



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/09/2021

ITEM NO: 2

DATE: June 4, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Single-Family Residence and Construction of a New Single-Family Residence with Reduced Front and Side Setbacks on Nonconforming Property Zoned R-1:8. Located at 102 Alta Heights Court. APN 532-29-045. Architectural and Site Application S-20-029. Property Owner: Bo Development, LLC. Applicant: Eric Beckstrom. Project Planner: Ryan Safty.

RECOMMENDATION:

Consider approval of a request for demolition of an existing single-family residence and construction of a new single-family residence with reduced front and side setbacks on nonconforming property zoned R-1:8, located at 102 Alta Heights Court.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: General Plan and Residential Design Guidelines
Parcel Size: 0.121 acres (5,250 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: 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 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.
- 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 structure has no architectural or historical significance.
 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 meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), with the exception for front and side setbacks, as described below.
- As required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements:
 1. The subject property is nonconforming with regard to lot size and width.
 2. The proposed reduced setbacks are compatible with the neighborhood.
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.
- The project design is in compliance with the Residential Design Guidelines in that the architect has responded to all recommendations from the Town's Consulting Architect by recessing windows and doors, adjusting the size of the windows on the front elevation and adding clad siding to the front projecting bay to contrast with the stucco wall on the front façade, modifying the scale and detail of the garage trellis brackets, refining the spacing and detail of the rear elevation French doors and windows on the second floor, and simplifying the roof forms. The project is not the largest for floor area or FAR in the neighborhood, and meets the objective standards of the zoning code, except the front and side setbacks as described below.

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 northwest side of Alta Heights Court, along a small cul-de-sac off of Loma Alta Avenue (Exhibit 1). The lot is 5,250 square feet with an existing 1,037-square foot single-story residence with a 308-square foot attached garage. The immediate low density residential neighborhood contains one- and two-story residences.

On September 21, 2020, the applicant submitted an Architecture and Site application for the demolition of an existing single-family residence, and construction of a new two-story residence and attached garage with reduced front and side setbacks.

The proposed project meets all technical requirements of the Town Code including parking, height, floor area, and building coverage, with the exception for front and side setbacks, as described below.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the northwest side of Alta Heights Court, along a small cul-de-sac off Loma Alta Avenue (Exhibit 1). The surrounding properties in the low-density residential neighborhood are one- and two-story single-family residences.

B. Project Summary

The applicant is proposing to construct a new 1,825-square foot two-story single-family residence with an attached 454-square foot garage (Exhibit 11) with reduced front and side setbacks.

PROJECT DESCRIPTION (continued):

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The existing property is 5,250 square feet with 50 feet of frontage on a cul-de-sac bulb and a lot width of 50 feet. The minimum lot size is 8,000 square feet and the minimum frontage for a property on a cul-de-sac bulb is 30 feet with a 60-foot minimum lot width, and therefore it is considered a nonconforming lot due to size and width.

The proposed residence is in compliance with the allowable floor area, height, and on-site parking requirements for the property, and includes a request for an exception for the front and side setbacks for the proposed residence and garage, as allowed by the zoning regulations for nonconforming lots as discussed below.

DISCUSSION:

A. Architecture and Site Analysis

The applicant is proposing demolition of the existing residence and construction of a two-story single-family residence with 1,825 square feet of living space, and a 454-square foot attached garage. The maximum height of the proposed residence is 28.5 feet, where a maximum of 30 feet is allowed.

The proposed project materials include an asphalt shingled roof, a mix of stucco and wood siding, and metal window trim and railings (Exhibit 10). The applicant has provided a Project Description and Letter of Justification detailing the project (Exhibit 4). The project plans show a future Accessory Dwelling Unit above the proposed garage. The Accessory Dwelling Unit is not being reviewed as a part of this Architecture and Site Application per State law.

The subject property is nonconforming with a lot size of 5,250 square feet where 8,000 square feet is required, and a lot width of 50 feet where 60 feet is required for properties fronting on a cul-de-sac bulb. Section 29.10.265 of the Town Code allows for modification of any rule of the zone for nonconforming lots, including setback requirements, if the modifications are found to be compatible with the neighborhood.

