



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/09/2020

ITEM NO: 3

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DATE: September 4, 2020  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Detached Accessory Dwelling Unit, and Construction of a Two-Story Single-Family Residence on Property Zoned HR-1. APN 527-02-007. Architecture and Site Application S-19-012. Located at 15925 Quail Hill Drive. Applicant: Gary Kohlsaet. Property Owner: John and Allison Diep.

**BACKGROUND:**

On December 11, 2019, the Planning Commission reviewed this project and continued the matter to a date certain of March 25, 2020 with direction to make significant revisions to the design. The March 25, 2020 hearing was not held, and so the project has been re-noticed.

**DISCUSSION:**

**A. Modified Proposal**

The revised development plans (Exhibit 25) and color board (Exhibit 24) have been submitted and reflect the significant revisions as described in the applicant's revised project description and justification letter (Exhibit 18). Late in the staff review of these revised development plans an error was discovered in the calculation of the maximum allowed floor area. The applicant has analyzed the plans and determined that by sinking the entire proposed house down by six inches the countable floor area can be adjusted to not exceed the maximum allowed as described in the Supplemental Justification Letter (Exhibit 19). Though the revised development plans in Exhibit 25 do not show this modification, the applicant has also provided a Revised Project Data Table (Exhibit 20) and a Revised Grading Exception Site Plan (Exhibit 21).

The table below shows a summary of the proposed floor area. The maximum allowed above grade floor area for the site is 5,100 square feet. Though the proposed above grade

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Senior Planner

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Reviewed by: Planning Manager and Community Development Director

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DISCUSSION (continued):

square footage is still proposed at the maximum allowed as it was in the previously proposed project, the extent of the requested exceptions, including overall height, has been reduced as described below.

Floor Area Summary				
Floor	Above Grade Square Footage	Excluded from Countable Floor Area		Total
		Below-grade Square Footage	Up to 400 Square Footage of Garage	
Upper Floor	2,709	0	0	2,709
Main Floor	2,391	1,247	0	3,638
Lower Floor (Garage)	0	2,258	16	2,274
<b>Total</b>	<b>5,100</b>	<b>3,505</b>	<b>16</b>	<b>8,621</b>

B. Architectural Consultant Review

The Town's Consulting Architect has reviewed the revised plans and provided a third report (Exhibit 22) with minor revisions recommended. A response from the applicant to the Consulting Architect's recommendations is included as Exhibit 23 with details of how the concerns will be addressed through landscaping.

C. Exceptions

The exception previously requested for overall height is no longer necessary for the proposed project, as the revised design meets the maximum height limitations. Exceptions are requested in this proposal for retaining walls over five feet tall (up to seven feet in height, where the previous proposal requested up to 10 feet in height) adjacent to the garage, and at the rear of the proposed outdoor patio. Exceptions requested for cut and fill also remain and are shown in the table below and in the Revised Grading Exception Site Plan (Exhibit 21). These exceptions all take into consideration the proposal to lower the floor level by six inches to reduce the total above grade floor area.

DISCUSSION (continued):

<b>Maximum Graded Cuts and Fills – HDS&amp;G</b>						
	Maximum Cut Depths (feet)			Maximum Fill Depths (feet)		
	Allowed	Previous Proposal	Current Proposal	Allowed	Previous Proposal	Current Proposal
House Footprint (areas with no below-grade square footage)*	8*	NA	NA	3	NA	NA
House Footprint (areas with below-grade square footage)	No Limit	29.7	22.8	3	0	0
Driveway	4	<b>9.3</b>	<b>8.5</b>	3	<b>3.4</b>	1.6
Site Work		<b>8.1</b>	<b>8.5</b>	3	1	<b>5.5</b>
* – Excludes below-grade square footage <b>Bold</b> – requires exception to the HDS&G						

CONCLUSION:A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence and detached ADU and construction of a new single-family residence with exceptions for retaining wall heights and cut and fill depths.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application, based on the revised findings and considerations (Exhibit 17) and with the revised recommended conditions of approval (Exhibit 16). If the Planning Commission finds merit with the proposed project, it should:

- a. Find that the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 17);
- b. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing structure (Exhibit 17);
- c. Make the findings as required by Section 29.10.330 of the Town Code for the demolition of an existing accessory dwelling unit (Exhibit 17);

CONCLUSION (continued):

- d. Make the required finding that the cut and fill depth, and retaining wall height exception requests are appropriate and the project otherwise complies with the Hillside Development Standards and Guidelines (Exhibit 17);
- e. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 17);
- f. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 17); and
- g. Approve Architecture and Site application S-19-012 with the conditions contained in Exhibit 16 and development plans attached as Exhibit 25; or

C. Alternatives

Alternatively, the Commission can:

1. Approve the application with additional and/or modified conditions;
2. Continue the matter to a date certain with specific direction; or
3. Deny the application.

EXHIBITS:

Previously received with December 11, 2019 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Materials Board
6. Letter of Justification, dated November 21, 2019
7. Consulting Architect's Report, received March 26, 2019
8. Applicant's Response to Consulting Architect's Report, dated May 22, 2019
9. Applicant's Response to Consulting Architect's Recommendations, dated November 20, 2019
10. Consulting Architect's Second Report, received November 7, 2019
11. Consulting Arborist Report, dated April 18, 2019
12. Applicant's neighbor outreach efforts
13. Public comments received by 11:00 a.m., Friday, December 6, 2019
14. Development Plans

Previously received with December 11, 2019 Addendum Report:

15. Correspondence from the Applicant

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Received with this Staff Report:

16. Revised Conditions of Approval
17. Revised Findings and Considerations
18. Revised Project Description and Justification Letter
19. Supplemental Justification Letter
20. Revised Project Data Table
21. Revised Grading Exception Site Plan
22. Consulting Architect's Third Report, received May 14, 2020
23. Applicant's Response to Consulting Architect's Recommendations, dated June 15, 2020
24. Revised Color Board
25. Revised Development Plans

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