



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/27/2022

ITEM NO: 3

DATE: July 22, 2022
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Requesting Approval for Demolition of an Existing Residence, Construction of Four Condominium Units that Will Exceed the Floor Area Ratio Standards, and Site Improvements Requiring a Grading Permit on Property Zoned R-M:5-12. **Located at 16195 George Street.** APN 529-18-051. Architecture and Site Application S-20-025 and Subdivision Application M-20-008.
PROPERTY OWNER: Robert Bothman, George St. Partners.
APPLICANT: Hometec Architecture. PROJECT PLANNER: Ryan Safty.

RECOMMENDATION:

Denial.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-M:5-12
Applicable Plans & Standards: Residential Design Guidelines
Parcel Size: 15,619 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-M:5-12
South	Residential	Medium Density Residential	R-M:5-12
East	Residential	Mixed Use Commercial	CH:PD
West	Residential	Medium Density Residential	R-M:5-12

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

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, and Section 15332: In-Fill Development Projects.

FINDINGS:

- The project is Categorically Except pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures, and Section 15332: In-Fill Development Projects.
- As required by Section 66474 of the Subdivision Map Act for the condominium Subdivision application.
- As required by Housing Element Policy HOU-8.1 for new housing developments of three units or more.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of an existing residence.
- As required by Section 29.40.075(c) of the Town Code for exceeding the single-family residential floor area ratio limitations.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations), except in regards to maximum floor area ratio, as noted above.
- The project complies with the Residential Design Guidelines.

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 property is located on the west side of George Street, between Roberts Road and Mitchell Avenue (Exhibit 1). The subject property is 15,619 square feet and has been occupied by a pre-school since 1969. Prior to the pre-school use, the building was used as a single-family residence, with an estimated construction date of 1920.

BACKGROUND (continued):

On October 23, 2019, the Historic Preservation Committee (HPC) reviewed a request to remove the existing pre-1941 residence on the site from the Town's Historic Resources Inventory. The HPC approved the request, finding that previous addition and remodel work has compromised the structure's historic integrity. The meeting minutes are included in Exhibit 4.

On February 5, 2020, the Conceptual Development Advisory Committee (CDAC) reviewed a conceptual proposal for four detached single-family condominiums on the property. The meeting minutes are included as Exhibit 5, and the applicant's response letter to CDAC comments is included as Exhibit 6.

On August 13, 2020, the applicant submitted an Architecture and Site application and a Subdivision application for demolition of the existing single-family residence and construction of four detached single-family condominiums. The proposed project requests an exception, as allowed by Town Code Section 29.40.075(c), to exceed the single-family residential floor area (FAR) limitations.

PROJECT DESCRIPTION:

A. Project Summary

The applicant is proposing to construct four detached single-family condominiums, which would be accessed from a shared driveway along George Street (Exhibit 15). The combined floor area for all four units exceeds the single-family residential FAR allowance for the property, and therefore an exception is requested. While the property is not being subdivided into individual lots, a Subdivision application is required for the creation of the four condominiums and the driveway common area.

B. Location and Surrounding Neighborhood

The subject property is located on the west side of George Street, between Roberts Road and Mitchell Avenue (Exhibit 1). The surrounding neighborhood contains single- and multi-family residential uses with R-M:5-12 zoning to the north, south, and west. Across George Street, to the east, is the Laurel Mews Planned Development with detached single-family residences. Pictures of the subject property and surrounding neighborhood are included as Exhibit 7. A similar proposal to the subject application is located to the northwest, 16940 Roberts Road, at the corner of Roberts Road and Fisher Avenue. The project at 16940 Roberts Road was approved by Planning Commission on December 11, 2019, and included three detached single-family condominium units that also exceeded FAR standards.

PROJECT DESCRIPTION (continued):

C. Architecture and Site Application

Approval of an Architecture and Site application is required for the construction of a new principal building in any zone, for site improvements requiring a grading permit, and for an exception to exceed the single-family residential FAR allowance. The applicant is proposing to construct four detached single-family condominiums. Site work associated with the construction would require a grading permit. The combined floor area for all four condominiums would be 9,264 square feet, when the single-family residential FAR allowance for the property is 4,140 square feet.

