were taken from the area surrounding the USTs. Trace concentrations of petroleum hydrocarbons were found in the soil, but regulatory agencies determined that cleanup of contamination related to the USTs was not necessary and closure was granted in August 1991. Therefore, this issue is considered a historical REC.

The following mitigation measures shall be implemented to ensure that public health hazards are mitigated to a less-than-significant level:

9. *The abandoned grease trap and affected surrounding soils should be removed.*

10. *Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.*

VIII. Hydrology and Water Quality - Would the project:				
a) Violate any water quality standards or waste discharge requirements? (Consideration shall be given to water bodies on the Clean Water Act Section 303(d) list, as well as the potential for conflict with applicable surface or ground water receiving water quality objectives or degradation of beneficial uses).			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	

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f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

Storm Drainage. Presently, the 5.91-acre project site is developed with commercial uses, and existing buildings and paving cover 207,443 square feet, approximately 81% of the site. Storm water runoff from the project site' impervious surfaces flows into the Town of Los Gatos storm drain system, discharging into Los Gatos Creek, and ultimately draining northward into San Francisco Bay.

The project would decrease impervious surfaces from existing levels to 138,805 square feet, resulting in total coverage of approximately 53% of the site. The proposed project would reduce impervious coverage by 28% and improve on-site absorption and retention of rainfall. As a result, this project is exempt from the C.3 (NPDES permit program) hydromodification plan because the proposed development will reduce peak runoff rates.⁹

The Conceptual Storm Drain Plan for the project indicates that the existing on-site storm drains would be replaced with new pipes that direct collected runoff to existing storm drainage facilities in Winchester Boulevard and University Avenue. Since existing downstream storm drain facilities adequately accommodate current storm runoff flows and the proposed project would decrease peak surface flows, the proposed project would have beneficial effect on existing storm drainage system capacities and no significant adverse impacts on runoff flows from the project site. However, on Lot 16, surface runoff would be directed eastward to an existing drain that connects with the storm drain in University Avenue. If this drain were to become blocked, surface runoff could flow onto the slope to the east. As indicated in Section VI, Geology and Soils, the potential for erosion on this slope would be high due to its steepness and surface drainage generated on the site must not be allowed to drain onto this slope. Implementation of recommendations made by the geotechnical engineer (Mitigation Measure #8) would address this potential impact and mitigate it to a less-than-significant level.

Flood Hazards. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Santa Clara Valley Water District's Maps of flood control facilities and limits of one percent flooding and the Town of Los Gatos Safety Element Flood Plan maps also show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts would be anticipated.

Water Quality. New, more stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay, as

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evidenced by such observations as violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

The project site is located within the Los Gatos Creek watershed. Runoff from the site would discharge to the Town's storm drains in Winchester Boulevard and University Avenue, flowing directly into Los Gatos Creek and eventually into the Bay. Los Gatos Creek is on the Clean Water Act Section 303(d) List of Water Quality Limited Segments due to the presence of diazinon, a pesticide, and its primary source is identified as urban runoff and storm drains. Best Management Practices (BMPs) outlined by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for treatment control of pesticides are bioretention, infiltration, and media filter with adsorption/absorption as the removal process.

As a condition of project approval, the Town will require: (1) preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department; and (2) implementation of non-point source pollution prevention measures such as directing runoff from impervious surfaces to bio-swales or landscaping areas to reduce pollutant levels in the water that will eventually discharge to Los Gatos Creek. The proposed storm drain plan indicates that runoff from impervious surfaces such as rooftops and roadways would be directed to bioswales that are proposed to be located in the side yards of proposed residential lots and into infiltration trenches proposed along both sides of the project access road. The project is classified as Group 1 under the C.3 permit and thus must satisfy numeric sizing criteria for pollutant removal. The Town has determined that the proposed improvements satisfy the sizing requirements, and the project complies with current non-point source requirements as well as SWPPP and erosion control portions of the NPDES permit program.

IX. Land Use and Planning - Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

The Los Gatos General Plan currently designates the project site for Low Density Residential (0-5 dwelling units per acre [du/ac]) and Neighborhood Commercial. The project applicant proposes to amend the General Plan land use designation on the site to Medium Density Residential (5-12 du/ac). The project's proposed density of 5.6 du/ac would conform with the proposed new land use designation.

The project is currently zoned R-1:8:PD (minimum lot area 8,000 square feet) and the project applicant proposes to rezone the site to RM:5-12:PD (Multi-Family Residential, 5-12 du/ac). The project's proposed density of 5.6 du/ac would conform with the proposed new zoning designation.

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Project implementation would convert the existing commercial (restaurant and lodge) use to residential use. Since the site is surrounded by single-family and multi-family residential uses, the proposed single-family residential use would be consistent with existing adjacent uses. When compared to the existing commercial use, the project would increase compatibility of the development on the site with adjacent uses. In addition, the project's density of 5.6 du/ac would be lower than the density of the adjacent Villa Felice Townhomes (7.6 du/ac) to the northwest and Vasona Terrace Townhomes (7.8 du/ac) to the south.¹⁰ Although the project's density would be higher than the density of the adjacent single-family neighborhood to the northeast (zoned R-1:10 and R-1:20, minimum lot areas of 10,000 and 20,000 square feet, or approximately 2 to 4 du/ac), project design elements (see Section I, Aesthetics) would help minimize potential land use compatibility problems with these adjacent residences.

The Los Gatos General Plan does not identify any habitat conservation plans or natural community conservation plans that apply to the project site.

X. Mineral Resources - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

XI. Noise - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
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Construction. Residential uses are generally considered to be noise-sensitive uses or sensitive receptors. The closest residences to the site are located approximately 20 feet to the north, 10 feet to the west, and 20 feet to the south. These residences would be subject to noise increases associated with project construction. The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet.

When project demolition and grading activities occur, heavy equipment operation could occur as close as 10 feet from six residences to the west and 20 feet from one residence to the south and one or two residences to the north. At 25 feet, the ordinance noise limit would result in maximum noise levels of 85 dBA at the closest residences to the north and south, and maximum interior noise levels would reach 60 to 70 dBA with the windows closed, which would be expected to result in speech interference effects. At 10 feet, maximum noise levels would be even higher, which also would be expected to result in speech interference effects. During other phases of construction (house construction), maximum noise levels would be lower since project homes would be located farther from existing residences (35 feet or more separation except on Lot 22 where the proposed home would be 20 feet from the existing home to the west).

However, it should be noted that existing masonry walls along the northern, western, and southern project boundaries would help reduce construction noise levels at these residences. Temporary disturbance (e.g., speech interference) can occur if the noise level in the interior of a building exceeds 60 dBA.¹¹ In addition, such levels of construction noise would only occur for a short period when grading equipment is operating immediately adjacent to a specific receptor, not during the entire project construction period. Due to the short duration of grading activities in the vicinity each affected residence, such a temporary impact is considered to be mitigated to a less-than-significant level by retention of existing masonry walls, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance. Since the northern masonry wall is proposed to be replaced as part of project construction, the following measure shall be required to ensure construction noise impacts are maintained at acceptable levels to the extent possible:

11. Existing masonry walls along project boundaries should be maintained at all times during construction to protect all adjacent residents from construction noise. The existing masonry wall along the northern project boundary that is proposed to be replaced either: (1) should be retained until the noisier phases of project construction are complete (e.g., grading, paving, house framing, etc.) or (2) should be replaced at the commencement of project construction, prior to project grading activities.

Noise Compatibility. Primary noise sources contributing to ambient noise levels in the project vicinity include traffic on Winchester Boulevard and University Avenue. However, noise levels at the site are buffered from these sources since there are existing homes located between the project site and Winchester Boulevard. Also, the proposed residences would be set back 100 or more feet from University Avenue, and noise from this source would be further reduced since they are located approximately 70 feet higher in elevation. Based on noise modeling completed as part of the General

Initial Study - Villa Felice, 15350 Winchester Boulevard

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Plan Update Program, the section of Winchester Boulevard adjacent to the site is subject to noise levels of 60 dBA (Ldn) at 175 feet from the centerline of Winchester Boulevard and 92 feet from the centerline of University Avenue. Project homes would be set back a minimum of 260 feet from the Winchester Boulevard centerline and 130 feet from the University Avenue centerline.

The Noise Element of the General Plan includes a long-range noise goal for exterior use areas of various uses. The noise goal is a day-night average sound level of less than 55 dBA (Ldn) for residential uses. Based on noise modeling data from the General Plan, noise levels at the site would likely meet the Town's 55-dBA goal for residential use, given the setback distances, barrier effect of existing townhomes located between Winchester Boulevard and project homes, and the topographic configuration of the eastern portion of the site. In areas where the Town's noise goal is not met, the Town also uses the State's land use compatibility noise guidelines as a criterion for defining significance of a noise impact under CEQA. When compared to State noise guidelines, noise levels at the project site would be "normally acceptable" for residential uses. Therefore, no significant noise compatibility problems would be anticipated with the proposed residential use.

XII. Population and Housing - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

The project would add 31 new housing units to the Town, which could generate approximately 78 more residents. The project's net addition of 78 people would represent a 0.3 percent increase over the Town's current population of 28,592 (as indicated in the 2000 census) and 0.2 percent increase over the Town's 2005 population of 35,700 as projected by the Association of Bay Area Governments (ABAG). Such increases in population also would be within ABAG's projected three percent growth rate between 2000 and 2005, and would not represent a significant increase in local or regional population. The project's net population increase of 78 persons would represent 0.004 percent of Santa Clara County's 2000 total population of approximately 1.8 million.

Since surrounding lands are already developed, the project would not be considered growth-inducing. No new roads or utilities would be extended to any contiguous undeveloped areas.

The project would result in demolition of a duplex. However, these two units would be replaced with 33 units, including four BMP units in accordance with the Town's Below Market Price Housing Program. Therefore, the project would not adversely affect local housing supply.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIII. Public Services -				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?				X

Police and fire services are already provided to existing buildings on the project site and the project would not significantly increase demand for these services. The Santa Clara Fire Department has reviewed the proposed site plan for site access and water supply, and the project will be required to meet Department requirements for minimum road widths and hydrant spacing/location. The Department has determined that required fire flow is available from area water mains and fire hydrants. The Department will require a minimum width of 20 feet on project streets and the project's private streets would be 24 and 20 feet wide.

The project would add approximately 20 new students to the Los Gatos Union School District and Los Gatos-Saratoga High School District. Project students would attend Daves Avenue Elementary School, Fisher Middle School, and Los Gatos High School. To offset potential additional service costs for enrolling new students from the proposed project, the Los Gatos Union School District and Los Gatos-Saratoga High School District will charge the project applicant impact fees based on the size of new homes (per square foot basis) and by supplemental parcel taxes on the new residential parcels. Payment of impact fees and supplemental taxes would mitigate the project's impacts on school services to a less-than-significant level.

XIV. Recreation -				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?			X	

The proposed addition of 33 residential units would increase local population, and thereby incrementally increase demand for recreational facilities. Proposed provision of a park in the southeast corner of the project site would help offset some the project's increased demand. In addition, the project's incremental

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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increase is considered to be less than significant given the small size of the project, the project's proximity to existing recreational facilities such as the Vasona Lake County Park immediately east of the site, and proposed provision of the park on-site.

XV. Transportation/Traffic - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a detailed traffic study for any project with the potential to generate 20 or more additional morning (AM) or afternoon (PM) peak hour trips. An estimate of the project's trip generation was completed for the applicant by Fehr & Peers Transportation Consultants (F&P) and trip generation estimates are presented in Table 1.¹² The net-added trip generation for the project site was estimated by subtracting traffic generated by the existing uses (motel and restaurant) on-site from the traffic generated by the proposed project. As shown in Table 1, the project would generate 1,245 fewer net new daily trips, 1 fewer net new AM peak hour trip, and 80 fewer net new PM peak hour trips than the existing uses. That is, the new residential uses would generate less traffic than the existing motel, duplex, and restaurant. Therefore, a detailed traffic study was not required.

Access to the project site would be from Winchester Boulevard. The existing entry to the site would remain the same with the proposed project with existing trees and driveway connections remaining the same. While the driveway location and alignment would remain the same (west of the existing parking lot), a special paving surface would be added along the driveway entrance. However, the entry driveway at Winchester Boulevard would not comply with requirements of the American with Disabilities Act (ADA), and wheelchair users on Winchester Boulevard would have difficulty crossing the driveway. The Town will require (as a project condition) modification of driveway grades to meet ADA crossing requirements.

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Table 1
Project Trip Generation Estimates

Land Use/Type	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<i>Proposed Uses</i>								
Single-Family Detached Housing	29 units	333	8	22	30	22	13	35
Duplex (Two Buildings)	4 units	27	0	2	2	1	1	2
<i>Subtotal Proposed Uses</i>								
<i>Existing Uses</i>								
Duplex (One Building)	2 units	13	0	1	1	1	0	1
Motel	32 rooms	288	7	13	20	10	9	19
Restaurant	14,500 sf	1,304	6	6	12	73	36	109
Passerby (10% PM)		0	0	0	0	-6	-6	-12
<i>Subtotal Existing Uses</i>		1,605	13	20	33	78	39	117
Net Added Trips		-1,245	-5	4	-1	-55	-25	-80

SOURCE: Fehr & Peers Transportation Consultants (2004)

The Town parking requirement for single-family residences is two parking spaces for each unit plus one space per unit for guest parking. Proposed plans indicate 63 garage spaces, 31 spaces in driveway aprons, and 30 visitor spaces would be provided, for a total of 124 parking spaces on-site or 3.7 spaces per unit. Although some of the westernmost visitor spaces would also be used as visitor parking by the adjacent Villa Felice Townhomes (to the west), proposed provision of 124 spaces would meet the Town's parking requirement of 99 spaces for the project.

Project construction would require the export of approximately 1,500 cubic yards of excess fill. This volume of material would generate approximately 250 truck trips (125 truckloads assuming 12 cubic yards per load). Assuming trucks would be filled at a rate of approximately four trucks per hour and seven hours per day (9 a.m. to 4 p.m.), truck traffic increases of approximately 28 trucks per day would occur over approximately nine work days. Trucks would access the site via Winchester Boulevard and this road would have adequate capacity to accommodate the additional four truck trips per hour. However, since some freeway access intersections operate at capacity (LOS D) during either the AM or PM peak traffic hours (e.g., Winchester Boulevard/Lark Avenue and SR 17 Southbound Ramps/Lark Avenue intersections), the following measure shall be required:

12. Earth export truck traffic should only be allowed between 9 a.m. and 4 p.m., Monday through Friday.

XVI. Utilities and Service Systems – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X

Initial Study - Villa Felice, 15350 Winchester Boulevard

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

Utilities are currently provided to existing buildings located on the project site. Sanitary sewer service would be provided by West Valley Sanitation District (WVSD). The WVSD has reviewed project plans and indicates service is available to the proposed project. The on-site system would be privately maintained and built to WVSD public sewer standards.¹³ All other utilities (water service, cable, and telephone) are currently provided to the project site and its vicinity. Although extension/improvement of these facilities on the site would be required, no significant impacts on these utilities would be anticipated.

There is an existing electrical transformer (including an easement) that services the restaurant and lodge. This transformer would be removed and the easement abandoned as part of project development. Proposed removal and abandonment of this easement will be subject to PG&E review and approval.

XVII. Mandatory Findings of Significance -				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

Initial Study - Villa Felice, 15350 Winchester Boulevard

Issues (and Supporting Information Sources)	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

LIST OF SUPPORTING INFORMATION SOURCES

(Indicated as endnotes under specific issues of Initial Study)

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- ¹ Bay Area Air Quality Management District, 1999. *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans*. December.
- ² Bay Area Air Quality Management District, 1999. *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans*. December.
- ³ Archives & Architecture, 1998. *Historical and Architectural Evaluation for the Villa Felice at 15350 Winchester Boulevard in the Town of Los Gatos, County of Santa Clara*. April 30.
- ⁴ Letter from Lee Bowman, Planning Director, Town of Los Gatos dated August 10, 1998 to Braddock & Logan Group, LP, regarding 15350 Winchester Boulevard and findings of the Los Gatos Historic Preservation Committee.
- ⁵ Nolan Associates, 1999. *Draft Erosion Potential Map, Shrink-Swell Potential of Soils, Slope Stability Hazard Map, Debris Flow Hazard Map, Liquefaction Hazard Zones Map, Seismic Shaking Hazards Map, Geologic Map, Fault Rupture Hazard Zones Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁶ Nolan Associates, 1999. *Draft Fault, Lineament & Coseismic Deformation Map for the Town of Los Gatos General Plan Update*. January 17.
- ⁷ Town of Los Gatos Development Application Supplement, Hazardous Wastes and Substances Statement for 15350 Winchester Boulevard, Los Gatos, August 17, 2004.
- ⁸ ENVIRON International Corporation, 2004. *Phase I Environmental Site Assessment, Villa Felice, 15350 Winchester Boulevard, Los Gatos, California, Project No. 03-12267C*. November.
- ⁹ Email communication from Fletcher Parsons, Town of Los Gatos Parks and Public Works Department, to Valerie Geier, dated November 15, 2004.
- ¹⁰ Letter of Justification from Mark Robson, President, Santa Clara Development Company to Bud Lortz, Director of Community Development, Town of Los Gatos, dated October 7, 2004.
- ¹¹ In indoor noise environments, the highest noise level that permits relaxed conversation with 100% intelligibility throughout the room is 45 dBA. Speech interference is considered to become intolerable when normal conversation is precluded at 3 feet, which occurs when background noise levels exceed 60 dBA (U.S. Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety, Condensed Version*, 1974).
- ¹² Fehr & Peers Transportation Consultants, 2004. *Memo dated September 3, 2004 from Robert H. Eckols, P.E. and Norman Wong to Jessy Pu, Town of Los Gatos regarding trip generation analysis for Villa Felice in Los Gatos, California*.

Trip generation rates for existing uses were obtained from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual* (7th Edition). These trip rates were applied to the size of the existing and proposed development to obtain trip generation estimates. The trips generated by the existing restaurant use on the site were reduced by 10% during the PM peak hour to account for pass-by trips, which are made by vehicles already traveling past the site (i.e., the remaining trips are primary or specific trips made to the site). This factor is based on data published in ITE's *Trip Generation Handbook*.

¹³ Letter from Jonathan K. Lee, Senior Civil Engineer, West Valley Sanitation District of Santa Clara County, dated September 27, 2004 to Sandy Baily, Community Development Department.

Attachment 1

Findings and Recommendations

By

Arbor Resources

**A Review of the Proposed Development at
the Villa Felice Property
15350 Winchester Boulevard
Los Gatos, California**

December 13, 2004

INTRODUCTION

The Town of Los Gatos Community Development Department has requested I review the tree impacts associated with the development proposed at 15350 Winchester Boulevard (Villa Felice). This report presents my findings and recommendations, and serves as a second review of the proposed project (comments from my initial review can be found in my report dated 10/18/04).

Documents reviewed for this report include the following: [1] a Tree Location Map by Santa Clara Development, not dated; [2] a Preliminary Grading Plan (Sheet C-3) also by Santa Clara Development, not dated; and [3] a Tree Report by Mr. Ed Brennan (Project Arborist on record for this project) of HortScience, Inc., dated 11/10/04.

FINDINGS

The Tree Report by HortScience, Inc. is thorough and complete. It presents information regarding 147 trees of 33 various species on the subject site and neighboring properties. Of these, only 132 are regulated by Town Ordinance¹ and their suitability for preservation ratings, as identified in the Tree Report, are as follows: 35 are assigned a "good" suitability, 58 a "moderate" suitability, and 39 a "poor" suitability (their respective percentages are 26-, 44- and 30-percent).

Based on Table 3 of the report (pages 9 and 10), 54 of the Ordinance-sized trees would be retained and 78 would be removed (their respective percentages are 41- and 59-percent). To achieve protection of trees anticipated for retention, revisions to the grading design are necessary. Of those anticipated for removal, 18 are assigned a "good" suitability, 30 a "moderate" suitability, and 30 a "low" suitability; the trees' numbers and associated suitability ratings are listed below.

Good: #152, 153, 180, 195-201, 231, 233-235, 238, 239, 262, 269

Moderate: #125, 130-133, 141, 157-160, 168, 170, 173, 174, 176, 179, 210, 227, 230, 232, 236, 237, 240-242, 250, 261, 263, 267, 268

Poor: #126-129, 134-140, 142-151, 154-156, 162, 165, 166, 167, 172, 178

In my opinion, I do not find that the removal of the above-mentioned trees will significantly impact the site or surrounding properties. However, I do suggest plan revisions are considered (not required) for achieving the retention of tree #180, a large Deodar Cedar that is one of only a few trees assigned an excellent condition rating (presented on page 3 of the tree survey table).

¹ The following trees are smaller than Ordinance-size and not included in the count of the 132 trees: #211-214, 216, 244-249, 251, 252, 255 and 260.

RECOMMENDATIONS

1. The "Tree Preservation Guidelines" presented on pages 8 thru 10 of the Tree Report (by HortScience, Inc., dated 11/19/04) should be adopted and incorporated into the project's Conditions of Approval.
2. The Project Arborist shall be retained to identify the specific "Tree Protection Zones" and delineate on the Site Plan (or other site related plan) the location of protective fencing for the demolition and construction phases of development. The plan should be submitted to the Town for review.
3. The proposed grading design shall be revised to conform to the Tree Protection Zones that will be designated by the Project Arborist.
4. Prior to issuing development permits, the Project Arborist should review the final plans showing the following project components: grading, drainage, landscaping (both irrigation and planting) and underground sewer, water and utilities. All comments should be submitted to the Town for review.
5. Dates should be assigned to all plan sheets.
6. Based on the relatively high number of trees being removed, I suggest mitigation is limited to those assigned a "good" or "moderate" suitability for preservation (these trees are listed in the previous section). Mitigation should include one of the following three options (listed in order of preference):
 - a. Relocate trees suitable for transplant (as determined by the Project Arborist) to an alternate location on site. This may require boxing and storing the trees prior to commencing demolition and grading, and maintaining them until landscape construction begins. Recommendations for promoting the survival of relocated trees throughout the transplanting process should be prepared by the Project Arborist and submitted to the Town for review.
 - b. Install replacement trees per Table 3-1, Section 29.10.0985 of the Tree Ordinance. The new trees should be selected from the Town's list of recommended trees (available by contacting the Community Development Department) and integrated into the proposed landscape design. They must be planted prior to occupancy and, as necessary for support, be double-staked with rubber tree ties (cross-bars should not be installed between stakes). All forms of irrigation should be of a drip-type system placed on the soil surface and not in a sleeve.
 - c. In the event that replacements cannot be reasonably planted on the subject property, the appraised monetary value of the removed tree shall be paid to the Town Forestry Fund (per Section 29.10.0985, item #2, of the Tree Ordinance). This value can be established by the Project Arborist in accordance with the *Guide for Plant Appraisal, 9th Edition*, published by the ISA, 2000.

Attachment 2

Geotechnical Report Recommendations

By

Donald E. Banta & Associates, Inc.

**Geotechnical Report
Villa Felice Residential
15350 Winchester Boulevard
Los Gatos, California**

September 30, 2004

Therefore, it is our opinion that the potential for damage to the proposed residences due to liquefaction of the soils underlying the site is very low.

CONCLUSIONS AND RECOMMENDATIONS

From a geotechnical engineering standpoint, it is our opinion that the site is suitable for the single-family residential construction provided that the conclusions and recommendations presented in this report are incorporated in the design and construction of the project.

Geotechnical engineering considerations in development of the site are: (1) proper demolition of existing structures and removal of old fills and underground obstructions (old foundations, swimming pool backfill, septic tanks/leach lines, burn pits, underground tanks, etc.) and (2) erosion protection of the top of slope along the eastern end of the developed portion of the property.

It is essential that the old fill materials be removed and recompacted and that all underground obstructions be removed and replaced with compacted structural fill. Therefore, after site clearing operations have been completed, we recommend that a minimum of 18 inches of the exposed surface soil in all building, pavement, and exterior slab/sidewalk/driveway areas be over-excavated, cleared of any deleterious materials, and then recompacted as structural fill. Prior to replacing the excavated soil, the subgrade should be observed by our representative. In any areas where debris, underground obstructions, or old fills are still present, they must be removed for their full depth and backfilled with compacted structural fill. The limits of the over-excavation and recompaction operations should extend at least 5 feet beyond the limits of the proposed buildings and 3 feet beyond the limits of pavements and exterior flatwork. Based on our borings, fills up to 11 feet in depth should be expected near the western end of the existing restaurant (see Figure 1). Shallower fills should be anticipated at locations shown on Figure 1 and in areas of previous development.

Due to the existence of steeper than normal slopes located along the most easterly

portion of the property and the high erosion potential of the native soils, we recommend the area adjacent to the top of slope be graded to drain in a westerly direction for at least 10 feet to area drains. The existing slope may be cut to extend the top of slope toward University Avenue, however, raising the existing grades within 20 feet of the top of slope is not recommended.

As an option to draining away from the top of the easterly slope, a combination cut-off, retaining wall, could be constructed. The western side of the wall could include a lined drainage channel. The retaining wall should be pier supported with a solid cut-off wall extending at least 3 feet below the drainage channel. We recommend a freeboard of at least 1 foot above the channel and that all drain inlets be maintained to prevent blockage and designed for redundant capacity.

