

Melanie Hanssen, Chair Jeffrey Barnett, Vice Chair Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steven Raspe, Commissioner Reza Tavana, Commissioner Emily Thomas, Commissioner

# TOWN OF LOS GATOS PLANNING COMMISSION AGENDA JANUARY 26, 2022 110 EAST MAIN STREET LOS GATOS, CA

# **PARTICIPATION IN THE PUBLIC PROCESS**

<u>How to participate</u>: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

<u>Effective Proceedings</u>: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk's Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
  - $\circ$  For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
  - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to: <u>https://www.kcat.org/government-meetings</u>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

## IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below). The live stream of the meeting may be viewed on television and/or online at:

https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chambers.

# PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <a href="https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg">https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg</a>.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:

https://losgatosca-gov.zoom.us/j/82075377090?pwd=ek9vbjRXWWJEYyt3bWoyNElmeENQdz09. Passcode: 492498.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the "raise hand" feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to <u>PlanningComment@losgatosca.gov</u> with the subject line "Public Comment Item # " (insert the item number relevant to your comment) or "Verbal Communications – Non Agenda Item." Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

# **REMOTE LOCATION PARTICIPANTS**

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSSEN, VICE CHAIR JEFFERY BARNETT, COMMISSIONER KYLIE CLARK, COMMISSIONER KATHRYN JANOFF, COMMISSIONER STEVEN RASPE, COMMISSIONER REZA TAVANA, AND COMMISSIONER EMILY THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.

# TOWN OF LOS GATOS PLANNING COMMISSION AGENDA JANUARY 26, 2022 7:00 PM

#### RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to: Addressing the Planning Commission without first being recognized; Interrupting speakers, Planning Commissioners, or Town staff; Continuing to speak after the allotted time has expired; Failing to Relinquish the microphone when directed to do so; Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

## MEETING CALLED TO ORDER

#### **ROLL CALL**

**VERBAL COMMUNICATIONS** (Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

**CONSENT ITEMS** (Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)

1. Drafted Minutes of the January 12, 2022 Planning Commission Meeting

**PUBLIC HEARINGS** (Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)

2. 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.

**OTHER BUSINESS** (Up to three minutes may be allotted to each speaker on any of the following *items.*)

# REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

# SUBCOMMITTEE REPORTS / COMMISSION MATTERS

**ADJOURNMENT** (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



TOWN OF LOS GATOS PLANNING COMMISSION REPORT

MEETING DATE: 01/26/2022

ITEM NO: 1

# DRAFT MINUTES OF THE PLANNING COMMISSION MEETING JANUARY 12, 2022

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, January 12, 2022, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

# **MEETING CALLED TO ORDER AT 7:00 P.M.**

# **ROLL CALL**

Present: Chair Kathryn Janoff, Commissioner Jeffrey Barnett, Commissioner Kylie Clark, Commissioner Melanie Hanssen, Commissioner Steve Raspe, Commissioner Reza Tavana, and Commissioner Emily Thomas. Absent: None.

Absent. None.

# VERBAL COMMUNICATIONS

None.

# CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

- 1. Approval of Minutes December 8, 2021
- MOTION:Motion by Commissioner Hanssen to approve adoption of the Consent<br/>Calendar. Seconded by Commissioner Thomas.

VOTE: Motion passed unanimously.

# PAGE **2** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

# **PUBLIC HEARINGS**

## 2. 118 Olive Street

Architecture and Site Application S-21-013 APN 410-15-022 Property Owners: Thomas and Meredith Reichert Project Planner: Jay Plett, Architect Project Planner: Sean Mullin

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio (FAR) standards with reduced front and side yard setbacks on nonconforming property zoned R-1D.

Sean Mullin, Senior Planner, presented the staff report.

**Opened Public Comment.** 

#### Jay Plett, Architect

- We designed the house in keeping with the Town's design guidelines after consulting with staff and the Town's Consulting Architect. The neighborhood is in transition with young families moving in and homes being enlarged to accommodate them. Our design blends in with the neighborhood with neither the largest floor area or floor area ratio, falls within the average of the four largest homes, and resembles the form and mass of several neighboring homes.

Thomas Reichert, Owner

- We hope to expand the home to meet our family's needs, especially in this time of COVID. Our architect has helped us be realistic regarding the home size to fit in the neighborhood, and with feedback from Town staff and neighbors we were able to make meaningful changes to make the design better.

Shelli Baker, 120 Olive Street

 I own the home next door to the subject site, a 1,500 square foot home that has a good amount of natural light and a beautiful mountain view from the master bedroom. The shadow study shows that from mid-December to June the proposed home would leave my home completely in shadow for most of the day. The requested reduced setback would also bring privacy issues. The proposed home is enormous in an area of tiny lots. Reducing setbacks, putting the proposed house closer to the street, and exceeding the FAR are reasons why I oppose this project.

# PAGE **3** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

## Mark Boskovich, 112 Olive Street

- I live a couple of houses down from the subject site. I love the design of the proposed home and believe it would be a beautiful addition to the neighborhood and would raise the value of the all homes on the street. Unorthodox setbacks are the norm in this neighborhood, so the applicant's requested reduced setbacks does not set a dangerous precedent. The applicants made a huge effort to speak with the neighbors and ensure we are fine with their plans.

# Bonnie Hurwitz, 121 Olive Street

- This is an eclectic neighborhood. Olive Street is quite narrow with permitted parking that alternates between one side and another and to add additional parking outside the scope of the norm would be problematic. I frequently have to park around the corner from my home. The applicants did not contact me in any manner regarding their plans, which is a huge issue. I was shocked at the size of the proposed structure when the story poles went up.

# Darren Carol

- Several people who signed the letter with the eight signatures asked me to relay the fact that their position has not changed; they are just unable to call in. The story pole netting does not depict the true setting of the house to the southeast corner. The architect's summary and signs on the property say it is an addition, not a new construction, which is confusing and misleading, because the applicants are building new. My main concern is the setback requirements, because there are no circumstances that dictate a setback reduction. Olive Street is the narrowest street with the smallest lots in Los Gatos and the size of the home would eclipse everything around it.

## Lee Quintana

- Because the proposed project is a demolition and not a remodel, as originally stated, wider setbacks are required, and although there can be exceptions made, this project is asking for five exemptions, each of which individually may meet the findings, but cumulatively would have a greater impact, and it is not required that the Planning Commission grant any of the exceptions. The parking exemption might be reasonable because the project would make the garage more conforming, but I question shortening the driveway and the exemption to the FAR. Olive Street is such a cute street because of the small cottages there and it is changing so that it no longer has that character.

## Leslie Garrison

- I own the property on the other side of the fence from Olive Street. The applicant's proposed plan is tasteful and in line with the neighborhood aesthetics and would yield increased property values for the wider neighborhood. As a parent I relate to the applicant's desires and constraints and encourage the Planning Commission to reduce barriers to new families being able to buy and stay in the neighborhood rather than create conditions that push them away.

# PAGE **4** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

#### Marcus Lam

- We recently remodeled our home with Jay Plett as our architect. I agree with Ms. Garrison that this neighborhood is nice, but needs ways to accommodate the changing demographics with growing families in Los Gatos. We had to compromise on our remodel plans because of neighborhood feedback, but hope the applicants will not have to compromise on their plans as well. We support their project.

## Andrea Galatea

 I rent the home next door to the subject site. The applicants did reach out to me. I was drawn to this home because of the character and charm of the small-town feel, the natural light coming through all the windows, and the views. After viewing the story poles, I believe the large proposed house, although nice, belongs on a larger property because it takes away from the feel and quaintness of the neighborhood and would eliminate my views and sunlight.

#### Christie Boskovich

- We are very supportive of the applicant's plan. They are a wonderful family in the community. I support more and more young families moving onto our street. The applicant's plan is tasteful and thoughtful and matches the neighborhood.

## Thomas Reichert, Owner

With respect to 120 Olive sunlight issues, the part of our house that would affect the sunlight in their main area is not proposed to change at all, is not getting any closer to the front setback, and the sunlight will not change because the height of the home at that point would not go higher than the current garage. Their view will also not change at all. We are proposing a second story next to their second story in the back. With respect to the parking concerns of 121 Olive Street, a full-size car does fit in the current driveway and that driveway will not change, so both of our cars will be parked onsite.

## Jay Plett, Architect

A statement was made that the home is 10 feet away and 28 feet tall and that is not accurate. The home is 27 feet tall and the 10-foot setback only pertains at the first floor; the second story has a conforming setback of 15 feet, which is correct in this neighborhood. The perception of small homes in that neighborhood is false because 120 and 546 San Benito Avenue loom over our story poles and by no means would our project be dominant.

Closed Public Comment.

Commissioners discussed the matter.

# PAGE **5** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

MOTION: Motion by Commissioner Barnett to continue the public hearing for 118 Olive Street for 30 days or more, and that additional elevations be provided. Seconded by Commissioner Hanssen.

Community Development Director Paulson suggested the motion be amended to continue the hearing to a date certain of February 9, 2022.

The Maker of the Motion accepted the amendment to the motion.

The Seconder of the Motion accepted the amendment to the motion.

VOTE: Motion passed unanimously.

#### 3. 110 Wood Road

Planned Development Application PD-20-001 Environmental Impact Report EIR-21-002 APN 510-47-038 Applicant: Rockwood Pacific Property Owner: Covia Communities Project Planner: Sean Mullin

Requesting approval of a Planned Development for construction of a senior living community, removal of large protected trees, and site improvements requiring a grading permit on property zoned R:PD.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Frank Rockwood, Applicant

We propose to rebuild a better Los Gatos Meadows and do not propose to increase the number of units, residents, staff, or to change the use. Our proposal mitigates issues related to parking, fire access, and fire safety and would have larger units and more amenity spaces. We propose only a modest reduction in the number of units and propose to reduce the development pad in several key areas, which taken with the other constraints and goals would entail an increase in massing. This location is well suited for a market rate senior community of this scale. Our plan includes an on-demand self-driving vehicle system to allow residents and staff to not use their cars. We have done neighborhood outreach with open house sessions and have taken all comments into consideration. We plan to conform to the Town's standards with respect to construction. Visual impacts are less than significant and in character with the hillside area.

