



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/09/2019

ITEM NO: 4

DATE: October 3, 2019
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Architecture and Site Application S-18-060. Project Location: 16336 Shady View Lane. Appellant: Matt and Carrie Currie. Applicant: De Mattei Construction. Property Owner: Allan and Katty Coulson.
Consider an appeal of a Development Review Committee Decision approving a request for demolition of a single-family residence and construction of a new single-family residence on property zoned R-1:8. APN 532-03-034.

RECOMMENDATION:

Deny the appeal and uphold the decision of the Development Review Committee to approve the application, subject to the recommended conditions of approval.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: Single-Family Residential, R-1:8
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 8,610 square feet
Surrounding Area:

| | Existing Land Use | General Plan Land Use Designation | Zoning |
|-------|-------------------|-----------------------------------|--------|
| North | Park | Open Space | 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:

- 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 or Conversion of Small Structures.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures.
- 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 south-eastern corner of Shannon Road and Shady View Lane (Exhibit 1). The lot is approximately 8,610 square feet with an existing 1,056-square foot single-story residence. The immediate neighborhood contains a mix of one- and two-story residences.

On December 17, 2018, an Architecture and Site application was submitted for the subject site. The applicant proposes to demolish the existing residence and construct a new 2,699-square foot two-story residence with a 423-square foot attached garage fronting on Shannon Road (Exhibit 18).

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

On August 13, 2019, the Development Review Committee approved the proposed project (Exhibit 13). The application is being reviewed by the Planning Commission because the decision of the Development Review Committee has been appealed (Exhibit 14).

PROJECT DESCRIPTION:

A. Architecture and Site Application

Architecture and Site approval is required to construct a new single-family residence. The story poles, netting, and project identification sign have been in place since July 2, 2019 to aid in the review of the project.

B. Location and Surrounding Neighborhood

The subject property is located at the corner of Shannon Road and Shady View Lane, across Shannon Road from Blossom Hill Park (Exhibit 1). The surrounding properties are mostly one-and two-story single-family residences, with a mix of architectural styles.

C. Zoning Compliance

The property is zoned R-1:8, which permits a single-family residence. The proposed residence is in compliance with parking, setbacks, height, floor area, and building coverage requirements.

DISCUSSION:

A. Architecture and Site Application

The applicant is proposing to demolish the existing 1,056-square foot single-story residence and construct a new 2,699-square foot two-story single-family residence with 1,425 square feet of floor area on the first floor, 1,274 square feet of floor area on the second floor, and a 423-square foot attached garage. The proposal also includes a covered first-floor porch on the rear elevation and covered second-floor balconies on the front and rear elevations which do not count towards floor area maximums.

The existing site has two driveways: one fronting on Shannon Road and one fronting on Shady View Lane. The applicant proposes to maintain the existing driveway fronting on Shannon Road in its current location and remove the driveway fronting on Shady View Lane.

The development plans show a future accessory dwelling unit proposed at the rear of the residence (Exhibit 18). The accessory dwelling unit is not a part of the Architecture and Site approval and would require a future submittal for a separate ministerial permit for approval by the Community Development Director. A new accessory dwelling unit on the property would be subject to the requirements contained in Section 29.10.320 of the Town Code. Project information, including the proposed square footage of the home, is not inclusive of a future accessory dwelling unit.

DISCUSSION (continued):

The applicant's project description is attached as Exhibit 5. 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 (Exhibits 7 and 8). The site is in a neighborhood of many newer one- and two-story homes constructed within the fabric of largely one-story homes. In the Issues and Concerns background section of the report, the Consulting Architect noted that the home was well designed in a Spanish Revival Style, and that the main issue was the tall blank wall at the corner of Shady View Lane and Shannon Road. In the Recommendations section of the report, the Consulting Architect made the following recommendation(s) to address consistency with the Residential Design Guidelines:

1. Enhance the architectural details which would serve to mitigate the situation and divert attention away from the tall walls. These details could include the following:
 - Additional windows at the corner on both the north and west facades
 - Decorative wood corbels at eave lines
 - Trim molding on all sides of the house at the second-floor line
 - Deep set garage doors and all windows on all facades
 - Projecting stucco base on all sides of the house
 - Add a decorative carriage light consistent with the architectural style at the entry
 - Make the second-floor columns on the north balcony square

