

PLANNING COMMISSION – August 9, 2023
REQUIRED FINDINGS & CONSIDERATIONS FOR:

15860-15894 Winchester Boulevard and 17484 Shelburne Way
Architecture and Site Application S-21-008
Conditional Use Permit Application U-21-010
Variance Application V-21-003
Subdivision Application M-22-008
Mitigated Negative Declaration ND-22-001

Requesting Approval for Demolition of One Existing Office and Four Residential Buildings, Construction of an Assisted Living and Memory Care Facility, Variance from the Maximum Height and Lot Coverage of the Zone, Merger of Four Lots Into One, and Removal of Large Protected Trees on Property Zoned O. APN 529-11-013, -038, -039, and -040.

APPLICANT/PROPERTY OWNER: Green Valley Corp. d.b.a. Swenson

FINDINGS

Required findings for CEQA:

- An Initial Study and Mitigated Negative Declaration have been prepared for this project. It has been determined that this project will not have a significant impact on the environment with adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the height and lot coverage variances requested.

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 proposed project contains more dwelling units than the number of residential buildings proposed to be demolished.
 2. The existing structures have no architectural or historical significance.
 3. The property owner does not desire to maintain the structures as they exist.
 4. The economic utility of the structures is diminished because of age.

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.

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 the assisted living and memory care facility would provide necessary services and activities for seniors in the community;
 2. The proposed uses will not impair the integrity and character of the zone as the proposed residential care facility use would generate less traffic than an office use previously proposed for the site and meet the development standards of the zone except for the requested variances described below;
 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 this chapter.

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 parcel map 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.

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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