



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/25/2023

ITEM NO: 2

DATE: January 20, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 2172 to Increase the Maximum Residence Size Allowed on Lot 14 on Property Zoned HR-5:PD. **Located at 300 Mountain Laurel Lane.** APN: 567-24-023. Planned Development Amendment PD-22-001. This Request for Modification of a Planned Development Ordinance is not Considered a Project Under the California Environmental Quality Act. PROPERTY OWNER: Bright Smile Dental Office Defined Benefit Plan. APPLICANT: Kunling Wu, Trustee. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 2172 to increase the maximum residence size allowed on Lot 14 on property zoned HR-5:PD, located at 300 Mountain Laurel Lane.

PROJECT DATA:

General Plan Designation: Hillside Residential
Zoning Designation: HR-5:PD, Hillside Residential - Planned Development Overlay
Applicable Plans & Standards: General Plan, Hillside Development Standards and Guidelines, Hillside Specific Plan
Parcel Size: 354,459 square feet (8.14 acres)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Hillside Residential	HR-1
South	Residential; Institutional	Hillside Residential	HR-1; HR-5:PD
East	Residential; Institutional	Hillside Residential	HR-1
West	Residential; Open Space	Hillside Residential	HR-5:PD

PREPARED BY: SEAN MULLIN, AICP
Senior Planner

Reviewed by: Planning Manager, Town Attorney, and Community Development Director

CEQA:

The request to modify Planned Development Ordinance 2172 is not considered a project under the California Environmental Quality Act.

REQUIRED FINDINGS:

- As required by Section 29.80.095 of the Town Code for granting approval of a Planned Development Overlay Zone; and
- That the amendment to the Planned Development Overlay is consistent with the General Plan.

ACTION:

Forward a recommendation regarding Planned Development application PD-22-001 to the Town Council.

BACKGROUND:

The subject property is approximately 8.14 acres located in the northern portion of the Shannon Valley Ranch subdivision (Exhibit 1). A single-family residence was once located on the property, but was destroyed by fire in 1997, prior to the 2004 subdivision. The property is the last undeveloped residential property in the subdivision.

In March 2002, the Town Council considered a Planned Development (PD) application at 17101 Hicks Road and 14045 Shannon Road. Town Council approved Ordinance 2097; amended the General Plan land use designation from Agricultural to Hillside Residential; and approved a PD to change the zoning from HR-5:Prezone to HR-5:PD to allow subdivision of the property into 14 single-family lots and three open space lots (Exhibit 3). Architecture and Site applications for new residences on Lots 1 through 13 were approved in 2002 and 2003. The subdivision was completed in November 2004 and subsequent Building Permits were issued in December of 2004. The 13 new residences were completed by 2007. In 2009, the Town Council approved PD Ordinance 2172 amending the original PD to allow accessory structures on all 14 lots, provided they comply with the Hillside Development Standards and Guidelines (HDS&G) (Exhibit 4).

The original PD application was considered numerous times by the Development Review Committee and the Planning Commission prior to the Council's action in March 2002. During the final Planning Commission meeting on January 23, 2002, two members of the public spoke on the project, offering comments specific to the size of the replacement residence on Lot 14 (Exhibit 5, highlighted text). Both commenters expressed concern on whether developing Lot 14 was appropriate, with one commenter adding that if Lot 14 is to be developed, it should be rebuilt in the original footprint and not turned into a 4,600 or 4,800 square foot home. The

BACKGROUND (continued):

motion to forward a recommendation of approval to the Town Council included an additional performance standard that Lot 14 be developed under the guidelines of a replacement structure, similar in square footage, mass, and scale to the original residence that was destroyed by fire. This additional performance standard was forwarded to the Council and included in Ordinance 2097 and the amended Ordinance 2172 (Exhibits 3 and 4, Performance Standard #8). The Town Council approved the PD application in March 2002 with the additional performance standard as recommended by the Planning Commission.

Town records for Lot 14 do not provide much detail on the original residence that was destroyed by fire. An April 20, 2016, letter from Greenbriar Homes Communities (applicant under the original PD application) to Mr. Alan Barbie of the Sereno Group indicates that the original home was one story and approximately 2,400 square feet (Exhibit 6). Other anecdotal information indicates that the size of the original residence was closer to 3,000 square feet. Given the incomplete nature of the records for Lot 14, staff has messaged that the lot could be developed with a single-story residence with a maximum size of 3,000 square feet to be located in the general area of the previous residence subject to Architecture and Site approval.

