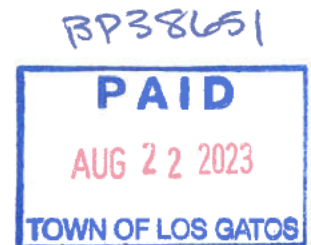




TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. Main Street
Los Gatos, CA 95030



**APPEAL OF THE DECISION OF
DEVELOPMENT REVIEW COMMITTEE**

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW COMMITTEE as follows:

DATE OF DECISION: August 15th 2023

PROJECT/APPLICATION: M-23-001 Line Adjustment

LOCATION: 17200 Los Robles Way, Los Gatos

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Planning Commission any decision of the Development Review Committee.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

Please see attached

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Friday. Appeals are due by 4:00 P.M.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: Alison Steer

SIGNATURE: Alison Steer

DATE: 8/22/2023

ADDRESS: 301 Harding Ave

PHON

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION: 1. _____
2. _____
3. _____

DATE: _____
DATE: _____
DATE: _____

PLAPPEAL \$ 255.00 Residential
PLAPPEAL \$ 1,016.00 Commercial
PLAPPEAL \$ 103.00 Tree Appeals

RECEIVED

AUG 22 2023

TOWN OF LOS GATOS
PLANNING DIVISION

APPEAL OF THE DECISION OF DEVELOPMENT REVIEW COMMITTEE

M-23-001 Line Adjustment

17200 Los Robles Way

The DRC's conclusion, at the urging of Staff, that approval of this application is a ministerial act is legally erroneous because the DRC must exercise considerable judgment to ensure the lot line adjustment (LLA) is consistent with all aspects of the Town's General Plan, Hillside Specific Plan and all applicable Hillside Development Standards and Guidelines. This approval is unlike a typical ministerial act where the responsible agency merely uses a pre-defined checklist to ensure the project is consistent with a set of well-established standards.

Moreover, Staff's position that LLA approvals are per se ministerial is clearly erroneous in light of CEQA Guideline §15305, which provides that LLA approvals are exempt from CEQA under some circumstances. If, as Staff contends and the DRC apparently accepted, LLA approvals are per se ministerial, §15305 is completely pointless and nonsensical because ministerial acts are not subject to CEQA at all, and therefore there would be no point in adopting a guideline to exempt them from CEQA.

There are several key reasons why approving this project is a discretionary act.

The fact that under §15035, LLAs between four or fewer lots with average slopes of >20% are not exempt from CEQA review is further persuasive evidence that approval of an LLA on parcels with greater than 20% slopes require exercise of discretion.

Town is required to analyze the proposed LLA's consistency with goals and policies of the General Plan including land use elements (LU 6.4) which "Prohibit uses that may lead to the deterioration of residential neighborhoods, or adversely impact the public safety or the residential character of a residential neighborhood". The Town has conducted no such analysis, and in any event, a finding that the LLA is, or is not, consistent with LU 6.4 necessarily requires an exercise of discretion.

Similarly, the Town has failed to analyze the potential impacts associated with the proposed cul-de-sac or its consistency relative to the Hillside Development Standards which also changes principal means of access to parcel 2 and 3.

It is important to note, moreover, that regardless of whether the LLA could be approved without compliance with CEQA, the Town must analyze the environmental impacts associated with the proposed access driveway to parcels 2 and 3, which is an essential part of the proposed LLA.

To the extent the LLA creates a new buildable parcel from an unbuildable parcel (and this is not just moving lines around on paper as was mentioned at the DRC meeting (minute 6:20)), the Town is required to but has thus far failed to carefully review the consistency of the newly configured parcels with the Town's General Plan. Approval of the LLA will most likely result in the siting of up to two new dwellings on parcel 2, which is more than capable of creating ecological and visual impacts to neighboring properties (General Plan CD 6.4)

The Town's General Plan 2040 website specifically states the adopted plan "does not allow new housing potential in the Very High Fire Hazard Severity Zones" which is where this land is located. Increasing density increases fire risk to the neighborhood. The Town must consider whether this proposed LLA is consistent with the Town's policy of not increasing density in Very High Fire Hazard Severity Zones.

Today Parcel 2 today is not buildable, is landlocked, does not conform to minimum parcel size, cannot be accessed by vehicular or safety equipment (there's a house/pool in the way, which according to the staff report will remain), and due to the steepness of the slope is outside of the LRDA where no turnaround could be built, nor does it meet slope stability standards, yes the Town refuses to consider this land for merger per municode Sec 29.10.080.

Alison Steer

304 Harding Ave