



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/27/2020

ITEM NO: 1

DATE: May 22, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Construction of an Addition to an Existing Commercial Building Requiring a Variance to Exceed Floor Area Ratio (FAR) Standards on Property Zoned C-2, Located at 59 N. Santa Cruz Avenue. APN 510-44-029. Variance Application V-19-003. Property Owner/Applicant: Bean Avenue Associates.

Deemed complete: February 6, 2020
Final date to take action: August 6, 2020

RECOMMENDATION:

Consider approval of a request for construction of an addition to an existing commercial building requiring a Variance to exceed Floor Area Ratio (FAR) standards on property zoned C-2, located at 59 N. Santa Cruz Avenue.

PROJECT DATA:

General Plan Designation: Central Business District
Zoning Designation: Central Business District, C-2
Applicable Plans & Standards: General Plan; Commercial Design Guidelines
Parcel Size: 11,270 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial	Central Business District	C-2
East	Commercial	Central Business District	C-2
South	Commercial	Central Business District	C-2
West	Commercial	Medium Density Residential	C-2

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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SUBJECT: 59 N. Santa Cruz Avenue /V-19-003

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CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

FINDINGS:

- As required, the project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.
- As required by Section 29.20.170 of the Town Code for granting a Variance application to exceed floor area ratio (FAR) standards.
- That the proposed project is consistent with the applicable Commercial Design Guidelines.

ACTION:

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

BACKGROUND:

The subject site is located on the southwest corner of N. Santa Cruz and Bean Avenues (Exhibit 1). The subject property is approximately 11,270 square feet, and is developed with a two-story, 14,786-square-foot commercial building. The existing building, constructed in 1974, is nonconforming as it exceeds the current maximum allowable FAR standards in the C-2 zone, established in 1976 and revised in 1984.

The project is being considered by the Planning Commission as the applicant is requesting approval of a Variance to exceed the maximum allowable FAR standards for the construction of an addition to accommodate a new elevator within the interior courtyard of the building. The addition would add 63 square feet to the building, increasing the FAR from 1.282 to 1.287, where a FAR of 0.60 is allowed in the C-2 zone.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the southwest corner of N. Santa Cruz and Bean Avenues (Exhibit 1) and is developed with a two-story, 14,786-square-foot, commercial building. The surrounding area is primarily commercial with single-family residential and educational uses located beyond the immediately adjacent properties to the west.

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant is requesting approval of a Variance to exceed the maximum allowable FAR standards for the construction of an addition to accommodate a new elevator within the interior courtyard of the building. The addition would add 63 square feet to the building, increasing the FAR from 1.282 to 1.287, where a FAR of 0.60 is allowed in the C-2 zone.

C. Zoning Compliance

The first-floor retail and second-floor office uses are allowed uses in the C-2 zone, and the footprint of the proposed addition meets the required setbacks and height limitations of the zone. As described above the applicant is requesting a Variance to exceed the maximum allowable FAR standards in the C-2 zone.

DISCUSSION:

A. Project Summary

The applicant is proposing to construct a two-story addition located within the interior courtyard area of the building. The addition would accommodate an elevator providing access to the building's second floor. The proposed addition of 63 square feet would increase the floor area of the building from 14,786 square feet to 14,849 square feet, where 6,623 square feet is currently allowed with a FAR of 0.60. The proposed addition would not be visible from the street, given that it would be located within the interior courtyard area, and the top of the roof of the addition would be lower than the top of the roof of the existing building. All new exterior materials would match existing exterior materials.

Floor Area Summary		
	Square Footage	Floor Area Ratio (FAR)
Maximum Allowed	6,623	0.60
Upper Floor	7,740	--
Main Floor	7,046	--
Total (Existing)	14,786	1.282
Addition	63	--
Total (Proposed)	14,849	1.287

DISCUSSION (continued):

B. Variance - Floor Area Ratio

Section 29.60.345 of the Town Code states that the expansion of gross floor area of an existing building in the C-2 zone shall not exceed a FAR of sixty-hundredths (0.60). The existing FAR of the two-story building is 1.282 and exceeds the maximum allowable FAR standards. The project includes an addition of 63 square feet, which would increase the FAR to 1.287. The applicant is requesting a Variance to exceed the maximum allowable FAR standards in the C-2 zone to accommodate a new elevator. The property owner and applicant have provided several Letters of Justification for the request (Exhibits 4 and 5), citing the construction date of the building, the need for access to the second floor, and structural constraints of locating the elevator where it would not increase the FAR.