In addition to Lot 14, Performance Standard #8 limits the sizes of the residences on Lots 1 through 13 to a maximum of 4,850 square feet, with an average size of 4,650 square feet (Exhibit 4, Performance Standard #8). Additionally, two-thirds of the 13 residences are limited to a one-story design. The table below provides a summary of the development on Lots 1 through 13.

Summary of Developed Lots					
Lot	Address	Residence	Stories	Garage	Accessory Structure
1	280 Shannon Oaks Ln	4,656 sf	1	768 sf	--
2	282 Shannon Oaks Ln	4,815 sf	2	799 sf	--
3	286 Mountain Laurel Ln	4,655 sf	1	811 sf	--
4	288 Mountain Laurel Ln	4,612 sf	1	781 sf	--
5	290 Mountain Laurel Ln	4,815 sf	2	799 sf	--
6	299 Mountain Laurel Ln	4,327 sf	1	806 sf	--
7	297 Mountain Laurel Ln	4,635 sf	1	811 sf	--
8	293 Mountain Laurel Ln	4,611 sf	1	781 sf	--
9	291 Mountain Laurel Ln	4,655 sf	1	811 sf	--
10	289 Mountain Laurel Ln	4,315 sf	1	806 sf	--
11	287 Mountain Laurel Ln	4,814 sf	2	799 sf	636 sf
12	283 Shannon Oaks Ln	4,605 sf	1	781 sf	960 sf
13	281 Shannon Oaks Ln	4,808 sf	2	799 sf	--
AVERAGE RESIDENCE: 4,640 sf			69 percent single-story		

BACKGROUND (continued):

On May 11, 2022, the Conceptual Development Advisory Committee (CDAC) reviewed and provided preliminary feedback on the proposed PD amendment. The feedback of the CDAC is detailed below.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 8.14 acres located in the northern portion of the Shannon Valley Ranch subdivision (Exhibit 1). A single-family residence was once located on the property, but was destroyed by fire in 1997, prior to the 2004 subdivision. The property currently takes access from the east end of Mountain Laurel Lane via a dirt driveway along the western property line accessing the northeastern portion of the property, where the original residence once stood. This portion of the property contains the Least Restrictive Development Area (LRDA), encompassing approximately 131,196 square feet (3.01 acres). The majority of the remaining portions of the property are steeply sloped and are held in a scenic conservation easement. The property is currently vacant and is the last undeveloped residential property in the subdivision.

B. Project Summary

The property owner is requesting an amendment to Planned Development Ordinance 2172 to increase the maximum residence size allowed on the subject property. No construction or site development is proposed with this application. A development proposal for construction of a new residence would be processed and reviewed under a future Architecture and Site application.

DISCUSSION:

A. Planned Development Amendment

The subject property has a gross lot area of 354,458 square feet (8.14 acres) with an average lot slope of 28 percent (Exhibit 17). When adjusted for slope per the HDS&G, the net lot area is 163,051 square feet (3.74 acres); which would allow for 6,000 square feet of development under the standard floor area calculation from the HDS&G. The existing PD Ordinance 2172 further restricts the maximum allowed floor area to be similar in square footage, mass, and scale to the original residence that was destroyed by fire, which is estimated to be approximately 3,000 square feet. While much of the property is characterized by steep slopes, the northeastern portion of the property contains the LRDA, encompassing approximately 131,196 square feet (3.01 acres).

DISCUSSION (continued):

The applicant requests an amendment to the PD to allow for construction of a 4,850 square foot, one-story residence (Exhibit 7). This request also requires an increase in the average size of the residences allowed by Performance Standard #8 from 4,650 square feet to 4,655 square feet. The applicant's letter indicates that they wish to construct a single-story residence of 4,850 square feet. The applicant's Letter of Justification indicates that the proposed residence size increase would be reasonable for the 8.14-acre property that includes an LRDA of 3.01 acres and would be consistent with the development on Lots 1 through 13 in the Shannon Valley Ranch subdivision (Exhibit 8).

