



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/23/2025

ITEM NO: 5

DATE: April 18, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval to Demolish an Existing Accessory Structure and Construct a New Accessory Structure Exceeding 1,000 Square Feet in Gross Floor Area and Site Improvements Requiring a Grading Permit on Property Zoned HR-2½. **Located at 16511 Cypress Way.** APN 532-24-004. Architecture and Site Application S-24-045. Exempt Pursuant to the CEQA Section 15303(a): New Construction or Conversion of Small Structures. Property Owners: Jackie and Scott Kolander. Applicant: Michael Harris. Project Planner: Suray Nathan.

RECOMMENDATION:

Denial.

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: 54,624 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-2½
South	Residential	Hillside Residential	HR-2½
East	Residential	Hillside Residential	HR-2½
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 (b)(2) of the Town Code for the demolition of an existing accessory structure;
- 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 grading depths and light reflective value; 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 south side of Cypress Way, approximately 1.4 miles southeast of Los Gatos Boulevard (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 54,624 square feet. The average slope of the property is 32 percent, and the resulting net lot size is 21,849 square feet.

On August 30, 2024, the applicant applied for an Architecture and Site Application for a 1,239-square foot detached accessory structure consisting of a three-car garage with a workshop.

The proposed project meets the technical requirements of the Town Code for floor area, height, setbacks, and on-site parking. As required by the Hillside Development Standards and Guidelines (HDS&G), the project is being considered by the Planning Commission due to the proposed accessory structure exceeding 1,000 square feet in gross floor area. The applicant also requests exceptions to the HDS&G standards for light reflective value (LRV) and the depth

of cut exceeding the maximum allowed for accessory buildings.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the south side of Cypress Way, approximately 1.4 miles southeast of Los Gatos Boulevard (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 1,239-square foot detached accessory structure consisting of a three-car garage with a workshop. The proposed accessory structure would be located at the southeast end of the hillside property. The structure would have a maximum height of 15 feet, the maximum allowed for accessory structures. The project requires exceptions to the HDS&G for a LRV exceeding 30 and the depth of cut exceeding the maximum allowed for accessory buildings, hardscape, and landscape.

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 demolition of the existing 587-square foot two-car garage and attached 96-square foot shed with a breezeway (Exhibit 9, Sheet T-1). The maximum allowable floor area ratio for the subject lot is 4,900 square feet, and the total existing floor area is 3,777 square feet. The applicant proposes construction of a new 1,239-square foot, three-car garage with an approximately 19-foot breezeway for a total proposed floor area of 4,333 square feet. The site is located in a hillside neighborhood with large lots and many mature trees. The proposed garage is designed to complement the existing house, with three dormer windows that bring natural light into the interior. The applicant provided a Letter of Justification detailing the project and the requested exceptions to the HDS&G (Exhibit 4 and Exhibit 5). A summary of the floor area for the existing structures and the proposed garage is included in the following table.

Floor Area Summary		
	Existing Square Footage	Proposed Square Footage
Main Level (Single Story)	2,377	2,377
Accessory Structure	1,117	1,117
Attached Structure	96	0
Garage	587	1,239
Subtotal	4,177	4,733
Garage Credit (up to 400 sf)	(400)	(400)
Total Countable Floor Area	3,777	4,333

B. Building Design

The Town's Consulting Architect reviewed the proposed three-car garage with a breezeway on September 17, 2024 (Exhibit 6). The Consulting Architect had no issues or concerns and stated in the report that the proposed structure is characteristic of a carriage house style and shielded by landscaping from views of any adjacent neighbors. The Consulting Architect provided no recommendations for changes.

C. Building Height and Visibility

The proposed garage has a maximum height of 15 feet, which is the maximum allowable height per the HDS&G. The proposed structure is not visible per the HDS&G's visibility analysis criteria.

D. Grading

The project includes site improvements outside of the building footprint with grading quantities of 293 cubic yards, exceeding the 50 cubic yard threshold for requiring approval of a Grading Permit. Site grading is summarized in the table below.

