# TOWN OF LOS GATOS
# PLANNING COMMISSION AGENDA
# DECEMBER 14, 2022
# 110 EAST MAIN STREET
# LOS GATOS, CA

*Melanie Hanssen, Chair*
*Jeffrey Barnett, Vice Chair*
*Kylie Clark, Commissioner*
*Kathryn Janoff, Commissioner*
*Steven Raspe, Commissioner*
*Reza Tavana, Commissioner*
*Emily Thomas, Commissioner*

## PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk's Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
  - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

***Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to: www.LosGatosCA.gov/TownYouTube***

***IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]***

**IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING**

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below). The live stream of the meeting may be viewed on television and/or online at: https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064- 458e-a11a-78e0c0e5d161&p=0. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chambers.**

**PARTICIPATION**

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at: https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:
https://losgatosca-gov.zoom.us/j/87682785438?pwd=TjZjNXF4VzdyWWJPMmRjSDczQnlZZz09.
Passcode: 862018.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@losgatosca.gov with the subject line "Public Comment Item # " (insert the item number relevant to your comment) or "Verbal Communications – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

**REMOTE LOCATION PARTICIPANTS**

*The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSSEN, VICE CHAIR JEFFREY BARNETT, COMMISSIONER KYLIE CLARK, COMMISSIONER KATHRYN JANOFF, COMMISSIONER STEVEN RASPE, COMMISSIONER REZA TAVANA, AND COMMISSIONER EMILY THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.*

**TOWN OF LOS GATOS**
**PLANNING COMMISSION AGENDA**
**DECEMBER 14, 2022**
**7:00 PM**

**MEETING CALL TO ORDER**

**ROLL CALL**

**RULES OF DECORUM AND CIVILITY**
To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

**VERBAL COMMUNICATIONS** *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

**CONSENT ITEMS** *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Draft Minutes of the November 9, 2022 Planning Commission Meeting
2. Draft Minutes of the November 21, 2022 Planning Commission Special Meeting

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

3. Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP. **Located at 202 University Avenue**. APN 529-04-001. Variance Application V-22-003. Property Owner: Tyler and Kristine Shewey. Applicant: Jay Plett, Architect.

4. Requesting Approval for Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:12. **Located at 14876 Clara Street**. APN 409-25-027. Architecture and Site Application S-22-033. PROPERTY OWNER: Jacob John. APPLICANT: Louie Leu. PROJECT PLANNER: Jocelyn Shoopman.

5. Consider Amendments to Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Town-Initiated Parcel Mergers. Town Code Amendment Application A-22-003. PROJECT LOCATION: Town Wide. APPLICANT: Town of Los Gatos.

6. Consider a General Plan Amendment to Add Policies to the Hazards and Safety Element. Location: Town-wide. General Plan Amendment Application GP-22-002.

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items.)*

7. Requesting Approval for Demolition of Four Residential Buildings, Construction of an Assisted Living and Memory Care Facility, Variance from the Maximum Height and Lot Coverage Requirements, and Removal of Large Protected Trees on Property Zoned O. Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way. APN 529-11-013, -038, -039, and -040. Architecture and Site Application S-21-008, Conditional Use Permit Application U-21-010, Variance Application V-21-003, and Mitigated Negative Declaration ND-22-001. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Jennifer Armer.

8. Draft 2023 Planning Commission Meeting Schedule

**REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBCOMMITTEE REPORTS / COMMISSION MATTERS**

**ADJOURNMENT** *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

***Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.***

***Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.***

**DRAFT**
**MINUTES OF THE PLANNING COMMISSION MEETING**
**NOVEMBER 9, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, November 9, 2022, at 7:00 p.m.

**This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.**

## MEETING CALLED TO ORDER AT 7:00 P.M.

## ROLL CALL
Present: Chair Melanie Hanssen, Vice Chair Jeffrey Barnett, Commissioner Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steve Raspe, and Commissioner Emily Thomas.
Absent: Commissioner Reza Tavana.

## VERBAL COMMUNICATIONS
None.

## CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – September 28, 2022

2. **300 Marchmont Drive**
   Conditional Use Permit Application U-12-002
   APNs 532-10-01 and 532-11-011
   Applicant/Property Owner: Mark Silver/Hillbrook School
   Project Planner: Jocelyn Shoopman

   Annual Review of an Approved Conditional Use Permit for an Existing Private School (Hillbrook School) on Property Zoned HR-1.

**Vice Chair Barnett announced that he would recuse himself from voting on Item 2, Hillbrook School at 300 Marchmont Drive of the consent calendar due to living in close proximity to the property.**

**MOTION:** **Motion** by **Commissioner Janoff** to approve adoption of the Consent Calendar. **Seconded** by **Commissioner Clark.**

**VOTE:** **Motion passed unanimously with Vice Chair Barnett abstaining from voting on Item 2.**

## PUBLIC HEARINGS

3. **755 Blossom Hill Road**
   Fence Height Exception Application FHE-21-003
   APN 523-04-043
   Applicant: Nina Guralnic
   Property Owner: David and Ilana Kohanchi
   Project Planner: Savannah Van Akin

   Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of Six-Foot Tall Fencing Located Within the Required Front Yard Setback and Construction of a Vehicular Gate with Reduced Setbacks on Property Zoned R-1:10.

Savannah Van Akin, Assistant Planner, presented the staff report.

Opened Public Comment.

David and Ilana Kohanchi, Appellant

- Our home is in a commercial area. Directly in front of us is the Terraces of Los Gatos, to the right in the front is the King's Court Shopping Center, and directly to the right is a professional building. There is a lot of walking traffic and strangers, . Blossom Hill Road is a dangerous street with high-speed traffic. The fence is almost impenetrable by a car if one jumped the curb. Crime rates are going up in Los Gatos and our home was burglarized in the last few years, and a home down the street was burglarized within the last year as well. We have a three-year-old child and were shocked to learn we live close to approximately 200 sex offenders, one within a few homes of us. Our future business endeavors require assets on our property that would put us at a higher risk than other properties. No one from the Town was available when we moved to Los Gatos due to the pandemic, so we used losgatosca.gov, the only resource available to us, that said six feet and no setback for a fence, but that was all it said. Only one person has complained about the fence and we do not believe their concerns are valid.

Mark Jamieson

- I'm an acquaintance of the Kohanchis' and support the fence. I do not find the fence offensive, and the gate is open during the day. The only potential safety issue is if a truck had a delivery, but during the day the gate is open for deliveries, so I don't see anything that would block the driveway. We have woken up to find a stranger asleep in our garage. Perhaps there could be a compromise, such as removing the spikes, leaving the gate open during the day, and painting the gate to blend in more.

Steve Dozier

- I frequently drive by the subject property and find the fence to be well constructed, immaculate, it fits into the neighborhood, and I have no problem with it. I agree that perhaps there could be a compromise. I support the presence of the fence.

John Cellar

- Ordinances need to be applied uniformly or not applied at all. I used to live on the corner of Blossom Hill Road and it is very busy. There were two instances where cars left the road and came through the fence and onto our property. Commercial buildings surround the Kohanchis' home and it is important to consider the safety aspect of cars jumping the road and going through the fence.

Tony Bommarito

- I am well acquainted with the Kohanchis'. It sounds like they did what any reasonable person would do, which is to consult the Town's website, and it sounds like any reasonable person in their circumstances would have concluded that they were acting within the code. In fairness to the Kohanchis', they should be treated as someone who had built a fence before the code was changed.

Lee Quintana

- One of the reasons that Fence Ordinance was changed as to the setbacks in the front and side yards that front a street was to maintain the small town character of Los Gatos. I was shocked by that fence and felt it definitely changes the character of Los Gatos. Before I moved into my home the bay window was hit by a car, the tree in front was hit by a car, and my car was demolished by a speeder, but I don't have that kind of a fence and I never would, because it would be an affront to my neighbors. There must be another way to do this, such as replace the six-foot fence that is further in with a more substantial fence. The plans also show a lot of space inside the yard inside the existing fence that has a gate across it that would allow for more storage of cars. I have sympathy for the Appellants, but I believe the Town must be careful about the exceptions that it grants.

Keith Freeman

- I live next door to the Kohanchis. Over the years I've seen quite a few incidents on the street, and without that fence they are quite exposed to people walking by, accidents, and burglaries, so it makes sense to me that they would want to put up a fence in this particular area and I have no objections to it. I have no aesthetic problems with the fence, because it

is in such a commercial area and isn't out of character for that area, especially with the Terraces located across the street.

David Kohanchi, Appellant

- Regarding the comment about maintaining small town values, we are in a business area and fit into where we are. According to the Community Development Director there are thousands of violations and when it is that many it no longer makes sense to say that is the value of the Town. With respect to packages if the gate were closed, the gate is open from early in the morning to 9:00 p.m. or 10:00 p.m. at night, and it could be monitored via video if the Commission requires. On Blossom Hill Road Amazon trucks do not drive into driveways, and if the gate were closed there is a metal package and delivery system outside of the gate for this purpose. With respect to visibility, the gate was designed as a metal perforated fence to see through it, and the trees along block the view enough and they are grandfathered in.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:** **Motion** by **Commissioner Clark** to deny an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for 755 Blossom Hill Road. **Seconded** by **Commissioner Thomas.**

**VOTE:** **Motion passed unanimously.**

4. **<u>15475 Los Gatos Boulevard</u>**
   Conditional Use Permit Application U-21-005
   Variance Application V-21-001
   APN 424-19-065
   Applicant: Mike Yao, Core State Group
   Property Owner: Franchise Realty Interstate Corporation
   Project Planner: Erin Walters

   Requesting Approval of a Variance to Allow a Drive-Thru at an Existing Restaurant (McDonald's) and Modification to a Conditional Use Permit for a Drive-Thru Restaurant on Property Zoned CH.

**Commissioner Thomas announced that she would recuse herself from participating in the public hearing for 15475 Los Gatos Boulevard because she lives in close proximity to the subject site.**

**Commissioner Clark announced that she would recuse herself from participating in the public hearing for 15475 Los Gatos Boulevard because she lives in close proximity to the subject site.**

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Mike Yao, Architect/Applicant

- McDonald's proposes to add a drive-thru in this location to meet the increasing demand for contactless ordering and provide the community the option to order food in a quicker and safer way. Customers who would benefit from drive-thru include those with limited time and mobility, single parents grabbing food on the go, healthcare professionals and trade workers working non-typical hours, and the elderly and disabled. Landscape screening is proposed and the volume of the outdoor menu speaker can be adjusted to address noise issues. A traffic impact queuing analysis was submitted and it is not expected that significant traffic issues would be created by the drive-thru. Any overflow traffic could spill into the rear of the property and would not cause blockage to entrances. The community supports the proposed drive-thru and 2,600 customers have signed a petition placed in the restaurant. Most businesses and residents around the restaurant are in favor of the drive-thru.

Dan Borba, Owner/Operator

- My wife and I have owned this McDonald's since 2016. I was the manager before that, and I have been involved with McDonalds for over 50 years. McDonald's owns the land, and as the franchisee I have a 20-year lease and run the restaurant, so this is not run by a large corporation. After our remodel three years ago a lot of customers asked for a drive-thru.

Guadalupe Vasquez

- I am a single father of two and commute from San Jose to bring my children to my parents in Los Gatos. Having a quick drive-thru in Los Gatos to get a quick meal for my kids and parents would be great and would cut time from my morning commute.

Kaelie Moran

- I am a mother of two and everyone in my house goes to McDonald's. A drive-thru would be welcomed based on the number of petition signers, and I don't believe it would change the character of the Town. With small children there are many occasions that it would be very helpful to just drive through the restaurant rather than going inside. My mother had knee replacement surgery and would have benefited from a drive-thru as well. I hope the variance can be approved for this location.

Ely Vega

- I work in Los Gatos as a medical assistant and having a drive-thru would benefit people who work in Los Gatos who have only a 30-minute lunch and need to grab something quick to eat. A drive-thru would be a really good idea.

Ruth

- I have three grandchildren and love taking them to McDonald's after school, but since it is cold now and I get sick a lot I would rather bring them through a drive-thru, which would be really helpful.

Mike Yao, Architect/Applicant

- We are requesting that the variance application for a drive-thru be approved, because it would provide access to all types of members of the Los Gatos community, as evidenced by the public comments. Currently McDonald's customers do not have the same access to convenience and the safety that Jack in the Box offers its customers, because they have a drive-thru. Since the pandemic, people have changed their views regarding eating inside restaurants and are more cautious, and providing a drive-thru would give them that healthier and safer option.

Dan Borba, Owner/Operator

- I get the feeling that a lot of the public wants the drive-thru. There used to be complaints about air pollution with respect to drive-thrus, but now I see a lot of electric cars, so that may not be an issue anymore. There is concern about noise pollution as well, but we have the ability to turn the speaker down, and walls around the speaker are planned so that almost no one in the residential area behind the restaurant would hear. Customers will get in and out in a minute-and-a-half.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:** **Motion** by **Commissioner Janoff** to approve a Variance to Allow a Drive-Thru Use at an Existing Restaurant and Modification of an Existing Conditional Use Permit for a Drive-Thru Restaurant on Property Zoned CH. And add a Condition of Approval to prohibit drive-thru queuing beyond the property line.
**Seconded by Commissioner Raspe.**

**Commissioner Janoff requested the motion be amended to include the language the Town Attorney provided in terms of the approval rationale regarding the property size for Variance Finding 1.**

As required by Section 29.20.170 of the Town Code for granting a Variance application:

(1) Because of special circumstances applicable to the property, including size, the strict application of this ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone;

*Given the large size of the property and its ability to accommodate the drive-thru queuing the strict application of the ordinance is depriving the property of a privilege that is enjoyed by other properties of the same size.*

**The seconder of the motion accepted the amendment to the motion.**

**VOTE: Motion passed unanimously.**

**Commissioners Thomas and Clark returned to the meeting.**

## OTHER BUSINESS

### REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- Town Council met on October 4, 2022, and considered and adopted a resolution confirming suspension of the Land Use and Community Design Elements of the 2040 General Plan as a result of the referendum on the two items qualifying for the ballot, and establishing that the 2020 General Plan Land Use and Community Design Elements will govern during the period of suspension.
- Town Council met on October 18, 2022, and discussed the next steps for the General Plan referendum and Housing Element.
- Town Council met on November 1, 2022, and considered a number of planning related items, including: new building and fire codes and associated reach codes; a story pole exception request for a project on Winchester Boulevard expected to come to the Planning Commission in the next month; and approval of the first reading of the Senate Bill 9 Ordinance.
- Upcoming meetings include two special meetings:
    - Historic Preservation Committee on November 16, 2022, at 3:00p.m. rather than the day before Thanksgiving.
    - Planning Commission on November 21, 2022, at 7:00p.m.

## SUBCOMMITTEE REPORTS/COMMISSION MATTERS

**Historic Preservation Committee**
Commissioner Raspe

- HPC met on October 26, 2022, and considered removal of homes from the inventory and additions and modifications to historic structures.

**Conceptual Development Advisory Committee**
Vice Chair Barnett

- CDAC met on November 9, 2022, and discussed an application for preliminary review of a proposal for construction of two multi-family buildings in a mixed-use project zoned CH. The application was reviewed and CDAC members gave input.

**General Plan Advisory Committee**
Chair Hanssen

- GPC met on October 26, 2022, and considered a General Plan amendment to add policies from the Community Design Element to the Hazards and Safety Element to be able to comply with the State regulations, and recommended approval of the amendment.

**Housing Element Advisory Board**
Chair Hanssen

- HEAB met on October 20, 2022, to take additional comments and ask questions regarding the draft of the Housing Element that went to the HCD that is currently reviewing it under a 90-day timeframe. HCD's comments are expected in January 2023.
- HEAB will meet again on November 17, 2022, in anticipation of potential comments.

**Housing Element Advisory Board**
Commissioner Thomas

- At the October 20, 2022, meeting HEAB discussed potential feedback it will receive, and staff is working on solutions to some of the anticipated issues with the initial draft.

## ADJOURNMENT

The meeting adjourned at 10:18 p.m.

This is to certify that the foregoing is a true
and correct copy of the minutes of the
November 9, 2022 meeting as approved by the
Planning Commission.

_____
/s/ Vicki Blandin

**DRAFT**
**MINUTES OF THE PLANNING COMMISSION MEETING**
**NOVEMBER 21, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, November 21, 2022, at 7:00 p.m.

**This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.**

## MEETING CALLED TO ORDER AT 7:00 P.M.

## ROLL CALL
Present: Chair Melanie Hanssen, Vice Chair Jeffrey Barnett, Commissioner Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steve Raspe, Commissioner Reza Tavana, and Commissioner Emily Thomas.
Absent: None.

## VERBAL COMMUNICATIONS
None.

## CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)
None.

## PUBLIC HEARINGS

1. **17121 Crescent Avenue**
   Architecture and Site Application S-21-021
   APN 532-21-007
   Property Owner/Applicants: Eric and Lee Ann Wade
   Project Planner: Sean Mullin

   Requesting approval for construction of a new single-family residence and site improvements requiring a grading permit and an appeal of a Santa Clara County Fire Department decision denying a request for an Exception to the State Minimum Fire Safe Regulations on property zoned HR-1.

**Commissioner Raspe announced that he lives within 1,000 feet of the subject site and would recuse himself from participating in the public hearing for 17121 Crescent Avenue.**

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Eric Wade, Owner/Applicant

- We are not requesting to build anything different than any other home in the hills above Los Gatos. We have been sensitive in complying with the Hillside Design Standards and Guidelines and to our neighbors' wishes, and spoke to our neighbors one-on-one to ensure the design was acceptable. Our application requests two exceptions: 1) A fill depth exception due to an unnatural road cut on the lowest point of the home's footprint; and 2) Request for a deck post height exception to provide a moderately sized deck to provide living space adjacent to the second floor living room. We need clarification on conditions of approval.
    - Line Items 103 and 110, the road width, and Item 109, the hammerhead turnaround: Both have previously been certified and approved by the Santa Clara County Fire Department under our ADU application and could be incorporated into this application. Is this acceptable?
    - Item 116: To what standards does the bridle path need to be upgraded to satisfy Santa Clara County Fire Department? Would previously offered signage to aid in the identification of the Emergency Safe Civilian Corridor be sufficient?
- Santa Clara County Planning Department has for the most part removed requirements in PRC 4290 sections concerning lots on dead end roads and roads too narrow, because they do not apply to existing roads or properties.

Matthew Swenson

- As a 20-year real estate agent in Los Gatos, hearing this story makes me concerned about the values of homes and properties if their usage is restricted based on a County scenario. I am confused on why you're allowed to do an ADU and increase the population on the street, but not allowed to increase the size of your home or improve fire hardening, like the defensible space and fire sprinklers on the roof. Why are the County and State limiting the Town? The Town of Los Gatos should have more influence than the state over what is going on and how things are done. The neighbors have been able to do improvements over the years, and suddenly just now it has become unacceptable for the subject property.

Jeff Williams

- I am a Los Gatos homeowner. A lot has changed in building and fire safety standards since the subject home was built in 1955, making it a tinderbox that endangers the houses and community around it. I would like to see them build a new home to modern fire safety standards.

David Hutchison

- I am a real estate agent and Los Gatos homeowner and concerned that the bridle path question is a distraction, because: 1) Other jurisdictions as well as Santa Clara County are not enforcing PRC 4290 on existing roads, 4290 is supposed to apply to new roads only, so the bridle path question is moot; 2) It is a ridiculous solution. The bridle path is convenient for civilian egress, but it is not appropriate for vehicular egress and to make it so would be at a great cost. To require this of one landowner and not of all the others at the magnitude we are discussing is plain and simple, a taking. Who is responsible for improving public roads?; and 3) Rather than get hung up on ambiguous wording in a law never intended to apply to existing roads, look at it from a fire safety perspective and how the applicants plan to replace a decades old tinderbox with no sprinklers and replace it with a new house with modern fire prevention measures. It concerns me that Santa Clara County Fire Department is more interested in enforcing what they interpret as the letter of the law than allowing projects that improve fire safety.

Benjamin Adams

- I echo what other speakers have said regarding the inconsistent nature of what is suggested by the Santa Clara County Fire Department. The applicants would be at much less risk in a new, modern, fire safe home. I am concerned regarding the Planning Commission's and the Town's potential liability from a regulatory taking standpoint if we start devaluing people's property and doing it in a manner inconsistent with the rest of the State and other towns in Santa Clara County.

Jim Gannon

- One of the foundational guiding principles behind the applicant's decision to live in Los Gatos was because it was a place where they could preserve and improve the value of their property over time, but in listening to the comments tonight I struggle to understand why remodeling an existing property, making it safer, and potentially adding value to the community isn't widely supported.

Steve Wade

- I live in the Los Gatos area, and the applicants are my brother and sister-in-law. It makes no sense that if the applicants significantly remodel the current home, as opposed to building a new one, that that home would not be subject to these fire safe regulations. If there is an opportunity to replace an existing home with a newer home that is state of the art in its fire safe measures, the Town should jump at the opportunity. The term "same practical effect" doesn't hold water when the net effect is making an existing property safer than it was before, regardless of any existing conditions. This application is totally reasonable and the exceptions should be granted.

Lee Quintana

- The issue of taking should not be taken lightly, and because it is so important and would affect future developments, the item should be continued for the applicant and the Fire Department to continue discussions, the conditions of approval to be made consistent with the interpretation of that law, and time given for the Town to consult with the State Attorney General's Office on this issue with taking. The area where the road does not

comply is mainly around the front and sides of this particular parcel. Fire safety affects the whole town, even if we don't live near the subject site, and making a particular house safer does not make for safer evacuation in the event of a fire, which should be the primary issue. I have no problem with the two minor exceptions to the Hillside Standards, but I am very, very concerned about approving this without it coming back to the Planning Commission.

Tony Jeans

- I have gone through a similar situation in the City of Monte Sereno where we were preparing to tear down an old house and planning to build a new house. We were confronted with a similar set of comments from Fire, which we responded to, as did Mr. Wade, with petitioning for an exception for alternative means and methods, and we ended up agreeing to widen the street up to the property, about 950 feet, and installing an additional hydrant, and then having the house meet all of the very high-fire hazard severity zone protections, including fire sprinklers. I think it was an undue burden on my client to be required to widen the street and put in the fire hydrant, to the benefit of everyone in terms of fire safety. A house built now is way safer and vastly superior over anything in existence already and being demolished. The fire standards have also improved, and I cannot understand any reason why an existing house should not be upgraded to current standards.

Anna Natasha Sinapi, Attorney

- I urge the Commission to approve this application and remove Santa Clara County's conditions. Santa Clara County's interpretation of the code is wrong, it should only apply to new roads and was only ever intended to apply to old roads. It is important to note that no other counties interpret this the same way. It's a 1991 law that was never interpreted in this way, and this sudden change did not have any legislative justification, it was purely the whim of Santa Clara County. Even more important from a legal standpoint is the constitutional interpretation. It is disturbing that the Planning Department has ruled that enforcement of this regulation on these applicants would be unconstitutional, yet they think that the applicants have the duty to continue to work with Santa Clara County to find a constitutional interpretation. That's not how our constitution works. It's not the applicants' responsibility to find a legal way for Santa Clara County to enforce this rule, it's Santa Clara County's responsibility and duty to prove that the rule is constitutional and proportional. The term "same practical effect" is a minor point; however, all the other speakers have spoken to how important it is to build new houses to current fire standards, and an overall same practical effect should not be interpreted so narrowly as to require simultaneously civilian egress and fire suppression ingress.

Jill Hourani

- I'm a Los Gatos homeowner and want to echo what everyone else has said and reiterate that this is an outdated, single-family home, which will be an updated, modern single-family home. I acknowledge that a safer home does not make an evacuation safer, but it is a current single-family home, and it will still be a single-family home, so that doesn't really matter. I believe the Wades have done a good job at research and helping on this project,

and I support them and ask that the Santa Clara County Fire Department and the Town help them find a solution to move forward with the application.

Susan Burnett

- Los Gatos is considered to be similar to Paradise, California that was totally destroyed by fire. I like that the Santa Clara County Fire Department has put their voice in on this, and I wonder why staff does not agree with them. It's not about the proposed home, it's about where it is. It's in an area that if there is a fire that whole hillside is in danger. More time is needed to explore other possible solutions, but we really need to think about this, because more and more people will want to develop in the hillsides. Los Gatos has very high standards regarding fire issues, and we should pay attention and think about this one before making a quick decision.

Ed Chow

- I wanted to share a precedent that Napa County has set for many years now. Napa County has the Road and Streets Standards planning document. The 2019 revision basically said, "We apply PRC 4290 to all of the SRA areas, but these standards for 4290 are not applicable retroactively to existing roads, streets, and private lanes or facilities." In 2019 the Board of Forestry certified Napa County's Streets and Roads document and concluded that the fire safety codes in the document meet or exceed those that must be addressed under PRC 4290. It is an ongoing precedent that has been in existence for many years and acknowledged by the Board of Forestry and adopted by many other counties, including Humboldt and El Dorado. There is strong precedent out there in favor of what this applicant is trying to do.

Denis Zaff

- I'm a Los Gatos homeowner and support this project. I agree with previous speakers that this would be a new house, a much safer house. Santa Clara County is unique in its handling of PRC 4290 enforcement, and I encourage you to look at Napa County's recent Town Hall meeting devoted to 4290 issues. The old 1991 4290 law has not been enforced or interpreted in a consistent manner, and a lot of County-built roads were not built to that standard after 1991, and the sudden change in enforcement and interpretation happened in December 2020. The May 2021 Santa Clara County (inaudible) report states that limiting property rights in this way can in many ways be interpreted as a taking without proper compensation under the American constitution, and very expensive to deal with. I encourage the Planning Commission to use common sense and approve the project.

Eva Fleischer

- I am Los Gatos homeowner. I agree with most speakers that the proposed new home would be much safer in terms of fire than the old one and agree with previous speakers that the Town and Planning Commission should consider safer and wider roads for the fire trucks. Having such a road that fire engines can quickly access is a reasonable request. The Town should consider the Fire Department's comments regarding making the road safer.

Eric Wade, Owner/Applicant

- I believe the Fire Department has the best interest of the local hills residents in mind, and I would think they would jump at the chance to approve projects that could incrementally improve the neighborhood home-by-home without being an undue burden as the homes are remodeled, and collectively over time it would create a safer neighborhood. My proposed home has a large turnaround, which Fire wanted, turnouts, lane widening in front of the house, and all the A1 fire safety measures: sprinklers; metal roofing; defensible space; etc., that make my property and all the properties around it safer.

Closed Public Comment.

Santa Clara County Assistant Fire Marshal Brad Fox provided a presentation.

Commissioners discussed the matter.

**MOTION:** **Motion** by **Commissioner Thomas** to approve an Architecture and Site application, and grant an Appeal of a Santa Clara County Fire Department decision, for 17121 Crescent Avenue. **Seconded** by **Commissioner Clark.**

**Vice Chair Barnett requested the motion be amended to include language that the approval is also subject to the project plans as well as the conditions.**

**The maker of the motion accepted the amendment to the motion.**

Commissioners discussed the matter.

**VOTE:** **Motion passed unanimously.**

**Commissioner Raspe returned to the meeting.**

2. **<u>400 Surmont Drive</u>**
   Architecture and Site Applications S-21-004 and S-21-023
   APN 527-20-003
   Applicant: Studio 3 Design
   Property Owner: Sandra K. Anderson, TTE
   Project Planner: Ryan Safty

   Requesting approval for construction of a shared driveway, two new single-family residences to exceed the maximum height for visible homes in the hillsides, and site work requiring a grading permit on vacant property zoned HR-2½.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Bess Weirsema, Studio 3 Design, Applicant

- *Exception 1*: 9-foot cut at backside of the property. It is a staggered cut, not a single 9-foot cut, and follows the HDSG. *Exception 2*: Grading at the hammerhead turnaround dictated by the Fire Department. Fire Department rules have changed, but the HDSG and their grading standards have not been adopted to be in compliance with them, causing this particular regulation to be very difficult, if not impossible, to meet. *Exception 3*: Fill associated with the driveway. Our solution is to narrow the driveway to 12 feet of paved area, not for the breadth of the driveway, but only 150 feet of 3,300 square feet, or 4.5% of this driveway. *Exception 4*: Exact situation as Exception 3, going up the private drive. Solution is to narrow the driveway, for only 120 square feet of 2,800 square feet, or 4.2% of the driveway. *Exception 5*: 5 feet of fill along the driveway. This exception only covers approximately 450 square feet of 4,200 square feet, or 1% of the overall driveway. *Exception 6*: Under floor height above grade being in excess. There is only one area not compliant with the Hillside Design Standards and Guidelines, which comprises only 4% of the total area exceeding the five feet above grade guideline. We have stepped the floor plan and building pads down the hillside to eliminate the under floor area and the overall height, and stepped the floor plan down along the grade as well. The homes sit in the middle of the immediate neighborhood in terms of FAR and would not be the largest houses in the neighborhood. The homes are not placed orthogonally or in alignment with the property lines, they are set so they stagger along the hillside to minimize grading and work with the topography. We believe we are more compliant with the guidelines with the curved driveway, stepping the building foundation with the natural slope, the home running parallel with the topography and contours, and the home cut into the hillside and staggered along the natural topography. We propose significant landscaping to screen the new driveway and the required hammerhead. The homes do not tower above the landscape, but stagger with the site. We worked with the existing trees as much as possible.

Carmen N.

- I am a resident of the Belgatos neighborhood on Westhill, directly below the proposed parcels. The proposed homes would absolutely loom over our property, impacting the skyline and the privacy from our back yard. I would be able to see these new homes from every single window in the rear of my house. A lot of the neighborhood comparisons in the staff report excluded homes on Westhill Drive and do not take into account the impact these two homes would have on my nearby neighbors and me. I agree with staff's recommendation to deny the application and request to exceed the maximum height allowance. Tree screening would help address these concerns.

Paul Cosentino

- My family has lived on the property directly adjacent to the proposed development for over 40 years. We have concerns regarding water runoff, fire safety, and road access. I encourage you to read the neighbors' letters of complaint, especially Todd Osborne's letter on page 663 where he talks about how this project does not align with the requirements, objectives, and goals of the Town of Los Gatos Hillside Design Standards and Guidelines, and also addresses wildfire danger, hillside stability, and drainage. Diane and Mike's letter on page 653 address the violation of the open space easement. My letter on page 654

encourages each Commissioner, before voting, to come to the front of my house to see and feel how uncomfortably close this proposed 4,700 square foot house would be. These houses are far from being nestled into the hillside, as claimed by the applicants. In fact, they are on top of one another. I am also concerned with the shared driveway and would prefer a cul-de-sac with the storm drain moved further up the site to address the safety concern. The garbage can locations have still not been addressed.

Lee Quintana

- I agree with staff's conclusion that the project should be denied or have it redesigned, because even though each particular item might seem small, cumulatively it seems to have more of an impact, particularly the height. It could be designed to meet the 18-foot requirement. Parcel 2 contains a walkway around the house, but most hillside homes do not have that walkway, the topography is put back to its natural state after construction. This is an example of designing a house and then using the constraints of the property as an excuse to not meet the Hillside Design Standards and Guidelines rather than designing a house that conforms to the existing property topography and does not need exceptions.

Eva Fleischer

- I am a resident on Westhill Drive and agree with staff's recommendation to deny the application. My concerns are that the buildings, although neatly designed into the hillside, are overwhelming to the neighborhood, not only because of the height, but the size as well, and would totally change the character of the hillside. I am concerned that construction may disrupt the neighborhood and wildlife there with large volumes of dirt needing to be removed, and that the two homes would disrupt the wildlife in the area when built.

Chris Tanimoto

- I am the homeowner located at the corner of Surmont Drive and Westhill Drive. I do not object to the applicant's legal right to develop the two single-family residences, but I do object to approving any exceptions requested by the developer. The Town Hillside Guidelines should be strictly enforced. This project affects Paul Cosentino's property the most. I live down from the storm drain and am concerned that if there were flooding that the drain couldn't handle, it would come down and flood the homes in that area.

Terry Szewczyk, Applicant

- The amount of earthwork associated with the exceptions is approximately 37 cubic yards, not a significant amount of dirt, it's more the fact that the alignments of the driveways would be changed and tightened if we removed exceptions, and we would lose the benefit of landscaping in those areas. Regarding the existing swale that runs into the storm drain at the end of Surmont Drive, it is an ephemeral stream that must be left open and natural and stay where it is based on the biologist reports. We are obligated to control any new runoff that we create from the houses and driveways and contain it on site and disperse it appropriately into the site, so our net runoff into the watershed down the street would be extremely restricted and probably result in a net gain of no additional runoff. We are enhancing the fire safety out here. We are putting in a main extension, a new 8-inch water line coming up to the property, and a fire hydrant at the big hammerhead. Parcel 1 does

not require an additional Fire Department turnaround because the construction is within 150 feet of that large hammerhead. Parcel 2 has a full Fire Department hammerhead that is the L-shaped version, so that one also enhances the fire protection along that hillside by providing access up that slope. There is a minimal impact in terms of additional fire risk provided by sprinklering the houses, the Fire Department turnarounds, and the water main extension. We missed the issue with Westhill in terms of screening, and there are some potential impacts there, but the proper solution for that would be in Exhibit 24. It's the corner where Parcel 1 is looking down on Westhill Drive residents, and we can provide additional landscape screening around that side of the house to appease those neighbors in terms of visual impacts, and also address the privacy concerns.

Bess Weirsema, Studio 3 Design, Applicant

- I agree with Terry that additional landscape screening at the far side of the property may help the Westhill neighbors, and I believe the applicant is amenable to that, and also amenable to lowering the plate 1-foot to get us down closer to the majority of the buildings sitting within the 18-foot limit.

**MOTION:** **Motion** by **Commissioner** Raspe to continue the public hearing for 400 Surmont Drive for an additional 30 minutes.

**VOTE:** **Motion passed unanimously by consensus.**

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:** **Motion** by **Commissioner Thomas** to continue the public hearing for 400 Surmont Drive to a date certain of January 11, 2023, with direction to lower the proposed buildings, incorporate additional screening, and conduct neighborhood outreach. **Seconded** by **Commissioner Clark.**

**VOTE:** **Motion passed unanimously.**

## OTHER BUSINESS

### REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The Housing Element Advisory Board's November 17, 2022 meeting was canceled due to unavailability of online information. The HEAB meeting has been rescheduled to December 1, 2022.
- Town Council met November 15, 2022 to consider a number of Planning related items: 1) Second reading of the Building Code was adopted; 2) Second reading of SB 9 Ordinance was adopted; and 3) Objective Standards went to Town Council, who

accepted and appreciated the Planning Commission recommendations. The Council made a few minor changes and adopted the Objective Standards.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**
None.

**ADJOURNMENT**
The meeting adjourned at 11:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 21, 2022 meeting as approved by the Planning Commission.

_____
/s/ Vicki Blandin

DATE: December 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP. **Located at 202 University Avenue**. APN 529-04-001. Variance Application V-22-003. Property Owner: Tyler and Kristine Shewey. Applicant: Jay Plett, Architect.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D:LHP – Single-family residential downtown (5,000-square foot minimum) with a Landmark and Historic Preservation overlay
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 6,380 square feet
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|---|---|---|---|
| North | Residential | Medium Density Residential | R-1D:LHP |
| South | Residential | Office Professional | O:LHP |
| East | Residential | Medium Density Residential | R-1D:LHP |
| West | Residential | Medium Density Residential | R-1D:LHP |

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

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

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- As required, the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the request for Variances to accessory structure lot coverage standards and side and rear setback requirements.
- As required by Section 29.20.170 of the Town Code for granting Variances to accessory structure lot coverage standards and side and rear setback requirements.
- As required, that the project complies with the Residential Design Guidelines.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the northeast corner of University and Miles Avenues in the University-Edelen Historic District (Exhibit 1). The subject property is approximately 6,380 square feet, where 5,000 square feet is required for a parcel in the R-1D zone. The site is developed with a 1,167.5-square foot Italianate Victorian single-story residence. The existing residence is approximately 22 feet tall with the main floor located above a crawl space that projects above grade.

On January 21, 2022, the Planning Commission approved Architecture and Site Application S-21-019 for the construction of a second-story addition to the contributing single-family residence to exceed floor area ratio (FAR) standards and construction of an accessory structure (detached garage) with reduced side and rear setbacks (Exhibit 4). Pursuant to the Town Code, required side and rear yard setbacks for accessory structures may be reduced to no less than three feet when the deciding body finds that the proposed setbacks are compatible with the neighborhood and consistent with the Residential Design Guidelines. The Planning Commission made the required findings and approved the reduced side and rear setbacks of three feet for the detached garage (Exhibit 5). The applicant has since revised the location of the detached garage to include a side setback of one foot and a rear setback of one foot, six inches. The revised setbacks require approval of a Variance.

BACKGROUND (continued):

In addition to the revised location, the applicant revised the dimensions of the detached garage. The revised dimensions increased the size of the garage from the previously approved 484 square feet to 518 square feet. Pursuant to the Town Code, accessory structures are limited to a maximum lot coverage of 15 percent exclusive of required building setbacks. The maximum accessory structure lot coverage for the subject property is 485 square feet. The revised detached garage exceeds the allowed accessory structure lot coverage and requires approval of a Variance.

On August 24, 2022, the Historic Preservation Committee (HPC) reviewed the proposed project and forwarded a recommendation of approval (Exhibit 6).

PROJECT DESCRIPTION:

The project is being considered by the Planning Commission as the applicant is requesting approval for construction of an accessory structure requiring Variances to the Town Code for accessory structure lot coverage standards and side and rear setback requirements in the University-Edelen Historic District on property zoned R-1D:LHP.

A. Location and Surrounding Neighborhood

The subject property is approximately 6,380 square feet, located on the northeast corner of University and Miles Avenues in the University-Edelen Historic District (Exhibit 1). The property is developed with an Italianate Victorian single-story residence constructed around 1898 and identified as a contributor to the University-Edelen Historic District. The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes construction of a 513-square foot detached garage requiring Variances to the Town Code for accessory structure lot coverage standards and side and rear setback requirements.

C. Zoning Compliance

The subject property is approximately 6,380 square feet, where 5,000 square feet is required for a parcel in the R-1D zone. Accessory structures are permitted in the R-1D zone and the proposed detached garage complies with the zoning regulations for height and parking. The applicant requests approval of Variances to the Town Code for accessory

PROJECT DESCRIPTION (continued):

structure lot coverage standards and side and rear setback requirements and has provided a Letter of Justification discussing these requests (Exhibit 7).

DISCUSSION:

A. Project Summary

The proposed detached garage would be located in the northeast corner of the property, similar to the previous approval. The proposed garage would match the residence in form, materials, and details. The applicant is requesting Variances to accessory structure lot coverage standards, for a side setback of one foot, and a rear setback of one foot, six inches, where five feet is required. The applicant provided a Letter of Justification discussing the project and the requested Variances (Exhibit 7).

As required by Section 29.20.170 of the Town Code, the deciding body, on the basis of the evidence submitted at the hearing, may grant a Variance if it can make the following findings:

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and
2. The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is situated.

B. Variance – Accessory Structure Lot Coverage

Section 29.40.015 (A)(5) of the Town Code limits accessory structure lot coverage to 15 percent of the lot exclusive of the required setback. As applied to the subject property, the R-1D zone requires a front setback of 15 feet along University Avenue, a rear setback of 20 feet at the eastern property line, a side setback of five feet at the northern property line, and a street-side setback of 10 feet along Miles Avenue. The gross size of the lot is 6,380 square feet. After removing the area of the required setbacks, the net lot area is 3,234 square feet, and the 15 percent limit for accessory structure lot coverage is 485 square feet. The proposed detached garage would cover 518 square feet of the lot, or 16 percent, requiring approval of a Variance.

In their Letter of Justification, the applicant indicates that the required 10-foot street-side setback is an undue burden and presents a special circumstance applicable to the property that reduces the net lot area and allowable accessory structure lot coverage below the

DISCUSSION (continued):

limitations of an interior lot of similar size (Exhibit 7). The applicant states that if the subject property were an interior lot rather than a corner lot, the allowable accessory structure lot coverage would increase to 537 square feet and the proposed 518-square foot garage would have a lot coverage of 14 percent, which would not require a Variance. The applicant provided lot coverage information showing that the proposed lot coverage of 16 percent would be within the range of lot coverages of properties in the immediate neighborhood (Exhibit 9, Sheet NP-1). Lastly, the applicant indicates that the proposed size of the detached garage is required to adhere to the inherent vertical design form characteristic of the Italianate architectural style required to blend with the planned second-story ADU.

*Staff Analysis*

The subject property exceeds the minimum lot size requirements for the R-1D zone. The required street-side setback is applicable to the subject property due to its location on the corner of University and Miles Avenues. The immediate neighborhood includes 13 properties, 10 of which are currently developed with accessory structures. All properties in the immediate neighborhood are zoned R-1D:LHP except one, which is zoned O:LHP; however, all of the properties are a single-family residential use. The accessory structure lot coverages within the immediate neighborhood range from six percent to 25 percent as reflected in the table below. The corner lot configuration and required street-side setbacks are not unique to the immediate neighborhood, which includes five corner lots. Two of these corner lots exceed the Town Code standards for accessory structure lot coverage. The proposed lot coverage of 16 percent would be consistent with the development in the immediate neighborhood.

**Neighborhood Accessory Structure Lot Coverage**

| Address | Zoning | Accessory Structure Lot Coverage (percent) |
|---|---|---|
| 123 University Avenue* | R-1D:LHP | 18 |
| 126 University Avenue | R-1D:LHP | 12 |
| 128 University Avenue* | O:LHP | 11 |
| 201 University Avenue* | R-1D:LHP | 14 |
| **202 University Avenue*** | R-1D:LHP | **16** |
| 205 University Avenue | R-1D:LHP | 9 |
| 209 University Avenue | R-1D:LHP | 13 |
| 210 University Avenue | R-1D:LHP | 6 |
| 217 University Avenue | R-1D:LHP | 14 |
| 129 Edelen Avenue* | R-1D:LHP | 15 |
| 68 Miles Avenue* | R-1D:LHP | 25 |
| * Corner lot | | |

DISCUSSION (continued):

With regards to the first required finding, the corner lot configuration and required street-side setback do not represent a special circumstance applicable to the property. With regards to the second required finding, the proposed accessory structure lot coverage of 16 percent would be consistent with the development on properties in the immediate neighborhood and would not constitute a grant of special privilege.

C. Variance – Accessory Structure Setbacks

Section 29.40.015 (A)(4) of the Town Code requires that accessory structures are at least five feet from any property line. Required side and rear yard setbacks for accessory structures may be reduced to no less than three feet through a Minor Residential Development application when the proposed setbacks are found to be compatible with the neighborhood and consistent with the Residential Design Guidelines. The proposed detached garage includes a side setback of one foot and a rear setback of one foot, six inches, requiring approval of a Variance.

In their Letter of Justification, the applicant indicates that the proposed setbacks were determined after consulting with two adjacent neighbors and addressing their concerns for maintaining light and view corridors to the hills (Exhibit 7). The applicant provided setback information for accessory structures in the immediate neighborhood (Exhibit 9, Sheet NP-1) and states that the reduced setbacks would be consistent with the neighborhood pattern.

*Staff Analysis*

As stated above, the subject property exceeds the minimum lot size requirements for the R-1D zone. There are five other corner properties in the immediate neighborhood and the lot configuration and required street-side setbacks are not unique to the subject property. Of the 13 properties in the immediate neighborhood, 10 are currently developed with accessory structures all having at least one setback of five feet or less as reflected in the table below. Seven of the accessory structures have at least one setback of less than three feet. The proposed detached garage with a side setback of one foot and a rear setback of one foot, six inches would be consistent with the development in the immediate neighborhood.

DISCUSSION (continued):

**Neighborhood Accessory Structure Setbacks**

| Address | Zoning | Side Setback | Rear Setback |
|---|---|---|---|
| 123 University Avenue* | R-1D:LHP | 0 | 1 |
| 126 University Avenue | R-1D:LHP | 0 | 0 |
| 128 University Avenue* | O:LHP | 0 | 0 |
| 201 University Avenue* | R-1D:LHP | 3 | 3 |
| **202 University Avenue*** | R-1D:LHP | **1.5** | **1** |
| 205 University Avenue | R-1D:LHP | 1 | 6 |
| 209 University Avenue | R-1D:LHP | 5 | 6 |
| 210 University Avenue | R-1D:LHP | 2 | 3 |
| 217 University Avenue | R-1D:LHP | 0 | 10 |
| 129 Edelen Avenue* | R-1D:LHP | 0 | 0 |
| 68 Miles Avenue* | R-1D:LHP | 3 | 3 |
| * Corner lot | | | |

With regards to the first required finding, the corner lot configuration and required street-side setback do not represent a special circumstance applicable to the property. With regards to the second required finding, the proposed accessory structure setbacks would be consistent with the development on properties in the immediate neighborhood and would not constitute a grant of special privilege.

