



**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

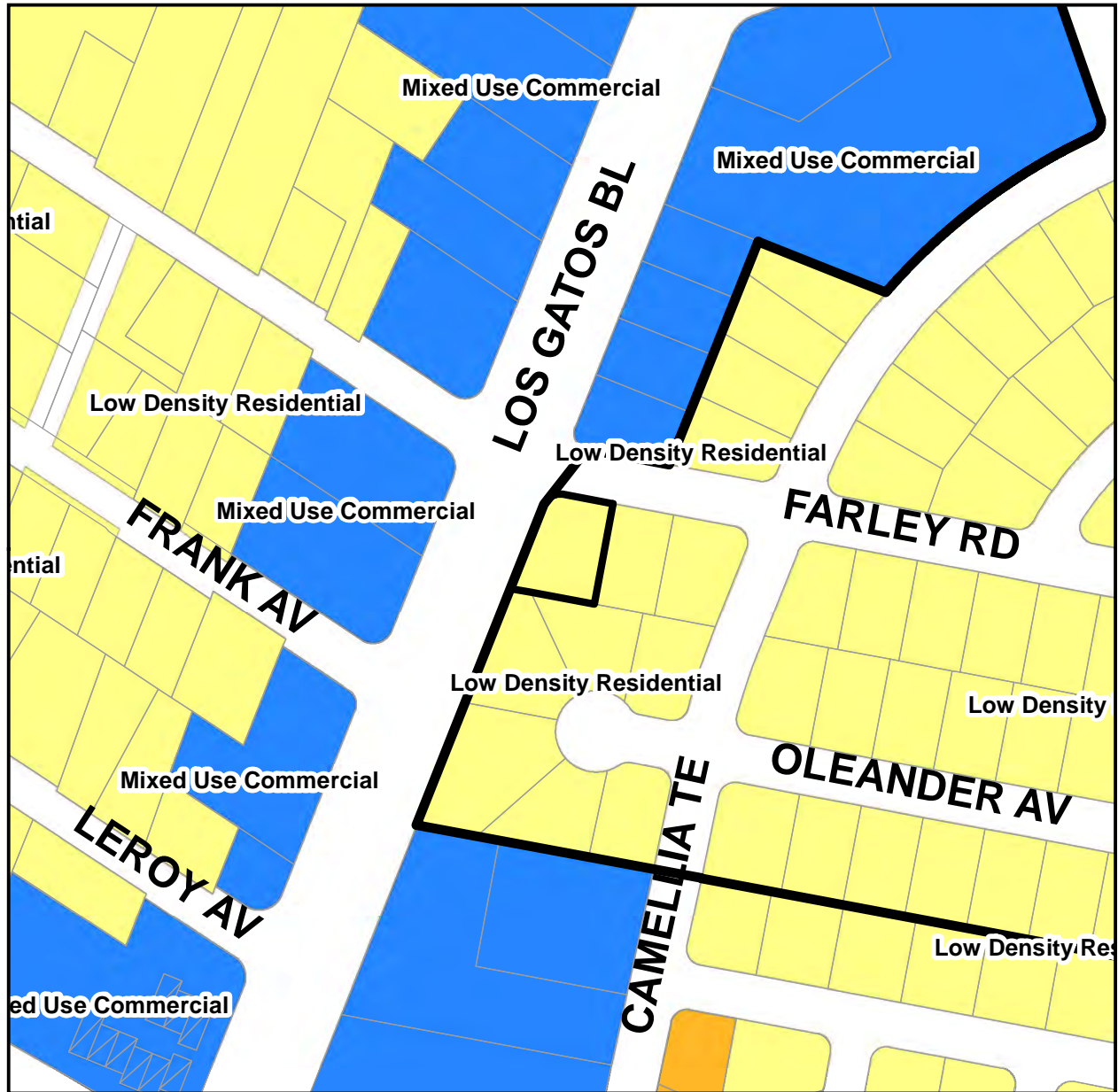
DATE: July 7, 2023

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

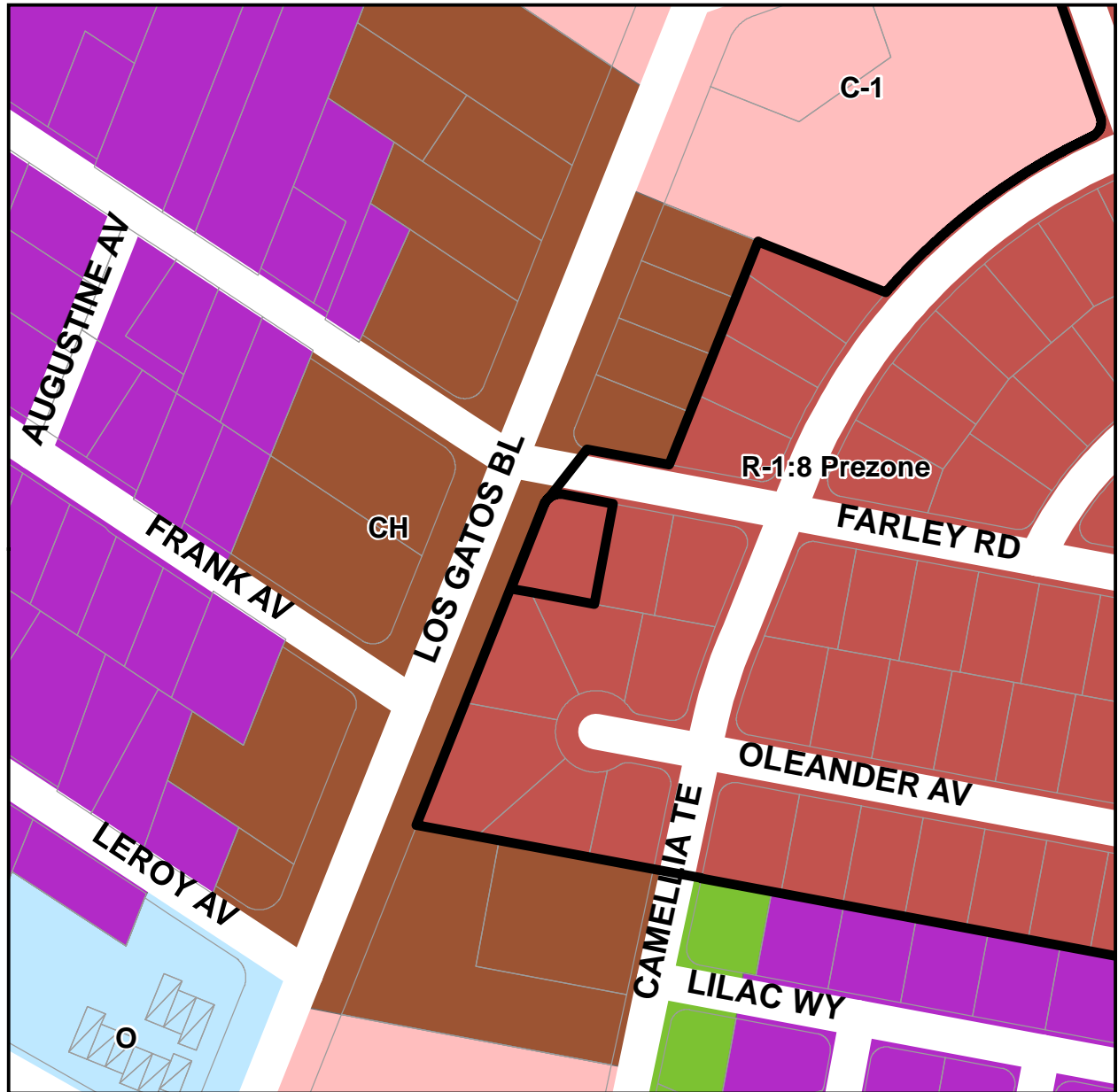
15810 Los Gatos Boulevard

Existing General Plan Land Use Designation



15810 Los Gatos Boulevard

Existing Zoning



PLANNING COMMISSION – July 12, 2023
REQUIRED FINDINGS

15810 Los Gatos Boulevard

General Plan Amendment Application GP-23-001

Zone Change Application Z-23-001

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.

FINDINGS:

Required finding for CEQA:

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

Required consistency with the Town's General Plan:

- 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.

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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING THE ZONING CODE FROM R-1:8 PREZONE (SINGLE-FAMILY
RESIDENTIAL, MINIMUM LOT SIZE OF 8,000 SQUARE FEET)
TO CH (RESTRICTED COMMERCIAL HIGHWAY) FOR
PROPERTY LOCATED AT 15810 LOS GATOS BOULEVARD.**

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

SECTION I

The Zoning map of the Town of Los Gatos is hereby amended to change the zoning of the property at 15810 Los Gatos Boulevard (Santa Clara County Assessor Parcel Number 523-01-001) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from R-1:8 Prezone (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway).

