

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Planning Commission

October 16th, 2023

17200 Los Robles Way, Los Gatos
Response to Appeal date Aug 22nd, 2023

Application M 23-001

Commissioners:

This application was made as a correction to the previous LLA application M 20-012 at this address, asking the Town modify its prior approval of the LLA and to consider the LLA application under Government Code Section 66412, subsection (d). It was submitted and has been reviewed by staff and the DRC for compliance. During this process we made all necessary corrections requested by the Town and the plans on file reflect the final LLA configuration and details.

Pursuant to Government Code Section 66412(d), a LLA “between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created” is exempt from the Subdivision Map Act and review under CEQA. Approval of such a LLA is ministerial in nature.

In the plans, we have limited the details to the proposed lot configurations requested for the LLA, while providing sufficient information to analyze the adjusted parcels for compliance with applicable Town and state law.

The access at Worcester Lane has always been available to the property and this will not change with this LLA. The owners are offering to dedicate to the Town an appropriate easement for a cul-de-sac area at the terminus of Worcester Lane to satisfy ingress/egress to parcels 2 and 3 from this location and meet the Town’s frontage requirements. This area has been identified on the plans based on a town standard hillside cul-de-sac. According to the Town’s staff report submitted to the DRC, Town Code Section 29.40.400 does not mandate that the cul-de-sac street frontage be along a paved roadway. This application does not request approval of plans to develop the cul-de-sac easement area. Thus, the Town need not analyze potential impacts associated with the cul-de-sac area.

This application does not request the approval of any new homes nor development of the three (3) parcels. As such, it is premature to consider issues relating to development of the parcels. For instance, Appellant's reference to LU 6.4 is misplaced, as there is no proposed change of use or development of the parcels before the Town, there is no need not conduct any analysis under LU 6.4.

It should also be noted that there are three (3) original existing parcels and there will remain three (3) parcels. Consideration of the LLA application is mandatory under controlling law, whereas the Town's consideration of merger is permissive. For instance, Municipal Code section 24.10.080, which addresses parcel mergers, specifies the Town "may" initiate a merger. There is no requirement that the Town initiate such a merger. Moreover, there is no showing that the three (3) parcels would meet the requirements of a merger under section 24.10.080. As a result, there is no 'intensification of use' or 'increasing density' associated with this application, as Appellant suggests.

Additionally, the Town need not consider whether the proposed LLA is consistent with the Town's policy of not increasing density in Very High Fire Hazard Severity Zones, as there is no increase in density with this application. This application preserves the status quo (three single family residential parcels) and leaves the determination of appropriate countermeasures for Fire Hazard safety to a subsequent A&S Application, which would be reviewed by SCCFD as well as the building department.

Thank you



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