



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/14/2024

ITEM NO: 2

DATE: February 9, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider and Forward a Recommendation Regarding a Zone Change from C-1 (Neighborhood Commercial) to RD (Residential Duplex) for Properties Located at **15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court**. APNs 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028. Exempt Pursuant to CEQA Guidelines 15061(b)(3): Review for Exemption. Zoning Code Amendment Application Z-24-002. APPLICANT: Town of Los Gatos. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Consider the existing and proposed zoning and forward a recommendation for approval of the zone change to the Town Council.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: C-1 (Neighborhood Commercial)
Applicable Plans & Standards: General Plan
Parcel Sizes: 9,583 to 13,068 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial	Neighborhood Commercial	C-1
South	Residential	Low Density Residential	R-1:8
East	Residential	Medium Density Residential	R-1:8 and RD
West	Residential	Medium Density Residential	RD

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Planning Manager, Community Development Director, and Town Attorney

CEQA:

The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment.

FINDINGS:

- The proposed zone change is Exempt Pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that the zone change will not impact the physical environment in that it aligns the regulations with the existing land use and no additional development is proposed at this time; and
- That the proposed zone change is consistent with the General Plan and its elements in that the proposed zoning is consistent with the existing General Plan land use designation.

BACKGROUND:

Downing Oak Court is located on the west side of Union Avenue approximately 830 feet south of Los Gatos-Almaden Road (Exhibit 1). 10 properties are located along Downing Oak Court and are developed with four residential duplexes and six multi-family residential buildings (four to six units each). The adjoining commercial property to the north is the location of the Downing Oak Shopping Center and is designated Neighborhood Commercial and zoned C-1 (Exhibits 3 and 4). The adjoining residential properties to the east and west, along Union and Pinehurst Avenues, are developed with residential duplexes, and are designated Medium Density Residential and zoned RD. The adjoining residential properties to the south along Lynn Avenue are developed with single-family residences and are designated Low Density Residential and zoned R-1:8.

The land that is the Downing Oak Court properties was in the County prior to 1978. The following table summarizes the evolution of the land that is now the Downing Oak Court properties.

BACKGROUND (continued):

Date	Action
March 5, 1962	Record of survey showing the area of the subject properties as a portion of a larger 7.310-acre parcel (Exhibit 6).
April 21, 1975	Ordinance 1212 adopted by the Town Council rezoning the area of the subject properties as C-1, Neighborhood Commercial (Exhibit 7).
April 26, 1978	Downing Oak Subdivision recorded with the County, creating the 10 subject properties and the Downing Oak Court right-of-way (Exhibit 8).
August 21, 1978	Resolution 1978-134 adopted by the Town Council approving annexation into the Town of the subject 10 properties and the Downing Oak Court right-of-way (Exhibit 9).
October 16, 1978	Resolution 1978-167 adopted by the Town Council approving annexation into the Town of the areas surrounding the Downing Oak Subdivision to the north, west, and south (Exhibit 10).
1978	The “build date” reported by the County Assessor for the 10 buildings on the Downing Oak Court properties.

Based on the summary above, it appears that the subdivision, annexation, and construction of the 10 buildings on Downing Oak Court occurred in close succession and likely with overlapping timelines. Building permits for the structures would have been issued by the County prior to construction when the land was still in the jurisdiction of the County. When the Downing Oak Court properties were annexed into the Town in 1978, the C-1 rezoning was not corrected to reflect the residential duplex and multi-family residential uses. This resulted in the current C-1 zoning that is not consistent with the Medium Density Residential land use designation or the duplex/multi-family uses on the properties.

The General Plan land use designation for the properties is Medium Density Residential, both in the 2040 General Plan Land Use Element, adopted by Town Council on June 30, 2022 (currently suspended pending the results of a referendum), and in the 2020 General Plan Land Use Element that governs during the suspension period.

California Government Code Section 68560 requires that the Town’s zoning ordinance be consistent with the adopted General Plan and requires that the zoning ordinance be amended in the event that it is not consistent with the General Plan (Exhibit 11). Consistent with California Government Code Section 68560, the proposed zone change would rezone the 10 properties on Downing Oak Court from C-1 (Neighborhood Commercial) to RD (Residential Duplex) to be consistent with the General Plan.

DISCUSSION:

The proposal would change the zoning of the subject properties from C-1 (Neighborhood Commercial) to RD (Residential Duplex). The C-1 zone is intended for retail, service, and administrative activities which are oriented to the day-to-day needs of the residents of the Town. The C-1 zone does not allow for residential uses. The RD zone is intended for low-density, multiple-dwelling areas compatible with single-family dwelling areas. The RD zone provides for the following uses:

- Single-family dwelling.
- Two-family dwelling
- Family daycare home.
- Residential care facility, small family home.

The properties on Downing Oak Court were rezoned C-1 in 1975, prior to the completion of the subdivision, annexation, and multi-family structures in 1978. The existing duplex and multi-family residential development was approved by the County prior to annexation and subdivision. At the time of subdivision with the development already underway, the gross density was 11.6 dwelling units per acre (inclusive of the dedicated rights-of-way), and the net density was 14.7 dwelling units per acre (excluding the dedicated rights-of-way). The existing duplex and multi-family residential development on each of the 10 properties became legal nonconforming upon annexation into the Town with the continuation of the C-1 zoning, which does not allow for residential uses. The gross density of the subdivision complies with the Medium Density Residential General Plan designation of five to 12 dwelling units per acre, while the net density exceeds this range, as do the densities of six of the 10 properties. The following table summarizes the existing development for each property.

Address	Lot Size (Square Feet)	Lot Size (Acre)	Dwelling Units	Density (du/acre)
15025	10,454	0.24	4	16.7
15039	10,454	0.24	4	16.7
15053	10,454	0.24	4	16.7
15067	10,890	0.25	4	16.0
15081	12,632	0.29	6	20.7
15080	13,068	0.30	6	20.0
15066	9,583	0.22	2	9.1
15054	9,583	0.22	2	9.1
15040	10,019	0.23	2	8.7
15026	9,583	0.22	2	9.1

DISCUSSION (continued):

The properties are surrounded by commercial, low density single-family residential, and medium density duplex residential uses; no high-density uses are adjacent to the properties. The proposed zone change to RD would be consistent with the existing Medium Density Residential land use designation and would not require an amendment to the General Plan. The RD zoning would allow the four properties developed with duplexes to become conforming, while the remaining six would remain legal nonconforming. Town Code Section 29.10.195 allows for nonconforming residential uses to continue interminably. Additionally, should a nonconforming multi-family building be destroyed, Section 29.10.260 allows the nonconforming multi-family dwelling to be reconstructed on the same foundation, with the same number of units, in substantially the same manner as it existed before its destruction. Therefore, the zone change from C-1 to RD will not result in additional burden on the property owners relative to the nonconforming status of the structures. Conversely, the zone change to RD would clear the way for accessory residential uses, including Accessory Dwelling Units (ADUs), consistent with that zone that are currently not allowed by State law under the commercial zoning.

Rezoning the properties to RD would remove the commercial zoning from the properties developed with residential uses, avoid spot zoning, and bring the zoning ordinance in line with the land use designation consistent with State law.

ENVIRONMENTAL ANALYSIS:

The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment.

PUBLIC COMMENTS:

On December 15, 2023, the Town contacted all Downing Oak Court property owners and occupants, as well as those within 300 feet, to inform them that the Town intended to rezone the subject properties and that a stakeholders meeting would be held in January. On January 24, 2024, a stakeholders meeting was held at Union Middle School. Several attendees joined staff to discuss the rezoning and ask questions.

In preparation for the February 14, 2024 Planning Commission meeting, notice was sent to all Downing Oak Court property owners and occupants, as well as those within 300 feet. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The proposal would change the zoning of the subject properties located on Downing Oak Court from C-1 (Neighborhood Commercial) to RD (Residential Duplex). The proposed zone change would be consistent with the Medium Density Residential land use designation in the General Plan and the existing adjacent pattern of land uses and zones. The proposed zone change would remove the commercial zoning from the properties developed with residential uses, avoid spot zoning, and bring the zoning ordinance in line with the land use designation as consistent with State law.

B. Recommendation

Based on the analysis above, staff recommends that the Planning Commission consider the existing and proposed zoning and forward a recommendation for approval of the zone change to the Town Council. If the Planning Commission finds merit with the proposed amendments, it should:

1. Make the finding that the proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment in that it aligns the regulations with the existing land use and no additional development is proposed at this time (Exhibit 2); and
2. Make the required finding that the proposed zone change is consistent with the General Plan and its elements in that the proposed zoning is consistent with the existing General Plan land use designation (Exhibit 2); and
3. Forward a recommendation of approval of Zone Change Application Z-24-002 to the Town Council.

C. Alternatives

Alternatively, the Planning Commission can:

1. Continue the matter to a date certain with specific direction;
2. Provide a recommendation for denial to the Town Council providing findings for denial.

