



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
FEBRUARY 14, 2024
110 EAST MAIN STREET
TOWN COUNCIL CHAMBERS
7:00 PM**

Steven Raspe, Chair
Emily Thomas, Vice Chair
Susan Burnett, Commissioner
Melanie Hanssen, Commissioner
Kathryn Janoff, Commissioner
Adam Mayer, Commissioner
Vacant, Commissioner

IMPORTANT NOTICE

This is a hybrid/in-person meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through the Zoom webinar application (log-in information provided below). Members of the public may provide public comments for agenda items in-person or virtually through the Zoom webinar by following the instructions listed below. The live stream of the meeting may be viewed on television and/or online at www.LosGatosCA.gov/TownYouTube.

PARTICIPATION

The public is welcome to provide oral comments in real-time during the meeting in three ways:

- **Zoom webinar (Online):** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join: <https://losgatosca.gov.zoom.us/j/82667484817?pwd=XR5lZptcKt0bptK3H6ge83HDKgObtw.QtfzvPgFdm-7nqv3>. Passcode: 712482. You can also type in 826 6748 4817 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join> and use passcode 712482.
 - When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand.
- **Telephone:** Please dial (877) 336-1839 US Toll-free or (636) 651-0008 US Toll. (Conference code: 686100). If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- **In-Person:** Please complete a “speaker’s card” located on the back of the Chamber benches and return it to the Vice Chair before the meeting or when the Chair announces the item for which you wish to speak.

NOTES: (1) Comments will be limited to three (3) minutes or less at the Chair’s discretion.
(2) If you are unable to participate in real-time, you may email to planning@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” All comments received will become part of the record.
(3) Deadlines to submit written public comments are:

- 11:00 a.m. the Friday before the Planning Commission meeting for inclusion in the agenda packet.
- 11:00 a.m. the Tuesday before the Planning Commission meeting for inclusion in an addendum.
- 11:00 a.m. on the day of the Planning Commission meeting for inclusion in a desk item.

(4) Persons wishing to make an audio/visual presentation must submit the presentation electronically to planning@losgatosca.gov no later than 3:00 p.m. on the day of the Planning Commission meeting.

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS (Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) (*Before the Planning Commission acts on the consent agenda, any member of the public Commission may request that any item be removed from the consent agenda. At the Chair’s discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda.*)

- 1. Draft Minutes of the January 24, 2024 Planning Commission Meeting

PUBLIC HEARING (*Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission’s consent at the meeting.*)

- 2. Consider and Forward a Recommendation Regarding a Zone Change from C-1 (Neighborhood Commercial) to RD (Residential Duplex) for Properties **Located at 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court.** APNs 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028. Exempt Pursuant to CEQA Guidelines 15061(b)(3): Review for Exemption. Zoning Code Amendment Application Z-24-002. APPLICANT: Town of Los Gatos. PROJECT PLANNER: Sean Mullin.
- 3. Forward a Recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding the Powers and Duties of the Historic Preservation Committee. The Proposed Amendments also include Revisions to Chapter 29 Regarding Assignment of Duties of the Planning Director and Appeals of Decisions of the Historic Preservation Committee. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-24-001. Project **Location: Town Wide.** Applicant: Town of Los Gatos.

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT (*Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time*)

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104].

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m. Live and Archived Planning Commission meetings can be viewed by going to:
www.LosGatosCA.gov/TownYouTube

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/14/2024

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
JANUARY 24, 2024**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, January 24, 2024, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Steve Raspe, Vice Chair Emily Thomas, Commissioner Susan Burnett, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Adam Mayer.

Absent: None.

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – December 13, 2023 Planning Commission Meeting
2. **Approval of Minutes** – January 10, 2024 Planning Commission Meeting

MOTION: **Motion by Commissioner Hanssen to approve adoption of the Consent Calendar. Seconded by Commissioner Burnett.**

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

3. **Town Code Chapter 29 Amendment, Amend Housing Element Overlay Zone**
Zoning Code Amendment Application Z-24-001
Applicant: Town of Los Gatos
Property Location: Town Wide

Consider a request to further amend Chapter 29 of the Town Code to define “By Right Approvals” and amend the Housing Element Overlay Zone as Division 5 of Article VIII,

“Overlay Zones and Historic Preservation.” An Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022. No further environmental analysis is required.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Lee Fagot

- Preserve the historic parts of the Town because that is the legacy that next generations will relate to. If there is a way to continue to preserve and still meet the RHNA site allocation requirement, please find a way to do that. You are representing the citizens in Town, and preserving the character of our town heritage needs to be passed on, so please do what you can to preserve the Historic District and those sites with the design elements, the height, and densities that are appropriate. Seeing Victorian homes with five-story monoliths next to them, as we’ve seen in some other municipalities, is not Los Gatos and we can’t let the clowns in Sacramento tell us how we’re supposed to live our lives here.

Lee Quintana

- Table 1-A is confusing, stating “Developments must be developed within the densities of Table 1-A below.” Is it “within” the densities, or “at” the densities? There is conflicting language, it states that as long as there is no subdivision, and then in another place it indicates that subdivisions may be applicable. “Subdivision may remain subject to all the applicable state and local laws, including the Subdivision Act”. This is confusing. Are there any medium-density sites within the Affordable Housing Overlay Zone (AHOZ)? Most medium-density sites in the downtown area are either on very small lots so they can’t be developed into larger homes, or they are pre-1941, or they are within an historic district. The other thing I wanted clarity on is whether all the AHOZ zones currently have a General Plan designation and a zoning designation that are consistent with one another.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Chair Raspe** to recommend Town Council the proposed amendments to the Housing Element Overlay Zone with the single modification of “at the density ranges specified in Table 1-A” to “within the density ranges specified in Table 1-A below.” **Seconded by Commissioner Hanssen.**

Vice Chair Thomas requested the motion be amended to explicitly state it contains Exhibit 2.

The maker of the motion accepted the amendment to the motion.

The seconder of the motion accepted the amendment to the motion.

VOTE: Motion passed unanimously.

REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Jennifer Armer, Planning Manager

- The Town Council met January 16, 2024:
 - Discussed the Housing Element and provided direction.
 - Considered the appeal of the fence height exception at 124 Garden Hill and remanded the item back to the Planning Commission based on new information provided by the applicant.
 - Chose to maintain two Planning Commissioners assigned to the Historic Preservation Committee. Revisions to the Town's ordinance will come for review at the next Planning Commission meeting.
- The Housing Element Advisory Board (HEAB) met January 18, 2024, to discuss the Housing Element and provide recommendations and direction, and anticipate returning to Town Council on February 6, 2024, for additional review of the revised Housing Element.

Approval of the new house at 212 Thurston has been appealed and will be considered by Town Council in the next six weeks.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Housing Element Advisory Board

Commissioner Hanssen

- The HEAB met January 18, 2024, to review every aspect of the Town Council's discussion and gave feedback where appropriate to help guide the Town Council through the February 6, 2024 meeting.

ADJOURNMENT

The meeting adjourned at 7:27 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 24, 2024 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/14/2024

ITEM NO: 2

DATE: February 9, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider and Forward a Recommendation Regarding a Zone Change from C-1 (Neighborhood Commercial) to RD (Residential Duplex) for Properties Located at **15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court**. APNs 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028. Exempt Pursuant to CEQA Guidelines 15061(b)(3): Review for Exemption. Zoning Code Amendment Application Z-24-002. APPLICANT: Town of Los Gatos. PROJECT PLANNER: Sean Mullin.

RECOMMENDATION:

Consider the existing and proposed zoning and forward a recommendation for approval of the zone change to the Town Council.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: C-1 (Neighborhood Commercial)
Applicable Plans & Standards: General Plan
Parcel Sizes: 9,583 to 13,068 square feet

Surrounding Area:

| | Existing Land Use | General Plan | Zoning |
|-------|-------------------|----------------------------|--------------|
| North | Commercial | Neighborhood Commercial | C-1 |
| South | Residential | Low Density Residential | R-1:8 |
| East | Residential | Medium Density Residential | R-1:8 and RD |
| West | Residential | Medium Density Residential | RD |

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

CEQA:

The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment.

FINDINGS:

- The proposed zone change is Exempt Pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that the zone change will not impact the physical environment in that it aligns the regulations with the existing land use and no additional development is proposed at this time; and
- That the proposed zone change is consistent with the General Plan and its elements in that the proposed zoning is consistent with the existing General Plan land use designation.

BACKGROUND:

Downing Oak Court is located on the west side of Union Avenue approximately 830 feet south of Los Gatos-Almaden Road (Exhibit 1). 10 properties are located along Downing Oak Court and are developed with four residential duplexes and six multi-family residential buildings (four to six units each). The adjoining commercial property to the north is the location of the Downing Oak Shopping Center and is designated Neighborhood Commercial and zoned C-1 (Exhibits 3 and 4). The adjoining residential properties to the east and west, along Union and Pinehurst Avenues, are developed with residential duplexes, and are designated Medium Density Residential and zoned RD. The adjoining residential properties to the south along Lynn Avenue are developed with single-family residences and are designated Low Density Residential and zoned R-1:8.

The land that is the Downing Oak Court properties was in the County prior to 1978. The following table summarizes the evolution of the land that is now the Downing Oak Court properties.

BACKGROUND (continued):

| Date | Action |
|------------------|---|
| March 5, 1962 | Record of survey showing the area of the subject properties as a portion of a larger 7.310-acre parcel (Exhibit 6). |
| April 21, 1975 | Ordinance 1212 adopted by the Town Council rezoning the area of the subject properties as C-1, Neighborhood Commercial (Exhibit 7). |
| April 26, 1978 | Downing Oak Subdivision recorded with the County, creating the 10 subject properties and the Downing Oak Court right-of-way (Exhibit 8). |
| August 21, 1978 | Resolution 1978-134 adopted by the Town Council approving annexation into the Town of the subject 10 properties and the Downing Oak Court right-of-way (Exhibit 9). |
| October 16, 1978 | Resolution 1978-167 adopted by the Town Council approving annexation into the Town of the areas surrounding the Downing Oak Subdivision to the north, west, and south (Exhibit 10). |
| 1978 | The “build date” reported by the County Assessor for the 10 buildings on the Downing Oak Court properties. |

Based on the summary above, it appears that the subdivision, annexation, and construction of the 10 buildings on Downing Oak Court occurred in close succession and likely with overlapping timelines. Building permits for the structures would have been issued by the County prior to construction when the land was still in the jurisdiction of the County. When the Downing Oak Court properties were annexed into the Town in 1978, the C-1 rezoning was not corrected to reflect the residential duplex and multi-family residential uses. This resulted in the current C-1 zoning that is not consistent with the Medium Density Residential land use designation or the duplex/multi-family uses on the properties.

The General Plan land use designation for the properties is Medium Density Residential, both in the 2040 General Plan Land Use Element, adopted by Town Council on June 30, 2022 (currently suspended pending the results of a referendum), and in the 2020 General Plan Land Use Element that governs during the suspension period.

California Government Code Section 68560 requires that the Town’s zoning ordinance be consistent with the adopted General Plan and requires that the zoning ordinance be amended in the event that it is not consistent with the General Plan (Exhibit 11). Consistent with California Government Code Section 68560, the proposed zone change would rezone the 10 properties on Downing Oak Court from C-1 (Neighborhood Commercial) to RD (Residential Duplex) to be consistent with the General Plan.

DISCUSSION:

The proposal would change the zoning of the subject properties from C-1 (Neighborhood Commercial) to RD (Residential Duplex). The C-1 zone is intended for retail, service, and administrative activities which are oriented to the day-to-day needs of the residents of the Town. The C-1 zone does not allow for residential uses. The RD zone is intended for low-density, multiple-dwelling areas compatible with single-family dwelling areas. The RD zone provides for the following uses:

- Single-family dwelling.
- Two-family dwelling
- Family daycare home.
- Residential care facility, small family home.

The properties on Downing Oak Court were rezoned C-1 in 1975, prior to the completion of the subdivision, annexation, and multi-family structures in 1978. The existing duplex and multi-family residential development was approved by the County prior to annexation and subdivision. At the time of subdivision with the development already underway, the gross density was 11.6 dwelling units per acre (inclusive of the dedicated rights-of-way), and the net density was 14.7 dwelling units per acre (excluding the dedicated rights-of-way). The existing duplex and multi-family residential development on each of the 10 properties became legal nonconforming upon annexation into the Town with the continuation of the C-1 zoning, which does not allow for residential uses. The gross density of the subdivision complies with the Medium Density Residential General Plan designation of five to 12 dwelling units per acre, while the net density exceeds this range, as do the densities of six of the 10 properties. The following table summarizes the existing development for each property.

| Address | Lot Size (Square Feet) | Lot Size (Acre) | Dwelling Units | Density (du/acre) |
|---------|------------------------|-----------------|----------------|-------------------|
| 15025 | 10,454 | 0.24 | 4 | 16.7 |
| 15039 | 10,454 | 0.24 | 4 | 16.7 |
| 15053 | 10,454 | 0.24 | 4 | 16.7 |
| 15067 | 10,890 | 0.25 | 4 | 16.0 |
| 15081 | 12,632 | 0.29 | 6 | 20.7 |
| 15080 | 13,068 | 0.30 | 6 | 20.0 |
| 15066 | 9,583 | 0.22 | 2 | 9.1 |
| 15054 | 9,583 | 0.22 | 2 | 9.1 |
| 15040 | 10,019 | 0.23 | 2 | 8.7 |
| 15026 | 9,583 | 0.22 | 2 | 9.1 |

DISCUSSION (continued):

The properties are surrounded by commercial, low density single-family residential, and medium density duplex residential uses; no high-density uses are adjacent to the properties. The proposed zone change to RD would be consistent with the existing Medium Density Residential land use designation and would not require an amendment to the General Plan. The RD zoning would allow the four properties developed with duplexes to become conforming, while the remaining six would remain legal nonconforming. Town Code Section 29.10.195 allows for nonconforming residential uses to continue interminably. Additionally, should a nonconforming multi-family building be destroyed, Section 29.10.260 allows the nonconforming multi-family dwelling to be reconstructed on the same foundation, with the same number of units, in substantially the same manner as it existed before its destruction. Therefore, the zone change from C-1 to RD will not result in additional burden on the property owners relative to the nonconforming status of the structures. Conversely, the zone change to RD would clear the way for accessory residential uses, including Accessory Dwelling Units (ADUs), consistent with that zone that are currently not allowed by State law under the commercial zoning.

