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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Kendra Burch, Vice Chair Jeffrey Barnett Susan Burnett Steve Raspe Rob Stump
Town Manager:	Chris Constantin
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
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P R O C E E D I N G S:

VICE CHAIR BURCH: We will now move on to Item 5, consider a request for approval to demolish an existing accessory structure and construct a new accessory structure exceeding 1,000 square feet in gross floor area, and site improvements requiring a Grading Permit on property zoned HR-2½. Located at 16511 Cypress Way. APN 532-24-004. Architecture and Site Application S-24-045. This project is exempt pursuant to the CEQA Section 15303(a): New Construction or Conversion of Small Structures. The property owners are Jackie and Scott Kolander. The Applicant is Michael Harris. The project planner is Suray Nathan.

Before we get the Staff Report, has everybody had a chance to visit the site, or are there any items to note? Commissioner Barnett.

COMMISSIONER BARNETT: For the first time five years on the Planning Commission, I was not able to find the property, but I did do my best to evaluate it based on Internet resources, including Google Earth and Google Maps. Thank you.

VICE CHAIR BURCH: Commissioner Stump, same comment? All right.

1 COMMISSIONER BURNETT: I have to make the same
2 comment as Commissioner Barnett. I went up and down, and I
3 think it was one house, I thought it was the other house,
4 so I'm not quite sure, but I did review all the documents.

5 VICE CHAIR BURCH: All right, excellent. Mr.
6 Nathan, you'll be presenting our Staff Report for us?

7 SURAY NATHAN: Thank you, Vice Chair. Good
8 evening, Commissioners. Before you tonight is an
9 Architecture and Site Application. The project is located
10 at 16511 Cypress Way, and it is in the HR-2½ zone.

11
12 The Applicant proposes demolishing the existing
13 structure and constructing a new approximately 1,200 square
14 foot detached accessory structure consisting of a three-car
15 garage with a workshop. The proposed project meets the
16 technical requirement for the Town Code for floor area,
17 height, setback, and onsite parking.

18 The Planning Commission is considering the
19 project due to the proposed accessory structure exceeding
20 1,000 square feet in gross floor area as required by the
21 Hillside Development Standards and Guidelines.

22 The Applicant also requires an exception to the
23 Hillside Open Standard for light reflective value and the
24 depth of cut exceeding the maximum allowed for an accessory
25 building. The Hillside Development Standards and Guidelines

1 requires that exterior material structures not exceed an
2 LRV of 30, and the Applicant proposes an LRV of 69 so as to
3 match the color of the existing house.

4 It also limits grading cut depth outside the
5 footprint of the primary residence to 4'. The Applicant
6 proposes a maximum cut depth of 13.5' for the accessory
7 building, 11' for the hardscape, and 7' for the landscape.

8 The Applicant has provided the justification in
9 Exhibit 5, and this concludes Staff's presentation. Staff
10 would be happy to answer any questions you might have.

11 VICE CHAIR BURCH: Thank you, Mr. Nathan. Are
12 there any questions of Staff at this time? No. Then we will
13 now open the public portion of this item. I have one
14 speaker card, Mr. Harris. Mr. Harris, you'll have three
15 minutes.

16 MICHAEL HARRIS: Good evening, I'm Michael
17 Harris, the architect for the Kolanders for this project.

18 Essentially, we are replacing the two-car garage
19 with a three-car garage in the same place. I'm going to
20 talk about the challenges and the exemptions that we are
21 requesting.

22 A lot of the materials, colors, and reflectents
23 are designed to match the existing house and the garage
24 being demolished. The garage cannot be seen from the
25

1 street, and from the back side you essentially have the
2 bulk of the roof, which meets the LRV requirements.

3 The other item is grading. The southeast corner
4 of the garage is fairly steep, and in order to maintain the
5 same garage level without having to redo the driveway or
6 the approach to it we are maintaining that same garage
7 level, so at that corner there is extra grading that we
8 have to do on that item.

9 The other thing is it is very hard to find. I,
10 too, had a challenging when I first went up there as well.
11 Being that it's in a very high fire severity zone, we have
12 already gone through the alternate means and methods with
13 the County Fire Department and received approval.

14 Some of those elements include an extra address
15 visibility sign at the fork, so when you're approaching the
16 split for Cypress Way it will actually become a little more
17 visible so that you can go up the road, and it's mainly for
18 the Fire Department.