Detailed geotechnical engineering recommendations are presented in subsequent sections of this report. The following opinions, conclusions, and recommendations are based on the properties of the materials encountered in our borings. Since the proposed improvements occupy a much larger area than could be explored in detail during the design phase of the project, we suggest that we be retained to provide geotechnical observation and testing services during the mass grading and installation of foundations. This would allow us the opportunity to substantiate the recommendations presented herein or to expedite supplemental recommendations if the exposed subsurface conditions warrant.

We also suggest that we be retained to review the geotechnical engineering aspects of your final foundation and grading plans/specifications. It has been our experience that this review provides an opportunity to detect misinterpretations or misunderstandings prior to the start of construction.

A. SITE PREPARATION, EARTHWORK OPERATIONS, AND DRAINAGE

1. Clearing and Site Preparation

The site should be cleared of all obstructions including the existing structures, pavements, foundations, slabs, underground utilities, septic tanks/leach lines, designated

trees, and debris. Holes resulting from the removal of underground obstructions that extend below the planned finished site grades should be cleared and backfilled with suitable material compacted to the requirements given below under Item A. 7, "Compaction." After clearing, applicable portions of the site should be stripped to sufficient depth to remove all surface vegetation and organic-laden topsoil. The cleared materials should be removed from the site. Strippings should either be removed from the site or, at your option, could be stockpiled for use in landscaped areas.

2. General Subgrade Preparation and Fill Recomposition Recommendations

After the site has been properly cleared and stripped, the excavation and filling operations required for the building pads can be performed. As discussed above (Conclusions and Recommendations), it is essential that all underground obstructions (old foundations, swimming pool fills, septic tanks, burn pits, etc.) and all old fill materials be identified, removed, and replaced with compacted structural fill. To identify these areas, we recommend that after the clearing and stripping operations have been completed, a minimum of 18 inches of the exposed surface soil should be excavated and selectively stockpiled with any deleterious material removed. The limits of the over-excavation should extend at least 5 feet beyond the limits of the proposed building pads and 3 feet beyond the limits of pavements, driveways, sidewalks, and exterior slabs. The excavated subgrade should then be observed by our representative. In all areas where underground obstructions or old fill materials are still present, they must be removed for their full depth as determined by our field representative. There are several areas where loose fills and/or buried debris are known to exist (see Figure 1). We suggest that the grading contract be structured to include an allowance for over-excavation/removal of debris or obstructions that extend deeper than 18 inches below existing grade. After all unsuitable materials have been removed, the exposed subgrade should be scarified to a depth of 8 inches, moisture conditioned, and compacted in accordance with the requirements given below under Item A. 7, "Compaction."

3. Subgrade Preparation Requirements - Building Slabs-on-Grade

In order to limit shrink/swell movements in buildings with slab-on-grade floors, we

recommend that building slabs-on-grade be supported on a minimum of 12 inches of select on-site or imported non-expansive structural fill. For building slabs, the 12-inch select non-expansive fill section is in addition to the underslab sand/gravel section. A schematic drawing of the recommended underslab section and subgrade preparation criteria is presented on Figure 2.

4. Subgrade Preparation Requirements - Post-Tensioned Mat Foundation Alternate

To help limit the shrink/swell movements in building pad areas, native soils within 2 feet of the base of the mat foundation should be over-excavated, moisture-conditioned to at least 1 percent above the laboratory established optimum moisture content, and recompactd in accordance with the requirements given below under Item A. 7, "Compaction." The upper 8 inches of fill beneath the mat should meet the requirements for select non-expansive fill (see Figure 3, "Post-Tensioned Mat Foundation Subgrade Preparation Criteria").

5. Subgrade Conditions

Unstable conditions or "pumping" may be encountered during the grading operations particularly if they are performed during or following the wet winter months. If unstable subgrade conditions are encountered, special subgrade stabilization measures, such as lime/cement treatment may be required.

6. Material for Fill

General: All on-site soils below the stripped layer that are free of organics and debris (as determined by our field representative) are suitable for use as general fill except in those areas where select non-expansive fill material is required. In general, fill material should not contain rocks or lumps larger than 6 inches in greatest dimension with no more than 15 percent larger than 2.5 inches.

Select Non-Expansive Fill: Select non-expansive fill is required beneath slabs-on-grade and mat foundations. Select non-expansive materials should consist of on-site

or imported, predominantly granular soils with a plasticity index of 15 or less. In addition, they should meet the gradation requirements given above for general fill. On-site soils meeting the requirements for select non-expansive fill will be designated by our field representative at the time of construction.

7. Compaction

All structural fill placed at the site should be compacted to at least 90 percent relative compaction by mechanical means only as determined by ASTM Test Designation D 1557. Fill should be placed in lifts not exceeding 8 inches in uncompacted thickness. On-site clayey soils should be moisture conditioned to a minimum of 3 percent above the optimum water content prior to compaction. The upper 6 inches of subgrade soils in pavement areas should be compacted to 95 percent except that high plasticity clayey soils should be compacted to 92 percent relative compaction.

8. Cut/Fill Slopes

We recommend that any permanent cut and fill slopes constructed at the site have a maximum inclination of 2:1 (horizontal to vertical). At this inclination, the slopes will probably be subjected to some erosion and/or minor surface sloughing thus requiring periodic maintenance of the slopes. We recommend that permanent slopes be appropriately planted with ground cover to minimize erosion. Loose, unretained fills should not be placed on slopes (even in landscaped areas) since these fills are likely to slough or flow downhill when they become saturated during periods of prolonged rainfall. We recommend that fill slopes be thoroughly compacted to the face of the slope. This can be accomplished by continually track-rolling the slope as the fill is placed or by over-filling the slope by at least 2 feet and then cutting back and rolling the slope with compaction equipment.

9. Trench Backfill

Pipeline trenches under building pads and in exterior slab and pavement areas should be backfilled with compacted structural fill. If on-site soil is used, the material should

be placed in lifts not exceeding 8 inches in uncompacted thickness and compacted to at least 85 percent relative compaction by mechanical means only. Imported sand may also be used for backfilling trenches provided it is compacted to at least 90 percent relative compaction and is "capped" with at least one foot of compacted native soil and provided that cut-offs are constructed as discussed below under Item A. 11, "Seepage Control." Water jetting to attain the minimum required degree of compaction should not be permitted. In all pavement, exterior slab, and building pad areas, the upper 3 feet of trench backfill should be compacted to at least 90 percent relative compaction for on-site soils and 95 percent where imported sand backfill is used. In addition, the upper 6 inches of all trench backfill in pavement areas should be compacted to at least 95 percent relative compaction.

10. Surface Drainage

Positive surface gradients of at least 2 percent should be provided adjacent to the structures so as to direct surface water runoff away from foundations and slabs toward suitable discharge facilities. In addition, we recommend that the gradient within 10 feet of the existing easterly "top of slope" be sloped toward the west. Ponding of surface water should not be allowed on pavements or adjacent to the buildings and slopes. Rainwater collected on the roofs of the buildings should be transported through gutters, downspouts, and closed pipes which discharge on pavements or lead directly to the storm sewer. Concentrated water should not be allowed to flow across any slopes as erosion or weakening of the surface soils could occur.

As an alternate to the easterly top of slope drainage recommendation, a combination cut-off/pier supported retaining wall could be constructed at the top of slope. The cut-off should extend at least 3 feet below the finished slope grade on the eastern side of the wall or the base of the lined drain on the western side of the wall, whichever is deeper. Pier depths and design recommendations are presented in the following portions of this report.

11. Seepage Control

Where slabs or pavements abut against landscaped areas, there should be some

method used to protect the base rock layer and subgrade soils against saturation from water in the landscaped areas. The most positive approach would be to extend the curb to the base rock/subgrade contact and to install a subdrain on the planter side of the curb. Typically, subdrains would consist of 3 to 4-inch diameter perforated pipes installed in one-foot wide trenches and surrounded by Class 2 Permeable Material (Caltrans specification). The top of the subdrain pipe should be positioned at least 2 inches below the base rock/subgrade contact.

An alternative (but less effective) approach would be to use a vertical cut-off extending at least 4 inches below the native subgrade/base rock interface, i.e., a deepened curb section or equivalent. This will reduce the amount of lateral seepage under pavements or slabs from adjacent landscaped areas.

Where utility lines extend through or beneath exterior footings or curbs, any "sand or gravel" backfill should be terminated at least one foot from the footing or curb; concrete should be used around the pipe in this area and beneath the footing or curb to act as a seepage cut-off. The pipe should be "sleeved" through the concrete cut-off, and the annular space between the pipe and "sleeve" should be filled with a waterproof caulk. Alternatively, compacted clayey soil could be utilized as trench backfill for a minimum distance of 5 feet on either side of the footing/curb. This will reduce the amount of water seeping through the pervious trench backfill and collecting under building slabs or pavements.

12. Construction Observation

All grading and earthwork should be performed under the observation of our representative. Sufficient notification prior to demolition/earthwork operations is essential to make certain that the work will be properly observed. All earthwork should be performed in accordance with the recommendations presented in this report.

Variations in soil conditions are possible between borings and may be encountered during construction. In order to permit correlation between the preliminary soil data obtained for this report and the actual soil conditions encountered during

construction, we should be retained to perform continuous or intermittent review as required during earthwork, excavation, and foundation phases of construction.

B. FOUNDATIONS

1. Footings

We recommend that the proposed residences be supported on conventional continuous and/or isolated spread footings bearing on undisturbed or recompacted natural soils. All footings should be founded at least 20 inches below the lowest adjacent finished grade. At the above depth, the footings may be designed for an allowable bearing pressure of 2000 pounds per square foot due to dead loads, 3000 pounds per square foot due to dead plus live loads, and 4000 pounds per square foot for all loads including either wind or seismic.

Grade beams should be used around the perimeters of the buildings in any areas where continuous footings are not incorporated to serve as a cut-off and reduce lateral seepage. Grade beams should be reinforced with top and bottom steel and should extend to the same depths as the perimeter footings.

Where footings or mat foundations are located adjacent to the top of the existing easterly slope, we recommend that the parallel portion of the footing or mat be deepened to allow for a 15-foot distance between the base of the foundation and the face of the slope at the same elevation.

In order to maintain adequate support, any footings located adjacent to utility trenches or other footings should be deepened as necessary so that their bearing surfaces are below an imaginary plane having an inclination of 1.5 horizontal to 1.0 vertical projected upward from the bottom edge of the adjacent trench or footing.

All continuous perimeter footings should be reinforced with top and bottom steel to provide structural continuity and to permit spanning of local irregularities. Any shrinkage cracks in the bottom of footing excavations should be closed by soaking

prior to placement of concrete. We strongly recommend that our representative observe the bearing soils exposed in footing excavations prior to placing reinforcing steel or concrete.

Settlements under building loads are expected to be within tolerable limits for the proposed structures. We estimate that post-construction differential settlement between heavily and lightly loaded footings should be less than one-half inch over the 30 years following construction.

2. Building Slabs-on-Grade

We recommend that building slabs be supported on non-expansive material in accordance with the recommendations given above under Item A. 3, "Subgrade Preparation Requirements - Building Slabs-on-Grade" and Figure 2. This material should be placed in accordance with the requirements under Item A. 7, "Compaction."

Slab reinforcement should be provided in accordance with the anticipated use and loading of the slabs. However, due to the presence of potentially expansive soils and the fact that minor cracking of slabs can still occur even when the slabs are supported on a layer of non-expansive soil, we recommend that consideration be given to strengthening the slabs with a minimum slab reinforcement of No. 3 bars spaced at 18 inches on-center in both directions. This will help to minimize the width of any cracks which develop.

In slab areas where it is desired to reduce floor wetness (such as living areas or in other areas that will have moisture sensitive floor coverings), we recommend that 4 inches of free draining gravel (such as clean ½-inch crushed rock) be placed beneath the floor slab to serve as a capillary break between the subgrade soil and the slab. To reduce vapor transmission, an impermeable membrane should be placed over the crushed rock and covered with one inch of sand to protect it during construction; the sand should be lightly moistened just prior to placing concrete.

3. Post-Tensioned Mat Foundation Alternate

As an alternative to a spread footing/slab-on-grade foundation system, the proposed residential structures could be constructed on post-tensioned mat foundations designed to resist differential heave/settlement resulting from expansive soils. Geotechnical parameters for use by your structural engineer in post-tensioned mat foundation design are presented below:

- Em (center) = 5.0 feet
- Em (edge) = 2.5 feet
- Ym (center) = 1.5 inches
- Ym (edge) = 1.0 inches
- Maximum allowable dead plus live load bearing capacity for post-tensioned mat foundations = 1200 psf
- Maximum estimated differential settlement = 1.0 inches

The “Em” and “Ym” values are based on information presented in the “Design and Construction of Post-Tensioned Slabs-on-Ground” manual prepared by the Post-Tensioning Institute (1996). The values assume a range in moisture availability from semi-arid to very wet from irrigation.

The design parameters assume subgrade preparation as discussed above under Item A. 4, “Subgrade Preparation Requirements - Post-Tensioned Mat Foundation Alternate.” The post-tensioned mat design should include a deepened edge section extending 6 inches below the base of the mat. This deepened edge section should have a minimum width of 6 inches and should be continuous around the perimeter of each building. The above requirements are shown schematically on Figure 3, “Post-Tensioned Mat Foundation Subgrade Preparation Criteria.”

Intrusion of subgrade moisture through the mat foundation may occur from irrigation water, plumbing leaks, or other sources. We suggest that the vapor retarder/waterproofing system to be utilized be chosen after consulting with specialists in

moisture proofing with respect to the proposed flooring systems and the potential for mold growth.

4. Exterior Slabs-on-Grade

In order to reduce the potential for heave and cracking of exterior slabs-on-grade (patio slabs, etc.) due to seasonal swelling and shrinkage of the expansive native soils that blanket the site, we recommend that non-expansive structural fill be placed beneath exterior slabs. The non-expansive fill should have a minimum thickness of 8 inches. It is very important that the subgrade supporting the non-expansive fill be moisture conditioned. We recommend that the subgrade supporting the non-expansive fill be moisture conditioned to 1 percent above the laboratory established optimum moisture content to a minimum depth of 12 inches. This can be accomplished either by irrigation/soaking or by reworking the subgrade soils. We wish to note that exterior slabs are more susceptible to movement and cracking due to environmental factors than are interior slabs. The clayey soils underlying the site could be subject to volume change due to fluctuation in soil moisture content. Thus, if the moisture content of soils underlying slabs increases due to irrigation or seasonal rainfall, the soil may swell resulting in slab heave. Decrease in soil moisture due to drought or root systems from adjacent trees or bushes may result in soil shrinkage and slab settlement. These movements could result in damage to exterior flatwork and pavements which may require periodic maintenance or replacement.

5. Drilled Pier Foundations for Walls

We recommend that sound walls and retaining walls be supported on drilled, cast-in-place, straight shaft piers that are designed to develop their load carrying capacity through friction between the sides of the piers and the surrounding subsurface materials. Friction piers should have a minimum diameter of 16 inches. The required spacing of the piers should be determined by the designer but in no case should the center-to-center spacing of the piers be closer than three pier diameters.

Piers on level terrain 15 feet or more from the top of slope should extend through all fills to a minimum depth of six feet into native, dense, older alluvial soils. Piers on slopes or within 10 feet on the tops of slopes steeper than 4:1 (horizontal to vertical) should extend to a minimum depth of 15 feet or at least eight feet into dense, native, older alluvial fan materials, whichever is deeper. The pier capacity can be determined using an allowable skin friction value of 500 pounds per square foot for dead plus live loads with a one-third increase for wind or seismic. The uplift capacity of piers should be reduced to 80 percent of the corresponding downward capacity. These values can be used starting at a depth of one foot below the bottom of grade beams or at the top of native, older alluvial materials, whichever is deeper.

Where piers extend below the water table, pumping will be required to remove water from the holes prior to placing concrete; alternatively, concrete could be placed underwater by tremie methods. We recommend that reinforcing steel and concrete be placed as soon as possible after the hole is drilled.

The requirements for steel reinforcing in the piers should be evaluated by a structural engineer; however, as a minimum, we recommend that 16-inch diameter piers be reinforced with at least four No. 4 bars. This reinforcement should extend for the full length of the pier and should extend a sufficient distance into the grade beams to develop its full strength in bond.

6. Retaining Walls

Retaining walls constructed at the site must be designed to resist lateral earth pressures plus additional lateral pressures that may be caused by surcharge loads applied at the ground surface behind the walls. We recommend that unrestrained walls designed to support a level surface or with a sloping surface flatter than 4:1 (horizontal to vertical) be designed to resist an equivalent fluid pressure of 40 pounds per cubic foot. Where the sloping surface is at an inclination of 2:1 (horizontal to vertical), the unrestrained walls should be designed to resist an equivalent fluid pressure of 55 pounds per cubic foot. For walls with a sloping surface at an inclination of between 4:1 and 2:1, a straight line interpolation between the 40 and 55 pounds per cubic foot may be used.

If the designer determines that there are any surcharge loads on the walls, the unrestrained walls should also be designed to resist an additional uniform pressure equivalent to one-third the maximum anticipated surcharge load applied at the surface behind the walls.

We recommend that any restrained walls also be designed for the applicable equivalent fluid pressures given above. However, restrained walls must be designed for: (1) an additional uniform lateral pressure of $8H$ pounds per square foot where "H" equals the height of backfill above the top of the wall footing in feet and (2) one-half of the maximum anticipated surcharge loads applied at the surface behind the walls, if applicable.

The preceding pressures assume sufficient drainage behind the walls to prevent the buildup of hydrostatic pressures from surface water infiltration and/or a rise in the groundwater level. Adequate drainage may be provided by a subdrain system consisting of weep holes spaced at a maximum of 6-foot centers or 4-inch diameter perforated pipe bedded in Class 2 Permeable Material (State of California specification). For both systems, the permeable material placed behind the walls should be at least one foot in width and extend to within one foot of finished grade. In unpaved areas, the upper one foot of backfill should consist of compacted on-site clayey soils.

7. Lateral Load Resistance

Lateral loads on spread footings or post-tensioned mat foundations may be resisted by friction between the foundation and the supporting subgrade. A friction coefficient of 0.35 can be used. Additional lateral resistance may be provided by passive pressures acting against foundations poured neat against undisturbed soil. We recommend that an equivalent fluid pressure of 300 pounds per cubic foot be used in design. For level terrain, this passive pressure can be assumed to act starting at the top of the adjacent grade in paved areas and at a depth of one foot below grade in unpaved areas.

Lateral loads on drilled pier foundations may be resisted by passive pressures acting against the sides of the piers. For piers in level terrain at least 10 feet from the top of

slope, we recommend that an allowable equivalent fluid pressure of 250 pounds per cubic foot be used against one and one half times the projected diameter of the friction piers starting at a depth of one foot below the bottom of the grade beam. When piers are constructed on or within 10 feet of the top of slope, design lateral pressures should be as shown on Figure 4.

C. PAVEMENT DESIGN

Based on the results of our index classification tests, we have used an "R" value of 10 in our pavement design. Utilizing State of California Department of Transportation Design Procedure 608.4, the following pavement sections were developed:

PAVEMENT DESIGN ALTERNATIVES

Flexible Pavement Components

<u>Traffic Index</u>	<u>Asphaltic Concrete (Inches)</u>	<u>Aggregate Base Class 2 (Inches)</u>	<u>Total Thickness (Inches)</u>
4.5	2.5	8.5	11.0
5.0	2.5	10.0	12.5
5.5	3.0	11.0	14.0
6.0	3.0	12.5	15.5

Asphalt concrete, aggregate base, and preparation of the subgrade should conform to and be placed in accordance with the State of California Department of Transportation Standard Specifications, latest revision, except that ASTM Test Designation D 1557 should be used to determine the percent relative compaction.

NOTICE

Town of Los Gatos Environmental Impact Review

Mitigated Negative Declaration

Lead Agency: Town of Los Gatos
Community Development Department
110 East Main Street
Los Gatos, CA 95031

Project Title and Location: Villa Felice
15350 Winchester Boulevard
Planned Development Application PD-04-5
Negative Declaration ND-05-04

RECEIVED

JAN 11 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Project Description: The project applicant is requesting approval of the following:

- General Plan Amendment from Low Density Residential and Neighborhood Commercial to Medium Density Residential
- Rezoning from R-1:8,000:PD (Single-Family Residential, minimum lot area 8,000 square feet) to RM:5-12:PD (Multi-Family Residential, 5 to 12 dwelling units per net acre)

Approval of the above would allow for proposed demolition of existing structures on the 5.91-acre site and construction of 33 residential units. Existing development on the project site consists of the Villa Felice Restaurant (approximately 13,700 gross square feet including administrative offices and support services), a 31-unit lodge (hotel), and a duplex (two residential units). The restaurant closed in December 1997.

The 33 single-family homes would consist of: (1) 29 two-story residences ranging from 2,243 to 2,943 square feet in size and five basic floor plans with variations of these plans; (2) four below market price (BMP) homes, of which three would be two stories (either 1,030 or 1,484 square feet in size) and one would be one-story (846 square feet); and (3) common open space. Proposed floor plans range from 3 bedrooms, 3 baths to 4 bedrooms, 4.5 baths. BMP units would be 2 bedroom, 2 baths to 3 bedroom, 3.5 baths. The proposed site plan indicates that all residences would have "Classic Spanish" architecture.

Access to the project would be from Winchester Boulevard. The two existing driveways serving the adjacent Bersano Residence (to the southwest) and the Villa Felice Townhomes (to the northwest), both fronting on Winchester Boulevard, would be retained. The project entrance also would be retained except two of the 15 existing Italian cypress trees would require relocation to accommodate a sidewalk on the south side of the driveway. A private, loop street would extend through the project site and would provide access to all residences. This 24-foot wide street would connect with the east end of an existing private street that currently ends at the project's northern boundary, providing secondary emergency access to both project residents and residents of the adjacent Villa Felice townhomes. A total of 124 parking spaces would be provided: 30 visitor spaces, 31 apron spaces, and 63 garage spaces

Determination: Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures listed below have been added

to the project, mitigating potential impacts to a less-than-significant level. An Environmental Impact Report will not be required.

Statement of Reasons to Support Finding:

1. Aesthetics: Existing views of the project site are principally available from adjacent residences to the north and south. Views of the site from Winchester Boulevard (to the west) are limited since the site's street frontage is limited to the access driveway. Existing residences west and southwest of the site block views of the site from Winchester Boulevard. The slope located along the site's eastern boundary obscures views of the site from University Avenue (to the east), which is located 75 feet lower than most of the project site. Trees located on this slope further obscures views of existing development on the site from University Avenue. Proposed retention of existing trees on this slope and at the project entrance combined with these other factors limiting visibility of the site from Winchester Boulevard or University Avenue would minimize any significant change in views from these streets due to the project.

Proposed residences would be approximately 23.5 to 25.0 feet high adjacent to the northern project boundary, except for the BMP residence, which would be 15 feet tall. Although six of the seven homes would be taller than the existing 6 to 12-foot masonry wall located along northern boundary, the privacy of existing single-family residences to the north would not be significantly affected due to proposed provision of second-story clerestory windows on north sides of five homes (Lots 17 to 21). The BMP unit on Lot 22 would be one story high and the six-foot high wall along the northern project boundary should be adequate to maintain privacy at the home to the north, which is set back approximately 70 feet from the project boundary. However, the seventh home (Lot 16) would have second-story side windows that could overlook the backyard of one or two residences to the north. In addition, this home would be set back only six feet from the northern project boundary. Final home design and window placement will be determined during the Architecture and Site approval process.

Proposed residences along the southern boundary would be approximately 23.5 to 25.5 feet high. Proposed residences would be set back 5 to 20 feet from the southern project boundary, while all but one existing multi-family residential structures to the south are set back 40 feet (one is set back 20 feet) from the project boundary. Combined setbacks would range from 35 feet at Lots 10 and 11 (east end) to 65 feet at Lots 3 and 7, with other lot setbacks approximately 50 to 55 feet. The existing six-foot high wall would help block views between the first floors of project and existing residences. However, proposed removal of mature pines along the southern boundary would increase visibility between the second floors of project residences and existing residences to the south. In addition, views from these residences would be permanently changed since no trees are proposed to be planted along the southern project boundary. The proposed 50- to 65-foot setback would help minimize loss of privacy, although two project units would only have a 35-foot setback. In addition, the potential loss of privacy at existing residences would be minimized by their design (large roof overhangs and solid railings which partially enclose decks).

The project would not significantly affect views from the existing Villa Felice Townhomes, which are located north and west of the site. Setbacks of 60 feet or more would be maintained between project residences and Villa Felice Townhomes, which would minimize the potential for loss of privacy at existing residences. In addition, project homes would be separated from existing townhomes to the west by a parking lot, where there is already an existing parking lot.

Nighttime lighting would not significantly change with the proposed project. At present, lighting is provided throughout the parking lot, which comprises the western half of the site. Some of the pole-mounted lights are located on the project boundary adjacent to existing residences. In addition, existing structures on the site have exterior and interior lighting. With the project, there would be exterior lighting associated with project streets and residences. Any proposed exterior lighting will be specifically

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

reviewed as part of Architecture and Site review. To reduce the potential for disturbance due to nighttime lighting, the final plans will need to satisfy Town Code Section 29.10.09035, which prohibits the production of direct or reflected glare (such as that produced by floodlight onto any area outside the project boundary).

2. Agriculture Resources: The 5.91-acre site is currently developed with a 13,700 square-foot restaurant (no longer in operation), a 31-unit lodge (hotel), and two single-family residences. The site's agricultural potential is limited by existing surrounding residential development. Since the site is not in agricultural use, the project would not adversely affect any existing agricultural operations.