Rezoning the properties to RD would remove the commercial zoning from the properties developed with residential uses, avoid spot zoning, and bring the zoning ordinance in line with the land use designation consistent with State law.

ENVIRONMENTAL ANALYSIS:

The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment.

PUBLIC COMMENTS:

On December 15, 2023, the Town contacted all Downing Oak Court property owners and occupants, as well as those within 300 feet, to inform them that the Town intended to rezone the subject properties and that a stakeholders meeting would be held in January. On January 24, 2024, a stakeholders meeting was held at Union Middle School. Several attendees joined staff to discuss the rezoning and ask questions.

In preparation for the February 14, 2024 Planning Commission meeting, notice was sent to all Downing Oak Court property owners and occupants, as well as those within 300 feet. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The proposal would change the zoning of the subject properties located on Downing Oak Court from C-1 (Neighborhood Commercial) to RD (Residential Duplex). The proposed zone change would be consistent with the Medium Density Residential land use designation in the General Plan and the existing adjacent pattern of land uses and zones. The proposed zone change would remove the commercial zoning from the properties developed with residential uses, avoid spot zoning, and bring the zoning ordinance in line with the land use designation as consistent with State law.

B. Recommendation

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

1. Make the finding that the proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment in that it aligns the regulations with the existing land use and no additional development is proposed at this time (Exhibit 2); and
2. 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 existing General Plan land use designation (Exhibit 2); and
3. Forward a recommendation of approval of Zone Change Application Z-24-002 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: Downing Oak Court/Z-24-002

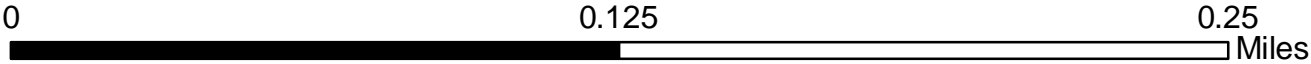
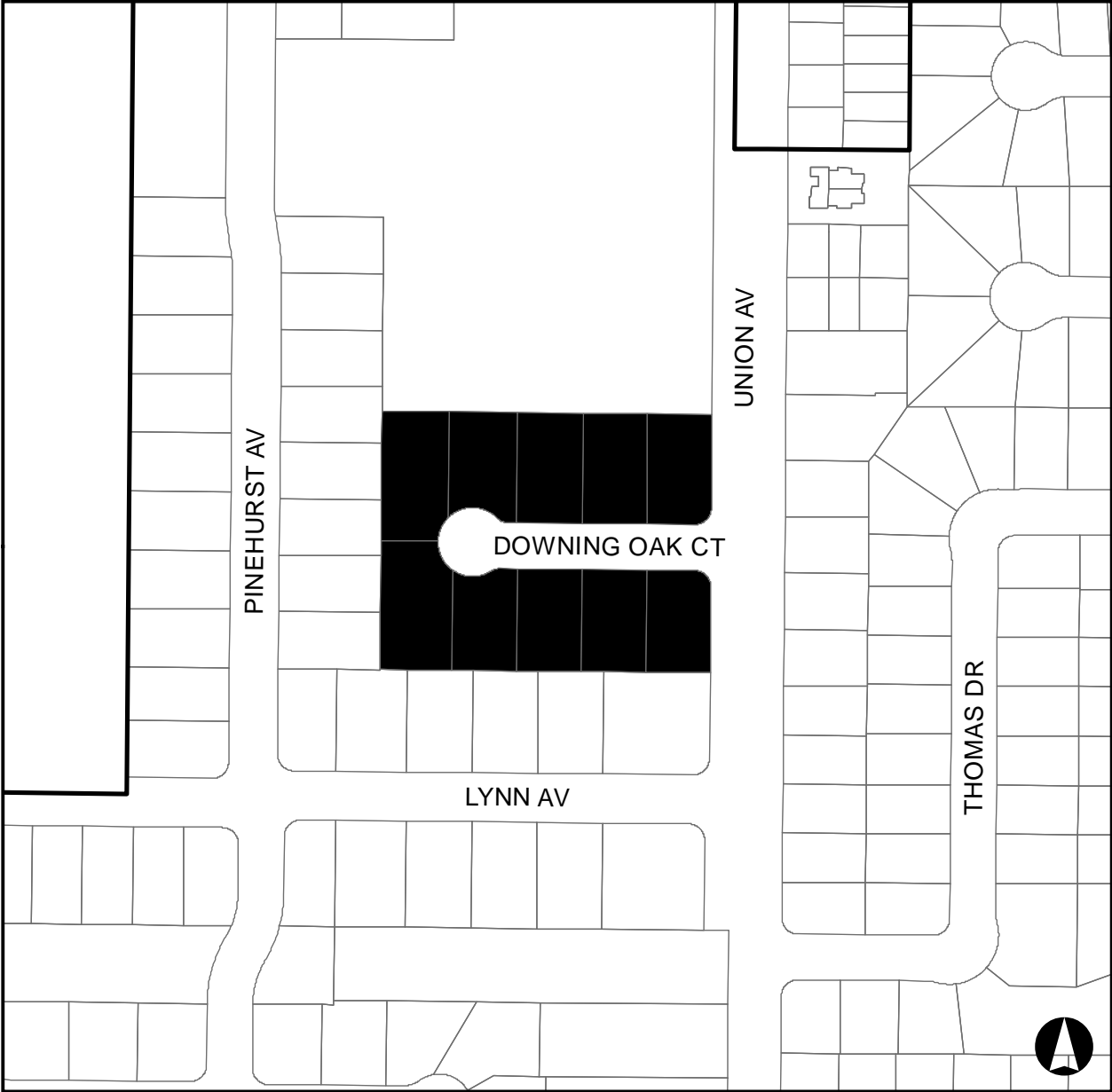
DATE: February 9, 2024

EXHIBITS:

1. Location Map
2. Draft Ordinance for the Zone Change, with Exhibit A
3. Existing General Plan Land Use Designation Map
4. Existing Zoning Map
5. Proposed Zoning Map
6. Record of Survey (143M33), dated March 5, 1962
7. Ordinance 1212 - Prezoning of Lands including future Downing Oak Ct, dated April 21, 1975
8. Downing Oak Subdivision (417M19 Tract 6214), recorded April 26, 1978
9. Resolution 1978-134 - Annexation Downing Oak Court, adopted August 21, 1978
10. Resolution 1978-167 - Annexation of Areas Surrounding Downing Oak Court, adopted October 16, 1978
11. California Government Code Section 68560

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15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court



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DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING THE ZONING FROM C-1 (NEIGHBORHOOD COMMERCIAL)
TO RD (RESIDENTIAL DUPLEX) FOR PROPERTIES LOCATED AT
15025, 15026, 15039, 15040, 15053, 15054,
15066, 15067, 15080, AND 15081 DOWNING OAK COURT**

WHEREAS, the existing C-1 zoning is inconsistent with the General Plan land use designation for these properties; and

WHEREAS, Government Code Section 65860 requires that zoning be consistent with General Plan land use designations; and

WHEREAS, residential uses are currently located on these properties;

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

1. The Zoning Map in the Town Code of the Town of Los Gatos is hereby amended to change the zoning of the properties at 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court (Santa Clara County Assessor Parcel Numbers 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028 respectively) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from C-1 (Neighborhood Commercial) to RD (Residential Duplex).
2. This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of ____ 2024, 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 ____ 2024.
3. This ordinance takes effect 30 days after it is adopted.
4. 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).
5. The proposed zone change is exempt pursuant to CEQA, Section 15061(b)(3), because it can be seen with certainty that it will not significantly affect the physical environment in that it aligns the regulations with existing land use no additional development is proposed at this time

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

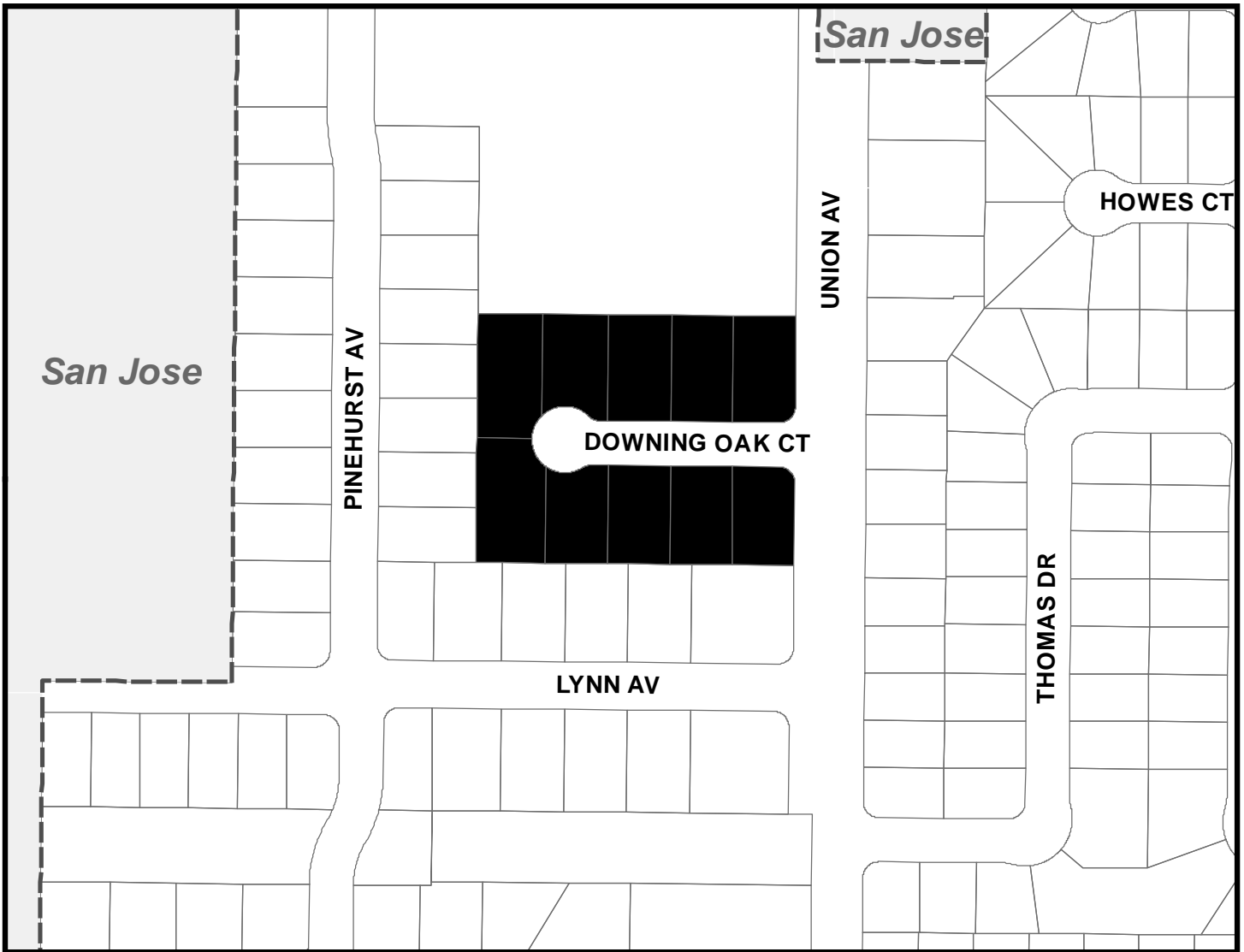
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DATE: _____

ATTEST:

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

DATE: _____



Address: 15025, 15026, 15039, 15040, 15053, 15054, 15066, 15067, 15080, and 15081 Downing Oak Court

A.P.N. # 523-41-024, -033, -025, -032, -026, -031, -030, -027, -029, and -028

TOWN OF LOS GATOS

Application No. Z-24-002

Change of zoning map amending the Town Zoning Ordinance.

