II. CONSTRAINTS ANALYSIS AND SITE SELECTION

A. Prior to Selecting a Building Site.

1. Constraints analysis.

Each development application subject to the Hillside Development Standards and Guidelines shall be accompanied by a constraints analysis when it is deemed necessary by the Town to identify the most appropriate area or areas on the lot for locating buildings given the existing constraints of the lot. This is a critical step in the overall planning and design of projects in the hillsides. When all constrained areas have been identified and mapped, the remaining area(s) will be designated as the "LEAST RESTRICTIVE DEVELOPMENT AREA" (LRDA). These are the areas most appropriate for development.

To ensure that new development is sensitive to the goal and objectives of the Hillside Development Standards and Guidelines and respects the existing site constraints, the following elements shall be mapped by appropriate professionals and taken into consideration when determining a site's LRDA:

- Topography, with emphasis on slopes over 30%
- Vegetation such as individual trees, groupings of trees and shrubs, habitat types
- Drainage courses and riparian corridors
- Septic systems
- Geologic constraints including landslides and active fault traces
- Wildlife habitats and movement corridors
- Visibility from off site
- Areas of severe fire danger
- Solar orientation and prevailing wind patterns
- Significant Ridgelines

Many of the above topics are covered in more detail in Chapter II.B. and Chapter III. The accurate determination of the LRDA early in the planning process could avoid delays once an application has been submitted. Site specific studies such as geotechnical or other environmental evaluations, tree survey and/or topographic survey may be necessary to accurately determine the LRDA.

2. Consultation with Neighbors.

Before siting and designing the house and landscaping, the property owner, architect or builder should meet with neighbors to discuss any special concerns they might have. Resolution of issues early in the design process can save time and cost as well as reducing the processing time for applications. If a conflict occurs between a property owner's desire to develop their property and legitimate issues raised by a neighbor, a design solution will be sought that attempts to balance all issues or concerns that are raised by both parties.

3. Pre-application meeting/staff consultation/site visit.

Before designing a project, the property owner/architect/builder is strongly encouraged to meet with Town staff to consider a building location that best preserves the natural terrain and landscape of the lot and positively addresses the objectives of the Hillside Development Standards and Guidelines. On heavily wooded lots, or on lots where trees may be impacted by proposed development, an arborist's report shall be prepared which evaluates potential tree impacts. The report shall be prepared at the applicant's expense.

B. Visibility Analysis.

1. Viewing areas.

Each development project with the potential for being visible (see glossary for definition) from any established viewing area shall be subject to a visibility analysis. ("Potential" is defined as capable of being seen from a viewing area if trees or large shrubs are removed, significantly pruned, or impacted by construction.) The visibility analysis shall be conducted in compliance with established Town procedures using story poles that identify the building envelope. After installing the story poles, the applicant shall take photographs of the project from appropriate established viewing areas that clearly show the story poles and/or house and subject property. Visual aids such as photo simulations or three dimensional illustrations and/or a scale model may be required when it is deemed necessary to fully understand the impacts of a proposed project.

The following steps shall be taken in completing a visibility analysis:

a. Install story poles per adopted policy.
b. After the installation of story poles, photographs of the project shall be taken from the applicable viewing areas using 50 MM and 300 MM lenses. Other location(s) as deemed appropriate by the Community Development Director may be chosen in addition to the existing viewing areas.

c. A photograph with a 50 MM lens will represent the visibility of the proposed residence from the naked eye.
d. A photograph with a 300 MM lens will represent an up-close perspective and help identify any visible story poles, netting, trees, and/or shrubbery.
e. Existing vegetation and/or landscaping proposed to be removed entirely or partially shall not be included in the visibility analysis.
f. If determined necessary by the Community Development Director, three dimensional illustrations or photo simulations of the structure may be required.
g. A visible home is defined as a single-family residence where 24.5% or more of an elevation can be seen from any of the Town's established viewing areas, and/or determined by the Community Development Director. Percentages shall be rounded to the nearest whole number.
h. An elevation is defined as the visible building elevations of a home, not including exterior features such as walls, decks, and detached accessory structures.
i. Existing trees and/or branches subject to clearing in Zone 2 and Zone 3 pursuant to Chapter 9 (Fire Prevention and Protection) of the Town Code shall not be included in the visibility analysis.
j. Existing trees listed in Section 29.10.0970 of the Town Code that are proposed to remain and all trees which have a diameter of less than eight inches of any trunk or in the case of multi-trunk trees, a total diameter of less than eight inches of the sum of all trunks shall not be included in the visibility analysis.
k. A Deed Restriction shall be required that identifies the on-site trees that were used to provide screening in the visibility analysis and requires replacement screening pursuant to the Hillside Development Standards and Guidelines and/or the Tree Protection Ordinance, if these trees die or are removed.
l. Trees with a poor health rating (less than 50 percent overall condition rating) shall not be included in the visibility analysis.
m. The Community Development Director shall determine if the use of a third party consultant is required to peer review an applicant's visibility analysis.
n. A five-year Maintenance Agreement shall be required for on-site trees that were used to provide screening in the visibility analysis and requires their preservation.

The locations of the viewing areas are shown on the map on the next page, and are as follows:

1. Blossom Hill Road/Los Gatos Boulevard
2. Los Gatos - Almaden Road/Selinda Way (across from Leigh High School)
3. Hwy 17 overcrossing/Los Gatos - Saratoga Road (Highway 9)
4. Main Street/Bayview Avenue
5. Other location(s) as deemed appropriate by the Community Development Director

Viewing area locations are intended to provide a general vicinity for the visibility analysis and photo locations. Where there are obstructions (buildings, signs, or foreground vegetation) that block a clear and unobstructed view of the site, the origination point shall be adjusted in consultation with staff to the nearest point that provides a clear and unobstructed view by moving away from the viewing area location along a public road up to 500 feet in any direction.

