



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/28/2023

ITEM NO: 2

DATE: June 23, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Approve a Second-Story Addition to an Existing Single-Family Residence on Property Zoned R-1D. **Located at 473 Wraight Avenue.** APN 529-06-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Minor Residential Development Application MR-22-013. PROPERTY OWNER/APPLICANT: Vicky Le. APPELLANT: James Woods. PROJECT PLANNER: Ryan Safty.

RECOMMENDATION:

Deny an appeal of the Community Development Director decision to approve a second-story addition to an existing single-family residence on property zoned R-1D, located at 473 Wraight Avenue.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D, Single-Family Residential Downtown
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 5,502 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: Ryan Safty
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorically Exempt, Section 15303: New Construction.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- As required by the Residential Design Guidelines that the project complies 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 on the west side of Wraight Avenue, approximately 250 feet north of Los Gatos-Saratoga Road (Exhibit 1). The site is developed with an approximately 777-square foot single-story residence and attached 305-square foot garage.

On July 25, 2022, the property owner submitted a Minor Residential Application for construction of a remodel, first-floor addition, and new second-story addition to the existing residence (Exhibit 11). On May 24, 2023, the Town deemed the plans complete and sent out Notice of Pending Approval letters to the immediate neighbors, stating that the Town would approve the application on June 2, 2023, with the appeal period ending on June 12, 2023 (Exhibit 12). On June 6, 2023, the immediate neighbor to the north, at 475 Wraight Avenue, appealed this approval to the Planning Commission (Exhibit 13).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of Wraight Avenue, approximately 250 feet north of Los Gatos-Saratoga Road (Exhibit 1). The property is developed with a single-story residence. The subject site and surrounding properties are comprised of single-family homes.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant proposes construction of a remodel, first-floor addition, and new second-story addition to the existing single-story residence. The proposed residence would be 1,903 square feet with a 457-square foot attached garage. The project plans in Exhibit 11 show a future Junior Accessory Dwelling Unit, which is not a part of this Minor Residential Application because it cannot be reviewed through a discretionary application in accordance with State ADU law.

C. Zoning Compliance

A single-family residence and garage are permitted in the R-1D zone. The proposed residence is in compliance with all applicable zoning regulations including floor area, height, setbacks, and parking.

DISCUSSION:

A. Minor Residential Development Analysis

The applicant proposes to remodel the existing single-story residence, with an 89-square foot addition to the first floor, and a new 1,038-square foot second-story addition above. The total proposed home size would be 1,903 square feet, with an attached 457-square foot two-car garage (Exhibit 11). The applicant provided a Letter of Justification detailing the proposal, which is included as Exhibit 4.

Approximately 44 percent of the existing exterior framing of the existing 777-square foot single-story residence and 305-square foot attached garage is proposed to be removed as a part of the remodel and single-story addition. The existing residence is non-conforming to the required five-foot side yard setback with an existing left side setback of approximately four feet, six inches. As the proposed remodel work does not exceed 50 percent, the project is not considered a technical demolition by Town Code and therefore existing non-conformities can remain and be extended. The other setback requirements are being met for the proposed additions.

The existing garage area will be converted to a Junior Accessory Dwelling Unit, which is not being reviewed with this application per State law and does not count towards the maximum allowed floor area for the site. The new garage will be attached to the residence. The existing front-facing covered porch will remain, and a new covered porch will be added at the rear of the residence.

DISCUSSION (continued):

The new 1,038-square-foot second story addition will be located above and stepped back from the remodeled first floor area below on all four elevations:

- Front elevation: five-foot step-back;
- Right elevation: seven-foot, six-inch step-back;
- Left elevation: three-foot to six-foot step-back; and
- Rear elevation: zero to two-foot step-back.

B. Building Design

The applicant proposes an addition and remodel to the existing Traditional Style residence. The existing style would remain, with white horizontal wood siding and dark gray composition shingle roofing (Exhibit 5). Window and door frames would be wood-clad and painted black, and porch columns would be a stained wood color.

