

**PLANNING COMMISSION – March 8, 2023**  
**REQUIRED FINDINGS & CONSIDERATIONS FOR:**

**15600-15650 Los Gatos Boulevard**  
**Architecture and Site Application S-22-008**  
**Subdivision Application M-22-002**  
**Conditional Use Permit Application U-22-005**  
**Variance Application V-22-004**

**Requesting Approval for Construction of a New Commercial Building, a Formula Retail Business (Whole Foods) Greater Than 6,000 Square Feet, a Merger of Two Lots into One, a Variance from the Required Number of Parking Spaces, and the Removal of Large Protected Trees on Properties Zoned CH. APNs 424-14-028 and -036. Categorically Exempt Pursuant to CEQA Guidelines Section 15332: In-Fill Development Projects.**

**PROPERTY OWNER/APPLICANT: Steve Lynch, Sand Hill Property Company.**  
**PROJECT PLANNER: Jocelyn Shoopman.**

**FINDINGS**

**Required findings for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15332: In-Fill development. Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.
  - a) The project is consistent with the applicable general plan designation and all applicable general plan polices as well as with applicable designation and regulations.
  - b) The proposed development occurs within Town limits on a project site of no more than five acres substantially surrounded by urban uses.
  - c) The project site has no value as habitat for endangered or rare threatened species.
  - d) Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
  - e) The site can be adequately served by all required utilities and public services.

**Required compliance with the Zoning Regulations:**

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except the number of required parking spaces.

### **Required finding for the demolition of existing structures:**

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
  1. The Town's housing stock will be maintained as the demolition does not include any residential buildings.
  2. The existing structure has no architectural or historical significance.
  3. The property owner does not desire to maintain the structure as it exists.
  4. The economic utility of the structure is diminished because of age.

### **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 Planning Commission 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:
  1. The proposed uses of the property are essential or desirable to the public convenience or welfare in that it provides a retail option for residents and visitors;
  2. The proposed uses will not impair the integrity and character of the zone since the grocery store use is located in a commercial zone and meet the development standards of the zone including setbacks, building height, and lot coverage;
  3. The proposed uses would not be detrimental to public health, safety, or general welfare; and

4. The proposed uses of the property are in harmony with the various elements or objectives of the General Plan and the purposes of the Town Code.

**Required findings for granting a Variance application:**

- As required by Section 29.20.170 of the Town Code for granting a Variance application:
  - (1) Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zone; and
  - (2) The granting of a variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone which such property is situated.

**Commercial Design Guidelines:**

- The proposed building is consistent with applicable provisions of the Commercial Design Guidelines.

**CONSIDERATIONS**

**Considerations in review of Architecture and Site applications:**

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

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