



TOWN OF LOS GATOS
PLANNING COMMISSION REPORT

MEETING DATE: 01/14/2026

ITEM NO: 3

DATE: January 9, 2026
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of the Community Development Director Determination of Demolition on Property Zoned R-1:8. **Located at 14340 Browns Lane. APN 409-14-010.** Building Permit B25-0171. Categorically Exempt Pursuant to CEQA Guidelines Section 15301: Existing Facilities. Property Owner/Applicant/Appellant: Cathleen Vadasz. Project Planner: Sean Mullin.

RECOMMENDATION:

Deny the appeal of the Community Development Director determination of demolition on property zone R-1:8, located at 14340 Browns Lane.

BACKGROUND:

The subject property is located on the east side of Browns Lane approximately 130 feet north of the intersection with Wedgewood Avenue (Exhibit 1). The property is developed with an existing single-family residence currently under renovation.

On September 25, 2025, Building Permit B25-0171 was issued for interior and exterior modifications and a 499-square foot single-story addition to the residence. The Town defines a technical demolition of a non-historic residence as removal of more than 50 percent of the exterior wall framing. The project included a demolition plan and calculation that did not trigger a technical demolition by limiting demolition of the exterior wall framing to 48.3 percent (Exhibit 2, Sheet G6.0). As required by Town Code, the property owner, architect, civil engineer, and contractor signed a Demolition Affidavit acknowledging their understanding of the Town's demolition requirements (Exhibit 3).

On September 29, 2025, a Town Building Inspector conducted a scheduled progress inspection, during which they discussed options to address a roof framing issue with the contractor. The inspector indicated that any changes from the approved plans required approval of a revision to the Building Permit.

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Town Attorney and Community Development Director

On November 10, 2025, a Town Building Inspector conducting a scheduled progress inspection noted that all the existing framing had been removed and replaced in-kind and that the contractor should contact the Planning Division. This work was not included in the approved project plans, nor was a revision applied for by the applicant. The Building Inspector contacted Planning for follow up.

The Community Development Director and Building Official reviewed photos of the state of the residence, confirming that the work resulted in an unlawful technical demolition. On November 14, 2025, a Stop Work notice was issued to the property owner (Exhibit 4). On November 21, 2025, a Notice of Unlawful Demolition from the Community Development Director was sent to the property owner (Exhibit 5).

On November 26, 2025, the decision of the Community Development Director was appealed by the property owner (Exhibit 6). Pursuant to Town Code Section 29.20.255, any interested person as defined in Section 29.10.020 may appeal any decision of the Planning Director including "(4) Determination of an unlawful demolition and/or the penalty and the cost assessment for the unlawful demolition."

Pursuant to Town Code Section 29.20.260, the appellant must file a written notice of appeal with the Community Development Director not more than 10 days after the date of mailing of written notification of the Community Development Director's decision. The notice shall state clearly the reasons why the appeal ought to be granted. Pursuant to Town Code Section 29.20.265, the appeal should be heard by the Planning Commission.

DISCUSSION:

A. Project Summary

The property is developed with an existing single-family residence currently under construction. On September 25, 2025, Building Permit B25-0171 was issued for interior and exterior modifications and a 499-square foot single-story addition to the residence. During the building permit process, the Town requested a Demolition Affidavit requiring all parties of the project to review the Town's Demolition Code requirements (Exhibit 3). Town Code Section 29.10.020 states that the demolition of a nonhistoric structure means:

Demolition (nonhistoric structure): Removal of more than 50 percent of the exterior walls. The following is exempt from this definition:

- a. *Repair.* The removal and replacement if in kind non-repairable wall resulting in no change to its exterior appearance or character if approved by the Community Development Director.

As required by Town Code, the property owner, architect, civil engineer, and contractor submitted a signed Demolition Affidavit acknowledging their understanding of the Town's demolition requirements (Exhibit 3).

The Town Code requires the Demolition Affidavit when the proposed project would result in demolition of more than 40 percent of the existing exterior walls. Even for projects with less than 40 percent demolition, staff often requests the Demolition Affidavit be signed to ensure all parties understand the demolition requirements in the event additional demolition may be required beyond what is shown on the plans. The Town stamps a notice on the building permit plans noting the plans have been approved as shown and that any modification may require separate approval.

The approved Building Permit plans included a demolition plan showing that less than 50 percent of the exterior wall framing would be removed (Exhibit 2, Sheet G6.0). The approved demolition plan adequately accommodated the proposed renovation and addition while complying with the Town's demolition rules. Therefore, the project did not constitute a technical demolition and was not scoped or processed as construction of a new residence.

