



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/28/2021

ITEM NO: 2

DATE: July 23, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval for Construction of a New Single-family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned HR-5 Located on Wood Road. APN 510-47-045. Architecture and Site Application S-21-003. Property Owners: Omari and Kavita Bouknight. Applicant: Gary Kohlsaas, Architect. Project Planner: Sean Mullin.

RECOMMENDATION:

Consider approval for construction of a new single-family residence and site improvements requiring a Grading Permit on vacant property zoned HR-5 located on Wood Road.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-5
Applicable Plans & Standards: General Plan; Hillside Development Standards and Guidelines
Parcel Size: 0.68 acres (29,632 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-5
South	Residential	Hillside Residential	HR-5
East	Undeveloped	Hillside Residential	HR-5
West	Undeveloped	Hillside Residential	HR-5

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required, that other than the exceptions to building height, grading depths, driveway slope, retaining wall heights, and water tanks located in a required setback the project complies with the Hillside Development Standards and Guidelines (HDS&G).
- As required, the project complies with the Hillside Specific Plan.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the north side of Wood Road, approximately 1,700 feet from the intersection of Wood Road and South Santa Cruz Avenue (Exhibit 1). The subject property is undeveloped and approximately 0.68 acres (29,6932 square feet) with an average slope of 35.1 percent. The Architecture and Site application has been referred to the Planning Commission because the proposed residence is visible, as defined by the HDS&G, and the applicant is requesting a building height exception, which is a major exception as defined by the HDS&G.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 0.68 acres, located on the north side of Wood Road and is undeveloped (Exhibit 1). Single-family hillside residential development is located to the north and south of the property; undeveloped parcels are located to the east and west of the subject property. The property ascends approximately 50 feet from east-to-west with the Least Restrictive Development Area (LRDA) concentrated in the southern half of the property.

PROJECT DESCRIPTION (continued):B. Project Summary

The applicant proposes construction of a two-story residence with an attached two-car garage. The project includes areas of below-grade square footage that would not count toward the size of the residence. The proposed residence would be located within the LRDA and would be 34.9 percent visible from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Exhibit 4). The project requires a Grading Permit for site improvements for earthwork quantities exceeding 50 cubic yards. The project also requires exceptions to the HDS&G for building height, grading depths, driveway slope, retaining wall heights, and water tanks located in a required setback.

C. Zoning Compliance

A single-family residence is permitted in the HR-5zone. The proposed residence is in compliance with the zoning regulations for allowable floor area, height, setbacks, and on-site parking requirements for the property.

DISCUSSION:A. Architecture and Site Analysis

The applicant proposes construction of a new 3,246-square foot, two-story residence including a two-car garage and a swimming pool (Exhibit 11). The project proposes a contemporary Mediterranean style with subdued colors to blend with the surrounding hillside environment. Proposed exterior materials include a barrel tile clay roof, smooth coat stucco siding, natural limestone veneer siding, metal-clad windows and doors, cast stone trim, wood arbors, and iron railings (Exhibit 5). The applicant has provided a Written Description/Letter of Justification detailing the project and the requested exceptions to the HDS&G (Exhibit 6). The residence includes 2,713 square feet of below-grade square footage and 452 square feet of garage space that do not count toward the size of the residence. A summary of the floor area for the proposed residence is included in the table below.

Floor Area			
	Above Grade	Below Grade	Totals
Lower Floor	311 sf	1,648 sf	1,959 sf
Main Floor	1,739 sf	1,065 sf	2,804 sf
Upper Floor	1,147 sf	0 sf	1,147 sf
Garage (Lower Floor)	49 sf	452 sf	501 sf
Totals	3,246 sf	3,165 sf	6,411 sf

DISCUSSION (continued):

The proposed residence would be sited within the LRDA in the middle of the property. The maximum height of the proposed residence is 20 feet, where a maximum of 30 feet is allowed by the Town Code and a maximum of 18 feet is allowed by the HDS&G for visible homes. The project requires a Grading Permit for site improvements for earthwork quantities exceeding 50 cubic yards. The project also requires exceptions to the HDS&G for building height, grading depths, driveway slope, retaining wall heights, and water tanks located in a required setback.