SECTION II

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ____ day of _____ 2023, 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 _____ 2023. This ordinance takes effect 30 days after it is adopted. 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).

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: _____



15810 Los Gatos Boulevard

TOWN OF LOS GATOS

Application No. Z-23-001

A.P.N. # 523-01-001

Change of zoning map amending the Town Zoning Ordinance.

☒ Zone Change

From: R-1:8 Prezone To: CH

☐ Prezoning



Forwarded by Planning Commission

Date:

Approved by Town Council

Date:

Ord:

Clerk Administrator

Mayor

EXHIBIT A

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RESOLUTION 2023-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS AMENDING THE
GENERAL PLAN LAND USE DESIGNATION FROM
LOW DENSITY RESIDENTIAL TO MIXED USE COMMERCIAL
FOR PROPERTY LOCATED AT 15810 LOS GATOS BOULEVARD.**

Draft Resolution to
be modified by Town
Council deliberations
and direction.

WHEREAS, the applicant requests approval to change the General Plan land use designation from Low Density Residential to Mixed Use Commercial on property located at 15810 Los Gatos Boulevard (Santa Clara County Assessor Parcel Number 523-01-001); and

WHEREAS, the General Plan Committee at its meeting of May 10, 2023, recommended that the General Plan land use designation be changed from Low Density Residential to Mixed Use Commercial as that designation is consistent with the land use designations of neighboring properties and consistent with the proposed use of the property; and

WHEREAS, the Planning Commission recommended approval of the General Plan amendment at its regularly noticed public hearing on _____, 2023; and

WHEREAS, this matter was regularly noticed in conformance with State and Town law and came before the Town Council for public hearing on _____, 2023; and

WHEREAS, the Town Council accepted the report of the Planning Commission's recommendation of approval for the proposed General Plan amendment; and

WHEREAS, the Town Council finds as follows:

A. 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 Amendments for the property located at 15810 Los Gatos Boulevard. No further environmental analysis is required; and

B. 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; and

C. That all proceedings have been conducted in compliance with the provisions of Government Code Section 65350 et seq.; and

WHEREAS, the Town Council considered all facts and information related to a request to change the General Plan land use designation for the property at 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial as shown on Exhibit A

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby changes the General Plan land use designation for property at 15810 Los Gatos Boulevard as shown on Exhibit A, from Low Density Residential to Mixed Use Commercial.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the ____th day of _____, 2023, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