D. Neighborhood Outreach

The Letter of Justification indicates that the applicant worked extensively with the immediate neighbors to the north and east in siting the revised garage to ensure conservation of existing light and view corridors (Exhibit 7). Additionally, the applicant provided a summary of their outreach efforts for the approved Architecture and Site application, which included a detached garage in a similar location (Exhibit 4).

E. CEQA Determination

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

PUBLIC COMMENTS:

Public comments received by 11:00 a.m., Friday, December 9, 2022, are included as Exhibit 8.

CONCLUSION:

A. Summary

The applicant is requesting approval for construction of an accessory structure requiring Variances from the Town Code for accessory structure lot coverage standards and side and rear setback requirements on property zoned R-1D:LHP.

B. Recommendation

Based on the analysis provided in this report, staff recommends denial of the Variance application as the first required finding for granting a Variance cannot be made.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
    a. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction (Exhibit 2);
    b. Make the finding that the proposed project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the request for a Variance to accessory structure lot coverage standards and side and rear setback requirements (Exhibit 2);
    c. Make the findings as required by Section 29.20.170 of the Town Code for granting a Variance to accessory structure lot coverage standards and side and rear setback requirements (Exhibit 2);
    d. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
    e. Approve Variance application V-22-003 with the conditions contained in Exhibit 3 and the development plans in Exhibit 9.
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
3. Recommended Draft Conditions of Approval
4. Planning Commission Staff Report with Exhibits, January 26, 2022
5. Planning Commission Action Letter, January 26, 2022
6. Historic Preservation Committee Action Letter, August 24, 2022
7. Letter of Justification
8. Public comments received by 11:00 a.m., Friday, December 9, 2022
9. Development Plans

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# 202 University Avenue

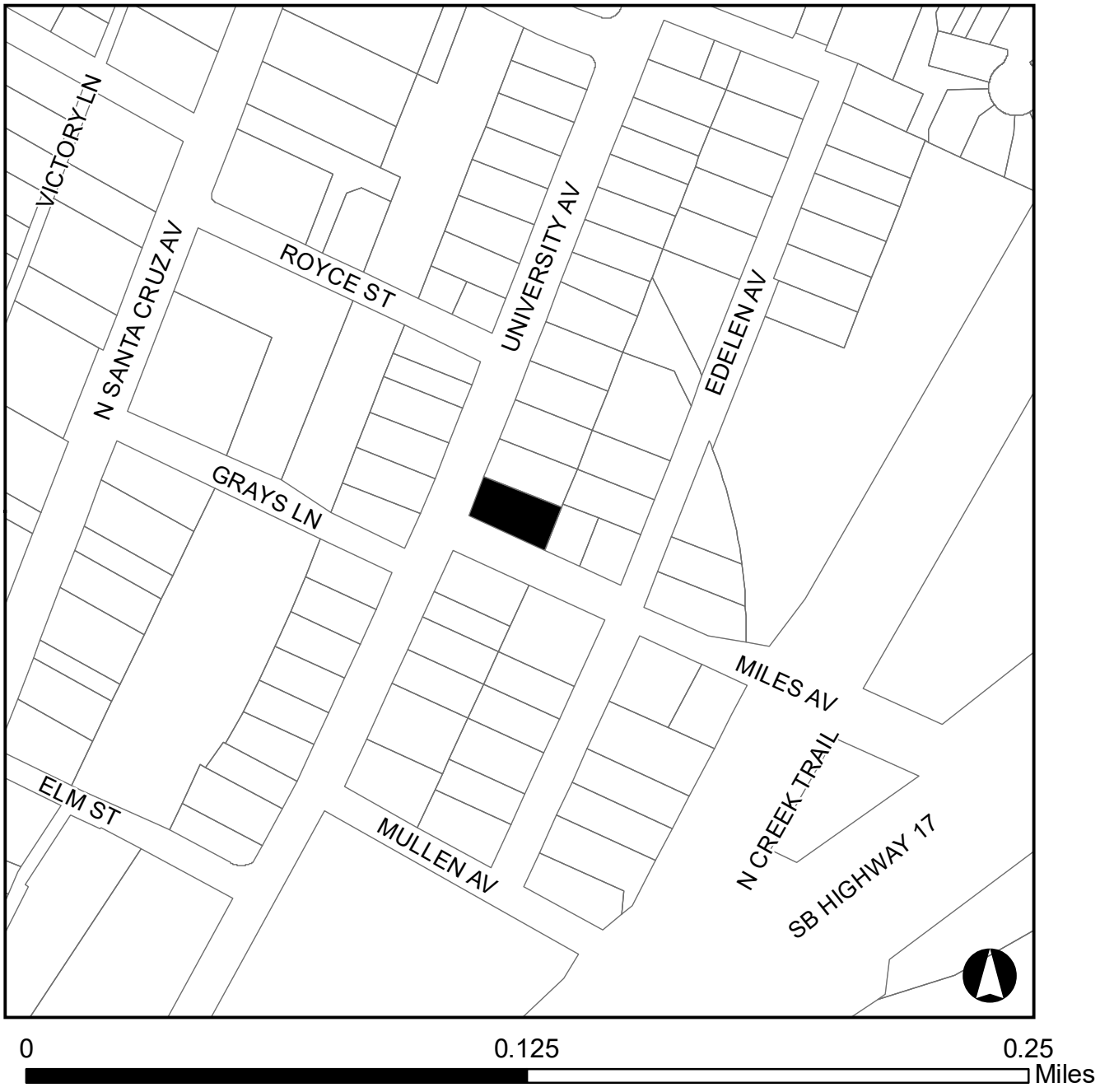




EXHIBIT 1

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**PLANNING COMMISSION –** *December 14, 2022*
**REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**202 University Avenue**
**Variance Application V-22-003**

**Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNERS: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

**FINDINGS**

**Required finding for CEQA:**

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

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the request for a Variance to accessory structure lot coverage standards and side and rear setback requirements.

**Required findings for granting a Variance:**

- As required by Section 29.20.170 of the Town Code for granting a Variance to accessory structure lot coverage standards and side and rear setback requirements:

    1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and
    2. The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is situated.

EXHIBIT 2


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**Required compliance with the Residential Design Guidelines:**

- The project is in compliance with the Residential Design Guidelines.

**PLANNING COMMISSION –** *December 14, 2022*
**CONDITIONS OF APPROVAL**

**202 University Avenue**
**Variance Application V-22-003**

**Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP.**
**APN 529-04-001.**

**PROPERTY OWNERS: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
4. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
5. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
6. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.

EXHIBIT 3

8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
10. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
12. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

13. PERMITS REQUIRED: A Building Permit is required for the construction of the new detached accessory structure. An additional Building Permit will be required for the PV System if the system is required by the California Energy Code.
14. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2023, are the 2022 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Reach Codes.
15. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
16. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
17. SIZE OF PLANS: Minimum size 24” x 36”, maximum size 30” x 42”.
18. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation, and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
19. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth, or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
20. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical

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controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations

21. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
22. TOWN RESIDENTIAL ACCESSIBILITY STANDARDS: New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
    a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
    b. All passage doors shall be at least 32-inch-wide doors on the accessible floor level.
    c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
    d. A door buzzer, bell or chime shall be hard wired at primary entrance.
23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
25. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
26. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.
27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407

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e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

28. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
29. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
30. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
31. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
32. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Owner to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
33. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
34. PUBLIC WORKS INSPECTIONS: The Owner or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or

removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

36. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
37. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
38. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
39. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
40. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner.
41. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
42. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
43. DRIVEWAY: The driveway conform to existing pavement on Miles Ave shall be constructed in a manner such that the existing drainage patterns will not be obstructed.

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44. CONSTRUCTION EASEMENT: Prior to the issuance of a building permit, it shall be the sole responsibility of the Owner to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
45. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
46. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
    b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.

IMPROVEMENT PLANS:

47. UTILITIES: The Owner shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
48. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
49. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
50. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos,

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names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

51. DRIVEWAY APPROACH: The Owner shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
52. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
53. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
54. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

TRAFFIC AND TRANSPORTATION:

55. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
56. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
57. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

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58. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
59. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
60. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

STORMWATER MANAGEMENT:

61. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
62. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
63. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.

64. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.
65. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
66. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by

Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.

f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

67. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
68. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
69. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.

70. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

71. FIRE SPRINKLERS REQUIRED: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. 2) Detached Accessory Dwelling Units, provided that all of the following are met: a) The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2. b) The existing primary residence does not have automatic fire sprinklers. c) The detached ADU does not exceed 1,200 square feet in size. d) The unit is on the same lot as the primary residence. e) The unit meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code. Primary residence will have an automatic sprinkler system.
72. REQUIRED FIRE FLOW: The minimum required fire flow for this project is 500 Gallons Per Minute (GPM) at 20 psi residual pressure. This fire flow assumes installation of automatic fire sprinklers per CFC [903.3.1.3]. Letter received. Hydrant is capable of meeting fire flow.
73. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1. Access for the ADU is off of Miles Ave. Apply for an address change to Miles Ave for the ADU and demonstrate that an address change application has been submitted.
74. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under

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consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

75. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
76. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 01/26/2022

ITEM NO: 2

DATE: January 21, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Construction of a Second-Story Addition to a Contributing Single-Family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP. **Located at 202 University Avenue**. APN 529-04-001. Architecture and Site Application S-21-019. Property Owner: Tyler and Kristine Shewey. Applicant: Jay Plett, Architect.

RECOMMENDATION:

Consider a request for approval for construction of a second-story addition to a contributing single-family residence to exceed floor area ratio (FAR) standards and construction of an accessory structure with reduced side and rear setbacks in the University-Edelen Historic District on property zoned R-1D:LHP located at 202 University Avenue.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D:LHP – Single-family residential downtown (5,000 square-foot minimum) with a Landmark and Historic Preservation overlay
Applicable Plans & Standards: General Plan
Parcel Size: 6,380 square feet
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|---|---|---|---|
| North | Residential | Medium Density Residential | R-1D |
| South | Residential | Office Professional | O:LHP |
| East | Residential | Medium Density Residential | R-1D |
| West | Residential | Medium Density Residential | R-1D |

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing facilities and 15303: New Construction.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities and 15303: New Construction.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards and for an accessory structure with reduced side and rear yard setbacks.
- As required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards.
- As required by Section 29.40.015(B)(1) of the Town Code for an accessory structure with reduced side and rear setbacks.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the northeast corner of University and Miles Avenues in the University-Edelen Historic District (Exhibit 1). The subject property is approximately 6,380 square feet, where 5,000 square feet is required for a parcel in the R-1D zone. The site is developed with a 1,167.5 square-foot Italianate Victorian single-story residence. The existing residence is approximately 22 feet tall with the main floor located above a crawl space that projects above grade. The applicant proposes construction of additions to the ground floor and a new second-story addition to the residence that will exceed FAR standards (Exhibit 10). The project also includes new below-grade square footage, a new detached garage with reduced side and rear setbacks, and various site and landscape improvements.

BACKGROUND (continued):

On April 28, 2021, the Historic Preservation Committee (HPC) conducted a preliminary review of the project and expressed concerns about the scale of the addition, and recommended that the applicant consider (Exhibit 4):

- Reducing the massing, stepping back the second-story addition, and lowering the roof height while ensuring consistency with the architecture;
- Exploring a site plan that is less crowded; and
- Incorporating landscaping to soften the site.

An Architecture and Site application for the proposed project was submitted to the Town on June 30, 2021. The revised Development Plans showed that the applicant responded to the April 28, 2021, recommendations of the HPC by:

- Lowering the roof height to reduce the maximum height of the residence by one foot, six inches, to 28 feet, six inches;
- Providing examples showing how the proposed project is consistent with the Italianate architectural style; and
- Eliminating the previously proposed attached carport on the south elevation of the proposed detached garage.

On July 28, 2021, the HPC reviewed the proposed project and forwarded a recommendation of approval of the proposed design (Exhibit 5).

This Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowable FAR. The residence would have the third largest floor area in terms of FAR and square footage in the immediate neighborhood based on Town and County records.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 6,380 square feet, located on the northeast corner of University and Miles Avenues in the University-Edelen Historic District (Exhibit 1). The property is developed with an Italianate Victorian single-story residence constructed around 1898 and identified as a contributor to the University-Edelen Historic District. The subject site and surrounding properties are comprised of single-family homes.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant proposes construction of a 127-square-foot addition to the rear of the residence and a new 1,197-square foot second story addition (Exhibit 10). The proposed residence would exceed the allowable FAR by 329 square feet. The project also includes construction of a new 484-square foot detached garage with reduced side and rear setbacks. Lastly, the project includes 1,263 square feet of below-grade square footage that would not count towards the allowable floor area.

C. Zoning Compliance

The subject property is approximately 6,380 square feet, where 5,000 square feet is required for a parcel in the R-1D zone. A single-family residence is permitted in the R-1D zone. The proposed residence complies with the zoning regulations for height and setbacks. The project also includes construction of a new detached two-car garage with reduced side and rear yard setbacks, meeting the zoning regulations for parking. The applicant requests approval to exceed the allowable FAR for the residence and for reduced setbacks for the detached garage and has provided a Letter of Justification discussing these requests (Exhibit 6).

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the exterior walls at the rear elevation and portions of walls on the north side elevation (Exhibit 10). A four-foot addition to the first floor would be constructed at the rear of the residence, adding 127 square feet. A new covered deck is proposed off the north side elevation above a new lightwell. The existing roof would be removed to allow for the construction of a new 1,197.5-square-foot second-story addition to the existing one-story residence. The height of the proposed residence with the second-story addition would be 28 feet, six inches. The new second story would continue the architecture of the existing residence utilizing consistent forms, materials, and details. A new second-story balcony is proposed on the front elevation, which would create a covered porch at the front entry below. The existing crawl space would be improved to create 1,263 square feet of below-grade living space. A new egress light well is proposed on the south side of the residence in the required street-side setback providing secondary egress from the new below-grade living space. An additional light well and below-grade patio area is proposed on the north side of the residence and would be served by exterior stairs on the east side of the residence.

DISCUSSION (continued):

The applicant is requesting approval to exceed the FAR standards for the property by approximately 329 square feet. The Town Code allows for an FAR greater than what is allowed when determined to be consistent with the Residential Design Guidelines and compatible with the lot coverage, setbacks, and FAR of development on surrounding properties, as discussed in Section B below.

The applicant proposes construction of a new 484-square-foot detached garage in the northeast corner of the property. The two-car garage would take access from Miles Avenue via an improved driveway (Exhibit 10). A portion of existing paved area between the residence and the proposed garage would be removed to provide yard space. The proposed garage would match the residence in form, materials, and details. The applicant is requesting reduced side and rear setbacks of three feet, where five feet is required. The Town Code allows for reduced side and rear setbacks for detached accessory structures to no less than three feet with approval of a discretionary application, as discussed in Section D below. The applicant provided a Letter of Justification discussing the project and the requested exceptions (Exhibit 6).

A summary of the floor area for the existing and proposed residence is included in the table below.

**Floor Area Summary**

| | Allowed SF | Existing SF | Addition SF | Proposed SF |
|---|---|---|---|---|
| Main Residence | | | | |
| First Floor | | 1,167.5 | 127.0 | 1,294.5 |
| Second Floor | | -- | 1,197.5 | 1,197.5 |
| **TOTAL** | **2,162.5** | **1,167.5** | **1,324.5** | **2,492.0** |
| Below-Grade Area* | -- | 0 | 1,263.0 | 1,263.0 |
| Garage | 484.0 | 0 | 0 | 484.0 |

** Pursuant to Sec. 29.10.020, floor area means the entire enclosed area of all floors that are more than four feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline.*

The neighborhood compatibility of the proposed floor area is discussed in Section B below.

B. Neighborhood Compatibility

Pursuant to Section 29.40.075 of the Town Code, the maximum FAR for the subject property is 0.34 (2,162.5 square feet). The proposed residence would have an FAR of 0.39 (2,492 square feet), exceeding the allowable FAR by 0.05 (329 square feet). The following table reflects the

DISCUSSION (continued):

current conditions of the homes in the immediate area and the proposed project.

**Immediate Neighborhood Comparison**

| Address | Zoning | House SF | Garage SF | Total SF | Site SF | Building FAR | Garage FAR | Exceed FAR? |
|---|---|---|---|---|---|---|---|---|
| 129 Edelen Ave | R-1D:LHP | 3,091 | 520 | 3,091 | 10,560 | 0.24 | 0.049 | NO |
| 68 Miles Ave | R-1D:LHP | 1,768 | 412 | 1,768 | 4,081 | 0.33 | 0.101 | NO |
| 72 Miles Ave | R-1D:LHP | 2,054 | 0 | 2,054 | 3,481 | 0.59 | 0.000 | YES +0.21 (+748 sf) |
| 123 University Ave | R-1D:LHP | 2,153 | 0 | 2,153 | 5,567 | 0.39 | 0.000 | YES +0.04 (+230 sf) |
| 128 University | O:LHP | 1,678 | 360 | 1,678 | 6,472 | 0.20 | 0.056 | NO |
| 201 University Ave | R-1D:LHP | 2,177 | 420 | 2,177 | 5,015 | 0.35 | 0.084 | YES +0.01 (+2 sf) |
| 205 University Ave | R-1D:LHP | 2,032 | 284 | 2,032 | 5,581 | 0.31 | 0.051 | NO |
| 210 University Ave | R-1D:LHP | 2,172 | 216 | 2,172 | 5,946 | 0.33 | 0.036 | NO |
| 209 University Av | R-1D:LHP | 3,009 | 441 | 3,009 | 5,554 | 0.46 | 0.079 | YES +0.12 (+649 sf) |
| 215 University Ave | R-1D:LHP | 1,360 | 0 | 1,360 | 5,557 | 0.24 | 0.000 | NO |
| 216 University Ave | R-1D:LHP | 1,513 | 160 | 1,513 | 5,947 | 0.23 | 0.027 | NO |
| 217 University Ave | R-1D:LHP | 768 | 0 | 768 | 3,726 | 0.21 | 0.000 | NO |
| **202 University Ave (E)** | **R-1D:LHP** | **1,168** | **0** | **1,168** | **6,380** | **0.18** | **0.000** | **NO** |
| **202 University Ave (P)** | **R-1D:LHP** | **2,492** | **484** | **2,976** | **6,380** | **0.39** | **0.076** | **YES +0.05 (+329 sf)** |

Based on Town and County records, the homes in the immediate neighborhood range in size from 768 square feet to 3,091 square feet and building FARs range from 0.20 to 0.59. The applicant is proposing a 2,492-square foot residence (not including the proposed below-grade square footage) and a 484-square foot detached garage on a 6,380-square foot parcel. The proposed residence would be the third largest in terms of FAR and square footage in the immediate neighborhood. As shown in the table below, there are four homes in the immediate neighborhood that currently exceed their maximum allowable FAR. The proposed residence would rank in the middle of the homes in the immediate neighborhood that exceed FAR standards.

**Residences in Immediate Neighborhood Exceeding FAR – Ranked by FAR Exceedance**

| Address | Zoning | House SF | Site SF | Allowed FAR | Building FAR | Exceed FAR? |
|---|---|---|---|---|---|---|
| 72 Miles Ave | R-1D:LHP | 2,054 | 3,481 | 0.38 | 0.59 | +0.21 (+748 sf) |
| 209 University Ave | R-1D:LHP | 3,009 | 5,554 | 0.35 | 0.46 | +0.12 (+329 sf) |
| **202 University Ave (p)** | **R-1D:LHP** | **2,976** | **6,380** | **0.34** | **0.39** | **+0.05 (+329 sf)** |
| 123 University Ave | R-1D:LHP | 2,153 | 5,567 | 0.35 | 0.39 | +0.04 (+230 sf) |
| 201 University Ave | R-1D:LHP | 2,177 | 5,015 | 0.35 | 0.35 | +0.01 (+2 sf) |

DISCUSSION (continued):

Section 29.40.075(c) of the Town Code states that the deciding body may allow a FAR in excess of the maximum allowed FAR if the following findings can be made:

1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the adopted residential development standards; and
2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Exhibit 6 contains the applicant's Letter of Justification addressing the findings required to grant an exception to the maximum allowable FAR. In addition, the applicant states that the proposed residence has been designed and sized to be compatible with other original homes and recent additions in the neighborhood. Additional neighborhood context is included on Sheet NP-1 of the Development Plans (Exhibit 10).

C. Building Design

The applicant proposes construction of additions to the existing 1898 Italianate Victorian residence. The proposed additions would continue the architecture of the existing residence utilizing consistent forms, materials, and details, including horizontal wood siding, wood corbels, ogee gutters, and a composition roof (Exhibit 10, Sheet A-2).

On April 28, 2021, the HPC conducted a preliminary review of the project and expressed concerns about the scale of the addition, and recommended that the applicant consider (Exhibit 4):

- Reducing the massing, stepping back the second-story addition, and lowering the roof height while ensuring consistency with the architecture;
- Exploring a site plan that is less crowded; and
- Incorporating landscaping to soften the site.

The applicant revised the project and submitted and Architecture and Site application to the Town on June 30, 2021. In response the recommendations of the HPC, the applicant:

- Lowered the roof height to reduce the maximum height of the residence by one foot, six inches, to 28 feet, six inches;
- Provided examples showing how the proposed project is consistent with the Italianate architectural style; and
- Eliminated the previously proposed attached carport on the south elevation of the proposed detached garage.

DISCUSSION (continued):

On July 28, 2021, the HPC reviewed the proposed project and forwarded a recommendation of approval of the proposed design (Exhibit 5).

D. Setbacks

Pursuant to Town Code, required side and rear yard setbacks for accessory structures may be reduced to no less than three feet from a property line when the deciding body finds that the proposed setbacks are compatible with the neighborhood and consistent with the Residential Design Guidelines. The detached garage proposed in the northeast corner of the property would have side and rear setbacks of three feet and would match the architecture of the residence utilizing consistent forms, materials, and details (Exhibit 10, Sheet A-1). The applicant has provided a Neighborhood Plan showing how the reduced setbacks for the proposed detached garage are compatible with other properties in the immediate neighborhood (Attachment 10, Sheets NP-1 and NP-2). A summary of the accessory structure setbacks in the immediate neighborhood based on a review of Town Building Permit records is included in the table below.

**Neighborhood Accessory Structure Setbacks**

| Address | Side Setback (ft) | Rear Setback (ft) |
|---|---|---|
| 123 University Avenue | 0 | 1 |
| 128 University Avenue | 0 | 0 |
| 201 University Avenue | 3 | 3 |
| **202 University Avenue** | **3** | **3** |
| 205 University Avenue | 1 | 6 |
| 209 University Avenue | 5 | 6 |
| 210 University Avenue | 2 | 3 |
| 68 Miles Avenue | 3 | 3 |
| 129 Edelen Avenue | 0 | 0 |

E. Trees

The Town Arborist reviewed the proposed project and provided recommendations for protection of the existing trees within the construction area (Exhibit 7). The Town Arborist identified 11 protected trees on the site, four of which are Town-maintained trees in the parking strips along University and Miles Avenues. Trees #4 and 5 are proposed for removal due to their proximity to the proposed improvements and the anticipated impacts to the trees resulting from the additions to the residence. Trees #7 and 10 are also proposed for removal due to their location within the proposed driveway improvements. The Town Arborist provided recommendations for the protection of the existing trees to remain.

DISCUSSION (continued):

Arborist recommendations for tree protection have been included in the Conditions of Approval (Exhibit 3).

F. Neighbor Outreach

The property owner has indicated that they have shared the plans with surrounding neighbors as outlined in Exhibit 8.

G. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing facilities and 15303: New Construction.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by November 10, 2021, in anticipation of the January 26, 2022 Planning Commission hearing. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for construction of a second-story addition to a contributing single-family residence to exceed FAR standards and construction of an accessory structure with reduced side and rear setbacks in the University-Edelen Historic District. The applicant has responded to all recommendations of the HPC, who forwarded a recommendation of approval for the project. The applicant provided justification for the proposed FAR and reduced setbacks for the detached garage, demonstrating their consistency with the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

CONCLUSION (continued):

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities and 15303: New Construction (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed FAR standards and for an accessory structure with reduced side and rear yard setbacks (Exhibit 2);
3. Make the findings as required by Section 29.40.075(c) of the Town Code for granting approval of an exception to the FAR standards (Exhibit 2);
4. Make the findings as required by Section 29.40.015(B)(1) of the Town Code for granting approval of an accessory structure with reduced side and rear setbacks (Exhibit 2);
5. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
6. 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
7. Approve Architecture and Site Application S-21-019 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 10.

C. Alternatives

Alternatively, the Planning 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.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Historic Preservation Committee Action Letter, April 28, 2021
5. Historic Preservation Committee Action Letter, July 28, 2021
6. Letter of Justification
7. Town Arborist's Report
8. Owner's summary of neighbor outreach
9. Development Plans

# 202 University Avenue

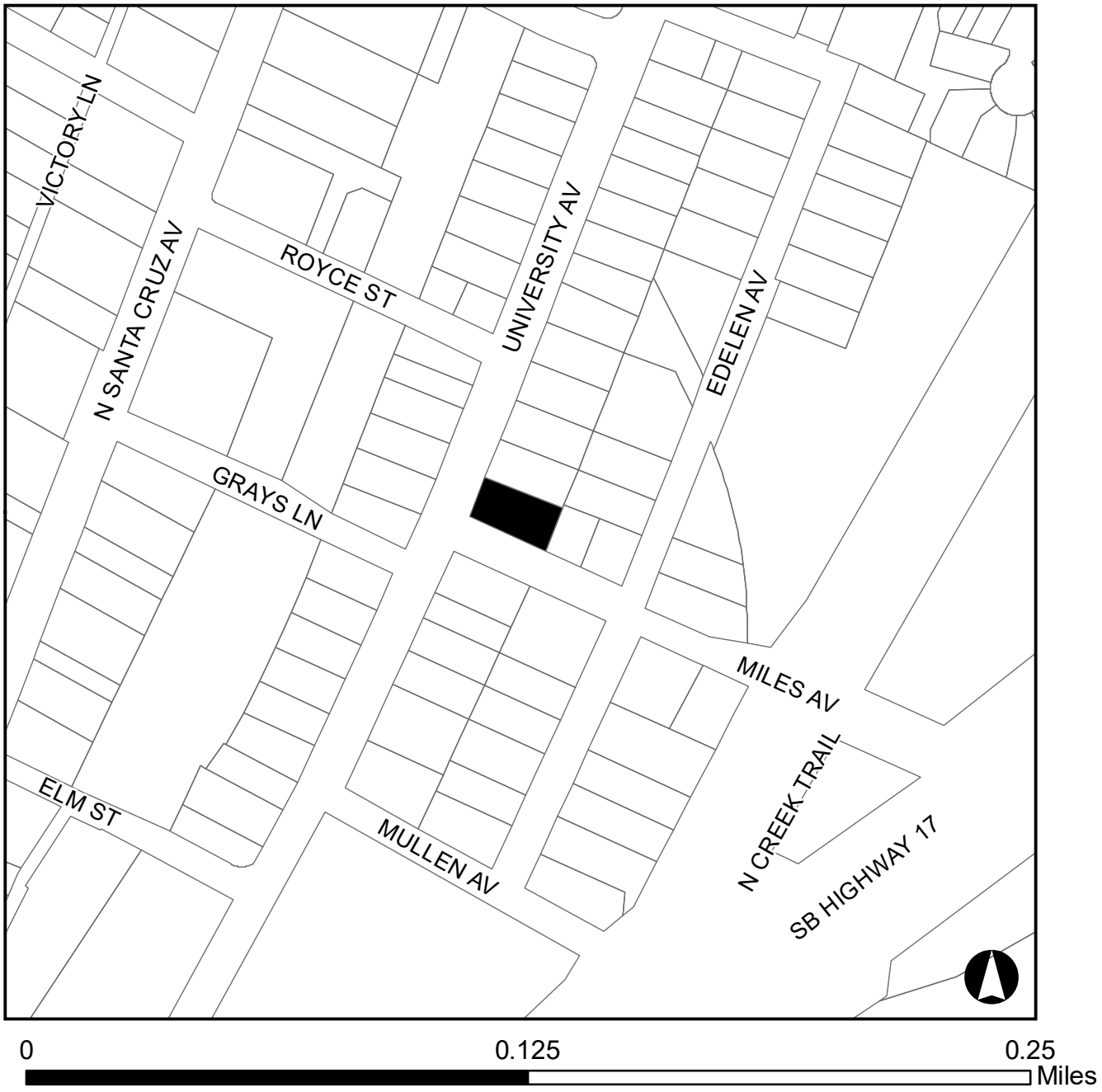




EXHIBIT 1

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**PLANNING COMMISSION –** *January 26, 2022*
**REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**202 University Avenue**
**Architecture and Site Application S-21-019**

**Requesting Approval for Construction of a Second-Story Addition to a Contributing Single-Family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

**FINDINGS**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities and 15303: New Construction.

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed Floor Area Ratio (FAR) standards and for an accessory structure with reduced side and rear yard setbacks.

**Required finding to exceed floor area ratio (FAR) standards:**

- As required by Section 29.40.075(c) of the Town Code for allowing a FAR in excess of the FAR standards in the Town Code:

    1. The design theme, sense of scale, exterior materials, and details of the proposed project are consistent with the provisions of the adopted residential development standards; and
    2. The lot coverage, setbacks, and FAR of the proposed project are compatible with the development on surrounding lots.

EXHIBIT 2

**Required finding for reduced side and rear setbacks for an accessory structure:**

- As required by Section 29.40.015(B)(1) of the Town Code for accessory structures with reduced side and rear setbacks:

  The setbacks of the proposed accessory structure are consistent with the neighborhood, University-Edelen Historic District, and the privacy and compatibility of the neighborhood.

**Required compliance with the Residential Design Guidelines:**

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Historic Preservation Committee and recommendations were provided to address the consistency of the project with the surrounding neighborhood, University-Edelen Historic District, and the Residential Design Guidelines. The applicant responded to all recommendations.

**CONSIDERATIONS**

**Required considerations in review of Architecture and Site applications:**

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

**PLANNING COMMISSION –*January 26, 2022***
**CONDITIONS OF APPROVAL**

**202 University Avenue**
**Architecture and Site Application S-21-019**

**Requesting Approval for Construction of a Second-Story Addition to a Contributing Single-Family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
4. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
8. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.

EXHIBIT 3

9. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

14. PERMITS REQUIRED: A Building Permit is required for the renovation and addition of an existing single-family home. An additional Building Permit will be required for the detached garage.
15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
18. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
19. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
20. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
21. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical

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controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations

22. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
25. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
26. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

28. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of

the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

29. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
30. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
31. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
32. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Owner to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
33. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
34. PUBLIC WORKS INSPECTIONS: The Owner or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a

walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

36. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
37. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
38. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
39. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
40. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner.
41. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
42. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
43. DRIVEWAY: The driveway conform to existing pavement on Miles Ave shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
44. CONSTRUCTION EASEMENT: Prior to the issuance of a building permit, it shall be the sole responsibility of the Owner to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
45. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
46. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.

IMPROVEMENT PLANS:

47. UTILITIES: The Owner shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
48. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
49. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
50. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
51. DRIVEWAY APPROACH: The Owner shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and

replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

52. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
53. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
54. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

TRAFFIC AND TRANSPORTATION:

55. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
56. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
57. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
58. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
59. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet

from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

60. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

STORMWATER MANAGEMENT:

61. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
62. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
63. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
64. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout

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the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

65. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
66. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
    f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
    g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the

BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.

j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

67. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
68. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
69. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
70. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

71. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

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72. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-1) Fire sprinklers required to be installed in both the single-family home and the secondary dwelling unit. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.
73. REQUIRED FIRE FLOW: The fire flow for this project is 1,750 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the fire flow will be reduced by 50%, establishing a required adjusted fire flow of 875 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Provide documentation from a local water purveyor (San Jose Water) confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required. Fire flow letter shall be submitted as soon as it is received.
74. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
75. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

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76. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
77. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

April 29, 2021

Jay Plett
213 Bean Avenue
Los Gatos, CA 95030
Via email

**RE:** **202 University Avenue**

**Preliminary Review of a Request for Construction of Exterior Alterations and a Second-Story Addition to Exceed Floor Area Ratio Standards to a Contributing Single-Family Residence in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

On April 28, 2021, the Los Gatos Historic Preservation Committee discussed the item, expressed concerns about the scale of the addition, and recommended that the applicant consider:

- Reducing the massing, stepping back the second story addition, and lowering the roof height while ensuring consistency with the architecture;
- Exploring a site plan that is less crowded; and
- Incorporating landscaping to soften the site.

If you have any questions, I can be contacted by email at smullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Associate Planner

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TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

August 26, 2021

Jay Plett
213 Bean Avenue
Los Gatos, CA 95030
Via email

**RE:** **202 University Avenue**

**Forward a Recommendation to the Community Development Director on a Request for Construction of a Second-story Addition to a Contributing Single-family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP Located at 202 University Avenue. APN 529-04-001. Architecture and Site Application S-21-019.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

On July 28, 2021, the Los Gatos Historic Preservation Committee recommended approval of the above request to the Community Development Director.

If you have any questions, I can be contacted by phone at (408) 354-6823 or by email at smullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Associate Planner

cc: Tyler and Kristine Shewey, via email

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## MODIFICATIONS PER INITIAL HPC MEETING

THE BUILDING HEIGHT HAS BEEN LOWERED TO 28'-6", THE CARPORT HAS BEEN ELIMINATED, THUS LIMITING SIZE OF A POSSIBLE FUTURE ADU, REDUCING THE OVERALL MASS OF THE PROJECT.

AS A RESULT, THE VIEW SHED TO THE HILLS FROM 72 MILES AND 210 UNIVERSITY WILL BE PRESERVED.

## PROJECT DESCRIPTION

THE EXISTING STRUCTURE COULD BEST BE CHARACTERIZED AS A SIMPLE BOX FORM FOLK / ITALIANATE VICTORIAN. THE PROPOSED ADDITION RESPECTS THE SIMPLICITY and CHARACTER OF THE ORIGINAL HOUSE.

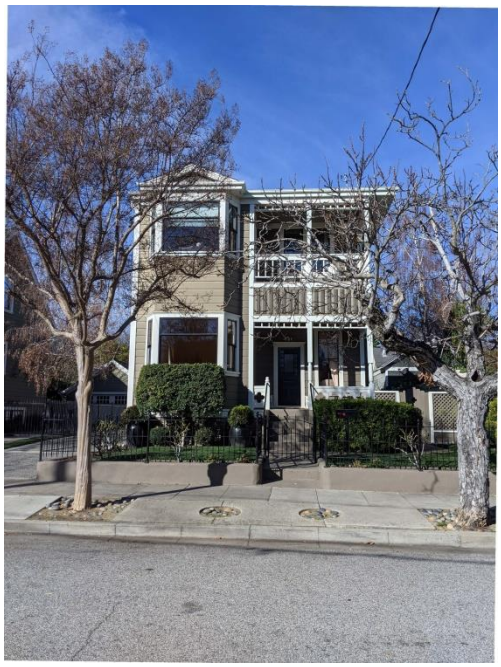
## DESIGN CONSIDERATIONS

THE ADDITION and NEW GARAGE STRUCTURE HAVE BEEN DESIGNED and PLACED ON THE SITE WITH CONSIDERATION FOR THE VIEW SHEDS OF THE NEXT DOOR NEIGHBORS AT 72 MILES and 210 UNIVERSITY. THE VIEW SHEDS HAVE BEEN CLEARLY ILLUSTRATED ON THE SITE/FLOOR PLAN SHEET A-1 and THE BUILDING ELEVATIONS, SHEET A-2.

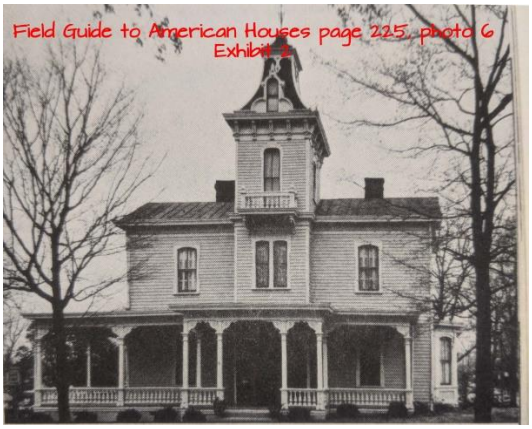
THE PROPOSED ADDITION WILL ADD 4 FEET TO THE REAR OF THE EXISTING HOME and THEN A SECOND STOREY ADDITION WILL BE ADDED DIRECTLY ON TOP. THE RESULT WILL BE A FORM THAT RISES STRAIGHT UP FROM THE ORIGINAL STRUCTURE

CONSISTENT WITH THE TWO STOREY DESIGN CHARACTERISTIC OF THE ITALIANATE STYLE.

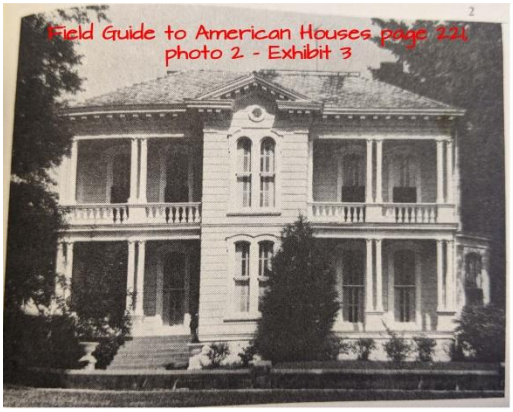
45 BROADWAY



121 EDELEN




FIELD GUIDE TO AMERICAN HOUSES PAGE 225, PHOTO 6




FIELD GUIDE TO AMERICAN HOUSES PAGE 221, PHOTO 2

THE RHYTHM OF THE THREE DOUBLE WINDOWS HAS BEEN PRESERVED ALONG THE MILES AV. ELEVATION.

THE FRONT BAY WINDOW ELEMENT HAS BEEN PRESERVED.

THE ORIGINAL SIMPLE ROOF FORM HAS BEEN RETAINED ON THE ADDITION. THE 2ND FLOOR PORCH IS CHARACTERISTIC OF ITS ITALIANATE STYLE. MANY SUCH EXAMPLES CAN BE FOUND AROUND THE TOWN - 121 EDELEN IS A NEARBY EXAMPLE.

SIMPLE DETAILING IS PROPOSED TO MATCH THAT OF THE EXISTING HOUSE IN THE PORCH POSTS and WINDOW TRIM. THE EXISTING CORBELS WILL BE RETAINED and DUPLICATED THEN PLACED AS SHOWN ON THE ELEVATIONS.

## NEIGHBORHOOD CONTEXT/COMPATIBILITY

THE MASS and SCALE OF THE PROPOSED PROJECT IS COMPATIBLE WITH OTHER ORIGINAL HOMES AND RECENT ADDITIONS IN THE NEIGHBORHOOD - REFER TO THE NEIGHBORHOOD COMPARISON PLAN SHEET NP-1. THE FLOOR AREA EXCEEDS THE FAR, BUT IS SMALLER and COMPATIBLE WITH OTHER ORIGINAL HOMES, NEW HOMES, and ADDITIONS WITHIN THE NEIGHBORHOOD THAT POSSESS GREATER FLOOR AREA's AND FAR's.

209 UNIVERSITY - GREATER FL AREA and FAR

201 UNIVERSITY - GREATER FL AREA and FAR

72 MILES - GREATER FAR

THE PROPOSED BUILDING HEIGHT IS CONSISTENT WITH THE HOMES OF THE IMMEDIATE NEIGHBORHOOD and THE ITALIANATE STYLE.

REFERENCE SHEET NP-1 FOR ILLUSTRATED HEIGHT COMPARISONS.

## SUMMARY

THE ADDITION HAS BEEN THOUGHTFULLY DESIGNED WITH THOROUGH CONSIDERATION FOR IT'S HISTORIC CHARACTER, CONTEXT, COMPATIBILITY WITH THE NEIGHBORHOOD IN MASS/FLOOR AREA, THE TOWN DESIGN GUIDELINES and HPC CONSULTATION.

JAY PLETT ARCHITECT AIA

SHEWEY
202 UNIVERSITY AVENUE

SUPPLEMENT TO JUSTIFICATION LETTER 8.09.2021

The master bedroom porch balcony is at front of house and does not affect neighbors privacy.

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# TOWN OF LOS GATOS

**PARKS AND PUBLIC WORKS DEPARTMENT**
**PHONE (408) 399-5770**
**FAX (408) 354-6824**

SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030


**A Tree Inventory and review of**
**The Proposed Addition and Remodel to Single Family Home**
**202 University Ave**
**Los Gatos, Ca. 95030**

**Property Owners: Tyler and Kristine Shewey**
**202 University Avenue**
**Los Gatos, Ca. 95030**

**Project Design: Jay Plett**
**213 Bean Avenue Avenue**
**Los Gatos, Ca. 95030**
**APN: 529-04-001**
**Zoned R1-D LHP**

Submitted to:

Sean Mullin, AICP, Associate Planner
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, Ca. 95030

Submitted by:


Robert Moulden
Los Gatos Town Arborist
ISA Certified Arborist: #WE-0532A

# TOWN OF LOS GATOS

PARKS AND PUBLIC WORKS DEPARTMENT
PHONE (408) 399-5770
FAX (408) 354-6824

SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030


## Introduction

I have been asked by Los Gatos Community Development Department to review the potential tree impacts associated with plans for remodel and addition of single-family home located at 202 University Avenue, Los Gatos CA. 95030

## Trees on Site

There is a total of 11 protected trees on the site, four of which are Town maintained Melalueeca trees located on parking strip. Three of these trees are on the Miles Avenue side and one is on the University Avenue side of the property. One of these trees (#7) has been proposed as candidate for removal to facilitate driveway installation. These trees have been identified and marked on the plans.

There is also one Deodara cedar on the front of the property (Tree #1) that may be affected by the project.

Trees #4, #5, #8, #9, #10 and #11 – are Sycamores and are in good health. They are also marked on the plans. Tree #10 is slated for removal.

## Recommendations:

The applicant is proposing the removal of two trees which can be approved after they apply for a Tree Removal Permit at Engineering Building at 41 Miles Avenue. There will be replacement requirement or replacement fees associated with the removals.

Trees #4 and 5 will be impacted by the proposed development and are candidates for removal should the applicant make this request. The removal of these two trees could be supported by the Town Arborist and would require application for a Tree Removal Permit at Engineering Building at 41 Miles Avenue. There will be replacement requirement or replacement fees associated with the removals.

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LOS GATOS, CA 95030

The four Melalueeca trees (#2, 3, 6, and 7) are to be protected using Type III tree protection. This entails 2 x 4s around trees and wrapping with orange netting.

The three remaining Sycamores (#8, 9, and 11) shall be protected by a chain link fence installed between the trees and the construction site. If trees #4 and 5 are to remain, they shall be protected by a chain link fence installed between the trees and the construction site

The Deodara cedar (#1) shall be protected with a chain link fence that will completely surround the tree installed no less than four feet from base of tree.

The removal of the tree or trees must be accomplished by the applicant applying for a tree removal permit before construction begins with appropriate replacement trees.

The trees that are selected for replacement should be selected from Town of Los Gatos list of recommended trees which is available online. All trees must be installed before occupancy and shall have stakes and tree ties. Watering for these newly planted trees should be a drip system.

If there are any questions, please feel free to let me know. My # 408-761-4530.

