



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/22/2020

ITEM NO: 2

DATE: July 17, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an appeal of a Development Review Committee decision approving a request for demolition of an existing single-family residence, and construction of a new single-family residence on property zoned R-1:10. Located at 146 Robin Way. APN 532-12-015. Architecture and Site Application S-19-043. Property Owners: Mehrdad and Leila Dehkordi. Applicant: Gary Kohlsaar. Project Planner: Diego Mora.

RECOMMENDATION:

Deny the appeal of a Development Review Committee decision approving a request for demolition of an existing single-family residence, and construction of a new single-family residence on property zoned R-1:10 located at 146 Robin Way.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:10
Applicable Plans & Standards: General Plan, and Residential Design Guidelines
Parcel Size: 13,112 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:10
South	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10
East	Residential	Low Density Residential	R-1:10

PREPARED BY: DIEGO MORA
Assistant 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 or Conversion of Small Structures.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- 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, and are in poor condition.
 3. The property owner does not desire to maintain the structures as they exist; and
 4. The economic utility of the structures was considered.
- The project is in compliance with the Residential Design Guidelines for single-family homes not in hillside residential areas.
- The project is in compliance with the Residential Design Guidelines, and the applicant has further revised the design to respond to the concerns of the neighbors by lowering the height, replacing the flat roof parapet over the front bay with a gable, and changing the materials to warmer colors. The project is not the largest for FAR in the neighborhood, meets the objective standards of the zoning code, is a single-family transitional style compatible with the ranch houses in the neighborhood in terms of massing and scale, and was reviewed by the consulting architect and the applicant responded to the recommendations.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

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

BACKGROUND:

The subject property is located on the east side of Robin Way (Exhibit 1). The lot is approximately 13,112-square feet with an existing 2,466-square foot single-story residence with a 542-square foot garage. The immediate neighborhood contains one-story residences.

On November 13, 2019, the applicant submitted an Architecture and Site application for the demolition of an existing single-family dwelling, construction of a new 3,737-square foot single-story residence, and a 508-square foot attached garage.

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

On June 9, 2020, the Development Review Committee (DRC) approved the Architecture and Site application with an additional condition to address privacy concerns from the adjacent neighbor as detailed in the Discussion section of this report.

On June 19, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbor (appellant), due to concerns regarding privacy (Exhibit 14).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is located on the east side of Robin Way (Exhibit 1). The surrounding properties are one-story single-family residences with Ranch Style architecture.

B. Project Summary

The applicant is proposing to construct a new 3,737-square foot one-story single-family residence with an attached 508-square foot garage (Exhibit 16). The proposed residence would be located within the area of the existing development.

C. Zoning Compliance

A single-family residence is permitted in the R-1:10 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 is proposing to construct a new single-family residence with 3,737 square feet of living space, and a 508-square foot attached garage. The proposal also includes an attached open and covered loggia at the east end of the proposed residence which does not count towards floor area maximums. The maximum height of the proposed residence is 18 feet 1 inch, where a maximum of 30 feet is allowed.

The proposed project materials include a standing seam metal roof, integral colored stucco, stone veneer siding, horizontal wood siding, and metal windows and trim. A color and materials board are included with this staff report (Exhibit 5). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 6). The project data sheet is attached as Exhibit 4 and includes additional information regarding the proposed project.

B. Building Design

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design (Exhibit 7). The site is in a neighborhood of one-story Ranch Style homes. In the Issues and Concerns background section of the report, the Consulting Architect noted that the home fundamentally fits the Ranch Style, but identified issues with the Town's Residential Design Guidelines. In the Recommendations section of the report, the Consulting Architect made the following recommendation(s) to address consistency with the Residential Design Guidelines:

1. Simplify the taller boxy elements on the front façade.
2. Limit the wood siding to accent locations (e.g., recessed entry, rear patio and right-side pop out).
3. Select a less prominent garage door compatible with the Ranch Style of the home and the immediate neighborhood.
4. Select a roof material more similar to other homes in the immediate neighborhood.
5. Use wood or other non-metal windows with traditional jamb dimensions.
6. Use wood trim at all windows and doors.
7. Simplify the wood pop up and roof on the rear façade and right-side elevation.

The applicant revised the project to incorporate the Consulting Architect's recommendations prior to the May 19, 2020 DRC public hearing (Exhibit 9).

DISCUSSION (continued):

Following the May 19, 2020 DRC hearing, the applicant further revised the design to respond to the concerns of the neighbors by lowering the height, replacing the flat roof parapet over the front bay with a gable, and changing the materials to warmer colors prior to DRC approval.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,973-square feet to 3,967-square feet. The floor area ratios range from 0.139 to 0.307. The proposed residence would be 3,737-square feet with a floor area ratio of 0.285. Pursuant to Town Code, the maximum allowable square footage for the 13,112-square foot lot is 3,738-square feet with a maximum floor area ratio of 0.285. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	Total	Lot Size	FAR	Garage FAR	No. of Stories
146 Robin Way (Ex.)	R-1:10	2,466	542	3,008	13,112	0.130	0.047	1
146 Robin Way (Prop.)	R-1:10	3,737	508	4,245	13,112	0.285	0.039	1
106 Robin Way	R-1:10	2,299	494	2,793	10,710	0.215	0.046	1
112 Robin Way	R-1:10	2,411	430	2,841	7,866	0.307	0.055	1
118 Robin Way	R-1:10	2,287	550	2,837	11,160	0.205	0.049	1
122 Robin Way	R-1:10	2,821	600	3,421	14,627	0.193	0.041	1
126 Robin Way	R-1:10	3,967	561	4,528	23,580	0.168	0.024	1
136 Robin Way	R-1:10	2,445	561	3,006	16,758	0.146	0.033	1
140 Robin Way	R-1:10	2,149	552	2,701	15,423	0.139	0.036	1
150 Robin Way	R-1:10	2,178	400	2,578	14,308	0.152	0.028	1
156 Robin Way	R-1:10	1,973	506	2,479	11,132	0.177	0.045	1

The proposed residence would not be the largest home in the immediate neighborhood in terms of square footage or FAR.

