



MEETING DATE: 3/20/06

ITEM NO. 9

COUNCIL AGENDA REPORT

DATE: March 9, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: DEBRA J. FIGONE, TOWN MANAGER

SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING A MINOR PLANNED DEVELOPMENT AMENDMENT TO ADD ONE ADDITIONAL LOT AS PERMITTED BY THE APPROVED PLANNED DEVELOPMENT, APPROVAL OF THE SUBDIVISION FOR THE ADDITIONAL LOT, APPROVAL TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON THE NEW LOT AND APPROVAL TO INSTALL A TEMPORARY SALES TRAILER/MODEL HOME OFFICE FOR PROPERTY ZONED RM:5-12:PD. APNS 424-29-024 THROUGH 026 PLANNED DEVELOPMENT APPLICATION PD-06-2, SUBDIVISION APPLICATION M-06-2, ARCHITECTURE AND SITE APPLICATIONS S-06-12 PROPERTY LOCATION: **15350 WINCHESTER BOULEVARD** PROPERTY OWNER/APPLICANT: SANTA CLARA DEVELOPMENT CO. APPELLANT: STEPHANIE CARROLL

RECOMMENDATION:

1. Open and hold the public hearing.
2. Close the public hearing.
3. Uphold the Planning Commission's decision to approve Planned Development Application PD-06-2, Subdivision Application M-06-2 and Architecture and Site Application S-06-12 and deny the appeal.
4. Refer to the Town Attorney for the preparation of the appropriate resolution.

(Continued to Page 2)

PREPARED BY: BUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: Assistant Town Manager Town Attorney _____ Clerk _____ Finance _____
 Community Development

Revised: 3/9/06 3:25 pm

If the Town Council determines that the Planning Commission's decision should be reversed or modified:

1. The Council needs to find one or more of the following:
 - (1) where there was error or abuse of discretion on the part of the Planning Commission; or
 - (2) the new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or
 - (3) an issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.
2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the application.
3. Refer to the Town Attorney for preparation of the appropriate resolution.

BACKGROUND

On April 4, 2005, Town Council adopted Ordinance No. 2141 (Exhibit A of Attachment 7) for a Planned Development (PD) at the subject site (Villa Felice). This PD allows the following uses:

- Demolition of the existing one story duplex, detached garage and shed.
- Demolition of the Villa Felice restaurant including administrative offices and support services and the motel.
- Construction of 28 market rate single family residences and five Below Market Price (BMP) units. 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 (DRC).

On July 19, 2005, the DRC approved the tentative map for the subdivision and the architecture and site applications for the 28 market units and five BMP units. The existing buildings have been demolished and subdivision improvements are under construction. Building permits have been filed for the units.

The applicant and the adjacent Villa Felice Townhouses have reached an agreement to eliminate the existing parking easement (Exhibit C of Attachment 7). Therefore, the applicant filed applications for the additional unit as permitted by the approved PD. The applicant had met with the neighbors prior to submittal and had thought that all issues of concern had been met. The DRC considered this matter on December 6, 2005 where several neighbors raised concerns regarding the visual impacts of the proposed house (Exhibit D of Attachment 7). These concerns were raised based on the installation of the story poles which made the scope of the project more clear to the neighbors. The

applicant met with the neighbors in an attempt to mitigate their concerns. The following changes have been made to the plans subsequent to the DRC review (Exhibit B of Attachment 7):

- **Grade Change** - The grade of the proposed lot has been lowered 1.3'. This will result in a grade differential of approximately three feet between the adjacent Villa Felice town houses and Villa Felice as opposed to the existing four feet.
- **Single Story Elements** - Two single story elements have been lowered by utilizing a gable roof.
- **Deck Removal** - The second story deck has been eliminated
- **Windows** - All of the second story windows along the Villa Felice town house western property line are clerestory with the exception of two windows in a secondary bedroom which are 55 feet from the property line. Clerestory windows were required for several of the approved units to mitigate privacy concerns.

Since one of the neighbors was opposed to a new residence and some of the neighbors expressed an interest in a one story structure, it appeared that the neighbors' concerns could not be completely mitigated; therefore, the matter was referred to the Planning Commission for consideration.

PROJECT SUMMARY:

1. Application Request

Planned Development - The applicant is requesting approval to amend the approved PD to add one additional lot and residential unit for a total of 29 market rate single family residences and five BMP units on 5.91 acres. The additional unit will not trigger an increase in the number of required BMP units. The approved density of the development for the subject site is 4.7 units per acre (excluding the BMP units). The proposed density is 4.9 (excluding the BMP units). 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. As stated above, the approved PD allowed one additional unit if the adjacent Villa Felice Townhouse development agreed to eliminate the existing parking easement. The applications are consistent with the approved PD. Pursuant to the approved PD, this request is a minor amendment and was not required to be forwarded to Town Council.

Subdivision - The proposed lot will contain 7,000 square feet. The approved lots range in size from 2,152 square feet to 6,915 square feet. The minimum lot size required for the underlying zone is 8,000 square feet.

Architecture and Site - The applicant is requesting approval of plans to construct a 2,248 square foot two story single family residence with a 445 square foot attached garage. The approved market rate units range in size from 2,165 to 2,943 square feet. The maximum height of the proposed residence is 22 feet two inches. The heights for the approved two story units range from 23.5 to 25 feet. The subject house has been designed with a lower height in an attempt to mitigate neighbor concerns. Exterior materials will consist of plaster and stone siding, wood and copper trim and a clay tile roof.

March 20, 2006

The floor plan, architectural style, colors and materials of the proposed house are similar to an approved house plan, but have been modified slightly in an attempt to mitigate neighbor concerns as discussed above. During the PD process, staff and the Town's Consulting Architect concluded that the proposed house designs were good, the houses relate well to each other and the proposed siting and landscaping produce a good environment. The proposed setbacks are consistent with the approved setbacks for the other parcels.

Sales Trailer and Model Homes - The applicant is also requesting approval of a sales trailer with guest parking in the existing parking easement area, adjacent to the proposed lot and to allow two of the approved units to be used as model homes (Lots 30 and 31) through the proposed PD and Architecture and Site applications. The trailer is proposed to be removed once the model homes are completed. Since a pad for the trailer is existing, is near the entrance of the development and is outside the area of construction, it is the most logical and safe location for the trailer.

PLANNING COMMISSION:

The Planning Commission considered this matter on January 25, 2006. The Commission unanimously approved the request for the sales trailer and model homes with an added condition that the sales trailer be set back as far as possible from the west property line to mitigate neighbor concerns. The Commission approved the other requests on a five to two vote. The Commission understood that they were not bound by the agreement made between the applicant and the neighbors to sell the easement to allow an additional house. The Commission also agreed that it is difficult to visualize a project without the story poles. However, since the neighbors were following the project, accepted money to sell the easement to construct a new house, and understood that the house would be two stories, a majority of the Commission felt that this was compelling evidence to approve the applications.

APPEAL

An appeal of the Planning Commission's decision was received on February 6, 2006 (Attachment 1). The basis for the appeal is summarized as follows:

- There was a difference between the story poles for lot 33 and the story poles for lot 34 (subject application) and when the poles were erected in relationship to the decisions and agreements made.
- The specific information the neighbors had regarding the size of the 34th home prior to agreeing to the sale of the easement.
- The wording within the agreement to sell the easement and the neighbor's interpretation, including what was verbally committed by the applicant in the "spirit of cooperation" and the desire to arrive at a "win/win" situation.
- The ambiguity still surrounding the setbacks, height, grading, drainage, landscaping etc., as it pertains to the proposed 34th home.
- The impact of the proposed 34th home on the neighbors and what they see as a reasonable solution.

STAFF NOTE

Subsequent to the Planning Commission's action on this matter, the applicant has considered additional changes to their plans in an attempt to further mitigate neighbor concerns. The applicant is now proposing to move the house two feet further from the neighbors property line (Attachment 10). This modification will require the property line between Lot 33 and 34 to be shifted two feet to the east which will result in a reduction of the side yard setback for Lot 33. Staff has reviewed conceptual plans of this modification and has no issue with these changes. The story poles reflect this proposal. The Planning Commission has approved the applications and the changes proposed were not required and are offered by the applicant to try to further mitigate neighbor concerns.

If Council concurs with this modification, the following should be done.

1. Add a statement to Section II of the Ordinance Amendment as Item 7 (Attachment 3):

Modification to the approved Horizontal Control Plan of Ordinance 2141, to allow a reduction of the side setback for Lot 33 to accommodate a property line shift between Lots 33 and 34.

2. Add the following condition to the Subdivision Application (Attachment 4):

PROPERTY LINE MODIFICATION. The property line may be shifted between Lots 33 and 34 to accommodate the relocation of the proposed house on Lot 34.

3. Add the following condition to the Architecture and Site Application (Attachment 5):

SETBACK. The side setback from the west property line shall be a minimum of 12 feet.

ENVIRONMENTAL ASSESSMENT:

A Mitigated Negative Declaration has been previously made for the approved Planned Development for this site. It has been determined that this project will not have additional environmental impacts and an addendum to the Mitigation Declaration was prepared.

FISCAL IMPACT: None

Attachments:

1. Appeal filed on February 6, 2006.
2. Required findings and considerations.
3. Ordinance 2141 Amendment.
4. Conditions of approval for the Subdivision Application
5. Conditions of approval for the Architecture and Site Application.
6. Action minutes from the Planning Commission meeting of January 25, 2006.

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MAYOR AND TOWN COUNCIL

SUBJECT: APPEAL 15350 WINCHESTER BLVD

March 20, 2006

7. Report to the Planning Commission from the Development Review Committee dated January 19, 2006 for the meeting of January 25, 2006 (Exhibits I, J, K and M deleted and incorporated as Attachments 2, 3, 4 and 5 of this report).
8. Desk item report to the Planning Commission dated January 25, 2006 for the meeting of January 35, 2006.
9. Photographs submitted at the Planning Commission hearing (six pages).
10. Packet from Santa Clara Development (seven sheets), received March 14, 2006.

Distribution:

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

Stephanie Carroll, 15300 Winchester Blvd, #3, Los Gatos, CA 95030

BNL:SLB:mdc

N:\DEV\CNCLRPTS\2006\15350winchester.wpd

FILING FEES
\$272.00 Residential
\$1089.00 per Commercial, Multi-
family or Tentative Map Appeal

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

Mrg & Plng

APPEAL OF PLANNING COMMISSION DECISION

FEH - 6 2006

CLERK DEPARTMENT

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: January 25, 2006

PROJECT / APPLICATION NO: Villa Delos

ADDRESS LOCATION: 15400 Winchester Blvd
15350

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in most matters if the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Council members. Therefore, please specify how one of those reasons exist in the appeal:

1. The Planning Commission erred or abused its discretion because See attached
- _____ ; OR
2. There is new information that was not reasonably available at the time of the Planning Commission decision, which is

_____ (please attach the new information if possible); OR
3. The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing withing 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967)
4. An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
5. Once filed, the appeal will be heard by the Town Council.
6. If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: Stephanie Carroll
DATE: February 3, 2006
PHONE: 399-0035

SIGNATURE: Stephanie Carroll
ADDRESS: 15300 Winchester Blvd
Los Gatos, CA 95030

*** OFFICIAL USE ONLY ***

DATE OF PUBLIC HEARING: 3/6/06 3/20/06

CONFIRMATION LETTER SENT: Date: _____

Pending Planning Department Confirmation

TO APPLICANT & APPELLANT BY: _____

DATE TO SEND PUBLICATION: 2/16/06

DATE OF PUBLICATION: 2/23/06

We feel the Planning Commission erred in their decision based on several issues we would like to have the opportunity to clarify and correct with the Town Council. During the Planning Commission Hearing there was a great deal of focus on the agreement between the Villa Felice Homeowners Association and Santa Clara Development Company to sell our rights to an easement, the intent of that agreement and what information we (the VFHOA) had prior to signing that agreement regarding the specifics of the proposed home on lot 34.

It was apparent that after several residents had addressed the commission and the time came to vote that there was confusion as well as misinformation about what we had agreed to and how much information we had about the final plans prior to signing the agreement. This discussion about what we thought *might* be built seemed to outweigh the actual plan of the 34th home.

It was also not clear that all of the commissioners had visited the site to understand the impact to our homes and community. As we have learned it is very different to look at schematics and architectural renderings than to experience the impact of the story poles.

Some specific reasons for our appeal we would like the opportunity to discuss at a Town Council Meeting are:

- The difference between the story poles for lot 33 and the story poles for lot 34 and when they were erected in relation to decisions and agreements made.

- What specific information we had regarding the size of the 34th home prior to agreeing to sell the easement.

- The wording within the agreement to sell the easement and our interpretation including what was verbally committed by Santa Clara Development in the "spirit of cooperation" and the desire to arrive at a "win/win" situation.

- The ambiguity still surrounding setbacks, height, grading, drainage, landscaping etc. as it pertains to the proposed 34th home.

- The impact of the proposed 34th home on our homeowners, and what we see as a reasonable resolution.

REQUIRED FINDINGS AND CONSIDERATIONS FOR:

15350 Winchester Boulevard

Planned Development Application PD-06-2

Subdivision Application M-06-2

Architecture and Site Applications S-06-12

Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026

PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

FINDINGS

- A Mitigated Negative Declaration has been previously made for the approved Planned Development for this site. It has been determined that this project will not have additional environmental impacts and an addendum to the Mitigation Declaration was prepared.
- To deny the Subdivision Application
 1. That the proposed map is not consistent with applicable general and specific plans as specified by Section 65451; or
 2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans; or
 3. That the site is not physically suitable for the type of development; or
 4. That the site is not physically suitable for the proposed density of development; or
 5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or
 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems; or
 7. That the design of the subdivision or type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

CONSIDERATIONS

As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

Sec. 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

(1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.

a. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:

1. The ability of critical roadways and major intersections to accommodate existing traffic;
2. Increased traffic estimated for approved developments not yet occupied; and
3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.

b. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:

1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available capacities.

Any project receiving Town determination subsection (1)b.1. may proceed. Any project receiving Town determination subsection (1)b.2. must be modified or denied if the deciding body determines that the impact is unacceptable. In determining the acceptability of a traffic impact, the deciding body shall consider if the project's benefits to the community override the traffic impacts as determined by specific sections from the general plan and any applicable specific

plan.

- (2) *Considerations relating to outdoor advertising.* The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development. Specialized lighting and sign systems may be used to distinguish special areas or neighborhoods such as the downtown area and Los Gatos Boulevard.
- (3) *Considerations relating to landscaping.* The location, height, and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, parking lots or unsightly development; the planting of ground cover or other surfacing to prevent dust and erosion; and the unnecessary destruction of existing healthy trees. Emphasize the use of planter boxes with seasonal flowers to add color and atmosphere to the central business district. Trees and plants shall be approved by the Director of Parks, Forestry and Maintenance Services for the purpose of meeting special criteria, including climatic conditions, maintenance, year-round versus seasonal color change (blossom, summer foliage, autumn color), special branching effects and other considerations.
- (4) *Considerations relating to site layout.* The orientation and location of buildings and open spaces in relation to the physical characteristics of the site and the character of the neighborhood; and the appearance and harmony of the buildings with adjacent development. Buildings should strengthen the form and image of the neighborhood (e.g. downtown, Los Gatos Boulevard, etc.). Buildings should maximize preservation of solar access. In the downtown, mid-block pedestrian arcades linking Santa Cruz Avenue with existing and new parking facilities shall be encouraged, and shall include such crime prevention elements as good sight lines and lighting systems.
- (5) *Considerations relating to drainage.* The effect of the site development plan on the adequacy of storm and surface water drainage.
- (6) *Considerations relating to the exterior architectural design of buildings and structures.* The effect of the height, width, shape and exterior construction and design of buildings and structures as such factors relate to the existing and future character of the neighborhood and purposes of the zone in which they are situated, and the purposes of architecture and site approval. Consistency and compatibility shall be encouraged in scale, massing, materials, color, texture, reflectivity, openings and other details.
- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the

Town image.

- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.
- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.

ORDINANCE 2141AMENDMENT

ORDINANCE OF THE TOWN OF LOS GATOS AMENDING ORDINANCE NO. 2141 RELATING TO A REVISION TO THE SITE PLAN TO ACCOMMODATE AN ADDITIONAL UNIT AS PERMITTED BY ORDINANCE 2141, AND A SALES TRAILER/MODEL HOME OFFICE AT 15350 WINCHESTER BLVD.

THE DEVELOPMENT REVIEW COMMITTEE OF THE TOWN OF LOS GATOS
DOES ORDAIN AS FOLLOWS:

SECTION I

The site plan and authorization of uses are hereby amended to reflect an additional unit as permitted by Performance Standard #21 of Planned Development Ordinance 2141 and a sales trailer/model home office.

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 five Below Market Price units.
4. Landscaping, streets, parking, open space and other site improvements shown and required on the Official Development Plan.
5. A sales trailer and/or model home offices.
6. All other residential uses and improvements listed in Ordinance No. 1396 for the existing Villa Felice Townhouse development are still valid.

7. Ordinance No 2141 is still valid in conjunction with the amendments made by this ordinance.
8. 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

The attached Exhibit A (Development Plans), are part of the Official Development Plan of Ordinance 2141.

SECTION IV

This Amendment was approved at a regular meeting of the Planning Commission of the Town of Los Gatos on January 25, 2006.

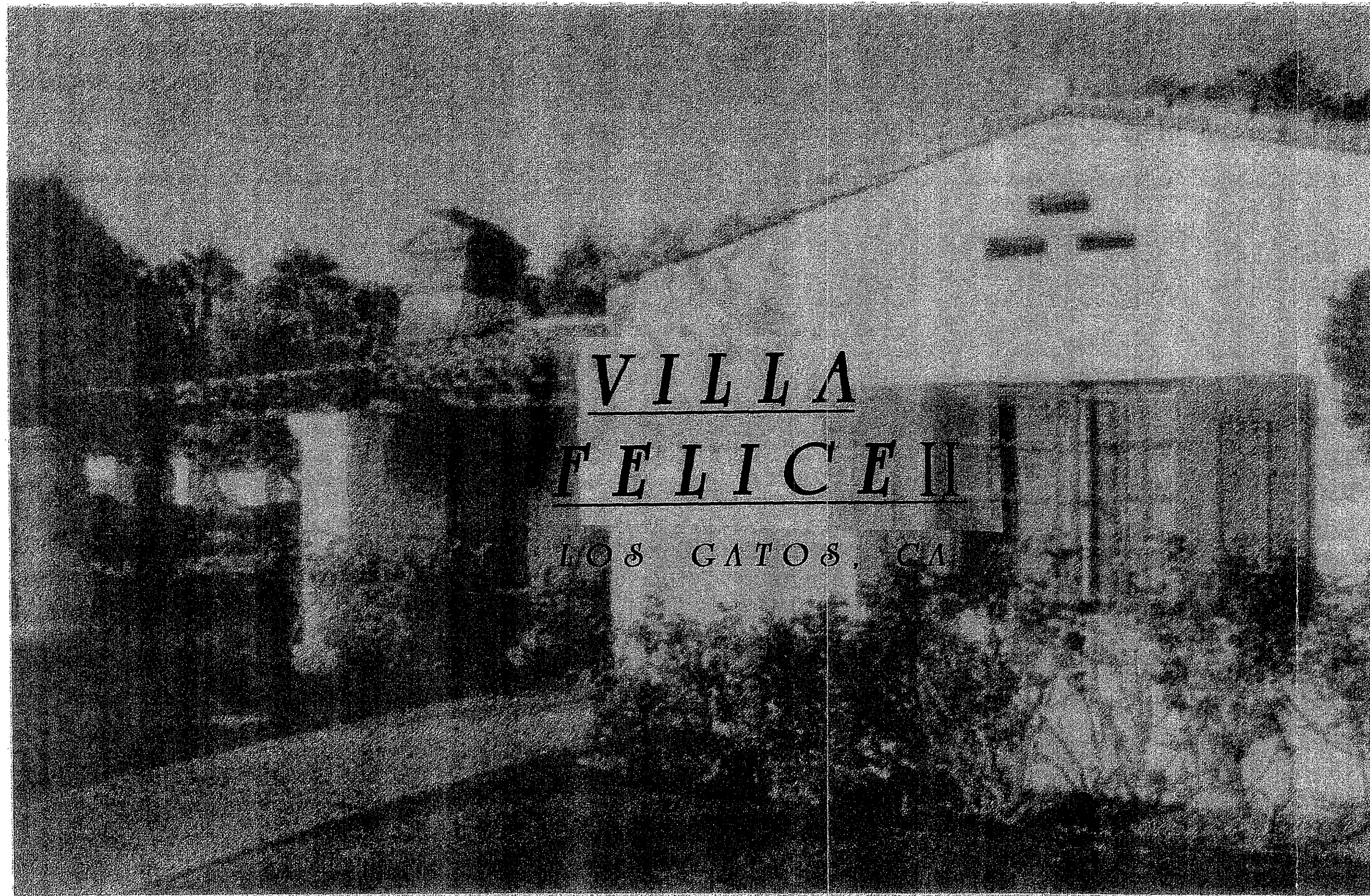


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C-2A Horizontal Control Plan
C-2B Horizontal Control Plan
(detail)
C-3 Preliminary Grading Plan
C-4 Conceptual Stormdrain Plan
C-5 Easement Exhibit

A-1 Conceptual Floor Plans
A-2 Conceptual Elevations

L-1 Layout Plan
L-2 Planting Plan
E-1 Model Home & Sales Trailer
Location Exhibit

PD-06-2
M-06-2
S-06-12

RECEIVED

JAN 18 2006

TOWN OF LOS GATOS
PLANNING DIVISION



**SANTA CLARA
DEVELOPMENT**

283 The Alameda, Ste. 150
San Jose, CA 95126
408.949.1101

DATE: 1.12.06

PROJECT: 08-047

SCALE:



NORTH
SHEET 9:



Exhibit A

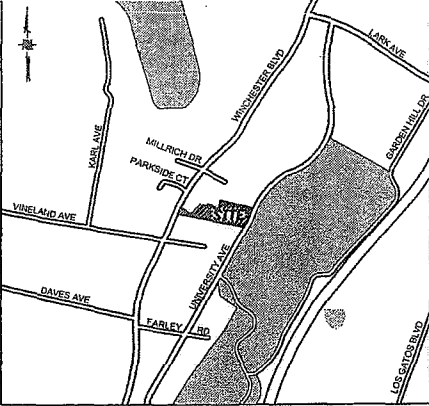
GENERAL NOTES:

- PROJECT NAME: VILLA FELICE II
 - OWNERS: ROBSON HOMES LLC. 2185 THE ALAMEDA, SAN JOSE, CA 95126
 - SUBDIVIDER: SANTA CLARA DEVELOPMENT COMPANY 2185 THE ALAMEDA SAN JOSE, CA 95126
 - ENGINEER: HMH, INCORPORATED 1570 OAKLAND ROAD, SUITE 200 SAN JOSE, CA 95131 (408) 487-2200 DANNY RAYMOND, RCE #26616
 - STREET LOCATION: 15350 WINCHESTER BOULEVARD
 - EXISTING ZONING: RM: 5-12 PD
 - EXISTING GP DESIGNATION: MEDIUM DENSITY RESIDENTIAL (5-12 DU/AC)
 - EXISTING USE: COMMERCIAL/RESIDENTIAL
 - PROPOSED USE: SINGLE FAMILY RESIDENTIAL (RM: 5-12:PD)
 - WATER SUPPLY: SAN JOSE WATER COMPANY
 - SEWAGE DISPOSAL: WEST VALLEY SANITATION DISTRICT
 - ASSESSOR'S PARCEL NO.: 424-29-024,025,026
 - STREET TREES: SHALL CONFORM TO TOWN OF LOS GATOS STANDARDS
 - TOTAL SITE AREA: ±.30 ACRES (GROSS)
 - PROPOSED DEDICATION: ±0.0 ACRES
 - NET SITE AREA: ±.30 NET ACRES
 - PROPOSED LOTS: 4
- Provide public fire hydrant(s) at location(s) to be determined by the Fire Department and San Jose Water Company. Hydrant shall have a minimum single flow of 1,000 GPM at 20psi residual, with spacing not to exceed 500 feet. Prior to applying for building permit, provide civil drawings reflecting all fire hydrants serving the site.
- Lot I and B are common lots.

- 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.
- 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.
- If any portion of the structure(s) are greater than 150 feet of travel distance from the centerline of the roadway containing public fire hydrants, an approved residential fire sprinkler system throughout all portions of the building will be required.
- 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. Note that building permit issuance may be withheld until installations are completed.
- 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.
- Roof rainwater leaders are to be discharged onto energy dissipaters (splash blocks), which are designed to spread out the rain water so that it enters landscape areas as sheet flow. Runoff from the site should not be collected into a pipe system, concentrated and discharged down slope. Control off-site drainage, flowing to the site similarly. No improvements shall obstruct or divert runoff to the detriment of an adjacent, down stream or down slope property. Retaining walls shall include provisions for drainage.
- Final grading plans shall include a complete erosion control plan. Interim erosion control measures to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control methods should include silt fences or straw bale dikes (with location and details) and the town standard seeding specification.
- Side-yard easement is approximately 10' and may vary due to architectural elements.
- Any existing sanitary sewer lateral proposed to be reused must be televised by West Valley Sanitation District and approved by the Town before reuse. A sanitary lateral clean-out shall be installed at the property line, if one does not already exist within two (2) feet of the property line. Any trenching with the dripline of all trees shall be hand dug and so noted on the plans. All utilities serving the site shall be underground.
- Street lights will be installed per the requirements of the Town of Los Gatos, Director of Public Works.
- Project frontage on Winchester Boulevard will be improved as required by the Town Los Gatos Director of Public Works.
- The Ingress & Egress and Emergency Access Easement 18' Wide (I&E, EAE & PIEE) as shown upon that certain Parcel Map recorded April 5th, 1982 in Book 498 of Maps at Pages 23 and 24, Santa Clara County and that certain Parcel Map recorded December 23rd, 2002 in Book 756 of Maps at Pages 54 and 55, Santa Clara County, and which easements lie within the boundary of herein map but which easements are not shown hereon, are now abandoned pursuant to Government Section 66499.20 1/2.
- Sidewalks to be located within a pedestrian access easement.

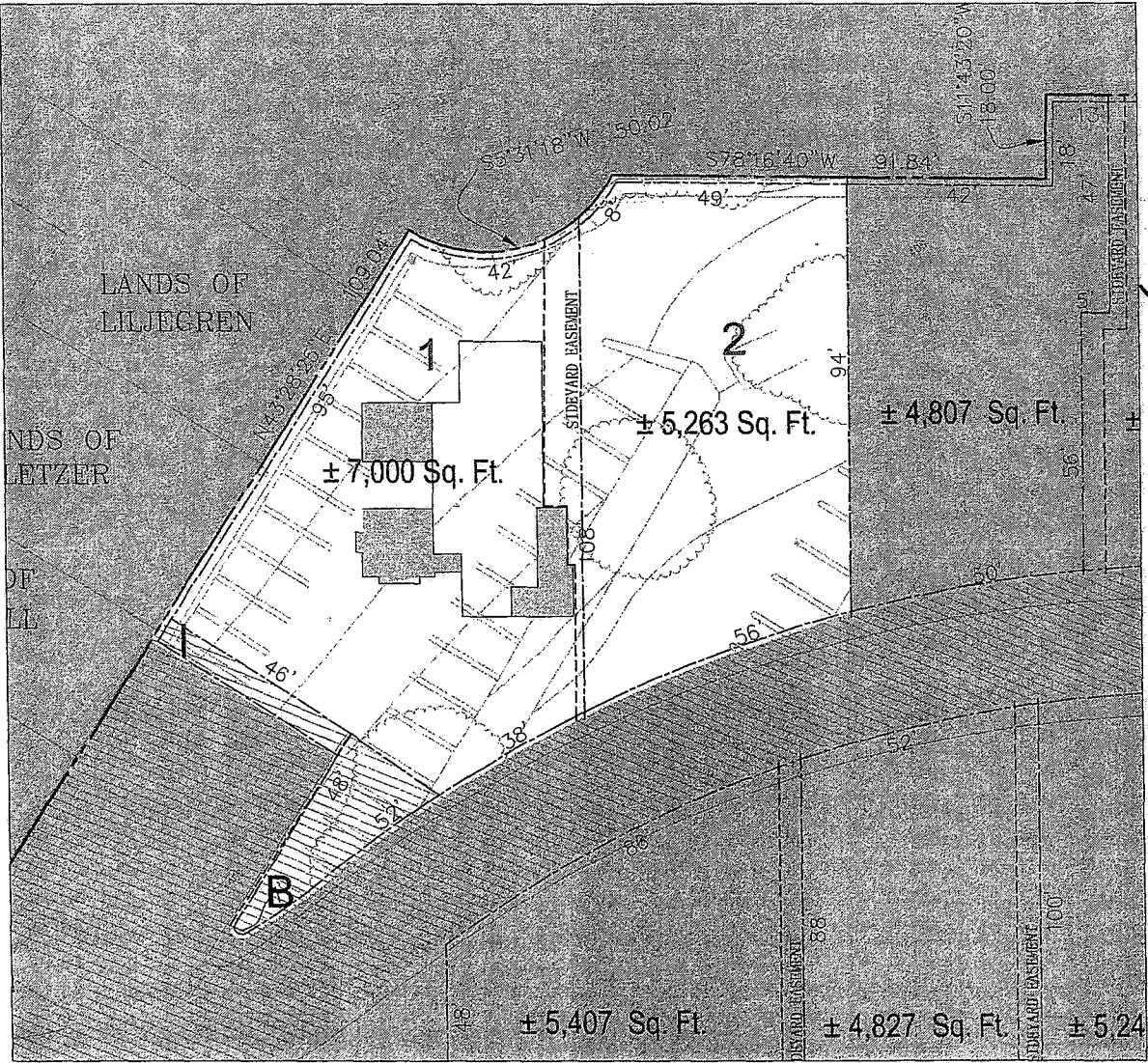
LEGEND

	Project Boundary		Common Lots
	Lot Line		Electrical Transformer Easement
	Easements		Ingress/Egress Easement
	Existing Building		Landscape, and P.U.E. Easements
	Private Right of Way (Bersano Lane)		



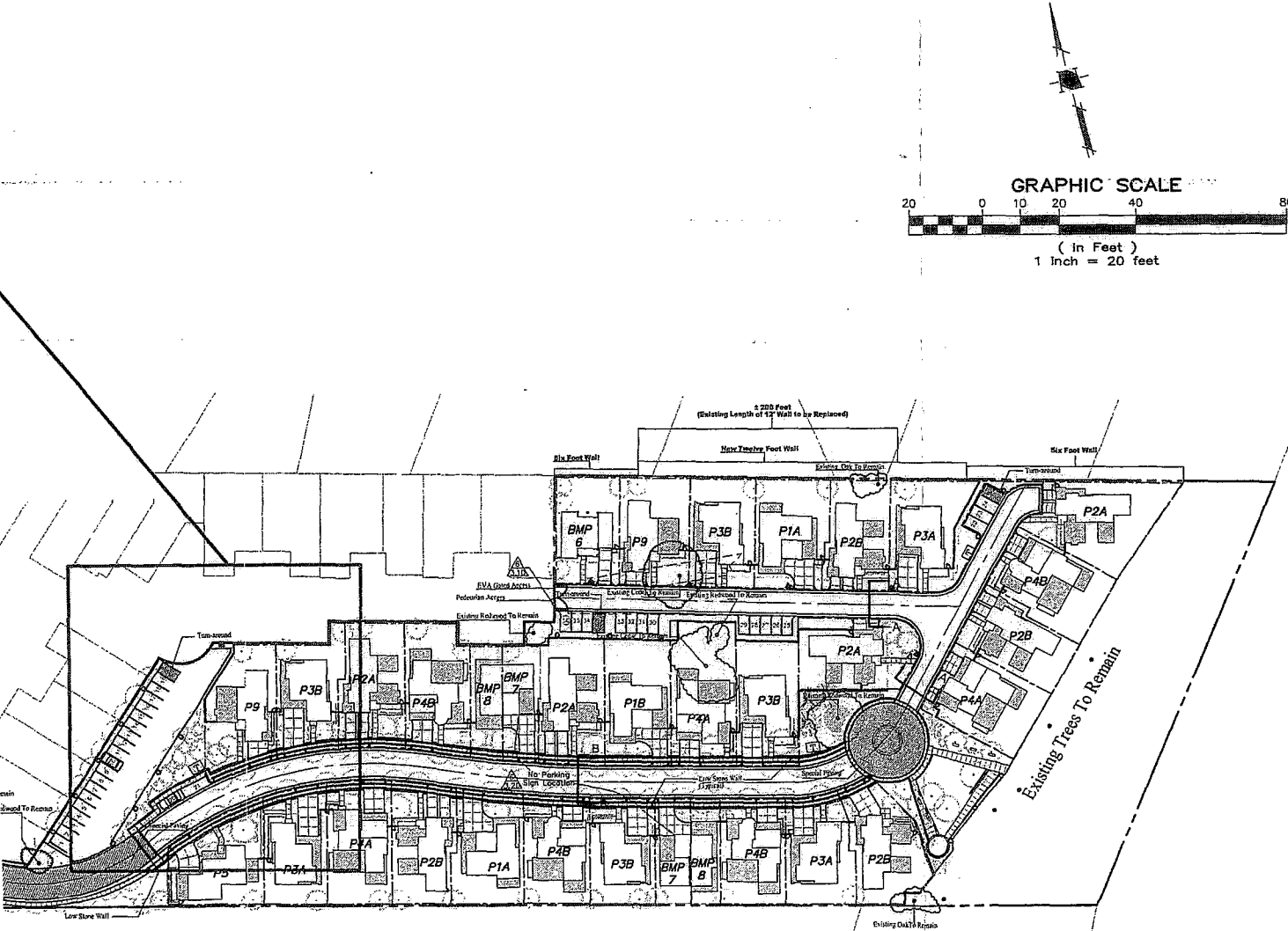
LOCATION MAP
N.T.S.

