



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 02/24/2021

ITEM NO: 3

DATE: February 19, 2021  
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, and Site Improvements Requiring a Grading Permit on Property Zoned R-1:8 Located at 16666 Topping Way. APN 532-09-018. Architecture and Site Application S-19-044. Property Owner/Applicant: Arthur Lin. 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, and site improvements requiring a Grading Permit on property zoned R-1:8.

**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: General Plan; Residential Design Guidelines  
Parcel Size: 14,528 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:** Sean Mullin, AICP  
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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SUBJECT: 16666 Topping Way/S-19-044

DATE: February 19, 2021

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.
- 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 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 project site is located on the south side of Topping Way between Englewood Avenue and Hilow Road (Exhibit 1). The subject property was annexed into the Town in 2017 and many of the properties in the surrounding neighborhood were located in the County prior to the 2019 island annexations completed by the Town. The subject property is approximately 0.33 acres (14,528 square feet) and developed with a one-story 1,384-square foot single-family residence with a 560-square foot carport. This Architecture and Site application has been referred to the Planning Commission because the residence would be the largest in terms of square footage within the immediate neighborhood.

A previous application (S-17-011) was referred to the Planning Commission on December 13, 2017 due to concerns related to:

- Size: The proposed residence would have been the largest in terms of square footage in the immediate neighborhood;

BACKGROUND (continued):

- Bulk: Concerns related to Residential Design Guidelines (RDG) Section 1.6 – How to Read Your Neighborhood: Relate a structure’s size and bulk to those in the immediate neighborhood; and
- Garage Design: Concerns related to RDG Section 2.4.2 – Minimize the impact of garage doors on the streetscape; Section 3.4.1 – Limit Prominence of garages; and Section 3.4.2 – Minimize the visual impact of larger garages.

During the December 13, 2017 meeting, the Planning Commission expressed concerns related to the size, bulk, design, and privacy impacts of the proposed residence and continued the matter with direction to the applicant. On April 11, 2018, the applicant presented a revised project responding to the direction of the Planning Commission. The Planning Commission approved the revised project with conditions.

Following the Planning Commission approval of the project, the applicant submitted their application for a Building Permit. During review of the permit, the applicant informed staff that they no longer wished to pursue the approved design. Staff informed the applicant that a new design would require the filing of a new Architecture and Site application. This application was submitted on December 20, 2019 and deemed complete on December 14, 2020. As stated above, this Architecture and Site application has been referred to the Planning Commission because the residence would be the largest in terms of square footage within the immediate neighborhood.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 14,528 square feet, located on the south side of Topping Way and developed with a single-family residence and a carport. Single-family residential development surrounds the property.

B. Project Summary

The applicant proposes demolition of the existing residence and carport, 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 also includes site work requiring a Grading Permit.

PROJECT DESCRIPTION (continued):

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, 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 carport, and construction of a new 3,976-square foot two-story residence and a 749-square foot attached garage (Exhibit 9). The residence includes 2,305 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 28 feet, eight inches, where a maximum of 30 feet is allowed.

The proposed project materials include painted stucco siding, cementitious board and batten siding, stone cladding, metal-clad wood windows, wood garage doors, wood trim, timber brackets, and an asphalt shingle roof. 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).

Building Design

The applicant proposes construction of a two-story residence with an attached garage. The proposed residence would utilize the area of existing development in the center of the property. The limited second story would be set in from the front and side elevations, allowing for a transition in scale from the proposed residence to the neighboring residences. The second story aligns with the first floor at the rear elevation and includes roof projections that break up the two-story massing and provide visual relief at this two-story wall.

The attached three-car garage would be located on the east side of the residence and consists of two bays: a two-car bay and a one-car bay. The one-car bay on the east side of the front elevation has been set back from the main front elevation of the residence by two feet, six inches in an effort to limit the visual prominence of the garage by subordinating the one-car bay from the primary mass of the first floor.