# PAGE **6** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

Julie Southern

- I am a neighbor and have attended the open houses at the Meadows. I support the Meadows project, but have concerns. The story poles show more bulk than I anticipated. I am happy to see the use of solar energy, but hope it will not add much to the height. More parking is good for the workers, but will add more traffic. Wood Road gets a lot of pedestrian and bike traffic, adding to the traffic, which would only increase after the project is completed. There is only a sidewalk a few feet up the road and it would be nice to have a sidewalk or street marking where bikes or pedestrians could go safely. I am also concerned with closing off the Broadway exit to neighbors.

## **Richard Konrad**

- I am the chair of the Los Gatos Community Health and Senior Services Commission. There are a lot of people who want to stay in Los Gatos, but can't afford to. I urge you to consider affordability going forward. I am also a member of a service committee that is conducting an extensive survey of seniors in Los Gatos, and that data, which might be of use to the Planning Commission, will be available soon.

## Andy Ghofrani, 121 Wood Road

- I live on the hill directly behind the proposed development and my property would have the largest visual impact by the massing. Per the EIR, 85-foot building heights are 35 feet more than the original elevation of 50 feet, a 35-foot reduction of my view of the Town and the east hills. I ask that the building masses be distributed more evenly to reduce the visual impact to my property and the view from my deck, which is all I have for outdoor space as I do not have a yard. The amount of trucks needed to off haul 140,000 cubic yards of dirt would be 14,000 truck trips, meaning approximately 15 trucks per hour over six months.

Frank Rockwood, Applicant

- With respect to community outreach, we have maintained a project website since 2018 where we post a video summary of our project proposal and update the FAQs on a regular basis, including contact information and links to the Town's website. We give marketing inquiries once a month and keep track of potential clients. As part of the draft conditions we are obligated to install a sidewalk on Wood Road up to the entrance of our property.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment.

Commissioners asked questions of the applicant.

Closed Public Comment.

# PAGE **7** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to recommend denial of a Planned Development Application for 110 Wood Road to the Town Council based on concerns related to building heights, tree removal, lack of diversity in housing types, concentration on luxury housing, without certifying the Final Environmental Impact Report because it is not based on a project that the Planning Commission finds appropriate, and with direction from the Planning Commission.

Commissioner Thomas requested the motion be amended to include a comment that the ratio of number of units (fewer than existing) to the overall height and size of the buildings (greater than existing) does not align with the General Plan.

Seconded by Commissioner Thomas.

Commissioner Hanssen requested the motion be amended to include that items she cited are founded in the General Plan, and even though not strictly applicable, the spirit is for the Hillside Design Standards and Guidelines as well.

Commissioner Barnett requested the motion be amended to emphasize to the Town Council where there have been points of agreement by the applicant concerning the valet parking, sidewalks on Wood, and the contribution to the traffic control on Wood Road and Highway 17.

The Maker of the Motion accepted the amendments to the motion.

The Seconder of the Motion accepted the amendments to the motion.

VOTE: Motion passed unanimously.

#### **OTHER BUSINESS**

- 4. Election of Chair and Vice Chair
- MOTION:Motion by Chair Janoff to nominate Commissioner Hanssen for Chair of<br/>the Planning Commission. Seconded by Commissioner Clark.VOTE:Motion passed unanimously.MOTION:Motion by Chair Hanssen to nominate Commissioner Barnett for Vice<br/>Chair of the Planning Commission. Seconded by Commissioner Tavana.

# PAGE **8** OF **8** MINUTES OF PLANNING COMMISSION MEETING OF JANUARY 12, 2022

## VOTE: Motion passed unanimously.

Chair Hanssen appointed Commissioner Janoff, Chair Hanssen, and Commissioner Thomas to the General Plan Committee (and therefore also the Housing Element Advisory Board).

Chair Hanssen appointed Vice Chair Barnett, Commissioner Tavana, and Commissioner Janoff to the Conceptual Development Advisory Committee.

Chair Hanssen appointed Commissioner Raspe and Commissioner Clark to the Historic Preservation Committee.

#### **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Joel Paulson, Director of Community Development

- The Town Council will hold a Strategic Priority meeting on January 25, 2022.
- The Town Council will consider whether or not it wishes to extend the Urgency Ordinance the Town adopted on December 21, 2021 regarding SB 9.
- Associate Planner Sean Mullin has been promoted to Senior Planner.
- The Town has a new assistant planner, Savannah Van Akin, who has been interning for the Planning Department.
- The Town will be hiring a new associate planner to backfill Mr. Mullin's position.

## SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

## **ADJOURNMENT**

The meeting adjourned at 10:36 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 12, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



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: Zoning Designation:	Medium Density Residential 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

PAGE **2** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

# <u>CEQA</u>:

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.

# PAGE **3** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### 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.

# PAGE **4** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### 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.

PAGE **5** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### **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.

	Allowed SF	Existing SF	Addition SF	Proposed SF		
Main Residence						
First Floor		1,167.5	127.0	1,294.5		
Second Floor			1,197.5	1,197.5		
TOTAL	2,162.5	1,167.5	1,324.5	2,492.0		
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.						

#### **Floor Area Summary**

The neighborhood compatibility of the proposed floor area is discussed in Section B below.

#### B. <u>Neighborhood Compatibility</u>

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

# PAGE **6** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### **DISCUSSION** (continued):

current conditions of the homes in the immediate area and the proposed project.

	<b>_</b> _	House	Garage	Total	Site	Building	Garage	Exceed
Address	Zoning	SF	-	SF	SF	-	-	FAR?
			SF			FAR	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
72 WIIIes Ave	N-ID.LIII	2,054	0	2,054	3,401	0.55	0.000	+0.21 (+748 sf)
123 University Ave	R-1D:LHP	2,153	0	2,153	5,567	0.39	0.000	YES
125 Oniversity Ave	N ID.LIII	2,155	0	2,155	5,507	0.55	0.000	+0.04 (+230 sf)
128 University	O:LHP	1,678	360	1,678	6,472	0.20	0.056	NO
201 University Ave		2 1 7 7	420	2 1 7 7	E 01E	0.35	0.004	YES
201 University Ave	R-1D:LHP	2,177	420	2,177	5,015	0.55	0.084	+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
	R-1D:LHP	3,009	441	3,009	5,554	0.46	0.079	YES
209 University Av	K-ID.LHP	5,009	441	5,009	5,554	0.40	0.079	+0.12 (+649 sf)
215 University Ave	R-1D:LHP	1,360	0	1,360	5 <i>,</i> 557	0.24	0.000	NO
216 University Ave	R-1D:LHP	1,513	160	1,513	5 <i>,</i> 947	0.23	0.027	NO
217 University Ave	R-1D:LHP	768	0	768	3,726	0.21	0.000	NO
202 University Ave (E)	R-1D:LHP	1,168	0	1,168	6,380	0.18	0.000	NO
202 University Ave (P)	D 1D.UUD 2 402	2,492	484	2,976	6,380	0.39	0.076	YES
202 Oniversity Ave (P)	R-1D:LHP	2,492	404	2,970	0,580	0.59	0.076	+0.05 (+329 sf)

#### Immediate Neighborhood Comparison

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.

Address	Zoning	House SF	Site SF	Allowed FAR	<b>Building FAR</b>	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)
202 University Ave (p)	R-1D:LHP	2,976	6,380	0.34	0.39	+0.05 (+329 sf)
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)

#### **Residences in Immediate Neighborhood Exceeding FAR – Ranked by FAR Exceedance**

#### **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:

- 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 and Architecture and Site application to the Town on June 30, 2021. In response 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.

PAGE **8** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### **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.

Address	Side Setback (ft)	Rear Setback (ft)
123 University Avenue	0	1
128 University Avenue	0	0
201 University Avenue	3	3
202 University Avenue	3	3
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

#### **Neighborhood Accessory Structure Setbacks**

#### 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.

PAGE **9** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### **DISCUSSION** (continued):

Arborist recommendations for tree protection have been included in the Conditions of Approval (Exhibit 3).

#### F. <u>Neighbor Outreach</u>

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 Categorically 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. <u>Recommendation</u>

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:

# PAGE **10** OF **10** SUBJECT: 202 University Avenue/S-21-019 DATE: January 21, 2022

#### CONCLUSION (continued):

- 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);
- 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. <u>Alternatives</u>

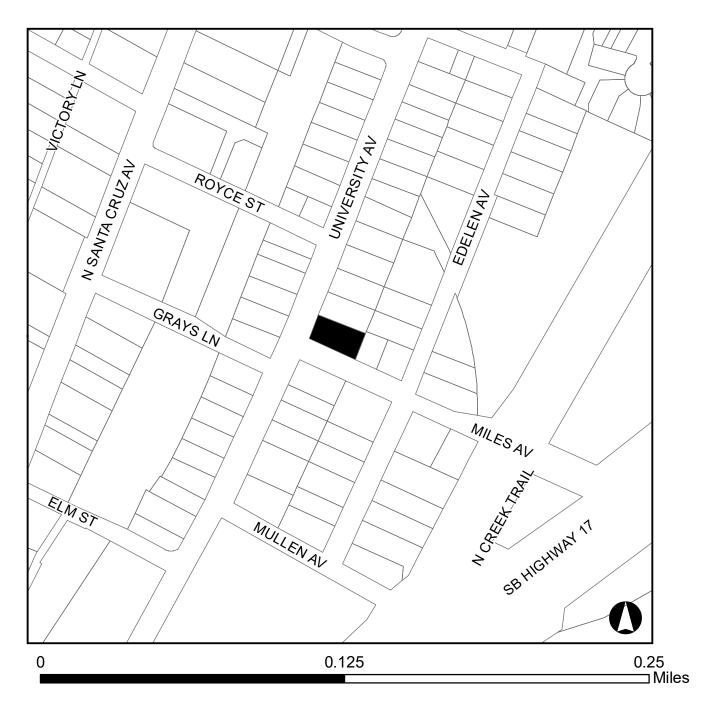
Alternatively, the Planning Commission can:

- 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

# 202 University Avenue



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# **PLANNING COMMISSION** – *January 26, 2022* **REQUIRED FINDINGS AND CONSIDERATIONS FOR:**

# **202 University Avenue** Architecture and Site Application S-21-019

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. APN 529-04-001.