The table below summarizes the size of development on properties within the Shannon Valley Ranch subdivision and those immediately adjacent to the north. The property sizes range from 2.02 to 8.44 acres. Based on Town and County records, the square footage of the residences in this area range from 4,315 square feet to 5,720 square feet. In terms of square feet, the proposed increase to the allowable residence size on Lot 14 would allow for development of the largest residence within the Shannon Valley Ranch subdivision and the third largest when considering the adjacent properties. In terms of FAR, the proposed increase would allow the smallest FAR in the Shannon Valley Ranch subdivision and adjacent properties.

FAR Comparison - Neighborhood Analysis							
Lot	Address	Gross Lot Area SF	Residence Size	Garage SF	Total SF*	FAR	No. of Stories
	550 Santa Rosa Dr	91,040	5,720	975	6,695	0.07	2
	16767 Hicks Rd	367,646	5,274	748	6,022	0.02	2
1	280 Shannon Oaks Ln	141,968	4,656	768	5,424	0.04	1
2	282 Shannon Oaks Ln	111,124	4,815	799	5,614	0.05	2
3	286 Mountain Laurel Ln	96,576	4,655	811	5,466	0.06	1
4	288 Mountain Laurel Ln	103,879	4,612	781	5,393	0.05	1
5	290 Mountain Laurel Ln	136,865	4,815	799	5,614	0.04	2
6	299 Mountain Laurel Ln	125,092	4,327	806	5,133	0.04	1
7	297 Mountain Laurel Ln	147,556	4,635	811	5,446	0.04	1
8	293 Mountain Laurel Ln	191,693	4,611	781	5,392	0.03	1
9	291 Mountain Laurel Ln	156,824	4,655	811	5,466	0.03	1
10	289 Mountain Laurel Ln	111,783	4,315	806	5,121	0.05	1
11	287 Mountain Laurel Ln	124,583	4,814	799	5,613	0.05	2
12	283 Shannon Oaks Ln	88,045	4,605	781	5,386	0.06	1
13	281 Shannon Oaks Ln	94,082	4,808	799	5,607	0.06	2
14	300 Mountain Laurel Ln	354,458	4,850	400	5,250	0.01	1
Proposed average residence within subdivision: 4,655 sf				71 percent single-story			
* Does not include accessory structures							

DISCUSSION (continued):

Future development of the site would require an Architecture and Site application, which would be subject to the requirements of the Town Code, PD Ordinance, the Residential Design Guidelines, the HDS&G, and the Hillside Specific Plan. A future Architecture and Site application will require review and preliminary approval by the Planning, Building, Engineering, and Fire Departments. The application would be considered in a public hearing by either the Development Review Committee or Planning Commission based on the merits of the application.

B. Conceptual Development Advisory Committee

On May 11, 2022, the CDAC reviewed and provided preliminary feedback on a proposal to amend the PD to allow for a 6,000 square-foot residence (Exhibits 9 and 10). Committee members discussed the matter and provided feedback to the applicant, including concerns related to:

- Lighting impacts;
- LRDA analysis;
- Placement on a ridge;
- Compatibility of a 6,000 square-foot residence with the residences in the Shannon Valley Ranch development;
- Driveway length, slope, and secondary access; and
- Future development requiring review by the Shannon Valley Ranch Homeowners Association.

In response to the CDAC's feedback, the applicant revised their request to a 4,850 square-foot residence and provided a written response to the CDAC's feedback (Exhibit 11). The applicant's response to the CDAC's feedback is summarized below, followed by staff analysis in *italic font*.

1. Lighting impacts.

The applicant indicates that light impacts from a future residence would not create an impact because the residence would be limited to one-story, and all exterior lighting would be required to meet the Town's regulations.

Any Architecture and Site application for a future residence will be reviewed to ensure compliance with the Town Code, PD Ordinance, and HDS&G requirements for exterior lighting. Approval of any future residence would include a condition of approval requiring that all exterior light fixtures meet the Town's requirements to be shielded and directed to the ground surface so that light does not spill onto neighboring parcels or produce a glare when seen from nearby homes.

DISCUSSION (continued):

2. LRDA analysis.

The applicant indicates that an LRDA analysis was completed prior to submittal of this application.

The LRDA is included on the provided Site Plan (Exhibit 17). Evaluation of the LRDA will be conducted with any future Architecture and Site application.

