

FILING FEES
\$523.00 (PLAPPEAL) Residential
\$2,102.00 (PLAPPEAL), per
Commercial, Multi-family, or
Tentative Map Appeal

TRANSCRIPTION \$500 (PLTRANS)

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION



I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION April 23, 2025

PROJECT / APPLICATION NO: S-24-045

ADDRESS LOCATION: 16511 Cypress Way

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:
Please refer to the attachment.

_____; OR

2. The Planning Commission's decision is not supported by substantial evidence in the record:
Please refer to the attachment.

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. **Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10th day following the decision. If the 10th day is a Friday, the appeal must be filed by 1:00 P.M. If the 10th day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.**
3. **The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).**
4. **Once filed, the appeal will be heard by the Town Council.**
5. **If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.**

PRINT NAME: Scott Kolander SIGNATURE: 
DATE: April 29, 2025 ADDRESS: 16511 Cypress Way
PHONE: [REDACTED] EMAIL: [REDACTED]

*** OFFICIAL USE ONLY ***

DATE OF PUBLIC HEARING: _____
Pending Planning Department Confirmation

DATE TO SEND PUBLICATION: _____ DATE OF PUBLICATION: _____

- KEY**
- ① ERROR OR ABUSE OF DISCRETION
 - ② DECISION NOT SUPPORTED BY SUBSTANTIAL EVIDENCE
 - ③ SUPPORT ELEMENT

APPEAL TO PLANNING COMMISSION'S DECISION



Town of Los Gatos
Community Development Department
110 E. Main Street | Los Gatos, CA 95031
www.losgatosca.gov

Planning: **S-24-045**
Architecture and Site Development Application

Address: 16511 Cypress Way | Los Gatos, CA
Description: Garage & Breezeway Replacement

Meeting Date: April 23, 2025

Planning Commission Roll Call: Emily Thomas (chair) – absent
Kendra Burch (vice chair) – voted to deny project
Jeffrey Barnett – brought denial to motion
Susan Burnett – voted to deny project
Steve Raspe – voted to approve project
Rob Stump – second motion to deny project
Joseph Sordi – absent

Vote: 4-1 denied

The property owner and applicant is appealing the Planning Commission's decision for the following reasons and concerns:

- 1,2,3** • The existing terrain of the site, current location of the garage and current site development will not accommodate any rebuild or expansion without a grading exemption to the Hillside Development Standards & Guidelines. The house and garage were built in the 1960's well before the Hillside Development Standards & Guidelines came into effect. Without the benefit of the current standards in place at that time, the garage was built utilizing cut depths exceeding the current Standards/Guidelines.
- 1,2** • Commissioners were not able to visit or view the site, like with all other projects under consideration, because they were unable to find the property or got lost. The on-site visual opportunities and context were not afforded to this project, as with other projects. Internet resources, such as Google Earth, do not provide the same level of in person visual context. As discussed with Staff in preparation for the appeal, the owner has agreed to set a period of time (days) before the meeting by providing access to the gate at the driveway. The owner has dogs and will have them out of the way as well. The personal and visual aspect of the site will clearly illustrate the unique aspect of the site and the limitations with regards to grading cut depths.

- 1 • Approval or denial of Hillside Development Standards & Guidelines exemptions are not consistent
- 3 • Request for exemption for LRV exceeding 30 was accepted by the commission since the colors, textures and materials will match the primary structure. The structure (1960's) was built well before the Hillside Development Standards & Guidelines for LRV limits were adopted in 2004.
- 2,3 • The site is already developed. The garage is being rebuilt in the same location along with the increased area.
- 2,3 • The existing garage, built in the 1960's, is showing signs of aging and needs to be addressed. There is efflorescence on the existing CMU retaining wall that is causing oxidation of owner's contents in the garage. Portions of the roof framing show signs of deflection throughout the years and repairs need to be made to prevent future intrusion of insects and invasive organisms.
- 2 • The Town's Architectural project review indicated there were no recommendations for changes.
- 2 • The existing garage, with relation to the existing slopes, exceeded these current limits when originally built in 1960's. Replacement or increasing area of any size would require an exemption.
- 3 • There are numerous items that would fall out of compliance and other elements would need to be addressed if the garage were elevated 7'-0" to meet the grading cut length limitations of the Hillside Development Standards & Guidelines.
 - Modification of the turnaround space in front of the garage to elevate it by 7'-0" and requiring 7'-0" of hardscape fill which exceeds the fill lengths in the Hillside Development Standards & Guidelines
 - Retaining walls added that would exceed 5'-0" in height. A stepped approach would interfere with the primary residence.
 - Modification of the driveway steeper than it currently is, much beyond the 15 degrees allowed by the Hillside Development Standards & Guidelines.
 - Modification of the access to the primary structure and other portions of the property
 - The resultant height of the accessory structure would be approximately 7'-0" higher than the primary structure.
 - Elevation of the accessory structure would increase visibility and may overturn the LRV exemption because of its new prominence and visibility outside of the property.
 - Fall out of compliance for the building height section in the Hillside Development Standards & Guidelines by being more than 3 feet above the existing grade
 - There are other items within the Hillside Development Standards & Guidelines that would fall out of compliance as a result of lifting the garage structure.
- 1,2 • The Planning Commission's Denial prevents the owner from the opportunity to replace or expand a common accessory structure that exists with most single-family residential properties. The project meets all other Hillside Development Standards & Guidelines, except for grading & LRV.
- 1 • Jeffrey Barnett asked Planning Staff (after public comment was closed) if the grading limit is 50 cubic yards and the application is for 415 cubic yards and Planning Staff confirmed yes. Please note that the Hillside Development Standards & Guidelines does not limit the amount of grading quantity. Rather 50 cubic yards is the threshold where a grading permit is required. This confirmation and line of questioning may have factored into the decision by certain Planning Commission members to deny an exemption for grading.

