

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

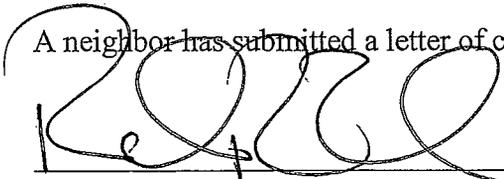
Requesting approval of a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model 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,

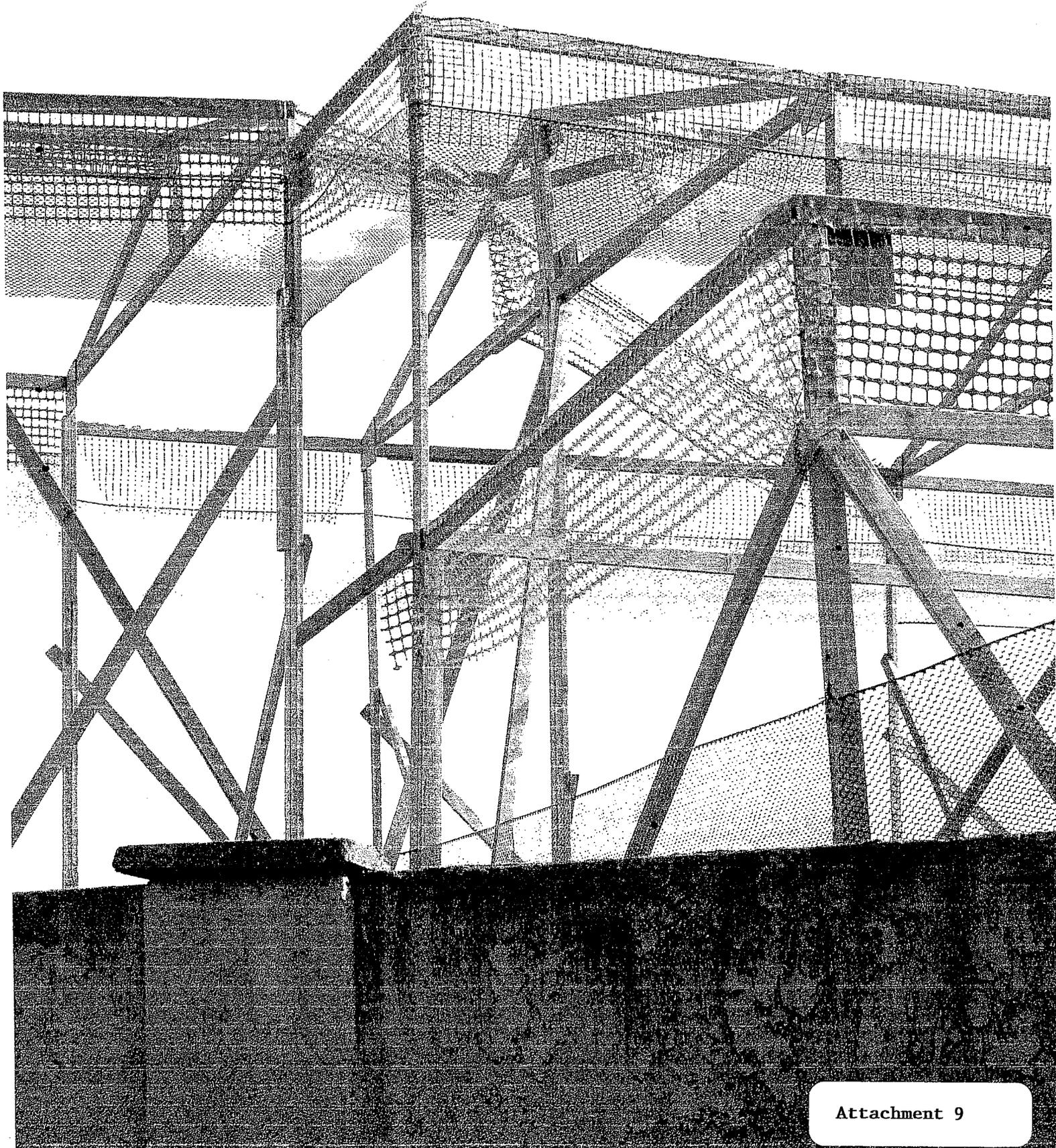


Sydney and Peggy Levin
Villa Felice Residences, Unit 15
408-395-6738

Cc: Santa Clara Development
