



MEETING DATE: 01-17-2006

AGENDA ITEM: 9

COUNCIL AGENDA REPORT

DATE: January 12, 2006
TO: MAYOR AND TOWN COUNCIL
FROM: ORRY P. KORB, TOWN ATTORNEY
SUBJECT: ADOPT RESOLUTION DENYING AN APPEAL OF A DECISION OF THE PLANNING COMMISSION APPROVING A SECOND STORY ADDITION ON PROPERTY ZONED R-1:8. PROPERTY LOCATION: 16750 FARLEY ROAD. ARCHITECTURE & SITE APPLICATION: S-05-063. PROPERTY OWNER: GLEN AND MELISSA WAGNER. APPLICANT: DAVID BRITT. APPELLANT: WILLIAM SHELLOOE.

RECOMMENDATION:

Adopt resolution confirming Council action on December 19, 2005.

DISCUSSION:

On December 21, 2005, Council denied an appeal of a decision of the Planning Commission approving a second story addition on property located at 16750 Farley Road. The attached resolution finalizes that decision.

Attachments: Resolution

Distribution: William Shellooe, 16742 Farley Road, Los Gatos CA 95032
Glen & Melissa Wagner, 16750 Farley Road, Los Gatos CA 95032
David Britt, 108 N. Santa Cruz Avenue, Los Gatos CA 95030

PREPARED BY: ORRY P. KORB, TOWN ATTORNEY

OPK/wp [N:\ATY\Report 16750 Farley.wpd]

Reviewed by: [Signature] Town Manager _____ Assistant Town Manager _____ Clerk Administrator _____
Finance _____ Community Development _____

Rev: 1/12/06 5:20 pm
Reformatted: 7/19/99

RESOLUTION 2006 -

**RESOLUTION DENYING AN APPEAL OF A DECISION OF THE PLANNING
COMMISSION APPROVING A SECOND STORY ADDITION ON
PROPERTY ZONED R-1:8.**

PROPERTY LOCATION: 16750 FARLEY ROAD.
ARCHITECTURE & SITE APPLICATION: S-05-063.
PROPERTY OWNER: GLEN AND MELISSA WAGNER.
APPLICANT: DAVID BRITT.
APPELLANT: WILLIAM SHELLOOE.

WHEREAS:

A. This matter came before Council for public hearing on December 19, 2005 on an appeal by William Shellooe (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 October 26, 2005, along with subsequent reports and materials prepared concerning this application.

C. The applicant, David Britt, seeks approval of an architectural and site application for a 511 square foot addition to the first floor of a single family home and a 1,071 square foot second story addition.

D. The Planning Commission considered this matter on October 26, 2005 and approved the application with conditions. Due to the non-conforming size of the lot and a dispute over access rights to an existing two-car garage, the project does not meet the off-street parking requirement for a single family home. The Planning Commission made the required findings in Section 29.10.150(h) to exempt this project from off-street parking space requirements.

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 Architecture and Site Application S-05-063 is denied.
2. The conditions of approval as approved by the Planning Commission on October 26, 2005, are incorporated herein by this reference.
3. 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^h day of January, 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