



MEETING DATE: 10/4/04
ITEM NO. 14

COUNCIL AGENDA REPORT

DATE: September 22, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: TOWN MANAGER *[Signature]*
SUBJECT: CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION DENYING APPROVAL TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE ON PROPERTY ZONED HR-2½. APN 527-56-010. ARCHITECTURE AND SITE APPLICATION S-04-055. PROPERTY LOCATION: 520 SANTA ROSA DRIVE PROPERTY OWNER/APPLICANT: JOHN JAHAN AND MAC SABERI APPELLANT: MAC SABERI

RECOMMENDATION:

- 1. Hold the public hearing and receive public testimony.
- 2. Close the public hearing.
- 3. Uphold the Planning Commission's decision and deny Architecture and Site Application S-04-055.
- 4. Refer to the Town Attorney for the preparation of the appropriate resolution.

If the Town Council determines that the Planning Commission's decision should be reversed or modified:

- 1. The Council needs to find one or more of the following:
 - (1) Where there was error or abuse of discretion on the part of the Planning Commission; or
 - (2) The new information that was submitted to the Council during the appeal process that was not readily and reasonably available for submission to the Commission; or
 - (3) An issue or policy over which the Commission did not have discretion to modify or address, but which is vested in the Council for modification or decision.

PREPARED BY: *[Signature]*
DUD N. LORTZ
DIRECTOR OF COMMUNITY DEVELOPMENT

Reviewed by: RG Assistant Town Manager AK Attorney _____ Clerk _____ Finance
 Community Development Revised: 9/22/04 1:50 pm

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MAYOR AND TOWN COUNCIL

SUBJECT: APPEAL OF 520 SANTA ROSA DR.

September 22, 2004

2. If the predominant reason for modifying or reversing the decision of the Planning Commission is new information as defined in Subsection (2) above, it is the Town's policy that the application be returned to the Commission for review in light of the new information unless the new information has a minimal effect on the application.
3. Remand the application to staff with direction on changes to the project. Staff will proceed with technical and peer review of the project prior to public hearing before the Planning Commission.
4. Refer to the Town Attorney for preparation of the appropriate resolution.

PROJECT SUMMARY:

The applicant is proposing a 7,193 square foot, two story home with a 928 square foot cellar (8,121 total square feet) and an 816 square foot garage. Pursuant to the HDS&G, any garage square footage over 400 square feet counts against the main house. Therefore, 416 square feet of the garage is calculated as part of the house, bringing the total to 8,537 square feet. Based on the HDSG Floor Area Ratio (FAR), this property could allow a maximum gross floor area of 6,000 square feet. However, achieving the maximum floor area is not guaranteed due to individual site constraints. For a complete analysis of the project, please see the attached Planning Commission report dated August 11, 2004 (Attachment 3) and development plans (Attachment 5).

PLANNING COMMISSION:

On August 11, 2004, the Planning Commission denied the application. The verbatim minutes from the August 11, 2004 Planning Commission hearing are attached (Attachment 2). The Planning Commission denied the proposal based on the following findings:

1. The house and overall development does not fit into the least restrictive development area as required by Hillside Development Standards and Guidelines (HDS&G)
2. Development is proposed on slopes of greater than 30 percent.
3. The house exceeds the size allowed by the FAR and the Planning Commission cannot make the findings necessary to grant an exception to the HDS&G.
4. The project is in contradiction to Section V-F of the HDS&G, which requires designs that minimize building bulk and mass.
5. The project has continuous two-story wall planes and a 21-foot high entry feature.
6. The project is not responsive to site constraints, respectful of the rural character of the hillside, and is not in harmony with the environment as required by Section V-A of the HDS&G.
7. The project is not consistent with General Plan Policies and Implementing Strategies CD.P.2.4, CD.I.2.2, CD.P.2.2 and L.I.8.10 relating to reducing the mass and visibility.
8. The project height exceeds the 25-foot maximum height requirement, Section V-E of the HDS&G.
9. Excessive grading is proposed, which is not consistent with Section III-A of the HDS&G and General Plan Policy L.P.8.4, which requires that grading be limited to the area needed to place the main house on the property.
10. Neighborhood compatibility and size of the home is a concern.

11. The project is not appropriate for the site. It can not be redesigned to be appropriate and should not be referred back to Staff for redesign.
12. The Planning Commission can not offer sufficient direction to address all the project's issues.

APPEAL:

On August 20, 2004, the applicant filed an appeal of the Planning Commission's decision (Attachment 1). The applicant asserts that "*The Planning Commission erred or abused its discretion because the Planning Commission did not follow the Hillside Development Standards and Guidelines which allows property owners to have more than 6000 square feet when they are in compliance with all nine exceptions.*"

DISCUSSION:

Staff Review

Staff has worked closely with the applicant to explain the Town's development standards and guidelines. Staff's initial technical review of the project identified numerous issues that would be considered by the Planning Commission. Please see the attached technical notes dated June 30, 2004 (Attachment 4) stating that the project does not comply with Town standards. Since the proposal exceeds the maximum gross floor area (6000 square feet), nine exceptions must be met in order for the project to be approved. Criteria for allowing an exception to maximum allowed floor area is as follows:

1. The development will not be visible from any of the established viewing platforms.
2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.
3. Any grading necessary to accommodate the building area that exceeds the allowed FAR or an accessory building will be minimized.
4. All standards and applicable guidelines are being met.
5. Compliance to Title 24 Energy Efficiency Standards are shown using computer methods. The compliance margin must be at least 10.0.
6. The house will be pre-wired for future photovoltaic (PV) installation.
7. A minimum of 25% of hardscape material is permeable (certain types of interlocking pavers, grasscrete, pervious concrete, etc.).
8. A significant cellar element is included in the design, unless it conflicts with other standards.
9. There will not be a significant visual impact to neighboring properties.

Items 4 and 9 are not met by the proposed design. Specifically, the proposed project does not meet the height, bulk/mass and architectural design guidelines and standards. In addition, while the house will not be seen from an established viewing platform, it will be widely visible from surrounding properties.