Villa Felice Homeowners

Exhibit N

Submitted at PC
meeting 1/25/06

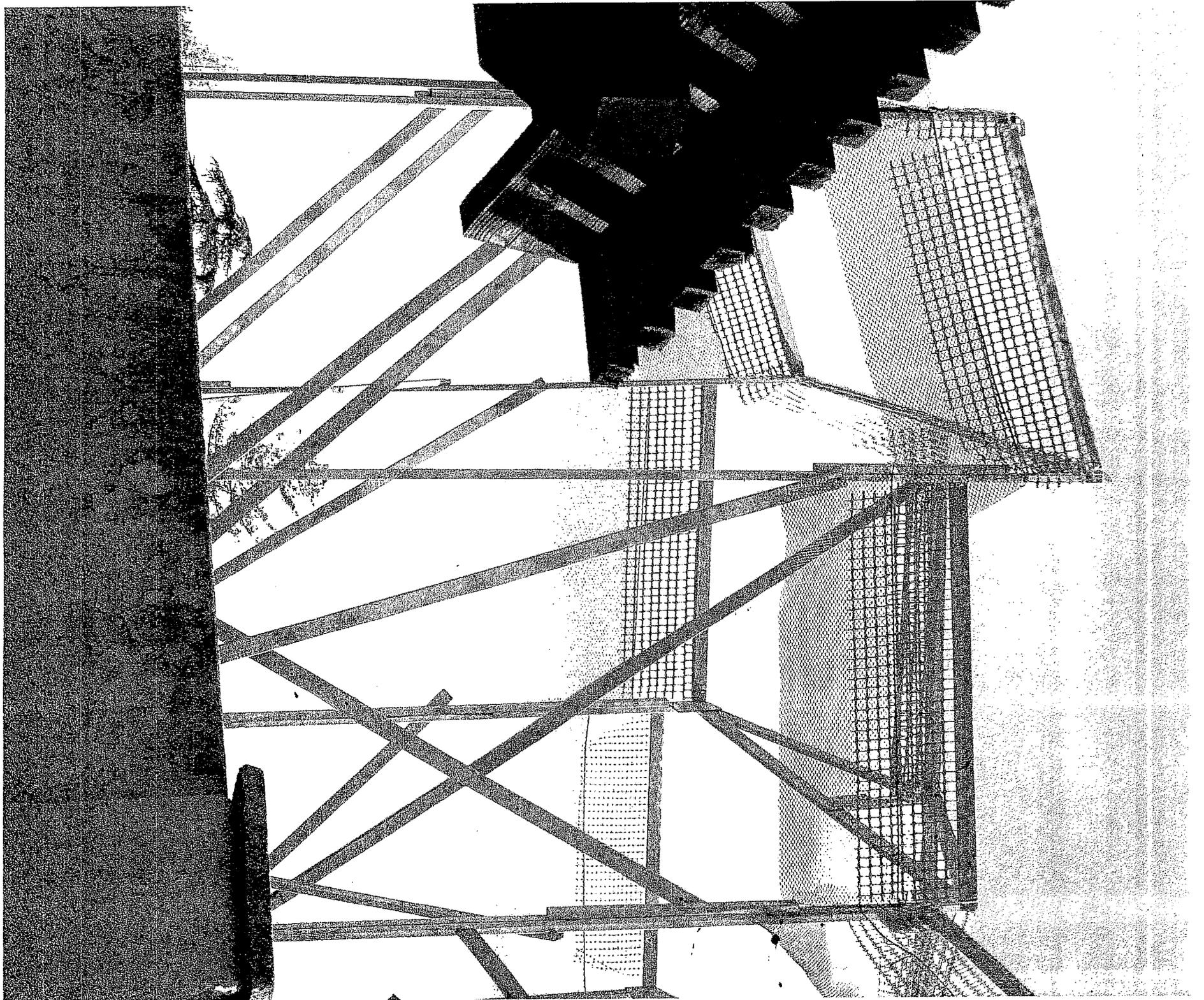


Attachment 9

Unit #5 VIEW FROM CENTRAL PART OF BACK AREA



Unit # 5 View From Master Bedroom Window





Unit #5 View From JACUZZI DECK



shot #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



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