B. Building Design

The applicant proposes a contemporary Mediterranean style residence with subdued colors to blend with the surrounding hillside environment. Proposed exterior materials include a barrel tile clay roof, smooth coat stucco siding, natural limestone veneer siding, metal-clad windows and doors, cast stone trim, wood arbors, and iron railings (Exhibit 5). The proposed exterior materials comply with the HDS&G standard for visible homes requiring that each individual material have a light reflectivity value (LRV) not exceeding 30.

The proposed residence has been designed to respond to the natural topography by stepping up the site with the natural slope. The design utilizes multiple levels that include both below-grade areas and above-grade areas to help the residence conform to the hillside.

The Town's Consulting Architect reviewed the proposed residence and noted that the residence is well designed with a stepped massing to follow the hillside slope consistent with the HDS&G and utilizes subdued colors to blend with the surrounding hillside environment (Exhibit 7). The Consulting Architect had no issues or concerns with the design of the residence and stated that "views to the site from nearby homes are buffered by trees and topography." The Consulting Architect had no recommendations for changes to the proposed design.

C. Height

The proposed residence would be visible, as defined by the HDS&G, being 34.9 percent visible from the viewing area located at Los Gatos-Saratoga Road and Highway 17 (Exhibit 4). Heights of visible homes are limited by the HDS&G to a maximum of 18 feet at any point and a low-to-high dimension of 28 feet. Limited portions of the proposed residence would exceed these maximum heights as summarized in the table below, requiring approval of an exception to the height standards of the HDS&G.

A portion of the loggia covering a patio at the front of the main level would have a height of 21.16 feet, exceeding the 18-foot height standard. Additionally, portions of the upper level

DISCUSSION (continued):

would exceed the 28-foot low-to-high standard, having a height of 34.92 feet. The applicant has provided a Letter of Justification addressing the request for an exception to the height

limitations of the HDS&G (Exhibit 6). In their letter, the applicant discusses how the constraints of the site lead to the current design that requires an exception to the height limitations of the HDS&G. The slope of the site, existing trees, and maximum allowable driveway slopes create challenges to accessing the site. Once a viable driveway and firetruck turnaround area were determined, the base elevation of the residence was established. From this elevation, the site continues ascending within the LRDA. As discussed by the applicant, the house was designed to integrate into the natural topography by separating the architectural program into multiple levels stepping up the site with the slope. As a result, a small portion of the residence exceeds the 18-foot height plane limitation, and the upper level of the residence exceeds the 28-foot low-to-high limitation. The applicant's letter discusses alternative designs that were considered while developing the plan for the residence that met the height limitations, but it was found that these alternatives required exceptions to the LRDA and would have significantly increased the excavation required for the residence. The applicant arrived at the current design after finding that the alternatives would be more impactful to the undeveloped site. As a result, the applicant presents the current design which has been optimized to keep heights low through integration of low-pitch hip roofs, moderate ceiling heights, limited attic spaces, and no crawlspace.

Building Height		
	Proposed	Maximum Allowed per HDS&G
Height	21.16 feet	18 feet
Low-to-High Height	34.92 feet	28 feet

D. Neighborhood Compatibility

Pursuant to the HDS&G, the maximum allowable floor area for the subject property is 3,900 square feet. The table below reflects the current conditions of the homes in the immediate area and the proposed project.

DISCUSSION (continued):

FAR Comparison - Neighborhood Analysis							
Address	Zoning	Gross Lot Area SF	Residential SF*	Garage SF**	Total SF***	FAR	No. of Stories
109 Wood Road	HR-5	40,000	1,828	84	1,912	0.05	2
115 Wood Road	HR-5	44,972	4,526	83	4,609	0.10	1
121 Wood Road	HR-5	43,560	2,288	198	2,486	0.06	2
123 Wood Road	HR-5	47,916	4,446	148	4,594	0.10	2
135 Wood Road	HR-5	64,935	2,698	73	2,771	0.04	2
138 Wood Road	HR-5	188,353	2,704	104	2,808	0.01	2
Wood Road (P)	HR-5	29,632	3,246	49	3,295	0.11	2
<p>* Residential square footage includes the residence and detached accessory structures, except garages.</p> <p>** The garage square footage reflects the allowed 400-square-foot exemption.</p> <p>***The total square footage numbers do not include below grade square footage.</p>							

The six properties in the immediate area are developed with one- and two-story residences and include a mix of architectural styles. The property sizes within the immediate area range from 0.9 to 4.3 acres. Based on Town and County records, the total square footage of the residences located in the immediate area range from 1,912 square feet to 4,609 square feet. The applicant is proposing a total square footage of 3,295 square feet on a 0.7-acre parcel, where a maximum total floor area of 3,900 square feet is allowed by the HDS&G. The proposed project would be the third largest in terms of total square footage and the largest in terms of FAR by 0.01.

