

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS REPEALING AND REPLACING PLANNED DEVELOPMENT ORDINANCE 1281 ESTABLISHING DEVELOPMENT STANDARDS AND ALLOWABLE USES FOR LOTS WITHIN THE PLANNED DEVELOPMENT OVERLAY ZONE AND THE MAXIMUM FLOOR AREA RATIO AND THE MAXIMUM LOT COVERAGE ALLOWED ON LOT 8 IN THE VASONA OAKS SUBDIVISION AT VASONA OAKS DRIVE.

WHEREAS, the applicant, Elad Batito of Green Bay Remodeling Inc., proposes to modify Planned Development Ordinance 1281 to allow an increase in floor area ratio and lot coverage beyond the limits authorized by Ordinance 1281 for the property located at 130 Vasona Oaks Drive (Lot 8 in the Vasona Oaks Subdivision); and

WHEREAS, the performance standards of the original Planned Development Ordinance will remain in effect for all lots within this Planned Development Overlay Zone, except where allowed or modified by Performance Standard #9 below for Lot 8; and

WHEREAS, on August 13, 2025, the Planning Commission held a public hearing and received the staff report and applicant's presentation on the proposed project. After discussing the matter, the Planning Commission voted unanimously to recommend approval of the project to the Town Council; and

WHEREAS, this matter came before the Town Council for public hearing on September 16, 2025, and was regularly noticed in conformance with State and Town law; and

WHEREAS, the Town Council held a public hearing; received the staff report and the applicant's presentation on the proposed project; and considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on September 16, 2025. After discussing the matter, the Town Council voted unanimously to introduce the Ordinance; and

WHEREAS, the Town Council finds that the requested amendments are compatible with the surrounding neighborhood and consistent with the goals and policies of the General Plan; and

WHEREAS, the Town Council approves Planned Development application PD-25-002 to repeal and replace Planned Development Ordinance 1281 adopting the "Development Plan for Lot 8" for the property, clarifying development standards, allowable uses, and performance standards for this Planned Development Zone as well as standards specific to Lot 8 within the Vasona Oaks

Subdivision.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

SECTION I. Legislative Findings.

- A. With regard to CEQA, the request to modify Planned Development Ordinance 1281 is not subject to the California Environmental Quality Act, because it can be seen with certainty that it will not impact the physical environment. (CEQA Guidelines Section 15061(b)(3).)
- B. With regard to required compliance with the Town Code, 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. Conforms with the goals, policies, and applicable land use designations and standards of the Town's General Plan, including but not limited to Policy LU-6.8;
 - 3. Conforms 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 through maximized open space.
- C. With regard to required consistency with the Town's General Plan, the amendment to the Planned Development Overlay is consistent with the General Plan and its Elements, including but not limited to Policy LU-6.8; 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 zoning of the property shown on the map which is attached hereto as Exhibit A and is a part of this ordinance will remain R-M:5-12:PD (Multiple Family Residential, 5-12 dwelling units per net acre – Planned Development), but the performance standards will be amended as set forth below.

SECTION III. Uses and Improvements Authorized.

The PD (Planned Development) Zone established by this Ordinance authorizes development on the above-described real property of 17 single family detached dwellings, landscaping, parking, and other Improvements shown and required on the "Official Development Plan" on file with the Town Clerk and Planning Department. Permitted uses for the project are specified by Chapter 29, Article IV, Division 6 of the Zoning Ordinance (as this section exists at the time of the adoption of this Ordinance or as amended in the future), and on Page 1 of the developer's "Official Development Plan." All other uses as listed in Section 29.40.615 of the Zoning Ordinance are conditional uses and require issuance of a Conditional Use Permit.

SECTION IV. Minor Residential Development Approval Required.

Prior to the issuance of any permits in compliance with the "Official Development Plan" and the "Development Plan for Lot 8" hereby approved, Minor Residential Development approval is required.

SECTION V. Official Development Plan.

The "Official Development Plan" for the Planned Development established by this Ordinance consists of this Ordinance and the following listed plans (approved stamped, December 1, 1975) and the "Development Plan for Lot 8," which are on file in the Office of the Town Clerk and the Community Development Department.

1. Sheet No. 1: Site plan, illustrating: 17 detached single-family residences, garages, 17 open off-street parking stalls, landscaping areas, balconies and decks, and vehicular access and circulation.
2. Sheet No. 2: Section through the property showing the slope, and units on either side of the proposed street.
3. Sheet No. 3: Block elevation of all units facing the University Avenue street scene.
4. Sheets 4, 5, and 6: Typical building elevations of both uphill and downhill structures.
5. Development Plan for Lot 8, included as Exhibit 9 of the August 13, 2025, Planning Commission Staff Report.

SECTION VI. Performance Standards.

In addition to the foregoing plans, the following performance standards are part of the “Official Development Plan:”

1. That the conditions, covenants, and restrictions be submitted for approval in conjunction with the tentative subdivision map and the Precise Development Plan.
2. That the setbacks and building separations shown on the “Official Development Plan” be considered as minimum in preparation of the Precise Development Plan.
3. That all paved areas be separated from landscaped areas with a 6” high concrete curb.
4. That the applicant guarantee by contract and bond the installation of street improvements as follows:
University Avenue: Widen approximately 12 feet to provide left-turn storage at the Intersection with the new street. Install new concrete curb and gutter and street lighting.
New Street: Install curb and gutter, pavement (24' curb to curb), street lighting, storm drainage and sanitary sewer.
5. Dedication of right-of-way along University Avenue, as required, to a line 10 feet behind the new face of curb.
6. Dedication of the interior street and cul-de-sac bulb. The interior street shall be 24 feet (curb to curb) within a 26-foot minimum right-of-way.
7. That the garages shall be located less than 10 feet or more than 20 feet from the curb line.
8. That a soils engineering report be provided to establish the stability of the existing slope bank, and shall recommend grading procedures and protective measures for the project. This report shall be to the satisfaction of the Town Engineer.
9. Lot 8 will be subject to the performance standard set forth above. However, the “Official Development Plan” shall be deemed to include development plans specific to Lot 8 reflecting modifications to a single-family residence located at 130 Vasona Oaks Drive (APN: 424-42-008) included as Exhibit 9 of the August 13, 2025, Planning Commission Staff Report. These Lot 8 modifications include the enclosure of an existing second-story deck to create an enclosed 231-square foot sunroom, expansion of the second floor living area by 91 square feet, and creation of 92 square feet of additional living area on the third floor. As a result of these modifications on Lot 8, the maximum floor area ratio (FAR) will increase from 1.01 to 1.22, and lot coverage will increase from 66 percent to 73.40 percent. The modified plans for Lot 8 are on file in the Office of the Town Clerk and Planning Department and shall be subject to the same standards and conditions as the original approved Precise Development Plan with the exception of FAR and lot coverage as outlined above.

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

SECTION VIII. Publication.

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. The Town Council hereby directs the Town 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 IX. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the 16th day of September 2025, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the 7th day of October 2025, 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

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