



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/10/2025

ITEM NO: 3

DATE: September 5, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request for Approval of a One-Year Time Extension for the Existing Architecture and Site (S-21-008), Conditional Use Permit (U-21-010), Variance (V-21-003), and Lot Merger (M-22-008) Applications to Demolish One Existing Office and Three Residential Buildings, Construct an Assisted Living and Memory Care Facility, a 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. **Located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way.** APNs 529-11-013, -038, -039, and -040. Architecture and Site Application S-25-034, Conditional Use Permit Application U-25-004, Variance Application V-25-001, and Subdivision Application M-25-007. A Mitigated Negative Declaration (ND-22-001) was Adopted for this Project. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Project Planner: Sean Mullin.

RECOMMENDATION:

Consider a request for approval of a one-year time extension for the existing Architecture and Site (S-21-008), Conditional Use Permit (U-21-010), Variance (V-21-003), and Lot Merger (M-22-008) applications to demolish one existing office and three residential buildings, construct an assisted living and memory care facility, a 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, located at 15860-15894 Winchester Boulevard and 17484 Shelburne Way.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director and Town Attorney

SUBJECT: 15860-15894 Winchester Boulevard and 17484 Shelburne Way/
S-25-034, U-25-004, V-25-001, and M-25-007

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PROJECT DATA:

General Plan Designation: Office Professional
Zoning Designation: O (Office)
Applicable Plans & Standards: General Plan, Commercial Design Guidelines
Parcel Size: 1.3 acres (56,889 square feet)

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential, Office, and Commercial	Office Professional	O
South	Residential	Medium Density Residential	O
East	Commercial	Service Commercial and Office Professional	LM and O
West	Office	Low Density Residential	O

CEQA:

A Mitigated Negative Declaration (ND-22-001) was adopted for this project by the Town Council on September 19, 2023. No further environmental analysis is required.

FINDINGS:

- A Mitigated Negative Declaration (ND-22-001) was adopted for this project by the Town Council on September 19, 2023. No further environmental analysis is required.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the height and lot coverage variances requested.
- As required by Section 29.10.09030 (e) of the Town Code for the demolition of existing structures.
- As required by Section 29.20.170 of the Town Code for granting a Variance application.
- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit.
- As required by Section 66474 of the State Subdivision Map Act.
- That the proposed project is consistent with the Commercial Design Guidelines.
- There would be no legal impediment to granting a new application for the same approval as required by Section 29.20.325 (b) of the Town Code for granting a one-year time extension.
- 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 as required by Section 29.20.325 (b) of the Town Code for granting a one-year time extension.

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CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION:

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

BACKGROUND:

The subject site is the combination of four parcels forming an approximately 1.31-acre site at the intersection of Winchester Boulevard and Shelburne Way (Exhibit 1). The site is currently developed with three single-family residences; a single-family residential structure that is currently occupied by a commercial construction business; and multiple detached accessory structures for a total of nine structures on the site. The existing zoning is Office (O), and the General Plan Land Use designation is Office Professional.

On August 9, 2023, the Planning Commission considered the proposed project (Exhibits 5 through 8). The Planning Commission approved the project with two additional conditions requiring a reduction in height and planting of evergreen screening trees (Exhibit 3, Conditions 3 and 4).

On August 21, 2023, the Planning Commission decision was appealed by a neighbor.

On September 19, 2023, the Town Council considered the appeal of the Planning Commission decision and was unable to make the findings required to grant an appeal, in accordance with Town Code Section 29.20.275. The Town Council voted three-to-two to deny the appeal and uphold the decision of the Planning Commission approving the project (Exhibit 9).

The project approval expires two years from the approval date pursuant to Town Code Section 29.20.320, unless the approval has been used. Pursuant to Section 29.20.335 an approval is vested if substantial construction work specifically for the project is lawfully performed after the approval is granted, in reliance on the approval and in reliance on validly issued building permits.

The applicant requests a one-year time extension to the existing Architecture and Site (S-21-008), Conditional Use Permit (U-21-010), Variance (V-21-003), and Lot Merger (M-22-008) applications pursuant to Town Code Section 29.20.325 (Exhibit 10).

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PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the northeast corner of Winchester Boulevard and Shelburne Way (Exhibit 1). Access to the project site is provided on Winchester Boulevard and Shelburne Way.

B. Project Summary

The applicant is proposing to demolish one existing office, three residential buildings, and multiple accessory structures and remove large protected trees to construct a new three-story assisted living and memory care facility. The proposed project also includes a Variance for height and lot coverage and a lot merger of the four lots into one.

