

Draft Resolution to be modified by Town Council deliberations and direction.

**RESOLUTION 2020-\_\_**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION AND  
DENYING THE REQUEST FOR A ZONING CONSISTENCY DETERMINATION AND  
A CONDITIONAL USE PERMIT FOR A BANK (CHARLES SCHWAB COMMUNITY  
BANKING AND INVESTMENT SERVICES) ON PROPERTY ZONED C-2:LHP:PD.**

**APN 529-02-044  
ARCHITECTURE AND SITE APPLICATION: U-20-009  
PROPERTY LOCATION: 35 UNIVERSITY AVENUE  
APPELLANT: LOS GATOS CHAMBER OF COMMERCE  
APPLICANT: AMBER DEMAGLIO  
PROPERTY OWNER: SRI OLD TOWN, LLC**

**WHEREAS**, on November 11, 2020, the Planning Commission held a public hearing and considered a request for a zoning consistency determination and a Conditional Use Permit (CUP) for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD. The Planning Commission determined that the proposed use is a bank and approved a CUP subject to conditions of approval.

**WHEREAS**, on November 19, 2020, the appellant filed an appeal of the decision of the Planning Commission approving the zoning consistency determination and a CUP for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD.

**WHEREAS**, this matter came before the Town Council for public hearing on December 15, 2020, 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 December 15, 2020, 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 a zoning consistency determination and a CUP for a bank (Charles Schwab Community Banking and Investment Services) on property zoned C-2:LHP:PD 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 15<sup>th</sup> day of December 2020, 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: \_\_\_\_\_