3. Placement on a ridge.

The applicant indicates that there are many residences located nearby the proposed building site, some larger than the 4,850 square feet being proposed. Additionally, the applicant indicates that any proposed residence would follow Town regulations.

The HDS&G defines a ridgeline as a line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another. The LRDA of the subject property is located on an outcropping in the northeastern portion of the property located approximately 58 vertical feet below the ridgeline along Santa Rosa Drive. The area of LRDA is not identified by the HDS&G as a significant ridgeline. The applicant is requesting approval to increase the allowable residence size for the subject property and has not requested modification of the existing language in Performance Standard #8 restricting the residence to a single-story and a maximum height of 25 feet. Full Architecture and Site review would be required for any future residence.

4. Compatibility of a 6,000 square-foot residence with the residences in the Shannon Valley Ranch subdivision.

The applicant has revised their request to a 4,850 square-foot residence.

Performance Standard #8 included in PD Ordinance 2172 currently limits the maximum residence size to 4,850 square feet on Lots 1 through 13. The applicant proposes allowing for a residence of 4,850 square feet on Lot 14, consistent with those allowed on other properties in the subdivision. The applicant also requests an increase in the allowed average residence size within the subdivision from 4,650 square feet to 4,655 square feet, which is needed when including Lot 14 in the calculation. The proposed residence size would be the largest residence in terms of floor area by 35 square feet in the Shannon Valley Ranch subdivision and the smallest in terms of FAR.

DISCUSSION (continued):

5. Driveway length, slope, and secondary access.

The applicant indicates that the plans were reviewed and approved by the Santa Clara County Fire Department.

The provided Site Plan shows that an existing dirt road serves as access to the previously developed portion of the property (Exhibit 17). Should the applicant propose to improve this dirt road to provide access to a future residence under an Architecture and Site application, it is probable that exceptions to the HDS&G would be required for driveway length and slope. No secondary access is currently shown at this time.

Project plans and supporting documents for this application were routed to the Santa Clara County Fire Department (SCCFD) for review of the request to modify the PD Ordinance to increase the allowable residence size. As noted in their letter approving the project, SCCFD's review was limited to the request and did not include a review for construction of a new single-family residence, which would be the subject of a future Architecture and Site application. The SCCFD approved the request at hand and provided some potential requirements that may apply to a proposal for construction of a new residence. These items are provided in as items four through 16 of Exhibit 12. Several of the requirements relate to the Fire Safe Regulations enacted by Public Resources Code 4290. Staff has and will continue to stress to the applicant the importance of consulting with the SCCFD early and often, as well as the potential profound impact that the Fire Safe Regulations can have on proposed development in the hillside area. Any future Architecture and Site application for a new residence will require review by the SCCFD.

6. Future development requiring review by the Shannon Valley Ranch Homeowners Association.

The applicant has provided a letter from the Shannon Valley Ranch Homeowners Association approving the proposed allowable residence size increase (Exhibit 13).

C. Planned Development Analysis

The purpose and intent of the Town's Planned Development Overlay Zone is to preserve, enhance, and/or promote:

1. The Town's natural and historic resources;
2. The production of affordable housing;
3. The maximization of open space; and/or
4. A project that provides a public benefit to the citizens of the Town.

DISCUSSION (continued):

An application for a PD overlay shall only be considered if it meets the purpose and intent of the overlay zone, and meets one of nine criteria listed in the Town Code, including property that is designated within the HDS&G map. The proposed amendment to PD Ordinance 2172 meets these criteria in that it would continue to maximize open space by requesting no change to the existing scenic conservation easements on the subject property and is located within the hillside area.

Section 29.80.095 of the Town Code requires that four findings be made in order to approve a PD overlay. These findings are listed below, followed by staff analysis in *italic font*.

1. The proposed PD is in compliance with all sections of Chapter 29, Article VIII, Division 2 of the Town Code for a Planned Development Overlay Zone.

As discussed in this report, the proposed PD amendment complies with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a PD overlay zone and is located in the hillside area. Except for the requested increase to allowable residence size on Lot 14 and maximum average square footage, the performance standards included in the previously approved PD Ordinance 2172 would be carried over to an amended ordinance.

2. The proposed PD is in conformance with the goals, policies, and applicable land use designation(s) and standards of the Town's General Plan.