Town of Los Gatos Hillside Area and Viewing Area Map

Northwest Corner of the intersection of Selinda Way and Los Gatos-Almaden Road

Southwest Corner of the Intersection of Blossom Hill Road and Los Gatos Boulevard

West of the Intersection of the Southbound Highway 17 On-Ramp and Los Gatos-Saratoga Road (Highway 9)

Northwest Corner of the Intersection of W. Main Street and Bayview Avenue

Los Gatos-Almaden Road

Blossom Hill Road

Los Gatos Boulevard

North Santa Cruz Avenue

Los Gatos-Saratoga Road (Highway 9)

Highway 17

N

W

E

S

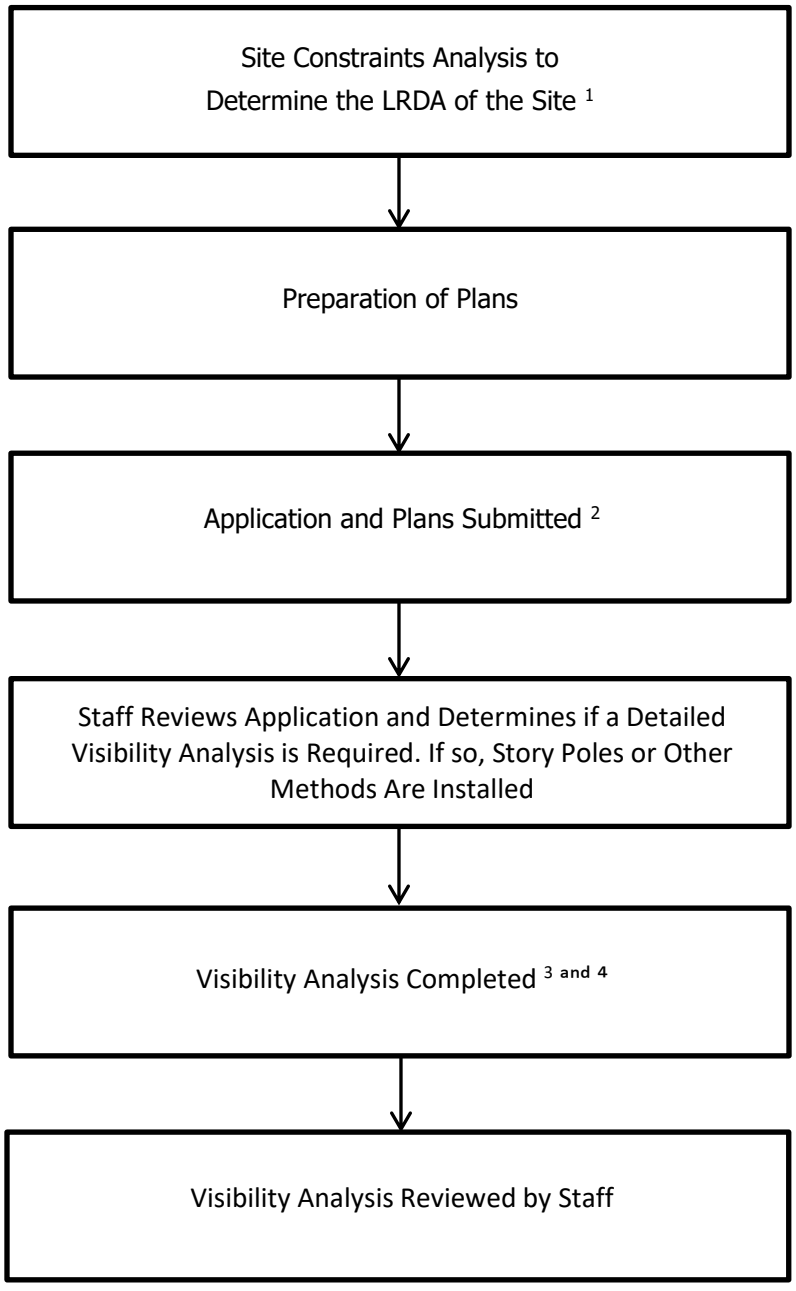
TOWN OF LOS GATOS

LEGEND

VIEWING AREA LOCATIONS

HILLSIDE AREA

2. Visibility Analysis Processing Flow Chart



[1] Page 12 and page 56 of the HDS&G http://www.losgatosca.gov/DocumentCenter/View/168 and http://www.losgatosca.gov/DocumentCenter/View/175
[2] Page 63 of the HDS&G http://www.losgatosca.gov/DocumentCenter/View/175
[3] Page 13 of the HDS&G http://www.losgatosca.gov/DocumentCenter/View/168
[4] Division 2 – Tree Protection Ordinance https://library.municode.com/ca/los_gatos/codes/code_of_ordinances?nodeId=CO_CH29ZORE_ARTIINGE_DIV2TRPR

2. Determination of significant ridgelines.

Significant ridgelines include:

a. Aztec Ridge;
b. The ridge between Blossom Hill Road and Shannon Road;
c. Other ridgelines as determined by the approving body

C. Selecting the building site.

Standards:

1. **Locate buildings within the Least Restrictive Development Area.**

2. **Preserve views of highly visible hillsides.** Views of the hillsides shall be protected from adverse visual impacts by locating buildings on the least visible areas of the LRDA.

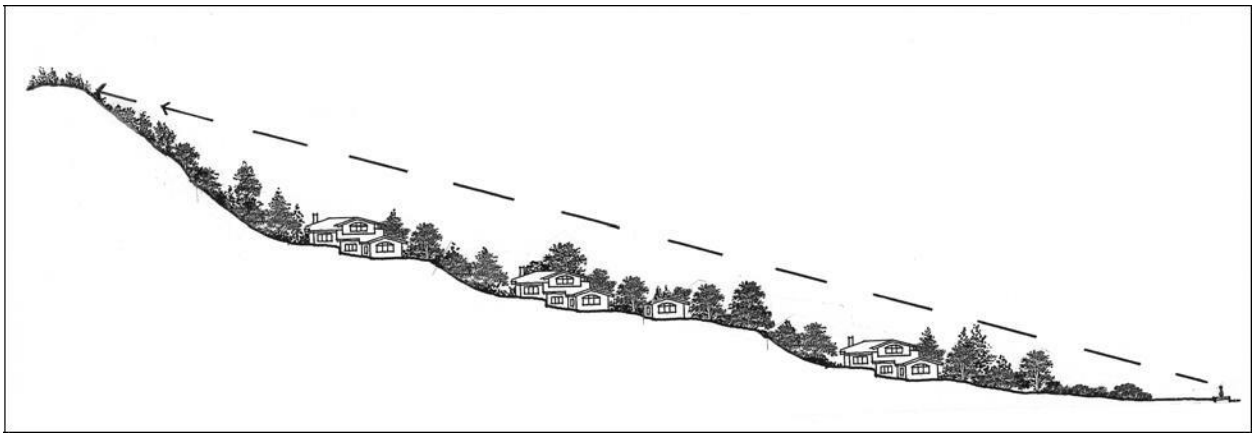
3. **Reduce visual impact.** The visual impact of buildings or portions of buildings that can be seen from the viewing areas shall be mitigated to the greatest extent reasonable by reducing the height of the building or moving the structure to another location on the site. Providing landscape screening is not an alternative to reducing building height or selecting a less visible site.

