

RESOLUTION 2023-__

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DENYING AN APPEAL OF THE PLANNING COMMISSION DECISION
TO APPROVE A LOT LINE ADJUSTMENT APPLICATION
IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 66412(D)
FOR THREE ADJOINING LOTS ON PROPERTY ZONED R-1:20.**

**APNs 532-36-075, -076, and -077
LOT LINE ADJUSTMENT APPLICATION M-23-001.
PROPERTY LOCATION: 17200 LOS ROBLES WAY
PROPERTY OWNERS: DARAN GOODELL, TRUSTEE AND MARK VON KAENEL.
APPLICANT: TONY JEANS. APPELLANT: ALISON STEER.**

WHEREAS, on August 15, 2023, the Development Review Committee held a duly-noticed public hearing and considered a request for approval of a lot line adjustment application in accordance with California Government Code Section 66412(d) for three adjoining lots on property zoned R-1:20 (Proposed Project); and

WHEREAS, in preparation of the August 15, 2023 Development Review Committee hearing, Town staff prepared a Report to the Development Review Committee which detailed how the application is statutorily exempt from the California Environmental Quality Act (CEQA) as a ministerial approval in accordance with Public Resources Code Section 21080(b)(1) (CEQA Statute) and CEQA Guideline Section 15268, and how the required determinations pursuant to California Government Code Section 66412(d) for approving a lot line adjustment application were made; and

WHEREAS, on August 15, 2023, the Development Review Committee approved the Proposed Project based on the required determinations and recommended conditions of approval; and

WHEREAS, the facts in the record support the findings; and

WHEREAS, on August 22, 2023, the appellant, an interested person, filed a timely appeal of the decision of the Development Review Committee approving the Proposed Project; and

WHEREAS, on October 25, 2023, the Planning Commission held a duly-noticed public hearing and considered the appeal of the Proposed Project; and

WHEREAS, on October 25, 2023, the Planning Commission denied the appeal and approved the Proposed Project with modified conditions to clarify the intent of the cul-de-sac dedication condition of approval; and

WHEREAS, the facts in the record support the findings; and

WHEREAS, on November 3, 2023, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the Proposed Project; and

WHEREAS, this matter came before the Town Council for public hearing on December 19, 2023, 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 material contained in the Council Agenda Report for their meeting on December 19, 2023, 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, in accordance with Town Code section 29.20.275, with the Town Council finding the following:

1. There was not an error or abuse of discretion by the Planning Commission; and
2. The Planning Commission decision is supported by substantial evidence in the record.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Planning Commission decision to approve the Proposed Project, including the condition modified in the Planning Commission's decision to clarify the intent of the cul-de-sac dedication condition of approval are upheld.

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 19th day of December 2023, 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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