

**RESOLUTION 2023-\_\_**

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

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

**GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO  
APPROVE THE DEMOLITION OF ONE EXISTING OFFICE AND FOUR RESIDENTIAL  
BUILDINGS, CONSTRUCTION OF AN ASSISTED LIVING AND MEMORY CARE FACILITY,  
VARIANCE FROM THE MAXIMUM HEIGHT AND LOT COVERAGE OF THE ZONE,  
MERGER OF FOUR LOTS INTO ONE, AND REMOVAL OF LARGE PROTECTED TREES ON  
PROPERTY ZONED O AND REMANDING THE MATTER TO THE PLANNING  
COMMISSION FOR FURTHER CONSIDERATION.**

**APNs 529-11-013, -038, -039, and -040  
ARCHITECTURE AND SITE APPLICATION S-21-008,  
CONDITIONAL USE PERMIT APPLICATION U-21-010,  
VARIANCE APPLICATION V-21-003,  
SUBDIVISION APPLICATION M-22-008, AND  
MITIGATED NEGATIVE DECLARATION ND-22-001.**

**PROPERTY LOCATION: 15860-15894 WINCHESTER BOULEVARD  
AND 17484 SHELBURNE WAY  
APPLICANT/PROPERTY OWNER: GREEN VALLEY CORP. D.B.A. SWENSON  
APPELLANT: ERIC HULSER**

**WHEREAS**, on August 9, 2023, the Planning Commission held a duly-noticed public hearing and considered a request for demolition of one existing office and four residential buildings, construction of an assisted living and memory care facility, variance from the maximum height and lot coverage of the zone, merger of four lots into one, and removal of large protected trees on property zoned O (Proposed Project); and

**WHEREAS**, on August 9, 2023, the Planning Commission approved the Proposed Project with additional conditions to reduce the building height and plant evergreen trees along the south property line; and

**WHEREAS**, on August 21, 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 September 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 September 19, 2023, 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 demolition of one existing office and four residential buildings, construction of an assisted living and memory care facility, variance from the maximum height and lot coverage of the zone, merger of four lots into one, and removal of large protected trees on property zoned O is granted and the application is remanded to the Planning Commission for further consideration.

2. The decision does not constitute a final administrative decision and the applications will be returned to Planning Commission for further consideration.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19<sup>th</sup> day of September 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: \_\_\_\_\_