PROPERTY OWNER: Tyler and Kristine Shewey APPLICANT: Jay Plett, Architect PROJECT PLANNER: Sean Mullin

# FINDINGS

# **Required finding for CEQA:**

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities and 15303: New Construction.

## **Required compliance with the Zoning Regulations:**

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the requests to exceed Floor Area Ratio (FAR) standards and for an accessory structure with reduced side and rear yard setbacks.

# Required finding to exceed floor area ratio (FAR) standards:

- As required by Section 29.40.075(c) of the Town Code for allowing a FAR in excess of the FAR standards in the Town Code:
  - 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 are compatible with the development on surrounding lots.

## Required finding for reduced side and rear setbacks for an accessory structure:

 As required by Section 29.40.015(B)(1) of the Town Code for accessory structures with reduced side and rear setbacks:

The setbacks of the proposed accessory structure are consistent with the neighborhood, University-Edelen Historic District, and the privacy and compatibility of the neighborhood.

# Required compliance with the Residential Design Guidelines:

The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas. The project was reviewed by the Historic Preservation Committee and recommendations were provided to address the consistency of the project with the surrounding neighborhood, University-Edelen Historic District, and the Residential Design Guidelines. The applicant responded to all recommendations.

## CONSIDERATIONS

## **Required considerations in review of Architecture and Site applications:**

■ 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.

# PLANNING COMMISSION – January 26, 2022 CONDITIONS OF APPROVAL

# **202 University Avenue** Architecture and Site Application S-21-019

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. APN 529-04-001.

# PROPERTY OWNER: Tyler and Kristine Shewey APPLICANT: Jay Plett, Architect PROJECT PLANNER: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

# Planning Division

- 1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
- 2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
- 3. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
- 4. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum, and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
- 5. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any trees to be removed, prior to the issuance of a building or grading permit.
- 6. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
- 7. ARBORIST REQUIREMENTS: The developer shall implement, at their cost, all recommendations identified in the Arborist's report for the project, on file in the Community Development Department. These recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.
- 8. TREE FENCING: Protective tree fencing and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.

- 9. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
- 10. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
- 11. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review.
- 12. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
- 13. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

# **Building Division**

- 14. PERMITS REQUIRED: A Building Permit is required for the renovation and addition of an existing single-family home. An additional Building Permit will be required for the detached garage.
- 15. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
- 16. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
- 17. BUILDING & SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
- 18. SIZE OF PLANS: Minimum size 24" x 36", maximum size 30" x 42".
- 19. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
- 20. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall confirm to the Cal/OSHA regulations.
- 21. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical

controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:

- a. Building pad elevation
- b. Finish floor elevation
- c. Foundation corner locations
- d. Retaining wall(s) locations and elevations
- 22. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
- 23. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
- 24. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
- 25. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
- 26. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
- 27. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development Planning Division: (408) 354-6874
  - b. Engineering/Parks & Public Works Department: (408) 399-5771
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

# TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

# Engineering Division

28. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of

the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner's expense.

- 29. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
- 30. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
- 31. PRIOR APPROVALS: All conditions per prior approvals shall be deemed in full force and affect for this approval.
- 32. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
- 33. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
- 34. PUBLIC WORKS INSPECTIONS: The Owner or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
- 35. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner or their representative shall request a

walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.

- 36. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
- 37. STREET/SIDEWALK CLOSURE: Any proposed blockage or partial closure of the street and/or sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
- 38. INSPECTION FEES: Inspection fees shall be deposited with the Town prior to the issuance of any building permits.
- 39. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
- 40. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any post-project traffic or parking counts, or other studies imposed by the Planning Commission or Town Council shall be funded by the Owner.
- 41. GRADING PERMIT DETERMINATION DURING CONSTRUCTION DRAWINGS: In the event that, during the production of construction drawings and/or during construction of the plans approved with this application by the Town of Los Gatos, it is determined that a grading permit would be required as described in Chapter 12, Article II (Grading Permit) of the Town Code of the Town of Los Gatos, an Architecture and Site Application would need to be submitted by the Owner for review and approval by the Development Review Committee prior to applying for a grading permit.
- 42. ILLEGAL GRADING: Per the Town's Comprehensive Fee Schedule, applications for work unlawfully completed shall be charged double the current fee. As a result, the required grading permit fees associated with an application for grading will be charged accordingly.
- 43. DRIVEWAY: The driveway conform to existing pavement on Miles Ave shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
- 44. CONSTRUCTION EASEMENT: Prior to the issuance of a building permit, it shall be the sole responsibility of the Owner to obtain any and all proposed or required easements and/or permissions necessary to perform the grading herein proposed. Proof of agreement/approval is required prior to the issuance of any Permit.
- 45. TREE REMOVAL: Copies of all necessary tree removal permits shall be provided prior to the issuance of a building permit.
- 46. PRECONSTRUCTION MEETING: Prior to issuance of any building permits or the commencement of any site work, the general contractor shall:
  - a. Along with the Owner, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.

#### **IMPROVEMENT PLANS:**

- 47. UTILITIES: The Owner shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
- 48. UTILITY SETBACKS: House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
- 49. SIDEWALK REPAIR: The Owner shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. All new and existing adjacent infrastructure must meet current ADA standards. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 50. CURB AND GUTTER REPAIR: The Owner shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. All new and existing adjacent infrastructure must meet Town standards. New curb and gutter shall be constructed per Town Standard Details. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
- 51. DRIVEWAY APPROACH: The Owner shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and

replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.

- 52. FENCING: Any fencing proposed within two hundred (200) feet of an intersection shall comply with Town Code Section §23.10.080.
- SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Sections 23.10.080, 26.10.065, and 29.40.030.
- 54. FENCES: Fences between all adjacent parcels will need to be located on the property lines/boundary lines. Any existing fences that encroach into the neighbor's property will need to be removed and replaced to the correct location of the boundary lines before a Certificate of Occupancy for any new building can be issued. Waiver of this condition will require signed and notarized letters from all affected neighbors.

# TRAFFIC AND TRANSPORTATION:

- 55. CONSTRUCTION VEHICLE PARKING: Construction vehicle parking within the public right-ofway will only be allowed if it does not cause access or safety problems as determined by the Town.
- 56. ADVANCE NOTIFICATION: Advance notification of all affected residents and emergency services shall be made regarding parking restriction, lane closure or road closure, with specification of dates and hours of operation.
- 57. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Prior to the issuance of a building permit, the Owner and/or Applicant or their representative shall work with the Town Building Department and Engineering Division Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the Owner and/or Applicant to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand and other loose debris.
- 58. CONSTRUCTION HOURS: All subdivision improvements and site improvements construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
- 59. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet

from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

60. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse locations. Please refer to the Town's Construction Management Plan Guidelines document for additional information.

## STORMWATER MANAGEMENT:

- 61. BEST MANAGEMENT PRACTICES (BMPs): The Owner is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
- 62. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
  - a. Protect sensitive areas and minimize changes to the natural topography.
  - b. Minimize impervious surface areas.
  - c. Direct roof downspouts to vegetated areas.
  - d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
  - e. Use landscaping to treat stormwater.
- 63. UNLAWFUL DISCHARGES: It is unlawful to discharge any wastewater, or cause hazardous domestic waste materials to be deposited in such a manner or location as to constitute a threatened discharge, into storm drains, gutters, creeks or the San Francisco Bay. Unlawful discharges to storm drains include, but are not limited to: discharges from toilets, sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning or vehicle cleaning.
- 64. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout

the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

- 65. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
- 66. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
  - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
  - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
  - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
  - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
  - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
  - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.
  - g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the

BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).

- i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
- j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- 67. CONSTRUCTION ACTIVITIES: All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- 68. SITE DRAINAGE: Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. Any storm drain inlets (public or private) directly connected to public storm system shall be stenciled/signed with appropriate "NO DUMPING Flows to Bay" NPDES required language. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. If stormwater treatment facilities are to be used they shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
- 69. GOOD HOUSEKEEPING: Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner's expense.
- 70. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

71. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

- 72. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-1) Fire sprinklers required to be installed in both the single-family home and the secondary dwelling unit. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC.
- 73. REQUIRED FIRE FLOW: The fire flow for this project is 1,750 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the fire flow will be reduced by 50%, establishing a required adjusted fire flow of 875 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Provide documentation from a local water purveyor (San Jose Water) confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required. Fire flow letter shall be submitted as soon as it is received.
- 74. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
- 75. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

- 76. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.
- 77. GENERAL: This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1, 105.3.6]



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION (408) 354-6872 Fax (408) 354-7593

CIVIC CENTER 110 E. MAIN STREET LOS GATOS, CA 95030

April 29, 2021

Jay Plett 213 Bean Avenue Los Gatos, CA 95030 Via email

#### RE: <u>202 University Avenue</u>

Preliminary Review of a Request for Construction of Exterior Alterations and a Second-Story Addition to Exceed Floor Area Ratio Standards to a Contributing Single-Family Residence in the University-Edelen Historic District on Property Zoned R-1D:LHP. APN 529-04-001.