4. **Ridgeline view protection.** Whenever possible within the significant ridgeline areas, no primary or accessory building shall be constructed so as to project above the physical ridgeline (not including vegetative material) as seen from any viewing areas.

   Refer to the Blossom Hill Comprehensive Open Space Study

   If a building cannot be sited below a significant ridgeline because the area away from it is not the LRDA or is otherwise not suitable for development, the following shall apply:

   a. The building shall not exceed 18 feet in height.
   b. Landscaping shall be provided to screen the building from view to the greatest extent possible.



Houses do not project above significant ridgeline

5. **Preserve natural features.** Existing natural features shall be retained to the greatest extent feasible and integrated into the development project. Site conditions such as existing topography, drainage courses, rock outcroppings, trees, significant vegetation, wildlife corridors, and important views will be considered as part of the site analysis and will be used to evaluate the proposed site design.

6. **Avoid hazardous building sites.** Building in areas with more than 30 percent slope or areas containing liquefiable soil with poor bearing capacity, slide potential, fault rupture zones and other geotechnical or fire hazards shall be avoided unless no alternative building site is available.

7. **Protect riparian corridors.** Building sites shall be set back an appropriate distance from riparian corridors to be determined on a site by site basis. Natural drainage courses should be preserved in as close to their natural location and appearance as possible.

8. **Protect wildlife.** Existing wildlife usage of the site and in particular any existing wildlife corridors shall be identified and avoided to the maximum extent possible.

Guidelines:

1. **Solar orientation.** Building sites should be selected to take maximum advantage of solar access.

2. **Solar orientation.** Building sites should be selected to take maximum advantage of solar access.

3. **Impact on adjacent properties.** Building sites should be located where they will have the least impact on adjacent properties and respect the privacy, natural ventilation and light, and views of neighboring homes.

4. **Minimize grading.** The building site should be located to minimize grading.

III. SITE PLANNING

The intent of this section is to ensure that new development fits into the topography with minimum impacts to the site physically and visually.

Refer to the Town's Grading Ordinance

A. Grading.

A grading permit shall be obtained as required by the Town's Grading Ordinance. Vegetation removal may qualify as grading.

Standards:

1. The following cut and fill criteria are intended to ensure that new construction retains the existing landform of the site and follows the natural contours.

   Cuts and fills in excess of the following levels are considered excessive and contrary to the objectives of the Hillside Design Standards and Guidelines. Grade to the minimum amount necessary to accommodate buildings and to site structures consistent with slope contours. These are maximum numbers and may be reduced by the deciding body if the project does not meet other grading standards or is not consistent with the goals and objectives of the Hillside Development Standards and Guidelines.

Table 1
Maximum Graded Cuts and Fills

Site Element	Cut*	Fill*
House and attached garage	8'**	3'
Accessory Building*	4'	3'
Tennis Court*	4'	3'
Pool*	4'***	3'
Driveways*	4'	3'
Other (decks, yards) *	4'	3'

* Combined depths of cut plus fill for development other than the main residence shall be limited to 6 feet.
** Excludes below grade square footage pursuant to Section 29.40.072 of the Town Code.
*** Excludes excavation for pool.

2. Earthwork quantities (grading) shall be categorized as follows:
   a. access: driveway, parking and fire turnaround, if applicable
   b. house footprint
   c. below grade square footage pursuant to Section 29.40.072 of the Town Code

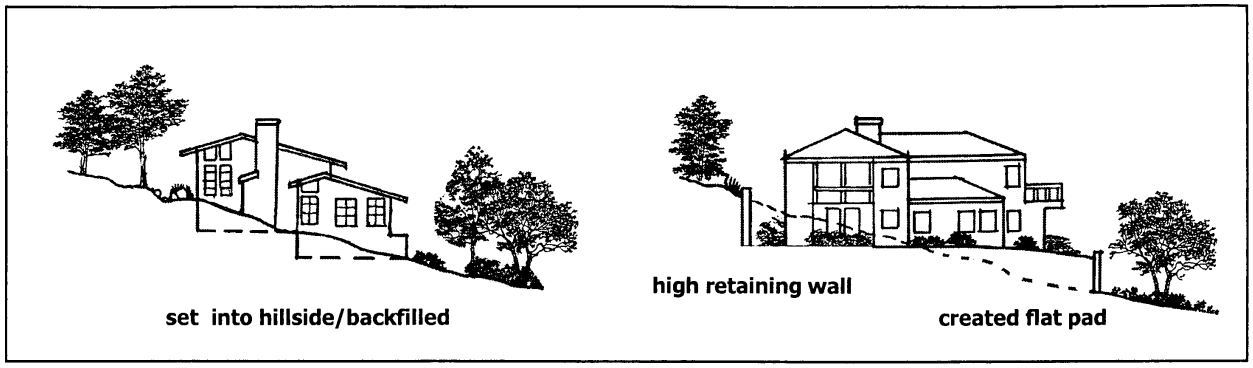
d. other areas including landscaping, hardscape and outdoor spaces
e. total

3. Buildings shall be located in a manner that minimizes the need for grading and preserves natural features such as prominent knolls, ridgelines, ravines, natural drainage courses, vegetation, and wildlife habitats and corridors to the maximum extent possible.

4. Unless specifically approved by the Town, strip grading for the purpose of clearing land of native vegetation is prohibited except for small areas adjacent to buildings, access drives, and parking areas.

5. Graded areas shall not be larger than the area of the footprint of the house, plus that area necessary to accommodate access, guest parking, and turnaround areas.