3. Air Quality: When compared to the approved trip generation potential of the existing restaurant, lodge, and residential uses on the project site, the proposed project would generate 1,245 fewer net new daily trips, 1 fewer net new AM peak hour trips, and 80 fewer net new PM peak hour trips. Nevertheless, the significance of the project's potential increase in air pollutant emissions can be determined by comparing the size of the project to the significance thresholds established by the Bay Area Air Quality Management District's (BAAQMD). Air emissions increases associated with the proposed project would not be considered significant on a local or regional level since the size of the proposed project would not exceed the Bay Area Air Quality Management District's (BAAQMD) threshold levels for potential significance. The BAAQMD threshold level for potential significance is 375 single-family units; under this size, a detailed air quality analysis is not required unless warranted by the specific nature of the project or project setting. Based on the project size and estimated decreases in approved traffic generation levels, an air quality impact assessment would not need to be prepared and submitted to the BAAQMD for review.

Construction activities would generate short-term emissions of criteria pollutants, including suspended and inhalable particulate matter and equipment exhaust emissions. The BAAQMD does not require quantification of construction emissions, but considers any project's construction-related impacts to be less than significant if required dust-control measures are implemented. The Town's standard construction notes that are included with all projects require the contractor to "meet or exceed the requirements of the appropriate air quality management agencies..." Therefore, standard Town requirements will require implementation of the BAAQMD's dust control measures. However, these measures apply to sites of three acres or less. Since the project site is almost six acres, implementation of the BAAQMD's enhanced control measures (in addition to standard measures) will also be required to mitigate potential construction emissions to a less-than-significant level. In addition to the standard Town dust control measures, the following measures will be required:

Mitigation: Due to the size of the site (over three acres), the following BAAQMD Enhanced Control Measures shall be implemented in addition to the Town's standard condition for dust control:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Mitigation Monitoring: The Building Division of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately during construction as the need arises.

Construction equipment emits carbon monoxide and ozone precursors during combustion of diesel fuel. The BAAQMD's determination, however, is that these emissions have been included in the emissions inventory, which was the basis for the '97 CAP and subsequent air quality plans. Since the BAAQMD does not consider construction-related exhaust emissions to be "new" emissions, they would not impede attainment or maintenance of ozone or CO standards in the air basin (BAAQMD 1999). Therefore, their impact would be considered less than significant.

4. Biological Resources: Policy O.P.3.3 of the Open Space Element of the Los Gatos General Plan emphasizes preservation of public and private landscaping along Town streets. The Los Gatos Tree Protection Ordinance states that the preferred tree replacement is two or more trees of a species and size designated by the Director of the Parks and Public Works Department. Tree replacement requirements are based on canopy size, which is defined in Table 3-1 of the Ordinance, *Tree Canopy – Replacement Standard*. Tree canopy replacement requirements range from two to six 24-inch box size trees or one to two 36-inch and/or 48-inch box size trees, depending on the canopy size of the tree to be removed.

A tree report was prepared by HortScience, Inc. for the applicant in November 2004. This report was peer reviewed by the Town's Arborist, Arbor Resources in December 2004. AR findings and recommendations are presented as follows and included as Attachment 1 of the Initial Study. At present, there are approximately 147 trees of 33 various species on the project site and adjacent properties. Of these, 132 are regulated by Town Ordinance and suitability of these trees for preservation are classified as follows:

- Good Suitability: 35 (26% of ordinance-size trees)
- Moderate Suitability: 58 (44% of ordinance-size trees)
- Poor Suitability: 39 (30% of ordinance-size trees)

The project applicant proposes to retain 54 ordinance-size trees (41%) and remove 78 ordinance-size trees (59% of ordinance-size trees). Of the trees proposed to be removed, suitability for preservation would be as follows: 18 good suitability, 30 moderate suitability, and 30 low suitability. The Town Consulting Arborist determined that proposed tree removal would not significantly affect the site or surrounding properties. However, the Arborist recommends (but does not require) that retention of Tree #180, a large Deodar cedar, be considered due to its excellent condition rating. The Town will require the project applicant to comply with tree canopy replacement requirements outlined in Section 29.10.0985 of the Tree Protection Ordinance, and the Town's Consulting Arborist will determine tree replacement requirements. The Parks and Public Works Department or the Town's Consulting Arborist will determine the adequacy of the project's Landscape Plan with respect to the number, size, species of tree replacements, reducing potential conflicts with local policies and ordinances to a less-than-significant level.

Due to the extent of proposed tree removal, size of many on-site trees to be removed, and proximity to Vasona Lake Park and Los Gatos Creek, it is possible that proposed tree removal and project construction activities could disrupt any nesting activities occurring in or near trees to be removed. Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. State Fish and Game Code Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." In the San Francisco Bay area, most raptors breed from February through August. If construction could be scheduled to occur between September and January, the nesting season could be avoided, and no impacts to nesting raptors would be expected. However, in most cases, construction cannot be scheduled during

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

the non-breeding seasons due to limitations associated with soil erosion, which can prevent equipment operations and delay construction. The raptor survey required below will preclude any potential impacts on nesting raptors, in the event any occur on the site at the time of project construction.

In addition, during project construction, there would be the potential for damage to the trees that are proposed to be retained. Implementation of the following measures will reduce these potential construction impacts to a less-than-significant level:

Mitigation: If it is not possible to schedule construction between September and January, the project applicant shall be required to conduct a pre-construction survey for nesting raptors by a qualified ornithologist in order to ensure that no raptor nests will be disturbed during project construction. This survey will be conducted no more than 15 days prior to the initiation of construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees in and immediately adjacent to the impact areas for raptor nests. If an active raptor nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest.”

Mitigation: The project applicant shall be required to implement all six recommendations made by the Town’s consulting arborist, Arbor Resources, in its December 13, 2004 report. These measures are included in Attachment 1 of the Initial Study.

Mitigation Monitoring: The Planning Division of the Community Development Department will be responsible for ensuring these measures are implemented.

5. Cultural Resources: The project site is already developed and surface soils were disturbed during construction of existing development on the subject property. However, since the site is located near Los Gatos Creek, the potential for encountering cultural resources cannot be completely eliminated. Therefore, the following mitigation measures will be required to minimize potential impacts on subsurface archaeological resources in the event they are encountered during project construction:

Mitigation: In the event that archaeological traces are encountered, all construction within a 50-meter radius of the find will be halted, the Community Development Director will be notified, and an archaeologist will be retained to examine the find and make appropriate recommendations.

Mitigation: If human remains are discovered, the Santa Clara County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native Americans.

Mitigation: If the Community Development Director finds that the archaeological find is not a significant resource, work will resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial will follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the Community Development Director for consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines.

Mitigation: A final report will be prepared when a find is determined to be a significant archaeological site, and/or when Native American remains are found on the site. The final report will include

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

background information on the completed work, a description and list of identified resources, the disposition and curation of these resources, any testing, other recovered information, and conclusions.

Mitigation Monitoring: The Planning and Building Divisions of the Community Development Department will be responsible for ensuring that these measures are implemented appropriately during construction as the need arises.

Potential historic resources on the project include the restaurant, office building, lodge, duplex, and maintenance building. An historical and architectural evaluation was completed by Archives and Architecture (AA) for the existing buildings on the project site in 1998. A copy of this report is on file at the Los Gatos Community Development Department. AA determined that although Villa Felice was an important social and entertainment center since the 1950's, the buildings have been constructed since the 1960's. Two buildings retain remnants of buildings that were associated with the La Pace Villa summer resort that were originally constructed in the 1930's. These buildings, however, have been radically remodeled leaving very little of their historic style in evidence. None of the individual buildings nor the Villa Felice complex as a whole appear to meet any of the criteria that would make them eligible for the National Register of Historic Places or the California Register of Historic Resources. Additionally, AA determined that the Villa Felice complex would not be eligible for listing at the local level based on the Town's evaluation method.

The Los Gatos Historic Preservation Committee reviewed the project proposal and recommended approval of proposed demolition of project structures for the following reasons:

- The buildings are not associated with any events that have made a significant contribution to the Town.
- No significant persons are associated with the site.
- There are no distinctive characteristics of type, period, or method of construction or representation of work of a master.
- Does not yield information important to the Town's history.

6. Geology and Soils: A review of the Town's hazards maps indicates that the project site has a moderate erosion hazard, moderate to high shrink-swell potential, negligible slope stability hazard, no potential for liquefaction, low to moderate potential for fault rupture, and moderate potential for seismic shaking. No debris flow hazards were identified for the site. The Town's Fault Map indicates that the project property is located immediately north of a fault trace, which is mapped as traversing the parcel south of the site.

In 1998, ENGEO Inc. completed a geotechnical investigation for a previous development proposal at the project site. In 2004, a geotechnical investigation was completed by Donald E. Banta & Associates, Inc. (DBA) for the current development proposal. Copies of these studies are on file at the Los Gatos Community Development Department. The 2004 DBA investigation reviewed the 1998 ENGEO report but also conducted a site reconnaissance, subsurface exploration, laboratory testing, and engineering analyses of the field and laboratory data. Based on its investigation, DBA concluded that the site is suitable for the single-family residential construction provided its recommendations are incorporated into the design and construction of the project. Conclusions and recommendations of the DBA report are summarized below.

The San Francisco Bay Area is considered by geologists and seismologists as one of the most seismically active regions in the United States. The significant earthquakes which occur in the Bay Area are associated with crustal movement generally along well-defined, active fault zones. The California Division of Mines and Geology (CDMG) has issued maps locating "Active Fault Near-Source Zones" to

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be used with the 1997 Uniform Building Code. The closest significant faults to the project site are the Monte Vista-Shannon fault (approximately 1.1 miles from the site) and the San Andreas fault (approximately 4.5 from the site). However, the U.S. Geological Survey predicts that there is a 62 percent chance of at least one magnitude 6.7 or greater earthquake capable of causing widespread damage striking the San Francisco Bay regional between 2002 and 2031. During such an earthquake, very strong ground shaking of the site could occur. However, it should be noted that most of the Bay Area as well as surrounding residences are subject to similar groundshaking hazards. DBA also indicates that the potential for earthquake-induced liquefaction of soils underlying the site is very low. DBA specify criteria and standards in accordance with the Uniform Building Code (UBC) for site grading, drainage, seepage control, pavement design, retaining wall design, erosion control, and foundation design. Compliance with applicable UBC requirements and sound engineering practices would be adequate to mitigate regional seismic safety concerns, such as groundshaking, to a less-than-significant level.

The project site is located on a knoll area between Winchester Boulevard and University Avenue. The western half of the site slopes from approximately 390 feet at Winchester Boulevard to 402 feet near the center of the site, with a maximum slope of approximately 4.5 percent. The central and eastern portion of the site is a relatively flat knoll, sloping at approximately one percent to the west, north, and east. The easterly portion of the site is a steeply inclined (1.5:1) bluff area with a total elevation difference of approximately 70 feet (330 feet in elevation at the base of the slope at the eastern project boundary). The proposed grading plan indicates that approximately 7,500 cubic yards would be cut and 6,000 cubic yards would be fill, resulting in the export of approximately 1,500 cubic yards of excess fill.

DBA identifies two geotechnical engineering considerations: (1) proper removal of old fills and underground obstructions (old foundations, swimming pool backfill, septic tanks/leach lines, burn pits, underground tanks, etc.); and (2) erosion protection of the top of slope along the eastern end of the developed portion of the property. Old fill materials must be removed and recompact and all underground obstructions must be removed and replaced with compacted structural fill. Due to the steepness of the slope on the eastern portion of the site, the potential for erosion would be high and surface drainage generated on the site must not be allowed to drain onto this slope. DBA recommends several options to reduce erosion hazards on this slope: (1) grade the area adjacent to the top of slope to drain in a westerly direction for at least 10 feet to area drains; (2) cut the existing slope to extend the top of slope toward University Avenue, but raising the existing grades within 20 feet of the top of slope is not recommended; or (3) construct a combination cut-off, retaining wall with a lined drainage channel along the west side of the wall. Town requirements will include provision of a complete erosion control plan (including interim erosion control measures and drainage controls such as bio-swales and energy dissipaters). Both Town and DBA measures would reduce potential erosion hazards to a less-than-significant level.

The following measure shall be required to reduce identified potentially significant seismic, slope stability, erosion, and soil hazards to less-than-significant levels:

Mitigation: The project design shall incorporate all applicable recommendations in the geotechnical investigation by Donald E. Banta and Associates, Inc. (DBA) for the proposed project (included as Attachment 2 of the Initial Study) in order to minimize the potential impacts resulting identified geotechnical constraints.

Mitigation Monitoring: The Building Division of the Community Development Department will be responsible for ensuring that the supplemental evaluation is provided and all recommendations are incorporated into the project design and properly implemented during construction.

7. Hazards and Hazardous Materials: The project site is not included on any Hazardous Wastes and Substances Sites List. A Phase I Environmental Site Assessment was completed by ENVIRON International Corporation for the project site in November 2004. A copy of this report is on file at the Los Gatos Community Development Department. Based on visual observation of the property, review of sources of historical information, interviews with representatives of the current property owner, and review of regulatory agency databases, the following “recognized environmental conditions” (RECs) were identified:

- **Abandoned Grease Trap:** A 1,500-gallon steel, underground storage tank (UST), previously used as a grease trap from the kitchen, was installed in 1980 within an abandoned concrete swimming pool. The grease trap had reportedly been left empty since the restaurant closed in 1998. However, soils contamination assessments in 2003 and 2004 indicate that an isolated area of contamination is present at about five feet to the northwest of the grease trap (approximately five feet below ground surface). Removal of this trap and affected soil are recommended.
- **Asbestos-Containing Materials (ACMs):** The existing restaurant was found to have asbestos-containing materials (ACMs) in dining room. The owners’ residences were not surveyed and it is possible that ACM may be present. All existing structures on-site are proposed to be demolished, and demolition would be required to comply with state and federal regulations for inspection and removal of hazardous building materials. The U.S. EPA enforces the requirement that all ACMs be handled, removed and disposed of according to all applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) standards. The applicant of this project will be required to obtain clearance for asbestos removal from the Bay Area Air Quality Management District prior to issuance of a demolition permit. Such clearance would ensure compliance with applicable regulations and therefore, that the potential for this public health hazard would be reduced to a less-than-significant level.
- **Lead-based Paint (LBP):** Based on the age of some on-site buildings (as far back as 1932), it is possible that lead-based paint has been used at the property. A lead survey conducted in 1973 determined that the exterior trim paint at the restaurant building and kitchen interior paint contain lead. Removal of LBP in accordance with applicable regulations is recommended.
- **Former USTs:** There were two USTs located beneath the parking area to the west of the restaurant building. The USTs were removed in February 1991 and soil samples were taken from the area surrounding the USTs. Trace concentrations of petroleum hydrocarbons were found in the soil, but regulatory agencies determined that cleanup of contamination related to the USTs was not necessary and closure was granted in August 1991. Therefore, this issue is considered a historical REC.

The following mitigation measures shall be implemented to ensure that public health hazards are mitigated to a less-than-significant level:

Mitigation: The abandoned grease trap and affected surrounding soils should be removed.

Mitigation: Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.

Mitigation Monitoring: The Building Division of the Community Development Department will be responsible for ensuring proper implementation of these measures during construction.

8. Hydrology and Water Quality: Storm Drainage. Presently, the 5.91-acre project site is developed with commercial uses, and existing buildings and paving cover 207,443 square feet, approximately 81%

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

of the site. Storm water runoff from the project site' impervious surfaces flows into the Town of Los Gatos storm drain system, discharging into Los Gatos Creek, and ultimately draining northward into San Francisco Bay.

The project would decrease impervious surfaces from existing levels to 138,805 square feet, resulting in total coverage of approximately 53% of the site. The proposed project would reduce impervious coverage by 28% and improve on-site absorption and retention of rainfall. As a result, this project is exempt from the C.3 (NPDES permit program) hydromodification plan because the proposed development will reduce peak runoff rates.

The Conceptual Storm Drain Plan for the project indicates that the existing on-site storm drains would be replaced with new pipes that direct collected runoff to existing storm drainage facilities in Winchester Boulevard and University Avenue. Since existing downstream storm drain facilities adequately accommodate current storm runoff flows and the proposed project would decrease peak surface flows, the proposed project would have beneficial effect on existing storm drainage system capacities and no significant adverse impacts on runoff flows from the project site. However, on Lot 16, surface runoff would be directed eastward to an existing drain that connects with the storm drain in University Avenue. If this drain were to become blocked, surface runoff could flow onto the slope to the east. As indicated in Section VI, Geology and Soils, the potential for erosion on this slope would be high due to its steepness and surface drainage generated on the site must not be allowed to drain onto this slope. Implementation of recommendations made by the geotechnical engineer (see Mitigation Measure under Geology and Soils) would address this potential impact and mitigate it to a less-than-significant level.

Flood Hazards. According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps for the project area, the project site is not within the 100-year floodplain. The Santa Clara Valley Water District's Maps of flood control facilities and limits of one percent flooding and the Town of Los Gatos Safety Element Flood Plan maps also show the project site does not lie within a flood zone. Therefore, no significant flood hazard impacts would be anticipated.

Water Quality. New, more stringent water quality regulations of the Clean Water Act have recently been triggered because the NPDES (National Pollution Discharge Elimination System) permit program has failed to protect beneficial uses of Santa Clara County's creeks and the South San Francisco Bay, as evidenced by such observations as violations of ambient water quality criteria, high concentrations of toxic substances, and fish consumption health advisories. These new regulations require that all discharges shall comply with Provision C.3, New and Redevelopment Performance Standards of Order No. 01-024 of the NPDES permit program.

The project site is located within the Los Gatos Creek watershed. Runoff from the site would discharge to the Town's storm drains in Winchester Boulevard and University Avenue, flowing directly into Los Gatos Creek and eventually into the Bay. Los Gatos Creek is on the Clean Water Act Section 303(d) List of Water Quality Limited Segments due to the presence of diazinon, a pesticide, and its primary source is identified as urban runoff and storm drains. Best Management Practices (BMPs) outlined by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) for treatment control of pesticides are bioretention, infiltration, and media filter with adsorption/absorption as the removal process.

As a condition of project approval, the Town will require: (1) preparation and submittal of interim and final erosion control plans to the Engineering Division of the Parks and Public Works Department; and (2) implementation of non-point source pollution prevention measures such as directing runoff from impervious surfaces to bio-swales or landscaping areas to reduce pollutant levels in the water that will eventually discharge to Los Gatos Creek. The proposed storm drain plan indicates that runoff from

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

impervious surfaces such as rooftops and roadways would be directed to bioswales that are proposed to be located in the side yards of proposed residential lots and into infiltration trenches proposed along both sides of the project access road. The project is classified as Group 1 under the C.3 permit and thus must satisfy numeric sizing criteria for pollutant removal. The Town has determined that the proposed improvements satisfy the sizing requirements, and the project complies with current non-point source requirements as well as SWPPP and erosion control portions of the NPDES permit program.

9. Land Use and Planning: The Los Gatos General Plan currently designates the project site for Low Density Residential (0-5 dwelling units per acre [du/ac]) and Neighborhood Commercial. The project applicant proposes to amend the General Plan land use designation on the site to Medium Density Residential (5-12 du/ac). The project's proposed density of 5.6 du/ac would conform with the proposed new land use designation.

The project is currently zoned R-1:8:PD (minimum lot area 8,000 square feet) and the project applicant proposes to rezone the site to RM:5-12:PD (Multi-Family Residential, 5-12 du/ac). The project's proposed density of 5.6 du/ac would conform with the proposed new zoning designation.

Project implementation would convert the existing commercial (restaurant and lodge) use to residential use. Since the site is surrounded by single-family and multi-family residential uses, the proposed single-family residential use would be consistent with existing adjacent uses. When compared to the existing commercial use, the project would increase compatibility of the development on the site with adjacent uses. In addition, the project's density of 5.6 du/ac would be lower than the density of the adjacent Villa Felice Townhomes (7.6 du/ac) to the northwest and Vasona Terrace Townhomes (7.8 du/ac) to the south. Although the project's density would be higher than the density of the adjacent single-family neighborhood to the northeast (zoned R-1:10 and R-1:20, minimum lot areas of 10,000 and 20,000 square feet, or approximately 2 to 4 du/ac), project design elements (see Section I, Aesthetics) would help minimize potential land use compatibility problems with these adjacent residences.

10. Mineral Resources: The Los Gatos General Plan does not identify any regionally or locally-important mineral resources on the project site or in its vicinity.

11. Noise: Construction. Residential uses are generally considered to be noise-sensitive uses or sensitive receptors. The closest residences to the site are located approximately 20 feet to the north, 10 feet to the west, and 20 feet to the south. These residences would be subject to noise increases associated with project construction. The Town Noise Ordinance (Chapter 16) restricts construction activities to the hours of 8:00 a.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 7:00 p.m. on weekends and holidays. This ordinance also limits noise generation to 85 dBA at the property line or 85 dBA at 25 feet.

When project demolition and grading activities occur, heavy equipment operation could occur as close as 10 feet from six residences to the west and 20 feet from one residence to the south and one or two residences to the north. At 25 feet, the ordinance noise limit would result in maximum noise levels of 85 dBA at the closest residences to the north and south, and maximum interior noise levels would reach 60 to 70 dBA with the windows closed, which would be expected to result in speech interference effects. At 10 feet, maximum noise levels would be even higher, which also would be expected to result in speech interference effects. During other phases of construction (house construction), maximum noise levels would be lower since project homes would be located farther from existing residences (35 feet or more separation except on Lot 22 where the proposed home would be 20 feet from the existing home to the west).

However, it should be noted that existing masonry walls along the northern, western, and southern project boundaries would help reduce construction noise levels at these residences. Temporary disturbance (e.g.,

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speech interference) can occur if the noise level in the interior of a building exceeds 60 dBA. In addition, such levels of construction noise would only occur for a short period when grading equipment is operating immediately adjacent to a specific receptor, not during the entire project construction period. Due to the short duration of grading activities in the vicinity each affected residence, such a temporary impact is considered to be mitigated to a less-than-significant level by retention of existing masonry walls, enforcement of time restrictions and noise level standards contained in the Town Noise Ordinance. Since the northern masonry wall is proposed to be replaced as part of project construction, the following measure shall be required to ensure construction noise impacts are maintained at acceptable levels to the extent possible:

Mitigation: Existing masonry walls along project boundaries should be maintained at all times during construction to protect all adjacent residents from construction noise. The existing masonry wall along the northern project boundary that is proposed to be replaced either: (1) should be retained until the noisier phases of project construction are complete (e.g., grading, paving, house framing, etc.) or (2) should be replaced at the commencement of project construction, prior to project grading activities.

Mitigation Monitoring: The Building Division of the Community Development Department will be responsible for ensuring proper implementation of this measure during construction.

Noise Compatibility. Primary noise sources contributing to ambient noise levels in the project vicinity include traffic on Winchester Boulevard and University Avenue. However, noise levels at the site are buffered from these sources since there are existing homes located between the project site and Winchester Boulevard. Also, the proposed residences would be set back 100 or more feet from University Avenue, and noise from this source would be further reduced since they are located approximately 70 feet higher in elevation. Based on noise modeling completed as part of the General Plan Update Program, the section of Winchester Boulevard adjacent to the site is subject to noise levels of 60 dBA (Ldn) at 175 feet from the centerline of Winchester Boulevard and 92 feet from the centerline of University Avenue. Project homes would be set back a minimum of 260 feet from the Winchester Boulevard centerline and 130 feet from the University Avenue centerline.

The Noise Element of the General Plan includes a long-range noise goal for exterior use areas of various uses. The noise goal is a day-night average sound level of less than 55 dBA (Ldn) for residential uses. Based on noise modeling data from the General Plan, noise levels at the site would likely meet the Town's 55-dBA goal for residential use, given the setback distances, barrier effect of existing townhomes located between Winchester Boulevard and project homes, and the topographic configuration of the eastern portion of the site. In areas where the Town's noise goal is not met, the Town also uses the State's land use compatibility noise guidelines as a criterion for defining significance of a noise impact under CEQA. When compared to State noise guidelines, noise levels at the project site would be "normally acceptable" for residential uses. Therefore, no significant noise compatibility problems would be anticipated with the proposed residential use.

12. Population and Housing: The project would add 31 new housing units to the Town, which could generate approximately 78 more residents. The project's net addition of 78 people would represent a 0.3 percent increase over the Town's current population of 28,592 (as indicated in the 2000 census) and 0.2 percent increase over the Town's 2005 population of 35,700 as projected by the Association of Bay Area Governments (ABAG). Such increases in population also would be within ABAG's projected three percent growth rate between 2000 and 2005, and would not represent a significant increase in local or regional population. The project's net population increase of 78 persons would represent 0.004 percent of Santa Clara County's 2000 total population of approximately 1.8 million.

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Since surrounding lands are already developed, the project would not be considered growth-inducing. No new roads or utilities would be extended to any contiguous undeveloped areas.

The project would result in demolition of a duplex. However, these two units would be replaced with 33 units, including four BMP units in accordance with the Town's Below Market Price Housing Program. Therefore, the project would not adversely affect local housing supply.