DESCRIPTION: Resubdivision of lots 33, B, and H of tract 9736 into 2 residential lots with residual open space (lots I & B).



SCALE: 1" = 20'

PROPOSED PARCEL DIVISION



SCALE: 1" = 60'

EXISTING LOT LAYOUT

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



SANTA CLARA
DEVELOPMENT
An affiliate of Robson Communities

2185 The Alameda
San Jose, CA 95126
408.345.1767

PROJNO:
REVISION:
DRAWING NAME: 3263EX-PMap.dwg

SCALE

NORTH

SHEET #: C-1

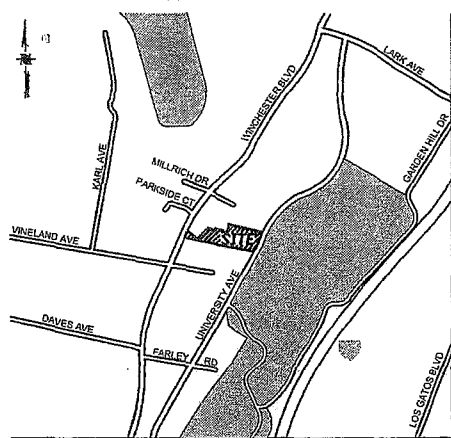
DATE: January 12, 2006

PARCEL MAP
EXHIBIT



HMH
ENGINEERS

SWA
Group



LOCATION MAP
N.T.S.

General Information

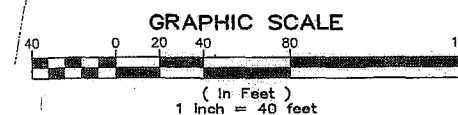
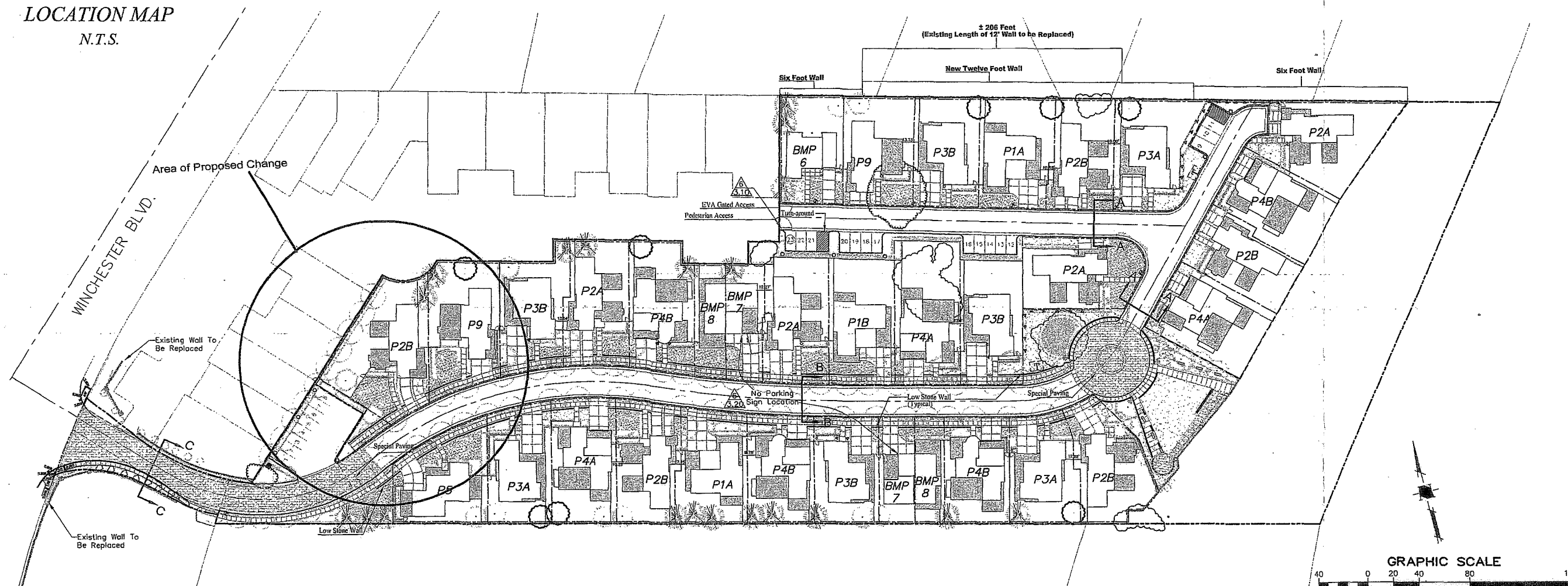
SETBACKS: (minimum)	
Front Setback:	10'
Side Setback (interior):	3'
Side Setback (corner):	5'
Rear Setback:	5'
DRIVEWAYS:	
Drive Lengths:	12' or less and 18' or greater
Drive Widths:	8' or greater
AREA CALCULATIONS:	
Private Street	±44,027 square feet
Sidewalks/Paths	±8,182 square feet
Parking Areas	±8,445 square feet

Project Information

Site Area	
Gross Area	5.91 Acres
Gross Floor Area Total	
Livable Gross First Floor Area	±41,109 Square Feet
Livable Gross Second Floor Area	±34,791 Square Feet
Garage Gross Floor Area	±13,851 Square Feet
Cellar Gross Floor Area	±3,052 Square Feet
Floor Area Ratio	0.35
Lot Area Coverage	21%
Parking Spaces	
TOTAL 122 Spaces (23 Visitor Parking)	
36 Apron Parking Spaces, 63 Garage Spaces	

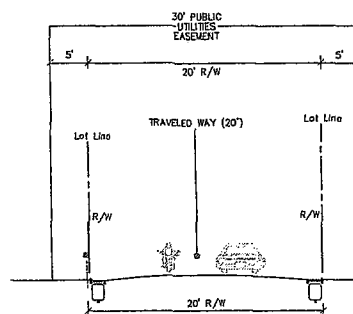
Project Information

Impervious Surface Calculations	
Existing Impervious Surface	±207,443 Square Feet
(percentage of area)	81%
Proposed Impervious Surface	±146,115 Square Feet
(percentage of area)	57%
Open Space Calculations	
Open Space Area Total	±108,614 Square Feet
Common Open Space Area	±56,217 Square Feet
Private Open Space Area	±52,397 Square Feet
Total Percentage of Open Space	42%

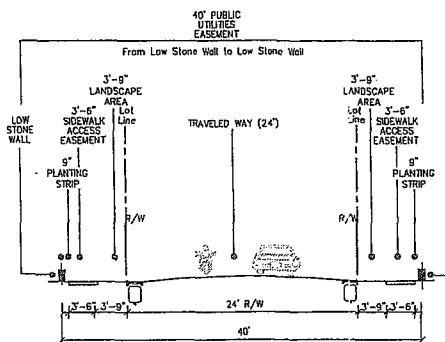


LEGEND

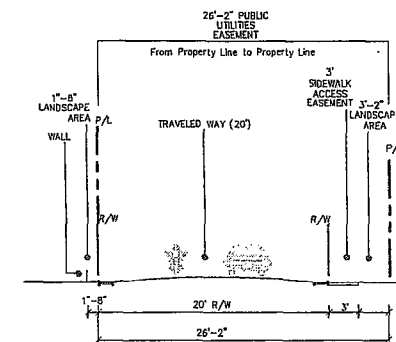
	Project Boundary
	Lot Line
	Low Stone Wall
	Fence Line
	Center Line
	Special Paving Surface



30' Private Street Section
Detail A-A
NTS



40' Private Street Section
Detail B-B
NTS



26' Private Street Section
Detail C-C
NTS

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



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San Jose, CA 95126
408.345.1767

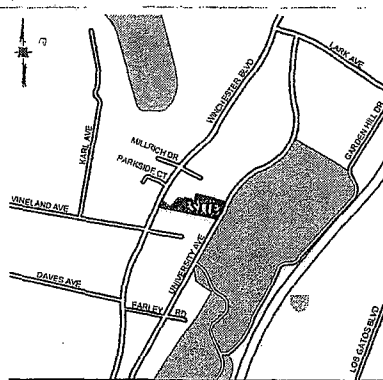
REVISION	
REVISION	
DRAWING NAME	3263spphase2.dwg
SCALE	1"=40'
NORTH	
SHEET #:	C-2
DATE:	January 12, 2006

CONCEPTUAL SITE PLAN



HMH
ENGINEERS

SWA
Group



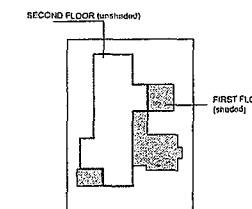
LOCATION MAP
N.T.S.

LEGEND

- Project Boundary
- Lot Line
- Sideyard Easement
- Center Line

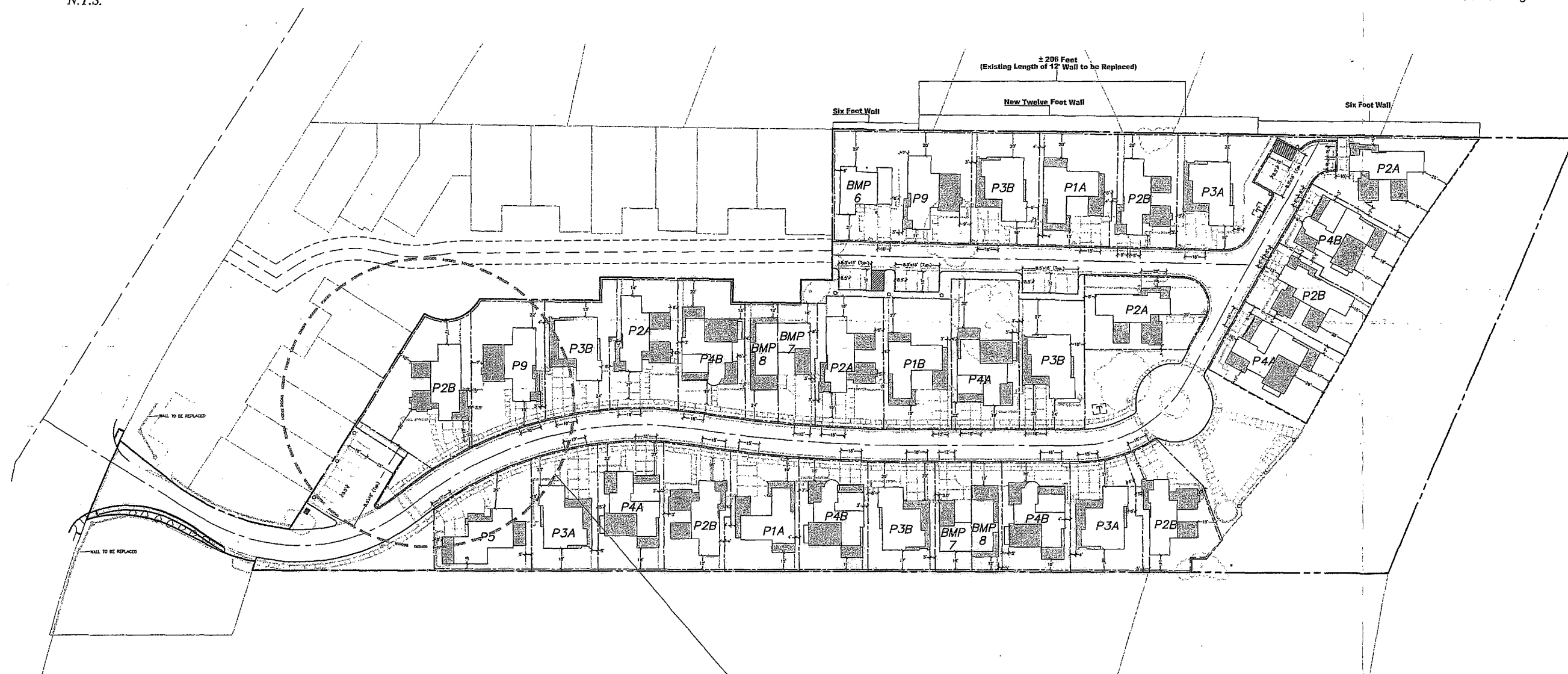
GENERAL NOTES:

- SIDEYARD EASEMENTS ARE APPROXIMATELY 3.5' AND VARY DUE TO ARCHITECTURAL ELEMENTS
- LOT LINES AND RIGHT OF WAY ARE COINCIDENTAL AND ARE SHOWN PARALLEL FOR ILLUSTRATIVE PURPOSES



FLOOR LAYOUT
GRAPHIC LEGEND

Proposed Dwelling Units
34 Dwelling Units



Proposed Project Area
(See detail on C.2B)

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



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2185 The Alameda
San Jose, CA 95126
408.345.1767

REVISION:
REVISION:
REVISION:
3263HCPhase2
1"=40'

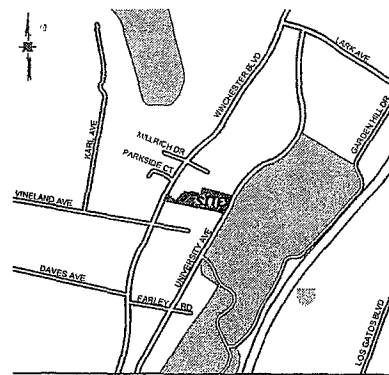
NORTH
SHEET #: C-2A
DATE: January 12, 2006

HORIZONTAL
CONTROL
PLAN



HMH
ENGINEERS

SWA
Group



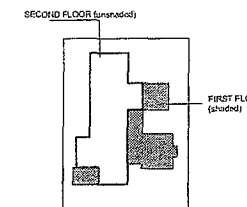
LOCATION MAP
N.T.S.

LEGEND

- Project Boundary
- Lot Line
- Sidyard Easment
- Center Line

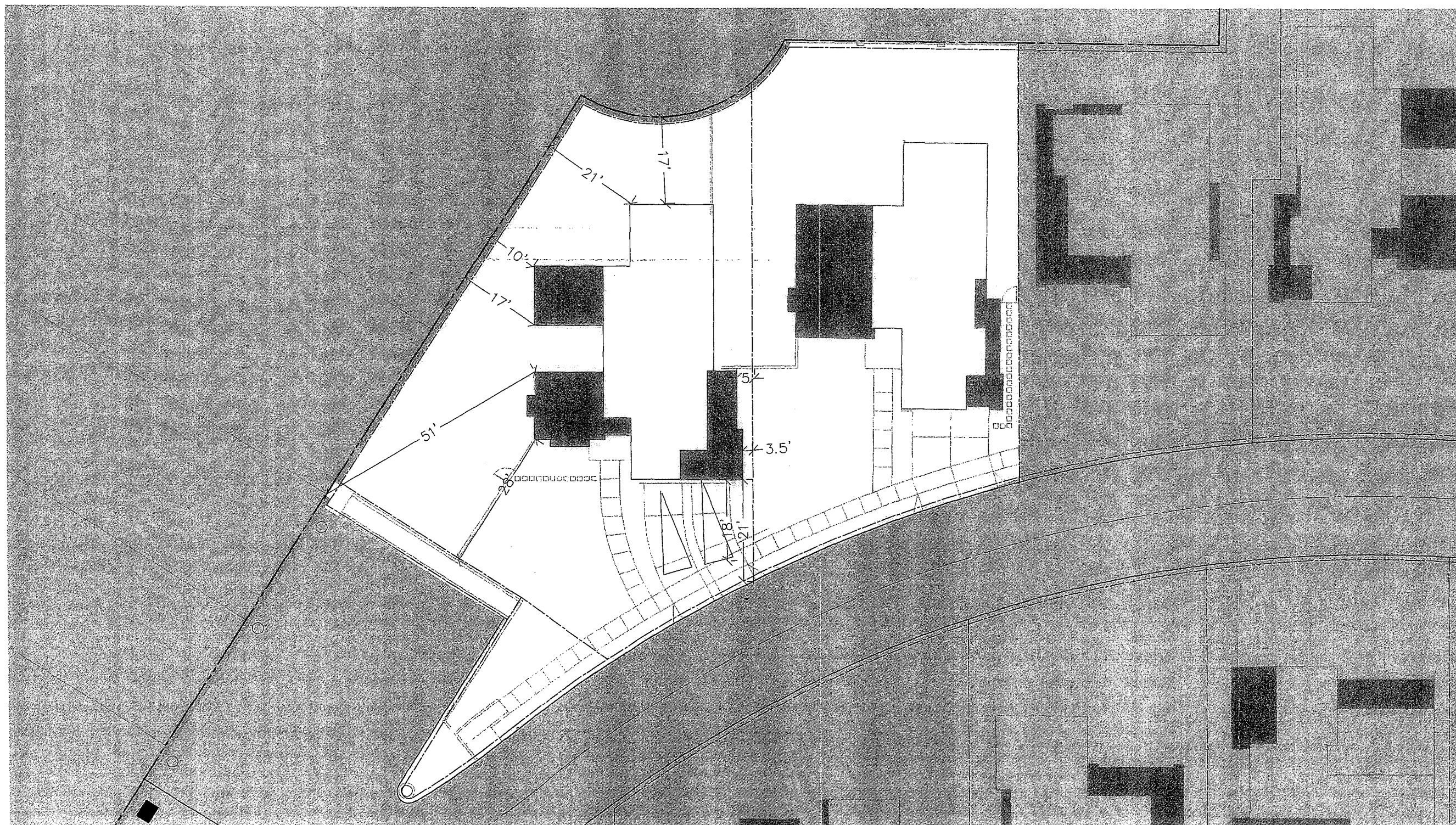
GENERAL NOTES:

- LOT LINES AND RIGHT OF WAY ARE COINCIDENTAL AND ARE SHOWN PARALLEL FOR ILLUSTRATIVE PURPOSES



FLOOR LAYOUT
GRAPHIC LEGEND

Proposed Dwelling Units
34 Total Units



Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



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San Jose, CA 95126
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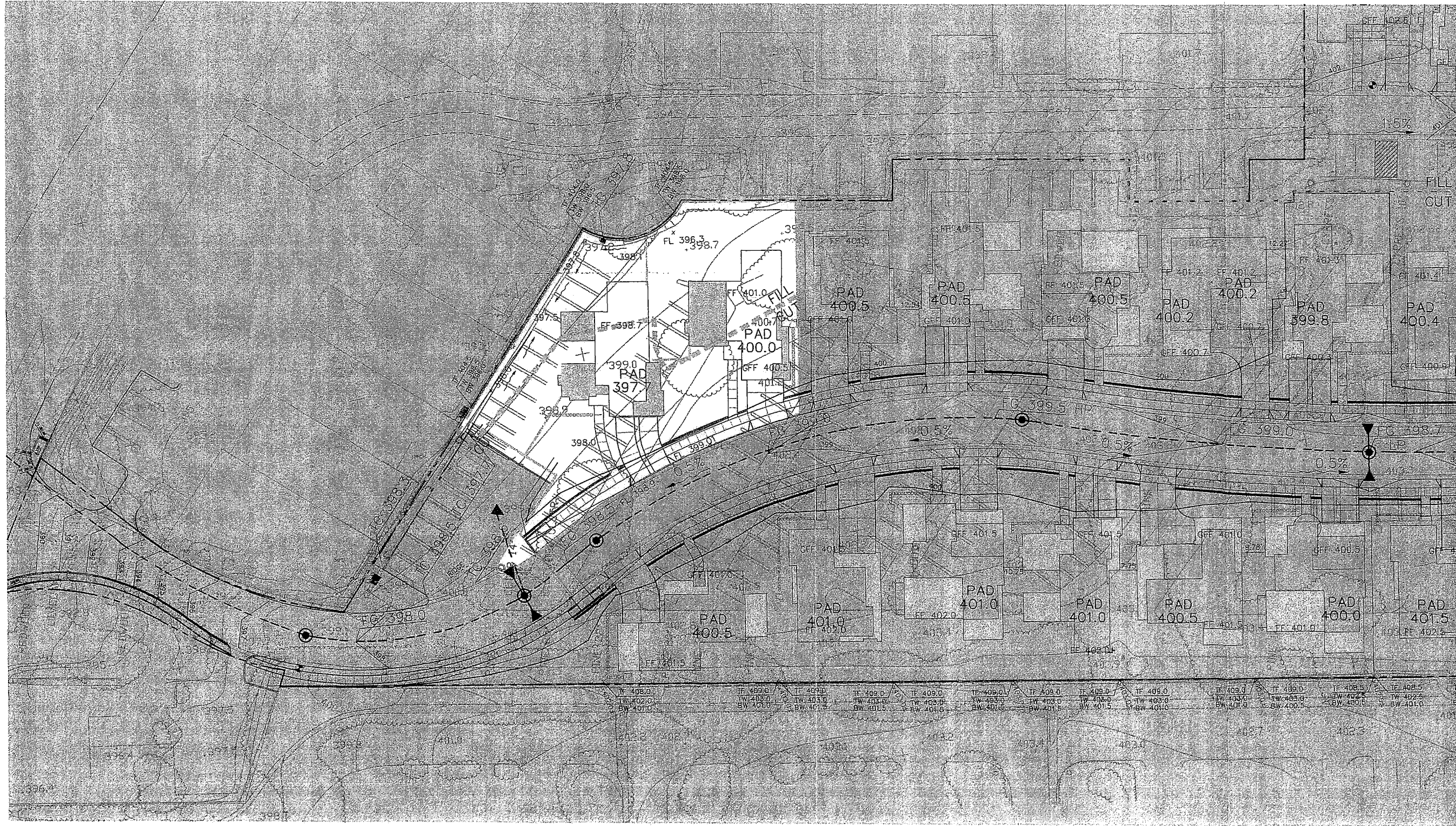
REVISION
REVISION
DRAWING NAME:
3263HCphase2
SCALE: 1" = 10'

NORTH
SHEET #: C-2B
DATE: January 12, 2006

HORIZONTAL
CONTROL
PLAN



DESCRIPTION	TO BE CONST.	EXISTING
TRACT BOUNDARY LINE	---	---
CENTERLINE	---	---
LOT LINE	---	---
PUBLIC UTILITY EASEMENT	---	---
RIGHT OF WAY	---	---
CURB AND GUTTER	---	---
SIDEWALK	---	---
STANDARD HOODED INLET	△	△
FIRE HYDRANTS	△	△
ELECTRICIAN	△	△
WATER LINE	---	---
RECYCLED WATER LINE	---	---
WATER SERVICE & METER	---	---
WATER VALVE	---	---
SANITARY SEWER	---	---
SANITARY SEWER LATERAL & CLEAN OUT	---	---
STORM SEWER	---	---
SANITARY MANHOLE	○	○
STORM MANHOLE	○	○
DIRECTION OF SURFACE DRAINAGE	---	---
KEY TO CHANGES	---	---
STREET MONUMENT	---	---
CUT/FILL LINE	---	---
OVERLAND RELEASE	---	---
RETAINING WALL	---	---



VILLA FELICE II

Project Address:
15350 Winchester Blvd
Los Gatos, CA 95030



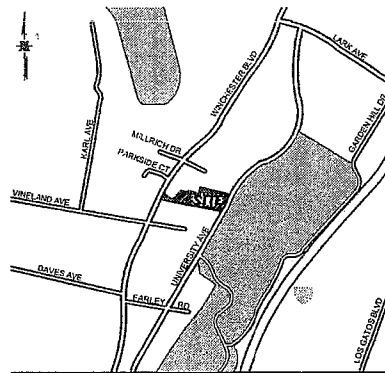
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An affiliate of Robson Communities

2185 The Alameda
San Jose, CA 95126
408.345.1767

REVISION	
REVISION	
DRAWING NAME	
SCALE:	1"= 20'
NORTH	
SHEET #:	C-3
DATE:	January 12, 2006

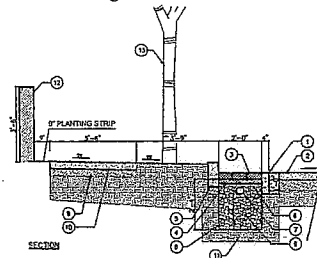
PRELIMINARY
GRADING PLAN





LOCATION MAP
N.T.S.

- NOTES:
1. SEE MATERIALS LIST FOR COLOR TYPE AND FINISH.
- ① CONCRETE BMD WITH (2) #4 REBAR CONTINUOUS AT CENTER
 - ② TRAVELED WAY (1" OF AC OVER 1" OF AG)
 - ③ CONCRETE PAVES
 - ④ 2" DEEP SAND LEVING BED
 - ⑤ TYPICAL AT CURB SEE CIVIL ENGINEERS PLANS
 - ⑥ GEOTEXTILE FILTER FABRIC
 - ⑦ 4" PERFORATED PVC PIPE WITH FABRIC SOCK
 - ⑧ DRAINAGE ROOM
 - ⑨ NON EXPANSIVE FILL PER GEOTECHNICAL REPORT
 - ⑩ CONCRETE SIDEWALK
 - ⑪ NATIVE GRADE OR CERTIFIED COMPACTED SUBGRADE
 - ⑫ LOW STONE WALL
 - ⑬ STREET TREE IN PARKWAY



STREET AND DRIVEWAY SWALE
SEE VOLUME-BASED SIZING CALCULATIONS—
CURB SWALE/TRENCH ABOVE

Volume-Based Sizing Calculations - Curb Swale/Trench

Curb swale/trench sizing calculations per volume hydraulic design method contained in Provision C3 of the NPDES Permit (the volume of annual runoff required to achieve 80% or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook, [1993], using local rainfall data).

Given: 5.91-acre (257,439.6 ft²) single-family detached subdivision
46,562 ft² of paved street, sidewalks & driveways (drainage area to BMP)
2,370 linear feet of curb swale/trench, min. 2 ft. wide

Step 1 Determine drainage area for the BMP
Total Drainage Area to BMP
= 46,562 ft²

Step 2 Determine percent imperviousness of the drainage area
Assume 80% (entire street ROW)

Step 3 Determine Mean Annual Precipitation
= 26.0 in

Step 4 Identify rain gauge closest to the site
San Jose Airport MAP_{avg} = 13.9 in

Step 5 Determine rain gauge correction factor
= 26.0 in / 13.9 in
= 1.87

Step 6 Identify representative soil type for drainage area
Assume clay loam

Step 7 Determine average slope for the drainage area
= .01 or 1%

Step 8 Determine unit basin storage from sizing curves (% imperviousness vs. soil type)
= 48 in

Step 9 Size the BMP
BMP volume = rain gauge correction factor x unit basin storage volume x drainage area
= 1.87 x 48 in. x 46,562 ft² x (1 ft/12 in.)
= 3,482.8 ft³

Step 10 Determine Minimum Trench Depth (D), assuming 0.4 gravel void space
 $D = (V) / (L) \times (W)$
= (3,482.8 ft³) / (2,370 ft) x (2.0 ft)
= (3,482.8 ft³) / (4,740 ft)
= .73 ft
= 8.8 in

D = 8.8 in x 2.5 (gravel void space volume)
= 22 in

Flow-Based Sizing Calculations - Individual Lot Side Yard Swales

Swale sizing calculations per flow hydraulic design method contained in Provision C3 of NPDES Permit No. CAS029718 - rainfall produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depth.

