

Draft Resolution to be modified by Town Council deliberations and direction.

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVING A LOT LINE ADJUSTMENT BETWEEN THREE ADJACENT LOTS ON
PROPERTIES ZONED R-1:20.**

**APNS 532-36-075, -076, -077
SUBDIVISION APPLICATION: M-20-012
PROPERTY LOCATION: 17200 LOS ROBLES WAY
APPELLANT: ALISON AND DAVID STEER
APPLICANT: TONY JEANS
PROPERTY OWNERS: DARAN GOODSSELL, TRUSTEE AND MARK VON KAENEL**

WHEREAS, on May 25, 2021, the Development Review Committee held a public hearing and considered a request for Certificate of Compliance of two vacant parcels at 17200 Los Robles Way (APNs 532-36-075 and 532-36-077), zoned R-1:20. Based on the review by the Town’s Consultant Surveyor, the Development Review Committee found that the parcels were legally created in accordance with the Subdivision Map Act and approved the Certificate of Compliance applications subject to the conditions of approval.

WHEREAS, on July 13, 2021, the Development Review Committee held a public hearing and considered a request for a lot line adjustment between three adjacent lots on properties zoned R-1:20. The Development Review Committee found that the Lot Line Adjustment application was complete and in compliance with Town Code and the Subdivision Map Act and approved the application subject to conditions of approval.

WHEREAS, on July 22, 2021, the appellant filed an appeal of the decision of the Development Review Committee approving the Lot Line Adjustment application between three adjacent lots on properties zoned R-1:20.

WHEREAS, on September 8, 2021, the Planning Commission held a public hearing and considered an appeal of the Development Review Committee decision to approve a lot line adjustment on properties zoned R-1:20. The Planning Commission denied the appeal and approved the Lot Line Adjustment application subject to modified conditions of approval.

WHEREAS, on September 20, 2021, the appellant filed an appeal of the decision of the Planning Commission denying the appeal and approving the request for a lot line adjustment between three adjacent lots on properties zoned R-1:20.

WHEREAS, this matter came before the Town Council for public hearing on November 2, 2021, and was regularly noticed in conformance with State and Town law.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of material contained in the Council Agenda Report for their meeting on November 2, 2021, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission approving a lot line adjustment between three adjacent lots on properties zoned R-1:20 is denied and the application is approved.

2. The Town Council hereby adopts all findings and conditions of approval set forth in the documents attached as Exhibits A and B and approves the development plans (Attachment 1, Exhibit 13).

3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 2nd day of November 2021, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

TOWN COUNCIL – November 2, 2021
REQUIRED FINDINGS FOR:

17200 Los Robles Way
Subdivision Application M-20-012

Requesting Approval of a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. APNs 532-36-075, -076, and -077. PROPERTY OWNERS: Daren Goodsell, Trustee and Mark Von Kaenel. APPLICANT: Tony Jean. APPELLANTS: Alison and David Steer.

FINDINGS

Required findings for CEQA:

- The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, Section 15061(b)(3): A project is exempt from CEQA when the activity is covered by the common sense exemption that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA. The project proposes to modify lot lines between three legal, adjacent parcels. No development is proposed at this time.

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.

TOWN COUNCIL – November 2, 2021

CONDITIONS OF APPROVAL:

17200 Los Robles Way

Subdivision Application M-20-012

Requesting Approval of a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. APNs 532-36-075, -076, and -077. PROPERTY OWNERS: Daren Goodsell, Trustee and Mark Von Kaenel. APPLICANT: Tony Jean. APPELLANTS: Alison and David Steer.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. EXPIRATION: The Subdivision Application will expire two years from the date of approval, unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. ARCHITECTURE & SITE APPROVAL: Approval of an Architecture & Site Application is required for construction of the cul-de-sac, driveways, residences, and related grading.
4. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

5. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
6. ENGINEERING FEES: Engineering fees associated with the Lot Line Adjustment (see item 270 in the Town's [Comprehensive Fee Schedule](#)) shall be deposited with the Engineering Division of the Parks and Public Works Department prior to recordation.
7. GENERAL: The Owner and/or Applicant shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Lot Line Adjustment. Issuance of a Lot Line Adjustment will acknowledge the Town's acceptance of the parcel as legally

created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.

8. CERTIFICATE OF LOT LINE ADJUSTMENT: A Certificate of Lot Line Adjustment shall be recorded. An electronic copy (PDF) of the legal description for each new lot configuration, a plat map (8-½ in. X 11 in.) and of the legal description of the land to be exchanged shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
9. CERTIFICATE OF COMPLIANCE: A Certificate of compliance shall be recorded. Two (2) copies of the legal description for each lot configuration, a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
10. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. An electronic copy (PDF) of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
11. LENDER CONSENT: Prior to recording the map, evidence of consent from all holders of Deeds of Trust associated with the parcels shall be provided to the Town.

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