Zone Change

From: C-1

Prezoning

To: RD



Forwarded by Planning Commission

Date:

Approved by Town Council

Date:

Ord:

Clerk Administrator

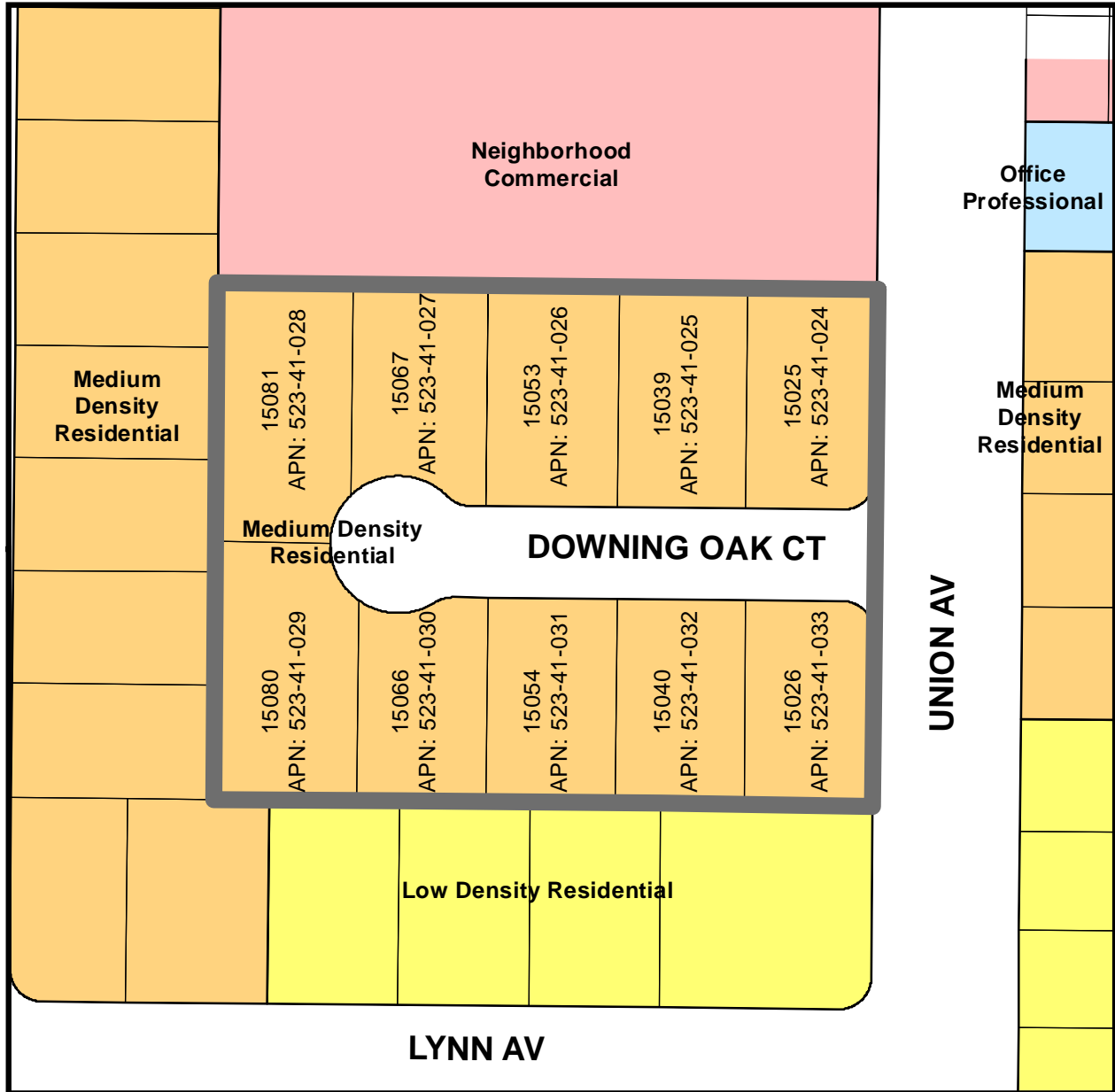
Mayor

EXHIBIT A

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Downing Oak Court

Existing General Plan Designation (No Changes Proposed)



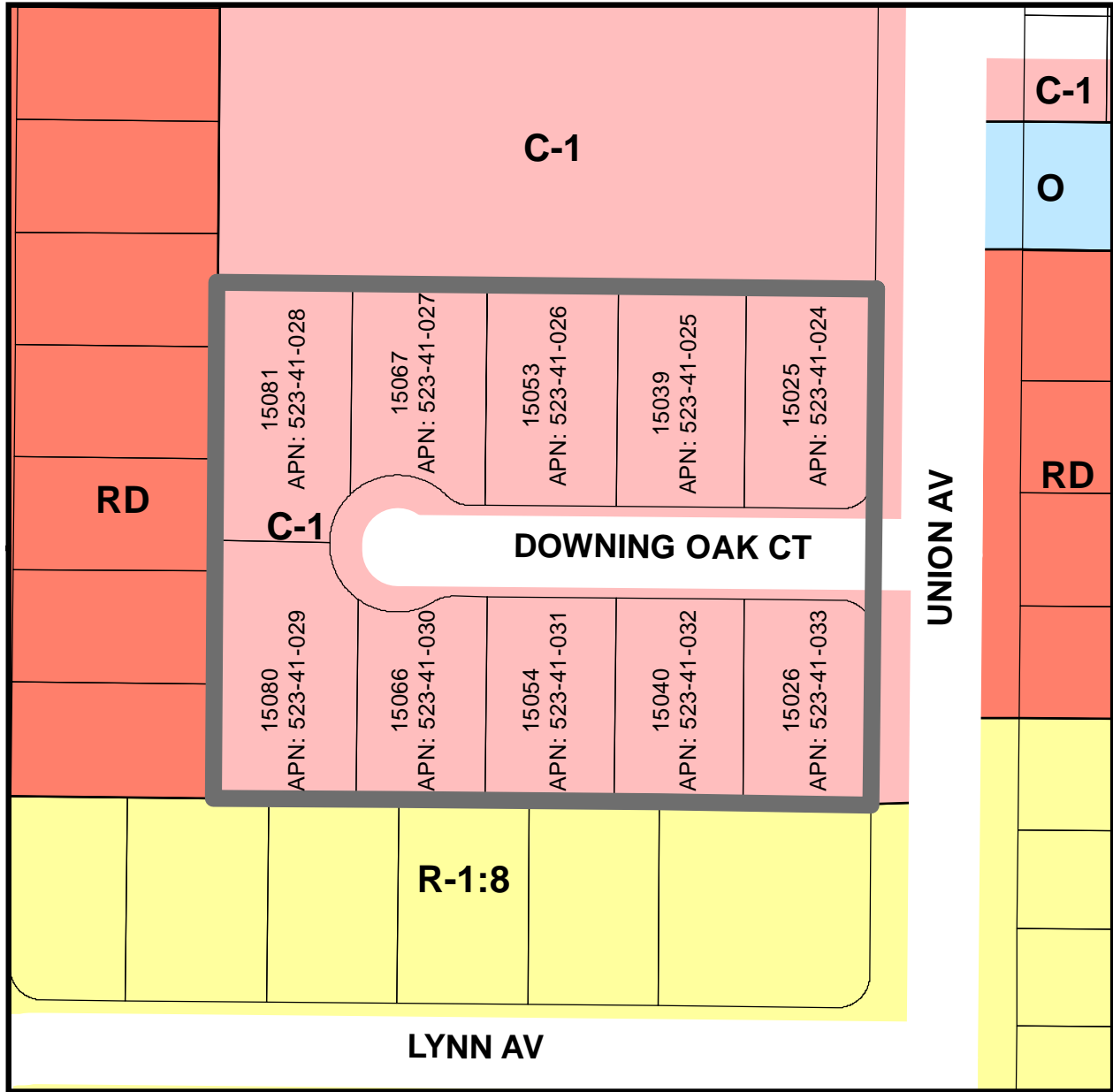
General Plan Designation Legend

- Low Density Residential
- Medium Density Residential
- Neighborhood Commercial
- Office Professional

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Downing Oak Court

Current Zoning



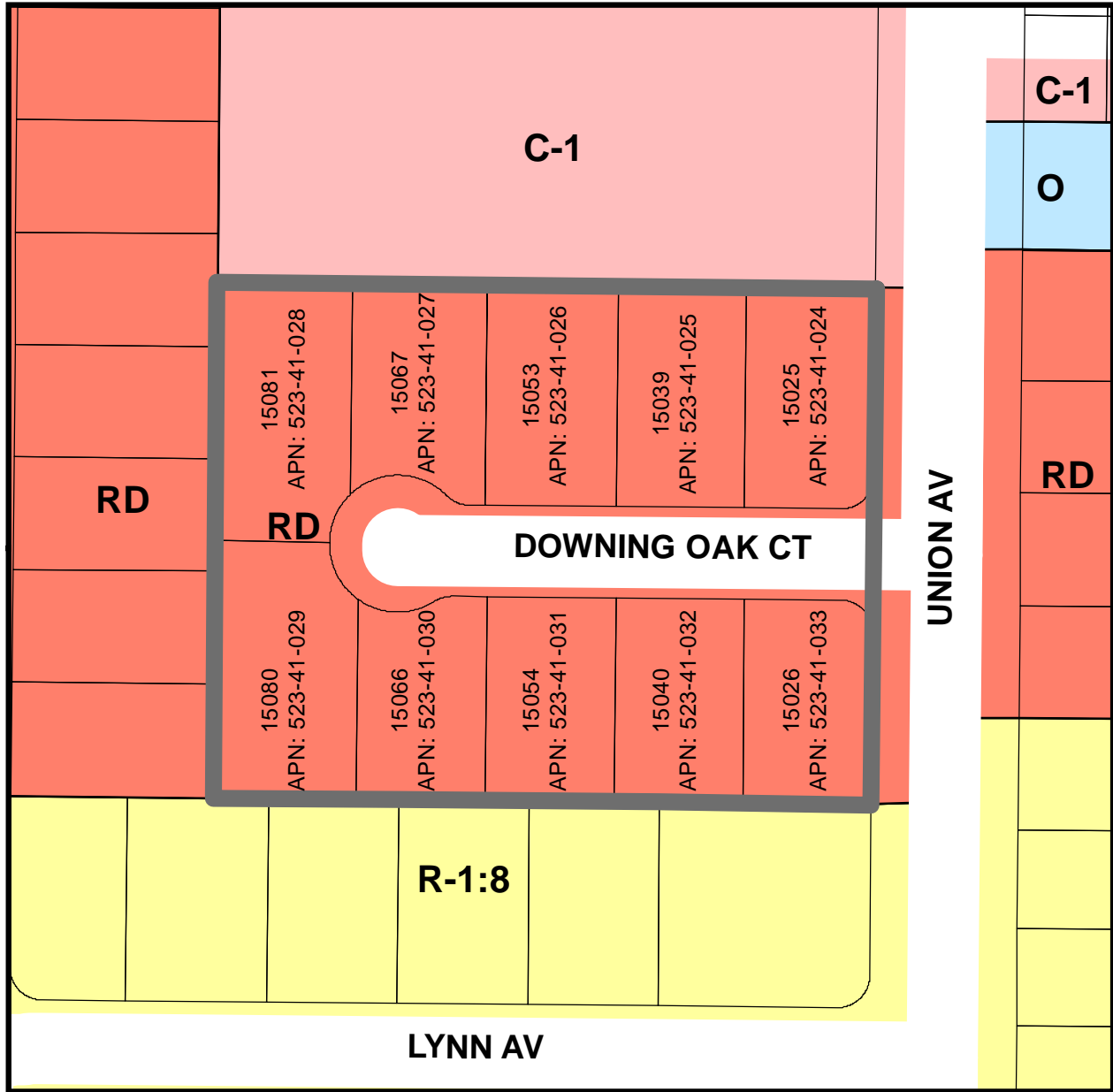
Zoning Legend

- R-1:8 - Single Family Residential
- RD - Residential Duplex
- C-1 - Neighborhood Commercial
- O - Office

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Downing Oak Court

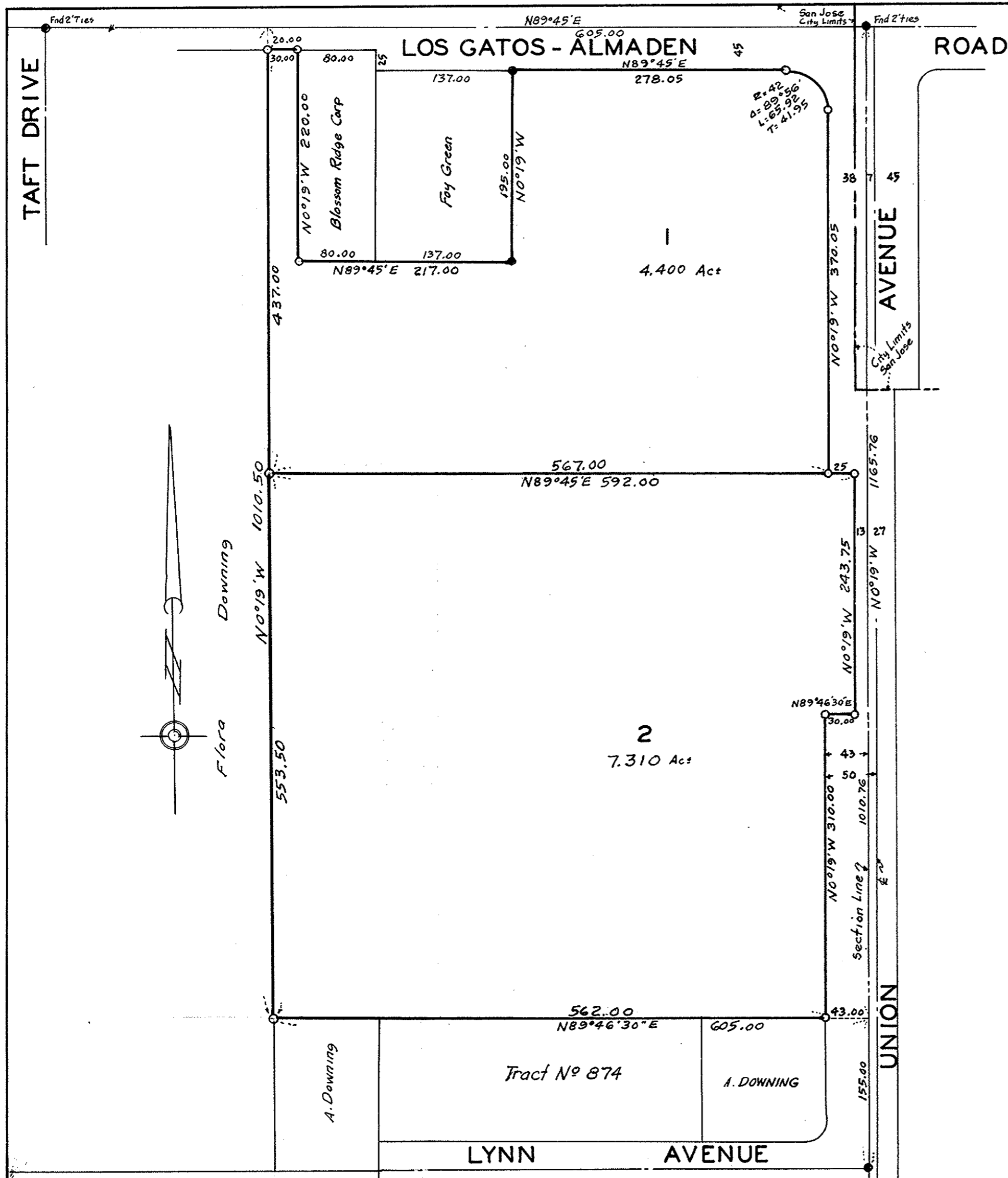
Proposed Zoning



Zoning Legend

- R-1:8 - Single Family Residential
- RD - Residential Duplex
- C-1 - Neighborhood Commercial
- O - Office

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SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made under my direction in conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code at the request of Arthur H. Downing in January, 1962.