Given: Drainage Area (A, = Average Lot Size) = 0.108 ac.
Runoff Coefficient (C) = 0.50 (roof area only ~ 50% of lot)
Rainfall Intensity (I) = 0.175 in/hr
Average Slope = 1%
Manning's n = 0.20

1. Runoff Determination:
Use the Rational Method $Q = CIA$ to solve for Q, given a rainfall intensity of 0.184 inches/hour, where Q = Flow (cubic feet/second), C = Runoff Coefficient, I = Rainfall Intensity (inches/hour), and A = Total Site Area (acres).

$$Q = CIA = .50 \times .175 \text{ in/hr} \times 0.108 \text{ ac} = .009 \text{ cfs}$$

2. Swale Longitudinal Slope: 1% or 0.01

3. Vegetation Cover: Assume grass-lined swale

4. Vegetation Height: Assume swale depth of 2 inches (0.17 feet)

5. Manning's n Value: 0.20 (routinely-mowed grass-lined channels)

6. Cross-sectional Shape of Swale: Typical swale cross-section is parabolic or trapezoidal in shape. 2-inch (0.17 ft.) flow depth allows a rectangular cross-sectional approximation.

7. Use Manning's Equation $Q = 1.49/n \times R^{2/3} \times S^{1/2} \times A$ to determine minimum swale bottom width (b), where Q = Flow, n = Manning's n, R = Hydraulic Radius (= $A/(b+2y)$) for rectangular channels, and y = Flow Depth.

$$\text{Minimum Swale Bottom Width} = 4.5 \text{ in. (3.8 ft.)}$$

8. Flow Velocity = Runoff / Cross-sectional Area = Q / A = .009 cfs / (0.17 ft. x 3.8 ft.) = 0.15 ft/sec.

9. Minimum Swale Length = Velocity x Detention Time (Using Urban Runoff Quality Management Manual Guidelines - p. 195), assume detention time of 7 minutes (420 seconds) = .15 ft/sec. x 420 seconds = 63.0 feet

10. Swale Size (surface area) = min. swale length x min. swale bottom width
= 63 ft. x 3.8 ft.
= 23.9 sf

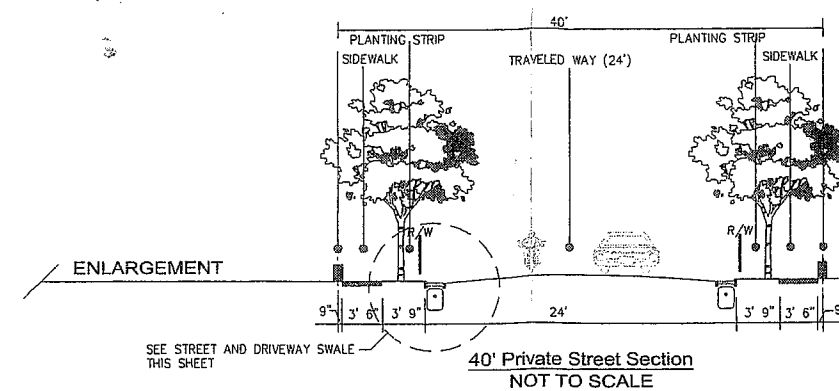
SUMMARY

Minimum Required Swale Dimensions

Length: 63 feet
Bottom Width: 4.5 inches (3.8 feet)
Total Area: 23.9 square feet

Proposed Swale Dimensions

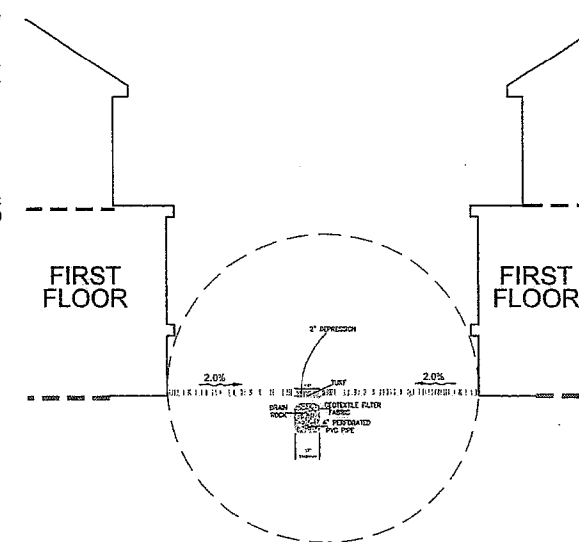
Length: 63 feet
Bottom Width: 24 inches (2 feet)
Total Area: 126 square feet



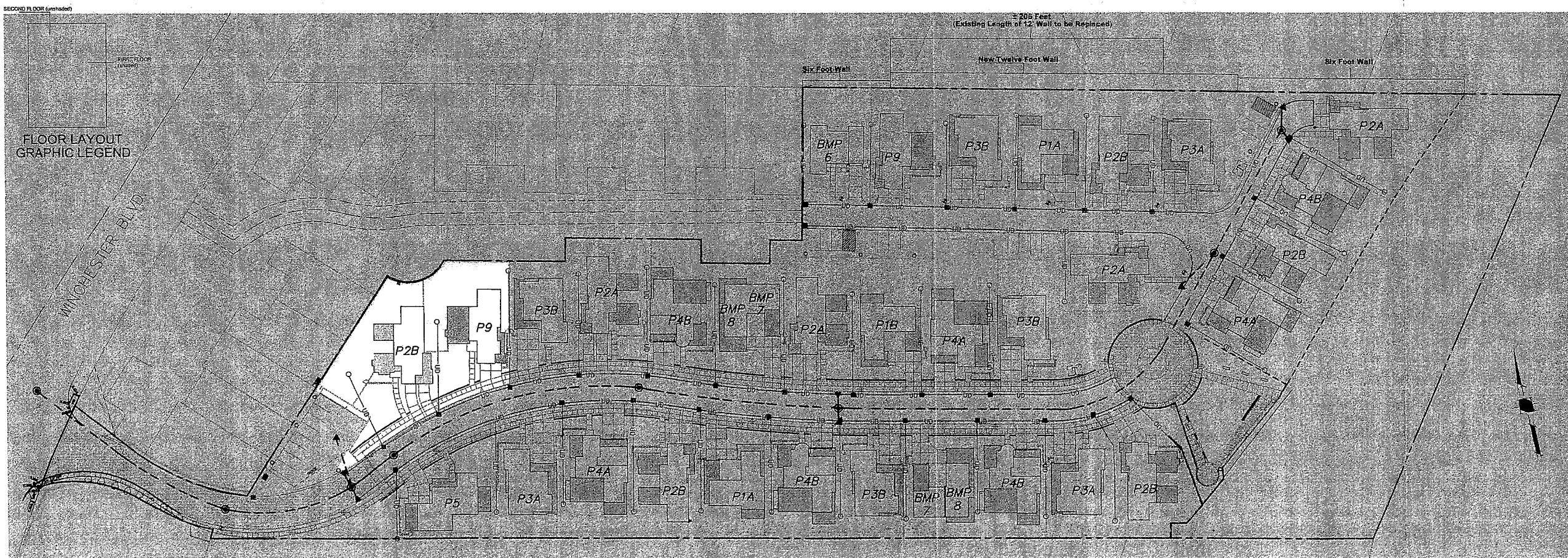
LEGEND

- Project Boundary
- Lot Line
- Under Drain
- 12X12" Santa Rosa Precast Drain Inlet (Traffic Rated)
- Water Shed Area
- Area Without Treatment In Street
- Clean Out (typical)
- Storm Drain (100 yr. capacity)
- Clean Out (typical)

NOTE:
Underdrain lines are to be offset 3 feet from the house foundations.



TYPICAL SIDE YARD SWALE
SEE-BASED SIZING CALCULATIONS—
INDIVIDUAL LOT SIDE YARD SWALES ABOVE



VILLA
FELICE II

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



2185 The Alameda
San Jose, CA 95126
408.345.1767

REVISION
REVISION
DRAWING NO.
3263SDP phase2

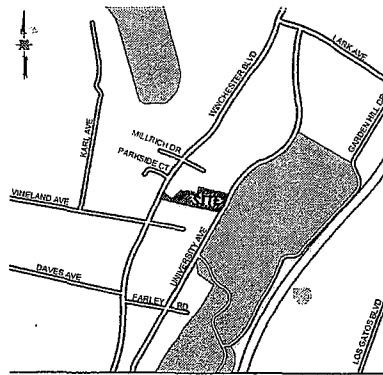
SCALE 1" = 40'

NORTH
SHEET #: C-4

DATE: January 12, 2006

CONCEPTUAL
STORM DRAIN
PLAN





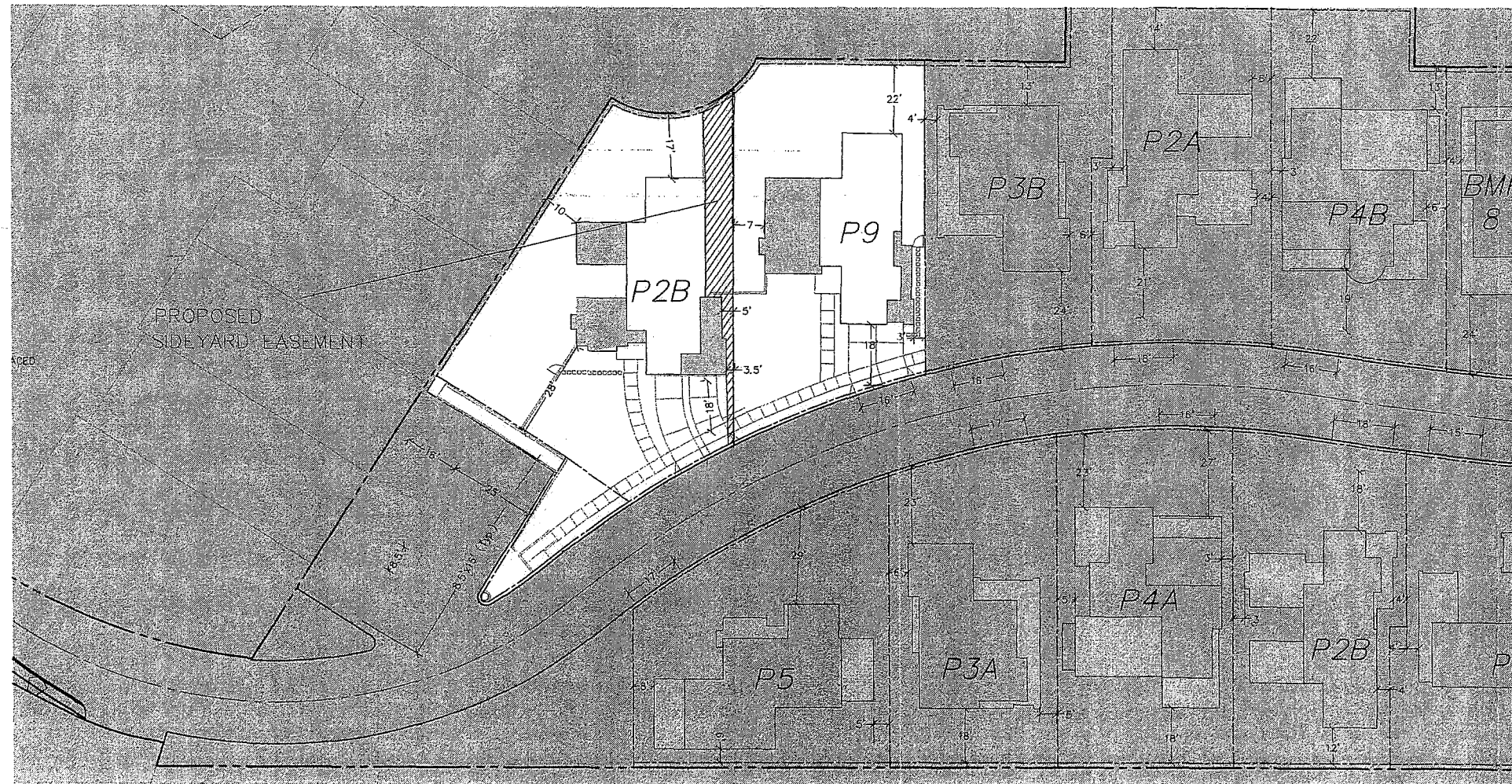
LOCATION MAP
N.T.S.

LEGEND

- Project Boundary
- Lot Line
- Sidyard Easment
- Center Line

GENERAL NOTES:

- LOT LINES AND RIGHT OF WAY ARE COINCIDENTAL AND ARE SHOWN PARALLEL FOR ILLUSTRATIVE PURPOSES



VILLA
FELICE II

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



SANTA CLARA
DEVELOPMENT
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2185 The Alameda
San Jose, CA 95126
408.345.1767

REVISION
REVISION
DRAWING NAME
3263HCphase2
scale 1" = 20'

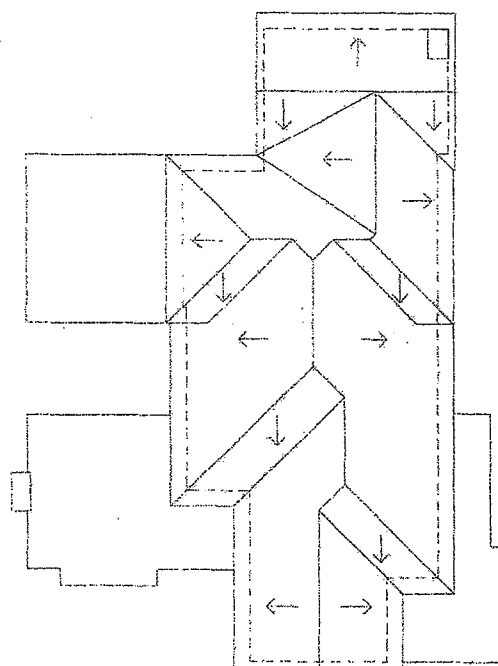
NORTH
SHEET #: C-5
DATE: January 12, 2006

EASEMENT
EXHIBIT

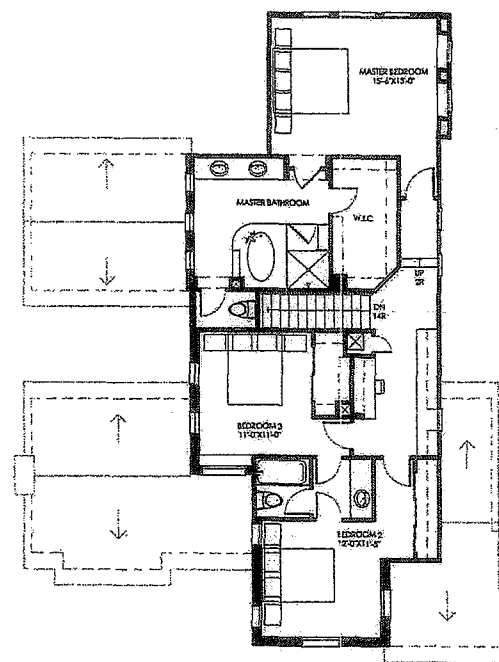


HMH
ENGINEERS

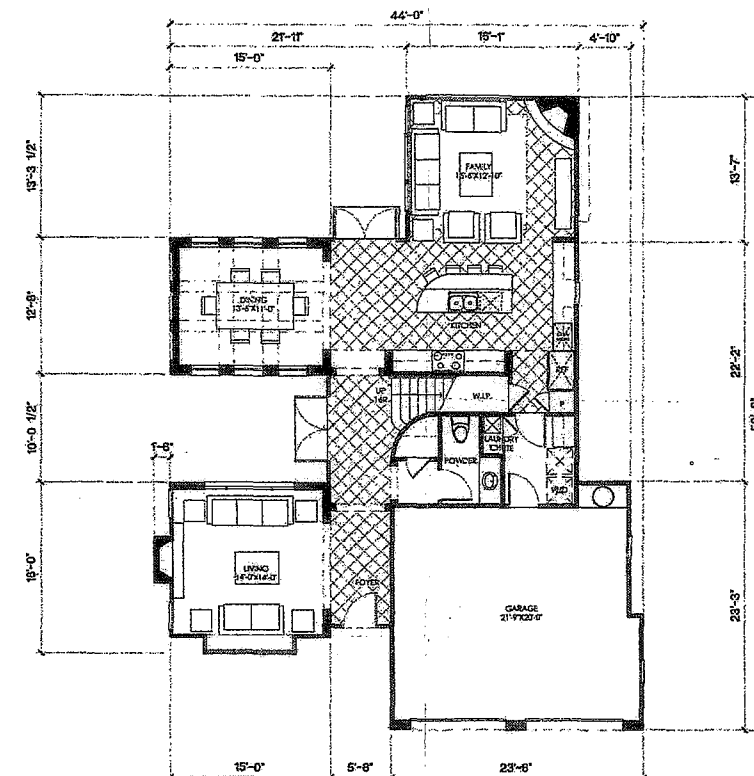
SWA
Group



ROOF PLAN
3.5 : 12 ROOF PITCH TYPICAL



SECOND FLOOR



FIRST FLOOR

First Floor: 1201 sf.
Second Floor: 1070 sf
Total Area : 2271 sf.

Villa Felice



**SANTA CLARA
DEVELOPMENT**
An affiliate of Robert Commercial

2185 The Alameda, Suite 150
San Jose, CA 95126
408.345.1767

DATE: 01.12.2006

PROJECT #: 03-842

SCALE: 1/8" = 1'-0"

0 8' 16'

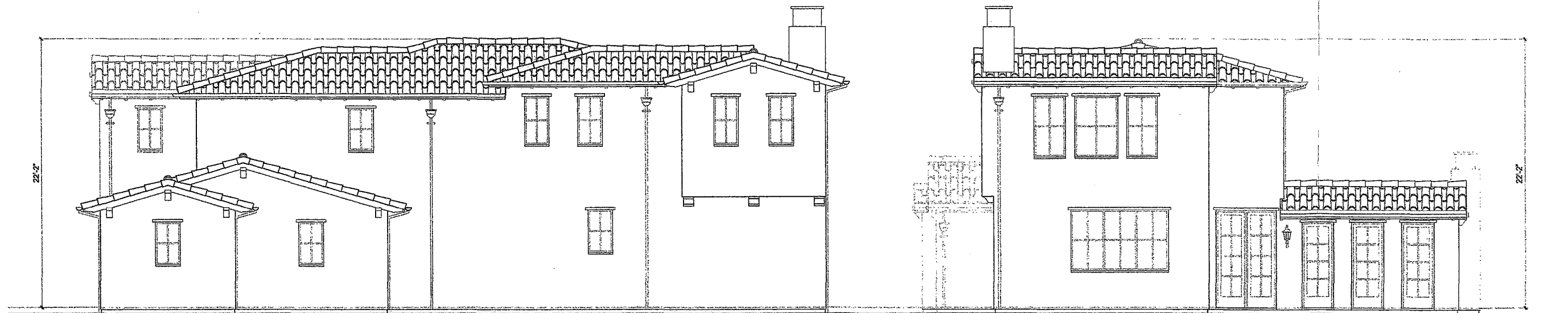
NORTH

SHEET #: A-1

CONCEPTUAL
FLOOR PLANS
PLAN 2 - LOT 34

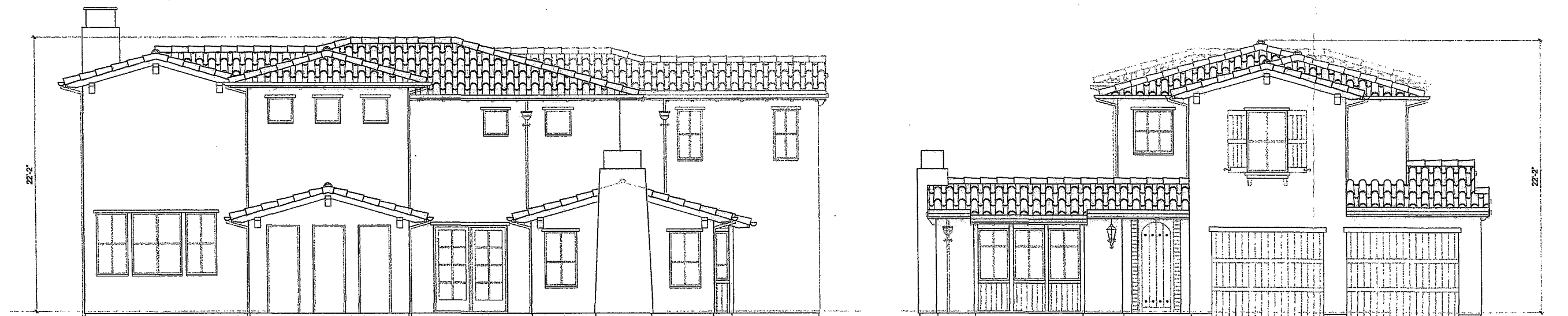


McLarand, Vasquez & Partners Int'l.



RIGHT ELEVATION

REAR ELEVATION



LEFT ELEVATION

FRONT ELEVATION

Villa Felice



SANTA CLARA
DEVELOPMENT
An affiliate of Palsson Construction

2185 The Alameda, Suite 150
San Jose, CA 95126
408.345.1767

DATE: 01.12.2006

PROJECT #: 03-642

SCALE: 1/4" = 1'-0"

0	4'	8'
---	----	----

NORTH

SHEET #: A-2

CONCEPTUAL
ELEVATIONS
PLAN 2B - LOT 34



McLarand, Vasquez & Partners Int'l.

VILLA FELICE

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



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

2185 The Alameda
San Jose, CA 95126
408.345.1767

14 NOVEMBER 2005

SCALE: 1"=40'-0"

NORTH

SHEET #:

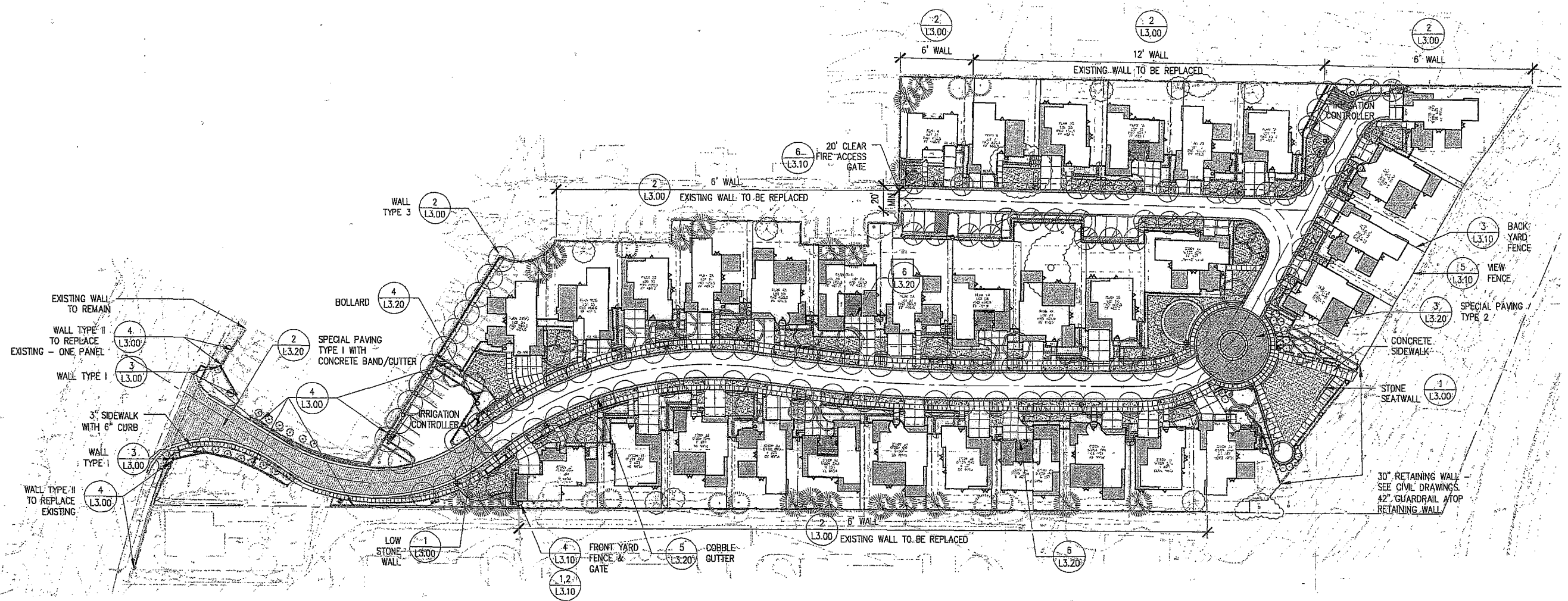
LAYOUT PLAN

L1.00



HMH
ENGINEERS

SWA
Group



LEGEND

	EXISTING TREES TO REMAIN SEE PLANTING PLAN SHEET L2.00		POLE LIGHT - 16 FEET	
	PROPOSED TREES SEE PLANTING PLAN SHEET L2.00		POLE LIGHT - 12 FEET	
			BOLLARD LIGHT	
			STEPPING STONES	
			FRONT YARD GATE & FENCE	
			EMERGENCY ACCESS GATE	
			BACK YARD FENCE	
			VIEW FENCE	
			WALL TYPE 1 - ENTRY	
			WALL TYPE 2	
			LOW STONE & SEAT WALL	
			WALL TYPE 3	
	PLANTING AREA - SHRUBS GROUNDCOVERS & PERENNIALS			
	LAWN			
	MULCH			
	CONCRETE PAVING			
	SPECIAL PAVING TYPE 1			
	SPECIAL PAVING TYPE 2			
	COBBLE GUTTER			

VILLA FELICE

Project Address:
15350 Winchester Blvd.
Los Gatos, CA 95030



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

2185 The Alameda
San Jose, CA 95126
408.345.1767

14 NOVEMBER 2005

SCALE: 1"=40'-0"

NORTH
SHEET #:

PLANTING PLAN

L2.00



HMH
ENGINEERS

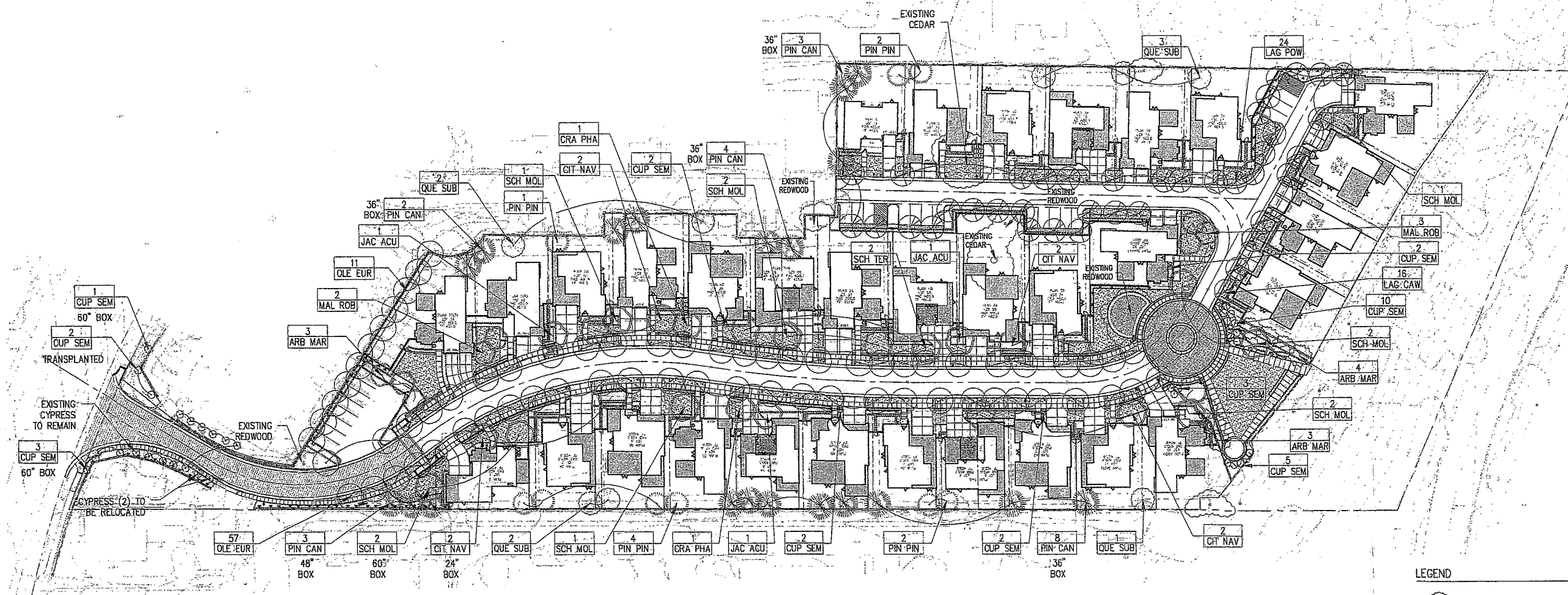
SWA
Group

LEGEND

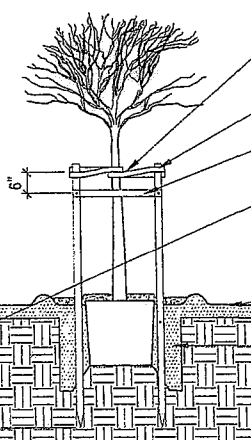
- EXISTING TREES TO REMAIN
- OLEA EUROPAEA 'SWAN HILL'
- QUERCUS SUBER
- LAGERSTROEMIA INDICA 'CATAWBA'
LAGERSTROEMIA INDICA 'POMKHATAN'
- ARBUTUS 'MARINA'
- PINUS CANARIENSIS
- PINUS PINEA
- CUPRESSUS SEMPERVIRENS

FRONT YARD FLOWERING TREES
CHOICE OF:
ARBUTUS 'MARINA'
CITRUS
CRATAEGUS PHAENOPYRUM
JACARANDA ACUTIFOLIA
MALUS 'ROBINSON'
SCHINUS MOLLE
SCHINUS TEREBINTHIFOLIUS

NOTES:
1. ALONG THE SOUTHERN PROPERTY BOUNDARY, (15) 36" BOX TREES AND (5) 48" - 84" BOX TREES SHALL BE PLANTED IN THE BACKYARDS OF LOTS 1-12. SPECIES AS NOTED ON THE PLANTING PLAN.



