

PLANNING COMMISSION – March 26, 2025
REQUIRED FINDINGS AND CONSIDERATIONS FOR:

143 and 151 E. Main Street

Architecture and Site Application S-24-007
Conditional Use Permit Application U-24-002
Vesting Tentative Map Application M-24-004
and Mitigated Negative Declaration ND-24-003

Consider a Request for Approval to Demolish Existing Commercial Structures, Construct a Mixed-Use Development (30 Multi-Family Residential Units) with Commercial Space on the Ground Floor, a Conditional Use Permit, a Condominium Vesting Tentative Map, and Remove Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned C-2. APNs 529-28-001 and -002. An Initial Study and Mitigated Negative Declaration Have Been Prepared.

Property Owner: David Blatt, CSPN LLC.
Applicant: Kenneth Rodrigues and Partners, Inc.
Project Planner: Ryan Safty

FINDINGS

Required finding 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 finding for consistency with the Town's General Plan:

- That the proposed project is consistent with the General Plan and its Elements with granting of the requested exceptions to Town maximum allowed density and floor area ratio standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

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 with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).**

Instead, the Town Council makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).
- 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 with implementation of the Mitigation Monitoring and Reporting Program and the Conditions of Approval.
- 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.

Required findings for a Conditional Use Permit:

- As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of the Town Code if it finds that:

1. The proposed use is desirable to the public convenience because it provides additional residential dwelling units and commercial space in the Town.
2. The proposed use would not impair the integrity of the zone, in that the proposed use is allowed with a Conditional Use Permit in the C-2 zone.
3. The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community.
4. The proposed use is in conformance with the Town Code and General Plan with granting of the requested exceptions pursuant to State Builder's Remedy Law.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

Required compliance with the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

- The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

Required findings to deny a project under State Builder's Remedy Law:

As required by California Government Code Section 65589.5(d) of the California Housing Accountability Act, a qualifying housing development project invoking Builder's Remedy shall not be denied by the Town, or condition approval in a manner that renders the housing development project infeasible, including through the use of design review standards, unless it makes written findings, based on the preponderance of the evidence in the record, as to one of the following:

None of the findings could be made to deny the application.

1. The Town did not have an adopted sixth cycle Housing Element by January 31, 2023.
2. The housing development project would not have a specific, adverse impact on the public health or safety.
3. The denial of the housing development project or imposition of conditions is not required in order to comply with specific state or federal law.
4. The housing development project is not proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
5. On the date the application for the housing development project was deemed complete, the Town had not adopted a revised housing element that was in substantial compliance with California Government Code Section 65589.5(d) of the California Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use Designation.

CONSIDERATIONS

Required considerations in review of Architecture and Site applications:

- As required by Section 29.20.150 of the Town Code, the applicable considerations in review of an Architecture and Site application were all made in reviewing this project.

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