

## 2.2 LAND USE GOALS AND POLICIES

This section establishes land use policies formulated to guide the implementation of the Specific Plan vision. The land use policies provide direction for the development regulations and permitted uses found later in this chapter. In addition, proposed individual development projects must be consistent with the following land use policies.

***Goal:*** *To provide land uses within the North 40 Specific Plan Area that are consistent with the Town of Los Gatos General Plan, the Town Council Vision Statement and Guiding Principles and the goals and policies set forth herein.*

### Land Use Policies

#### **Policy LU1: Land Use Designations**

The Specific Plan shall be implemented through the approval of development projects that are consistent with the land uses and the Council Vision as outlined in this chapter.

#### **Policy LU2: Specific Plan Amendments**

Specific Plan Amendments must be consistent with the Vision Statement and Guiding Principles and the goals and policies set forth herein.

#### **Policy LU3: Mix of Uses**

Provide a mix and size of uses to promote the creation of a lively, walkable neighborhood that makes the North 40 Specific Plan Area a resource to North 40 residents, businesses and adjacent neighborhoods.

#### **Policy LU4: Maximum Commercial Development**

Commercial development within the Specific Plan Area shall be complementary to Downtown through the careful control of uses and permitted square footage as set forth in the Maximum Development Capacity Table (refer to Table 2-2.)

#### **Policy LU5: Building Height**

Building heights within the Specific Plan Area shall be consistent with the Specific Plan Development Standards, ~~but may vary in response to site topography and use, while taking into account hillside views on and through the site. Heights of buildings adjacent to Los Gatos Boulevard and Lark Avenue shall be varied and generally compatible with other buildings along these corridors and reflect the character of the Town.~~

#### **Policy LU6: Retail**

Retail uses within the Specific Plan Area are intended to serve North 40 residents, adjacent neighborhoods, nearby employment centers and the unmet needs of the Town of Los Gatos.

#### **Policy LU7: Restaurants**

Eating and drinking establishments within the Specific Plan Area are intended to serve North 40 residents, adjacent neighborhoods and nearby employment centers.

#### **Policy LU8: Hotel/Conference Facilities**

A hotel facility developed within the North 40 Specific Plan Area should include a conference/meeting space to accommodate 200 to 250 people.

#### **Policy LU9: Maximum Residential Development**

The maximum number of residential units will be limited as set forth in the Maximum Development Capacity Table (refer to Table 2-2.)

#### **Policy LU10: Residential**

Provide and integrate a mix of residential product types designed to minimize impacts on schools, while complying with Senate Bill 50, Schools Facilities Act and serve the unmet housing needs within the Town of Los Gatos.

#### **Policy LU11- Economic Balance**

Proposed uses should complement the existing balance and diversity of businesses located along Los Gatos Boulevard and in downtown Los Gatos.

## 2.4 PERMITTED LAND USES

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

### 2.4.1 PERMITTED AND CONDITIONALLY PERMITTED USES

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

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

TABLE 2-1 PERMITTED LAND USES				
		LARK DISTRICT	TRANSITION DISTRICT	NORTHERN DISTRICT
<b>COMMERCIAL</b>				
A.	RETAIL	P	P	P
B.	FORMULA RETAIL BUSINESS	--	P	P
C.	MARKET HALL/ SPECIALTY MARKET	--	P	P
D.	ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF-PREMISES	CUP	CUP	CUP
E.	ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES			
	• IN CONJUNCTION WITH A RESTAURANT	P	P	P
	• WITHOUT FOOD SERVICE (BAR)	--	CUP	CUP

TABLE 2-1 PERMITTED LAND USES				
		LARK DISTRICT	TRANSITION DISTRICT	NORTHERN DISTRICT
<b>COMMERCIAL (CONTINUED)</b>				
F.	DRIVE-UP WINDOW FOR ANY BUSINESS, EXCLUDING RESTAURANTS	--	--	CUP
G.	SUPER DRUGSTORE	--	--	P
H.	SUPERMARKET	--	--	P
I.	RESTAURANT	P	P	P
J.	PERSONAL SERVICE	P	P	P
K.	OFFICE <sup>1</sup>	P	P	P
L.	HOTEL	--	P	P
M.	FINANCIAL INSTITUTION	P	P	P
<b>RESIDENTIAL</b>				
A.	COTTAGE CLUSTER	CUP	--	--
B.	TOWNHOMES/ GARDEN CLUSTER	P	P	--
C.	ROWHOUSES	P	P	--
D.	MULTI-FAMILY	P	P	P <sup>2</sup>
E.	CONDOMINIUMS	P	P	P <sup>2</sup>
F.	LIVE/WORK LOFTS	--	P	P <sup>2</sup>

Note:

1. Excluding New Medical Office

2. †. Residential only allowed in Northern District when located above commercial. 2-7

## 2.5 AREA-WIDE DEVELOPMENT REGULATIONS

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

### 2.5.1 MAXIMUM DEVELOPMENT CAPACITY

A maximum development capacity has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of 250,000 square feet (sf) of new office/hotel, 400,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 270 364 residential units. More restrictive than the Town’s General Plan, the Specific Plan has a maximum capacity of 435,000 580,000 sf of non-residential square footage (including the approximately 66,000 sf of existing commercial square footage), of which no more than 400,000 sf can be commercial.

TABLE 2-2 MAXIMUM DEVELOPMENT CAPACITY		
LAND USE	UNITS	SQUARE FEET
RESIDENTIAL	270* 364*	REFER TO SECTION 2.7.3
OFFICE/HOTEL		250,000
COMMERCIAL (EXCLUDING OFFICE/ HOTEL)		400,000
<ul style="list-style-type: none"> <li>• RESTAURANTS</li> <li>• RETAIL</li> <li>• SPECIALTY MARKET</li> <li>• HEALTH CLUB</li> <li>• PERSONAL SERVICE (BEAUTY SUPPLY, NAIL SALON, ETC.)</li> <li>• ENTERTAINMENT</li> </ul>		
<p>NOTE: NON-RESIDENTIAL AREA INCLUDES APPROXIMATELY 66,000 SQUARE FEET OF EXISTING BUILDINGS. MAXIMUM NON-RESIDENTIAL BUILDING SQUARE FOOTAGE SHALL NOT EXCEED 435,000 580,000 SQUARE FEET, INCLUSIVE OF THE EXISTING BUILDING SQUARE FOOTAGE. COMMERCIAL (INCLUDING RETAIL, RESTAURANTS, PERSONAL SERVICES, HEALTH CLUB, AND ENTERTAINMENT) CANNOT EXCEED 400,000 SQUARE FEET OR THE MAXIMUM TRAFFIC CAPACITY EVALUATED IN THE EIR, WHICHEVER IS LESS.</p> <p>PROJECTS CANNOT EXCEED THE MAXIMUM TRAFFIC CAPACITY EVALUATED IN THE EIR</p> <p><del>IF MEDICAL OFFICE EXCEEDS EIR TRAFFIC SCENARIOS, ADDITIONAL TRAFFIC EVALUATION IS REQUIRED. NEW MEDICAL OFFICE IS NOT PERMITTED WITHIN THE SPECIFIC PLAN AREA.</del></p> <p>*TOTAL NUMBER OF UNITS, INCLUDES EXISTING UNITS AND TOWN REQUIRED BELOW MARKET PRICE UNITS. ACTION HOU-1.3 GENERAL PLAN DENSITY BONUS DOES NOT APPLY TO THE SPECIFIC PLAN AREA.</p>		

**Development Capacity Submittal Requirement:**

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

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

**2.5.2 BUILDING HEIGHT**

The maximum height of any building is 35 feet with the following criteria:

- a. The maximum height for a hotel and/or affordable housing use is 45 feet.
- b. Maximum building height shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane. Maximum building height includes all elements and height exceptions are not permitted within the Specific Plan Area.
- c. Lark District - 15% of the overall development provided (building footprint) within the Lark District shall be structures of a maximum of two-stories with a 25 foot maximum height.

The majority of this requirement may be provided within the Perimeter Overlay Zone (refer to Section 2.5.7). Every application for Architecture and Site Review shall include a table that identifies the following:

- Total building footprint square footage within the Lark District existing at the time of the application submittal.
- Percent of total building footprint square footage located within the Lark District currently satisfying the 15% height requirement at the time of submittal.
- New total percentage of building footprint square footage located within the Lark District that satisfies the 15% requirement (for height) following application submittal.

**2.5.3 OPEN SPACE GOALS AND POLICIES**

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

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

**Open Space Policies:****Policy O1: View Preservation**

Promote and protect views of hillsides and scenic resources.

**Policy O2: Landscape Buffer**

Establish a landscaped buffer along the North 40 perimeter.