The applicant reached out to surrounding neighbors during the review process and reported not receiving any initial concerns (Exhibit 15).

D. Tree Impacts

The Town's Arborist prepared a report for the site and recommendations for the project (Exhibit 8). The project site contains one protected tree. The applicant is proposing to remove four fruit trees and one protected tree. The existing protected tree proposed for removal is a Fir tree located on the rear east corner of the property.

DISCUSSION (continued):

If the project is approved, tree protection measures would be implemented prior to and during construction. Replacement trees would also be required to be planted pursuant to Town Code.

E. Development Review Committee

The DRC held a public hearing for the Architecture and Site application on May 19, 2020. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

Several neighbors, including Robert Buxton, Gordon Yamate, Liz Crites, Lora Lee and Jim Zaky, and Mark Willey, submitted correspondence or spoke on the item. Mr. Yamate submitted correspondence voicing his support for the project. Other neighbors raised concerns about the compatibility of the project with the neighborhood in terms of size, scale, and design. The DRC continued the item to June 2, 2020 to allow the applicants to address neighbor concerns. On June 2, 2020 the item was continued to June 9, 2020.

During the continuance, the applicant met with the neighbors and further revised the design to respond to the concerns by lowering the height, replacing the flat roof parapet over the front bay with a gable, and changing the materials to warmer colors. The story pole installation was revised and certified to represent the lowered height.

At the June 9, 2020 DRC public hearing, several neighbors, including Gordon Yamate, Lora Lee and James Zaky, Liz Crites, and Robert Buxton spoke on the item.

Mr. Yamate spoke to voice his support for the project. Ms. Crites and Mr. Buxton raised concerns related to architecture, mass, and scale compatibility. The Zaky's raised concerns regarding views to the north, scale, and privacy impacts associated with the removal of apple trees and landscaping. The applicant agreed to a condition of approval to install an eight-foot fence and increased landscape screening for privacy on the south side, and Mr. Zaky confirmed he would be amenable to that condition; however, he did not feel it would fully address his concerns (Exhibit 13).

The DRC found that the application was complete and in compliance with the Town Code and Residential Design Guidelines. Based on these findings and considerations, the DRC approved the proposed project, subject to the recommended conditions of approval (Exhibit 3).

DISCUSSION (continued):

F. Appeal

On June 19, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbor, James Zaky (Exhibit 14). The specific reasons for the appeal are provided below, followed by analysis in *italic* font.

“Secure commitment from applicant to address privacy concerns. The DRC proposed the applicant replace the existing 5’ fence w/an 8’ fence between 146:140 Robin Way. Both parties agreed in concept. We are requesting a formal commitment by the applicant.”

The existing wood fence is six-feet tall and in conformance with Town Code sec. 29.40.0315, which states that fences may not exceed six feet in height with a one-foot lattice on top. Condition of approval 11 states that the south side fence shall not be less than eight feet in height; and screening shall be added to the satisfaction of the Community Development Director. The final Building permit will not be approved until the condition is met.

G. 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.

PUBLIC COMMENTS:

Following the filing of the appeal the applicant and appellant have met. On July 14, 2020, the applicant reported having met with the appellant on July 9, 2020 to discuss the fence and screening. No update has been provided since July 14, 2020. At the time of this report’s preparation, the Town has not received any public comment.

Certified story poles, and a project sign including the hearing date, contact information, project description, were installed on the site; and the written notice of the Development Review Committee public hearing was sent to neighboring property owners and occupants. Following the May 19, 2020 public hearing, the story pole installation was revised and certified to represent the lowered height proposed in response to neighbor concerns. Following the appeal, written notice of the Planning Commission hearing was sent to neighboring property owners and occupants, the story poles have remained in place, and the project sign has been updated to reflect the appeal hearing before the Planning Commission.

CONCLUSION:

A. Summary

The proposed project is in compliance with the Residential Design Guidelines and Town Code. The applicant has agreed to modify their proposal in an effort to address the privacy concerns of the adjacent neighbors. Conditions of Approval capture the proposed changes, specifically condition 11 (Exhibit 3).

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Architecture and Site application:

1. Find 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 required findings as required by Section 29.10.09030(e) of the Town Code for the demolition of a single-family residence (Exhibit 2);
3. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
4. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
5. Approve Architecture and Site application S-19-043 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 16.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Architecture and Site application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Data Sheet
5. Color and Materials board

PAGE 9 OF 9

SUBJECT: 146 ROBIN WAY/S-19-043

DATE: JULY 17, 2020

EXHIBITS (continued):

6. Project Description and Letter of Justification, dated November 12, 2019
7. Consulting Architect's Report, dated December 9, 2019
8. Town Arborist's Report, dated January 16, 2020
9. Applicant's response to Town's Consulting Architect's Report, dated January 6, 2020
10. Public Comments received prior to 10:00 a.m., Tuesday, June 9, 2020
11. May 19, 2020 Development Review Committee meeting minutes
12. June 2, 2020 Development Review Committee meeting minutes
13. June 9, 2020 Development Review Committee meeting minutes
14. Appeal of Development Review Committee received June 19, 2020
15. Applicant's neighbor outreach efforts
16. Development Plans, received May 28, 2020