



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 01/21/2025

ITEM NO: 14

DATE: January 16, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider a Recommendation by the Planning Commission to Approve a Modification of Planned Development Ordinance 1412, Subdivision of One Lot into Two Lots, Construction of a Single-Family Residence, and Site Work Requiring a Grading Permit on Property Zoned O:PD; Adopt a Resolution Approving the Subdivision, and Architecture and Site Applications; and Introduce an Ordinance to Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone .
Located at 120 Oak Meadow Drive. APN 529-10-131. Subdivision Application M-20-011, Planned Development Application PD-20-002, Architecture and Site Application S-22-021. Categorically Exempt Pursuant to CEQA Guidelines Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land. Property Owners: Marty and Penny McFarland. Applicant: Terence J. Szewczyk (M-20-011 and PD-20-002). Applicant: Jay Plett, Architect (S-22-021). Project Planner: Sean Mullin.
Ordinance Title: An Ordinance of the Town Council of the Town of Los Gatos Repealing and Replacing Planned Development Ordinance 1412 Establishing Development Standards and Allowable Uses For Lots Within The Planned Development Overlay Zone.

RECOMMENDATION:

Staff recommends that the Town Council accept the Planning Commission’s recommendation and adopt a resolution approving the subdivision, and architecture and site applications to allow a subdivision from one lot to two lots and construction of a single-family residence; and introduce an ordinance repealing and replacing Planned Development Ordinance 1412 establishing Development Standards and Allowable Uses For Lots within the Planned Development Overlay Zone.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

BACKGROUND:

The subject property is approximately 17,699 square feet located on Oak Meadow Drive between Roberts Road and Blossom Hill Road within a planned development comprised of two-story townhomes, an office building, and the single-family residence on the subject property (Attachment 1). The property is developed with an existing 3,621-square foot, two-story residence with a 520-square foot attached garage (Attachment 8, Exhibit 21).

PD Ordinance 1412 was adopted on December 4, 1978, and took effect on January 3, 1979 (Attachment 5, Exhibit 5). The PD Ordinance allowed for the following:

- a. Demolition of an existing one-story residential structure;
- b. Conversion of an existing two-story medical office structure into a residential townhouse unit;
- c. Construction of 10 two-story residential townhouse units; and
- d. Landscaping, parking, and limited tree removal as granted under precise plan approval.

Construction of the Townhomes and other site improvements were completed in 1981.

The existing PD Ordinance specifies that the permitted uses, conditional uses, and setback requirements for the areas within the boundary of the townhouse complex are those of the R-M zone. Since the subject property is not located within the townhouse complex and there are no performance standards contained in the PD Ordinance specific to the subject property, the permitted uses, conditional uses, setback requirements, and other development standards applicable to the subject property default to the underlying O zone.

DISCUSSION:

A. Project Summary:

The applicant is requesting approval to modify PD Ordinance 1412 to allow subdivision of the subject property into two lots and construction of a new two-story, single-family residence. Parcel A would include the existing residence and Parcel B would be developed with a new single-family residence. The applicant also requests approval of additional modifications to the performance standards in the PD Ordinance affecting Parcels A and B to allow for the following deviations from the O zone requirements and applicable sections of the Hillside Development Standards and Guidelines (HDS&G):

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;

- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

Full discussion and analysis of the project is provided in the July 24, 2024, Planning Commission Staff Report (Attachment 5).

Planned development Ordinance 1412 would be modified to allow the subdivision of the parcel and construction of the proposed single-family residence. A draft modified PD Ordinance is included as Attachment 3.

B. Planning Commission:

On July 24, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Attachment 7). Included in the public comments was testimony from a neighbor and board member of the Regency Court Homeowners Association (HOA) who indicated that the HOA maintained architectural control over the subject property even though it had been removed from the HOA in 1985. Further, the HOA board member indicated that architectural review by the HOA had not been completed. After discussing the matter, the Planning Commission voted to continue consideration of this item to a date uncertain to allow the applicant sufficient time to coordinate with the HOA.