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SUBJECT: Downing Oak Court/Z-24-002

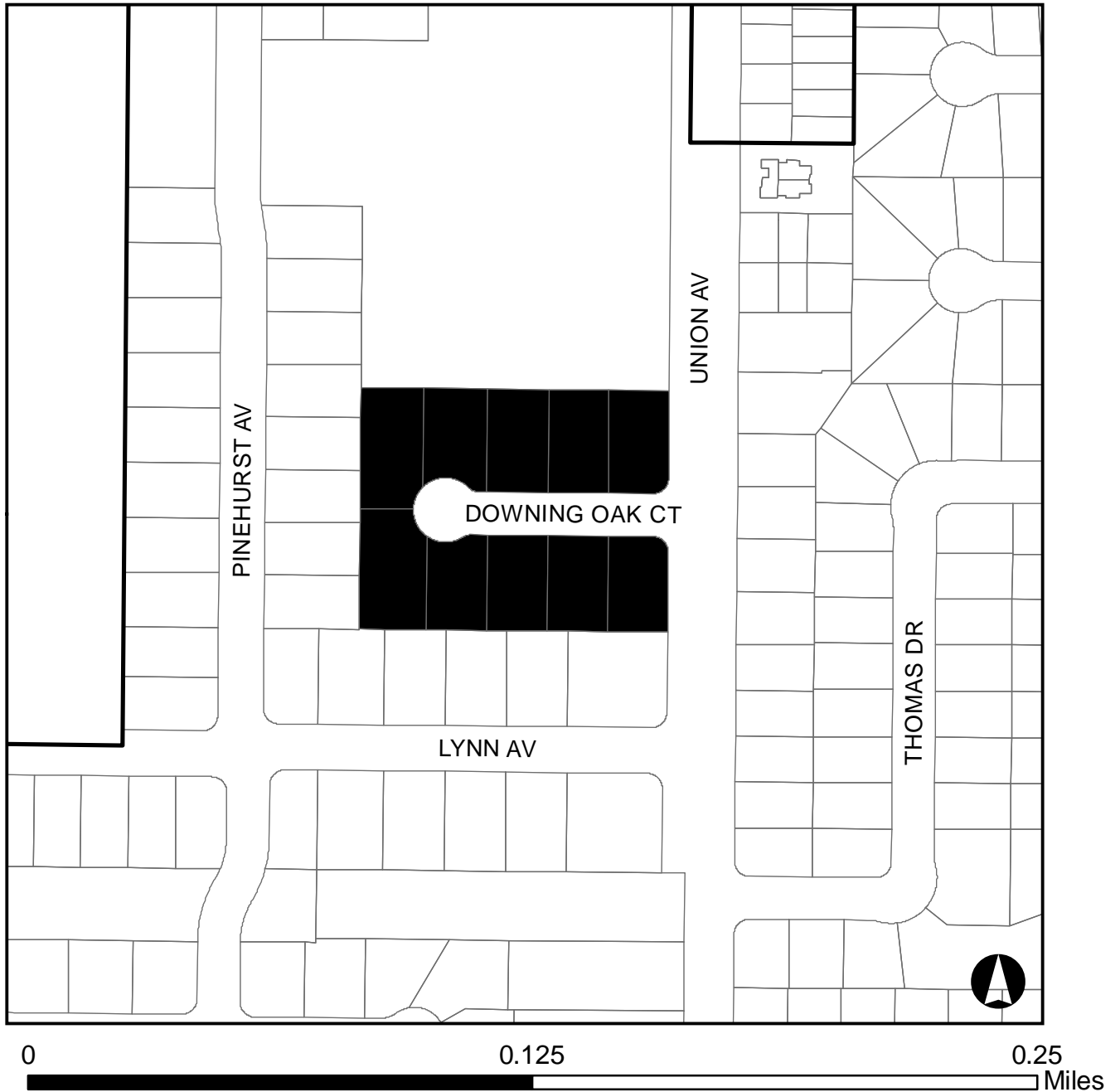
DATE: February 9, 2024

EXHIBITS:

1. Location Map
2. Draft Ordinance for the Zone Change, with Exhibit A
3. Existing General Plan Land Use Designation Map
4. Existing Zoning Map
5. Proposed Zoning Map
6. Record of Survey (143M33), dated March 5, 1962
7. Ordinance 1212 - Prezoning of Lands including future Downing Oak Ct, dated April 21, 1975
8. Downing Oak Subdivision (417M19 Tract 6214), recorded April 26, 1978
9. Resolution 1978-134 - Annexation Downing Oak Court, adopted August 21, 1978
10. Resolution 1978-167 - Annexation of Areas Surrounding Downing Oak Court, adopted October 16, 1978
11. California Government Code Section 68560

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15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court



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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING THE ZONING FROM C-1 (NEIGHBORHOOD COMMERCIAL)
TO RD (RESIDENTIAL DUPLEX) FOR PROPERTIES LOCATED AT
15025, 15026, 15039, 15040, 15053, 15054,
15066, 15067, 15080, AND 15081 DOWNING OAK COURT**

WHEREAS, the existing C-1 zoning is inconsistent with the General Plan land use designation for these properties; and

WHEREAS, Government Code Section 65860 requires that zoning be consistent with General Plan land use designations; and

WHEREAS, residential uses are currently located on these properties;

NOW, THEREFORE, THE PEOPLE OF THE TOWN OF LOS GATOS AND THE TOWN COUNCIL DO HEREBY ORDAIN AS FOLLOWS:

1. The Zoning Map in the Town Code of the Town of Los Gatos is hereby amended to change the zoning of the properties at 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court (Santa Clara County Assessor Parcel Numbers 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028 respectively) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from C-1 (Neighborhood Commercial) to RD (Residential Duplex).
2. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 2024, and adopted by the following vote as an ordinance of the Town of Los Gatos at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 2024.
3. This ordinance takes effect 30 days after it is adopted.
4. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).
5. The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment in that it aligns the regulations with existing land use no additional development is proposed at this time

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

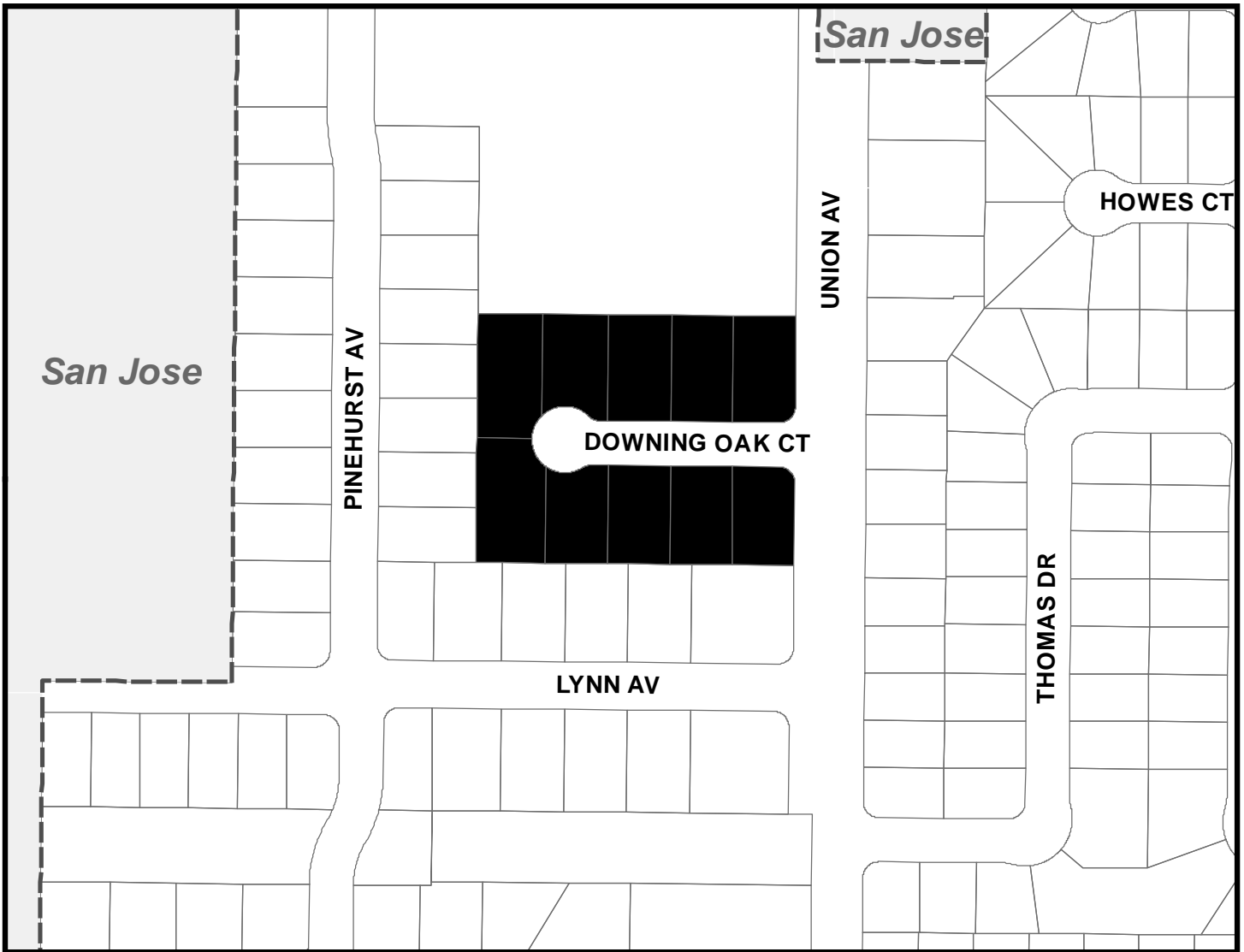
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



Address: 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court

A.P.N. # 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028

TOWN OF LOS GATOS

Application No. Z-24-002

Change of zoning map amending the Town Zoning Ordinance.