- 1 • Planning Commission's concern about setting new precedence for other projects is not related to the unique and specific conditions of the already developed site.
- 1 • Planning Commission's concern about safety and stability for exceeding grading cuts are subjective with the lack of benefit of reviewing a geotechnical soils report supporting such. A Geotechnical soils report is submitted during Building plan check along with grading permits, not during Planning review, however will be made available upon request.
- 1, 2 • A soils report was not requested during Staff review, which included Public Works Engineering that review grading, drainage and retaining wall configurations during planning, nor requested during the Planning Commission to allow a proper engineering review for the life safety and stability concerns of the Commission members.
- 1, 2 • A follow up question by a commission member was asked if a geotechnical study done to support grading at these levels. The response was yes, a soils report was performed that addresses both grading and foundation. The geotechnical engineer would supply a letter reviewing the structural engineer's foundation design and the civil engineer's grading design indicating substantial conformance with the conditions in the soils report during building plan check and grading permit. Please note that the geotechnical study and subsequent issuance of the soils report performed on June 13, 2024 contains the following:
 - Analyzes regional setting, geology, landsliding, site, subsurface and ground water
 - Laboratory testing for soil and bedrock properties along with moisture content & dry density
 - Findings for building site, slope stability and seismicity, including landsliding screening analysis
 - Recommendations for garage location, seismic design criteria, earthwork including grading and trenching, foundations, retaining walls, flat work and drainage.
 - Conditions for plan view to ensure structural and civil design for the above elements are in substantial conformance to the issued soils report
 - Requirements for construction observation.
- 3 • As described by the dissenting Planning Commissioner, Steve Raspe, the project addresses Hillside Development Standards & Guidelines with satisfactory justification for LRV and Grading Exemptions and addresses County of Santa Clara Fire Department provisions to make the site safer than what currently exists today.
- 2, 3 • The proposed project addresses fire-life safety as the site it is classified and located in a Very High Fire Hazard Severity Zone in State of California Responsibility Area as defined by CAL Fire (California Department of Forestry and Fire Protection) with the following provisions and mitigations:
 - Approved AMMR (Alternate Means/Methods Request) #25-0417
 - Installation of a 5,000 gallon fire water tank
 - Installation and connection of a new wharf fire-hydrant
 - Installation of NFPA 13D fire sprinklers in the garage
 - Installation of 2-hour fire-rated walls between garage and breezeway
 - Install address signage at Cypress Way fork to accommodate increased visibility for emergency response personnel to effectively locate the property

- Incorporation of State of California Wildland-Urban Interface Guidelines for building construction methods that reduce the hazard of building ignition with the following:
 - Exterior cladding with ignition resistant materials (stucco)
 - Class A asphalt roof tiles
 - Closed eaves
 - Ember resistant soffit vents
 - Ember resistant ridge vents
 - Ember resistant gable-end vents
 - Metal-cladded door and frame assemblies with tempered glazing
 - Windows double-paned and tempered
 - All doors have perimeter weather stripping
 - Door bottoms included to reduce ember intrusion
- Incorporation of State of California Wildland-Urban Interface Guidelines for defensible space to reduce hazardous vegetation around houses and reduce the potential severity of wildfire exposure with the following methods:
 - Zone 0 – Incorporation of non-combustible surfaces and materials within 5’ of the garage. A total of 2 trees have been removed in this zone as well.
 - Zone 1 – Removing a total of 6 trees in this zone to accommodate grading and accommodate a tree canopy fire break along with maintaining ground cover, removing dead weeds and elevating remaining tree canopies to at least 6’-0” clear from the ground

1,2,3 Grading Cut Length Exceeding Maximum Allowed

Maximum grade cuts are based upon the existing terrain, preserving natural features and drainage and utilizing the existing garage location. Note that the garage foundation level is being maintained in the addition thus the noted maximum cut noted in the garage line item.