19 We are also adding a 5,000-gallon water tank,
20 adding fire sprinklers, a wharf fire hydrant onsite, a two-
21 hour fire rated wall between the breezeway and the house,
22 and again, incorporating all the Wildland Urban Interface
23 guidelines for non-combustibility, of vegetation
24
25

1 management, closed (inaudible), those guidelines that are
2 required in a very severe fire severity zone.

3 It is just replacing an old structure from the
4 1960s. There are signs of aging with the efflorescence for
5 the CMU, and aging material, so we'll replace that.

6 VICE CHAIR BURCH: Thank you. Are there any
7 questions for the speaker? Commissioner Stump.

8 COMMISSIONER STUMP: I realize this site has its
9 challenges with the hillside there. Are there any other
10 siting options that would allow for compliance with the
11 maximum graded cut of 4' for all elements of what you're
12 trying to do?

13
14 MICHAEL HARRIS: For the grading elements for
15 that particular size, no. We can't move it closer to the
16 house, because it would block access to the doorways, and
17 so essentially, we would have to move eastward, which is
18 where the hillside starts to slope up.

19 COMMISSIONER STUMP: Thank you.

20 VICE CHAIR BURCH: Commissioner Barnett.

21 COMMISSIONER BARNETT: Thank you for your
22 presentation. The proposed Conditions of Approval require
23 before a Grading Permit is issued that you have a
24 geotechnical report and that it be peer reviewed by a Town-
25 chosen geotech. My question is have you done any

1 preliminary work with a geotechnical engineer regarding the
2 grading issues?

3 MICHAEL HARRIS: Yes, we've already obtained a
4 soils report and are ready to address the grading with the
5 civil engineer, as well as the foundation issues that will
6 come up during building plan check with the structural
7 engineer.

8 COMMISSIONER BARNETT: One of the concerns under
9 the Town Code is drainage that is associated with grading
10 over the limit that is provided in the code, so the
11 question is are there any drainage issues that you
12 anticipate in light of the grading in that location?

13 MICHAEL HARRIS: No, the civil engineer actually
14 diverted some and created a drainage response to some of
15 the questions during planning from the Town's engineer, and
16 so those will also be further addressed in the Grading
17 Permit.

18 COMMISSIONER BARNETT: Okay, thank you.

19 VICE CHAIR BURCH: Any other questions?
20 Commissioner Burnett.

21 COMMISSIONER BURNETT: Thank you for coming this
22 evening. Eight protected trees will be removed, and I know
23 you're going to be replacing some. Will the house and
24 garage be more visible with the removal of the trees?
25

1 MICHAEL HARRIS: No, and actually we are not
2 replacing any of the trees, and that is in response to the
3 very high fire severity zone. If we start replacing the
4 trees, we'd have a continuous canopy, which would
5 accommodate no break if there were a wildfire, so that's
6 the reason. That's more on the back side of the garage, and
7 pretty much you see a small sliver mainly of the roof, and
8 you would still have low visibility, because there are
9 trees along the fence side and foliage along the barrier on
10 the neighbor's side that adds to the screening.
11

12 COMMISSIONER BURNETT: Okay, thank you.

13 VICE CHAIR BURCH: Any other questions? No. All
14 right, thank you. I do not have any other speaker cards. Is
15 there anyone on Zoom?

16 DIRECTOR PAULSON: Thank you, Chair. I do not see
17 any hands raised on Zoom.

18 VICE CHAIR BURCH: All right. You can obviously
19 come back and make a closing statement if you would like. I
20 don't think there are any other questions for you, so it's
21 up to you. All right, then I will close the public portion
22 of this item.

23 Commissioners, do you have any questions of
24 Staff, discussion, motion? Commissioner Barnett.
25

1 COMMISSIONER BARNETT: Question for Staff. Is it
2 correct that the grading limit is 50 cubic yards and the
3 proposal is for 450 cubic yards?

4 SURAY NATHAN: That is correct.

5 COMMISSIONER BARNETT: Thank you.

6 VICE CHAIR BURCH: I have a question, just maybe
7 a bit for my own knowledge. In a fire zone like this, if
8 they're removing trees, in those situations they are not
9 required to replace, is that correct? Or is it an exception
10 that we typically grant in those areas?

