

RESOLUTION 2018-

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
APPROVING AMENDMENTS TO THE NORTH 40 SPECIFIC PLAN.**

**APN 424-07-009, 010, 024 THROUGH 027, 031 THROUGH 037, 052 THROUGH 054, 060,
063 THROUGH 065, 070, 081 THROUGH 086, 090, 094 THROUGH 096, 099, 100, 102
THROUGH 112, 424-06-115, 116, AND 129.**

**PROPERTY OWNERS: YUKI FARMS, ETPH LP, GROSVENOR USA LIMITED,
SUMMERHILL N40 LLC, DODSON, HIRSCHMAN, MATTES, VENTURA TRUSTEE,
MOISENCO, LOS GATOS MEDICAL OFFICE CENTER LLC, LOS GATOS
GATEWAY LLC, MBK ENTERPRISE, CONNELL, GIN, JOHN & ALLISON DIEP
LLC, BERNAL, LG BOULEVARD HOLDINGS LLC, POLARIS NAVIGATION, EW
REAL ESTATE LLC, LAZAAR ENTERPRISES LLC, KOTHARY, AND SWENSON
TRUSTEE.**

APPLICANT: TOWN OF LOS GATOS

WHEREAS, on June 17, 2015, the Town Council adopted the North 40 Specific Plan, providing detailed land use and development guidance for the area bounded by Highway 17 to the west, Los Gatos Boulevard to the east, Lark Avenue to the south and Highway 85 to the north.

WHEREAS, an Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan in compliance with the California Environmental Quality Act (CEQA).

WHEREAS, on September 27, 2016, the Town Council conducted a special meeting and provided suggestions for potential amendments to the North 40 Specific Plan; and

WHEREAS, Council direction was clear that potential amendments to the North 40 Specific Plan should not require changes to the Town's Housing Element or any additional environmental, economic, or other analysis; and

WHEREAS, the General Plan Committee met on October 27, 2016 and November 17, 2016 to discuss the Council's suggestions for potential amendments; and

WHEREAS, on November 17, 2016, specific potential amendments to the North 40 Specific Plan were forwarded by the General Plan Committee to the Planning Commission for their consideration; and

WHEREAS, the Planning Commission began its consideration of the potential North 40 Specific Plan amendments on December 15, 2016 and continued the matter to January 26, 2017; and

WHEREAS, on January 26, 2017, the Planning Commission completed its consideration of the potential amendments and forwarded their suggestions to the Town Council for consideration; and

WHEREAS, on October 3, 2017, the Town Council held a Study Session to discuss potential amendments to the North 40 Specific Plan, received public testimony, and requested additional information on a number of topics; and

WHEREAS, on November 14, 2017, the Town Council held a Special Meeting to discuss potential amendments to the North 40 Specific Plan, received public testimony, and provided staff direction for amendments to the North 40 Specific Plan; and

WHEREAS, on January 16, 2018, the Town Council held a noticed public hearing to consider amendments to the North 40 Specific Plan, received public testimony, and continued the matter to the February 6, 2018 Town Council meeting with requests for additional information from staff; and

WHEREAS, due to the length of time anticipated to consider other items on the February 6, 2018 Town Council agenda this item was continued to the March 6, 2018 meeting; and

WHEREAS, on March 6, 2018, the Town Council held a continued public hearing to consider amendments to the North 40 Specific Plan, received public testimony, and continued the matter to the April 17, 2018 Town Council meeting with requests for additional information from staff; and

WHEREAS, staff was not been able to complete the work associated with the Town Council's requests for additional information from the April 17, 2018 Town Council meeting and the item was continued to the Town Council meeting on June 5, 2018; and

WHEREAS, on June 5, 2018, the Town Council held a noticed public hearing to consider amendments to the North 40 Specific Plan and received public testimony.

NOW, THEREFORE, BE IT RESOLVED:

1. The amendments to the North 40 Specific Plan attached as Exhibit A are approved.
2. The Town Council hereby adopts the following findings:
 - a. The Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments; and
 - b. The proposed amendments to the North 40 Specific Plan are consistent with the goals and policies of the General Plan and its elements.
3. In addition to the above findings, the Town Council approves the amendments based on the entire administrative record.
4. 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 regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of June, 2018, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

N:\DEV\RESOS\2018\N40Amendments6-5.docx

2.3.2 Transition District

Located in the central portion of the Specific Plan Area, the Transition District provides a transition and buffer between the lower intensity, primarily residential, character of the Lark District and the active retail and entertainment emphasis of the Northern District. The Transition District will accommodate a range of uses including neighborhood-serving stores, specialty market and mixed-use housing with residential units above commercial. A hotel or hospitality use could also be part of the land use mix. Envisioned land use categories include:

- Hotel
- Market hall/specialty market
- Office
- Innovation center
- Open space (pocket parks, courtyards, paseos, plazas, and planting strips)
- Personal service
- Residential – including condominium, live-work flats, multi-family flats, multiplexes, rowhouses and townhomes
- Restaurants
- Retail (primarily neighborhood serving)