As detailed in the applicant's Project Description and Letter of Justification (Exhibit 4), the applicant requests exceptions to the front and side setback requirements due to the nonconforming lot size and compatibility with the neighborhood.

DISCUSSION (continued):

As described below in the Neighborhood Compatibility section of this report, the majority of the lots in the immediate neighborhood are non-conforming as it pertains to the minimum lot size of 8,000 square feet for the zone. The average lot size in the immediate neighborhood is 6,903 square feet. The subject property is 5,250 square feet and is the smallest in the immediate neighborhood.

The existing single-story residence on the subject property does not meet setback requirements, with a 24-foot, six-inch front yard setback when 25 feet is required, and a five-foot, six-inch side yard setback when eight feet is required. The applicant is requesting to maintain the existing side yard setbacks and encroach further into the front yard setback with an 18-foot proposed front setback to the attached garage.

In evaluating the request for reduced setbacks, the setbacks of the residences in the immediate and surrounding neighborhood are reviewed to determine if the request is compatible with the neighborhood. There are residences in the immediate neighborhood, along Alta Heights Court, that do not meet side or street-side setback requirements, and residences fronting along Loma Alta Avenue in the surrounding neighborhood that do not meet front setback requirements.

The adjacent neighbor to the south, a corner property at 175 Loma Alta Avenue, encroaches into the required street side setback along Alta Heights Court. The two-story residence has a 10-foot street-side setback, adjacent to the proposed 18-foot front yard setback for 102 Alta Heights Court, when 15 feet is required. The attached single-story garage encroaches further into the required street-side setback, with a setback of under five feet when 15 feet is required for attached garages. Per the applicant's Project Description and Letter of Justification (Exhibit 4), the two-story wall of 175 Loma Alta Avenue shields the view of the proposed residence from Loma Alta Avenue. Additionally, per Town permit records, 175 Loma Alta has a reduced 17-foot, six-inch front setback along Loma Alta Avenue when 25 feet is required.

Across the street from 175 Loma Alta, 116 Alta Heights Court also does not meet the required street side setback along Alta Heights Court. 116 Alta Heights Court has an 11-foot setback from Alta Heights Court when 15 feet is required. The residence at 116 Alta Heights Court is also two-story, but the second-story steps inward.

106 Alta Heights Court, two properties to the northeast of the subject property, is a single-story residence with a five-foot side yard setback to the attached garage when eight feet is required.

DISCUSSION (continued):

If the immediate neighborhood is expanded to include properties fronting along Loma Alta Avenue, with five properties on the south side of Loma Alta Avenue (154, 156, 162, 172, and 176 Loma Alta Avenue) and two additional properties on the north side of Loma Alta Avenue (161 and 177 Loma Alta Avenue), there are examples of additional properties along Loma Alta Avenue that do not meet front setback requirements. Per Town permit records, four of these seven properties do not meet front setback requirements, with three of the four having 20 feet or less (156, 161, and 162 Loma Alta Avenue).

The request is being considered by the Planning Commission because there are no residences with reduced front yard setbacks in the immediate neighborhood and fronting along Alta Heights Court. However, if the immediate neighborhood is expanded to properties fronting along Loma Alta Avenue, there are five properties that do not meet front setback requirements. If the Planning Commission determines that the reduced front and side yard setbacks are compatible with the neighborhood, the request can be approved as allowed by Section 29.10.265 (3) of the Town Code.

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. The site is located on a narrow but deep lot on a cul-de-sac with both one- and two-story homes in a wide variety of traditional architectural styles.

In the Issues and Concerns background section of the Consulting Architect's report (Exhibit 6), the Consulting Architect noted that the proposed house is very well designed with an identifiable architectural style and details, but identified issues with certain aspects of the design and made recommendations to address each issue. The Consulting Architect made six recommendations to address consistency of the project with the Residential Design Guidelines, as follows:

1. Recess the windows and French doors without trim, or add wood trim and projecting sills around all windows to address the issue of the narrow window frames.
2. Group the double windows on the front elevation or reduce the sizes to remedy the crowding of the windows.
3. Refine the scale and detail of the garage trellis brackets.
4. Recess the garage doors.
5. Refine the spacing and detail of the rear elevation French doors and the adjacent window on the second floor.
6. Remedy the awkward roof transitions on the left side elevation.

