



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 12/11/2019

ITEM NO: 4

DATE: December 6, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Architecture and Site Application S-19-008 and Subdivision Application M-19-002. Project Location: **16940 Roberts Road**. Property Owner/Applicant: Josephine Chang. Project Planner: Ryan Safty. Requesting approval for demolition of an existing single-family residence, construction of three condominium units that will exceed the floor area ratio standards, and site improvements requiring a grading permit on property zoned RM:5-12. APN 529-18-053.

RECOMMENDATION:

Approval, subject to the recommended conditions of approval.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-M:5-12
Applicable Plans & Standards: Residential Design Guidelines
Parcel Size: 12,484 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-M:5-12
South	Residential	Medium Density Residential	R-M:5-12
East	Residential	Medium Density Residential	R-M:5-12
West	School	Public	R-1:8:PS

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, and Section 15315: Minor Land Divisions.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Categorically Except, Section 15303: New Construction or Conversion of Small Structures, and Section 15315: Minor Land Divisions.
- As required by Housing Element Policy HOU-8.1 for new housing developments of three units or more.
- As required by Section 66474 of the Subdivision Map Act for the Subdivision application.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of an existing structure.
- As required by Section 29.40.075(c) of the Town Code for allowing approval to exceed the single-family residential floor area ratio limitations.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

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

BACKGROUND:

The subject property is located on the southeast corner of the Roberts Road and Fisher Avenue intersection (Exhibit 1). The existing lot is approximately 13,980 square feet with an existing single-family residence and detached garage. As a part of this proposal, the applicant is required to dedicate five feet along Fisher Avenue and seven feet along Roberts Road, reducing the lot size from 13,980 to 12,484 square feet.

On April 11, 2018, the Conceptual Development Advisory Committee (CDAC) reviewed two different conceptual proposals at the subject site, one with three detached single-family condominiums and one with three attached multi-family condominiums. The minutes from that meeting are included in Exhibit 5.

BACKGROUND (continued):

On September 26, 2018, the Historic Preservation Committee (HPC) reviewed a request to remove the existing pre-1941 residence on the site from the Town's Historic Resources Inventory. The HPC approved the request, finding that major addition and remodel work completed between 1980 and 1990 compromised the structure's historic integrity. Meeting minutes are included in Exhibit 6.

On February 11, 2019, the applicant submitted an Architecture and Site application and a Subdivision application for demolition of the existing single-family residence and construction of three detached single-family condominiums. The proposed project requires an exception as allowed by Town Code Section 29.40.075(c) to exceed the single-family residential floor area (FAR) limitations.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is proposing to construct three detached single-family condominiums, each with a private driveway and attached garage (Exhibit 13). The combined floor area for all three units exceeds the single-family residential FAR allowance for the property, and therefore an exception is being requested. While the property is not being subdivided into individual lots, a Subdivision application is required for the creation of the three condominiums.

B. Location and Surrounding Neighborhood

The subject property is located on the southeast corner of the Roberts Road and Fisher Avenue intersection, across Fisher Avenue from Raymond J. Fisher Middle School (Exhibit 1). The properties immediately to the north, across Roberts Road, contain attached multi-family residences zoned R-M:5-12. The properties further to the east, across Roberts Road, contain commercial and auto-service uses zoned CH. The adjacent properties to the east and south are one- and two-story detached single-family residences zoned R-M:5-12. The Laurel Mews residential planned development is located further to the east.

PROJECT DESCRIPTION (continued):

C. Architecture and Site Application

Approval of an Architecture and Site application is required for the construction of a new principal building in any zone, for site improvements requiring a grading permit, and for an exception to exceed the single-family residential FAR allowance. The applicant is proposing to construct three detached single-family condominiums. Site work associated with the construction would require a grading permit. The combined floor area for all three condominiums would be 5,407 square feet, when the single-family residential FAR allowance for the property is 3,622 square feet.

D. Subdivision Application

Approval of a Subdivision application is required for the approval of the condominium project. The applicant proposes three detached single-family condominiums as a part of this project.

E. Zoning Compliance

Attached multi-family and detached single-family residences are permitted in the R-M:5-12 zone. The proposed project would comply with the setback, height, parking, and lot coverage requirements for detached single-family residences in the R-M zone. The deciding body may allow an exception to exceed the single-family residential FAR limitations if the findings listed in Section 29.40.075(c) of the Town Code can be made.

