



**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**

	<b>Allowed SF</b>	<b>Existing SF</b>	<b>Addition SF</b>	<b>Proposed SF</b>
Main Residence				
First Floor		1,167.5	127.0	1,294.5
Second Floor		--	1,197.5	1,197.5
<b>TOTAL</b>	<b>2,162.5</b>	<b>1,167.5</b>	<b>1,324.5</b>	<b>2,492.0</b>
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
<b>202 University Ave (E)</b>	<b>R-1D:LHP</b>	<b>1,168</b>	<b>0</b>	<b>1,168</b>	<b>6,380</b>	<b>0.18</b>	<b>0.000</b>	<b>NO</b>
<b>202 University Ave (P)</b>	<b>R-1D:LHP</b>	<b>2,492</b>	<b>484</b>	<b>2,976</b>	<b>6,380</b>	<b>0.39</b>	<b>0.076</b>	<b>YES +0.05 (+329 sf)</b>

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)
<b>202 University Ave (p)</b>	<b>R-1D:LHP</b>	<b>2,976</b>	<b>6,380</b>	<b>0.34</b>	<b>0.39</b>	<b>+0.05 (+329 sf)</b>
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 an Architecture and Site application to the Town on June 30, 2021. In response to 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**

<b>Address</b>	<b>Side Setback (ft)</b>	<b>Rear Setback (ft)</b>
123 University Avenue	0	1
128 University Avenue	0	0
201 University Avenue	3	3
<b>202 University Avenue</b>	<b>3</b>	<b>3</b>
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 Categorical 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