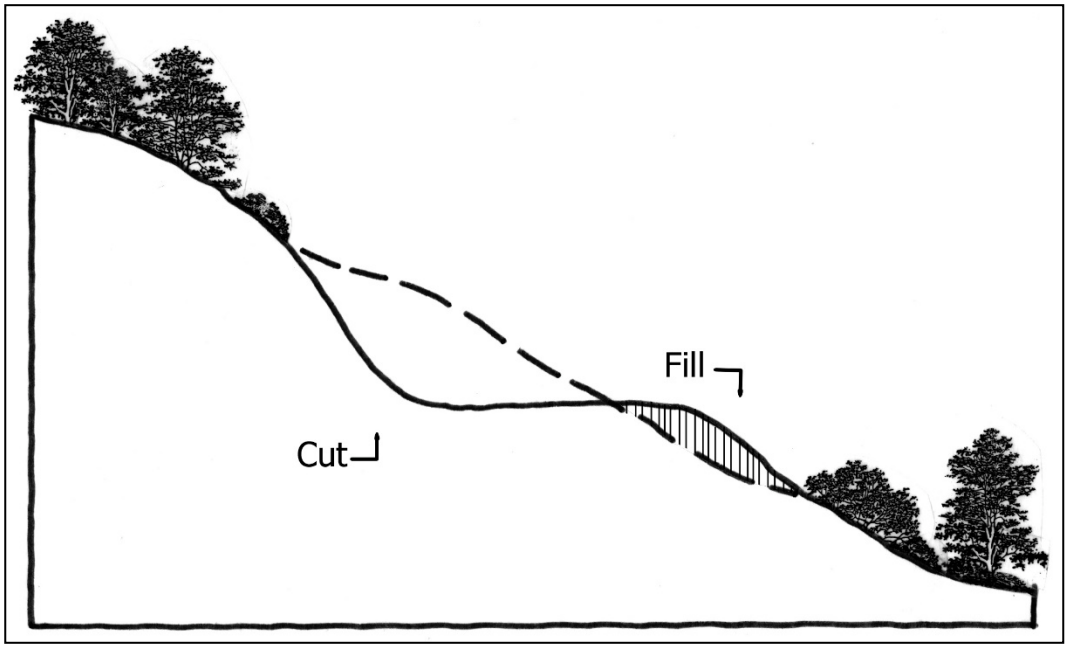
6. After placing development the site shall be restored as closely as possible to its original topography.



Do this **Don't do this**

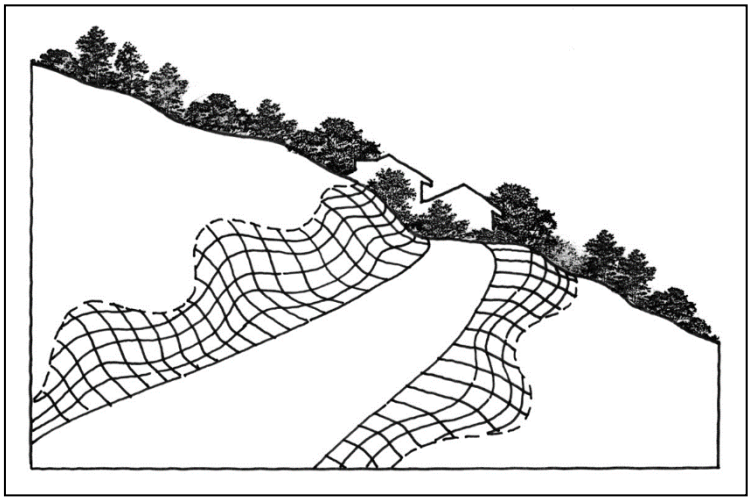
7. Contour grading techniques shall be used to provide a variety of both slope percentage and slope direction in a three-dimensional undulating pattern similar to existing, adjacent terrain. The following concepts shall be utilized:

   a. Hard edges left by cut and fill operations shall be given a rounded appearance that closely resembles the natural contours of the land.



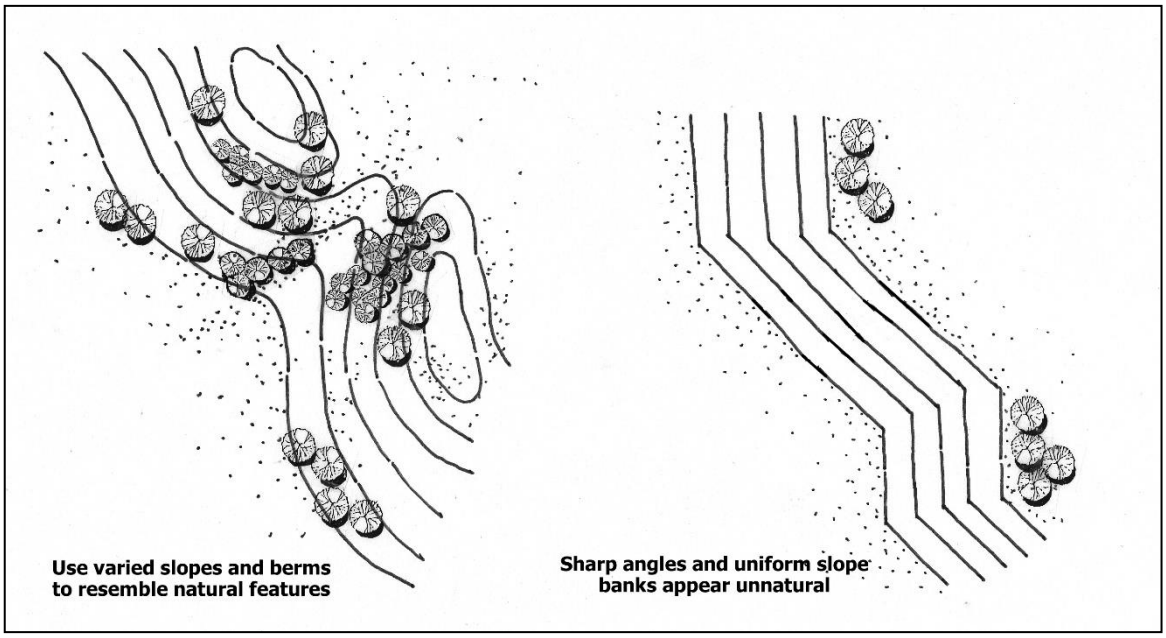
Rounded edges resemble natural slope

b. Manufactured slopes adjacent to driveways and roadways shall be modulated by berming, regrading, and landscaping to create visually interesting and natural appearing streetscapes. However, preservation of trees and elimination of retaining walls is a priority.



Modulate manufactured slopes to appear natural

c. Where cut and fill conditions are created, slopes shall be varied rather than left at a constant angle, which creates an unnatural, engineered appearance.



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d. The angle of any graded slope shall be gradually transitioned to the angle of the natural terrain. Creation of new grades slopes, significantly steeper than local natural slopes should be minimized.

8. Grading plans shall include provisions for restoration of vegetation on cuts and fills. All manufactured slopes shall be planted with native, fire-resistant, low water using plantings to control erosion.