Zone Change

From: C-1

Prezoning

To: RD



Forwarded by Planning Commission

Date:

Approved by Town Council

Date:

Ord:

Clerk Administrator

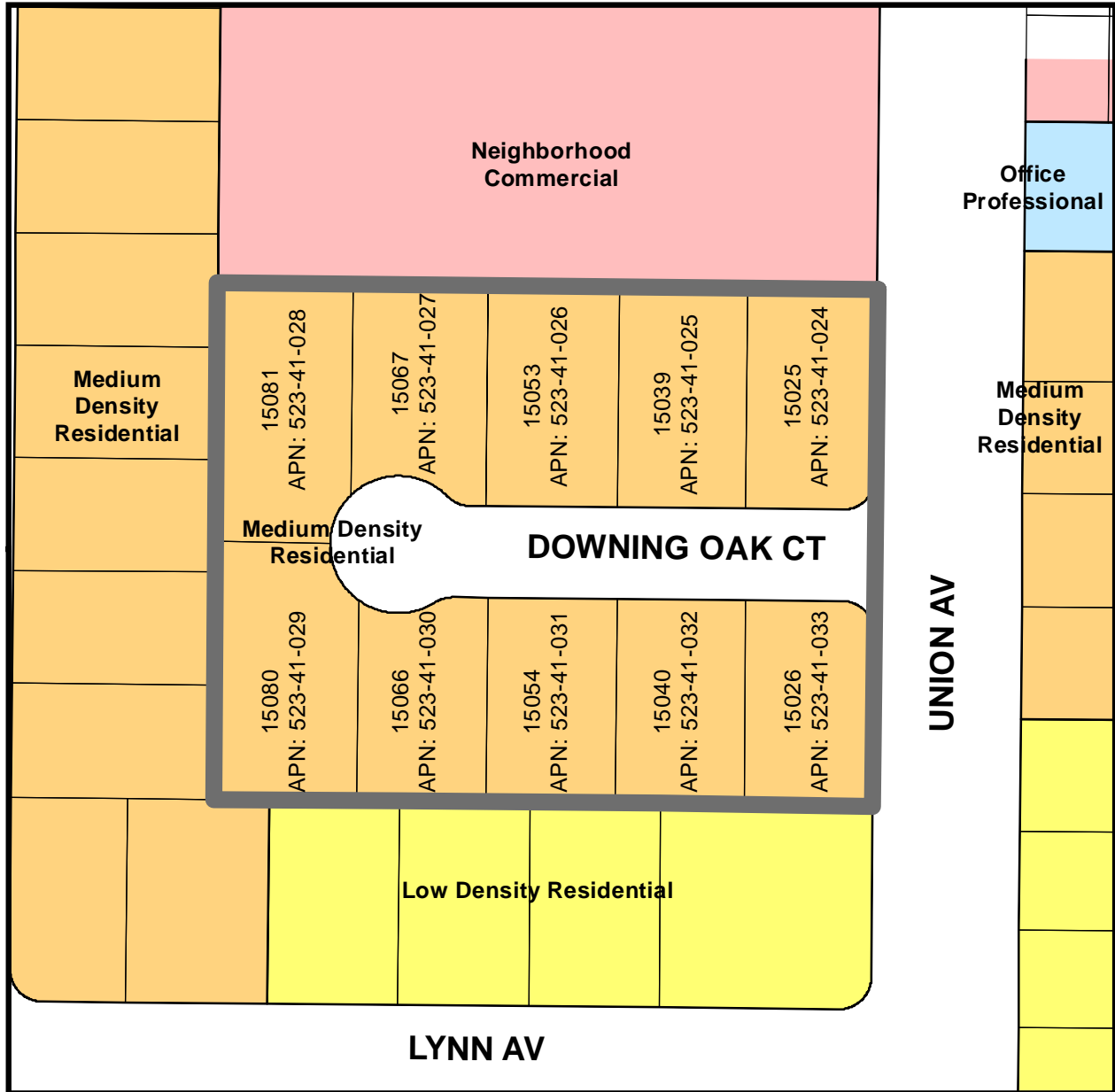
Mayor

EXHIBIT A

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Downing Oak Court

Existing General Plan Designation (No Changes Proposed)



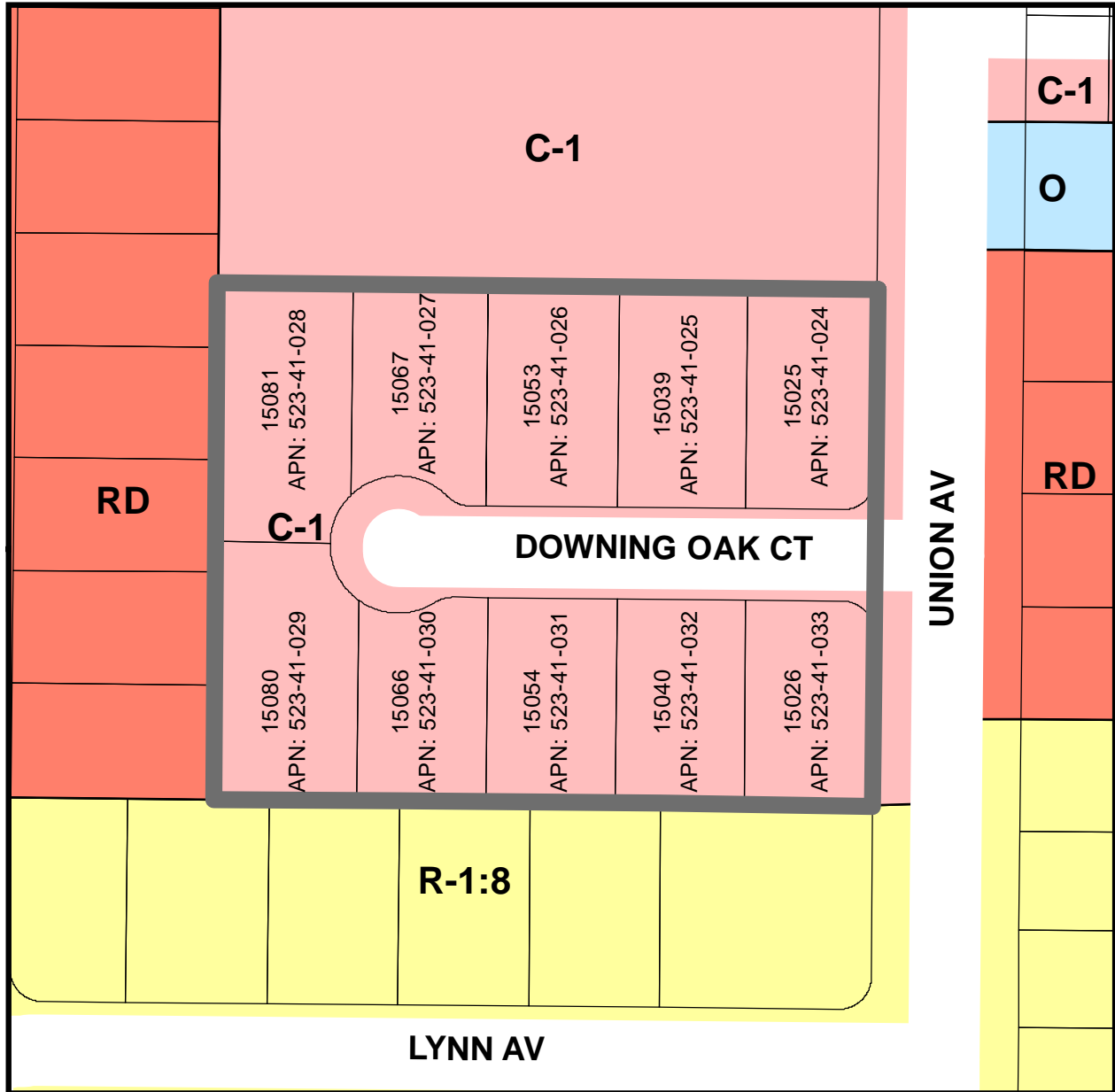
General Plan Designation Legend

- Low Density Residential
- Medium Density Residential
- Neighborhood Commercial
- Office Professional

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Downing Oak Court

Current Zoning



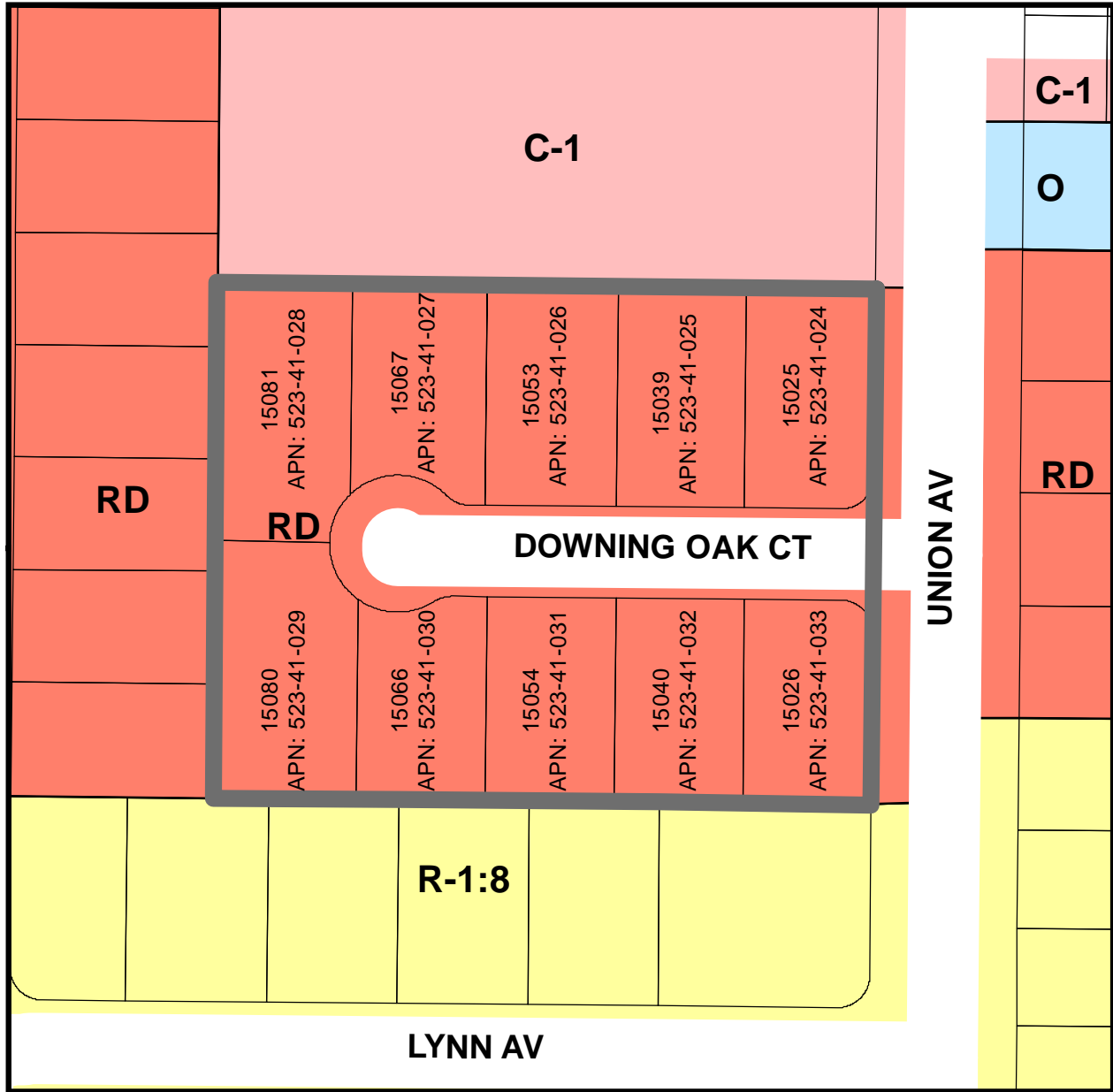
Zoning Legend

- R-1:8 - Single Family Residential
- RD - Residential Duplex
- C-1 - Neighborhood Commercial
- O - Office