PLAN VIEW



- BLACK RUBBER TIRE TIES, 3/8" X 3/4" X LENGTH REQUIRED
- TREE STAKES - TO BE SPECIFIED
- SPREADER BOARD - TO BE SPECIFIED
- INSTALL 24" LINEAR ROOT BARRIER, BY DEEP ROOT, WHEN CURBING, PAVING, WALLS AND BUILDING FOUNDATIONS ARE WITHIN FIVE FEET OF TREES.
- FINISH GRADE
- PLANT PIT, SEE

NOTE:
TREES SHOULD BE STAKED PERPENDICULAR TO PREVAILING WIND DIRECTION.

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING/REMARKS
TREES				
ARB MAR	ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	15 GAL	STANDARD
CIT NAV	CITRUS	NAVAL ORANGE	15 GAL	STANDARD
CRA PHA	CRATAEGUS PHAENOPYRUM	WASHINGTON HAWTHORN	15 GAL	STANDARD
CUP SEM	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	15 GAL	STANDARD
JAC ACU	JACARANDA ACUTIFOLIA	JACARANDA	15 GAL	STANDARD
LAG CAN	LAGERSTROEMIA INDICA 'CATAWBA'	COQUE MYRTLE	15 GAL	STANDARD
LAG POW	LAGERSTROEMIA INDICA 'POMKHATAN'	GRAPE MYRTLE	15 GAL	STANDARD
MAL ROB	MALUS 'ROBINSON'	ROBINSON CRABAPPLE	15 GAL	STANDARD
OLE EUR	OLEA EUROPAEA 'SWAN HILL'	OLIVE TREE SWAN HILL	15 GAL	STANDARD
PIN CAN	PINUS CANARIENSIS	CANARY ISLAND PINE	36" BOX/48" BOX	STANDARD
PIN PINE	PINUS PINEA	STONE PINE	36" BOX	STANDARD
QUE SUB	QUERCUS SUBER	CORK OAK	36" BOX	STANDARD
SCH MOL	SCHINUS MOLLE	CALIFORNIA PEPPER	15 GAL/36" BOX	STANDARD
SCH TER	SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER	15 GAL	STANDARD
SHRUBS				
ABE EDW	ABELIA x. GRANDIFLORA 'EDWARD GOUCHER'	GLOSSY ABELIA	5 GAL	30" O.C.
DIE VEG	DIETES VEGETA	PORTNIGHT LILY	5 GAL	30" O.C.
PIT TOR	PITISPORUM TORRIS	WICK ORANGE	5 GAL	42" O.C.
RHA SPR	RHAPHIDOPHYS INDICA 'SPRINGTIME'	INDIA HAWTHORN	5 GAL	36" O.C.
RHA UMB	RHAPHIDOPHYS UMBELLATA MINOR	YELLO HAWTHORN	5 GAL	36" O.C.
PHO TDI	PHLOMUM TIDIAN	NEW ZEALAND FLAX	5 GAL	PER PLAN
PLU AUR	PLUMBAGO AURICULATA	CAPE PLUMBAGO	5 GAL	24" O.C.
ROS SSP	ROSA SSP.	ROSES	5 GAL	24" O.C.
SAR RUS	SARCOCCOA RUSCOFOLIA	FRAGRANT SARCOCCOA	5 GAL	30" O.C.
HERBES				
BUX SEM	BUXUS SEMPERVIRENS	ENGLISH BOXWOOD	5 GAL	18" O.C.
ESC FRA	ESCALONIA EXORENSIS 'TRADES'	TRADES ESCALLONIA	5 GAL	30" O.C.
ILE YON	ILEX YONITARIA 'YAHUA'	DWARF YAPON HOLLY	5 GAL	30" O.C.
LIG JAP	LIGUSTRUM JAPONICUM	PRIVET	5 GAL	30" O.C.
MYE GON	MYRTUS COMARNS	GREEK MYRTLE	5 GAL	24" O.C.
OSM AUR	OSMANTHUS FRAGRANS AURANTICUS	ORANGE OSMANTHUS	5 GAL	PER PLAN
OSM SAN	OSMANTHUS x. FORTUNE 'SAN JOSE'	FRAGRANT TEA OLIVE	5 GAL	PER PLAN

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE	SPACING/REMARKS
GROUNDCOVER, GRASSES AND PERENNIALS				
CAR COM	CAREX COMANS 'ALBUA'	BLONDE SEDGE	1 GAL	9" O.C.
COT COR	COTONEASTER DAMERI 'SNOGSHOLMEN'	BEARBERRY COTONEASTER	1 GAL	PER PLAN
DES BRD	DESCHAMPSIA CASSTORUA 'BRONZESCHLEIER'	TUTED HARBASS	1 GAL	18" O.C.
FRA CHI	FRAGRARIA CHIOENSIS	ORNAMENTAL STRAWBERRY	FLATS	9" O.C.
HDM STE	HEMEROCALLIS 'STELLA D'ORO'	STELLA D'ORO DAYLILY	1 GAL	12" O.C.
LAV MUN	LAVANDULA ANGUSTIFOLIA 'MONTEAU'	ENGLISH DWARF LAVENDER	1 GAL	12" O.C.
LAV PRO	LAVANDULA DENTATA 'INTERMEDIA 'PROVENCE'	FRENCH LAVENDER	1 GAL	24" O.C.
MUH CAP	MUHLENBERGIA CAPILLARIS	TRINUS	PLUGS	9" O.C.
NEP FAN	NEPETA FASSESI	CATMINT	6" POTS	12" O.C.
PEL HOR	PENSTEMON ALPESICURIDES	FOUNTAIN GRASS	1 GAL	36" O.C.
PEL ALD	PELARGONIUM HORTORIAN	COMMON GERANIUM	6" POTS	12" O.C.
ROS HUN	ROSMARINUS OFFICINALIS 'HUNTINGTON CARPET'	ROSEMARY	1 GAL	24" O.C.
ROS COL	ROSMARINUS OFFICINALIS 'COLLINGWOOD INFERNO'	ROSEMARY	1 GAL	24" O.C.
ROS TUS	ROSMARINUS 'TUSCAN BLUE'	ROSEMARY	1 GAL	24" O.C.
TRA JAS	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	1 GAL	24" O.C.
VIN MIN	VINCA MINOR	DWARF PERIWINKLE	FLATS	18" O.C.
VINES				
BOU SAN	BOUGAINVILLEA 'SAN DIEGO RED'	SAN DIEGO RED BOUGAINVILLEA	5 GAL	PER PLAN
CLY CAL	CLYTOSTOMA CALLISTEROIDES	VIOLET TRUMPET VINE	5 GAL	PER PLAN
CLE ARM	CLEMATIS ARMANCI	EVERGREEN CLEMATIS	5 GAL	PER PLAN
DIS BUC	DIOSCOREA BUCHANANIANA	BLOOD-RED TRUMPET VINE	5 GAL	PER PLAN
FIG PUM	FIGS PUMILA	CREeping VINE	5 GAL	PER PLAN
HAR HAP	HARDBERBERGIA 'HOLACEA HAPPY WANDERER'	HAPPY WANDERER	5 GAL	PER PLAN
PAR TR	PARTENOCISSUS TRICUSPATA	BOSTON IVY	1 GAL	PER PLAN
ROS CEC	ROSA MULTIFLORA 'CECILE BRUNNER'	CLIMBING ROSE	5 GAL	PER PLAN
SOL JAS	SOLANUM JASMINOIDES	POTATO VINE	5 GAL	PER PLAN
WIS COO	WISTERIA SINEENSIS 'COCKE'S SPECIAL'	CHINESE WISTERIA	5 GAL	PER PLAN

3 TREE STAKING
L4.03 SCALE 1/2"=1'-0"

CONDITIONS OF APPROVAL SUBDIVISION

15350 Winchester Boulevard

Planned Development Application PD-06-2

Subdivision Application M-06-2

Architecture and Site Applications S-06-12

Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026

PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

**TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)**

1. **PARCEL MAP.** A parcel map shall be recorded. Two copies of the parcel 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 permits for the 34th residential unit are issued.

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CONDITIONS OF APPROVAL ARCHITECTURE AND SITE

15350 Winchester Boulevard

Planned Development Application PD-06-2

Subdivision Application M-06-2

Architecture and Site Applications S-06-12

Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026

PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

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

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved. Any changes or modifications made to the approved plans shall be approved by the Director of Community Development, Development Review Committee or the Planning Commission, depending on the scope of the change(s).
2. **EXPIRATION:** Zoning approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **HOUSE SIZE.** No additional square footage shall be permitted.
4. **EXTERIOR COLORS.** The exterior colors shall match the colors approved during the Planned Development process. Any deviation from these colors shall be approved by the Director of Community Development. The CC&R's shall include this requirement as outlined in a condition by the Engineering Division.
5. **COMPLIANCE MEMORANDUM.** The applicant shall prepare and submit a memorandum with the building permit, detailing how each of these Conditions of Approval have or will be addressed.
6. **SALES TRAILER.** The trailer shall be removed from the site upon completion of the model homes. The trailer shall be set back as far as possible from the west property line.
7. **MODEL HOME OFFICES.** The office(s) shall be removed from the house prior to final occupancy.

(Building Division)

8. ***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.
9. *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.
 10. *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.
 11. *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.
 12. PERMITS REQUIRED: A building permit is required for the new house. Separate building permits are required for site retaining walls; separate electrical, mechanical, and plumbing permits shall be required as necessary.
 13. 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.
 14. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
 15. 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.
 16. 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)
 17. 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
 18. 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.
19. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
20. 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.
21. 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.
22. 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.
23. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
24. 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:
(Parks Division)

25. NEW TREES. Newly planted trees shall be double-staked, using rubber tree ties and shall be planted prior final occupancy.
26. GENERAL. All existing trees shown to remain on the plan are specific subjects of approval of this plan and must remain on site.

* Required as mitigation measures

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

Los Gatos Planning
Commissioners: Phil Micciche, Chair
John Bourgeois
Michael Kane
Tom O'Donnell
Lee Quintana
Steve Rice
Joanne Talesfore

Assistant Director of
Community Development: Randy Tsuda

Town Attorney: Orry Korb

Transcribed by: Vicki L. Blandin
(510) 526-6049

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Item #1, 15350 Winchester Blvd.

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

CHAIR MICCICHE: There are no requests for
continuances and there's nothing on the consent calendar,
so we can move right to the first new public hearing, which
is 15350 Winchester Boulevard, Planned Development
Application PD-06-02, Subdivision Application M-06-02,
Architecture and Site Application S-06-12.

As I did last week, I'm going to have Randy speak
on the matter first and then if we have any questions of
Staff we could ask them now as well, okay?

RANDY TSUDA: As the Chair stated, this is a
minor amendment to the Planned Development for the Villa
Felice project. The project was originally approved by the
Town Council April 4th of last year and it includes 33 units
on a 5.9-acre site.

One of the stipulations in the Planned
Development states that one additional unit may be approved
by the Planning Commission for a current parking lot site,
and that the unit can be approved if an agreement is
reached between the developer and the adjoining Villa

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1 Felice Homeowners Association in order to eliminate that
2 parking easement.

3 The Planned Development stipulated that would
4 require a minor amendment to the Planned Development and
5 Architectural and Site Approval by the DRC. In this case
6 the DRC held a public hearing in December on the item.
7 Seven citizens expressed concern regarding the application
8 and DRC forwarded this to the Planning Commission for a
9 public hearing and for a final decision. The Applicants
10 expressed concern primarily about the visual impacts and
11 the height of the proposed unit.
12

13 In response to the concerns expressed to DRC the
14 Applicant did make some changes to the proposal. They
15 reduced the grade of the site from 4' to 3' above the grade
16 of the adjoining townhouse project. They eliminated the
17 second floor deck, and they also changed some of the roof
18 design of the first floor elements to reduce the apparent
19 height.

20 The proposed unit is located 34' from the Villa
21 Felice townhouse project and 10' from the property line at
22 its closest location. The developer is also proposing that
23 eleven 36" box trees be planted along that property line to
24 try and screen the visual impacts.
25

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1 Behind you are the photographs that were
2 referenced in the Staff Report that delineate the view from
3 the townhouse project. As you can see, the view, given the
4 grade differentials between the two sites is prominent and
5 is quite visible. As we noted in the Staff Report, it would
6 be visible and prominent regardless of whether it is a two-
7 story or a one-story design.

8 So the key issues for the Commission to consider
9 tonight is to evaluate that visual impact, determine if it
10 is substantial and significant, and consider what
11 mitigation measures, if any, should be required to address
12 that impact.
13

14 And then the second part of the application is
15 the approval on the sales trailer and the model home
16 locations. These are two discreet items. You can approve
17 one and deny the other. You can take two entirely separate
18 directions and decisions on those two items. I can answer
19 any questions.

20 CHAIR MICCICHE: Any questions of Staff? John.

21 COMMISSIONER BOURGEOIS: In the previously
22 approved PD, how many of the approved homes were one-story?
23

24 RANDY TSUDA: One.

25 COMMISSIONER BOURGEOIS: Out of 32?

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1 RANDY TSUDA: Thirty-three.

2 COMMISSIONER BOURGEOIS: Thank you.

3 CHAIR MICCICHE: Commissioner Talesfore.

4 COMMISSIONER TALESFORE: So the approval of any of
5 these are not dependent on each other? We don't have to
6 approve one? Is any approval dependent on another approval?

7 RANDY TSUDA: You have the set of actions required
8 to approve the unit, which is the amendment to the PD, the
9 Subdivision and the A&S application.

10 COMMISSIONER TALESFORE: Right.

11 RANDY TSUDA: To approve the house you need to
12 approve all three of those applications. Then there is the
13 approval on the mobile home and sales trailer.

14 CHAIR MICCICHE: Which is separate.

15 COMMISSIONER TALESFORE: Right. Okay.

16 CHAIR MICCICHE: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: I have a question of
18 Staff. The language that was used originally was that they
19 may do that. It's quoted among other places in the letter of
20 January 10th from Santa Clara Development. It says one
21 additional unit may be permitted if the applicant and the
22 adjacent Villa Felice townhome development agree to
23 eliminate the existing parking easement. And then it says
24 the DRC can consider that.

25 When the DRC considered it, other than the fact
that because there was a strong opposition and therefore it

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5

1 was brought up to us, did the DRC state any standard that
2 they felt governed by? In other words, when they say they
3 may do that it isn't clear to me. It says you may do that if
4 this occurs and this occurs. I read "may" to mean you have
5 to make other showings. What did the DRC look for, or did
6 you get that far?

7 RANDY TSUDA: What the DRC did was consider the
8 input from the seven residents that testified at the
9 meeting. Most of the comments revolved around the same
10 issues of visibility and the height of the units.

11 The Applicant at the time stated they wanted to
12 look at ways to address those concerns. So at that point the
13 DRC did not give specific direction in terms of the degree
14 to which they should be mitigated, and as you stated,
15 there's no specific direction like that contained in the PD
16 ordinance, nor in any other applicable codes.

17 So the DRC did not give specific direction on the
18 degree to which it need to be mitigated. Rather they
19 accepted the Applicant's statement that they wished to look
20 at ways to address those items. The DRC's specific action
21 was that between the hearing date and the Planning
22 Commission date that would give the Applicant time to study
23 the design and look at ways to address those issues.

24 CHAIR MICCICHE: Excuse me, I was a little
25 confused on that was well. I read it to mean that if
agreement was reached they could build another home there.

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6

1 Let me take the word "may" out. Once they reached agreement,
2 the way I read that I thought it meant they could build a
3 home there. I also have the question if the home that is
4 going to be built there is an issue with the neighbors?

5 RANDY TSUDA: The way it's worded in the PD, it's
6 "may." It's not "shall," so it's not a firm requirement.
7 It's discretionary.

8 CHAIR MICCICHE: But even if there was an
9 agreement we could still deny building a home there?

10 RANDY TSUDA: Right.

11 COMMISSIONER O'DONNELL: Well it says, "May be
12 permitted" too. It doesn't say they may build the home.

13 RANDY TSUDA: Right.

14 COMMISSIONER O'DONNELL: It says it may be
15 permitted, which I took to mean that whoever that would be,
16 either the DRC or us, could grant them the necessary
17 permission, as opposed to your reading. I was curious about
18 that too, because you could look at it either way.

19 CHAIR MICCICHE: Any other questions of Staff? If
20 not, I'll give the Applicant his five minutes. Would you
21 state your name for the record, please?

22 RICK KNAUF: Hi, my name is Rick Knauf. I'm with
23 Santa Clara Development Company. Thank you for the
24 description of our project. Good evening members of the
25 Planning Commission and Town Staff.

1 I'm here tonight to talk to you about our plan to
2 add one additional home to the Villa Felice development and
3 allow for a temporary sales trailer and two model homes.

4 We received our approval for the Planned
5 Development zoning for 33 homes in April 2005, and the
6 conditions of approval allowed for one additional home if we
7 were able to eliminate a parking easement with the
8 association next door, the Villa Felice Townhome
9 Association. For reference, the parking easement is this
10 area right here and the Association is located around the
11 site.

12 We worked extensively with the Association and
13 concluded our agreement in June 2005. During our discussions
14 we were upfront with the Association about our intention to
15 place an additional two-story home in the area of the
16 parking easement and provided them a plan, which included
17 the proposed home.

18 Additionally, this Planning Commission and the
19 Town Council were shown this plan for the 34th home when our
20 project was approved back in 2005. This exhibit, which
21 depicts the additional home, was taken from our previous
22 presentation from last year. It shows the extra home here.

23 We met with the Development Review Committee in
24 December to present our plans, and at that meeting some of
25 the adjacent neighbors had some concerns about the
additional home. The primary concerns were the massing of

1 the home and the loss of privacy. We've responded since then
2 to their concerns by lowering the grade of the lot and
3 modifying the architecture of the home.

4 In looking at this exhibit, the blue dash lines
5 show the height of the home in specific elements, as
6 originally shown to the Development Review Committee. Our
7 new plan effects several changes.

8 We lowered the pad elevation of the home by 1.3'.
9 You can see the old height here, and then it's been lowered.

10 We removed the deck on the second floor, which was
11 in this location, and replaced it with a gable roof, which
12 has been lowered. Additionally, this single-story element
13 has a gable roof and we've lowered that as well. The
14 reduction in both of these significantly lowers the mass of
15 the house.

16 The second story windows up in this area are clear
17 story windows where the bottom of the window is at 6' and
18 goes up, so they're above eye level to secure the privacy
19 for the neighbors next door. We've removed these two windows
20 back here as unnecessary, again for the privacy issue. In
21 the front of the home there are two typical windows that
22 remain. Those are approximately 55' from the property line
23 and 75' from the adjacent home.

24 In looking at the next exhibit, we selected this
25 plan initially due to the shaded single-story elements,
which are closest to the neighbors, these two elements right

1 here. The single-store elements provide a good transition
2 for the adjacent properties.

3 From a site standpoint the minimum distance from
4 the proposed home to the property line is 10', which is back
5 here. To the second story the minimum distance is 21',
6 which is back in this area. The average single-story
7 distance away from the property line is about 20', and the
8 average distance to the second floor is 33', along the edge
9 here.

10 In addition, we have got designs to plant 11
11 fruitless olive trees along the edge, which will be 36" box
12 trees, and when planted will be 8' to 9' high.

13 Now I'd like to discuss our temporary sales
14 trailer and the two model homes. We selected this area for
15 the sales trailer since it is near the front of the site,
16 adjacent to some parking, and provides a safe location clear
17 of the construction of the homes, which will be taking place
back here.

18 The trailer has been placed to minimize the impact
19 on the neighbors and respect their privacy. The trailer is
20 15' from the property line, does not have any windows on
21 that edge, and will be at grade level all the way down as
22 far as possible, again for privacy standards. The height of
23 the trailer is about 9', the same height as these trees that
24 will be planted.

1 Additionally, the trailer will be temporary and
2 should be there approximately six months. As soon as the
3 model homes are done we're going to move the sales office
4 into one of them and remove the trailer from the site.

5 In closing, we've worked diligently with the
6 neighbors and been clear as to our intentions from the
7 start, including the addition of the 34th home. In the spirit
8 of cooperation we've responded to the concerns of the
9 neighbors by lowering the pad elevation of the home,
10 removing the second floor deck, and modifying the second
11 story windows to secure the neighbors' privacy. This
12 proposed home compliments both developments and has setbacks
typical in the Town of Los Gatos.

13 Thank you and I'm available for questions.

14 CHAIR MICCICHE: Do we have any questions of the
15 Applicant at this time? Commissioner Rice.

16 STEVE RICE: A couple questions. First of all, the
17 trees that you want to put on that fence line, was that
18 discussed as well with the neighboring homeowner
19 association?

20 RICK KNAUF: They are aware that they're going to
21 be put in. That was part of our original plan as well.

22 STEVE RICE: You have one single-story home in the
23 rest of the project, correct?

24 RICK KNAUF: Yes.

25 STEVE RICE: And that's a BMP unit?

1 RICK KNAUF: Correct.

2 STEVE RICE: How many square feet is that?

3 RICK KNAUF: That's approximately 840 square feet.

4 STEVE RICE: And the home you want to put here is?

5 RICK KNAUF: This is 2,200 square feet roughly.

6 Our market rate homes range from approximately 1,900 feet up
7 to about 3,000.

8 STEVE RICE: That's fine for now. Thanks.

9 CHAIR MICCICHE: Commissioner O'Donnell.

10 COMMISSIONER O'DONNELL: Have you seen the
11 photographs that are on the wall behind me?

12 RICK KNAUF: Yes, I have. We actually put two sets
13 of story poles up. Some got blown down in the winter storm
14 over Christmas. Those were the first ones put up. The ones
15 that we subsequently put up had the orange netting in the
16 same spot and then had the green netting below it to reflect
17 the changes that we've made since the Development Review
Committee meeting.

18 COMMISSIONER O'DONNELL: Well you're talking about
19 olive trees that reach a height of about 9', is that
20 correct?

21 RICK KNAUF: Yes.

22 COMMISSIONER O'DONNELL: And how high is the green
23 netting on the same basis? In other words, you measured 9'
24 from ground level. If you measured it from the same ground
25 level, what's the elevation of the green netting?

1 RICK KNAUF: Are you talking about the top ridge
2 of the home?
3 COMMISSIONER O'DONNELL: Yes.
4 RICK KNAUF: Twenty-two feet, two inches is the
5 top of the house.
6 COMMISSIONER O'DONNELL: All right. Thank you.
7 STEVE RICE: Can I ask clarification real quick?
8 CHAIR MICCICHE: Go ahead.
9 STEVE RICE: You said 9' is when they're planted,
10 or 9' at full-grown?
11 RICK KNAUF: Nine feet when they're planted. We've
12 actually already purchased the trees.
13 STEVE RICE: How tall do they get?
14 RICK KNAUF: My understanding is they get about
15 20' to 25' high.
16 STEVE RICE: That's what I thought. Thank you.
17 CHAIR MICCICHE: Commissioner Talesfore, you've
18 been shaking your hand there for a while.
19 COMMISSIONER TALESFORE: Thank you. You may wonder
20 why I'm asking this question, but why do you want to add
21 this one more house? I mean I can imagine what the answer
22 is, but I still would like to hear.
23 RICK KNAUF: When we looked at the development
24 initially it had a parking easement on it, and we started
25 discussions with the neighbors early on to see if that was
something that could be eliminated. And so from the outset

1 we had an idea that we wanted to build a house there.
2 Whether it was going to be possible or not, we didn't know.
3 COMMISSIONER TALESFORE: So that was always your
4 intent?
5 CHAIR MICCICHE: Yeah, they got it approved.
6 RICK KNAUF: Yes.
7 COMMISSIONER TALESFORE: And you talked to the
8 neighbors, you said, about that, or the Homeowners
9 Association?
10 RICK KNAUF: The neighbors are part of the
11 Townhouse Association. We've had extensive conversations
12 with them since March 2004, just about the development
13 itself as well as more recently this specific lot.
14 COMMISSIONER TALESFORE: And are you speaking
15 about the neighbors directly adjacent to this area that
16 we're talking about?
17 RICK KNAUF: Yes.
18 COMMISSIONER TALESFORE: That's all for now. Thank
19 you.
20 CHAIR MICCICHE: Commissioner Quintana, do you
21 have a question?
22 COMMISSIONER QUINTANA: How high is the single-
23 story element? What's the height of the single-story
24 element?
25 RICK KNAUF: Approximately 10.5'.

1 COMMISSIONER QUINTANA: That's including the
2 gabled roof?
3 RICK KNAUF: Yeah, that's the gable roof. It does
4 not include the chimney that's in the one portion of it.
5 COMMISSIONER QUINTANA: And at the time that these
6 photos were taken, what was the height?
7 RICK KNAUF: Hang on, let's put up the elevation
8 again. The gable roof here has been dropped to about 2.5'.
9 This represents where the deck was going to be, and then we
10 replaced it with a lower gable roof. That gable roof lowers
11 approximately between 1' and 3' on the edges.
12 COMMISSIONER QUINTANA: Also, could you tell me
13 what the distance is between the building plain on the north
14 side of the property to the building plain of the
15 townhouses?
16 RICK KNAUF: Yes. The minimum setback along here
17 for these houses is about 22', so they're 22' back from the
18 property line, on a minimum basis.
19 COMMISSIONER QUINTANA: Actually that wasn't my
20 question. I meant the townhouses to the north. Those.
21 RICK KNAUF: Up here?
22 COMMISSIONER QUINTANA: Right.
23 RICK KNAUF: I'm sorry. Over here?
24 COMMISSIONER QUINTANA: No, the ones to the north.
25 RICK KNAUF: Okay. Hang on; we may have a plan we
can measure. I don't know that off the top of my head.

1 COMMISSIONER QUINTANA: Okay. Same question for
2 the ones to the south.
3 RICK KNAUF: From the property line or from the
4 home or homes?
5 COMMISSIONER QUINTANA: From the home-to-home.
6 RICK KNAUF: So like 50' to 70'.
7 COMMISSIONER QUINTANA: Thank you.
8 CHAIR MICCICHE: Any more questions? Commissioner
9 Talesfore.
10 COMMISSIONER TALESFORE: Can you refresh my memory
11 again? Do you have the original map that was approved?
12 RICK KNAUF: Yes.
13 COMMISSIONER TALESFORE: Can you show that to me?
14 RICK KNAUF: This shows the 34th lot also, but the
15 rest of it is as it was approved.
16 COMMISSIONER TALESFORE: And refresh my memory.
17 Without the lot that was a parking lot, correct?
18 RICK KNAUF: Correct.
19 COMMISSIONER TALESFORE: And how many parking
20 places were there?
21 RICK KNAUF: There were 19 spaces.
22 COMMISSIONER TALESFORE: And that was for the
23 visitors, correct?
24 RICK KNAUF: Correct.
25 COMMISSIONER TALESFORE: That's what I thought.
Thank you.

1 CHAIR MICCICHE: Commissioner Bourgeois.

2 COMMISSIONER BOURGEOIS: So in this development
3 you have one single-story home and it's a BMP unit, and it
4 looks like the BMP units, some of them are paired, is that
5 correct?

6 RICK KNAUF: Yes, we have two pairs and then the
7 one single.

8 COMMISSIONER BOURGEOIS: Okay, and the single-
9 story is in one of the paired ones, or is it the single one?

10 RICK KNAUF: No, the single-story is a single-
11 family dwelling.

12 COMMISSIONER BOURGEOIS: And was there a reason
13 that that single-story BMP had to be located in that lot?
14 Was there an overriding concern of another neighbor group
15 that that had to be one story or can you flip-flop those?

16 RICK KNAUF: We had two pairs and then we wanted
17 to add an extra unit for community benefit, which is a
18 driving force to have one extra BMP. I don't think it was an
19 imperative factor. Can we flip it? I'm not sure if the
20 parties... Peggy, do you want to flip that house? I don't
21 think that would probably go over.

22 COMMISSIONER BOURGEOIS: Okay.

23 COMMISSIONER TALESFORE: To continue with my other
24 question then with the parking lot. Were you planning on
25 planting trees along that parking lot as well? I can't
remember.

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1 RICK KNAUF: Yes, we were planning to plant these
2 trees along the parking lot.

3 COMMISSIONER TALESFORE: The same olive trees that
4 you already purchased?

5 RICK KNAUF: Yes, at the time they were speced out
6 at 15 gallon, and since then they've become 36" boxed trees.

7 COMMISSIONER TALESFORE: Okay, so that's sort of a
8 wash then. I mean that was already going to be there.

9 RICK KNAUF: We had planned on trees there
10 initially.

11 COMMISSIONER TALESFORE: Okay. Thank you.

12 CHAIR MICCICHE: Commissioner Rice.

13 STEVE RICE: In keeping with the architectural
14 style that you've got going on the other 33 lots, since you
15 do have one single-story, how large of a single-story home
16 could you put on that lot comfortably?

17 RICK KNAUF: I don't know the answer to that
18 question. I think when we originally started looking at what
19 house to put here we specifically looked at what house we
20 thought would fit best in trying to respect the neighbors'
21 distances with these single-story elements and try and set
22 back the second story as far as possible.

23 STEVE RICE: I understand that, but you've got-at
24 least in my mind-a couple of issues, one of which being that
25 grade differential that exacerbates the problem. I'm just

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1 curious if you ever looked at putting a single story on
2 there or not, and I think I'm getting answer of no.

3 RICK KNAUF: No, we never looked at putting a
4 single story on there. Our height again is 22'2" roughly.
5 The neighboring properties next door are 23' to 25'.

6 STEVE RICE: Okay. Thank you.

7 CHAIR MICCICHE: Let me ask a question. What's the
8 square footage of that lot?

9 RICK KNAUF: Approximately 7,000 square feet.

10 CHAIR MICCICHE: Commissioner Kane.

11 COMMISSIONER KANE: The townhouse #5 that we've
12 referred to as being the one most severely impacted by this
13 lot, have you been in there? Have you been inside the home,
14 out by the spa, the Jacuzzi, walked that backyard?

15 RICK KNAUF: Yes, we have.

16 COMMISSIONER KANE: I'll tell you what I'm
17 struggling with. It's not a fine point of law per se, but
18 what if you owned that unit? How would you feel tonight if
19 you left here we having approved the construction of this
20 house? I'd be devastated. I live a house right now that was
21 once on a quiet street. The other side of the street is
22 turning into 7,000 houses. So maybe I'm being caught up in
23 my own situation, but my empathy is substantial for the
24 owners of #4 and #5 in particular. I've even seen the shadow
25 studies.