DISCUSSION:

A. Conceptual Development Advisory Committee

The CDAC reviewed two conceptual plans for the site on April 11, 2018, each of which proposed demolition of the existing single-family residence and construction of three two-story, residential condominium units. The CDAC preferred the detached single-family units over the attached multi-family units, with the understanding that the detached concept would require an exception to exceed the single-family residential FAR limitations. Per Section 29.40.075 of the Town Code, the detached single-family condominiums are subject to the single-family residential FAR limitations, while attached multi-family units would not be subject to any FAR limitations. Additional feedback is included in the meeting minutes (Exhibit 5).

DISCUSSION (continued):

B. Architecture and Site Analysis

The applicant is proposing to demolish the existing single-family residence and detached garage and construct three two-story, detached, single-family condominiums. Two of the units would be oriented towards, and accessed from, Fisher Avenue, and the third unit would be oriented towards, and accessed from, Roberts Road (Exhibit 13). A summary of the proposed development is included in the table below.

	Home Floor Area	Garage Floor Area	Height	Private Open Space	Parking
Town Code Requirement	3,622 s.f. max.	987 s.f. max.	30-foot max.	Minimum 200 s.f. req.	Minimum 2 spaces req.
Unit 1	1,823 s.f.	254 s.f.	25'-8"	1,713 s.f.	2 (1 covered)
Unit 2	1,785 s.f.	270 s.f.	25'	719 s.f.	2 (1 covered)
Unit 3	1,799 s.f.	269 s.f.	25'	504 s.f.	2 (1 covered)
Combined	5,407 s.f.*	793 s.f.		2,963 s.f.	6 (3 covered)

* Denotes an exception requested

The proposed condominium project would comply with the setback, height, parking, and lot coverage requirements for detached single-family residences in the R-M zone.

The applicant's project description is included as Exhibit 11 and a letter of justification is included as Exhibit 12. The applicant has also provided a project data sheet, included as Exhibit 7, to assist in the review of the proposed condominium project.

C. Subdivision Analysis

The applicant is requesting approval of a three-unit condominium project. While the property is not being subdivided into individual lots, a Subdivision application is required for the approval of a condominium project. The State Subdivision Map Act includes seven findings to deny applications for subdivisions (Exhibit 2). If any of the findings can be made, the deciding body must deny the Subdivision application.

DISCUSSION (continued):

D. Building Design

The Town's Architectural Consultant reviewed the proposed project within the neighborhood context to provide recommendations regarding the design of the buildings (Exhibit 8). The site is a corner lot located within an established neighborhood with a mix of one- and two-story homes and other commercial and institutional uses. In the Issues and Concerns background section of the report, the Consulting Architect noted that the proposed project seems well fitted to the site, and that the height and bulk of the three homes would be similar to nearby structures, and be similar to, but appear larger than, the Laurel Mews subdivision.

The Consulting Architect made 10 recommendations for changes to address consistency with the Residential Design Guidelines, which are provided below. The applicant revised the project to address each of the recommendations, with the following responses (Exhibit 9) in *italic* font:

1. Reduce the amount of site paving as much as possible.
All non-driveway related concrete paving was removed from the private yards and replaced with 200-square foot decomposed granite patios and plants.
2. Clearly delineate the proposed private and common open spaces.
Fenced yards (private open space) are labelled on the Site Plan and Landscape Plan (Exhibit 13, Sheet A0 and L1) and highlighted on page 2 of the project description (Exhibit 11).
3. Revise the Lot 2 Fisher Avenue elevation to break up the scale of the long elevation.
The long elevation was broken up by reconfiguring the second floor above the garage to create a double gable above the garage, thereby shortening the portion of the roof where the front dormer is located.
4. Add chimneys to the gas fireplaces to satisfy Residential Design Guideline 3.10.4.
Brick chimneys were added to Units 1 and 2. Unit 3 has a fireplace, but it does not protrude beyond the building footprint like Units 1 and 2.
5. Provide details and/or articulation to two-story tall facades per Residential Design Guideline 3.3.3.
The occurrence of two-story walls was reduced by redesigning all three units' second floors. The minimal locations where there are two-story walls, windows were added and centered on the gables.