Site Grading Summary (cubic yards)		
	Cut	Fill
Landscape	236	0
Hardscape	57	0
Total	293	0

E. Exceptions to the Hillside Development Standards and Guidelines

Light Reflective Value exceeding 30 (Chapter V, Standard I.2, page 44):

The HDS&G includes a standard requiring that building colors and materials blend with the predominant colors and values of the surrounding natural environment. It requires that the colors of exterior materials for structures that are not visible do not exceed an average LRV

of 30. The applicant proposes a color that matches the existing primary house, which has an LRV of 69, and the colors for fascia, gutters, and downspouts of the house have an LRV of 93.

The applicant requests an exception to allow the application of the same color and materials with a greater LRV so the proposed structure will match the existing structure.

Grading depth of cut exceeding the maximum allowed (Chapter III, Standard A.1, page 20):

The HDS&G limits grading cut depths outside the footprint of a primary residence to four feet. The applicant proposes maximum cut depths of 13 feet, six inches, for the accessory building (garage), 11 feet for the hardscape, and seven feet for the landscape. The following table illustrates the proposed cut depths.

Maximum Graded Cuts and Fills Depth				
Site Element	Proposed Cut Depth (Ft)	Max Allowed Cut Depth (Ft)	Fill	Earthwork Cut (CY)
Accessory building	13.5	4	0	122
Hardscape	11	4	0	57
Landscape	7	4	0	236

Exhibit 9, Sheet A1.1, illustrates the depth of cuts for the accessory building (blue), hardscape (maroon), and landscape (green). The applicant notes in the Letter of Justification that the grading and cut depths are needed to maintain the same pad elevation as the existing garage and that elevating the garage would require significantly more grading and asphalt modifications. The applicant added that the same is true for additional cuts for the hardscape and landscape (Exhibit 5).

F. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist (Exhibit 7). The inventory contains 10 protected trees comprised of seven different species: three coast live oaks; two canary island pines; one holly; one pistache; one black pine; one Monterey pine; and one silk tree.

The project proposes removal of eight protected trees (#615, #617, #618, #619, #620, #623, and #624), including a pine tree. The pine tree was proposed for removal after the Town's Consulting Arborist review, but the Town's Arborist verified the size and species (Exhibit 9, Sheet A1.0). The Consulting Arborist provided recommendations for tree preservation and planting 26 replacement trees to offset the proposed tree removal. In the Letter of Justification for the project (Exhibit 5), the applicant states that they are not proposing any tree replacement as planting new trees will result in a greater fire hazard than the original condition. The applicant proposes in-lieu fees as an alternative to the recommended planting of 26 trees.

G. 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 a detached three-car garage. 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 9, Sheet A1.1).

H. Neighbor Outreach

The applicant provided a sample letter and the list of homes where they hand-delivered the letter. They noted that only two neighbors are in the immediate vicinity of the property (Exhibit 8). No public comment was received at the time of this report's preparation.

I. CEQA Determination

The project is Categorically 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.

PUBLIC COMMENTS:

Story poles are not required for this project as it is an accessory structure under 18 feet in height. Written notice was sent to property owners and residents within 500 feet of the subject property. No public comment was 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 accessory structure and construct a new accessory structure exceeding 1,000 square feet in gross floor area and site improvements 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 objectives 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 LRV exceeding 30 and the depth of cut exceeding the maximum allowed for an accessory building (garage), hardscape, and landscape. The applicant provided a Letter of Justification discussing these requested exceptions (Exhibit 5). Aside from the requested exceptions, the project complies with the HDS&G.

B. Recommendation

Based on the analysis provided above, staff recommends that the Planning Commission deny the Architecture and Site application as the proposed LRV and the depth of cut are not consistent with the HDS&G standards.

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(a): New Construction or Conversion of Small Structures (Exhibit 2);
 - b. Make the findings as required by Section 29.10.09030 (b)(2) of the Town Code for the demolition of an existing accessory structure (Exhibit 2);
 - c. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
 - d. Make the finding that the project complies with the Hillside Development Standards and Guidelines, with the exception to grading depths and LRV (Exhibit 2);
 - e. 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
 - f. Approve Architecture and Site application S-24-045 with the conditions contained in Exhibit 3 and the development plans in Exhibit 9.
2. Continue the matter to a date certain with specific direction; or
3. Approve the application with additional and/or modified conditions.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Consulting Architect's Report
7. Consulting Arborist's Report
8. Applicant's neighborhood outreach efforts
9. Development Plans

***This Page
Intentionally
Left Blank***