1 CHAIR MICCICHE: Commissioner Kane, may I
2 interrupt? I don't mind questions of the Applicant, but let
3 me make one statement. They evidentially signed an agreement
4 so they could build a house there with those people. So I'm
5 not sure we should put ourselves in the shoes of the
6 neighbors at this point. But if you have question, by all
7 means ask it.

8 COMMISSIONER KANE: I did. How would you feel if
9 you were the owner of #5?

10 CHAIR MICCICHE: I'm not sure that's an evidence
11 question, and it's very subjective. So at this point why
12 don't we get specific questions out if we can? Commissioner
13 O'Donnell.

14 COMMISSIONER O'DONNELL: I too would not be happy
15 if I looked at that wall. On the other hand, if I understand
16 you correctly, whether I look at the wall or I don't look at
17 the wall, it sounds like I'm going to look at olive trees to
18 a height of 20' to 25', and I'm kind of wondering whether
19 I'll be able to see the house behind the olive trees.

20 RICK KNAUF: Well I think with the lower, it is
21 down to about 3' roughly below our grade, and once you put
22 up olive trees that are going to go above the wall, there's
23 going to be a pretty good screen along there.

24 COMMISSIONER O'DONNELL: What is the measurement
25 from tree trunk to tree trunk? I'm trying to figure out
density from a visual standpoint.

1 RICK KNAUF: Let me tell you that in just a
2 second.
3 CHAIR MICCICHE: What's the difference? If the
4 neighbors signed an agreement, they give it up. I mean what
5 are we doing?
6 RICK KNAUF: They're roughly 20' on center, 20'
7 from tree to tree.
8 COMMISSIONER O'DONNELL: And the estimated canopy
9 of these olive trees at full grown?
10 RICK KNAUF: Approximately 20'.
11 CHAIR MICCICHE: Any other questions? Commissioner
12 Quintana.
13 COMMISSIONER QUINTANA: I think I just missed part
14 of my answer. Your question was?
15 COMMISSIONER O'DONNELL: My question was about the
16 canopy.
17 COMMISSIONER QUINTANA: Was 20' when full grown?
18 Okay, that's part of my question. The backyards of the
19 townhouses are about what, 10' deep?
20 RICK KNAUF: No, they're 22' to the building face,
21 roughly 22' to 24'.
22 COMMISSIONER QUINTANA: From the townhouse to the
23 property line?
24 RICK KNAUF: The property line.
25

1 COMMISSIONER QUINTANA: So the olive trees when
2 they're mature will have a canopy that extends over into the
3 adjacent yards about 10', is that correct?
4 RICK KNAUF: Roughly. Probably not that far,
5 because they're going to be planted on our side of the wall,
6 but plus or minus.
7 COMMISSIONER QUINTANA: And these are slow-growing
8 trees that will take, under optimum conditions from my
9 figures of growing 18" a year, approximately nine to ten
10 years optimum.
11 RICK KNAUF: That sounds reasonable.
12 CHAIR MICCICHE: Any other questions?
13 COMMISSIONER O'DONNELL: I think this question has
14 been asked, but I want to be really, really clear on it. I'm
15 wrestling with this thing too. You've been asked about a
16 single-story house. Obviously there are some of us perhaps
17 that feel that a single-story house might be easier to deal
18 with, and I think you have told us that you have not
19 considered a single-story house there. Does that answer mean
20 you would not consider a single-story house there?
21 RICK KNAUF: At this point we have got a plan that
22 we feel has got appropriate setbacks, an average of 33' to
23 the second story, and an average of roughly 20' to the
24 single-story elements that run along there, and we think
25 that that solution generally speaking is a reasonable
expectation.

1 COMMISSIONER O'DONNELL: And the answer to my
2 question is?
3 RICK KNAUF: We're comfortable with the house
4 we've got there.
5 COMMISSIONER O'DONNELL: So you would not consider
6 a single-story house? That was the question.
7 RICK KNAUF: No.
8 COMMISSIONER O'DONNELL: Thank you.
9 CHAIR MICCICHE: Question, Randy. What is the
10 required setback of that property again?
11 RANDY TSUDA: If it was a conventional R1-8 zone,
12 our smallest lot size zone, the side setback is 8'.
13 CHAIR MICCICHE: Eight feet? So if they put a
14 single-family home there the house could be 8' from the
15 property line?
16 RANDY TSUDA: It could be as close as 8'. In this
17 case it's 10'.
18 CHAIR MICCICHE: So it would move from 21' to 8'
19 if they went single-story?
20 RANDY TSUDA: The current single-story setback is
21 10'.
22 CHAIR MICCICHE: Oh, 10'? I'm sorry, 10'.
23 COMMISSIONER O'DONNELL: Well just to follow-up
24 with that, maybe I can ask Staff or I can ask you. The
25

1 height of this I think you've said is 22' and some inches.
2 The height of a single-story would be?
3 RICK KNAUF: I'm going to say around 17'. I mean
4 it can be lower, but it's typical. A 22' two-story home is
5 about as low as we've ever built. The allowed height is 30'
6 out here, and when we got into the design of this property
7 we wanted to keep these homes down. So this is a pretty low
8 two-story home.
9 CHAIR MICCICHE: Thank you. Commissioner
10 Talesfore.
11 COMMISSIONER TALESFORE: As a follow-up to that.
12 So the single-story element that is now presently on your
13 two-story home that you are proposing, what's the height of
14 that?
15 RICK KNAUF: The single-story element is
16 approximately 10.5".
17 COMMISSIONER TALESFORE: High?
18 RICK KNAUF: To the peak, yes.
19 COMMISSIONER TALESFORE: Thank you.
20 CHAIR MICCICHE: If anyone wishes to speak on this
21 item I'm going to be calling the public up in a moment. You
22 have to fill out one of these cards and pass it in to either
23 end. At the present time I only have one card. We will call
24 you back for rebuttal, Mr. Knauf.
25 RICK KNAUF: Thank you.

1 CHAIR MICCICHE: So if you intend to speak, please
2 give a card up to me. The only card I have at this point is
3 Citizen Ray.

4 RAY DAVIS: Well I'm going to speak in the public
5 interest.

6 CHAIR MICCICHE: The cards are behind that. Let me
7 help you. We'll start his time again.

8 RAY DAVIS: I'm going to wait until I have his
9 attention.

10 CHAIR MICCICHE: Okay.

11 RAY DAVIS: I'm going to try to get his vote.
12 Almost impossible, but I'm going to try.

13 I remember the original discussion. Zero setback
14 lots, 20' wide street, no parking on the street. The issue
15 was if somebody had some guests over and there were more
16 than two cars, where were they going to park? And I've been
17 in and out of this type of development all my life. It's
18 always a sweat to find the place to park at night if there
19 isn't suitable parking. And I understand now they've dropped
20 out the--what I considered at the time--the suitable parking
21 for the 33 homes.

22 And incidentally, this is a PUD, which means the
23 parking standards were all thrown out for the standard
24 zoning RM5-12. That's the standard zoning. They're all
25 thrown out. There is no protection. And so your ass now at
the end of the day, shall we say, to add another lot to the

1 project without considering the whole project again in its
2 entirety, which is what you do with a PUD. That's the object
3 of a PUD, when you throw out all the standards.

4 Now I've given this lecture to Citizen Kane
5 before, and I'm going to do it again. I don't see how after
6 you've given approval of this and it's gone through an
7 appeal process, you suddenly reopen the density question
8 without discussing every damn issue in the project. You
9 haven't done that.

10 And I think the issue that cries out for your
11 jurisdiction is the issue of parking. If they dropped 17
12 parking stalls and all they got left at the end of the
13 project are the driveways, which hold two cars, and no
14 parking on the street, I say you have not just a difficult
15 problem from planning, but an idiotic problem.

16 These people don't care. They're developers. The
17 dollar bill is all they care about. You know that. You're
18 here to take care of the public interest, the livability,
19 the fact that once it's developed it's a development forever
20 in Los Gatos. You need to have the quality of life and the
21 thrust of all the public documents as your main charge, and
22 not the economic needs of the developer, and that's all he's
23 talking about. Economic needs. He wants to make another
24 buck, and it's going to set, if nothing else if you approve
25 it, a tremendous precedent for the next guy who says after

1 it's all said and done I want one more. One more is a
2 million bucks.

3 CHAIR MICCICHE: Mr. Davis, sit down.

4 RAY DAVIS: Yavol!

5 CHAIR MICCICHE: Sit down.

6 RAY DAVIS: Yavol!

7 RANDY TSUDA: The way the agreement was structured
8 is that parking lot provided guest parking for the
9 townhouses during the daylight hours. With the elimination
10 of the spaces, we still have a surplus of 20.

11 CHAIR MICCICHE: I think I read in the report,
12 does this meet all the traffic and parking requirements?

13 RANDY TSUDA: It meets the traffic requirements
14 and we still have an excess of 20 parking spaces for the
15 project.

16 CHAIR MICCICHE: For the project, okay. Everybody
17 clear on that? I have one other card on this hearing, and
18 that is Peter Lilijegren and he's from unit #5 of the
19 townhouses.

20 PETER LILIJEGREN: This is the first time I've
21 ever been to a city council meeting, so if I'm not too
22 formal, I don't know parliamentary procedures too well,
23 please excuse me for a little of my lack of experience.

24 What I have done is I've taken some more recent
25 photographs of the backyard with the new story poles and
with the new colorations of the green nettings here, so you

1 can then take a look at this and see what the actual impact
2 is from standing in the backyard. And so I'd like to be able
3 to share that with you if possible.

4 CHAIR MICCICHE: Bring it over here.

5 PETER LILIJEGREN: Now I'll say that I'm a
6 relatively new total owner in this property. I own part of
7 it in the June timeframe, but I could say I did not vote for
8 the approval of the selling of the easement. I cannot speak
9 from the point of view of this being absolute fact yes or
10 no, but what I can understand to be the case is that when
11 the Homeowners Association did vote to allow for
12 consideration of another building back there, that there was
13 nobody in the association who voted who had thought that
14 there was going to be a two-story property on this site with
15 this kind of large aesthetic impact. If you were to poll the
16 people who are in units #1 through #5, I think they would
17 all uniformly say that that is a correct statement on my
18 part.

19 My concern as the owner of it, and as Michael was
20 saying, that I have a privacy issue; I have a lighting
21 issue; I have an economic issue. I do use this unit as a
22 rental property right now and it will affect my rents.

23 I think if I was to look at the totality of the
24 economic impact of the current proposal, I can say that the
25 current one is better than the previous. The previous one
was absolutely horrible. There was the ability from the

1 first story balcony to actually, if you wanted, throw
2 cigarette butts, beer cans, into the Jacuzzis in the back of
3 the back units. It was that invasive.

4 Now I could say that they've made some
5 improvements, but I'm not convinced that you could not see
6 down into the units from the windows that are being
7 proposed. And the lighting impact of this, besides an
8 aesthetic impact, is clearly significant.

9 I think that in totality that the adverse market
10 impact on units #1 through #5 exceeds any monies that were
11 provided to the Homeowners Association for the selling of
12 those easement rights. Bad economic deal. I didn't vote for
13 it.

14 CHAIR MICCICHE: Excuse me. Is there anyone here
15 do you know of that did vote for that? Are they in the
16 audience, do you know?

17 PETER LILIJEGREN: I believe there are, yes.

18 CHAIR MICCICHE: Maybe we'll get other speakers up
19 here then. You were not part of that vote then?

20 PETER LILIJEGREN: Yes, I was not part of that
21 vote.

22 CHAIR MICCICHE: Or at the time that the group
23 sold the parking lot?

24 PETER LILIJEGREN: That's correct.

25 COMMISSIONER TALESFORE: And you weren't because
you didn't own it at the time?

1 PETER LILIJEGREN: I owned part of it, but I
2 didn't own the full amount, and I was not privy to enough
3 details to be able to intelligently make a vote.

4 CHAIR MICCICHE: Do you know if the previous owner
5 was a part of the vote?

6 PETER LILIJEGREN: Was not.

7 CHAIR MICCICHE: Was not part of the vote?

8 PETER LILIJEGREN: Was not part of the vote.

9 CHAIR MICCICHE: That's interesting. Okay. Any
10 other questions at this time? Go ahead.

11 STEVE RICE: Since there are actually a couple of
12 other issues here, just for clarification, any comments,
13 problems, pro or con, on the sales trailer and/or the model
14 homes?

15 PETER LILIJEGREN: Other units are more impacted
16 by the sales trailer than I am. It's a problem for a few
17 people in terms of saying where it is, but I can say my
18 specific concern is the long-term impact of that particular
19 building and I don't think it will really be mitigated by
20 putting up the trees. If you do that also it will take some
21 time, and it will also, if you think about it, it will
22 clearly make the backyard there dark all the time.

23 STEVE RICE: Thank you.

24 CHAIR MICCICHE: Commissioner O'Donnell.

25 COMMISSIONER O'DONNELL: Do you happen to know
what was paid for the easement?

1 PETER LILIJEGREN: I believe it's \$300,000.

2 COMMISSIONER O'DONNELL: And the money went where?

3 PETER LILIJEGREN: It's with the Homeowners
4 Association.

5 COMMISSIONER O'DONNELL: And you're a member of
6 the Homeowners Association?

7 PETER LILIJEGREN: Member of the Homeowners
8 Association.

9 COMMISSIONER O'DONNELL: So how do you benefit
10 from the \$300,000?

11 PETER LILIJEGREN: Not determined. And with that
12 there would also be a tax effect, which we're having to sort
13 out.

14 COMMISSIONER O'DONNELL: Has anybody offered to
15 give the money back if they don't build the building there.

16 PETER LILIJEGREN: I'm not aware of any offer like
17 that.

18 COMMISSIONER O'DONNELL: Thank you.

19 CHAIR MICCICHE: That's where I was heading. Any
20 other questions at this point? Thank you. I have no other
21 speaker cards. Are there any other speakers? Adele Guerzon,
22 go ahead.

23 ADELE GUERZON: Adele Guerzon, Villa Felice, and
24 I'm unit #2. I'll just try to shed some light on the vote of
25 the Villa Felice Homeowners Association.

1 We did know that they wanted to put a dwelling on
2 that when we sold it, and originally they didn't know if it
3 was a one- or two-story, and as we got closer to closing the
4 deal they did say they wanted to put a two-story. But if you
5 talk to all the owners, especially #1 through #4-#5 was not
6 participating for some reason-when we looked at the picture,
7 I don't know how else to say it, pure ignorance, it didn't
8 look bad when you looked at it on paper. And it wasn't until
9 the story poles went up that we went oh my God. So it was as
10 simple as that. I don't know if that's too simple, but we
11 really didn't understand the impact of a two-story until we
12 saw the story poles, and that's why we all ideally would
13 like to see a single-story there.

14 You had another question I can try to answer, the
15 \$300,000. We are low in our reserves, so that money after we
16 pay taxes was to fill our reserves and do some repaving and
17 some other things around the association, so that's why
18 homeowners have not physically gotten money. It's going into
19 the Association for property improvements.

20 CHAIR MICCICHE: Other than perceiving it
21 differently than you see with the story poles, you did agree
22 though that there was going to be a two-story home built
23 there?

24 ADELE GUERZON: I've got to be careful how I
25 answer that. For myself personally, I knew they were going
to put a dwelling there, and towards the end they did say

1 single-story. But again, I personally did not digest what
2 that really meant until I saw the story poles.
3 CHAIR MICCICHE: Okay. Commissioner Quintana. No,
4 she meant two-story.
5 ADELE GUERZON: Oh, sorry. That was a Freudian
6 slip.
7 COMMISSIONER QUINTANA: I know hindsight is hard,
8 but if you had seen the story poles while the negotiation
9 was going on do you think you would you have voted?
10 ADELE GUERZON: Absolutely not. That never would
11 have passed. In fact, if I knew then what I know now, it
12 never would have passed.
13 CHAIR MICCICHE: I don't know if you heard the
14 speaker originally, but I think he said that it's 22' feet
15 now, and if they went to single-family it would be 17'.
16 ADELE GUERZON: Well, they told me 16', but what's
17 one foot?
18 CHAIR MICCICHE: Again, we heard 17' tonight from
19 the speaker; so let me stay there for a moment. So you've
20 got a 5' differential that you feel would make a big
21 difference?
22 ADELE GUERZON: Absolutely. Well especially again,
23 I'm unit #2, the least impacted, or not as impacted, but
24 even for #4 and #5. I've been in those backyards.
25 COMMISSIONER TALESFORE: Have you seen the
photographs that we were provided with tonight?

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1 ADELE GUERZON: Yes.
2 COMMISSIONER TALESFORE: And how do you relate to
3 those photographs from your house?
4 ADELE GUERZON: Nowhere near as bad. I can see the
5 second story from my backyard, from my top bedroom. Our
6 living areas in the Villa Felice townhomes are all in the
7 back. Our living rooms, our dining rooms, and three of us
8 have bedrooms upstairs. So from all of the complexes-I
9 haven't been in unit #1-but you can clearly see the two-
10 story unit.
11 COMMISSIONER TALESFORE: And what are you feelings
12 about the trailer, because it looks like you might be quite
13 impacted?
14 ADELE GUERZON: Yes, very much. Well of course I'd
15 love to see that trailer somewhere else on the property, but
16 if that's not feasible I did want to see it as least 25'
17 from the wall. The trees will help. I thought the trees
18 would be about 15' high, but 9' or 10' help. You know, we
19 just don't know how long they're going to be there. We were
20 originally told it could be 12 months. And in the paperwork
21 I looked at, they said they were actually not going to
22 remove it until the "occupancy of the last unit" I think,
23 quote unquote. I went to the office to see what they had in
24 there.
25 COMMISSIONER TALESFORE: Would anything make it
better for you?

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1 ADELE GUERZON: If it was not behind us. I mean
2 because our living area is in the back, and we all use our
3 backyards. Stephanie in unit #3 is actually getting ready to
4 redo her backyard. You know, we spend a lot of time out
5 there. We have large yards for townhomes. And just the
6 thought of business being done literally within spitting
7 distance isn't very attractive, especially during the summer
8 months when you're outside. So ideally I would like to see
9 that not there. But if it does have to be there, the further
10 away from the wall the better.

11 COMMISSIONER TALESFORE: And what about the model
12 homes?

13 ADELE GUERZON: Model homes I have no issues with.

14 COMMISSIONER TALESFORE: Time of showing them or
15 anything like that? Being open on the weekends?

16 ADELE GUERZON: No. Not at all.

17 COMMISSIONER TALESFORE: All right. Thank you.

18 CHAIR MICCICHE: Any other questions? Thank you.

19 STEPHANIE CARROLL: Stephanie Carroll. I reside in
20 unit #3. So in regard to the question about how much we were
21 aware of as far as building a dwelling there, and just to
22 reinforce what Adele spoke of, we were aware that was
23 obviously the whole point in wanting to purchase the
24 easement, and that was a question of whether or not they
25 would be able to build there. So we knew that there was
intention to build there.

1 When you're looking at a plan and you're looking
2 down on top of it and you're looking at houses, it's very
3 different than when you're looking at it face to face, as
4 well as really not having a lot of information about what
5 the dimensions would be. So as part of our discussions
6 throughout this, that was not a fine point of detail that we
7 went into as far as what the dimensions of the homes would
8 be.

9 There was talk; maybe it would be a single-story,
10 maybe a two-story. We assumed that it would probably end
11 being a two-story. So it wasn't a matter of bait and switch,
12 we thought there wasn't going to be anything there, because
13 why would they really be wanting the easement and the rights
14 to build there in the first place?

15 But I think it is important to understand we did
16 not go into the details of the dimensions of the homes.

17 COMMISSIONER TALESFORE: And why was it you didn't
18 go into the details? They weren't available?

19 STEPHANIE CARROLL: A lot of things were changing
20 and it was just...

21 COMMISSIONER TALESFORE: So basically you were
22 presented with, "We're going to build a structure?"

23 STEPHANIE CARROLL: Um-hum. That was the
24 intention, yes.

25 COMMISSIONER TALESFORE: A two-story structure?

1 STEPHANIE CARROLL: Yeah, but there was also at
2 one point discussion of whether it was single or two-story.
3 But there was an awareness, yes.

4 CHAIR MICCICHE: Was the final agreement though
5 based on a two-story structure? That's what I thought we
6 heard from the other townhome.

7 STEPHANIE CARROLL: Honestly, I don't know that it
8 was that explicit. But yeah, I think that that was probably
9 what was going to happen, but I don't think it was an
10 explicit agreement.

11 COMMISSIONER TALESFORE: So from your perspective
12 in your backyard, how would you describe this proposed
13 structure?

14 STEPHANIE CARROLL: I think as other people have
15 stated, moving from #5 to #1 you have decreasing. The issue
16 that I would have is that I do have a window that faces out
17 at an angle that the windows would be eye to eye with, and
18 so the issue would be privacy. Not so much of the shade and
19 that overbearing feeling that is felt in units #5 and #4
20 where you feel like there's something on top of you. It's
21 more of a privacy issue. There was a concern originally with
22 the density and whole impact.

23 But I do want to say I do feel that Santa Clara
24 Development has heard our concerns and they've come out and
25 they've talked with us and they've worked with us, so this

1 is not a matter of they're not cooperating. They have come
2 out and looked to see what the impact is to us.

3 But from the original one, yes, I would have very
4 much felt the impact of this shade and the foreboding kind
5 of structure. Now it's more of a privacy kind of eye to eye.

6 COMMISSIONER TALESFORE: So do you think there's
7 more work to be done?

8 STEPHANIE CARROLL: Yeah, I think there could be
9 addressing about with the windows.

10 CHAIR MICCICHE: But what specifically do you
11 think could be?

12 STEPHANIE CARROLL: Obviously a different
13 elevation as far as the stories and stuff. But I think the
14 windows and the way those face. They can look at those.

15 And then you had in addition the question of the
16 sales trailer. I think one of the things why obviously it's
17 more important than the discussion of the home is that I
18 believe the sales trailer is going to be temporary. I'd
19 heard six months was the newest projection and then it would
20 move. So getting some finalization and a little bit better
21 clarity around that would make us feel more comfortable too.

22 CHAIR MICCICHE: Did you hear the Applicant say
23 that the bottom of those windows were 6' up?

24 STEPHANIE CARROLL: Mmm-hmmm.

25 CHAIR MICCICHE: So what's your privacy concern
there?

1 STEPHANIE CARROLL: Well, depending on how the
2 trees impacted, they would be looking...

3 CHAIR MICCICHE: No, but they're saying the person
4 in the window can't see.

5 STEPHANIE CARROLL: Oh, not the windows that face
6 me.

7 CHAIR MICCICHE: Oh, okay. All right.

8 STEPHANIE CARROLL: There's different windows.

9 CHAIR MICCICHE: Two windows that are set back
10 more, you're saying?

11 STEPHANIE CARROLL: That are regular type windows.
12 It's just the ones in the back closer to #5 and #4.

13 CHAIR MICCICHE: I wasn't sure which ones you
14 were. Any other questions? Seeing none, thank you very much.
15 I have no other cards and I see none coming forward, so I'm
16 going to have the Applicant back up for rebuttal.

17 RICK KNAUF: I'd like to address a few things. I'm
18 kind of trying to take a step back to when we first started
19 the conversations with the Association.

20 In December of 2004 we were starting to kind of
21 get close from a theoretical standpoint on our agreement,
22 and we were specifically asked to put together a plan that
23 showed the 34th lot, and that plan is the same house plan
24 that we have today, same shading on the single-story
25 elements, same non-shading on the two-story elements.

1 I'd like to just read from our agreement what
2 specifically we agreed to with the Association when we
3 finalized the agreement for the parking easement. It says,
4 "In the event Buyer closes escrow, then Buyer intends to
5 develop and construct a house on a portion of the original
6 parking easement area referred to in Recital D above, that
7 is adjacent to the parking area referred to in the CC&R
8 amendment. And such house shall be architecturally
9 compatible with the other houses contemplated to be
10 constructed by Buyer on the purchased property. The
11 Homeowners Association acknowledges Buyers right to develop
12 and construct such house as described in the immediately
13 preceding sentence and has no objection to the same. The
14 Homeowners Association on behalf of itself and its members
15 agrees not to object to or oppose the development or
16 construction of such house as described above." That's right
17 out of our agreement.

18 I think what that means is we've really tried to
19 be forthcoming from the start with the Association as to
20 what our plans were, how tall a house it was going to be,
21 how large it was, specifically where it was going to be
22 located. As so we have continued to try to work in good
23 faith to try to address some of the more recent concerns,
24 which have been privacy and massing.

25 I would say additionally as far as not really
understanding how high the house was going to be, in the

1 initial development there were story poles placed on Lot #33
2 right next to this lot, back in 2005. So there was some
3 indication as to how high the house would be if it was
4 similar to the one that was next door to it.

5 Further, to address the R1-8 guidelines, this
6 house with a 10' setback on the side yard, the minimum from
7 understanding in the guidelines is 8', and that can be first
8 and second story. There is no required further setback for
9 the second story. We've got a 10' setback on the first
10 story, a 21' minimum setback on the second story, and the
11 averages far exceed that. These setbacks are actually very
12 similar to the ones the adjacent townhomes have.

13 So we think that the conditions that exist have
14 been generous. We've continued to try to address the privacy
15 issues with regard to moving the windows and modifying the
16 single-story elements and lowering the house.

17 Briefly just to address the parking, because that
18 was brought up, the requirement out there is three spaces
19 per unit, which is 102 spaces. We currently have 3.7 spaces
20 per unit, which is 122 spaces with the revised plans.

21 CHAIR MICCICHE: Thank you. I'm going to ask an
22 odd question here, but based on the objections that seem to
23 be coming now that were agreed upon not to have in this
24 agreement that I think you just read, if they had the
25 \$300,000 and didn't spend it, would you reverse your

1 agreement now based on the objections, rather than put up
2 with this?

3 RICK KNAUF: No. No.

4 CHAIR MICCICHE: Okay. You still prefer to build a
5 home then?

6 RICK KNAUF: Yes.

7 CHAIR MICCICHE: Okay. Thank you. Commissioner
8 Kane.

9 COMMISSIONER KANE: I'd like to know what's at
10 stake, whether Staff could make an estimate, or the
11 Applicant. What's the delta? What's the different between
12 marketing the one-story and marketing the two-story? I want
13 to know what's at stake?

14 RANDY TSUDA: I couldn't give you a guess.

15 RICK KNAUF: Can I just address that I mentioned
16 we've been trying to deal with all these issues up front.
17 We've got some principles. We go out, we try to do what we
18 say we're going to do. We'd like to follow through on what
19 we've asked for and was agreed to initially up front. And
20 we've continued to try to make improvements and address the
21 concerns of privacy and mass.

22 CHAIR MICCICHE: Commissioner Kane.

23 COMMISSIONER KANE: My question is not answered.
24 Is it a don't know or you feel it's irrelevant? I feel it's
25 irrelevant, that if it's of serious impact, well that shades

1 the issue a little bit. I'm wondering what we're going to do
2 if we say yes or no from a financial standpoint.

3 MARK ROBSON: Commissioner Kane, you're looking at
4 me so I think I'll answer the question.

5 CHAIR MICCICHE: Could you state your name?

6 MARK ROBSON: My name is Mark Robson and I
7 represent Santa Clara Development Company.

8 When you look at other neighborhoods in Los Gatos,
9 the setbacks between houses, backyard-to-backyard, are less
10 than what we're proposing here on a two-story element. And
11 so at some level there's a fairness issue here. I mean why
12 as a property owner should we have less rights in terms of
13 the use of that property than you would find in any other
14 neighborhood in town? This is not an unusual situation from
15 an R1 standard, two-story-to-two-story in a backyard; you'd
16 have 40', windowpane-to-windowpane. We've got 75',
17 windowpane-to-windowpane, on the second story. It's much
18 greater than you'd have in a standard R1-8 subdivision, and
19 I think that that's important to know. I think what we have
20 is reasonable.

21 Will there be a loss in revenue? Of course there
22 will be a loss in revenue. Do I know how much? No way.

23 We've developed at least nine plans for 33 lots,
24 and this comes after a long, long process of carefully
25 working with the neighborhood. Many of you on this planning
commission remember having study sessions, having General

1 Plan hearings, having all kinds of things to make it very
2 clear what we are intending to do all the way along and all
3 the changes that we made in this project along the way. And
4 we've got nine plans for 33 houses and gosh knows how many
5 elevations we have. We might have 18 elevations.

6 You've got a tremendous amount of variety, and to
7 ask us to do a single-story home here. If it were no home or
8 a single-story home, what's my answer? Well what do you
9 think my answer is? My question back to you though is what's
10 fair to us when you look at a standard neighborhood and what
11 the expectation is with respect to setback?

12 And when you look at privacy, and forget about who
13 knew what at the beginning. I think we were very, very
14 clear. You had 33 houses. You had one single-story home; the
15 rest of them were two stories. And that was very clear and
16 we spent a lot of time with lots of study sessions and lots
17 of meetings with the neighborhood and we were very clear
18 from day one what we were planning to build out here. And
19 all the homes that surround us I might want to add are all
20 two stories. None of those homes are single-story, none of
21 them. They're all two stories.

22 And this comes after a long process that we tried
23 to be as careful as we could along the way to make it as
24 clear as we could. We didn't have an agreement. Back in
25 March and April when this came before you we didn't have the
property in a position where we could make it part of the

1 original application legally because we didn't control it.
2 So all we could do was work as carefully as we could with
3 Staff and say this is our intention. If we're successful and
4 we can buy this property, this is what we want to do.

5 But all that aside, you still wind up going back
6 to your question. What is the expectation of these
7 neighbors? When they go home tonight, somebody's going to be
8 disappointed one way or the other, and I think because of
9 privacy and mass, and I think that we've got a plan that
10 from a typical standpoint of what you see around town I
11 think is better than what you would typically see in terms
12 of the setback. When you look at an R1-8 standard, this is
13 better and I think that you've got to keep that in mind.

14 We've eliminated the windows. I mean they're clear
15 story windows. They add light but they're not going to
16 affect privacy. You've got a single-story element that, as
17 Mr. Knauf said, is 10.5' tall. It is low. I mean these are
18 relatively low heights and we've made substantial changes to
19 our plans along the way.