PROPERTY OWNER: Tyler and Kristine Shewey APPLICANT: Jay Plett, Architect PROJECT PLANNER: Sean Mullin

On April 28, 2021, the Los Gatos Historic Preservation Committee discussed the item, expressed concerns about the scale of the addition, and recommended that the applicant consider:

- 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.

If you have any questions, I can be contacted by email at <u>smullin@losgatosca.gov</u>.

Sincerely,

Sean Mullin, AICP Associate Planner



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION (408) 354-6872 Fax (408) 354-7593

CIVIC CENTER 110 E. MAIN STREET LOS GATOS, CA 95030

August 26, 2021

Jay Plett 213 Bean Avenue Los Gatos, CA 95030 Via email

#### RE: 202 University Avenue

Forward a Recommendation to the Community Development Director on a Request 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 PROJECT PLANNER: Sean Mullin

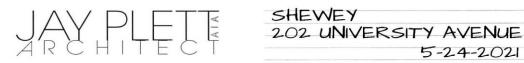
On July 28, 2021, the Los Gatos Historic Preservation Committee recommended approval of the above request to the Community Development Director.

If you have any questions, I can be contacted by phone at (408) 354-6823 or by email at <u>smullin@losgatosca.gov</u>.

Sincerely,

Sean Mullin, AICP Associate Planner

cc: Tyler and Kristine Shewey, via email



SHEWEY 5-24-2021

# MODIFICATIONS PER INITIAL HPC MEETING

THE BUILDING HEIGHT HAS BEEN LOWERED TO 28'-G" THE CARPORT HAS BEEN ELIMINATED. THUS LIMITING SIZE OF A POSSIBLE FUTURE ADU, REDUCING THE OVERALL MASS OF THE PROJECT.

AS A RESULT, THE VIEW SHED TO THE HILLS FROM 72 MILES AND 210 UNIVERSITY WILL BE PRESERVED.

## PROJECT DESCRIPTION

THE EXISTING STRUCTURE COULD BEST BE CHARACTERIZED AS A SIMPLE BOX FORM FOLK / ITALIANATE VICTORIAN. THE PROPOSED ADDITION RESPECTS THE SIMPLICITY and CHARACTER OF THE ORIGINAL HOUSE.

# **DESIGN CONSIDERATIONS**

THE ADDITION and NEW GARAGE STRUCTURE HAVE BEEN DESIGNED and PLACED ON THE SITE WITH CONSIDERATION FOR THE VIEW SHEDS OF THE NEXT DOOR NEIGHBORS AT 72 MILES and 210 UNIVERSITY. THE VIEW SHEDS HAVE BEEN CLEARLY ILLUSTRATED ON THE SITE/FLOOR PLAN SHEET A-1 and THE BUILDING ELEVATIONS, SHEET A-2.

THE PROPOSED ADDITION WILL ADD 4 FEET TO THE REAR OF THE EXISTING HOME and THEN A SECOND STOREY ADDITION WILL BE ADDED DIRECTLY ON TOP. THE RESULT WILL BE A FORM THAT RISES STRAIGHT UP FROM THE ORIGINAL STRUCTURE

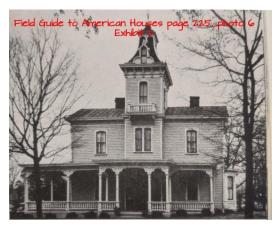
CONSISTENT WITH THE TWO STOREY DESIGN CHARACTERISTIC OF THE ITALIANATE STYLE.



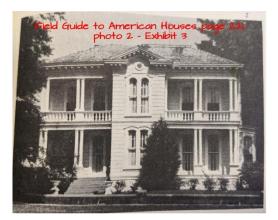


45 BROADWAY

121 EDELEN



FIELD GUIDE TO AMERICAN HOUSES PAGE 225, PHOTO 6



FIELD GUIDE TO AMERICAN HOUSES PAGE 221, PHOTO 2

THE RHYTHM OF THE THREE DOUBLE WINDOWS HAS BEEN PRESERVED ALONG THE MILES AV. ELEVATION.

THE FRONT BAY WINDOW ELEMENT HAS BEEN PRESERVED.

THE ORIGINAL SIMPLE ROOF FORM HAS BEEN RETAINED ON THE ADDITION. THE 2ND FLOOR PORCH IS CHARACTERISTIC OF ITS ITALIANATE STYLE. MANY SUCH EXAMPLES CAN BE FOUND AROUND THE TOWN - 121 EDELEN IS A NEARBY EXAMPLE.

SIMPLE DETAILING IS PROPOSED TO MATCH THAT OF THE EXISTING HOUSE IN THE PORCH POSTS and WINDOW TRIM. THE EXISTING CORBELS WILL BE RETAINED and DUPLICATED THEN PLACED AS SHOWN ON THE ELEVATIONS.

### NEIGHBORHOOD CONTEXT/COMPATIBILITY

THE MASS and SCALE OF THE PROPOSED PROJECT IS COMPATIBLE WITH OTHER ORIGINAL HOMES AND RECENT ADDITIONS IN THE NEIGHBORHOOD - REFER TO THE NEIGHBORHOOD COMPARISON PLAN SHEET NP-1. THE FLOOR AREA EXCEEDS THE FAR, BUT IS SMALLER and COMPATIBLE WITH OTHER ORIGINAL HOMES, NEW HOMES, and ADDITIONS WITHIN THE NEIGHBORHOOD THAT POSSESS GREATER FLOOR AREA'S AND FAR'S.

209 UNIVERSITY -	GREATER FL AREA and FAR
201 UNIVERSITY -	GREATER FL AREA and FAR
72 MILES -	GREATER FAR

3

THE PROPOSED BUILDING HEIGHT IS CONSISTENT WITH THE HOMES OF THE IMMEDIATE NEIGHBORHOOD and THE ITALIANATE STYLE.

REFERENCE SHEET NP-1 FOR ILLUSTRATED HEIGHT COMPARISONS.

# SUMMARY

THE ADDITION HAS BEEN THOUGHTFULLY DESIGNED WITH THOROUGH CONSIDERATION FOR IT'S HISTORIC CHARACTER, CONTEXT, COMPATIBILITY WITH THE NEIGHBORHOOD IN MASS/FLOOR AREA, THE TOWN DESIGN GUIDELINES and HPC CONSULTATION.



SHEWEY 202 UNIVERSITY AVENUE

SUPPLEMENT TO JUSTIFICATION LETTER 8.09.2021

The master bedroom porch balcony is at front of house and does not affect neighbors privacy.



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-6824

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

A Tree Inventory and review of The Proposed Addition and Remodel to Single Family Home 202 University Ave Los Gatos, Ca. 95030

> Property Owners: Tyler and Kristine Shewey 202 University Avenue Los Gatos, Ca. 95030

> > Project Design: Jay Plett 213 Bean Avenue Avenue Los Gatos, Ca. 95030 APN: 529-04-001 Zoned R1-D LHP

> > > Submitted to:

Sean Mullin, AICP, Associate Planner Community Development Department Town of Los Gatos 110 E. Main Street Los Gatos, Ca. 95030

Submitted by:

Robert Moulden Los Gatos Town Arborist ISA Certified Arborist: #WE-0532A



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-6824

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

#### Introduction

I have been asked by Los Gatos Community Development Department to review the potential tree impacts associated with plans for remodel and addition of single-family home located at 202 University Avenue, Los Gatos CA. 95030

#### **Trees on Site**

There is a total of 11 protected trees on the site, four of which are Town maintained Melalueeca trees located on parking strip. Three of these trees are on the Miles Avenue side and one is on the University Avenue side of the property. One of these trees (#7) has been proposed as candidate for removal to facilitate driveway installation. These trees have been identified and marked on the plans.

There is also one Deodara cedar on the front of the property (Tree #1) that may be affected by the project.

Trees #4, #5, #8, #9, #10 and #11 – are Sycamores and are in good health. They are also marked on the plans. Tree #10 is slated for removal.

#### **Recommendations:**

The applicant is proposing the removal of two trees which can be approved after they apply for a Tree Removal Permit at Engineering Building at 41 Miles Avenue. There will be replacement requirement or replacement fees associated with the removals.

Trees #4 and 5 will be impacted by the proposed development and are candidates for removal should the applicant make this request. The removal of these two trees could be supported by the Town Arborist and would require application for a Tree Removal Permit at Engineering Building at 41 Miles Avenue. There will be replacement requirement or replacement fees associated with the removals.



PARKS AND PUBLIC WORKS DEPARTMENT PHONE (408) 399-5770 FAX (408) 354-6824

SERVICE CENTER 41 MILES AVENUE LOS GATOS, CA 95030

The four Melalueeca trees (#2, 3, 6, and 7) are to be protected using Type III tree protection. This entails 2 x 4s around trees and wrapping with orange netting.

The three remaining Sycamores (#8, 9, and 11) shall be protected by a chain link fence installed between the trees and the construction site. If trees #4 and 5 are to remain, they shall be protected by a chain link fence installed between the trees and the construction site

The Deodara cedar (#1) shall be protected with a chain link fence that will completely surround the tree installed no less than four feet from base of tree.