DISCUSSION (continued):

6. Add additional architectural details appropriate to the architectural style.
A 3-inch radius to the exposed rafters and barge rafters was added on all three units. Brick chimneys were added to Units 1 and 2. Brick walkways, brick surfaces to the covered porches, and brick lined concrete driveways were added to all three units. All brick to be color: Sacramento Rustic.
7. Check all floor plan and elevation drawings to assure they are correct and allow staff to easily understand them (e.g., furred-out spaces on floor plans).
The furred-out wall areas on the Second Floor Plans (Exhibit 13, Sheet A3) resulting from the second floor being tucked under the steep roof pitches are now shown. These spaces are inaccessible, uninhabitable, and have an average height clearance of less than four feet.
8. Use wood or other materials over wood to provide the windows with a jamb and sill width consistent with the traditional wood windows of the style.
2 x 6 wood trim is provided around all windows.
9. Restudy awkward side gable forms on all lots. These conditions are often addressed by making the roof slopes identical on either side of the roof peak.
The awkward side gable forms on Units 1 and 3 were addressed by making the roof slopes identical on either side of the roof peak, and the floor plans were subsequently reconfigured. Unit 2 previously had identical roof slopes on either side of the gables, so no additional modifications were made to Unit 2 related to this recommendation.
10. Add exposed rafter tails on all sides of all units consistent with the architectural style.
All units have exposed 2x10 rafter tails on all sides.

E. Neighborhood Compatibility

The immediate neighborhood is made up of detached single-family and attached multi-family residences, with a public school to the west and commercial uses to the east. Based on Town and County records, the single-family residences in the immediate area range in size from 886 square feet to 2,232 square feet. The FARs for the single-family residences range from 0.10 to 0.37.

The 24-unit apartment complex to the north at 16945 Roberts Road has a combined floor area total of 24,574 square feet, with a total FAR of 0.51, and an average unit size of approximately 2,024 square feet. The six-unit residential condominium development to the north at 16927, 16929, 16931, 16933, 16935, and 16941 Roberts Road has a combined floor area total of 9,494 square feet, with a total FAR of 0.32, and an average unit size of approximately 1,582 square feet.

DISCUSSION (continued):

The proposed detached single-family condominium project would have a combined total floor area of 5,407 square feet, with a total FAR of 0.43, and an average unit size of 1,802 square feet. Pursuant to Town Code, the 12,484-square foot lot, with a total FAR limitation of 0.29, would allow for a combined floor area of 3,622 square feet. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	House and Garage	Lot Size	House FAR	No. of Stories
16940 Roerts Rd (Existing)	R-M:5-12	2,172	580	2,752	13,980	0.16	1
16940 Roberts Rd (Proposed)	R-M:5-12	5,407	793	6,200	12,484	0.43	2
16926 Roberts Rd	R-M:5-12	2,012	696	2,708	5,382	0.37	2
16900 Roberts Rd	R-M:5-12	1,179	0	1,179	5,428	0.22	2
16194 Fisher Ave	R-M:5-12	2,232	630	2,862	16,060	0.14	1
16200 Fisher Ave	R-M:5-12	1,726	320	2,046	7,105	0.24	1
16195 Fisher Ave - School	R-1:8:PS						
16945 Roberts Rd - apartment (24)	R-M:5-12	24,574	0	24,574	47,965	0.51	2
16927, 16929, 16931, 16933, 16935, 16941 Roberts Rd (6 condo)	R-M:5-12	9,494	105	9,599	30,000	0.32	1 to 2
16925 Roberts Rd	R-M:5-12	886	280	1,166	8,631	0.10	1
16905 Roberts Rd	CH	3,824	0	3,824	5,402	0.71	1

The proposed residences would not be the largest in the immediate neighborhood in terms of combined square footage, average unit size, or FAR.

The applicant has reached out to surrounding neighbors during the review process and letters of support are included as Exhibit 4.

F. Floor Area Exception

The development is subject to the single-family residential FAR limitations. The proposed detached single-family condominium project would have a combined total floor area of 5,407 square feet, with a total FAR of 0.43, and an average unit size of 1,802 square feet. Pursuant to Town Code, the maximum allowed floor area for the 12,484 square foot lot, with an FAR limitation of 0.29 for the residences and 0.079 for the garages, would allow for 3,622 square feet for the residences and 987 square feet for the garages. The applicant is proposing a combined total floor area of 5,407 square feet, with an FAR of 0.43, for the residences, and 793 square feet, with an FAR of 0.064 FAR, for the garages. The applicant is requesting an exception to exceed the single-family residential FAR limitation of 0.29 for the residences.

