



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/09/2022

ITEM NO: 3

DATE: February 4, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence with an Exemption from the Parking Requirements, an Exception for Maximum Lot Coverage, and Site Work Requiring a Grading Permit on Nonconforming Property Pre-Zoned R-1:8. **Located at 15605 El Gato Lane.** APN 523-22-010. Architectural and Site Application S-21-020. Property Owner: Natasha Malisic. Applicant: Archana Jain. Project Planner: Ryan Safty.

RECOMMENDATION:

Consider approval of a request for demolition of an existing single-family residence and construction of a new single-family residence with an exemption from the parking requirements, an exception for maximum lot coverage, and site work requiring a grading permit on nonconforming property Pre-Zoned R-1:8, located at 15605 El Gato Lane.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: Pre-Zoned R-1:8
Applicable Plans & Standards: General Plan and Residential Design Guidelines
Parcel Size: 0.187 acres (8,135 square feet)
Surrounding Area:

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

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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 existing structures.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with the exception of requests for an exemption from the parking requirement and an exception for maximum lot coverage.
- As required by Section 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required.
- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including lot coverage requirements.
- 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, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the west side of El Gato Lane (Exhibit 1). The property is 8,135 square feet with an existing 1,268-square foot one-story residence and a 276-square foot attached garage. The immediate low density residential neighborhood contains one- and two-story residences.

BACKGROUND (continued):

The subject property, along with the rest of the immediate neighborhood, is currently located within Santa Clara County jurisdiction. The applicant submitted their proposal to the Santa Clara County Planning Department, but due to the proposed scope of work and the property meeting the Town's minimum criteria for annexation, the applicant was directed to annex the property into the Town.

The subject property is in the process of being annexed into the Town. Los Gatos Town Council reviewed and approved the annexation on December 7 and December 21, 2021. The property will be officially annexed into the Town once the State's Local Agency Formation Commission (LAFCO) issues certification. Per Draft Condition of Approval 15 (Exhibit 3), the property must be officially annexed and certified by LAFCO prior to building permit issuance for the proposed work.

On July 7, 2021, the applicant submitted an Architecture and Site application for the demolition of an existing single-family residence, construction of a new one-story residence, and site work requiring a grading permit. The proposal was designed to comply with Santa Clara County Planning Department's requirements. In order to keep the originally designed floor plan, the project requests an exemption from the parking requirements and an exception to the maximum allowed lot coverage. The project meets all other technical requirements of the Town Code.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of El Gato Lane (Exhibit 1). The surrounding properties in the low-density residential neighborhood are one- and two-story single-family residences and are all within Santa Clara County jurisdiction.

B. Project Summary

The applicant is proposing to construct a new 2,513-square foot one-story single-family residence with an attached 432-square foot garage (Exhibit 10) with requests for an exemption to the parking requirements and an exception to the maximum allowed lot coverage. The proposed residence would be the largest in terms of floor area in the immediate neighborhood by one-square foot.

PROJECT DESCRIPTION (continued):

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The existing property is 8,135 square feet with a lot frontage of 54.6 feet. The minimum lot frontage is 60 feet, and therefore the lot is nonconforming as to street frontage.

The proposed residence is in compliance with the allowable floor area, height, and setbacks, and includes requests for an exemption from the parking requirements and an exception for maximum lot coverage as discussed below.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing demolition of the existing residence and construction of a new one-story single-family residence with 2,513 square feet of living space and a 432-square foot attached garage. The maximum height of the proposed residence is approximately 20 feet, where a maximum of 30 feet is allowed.

The proposed project materials include a composition shingle roof, with standing seam metal roof accents along all sides. The exterior material would be textured plaster finish. All windows have simulated divided lites and all openings are recessed. The applicant has provided a Project Description and Letter of Justification detailing the project (Exhibit 8). The project plans show a Junior Accessory Dwelling Unit (JADU) at the rear of the proposed residence. The JADU is not being reviewed as a part of this Architecture and Site Application per State law.