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MAYOR AND TOWN COUNCIL
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Staff also met with the applicant in addition to the technical meeting to explain the challenges that this project would face and how the project does not comply with Town standards. The applicant chose not to modify the project to address the issues identified by staff. Instead, the applicant chose to present the project to the Planning Commission and explain how they felt the project complied with the standards.

Due to the number of unresolved issues with the current proposal, staff decided to forward the matter to the Planning Commission prior to technical and peer reviews (including architect, arborist, geotechnical and environmental evaluations). Staff took this approach in order to expedite the review process and to avoid burdening the applicant with the expense of technical and environmental reviews on a project. Conditions of approval have not been prepared for the same reason.

ENVIRONMENTAL ASSESSMENT:

Environmental assessment for this project has not been conducted due to the number of unresolved issues with the proposal.

FISCAL IMPACT:

None

Attachments:

1. Notice of Appeal (one page) received on August 20, 2004
2. Verbatim meeting minutes from the August 11, 2004 Planning Commission Hearing (12 pages)
3. Report to the Planning Commission from the Development Review Committee dated August 11, 2004 (9 pages, minus development plans)
4. Technical Review dated June 30, 2004 (2 pages)
5. Development Plans received on July 30, 2004 (13 pages)

Distribution:

Mac Saberi, 1095 Braham Ln. #205B, San Jose, CA 95136

N:\DEV\Judie\projects\Santa Rosa\appeal.wpd

cc: Planning Manager Attorney

FILING FEES
\$250.00 Residential
\$1000 per Commercial, Multi-family or Tentative Map Appeal

RECEIVED

AUG 23 2004

TOWN OF LOS GATOS
PLANNING COMMISSION

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION: AUGUST 11, 2004

PROJECT / APPLICATION NO: S-04-055

ADDRESS LOCATION: 520 SANTA ROSA DR.

FILED
AUG 20 2004
TOWN OF LOS GATOS
OFFICE OF TOWN CLERK

Pursuant to the Town Code, the Town Council may only grant an appeal of a Planning Commission decision in which the Council finds that one of three (3) reasons exist for granting the appeal by a vote of at least three (3) Councilmembers. Therefore, please specify how one of those reasons exist in the appeal:

- The Planning Commission erred or abused its discretion because THE PLANNING COMMISSION DID NOT FOLLOW THE HILLSIDE DEVELOPMENT STANDARD & GUIDE LINES WHICH ALLOW'S PROPERTY OWNERS TO HAVE MORE THAN 6000 SF WHEN THEY ARE IN COMPLIANCE WITH ALL 9 EXCEPTIONS.
- There is new information that was not reasonably available at the time of the Planning Commission decision, which is

PAID
\$250.00
AUG 20 2004
TOWN OF LOS GATOS
OFFICE OF TOWN CLERK

- The Planning Commission did not have discretion to modify or address the following policy or issue that is vested in the Town Council: _____

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

- Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
- The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
- An appeal regarding a Change of Zone application or a subdivision map only must be filed within the time limit specified in the Zoning or Subdivision Code, as applicable, which is different from other appeals.
- Once filed, the appeal will be heard by the Town Council.
- If the reason for granting an appeal is the receipt of new information, the application will usually be returned to the Planning Commission for reconsideration.

PRINT NAME: MAC SABERI
DATE: 8/20/04
PHONE: 408-997-9115

SIGNATURE: [Signature]
ADDRESS: 1095 BRANHAM LN #205B
SAN JOSE, CA. 95134

*** OFFICIAL USE ONLY ***

DATE OF PUBLIC HEARING: OCT. 4, 2004
Pending Planning Department Confirmation
DATE TO SEND PUBLICATION: _____

CONFIRMATION LETTER SENT: Date: _____
TO APPLICANT & APPELLANT BY: _____
DATE OF PUBLICATION: _____

A P P E A R A N C E S:

Los Gatos Planning
Commissioners:

Jean Drexel, Chair
Michael Burke
Phil Micciche
Tom O'Donnell
Lee Quintana
Joanne Talesfore
Morris Trevithick

Director Of Community
Development:

Bud N. Lortz

Town Attorney:

Orry Korb

Transcribed by:

Vicki L. Blandin
5500 Van Fleet Avenue
Richmond CA 94804
(510) 526-6049

P R O C E E D I N G S:

CHAIR DREXEL: The next application is 520 Santa Rosa Drive. If the applicant would like to step forward, you have five minutes to present your project.

MAC SABERI: Good evening. My name is Mac Saberi, and I would present this project to you. After hearing what you had to say to the previous application, I want to start by saying that we are open to some suggestions and recommendations.

This project previously was reviewed and approved in 1998. The plans and elevation basically are the same as was approved; however, we made some changes based on the new regulations on the hillside. We reduced the height to comply with the new regulations; however, we increased the square footage of the house a little bit more by enlarging the kitchen, family room, and adding a guest bedroom downstairs.

We are requesting the Planning Commission to approve our proposed design based on nine exceptions that

1 has been given in the Hillside Design Guideline, and I
2 would like to briefly go through all those nine items.

3 Item Number One, "Development will not be visible
4 from any established viewing platform." Our building is
5 located on the south side of Santa Rosa and will not be
6 seen from any established viewing platform.

7 Item Number Two, "There will not be significant
8 impact to the protected trees and wildlife." We just have
9 one beautiful oak tree on the right side of the building
10 and we would like to keep it, and we'll do everything
11 possible during construction to save that tree.

12 Item Number Three, "Any grading necessary to
13 accommodate a building area that exceeds FAR or accessory
14 building will be minimized." There will not be any
15 provision to do any accessory building on this site, and we
16 stepped down the house and the footprint to follow the
17 contour to minimize the grading.

18 Item Number Four, "All standard applicable
19 guidelines are to be met." I guess this is the most
20 important item among those four items. We believe that we
21 are meeting all the requirements of the Hillside
22 Guidelines, and I want to touch on the three topics here.

