



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 07/12/2023

ITEM NO: 1

DATE: July 7, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider a Request for Approval of a Zone Change from R-1:8 Prezone (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway) and a General Plan Amendment to Change the Land Use Designation from Low Density Residential to Mixed Use Commercial for Property **Located at 15810 Los Gatos Boulevard**. APN: 523-01-001. An Environmental Impact Report (EIR) was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, Which Included the Proposed General Plan Amendment for the Property Located at 15810 Los Gatos Boulevard. No Further Environmental Analysis is Required. Zone Change Application Z-23-001 and General Plan Amendment Application GP-23-001. PROPERTY OWNER/APPLICANT: Jesus Ching and Kathleen Ban. PROJECT PLANNER: Jocelyn Shoopman.

RECOMMENDATION:

Approval.

PROJECT DATA:

General Plan Designation:	Low Density Residential
Zoning Designation:	R-1:8 Prezone (Single-Family Residential, minimum lot size of 8,000 square feet)
Applicable Plans & Standards:	General Plan
Parcel Size:	10,800 square feet

PREPARED BY: Jocelyn Shoopman
Associate Planner

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

PROJECT DATA (continued):

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Commercial	Mixed Use Commercial	CH
South	Residential	Low Density Residential	R-1:8 Prezone
East	Residential	Low Density Residential	R-1:8 Prezone
West	Commercial	Mixed Use Commercial	CH

CEQA:

An EIR was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed General Plan amendment for the property located at 15810 Los Gatos Boulevard. No further environmental analysis is required.

FINDINGS:

- An EIR was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed General Plan amendment for the property located at 15810 Los Gatos Boulevard. No further environmental analysis is required.
- That the General Plan amendment is internally consistent with the existing goals and policies of the General Plan and its elements, in that the proposal is consistent with the pattern of development and that the land use will support and enhance the character of the Town.
- That the proposed Zone Change is consistent with the General Plan and its elements in that the proposed zoning is consistent with the proposed General Plan land use designation.

BACKGROUND:

The subject parcel is located at the southeast corner of Los Gatos Boulevard and Farley Road with driveway access off of both streets (Exhibit 1). The adjoining residential properties to the south along Los Gatos Boulevard have access off of Oleander Avenue and the adjoining residential property to the east has access off of Farley Road. The property is currently located in an unincorporated area of Santa Clara County. Under Santa Clara County development regulations, the parcel has a zoning of OA (Administrative, Professional Office) and a General Plan land use designation of Urban Service Area Los Gatos. Concurrently with the Zone Change and General Plan Amendment application, the property owner has submitted an Annexation application that is currently under review by the Town and County of Santa Clara Offices of the Assessor and Surveyor and is anticipated to be considered by Town Council once that review is complete.

The subject parcel is bound by parcels with a Low Density Residential General Plan land use

BACKGROUND (continued):

designation to the east and south (Exhibit 1). The parcels to the north and west have a Mixed Use Commercial General Plan land use designation.

The applicant is requesting approval of a zone change from R-1:8 Prezone to CH (Exhibit 3) and a General Plan amendment to change the land use designation from Low Density Residential to Mixed Use Commercial (Exhibit 4). At this time, no modifications to the building or existing dentist office use are proposed.

On June 30, 2022, the Town Council approved the 2040 General Plan, which included modifying the land use designation of the property located at 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial. On August 16, 2022, signatures were submitted to the Town in support of a referendum on the Land Use and Community Design Elements of the approved 2040 General Plan. Once the referendum signatures were verified by the County Registrar in late September, the 2040 General Plan Land Use and Community Design Elements were suspended in accordance with Elections Code Section 9237.

On October 4, 2022, Town Council approved a Resolution to confirm suspension of the 2040 General Plan Land Use and Community Design Elements and provide that the 2020 General Plan Land Use and Community Design Elements govern during the suspension period. The land use designation of this property, based on the 2020 Land Use Element, is therefore returned to Low Density Residential for the period of that suspension.

DISCUSSION:

A. General Plan Committee

At its May 10, 2023, meeting, the General Plan Committee (GPC) reviewed the application and recommended approval of the General Plan amendment to the Planning Commission and Town Council.

B. General Plan Land Use Designation

The applicant is proposing a General Plan amendment to change the Land Use designation from Low Density Residential to Mixed Use Commercial.

The Low Density Residential land use designation (0-5 dwelling units per acre) provides for single-family residential properties located on generally level terrain. It encourages single-family residential development in either the standard development established by traditional zoning or by innovative forms obtained through a planned development.

DISCUSSION (continued):

The Mixed Use Commercial Land Use designation provides for the following:

- A mixture of retail, office, and residential in a mixed-use project, along with lodging, service, auto-related businesses, non-manufacturing industrial uses, recreational uses, and restaurants;
- Projects developed under this designation shall maintain the small town, residential scale and natural environments of adjacent residential neighborhoods, as well as provide prime orientation to arterial street frontages and proper transitions and buffers to adjacent residential properties; and
- This designation should never be interpreted to allow development of independent commercial facilities with principal frontage on the side streets.

The subject parcel is bound by parcels with a Low Density Residential General Plan land use designation to the east and south (Exhibit 1). The parcels to the north and west have a Mixed Use Commercial General Plan land use designation.

C. Zoning

The applicant is proposing a zone change from R-1:8 Prezone to CH. The proposed zoning would be consistent with the General Plan land use designation if the proposed General Plan amendment is approved. Permitted uses in the CH zone are activities which do not unreasonably interfere with nearby residential uses and which are in the following categories:

1. Retailing, including formula retail up to six thousand (6,000) square feet;
2. Personal service businesses and service businesses necessary for the conduct of households;
3. Office activities;
4. Limited manufacturing activities when a majority of sales are made on site to the ultimate consumer; and
5. Group classes.

The present use of the subject property is a dentist office. Under the current regulations, the non-conforming use would be permitted to continue; however, the non-conforming use would be limited in that any modification, such as an increase in the proposed floor area, increase in the required parking, or increase in the number of hours of operation would be considered an intensification of the use which would require approval of a Conditional Use Permit. A proposal to demolish and construct a new commercial building under the same

DISCUSSION (continued):

proposed use of a dentist's office would not be permitted on a residentially zoned parcel. At this time, no modifications to the building or use are proposed by the applicant (Exhibit 5).

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval for a Zone Change from R-1:8 Prezone to CH and a General Plan Amendment to Change the land use designation from Low Density Residential to Mixed Use Commercial. The proposed General Plan amendment and Zone Change would be consistent with the existing adjacent pattern of land uses and zones (Exhibit 1).

B. Recommendation

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

1. Make the finding that no further environmental analysis is required (Exhibit 2);
2. Make the required finding that the General Plan amendment is internally consistent with the existing goals and policies of the General Plan and its elements, in that the proposal is consistent with the pattern of development and that the land use will support and enhance the character of the Town (Exhibit 2);
3. 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 proposed General Plan land use designation (Exhibit 2); and
4. Forward a recommendation of approval of General Plan Amendment Application GP-23-001 and Zone Change Application Z-23-001 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: 15810 Los Gatos Boulevard/Z-23-001/GP-23-001

DATE: July 7, 2023

EXHIBITS:

1. Location Maps (Showing Existing General Plan Land Use Designations and Zoning)
2. Draft Findings
3. Draft Ordinance for the Zone Change, with Exhibit A
4. Draft Resolution for the General Plan Amendment, with Exhibit A
5. Letter from the Applicant
6. Property Aerial and Photos
7. Property Survey