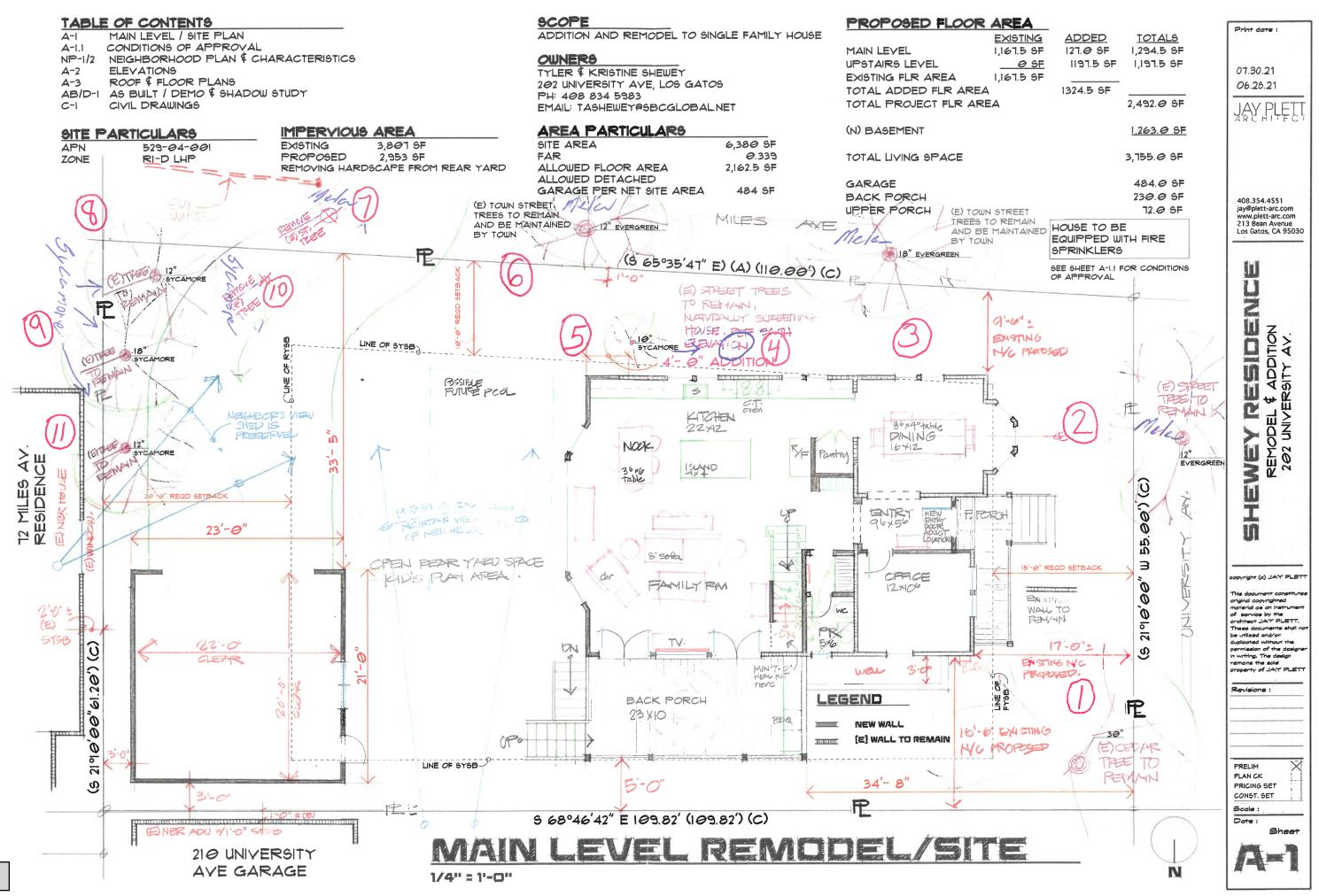
The removal of the tree or trees must be accomplished by the applicant applying for a tree removal permit before construction begins with appropriate replacement trees.

The trees that are selected for replacement should be selected from Town of Los Gatos list of recommended trees which is available online. All trees must be installed before occupancy and shall have stakes and tree ties. Watering for these newly planted trees should be a drip system.

If there are any questions, please feel free to let me know. My # 408-761-4530.

Respectfully,

Rob Moulden Arborist, Town of Los Gatos



TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 628 21 AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME	Ahmad and Meyssa Alaadel
ADDRESS	128 Universily Ave - LG 95030

(408) 395-8211

CONTACT

laerdel SIGNED: DATED: 10th 200

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6-28-24 AND WE ARE SUPPORTIVE OF THE PROJECT.

NAME	RUSS ANDENSON
ADDRESS	210 UNIVERSITY AUE 66
CONTACT	RUSS @ ANDERSOND WEETERS. COM
SIGNED:	Palua
DATED:	7-10-2021

TO WHOM IT MAY CONCERN,

WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED 6-28-2021

NAME

Pam& Tim Murphy

ADDRESS

129 Edelen Ave. Los Gatos, GA 95030

CONTACT 408-316-9663

SIGNED: Jon Murphy Pamela Murphy DATED: 7-18-2021

to when it may concern,

We have reviewed the renovation plan for 202 University the, detect 6-28-2021 and we are supportive of the project.

Nome: Row Filice

Addressi LOS LEATOS, CA 95030

	Ron@ Filice.com	email
		0.011
Contrat:	(408) 218-6368	cell

signed E

bated: Aug 1st 2021

TO WHOM IT MAY CONCERN,

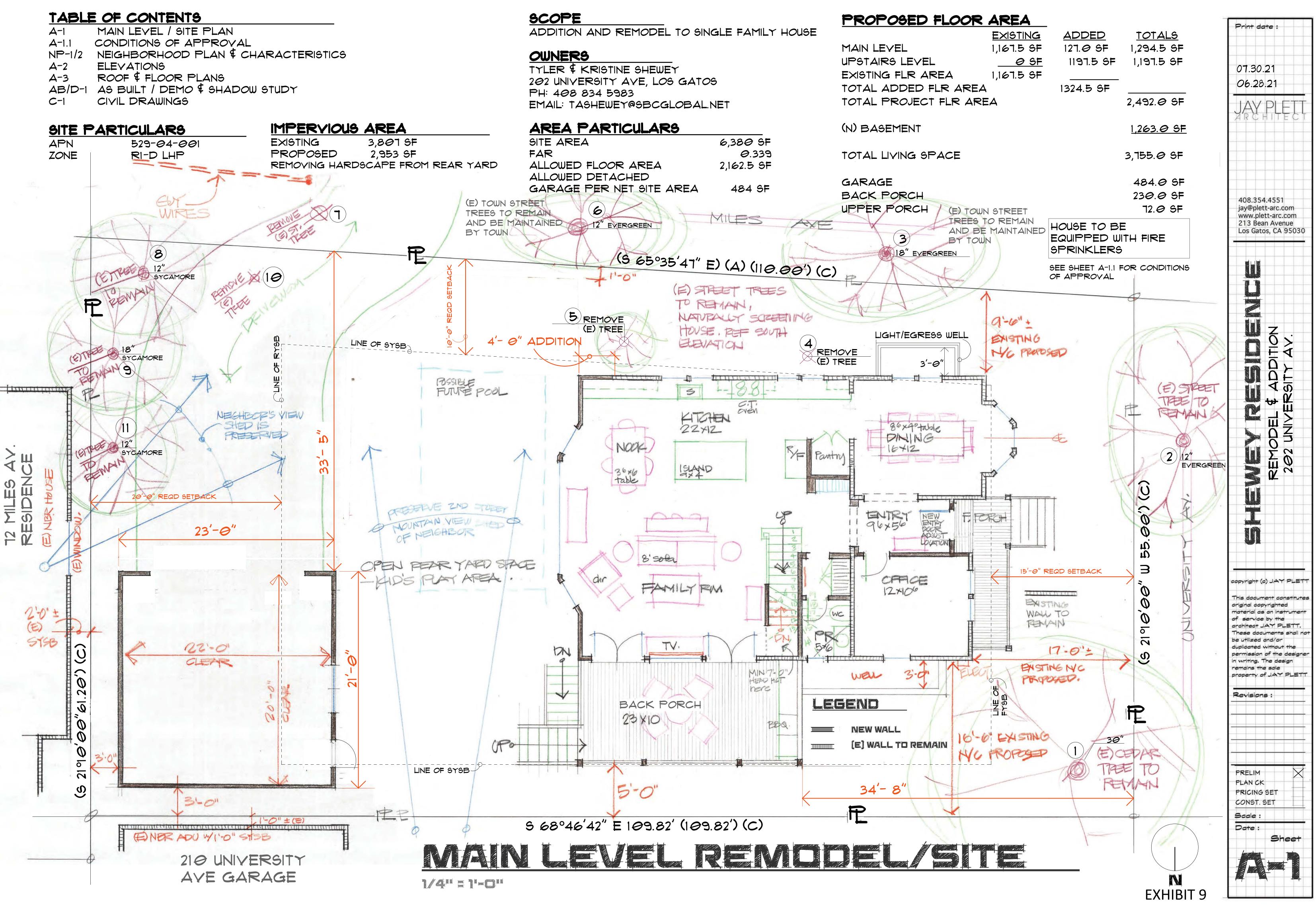
WE HAVE REVIEWED THE RENOVATION PLAN FOR 202 UNIVERSITY AVENUE, DATED \_\_\_\_\_\_ (2.28.2) AND WE ARE SUPPORTIVE OF THE PROJECT.

DDRESS	72 Miles Adenne	
DILUU		
ONTACT		_

SIGNED:

DATED:

7/18/21



Page 61



# **DEVELOPMENTAL REVIEW COMMENTS**

#### Plans and Scope of Review: This project shall comply with the following:

The California Fire (CFC) & Building (CBC) Code, 2019 edition, as adopted by the Town Of Los Gatos Town Code (LGTC), California Code of Regulations (CCR) and Health & Safety Code.

# The scope of this project includes the following:

a 458 SF existing detached garage.

#### **Plan Status:**

Plans are NOT APPROVED. Revise and resubmit drawings and provide a response letter addressing comments on this plan review.

#### Plan Review Comments:

1. Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.

2. Fire Sprinklers Required: Fire sprinklers required to be installed in both the single family home and the secondary dwelling unit. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. **Exception:** A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s) and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any modification or upgrade of the existing water service is required. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to this department for review and approval prior to beginning their work. CRC Sec. 313.2 as adopted and amended by LGTC. Indicate on Sheet A-1 that a sprinkler system will be installed as a deferred submittal.

