

DATE:	March 5, 2021
TO:	Planning Commission
FROM:	Joel Paulson, Community Development Director
SUBJECT:	Consider a Request for Approval for a Zone Change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) for Property Located at 246 Almendra Avenue . APN: 510-14-019. Zone Change Application Z-20-001. Property Owner: Gary Filizetti. Applicant: Brett Brenkwitz.

RECOMMENDATION:

Consider a request for approval for a zone change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay) for property located at 246 Almendra Avenue.

<u>CEQA</u>:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.

FINDINGS:

- That there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.
- That the proposed zone change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation.

PREPARED BY: RYAN SAFTY Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE **2** OF **4** SUBJECT: 246 Almendra Avenue/Z-20-001 DATE: March 5, 2021

BACKGROUND:

The subject parcel is located on the northern side of Almendra Avenue, one property east of the Almendra Avenue and Tait Avenue intersection (Exhibit 1). The parcel is located within the Almond Grove Historic District, but is not listed as a contributor to the Almond Grove Historic District as there are no buildings on the parcel. The parcel is currently developed as a parking lot serving as overflow parking for the restaurant at 235 Los Gatos-Saratoga Road to the north.

The applicant is requesting approval of a zone change from O:LHP to R-1D:LHP to allow for the future construction of a new single-family residence (Exhibit 4). The Landmark and Historic Preservation Overlay Zone (LHP) would remain if the application is approved. No construction is proposed at this time.

DISCUSSION:

A. Zone Change

The applicant is requesting approval of a zone change from O:LHP to R-1D:LHP. The proposed zoning would be consistent with the existing General Plan Land Use designation (as discussed below). Any future single-family development proposed on the parcel would require approval of an Architecture and Site Application with review by the Historic Preservation Committee. The 7,000-square foot parcel complies with the minimum lot size for a single-family dwelling in the R-1D Zone of 5,000 square feet, and a residential use is a principally permitted use within the R-1D Zone.

The subject parcel is currently developed as an overflow parking lot for the adjacent restaurant to the north, with 18 parking spaces. Approval of the restaurant use on the adjacent parcel was not predicated on these 18 parking spaces. A total of 11 parking spaces will be maintained on the adjacent parcel (Exhibit 5), which exceeds the current parking requirement of nine spaces for the 2,660-square foot restaurant.

The subject parcel is bound by parcels with a C-2 zoning designation to the north, O:LHP to the south, R-1D:LHP to the east, and both O:LHP and R-1D:LHP to the west (Exhibit 1).

B. General Plan

The proposed R-1D:LHP zoning would conform with the existing General Plan Land Use designation of Medium Density Residential. Pursuant to the General Plan, "The Medium Density Residential designation provides for multiple-family residential, duplex, and/or small single-family homes."

PAGE **3** OF **4** SUBJECT: 246 Almendra Avenue/Z-20-001 DATE: March 5, 2021

DISCUSSION (continued):

The subject parcel is surrounded by parcels with a Medium Density Residential General Plan Land Use designation to the south, west, and east (Exhibit 1). The restaurant to the north has a Central Business District Land Use designation.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The proposed zone change would be consistent with the existing General Plan Land Use designation and the existing pattern of land uses and zones surrounding the parcel (Exhibit 1).

B. <u>Recommendation</u>

Based on the analysis above, staff recommends that the Planning Commission consider the existing General Plan Land Use designation and the existing zoning designations surrounding the subject parcel and forward a recommendation for approval to the Town Council. If the Planning Commission finds merit with the proposed amendment, it should:

- Make the required finding that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment (Exhibit 2);
- 2. Make the required finding that the proposed zone change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation (Exhibit 2); and
- 3. Forward a recommendation of approval of Zone Change Application Z-20-001 to the Town Council.

C. <u>Alternatives</u>

Alternatively, the Planning Commission can:

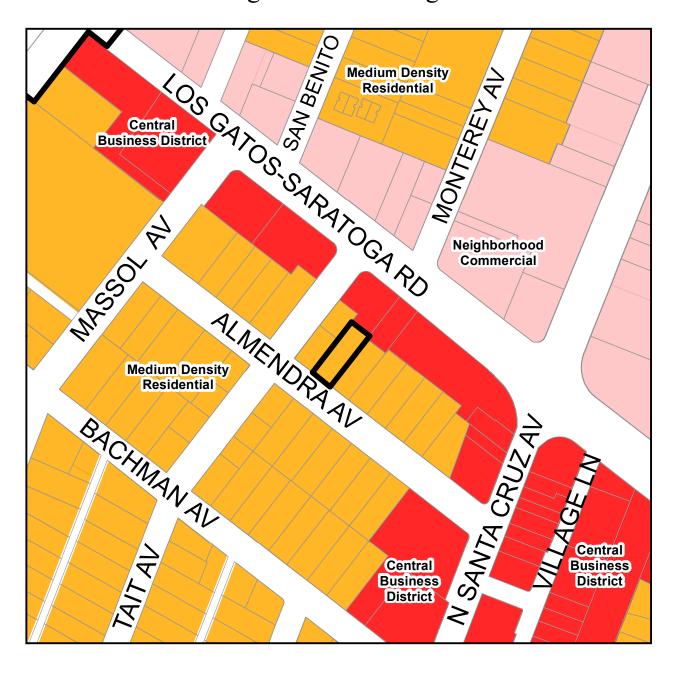
- 1. Continue the matter to a date certain with specific direction;
- 2. Provide a recommendation for approval with modifications to the Town Council; or
- 3. Provide a recommendation for denial to the Town Council providing findings for denial.

