



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/12/2022

ITEM NO: 2

DATE: January 7, 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 to Exceed Floor Area Ratio (FAR) Standards with Reduced Front and Side Yard Setbacks on Nonconforming Property Zoned R-1D. **Located at 118 Olive Street.** APN 410-15-022. Architecture and Site Application S-21-013. PROPERTY OWNER: Thomas and Meredith Reichert. APPLICANT: Jay Plett, Architect.

RECOMMENDATION:

Consider 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 located at 118 Olive Street.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D (Single-family residential downtown – 5,000 square-foot minimum for single-family)
Applicable Plans & Standards: General Plan
Parcel Size: 3,680 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Medium Density Residential	R-1D
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

CEQA:

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

FINDINGS:

- The project is Categorical 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.
- 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, for reduced front and side yard setbacks, and for an exemption from the parking requirements.
- 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 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements.
- 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 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 north side of Olive Street, approximately 138 feet from the intersection with San Benito Avenue (Exhibit 1). The subject property is approximately 3,680 square feet and is nonconforming as to size, where 5,000 square feet is required for a parcel in the R-1D zone.

This Architecture and Site application is being referred to the Planning Commission because the applicant is proposing to exceed the maximum allowable FAR and reduced

BACKGROUND (continued):

front and side setbacks. 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 3,680 square feet, located on the north side of Olive Street (Exhibit 1). The subject site and surrounding properties are comprised of single-family homes.

B. Project Summary

The applicant proposes demolition of the existing 814-square foot single-story residence and 253-square foot attached garage (Exhibit 9) and construction of a new 1,677-square foot two-story residence with a 299-square foot attached garage (Exhibit 11). The proposed residence would exceed the allowable FAR. In addition, the proposed residence includes a front setback of 10 feet, where 15 feet is required, and a left-side setback of three feet, where five feet is required. The project includes one off-street parking space, where two spaces are required by the Town Code. Lastly, the project also includes 1,195 square feet of below-grade square footage that would not count towards the allowable floor area.

C. Zoning Compliance

The subject property is approximately 3,680 square feet and is nonconforming as to size, 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 right-side and rear setbacks. The applicant requests approval to exceed the allowable FAR, reduce the front and left-side setbacks, as well as an exemption to the requirement to provide two off-street parking spaces. The applicant provided a Letter of Justification discussing these requests (Exhibit 4).

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing single-story residence and construction of a 1,677-square foot two-story residence with a 299-square foot attached garage and 1,195 square feet of below-grade square footage that would not count towards the allowable floor area (Exhibit 11). The proposed residence would have a front setback of 10 feet,

DISCUSSION (continued):

where 15 feet is required, and a left-side setback of three feet, where five feet is required, as discussed in Section D below. The project also includes one off-street parking space, where two spaces are required by the Town Code, as discussed in Section E below. The applicant provided a Letter of Justification discussing the project and the requested exceptions (Exhibit 4).

A summary of the floor area for the existing and proposed homes is included in the table below.

Floor Area Summary

	Allowed SF	Existing SF	Proposed SF
Main Residence	1,369	814	1,677
Below-Grade Area*	--	0	1,195
Garage	400	253	299

** 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.*

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

B. Neighborhood Compatibility

Pursuant to Section 29.40.075 of the Town Code, the maximum FAR for the subject property is 0.37 (1,369 square feet). The proposed residence would have an FAR of 0.46 (1,677 square feet), exceeding the allowable FAR by 0.09 (308 square feet). The table on the following page reflects the current conditions of the homes in the immediate neighborhood and the proposed project.

DISCUSSION (continued):**Immediate Neighborhood Comparison**

Address	Zoning	House SF	Garage SF	Total SF	Site SF	Building FAR	Garage FAR	Exceed FAR?
114 Olive St	R-1D	1,311	220	1,531	3,680	0.36	0.060	No
116 Olive St	R-1D	969	220	1,189	3,680	0.26	0.060	No
120 Olive St	R-1D	1,429	300	1,729	3,680	0.39	0.082	Yes +0.02 (+60 sf)
122 Olive St	R-1D	1,267	360	1,627	3,680	0.34	0.098	No
127 Olive St	R-1D	1,518	300	1,818	3,626	0.42	0.083	Yes +0.05 (+166 sf)
129 Olive St	R-1D	916	162	1,078	3,625	0.25	0.045	No
131 Olive St	R-1D	1,125	215	1,340	3,624	0.31	0.059	No
133 Olive St	R-1D	975	190	1,165	3,542	0.28	0.054	No
135 Olive St	R-1D	1,699	0	1,699	3,542	0.48	0.000	Yes +0.11 (+373 sf)
546 San Benito Av	R-1D	1,767	0	1,767	3,680	0.48	0.000	Yes +0.11 (+398 sf)
118 Olive St (e)	R-1D	814	253	1,067	3,680	0.22	0.069	No
118 Olive St (p)	R-1D	1,677	299	1,976	3,680	0.46	0.081	Yes +0.09 (+308 sf)

