



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/08/2021

ITEM NO: 4

DATE: December 3, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Detached Garage, Construction of a New Detached Garage to Exceed the Floor Area Ratio, a Grading Permit for Site Improvements, Sport Court Fencing in Excess of Six Feet, and Removal of Large Protected Trees on Property Zoned R-1:20. Located at 140 Prospect Avenue. APN 529-44-021. Property Owner: Daniel Barragan. Applicant: David Kuoppamaki. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:20
Applicable Plans & Standards: General Plan; Hillside Development Standards and Guidelines
Parcel Size: 30,090 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:20 and R-1:8
South	Residential	Low Density Residential	R-1:20
East	Residential	Low Density Residential	R-1:20
West	Residential	Low Density Residential	R-1:8

CEQA:

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.

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager and Community Development Director

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requested fence height exceedance for the sports court.
- Make the required finding as required by Section 29.40.025 of the Town Code for granting approval of fencing over six feet in height to enclose a sports court;
- The project complies with the Hillside Development Standards and Guidelines with the exception to the allowable floor area.
- As required by the Hillside Development Standards and Guidelines for granting approval of an exception to the maximum allowable floor area.
- The project complies with the Hillside Specific Plan.

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 west side of Prospect Avenue (Exhibit 1). The subject property is approximately 30,090 square feet with an average slope of 19.4 percent. The subject property is a part of the former Sisters of the Holy Names. On March 24, 2014, the Town Council approved Subdivision Application M-13-003 for the subdivision of a 10.3-acre parcel into 17 lots. On April 7, 2015, the Development Review Committee approved Architecture and Site application S-14-063 for construction of a new single-family residence on this property.

The current Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowable floor area ratio (FAR), fencing in exceedance of six feet within the Hillside Area for a sports court, site improvements requiring a Grading Permit for a swimming pool, basketball court, and additional on-site parking, and removal of large, protected trees. The residence would have the largest floor area in terms of square footage in the immediate neighborhood based on Town and County records.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 30,090 square feet, located on the west side of Prospect Avenue (Exhibit 1). The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes demolition of the existing 608-square foot detached garage and construction of a new 866-square foot detached garage and as a result the floor area on site would exceed the maximum allowable FAR. In addition, the proposed project includes sport court fencing in exceedance of six feet, site improvements requiring a Grading Permit for a swimming pool, basketball court, and additional on-site parking, and removal of large protected trees. The project also includes below-grade square footage that would not count towards the allowable floor area.

C. Zoning Compliance

A detached garage, pool, and sports court are permitted in the R-1:20 zone. The proposed detached garage is in compliance with the zoning regulations for height, setbacks, and on-site parking requirements for the property. The property is located within the Hillside area and is subject to the Hillside Development Standards and Guidelines (HDS&G). The applicant's request for installation of an eight-foot wood fence and 12-foot black, vinyl mesh fence enclosing the proposed sports court requires discretionary review through a Minor Residential Development application for sport court fencing over six feet in height. The required discretionary review of the sport court fencing is included as part of this proposal for consideration by the Planning Commission.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes construction of a new 866-square foot detached garage which, when combined with existing floor area onsite, would exceed the maximum allowable FAR, site improvements including a swimming pool, basketball court, and additional on-site parking. Proposed exterior materials for the detached garage include a clay tile roof, smooth coat stucco siding, aluminum clad windows and doors, wood trim, and corbels to match the existing single-family residence (Exhibit 7). The applicant has provided a Letter of Justification detailing the project and the requested exception to the FAR and sport court fencing in excess of six feet in height (Exhibit 4). The proposal includes 956 square feet of below-grade square footage that does not count towards the allowable floor area.

PROJECT DESCRIPTION (continued):

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

Floor Area Chart				
	Existing SF	Counts Towards FAR	Proposed SF	Counts Towards FAR
Main House	4,628	4,628	4,718	4,718
Below-Grade Area *	0	0	956	0
Garage **	608	208	866	466
Total	5,236	4,836	6,540	5,184

* 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.

