



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 03/12/2025

ITEM NO: 4

DATE: March 7, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval to Demolish an Existing Single-Family Residence and Construction of a New Single-Family Residence, Remove Large Protected Trees, and Site Work Requiring a Grading Permit on Property Zoned HR-2½. **Located at 119 Harwood Court.** APN 527-56-027. Architecture and Site Application S-24-040. Categorically Exempt Pursuant to CEQA Guidelines Section 15303(a): New Construction or Conversion of Small Structures. Property Owners: Donal and Maire Conroy. Applicant: Gary Kohlsaat. Project Planner: Suray Nathan.

RECOMMENDATION:

Consider a request for approval to demolish an existing single-family residence and construct a new single-family residence, remove large protected trees, and site work requiring a Grading Permit on property zoned HR-2 ½, located at 119 Harwood Court.

PROJECT DATA:

General Plan Designation: Hillside Residential (0-1 dwelling unit/acre)
Zoning Designation: HR-2½ - Hillside Residential
Applicable Plans & Standards: Town Code, General Plan, Hillside Development Standards and Guidelines
Parcel Size: 29,556 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-2½
South	Residential	Hillside Residential	HR-2½
East	Residential	San Jose	N/A
West	Residential	Hillside Residential	HR-2½

PREPARED BY: Suray Nathan
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures;
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures;
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations);
- The project is in compliance with the Hillside Development Standards and Guidelines for single-family residences with the exceptions to build outside the Least Restrictive Development Area (LRDA) and to construct a retaining wall exceeding 50 linear feet in a continuous direction; and
- The project complies with the Hillside Specific Plan.

CONSIDERATIONS:

- 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.

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 Harwood Court, approximately 0.70 miles south of Blossom Hill Road (Exhibit 1). All surrounding properties are zoned Hillside Residential and developed with single-family residential uses. The property is zoned HR-2½ and has a gross lot size of 29,556 square feet. The average slope of the property is 34.4 percent and the resulting net lot size is 11,822 square feet.

On May 16, 2024, the Town approved a Senate Bill 9 (SB 9) Urban Lot Split submitted by the current owners for this Architecture and Site application. The Urban Lot Split divided a 64,993-square foot lot into two parcels: a 35,437-square foot lot developed with a 4,402-square foot two-story dwelling; and the subject property, a 29,556-square foot lot developed with a 1,184-square foot two-story dwelling.

On July 30, 2024, the applicant applied for an Architecture and Site Application (S-24-040) for a

proposed 3,245-square foot two-story residence with an attached garage. The project includes 1,933 square feet of below-grade square footage that would not count toward the size of the residence.

The proposed project meets the technical requirements of the Town Code for floor area, height, setbacks, and on-site parking. The project is being considered by the Planning Commission due to the applicant's request for an exception to the LRDA and a retaining wall exceeding 50 linear feet without a break pursuant to the Hillside Development Standards and Guidelines (HDS&G).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the east side of Harwood Court, approximately 0.70 miles south of Blossom Hill Road (Exhibit 1). All surrounding properties are zoned Hillside Residential and developed with single-family residential uses.

B. Project Summary

The applicant is proposing a new 3,245-square foot two-story residence with an attached garage. The project includes areas of below-grade square footage that would not count toward the size of the residence. The proposed house would be located at the northern end of the hillside property. The proposed residence would have a maximum height of 17 feet, 10 inches. The project requires exceptions to the HDS&G for a building located outside the LRDA and to construct a retaining wall exceeding 50 linear feet in a continuous direction without a break.

C. Zoning Compliance

A single-family residence is permitted in the HR-2½ zone. The proposed residence is in compliance with the allowable floor area, height, setbacks, and on-site parking requirements.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes construction of a new 3,245-square foot, two-story residence with an attached two-car garage (Exhibit 10). The project proposes a contemporary style residence with subdued natural colors to blend with the surrounding hillside environment. The applicant provided a Letter of Justification detailing the project and the requested exceptions to the HDS&G (Exhibit 4). In addition to the 3,245 square feet of countable FAR, the residence includes 1,933 square feet of below-grade square footage. The residence includes an attached 1,094 square-foot garage, of which 972 square feet is located below

grade and does not count toward FAR. The remaining 122 square feet of the garage located above grade is within the 400 square feet allowed for a garage on the property. A summary of the floor area for the proposed residence is included in the table below.