B. Parking

The applicant is requesting an exemption to the parking requirements for a single-family residence. Town Code requires two on-site parking spaces for a single-family residence, both of which must be located outside of the required 25-foot front setback. The applicant is proposing one on-site parking space located outside of the front setback, within the attached garage. The project plans (Exhibit 10) show a second parking space within the front setback, along the driveway, and off-set from the garage parking space so as not to be in tandem. The parking exemption request would allow the second required on-site parking space to be within the required front setback.

DISCUSSION (continued):

Town Code Section 29.10.150(h)(2) allows an exemption from the single-family residence parking requirements when the deciding body finds that the subject property does not have adequate area to provide parking as required. Further, if the deciding body makes the finding, parking shall be provided to the maximum extent possible.

The applicant has provided written justification for the parking exemption request (Pages 9-45 of Exhibit 8). The subject property is nonconforming with 54.6 feet of lot frontage where 60 feet is required. The lots in the immediate and surrounding neighborhood are generally 50 feet wide. With eight-foot side setback requirements, the allowed floor plan is limited to 34 feet in width. The property owner would like, "a nice entryway which is inviting as well as a nice living area with some nice open large windows which are appealing to the house, giving the house a good curb appeal" (Page 9 of Exhibit 8).

The applicant further justifies the parking exemption request by stating that the immediate and surrounding neighborhood has plenty of street parking, "the sidewalks are rural undeveloped which makes the parking very convenient for the visitors" (Page 9 of Exhibit 8). Additionally, the applicant analyzed 129 properties in the surrounding neighborhood within Santa Clara County Jurisdiction (El Gato Lane, Linda Avenue, and Loma Vista Avenue) to determine how many properties conform to the Town's parking requirements for single-family residences. The results of this analysis show that over half of the surrounding neighborhood would not comply with the Town's parking requirements. Specifically, 27 percent of the 129 properties studies have a single-car garage, and 24 percent have a second parking space that is inaccessible. The proposed residence includes a one-car garage and a second parking space within the front setback, along the existing driveway, and off-set from the garage parking space so as not to be in a tandem configuration. The proposed parking configuration would be consistent with the neighborhood pattern.

C. Lot Coverage

The subject property is nonconforming with 54.6 feet of lot frontage where 60 feet is required. Section 29.10.265 of the Town Code allows for modification of any rule of the zone for nonconforming lots, including lot coverage requirements, if the modifications are found to be compatible with the neighborhood.

As detailed in the applicant's Project Description and Letter of Justification (Page 46 of Exhibit 8), the applicant requests an exception to the maximum allowed lot coverage in order to maximize the development potential of the property.

DISCUSSION (continued):

The maximum allowed lot coverage is 40 percent. Based on the lot size of 8,135 square feet, the maximum allowed lot coverage is 3,254 square feet. The applicant's proposal is for 3,303.5 square feet of building area, which equates to a 40.6 percent lot coverage. The proposal would require the removal of 51.5 square feet of roofed building area to comply with the maximum lot coverage requirement.

The applicant chose not to redesign and remove building or covered porch area to comply with the Town's maximum lot coverage requirement. The applicant justifies this exception with the following: "We have small, covered entry porch, a small covered rear exit and a side porch for outdoor seating, and the main house and one car garage that we can maximize on this lot. These covered porches help with the sun angle also for the shading of the house in summers." (Exhibit 8).

The applicant has identified six other properties in the surrounding neighborhood to justify the lot coverage exception and prove compatibility with the surrounding neighborhood (Page 46 of Exhibit 8). Of the six properties identified, two are within the Town's jurisdiction and four are in Santa Clara County jurisdiction. The two properties that are located within the Town, 112 and 125 Verde Court, were confirmed by Town staff to have a lot coverage of under 40 percent (39.97 percent). Based on data from the Santa Clara County Assessor's Office, only one of the four Santa Clara County jurisdiction properties listed exceed the Town's maximum allowed lot coverage: 15611 Loma Vista, which has a lot coverage of 44 percent.