13. Public Services: Police and fire services are already provided to existing buildings on the project site and the project would not significantly increase demand for these services. The Santa Clara Fire Department has reviewed the proposed site plan for site access and water supply, and the project will be required to meet Department requirements for minimum road widths and hydrant spacing/location. The Department has determined that required fire flow is available from area water mains and fire hydrants. The Department will require a minimum width of 20 feet on project streets and the project's private streets would be 24 and 20 feet wide.

The project would add approximately 20 new students to the Los Gatos Union School District and Los Gatos-Saratoga High School District. Project students would attend Daves Avenue Elementary School, Fisher Middle School, and Los Gatos High School. To offset potential additional service costs for enrolling new students from the proposed project, the Los Gatos Union School District and Los Gatos-Saratoga High School District will charge the project applicant impact fees based on the size of new homes (per square foot basis) and by supplemental parcel taxes on the new residential parcels. Payment of impact fees and supplemental taxes would mitigate the project's impacts on school services to a less-than-significant level.

14. Recreation: The proposed addition of 33 residential units would increase local population, and thereby incrementally increase demand for recreational facilities. Proposed provision of a park in the southeast corner of the project site would help offset some the project's increased demand. In addition, the project's incremental increase is considered to be less than significant given the small size of the project, the project's proximity to existing recreational facilities such as the Vasona Lake County Park immediately east of the site, and proposed provision of the park on-site.

15. Transportation and Traffic: The Town's Traffic Impact Policy (Resolution 1991-174) requires preparation of a detailed traffic study for any project with the potential to generate 20 or more additional morning (AM) or afternoon (PM) peak hour trips. An estimate of the project's trip generation was completed for the applicant by Fehr & Peers Transportation Consultants (F&P) and trip generation estimates are presented in Table 1 of the Initial Study. The net-added trip generation for the project site was estimated by subtracting traffic generated by the existing uses (motel and restaurant) on-site from the traffic generated by the proposed project. As shown in Table 1 of the Initial Study, the project would generate 1,245 fewer net new daily trips, 1 fewer net new AM peak hour trip, and 80 fewer net new PM peak hour trips than the existing uses. That is, the new residential uses would generate less traffic than the existing motel, duplex, and restaurant. Therefore, a detailed traffic study was not required.

Access to the project site would be from Winchester Boulevard. The existing entry to the site would remain the same with the proposed project with existing trees and driveway connections remaining the same. While the driveway location and alignment would remain the same (west of the existing parking lot), a special paving surface would be added along the driveway entrance. However, the entry driveway at Winchester Boulevard would not comply with requirements of the American with Disabilities Act (ADA), and wheelchair users on Winchester Boulevard would have difficulty crossing the driveway. The Town will require (as a project condition) modification of driveway grades to meet ADA crossing requirements.

Negative Declaration – Villa Felice, 15350 Winchester Boulevard

The Town parking requirement for single-family residences is two parking spaces for each unit plus one space per unit for guest parking. Proposed plans indicate 63 garage spaces, 31 spaces in driveway aprons, and 30 visitor spaces would be provided, for a total of 124 parking spaces on-site or 3.7 spaces per unit. Although some of the westernmost visitor spaces would also be used as visitor parking by the adjacent Villa Felice Townhomes (to the west), proposed provision of 124 spaces would meet the Town's parking requirement of 99 spaces for the project.

Project construction would require the export of approximately 1,500 cubic yards of excess fill. This volume of material would generate approximately 250 truck trips (125 truckloads assuming 12 cubic yards per load). Assuming trucks would be filled at a rate of approximately four trucks per hour and seven hours per day (9 a.m. to 4 p.m.), truck traffic increases of approximately 28 trucks per day would occur over approximately nine work days. Trucks would access the site via Winchester Boulevard and this road would have adequate capacity to accommodate the additional four truck trips per hour. However, since some freeway access intersections operate at capacity (LOS D) during either the AM or PM peak traffic hours (e.g., Winchester Boulevard/Lark Avenue and SR 17 Southbound Ramps/Lark Avenue intersections), the following measure shall be required:

Mitigation: Earth export truck traffic should only be allowed between 9 a.m. and 4 p.m., Monday through Friday.

Mitigation Monitoring: The Building Division of the Community Development Department will be responsible for ensuring proper implementation of this measure during construction.

16. Utilities and Service Systems: Utilities are currently provided to existing buildings located on the project site. Sanitary sewer service would be provided by West Valley Sanitation District (WVSD). The WVSD has reviewed project plans and indicates service is available to the proposed project. The on-site system would be privately maintained and built to WVSD public sewer standards. All other utilities (water service, cable, and telephone) are currently provided to the project site and its vicinity. Although extension/improvement of these facilities on the site would be required, no significant impacts on these utilities would be anticipated. There is an existing electrical transformer (including an easement) that services the restaurant and lodge. This transformer would be removed and the easement abandoned as part of project development. Proposed removal and abandonment of this easement will be subject to PG&E review and approval.

Copies of the Initial Study used to make the above recommendation are on file and available for public inspection during regular business hours at the Town Community Development Department, 110 East Main Street, Los Gatos, California.

1/11/05
Date

Stanley L. Bial
Bud N. Lortz, Director of Community Development



**SANTA CLARA
DEVELOPMENT**
An affiliate of Robson Communities

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MAR - 7 2005

March 1, 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Mr. Bud Lortz
Director of Community Development
Town of Los Gatos
110 E. Main Street
Los Gatos, Ca 95031

RE: Villa Felice Project
15350 Winchester Boulevard, Los Gatos

Dear Mr. Lortz:

At the public hearing on February 9, 2005, the Planning Commission reviewed our development applications for 15350 Winchester Boulevard, General Plan application GP-05-1, Planned Development Application PD-04-5 and Negative Declaration ND-05-04. The Planning Commission recommended approval of the proposed General Plan change by a vote of 4-2 and recommended approval of the Mitigated Negative Declaration, while forwarding their individual recommendations on the PD Zoning to the Town Council. The purpose of this letter is to outline modifications that we propose to address the concerns and issues brought up by the Planning Commission and neighbors at this meeting.

The primary areas of concern brought up at the public hearing were:

- . The intensity of the development from the neighboring properties and on the ridgeline
- . The traffic safety at the entrance/exit to the project
- . The removal of the pine trees on the southern boundary

Following are our responses to each of these concerns:

Intensity of the Development

Through a combination of a reduction in the height of the buildings and a reduction in pad elevations, the overall height of the homes has been lowered by approximately 1 ½ feet to 5 ½ feet.

- . Building heights were lowered a minimum of 2 feet on all homes.
- . Pad elevations were lowered an average of 1.1 feet (which ranges from no change along the ridgeline to 3 feet on internal lots).

Additional architectural modifications further reduce the intensity of the neighborhood.

- . Second story elements at the rear and side yards have been reduced on two of the most prominent plans.

- . All gable ends at two-story rear elevations have been eliminated and replaced with low profile roof planes.

In addition to the modifications described above, we have made further changes to the homes along the ridgeline.

- . The street adjacent to the homes on the ridge has been narrowed and the rear yard set backs of these homes has increased to an average of 22 feet.
- . A special paint color pallet and roof selections are proposed to help the homes on the ridge blend in with the natural landscape.

Traffic Safety at Entrance/Exit

Several neighbors raised concerns over the safety of the entrance/exit of the project. Staff responded that they were comfortable with the traffic study prepared for the site, which reported that the two-way left turn that is already striped is adequate based on the traffic volumes that are projected for the project. We have, however, requested that the issue be re-visited by the traffic engineer.

Removal of the Pine Trees on the Southern Boundary

There were concerns raised over the removal of the Monterey pine trees along the southern boundary of the property. Staff referenced the arborist report that was performed for the site and confirmed that these pine trees are in poor condition and stressed. We do however, recognize the loss of the landscape edge in the neighborhood. We have addressed this issue by adding twelve 48" box trees to our planting plan along the boundary in the backyards of lots 1-12. We will work with the homeowner's association to research an appropriate species for these trees, one that will re-establish a sustainable and healthy edge.

In a continuing effort to create a great neighborhood, we have made specific modifications to our plans in response to the comments from the Planning Commission and neighbors. Most significant, we have proposed an average building height reduction of approximately 3.2 feet. (It is important to note that the original story poles are in place and have not been altered to show the changes in architecture height and design and the changes in grading that are described in this letter.) These changes have improved and enhanced the design excellence of this neighborhood. We look forward to continuing to work with the Town and community members on this project.

Sincerely,
Santa Clara Development Company



Mark Robson
President



**SANTA CLARA
DEVELOPMENT**
An affiliate of Robson Communities

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MAR 15 2005

TOWN OF LOS GATOS
PLANNING DIVISION

March 14, 2005

Mr. Bud Lortz
Director of Community Development
Town of Los Gatos
110 E. Main Street
Los Gatos, Ca 95031

RE: Villa Felice Project
15350 Winchester Boulevard, Los Gatos

Dear Mr. Lortz,

Enclosed are updated documents that reflect modifications that we have made to our plans in response to comments brought up at the February Planning Commission meeting. The comments at the last public hearing were concentrated on 3 issues:

- 1) The intensity of the development from the neighboring properties and from the ridgeline
- 2) The removal of the pine tree edge at the southern boundary
- 3) The traffic safety at the entrance of the project

To lessen the intensity of the development we lowered the overall heights of the homes by approximately 1 ½ feet to 5 ½ feet. Building heights were lowered a minimum of 2 feet on all homes. Pad elevations were lowered an average of 1.1 feet, which ranges from no change along the ridgeline to 3 feet on internal lots. *(Please see horizontal control plan, change in heights noted in blue, revised floorplans and elevations, and street scene).*

Additionally, second story elements at the rear and side yards have been reduced on two of the most prominent plans and all gable ends at two-story rear elevations have been eliminated and replaced with low profile roof planes. *(Please see revised floorplans, elevations and street scene).*

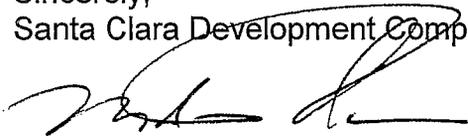
To further lessen the intensity at the ridgeline, we narrowed the street adjacent to these homes and increased the rear yard set backs to an average of 22 feet. *(Please see horizontal control plan).*

To address the removal of the diseased pine trees on the southern boundary, we have added trees to our planting plan along this edge. The size and variety of these trees will be decided by the Town and the adjacent HOA. (*Please see horizontal control plan*).

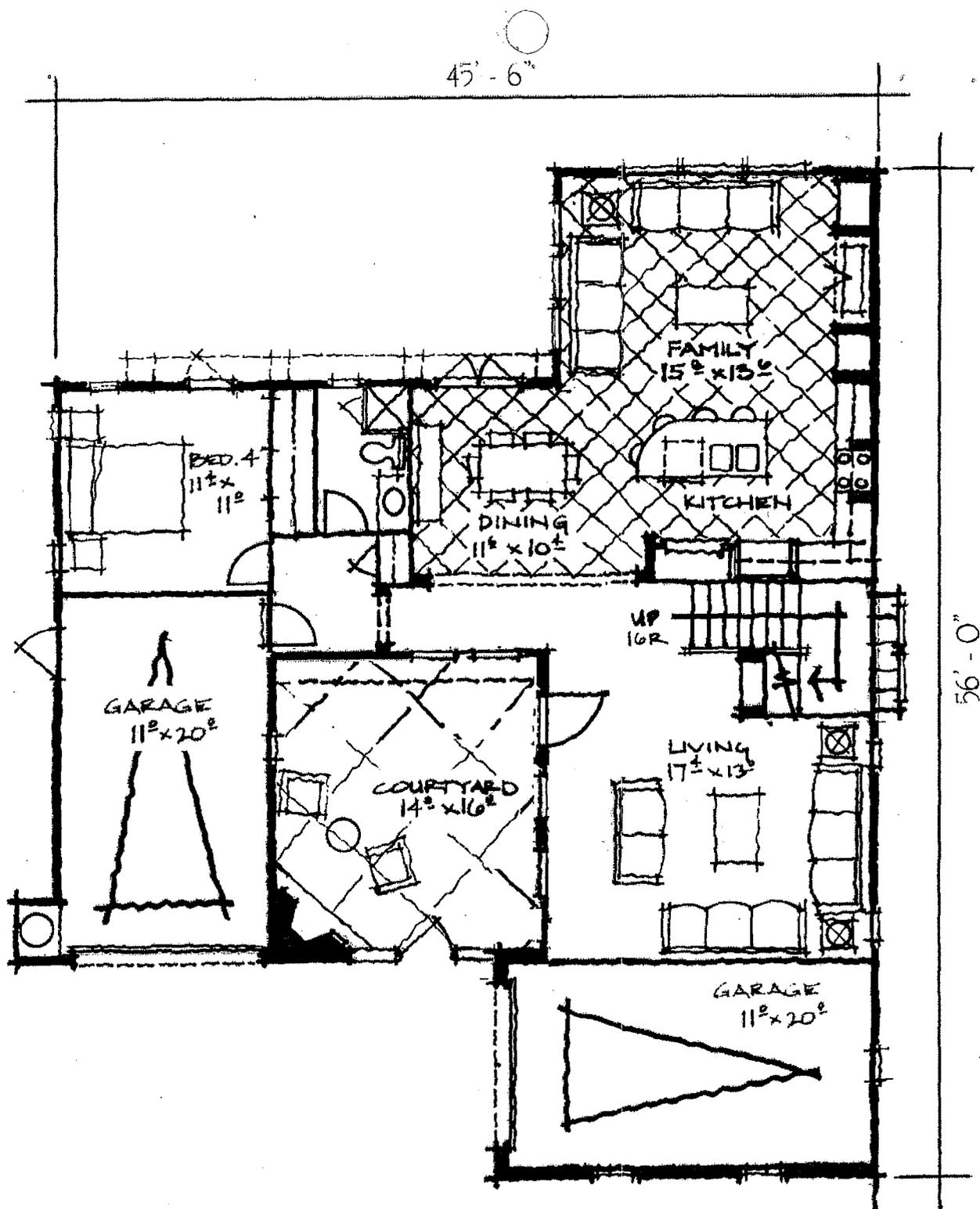
To address concerns over the traffic safety of the entrance/exit, we had the project traffic engineer and the Town traffic engineer study the subject. Although both felt that the street was safe in its current condition and that it is premature to address a problem that does not exist, we agreed to put up funds should the Town need them in the future.

Should you have any questions regarding this letter or any of the enclosed documents, please feel free to contact me at (408) 345-1767.

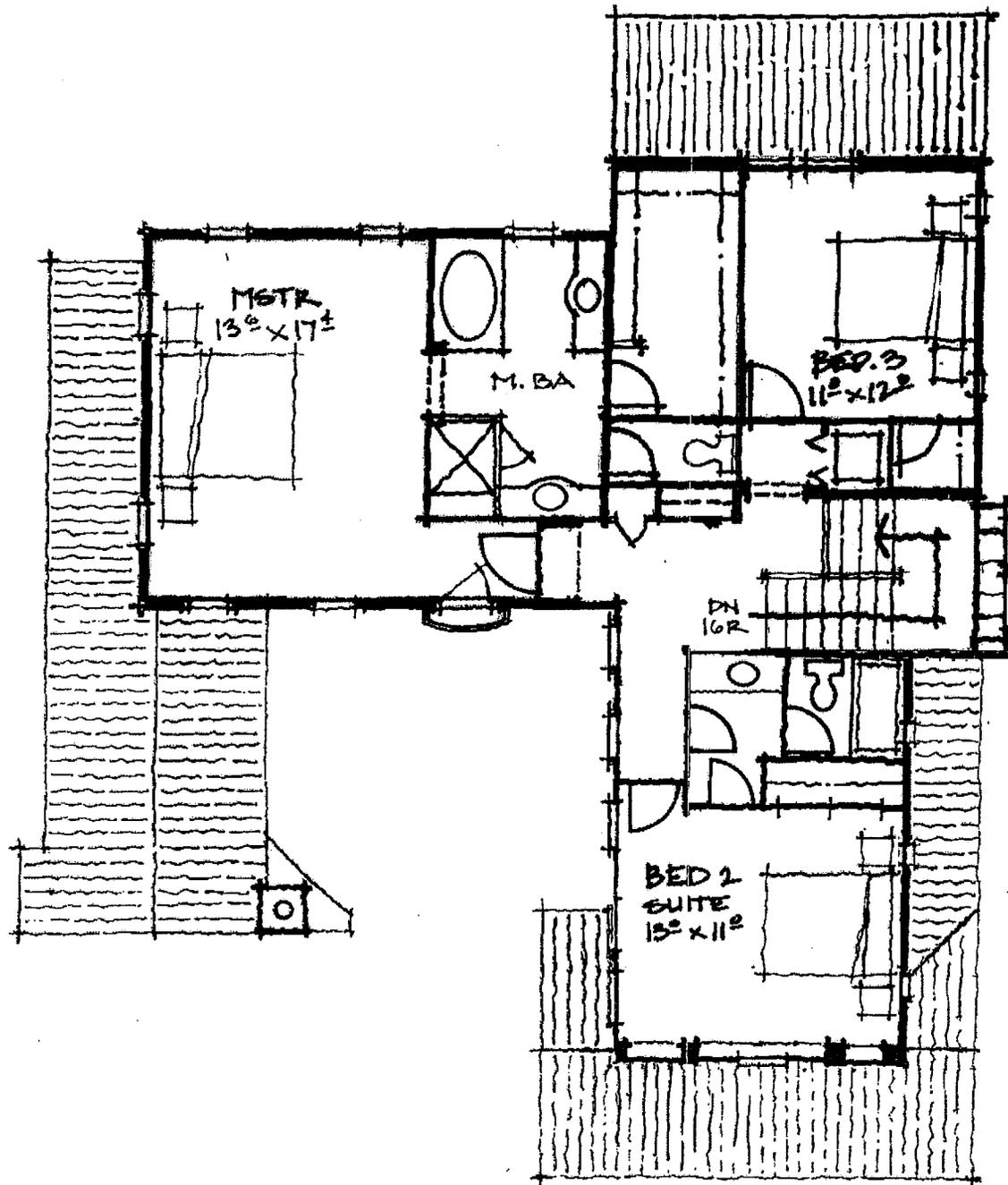
Sincerely,
Santa Clara Development Company

A handwritten signature in black ink, appearing to read 'Mark Robson', written over the printed name of the Santa Clara Development Company.

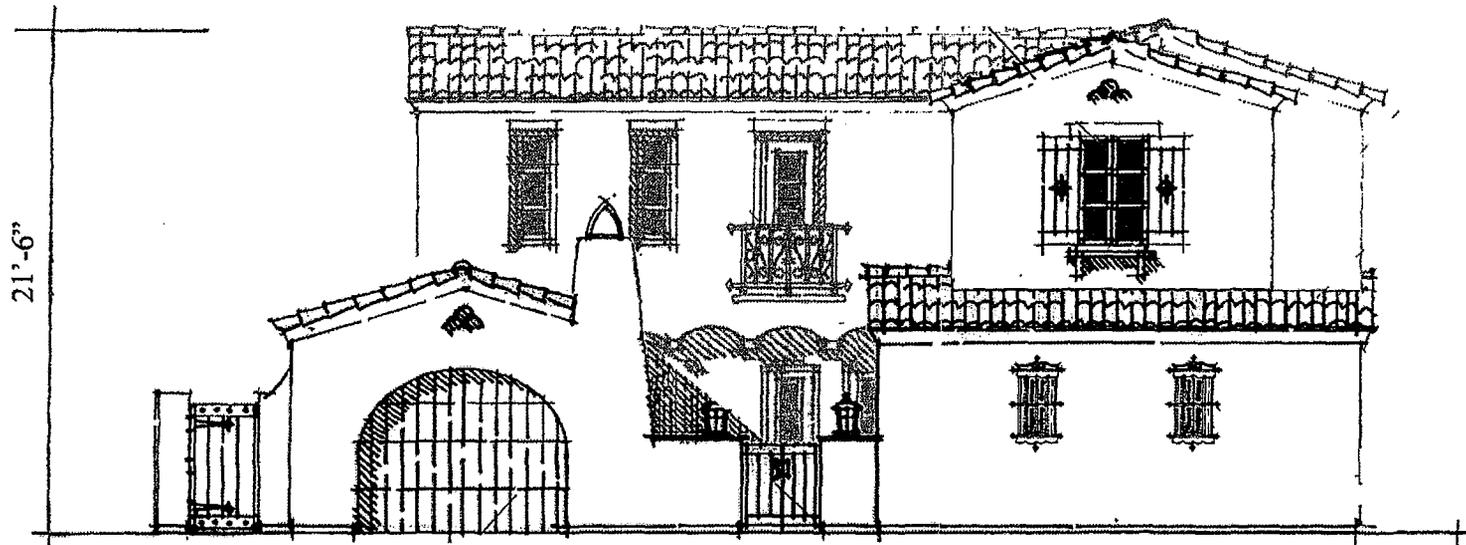
Mark Robson
President



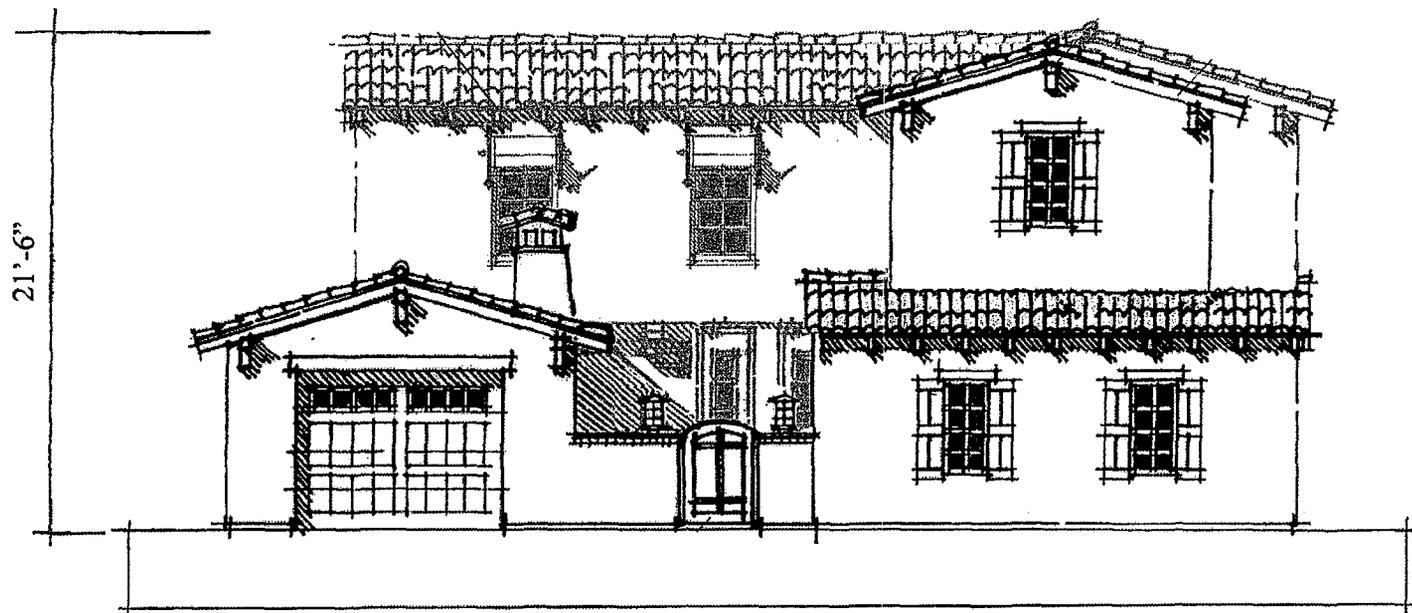
Plan 1 - 2210 sf
 First Floor
 (1183 sf)
 3.14.05



