

**DRAFT RESOLUTION 2024-\_\_**

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF LOS GATOS  
DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING  
A REQUEST FOR DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND  
CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE WITH REDUCED SETBACKS  
ON A NON-CONFORMING PROPERTY ZONED R-1D.**

**APN 410-15-039  
ARCHITECTURE AND SITE APPLICATION: S-23-009  
PROPERTY LOCATION: 212 THURSTION STREET  
APPELLANT: ERIC RAFIA  
PROPERTY OWNER/APPLICANT: MELEAH GUILLARDO**

**WHEREAS**, on December 13, 2024, the Architecture and Site application was scheduled as an “other business” item for the Planning Commission meeting to open a public hearing and allow for public comment on the matter. The Planning Commission continued the Architecture and Site application to the Planning Commission meeting of January 10, 2024 for consideration;

**WHEREAS**, on January 10, 2024, the Planning Commission held a public hearing and considered a request for demolition of an existing single-family residence and construction of a new single-family residence with reduced front yard setbacks on nonconforming property zoned R-1D. The Planning Commission approved the Architecture and Site application subject to conditions of approval;

**WHEREAS**, on January 22, 2024, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for demolition of an existing single-family residence and construction of a new single-family residence with reduced front yard setbacks on nonconforming property zoned R-1D;

**WHEREAS**, this matter came before the Town Council for public hearing on March 5, 2024, and was regularly noticed in conformance with State and Town law; and

**WHEREAS**, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning

Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on March 5, 2024, along with any and all subsequent reports and materials prepared concerning this application; and

**WHEREAS**, the Town Council was unable to make the findings required to grant an appeal of a decision of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED:**

In accordance with Town Code section 29.20.275, with the Town Council finds that:

1. There was not an error or abuse of discretion by the Planning Commission in approving the architecture and site application, because:

a. The application comports with all Zoning Code requirements with the exception of the front yard setback; and

b. Section 29.10.265 of the Town Code allows for the modification of any requirement of the zone on nonconforming property, including setbacks, when found to be compatible with the neighborhood. The Planning Commission found that the proposed front yard setback was compatible with the neighborhood in that other homes in the neighborhood have similar front yard setbacks. In addition, the Planning Commission found that the proposed setback will increase the front yard setback from the existing three feet, six inches to seven feet, three inches.

2. The Planning Commission decision is supported by substantial evidence in the record.

3. The appeal of the decision of the Planning Commission approving a request for demolition of an existing single-family residence and construction of a new single-family residence with reduced front yard setbacks on nonconforming property zoned R-1D is denied and the application approval is upheld.

4. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5<sup>th</sup> day of March 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

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