



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/27/2022

ITEM NO: 2

DATE: April 22, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Construction of a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1:8. Located at 280 Carlton Avenue. APN 424-16-067. Minor Residential Development Application MR-22-002. Property Owner: Rada and Mihailo Despotovic. Applicant: Shlomi Caspi. Project Planners: Savannah Van Akin and Ryan Safty.

RECOMMENDATION:

Consider approval of a request for construction of a second-story addition to an existing single-family residence on property zoned R-1:8, located at 280 Carlton Avenue.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: Zoned R-1:8
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 6,425 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
West	Residential	Low Density Residential	R-1:8

PREPARED BY: SAVANNAH VAN AKIN and RYAN SAFTY
Assistant Planner Associate Planner

Reviewed by: Planning Manager and Community Development Director

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SUBJECT: 280 Carlton Avenue/MR-22-002

DATE: April 22, 2022

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.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the Residential Design Guidelines.

ACTION:

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

BACKGROUND:

The subject property is located along Carlton Avenue between Carlton Court and Lester Drive, directly across from the Carlton Way cul-de-sac (Exhibit 1). The property is 6,425 square feet with an existing 1,304-square foot, single-story residence and 479-square foot attached garage. The immediate low-density residential neighborhood contains mostly one-story residences, and a few two-story residences on corner lots within the immediate neighborhood.

On December 14, 2021, the applicant submitted a Minor Residential Development application to construct a second story addition to an existing single-story residence.

The proposed project meets all technical requirements of Town Code including height, floor area, building coverage, parking, and setbacks.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located along Carlton Avenue between Carlton Court and Lester Drive, directly across from the Carlton Way cul-de-sac (Exhibit 1). The immediate low-density residential neighborhood contains mostly one-story residences, and a few two-story residences on corner lots within the immediate neighborhood.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant is proposing to construct a new 719-square foot second-story addition to an existing single-family residence (Exhibit 10). The proposal also includes a 76-square foot addition to the first floor. The project is in compliance with the Town Code. The proposed residence would not be the first two-story, would not be the largest in terms of floor area, would not have the largest floor area ratio (FAR), and would not be the tallest home in the immediate neighborhood.

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The proposed residence is in compliance with the allowable floor area, building coverage, setbacks, parking, and height requirements for the property. No exceptions are requested. Pursuant to Town Code, the second-story addition requires approval of a Minor Residential Development application.

DISCUSSION:

A. Minor Residential Development Analysis

The applicant is proposing construction of a new 719-square foot second-story addition to an existing one-story single-family residence. The project also includes a 76-square foot addition to the first floor. The proposed two-story residence would be 2,099 square feet with a 479-square foot attached garage.

The maximum height of the proposed residence is 23.5 feet, where a maximum of 30 feet is allowed. The existing single-story residence is roughly 14 feet tall. The heights of the other two-story homes in the immediate neighborhood, 265 Carlton Court and 269 Carlton Way, are roughly 22 and 24 feet tall respectively, per building permit records. When expanding the immediate neighborhood, the residence four properties to the west at 264 Carlton Avenue is roughly 23.5 feet per building permit records.

The proposed residence would be of a traditional ranch style, with an asphalt shingled roof and stucco siding (Exhibit 10). The applicant provided a Letter of Justification (Exhibit 4) detailing the project, explaining the proposed design concept, and provided a study of two-story homes in the wider neighborhood.

The request is being considered by the Planning Commission because the proposed two-story home is within a predominantly single-story neighborhood. Three neighbors have submitted public comments in opposition to aspects of the proposed second-story addition (Exhibit 9).

DISCUSSION (continued):

B. Building Design

The applicant provided a Letter of Justification (Exhibit 4) along with their application, addressing the design of the home and its compatibility with the neighborhood. Specifically, the sensitivity around constructing a second-floor addition was addressed, and measures taken to consider bulk, mass, and privacy were provided.

The applicant cites several measures considered to address the bulk and mass of their project: the proposed plate heights for both floors are only eight feet; the resulting building height is at 23.5 feet; the second floor appears hidden under the extension of the existing roof; the consistency to other two-story homes in the neighborhood; and the second-floor wall complies with the required eight-foot side yard setback when the existing non-conforming six-foot, seven-inch setback could have been continued per Town Code. The applicant also addresses potential privacy concerns, noting that second floor windows along the east side have a 50-inch sill height to respect the neighbor's privacy, and all second-floor egress windows are located away from the adjacent neighbor to the east. To conclude, the applicant's Letter of Justification asks the Commission to consider the property's non-conforming lot size as a factor in the decision to build a new second floor rather than add a first-floor addition in the limited yard area.

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design (Exhibit 5). The site is located in an established neighborhood. Nearby homes on the south side of Carlton Avenue are all small-scale Ranch Style homes, one-story in height, with the exception of one home four parcels to the west at the end of the block which has a two-story mass and form similar to the proposed house. Two homes on this block, across Carlton Avenue, have partial second stories.

In the Issues and Concerns section of the report, the Consultant identified the following aspects of the design that are not compliant with the Town's Residential Design Guidelines. Specifically, the proposed use of stone on the front; the entry not being consistent with the Residential Design Guidelines; and the corbel supports on the right side and rear facade. The Consultant identified specific design changes in the Recommendations section of the report and noted that if the proposed house is revised to implement each recommendation, the project would meet the Town's Residential Design Guidelines and fit in with the surrounding neighborhood.