PAGE **4** OF **4** SUBJECT: 246 Almendra Avenue/Z-20-001 DATE: March 5, 2021

<u>EXHIBITS</u>:

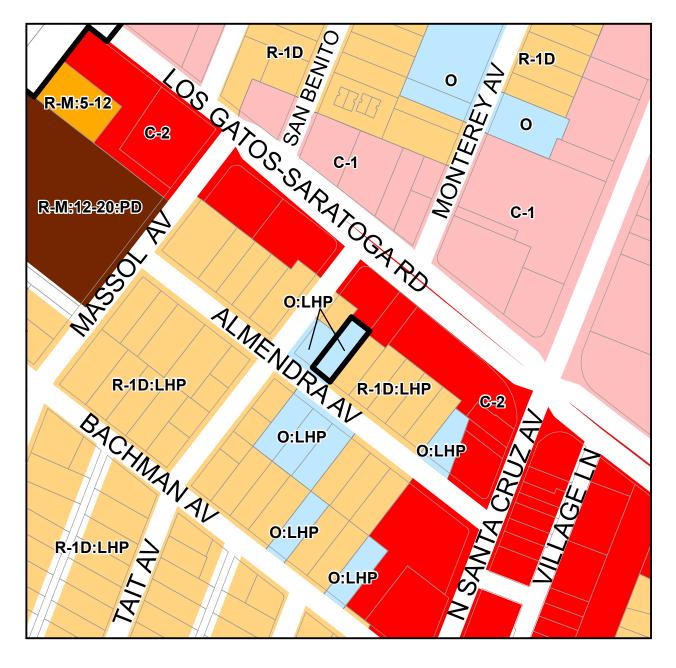
- 1. Location Maps (showing General Plan Land Use Designations and Existing Zoning)
- 2. Draft Findings
- 3. Draft Ordinance for Zone Change, with Exhibit A
- 4. Letter from Applicant
- 5. Property Plans

246 Almendra Avenue Existing Land Use Designation



246 Almendra Avenue

Existing Zoning



PLANNING COMMISSION – *March 10, 2021* **REQUIRED FINDINGS**

246 Almendra Avenue Zone Change Application Z-20-001

Consider a Request for Approval for a Zone Change from O:LHP (Office with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay), for Property Located at 246 Almendra Avenue. APN: 510-14-019. Zone Change Application Z-20-002. Property Owner: Gary Filizetti. Applicant: Brett Brenkwitz

FINDINGS

Required finding for CEQA:

 That there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3), in that it can be seen with certainty that there is no possibility that the proposed amendment to the Town Code will have a significant effect on the environment.

Required consistency with the Town's General Plan:

• That the proposed Zone Change is consistent with the General Plan and its Elements in that the proposed zoning is consistent with the existing General Plan Land Use designation.

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DRAFT ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ZONING CODE FROM O:LHP (OFFICE WITH A LANDMARK AND HISTORIC PROPERTY OVERLAY) TO R-1D:LHP (SINGLE-FAMILY RESIDENTIAL DOWNTOWN WITH A LANDMARK AND HISTORIC PROPERTY OVERLAY) FOR PROPERTY LOCATED AT 246 ALMENDRA AVENUE

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

The Town Code of the Town of Los Gatos is hereby amended to change the zoning of the property at 246 Almendra Avenue (Santa Clara County Assessor Parcel Number 510-14-019) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from O:LHP (office with a Landmark and Historic Property Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Property Overlay).

SECTION II

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the _____ day of _____ 2021 , and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the _____ day of _____ 2021. This ordinance takes effect 30 days after it is adopted. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

EXHIBIT 3

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS LOS GATOS, CALIFORNIA

DATE: _____

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Application No. <u>Z-20-001</u>			N
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Zone Change	-	To: R-1D:LHP	
Prezoning			٧٦
Forwarded by Planning Commis	ssion	Date:	
Approved by Town Council	Date:	Ord:	
Clerk Administrator	May		

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FRANKS & BRENKWITZ, LLP ARCHITECTURE + PLANNING + HISTORICAL PO Box 597, Aptos, CA 95001-0597 Phone (831) 662-8800

LETTER OF TRANSMITTAL

Date: 1-7-21

- To: Town of Los Gatos, Community Development Dept.
- Attention: Ryan M. Safty, Associate Planner
- Job: 246 Almendra Ave. (510-14-019), Zoning Change Request Z-20-001
- We transmit: Project Description / Letter of Justification

Project Description

The request for entitlements surrounding the proposed zoning change for this parcel stem from the desire to build a new Single Family Dwelling and possible detached ADU over garage on this particular parcel.

Currently, the parcel supports an asphaltic concrete paved parking lot. The lot's parking spaces are not required by any of the adjacent parcels/ businesses, and thus could be removed without any potential impact or issue. Eliminating the lot would also reduce the non-pervious area contributing to storm water runoff into the street.