On September 29, 2025, a Town Building Inspector conducted a scheduled progress inspection, during which they discussed options to address a roof framing issue with the contractor. The inspector indicated that any changes from the approved plans required approval of a revision to the Building Permit.

On November 10, 2025, a Town Building Inspector conducting a scheduled progress inspection noted that all the existing framing had been removed and replaced in-kind and advised that the contractor should contact the Planning Division. This work was not included in the approved project plans, nor was a revision applied for by the applicant. The Building Inspector contacted Planning for follow up.

B. Community Development Director Determination of Demolition

The Community Development Director and Building Official reviewed photos showing the state of the residence, confirming that the work resulted in an unlawful technical demolition. On November 14, 2025, a Stop Work notice was issued to the property owner (Exhibit 4). On November 21, 2025, a Notice of Unlawful Demolition from the Community Development Director was sent to the property owner (Exhibit 5). The notice included the following requirements:

i. Penalties for Unlawful Demolition

Pursuant to Town Code Section 29.10.09030 (g), a property owner who unlawfully demolishes a structure is required to file all applicable Planning and Building Department applications and pay the associated fees and penalties, as established by resolution, for any new applications and for work performed unlawfully. Pursuant to the Town's Comprehensive Fee Schedule, which is adopted by resolution, applications for work unlawfully complete are subject to a penalty of double the current application fees.

ii. Architecture and Site Application

Pursuant to Town Code Section 29.10.145, Architecture and Site approval is required for demolition of an existing single-family residence and construction of a new single-family residence. The Town's Comprehensive Fee Schedule requires double application fees for work unlawfully completed; for an Architecture and Site application, this equates to $\$22,568.18 \times 2 = \$45,136.36$.

iii. Future Building and Engineering Applications associated with the Architecture and Site Application

Per the Town's Comprehensive Fee Schedule, double application fees are required for work unlawfully completed, which will be determined through the Architecture and Site Application process.

iv. Appeal Rights

Pursuant to Town Code Section 29.20.255, any interested person as defined in Section 29.10.020 may appeal any decision of the Planning Director including "(4) Determination of an unlawful demolition and/or the penalty and the cost assessment for the unlawful demolition."

Pursuant to Town Code Section 29.20.255, any interested person as defined in section 29.10.020 may appeal to the Planning Commission any decision of the Community Development Director. The appeal must be received not more than ten (10) days after the date of mailing of written notification of the Community Development Director's decision.

C. Appeal to Planning Commission

On November 26, 2025, the decision of the Community Development Director was appealed by the property owner, Cathy Vadasz (Exhibit 6). On the appeal form, the

appellant provided three reasons why the appeal should be granted. Additionally, supplemental materials were provided supporting their appeal (Exhibit 7). Below are the appellant's reasons supporting the appeal in **bold**, followed staff's response.

1. Owner and contractor did not intentionally demolish the structure – intent was to keep existing.

Staff Response: The appellant asserts that there was no intent to demolish the structure and that the intent was to retain the existing structure. This is consistent with the work that was performed beyond the scope of the approved plans. Damaged framing was replaced in the same location with no change in floor area, massing, or appearance to the structure; however, this work was not approved by the Town through the revision process. As the work was carried out without engaging the Town, staff had no opportunity to conduct a specific inspection to determine that the work was necessary and met the requirements for an exemption from the demolition calculation under the repair clause. Additionally, the signed Demolition Affidavit (Exhibit 3) clearly outlines the process necessary when unexpected situations arise during construction:

- Dry rot or any other damage does not exempt the project from any provision set forth by Section 29.10.09030. If you find dry rot and need to repair it, **STOP WORK** and contact the Planning Division at (408) 354-6872 to discuss the changes **BEFORE YOU PROCEED**.
- If you encounter an unanticipated situation that changes the scope of work, **STOP WORK** and contact the Planning Division at (408) 354-6872 to discuss the changes **BEFORE YOU PROCEED**.

2. Owner and contractor have meticulously followed the plans and replaced existing damaged structure like-for-like.

Staff Response: While damaged framing was replaced in the same location with no change in floor area, massing, or appearance to the structure, this work was not approved by the Town through the revision process. As stated in detail above, staff had no opportunity to conduct a specific inspection to determine that the work was necessary and met the requirements for an exemption from the demolition calculation under the repair clause.

3. Owner and contractor unintentionally missed one step. Had this one step been done, there would be no change to the project.

Staff Response: Staff agrees that a step was missed; however, the missed step is not inconsequential in the context of the Town's demolition requirements. If the process dictated in the Demolition Affidavit was adhered to, staff would have had the

opportunity to conduct a specific inspection to determine if the work was necessary and met the requirements for an exemption from the demolition calculation under the repair clause. If the work was consistent with the repair clause, a revision would have been processed and the reframing of existing damaged walls would not have resulted in a technical demolition.

