



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/12/2023

ITEM NO: 3

DATE: July 7, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval to Exceed the Maximum Height of a Visible Home in the Hillside for an Addition to an Existing Single-Family Residence; to Construct an Accessory Building with a Combined Gross Floor Area Greater than 450 Square Feet, but Less Than 600 Square Feet; and for Site Improvements Requiring a Grading Permit on Property Zoned HR-1. **Located at 15977 Shannon Road.** APN 529-01-002. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Architecture and Site Application S-20-017. PROPERTY OWNER: JART, LLC. APPLICANT: Tom Sloan. PROJECT PLANNER: Erin Walters.

RECOMMENDATION:

Approval.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-1
Applicable Plans & Standards: General Plan, Hillside Development Standards and Guidelines, Hillside Specific Plan
Parcel Size: 2.12 acres (91,152 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-1
South	Residential	Hillside Residential	HR-1
East	Commercial	Hillside Residential	HR-1
West	Residential	Hillside Residential	HR-1

PREPARED BY: Erin Walters
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, 15301: Existing Facilities.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, 15301: Existing Facilities.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project complies with the Hillside Development Standards and Guidelines (HDS&G), with the exceptions of exceeding the maximum allowable building height of a visible home for an addition to an existing single-family residence, and exceeding the maximum allowed fill for driveways.
- 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 to the north of Shannon Road, approximately 320 feet east of Wollin Way (Exhibit 1). The hillside property is approximately 2.12 acres, with an average lot slope of greater than 30 percent. The site is currently developed with an existing three-story 4,947-square foot residence with a 422-square foot attached two car garage, 423 square feet of below grade square footage, an existing 306 square feet detached accessory structure, and a swimming pool (Exhibit 10).

On May 5, 2020, the applicant applied for an Architecture and Site application to demolish the existing three-story residence and construct a new one-story residence. The application was reviewed through the Town's Staff Technical Review process, however at the third review on August 11, 2021, the Santa Clara County Fire Department (SCCFD) deemed the project subject to the July 1, 2021, California Public Resource Code 4290 (PRC 4290). This requirement is applicable for new homes located within lands classified and designated as Very High Fire Hazard Severity Zones (VHFHSZ) within the Local Responsibility Area (LRA). The PRC 4290 requirements required modifications to the width of existing roads, existing road surfaces,

BACKGROUND (continued):

grading thresholds for all roads and driveways, existing road radius, and providing turnouts for the driveways and dead-end roads. The subject property is located at the end of a steep private shared driveway which services a total of six single-family residences.

The applicant's team met with the SCCFD to discuss project options and the PRC 4290 requirements. On February 22, 2023, the applicant resubmitted a modified project which includes a remodel and addition to the existing three-story residence in order not to trigger the PRC 4290 requirements. The applicant's team has worked closely with the SCCFD, Public Works Engineering, and Planning on the subject remodel/addition application. The Draft Conditions of Approval (Exhibit 3) include roadway and other improvements for fire safety that will be required as a result of this coordination with the SCCFD.

The Architecture and Site application has been referred to the Planning Commission based on the requested exceptions to the HDS&G which include portions of the addition that exceed the maximum allowable height for a visible home, and a portion of the modified driveway that exceeds the maximum allowable fill.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 2.12 acres, located north of Shannon Road, approximately 320 feet east of Wollin Way and is accessed by a steep private shared driveway which services a total of six single-family residences (Exhibit 1). The hillside property is developed with a three-story residence. The subject site and surrounding hillside properties to the north, east, south, and west are comprised of single-family homes.

B. Project Summary

The applicant proposes an addition and remodel of an existing three-story single-family residence. The existing residence is a visible home per the HDS&G as more than 24.5 percent of the western elevation can be seen from the Blossom Hill Road/Los Gatos Boulevard established viewing area.

The scope of work includes modifying the existing architectural style from contemporary to contemporary modern. The applicant proposes to modify the existing gable roof to a flat roof design. The proposed addition is located to the east of the existing house and cannot be seen from the Blossom Hill Road/Los Gatos Boulevard viewing area. The existing gable roof peak would be removed reducing the height of the structure; however, the proposed remodel would remain a visible home as defined by the HDS&G. The applicant is

PROJECT DESCRIPTION (continued):

requesting a height exception for portions of the addition which exceed the maximum allowable height of 18 feet.

The project requires a Grading Permit for the site improvements with earthwork quantities exceeding 50 cubic yards. The site improvements include modifications of the existing driveway, a new fire truck turn around, a new pool, new landscaping, and gardening space with rock retaining walls. The project complies with the objective standards of the Town Code and the applicant requests exceptions to the HDS&G for a portion of the modified driveway which exceeds the maximum allowable fill.

C. Zoning Compliance

A single-family residence, accessory structure, and swimming pool are permitted in the HR-1 zone. The proposed residence is in compliance with the zoning regulations for allowable floor area, setbacks, and on-site parking requirements for the property. The existing three-story residence exceeds the maximum allowable height for a hillside visible home. The applicant requests approval to exceed the maximum height of a visible home in the hillside for portions of the addition to the existing single-family residence.

