



MEETING DATE: 03-17-2008

AGENDA ITEM: 7

COUNCIL AGENDA REPORT

DATE: MARCH 12, 2008
TO: MAYOR AND TOWN COUNCIL
FROM: ORRY P. KORB, TOWN ATTORNEY OK
SUBJECT: ADOPT RESOLUTION DENYING AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING THE DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCTION OF A NEW RESIDENCE ON PROPERTY ZONED R-1:20. APN: 532-05-025. ARCHITECTURE AND SITE APPLICATION S-07-182. PROPERTY LOCATION: 16330 ENGLEWOOD AVENUE

RECOMMENDATION:

Adopt resolution confirming Council's decision on March 3, 2008.

DISCUSSION:

On March 3, 2008, Council denied appeals of a Planning Commission decision approving an application to demolish an existing structure and to construct a new single family residence on property zoned R-1:20. The attached resolution finalizes that decision.

Attachment: Proposed Resolution

Distribution: Patrick Munnerlyn, 228 Bella Vista Ave., Los Gatos, CA 95030
Gregg Kawahara Architect, 5822 Dresslar Circle, Livermore, CA 94550
Gil & Tamar Perez, 16590 Shannon Road, Los Gatos, CA 95032
Ned Finkle, 16608 Shannon Road, Los Gatos, CA 95032
Kelly Coffey, 16344 Englewood Avenue, Los Gatos, CA 95032
Yvette Bonnet, 16301 Englewood Avenue, Los Gatos, CA 95032

PREPARED BY: ORRY P. KORB
Town Attorney

N:\MGR\AdminWorkFiles\Town Attorney\Council Reports\3-17-08 Report 16330 Englewood Ave.wpd
Reviewed by: [Signature] Town Manager [Signature] Assistant Town Manager [Signature] Clerk
[Signature] Finance [Signature] Community Development

Rev: 3/12/08 10:34 am

RESOLUTION

RESOLUTION DENYING AN APPEAL OF A PLANNING COMMISSION DECISION APPROVING THE DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCTION OF A NEW RESIDENCE ON PROPERTY ZONED R-1:20

APN: 532-05-025

ARCHITECTURE AND SITE APPLICATION S-07-182

PROPERTY LOCATION:16330 ENGLEWOOD AVENUE

APPELLANTS: GIL PEREZ, NED FINGLE, YVETTE BONNET and KELLY COFFEY

PROPERTY OWNER/APPLICANT: C. PATRICK MUNNERLYN

WHEREAS:

A. This matter came before the Town Council for public hearing on March 3, 2008, and was regularly noticed in conformance with State and Town law.

B. Council received testimony and documentary evidence from the appellants, the owner/applicant 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 February 22, 2008, along with subsequent reports and materials prepared concerning this application.

C. The applicant seeks approval to construct a 4,652 square foot house with a 898 square foot three-car garage. The total allowable floor area ("FAR") is 4,677 square feet for the residence and 1,114 square feet for the garage. The proposed height of the house is just over 29 feet. The application also seeks to demolish an existing residence featuring significant plumbing, electrical, gas supply and structural deficiencies listed at page 4 of the Town Council Agenda Report dated February 22, 2008, the contents of which are incorporated herein by this reference.

D. The application was considered by the Development Review Committee on October 2, 2007, which acted to approve the project.

E. An appeal of the action of the Development Review Committee was considered by

the Planning Commission on December 12, 2007, and then continued to January 9, 2008, which acted to deny the appeal and approve the project.

F. The appellants allege that the Planning Commission erred or abused its discretion by failing to confirm the project to Town development standards regarding design, size and impact on use and enjoyment of neighboring properties.

G. The decision of the Planning Commission was correct.

H. Council finds as follows:

1. The project conforms with the Town Residential Development Standards for single-family homes. This finding is based the contents of the February 22, 2008 Agenda Report, the October 2, 2007 findings of the Development Review Committee and the January 9, 2008 findings of the Planning Commission, all of which are by this reference incorporated herein.

2. As required by Town Code section 29.10.09030(e) for demolitions: (1) the Town's housing stock will be maintained by the replacement of the demolished structure with a new single-family residence; (2) the existing structure has no architectural or historical significance and is poor condition as evidenced by the Town Council Agenda Report dated February 22, 2008, which is by this reference incorporated herein; (3) the property owners have no desire to maintain the current structure, as evidenced by their application to demolish and replace the existing structure; and (4) the economic utility of the existing structure is such that it is not viable to remodel, as evidenced by the Town Council Agenda Report dated February 22, 2008, which is by this reference incorporated herein.

RESOLVED:

1. The appeals of the decision of the Planning Commission on Architectural and Site Application S-07-182 are denied.

2. The conditions of approval (Attachment 2 to the Town Council Agenda Report dated February 22, 2008, incorporated herein by this reference), are hereby approved as the Conditions of Approval for Architectural and Site Application S-07-182.

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 on the 17th day of March 2008, 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