



MEETING DATE: 5/16/05
DESK ITEM 7

COUNCIL AGENDA REPORT

DATE: May 16, 2005

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT RESOLUTION GRANTING AN APPEAL OF A PLANNING COMMISSION DENYING A REQUEST TO CONSTRUCT A SECOND STORY ADDITION TO A SINGLE FAMILY RESIDENCE THAT EXCEEDS THE FLOOR AREA RATIO ON PROPERTY ZONED HR-2-1/2. APN: 527-55-036. ARCHITECTURE AND SITE APPLICATION: S-05-17. PROPERTY LOCATION: 310 SANTA ROSA DRIVE. PROPERTY OWNER / APPELLANT: JOHN VERSGROVE

The proposed resolution has been amended to add additional findings demonstrating the unique circumstances under which Council granted this appeal. Language has been added to reflect evidence that the visible exterior apparent mass of the structure would be reduced and that the additional living space would not be visible to neighboring properties. The language was added to paragraph F. 1. which previously read as follows:

Council finds that applicant has demonstrated that the design could accommodate additional living space without significantly impacting the apparent mass and scale of the structure and that all of the mandatory elements stated in the Hillside Development Standards and Guidelines for exceeding 6,000 have been met.

and now reads as follows:

Council finds that the applicant has demonstrated that the proposed design can accommodate additional living space while also reducing the apparent exterior mass and scale of the structure, that the additional living space would not be visible to any neighboring properties, and that all of the mandatory elements stated in the Hillside Development Standards and Guidelines for exceeding 6,000 square feet have been met.

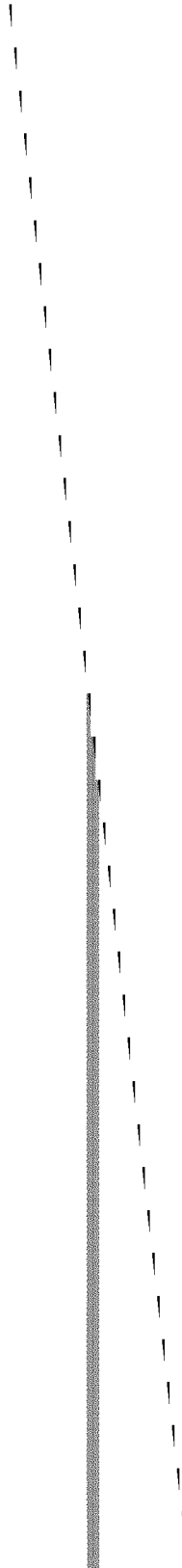
PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

N:\MGR\AdminWorkFiles\cnclrppts\Santa-RosaDeskItem.TCR.wpd

Reviewed by: *JS* Assistant Town Manager _____ Town Attorney _____ Clerk _____ Finance
BN Community Development

Revised: 5/16/05 3:50 pm

Reformatted: 5/30/02



RESOLUTION

ADOPT RESOLUTION GRANTING AN APPEAL OF A PLANNING COMMISSION DENYING A REQUEST TO CONSTRUCT A SECOND STORY ADDITION TO A SINGLE FAMILY RESIDENCE THAT EXCEEDS THE FLOOR AREA RATIO ON PROPERTY ZONED HR-2-1/2.

APN: 527-55-036
ARCHITECTURE AND SITE APPLICATION: S-05-17
PROPERTY LOCATION: 310 SANTA ROSA DRIVE
PROPERTY OWNER / APPELLANT: JOHN VERSGROVE

WHEREAS:

A. This matter came before Council for public hearing on May 2, 2005, on an appeal by John Versgrove (property owner/appellant) from a decision of the Planning Commission and was regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the appellant and all interested persons who wished to give evidence. Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report dated April 28, 2005, and the Desk Item dated May 2, 2005, along with subsequent reports and materials prepared concerning this application.

C. The applicant is requesting approval of an architectural and site application to add 1,233 square feet to an existing 6,447 square foot home with an 836 square foot garage for a total floor area of 8,516 square feet (including garage). The proposed addition will convert the existing attic space to a second floor area, which includes expanding the existing roof line.

D. The Planning Commission first considered the application on February 9, 2005 and provided direction to the applicant concerning design and materials. On March 23, 2005, the Commission considered the revised plans and denied the project because the proposed second story addition was not kept within the existing building envelope and the windows exceeded the minimum

required by the Uniform Building Code to meet requirements for natural light, ventilation and egress.

E. The grounds for the appeal are the applicant believes that the Commission erred or abused its discretion and that the decision was not based on evidence in the record or the recommendations of Town staff.

F. Council finds as follows:

1. Pursuant to Town Code section 29.20.300, this application required the interpretation of a policy over which the Planning Commission did not have the discretion to modify or address, but which is vested in the Council for modification or decision; to wit, the Hillside Standards and Guidelines for allowing exceptions to the maximum allowed floor area ratio where the additional living space would be located within an existing structure and would not significantly add to the visible mass of the structure. Council finds that the applicant has demonstrated that the proposed design can accommodate additional living space while also reducing the apparent exterior mass and scale of the structure, that the additional living space would not be visible to any neighboring properties, and that all of the mandatory elements stated in the Hillside Development Standards and Guidelines for exceeding 6,000 square feet have been met.

2. Pursuant to section 29.20.150, the considerations for approval of Architecture and Site applications have been made. The proposed construction, as modified, is well designed and consistent with the hillside architectural style of the neighborhood and does not set a precedent regarding future development in the neighborhood.

3. The project is categorically exempt pursuant to Section 15301 of the State Environmental Guidelines as adopted by the Town.

RESOLVED:

1. The appeal of the decision of the Planning Commission on Architecture and Site

Application S-05-17 is therefore granted.

2. Revised Conditions of approval, attached hereto as Exhibit A, are applied to this Application.

3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by Section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure Section 1094.6, or such shorter time as required by state or federal law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California held on the day of , 2005 by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST

CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

N:\ATY\Santa-Rosa.RES.wpd