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Downing Oak Court

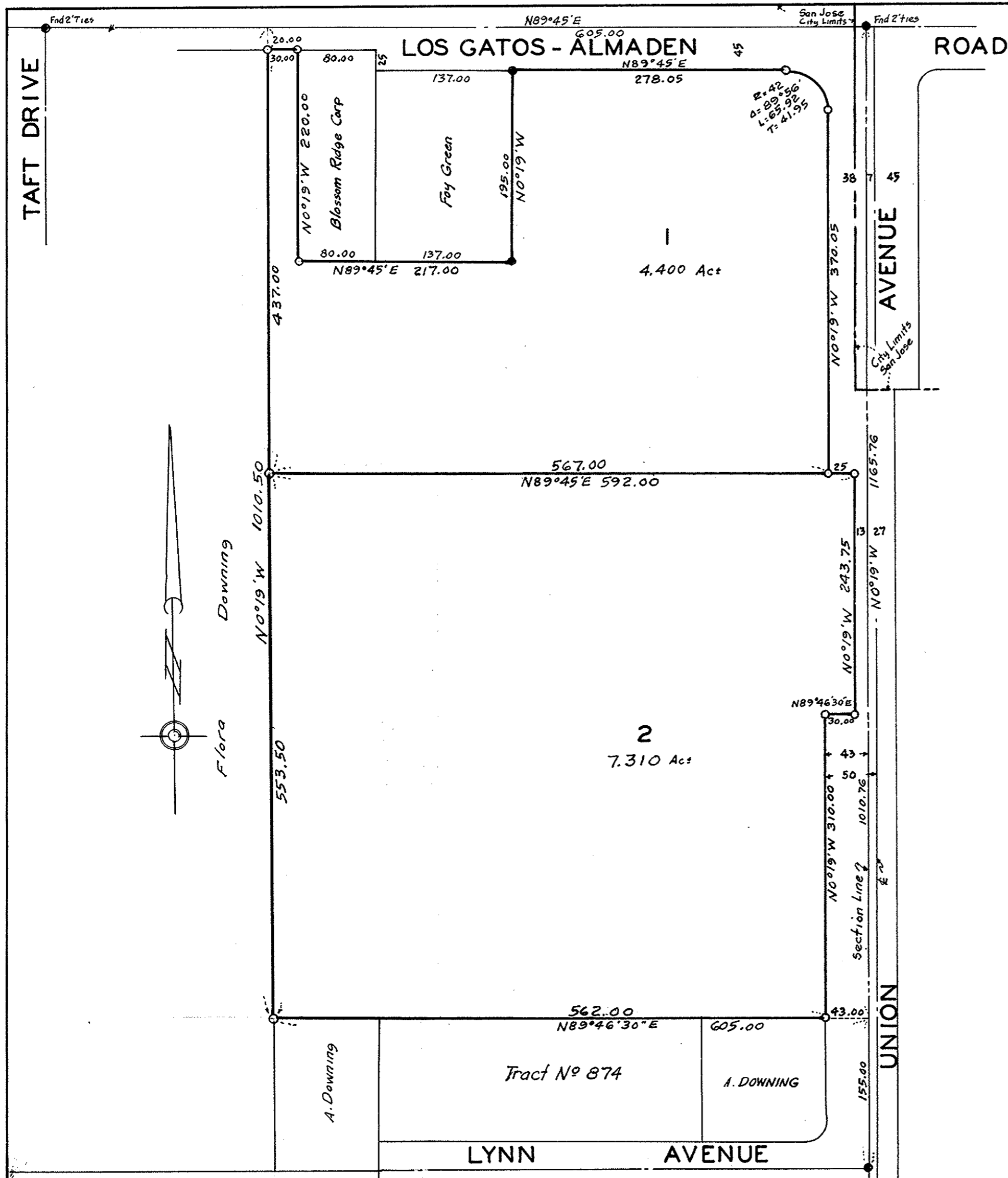
Proposed Zoning



Zoning Legend

- R-1:8 - Single Family Residential
- RD - Residential Duplex
- C-1 - Neighborhood Commercial
- O - Office

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SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made under my direction in conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code at the request of Arthur H. Downing in January, 1962.

Henry D. Gilbert
 Licensed Land Surveyor No. 2693

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the provisions of Chapter 15 of Division 3 of the Business and Professions Code this First day of March 1962.

JAMES T. POTT, County Surveyor

By _____ Deputy

BASIS OF BEARINGS & NOTES

The bearing (N89°45'E) of the center line of Los Gatos - Almaden Road as shown on Record of Survey Map recorded in Book 83 of Maps, page 41, was used as basis of bearings shown upon this map.

- Indicates iron pipe found, unless otherwise noted.
- Indicates iron pipe set.

COUNTY RECORDER'S CERTIFICATE

Filing Fee \$ 5.00 Paid File No. 215 1976
 Filed for record this 5th day of March 1962 at 3:58 P.M. in Book 143 of Maps at Page 33, at the request of Mark Thomas & Co., Inc.

PAUL R. TEILH, County Recorder

By *Donald R. Palmer* Deputy

RECORD OF SURVEY
 OF PORTIONS OF N.E. 1/4 OF SECTION 14
 TOWNSHIP 8 SOUTH, RANGE 1 WEST, M.D.M.
 SANTA CLARA COUNTY CALIFORNIA
 FOR
ARTHUR H. DOWNING

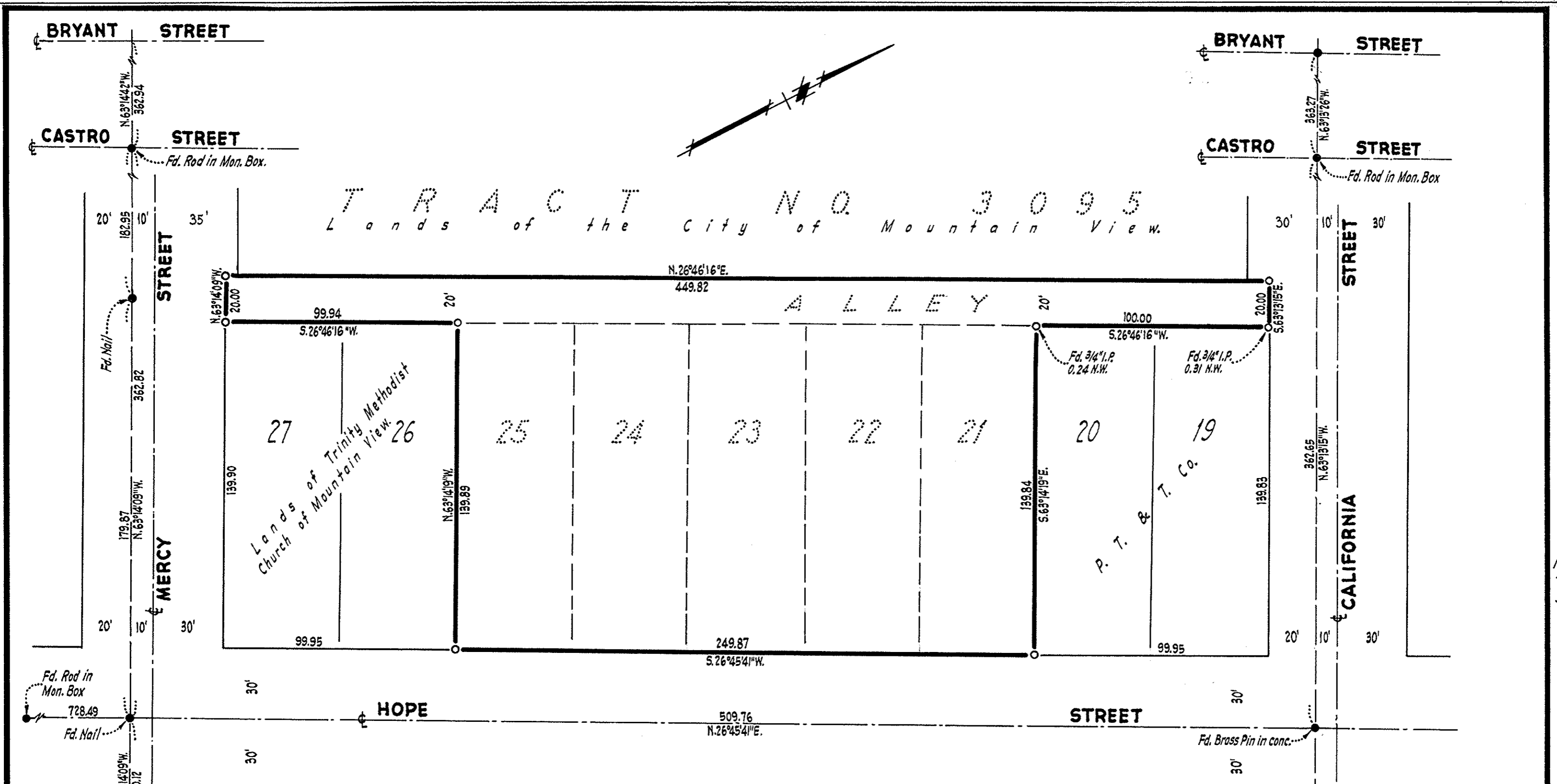
SCALE - 1" = 100' JANUARY 1962

MARK THOMAS & CO INC
 CIVIL ENGINEERS & SURVEYORS
 SAN JOSE CALIF.