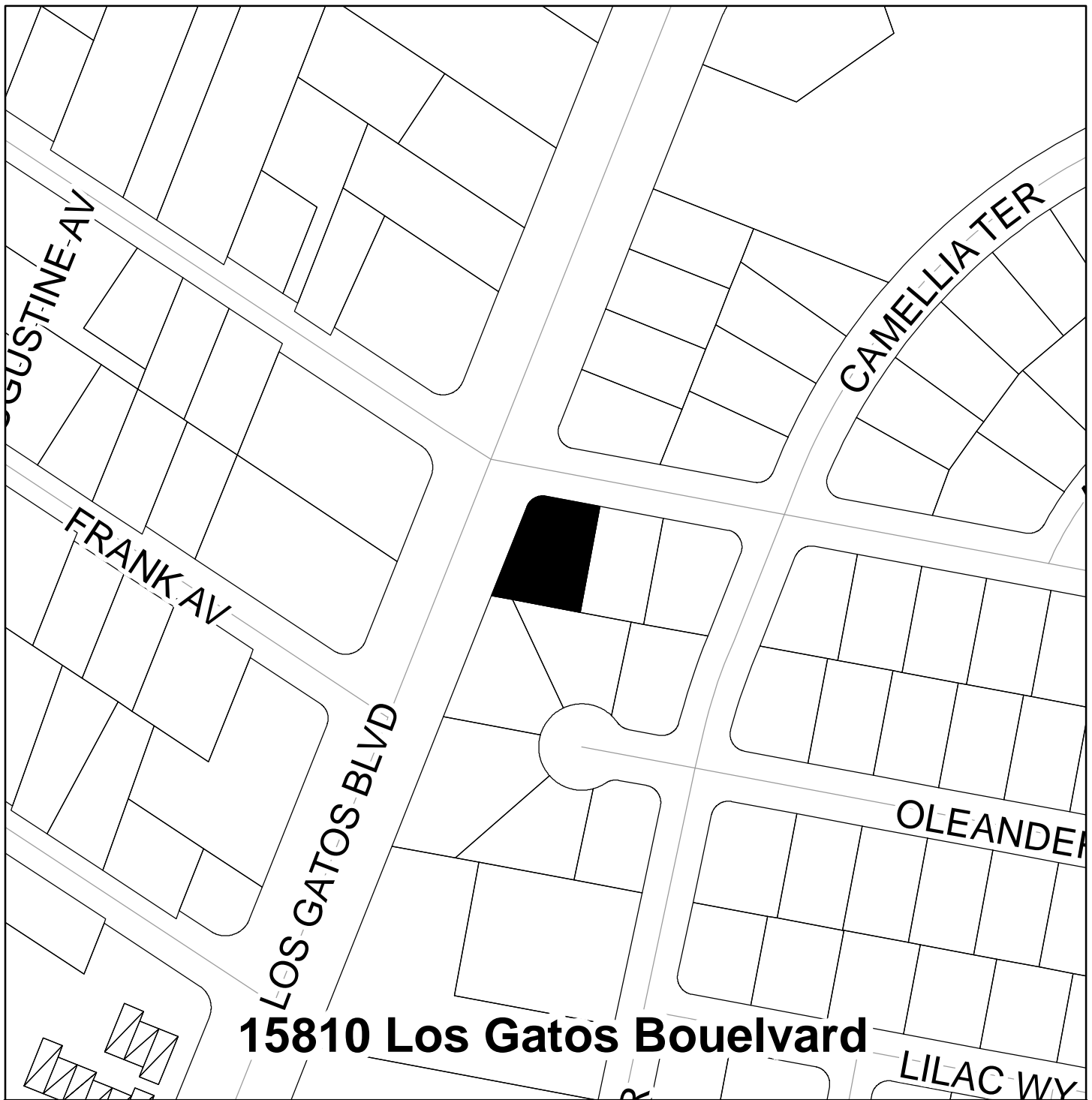
DATE: _____

ATTEST:

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

DATE: _____

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15810 Los Gatos Boulevard

TOWN OF LOS GATOS

Application No. GP-23-001

A.P.N. # 523-01-001

Change of the general plan map amending the Town General Plan

From: Low Density Residential

To: Mixed Use Commercial



Forwarded by Planning Commission

Date:

Approved by Town Council

Date:

Resolution:

Clerk Administrator

Mayor

EXHIBIT A

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Letter of Justification

The applicant, Jesus Ching, is requesting a General Plan Amendment and Rezoning of property located at 15810 Los Gatos Blvd. The property is currently in an unincorporated area of Santa Clara County. The current zoning in the County is OA (Administrative – Professional Office) and the General Plan designation is Urban Service Area Los Gatos.

The current Los Gatos General Plan designation for the parcel is Low Density Residential.

The property is on the corner of Los Gatos Blvd. and Farley Road and currently has driveway access to both streets. The adjacent two parcels south of the subject parcel, front on Oleander Ave. with no access to Los Gatos Blvd. The subject property is the only County parcel in this area with frontage or access to Los Gatos Blvd.