Based on Town and County records, the homes in the immediate neighborhood range in size from 916 square feet to 1,767 square feet and building FARs range from 0.22 to 0.48. The applicant is proposing a 1,677-square foot residence (not including the proposed below grade square footage) and a 299-square foot attached garage on a 3,680-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 which 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.

Residences in Immediate Neighborhood Exceeding FAR – Ranked by FAR Exceedance

Address	Zoning	House SF	Site SF	Allowed FAR	Building FAR	Exceed FAR?
546 San Benito Av	R-1D	1,767	3,680	0.37	0.48	Yes +0.11 (+398 sf)
135 Olive St	R-1D	1,699	3,542	0.37	0.48	Yes +0.11 (+373 sf)
118 Olive St (p)	R-1D	1,677	3,680	0.37	0.46	Yes +0.09 (+308 sf)
127 Olive St	R-1D	1,518	3,626	0.37	0.42	Yes +0.05 (+166 sf)
120 Olive St	R-1D	1,429	3,680	0.37	0.39	Yes +0.02 (+60 sf)

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:

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 is compatible with the development on surrounding lots.

Exhibit 4 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 with thorough consideration of the Residential Design Guidelines and to be compatible with the neighborhood in terms of mass, area, and scale.

C. Building Design

The applicant proposes a contemporary two-story residence with traditional forms, natural materials, and neutral colors. Proposed exterior materials include a dark gray standing seam metal roof, off-white plaster siding, natural stained cedar siding, gray and white stone veneer, and recessed dark aluminum windows (Exhibit 5).

The Town's Consulting Architect reviewed the proposed residence on August 4, 2021 (Exhibit 6). At the time of this review, the project did not include full demolition of the existing residence and was considered a significant remodel and second-story addition. While processing the application, the applicant decided that full demolition of the existing residence was needed to accomplish the project. The design of the proposed residence did not change once full demolition of the existing residence was proposed. After reviewing the project, the Consulting Architect noted that the proposed residence has the potential to blend well with the immediate neighborhood (Exhibit 6). The Consulting Architect identified several issues and provided six recommendations for changes to the original design to increase compatibility with the immediate neighborhood and the Residential Design Guidelines. In response to these recommendations, the applicant made several modifications to the design of the residence and provided written responses to the recommendations (Exhibit 7). The Consulting Architect's recommendations are provided on the following page, followed by the applicant's response in *italics*.

DISCUSSION (continued):

1. Use similar flat roof forms on both the garage and Family room/Kitchen pop out. Optional usable roof deck over garage for Bedroom 2 and/or Master Bedroom.

We have created a deck over the garage per our attached revised plan. Our design steps the deck back to the garage face providing a stepped back more attractive street presence.

2. Integrate the entry column into the garage wall and add a canopy over the entry and the garage.

The element in question is not a column. It is the end of a wall that extends from the entry to the face of the building. Comment is not applicable.

3. Recess the garage door - similar to new home nearby to the right (114 Olive Street).

The garage door has been recessed by 1'-0."

4. Match the gable roof slopes.

The roofs in question oppose each other and no contrast between their slope differences will be visually apparent. The roof slopes were chosen to blend the house appropriately and to keep the mass of the house appealing. If the side gable slope were to match the front of the house, mass would be increased. I believe the intent of the code is to prevent unequal slopes on the gable as illustrated in the drawing above, left. Larry Canon just approved a house w/dissimilar roof slopes at 515 Bachman Ave. The photo that Larry Canon is using is 114 Olive is my design. Those roof slopes do not match, but since the roof directions oppose each other, the appearance is wholly acceptable and not apparent resulting in reduced mass and bulk.

5. Add trim to all windows consistent with Residential Design Guideline 3.7.4 and recess large windows- similar to new home nearby to the right (114 Olive Street).

This design calls for trimless, recessed windows per the exception noted at 3.7.4, Page 4 of Canon's report. The exterior walls will be 6" thick and the windows will be recessed as far as practical. For this style of architecture, window trim would not be appropriate.