The proposed amendment to PD Ordinance 2172 to allow for an increased residence size on Lot 14 is consistent with the goals and policies of the 2020 General Plan Land Use Element, including, but not limited to:

- *Policy LU-1.3 encourages preservation of existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well-designed, environmentally sensitive, and diverse landscaping in new and existing developments;*
- *Policy LU-1.4 states, infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area;*
- *Policy LU-6.8 states, new construction, remodels, and additions shall be compatible and blend with the existing neighborhood; and*
- *Policy LU-7.3 states, infill projects shall contribute to the further development of the surrounding neighborhood (e.g. improve circulation, contribute to or provide neighborhood unity, eliminate a blighted area) and shall not detract from the existing quality of life.*

DISCUSSION (continued):

3. The proposed PD is in conformance with all other applicable land use regulations, including but not limited to Town Council adopted guidelines, except as otherwise provided in Section 29.80.095(4).

As discussed in this report, the proposed PD amendment is consistent with the Town Code, HDS&G, and Hillside Specific Plan.

4. Any proposed use or development standards that deviate from the underlying zoning district(s) result in innovative and creative site planning to develop:
 - a. Housing with a minimum of forty (40) percent of the units affordable to households of very low, low, or moderate income; or
 - b. Mixed commercial, or mixed residential, or mixed commercial and residential development; or
 - c. A development designed and sited to protect, preserve and enhance conservation and enrichment of hillsides, natural and/or historic resources, ridgelines, a tree or stand of trees, creek and riparian corridors, geologic hazard or fault zone, and open space; or
 - d. A project that maximizes open space; or
 - e. The proposed PD provides a public benefit to the citizens of the Town.

The proposed PD amendment to increase the allowable residence size on Lot 14 does not deviate from the underlying zone in that the proposed residence size of 4,850 square feet is less than what would be allowed by the underlying HR-5 zone; therefore, this finding is not applicable. However, the proposal is consistent with items c and d above.

Based on staff analysis, the required findings for amending PD Ordinance 2172 can be made. A draft version of amended Performance Standard #8 is included as Exhibit 14.

D. Neighbor Outreach

Exhibit 15 includes a summary from the applicant of their neighborhood outreach efforts.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 600 feet of the subject property. Public comments received by 11:00 a.m., Friday, January 20, 2023, are included as Exhibit 18.

ENVIRONMENTAL REVIEW:

The request to modify Planned Development Ordinance 2172 is not considered a project under the California Environmental Quality Act.

CONCLUSION:

A. Summary

The property owner is requesting an amendment to PD Ordinance 2172 to increase the maximum residence size allowed on the subject property. No construction or site development is proposed with this application. Any future development proposal for a new residence would be processed and reviewed under an Architecture and Site application.

B. Recommendation

Based on the summary above, staff recommends the Planning Commission take the following actions to forward the PD amendment application to the Town Council with a recommendation of approval:

1. Recommend that the Town Council make the findings required by Section 29.80.095 of the Town Code for a Planned Development Ordinance (Exhibit 2); and
2. Recommend that the Town Council adopt the amended Planned Development Ordinance.

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation for approval of the application with modified performance standards to the Town Council; or
2. Forward a recommendation of denial of the application to the Town Council; or
3. Continue the matter to a date certain with specific direction.

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SUBJECT: 300 Mountain Laurel Lane/PD-22-001

DATE: January 20, 2023

EXHIBITS:

1. Location Map
2. Required Findings
3. Planned Development Ordinance 2097
4. Planned Development Ordinance 2172
5. Planning Commission Minutes of January 23, 2002
6. Letter from Greenbriar Homes Communities, dated April 20, 2016
7. Project Description
8. Letter of Justification
9. Conceptual Development Advisory Committee Staff Report without Attachments, May 11, 2022
10. Conceptual Development Advisory Committee Minutes, May 11, 2022
11. Applicant's Response to CDAC Feedback
12. Letter of Approval from the Santa Clara County Fire Department, dated November 7, 2022
13. Letter from the Shannon Valley Ranch Homeowners Association, dated October 18, 2022
14. Amended Performance Standard #8
15. Summary of Neighbor Outreach
16. Site Photos
17. Site Plan
18. Public Comments received by 11:00 a.m., Friday, January 20, 2023