

**RESOLUTION 2018-044**

**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, received public testimony, and continued the matter to the August 7, 2018 Town Council meeting with direction to staff.

**WHEREAS**, on August 7, 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 August 15, 2018 Town Council meeting with direction to staff.

**WHEREAS**, on August 15, 2018, the Town Council held a noticed public hearing to consider amendments to the North 40 Specific Plan and continued the matter to the September 4, 2018 Town Council meeting with direction to staff to prepare a Resolution and exhibit for the amendments agreed to and voted on by a majority of the Town Council.

**WHEREAS**, on September 4, 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 4<sup>th</sup> day of September, 2018, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Steve Leonardis, Mayor Rob Rennie

NAYS: Marico Sayoc, Barbara Spector

ABSENT: None.

ABSTAIN: None.

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: 9/5/18

ATTEST:

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

DATE: 9/10/18

## 6.4 ADMINISTRATION

This section describes the authority of the Specific Plan, the process which will be used to consider development applications, and the administrative procedures required for amendments and/or modifications to the Specific Plan.

### 6.4.3 General Plan Amendments

To be consistent with the Town's Vision Statement and Guiding Principles Developed in 2012, two General Plan guidelines and one policy that addresses the North 40 planning area will be amended. Refer to Section 1.4 of the Specific Plan for revised language.

### 6.4.1 Specific Plan Administration

Proposed developments within the Specific Plan Area may request to enter into a Development Agreement and will be reviewed pursuant to the established Architecture and Site Review and approval process as defined within Division 3 of the Zoning Ordinance or the Planned Development Overlay process. In addition, proposed developments will be required to adhere to existing Zoning Ordinance regulations and processes for other types of discretionary review, such as those for conditional use permits, variances, and subdivisions.

Future Applications must be consistent with this specific plan standards or their intent and within the parameters studied in the EIR.

### 6.4.2 Relationship to Zoning Regulations

The land use and development requirements contained in this Specific Plan constitute the primary zoning and development regulations for the Specific Plan Area. These regulations are applied in addition to the Zoning Regulations provisions of the Zoning Ordinance (Chapter 29). If there is a difference or conflict between the requirements of the Town's Zoning Regulations and this Specific Plan, the provisions of this Specific Plan shall prevail.

### 6.4.4 Interpretation of Provisions and Uses

The Director of Community Development shall have the responsibility to interpret the provisions of this Specific Plan. If an issue or situation arises that is not sufficiently provided for or is not clearly understandable, those regulations of the Zoning Ordinance that are most applicable shall be used by the Director as guidelines to resolve the issue or situation. This provision shall not be used to permit uses or procedures not specifically authorized by this Specific Plan or the Zoning Ordinance.

If ambiguity arises concerning the appropriate classification of a particular land use, the Director shall have the authority to make an interpretation as to whether the use should be allowed because it is similar to other allowed uses in a particular Specific Plan District, or whether the use should not be allowed in any Specific Plan District.

The Director may refer any matter for interpretation to the Planning Commission for their consideration. The Planning Commission shall make the final decision on an interpretation. The Planning Commission's decision may be appealed to the Town Council.