

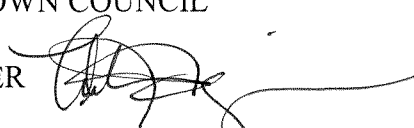


MEETING DATE: 4/02/07  
ITEM NO. 8  
DESK ITEM

## COUNCIL AGENDA REPORT

DATE: April 2, 2007

TO: MAYOR AND TOWN COUNCIL

FROM: TOWN MANAGER 

SUBJECT: CONSIDER A REQUEST FOR APPROVAL OF A PLANNED DEVELOPMENT ORDINANCE TO CONSTRUCT A NEW RESIDENCE, POOL, TENNIS COURT AND ACCESSORY STRUCTURES ON PROPERTY ZONED HR-2½. NO SIGNIFICANT ENVIRONMENTAL IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THIS PROJECT AND A MITIGATED NEGATIVE DECLARATION HAS BEEN RECOMMENDED. APNS 537-29-007 & 008. PROPERTY LOCATION: **KENNEDY ROAD @ FORRESTER ROAD**. PROPERTY OWNER: ACORN TRUST. APPLICANT: ROB DESANTIS. FILE #PD-06-03 & ND-07-04.

### DISCUSSION:

Attachments 23, 24 and 25 are letters from neighbors that were received following distribution of the Council packet.

### Attachments:

- 1.-22. Previously received
- 23. Letter from Greg Westerbeck (two pages), received March 30, 2007
- 24. Letter from Chuck & Jennifer Berger (one page), received April 2, 2007
- 25. Letter from George & Rosanna Pillari (one page), received April 2, 2007

BNL:SD

N:\DEV\SUZANNE\Council\Reports\Fwd. to TC\KennedyAcorn\KennedyAcorn-4-2-07-2dsk.doc

PREPARED BY: Bud N. Lortz, Director of Community Development 

Reviewed by: ☒ Assistant Town Manager ☒ Town Attorney ☐ Clerk ☐ Finance  
☒ Community Development

Revised: 4/2/07 3:40 PM

Reformatted: 5/30/02

March 30, 2007

Mayor Joe Pirzynski  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95032

Subject: DeSantis Kennedy Road Property

Dear Mayor Pirzynski and members of the Town Council:

I have had the opportunity to review Mr. DeSantis' letter to the council dated March 30, 2007. Unfortunately his late submittal has given us little time to respond to his letter. I will be out of town on business on Monday April 2, 2007 and unable to attend the Council meeting but would like my comments included in the record.

My first general comment is that I am unable to understand how Mr. DeSantis can build a massive set of structures that grossly exceed the square footage allowed by the Hillside Guidelines and Standards. If this project is allowed to proceed, as designed, the Hillside Guidelines will no longer exist for practical purposes. Also Mr. DeSantis has made claims about neighbor support that don't withstand scrutiny. He claims that "no one in our neighborhood has expressed opposition to our plans". This is false as I have expressed my views against this project since its inception. My view is directly impacted by this project and yet Mr. DeSantis claims that there is "no significant visual impact to neighbors". This just isn't true. I am also unable to understand why story poles have never been constructed on the property. Wouldn't this raise awareness about the project and invite comments from neighbors? How is it that all other construction in Los Gatos have story poles but this project does not?

1. House Size.

The proposed house and other structures exceed 15,500 sq. ft. This grossly exceeds the hillside standard. There is also an allowance for an additional storage structure (which has no limitations).

3. Grading

This project will require extraordinary movement of soil and appears to dramatically alter the hillside. I would like to see the Town Council remove the "Tennis Pavilion" from consideration. It requires 3,100 cu. yds of fill and will destroy this hillside. I believe this is the equivalent of over 300 truckloads of fill for a tennis court!

#### 4. Grading

The tennis pavilion will negatively impact the natural look of the hillside and is not "nestled on the property more naturally."

#### 5. Neighborhood signed support

Most, if not all, of the neighbors have not seen the "new" plans for the property and it's unlikely that there is support for the project as it stands today. We have a direct view of the property and have not been contacted recently to express our opinion. As I stated earlier, to suggest that "no one in our neighborhood has expressed opposition to our plans." is false since I've expressed my opposition for several years.

#### 6. Hillside Guidelines

- b. There is a significant impact to trees and wildlife if the scope of this project isn't scaled back.
- i. There is also a significant visual impact to neighbors. I invite each of you to look at the property for yourself. Take a look at the scale and placement of the tennis pavilion and you will see that it will not present an appealing view of this property. Again, why haven't story poles been implemented at this site?

#### 8. Town/Neighborhood compatibility

The homes that are mentioned here I assume were constructed prior to the Hillside Guidelines and Standards so this reasoning isn't applicable.

#### Closing

- 2. There is a dramatic visual impact with the current plans especially with a large tennis pavilion. This pavilion has no place on this hillside.
- 6. To suggest that there is neighborhood support is not accurate.

I respectfully ask that you consider the points I've addressed above and vote to abide by the Hillside Guidelines and Standards and reduce the scope of this project. I'd also like to see the Tennis Pavilion removed from the plans as it will have a dramatic negative impact on the view and environment.

Sincerely,

Gregg Westerbeck  
105 Teresita Way  
Los Gatos, CA 95032  
(408) 356-8414

Cc: Suzanne Davis

**Suzanne Davis - DeSantis Property**

---

**From:** "Chuck Berger"  
**To:**  
**Date:** 04/02/2007 11:49 AM  
**Subject:** DeSantis Property  
**CC:** "Rob DeSantis"

---

Suzanne:

Unfortunately my wife and I are hosting family guests from Michigan tonight and we won't be able to attend the Council Meeting. We own and live on the property on the Eastern border of the DeSantis property (15681 Kennedy

Road).

I would like to reiterate my support for the plans the DeSantis family have put forth for approval. As I mentioned at the last meeting, they have been extraordinarily careful to insure that the aesthetics of the property are preserved and enhanced and that the construction and ongoing operation of the property are environmentally positive. At each step of the process, they have only improved on these goals and have attempted to meet all of the requests set forth by the Planning Commission and the Council. We strongly believe that the enforcement of the Hillside Ordinance needs to be mindful of property size. We strongly believe that given the size of the DeSantis property, nearly 14 acres, that their plans are totally appropriate as to size and scope and well within the spirit of the Hillside Ordinance..

Since we cannot be there tonight, I would appreciate it if you would pass this on to the Council and any one else that would be appropriate. Rob also has our express permission to read this on our behalf.

Thank you and if you need any other input from my Wife or myself, please email me or contact me on my cell (408)-316-6392.

Chuck and Jennifer Berger

15681 Kennedy Road

Los Gatos, California 95032

**ATTACHMENT** 24

**From:** "George D. Pillari" <gpillari@yahoo.com>  
**To:** <sdavis@losgatosca.gov>  
**Date:** 04/02/2007 2:09 PM  
**Subject:** Rob DeSantis

**CC:** "'Rob DeSantis'" <rob@rdrmail.com>  
Ms. Davis:

I am unable to attend the meeting this evening regarding the plans of Rob DeSantis, but my wife and I support his project and would like to see it happen.

Regards,

George & Rosanna Pillari  
116 Teresita Way  
Los Gatos, CA 95032

ATTACHMENT 25