



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 09/08/2021

ITEM NO: 2

DESK ITEM

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DATE: September 8, 2021  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. APNs 532-36-075, -076, and -077. Lot Line Adjustment Application M-20-012. Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellants: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. Project Planner: Ryan Safty.

REMARKS:

Town staff has added a draft condition of approval to ensure consent from all holders of Deeds of Trust on the parcels is provided. Exhibit 14 includes the updated draft conditions of approval, with the added condition (Condition #11) shown underlined.

EXHIBITS:

Previously received with the September 8, 2021 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Pictures of subject properties, received January 8, 2021
5. Project Description and Letter of Justification, received February 19, 2021
6. Summary of neighborhood outreach, received March 31, 2021
7. Certificate of Compliance Consulting Surveyor Reviews, received April 14, 2021 and May 17, 2021
8. May 25, 2021 Development Review Committee meeting minutes
9. Public Comments and Applicant Responses received prior to 10:00 a.m., Tuesday, July 13, 2021

PREPARED BY: RYAN SAFTY  
Associate Planner

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Reviewed by: Planning Manager and Community Development Director

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PAGE 2 OF 2

SUBJECT: 17200 Los Robles Way/M-20-012

DATE: September 8, 2021

EXHIBITS (continued):

10. July 13, 2021 Development Review Committee meeting minutes
11. Appeal of Development Review Committee, received July 22, 2021
12. Applicant's response to appeal, received July 27, 2021
13. Development Plans approved by Development Review Committee on July 13, 2021

Received with this Desk Item:

14. Amended Conditions of Approval

**PLANNING COMMISSION – September 8, 2021**  
**CONDITIONS OF APPROVAL**

**17200 Los Robles Way**  
**Subdivision Application M-20-012**

**Consider an Appeal of a Development Review Committee Decision Approving 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, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. PROJECT PLANNER: Ryan Safty.**

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.