

**FILING FEES**  
**\$505.00 (PLAPPEAL) Residential**  
**\$2,031.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
**TRANSCRIPTION \$500 (PLTRANS)**

**Town of Los Gatos**  
**Office of the Town Clerk**  
**110 E. Main St., Los Gatos CA 95030**

RECEIVED  
TOWN OF LOS GATOS

AUG 21 2023

**APPEAL OF PLANNING COMMISSION DECISION**  
**CLERK DEPARTMENT**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION 8/9/23

PROJECT / APPLICATION NO:

5-21-008 | U-21-010 | V-21-003 | M-22-008

ADDRESS LOCATION:

15860 WINCHESTER BLVD

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

*Interested person means:*

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:

SEE ATTACHED

; OR

2. The Planning Commission's decision is not supported by substantial evidence in the record:

SEE ATTACHED

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

**IMPORTANT:**

1. Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: ERIC HOLSER

SIGNATURE: [Signature]

DATE: 8/18/23

ADDRESS: 708 WINCHESTER BLVD LOS GATOS, CA 95030

PHONE: [Redacted]

EMAIL: [Redacted]

\*\*\* OFFICIAL USE ONLY \*\*\*

DATE OF PUBLIC HEARING: \_\_\_\_\_

Pending Planning Department Confirmation

DATE TO SEND PUBLICATION: \_\_\_\_\_

DATE OF PUBLICATION: \_\_\_\_\_

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**15860 WINCHESTER BOULEVARD  
APPEAL**

RECEIVED  
TOWN OF LOS GATOS

AUG 21 2023

**Project Information**

CLERK DEPARTMENT

S-21-008      U-21-010      V-21-003      M-22-008

15860 Winchester Boulevard

**Appellant**

Eric Hulser  
708 Winchester Boulevard  
Los Gatos, CA 95030

**Basis of Appeal**

1. Town Staff were unable to make the required findings for the height and lot coverage variances and recommended denial.
2. The project design, not site constraints, were the driving factor for the variance request.
3. Project site is already developed with several buildings and driveway areas; topography has already been altered to accommodate the development.
4. Site topography does not present a special circumstance; other properties in the vicinity have similar topography and their development pattern "steps down with the slope."
5. Planning Commission only considered the site's topography with respect to purported loss of proposed RHNA housing units if the variance request was denied.
6. Planning Commission failed to consider that granting of the variances requested constitutes a granting of a special privilege to exceed the O zone height and lot coverage maximums.
7. Planning Commission failed to consider that granting of the variances could result in precedent setting behavior where similar projects within the O zone may seek similar height and lot coverage exceedances.
8. Planning Commission erroneously granted these variances based solely on the loss of housing units that would occur if the project was required to conform to the O zone development standards as codified.