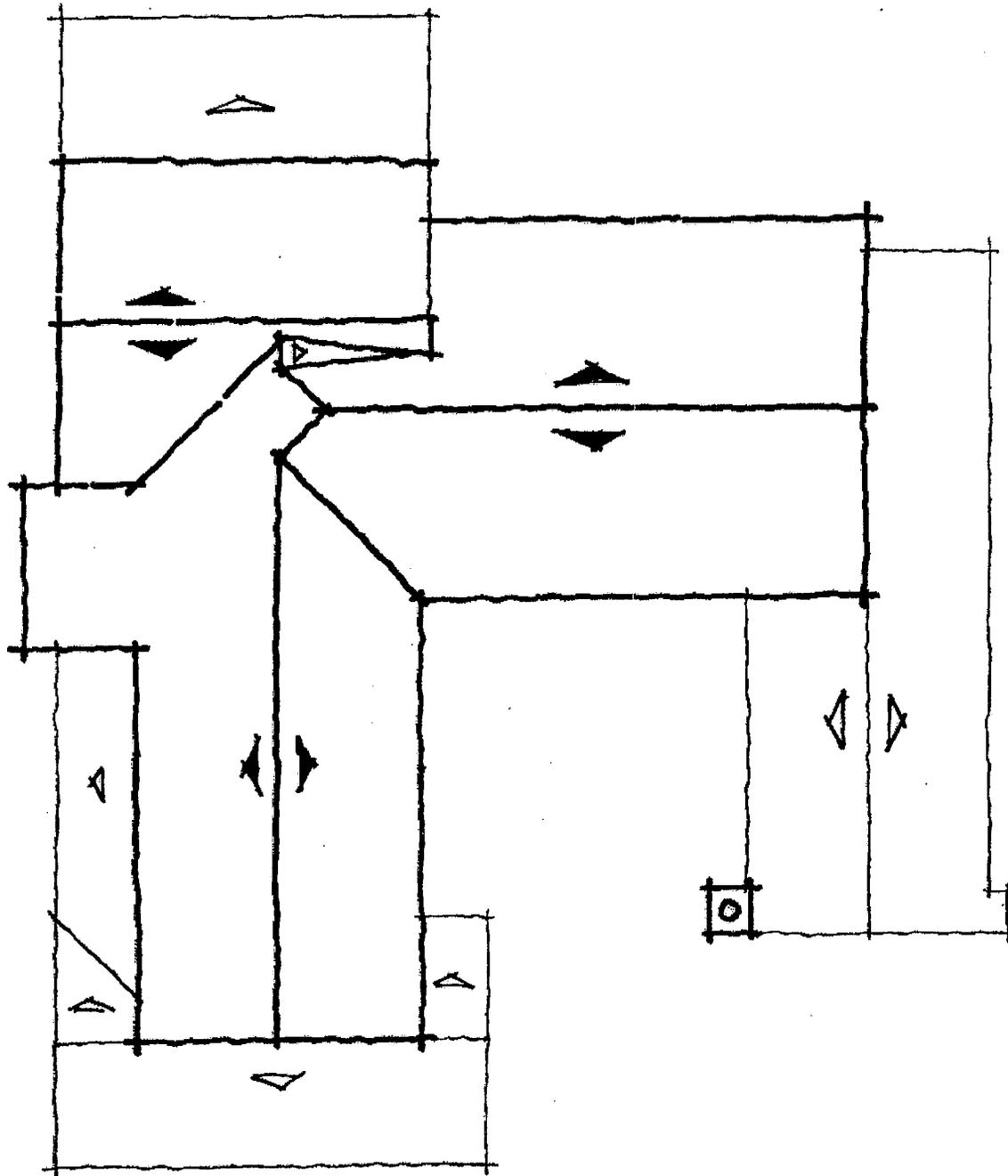
Plan 1 - 2210 sf
Second Floor
(1027 sf)
3.14.05



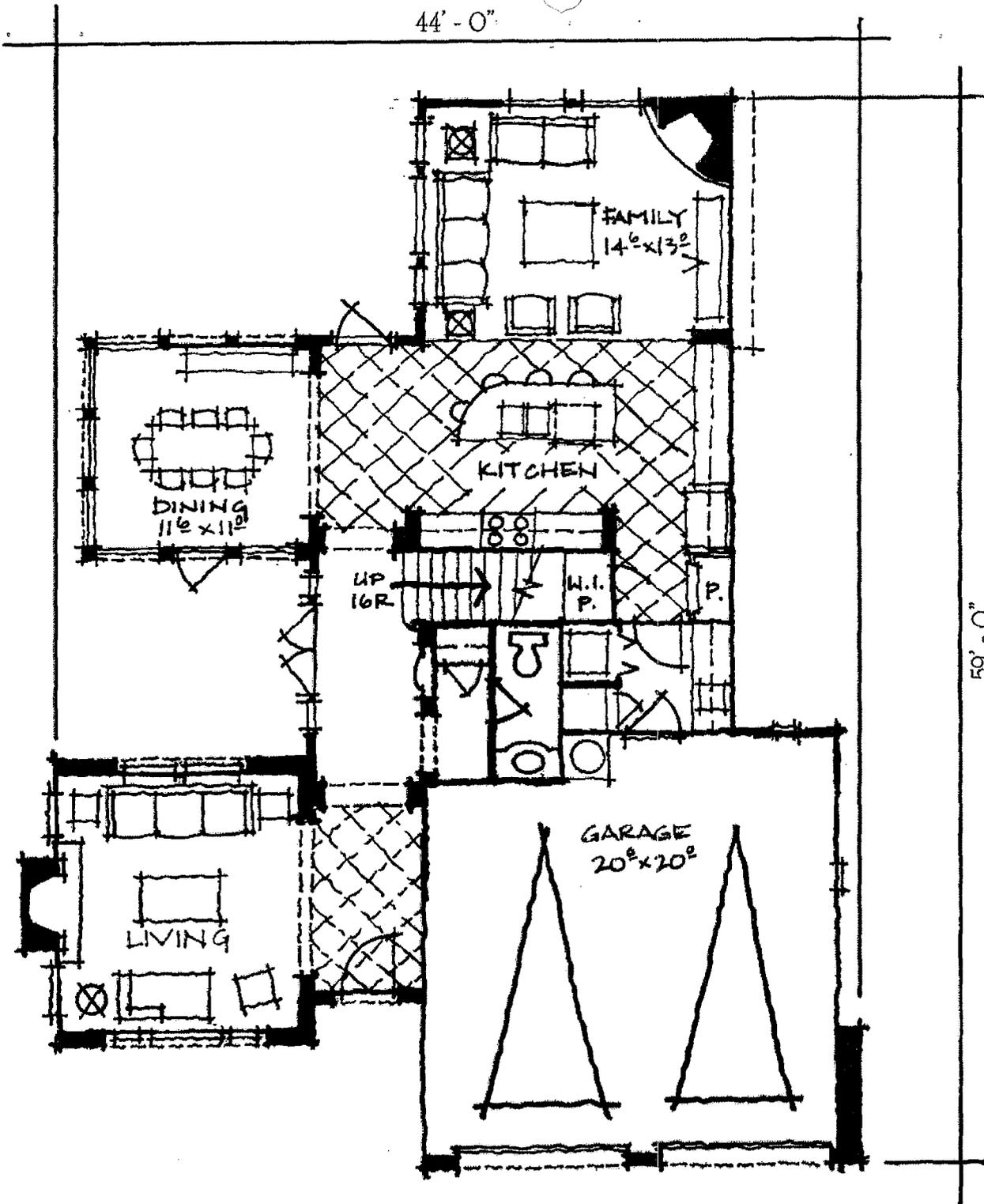
Plan 1
Front Elevation A
Classic Spanish
3.14.05



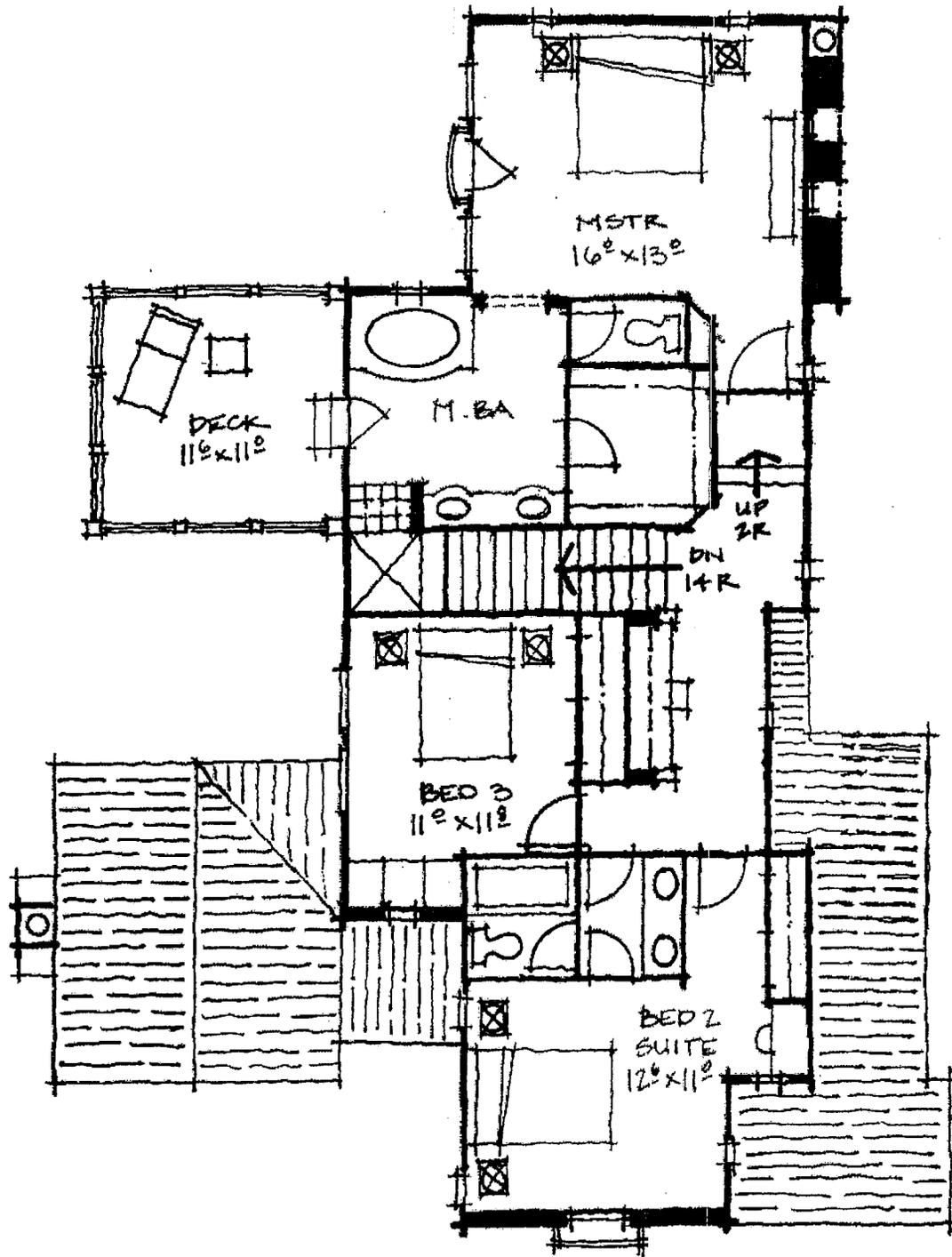
Plan 1
Front Elevation B
Early California
3.14.05



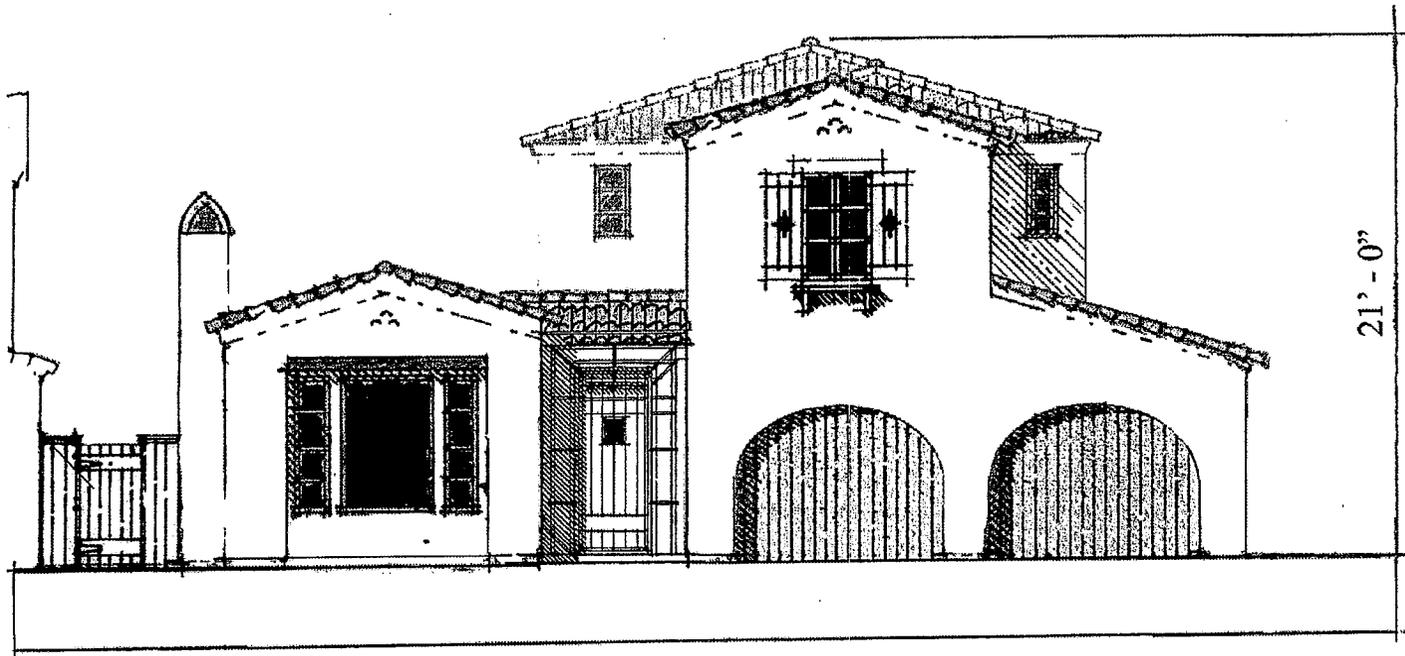
Plan 1
Roof Plan
3.14.05



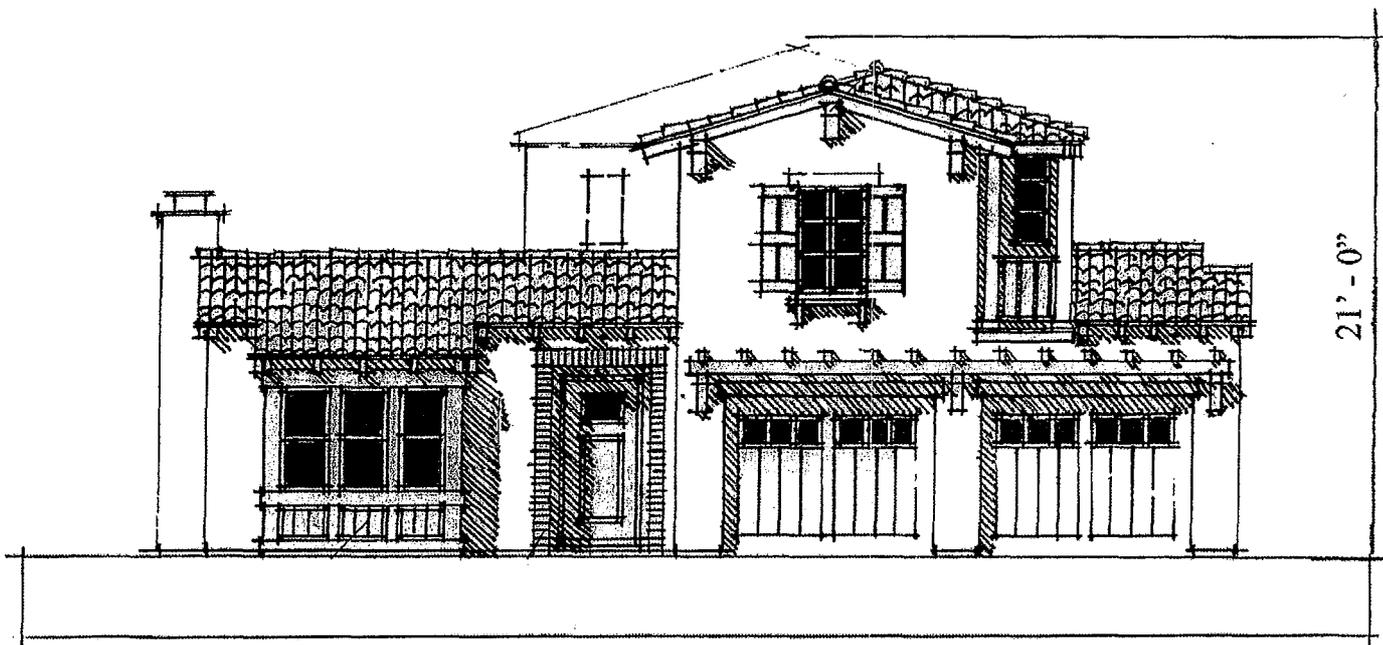
Plan 2 - 2314 sf
First Floor
(1090 sf)
3.14.05



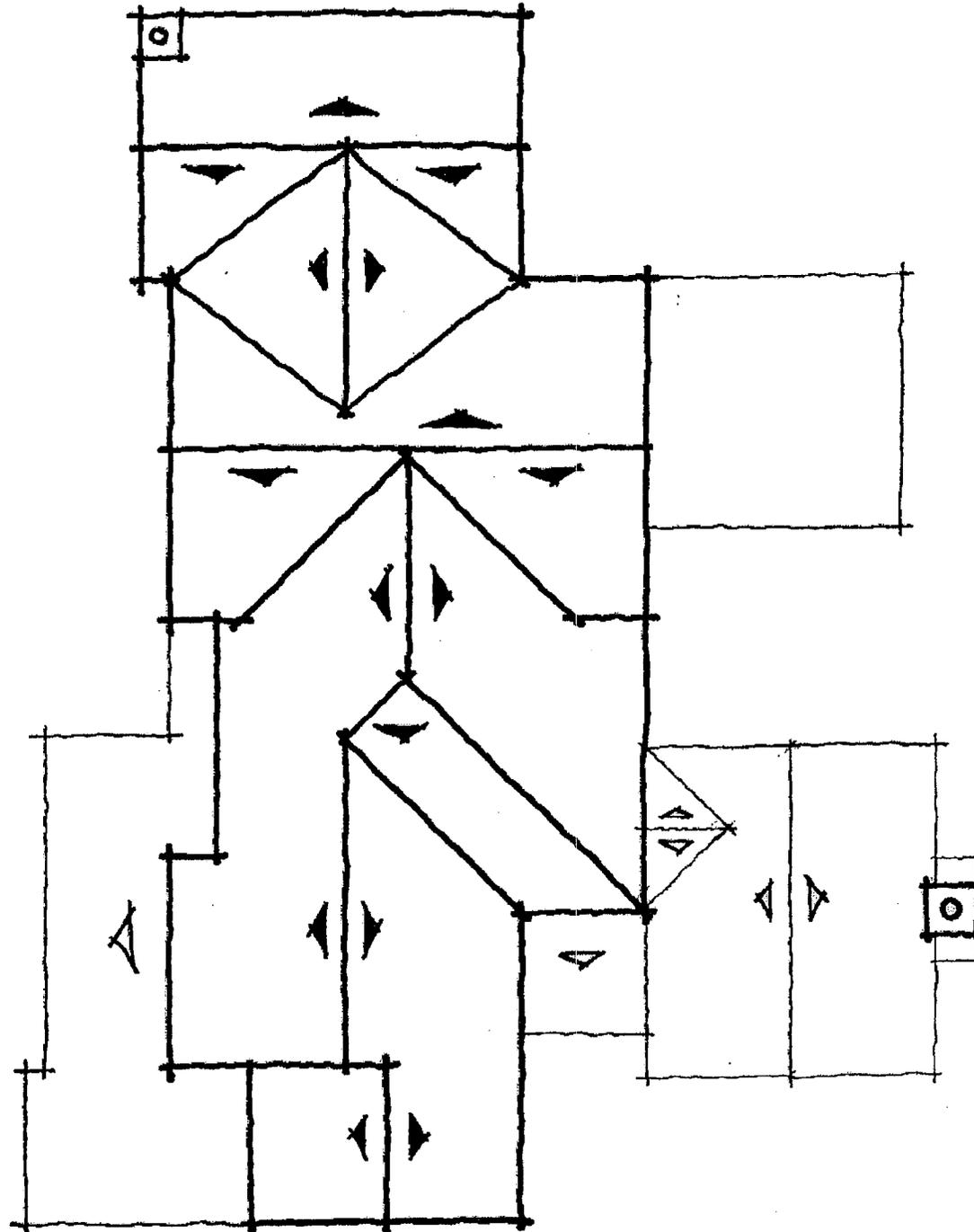
Plan 2 - 2314 sf
Second Floor
(1224 sf)
3.14.05



Plan 2
Front Elevation A
Classic Spanish
3.14.05

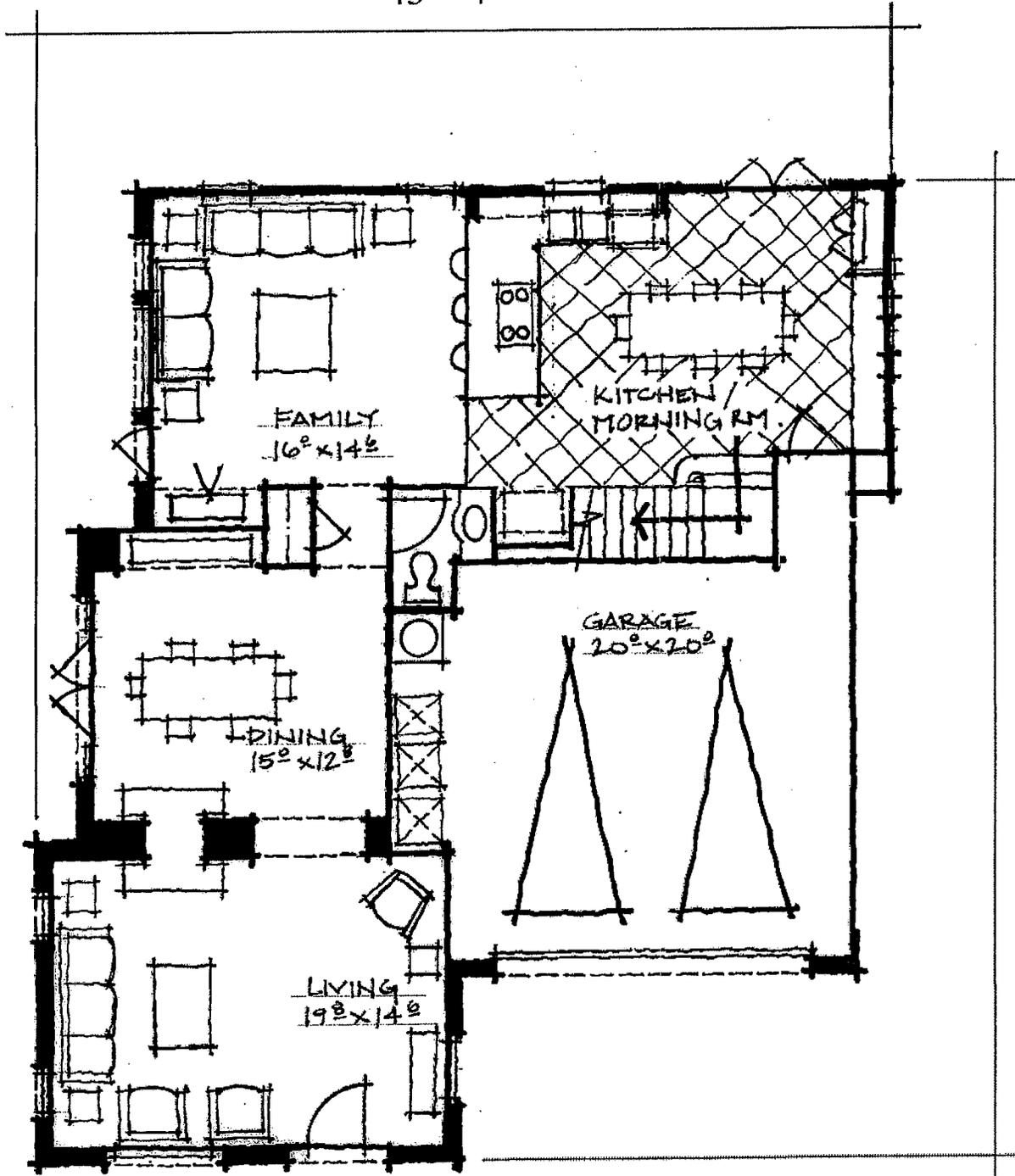


Plan 2
Front Elevation B
Early California
3.14.05



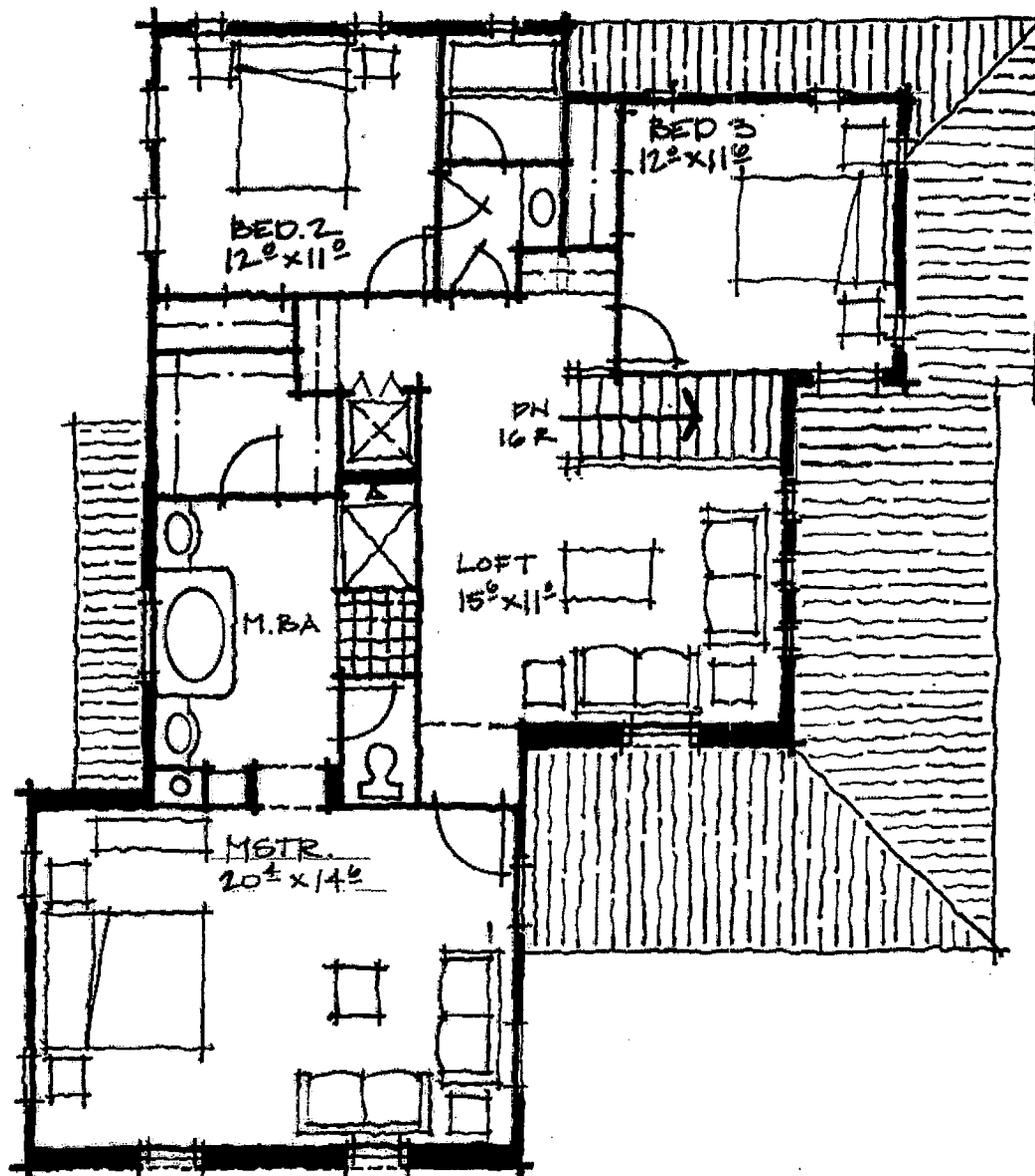
Plan 2
Roof Plan
3.14.05

43' - 4"



