

DRAFT RESOLUTION

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
APPROVING ARCHITECTURE AND SITE APPLICATION S-24-007 FOR A REQUEST TO
DEMOLISH EXISTING COMMERCIAL STRUCTURES, CONSTRUCT A MIXED-USE
DEVELOPMENT (30 MULTI-FAMILY RESIDENTIAL UNITS) WITH COMMERCIAL SPACE
ON THE GROUND FLOOR, AND REMOVAL OF LARGE PROTECTED TREES;
CONDITIONAL USE PERMIT U-24-002; CONDOMINIUM VESTING TENTATIVE MAP
M-24-004; AND MITIGATED NEGATIVE DECLARATION ND-24-003
UNDER SENATE BILL 330 (SB 330) ON PROPERTY ZONED C-2.**

**PROPERTY LOCATION: 143-151 E. MAIN STREET
APNS: 529-28-001 AND 529-28-002
ARCHITECTURE AND SITE APPLICATION: S-24-007
CONDITIONAL USE PERMIT APPLICATION: U-24-002
SUBDIVISION APPLICATION: M-24-004
MITIGATED NEGATIVE DECLARATION APPLICATION: ND-24-003
PROPERTY OWNER: DAVID BLATT, CSPN LLC.
APPLICANT: KENNETH RODRIGUES AND PARTNERS INC.**

WHEREAS, the applicant, Kenneth Rodrigues and Partners, Inc., proposes to demolish the existing commercial structures, construct a mixed-use development (30 multi-family residential units) with commercial space on the ground floor; a condominium vesting tentative map; and remove large protected trees under Senate Bill 330 (SB 330);

WHEREAS, the project includes an Architecture and Site Application (S-24-007), Conditional Use Permit Application (U-24-002), Subdivision Application (M-24-004), and Mitigated Negative Declaration (ND-24-003);

WHEREAS, on March 26, 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 March 26, 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;

WHEREAS, this matter came before the Town Council for a special public hearing on May 27, 2025, and was regularly noticed in conformance with state and Town law;

WHEREAS, on May 27, 2025, the Town Council held a special 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 May 27, 2025, 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, Conditional Use Permit, Subdivision, and Mitigated Negative Declaration 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, Mitigated Negative Declaration, and the staff reports for the Planning Commission and Town Council hearings.

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

An Initial Study and Mitigated Negative Declaration have been prepared for this project. It has been determined that this project will not have a significant impact on the environment with adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to mitigate potential impacts to a less than significant level. Each of the mitigation measures identified in the Mitigated Negative Declaration are included in the Conditions of Approval in Exhibit A.

(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 Central Business District, which encourages a mixture of community-oriented commercial goods, services, and lodging unique in its accommodation of small-town style merchants and maintenance of small-town character. The Central Business District restricts developments to a maximum floor area ratio of 0.6, a maximum building height of 45 feet, and maximum density of 20 dwelling units per acre. The proposed mixed-use project, with the granting of the requested exceptions to maximum allowed density and floor area ratio standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d), is consistent with the General Plan and its Elements.

(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 with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

- That the proposed map is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).
- That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).
- That the site is physically suitable for the type of development.
- That the site is physically suitable for the proposed density of development with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).
- 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 with implementation of the Mitigation Monitoring and Reporting Program and the Conditions of Approval.
- 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 by Section 29.20.190 of the Town Code for granting a Conditional Use Permit:

The Town Council, on the basis of the evidence submitted at the hearing, grants the conditional use permit as specifically authorized by the provisions of the Town Code, finding that:

- (1) The proposed use is desirable to the public convenience because it provides additional residential dwelling units and commercial space in the Town.

- (2) The proposed use would not impair the integrity of the zone, in that the proposed use is allowed with a Conditional Use Permit in the C-2 zone.
- (3) The proposed use would not be detrimental to public health, safety, or general welfare, as the conditions placed on the permit and existing regulations would maintain the welfare of the community.
- (4) The proposed use is in conformance with the Town Code and General Plan with granting of the requested exceptions pursuant to State Builder's Remedy Law.

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

The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations) with granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

(F) 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 granting of the requested exceptions to Town standards pursuant to the Builder's Remedy provision of the Housing Accountability Act, California Government Code Section 65589.5(d).

(G) Findings required to deny a project under State Builder's Remedy Law:

As required by California Government Code Section 65589.5(d) of the California Housing Accountability Act, a qualifying housing development project shall not be denied by the Town, or conditioned in a manner that renders the housing development project infeasible, including through the use of design review standards, unless the Town makes written findings, based on the preponderance of the evidence in the record, as to one of the following:

- (1) The Town had an adopted sixth cycle Housing Element that was determined by HCD to substantially comply with state Housing Element law by January 31, 2023, and had met or exceeded its share of regional housing for the planning period for the income categories proposed for the housing development project.
- (2) The housing development project would have a specific, adverse impact on public health or safety.
- (3) The denial of the housing development project or imposition of conditions is required in order to comply with state or federal law.

- (4) The housing development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- (5) On the date the application for the housing development project was deemed complete, the Town had adopted a revised housing element that was in substantial compliance with California Government Code Section 65589.5(d) of the California Housing Accountability Act, and the housing development project was inconsistent with both the Town's Zoning Ordinance and General Plan Land Use designation.

None of these findings are present.

(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.

- 2. The Town Council of the Town of Los Gatos approves Architecture and Site Application (S-24-007), Conditional Use Permit Application (U-24-002), Subdivision Application (M-24-004), and Mitigated Negative Declaration Application ND-24-003 to demolish existing commercial structures, construct a mixed-use development (30 multi-family residential units) with commercial space on the ground floor, approve a condominium vesting tentative map, and remove large protected trees under Senate Bill 330 (SB 330) on property zoned C-2, located at 143-151 E. Main Street 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 27th day of May, 2025, 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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