



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/22/2023

ITEM NO: 4

DATE: March 17, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence to Exceed the Maximum Allowed Floor Area, and a Variance for the Required Front Setback and the Parking Requirements on Property Zoned R-1D:LHP. **Located at 114 Wilder Avenue.** APN 510-17-072. Architecture and Site Application S-22-030 and Variance Application V-22-002. Property Owner: Alvaro Anzoategui. Applicant: David Kuoppamaki.

RECOMMENDATION:

Approval.

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: 5,366 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D:LHP
South	Residential	Medium Density Residential	R-1D:LHP
East	Commercial	Central Business District	C-2:LHP and C-2
West	Residential	Medium Density Residential	R-1D:LHP

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, 15303: New Construction.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, 15303: New Construction.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of an existing residence.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except the request to exceed the FAR standards, the required front setback, and the required number of parking spaces.
- 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 29.20.170 of the Town Code for granting a Variance application.
- 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 east side of Wilder Avenue in the Almond Grove Historic District (Exhibit 1). The subject property is approximately 5,366 square feet, where 5,000 square feet is required for a parcel in the R-1D zone. The site is developed with a 1,000 square-foot single-story residence. The applicant proposes demolition of the existing single-family residence and construction of a new two-story single-family residence that will exceed floor area ratio (FAR) standards (Exhibit 12). The project also requests a Variance to the required front setback and the required number of parking spaces for a single-family dwelling.

The project is being considered by the Planning Commission due to the request to exceed the maximum allowable FAR and the request for a Variance to the required front setback and the required number of parking spaces for a single-family dwelling in the Almond Grove Historic District.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 5,366 square feet, located on the east side of Wilder Avenue in the Almond Grove Historic District (Exhibit 1). The property is developed with a single-story residence. The subject site and surrounding properties to the north, west, and south are comprised of single-family homes. The properties to the east are comprised of commercial uses.

B. Project Summary

The applicant proposes demolition of the existing single-family residence and construction of a new 2,340-square foot single-family residence with a 513-square foot attached garage (Exhibit 12). The proposed residence would exceed the allowable FAR by 478 square feet. In addition, the proposed residence includes a front setback of approximately 11 feet, 8 inches, where 15 feet is required. The project includes one off-street parking space, where two spaces are required.

C. Zoning Compliance

The subject property is approximately 5,366 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. The applicant requests approval to exceed the allowable FAR for the residence and a Variance to the Town Code for the required front setback and the required number of parking spaces.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-story residence and construction of a 2,340-square foot two-story residence with a 513-square foot attached garage and 2,202 square feet of below grade square footage, of which 1,991 square feet would not count towards the allowable floor area; however, 211 square feet of below-grade square footage would count towards the allowable floor area as it extends beyond the enclosed building footprint of the main building pursuant to Section 29.40.072 of the Town Code. A portion of the right-hand side of the proposed porch would have a front setback of approximately 11 feet, 8 inches where 15 feet is required, as discussed in Section D below. The project also includes one off-street parking space, where two spaces are required by the Town Code, as discussed in Section E below. The applicant provided a Letter of Justification discussing the project (Exhibit 8).

PROJECT DESCRIPTION (continued):

The applicant is requesting approval to exceed the FAR standards for the property by approximately 478 square feet, including 211 square feet of below-grade square footage that counts towards the allowable floor area as described above. 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 setbacks and FAR of development on surrounding properties, as discussed in Section B below. The applicant provided a Letter of Justification discussing the project and the requested FAR exceedance (Exhibit 8).

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

Floor Area Summary

	Existing SF	Proposed SF	Allowed SF
Main Residence			
First Floor	1,000	1,477	--
Second Floor	--	652	--
Countable Below-Grade Area	--	211	--
Total	1,000	2,340	1,862
Below-Grade Area*	0	1,991	--
Garage	178	513	531
* 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 0.35 (1,862 square feet). The proposed residence would have an FAR of 0.44 (2,340 square feet), exceeding the maximum allowable floor area by 478 square feet. The table on the following page reflects the current conditions of the homes in the immediate area and the proposed project.

PROJECT DESCRIPTION (continued):**Immediate Neighborhood Comparison**

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Exceed FAR?
104 Wilder Ave.	R-1D:LHP	2,117	720	2,837	6,456	0.33	No
112 Wilder Ave.	R-1D:LHP	2,508	576	3,084	7,624	0.33	No
122 Wilder Ave.	R-1D:LHP	1,912	559	2,471	5,597	0.34	No
124 Wilder Ave.	R-1D:LHP	1,108	408	1,516	5,611	0.20	No
107 Wilder Ave.	R-1D:LHP	2,048	0	2,048	7,515	0.27	No
113 Wilder Ave.	R-1D:LHP	2,288	420	2,708	7,769	0.29	No
115 Wilder Ave.	R-1D:LHP	968	0	968	6,872	0.14	No
121 Wilder Ave.	R-1D:LHP	1,692	220	1,912	6,103	0.28	No
123 Wilder Ave.	R-1D:LHP	2,299	560	2,859	6,100	0.38	Yes, by 218 sf
114 Wilder Ave. (E)	R-1D:LHP	1,000	0	1,000	5,366	0.19	No
114 Wilder Ave. (P)	R-1D:LHP	2,340	513	1,862	5,366	0.44	Yes, by 478 sf