Floor Area Summary			
	Proposed Above Grade Square Footage	Proposed Below Grade Square Footage	Total (gross)
Upper Level	2,021	0	2,021
Lower Level	1,224	961	2,185
Garage (Lower Level)	122	972	1,094
Total (gross)	3,367	1,933	5,300
Garage Credit (up to 400 sf)			(122)
Below Grade Square Footage, not countable toward FAR			(1,932)
Total Countable Floor Area			3,245

B. Building Design

The Town's Consulting Architect reviewed the proposed contemporary-style project on August 12, 2024 (Exhibit 5). The Consulting Architect had no issues or concerns and stated in the report that the proposed home is well designed and well-integrated into its sloping hillside site. The Consulting Architect provided no recommendations for changes.

C. Neighborhood Compatibility

Pursuant to the Town Code and the HDS&G, the maximum allowable floor area for the subject parcel is 3,900 square feet. The following table reflects the current conditions of the immediate neighborhood and the proposed project:

FAR Comparison - Neighborhood Analysis							
Address	Zoning	House SF	Garage SF	Total FAR	Lot Size	Building FAR	No. of Stories
119 Harwood Ct (E)	HR-2 1/2	963	1,464	2,427	29,556	0.03	2
119 Harwood Ct (P)	HR-2 1/2	3,245	1,094	4,488	29,556	0.11	2
119 Harwood Ct (Parcel A)	HR-2 1/2	4,402	1,395	5,797	35,437	0.12	2
125 Alerche Dr	HR-1	2,275	500	2,775	38,333	0.06	1
5760 Harwood Rd (County)	N/A	4,501	0	4,501	101,930	0.04	2
16641 Harwood Rd	HR-2 1/2	5,134	600	5,734	84,071	0.06	2
115 Harwood Ct	HR-2 1/2	5,425	784	6,209	53,579	0.10	2
118 Harwood Ct	HR-2 1/2	5,410	825	6,235	86,249	0.06	2
551 Santa Rosa Dr	HR-2 1/2	5,704	1,580	7,284	58,806	0.10	2

104 Harwood Ct	HR-2 1/2	4,146	720	4,866	48,352	0.09	2
108 Harwood Ct	HR-2 1/2	4,790	782	5,572	52,272	0.09	2

The immediate neighborhood is predominantly two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 2,275 square feet to 5,704 square feet. The floor area ratios range from 0.04 to 0.12. The proposed residence would be 3,245 square feet with a floor area ratio of 0.11. The proposed residence would be the second largest home in the immediate neighborhood in terms of FAR and the ninth in terms of floor area.