1 One is site planning, the other one is development density,
2 and the last one is architectural design.

3 Let me start with site planning. The proposed
4 site is located at the end of Santa Rosa Drive. This site
5 has an average slope of probably 32-percent; that makes it
6 very challenging to design. Due to the limited building
7 area that exists on the site, we located the house on the
8 flattest part of the site. The majority of the house would
9 be on the flat portion; just a small area would be over
10 that 30-percent average slope. We reduced the visual
11 impact by setting the structure into the existing grade and
12 stepped down the foundation to follow the contours.

13 The second item is development density. The
14 proposed house is 7,193 square feet; that is 1,193 square
15 feet above the maximum allowed by the Hillside Standards,
16 based on the lot size of 32,000; at least that was my
17 understanding when I was reading the Hillside Guild Lines.
18 Our site is over three acres, almost 131,000 square feet,
19 and is one of the largest sites in the Alta Vista tract.
20 Our site coverage is just 3-percent, and our FAR is less
21 than 6-percent. Those two, the site coverage and the FAR,
22 is probably one of the lowest among all the houses in that
23 neighborhood. We are the last undeveloped lot out of 45-

1 plus homes in the Alta Vista tract that the City Council
2 approved in the early 1980s. This house has less square
3 footage than newly permitted houses that are over 11,000
4 square feet.

5 Let me talk about the architectural design.
6 Our design is simple but elegant. We gave lots of thought
7 to design the structure to meet all the Hillside
8 Development Standards and Guidelines. Before we started
9 designing, we drove through the neighborhood and we noticed
10 most of the houses in that sub-division have a roof that is
11 tile and stucco finished. Being on the hillside, for fire
12 safety this is probably a good material to be used; that's
13 why we chose to have stucco siding and a clay tile roof.

14 After a few meetings with the Staff, we reduced
15 the front elevation height to 23-feet when the Hillside
16 Guideline allowed 25-feet. We introduced some balcony to
17 reduce the mass on the front. Our north elevation will
18 also be set back, the second story at the garage to break
19 the roofline. Our south side reduced the visual impact by
20 setting the structure down, and stepped down the foundation
21 to follow the existing contour. We minimized the three-
22 story appearance on the south side; that's on the downhill
23 side.
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1 CHAIR DREXEL: Does anyone have any questions of
2 the applicant? Phil?

3 COMMISSIONER MICCICHE: I just wanted to help you
4 correct something on the Hillside Standard. On lot areas
5 more than 32,000 square feet, which this is, on page 28 of
6 the Hillside Standard?

7 MAC SABERI: Yeah, 32,000.

8 COMMISSIONER MICCICHE: It very specifically
9 states the maximum gross for it shall be 6,000 square feet.
10 So 32,000 and above, not just 32,000.

11 MAC SABERI: That's probably where I misread it,
12 and I heard that with the previous applicant, that were her
13 intentions.

14 COMMISSIONER MICCICHE: The other question I have
15 is on page four of the report. Do you agree with the
16 calculations that were made by Staff on the grading and
17 drainage?
18

19 MAC SABERI: I did not have the opportunity,
20 probably because if you take a look at the site, the site
21 has a hump right on the front, and we are trying to take
22 that hump away, and maybe that numbers. I have not checked
23 that.
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25

1 COMMISSIONER MICCICHE: So you haven't checked
2 that yet?

3 MAC SABERI: I have not checked it.

4 CHAIR DREXEL: Mike?

5 CHAIR BURKE: A couple questions for you. One is
6 in your letter, one of the justifications is that there was
7 a house approved there a few years ago, but you've needed
8 to increase it due to different requirements of the new
9 owner. What were the requirements that caused you to need
10 to increase it in size, and why could you have not cut down
11 other areas?
12

13 MAC SABERI: One of the items was enlarging the
14 kitchen. The kitchen was very small on the original plan.
15 The other one was the family room was not large enough.
16 And last one, we added a guest bedroom downstairs.

17 CHAIR BURKE: I know the Alta Vista area very
18 well. A lot of the houses up there present a single-story
19 front to the street. I know the house immediately to the
20 east of you does that, and some of the houses on the other
21 side of the road are down from the street. Did you take
22 that approach at all? Very few houses are two-story right
23 on the street, as close to the street as your house is, on
24 Santa Rosa Drive.
25

1 MAC SABERI: The one that is on the right of the
2 street is a two-story, to the west of us.

3 CHAIR BURKE: But it is set back a little bit
4 more. There are some, but a lot of them present a single
5 story.

6 MAC SABERI: That was the reason we pulled the
7 house back further than what was originally proposed, to be
8 further from the street.

9 CHAIR BURKE: But did you look at putting a
10 single story on the front and stepping it down the hill?
11

12 MAC SABERI: Basically, from the front elevation
13 we just used whatever was approved back in 1998. We used
14 the same elevation and basically the same floor plan. We
15 based our design on whatever was approved in 1998, and I
16 realize that we are not under 1998 regulations.

17 CHAIR BURKE: Thank you.

18 CHAIR DREXEL: Joanne?

19 COMMISSIONER TALESFORE: That was going to be my
20 question. So you understand that you didn't maybe have the
21 understanding of what's here in the General Plan, and that
22 Hillside Design Standard?
23

24 MAC SABERI: Absolutely, because the original
25 house was much higher too. We lowered it; we made the

1 second story as an eight-foot plate height to bring it
2 down. We changed the sloped to a minimum of five and
3 twelve to reduce the height.

4 COMMISSIONER TALESFORE: Thank you.

5 CHAIR DREXEL: Lee, did you have a question?

6 COMMISSIONER QUINTANA: My question is why didn't
7 you listen to Staff when they were telling you how the Town
8 interprets the Hillside Standards and Development Standards
9 and Guidelines?

10 MAC SABERI: Maybe that was my misunderstanding.
11 Let me explain. Because Staff was not sure how the new
12 regulation was going to affect a house more than 6,000.

13 CHAIR DREXEL: Oh, I think that they knew. I
14 think they were very clear.

15 MAC SABERI: I was my understanding that they
16 were not sure. I said lets go to the front of the Planning
17 Commission and see, because this is basically the second
18 home that is in front of you based on the new regulations.
19 Let me ask Randy. I don't want to be unfair to Randy or to
20 Judy.

