



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/11/2024

ITEM NO: 3

DATE: December 6, 2024

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Requesting Approval for Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD. **Located at 120 Oak Meadow Drive.** APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owner: Marty and Penny McFarland. Applicants: Terence J. Szewczyk (M-20-011 and PD-20-002) and Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.

RECOMMENDATION:

Forward a recommendation of approval to the Town Council on a request for modification of Planned Development Ordinance 1412, subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit on property zoned O:PD, located at 120 Oak Meadow Drive.

BACKGROUND:

On July 24, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Exhibit 18). Included in the public comments was testimony from a neighbor and board member of the Regency Court Homeowners Association (HOA) who indicated that the HOA maintained architectural control over the subject property even though it had been removed from the HOA in 1985. Further, the HOA board member indicated that architectural review by the HOA had not been completed. After discussing the matter, the Planning Commission voted to continue consideration of this item to a date uncertain to allow the applicant sufficient time to coordinate with the HOA.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

DISCUSSION:

In October 2024, the HOA provided a letter summarizing the coordination between the HOA, property owner, and architect (Exhibit 19). The letter also provided the HOA's conditional approval of the proposed project. The HOA's conditions include requiring that the second-story window on the west elevation is to utilize obscured glass, restricting the current and future owners from removing or modifying the existing brick wall along the west property line, and that this wall is to be extended to the north using the same vertical siding as is proposed on the second story of the residence. Additional conditions related to construction activities, garbage collection, access, road maintenance, and costs related to updating the CC&Rs are also included.

The applicant submitted a response letter (Exhibit 20) summarizing their agreement to the HOA conditions and the changes made to the revised development plans in response (Exhibit 21), which include obscured glass on the second-story window on the west elevation (Sheet A-5), extension of the wall along the west property line, and a construction access plan (Sheet A-1).

While the Town is not responsible for enforcing private-party agreements included in CC&Rs, the revised development plans included as Exhibit 21 incorporate the HOA's conditions, summarized above, that impact the proposed residence. With any approval of the project, the revised development plans will be included with the draft Planned Development Ordinance (Exhibit 3) and the requirement to obscure glass and extend the existing wall would be enforced by the Town. The Planning Commission may choose to incorporate all or some of the HOA conditions into the draft Planned Development Ordinance included as Exhibit 3 with their recommendation to the Town Council.

PUBLIC COMMENTS:

Notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. As of the publishing of this report, no public comments have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of Planned Development Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

No other exceptions are requested. Regarding consistency with the immediate neighborhood, the proposed single-family residence on Parcel B would not result in the largest residential structure in terms of floor area or FAR, would be the largest of the two single-family residences in terms of FAR, and would not be the first two-story residence. The applicant seeks a recommendation from the Planning Commission to the Town Council, who will render the final decision on the project.

B. Recommendation

If the Planning Commission finds merit with the proposed project, staff recommends the Commission take the following actions to forward the PD, Subdivision, and Architecture and Site applications to the Town Council with a recommendation for approval of the proposed project, by recommending that the Town Council:

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, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Exhibit 2);
2. Make the finding that the amendment to the Planned Development Overlay is consistent Town Code Section 29.80.095 (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site (Exhibit 2);
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Exhibit 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2);

6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Exhibit 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Exhibit 2);
8. 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
9. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Exhibit 3); approve Subdivision application M-20-011; and Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Exhibit 4 and the revised development plans included as Exhibit 21.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Recommend approval of the applications with additional and/or modified conditions; or
3. Recommend denial of the applications and make the required findings for denial

EXHIBITS:

Exhibits previously received with the July 24, 2024, Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Draft Planned Development Ordinance
4. Recommended Conditions of Approval
5. Planned Development Ordinance 1412
6. Letter of Justification
7. Project Description
8. Color and Materials Board
9. Letter of Justification for Garage Terrace
10. Town's Consulting Architect Report
11. Response to Consulting Architect's Recommendations
12. Arborist Report
13. Summary of Neighbor Outreach
14. Building Envelope Study by Applicant
15. Development Plans
16. Public Comments received by 11:00 a.m., Friday, July 19, 2024

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SUBJECT: 120 Oak Meadow Drive/M-20-011, PD-20-002, S-22-021

DATE: December 6, 2024

Exhibits previously received with the July 24, 2024, Desk Item:

17. Public Comments received between 11:01 a.m., Friday, July 19, 2024, and 11:00 a.m., Wednesday, July 24, 2024

Exhibits Received with this Staff Report:

18. July 24, 2024 Planning Commission Minutes

19. HOA Approval Letter

20. Applicant Response Letter

21. Revised Development Plans

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