



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/08/2025

ITEM NO: 5

DATE: January 3, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval to Construct a New Single-Family Residence with Reduced Front and Side Yard Setbacks on a Nonconforming Vacant Property Zoned R-1:8. **Located at 16500 Marchmont Drive.** APN 532-08-017. Categorically Exempt Pursuant to CEQA Guidelines Section 15303(a): New Construction or Conversion of Small Structures. Property Owners: Ahmad Shamsoddini, Elham Eshraghi, and Mehrdad Alipour. Applicant: Tony Jeans. Project Planner: Suray Nathan.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8 – Single-Family Residential, 8,000 square-foot minimum
Applicable Plans & Standards: General Plan, Residential Design Guidelines
Parcel Size: 5,116 square feet
Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|-------|-------------------|-------------------------|--------|
| North | Residential | Low Density Residential | R-1:8 |
| South | Residential | Low Density Residential | R-1:10 |
| East | Residential | Low Density Residential | R-1:10 |
| West | Residential | Low Density Residential | R-1:8 |

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures.

PREPARED BY: Suray Nathan
Assistant Planner

Reviewed by: Planning Manager and Community Development Director

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303(a): New Construction or Conversion of Small Structures;
- As required by Section 29.10.265 of the Town Code for modification of zoning rules on nonconforming lots, including setback requirements;
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested front and side yard setback reductions; and
- The project is in compliance with the Residential Design Guidelines for single-family residences not located in the hillside area.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

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

BACKGROUND:

The subject property is located on the west side of Hilow Road, just south of the corner of Marchmont Drive and Hilow Road (Exhibit 1). All surrounding properties are zoned for and developed with single-family residential uses. The property is a 5,116-square foot vacant lot and is zoned R-1:8.

On January 10, 2024, the Town approved a Senate Bill 9 (SB 9) Urban Lot Split that was submitted by the current applicant for this Architecture and Site application. The Urban Lot Split divided a 12,426-square foot lot into two parcels: a 7,310-square foot lot developed with a 1,950-square foot single-story dwelling, and the subject property, a 5,116-square foot vacant lot.

The R-1:8 zone requires a minimum lot size of 8,000 square feet and a minimum lot width of 60 feet. The subject property is 5,116 square feet with a lot width of 54 feet. Therefore, the subject property is nonconforming as to lot size and lot width. The only nonconforming property within the immediate neighborhood is the other parcel created through the SB 9 Urban Lot Split, which has a lot size of 7,310 square feet.

On June 11, 2024, the applicant applied for an Architecture and Site Application (S-24-021) for a proposed 1,468-square foot single-story residence with an attached 510-square foot garage, 1,081 square feet of below-grade square footage, and a 512-square foot basement-level Accessory Dwelling Unit (ADU). The proposed residence includes reduced front and side yard setbacks.

The proposed project meets the technical requirements of the Town Code for floor area, building coverage, parking, and height. The project is being referred to the Planning Commission to consider whether the reduced setbacks are consistent with other homes in the immediate neighborhood.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the west side of Hilow Road, just south of the corner of Marchmont Drive and Hilow Road, approximately a quarter of a mile south of Shannon Road and half a mile west of Los Gatos Boulevard (Exhibit 1). All surrounding properties are zoned for and developed with single-family residential uses.

B. Project Summary

The applicant is proposing a new 1,468-square foot single-story residence with an attached 510-square foot garage, 1,081 square feet of below-grade square footage, and a 512-square foot basement-level ADU. The proposed residence includes a front setback of 16 feet, where 25 feet is required by the zone, side yard setbacks of six feet on both sides, where eight feet is required by the zone, and a height of 20 feet, 11 and a half inches, where a maximum height of 30 feet is allowed by the zone.

C. Zoning Compliance

A single-family residence is permitted in the R-1:8 zone. The parcel is 5,116 square feet where the minimum for an R-1:8 zone parcel is 8,000 square feet, and therefore, it is considered nonconforming. The applicant is requesting an exception pursuant to Town Code Section 29.10.265, which allows the Planning Commission to consider modification of any rule of the zone, including front, side, and rear yard requirements, by the terms of an architecture and site approval so that the building and its use will be compatible with the neighborhood.