**Policy O3: Neighborhood Open Space Network**

Provide an open space network of neighborhood parks, passive open space, plazas, pedestrian paseos, landscape buffers and/or common open space per Specific Plan Open Space Standards.

**Policy O4: Common Space**

Provide a space for small gatherings and social activities that minimize conflicts with adjacent uses and competition with Downtown.

**Policy O5: Pedestrian Amenities**

Provide adequate pedestrian amenities such as street trees, benches, pedestrian-level street lighting and other street furnishings.

**Policy O6: Orchard Planting**

Integrate orchard style planting within the Specific Plan Area as a gesture towards the site's historic agricultural use.

**2.5.4 OPEN SPACE STANDARDS**

To ensure that adequate open space is integrated into future development in the Specific Plan Area, a minimum of 30% of open space is required (Table 2-3). This 30% requirement should be a variety of green-spaces and plaza spaces dispersed throughout the different districts. By specifying minimum open space requirements/standards, the Specific Plan provides incentives for the consolidation of parking into podium parking and parking structures, minimizing at-grade parking, minimizing road widths, and increasing pedestrian spaces.

- a. Open space means a ground plane open and generally unobstructed from the ground plane to the sky. Balconies, shade structures, and roof eaves may extend over a portion of the open space. Open space includes both “green open space” and “hardscape” (plazas, courtyards, pathways, sidewalks, and pedestrian paseos). Plazas, courtyards, and planters over podium parking or on roof decks also qualify as open space.
- b. To ensure the open space is distributed throughout the Specific Plan Area, a minimum of 30% open space shall be provided across the entire Specific Plan Area. The 30% requirement shall be calculated for each application or group of applications.
- ~~c. Additional green open space is required when a structure exceeds the maximum height allowed in the Transition District. This additional Open Space shall be 5% of the square footage of the building footprint that exceeds the height limit. This 5% of green open space shall be provided within the same Architecture and Site Review application or group of applications as the building with the height bonus. Refer to Residential building height standards in Section 2.7.4.~~
- c. d. The 30% open space requirement shall include a variety of green and plaza spaces with a minimum of 20% being green space ~~and 10% being hardscape.~~
  - i. Green Space/Green Open Space: for purposes of this Specific Plan and calculating open space requirements green space and green open space is grass or landscaped areas. These can include but are not limited to parks, bioretention, common and private residential green space, planters larger than 50 square feet, landscaped planting strips, drivable turf-block, and

parking lot landscaping. Trees planted in tree wells shall not be calculated as part of the green space requirement.

- ii. Hardscape: for purposes of this Specific Plan and calculating open space requirements, hardscape refers to private or common paved areas for the use of pedestrians including plazas, courtyards, pathways, sidewalks, and pedestrian paseos. Roads and parking areas shall not be calculated as part of the open space or hardscape requirement.
- d. e. Every application for Architecture and Site Review shall include an exhibit(s) that shows the open space and pedestrian network.
- e. f. Remodels of existing structures along Los Gatos Boulevard that do not change more than 50% of the existing footprint are exempt from the 30% open space requirement.

The following table provides the requirements for open space in the Specific Plan Area:

<b>TABLE 2-3 MINIMUM OPEN SPACE REQUIREMENTS</b>	
<b>OPEN SPACE DESIGNATION (EXCLUDING PARKING AND ROADWAYS)</b>	<b>PERCENT OF SPECIFIC PLAN AREA</b>
GREEN OPEN SPACE; <del>OR</del>	20% MINIMUM; <del>OR</del>
<del>GREEN OPEN SPACE (WITH ADDITIONAL 5% REQUIREMENT FOR HEIGHT BONUS IN TRANSITION DISTRICT)</del>	<del>25% MINIMUM</del>
HARDSCAPE (PLAZAS/ COURTYARDS/PATHWAYS/ SIDEWALKS AND PEDESTRIAN PASEOS) AND/OR ADDITIONAL GREEN OPEN SPACE	<del>10% MINIMUM</del> REMAINDER OF REQUIRED OPEN SPACE
<b>TOTAL OPEN SPACE</b>	<b>30%<sup>±</sup> MINIMUM</b>

### 2.5.5 TYPES OF OPEN SPACE

#### a. Plazas/Paseos/Pathways

Plazas, paseos, and pathways create vibrant pedestrian-oriented spaces linking the residential and commercial neighborhoods with adjacent uses, parks, and streets. Throughout the Specific Plan Area, plazas, paseos, and pathways will be incorporated to

accommodate different types of activities. These neighborhood gathering spaces shall serve to establish a sense of place and identity.

In the Transition and Northern Districts, plazas, paseos, and pathways can provide space for private outdoor dining, events, and street side entertainment. They should be well-designed, providing ongoing opportunities for human activities that create an interactive environment, build a sense of community, and create opportunities for social interaction. Paseos shall be provided to link public parking and the street environment and residential projects with adjacent streets and plazas/parks. Amenities in plazas and paseos may include:

- Flexible spaces for outdoor dining and gathering
- Well-lit spaces, pedestrian oriented lighting, bollards, and wall-mounted lights
- Articulated edges that create interesting nodes and gathering spaces
- Sitting areas
- Water feature(s)
- Landscaping
- Safe and convenient connections to adjacent uses
- Public art
- Special paving: decorative pavers, decomposed granite, cobblestone
- Focal points such as architectural structures, sculptures, and fountains
- Multi-modal linkages

In the Lark District the pathways will provide connections between common areas and pocket parks and links to the streets and the neighborhood commercial areas in the Transition District. These pathways should provide safe and convenient access as well as an amenity to the neighborhood.

Pathways might include:

- Paved or permeable surfaces
- Landscaping
- Orchard planting
- Sitting areas
- Pedestrian oriented lighting
- Public art
- Focal points such as gardens, trellises, or art

- b. Perimeter Buffer/Perimeter Overlay Zone (refer to Section 2.5.6)
  - i. The perimeter of the site is intended to emphasize the character and heritage of Los Gatos. Large trees and shrubs will surround the Specific Plan Area on the north and west sides (refer to Landscape Palette in Chapter 3), creating a natural buffer between future development and Highways 17 and 85. The buffer should also provide an opportunity to incorporate walking paths and sitting areas for passive recreation.
  - ii. Along Los Gatos Boulevard and Lark Avenue, orchard planting will be used in the buffer to reflect the agricultural heritage of the site.

**TABLE 2-6 NON RESIDENTIAL/MIXED-USE SETBACKS**

1.	<p>BUILDINGS SHALL BE ORIENTED TOWARD THE STREET WITH PARKING IN THE REAR TO CREATE A VIBRANT AND WALKABLE NEIGHBORHOOD. WHEN BUILDINGS DO SET BACK FROM THE SIDEWALK, ALLOWABLE USES IN THE FRONT OF THE BUILDING INCLUDE PLAZAS OR PEDESTRIAN SPACES, SIDEWALKS, LANDSCAPING, RETAIL DISPLAY AREAS, AND CAFÉ OR OUTDOOR SEATING AREAS.</p> <p>THE DECIDING BODY MAY ALLOW A REDUCTION IN THE SETBACK IF IT MAKES ALL OF THE FOLLOWING FINDINGS:</p> <p>A. THE SETBACK PROVIDES FOR ADEQUATE PEDESTRIAN CIRCULATION.</p> <p>B. THE SETBACK IS COMPATIBLE WITH THE ADJACENT BUILDINGS AND COMPLEMENTS THE BUILDINGS IN THE IMMEDIATE VICINITY.</p> <p>C. THE SETBACK PROVIDES ADEQUATE CLEAR SIGHT VISION FOR VEHICULAR TRAFFIC.</p>	12 FEET
2.	SIDE	NONE REQUIRED
3.	REAR	NONE REQUIRED
<p>NOTE: IN THE LARK DISTRICT - WHERE NON-RESIDENTIAL DEVELOPMENT IS LOCATED DIRECTLY ADJACENT TO A RESIDENTIAL USE, A 20-FOOT SETBACK IS REQUIRED FOR THE NON-RESIDENTIAL BUILDING. THIS IS MEASURED FROM THE PROPERTY LINE TO BUILDING FACE.</p>		

2.6.5 PROJECTIONS ALLOWED INTO SETBACKS

- a. A porte cochere may be permitted over a driveway in a required setback subject to Architecture and Site Review approval, provided that it is not more than one story high and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features.
- b. Cornices, belt courses, sills, canopies, or other similar architectural features may extend or project into required setbacks not more than 24 inches. Eaves may encroach up to 36 inches.

