



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 12/09/2020

ITEM NO: 3

**DATE:** December 2, 2020  
**TO:** Planning Commission  
**FROM:** Joel Paulson, Community Development Director  
**SUBJECT:** Requesting Approval for Demolition of an Existing Single-family Residence, Construction of a New Single-family Residence, Removal of a Large Protected Tree, and Site Improvements Requiring a Grading Permit on Property Zoned R-1:12 Located at 62 Ellenwood Avenue. APN 510-20-068. Architecture and Site Application S-20-008. Property Owners: Lisa and Case Swenson. Applicant: Lisa Nichols, Arcanum Architecture, Inc. Project Planner: Sean Mullin.

**RECOMMENDATION:**

Consider approval of a request for demolition of an existing single-family residence, construction of a new single-family residence, removal of a Large Protected Tree, and site improvements requiring a Grading Permit on property zoned R-1:12 located at 62 Ellenwood Avenue.

**PROJECT DATA:**

General Plan Designation: Low-Density Residential  
Zoning Designation: R-1:12 (Residential, 12,000 square foot minimum)  
Applicable Plans & Standards: General Plan; Residential Design Guidelines  
Parcel Size: 32,733 square feet (0.75 acres)  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential*	Single-family Residential, 2 D.U./Acre*	Open Space*
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:12
West	Residential	Low Density Residential	R-1:12
* - City of Monte Sereno			

**PREPARED BY:** Sean Mullin, AICP  
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.

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
  1. The Town's housing stock will be maintained as the single-family residence will be replaced.
  2. The existing structures have no architectural or historical significance.
  3. The property owner does not desire to maintain the structures as they exist; and
  4. The economic utility of the structures was considered.
- As required by Section 29.10.0992 of the Town Code for removal of protected trees.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by Section 29.40.0320 of the Town Code for granting a Fence Height Exception.
- The project is in compliance with the Residential Design Guidelines for single-family residences not in hillside areas.

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 northwest side of Ellenwood Avenue, approximately 425 feet from the intersection of Hernandez Avenue (Exhibit 1). The subject property is approximately 0.75 acres (32,733 square feet) and developed with a 3,512-square-foot single-family residence and a 718-square-foot detached garage.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 32,733 square feet, located on the northwest side of Ellenwood Avenue and developed with a single-family residence and a detached garage served by a circular driveway with two entrances off Ellenwood Avenue. Single-family residential development surrounds the property. The existing developed building pad is located approximately 100 feet from Ellenwood Avenue. From the building pad, the property descends approximately 10 feet to the front property line and 25 feet to the rear property line.

B. Project Summary

The applicant proposes demolition of the existing residence and detached garage, and construction of a two-story residence with an attached three-car garage. The project includes areas of below-grade square footage that would not count toward the size of the residence. The project requires removal of a Large Protected Tree and site work requiring a Grading Permit. The project also requires an exception to the maximum allowable fence height for fencing located in the required front setback.

C. Zoning Compliance

A single-family residence is permitted in the R-1:12 zone. The proposed residence is in compliance with the allowable floor area, height, setbacks, and on-site parking requirements for the property.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-family residence and detached garage, and construction of a new 5,415-square foot two-story residence, an 897-square foot attached garage, an 88-square foot pool pavilion with an attached covered patio, and a swimming pool (Exhibit 14). The residence includes 2,596 square feet of below-grade square footage that does not count toward the size of the residence. The proposed residence would be sited in the middle of the property, utilizing the area of existing development. The maximum height of the proposed residence is 26 feet, four inches, where a maximum of 30 feet is allowed.

The proposed project materials include integral colored smooth plaster siding, stained cedar tongue and groove vertical wood siding, split faced stone veneer siding, slate and standing

DISCUSSION (continued):

seam metal roofs, metal clad wood divided lite windows, steel divided lite windows and doors, wood garage doors, reclaimed solid wood lintels, stained cedar wood rafter tails and columns, and painted steel trellis elements. A color and materials board is included with this staff report (Exhibit 4). The applicant has provided a Project Description/Letter of Justification summarizing the project (Exhibit 5).