20 So when you wind up looking at me, what is the
21 impact? There's an impact. There's no way for me to tell.
22 We've got to develop a whole new plan, and I think that this
23 is after a long process to trying to be fair and reasonable
24 along the way.
25

1 CHAIR MICCICHE: I think you've answered the
2 question, Mr. Robson. Are there any other questions?
3 Commissioner Rice.

4 STEVE RICE: You said the story poles were up on
5 Lot #33. When did those go up roughly?

6 MARK ROBSON: When the project was approved, both
7 at the Planning Commission and at the Council.

8 STEVE RICE: Were they still up when you were in
9 negotiations with the Homeowners Association for what is now
10 Lot #34?

11 MARK ROBSON: Yeah, the negotiations date back to
12 2003, and as Mr. Knauf mentioned, they picked up their pace
13 December 2004, and the approval was April 2005.

14 STEVE RICE: So the story poles were up on #33
15 while you were negotiating for #34?

16 MARK ROBSON: Yes.

17 STEVE RICE: Thank you.

18 CHAIR MICCICHE: Commissioner O'Donnell.

19 COMMISSIONER O'DONNELL: The agreement Mr. Knauf
20 was reading from, that's with the Homeowners Association?

21 MARK ROBSON: Yes.

22 COMMISSIONER O'DONNELL: And so it's signed my
23 officers of the Association?

24 MARK ROBSON: It was signed by the officers, and
25 we had a lot of meetings with the Association to walk
through what we were doing.

1 COMMISSIONER O'DONNELL: Let me just ask you a
2 couple of questions. Who are the two people who signed? What
3 did they own? Okay, so there's one, and I think that was
4 unit #2.

5 MARK ROBSON: Yeah. Adele, did you sign? Peggy?

6 CHAIR MICCICHE: Excuse me; we've got to direct
7 things through the podium here.

8 MARK ROBSON: Commissioner O'Donnell, I don't
9 recall, other than Stephanie Carroll who spoke.

10 COMMISSIONER O'DONNELL: I'm just trying to
11 understand. As somebody has pointed out, I am a lawyer and
12 I'm stuck with that. But how many homes are there in the
13 Homeowners Association?

14 MARK ROBSON: Fourteen.

15 COMMISSIONER O'DONNELL: And it's your
16 understanding they voted on this and at least by a majority
17 approved this?

18 MARK ROBSON: Yes.

19 COMMISSIONER O'DONNELL: And at the time this
20 agreement was executed, was the Homeowners Association
21 represented by counsel?

22 MARK ROBSON: Yes.

23 COMMISSIONER O'DONNELL: Thank you.

24 CHAIR MICCICHE: Commissioner Quintana.

25 COMMISSIONER QUINTANA: I'm back to the agreement.
Could you explain what Recital D contained?

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1 MARK ROBSON: Let me get it, please. Hold on. We
2 just have the Staff Report. We don't have a copy of the
3 agreement, so I don't recall.

4 COMMISSIONER QUINTANA: So we don't know what's in
5 there?

6 MARK ROBSON: Correct.

7 COMMISSIONER QUINTANA: Okay, because what was
8 read to us simply said "and such house shall be
9 architecturally compatible."

10 MARK ROBSON: With all the other houses, because
11 at the time we wanted the flexibility to put whatever plan
12 we wanted to put on that lot depending on what fit the best,
13 and as Mr. Knauf said, he thought that the plan that we had
14 there fit the best.

15 COMMISSIONER QUINTANA: A one-story house could be
16 architecturally compatible as well, is that not correct?

17 MARK ROBSON: I think what we're trying to say is
18 that when you looked at the neighborhood and all the
19 exhibits were two-story houses, we were trying to tell them
20 that we were planning a two-story house there.

21 COMMISSIONER QUINTANA: Okay. It doesn't
22 specifically say that.

23 CHAIR MICCICHE: Mr. Kane, you had another
24 question?

25 COMMISSIONER KANE: Thank you for your answer.
It's very helpful, and I know there's been a duration that's

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1 substantial, and there's been a lot meetings and study
2 sessions.

3 I walked the property back in March or April and
4 saw the houses on the crest line and we moved them back 3',
5 and I saw #34; I was overwhelmed by that. We had great
6 discussions on intensity and density. I'd never seen #33
7 before and that's what I'm asking you to appreciate. I mean
8 #34. What was the one that was up, #35?

9 MARK ROBSON: No. We have 33. We're asking for a
10 34th.

11 COMMISSIONER KANE: So #33 was up?

12 MARK ROBSON: Yes.

13 COMMISSIONER KANE: That's what we talked about on
14 mass and density. I'd never seen #34 before, and when I did
15 see it for the first time it was overwhelming. So that's the
16 nature of my concern. It's not to say that you haven't been
17 cooperative and that it's been a long process, and I do
18 appreciate that and your answer. It's just I'd never seen
19 #34 before and now I'm wondering what to do about that
20 because that's new to me.

21 MARK ROBSON: It was in the Staff Report as an
22 exhibit. I mean your staff did have that in there in the
23 discussion.

24 COMMISSIONER KANE: Again, thank you for your
25 answer.

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1 CHAIR MICCICHE: Any other questions at this time?
2 Commissioner Quintana.

3 COMMISSIONER QUINTANA: The orientation of the
4 outdoors on this house is towards the west, is that correct?

5 MARK ROBSON: It's to the north and to the west.

6 COMMISSIONER QUINTANA: But predominantly to the
7 north.

8 MARK ROBSON: Well it's both. You've got a
9 backyard area here and also along here, but you also have a
10 courtyard along here, so effectively it is a backyard-to-
11 backyard orientation if you will, because you've got a
12 dining room here and a living room here and a courtyard in
13 between, and so we're expecting there to be some outdoor
14 activities right here.

15 COMMISSIONER QUINTANA: Okay, I think you just
16 said exactly the way I'm looking at it. It is a backyard
17 orientation and as opposed to the 10' setback is for a side
18 yard, not the actual living yard where you do most of your
19 work. So essentially this is a backyard-to-backyard
20 orientation, but it doesn't have the same setbacks as if it
21 were a single-family house back to back.

22 MARK ROBSON: But wouldn't you agree that the two-
23 story element-to-two-story element here, it's 75'? This is
24 where the two-story element starts right here, and this is
25 where theirs is right here, so it's got a wide...

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1 COMMISSIONER QUINTANA: I'm sorry, our Staff
2 Report says that from building to building it's 34'.
3 MARK ROBSON: That's from our single-story. The
4 gray is a single story here and here.
5 COMMISSIONER QUINTANA: And I think it also says
6 that building... I'm not sure about that, so I'm not going
7 to say. But previously when I asked what the building-to-
8 building on the south and north are, that was 75'. That
9 wasn't to second story, that was just building-to-building.
10 MARK ROBSON: Right, because we've got single-
11 story elements along here, and so I think that's one of the
12 alternatives that you guys are talking about is why not a
13 single story? And that's one of the arguments that we're
14 trying to make, that you've got a huge...most of the portion
15 of this building that's closest to these neighbors is
16 single-story along here.
17 COMMISSIONER QUINTANA: I think the issue--and this
18 really should come in the comment period--but since you keep
19 talking about single-story-to-single-story and two-story and
20 setbacks compatible with usual R1 zoning--I think the issue
21 is the visual impact, and that's the issue that has to be
22 addressed.
23 CHAIR MICCICHE: Is that a statement now or a
24 question or what?
25 COMMISSIONER QUINTANA: That was a statement.
CHAIR MICCICHE: All right. Any other questions?

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1 COMMISSIONER TALESFORE: I visited the site today
2 from both your Villa Felice site and also the backyard of
3 #5, and I would like to ask you, I'm hearing all the setback
4 number of feet and everything, and yet can you answer me
5 that when I'm standing in the backyard of #5, even though I
6 see the single-story unit and that doesn't bother me so
7 much, I'm still overwhelmed by what I'm seeing. It almost
8 looks like I'm standing two arm lengths away from
9 everything. I can't quite, even though you say it's 75', it
10 looks a lot closer. Could you answer that for me? Why would
11 that be?
12 MARK ROBSON: I don't know. We've taken it off the
13 plans. I think the distances are accurate. That's from
14 building-to-building, and so when you step into the backyard
15 you're lessening that, but maybe by 10'.
16 COMMISSIONER TALESFORE: Okay, so I think you
17 answered the question.
18 MARK ROBSON: Okay, well the 75' is from right
19 here, from these windows. This portion of the windows are
20 the clear story windows, so those are slightly closer, but
21 it's, I don't know, 50'.
22 COMMISSIONER TALESFORE: It's quite a wall that
23 I'm seeing. Anyway, I have another question for you, and
24 that is the trailer. Is that for sales only, or will you
25 have security in there?
MARK ROBSON: Sales only.

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1 COMMISSIONER TALESFORE: And the hours? I didn't
2 see it.

3 MARK ROBSON: I don't know that we've stated the
4 hours yet. Typically it's 10:00 to 5:00 weekends, noon to
5 5:00 weekdays.

6 COMMISSIONER TALESFORE: Thank you.

7 CHAIR MICCICHE: I think I'll close the public
8 hearing and open this up to the commissioners. Thank you.
9 Commissioners, we can either have comments, questions of
10 Staff, or a motion.

11 STEVE RICE: Question of Staff. Do we handle this
12 as three separate motions with the house itself, the model
13 homes and the sales trailer? Is it three issues to us, or is
14 it all one? Or is it our choice of how to handle it?

15 ORRY KORB: It really is your choice of how to
16 handle it, but given that I think there's some confusion on
17 some of the issues, maybe you should consider looking at
18 them individually and taking care of the easy ones first.

19 CHAIR MICCICHE: Comments, motion, or questions of
20 Staff.

21 COMMISSIONER QUINTANA: Well my question is are we
22 going to do it issue by issue, in which case I will save my
23 question on the right issue.

24 CHAIR MICCICHE: Our attorney has responded that
25 we should handle this issue by issue and try to do the easy
ones first.

1 COMMISSIONER QUINTANA: And we can make separate
2 motions?

3 CHAIR MICCICHE: That's what I understand.

4 COMMISSIONER QUINTANA: I think I more or less
5 heard pretty much consensus as far as the trailer and the
6 model homes go.

7 CHAIR MICCICHE: Would you like to ask for a
8 consensus? You can ask for it before a motion if you like.

9 COMMISSIONER QUINTANA: I'm going to make a
10 motion.

11 CHAIR MICCICHE: All right, make a motion.

12 COMMISSIONER QUINTANA: I move to approve the
13 sales trailer and the model homes with these additional
14 conditions. Give me a minute. I'm trying to find my notes
15 that I wrote during the meeting and that piece of paper
16 seems to be hiding. Okay, I'm going to do this from rote
17 because I can't find the conditions. But the condition
18 indicates that the sales trailer will be moved after the
19 final occupancy of the final dwelling. We heard from the
20 Applicant I believe that the trailer will be removed after
21 the model homes are built, so I would like to change that
22 condition.

23 ORRY KORB: So that would be a modification to
24 Condition Six of Exhibit K?

25 COMMISSIONER QUINTANA: Yes. That that be changed
to read, "The trailer shall be removed upon the completion

1 of the model homes." In addition I'd like to add that the
2 trailer be set back as far as possible from the wall to the
3 adjacent property. That's all I can remember right now.
4 CHAIR MICCICHE: Do we have a second?
5 COMMISSIONER TALESFORE: I second.
6 CHAIR MICCICHE: Do we have any comments on the
7 motion at this point?
8 RANDY TSUDA: Before you vote on that, also
9 include reference to the findings contained in Exhibit I.
10 Those are the considerations for the Site and Architecture
11 application.
12 CHAIR MICCICHE: So done.
13 COMMISSIONER QUINTANA: So done.
14 CHAIR MICCICHE: Any comments or other questions
15 on the motion at this point? Seeing none I'll call the
16 motion. All in favor? Against? It moves 7-0. We can start
17 discussion on the house item. Any comments first or
18 questions of Staff?
19 COMMISSIONER QUINTANA: Question of Staff.
20 CHAIR MICCICHE: Go ahead.
21 COMMISSIONER QUINTANA: The Conditional Use
22 Permits says that once there is an agreement that the
23 Planning Commission may approve another unit. My question
24 has to do with statements that have been made that since
25 there's already an agreement made between the homeowners and

1 the developer that it appears that the Commission is bound
2 by that agreement to approve an additional unit.
3 CHAIR MICCICHE: No, nobody said that.
4 COMMISSIONER QUINTANA: Okay, so the fact that
5 there's this agreement between the developer and the
6 Homeowners Association...
7 CHAIR MICCICHE: Irrelevant.
8 COMMISSIONER QUINTANA: ...should not affect our
9 discussion or decision on the land use issues involved.
10 CHAIR MICCICHE: I think that's apparent. We
11 didn't sign the agreement.
12 COMMISSIONER QUINTANA: Yeah, I'm not asking the
13 question of you, I'm asking it of Staff.
14 CHAIR MICCICHE: I answered you.
15 COMMISSIONER QUINTANA: Yes, you did.
16 RANDY TSUDA: The application still requires
17 approval of an amendment to the Planned Development, which
18 is a legislative action and is a change to the zoning and it
19 requires the approval of the subdivision application and
20 still requires approval of an Architecture and Site
21 application.
22 COMMISSIONER QUINTANA: Second question. Is the
23 Planning Commission making a recommendation on this?
24 RANDY TSUDA: Minor amendments to PDs are
25 approvable by DRC and this case referred to the Planning
Commission.

1 COMMISSIONER QUINTANA: Okay.

2 CHAIR MICCICHE: Questions of Staff?

3 COMMISSIONER O'DONNELL: We were just given sort
4 of an either/or, which I don't think is the choice here. I
5 think we can take into consideration the agreement; we are
6 not bound by the agreement.

7 CHAIR MICCICHE: Right.

8 COMMISSIONER O'DONNELL: I think when one sees
9 story poles we could take into consideration that it's very
10 hard to imagine what something is going to look like until
11 you see the story poles. And I do take that into
12 consideration. I take that very seriously. On the other
13 hand, it is not binding there either. In other words you can
14 say, "Gosh, that doesn't look very good but I'm going to
15 vote in favor of it."

16 What I find to be more persuasive than not is when
17 somebody who has followed this project as long as this group
18 has followed it, then accepts \$300,000 and signs an
19 agreement and are represented by counsel, and this is a
20 project where only one house is single-story, and both women
21 who have talked tonight said they knew that it was going to
22 be two stories before they closed on the deal, and then they
23 looked at the story poles, I think you can weigh that.

24 So I think it is not to say we cannot consider the
25 agreement. My view is we're just not bound by that
agreement. That's my comment.

LOS GATOS PLANNING COMMISSION 1/25/2006
Item #1, 15350 Winchester Blvd.

1 CHAIR MICCICHE: Any other comments, questions? Or
2 would someone like to make a motion? So Tom has decided to
3 make a motion. Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: I would move to approve
5 the proposal and make the required findings and
6 considerations as set forth in Exhibit I.

7 The approval would include the approval of
8 ordinance 2141, amendment to amend PD, that's Exhibit M;
9 approve the subdivision application subject to conditions
10 which are Exhibit J; approve the Architecture and Site
11 application subject to conditions Exhibit K.

12 And I think somewhere in this line we probably
13 should say that CEQA has been satisfied and we do recite in
14 the findings on Exhibit I that a mitigated negative
15 declaration has previously been made, and since this was
16 contemplated as possible at that time, the mitigated
negative declaration should apply here.

17 So I think those having been incorporated we have
18 a complete motion, and that's my motion.

19 CHAIR MICCICHE: It sounds complete. Do I have a
20 second?

21 STEVE RICE: I'll second.

22 CHAIR MICCICHE: All right. We have a motion and a
23 second. Comments? Commissioner Talesfore. I'll start here
24 and I'll come down the line.
25

LOS GATOS PLANNING COMMISSION 1/25/2006
Item #1, 15350 Winchester Blvd.

1 COMMISSIONER TALESFORE: I will not be supporting
2 the motion. I think as a Planning Commissioner and as a
3 Commission it's our role that we have to look closely once
4 again at this. This is a maybe; it's not a given. And I have
5 to look and see if there's a compelling reason for this
6 house and what would that be, and it has to be compelling on
7 both sides of the issues.

8 Planned developments originally are designed to
9 range development in a better way for the site so that it
10 doesn't increase any density and it can solve a lot of other
11 problems. I remember wrangling with this density issue the
12 first time around with this, with Villa Felice, and I
13 thought we did a really fairly good job, and now we have one
14 more house.

15 Quite frankly, I understand when people say, "Well
16 I looked at the story poles but I didn't quite understand
17 that." It takes time. Not everybody is very visual and you
18 can't fill in the spaces sometimes. But going out there
19 today and seeing that, I just really feel that there's not a
20 compelling reason to have a two-story structure when it can
21 be in my mind compromised with a one-story. What I heard is
22 that the neighbors wouldn't object to a one-story.

23 Unless it was a huge community benefit, such as
24 another BMP unit, perhaps I would consider that, and with
25 maybe an additional setback, it would be the only way I
could possibly look at this.

1 CHAIR MICCICHE: We have your comment. Commission
2 Kane.

3 COMMISSIONER KANE: Well as I said earlier, it's
4 very difficult to put myself in the position of the owner of
5 #5 and the impact that it would have on me, and the question
6 of land use law, the density, the intensity. It's good to
7 not make up your mind until you come to these hearings
8 because I was persuaded one way when I made this site, and
9 as I said I hadn't seen the poles before. But as
10 Commissioner O'Donnell and Commissioner Rice point out in
11 their questioning, there has been a great deal of due
12 process and people did know what they were doing when they
13 did it and they were represented.

14 CHAIR MICCICHE: Is that it?

15 COMMISSIONER KANE: No, I'm looking for guidance
16 from Staff.

17 CHAIR MICCICHE: For what, a comment?

18 COMMISSIONER KANE: No. Am I going off into left
19 field again, Counselor? I'm going to vote on this thing and
20 I want to express why it is I'm going to vote the way I
vote.

21 CHAIR MICCICHE: I think you have.

22 COMMISSIONER KANE: I think I just did, so I'll
23 leave it there. When Orry starts shaking his head I get
24 nervous.

25 CHAIR MICCICHE: Commissioner Quintana.

1 COMMISSIONER QUINTANA: I think this is a land use
2 issue and it's our responsibility to analyze projects within
3 that context.

4 So I think this is a huge visual impact, less than
5 the original, but still a huge visual impact to two units
6 and somewhat of a lesser impact to the remaining three units
7 #1 through #5. I'm not sure that reducing it to one story at
8 17' or 18' is going to reduce that visual impact and that
9 feeling of having a building looming over you.

10 So in addition, my rough calculations on the
11 distances between the houses is somewhat different. I came
12 up with 40' building-to-building on the first story,
13 compared to 75' for most of the other homes on the north and
14 south.

15 So I'm not going to vote for this. In addition, it
16 doesn't meet the setbacks.

17 CHAIR MICCICHE: Thank you. The only comments I
18 have are just to correct my own thinking. I believed when we
19 passed this PD the first time we were passing 34, subject to
20 an agreement coming along. We knew it. We saw the zoning
21 there before that, so we knew it ahead. So I'm in support of
22 Tom's motion at this point. Commissioner Rice.

23 STEVE RICE: A couple of things that haven't been
24 mentioned in this set of comments.

25 First of all, I think that the tree screen is
going to give far more shadow impact than the house itself.

1 I do believe that the developer has tried to address the
2 privacy issues with the types of windows and that type of
3 thing.

4 I did not have the history of voting on anything
5 dealing with this project before, but I think if you look at
6 it as a whole this drops in there nicely. I came in tonight
7 with the thought that--because having been out there--it is
8 big, and you've done something to reduce it, but it's still
9 a big wall there. But if while we're voting on that whole
10 project am I going to make you drop that one roofline by
11 what maybe 5' or 4'? I don't think so. I think it fits in. I
12 think it's appropriate, and what I've heard tonight
13 persuades me that the Homeowner's Association next door knew
14 what was going on.

15 CHAIR MICCICHE: I think I will call the motion
16 since I've had comments from all. All in favor? All against?

17 CHAIR MICCICHE: Two nos, five yays. Passes 5-2.

18 ORRY KORB: And anyone dissatisfied with the
19 decision of the Planning Commission can appeal the decision
20 to the Town Council. The appeal must be filed within ten
21 days. It must be filed upstairs in the Clerk's office. There
22 is a fee for filing an appeal.

Date: January 19, 2006
For Agenda Of: January 25, 2006
Agenda Item: 1

REPORT TO: The Planning Commission

FROM: The Development Review Committee

LOCATION: 15350 Winchester Boulevard
Planned Development Application PD-06-2
Subdivision Application M-06-2
Architecture and Site Applications S-06-12

Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026

PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

DEEMED COMPLETE: January 18, 2006 (Based on submittal date of revised plans)

FINAL DATE TO TAKE ACTION: July 18, 2006

FINDINGS: As required by Section 66474 of the State Subdivision Map Act.

CONSIDERATIONS: As required by Section 29.20.150 of the Town Code for Architecture and Site applications.

ACTION: The decision of the Planning Commission is final unless appealed within ten days.

ENVIRONMENTAL ASSESSMENT: A Mitigated Negative Declaration has been previously made for the approved Planned Development for this site. It has been determined that this project will not have additional environmental impacts and an addendum to the Mitigation Declaration was prepared.

EXHIBITS:

- A. Ordinance No.2141 (Exhibit B not included).
- B. Letter of Justification (two pages) received January 18, 2006.
- C. Excerpts for relinquishment of parking easement (pages 11 and 14).
- D. DRC minute excerpts from the meeting of December 6, 2005.
- E. Letter from Adele Guerzon (one page) received November 30, 2005.
- F. Letter from Robert Peter Liljegren (one page) received December 1, 2005.
- G. Letter from Sydney and Peggy Levin (one page) received December 6, 2005.
- H. Addendum to Mitigated Negative Declaration.

- I. Required findings and considerations.
- J. Recommended conditions of approval for the Subdivision Application.
- K. Recommended conditions of approval for the Architecture and Site Application.
- L. Shadow Study.
- M. Ordinance 2141 Amendment (including development plans) received January 18, 2006.

A. BACKGROUND

On April 4, 2005, Town Council adopted Ordinance No. 2141 (Exhibit A) for a Planned Development (PD) at the subject site (Villa Felice). This PD allows the following uses:

- Demolition of the existing one story duplex, detached garage and shed.
- Demolition of the Villa Felice restaurant including administrative offices and support services and the motel.
- Construction of 28 market rate single family residences and five Below Market Price (BMP) units. 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 DRC.

On July 19, 2005, the DRC approved the tentative map for the subdivision and the architecture and site applications for the 28 market units and five BMP units. The existing buildings have been demolished and subdivision improvements are under construction. Building permits have been filed for the units.

An agreement has been reached between the applicant and the adjacent Villa Felice Townhouse development to eliminate the existing parking easement (Exhibit C). Therefore, the applicant filed applications for the additional unit as permitted by the approved PD. The applicant had met with the neighbors prior to submittal and had thought that all issues of concern had been met. The DRC considered this matter on December 6, 2005 where several neighbors raised concerns regarding the visual impacts of the proposed house (Exhibit D). These concerns were raised based on the installation of the story poles which made the scope of the project more clear to the neighbors. It appeared that the neighbors concerns could not be completely mitigated; therefore, the matter has been referred to the Planning Commission for consideration.

Please note, for security and safety reasons, the development is gated and locked. To make arrangements to visit the site, please contact applicant, Rick Knauf at 345-1767 (work) or 761-5188 (cell).

B. REMARKS - ADDITIONAL UNIT

1. Application Request

Planned Development - The applicant is requesting approval to amend the approved PD to add one additional lot and residential unit for a total of 29 market rate single family residences and five BMP units on 5.91 acres. The additional unit will not trigger an increase in the number of required BMP units. The approved density of the development for the subject site is 4.7 units per acre (excluding the BMP units). The proposed density is 4.9 (excluding the BMP units). 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. As stated above, the approved PD allowed one additional unit if the adjacent Villa Felice Townhouse development agreed to eliminate the existing parking easement. The applications are consistent with the approved PD. Pursuant to the approved PD, this request is a minor amendment and is not required to be forwarded to Town Council.

Subdivision - The proposed lot will contain 8,070 square feet. The approved lots range in size from 2,152 square feet to 6,915 square feet. The minimum lot size required for the underlying zone is 8,000 square feet.

Architecture and Site - The applicant is requesting approval of plans to construct a 2,248 square foot two story single family residence with a 445 square foot attached garage. The approved market rate units range in size from 2,165 to 2,943 square feet. The maximum height of the proposed residence is 22 feet two inches. The heights for the approved two story units range from 23.5 to 25 feet. The subject house has been designed with a lower height in an attempt to mitigate neighbor concerns. Exterior materials will consist of plaster and stone siding, wood and copper trim and a clay tile roof.

The floor plan, architectural style, colors and materials of the proposed house are similar to an approved house plan, but have been modified slightly in an attempt to mitigate neighbor concerns as discussed further in this report. During the PD process, staff and the Town's Consulting Architect concluded that the proposed house designs were good, the houses relate well to each other and the proposed siting and landscaping produce a good environment. The proposed setbacks are consistent with the approved setbacks for the other parcels.

2. Traffic

The traffic generated from the approved PD and this proposal is 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.

3. Parking

The required parking for this site with the additional unit is 102 parking spaces, at a ratio of three spaces per unit. The applicant is proposing a total of 122 spaces at a ratio of 3.7 spaces per unit.

The existing Villa Felice town homes have a parking easement for 19 existing parking spaces and a turnaround along the western property line of the subject properties for guest parking during daylight hours. These spaces are not required parking for the town homes. As stated earlier in this report, an agreement has been reached between the applicant and the adjacent Villa Felice Townhouse development to eliminate the existing parking easement. The applicant proposes to utilize a major portion of this area to add an additional lot and house. Eight parking spaces will remain in this area.

4. Grading

Aside from the grading required to lower the building pad as a mitigation to reduce the visual impact, no additional grading will be required for this project since the area of construction is currently improved with a level parking lot.

5. Trees

No additional trees will be impacted as a result of this project. As part of the approved PD, the applicant will plant 11 - 36 inch box European Olive trees along the property line adjacent to the existing Villa Felice town home development for screening purposes.

6. Environmental Assessment

A Mitigated Negative Declaration has been previously made for the approved Planned Development for this site. The subject application was referred to the Town's Environmental Consultant to determine whether or not the work proposed required additional environmental review. It has been determined that this project will not have additional environmental impacts and an addendum to the Mitigated Negative Declaration was prepared (Exhibit H).

7. Neighborhood Concerns

The grade of the adjacent Villa Felice town houses is approximately four feet lower than the existing grade at Villa Felice. The approved PD for the Villa Felice town houses indicate that the required and proposed rear setback for these units is 24 feet. The Town has received three letters of concerns from adjacent neighbors (Exhibits E, F and G). The major concerns expressed by the neighbors deal with loss of privacy and light. Photographs of the story poles were also submitted by an adjacent neighbor, who is closest to the proposed house, to illustrate the privacy impacts into his yard and home. There is approximately a 34 foot distance between this neighbor's house and the proposed house. This neighbor will be impacted with a one or two story home. The photographs do not copy clearly, so they will be provided at the hearing.

The applicant has met with the neighbors in an attempt to mitigate their concerns. The following changes have been made to the plans subsequent to the DRC review (Exhibit B):

- **Grade Change** - The grade of the proposed lot has been lowered 1.3'. This will result in a grade differential of approximately three feet between the adjacent Villa Felice town houses and Villa Felice as opposed to the existing four feet.
- **Single Story Elements** - Two single story elements have been lowered by utilizing a gable roof.
- **Deck Removal** - The second story deck has been eliminated
- **Windows** - All of the second story windows along the Villa Felice town house western property line are clerestory with the exception of two windows in a secondary bedroom which are 55 feet from the property line. Clerestory windows were required for several of the approved units to mitigate privacy concerns.

Since one of the neighbors was opposed to a new residence and some of the neighbors expressed an interest in a one story structure, it is questionable if these changes will mitigate neighbor concerns. The story poles reflect the original and current proposal. The orange netting shows the original proposal and the green netting represents the modifications discussed above.

8. Sales Trailer and Model Homes

The applicant is also requesting approval to allow two of the approved units to be used as model homes (Lots 30 and 31) and that a sales trailer with guest parking be permitted in the existing parking easement area, adjacent to the proposed lot. Since this pad is existing, is near the entrance of the development and is outside the area of construction, it is the most logical and safe location for the trailer. The applicant is analyzing options on where to locate the trailer within this pad area and how to reduce the height of the trailer to reduce visual impacts to the adjacent neighbors, while meeting all building code/ADA requirements. The applicant will discuss their findings on this matter at the hearing. Conditions have been included that require the model homes to be converted to residential units prior to occupancy and that the sales trailer be removed from the site prior to occupancy of the last unit.

C. RECOMMENDATION

If the Planning Commission finds merit with the proposal, they should:

1. Make the required findings and considerations (Exhibit I).
2. Approve Ordinance 2141 Amendment to amend the PD (Exhibit M).
3. Approve the Subdivision Application subject to conditions (Exhibit J).
4. Approve the Architecture and Site Application subject to conditions (Exhibit K).

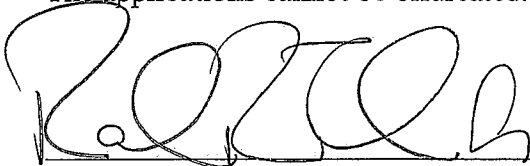
If the Commission has concerns with the applications, they can:

1. Continue the matter to a date certain with specific directions.

January 25, 2006

2. Approve the request for a sales trailer and model homes and deny the request for an additional lot and unit.
3. Deny the entire request.

The applications cannot be bifurcated.

A handwritten signature in black ink, appearing to read 'Bud N. Lortz', written over a horizontal line.