DISCUSSION (continued):

The Town's Consulting Architect reviewed the proposed residence and noted that the design of the residence is substantially improved from the two iterations included with a previous application (Exhibit 6). The Consulting Architect discussed several inconsistencies with the Residential Design Guidelines related to distribution of materials, window forms, and details. The Consulting Architect made 11 recommendations to address consistency of the project with the Residential Design Guidelines. The applicant responded to the recommendations and submitted revised development plans to address each of the recommendations as follows:

1. Use stucco on the second-floor bay windows in lieu of the proposed board and batten siding.
2. Eliminate the small stone dormer on the second floor.
3. Limit the board and batten siding to the gable eaves.
4. Locate roof brackets in a consistent manner at all second-floor hip roofs.
5. Use open gable eaves that are more typical of this architectural style.
6. Reduce the size of the round window on the front facade.
7. Return the stone on the front facade bay windows to an inside corner at the main wall.
8. Eliminate the board and batten siding from the right-side elevation.
9. Clarify the relationship between the first-floor gable roof end and the angled bay window below on the right-side elevation.
10. Eliminate the round second floor window on the rear facade or match its size to the round window on the front facade.
11. Add landscaping to buffer the left side elevation.

The recommendations of the Consulting Architect have all been incorporated into the development plans (Exhibit 9). The applicant has addressed recommendation nine by adding a note to Sheet A-5 clarifying that the angle walls of the bay would be continued in the gable end. This is also shown on Sheet A-4, which further clarifies that the roof eaves at the gable end would not be angled as the walls below.

DISCUSSION (continued):**B. Neighborhood Compatibility**

The subject property is 14,528 square feet and the maximum allowable floor area is 3,977 square feet for the residence and any accessory structures, and 1,065 square feet for the garage. The table below reflects the current conditions of the residences in the immediate area and the proposed project.

<b>FAR Comparison - Neighborhood Analysis</b>							
<b>Address</b>	<b>Zoning</b>	<b>Residential SF*</b>	<b>Garage SF</b>	<b>Total SF**</b>	<b>Lot Area SF</b>	<b>Residential FAR</b>	<b>No. of Stories</b>
16625 Topping Way	R-1:8	1,872	995	2,867	10,050	0.19	1
16665 Topping Way	R-1:8	3,751	612	4,363	13,974	0.27	2
16677 Topping Way	R-1:8	1,983	445	2,428	10,496	0.19	1
16490 Englewood Ave	R-1:8	1,772	528	2,300	10,593	0.17	1
16700 Topping Way	R-1:8	2,735	567	3,302	11,388	0.24	1
16678 Topping Way	R-1:8	3,238	619	3,857	11,770	0.28	1
16650 Topping Way	R-1:8	2,225	264	2,489	10,001	0.22	1
16636 Topping Way	R-1:8	1,564	560	2,124	10,129	0.15	1
<b>16666 Topping Way (E)</b>	<b>R-1:8</b>	<b>1,384</b>	<b>560</b>	<b>1,944</b>	<b>14,528</b>	<b>0.10</b>	<b>1</b>
<b>16666 Topping Way (P)</b>	<b>R-1:8</b>	<b>3,976</b>	<b>749</b>	<b>4,725</b>	<b>14,528</b>	<b>0.27</b>	<b>2</b>
* Residential square footage does not include garages.							
** The total square footage numbers do not include below grade square footage.							

The eight properties in the immediate neighborhood are developed with one- and two-story residences and include a mix of architectural styles. The property sizes within the immediate neighborhood range from 10,001 to 14,528 square feet. Based on Town and County records, the square footage of the residences located in the immediate neighborhood range from 1,564 square feet to 3,751 square feet. The FAR of the residences in the immediate neighborhood range from 0.15 to 0.28. The applicant is proposing a 3,976-square foot residence and a FAR of 0.27 on a 14,528 square foot parcel. The proposed project would be the largest residence in terms of square footage by 225 square feet and the second largest in terms of FAR.