B. Building Design

The applicant proposes construction of a two-story residence with an attached garage and a pool pavilion with an attached covered patio. The proposed residence would utilize the area of existing development in the center of the property. The residence would stretch across the width of the property with single-story elements at the periphery and the two-story mass at the center. The proposed attached garage would be located on the south side of the property, canted toward the street. The detached pool pavilion is proposed behind the residence in the southern portion of the rear yard. The pool pavilion would be 88 square feet and 12 feet tall, with a flat roof, stone veneer siding, and other materials consistent with the main residence. An attached covered patio area would project from the north elevation of the pavilion.

The Town's Consulting Architect reviewed the proposed residence and noted that the residence is well designed in a traditional style with substantial façade articulation, variations in height, and high-quality materials (Exhibit 6). The Consulting Architect discussed several issues related to the amount of paving, changes in roof form and siding materials, scale of the trellis elements, and the front yard fencing. The Consulting Architect made recommendations to address consistency of the project with the Residential Design Guidelines. The applicant responded to the recommendations (Exhibit 7) and submitted revised development plans to address each of the recommendations as follows:

- The substantial additional paving proposed to provide at least six additional parking spaces seems out of character with the immediate neighborhood.  
Recommendation: Remove some of the additional paving.

*The paving for the parking stalls on the main driveway has changed from non-pervious paving to pervious pavers to allow for infiltration of water onto the site. Keeping additional parking onsite will allow the public/neighborhood to use the on-street parking that will be provided.*

- The change in roof form and wall materials on the second-floor south wing of the house seems arbitrary, and an unwelcome change from the traditional forms and simplicity of the house style.

DISCUSSION (continued):

- Recommendation: Match the roof form and wall material of the other second floor masses.

*The roof forms are now hipped and vertical wood siding has been implemented for a continuous material palette that softens the appearance of the home along the north-south second floor mass.*

- The metal trellis elements seem too small for the large cedar wood columns.  
Recommendation: Consider adjusting the scale of the trellis and/or the columns.

*The scale of the trellises has increased. The steel members were implemented to create a contrast with the other exterior materials and match the doors and windows.*

- The proposed fencing along the Ellenwood Avenue edge has some stone features at auto and pedestrian entries, but appears to be a uniform picket fence without additional elements or buffer landscaping along the remainder of the edge as is common on other nearby properties.

Recommendation: Revisit the design of the front property line wall - see nearby neighboring examples below.

*The front fence has been redesigned to break-up the uniformity of the picket by creating patterning and offsetting the plans closer to the house which resembles some of the patterning and visual variety from the existing homes. This also allows for more planting in front of the house to help soften the space. A planting plan for the front of the property especially along the Front Fence has been added to the planting plan on Sheets L3.0-L3.2.*

C. Neighborhood Compatibility

Section 29.40.075 (d) of the Town Code exempts any lot larger than 30,000 square feet from the floor area ratio limitations. The Residential Design Guidelines indicates that lots larger than 30,000 square feet are subject to the floor area limitations of the Hillside Development Standards and Guidelines (HDS&G). The floor area limitations in the HDS&G are inclusive of garages and accessory structures (except accessory dwelling units) and allow an exemption of garage space up to 400 square feet.

The subject property is 32,733 square feet and the maximum allowable floor area for the subject property is 6,000 square feet per the HDS&G. The table below reflects the current conditions of the residences in the immediate area and the proposed project. The

DISCUSSION (continued):

400-square foot garage exemption has been applied in the table below for lots larger than 30,000 square feet.

FAR Comparison - Neighborhood Analysis							
Address	Zoning	Residential SF*	Garage SF	Total SF**	Lot Area SF	Residential FAR	No. of Stories
203 Alexander Ave	R-1:8	2,422	216	2,638	11,850	0.20	1
73 Ellenwood Ave	R-1:8	1,601	360	1,961	6,388	0.25	1
69 Ellenwood Ave	R-1:8	1,742	373	2,115	11,960	0.15	1
67 Ellenwood Ave	R-1:8	1,941	390	2,331	9,100	0.21	1
65 Ellenwood Ave	R-1:8	1,638	360	1,998	8,837	0.19	2
63 Ellenwood Ave	R-1:8	3,341	683	4,024	11,100	0.30	2
61 Ellenwood Ave	R-1:8	3,401	605	4,006	14,409	0.24	2
68 Ellenwood Ave	R-1:12	3,296	240	3,536	16,000	0.21	2
66 Ellenwood Ave	R-1:12	6,912	2,172	9,084	23,653	0.29	2
60 Ellenwood Ave	R-1:12	4,569	894	5,463	63,249	0.07	3
<b>62 Ellenwood Ave (E)</b>	<b>R-1:12</b>	<b>3,512</b>	<b>318</b>	<b>3,830</b>	<b>32,733</b>	<b>0.11</b>	<b>2</b>
<b>62 Ellenwood Ave (P)</b>	<b>R-1:12</b>	<b>5,503</b>	<b>497</b>	<b>6,000</b>	<b>32,733</b>	<b>0.17</b>	<b>2</b>

\* Residential square footage includes the residence and accessory structures, except garages.  
 \*\* The total square footage numbers do not include below grade square footage.

