



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 02/28/2024

ITEM NO: 2

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DATE: February 23, 2024  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Requesting Approval of a One-Year Time Extension to an Existing Architecture and Site Application (S-18-052) to Construct a New Single-Family Residence, Site Work Requiring a Grading Permit, and Removal of Large Protected Trees on a Vacant Property Zoned HR-2-1/2:PD. **Located at 15365 Santella Court.** APN 527-09-036. An Environmental Impact Report (EIR) was Prepared for the Planned Development and was Certified by the Town Council on December 19, 2005. No Further Environmental Analysis is Required for the Individual Lot Development. Property Owner: Christian and Hellen Olgaard. Applicant: Hari Sripadanna. Project Planner: Erin Walters.

RECOMMENDATION:

Consider approval of a request for a one-year time extension to an existing Architecture and Site Application (S-18-052) to construct a new single-family residence, site work requiring a grading permit, and removal of large protected trees on a vacant property zoned HR-2-1/2:PD, located at 15365 Santella Court.

PROJECT DATA:

General Plan Designation: Hillside Residential  
Zoning Designation: HR-2 1/2 : PD  
Applicable Plans & Standards: General Plan; Hillside Development Standards and Guidelines  
Parcel Size: 2 acres

PREPARED BY: Erin Walters  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-2 ½
South	Residential	Hillside Residential	HR-2 ½:PD
East	Residential	Hillside Residential	HR-2 ½:PD
West	Residential	Hillside Residential	HR-2 ½:PD

CEQA:

An Environmental Impact Report (EIR) was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the individual lot development.

FINDINGS:

- An Environmental Impact Report (EIR) was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the individual lot development.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the Hillside Development Standards and Guidelines (HDS&G).
- The project is in compliance with the Hillside Specific Plan.
- The project is in compliance with Planned Development Ordinance 2237.
- There would be no legal impediment to granting a new application for the same approval as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension.
- The conditions originally applied or new conditions to be applied as part of the extension approval are adopted to any new facts concerning the proposed project as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension.

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.

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SUBJECT: 15365 Santella Court/S-24-002

DATE: February 23, 2024

BACKGROUND:

The subject property is lot 9 in the Highlands of Los Gatos, a 19-lot Planned Development (PD), originally approved by the Town Council in 2005. The property is at the north end of Santella Court (Exhibit 1).

On March 17, 2015, the Town Council approved Ordinance 2237, a request to modify the existing PD to allow the use of color averaging for non-visible homes within the development.

On January 8, 2020, the Planning Commission considered and unanimously approved Architecture and Site Application S-18-052, requesting to construct a new single-family residence on the subject vacant lot and the removal of large protected trees (Attachment 1 of Exhibit 4). The verbatim minutes are included in Attachment 2 of Exhibit 4.

On January 17, 2020, the decision by the Planning Commission was appealed to the Town Council (Attachment 4 and 5 of Exhibit 4). The appeal was based in part on the appellant's concern about the inclusion of retaining walls and exterior features of the home in the elevation drawing for the purposes of the visibility analysis. At this meeting, the Town Council voted to refer an evaluation of Chapter II. (Constraints Analysis), Section B. of the HDS&G, regarding the visibility analysis to the Policy Committee.

On March 3, 2020, the Town Council considered and unanimously denied the appeal of the decision of the Planning Commission approving a request for construction of a new single-family residence and removal of large protected trees on a vacant property (Exhibits 4, 5, 6 and 7). The Architecture and Site Application expires two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested. In order to vest an approval, building permits must be issued and the first foundation inspection must be completed.

On March 3, 2022, the Architecture and Site Application's two-year expiration date was extended by an additional two years due to the COVID-19 Urgency Ordinance, resulting in a new expiration date of March 3, 2024.

The applicant has requested a one-year extension to the existing Architecture and Site Application (S-18-052).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is a vacant lot located on the northern end of Santella Court (Exhibit 1). Single-family homes are located to the north, east, and south of the subject property. Vacant property is located to the west of the subject property.

B. Project Summary

The applicant proposes to construct a new 5,840-square foot single-family home, with 5,529 square feet of living area, 756 square feet of below grade area, and a 711-square foot attached garage. The proposed house would be located at the northern end of the vacant hillside property and would have a maximum height of 22 feet.

The project proposes a contemporary architectural style to blend with the natural surroundings. Proposed materials include a green roof with single ply membrane roofing, steel fascia, iron and gray colored stone cladding panels, and oxidized metal aluminum doors and windows. The applicant has provided a project description (Exhibit 9) and letter of justification (Exhibit 10) for additional information regarding the proposed project. Proposed site improvements include a driveway, fire truck turn around, swimming pool, and patios. The development plans are provided in Exhibit 13.

The project is consistent with the Zoning, General Plan, applicable HDS&G, Hillside Specific Plan, and Highlands PD Ordinance 2237. The proposed project does not require any exceptions.

C. Zoning Compliance

A single-family residence is permitted in the HR-2½:PD zone. The proposed residence is in compliance with the allowable floor area for the property. Additionally, the proposed residence is in compliance with height, setbacks, and on-site parking requirements.