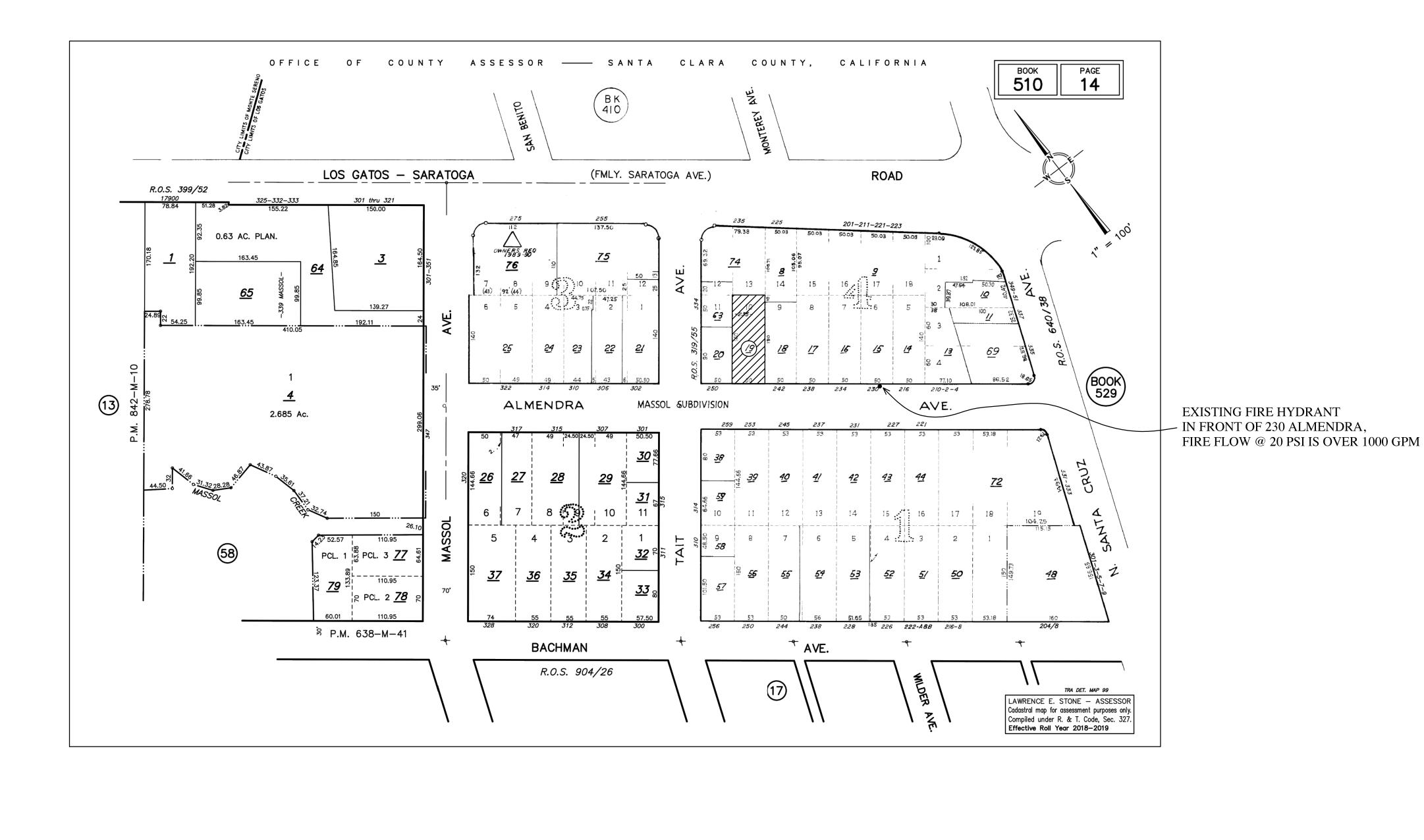
The same owner of the project parcel also owns the adjacent property "The Diner of Los Gatos". The existing parking on the diner parcel is sufficient for that business without relying on the overflow parking spaces on the project parcel. Thus, no parking "hardship" will be created with this project.

The neighborhood supports a healthy mix of commercial and residential uses and thus the addition of a new SFD/ ADU would be compatible with the existing neighborhood character.

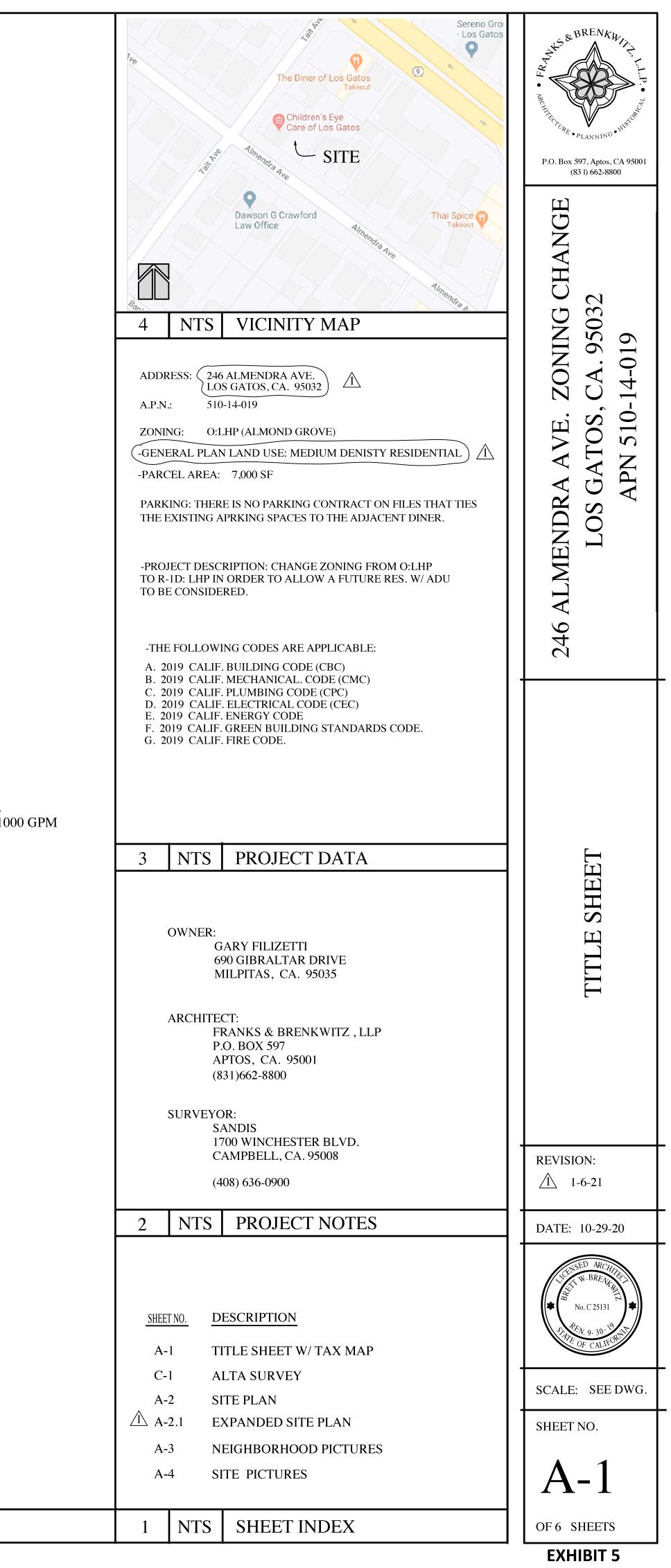
In summation, the proposed zoning change would be compatible and appropriate for the Town by eliminating an existing (non-aesthetic) parking lot and replacing it with much needed and more aesthetically pleasing housing.