2.6.6 HEIGHT (NON-RESIDENTIAL/MIXED-USE)

The maximum height of any non-residential or mixed-use residential is 35 feet with the following exceptions and criteria:

- a. Transition District - An increased height up to 45 feet is allowed if the project provides green additional open space per Open Space Standards in Section 2.5.3 or is an affordable housing development.
- b. Additional height may be granted to the 35-foot limit or to the 45-foot limit with the open space provision, upon approval of a Conditional Use Permit by the Planning Commission.
- c. Locate buildings greater than 35 feet in height in areas where the existing natural grade is lower than Los Gatos Boulevard.
- d. Additional height over 35 feet may be granted for office uses located in the Transition and Northern Districts upon approval of a Conditional Use Permit.

- e. The maximum height for a hotel use is 45 feet and additional height may be granted upon approval of a Conditional Use Permit.
- f. Limited towers, spires, elevator and mechanical penthouses, cupolas, roof pitches of 8:12 or greater (either habitable or non-habitable), up to 30% of the length of the parapet on any given facade, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances and associated screening which are not used for human activity or storage may be higher than the maximum height permitted.

—All height exceptions described above shall be subject to Architecture and Site Review and approval and must be found consistent with the following findings:

- i. The building massing and dimensional ratios of building components create a harmonious visual balance and contribute to the architectural rhythm.
- ii. The height increase is necessary to achieve excellence in architectural design and cannot be accommodated through alternative means such as lowering the building into the ground or reducing overall floor-to-ceiling heights.
- iii. Framed views of the hillsides shall be protected by locating buildings to provide view corridors at key locations. These view corridors should be strategically located within the neighborhood within common areas such as a park, plaza, or specific location on a primary street corridor.
- g. Maximum building height shall be determined by the plumb-vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above

that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb-vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane except as allowed by this Specific Plan height exception. On sloped lots, changes to the measurement method may be considered with a CUP.

#### ~~2.6.6~~ ~~2.6.7~~ RETAIL TENANT SPACE SIZE

The Specific Plan allows for a mix of retail sizes, including smaller neighborhood serving stores that will support the new residential, as well as, larger space for commercial uses, such as sit-down restaurants, specialty market, entertainment, and formula retail. The commercial is to serve the unmet needs for the new and surrounding businesses and residential neighborhoods, and be subject to the following conditions:

- a. Floor Area Calculations: Every application for Architecture and Site Review shall include a table that identifies the sizes of each retail space proposed.
- b. The maximum individual commercial retail tenant size is 50,000 square feet.

#### ~~2.6.7~~ ~~2.6.8~~ ACTIVITIES TO BE CONDUCTED INDOORS

All business, services and processes shall be conducted entirely within completely enclosed buildings, except as provided in Article 5 of the Zoning Ordinance and except for outdoor activities specifically

authorized by a Conditional Use Permit or approved by a Special Event permit.

### 2.6.8 ~~2.6.9~~ FENCING

Fencing is not permitted in required front setbacks or required setbacks abutting a street in any non-residential use, except walls or fences not over three feet high may be erected to screen on-site parking spaces from the street or to separate outdoor dining areas from the sidewalk.

### 2.6.9 ~~2.6.10~~ OUTDOOR STORAGE

When a Conditional Use Permit is granted for outdoor storage, the area for storage must be suitably screened from adjoining property by a wall, dense evergreen hedge of trees or other screening planting, or by a solid fence not less than six feet high. Materials shall not be stored in such a manner as to project above the wall, planting or fence.

### 2.6.10 ~~2.6.11~~ RECYCLING COLLECTION FACILITIES AND VENDING MACHINES.

Small recycling collection facilities and vending machines may be permitted outdoors subject to the approval of the Director of Community Development and shall be subject to the following conditions:

- a. The facilities cannot be located in any manner so as to decrease the number of required on-site parking spaces.
- b. Vending machines and reverse vending machines are to be located indoors whenever possible and not more than two of these machines are permitted outdoors unless grouped together within a common enclosure.
- c. A trash receptacle is to be located within five feet of any recycling facility.
- d. The machines and facilities must be maintained on a scheduled basis so as to ensure their general upkeep and cleanliness.
- e. If a facility is proposed for a vacant lot, the lot must provide proper traffic circulation consisting of an all-weather surface, including one on-site employee parking space and an adequate drop-off area.
- f. The facility must provide for pedestrian circulation.

## 2.7 RESIDENTIAL DEVELOPMENT STANDARDS

### 2.7.1 INTENT

The following development standards supplement the previous Area-wide Standards and apply to any development that is a 100% residential use. Residential product types (market rate and affordable) shall be limited to product types that respond to emerging demands of the seniors, empty nesters, and young adult demographics – including condominium, cottage cluster, garden cluster housing, live-work flats, multi-family flats, multiplexes, rowhouses and townhomes. Single family detached housing is not allowed except for the Cottage Cluster product types.

### 2.7.2 RESIDENTIAL OPEN SPACE

Private Open Space - To encourage small yards/patios/terraces and the residential product types targeted in the Plan Area, there is a maximum of 200 square feet/unit of ground floor private open space allowed.

Common Open Space - Consistent with Zoning Ordinance, 100 square feet/unit of Common Open Space is required for residential condominiums. 200 square feet/unit of Common Open Space is required for multi-family residential other than condominiums.

### 2.7.3 RESIDENTIAL UNITS

The Specific Plan Area should accommodate a mix of residential product types and sizes to create the character of an authentic neighborhood rather than a typical development project. The following standards set parameters to guide future residential development. Also refer to the Residential Design Guidelines in Chapter 3 of this Specific Plan.

- a. Residential units shall range in size. Refer to Residential Unit Size Mix in Glossary (Chapter 6).
- b. There shall be a maximum of ~~270~~ 364 residential units. This is a maximum, not a goal, and includes the affordable housing units required and the existing units.
- c. Affordable housing (Below Market Price housing) requirements shall be met pursuant to Town Code.
- d. New residential shall be a maximum of:
  - 400,000 gross square feet for Cottage Cluster, Garden Cluster, Townhome and Rowhouse products
  - 300,000 net square feet for Condominium, Multi-Family, Apartments and Affordable products
  - These are maximums, not a goal
- e. Single family detached units shall be a maximum of 1,200 square feet and be designed as a cottage cluster product type as defined in Glossary (Chapter 6).

### 2.7.4 ~~HEIGHT (RESIDENTIAL)~~

~~The maximum height of any residential use is 35 feet with the following exceptions:~~

- a. ~~Lark District – The maximum height for residential within the Lark District is 35 feet. 15% of the overall development provided (building footprint) within the Lark District shall be structures of a maximum of two-stories with a 25-foot maximum height. The majority of this requirement may be provided within the Perimeter Overlay Zone. Every application for Architecture and Site Review shall include a table that identifies the following:~~
  - i. ~~Total building footprint square footage within the Lark District existing at the time of the application submittal.~~
  - ii. ~~Percent of total building footprint square footage located within the Lark District currently satisfying the 15% height requirement at the time of submittal.~~
  - iii. ~~New total percentage of building footprint square footage located within the Lark District that satisfies the 15% requirement (for height) following application submittal.~~
- b. ~~Transition District – The maximum height for a residential use in the Transition District is 35 feet. An increased height up to 45 feet is allowed in the Transition District if the project provides an additional green open space per Open Space Standards in Section 2.5.3 or is an affordable housing development.~~

Additional height may be granted within the Transition District upon approval of a Conditional Use Permit by the Planning Commission.

- c. Locate buildings greater than 35 feet in height in areas where the existing natural grade is lower than Los Gatos Boulevard.
- d. Maximum building height shall be determined by the plumb-vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb-vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane except as allowed by this Specific Plan height exception. On sloped lots, changes to the measurement method may be considered with a CUP.
- e. Limited towers, spires, elevator and mechanical penthouses, cupolas, roof pitches of 8:12 or greater (either habitable or non-habitable), up to 30% the length of parapet on any given facade, wireless telecommunication antennas, similar structures and necessary mechanical appurtenances and associated screening which are not used for human activity or storage may be higher than the maximum height permitted.

All height exceptions described above shall be subject to Architecture and Site Review and approval and must be found consistent with the following findings:

- i. The building massing and dimensional ratios of building components create a harmonious visual balance and contribute to the architectural rhythm.
- ii. The height increase is necessary to achieve excellence in architectural design and cannot be accommodated through alternative means such as lowering the building into the ground or reducing overall floor to ceiling heights.
- iii. Framed views of the hillsides shall be protected by locating buildings to provide view corridors at key locations. These view corridors should be strategically located within the neighborhood within common areas such as a park, plaza or specific location on a primary street corridor.