There are several other properties along El Gato Lane that appear to exceed 40 percent lot coverage (15565, 15700, and 15735 El Gato Lane); however, the property data obtained from the Santa Clara County Assessor's Office only included permitted building floor area. Covered porches, accessory buildings, and un-permitted additions are not included in this data.

D. Building Design

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design. The immediate neighborhood is comprised of predominantly one-story homes designed with shed and low-slope gable roofs similar to traditional Eichler style homes.

DISCUSSION (continued):

In the Issues and Concerns background section of the report (Exhibit 4), the Consulting Architect noted that the height and bulk of the proposed replacement house would not be out of scale, but identified several issues with the design and made recommendations to address each issue. The Consulting Architect drafted two recommended design approaches (Page 6, Exhibit 4), one showing shed and flat roofs similar to the Eichler style homes in the neighborhood, and one showing a simplified traditional style with a recessed garage face.

The Consulting Architect then made six recommendations that need to be followed to address consistency of the project with the Residential Design Guidelines:

1. Change the roof forms to shed and flat or gable roofs and eliminate metal roofing.
2. Add trellis over garage.
3. Articulate the long right-side façade by recessing a portion of the façade at the kitchen.
4. Add one or more roof dormers to break up the long roof forms.
5. Utilize more traditional window details and add wood trim at all windows and doors.
6. If divided lite windows are desired, use true or simulated divided lites.

The applicant revised the plans (Exhibit 10) to address the Consulting Architect's recommendations, generally following the second recommended design approach (Page 6, Exhibit 4) and responding to each of the six recommendations identified in the report. The plan changes and responses (Exhibit 5) are as follows:

1. The roof forms were altered slightly, with front facing gable roofs over the living room window and attached garage. The previously proposed standing seam metal roofing along the entire front cross-gable has been replaced with composition shingle roofing throughout, with the standing seam metal roofing used now as accents for the covered porches and front entry.
2. A standing seam metal awning was added above the garage door, matching the awning over the living room window.
3. Instead of recessing portions of the kitchen, standing seam metal awnings were added to the other three sides of the proposed building to break up the facades.
4. Instead of adding roof dormers, skylights were added to break up the long roof forms.
5. Instead of adding wood trim to the windows, all windows and doors are recessed two to three inches to give depth to the openings. Exhibit 9 includes an example image showing the inspiration for recessing openings instead of adding trim.
6. All windows and doors have simulated divided lites.

DISCUSSION (continued):

Although revisions to the plans were made, staff cannot find that the project is compliant with the Consulting Architect's recommendations, and therefore the project as currently proposed is not compliant with the Town's Residential Design Guidelines. Specifically, the second recommended design approach (Page 6 of Exhibit 4) calls for recessing the garage face by a minimum of three feet, and Recommendations 3 and 4 related to breaking up and articulating the roof form and elevations have not been adequately addressed. Staff has added Draft Condition of Approval 16 requiring that the applicant work with staff and the Consulting Architect to revise the plans to comply with the Residential Design Guidelines prior to building permit submittal (Exhibit 3).