DISCUSSION (continued):

The applicant revised the plans (Exhibit 11) per the Consulting Architect's recommendations, addressing each issue, and has provided a written response to each issue and recommendation (Exhibit 7).

C. Neighborhood Compatibility

The immediate low-density residential neighborhood is made up of one- and two-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,152-square feet to 2,652-square feet. The floor area ratios range from 0.17 to 0.42. The proposed residence would be 1,825-square feet with a floor area ratio of 0.35. Pursuant to Town Code, the maximum allowable square footage for the 5,250-square foot lot is 1,827 square feet with a maximum floor area ratio of 0.35. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	Total FAR	Lot Size	FAR	No. of Stories
102 Alta Heights Ct (Ex.)	R-1:8	1,037	308	1,345	5,250	0.20	1
102 Alta Heights Ct (Prop.)	R-1:8	1,825	454	2,279	5,250	0.35	2
161 Loma Alta Ave	R-1:8	2,652	462	3,114	9,000	0.29	2
175 Loma Alta Ave	R-1:8	2,580	324	2,904	6,100	0.42	2
104 Alta Heights Ct	R-1:8	2,213	364	2,577	7,119	0.31	2
106 Alta Heights Ct	R-1:8	1,742	418	2,160	6,270	0.28	1
108 Alta Heights Ct	R-1:8	1,152	437	1,589	6,930	0.17	1
110 Alta Heights Ct	R-1:8	2,316	462	2,778	8,362	0.28	1
112 Alta Heights Ct	R-1:8	2,140	430	2,570	6,500	0.33	2
116 Altha Heights Ct	R-1:8	1,933	441	2,374	6,600	0.29	2

The proposed residence would not be the first two-story home, not the largest home in the immediate neighborhood in terms of square footage or FAR, and not the tallest. All but two of the lots in the immediate neighborhood are nonconforming as they do not meet the minimum lot size requirement of 8,000 square feet in the R-1:8 zone.

D. Tree Impacts

The Town's Consulting Arborist prepared a report for the site and made recommendations for the project (Exhibit 5). The project site contains four protected trees. The applicant is proposing to remove two non-flowing Pear trees within or adjacent to the proposed footprint. Both trees proposed for removal have an Overall Health Rating of below 50 percent. The applicant is proposing to preserve the two remaining trees on-site, per the Consulting Arborist's recommendations, and plant four new 15-gallon Crepe Myrtle trees along the front yard and rear yard to meet the tree replacement requirement.

DISCUSSION (continued):

E. Neighbor Outreach

The applicant provided a summary of their efforts to communicate with their neighbors (Exhibit 8).

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.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, June 4, 2021 are included as Exhibit 9.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for demolition of an existing single-family residence and construction of a new single-family residence with reduced setbacks on a nonconforming property, consistent with the neighborhood. With the modification for reduced side and front yard setbacks, the project would be in compliance with the Town Code if the exceptions for the front and side yard setbacks is granted, and Residential Design Guidelines.

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 or Conversion of Small Structures (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) with the exception for setbacks (Exhibit 2);

CONCLUSION (continued):

4. Make the finding required by Section 29.10.265(3) of the Town Code for modification of zoning rules on nonconforming lots (Exhibit 2);
5. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
6. 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
7. Approve Architecture and Site application S-20-029 with the conditions contained in Exhibit 3 and the development plans in Exhibit 11.

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. Project Description and Letter of Justification
5. Consulting Arborist's Report, dated November 3, 2020
6. Consulting Architect's Report, dated October 6, 2020
7. Applicant's response to the Consulting Architect's Report, received February 11, 2021
8. Applicant's neighborhood outreach efforts
9. Public Comments received prior to 11:00 a.m., Friday, June 4, 2021
10. Color and Materials Board, received December 16, 2020
11. Development Plans, received May 9, 2021

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