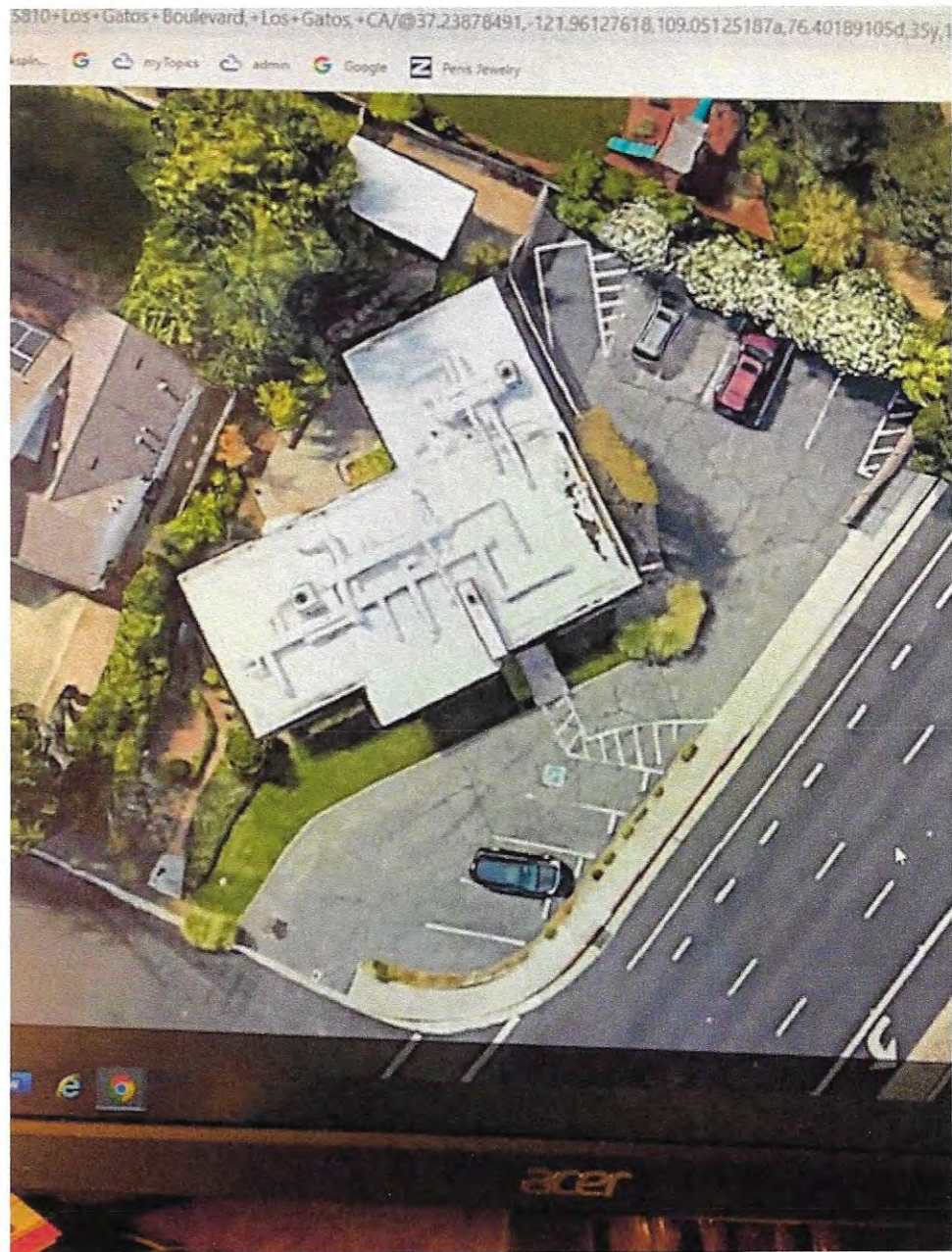
The properties lying to the north and south of the three County parcels all have frontage and access on Los Gatos Blvd., and are designated on the Los Gatos General Plan as Mixed Use Commercial and zoned CH (Restricted Commercial Highway).

The applicant is requesting the Los Gatos General Plan be amended to designate the property from Low Density Residential to Mixed Use Commercial. In addition, the applicant is requesting the property be zoned CH Restricted Commercial Highway.

The proposed the land use designation conforms to the land use designation of Mixed Use Commercial as shown on the 2040 General Plan Land Use Diagram.

In conjunction the proposed General Plan Amendment and Rezoning the applicant has filed with the Town of Los Gatos a request for annexation of the County property into the Town of Los Gatos.