9. An erosion/sedimentation control plan shall be included with all site plans and/or grading plans. The erosion/sedimentation control plan shall provide interim (during construction) and ultimate plans for control of erosion and sedimentation or describe in detail why this is not necessary.

10. Grading shall not occur during the rainy season (October 1 to April 1) unless approved by the Town Engineer. If grading is planned to occur between October 1 and April 1, interim provisions for erosion and sedimentation control shall be in place before grading begins.

Guidelines:

1. The creation of permanent flat pads, except for the house footprint and area needed for access, parking and turnaround, should be avoided

B. Drainage.

Standards:

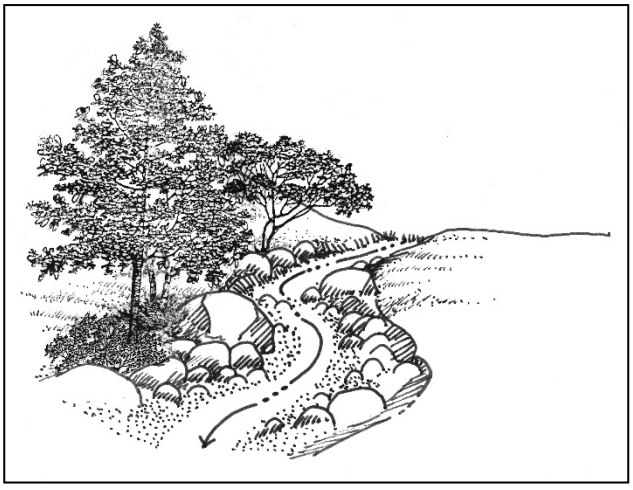
1. Runoff shall be dispersed within the subject property to the greatest extent feasible. Runoff concentration that requires larger drainage facilities shall be avoided.

2. Upslope drainage shall not negatively impact downslope development.

3. Natural drainage courses shall be preserved with any native vegetation intact and shall be enhanced to the extent possible, and shall be incorporated as an integral part of the site design in order to preserve the natural character of the area.

4. Manmade drainage channels shall receive a naturalizing treatment such as rock and landscaping so that the structure appears as a natural part of the environment.

Manufactured drainage courses shall simulate natural drainage courses



Guidelines:

1. Manmade drainage channels should be placed in the least visible locations possible.

2. Lining of natural drainage courses is discouraged.

3. Dry Stream effects (manufactured drainage courses designed to simulate natural drainage courses) that move water over the property are preferred over channeling or underground methods.

C. Driveways and parking.

It is recommended that the Fire Department be consulted early in the design process about water supply, accessibility and the need for emergency vehicle turnarounds, turnouts, etc.

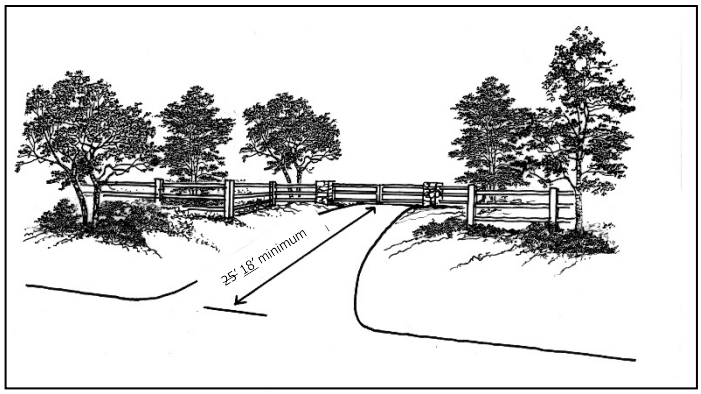
Standards:

See Chapter VII.B. Standard 2

1. Driveways shall be located so as to minimize the need for grading.

2. Driveways shall be paved in compliance with Town standards, and shall be installed prior to occupancy.

3. When a gated entrance is provided, the gates shall be set back a minimum of 18 feet from the right-of-way to allow vehicles to pull completely off the roadway while waiting for the gates to open. Gated entrances serving more than one house may be required to have a greater setback. Gates should open away from or parallel to the street.



Entrance gates shall be set back at least 18 feet from the street

4. Driveways shall have an all-weather surface in compliance with Fire Department weight loading requirements (40,000 pounds).

5. The maximum slope of a driveway shall not exceed 15 percent unless it can be demonstrated that a flatter driveway cannot be constructed without excessive grading (more than 4 feet of cut or 3 feet of fill). Driveway slopes in excess of 15 percent require approval by the Town Engineer and Santa Clara County Fire Department.

Guidelines:

1. Driveways serving one residence should have a 12-foot minimum width.

2. The maximum length of a driveway should be 300 feet unless the deciding body makes specific findings for deviation and places additional conditions such as turnouts and secondary accesses to reduce hazards. A turnaround area shall not have a grade that exceeds five (5) percent.

3. Driveway approaches should be located a safe distance from intersections. On adjoining properties, driveways should be spaced a minimum of 20 feet apart or located immediately adjacent to each other.

4. Shared driveways serving more than one lot are encouraged as a means of reducing grading and impervious surfaces.

5. Driveways should be located and maintained so as to ensure an adequate line of sight.

D. Safety.

Geologic hazards.

Potential geologic hazards, if not avoided or mitigated, can result in damage to the environment and structures and can place public safety at risk.

Standards:

1. Site specific geologic engineering investigations and reports are required of qualifying projects in State of California Seismic Hazard Zones (Liquifaction and Earthquake Induced Landslide Areas) and in areas believed to be geologically hazardous as determined by the Director of Community Development and /or Town Engineer. Refer to California Geological Survey Seismic Hazard Zones Map, Los Gatos Quadrangle, dated September 23, 2002.

2. Construction shall be avoided in areas with geologic hazards (e.g., slope instability, seismic hazards, etc.) as identified in the site specific geologic investigations and reports, unless adequate mitigation design measures are proposed to achieve a low level of risk.

Guidelines: None.

Fire hazards.

The hillsides above Los Gatos are areas of high fire hazard. House fires in the hillsides have the potential to become wildfires if not controlled quickly. A dependable, adequate water supply, automatic fire sprinklers, access for fire fighting equipment and fast response times are critical factors in gaining quick control over a structural fire. Factors that affect the speed at which a wildfire spreads include topography, available fuel, weather (wind, humidity) and availability of fire fighting resources. Lack of adequate circulation or evacuation routes can also impact public safety.