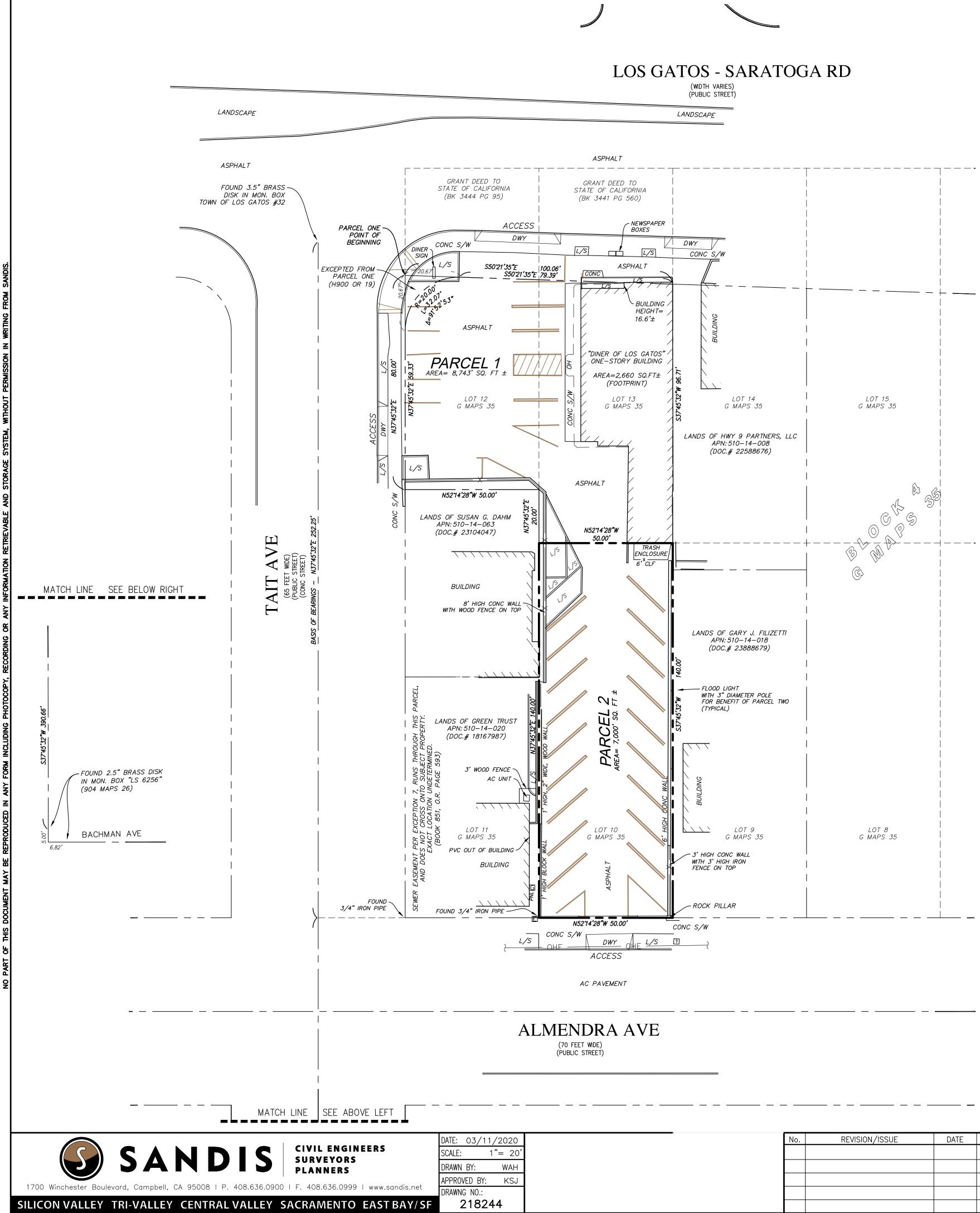
Sincerely,

Brett Brenkwitz, Architect C 25,131



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LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF LOS GATOS, IN THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS: PARCEL ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF TAIT AVENUE WITH THE SOUTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY A.T. LOCKWOOD ET AL, TO STATE OF CALIFORNIA BY DEED DATED FEBRUARY 15, 1956 AND RECORDED MARCH 21, 1956 IN BOOK 3444 OF OFFICIAL RECORDS AT PAGE 95, SANTA CLARA COUNTY RECORDS; THENCE LEAVING TAIT AVENUE AND RUNNING ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO STATE OF CALIFORNIA AND ALONG THE SOUTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY A.T LOCKWOOD, ET AL, TO STATE OF CALIFORNIA BY DEED DATED FEBRUARY 15, 1956 AND RECORDED MARCH 19, IN BOOK 3441 OF OFFICIAL RECORDS AT PAGE 560, SANTA CLARA COUNTY RECORDS, SOUTH 50° 21' 35" EAST 100.06 FEET TO THE SOUTHEASTERLY LINE OF LOT 13 IN BLOCK 4 AS SHOWN ON THE MAP OF THE MASSOL SUBDIVISION HEREINAFTER REFERRED TO; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13, SOUTH 37' 45' 32" WEST 96.71 FEET TO THE SOUTHERLY CORNER THEREOF; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 13, NORTH 52' 14' 28" WEST 50.00 FEET TO THE SOUTHWESTERLY COMMON CORNER FOR LOTS 12 AND 13 IN SAID BLOCK 4 OF SAID MASSOL SUBDIVISION; THENCE ALONG THE LINE BETWEEN SAID LOTS 12 AND 13, NORTH 37' 45' 32" EAST 20.00 FEET; THENCE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 12, NORTH 52° 14' 28" WEST 50.00 FEET TO THE SOUTHEASTERLY LINE OF TRAIT STREET; THENCE ALONG THE SOUTHEASTERLY LINE OF TAIT STREET NORTH 37' 45' 32" EAST 80.00 FEET TO THE POINT OF BEGINNING, AND BEING PORTIONS OF LOTS 12 AND 13 IN BLOCK 4, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF THE MASSOL SUBDIVISION AS LOS GATOS, CAL, AND WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY ON DECEMBER 29, 1892, IN BOOK "G" OF MAPS AT PAGE 35.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO TOWN OF LOS GATOS IN GRANT DEEDS, RECORDED SEPTEMBER 16, 1983, IN BOOK H900, AT PAGES 19 AND 23, OFFICIAL RECORDS.

PARCEL TWO:

LOT 10, IN BLOCK 4 AS SHOWN UPON THE MAP OF THE MASSOL SUBDIVISION, WHICH WAS FILED FOR RECORD ON DECEMBER 29, 1892 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK "G" OF MAPS, PAGE 35.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE CHICAGO TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORT FOR TITLE INSURANCE NUMBER 98202955-982-EA-KC DATED FEBRUARY 27, 2020.

EXCEPTIONS: (98202955-982-EA-KC)

- 7) WAIVER OF ANY CLAIMS FOR DAMAGES TO SAID PROPERTY BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF THE FREEWAY ADJOINING SAID PROPERTY, AS CONTAINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 15, 1956, BOOK 3441, PAGE 560, OF OFFICIAL RECORDS.
- 8) WAIVER OF ANY CLAIMS FOR DAMAGES TO SAID PROPERTY BY REASON OF THE LOCATION, CONSTRUCTION, LANDSCAPING OR MAINTENANCE OF THE FREEWAY ADJOINING SAID PROPERTY, AS CONTAINED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED MARCH 21, 1956, BOOK 3444, PAGE 95, OF OFFICIAL RECORDS.
- 9) SUBJECT PROPERTY IS WITHIN A PROJECT AREA OF THE REDEVELOPMENT AGENCY "TOWN OF LOS GATOS CENTRAL LOS GATOS REDEVELOPMENT PROJECT" RECORDED DECEMBER 05, 1991 AS INSTRUMENT NUMBER 11155292 AND AMENDED PER DOCUMENT RECORDED OCTOBER 28, 2003 AS INSTRUMENT NUMBER 17444059, ALL IN THE OFFICIAL RECORDS OF SANTA CLARA COUNTY.

ALTA / NSPS TABLE A - OPTIONAL SURVEY **RESPONSIBILITIES AND SPECIFICATIONS NOTES:**

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ITEM 2)	ADDRESS OF THE SURVEYED PROPERTY: 235 LOS GATOS		
ITEM 3)	BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONI 06085C0376H WHICH BEARS AN EFFECTIVE DATE OF MA HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED T CERTIFICATE MAY BE NEEDED TO VERIFY THIS DETERMINA FEDERAL EMERGENCY MANAGEMENT AGENCY.		
ITEM 4)	GROSS LAND AREA 15,743 SQUARE FEET OR 0.361 ACR PARCEL ONE AREA 8,743 SQUARE FEET OR 0.201 ACR PARCEL TWO AREA 7,000 SQUARE FEET OR 0.161 ACR		
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ITEM 7(c)	MEASURED HEIGHT OF THE SUBJECT BUILDING IS 16.6 FE		
ITEM 8)	THE SUBSTANTIAL FEATURES OBSERVED DURING OUR FIE		
ITEM 9)	TOTAL PARKING SPACES 29 = 27 REGULAR, AND 2 DIS		
ITEM 13)	THE NAMES OF ADJOINING OWNERS, ACCORDING TO CUR		
ITEM 19)	PURSUANT TO TABLE A, ITEM 19, THERE ARE NO APPUB TITLE REPORT.		
	EM 13) THE NAMES OF ADJOINING OWNERS, ACCORDING TO CURI EM 19) PURSUANT TO TABLE A, ITEM 19, THERE ARE NO APPUR TITLE REPORT.		