21 CHAIR DREXEL: Please, Randy, enlighten us.

22 RANDY TSUDA: Staff's recollection of the
23 conversation was that the Guidelines clearly state that the
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1 maximum house size is 6,000 square feet, and the applicant
2 asked how would a request for additional square footage be
3 treated in the past, and we said we had no precedent at
4 this point in time.

5 MAC SABERI: Then it was my mistake.

6 CHAIR DREXEL: All right, thank you. Any other
7 questions? All right, thank you very much. I have one.
8 card from Alex Leupp for this item, so if you would like to
9 speak, that would be lovely.

10 ALEX LEUPP: Thank you and good evening. My name
11 is Alex Leupp; I'm the neighbor of the proposed project at
12 530 Santa Rosa Drive. I had a chance to look at the plans
13 prior to the meeting, and I came to the conclusion when I
14 saw what was going to be built that it's going to be
15 massive and invasive.

16 The reason I'm saying that is even though it's a
17 large lot of three acres, most of the acreage is down slope
18 that you don't see. If you look at where the house is
19 built, it takes up the whole site of the entrance. So the
20 whole building will be taking up basically the lot size.

21 It is two stories high. My house next door is
22 about 45,000 square feet; it's a two-story, but it's only
23 one story from the street, and it has a flat roof, so it
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1 makes whatever our neighbors see in terms of hillside very
2 unobtrusive, and you don't object to the view. I think to
3 build a two-story house there with 7,000 square feet, not
4 including the garage and the basement, is just to big a
5 project in my opinion, and I would ask you to consider this
6 and have a redesign of the project so it fits more into the
7 neighborhood. Thank you.

8
9 CHAIR DREXEL: Thank you very much. Any
10 questions? Mike?

11 CHAIR BURKE: Mr. Leupp, approximately how big a
12 square footage is your house, just for comparison?

13 ALEX LEUPP: It's about 4,500.

14 CHAIR BURKE: Okay, thank you.

15 COMMISSIONER TALESFORE: One additional question.
16 That's not counting the garage?

17 ALEX LEUPP: That's not counting the garage.

18 COMMISSIONER TALESFORE: And how big is the
19 garage?

20 ALEX LEUPP: It's a four-car garage.

21 COMMISSIONER TALESFORE: So it's about 800 square
22 feet?

23 ALEX LEUPP: Yes, about 800 square feet.
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1 CHAIR DREXEL: Thank you very much. Would anyone else from
2 the public like to speak on this item? I don't have any
3 other cards. Just tell us your name and then you can fill
4 your card out afterwards.

5 SELFIA HALIM: Good evening, my name is Selfia
6 Halim. I am also a neighbor across the street from the
7 project being discussed. Actually I'm glad that there's a
8 plan that the lot is going to be developed, because this is
9 the last lot on Santa Rosa Drive.
10

11 However, looking at the plan, I'm kind of
12 surprised that it's so massive and big; it's two stories
13 and all across very wide. The applicant mentioned that the
14 next door is also two-story. That is true, but it's only a
15 very small portion that is two-story. The front door only
16 is two-story, but the rest is behind and it's following the
17 topography, and that's how all of the houses on Santa Rosa
18 Drive are; a reverse floor plan, just single-story from the
19 street and down below from there. So that's my comment.

20 CHAIR DREXEL: Thank you. Any questions? Thank
21 you very much. Is anyone else from the public interested
22 in speaking? Last chance. All right, we will ask the
23 applicant to come up for rebuttal.
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1 MAC SABERI: Regarding the house on the other
2 side, there is a picture of it, and you can see it is a
3 full two-story home that is on the right side. This house
4 has the same elevation that was approved, and that's what
5 we are going by. I understand the regulation changed, but
6 we have not made any changes to the front elevation and we
7 just went with whatever was approved. I thought we had a
8 good chance.

9 CHAIR DREXEL: Thank you. Any questions for the
10 applicant? I think that's it, we're going to close the
11 public hearing and make some comments here and have a vote.
12 Any comments? Mike?

13 CHAIR BURKE: A couple of thoughts. One is I
14 think this house is too big for the lot, for several
15 reasons. As the neighbor stated, the lot is skinny and
16 deep, and this house does take most of the width.

17 This house is very visible to all the neighbors.
18 It's also while not visible from one of the official
19 viewing platforms, it is very visible from the valley back
20 there, and I know for a fact the County is very interested
21 in our Hillside Design Standards; very interested. They're
22 thinking that that may be something that they would want to
23 adopt, and I think if we would expect the County to maybe
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1 limit the visibility of homes that are built in the County
2 that are visible to our town, I think they would expect us
3 to reciprocate, such that houses are very visible to the
4 people in the County that are built in the Town.

5 So having said that, I think it's important that
6 this house at least meet that 6,000 square foot maximum
7 design, but I don't even know if that is practical for
8 neighborhood compatibility with that lot, and I don't think
9 it's as constrained as the previous applicant, and so maybe
10 it's a 5,000 square foot house with a 400 square foot
11 garage or something along those lines, or bigger cellar,
12 but something stepped down.

13 So my leaning would be to send this back for
14 redesign, because I think the applicant is workable on this
15 and is willing to work, but that's just my thoughts.

16 CHAIR DREXEL: Lee?

17 COMMISSIONER QUINTANA: I agree with most of your
18 statements, but I believe that the redesign on this house
19 is so substantial that it would be like having to review an
20 entirely new project, and therefore I would favor denying
21 it. The applicant was given lots of advice by the Planning
22 Staff, and for whatever reason chose to ignore it.
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1 The other thing I'd like to comment on is that
2 the Standards and Guidelines do say that, referring to
3 viewing platforms, other locations as deemed appropriate by
4 the deciding body. I'm assuming that means that we could
5 recommend that a viewing platform be established in that
6 area.