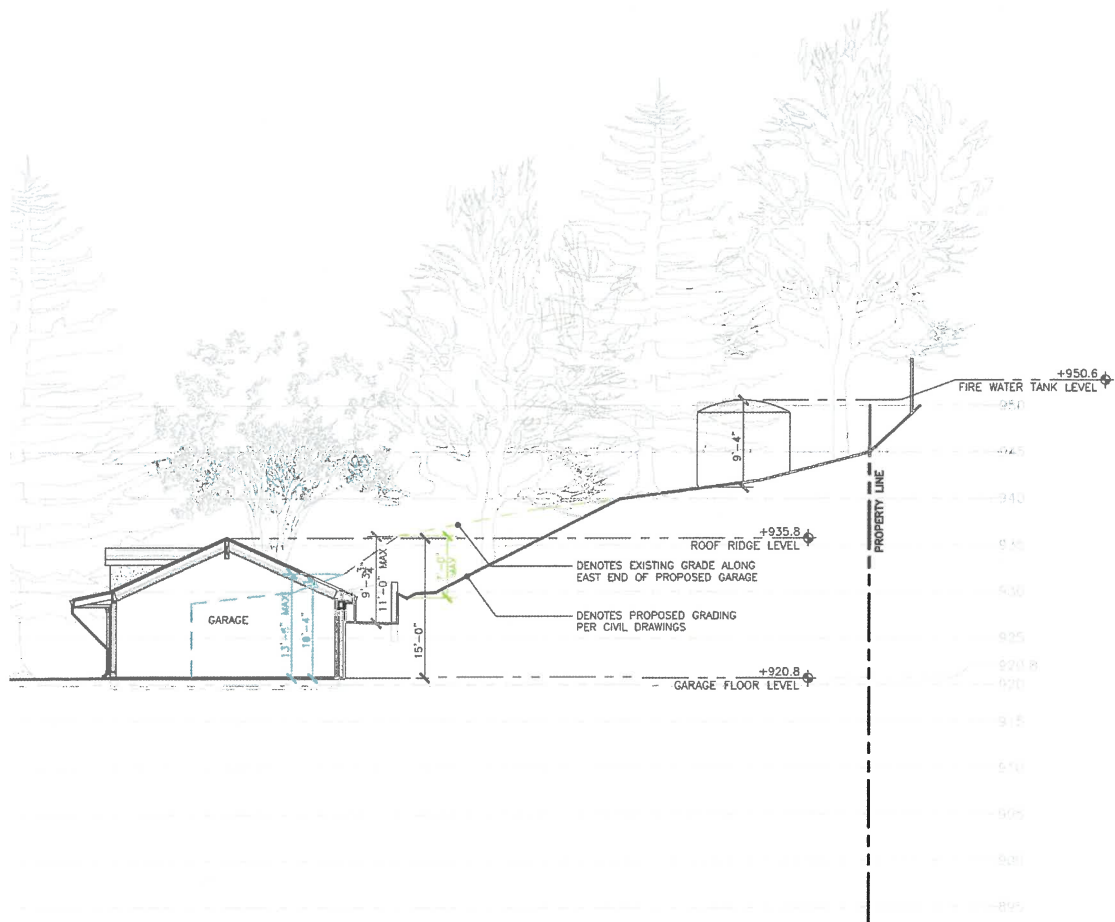
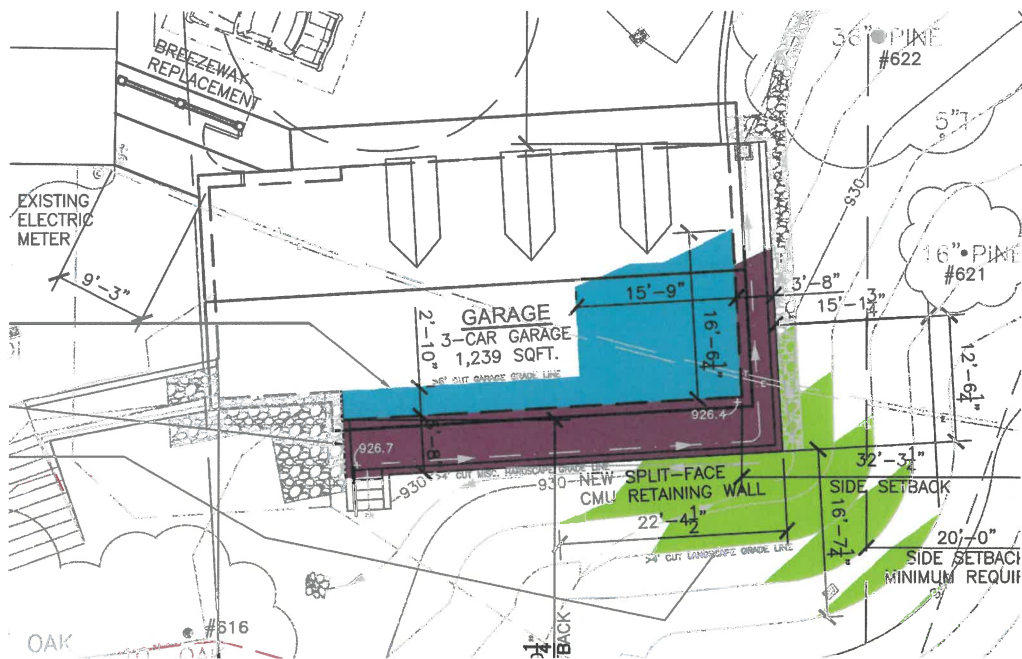
APPROXIMATE EARTHWORK QUANTITIES