49' - 6"

Plan 3 - 2515 sf
First Floor
(1282 sf)
3.14.05



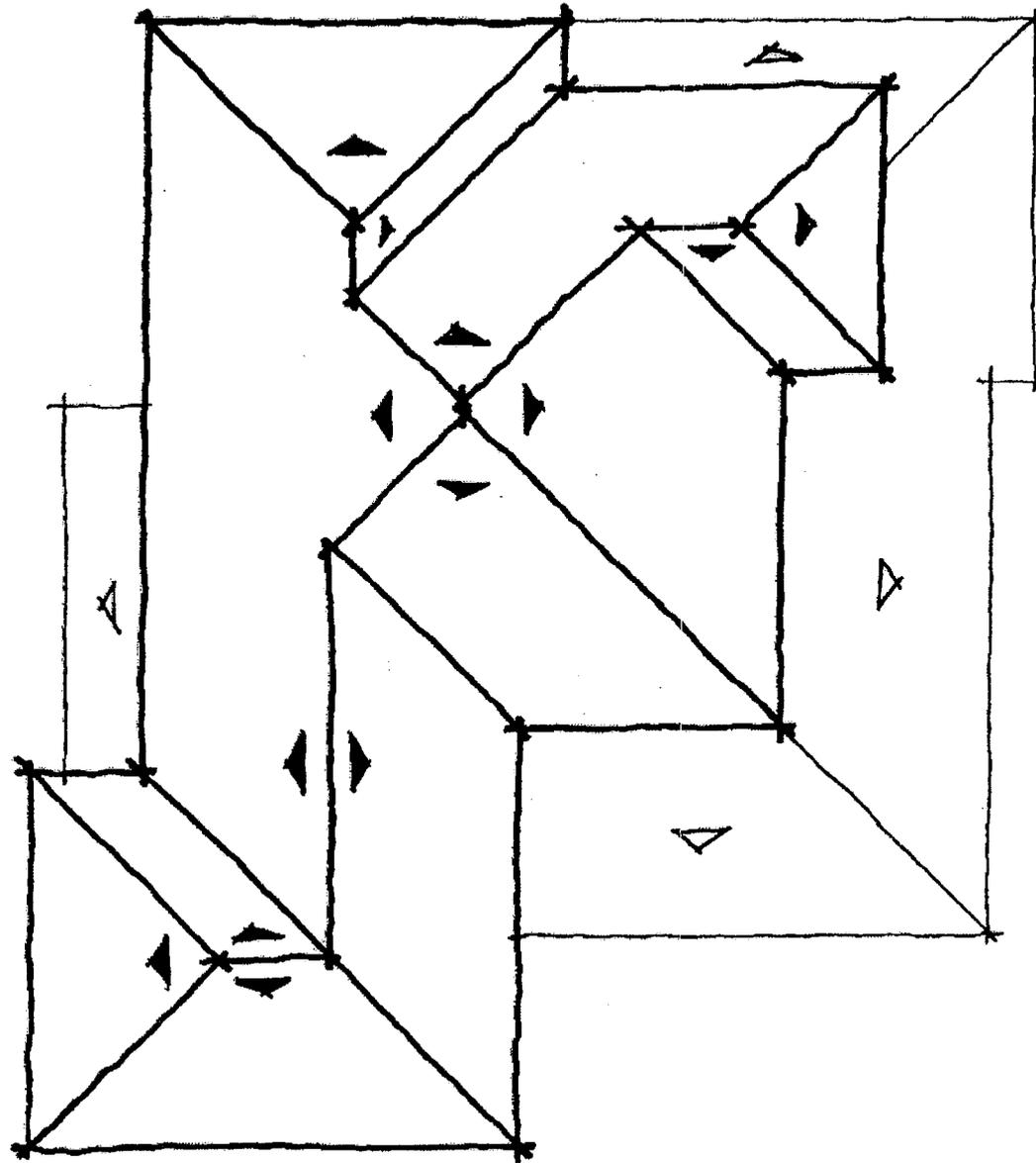
Plan 3 - 2515 sf
Second Floor
(1233 sf)
3.14.05



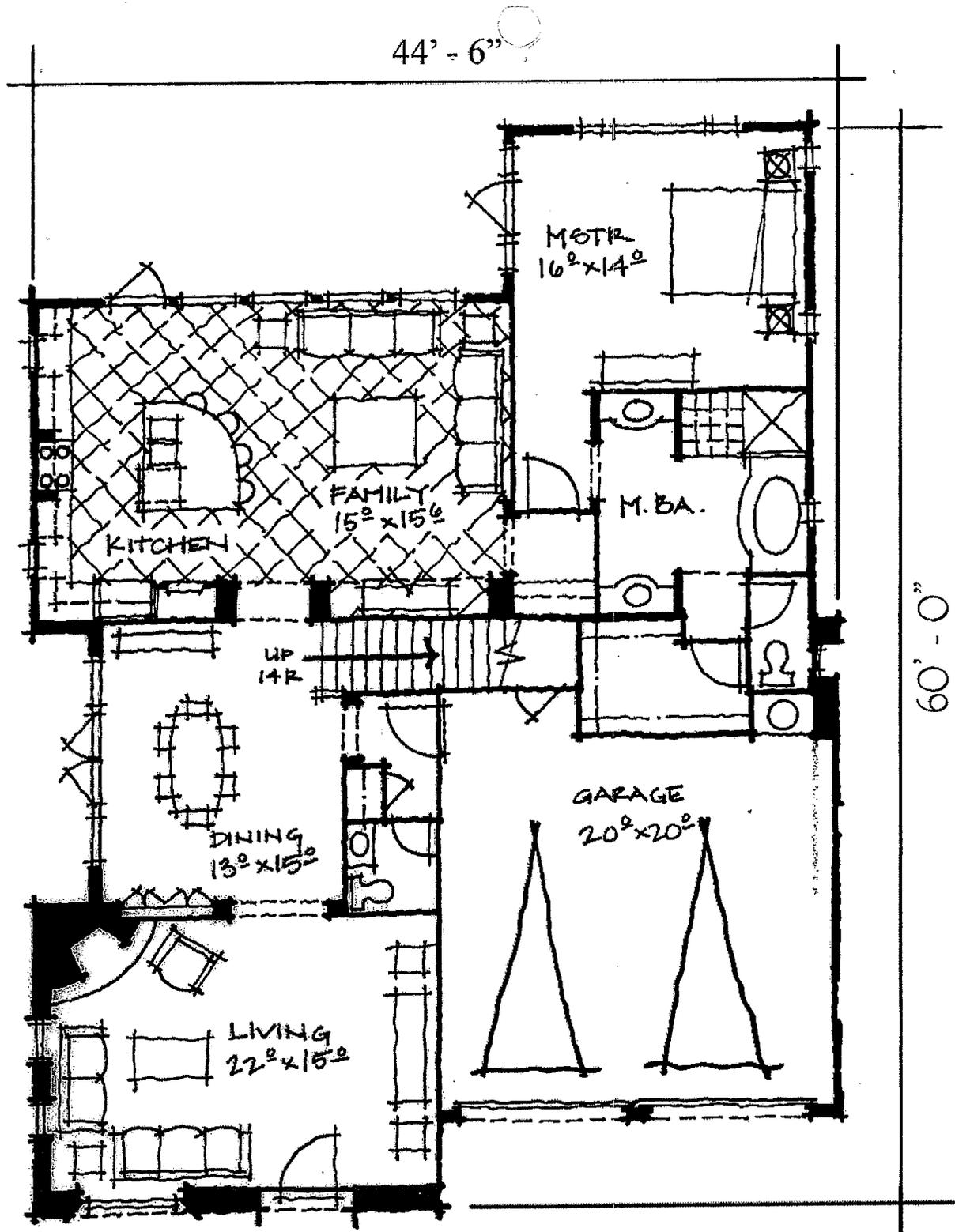
Plan 3
Front Elevation B
Early California
3.14.05



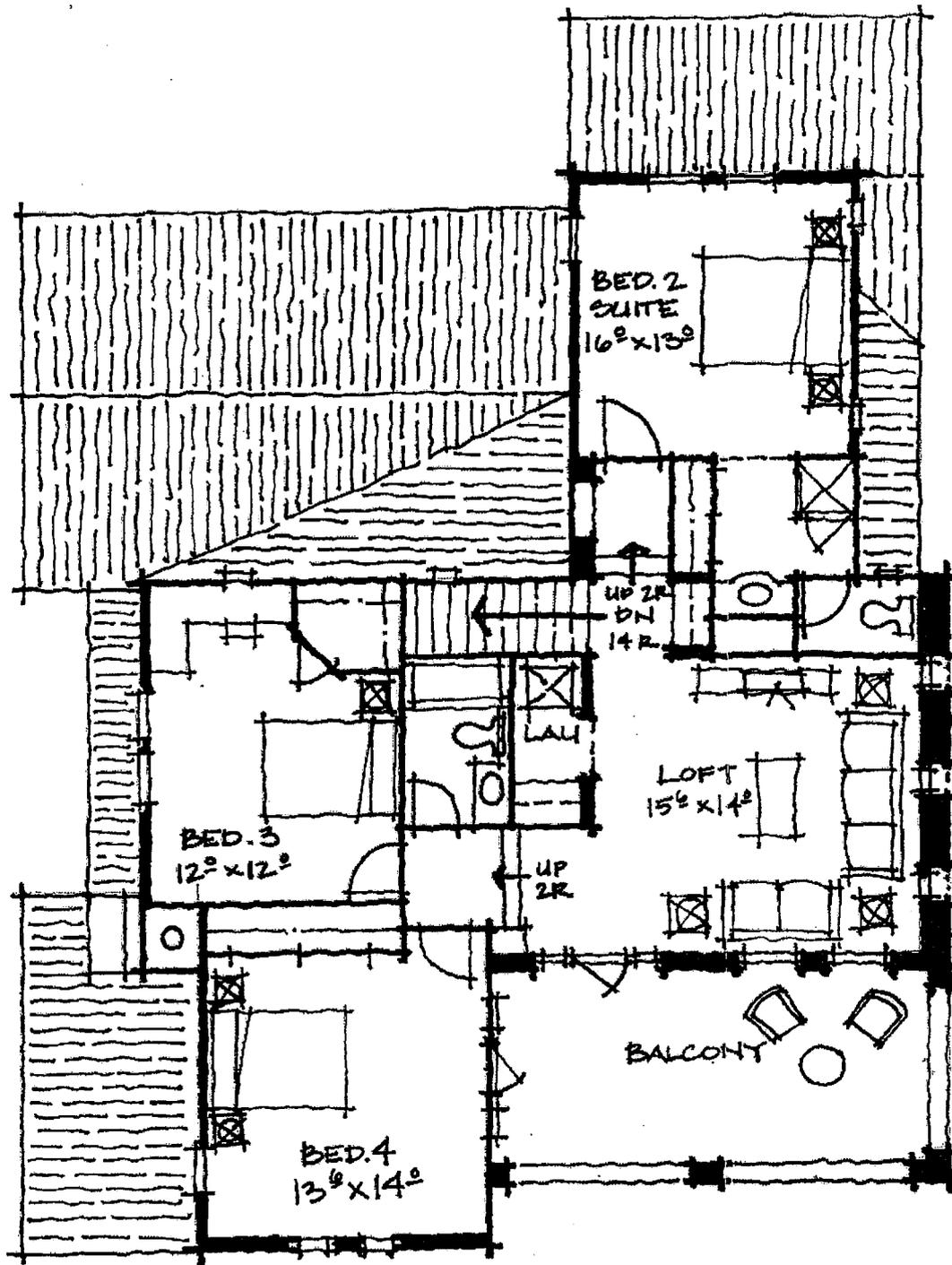
Plan 3
Front Elevation A
Classic Spanish
3.14.05



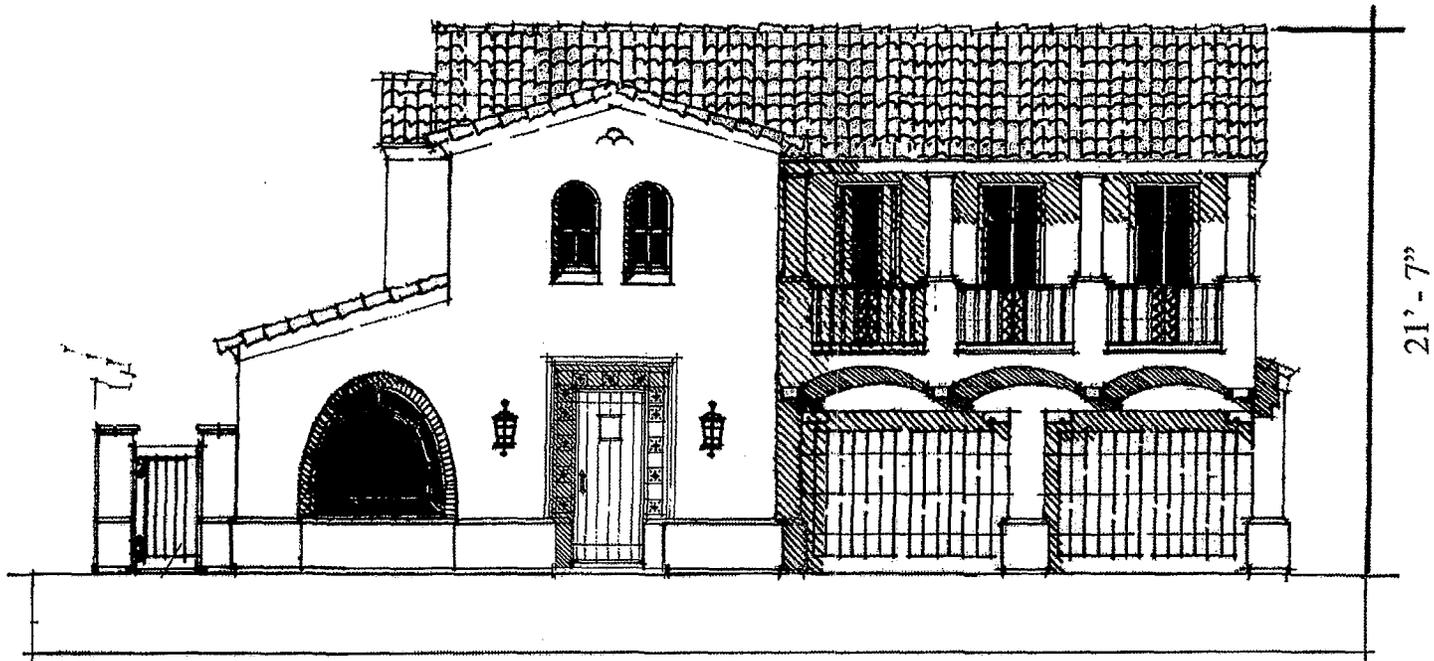
Plan 3
Roof Plan
3.14.05



Plan 4A - 2869 sf
First Floor
(1734 sf)
3.14.05



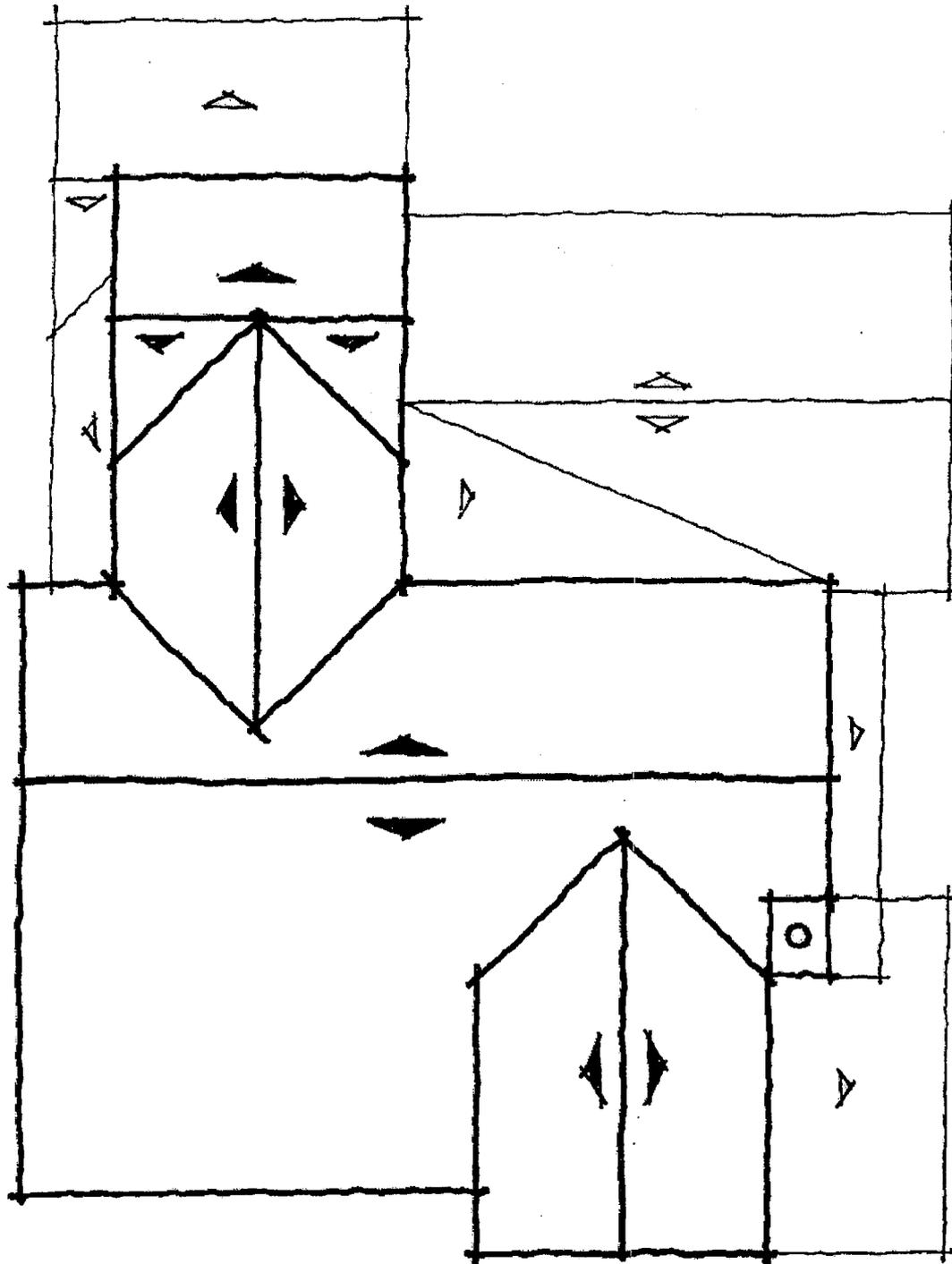
Plan 4 - 2869 sf
Second Floor
(1132 sf)
3.14.05



Plan 4A
Front Elevation
Classic Spanish
3.14.05



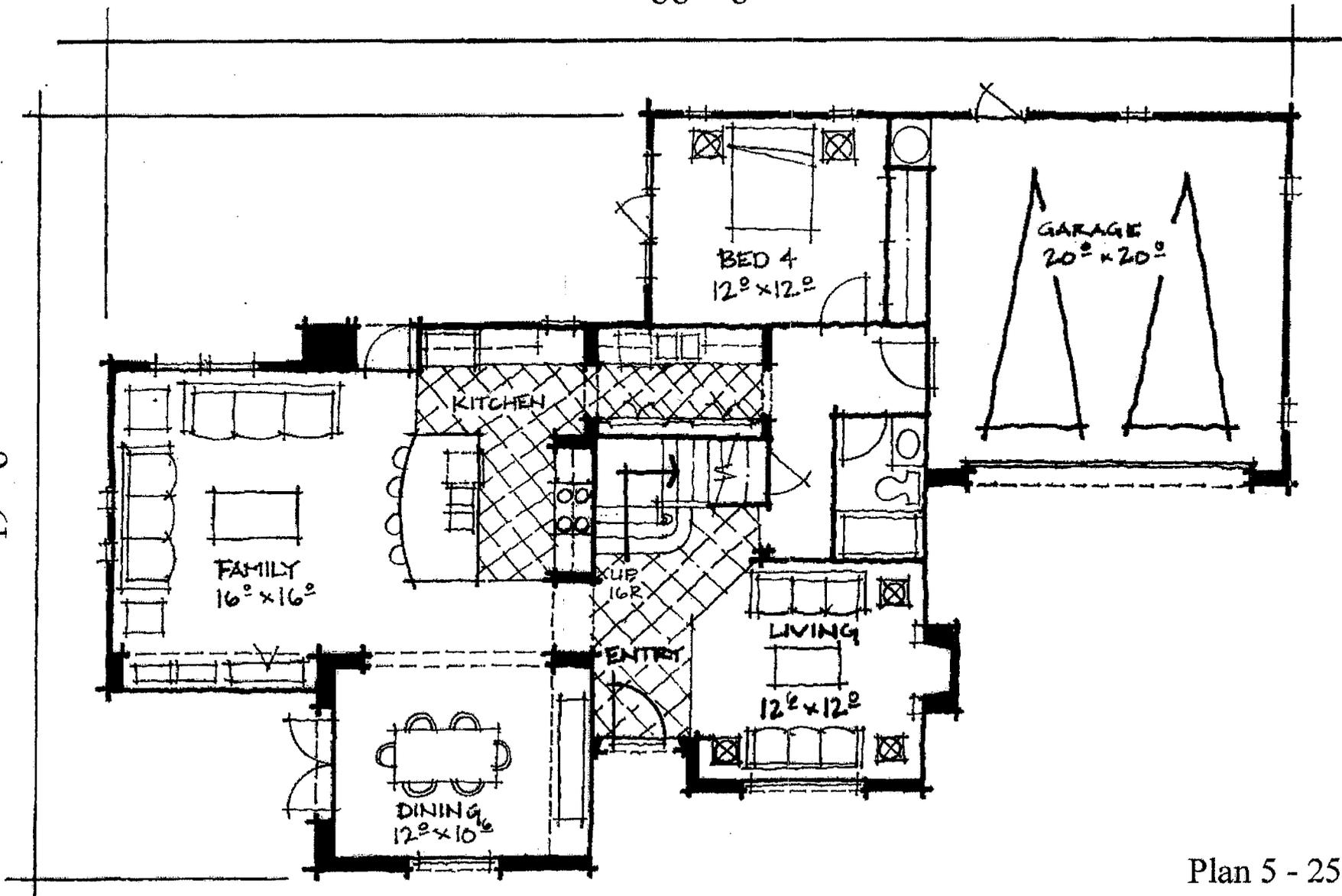
Plan 4B
Front Elevation
Early California
3.14.05



