



MEETING DATE: 04/20/09

ITEM NO.

DESK ITEM

7

COUNCIL AGENDA REPORT

DATE: April 20, 2009
TO: MAYOR AND TOWN COUNCIL
FROM: GREG LARSON, TOWN MANAGER

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SUBJECT: CONSIDER A REQUEST TO DEMOLISH A CONVALESCENT FACILITY AND THREE PRE-1941 SINGLE-FAMILY RESIDENCES AND APPROVAL OF A PLANNED DEVELOPMENT TO CHANGE THE ZONE FROM R-1D:LHP TO R-1D:LHP:PD & RM:5-12:PD TO CONSTRUCT 19 NEW RESIDENCES AND RENOVATE THE HISTORIC THRASH HOUSE (20 UNITS TOTAL) ON PROPERTY ZONED R-1D:LHP. APN 529-22-044. PROPERTY LOCATION: 371 LOS GATOS BOULEVARD. PROPERTY OWNER: THRASH HOUSE INVESTORS LLC. APPLICANT: SANTA CLARA DEVELOPMENT COMPANY. FILE #PD-07-143 & ND-07-145.

DISCUSSION:

Convalescent Hospital

A Councilmember requested information on the former convalescent hospital that operated on the project site. Convalescent hospitals are allowed in R-1 zones with a Conditional Use Permit. The facility began operation in 1976 and was licensed for 124 beds. The number of staff is not documented in any Town records.

Floor Area Ratio

Clarification was requested from a Councilmember on floor area ratio (FAR) and what is included in the calculations. The Zoning Ordinance includes two separate FAR calculations for R-1 zones, one for the house and one for the garage. Accessory structures other than a garage are included in the FAR for the house. Cellars are not factored into the FAR for house or garage in accordance with the Town's Cellar Policy (see Attachment 22).

PREPARED BY: Wendie R. Rooney, Director of Community Development

Reviewed by: [Signature] Assistant Town Manager, [Signature] Town Attorney, [Signature] Clerk, [Signature] Finance, [Signature] Community Development

Revised: 4/20/09 4:34 PM

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MAYOR AND TOWN COUNCIL

SUBJECT: 371 LOS GATOS BOULEVARD; FILE #PD-07-143 & ND-07-145.

April 20, 2009

The FAR numbers provided by the applicant for the proposed project include the optional studios over detached garages. Studios are proposed as an option over detached garages on Plan 3 home sites. If approved, studios would be an optional element on lots 1 and 11 through 16 (seven lots total).

Reduced Density Alternative

Attachment 23 is a letter from the applicant offering an alternative proposal of 19 units. One unit would be eliminated along the south property line. Eliminating a unit would increase the size of the five remaining lots and increase the average lot size to 4,827 (compared to 4,758 square feet for Bella Vista). The overall project FAR would be reduced from .475 to .46. The project density would be 6.56 units per acre with a one unit reduction (7.3 units per acre inclusive of the two BMPs).

In exchange for this one unit reduction, the applicant is also requesting to build the accessory units over the garages on lots 13 and 16 as originally proposed by the applicant and recommended by staff, but eliminated by the Planning Commission.

Additional Correspondence

Attachment 24 is a letter from a neighbor on Bella Vista stating concerns about the project.

CONCLUSION:

Staff supports the original 20 unit plan as well as the 19-unit concept. If the Council is supportive of the alternative plan, the revised lot layout can be reviewed with the Tentative Map application.

Attachments:

- 1.-21. Previously received
22. Cellar Policy (two pages)
23. Email correspondence from Mark Robson (one page), received April 17, 2009
24. Letter from Leo Cunningham (three pages), received April 17, 2009

WRR:SD

**TOWN COUNCIL POLICY
TOWN OF LOS GATOS**

Subject: Cellars

Enabling Action:
2002-167

Page 1 of 2

Approved:

Randy Attaway, Mayor

Effective
Date: October 21, 2002

PURPOSE:

General Plan policy L.P.2.3 states: "Encourage basements and cellars to provide "hidden" square footage in-lieu of visible mass."

The following policy shall be used by staff when reviewing plans that include a cellar.

DEFINITION:

A cellar is an enclosed area that does not extend more than four feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the FAR. That area of a cellar where the building height exceeds four feet above existing or finished grade shall not be included in this definition and shall be included in the floor area calculation. For purposes of this policy, whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.

POLICY:

In reviewing plans for cellars staff shall consider the following:

- A cellar shall not extend more than four feet above the adjacent finished grade at any point around the perimeter of the foundation. Below grade floor area must meet the above definition of cellar to be excluded from the floor area calculations for the structure.
- If any portion of a cellar extends more than four feet above grade, that area shall be included in the floor area calculation.