C. Zoning Compliance

An assisted living and memory care facility use is allowed as a conditional use in the O zone and requires approval of a Conditional Use Permit (CUP). Further analysis is provided in the August 9, 2023, Planning Commission staff report included as Exhibit 6.

DISCUSSION:

A. One-Year Time Extension

The applicant requests a one-year time extension to the existing Architecture and Site (S-21-008), Conditional Use Permit (U-21-010), Variance (V-21-003), and Lot Merger (M-22-008) applications (Exhibit 11) as the application will expire on September 19, 2025. The applicant indicates that additional time is needed to allow for market adjustments toward more favorable financial conditions.

Pursuant to Section 29.20.325 (a) of the Town Code, reasonable extensions of time not exceeding one (1) year may be granted by the body having jurisdiction to grant the original application. Extensions are valid only if approved before the pending expiration date and are measured from that date. Repeated extensions may be granted, and new conditions imposed.

Pursuant to Section 29.20.325 (a) of the Town Code, before granting an extension of time the deciding body must find from the evidence:

1. There would be no legal impediment to granting a new application for the same approval.

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Staff Response: The scope of the project remains the same. 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.

Response: The recommended Conditions of Approval have been updated to meet current Fire, Building, Engineering, and Planning regulations and requirements (Exhibit 3).

B. CEQA Determination

A Mitigated Negative Declaration (ND-22-001) was adopted for this project by the Town Council on September 19, 2023. No further environmental analysis is required.

PUBLIC COMMENTS:

Project signage was installed on the site and written notice was sent to property owners and tenants located within 300 feet of the subject property.

On April 4, 2023, the Town Council granted a request from the applicant to allow an exception to the Story Pole Policy to allow a video rendering in place of story poles. The video rendering was made available on the Town's website, the web address of which was provided on the project signage and linked via QR code. The video rendering is also available for viewing online here: https://drive.google.com/open?id=1fJyzZYorTtTOSZynO_bkfnDLpiEl812rC&usp=drive_fs

As of the drafting of this report, no comments from the public have been received.

CONCLUSION:

A. Summary

The applicant is requesting approval of a one-year time extension to an existing Architecture and Site, CUP, Lot Merger, and Variance applications to allow demolition of the existing buildings onsite, construction of an assisted living and memory care facility, and remove large protected trees. The lot merger would merge four lots into one, and the variances requested are for maximum allowed height and lot coverage.

The project is consistent with the Zoning (except for the variance requests), General Plan, and applicable Commercial Design Guidelines.

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B. Recommendation

Based on the analysis in the Planning Commission Staff report of August 9, 2023 (Exhibit 6), staff recommends approval of a one-year extension to the existing Architecture and Site (S-21-008), Conditional Use Permit (U-21-010), Variance (V-21-003), and Lot Merger (M-22-008) applications subject to the recommended conditions of approval (Exhibits 3 and 4). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that no further environmental analysis is required (Exhibit 2);
2. Make the finding that the project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) except for the height and lot coverage variances requested (Exhibit 2);
3. Make the finding for the demolition of existing structures as required by Town Code Section 29.10.09030 (e) (Exhibit 2);
4. Make the required findings as required by Section 29.20.170 of the Town Code for granting a Variance (Exhibit 2);
5. Make the findings as required by Section 29.20.190 of the Town Code for granting approval of a CUP (Exhibit 2);
6. Make the required findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2);
7. Make the finding that the project complies with the Commercial Design Guidelines (Exhibit 2);
8. Make the finding that there would be no legal impediment to granting a new application for the same approval as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension (Exhibit 2);
9. Make the finding that 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 as required by Section 29.20.325(b) of the Town Code for granting a one-year time extension (Exhibit 2);
10. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
11. Approve a one-year extension of the project by approving Architecture and Site Application S-25-034, Conditional Use Permit Application U-25-004, Variance Application V-25-001, and Subdivision Application M-25-007 with the conditions contained in Exhibits 3 and 4 and the development plans in Exhibit 11.

C. 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; or

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3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Draft Conditions of Approval for Architecture and Site, Variance, and Lot Merger
4. Draft Conditions of Approval for Conditional Use Permit
5. August 9, 2023 Planning Commission Staff Report with Exhibits 2 through 14
6. August 9, 2023 Planning Commission Addendum with Exhibit 15
7. August 9, 2023 Planning Commission Desk Item with Exhibit 16
8. August 9, 2023 Planning Commission Meeting Minutes
9. Town Council Resolution 2023-054
10. Applicant's Request for Extension
11. Development Plans

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