



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 08/25/2021

ITEM NO: 3

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DATE: August 20, 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 Kohlsaar, Architect. Project Planner: Sean Mullin.

**BACKGROUND:**

On July 28, 2021, the Planning Commission considered the application and continued the matter to August 25, 2021. The Planning Commission directed the applicant to consider the comments of the Planning Commission, including:

- Evaluate options to reduce the height of the residence and therefore the visibility from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17; and
- Clarify whether a right-of-way exists on the subject property.

**DISCUSSION:**

The applicant submitted a written response to the direction provided by the Planning Commission and revised development plans (Exhibits 13 and 15). The changes to the residence and the applicant's response are discussed below.

**A. Building Height**

In response to the Planning Commission's direction, the applicant has reduced the height of the upper floor by reducing the ceiling height by approximately nine inches and changing the roof form from a hip roof to a flat roof (Exhibits 13 and 15). These changes reduce the height of the upper floor by three feet at the bedrooms and two feet at the common area. As a result, the maximum low-to-high height is reduced by two feet, to 32 feet, 11 inches.

**PREPARED BY:** SEAN MULLIN, AICP  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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DISCUSSION (continued):

<b>Building Height</b>			
	<b>Previous Proposal</b>	<b>Current Proposal</b>	<b>Maximum Allowed per HDS&amp;G for Visible Homes</b>
Height	21.16 feet	21.16 feet	18 feet
Low-to-High Height	34.92 feet	32.92 feet	28 feet

Heights of visible homes are limited by the Hillside Development Standards and Guidelines (HDS&G) to a maximum of 18 feet at any point and a low-to-high dimension of 28 feet. The revised residence continues to require exceptions to the height standards of the HDS&G for a portion of the loggia covering a patio at the front of the main level with a height of 21.16 feet, exceeding the 18-foot height standard. Additionally, the revised portions of the upper level would exceed the 28-foot low-to-high standard, having a height of 32.92 feet.

B. Visibility

Pursuant to the HDS&G, a visible home is one where 24.5 percent or more of an elevation can be seen from any of the Town's established viewing areas. The previous proposal included a visibility analysis showing that the residence would be 34.9 percent visible from the viewing area located at Los Gatos-Saratoga Road (Highway 9) and Highway 17 (Exhibit 4). In response to the Planning Commission's direction to reduce visibility, the applicant has lowered the ceiling heights and changed the roof on the upper floor from hipped to flat, as discussed above. These changes reduce the overall height of the building by two feet and would reduce the visibility of the proposed residence to 32 percent (Exhibit 15, Sheets VS1 and VS2).

During the July 28, 2021 Planning Commission hearing, the applicant was asked to explore opportunities to plant additional trees to reduce the visibility of the residence. The revised development plans introduce eight, 60-inch box redwood trees adjacent to the driveway on the neighboring property, in a landscape easement, east of the residence (Exhibit 15). The applicant outlines the selection process for the screening trees, which considered height, foliage density, growth rate, native species, and cost (Exhibit 13). Redwood trees were ultimately selected, and the applicant indicates that they have consulted with a nursery to purchase trees that are currently 18 feet, six inches tall. Given the average growth rate for redwoods, the nursery anticipates that the trees will grow approximately two feet per year and would be over 20 feet tall at the time of planting. The applicant estimates that the redwoods would be at least 24 feet, six inches tall within two years of planting.

DISCUSSION (continued):

The applicant submitted a revised visibility analysis calculating the percent of the revised residence that would be visible from the Highway 9/17 viewing area (Exhibit 15, Sheets VS1 and VS2). The analysis includes three visibility calculations based on the revised residence:

- The revised residence with no added screening trees;
- The revised residence after initial planting of the proposed redwood trees; and
- The revised residence after two years of anticipated growth of the proposed redwood trees.

The visibility of the revised residence is summarized in the table below. Typically, visibility analyses do not consider proposed trees or landscaping. The applicant has provided these calculations, including the proposed redwood trees, in response to the Planning Commission’s request to explore the use of screening trees in order to reduce the visibility of the residence.

<b>Visibility Analysis</b>			
<b>Previous Proposal</b>	<b>Revised Building Design, No Added Screening</b>	<b>Revised Building Design and New Screening Trees at Planting</b>	<b>Revised Building Design and Two Years of Growth of New Screening Trees</b>
34.9%	32%	27%	24.2%

C. Right-of-Way

During the July 28, 2021 hearing, the Planning Commission discussed a claim made on behalf of the neighboring property owner to the west that a public right-of-way exists along the north property line of the subject property. The applicant contends that there is no evidence that this right-of-way or an easement exists in this location (Exhibit 13). The Planning Commission requested that the Town Attorney consult with the applicant and the neighboring property owner’s attorney to determine whether a public right-of-way exists on the subject property. It is the conclusion of the Town Attorney that all parties are in agreement that there is no evidence of a public right-of-way (Exhibit 14). The neighboring property owner’s attorney does contend that, while there is no evidence of a public right-of-way on the subject property, there is a private easement benefitting their client. The applicant does not agree with this claim. A claim of private easement is a civil matter in which the Town is not involved.

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STORY POLES:

Due to scheduling constraints, the installed story poles have been maintained and do not reflect the height reductions to the upper floor.

PUBLIC COMMENTS:

Exhibit 18 includes additional public comments received between 11:01 a.m., Wednesday, July 28, 2021 and 11:00 a.m., Friday, August 20, 2021.

CONCLUSION:

A. Summary

The applicant has submitted revised development plans responding to the Planning Commission's direction (Exhibit 15).

B. Recommendation

Should the Planning Commission determine that the revised project meets the direction provided at the July 28, 2021 meeting, the Commission can take the actions below to approve the Architecture and Site application:

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 15.

CONCLUSION (continued):

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.

EXHIBITS:

Previously received with the July 28, 2021 Staff Report:

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

Previously received with the July 28, 2021 Addendum Report:

12. Public comments received between 11:01 a.m., Friday, July 23, 2021 and 11:00 a.m., Tuesday, July 27, 2021

Received with this Staff Report:

13. Applicant Response Letter, dated August 19, 2021
14. Public comments received between 11:01 a.m., Wednesday, July 28, 2021 and 11:00 a.m., Friday, August 20, 2021
15. Revised Development Plans, received August 19, 2021

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