



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 11/13/2019

ITEM NO:

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DATE: October 29, 2019  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Architecture and Site Application S-19-017. Project Location: **15921 Linda Avenue**. Applicant: Daryl V. Harris. Property Owner: Firouz Behnamfar. Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on nonconforming property zoned R-1:8. APN 523-25-022.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential  
Zoning Designation: R-1:8 – Single-Family Residential, 8,000-square foot lot minimum  
Applicable Plans & Standards: Residential Design Guidelines  
Parcel Size: 9,266 square feet  
Surrounding Area:

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

PREPARED BY: Sean Mullin, AICP  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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CEQA:

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

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing structure.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.
- As required by Section 29.10.265 (3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.

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 project site is located on the west side of Linda Avenue near the intersection with Rochin Terrace (Exhibit 1). The properties immediately adjacent to the subject property are within the Town boundaries; however, some county properties are located in the extended neighborhood. The subject property is nonconforming having a lot width of 54 feet where 60 feet is required by the Town Code.

The project is being considered by the Planning Commission to determine whether the proposed reduced side yard setbacks are compatible with the neighborhood as required by Section 29.10.265 (3) of the Town Code.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is proposing to demolish the existing 1,093 square-foot single-family residence and 320 square-foot detached garage and construct a new 2,927 square-foot one-story single-family residence with a 482 square-foot attached garage. The proposed residence would have a maximum height of 19 feet (Exhibit 4). Portions of the proposed residence would have side yard setbacks of five feet where the Town Code requires eight feet.

B. Location and Surrounding Neighborhood

The project site is located on the west side of Linda Avenue near the intersection with Rochin Terrace (Exhibit 1). Properties within the immediate neighborhood are developed with one- and two-story single-family residences.

C. Zoning Compliance

The R-1:8 zoning permits a single-family residence. The proposed project complies with the FAR, height, and structure coverage limitations. The applicant is requesting reduced side yard setbacks as allowed by Town Code Section 29.10.265 (3) for nonconforming properties when it is found to be compatible with the neighborhood.

D. Architecture and Site Application

Architecture and Site application approval is required for demolition of an existing single-family residence and construction of a new single-family residence with modifications of required setbacks on a nonconforming property.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes construction of a one-story residence with clay tile hip roofs, smooth finish stucco siding, aluminum clad wood windows and doors, and a carriage style garage door (Exhibits 5 and 11).

The subject property is currently developed with a one-story residence and a detached garage. The existing residence has a reduced side yard setback of four feet along portions of the north property line. The applicant proposes demolition of the existing residence and construction of a new residence with reduced side yard setbacks of five feet on both the north and south side property lines.

DISCUSSION (continued):

The subject property is nonconforming having a lot width of 54 feet where 60 feet is required by the Town Code. Section 29.10.265 of the Town Code allows for modification of any rule of the zone for nonconforming lots, including setback requirements, if the modifications are found to be compatible with the neighborhood. The applicant proposes a new residence with reduced side yard setbacks of five feet for portions of both side yards where eight feet is required (Exhibit 11). The portions of the residence with proposed reduced setbacks would be concentrated near the front of the residence at the garage, kitchen, and living room. The remaining portions of the residence would meet or exceed all required setbacks. The applicant's letter of justification (Exhibit 6) explains that the subject property is the narrowest in the neighborhood and that meeting the required side yard setbacks would result in a narrow one-story residence with massing inconsistent with the neighboring residences. The reduced side yard setbacks would allow for:

- A residence-width to lot-width proportion consistent to neighboring properties;
- The desired single-story floor plan with a front facing garage-entry-living room consistent with the neighborhood; and
- Improved side yard setbacks from the existing residence.

In evaluating the request for reduced setbacks, the setbacks of the residences in the immediate and extended neighborhood are reviewed to determine if the request is compatible with the neighborhood. There are no residences with reduced side yard setbacks in the immediate or extended neighborhood. One nonconforming lot within the immediate neighborhood at 15941 Linda Avenue and another nonconforming lot within the extended neighborhood at 15951 Linda Avenue have lot widths of 58 and 56 feet respectively. The residences on these nonconforming lots were constructed in 2001 and 2017 respectively and meet all required setbacks, although both are two-story, where the proposed residence on the subject property would be one-story.

The request is being considered by the Planning Commission because there are no residences with reduced side yard setbacks in the immediate or extended neighborhood. If the Planning Commission determines that the reduced side yard setbacks are compatible with the neighborhood, the request can be approved as allowed by Section 29.10.265 (3) of the Town Code.