DISCUSSION:

A. Architecture and Site Analysis

Pursuant to the HDS&G, when determining the maximum allowable floor area for a hillside property, the gross lot area is reduced based on its average slope. The subject property is approximately 2.12 acres with an average lot slope of over 30 percent. Based on this average slope and excluding the driveway easement, the net lot area is 36,105 square feet, which provides for a maximum allowable floor area of 6,000 square feet.

The applicant has provided a Project Description and Letter of Justification detailing the project (Exhibits 4 and 5). The applicant proposes a comprehensive remodel and addition to the existing three-story residence and detached accessory structure. The applicant proposes to: retain all three floors; add additional floor area; modify the contemporary architecture to a contemporary modern style; remove the existing gable roof; and introduce a flat modern roof line, reducing the height. The proposed remodel and addition maintain more than 50 percent of the existing exterior wall framing, in order to not result in a technical demolition.

The applicant proposes an addition to the existing 4,907-square foot residence, resulting in a 5,014-square foot residence (Exhibit 10). The project proposes an 860-square foot attached Accessory Dwelling Unit (ADU) and a one car garage on the lower level. The ADU

DISCUSSION (continued):

is not part of this application. The floor area of the one-car garage counts toward the existing residence. An existing accessory structure is located off the existing driveway southwest of the main residence. The proposed project includes an addition of 189 square feet to the existing accessory structure resulting in a 495-square foot building. The project also includes a new swimming pool, a pool terrace, and covered patio.

The proposed residence increases the existing 423-square foot below grade square footage to 905 square feet, which is exempted from floor area. A new 888-square foot attached three car garage is proposed to be located uphill, and east side of the existing residence, 400 square feet of which is exempt per the HDS&G. A summary of the floor area for the existing and proposed residence is included in the table below.

Floor Area Summary (Square Feet)			
	Existing	Proposed	Allowed
Upper Level	1,486	1,896	
Main Level	2,466	2,606	
Lower Level (includes one car garage and equipment room)	995	512	
Total Residence	4,907	5,014	
Below Grade Square Footage	423	905	exempt
Accessory Structure	306	495	
Garage	422 - 400 = 22	888 - 400 = 488	400 exempt
Attached ADU	--	860	1,200 max. (Not part of this application)
Total Countable SF* (excluding Below Grade SF, 400 SF garage and ADU)	5,275	5,997	6,000 max.
* Pursuant to Sec. 29.10.020, floor area means the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline.			

B. Building Design

The project proposes a contemporary modern style residence with neutral colors and materials. Proposed exterior materials include: a modern flat roof; faux wood metal siding; smooth stucco siding; natural rock siding; aluminum wood clad windows and doors; wood pivot door; aluminum frame with gable railing guardrail; and natural wood veneer garage doors (Exhibit 6).

The Town's Architectural Consultant reviewed the project to provide recommendations regarding the architecture and neighborhood compatibility. The Consulting Architect noted that the "proposed addition and other modifications to the existing house are very well designed with an overall design unity among all of its parts. Its design quality is a substantial upgrade from the current home on the site. In terms of its height, mass, and scale, it does not deviate much from the existing house." The Town's Architectural Consultant requested no recommendations for changes (Exhibit 7).

The existing residence is a visible home per the HDS&G as more than 24.5 percent of the western elevation can be seen from the Blossom Hill Road/Los Gatos Boulevard viewing area (Sheet VA of Exhibit 10). The existing three-story residence has a maximum height of 30 feet, three inches tall, exceeding the maximum allowable height of 18 feet of a visible home per the HDS&G.

The applicant proposes to remove the existing gable roof to mitigate the visual impact of the existing tall roof surface. The proposed flat roof reduces the overall building height by 5 feet, three inches. The proposed remodel reduces some of the existing residence's mass and height. The illustration below shows the existing gable roof line, depicted with a red dashed line, and the proposed remodeled maximum flat roof height of 25 feet.



South Elevation Illustrating Modified Building Height and Height Exceptions

The applicant is requesting an exception to the maximum allowable building height for visible hillside residences (Chapter V, Standard E.3, page 39) for portions of the proposed addition and roof eaves. The second story addition is located on the uphill side of the existing residence and cannot be seen from the viewing area. A portion of the proposed second story roof line addition exceeds the maximum height limit by two feet. On

DISCUSSION (continued):

the western side of the residence, the new roof overhangs extend four inches above the 18-foot height limit. The elevation shown above denotes the location of the proposed height exceptions with orange hatch marks. The applicant discusses the requested exception in their Letter of Justification (Exhibit 5).

D. Neighborhood Compatibility

Pursuant to the HDS&G, the maximum allowable floor area for the subject parcel is 6,000 square feet. The table below reflects the current conditions of the development in the immediate area and the proposed project.

