



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 12/11/2019

ITEM NO: 5

DATE: December 6, 2019  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Architecture and Site Application S-19-012. Project Location: **15925 Quail Hill Drive**. Applicant: Tom Sloan. Property Owner: John and Allison Diep. Project Planner: Jennifer Armer.  
Requesting approval for demolition of an existing single-family residence and detached accessory dwelling unit, and construction of a two-story single-family residence on property zoned HR-1. APN 527-02-007.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Hillside Residential  
Zoning Designation: Hillside Residential, HR-1  
Applicable Plans & Standards: General Plan; Hillside Development Standards and Guidelines  
Parcel Size: 42,253 square feet  
Surrounding Area:

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

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

PREPARED BY: Jennifer Armer, AICP  
Senior Planner

Reviewed by: Planning Manager and Community Development Director

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing structure.
- As required by Section 29.10.330 of the Town Code for the demolition of existing accessory dwelling unit.
- As required by the Hillside Development Standards and Guidelines that the project complies with the Hillside Development Standards and Guidelines.
- The project is consistent 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 project site is located on the south side of Shady Lane at the corner with Drysdale Drive (Exhibit 1). The lot has an average slope of 25 percent. The existing house takes access from Quail Hill Road at the top of the property, but the proposed house is at the bottom of the hill property and proposes new access off of Drysdale Drive. The lot is approximately 42,253 square feet with an existing 2,766-square foot single-story residence, detached carport, and accessory dwelling unit (ADU). The immediate neighborhood contains a mix of one- and two-story residences.

The project is being considered by the Planning Commission to determine compliance with the Hillside Development Standards and Guidelines (HDS&G) and because of the request for exceptions to the HDS&G including overall building height (lowest-to-highest dimension), retaining wall height, and depth of cut and fill. An exception for building height is considered a major exception and can only be granted by Town Council or Planning Commission.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the south side of Shady Lane at the corner of Drysdale Drive (Exhibit 1). The existing house takes access from Quail Hill Road, a private road, at the upper end of the property, but the proposed house would be at the lower end of the property, and includes new access from Drysdale Drive, with a new address. Properties within the immediate neighborhood are developed with one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to demolish the existing 2,766-square foot single-story residence, detached carport, and detached ADU, and construct a new 5,095-square foot two-story single-family residence with a below grade attached garage. The proposed house would be located at the lower end of the hillside property, adjacent to Drysdale Drive (Exhibit 4). The proposed residence would have a maximum height of 25 feet. The project includes a request for the following exceptions from the HDS&G standards:

- Though no portion of the house is proposed to be greater than 25 feet high, the north facing elevation's overall height would be 43 feet tall from the base of the below-grade garage (exposed garage door) to the top of the highest roof. Per the HDS&G, the maximum height of a building's tallest elevation shall not exceed 35 feet measured from the lowest part of the building to the highest; and
- Areas of the proposed sitework would exceed the maximum allowed heights for retaining walls and depth of cut and fill, particularly adjacent to the exposed below-grade garage.

C. Zoning Compliance

A single-family residence is a permitted use in the HR-1 zone.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes construction of a two-story residence with flat roofs, smooth plaster finish, aluminum clad wood windows and doors, and a carriage style garage door (Exhibits 4, 5, and 14). A color and materials board is available as Exhibit 5, and will be available at the hearing. The proposed house would be located on the lower end of the property, adjacent to Drysdale Drive, and would be constructed on three levels, with the below-grade garage only exposed at the garage door location. Portions of the main and upper floors would

DISCUSSION (continued):

meet the definition of below grade square footage. The maximum height of the proposed residence would be 25 feet, however, the maximum overall height of the building would be 43 feet, where 35 feet is allowed. Story poles have been installed and certified to show the massing of the proposed residence. In addition, the applicant has placed stakes to outline the location (but not height of cut/fill) of the proposed driveway and onsite parking.

Floor Area Summary				
Floor	Above Grade Square Footage	Excluded from Countable Floor Area		Total
		Below-grade Square Footage	Up to 400 Square Footage of Garage	
Upper Floor	2,880	60	0	2,940
Main Floor	2,215	2,428	0	4,643
Lower Floor (Garage)	0	2,688	211	2,899
<b>Total</b>	<b>5,095</b>	<b>5,176</b>	<b>211</b>	<b>10,482</b>

The applicant has designed the residence to be set into the hillside to reduce the mass of the home. The proposed residence would appear as a single-story along the south (rear) elevation and as two stories from the west (side), east (street side), and north (front) elevations. The north elevation includes the face of the garage, which is located below grade but daylights to provide access. Three levels of the residence would be visible from the north elevation, including the exposed the below-grade garage.

