

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

RESOLUTION 2021-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
GRANTING AN APPEAL OF THE DECISION OF THE COMMUNITY DIRECTOR
DETERMINATION OF DEMOLITION ON PROPERTY ZONED R-1:8.**

**APN 510-41-007
BUILDING PERMIT: B19-0482
PROPERTY LOCATION: 33 WALNUT AVENUE
PROPERTY OWNER/APPLICANT/APPELLANT: JEFFREY SIEGEL**

WHEREAS, on August 22, 2018 and May 15, 2019, the Historic Preservation Committee reviewed and approved plans for modifications to the subject structure located at 33 Walnut Avenue.

WHEREAS, on April 21, 2021, Building Permit B19-0482 was issued for the construction of a new roofed porch, interior remodel, and exterior door and window modifications for the pre-1941 structure, located at 33 Walnut Avenue per the approval by the Historic Preservation Committee.

WHEREAS, as part of the approved Building Permit B19-0482, a demolition plan and signed Demolition Affidavit was provided by the property owner/applicant/appellant's team acknowledging the Town Code's Demolition policy and process for historic structures.

WHEREAS, on September 16, 2021, staff was informed by the property owner that the exterior siding had been removed from the front elevation of the house.

WHEREAS, on October 7, 2021, the Community Development Director sent an Notice of Unlawful Demolition to the property owner.

WHEREAS, on October 11, 2021, the property owner filed an appeal of the Director of Community Development' determination of demolition violation.

WHEREAS, on November 16, 2021, the Town Council held a public hearing and considered an appeal of the Community Development Director determination of demolition violation for a historic structure.

WHEREAS, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. Town Council considered all testimony and materials submitted, and the packet of material contained in the

Council Agenda Report for their meeting on November 16, 2021.

WHEREAS, the Town Council made findings and issued a determination that there was no demolition violation as the applicant was unaware of the Town’s demolition regulations for historic structures.

NOW, THEREFORE, BE IT RESOLVED:

1. The appeal of the decision of the Community Development Director for a demolition violation is granted.

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 16th day of November 2021, 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: _____