#### 2.7.4 2.7.5 SETBACKS (RESIDENTIAL)

- a. All setbacks interior to the Specific Plan Area are measured from the face of curb. Lark Avenue and Los Gatos Boulevard setbacks are measured from property line.
- b. Residential setbacks along primary streets (Lark Avenue, Los Gatos Boulevard, South 'A' Street, North 'A' Street, Neighborhood Street, Noddin Avenue, and Burton Road) follow setback standards on Table 2-5. Residential setbacks on all other interior streets shall be determined at Architecture and Site Review. Setback examples are illustrated in Table 2-7, 2-8 and 2-9 to show desired character.
- c. Setback diagrams containing an asterisk (\*) are permitted a five foot encroachment for up to 50% of linear building facade length to allow for porches, balconies, and other building elements

## 3. DESIGN GUIDELINES

This section outlines design guidelines for future development that is reflective of the North 40 Vision Statement and Guiding Principles. Mandatory regulations are denoted by the use of the word “shall.” A guideline, which is denoted by the use of the word “should,” is not mandatory, but is encouraged with some discretion by staff, the Planning Commission, and the Town Council. Guidelines include:

- Commercial Design Guidelines
- Residential Design Guidelines
- Neighborhood Identity
- Signage Design Guidelines

In an effort to build upon the Towns existing guidelines, relevant portions of the Town Commercial Design Guidelines and the Affordable Housing Overlay Zone Design Guidelines (AHOZDG) documents have been replicated within this Specific Plan ~~and have been printed using a blue font. Any modification to an existing guideline is shown with a tracked change.~~ It is the intention that the Specific Plan goals, policies and guidelines supersede the existing Town documents, but that their intent and applicable concepts not be lost. ~~Any text shown in black is new as a result of this Specific Plan effort. Ultimately, all text within this chapter will be printed in black and tracked changes eliminated.~~

### 3.1 ARCHITECTURAL AND SITE CHARACTER GOALS AND POLICIES

**Goal:** *To continue the small town character of Los Gatos while enhancing its sense of place and community identity within the Specific Plan Area.*

#### Policy DG1: Neighborhood Design

Promote a healthy, safe, and secure walkable neighborhood environment.

#### Policy DG2: Neighborhood Identity

Create a new neighborhood that has its own identity yet complements the existing character of Los Gatos.

#### Policy DG3: Mixed-Use Projects

Design mixed-use projects to create a pedestrian-scale environment through appropriate street and sidewalk widths, block lengths, relationships of buildings to streets, and use of public spaces.

#### Policy DG4: Adjacent Neighborhoods

Consider impacts of non-residential development adjacent to residential neighborhoods through screening, buffering, circulation, lighting and placement of utility elements.

#### Policy DG5: Residential Siting

Locate residential development to minimize traffic, noise, and air quality impacts and encourage walkability to neighborhood serving uses.

#### Policy DG6: Architecture

Produce high quality, authentic design, and 360 degree architecture consistent with the architectural design guidelines contained within this Specific Plan.

#### Policy DG7: Historic Character

Design the architecture and landscape to reflect the historic and agricultural heritage of the site and the Town of Los Gatos. **The HPC should work with applicants on their individual applications to determine how the agrarian feel of the Specific Plan Area is integrated into the development. The existing red barn should be retained as much as salvageable.**

#### Policy DG8: Wayfinding

Provide a wayfinding signage program for the Specific Plan Area that includes an information kiosk on the area’s history and Downtown businesses and events.

### 3.2.5 BUILDING FORM

- a. Exterior wall planes should be varied in depth and/or direction. Desirable massing includes:
  - Variation in the wall plane (projecting and recessing elements).
  - Variation in wall height.
  - Roofs containing different forms and located at different levels.
- b. Minimize blank walls by providing one or more of the following:
  - Adding window openings and/or entrances and other relief.
  - Providing recessed glazing and storefronts.
  - Adding vertical pilasters which may reflect internal building structure.
  - Changing color and texture along the wall surface.
  - Varying the planes of the exterior walls in depth and/or direction.
  - Adding trims, projections, and reveals along different wall surfaces.
- c. ~~Framed views of the hillsides shall be protected by locating buildings to provide view corridors at key locations. These view corridors should be strategically located within the neighborhood within common areas such as a park, plaza or a specific location on a primary street corridor.~~
- c. ~~†~~ Structures over one story shall be designed to minimize their visual bulk and relate to the human scale of pedestrians on the street.



*Variation in wall planes add interest to building massing.*



*Wall and roof planes and forms vary to break up massing of architecture.*



*Varied roof forms and elements create visual interest.*



*Retail is oriented to side streets and paseos.*



*Wall articulation on paseo enhances pedestrian experience.*

- d. e. Reinforcement of retail linkages along retail-oriented side streets shall be encouraged wherever possible. One good way of accomplishing this is with the use of corner entries and adjacent display windows on both street frontages.
- e. d. Similar to the area designated as a C-2 Zone in the Zoning Ordinance, commercial areas should be designed with the following design principles in mind:
  - Maintain and enhance the pedestrian orientation
  - Maintain retail and visual continuity
  - Maintain and encourage diversity
  - Provide for visual interest and richness
  - Keep signs subdued in recognition of the strong pedestrian orientation of the street

### 3.2.6 BUILDING ELEMENTS AND ARTICULATION

- a. Provide architectural elements, detailing and ornament to add richness and variety to building facades and façade depth and detail.
  - i. Express columns and beams on the building's exterior.
  - ii. Provide a number of façade layers (e.g., front of columns or pilasters, wall plane, window frame, and window glass).
- b. Provide a unified design around all sides of buildings.

- c. ~~Avoid blank walls and~~ Locate service areas ~~which are~~ so they are not visible from ~~adjacent streets and projects~~ Primary Streets.
- d. When blank walls are unavoidable, add pilasters, trellises, and/or lattices along with landscaping to make the facades more attractive.
- e. Projects located on corner parcels at signalized intersections along Lark Avenue and Los Gatos Boulevard should incorporate major design features on the intersection corner.
  - i. Buildings located at these corner locations are strongly encouraged to frame and front onto intersections. Special care shall be taken to avoid obstructing views to the surrounding ~~hills~~ ~~hillside~~ ~~ridge lines~~.
  - ii. Other physical improvements such as fountains, special landscaping or other unique improvements ~~shall be provided~~ are encouraged.
  - iii. All corners should have special landscaping incorporating flowering plants.
- f. Provide well defined project and building entries.
- g. Design all projects with a strong commitment to human scale.
- h. Provide architectural details to enhance the visual interest of facades. Elements that are encouraged include the following:
  - Projecting cornices with decorative moldings and/or brackets
  - Shaped parapets
  - Planter boxes
  - Projecting molding



*Facade layers add richness and variety to the building's exterior.*



*Balconies, roof awning and windows integrated into building design.*



*Trellis structure and landscaping can enhance blank walls.*



*Design elements continue around all sides of the building.*



*Orchard planting reflects North 40 heritage and helps to define the path's edge.*



*Landscaping helps define a district's identity.*

iii. Applicants will be required to submit a site plan at the time of submittal for review and approval to show the location, type and size, including height, of all utility elements to be located on the parcel.

m. Screen all roof top mechanical equipment.

i. Integrate equipment into roof forms, whenever possible. If equipment cannot be located in this manner, consider alternatives such as interior mechanical rooms and under grounding.

### 3.2.8 RESPECT THE PRIVACY OF NEIGHBORING RESIDENTS

- a. Avoid windows which would provide views into residential private yard spaces.
- b. Keep window sizes small on facades facing residences where windows can be seen to minimize lighting intrusion.
- c. Provide shielding for any exterior lighting visible from neighboring residential uses.
- d. Avoid placement of mechanical equipment where noise would negatively impact residential neighbors.
- e. Visually screen all trash and outdoor storage areas from view.

### 3.2.9 PROJECT LANDSCAPE AND HARDSCAPE

- a. All projects shall be well landscaped.
  - i. Landscaping should relate to existing landscape treatments along the adjacent street fronts.

- b. Landscaping shall be used to soften the appearance of buildings and to integrate new construction into the overall commercial/residential neighborhood. Where space is inadequate for in-ground planting, use container plantings.
- c. Integrate landscape elements that reflect the orchard heritage of the area. **Where portions of the existing orchards are to be retained, the applicant should work with an arborist and the Historic Preservation Committee to determine if original trees could be retained or if they should be replanted.**
- d. Soundwalls along the adjacent highways may be treated in an artistic manner appropriate to this special site and the Town of Los Gatos.
- e. Landscape areas should be provided between the soundwall and the highway. Details of the soundwall and landscaping shall be provided during the Architecture and Site Review approval process. Gate(s) shall be provided in the soundwall to access the landscape area adjacent to the highway for maintenance purposes.



*Enhanced soundwall treatment.*

## 4. CIRCULATION AND STREETScape

This chapter focuses on pedestrian, bicycle, and vehicular circulation. It contains Goals and Policies and recommendations for internal street design as well as Lark Avenue and Los Gatos Boulevard improvements. Street design includes right-of-way dimensions and desired street trees (refer to Landscape Palette provided in Chapter 3), sidewalk and outdoor furnishing characteristics, pedestrian connections, and transit and bicycle facilities.