- Light and exit wells may encroach into front and side yard setbacks provided that a minimum three-foot wide pedestrian access is provided around the light well(s). Light wells and exiting shall be the minimum required to comply with the Uniform Building Code criteria for natural light and ventilation.
- Below grade patios may extend out from a cellar into the required rear yard provided that a minimum 10 foot setback is retained from the rear property line.
- Cellars and basements (except light and exit wells) shall not extend beyond the building footprint.
- The Planning Commission may allow an exception to this policy based on extenuating or exceptional circumstances applicable to the property including size, shape, topography, location or surroundings. The Commission shall make findings to support such a decision.

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Suzanne Davis - 371 Los Gatos Blvd.

From: "Mark Robson" <mrobson@robsonhomes.com>
To: <blortz@losgatosca.gov>
Date: 04/17/2009 6:18 PM
Subject: 371 Los Gatos Blvd.
CC: "John Garcia" <JGARCIA@robsonhomes.com>

Dear Mr. Lortz:

I am writing to provide an alternative for consideration by the Town Council to our development plan at 371 Los Gatos Blvd, also known at the Trash House.

As you know, we have dedicated the time and talent of many distinguished architects and site planners to ensure that this project is of the highest caliber design. With that said, we understand that it is difficult to know with any real level of certainty what any project will ultimately look and feel like at this stage. One way to aid the decision process is to compare it to a project that you are familiar with. We believe that the both the community and Town staff agree that our Bella Vista (the former Villa Felice property) site plan works, and perhaps by comparing the two projects we can alleviate uncertainty.

With Bella Vista in mind, we are willing to eliminate one of the units in this project (specifically one of the lots between lots 4 and 9 where the site plan is the tightest) in order to bring our FAR down to roughly equal the FAR at Bella Vista (Bella Vista is .46; this project will be .475). Additionally, our average lot size and set backs would be essentially the same (the average lot size at Bella Vista is 4,758 sf; the average lot size at this project will be 4,827 sf).

I would also like the Council to consider, if we eliminated one lot as described above, we be allowed to build the granny units over the garages on lots 13 and 16 as originally proposed.

I believe this project will be an asset to the community. The restoration of the historic Thrash House and lotting pattern along Caldwell Ave will greatly enhance the character of the neighborhood and the Town. I look forward to Monday's Town Council Hearing.

Sincerely,

Mark Robson



RECEIVED

April 17, 2009

APR 17 2009

Members of the Los Gatos Town Council

TOWN OF LOS GATOS
PLANNING DIVISION

Via Electronic Mail

Re: Proposed Development of 371 Los Gatos Boulevard

Dear Council Members:

In its March 17, 2009 edition, the *Los Gatos Weekly Times* ran an article on the front page, titled "Thrash House Will Get Thrashed, and So Will Hospital." The lead sentence reads, "One of the biggest eyesores in town is one step closer to being returned to its former luster." The potential clean-up of the Thrash House and tear-down of a long-vacant convalescent hospital has beguiled all those who have considered it. Like a magician's comely assistant, improving the curb-appeal of a historic house on Los Gatos Boulevard which the developer has allowed to fall into disrepair has distracted from the elephant that then magically "disappears" behind a curtain. It is now the Town Council's obligation to see through the distraction and keep its eyes on the elephant.

That elephant is the proposed construction of 20 homes on what is effectively a 2.5 acre corridor lot. The lot is bounded on one side by overly congested Los Gatos Boulevard, on another by existing homes, and the other by Caldwell Avenue. Caldwell is the short street between Los Gatos Boulevard and Bella Vista Avenue that is the route of choice to Los Gatos High School. Los Gatos can do better than this development as proposed, and the Town Council must see that it does.

Twenty 5,000 square foot houses, including cellars, attics and secondary units, on non-conforming lots with non-conforming setbacks is too much for the available land and too much for the existing neighborhood and infrastructure to absorb. Rather than being used as intended "to provide for alternative uses and developments more consistent with site characteristics" and to "create an optimum quantity and use of open space," (see Town Code Sec. 29.80.080 stating intended use of PD zone), the Planned Development proposed here is used for no other reason than to shoe-horn as many houses as possible onto available land without looking at alternatives that could actually enhance the neighborhood and improve traffic patterns.

It is fair to say that no alternative uses have been explored: the reduction from the monumentally inappropriate number of units that was the developer's opening position to the CDAC, to a merely unrealistic number now, with no significant increase in open space, no significant community benefit provided, and no real traffic mitigation, does not present a real alternative.¹ There are, however, at least three important changes that should be made to the

¹ An Infill development requires that "the applicant shall demonstrate the benefit of a Planned Development through excellence in design." Town Resolution No. 1993-62. The developer has

project. Each would improve the proposal and significantly reduce its negative impacts on the Town as a whole and on the immediate neighborhood.