The 11 properties in the immediate neighborhood are developed with one-, two-, and three-story residences and include a mix of architectural styles. The property sizes within the immediate neighborhood range from 0.15 to 1.45 acres, with generally smaller properties located on the east side of Ellenwood Avenue. Based on Town and County records, the square footage of the residences located in the immediate neighborhood range from 1,601 square feet to 6,912 square feet. The FAR of the residences (including accessory structures) in the immediate neighborhood range from 0.07 to 0.30. The applicant is proposing a 5,415-square foot residence and an 88-square foot pool pavilion for a total of 5,503 square feet and a FAR of 0.17 on a 0.75-acre parcel. The proposed project would be the second largest residence in terms of square footage and the ninth largest in terms of FAR.

D. Site Design

The subject property is triangular shaped with the proposed development area located near the center of the property. The applicant indicates that the proposed location of the residence was, in part, responsive to informal guidance provided by Historic Preservation Committee (HPC) members during consideration of a request to remove the property from the Town's Historic Resources Inventory (Exhibit 12). The proposed residence would stretch across the center of the property with the garage on the southern end, canted toward the

DISCUSSION (continued):

street. A new swimming pool, pool pavilion with an attached covered patio, patios, and landscape areas would be located behind the proposed residence.

Access to the interior of the property and the attached garage would be provided by a driveway taking access from the northeast corner of the property. The driveway would traverse the site to the garage near the southern property line. A secondary driveway would provide access from the southeast corner of the property to a parking area adjacent to the garage. The front of the property would include parking areas, walkways, and landscape areas.

E. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who identified 16 protected trees within the project area (Exhibit 8). The project proposes removal of two protected trees: a 41-inch diameter Douglas Fir and a 39.8-inch diameter Valley Oak. The Valley Oak is considered a Large Protected Tree under the Town Code. The Consulting Arborist evaluated the impacts of the project and provided recommendations for preservation on the 14 trees to remain (Exhibit 8, pages 17-19). The applicant considered the recommendations of the Consulting Arborist and revised the project as summarized in Exhibit 9. If the project is approved, all required tree protection measures would be implemented prior to construction and maintained for the duration of construction activity. Planting of replacement trees and/or payment of in-lieu fees would be required prior to issuance of a Certificate of Occupancy pursuant to Town Code. Arborist recommendations for tree protection have been included in the Conditions of Approval to mitigate impacts to protected trees (Exhibit 3).

The applicant proposes to construct the new residence in a similar location to the existing residence. The expanded footprint of the proposed residence requires the removal of tree #924, a 39.8-inch Valley Oak considered a Large Protected Tree by the Town Code. The siting of the residence was, in part, responsive to informal guidance provided by the HPC during consideration of a request to remove the existing residence from the Town's Historic Resources Inventory (Exhibit 12). The HPC recognized that the siting of the existing residence on the property, with its deep setbacks and large front yard, is characteristic of the neighborhood and opined that a new residence should preserve this characteristic.

F. Fence Height Exception

Existing fencing and gates within the required front setback include approximately 62-inch tall metal picket fencing with 66-inch tall stone columns located along the front property line, and approximately 72-inch tall vehicular gates with columns and wing walls at both driveway entrances. The applicant proposes to remove the existing fencing and gates and

DISCUSSION (continued):

install new 54-inch tall vertical wood picket fencing set into the property between three and 30 feet from the front property line. The wood fencing would run parallel to the property line from the southeast corner of the property to the middle of the front property line. The fence would then continue in sections parallel to the residence interrupted by stone-clad walls oriented perpendicular to the fencing, allowing the fence sections to step forward toward the front property line. A pedestrian gate would be located just north of the center of the property and vehicular gates would be located at the main driveway entrance in the northeast portion of the property and the secondary driveway in the southeast portion of the property. The landscape plans show significant areas of planting on both sides of the proposed front fencing.