D. Subdivision Application

Approval of a Subdivision application is required for the approval of the condominium project. The applicant proposes four detached single-family condominiums as a part of this project. No division of land is being proposed as the property would not meet the minimum lot size required for a land subdivision. The Subdivision application is to divide the air space of the property into four residential condominium units with a shared area for access.

E. Zoning Compliance

Attached multi-family and detached single-family residences are permitted in the R-M:5-12 zone. The proposed project would comply with the setback, height, parking, and lot coverage requirements for detached single-family residences in the R-M zone. Per Section 29.40.075 of the Town Code, the detached single-family condominiums are subject to the single-family residential FAR limitations, while attached multi-family units would not be subject to any FAR limitations. The deciding body may allow an exception to exceed the single-family residential FAR limitations if the findings listed in Section 29.40.075(c) of the Town Code can be made.

DISCUSSION:

A. Conceptual Development Advisory Committee

On February 12, 2020, the CDAC reviewed conceptual plans for demolition of the existing structures on-site and construction of four single-family condominium units. The proposed units were each 2,100 square feet with 440-square foot attached garages. Three separate driveways were proposed, with a shared driveway for rear Units 2 and 3, and individual driveways for Units 1 and 4. The proposal included variance requests for a reduced front setback of 15 feet (when 25 feet are required) and a reduced rear setback of 10 feet (when 20 feet are required), as well as an exception request for maximum allowed lot coverage.

DISCUSSION (continued):

At the CDAC meeting, members of the public expressed concerns related to privacy with proposed two-story units within reduced rear setbacks; parking associated with the four new units; traffic and congestion due to the three driveways; and density of the proposal as it would be over two times larger than what Town Code allows for floor area on the site. One member of the public spoke in support of the size, floor area, and traffic due to the uniqueness of the neighborhood and that only one neighbor on this side of George Street contains access off George Street.

The CDAC discussed the project and provided feedback to the applicant regarding the importance of neighborhood outreach, privacy concerns, maximization of open space, and support for the multiple detached single-family condominium concept in this neighborhood due to housing supply challenges and the adjacent schools in the neighborhood. The meeting minutes are included in Exhibit 5 and the applicant's responses to comments are included in Exhibit 6. The applicant's responses (*italic font*) are summarized below:

- Neighborhood outreach: *Neighborhood outreach has occurred (Exhibit 8).*
- Privacy: *Privacy impacts are minimized as the second-floor egress windows are located on the front and rear elevations and the rear setback has been increased to the required 20-foot minimum.*
- Open Space: *New trees are shown on the landscape plan (Exhibit 15), and the project was revised to comply with allowable lot coverage and maximize open space.*
- Housing: *By maximizing the number of units per Town Code, the project will help with the Town's housing needs.*
- FAR: *The detached unit sizes are smaller than what would be allowed by Town Code for attached multi-family units. Home sizes are compatible with the Laurel Mews Planned Development across the street.*
- Parking and traffic: *All homes have two-car garages. The existing pre-school use for 45 children has a higher traffic demand than four residences, and the proposal would reduce the number of driveways from two to one.*

B. Architecture and Site Analysis

The applicant is proposing to demolish the existing single-family residence and detached accessory structures associated with the previous pre-school use and construct four two-story, detached, single-family condominiums. All units will be accessed from a new shared driveway (Exhibit 15). A summary of the proposed development is included in the table below.

DISCUSSION (continued):

	Home Floor Area	Garage Floor Area	Height	Private Open Space	Parking
Town Code Requirement	4,140 s.f. max.	1,098 s.f. max.	30-foot max.	Minimum 200 s.f. req. per unit	Minimum 2 spaces req.
Unit 1	2,152 s.f.	420 s.f.	27'	939 s.f.	2 covered
Unit 2	2,488 s.f.	420 s.f.	27'	1,157 s.f.	2 covered
Unit 3	2,464 s.f.	420 s.f.	27'	1,201 s.f.	2 covered
Unit 3	2,160 s.f.	420 s.f.	27'	873 s.f.	2 covered
Combined	9,264 s.f.*	1,680 s.f. *		4,170 s.f.	8 covered

* Denotes an exception requested

The proposed condominium project would comply with the setback, height, parking, private open space, and lot coverage requirements for detached single-family residences in the R-M zone. The applicant's project description and letter of justification is included as Exhibit 9.