Development in the hillsides presents inherent conflicts between creating and maintaining a fire safe environment, preserving existing vegetation, and minimizing the visual impacts of new development. These conflicts can be minimized by incorporating the concept of fire defensible space into site planning and landscape design. The concept of defensible space involves reducing fuel load, designing structures and landscaping with fire safety in mind, and locating structures to minimize their exposure to wildfires.

Standards:

1. Building locations shall be selected and structures designed to minimize exposure to wildfires (also see Chapter V. Section I.).

2. A landscape plan shall be provided and will be reviewed by the Town's Landscape Consultant with input from the Fire Department. The landscape plan shall create defensible space around the home, and if there is a fire ladder on the property it shall be eliminated in an environmentally sensitive manner.

3. Development shall have adequate fire access (also see Chapter III section C. and Chapter VII section b.2.).

4. A dependable and adequate water supply for fire protection and suppression purposes, as required by the Santa Clara County Fire Department, shall be provided for all properties. If no public hydrant is available, there shall be an on-site water supply in a storage facility with an appropriate outlet valve in close proximity to an accessible hard road surface.

5. Water for fire suppression shall be available and labeled before any framing may begin.

6. Above ground water tanks shall not be located in required setback areas.

Guidelines:

1. Development should avoid areas subject to severe fire danger. In order to achieve this, development should:

   a. Be set back from the crest of a hill
   b. Not be located at the top of a canyon
   c. Not be located on or adjacent to slopes greater than 30%
   d. Not be located within densely wooded areas

   If this is not possible, measures designed to assure the highest degree of fire prevention, and fast effective means of evacuation and fire suppression shall be provided.

2. The fuel load within a defensible space should be minimized by use of selective pruning, thinning and clearing as follows:

   - Removal of flammable species and debris
   - Removal of dead, dying or hazardous trees
   - Mow dead grasses
   - Removal of dead wood from trees and shrubs
   - Thin tree crowns (maximum of 25%)

3. Discontinuous fuel sources should be created and maintained within a defensible space through use of the following techniques (see illustrations on page 27):

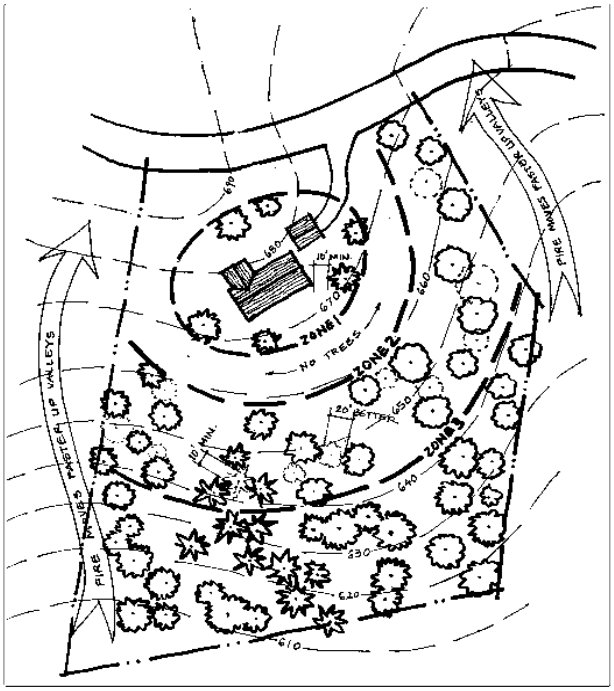
   - Thin vegetation to form discontinuous groupings of trees or shrubs
   - Limb trees up from the ground
   - Establish a separation between the lowest branches of a tree and any understory shrubs.

4. Landscaping within a defensible space should be designed with fire safety in mind. Landscaping in defensible space should be:

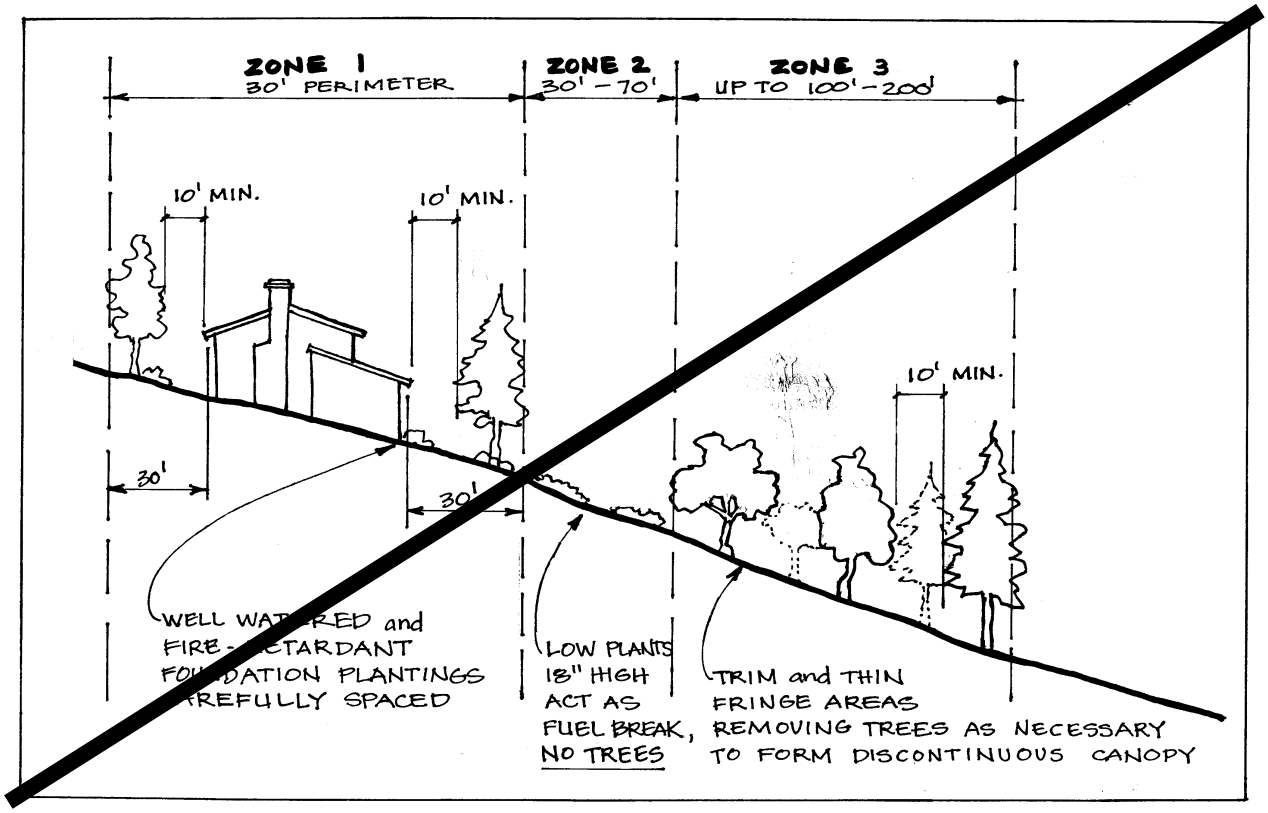
   - Fire resistant and drought tolerant
   - Predominantly low growing shrubs and groundcovers (limit shrubs to 30% coverage)
   - Limited near foundations (height and density)