The applicant revised the project to incorporate the Consulting Architect's recommendations by enhancing most of these details, and adding stacked stone at the corner tower feature, prior to Development Review Committee approval.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one- and two-story single-family residences, including a mix of architectural styles. Based on Town and County records, the residences in the immediate area range in size from 1,285 square feet to 3,957 square feet. The floor area ratios range from 0.06 to 0.49. The proposed residence would be 2,699 square feet with a floor area ratio of 0.31. Pursuant to Town Code, the maximum allowable square footage for the 8,610-square foot lot is 2,765 square feet with a maximum floor area ratio of 0.32. The table below reflects the current conditions of the immediate neighborhood:

DISCUSSION (continued):

| Address | Zoning | House | Garage | Total | Lot Size | House FAR | No. of Stories |
|---------------------------------|--------------|--------------|------------|--------------|--------------|-------------|----------------|
| 16336 Shady View (Ex.) | R-1:8 | 1,056 | 240 | 1,296 | 8,610 | 0.12 | 1 |
| 16336 Shady View (Prop.) | R-1:8 | 2,699 | 423 | 3,122 | 8,610 | 0.31 | 2 |
| 16356 Shady View Lane | R-1:8 | 3,452 | 469 | 3,921 | 9,165 | 0.38 | 2 |
| 16359 Shady View Lane | R-1:8 | 1,285 | 400 | 1,685 | 8,901 | 0.14 | 1 |
| 16344 Shady View Lane | R-1:8 | 1,344 | 416 | 1,760 | 9,782 | 0.14 | 1 |
| 16347 Shady View Lane | R-1:8 | 2,577 | 600 | 3,177 | 8,820 | 0.29 | 2 |
| 16370 Shannon Rd | R-1:8 | 3,957 | 436 | 4,393 | 8,120 | 0.49 | 2 |
| 16337 Shady View Lane | R-1:8 | 2,836 | 586 | 3,422 | 8,563 | 0.33 | 1 |
| 16330 Shannon Rd | R-1:8 | 3,380 | 901 | 4,281 | 11,310 | 0.30 | 2 |
| 16310 Shannon Rd | R-1:8 | 2,052 | 0 | 2,052 | 32,625 | 0.06 | 1 |
| 100 Del Carlo Ct | R-1:8 | 2,442 | 447 | 2,889 | 9,654 | 0.25 | 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 (Exhibit 10). The adjacent neighbors to the east (16330 Shannon Road) have raised concerns regarding massing, neighborhood compatibility, and privacy during the review process (Exhibit 11). In response to the neighbors' privacy concerns, the applicant made the following plan revisions: raised the master bedroom windows so that sill heights are above eye level, obscured the window in the master bathroom, added privacy trees between the properties, reduced the size of the second-story balcony on the rear elevation, and added a screening wall on the east side of the balcony.

D. Tree Impacts

The Town's Consulting Arborist prepared a report for the site and recommendations for the project (Exhibit 9). The project site contains five protected trees, two of which are considered large protected trees. The applicant is proposing to remove two of the existing cypress trees located near the proposed footprint, neither of which is a large protected tree.

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.

DISCUSSION (continued):

E. Development Review Committee

The Development Review Committee held a public hearing for the Architecture and Site application on August 13, 2019. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

The following neighbors were in attendance and spoke on the item:

- Matt and Carrie Currie – 16330 Shannon Road
- Bob Boschert – 16310 Shannon Road

Mr. Boschert did not have any concerns and attended because he received notice of the hearing. The Curries raised concerns regarding privacy impacts associated with the second-floor balcony, the second-floor massing along the side elevation facing their property, and the safety of the driveway on Shannon Road (Exhibit 13).

The applicant provided an updated landscape plan which incorporated additional screening trees as a standard measure to address the neighbors' privacy concerns (Exhibit 12). The Development Review Committee found that the application was complete and in compliance with the Town Code and Residential Design Guidelines. Based on these findings and determinations, the Development Review Committee approved the proposed project, subject to the recommended conditions of approval.

F. Appeal

On August 22, 2019, the decision of the Development Review Committee was appealed to the Planning Commission by the adjacent neighbor, Matt Currie (Exhibit 14). The applicant submitted a written response to the appeal, included as Exhibit 15.

The specific reasons for the appeal are summarized below, followed by analysis in *italic* font.