First, the PD should be used to create a new street parallel to Caldwell and directly across from Fillmer that would access the development. There is an existing driveway at that location south of the Thrash House that could be extended to create such a street. Altering the proposal in this way would achieve several important benefits: it would repeat the existing perpendicular grid pattern of streets feeding on to Los Gatos Boulevard; it would avoid creation of a giant corridor lot; and it would avoid dumping traffic onto Caldwell Avenue. Caldwell is already too narrow by Town standards; it does not align with Kennedy, creating a very dangerous intersection; it serves as a heavily used Town-designated bicycle route; and it is shockingly congested when students are headed to the high school (no matter what the fictionalized traffic study may purport). While this proposal might reduce the lot size for the Thrash House or the number of additional homes, it would still allow ample development (read "return-on-investment") so the beautification of the Thrash House and convalescent hospital could still be obtained.

Second, the PD should be used to create open space. As now proposed, the development has no public open space and virtually no private space. This is contrary to Town policy, and also contrary to good planning and green planning. An alternative would be to create a pedestrian thoroughway which would help integrate the new houses into the existing neighborhood, rather than isolate them in their own private island, as now proposed. Such a thoroughway would also create a safe pathway for bicyclists, pedestrians, school children, and others who use Caldwell and Bella Vista Avenues to get to downtown by means other than cars. High School traffic on those streets simply makes it unsafe for such use at certain times of the day. A pedestrian thoroughway would also promote green alternatives to the automobile. The Town is now making great strides toward encouraging green building and development. To allow a new development which apparently incorporates no green building techniques and which increases wait times at intersections (idling in traffic is *the* single-most pollution-generating "use" of a car) would undermine the Town's efforts, and the perception of the seriousness with which it seeks to pursue those efforts, significantly.

Finally, the Town Council should insist that the Planned Development work to preserve the existing bungalows along Caldwell which, thanks to the current developer, are now in disrepair and destined for demolition. The Council should not tolerate representations from the developer that the houses are in poor condition and cannot be saved. The developer has owned

been spared this requirement through some additional sleight-of-hand whereby this project has been characterized as a "redevelopment" rather than an Infill. This characterization ignores that the plan is to cram 20 houses into what is currently a land-locked parcel. The legerdemain continues with respect to the traffic study. Aided by a 3 year-old "traffic study" which substitutes abstract statistics for real-life experience, the developer may now argue that the traffic impact of a long-closed convalescent hospital would be the same as the impact of 20 new large homes and their many occupants and visitors. This project should be characterized as what it is, infill; the developer should be required to demonstrate a community benefit from the 20 houses; and common sense—not legal fictions--should be applied to determine the real traffic impact.

those houses for several years, as it has the Thrash House, and simply ignored its duty to keep them, including the Thrash House, in good repair. (See Sec. 29.80.315 of the Town Code requiring an owner of a pre-1941 structure to “keep all of the exterior portions in good repair as well as all of the interior portions which are subject to control by the terms of the designating ordinance, and all portions whose maintenance is necessary to prevent deterioration or decay of any exterior portion.”) The developer’s failure to properly maintain the bungalows, in combination with its current request to demolish them due to their dilapidated condition, is the definition of cheek, just like the villain who kills his parents then demands the mercy of the court because he is an orphan. The request to demolish three pre-1941 homes which are ideally suited for restoration to below market price units should receive exactly the same consideration from this Council as would the orphan’s plea for mercy from the court.²

These alternatives are among the many alternatives that the Council should explore and require the developer to explore. The Council has the responsibility to preserve the unique small-town character and quality of life in Los Gatos. It often does so by requiring preservation and restoration of historic buildings. It is a fact that the Town has long desired that the Thrash House be restored, but its restoration cannot, and need not, come at the cost of a significant diminishment of the quality of life for the Caldwell-Bella Vista neighborhood. We can have both a rejuvenated Thrash House and an infill development behind it that is right-sized and fits into the neighborhood. While a Town resident may drive by a newly restored Thrash House and think “that’s lovely,” that thought will not outlast the wait in traffic to be endured while in front of the new Thrash House and the 20 new houses and accompanying traffic it has brought with it.

The elephant vanished by the magician never really goes away. Regardless of how distracting the comely assistant may be, you must protect us from the elephant. I trust that you will.

Respectfully submitted,

Leo Cunningham
400 Bella Vista Ave.
Los Gatos, CA 95032

² In 1992, the Town Council adopted Residential Design Guidelines for pre-1941 structures which state that the “basic premise is the existing structures should be retained and rehabilitated while maintaining the structure’s integrity.”**Error! Main Document Only.**