Respectfully,

Rob Moulden
Arborist, Town of Los Gatos

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A-1.1 CONDITIONS OF APPROVAL
NP-1/2 NEIGHBORHOOD PLAN & CHARACTERISTICS
A-2 ELEVATIONS
A-3 ROOF & FLOOR PLANS
AB/D-1 AS BUILT / DEMO & SHADOW STUDY
C-1 CIVIL DRAWINGS


## SITE PARTICULARS

APN 529-04-001
ZONE R1-D LHP

## IMPERVIOUS AREA

EXISTING 3,807 SF
PROPOSED 2,953 SF
REMOVING HARDSCAPE FROM REAR YARD

## SCOPE

ADDITION AND REMODEL TO SINGLE FAMILY HOUSE

## OWNERS


TYLER & KRISTINE SHEWEY
202 UNIVERSITY AVE, LOS GATOS
PH: 408 834 5983
EMAIL: TASHEWEY@SBCGLOBAL.NET


## AREA PARTICULARS

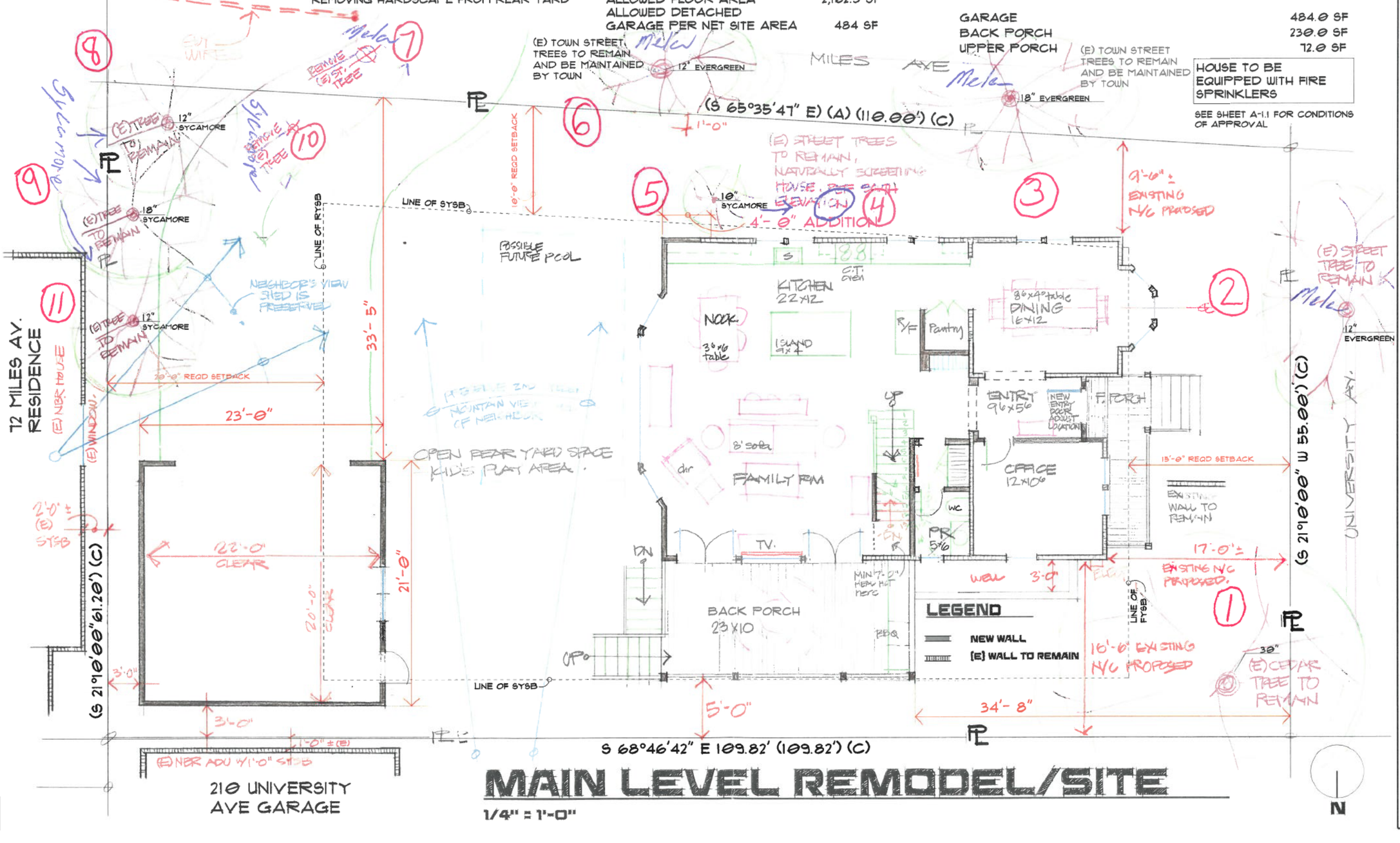
| | |
|---|---|
| SITE AREA | 6,380 SF |
| FAR | 0.339 |
| ALLOWED FLOOR AREA | 2,162.5 SF |
| ALLOWED DETACHED GARAGE PER NET SITE AREA | 484 SF |

## PROPOSED FLOOR AREA

| | EXISTING | ADDED | TOTALS |
|---|---|---|---|
| MAIN LEVEL | 1,167.5 SF | 127.0 SF | 1,294.5 SF |
| UPSTAIRS LEVEL | 0 SF | 1197.5 SF | 1,197.5 SF |
| EXISTING FLR AREA | 1,167.5 SF | | |
| TOTAL ADDED FLR AREA | | 1324.5 SF | |
| TOTAL PROJECT FLR AREA | | | 2,492.0 SF |
| (N) BASEMENT | | | 1,263.0 SF |
| TOTAL LIVING SPACE | | | 3,755.0 SF |
| GARAGE | | | 484.0 SF |
| BACK PORCH | | | 230.0 SF |
| UPPER PORCH | | | 72.0 SF |

HOUSE TO BE EQUIPPED WITH FIRE SPRINKLERS

SEE SHEET A-1.1 FOR CONDITIONS OF APPROVAL




# MAIN LEVEL REMODEL/SITE

1/4" = 1'-0"

Print date :
07.30.21
06.28.21


JAY PLETT ARCHITECT
408.354.4551
jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030


SHEWEY RESIDENCE
REMODEL & ADDITION
202 UNIVERSITY AV.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Revisions :

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PLAN CK
PRICING SET
CONST. SET

Scale :
Date :
Sheet
A-1

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RENOVATION UPDATE

# 202 UNIVERSITY AVENUE

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6/28/21 AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME Ahmad and Meyssa Alaadel

ADDRESS [redacted]

CONTACT

SIGNED: Meyssa Alaadel

DATED: July 10th 2021



EXHIBIT 8

RENOVATION UPDATE

## 202 UNIVERSITY AVENUE

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6-28-21
AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME Russ Anderson

ADDRESS [redacted]

CONTACT

SIGNED:

DATED: 7-10-2021

RENOVATION UPDATE

## 202 UNIVERSITY AVENUE

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6-28-2021 AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME Pam & Tim Murphy

ADDRESS [redacted]

CONTACT

SIGNED: Tim Murphy Pamela Murphy

DATED: 7-18-2021

to whom it may concern,

We have reviewed the renovation plan for 202 University Ave., dated 6-28-2021 and we are supportive of the project.

Name: Ron Filice

Address: [redacted]

Contact: [redacted]

Signed:

Dated: Aug 1st 2021

RENOVATION UPDATE

# 202 UNIVERSITY AVENUE

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6.28.21 AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME Marisa Sayoc

ADDRESS [redacted]

CONTACT —

SIGNED: [signature]

DATED: 7/19/21

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| | |
|---|---|
| A-1 | MAIN LEVEL / SITE PLAN |
| A-1.1 | CONDITIONS OF APPROVAL |
| NP-1/2 | NEIGHBORHOOD PLAN & CHARACTERISTICS |
| A-2 | ELEVATIONS |
| A-3 | ROOF & FLOOR PLANS |
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## SITE PARTICULARS

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| APN | 529-04-001 |
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REMOVING HARDSCAPE FROM REAR YARD

## SCOPE

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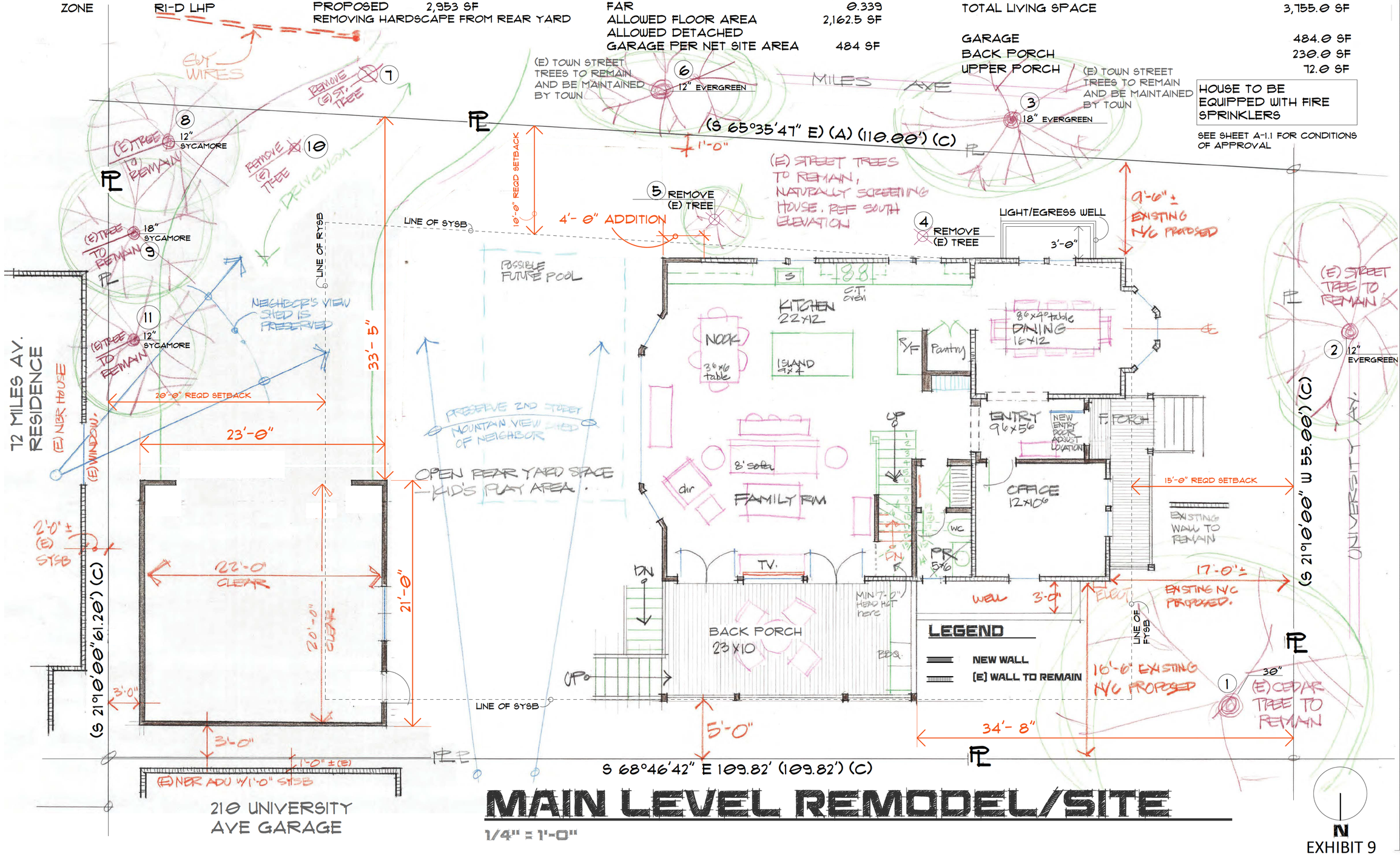
HOUSE TO BE EQUIPPED WITH FIRE SPRINKLERS

SEE SHEET A-1.1 FOR CONDITIONS OF APPROVAL




# MAIN LEVEL REMODEL/SITE

1/4" = 1'-0"

N

EXHIBIT 9

Print date :

07.30.21
06.28.21


JAY PLETT ARCHITECT

408.354.4551
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Los Gatos, CA 95030


**SHEWEY RESIDENCE**
REMODEL & ADDITION
202 UNIVERSITY AV.


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Scale :

Date :

Sheet

A-1

SANTA CLARA COUNTY FIRE DEPARTMENT
14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.scfd.org

PLAN REVIEW No. 21 3643
BLDG PERMIT No.

## DEVELOPMENTAL REVIEW COMMENTS

**Plans and Scope of Review**:
**This project shall comply with the following:**

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town Of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

**The scope of this project includes the following:**

Proposed new 4,058 SF two-story single-family residence with a basement and covered porches with a 458 SF existing detached garage.

**Plan Status:**

Plans are **NOT APPROVED**. Revise and resubmit drawings and provide a response letter addressing comments on this plan review.

**Plan Review Comments:**

1. **Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits**.

2. **Fire Sprinklers Required:** Fire sprinklers required to be installed in both the single family home and the secondary dwelling unit. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. **Exception:** A one-time addition to an existing building that does not total more than 1,000 square feet of building area. **Note:** The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC. **Indicate on Sheet A-1 that a sprinkler system will be installed as a deferred submittal.**

| City | PLANS | SPECS | NEW | RMDL | AS | OCCUPANCY | CONST. TYPE | ApplicantName | DATE | PAGE |
|---|---|---|---|---|---|---|---|---|---|---|
| LGA | ☒ | ☐ | ☒ | ☐ | ☒ | R-3/U | VB | Jay Plett Architect | 08/23/2021 | 1 OF 2 |

| SEC/FLOOR | AREA | LOAD | PROJECT DESCRIPTION | PROJECT TYPE OR SYSTEM |
|---|---|---|---|---|
| 2+bsmt | 4058 | | Residential Development | Design Review |

| NAME OF PROJECT | LOCATION |
|---|---|
| SFR | 202 University Ave Los Gatos |

| TABULAR FIRE FLOW | REDUCTION FOR FIRE SPRINKLERS | REQUIRED FIRE FLOW @ 20 PSI | BY |
|---|---|---|---|
| 1750 | 50% | 875 | Flanagan, Caleb |

*Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.*

SANTA CLARA COUNTY FIRE DEPARTMENT
14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.scfd.org

PLAN REVIEW No. 21 3643
BLDG PERMIT No.

DEVELOPMENTAL REVIEW COMMENTS

3. **Provide a project scope on the plans.** Added. See Sheet A-1

4. **Required Fire Flow:** The fire flow for this project is 1,750 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the fire flow will be reduced by 50%, establishing a required adjusted fire flow of 875 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. **Provide documentation from a local water purveyor (San Jose Water) confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required.**
Verification letter to be submitted will be forthcoming

5. **Water Supply Requirements:** Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

6. **Address identification:** New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

7. **Construction Site Fire Safety:** All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

**This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1,**

| City | PLANS | SPECS | NEW | RMDL | AS | OCCUPANCY | CONST. TYPE | ApplicantName | DATE | PAGE |
|---|---|---|---|---|---|---|---|---|---|---|
| LGA | ☒ | ☐ | ☒ | ☐ | ☒ | R-3/U | VB | Jay Plett Architect | 08/23/2021 | 2 OF 2 |

| SEC/FLOOR | AREA | LOAD | PROJECT DESCRIPTION | PROJECT TYPE OR SYSTEM |
|---|---|---|---|---|
| 2+bsmt | 4058 | | Residential Development | Design Review |

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|---|---|
| SFR | 202 University Ave Los Gatos |

| TABULAR FIRE FLOW | REDUCTION FOR FIRE SPRINKLERS | REQUIRED FIRE FLOW @ 20 PSI | BY |
|---|---|---|---|
| 1750 | 50% | 875 | Flanagan, Caleb |

*Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.*

# CONDITIONS OF APPROVAL



Print date :
07.30.21
06.28.21
JAY PLETT ARCHITECT
408.354.4551
jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
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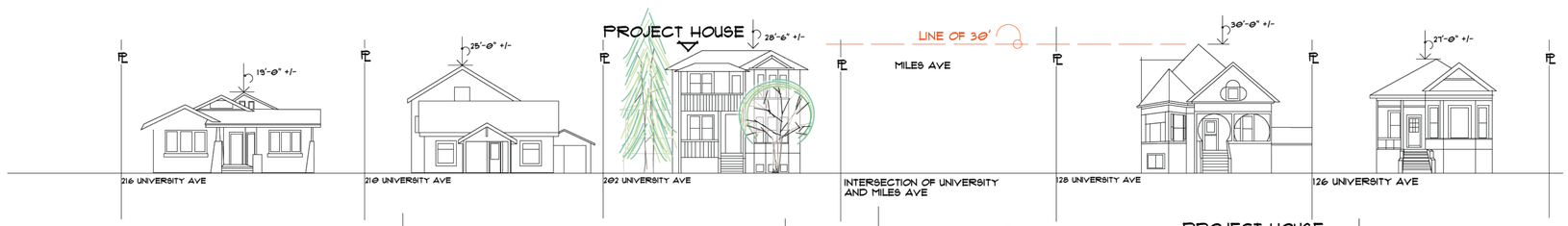
Sheet
A-1.1

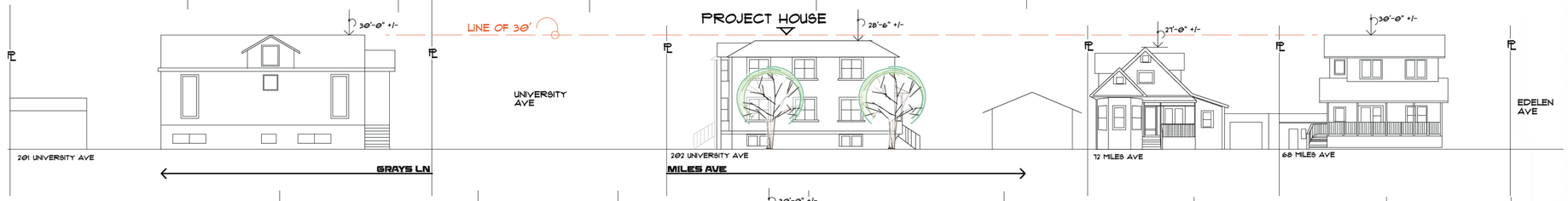
# UNIVERSITY AVE LOOKING AT PROJECT

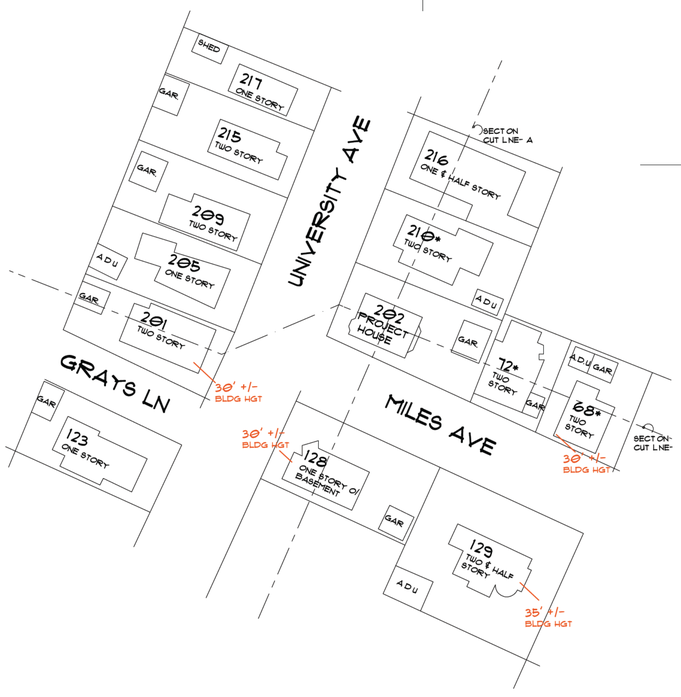
1/16" = 1'-0"




# MILES AVE LOOKING AT PROJECT

1/16" = 1'-0"

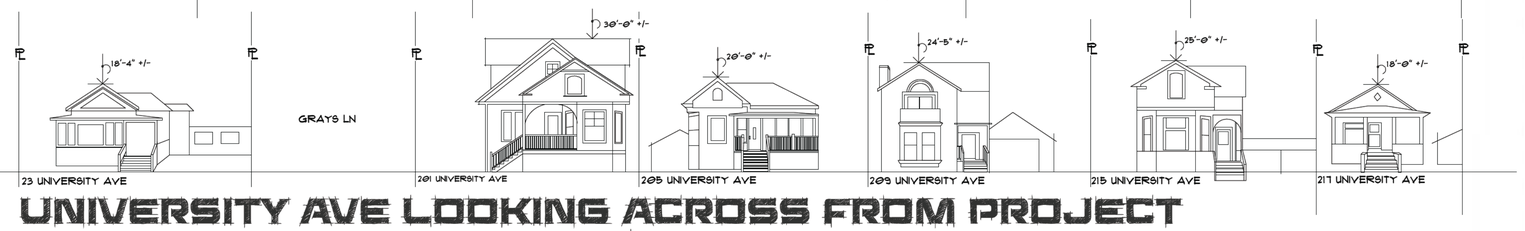



# NEIGHBORHOOD PLAN

1" = 50'

*TOWN INFO INDICATES ONE STOREY




# UNIVERSITY AVE LOOKING ACROSS FROM PROJECT

1/16" = 1'-0"

# MILES AVE LOOKING ACROSS FROM PROJECT

1/16" = 1'-0"

# FLOOR AREA/FAR COMPARISONS

EXISTING NEIGHBORHOOD CONDITIONS

| ADDRESS | LOT SIZE (SF) | FLOOR AREA | FAR HOUSE ACTUAL | GARAGE (SF) |
|---|---|---|---|---|
| 128 UNIVERSITY AVE | 6490 | 1318 | 0.203 | 360 |
| 129 EDELEN AVE | 10560 | 2198 | 0.208 | 880 |
| 217 UNIVERSITY AVE | 3673 | 768 | 0.209 | 0 |
| 215 UNIVERSITY AVE | 5566 | 1360 | 0.244 | 0 |
| 209 UNIVERSITY AVE | 5550 | *2568 | **0.462 | 441 |
| 205 UNIVERSITY AVE | 5550 | 1748 | 0.314 | 284 |
| 201 UNIVERSITY AVE | 5566 | *2771 | **0.497 | 420 |
| 123 UNIVERSITY AVE | 4949 | 1226 | 0.247 | 0 |
| 210 UNIVERSITY AVE | 5830 | 1956 | 0.335 | 216 |
| 216 UNIVERSITY AVE | 5995 | 1353 | 0.225 | 160 |
| 68 MILES AVE | 4260 | 1356 | 0.318 | 412 |
| 72 MILES AVE | 3400 | 2054 | **0.604 | 0 |
| PROJECT HOUSE | | | | |
| 202 UNIVERISTY AVE | 6380 | 2501 | 0.392 | 0 |

ANALYSIS

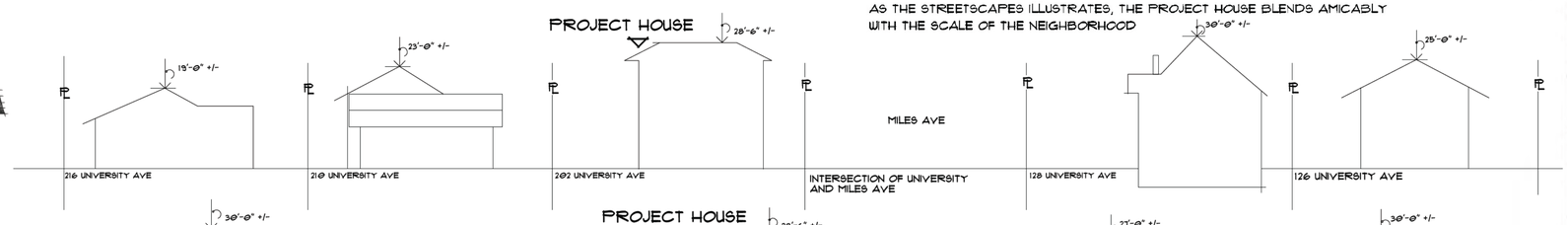
*2 NEIGHBOR HOMES HAVE GREATER FLOOR AREA

**3 NEIGHBOR HOMES HAVE GREATER FAR'S

AS THE STREETSCAPES ILLUSTRATES, THE PROJECT HOUSE BLENDS AMICABLY WITH THE SCALE OF THE NEIGHBORHOOD

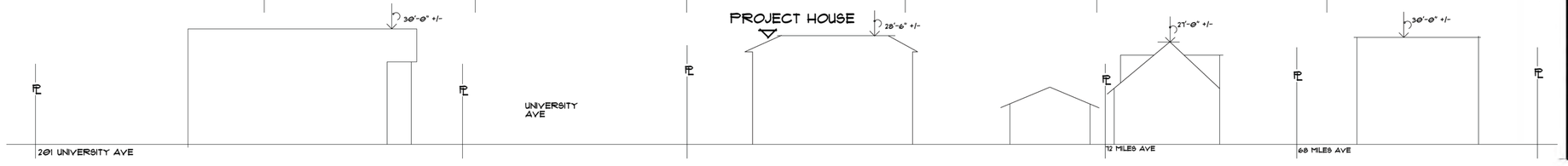
# NEIGHBORHOOD SECTION-A

1/16" = 1'-0"




# NEIGHBORHOOD SECTION-B

1/16" = 1'-0"




Print date :

05.17.21


JAY PLETT
ARCHITECT

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jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030


# SHEWEY RESIDENCE

REMODEL & ADDITION
202 UNIVERSITY AV.


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Scale :

Date :

Sheet

NP-1

Ⓐ 216 UNIVERSITY AVE

Ⓑ 210 UNIVERSITY AVE

Ⓒ 72 MILES AVE (LARGER FAR)

Ⓓ 68 MILES AVE

Ⓔ 129 EDELEN AVE

Ⓕ 128 UNIVERSITY AVE

Ⓕ 128 UNIVERSITY AVE
(VIEW FROM MILES AVES)

Ⓖ 201 UNIVERSITY AVE

Ⓖ 201 UNIVERSITY AVE
(VIEW FROM GRAYS LN)

Ⓗ 205 UNIVERSITY AVE

Ⓘ 209 UNIVERSITY AVE
(LARGER FLOOR AREA & FAR)

Ⓙ 215 UNIVERSITY AVE

Ⓚ 217 UNIVERSITY AVE

Ⓟ EXISTING HOUSE
(VIEW FROM UNIVERSITY AVE LOOKING EAST AT PROJECT SITE)

Ⓟ EXISTING HOUSE
(LOOKING UP EAST AT 72 MILES AVE FROM PROJECT SITE)

Ⓟ EXISTING HOUSE
(LOOKING UP NORTH AT 210 UNIVERSITY AVE FROM PROJECT SITE)

## PROJECT SITE

## LOCATION MAP

# NEIGHBORHOOD CHARACTERISTICS

NOT TO SCALE

Print date :

04.13.21
02.28.21

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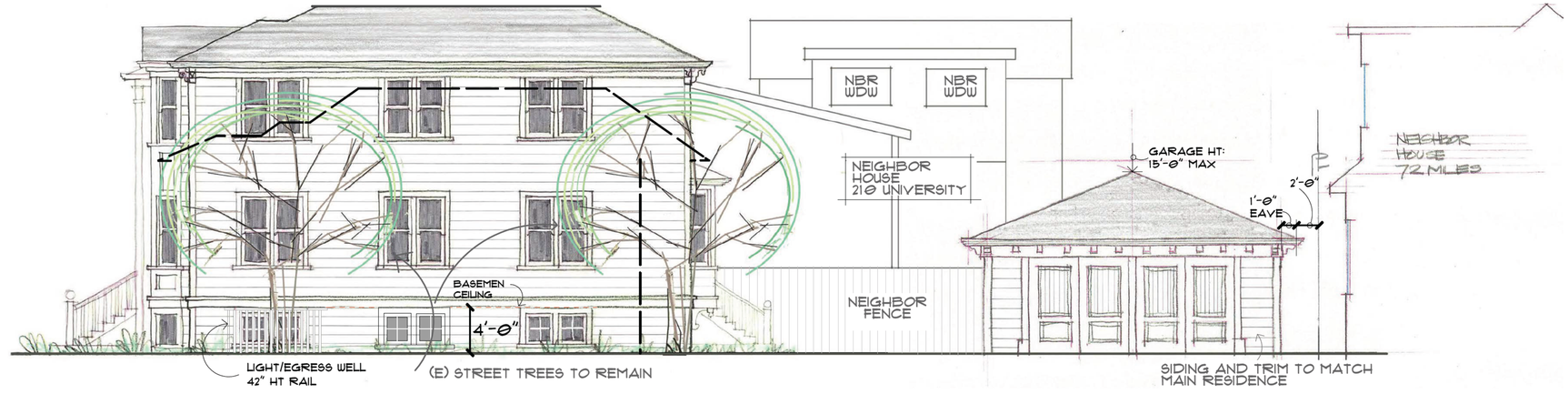
NP-2

## GARAGE, WEST ELEVATION

3/16" = 1'-0" VIEWED FROM REAR OF MAIN HOUSE

## WEST ELEVATION

3/16" = 1'-0" UNIVERSITY AVE




## SOUTH ELEVATION

3/16" = 1'-0" MILES AVE

## NORTH ELEVATION

3/16" = 1'-0" UNIVERSITY AVE

## EAST ELEVATION

3/16" = 1'-0"

Print date :

07.30.21
06.28.21

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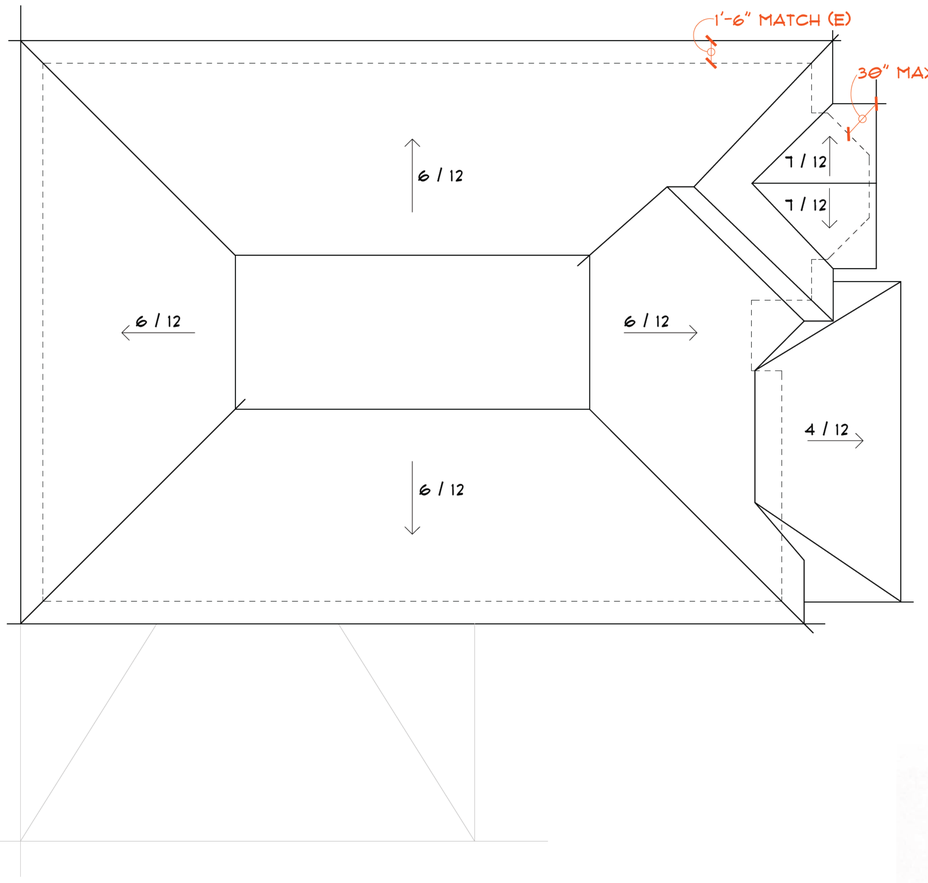
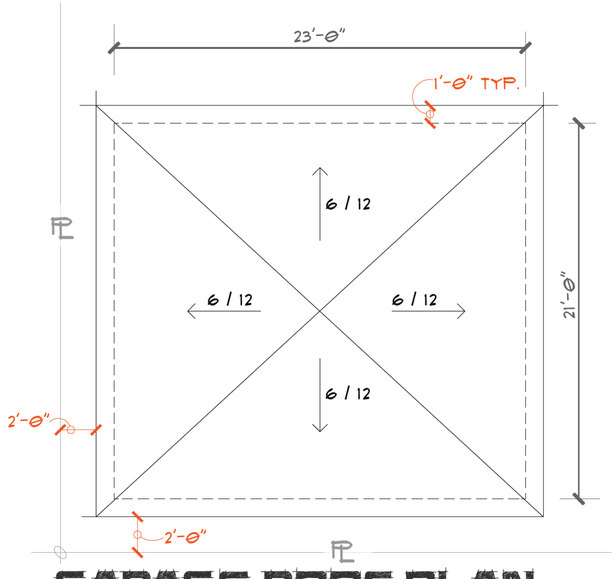
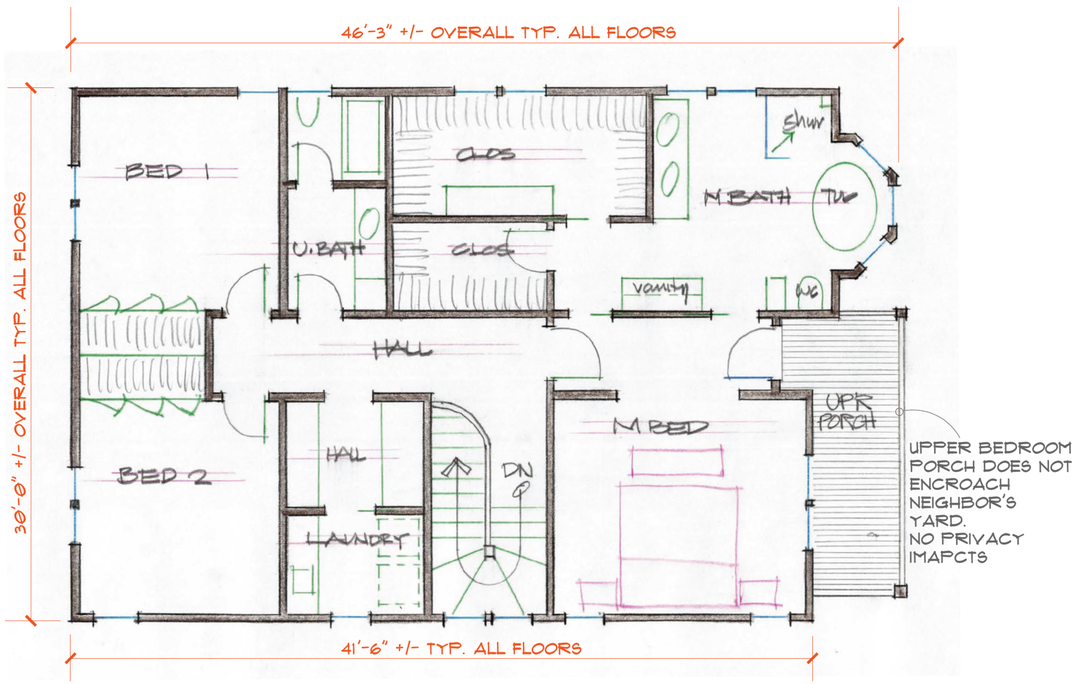
A-2



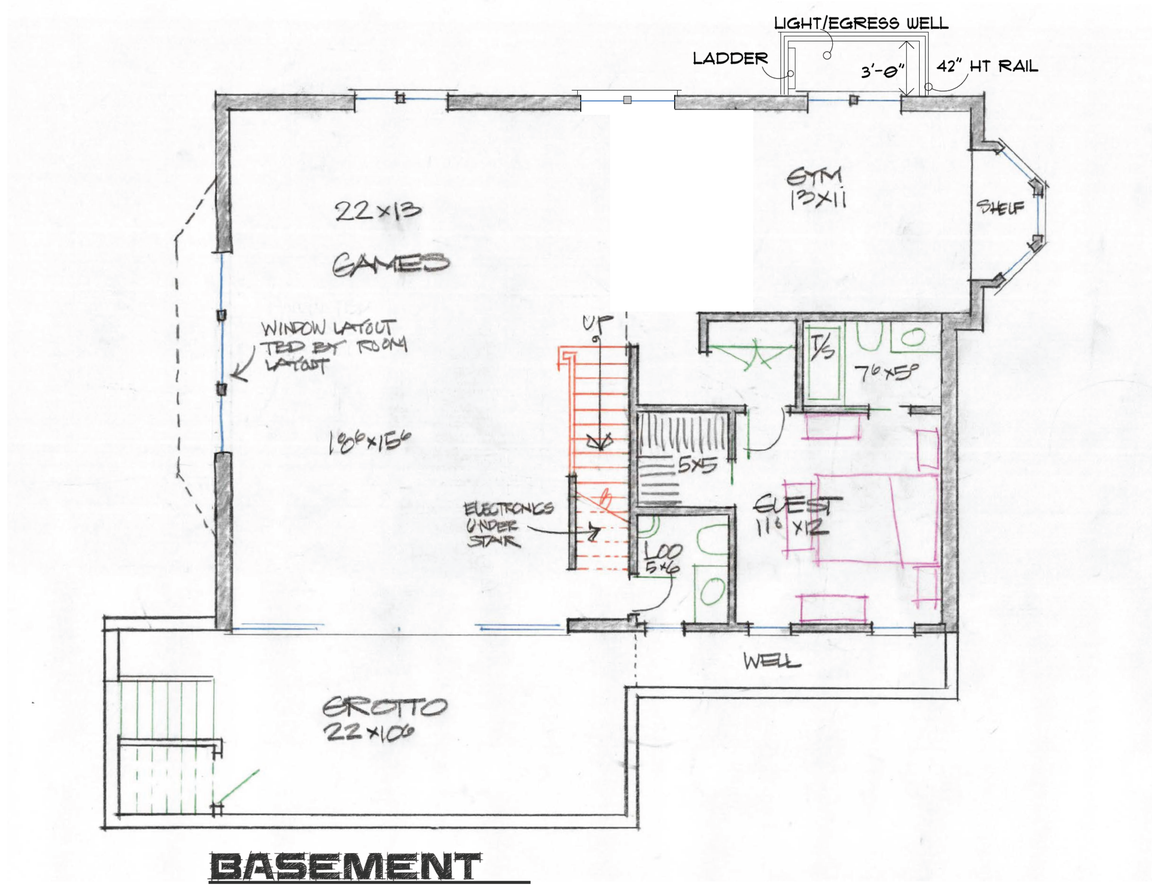

## ROOF PLAN
1/4" = 1'-0"




## GARAGE ROOF PLAN
1/4" = 1'-0"




## UPSTAIRS ADDITION
1/4" = 1'-0"




## BASEMENT
1/4" = 1'-0"


Print date :

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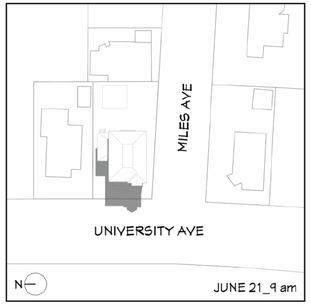
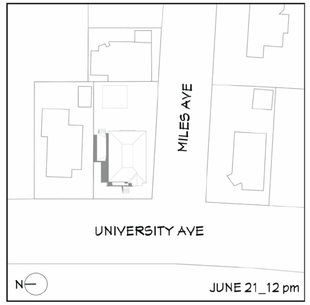
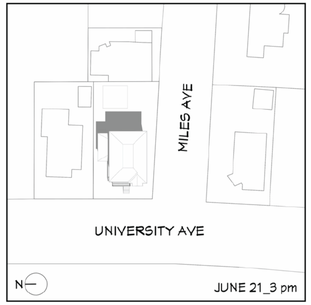
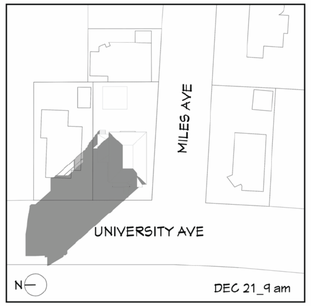
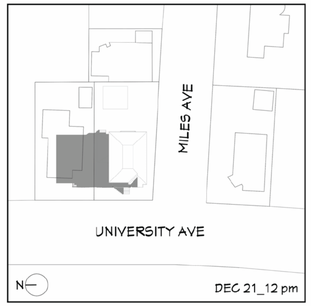
A-3

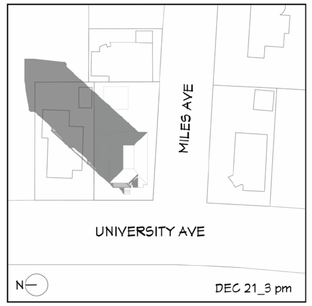


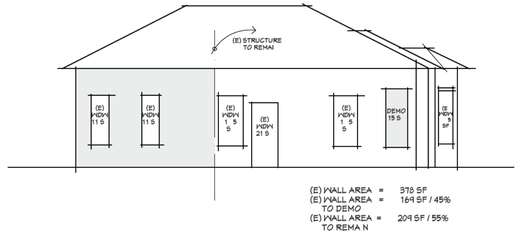



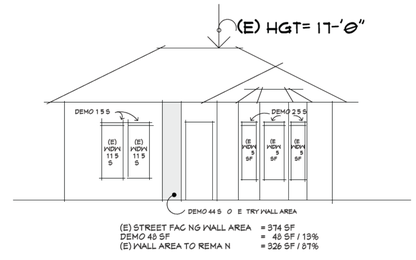

# SHADOW STUDY

NOT TO SCALE



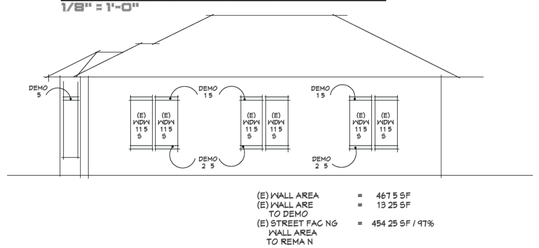

## NORTH / SIDE

1/8" = 1'-0"



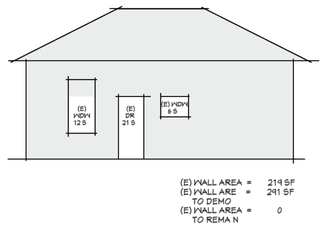

## WEST / FRONT

1/8" = 1'-0"




## SOUTH / SIDE

1/8" = 1'-0"




## EAST / REAR

1/8" = 1'-0"

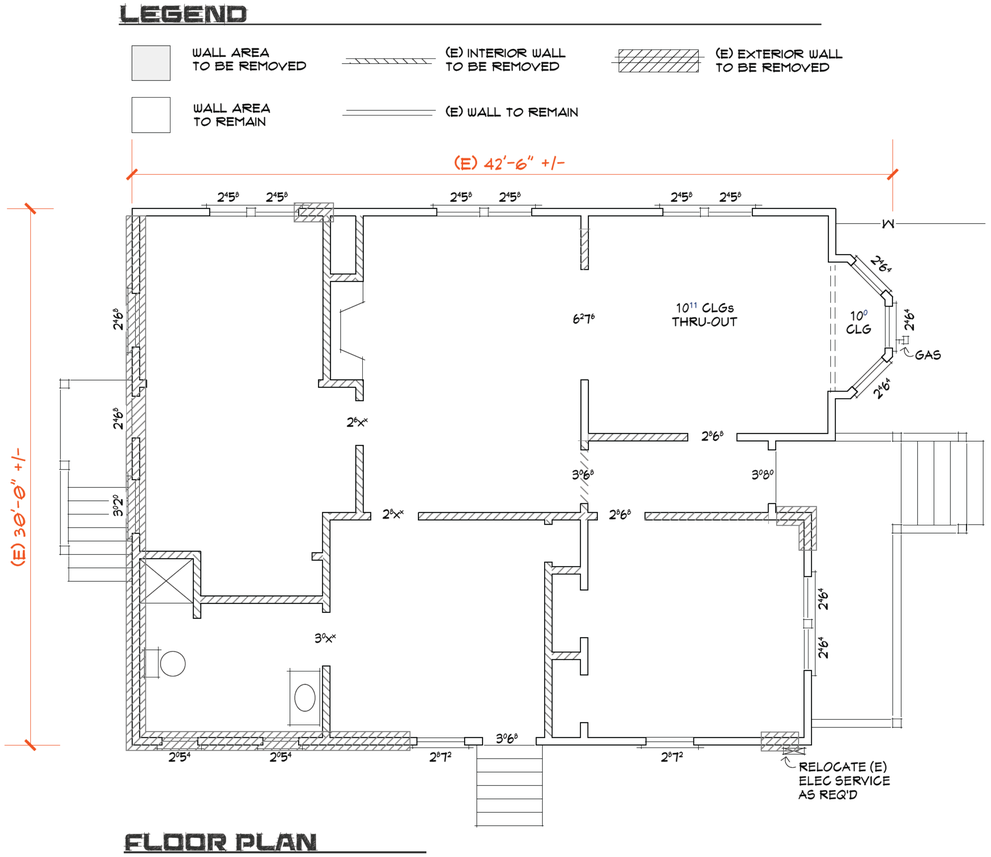
## TOTALS

TOTAL (E) WALL = 1510.5
TOTAL DEMO = 521.25 / 35%

30% OF TOTAL DEMO TAKES PLACE AT NON STREET FACING WALLS

# AS BUILT / DEMO

1/4" = 1'-0"




## FLOOR PLAN

1/4" = 1'-0"



Print date :

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AB/D-1

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# TOWN OF LOS GATOS

**COMMUNITY DEVELOPMENT DEPARTMENT**
**PLANNING DIVISION**
**(408) 354-6872 Fax (408) 354-7593**

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030


January 27, 2022

Jay Plett, Architect
213 Bean Avenue
Los Gatos, CA 95030
Via Email

**RE:** **202 University Avenue**
Architecture and Site Application S-21-019

Requesting Approval for Construction of a Second-Story Addition to a Contributing Single-Family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP. Located at 202 University Avenue. APN 529-04-001.