The Application violates Section 1.4 (Community Expectations) of the Town's Residential Design Guidelines. Among other things, this section requires that "homes will be designed with respect for the views, privacy and solar access of their neighbors."

The Application violates Section 2.5.2 (Design with Sensitivity to Adjacent Neighbors) of the Town's Residential Design Guidelines. Among other things, this section provides that "new homes should be planned with awareness of the impacts which they will have on the views, sky exposure, sun access and privacy of neighbors."

DISCUSSION (continued):

The Application violates Section 3.3.2 (Height and Bulk at Front and Side setbacks). Among other things, this section directs applicants to “give special attention to adopting to the height and massing of adjacent homes.”

The Application violates Section 3.11.1 (Minimize shadow impacts on adjacent properties) of the Town’s Residential Design Guidelines. Among other things, this section directs applicants to “locate structures to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.”

The Application violates Section 3.11.2 of the Residential Design Guidelines. Among other things, this section provides that “Second-floor balconies and decks should be used only when they do not intrude on the privacy of adjacent neighbors”; and “when windows are needed and desired in side building walls, they should be modest in size.”

A shadow-study was submitted for the proposed project, showing that no new shadows from the proposed building will be cast on the neighboring property (Exhibit 18).

In response to the neighbors’ privacy concerns, the applicant made the following plan revisions: raised the master bedroom windows so that sill heights are above eye level, obscured the window in the master bathroom, added privacy trees between the properties, reduced the size of the second-story balcony on the rear elevation, and added a screening wall on the east side of the balcony. The applicant also provided an updated landscape plan which incorporated additional screening trees as a standard measure to address the neighbors’ privacy concerns (Exhibit 12).

The Application violates General Plan goal CD-1, which among other things, includes the following policies: (CD-1.1) “building elements shall be in proportion with those traditionally in the neighborhood.”; (CD-1.2) “new structures, remodels, landscapes... shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.”; and (CD-1.5) “town staff shall evaluate projects to assess how built characteristics, including scale, materials... and landscape, blend into the surrounding neighborhood.”

The Application violates General Plan goal CD-2, which is intended to “limit the intensity of new development to a level that is consistent with surrounding development and with the Town at large.”

DISCUSSION (continued):

The Application violates General Plan Goal CD-6, which includes the following relevant policies: (CD-6.1) “reduce the visual impact of new construction and/or remodels on the Town and its neighborhoods”; (CD-6.2) “balance the size and number of units to achieve appropriate intensity”; (CD-6.3) “encourage basements and cellars to provide ‘hidden’ square footage in lieu of visible mass”; and (CD-6.4) “new homes shall be sited to maximize privacy, livability... and adequate solar access and wind conditions.”

The Town’s Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design (Exhibits 7 and 8). The site is in a neighborhood of many newer one- and two-story homes constructed within the fabric of largely one-story homes. The applicant revised the project to incorporate the Consulting Architect’s recommendations by enhancing details and adding stacked stone at the corner tower feature, prior to Development Review Committee approval.

The proposed residence would not be the largest home in the immediate neighborhood in terms of square footage or FAR. In terms of floor area, the proposed residence would be the fifth largest in the immediate neighborhood. In terms of house FAR, the proposed residence would have the fourth largest FAR. In terms of number of stories, the proposed residence would be the fifth two-story residence in the immediate neighborhood.

The Shady View Project failed to comply with the Town’s Height Pole and Netting Policy for New Construction. Specifically, Section III (e) of that policy requires project identification signs to be posted that identify the square footage of new construction, as well as provide color perspective and three dimensional or photographic simulations of the new construction.

Story poles, and project sign including the hearing date, contact information, project description, and front elevation, 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 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 Planning Commission.

DISCUSSION (continued):

Finally, the Curries are concerned because it appears that the Town applied a different standard when approving the Shady View Project than was applied to the Curries' and other neighbors when they undertook prior construction and remodeling projects. For example, the Curries undertook extensive efforts when remodeling their residence to protect neighbor's privacy, including enhanced second-floor setbacks, heightened and obscured second-level windows, and minimization of size and massing of the Curries' second-floor. These design elements were incorporated to conform with the Town's residential and community design guidelines, and to preserve neighbors' privacy while minimizing other detrimental impacts.