2.3.3 Northern District

The Northern District is bordered on two sides by State Route 17 and 85 (Highway 17 and 85) with Los Gatos Boulevard located on the east side. This condition makes it best suited for a day-to-evening entertainment area that offers shopping and restaurants for nearby residents as well as innovative businesses and employment centers. The Northern District focuses on walkability, public spaces and amenities. Envisioned land use categories include:

- Recreation/entertainment (live theater, health clubs)
- Hotel
- Market hall/specialty market
- Office
- Innovation center
- Open space (plazas, courtyards, paseos, and planting strips)
- Residential (~~above commercial~~) - including condominium, live-work flats, multi-family flats, multiplexes, and rowhouses
- Restaurants
- Retail

2.4 PERMITTED LAND USES

The Specific Plan land uses help to create a pedestrian-oriented and interactive environment that is compatible with surrounding neighborhoods as well as provides for on-site uses that are compatible with each other. The Specific Plan specifies the desired mix, as well as the location of land uses. In general, lower intensity shops, offices, and residential land uses are envisioned in the southern portion of the Specific Plan Area. Moving northward, potential land uses transition to mixed-use residential and potential hospitality uses to provide a buffer between primarily residential uses in the southern portion of the Specific Plan Area and the entertainment, restaurant, and shopping uses envisioned in the northern portion of the Specific Plan Area. The Specific Plan establishes two primary land use categories to guide development within the Specific Plan Area. These land use categories are: (1) non-residential – including retail, office, recreation, community services, restaurants, entertainment, and hotel, and (2) residential – including condominium, cottage cluster/garden cluster housing, live-work flats, multi-family flats, multiplexes, rowhouses and townhomes. Residential development is focused on multi-family housing types and shall be designed to attract the unmet housing needs of the community. Within the Transition District, the Specific Plan encourages the development of residential units over commercial development. It is important to provide an appropriate amount of residential development in the Specific Plan Area to create a sustainable and pedestrian-oriented mixed-use environment. Although residential uses will be an important component to the success of the Specific Plan Area, it will support the predominantly retail and neighborhood serving focus of the Transition and Northern Districts.

2.4.1 Permitted and Conditionally Permitted Uses

Primary uses for each of the three Districts are generally described in Section 2.3, while Table 2-1, below, provides specific direction on permitted (P) and conditionally permitted uses (CUP) for each district. Uses not listed in Table 2-1 are prohibited (refer to the Glossary for definition of uses.)

Conditional Use Permits shall meet the intent of the North 40 Goals, Policies, Vision Statement, and Guiding Principles.

2.4.2 ~~Commercial Uses~~ Conceptual Development Advisory Committee

~~Projects proposing new commercial square footage~~ Applicants must present ~~the~~ proposals to the Conceptual Development Advisory Committee a minimum of two times prior to submitting an application. The Conceptual Development Advisory Committee application submittal must include an Economic Impact Study to assess economic competitiveness for proposals proposing new commercial square footage.

Table 2-1 Permitted Land Uses				
		Lark District	Transition District	Northern District
Commercial				
a.	Retail	P	P	P
b.	Formula retail business	--	P	P
c.	Market hall/ Specialty market	--	P	P
d.	Establishment selling alcoholic beverages for consumption off-premises	CUP	CUP	CUP
e.	Establishment selling alcoholic beverages for consumption on premises			
	• In conjunction with a restaurant	P	P	P
	• Without food service (bar)	--	CUP	CUP
f.	Drive-up window for any business, excluding restaurants	--	--	CUP

Table 2-1 Permitted Land Uses				
		Lark District	Transition District	Northern District
Commercial (continued)				
g.	Super drugstore	--	--	P
h.	Supermarket	--	--	P
i.	Restaurant	P	P	P
j.	Personal service	P	P	P
k.	Office ¹	P	P	P
l.	Hotel	--	P	P
m.	Financial institution	P	P	P
n.	Continuum of Care		P	P
Residential				
a.	Cottage cluster	CUP	--	--
b.	Townhomes/ Garden cluster	P	P	--
c.	Rowhouses	P	P	--
d.	Multi-family	P	P	PP ²
e.	Condominiums	P	P	PP ²
f.	Live/work lofts	--	P	PP ²

Note:

1. Medical Office is only permitted on Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129.

2. Residential only allowed in Northern District when located above commercial

2.5 AREA-WIDE DEVELOPMENT REGULATIONS

An important objective of this Specific Plan is to set the parameters for development within the Specific Plan Area. The goal is to offer a compatible mix of land uses in a pedestrian-friendly environment. The following development standards tailor the existing Town standards to shape the desired built form and ensure compatibility with the surrounding neighborhoods and Los Gatos' small town character. This section initially addresses development regulations that apply throughout the Specific Plan Area, followed by development regulations that are specifically designed for non-residential and residential land uses.

2.5.1 Maximum Development Capacity

A maximum development capacity of 501,000 square feet (sf) has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of 250,000 sf of new office/hotel, 400,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 270 residential units. More restrictive than the Town's General Plan, the Specific Plan has a maximum capacity of 501,000 sf which includes 435,000 sf of new non-residential square footage and 66,000 sf of existing commercial uses.