Following receipt of the Consulting Architect Report, the applicant revised the project plans to address each of the recommendations listed in the report (Exhibit 6). Specifically, the stone on the front façade was removed, stucco was used all throughout the residence, the tall entry form was modified and replaced with an entry under an eave extension, roof

DISCUSSION (continued):

segments were lowered to match the entry eave, and wood trim above the support corbels on both projecting pop-out bays was added. Although Recommendation 2 called for the use of board and batten siding on the second-floor walls to match the existing material on the existing front façade, staff confirmed with the Consultant that the use of all stucco on the residence would address the concern and would meet the intent of the recommendation.

C. Neighborhood Compatibility

The immediate residential neighborhood contains mostly one-story residences, and a few two-story residences on corner lots within the immediate neighborhood. Based on Town and County records, the residences in the immediate area range in size from 1,094 square feet to 2,599 square feet. The FARs range from 0.17 to 0.34. The proposed residence would be 2,099 square feet with a FAR of 0.33. Pursuant to Town Code, the maximum allowable square footage for the 6,425-square foot lot is 2,176 square feet with a maximum FAR of 0.34. The table below reflects the current conditions of the immediate neighborhood.

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
280 Carlton Ave (Ex.)	R-1:8	1,304	479	1,783	6,425	0.20	1
280 Carlton Ave (Prop.)	R-1:8	2,099	479	2,578	6,425	0.33	2
284 Carlton Ave	R-1:8	1,296	475	1,771	6,461	0.20	1
288 Carlton Ave	R-1:8	1,094	418	1,512	6,496	0.17	1
276 Carlton Ave	R-1:8	1,296	475	1,771	6,390	0.20	1
272 Carlton Ave	R-1:8	1,094	418	1,512	6,278	0.17	1
265 Carlton Court	R-1:8	2,221	477	2,698	7,696	0.29	2
269 Carlton Way	R-1:8	2,599	478	3,077	7,698	0.34	2
297 Carlton Way	R-1:8	1,296	475	1,771	7,847	0.17	1
201 Lester Lane	R-1:8	2,343	485	2,828	8,955	0.26	1

The proposed residence would comply with the maximum allowed floor area on the site, would not be the first two-story home, and would not be the largest home in the immediate neighborhood in terms of floor area or FAR. However, the proposed residence would be the only two-story home not on a corner lot in the immediate, predominantly single-story neighborhood.

D. Tree Impacts

The Town Arborist prepared a report for the site and made recommendations for the project (Exhibit 7). The only tree that would be impacted by the proposed work is the Ailanthus Altissima tree in the side yard, behind the existing garage. The Town Arborist

DISCUSSION (continued):

recommended that the owners apply for a Tree Removal Permit prior to building permit submittal to remove this tree as it will outgrow the current planter area and is not suitable for preservation. Two, 15-gallon trees would be required to be replanted as a condition of the Tree Removal Permit.

E. Neighbor Outreach and Public Comments

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 8). Following the applicant's initial neighborhood outreach efforts on January 31 and February 1, 2022, story poles and signage were installed on site. In the days following the story pole installation, several letters were submitted in opposition to the project (Exhibit 9). The applicant's responses to these comments are also provided in Exhibit 8, dated March 16 and March 22, 2022.

The public comments all relate to the proposed second-story. Specifically, the neighbors who submitted comments have concerns related to privacy of the second-story windows, neighborhood pattern with a new second-floor addition in a predominately single-story neighborhood, and shadow impacts of the second floor. Following receipt of the public comments, the applicant reinitiated public outreach in an attempt to find a solution for all parties involved (pages 5-14 of Exhibit 8). The owners explored ideas of increasing the rear fence height, installing privacy tree screening, and making second-story window adjustments. The owners could not come to an agreement with all parties involved and decided to wait to make additional plan changes based on the Planning Commission's feedback. As noted in page 13 of Exhibit 8: "We are open to reasonable plan change(s) the Commission decides as appropriate here, as long as we can legally call and use the 2nd floor rooms as our children's bedrooms [...] We are looking forward to the Commission hearing to see which of those solution(s) would be acceptable to all parties involved."

F. 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.

CONCLUSION:

A. Summary

The applicant is requesting approval of a Minor Residential Development application for construction of a new 719-square foot second-story addition to an existing single-family residence (Exhibit 10). The project is in compliance with the Town Code. The proposed

CONCLUSION (continued):

residence would not be the first two-story residence, would not be the largest in terms of floor area, would not have the largest FAR, and would not be the tallest home in the immediate neighborhood.

B. Recommendation

Based on the analysis above, staff recommends approval of the Minor Residential Development 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 finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
3. Make the finding that the project complies with the Town's Residential Design Guidelines (Exhibit 2); and
4. Approve Minor Residential Development application M-22-002 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. Applicant's Letter of Justification, received January 12, 2022
5. Consulting Architect Report, dated February 8, 2022
6. Response to Consulting Architect Report, received February 14, 2022
7. Town Arborist Report, dated February 28, 2022
8. Applicant's Neighborhood Outreach Efforts, received March 23, 2022
9. Public Comments received prior to 11:00 a.m., Friday, April 22, 2022
10. Development Plans, received March 2, 2022

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