AVERAGE SLOPE: ~32%	EARTHWORK (CY)		MAX CUT/FILL DEPTH (FT)		(CY)	
SITE ELEMENT	CUT	FILL	CUT	FILL	IMPORT	EXPORT
LANDSCAPE	236	0	7	–	0	236
MISC. HARDSCAPE	57	0	11	–	0	57
GARAGE	122	0	13.5	–	0	122
TOTAL	415	0			0	415

*LANDSCAPE INCLUDES GRADING SOUTH OF GARAGE.

*MISC. HARDSCAPE INCLUDES CONCRETE PAD AND RETAINING WALL GRADING.

A request for exemption is requested due to existing conditions on site. The garage is maintaining the same pad elevation as the existing removed. Due to the existing site configuration and constraints, cutting an additional 5.5’ is necessary to maintain the same pad elevation. Elevating the garage would require significantly more grading and asphalt modifications. The same is true for the additional 7’ of cut for the miscellaneous hardscape and additional 3’ of cut for the landscaping.



3 LRV Exceeding 30

The colors, textures and materials will match the primary structure. The scale of the structure is within zoning height limitations and complies with the Hillside Development Standards. Other attributes are discussed further in detail in the section above including architectural style, height, bulk, scale, roofs, windows, materials, architectural features, privacy, sustainable design and fire-life safety. An exemption has been requested for the LRV exceeding 30 since the intent for the proposed garage assembly is to have the same materials, textures and colors to match the existing residence for what is already established on site.

The colors, textures and materials will match the primary structure.

Exterior cladding is stucco and will match the main residence

Roof is asphalt shingle tiles and will match the main residence

Trim, gutters and fascia will match the main residence

Doors will match the stucco color

Lattice and breezeway wall will match the existing nearby bbq terrace

EXTERIOR COLOR SCHEME	
DOOR:	TAN/EARTH (MATCH EXISTING MAIN HOUSE) -LRV 69 FIRE-RATED HOLLOW METAL DOOR & FRAME
GARAGE DOORS:	TAN/EARTH (MATCH STUCCO COLOR) - LRV 69 METAL-CLADDED INSULATED DOOR WITH WOOD TRIM COVERED WITH 20 GA METAL FLASHING & PAINTED TO MATCH FACIA BOARD TRIM
DORMER WINDOWS:	FIRE-RATED & METAL FRAME WITH THERMAL BREAK WHITE TO MATCH MAIN HOUSE - LRV 93
GABLE VENTS:	TEMPERED GLAZING WITH 3/4" WIDE WINDOW GRILLES METAL-PAINTED TO MATCH STUCCO COLOR -LRV 69
FAUX COLUMNS:	STUCCO-CLADDED TO MATCH STUCCO TEXTURE AND COLOR AS THE GARAGE (TAN/EARTH) - LRV 69

EXTERIOR COLOR SCHEME	
STUCCO:	TAN/EARTH (MATCH EXISTING MAIN HOUSE) -LRV 69 MODERN STYLE TEXTURE TO MATCH MAIN HOUSE
ROOF TILES:	ASPHALT SHINGLES (SEE A2.2) - SRI 18 COLOR: CHARCOAL BLACK
TRIM:	TAN/EARTH TO MATCH STUCCO - LRV 69 (STUCCO TRIM TO MATCH STUCCO COLOR)
FASCIA:	WHITE TO MATCH MAIN HOUSE - LRV 93
GUTTERS:	WHITE TO MATCH MAIN HOUSE - LRV 93
DOWNSPOUTS:	WHITE TO MATCH MAIN HOUSE - LRV 93
LATTICE (LRV 14):	BLACK IRON TO MATCH BBQ TERRACE LATTICE
RETAINING WALLS:	CONCRETE AT GARAGE (FULLY CONCEALED) (LRV 30) SPLIT-FACE CMU TO MATCH EXISTING ON SITE

