

FILING FEES
\$438.00 (PLAPPEAL) Residential
\$1,763.00 (PLAPPEAL), per
Commercial, Multi-family, or
Tentative Map Appeal
TRANSCRIPTION \$500 (PLTRANS)

Town of Los Gatos
Office of the Town Clerk
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION 9/28/2020

PROJECT / APPLICATION NO: S-20-012

ADDRESS LOCATION: 14225 Walker Street

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:

See Attachment

; OR

2. The Planning Commission's decision is not supported by substantial evidence in the record:

See Attachment

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

IMPORTANT:

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 5:00 p.m. on the 10th day following the decision. If the 10th day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10th day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: Michael Keane
Summer Hill Homes
DATE: 9/29/20
PHONE: 650-842-2421

SIGNATURE: [Signature]
ADDRESS: 777 S. California Ave, Palo Alto, CA
EMAIL: mkeaney@shhomes.com 94304

***** OFFICIAL USE ONLY *****

DATE OF PUBLIC HEARING: _____
Pending Planning Department Confirmation

CONFIRMATION LETTER SENT: Date: _____
TO APPLICANT & APPELLANT BY: _____

DATE TO SEND PUBLICATION: _____

DATE OF PUBLICATION: _____

Attachment to Appeal of Planning Commission Decision

Date of decision: Sept. 28, 2020

File/Application No. S-13-090

The Denial of the requested Modification by the Planning Commission was in error and was an abuse of discretion, and their decision is not supported by substantial evidence in the record. The Planning Commission was properly advised by the City Attorney and by Staff but ignored this advice in denying the requested Modification. They were advised that the application had to be evaluated in accordance with objective standards of review, the definition of which was read to them, and that their discretion was circumscribed by State laws, including the Housing Accountability Act and the Housing Element Law. They were further advised that the Modification complied with all objective parking and other standards of the Town. The motion for denial was stated to be based upon an erroneous analysis of the parking requirements that had been prepared by one Commissioner. It was not based on the applicable City Zoning Code or any other applicable objective standards. As such the denial is not based on objective standards and is also not supported by substantial evidence in the record. Additional reasons for denial were stated that are irrelevant to the scope of permissible analysis by the Planning Commission. Thus, the Planning Commission erred, abused its discretion, and failed to base its decision upon substantial evidence in the record. Its denial was an arbitrary and capricious act, lacking in legal or factual support and should be overturned by the City Council.