7 In addition, I'd like to comment on the fact that
8 I believe that this is a ridgeline, even though it isn't
9 identified as such in our statement here. The ridgeline
10 that was identified here came out of the Blossom Hill Open
11 Space Study and did not include the area that was already
12 developed, this ridge, Santa Rosa. If you look at the map,
13 it looks like it's almost a continuation of the ridge that
14 was mapped. So if it's denied, I think I would like to see
15 both of those things explored before they return with
16 another application.

17 I will also say that I think, again, Staff did a
18 very good staff report on this; I think they hit all the
19 major points, except for the hillside that's highly visible
20 and ridgeline.

21 CHAIR DREXEL: Joanne?

22 COMMISSIONER TALESFORE: My only comment is that
23 based on the fact that it sounded like, from the applicant,
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1 he wasn't very familiar with the Hillside Design Standards
2 himself personally or the General Plan, I would be in favor
3 of a denial on this. Maybe he needs to read that document
4 and maybe listen to Staff, work with them more often. So
5 that is basically my comment. I would not want to see it
6 go back for redesign; I think it needs to start over, from
7 the research that he needs to do.

8 CHAIR DREXEL: Tom?

9 COMMISSIONER O'DONNELL: I would be sympathetic
10 to Mac's intentions, only because the Staff was (inaudible)
11 when it comes to the larger than 6,000 feet (inaudible) and
12 I think the Guidelines are very clear (inaudible). I have
13 to admit (inaudible) if I were the applicant, I'd ask
14 myself how would I be better off? Would I be better off
15 starting fresh, or would I be better off going back,
16 because I truly believe (inaudible) within the framework of
17 what we talked about tonight (inaudible) only because this
18 whole thing is kind of new and it's obvious that
19 (inaudible) and it seems clear to me that as (inaudible).

20 CHAIR DREXEL: My only comment is that the
21 applicant had every opportunity to have the Guidelines
22 explained to him. There are so many things wrong with this
23 project. Exceeding a FAR, that's just one of a million
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1 design problems that it has, and if the applicant failed to
2 listen to Staff last time, I do not want to be sitting up
3 here playing ping-pong with this project because the
4 applicant doesn't understand that most of these kinds of
5 things are appropriately interpreted by Staff.

6 We used to do this a lot; we used to have
7 projects that would bounce back and forth, back and forth,
8 and there's a wear down effect. A person will have a lot
9 of money in design and end up spending a whole lot of money
10 and getting a denial in the end. I think it's better
11 sometimes to just terminate the effort and let them start
12 fresh and work through the problems with Staff, fully
13 expecting only to bring a project that Staff feels is
14 suitable to bring to this body. Otherwise, we will spend
15 lots and lots of time and lots and lots of this applicant's
16 money arguing over the fine points of the project,
17 considering what we've experienced thus far.

18 The only thing this applicant got right too was
19 the zoning; everything else is wrong, and that's it. So
20 it's going to be a new project; it's not a tweaking of a
21 project. I could not give this applicant enough guidance
22 to fix this project. If I gave him everything I could
23 think of, it wouldn't be everything, so I think it goes
24
25

1 beyond the direction that we are normally able to give with
2 a decent project where we've gotten cooperation from the
3 applicant. So that's why I do not agree with Tom or Mike
4 on this matter.

5 COMMISSIONER TALESFORE: To tab onto that, that's
6 why I made that comment that the direction we would have to
7 supply would be so substantial--how long does our meeting
8 go?

9 CHAIR DREXEL: Mike?

10 CHAIR BURKE: I think even if we vote to deny, we
11 ought to provide some direction.

12 CHAIR DREXEL: I agree.

13 CHAIR BURKE: That was one of the reasons I
14 wasn't thinking of sending this back here for a date
15 certain, but I was thinking of sending it back for total
16 redesign with direction, and I can go either way, but I
17 think that while this project was severely flawed, at least
18 I felt comfortable giving guidance of what, at least in my
19 mind, was appropriate for there, because I think there are
20 enough examples in that area of things you could build.
21 But if everybody feels it's better to deny and give
22 guidance and let them start with a totally fresh piece of
23
24
25

1 paper and they can take our guidance or not and come back
2 to us, that's fine too.

3 CHAIR DREXEL: Lee?

4 COMMISSIONER QUINTANA: I remembered. I guess
5 one of these comments goes in the realm of guidance. I'll
6 start with the first one, which isn't guidance so much. I
7 just wanted to point out one thing that was left out of the
8 staff report that two of the neighbors brought up tonight,
9 was neighborhood compatibility, so we have to add that to
10 our direction of looking at the neighborhood design styles.
11

12 In general, I'm going to say that I viewed this
13 house as being essentially a large rectangle mass, and then
14 added to it were the architectural elements to visually
15 reduce that mass, rather than looking at it from the
16 direction of how do we design this house to minimize the
17 mass, and then once we've done that, add architectural
18 elements to further minimize the visual impact of that
19 mass. So that would be part of the direction I would be
20 looking for.

21 Some of the things I think have already been
22 mentioned: minimized two-story wall planes; large amount of
23 one-story elements; reduce the maximum length of the height
24 of the roof, the maximum height allowed is most of the
25

1 house; substantially set back the second story to reduce
2 the appearance of mass.

3 In addition, because this is on a very visible
4 site, and you get to the edge of the LRDA and then it drops
5 off significantly, I would highly recommend setting the
6 house back some from the edge of the LRDA so it doesn't
7 look like it's about to fall down the hill.

8 CHAIR DREXEL: Phil?

9 COMMISSIONER MICCICHE: This is probably obvious,
10 but I guess the best advice that I would give is listen to
11 the planning staff this time, because the interpretation
12 they have of the Hillside Standards is clearly probably
13 what we have, since we worked together to develop it, so I
14 think they know what they're talking about. You're wasting
15 your time and money if you come here in contrast to that,
16 in general.

17 CHAIR DREXEL: Joanne?

18 COMMISSIONER TALESFORE: Just one other thing.
19 You have a raw piece of land, you have a staff that's ready
20 and willing to work with you, you've got documents like
21 I've said before, and if you understand that what we're
22 trying to do is to continue that ambiance of the hillsides
23 and keeping with the neighborhood, not to disrupt the
24
25

1 rhythm that's on that street, if you understand that and
2 you start over, as far as I'm concerned, I think we'll all
3 have a better project.

