



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/22/2021

ITEM NO: 2

DATE: September 17, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Modification to an Existing Architecture and Site Application (S-19-016) to Modify the Conditions of Approval on Property Zoned R-1:8. APN 532-36-049. Architecture and Site Application S-21-025. Property Owner: Marcus Thordal. Applicant: Henry Riggs. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Requesting approval for modification to an existing Architecture and Site application (S-19-016) to modify the conditions of approval on property zoned R-1:8.

FINDING:

- That the proposed modification to the Conditions of Approval is not appropriate.

ACTION:

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

BACKGROUND:

On November 12, 2016, the applicant submitted an Architecture and Site application (S-16-068) for a new second story addition to an existing single-family residence and a grading permit for site improvements.

On March 21, 2017, the Development Review Committee (DRC) approved the Architecture and Site application (S-16-068) with the Conditions of Approval (Exhibit 6). Subsequently, Building Permit B18-0483 was submitted on June 1, 2018; however, the Architecture and Site

PREPARED BY: Mike Weisz
Senior Civil Engineer

Reviewed by: Planning Manager, Community Development Director, Town Engineer, and Parks and Public Works Director

BACKGROUND (continued):

application (S-16-068) expired pursuant to Condition 2 in Exhibit 6 as the approval was not vested pursuant to Section 29.20.335 of the Town Code.

On March 25, 2019, the applicant submitted a new Architecture and Site application (S-19-016) for a new second story addition to an existing single-family residence and a grading permit for site improvements.

On April 30, 2019, the DRC approved the new Architecture and Site application (S-19-016) with the Conditions of Approval (Exhibit 7). Building Permit B18-0483 was issued on June 14, 2019 and Grading Permit GR18-154 was issued on July 11, 2019.

On July 19, 2021, the applicant submitted an Architecture and Site application (S-21-025) requesting approval for a modification to the existing Architecture and Site application (S-19-016) to modify Condition 44 in Exhibit 3 which requires public frontage improvements.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is located on the south side of Harding Avenue near the intersection of Vista Del Campo and Harding Avenue (Exhibit 1). The surrounding properties are one- and two-story single-family residences. Currently, the 244 Harding Avenue property frontage does not have a sidewalk, but instead the public improvements end at the edge of pavement.

B. Project Summary

The applicant proposes modification to an existing Architecture and Site application (S-19-016) to modify Condition 44 which requires public frontage improvements. No other modifications to the approved plan set are proposed.

DISCUSSION:

A. Frontage Improvements

Architecture and Site applications S-16-068 and S-19-016 were reviewed at multiple Staff Technical Review meetings and at each meeting Engineering staff provided the applicant draft conditions of approval that included the requirement to improve the project's public frontage to meet current Town Engineering Design Standards. Architecture and Site applications S-16-068 and S-19-016 both included Condition 44 which states:

DISCUSSION (continued):

FRONTAGE IMPROVEMENTS: The Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach, etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.

Currently, the property frontage does not have a sidewalk, but instead the public improvements end at the edge of pavement. Town Standard Plan ST-201, Collector Typical Street Section, is consistent with Harding Avenue at this location with its 60-foot right-of-way width.

The applicant is requesting to modify Condition 44 from a detached sidewalk with a planter strip to an attached sidewalk (sidewalk only, no planter strip) that would match the adjacent properties to the east at 246 Harding Avenue and 248 Harding Avenue (Exhibit 4). The applicant has stated that a detached sidewalk with a planter strip would require excessive grading that would increase rainwater runoff and unnecessary watering (Exhibit 5). The applicant states that the construction of a sidewalk per Condition 44 would also require a five-foot retaining wall; however, Engineering staff has informed the applicant that the height of the proposed retaining wall could be reduced with a series of two stepped walls. In addition, the detached sidewalk with a planter strip would feature approximately the same impervious area as the attached sidewalk proposed by the applicant. With the two-percent cross-slope towards the street, the detached sidewalk would convey any runoff towards the planter strip located immediately adjacent to the sidewalk.

Properties directly across the street, to the north and to the east of the subject property, have constructed the same curb, gutter, planter strip, and detached sidewalk that is consistent with Town Engineering Design Standards. The green dots in the image on the following page indicate adjacent properties that feature the same detached sidewalk frontage improvements that are consistent with the Town Engineering Design Standards. If the properties at 246 and 248 Harding Avenue apply for a future discretionary Planning permit, current Town Engineering Design Standards would be required as a condition of approval, including improvements to curb, gutter, sidewalk, driveway approach, etc.

The applicability of Town Standard Plan ST-201 is based on an evaluation of the adjacent properties and neighborhood, existing conditions, right-of-way width, and current Town standards. The immediately adjacent properties to the north and properties to the east feature the same improvements; a 60-foot right-of-way width that is consistent with Town Standard Plan ST-201; and the location of the right-of-way line allows for the curb, gutter, planter strip, and detached sidewalk all to be located within the Town's right-of-way without the need to dedicate additional right-of-way or easements. Detached

DISCUSSION (continued):

sidewalks provide for increased pedestrian safety and comfort and allow for street trees, which bring an environmental benefit to the Town.



PUBLIC COMMENTS:

Public comments received by 11:00 a.m., Friday, September 19, 2021 are included as Exhibit 8.

CONCLUSION:

A. Summary

The applicant proposes modification to an existing Architecture and Site application (S-19-016) to modify Condition 44 requiring public frontage improvements. No other modifications to the approved plan set are proposed.

B. Recommendation

Based on the analysis above, staff recommends denial of the requested modification to Condition 44 because the detached sidewalk requirement provides additional pedestrian safety and allows for street trees to be planted.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Commission can:

1. Find that the proposed modification to the Conditions of Approval is appropriate;
and
2. Approve the requested modification to Condition 44.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Architecture and Site Application S-16-068 Conditions of Approval
7. Architecture and Site Application S-19-016 Conditions of Approval
8. Public comments received by 11:00 a.m., Friday, September 19, 2021
9. Development Plans

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