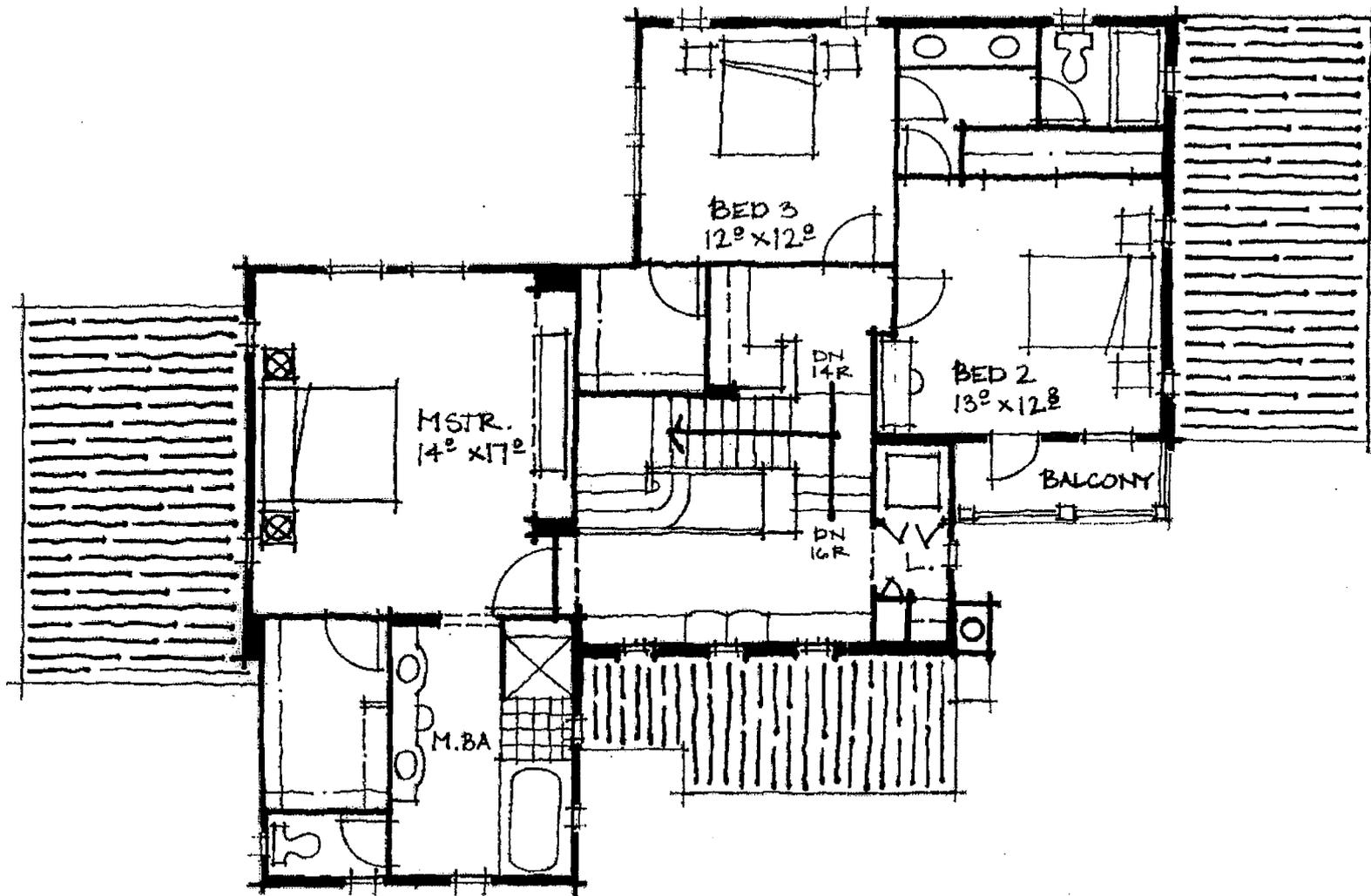
Plan 4
Roof Plan
3.14.05

66' - 6"

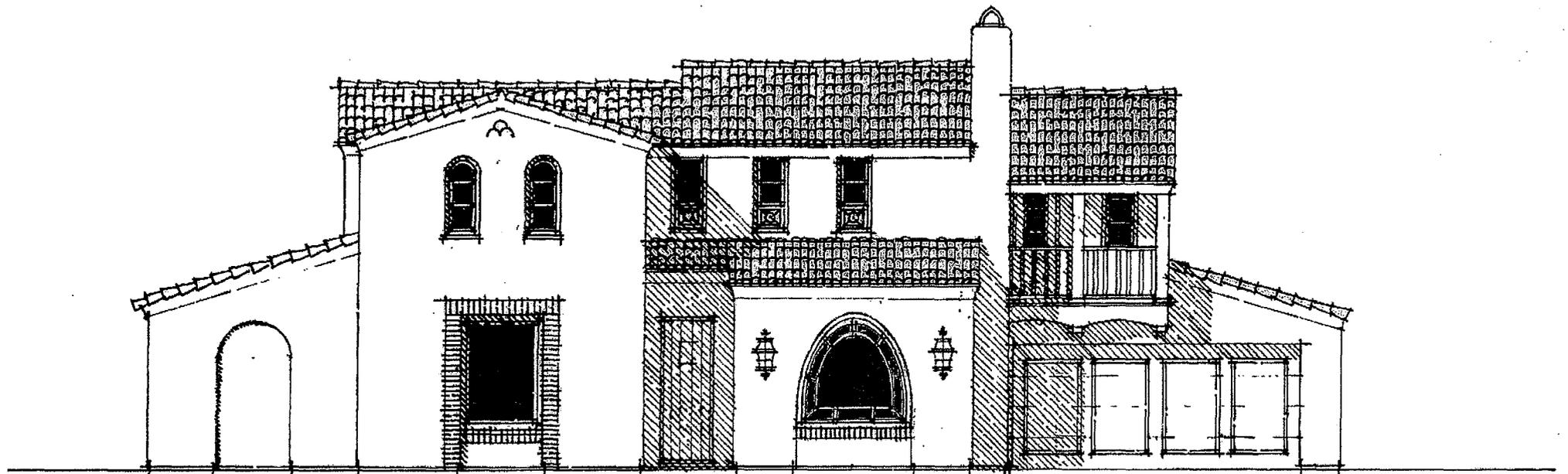
45' - 6"



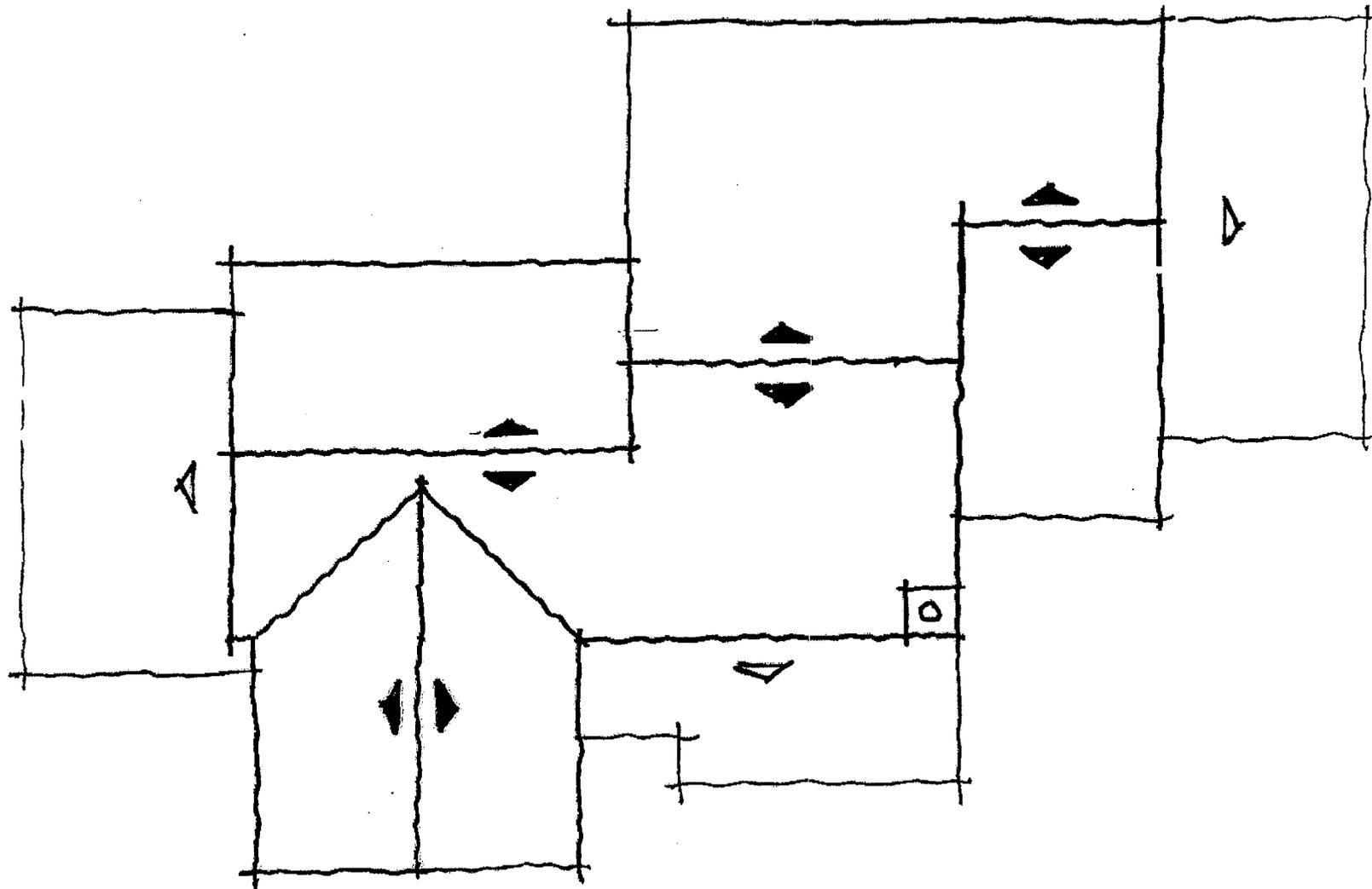
Plan 5 - 2557 sf
First Floor
(1372 sf)
3.14.05



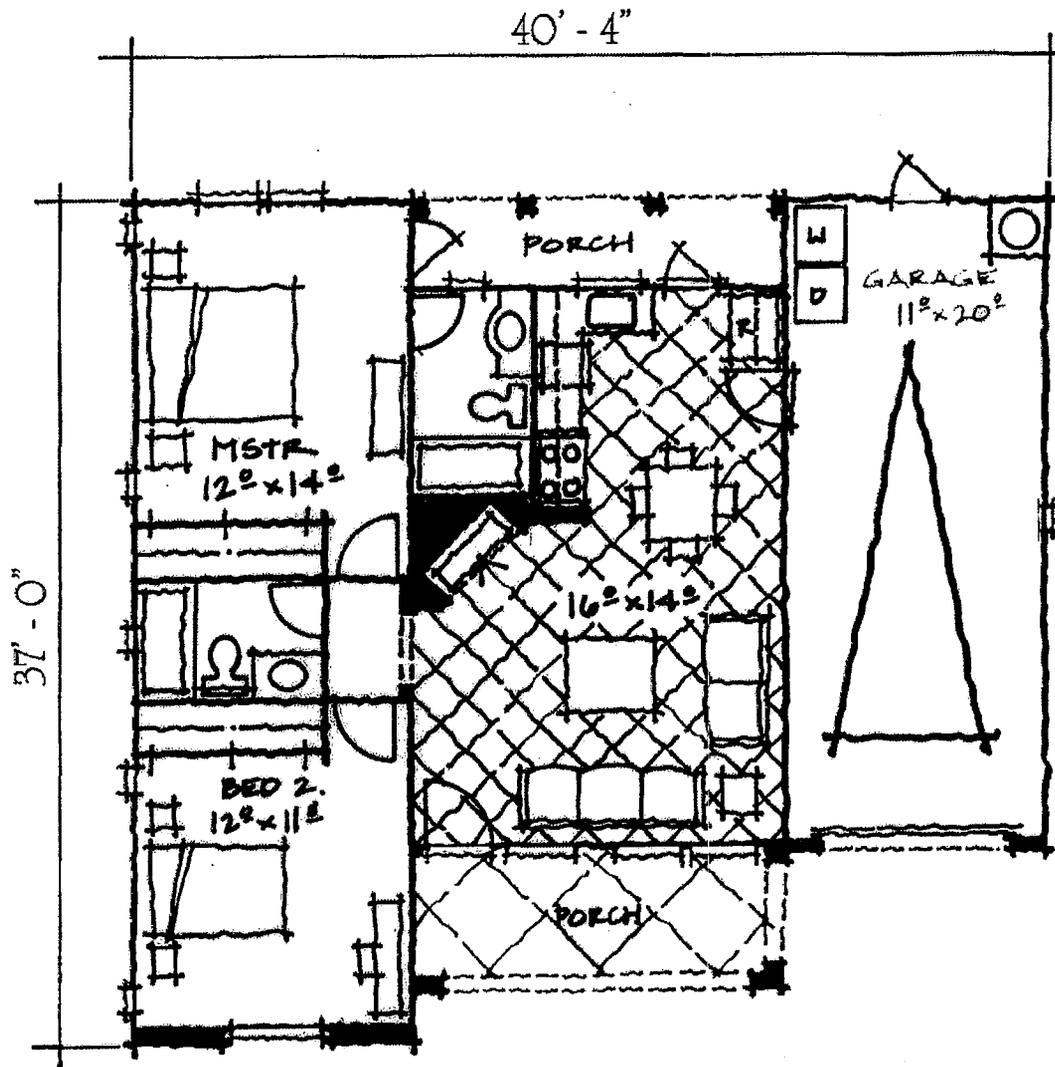
Plan 5 - 2557 sf
Second Floor
(1185 sf)
3.14.05



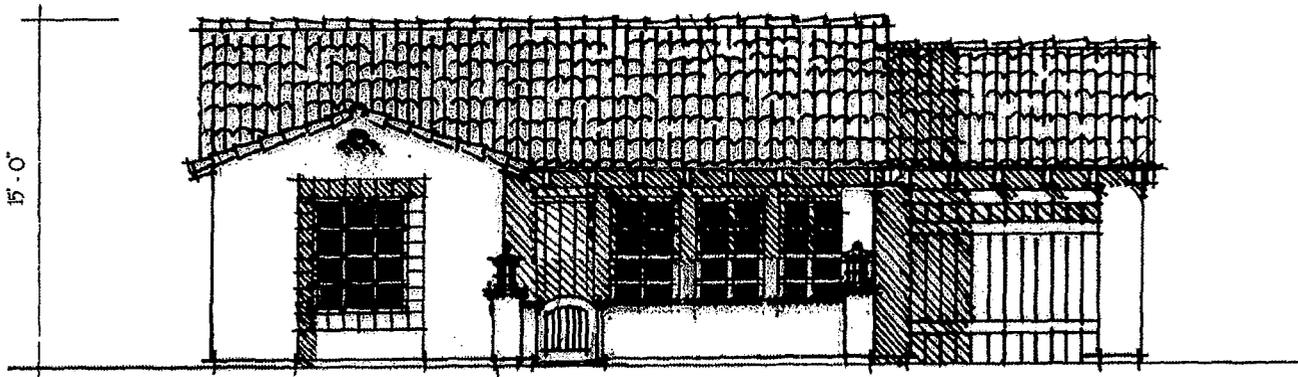
Plan 5
Front Elevation
Classic Spanish
3.14.05



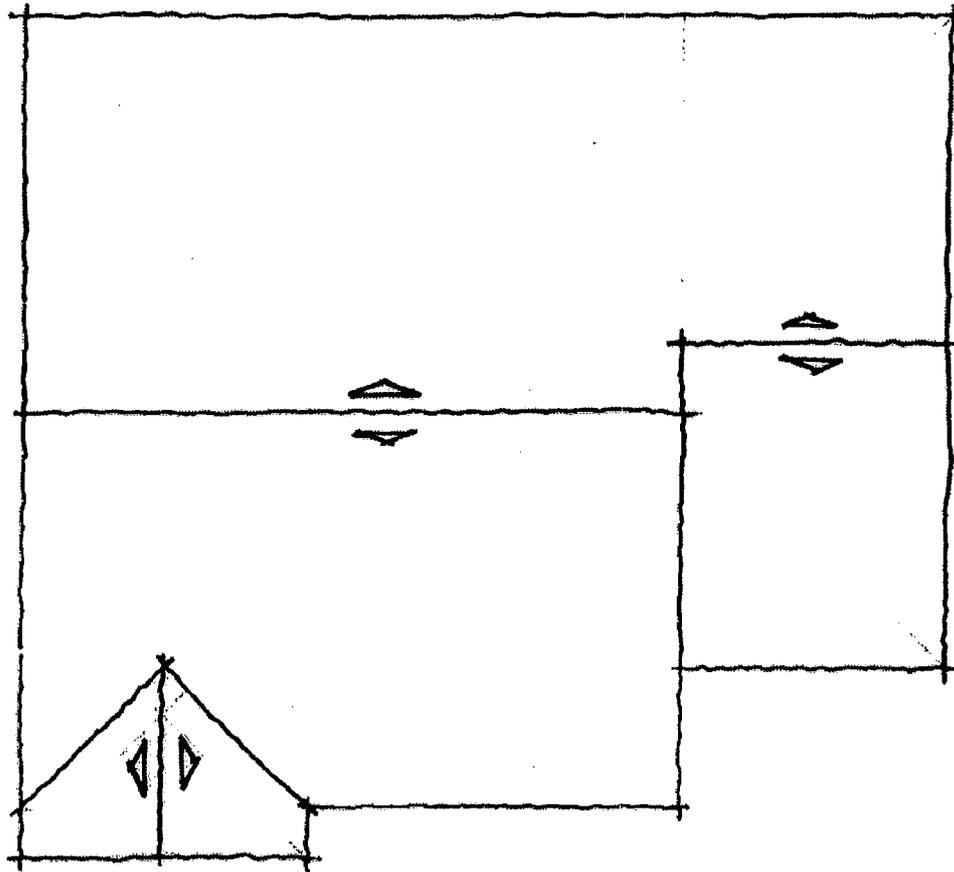
Plan 5
Roof Plan
3.14.05



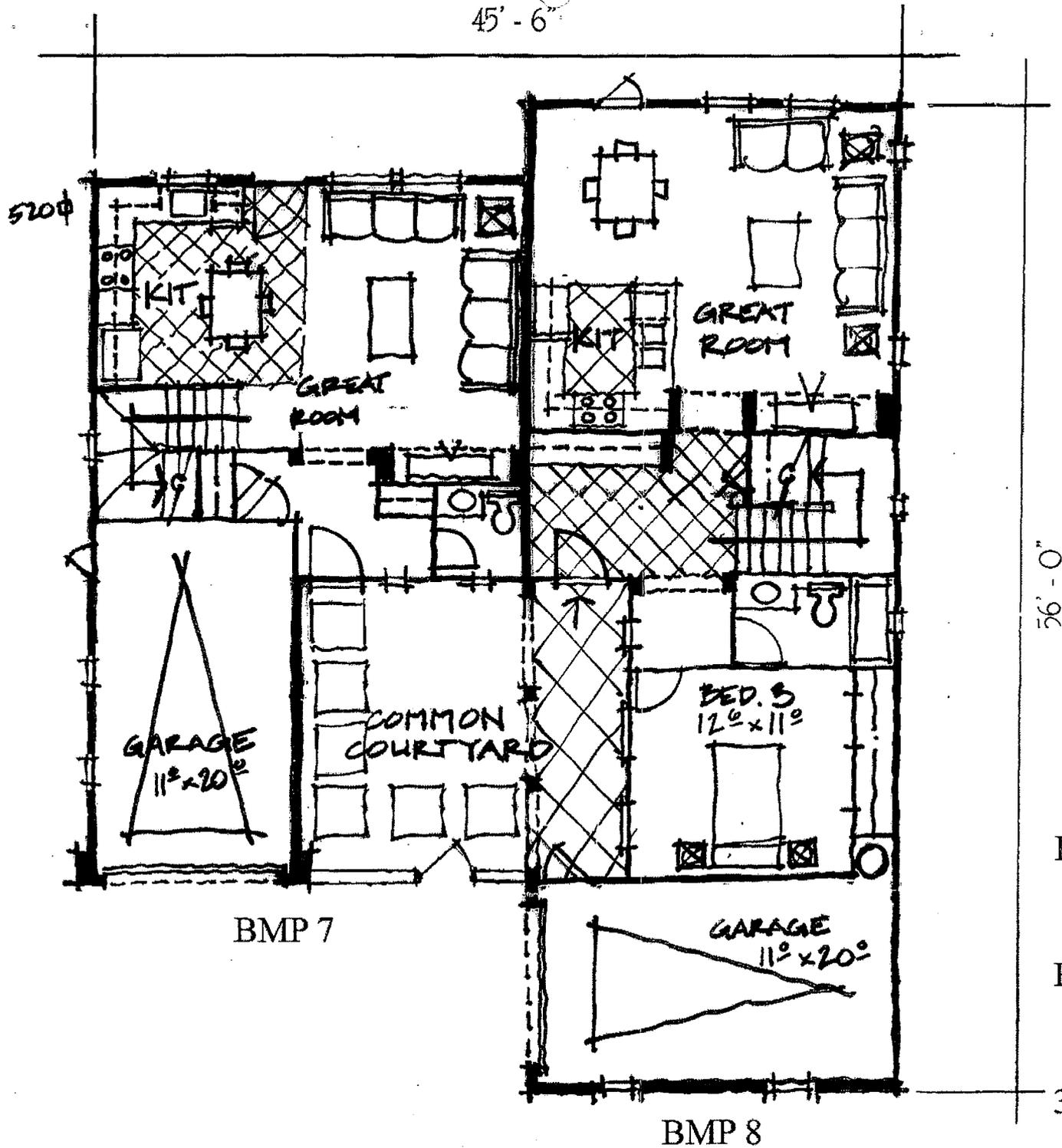
Plan 6 - 846 sf
3.14.05



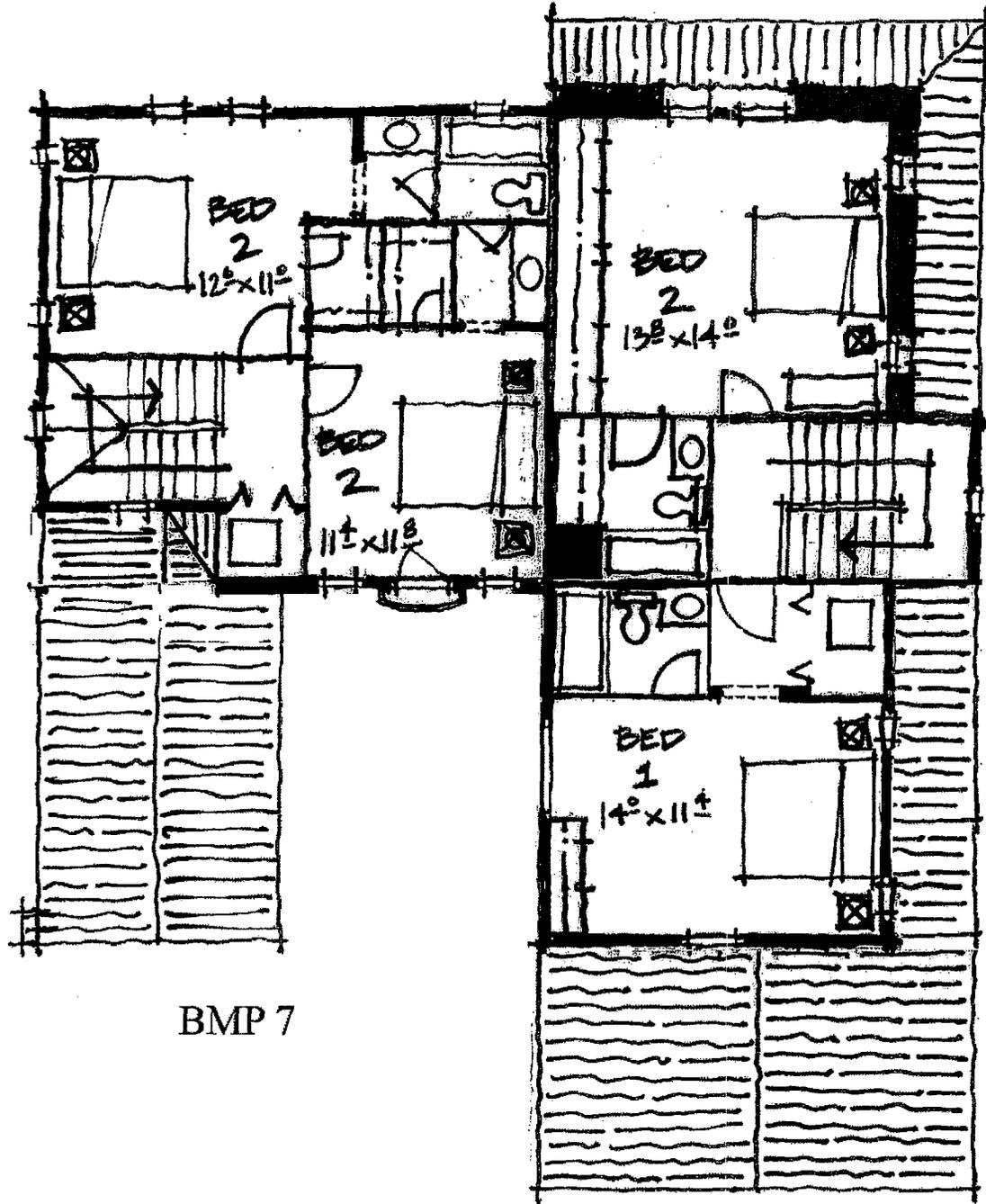
Plan 6
Front Elevation
Classic Spanish
3.14.05