** Pursuant to the HDS&G a garage up to 400 square feet in area is not included in the floor area ratio calculation.

B. Neighborhood Compatibility

Pursuant to Section 29.40.075 (d) of the Town Code, parcels greater than 30,000 square feet are subject to the FAR standards contained in the HDS&G. Pursuant to the HDS&G, the maximum allowable floor area for the subject property is 4,900 square feet. The proposed residence at 4,718 square feet plus 466 square feet of countable garage floor area would result in a total of 5,184 square feet, exceeding the maximum allowable floor area by 284 square feet. The table below reflects the current conditions of the homes in the immediate area and the proposed project.

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Garage FAR
100 Reservoir Rd.	R-1:20	3,959	1,078	5,046	20,000	0.20	0.054
110 Reservoir Rd.	R-1:20	2,823	829	3,652	37,666	0.07	0.022
110 Sisters Ct.	R-1:20	4,379	818	5,197	20,062	0.22	0.041
120 Sisters Ct.	R-1:20	4,107	840	4,947	21,477	0.19	0.039
130 Sisters Ct.	R-1:20	4,945	454	5,399	30,134	0.16	0.015
100 Prospect Ave.	R-1:20	3,683	989	4,672	25,530	0.14	0.039
120 Prospect Ave.	R-1:20	3,757	539	4,296	26,665	0.14	0.020
130 Prospect Ave.	R-1:20	4,102	473	4,575	30,025	0.14	0.016
150 Prospect Ave.	R-1:20	4,294	761	5,055	20,127	0.21	0.038
160 Prospect Ave.	R-1:20	4,373	1,094	5,467	20,347	0.21	0.054
87 Prospect Ave.	R-1:20	2,758	720	3,478	14,750	0.19	0.049
140 Prospect Ave. (Existing)	R-1:20	4,628	608	5,236	30,090	0.15	0.020
140 Prospect Ave. (Proposed)	R-1:20	4,718	866	5,584	30,090	0.16	0.029

PROJECT DESCRIPTION (continued):

While the property is zoned R-1:20, it is located within the Hillside Area and subject to the HDS&G. Based on Town and County records, the homes in the immediate neighborhood range in size from 2,758 square feet to 4,945 square feet and garages range in size from 473 square feet to 1,094 square feet. The building FARs range from 0.07 to 0.22 and the garage FARs range from 0.016 to 0.054. The applicant is proposing 4,718 square feet of countable floor area for the home (including 90 square feet of bathroom floor area in the garage) on a 30,090-square foot parcel. The proposed residence would be the second largest in terms of total square footage and the seventh largest in terms of FAR. The proposed detached garage would be the fourth largest in terms of total square footage and the eighth largest in terms of FAR. There are no homes in the immediate neighborhood which currently exceed their maximum allowable floor area ratio.

Exhibit 4 contains the applicant's Letter of Justification addressing each of the findings required to grant an exception to the maximum allowable FAR. In addition, the applicant states that due to the topography and narrowness of the lot, there is a shortage of street parking and the enlarged garage would allow for additional on-site parking spaces. In addition, the applicant states that there are adjacent properties with garages that are larger in terms of square footage on lots that are smaller than the subject property.

C. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who inventoried 12 protected trees within the project area and made recommendations for preservation (Exhibit 5). The project proposes removal of four protected trees, two of which are considered to be large protected trees (trees 254 and 261). The Consulting Arborist notes that all four trees recently planted along the front of the property (trees 746 through 749) would all require removal or transplanting based on the proposed site improvements. If the project is approved, tree protection measures would be implemented prior to construction and maintained for the duration of construction activity. Planting of replacement trees and/or payment of in-lieu fees would be required prior to issuance of a Certificate of Occupancy pursuant to Town Code. Arborist recommendations for tree protection have been included in the Conditions of Approval to mitigate impacts to protected trees (Exhibit 3).