The following issues are provided in the appellant's supplement that provides detailed information supporting their appeal (Exhibit 7).

4. Project timeline.

Staff Response: The timeline provides the dates of progress inspections conducted by Town Building Inspectors. Staff contends that the summary of the inspection occurring on September 27, 2025, is not accurate. The Building Inspector who conducted the inspection recalls that the discussion revolved around what was needed to address roof framing issues. The inspector advised the contractor of different options available and that any deviations from the approved plans would require a revision to the building permit to be submitted and approved. The appellant asserts that a misunderstanding came from this conversation that resulted in the reframing work being carried out without the necessary revision in place and without following the process dictated in the Demolition Affidavit.

5. Meticulous adherence to plans.

Staff Response: While damaged framing was replaced in the same location with no change in floor area, massing, or appearance to the structure, this work was not approved by the Town through the revision process. As stated in detail above, staff had no opportunity to conduct a specific inspection to determine that the work was necessary and met the requirements for an exemption from the demolition calculation under the repair clause.

6. The circumstantial changes.

Staff Response: It is common for unanticipated issues to arise once construction begins. As walls are opened up, damaged framing and other issues become clear. The Town anticipates this scenario by providing for an exemption from the demolition calculation for in-kind repair of damaged framing. Because the process clearly outlined on the Demolition Affidavit was not followed, staff had no opportunity to conduct a specific inspection to determine that the work was necessary and met the requirements for an exemption from the demolition calculation under the repair clause and the work resulted in a technical demolition of the structure.

7. The process and misunderstanding.

Staff Response: The Building Inspector who conducted the inspection recalls that the discussion revolved around what was needed to address roof framing issues. The

inspector advised the contractor of different options available and that any deviations from the approved plans would require that a revision to the building permit be submitted and approved. A revision was not filed prior to commencement of the repair work. If a revision had been filed ahead of the work, Planning staff could recognize the potential of the proposed work to result in a technical demolition. Staff could then contact the applicant to discuss the situation and pursue the required inspections to consider an exemption under the repair clause.

8. The disconnect.

Staff Response: Damaged framing was replaced in the same location with no change in floor area, massing, or appearance to the structure. This work could have been considered for an exemption from the demolition requirements if the process were followed.

9. Our goal: An equitable solution.

Staff Response: The appellant requests an open discussion of the matter and that the Planning Commission grant the appeal to classify the project as a remodel/addition while removing the penalty. Staff notes that since the applicable application penalty fee is adopted by resolution through the Comprehensive Fee Schedule, the Planning Commission may not reduce the amount of the penalty pursuant to Town Code Section 29.20.265 (b)(6). The Planning Commission is required to make finding (5) in order to grant the appeal as requested by the appellant.

D. Required Findings

Pursuant to Town Code Section 29.20.265 the appeal should be heard by the Planning Commission who shall do the following for hearings dealing with an appeal of an unlawful demolition and/or the penalty fee for the lawful demolition:

- (1) The Planning Commission shall consider any written or oral evidence consistent with its rules and procedures regarding the violation, compliance by the violator or by the real property owner, and the amount of the penalty.
- (2) The Planning Commission shall make the findings and issue its determination regarding:
 - a. The existence of the violation; and
 - b. The appropriateness of the amount of the penalty fee.
- (3) The Planning Commission shall issue written findings of each violation. The findings shall be supported by evidence received at the hearing.
- (4) If the Planning Commission finds by the evidence provided that a violation has occurred, the Planning Commission shall affirm the decision of the Planning Director.
- (5) If the Planning Commission finds that no violation has occurred, the Planning Commission shall state a finding of those facts.

(6) The Planning Commission may approve or reduce the amount of the penalty, but not the application penalty fee which is established by resolution.

PUBLIC COMMENTS:

Written notice of the Planning Commission hearing was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Recommendation

For the reasons stated in this report, it is recommended that the Planning Commission deny the appeal, finding by the evidence provided that a violation has occurred, and uphold the Community Development Director's determination of demolition.

B. Alternatives

Alternatively, the Planning Commission could:

1. Grant the appeal finding that no violation has occurred and stating a finding of those facts in the motion; or
2. Continue the application to a date certain with specific direction.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to CEQA Guidelines Section 15301: Existing Facilities.

ATTACHMENTS:

1. Location Map
2. Approved Building Permit Plans, B25-0171
3. Signed Demolition Affidavit
4. Stop Work Notice
5. Notice of Unlawful Demolition
6. Appeal of the Community Development Director Decision
7. Supplemental Information Provided by the Appellant