Henry D. Gilbert
 Licensed Land Surveyor No. 2693

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the provisions of Chapter 15 of Division 3 of the Business and Professions Code this First day of MARCH 1962.

JAMES T. POTT, County Surveyor

By _____ Deputy

BASIS OF BEARINGS & NOTES

The bearing (N89°45'E) of the center line of Los Gatos-Almaden Road as shown on Record of Survey Map recorded in Book 83 of Maps, page 41, was used as basis of bearings shown upon this map.

- Indicates iron pipe found, unless otherwise noted.
- Indicates iron pipe set.

COUNTY RECORDER'S CERTIFICATE

Filing Fee \$ 5.00 Paid File No. 215 1976
 Filed for record this 5th day of March 1962 at 3:58 P.M. in Book 143 of Maps at Page 33, at the request of Mark Thomas & Co., Inc.

PAUL R. TEILH, County Recorder

By *Donald R. Palmer* Deputy

RECORD OF SURVEY
 OF PORTIONS OF N.E. 1/4 OF SECTION 14
 TOWNSHIP 8 SOUTH, RANGE 1 WEST, M.D.M.
 SANTA CLARA COUNTY CALIFORNIA
 FOR
ARTHUR H. DOWNING

SCALE - 1" = 100'

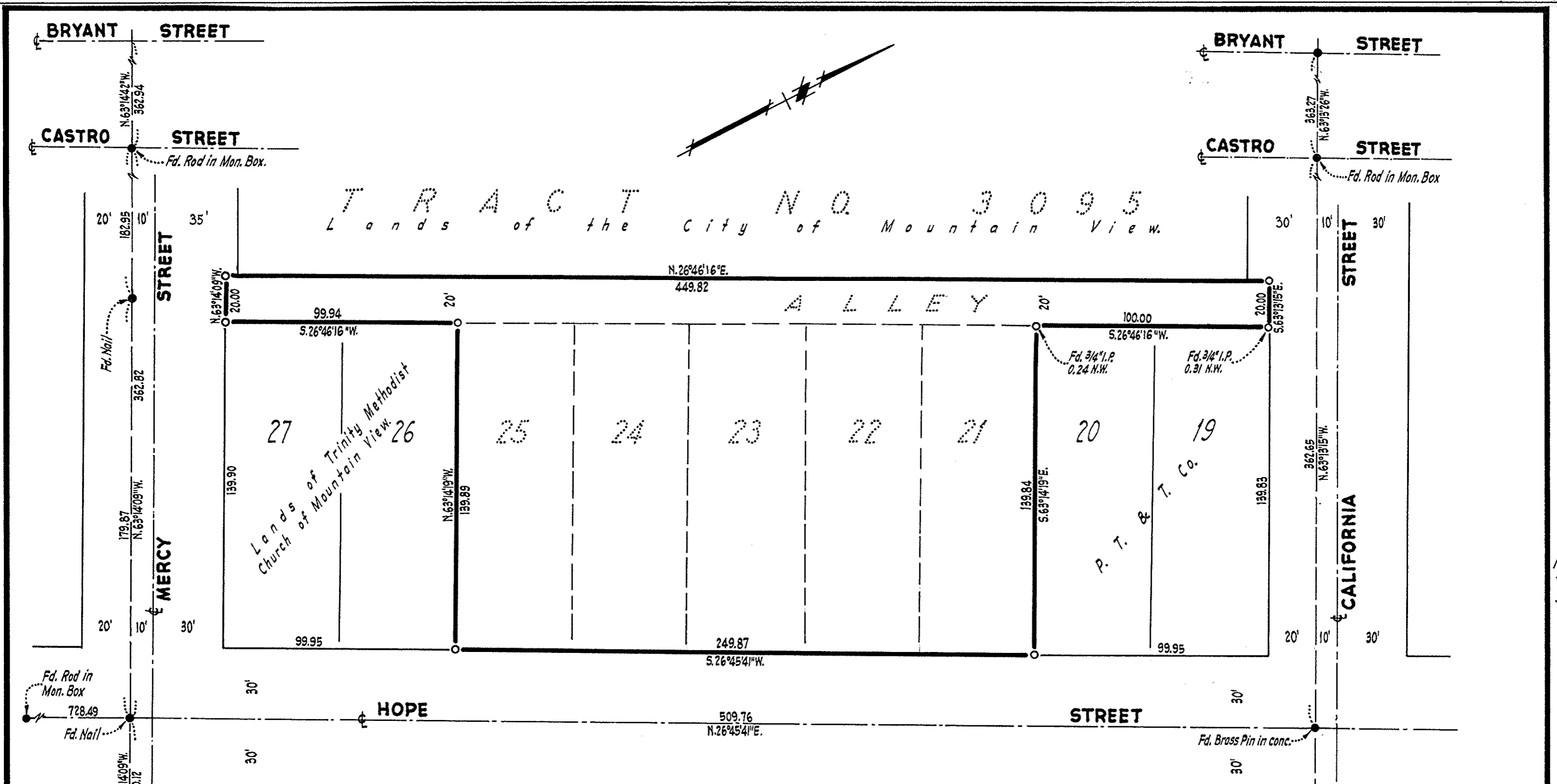
JANUARY 1962

MARK THOMAS & CO INC
 CIVIL ENGINEERS & SURVEYORS
 SAN JOSE CALIF.

JOB NO 60347

33

33



BASIS OF BEARINGS

The bearing S.26°45'41"W of the centerline of Hope Street as shown on that certain map of Tract No. 3095 as recorded in Book 141 of Maps of page 6, Santa Clara County Records, was taken as the basis of bearings shown on this map.

NOTES AND LEGEND

- All distances and dimensions are shown in feet and decimals thereof.
- Indicates Monument found.
 - Indicates 1" Iron Pipe Monument set.

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code at the request of the City of Mountain View, in JANUARY, 1962.

Barbara
 LIC. LAND SURVEYOR CERT. NO. 2495

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of Chapter 15 of Division 3 of the Business and Professions Code this 7th day of MARCH, 1962.

JAMES T. POTT, County Surveyor.

by Deputy *James T. Pott*

RECORDER'S CERTIFICATE

File No. 2153564 Fee \$ 5.00
 Filed for record this 7th day of March 1962, at 3:17 P.M., in Book 143 of Maps at page 33 at the request of George S. Nolte.

PAUL R. TEILH, County Recorder.

by Deputy *Donald R. Palmer*

RECORD OF SURVEY
 OF A PORTION OF B.4.S.R.1 E., "MAP OF THE SULLIVAN AND ROGERS
 SUBDIVISION IN THE TOWN OF MOUNTAIN VIEW, CALIFORNIA."
MOUNTAIN VIEW, CALIFORNIA.

SCALE: 1" = 40'

GEORGE S. NOLTE
 CIVIL ENGINEER - LAND SURVEYOR
 PALO ALTO - SANTA CLARA - WALNUT CREEK - SAN RAFAEL

JANUARY, 1962.

231-61

Page 29

33

EXHIBIT 6 33 RB

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ORDINANCE NO. 1212

AN ORDINANCE OF THE TOWN OF LOS GATOS AMENDING
THE ZONING ORDINANCE EFFECTING ZONE CHANGE
NO. 108 PREZONING TO R-1:8,000, RD:8,000,
R-M:5-12, "O", AND C-1.

The Town Council of the Town of Los Gatos does ordain as follows:

SECTION 1.

The Zoning Ordinance of the Town of Los Gatos is hereby amended to prezone the property shown on the map which is attached hereto and is a part of this Ordinance to R-1:8,000, RD:8,000, R-M:5-12, "O", and C-1.

SECTION 2.

The Town Clerk shall attest to the adoption of this Ordinance. This Ordinance shall be published once in the Los Gatos Times - Saratoga Observer, a newspaper of general circulation, printed and published in the Town of Los Gatos within fifteen (15) days of its final passage and this Ordinance shall take effect thirty (30) days following its final passage.

The above and foregoing Ordinance was duly and regularly introduced at a meeting of the Town Council of the Town of Los Gatos held on the 7th day of April, 1975.

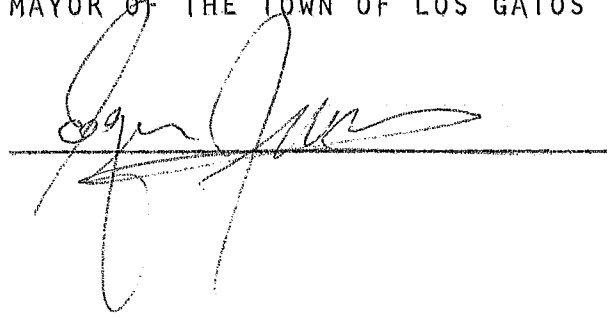
PASSED AND ADOPTED as an Ordinance of the Town of Los Gatos, California, at a regular meeting of the Town Council held on the 21st day of April, 1975, by the following vote:

AYES: COUNCILMEN Ruth Cannon
Mark B. DiDuca
John B. Lochner
Albert B. Smith
Egon Jensen

NOES: COUNCILMEN None

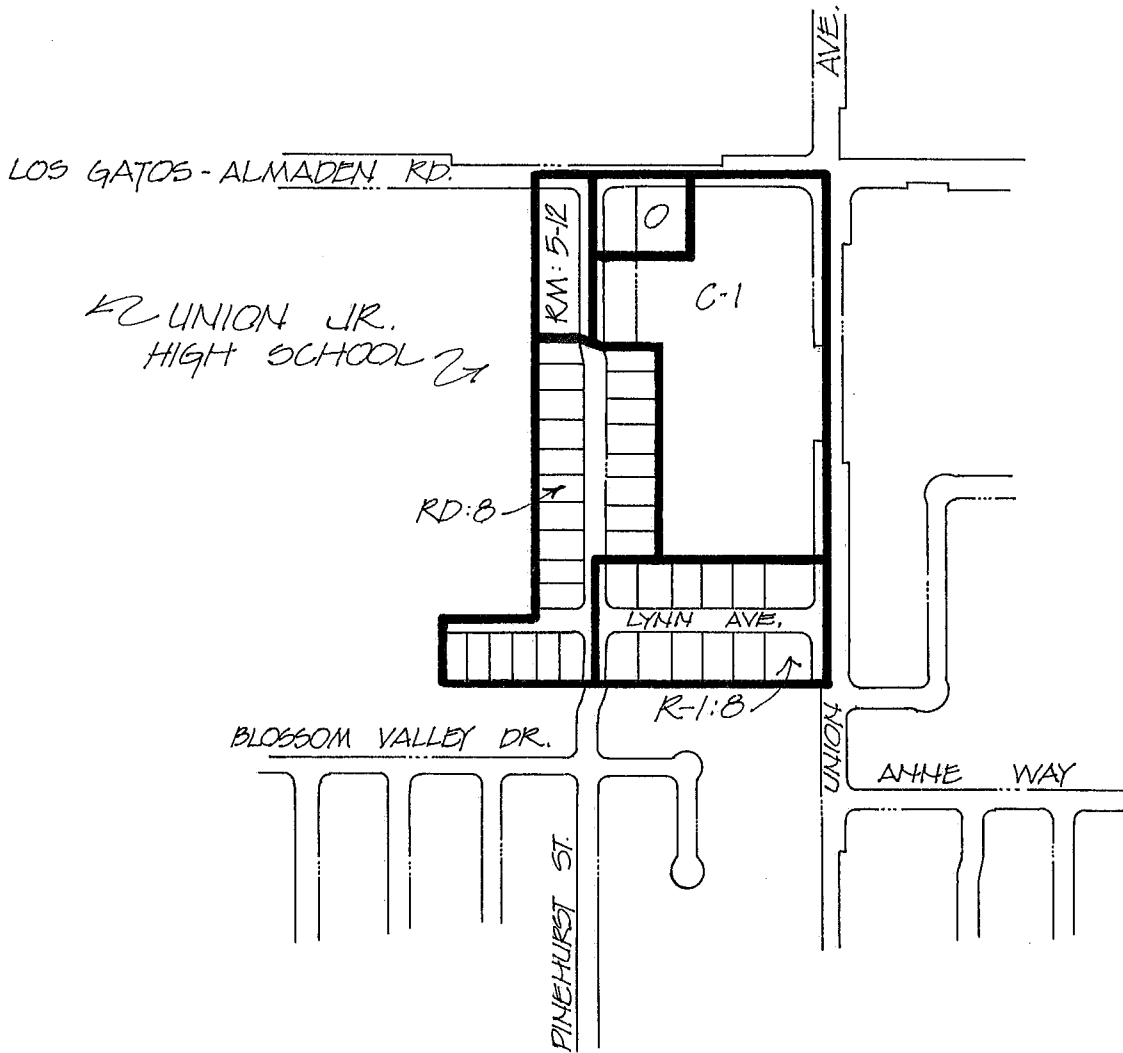
ABSENT: COUNCILMEN None

SIGNED: MAYOR OF THE TOWN OF LOS GATOS



A handwritten signature in cursive script, appearing to read 'Egon Jensen', is written over a horizontal line.

ATTEST:
Jo Reichartz
CLERK OF THE TOWN OF LOS GATOS



APPLICATION NO. Z-75-2

SCALE 1"=500'

TOWN OF LOS GATOS

Zone Change
Change of zoning map

PREZONE to R-1:8, RD:8, RM:5-12, O & C-1.
Amending Ordinance 867
Town Zoning Ordinance

Approved By Planning Commission date 3-26-75

Approved By Town Council date 4-21-75 Ord. 1212

Town Clerk Jo Leubnitz Mayor [Signature]

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OWNER'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN UPON THE HEREIN MAP: THAT WE ARE THE ONLY PERSONS WHOSE CONSENTS ARE NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY THAT WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY OFFER TO DEDICATE TO PUBLIC USE AND THE COUNTY OF SANTA CLARA, ALL STREETS AND PORTIONS OF STREETS NOT HERETOFORE EXISTING AND DESIGNATED AS DOWNING OAK COURT & UNION AVE., AS SHOWN UPON THIS MAP, AND WE ALSO OFFER TO DEDICATE TO PUBLIC USE AND THE COUNTY OF SANTA CLARA EASEMENTS FOR ANY AND ALL PUBLIC USES UNDER, UPON AND OVER SAID STREETS AND PORTIONS THEREOF.