The residence would take access from the west side of Drysdale Drive via a new driveway leading to the garage. The new driveway would require retaining walls as it approaches the exposed below-grade garage (Exhibit 14, Sheet C.4). Due to the constraints of the hillside site, the applicant is requesting several exceptions to the HDS&G for the project. The applicant has included a Letter of Justification addressing the exceptions, with the following analysis in *italic* font (Exhibit 6):

- HDS&G guideline that low-to-high building height shall not exceed 35 feet (Section V.E)

*The garage is proposed to be completely below-grade, except for the 13-foot wide driveway access. Because the measurement from the bottom of this exposed garage door to the top of the highest north-facing roof form is 43 feet, the proposed design requires an exception for height. In addition to the discussion in Exhibit 6, the applicant has provided additional justification for the proposed height in Exhibit 8.*

DISCUSSION (continued):

- HDS&G guideline that retaining walls should not be taller than five feet (Section VI.C).

*The retaining walls on either side of the driveway as it approaches the below-grade garage would cut into the hillside resulting in heights ranging up to 10 feet. The applicant has designed the driveway to curve before approaching the garage doors, which, in combination with proposed landscaping, would substantially screen the retaining walls and garage door from view. In addition, because of the manner in which the proposed building daylights as it progresses down the hill, there are portions of the proposed lightwells and below-grade patios that are considered retaining walls (rather than lightwell walls) when they cut adjacent to portions of the building that are not considered below-grade square footage. These retaining walls are up to 10 feet high in some locations and would also require an exception.*

- HDS&G standards for maximum cut and fill depths (Section III.A).

*The intent of the HDS&G standard for grading depths is to ensure construction retains the existing landform and follows the natural contours of the site. Due to the physical characteristics of the hillside lot, the project requests an exception to these standards to allow for cut and fill exceeding the limitations of the HDS&G for the construction of the retaining walls that would support the driveway. As previously discussed, the applicant has sited the driveway to reduce its visual impact. A grading exception would also be required for site work for the proposed entry patio. Grading exceptions are summarized in the table below.*

<b>Maximum Graded Cuts and Fills – HDS&amp;G</b>				
	Maximum Cut Depths (feet)		Maximum Fill Depths (feet)	
	Allowed	Proposed	Allowed	Proposed
House Footprint (areas with no below-grade square footage)*	8*	NA	3	NA
House Footprint (areas with below-grade square footage)	No Limit	29.7	3	0
Driveway	4	<b>9.3</b>	3	<b>3.4</b>
Site Work	4	<b>8.1</b>	3	1
* – Excludes below-grade square footage				
<b>Bold</b> – requires exception to the HDS&G				

DISCUSSION (continued):

B. Building Design

The Town's Consulting Architect reviewed the project to provide recommendations regarding the building design (Exhibit 7) and provided a follow-up review (Exhibit 10) of the revised plans (Exhibit 14). In the Issues and Concerns background section of the report, the Consulting Architect noted that the proposed house has an identifiable architectural style with authentic details executed in high quality materials. The specific concerns listed included the extent to which the architectural design blends with the natural environment, building height, bulk and mass, roofs, the general building form of three stacked boxes, and the grand scale of the front portion of the house.

In the Recommendations section of the report, the Consulting Architect made recommendations to address consistency with the HDS&G. The applicant provided a response (Exhibits 8 and 9) and revised the project to address the recommendations, with the following applicant responses in *italic* font:

1. Increase the second floor setback, if possible.

*The front façade on the second floor moved back an additional 3.5 feet resulting in a greater offset between the lower floor and the upper floor levels. The greater portion occurred within the two upper floor Bedrooms.*

2. Add continuous railings and cast stone friezes in lieu of the currently proposed three separated front elevation forms.

*The project was redesigned to create a continuous Frieze element that separates the upper and lower floor levels in lieu of breaking them into three distinctive elements. The previous design included a distinctive entrance element that was four feet, eight inches taller than the flanking elements that dominated the façade. The current design includes a frieze that is constant in height and includes wide newel posts that visually diminish and mask the upper floor level.*

3. Increase the window sizes on the second floor over the entry.

*One new window was added to the upper floor to increase the amount of glazing width. Additionally, each of the windows on the primary façade and on the upper floor level are identical in size and fundamentally floor to ceiling in height. This consistent rhythm now accentuates a horizontal line parallel to the topographic contours of the site.*

DISCUSSION (continued):

4. Enhance the second floor cornice to add more visual substance.

*The cornice design was modified to have taller and deeper dimensions. The height and depth increased by approximately eight inches, providing an overall increase in mass by 25 percent. The added detail provides contrasting shadows and light and diminishes the overall height and mass with less light casting on the walls.*

5. Deep set all wall planes and windows.

*The wall thickness along the front and side elevations was increased such that the windows and doors could be setback deeper into the wall planes. The wall thickness doubled from six-inch walls to be one foot thick. The deeper set doors and windows create shadows that highlight contrasting planes and detailing in the façade.*

6. Add additional landscape buffering along the street edge.

*The Landscape Plan has been revised to include four additional 24-inch box California Live Oak Trees to completely screen the proposed residence form creating a visual impact from both Drysdale Drive and Shady Lane.*

The Consulting Architect reviewed the revised plans (Exhibit 14) and provided a follow-up review (Exhibit 10). Within this second review the Consulting Architect states that the revised plans are responsive to the six recommendations from the first report, but states that the primary concerns remain regarding whether the project meets the HDS&G guidelines. Some mitigating circumstances mentioned in the follow-up review included, the location of the structure at the bottom of the hill to limit visibility, lack of immediately adjacent neighbors, and the proposed landscaping for screening.

