

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
GRANTING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION
APPROVING A REQUEST FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE
AND SITE IMPROVEMENTS REQUIRING A GRADING PERMIT
ON VACANT PROPERTY ZONED R-1:8 AND
REMANDING THE APPLICATION BACK TO PLANNING COMMISSION
WITH SPECIFIC DIRECTION**

**APN 424-12-140
ARCHITECTURE AND SITE APPLICATION: S-23-033
PROPERTY LOCATION: 15411 NATIONAL AVENUE
APPELLANT: HELLEN MARTINEZ
PROPERTY OWNERS: VYANKATESH AND RAMYA MUDDADA
APPLICANT: JOSE RAMA**

WHEREAS, on November 13, 2024, the Planning Commission held a public hearing and considered a request to construct a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8. The Planning Commission approved the Architecture and Site application subject to modified conditions of approval;

WHEREAS, on November 25, 2024, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission approving the request for construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8;

WHEREAS, this matter came before the Town Council for a public hearing on December 17, 2024, 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 materials contained in the Council Agenda Report for their meeting on December 17, 2024, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council directed staff to prepare a resolution granting the appeal of a decision of the Planning Commission and remanding the application back to the Planning Commission with specific direction including the following:

1. Reduce the second floor massing;

ATTACHMENT 1

2. The number, location, and species of the privacy trees shall be mutually agreed upon by the neighbors;
3. Work with the neighbors and Town staff to minimize and relocate windows to mitigate privacy impacts on the neighbors; and
4. Use obscure glass to address privacy at impacted locations.

WHEREAS, the Town Council directed staff to return to the Town Council with an updated resolution.

NOW, THEREFORE, BE IT RESOLVED:

In accordance with Town Code Section 29.20.275, the Town Council finds that:

1. There was an error or abuse of discretion by the Planning Commission in approving the Architecture and Site application, because:
 - a. The Planning Commission's decision was not supported by substantial evidence;
 - b. The application does not comply with the Residential Design Guidelines, including Section 2.1 of the Residential Design Guidelines, which states residential development shall be similar in mass, bulk, and scale to the immediate neighborhood and consideration will be given to the existing FARs, residential square footages and lot size in the neighborhood, as described by Commissioner Barnett at the November 13, 2024, Planning Commission public hearing; and
 - c. Staff's recommended denial of the application.
2. The appeal of the decision of the Planning Commission approval of a request for construction of a new single-family residence and site improvements requiring a grading permit on vacant property zoned R-1:8 is granted and the application has been remanded back to the Planning Commission with specific direction.
3. 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 21st day of January 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DRAFT

***This Page
Intentionally
Left Blank***