WE HEREBY OFFER TO DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING BUT NOT LIMITED TO POLES, WIRES, CONDUITS, STORM SEWERS, SANITARY SEWERS, GAS, WATER AND ALL APPURTENANCES THERETO UNDER, UPON OR OVER THE LAND DESIGNATED AS "P.S.E." (PUBLIC SERVICE EASEMENT).

ALL OF THE MENTIONED PUBLIC SERVICE AND STORM DRAINAGE EASEMENTS SHALL BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

ALL DEDICATIONS TO BE ACCEPTED ONLY WHEN THE BOARD OF SUPERVISORS OR ITS SUCCESSOR AGENCIES ADOPT AND RECORD IN THE OFFICE OF THE RECORDER OF SANTA CLARA COUNTY, A RESOLUTION ACCEPTING SAID STREETS AND EASEMENTS. UNTIL SAID RESOLUTION IS RECORDED, THE COUNTY OF SANTA CLARA SHALL NOT BE RESPONSIBLE FOR MAINTAINING AND SHALL INCUR NO LIABILITY WITH RESPECT TO SUCH OFFERED STREETS AND EASEMENTS OR ANY IMPROVEMENT THEREON.

IF ANY CHANGE IN ALIGNMENT, LENGTH OR WIDTH OF STREETS AND/OR EASEMENTS BY THE COUNTY OF SANTA CLARA OR ITS SUCCESSOR AGENCIES RESULTS IN VACATION OF ANY PART OF THE REAL PROPERTY DEDICATED HEREIN, SUCH VACATION SHALL TERMINATE THE DEDICATION AS TO THE PART VACATED.

WE ALSO HEREBY RELEASE AND RELINQUISH ANY AND ALL ABUTTERS RIGHTS OF ACCESS, APPURTENANT TO GRANTOR'S REMAINING PROPERTY DELINEATED AND DESIGNATED AS "||||||||||||||||||" IN AND TO SAID UNION AVENUE.

WE HEREBY DESIGNATE FOR THE EXCLUSIVE USE FOR THE OWNERS OF LOTS 1, 2, 3, 4, AND 5, THE RECIPROCAL RIGHT OF INGRESS AND EGRESS, FOR PUBLIC UTILITIES AND ACCESS OVER, ACROSS, UPON AND THROUGH THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "INGRESS AND EGRESS EASEMENT." SAID INGRESS AND EGRESS EASEMENTS TO BE KEPT OPEN AND FREE FROM STRUCTURES OF ANY KIND EXCEPT AS HEREIN PROVIDED AND TO BE MAINTAINED BY THE OWNERS OF LOTS 1, 2, 3, 4, AND 5.

Arthur H. Downing Jr.
ARTHUR H. DOWNING, JR.

Arthur H. Downing Jr. Trustee
ARTHUR H. DOWNING, JR., TRUSTEE

CLERK OF THE BOARD OF SUPERVISORS

I HEREBY CERTIFY THAT THE FOLLOWING ORDER WAS ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AT A MEETING OF SAID BOARD HELD ON THE 24TH DAY OF APRIL 1978. IT IS ORDERED THAT THE MAP OF TRACT NO. 6214 BE AND THE SAME IS HEREBY APPROVED, THAT ALL STREETS, PORTIONS OF STREETS AND EASEMENTS OFFERED FOR DEDICATION TO THE COUNTY OF SANTA CLARA ARE HEREBY NOT ACCEPTED, THAT ALL EASEMENTS ARE HEREBY ACCEPTED ON BEHALF OF THE PUBLIC FOR THE PURPOSES SET FORTH IN THE OFFER OF DEDICATION.

DONALD M. RAINS
Donald M. Rains
CLERK OF THE BOARD OF SUPERVISORS
SANTA CLARA COUNTY, CALIFORNIA

CIVIL ENGINEER'S CERTIFICATE

I, JOHN R. HARRISON HEREBY CERTIFY THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA, THAT THIS MAP CONSISTING OF TWO SHEETS, CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING NOV., 1976, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL MONUMENTS SHOWN HEREON EXIST OR WILL BE PLACED BY AUGUST, 1978, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: Dec. 23, 1977

John R. Harrison
R.C.E. #16142



RECORDER'S CERTIFICATE

FILED ON THIS 26th DAY OF April, 1978, AT 2:56 PM IN BOOK 417 OF MAPS AT PAGES 19 AND 20 AT THE REQUEST OF Arthur H. Downing, Jr.

FILE NO. 5995510

FEE \$7⁰⁰ Paid

BY: *S. Dorris*
DEPUTY

COUNTY SURVEYOR'S CERTIFICATE

I, DEAN P. LARSON, HEREBY CERTIFY THAT THIS MAP DESIGNATED AS TRACT NO. 6214 HAS BEEN EXAMINED BY ME: THAT THE SUBDIVISION SHOWN THEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: April 10, 1977

DEAN P. LARSON, COUNTY SURVEYOR

Dean P. Larson

ACKNOWLEDGEMENT'S

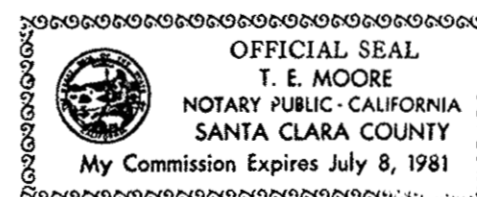
ACKNOWLEDGEMENT (INDIVIDUAL)
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

ON THIS 28th DAY OF December IN THE YEAR ONE THOUSAND NINE HUNDRED AND Seventy Seven BEFORE ME, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED
Arthur H. Downing Jr.

KNOWN TO ME TO BE THE PERSON WHOSE NAME IS subscribed TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME, INDIVIDUALLY AND AS TRUSTEE.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY OF SANTA CLARA THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC, STATE OF CALIFORNIA
MY COMMISSION EXPIRES July 8, 1981



SOILS REPORT

PREPARED BY DUNHAM ASSOCIATES,
2628 BAYSHORE FRONTAGE ROAD,
MOUNTAIN VIEW, CALIFORNIA,
DATED SEPTEMBER 29, 1977.

MAP OF
TRACT NO. 6214
DOWNING OAK SUBDIVISION

CONSISTING OF TWO SHEETS

BEING A PORTION OF PARCEL 2 AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS, PAGE 33 ON MARCH 5, 1962 AND LYING WITHIN SANTA CLARA COUNTY, CALIFORNIA

HARRISON, LEE AND KONG INC.
CONSULTING ENGINEERS
SAN JOSE, CALIFORNIA

19

417
19-20

417
19-20

SCALE: 1"=40'

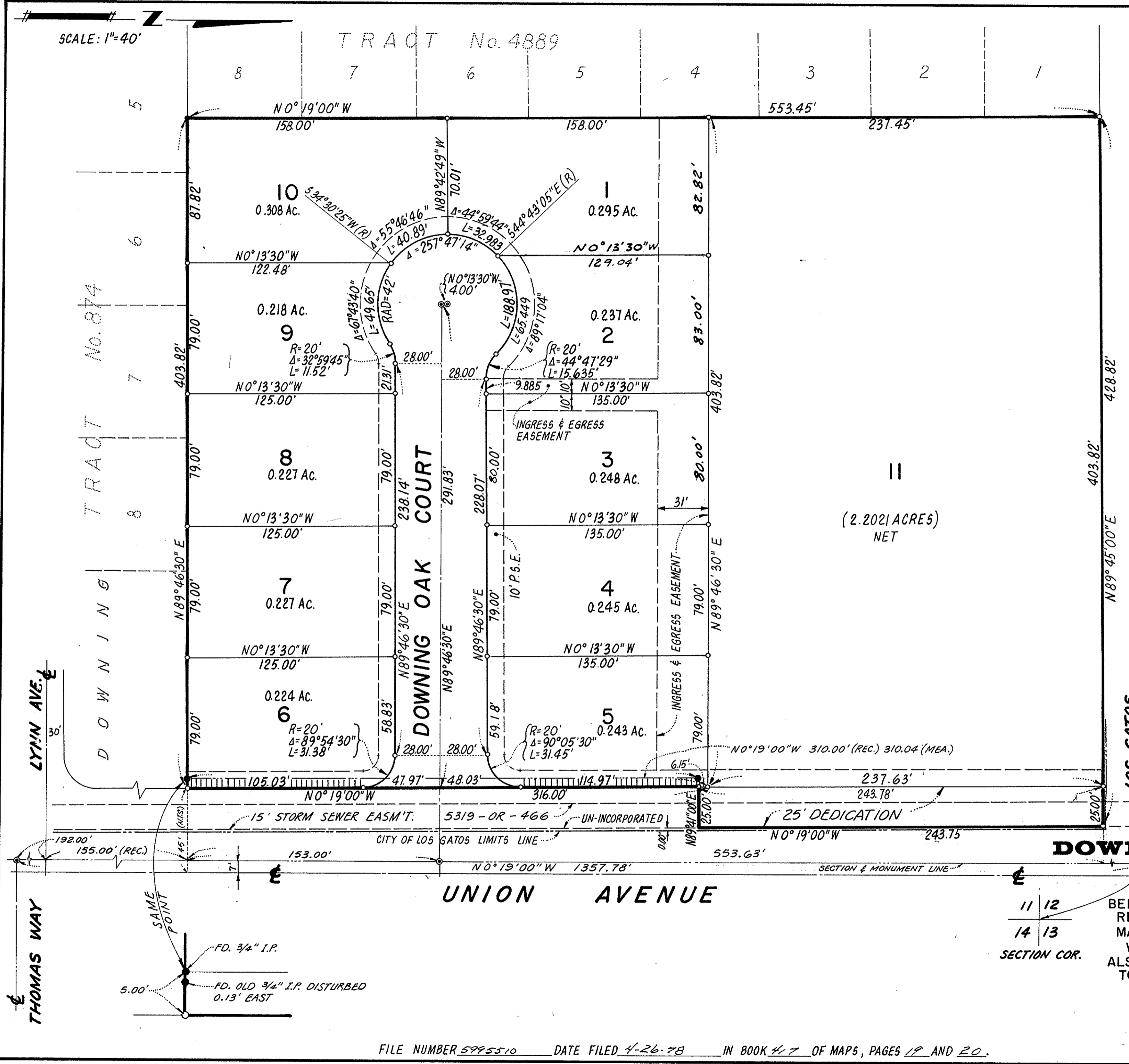
TRACT No. 4889

LEGEND AND NOTES

- DISTINCTIVE BORDER (BNDY. OF LAND SUBDIVIDED BY THIS MAP)
- SET 3/4" DIA. IRON PIPE.
- SET STANDARD CITY MONUMENT.
- CITY LIMITS OF LOS GATOS.
- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- FOUND 3/4" IRON PIPE
- REC. INDICATES RECORD DATA
- MONUMENT LINE

BASIS OF BEARINGS

THE BEARING N0°19'00"W OF THE EAST LINE OF SECTION 14 TOWNSHIP 8 SOUTH, RANGE 1 WEST, M.D.M., AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS AT PAGE 33, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN ON THIS MAP.



MAP OF
TRACT NO. 6214
DOWNING OAK SUBDIVISION

CONSISTING OF TWO SHEETS
 BEING A PORTION OF PARCEL 2 AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 143 OF MAPS, PAGE 33 ON MARCH 5, 1962 AND LYING WITHIN SANTA CLARA COUNTY, CALIFORNIA ALSO BEING A PORTION OF NE 1/4 OF SECTION 14 TOWNSHIP 8 SOUTH, RANGE 1 WEST M.D.M.
HARRISON, LEE AND KONG INC.
 CONSULTING ENGINEERS
 SAN JOSE, CALIFORNIA

FILE NUMBER 5995510 DATE FILED 4-26-78 IN BOOK 47 OF MAPS, PAGES 19 AND 20.

SHEET 2 OF 2 SHEETS

76420

417
20

RESOLUTION NO. 1978-134

A RESOLUTION APPROVING THE ANNEXATION OF
CERTAIN UNINHABITED TERRITORY DESIGNATED
AS UNION AVENUE NO. 2 TO THE TOWN OF
LOS GATOS

WHEREAS, on September 7, 1977, the Local Agency Formation Commission of the County of Santa Clara, State of California, pursuant to an application signed by all of the owners of land within the territory to be annexed, approved the annexation of that hereinafter described area, designated as Union Avenue No. 2, to the Town of Los Gatos and authorized the Town Council of the Town of Los Gatos to annex said territory in the manner described in Section 54797.1 of the Government Code of the State of California; and

WHEREAS, a petition signed by the owners of all of the land in that area, hereinafter described and designated as Union Avenue No. 2 was filed with the Town Clerk of the Town of Los Gatos on September 8, 1977 said area is situated in the unincorporated area of the County of Santa Clara, is contiguous with the municipal boundaries of the Town of Los Gatos, and at the time of the filing of said petition for annexation less than twelve (12) persons who had been registered to vote within said territory for at least fifty-four (54) days resided within the territory;

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Town Council of the Town of Los Gatos, a municipal corporation of the County of Santa Clara, State of California, that pursuant to the provisions of Section 54797.1 and Article 5, Chapter 1, Part 2, Title 3, of the Government Code of the State of California, the annexation to the Town of Los Gatos of that territory designated as Union Avenue No. 2 and more particularly described in that real property description and map of said territory

which are attached hereto, marked Exhibits "A" and "B", respectively, and incorporated herein the same as if set forth at length herein, is and the same is hereby approved, and that the same be annexed to the Town of Los Gatos.

BE IT FURTHER RESOLVED that upon completion of these annexation proceedings the territory annexed will be taxed in Town of Los Gatos Tax Rate A, including taxes for existing bonded indebtedness.

