



MEETING DATE: 4/7/08  
ITEM NO: 11  
DESK ITEM

## COUNCIL AGENDA REPORT

DATE: APRIL 7, 2008

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: 506 UNIVERSITY AVENUE APN: 529-08-017

- A. CONSIDER ADOPTION OF AN ORDINANCE TO RE-ZONE A PARCEL TO R-1D FROM RM:12-20 (ZONE CHANGE Z-07-001); OR
  - B. DECIDE WHETHER TO RECONSIDER PRIOR DECISION TO INTRODUCE AN ORDINANCE TO RE-ZONE A PARCEL TO R-1D FROM RM:12-20 AND APPROVE A CORRESPONDING GENERAL PLAN AMENDMENT
- PROPERTY OWNER: ARNERICH REVOCABLE TRUST  
APPLICANT: DENNIS LOWERY, CAPITAL VENTURES

### DISCUSSION:

Attached are two additional pieces of correspondence that were received after the Council report was distributed to Council.

### Attachments:

4. 3/28/08 letter from Erik Iversen
5. 4/6/08 e-mail from Nicolette Kelly

PREPARED BY: **ORRY P. KORB**  
Town Attorney

OPK:pg

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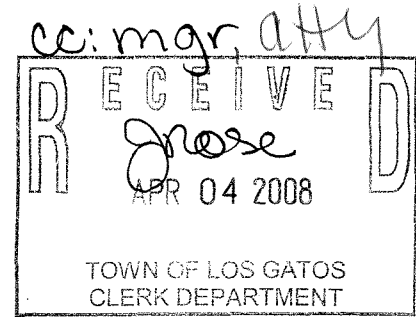
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Reviewed by: *JSJ* Town Manager *QSS* Assistant Town Manager  
\_\_\_\_ Clerk Administrator \_\_\_\_ Finance \_\_\_\_ Community Development

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March 28, 2008

Mayor Barbara Spector  
and Town Council Members  
Town of Los Gatos  
P.O. Box 949  
Los Gatos, CA 95031



Re: Request for Reconsideration Concerning 506 University Avenue

Dear Mayor Spector and Town Council Members,

I am writing to support the reconsideration by the Town Council of the recent denials regarding the general plan and zone changes for the remainder portion of the parcel at 506 University Ave.

You have the benefit of a concise outline of the issues regarding this property as provided by the prospective developer, Dennis Lowery. I would like to add my concerns and observations as a neighbor to the property just one door away from our family home. I support the reconsideration of this matter based on my own personal observation of the discussion of the Council following the public comment portion of the proceedings.

I believe that there was inaccurate information provided to the Council that led members of the Council to adopt a line of reasoning that is unsupported by the facts. I believe a reconsideration of the facts will afford the Council an opportunity to ensure that there are no errors and inaccuracies made a part of their decision.

I believe that the Council should also have a chance to more fully review the intent of the Planning Commission and their understanding of the underlying issues that motivated them to approve the changes to the general plan and zoning for this parcel.

I had a chance to support the proposed development of the property in conjunction with the preservation of the existing home when the issue came before the Planning Commission. I put my concerns before the commission in writing. I believe the Commission correctly assessed the findings of the various Town committees in making their finding in support of the zoning and general plan changes.

I believe they studied all the options as explored by the CDAC, HPC and GPC and understood the value of the "One, One, Two" elevation solution as identified and recommended by these three committees in the form of three single family homes as being not only consistent with the continuity of the adjacent single family neighborhood, but also a very accurate and appropriate expression of the current economic realities relating to potential development on this parcel as well as a pragmatic response to the constraints placed on any development by the Town itself.

Consideration of those constraints on development relating to parking, tree removal, setbacks etc. for this parcel in conjunction with the preservation of the existing home motivated all the pertinent committees to recommend the three single family home plan. The same considerations, along with a careful appreciation for the input of the immediate neighbors to the parcel brought the Planning Commission to the approval for the zoning and general plan changes.

There are no formal affordability requirements related to the development of the parcel, so consideration of affordability in this case is not directly germane to the approval or denial of any general plan or zoning changes. Because there is no such requirement, and without regard to the question of whether low-income or affordable rental housing is appropriate or desirable for this parcel, the economic realities relating to the burdens of the actual preservation and development of the parcel preclude it from being either affordable or fair-market rental housing.

As anyone contemplating the development of this parcel or any other like it will have to confront, the economics of the development itself will control for the actual affordability index of the final sale price of the resulting product. In this case, the request from the Town to produce multi-unit housing on the remaining parcel does not result in a benefit in affordability over that provided by the single-family homes.

With these facts in mind, I believe it is important to appreciate that the single family direction that they indicate is not only the most pragmatically, economically, and preservationally appropriate, the most supported by the Town's Committees and Commissions, the most attractive and of the highest aesthetic mitigation value for contiguous existing structures, it is also the direction which appreciates the emotional and financial investments made every day and expressed to you by the members of the neighborhood community who rely on you to give weight to their voices in this matter.

I believe that approval of the requested changes to the general plan and current zoning for the remainder of this parcel are the appropriate and legitimate response to the facts here and it is my hope that you will agree.

Thanks for taking the time to read and consider this,

Erik Iversen  
& the Iversen Family  
500 University Ave.

## **Patsy Garcia - Re: 4.7.08 Town Council Meeting**

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**From:** "Rodman, Marlene & Nicolette" <rodman@serenogroup.com>  
**To:** "council@losgatosca.gov" <council@losgatosca.gov>  
**Date:** 4/6/2008 8:52 PM  
**Subject:** Re: 4.7.08 Town Council Meeting

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Dear Major Spector and Town Council,

As a member of this community I'm asking that you reconsider the council's decision regarding the property located at 506 University Ave. I have been involved with this property for over two years. Since the Historic Preservation objected to the older home being demolished in August of 2006 much thought and consideration has gone into the possible development of this very unique property.

For over one year Mr. Lowery has spent countless hours honoring the process of the town. At the CDAC meeting he asked for direction and followed the lead of this committee. He willingly wove the feedback from CDAC and Historic Preservation into the plan. Having spoken with staff a few times after these meetings I was very surprised after the General Plan meeting (where the project was approved 5 to 1) to hear their strong objections to the zoning change.

As an onlooker at the March 3<sup>rd</sup> Town Council Meeting, it seemed there was some confusion over the process and many discussions that took place after the meeting had been closed. This is an extremely complicated issue which I hope you will revisit to thoroughly understand the true impact this development will have on our community.

Thank you,

Nicolette Kelly

Marlene and Nicolette

Sereno Group

"Two Generations of Experience Working for You"

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Nicolette Direct 408-483-8040