FAR Comparison – Neighborhood Analysis						
Address	Zoning	House SF	Garage SF	Site SF	Building FAR	Stories
16057 Shannon Rd.	HR-1	2,232	275	43,754	0.05	1
15960 Quail Hill Rd.	HR-1	2,074	528	45,626	0.05	1
15920 Quail Hill Rd.	HR-1	2,784	517	40,120	0.07	1
130 Drysdale Drive	HR-1	4,483	666	57,063	0.08	2
120 Drysdale Drive	HR-1	3,350	704	42,416	0.08	2
15973 Shannon Rd.	HR-1	1,963	410	16,940	0.12	2
15969 Shannon Rd.	HR-1	3,218	517	40,430	0.08	1
15975 Shannon Rd.	HR-1	1,465	300	34,200	0.04	1
15965 Shannon Rd.	HR-1	4,268	757	52,272	0.08	2
15891 Shannon Rd.	HR-1	6,059	918	121,968	0.05	2
15977 Shannon Rd. (E)	HR-1	4,947	422	92,001	0.05	3
15977 Shannon Rd. (P)	HR-1	5,014	888	92,001	0.05	3

The properties in the immediate neighborhood contain one- and two-story residences with a mix of architectural styles. The existing residence is three stories. Property sizes within the immediate neighborhood range from 16,940 square feet to 121,968 square feet. Based on Town and County records, the residences in the immediate neighborhood range in size from 1,465 square feet to 6,059 square feet. The applicant is proposing a 5,014-square foot residence with an attached 888-square foot garage, 905 square feet of below grade area, a 495-square foot accessory structure, and an 860-square foot attached ADU (not part of this application) on a 2.12-acre parcel, where a maximum total floor area of 6,000 square feet is allowed by the HDS&G. The proposed project would be the second largest in terms of total square footage.

E. Site Design and Parking

The applicant proposes a remodel and addition to the existing residence and attached garage which are located in the central portion of the property. Outdoor living areas are

DISCUSSION (continued):

concentrated at the north of the residence and include a new rectangular swimming pool, pool terrace, and covered patio. The existing pool will be removed and replaced with a vegetable garden. Additional vegetable gardens are proposed to the east of the main residence.

The existing driveway would be modified to include a SCCFD compliant driveway and turn around area for emergency vehicles and provide access to the attached garages, utilizing most of the footprint of the existing driveway to minimize impacts to adjacent trees (Exhibit 3 and Exhibit 10, Sheet A-1.2).

Four additional on-site guest parking spaces are required by the Hillside Specific Plan and would be provided by three spaces located along the east side of the parking driveway and one space in the proposed three-car garage. The one car garage would provide the required parking for the ADU.

F. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried 16 protected trees within the project area and made recommendations for their preservation or removal (Exhibit 8). The applicant responded to the recommendations by including Sheet L-1 in the Development Plans showing tree preservation measures consistent with the recommendations of the Town's Consulting Arborist (Exhibit 10).

Of the 16 trees included in the inventory, eight are proposed for removal due to proposed construction impacts (#1173, #1175, #1176, #1181, #1183, #1184, #1186, and #1187). The Landscape Plan proposes 25 new replacement trees, exceeding the requirement for 24 replacement trees (Sheet L-1 of Exhibit 10).

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 and requirements for obtaining a Tree Removal Permit have been included in the Draft Conditions of Approval (Exhibit 3).

G. Grading

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. Site improvements adjacent to the residence would require 763 cubic yards of cut and 234 cubic yards of fill as shown below.

DISCUSSION (continued):

Site Grading Summary (cubic yards)		
	Cut	Fill
Driveway	326	99
Driveway (Widening)	67	0
Landscaping	264	130
Pool	106	5
Total	763	234

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).

H. Exceptions to the Hillside Development Standards and Guidelines

The applicant is requesting an exception to the grading standard which limits the depth of fill to three feet for driveways (Chapter III, Standard A.1, page 20). The proposed project includes a small area of the redesigned driveway that would exceed this fill depth to accommodate a new fire truck turn around, which requires a fill depth of five feet. The applicant discusses the requested exception in their Letter of Justification (Exhibit 5).

The applicant has also requested an exception to the maximum allowable building height for a visible house as previously discussed in Section C of this staff report.

I. Neighbor Outreach

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

J. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site on February 28, 2023, in anticipation of the July 12, 2023, Planning Commission hearing. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application: to exceed the maximum allowable height of a visible home in the hillside for portions of an addition to an existing single-family residence; to construct an accessory building with a combined gross floor area greater than 450 square feet, but less than 600 square feet; and for site improvements requiring a grading permit. The project is well designed, reduces the overall height of the existing three-story residence, improves the emergency vehicle access on site, and is compatible with the properties in the immediate area. The project is consistent with the Zoning and General Plan land use designation for the property. The applicant requests two exceptions to the HDS&G as discussed above and otherwise complies with the applicable sections of the 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 15301: Existing Facilities (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 requirement to provide a fire-truck turn around, exceptions to the depth of fill standard can be made, and the exception to exceed the maximum allowable height for a visible home for portions of the addition can be made as the proposed height will not increase the visibility of the existing structure from the established viewing area, 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-20-017 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 10.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or

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SUBJECT: 15977 Shannon Road/S-20-017

DATE: July 7, 2023

CONCLUSION (continued):

2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Color and Materials Board
7. Town's Consulting Architect Report
8. Town's Consulting Arborist Report
9. Neighborhood Outreach
10. Development Plans

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