NOTES AND COMMENTS:

- 1) PHYSICAL ACCESS TO PROPERTY VIA PUBLIC RIGHTS OF WAY: LOS GATOS-SARATOGA RD., TAIT AVE. AND ALMENDRA AVE. AS SHOWN HEREON.
- 2) AT THE TIME OF THE FIELD SURVEY, THERE WAS NO EVIDENCE OF SITE USE AS A CEMETERY OR BURIAL GROUND.
- 3) TAX MAP PARCEL NUMBERS: PARCEL ONE: 510-14-074, PARCEL TWO: 510-14-019 4) THIS IS AN AS-BUILT SURVEY PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL
- REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS.
- 5) ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 6) THE BEARING OF NORTH 37'45'32" EAST BETWEEN FOUND MONUMENTS ALONG TAIT AVENUE AS DESCRIBED AS THE BEARING OF TAIT STREET IN THAT CERTAIN AFFIDAVIT RECORDED JANUARY 20, 2016 AS DOCUMENT NUMBER 23200413, SANTA CALRA COUNTY RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

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No.	REVISION/ISSUE	DATE	ΒY	

DS-SARATOGA ROAD, LOS GATOS, CA

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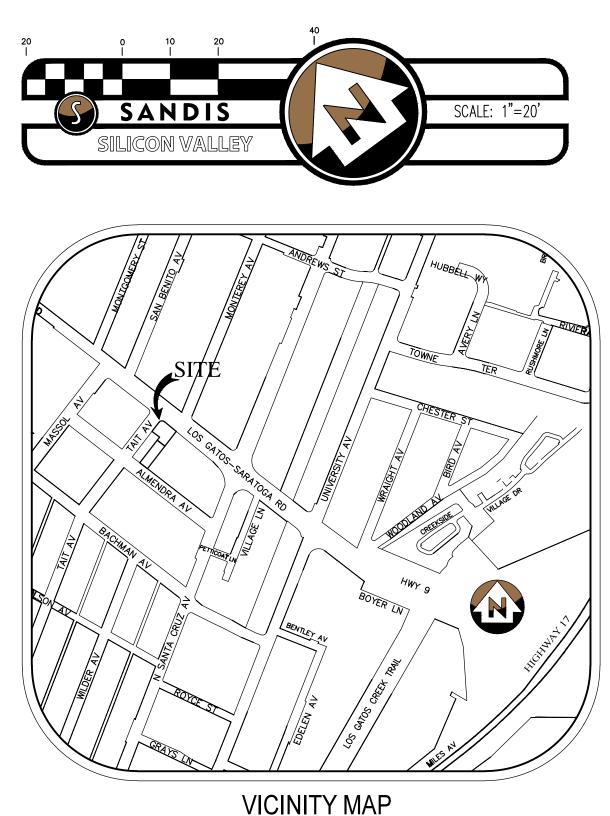
FEET± AT LOCATION SPECIFIED HEREON.

FIELD SURVEY ARE SHOWN HEREON.

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1"=500'±

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PARCEL LINES
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OVERHEAD ELECTRIC LINE
WALL
AREA DRAIN
BOLLARD
CATCH BASIN
CHAIN LINK FENCE
CONCRETE
ELECTRIC PULLBOX
FOUND IRON PIPE
FOUND STANDARD MONUMENT
GAS METER
LANDSCAPE
MISCELLANEOUS MANHOLE
PANEL ON WALL (ELECTRIC)
STORM DRAIN CLEANOUT
STORM DRAIN MANHOLE
SIGNS
STREET LIGHT PULLBOX
SANITARY CLEANOUT
SANITARY MANHOLE
STREET LIGHT LAMP NO ARM
STREET LIGHT SINGLE ARM
WATER METER
WATER VALVE

SURVEYOR'S CERTIFICATE

TO: PENNANT PROPERTIES, CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(b1), 7(C), 8, 9, 13, 19 AND 20 OF TABLE "A" THEREOF.

THE FIELD WORK WAS COMPLETED ON MARCH 11, 2020.

SANDIS

DATE: MARCH 11, 2020

KELLY S. JOHNSON, P.L.S.