DISCUSSION:

A. Architecture and Site Analysis

Pursuant to Town Code Section 29.40.075, the maximum allowable square footage for the 5,116-square foot property is 1,791 square feet for a residence and 512 square feet for a garage. The applicant is proposing a new 1,468-square foot single-story residence with an attached 510-square-foot garage, 1,081 square feet of below-grade square footage, and a 512-square foot basement-level ADU (Exhibit 11). Pursuant to state law, the ADU will be processed under a ministerial building permit and is not the subject of this Architecture and Site application.

The applicant has provided a Letter of Justification detailing the project (Exhibit 4). The project proposes a traditional style residence with details consistent with the neighborhood (Exhibit 11). Proposed exterior materials include: a composite shingle roof; gray/beige stucco siding; black wood-clad windows with divided lights; 14-inch square wood columns; wood railing; and a cedar-stained wood garage door at the front façade (Exhibit 5). The proposed one-story residence includes a 1,468-square foot main floor, a 510-square foot attached garage, 1,081 square feet of below-grade square footage, and a 512-square foot basement ADU. A summary of the floor area for the proposed residence is included in the table below.

| Floor Area Summary | | |
|---------------------------|-------------------|--------------------|
| | Allowed SF | Proposed SF |
| First Floor | 1,791 | 1,468 |
| Below Grade Area | N/A | 1,087 |
| Garage | 512 | 510 |

B. Site Design

The proposed residence would be centered between the side property lines, extending two feet into each required side setback (Exhibit 11). The residence also extends nine feet into the required front setback, but would comply with the required rear setback. An attached two-car garage would be located on the south side of the residence and served by a driveway taking access from Hilow Road. The proposed site design provides a street presence that is consistent with the immediate neighborhood.

C. Building Design

The proposed residence is designed in a generic traditional architectural style, with gray/beige stucco siding, black wood-clad windows with divided lights, 14-inch square wood columns, wood railing, and a cedar-stained wood garage door at the front façade (Exhibit 5). The proposed hipped roof has grey composite shingles.

The Town's Consulting Architect reviewed the proposed residence on June 14, 2024 (Exhibit 6). In the report, the Consulting Architect noted that the proposed residence is modest in size in a generic-traditional architectural style. Its height is limited by placing roughly half of the floor space in a cellar configuration. The Consulting Architect identified six issues and concerns and provided recommendations for changes to increase compatibility with the Residential Design Guidelines and the immediate neighborhood. In response to these recommendations, the applicant made modifications to the design of the residence and submitted a letter responding to the recommendations (Exhibit 7). The Consulting Architect's issues and recommendations are provided below, followed by the applicant's response in *italics*.

1. While the overall height of the house would be limited by virtue of the partially below-grade configuration, the eave line would be considerably higher than other homes in its

immediate neighborhood. That would not be consistent with Residential Design Guideline 3.3.2. Recommendation: Redesign the entry porch to be compatible with other homes in the neighborhood. Recommendations include eliminating the stone façade and adding landscaping to buffer the view of the tall porch eave line.

Entry Porch Design:

- a. *Stone accents eliminated.*
- b. *Residential Design Guideline 3.10.1:*
 - i. *The column design has been amended to painted wood construction.*
 - ii. *A well-proportioned beam has been added above the porch columns and is visible from both inside and outside of the porch.*
 - iii. *The railings have been amended to painted wood construction.*
 - iv. *The vertical balusters will be constructed with simple square balusters.*
 - v. *The porch stairs are specified to match the finish of the porch flooring.*
 - vi. *The landscape plan includes plantings to buffer the porch eave line.*

2. The proposed metal roofing would be out of character in this neighborhood. Select a roofing material that is more consistent with the material, color, and texture of other homes in the immediate neighborhood.

The standing seam metal roof has been removed, and grey composite shingles have been proposed to be more consistent in material, color, and texture with nearby neighborhood homes.

3. Avoid designs that allow the garage to dominate the street façade and limit the prominence of the garage by recessing the garage door to be consistent with Residential Design Guideline 3.4.1.

The garage door has been recessed to be consistent with Residential Design Guideline 3.4.1.

4. Residential Design Guideline 3.10.4 states that chimneys should extend to ground level and avoid cantilevers above ground level. Extend the proposed cantilevered chimney to grade consistent with Residential Design Guideline 3.10.4.

The applicant has added corbels to the cantilevered chimney; however, has not extended the chimney to grade to be consistent with Residential Design Guidelines 3.10.4 as recommended by the Town's Consulting Architect.

