

May 24, 2023

Development Review Committee  
and Planning Commission  
Town of Los Gatos Planning Dept.  
110 East Main Street  
Los Gatos, CA 95030



**RE:                Modification of Subdivision Conditions of Approval  
                     200 Happy Acres Road, Los Gatos, CA  
                     Original Application #PRJ-97-117**

**SUBJ:            Project Description/Justification Letter**

To Whom It May Concern,

This letter is a petition to accept an alternative design in lieu of the cul-de-sac contemplated in the Conditions of Approval for a subdivision and Parcel Map recorded in Book 742 of Maps at Page 7 Santa Clara County Records on August 28, 2001. Included on the map was a dedication of right-of-way for a new cul-de-sac at the terminus of Happy Acres Road, a public street. Our request is that, instead of providing this cul-de-sac at the terminus of Happy Acres Road, to provide a similar cul-de-sac/fire department turnaround further up the private road. See attached drawings by Peoples Associates, Inc. dated 09-12-22 and revised on 02-02-23, and then again on 04-28-23.

**Background for this Subdivision -**

In 1997, an application for a subdivision was submitted, the subdivision was approved with Conditions of Approval requiring a cul-de-sac at the terminus of Happy Acres Road and a fire department turnaround at the top of the private road. Through a number of reviews from 2001 through 2014 by the Los Gatos Planning Commission and CRWQCB, several appeals and hearings, the cul-de-sac was never approved, and the application expired. The original cul-de-sac at the terminus of Happy Acres Road required adding a long culvert, and grading and paving over the drainage swale, which was unacceptable to the CRWQCB for environmental reasons. Other turnout options on the other side of the street (in order to avoid any work in the existing drainage swale) were proposed in 2010, but ultimately the neighbors objected, the appeal was denied, and the application eventually expired.

**Proposed Solution -**

Our clients bought the property in 2020, and we have been working closely with Jocelyn Shoopman of the Los Gatos Planning Dept. and Mike Weisz/Corvell Sparks at Los Gatos Engineering for the past several years, and were advised by the Town to propose an alternative to the originally conditioned cul-de-sac and turnaround. The attached civil drawings by People's Associates proposes a cul-de-sac/fire department turnaround further up the private road.

The private road up the hill to the subject property (200 Happy Acres Road) passes through three other properties via a 40-foot wide egress/ingress right-of-way easement. Portions of the existing roadway paving are narrow, steep, and lined with numerous mature trees. To the south and downslope of the roadway is the seasonal drainage swale. Our proposal seeks to widen the paving to 20 feet for the complete length of the roadway, the minimum required for Santa Clara County Fire Dept., plus re-grading the upper portion of the roadway to a maximum slope of 20% for a distance of about 110 feet, and then finally providing a cul-de-sac turnaround at the top which meets the Fire Department's requirements for a max. 5% slope and turning radius as shown.

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**Justifications -**

This solution will be safer than the current situation for all of the neighbors whose properties are served by the current private roadway. It will remain a private road, but will be a much safer alternative than the existing roadway, where currently there is no safe place to turn around for either emergency vehicles or passenger cars who happen to travel up this road. This design was arrived at as the result of a rigorous and detailed process of proposing several design options, detailed negotiations, and evaluation of numerous alternatives by the Los Gatos Planning and Engineering Depts., in concert with the Santa Clara County Fire Dept. With this design we have achieved several mutually beneficial goals:

- 1) avoiding any grading in the drainage swale,
- 2) removing as few trees as possible, and
- 3) maintain a reasonable slope/turnaround acceptable to the Fire Dept, and
- 4) maintaining access to both of the immediate neighbor's driveways.

Please see attached staff letters and our responses to their comments, which should all be part of the public record. **Please note that no site improvements are proposed as part of this application, and that all site improvements, including the roadway and single family residence may be provided in a future Architecture & Site application, once this original lot subdivision application has been finally approved.**

**Neighbor Interaction -**

Our clients have met several times with the immediate neighbors and have shared these proposed roadway improvement plans with them. The neighbors are Mark Shindel at 333 Happy Acres Rd., the neighbor who will be the most impacted by the proposed roadway grading and tree removals, and Albert Kurkchubasche at 165 Happy Acres Rd. We expect nothing but the highest level of cooperation and support as the design process moves forward, and have obtained signed letters from these two neighbors agreeing that up to eight (8) trees in the right of way are to be removed in order to install the new driveway and cul-de-sac (4 trees on each of the two neighbor's properties, and all located within the Right of Way/Access Easement). We also have signed letters by these two neighbors approving Emergency Vehicle Access over the shared ingress/egress easement, attached.

**Conclusion -**

After working closely with our clients, our engineer, the neighbors, County Fire, and the Town's Planning and Engineering Staff, we feel we have designed an alternative roadway solution that integrates quite well with the existing site/roadway, protects the natural features of the drainage swale and trees, and **above all provides a significantly increased level of safety for the neighborhood.** We feel this alternative plan should be approved by the Town, in lieu of the cul-de-sac envisioned in the original Conditions of Approval for the Subdivision, so that we may complete the subdivision approval started over 25 years ago, and move forward.

If you have any questions or need for further clarification please feel free to give our office a call.

Sincerely,

Noel F. Cross  
Architect AIA



cc: Fred & Fereshteh Toofan, Owners  
Velimir Sulic, People Associates, Inc.  
Barton Hechtman at Matteoni, O'Laughlin, & Hechtman Lawyers