D. Grading

The applicant is proposing site improvements with grading quantities in excess of 50 cubic yards, which requires a Grading Permit. The Town's Parks and Public Works Engineering staff have included a condition of approval requiring submittal and evaluation of a Grading Permit in parallel with the required Building Permits (Exhibit 3). Site improvements

PROJECT DESCRIPTION (continued):

including a sports court, a paved parking space, pool, and gazebo are proposed. The Site Planning section of the HDS&G limits site grading cut depths to a maximum of four feet and fill depths to a maximum of three feet. New below grade space is proposed under the footprint of the detached garage and is exempt from the site grading cut and fill depths. The grading associated with each site improvement has been reviewed by Planning and Engineering staff and it is in compliance with the maximum grading cut and fill depths as outlined in the HDS&G. The applicant has included a Letter of Justification addressing the proposed grading (Exhibit 4).

E. Fencing

The applicant has requested approval to construct an eight-foot wood fence along the north elevation of the proposed sports court, adjacent to the shared driveway, and a 12-foot black, vinyl mesh fence along the east, south, and west elevations of the proposed sports court (Exhibit 4). Section 29.40.025 of the Town Code requires discretionary review through a Minor Residential Development application for sport court lighting and fencing over six feet in height enclosing sport court areas. The required discretionary review of the sport court fencing is included as part of this proposal for consideration by the Planning Commission in the determination of whether it is appropriate. Pursuant to the HDS&G, lighting for night use of outdoor sport courts is prohibited and no lighting is proposed by the applicant.

F. Neighbor Outreach

The owners have indicated that they have shared the plans with surrounding neighbors as outlined in Exhibit 4.

G. 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:

Public comments received by 11:00 a.m., Friday, December 3, 2021, are included as Exhibit 6.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for construction of a new detached garage to exceed the floor area ratio, installation of an eight-foot wood fence and 12-foot black, vinyl mesh fence enclosing a proposed sports court, site improvements requiring a Grading Permit for a swimming pool, basketball court, and additional on-site parking, and removal of large protected trees. The proposed residence would be the second largest in terms of total square footage and seventh largest in terms of FAR, while the proposed detached garage would be the fourth largest in terms of total square footage and the eighth largest in terms of FAR in the immediate neighborhood. There are no homes in the immediate neighborhood which currently exceed their maximum allowable floor area ratio. The applicant has proposed an eight-foot wood fence along the north elevation of the proposed sports court, adjacent to the shared driveway, and a 12-foot black, vinyl mesh fence along the east, south, and west elevations of the proposed sports court. The site improvements proposed for a swimming pool, basketball court, and additional on-site parking all comply with the maximum allowable cut and fill depths pursuant to the HDS&G.

B. Recommendation

Based on the analysis above, staff recommends denial of the Architecture and Site application.

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 or Conversion of Small Structures (Exhibit 2);
 - b. 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 requested fence height exceedance for the sports court (Exhibit 2);
 - c. Make the required finding as required by Section 29.40.025 of the Town Code for granting approval of fencing over six feet in height to enclose a sports court (Exhibit 2);
 - d. Make the finding that the project is in compliance with the Hillside Development Standards and Guidelines with the exception to the allowable floor area (Exhibit 2);
 - e. Make the findings as required by the Hillside Development Standards and Guidelines

CONCLUSION (continued):

- for granting approval of an exception to the maximum allowable floor area (Exhibit 2);
- f. Make the finding that the project complies with the Hillside Specific Plan (Exhibit 2);
 - g. 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
 - h. Approve Architecture and Site Application S-20-033 with the conditions contained in Exhibit 3 and the development plans in Exhibit 7.
- 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. Project Description and Letter of Justification, dated August 2, 2021
- 5. Consulting Arborist's Report, dated October 13, 2021
- 6. Development Plans