

RESOLUTION 2023-__

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DENYING AN APPEAL OF THE PLANNING COMMISSION DECISION 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.**

**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, the facts in the record support the findings; 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; 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 conditions added in the Planning Commission's decision requiring the height reduction and planning of evergreen trees 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 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: _____

***This Page
Intentionally
Left Blank***