E. Neighborhood Compatibility

The immediate neighborhood is made up of one- and two-story single-family residences. Based on County records, the residences in the immediate area range in size from 1,100-square feet to 2,512-square feet. The floor area ratios range from 0.136 to 0.312. The proposed residence would be 2,513-square feet with a floor area ratio of 0.309. Pursuant to Town Code, the maximum allowable square footage for the 8,135-square foot lot is 2,643 square feet with a maximum floor area ratio of 0.325. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
15605 El Gato Lane (Ex.)	Pre-R-1:8	1,268	276	1,544	8,135	0.156	1
15605 El Gato Lane (Prop.)	Pre-R-1:8	2,513	432	2,945	8,135	0.309	1
15585 El Gato Lane	Pre-R-1:8	1,100	399	1,499	8,064	0.136	1
15595 El Gato Lane	Pre-R-1:8	1,100	399	1,499	8,046	0.137	1
15615 El Gato Lane	Pre-R-1:8	1,561	399	1,960	8,046	0.194	1
15625 El Gato Lane	Pre-R-1:8	1,100	276	1,376	8,046	0.137	1
15580 El Gato Lane	Pre-R-1:8	1,100	399	1,499	8,056	0.137	1
15590 El Gato Lane	Pre-R-1:8	1,100	399	1,499	8,056	0.137	1
15600 El Gato Lane	Pre-R-1:8	1,112	276	1,388	8,056	0.138	1
15610 El Gato Lane	Pre-R-1:8	1,375	276	1,651	8,115	0.169	1
15620 El Gato Lane	Pre-R-1:8	2,512	0	2,512	8,056	0.312	2

The proposed residence would not be the largest home in the immediate neighborhood in terms of FAR, and not the tallest. The proposed residence would be the largest in terms of square footage in the immediate neighborhood by one-square foot.

DISCUSSION (continued):

If the immediate neighborhood is expanded by one property to include 15630 El Gato Lane, the proposed residence would no longer be the largest in the immediate neighborhood in terms of square footage as the property at 15630 El Gato Lane has a 3,827-square foot two-story residence.

F. Tree Impacts

The Town Arborist prepared a report for the site and made recommendations for the project (Exhibit 7). The project site contains 18 protected trees. The applicant is proposing to remove a Palm tree and a non-fruit bearing Cherry tree, which are within or adjacent to the proposed footprint. The remaining 16 Italian Cypress trees lining the northern property line in the front yard will be preserved.

In addition, the applicant is proposing to remove several bushes along the perimeter of the property, none of which are considered protected trees. The applicant is proposing to pay in-lieu fees and plant three new 24-inch box Tristania Laurine Elegant trees along the rear property line to meet the tree replacement requirement.

G. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 6).

H. Environmental Review

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.

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, February 4, 2022, are included as Exhibit 11.

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 requests for an exemption to the parking requirements and an exception to the maximum allowed lot coverage. As proposed, the project would create a 2,513-square foot one-story residence and 432-square foot attached garage. The proposed residence would not be the largest in terms of FAR in the immediate neighborhood but, would be the largest in terms of floor area in the immediate neighborhood by one-square foot; however, if the immediate neighborhood is expanded to include one additional property across the street (15630 El Gato Lane), the proposed residence would no longer be the largest in the immediate neighborhood in terms of square footage. The applicant has provided justification for the parking exemption and lot coverage exception requests, demonstrating consistency with the immediate and expanded neighborhood. Draft Condition of Approval 16 requires that the applicant work with Town staff and the Consulting Architect to revise the plans prior to building permit submittal to ensure compliance with the Residential Design Guidelines.

B. Recommendation

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:

1. Make the finding that the proposed project is categorically exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
2. Make the findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of requests for an exemption from the parking requirements and an exception for maximum lot coverage (Exhibit 2);
4. Make the finding as required by Section 29.10.150(h)(2) of the Town Code for reduced parking where it can be shown that the lot does not have adequate area to provide parking as required (Exhibit 2);
5. Make the finding required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including lot coverage requirements (Exhibit 2);
6. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
7. 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

CONCLUSION (continued):

8. Approve Architecture and Site application S-21-020 with the conditions contained in Exhibit 3 and the development plans in Exhibit 10.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
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. Consulting Architect's Report, dated July 22, 2021
5. Applicant's response to the Consulting Architect's Report, received August 27, 2021
6. Applicant's neighborhood outreach efforts, received August 30, 2021
7. Town Arborist's Report, dated October 27, 2021
8. Project Description and Letter of Justification, received November 9, 2021
9. Color and Materials Board, received November 9, 2021
10. Development Plans, received November 9, 2021
11. Public Comments received prior to 11:00 a.m., Friday, February 4, 2022

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