11
12 SURAY NATHAN: There is an in-lieu fee, and the
13 Applicant is proposing to pay an in-lieu fee instead of
14 planting the recommended trees.

15 VICE CHAIR BURCH: Okay, thank you. Commissioner
16 Burnett.

17 COMMISSIONER BURNETT: Question for Staff. The
18 light reflective value, the LRV, which in our Hillside
19 Development Standards and Guidelines is 30, and they are
20 requesting to change the color with a value of 69, which is
21 much higher, and I guess they want to match the color of
22 house. So, the question becomes the house color must be now
23 not the correct value as well, and so that is a problem,
24 and my question regarding the trees and there is no
25 replacement, and the viewing of a home on the hillside is

1 quite an issue for our Town, and that's why we have this
2 materials and color guideline, so my question is a value of
3 69 is quite high, actually, but now we're saying that the
4 house is the same color, so how does that impact since now
5 we're actually looking at the house color being not along
6 with our guidelines? Could you help me on that one?

7
8 SURAY NATHAN: As you said, the existing house is
9 not complying with the LRV of 30, and as for the trees, the
10 trees that are being removed are in the back of the house
11 on the hillside portion, and it probably wouldn't impact
12 the view from the street below, but it might impact the
13 house above that; I'm not sure regarding that.

14 DIRECTOR PAULSON: Through the Chair, there are a
15 number of homes in the hillside that were built and painted
16 prior to our light reflective value going into place, so we
17 do have a number of homes that don't meet that. The
18 Applicant here is requesting to be allowed to exceed it for
19 the detached accessory structure to match the house. We
20 don't have any leverage from our end to compel them
21 necessarily to repaint their house. Obviously, that's not
22 necessarily an inexpensive endeavor, but we generally deal
23 with these situations when someone comes in for an addition
24 or a new house, and then that's how we try to rectify that
25 issue in the future.

1 COMMISSIONER BURNETT: Okay, thank you for that.

2 VICE CHAIR BURCH: Any other questions of staff
3 or discussion? Commissioner Raspe.

4 COMMISSIONER RASPE: Mr. Paulson, one more
5 question, just out of curiosity, what is the range on the
6 LRV? From what number to what number, if you know?

7 DIRECTOR PAULSON: I'm going to guess zero to
8 100, zero probably being black, 100 probably being white.
9 That's a total guess.
10

11 COMMISSIONER RASPE: Just curious. Thanks so
12 much.

13 VICE CHAIR BURCH: All right, is there any
14 discussion then? Why don't we just go ahead and start
15 talking about the size? One of the reasons we are seeing
16 this item in front us is because it does exceed the 1,000
17 square foot gross floor area, so I would invite that
18 discussion among my Commissioners. Is this a concern item,
19 before we move onto the grading?

20 COMMISSIONER RASPE: If you don't mind, I'll just
21 dump all my issues out, and then we can tackle those.

22 VICE CHAIR BURCH: Issue dump away.

23 COMMISSIONER RASPE: Actually, (inaudible) going
24 to say I have any issues necessarily. The LRV, yes, it's
25 concerning, but to me, again, the house isn't

1 extraordinarily visible. In fact, none of us could find it.
2 And the fact that they're trying to match an existing home
3 to me argues that it probably isn't as big of a concern as
4 it otherwise could be. Also, we have notes from the
5 consulting architect, who had no comment to the structure,
6 which I would probably put into the category of the color
7 of the structure into that discussion as well, so the LRV
8 doesn't bother me as much.

9
10 The grading, the architect has indicated that
11 there are no workarounds for that. Essentially, it is what
12 it is if they're going to do this work.

13 The fire issue, I think we can all agree that the
14 new structure will be much more fire resistant/repellant
15 than what currently exists, and so I think if one of our
16 goals here is to make a more firesafe hillside, this
17 project goes toward that end, including the use of the
18 materials, the sprinklers, and the tank.