PROPERTY OWNER: Tyler and Kristine Shewey
APPLICANT: Jay Plett, Architect
PROJECT PLANNER: Sean Mullin

At its meeting of January 26, 2022, the Town of Los Gatos Planning Commission approved the above referenced application.

The attached draft conditions of approval will not be final until the Planning Commission has approved the January 26, 2022, meeting minutes at their next meeting, confirming any additional or modified conditions of approval for the project in the underlined font. You will be notified in writing once the Planning Commission has approved the minutes.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for approval should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

If you have any questions, I can be contacted by email at smullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Senior Planner

Cc: Tyler and Kristine Shewey, via email

**PLANNING COMMISSION –***January 26, 2022*
**CONDITIONS OF APPROVAL**

**202 University Avenue**
**Architecture and Site Application S-21-019**

**Requesting Approval for Construction of a Second-Story Addition to a Contributing Single-Family Residence to Exceed Floor Area Ratio Standards and Construction of an Accessory Structure with Reduced Side and Rear Setbacks in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
4. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
8. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.

9. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

14. PERMITS REQUIRED: A Building Permit is required for the renovation and addition of an existing single-family home. An additional Building Permit will be required for the detached garage.
15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
18. SIZE OF PLANS: Minimum size 24” x 36”, maximum size 30” x 42”.
19. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
20. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
21. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical

controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

a. Building pad elevation
b. Finish floor elevation
c. Foundation corner locations
d. Retaining wall(s) locations and elevations

22. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
25. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
26. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of $2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

28. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of

the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

29. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
30. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
31. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
32. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over $5,000 will require construction security. It is the responsibility of the Owner to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
33. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
34. PUBLIC WORKS INSPECTIONS: The Owner or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a

walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

36. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
37. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
38. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
39. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
40. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner.
41. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
42. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
43. DRIVEWAY: The driveway conform to existing pavement on Miles Ave shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
44. CONSTRUCTION EASEMENT: Prior to the issuance of a building permit, it shall be the sole responsibility of the Owner to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
45. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
46. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
    a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.

IMPROVEMENT PLANS:

47. UTILITIES: The Owner shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
48. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
49. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
50. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
51. DRIVEWAY APPROACH: The Owner shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and

replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

52. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
53. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
54. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

TRAFFIC AND TRANSPORTATION:

55. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
56. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
57. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
58. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
59. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet

from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

60. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

STORMWATER MANAGEMENT:

61. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
62. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
63. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
64. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout

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the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

65. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
66. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
    f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
    g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the

BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.

j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

67. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
68. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING - Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
69. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
70. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

71. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

72. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-1) Fire sprinklers required to be installed in both the single-family home and the secondary dwelling unit. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.
73. REQUIRED FIRE FLOW: The fire flow for this project is 1,750 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the fire flow will be reduced by 50%, establishing a required adjusted fire flow of 875 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Provide documentation from a local water purveyor (San Jose Water) confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required. Fire flow letter shall be submitted as soon as it is received.
74. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
75. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

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76. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
77. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]

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**TOWN OF LOS GATOS**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**PLANNING DIVISION**
**(408) 354-6872 Fax (408) 354-7593**

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95030

November 28, 2022

Jay Plett
213 Bean Avenue
Los Gatos, CA 95030
Via email

**RE:** **202 University Avenue**
**Variance Application V-22-003**

**Forward a Recommendation to the Community Development Director on a Request for Variances to the Accessory Structure Lot Coverage Standard and to the Side and Rear Setback Requirements for a Detached Accessory Structure on Property Located in the University-Edelen Historic District Zoned R-1D:LHP. APN 529-04-001.**

**PROPERTY OWNER: Tyler and Kristine Shewey**
**APPLICANT: Jay Plett, Architect**
**PROJECT PLANNER: Sean Mullin**

On August 24, 2022, the Los Gatos Historic Preservation Committee recommended approval of the above request to the Community Development Director.

If you have any questions, I can be contacted by phone at (408) 354-6823 or by email at smullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Senior Planner

cc: Tyler and Kristine Shewey, via email

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PROJECT DESCRIPTION/JUSTIFICATION

TO: Town of Los Gatos
FROM: Jay Plett Architect

October 19, 2022

The architecture is in the Italianate style, matching its companion Main House.

This project has been designed and situated on the Site with significant input from the two adjacent neighbors, requiring a variance to preserve the neighbor's light and view corridors to the hills as much possible.

Granting a set back variance would be consistent with the existing neighborhood patterns. Within the immediate neighborhood there are :

9 Garages with smaller SySb's
5 Garages with smaller RySb's
2 Garages have larger FAR's
1 Garage has larger area (880) sf

Reference Sheet NP-1 of the Architectural drawings.

A variance for net lot site coverage is also requested. This being a corner lot with an increased outside side setback, our net site area is compromised compared to an interior lot of similar size.

* Allowed Garage by Net Site Area is 485 sf

* An interior parcel of identical size would have a Net Site Area allowance for a Garage of 537 sf

* The proposed detached Garage is 518 sf



EXHIBIT 7

## PROJECT DESCRIPTION/JUSTIFICATION

As a corner lot, the proposed garage has a net site area = 16%. If it were calculated as an interior lot, the net site area would = 14%. Per the table on sheet NP-1, we are well within the norms regarding area and lot coverage of the existing accessory structures in the neighborhood.

In addition, the requested detached Garage area is required by Architectural aesthetic necessity to blend harmoniously with the planned, moderately sized ADU above it.

202 UNIVERSITY
SUPPLEMENTAL ARCHITECTURAL CONSIDERATIONS

We have designed the ADU to a minimum size for a one bedroom unit - 603sf of which 64 sf is the access stair, so essentially only 539sf.

Due to the inherent vertical design form that is the characteristic of the Italianate style, we have dropped the Garage walls directly down from the ADU. This is proper design and fitting for a historic district.
This point was brought up at the meeting of the HPC and the members approved the design unanimously.

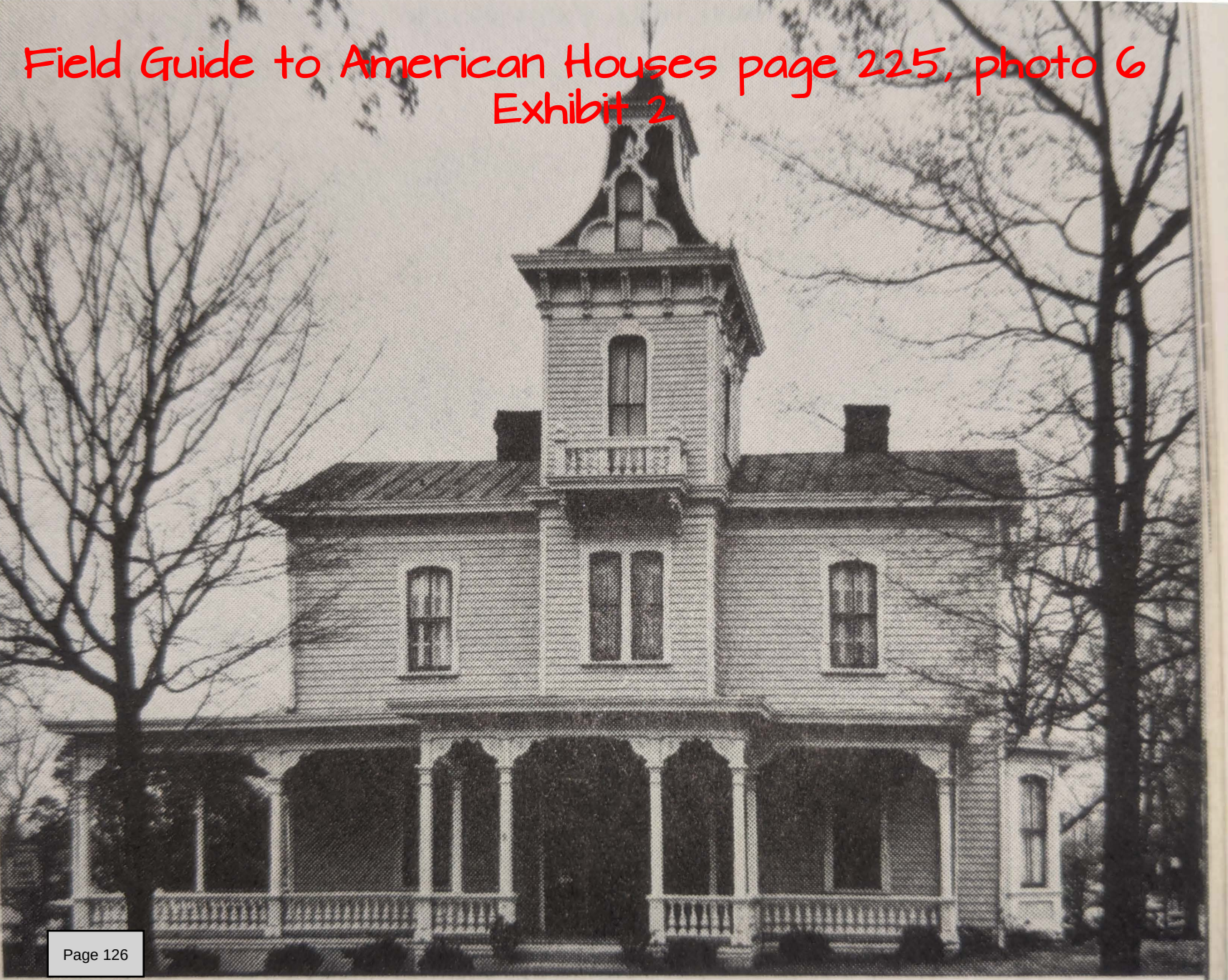
Attached are samples of Italianate houses from the Field Guide to Amercan Houses, two homes In Town. One in the Edelen District and one in the Broadway District and the companion house to this project that was unanimously approved by the Planning Commision.

# EAST ELEVATION

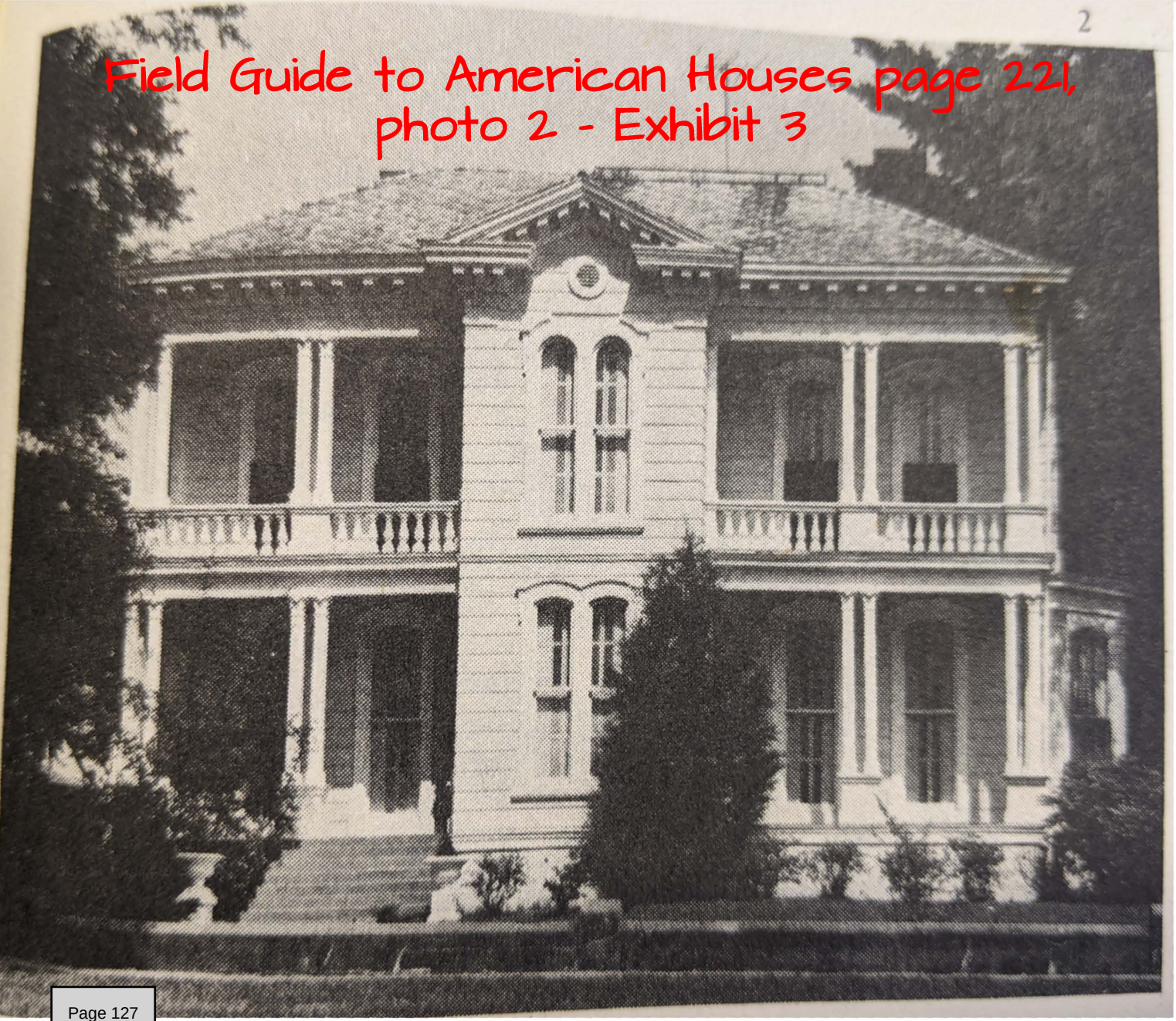
202 UNIVERSITY
APPROVED HOUSE

121 Edelen - Exhibit 1

Field Guide to American Houses page 225, photo 6
Exhibit 2



Field Guide to American Houses page 221, photo 2 - Exhibit 3



202 UNIVERSITY
SUPPLEMENTAL JUSTIFICATION.

It is our opinion that corner parcels are unduly burdened by the strict interpretation of the code regulating Net Site Area calculation. There is no reason to limit the Net Site Area of a corner lot due to its increased street side setback. Therefore, we are asking the Commission to approve are minimal request of the increased Garage area in the interest of good aesthetic and proper design of the Italianate style located in a Historic District.

**From:** Jeffrey Scott [redacted]
**Sent:** Friday, December 9, 2022 10:26 AM
**To:** Clerk <Clerk@losgatosca.gov>
**Cc:** Wendy Wood <WWood@losgatosca.gov>
**Subject:** 202 University Avenue (application V-22-003)

EXTERNAL SENDER

Town Clerk and Planning Commissioners-
I live at [redacted]. My house is next door to 202 University Avenue. I am writing about the variance application for a detached accessory structure.

While I am generally supportive of the overall renovation planned for 202 University Avenue, I am requesting that you deny this variance application.

The variance would place a garage within 18" of our property line. The garage would be directly outside our kitchen window and bathroom window. And when an ADU is placed above the garage, the ADU will be directly outside our master bedroom and deck.

My wife and I want our neighbors to enjoy their home, and we are confident they can build a beautiful accessory structure without a variance.

Thank you,
Jeffrey Scott

EXHIBIT 8

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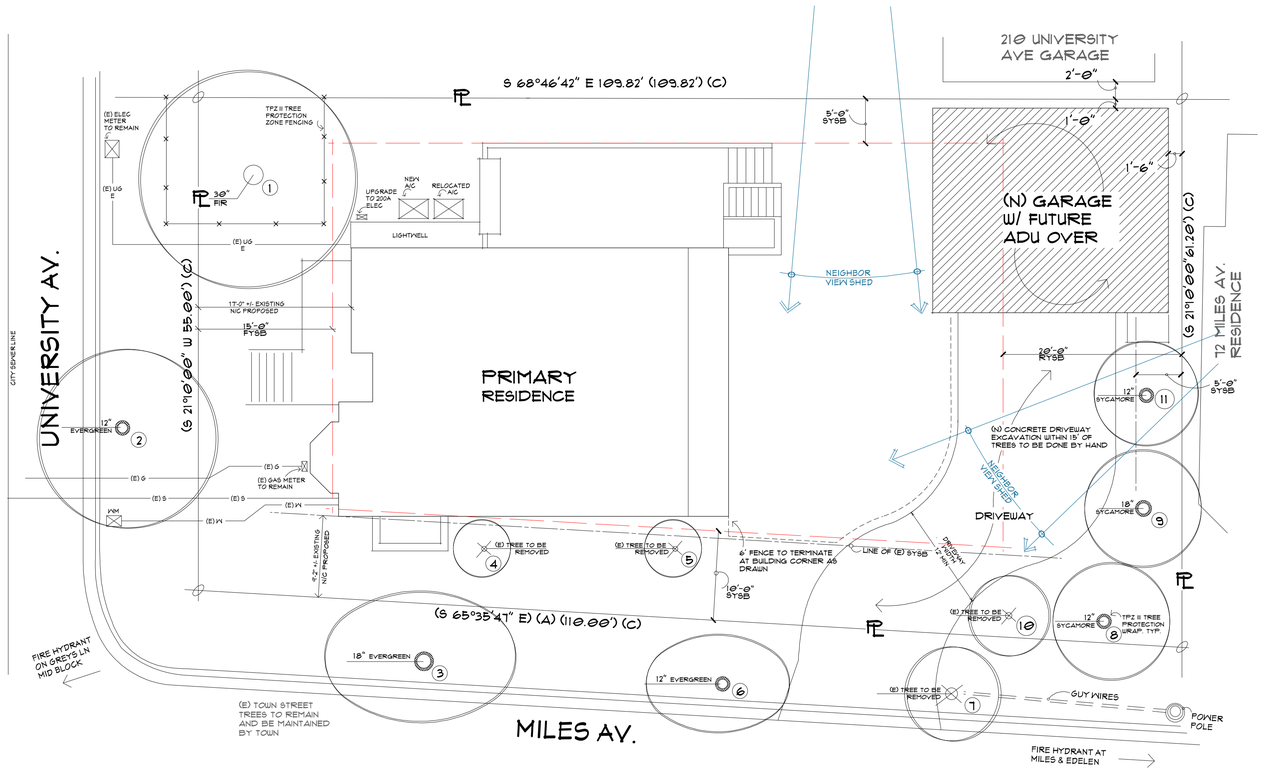


# SITE PLAN

1/8" = 1'-0"

## PROJECT DESCRIPTION

NEW DETACHED GARAGE WITH REDUCED SIDE AND REAR SET BACKS

## OWNERS


TYLER & KRISTINE SHEWEY
202 UNIVERSITY AVE
LOS GATOS, CA 95030
PHONE: 408.834.5983
EMAIL: TASHEWEY@SBCGLOBAL.NET


## SITE PARTICULARS

APN 529-04-001
ZONING R-1 D LHP

## AREA SUMMARY

| | |
|---|---|
| SITE | 6380 SF |
| NET SITE AREA<br>CORNER LOT | 3234/485 SF |
| GARAGE ALLOWED<br>CORNER LOT | 485 SF |
| PROPOSED GARAGE | 518 SF |
| ADU | 603 SF |

### SCC FIRE DEPT NOTES

**FIRE SPRINKLERS REQUIRED:** AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ONE-AND TWO-FAMILY DWELLINGS AS FOLLOWS: 1) IN ALL NEW ONE- AND TWO-FAMILY DWELLINGS AND IN EXISTING ONE-AND TWO-FAMILY DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN 3,600 SF WHETHER BY INCREASING THE AREA OF THE PRIMARY RESIDENCE OR BY CREATION OF AN ATTACHED ACCESSORY DWELLING UNIT. 2) IN ALL NEW BASEMENTS AND IN EXISTING BASEMENTS THAT ARE EXPANDED BY MORE THAN 50%. 3) IN ALL ATTACHED ADUS, ADDITIONS OR ALTERATIONS TO AN EXISTING ONE- AND TWO-FAMILY DWELLING THAT HAVE AN EXISTING FIRE SPRINKLER SYSTEM. EXCEPTIONS: 1) ONE OR MORE ADDITIONS MADE TO A BUILDING AFTER JANUARY 1, 2011 THAT DOES NOT TOTAL MORE THAN 1,000 SQUARE FEET OF BUILDING AREA AND MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE. 2) DETACHED ACCESSORY DWELLING UNITS, PROVIDED THAT ALL OF THE FOLLOWING ARE MET: A) THE UNIT MEETS THE DEFINITION OF AN ACCESSORY DWELLING UNIT AS DEFINED IN THE GOVERNMENT CODE SECTION 65852.2. B) THE EXISTING PRIMARY RESIDENCE DOES NOT HAVE AUTOMATIC FIRE SPRINKLERS. C) THE DETACHED ADU DOES NOT EXCEED 1,200 SQUARE FEET IN SIZE. D) THE UNIT IS ON THE SAME LOT AS THE PRIMARY RESIDENCE. E) THE UNIT MEETS ALL ACCESS AND WATER SUPPLY REQUIREMENTS OF CHAPTER 5 AND APPENDIX B AND C OF THE 2019 CALIFORNIA FIRE CODE. PRIMARY RESIDENCE WILL HAVE AN AUTOMATIC SPRINKLER SYSTEM.

**ADDRESS IDENTIFICATION:** NEW AND EXISTING BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION PLACED IN A POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. WHERE REQUIRED BY THE FIRE CODE OFFICIAL, ADDRESS NUMBERS SHALL BE PROVIDED IN ADDITIONAL APPROVED LOCATIONS TO FACILITATE EMERGENCY RESPONSE. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE A MINIMUM OF 4 INCHES (101.6 MM) HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH (12.7 MM). WHERE ACCESS IS BY MEANS OF A PRIVATE ROAD AND THE BUILDING CANNOT BE VIEWED FROM THE PUBLIC WAY, A MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO IDENTIFY THE STRUCTURE. ADDRESS NUMBERS SHALL BE MAINTAINED. CFC SEC. 505.1. ACCESS FOR THE ADU IS OFF OF MILES AVE. APPLY FOR AN ADDRESS CHANGE TO MILES AVE FOR THE ADU.

**WATER SUPPLY REQUIREMENTS:** POTABLE WATER SUPPLIES SHALL BE PROTECTED FROM CONTAMINATION CAUSED BY FIRE PROTECTION WATER SUPPLIES. IT IS THE RESPONSIBILITY OF THE APPLICANT AND ANY CONTRACTORS AND SUBCONTRACTORS TO CONTACT THE WATER PURVEYOR SUPPLYING THE SITE OF SUCH PROJECT, AND TO COMPLY WITH THE REQUIREMENTS OF THAT PURVEYOR. SUCH REQUIREMENTS SHALL BE INCORPORATED INTO THE DESIGN OF ANY WATER-BASED FIRE PROTECTION SYSTEMS, AND/OR FIRE SUPPRESSION WATER SUPPLY SYSTEMS OR STORAGE CONTAINERS THAT MAY BE PHYSICALLY CONNECTED IN ANY MANNER TO AN APPLIANCE CAPABLE OF CAUSING CONTAMINATION OF THE POTABLE WATER SUPPLY OF THE PURVEYOR OF RECORD. FINAL APPROVAL OF THE SYSTEM(S) UNDER CONSIDERATION WILL NOT BE GRANTED BY THIS OFFICE UNTIL COMPLIANCE WITH THE REQUIREMENTS OF THE WATER PURVEYOR OF RECORD ARE DOCUMENTED BY THAT PURVEYOR AS HAVING BEEN MET BY THE APPLICANT(S). 2019 CFC SEC. 903.3.5 AND HEALTH AND SAFETY CODE 13114.7.

**CONSTRUCTION SITE FIRE SAFETY:** ALL CONSTRUCTION SITES MUST COMPLY WITH APPLICABLE PROVISIONS OF THE CFC CHAPTER 33 AND OUR STANDARD DETAIL AND SPECIFICATION SI-7.

Print date :

11.30.22
9.4.22
7.12.22


JAY PLETT ARCHITECT

408.354.4551
jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030


SHEWEY ADU


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This document constitutes original copyrighted material as an instrument of service by the architect JAY PLETT. These documents shall not be utilized and/or duplicated without the permission of the designer in writing. The design remains the sole property of JAY PLETT.


Revisions :

PRELIM
PLAN CK
PRICING SET
CONST. SET

Scale :

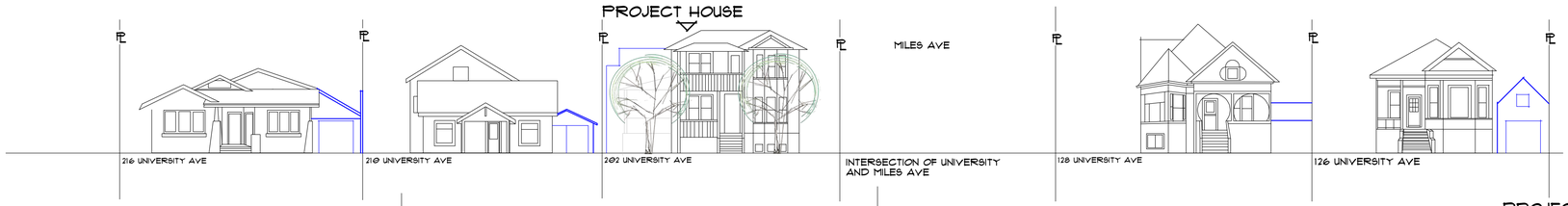
Date :

Sheet

A-1



EXHIBIT 9

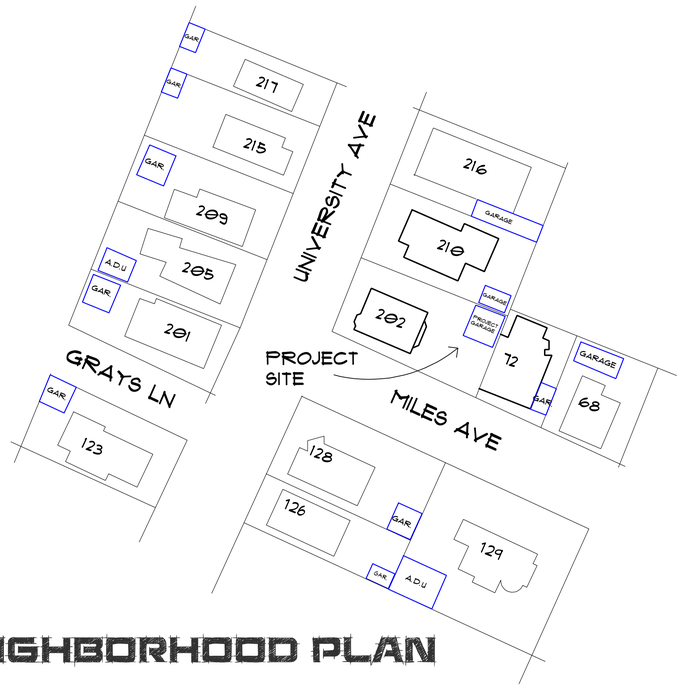



# UNIVERSITY AVE LOOKING AT PROJECT

1/16" = 1'-0"

# MILES AVE LOOKING AT PROJECT

1/16" = 1'-0"




# NEIGHBORHOOD PLAN

1" = 50'

## EXISTING NEIGHBORHOOD DETACHED GARAGE CONDITIONS

| ADDRESS | SIZE (SF) | SIDE SB (F) | REAR SB (F) | LOT SIZE (SF) | FAR | LOT CVRG(%)# |
|---|---|---|---|---|---|---|
| 123 UNIVERSITY AVE | 400 | 0 | 1 | 4949 | 0.081 | 18 |
| 126 UNIVERSITY AVE | 245 | 0 | 0 | 4070 | 0.060 | 12 |
| 128 UNIVERSITY AVE | 360 | 0 | 0 | 6490 | 0.055 | 11 |
| 201 UNIVERSITY AVE | 420 | 3 | 3 | 5566 | 0.075 | 14 |
| 205 UNIVERSITY AVE | 284 | 1 | 6 | 5550 | 0.051 | 9 |
| 209 UNIVERSITY AVE | 400 | 5 | 6 | 5550 | 0.072 | 13 |
| 210 UNIVERSITY AVE | 192 | 2 | 3 | 5830 | 0.033 | 6 |
| 217 UNIVERSITY AVE | 220 | 0 | 10 | 3673 | 0.084 | 14 |
| 129 EDELEN AVE | 880 | 0 | 0 | 10560 | 0.083 | 15 |
| 68 MILES AVE | 416 | 3 | 3 | 4260 | 0.098 | 25 |

## PROPOSED GARAGE

| | | | | | | |
|---|---|---|---|---|---|---|
| 202 UNIVERSITY AVE | 518 | 1'- 6" | 1'- 0" | 6380 | 0.081 | 16 |

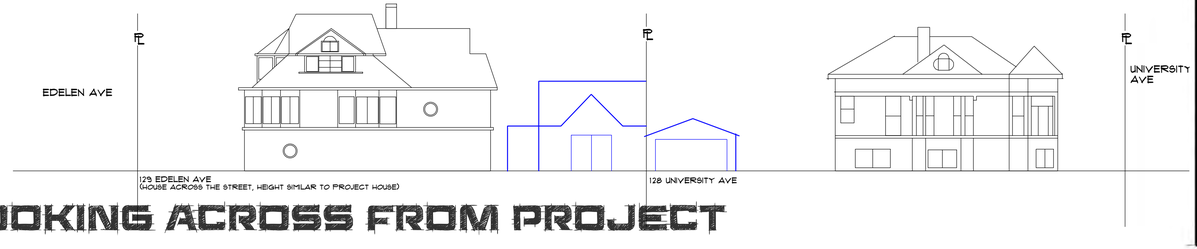
## ANALYSIS

* 9 NEIGHBORHOOD GARAGES HAVE SMALLER SIDE YARD SETBACKS
** 5 NEIGHBORHOOD GARAGES HAVE SMALLER REAR YARD SETBACKS AND 1 IS THE SAME
*** 2 NEIGHBORHOOD GARAGES HAVE LARGER FARS AND 3 ARE THE SAME/SIMILAR
# ACCESSORY STRUCTURE LOT COVERAGE, PER NET SITE AREA

# SETBACK & FAR COMPARISONS

# UNIVERSITY AVE LOOKING ACROSS FROM PROJECT

1/16" = 1'-0"




# MILES AVE LOOKING ACROSS FROM PROJECT

1/16" = 1'-0"


JAY PLETT
ARCHITECT

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jay@plett-arc.com
www.plett-arc.com
213 Bean Avenue
Los Gatos, CA 95030


Print date :

11.30.22
09.07.22
06.30.22

# SHEWEY RESIDENCE

REMODEL & ADDITION
202 UNIVERSITY AV.


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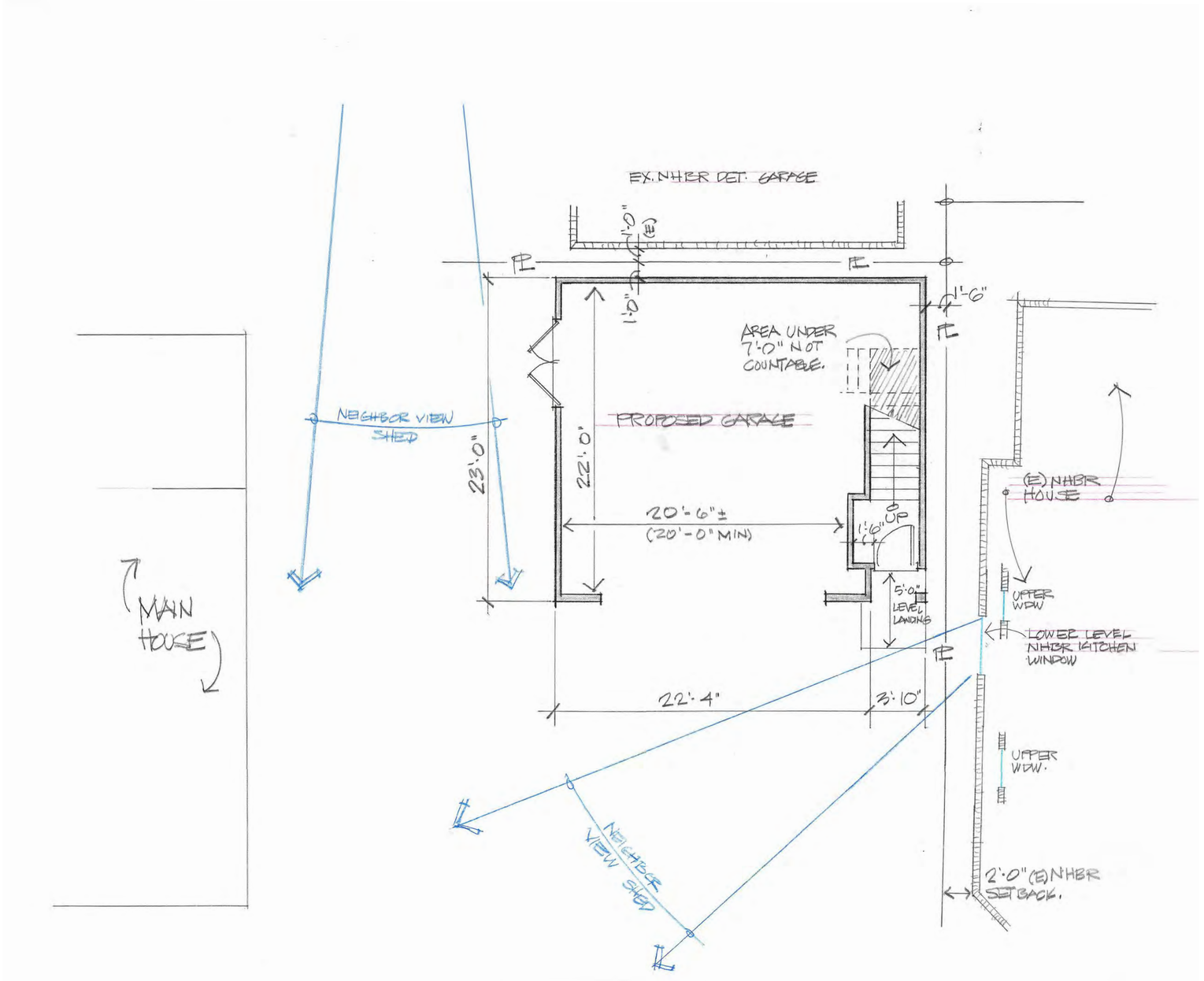
Scale :

Date :

Sheet

NP-1




# GARAGE PLAN

1/4" = 1'-0"



Print date :

9.4.22
7.12.22

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SHEWEY ADU

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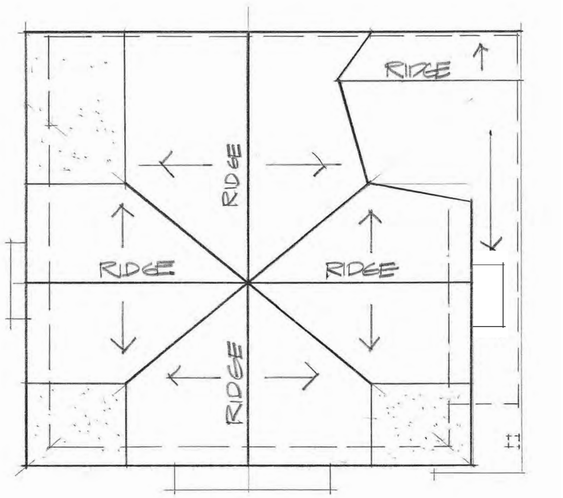
Date :

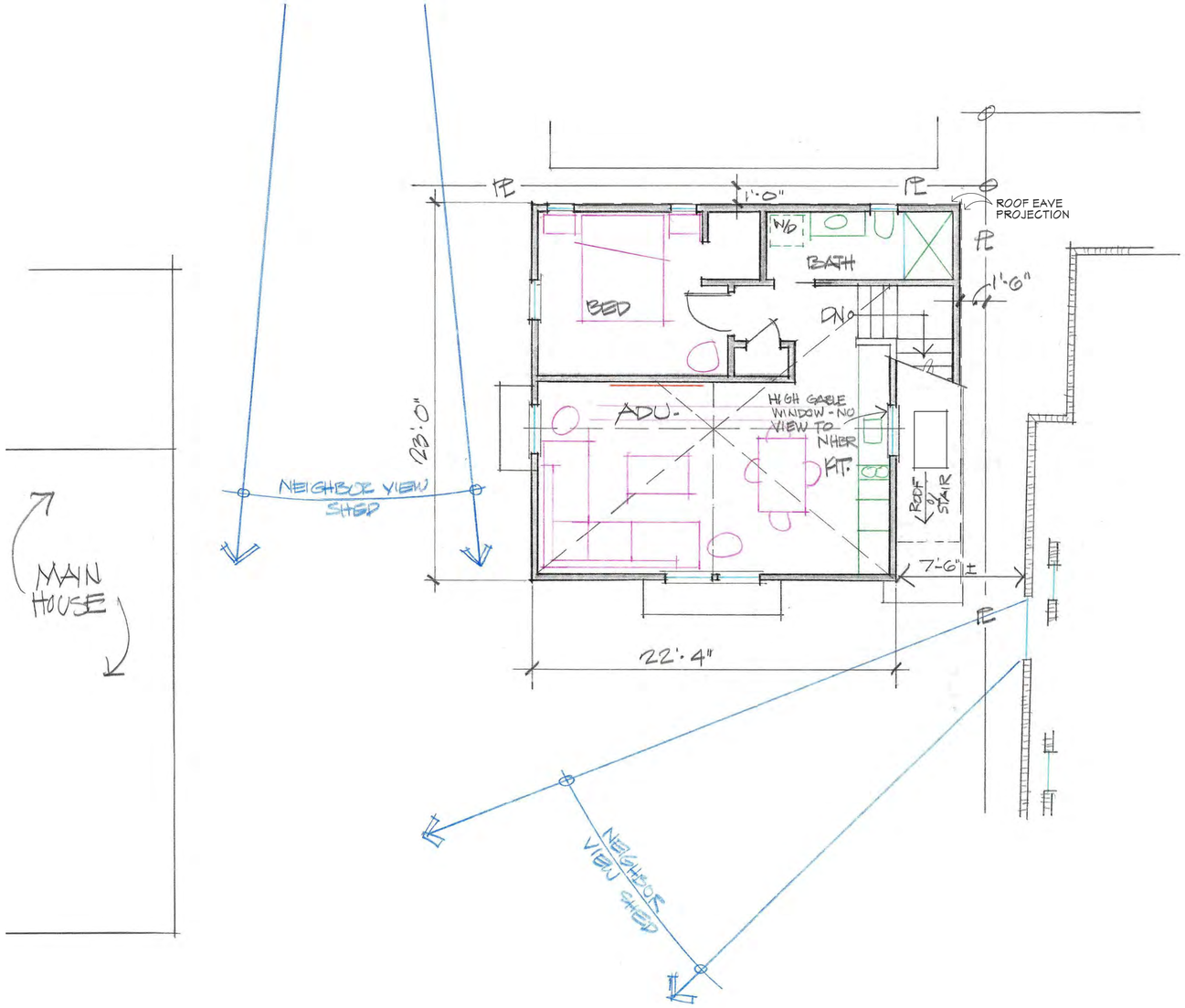
Sheet

A-2




# ROOF PLAN

1/4" = 1'-0"




# UPSTAIRS PLAN

1/4" = 1'-0"

Print date :

9.4.22
7.12.22

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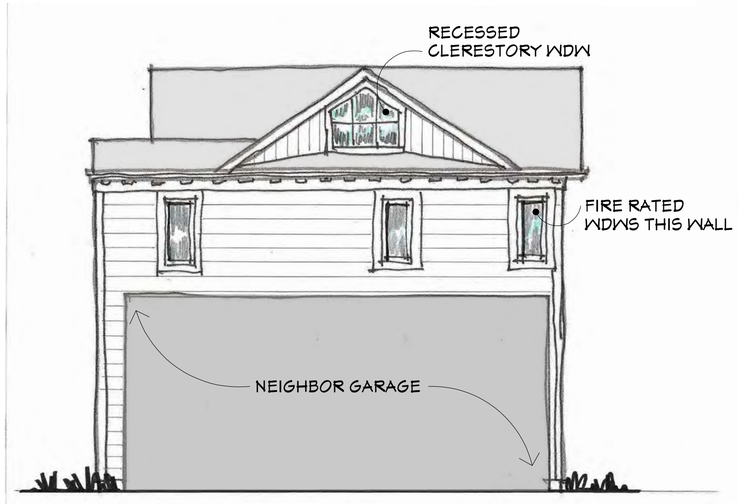
Sheet

A-3

## EAST

## SOUTH (FROM MILES AV)




## NORTH

## WEST

# ELEVATIONS

1/4" = 1'-0"



Print date :

9.4.22
7.12.22

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A-4

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**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 12/14/2022

ITEM NO: 3

ADDENDUM

DATE: December 13, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP. **Located at 202 University Avenue**. APN 529-04-001. Variance Application V-22-003. Property Owner: Tyler and Kristine Shewey. Applicant: Jay Plett, Architect.

REMARKS:

Exhibit 11 includes additional public comments received between 11:01 a.m., Friday, December 9, 2022, and 11:00 a.m., Tuesday, December 13, 2022.

EXHIBITS:

Previously received with the December 14, 2022 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Draft Conditions of Approval
4. Planning Commission Staff Report with Exhibits, January 26, 2022
5. Planning Commission Action Letter, January 26, 2022
6. Historic Preservation Committee Action Letter, August 24, 2022
7. Letter of Justification
8. Public comments received by 11:00 a.m., Friday, December 9, 2022
9. Development Plans

Received with this Addendum Report:

10. Public comments received between 11:01 a.m., Friday, December 9, 2022, and 11:00 a.m., Tuesday, December 13, 2022

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

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**From:** Russ Anderson [redacted]
**Sent:** Monday, December 12, 2022 2:14 PM
**To:** Planning <Planning@losgatosca.gov>
**Subject:** 202 University Variance Application V-22-003

EXTERNAL SENDER

Planning Commision,

Being residents of [redacted].for 40 years, we have some concerns with the adjacent ADU/Garage project at 202 University Ave.

First of all, looking at both West and North Elevations on page A-4 on the provided plans, the structure which is 24ft.high and 23ft. wide seems to dwarf my 80 year old garage that is 12ft. to the ridge and 12ft. wide. With a 1ft. Setback and 6 windows above the garage looking in on my backyard creates a privacy issue for us at such a close proximity.

Secondly,The grade at the front of my garage ,which lines up with the West facing elevation of the ADU/Garage is a foot lower than our neighbors at 202 University, At the back of our property where our property intersects with our neighbors at [redacted] and [redacted] the grade is at least 2 feet below the grade at 202 University and that runs for most of the grade at [redacted]. There aren't any engineered retaining walls but standard fencing. This invites a water removal issue for roof discharge and a structural issue for a two-story foundation built practically on our property lines which needs to be discussed and dealt with at some time.