The applicant has provided a Letter of Justification for the size of the residence indicating that the proposed residence is on the largest lot in the immediate neighborhood and is sized in proportion to the size of the property (Exhibit 5). Further, the applicant highlights that the original homes in the immediate neighborhood were constructed in the 1940s and 1950s when the average home size was significantly smaller. The two homes in the immediate neighborhood built after 2000 have FARs that are more consistent with that of the proposed home. Citing the large lot size, transitional nature of the neighborhood, and a

DISCUSSION (continued):

FAR consistent with homes constructed more recently, the applicant states that the proposed residence is compatible with the neighborhood.

C. Site Design

The proposed residence would be situated similarly to the existing residence utilizing the existing area of development. A new driveway would be located on the eastern portion of the property and walkways would provide pedestrian access to the front entry. Light wells for the proposed below-grade living areas would be located on both the left (east) and right (west) sides of the residence. The larger of the two light wells on the right side would provide a limited outdoor patio adjacent to the below-grade living space. The rear yard would include a new wood deck and patio area framed by low seat walls and a lawn.

D. Tree Impacts

The development plans were reviewed by the Town's Consulting Arborist who identified 10 protected trees within the project area (Exhibit 7). The Consulting Arborist evaluated the impacts of the project and provided recommendations for increasing the tree conservation suitability of each tree (Exhibit 7, pages 15 through 21). The applicant considered the recommendations of the Consulting Arborist and revised the project by incorporating the recommendations and clarifying the proposed tree removal. The project proposes removal of five protected trees as summarized in the table below. The trees proposed for removal are located within or close to the area of development where impacts to the trees would be significant. The Town Code requires the planting of 16 replacement trees to offset the proposed tree removal. The Landscape Plan includes 17 trees in the proposed landscape design fulfilling this requirement. 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).

**Proposed Tree Removal**

Tree Number	Species	Diameter (inches)	Condition Rating
41	Hackberry	13.6	70%
42	Holly Oak	11.2	80%
43	Unknown	35	35%
44	African Sumac	7.1	30%
46	African Suma	11.5	66%

DISCUSSION (continued):

E. Grading Permit

The project includes site improvements with grading quantities exceeding 50 cubic yards, which require approval of a Grading Permit. The proposed grading is required to adjust the slightly sloping site for the driveway, patio, walkways, and drainage. A Condition of Approval has been added requiring that the applicant obtain a Grading Permit for the proposed work (Exhibit 3).

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 February 12, 2021, in anticipation of the February 24, 2021 Planning Commission hearing. Public comments received by 11:00 a.m., Friday, February 19, 2021, are included as Exhibit 8. All comments were forwarded to the applicant upon receipt. Included in Exhibit 8 is the applicant's response to the comments that were available ahead of the publishing of this report.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence, construction of a new a single-family residence, and site improvements requiring a Grading Permit. The project is in compliance with the objective standards of the Town Code related to size, height, setbacks, and on-site parking requirements. The project was reviewed by the Town's Consulting Architect who provided recommendations to address the consistency of the project with the Residential Design Guidelines. The applicant incorporated all recommendations into the project and 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 application was referred to the Planning Commission because the residence would be the largest in terms of square footage in the immediate neighborhood. The applicant provided justification for the size of the proposed residence citing the large lot size, transitional nature of the neighborhood, and a FAR consistent with homes constructed more recently.



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 (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) (Exhibit 2);
4. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
5. 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
6. Approve Architecture and Site Application S-19-044 with the conditions contained in Exhibit 3 and the development plans in Exhibit 9.

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 January 7, 2020
7. Consulting Arborist's Report, dated January 17, 2020
8. Public comments received by 11:00 a.m., Friday, February 19, 2021
9. Development Plans, received January 28, 2021

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