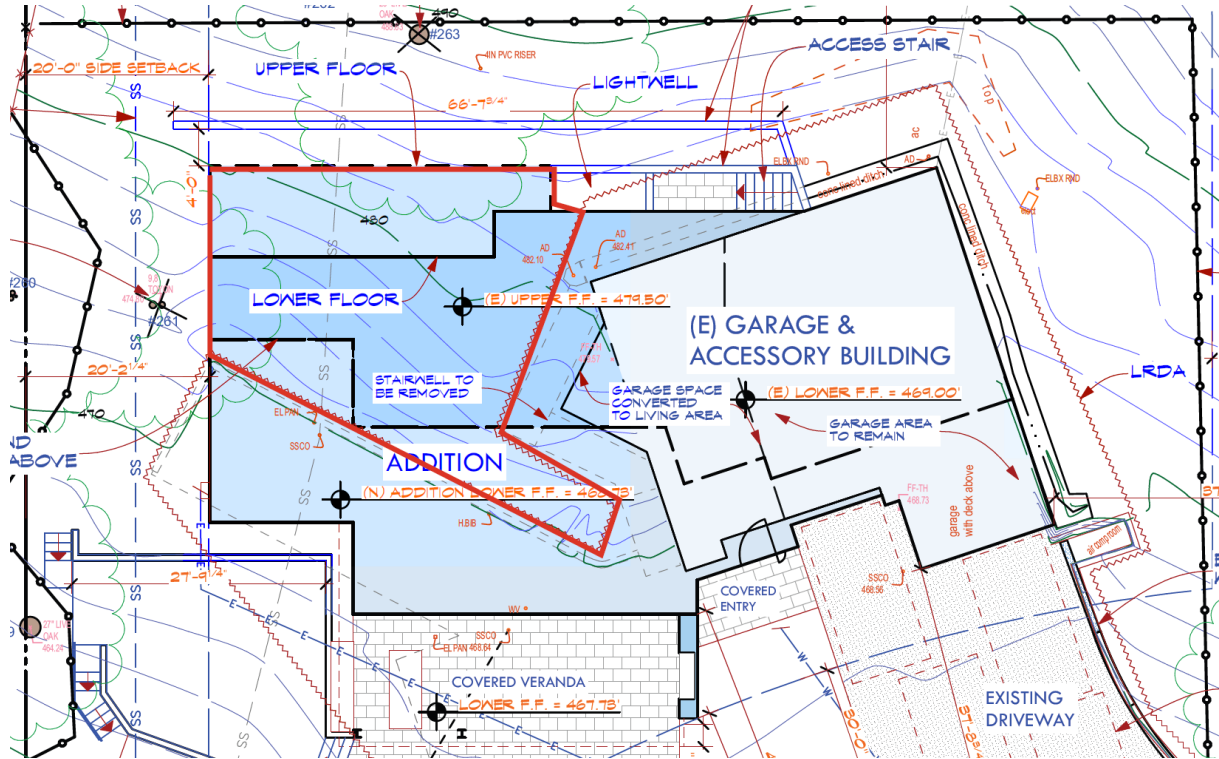
D. Building Height and Visibility

The proposed home is not visible per the HDS&G's visibility analysis criteria as less than 24.5 percent (5.6 percent) of the north elevation can be seen from the viewing platform at the intersection of Selinda Way and Los Gatos–Almaden Road (Exhibit 10, Sheet A-3). The proposed two-story residence has a maximum height of 17 feet, 10 inches, which is below the maximum allowable height of 25 feet per the HDS&G for non-visible residences. The proposed two-story residence has a low-to-high height of 23 feet, 10 inches tall, where a maximum low to high height of 35 feet is allowable in the HDS&G.

E. Least Restrictive Development Area

The HDS&G includes a standard requiring buildings to be located within the LRDA. The purpose of mapping the LRDA is to identify the most appropriate area or areas on the lot for locating buildings in the least constrained areas. Topography is one of the elements used to determine the LRDA, which has a slope limitation of less than 30 percent. A portion of the proposed building footprint would extend beyond the existing LRDA (Exhibit 10, Sheet A-4). In their Letter of Justification, the applicant indicates that before the existing structure was built, the entire lot had no areas with slopes less than 30 percent and the existing LRDA was created for the existing structure and the driveway. Additionally, the applicant states that any addition to the existing house would not be located in the LRDA unless the addition is a detached structure and hinders the functionality of the house (Exhibit 4). Due to site constraints, the applicant requests an exception to allow a portion of the building to be located outside of the limited LRDA.

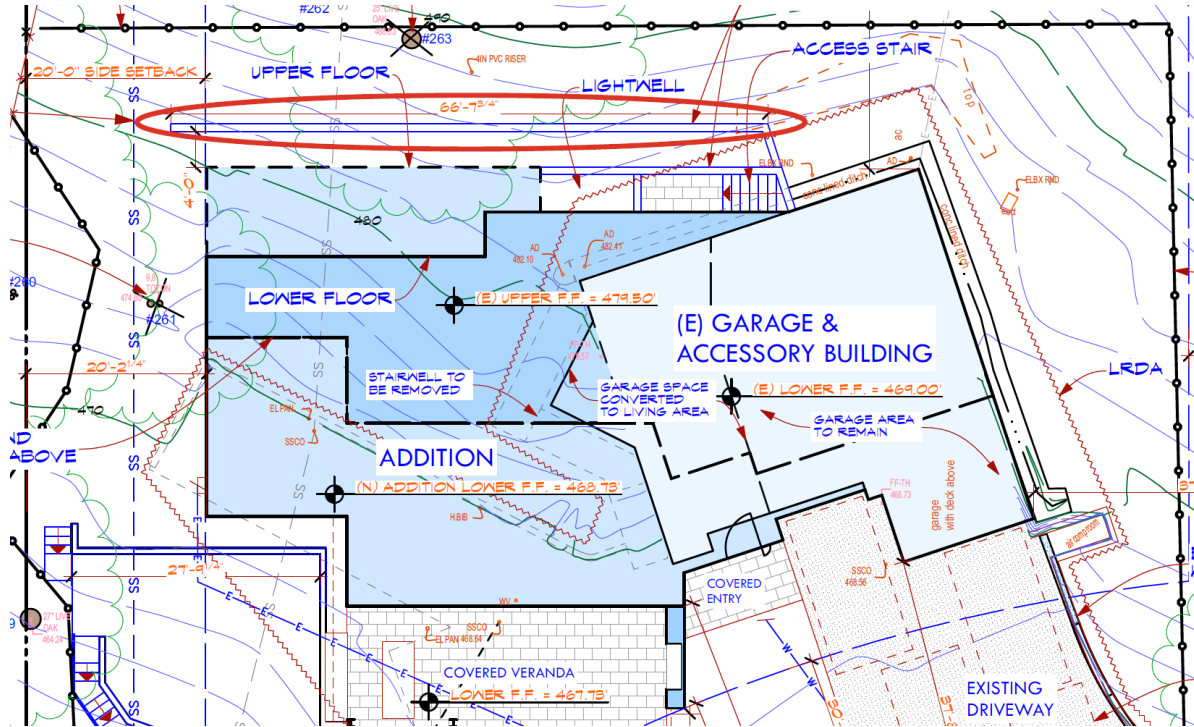
The diagram below illustrates the area of the building that is proposed to be located outside of the LRDA, as highlighted by the bold red line.