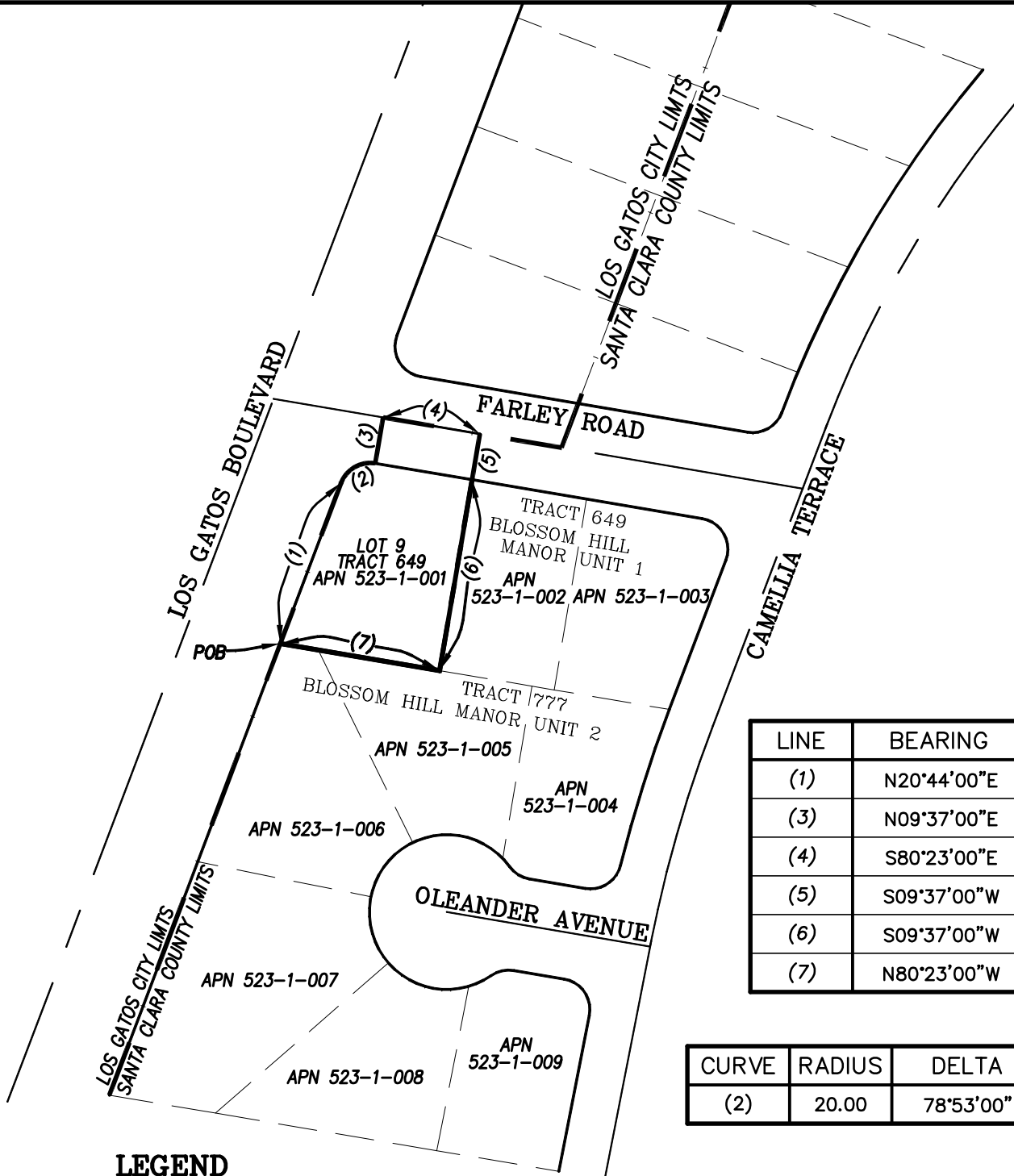
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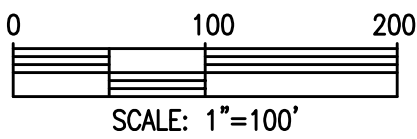


LINE	BEARING	DISTANCE
(1)	N20°44'00"E	110.94'
(3)	N09°37'00"E	30.00'
(4)	S80°23'00"E	63.33'
(5)	S09°37'00"W	30.00'
(6)	S09°37'00"W	125.00'
(7)	N80°23'00"W	104.34'

CURVE	RADIUS	DELTA	LENGTH
(2)	20.00	78°53'00"	27.54

LEGEND

- (#) COURSE PER GEOGRAPHIC DESCRIPTION
- APN ASSESSOR'S PARCEL NUMBER
- POB POINT OF BEGINNING
- EXISTING LOT LINE
- - - EXISTING CENTERLINE
- — — EXISTING TOWN BOUNDARY
- PROPOSED TOWN BOUNDARY
- ////// TOWN OF LOS GATOS ANNEXATION EL GATO LANE #2



PREPARED BY:



46560 FREMONT BLVD, SUITE 205
FREMONT, CA 94538
1sterlingconsultants@gmail.com PHONE: 510.344.8956

EXHIBIT B

PLAT TO ACCOMPANY GEOGRAPHIC DESCRIPTION
LOS GATOS BOULEVARD NUMBER __ ANNEXATION
SANTA CLARA COUNTY RECORDS

CITY OF LOS GATOS - PUBLIC WORKS DEPARTMENT
41 MILES AVENUE, LOS GATOS, CA 95030. PH (408) 399-5770

SCALE: 1"=100'
DATE: MARCH 1, 2022
PAGE: 1 of 1
DWG BY: DSK CHK: HRK

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