Thirdly, We don't remember seeing any story poles for this structure, which we believe in this situation would give everyone involved a real visual guide to what the finished product will look like. Finally, after building and designing for 40 years in this town, Fire codes were always a challenge with variances and setback issues, though this may be only a Planning commission decision today, we're assuming all channels of safety issues are being required.

Thank You, Russ and Lois Anderson



EXHIBIT 10

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DATE: December 14, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Construction of an Accessory Structure Requiring Variances to Accessory Structure Lot Coverage Standards and Side and Rear Setback Requirements in the University-Edelen Historic District on Property Zoned R-1D:LHP. **Located at 202 University Avenue**. APN 529-04-001. Variance Application V-22-003. Property Owner: Tyler and Kristine Shewey. Applicant: Jay Plett, Architect.

REMARKS:

Exhibit 11 includes a request for continuance from the property owners to allow them additional time to continue to work with their neighbors to address their concerns. Staff recommends continuing the application to a date certain of January 25, 2022.

EXHIBITS:

Previously received with the December 14, 2022 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Draft Conditions of Approval
4. Planning Commission Staff Report with Exhibits, January 26, 2022
5. Planning Commission Action Letter, January 26, 2022
6. Historic Preservation Committee Action Letter, August 24, 2022
7. Letter of Justification
8. Public comments received by 11:00 a.m., Friday, December 9, 2022
9. Development Plans

Previously received with th December 14, 2022 Addendum Report:

10. Public comments received between 11:01 a.m., Friday, December 9, 2022, and 11:00 a.m., Tuesday, December 13, 2022

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

EXHIBITS (continued):

Previously received with the December 14, 2022 Addendum Report:
11. Request for continuance from property owners, received December 14, 2022

**From:** Tyler Shewey <[redacted]>
**Sent:** Wednesday, December 14, 2022 10:00 AM
**To:** Sean Mullin <SMullin@losgatosca.gov>
**Cc:** Jay Plett <[redacted]>
**Subject:** Request for Continuation for 202 University Avenue (Variance Application V-22-003)

EXTERNAL SENDER

Hi Sean,

We (Tyler and Kristine Shewey) hereby respectfully request a continuation of the application for garage variance for 202 University Avenue (Variance Application V-22-003) to the next available Planning Commission meeting to allow us additional time to work in good faith with our neighbors to attempt to address the concerns raised by our neighbors at [redacted] and [redacted], which they sent to the Planning Commission on December 12, 2022 and December 9, 2022, respectively.

Please confirm your receipt of this email and, if you have any questions, please do not hesitate to reach out to me and/or Jay Plett.

Thank you,
Tyler and Kristine Shewey
[redacted]



EXHIBIT 11

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**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 12/14/2022

ITEM NO: 4

DATE: December 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:12. **Located at 14876 Clara Street**. APN 409-25-027. Architecture and Site Application S-22-033. PROPERTY OWNER: Jacob John. APPLICANT: Louie Leu. PROJECT PLANNER: Jocelyn Shoopman.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:12 (Single-Family Residential – 12,000-square foot minimum lot size)
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 20,234 square feet
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|---|---|---|---|
| North | Residential | Low Density Residential | R-1:12 |
| South | Residential | Low Density Residential and City of Monte Sereno | R-1:12 |
| East | Residential | Low Density Residential | R-1:12 |
| West | Residential | Low Density Residential | R-1:12 |

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

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

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required for compliance with the Residential Design Guidelines.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the east side of Clara Street (Exhibit 1). The property is approximately 20,234 square feet and is developed with an existing 1,980-square foot single-story residence with a 565-square foot attached garage. The immediate neighborhood as defined by the Residential Design Guidelines is made up of one-story residences.

The project meets all technical requirements of Town Code including height, floor area, building coverage, parking, and setbacks.

The project is being considered by the Planning Commission due to the proposed residence resulting in the first two-story residence in the immediate neighborhood as defined by the Residential Design Guidelines.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the east side of Clara Street, approximately 350 feet north of La Rinconada Drive (Exhibit 1). The property is developed with a single-family residence and attached garage. Single-family residential development abuts the property to the north, east, west, and to the south; however, the homes located to the south are located within the City of Monte Sereno.

B. Project Summary

The applicant is proposing construction of a new 1,234-square foot second-story addition to an existing one-story single-family residence. The project also includes an addition of 161 square feet to the first floor. The total resulting two-story residence, including a 65-square foot detached accessory structure would be 3,449 square feet with an existing 565-square foot attached garage (Exhibit 10).

C. Zoning Compliance

A single-family residence is permitted in the R-1:12 zone. The proposed residence is in compliance with the allowable floor area, building coverage, setbacks, parking, and height requirements for the property. No exceptions are being requested.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing a 3,449-square foot two-story residence with an existing 565-square foot attached garage.

The height of the proposed residence would be approximately 24 feet where a maximum of 30 feet is allowed. The existing one-story residence is approximately 13 feet, five inches tall. A schematic streetscape of the adjacent one-story residences within the immediate neighborhood has been provided by the applicant on Sheet A-1.2 of Exhibit 10.

The applicant has provided a Letter of Justification summarizing the project (Exhibit 4). The proposed Development Plans are included in Exhibit 10.

A summary of the floor area for the existing and proposed residence is included in the table on the following page.

PROJECT DESCRIPTION (continued):

| **Floor Area Summary** | | | | |
|---|---|---|---|---|
| | **Existing SF** | **Addition SF** | **Proposed SF** | **Max Allowed SF** |
| First Floor | 1,980 | 161 | 2,141 | 4,616 |
| Second Floor | -- | 1,243 | 1,243 | |
| Detached Accessory Structure | 65 | -- | 65 | |
| **Total** | **2,045** | **1,404** | **3,449** | |
| Garage | 565 | -- | 565 | 1,160 |

The proposed project materials include hardie board horizontal lap siding; a hardie board vertical siding feature above the front entry; brick veneer; a dark gray standing seam metal roof; and metal clad windows. A Color and Materials sheet is included as Exhibit 6.

The project is being considered by the Planning Commission due to the proposal resulting in the first two-story residence in the immediate neighborhood as defined by the Residential Design Guidelines. The proposed residence would be approximately four feet, five inches taller than the tallest residence in the neighborhood at 14832 Clara Street with an approximate height of 19 feet, five inches (Sheet A-1.2, Exhibit 10).

Should the Planning Commission choose to consider a greater view of the immediate neighborhood, there are existing two-story residences when traveling north of the subject property along Golf Links Drive towards Clearview Drive, southeast of the subject property along La Rinconada Drive and Zena Avenue, and southwest of the subject property along La Rinconada Drive and Natalye Drive. The residences located south of the subject property along La Rinconada Drive are located within the City of Monte Sereno.

B. Building Design

The proposed project materials include hardie board horizontal lap siding; a hardie board vertical siding feature above the front entry; brick veneer; a dark gray standing seam metal roof; and metal clad windows (Exhibit 6). In their Letter of Justification (Exhibit 4), the applicant states that the proposed residence would be in keeping with the ranch or tract style of homes with a combination of hip and gable roof forms. The applicant's letter details their efforts to discuss the project with their neighbors. Lastly, the letter describes the consideration given to the surrounding neighborhood in designing a project that is architecturally compatible.

PROJECT DESCRIPTION (continued):

The proposed residence would include eight-foot plate heights on the first floor and for the bedrooms on the second floor (Exhibit 10, Sheet A-3.1). The second-story addition would have the following approximate step-backs from the first floor:

- Between two feet, eleven and a half inches, and four feet, five and a half inches along the front elevation;
- Approximately 11 feet, six inches along the left-side elevation; and
- Approximately 17 feet, four and a half inches along the right-side elevation.

Additionally, the proposed residence sits approximately two feet below Clara Street and is partially screened by five existing cedar trees which are proposed to remain. The residence proposes a 4/12 roof pitch helping to reduce the overall height of the residence by utilizing a low roof pitch and gabled roofs, both commonly used in the immediate neighborhood.

The Town's Consulting Architect reviewed the proposed residence on August 4, 2022 (Exhibit 5). The Consulting Architect identified several issues with the project that were inconsistent with the Residential Design Guidelines. In response, the applicant made modifications to the design of the residence and provided written responses to the remaining issues and recommendations of the Consulting Architect (Exhibit 4). The recommendations identified by the Consulting Architect are provided below, followed by the applicant's response in *italics*.

1. Reduce the visual bulk of the second-floor addition by utilizing hip roof forms in lieu of gable roofs.

   *The second story portion of the residence has a plate height of eight feet and its visual mass is broken up by a lower roof line. The upper roof is proposed as a hip roof with gable dormers, which is a consistent roof line utilized by other homes within the immediate neighborhood.*

2. Select and maintain a single roof slope for all roofs.

   *The proposed design incorporates a mix of hip and gable roof forms. The proposal stays within the neighborhood pattern in terms of its use of simple roof forms and exterior materials.*

3. Retain the hip roof form on the garage to provide more design unity.

   *The design proposes to modify the existing hip roof over the garage to a gable roof for consistency with the other gable elements proposed elsewhere on the residence.*

PROJECT DESCRIPTION (continued):

4. Simplify the first-floor eaves and provide an under-the-eave entry consistent with the surrounding homes.

   *Gable roof forms above a lower roof line at the entry is seen on other homes just outside of the immediate neighborhood at 14871 Golf Links Drive and 17261 La Rinconada. The home incorporates similar architectural elements, dormers, low pitches, and gabled roofs common in the surrounding homes.*

5. Eliminate the brick facing on the front elevation.

   *The proposed exterior materials will retain the existing horizontal wood siding and add a brick accent to the front mid-section of the home. The brick will run the full height from the ground to the roof line at the lower level and return to the inside corners of the building. The brick is proposed to be painted to match the wood siding in color, so it will be more of a subtle accent. This technique can be seen on a nearby house at 14737 Eastview. There are several homes in the immediate neighborhood which combine the use of stone or brick as an accent material and can be seen at 14854 Clara Street, 14891 Clara Street, and 14821 Golf Links Drive.*

6. Center the second-floor front facade windows in the projecting bay facade.

   *Modification incorporated into the revised design.*

7. Chose a roof material more sympathetic to the surrounding homes. It could perhaps be a composition roof similar to nearby homes or a metal roofing with the look, color, and texture of composition roofing.

   *While a metal roof is not as commonly seen in the immediate neighborhood, a standing seam metal roof is proposed for a pending Architecture and Site application for a new single-family residence located within the immediate neighborhood at 14810 Clara Street.*

As detailed above, the applicant has made one of the recommended modifications to the design in response to the recommendations made by the Consulting Architect and has provided justification for not making the additional recommended modifications.

PROJECT DESCRIPTION (continued):

C. Neighborhood Compatibility

The immediate neighborhood is made up of all one-story residences. Based on Town and County records, the residences in the immediate area range in size from 2,301 square feet to 3,603 square feet. The floor area ratios (FAR) range from 0.09 to 0.20. The proposed residence would be 3,449 square feet with a FAR of 0.17. Pursuant to Town Code, the maximum allowable square footage for the 20,234-square foot lot is 4,616 square feet with a maximum FAR of 0.23. The table below reflects the current conditions of the immediate neighborhood.

| Address | Zoning | House SF | Garage SF | Total SF | Site SF | Building FAR | Stories |
|---|---|---|---|---|---|---|---|
| 14854 Clara | R-1:12 | 3,603 | 420 | 4,023 | 20,453 | 0.18 | 1 |
| 14832 Clara | R-1:12 | 3,610 | 440 | 4,050 | 18,247 | 0.20 | 1 |
| 14898 Clara | R-1:12 | 2,410 | 928 | 3,338 | 17,022 | 0.14 | 1 |
| 14901 Clara | R-1:12 | 2,301 | 483 | 2,784 | 15,090 | 0.15 | 1 |
| 14891 Clara | R-1:12 | 2,347 | 525 | 2,872 | 25,976 | 0.09 | 1 |
| 14841 Clara | R-1:12 | 2,336 | 504 | 2,840 | 26,845 | 0.09 | 1 |
| **14876 Clara (E)** | **R-1:12** | **1,980** | **565** | **2,545** | **20,234** | **0.10** | **1** |
| **14876 Clara (N)** | **R-1:12** | **3,449** | **565** | **4,014** | **20,234** | **0.17** | **2** |

The proposed residence would comply with the maximum allowed floor area and height for the property and would not be the largest home in the immediate neighborhood in terms of square footage or FAR; however, it would create the first two-story home in the immediate neighborhood.

D. Tree Impacts

Pursuant to Town Code, trees adjacent to tree protection fencing shall be erected before demolition or construction permits are issued and shall remain in place until the work is completed. No trees on the site are proposed for removal. The recommended conditions of approval include that the requirements of the Tree Protection Ordinance are implemented by the applicant prior to issuance of a Building Permit (Exhibit 3).

E. Neighbor Outreach and Public Comments

Exhibit 7 includes letters in support of the project. Public comments received by 11:00 a.m., Friday, December 9, 2022, are included as Exhibit 8. Exhibit 9 includes the applicant's response to public comments.

F. Environmental Review

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

CONCLUSION:

A. Summary

The applicant is proposing construction of a 1,234-square foot second-story addition to an existing one-story single-family residence. The project also includes an addition of 161 square feet to the first floor. The two-story residence, including a 65-square foot detached accessory structure would be 3,449 square feet with an existing 565-square foot attached garage (Exhibit 10). The project is in compliance with the objective standards of the Town Code related to allowable floor area, height, setbacks, lot coverage, and on-site parking requirements. The project was reviewed by the Town's Consulting Architect who provided recommendations for the project to integrate the proposal within the immediate neighborhood and address the design's consistency with the Town's Residential Design Guidelines (Exhibit 5). In response to the recommendations of the Consulting Architect, the applicant responded to the issues identified in the report through revision of the residence and provided justification for not making the additional recommended modifications (Exhibit 4). The applicant also utilized eight-foot plate heights on both floors in an effort to mitigate the impact of second-floor height and bulk relative to other homes in the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommends denial of the Architecture and Site application based on concerns related to the project's compatibility with the immediate neighborhood and consistency with the Residential Design Guidelines.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
   a. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities (Exhibit 2);
   b. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);

CONCLUSION (continued):

c. Make the finding that the project complies with the Town's Residential Design Guidelines (Exhibit 2);
d. 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
e. Approve Architecture and Site application S-22-033 with the conditions contained in Exhibit 3 and the development plans in Exhibit 10.

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. Letter of Justification and Response to the Consulting Architect Report
5. Consulting Architect Report
6. Color and Materials Sheet
7. Neighborhood Letters of Support
8. Public Comments received prior to 11:00 a.m., Friday, September 23, 2022
9. Applicant's Response to Public Comments
10. Development Plans

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# 14876 Clara Street

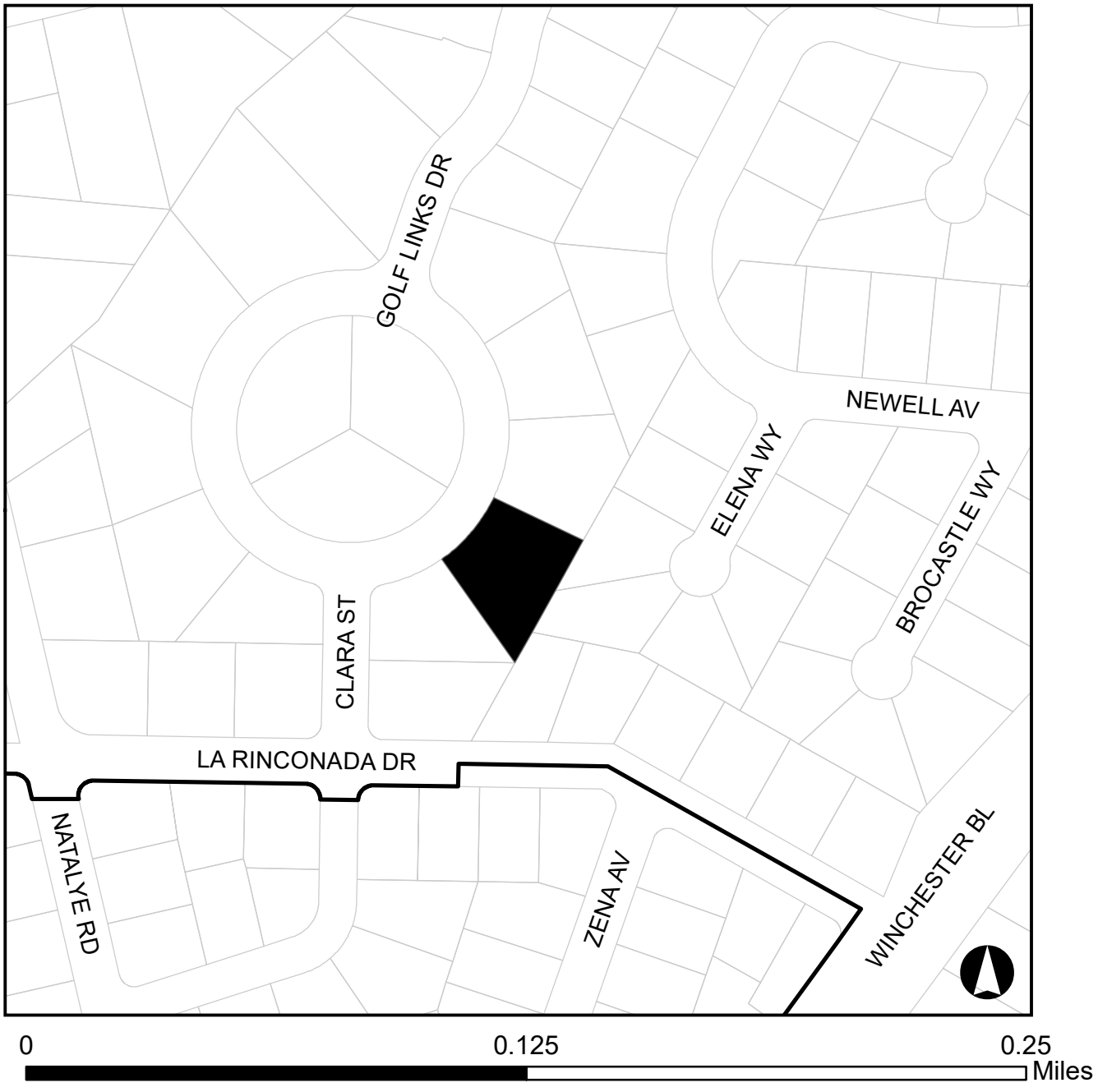




EXHIBIT 1

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**PLANNING COMMISSION –** *December 14, 2022*
**REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

**14876 Clara Street**
**Architecture and Site Application S-22-033**

**Requesting Approval for Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:12. Located at 14876 Clara Street. APN 409-25-027.**

**PROPERTY OWNER: Jacob John**
**APPLICANT: Louie Leu**
**PROJECT PLANNER: Jocelyn Shoopman**

**FINDINGS**

**Required Finding for CEQA:**

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

**Required Compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

**Required Compliance with the Residential Design Guideline:**

- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas.

**CONSIDERATIONS**

**Required Considerations in Review of Architecture and Site Applications:**

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

EXHIBIT 2

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**PLANNING COMMISSION –** *December 14, 2022*
**CONDITIONS OF APPROVAL**

**14876 Clara Street**
**Architecture and Site Application S-22-033**

**Requesting Approval for Construction of a Second Story Addition to an Existing Single-Family Residence on Property Zoned R-1:12. Located at 14876 Clara Street. APN 409-25-027.**

**PROPERTY OWNER: Jacob John**
**APPLICANT: Louie Leu**
**PROJECT PLANNER: Jocelyn Shoopman**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
4. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
7. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
8. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
9. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.

EXHIBIT 3

10. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
12. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

*Building Division*

13. PERMITS REQUIRED: A Building Permit is required for the renovation and addition to the single-family residence and attached garage.
14. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
15. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
16. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
17. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e., directly printed, onto a plan sheet.
18. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
19. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
20. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available online at www.losgatosca.gov/building.
21. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be

part of the plan submittal as the second page. The specification sheet is available online at www.losgatosca.gov/building.

22. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
    a. Community Development – Planning Division: (408) 354-6874
    b. Engineering/Parks & Public Works Department: (408) 399-5771
    c. Santa Clara County Fire Department: (408) 378-4010
    d. West Valley Sanitation District: (408) 378-2407
    e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

23. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.
24. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
25. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
26. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
27. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (INDEMNITY AGREEMENT): The property owner shall enter into an agreement with the Town for all existing and proposed private improvements within the Town's right-of-way. The Owner shall be solely responsible for maintaining the improvements in a good and safe condition at all times and shall indemnify the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works, and subsequently recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder, prior to the issuance of any building permits. Please note that this process may take approximately six to eight (6-8) weeks.

28. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
29. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner, Applicant and/or Developer or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner, Applicant and/or Developer or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner, Applicant and/or Developer or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
30. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
31. STREET CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
32. PLAN CHECK FEES: Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
33. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
34. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.
35. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need

to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.

36. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
37. WATER METER: The existing water meter, currently located within the Town of Los Gatos right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
38. SANITARY SEWER CLEANOUT: The existing sanitary sewer cleanout, currently located within the Town of Los Gatos right-of-way, shall be relocated within the property in question, within one (1) foot of the property line per West Valley Sanitation District Standard Drawing 3, or at a location specified by the Town. The Owner, Applicant and/or Developer shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
39. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
40. UTILITIES: The Owner, Applicant and/or Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner, Applicant and/or Developer is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
41. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
42. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a grading or building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.

43. CONSTRUCTION HOURS: All site improvement construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner, Applicant and/or Developer shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
44. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
45. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.
46. BEST MANAGEMENT PRACTICES (BMPs): The Owner, Applicant and/or Developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
47. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
    a. Protect sensitive areas and minimize changes to the natural topography.
    b. Minimize impervious surface areas.
    c. Direct roof downspouts to vegetated areas.
    d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
    e. Use landscaping to treat stormwater.
48. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
49. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A

maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

50. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
51. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
    a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
    b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
    c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
    d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
    e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control

device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.

f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

52. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
53. SILT AND MUD IN PUBLIC RIGHT-OF-WAY: It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
54. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

55. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
56. FIRE SPRINKLERS REQUIRED: (As Noted on Sheet A-0.0) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011, that does not total more than 1,000

square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.

57. REQUIRED FIRE FLOW: (Letter received) The minimum require fireflow for this project is 875 Gallons Per Minute (GPM) at 20 psi residual pressure. This fireflow assumes installation of automatic fire sprinklers per CFC [903.3.1.3].
58. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
59. ADDRESS IDENTIFICATION: (As Noted on Sheet A-00.01) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
60. CONSTRUCTION SITE FIRE SAFETY: (As Noted on Sheet A-00.01) All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
61. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance [CFC, Ch.1, 105.3.6].

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LOUIE LEU ARCHITECT INC

7 September 2022

Community Development Department,
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

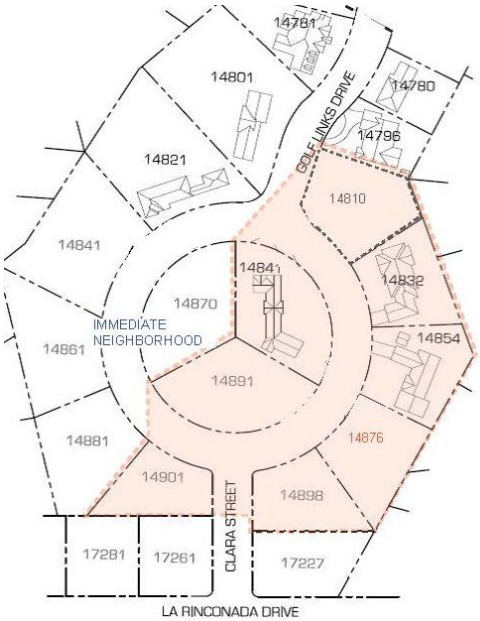
Re: Letter of Justification for proposed second-story addition at 14876 Clara Street, Los Gatos
Attn: Planning Staff

Jacob John and Kavitha Rao have lived at 14876 Clara Street for the past 2-1/2 years. The house was originally constructed in 1950's and is a single-story home. With two growing kids, grandparents who visit frequently for long durations and work-at-home situations, the current home is insufficient. They have concluded that it would be more economically feasible to add a second story rather than expand on a single level. This would preserve yard area and also maintain more separation from the neighbors, as the home next door (at 14854) had made recent additions to their home, which brought their home closer to their shared fence line.

The following is a general description of the project, identifying the project's compliance to the Single Family Residential guidelines.

The project site is an interior lot on Clara Street, approximately 20,000 sq.ft with a 7.9% slope down and away from the street.

Clara Street is unique in that it is a circular street, with 3 homes inside the circle and ten homes around the outside of the circle. The circular road is entered on one side by Clara Street and on the other by Golf Links Drive. As such, the immediate neighborhood definition diagrams shown in the Design Guidelines (Section 1.6), don't really fit in this case. Applying "common sense" as stated by the Design Guidelines, we would make the case that the immediate neighborhood consists of the homes visible from our site and on the same side of the circle. These would include the 3 homes on the outer circle to left side of our parcel, the two homes on the outer circle to the right side of our parcel, and the 2 homes across the street on the inner side of the circle. (see adjacent diagram)



*Immediate neighborhood diagram*



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www.louieleuarch.com



DESIGN FOR LIVING

EXHIBIT 4

The existing homes in this immediate neighborhood are single story, ranch or tract style homes with a combination of hip and gable roofs. Five of the homes have asphalt shingle roof, one shake roof, and one metal roof. The house with the metal roof recently burned down, and is rebuilt as a single story contemporary home with a metal roof and 10'-plus plate heights. The other homes appear to be of original construction dating back to the 1950's. The home at 14832 Clara appears to more recent due to its higher pitched roof.

All of these homes have some sort of gable element in their roofline facing the street. Two have gabled entry elements (14898 Clara, 14832 Clara), and two have brick or stone accents on the front elevations of the home (14854 Clara and 14841 Clara).

*(House next door at 14854 Clara, has gable roof over garage, gabled roof lines, stone used as an accent in middle of façade, and different eave heights.)*

*(House at 14832 Clara, has gabled entry, and gabled roof lines)*



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DESIGN FOR LIVING

*(House at 14898 Clara St, has a gabled entry feature).*

**Description of Proposed Design:**

The proposed design is for a second-story addition of 1,243 square feet above the existing 1,980 square foot lower level. The height of the new home will increase approximately from 13.5 feet to 24 feet. However, it should be noted that this site is the lowest site in the circle, and the current home sits about 2 feet below the road. It is the only house that sits below street level, while all other sit at or above the street level. It is also separated from the street by 5 huge cedar trees, which provides substantial screening. As such, this two-story addition will have less visibility and impact on adjoining homes.

*(Our property at 14876 Clara Street, showing the existing trees that screen the home)*



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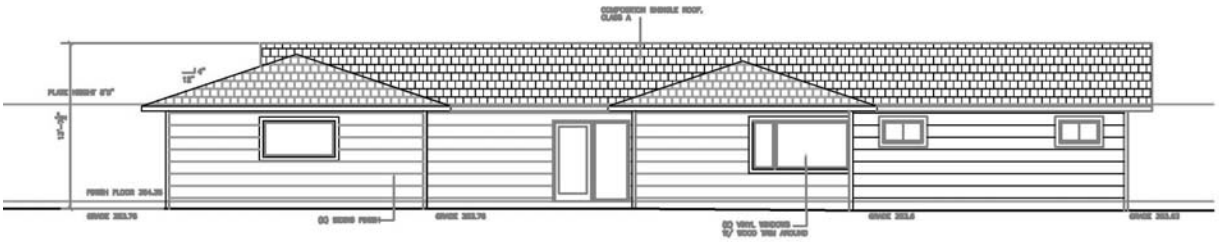
Our proposed design stays within the neighborhood pattern in terms of its use of simple gable forms and exterior materials. The second story portion has a plate height of only 8' and its visual mass is broken up by a lower roof line. The upper roof is a hip roof with gabled dormers. The house next door has a gable roof over their garage. This design proposes changing the current hip roof over the garage to a gable roof to be like the house next door, and to be consistent with the other gable elements proposed on the house.



***Existing front elevation***

***Proposed front elevation***



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DESIGN FOR LIVING

Gable roof forms above a lower roof line are common on several homes just outside of the intermediate neighborhood. (14781 Golf Links Dr. and 17261 La Rinconada, homes which are just two properties removed from the immediate neighborhood by definition)

*(Houses with gable roof forms above a lower roof line-14781 Golf Links Dr. and 17261 La Rinconada)*

The home incorporates similar architectural elements, dormers, low pitched and gabled roofs common in the area. The exterior materials will retain the existing horizontal wood siding, and add brick accent to the front mid-section of the home. The brick runs full height from the ground to the roof line at the lower level and returns to the inside corners of the building. The brick will be painted to match the wood siding, so it will be more of a subtle accent. This technique can be seen on a nearby house at 14737 Eastview.

*(house at 14737 Eastview, showing use of painted brick to create different texture next to wood siding)*



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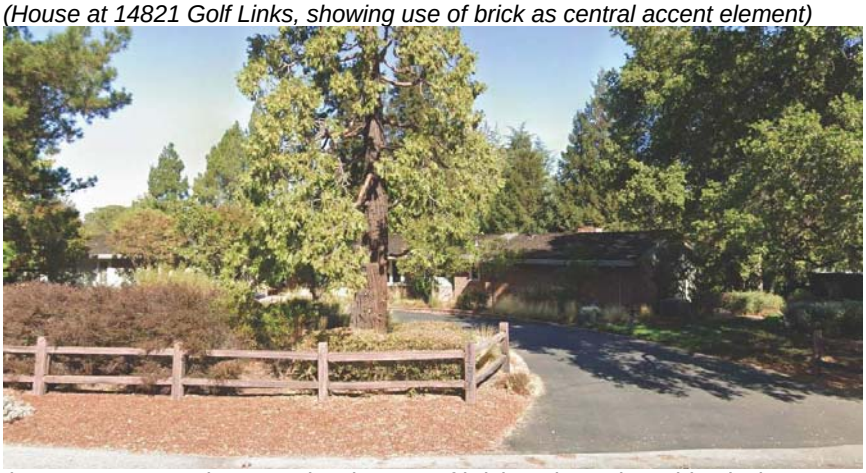
Fax: 408-399-2223
www.louieleuarch.com

Several homes in the immediate neighborhood combine the use of stone or brick as an accent material (next door at 14854 Clara, across the street at 14891 Clara, and around the circle on 14821 Golf Links)

*(House at 14854 Golf Links, uses stone as central accent element)*

*(House at 14821 Golf Links, showing use of brick as central accent element)*



*(House at 14891 Clara St., showing use of brick and wood combination)*



236 N. Santa Cruz Ave., Ste. 210
Los Gatos, California 95030
Telephone: 408-399-2222
Fax: 408-399-2223
www.louieleuarch.com

Our project proposes a metal standing seam roof. While a metal roof is not as common, a standing seam metal roof will be on the new re-built house just 3 properties to the left within the sphere of the immediate neighborhood (14810 Clara St).

*(house to be built at 14810 Clara St)*

Metal roofs are also on several homes in the broader neighborhood, (14737 Eastview, 14745 and 14784 La Rinconada). Metal roofs are a more ecological friendly (green) roofing material than asphalt shingles, and is being used more commonly as a preferred roofing material. The metal roof color will be dark gray, similar to the color of asphalt shingles, so as not to easily standout.

The proposed addition saves all the current mature trees on the site and should have minimal impact on the neighbors. There will be no privacy impacts or solar access impact to the neighbors. The home does not alter the site's topography or drainage patterns. The floor area is below the allowable F.A.R and all setbacks are met. No exceptions are being requested.

As this will be the first two story home in the neighborhood, the building should not only be sensitive to the neighborhood in terms of scale, colors, and rooflines (as per the Design Guidelines), but should also be somewhat interesting and have some character. It should set a good example for those to follow. It should not be a bland two-story home that appears to be copy the same architecture of the original homes. The neighborhood is in the beginning stages of transition as most all of the homes are over 50-60 years old and will be eventually be re-built or remodeled sometime in the near future. The home being re-built at 14810 Clara St is a modern single-story home, with different wood siding materials, taller plate heights and large expanses of windows. This is a good example of how transitional architectural can be slightly different in character and be interesting, using different but current materials, and be a positive improvement for the neighborhood. We believe that our design is in keeping with this idea.

We hope that this project description provides the Planning and Development Review Committee with sufficient evidence of general compliance to Residential Design "guidelines" to support approval of the project.

Sincerely,
LOUIE LEU ARCHITECT, Inc.

Louie Leu, AIA



236 N. Santa Cruz Ave., Ste. 210
Los Gatos, California 95030
Telephone: 408-399-2222
Fax: 408-399-2223
www.louieleuarch.com



DESIGN FOR LIVING

Cc: Jacob John and Kavitha Rao



236 N. Santa Cruz Ave., Ste. 210
Los Gatos, California 95030
Telephone: 408-399-2222
Fax: 408-399-2223
www.louieleuarch.com

CDG
CANNON
DESIGN
GROUP

ARCHITECTURE PLANNING URBAN DESIGN

August 4, 2022

Ms. Jocelyn Shoopman
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

**RE: 14876 Clara Street**

Dear Jocelyn:

I reviewed the drawings and evaluated the site context. My comments and recommendations are as follows:

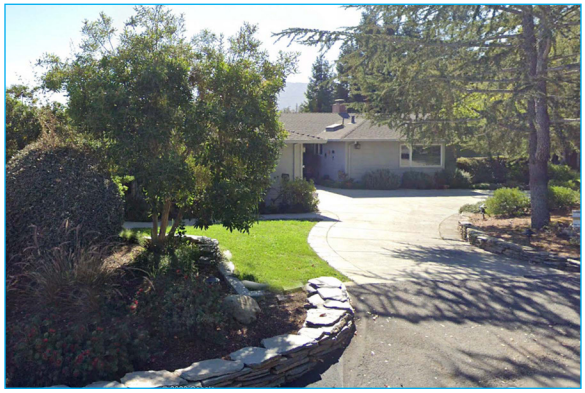
**Neighborhood Context**

The site is a large parcel located in an unique circular neighborhood of one-story Ranch Style homes. Photographs of the neighborhood are shown on the following page.

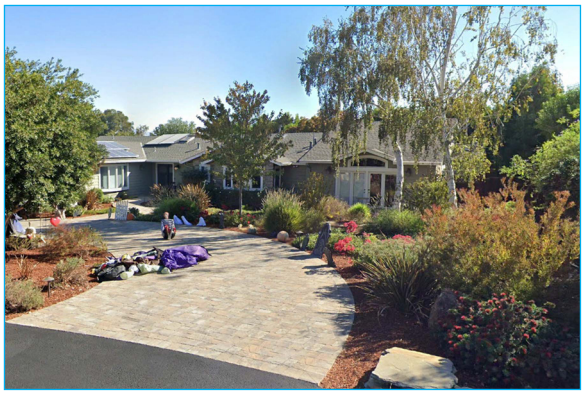
700 LARKSPUR LANDING CIRCLE . SUITE 199 . LARKSPUR . CA . 94939

TEL: 415.331.3795
CDGPLAN@PACBELL.NET

EXHIBIT 5

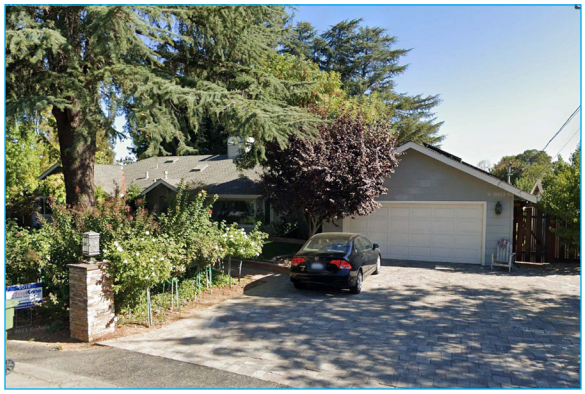


*THE SITE*

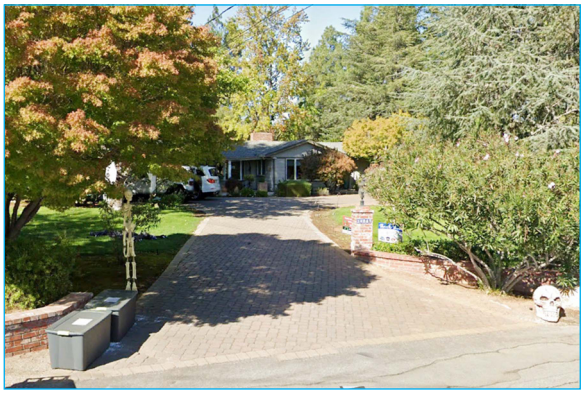


*House to the immediate left*

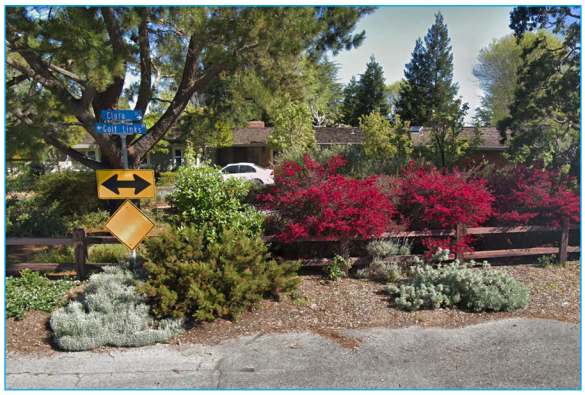
*House to the immediate right*



*Nearby house to the left*



*Nearby house*



*Nearby house across Clara Street*

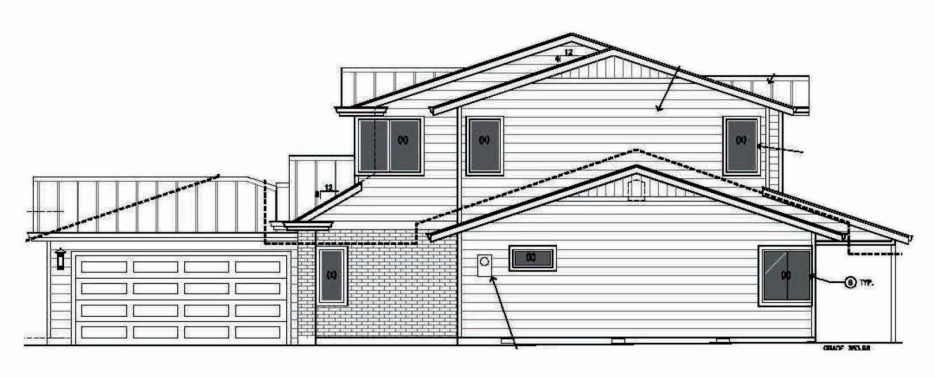
*Nearby house across Clara Street*

## OVERVIEW

Proposed elevation illustrations are shown below.

*PROPOSED FRONT ELEVATION*

*PROPOSED LEFT SIDE ELEVATION*

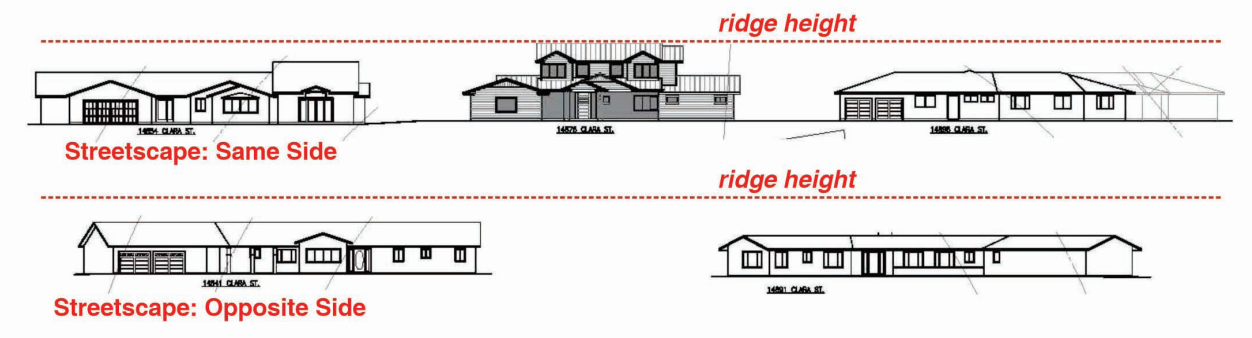


*PROPOSED RIGHT SIDE ELEVATION*

*PROPOSED REAR ELEVATION*

## ISSUES AND CONCERNS

The proposed addition would create the first two-story structure in the neighborhood - see streetscape illustration below.

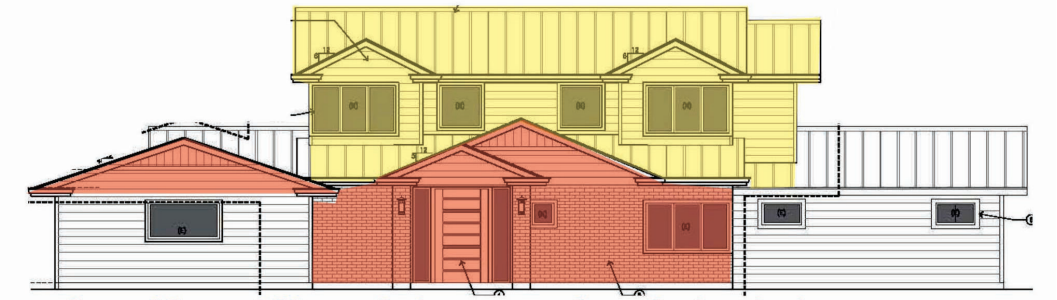



There are a few issues with sympathetically integrating the changes into the immediate neighborhood and addressing the proposed design's consistency with the Town's Residential Design Guidelines .

1. The second floor addition appears quite large compared to the existing home and to the surrounding neighborhood homes - see illustration below. Its visual prominence would not be consistent with Residential Design Guideline 2.3.1.

**2.3.1 Design two story houses in predominantly one story neighborhoods to blend with the smaller homes.**

*Two-story houses may not be appropriate for every neighborhood. For neighborhoods dominated by one-story homes, an effort should be made to limit the house to one-story in height or to accommodated second floor space within the existing roof. If a two-story house is proposed in this type of a neighborhood, the house shall be designed to blend with the smaller homes.*

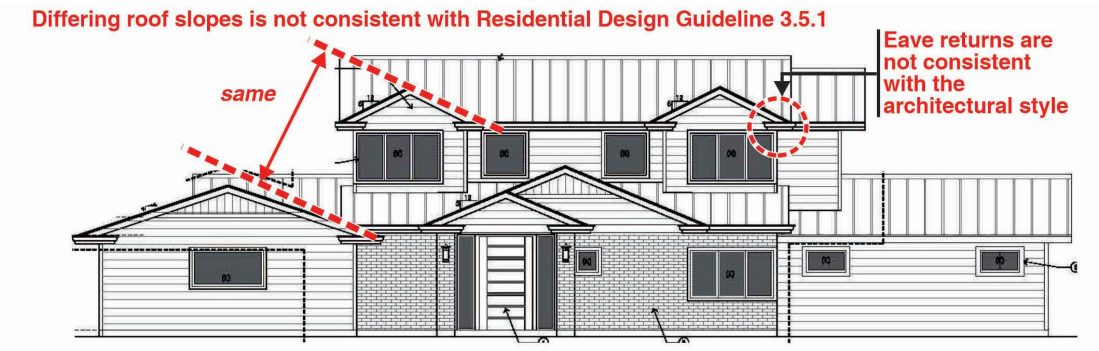


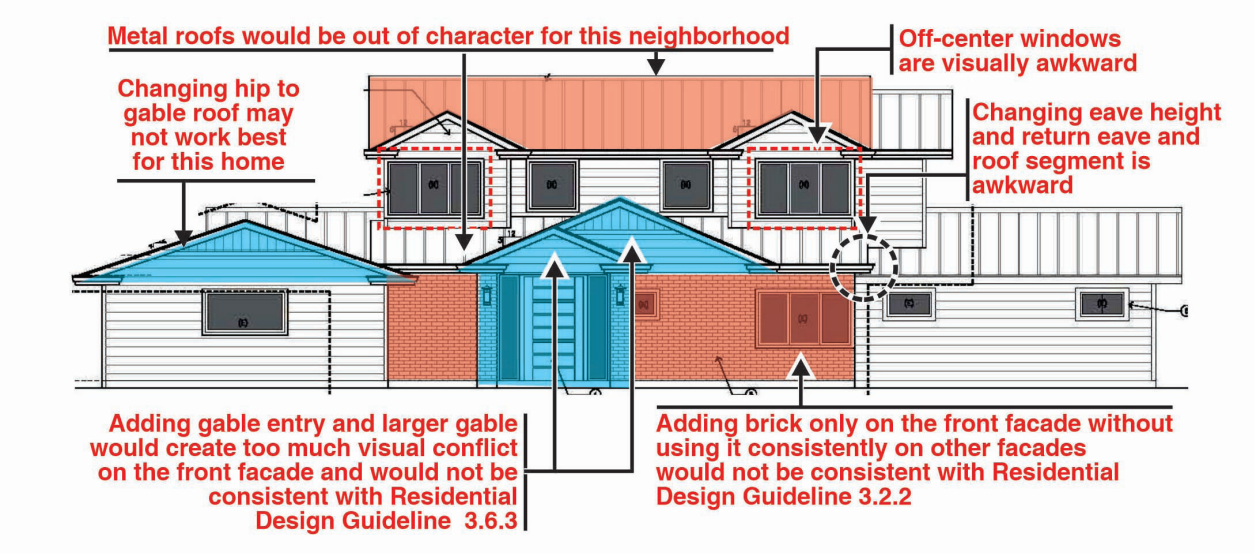

2. The roof slopes shown of the drawings differ which would not be consistent with Residential Design Guideline 3.5.1.

**3.5.1 Unify roof pitches**

- *Utilize the same slope for all primary roofs.*

3. The gable eave returns are not consistent with the architectural style.






4. Adding brick on the front facade without repeating it consistently on the other facades would not be consistent with Residential Design Guideline 3.3.2.