Development Capacity Submittal Requirement:

Every application for Architecture and Site Review shall include a table that identifies the following:

- Proposed project building floor area categorized by land use.
- New total developed building floor area categorized by land use.
- Balance of allowed land use square footage shown in Table 2-2.

Land Use	Units	Square Feet
Residential	270*	Refer to section 2.7.3
Office/Hotel		250,000
Commercial (Excluding office/ Hotel)		400,000
<ul style="list-style-type: none"> • Restaurants • Retail • Specialty market • Health club • Personal service (beauty supply, nail salon, etc.) • Entertainment 		

Note: The new non-residential portion of the project shall include a mixture of commercial (shopping center), and/or hotel, and/or stand-alone general office that does not create a significant unavoidable impact as a result of the development. The total new square footage shall not exceed 435,000 square feet (sf). With the exception of Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129, no new Medical Office will be permitted. If destroyed, the existing buildings on the parcels referenced above are allowed to rebuild in substantially the same manner as they existed before their destruction. The existing 66,000 sf of recently constructed buildings on the parcels referenced above is in addition to the 435,000 sf of new non-residential square footage. Each project shall provide a current traffic analysis demonstrating compliance with this requirement.

Projects cannot exceed the maximum traffic capacity evaluated in the EIR

*Total number of units, includes existing units and Town required Below Market Price units. Action HOU-1.3 General Plan Density Bonus does not apply to the Specific Plan Area.

2.5.2 Building Height

- a. The maximum height of any building, excluding affordable housing and hotel uses, is 35 feet with the following criteria:
 - i. Maximum building height shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane. Maximum building height includes all elements and height exceptions are not permitted within the Specific Plan Area.
 - ii. Lark District - 15% of the overall development provided (building footprint) within the Lark District shall be structures of a maximum of two-stories with a 25 foot maximum height. The majority of this requirement may be provided within the Perimeter Overlay Zone (refer to Section 2.5.7). Every application for Architecture and Site Review shall include a table that identifies the following:
 - Total building footprint square footage within the Lark District existing at the time of the application submittal.
 - Percent of total building footprint square footage located within the Lark District currently satisfying the 15% height requirement at the time of submittal.

- New total percentage of building footprint square footage located within the Lark District that satisfies the 15% requirement (for height) following application submittal.
- b. The maximum height is 45 feet for a ~~hotel and/or a~~ mixed-use and/or mixed-income development including a minimum of 40% extremely low, very low, or low income affordable housing units.
- c. The maximum height is 45 feet for a hotel. A height increase above 45 feet for a hotel may be permitted if an additional 10% publicly accessible green open space is provided. Other community benefits that may be considered by the Town Council for additional height include, but are not limited to: a community center; a performing arts center; publicly accessible open space; or additional BMP units.

2.5.3 Open Space Goals and Policies

The Specific Plan Area shall encourage outdoor activity by integrating a variety of open spaces such as pocket parks, parks and plazas, common gathering areas, courtyards, pedestrian paseos, clubhouse and barbecue areas, walkable streets lined with large shade trees and active streetscape, landscaped buffers, and ample sitting areas. This neighborhood will be designed to serve the unmet needs of Los Gatos, providing an environment where people live and walk or bicycle to a nearby coffee shop, wine bar, and restaurants.

Goal: *To integrate an interconnected system of open spaces, parks and plazas within the Specific Plan Area.*

Open Space Policies:

Policy O1: View Preservation

Promote and protect views of hillsides and scenic resources.

Policy O2: Landscape Buffer

Establish a landscaped buffer along the North 40 perimeter.

2

Land Use and Development Standards

- a. Residential units shall range in size. Refer to Residential Unit Size Mix in Glossary (Chapter 6). Residential units in the norther portion of the Specific Plan area (north of the Phase I development) shall range in size from 500 to 1,200 square feet.
- b. There shall be a maximum of 270 residential units. This is a maximum, not a goal, and includes the affordable housing units required and the existing units.
- c. Affordable housing (Below Market Price housing) requirements shall be met pursuant to Town Code.
- d. New residential shall be a maximum of:
 - 400,000 gross square feet for Cottage Cluster, Garden Cluster, Townhome and Rowhouse products
 - 300,000 net square feet for Condominium, Multi-Family, Apartments and Affordable products
 - These are maximums, not a goal
- e. Single family detached units shall be a maximum of 1,200 square feet and be designed as a cottage cluster product type as defined in Glossary (Chapter 6).

.....

6

Plan Implementation, Phasing, and Administration

natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane. Maximum building height includes all elements and height exceptions are not permitted within the Specific Plan Area.

HOTEL

A building where lodging, with or without meals, is provided for compensation and where occupancy is generally limited to no more than 30 days.

INNOVATION CENTER

A building or buildings that provide a variety of office and shared work spaces for venture capital firms, startup companies, and other similar new business ventures.

LANDSCAPED PARKWAY

A strip of land located between the back of the curb and the front of a sidewalk, usually used for planting low ground cover and/ or street trees - also known as a "park strip", "planting strip" or "parkway strip".

.....

*This Page
Intentionally
Left Blank*