The Town's Consulting Architect reviewed the design of the proposed project within the neighborhood context to provide recommendations regarding the building design (Exhibits 7 and 8). The site is in a neighborhood of many newer one- and two-story homes constructed within the fabric of largely one-story homes.

At the time 16330 Shannon Road application was processed, there were no immediately adjacent two-story homes. The Residential Design Guidelines contain increased standards and guidelines for new two-story homes adjacent to single-story homes. The proposed 16336 Shady View Lane residence would be the fifth two-story residence in the immediate neighborhood, the residence would be immediately adjacent to a two-story home to the east at 16330 Shannon Road, and the second-story wall would be setback approximately 60 feet from the single-story neighbor to the south at 16356 Shady View Lane.

Following the appeal, the applicant proposed alternative design options in an additional effort to address the appellant's concerns, and related correspondence is included as Exhibit 16. The applicant proposed enclosing the balcony and reducing the first-floor area to comply with floor area limitations. Additionally, the applicant proposed moving the building four and one-half feet closer to Shady View Lane, thus increasing the separation of the two residences from 16 feet to 20 and one-half feet. This four and one-half-foot setback encroachment would be compatible with the building setbacks of the property directly across Shady View Lane (16337 Shady View Lane). Since the subject property is nonconforming as to the lot frontage requirements of the R-1:8 zone (66 feet when 80 feet are required), building setback requirements may be modified through Architecture and Site approval so that the building and its use would be compatible with the neighborhood (Town Code Section 29.10.265).

DISCUSSION (continued):

The applicant submitted revised development plans on October 4, 2019 (Exhibit 17) which incorporate the alternative design options outlined in Exhibit 16. At the time of publication of this report, no agreement between the applicant and appellant has been reached. However, if the Planning Commission finds this additional setback modification and balcony enclosure desirable, a condition of approval may be added for the project plans to be modified at time of building permit submittal to reflect the plan modifications shown in Exhibit 17. Public Works has reviewed the proposed building location modification and, if approved, will require that a condition of approval be added to ensure that the existing driveway approach on Shannon Road not be moved any closer to the intersection at Shannon Road and Shady View Lane.

G. 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.

PUBLIC COMMENTS:

The applicant previously met with the surrounding neighbors and a summary of that correspondence is included as Exhibit 10. The applicant and appellant have also exchanged communications, included as Exhibit 11.

Story poles, and project sign including the hearing date, contact information, project description, and front elevation, 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 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 Planning Commission.

Correspondence between the applicant and appellant following the filing of the appeal are included as Exhibit 16. Additional public comments received regarding the project are included as Exhibit 19.

CONCLUSION:

A. Conclusion

The proposed project is in compliance with the Residential Design Guidelines and Town Code. The applicant has made modifications to their proposal in an effort to address the privacy concerns of the adjacent neighbors.

CONCLUSION (continued):

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the Development Review Committee, 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-18-051 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 18.

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 Development Review Committee 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 (two pages)
3. Recommended Conditions of Approval (12 pages)
4. Project data sheet (two pages)
5. Project Description and Letter of Justification dated November 21, 2018 (one page)
6. Color and materials sample received September 5, 2019 (one page)
7. Consulting Architect's Report dated February 8, 2019 (five pages)
8. Update to Consulting Architect's Report received September 26, 2019 (one page)
9. Consulting Arborist's Report dated January 31, 2019 (39 pages)

PAGE 12 OF 12

SUBJECT: 16336 Shady View Lane/S-18-060

DATE: October 3, 2019

EXHIBITS (continued):

10. Summary of neighborhood outreach received June 14, 2019 and September 10, 2019 (three pages)
11. Correspondence between applicant and appellant prior to August 13, 2019 Development Review Committee meeting (20 pages)
12. Landscape Plan Modifications received August 13, 2019 (one page)
13. August 13, 2019 Development Review Committee meeting minutes (three pages)
14. Appeal of Development Review Committee received August 22, 2019 (15 pages)
15. Applicant's response letter to appeal received September 10, 2019 (one page)
16. Correspondence between applicant and appellant following appeal (17 pages)
17. Revised development plans incorporating alternative design options received October 4, 2019 (22 sheets)
18. Development plans approved by Development Review Committee on August 13, 2019 (20 sheets)
19. Public comment received by 11:00 a.m., Friday, October 4, 2019