BE IT FURTHER RESOLVED that the Town Clerk is authorized and is hereby directed to prepare under seal a certified copy of this resolution, giving the date of passage, and transmit same to the Secretary of State of the State of California.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 21st day of August, 1978, by the following vote:

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, John B. Lochner, Peter W. Siemens and Mardi Gualtieri

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS None

SIGNED: Mardi Gualtieri
MAJOR OF THE TOWN OF LOS GATOS

ATTEST:
Jo James
CLERK OF THE TOWN OF LOS GATOS

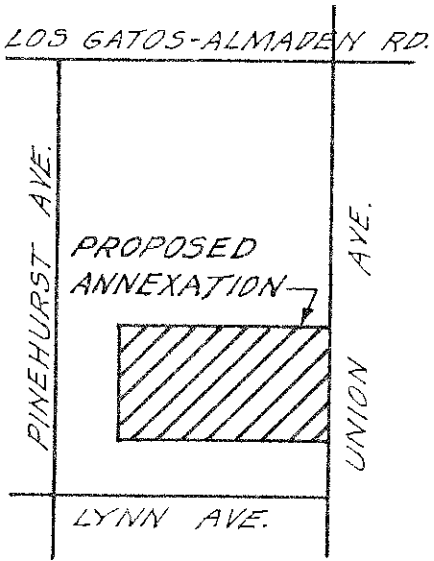
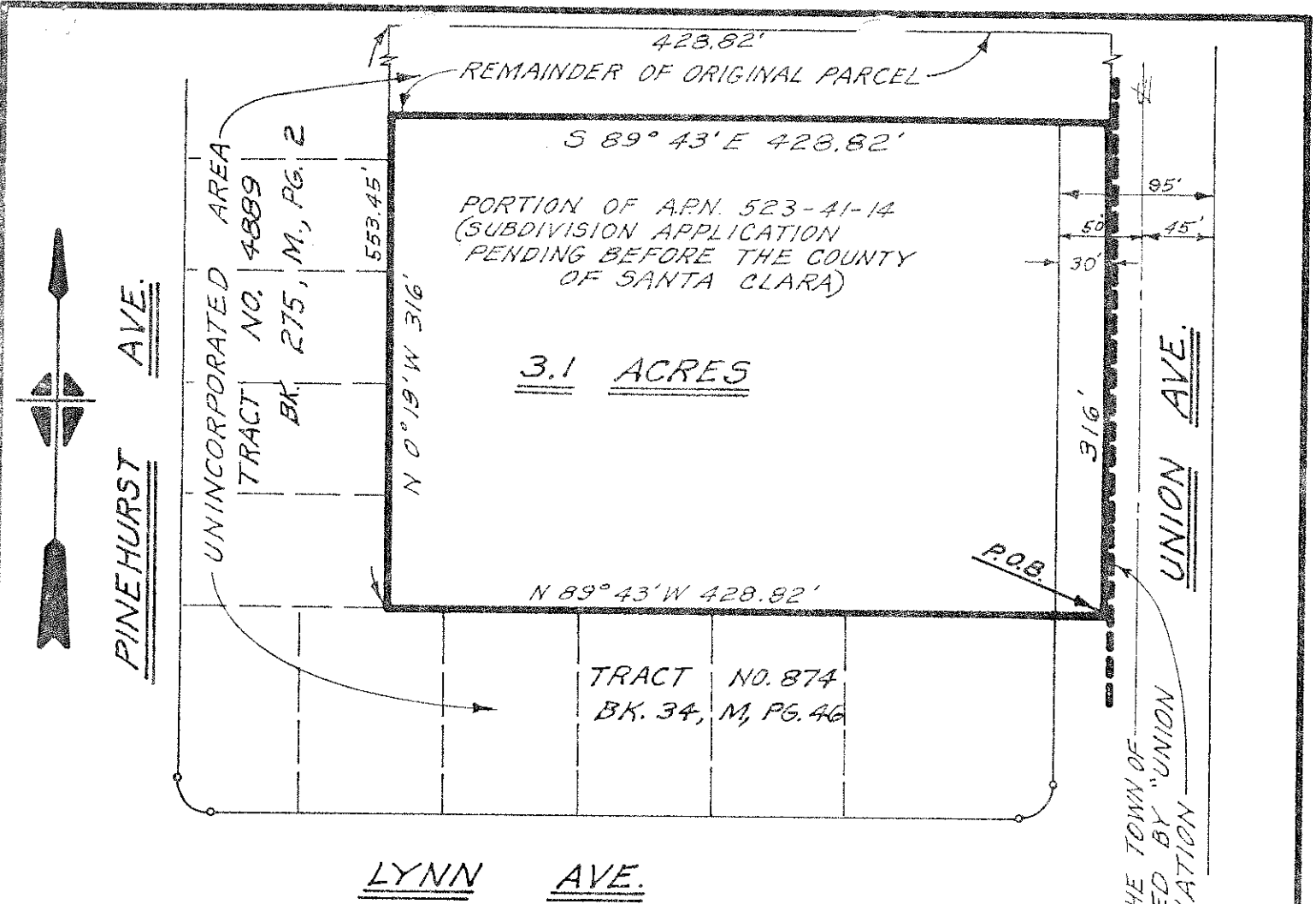
TOWN OF LOS GATOS

UNION NO. 2 ANNEXATION

All that certain real property situate in the County of Santa Clara, State of California, described as follows:

Beginning at the intersection of the Westerly line of "Union No. 1" Annexation to the Town of Los Gatos with the Easterly prolongation of the Northerly line of Tract No. 874 as said Tract is shown on that Record of Survey recorded in Book 34 of Maps, Page 46, Santa Clara County Records; thence along said Northerly line of Tract No. 874 North $89^{\circ}43'$ West 428.82 feet to the intersection thereof with the Easterly line of Tract No. 4889 as last said Tract is shown on that Record of Survey recorded in Book 275 of Maps, Page 2, Santa Clara County Records; thence along said Easterly line of Tract No. 4889 North $0^{\circ}19'$ West 316 feet; thence running parallel to said Northerly line of Tract No. 874 South $89^{\circ}43'$ East 428.82 feet to the intersection thereof with said Westerly line of "Union No. 1" Annexation; thence Southerly along last said line 316 feet to the POINT OF BEGINNING.

Containing 3.1 acres.



LEGEND:

- BOUNDARY LINE OF PROPOSED ANNEXATION
- EXIST. LIMITS LINE OF TOWN OF LOS GATOS
- RIGHT OF WAY LINE
- LOT LINE

APPROVED BY: R.L. Warnick R.C.E. #12380
DIRECTOR OF PUBLIC WORKS

PROPOSED ANNEXATION
TO THE TOWN OF LOS GATOS
ENTITLED: UNION NO. 2
DATE: 8-4-76 SCALE: 1"=100' DRWN. BY: E.L.R.

REVISION #1 7-14-77 CHANGED
DIMENSION FROM 305' TO 316'

R.L. Warnick

RESOLUTION NO. 1978-167

RESOLUTION OF APPLICATION PROPOSING CHANGE
OF ORGANIZATION-- TOWN OF LOS GATOS
ANNEXATION UNION AVENUE NO. 3

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS RESOLVES:

(a) This resolution is a proposal made pursuant to the Municipal Organization Act of 1977 (Stats. 1977, c. 1253, Gov. C. Sect. 35000, et seq.).

(b) The proposal is for a change of organization, annexation of the territory known as Union Avenue No. 3 to the Town of Los Gatos.

(c) A metes and bounds description and a map of the territory proposed to be annexed are attached to this resolution, marked Exhibits "A" and "B", respectively.

(d) The reason for the proposed annexation is that the territory:

(1) Is 17.9 acres in area,

(2) Is surrounded by the Town of Los Gatos and the City of San Jose,
and includes the entire area surrounded,

(3) Is substantially developed or developing,

(4) Is not prime agricultural land as defined by Government Code Section 35046, and

(5) Is both receiving benefits from the Town of Los Gatos and will receive benefit from the annexation.

(e) The property has been rezoned by the Town of Los Gatos, the provisions of the California Environmental Quality Act have been complied with, and the proposed annexation is categorically exempt from the requirement for an environmental impact report under the provisions of Title 14, California Administrative Code, Section 15119.

(f) Santa Clara County Local Agency Formation Commission and the Board of Supervisors of Santa Clara County are requested to conduct proceedings for annexation of the territory to the Town of Los Gatos.

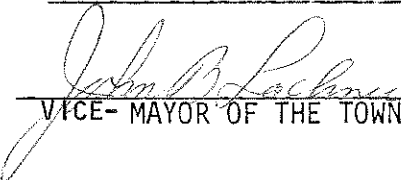
PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos held on the 16th day of October, 1978, by the following vote:

AYES: COUNCIL MEMBERS Ruth Cannon, Thomas J. Ferrito, Peter W. Siemens, and John B. Lochner

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Mardi Gualtieri

SIGNED: 
VICE-MAYOR OF THE TOWN OF LOS GATOS

ATTEST:


CLERK OF THE TOWN OF LOS GATOS

EXHIBIT "A"

TOWN OF LOS GATOS
UNION AVENUE NO. 3 ANNEXATION
DESCRIPTION

All that real property situate in the County of Santa Clara, State of California, described as follows:

Beginning at the Northwesterly corner of Blossom Hill No. 1 annexation to the Town of Los Gatos, said corner also being on the Easterly line of Union No. 4 annexation to the City of San Jose; thence along the Northerly line of said Blossom Hill No. 1 annexation Easterly 980 feet more or less to the intersection thereof with the Westerly line of Union No. 1 annexation to the Town of Los Gatos; thence along last said line North $0^{\circ}11'30''$ East 315 feet to the Southeasterly corner of Union No. 2 annexation to the Town of Los Gatos; thence along the perimeter of last said annexation the following courses and distances:

North $89^{\circ}43'$ West 428.82 feet; thence
North $0^{\circ}19'$ West 316 feet; thence
South $89^{\circ}43'$ East 428.82 feet to the

intersection thereof with said Westerly line of Union No. 1 annexation; thence along last said line North $0^{\circ}11'30''$ 244 feet more or less to the Southeast corner of Pinehurst No. 1 annexation to the Town of Los Gatos; thence along the boundary of last said annexation the following courses and distances:

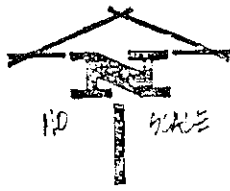
South $89^{\circ}45'$ West 25.00 feet; thence
North $0^{\circ}19'$ West 370.05 feet; thence

on a curve to the left having a radius of 42.00 feet through an arc of $89^{\circ}56'$ and a length of 65.93 feet; thence

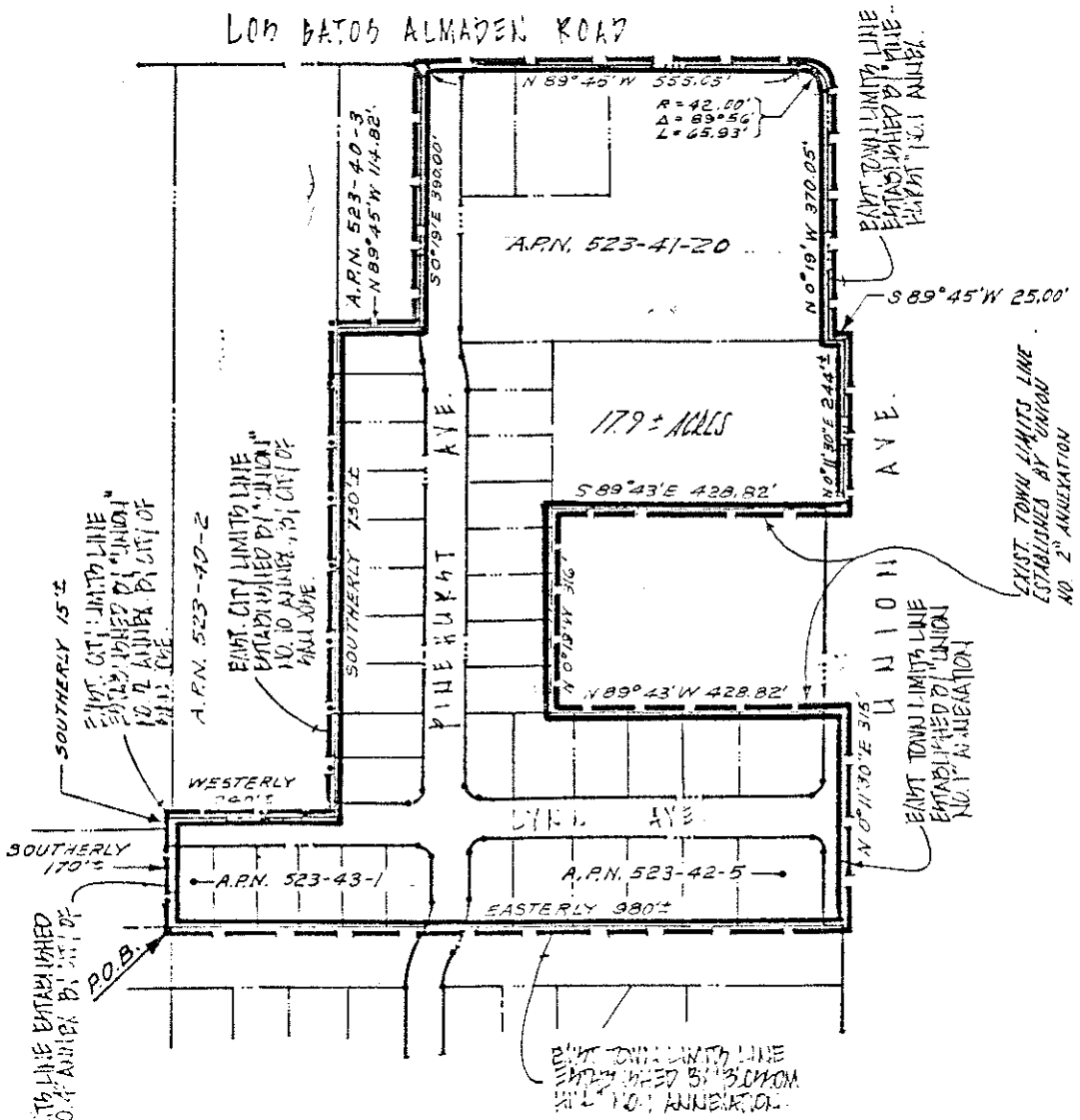
North $89^{\circ}45'$ West 555.05 feet; thence
South $0^{\circ}19'$ East 390.00 feet; thence
North $89^{\circ}45'$ West 114.82 feet to the

intersection thereof with the Easterly line of Union No. 10 annexation to the City of San Jose; thence along last said line Southerly 730 feet more or less to the Southeasterly corner of last said annexation; thence along the Southerly line of last said annexation Westerly 240 feet more or less to the intersection thereof with the Easterly line of Union No. 2 annexation to the City of San Jose; thence along last said line Southerly 15 feet more or less to the Northeasterly corner of said Union No. 4 annexation to the City of San Jose; thence along the Easterly line of last said annexation Southerly 170 feet more or less to the point of beginning.