JOB NO 60347

33

33



BASIS OF BEARINGS

The bearing S.26°45'41"W of the centerline of Hope Street as shown on that certain map of Tract No. 3095 as recorded in Book 141 of Maps of page 6, Santa Clara County Records, was taken as the basis of bearings shown on this map.

NOTES AND LEGEND

- All distances and dimensions are shown in feet and decimals thereof.
- Indicates Monument found.
 - Indicates 1" Iron Pipe Monument set.

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code at the request of the City of Mountain View, in JANUARY, 1962.

George S. Nolte
 LIC. LAND SURVEYOR CERT. NO. 2495

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code this 7th day of MARCH, 1962.

JAMES T. POTT, County Surveyor

by Deputy *James T. Pott*

RECORDER'S CERTIFICATE

File No. 2153564 Fee \$ 5.00
 Filed for record this 27th day of March 1962, at 3:12 P.M., in Book 143 of Maps at page 33 at the request of George S. Nolte.

PAUL R. TEILH, County Recorder

by Deputy *Donald R. Palmer*

RECORD OF SURVEY
 OF A PORTION OF B.4.S.R.1 E., "MAP OF THE SULLIVAN AND ROGERS
 SUBDIVISION IN THE TOWN OF MOUNTAIN VIEW, CALIFORNIA."
MOUNTAIN VIEW, CALIFORNIA.

SCALE: 1" = 40' CIVIL ENGINEER - LAND SURVEYOR JANUARY, 1962.
 PALO ALTO - SANTA CLARA - WALNUT CREEK - SAN RAFAEL

231-61

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EXHIBIT 6 33 RB

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ORDINANCE NO. 1212

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING
THE ZONING ORDINANCE EFFECTING ZONE CHANGE
NO. 108 PREZONING TO R-1:8,000, RD:8,000,
R-M:5-12, "O", AND C-1.

The Town Council of the Town of Los Gatos does ordain as follows:

SECTION 1.

The Zoning Ordinance of the Town of Los Gatos is hereby amended to prezone the property shown on the map which is attached hereto and is a part of this Ordinance to R-1:8,000, RD:8,000, R-M:5-12, "O", and C-1.

SECTION 2.

The Town Clerk shall attest to the adoption of this Ordinance. This Ordinance shall be published once in the Los Gatos Times - Saratoga Observer, a newspaper of general circulation, printed and published in the Town of Los Gatos within fifteen (15) days of its final passage and this Ordinance shall take effect thirty (30) days following its final passage.

The above and foregoing Ordinance was duly and regularly introduced at a meeting of the Town Council of the Town of Los Gatos held on the 7th day of April, 1975.

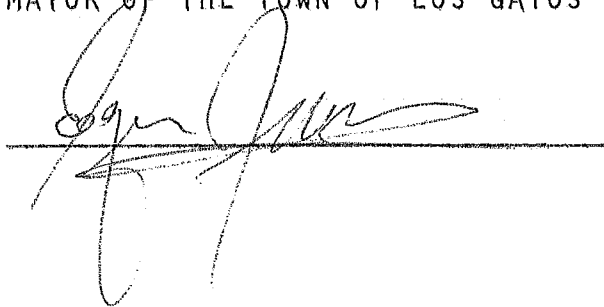
PASSED AND ADOPTED as an Ordinance of the Town of Los Gatos,
California, at a regular meeting of the Town Council held on the
21st day of April, 1975, by the following vote:

AYES:	COUNCILMEN	<u>Ruth Cannon</u>
		<u>Mark B. DiDuca</u>
		<u>John B. Lochner</u>
		<u>Albert B. Smith</u>
		<u>Egon Jensen</u>

NOES:	COUNCILMEN	<u>None</u>
		<u></u>

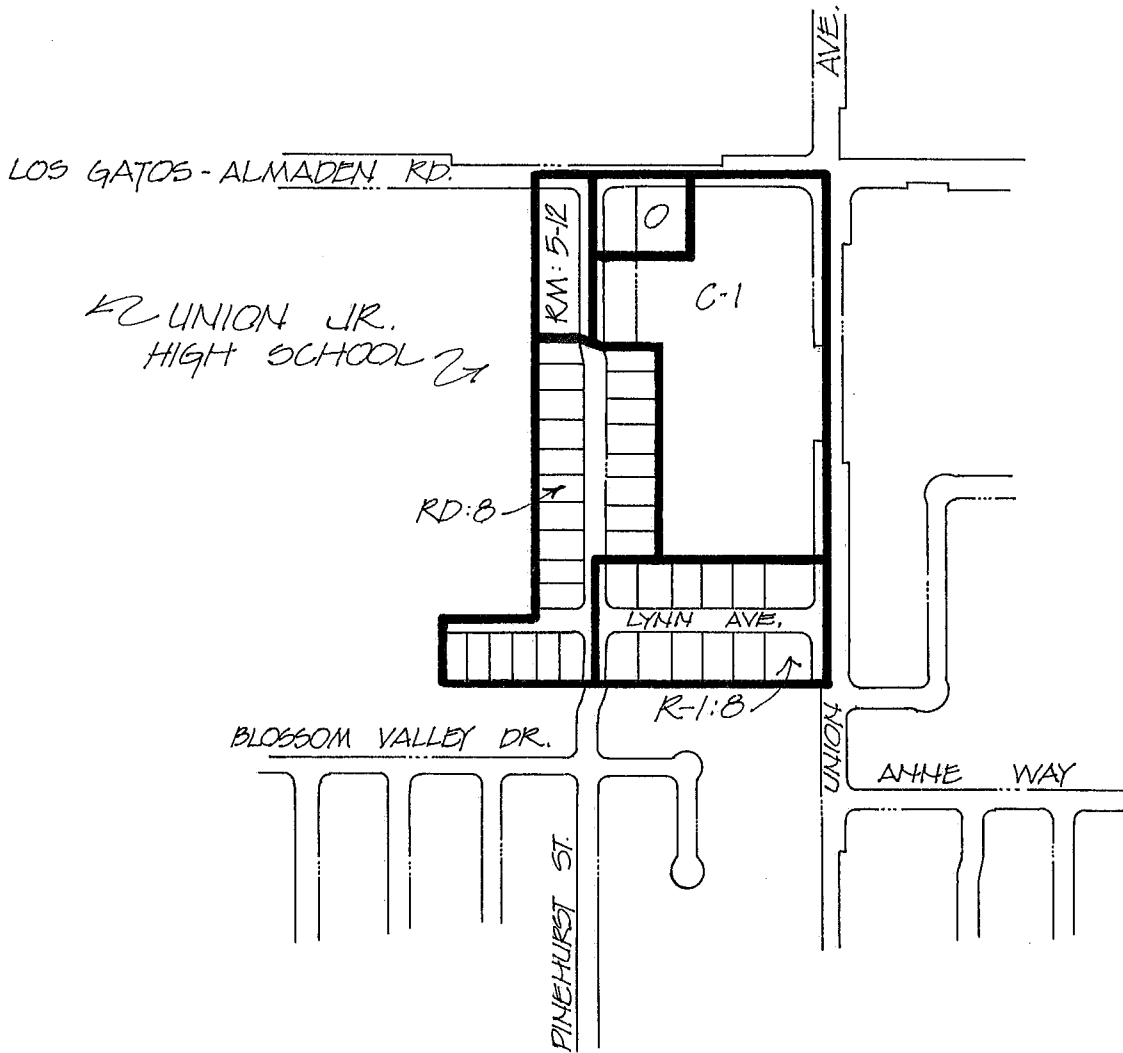
ABSENT:	COUNCILMEN	<u>None</u>
		<u></u>

SIGNED: MAYOR OF THE TOWN OF LOS GATOS



ATTEST:

Jo Reichartz
CLERK OF THE TOWN OF LOS GATOS



APPLICATION NO. Z-75-2

SCALE 1"=500'

TOWN OF LOS GATOS

Zone Change
Change of zoning map

PREZONE to R-1:8, RD:8, RM:5-12, O & C-1.
Amending Ordinance 867
Town Zoning Ordinance

Approved By Planning Commission date 3-26-75

Approved By Town Council date 4-21-75 Ord. 1212

Town Clerk Jo Leubnitz Mayor [Signature]

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OWNER'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREIN MAP: THAT WE ARE THE ONLY PERSONS WHOSE CONSENTS ARE NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY THAT WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY OFFER TO DEDICATE TO PUBLIC USE AND THE COUNTY OF SANTA CLARA, ALL STREETS AND PORTIONS OF STREETS NOT HERETOFORE EXISTING AND DESIGNATED AS DOWNING OAK COURT & UNION AVE., AS SHOWN UPON THIS MAP, AND WE ALSO OFFER TO DEDICATE TO PUBLIC USE AND THE COUNTY OF SANTA CLARA EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

WE HEREBY OFFER TO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, GAS, WATER AND ALL APPURTENANCES THERETO UNDER, UPON OR OVER THE LAND DESIGNATED AS "P.S.E." (PUBLIC SERVICE EASEMENT).

