

ORDINANCE NO.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING
PLANNED DEVELOPMENT ORDINANCE 2025
TO ALLOW MODIFICATIONS TO BUILDING E
AT 50 UNIVERSITY AVENUE (OLD TOWN CENTER).**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

WHEREAS, on December 16, 1996, the Town Council adopted Planned Development (PD) Ordinance 2025, amending the zoning ordinance effecting a zone change from C-2:LHP (Commercial Business District, Landmark and Historic Preservation Overlay Zone) to C-2:LHP:PD (Commercial Business District, Landmark and Historic Preservation Overlay Zone, Planned Development) at 50 University Avenue, Old Town commercial center; and

WHEREAS, The PD Ordinance 2025 authorized the redevelopment of Old Town commercial center, including the construction of several new buildings, among them Building E; and

WHEREAS, the construction of Building E, located in the Old Town commercial center, was completed in 1999; and

WHEREAS, in January 2025, the applicant, RH, applied for a modification to the existing PD Ordinance to allow modifications to Building E; and

WHEREAS, the Historic Preservation Committee held a public meeting on February 26, 2025, at which time the Committee reviewed the proposed exterior modifications to Building E, continued the item for further consideration, and provided feedback to the applicant's team; and

WHEREAS, the Historic Preservation Committee held a public meeting on March 26, 2025, at which time the Committee reconsidered the proposed exterior modifications to Building E and forwarded a recommendation of denial to the Planning Commission as they were not able to make the findings for approving applications in historic districts; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2025, at which time the Commission considered the public testimony, the Staff Report prepared for that meeting, and all other documentation related to the PD Amendment, made findings and forwarded a recommendation of approval to the Town Council; and

WHEREAS, the amendments are consistent with the General Plan and its Elements; and

WHEREAS, the amendments are consistent with Chapter 29, "Zoning Regulations" of the Town Code.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Los Gatos as follows:

SECTION I. Findings.

The Town Council of the Town of Los Gatos does hereby declare, determine, and order that the following findings are made by the Town Council of the Town of Los Gatos:

Finding for the California Environmental Quality Act (CEQA):

1. The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Sections 15301: Existing Facilities. No significant effect on the environment will occur since the project uses an existing structure with no increase in floor area.

Finding for Compliance with the Town Code for granting a Planned Development Overlay Zone:

As required by Section 29.80.095 of the Town Code for granting a Planned Development Overlay Zone, the proposed amendment:

1. Is consistent with Chapter 29, Article VIII, Division 2 of the Town Code in that it meets the purpose and intent of a Planned Development Overlay Zone;
2. Is in conformance with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-1.4;
3. Is in conformance with all other applicable provisions of the Town Code, including Town Council adopted guidelines, except as otherwise modified through the Planned Development process; and
4. Includes development standards or uses that deviate from the underlying zoning in a way that results in innovative site planning and provides public benefit to the citizens of the Town by providing additional dining opportunities, availability of goods and services, and tax revenue.

Finding for consistency with the Town's General Plan:

1. That the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-1.4; and that the amendment to the Planned Development Overlay zoning is consistent with the existing General Plan designation.

SECTION II. Planned Development Overlay Zone.

The Town Code of the Town of Los Gatos is hereby amended to change zoning on property located at 50 University Avenue (APN 529-02-044) as shown on the map attached hereto as

Exhibit A, as and is part of this Ordinance, from C-2:LHP:PD to C-2:LHP:PD. Ordinance 2025, passed and adopted by the Town Council of Los Gatos on December 16, 1996, remains in effect with the following amendments to Performance Standard 15 of Section V of Ordinance 2025:

15. BUILDING E. During the architecture and site approval process Building E shall be modified as follows:
 - a. Open up the center pathway. Building could be moved closer to the South property line to increase width of pathway.
 - b. Provide more variety in the buildings.

SECTION III. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION IV. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION V. Publication.

The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION VI. Effective Date.

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 20 , and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ____ day of _____ 20 , by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DRAFT