### 4.1 CIRCULATION AND STREETScape GOALS AND POLICIES

***Goal:** To incorporate multimodal solutions to create a walkable neighborhood while minimizing traffic impacts within and around the North 40 Specific Plan Area.*

#### Policy C1: Circulation and Connectivity

Provide linkages between the Specific Plan Area and surrounding neighborhoods with enhanced pedestrian and vehicular circulation improvements.

#### Policy C2: Traffic

Minimize traffic impacts through site design, multimodal opportunities, land uses, the intensity of development, access, and street and intersection improvements.

#### Policy C3: Park Once Design

Create a pedestrian-friendly “park once” mixed-use district where visitors, residents and employees park their vehicle once and walk to various destinations within the development.

#### Policy C4: Pedestrian Orientation

Pedestrian-oriented design is a high priority throughout the Specific Plan Area. Make a concerted effort to ensure the human scale and walkability in the Specific Plan Area through intentional design and delineation of pedestrian walkways and corridors.

#### Policy C5: Bicycle Planning

Integrate bicycle facilities and amenities throughout the site **and separate bike lanes or multi-modal paths where possible.**

#### Policy C6: Complete Streets

Encourage use of “complete street” strategies for Los Gatos Boulevard and Lark Avenue and primary connectors within the Specific Plan Area. “Complete Streets” are roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities.

#### Policy C7: Parking Design

Minimize impacts of parking lots through location, landscaping, buffers and structure design.

#### Policy C8: Transit

Work with Santa Clara Valley Transportation Authority (VTA) to locate transit stops in central locations accessible to a majority of the Specific Plan Area.

#### Policy C9: Connectivity

**Connect the Specific Plan Area with Downtown, commercial centers, and other employment centers via light rail transit, bicycle paths, or trails.**

## 4.9 BICYCLE TRAVEL

Bicycle facilities will be integrated throughout the Specific Plan Area. Bicycle travel promotes a healthy alternative to vehicle transportation. Bicycle facilities include: Class II bicycle lanes, multimodal paths, sharrows, bicycle racks, and bicycle lockers. Class II bicycle lanes are striped lanes within the road right-of-way. Multimodal paths are separated from roadway and designated for two way pedestrians and bicycle travel. Sharrow refers to shared lane pavement markings placed within a travel lane to indicate that a bicyclist may use the full lane. The sharrow symbol consists of a bicycle symbol with two chevron markings above the bicycle (refer to right image).

- It is anticipated that 'A' Street within the Specific Plan Area will include sharrows.
- **Require all bike lanes and sharrows to be painted green.**
- **A north-south multimodal path should be provided to facilitate connectivity within the Specific Plan Area.**

## 4.10 TRANSIT DEMAND MANAGEMENT

The Specific Plan Area is currently located outside of an established core or transit station area which may make it challenging to attract a significant share of residents, employees and visitors to use transit. **Therefore, Consequently it is advisable to establish effective** Transportation Demand Management (TDM) programs **is are required for each application within the Specific Plan Area in the area.** Effective TDM programs can help address both the roadway congestion and Vehicle-Miles-Traveled (VMT) generated by the development within the area and may include:

- Parking cash-out.
- Financial incentives for taking alternative modes.
- Transit Fare incentives such as Eco Pass and Commuter Checks.
- Preferentially located carpool parking.



*Sharrows provide a shared use of the travel lane.*



*VTA provides service to the Town of Los Gatos.*



*Parking areas are buffered from view by planters and trees.*

- Bicycle lockers and bicycle racks.
- Showers and clothes lockers for bicycle commuters.
- On-site or walk-accessible employee services (day-care, dry-cleaning, fitness, banking, convenience store).
- **On-site and off-site shuttle services.**

#### 4.11 TRANSIT STRATEGIES

Los Gatos is currently served by the Santa Clara Valley Transportation Authority (VTA) bus service. There are currently two bus stops along Los Gatos Boulevard adjacent to the Specific Plan Area. Other bus connections can be made across the street from Burton Road on Samaritan Drive within the Good Samaritan Hospital area. There is an opportunity to incorporate additional bus stops adjacent to or within the Specific Plan Area. These stops could also provide a future bus connection to the Vasona Light Rail facility.

In an effort to create a strong connection between the Specific Plan Area and Downtown Los Gatos, a trolley service could be provided that loops within the area and connects to Downtown and other transit services. This type of service would further encourage the “park once, shop twice” ideal and enhance the pedestrian-oriented environment envisioned for the Specific Plan Area.

#### 4.12 PARKING STRATEGIES

The following parking design and location strategies should be implemented within the Specific Plan Area to reduce the dominance of automobiles and help create a safe and aesthetically pleasing pedestrian environment.

- Parking areas should be sufficiently buffered from view and tucked underneath residential structures and behind retail and mixed-use development.

## 5. INFRASTRUCTURE AND PUBLIC FACILITIES

### 5.1 INTRODUCTION

The construction of on-site and off-site infrastructure improvements will be required to serve proposed development within the Specific Plan Area. The Specific Plan is intended to plan for infrastructure and services that meet Town and other utility agency standards, without diminishing services to existing residents or businesses.

This chapter provides an overview of the major utility infrastructure improvements and the public facilities needed to serve full build-out of the Specific Plan Area. Utilities addressed include stormwater, potable water, wastewater, electricity, natural gas and telecommunications. Services include law enforcement, fire protection, waste management, parks and open space, and public schools. Transportation infrastructure requirements are addressed in Chapter 4, Circulation and Streetscape. Phasing and financing are addressed in Chapter 6.

### 5.2 INFRASTRUCTURE AND PUBLIC FACILITIES GOALS AND POLICIES

**Goal:** *To meet the infrastructure and public facilities needs of the Specific Plan Area without impacting existing developed areas.*

#### Policy I1: Sustainable Solutions

Minimizing impacts to the environment and maximizing sustainability.

#### Policy I2: Phasing

Developing cost effective solutions that can be constructed in phases.

#### Policy I3: Flexible Design Solutions

Providing flexible options that can adapt to market conditions.

#### Policy I4: Water

Provide water-saving solutions in new developments and utilize water-efficient irrigation management systems and devices, such as evapotranspiration or soil moisture-based irrigation controls.

#### Policy I5: Stormwater

Limit the development of impervious surfaces, to the extent practical in order to reduce post-project runoff rates and promote harvesting rainwater and infiltration, to the greatest extent practical, for irrigation and/or other non-potable purposes.

#### Policy I6: Construction

Construction and grading activities shall comply with Best Management Practices and Stormwater Pollution Prevention Plan policies per Regional Water Quality Control Board requirements. Development projects shall obtain a Construction General Permit that is in compliance with the National Pollutant Discharge Elimination System (NPDES) requirements as well as the requirements for Storm Water Discharges Associated with Construction and Land Disturbances Activities.

#### Policy I7: Wastewater

Minimize wastewater flows through indoor water use efficiency efforts.

#### Policy I8: Minimize School Impacts

Minimize impacts to schools by designing housing products that cater to senior, empty nester, and young adult demographics, while complying with Senate Bill 50, Schools Facilities Act.

#### Policy I9: Address School Needs

Developers are encouraged to collaborate with School Districts to address school needs.

**Policy I10: School Facilities**

Developers shall work closely with School Districts to project enrollment growth and address overcrowding by assisting with identifying strategies for providing needed school facilities and associated sources of funding.

**Policy I11: Public Services and Facilities**

Provide adequate and reliable services to residents and businesses within the Specific Plan Area and surrounding neighborhoods.

**5.3 STORMWATER****5.3.1 BACKGROUND AND EXISTING CONDITIONS**

The Town of Los Gatos (Town), the California Department of Transportation (Caltrans), and the Santa Clara Valley Water District (SCVWD) provide stormwater and flood control protection services within the vicinity of the Specific Plan Area. The Town owns, operates, and maintains the local public storm drain systems within Los Gatos Boulevard and Lark Avenue. Caltrans owns, operates and maintains the public storm drain systems within the State Route 17 and 85 (Highway 17 and 85) rights-of-way. SCVWD operates and maintains regional flood control facilities in the vicinity including Los Gatos Creek.

The Town administers local stormwater quality protection through the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit. The permit, commonly referred to as the Municipal Regional Permit (MRP), regulates stormwater discharge into the San Francisco Bay. The MRP was issued by the Regional Water Quality Control Board (RWQCB) to several Bay Area jurisdictions and entities including the Santa Clara Valley Urban Runoff Pollution Prevention Program

(SCVURPPP). The Town is one of thirteen member agencies (co-permittees) under SCVURPPP.