4 CHAIR DREXEL: Morris?

5 COMMISSIONER TREVITHICK: I'm sort of going along
6 with what has been said already. I think the design is
7 flawed, and to try and tinker with that and try and
8 manipulate the design itself at this point is rather too
9 much. It wouldn't be fair to ask the developer to take it
10 on back and reconsider it again and give a new application.
11 It's fairer to the Staff, because I think there are enough
12 elements here that are a little too excessive: size,
13 height, and so forth.

14 CHAIR DREXEL: All right, I'm going to move to
15 deny Architecture and Site Application S-04-055.

16 COMMISSIONER TALESFORE: I'll second.

17 CHAIR DREXEL: The project fails to meet the
18 requirements of the General Plan and the Hillside
19 Development Standards and Guidelines as they have been
20 developed and interpreted by the Town.

21 I've got a second, so I'm going to list my
22 laundry list of the most glaring shortcomings that I think
23
24
25

1 most of these we've discussed, but I'm going to relate them
2 to specific parts of the Hillside Standards.

3 The house and overall development does not fit
4 into the least restricted development area as required by
5 Hillside Development Standards and Guidelines. The plans
6 are inaccurate when they show development on slopes of less
7 than thirty-percent.

8 Also the project exceeds the size allowed by FAR
9 and I cannot make the findings necessary to allow the
10 project to do that. Please see the staff report on house
11 size for the particulars. The project is massive and a
12 contradiction of 5F of the Hillside Development Standards
13 and Guidelines. It has two-story high walls and a 21-foot
14 entry feature. It is not responsive to site constraints,
15 respectful of the rural character of the hillsides, which
16 are in harmony and visually blending with the environment
17 as required by 5A. General Plan CDP-24, CDI-22, CDP-22,
18 and LI-810 offer direction to reduce mass and visibility
19 that have not been followed. Some of the structure exceeds
20 the 25-foot maximum height requirement of 5-E by three to
21 five feet at the rear. If it's on a ridge, even greater
22 height limits have been exceeded.
23
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25

1 Excessive grading is required by the project
2 under three of the Hillside Development Standards, the
3 development is to fit into the topography with minimum
4 impacts to the site physically. Under the General Plan LP-
5 84, grading should be limited to the area needed to place
6 the main house on the property.

7 There are questions of neighborhood compatibility
8 regarding its size as well. The project is not appropriate
9 for the site, it cannot be redesigned to be appropriate,
10 and for that reason it should not be referred back to Staff
11 for redesign. We could not possibly offer sufficient
12 direction to remedy all the problems this project has.

13 CHAIR DREXEL: Any more comments? Mike?

14 CHAIR BURKE: Just a couple of comments I want to
15 make. One is I think Lee sparked the memory, but if I
16 stand on right where that house is, it's a ridgeline, I
17 mean technically, because it falls off toward Blossom Hill
18 Road and it falls off toward Shannon Road from there, so I
19 have to believe that technically that is a ridgeline there
20 and Staff needs to look at that when this application comes
21 back.

22 The other thing I think is when we talk about
23 neighborhood compatibility, I really think that as many
24
25

1 houses that have a single-story front element there, that
2 that ought to be while not a required recommendation, but
3 something we ought to look at.

4 And going further, if I remember correctly, when
5 the Leupp's house was built, in order to achieve the
6 single-story front footage and stay away from the
7 (inaudible) slope, they actually did grant him a slight
8 variance on front setback, and so that may be an option
9 there to keep this farther within the least restrictive
10 development area, as well as maintaining a single-story
11 front façade. So just a couple of thoughts.

12 CHAIR DREXEL: Any other comments before we take
13 a vote? All those in favor? All those opposed.

14 Unanimous.

15 DIRECTOR LORTZ: Again, appeal rights, anyone
16 dissatisfied with the decision of the Planning Commission
17 may appeal the decision to the Town Council. The appeal
18 must be filed within ten days; it must be filed upstairs in
19 the Clerk's Office. There is a fee for filing an appeal.
20 I think it's \$250 for residential appeals.
21
22
23
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Date: August 5, 2004
For Agenda Of: August 11, 2004
Agenda Item: 2

REPORT TO: The Planning Commission
FROM: The Director of Community Development
LOCATION: 520 Santa Rosa Drive
Architecture and Site Application S-04-055

Requesting approval to construct a new single family residence on property zoned HR-2½.. APN 527-56-010
PROPERTY OWNER/APPLICANT: John Jahan & Mac Saberi

- EXHIBITS:
- A. Considerations for the review of architecture and site applications (three pages)
 - B. Site location map
 - C. Applicant's letter of justification, received on August 4, 2004 (three pages)
 - D. Project data sheet, received August 4, 2004
 - E. Development Plans received July 30, 2004 (11 sheets)

A. BACKGROUND:

The subject property is a three acre parcel located on the south side of Santa Rosa Drive, near the easterly terminus of the road. Exhibit B shows the location of the property. The property is unimproved and has an average slope of 32%. The majority of the lot has slopes greater than 30%, making it challenging to develop. Staff determined that the proposed project is inconsistent with the General Plan and Hillside Development Standards & Guidelines (HDS&G). The applicant was advised that the plans need major revisions to comply with the HDS&G and General Plan provisions. The applicant believes that the proposed plan complies with the HDS&G and does not wish to make the significant changes staff feels are necessary to bring the plan into compliance with Town regulations, policies and standards. Staff has forwarded the plans and supporting information to the Planning Commission so that direction can be provided to the applicant for a redesign of the project or the Planning Commission may deny the application outright.

Due to the number of unresolved issues with the current proposal, staff decided to forward the matter to the Planning Commission prior to technical and peer reviews (including architect, arborist, geotechnical and environmental evaluations). Conditions of approval have not been prepared for the same reason. If the applicant revises the plans after receiving direction from the Commission, the technical reviews, findings and conditions of approval will be completed before the application is returned to the Commission for final action.