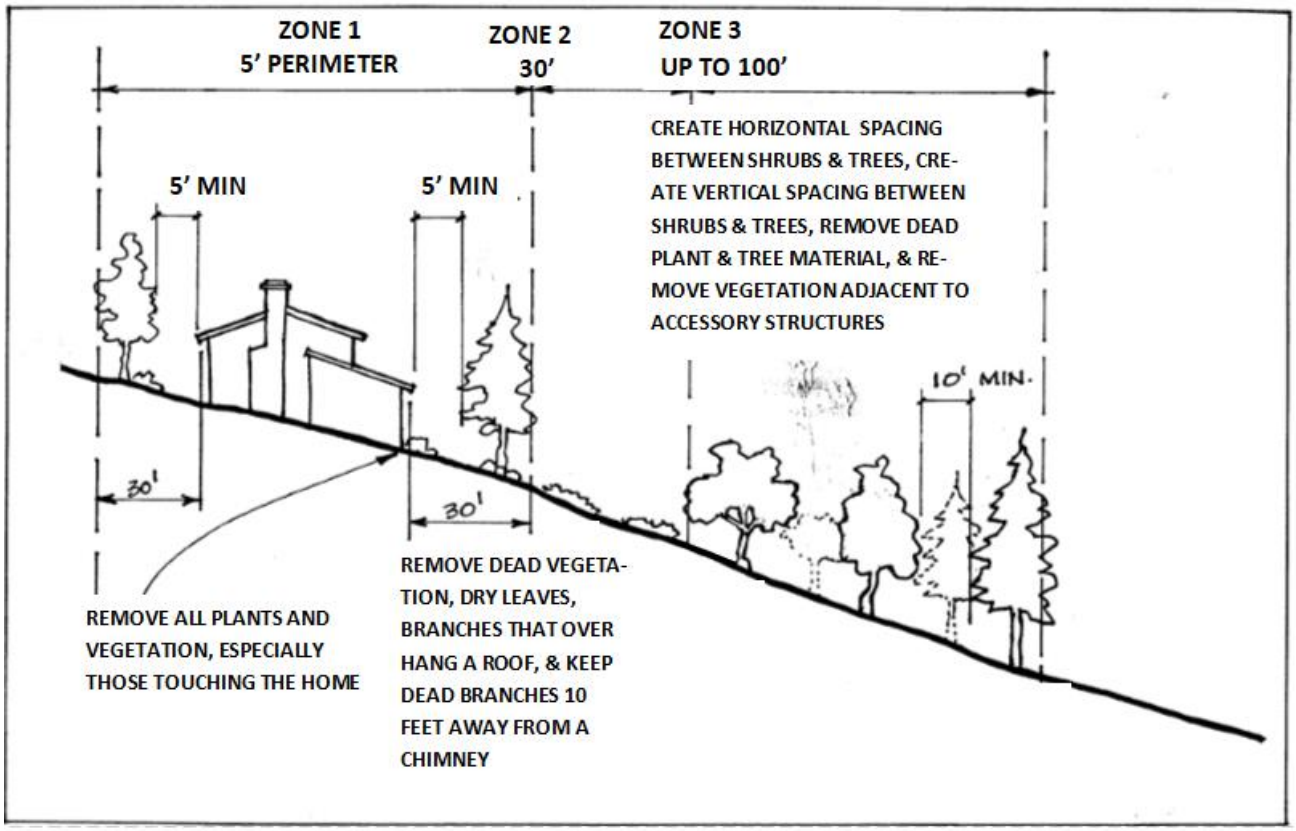
Refer to Appendix A

5. Above ground tanks should not be located in areas of high visibility unless it can be demonstrated to the satisfaction of the decision making body that no other feasible locations are available.



Defensible space should be maintained around the home




ZONE 1
5' PERIMETER
ZONE 2
30'
ZONE 3
UP TO 100'
5' MIN
5' MIN
CREATE HORIZONTAL SPACING BETWEEN SHRUBS & TREES, CREATE VERTICAL SPACING BETWEEN SHRUBS & TREES, REMOVE DEAD PLANT & TREE MATERIAL, & REMOVE VEGETATION ADJACENT TO ACCESSORY STRUCTURES
10' MIN.
30'
30'
REMOVE ALL PLANTS AND VEGETATION, ESPECIALLY THOSE TOUCHING THE HOME
REMOVE DEAD VEGETATION, DRY LEAVES, BRANCHES THAT OVER HANG A ROOF, & KEEP DEAD BRANCHES 10 FEET AWAY FROM A CHIMNEY

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IX. PROJECT REVIEW AND APPROVAL PROCESS

A. Architecture and Site Approval

Architecture and site approval is required for all new construction including major additions and remodels in all areas of the Town shown on the Hillside Area Map on page 8. A subdivision or Planned Development application is required for any proposed land division.

The flow chart on page 66 outlines the steps an application for architecture and site approval will go through. The process begins with a meeting with the Community Development Department. It is highly recommended that applicants considering the design of a new home or remodel of an existing home discuss their ideas with Town staff **before** any plans are actually drawn and money and time are expended on a project that may not be entirely feasible.

An application for architecture and site approval or subdivision shall be accompanied by a written letter of justification that describes how the proposed project complies with the General Plan, Hillside Specific Plan and the Hillside Development Standards and Guidelines.