Based on Town and County records, the homes in the immediate neighborhood range in size from 968 square feet to 2,508 square feet and building FARs range from 0.14 to 0.38. The applicant is proposing a 2,340-square foot residence (including 211 square feet of countable below-grade square footage) and a 513-square foot attached garage on a 5,366-square foot parcel. The proposed residence would be the second largest in terms of square footage and the largest in terms of FAR in the immediate neighborhood.

As shown in the table below, should the Planning Commission choose to consider a greater view of the immediate neighborhood, there are six homes along Wilder Avenue that currently exceed their maximum allowable FAR (Sheet PLN0, Exhibit 12).

Greater Immediate Neighborhood Comparison

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Exceed FAR?
100 Wilder Ave.	R-1D:LHP	1,776	624	2,400	4,435	0.40	Yes, by 182 sf
128 Wilder Ave.	R-1D:LHP	1,975	484	2,459	5,621	0.35	Yes, by 36 sf
134 Wilder Ave.	R-1D:LHP	2,770	0	2,770	6,552	0.42	Yes, by 558 sf
138 Wilder Ave.	R-1D:LHP	788	0	788	6,173	0.13	No
140 Wilder Ave.	R-1D:LHP	2,104	660	2,764	6,977	0.30	No
146 Wilder Ave.	R-1D:LHP	2,213	619	2,832	5,833	0.38	Yes, by 210 sf
150 Wilder Ave.	R-1D:LHP	1,398	484	1,882	6,613	0.21	No
101 Wilder Ave.	R-1D:LHP	2,500	320	2,820	5690	0.44	Yes, by 540 sf
127 Wilder Ave.	R-1D:LHP	1,215	0	1,215	6077	0.20	No
131 Wilder Ave.	R-1D:LHP	1,563	382	1,945	6118	0.26	No
135 Wilder Ave.	R-1D:LHP	1,787	413	2,200	6050	0.30	No
139 Wilder Ave.	R-1D:LHP	2,191	588	2,779	6138	0.36	Yes, by 99 sf
145 Wilder Ave.	R-1D:LHP	1,190	247	1,437	6632	0.18	No
147 Wilder Ave.	R-1D:LHP	787	360	1,147	6751	0.12	No

PROJECT DESCRIPTION (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 8 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 the immediate neighborhood, the greater immediate neighborhood, and existing residences that currently exceed their maximum allowable FAR. A neighborhood house size comparison chart has been included on Sheet PLN0 of the Development Plans (Exhibit 12).

C. Building Design

The applicant proposes a California cottage two-story residence. Proposed exterior materials include a cedar shake roof, horizontal siding, smooth stucco, a carriage style garage door with 12 window lites, and wood porch columns (Exhibit 12).

On January 27, 2021, the Historic Preservation Committee (HPC) considered a request for determination regarding the contributing status of the existing residence (Exhibit 4). The Committee determined that the existing residence is not historically or architecturally significant and noted that the Sanborn Fire Insurance Maps indicate that the existing residence was likely constructed after 1944.

On July 27, 2022, the HPC considered a preliminary review of a proposal for demolition of an existing non-contributing single-family residence and construction of a new single-family residence to exceed FAR standards and a Variance to front yard setback requirements and parking requirements (Exhibit 5). The HPC discussed the item and recommended that the applicant:

- Consider ways to break up the massing at the front of the residence;
- Consider a garage door finish or color that is less contrasting with the balance of the residence;
- Explore finishes for the brick that are more consistent with the Historic District; and
- Minimize the view of the guard rails around the front light well as it interrupts the flow of the porch.

PROJECT DESCRIPTION (continued):

Revised development plans were submitted on July 13, 2022. The revised plans show that the applicant responded to the July 27, 2022, recommendations of the HPC by:

- Providing justification for the massing of the front elevation and use of the brick material elsewhere on homes in the Almond Grove District; and
- Eliminating a light well along the front porch.

On September 28, 2022, the HPC considered the Architecture and Site application as a formal public hearing item (Exhibit 6). The HPC discussed the item and provided the following recommendations to the applicant, similar to the recommendations provided at the July 27, 2022, meeting:

- Consider ways to break up the massing at the front of the residence;
- Consider a less modern garage door, stylistically; and
- Consider another finish besides a whitewash for the brick that is more consistent with the Historic District.

