

RESOLUTION 2022-__

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
GRANTING 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 TO EXCEED
FLOOR AREA RATIO STANDARDS WITH REDUCED FRONT AND SIDE YARD SETBACKS
ON NONCONFORMING PROPERTY ZONED R-1D.**

**APN 410-15-022
ARCHITECTURE AND SITE APPLICATION: S-21-013
PROPERTY LOCATION: 118 OLIVE STREET
APPELLANT: SHELLI BAKER
PROPERTY OWNER: THOMAS AND MEREDITH REICHERT
APPLICANT: JAY PLETT, ARCHITECT**

WHEREAS, on January 12, 2022, 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 to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission continued the Architecture and Site application to a date certain and provided direction to the applicant.

WHEREAS, on February 9, 2022, the Planning Commission held a public hearing and considered the continued request for demolition of an existing single-family residence and construction of a new single-family residence to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D. The Planning Commission approved the Architecture and Site application subject to conditions of approval.

WHEREAS, on February 22, 2022, 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 to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D.

WHEREAS, this matter came before the Town Council for public hearing on April 5, 2022, and was regularly noticed in conformance with State and Town law.

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 material contained in the Council Agenda Report for their meeting on April 5, 2022, along with any and all subsequent reports and materials prepared concerning this application.

NOW, THEREFORE, BE IT RESOLVED:

1. 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 to exceed floor area ratio standards with reduced front and side yard setbacks on nonconforming property zoned R-1D is granted and the application is denied.

2. 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 5th day of April, 2022, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____