19 So, for all those reasons, I would support the
20 project in its current iteration.

21 VICE CHAIR BURCH: Thank you, Commissioner Raspe.
22 Any other comments? Commissioner Stump.

23 COMMISSIONER STUMP: I've got a slightly
24 different take primarily on this cut. I certainly
25 understand the desire to have a 1,283 square foot garage

1 which includes three cars and a workshop area, but part of
2 the problem is being driven by the size of this garage, and
3 that is a significant cut, and this is a Hillside Standard,
4 not a guideline, and so I kind of hold a little more fast
5 to the whole concept that I certainly understand what the
6 owner/applicant wants to do, but in this case I'm going to
7 find it very hard to just let that standard go by the board
8 as it relates to the cut.

9
10 VICE CHAIR BURCH: Thank you, Commissioner Stump.
11 Commissioner Barnett.

12 COMMISSIONER BARNETT: I share the concern about
13 the grading request in that it's magnitudes of size in
14 violation of our code standard, and I assume the underlying
15 purposes for the grading standard are potentially
16 aesthetic, but I think more in this case possible hillside
17 stability and drainage issues, and to me adding one garage
18 bay does not warrant that amount of excess of our standard.

19 VICE CHAIR BURCH: Thank you. I will make some
20 comments then. As far as the LRV matching existing, to me
21 that's really not a conversation stopper; it matches the
22 existing home.

23 I do have concerns though about the excessive
24 grading. Again, like you said, basically to just add one
25 bay, and again, because it is a Hillside Standard, that is

1 really where my concern comes and where I have trouble
2 supporting the application as it stands.

3 Anybody want to attempt a motion, or any further
4 questions of Staff, comments?

5 COMMISSIONER RASPE: I just had one further
6 comment. I sense I'm in the minority on the cut issue. If
7 the notion is one of safety as opposed to aesthetics, as
8 Commissioner Barnett noted, soils and geo is going to have
9 to sign off on the project before it goes forward, so I
10 think that mitigates against a finding that the cut is too
11 excessive, in my view.

13 VICE CHAIR BURCH: That's a good perspective.

14 COMMISSIONER STUMP: I know we don't talk a lot
15 about precedent. This is an accessory building, a rebuild.
16 Had this been a new construction, the cut allowance
17 actually is higher. But now we're dealing with an accessory
18 building after many years, and so again, that's why I tend
19 to hold fast to that standard.

20 One of the questions I asked Staff when I went in
21 for my regular visit was what other examples do we have of
22 this where we have made a major exception to a standard
23 like this, and it was very hard to come up with one, and so
24 my concern is that we start doing this, what's the
25 standard? I'm not typically a black and white, hard and

1 fast guy, but in this case, that's really where I am
2 positioned.

3 VICE CHAIR BURCH: I was just trying to think
4 back through the years on the same, when we had made such
5 an exception for something like an accessory dwelling, and
6 I actually couldn't think of any examples during my tenure.

7
8 Anybody want to venture a motion, or further
9 discussion?

10 COMMISSIONER BARNETT: I'll propose a motion.
11 With respect to this agenda item concerning 16511 Cypress
12 Way, a request to approve demolition of an existing
13 structure and construct a new accessory structure exceeding
14 1,000 square feet, etc., APN 532-24-004, although I could
15 make the required findings for CEQA, I cannot make the
16 findings concerning the other elements, including the
17 Hillside Development Standards and Guidelines. I'll ask
18 Staff if that includes the grading as prohibited by the
19 Specific Plan as well, the grading violation?

20 DIRECTOR PAULSON: That lives inside the Hillside
21 Development Standards and Guidelines. The Specific Plan,
22 this is in that area, but those specific provisions are in
23 the guidelines.

24 COMMISSIONER BARNETT: Okay, so I could not make
25 the findings regarding the guidelines and standards, and

1 for that reason I propose to my fellow commissioners that
2 the application be denied.

3 VICE CHAIR BURCH: Thank you. Any comment or a
4 second?

5 COMMISSIONER STUMP: Second.

6 VICE CHAIR BURCH: Any discussion? Then I'll call
7 the question. All in favor? Any of those opposed? Passes 4-
8 1. Are there any appeal rights?

9 DIRECTOR PAULSON: Yes, thank you, there are
10 appeal rights. Anyone who is not satisfied with the
11 decision of the Planning Commission can appeal that
12 decision to the Town Council. Forms are available online in
13 the Clerk's Office. There is a fee for filing the appeal,
14 and the appeal must be filed within ten days.

15 VICE CHAIR BURCH: Thank you, Mr. Paulson.

16 (END)
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