E. Site Design

The undeveloped subject property is approximately 29,632 square feet, located on the north side of Wood Road. The property slopes upward approximately 50 feet from east-to-west, having an average slope of 35.1 percent with the LRDA concentrated in the southern half of the property. The proposed residence is located within the LRDA, sited east-to-west to conform to the natural topography by stepping up the slope. Outdoor living areas are concentrated at the rear of the residence and include patios, a shade structure, and a swimming pool. The proposed yard area is divided into two terraces, stepping up the slope in response to the natural topography. By stepping up with the slope, the outdoor space limits the required cut depths and retaining wall heights needed to create the terraces at the rear of the residence. Development of the yard area requires approval of an exception to the HDS&G for cut depths. As highlighted on Sheet A1.2 of the Development Plans, portions of the yard area would have cut depths of 4.25 feet and 5.8 feet, where four feet is the maximum allowed by the HDS&G (Exhibit 11). The applicant indicates that the cut depth exception is required due to the irregular nature of the existing slopes at the rear of the proposed residence (Exhibit 6).

DISCUSSION (continued):

A new driveway would provide access from the north side of Wood Road, traversing through the adjacent property to the east via an access easement to the turnaround area and attached garage on the east side of the residence. Development of the driveway requires approval of several exceptions to the HDS&G, including:

- Maximum slope shall not exceed 15 percent. Driveway slopes in excess of 15 percent require approval by the Town Engineer and Santa Clara County Fire Department;
- Grading depths shall not exceed four feet of cut and/or three feet of fill; and
- Retaining wall heights should not be higher than five feet.

The proposed driveway has been sited to utilize an informally graded dirt roadway, helping to minimize required grading. A portion of the driveway would have a maximum slope of 20 percent. The applicant indicates that a driveway slope exceeding 15 percent is needed to allow for smooth transitions between the driveway and Wood Road, as well as from the required fire truck turnaround to the driveway (Exhibit 6). The driveway would be approximately 290 feet long and would include a turnout area on the east side as required by the Town Code for driveway lengths exceeding 150 feet. As highlighted on Sheet A1.2 of the Development Plans, the turnout area would be supported by a retaining wall with a maximum height of 6.7 feet and a maximum fill depth of 5.7 feet (Exhibit 11). A portion of the driveway to the west of the turnout area would require fill depths up to four feet. Lastly, a portion at the top of the driveway would require a retaining wall with a maximum height of 6.7 feet and a maximum fill depth of 5.7 feet need to accommodate the required fire truck turnaround. The proposed driveway has been reviewed and approved under this application by the Engineering Division and the Santa Clara County Fire Department.

Two off-street parking spaces are required for the proposed residence and have been accommodated within the attached two-car garage. The project also includes four additional on-site guest parking spaces shown on Sheet A1.1 of the Development Plans on the south side of the top of the driveway as required by the Hillside Specific Plan (Exhibit 11).

Lastly, the project includes three 7,000-gallon water tanks located northwest of the proposed residence. The proposed tanks would be dark green and 10 feet, six inches tall and would provide the water supply to meet fire protection requirements. The tanks would be located in the required rear setback area, requiring an exception to the HDS&G. In their Letter of Justification, the applicant indicates that the reasons for siting the tanks in this location are to limit views of the tanks from neighboring properties and Wood Road, to take advantage of existing trees that would screen views of the tanks, and to maintain the required separation between the tanks and the residence (Exhibit 6). Additional planting

DISCUSSION (continued):

around the tanks is proposed as detailed on Sheet L4.0 of the Development Plans (Exhibit 11).

F. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried 37 protected trees within the project area and made recommendations for their preservation (Exhibit 8). The applicant responded to the recommendations of the Consulting Arborist by adjusting the locations of proposed utilities and adjusting the grading and driveway plans to limit impacts to the existing trees. No trees are proposed for removal and the Landscape Plans indicate that 27 new trees will be planted on site. If the project is approved, tree protection measures would be implemented prior to construction and maintained for the duration of construction activity. Arborist recommendations for tree protection have been included in the Conditions of Approval to mitigate impacts to protected trees (Exhibit 3).

G. Visibility

Pursuant to the HDS&G, a visible home is defined as a single-family residence where 24.5 percent or more of an elevation can be seen from any of the Town's established viewing areas. The applicant's visibility analysis provides a perspective of the proposed residence from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Exhibit 4). The provided analysis shows that the proposed residence would be 34.9 percent visible. Pursuant to the requirements of the HDS&G, visible homes shall not exceed a height of 18 feet and a low-to-high height of 28 feet. As discussed above, the applicant is requesting an exception to these height standards and has provided a Letter of Justification detailing the request (Exhibit 6). Additionally, the LRV of all exterior materials for visible residences may not be averaged, must be considered individually, and may not exceed and LRV of 30. The proposed residence would meet the LRV limitations for visible homes with individual exterior materials not exceeding an LRV of 30, as shown on the provided color and materials board (Exhibit 5).

H. Grading

The Site Planning Section of the HDS&G limits site grading cut depths to a maximum of four feet and fill depths to a maximum of three feet. As discussed above, the applicant is requesting an exception to the cut depth limitations to allow a maximum 5.8-foot cut depth in portions of the terraced rear yard area to address irregularities in the existing natural slope behind the residence. Additionally, the applicant is requesting an exception to the fill depth limitations to allow a maximum 5.7-foot fill depth in portions of the driveway and required fire truck turnaround area. The applicant has included a Letter of Justification

DISCUSSION (continued):

addressing the requested exceptions (Exhibit 6). The exceptions allow for development of a firetruck turnaround that meets the requirements of the Santa Clara County Fire Department and a driveway with a maximum slope of 20 percent, which exceeds the 15 percent slope limitation of the HDS&G. As discussed above, the applicant is requesting an exception to the driveway slope standards and the proposed driveway has been reviewed and approved under this application by the Engineering Division and the Santa Clara County Fire Department. The location and extent of these grading exceptions are highlighted on Sheet A1.2 of the Development Plans (Exhibit 11).

The project also includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The Town's Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 3).

I. Neighbor Outreach

The owners have indicated that they have been meeting with the surrounding neighbors to discuss the proposed project. A summary of their outreach efforts is included as Attachment 9.

J. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by July 6, 2021, in anticipation of the July 28, 2021 Planning Commission hearing. Public comments received by 11:00 a.m., Friday, July 23, 2021 are included as Exhibit 10.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for construction of a new a single-family residence and site improvements requiring a Grading Permit. The project is well designed and compatible with the properties in the immediate area. The project is consistent with the Zoning and General Plan Land Use Designation for the property. Due to the constraints of the site, the applicant is requesting exceptions to the

CONCLUSION (continued):

HDS&G for building height, grading depths, driveway slope, retaining wall heights, and water tanks located in a required setback, and has provided a Letter of Justification discussing these requested exceptions (Exhibit 6). Aside from the requested exceptions to the HDS&G, the project complies with the applicable HDS&G and Hillside Specific Plan.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
3. Make the finding that due to the constraints of the site, exceptions to building height, grading depths, driveway slope, retaining wall heights, and water tanks located in a required setback are appropriate, and the project is otherwise in compliance with the applicable sections of the Hillside Development Standards and Guidelines (Exhibit 2);
4. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 2);
5. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
6. Approve Architecture and Site Application S-21-003 with the conditions contained in Exhibit 3 and the development plans in Exhibit 11.

C. Alternatives

Alternatively, the Commission can:

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

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SUBJECT: Wood Road (510-47-045)/S-21-003

DATE: July 23, 2021

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Visibility Analysis
5. Color and materials board
6. Project Description and Letter of Justification, dated July 21, 2021
7. Consulting Architect's Report, dated February 5, 2021
8. Consulting Arborist's Report, dated March 22, 2021
9. Applicant's neighbor outreach efforts
10. Public comments received by 11:00 a.m., Friday, July 23, 2021
11. Development Plans