The Town's Consulting Architect reviewed the proposed remodel and addition on August 5, 2022 (Exhibit 6). In the report, the Consulting Architect noted that the site is located in an established neighborhood with a mix of one and two-story homes designed in a variety of traditional styles, and that the proposed project is modest in scale with height, bulk, and articulation similar to other homes in the immediate neighborhood. The addition complements the overall house design.

The Consulting Architect identified two minor concerns with the original design and made recommendations for modifications. First, the Consulting Architect recommended that the second-story shed roof form above the stairs be modified to a gable roof form to better integrate with the rest of the proposed roof forms. Second, the Consulting Architect recommended that the garage door be recessed, and a trellis should be added over the garage door to mitigate the prominence of the two-car garage door on the front elevation. The applicant incorporated both recommendations within their resubmittal.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one and two-story single-family residences. Based on County records, the residences in the immediate neighborhood range in size from 791 square feet to 2,293 square feet. The floor area ratios (FAR) range from 0.151 to 0.346. The proposed residence would be 1,903 square feet (0.346 FAR) with a 457-square foot attached garage. Pursuant to Town Code Section 29.40.075, the maximum allowed FAR for the 5,502-square foot property is 0.350 (1,926 square feet) with a maximum allowed garage size of 545 square feet. The table on the following page reflects the current conditions of the homes in the immediate neighborhood.

DISCUSSION (continued):

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
473 Wraight Ave (Ex.)	R-1D	777	305	1,082	5,502	0.141	1
473 Wraight Ave (Prop.)	R-1D	1,903	457	2,360	5,502	0.346	2
477 Wraight Ave	R-1D	1,900	450	2,350	5,500	0.345	2
475 Wraight Ave	R-1D	1,902	322	2,224	5,500	0.346	1
471 Wraight Ave	R-1D	1,903	229	2,132	5,500	0.346	2
469 Wraight Ave	R-1D	1,825	278	2,103	5,500	0.332	1
474 Wraight Ave	R-1D	791	240	1,031	5,234	0.151	1
478 Wraight Ave	R-1D	2,293	673	10,983	6,743	0.340	2
480 Wraight Ave	R-1D	1,076	200	1,276	5,500	0.196	1
482 Wraight Ave	R-1D	1,200	240	1,440	5,500	0.218	1
484 Wraight Ave	R-1D	1,647	280	1,927	5,500	0.299	1

The proposed residence would not be the largest home in the immediate neighborhood in terms of square footage, but would be tied with two other properties for the largest FAR. The proposed two-story residence would not be the first two-story in the neighborhood, and at a proposed height of 26 feet, it would not be the tallest as 478 Wraight Avenue across the street is approximately 30 feet tall.

D. Trees

The Town's Consulting Arborist prepared a report for the site and made recommendations for the project (Exhibit 7). The project site contains one protected tree: a large Coast Redwood in the front yard. The Consulting Arborist recommended tree protection around the tree for protection during construction. The applicant updated the project plans to show the required tree protection. No tree removals are proposed with this application. The applicant proposes to plant five new trees along the rear property line for neighbor screening, which is discussed further below.

E. Public Comment

During the Planning review process, three public comments were sent to the Town (Exhibit 15). The first two are from the appellant prior to the date that the appeal was received, which echo the points made in the appeal and are discussed in detail in the following section. The third comment was from a neighbor to the rear, requesting screening trees to be installed. The applicant has added five screening trees in the rear yard to the project plans to address this neighbor's privacy concern.

DISCUSSION (continued):

In addition, the applicant conducted neighborhood outreach at the beginning of the planning application process, which is summarized in Exhibit 10. The letter explains the different design changes that the applicant made to accommodate neighbor concerns. To accommodate privacy concerns of the neighbor to the south, second-story window sizes and locations were modified on the south elevation. The neighbor to the north (the appellant) expressed concerns with privacy and winter sun shadow impacts. In an attempt to remedy these concerns, the applicant provided the following: explanation that the second floor is set-back approximately 13 feet from the north property line, where five feet is the minimum; explanation that no major windows are proposed on the second floor of the north elevation; plan revisions making all the second-floor windows on the north elevation either obscured or clerestory; plan revisions to show a six-foot tall lattice screen on the north-side of the rear balcony; and plan revisions showing a proposed height increase to the shared side fence to further protect privacy.

