

RESOLUTION 2026-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING ARCHITECTURE AND SITE APPLICATION S-23-031 AND
SUBDIVISION MAP APPLICATION M-23-005 FOR A REQUEST TO CONSTRUCT
A MIXED-USE RESIDENTIAL DEVELOPMENT (450 UNITS), A VESTING TENTATIVE
MAP, SITE IMPROVEMENTS REQUIRING A GRADING PERMIT, AND REMOVAL
OF LARGE PROTECTED TREES UNDER SENATE BILL 330 (SB 330) ON PROPERTY
ZONED NORTH FORTY SPECIFIC PLAN:HOUSING ELEMENT OVERLAY ZONE.**

**PROPERTY LOCATION: 14859, 14917, 14925, AND 16392 LOS GATOS BOULEVARD;
16250, 16260, AND 16270 BURTON ROAD;
AND ASSESSOR PARCEL NUMBER 424-07-116
APNS 424-07-009, -052, -053, -081, -094, -095, -115, and -116
ARCHITECTURE AND SITE APPLICATION: S-23-031
SUBDIVISION APPLICATION: M-23-005
PROPERTY OWNER: YUKI FARMS LLC
APPLICANT: GROSVENOR PROPERTY AMERICAS C/O STEVE BUSTER**

WHEREAS, the applicant, Grosvenor Property Americas, proposes to construct a mixed-use residential development (450 units), a vesting tentative map, site improvements requiring a Grading Permit, and removal of large protected trees under Senate Bill 330 (SB 330);

WHEREAS, the project includes an Architecture and Site Application (S-23-031) and Subdivision Map Application (M-23-005);

WHEREAS, on April 30, 2025, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission continued the item to a date uncertain pending completion of the environmental analysis;

WHEREAS, on October 29, 2025, the Planning Commission held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Planning Commission considered all testimony and materials submitted, including the packet of materials contained in the Planning Commission Agenda Report for their meeting on October 29, 2025, along with any and all subsequent reports and materials prepared concerning this application, and forwarded a recommendation of approval to the Town Council with modified conditions of approval regarding the affordable housing construction phasing, affordable housing preference for developmentally disabled residents, landscaping, and hauling of materials;

WHEREAS, this matter came before the Town Council for public hearing on January 13, 2026, and was regularly noticed in conformance with state and Town law;

WHEREAS, on January 13, 2026, the Town Council held a public hearing and received testimony from the applicant and all interested persons who wished to testify or submit documents. The Town Council 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 January 13, 2026, along with any and all subsequent reports and materials prepared concerning this application; and

WHEREAS, the Town Council was able to make the findings required to approve the Architecture and Site and Subdivision applications.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Los Gatos does the following:

1. The following findings are made by the Town Council of the Town of Los Gatos. The facts and evidence that support these findings are contained and explained in the record of proceedings for the proposed project, including without limitation the Initial Study and the staff reports for the Planning Commission and Town Council hearings.

(A) Finding required for the California Environmental Quality Act (CEQA):

- (1) Additional environmental review of the proposed project is not required pursuant to CEQA Guidelines Section 15183 as CEQA Guidelines Section 15183 provides that a programmatic EIR, in this case the 2040 General Plan EIR, may serve as the EIR for subsequent activities or implementing actions, provided that it contemplates and adequately analyzes the potential environmental impacts of those subsequent activities. If the Town, as the CEQA Lead Agency, determines, pursuant to Section 15183 of the CEQA Guidelines, no Subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the programmatic EIR, and new environmental documentation would not be required.

In accordance with Section 15183 of the CEQA Guidelines, an Initial Study (Attachment 1) was prepared to provide project-level consideration of potential new or more severe significant impacts associated with the proposed project to determine whether the project: 1) is within the scope of activities evaluated in the 2040 General Plan EIR; and 2) would trigger any of the criteria in CEQA Guidelines Section 15183.

The Initial Study includes a number of project-level technical studies, including: an Air Quality, Health Risk, and Greenhouse Gas Assessment; Noise Assessment; Arborist Report; and Transportation Analysis. All technical

reports were peer reviewed by the Town or the Town's consultants. The Initial Study determined that the project's environmental impacts have been considered in the 2040 General Plan EIR that was certified by the Town, which remains relevant, and the conditions set forth in Section 15183 are not triggered by the proposed project. In addition, the analysis determined that the proposed project is within the scope of activities evaluated in the 2040 General Plan EIR and the Environmental Analysis for the 6th Cycle Housing Element. As such, this Initial Study is the appropriate environmental document for the proposed project, pursuant to CEQA Guidelines Section 15183 and no additional environmental review is necessary.

- (2) Regarding impacts that are not peculiar to the parcel or to the proposed project, that have been addressed as a significant effect in the prior EIRs, or that can be substantially mitigated by the imposition of uniformly applied development policies or standards, an additional EIR need not be prepared for the proposed project solely on the basis of such impacts.
- (3) Applicable feasible mitigation measures specified in the Mitigation Monitoring and Reporting Programs (MMRP) for the 2020 General Plan EIR and/or the 2040 General Plan EIR, as applicable, will be imposed on the project through the Conditions of Approval.

