



MEETING DATE: 04-17-2006

AGENDA ITEM:

5

## COUNCIL AGENDA REPORT

DATE: April 11, 2006

TO: MAYOR AND TOWN COUNCIL

FROM: ORRY P. KORB, TOWN ATTORNEY *OK*

SUBJECT: ADOPT RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS UPHOLDING A DECISION OF THE PLANNING COMMISSION APPROVING A MINOR PLANNED DEVELOPMENT AMENDMENT TO ADD ONE ADDITIONAL LOT AS PERMITTED BY THE APPROVED PLANNED DEVELOPMENT, APPROVAL OF THE SUBDIVISION FOR THE ADDITIONAL LOT, APPROVAL TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON THE NEW LOT AND APPROVAL TO INSTALL A TEMPORARY SALES TRAILER/MODEL HOME OFFICE FOR PROPERTY ZONED RM:5-12:PD. APNS 424-29-024 THROUGH 026. PROPERTY LOCATION: 15350 WINCHESTER BOULEVARD. PLANNED DEVELOPMENT APPLICATION PD-06-2. SUBDIVISION APPLICATION M-06-2. ARCHITECTURE & SITE APPLICATION: S-06-12. PROPERTY OWNER/APPLICANT: SANTA CLARA DEVELOPMENT CO. APPELLANT: STEPHANIE CARROLL

### RECOMMENDATION:

Adopt resolution confirming Council's decision on April 3, 2006.

### DISCUSSION:

On April 3, 2006, Council denied an appeal of a Planning Commission decision approving a minor Planned Development amendment to add one additional lot as permitted by the approved planned development, the subdivision for the additional lot, construction of a single family residence on the new lot and installation of a temporary sales trailer/model home office for property zoned RM:5-12:pd. The attached resolution finalizes that decision.

Attachment: Proposed Resolution

Distribution: Santa Clara Development Co., 2185 The Alameda, San Jose, CA 95126  
Stephanie Carroll, 15300 Winchester Blvd., # 3, Los Gatos CA 95030

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK:LMB/wp [N:\ATY\Report Villa Felice.wpd]

Reviewed by: *[Signature]* Town Manager *PS* Assistant Town Manager \_\_\_\_\_ Clerk  
Finance \_\_\_\_\_ Community Development \_\_\_\_\_

Rev: 4/12/06 11:24 am

Reformatted: 7/19/99

File# 301-05

**RESOLUTION 2006 -**

**RESOLUTION DENYING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION APPROVING A MINOR PLANNED DEVELOPMENT AMENDMENT TO ADD ONE ADDITIONAL LOT AS PERMITTED BY THE APPROVED PLANNED DEVELOPMENT, APPROVAL OF THE SUBDIVISION FOR THE ADDITIONAL LOT, APPROVAL TO CONSTRUCT A SINGLE FAMILY RESIDENCE ON THE NEW LOT AND APPROVAL TO INSTALL A TEMPORARY SALES TRAILER/MODEL HOME OFFICE FOR PROPERTY ZONED RM:5-12:PD  
APNS 424-29-024 THROUGH 026**

**PROPERTY LOCATION: 15350 WINCHESTER BOULEVARD  
PLANNED DEVELOPMENT APPLICATION PD-06-2  
SUBDIVISION APPLICATION M-06-2  
ARCHITECTURE & SITE APPLICATION: S-06-12  
PROPERTY OWNER/APPLICANT: SANTA CLARA DEVELOPMENT CO.  
APPELLANT: STEPHANIE CARROLL**

**WHEREAS:**

A. This matter came before Council for public hearing on April 3, 2006 on an appeal by Stephanie Carroll (appellant) from a decision of the Planning Commission as was regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. 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 dated March 20, 2006, along with subsequent reports and materials prepared concerning this application.

C. The applicant, Santa Clara Development Co., seeks to amend the approved PD to add one additional lot and residential unit for a total of 29 market rate single family residences

and five BMP units on 5.91 acres. The request is consistent with the approved PD. The applicant seeks approval of plans to construct a 2,248 square foot two story single family residence with a 445 square foot attached garage. The applicant also seeks approval of a sales trailer with guest parking in the existing parking easement area, and to allow two of the approved units to be used as model homes (Lots 30 and 31).

D. The Planning Commission considered this matter on January 25, 2006 and approved the application with conditions.

E. The appellant contends that the Commission erred or abused its discretion and that the decision was not based on evidence in the record or the recommendations of Town staff.

F. The Planning Commission decision was correct. The findings of the Commission are, by this reference, incorporated herein.

**RESOLVED:**

1. The appeal of the decision of the Planning Commission on Planned Development Application PD-06-2, Subdivision Application M-06-2, Architecture and Site Application S-06-012 is denied.

2. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.103085 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, on the 17<sup>h</sup> day of April, 2006, by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

CLERK ADMINISTRATOR  
TOWN OF LOS GATOS, CALIFORNIA