F. Retaining Walls

The Site Elements Section of the HDS&G includes a guideline requiring that retaining walls not run in a straight, continuous direction for more than 50 feet without a break, offset, or planting pockets to break up the long flat horizontal surface. A proposed retaining wall located approximately four feet from the rear of the residence, is approximately 67 feet long. The applicant notes in the Letter of Justification that the guidelines' intention is for aesthetic reasons. The proposed retaining wall is behind the residence and would not be visible and its purpose is to hold the hill back for more efficient drainage and safe access around the house. Additionally, the applicant states that providing a break in the wall would increase grading (Exhibit 4). The applicant requests an exception to allow the retaining wall to be longer than 50 feet.

The following diagram illustrates the location of the proposed 67-foot long retaining wall, as highlighted by the bold red line.



G. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist (Exhibit 6). The inventory contains 20 protected trees comprised of six different species: eight coast live oaks; four buckeyes; three blue oaks; two black oaks; two toyons; and one valley oak. The project proposes removal of two of the protected trees (#261 and #263), one of which is a large protected tree (Exhibit 10, Sheet L4.1). The Consulting Arborist provided recommendations for tree preservation and planting eight replacement 24-inch box trees to offset the proposed tree removal (Exhibit 10, Sheet L6.0). The development plans show that 14 trees would be planted to offset the tree removal.

H. Parking and Guest Parking

Pursuant to Section 29.10.150 (c)(1) of the Town Code, a single-family residence requires two on-site parking spaces. The applicant has satisfied the requirement by including an attached three-car garage (Exhibit 10, Sheet A-7). The Hillside Specific Plan requires four additional guest parking spaces, and four guest spaces are proposed on the north side of the existing driveway (Exhibit 10, Sheet A-4).

I. Neighbor Outreach

The applicant provided a sample letter and the list of homes where they hand-delivered the letter (Exhibit 8). No public comment has been received at the time of this report's preparation.

J. CEQA Determination

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by January 8, 2025, in anticipation of the March 12, 2025, Planning Commission hearing (Exhibit 9). Written notice was sent to property owners and residents within 500 feet of the subject property. No public comment has been received at the time of this report's preparation.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to demolish an existing single-family residence and construct a new single-family residence, remove large protected trees, and site work requiring a Grading Permit on property zoned HR-2 ½. The project is consistent with the property's zoning and General Plan Land Use designation. The project is in compliance with the objective standards of the Town Code related to allowable floor area, height, setbacks, and on-site parking requirements. Due to the desired architectural program and the site's constraints, the applicant requests exceptions to the HDS&G for a building located outside of the LRDA and to construct a retaining wall exceeding 50 linear feet in a continuous direction without a break and has provided a Letter of Justification discussing these requested exceptions (Exhibit 4). Aside from the requested exceptions, the project complies with the Zoning Code, HDS&G, and Hillside Specific Plan.

B. Recommendation

Staff recommends that the Planning Commission consider the request and, if merit is found with the proposed project, take the following steps to approve the Architecture and Site application:

1. Find that the proposed project is Categorical Exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
2. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
4. Make the finding that the project complies with the Hillside Development Standards and Guidelines, with the exception to build outside of the Least Restrictive Development

Area (LRDA) and to construct retaining walls that exceed 50 linear feet in a continuous direction (Exhibit 2);

5. 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
6. Approve Architecture and Site application S-24-040 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;
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Consulting Architect's Report
6. Consulting Arborist's Report
7. Applicant's response to the Consulting Arborist's Report
8. Applicant's neighborhood outreach efforts
9. Story Pole Photos
10. Development Plans

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