

DRAFT RESOLUTION

**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 CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE
AND SITE IMPROVEMENTS REQUIRING A GRADING PERMIT ON VACANT PROPERTY
ZONED R-1:8.**

**APN 424-12-140
ARCHITECTURE AND SITE APPLICATION: S-23-033
PROPERTY LOCATION: 15411 NATIONAL AVENUE
APPELLANT: HELLEN MARTINEZ
PROPERTY OWNERS: VYANKATESH AND RAMYA MUDDADA
APPLICANT: JOSE RAMA**

WHEREAS, on November 13, 2024, the Planning Commission held a public hearing and considered a request to construct a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8. The Planning Commission approved the Architecture and Site application subject to modified conditions of approval;

WHEREAS, on November 25, 2024, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8;

WHEREAS, this matter came before the Town Council for public hearing on December 17, 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 December 17, 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.

ATTACHMENT 8

NOW, THEREFORE, BE IT RESOLVED:

In accordance with Town Code section 29.20.275, 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 complies with all Zoning Code requirements; and
 - b. The Planning Commission made the finding that the project complies with the Residential Design Guidelines; and
 - c. The Planning Commission approved the Architecture and Site application with modified conditions of approval.
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 construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8 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 _____ day of _____ 2024, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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