**3.2.2 Design for architectural integrity**

- *In general, it is best to select a clear and distinctive architectural style rather than utilizing generic design elements or mixing elements from different architectural styles.*
- *Building massing, roof pitches, materials, window types and proportions, design features (e.g., roof dormers), and other architectural features should be consistent with the traditions of the selected style.*
- *Carry wall materials, window types and architectural details around all sides of the house. Avoid side and rear elevations that are markedly different from the front elevation.*

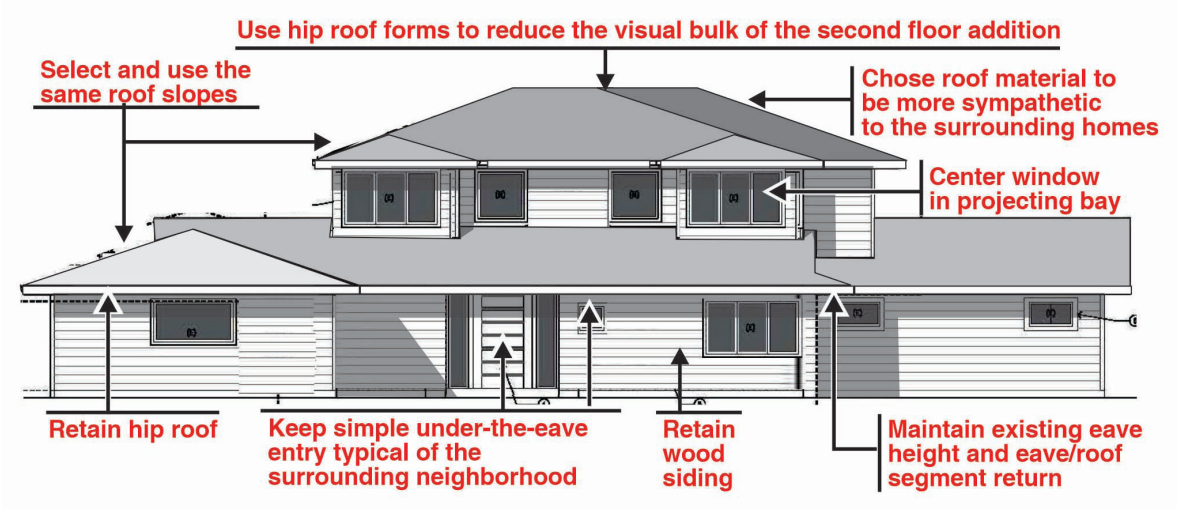
5. Adding a gable entry and larger front facade gable would create too much visual conflict and would not be consistent with Residential Design Guideline 3.6.3.

**3.6.3 Design entries with sensitivity to the surrounding neighborhood**

- *Avoid large and formal entries unless that is the norm for nearby houses. It is often best to start the design consideration with an entry type (e.g., projecting or under eave porch) that is similar to nearby homes.*

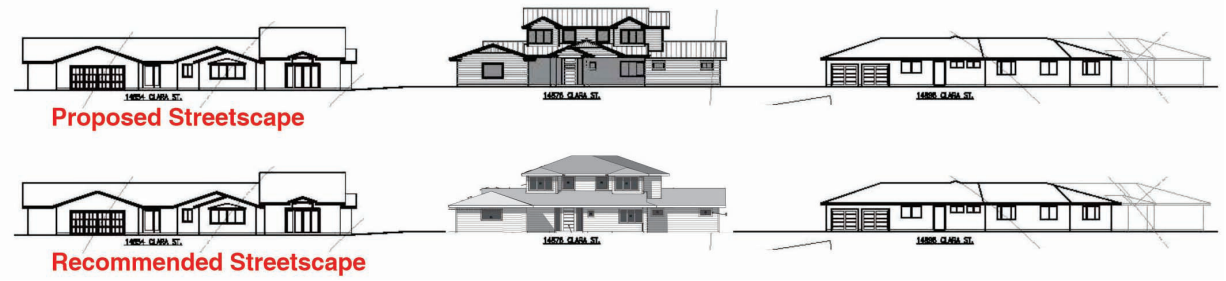
6. Changing garage roof from a hip to a gable may not be the best approach for the overall visual integrity of the design.
7. Changing the first floor eave height and return eave and roof segment are awkward.
8. Off-center windows on the second floor bay projections are visually awkward.
9. Metal roofs would be very prominent and out of character with this neighborhood.

## RECOMMENDATIONS




1. Reduce the visual bulk of the second floor addition by utilizing hip roof forms in lieu of gable roofs.
2. Select and maintain a single roof slope for all roofs.
3. Retain the hip roof form on the garage to provide more design unity.
4. Simplify the first floor eaves and provide an under-the-eave entry consistent with the preponderance of surrounding homes.
5. Eliminate the brick facing on the front elevation.
6. Center the second floor front facade windows in the projecting bay facade,
7. Chose a roof material more sympathetic to the surrounding homes. It could perhaps be a composition roof similar to nearby homes or a metal roofing with the look, color and texture of composition roofing.

The recommended changes are shown on the streetscape illustration below.

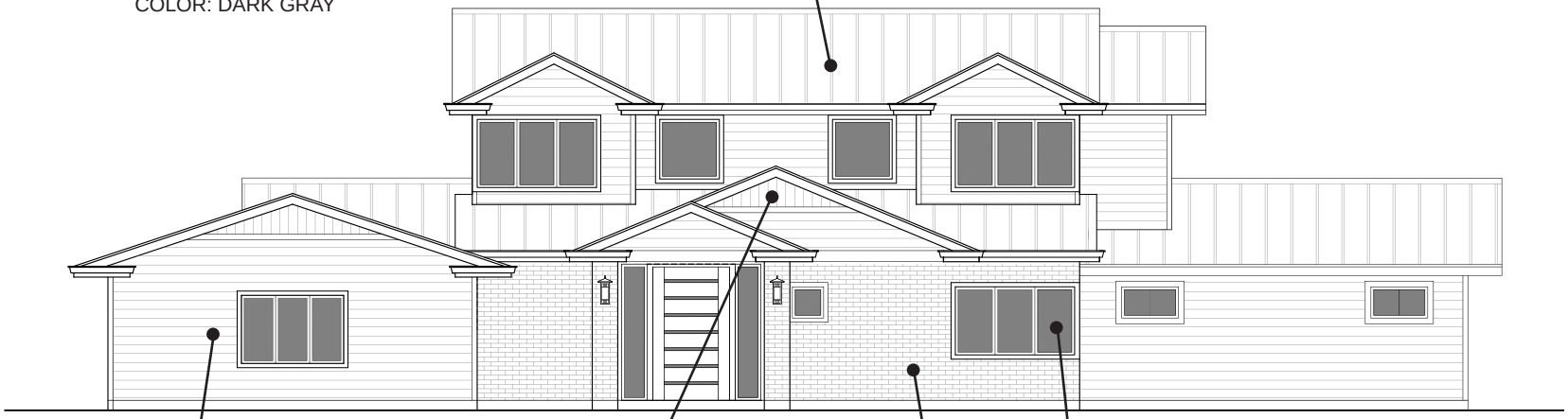



Jocelyn, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

**ROOF**
STANDING SEAM METAL ROOF
COLOR: DARK GRAY



**EXTERIOR FINISH**
HARDIE BOARD
HORIZONTAL LAP SIDING
SMOOTH FINISH
COLOR: OFF WHITE

**ACCENT FINISH**
HARDIE BOARD
VERTICAL SIDING
SMOOTH FINISH
COLOR: OFF WHITE

**STONE ACCENT**
BRICK VENEER
COLOR: WHITE

**WINDOWS**
METAL CLAD
COLOR: DARK BRONZE

**FASCIAS**
COLOR: OFF WHITE

# MATERIAL BOARD

## RAO-JOHN RESIDENCE
14876 Clara Street, Los Gatos CA 95032



IGN FOR LIVING

LOUIE LEU ARCHITECT
236 N. Santa Cruz Ave., Suite 210, Los Gatos, CA 95030
Ph. 408.399.2222 Fax 408.399.2223 222.louieleuarch.com

EXHIBIT 6

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**To: The Los Gatos Planning Staff and Planning Commission**

We live at [redacted]

We recently noticed the story poles and netting installed for a second story addition at 14876 Clara Street. Our house is located at the above address and 14876 Clara St is in close proximity to our house.

We have had a chance to review the plans and have no reservations with proposed second story addition.

There are several two-story homes in the surrounding area and we do not have any reservations with the proposed design. The design is non-obtrusive as well. The materials and roof forms they have chosen will fit in with what is in our immediate area.

We are in full support of the project.

Regards,

Owner's Name: Sue Neufeld Signature: Sue Neufeld Date: 12/5/2022

Owner's Name: David Makarenian Signature: [signature] Date: 12/5/2022

Location of your property with respect to 14876 Clara St:

[redacted] - we are about four houses south of 14876 Clara - on the same circle. We have a view of this home from our driveway

Any other comments you would like to share with the planning commission:

We reviewed the plans and we believe the project would result in a nice improvement to the neighborhood. We appreciate those who strive to update and improve their properties.



EXHIBIT 7

**To: The Los Gatos Planning Staff and Planning Commission**

We live at [redacted]

We recently noticed the story poles and netting installed for a second story addition at 14876 Clara Street. Our house is located at the above address and 14876 Clara St is in close proximity to our house.

We have had a chance to review the plans and have no reservations with proposed second story addition.

There are several two-story homes in the surrounding area and we do not have any reservations with the proposed design. The design is non-obtrusive as well. The materials and roof forms they have chosen will fit in with what is in our immediate area.

We are in full support of the project.

Regards,

Owner's Name: _Mike Grado_____ Signature: _12/1/22_____ Date:

Owner's Name: _Kirsten Grado_____ Signature: ____12/1/22_____
Date: _____

Location of your property with respect to 14876 Clara St:
We are a couple of houses away and look directly at the property planning the expansion.

Any other comments you would like to share with the planning commission:
There are several two story homes in close proximity to the property planning the expansion and see no significant adverse effects to its approval.

Gmail **Jacob J <[redacted]>**

# 14876 Clara St Project

**David Makarechian** <[redacted]> Tue, Nov 29, 2022 at 11:00 PM
To: Jacob & Kavitha <[redacted]>
Cc: [redacted]

Hi Kavita and Jacob: thanks for stopping by. It looks to be a very well thought out project and a nice addition to the neighborhood. We are supportive. We will sign the letter!

David Makarechian
[redacted]

> On Nov 29, 2022, at 9:40 PM, Jacob & Kavitha <[redacted]> wrote:
>
> [Quoted text hidden]
> <LG-Planning-support.docx>
> <A0.00 Project Sign_11-07-22.pdf>

To: The Los Gatos Planning Staff and Planning Commission

We live at

We recently noticed the story poles and netting installed for a second story addition at 14876 Clara Street. Our house is located at the above address and 14876 Clara St is in close proximity to our house.

We have had a chance to review the plans and have no reservations with proposed second story addition.

There are several two-story homes in the surrounding area and we do not have any reservations with the proposed design. The design is non-obtrusive as well. The materials and roof forms they have chosen will fit in with what is in our immediate area.

We are in full support of the project.

Regards,

Owner's Name: [redacted] Signature: [redacted] Date: 11/20/2022

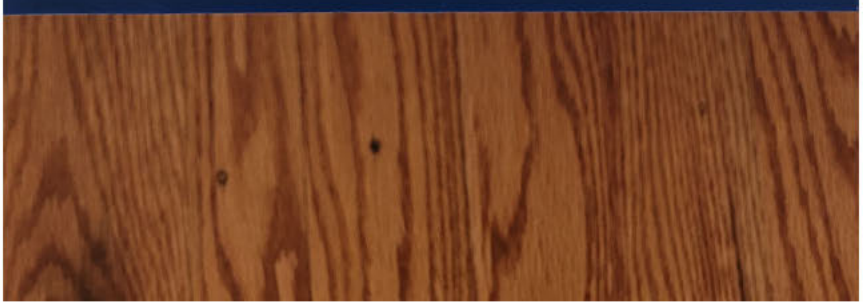
Owner's Name: [redacted] Signature: [redacted] Date: 11/20/2022

Location of your property with respect to 14876 Clara St:

A few houses away.

Any other comments you would like to share with the planning commission:

The design looks good and not too big for our neighborhood.



**To: The Los Gatos Planning Staff and Planning Commission**

We live at [redacted]

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We have had a chance to review the plans and have no reservations with proposed second story addition.

There are several two-story homes in the surrounding area and we do not have any reservations with the proposed design. The design is non-obtrusive as well. The materials and roof forms they have chosen will fit in with what is in our immediate area.

We are in full support of the project.

Regards,

Owner's Name: [redacted] Signature [redacted] Date: 11/29/22

Owner's Name: [redacted] Signature [redacted] Date: 11.29.22

Location of your property with respect to 14876 Clara St:

Around the circle. _____

_____

Any other comments you would like to share with the planning commission:

_____

_____

Contact Details for 14876 Clara St:

Jacob John & Kavitha Rao

[redacted]

**To: The Los Gatos Planning Staff and Planning Commission**

We live at

We recently noticed the story poles and netting installed for a second story addition at 14876 Clara Street. Our house is located at the above address and 14876 Clara St is in close proximity to our house.

We have had a chance to review the plans and have no reservations with proposed second story addition.

There are several two-story homes in the surrounding area and we do not have any reservations with the proposed design. The design is non-obtrusive as well. The materials and roof forms they have chosen will fit in with what is in our immediate area.

We are in full support of the project.

Regards,

Owner's Name: KAMAL ARCOT Signature: [signature] Date: 11/20/2022

Owner's Name: _____ Signature: _____ Date: _____

Location of your property with respect to 14876 Clara St:

[redacted], Los Gatos CA 95030

Any other comments you would like to share with the planning commission:

LAW OFFICES OF
**BRENT N. VENTURA**
[redacted]

December 5 2022

Los Gatos Planning Commission
Honorable Chairperson and Commissioners
110 E. Main Street
Los Gatos, CA 95032

RE: Site and Architecture Application for 14876 Clara St., Los Gatos

Dear Commissioners;

I reside two doors down from this proposed Remodel. I oppose this application because of its mass, and height and its unnecessary projection of that mass and height so close to the street. The Town's Residential Design Guidelines state that the mass and height of an residential applications such as this must be reviewed in light of "Neighborhood Compatibility".

The Clara St./Golf Links Circle is a unique neighborhood in Los Gatos. It was developed in the early 1950s with a perfectly geometric, 360 degree circle, surrounded with very large lots and all single story, classic ranch style homes. If the Town were to update it's Housing Inventory and recognize post War neighborhood designs, this neighborhood could be found worthy of special protection.

Since the Circle was subdivided in 1952, for 70 years now, no 2 story house was ever built. As the homes have passed to subsequent generations and numerous ownerships, no owner has ever built or sought to build a 2 story structure. The neighborhood has maintained a cohesive design preserving the ranch style homes all these years due to the unusually large lots (approx. 20,00 sq. ft. each) making 2 Story houses unnecessary, as well as a tradition of cooperation and good will where neighbors were considerate of how changes would affect each other. When Sandy and I were designing our remodel to accommodate our growing family, we originally intended to build a 2 Story home. We shared our plans with our neighbors, Two of the original homeowners who had lived on the Circle since the 1950s explained the original design intent of the developer of single story, traditional ranch style homes. We changed our plans as we wanted to maintain the integrity of the Circle, and did not want to build a home that would cause friction with our very kind neighbors. Now in my 60s, with knee replacements, I have no regrets arising from the omission of staircases.

Since we moved here in 1993, I have witnessed 13 home remodels on the Circle, some large, some small, but absolutely none of them involved adding a Second Story.



EXHIBIT 8

The critical issue here is Precedent. Currently on the Circle we have several very elderly neighbors, one house up for sale, a burned up, nuisance house, and one house that has not been occupied for years. All of these houses are likely to be ripe for new remodel applications. If one 2 Story house is permitted, despite the Town's Residential Design Guidelines and our historic design consistency for single story ranch homes, then we will lose what the neighbors value most, our open mountain views and unbridled privacy that has made this neighborhood so wonderful. This issue becomes even more acute when contemplating future applications for ADUs and SB 9 subdivisions. The whole neighborhood would become densely packed multi story structures if our large lots were developed under these broad state mandates.

The lot currently has several large conifers planted along the very front. These trees must be preserved as a condition of any approval granted, as they help shield the mass and height of any new structure. But these trees will not shield the mass and height of the current design application as the application proposes moving the house 8-10 feet closer to the street, and the structure will be unobstructed when approaching facing east on Clara St.

I oppose using metal roofing on this proposed structure or on any new proposed remodels on the Circle. It is inconsistent with traditional ranch style homes, and it creates a fire hazard to neighboring homes. The metal roof will be particularly prominent from the street view where the hip roof will project between the dormer windows. When the new, remodeled, 1 Story house next door to me caught fire (14841 Clara St.), the flames leaped from the structure horizontally, as opposed to vertically. The flames burned shrubs in my yard and singed some of the paint on my house, about 20 feet away. My house may have been consumed as well due to the horizontal flames but for the arrival of Central Fire. There has not been enough study or history with metal roofs in our area to claim they are fire safe.

I would urge the applicant's to be more willing to listen to their neighbors and not be so insistent on building their house only one way, as they may be surprised of the unexpected benefits that arise from compromise and adaptability.

Again, I urge that this application be denied given its Neighborhood Incompatibility, or sent back to DRC for redesign consistent with the design traditions of this existing unique neighborhood.

Very truly yours,

Brent N. Ventura

BNV\cc

**From:** [redacted] t <[redacted]>
**Sent:** Thursday, December 1, 2022 12:14 PM
**To:** Jocelyn Shoopman <jshoopman@losgatosca.gov>
**Cc:** [redacted]
**Subject:** 14876 Clara St LG second story addition

Dear Ms. Shoopman:

Please submit our email concerning the planned second story addition at 14876 Clara St.

We purchased our home in 1996. All of the homes around the “circle” are single story “rambling ranch” kind of homes. Some have been remodeled but all are single story. We are concerned about the planned second story for the house on Clara St. We feel this will set a new precedent to any new homeowners or remodeling homeowners that building “up” is OK. This planned addition will block the view of the mountains which is aggravating as more and more mountain views are being blocked by tall buildings in this town. (North 40)

We currently have a vacant lot across from us (the house burned down a few years back) and a vacant house above us. ( known as the “weed house”) If the “second story” door is cracked open, we are afraid that the owners of the vacant lot/home will quickly submit plans that will include McMansions with looming second story’s. This type of build would block the mountain views even more and eliminate any privacy we currently have in our back yard.

The family that lives in the home seem to be lovely. I hate to have issues like this tear our neighborhood apart. It is sad that the current owner doesn’t seem to care about how their remodel will change the look of the neighborhood.

Thank you for your time

Bruce and Lainey Richardson

[redacted]

**From:** Jeffrey Whalen <[redacted]>
**Sent:** Wednesday, November 30, 2022 3:47 PM
**To:** Jocelyn Shoopman <jshoopman@losgatosca.gov>
**Cc:** [redacted]; Brent Ventura <[redacted]>;
[redacted]; [redacted]; [redacted]
**Subject:** 14876 Clara street

Dear Ms. Shoopman, please allow me to submit my observations of the proposed 2nd story addition to the address above. While the applicants are very nice people I am *adamantly* ***opposed*** to a 2nd story addition for the following reasons;
This neighborhood consists of mid-century single story ranch houses in the style of Cliff May. In fact, our house (which is contiguous to the applicants) was designed by a student of Frank Lloyd Wright in 1951. Most all of us are 1st, 2nd, or 3rd generation owners who moved here over 25+ years ago because of the *integrity of the architectural style*, *privacy,* and *views of the mountains* from our windows and yards. In fact, this addition will block my view of the sunrise when looking to the East from my family room. By setting a precedent as illustrated in the plans, the character and makeup of the entire (and unique "circle") will forever be altered if other new owners attempt to follow suit. Approval could mean there is no protection in the next applicant submitting plans for a house 30' in height, per code, eroding our views and privacy. Further, I submit that if the town were to update it's "historical designation" dating formula/methods as other towns on the peninsula have, mid-century architecture would be protected.

The proposed plan is also incongruent with others houses in the neighborhood in that the plans "push" the house toward the street by some 7-10' when if fact the lot is 20,000 square feet with plenty of room to add on to the rear and/or sides. The proposed entry, stairwell, office, and "lounge" are much to close to the street when contrasted to the existing home and contiguous houses.
When viewed from the west, the entire northwest elevation creates much too much "mass" with its elevation (a sheer wall with dormers) climbing from grade to some 25' in height at the ridge, vs the 12' it (and contiguous houses) is/are now. The proposed metal roofing material is completely out of character with the architectural style and compatibility of the surrounding ranch style houses. Whereas the architect attempts to use 14810 as an example, this house in fact ***does not exist*** , and it posed a grave danger to surrounding houses when it burned in a 4 alarm fire with firefighters not being able to penetrate its metal roof.

If after listening to the neighbors, for some reason the town sees fit to approve a 2nd story I submit the following;
1. *Move* the entire northwest elevation plans for the 1st and 2nd story, including dormer windows and entry 10' *t**o the rear** (east), and over* the existing covered porch.
2. *Reduce* the mass of the entry and overall height of the ridge line.
3. *Require* the 40 year old cedars in the front yard to remain. Under no circumstances should they be cut down.
4. Leave garage roof pitch as is.
Thank you.

Respectfully, Jeff whalen [redacted].
(A lifelong resident of the town)

**From:** [redacted] <[redacted]>
**Sent:** Sunday, November 13, 2022 12:28 PM
**To:** Jocelyn Shoopman <jshoopman@losgatosca.gov>
**Cc:** [redacted]
**Subject:** 14876 Clara St

Jocelyn;

I saw the story poles up at 14876 Clara St LG. I am concerned because all of the houses on the circle (and beyond) are single story. Is the town of LG allowing 2 stories in our neighborhood?

We have an empty lot across the street…….and a vacant house above our lot……..if 2nd stories are going to be allowed, we could lose all privacy in our back yard and lose our view of the mountains.

Please advise as to if the town allows 2 story structures in our neighborhood?

Thanks in advance
Lainey and Bruce Richardson
[redacted]

**From:** Brent Ventura <[redacted]>
**Sent:** Sunday, November 6, 2022 3:46 PM
**To:** Jocelyn Shoopman <jshoopman@losgatosca.gov>; Brent Ventura <[redacted]>
**Subject:** 14876 Clara St Application

What is the deadline for comments on this application?

I oppose any second story addition to any home on the Golf Links Circle that includes Clara St. No other second story addition has ever been permitted for any home on the Circle. This one will set a precedent and must not be allowed with the possibility of applications for ADUs or SB9 divisions. If this precedent is broken, Our whole neighborhood will evolve into a dense collection of tall thin structures crammed onto our existing lots depriving long term owners of privacy and deprivation in the desirability of the neighborhood.

The lots on the Circle average 20,000 sq ft so there is plenty or room on each platt to remodel or add onto a structure without need for a second story.

I object to this application and for any staturory time periods that may have started on thid application on the ground that the current story poles and netting do not show the full extent of the second story addition. It looks too square and boxy. I believe they may have failed to include the netting to illustrate the full extent of the height addition, especially on the sides. Can you have the plans checked vs the poles and netting that are in place?

The lot in question slopes down away from the street. The second story addition currently sits on top of the existing structure, as close to the street as possible. At a minimum, any addition to the height of the structure should occur at the rear of the existing house, where its elevation from the street will be the lowest, not at the front of the existing house where its elevation will be the tallest.

I will submit further comments on this application once the story pole/netting situation is clarified..

Thank you

Hi Jocelyn,

We reached out to some of our neighbors. While we have attestation of support from some (which has been sent over to you already), we wanted to ensure that we don't ignore the opposing feedback as well. So we investigated their concerns;

1. From 14801 Golf Links Dr, please see the view below (Picture 1). This house is at a dip (Picture 2). From this home's vantage point, roof of [redacted] (Brent Ventura's home) is seen. Our planned second story (including the current story poles) does not show at all. Golf Links Dr also has a few homes with a second story. In fact, 14780 Golf Links Dr (Picture 3 below) is a 2 story home and is right across the street from 14801 Golf Links Dr.

Picture 1 (Picture taken while viewing from 14801 Golf Links)

Picture 2 (Show 14801 Golf Links Dr already at a significant dip)

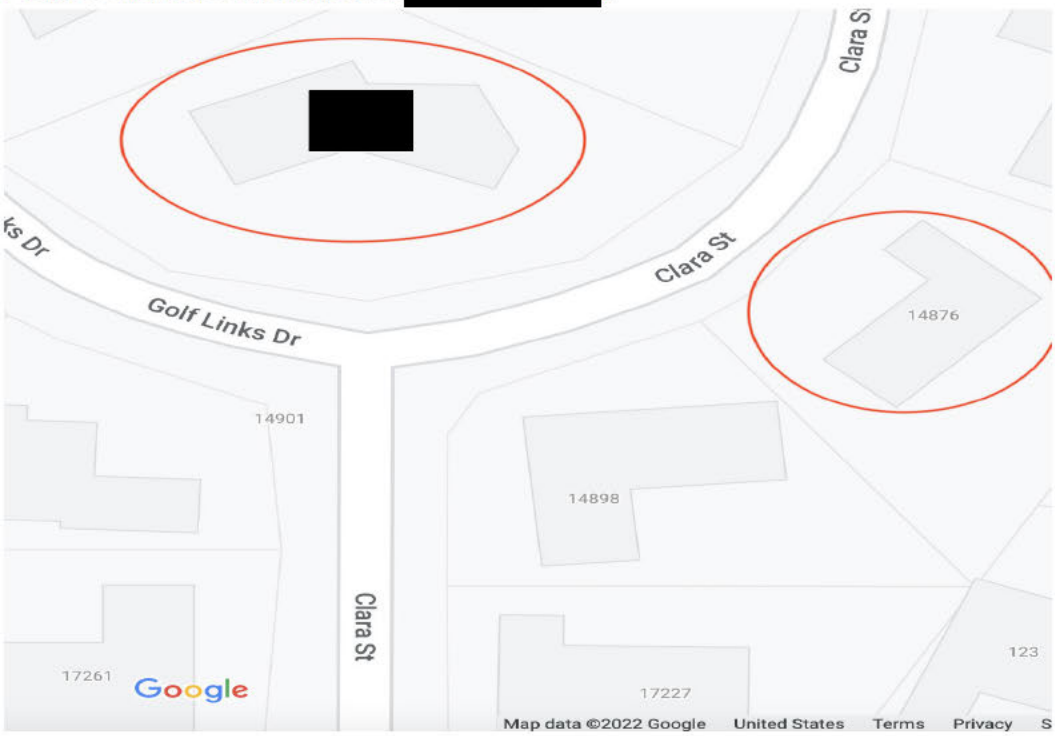
Picture 3 (2 Story home on Golf Links Dr)

2. **Jeffrey Whalen's comments:** Looking from their home, [redacted] towards our home, below is the view (Picture 4).
    a. Our trees very well block their view of any sunrise or sunset. From their vantage point (Picture 4 below), our trees show up first thing, not our home. We adore these trees for their beauty and privacy. We have no plans to remove these trees. Besides our trees, owners at [redacted] have their own trees which block their view of mountains or sunrise (Picture 5 below).
    b. This neighbor's home is situated at an angle (Picture 6). Majority of their home faces Golf Links Dr and Clara St intersection which is South-East and away from the facade of our home. Please see the Picture 6 below

Picture 4 (View from [redacted] towards our home)

Picture 5 (Shows trees infront of [redacted] )

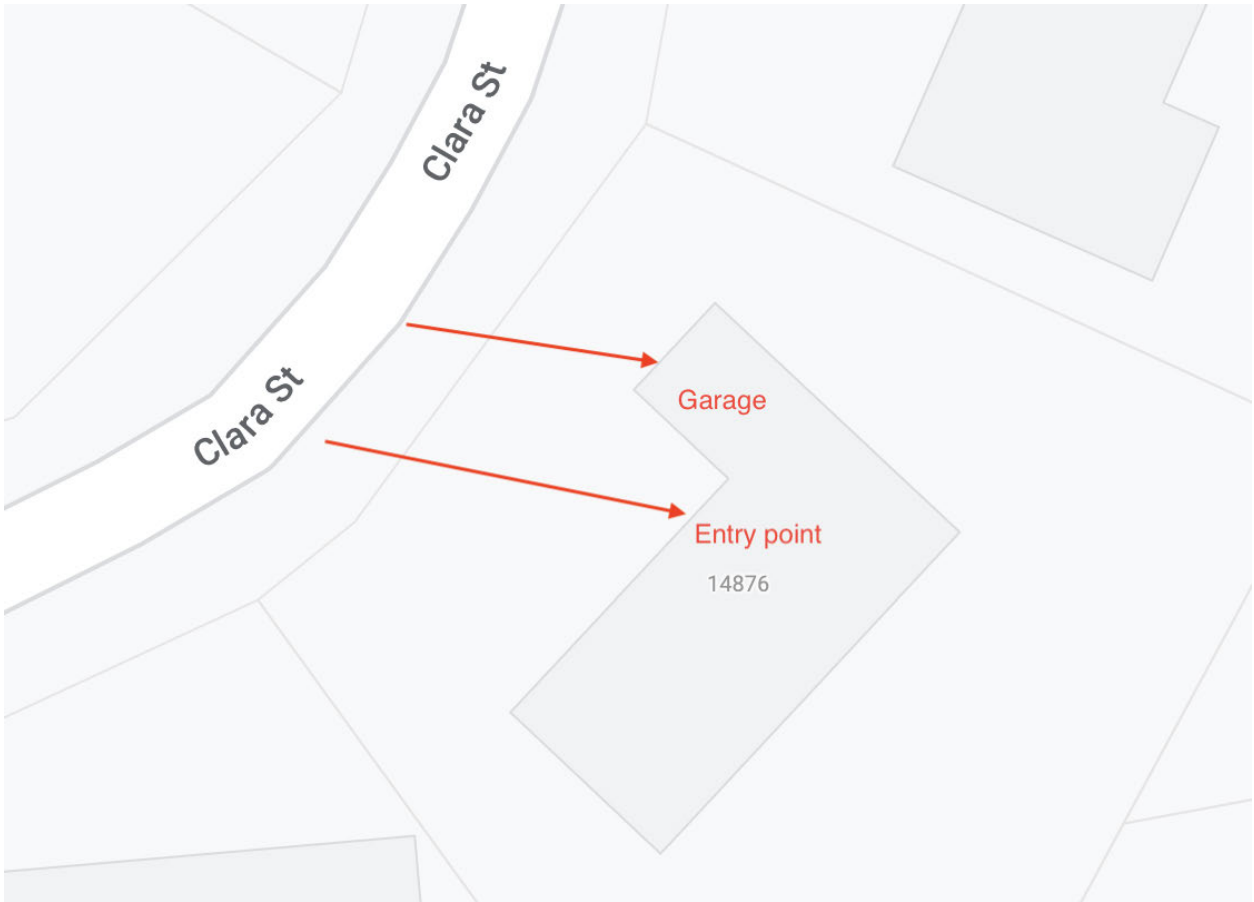
Picture 6 (Shows orientation of [redacted])



c. Several homes in the circle have been remodeled. From our research with losgatosca.gov and the local library there is no credible historic designation to properties in this circle (We really wanted to find out if there is a proud moment there for us about owning a historic home). Infact, some of the homes in the circle are in a bad condition and desperately need updates (including the vacant property 14810 which needs construction). All things considered, we've tried our best to preserve and respect the current look and feel of the neighborhood with our second story design, without altering it extensively.

d. While we are extending to a minor extent around the front entrance, we are not pushing the house towards the street any further than it currently is. Please see (picture 7) that our existing attached garage extends further towards the street than the entry point of the house. According to our proposed design, the perimeter of the house remains exactly intact without further extension.

Picture 7 (Show existing perimeter of the house in relation to the street)



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PLANS ARE NOT FOR CONSTRUCTION UNLESS APPROVED AND STAMPED BY BUILDING DEPARTMENT.

DESIGN FOR LIVING

## ABBREVIATIONS

| | | | |
|---|---|---|---|
| & | And | LAB. | Laboratory |
| ∠ | Angle | LAM. | Laminate |
| @ | At | LAV. | Lavatory |
| ℄ | Centerline | LKR. | Locker |
| ø | Diameter or Round | LT. | Light |
| ⊥ | Perpendicular | | |
| # | Pound or Number | MAX. | Maximum |
| (E) | Existing | M.C. | Medicine Cabinet |
| | | MECH. | Mechanical |
| ACOUS. | Acoustical | MEMB. | Membrane |
| A.D. | Area Drain | MET. | Metal |
| ADJ. | Adjustable | MFR. | Manufacturer |
| AGGR. | Aggregate | MH. | Manhole |
| AL. | Aluminum | MIN. | Minimum |
| APPROX. | Approximate | MIR. | Mirror |
| ARCH. | Architectural | MISC. | Miscellaneous |
| ASPH. | Asphalt | M.O. | Masonry Opening |
| | | MTD. | Mounted |
| BD. | Board | MUL. | Mullion |
| BITUM. | Bituminous | | |
| BLDG. | Building | N. | North |
| BLK. | Block | N.I.C. | Not In Contract |
| BLKG. | Blocking | NO. or # | Number |
| BM. | Beam | NOM. | Nominal |
| BOT. | Bottom | N.T.S. | Not To Scale |
| CAB. | Cabinet | OA. | Overall |
| C.B. | Catch Basin | OBS. | Obscure |
| CEM. | Cement | O.C. | On Center |
| CER. | Ceramic | O.D. | Outside Diameter (Dim.) |
| C.I. | Cast Iron | OFF. | Office |
| CLG. | Ceiling | OPNG. | Opening |
| CLO. | Closet | OPP. | Opposite |
| CLR. | Clear | | |
| COL. | Column | PRCST. | Pre-cast |
| CONC. | Concrete | PL. | Plate |
| CONN. | Connection | P. LAM. | Plastic Laminate |
| CONSTR. | Construction | PLAS. | Plaster |
| CONT. | Continuous | PLYWD. | Plywood |
| CORR. | Corridor | PR. | Pair |
| CTSK. | Countersunk | PT. | Point |
| CNTR. | Counter | P.T.D. | Paper Towel Dispenser |
| CTR. | Center | P.T.D/R | Combination Paper Towel Dispenser & Receptacle |
| DBL. | Double | PTN. | Partition |
| DEPT. | Department | P.T.R. | Paper Towel Receptacle |
| D.F. | Drinking Fountain | | |
| DET. | Detail | Q.T | Quarry Tile |
| DIA. | Diameter | | |
| DIM. | Dimension | R. | Riser |
| DISP. | Dispenser | RAD. | Radius |
| DN. | Down | R.D. | Roof Drain |
| D.O. | Door Opening | REF. | Reference |
| DR. | Door | REFR. | Refrigerator |
| DWR. | Drawer | RGTR. | Register |
| DS. | Downspout | REINF. | Reinforced |
| D.S.P. | Dry Standpipe | REQ. | Required |
| DWG. | Drawing | RESIL. | Resilient |
| | | RM. | Room |
| E. | East | R.O. | Rough Opening |
| EA. | Each | RWD. | Redwood |
| E.J. | Expansion Joint | R.W.L. | Rain Water Leader |
| EL. | Elevation | | |
| ELEC. | Electrical | S. | South |
| ELEV. | Elevator | S.C. | Solid Core |
| EMER. | Emergency | S.C.D. | Seat Cover Dispenser |
| ENCL. | Enclosure | SCHED. | Schedule |
| E.P. | Electrical Panelboard | S.D. | Soap Dispenser |
| EQ. | Equal | S.F. | Square Feet |
| EQPT. | Equipment | SECT. | Section |
| E.W.C. | Electric Water Cooler | SH. | Shelf |
| EXST. | Existing | SHR. | Shower |
| EXPO. | Exposed | SHT. | Sheet |
| EXP. | Expansion | SIM. | Similar |
| EXT. | Exterior | S.N.D. | Sanitary Napkin Dispenser |
| | | S.N.R. | Sanitary Napkin Receptacle |
| F.A. | Fire Alarm | SPEC. | Specification |
| F.B. | Flat Bar | SQ. | Square |
| F.D. | Floor Drain | SST. | Stainless Steel |
| FDN. | Foundation | S.SK. | Service Sink |
| F.E. | Fire Extiguisher | STA. | Station |
| F.E.C. | Fire Extinguisher Cabinet | STD. | Standard |
| F.H.C. | Fire Hose Cabinet | STL. | Steel |
| FIN. | Finish | STOR. | Storage |
| FL. | Floor | STRUCT. | Structural or Structure |
| FLASH. | Flashing | SUSP. | Suspended |
| FLUOR. | Fluorescent | SYM. | Symmetrical |
| F.O.C. | Face of Concrete | | |
| F.O.F. | Face of Finish | TRD. | Tread |
| F.O.S. | Face of Studs | T.B. | Towel Bar |
| FPRF. | Fireproof | T.C. | Top of Curb |
| F.S. | Full Size | TEL. | Telephone |
| FT. | Foot or Feet | TER. | Terrazzo |
| FTG. | Footing | T.&G. | Tongue and Groove |
| FURR. | Furring | THK. | Thick |
| FUT. | Future | T.P. | Top of Pavement |
| | | T.P.D. | Toilet Paper Dispenser |
| GA. | Gauge | T.V. | Television |
| GALV. | Galvanized | T.W. | Top of Wall |
| G.B. | Grab Bar | TYP. | Typical |
| GL. | Glass | | |
| GND. | Ground | UNF. | Unfinished |
| GR. | Grade | U.O.N. | Unless Otherwise Noted |
| GYP. | Gypsum | UR. | Urinal |
| H.B. | Hose Bibb | VERT. | Vertical |
| H.C. | Hollow Core | VEST. | Vestibule |
| HDWD. | Hardwood | | |
| HDWE. | Hardware | W. | West |
| HORIZ. | Horizontal | W/ | With |
| HR. | Hour | W.C. | Water Closet |
| HGT. | Height | WD. | Wood |
| | | W/O | Without |
| ID. | Inside Diameter (Dim.) | WP. | Waterproof |
| INSUL. | Insulation | WSCT. | Wainscot |
| INT. | Interior | WT. | Weight |
| JAN. | Janitor | | |
| JT. | Joint | | |
| KIT. | Kitchen | | |

## LEGEND

NORTH ARROW — REF. NORTH / TRUE NORTH

DOOR REFERENCE — 101A — DOOR NUMBER (SEE DOOR SCHEDULE)

COLUMN OR GRID LINE — 1 / A — LETTERS LEFT TO RIGHT. NUMBERS TOP TO BOTTOM.

WINDOW REFERENCE — A — WINDOW TYPE (SEE WINDOW SCHEDULE)

BUILDING SECTION — A / A4.1 — SECTION IDENTIFICATION; SHEET WHERE SECTION IS SHOWN

LOUVER REFERENCE — L1 — LOUVER TYPE (SEE LOUVER SCHEDULE)

WALL SECTION — D / A4.2 — SECTION IDENTIFICATION; SHEET WHERE SECTION IS SHOWN

CEILING HEIGHTS — +10'-0" — DIMENSION ABOVE DATUM

EXTERIOR ELEVATION — 2 / A5.1 — ELEVATION IDENTIFICATION; SHEET WHERE ELEVATION IS SHOWN

REVISION REFERENCE — 2 — REVISION NUMBER; CLOUD AROUND REVISION

SECTION DETAIL — 4 / A8.2 — DETAIL IDENTIFICATION; SHEET WHERE DETAIL IS SHOWN

WORK, CONTROL, OR DATUM POINT

PLAN DETAIL — 2 / A8.3 — DETAIL IDENTIFICATION; SHEET WHERE DETAIL IS SHOWN

+10'-0" — DIMENSION ABOVE DATUM; REFERENCE ELEVATION

INTERIOR ELEVATION, MULTIPLE VIEWS — 1 / 2 / 3 / 4 / A6.1 — ELEVATION IDENTIFICATION; SHEET WHERE ELEVATION IS SHOWN

MATCH LINE — SHADED HALF IS THE SIDE CONSIDERED

INTERIOR ELEVATION, SINGLE VIEW — A6.2 / 9 — ELEVATION IDENTIFICATION; SHEET WHERE ELEVATION IS SHOWN

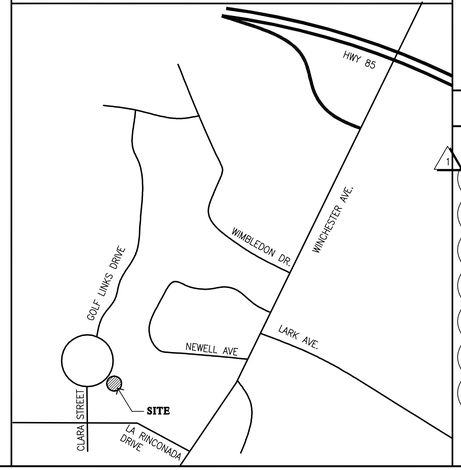
CENTER LINE

ROOM IDENTIFICATION — ENTRY — ROOM NAME; 101 — ROOM NUMBER

PROPERTY LINE

KEY NOTE — 12 — CORRESPONDING NOTE NUMBER

## VICINITY MAP




# RAO-JOHN RESIDENCE

## 14876 CLARA STREET
## LOS GATOS, CA 95032
## APN: 409-25-027

## PROJECT DIRECTORY

OWNER

JACOB JOHN & KAVITHA RAO
14876 CLARA STREET
LOS GATOS, CA 95032

ARCHITECT

LOUIE LEU ARCHITECT, INC.
236 N. SANTA CRUZ AVE. SUITE 210
LOS GATOS, CA 95030
(408) 399-2222
louie@louieleuarch.com

## SHEET INDEX


ARCHITECTURAL

| | |
|---|---|
| A0.0 | TITLE SHEET |
| A1.1 | SITE PLAN |
| A1.2 | SHADOW STUDY AND STREETSCAPE |
| A2.0 | DEMOLITION PLAN |
| A2.1 | LOWER LEVEL FLOOR PLAN |
| A2.2 | UPPER LEVEL FLOOR PLAN |
| A2.3 | FLOOR AREA CALCULATIONS |
| A3.1 | BUILDING SECTIONS |
| A4.1 | ELEVATIONS |
| A4.2 | ELEVATIONS |
| A4.3 | ELEVATIONS |
| A4.4 | ELEVATIONS |
| A5.1 | ROOF PLAN |

CIVIL

| | |
|---|---|
| 1 | BOUNDARY & TOPOGRAPHIC SURVEY |


## PROJECT DESCRIPTION

THE PROJECT IS AN SECOND STORY ADDITION, AND REMODEL OF AN EXISTING 1 STORY HOUSE AT 14876 CLARA STREET. THE EXTENT OF PERIMETER WALLS PROPOSED TO BE REMOVED IS 17 LINEAR FEET. SEE A1.0 DEMOLITION PLAN. THE 17' PROPOSED PERIMETER WALL REMOVAL IS LESS THAN 50% OF THE TOTAL 308 LINEAR FEET OF EXISTING PERIMETER WALLS. .50 X 308' = 154 LINEAR FT. NO SITE WORK OR LANDSCAPING IS PROPOSED.