Items 4 and 8 are not met by the proposed design. In addition, while the house will not be seen from an established viewing platform, it will be widely visible from surrounding properties. The Commission should discuss these issues and provide direction on the overall bulk and mass, the size of the proposed home, and the overall development area.

Architectural Style

In general, the architectural design of the proposed home is not consistent with the goals and policies set forth by the General Plan and HDSG. The Planning Commission has expressed concerns about designs that have two story elements, that are inherently massive and bulky, and are prominently visible from surrounding properties.

The proposed home has several two story elements. The north elevation (front), has a 21 foot high entry feature with two octagonal, elements on either side of the entry that do not have vertical relief. Some portions of this elevation are broken up with balustrades and roof lines, but the elevation, in general, accentuates the height and mass of the home. The south (rear) and east (left) elevations are broken up with a roof line and the second floor is stepped back from the first. The west (right) elevation does not have much vertical relief or articulation.

The proposed home appears to be very prominent and the style of the home is inherently massive and bulky. The two-story elements, high entrances and the formal balustrades tend to give the home a prominent character. In the front and rear elevations, the home spans approximately 120 feet. For the majority of that width, the height of the home ranges from 22.5 feet to 25 feet. The sides are similar in mass, with the exception that the proposed heights range from 23 feet to 30 feet.

The design objectives of the HDS&G encourage architectural design that is:

1. *in harmony and visually blends with the natural environment,*
2. *responsive to site constraints and opportunities,*
3. *compatible with the surrounding neighborhood and respectful of neighbors, and*
4. *respectful of the rural character of the hillsides.*

In addition to the above objectives, the project is in conflict with include the following architectural criteria:

Chapter V. F. standard 1. Buildings shall be designed to minimize bulk, mass and volume so as not to be prominently visible from a distance or from surrounding properties.

Chapter V.F. guideline 1. Keep building forms simple.

Chapter V.F. guideline 2. Avoid architectural styles that are inherently viewed as massive and bulky.

- L.I.8.10 Hillside Design Standard: Houses shall be designed to step down the contours rather than be designed for flat pads.
- CD.P.2.2 Consideration shall be given to siting homes for privacy, livability, protection of natural plant and wildlife habitats and migration corridors, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant ecological or visual impacts affecting open spaces, public places or other properties.
- CD.P.2.4 Reducing Visible Mass: Effective visible mass shall be reduced through such means as stepping structures up and down the hillside, a maximum of two stories shall be visible from every elevation following the natural contours, and limiting the height and mass of the wall plane.
- CD.I.2.2 Evaluate projects as to how the built environment naturally blends into the surrounding landscape in areas such as scale, materials, hardscape, lights and landscape.

Hillside Development Standards and Guidelines

The project is not in compliance with the following provisions of the HDS&D:

- Maximum allowed floor area (pages 29-30)
- Overall amount of development (pages 12, 27)
- Maximum building height of 25 feet (page 35)
- Architectural design objectives (page 31)
- Architectural criteria for minimizing bulk and mass (page 36-37)

C. RECOMMENDATION:

The Planning Commission should either refer this application back to staff with specific direction to the applicant for desired plan changes, or deny the application. If the Commission finds merit with the proposed development to the extent that it could be approved through redesign, the Commission provide direction on the following issues:

- house size
- architectural style
- bulk and mass
- total development area

PLANNING COMMISSION - AUGUST 11, 2004
REQUIRED FINDINGS & CONSIDERATIONS FOR:

520 Santa Rosa Drive
Architecture and Site Application S-04-055

Requesting approval to construct a new single family residence on property zoned HR-2½. APN 527-56-010.

PROPERTY OWNER/APPLICANT: John Johan & Mac Saberi

FINDINGS: None

CONSIDERATIONS:

Section 29.20.150. Considerations in review of applications.

The deciding body shall consider all relevant matter including, but not limited to, the following:

- (1) *Considerations relating to traffic safety and traffic congestion.* The effect of the site development plan on traffic conditions on abutting streets; the layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways; the adequacy of off-street parking facilities to prevent traffic congestion; the location, arrangement, and dimension of truck loading and unloading facilities; the circulation pattern within the boundaries of the development, and the surfacing, lighting and handicapped accessibility of off-street parking facilities.
 - a. Any project or development that will add traffic to roadways and critical intersections shall be analyzed, and a determination made on the following matters:
 1. The ability of critical roadways and major intersections to accommodate existing traffic;
 2. Increased traffic estimated for approved developments not yet occupied; and
 3. Regional traffic growth and traffic anticipated for the proposed project one (1) year after occupancy.
 - b. The deciding body shall review the application for traffic roadway/intersection capacity and make one (1) of the following determinations:
 1. The project will not impact any roadways and/or intersections causing the roadways and/or intersections to exceed their available capacities.
 2. The project will impact a roadway(s) and/or intersection(s) causing the roadway(s) and/or intersection(s) to exceed their available capacities.

267 Vista Del Monte

Architecture and Site Application S-04-46

Page 3 of 3

- (7) *Considerations relating to lighting and street furniture.* Streets, walkways, and building lighting should be designed so as to strengthen and reinforce the image of the Town. Street furniture and equipment, such as lamp standards, traffic signals, fire hydrants, street signs, telephones, mail boxes, refuse receptacles, bus shelters, drinking fountains, planters, kiosks, flag poles and other elements of the street environment should be designated and selected so as to strengthen and reinforce the Town image.

- (8) *Considerations relating to access for physically disabled persons.* The adequacy of the site development plan for providing accessibility and adaptability for physically disabled persons. Any improvements to a nonresidential building where the total valuation of alterations, structural repairs or additions exceeds a threshold value established by resolution of the Town Council, shall require the building to be modified to meet the accessibility requirements of title 24 of the California Administrative Code adaptability and accessibility. In addition to retail, personal services and health care services are not allowable uses on nonaccessible floors in new nonresidential buildings. Any change of use to retail, health care, or personal service on a nonaccessible floor in a nonresidential building shall require that floor to be accessible to physically disabled persons pursuant to the accessibility requirements of title 24 of the California Administrative Code and shall not qualify the building for unreasonable hardship exemption from meeting any of those requirements. This provision does not effect lawful uses in existence prior to the enactment of this chapter. All new residential developments shall comply with the Town's adaptability and accessibility requirements for physically disabled persons established by resolution.

