



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/08/2025

ITEM NO: 4

DATE: January 3, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval for Technical Demolition of an Existing Single-Family Residence, Construction of a New Single-Family Residence, and a Variance for the Required Front Setback on Property Zoned R-1:8. **Located at 16590 Garden Lane.** APN 424-19-054. Architecture and Site Application S-24-049 and Variance Application V-24-002. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner/Applicant: Sunayana Bedi. Project Planner: Erin Walters.

RECOMMENDATION:

Consider a request for approval for technical demolition of an existing single-family residence, construction of a new single-family residence, and a variance for the required front setback on property zoned R-1:8, located at 16590 Garden Lane.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8, Single-Family Residential
Applicable Plans & Standards: General Plan; Residential Design Guidelines
Parcel Size: 12,064 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Commercial	Mixed Use Commercial	CH
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Erin M. Walters
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 8

SUBJECT: 16590 Garden Lane/S-24-049 and V-24-002

DATE: January 3, 2025

CEQA:

Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

FINDINGS:

- 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.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of an existing residence.
- As required by Section 29.20.170 of the Town Code for granting a Variance application.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with the exception of meeting the required front setbacks.
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas.

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 project site is located on the south side of Garden Lane approximately 700 feet west of Gateway Drive (Exhibit 1). The subject property is 12,064 square feet and developed with a single-story, 1,539-square foot single-family residence with a detached 612-square foot garage.

On September 23, 2021, the property owner applied for a Building Permit for an addition and remodel to an existing single-story residence at the subject site. The property owner, designer, civil engineer, and contractor submitted a demolition plan and signed the Demolition Affidavit acknowledging their understanding of the Town's demolition requirements for a non-historic structure per Town Code (Attachment 4).

On July 26, 2023, the Town project planner, and Town Building inspector met on site with the property owners, designer, and contractor to discuss the Town's demolition policy, demolition plan, Demolition Affidavit, and consequences if the project becomes a demolition.

On August 7, 2023, Building Permit B21-0900 was issued for the addition and remodel.

On October 24, 2023, the contractor requested a site visit by the Chief Building Official and planning staff to review the existing conditions of a portion of the exterior walls.

On October 27, 2023, the Building Official, Senior Building Inspector, and project planner met on site with the contractor, property owners, and project designer to review the conditions of the existing exterior walls. Following the review of a portion of the existing walls, the Community Development Director approved the replacement of in-kind non-repairable wall resulting in no change to its exterior appearance or character per Section 29.10.020 of the Town Code as the existing exterior walls did not have appropriate framing. The in-kind replacement walls were required to be rebuilt at the same height as the height of existing walls.

Pursuant to Town Code Section 29.10.020 - Demolition (non-historic structures) means removal of more than fifty (50) percent of the exterior walls. The following is exempt from this definition:

- a. *Repair. The removal and replacement of in-kind non-repairable wall resulting in no change to its exterior appearance or character if approved by the Community Development Director.*

On November 28, 2023, a revised demolition plan was approved for the subject project.

On July 23, 2024, it was brought to Planning staff's attention by the project Building Inspector, that more than 50 percent of the exterior walls (framing) had been removed at the subject site without notification of or approval by the Community Development Department prior to removal (Attachment 5). This constitutes an unlawful demolition per Town Code and per the revised signed Demolition Affidavit (Attachment 6). A stop work was issued for the Building Permit, the applicant was directed to apply for an Architecture and Site application for a technical demolition of the residence.

On September 12, 2024, the applicant applied for an Architecture and Site Application for the technical demolition of the existing single-family residence and to construct a new single-family residence. In addition, the applicant applied for a Variance application to request a reduced front setback due to the requirement of 10-foot right-of-way dedication required by the Parks and Public Works Department. Pursuant to Town Code the applicant has paid double application fees for the work unlawfully completed. A stop work order on construction for Building Permit B21-0900 remains in place until the proper Planning permits have been obtained.

The proposed project is the same scope of work as the approved Building Permit.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the south side of Garden Lane approximately 700 feet west of Gateway Drive (Exhibit 1). The property is developed with a single-family residence and a detached garage. Single-family residential development surrounds the property to the west, north and east. Commercial development is located behind the subject residential property.

B. Project Summary

The applicant proposes technical demolition of an existing single-family residence, construction of a new single-family residence, and a variance for the required front setback (Exhibit 7).

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The proposed residence is in compliance with the allowable floor area, height, lot coverage, and on-site parking requirements for the property. The project is in compliance with the allowable setbacks with the exception of a request for a reduced front setback requiring a Variance due to the required 10-foot right-of-way dedication.

DISCUSSION:

A. Architecture and Site Application

The existing one-story residence is 1,539 square feet with a 613-square foot detached garage. The applicant proposes to add a 1,004-square foot addition to the existing residence and add a 524-square foot attached garage. The applicant proposes to demolish the existing detached garage. The proposed Development Plans are included in Exhibit 10.

A summary of the floor area for the existing residence and proposed residence is included in the table below.

Floor Area Chart					
	Existing SF	Demolition	Proposed Addition	Total SF	Maximum Allowed SF
Main House - 1 st Floor	1,539		1,004	2,543	3,220
Detached Garage	613	613		0	902
Attached Garage			524	524	902

The proposed project materials include stucco siding, concrete roofing tiles, metal clad windows, and composite cement fiber window and door trim. The design meets the Residential Design Guidelines and was approved through a Building Permit prior to the project's technical demolition.