Plan 6
Roof Plan
3.14.05



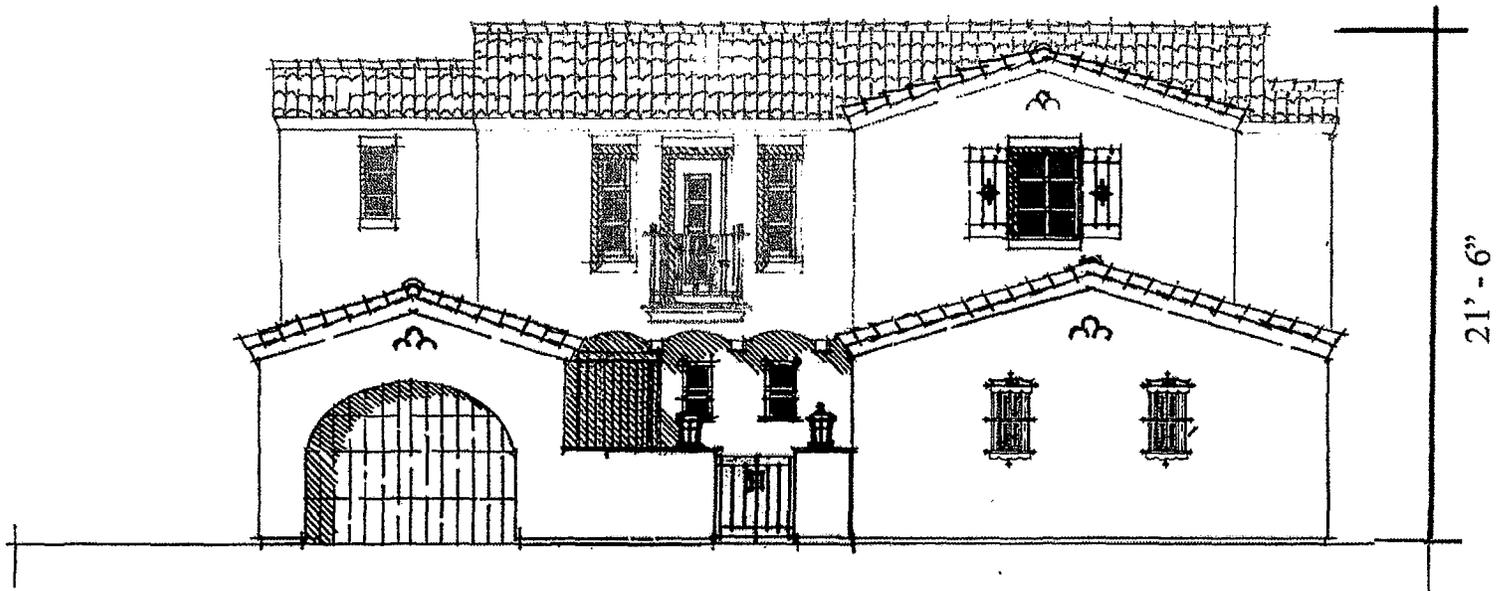
Plan BMP 7/8
 BMP 7 - 1030 sf
 BMP 8 - 1484 sf
 First Floor
 7 - 522 sf
 8 - 852 sf
 3.14.05



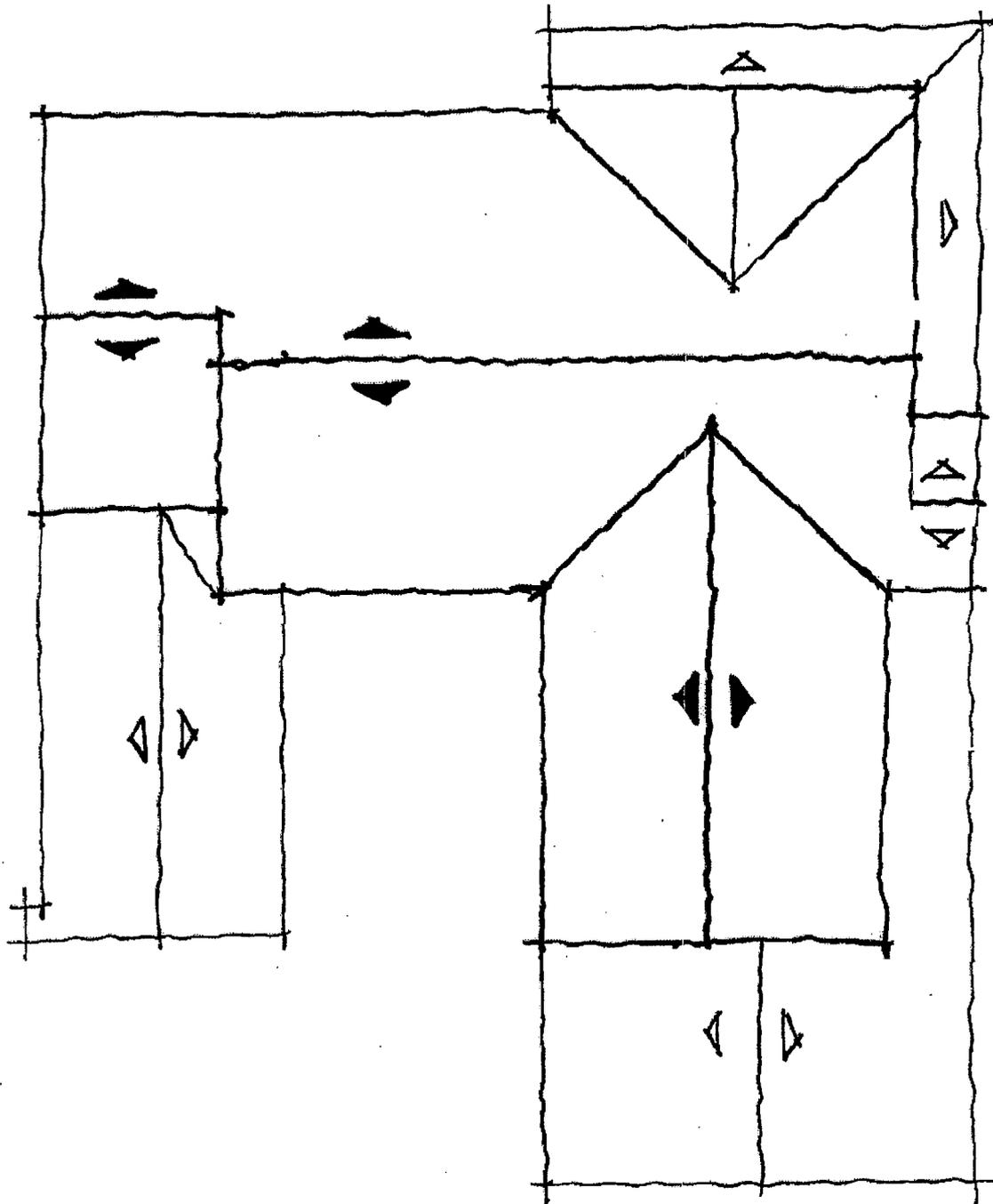
BMP 7

BMP 8

Plan BMP 7/8
 BMP 7 - 1030 sf
 BMP 8 - 1484 sf
 Second Floor
 7 - 508 sf
 8 - 632 sf
 3.14.05

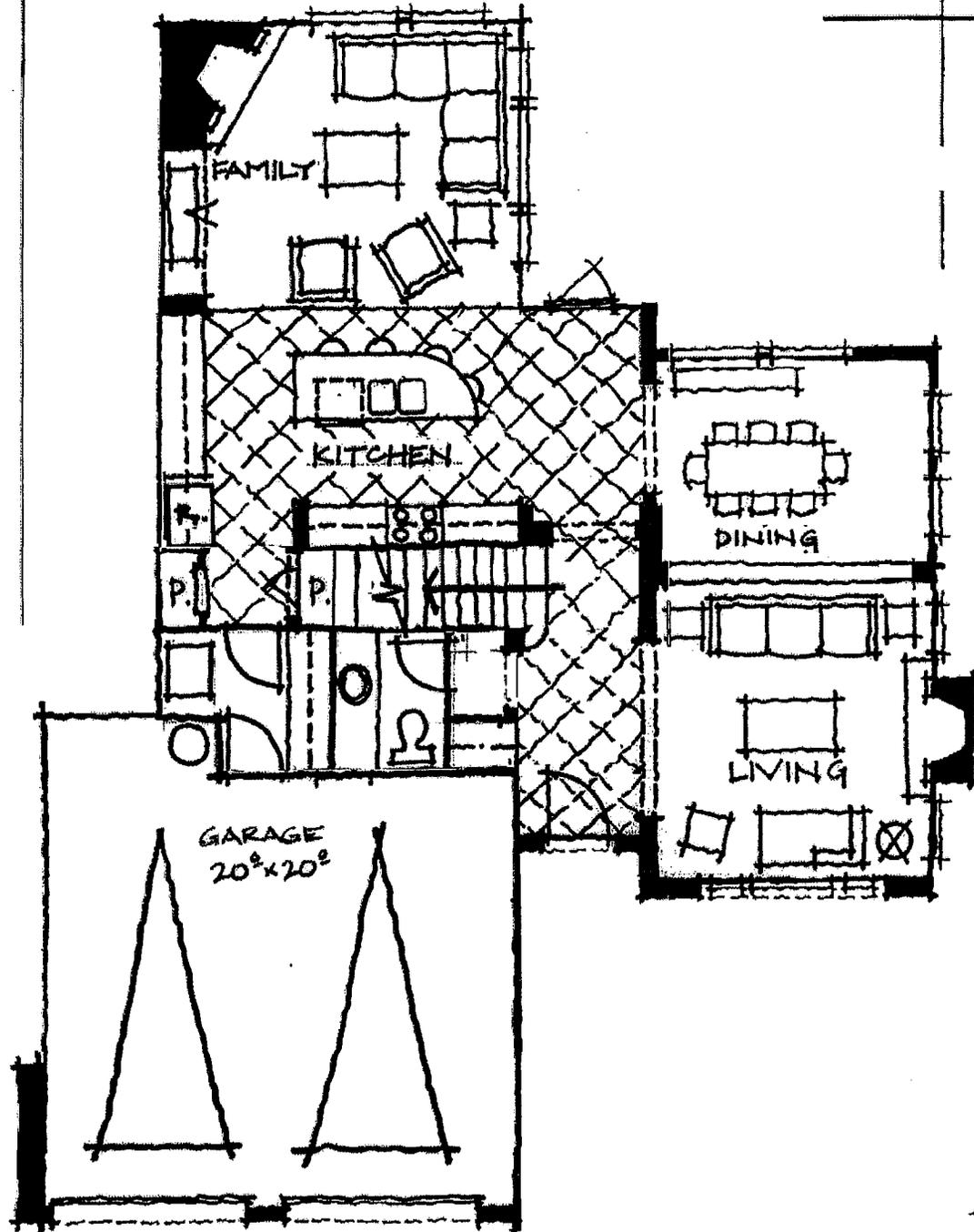


Plan BMP 7/8
Front Elevation
Classic Spanish
3.14.05



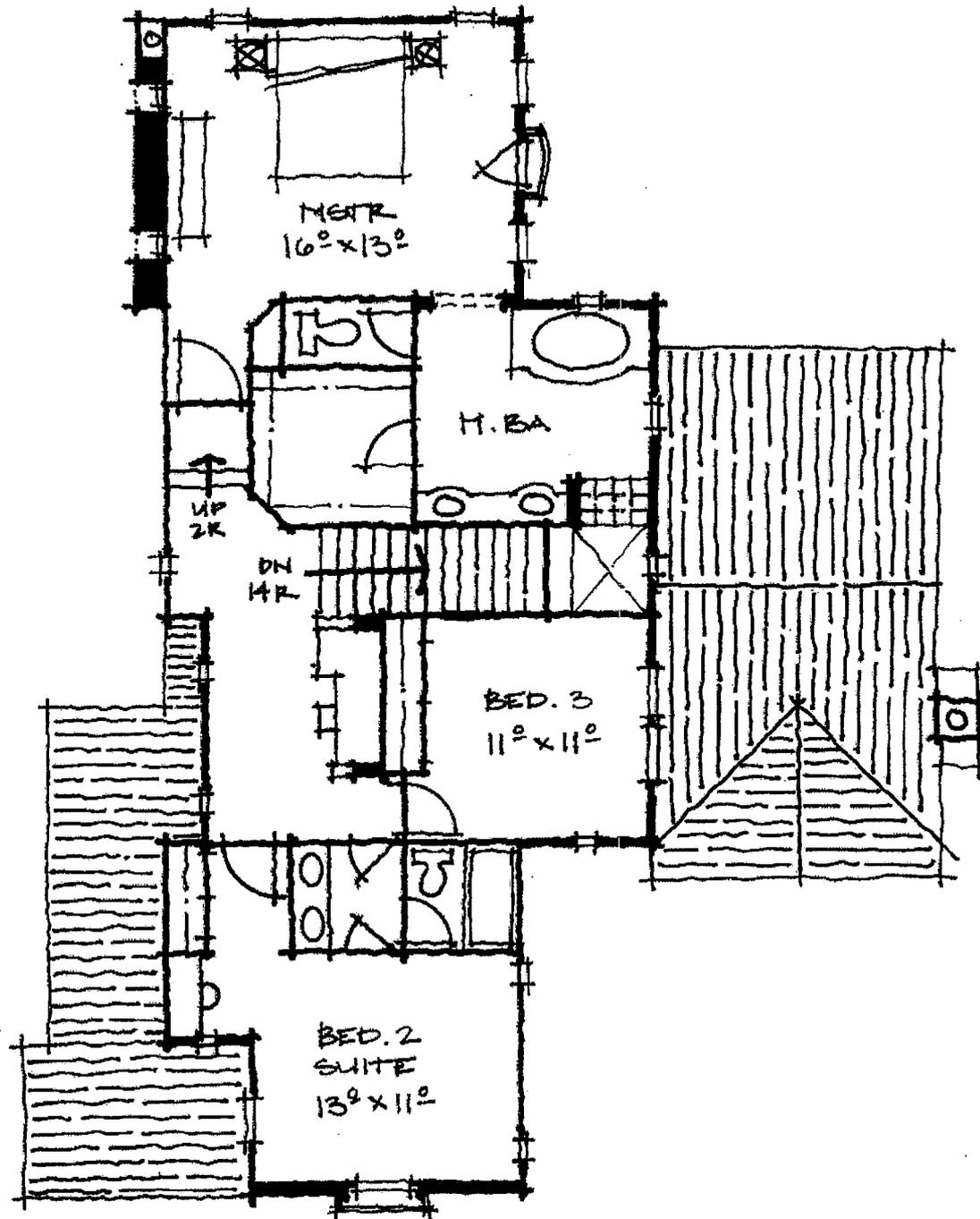
Plan BMP 7/8
Roof Plan
3.14.05

44' - 0"

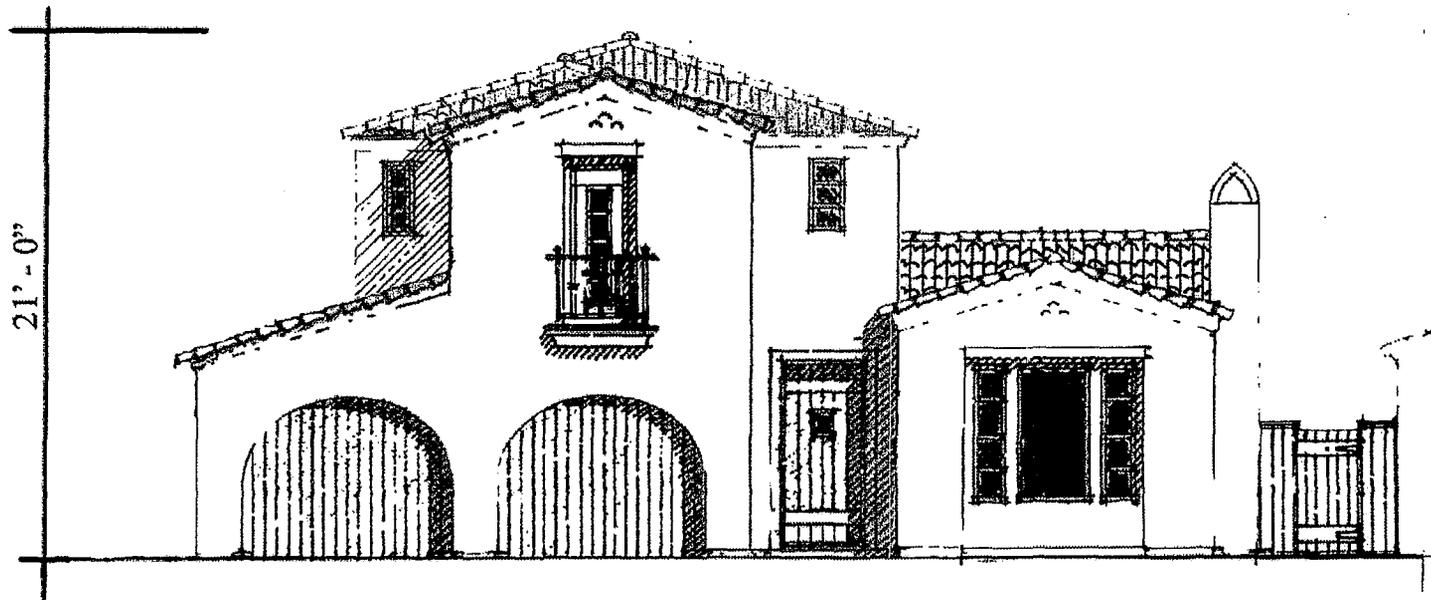


57' - 0"

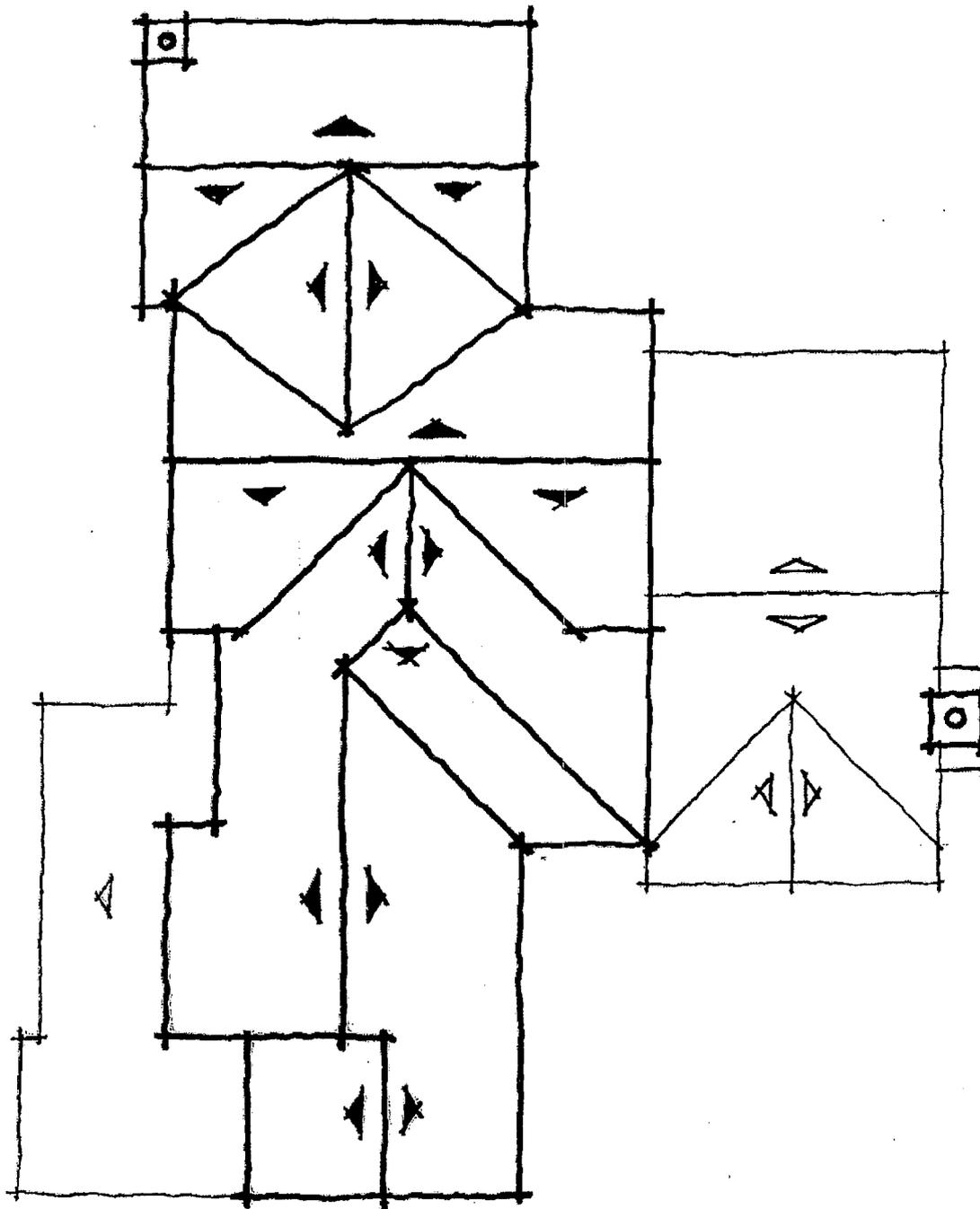
Plan 9 - 2130 sf
First Floor
(1095 sf)
3.14.05



Plan 9 - 2130 sf
 Second Floor
 (1035 sf)
 3.14.05



Plan 9
Front Elevation
Classic Spanish
3.14.05



Plan 9
Roof Plan
3.14.05

The following pages were too large to scan but are available in the Clerk Department:

Horizontal Control Plan (3-14-05)

Preliminary Grading Plan (3-14-05)

Revised Street Scene (3.14.05)



RECEIVED

MAR 17 2005

**TOWN OF LOS GATOS
PLANNING DIVISION**

TO: Jessy Pu, Town of Los Gatos
FROM: Robert Eckols, P.E.
DATE: March 16, 2005
SUBJECT: Left Turn Access to Villa Felice Site

SJ04-722

This memorandum addresses questions raised at the recent public hearing related to left-turning vehicles accessing Parkside Court and the Villa Felice site from Winchester Boulevard. The central concern was that left-turning vehicles would be competing for the same portion of the two-way left-turn lane on Winchester Boulevard. This condition can occur where two-way left-turn (TWLT) lanes are used to provide access to adjacent properties along major roadways and, therefore, most drivers use caution when entering a TWLT lane.

TWLT lanes are typically used in areas where parcel size or historic development patterns have created multiple access points along a well traveled roadway. The TWLT lane serves as an area where turning vehicles can take refuge prior to crossing the opposing traffic. TWLT lanes are used to balance the operational trade-offs between providing local property access and maintaining through lane capacity by providing a "safe haven" for turning vehicles.

On Winchester Boulevard between Lark Avenue and Daves Avenue, there are three similar TWLT lane sections as the one between Parkside Court and the Villa Felice entrance. These sections are between:

- Grosvenor Court and Verde Robles;
- Valley Oaks Court and Milani Court (includes the Villa Serena Apartments driveway); and
- Blanchard and Pleasant View Court.

A review of the past two years of accident data (2003/2004) shows that there have been a total of 28 accidents reported for the full length of Winchester Boulevard within the Town of Los Gatos. The majority of these accidents occurred north of Lark Avenue in the area around the State Route 85 interchange. In the section between Lark Avenue and Daves Avenue, only two (2) accidents were reported: one at Grosvenor Court that was related to a backing vehicle, and one at La Rinconada Drive that involved a left-turn exiting from the side street. No accidents were reported involving vehicles within the TWLT lane.

In terms of the future traffic volumes using the TWLT lane between Parkside Court and the Villa Felice entrance, trip generation estimates were made for the existing uses on the site and the proposed residential uses. Table 1 summarizes the estimated trip generation for the existing and proposed uses. Table 1 shows that the proposed residential uses will generate substantially less traffic over the entire day and during the evening peak hour than the

existing uses would have at full occupancy (use). The reduction in traffic generated on the Villa Felice site will reduce the demand in the TWLT lane as described below.

Land Use	Size	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<i>Proposed Uses</i>								
Single-Family Detached Housing	29 units	333	8	22	30	22	13	35
Duplex (2 buildings)	4 units	27	0	2	2	1	1	2
<i>Subtotal Proposed Uses</i>			8	24	32	23	14	37
<i>Existing Uses</i>								
Duplex (1 building)	2 units	13	0	1	1	1	0	1
Motel	32 rooms	288	7	13	20	10	9	19
Restaurant	14,500 sf	1,304	6	6	12	73	36	109
Passerby (10% PM)		0	0	0	0	-6	-6	-12
<i>Subtotal Existing Uses</i>			13	20	33	78	39	117
Net Added Trips			-5	4	-1	-55	-25	-80

Notes:
¹ Trip generation rates from Institute of Transportation Engineers' (ITE) *Trip Generation*, 7th Edition.

In terms of the left-turn movements, the original uses on the site (restaurant and hotel) would generate approximately 117 PM peak-hour trips on a typical weekday. Seventy-eight (78) of the PM peak-hour trips would be inbound. Assuming that 55% of the commercial traffic would come from the north, forty-three (43) vehicles would make left-turns into the Villa Felice site on a weekday evening peak hour.

With the proposed residential project a total of 37 PM peak hour trips would be generated by the site of which 23 would be inbound. Assuming that 80% of the residential trips would come from the north, there would be 18 left turns into the site during the peak hour with the proposed development. Therefore, compared to the existing (former) uses, the proposed project would generate 60% fewer trips. This reduction in the inbound trips would reduce the potential for two opposing vehicles to be in the two-way left-turn lane at the same time.

In addition to fewer trips than the previous land uses, the conversion of the project site to residential uses offers another advantage in terms of the use of the TWLT lane. Residents will use the TWLT lane on a daily basis, will be familiar with the traffic patterns, and will be familiar with the location and configuration of the driveway. This was not necessarily the case under the former uses where many customers would be arriving at the site for the first time or would have little experience accessing the site.

Based on the above factors, the TWLT lane will provide acceptable access to both Parkside Court and the proposed development at Villa Felice.