(B) Finding required for consistency with the Town's Applicable General Plan:

Pursuant to SB 330, the Town's General Plan applicable to the proposed project consists of the 2020 General Plan Land Use and Community Design Elements and the 2040 General Plan excluding those two Elements, all as in effect on the date the applicant submitted its SB 330 preliminary application. The applicable General Plan Land Use Element designates the project site as North Forty Specific Plan, which permits residential and commercial uses. The applicant proposes a mixed-use residential development, which is consistent with the Town's applicable General Plan.

(C) Findings required to deny a Subdivision application:

As required by Section 66474 (a) through (g) of the State Subdivision Map Act, the map shall be denied if any of the findings listed in that Section are made.

None of the findings could be made to deny the application.

Instead, the Town Council makes the following affirmative findings:

- That the proposed map is consistent with all elements of the applicable General Plans.
- That the design and improvement of the proposed subdivision is consistent with all elements of the applicable General Plans.
- That the site is physically suitable for the type of development.

- That the site is physically suitable for the proposed density of development.
- That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

(D) Findings required for compliance with the Zoning Regulations:

The project meets the objective standards of the North Forty Specific Plan with the concessions and waivers requested pursuant to State Density Bonus Law.

(E) Findings required for compliance with the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development:

The project meets the Town of Los Gatos Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development with the waivers requested pursuant to State Density Bonus Law.

(F) Findings required for granting a concession or incentive and waivers pursuant to State Density Bonus Law:

(1) Government Code Section 65915 Findings for Denial of a Requested Concession(s) or incentive(s):

- (a) The Town shall grant concession(s) or incentive(s) requested by the applicant unless the Town makes a written finding, based upon substantial evidence, of any of the following:
 - (i) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
 - (ii) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

- (iii) The concession or incentive would be contrary to state or federal law.
- (iv) The Town makes none of the above findings and therefore grants the requested concessions.

(2) Government Code Section 65915(a)(2) Findings for Denial of Requested Waivers:

- (a) The Town shall grant waivers to the Town's development standards requested by the applicant unless the Town makes a written finding, based upon substantial evidence, that the development standard for which the waiver is requested would not physically preclude the construction of the development at the densities and with the concession permitted through Density Bonus Law.
- (b) The Town does not make the above finding and therefore grants the requested waivers.

(G) Findings required for consistency with California Government Code Section 65863 regarding state RHNA requirements, the Town's Housing Element Sites Inventory, and No Net Loss Law:

As required for approval of a development of any parcel with fewer units by income category than was identified in the Town's Housing Element for that parcel:

- (1) The project provides fewer Very Low-, Low-, and Moderate-Income units than anticipated in the Housing Element Sites Inventory, but more Above Moderate-Income units. The cumulative impact of the project on the capacity of the Housing Element creates a negative surplus in the Very Low-income category. Therefore, the remaining capacity of the Housing Element is not adequate to meet the Town's remaining RHNA requirements. The No Net Loss findings cannot be made, and the Town is required to identify additional site(s) to accommodate the remaining RHNA should this project be approved.

As required by Government Code Section 65863, the following No Net Loss findings cannot be made:

- (a) Remaining sites identified in the Housing Element are adequate to meet the Town's remaining RHNA for the planning period by income category.

Findings: The remaining capacity of the Housing Element sites is not adequate to meet the Town's remaining RHNA with approval of this

project. The Town is required to identify additional site(s) to accommodate the remaining RHNA as a result of this project.

- (b) Include a quantification of the remaining unmet need for the jurisdiction's RHNA at each income level and the remaining capacity of sites identified in the Housing Element, to accommodate that need by income level.

Findings: The remaining unmet need for the Town's RHNA at each income level and the remaining capacity of the Housing Element is provided in the table below and creates a negative surplus in the Very Low-income category. The Town is required to identify additional site(s) to accommodate the remaining RHNA for each income category.

No Net Loss Evaluation					
Evaluation of the Proposed Project's Impact on the Cumulative Housing Element Sites Inventory Surplus					
	Units by Income Category				
	Very Low	Low	Moderate	Above Moderate	Net Total
Housing Element Sites Inventory Surplus	52	36	34	160	282
Net Site-Level Impact from the Proposed Project to Housing Element Assumed Development Potential	-117	-79	-92	265	-23
Projects Approved/Pending, ADU and SB 9 Production and RHNA Reporting for 23' and 24'	57	238	93	1,313	1,701
Remaining Housing Element Sites Inventory Surplus with Project Approval	-8	195	35	1,738	1,960

(H) Considerations required in review of Architecture and Site applications:

As required by Section 29.20.150 of the Town Code, the applicable considerations in review of an Architecture and Site application were all made in reviewing this project.

- The Town Council of the Town of Los Gatos approves Architecture and Site Application (S-23-031) and Subdivision Application (M-23-005) to construct a mixed-use residential development (450 units), a vesting tentative map, site improvements requiring a Grading Permit, and removal of large protected trees under Senate Bill 330 (SB 330) on property zoned NF-SP:HEOZ, located at 14859, 14917, 14925, and 16392 Los Gatos Boulevard; 16250, 16260, and 16270 Burton Road; and Assessor Parcel Number 424-07-116 subject to the attached Conditions of Approval included

as Exhibit A.

3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 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 special meeting of the Town Council of the Town of Los Gatos, California, held on the 13th day of January 2026, 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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