The applicant has provided a Project Description and a Letter of Justification (Exhibit 7). The applicant has provided photographs of the existing site conditions (Exhibit 8).

B. Neighborhood Compatibility

The subject property is 10,734 square feet with a maximum allowable floor area of 3,220 square feet for the residence, and 902 square feet for the garage. The maximum allowable FAR for the residence and any accessory structure is 0.30. The table below reflects the current conditions of the residences in the immediate neighborhood based on County records and the proposed project.

FAR Comparison - Neighborhood Analysis							
Address	Zoning	Residential SF	Garage SF	Total SF	Lot Area SF	Residential FAR	No. of Stories
211 Oakwood Way	R-1:8	1,685	428	2,113	8,276	0.20	1
215 Oakwood Way	R-1:8	1,154	428	1,582	7,405	0.16	1
253 Oakdale Drive	R-1:8	1,976	428	2,404	10,545	0.19	1
252 Oakdale Drive	R-1:8	1,660	428	2,088	10,019	0.17	1
256 Garden Lane	R-1:8	1,232	462	1,694	8,712	0.14	1
249 Garden Lane	R-1:8	1,781	437	2,218	8,712	0.20	1
245 Garden Lane	R-1:8	1,965	528	2,493	13,504	0.15	1
16570 Garden Lane	R-1:8	4,745	240	4,985	12,268	0.31	2
16590 Garden Lane (E)	R-1:8	1,539	613	2,152	12,064	0.13	1
16590 Garden Lane (P)	R-1:8	2,543	524	3,067	10,734	0.23	1
* Residential square footage does not include garages.							
**The total square footage numbers do not include below grade square footage.							

Seven of the eight properties in the immediate neighborhood are developed as one-story residences. The property sizes within the immediate neighborhood range from 7,405 square feet to 13,504 square feet. Based on Town and County records, the residences in the immediate neighborhood range in size from 1,154 square feet to 4,745 square feet. The FAR of the residences in the immediate neighborhood range from 0.14 to 0.31. The applicant is proposing a 2,543-square foot residence and a FAR of 0.23 on a 10,734-square foot parcel. The proposed project would not result in the largest in terms of square footage or FAR in the immediate neighborhood.

C. Right-of-Way Dedication

The project requires a 10-foot right-of-way dedication along Garden Lane, reducing the gross lot size from 12,064 square feet to a net lot size of 10,734 square feet. The 10-foot right-of-way dedication creates a nonconforming front yard setback of 16 feet, one-inch where a minimum of 25 feet is required.

D. Variance Application

The applicant is requesting a Variance from Town Code Section 29.40.405(a) to allow a reduced front yard setback of 16 feet, one-inch where a minimum of 25 feet is required for R-1:8 zoned properties.

As required by Section 29.20.170 of the Town Code, the deciding body, on the basis of the evidence submitted at the hearing, may grant a Variance if it finds that:

1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and
2. The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is situated.

The applicant has provided the following justifications for the required Variance findings (Exhibit 7):

1. In regard to the first finding, during permitted construction of an addition and remodel to an existing single-story residence more than fifty percent of the exterior wall framing was removed resulting in a technical demolition of the house. A 10-foot right-of-way dedication is required as part of the Architecture and Site application, therefore this requirement reduces the originally provided front setback from 25 feet, seven-inches to 16 feet, one-inch where a 25-foot minimum front yard setback is required. Because of special circumstances applicable to the property, as that the residence is under construction with approved building permits with an established front façade setback and that the property is being required to provide a 10-foot right-of-way dedication the strict application of this ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and
2. In regard to finding two, granting of a Variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which the property is situated.

E. Tree Impacts

On April 29, 2024, the Town Arborist visited the site and provided an arborist report providing the current condition of the trees on site (Exhibit 9). Tree protection will be provided on site per the report recommendations.

F. CEQA Determination

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.

PUBLIC COMMENTS:

Project identification signage was installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. At the time of drafting the report no public comments have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application for the technical demolition of an existing one-story residence and the construction of a new one-story residence. The proposed project is not the largest in terms of square footage or FAR in the immediate neighborhood. The project is in compliance with the objective standards of the Town Code related to allowable floor area, height, lot coverage, and on-site parking requirements. Due to the approved Building Permit project resulting in a technical demolition, the project is subject to a 10-foot public right-of-way dedication. The applicant requests a Variance from the Town Code Section to allow a reduced front yard setback of 16 feet, 1 inch where a minimum of 25 feet is required for R-1:8 zoned properties to maintain the established front façade setback of the residence that is currently under construction. The proposed project is the same scope of work as the approved Building Permit. A stop work order on construction has been issued for Building Permit B21-0900, until the proper Planning permits have been obtained.

B. Recommendation

Staff recommends that the Planning Commission consider the request and, if merit is found with the proposed project, take the following steps to approve the Architecture and Site application and Variance 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 findings as required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures (Exhibit 2);
3. Make the required findings as required by Section 29.20.170 of the Town Code for granting a Variance (Exhibit 2);
4. 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 required front setbacks (Exhibit 2);
5. Make the finding that the project complies with the Residential Design Guidelines (Exhibit 2);
6. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
7. Approve Architecture and Site application S-24-049 and Variance application V-24-002 with the conditions contained in Exhibit 3 and the development plans in Exhibit 10.

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. Demolition Affidavit, signed May 12, 2023
5. Notice of Unlawful Demolition
6. Demolition Affidavit, signed April 30, 2024
7. Project Description and Letter of Justification
8. Site Photographs
9. Arborist Report
10. Development Plans