C. Neighborhood Compatibility

Based on Town and County records, the residences in the immediate area range in size from 2,602 square feet to 6,302 square feet. The house FARs range from 0.05 to 0.14. The proposed residence would be 5,095 square feet with an FAR of 0.12. Pursuant to Town Code, the maximum allowable square footage for the 23,239 square-foot net lot size (after reduction for 25 percent average lot slope) is 5,100 square feet. The immediate area analysis provided in the table below reflects the current conditions.

Immediate Area							
Address	Zoning	House SF	Garage SF	Total SF	Site SF	FAR	Stories
15951 Quail Hill Road	HR-1	4,405	470	4,875	49,910	0.09	1
15941 Quail Hill Road	HR-1	4,550	557	5,107	43,565	0.11	2
<b>15925 Quail Hill Road (E)</b>	<b>HR-1</b>	<b>2,002</b>	<b>570</b>	<b>2,572</b>	<b>42,253</b>	<b>0.05</b>	<b>1</b>
<b>15925 Quail Hill Road (P)</b>	<b>HR-1</b>	<b>5,095</b>	<b>0</b>	<b>5,095</b>	<b>42,253</b>	<b>0.12</b>	<b>2</b>
15921 Quail Hill Road	HR-1	4,241	583	4,824	42,422	0.10	2
15920 Quail Hill Road	HR-1	2,784	517	3,301	39,895	0.07	1
15930 Quail Hill Road	HR-1	2,074	528	2,602	45,626	0.05	1
15970 Quail Hill Road	HR-1	5,107	811	5,918	67,061	0.08	2
15961 & 15971 Quail Hill Road	HR-1	2,985	1,436	4,421	56,417	0.07	2
100 Drysdale Drive	HR-1	2,472	816	3,288	40,654	0.07	1
110 Drysdale Drive	HR-1	5,527	775	6,302	42,569	0.14	2
130 Drysdale Drive	HR-1	4,483	666	5,149	58,318	0.08	2
101 Drysdale Dr/15820 Shady Lane	HR-1	4,628	770	5,398	61,230	0.08	2
107 Drysdale Drive	HR-1	5,046	712	5,756	77,553	0.07	2
104 Angel Court	HR-1	5,043	1200	6,243	105,370	0.06	2

The proposed residence would not be the first second story home, nor the largest home in terms of square footage and FAR.

#### D. Tree Impacts

The subject property has thirteen trees in proximity to the proposed development, 11 of which are protected trees (36-inch Coast Live Oak; 24-inch Monterey Pine; 20-inch Deodar Cedar; 18-inch Incense Cedar; and Coast Live Oak trees ranging in size from six to 19 inches). The applicant proposes removal of the Monterey Pine as it conflicts with the proposed development. The Town's Consulting Arborist visited the site to inspect the trees on the subject property and on the adjacent properties in the vicinity of the proposed project, and to evaluate potential impacts from the proposed construction (Exhibit 11). The Consulting Arborist provided recommendations for tree protection during construction. Staff has included conditions of approval that the project comply with the tree protection requirements of the Town Code and the recommendations of the Consulting Arborist.

#### E. Neighbor Outreach

The applicant reached out to their neighbors and provided copies of the two responses they received (Exhibit 12).



F. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15303: New Construction of Small Structures.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, December 6, 2019 are included as Exhibit 13.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence and detached ADU and construction of a new single-family residence with exceptions for height, retaining walls, and cut and fill depths.

B. Recommendation

With consideration of the analysis above, staff recommends that the Planning Commission deny the Architecture and Site application based on concerns related to the consistency with the HDS&G.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
  - a. Find that the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
  - b. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing structure (Exhibit 2);
  - c. Make the findings as required by Section 29.10.330 of the Town Code for the demolition of an existing accessory dwelling unit (Exhibit 2);
  - d. Make the required finding that the height, cut and fill depth, and retaining wall height exception requests are appropriate and the project otherwise complies with the Hillside Development Standards and Guidelines (Exhibit 2);
  - e. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 2);

CONCLUSION (continued):

- f. 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
  - g. Approve Architecture and Site application S-19-012 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 14; or
2. Approve the application with additional and/or modified conditions; or
  3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Materials Board
6. Letter of Justification, dated November 21, 2019
7. Consulting Architect's Report, received March 26, 2019
8. Applicant's Response to Consulting Architect's Report, dated May 22, 2019
9. Applicant's Response to Consulting Architect's Recommendations, dated November 20, 2019
10. Consulting Architect's Second Report, received November 7, 2019
11. Consulting Arborist Report, dated April 18, 2019
12. Applicant's neighbor outreach efforts
13. Public comments received by 11:00 a.m., Friday, December 6, 2019
14. Development Plans