



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 10/17/2023

ITEM NO: 14

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DATE: October 12, 2023

TO: Mayor and Town Council

FROM: Laurel Prevetti, Town Manager

SUBJECT: Consider a Resolution to Amend the General Plan Land Use Designation of 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial and Introduce an Ordinance Titled "An Ordinance 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.**" 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:**

Adopt a resolution (Attachment 3) to amend the General Plan land use designation of 15810 Los Gatos Boulevard from Low Density Residential to Mixed Use Commercial and introduce an ordinance (Attachment 4) titled "An Ordinance 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."

**BACKGROUND:**

The subject parcel is located at the southeast corner of Los Gatos Boulevard and Farley Road with driveway access off both streets (Attachment 1, Exhibit 1). The adjoining residential properties to the south along Los Gatos Boulevard have access off 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

**PREPARED BY:** Jocelyn Shoopman  
Associate Planner

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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BACKGROUND (continued):

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 will be considered by the Town Council under a separate agenda item for the October 17, 2023, Council agenda.

The subject parcel is bound by parcels with a Low Density Residential General Plan land use designation to the east and south (Attachment 1, 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 and a General Plan amendment to change the land use designation from Low Density Residential to Mixed Use Commercial. 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 unanimously recommended approval of the General Plan amendment to the Planning Commission and Town Council.

DISCUSSION (continued):

B. Planning Commission

At its July 12, 2023, meeting, the Planning Commission reviewed the applications and unanimously recommended approval of the General Plan amendment and zone change to the Town Council (Attachment 2).

C. General Plan Land Use Designations

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.

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.

D. General Plan Goals and Policies

Applicable 2020 General Plan Land Use and Community Design goals and policies that should be used to evaluate the proposed General Plan amendment and zone change applications for this site include, but are not limited to:

**Land Use Goals**

- LU-1 – To preserve, promote, and protect the existing small-town character and quality of life within Los Gatos.
- LU-6 – To preserve and enhance the existing character and sense of place in residential neighborhoods.
- LU-9 – To provide residents with adequate commercial and industrial services.

DISCUSSION (continued):

- LU-12 – To ensure an appropriate mix of land use types along Los Gatos Boulevard in order to maintain the economic vitality of the corridor and continue to serve the needs of Town residents.
- LU-13 – To promote appropriate and compatible development along Los Gatos Boulevard that complements the whole Town and serves residents and families.

**Land Use Policies**

- LU-1.4 – Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.
- LU-1.8 – Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos.
- LU-2.1 – Minimize vehicle miles traveled for goods and services by allowing and encouraging stores that provide these goods within walking distance of neighborhoods in Los Gatos.
- LU-6.1 – Protect existing residential areas from the impacts of nonresidential development.
- LU-6.2 – Allow non-residential activity in residential areas only when the character and quality of the neighborhood can be maintained.
- LU-6.3 – Protect existing residential areas from adjacent nonresidential uses by assuring that buffers are developed and maintained.
- LU-6.4 – Prohibit uses that may lead to the deterioration of residential neighborhoods, or adversely impact the public safety or the residential character of a residential neighborhood.
- LU-6.5 – The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.

**Community Design Goals**

- CD-6 – To preserve, promote, and protect the existing small-town character and quality of life within Los Gatos.

**Community Design Policies**

- CD-12.2 – Encourage the preservation, maintenance, and adaptive reused of existing residential, commercial, or public buildings.

DISCUSSION (continued):

E. 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 ten thousand (10,000) 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.
5. Group classes.
6. Specialty food retail without alcoholic beverages.

The present use of the subject property is a dentist office. This use is a permitted use in the proposed CH zone. Under the current R-1:8 regulations, the use is considered a non-conforming use and 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 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 (Attachment 1, Exhibit 5).

The subject parcel is bound by parcels with a CH zoning designation to the north and west (Attachment 1, Exhibit 1). The parcel to the south and east have a R-1:8 Prezone designation.

PUBLIC COMMENTS:

Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The proposed project is a request for approval of 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. As described above, the proposed General Plan amendment and zone change would be consistent with the existing adjacent pattern of land uses and zones (Attachment 1, Exhibit 1).

B. Recommendation

Based on the analysis above, and the recommendations of the Planning Commission and GPC, staff recommends that the Town Council consider the existing and proposed General Plan Land Use and zoning designations and approve the proposed amendments. If the Town Council finds merit with the proposed amendments, it should:

1. Make the finding that no further environmental analysis is required (Attachments 3 and 4);
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 (Attachment 3);
3. Adopt a Resolution approving General Plan Amendment Application GP-23-001 amending the General Plan land use designation from Low Density Residential to Mixed Use Commercial (Attachment 3);
4. 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 (Attachment 4); and
5. Introduce an Ordinance of the Town of Los Gatos, by title only, effecting a zone change from Prezone R-1:8 (Single-Family Residential, Minimum Lot Size of 8,000 square feet) to CH (Restricted Commercial Highway) for the property located at 15810 Los Gatos Boulevard (Attachment 4), by title only, with any specific changes identified and agreed upon by the majority of the Town Council.

C. Alternatives

Alternatively, the Town Council could:

1. Continue the matter to a date certain with specific direction;
2. Remand the applications to the Planning Commission with specific direction; or
3. Deny the applications.

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SUBJECT: 15810 Los Gatos Boulevard/Z-23-001/GP-23-001

DATE: October 12, 2023

COORDINATION:

The Community Development Department coordinated with the Parks and Public Works Department, the Santa Clara County Fire Department, and the Town Attorney's Office in the review of the proposed project.

ENVIRONMENTAL ASSESSMENT:

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.

Attachments:

1. July 12, 2023, Planning Commission Staff Report with Exhibits 1-7
2. July 12, 2023, Planning Commission Verbatim Minutes
3. Draft Resolution for the General Plan Amendment, with Exhibit A
4. Draft Ordinance for the Zone Change, with Exhibit A

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