

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

RESOLUTION 2020-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS**

DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION DENYING A REQUEST FOR A MODIFICATION TO AN EXISTING ARCHITECTURE AND SITE APPLICATION (S-13-090) TO REMOVE UNDERGROUND PARKING FOR CONSTRUCTION OF A COMMERCIAL BUILDING (MARKET HALL) IN THE NORTH 40 SPECIFIC PLAN AREA (S-20-012) ON A PROPERTY ZONED NORTH 40 SPECIFIC PLAN.

APN 424-07-114

ARCHITECTURE AND SITE APPLICATION: S-20-012

PROPERTY LOCATION: 14225 WALKER STREET

APPELLANT/APPLICANT/PROPERTY OWNER: SUMMERHILL N40, LLC

WHEREAS, on August 26, 2020, September 9, 2020, September 23, 2020, and September 28, 2020, the Planning Commission held public hearings and considered a request for a modification to an existing Architecture and Site application (S-13-090) to remove underground parking for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area (S-20-012) on a property zoned North 40 Specific Plan. The Planning Commission denied the Architecture and Site application on September 28, 2020; and

WHEREAS, on October 1, 2020, the appellant filed an appeal of the decision of the Planning Commission denying the request for a modification to an existing Architecture and Site application (S-13-090) to remove underground parking for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area (S-20-012) on a property zoned North 40 Specific Plan; and

WHEREAS, this matter came before the Town Council for public hearing on October 20, 2020, 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. 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 October 20, 2020, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council finds as follows:

- A. The Town Council could not make one or more of the following, in accordance with Town Code section 29.20.275:
1. There was error or abuse of discretion on the part of the Planning Commission;
 - or
 2. The Planning Commission's decision is not supported by substantial evidence in the record.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission denying a request for a modification to an existing Architecture and Site application (S-13-090) to remove underground parking for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area (S-20-012) on a property zoned North 40 Specific Plan is denied and the application is denied; and
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 20th day of October 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: _____

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