DISCUSSION (continued):

Per Section 29.40.075(c) of the Town Code, the deciding body may allow an exception to exceed maximum single-family residential FAR if the following findings can be made:

1. The design, theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:
 - a. Any applicable landmark and historic preservation overlay zone; and
 - b. Any applicable specific plan; and
 - c. The adopted residential development standards; and
2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Regarding the first finding, the Consulting Architect reviewed the project for consistency with the Town's Residential Guidelines. Regarding the second finding, the applicant's letter of justification (Exhibit 12) lists the lot coverage, setbacks, and FAR of each property in the surrounding neighborhood, as well as the floor area and density, to illustrate that the proposed development would be compatible with the development on surrounding lots.

G. Open Space

The Town Code requires that each ground floor single-family detached condominium unit provide a minimum of 200 square feet of outdoor usable open space in the form of a single enclosed patio or deck. The applicant proposes 1,713 square feet of private open space for Unit 1, 719 square feet for Unit 2, and 504 square feet for Unit 3 (Exhibit 13). A delineation of each unit's open space, as well as details on paving and usability, is provided in the project description (Exhibit 11).

H. Tree Impacts

The Town's Consulting Arborist reviewed the proposed project and provided an arborist report dated October 10, 2019 (Exhibit 10). The report identified 20 protected trees on the project site and abutting properties. Six of the trees are on neighboring properties and will require tree protection measures during demolition and construction, which has been included as a condition of approval. The applicant is proposing to remove all 14 trees from the subject property, none of which are considered Large Protected Trees.

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

DISCUSSION (continued):

F. General Plan Compliance

The Medium Density Residential General Plan Designation, “provides for multiple-family residential, duplex, and/or small single-family homes,” and allows five to 12 dwelling units per acre. The applicant proposes a density of approximately 10 dwelling units per acre with three detached single-family condominiums on a 0.29-acre site.

The applicant provided a General Plan Conformance section in their letter of justification (Exhibit 12).

I. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures, and Section 15315: Minor Land Divisions.

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. The applicant has conducted neighborhood outreach and has provided a summary which is included as Exhibit 4. At the time of this report’s preparation, the Town has not received any additional public comment.

CONCLUSION:

A. Summary

The applicant is proposing to demolish the existing single-family residence and detached garage and construct three detached single-family condominiums that would exceed floor area limitations, each with a private driveway and attached garage.

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application and Subdivision application, based on the required findings (Exhibit 2) and with the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

CONCLUSION (continued):

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implantation of the California Environmental Quality Act, Section 15303: New Construction of Conversation of Small Structures, and Section 15315: Minor Land Divisions (Exhibit 2);
2. Make the findings required by Housing Element Policy HOU-8.1 for new housing developments of three units or more (Exhibit 2);
3. Find that required findings to deny a subdivision pursuant to the State Subdivision Map Act cannot be made and make affirmative findings (Exhibit 2);
4. 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);
5. Make the required findings as required by Section 29.40.075 of the Town Code for allowing approval of a floor area ratio to exceed the single-family residential floor area ratio limitations;
6. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
7. 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
8. Approve Architecture and Site application S-19-008 and Subdivision application M-19-002 with the conditions contained in Exhibit 2 and development plans attached as Exhibit 13.

C. Alternatives

Alternatively, the Commission can:

1. Approve the applications with additional and/or modified conditions of approval;
2. Continue the applications with direction to a date certain; or
3. Deny the applications.

EXHIBITS:

1. Location Map (one page)
2. Required Findings and Considerations (two pages)
3. Recommended Conditions of Approval (15 pages)
4. Applicant's Summary of Neighborhood Outreach, received October 1, 2019 (three pages)
5. April 11, 2018 Conceptual Development Advisory Committee Meeting Minutes (two pages)
6. September 26, 2018 Historic Preservation Committee Meeting Minutes (two pages)
7. Project Data Sheet (two pages)
8. Consulting Architect's Report, dated August 19, 2019 (ten pages)
9. Applicant's Response to Consulting Architect's Report, dated December 4, 2019 (one page)
10. Consulting Arborist's Report, dated October 10, 2019 (36 pages)

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EXHIBITS (continued):

11. Project Description, dated November 21, 2019 (five pages)
12. Letter of Justification, dated December 4, 2019 (five pages)
13. Development Plans, dated December 4, 2019 (15 sheets)