



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

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**MINUTES OF THE PLANNING COMMISSION MEETING  
SEPTEMBER 13, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 13, 2023, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 PM**

**ROLL CALL**

Present: Chair Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Melanie Hanssen, Commissioner Kathryn Janoff, and Commissioner Emily Thomas.

Absent: Vice Chair Steve Raspe.

**PLEDGE OF ALLEGIANCE**

**VERBAL COMMUNICATIONS**

None.

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

**1. Approval of Minutes – August 23, 2023**

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

**VOTE:** Motion passed unanimously.

**PUBLIC HEARINGS**

**2. Town Wide – 2023-2031 Housing Element**

Zoning Code Amendment Application 2-23-003

General Plan Amendment Application GP-23-003

Applicant – Town of Los Gatos

Forward a recommendation to the Town Council on a Request to Amend the General Plan Land Use Designation of 16492 Los Gatos Boulevard and Assessor Parcel Number (APN) 532-07-086 from Low Density Residential to Neighborhood Commercial; amend the General Plan land use designation of Caltrans right-of-way adjacent to 14685 Oka

Road from Low Density Residential to Medium Density Residential and from R:1-8 to R-M:14-22, and apply the Housing Element Overlay Zone to allow for increases to the allowable density, height, floor area ratio, and lot coverage to the sites included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APNs 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, 529-24-001, 529-24-003, and 532-07-085; 401 through 409 Alberto Way; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, and 16270 Burton Road; Caltrans right-of-way adjacent to 14685 Oka Road; 110 and 206 Knowles Drive; 445 Leigh Avenue; 440 Los Gatos Almaden Road; 16603 Lark Avenue; 14823, 14831, 14849, 14859, 14917, 14925, 15300, 15349, 15367, 15405, 15425, 15480, 15500, 15795, 16151, 16203, 16392, and 16492 Los Gatos Boulevard; 50 and 165 Los Gatos Saratoga Road; 61 Montebello Way; 14800 and 14840 Oka Road; 50 Park Avenue; 101 South Santa Cruz Avenue. An Environmental Impact Report (EIR) was prepared and certified for the 2040 General Plan Update on June 30, 2022, which included the proposed General Plan amendments. No further environmental analysis is required.

Jocelyn Shoopman, Associate Planner, presented the staff report.

**Commissioner Thomas stated that she would recuse herself from participating in the public hearing for Item 2, due to proximity to some of the subject sites.**

Opened and Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Hanssen to recommend Town Council approval of the proposed General Plan and Zoning Amendments .**

**Commissioner Hanssen amended the motion to include language regarding the minimum and maximum density.**

**Seconded by Commissioner Janoff.**

**VOTE:**                    **Motion passed unanimously.**

**3. Amendments to the Town Code Regarding Accessory Dwelling Units**

Town Code Amendment Application A-23-002

Applicant: Town of Los Gatos

Location: Town-Wide

Project Planner: Sean Mullin

Forward a recommendation to the Town Council on Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding Accessory Dwelling Units. The proposed amendments also correct outdated references to sections of the Town Code included in sections pertaining to termination of nonconforming use status, requirements for a two-unit development under Senate Bill 9 (SB 9), and civil penalties. The environmental impacts of the proposed amendments to the Town Code were analyzed in the Environmental Impact Report for the 2040 General Plan. Additionally, the proposed amendments are exempt pursuant to CEQA, Section 15061(b)(3).

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Lee Fagot:

- I have a question on Table 1-2, Accessory Dwelling Unit Setback Requirements, including the street side and the setback for new attached ADUs within an existing space of a primary dwelling or accessory structure. For the rear and side it simply says, "Is sufficient for fire and safety." What is the definition of sufficient? Is it four feet or is it 11 feet as is the guidance on emergency evacuation requirements for roadways and pathways?

Eric Beckstrom:

- I don't know what the second story window was about in terms of regulations. Could you map that out a little bit? As an architect who has worked in Europe I know that some houses with transom windows look like they have bullet windows on the second floor. A house is really a face and it welcomes people. I've worked in a lot of jurisdictions and when those second floor windows are up high and are transoms, it takes away the humanity of the space inside. Imagine a child with transom windows and all they see is the sky. With taller windows they can actually see the neighbors.

Pradeep Khanel:

- I'm a resident of Los Gatos and considering converting my detached garage into an ADU in the future. I want to understand if the new State changes have made the process stricter or more relaxed? When I moved to Los Gatos I was told the Town was encouraging ADUs. Is that still the sentiment or has that changed?

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                      **Motion by Commissioner Janoff** to recommend Town Council approval of amendments to Chapter 29 of the Town Code regarding Accessory Dwelling Units, with the recommendation that parking requirements be eliminated from the ADU Ordinance and that Table 1.2, "Accessory

Dwelling Unit Setback Requirements” included in the Addendum, be incorporated. **Seconded by Commissioner Hanssen.**

**VOTE:** **Motion passed unanimously.**

## **OTHER BUSINESS**

## **REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

Jennifer Armer, Planning Manager

- The Town Council meeting scheduled for September 19<sup>th</sup> will include discussion on an appeal of the Planning Commission’s approval of the Winchester assisted living project; and a further discussion of the Housing Element work plan.
- A special Housing Element Advisory Board meeting is scheduled for September 28<sup>th</sup>.

## **SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

### **Housing Element Advisory Board**

Commissioner Hanssen

- HEAB held its last monthly meeting on August 24<sup>th</sup> and continued progress to get the Housing Element certified.
- Staff met on September 5<sup>th</sup> with HCD and our consultant with experience getting housing elements certified.
- HEAB expects to see the draft Housing Element at its special meeting scheduled for September 28<sup>th</sup>.

## **ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 13, 2023 meeting as approved by the Planning Commission.

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/s/ Vicki Blandin