City LGA	PLANS				AS	occupancy R-3/U	CONST. TYPE VB	Applica	<sup>ntName</sup> Jay Plett	Architect	<b>date</b> 08/23/2021	PAGEOF2
sec/FLOOR 2+bsmt	<b>AREA</b> 4058			LOAD		oject descript esidential D	non Development			PROJECT TYPE OR SYS Design Review		
name of pr SFR	OJECT		!				LOCATION 202	Univ	ersity Ave L	os Gatos		
ABULAR FIR	E FLOW	175	60				N FOR FIRE SPRINKL		REQUIRED FIRE FL	ow @ 20 psi 875	вү Flanag	an, Caleb

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.



# SANTA CLARA COUNTY FIRE DEPARTMENT 14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

PLAN REVIEW No. 21 3643 BLDG PERMIT No.

Proposed new 4,058 SF two-story single-family residence with a basement and covered porches with



# DEVELOPMENTAL REVIEW COMMI

3. Provide a project scope on the plans. Added. See Sheet A-

4. **Required Fire Flow:** The fire flow for this project is 1,750 GPM at 20 psi residual pressure. Since an automatic fire sprinkler system will be installed, the fire flow will be reduced by 50%, establishing a required adjusted fire flow of 875 GPM at 20 psi residual pressure. Note: The minimum required number and spacing of the hydrants shall be in accordance with CFC Table C102.1. Provide documentation from a local water purveyor (San Jose Water) confirming the required fire flow of 875 GPM @ 20 psi residual from a fire hydrant located within 600' of the farthest exterior corner of the structure is required.

Verification letter to be submitted will be forthcoming 5. Water Supply Requirements: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.

6. Address identification: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.

. Construction Site Fire Safety: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.

This review shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. Any addition to or alteration of approved construction documents shall be approved in advance. [CFC, Ch.1,

City LGA	PLANS SPECS NEV		885 276	cupancy R-3/U	CONST. TYPE VB	ApplicantName Jay Plett
sec/FLOOR 2+bsmt	<b>AREA</b> 4058	LOAD		t descript lential [	rion Development	;
NAME OF PRO	OJECT	1	.1		LOCATION 20	v 2 University Ave Lo
TABULAR FIRI	e flow 1750			REDUCTIO	N FOR FIRE SPRINE	KLERS REQUIRED FIRE FL

Serving Santa Clara County and the communities of Campbell, Cupertino, Los Altos. Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga.

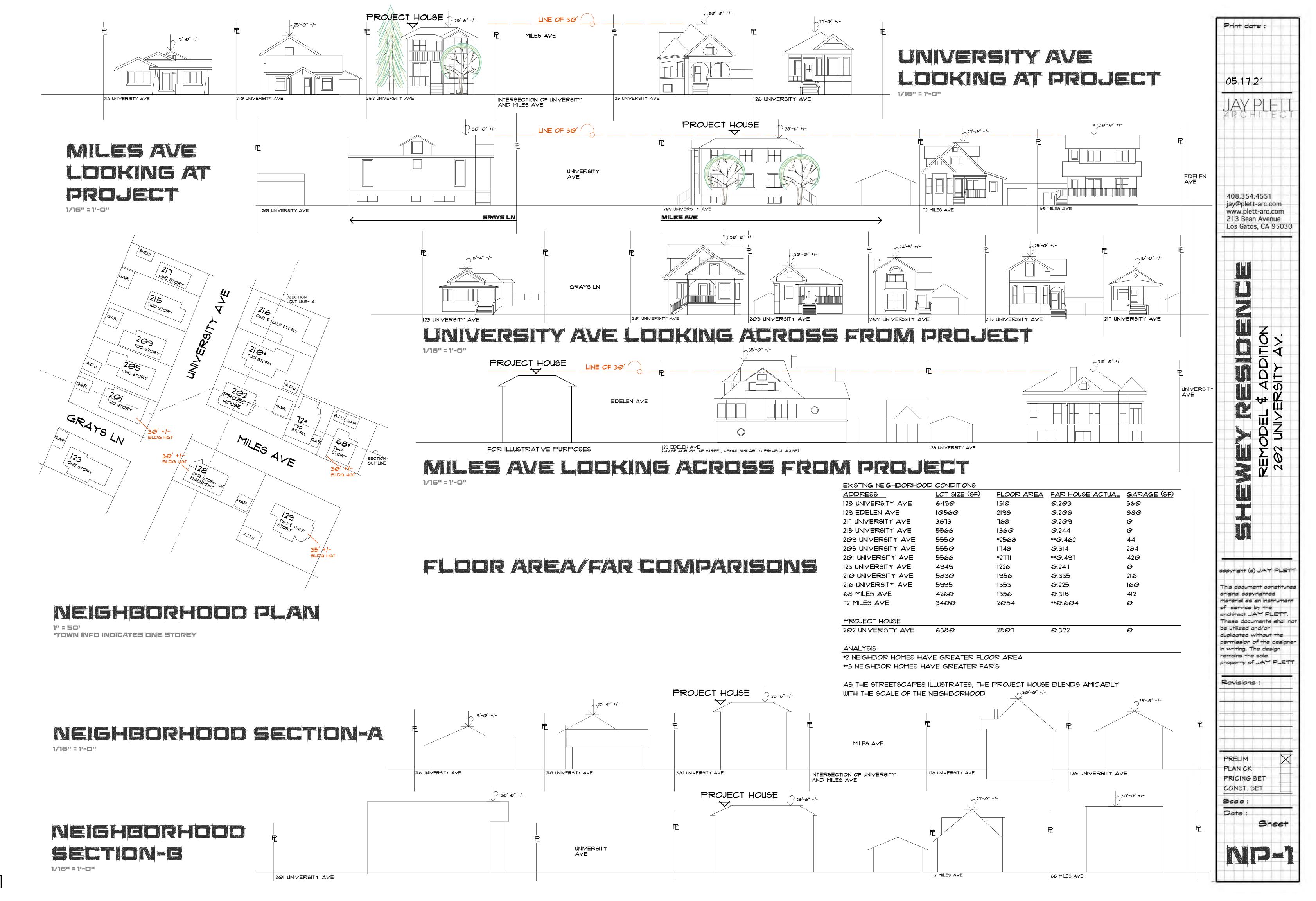


# SANTA CLARA COUNTY FIRE DEPARTMENT 14700 Winchester Blvd., Los Gatos, CA 95032 | (408) 378-4010 | www.sccfd.org

	PLAN REVIEW No.	21	3643	
ENTS	BLDG PERMIT No.			

Architect	<b>DATE</b> 08/23/2021	PAGEOF2
PROJECT TYPE OR S	SYSTEM	
Design Revie	w	
os Gatos		
OW @ 20 PSI	BY	
875		an, Caleb

Print de	te :		
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PRELIM PLAN CK PRICING CONST. S Scale : Date :	SET BET		















(R)











P EXISTING HOUSE (LOOKING UP EAST AT 72 MILES AVE FROM PROJECT SITE)