Containing 17.9 acres more or less.



LOW BAYOS ALMADEN ROAD



LEGEND:

- EXIST. CITY LIMITS LINE ESTABLISHED BY '1016' PLAT NO. 141 ANNEX. BY CITY OF SAN JOSE
- EXIST. CITY LIMITS LINE ESTABLISHED BY '510' PLAT NO. 1 ANNEX. BY CITY OF SAN JOSE
- EXIST. TOWN LIMITS LINE ESTABLISHED BY UNION NO. 2 ANNEXATION
- EXIST. TOWN LIMITS LINE ESTABLISHED BY '1016' PLAT NO. 141 ANNEX.
- EXIST. TOWN LIMITS LINE ESTABLISHED BY '510' PLAT NO. 1 ANNEX.
- PROPOSED ANNEXATION
- PROPOSED ALLEYS

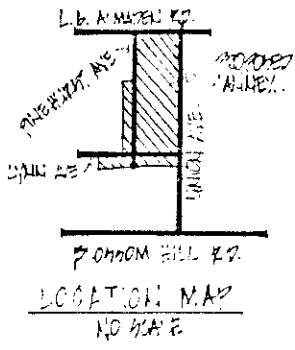


EXHIBIT "B"

APPROVED BY THE BOARD OF SUPERVISORS
Robert P. Warwick
 COUNTY CLERK
 DATE 10-11-78

PROPOSED ANNEXATION TO THE TOWN OF LOW BAYOS SHOWING
UNION AVE. NO. 3
 DATE 8-2-78 NAME LOWE DRAWN BY: BSI

State of California

GOVERNMENT CODE

Section 65860

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1974. A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

- (1) The city or county has officially adopted such a plan.
- (2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action or proceeding in the superior court to enforce compliance with subdivision (a). Any such action or proceeding shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. No action or proceeding shall be maintained pursuant to this section by any person unless the action or proceeding is commenced and service is made on the legislative body within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance.

(c) In the event that a zoning ordinance becomes inconsistent with a general plan by reason of amendment to the plan, or to any element of the plan, the zoning ordinance shall be amended within a reasonable time so that it is consistent with the general plan as amended.

(d) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2018, Ch. 856, Sec. 6. (SB 1333) Effective January 1, 2019.)

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 02/14/2024

ITEM NO: 3

DATE: February 9, 2024
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding the Powers and Duties of the Historic Preservation Committee. The Proposed Amendments also include Revisions to Chapter 29 Regarding Assignment of Duties of the Planning Director and Appeals of Decisions of the Historic Preservation Committee. The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-24-001. **Project Location: Town Wide.** Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding powers and duties of the Historic Preservation Committee. The proposed amendments also include revisions to Chapter 29 regarding assignment of duties of the Planning Director and appeals of decisions of the Historic Preservation Committee.

CEQA:

The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act.

FINDINGS:

- The proposed amendments are Exempt Pursuant to CEQA, Section 15061(b)(3); and
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan.

PREPARED BY: Sean Mullin, AICP
Senior Planner

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

BACKGROUND:

Section 29.80.225 of the Town Code provides that the Historic Preservation Committee acts as an advisory body to the Planning Commission on all matters pertaining to historic preservation. Additionally, this Section requires that two Planning Commissioners are to be appointed to serve on the Committee alongside three members of the public appointed by the Town Council.

Town Code Section 29.80.227 provides that the Committee's powers and duties consist of the following:

- 1) Regularly review and make recommendations to the Planning Commission concerning the determination of all matters pertaining to historic preservation which come before the Planning Commission.
- 2) Review and make recommendations to the Planning Director concerning the determination of a minor residential development permit for properties with a Landmark and Historic Preservation (LHP) overlay zone or structures which were built prior to 1941.
- 3) Determine and issue approval for minor residential and commercial exterior alterations not covered under the architecture and site approval process or the minor residential development permit, for designated properties with a LHP overlay zone pursuant to subsection 29.20.485.
- 4) Upon request of the Planning Director, review pending or proposed building permits dealing with historic structures when it is questionable that the work proposed meets the guidelines for pre-1941 structures.
- 5) May, on request of the property owner, advise with respect to any proposed work requiring or not requiring a Town permit on any historic structure, a designated landmark site, or in a designated historic district. Examples of the work referred to are additions, demolitions, painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing, and installation of lighting fixtures. In advising, the Historic Preservation Committee shall be guided by the purposes and standards specified in this division and other applicable ordinances and/or development standards. This subsection does not impose regulations or controls on any property.

While most of the powers and duties are advisory only, Subsection (3) does provide that the Committee renders decisions regarding some minor residential and commercial exterior alterations. By practice, the Committee also makes determinations on requests to remove pre-1941 properties from the Historic Resources Inventory. In accordance with Town Code Section 29.20.258, these decisions and determinations are appealable to the Planning Commission. Such appeals are rare. In 2023, there were two appeals of Committee decisions to the Planning Commission.

BACKGROUND (continued):

Government Code Section 1099 codifies the common law “incompatible offices” doctrine and prohibits individuals from serving on both an initial decision-making legislative body and a legislative body with the ability to review those decisions. Government Code Section 1099 applies only to decision-making bodies and does not apply when one of the legislative bodies is advisory in nature.

In addition, Procedural Due Process principles require that applicants for quasi-adjudicatory planning approvals receive “notice and a fair hearing.” Quasi-adjudicatory decisions are those that require a decision-maker to apply the law to facts and make findings. A “fair hearing” requires unbiased decision-makers [*Clark v. City of Hermosa Beach*, 48 Cal.App.4th 1152 (1996)]. A challenge could arise for Planning Commissioners when hearing an appeal of a decision in which they initially participated or for which they made a recommendation and appear unbiased. To provide a “fair hearing” when an appeal is filed, the best practice is that any decision-maker who participated in the original decision recuse themselves from the appeal of that decision.

On January 16, 2024, the Town Council considered a request for direction on potential amendments to the Historic Preservation Committee Ordinance and enabling resolution to address the challenges that can arise when a decision by the Committee is appealed to the Planning Commission. After considering multiple options, the Council directed staff to prepare amendments to the Town Code and Enabling Resolution to provide that the Committee is advisory in nature.

DISCUSSION:

The following changes to the Town Code are necessary to provide that the Committee is advisory in nature:

A. ARTICLE II, DIVISION 7. POST-APPROVAL ACTIONS

Section 29.20.255. Appeals from the decision by the Planning Director.

A new Subsection (6) would be added to provide that the determinations of the Director on matters of historic preservation are appealable to the Planning Commission.

Section 29.20.258. Appeals from decisions of the Historic Preservation Committee.

Consistent with Council direction and Section 29.80.225 of the Town Code, these amendments will provide that the Committee is advisory in nature, making recommendations on matters of historic preservation to the Planning

DISCUSSION (continued):

Director and the Planning Commission. These recommendations of the Committee are not subject to appeal. Therefore, Section 29.20.258 which sets forth the process to appeal a decision of the Committee, is not needed and would be removed from the Town Code. The decisions of the Planning Director and the Planning Commission on matters of historic preservation will continue to be subject to appeal.

B. ARTICLE II, DIVISION 7. ASSIGNMENT OF DUTIES

Section 29.20.700. Planning Director.

A new Subsection (35) would be added to provide that the Planning Director determines matters pertaining to historic preservation described in Section 29.80.227 that are not assigned to the Planning Commission.

Section 29.20.750. Planning Commission.

A new Subsection (25) would be added to provide that the Planning Commission determines matters pertaining to historic preservation described in Section 29.80.227 that are not assigned to the Planning Director.

C. ARTICLE VIII, DIVISION 3. HISTORIC PRESERVATION AND LHP OR LANDMARK AND HISTORIC PRESERVATION OVERLAY ZONE

Section 29.80.220. Powers and duties of the Planning Commission.

Subsection (5) would be revised to state that the Planning Commission shall seek and consider a recommendation from the Committee, rather than seek and consider a report.

Section 29.80.222. Powers and duties of the Planning Director.

This Section would be added to provide that, upon recommendation from the Committee, the Planning Director determines matters pertaining to historic preservation not assigned to the Planning Commission.

Section 29.80.225. Historic Preservation Committee.

Subsection (a) would be revised to note that the Committee is an advisory body to both the Planning Commission and Planning Director, reflecting the powers and duties of the Committee as detailed below.

DISCUSSION (continued):

Section 29.80.227. Powers and duties of the Historic Preservation Committee.

- Revise Subsection (3) to provide that the Committee review and make recommendations to the Planning Director on minor residential and commercial exterior alterations not covered under the architecture and site approval process or the minor residential development permit, for designated properties with a LHP overlay zone pursuant to subsection 29.20.485; and
- Add a new Subsection (6) to provide that the Committee review and make recommendations to the Planning Director on requests for removal of a pre-1941 property from the Historic Resources Inventory.

D. Historic Preservation Committee Enabling Resolution

The initial enabling resolution for the Committee was adopted by the Council in 1988, describing the Committee as advisory to the Planning Commission and establishing a framework for Committee membership and operations consistent with the Town Code. This resolution was amended in 1995, 2010, 2011, and 2021. To reflect the proposed amendments to the Town Code concerning the Committee described above, a draft Enabling Resolution showing additional language underlined is included as Attachment 3.

PUBLIC COMMENTS:

Staff conducted outreach through the following media and social media resources, as well as direct communication with stakeholders as summarized below:

- The Town’s website home page, What’s New;
- The Town’s Facebook page;
- The Town’s Twitter account;
- The Town’s Instagram account; and
- The Town’s NextDoor page.

CEQA DETERMINATION:

The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act.

CONCLUSION:

A. Summary

The Draft Ordinance will provide that the Historic Preservation Committee is an advisory

CONCLUSION (continued):

body to the Planning Commission and the Planning Director. As an advisory body, the Committee's recommendations are not subject to appeal; however, the decisions of the Planning Commission and Planning Director are appealable. The Draft Enabling Resolution reflects the changes proposed in the Draft Ordinance.

B. Recommendation

Staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance Amendments (Exhibit 1) and the Draft Enabling Resolution (Exhibit 2). The Planning Commission should also include any comments or recommended changes to the Draft Ordinance and Draft Enabling Resolution in taking the following actions:

1. Make the finding that the Proposed Amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act (Exhibit 1);
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1); and
3. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 1) and approval of the Draft Enabling Resolution (Exhibit 2).

C. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance and/or the Draft Enabling Resolution with modifications; or
2. Forward a recommendation to the Town Council for no changes to the Town Code and/or the Draft Enabling Resolution; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Draft Ordinance Amendments
2. Draft Enabling Resolution

DRAFT ORDINANCE

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING CHAPTER 29, "ZONING REGULATIONS," OF THE TOWN CODE
REGARDING APPEALS FROM THE DECISION BY THE PLANNING DIRECTOR,
APPEALS FROM THE DECISION OF THE HISTORIC PRESERVATION COMMITTEE,
ASSIGNMENT OF DUTIES TO THE PLANNING DIRECTOR, ASSIGNMENT OF DUTIES TO
THE PLANNING COMMISSION, POWERS AND DUTIES OF PLANNING COMMISSION,
POWERS AND DUTIES OF THE PLANNING DIRECTOR, AND POWERS AND DUTIES OF
THE HISTORIC PRESERVATION COMMITTEE**

WHEREAS, pursuant to the Town's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the Town and its residents; and

WHEREAS, structures, sites, and areas of special character or special historical, architectural, or aesthetic interest or value, are irreplaceable assets to the Town; and

WHEREAS, the purpose of historic preservation is to promote the health, safety and general welfare of the public through:

- (1) The protection, enhancement, perpetuation and use of structures, sites and areas that are reminders of past eras, events and persons important in local, State, or National history, or which provide significant examples of architectural styles of the past or are landmarks in the history of architecture, or which are unique and irreplaceable assets to the Town and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
- (2) The development and maintenance of appropriate settings and environment for such structures.
- (3) The enhancement of property values, the stabilization of neighborhood and areas of the Town, the increase of economic and financial benefits to the Town and its inhabitants, and the promotion of tourist trade and interest.
- (4) The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past.