C. Subdivision Analysis

The applicant is requesting approval of a four-unit condominium project. While the property is not being subdivided into individual lots, a Subdivision application is required for the approval of a condominium project. No division of land is being proposed as the property would not meet the minimum lot size required for a standard land subdivision. The Subdivision application is to divide the air space of the property into four residential condominium units with a shared area for access. Conditions of Approval 17 and 53 (Exhibit 3) were included to clarify that the application is for a condominium subdivision of air rights and not a full land division.

The State Subdivision Map Act includes seven findings to deny applications for subdivisions (Exhibit 2). If any of the findings can be made, the deciding body must deny the Subdivision application.

D. Building Design

The four proposed two-story residential units would be of traditional architectural style. The units are similarly designed to appear as one architecturally consistent development, with minor differences in colors and siding materials to provide distinction between each unit. Each unit is oriented so the front entry and garage door faces the shared driveway, and each unit would have composition shingle roofing, double-hung windows, covered entrances, and a mixture of stucco and wood siding (Exhibit 10).

DISCUSSION (continued):

The Town's Consulting Architect reviewed the proposed project within the neighborhood context to provide recommendations regarding the design of the buildings (Exhibit 11). The site is located in an established neighborhood with a large number of new traditional style homes nearby, including the Laurel Mews development immediately across George Street from the site. Nearby homes are largely two-stories in height.

In the Issues and Concerns background section of the report, the Consulting Architect noted that the four proposed new homes are well designed, and are similar in height, scale, and character to the Laurel Mews homes immediately across George Street, and to other homes nearby. The Consulting Architect made one recommendation: "Increase the amount of architectural detailing, and refine the details consistent with the traditional architectural style." The Consultant provided examples of architectural detailing from the Laurel Mews project and other similar developments in Los Gatos.

The applicant provided a response letter to the Consulting Architect report, provided as Exhibit 12 of this report. The applicant has updated the plans to include window boxes on the front-facing units kitchen windows, front porch posts were increased in size, gable end supports were revised, headers were added to window trim details, and garage doors were recessed seven inches.

E. Neighborhood Compatibility

The immediate neighborhood is made up of detached single-family and attached multi-family residences, with the Laurel Mews Planned Development single-family residences across George Street. All the residences in the immediate neighborhood are two-stories tall. When removing the Laurel Mews Planned Development and the attached duplex at 16203 and 16205 George Street, the single-family residences in the immediate neighborhood range in size from 1,731 square feet to 2,657 square feet based on Town and County records. The FARs for the single-family residences range from 0.15 to 0.32.

The Laurel Mews project across the street was approved as a Planned Development which changed the underlining zoning designation and FAR allowance. When looking at neighborhood compatibility, staff looks at similarly zoned properties in the immediate neighborhood. However, the entire east side of George Street is made up by the Laurel Mews Planned Development, helping to define the neighborhood. The detached single-family residential units in this development range in size from 1,902 square feet to 2,454 square feet, with FARs ranging from 0.59 to 0.64.

DISCUSSION (continued):

When expanding the immediate neighborhood by two additional properties to the northwest, a similar proposal was approved by the Planning Commission in 2019 at 16940 Roberts Road. The project at 16940 Roberts Road included three detached single-family condominium units that also exceeded FAR standards. These detached single-family residential units range in size from 1,785 square feet to 1,823 square feet, with a total combined floor area of 5,407 square feet and an overall FAR of 0.43 for the development.

The proposed detached single-family condominium project would have a combined total floor area of 9,264 square feet, with a total FAR of 0.59, and an average unit size of 2,316 square feet. Pursuant to Town Code, the 15,620-square foot lot, with a total FAR limitation of 0.27, would allow for a combined floor area of 4,140 square feet. The table below reflects the current conditions of the immediate neighborhood:

Address	Zoning	House	Garage	House and Garage	Lot Size	House FAR	No. of Stories
16195 George St (Ex.)	R-M:5-12	2,144	0	2,144	15,619	0.14	1
16195 George St (Prop.)	R-M:5-12	9,264	1,680	10,944	15,619	0.59	2
16900 Roberts Rd	R-M:5-12	1,731	0	1,731	5,428	0.32	2
16890 Roberts Rd (under construction)	R-M:5-12	2,657	507	3,164	8,208	0.32	2
16203/16205 George St (2 attached units)	R-M:5-12	2,960	440	3,400	8,184	0.36	2
16225 George St	R-M:5-12	1,762	560	2,322	12,150	0.15	2
16200 George St	CH:PD	2,410	441	2,851	4,094	0.59	2
16204 George St	CH:PD	2,454	441	2,895	3,852	0.64	2
16208 George St	CH:PD	2,426	441	2,867	3,776	0.64	2
16212 George St	CH:PD	2,417	441	2,858	3,773	0.64	2
16870 Roberts Rd	CH:PD	1,902	433	2,335	3,050	0.62	2