DISCUSSION:

A. One Year Extension

The applicant has requested a one-year extension to the existing Architecture and Site Application (S-18-052) as the application will expire on March 3, 2024, unless vested. The applicant has provided a request for a one-year extension (Exhibit 8).

Pursuant to Section 29.20.325 (a) of the Town Code, reasonable extensions of time not exceeding one (1) year may be granted by the body having jurisdiction to grant the original

DISCUSSION (continued):

application. Extensions are valid only if approved before the pending expiration date and are measured from that date. Repeated extensions may be granted, and new conditions imposed.

Pursuant to Section 29.20.325 (a) of the Town Code, before granting an extension of time the deciding body must find from the evidence:

1. There would be no legal impediment to granting a new application for the same approval.

*Staff Response: The scope of the project remains the same. Since the March 2020 approval of the application both Santa Clara County Fire regulations and the Town's Hillside Development Standards and Guidelines definition of elevation have changed. The modified regulations have been addressed and are described in Sections B and D below. There would be no legal impediment to granting a new application for the same approval.*

2. The conditions originally applied or new conditions to be applied as part of the extension approval are adopted to any new facts concerning the proposed project.

*Response: The recommended Conditions of Approval have been updated to meet current Fire, Building, Engineering and Planning regulations and requirements (Exhibit 3).*

B. Fire Access

The subject parcel is located in the Very High Fire Hazard Severity Zones (VHFHSZ) of the Local Responsibility Area (LRA) and is subject to the July 1, 2021, California Public Resource Code 4290 (PRC 4290) requirements. PRC 4290 requirements require modifications to the width of existing roads, existing road surfaces, fire truck turnarounds, and the lengths of dead-end roads. An Alternative Materials, Methods of Construction, or Modification of Code (AMMR) was approved by the Santa Clara County Fire Department (SCCFD) to meet the PRC4290 requirements for secondary access for a dead-end road. The approved AMMR will utilize an existing Emergency Vehicle Access Easement (EVAE) from Shady to Shannon Road. The recommended 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.

C. Tree Impacts

On October 17, 2023, the Town's Consulting Arborist revisited the site and provided two addendums to the original arborist report providing the current condition of the trees on

DISCUSSION (continued):

site (Exhibit 11). Based on the Arborists review of the current conditions there were no changes to previous assessment and no changes in tree conditions.

D. Visibility

The applicant submitted an updated the Visibility Analysis to reflect the current tree conditions at the site (Exhibit 12) as required by HDS&G. The project's updated Visibility Analysis calculates the elevation of the building based on the October 2020 amended HDS&G definition of "elevation" as described below:

*Chapter II. (Constraints Analysis), Section B. Visibility Analysis, 1. Viewing areas:  
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.*

The applicant's updated Visibility Analysis illustrates that the proposed home would not be visible from the southwest corner of the intersection of Blossom Hill Road and Los Gatos Boulevard viewing area and would be 20% percent visible from the Los Gatos – Almaden Road/Selinda Way (across from Leigh High School) viewing area. Pursuant to the HDS&G, a visible home is defined as a single-family residence where 24.5 percent or more of an elevation can be seen any of the Town's established viewing areas. Therefore, the proposed residence is not considered a visible home per the HDS&G.

E. CEQA Determination

An Environmental Impact Report was prepared for the Planned Development and was certified by the Town Council on December 19, 2005. No further environmental analysis is required for the individual lot development.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 500 feet of the subject property. As of the drafting of this report, no comments from the public have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval of a one-year time extension to an existing Architecture and Site Application (S-18-052) to construct a single-family residence, site work

CONCLUSION (continued):

requiring a grading permit and removals of large protected trees on a vacant lot within the Highlands PD. The project is consistent with the Zoning, General Plan, applicable HDS&G, Hillside Specific Plan, and Highlands PD Ordinance 2237. The proposed project does not request any exceptions.

B. Recommendation

Based on the analysis above, staff recommends approval of the one-year extension 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 no further environmental analysis is required (Exhibit 2);
2. Make the finding the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
3. Make the finding that the project is in compliance with the Hillside Development Standards and Guidelines (Exhibit 2);
4. Make the finding that the project is in compliance with the Hillside Specific Plan (Exhibit 2);
5. Make the finding that the project is in compliance with the Highlands Planned Development Ordinance 2237 (Exhibit 2);
6. Make the finding that there would be no legal impediment to granting a new application for the same approval as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension (Exhibit 2);
7. Make the finding that the conditions originally applied or new conditions to be applied as part of the extension approval are adopted to any new facts concerning the proposed project as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension (Exhibit 2);
8. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
9. Approve Architecture and Site Application S-24-002 with the conditions contained in Exhibit 3 and the development plans in Exhibit 13.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

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SUBJECT: 15365 Santella Court/S-24-002

DATE: February 23, 2024

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. March 3, 2020 Town Council Staff Report and Attachments 1-14
5. March 3, 2020 Town Council Desk Item
6. March 3, 2020 Town Council Meeting Minutes
7. Resolution 2020-005
8. Request for One Year Extension
9. Project Description
10. Letter of Justification
11. Consulting Town Arborist's Addendum November 27 2023 and February 5, 2024
12. Updated Visibility Analysis
13. Development Plans