## PROJECT DATA

| | |
|---|---|
| **ASSESSORS PARCEL NUMBER** | **409-25-027** |
| **ADDRESS** | **14876 CLARA STREET LOS GATOS, CA 95032** |
| **OWNER** | **JACOB JOHN AND KAVITHA RAO** |
| **EXISTING USE** | **RESIDENCE** |
| **ZONING** | **R-1-12** |
| **CONSTRUCTION TYPE, NON-SPRINKLERED** | **V-B** |
| **TOTAL SITE AREA =** | **20,234 SF GROSS / NET** |

## ZONING COMPLIANCE

| | EXISTING | TOTAL PROPOSED | ALLOWED |
|---|---|---|---|
| **FLOOR AREA RATIO (FAR):** | | | |
| HOUSE: .35 – ( (20.2 – 5) / 25 ) X .20) = .35 FAR | | | |
| .35 FAR X 20,234 SF = 4,616 SF | | | |
| 1ST STORY (INCLUDING SHED) | 2,045 SQ. FT. | 2,206 SQ. FT. | |
| 2ND STORY | 0 SQ. FT. | 1,243 SQ. FT. | |
| TOTAL | 2,045 SQ. FT. | 3,449 SQ. FT. | 4,616 SQ. FT. |
| GARAGE: .10 – ( (20.2 – 5) / 25 ) X .07) = . FAR | | | |
| .057 FAR X 20,234 SF = 1,160 SF | 565 SQ. FT. | 565 SQ. FT. | 1,160 SQ. FT. |
| **TOTAL FLOOR AREA:** | 2,545 SQ. FT. | 4,014 SQ. FT. | 5,776 SQ. FT. |
| **SETBACKS:** | | | |
| FRONT | 25 FEET | 25 FEET | 25 FEET |
| REAR | 20 FEET | 20 FEET | 20 FEET |
| RIGHT SIDE | 10 FEET | 10 FEET | 10 FEET |
| LEFT SIDE | 10 FEET | 10 FEET | 10 FEET |
| **HEIGHT:** | 13.5 FEET | 24.0 FEET | 30 FEET |
| **BUILDING COVERAGE:** | | | |
| .40 X 20,234 S.F. = 8,094 S.F. | | | |
| BUILDING: HOUSE + SHED + COV. PORCH | 3,067 SQ. FT. | 3,304 SQ. FT. | 8,094 SQ. FT. |
| (PAVEMENT: DRIVEWAY, WALKS, DECK) | 3,935 SQ. FT. | 3,957 SQ. FT. | |
| **TOTAL BLG COVERAGE:** | 7,002 SQ. FT. | 7,261 SQ. FT. | 8,094 SQ. FT. |

## GENERAL NOTES

- BUILDING CONTRACTOR MUST PROVIDE THE HOMEOWNER WITH A LUMINAIRE SCHEDULE (AS REQUIRED IN TITLE 24–CALIFORNIA CODE OF REGULATIONS, PART 1, SECTION 10–103(b)) THAT INCLUDES A LIST OF LAMPS INSTALLED IN THE LUMINARIES
- DOCUMENTATION SHALL BE PROVIDED, PRIOR TO FIRST INSPECTION, CONFIRMING COMPLIANCE TO THE WASTE MANAGEMENT PLAN PROVIDED TO THE JURISDICTION CGBSC SECTION 4.408.5
- CAL GREEN ENVIRONMENTAL QUALITY REQUIREMENTS:
  A. ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATING, AND AEROSOL PAINT CONTAINERS MUST REMAIN ON THE SITE FOR FIELD VERIFICATION BY THE BUILDING INSPECTOR CGBSC SECTION 4.504.2.4

  B. PRIOR TO FINAL INSPECTION, A LETTER SIGNED BY THE GENERAL CONTRACTOR OR THE OWNER/BUILDER (FOR ANY WONER/BUILDER PROJECT) MUST BE PROVIDED TO THE TOWN OF LOS GATOS BUILDING OFFICIAL CERTIFYING THAT ALL ADHESIVES, SEALANTS, CAULKS, PAINTS, COATING, AEROSOL PAINTS, AEROSOL COATINGS, CARPET SYSTEMS (INCLUDING CARPETING, CUSHION AND ADHESIVE), RESILIENT FLOORING SYSTEMS, AND COMPOSITE WOOD PRODUCTS INSTALLED ON THIS PROJECT ARE WITHIN THE EMISSION LIMITS SPECIFIED IN CGBSC SECTION 4.504 CGBSC SECTION 4.408.5

## SEPARATE PERMITS

1

FIRE SPRINKLER NOTES:

- FIRE SPRINKLER SYSTEM WILL BE PROVIDED AND INSTALLED PER NFPA 13D 2016 EDITION STANDARD.
- SUBCONTRACTOR TO SUBMIT SHOP DRAWINGS TO THE PROJECT ARCHITECT AND/OR ENGINEER FOR REVIEW PRIOR TO SUBMITTAL TO THE LOCAL FIRE JURISDICTION OR BUILDING DEPARTMENT FOR THEIR REVIEW AND APPROVAL
- AN AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION'S (NFPA) STANDARD 13D IN ALL NEW ONE AND TWO–FAMILY DWELLINGS AND IN EXISTING DWELLINGS WHEN ADDITIONS ARE MADE THAT INCREASE THE BUILDING AREA TO MORE THAN ALLOWABLE FIRE–FLOW APPENDIX TABLE B105.1, OR ADDITIONS EXCEEDING FIFTY (50) PERCENT OF THE EXISTING LIVING AREA. (EXISTING SQ. FT. CALCULATIONS SHALL NOT INCLUDE EXISTING BASEMENT) AND/OR ADDITIONS EXCEEDING 750 SQ. FT. WHEN AUTOMATIC FIRE SYSTEMS ARE REQUIRED BY THIS SECTION, ALL ASSOCIATED GARAGES SHALL BE INCLUDED. SEE MUNICIPAL CODE SECTION R313.2
- THE OBLIGATION TO PROVIDE COMPLIANCE WITH THESE FIRE SPRINKLER REGULATIONS MAY NOT BE EVADED BY PERFORMING A SERIES OF SMALL ADDITIONS UNDERTAKEN OVER A THREE–YEAR PERIOD. THE PERMIT ISSUANCE DATE OF PAST ADDITIONS WHERE THESE REGULATIONS WERE IN EFFECT SHALL BE USED FOR DETERMINING COMPLIANCE
- ALL FIRE SPRINKLER PLANS, CALCULATIONS, A COMPLETED PERMIT APPLICATION & APPROPRIATE FEES SHALL BE SUBMITTED DIRECTLY TO THE SANTA CLARA COUNTY FIRE DEPARTMENT BY A CALIFORNIA STATE LICENSED C–16 FIRE PROTECTION CONTRACTOR PER CRC SEC. 313.2 AS ADOPTED & AMENDED BY LAMC
- THE OWNER(S), OCCUPANT(S) AND ANY CONTRACTOR(S) OR SUBCONTRACTOR(S) ARE RESPONSIBLE FOR CONSULTING WITH THE WATER PURVEYOR OF RECORD IN ORDER TO DETERMINE IF ANY MODIFICATION OR UPGRADE OF THE EXISTING WATER SERVICE IS REQUIRED. THE CALIFORNIA WATER SERVICE REQUIRES DOUBLE CHECK VALVES INSTALLED ON BUILDINGS EQUIPPED WITH FIRE SPRINKLERS

## APPLICABLE CODES

| | |
|---|---|
| 2019 | CALIFORNIA BUILDING CODE (CBC) |
| 2019 | CALIFORNIA REFERENCE STANDARDS CODE (CRSC) |
| 2019 | CALIFORNIA ELECTRICAL CODE (CEC) |
| 2019 | CALIFORNIA MECHANICAL CODES (CMC), |
| 2019 | CALIFORNIA PLUMBING CODE (CPC) |
| 2019 | CALIFORNIA FIRE CODE (CFC) |
| 2019 | CALIFORNIA ENERGY CODE |
| 2019 | CALIFORNIA EXISTING BUILDING CODE (CEBC) |
| 2019 | CALIFORNIA RESIDENTIAL CODE (CRC) |
| 2019 | CALIFORNIA GREEN BUILDING STDS. CODE (CA GREEN) MANDATORY MEASURES ONLY |


LOUIE LEU ARCHITECT INC
236 N. Santa Cruz Ave., Suite 210, Los Gatos, Ca 95030
Ph. (408) 399-2222 Fax (408) 399-2223 www.louieleuarch.com


LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

TITLE SHEET, PROJECT DATA

Scale: As Noted

Date/Revisions:
09–16–22 PLANNING COMMENTS
10–18–22 PLANNING COMMENTS

Sheet No:

A - 0.0


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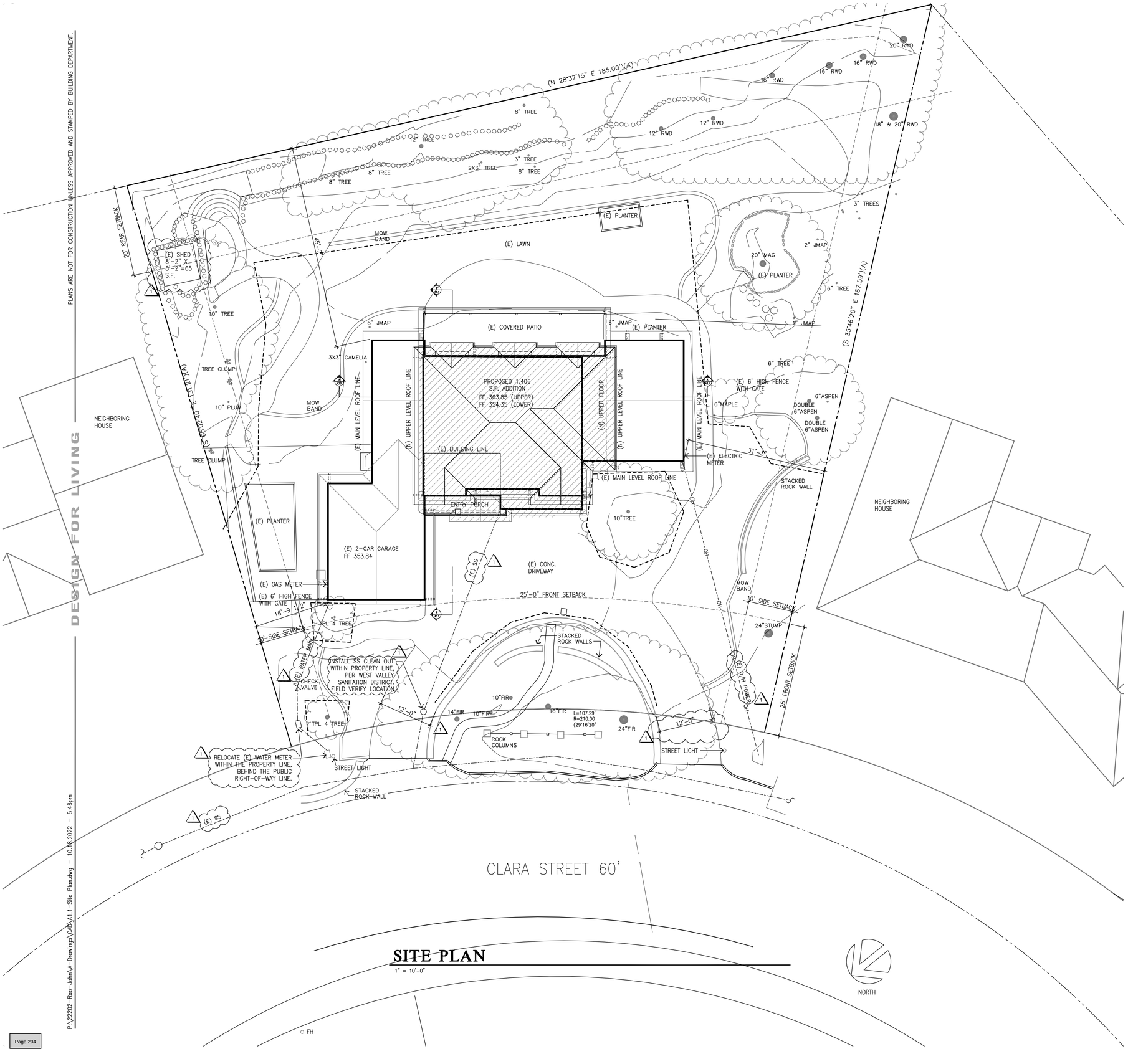
EXHIBIT 10

P:\22202–Rao–John\A–Drawings\CAD\A0.0–Title Sheet.dwg – 10.18.2022 – 5:34pm




## SITE PLAN
1" = 10'-0"

## GENERAL SITE PLAN NOTES

A. PRIOR TO FOUNDATION INSPECTION BY THE CITY, THE RCE OR LLS OF RECORD SHALL PROVIDE WRITTEN CERTIFICATION THAT ALL THE BUILDING SETBACKS & PAD ELEVATIONS ARE AS PER APPROVED PLANS.

B. TREE PROTECTIVE FENCING , WHERE SHOWN, SHALL BE INSTALLED & INSPECTED BY LOCAL JURISDICTION AND SHALL REMAIN IN PLACE THROUGHOUT CONSTRUCTION.

C. NO CONSTRUCTION EQUIPMENT OR PRIVATE VEHICLES SHALL PARK OR BE STORED WITHIN THE DRIP LINE OF ANY ORDINANCE PROTECTED TREES ON THE SITE.

D. PROVIDE SEWAGE BACKFLOW DEVICE/CHECK VALVE PER SANITATION DISTRICT REQUIREMENTS.

E. APPROVED NUMBERS OR ADDRESSES SHALL BE PLACED ON ALL NEW AND EXISTING BUILDINGS IN SUCH A POSITION AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY. NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND.

F. GAS SUPPLY LINE SHALL HAVE A MIN. CAPACITY OF AT LEAST 200,000 BTU/HR. FOR THE TANKLESS WATER HEATER DESIGN GAS INPUT PER CEC SECTION 150.0(n), UPGRADE GAS METER IF REQUIRED, PER UTILITY COMPANY

G. ALL TREE PROTECTION MEASURES WILL MEET THE REQUIREMENTS OF SECTION 29.10.1005. TYPE 1 FENCING SHALL BE SIX (6) FOOT HIGH CHAIN LINK FENCING, MOUNTED ON TWO-INCH DIAMETER GALVANIZED IRON POSTS DRIVEN INTO THE GROUND TO A DEPTH OF AT LEAST TWO (2) FEET AT NO MORE THAN TEN-FOOT SPACING. FOR PAVING AREA THAT WILL NOT BE DEMOLISHED AND WHEN STIPULATED IN A TREE PRESERVATION PLAN, POSTS MAY BE SUPPORTED BY A CONCRETE BASE. A WARNING SIGN SHALL BE PROMINENTLY DISPLAYED ON EACH TREE FENCE ON AN EIGHT AND ONE-HALF-INCH BY ELEVEN-INCH SIGN STATING: "WARNING – TREE PROTECTION ZONE – THIS FENCE SHALL NOT BE REMOVED AND IS SUBJECT TO PENALTY ACCORDING TO TOWN CODE 29.10.1025."

H. ALL NEW, RELOCATED, OR TEMPORARILY REMOVED UTILITY SERVICES, INCLUDING TELEPHONE, ELECTRIC POWER AND ALL OTHER COMMUNICATIONS LINES SHALL BE INSTALLED UNDERGROUND. EXISTING ELECTRIC POWER SHALL BE UNDERGROUND.

I. ALL PERMANENT EXTERIOR LIGHT FIXTURES SHOULD UTILIZE SHIELDS SO THAT NO BULB IS VISIBLE AND TO ENSURE THAT LIGHT IS DIRECTED TO THE GROUND SURFACE AND DOES NOT SPILL LIGHT ONTO NEIGHBORING PARCELS OR PRODUCE GLARE WHEN SEEN FROM NEARBY HOMES.

## DRAINAGE NOTES

A. ALL WORK PROPOSED IN THE PUBLIC RIGHT OF WAY WILL REQUIRE AN ENCROACHMENT PERMIT.

B. PROVIDE ADEQUATE PERIMETER EROSION & SEDIMENTATION CONTROL MEASURES ALONG THE PROPERTY LINE

C. ANY CATCH BASINS LOCATED IN THE PUBLIC RIGHT-OF-WAY SHALL BE PROTECTED DURING CONSTRUCTION

D. ALL (E) CATCH BASIN AND AREA DRAINS ON SITE SHALL HAVE SEDIMENT CONTROL MEASURES

E. ROOF RAINWATER LEADERS ARE TO BE DISCHARGED ONTO ENERGY DISSIPATERS (SPLASH BLOCKS), WHICH ARE DESIGNED TO SPREAD OUT THE RAIN WATER SO THAT IT ENTERS THE LANDSCAPED AREAS AS SHEET FLOW. RUNOFF FROM THE SITE SHALL NOT BE COLLECTED INTO A PIPE SYSTEM, CONCENTRATED, AND DISCHARGED DOWN SLOPE.

## LEGEND - SITE

TREE PROTECTIVE FENCING

SPLASH BLOCK AT DOWNSPOUT LOCATION

## GRADING

NO NEW GRADING IS PROPOSED. BUILDING PAD FOR ADDITION IS EXISTING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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

SITE PLAN

Scale: 1" = 10'

Date/Revisions:
09-16-22 PLANNING COMMENTS
10-18-22 PLANNING COMMENTS

Sheet No:

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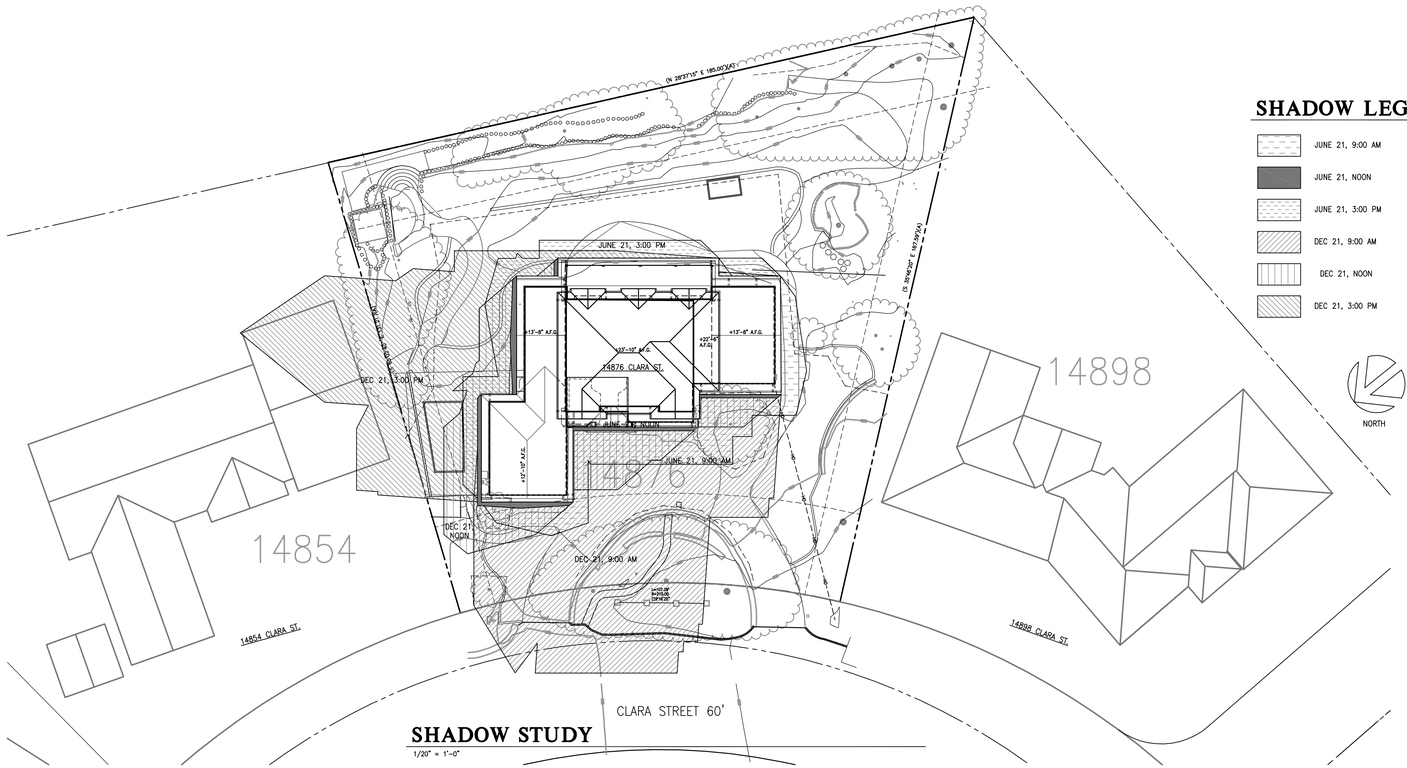
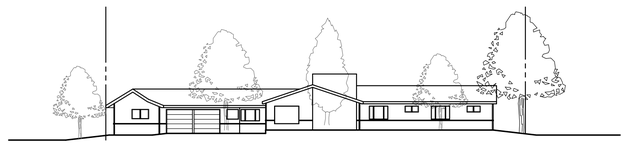



## SHADOW LEGEND

- JUNE 21, 9:00 AM
- JUNE 21, NOON
- JUNE 21, 3:00 PM
- DEC 21, 9:00 AM
- DEC 21, NOON
- DEC 21, 3:00 PM

## SHADOW STUDY

1/20" = 1'-0"



14901 CLARA ST.

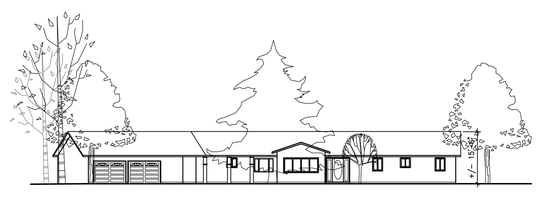
## C- STREETSCAPE - CLARA ST.

3/64" = 1'-0"

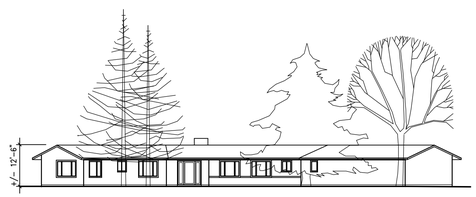
14810 CLARA ST. | 14832 CLARA ST. | 14854 CLARA ST. | 14876 CLARA ST. | 14898 CLARA ST.

## A- STREETSCAPE - CLARA ST.

3/64" = 1'-0"



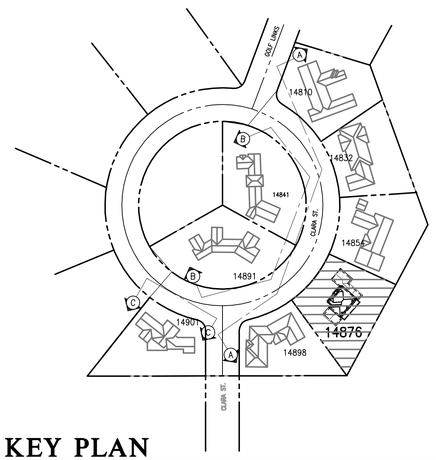

14841 CLARA ST.




14891 CLARA ST.

## B- STREETSCAPE - CLARA ST.

3/64" = 1'-0"




## KEY PLAN

NTS

NORTH

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LICENSED ARCHITECT ☆ LOUIE LEU ☆ STATE OF CALIFORNIA
No. C15688
31 MAY 2023
RENEWAL DATE

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

SHADOW STUDY/STREETSCAPE

Scale: 1" = 10'

Date/Revisions:
09-16-22 PLANNING COMMENTS

Sheet No:
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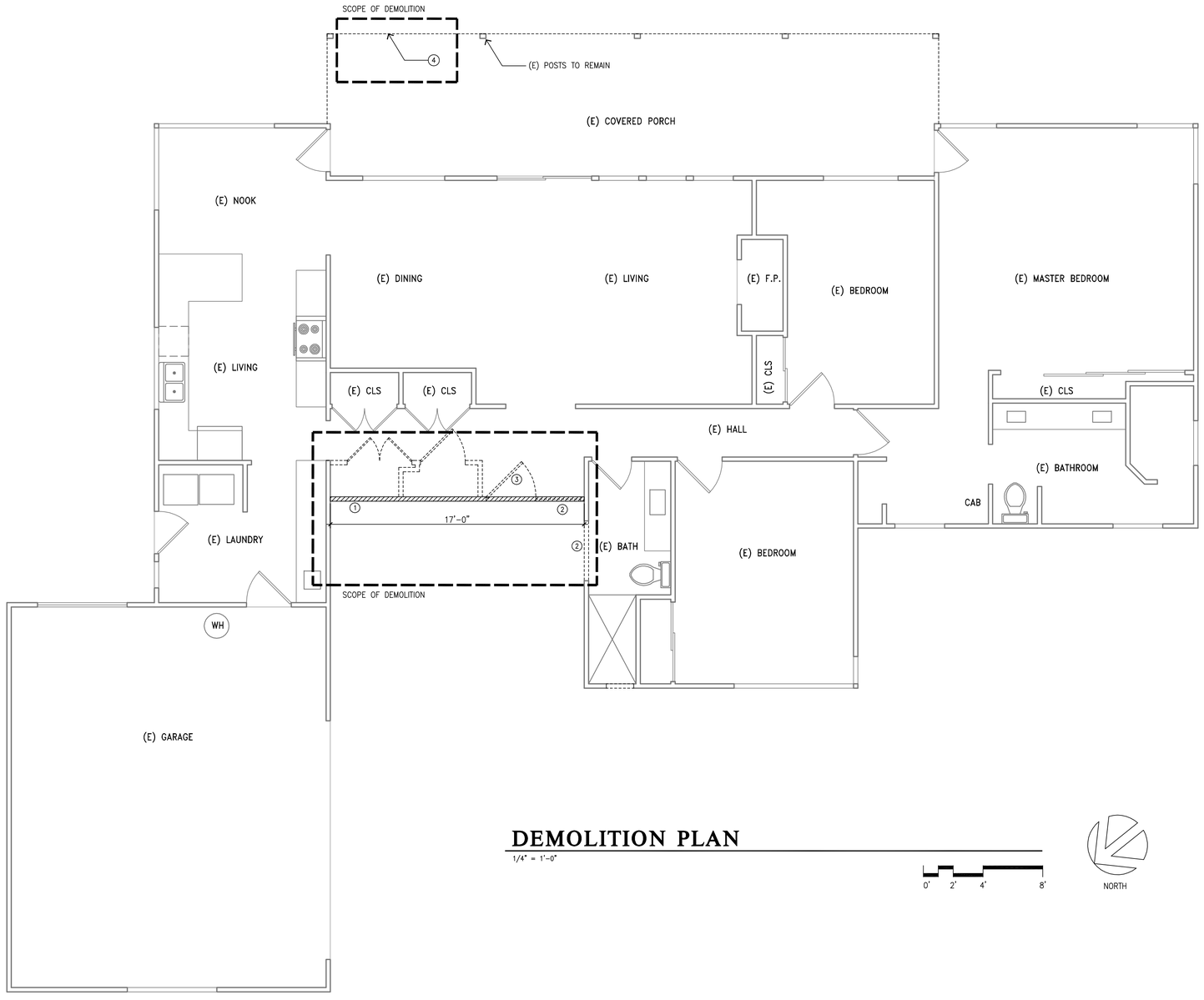


## DEMOLITION PLAN

1/4" = 1'-0"

0' 2' 4' 8'

NORTH

### KEY NOTES

1. REMOVE (E) WALL AS INDICATED BY DASHED LINES.
2. REMOVE (E) WINDOW AS INDICATED BY DASHED LINES.
3. REMOVE (E) DOOR AS INDICATED BY DASHED LINES.
4. REMOVE (E) PORCH ROOF

### LEGEND

- (E) EXTERIOR WALL TO REMAIN
- (E) EXTERIOR WALL TO BE REMOVED
- (E) INTERIOR WALL TO BE REMOVED
- (E) WINDOW TO BE REMOVED
- (E) DOOR TO BE REMOVED

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SIGNATURE DATE:

Project No: 22202

RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

DEMOLITION PLAN

Scale: 1/4" = 1'-0"

Date/Revisions:
09-16-22 PLANNING COMMENTS

Sheet No:

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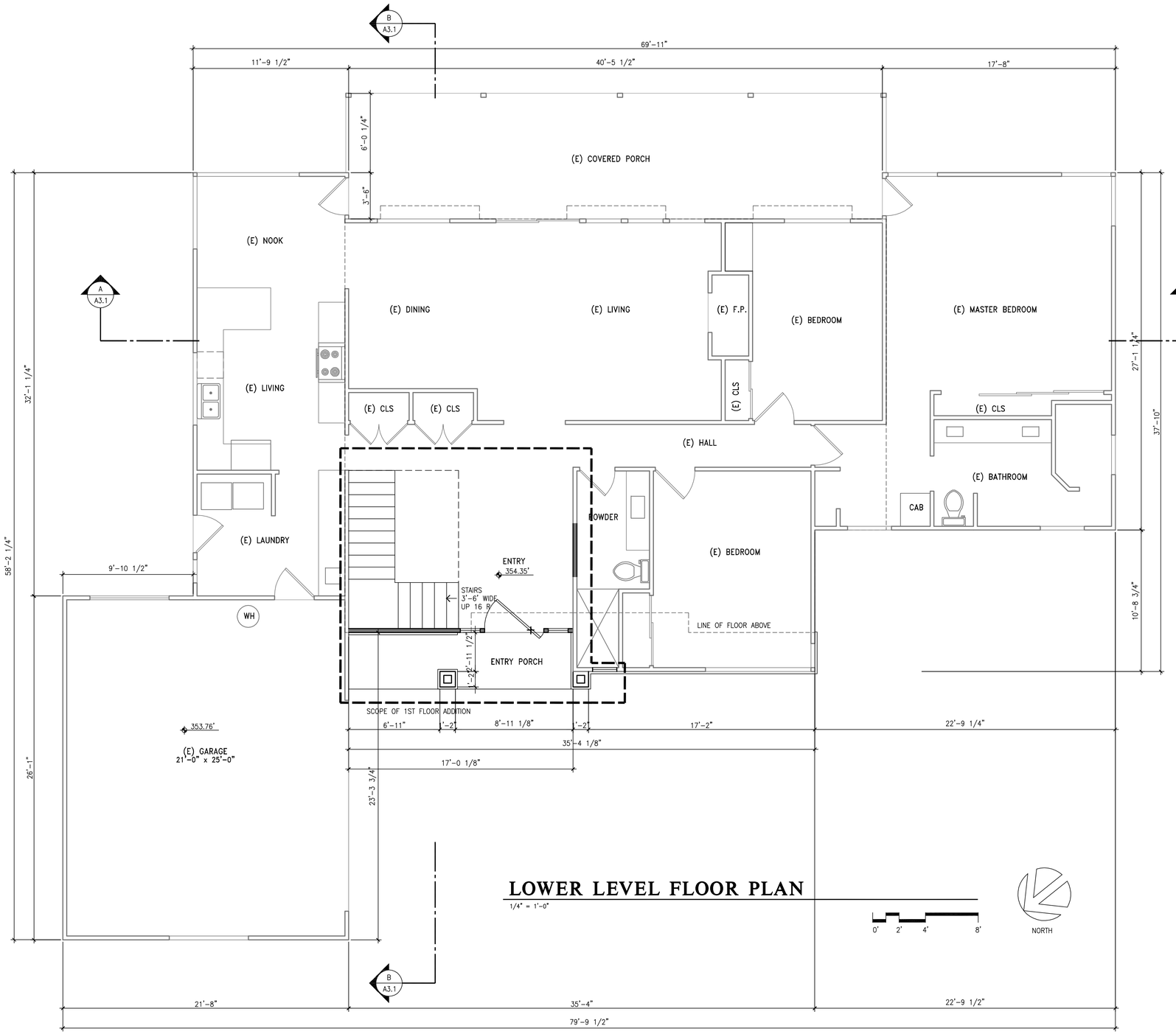


# LOWER LEVEL FLOOR PLAN

1/4" = 1'-0"

## GENERAL NOTES

A. LANDING AT EXT. DOORS SHALL BE THE WIDTH OF THE OPERABLE DOOR X 36". THE LANDING SHALL NOT BE MORE THAN 7.75" BELOW THE TOP OF THE THRESHOLD. THRESHOLDS SHALL NOT EXCEED .5" MAX. DOWN FOR OUTWARD SWINGING DOORS, .75" FOR SLIDERS, AND 7.75" MAX. FOR INWARD SWING DOORS PER CBC SECTION 1010.

B. PROVIDE INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THERMOSTATIC MIXING VALVE TYPE @ SHOWERS & TUBS/SHOWER COMBINATION

C. PROVIDE SMOOTH, HARD, NON-ABSORBENT SURFACE (E.G., CERAMIC TILE OR FIBERGLASS) FULL HEIGHT (72" MIN.) AT SHOWER & TUB-SHOWER WALLS

D. SEE TITLE 24 FOR INSULATION REQUIREMENTS

E. SEE CAL GREEN NOTES FOR RESIDENTIAL MANDATORY REQUIREMENTS

F. COMBINED FLOW RATE OF BOTH SHOWERHEADS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 1.8 GPM @ 80 PSI, OR ONLY ONE SHOWER OUTLET IS TO BE IN OPERATION AT A TIME

G. 5/8" GYP. BOARD TYP. ON ALL INTERIOR WALLS. 5/8" TYPE 'X' GYP. BD. ON CEILINGS AND SUPPORTING MEMBERS WHERE LIVING AREAS ARE ABOVE OR CEILINGS ARE USED FOR SEPARATION. LEVEL 5 SMOOTH FINISH EXCEPT LEVEL 4 @ GARAGE & UTILITY ROOMS

H. ALL SLEEPING ROOMS TO BE PROVIDED WITH ONE EGRESS ESCAPE/RESCUE WINDOW. EGRESS WINDOW SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5.7 SQ. FT. MIN. CLR. HT. OF 24" AND A MIN. CLEAR WIDTH OF 20". BOTTOM OF THE CLEAR OPENING SHALL NOT BE MORE THAN 44" ABOVE FINISHED FLOOR, PER CRC R310.1. ALL EGRESS WINDOWS WITH DUAL LATCHES SHALL BE INTERCONNECTED AND THE LATCHES UNLOCKED BY A SINGLE MOTION FROM THE LOWEST OPENING AND CLOSING DEVICE.

J. ALL WINDOWS TO BE DOUBLE GLAZED, TEMPERED GLASS PER WILDLIFE URBAN INTERFACE REQUIREMENTS. SEE WUI NOTES 4/A0.0.

H. EXISTING DIMENSIONS ARE APPROXIMATE BASED ON THE DRAWINGS PROVIDED BY OWNER

## KEY NOTES

1. (E) FOUNDATION ACCESS DOOR
2. (E) DOOR TO REMAIN
3. (E) WINDOW TO REMAIN
4. 5/8" TYPE 'X' GYP. 1-HOUR WALL ASSEMBLY. SEE DETAIL E-A9.1
5. (E) 75 GALLON GAS WATER HEATER
6. NEW FORCED AIR UNITS AND WATER HEATER TO BE INSTALLED IN SAME LOCATION AS (E)

## LEGEND

- (E) WALL TO REMAIN
- (E) WALL TO BE REMOVED
- NEW 2 X 4 STUDS @ 16" O.C. WALL
- (E) CONCRETE FOUNDATION WALLS

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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

LOWER LEVEL FLOOR PLAN

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

Sheet No:

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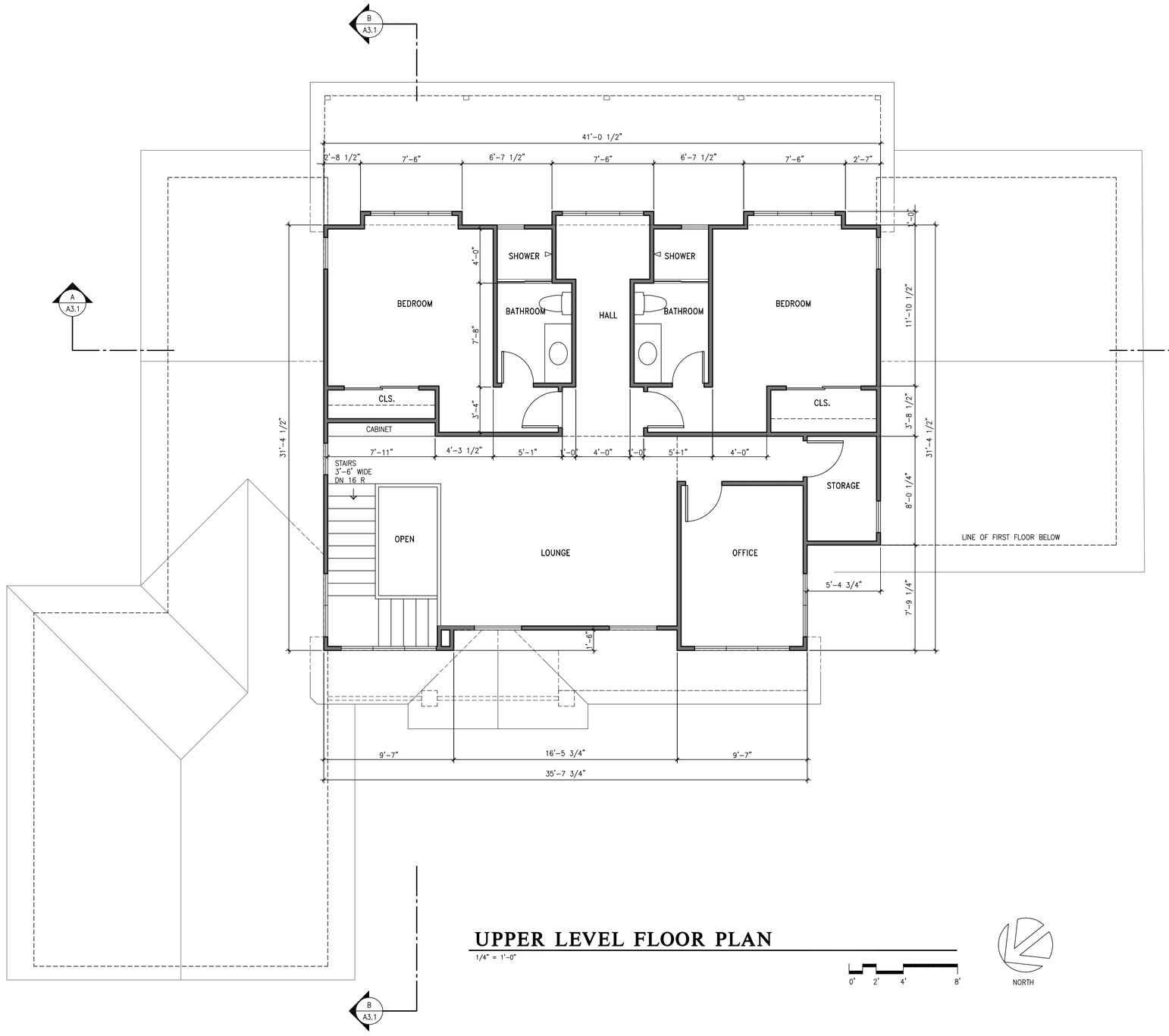


## UPPER LEVEL FLOOR PLAN

1/4" = 1'-0"

0' 2' 4' 8'

NORTH

## GENERAL NOTES

A. LANDING AT EXT. DOORS SHALL BE THE WIDTH OF THE OPERABLE DOOR X 36". THE LANDING SHALL NOT BE MORE THAN 7.75" BELOW THE TOP OF THE THRESHOLD. THRESHOLDS SHALL NOT EXCEED .5" MAX. DOWN FOR OUTWARD SWINGING DOORS, .75" FOR SLIDERS, AND 7.75" MAX. FOR INWARD SWING DOORS PER CBC SECTION 1010.

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C. PROVIDE SMOOTH, HARD, NON-ABSORBENT SURFACE (E.G., CERAMIC TILE OR FIBERGLASS) FULL HEIGHT (72" MIN.) AT SHOWER & TUB-SHOWER WALLS

D. SEE TITLE 24 FOR INSULATION REQUIREMENTS

E. SEE CAL GREEN NOTES FOR RESIDENTIAL MANDATORY REQUIREMENTS

F. COMBINED FLOW RATE OF BOTH SHOWERHEADS CONTROLLED BY A SINGLE VALVE SHALL NOT EXCEED 1.8 GPM @ 80 PSI, OR ONLY ONE SHOWER OUTLET IS TO BE IN OPERATION AT A TIME

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J. ALL WINDOWS TO BE DOUBLE GLAZED, TEMPERED GLASS PER WILDLIFE URBAN INTERFACE REQUIREMENTS. SEE WUI NOTES 4/A0.0.