The proposed residences would be the largest in terms of combined square footage and FAR in the immediate neighborhood compared to properties under the same zoning classification. The proposed individual unit sizes would be the second largest when looking at the three other single-family units under the same zoning classification. When expanding the immediate neighborhood to include the Laurel Mews Planned Development, the proposed residences would not be the largest in terms of floor area or FAR.

The immediate neighborhood is made up of two-story residences and the proposed residences are each 27 feet tall. As noted in the development plans (Exhibit 15) and per Town records, the building heights in the immediate neighborhood range from 21 feet to 26 feet. The previous three-unit condominium project at 16940 Roberts Road ranges in height from 25 to 26 feet. The proposed residences would be the tallest in the immediate neighborhood by roughly one foot.

DISCUSSION (continued):

The applicant has reached out to surrounding neighbors during the review process and a summary of that outreach is included as Exhibit 8.

F. Floor Area Exception

The development is subject to the single-family residential FAR limitations. The proposed detached single-family condominium project would have a combined total floor area of 9,264 square feet, with a total FAR of 0.59, and an average unit size of 2,316 square feet. The garages would each be 420 square feet, for a combined garage floor area of 1,680 square feet.

Pursuant to Town Code, the maximum allowed floor area for the 15,620 square foot lot, with an FAR limitation of 0.27 for the residences and 0.070 for the garages, would allow for 4,140 square feet for the residences and 1,098 square feet for the garages. The proposal would exceed the maximum allowed floor area for the residences by 5,124 square feet and 582 square feet for the garages. The applicant is requesting an exception to exceed the single-family residential FAR limitation of 0.27 for the residences and 0.070 for the garages.

Per Section 29.40.075(c) of the Town Code, the deciding body may allow an exception to exceed maximum single-family residential FAR if the following findings can be made:

1. The design, theme, sense of scale, exterior materials and details of the proposed project are consistent with the provisions of:
 - a. Any applicable landmark and historic preservation overlay zone; and
 - b. Any applicable specific plan; and
 - c. The adopted residential development standards; and
2. The lot coverage, setbacks, and FAR of the proposed project is compatible with the development on surrounding lots.

Regarding the first finding, the Consulting Architect reviewed the project for consistency with the Town's Residential Guidelines and noted, "the four proposed homes are well designed, and are similar in height, scale, and character to the Laurel Mews homes immediately across George Street, and to other homes nearby." Additionally, the HPC determined in 2019 that the existing residence is no longer historic. Regarding the second finding, the proposed project complies with maximum allowed lot coverage and setbacks, consistent with development on surrounding lots (Exhibit 9). The proposed FAR is the largest on this side of George Street, but is lower than the FAR of the Laurel Mews Planned Development occupying the entire east side of George Street.

DISCUSSION (continued):

G. Open Space

The Town Code requires that each ground floor single-family detached condominium unit provide a minimum of 200 square feet of outdoor usable open space in the form of a single enclosed patio or deck. Based on the proposed fence locations, each property will have approximately 1,000 square feet of outdoor usable space. Within this outdoor space, each unit has a 204-square foot patio delineated on the plans.

H. Tree Impacts

The Town's Consulting Arborist reviewed the proposed project and provided an arborist report dated August 9, 2021 (Exhibit 13). The report identified 12 protected trees on the project site and abutting properties. Two of the trees are located on a neighboring property and are considered Large Protected Trees. The Consultant recommended design modifications and tree fencing to protect these trees. The applicant updated the plans per the Consultant's recommendation as noted in their response letter (Exhibit 14), and these recommendations are included as a condition of approval (Exhibit 3).

The ten existing trees on the subject property have poor suitability for preservation and are all proposed for removal. Per Town Code, 30 24-inch box trees, or in-lieu fees, are required as replacement trees to offset the removals. The project plans show that 28 new trees are proposed, 12 of which meet the 24-inch box size requirement while the remaining would be 15-gallon in size. The applicant will need to revise the landscape plans prior to building permit submittal or pay in-lieu fees to satisfy the replacement requirement.