- (9) *Considerations relating to the location of a hazardous waste management facility.* A hazardous waste facility shall not be located closer than five hundred (500) feet to any residentially zoned or used property or any property then being used as a public or private school primarily educating persons under the age of eighteen (18). An application for such a facility will require an environmental impact report, which may be focused through the initial study process.



ETESSAM ASSOCIATES

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TOWN OF LOS GATOS
PLANNING DIVISION

Date: July 31, 2004

Honorable members of Planning Commission
Town of Los Gatos.

Subject: Letter of justification for a single family residence on 520 Santa Rosa Dr.
Town of Los Gatos.

The present application is brought to your attention for your review and approval of a single family residence which has been previously reviewed and approved by the Planning Commission, Town of Los Gatos in 1988.

Plans and elevations are basically the same as was approved, but in consideration of new Hillside Development Standards and Guidelines, we had to substantially reduce the height of the building as well as to respond to many other issues and concerns.

In order to accommodate the requirements by the new owners, some areas of the residence such as kitchen and family room have been enlarged and a guest room has been added to the ground floor plan. As a result we have now approximately a total of 7100 square feet building.

This square footage is evidently more than the 6000 square feet allowed for lands larger than 32001 and above. We have a land as large as 1311331 (more than 3 acres) which is the largest land in Santa Rosa Drive Neighborhood subdivision and will have the lowest FAR in entire neighborhood except for one house only.

The Hillside Development Standard and Guidance provides for some exceptions to the 6000 sq.ft.. maximum as explained in page 29 and 30 of the said document. We fortunately meet with all of those 9 items as explained in the following order:

1. The development will not be visible from any of the established viewing platforms.

Our building looks at smaller houses which are located mainly on the north side of the valley far away from the building and there is no established viewing platform which could have a visibility to our building.

2. There will be no significant impacts on protected trees, wildlife habitat or movement corridors.

We sincerely hope that our effort to produce a neighborhood friendly architectural design would be favorably reviewed and approved by the Planning Commission and as a result of your approval, our new building could enhance the particular character of this neighborhood.

We are also open to any constructive criticism and suggestions to accomplish as best as we can.

With best regards.

Respectfully,

A handwritten signature in cursive script, appearing to read "Iraj Etessam".

Iraj Etessam, Ph D, AIA
Principal Architect
Etessam Associates Architects

SINGLE FAMILY RESIDENTIAL PROJECT DATA			
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED
Zoning district	HR-2½	same	-
Land use	single family residence	same	-
General Plan Designation	low density residential	same	-
Lot size			
• square feet	N/A	131,133 SQ/FT	40,000 sq. ft. minimum
• acres		3.01 ACRES	.92 acres minimum
Exterior materials:			
• siding		STUCCO	-
• trim		WOOD & STUCCO FOAM	-
• windows		CLAD WOOD	-
• roofing		TILE	-
Building floor area:			
• first floor		3900 SQ/FT	-
• second floor		3293 SQ/FT	-
• garage		816 SQ/FT	-
• cellar		928 SQ/FT	-
• total (excluding cellar)		8009 SQ/FT	6,000 sq. ft. maximum
Setbacks (ft.):			
• front		30 FT	30 feet minimum
• rear		490+ FT	25 feet minimum
• side		20 FT RIGHT SIDE	20 feet minimum
• side street		30 FT LEFT SIDE	20 feet minimum
Average slope (%)			-
Maximum height (ft.)		30 FT	30 feet maximum
Building coverage (%)		6%	no maximum
Parking			
garage spaces		3 SPACES	four spaces minimum
uncovered spaces		+ 3 SPACES	
Sewer or septic		SEWER	-

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TOWN OF LOS GATOS
PLANNING D

EXHIBIT D

520 Santa Rosa Drive
Architecture and Site Application S-04-055

Requesting approval to construct a new single family residence on property zoned HR- 2 1/2.
APN 527-56-010.

PROPERTY OWNER/APPLICANT: John Jahan and Mac Saberi

PLANNING DEPARTMENT COMMENTS

June 30, 2004

This application for Architecture & Site Approval is **INCOMPLETE** because of the deficiencies and/or concerns noted below:

DEFICIENCIES:

1. Please provide a Preliminary Title Report.
2. Provide the following information:
 - a. All required yard setbacks.
 - b. Existing and proposed grades.
 - c. Preliminary grading plan
 - d. Location of buildings on adjacent parcels
 - e. Shadow study
 - f. Three site lines studies
 - g. Total number of parking spaces
 - h. Average slope
 - i. Streetscape and FAR comparison to homes in the neighborhood
 - j. A detailed landscape plan list. See suggested plant list in the guidelines.
3. The proposed project does not meet Hillside Development Standards and Guidelines for the following reasons:
 - a. The maximum allowable floor area is 6000 square feet unless the Planning Commission finds that the project meets all of the exceptions. Please justify how the proposed project apply to the exceptions stated in the Hillside Development Standards and Guidelines.
 - b. The proposed project does not comply with the height requirements.
 - c. Bulk and Mass: Proposed project does not meet standards and guidelines set forth by this section.
 - d. Architectural Elements: Proposed project does not meet standards and guidelines set forth by this section.
4. The proposed project does not meet the following zoning ordinance regulations:
 - a. Required Side Setback is 20 feet.
 - b. Maximum height is 25 feet at any point and 35 feet from the lowest point to the highest point.

COMMENTS:

1. This project will be referred to the consulting architect once all the technical issues are resolved.
2. This project will require an initial study for environmental issues. Once all technical issues are resolved, the appropriate fees will be due.
3. The proposed project will be reviewed by the Planning Commission. It is unlikely that staff will support the project, as proposed, because it does not comply with Town standards. Furthermore, it will be challenging for the Planning Commission to find that the "exceptions to floor area" apply to this project.

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