

PLANNING COMMISSION – February 12, 2025
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

50 Los Gatos-Saratoga Road

Architecture and Site Application S-23-042
Conditional Use Permit Application U-23-017
and Subdivision Application M-23-009

Consider a Request for Approval to Demolish Existing Hotel Structures (Los Gatos Lodge), Construct a Multi-Family Residential Development (155 Units), a Conditional Use Permit, a Condominium Vesting Tentative Map, Site Improvements Requiring a Grading Permit, and Remove Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned CH:PD:HEOZ. APNs 529-24-032, 529-24-001, and 529-24-003. No Additional Environmental Review is Necessary Pursuant to CEQA Guidelines Section 15183: Streamlining Process, Since the Proposed Project’s Environmental Impacts were Adequately Addressed in the 2020 General Plan EIR and/or 2040 General Plan EIR, as Applicable.

Property Owner: Keet S. Nerhan
Applicant: SummerHill Homes, LLC
Project Planner: Sean Mullin.

FINDINGS

Required finding for CEQA:

- As required, additional environmental review is not necessary pursuant to CEQA Guidelines Section 15183: Streamlining Process, since the proposed project’s environmental impacts were adequately addressed in the Environmental Impact Reports (EIR) prepared for the 2020 General Plan and/or 2040 General Plan, as applicable. An Initial Study was prepared for the project in support of this determination.

Required finding for 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.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**

Instead, the Town Council makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat
- f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

1. The proposed use is desirable to the public convenience because it provides an additional residential dwelling units in the Town; and
2. The proposed use would not impair the integrity of the zone, in that the proposed use is allowed in the CH zone with the granting of the concession pursuant to State Density Bonus Law; and
3. The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community; and
4. The proposed use is in conformance with the Town Code and General Plan with the granting of the concession pursuant to SDBL.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the concession and waivers requested pursuant to State Density Bonus Law.

Required compliance with the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

- The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development except for the waivers requested pursuant

to State Density Bonus Law.

Required for granting concession and waivers pursuant through State Density Bonus Law:

Concession(s) or incentive(s)

- CA Government Code Section 65915:

(d) The Town shall grant concession(s) or incentive(s) requested by the applicant unless the Town makes a written finding, based upon substantial evidence, of any of the following:

- (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
- (C) The concession or incentive would be contrary to state or federal law.

Waivers

- CA Government Code Section 65915 (a)(2):

The Town shall grant waivers to the Town's development standards requested by the applicant unless the Town makes a written finding, based upon substantial evidence, that the development standard for which the waiver is requested would not physically preclude the construction of the development at the densities and with the concession permitted through Density Bonus Law.

Required finding for consistency with California Government Code Section 65863 regarding state RHNA requirements, the Town's Housing Element Sites Inventory, and No Net Loss Law:

As required for approval of a development of any parcel with fewer units by income category than was identified in the Town's Housing Element for that parcel:

- The project provides fewer Very Low, Low, and Moderate Income units than anticipated in the Housing Element Sites Inventory, but more Above Moderate Income units, producing a net cumulative deficit of 105 units for the site. The cumulative impact of the project on the capacity of the Housing Element allows the Town to maintain a positive surplus in each income category. The remaining capacity of the Housing Element is adequate to meet the requirements of Section 65583.2 and to accommodate the Town's share of the regional housing need pursuant to Section 65584. As required by Government Code Section 65863, the following No Net Loss findings are made:

1. Remaining sites identified in the Housing Element are adequate to meet the Town’s remaining RHNA for the planning period by income category.

Findings: The remaining capacity of the Housing Element sites are adequate to meet the Town’s remaining RHNA with approval of this project. The Town is not required to identify additional sites to accommodate the remaining RHNA as a result of this project.

2. Include a quantification of the remaining unmet need for the jurisdiction’s RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level.

Findings: The remaining unmet need for the Town’s RHNA at each income level and the remaining capacity of the Housing Element is provided in the table below. The remaining capacity at each income level of the Housing Element is greater than the remaining unmet RHNA need at each income level. The Town is not required to identify additional sites to accommodate the remaining RHNA as a result of this project.

Remaining RHNA and Housing Element Capacity					
	Units by Income Category				
	Very Low	Low	Moderate	Above Moderate	Total
Remaining RHNA	537	294	310	695	1,836
Remaining Capacity of Housing Element	608	335	349	817	2,109

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

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