Bud N. Lortz, Director of Community Development

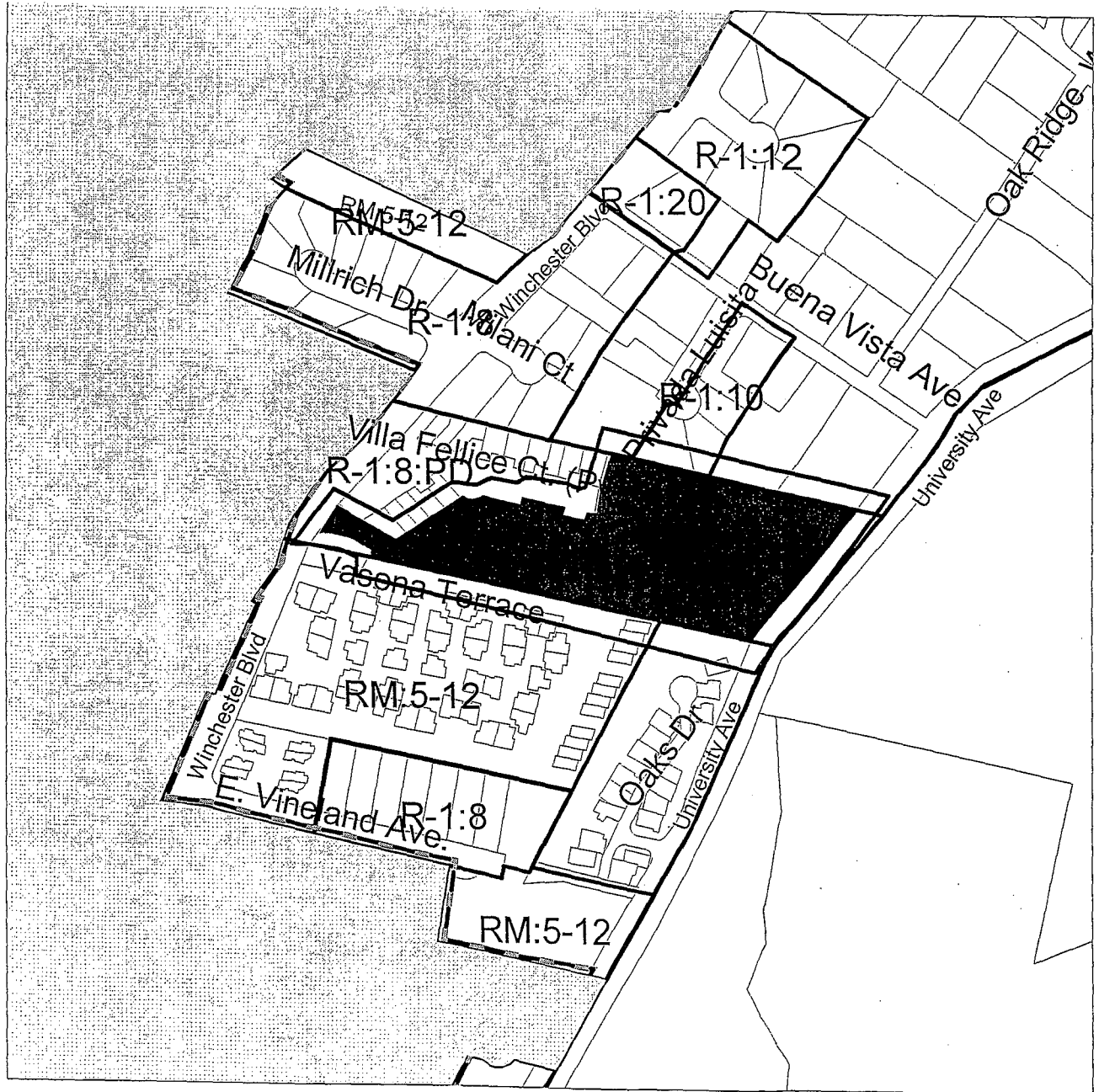
Prepared by: Sandy L. Baily, Associate Planner

BNL:SLB:mdc

cc: Santa Clara Development Co, 2185 The Alameda, San Jose, CA 95126

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15350 Winchester Blvd.



ORDINANCE 2141

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 28 market rate single family residences and five 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), 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, minor grade changes, increase of separation between houses, plate height reductions and other design features which reduce the intensity of the development without impacting the quality of the life for the future residents. 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, 15 -36 inch box trees and five 48 to 86 inch box trees shall be planted in the backyards of Lots 1 through 12. Twelve additional 36 inch box trees shall be planted along the northern property line. The applicant shall work with the adjacent homeowner associations 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.
22. **GATE CONNECTIONS.** During the Architecture and Site process, the applicant shall explore the possibility of providing gate connections to the northern and southern neighborhoods. The applicant shall meet with and receive input from these neighborhoods regarding the connections.
23. **HOUSE SIZES.** No additional square footage shall be permitted for any of the units except for cellars if approved during the initial Architecture and Site approval process.
24. **PARKING.** During the Tentative Map/Architecture and Site process, the applicant shall explore the possibility of adding "pocket" visitor parking spaces. These spaces shall not impact the proposed ambiance of the main roadway the ambiance of a living unit nor shall it impact pedestrian circulation.

(Building Division)

25. ***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.
26. ***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.
27. ***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.

28. *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.
29. 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.
30. 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.
31. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36."
32. 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.
33. *GREASE TRAP. The abandoned grease trap and affected surrounding soils shall be removed as part of the demolition process.
34. *LEAD-BASED PAINT. Lead-based paint should be handled in compliance with federal and state OSHA requirements as described in the lead survey report.
35. 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.
36. 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)
37. 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
38. 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.
- 39. TITLE 24 ENERGY COMPLIANCE: California Title 24 Energy Compliance forms CF-1R and MF-1R must be blue-lined on the plans.
- 40. 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.
- 41. 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.
- 42. 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.
- 43. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer. (Business and Professionals Code Section 5538)
- 44. 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)

- 45. 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.
- 46. 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.

47. JOINT TRENCH PLANS. Joint trench plans shall be reviewed and approved by the Town prior to issuance of the grading permit.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. 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.

54. 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.
55. 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.
56. *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.
57. 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.
58. 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.
59. EXISTING EASEMENTS. Existing easements shall be abandoned concurrently with 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. 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.
62. DEMOLITION. Existing buildings shall be demolished prior to recordation of the final map.
63. 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.
64. 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.
65. PRIVATE SIDEWALK. The on-site private sidewalk shall be connected to the public sidewalk on Winchester Boulevard.
66. PUBLIC SIDEWALK. The public sidewalk in the vicinity of the project entrance shall be modified to comply with ADA cross-slope requirements.
67. 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.

68. 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.
69. 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.
70. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
71. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a demolition permit.
72. 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.
73. 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.
74. 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.
75. 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
76. NEIGHBOR ACCESS. Access to neighboring properties shall be maintained at all times during construction.
77. 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.
78. 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.

79. *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.
80. 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.
81. 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).
82. SITE DRAINAGE. Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed.
83. 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.
84. 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.
85. 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.

86. 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.
87. 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.
88. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
89. 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.
90. 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.
91. 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.
92. *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 ff 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.
93. 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.
94. 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

95. 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.
96. 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.
97. 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.
98. 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.
99. 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.
100. 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.
101. 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

In the event that any part of this ordinance is held to be invalid, the invalid part or parts shall be severed from the remaining portions which shall remain in full force and effect.

SECTION VII

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on March 21, 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 April 4, 2005 and takes effect 30 days after it is adopted.

COUNCIL MEMBERS:

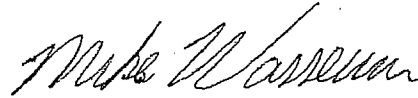
AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Mayor Mike Wasserman

NAYS: Barbara Spector

ABSENT: None

ABSTAIN: None

SIGNED:

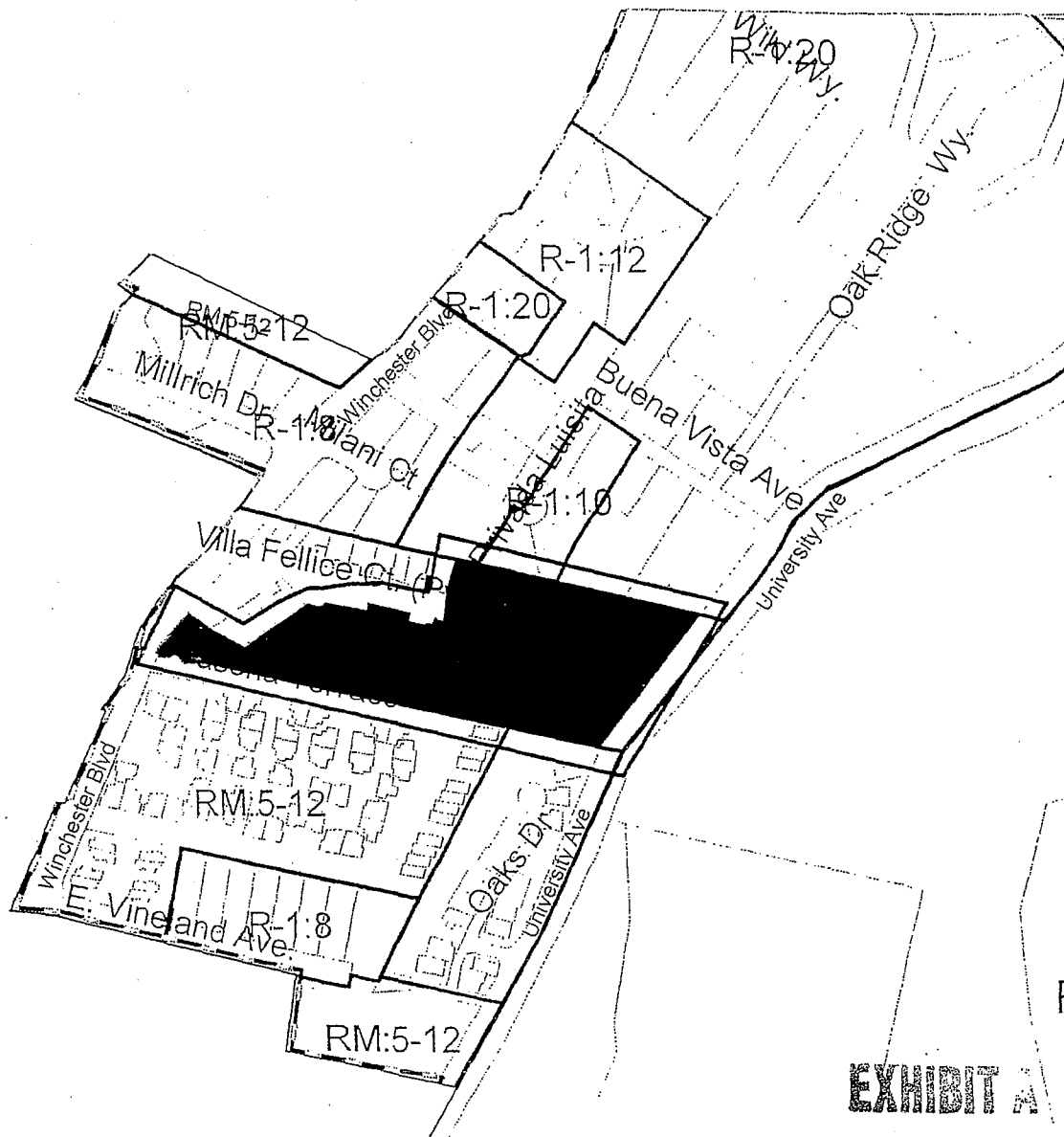


MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

15350 Winchester Blvd.



TOWN OF LOS GATOS

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

☒ Zone Change
☐ Rezoning

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

Forwarded by Planning Commission

date 2/9/05

Approved by Town Council

date 4-4-05

Ord. 2141

Town Clerk Marilyn Kauffman

Mayor Mark Wilson

EXHIBIT A



SANTA CLARA DEVELOPMENT

An affiliate of Robson Communities

January 10, 2005

RECEIVED

JAN 18 2006

TOWN OF LOS GATOS
PLANNING DIVISION

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

Re: Villa Felice Project - 15350 Los Gatos Boulevard, Los Gatos

Dear Mr. Lortz:

The purpose of this letter is to request a minor amendment to the approved PD Zoning and Architectural and Site approval for the Villa Felice Development to add one additional residential home and allow for a temporary sales trailer. The number of dwelling units for this project would increase from 33 to 34 and the density would remain within the approved density of 5-12 units per acre range. The density for the property increases from 5.58 to 5.75 units per acre.

Background

Town Ordinance 2141 amended the PD Zoning for this property to RM:5-12PD and specifically addresses the potential addition of a unit in article 21 "Additional Unit". The ordinance states: "One additional unit may be permitted if the applicant and the adjacent Villa Felice Townhome 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."

We concluded our Agreement with the Villa Felice Townhome Association to eliminate the parking easement (western portion of site), and recorded a quitclaim deed and Amendment to the CC&R's on July 25, 2005. This Agreement included our intention to develop and construct a house on a portion of the parking easement area; the house is to be compatible with other houses we are constructing on the property.

In December 2004, the Association requested to see a plan for the 34th lot; we showed them the proposed plan and they approved the same. The plan we have submitted to the Town is for the same home in the same location as was shown to the Association.

We met with the Development Review Committee on December 6, 2005 to present our plans, and at that meeting, the adjacent homeowners from the Villa Felice Townhome Association voiced concerns over the design and layout of the additional home. The primary concerns were:

- . The two-story home
- . The loss of privacy

Response to the concerns

Since the December DRC meeting, we have adjusted the design of the home in an effort to alleviate the concerns posed by members of the Villa Felice Townhome Association.

2185 The Alameda, Suite 150 • San José, California 95126-1109
Tel (408) 345-1767 Fax (408) 345-1768

Exhibit B

To lower the home, we modified the grading plan and lowered the pad elevation 1.3 feet. It should also be noted that the height of this home is 22 ¼ feet, which is low for a two-story home.

We have made several modifications to the elevation of the home facing the Association residents (left elevation) to address concerns over the potential loss of privacy:

- . The deck on the second floor has been removed.
- . All of the second story windows are clerestory windows with the exception of two windows in a secondary bedroom which are 55 feet from the property line, a generous condition in Los Gatos.
- . Both single story elements have been lowered utilizing a gable roof.

There are additional details of our plan that provide a buffer between the new development and the neighboring townhomes:

- . 11 fruitless olive trees (36" box trees) will be planted along the western property line. The Association has approved the species.
- . The minimum distance from the proposed home to the western property line is 10 feet, and this portion of the home is a one-story element. The minimum distance to any second story element is 21 feet.

The story poles have been modified to reflect the changes described above. The orange netting shows the original conditions and the green netting represents our modifications as outlined in this letter. As the site is currently gated and locked, please call me at (408)345-1767 (cell # is (408)761-5188) prior to your visit so I can make sure you have the proper access to view the story poles.

In closing, we have acted in good faith about our intentions from the start (going back to December 2004). In the spirit of cooperation we have lowered the pad elevation of the home, removed the deck and modified several windows to address the neighbors concerns. Please consider this in your review of this application.

Sincerely,
Santa Clara Development Company


Rick Knauf

(a) In the event Buyer closes escrow under the Bersano Sale Agreements described above and under this Agreement, then Buyer intends to develop and construct a house on a portion of the original Parking Easement area referred to in Recital D above that is adjacent to the Parking Area referred to in the CC&R Amendment (and such house shall be architecturally compatible with the other houses contemplated to be constructed by Buyer on the Purchase Property). The Homeowners Association acknowledges Buyer's right to develop and construct such house as described in the immediately preceding sentence and has no objection to the same. The Homeowners Association, on behalf of itself and its members, agrees not to object to or oppose the development or construction of such house as described above.

(b) Principals and affiliates of Buyer are real estate brokers or salespersons licensed in the State of Arizona.

ARTICLE 8
NOTICES

All notices called for pursuant to these instructions shall be given in writing by personal delivery, or by facsimile (with copy of such notice sent not later than the next day by mail or overnight private courier in accordance with the provisions herein) or by overnight mail or overnight private courier. Facsimile notices shall be deemed received on the day sent if sent prior to 6:00 p.m. Pacific Time or if sent after 6:00 p.m. Pacific Time, then deemed received on the next day. Overnight mail or couriered notices shall be deemed received the day following deposit into the U.S. mail or delivery to the private courier. Mailed or couriered notices shall be addressed as set forth below, but either party may change its address by giving written notice thereof to the other in accordance with the provisions of this Article.

To Homeowners Association: Villa Felice Homeowners Association
c/o Angius & Terry
1990 N. California Blvd., Suite 950
P.O. Box 8077
Walnut Creek, CA 94590
Attn: Daniel Angius
Facsimile No.: (925) 939-9934

To Buyer: Santa Clara Development Company
2185 The Alameda
San Jose, CA 95126
Attn: Mark Robson
Facsimile No.: (408) 761-5188

With a copy to: Berliner Cohen
10 Almaden Boulevard, 11th Floor
San Jose, CA 95113
Attn: Sam Farb, Esq.
Facsimile No.: (408) 998-5388

10.10 Assignment. Buyer shall have a right to assign this Agreement and its rights and obligations hereunder subject to the prior written approval of the Homeowners Association (which approval shall not be unreasonably withheld or delayed). The preceding notwithstanding, without the Homeowners Association's prior written consent but upon written notice to the Homeowners Association, Buyer may assign its rights and obligations under this Agreement to any affiliate of Buyer or an entity controlled by, controlling or in common control with Buyer.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date(s) written below.

BUYER:

Dated: June 1, 2005

ROBSON HOMES, LLC,
a California limited liability company

By: Robson Properties, Inc.,
a California corporation

Its: Managing Member

By: [Signature]
Name: Mark E. Robson
Its: President

HOMEOWNERS ASSOCIATION:

Dated: June 2, 2005

VILLA FELICE HOMEOWNERS ASSOCIATION,
a California nonprofit mutual benefit corporation

By: [Signature]
Name: Stephanie Carroll
Its: President
By: [Signature]
Name: BEIAN NORTH
Its: Secretary

The undersigned hereby accepts and agrees to follow the escrow instructions contained in this Agreement.

FIRST AMERICAN TITLE COMPANY

By: [Signature]
Name: Renee Stenesen
Its: AVP

RECEIVED

NOV 1 2005

TOWN OF LOS GATOS
PLANNING DIVISION

Excerpt from DRC Minutes
December 6, 2005
-2-

PUBLIC HEARING

ITEM 2: 15350 Winchester Boulevard
Planned Development Application PD-06-2
Subdivision Application M-06-2
Architecture and Site Applications S-06-12

Requesting approval to amend a Planned Development from 33 residential lots to 34 residential lots, approval of the subdivision for the extra lot and approval to construct a single family residence on the new lot and to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026
PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

1. *Chair Baily* opened the public hearing.
2. Staff gave report on proposed project.
3. Applicant was introduced.
4. Members of the public were present:

Peggy Levine, Unit #15, expressed concern for her neighbors.

Adele Guerzor, Unit #2, stated that story poles emphasized the impact which would reduce her privacy. She would favor a single story.

Barbara Summers, Unit #1, expressed concern for her neighbors.

Leonard Ataide, property management company representing Unit #3, expressed concern over the height of the building.

Christine Kuhn, Unit #14, expressed concern for neighbors.

Peter Liljegren, Unit #5, believes he's most impacted. He provided photos. Loss of privacy and light are his biggest issues. He is also concerned with the loss of property values. A cellar was recommended instead of a second floor.

Mary Bogatellos, Unit #26, on the south side of the development, expressed concern regarding loss of parking and wanted to make sure the applicant was aware that townhouse developments always seem to struggle with parking demands.

The applicant responded that they are willing to get rid of the deck and eliminate windows. They may be able to clip the roof and possibly drop one foot. They may also be able to drop the plate of the dining room. However, they prefer to keep the second floor.

5. Public hearing closed.
6. *Ghiossi* moved to forward the matter to the Planning Commission.
7. *Parsons* seconded, motion passed unanimously.

November 27, 2005

RECEIVED

NOV 30 2005

RE: Proposed Planned Development Changes At 15350 Winchester Blvd

TOWN OF LOS GATOS
PLANNING DIVISION

Town Of Los Gatos
Los Gatos Planning Commission
110 E. Main St
Los Gatos, CA 95031

Dear Los Gatos Planning Commission,

Santa Clara Development Co.'s proposal to add a two story home behind Villa Felice Units #4 and #5 (15300 Winchester Blvd) is a bad plan. The addition of a two story home is a gross invasion of privacy for units #4 and #5 but also my residence at Villa Felice Unit #2. This proposed home with balcony can be seen from my living/dining room, 2nd bedroom and my backyard. The story poles helped clarify the impact of this poor proposal.

I respectfully ask that the request to add a two story home in that specific location be rejected. I would suggest that a one story home is more appropriate for that particular location.

Thank you for your time and attention on this matter. I have received the public notice to review this subject on December 6th @ 9:00 AM. I will plan to attend the public hearing.

Sincerely,



Adele Guerzon
Villa Felice Homeowner, Unit #2
(408) 354-9920

ALG

cc: Santa Clara Development Co.
Villa Felice HOA Board of Directors
Villa Felice Homeowners, Units 1-5
Jones and Forrest, Inc.

Exhibit E

November 30, 2005

RE: Proposed Request to Amend Planned Development From 33 Residential Lots to 34 Residential Lots at 15350 Winchester Blvd.

Town of Los Gatos
Los Gatos Planning Commission
110 East Main Street,
Los Gatos, CA 95031

Dear Los Gatos Planning Commission,

Development REVIEW Committee

Santa Clara Development Corporation's proposal to add a two story home behind Villa Felice Units #5 and #4 (15300 Winchester Blvd.) is a bad proposal. The addition of a two story unit and the precise placement of that balconied Unit on the Easement – only 10 feet from our boundary wall: adversely impacts lighting, privacy, esthetics and near & long term property values of Units #5 through #1 in total dollar amounts far greater than \$300,000. The greatest damage would be to Unit #5, then Unit #4 then #3, #2 and #1. While two story drawings indicate a damaging impact, the story- poles clarifies this threat of turning our environment into something comparable to a high density low rent student ghetto.

I respectfully ask that the Planning Commission reject the requested amendment to increase approved residential lots from 33 to 34. Open space is a better use of this land. My initial suggestion: reject all requests to increase lot density until: a) a specific building is architected and 'foot printed' to the ground (a general example: a small single story with a living basement), b) any specific building and site plan must be unanimously approved by Units #5, #4, #3, #2, and #1 and c) any City approval to increase lot size is rescinded if Santa Clara Development Corporation later revises building and site plans that were approved by Units #5, #4, #3, #2 and #1.

Thank you for your time and attention on this matter. I have received the public notice to review this subject on December 6th at 9:00 AM. I plan to attend the public hearing. Do your best to schedule it early on your calendar, as I have work obligations later in the morning.

Sincerely,

R. Peter Liljegren

Robert Peter Liljegren, cell: 650 346 3267
Villa Felice Homeowner, Unit #5

cc: Santa Clara Development Corporation
Villa Felice HOA Board of Directors
Villa Felice Homeowners, Units #1-5
Jones and Forrest, Inc.

RECEIVED
DEC 1 2005
TOWN OF LOS GATOS
BUILDING DIVISION

Exhibit F

Exhibit Submitted
at DRC

Sydney & Peggy Levin
15300 Winchester Blvd., #15
Los Gatos, CA 95030
408-395-6738

RECEIVED

DEC 6 2005

TOWN OF LOS GATOS
PLANNING DIVISION

December 1, 2005

Re: Proposed Planned Development Changes at 15350 Winchester Blvd.

Dear Los Gatos Planning Commission,

Thank you for the story poles showing the height of the proposed two-story building at 15350 Winchester Blvd., Los Gatos. They helped clarify the height and the obtrusiveness of the proposed building. We would like to register our particular concern for the owners of Units 2 through 5 (parallel to Winchester Blvd.) and our complaint as owners of Unit #15.

The construction of a two-story home at this new lot site is a gross invasion of privacy for Units 2 – 5 because the second story provides views into their living rooms, bedrooms and patios. A one-story building would be more appropriate.

The Planning Commission has expressed former concern with "intensity and density" of this project at planning commission meetings. Please view personally the story poles for this two-story proposed structure to appreciate the intensity and the impact this building will have on the neighborhood.

Thank you for your attention to this matter. We plan to attend the meeting in response to your notice of public hearing on December 6 at 9 a.m.

Sincerely,

Sydney and Peggy Levin
Villa Felice Residences, Unit 15
408-395-6738

Cc: Santa Clara Development
Villa Felice Homeowners
Jones & Forrest

Exhibit G

Addendum to the Mitigated Negative Declaration for Villa Felice Project

Planned Development Application PD-06-2 Subdivision Application M-06-2 Architecture and Site Application S-06-12

The Town of Los Gatos adopted a Mitigated Negative Declaration (MND) for the Villa Felice residential development project on March 21, 2005. The adopted MND and its supporting Initial Study (IS) provide the environmental analyses for the project as required under the California Environmental Quality Act (CEQA). The MND and IS also specify required mitigation measures that ensure the project's impacts are reduced to less-than-significant levels during and after completion of the project.

Subsequent to the approval of the proposed project, the project applicant prepared a revised project plan that incorporates certain changes into the project design. Under CEQA, the lead agency, the Town of Los Gatos, must make a determination regarding the potential environmental impacts resulting from such changes. CEQA *Guidelines* Sections 15162 and 15164 provide direction and guidance for the further evaluation of the project. Under certain circumstances, a subsequent EIR or negative declaration will need to be prepared for the proposed project (Section 15162). Alternatively, Section 15164(b) states:

"An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred."

The revised Villa Felice project proposes to develop 34 residential units rather than the 33 units originally specified by project design. The additional residential unit would be developed on a portion of the site that would have been developed with one residence and proposed parking (Lot 33). The additional residential unit would be consistent with the design plans for the previously proposed 33 units. The revised project design would reduce parking by 11 spaces; however, the revised project plans would still conform to the Town's parking requirements.

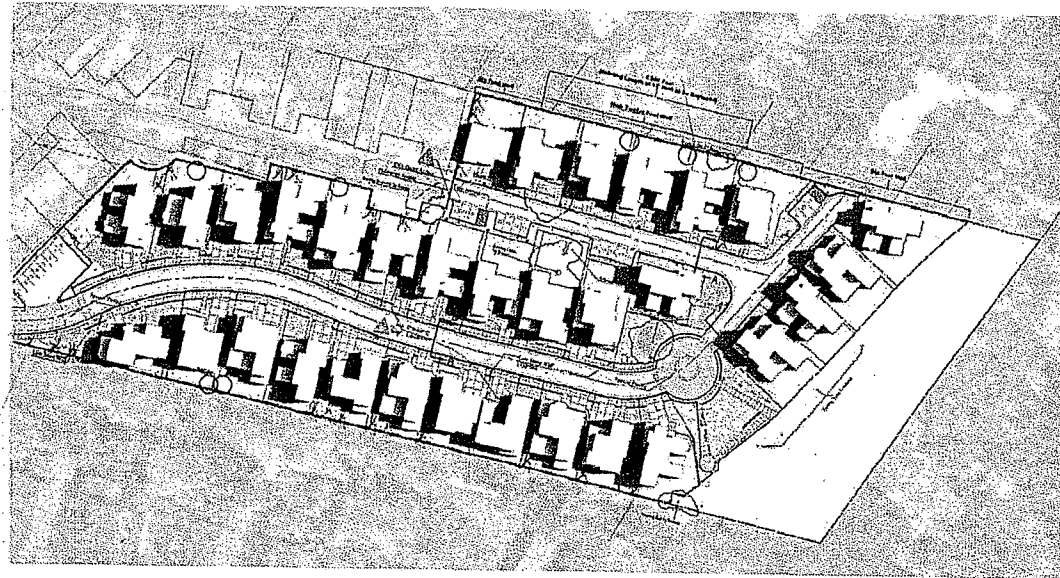
A review of the proposed project revisions was conducted in order to determine whether the revisions constituted substantial changes that will require major revisions to the MND. Under Section 15162 of CEQA, major revisions of a negative declaration are required if such substantial changes result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The review of the revised project indicated that the addition of one residential unit would not constitute a substantial change in the project and that the development of the additional residence would not involve new significant environmental effects or substantially increase the severity of previously identified significant effects. Consequently, the preparation of an addendum to the MND is appropriate for the revised project.

In order to address the project revisions, the adopted MND and IS were revised to account for the addition of one residential unit. The revised MND and IS are attached. No new significant environmental effects were identified during this review. The significant environmental effects identified under the adopted MND would not substantially increase in severity as a result of the

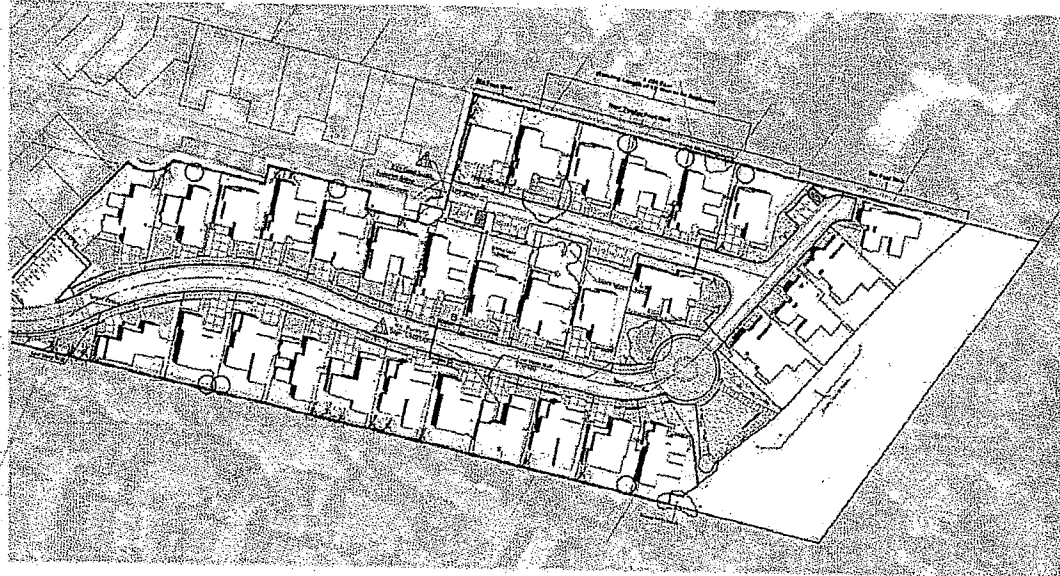
project revisions. The review identified potential environmental effects for aesthetics and parking. The environmental impact resulting from the addition of one residential unit to the proposed project was determined to be consistent with the impacts previously identified for the project; these environmental effects would be reduced to less-than-significant levels by the adopted mitigation measures. No new mitigation measures would be warranted for the revised project design.