The Specific Plan Area is located within sub watershed Area 'D' of the Santa Clara Basin "Guadalupe" watershed. The Guadalupe watershed is 171 square miles (109,440 acres). The Area 'D' sub watershed is 2.17 square miles (1,389 acres). The Specific Plan Area drainage shed is approximately 42 acres, or 3%, and is therefore a relatively small portion of the larger regional watershed.

Los Gatos Creek, the discharge location for the Specific Plan Area, is one of several tributaries within the Guadalupe watershed. Los Gatos Creek flows north through the Town of Los Gatos and discharges into the Guadalupe River approximately seven miles north of the Specific Plan Area. The Guadalupe River discharges into the South San Francisco Bay through the Alviso Slough. The total distance between the Specific Plan Area discharge location into Los Gatos Creek and the South San Francisco Bay is approximately 15 ½ miles.

Historic drainage conditions for the Specific Plan Area have been altered over time due to the construction of Highway 17 and 85. As part of the Highway 17/85 interchange construction Caltrans installed segments of a drainage system to collect runoff from the future developed condition of the Specific Plan Area.

The drainage system installed by Caltrans includes a 36 inch storm drain pipe under Highway 17 and a 42 inch outfall into Los Gatos Creek specifically for and directly west of the Specific Plan Area. In anticipation of development of the Specific Plan Area, the Town approved separate construction plans to connect the pipe under the highway to the outfall. As of the time this Specific Plan was prepared and approved only a portion of the 42 inch pipeline was constructed. A gap in the pipe system of approximately 780 feet exists between Oka Road and the outfall.

Stormwater runoff from within the Specific Plan Area currently discharges into three separate collection systems that all eventually

Based on the ~~previous~~ ~~current~~ proposal of a maximum 364 residential units, if the units were a combination of attached product types (Townhouse and Condominium), the development would generate 67 children in grades K through 12 at any given time once all residential product types were built and occupied, which would be in a timeframe of 2015 to 2020. This same number of single-family units (364) would generate 205 children in grades K through 12. ~~However, the maximum allowed number of residential units is limited to 270 units which would yield a lower number of new students.~~

**LGUSD draft Student Population Projections for 2012/13 to 2021/22:** In July 2012, the LGUSD released a recently prepared Student Population Projections for 2012/13 to 2021/22. This report assumes four different projection assumptions, including Projection A (no future development), Projection B (only development that has been approved), C (all development in B + development in early planning stages, including the Specific Plan Area, but a 50% of maximum build-out), and D (all of Projection C, but at 100% build-out). The study further used existing development to define the generation rates. This included Bella Vista on Bersano Lane to represent single-family, Creekside Village off of Woodland Avenue to represent an attached product and Riviera Apartments on Riviera Terrace for an apartment housing type. The report categorizes the Specific Plan Area in the Creekside Village product category, and based on this classification indicates that the Specific Plan Area would generate 53 K-12 children by 2022 for Projection C and 106 K-12 children by 2022 for Projection D. It is important to note that these LUGSD projections are based on 400 residential units, and the ~~North 40 Advisory Committee Town Council~~ reduced this number to a maximum of ~~270~~ ~~364~~ units at the ~~April 14, 2015~~ ~~August 2012~~

~~meetings. The Town's General Plan Student projections in this chapter are based on the 364 units, but the LGUSD study was not.~~

Residential and commercial developments within the Specific Plan Area would be required to pay school impact fees to reduce impacts to the schools system.

#### b. School Funding

While the number of students anticipated is minimal, the School District is expected to benefit from higher property tax revenues with the development of the site. The majority of the Specific Plan Area property is currently zoned agriculture and is assessed at a lower rate than developed property. The sale and development of the property will increase the annual property tax revenue that is paid to the schools. Additionally, the development of the property would result in payment of one time impact fees as set by each School District.

### 5.8.3 LOS GATOS/MONTE SERENO POLICE DEPARTMENT

The Los Gatos/Monte Sereno Police Department provides service to the Town of Los Gatos and Monte Sereno. The department is a full service organization comprised of 64 sworn and civilian personnel and over 150 community volunteers. The police department operates from two locations: patrol and detective services are located in an office on Los Gatos Boulevard near Blossom Hill Road, about one mile from the Plan Area, and all other police services are located at the Town Hall, 110 East Main Street, about 2.5 miles from the Plan

## 6.3 FINANCING

All private and public infrastructure, roadways, and open space will be funded by the developer(s) at the time of construction as described in Section 6.2, Phasing, of this Specific Plan. The Environmental Impact Report will analyze if there are adequate Town services to meet the demands of the Specific Plan. If there are not adequate Town services, funding mechanisms will need to be in place to enable police protection, fire protection, maintenance, engineering services, and administration/overhead functions (including Town Council, Town Manager, Town Attorney, Town Clerk, and Finance). At this time the exact extent of the fiscal impacts has yet to be determined; however, it is expected that property and sales tax revenue from the development will cover the Town's costs of providing services. The sale and development of the property will significantly increase the annual property tax revenue and will result in the payment of one-time impact fees. The following sections include a number of potential funding mechanisms that can be considered as a part of plan implementation.

### 6.3.1 PRIVATE FINANCING

The proposed infrastructure and open space devoted to public use will be privately maintained and will therefore not result in any fiscal impacts to the Town.

### 6.3.2 GENERAL FUND REVENUE

Fees collected in the Town's General Fund include sales taxes, transient occupancy taxes, property taxes, motor vehicle license fees and other revenue sources. These funds can be utilized for Town services (police, fire, etc.) and capital improvements.

### 6.3.3 DEVELOPMENT FEES AND EXACTIONS

Development fees may include impact fees imposed pursuant to the Mitigation Fee Act for public facilities; school impact fees; park dedication fees; capacity charges for water and sewer services; charges imposed individually on a project based on an analysis of the project's impacts; and others. While the statutory requirements vary for each of these fees, as a general rule, where the fees are imposed Town-wide on a class of projects, they must be based on findings of a reasonable relationship between the impacts of the development paying the fee, the amount of the fee, and the use of fee revenues. If the fees are imposed on an individual project, the fees must be roughly proportional to the impact of that specific project. Development fees are one-time charges that are paid incrementally as development occurs but cannot be used to fund existing deficiencies in the area or maintenance.

'Exactions' are requirements for dedication of land or construction of improvements, such as road widening or community facilities, that are also based on the impacts of the project. They may be imposed generally, as through parkland dedication ordinances and subdivision improvement requirements, or on an individual project based on the impacts of that project. Credits can be given for land dedication and for capital facilities that would otherwise be supported with impact fees. For instance, a development project could dedicate land or make certain improvements and receive a credit against the impact fee due. Alternatively, if the cost of the facility were to exceed the developer's obligation, the developer would be entitled to enter into a reimbursement agreement with the Town for the amount that exceeds the developer's fee obligation, which would be repaid by future developers.

By Resolution 2002 - 175, adopted November 4, 2002, the Town may require a community benefit. A Community Benefit is an offering of benefit to the Town proposed by an applicant, in addition to the standard mitigation measures required by the Town, that overrides certain negative impacts resulting from an infill project or a project that generates more than five (5) peak hour trips.

The intent of the Community Benefit Policy is to provide the Town a means to support projects that are beneficial and desirable to the community, but may have certain negative impacts. These impacts are generally unavoidable or unintended consequences of new development, such as traffic, that cannot be entirely avoided through standard conditions of approval. Negative impacts may be overridden by benefits offered to the Town by an applicant.

A community benefit offering is intended to add to the merits of a project. It is not intended to create a means for applicants to transform undesirable projects into projects that appear to be desirable due to their community benefit. Rather, it is intended to provide applicants, who are already proposing projects that are generally beneficial to the Town, a means of offsetting the negative impacts of these projects.

A community benefit offering shall be something that otherwise would not have been required by law or as a condition of approval for a project. A specific community benefit offering cannot be compelled by the Town. It must be proposed by the applicant in addition to the standard conditions of approval and any required mitigation measures for a project. Mitigation measures such as fees, dedications, or easements required by the Town do not qualify as a community benefit.

#### 6.3.4 PROPERTY OWNER/DEVELOPER CONTRIBUTIONS

Property owners or developers may request that Town enter into a development agreement at the Town's sole discretion. Developer(s) may request that the Town agree to 'vest' the existing development approvals for a period of years in exchange for additional public benefits provided by the developer, subject to negotiations. Development agreements are contracts that must be voluntarily entered into by the Town and the property owner or developer.