H. EXISTING DIMENSIONS ARE APPROXIMATE BASED ON THE DRAWINGS PROVIDED BY OWNER

## KEY NOTES

1. (E) TEMPERED GLASS SHOWER ENCLOSURE
2. (E) DOOR TO REMAIN
3. (E) WINDOW TO REMAIN
4. NEW FORCED AIR UNITS AND WATER HEATER TO BE INSTALLED IN SAME LOCATION AS (E)

## LEGEND

NEW 2 X 4 STUDS @ 16" O.C. WALL

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SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

UPPER LEVEL FLOOR PLAN

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

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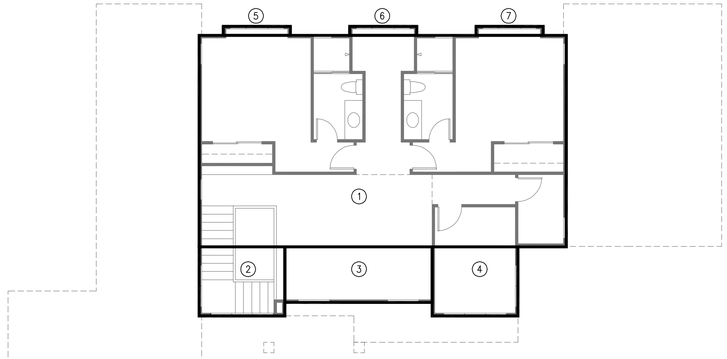
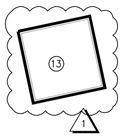


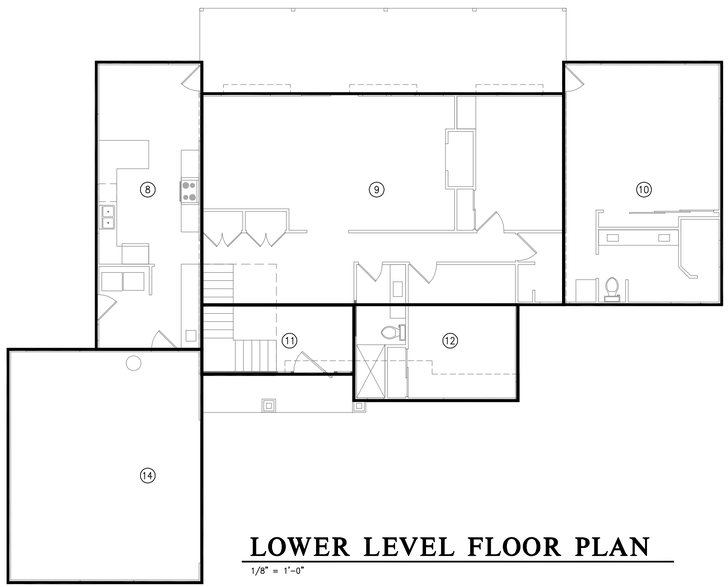

## UPPER LEVEL FLOOR PLAN

1/8" = 1'-0"

## AREA CALCULATIONS

| TAG # | CALCULATION | AREA |
|---|---|---|
| **HOUSE FLOOR AREA** | | |
| **UPPER LEVEL FLOOR AREA** | | |
| 1 | 41'-0" X 23'-8" | 971 SQ. FT. |
| 2 | 9'-7" X 7'-8" | 74 SQ. FT. |
| 3 | 16'-6" X 6'-2" | 103 SQ. FT. |
| 4 | 7'-8" X 9'-7" | 74 SQ. FT. |
| 5 | 1'-0" X 7'-6" | 7 SQ. FT. |
| 6 | 1'-0" X 7'-6" | 7 SQ. FT. |
| 7 | 1'-0" X 7'-6" | 7 SQ. FT. |
| | TOTAL UPPER LEVEL | 1,243 SQ. FT. |
| **LOWER LEVEL FLOOR PLAN** | | |
| 8 | 11'-9" X 32'-2" | 379 SQ. FT. |
| 9 | 40'-6" X 23'-7" | 955 SQ. FT. |
| 10 | 17'-8" X 27'-2" | 479 SQ. FT. |
| 11 | 17'-0" X 7'-11" | 131 SQ. FT. |
| 12 | 18'-4" X 10'-9" | 197 SQ. FT. |
| 13 | 8'-2" X 8'-2" (SHED) | 65 SQ. FT. |
| | TOTAL LOWER LEVEL | 2,206 SQ. FT. |
| **TOTAL UPPER LEVEL FLOOR** | | **1,243 SQ. FT.** |
| **TOTAL LOWER LEVEL FLOOR** | | **2,206 SQ. FT.** |
| **TOTAL FLOOR AREA PROPOSED** | | **3,449 SQ. FT.** |
| **MAXIMUM ALLOWABLE FLOOR AREA** | | **4,616 SQ. FT.** |
| **GARAGE FLOOR AREA** | | |
| 14 | 21'-8" X 26'-1" | 565 SQ. FT. |
| | TOTAL GARAGE | 565 SQ. FT. |
| **TOTAL GARAGE** | | **565 SQ. FT.** |
| **MAXIMUM ALLOWABLE GARAGE** | | **1,160 SQ. FT.** |




## LOWER LEVEL FLOOR PLAN

1/8" = 1'-0"

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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

FLOOR AREA CALCULATION

Scale: As Noted

Date/Revisions:

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Sheet No:

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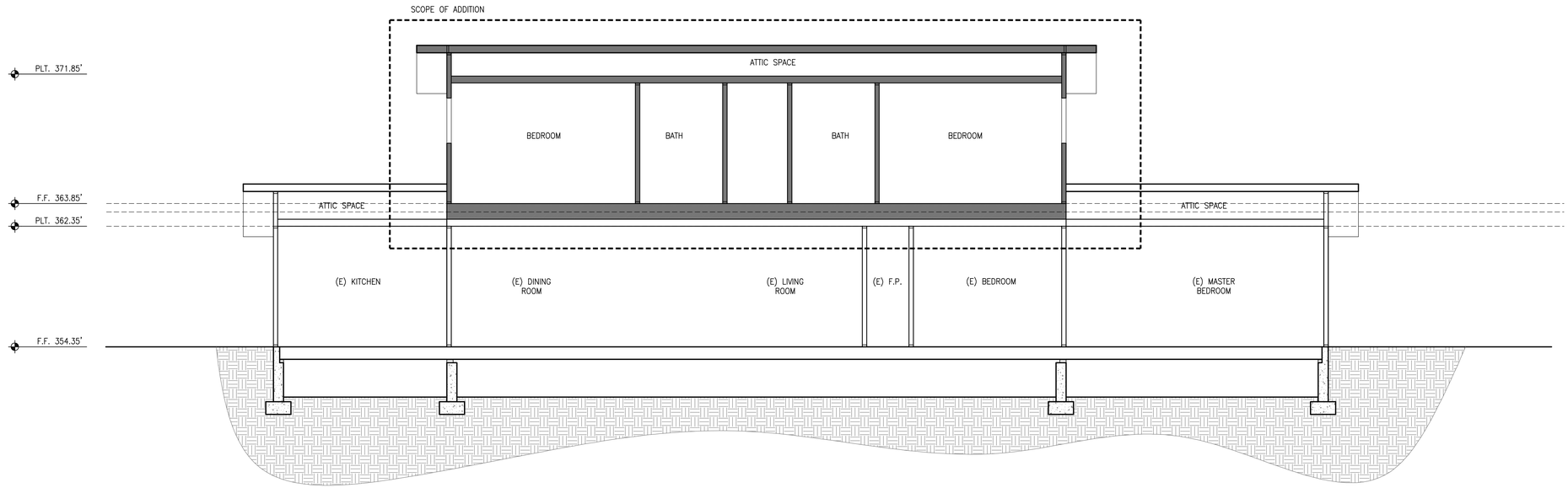
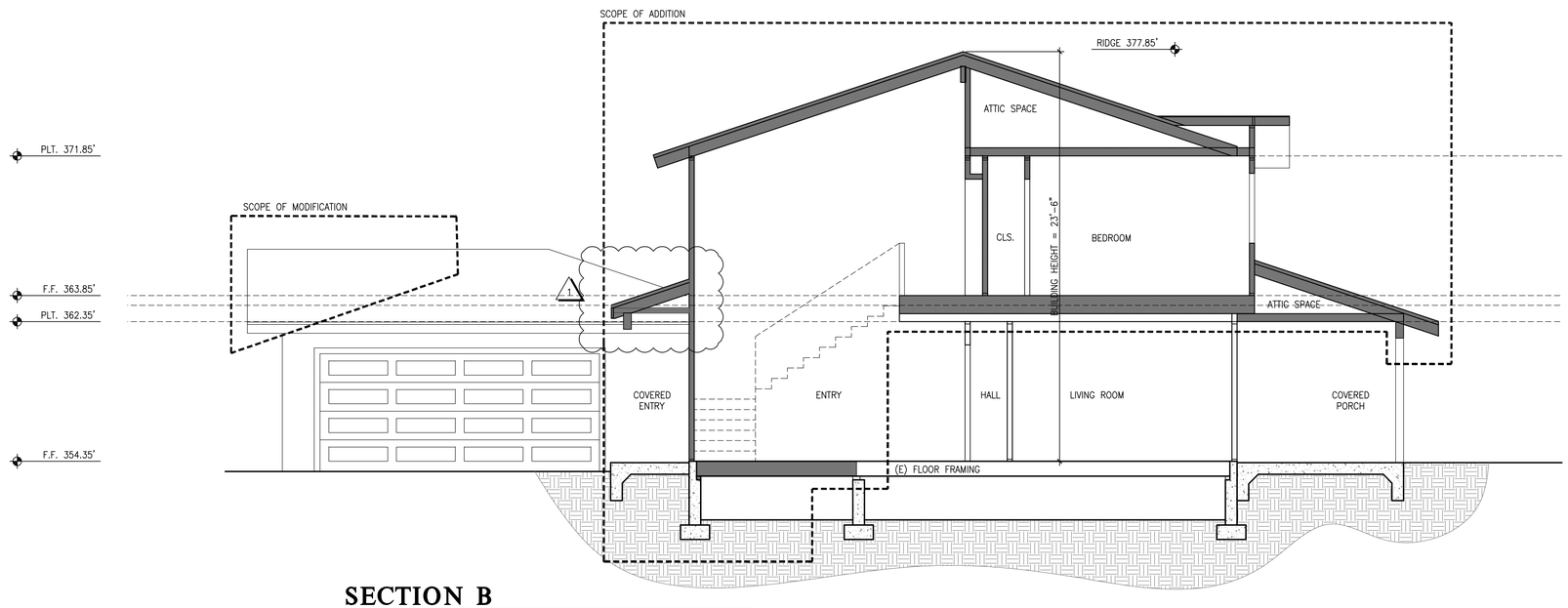



## SECTION A

1/4" = 1'-0"




## SECTION B

1/4" = 1'-0"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BUILDING SECTIONS

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

Sheet No:

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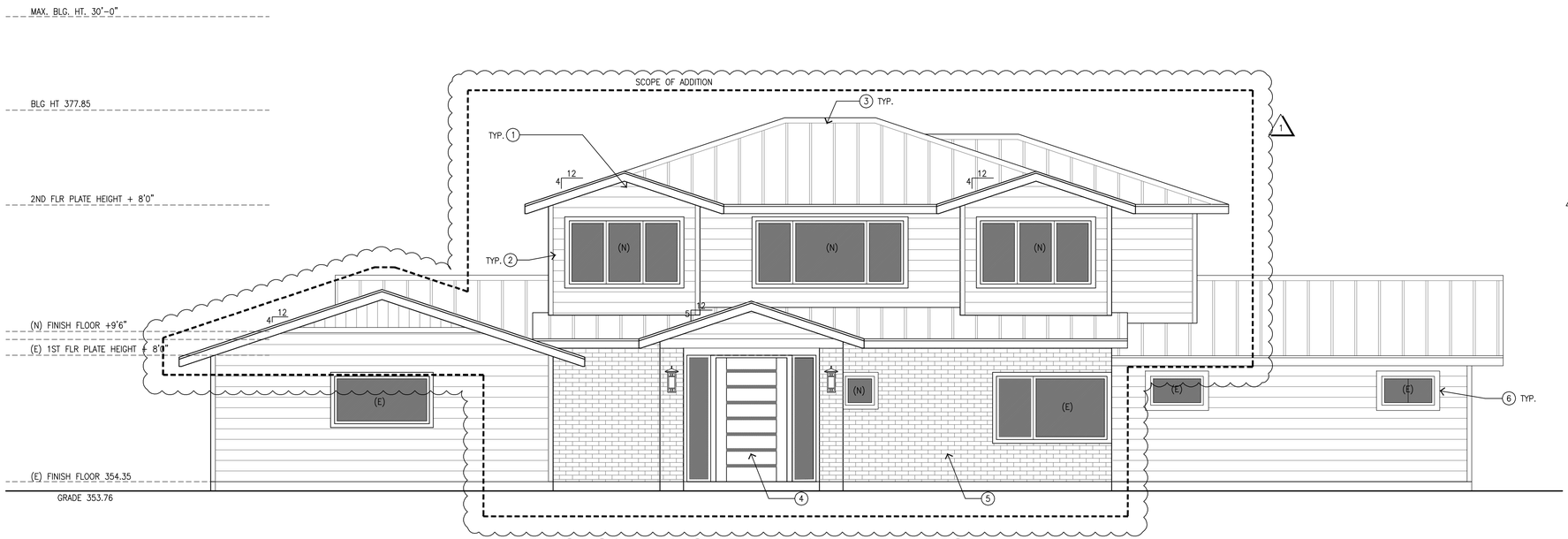
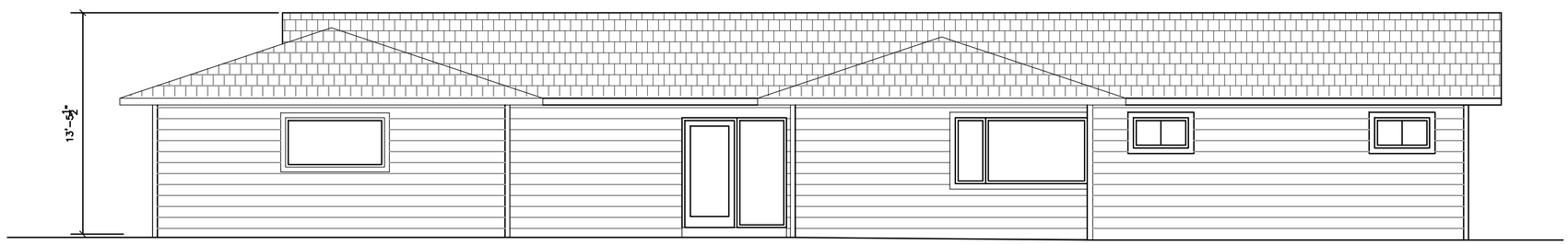



## PROPOSED NORTH-WEST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'




## EXISTING NORTH-WEST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'

### GENERAL NOTES

A. ADDRESS LETTERS/NUMBERS SHALL BE MINIMUM FOUR (4) INCHES HICH, WITH A MINIMUM STROKE WIDTH OF 1/2", AND SHALL CONTRAST WITH THEIR BACKGROUND. NUMBERS SHALL NOT BE SPELLED OUT.

1 B. ALL EXTERIOR LIGHT FIXTURES SHALL MEET THE REQUIREMENTS OF TOWN CODE SECTION 29.10.09015 TO BE SHIELDED SO THAT NO BULB IS VISIBLE AND DIRECTED TO THE GROUND SURFACE SO LIGHT DOES NOT SPILL ONTO NEIGHBORING PARCELS OR PRODUCE A GLARE WHEN VIEWED FROM THE NEARBY HOMES.

### EXTERIOR MATERIALS

1. HARDIE BOARD, ARTISAN HORIZONTAL LAP SIDING W/SMOOTH FINISH
2. METAL CLAD WOOD WINDOWS.
3. STANDING SEAM METAL ROOF. INSTALL O/ 30# ROOF FELTS, CLASS 'A' RATED.
4. METAL AND GLASS ENTRY DOOR SYSTEM.
5. BRICK VENEER
6. (E) WINDOWS TO REMAIN. PAINT FRAMES TO MATCH (N) WINDOWS.
7. (E) SIDING TO REMAIN. REPAINT TO MATCH (N) SIDING.

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14876 CLARA STREET, LOS GATOS, CA 95032

## EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

Date/Revisions:

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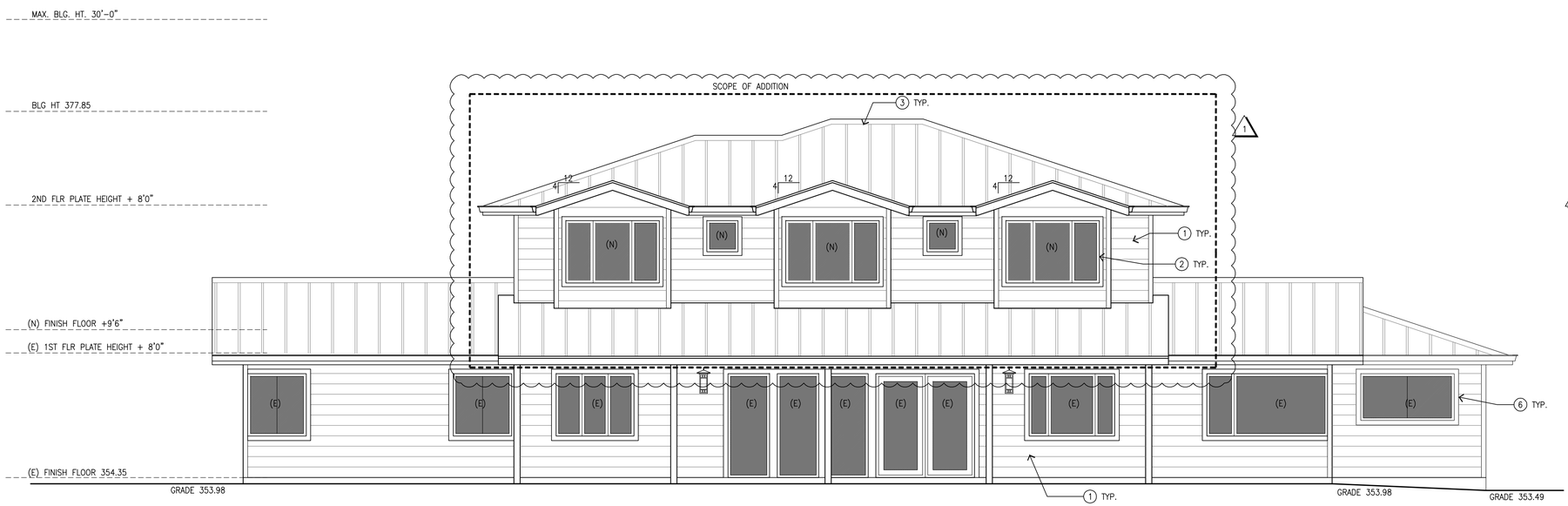
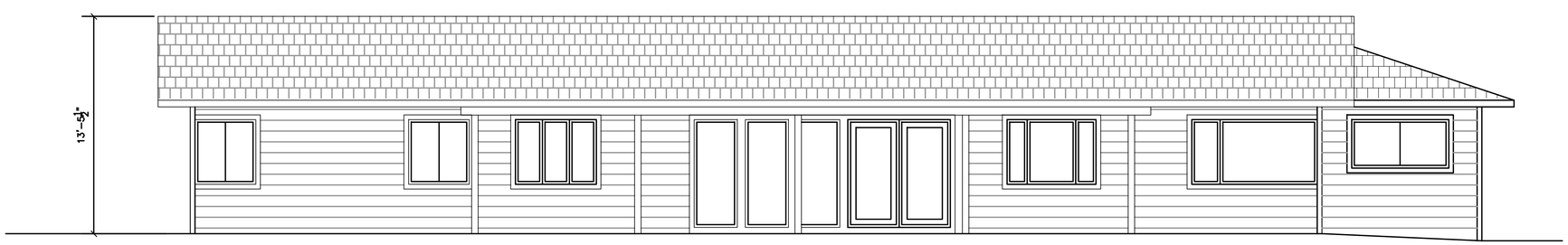



## PROPOSED SOUTH-EAST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'




## EXISTING SOUTH-EAST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'

### GENERAL NOTES

A. ADDRESS LETTERS/NUMBERS SHALL BE MINIMUM FOUR (4) INCHES HICH, WITH A MINIMUM STROKE WIDTH OF 1/2", AND SHALL CONTRAST WITH THEIR BACKGROUND. NUMBERS SHALL NOT BE SPELLED OUT.

1 B. ALL EXTERIOR LIGHT FIXTURES SHALL MEET THE REQUIREMENTS OF TOWN CODE SECTION 29.10.09015 TO BE SHIELDED SO THAT NO BULB IS VISIBLE AND DIRECTED TO THE GROUND SURFACE SO LIGHT DOES NOT SPILL ONTO NEIGHBORING PARCELS OR PRODUCE A GLARE WHEN VIEWED FROM THE NEARBY HOMES.

### EXTERIOR MATERIALS

1. HARDIE BOARD, ARTISAN HORIZONTAL LAP SIDING W/SMOOTH FINISH
2. METAL CLAD WOOD WINDOWS.
3. STANDING SEAM METAL ROOF. INSTALL O/ 30# ROOF FELTS, CLASS 'A' RATED.
4. METAL AND GLASS ENTRY DOOR SYSTEM.
5. BRICK VENEER
6. (E) WINDOWS TO REMAIN. PAINT FRAMES TO MATCH (N) WINDOWS.
7. (E) SIDING TO REMAIN. REPAINT TO MATCH (N) SIDING.

LOUIE LEU ARCHITECT INC
236 N. Santa Cruz Ave., Suite 210, Los Gatos, Ca 95030
Ph. (408) 399-2222 Fax (408) 399-2223 www.louieleuarch.com

LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

DESIGN FOR LIVING

P:\22202-Rao-John\A-Drawings\CAD\A4-Elev-01.dwg - 09.16.2022 - 2:24pm

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

## EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

Date/Revisions:
09-16-22 PLANNING COMMENTS

Sheet No:

A - 4.2

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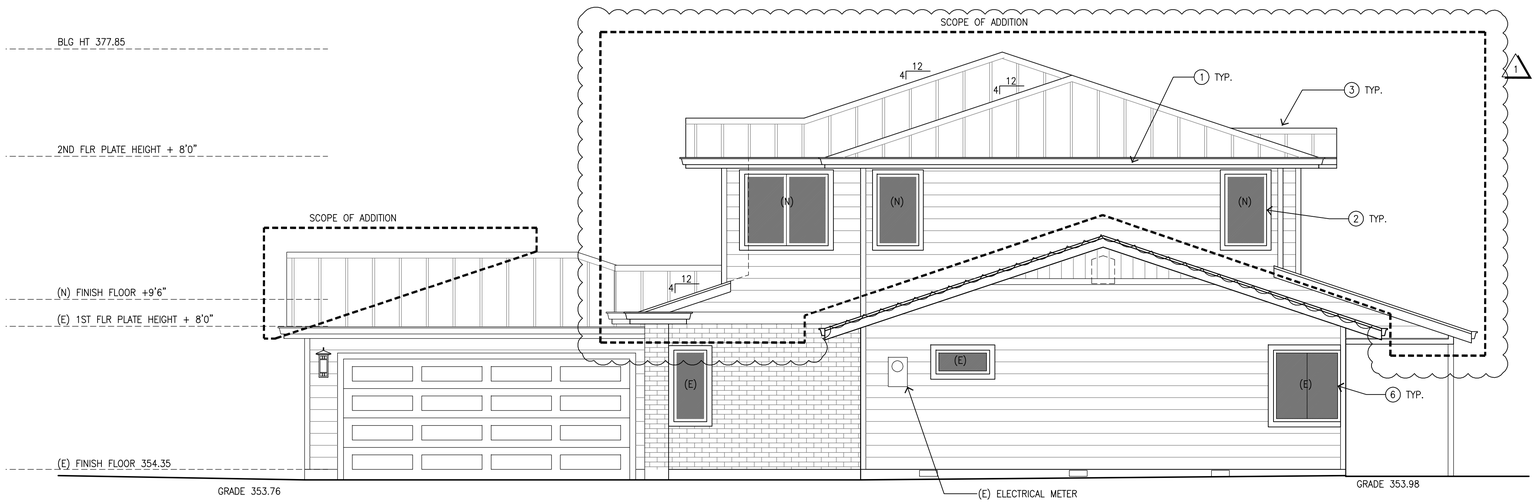
PLANS ARE NOT FOR CONSTRUCTION UNLESS APPROVED AND STAMPED BY BUILDING DEPARTMENT.

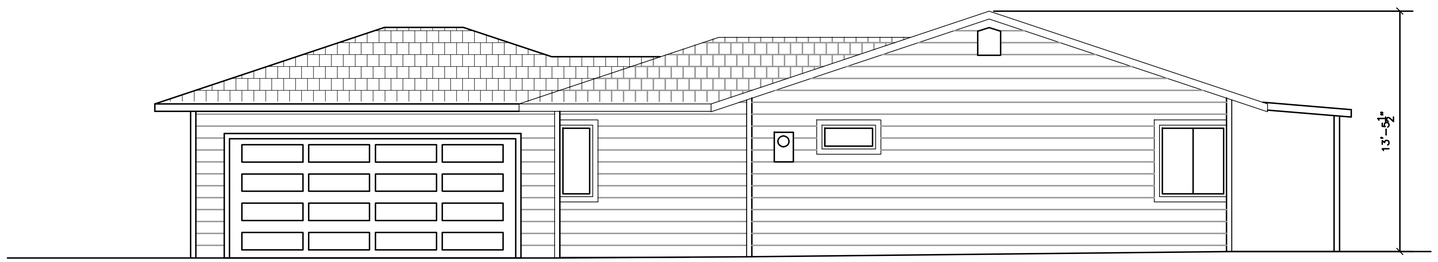
DESIGN FOR LIVING




## PROPOSED SOUTH-WEST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'




## EXISTING SOUTH-WEST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'

### GENERAL NOTES

A. ADDRESS LETTERS/NUMBERS SHALL BE MINIMUM FOUR (4) INCHES HIGH, WITH A MINIMUM STROKE WIDTH OF 1/2", AND SHALL CONTRAST WITH THEIR BACKGROUND. NUMBERS SHALL NOT BE SPELLED OUT.

1 B. ALL EXTERIOR LIGHT FIXTURES SHALL MEET THE REQUIREMENTS OF TOWN CODE SECTION 29.10.09015 TO BE SHIELDED SO THAT NO BULB IS VISIBLE AND DIRECTED TO THE GROUND SURFACE SO LIGHT DOES NOT SPILL ONTO NEIGHBORING PARCELS OR PRODUCE A GLARE WHEN VIEWED FROM THE NEARBY HOMES.

### EXTERIOR MATERIALS

1. HARDIE BOARD, ARTISAN HORIZONTAL LAP SIDING W/SMOOTH FINISH
2. METAL CLAD WOOD WINDOWS.
3. STANDING SEAM METAL ROOF. INSTALL O/ 30# ROOF FELTS, CLASS 'A' RATED.
4. METAL AND GLASS ENTRY DOOR SYSTEM.
5. BRICK VENEER
6. (E) WINDOWS TO REMAIN. PAINT FRAMES TO MATCH (N) WINDOWS.
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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

## EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

Sheet No:

A - 4.3

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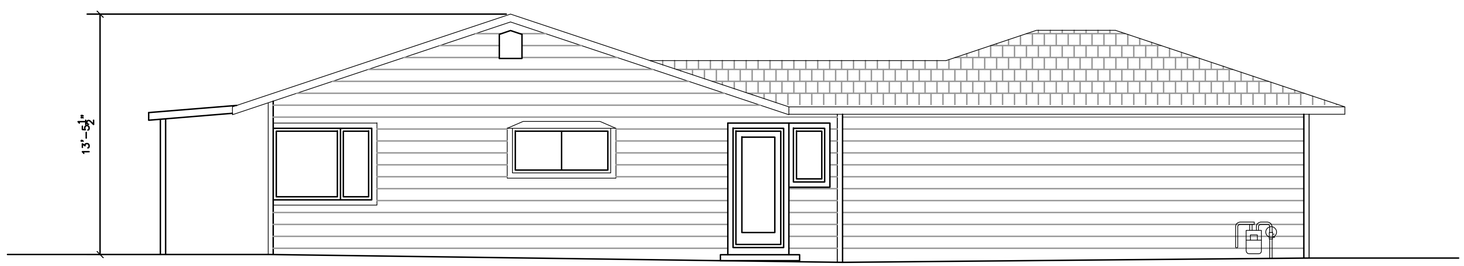
DESIGN FOR LIVING

## PROPOSED NORTH-EAST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'




## EXISTING NORTH-EAST ELEVATION

1/4" = 1'-0"

0' 2' 4' 8'

### GENERAL NOTES

A. ADDRESS LETTERS/NUMBERS SHALL BE MINIMUM FOUR (4) INCHES HIGH, WITH A MINIMUM STROKE WIDTH OF 1/2", AND SHALL CONTRAST WITH THEIR BACKGROUND. NUMBERS SHALL NOT BE SPELLED OUT.

1 B. ALL EXTERIOR LIGHT FIXTURES SHALL MEET THE REQUIREMENTS OF TOWN CODE SECTION 29.10.09015 TO BE SHIELDED SO THAT NO BULB IS VISIBLE AND DIRECTED TO THE GROUND SURFACE SO LIGHT DOES NOT SPILL ONTO NEIGHBORING PARCELS OR PRODUCE A GLARE WHEN VIEWED FROM THE NEARBY HOMES.

### EXTERIOR MATERIALS

1. HARDIE BOARD, ARTISAN HORIZONTAL LAP SIDING W/SMOOTH FINISH
2. METAL CLAD WOOD WINDOWS.
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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

EXTERIOR ELEVATIONS

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

Sheet No:

A - 4.4

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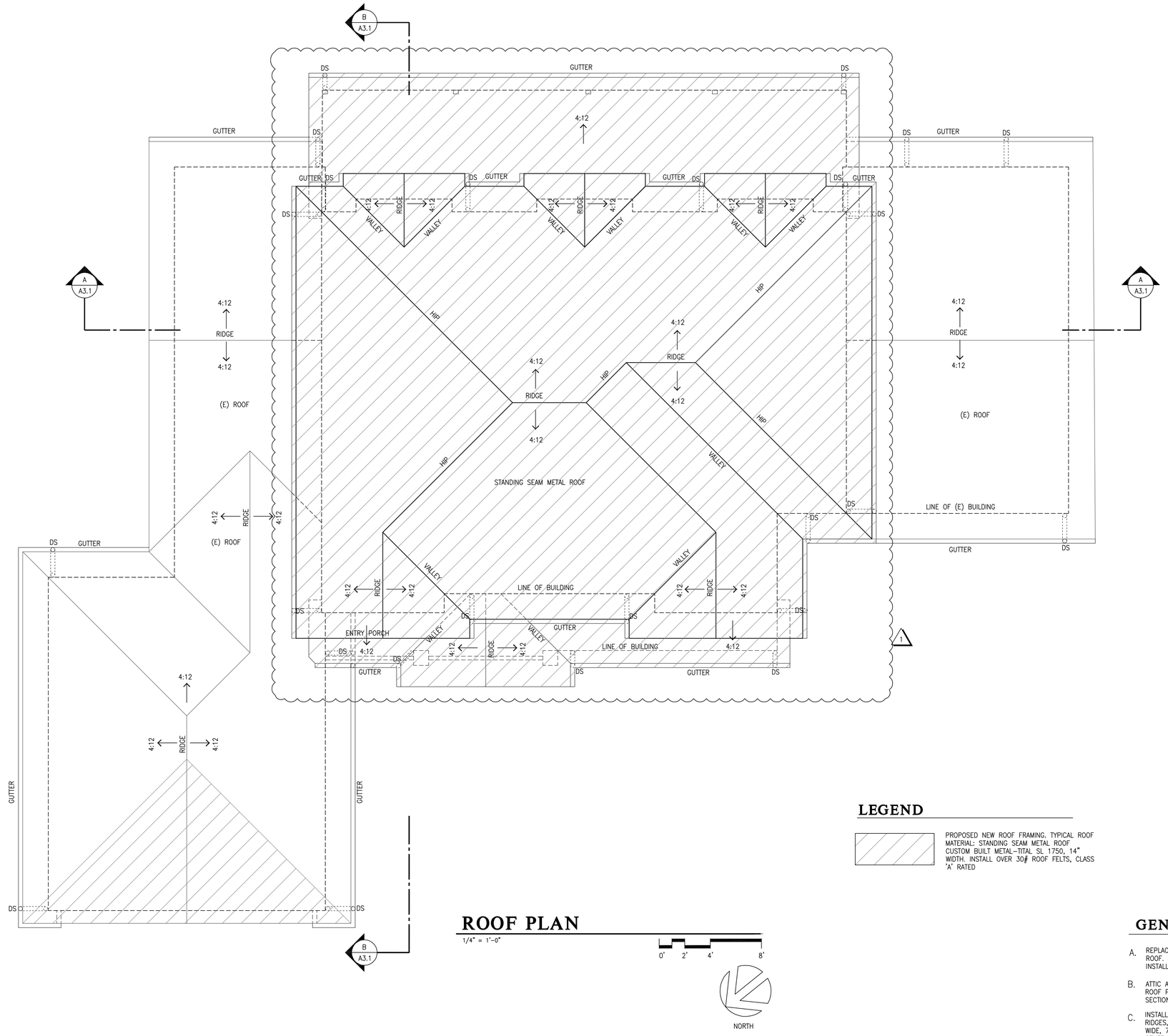
PLANS ARE NOT FOR CONSTRUCTION UNLESS APPROVED AND STAMPED BY BUILDING DEPARTMENT.

DESIGN FOR LIVING




## LEGEND

PROPOSED NEW ROOF FRAMING. TYPICAL ROOF MATERIAL: STANDING SEAM METAL ROOF CUSTOM BUILT METAL-TITAL SL 1750, 14" WIDTH. INSTALL OVER 30# ROOF FELTS, CLASS 'A' RATED

## ROOF PLAN

1/4" = 1'-0"

0' 2' 4' 8'

NORTH

## GENERAL NOTES

A. REPLACE (E) ASPHALT SHINGLE ROOF TILE WITH: STANDING SEAM METAL ROOF. CUSTOM BUILT METAL-TITAL SL 1750, 14" WIDTH INSTALL OVER 30# ROOF FELTS, CLASS 'A' RATED

B. ATTIC AREAS HAVE SPRAY FOAM INSULATION APPLIED AT UNDERSIDE OF ROOF PLYWOOD. VENTILATION OF ATTIC IS NOT REQUIRED. SEE CROSS SECTIONS FOR ADDITIONAL INFORMATION.

C. INSTALL "GRACE" ICE AND WATERSHIELD FLEXIBLE MEMBRANE FLASHING @ RIDGES, HIPS, EAVES, VALLEYS, SKYLIGHTS & ROOF PROTRUSIONS, A 36" WIDE, 72# CAP SHEET SHALL BE PLACED IN ALL VALLEYS PRIOR TO ANY OTHER UNDERLAYMENT ROOFING MATERIAL & AT LOW SLOPE ROOFS LESS THAN 3½":12 PITCH

D. PROVIDE LEAF GUARDS @ ALL GUTTERS

E. (N) ROOF DOWNSPOUTS TO TO BE DIRECTED TO SPLASH BLOCKS, MIN. 24" L. DIRECTED AWAY FROM BUILDING TO LANDSCAPE AREAS

F. SEE TITLE 24 ENERGY COMPLIANCE SHEET FOR INSULATION REQUIREMENTS

G. SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION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LICENSED ARCHITECT LOUIE LEU No. C15688 31 MAY 2023 RENEWAL DATE STATE OF CALIFORNIA

SIGNATURE DATE:

Project No: 22202

# RAO - JOHN RESIDENCE

14876 CLARA STREET, LOS GATOS, CA 95032

ROOF PLAN

Scale: 1/4" = 1'-0"

Date/Revisions:

09-16-22 PLANNING COMMENTS

Sheet No:

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**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 12/14/2022

ITEM NO: 5

DATE: December 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider Amendments to Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code Regarding Town-Initiated Parcel Mergers. Town Code Amendment Application A-22-003. PROJECT LOCATION: Town Wide. APPLICANT: Town of Los Gatos.

RECOMMENDATION:

Consider amendments to Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code regarding Town-initiated parcel mergers.

CEQA:

Because the proposed ordinance reflects State law, it will not result in a change in the physical environment and is not a project defined under CEQA, and no further action is required (Public Resources Code Section 21065).

FINDINGS:

- Find that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b)(3)] (Exhibit 1).
- Find that the Town Code amendments are consistent with the General Plan.

ACTION:

Recommendation to Town Council.

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

Town Code Section 29.10.070 currently addresses lot mergers for lots that do not conform with the Town's requirements. Subsection (b) currently provides that "any parcels under the same or substantially the same ownership that do not meet the [Town's] criteria . . . shall be considered merged."

The State Subdivision Map Act (Map Act) governs in the area of subdivisions and preempts local ordinances with regard to lot mergers. The applicable Map Act provisions are codified in Government Code Sections 66451.10 and following. The Map Act requires the following steps before a lot merger can take effect:

1) The owner of the affected parcels must be notified of the lot merger proposal;
2) The Town must file with the County Recorder a notice of merger; and
3) Prior to recording the notice of merger, the Town must mail the record owner a notice of intention and give the owner an opportunity to request a hearing.

DISCUSSION:

This item relates to the merger of existing lots that do not conform with the Town's standards. Currently, the Town Code states that nonconforming lots are merged automatically. This provision conflicts with, and is preempted by, State law. Therefore, staff is proposing an ordinance to bring the Town Code into conformance with State law regarding lot merger. Staff has prepared the following revised language to be included in the ordinance with new language shown underlined and deleted language shown ~~strike-through~~:

Section 24.10.080. Town-Initiated Parcel Merger.

(a) The Town may initiate a merger of a parcel with a contiguous parcel held by the same owner if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance applicable to the parcel and if, in accordance with Government Code Section 66451.11, all of the following requirements are satisfied:

(1) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.

(2) With respect to any affected parcel, one or more of the following conditions exists:

a. Comprises less than 5,000 square feet in area at the time of the determination of merger;

b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;

DISCUSSION (continued):

c. Does not meet current standards for sewage disposal and domestic water supply;
d. Does not meet slope stability standards;
e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
f. Its development would create health or safety hazards; or
g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(b) Before initiating a parcel merger, the Town will notify the owner of the affected parcels and provide the owner with the opportunity for a public hearing. The public hearing will be conducted by the Planning Commission. The decision of the Planning Commission may be appealed to the Town Council within ten days of the decision of the Planning Commission. The decision of the Town Council shall be final.

~~**Sec. 29.10.070. Lot merger.**~~

~~(a) A parcel of land does lawfully exist separately from other land and is a lot when the parcel meets each of the following criteria:~~
~~(1) Comprises at least five thousand (5,000) square feet in area.~~
~~(2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.~~
~~(3) Meets current standards for sewage disposal and domestic water supply.~~
~~(4) Meets slope stability standards.~~
~~(5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.~~
~~(6) Development of the parcel would create no health or safety hazards.~~
~~(7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.~~
~~(8) No structures are built over a common property line which is shared with another parcel under the same or substantially the same ownership.~~

~~(b) Any parcels under the same or substantially the same ownership that do not meet the criteria listed above shall be considered merged. In addition, no parcel shall be modified through a lot line adjustment procedure in order to meet the criteria listed above.~~

CEQA DETERMINATION:

Because the proposed ordinance reflects State law, it will not result in a change in the physical environment and is not a project defined under CEQA, and no further action is required (Public Resources Code Section 21065).

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The attached amendments to Town Code Chapters 24 and 29 are recommended to bring Town Code into conformance with State law regarding lot merger.

B. Recommendation

For the reasons mentioned in this report, staff recommends that the Planning Commission forward the Draft Ordinance amendments to the Town Council with a recommendation for adoption. The Commission should also include any comments or recommended changes to the Draft Ordinance in taking the following actions:

1. Find that because the proposed ordinance reflects State law, it will not result in a change in the physical environment and is not a project defined under CEQA, and no further action is required (Public Resources Code Section 21065); and
2. Make the required finding that the Ordinance amendments are consistent with the General Plan; and
3. Forward a recommendation to the Town Council for adoption of the Ordinance amendments to the Town Code.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend the Ordinance Amendments with additional modifications; or
3. Recommend that the Town Council not adopt the Ordinance Amendments.

DATE: December 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a General Plan Amendment to Add Policies to the Hazards and Safety Element. Location: Town-wide. General Plan Amendment Application GP-22-002.

RECOMMENDATION:

Consider a General Plan amendment to add policies to the Hazards and Safety Element.

BACKGROUND:

On June 30, 2022, the Town Council approved the 2040 General Plan. On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan. The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council approved a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period.

State Law requires that any General Plan or Housing Element update conducted after January 1, 2014, include review and update of the Safety Element to address the risk of fire for land classified as very high fire hazard severity zones (VHFHSZ's) [Gov. Code, § 65302, subd. (g)(3)]. Some of the language in the Community Design Element adopted as part of the 2040 General Plan was prepared in coordination with the California Board of Forestry, for compliance with this State law.

PREPARED BY: JENNIFER ARMER, AICP
Planning Manager

Reviewed by: Community Development Director

BACKGROUND (continued):

On October 26, 2022, the General Plan Committee recommended the addition of two policies to the Hazards and Safety Element of the General Plan, as described below (Exhibit 2).

DISCUSSION:

As part of the review by the California Board of Forestry, two policies within the suspended 2040 General Plan Community Design Element were identified with specific wording added to reference the VHFHSZ:

Policy CD-5.2 Hillside Development Limitation
Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.

Policy CD-6.1 Least Restrictive Development Areas
All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

These could be added as new policies in the 2040 General Plan Hazards and Safety Element under Goal HAZ-2 and renamed as Policies HAZ-2.10 and HAZ-2.11.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for Implementation of California Environmental Quality Act, Section 15061(b)(3).

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

Staff recommends that the Planning Commission:

1. Receive and consider public comments;
2. Complete the review of the proposed General Plan amendment; and
3. Forward a recommendation to the Town Council to approve the Draft Resolution (Exhibit 1).

CONCLUSION (continued):

B. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval with modifications.

EXHIBITS:

1. Draft Resolution
2. October 26, 2022 General Plan Committee Staff Report

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**RESOLUTION 20__-__**

Draft Resolution to be modified by Town Council deliberations and direction.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE HAZARDS AND SAFETY ELEMENT OF THE GENERAL PLAN.**

**WHEREAS**, the Town of Los Gatos has prepared the 2040 General Plan to update and enhance the 2020 General Plan, along with the Final Environmental Impact Report (Final EIR); and

**WHEREAS**, on June 30, 2022, Town Council adopted Resolution 2022-046 and certified the Environmental Impact Report for the 2040 General Plan; and

**WHEREAS**, on June 30, 2022, Town Council adopted Resolution 2022-047 approving the 2040 General Plan; and

**WHEREAS**, on October 4, 2022, Town Council adopted Resolution 2022-064 to confirm the suspension of the 2040 General Plan Land Use and Community Design Elements because sufficient signatures had been gathered to place a referendum on a future ballot with regard to those two Elements, provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period, and that the remaining Elements of the 2040 General Plan remain in effect; and

**WHEREAS**, language required by the State Board of Forestry was included in the Community Design Element, which is now suspended; and

**WHEREAS**, the Town wishes to move the required language to the Town's Hazards and Safety Element; and

**WHEREAS**, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on _____.

**WHEREAS**, the Town Council finds as follows:

A. The project is Categorically Exempt pursuant to the adopted Guidelines for Implementation of California Environmental Quality Act, Section 15061(b)(3); and

EXHIBIT 1

B. The General Plan amendment is internally consistent with the existing goals and policies of the General Plan and its corresponding elements; and

C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65350 et seq.

**NOW, THEREFORE, BE IT RESOLVED:**

The Hazards and Safety Element shall be amended to add:

Policy HAZ-2.10 Hillside Development Limitation

Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.

Policy HAZ-2.11 Least Restrictive Development Areas

All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the __th day of _____, 20__, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

DATE: October 21, 2022

TO: General Plan Committee

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a General Plan Amendment to Add Policies to the Hazards and Safety Element. Location: Townwide. General Plan Amendment Application GP-22-002.

RECOMMENDATION:

Consider a General Plan amendment to add policies to the Hazards and Safety Element.

BACKGROUND:

On June 30, 2022, the Town Council approved the 2040 General Plan. On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan. The referendum proposes that the Land Use and Community Design Elements of the 2040 General Plan be repealed. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council approved a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period.

State Law requires that any General Plan or Housing Element update conducted after January 1, 2014, include review and update of the Safety Element to address the risk of fire for land classified as very high fire hazard severity zones (VHFHSZ's) [Gov. Code, § 65302, subd. (g)(3)]. Some of the language in the Community Design Element adopted as part of the 2040 General Plan was prepared in coordination with the California Board of Forestry, for compliance with this State law.

PREPARED BY: JENNIFER ARMER, AICP
Planning Manager

DISCUSSION:

As part of the review by the California Board of Forestry, two policies within the suspended 2040 General Plan Community Design Element were identified with specific wording added to reference the VHFHSZ:

Policy CD-5.2 Hillside Development Limitation
Limit hillside development, specifically in VHFHSZ's, to mitigate wildfire risk.

Policy CD-6.1 Least Restrictive Development Areas
All development, including those in VHFHSZ's, is required to adhere to the Least Restrictive Development Areas (LRDA) to ensure minimal disturbance of the natural environment and to avoid wildfire and geological hazards.

For simplicity, staff's recommendation is to add these as new policies in the 2040 General Plan Hazards and Safety Element under Goal HAZ-2 as Policies HAZ-2.10 and HAZ-2.11.

PUBLIC COMMENTS:

As of the drafting of this report, no comments from the public have been received.

CONCLUSION:

The Committee should review the proposed amendments and provide a recommendation of approval to the Planning Commission and the Town Council.

**TOWN OF LOS GATOS**
**PLANNING COMMISSION**
**REPORT**

MEETING DATE: 12/14/2022

ITEM NO: 7

DATE: December 9, 2022

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Demolition of Four Residential Buildings, Construction of an Assisted Living and Memory Care Facility, Variance from the Maximum Height and Lot Coverage Requirements, and Removal of Large Protected Trees on Property Zoned O. Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way. APN 529-11-013, -038, -039, and -040. Architecture and Site Application S-21-008, Conditional Use Permit Application U-21-010, Variance Application V-21-003, and Mitigated Negative Declaration ND-22-001. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Jennifer Armer.

REMARKS:

This project was included on this agenda because an ad was published in the newspaper. Unfortunately, the installation of the modified story poles was delayed due to the weather. No action is needed at this time. The project will be rescheduled and re-noticed for a hearing in January. A full staff report will be provided at that time.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Community Development Director

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# 2023 PLANNING COMMISSION MEETING SCHEDULE

**January 11**
**January 25**

**February 08**
**February 22**

**March 08**
**March 22**

**April 12**
**April 26**

**May 10**
**May 24**

**June 14**
**June 28**

**July 12**
**July 26**

**August 09**
**August 23**

**September 13**
**September 27**

**October 11**
**October 25**

**November 08**

**December 13**

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