



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/03/2020

ITEM NO: 6

DESK ITEM

DATE: March 3, 2020
TO: Mayor and Town Council
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an appeal of a Planning Commission decision approving a request for construction of a new single-family residence and removal of large protected trees on a vacant property zoned HR-2 1/2:PD. APN 527-09-036. Architecture and Site Application S-18-052. Project Location: 15365 Santella Court. Property Owner: Christian and Hellen Olgaard. Applicant: Hari Sripadanna. Appellant: David Weissman.

REMARKS:

In response to questions from a Council Member, staff has prepared the following information.

What is the exact wording staff uses to determine a building's square footage? And from what ordinance/standard/etc.?

Staff utilizes both the Town Code and the Hillside Development Standards and Guidelines (HDS&G) to determine a building's square footage.

Staff utilizes Town Code Section 29.10.020, Definitions, to determine gross floor area. The following is the definition for gross floor area:

Floor area, gross means the entire enclosed area of all floors that are more than four (4) feet above the proposed grade, measured from the outer face of exterior walls or in the case of party walls from the centerline. Gross floor area also includes any part of exterior balconies or walkways above the ground floor required for ingress and egress. Ornamental balconies and outside unroofed corridors not required for ingress or egress are excluded. The area of elevator shafts and stairwells is also included except on the ground floor.

PREPARED BY: Erin Walters
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

REMARKS (continued):

Staff also utilizes the glossary in the HDS&G, to determine gross floor area. The following is the definition for gross floor area:

Floor area, gross. The entire enclosed area of all floors that are more than four (4) feet above the proposed grade, measured from the outer face of exterior walls or in case of party walls from the centerline, but excluding the following:

- a. Areas permanently open to the sky.
- b. Exterior areas under roof eaves, trellises, porches or cantilevered overhangs.
- c. Attics.
- d. Cellars.
- e. Garages up to 400 square feet.
- f. Elevators and stairwells above the first floor.
- g. Barns and stables.

What is the exact wording staff uses to determine a building's height? And from what ordinance/standard/etc.?

Staff utilizes Town Code Section 29.10.020, Definitions, to determine building height. The following is the definition for height:

Height means the height of all structures, excluding fences, shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane except as allowed by section 29.10.090.

Which of the two appeals, or both, are at issue in agenda item 6 and why?

The appellant submitted a completed appeal form on January 17, 2020 (Attachment 4). Staff requested the appellant fill out a revised appeal form which reflects the adopted Town Code land use appeal process language. The appellant submitted a revised appeal form on January 29, 2020 (Attachment 5). The appeal submitted on January 29, 2020 (Attachment 5) is the

PAGE 3 OF 3

SUBJECT: 15365 Santella Court/S-18-052

DATE: March 3, 2020

REMARKS (continued):

appeal the Town Council is considering for Item 6, as this appeal form reflects the adopted Town Code land use appeal process language.

Attachments:

Previously received with the March 3, 2020 Staff Report:

1. January 8, 2020 Planning Commission Staff Report, with Exhibits 1-12
2. January 8, 2020 Planning Commission Verbatim Minutes
3. Applicant's Handout provided at January 8, 2020 Planning Commission Meeting
4. Appeal of Planning Commission decision, received January 17, 2020
5. Appeal of Planning Commission decision, received January 29, 2020, revised form
6. Applicant's Response to Appeal, received February 6, 2020
7. Lot 10 Visibility Analysis, referenced in applicant's response to appeal
8. Hillside Development Standards and Guidelines, Chapter II, Section B. Visibility Analysis
9. Draft Resolution to Deny Appeal and Approve Project, with Exhibits A and B
10. Draft Resolution to Grant Appeal and Remand Project to Planning Commission
11. Draft Resolution to Grant Appeal and Deny Project
12. Visibility Analysis approved at 01-08-20 Planning Commission meeting with revised notes
13. Development Plans approved at 01-08-20 Planning Commission meeting with revised notes
14. Letter from appellant, received February 26, 2020

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