F. General Plan Compliance

The Medium Density Residential General Plan Designation, "provides for multiple-family residential, duplex, and/or small single-family homes," and allows five to 12 dwelling units per acre. The applicant proposes a density of approximately 11 dwelling units per acre with four detached single-family condominiums on a 0.36-acre site.

I. Environmental Review

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, and Section 15332: In-Fill Development Projects.

PUBLIC COMMENTS:

Story poles and signage were installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property. The applicant has conducted neighborhood outreach and has provided a summary which is included as Exhibit 8.

One public comment has been submitted in opposition to certain aspects of the proposal, included as Exhibit 16. The public comment highlights concerns related to the Tentative Map, the proposed FAR, private open space within front setbacks, and proposed building height. The applicant responded to the public comment, provided as Exhibit 17. The applicant's responses to each of the four concerns are summarized below.

- Tentative Map: The proposed project is a single-family condominium with separated air space and is not a full land division. Notes were added to the project plans (Exhibit 15) and project letter (Exhibit 9) to this effect.
- FAR: The CDAC preferred the appearance of detached single-family units, and supported the number of units due to the current housing shortage. If the units were attached instead of detached, no FAR exception would be needed. The Laurel Mews Planned Development has a larger FAR.
- Private Open Space: Town Code Section 29.10.065-1 states, "[...] Private open space shall be suitably screened for privacy of the occupant. Location and screening is subject to review by the deciding body," and Section 29.10.065-3 states, "Private open space and community recreation space may be located in required yard provided the location is approved by the deciding body [...]."
- Building Height: Project plans were updated to show accurate building heights per Town records. The proposed residences would be three feet under the maximum height allowance for the zone.

CONCLUSION:

A. Summary

The applicant is proposing to demolish the existing single-family residence and detached accessory structures and construct four detached single-family condominiums and detached garages that would exceed floor area limitations.

B. Recommendation

Based on the analysis above, staff recommends denial of the Architecture and Site application and Subdivision application based on the concerns related to the FAR exception as the proposed FAR would be the largest in the immediate neighborhood for properties under the same zoning classification, as discussed in this report.

CONCLUSION (continued):

C. Alternatives

Alternatively, the Commission can:

1. Approve the applications 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, and Section 15332: In-Fill Development Projects (Exhibit 2);
 - b. Find that required findings to deny a subdivision pursuant to the State Subdivision Map Act cannot be made and make affirmative findings (Exhibit 2);
 - c. Make the finding as required by Housing Element Policy HOU-8.1 for new housing developments of three units or more;
 - d. Make the finding as required by Section 29.10.09030(e) of the Town Code for the demolition of an existing structure;
 - e. Make the finding as required by Section 29.40.075(c) of the Town Code for exceeding the single-family residential floor area ratio limitations;
 - f. Make the finding that the project complies with the Town's Residential Design Guidelines (Exhibit 2); and
 - g. Approve Architectural and Site application S-20-025 and Subdivision application M-20-008 with the conditions contained in Exhibit 3 and the development plans in Exhibit 15.
2. Approve the application with additional and/or modified conditions; or
3. Continue the matter to a date certain with specific direction.

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SUBJECT: 16195 George Street/S-20-025 and M-20-008

DATE: July 22, 2022

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. October 23, 2019, Historic Preservation Committee Meeting Minutes
5. February 12, 2020, Conceptual Development Advisory Committee Meeting Minutes
6. Applicant's Response Letter to Conceptual Development Advisory Committee Meeting comments, received March 21, 2022
7. Property Pictures, received June 6, 2022
8. Applicant's Summary of Neighborhood Outreach, received June 6, 2022
9. Project Description and Letter of Justification, received July 13, 2022
10. Material Board, received June 6, 2022
11. Consulting Architect Report, dated August 11, 2021
12. Applicant's Response to Consulting Architect Report, received June 6, 2022
13. Consulting Arborist Report, dated August 9, 2021
14. Applicant's Response to Consulting Arborist Report, received April 7, 2022
15. Development Plans, received July 13, 2022
16. Public Comments received prior to 11:00 a.m., Friday, July 22, 2022
17. Applicant's response to public comments, received July 13, 2022

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