



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/28/2024

ITEM NO: 3

DATE: February 23, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval to Eliminate a Housing Unit from the Town’s Housing Inventory on Property Zoned R-1D. APN 410-15-052. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. PROPERTY OWNER/APPLICANT: Katrina and Carlos Azucena.

RECOMMENDATION:

Approval.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D, Single-Family Residential Downtown
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 8,712 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single-Family Residential	Medium Density Residential	R-1D
South	Single-Family Residential	Medium Density Residential	R-1D
East	Single-Family and Two-Family Residential	Medium Density Residential	R-1D
West	Single-Family and Multi-Family Residential	Medium Density Residential	R-1D

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, 15301: Existing Facilities.

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Community Development Director

FINDINGS:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

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 site is located on the on the northwestern corner of Monterey Avenue and Andrews Street (Exhibit 1). The subject property is approximately 8,712 square feet, developed with an existing three-unit, multi-family residence (addressed 501 Monterey Avenue) and a single-family residence (addressed 306 Andrews Street). The property is legal nonconforming since the R-1D zone does not permit a multi-family residential use and there is more than one principal residential structure on the property.

The project is being considered by the Planning Commission as the applicant is requesting to eliminate a housing unit by combining two units in the multi-family residence into one unit.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is located on the on the northwestern corner of Monterey Avenue and Andrews Street and is developed with an existing three-unit, multi-family residence (addressed 501 Monterey Avenue) and a single-family residence (addressed 306 Andrews Street). The surrounding area contains adjacent single-family residences to the north and south, and two-family and multi-family residences to the east and west.

B. Project Summary

The applicant is requesting approval of an Architecture and Site application to eliminate a housing unit from the Town's housing inventory by combining two units in the multi-family residence located at 501 Monterey Avenue into one unit. The proposed project consists of removing a wall between the two units to combine them and removing an existing kitchen from the studio unit. The existing third unit located on the second floor would remain.

PROJECT DESCRIPTION (continued):

C. Zoning Compliance

The permitted uses in the R-1D zone are:

- (1) Single-family dwelling, provided that there is not more than one (1) principal residential structure on a lot.
- (2) Two-family dwelling, provided that there is not more than one (1) principal residential structure on a lot.
- (3) Family daycare home.
- (4) Residential care facility, small family home.

The subject property is legal nonconforming because the zone does not allow for multi-family residential uses and the property is developed with more than one principal residential structure. The applicant proposes to remove an interior wall separating an existing studio unit and a two-bedroom unit in the multi-family residence at 501 Monterey Avenue. The applicant indicates that the proposed modifications would return the property to how it was originally constructed (Exhibit 4).

The Town Code allows nonconforming residential uses to continue interminably and limits the expansion of nonconforming structures. The proposed project will continue and not intensify the nonconforming residential use. Additionally, the project does not include expansion of the nonconforming structure.

DISCUSSION:

The applicant is requesting approval to combine two existing units into one unit in a multi-family residence. The project would result in the loss of one housing unit from the Town's housing inventory. The applicant provided a Letter of Justification and floor plans detailing that a wall separating the two units would be removed to combine a studio unit with a two-bedroom unit (Exhibits 4 and 6). Additionally, the existing kitchen would be removed from the studio unit. The existing third unit located on the second story would remain.

Requests to eliminate housing units from the Town's housing inventory are rare. The applicant's Letter of Justification indicates that the proposed elimination of a housing unit would result in no net loss to the Town's housing inventory given the ongoing approval of accessory dwelling units (ADU) throughout the Town (Exhibit 4). The applicant also indicates that a three-bedroom unit resulting from the proposed project would be more appealing to a family looking to reside in the Town and outlines potential benefits to the Town as a result.

Staff estimates that certificates of occupancy were approved for more than 100 ADUs between 2018 and 2023. In contrast, the Town received two applications to eliminate two housing units

DISCUSSION (continued):

from the housing inventory in 2023, including the subject application. The proposed project would not result in a net loss of housing units to the Town.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

PUBLIC COMMENTS:

Written notice was sent to property owners and residents within 300 feet of the property. Public comments received by 11:00 a.m., Friday, February 23, 2024, are included as Exhibit 7.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to eliminate a housing unit from the Town's housing inventory by combining two units in the multi-family residence located at 501 Monterey Avenue into one unit. The proposed project consists of removing a wall between the two units to combine them and removing an existing kitchen from the studio unit. The third unit located on the second floor would remain. The project would not intensify the existing nonconforming use of the property, would not expand the existing nonconforming structure, and would not result in a net loss of housing units in the Town.

B. Recommendation

Based on the analysis above, and justification provided by the applicant, 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. Find that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act Section 15301: Existing Facilities (Exhibit 2);
2. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of the request for a reduced front yard setback (Exhibit 2);
3. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit); and

PAGE 5 OF 5

SUBJECT: 501 Monterey Avenue/S-23-038

DATE: February 23, 2024

CONCLUSION (continued):

4. Approve Architecture and Site Application S-23-038 with the conditions contained in Exhibit 3 and the development plans in Exhibit 6.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
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. Letter of Justification
5. Exterior and Interior Photos
6. Development Plans
7. Public Comments received by 11:00 a.m., Friday, February 23, 2024

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