ALL OF THE MENTIONED PUBLIC SERVICE AND STORM DRAINAGE EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

ALL DEDICATIONS TO BE ACCEPTED ONLY WHEN THE BOARD OF SUPERVISORS OR ITS SUCCESSOR AGENCIES ADOPT AND RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, A RESOLUTION ACCEPTING SAID STREETS AND EASEMENTS. UNTIL SAID RESOLUTION IS RECORDED, THE COUNTY OF SANTA CLARA SHALL NOT BE RESPONSIBLE FOR MAINTAINING AND SHALL INCUR NO LIABILITY WITH RESPECT TO SUCH OFFERED STREETS AND EASEMENTS OR ANY IMPROVEMENT THEREON.

IF ANY CHANGE IN ALIGNMENT, LENGTH OR WIDTH OF STREETS AND/OR EASEMENTS BY THE COUNTY OF SANTA CLARA OR ITS SUCCESSOR AGENCIES RESULTS IN VACATION OF ANY PART OF THE REAL PROPERTY DEDICATED HEREIN, SUCH VACATION SHALL TERMINATE THE DEDICATION AS TO THE PART VACATED.

WE ALSO HEREBY RELEASE AND RELINQUISH ANY AND ALL ABUTTERS RIGHTS OF ACCESS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY DELINEATED AND DESIGNATED AS "||||||||||||||||||" IN AND TO SAID UNION AVENUE.

WE HEREBY DESIGNATE FOR THE EXCLUSIVE USE FOR THE OWNERS OF LOTS 1, 2, 3, 4, AND 5, THE RECIPROCAL RIGHT OF INGRESS AND EGRESS, FOR PUBLIC UTILITIES AND ACCESS OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "INGRESS AND EGRESS EASEMENT." SAID INGRESS AND EGRESS EASEMENTS TO BE KEPT OPEN AND FREE FROM STRUCTURES OF ANY KIND EXCEPT AS HEREIN PROVIDED AND TO BE MAINTAINED BY THE OWNERS OF LOTS 1, 2, 3, 4, AND 5.

Arthur H. Downing Jr.
ARTHUR H. DOWNING, JR.

Arthur H. Downing Jr. Trustee
ARTHUR H. DOWNING, JR., TRUSTEE

CLERK OF THE BOARD OF SUPERVISORS

I HEREBY CERTIFY THAT THE FOLLOWING ORDER WAS ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AT A MEETING OF SAID BOARD HELD ON THE 24th DAY OF April, 1978. IT IS ORDERED THAT THE MAP OF TRACT NO. 6214 BE AND THE SAME IS HEREBY APPROVED, THAT ALL STREETS, PORTIONS OF STREETS AND EASEMENTS OFFERED FOR DEDICATION TO THE COUNTY OF SANTA CLARA ARE HEREBY NOT ACCEPTED, THAT ALL EASEMENTS ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC FOR THE PURPOSES SET FORTH IN THE OFFER OF DEDICATION.

DONALD M. RAINS
Donald M. Rains
CLERK OF THE BOARD OF SUPERVISORS
SANTA CLARA COUNTY, CALIFORNIA

CIVIL ENGINEER'S CERTIFICATE

I, JOHN R. HARRISON HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF TWO SHEETS, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING Nov., 1976, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL MONUMENTS SHOWN HEREON EXIST OR WILL BE PLACED BY AUGUST, 1978, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: Dec. 23, 1977

John R. Harrison
R.C.E. #16142



RECORDER'S CERTIFICATE

FILED ON THIS 26th DAY OF April, 1978, AT 2:56 P.M. IN BOOK 417 OF MAPS AT PAGES 19 AND 20 AT THE REQUEST OF Arthur H. Downing, Jr.

FILE NO. 5995510

FEE \$7⁰⁰ Paid

BY: *S. Dorris*
DEPUTY

COUNTY SURVEYOR'S CERTIFICATE

I, DEAN P. LARSON, HEREBY CERTIFY THAT THIS MAP DESIGNATED AS TRACT NO. 6214 HAS BEEN EXAMINED BY ME: THAT THE SUBDIVISION SHOWN THEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: April 10, 1977

DEAN P. LARSON, COUNTY SURVEYOR

Dean P. Larson

ACKNOWLEDGEMENT'S

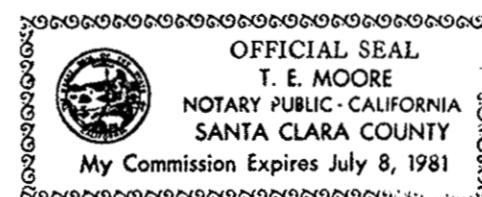
ACKNOWLEDGEMENT (INDIVIDUAL)
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ON THIS 28th DAY OF December IN THE YEAR ONE THOUSAND NINE HUNDRED AND Seventy Seven BEFORE ME, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED ARTHUR H. DOWNING JR.

KNOWN TO ME TO BE THE PERSON WHOSE NAME is SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME, INDIVIDUALLY AND AS TRUSTEE.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF SANTA CLARA THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, STATE OF CALIFORNIA
MY COMMISSION EXPIRES July 8, 1981



SOILS REPORT

PREPARED BY DUNHAM ASSOCIATES,
2628 BAYSHORE FRONTAGE ROAD,
MOUNTAIN VIEW, CALIFORNIA,
DATED SEPTEMBER 29, 1977.

MAP OF
TRACT NO. 6214
DOWNING OAK SUBDIVISION

CONSISTING OF TWO SHEETS

BEING A PORTION OF PARCEL 2 AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS, PAGE 33 ON MARCH 5, 1962 AND LYING WITHIN SANTA CLARA COUNTY, CALIFORNIA

HARRISON, LEE AND KONG INC.
CONSULTING ENGINEERS
SAN JOSE, CALIFORNIA

417
19-20
417
19-20

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19

SCALE: 1"=40'

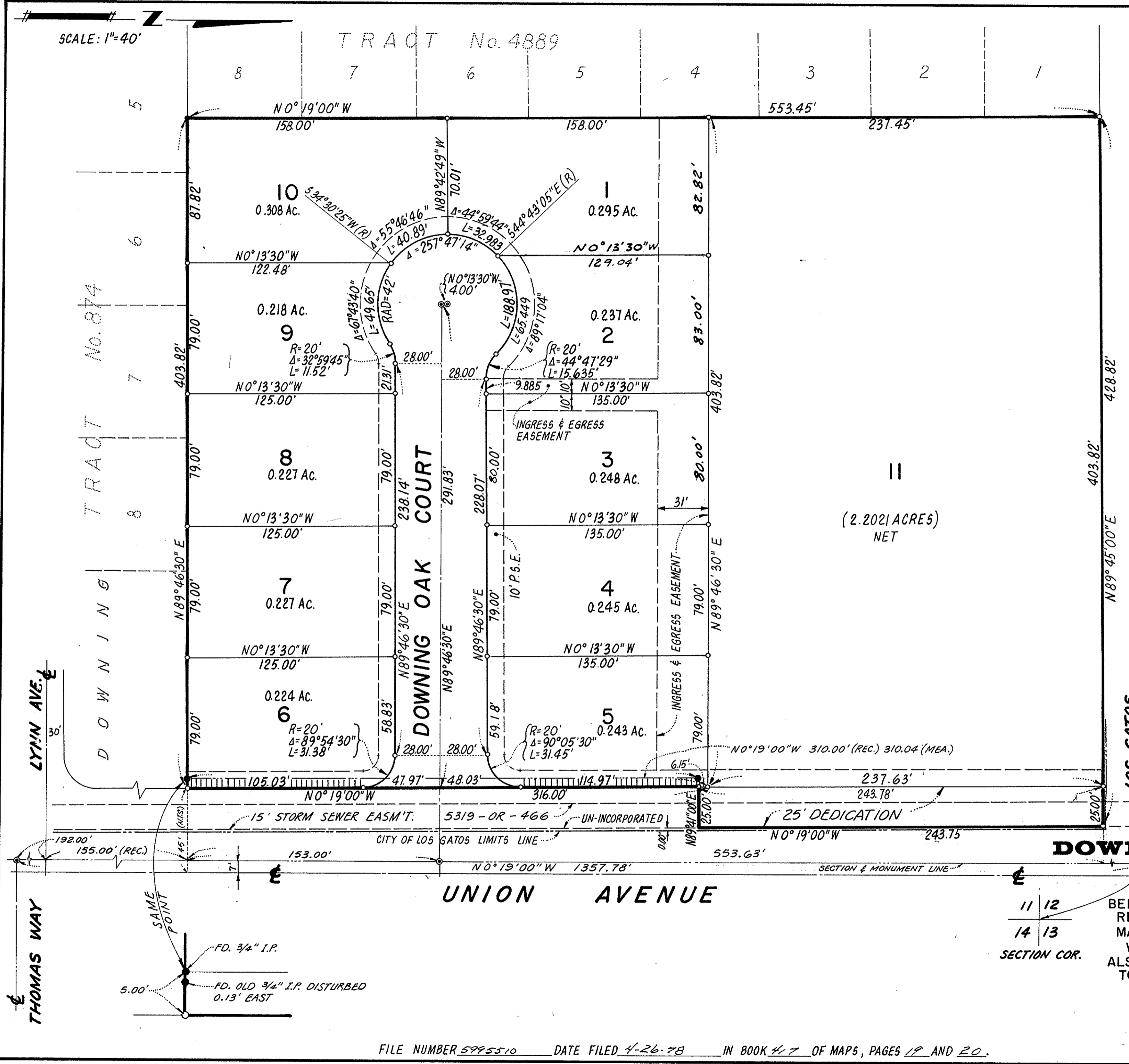
TRACT No. 4889

LEGEND AND NOTES

- DISTINCTIVE BORDER (BNDY. OF LAND SUBDIVIDED BY THIS MAP)
- SET 3/4" DIA. IRON PIPE.
- SET STANDARD CITY MONUMENT.
- CITY LIMITS OF LOS GATOS.
- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- FOUND 3/4" IRON PIPE
- REC. INDICATES RECORD DATA
- MONUMENT LINE

BASIS OF BEARINGS

THE BEARING N0°19'00"W OF THE EAST LINE OF SECTION 14 TOWNSHIP 8 SOUTH, RANGE 1 WEST, M.D.M., AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS AT PAGE 33, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.



