



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/13/2019

ITEM NO: 2

DATE: October 29, 2019

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Architecture and Site Application S-19-042. Project Location: **26 Alpine Avenue**. Property Owner: DMJ Home Solutions LLC. Applicant: Tom Sloan. Project Planner: Jocelyn Shoopman.
Requesting approval of a time extension of an Architecture and Site approval for construction of a new single-family residence and removal of a large protected tree on vacant property zoned R-1:20. APN 529-37-042.

RECOMMENDATION:

Approval, subject to the recommended Conditions of Approval.

PROJECT DATA:

General Plan Designation: Low Density Residential

Zoning Designation: R-1:20, Single-Family Residential, minimum lot size 20,000 square feet

Applicable Plans & Standards: Residential Design Guidelines and Hillside Development Standards & Guidelines

Parcel Size: 20,000 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Low Density Residential	R-1:20
East	Residential	Low Density Residential	R-1:20
East	Residential	Low Density Residential and Medium Density Residential	R-1:8 and R-1D

PREPARED BY: Jocelyn Shoopman
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

It was determined that this project will not have a significant impact on the environment and the Town Council adopted a Mitigated Negative Declaration for the Architecture and Site application on December 19, 2017.

FINDINGS:

- As required by Section 29.20.325 of the Town Code for granting a time extension request.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

On December 19, 2017, the Town Council approved Architecture and Site application S-19-042, for construction of a new single-family residence and removal of a large protected tree on vacant property. The Architecture and Site application will expire two years from the approval date unless the approval is vested.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject site is a vacant lot located on Alpine Avenue approximately 300 feet north of East Main Street.

B. Project Summary

The applicant is requesting approval of a time extension of an Architecture and Site approval for construction of a new single-family residence and removal of a large protected tree on vacant property. The applicant is requesting the time extension due to the sale of the property, and the impending wet season with regards to the grading involved with the project. The letter of justification is included as Exhibit 4, and the development plans are included as Exhibit 5. The applicant is not proposing any changes to the approved project.

C. Zoning Compliance

A single-family residence is permitted in the R-1:20 zone.

DISCUSSION:

A. Time Extension

The purpose of requiring a time extension is to give the Town the ability to modify existing conditions or impose additional conditions to address new facts that have come to light. If there are new facts concerning the proposed project, conditions of approval can be added or modified in order to grant a time extension.

On April 3, 2006, the Town Council determined that up to two-time extensions are considered appropriate to allow projects to move forward. Time extensions are not intended to provide an opportunity to completely revisit an application. They are intended to provide an opportunity to evaluate if the facts that existed at the time of approval have changed or if new conditions are warranted.

Town Code Section 29.20.325 allows the deciding body having jurisdiction to grant approval of the original application, to approve reasonable time extensions not exceeding one-year subject to the following findings:

- (1) There would be no legal impediment to granting a new application for the same approval.
- (2) The conditions originally applied or new conditions to be applied as part of the extension approval are adopted to any new facts concerning the proposed project.

The applicant is not proposing any changes to the previously approved project. The Planning Division, Building Division, Parks and Public Works Engineering Division, and the Santa Clara County Fire Department reviewed the time extension request. In regard to the first finding, there would be no legal impediment to granting the extension, and the findings made for the previous approval still stand. In regard to the second finding, conditions have been modified to reflect the new expiration date and include current Public Works Department requirements.

B. Environmental Review

It was determined that this project will not have a significant impact on the environment and the Town Council adopted a Mitigated Negative Declaration for the Architecture and Site application on December 19, 2017.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property.

CONCLUSION:

A. Recommendation

As discussed above, there are no changes to the previously approved project. Therefore, staff recommends approval of the time extension. If the Planning Commission finds merit with the proposal, it should:

- a. Make the required findings as required by Section 29.20.325 of the Town Code for granting a time extension (Exhibit 2); and
- b. Approve the time extension for Architecture and Site application S-19-042, with the conditions contained in Exhibit 3.

B. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions of approval; or
3. Deny the application.

EXHIBITS:

1. Location map
2. Required findings (one page)
3. Recommended conditions of approval (14 pages)
4. Letter of justification, received October 18, 2019 (one page)
5. Development plans, received October 18, 2019