5. Wood trim is encouraged on stucco houses, and divided lights are common in many home styles in Los Gatos. Add trim at all windows to be consistent with Residential Design Guideline 3.7.4.

Window trim has been added to all doors and windows, and all windows now include divided lights.

6. The proposed columns are too small for the scale of this house. Increase the size of the columns on the rear façade to be consistent with Residential Design Guideline 3.10.1.

The size of the columns at the rear balcony have been increased.

D. Tree Impacts

The subject property contains seven trees: three Siberian Elms; one Olive; one Deodar Cedar; one Aleppo Pine; and one Pepper tree. The project proposes removal of five of the protected trees (Exhibit 11, Sheet A1.1). Pursuant to Section 29.10.0970 of the Town Code, fruit trees less than 18 inches in diameter may be removed without a tree removal permit. The Consulting Arborist provided recommendations for tree preservation and recommended planting 15 replacement trees of 15-gallon size to offset the proposed tree removal (Exhibit 8). The development plans show that 23 trees would be planted to offset the tree removal.

E. Parking

Pursuant to Section 29.10.150(c)(1) of the Town Code, a single-family residence requires two on-site parking spaces. The applicant has satisfied the requirement by including an attached two-car garage (Exhibit 11, Sheet A2.1).

F. Neighborhood Compatibility

The immediate neighborhood is predominantly one-story single-family residences. Based on Town and County records, the residences in the immediate area range in size from 1,618 square feet to 4,723 square feet. The floor area ratios range from 0.12 to 0.27. The proposed residence would be 1,468 square feet with a floor area ratio of 0.29. Pursuant to Town Code, the maximum allowable square footage for the 5,116-square foot lot is 1,791 square feet with a maximum floor area ratio of 0.35. The table below reflects the current conditions of the immediate neighborhood:

| Address | Zoning | House Floor Area | Garage Floor Area | Total Floor Area | Lot Size | House FAR | No. of Stories |
|-------------------------------|--------|------------------|-------------------|------------------|--------------|-------------|----------------|
| 16500 Marchmont Dr (E) | R-1:8 | N/A | N/A | N/A | 5,116 | N/A | N/A |
| 16500 Marchmont Dr (P) | R-1:8 | 1,468 | 510 | 1,978 | 5,116 | 0.29 | 1 |
| 16500 Marchmont Dr Par 1 | R-1:8 | 1,950 | 435 | 2,385 | 7,310 | 0.27 | 1 |
| 16501 Marchmont Dr | R-1:8 | 1,618 | 899 | 2,517 | 13,550 | 0.12 | 1 |
| 159 Cardinal Ln | R-1:10 | 2,258 | 492 | 2,750 | 12,720 | 0.18 | 1 |
| 160 Robin Wy | R-1:10 | 2,858 | 500 | 3,358 | 14,374 | 0.20 | 1 |
| 135 Longmeadow Dr | R-1:10 | 2,854 | 441 | 3,295 | 16,552 | 0.17 | 1 |
| 139 Longmeadow Dr | R-1:10 | 4,723 | 789 | 5,512 | 25,384 | 0.19 | 1 |
| 201 Marchmont Dr | R-1:10 | 2,101 | 507 | 2,608 | 9,928 | 0.21 | 1 |

The proposed residence would be the largest home in the immediate neighborhood in terms of FAR, but the smallest in terms of floor area.

G. Setbacks

The vacant property was created by the applicant through an Urban Lot Split under SB 9, resulting in a nonconforming parcel size of 5,116 square feet and a nonconforming lot width of 54 feet. The proposed project includes an exception to the required front and side yard setbacks (Exhibit 11). Pursuant to the Town Code, the required front setback is 25 feet, and the proposed front setback is 16 feet. The required side yard setback is eight feet, and the proposed side setbacks are six feet on each side.

Town Code Section 29.10.265 allows modification of any rule of the zone, including front, side, and rear yard setback requirements, under an Architecture and Site application if it is found that the building and its use will be compatible with the neighborhood. The applicant provided information on neighborhood compatibility in Exhibits 6 and 10.

The applicant provided a Letter of Justification for the reduced setbacks (Exhibit 9). In their letter, the applicant notes that the property is nonconforming in terms of size and width, making it appropriate to consider reduced setbacks. The applicant also notes that the property’s frontage on Hilow Road is unusual to the neighborhood pattern. Lastly, the applicant provided an exhibit showing the approximate distance of neighboring residences to their property lines and edge of the street to demonstrate the compatibility of the proposed setbacks with the neighborhood. This includes the property to the north of the subject property, which is the other parcel created through the SB 9 Urban Lot Split.