MAP OF
TRACT NO. 6214
DOWNING OAK SUBDIVISION

CONSISTING OF TWO SHEETS

BEING A PORTION OF PARCEL 2 AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS, PAGE 33 ON MARCH 5, 1962 AND LYING WITHIN SANTA CLARA COUNTY, CALIFORNIA ALSO BEING A PORTION OF NE 1/4 OF SECTION 14 TOWNSHIP 8 SOUTH, RANGE 1 WEST M.D.M.
HARRISON, LEE AND KONG INC.
 CONSULTING ENGINEERS
 SAN JOSE, CALIFORNIA

11	12
14	13

SECTION COR.

FILE NUMBER 5995510 DATE FILED 4-26-78 IN BOOK 47 OF MAPS, PAGES 19 AND 20.

417
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RESOLUTION NO. 1978-134

A RESOLUTION APPROVING THE ANNEXATION OF
CERTAIN UNINHABITED TERRITORY DESIGNATED
AS UNION AVENUE NO. 2 TO THE TOWN OF
LOS GATOS

WHEREAS, on September 7, 1977, the Local Agency Formation Commission of the County of Santa Clara, State of California, pursuant to an application signed by all of the owners of land within the territory to be annexed, approved the annexation of that hereinafter described area, designated as Union Avenue No. 2, to the Town of Los Gatos and authorized the Town Council of the Town of Los Gatos to annex said territory in the manner described in Section 54797.1 of the Government Code of the State of California; and

WHEREAS, a petition signed by the owners of all of the land in that area, hereinafter described and designated as Union Avenue No. 2 was filed with the Town Clerk of the Town of Los Gatos on September 8, 1977 said area is situated in the unincorporated area of the County of Santa Clara, is contiguous with the municipal boundaries of the Town of Los Gatos, and at the time of the filing of said petition for annexation less than twelve (12) persons who had been registered to vote within said territory for at least fifty-four (54) days resided within the territory;

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Town Council of the Town of Los Gatos, a municipal corporation of the County of Santa Clara, State of California, that pursuant to the provisions of Section 54797.1 and Article 5, Chapter 1, Part 2, Title 3, of the Government Code of the State of California, the annexation to the Town of Los Gatos of that territory designated as Union Avenue No. 2 and more particularly described in that real property description and map of said territory

which are attached hereto, marked Exhibits "A" and "B", respectively, and incorporated herein the same as if set forth at length herein, is and the same is hereby approved, and that the same be annexed to the Town of Los Gatos.

BE IT FURTHER RESOLVED that upon completion of these annexation proceedings the territory annexed will be taxed in Town of Los Gatos Tax Rate A, including taxes for existing bonded indebtedness.

BE IT FURTHER RESOLVED that the Town Clerk is authorized and is hereby directed to prepare under seal a certified copy of this resolution, giving the date of passage, and transmit same to the Secretary of State of the State of California.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 21st day of August, 1978, by the following vote:

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, John B. Lochner, Peter W. Siemens and Mardi Gualtieri

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS None

SIGNED: Mardi Gualtieri
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:
Jo James
CLERK OF THE TOWN OF LOS GATOS

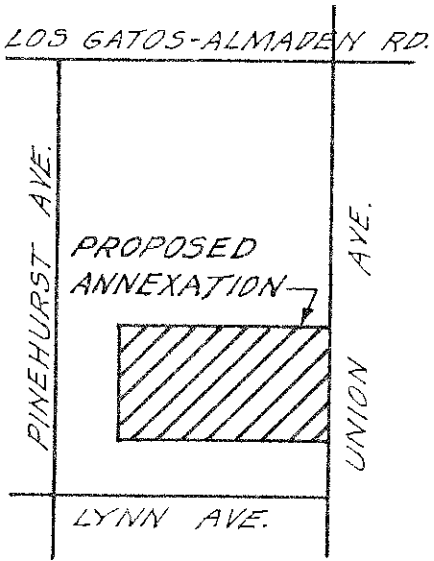
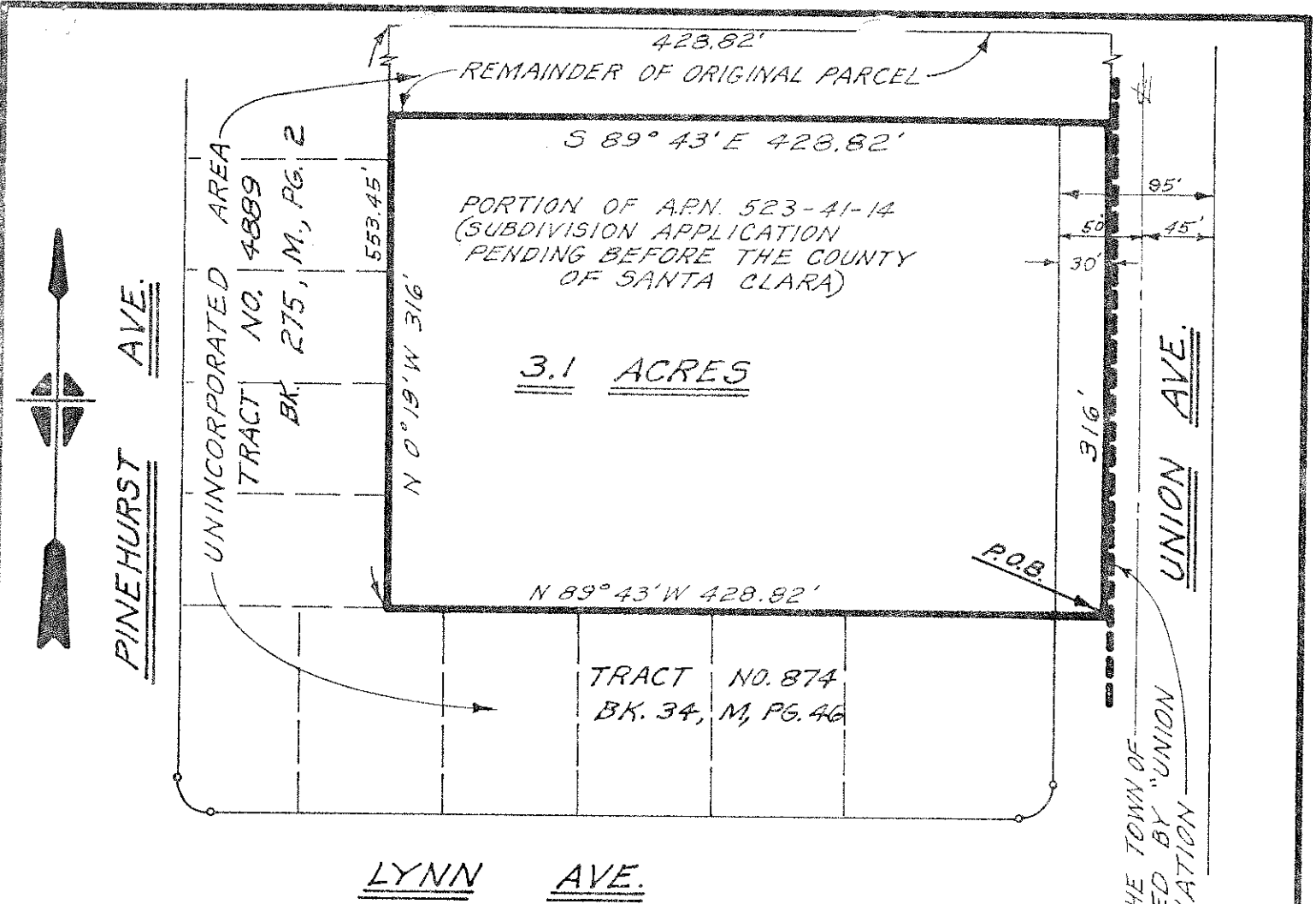
TOWN OF LOS GATOS

UNION NO. 2 ANNEXATION

All that certain real property situate in the County of Santa Clara, State of California, described as follows:

Beginning at the intersection of the Westerly line of "Union No. 1" Annexation to the Town of Los Gatos with the Easterly prolongation of the Northerly line of Tract No. 874 as said Tract is shown on that Record of Survey recorded in Book 34 of Maps, Page 46, Santa Clara County Records; thence along said Northerly line of Tract No. 874 North $89^{\circ}43'$ West 428.82 feet to the intersection thereof with the Easterly line of Tract No. 4889 as last said Tract is shown on that Record of Survey recorded in Book 275 of Maps, Page 2, Santa Clara County Records; thence along said Easterly line of Tract No. 4889 North $0^{\circ}19'$ West 316 feet; thence running parallel to said Northerly line of Tract No. 874 South $89^{\circ}43'$ East 428.82 feet to the intersection thereof with said Westerly line of "Union No. 1" Annexation; thence Southerly along last said line 316 feet to the POINT OF BEGINNING.

Containing 3.1 acres.



LOCATION MAP
NO SCALE

LEGEND:

- BOUNDARY LINE OF PROPOSED ANNEXATION
- EXIST. LIMITS LINE OF TOWN OF LOS GATOS
- RIGHT OF WAY LINE
- LOT LINE

EXISTING LIMITS LINE OF THE TOWN OF LOS GATOS AS ESTABLISHED BY "UNION NO. 1" ANNEXATION

APPROVED BY: R.L. Warnick R.C.E. #12380
DIRECTOR OF PUBLIC WORKS

PROPOSED ANNEXATION
TO THE TOWN OF LOS GATOS
ENTITLED: UNION NO. 2
DATE: 8-4-76 SCALE: 1"=100' DRWN. BY: E.L.R.