On October 26, 2022, the HPC reviewed the proposed project, which included revisions in response to their comments, and forwarded a recommendation of approval of the proposed design with a recommendation that the garage door include 12 window lites (Exhibit 7).

D. Variance – Setbacks

The applicant is requesting a Variance from Section 29.40.740 of the Town Code for the required front setback in the R-1D zone.

Pursuant to Town Code, the required front setback in the R-1D zone is 15 feet. The main residence complies with the setback requirements; however, due to the angular shape of the front property line, a majority of the proposed covered porch, including three of the four wood columns encroaches within the required front setback. The proposed front porch along the right-hand side has an approximately 11-foot, eight-inch setback.

The applicant has provided a Neighborhood Context Map (Attachment 12, Sheet PLN0) showing how the proposed front porch setback is compatible with other properties in both the immediate and greater neighborhood context that also have front porches that encroach within the required front setback.

As required by Section 29.20.170 of the Town Code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a Variance if it finds that:

PROJECT DESCRIPTION (continued):

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this 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.

In response to the required findings for a Variance, the applicant has provided justification that the request is in keeping with the neighborhood context and three other homes in the immediate neighborhood have porches that encroach within the required front setback with an additional six homes in the greater immediate neighborhood with porches that encroach within the required front setback (Exhibit 8 and Sheet PLN0, Exhibit 12).

E. Variance – Parking

The applicant is requesting a Variance from Section 29.10.150 of the Town Code for the required number of parking spaces for a single-family dwelling. Section 29.10.150(c)(1) of the Town Code requires two parking spaces for a single-family dwelling. The applicant is proposing a tandem two-car garage with an interior dimension of 11 feet by 40 feet. Pursuant to Town Code, a garage that is required parking for a single-family dwelling, shall have at least 20 feet by 20 feet clear inside dimension for a two-car garage and 11 feet by 20 feet for a one-car garage.

As required by Section 29.20.170 of the Town Code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a Variance if it finds that:

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this 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.

In response to the required findings for a Variance, the applicant has provided justification that due to the shape of the parcel, it is not possible to construct a detached garage with vehicular access along Victory Lane like the majority of the homes on Wilder Avenue.

Therefore, in order to have a garage, the residence is required to have a garage facing Wilder Avenue and to maintain consistency with the appearance of the existing

PROJECT DESCRIPTION (continued):

neighborhood front facades, a single-wide garage with tandem parking is proposed (Exhibit 8).

F. Trees

The Town's Consulting Arborist reviewed the proposed project and provided recommendations for protection of the existing trees within the construction area (Exhibit 9). The Town Arborist identified four protected trees on the site and one protected tree on an adjacent property. Tree number 812, an Olive tree, is proposed for removal, but is exempt from the Tree Protection Ordinance as it is a fruit tree. No additional on-site trees are proposed for removal. Based on the recommendation of the Town's Consulting Arborist, exploratory trenching for Tree number 813 was completed by the applicant. The Consulting Arborist's supplemental report is provided in Exhibit 10. Arborist recommendations for tree protection have been included in the Conditions of Approval (Exhibit 3).

G. Neighbor Outreach

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

H. CEQA Determination

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

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by February 28, 2023, in anticipation of the March 22, 2023, Planning Commission hearing. Neighborhood letters of support for the project are included in Exhibit 11. 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 a new two-story single-family residence to exceed FAR standards and a Variance to the front setback and the required number of parking spaces in the Almond Grove Historic

CONCLUSION (continued):

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 exceedance and the Variances to the front setback and parking requirements, demonstrating their consistency with the immediate and greater neighborhood, and a special circumstance given that the parcel has no rear vehicular access along Victory Lane.

B. Recommendation

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

1. Make the finding that 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);
2. Make the finding as required by Section 29.10.09030(e) of the Town Code for the demolition of an existing structure (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except the request to exceed the FAR standards, the required front setback, and the required number of parking spaces (Exhibit 2);
4. 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);
5. Make the required findings as required by Section 29.20.170 of the Town Code for granting a Variance (Exhibit 2);
6. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
7. 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
8. Approve Architecture and Site Application S-22-030 and Variance Application V-22-002 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 12.

C. Alternatives

Alternatively, the Commission can:

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

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SUBJECT: 114 Wilder Avenue/S-22-030 and V-22-002

DATE: March 17, 2023

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Historic Preservation Committee Action Letter, January 27, 2021
5. Historic Preservation Committee Action Letter, July 27, 2022
6. Historic Preservation Committee Action Letter, September 28, 2022
7. Historic Preservation Committee Action Letter, October 26, 2022
8. Letter of Justification
9. Town's Consulting Arborist Report #1
10. Town's Consulting Arborist Report #2
11. Neighborhood Letters of Support
12. Development Plans

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