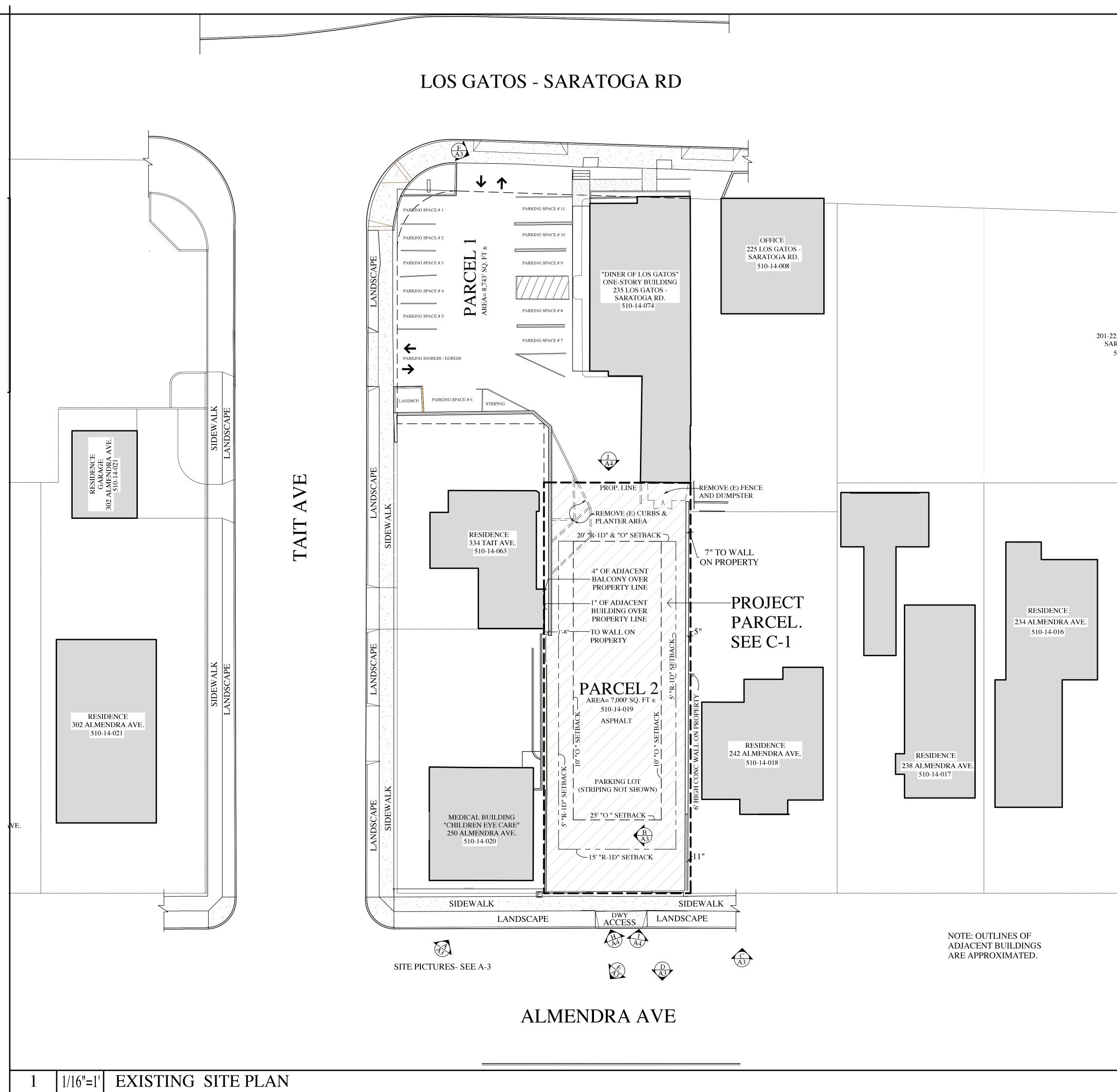
CALIFORNIA REG. NO. 9126 EXPIRES SEPTEMBER 30, 2020