Summer Solstice (Jun. 21)

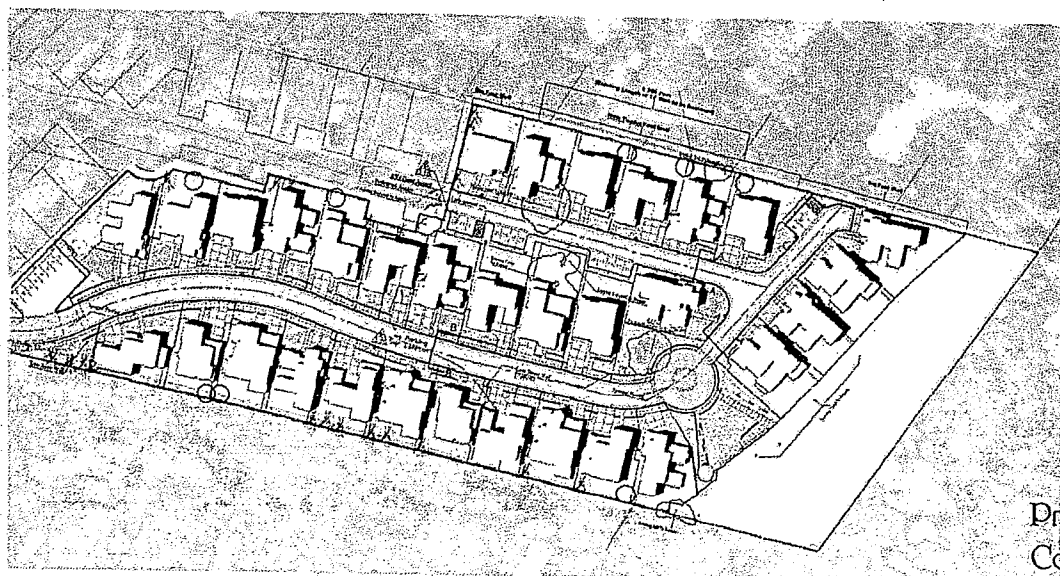
9:00 AM
Altitude: 35.4
Azimuth: 94.2



12:00 PM
Altitude: 69.6
Azimuth: 52.2

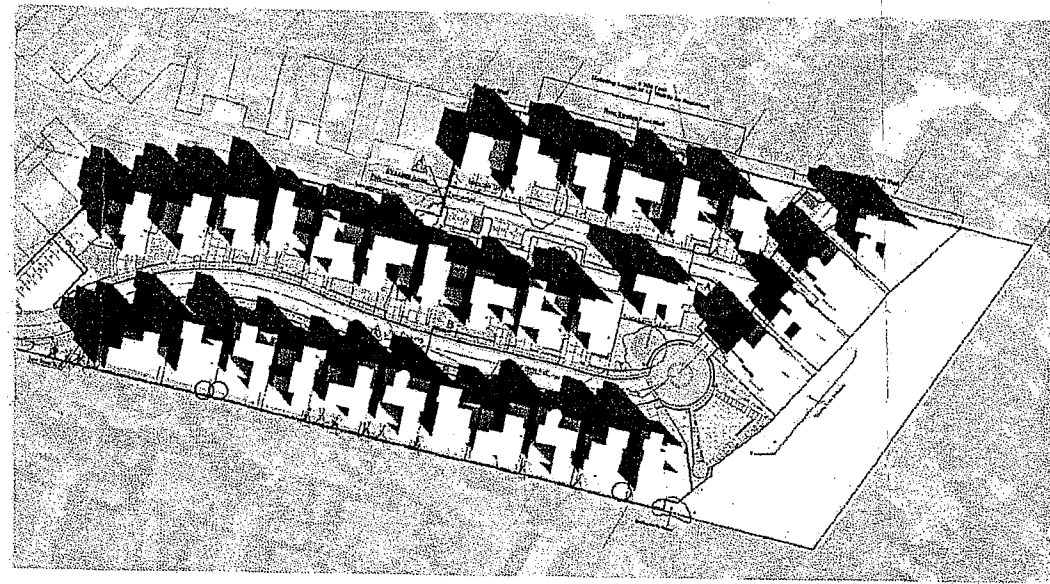


3:00 PM
Altitude: 62.7
Azimuth: -67.5

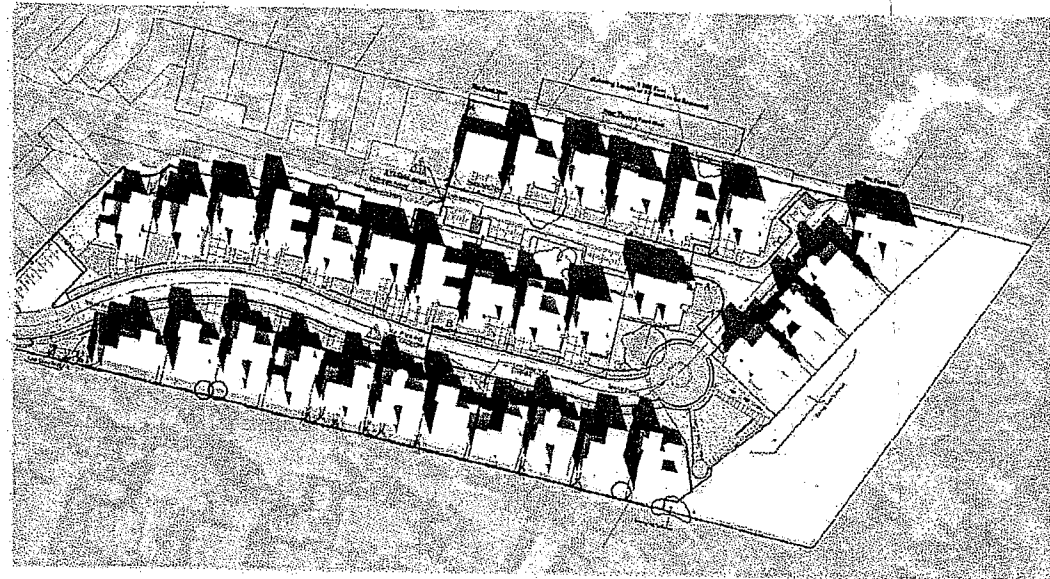


Winter Solstice (Dec. 21)

9:00 AM
Altitude: 15.15
Azimuth: 43.65



12:00 PM
Altitude: 29.30
Azimuth: 1.67



3:00 PM
Altitude: 16.85
Azimuth: -41.20



Project Site
Coordinates

Latitude: 37.245 N
Longitude: 121.972 W
Time Zone: Pacific Standard Time

RECEIVED

JAN 18 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Villa Felice

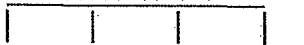


SANTA CLARA
DEVELOPMENT
A Division of Kohn Pedersen Fox Associates
2187 The Alameda, Ste. 170
San Jose, CA 95126
408.345.1767

DATE: 01-10-2006

PROJECT #: 03-642

SCALE:



NORTH
SHEET #: A-12

Preliminary
Shadow
Study



McLarand, Vasquez & Partners Int'l.

Exhibit L

Date: January 25, 2006
For Agenda Of: January 25, 2006
Agenda Item: 1
DESK ITEM

REPORT TO: The Planning Commission
FROM: The Director of Community Development
LOCATION: 15350 Winchester Boulevard
Planned Development Application PD-06-2
Subdivision Application M-06-2
Architecture and Site Applications S-06-12

Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM:5-12:PD. APNS 424-29-024 through 026

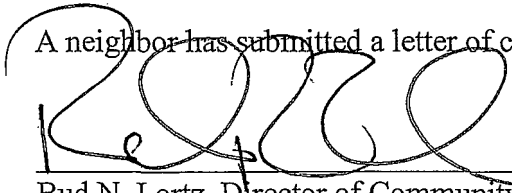
PROPERTY OWNER/APPLICANT: Santa Clara Development Co.

EXHIBITS: A - M: Previously Submitted
N. Letter from Sydney and Peggy Levin (one page) received January 25, 2006.

REMARKS

Subsequent to the review of the Development Review Committee, the applicant modified the lot configuration to provide more common area and less area for the proposed lot. Therefore, the currently proposed size of the lot is 7,000 square feet, not 8,070 square feet as noted in the report.

A neighbor has submitted a letter of concern regarding the new house (Exhibit N).


Bud N. Lortz, Director of Community Development

Prepared by: Sandy L. Baily, Associate Planner

BNL:SLB:mdc

N:\DEV\REPORTS\2006\willafelice.dsk.wpd

Sydney & Peggy Levin
15300 Winchester Blvd., #15
Los Gatos, CA 95030
408-395-6738

January 21, 2006

Los Gatos Planning Commission
110 East Main Street
Los Gatos, CA 95030

RECEIVED

JAN 25 2006

TOWN OF LOS GATOS
PLANNING DIVISION

Re: Proposed Planned Development Changes at 15350 Winchester Blvd.

Dear Los Gatos Planning Commission,

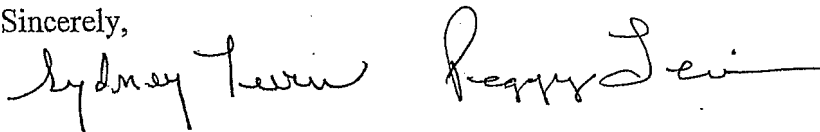
We have viewed the new story poles showing the height of the proposed two-story building at 15350 Winchester Blvd., Los Gatos. We would like to register our particular concern for the owners of Units 2 through 5 (parallel to Winchester Blvd.) and our complaint as owners of Unit #15.

The construction of a two-story home, even with the most recent proposed changes, at this new lot site is a gross invasion of privacy for Units 2 – 5. The second story shuts out light to those lots and creates extreme density and intensity to the properties. Desirable views from the windows and patios, especially from Units 5 and 4, are grossly compromised and property values are decreased. A one-story building would be more appropriate.

The Planning Commission has expressed former concern with “intensity and density” of this project at planning commission meetings. Please view personally the story poles for this two-story proposed structure to appreciate the undesirable impact this building will have on the neighborhood.

Thank you for your attention to this matter. We plan to attend the meeting in response to your notice of public hearing on January 25 at 7 p.m..

Sincerely,



Sydney and Peggy Levin
Villa Felice Residences, Unit 15
408-395-6738

Cc: Santa Clara Development
Villa Felice Homeowners

Exhibit N

Submitted at PC
meeting 1/25/06

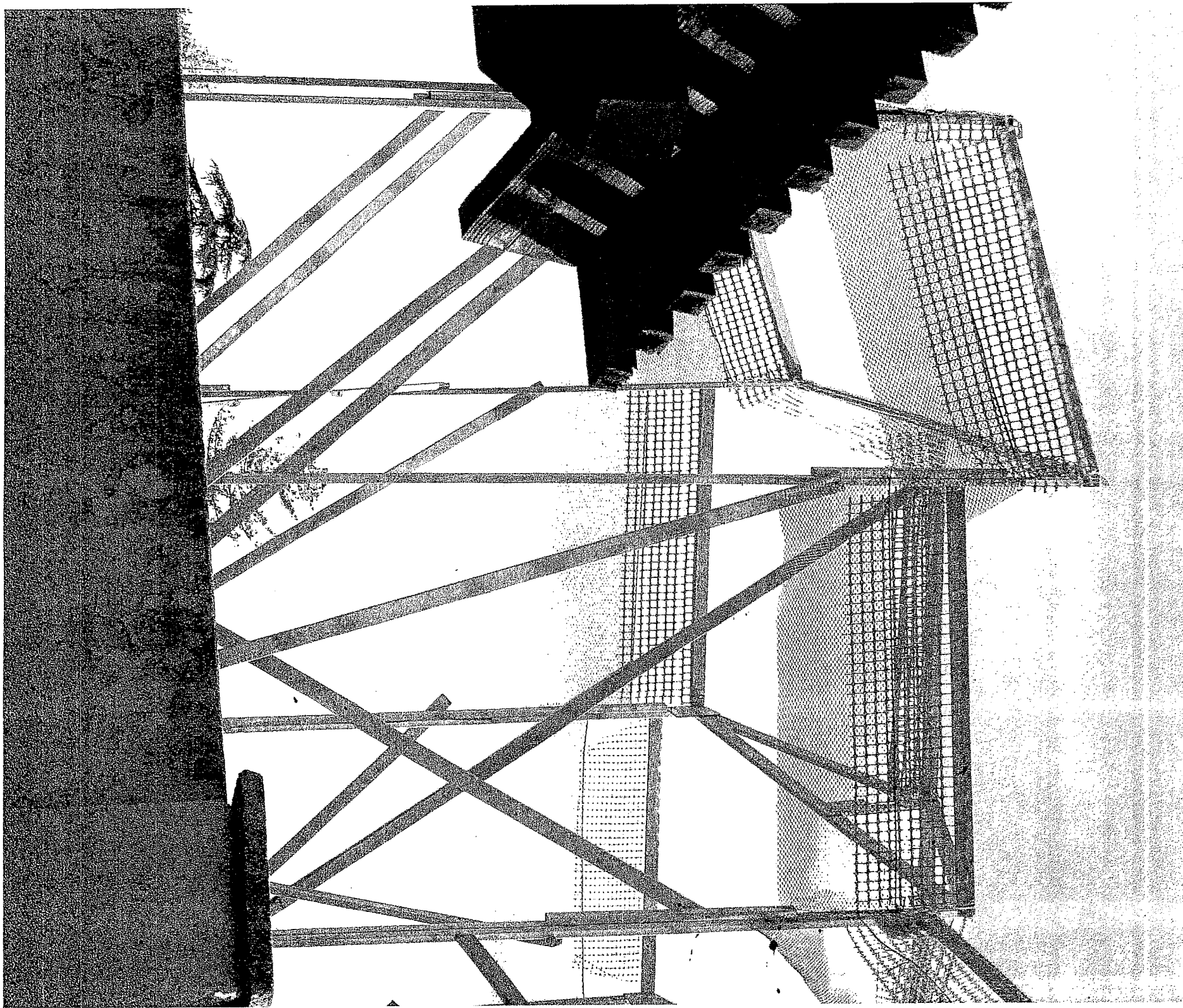


Attachment 9

Unit #5 VIEW FROM CENTRAL PART OF BACK BACK



Unit # 5 View From Master Bedroom Window





Unit #5 View From JACUZZI DECK



Unit #5 Back Yard View At Wall Level





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

March 14, 2006

Mayor and Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RECEIVED

MAR 14 2006

TOWN OF LOS GATOS
PLANNING DIVISION

RE: Villa Felice – Additional Home

Dear Mayor and Town Council:

On January 25, 2006 The Town's Planning Commission granted Santa Clara Development Company approval to construct an additional home in our Villa Felice project on an easement area previously purchased from the neighboring Villa Felice Townhome Association. The approval was subsequently appealed by the Villa Felice Townhome Association due to their concerns regarding privacy and the massing of the two-story elements of the proposed home. The purpose of this letter is to request that the Town Council uphold the Planning Commission's approval for the additional home.

The Association actively participated in the entitlement process for this project and the negotiations for the purchase/sale of the easement; they were fully aware of our intentions for the additional home. This being said, we have spent considerable time and resources to modify our plans to address their concerns. The design of the home we are submitting for approval today provides for privacy to the neighbors and is of a mass and scale appropriate for this neighborhood.

The original Conditions of Approval for the Villa Felice project allowed for one additional home if the parking easement on the western portion of our site was eliminated through an agreement with the adjacent Villa Felice Townhome Association. We signed an agreement with the Association in June 2005 to purchase the easement. In July 2005, we paid the Association \$300,000 and closed escrow on the property.

During the process of negotiations to purchase the easement from the Association, Santa Clara Development Company was up front with the Association about our intentions to construct an additional two-story home on the easement area.

- In December 2004, we met with the Association and its board to present a Letter of Intent to purchase the easement. At the same meeting, we presented a plan, which showed the proposed new home in the easement area – an identical plan was submitted to the Town in August 2005 with our application for the 34th lot. (See Exhibits A and B, letter and site plan dated December 2004)
- In January 2005, story poles representing the two-story massing of the homes in our project were placed throughout the site. In a specific effort to demonstrate to the Association what the additional home would look like, story-poles were placed on Lot 33, the lot immediately adjacent to the easement we were negotiating to purchase.

2185 The Alameda, Suite 150 • San José, California 95126-1109
Tel (408) 345-1767 Fax (408) 345-1768

Attachment 10

With legal representation, the Association signed the Agreement, which includes specific language in paragraph 7:2(a) addressing this issue: "Buyer intends to develop and construct a house on a portion of the original Parking Easement area referred to in Recital D above that is adjacent to the Parking Area referred to in the CC&R Amendment (and such house shall be architecturally compatible with the other houses contemplated to be constructed by Buyer on the Purchase Property). The Homeowner's Association acknowledges Buyer's right to develop and construct such house as described in the immediately preceding sentence and has no objection to the same. The homeowner's Association, on behalf of itself and its members, agrees not to object to or oppose the development or construction of such a house as described above." (See Exhibit C, complete paragraph)

Although the Association sold us the property with an agreement not to object to our proposed home, the Association voiced concerns over privacy and the massing of the home, ultimately filing an appeal. We have continued to modify our plans to design a home that fully addresses these concerns.

The neighbors' concerns are in reference to the second story elements of the home along the western property line. To secure the neighbor's privacy in this area, all second story windows facing the adjacent homes are designed as clerestory windows or frosted glass (See Exhibit D, elevations). Additionally, the minimum second story setback from the neighboring property line is 24 feet. This exceeds the 20-foot setback requirement of a typical R-1:8 Los Gatos neighborhood. The minimum distance from the neighbors' homes to the second story of the proposed home is approximately 45 feet (See Exhibit E, siteplan).

For the reasons outlined above, Santa Clara Development Company respectfully requests that the Council uphold the Planning Commissions approval to construct the additional home. Please note that the story poles on lot 34 have recently been re-constructed to show the changes made to our plans since the Planning Commission meeting - the home has been moved 3 feet further away from the western property line and two full size windows on the left elevation have been replaced with clerestory windows with a sill of 6 feet (See exhibits D and E). As the site is secure, please contact me at (408) 345-1767 or (408) 761-5127 so we can open up the gate for you to access the property.

Sincerely,
Santa Clara Development Company

A handwritten signature in black ink, appearing to read 'Mark Robson', written over the printed name.

Mark Robson



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

December 16, 2004

Board of Directors and Property Owners
Villa Felice Homeowners Association
15300 Winchester Boulevard
Los Gatos, CA 95030

RE: Parking Easement

Dear Board of Directors and Property Owners:

Thank you for meeting with us today to review our interest in the Parking Easement located on the Villa Felice Lodge property next door.

ORIGINAL PROPOSAL – March 16, 2004

- \$100,000 paid to the HOA to remove the easement from the property.
- No future visitor parking rights on the Villa Felice Lodge property.
- Subsequently we were asked to provide a site plan including the easement area and the plan included 2-3 homes in the easement area.
- Clean-up some CC&R issues including entry easement, sign easement that the Lodge property has on the HOA property, etc.

REVISED PROPOSAL – December 16, 2004

- \$300,000 paid to the HOA to remove the easement from the property.
- HOA members will be allowed to utilize the approximate 8 spaces in the front of our project under the same timeframes as the existing easement (visitors only during daytime hours).
- Revised site plan includes 1 home in the easement area.
- We will replace 2 sections of the wall that are damaged and our project will maintain the wall.
- Clean-up the CC&R issues.

This letter is intended to be a non-binding proposal until a complete and detailed Agreement is signed by both parties. Please do not hesitate to contact me if you have any questions.

Sincerely,
Santa Clara Development Company

Mark Robson
President

EXHIBIT C

(a) Authority. The person(s) executing this Agreement on behalf of the Homeowners Association are authorized to bind the Homeowners Association and the Homeowners Association is authorized and empowered to perform its obligations hereunder.

(b) Organization and Authority. The Homeowners Association has the full right and authority and has obtained any and all consents required to enter into this Agreement, to consummate or cause to be consummated the sale of the Parking Easement and the other transactions described herein, and to execute, acknowledge and deliver the Homeowners Association Quitclaim Deed and the CC&R Amendment. This Agreement and all of the documents to be delivered by the Homeowners Association at or prior to the Closing hereunder have been and will be authorized and properly executed and will constitute the valid and binding obligations of the Homeowners Association, enforceable in accordance with their terms.

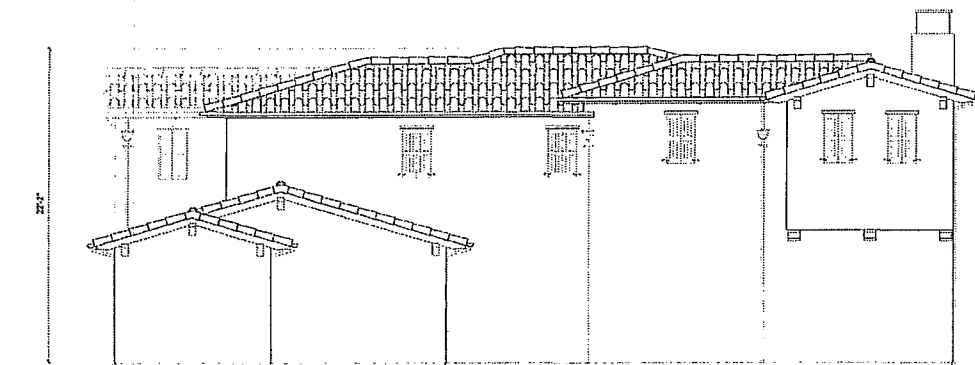
(c) Ownership of Parking Easement. The Homeowners Association is the sole owner of the Parking Easement (and the rights under Section 2.12 of the CC&Rs appurtenant to Parcel 1 identified on the 1982 Map) and, other than the owner of the underlying fee title to Parcel 4 upon which the Parking Easement is situated, no third party or parties hold an interest in such Parking Easement (or the rights under Section 2.12 of the CC&Rs appurtenant to Parcel 1 identified on the 1982 Map).

(d) Requisite Vote of Lot Owners. The Homeowners Association has obtained the requisite number of votes from the owners of the fourteen (14) lots identified on the 1982 Tract Map (as required under the CC&Rs) to enter into this Agreement and to perform the covenants, agreements and obligations of the Homeowners Association described herein. This Agreement, the Homeowners Association Quitclaim Deed and the CC&R Amendment have been approved by the requisite number of owners of the fourteen (14) lots identified on the 1982 Tract Map (as required by the CC&Rs) and such requisite number of owners of such lots have approved the execution and recordation of the Homeowners Association Quitclaim Deed and CC&R Amendment.

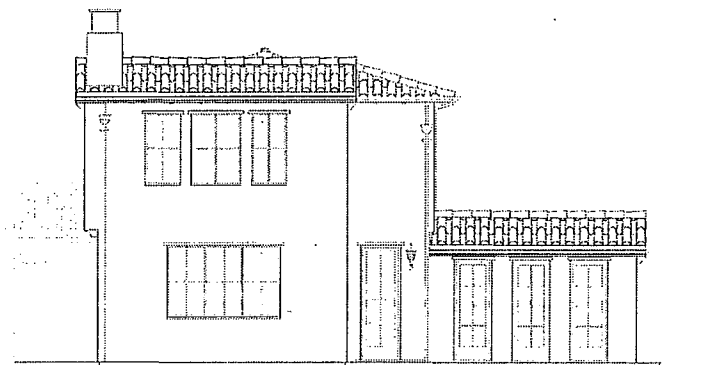
(e) "Foreign Person". The Homeowners Association is not a "foreign person" within the meaning of Section 1445(f)(3) of the Internal Revenue Code, as amended (the "Code"), and the Homeowners Association will furnish to Buyer, prior to the Closing, an affidavit confirming the same.

The representations and warranties of the Homeowners Association set forth in Sections 7.1(a)-(e) above shall survive the Close of Escrow hereunder. All obligations and liabilities of the parties under this Agreement shall survive the Close of Escrow and shall not merge into the Homeowners Association Quitclaim Deed referred to in Section 5.1(a) above.

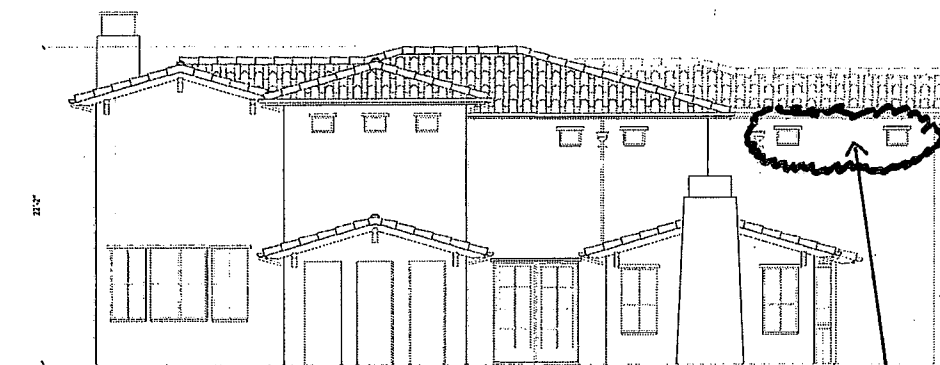
7.2 Disclosure. Buyer hereby discloses to the Homeowners Association the following:



RIGHT ELEVATION

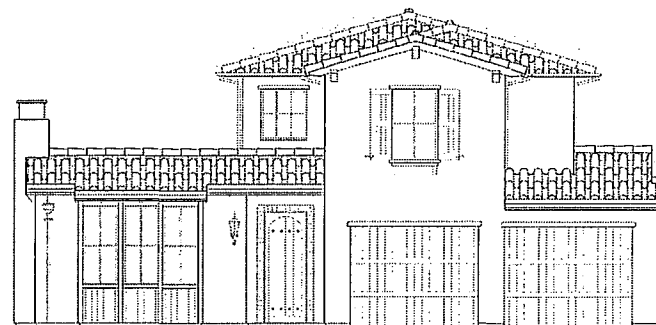


REAR ELEVATION



LEFT ELEVATION

Replaced windows



FRONT ELEVATION

Villa Felice

EXHIBIT D



SANTA CLARA
DEVELOPMENT

2185 The Alameda, Suite 150
San Jose, CA 95126
408.345.1767

DATE: 03.07.2006

PROJECT #: 03-612

SCALE: 1/4" = 1'-0"

0 4' 8'

NORTH

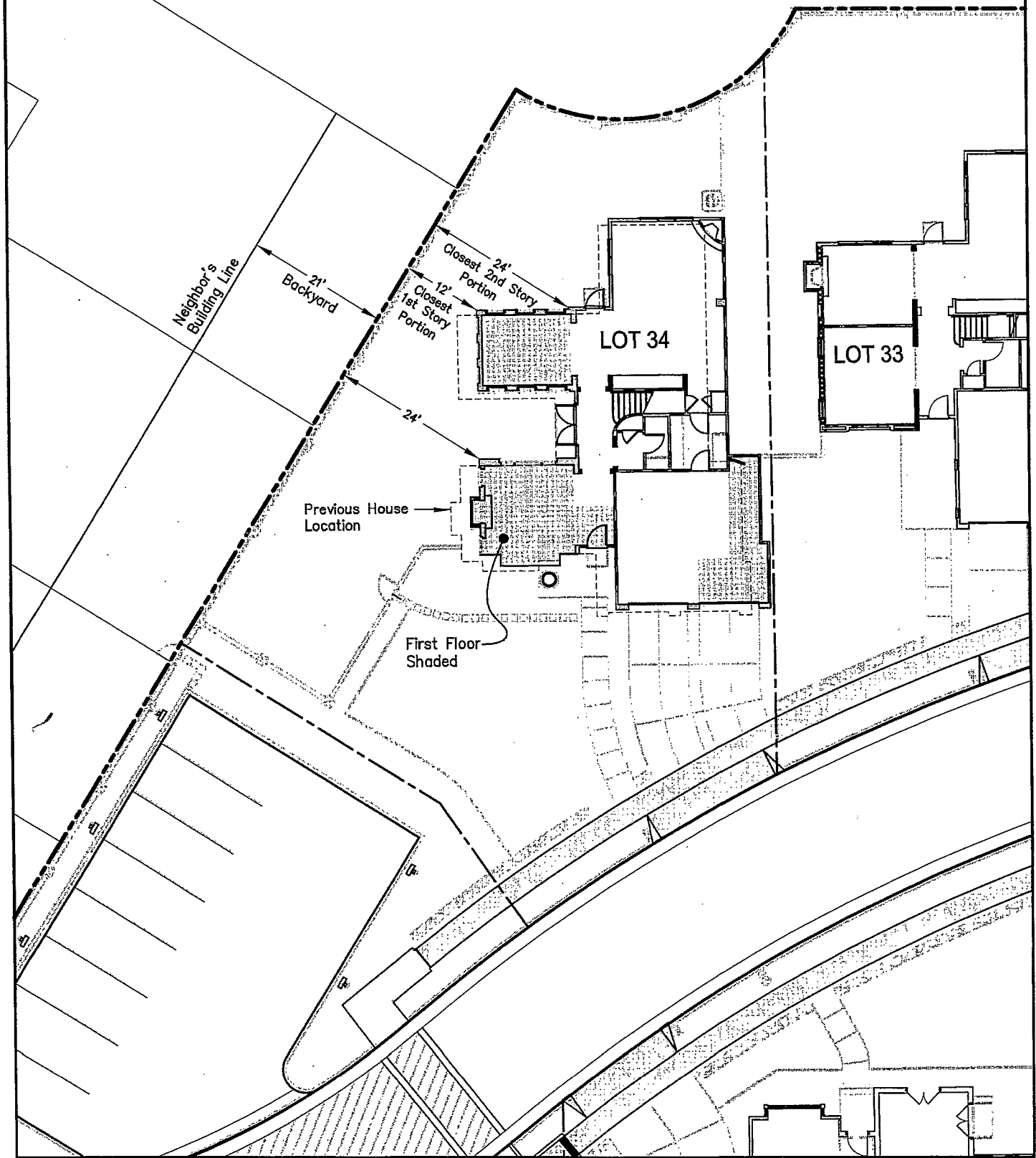
SHEET A. A-

CONCEPTUAL
ELEVATIONS
PLAN 2B - LOT 34



McLarand, Vasquez & Partners Int'l.

EXHIBIT E



Date: March 10, 2006
Scale: 1" = 20'
Designed:
Drawn:
Checked:
Proj. Engr.:
Dwg Name: 3263EX01.DWG

HMH
ENGINEERS

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Lot 34
House Location Exhibit