Section 29.40.0315 (a)(3) of the Town Code limits the height of fences, walls, and gates to three feet when located in a required front setback. Section 29.40.0320 allows the deciding body to grant exceptions to fence regulations to address a security concern or special circumstances. The applicant has provided a Letter of Justification for the proposed Fence Height Exception that cites a security concern for the property owner and pets (Exhibit 10). The applicant indicates that the fence would be consistent with the neighborhood character and details their efforts to design a fence that fits the neighborhood character and site by including a large distance between the fence and the street, rustic design, and significant landscaping. The proposed fence would be lower and sited deeper into the site than the existing fence. Additionally, the west side of this portion of Ellenwood Avenue includes a number of properties with approximately five-foot tall fencing sited at the front property line.

G. Grading Permit

The project includes site improvements with grading quantities exceeding 50 cubic yards, which requires approval of a Grading Permit. The majority of the grading would be located in the front yard area, where grades would be adjusted to accommodate the new driveway (Exhibit 14, Sheet C2.1). Slopes on either side of the driveway would be adjusted to appear natural and avoid the need for retaining walls.

H. Neighbor Outreach

The applicant has submitted two letters documenting their efforts to coordinate with the neighbors during the application process. The first letter dated August 18, 2020, summarizes their initial outreach efforts to the immediate neighborhood (Exhibit 11). The second letter, dated November 18, 2020, summarizes the reasons for siting the house in the proposed location, the outreach efforts to the neighborhood, and installation of story poles reflecting the initial design of the residence in anticipation of a Planning Commission



DISCUSSION (continued):

hearing. After reviewing these story poles, the applicant and property owner agreed that some revisions were needed and consulted with the neighbors and made design revisions. In response to feedback received from the neighbors, the applicant has made the following revisions:

- Replaced second-floor gable-end roofs with hip roofs and lowered the plate height by six inches to reduce massing;
- Reduced roof slopes to lower ridge heights resulting in a reduction of 27 inches at the highest ridge to reduce overall height and massing;
- Reduced the ridge height of the garage by 36 inches and eliminated a flue enclosure to reduce impacts to the neighbor to the south; and
- Updated the color palate with darkened materials and additional wood elements to provide more texture and break up the massing of the house.

Revised story poles and project signage were installed on the site by November 25, 2020, in anticipation of the December 9, 2020 Planning Commission hearing.

CEQA Determination

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

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by November 25, 2020, in anticipation of the December 9, 2020 Planning Commission hearing. Public comments received by 11:00 a.m., Friday, December 4, 2020, are included as Exhibit 13.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence and detached garage, construction of a new a single-family residence, removal of a Large Protected Tree, and site improvements requiring a Grading Permit. The project was reviewed by the Town's Consulting Architect who determined that it is well designed and compatible with the properties in the immediate area in terms of style, mass, and scale. The project is in compliance with the Residential Design Guidelines and consistent with the Zoning and General Plan Land Use Designation for the property. The applicant requests a Fence Height Exception citing a security concern as detailed above, otherwise the project is in compliance with the Town Code.

CONCLUSION (continued):

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 findings as required by Section 29.10.0992 of the Town Code for the removal of protected trees (Exhibit 2);
4. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
5. Make the finding that due security concerns a Fence Height Exception as allowed by Section 29.40.0320 of the Town Code is appropriate (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
8. Approve Architecture and Site Application S-20-008 with the conditions contained in Exhibit 3 and the development plans in Exhibit 14.

C. Alternatives

Alternatively, the 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. Color and materials board
5. Project Description and Letter of Justification
6. Consulting Architect's Report, dated May 19, 2020
7. Applicant's response to the Consulting Architect's Report, dated August 18, 2020

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8. Consulting Arborist's Report, dated June 3, 2019
9. Applicant's response to the Consulting Arborist's Report, dated August 18, 2020
10. Fence Height Exception Letter of Justification, dated August 17, 2020
11. Applicant's neighbor outreach efforts, dated August 18, 2020
12. Applicant's neighbor outreach efforts, dated November 18, 2020
13. Public comments received by 11:00 a.m., Friday, December 4, 2020
14. Development Plans, received November 20, 2020

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