B. Building Design

The Town's Consulting Architect reviewed the project within the neighborhood context to provide recommendations regarding the building design (Exhibit 7). The Consulting Architect commented that the subject property is within an established neighborhood containing both older and newer homes with a mix of one- and two-story homes of mixed traditional architectural styles. In the Issues and Concerns background section of the

DISCUSSION (continued):

report, the Consulting Architect discussed the tall entry element, distribution of materials, and projecting garage. In the Recommendations section of the report, the Consulting Architect made recommendations to address consistency with the Residential Design Guidelines and the applicant revised the project to incorporate each of the recommendations as follows:

- Eliminate the stone on the front elevation or carry the stone consistently around all facades of the house:

*The stone was removed from the front of the residence.*

- Deep set the garage door; and

*The thickness of the wall adjacent to the garage door was doubled allowing for the door to be set deeper into the wall.*

- Modify the entry to be more consistent with the norm of the neighborhood by integrating the entry with the garage roof form and providing an under-eave entry similar to others in the neighborhood.

*The eave at the entry was lowered by nine inches to better integrate the entry into the residence and the neighborhood.*

C. Neighborhood Compatibility

Based on Town and County records, the residences in the immediate neighborhood range in size from 1,590 square feet to 3,453 square feet. The house FARs range from 0.16 to 0.35. The proposed residence would be 2,927 square feet with a FAR of 0.32. Pursuant to Town Code, the maximum allowable square footage for the 9,266 square-foot lot is 2,927 square feet with a maximum allowable FAR of 0.32. The immediate neighborhood analysis provided in the table below reflects the current conditions.

DISCUSSION (continued):

Address	Zoning	House SF	Garage SF	Total SF	Site SF	House FAR	Stories
101 Constances Ct	R-1:8	2,746	439	3,185	7,833	0.35	2
15909 Linda Ave	R-1:8	3,003	650	3,653	17,753	0.17	2
15933 Linda Ave	R-1:8	3,453	908	4,361	11,652	0.30	2
15901 Rochin Ter	R-1:8	1,590	620	2,210	8,400	0.19	1
15936 Linda Ave	R-1:8:Prezone	3,493	609	4,102	21,750	0.16	1
15946 Linda Ave	R-1:8:Prezone	2,852	400	3,252	16,848	0.17	1
15902 Rochin Ter	R-1:8	3,576	509	4,085	16,050	0.22	1
15941 Linda Ave	R-1:8	3,022	572	3,594	9,688	0.31	2
<b>15921 Linda Ave (E)</b>	<b>R-1:8</b>	<b>1,093</b>	<b>320</b>	<b>1,413</b>	<b>9,266</b>	<b>0.12</b>	<b>1</b>
<b>15921 Linda Ave (P)</b>	<b>R-1:8</b>	<b>2,927</b>	<b>482</b>	<b>3,409</b>	<b>9,266</b>	<b>0.32</b>	<b>1</b>

The Residential Design Guidelines specify that residential development shall be similar in size, bulk, and scale to the immediate neighborhood. The Residential Design Guidelines also specify that consideration will be given to the existing FARs, residential square footages, and lot sizes in the immediate neighborhood. The proposed residence would be the sixth largest home in the immediate neighborhood in terms of square footage and the second largest in terms of FAR.

D. Tree Impacts

The subject property has five trees, three of which are protected trees (32-inch multi-trunk Japanese Maple; 18.5-inch American Sweetgum; and a 12-inch Coast Live Oak tree). The applicant proposes removal of the Japanese Maple and American Sweetgum trees as they conflict with the proposed development. The 12-inch Coast Live Oak would be preserved and protected during construction. The Town's Consulting Arborist visited the site to inspect the trees on the subject property and on the adjacent properties and evaluate potential impacts from the proposed construction (Exhibit 8). The Arborist concluded that the construction activity will have little influence on the Coast Live Oak on the subject property and the trees on the adjacent properties. The Consulting Arborist provided recommendations for tree protection during construction. Staff has included conditions of approval that the project comply with the tree protection requirements of the Town Code and the recommendations of the Consulting Arborist (Exhibit 3).

E. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 9).

DISCUSSION (continued):

F. CEQA Determination

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

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, November 8, 2019 are included as Exhibit 10.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on nonconforming property. With the modification for reduced side yard setbacks, the project would be in compliance with the Town Code and Residential Design Guidelines.

B. Recommendation

With consideration of the analysis above, staff recommends that the Planning Commission deny the Architecture and Site application based on concerns related to the compatibility of the reduced side yard setbacks with the neighborhood.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
  - a. Find that the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
  - b. Make the findings as required by Section 29.10.09030 (e) of the Town Code for the demolition of an existing structure (Exhibit 2);
  - c. Make the finding that the project complies with the Residential Design Guidelines (Exhibit 2);

CONCLUSION (continued):

- d. Make the finding as required by Section 29.10.265 (3) of the Town Code that the reduced side yard setbacks on the nonconforming lot are compatible with the neighborhood (Exhibit 2);
  - e. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
  - f. Approve Architecture and Site Application S-19-017 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 11; or
2. Approve the application with additional and/or modified conditions; or
  3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Materials Board
6. Letter of Justification for reduced setbacks
7. Consulting Architect's Report, received April 26, 2019
8. Consulting Arborist Report, dated May 29, 2019
9. Summary of applicant's neighbor outreach efforts
10. Public comments received by 11:00 a.m., Friday, November 8, 2019
11. Development Plans