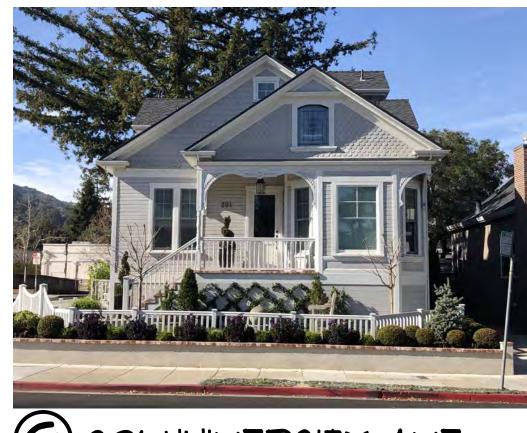
PROJECT SITE







C 72 MILES AVE (LARGER FAR) D 68 MILES AVE





J 215 UNIVERSITY AVE



217 UNIVERSITY AVE



LOCATION MAP



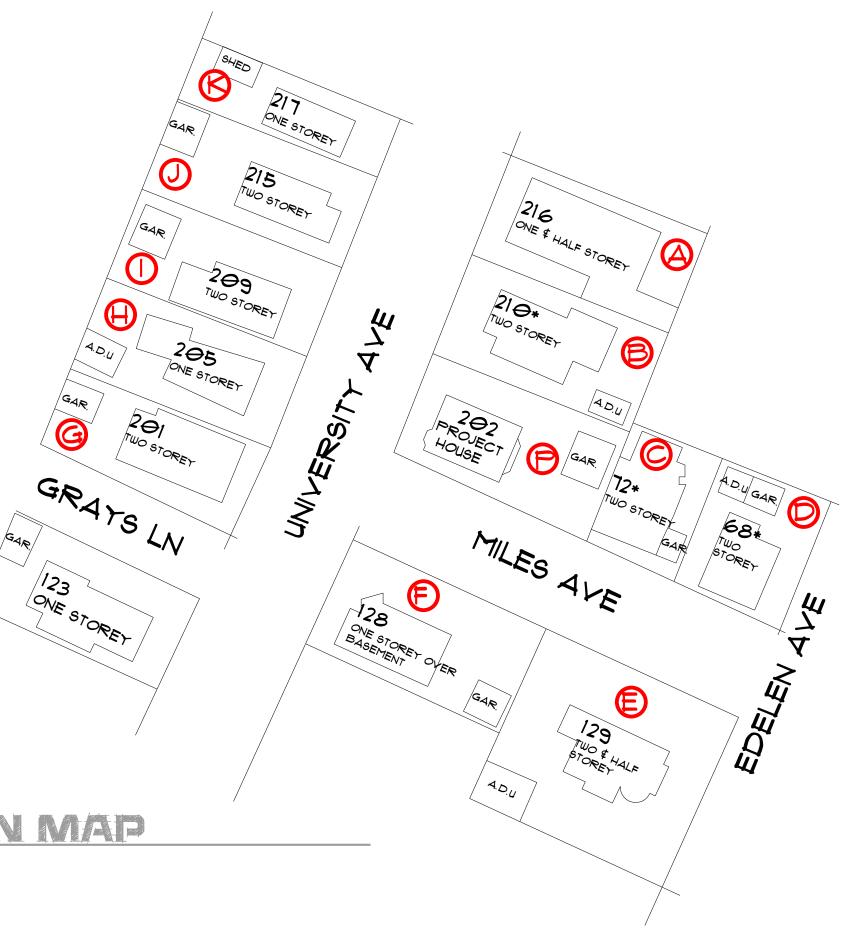
 $(\mathbf{E})$ 129 EDELEN AVE

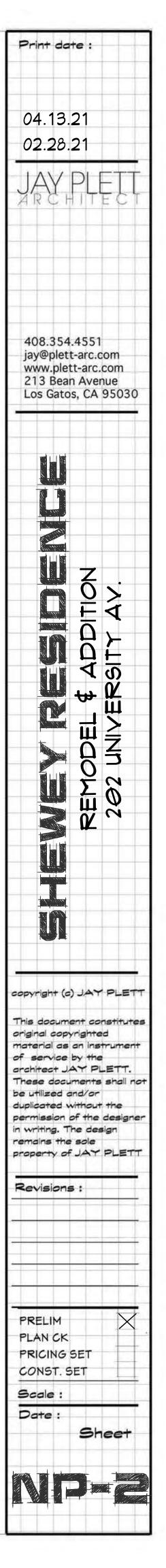


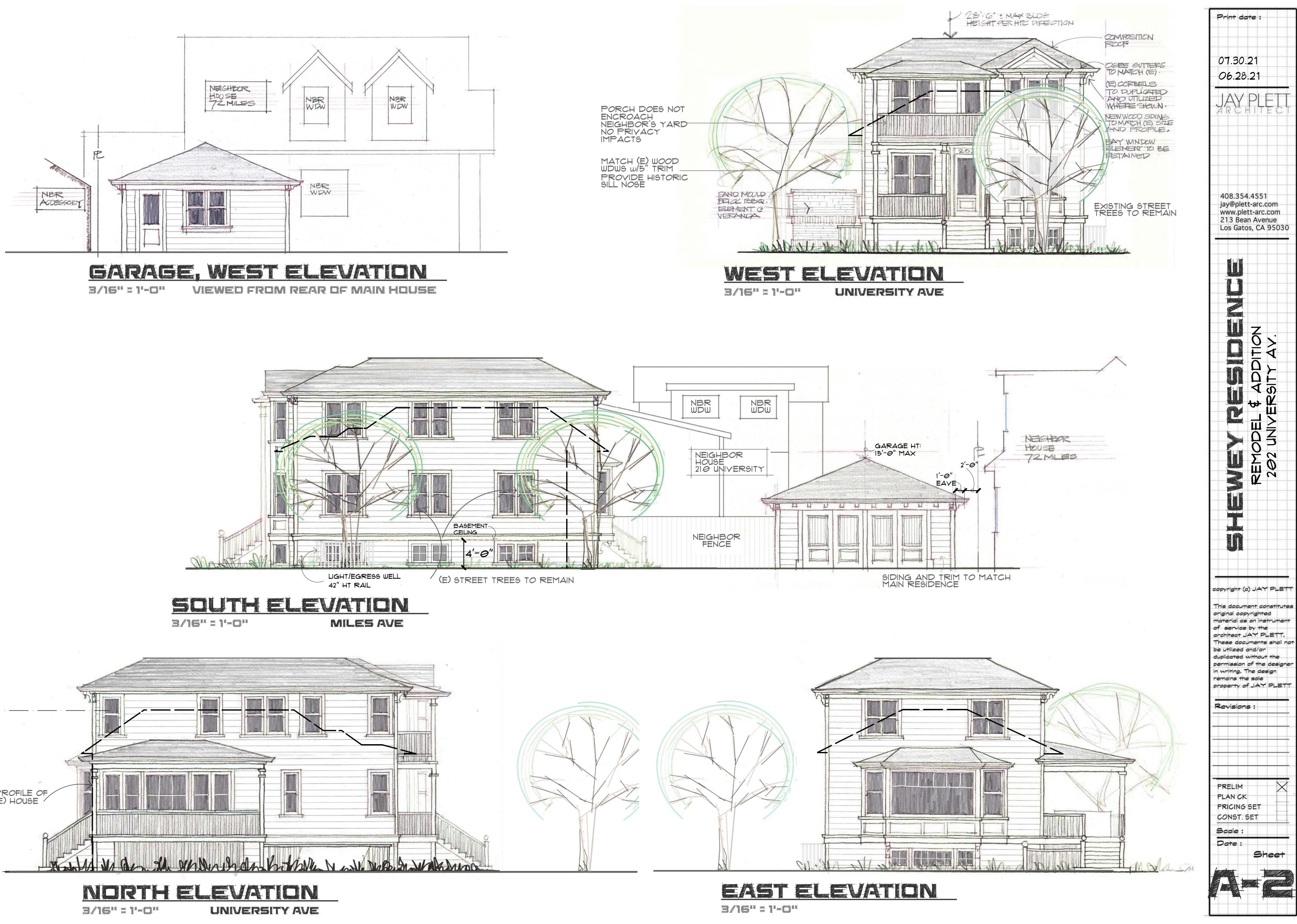
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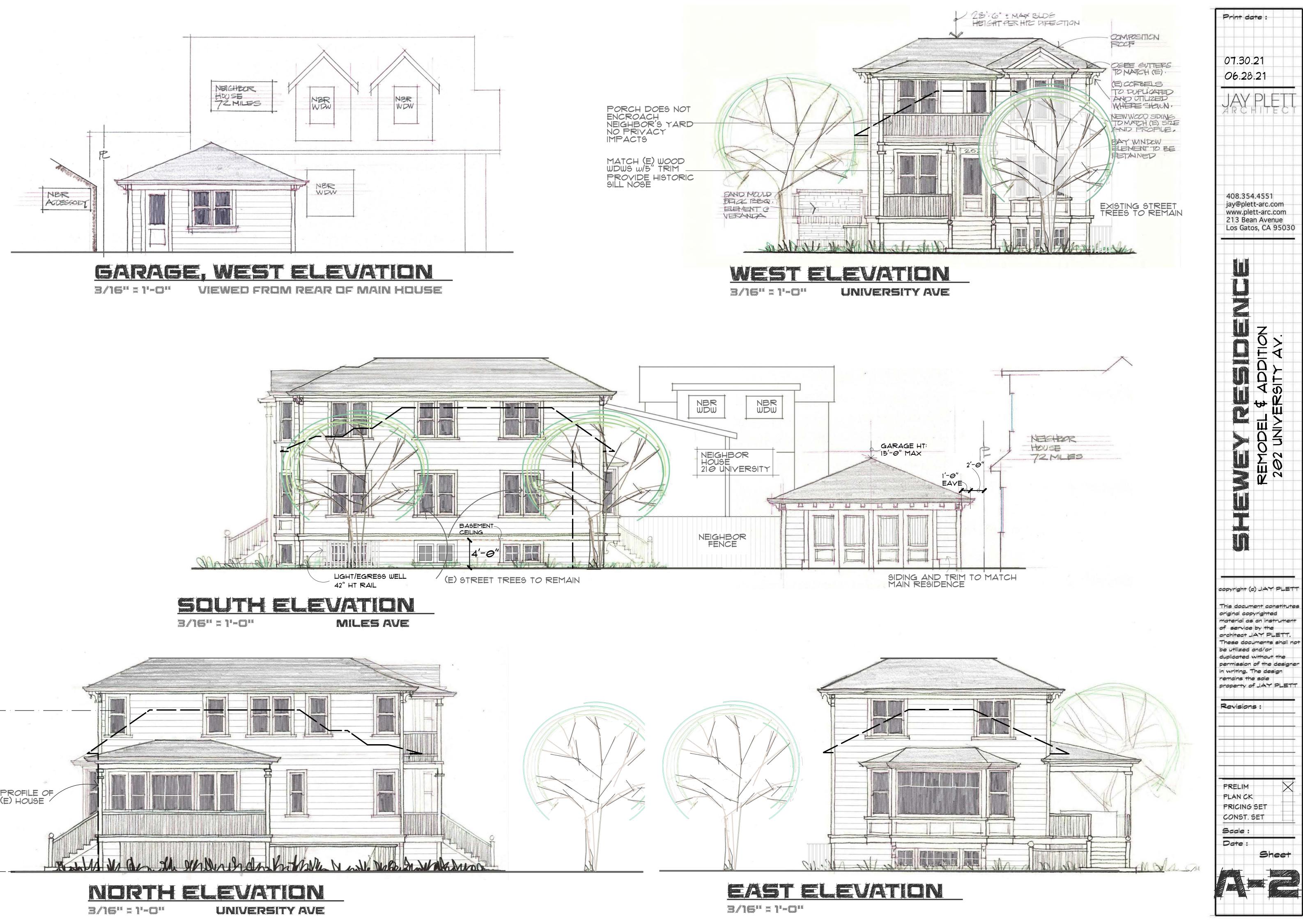
123 ONE STORET