WHEREAS, the Town Council of the Town of Los Gatos established the Historic Preservation Committee as an advisory body on all matters pertaining to historic preservation; and

WHEREAS, the Town Council wishes to clarify that the Historic Preservation Committee is an advisory body providing recommendations to the Planning Commission and the Planning Director; and

WHEREAS, the amendments to the Town Code are consistent with the General Plan in that the amendments will continue to implement Policies CD-12.4 and CD-12.5 of the 2020 General Plan and Policy ENV-13.5 of the 2040 General Plan; and

WHEREAS, on February 14, 2024, the Planning Commission reviewed and commented on the proposed amendments regarding historic preservation and forwarded a recommendation to the Town Council for _____ of the proposed amendments; and

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

WHEREAS, on _____, the Town Council reviewed and commented on the proposed amendments regarding historic preservation and the Town Council voted to introduce the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Los Gatos as follows:

SECTION I. Section 29.20.255, "Appeals from the decision by the Planning Director," of Chapter 29, "Zoning Regulations," is amended to read as follows:

Any interested person as defined in section 29.10.020 may appeal to the Planning Commission any decision of the Planning Director:

- (1) Determining an application for a horse permit, for an amateur horse event or animal permit, for a home occupation permit, for a tree removal permit, for a sign permit, for a minor residential development permit, or denying a certificate of use and occupancy on the ground that the use is not allowed in the zone.
- (2) Granting or denying an extension of time related to one (1) of the foregoing transactions.
- (3) Revoking or modifying one (1) of the foregoing approval of permits.
- (4) Determination of an unlawful demolition and/or the penalty and the cost assessment for the unlawful demolition.
- (5) Determining a request for reasonable accommodation.
- (6) Determining matters pertaining to historic preservation.

SECTION II. Section 29.20.258, “Appeals from the decision of the Historic Preservation Committee,” of Chapter 29, “Zoning Regulations,” is removed.

~~**Sec. 29.20.258. Appeals from decisions of the Historic Preservation Committee.**~~

~~Any interested person as defined in section 29.10.020 may appeal to the Planning Commission any Historic Preservation Committee determination.~~

SECTION III. Section 29.20.700, “Planning Director,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (1) Prescribes all forms and contents of applications.
- (2) Keeps all records of Planning Commission, Development Review Committee, Historic Preservation Committee, Planning Director and Planning Department work, except records transmitted to the Town Council and retained by the Town Clerk.
- (3) Investigates applications.
- (4) Gives all notices except notices of proceedings of the Town Council.
- (5) Prepares Development Review Committee and Planning Commission agendas, sets Development Review Committee and Planning Commission hearing dates (subject to the requirements of this chapter) and establishes filing deadlines.
- (6) Issues permits for temporary sales of Christmas trees and pumpkins, use and occupancy certificates, horse permits and amateur horse events, home occupations and sign permits.
- (7) Determines revocations or modifications of animal permits and home occupation permits.
- (8) May refer any matter assigned by ordinance to the Planning Director for decision to the Planning Commission for decision.
- (9) Determines applications for sign approval when action is not required of the Council or Planning Commission.
- (10) Determines applications for tree permits upon recommendation by the Director of Parks, Forestry and Maintenance Services to the extent provided by section 29.10.0985.
- (11) Determines applications for section 29.10.09030 demolition permits.
- (12) Where action is based on an application or notice of appeal, prepares a written notification of all determinations, except determinations by the Council, and sends the notifications to all applicants and appellants.
- (13) Prepares and sends notifications required by statute to the County Assessor.
- (14) Notifies applicants of hearings.
- (15) Keeps records of nonconforming signs and mails notices to owners of such signs.

- (16) Corrects the zoning map.
- (17) Keeps lists of nonconforming uses and buildings.
- (18) Reviews applications for construction permits for ordinance compliance.
- (19) Determines parking requirements for uses whose parking requirements are not specified.
- (20) Keeps records of those properties which have utilized parking district exemptions.
- (21) Determines applications for expansion of nonconforming one- or two-family dwellings.
- (22) Reviews all required parking lot screening.
- (23) May approve lower walls around required trash enclosures.
- (24) Chairs the Development Review Committee.
- (25) Assists in the writing of ordinances.
- (26) Determines whether lots have merged.
- (27) Jointly with the Building Official and the Town Engineer, determines parking lot permits as provided by section 29.10.155(l).
- (28) Determines initial applications, any application for time extensions and applications for remodeling or reconstruction for secondary dwelling unit permits.
- (29) Determines application for plumbing fixtures in accessory buildings.
- (30) Has those duties described in division 8 of this article.
- (31) Determines applications for accessory structures in R-1 zones in excess of four hundred fifty (450) square feet or on properties with one- or two-family dwellings.
- (32) Maintains a record of secondary dwelling unit development transfer credits and a list of persons interested in obtaining a transfer credit.
- (33) Determines requests for reasonable accommodation when action is not required of the Council, Planning Commission or the Development Review Committee.
- (34) Determines applications for minor exterior alterations to commercial buildings.
- (35) Determines matters pertaining to historic preservation as provided in section 29.80.222.

SECTION IV. Section 29.20.750, “Planning Commission,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

The Planning Commission:

- (1) May initiate general plan amendments and specific plans or amendments.
- (2) Hears and recommends all proposals for adoption and amendment of the general plan.

- (3) Hears and recommends all proposals for adoption and amendment of specific plans.
- (4) May initiate zone changes and amendments to this chapter.
- (5) Hears and recommends proposals for zone changes, rezonings, and amendments to this chapter, including those referred to it by the Town Council.
- (6) Determines whether to hear applications for rezoning made within one (1) year of a similar application.
- (7) Determines variance applications.
- (8) Determines conditional use permit applications that are not assigned to the Development Review Committee or the Town Council.
- (9) Determines applications for architecture and site approval except those items listed in section 29.20.745.
- (10) Determines time extension when it would have had the power to grant the original approval.
- (11) Determines revocations and modifications of zoning approvals as provided in section 29.20.310.
- (12) Determines matters referred to it by the Planning Director.
- (13) Hears appeals from decisions of the Planning Director.
- (14) Determines whether to allow all deviations from the standards of this chapter which are specifically authorized by this chapter except variances, and determines when stricter standards than those generally imposed by this chapter but specifically provided for in this chapter apply.
- (15) Determines applications to alter or demolish structures, sites and areas designated, determines whether the Commission must suspend action on applications to alter or demolish structures, sites and areas designated, under the provisions of division 3 of article VIII of this chapter, or for which designation proceedings are pending.
- (16) Determines location and adequacy of required open space for residential condominiums in any zone and for multiple-family developments in the R-M zone.
- (17) Determines applications for section 29.10.0980 tree permits.
- (18) Determines requirements for access to remote areas in the RC and HR zones.
- (19) Determines applications for neighborhood identification signs, and signs on freestanding walls.
- (20) Performs any functions required by statute or ordinance but not specifically assigned by this chapter.
- (21) Determines whether a nonconforming use is no longer lawful.

- (22) Forwards a recommendation to the Town Council concerning mobile home park conversion permit applications.
- (23) Determines requests for reasonable accommodation when action is not required of the Council, Development Review Committee, or the Planning Director.
- (24) Determines requests for reasonable accommodation when action is not required of the Council, Development Review Committee, or the Planning Director.
- (25) Determines matters pertaining to historic preservation as provided in section 29.80.220.

SECTION V. Section 29.80.220, “Powers and duties of Planning Commission,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

The Planning Commission:

- (1) Shall recommend to the Town Council, after public hearing, concerning designation of landmarks and historic districts, as provided in section 29.80.245.
- (2) May establish and maintain a list of structures and other landmarks deserving official recognition although not designated as landmarks or historic districts, and take appropriate measures for recognition.
- (3) Shall hear and determine architecture and site approval applications for demolition a designated landmark sites and principal buildings in historic districts, as provided in sections 29.80.270 through 29.80.290.
- (4) May take steps to encourage or bring about preservation of structures or other features where the Planning Commission has decided to suspend action on a permit application, as provided in section 29.80.285.
- (5) Shall seek and consider a ~~report~~ recommendation from the Historic Preservation Committee when undertaking the powers and duties set forth in subsections (1) and (3) above, and shall consult with or request assistance from the Historic Preservation Committee when undertaking the powers and duties set forth in subsections (2) and (4) above.

SECTION VI. Section 29.80.222, “Powers and duties of the Planning Director,” of Chapter 29, “Zoning Regulations,” is added to read as follows:

The Planning Director:

- (1) Upon recommendation by the Historic Preservation Committee, determines matters pertaining to historic preservation as provided in section 29.80.227 that are not assigned to the Planning Commission.

SECTION VII. Section 29.80.225, “Historic Preservation Committee,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

- (a) The Historic Preservation Committee acts as an advisory body to the Planning Commission and Planning Director on all matters pertaining to historic preservation. The Historic Preservation Committee shall consist of five (5) members, three (3) public members and two (2) Planning Commissioners. The public members shall be appointed by the Town Council, and the Planning Commission members shall be appointed by the Planning Commission Chair and affirmed by the Town Council.
- (b) The Committee is composed of professional and lay members with demonstrated interest, competence or knowledge in historic preservation. Committee members shall be appointed from among the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology to the extent that such professionals are available in the community.

SECTION VIII. Section 29.80.227, “Powers and duties of the Historic Preservation Committee,” of Chapter 29, “Zoning Regulations,” is amended to read as follows:

The Historic Preservation Committee shall:

- (1) Regularly review and make recommendations to the Planning Commission concerning the determination of all matters pertaining to historic preservation which comes before the Planning Commission.
- (2) Review and make recommendations to the Planning Director concerning the determination of a minor residential development permit for properties with a LHP overlay zone or structures which were built prior to 1941.
- (3) ~~Determine and issue approval for~~ Review and make recommendations to the Planning Director concerning minor residential and commercial exterior alterations not covered under the architecture and site approval process or the minor residential development permit, for designated properties with a LHP overlay zone pursuant to subsection 29.20.485.
- (4) Upon request of the Planning Director, review pending or proposed building permits dealing with historic structures when it is questionable that the work proposed meets the guidelines for pre-1941 structures.
- (5) May, on request of the property owner, advise with respect to any proposed work requiring or not requiring a Town permit on any historic structure, a designated landmark site or in a designated historic district. Examples of the work referred to are additions, demolitions, painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing, and installation of lighting fixtures. In advising, the Historic Preservation Committee shall be guided by the purposes and standards specified in this division and other applicable ordinances and/or development standards. This subsection does not impose regulations or controls on any property.

(6) Review and make recommendations to the Planning Director on requests for removal of a pre-1941 property from the Historic Resources Inventory.

SECTION IX. Severability.

In the event that a court of competent jurisdiction holds any Section, subsection, paragraph, sentence, clause, or phrase in this Ordinance unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this Section and shall not affect the validity of the remaining portions of this Section. The Town hereby declares that it would have adopted each Section, subsection, paragraph, sentence, clause, or phrase in this Section irrespective of the fact that any one or more Sections, subsections, paragraphs, sentences, clauses or phrases in this Section might be declared unconstitutional, preempted, or otherwise invalid.

SECTION X. CEQA.

Adopting this Ordinance is not a project subject to CEQA because it can be seen with certainty that it will not impact the environment (CEQA Guidelines Section 15378).

SECTION XI. Publication.

In accordance with Section 63937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The Town Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published or posted in accordance with Section 36933 of the Government Code of the State of California.

SECTION XII. Effective Date.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on the ___ day of _____ 2024, and adopted by the Town Council of the Town of Los Gatos at its regular meeting on the ___ day of _____ 2024, 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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RESOLUTION 2024-__

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
AMENDING THE ENABLING RESOLUTION OF THE
HISTORIC PRESERVATION COMMITTEE AND
RESCINDING RESOLUTION 2021-043**

WHEREAS, the Town Council of the Town of Los Gatos established the Historic Preservation Committee;

WHEREAS, the Committee is advisory to the Planning Commission and operates in the manner hereinafter prescribed; and

WHEREAS, the Town Council of the Town of Los Gatos hereby amends the qualifications of members and the duties of the Historic Preservation Committee.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE that the terms and conditions for appointment and conduct of the Historic Preservation Committee are hereby established as follows:

1. Membership - Organization

- a. The Committee shall consist of five (5) voting members. Two (2) members shall be Planning Commissioners and three (3) members shall be residents of the Town.
- b. The terms of appointment shall be at the discretion of the Chair of Planning Commission for Planning Commission members.
- c. The resident members shall be appointed by a majority vote of the Town Council and shall serve a term of four (4) years.
- d. The Town Council and Planning Commission Chair shall appoint professional and lay members with demonstrated interest, competence, or knowledge in historic preservation.
- e. The Town Council and Planning Commission Chair shall seek professional Committee members from among the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology to the extent that such professionals are available in the community.
- f. Except as necessary to appoint qualified historic preservation professionals in the community, the Committee members should be residents of the Town.
- g. The removal of public members and the absence of members shall be governed in accordance with all current Town Resolutions and Policies. Vacancies shall be filled by appointment by a majority vote of the Town Council and shall be for the unexpired term of the office vacated.
- h. The Committee shall hold regular meetings at least once a month and such other meetings as it deems necessary or expedient. Special meetings shall be held by the Committee to avoid any delay of an application being considered by the Planning Commission. The Committee shall call and conduct its meetings in compliance with the

Ralph M. Brown Act (Government Code Sections 54950 and following).

- i. A majority of the total number of seats filled on the Committee shall constitute a quorum for the purpose of transaction the business of the Committee.
 - j. The Committee shall elect a chair and vice-chair, both of whom shall serve at the pleasure of the Committee. Terms of office shall be for one year and shall begin on February 1 and end of January 31 of the following year.
 - k. Minutes of the actions taken during its meetings shall be kept permanently and shall be a public record.
2. Powers and Duties
- a. The Committee oversees all development on properties that the Town considers historic.
 - b. The Committee is composed of residents with demonstrated interest, competence, or knowledge in historic preservation.
 - c. The duties of the Committee shall be to report to, consult with, and provide assistance, and make recommendations to the Planning Commission and Planning Director as provided in Chapter 29, Article VIII, Division 3 of the Town Code.
 - d. The Committee must report to the Planning Commission prior to any Commission meeting scheduled to discuss an application for a historic structure which requires Planning Commission approval, or a proposal to designate a landmark or a historic district.
3. Resolution Not to Affect Powers of Town Council or Planning Commission
- Nothing in this resolution shall be construed as restricting or curtailing any of the powers of the Town Council or Planning Commission, or as a delegation to the Committee of any of the authority or discretionary powers vested and imposed by law in such bodies.

BE IT FURTHER RESOLVED that this Resolution rescinds Resolution 2021-043

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the ____ day of _____ 2024, 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: _____

DRAFT

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