#### 6.3.5 COMMUNITY FACILITIES DISTRICT

The Mello-Roos Community Facilities Act of 1982 authorizes cities and towns to establish Community Facilities Districts (CFD) which aid in the financing of public services and facilities through a special tax. This is one form of potential financing for public infrastructure. Most commonly they are established by landowner vote on largely vacant land with fewer than 12 registered voters and used to help finance the infrastructure and services required for new development. A CFD on the North 40 could finance virtually any public facility and additionally could fund new police, fire, park and street maintenance, flood protection, and storm drainage maintenance costs required to serve the project. The special tax would be paid by landowners in the CFD. Because a CFD imposes a tax rather than an assessment (discussed below), the per parcel taxes do not need to be based on the specific benefits to each property owner, making the taxes easier to impose and administer and less likely to be challenged than if an assessment district were established to finance the same facilities or service costs.

## 6.5 SPECIFIC PLAN AMENDMENTS

Amendments to the Specific Plan may be initiated by an individual North 40 property owner or their designee, or by the Town. Additionally any member of the public can make a request to the Town Council for the Town to consider an amendment to the North 40 Specific Plan. The Director of Community Development or his/her designee is responsible for making the determination of whether an amendment to the Specific Plan text or map is needed. Amendment procedures are described below:

- Proposals to amend the Specific Plan must be accompanied by detailed information to document the change required. This information should include revised Specific Plan text and a revised diagram, where relevant, depicting the amendment requested.
- The Town has conducted a comprehensive analysis and invested a significant amount of time and money in the preparation of the Specific Plan, therefore, any proposals to amend the Specific Plan must document the need for such changes. The Town and/or applicant should indicate the economic, social or technical issues that generate the need to amend the Specific Plan. Costs incurred for the amendments shall be the responsibility of the party requesting the amendment.
- The Town and/or applicant must provide an analysis of the amendment's impacts relative to the adopted California Environmental Quality Act (CEQA) documentation. Depending on the nature of the amendment, supplemental environmental analysis may be necessary. The need for such additional analysis shall be determined by the Town of Los Gatos in accordance with the State CEQA Guidelines (Section 15162).

~~The Director of Community Development or his/her designee shall determine whether a proposed amendment is “minor” (administrative) or “major”. Major Amendments (described below) require an advisory recommendation by the Planning Commission and approval of the Town Council. In this event, both the Planning Commission and Town Council shall each hold public hearings on a proposed Specific Plan amendment, in accordance with Government Code Section 65453. If the amendment is determined to be minor, the Director of Community Development or his/her designee may approve or deny the application. Minor amendments must be determined to be in substantial conformance with the provisions of the Specific Plan and do not include any changes described below for major amendments. Appeals of decisions rendered by the Director of Community Development may be appealed to the Planning Commission.~~

Examples of Specific Plan “major” amendments include:

- The introduction of a new land use designation not contemplated in the Specific Plan.
- Changes to the circulation system or other community facility which would materially affect a planning concept detailed in the Specific Plan.
- Changes or additions to the design guidelines that the Director finds would alter the stated intent of the Specific Plan.
- Any change that would result in new significant adverse environmental impacts not previously considered in the CEQA compliance documentation for the Specific Plan.
- Changes in dimensional standards except those permitted through a Conditional Use Permit that the Director finds would alter the stated intent of the Specific Plan.

**CELLAR**

An enclosed area that does not extend more than four feet above the existing or finished grade in any location. Cellars, as defined here, shall not be included in the floor area ratio calculation for residential developments. That area of a cellar where the building height exceeds four feet above existing or finished grade shall not be included in this definition and shall be included in the floor area ratio calculation. For purposes of this definition whichever grade (existing or proposed) results in the lowest building profile of a building shall be used.

**COMMON GREEN**

A grass or landscaped area centrally located for use of residents of the development, their guests, and/or the public.

**COMMON OPEN SPACE**

A usable open space for the exclusive use of residents of the development, their guests, or open to the public. This space can be either green space or hardscape.

**COMMUNITY BENEFIT**

~~A Community Benefit is an offering of benefit to the Town proposed by an applicant, in addition to the standard mitigation measures required by the Town, that overrides certain negative impacts resulting from an infill project or a project that generates more than five peak hour trips.~~

**COMPLETE STREETS**

Complete streets are roadways designed and operated to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities.

**CONDOMINIUM**

Condominium, residential means a residential development, a condominium project, a community apartment project or a stock cooperative as defined in Title 6 Common Interest Developments, Section 1351 of the Civil Code. (Condominiums are a form of ownership rather than a housing type)

**CONDITIONAL USE PERMIT (CUP)**

An authorization allowing a particular use at a specified location, subject to conditions set forth in the authorization and in Chapter 29 of the Zoning Ordinance.

**COTTAGE CLUSTER HOUSING**

A collection of small houses arranged around and fronting onto a common green space. Units are usually smaller than typical single family homes. Parking is provided in consolidated parking lots and/or in garages served by alley access.

**DAY CARE CENTER**

A school for pre-elementary school age children which provides controlled activities and instruction.

**DEMOLITION**

The deliberate removal or destruction of the frame or foundation of any portion of a building or structure.

**DIRECTOR**

The Director of the Community Development or his or her designee, unless otherwise specified.

**DWELLING, UNIT**

A building or portion thereof intended for occupancy or occupied by one family exclusively, and containing but one kitchen.

**EATING AND DRINKING ESTABLISHMENTS**

Businesses serving prepared food or beverages for consumption on or off the premises.

**FACADE**

The face of a building.

**FEASIBLE**

Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

**FORMULA RETAIL BUSINESS**

A retail business which, along with seven or more other business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, decor, uniforms, architecture, colors, signs or other similar features.

**FRONTAGE**

The linear length of a building or lot that contains a public entrance. To calculate frontage length, it is measured along the property line adjacent to a street, curb line, or vehicular access easement.

**GARAGE**

An accessory structure or any part thereof designed or used for parking or storing one or more vehicles.

**GARDEN CLUSTER**

Single-family attached and semi-attached dwelling units clustered around courtyards, gardens, or green space.

**GRADE, (FINISHED)**

The lowest point of ground elevation of the finished surface of the ground after any construction or grading activities (including, but not limited to cut and fill of existing slopes) as measured from a known fixed reference height benchmark or as a height referenced from sea level.

**GRADE, (NATURAL)**

The lowest point of ground elevation of undisturbed soil as measured from a known fixed reference height benchmark or as a height referenced from sea level.

**GREEN SPACE/GREEN OPEN SPACE**

For purposes of this Specific Plan and calculating open space requirements green space and green open space is grass or landscaped areas. These can include but are not limited to parks, bioretention, common and private residential green space, planters larger than 50 square feet, landscaped planting strips, drivable turf-block, and parking lot landscaping. Trees planted in tree wells shall not be calculated as part of the green space requirement.

**GROSS UNIT AREA**

- The dwelling unit measured to the outside face of the exterior wall or to centerline of a common wall, if any.
- Basements are included.
- Internal stairways in multi-story units are counted at each floor, except the uppermost floor.
- Exterior spaces useable by the dwelling unit that are unenclosed space such as porches, balconies or terraces are excluded. Screened enclosures are included.
- Outdoor, enclosed storage closets on decks are included.
- Garages or carports are excluded.
- Attic spaces that are not habitable are excluded.
- Elevator shafts are excluded, except at lowest floor.

**HARDSCAPE**

For purposes of this Specific Plan and calculating open space requirements, hardscape refers to private or common paved areas for the use of pedestrians including plazas, courtyards, pathways, sidewalks and pedestrian paseos. Roads and parking areas shall not be calculated as part of the open space or hardscape requirement.

**HEIGHT**

The height of all structures, excluding fences, shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing

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

**HOTEL**

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

**LANDSCAPED PARKWAY**

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

**LANDSCAPING**

An area devoted to or developed and maintained with native or ornamental plantings, lawn, ground cover, gardens, trees, shrubs, or other plant materials. Plants on porches, or in boxes attached to buildings are not considered landscaping.