F. Appeal

Based on the explanation provided above, Town staff supported the application and mailed out Notice of Pending Approval letters (Exhibit 12) to the immediate neighbors on May 24, 2023. The letter explained that the Town intended to approve the application on June 2, 2023, and that the appeal period would end on June 12, 2023.

On June 6, 2023, an appeal was received from the neighbor to the north at 475 Wraight Avenue (Exhibit 13). The appeal mentions two major concerns: winter sun; and privacy of the rear balcony. Details on each concern are summarized below:

- Winter Sun: *The new structure will shadow almost the entirety of the south side of our home; the worst impact will be in the winter (as evident in the shadow study provided on Sheet A1.1 of the project plans in Exhibit 11). Our southern windows are where we get a large portion of the sunlight throughout the year – especially in the winter. We are opposed to a structure which blocks a large portion of our sunlight throughout the year and stands so close to our home. We believe a large part of our concerns would be alleviated by a redesign, which includes relocating the garage to the back of the lot. It seems this single change would both allow for an increase in the light getting to our home and would also significantly reduce the impact on our view from our windows.*
- Rear Balcony: *The proposed balcony on the back of the new structure off of the master bedroom will look down on the two windows in our master bathroom. Their proposal to add a lattice screen does not solve the problem. Someone on the balcony would be able to see us through the lattice.*

DISCUSSION (continued):

The applicant has provided a response letter to the appeal, provided as Exhibit 14. The letter explains why a different house design, such as the suggestion by the appellant for a detached garage, would not work for the owner, and outlines the different design approaches used to accommodate the appellant's concerns. Specifically, the applicant explains that no ingress or egress windows were placed on the side elevations of the second-story; the second-story windows facing the appellant are either obscured or have a raised sill height; the ridgeline of the proposed first-floor roof will block the view of the balcony (Exhibit 8); a privacy screen was added to the rear balcony for further privacy protection; and increased side setbacks ranging from 13 feet, four inches to 17 feet, eight inches are proposed on that side of the second-story when Town Code requires five feet. The applicant also notes that the shadow study provided on Sheet A1.1 of Exhibit 11 are overstated as they were drawn as if the shadows are cast onto a vacant lot. For example, the applicant further studied the December 21st, noon shadow, which on Sheet A1.1 appears as if it would block the sun along the entire side elevation of the appellant's property, and determined that the project shadows would only climb up the neighbor's sidewall roughly 42 inches.

PUBLIC COMMENTS:

Story poles and project signage were installed on the site by April 25, 2023. Public comment received by 11:00 a.m. on Friday, June 23, 2023, are summarized above and included as Exhibit 15. The applicant has provided response to public comment within their Neighborhood Outreach Summary letter in Exhibit 10.

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.

CONCLUSION:

A. Summary

The appellant is requesting that the Planning Commission reconsider the Community Development Director's decision to approve a second-story addition to an existing single-family residence on property zoned R-1D, located at 473 Wraight Avenue, due to privacy and shadow concerns.

CONCLUSION (continued):

B. Recommendation

For the reasons stated in this report, staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the Community Development Director, and approve the Minor Residential Development 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 (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (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. Approve Minor Residential Development application MR-22-013 with the conditions contained in Exhibit 3 and Development Plans in Exhibit 11.

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 Community Development Director with direction for revisions; or
4. Grant the appeal and deny the Minor Residential Development application.

PAGE 9 OF 9

SUBJECT: 473 Wraight Avenue/MR-22-013

DATE: June 23, 2023

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Color and Material Board
6. Consulting Architect's Report
7. Consulting Arborist's Report
8. Balcony Sight Line Study
9. Neighborhood Pictures
10. Neighborhood Outreach Summary
11. Development Plans
12. Minor Residential Notice of Pending Approval Letter, May 24, 2023
13. Appeal Letter, June 6, 2023
14. Applicant's Response to Appeal, June 13, 2023
15. Public Comments Received by 11:00 a.m., Friday, June 23, 2023

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