Regarding the nonconforming characteristics of the property, staff notes that they did not exist prior to the SB 9 lot split. The applicant determined the subject property’s size and width, consistent with the requirements of SB 9. The property’s frontage on Hilow Road is unique for the neighborhood, but also resulted from the SB 9 lot split. Regarding the consistency of the proposed reduced setbacks within the neighborhood, the applicant’s exhibit provides dimensions, but does not indicate whether the measured setbacks are front, side, or street-side. The following table reflects the setbacks provided in Town records.

| Address | Zoning | Required Front Yard Setback | Proposed or Existing Front Yard Setback | Required Side Yard and Street Side Yard Setbacks | Proposed or Existing Side Yard/ Street Side Setbacks |
|-------------------------------|--------|-----------------------------|---|--|--|
| 16500 Marchmont Dr (Parcel 2) | R-1:8 | 25' | 16' | 8' | 6' |
| 16500 Marchmont Dr (Parcel 1) | R-1:8 | 25' | 25' | 8'/15' | 11'/15' |

| | | | | | |
|--------------------|--------|-----|---------|---------|-------------|
| 16501 Marchmont Dr | R-1:8 | 25' | 25'-11" | 8'/15' | 16'-11"/18' |
| 159 Cardinal Lane | R-1:10 | 25' | 26'-6" | 10'/15' | 5'/16'-2" |
| 160 Robin Way | R-1:10 | 25' | 30' | 10'/15' | 8'/16' |
| 201 Marchmont Dr | R-1:8 | 25' | 25' | 8'/15' | * |

*No Town records were found.

The neighborhood analysis shows that the subject house is the only one that does not conform to the front yard setback; however, two houses do not conform to the side yard setback. As such, staff is unable to make the finding that the proposed reduced front yard setback is compatible with the neighborhood, as required by Town Code Section 29.10.265.

H. Neighbor Outreach

The applicant provided a map showing the homes visited along with a list of the names of the neighbors they consulted (Exhibit 10). The applicant mentioned that they have consulted with several neighbors who have verbally expressed support for the project. At the time of preparation of this report, no public comment has been received.

I. 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:

Story poles and project signage were installed on the subject property prior to mailing of notices for the public hearing. Written notice was sent to property owners and residents within 300 feet of the subject property. At the time of preparation of this report, no public comment has been received.

CONCLUSION:

A. Summary

The applicant requests approval to construct a new single-family residence with reduced front and side yard setbacks on a nonconforming vacant property. The proposed residence includes a front setback of 16 feet, where 25 feet is required, and side setbacks of six feet, where eight feet is required. The R-1:8 zone requires a minimum lot size of 8,000 square feet and a minimum lot width of 60 feet. The subject property is 5,116 square feet with a lot width of 54 feet. Therefore, the subject property is nonconforming as to lot size and lot width. Town Code Section 29.10.265(3) allows the Planning Commission to modify the front and side yard setback requirement of a nonconforming lot if it is found that the building and its use will be compatible with the neighborhood.

B. Recommendation

Based on the analysis provided above, staff recommends that the Planning Commission deny the Architecture and Site application as the proposed reduced front setback is not compatible with the neighborhood as required by Town Code Section 29.10.265.

C. Alternatives

Alternatively, the Commission can:

1. Approve the application by taking the following actions:
 - a. Make the finding 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);
 - b. Make the finding as required by Section 29.10.265 of the Town Code for allowing an exception to setbacks on a non conforming property (Exhibit 2);
 - c. Make the finding that the project complies with the objective standards on Chapter 29 of the Town Code except the requested front and side yard setback reduction (Exhibit 2);
 - d. 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);
 - e. Make the finding that the project is in compliance with the Residential Design Guidelines for single-family residences not located in hillside areas (Exhibit 2); and
 - f. Approve Architecture and Site Application S-24-021 with the draft conditions contained in Exhibit 3.
2. Continue the matter to a date certain with specific direction; or
3. Approve the application with additional and/or modified conditions.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Color and Materials Board
6. Consulting Architect's Report
7. Applicant's Response to the Consulting Architect's Report
8. Consulting Arborist's Report
9. Letter of Justification for reduced setbacks
10. Applicant's neighborhood outreach efforts
11. Development Plan

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