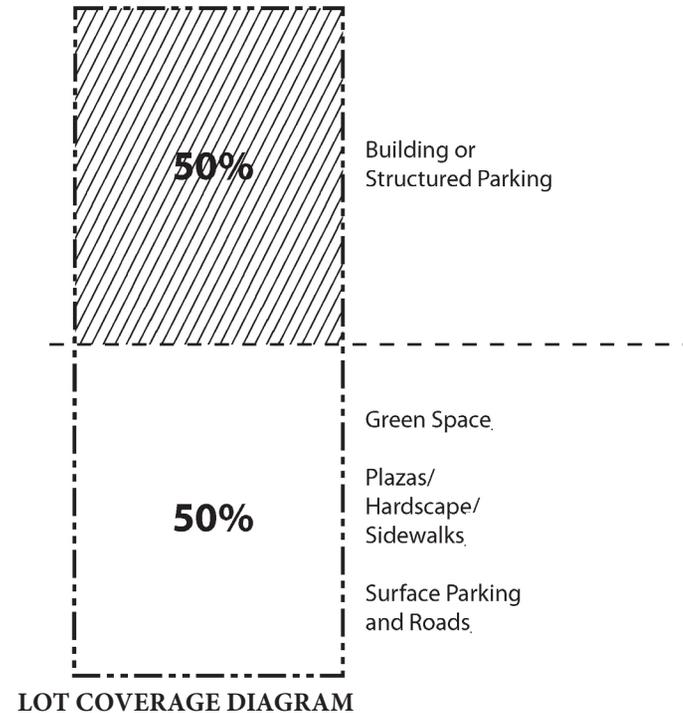
**LIVE/WORK**

A live/work unit is a dwelling unit or sleeping unit in which a significant portion of the space includes a non-residential use that is operated by the tenant. Dwelling units that include an office that is less than ten percent of the area of the dwelling unit shall not be classified as a live/work unit. If the unit does not comply with the following, it is not considered a live/work unit:

- a. The non-residential area is permitted to be a maximum 50 percent of the area of each live/work unit.
- b. The non-residential area function shall be limited to the first or main floor only of the live-work unit.
- c. A maximum of five non-residential workers or employees are allowed to occupy the non-residential area at any one time.

**LOT AREA COVERAGE**

Lot Area Coverage is defined as the portion of a lot area covered by the footprint of structures. Coverage shall include all principal and accessory buildings including dwellings, garages, carports, parking structures, greenhouses, enclosed patios, and tool sheds. Gardens or plazas on top of podium parking that are no more than six feet above average finish grade will not count towards Lot Coverage. The maximum height above finished grade will be calculated as an average. Coverage shall not include areas paved at grade for driveways, walkways, roads, green open space (as defined in this Specific Plan), hardscape (as defined in this Specific Plan), uncovered parking, uncovered or unenclosed swimming pools or covered patios provided that said patio is not more than 50% enclosed. The projection of cornices, eaves, balconies, awnings, and other similar architectural projections shall not be included in the calculation of coverage.



**PRIMARY STREET.**

Primary Streets are identified as Lark Avenue, Los Gatos Boulevard, South ‘A’ Street, North ‘A’ Street, Neighborhood Street, Noddin Avenue, Burton Road, and Commercial Streets within the Northern District.

**PRIVATE OPEN SPACE**

Grass, landscaped area or hardscaped area (patio/balcony), that for exclusive use of an individual unit’s residents and their guests. This space can be either green space or hardscape. For purposes of this Specific Plan, private open space is included in the 30% Open Space requirement.

**PUBLIC OPEN SPACE**

Open space, streets and sidewalks in the North 40 will be privately owned, but publicly accessible. For purposes of this Specific Plan “public” refers to publicly owned, or publicly accessible spaces or uses.

**RESIDENTIAL TYPES**

Residential types descriptions are in this glossary:

- Cottage Cluster
- Townhomes/Garden Clusters
- Multi-Family Flats
- Condominiums
- Live/Work Lofts

**RESIDENTIAL UNIT SIZE MIX EXAMPLE (REVISED AND ADDED TO APPENDIX PER AC, AND REVISED AGAIN AT AUG. 29 AC MEETING)**

The Specific Plan encourages a mix of residential types and sizes but does not specify exact sizes. The types and sizes are targeting the unmet needs in Los Gatos. A **hypothetical example** of how the mix of residential uses can be realized is illustrated in the table below. This table is only intended as an example of how a mix of residential uses could be proposed on the North 40. It does not represent a target or requirement.

CONCEPTUAL MODEL OF RESIDENTIAL SIZES					
TYPES	NET UNIT AREA RANGE	GROSS UNIT AREA RANGE	APPROX. UNIT RANGE	PERCENT OF TOTAL RANGE	APPROX. TOTAL AREA
COTTAGE CLUSTER (DETACHED PRODUCT)		1,000 - 1,200 sf	40-50	20-25%	40,000 - 60,000
GARDEN CLUSTER		1,000 - 1,999 sf	40-50	20-25%	40,000 - 60,000
TOWNHOMES, ROWHOUSES		1,000 - 1,999 sf	130 - 140	30 - 40%	130,000 - 280,000
<b>GROSS UNIT AREA TOTAL</b>					<b>210,000 - 400,000</b>
CONDOS/MULTI-FAMILY	1,300 - 2,350 sf		90 - 110	25 - 30%	117,000 - 258,000
APARTMENTS/AFFORDABLE	500 - 750 sf		45 - 55	10 - 15%	22,000 - 42,000
<b>MAXIMUM UNITS ALLOWED</b>			<b>364</b>		
<b>NET UNIT AREA TOTAL</b>					<b>139,000 - 300,000</b>

*Refer to definitions for Net Unit Area and Gross Unit Area.*

*Note: 100% is not intended to be achieved by adding the example Percent of Total Range numbers, as it is not required to use every residential product type listed in the table.*

**NET UNIT AREA**

- Net area is the floor area of conditioned space (heated/cooled) measured to the inside face of the exterior walls (or common walls), but including interior partitions.
- Stairs internal to units counted at the bottom floor only.
- Elevator shafts are excluded.

**OFFICE**

Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, and veterinary, and medical/dental offices. **New medical offices are not permitted.** ~~This classification includes medical/dental laboratories incidental to an office use.~~

**OPEN SPACE**

Open space means a ground plane open and generally unobstructed from the ground plane to the sky. Balconies, shade structures, and roof eaves may extend over a portion of the open space. Open space includes both “green open space” and “hardscape” (plazas, courtyards, pathways, sidewalks, and pedestrian paseos). Plazas, courtyards, and planters over podium parking or on roof decks also qualify as open space.

**PARKING LOT LANDSCAPING**

For calculations of green space, parking lot landscaping includes all planters 50 square feet or larger, but not trees in tree grates.

**PERSONAL SERVICE BUSINESS**

Uses that predominately sell personal convenience services directly to the public, including but not limited to, barbers, beauty salons and related services, cosmetologists, electrolysis, facial and/or skin care, hair dressers and/or hair stylists, hair removal and/or replacement, manicurists, nail salons, pedicurists, permanent make-up, skin and body care, piercing, spas, tanning salons, tattooing, cleaners, dog grooming, tailors and other services of a similar nature.

Personal service business does not include travel agencies, insurance offices, law offices, architect offices, or any other type of office use.

**PODIUM PARKING**

A parking structure configured with the parking partially located below grade (but not fully underground), and with dwelling units or other uses above.

**PRIMARY BUILDING FRONTAGE**

The face of building that faces onto primary streets - Lark Avenue, Los Gatos Blvd, South ‘A’ Street, North ‘A’ Street, Neighborhood Street, Noddin Ave, Burton Rd, and commercial streets within The Northern District.

**PRIMARY STREET.**

Primary Streets are identified as Lark Avenue, Los Gatos Boulevard, South ‘A’ Street, North ‘A’ Street, Neighborhood Street, Noddin Avenue, Burton Road, and Commercial Streets within the Northern District.

**PROJECTIONS**

~~Architectural features on a building that provide visual variation and/or relief but do not serve as interior or exterior living or working space.~~

**PRIVATE OPEN SPACE**

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### Discretionary Approval Summary Table

Chapter	Item Summary	Development Review Committee	Planning Commission	Town Council
2	Mixed-use parking reduction		Architecture and Site Review (A & S)	
2	Shared parking agreements	Review and approval by Director of Community Development		
2	North 40 Neighborhood identification signage (entry features - location and quantity)		Architecture and Site Review (A & S)	
2	Specific Plan standards and guidelines exceptions		Architecture and Site Review (A & S)	
<del>2</del>	<del>Height exceptions (limited towers, spires, elevator penthouses....) as described in Chapter 2</del>		<del>Architecture and Site Review (A &amp; S)</del>	
<del>2</del>	<del>Additional height allowances to the 35' or the 45' limits in the Transition District per Chapter 2</del>		<del>Architecture and Site Review (A &amp; S) and Conditional Use Permit (CUP)</del>	
<del>2</del>	<del>Additional height for office (over 35') affordable housing and hotel uses (over 45') uses located in Transition and Northern District per Chapter 2</del>		<del>Architecture and Site Review (A &amp; S) and Conditional Use Permit (CUP)</del>	
2	Final street frontage setbacks		Architecture and Site Review (A & S)	
2	Reduced parking requirement for senior/affordable housing	Approval by Director of Community Development if findings can be made		
2	Tandem parking restriction per Chapter 2	Approval by the Director of Community Development		
4	Street locations and dimensions		Architecture and Site Review (A & S)	
6	Development applications for new structures		Architecture and Site Review (A & S)	
	<del>Minor Specific Plan Amendment</del>	<del>Director of Community Development</del>		
6	<del>Major</del> Specific Plan Amendment		Planning Commission Recommendation	Town Council Approval