



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/10/2019

ITEM NO: 2

DATE: July 2, 2019

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Architecture and Site Application S-19-026 and Subdivision Application M-19-006. Project Location: **15860-15894 Winchester Boulevard**. Applicant: Doug Rich, Valley Oak Partners. Property Owners: South Beach Partners LLC and Cumulus Capital Holdings LLC.

Requesting approval of a time extension to demolish three existing single-family residences, remove an accessory dwelling unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking. APNs 529.11-013, -038, -039, and -040.

RECOMMENDATION:

Approval, subject to the recommended Conditions of Approval.

PROJECT DATA:

General Plan Designation: Office Professional
Zoning Designation: O, Office
Applicable Plans & Standards: Commercial Design Guidelines
Parcel Size: 1.3 acres

PREPARED BY: Jennifer Armer
Senior Planner

Reviewed by: Planning Manager and Community Development Director

PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	General Plan Land Use Designation	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:

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 and Subdivision applications on October 17, 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 January 25, 2017, the Planning Commission considered the Architecture and Site and Subdivision applications to demolish three existing single-family residences, remove an accessory dwelling unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking. On April 26, 2017, after a continuation, the Planning Commission denied the applications. The decision of the Planning Commission was appealed by the applicant on May 8, 2017. On October 17, 2017, the Town Council granted the appeal of the Planning Commission decision and approved the Architecture and Site and Subdivision applications.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

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

PROJECT DESCRIPTION (continued):

B. Project Summary

The applicant is requesting approval of a time extension of the approved Architecture and Site and Subdivision applications to demolish three existing single-family residences, remove an accessory dwelling unit, remove large protected trees, and merge four lots for the purposes of constructing a new two-story office building with below grade and at grade parking. The applicant is requesting a time extension because they have not been able to secure a tenant. The applicant's time extension request 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

An office use is a permitted use in the O 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, 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 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

DISCUSSION (continued):

Santa Clara County Fire Department reviewed the time extension request. In regards to the first finding, there would not be any legal impediment to granting the extension, and the findings made for the previous approval still stand. In regards to the second finding, conditions have been modified to reflect the new expiration date, include current Public Works Department requirements and standard conditions, and the names of department contacts. No other conditions have been modified or added.

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 and Subdivision applications on October 17, 2017.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. Exhibit 6 includes public comments received by 11:00 a.m., Friday, July 5, 2019.

CONCLUSION:

A. Recommendation

As discussed above, there are no changes to the previously approved project and staff believes the findings required to grant the time extension can be made. Therefore, staff recommends approval of the time extension request. 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 request (Exhibit 2); and
- b. Approve the time extension applications S-19-026 and M-19-006 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 applications with additional and/or modified conditions of approval; or
3. Deny the applications.

PAGE 5 OF 5

SUBJECT: 15860-15894 Winchester Boulevard/S-19-026 and M-19-006

DATE: July 2, 2019

EXHIBITS:

1. Location Map
2. Required Findings (one page)
3. Recommended Conditions of Approval (22 pages)
4. Time Extension Request, received May 9, 2019 (one page)
5. Development Plans, received May 9, 2019
6. Public Comments received by 11:00 a.m., Friday, July 5, 2019