B. Project Approval Authority

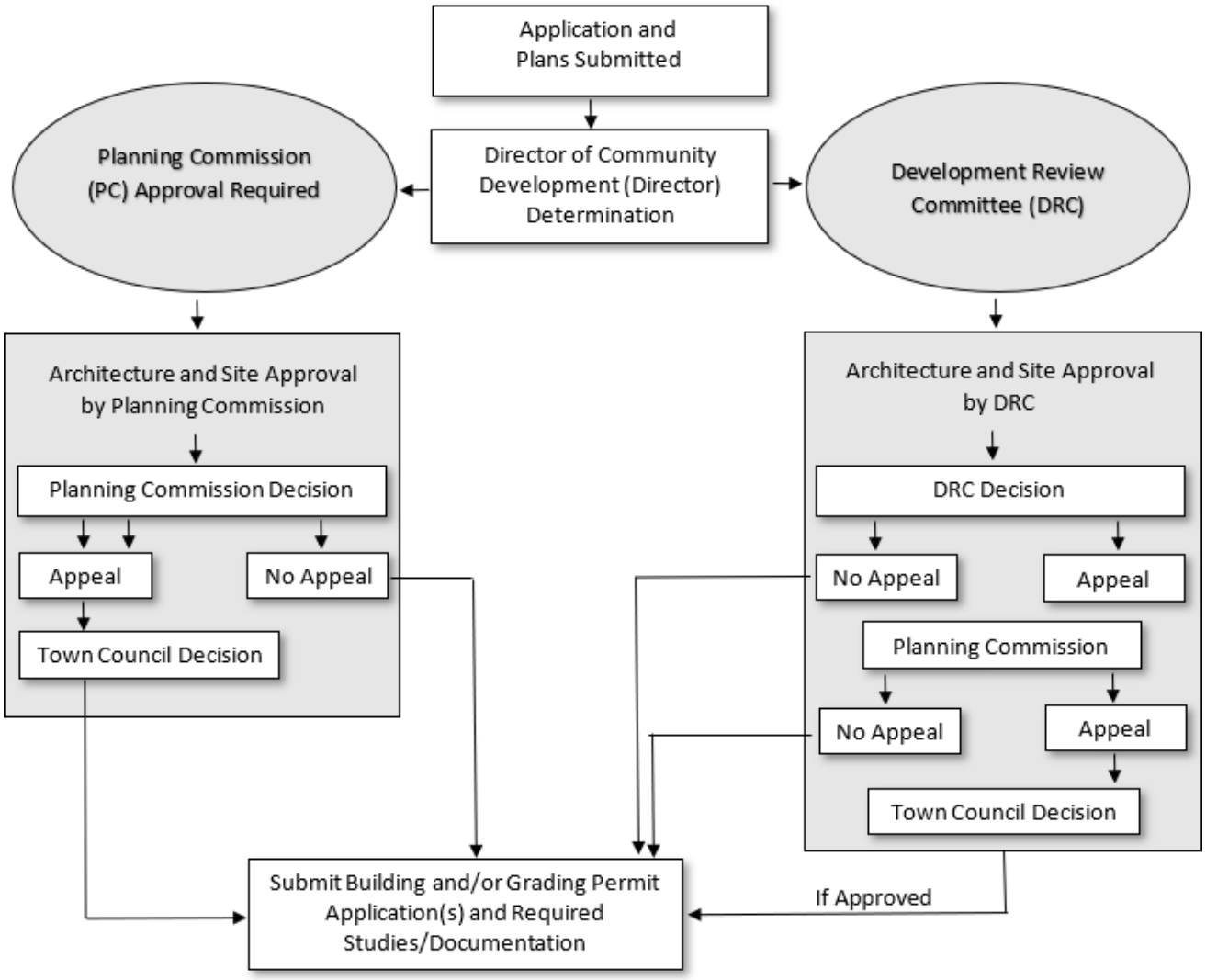
Projects may be approved by the Planning Commission, Development Review Committee (DRC), or Director of Community Development (Director) depending on a project's potential impact on surrounding properties and the overall community.

The Planning Commission is the decision making body for projects that have the greatest potential impact, while the DRC and Director make decisions on projects with less impact, as described in Subsections below.

The subdivision and architecture and site approval processes are discretionary actions on the part of all decision making bodies. When reviewing projects, the decision making body may:
(1) approve a project without imposing extra or special conditions;
(2) approve a project and add special conditions to reduce the impact(s) of the project to an acceptable level and/or achieve compliance with these standards and guidelines; or
(3) deny the project by stating specific reasons for its action.

The Director of Community Development may refer an application to the Planning Commission. The decisions of the Planning Commission, DRC, and Director are final unless appealed. Decisions of the Director and DRC may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the Town Council. Appeal procedures are outlined in the Town's Zoning Regulations.

Architecture and Site Review Process



1. Projects That May be Approved by the Director of Community Development

The Director has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

a. Accessory dwelling units pursuant to Section 29.10.320 of the Town Code.

b. Accessory buildings that have a combined gross floor area greater than 450, but less than 600 square feet may be approved with a Minor Residential Application pursuant to Section 29.20.480 of the Town Code.

c. Swimming pools that do not require a grading permit.

2. Projects That May be Approved by the Development Review Committee

The (DRC) has the authority to review and approve the following types of projects provided they comply with all development standards and guidelines:

a. New houses that meet the allowable floor area ratio and that are not visible from any established viewing area.

b. Accessory buildings, that have a combined gross floor area of 600 square feet or more but do not exceed 1,000 square feet in combined gross floor area.

c. Swimming pools and game courts requiring a grading permit and/or retaining walls.

d. Grading permits.

3. Projects That Require Planning Commission Approval

The Planning Commission has the authority to approve all architecture and site projects that do not fall within the authority of the DRC and any projects referred to it by the Director. The Planning Commission approves standard subdivisions and makes recommendations to the Town Council on Planned Development applications.

C. Application Period of Validity

An approved architecture and site application shall be valid for the period of time specified in the Town's Zoning Regulations.

D. Required findings

In addition to the considerations for architecture and site approval provided in the Town's Zoning Regulations, the decision making body shall also find that the proposed project meets or exceeds the objectives and requirements of the Hillside Development Standards and Guidelines and shall provide supportive evidence to justify making such findings.

E. Exceptions

Exceptions from the standards in this document may only be granted after carefully considering the constraints of the site. Any deviation from the standards contained in this document shall include the rationale and evidence to support the deviation. The burden of proof shall be on the applicant to show that there are compelling reasons for granting the requested deviation.

Major exceptions may only be granted by the Town Council or Planning Commission. Major exceptions include the following:

a. building height
b. maximum floor area

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