The applicant provided additional details to staff that the proposed windows would be recessed into the wall by approximately two inches. The windows would also have dark frames in contrast with the wall color to further accentuate the recess.

DISCUSSION (continued):

6. Eliminate the stone on the front facade.

The stone wraps around the architectural element at the front of the house and is distinct. No such elements exist at sides and rear to create a similar condition. The proposed color of the stone compliments and blends with the color of the roof.

As seen above, the applicant has responded to the recommendations made by the Consulting Architect with both design changes and written justification. Staff notes that the responses to recommendations 2 and 4 were minimal. The applicant's response to item 2 clarifies that the entry column referenced in the recommendation is a wall that projects from the front elevation and supports the second story above (Exhibit 11, Sheet A-2, Ground Floor Plan). The applicant chose not to incorporate a canopy above the entry and garage, as recommended, but did change the sloped roof above the garage to a terrace, creating a flat roof profile above the garage (as recommended in item 1). In response to recommendation 4, the applicant clarifies that the roof sections with differing slopes oppose each other and that the different roof pitches would not be visually apparent in this configuration. Further, the applicant provides examples of homes in the neighborhood and beyond with similar roof configurations to show compatibility with the neighborhood.

If the Planning Commission finds that additional changes are necessary, they can be incorporated into the Conditions of Approval for the project.

D. Setbacks

Pursuant to Town Code, the R-1D zone requires a front setback of 15 feet, rear setback of 20 feet, and side setbacks of five feet. Section 29.10.265(3) of the Town Code allows any rule of the zone, including setbacks, to be modified on a nonconforming lot when the deciding body finds that the building and its use will be compatible with the neighborhood. As noted, the subject property is nonconforming as to size. The proposed residence includes a front setback of 10 feet, where 15 feet is required, and a left-side setback of three feet, where five feet is required (Exhibit 11). In their Letter of Justification, the applicant provides six examples of residences along Olive Street having front setbacks between four feet and eight feet, nine inches (Exhibit 4). Additionally, the applicant provides seven examples of residences along Olive Street with side setbacks between zero feet and three feet. The examples provided by the applicant are also shown on Sheet A-1.1 of the Development Plans (Exhibit 11).

E. Parking

Town Code Section 29.10.150 requires two off-street parking spaces for a single-family residence. Section 29.10.150(h)(2) allows an exemption from the parking requirement

DISCUSSION (continued):

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 proposed project includes only one off-street parking space. The applicant requests an exemption to the Town Code parking requirement and provided a Letter of Justification detailing their request (Exhibit 4). The applicant indicates that the subject property is nonconforming as to size with inadequate area to provide additional parking. The existing residence includes a one-car garage that does not meet the required dimensions for a one-car garage. The proposed residence includes a one-car garage that would meet the required dimensions and would be consistent with the neighborhood pattern of one-car garages.

F. Neighbor Outreach

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, Section 15303: New Construction.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by December 22, 2021, in anticipation of the January 12, 2022 Planning Commission hearing. Public comments received by 11:00 a.m., Friday, January 7, 2022, are included as Exhibit 10.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing residence and construction of a new two-story residence to exceed FAR standards with reduced front and side yard setbacks on nonconforming property. The applicant has responded to all recommendations of the Town's Consulting Architect and provided justification for the proposed FAR and reduced setbacks, demonstrating their consistency with the immediate neighborhood. The applicant also requests an exemption from the parking requirements due to the substandard size of their property and provided

CONCLUSION (continued):

justification showing that the one-car garage would be an improvement to existing conditions and would be consistent with the immediate neighborhood.

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 (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 the requests to exceed FAR standards, for reduced front and side yard setbacks, and for an exemption from the parking requirements (Exhibit 2);
4. 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);
5. Make the findings as required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements (Exhibit 2);
6. Make the findings as required by 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);
7. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
8. 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
9. Approve Architecture and Site Application S-21-003 with the conditions contained in Exhibit 3 and the Development Plans in Exhibit 11.

C. Alternatives

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.

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SUBJECT: 118 Olive Street/S-21-013

DATE: January 7, 2022

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description and Letter of Justification, dated August 2, 2021
5. Color and Materials Board
6. Consulting Architect's Report, dated August 4, 2021
7. Applicant's response to Consulting Architect's Report
8. Owner's summary of neighbor outreach
9. Photos of existing residence
10. Public comments received by 11:00 a.m., Friday, January 7, 2022
11. Development Plans

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