KJOHNSON@SANDIS.NET

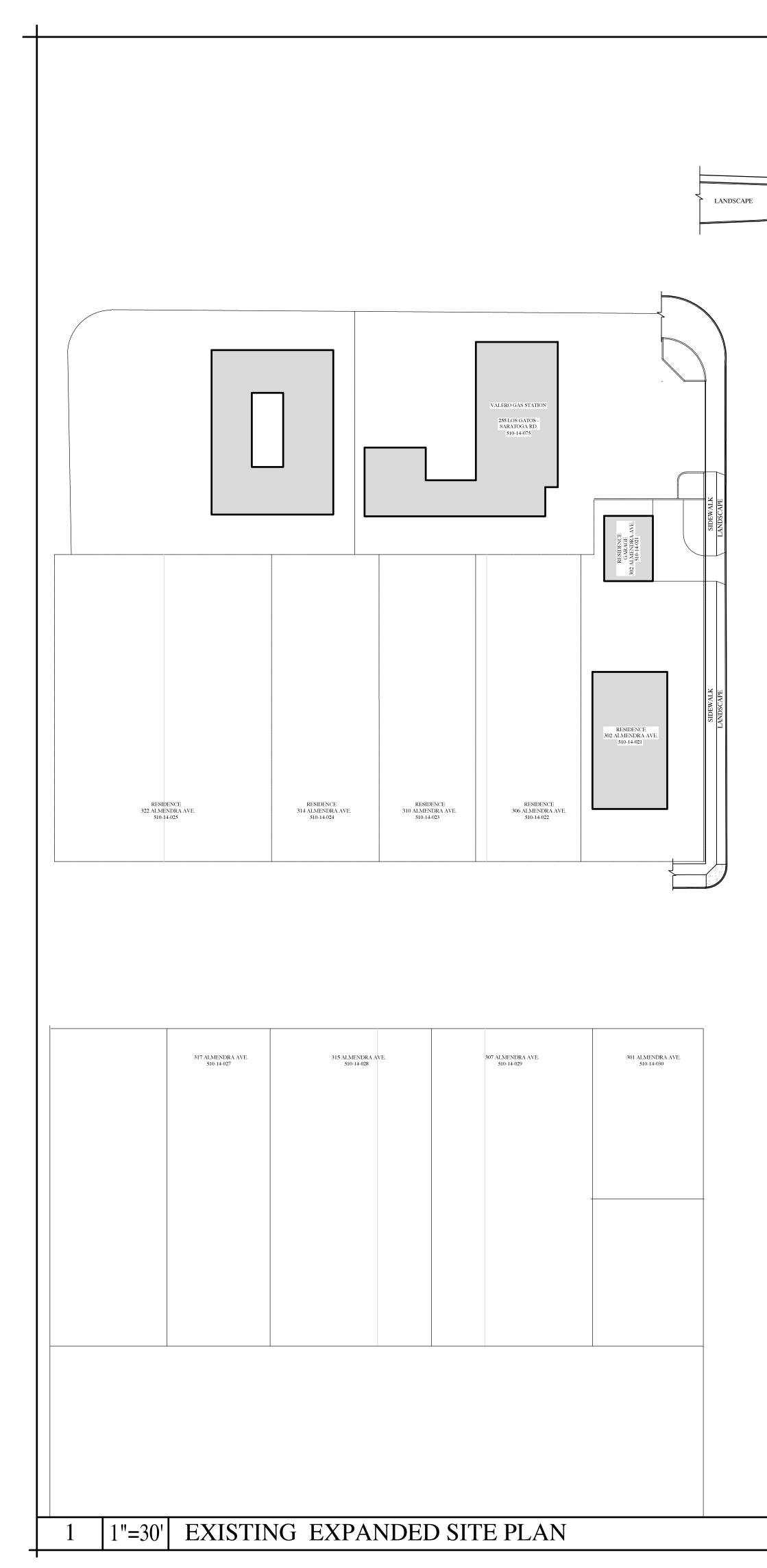
No. 9126

** CERTIFY IS DEFINED AND LIMITED BY SECTION 8770.6 OF THE BUSINESS AND PROFESSIONS CODE OF CALIFORNIA

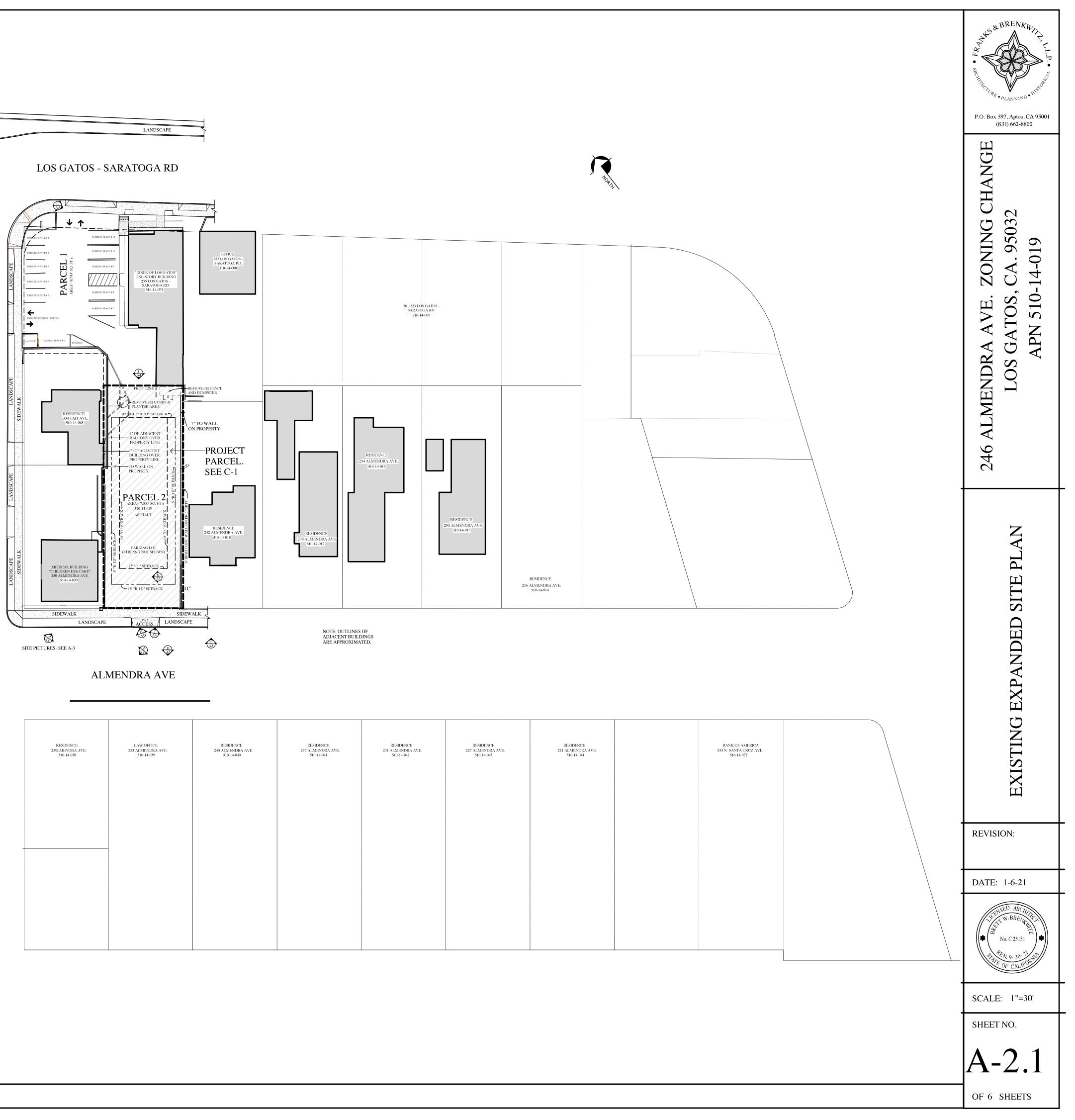




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RESIDENCE 230 ALMENDRA AVE. 510-14-015	RESIDENCE		REVISION:
	216 ALMENDRA AVE. 510-14-014	-	1-6-21 DATE: 10-29-20
		<u></u>	No. C 25131
		-	SCALE: 1/16"=1'-0" SHEET NO.
			A-2
			OF 6 SHEETS







RESIDENCE 259LMENDRA AVE. 510-14-038	LAW OFFICE 253 ALMENDRA AVE. 510-14-039	RESIDENCE 245 ALMENDRA AVE. 510-14-040	RESIDENCE 237 ALMENDRA AVE. 510-14-041	RESIDENCE 231 ALMENDRA AVE. 510-14-042	RESIDENCE 227 ALMENDRA AVE. 510-14-043	

TAIT AVE