In October 2024, the HOA provided a letter summarizing the coordination between the HOA, property owner, and architect, and provided the HOA's conditional approval of the proposed project (Attachment 8, Exhibit 19). In turn, the applicant submitted a response letter (Attachment 8, Exhibit 20) summarizing their agreement to the HOA conditions and the changes made to the revised development plans in response (Attachment 8, Exhibit 21). A full discussion of the changes is provided in Attachment 8.

On December 11, 2024, the Planning Commission received the staff report, applicant's presentation, and public comments on the proposed project (Attachment 9). The Planning Commission voted unanimously to recommend approval of the project to the Town Council.

C. CEQA Determination

The Project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land.

PUBLIC COMMENTS:

Consistent with the Town's Height Pole, Flagging, Netting, and Signage Policy, a project sign was installed on the site on May 28, 2024. Installation of story poles is not required under the policy. Additionally, notice cards for the Planning Commission meeting were mailed to all property owners and residents within 300 feet of the PD, a legal advertisement was published in the newspaper, and meeting agendas were posted at Town Hall and the Library. Public comments received for the Planning Commission reviews are included as Attachment 5, Exhibit 16, and Attachment 6, Exhibit 17. No additional public comments were received following review by the Planning Commission in December.

CONCLUSION:

A. Summary

The applicant is requesting approval for modification of PD Ordinance 1412 to allow subdivision of one lot into two lots, construction of a single-family residence, and site work requiring a Grading Permit. The applicant also requests modifications to the performance standards in the PD Ordinance to allow deviations from the underlying zoning and applicable sections of the HDS&G allowing the following:

Parcel A

- Lot coverage exceeding 40 percent; and
- Existing residence exceeding FAR standards.

Parcel B

- Lot size below what is required by the zone;
- Proposed residence exceeding FAR standards;
- Lot coverage exceeding 40 percent;
- Reduced setbacks;
- Portion of the residence located outside of the LRDA; and
- Driveway slope exceeding 15 percent.

B. Recommendation

Staff recommends the Town Council take the following actions to approve the PD, Subdivision, and Architecture and Site applications:

1. Make the finding that the proposed project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15315: Minor Land Divisions; 15303: New Construction; and 15304: Minor Alterations to Land (Attachment 2);

2. Make the finding that the amendment to the Planned Development Overlay is consistent with Town Code Section 29.80.095 (Attachment 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the requested modifications to the lot coverage limitations for Parcels A and B; and the minimum lot size and setbacks for Parcel B, which are appropriate due to the constraints of the site (Attachment 2);
4. Make the finding that the amendment to the Planned Development Overlay is consistent with the General Plan (Attachment 2);
5. Make the findings as required by Section 66474 of the Subdivision Map Act (Attachment 2);
6. Make the finding that the project complies with the applicable sections of the Hillside Development Standards and Guidelines for a property with an average slope of 10 percent or greater, except for the requested modification to allow a maximum driveway slope greater than 15 percent and for a portion of the residence located outside of the LRDA, which are appropriate due to the constraints of the site (Attachment 2);
7. Make the finding that the project is consistent with the Residential Design Guidelines (Attachment 2);
8. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Attachment 2);
9. Introduce the Ordinance effecting the zone change; and
10. Approve Planned Development application PD-20-002 to adopt the Planned Development Ordinance (Attachment 3); approve Subdivision application M-20-011; and Architecture and Site Application S-22-021 inclusive of the recommended conditions of approval included as Attachment 4 and the revised development plans included as Attachment 8, Exhibit 21.

C. Alternatives

Alternatively, the Council can:

1. Approve the applications with additional and/or modified conditions; or
2. Continue the matter to a date certain with specific direction; or
3. Deny the applications and make the required findings for denial.

ATTACHMENTS:

1. Location Map
2. Draft Resolution with Recommended Conditions of Approval Included as Exhibit A
3. Draft Planned Development Ordinance with Exhibits A through G
4. July 24, 2024, Planning Commission Staff Report, with Exhibits 1 through 16
5. July 24, 2024, Planning Commission Desk Item, with Exhibit 17
6. July 24, 2024, Planning Commission Verbatim Minutes
7. December 11, 2024, Planning Commission Staff Report, with Exhibits 18 through 21
8. December 11, 2024, Planning Commission Verbatim Minutes