(H) 205 UNIVERSITY AVE

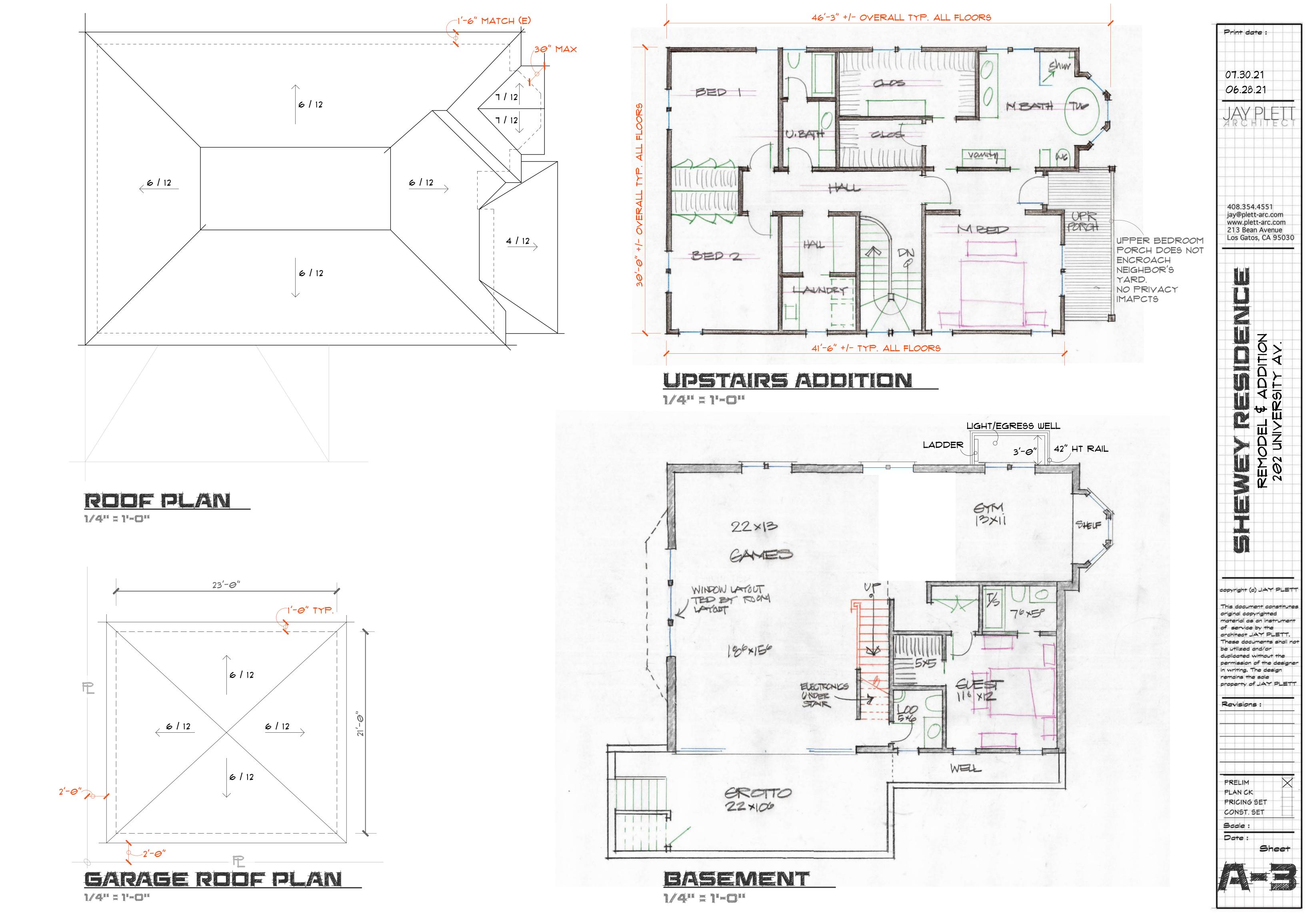








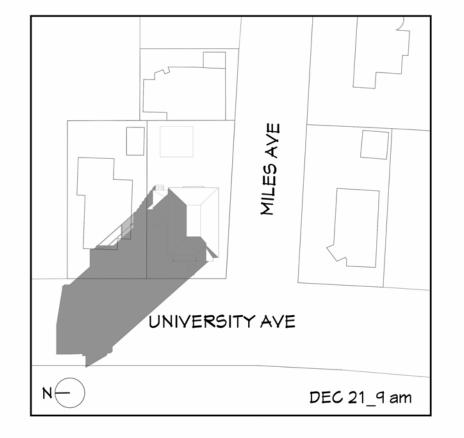


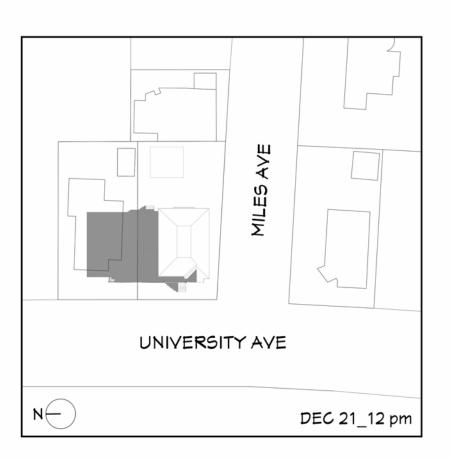


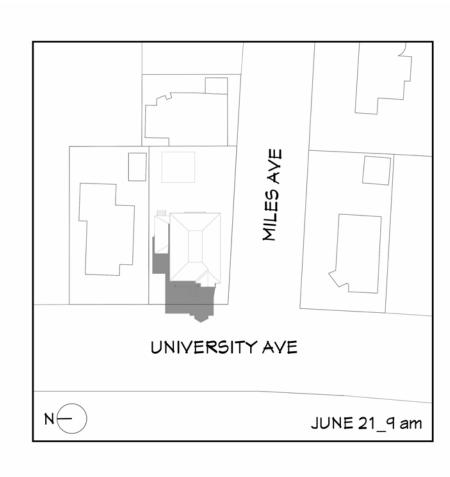
Page 66

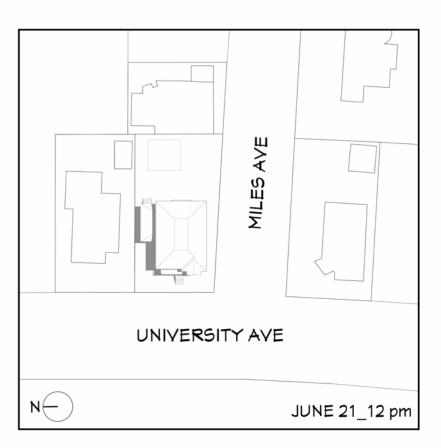


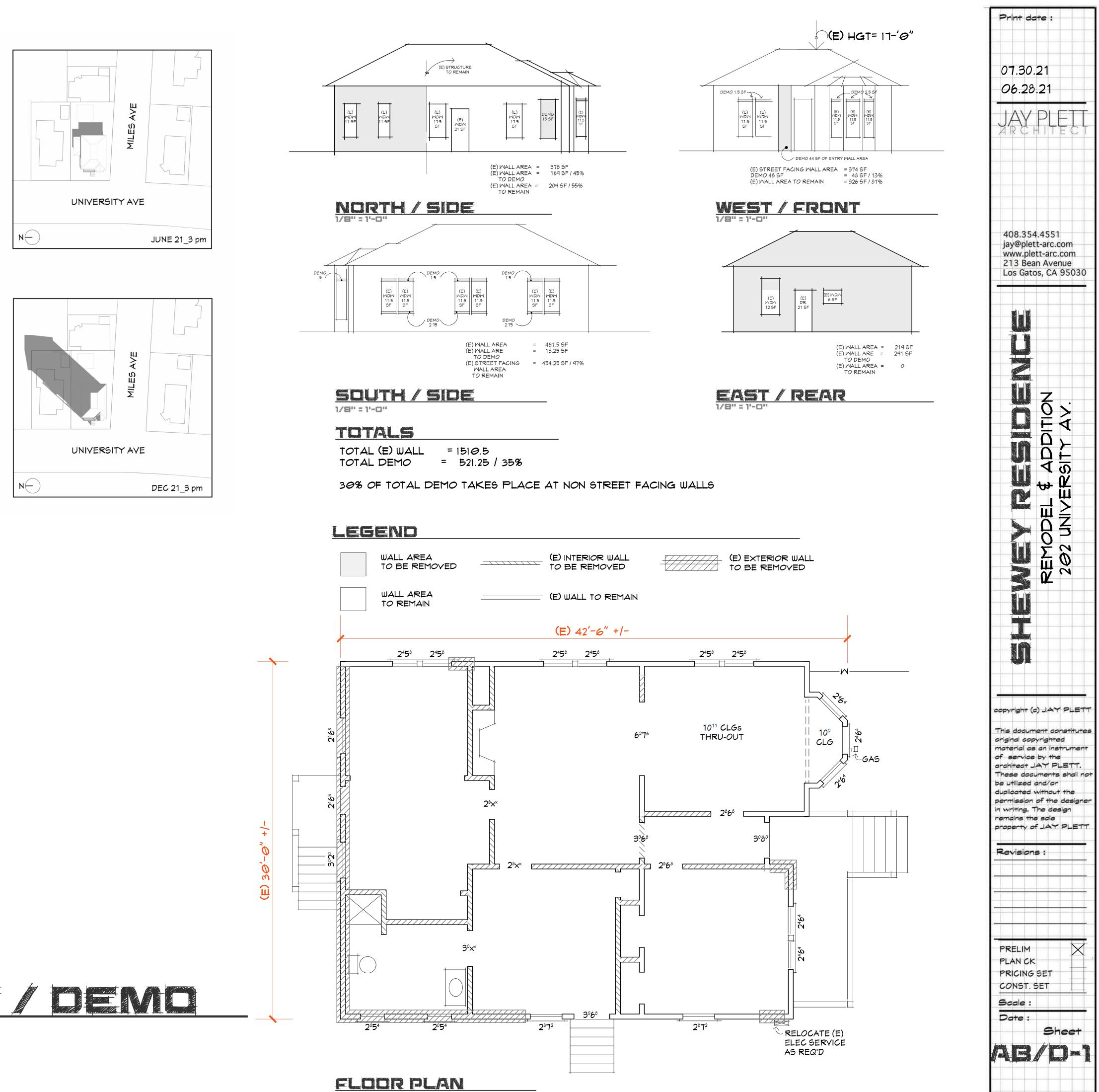












<sup>1/4&</sup>quot; = 1'-0"