

May 20, 2024

Planning Commission
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: 17020 Los Cerritos Drive
APN 532-21-013
Project Description and Letter of Justification

The applicant is requesting re-approval of an Architecture & Site application that was approved by the Planning Commission on April 10, 2019 (S-16-065) for retaining walls and site improvements requiring a grading permit. Following Planning Commission approval, construction plans were prepared and submitted to Building, however, the remediation work was not completed. Because the Architecture & Site Application has expired, a new application has been submitted requesting to have the project re-approved. The scope of the project has not changed. The following narrative was provided to the Planning Commission in 2019.

Scope of Work

- Site grading and construction of new retaining walls for work completed in February 2016:
 - Cut totaling 1360 cubic yards of earth in two areas of the project site (along the rear yard property line at the southwestern edge of the property and in the existing driveway area at the northeast corner of the renovated residence).
 - Construction of 100 lineal feet of new retaining wall at the rear yard area (shown as Alignment 1 on the site plans).
 - Construction of 122 lineal feet of new retaining wall in the driveway area (shown as Alignment 2 on the site plans).
- Proposed remediation measures to bring the exposed height of most, but not all of the existing retaining walls, to the limitations prescribed by the *Hillside Development Standards & Guidelines*.

Justification for Proposed Remediation/Mitigation Measures

Project History/Prior Work

Over the summer and fall of 2015, site grading and construction of two new retaining walls occurred on the project site. This work proceeded without the required permits due to a series of misunderstandings and confusion about the permit approval status for the planned work:

- A major renovation to the existing residence on the property was in progress at that time under building permits B12-0649 and B12-0657.

- As part of this renovation project, the retaining walls in the former pool area (to the east of the residence) were replaced using a retaining wall detail provided by the project architect.
- The homeowner misunderstood the extent of the retaining wall work authorized under the building permit for the residential renovation. A prior contractor led the homeowner to believe that additional retaining wall work was authorized under the building permit and proceeded to construct two new sections of retaining wall using the same detail that had been provided for the pool area retaining wall replacement.
- To the best of the homeowner's understanding, the retaining wall changes completed in 2016 had been approved as part of the residential renovation building permit, but in fact, a separate approval for the grading and new retaining wall work was required and had not been completed.

Work Done without Permits

The following work was completed on the project site in 2016 without permits:

- Site grading and cutting of 1,360 cubic yards of earth in two areas of the project site:
 - Driveway area: in the existing driveway area at the northeast corner of the recently renovated residence.
 - Rear yard area: along the rear yard property line at the southwestern edge of the property.
- Construction of new retaining walls:
 - Driveway Area: 122 lineal feet of new retaining wall at driveway area (shown as Alignment 2 on the site plans).
 - Rear Yard Area: 100 lineal feet of new retaining wall at the rear yard area (shown as Alignment 1 on the site plans).

Hillside Development Standards and Guidelines Conformance

The work completed in 2016 without permits is not in conformance with the *Hillside Development Standards and Guidelines* as follows:

1. Site grading has been performed outside the LRDA.
2. The cut depth at many points along the new retaining wall alignments exceeds the maximum cut depth of 4 feet allowed per HDS&G Table 1 (page 17):
 - Driveway area: Maximum cut depth (on Alignment 2) is 12.1 feet.
 - Rear yard area: Maximum cut depth (on Alignment 1) is 9.1 feet.
3. The retaining wall heights, as built in 2016, exceed the height limitation recommended in the HDS&G.
 - Per HDS&G/VI. Site Elements/C. Retaining wall (page 45):

- Retaining walls higher than five feet are discouraged.
- Multiple-terraced, lower retaining structures should be used in unusual or extreme conditions.
- The maximum retaining wall heights completed in 2016 are:
 - Driveway area: Maximum wall height (on Alignment 2) is 12.3 feet.
 - Rear yard area: Maximum wall height (on Alignment 1) is 7 feet.
- The mitigation strategies included in this Architecture & Site Application will bring these retaining walls into full compliance with the height limitations recommended in the HDS&G.

Requested Exceptions from Hillside Development Standards and Guidelines

This application includes a request for two exceptions from the Hillside Development Standards and Guidelines:

1. Site grading performed outside of the LRDA (on existing slopes greater than 30%).
2. Cut depths exceeding the allowable 4 foot cut depth for landscape areas.

Feasibility Analysis of Restoring the Hillside/Prior Retaining Wall Locations

The restoration of the site to the locations of the prior retaining walls using engineered fill was analyzed and was not recommended by the project design team for the following reasons:

- Removing the retaining walls completed in 2016 that have been constructed outside of the LRDA could destabilize the soil on the hillside and create a potentially dangerous geotechnical condition.
- Adding engineered fill to the site to recreate the original grades will require:
 - Additional cut into the existing hillside to provide a stable foundation for the new engineered fill (“benching”).
 - Driveway area: Additional cut required is 10 feet deep (587 CY).
 - Rear yard area: Additional cut required is 7.8 feet deep (162 CY).
 - Additional engineered fill will be required to recreate the grades.
 - Driveway area: Additional fill required is 14 feet deep (1,114 CY).
 - Rear yard area: Additional fill required is 9.9 feet deep (442 CY).
- The transportation of this additional cut soil and engineered fill to the site will greatly impact the local roads and create a significant disturbance to the neighbors.
 - Additional cut: 749 CY will require approximately 75 truckloads.
 - Additional engineered fill: 1,556 CY will require approximately 156 truckloads.

Allowing the retaining walls completed in 2016 to remain in place with the proposed mitigation of adding structural buttressing and multiple-terraced walls is recommended as the safest and least disruptive option to bring the current site conditions into substantial conformance with the HDS&G.

Proposed Remediation

The project team proposed implementing a mitigation strategy using the multiple-terraced retaining walls (as recommended in the *Hillside Development Standards and Guidelines*) to bring the site conditions into substantial compliance with the limitations recommended in the HDS&G. Two alternatives were provided and on April 10, 2019 the Planning Commission approved Mitigation Alternative 1.

This Mitigation Alternative includes the following:

- Adding a series of 14 concrete buttresses at 5 foot on center to brace the wall completed in 2016 along the portions that exceed 5.5 feet of exposed wall height.
- Adding a terraced retaining/planter wall in front of the wall to reduce the maximum exposed wall height to 4 feet, meeting the HDS&G recommendation.
- Adding two offsets to both the upper and lower retaining walls to reduce the maximum uninterrupted wall length to 22 feet 10 inches, meeting the HDS&G recommendation.
- Adding a terraced retaining/planter wall to separate the upper and lower levels of the rear yard. This retaining and planter wall combination will have a maximum exposed wall height of 3 feet, meeting the HDS&G recommendation.
- Softening the appearance of the wall by planting native landscaping as shown on the renderings and landscape plans.

In summary, the proposed project meets the former approval of the Planning Commission, and the applicant is requesting approval of the same design as the Architecture & Site Application approval that has expired. Thank you for your consideration. You are welcome to contact the project team if you have any questions or further clarification is needed.

Sincerely,

[REDACTED]
Homeowner

David Fox
Landscape Architect

Scott Crawford
Contractor

Suzanne Avila
Consultant Planner

[REDACTED]