REVISION #1 7-14-77 CHANGED
DIMENSION FROM 305' TO 316'
R.L. Warnick

RESOLUTION NO. 1978-167

RESOLUTION OF APPLICATION PROPOSING CHANGE
OF ORGANIZATION-- TOWN OF LOS GATOS
ANNEXATION UNION AVENUE NO. 3

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESOLVES:

(a) This resolution is a proposal made pursuant to the Municipal Organization Act of 1977 (Stats. 1977, c. 1253, Gov. C. Sect. 35000, et seq.).

(b) The proposal is for a change of organization, annexation of the territory known as Union Avenue No. 3 to the Town of Los Gatos.

(c) A metes and bounds description and a map of the territory proposed to be annexed are attached to this resolution, marked Exhibits "A" and "B", respectively.

(d) The reason for the proposed annexation is that the territory:

(1) Is 17.9 acres in area,

(2) Is surrounded by the Town of Los Gatos and the City of San Jose,
and includes the entire area surrounded,

(3) Is substantially developed or developing,

(4) Is not prime agricultural land as defined by Government Code Section 35046, and

(5) Is both receiving benefits from the Town of Los Gatos and will receive benefit from the annexation.

(e) The property has been rezoned by the Town of Los Gatos, the provisions of the California Environmental Quality Act have been complied with, and the proposed annexation is categorically exempt from the requirement for an environmental impact report under the provisions of Title 14, California Administrative Code, Section 15119.

(f) Santa Clara County Local Agency Formation Commission and the Board of Supervisors of Santa Clara County are requested to conduct proceedings for annexation of the territory to the Town of Los Gatos.

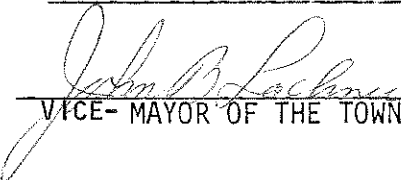
PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 16th day of October, 1978, by the following vote:

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, Peter W. Siemens, and John B. Lochner

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Mardi Gualtieri

SIGNED: 
VICE-MAYOR OF THE TOWN OF LOS GATOS

ATTEST:


CLERK OF THE TOWN OF LOS GATOS

EXHIBIT "A"

TOWN OF LOS GATOS
UNION AVENUE NO. 3 ANNEXATION
DESCRIPTION

All that real property situate in the County of Santa Clara, State of California, described as follows:

Beginning at the Northwesterly corner of Blossom Hill No. 1 annexation to the Town of Los Gatos, said corner also being on the Easterly line of Union No. 4 annexation to the City of San Jose; thence along the Northerly line of said Blossom Hill No. 1 annexation Easterly 980 feet more or less to the intersection thereof with the Westerly line of Union No. 1 annexation to the Town of Los Gatos; thence along last said line North $0^{\circ}11'30''$ East 315 feet to the Southeasterly corner of Union No. 2 annexation to the Town of Los Gatos; thence along the perimeter of last said annexation the following courses and distances:

North $89^{\circ}43'$ West 428.82 feet; thence
North $0^{\circ}19'$ West 316 feet; thence
South $89^{\circ}43'$ East 428.82 feet to the

intersection thereof with said Westerly line of Union No. 1 annexation; thence along last said line North $0^{\circ}11'30''$ 244 feet more or less to the Southeast corner of Pinehurst No. 1 annexation to the Town of Los Gatos; thence along the boundary of last said annexation the following courses and distances:

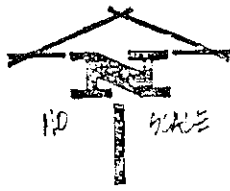
South $89^{\circ}45'$ West 25.00 feet; thence
North $0^{\circ}19'$ West 370.05 feet; thence

on a curve to the left having a radius of 42.00 feet through an arc of $89^{\circ}56'$ and a length of 65.93 feet; thence

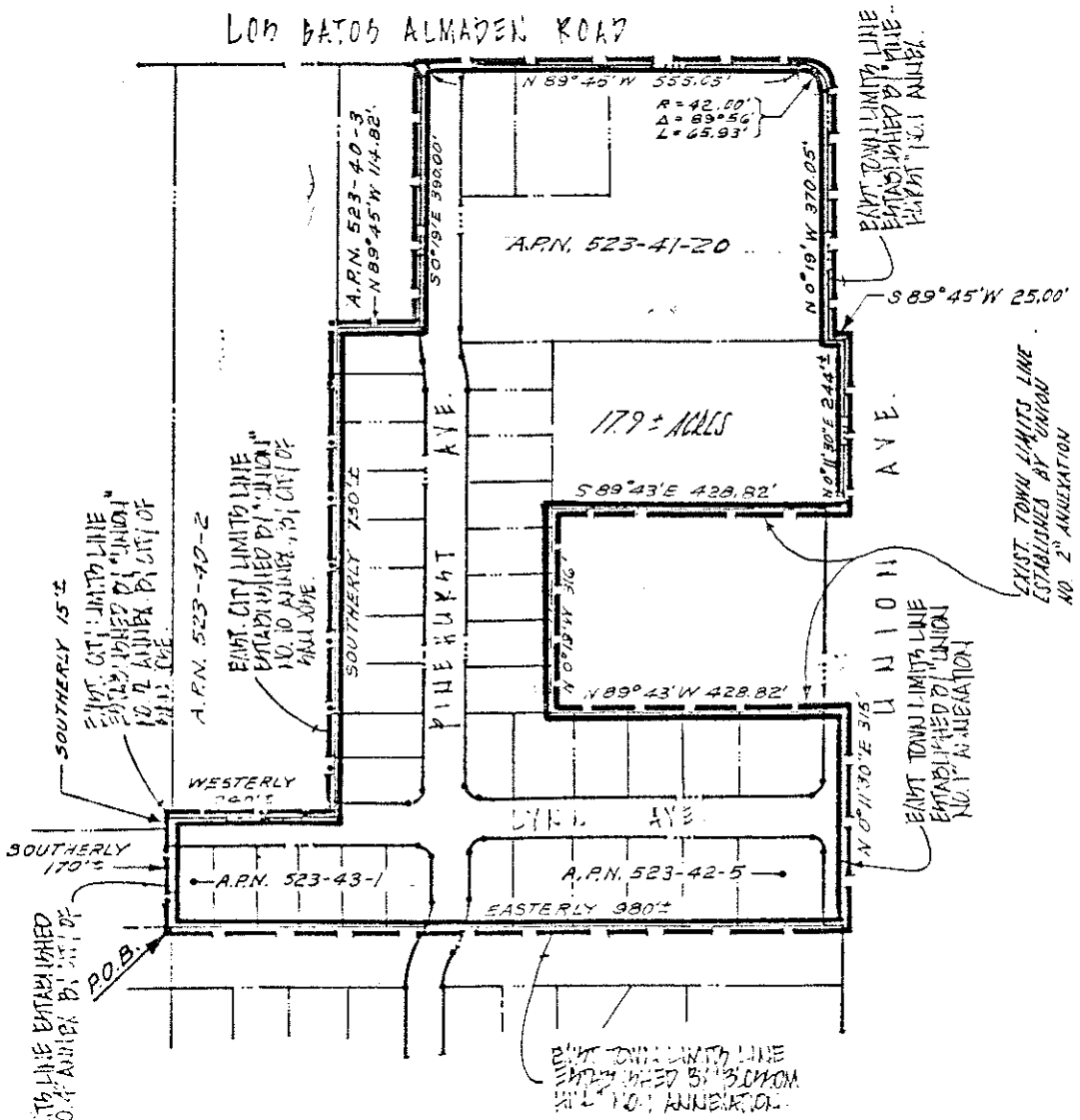
North $89^{\circ}45'$ West 555.05 feet; thence
South $0^{\circ}19'$ East 390.00 feet; thence
North $89^{\circ}45'$ West 114.82 feet to the

intersection thereof with the Easterly line of Union No. 10 annexation to the City of San Jose; thence along last said line Southerly 730 feet more or less to the Southeasterly corner of last said annexation; thence along the Southerly line of last said annexation Westerly 240 feet more or less to the intersection thereof with the Easterly line of Union No. 2 annexation to the City of San Jose; thence along last said line Southerly 15 feet more or less to the Northeasterly corner of said Union No. 4 annexation to the City of San Jose; thence along the Easterly line of last said annexation Southerly 170 feet more or less to the point of beginning.

Containing 17.9 acres more or less.



LOW BAY ALMADEN ROAD



LEGEND:

- EXIST. CITY LIMITS LINE ESTABLISHED BY UNION NO. 2 ANNEXATION TO CITY OF SAN JOSE
- EXIST. CITY LIMITS LINE ESTABLISHED BY UNION NO. 2 ANNEXATION TO CITY OF SAN JOSE
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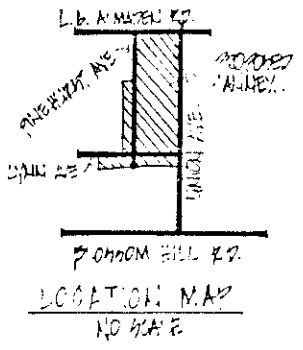


EXHIBIT "B"

APPROVED BY THE BOARD OF SUPERVISORS
Robert P. Warwick
 COUNTY OF ALAMEDA, CALIF. 12380
 DATE 10-11-78

PROPOSED ANNEXATION TO THE TOWN OF LOW BAY ALMADEN
UNION AVE. NO. 3
 DATE 8-2-78 NAME LOWE DRAWN BY: BSI

State of California

GOVERNMENT CODE

Section 65860

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

- (1) The city or county has officially adopted such a plan.
- (2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action or proceeding in the superior court to enforce compliance with subdivision (a). Any such action or proceeding shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. No action or proceeding shall be maintained pursuant to this section by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance.

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

(d) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2018, Ch. 856, Sec. 6. (SB 1333) Effective January 1, 2019.)

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