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 can make the following findings.

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the 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 submitted letters of justification outlining the need for elevator access to the second floor of the building (Exhibits 4 and 5). The letters reference the Americans with Disabilities Act of 1990 (ADA), which requires that elevators or lifts be incorporated into most multi-story buildings constructed after 1990. ADA law sets the minimum standards for accessibility and requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. The applicant is proposing to install an elevator for the existing building, which was constructed in 1974, and has summarized the structural and aesthetic constraints of alternative locations for the elevator that would not increase the FAR. Given the special circumstance of access requirements and the constraints presented by the existing building, granting of the Variance to exceed the maximum allowable FAR standards in the C-2 zone would be consistent with the privileges enjoyed by other properties in the vicinity under the same zone without increasing leasable floor area, and would not constitute a grant of special privilege.

DISCUSSION (continued):

C. Neighborhood Compatibility

The immediate area is made up of one- and two-story commercial buildings. Based on Town and County records, the surrounding buildings' FARs range from 0.383 to 0.968. The Neighborhood Analysis table below reflects the current conditions of the immediate area.

FAR Comparison - Neighborhood Analysis					
Address	Zoning	Building Areas	Gross Lot Area	FAR	No. of Stories
40 N. Santa Cruz Avenue	C-2	8,631	8,918	0.968	1
41 N. Santa Cruz Avenue	C-2	7,454	10,070	0.740	1
52 N. Santa Cruz Avenue	C-2	4,401	9,341	0.471	1
56 N. Santa Cruz Avenue	C-2	6,440	8,250	0.781	1
57 N. Santa Cruz Avenue	C-2	6,574	12,827	0.513	1
58 N. Santa Cruz Avenue	C-2	1,736	2,897	0.599	1
100 N. Santa Cruz Avenue	C-2	5,329	9,035	0.590	1
105 N. Santa Cruz Avenue	C-2	4,876	12,733	0.383	1
111 N. Santa Cruz Avenue	C-2	3,000	4,087	0.734	1
211 Bean Avenue	C-2	3,605	5,600	0.644	2
59 N. Santa Cruz Avenue (e)	C-2	14,786	11,538	1.282	2
59 N. Santa Cruz Avenue (p)	C-2	14,849	11,538	1.287	2
Bold – Exceeds maximum allowable FAR of 0.60 for the C-2 zone					

The proposed project would continue to be the largest for FAR in the neighborhood. Six out of the 11 existing properties listed above, including the existing nonconforming building, exceed the maximum allowable FAR of 0.60 in the C-2 zone.

D. CEQA Determination

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15301: Existing Facilities.

PUBLIC COMMENTS:

At this time, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval of a Variance to exceed the FAR standards in the C-2 zone for the construction of an addition to an existing two-story commercial building to accommodate an elevator. The proposed addition of 63 feet would increase the FAR from 1.282 to 1.287, where a maximum FAR of 0.60 is allowed in the C-2 zone. The project is otherwise consistent with the Zoning Requirements, General Plan, and applicable Commercial Design Guidelines.

B. Recommendation

Based on the analysis above, and justification provided by the applicant, staff recommends approval of the Variance application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

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, Section 15301: Existing Facilities (Exhibit 2);
2. Make the findings as required by Section 29.20.170 of the Town Code for granting a Variance to exceed the maximum allowable FAR (Exhibit 2);
3. Make the finding that the project complies with the applicable Commercial Design Guidelines (Exhibit 2);
4. Approve Variance application V-19-003 with the conditions contained in Exhibit 3 and the development plans in Exhibit 7.

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 applications.

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SUBJECT: 59 N. Santa Cruz Avenue /V-19-003

DATE: May 22, 2020

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Property owner's Letters of Justification, received December 2, 2019 and December 9, 2019
5. Applicant's Letters of Justification, received December 9, 2019
6. Photos of the site, received December 9, 2019
7. Development Plans, received January 13, 2020