



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
APRIL 13, 2022**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, April 13, 2022, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, all planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Jeffrey Barnett, Commissioner Kylie Clark, Commissioner Kathryn Janoff, Commissioner Steve Raspe, Commissioner Reza Tavana, and Commissioner Emily Thomas

Absent: None.

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – March 23, 2022

MOTION: Motion by Vice Chair Barnett to approve adoption of the Consent Calendar. **Seconded** by Commissioner Clark.

VOTE: Motion passed unanimously.

PUBLIC HEARINGS

2. 33 Walnut Avenue

APN 510-41-007

Property Owner/Applicant/Appellant: Jeffrey Siegel

Project Planner: Erin Walters

Consider an Appeal of the Historic Preservation Committee Decision to Deny the Removal of a Presumptive Historic Property (Pre-1941) from the Historic Resources Inventory on Property Zoned R-1:8.

Erin Walters, Associate Planner, presented the staff report.

Opened Public Comment.

Jeffrey Siegel (Applicant/Appellant)

- Attachment 7 provides an in-depth assessment of whether there is historic integrity remaining on the property. In the expert opinion of Jay Correia of the California Office of Historic Preservation this house would not be eligible for the California Register because: too much modern intervention, new construction; new materials instead of an in-kind restoration; footprint has been dramatically expanded; and an altered roofline. The next-door neighbor of 62 years has stated the house looks nothing like it did in 1961. "Presumptive" means the house is pre-1941, not that there was ever a determination of any historic significance. The key question is whether or not there is historic integrity remaining after massive alterations over 60 years by multiple homeowners, and the answer, as verified by professional historic preservationists, is there is no historic integrity.

David Hernandez, Architect, 1150 Pedro Street, San Jose

- I concur with Jay Correia of the California Office of Historic Preservation that the current house does not resemble anything that would be considered historic given the number of changes structurally and aesthetically. The front porch expansion allowed us to maintain some of the character of the building front, but beyond that there is not much that remains of the original residence; the character of the building was lost long ago with the many changes made over time. I also concur with Mr. Correia and the applicant that this residence should be removed from the historical registry.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff to deny an appeal of a Historic Preservation Committee decision for 33 Walnut Avenue. **Seconded** by Commissioner Clark.**

Commissioners discussed the matter.

VOTE: Motion passed 5-2 with Vice Chair Barnett and Commissioner Tavana dissenting.

3. Draft 2040 General Plan and Final Environmental Impact Report

Review and Make Recommendations on the Draft 2040 General Plan and Final Environmental Impact Report to the Town Council.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Guilianna Pendleton, Environmental Advocacy Assistant, Santa Clara Valley Audubon Society

- I hope the Planning Commission will support the inclusion of a Dark Sky and Bird Safe Design Ordinance in the General Plan to reduce artificial light at night and protect our birds, hundreds of millions of which die each year due to building or structure collisions related to artificial light at night. Please also consider removing any goals or policies within the plan that would lead to over-lighting Los Gatos. Also, please strengthen biodiversity protections, native habitat enhancement, and wildlife connectivity as you review and make recommendations on the Draft General Plan.

Karen Rubio, Los Gatos Plant-Based Advocates

- I'm asking the Planning Commission and Town Council to take action to ensure a habitable planet for our children by including plant-based diet education into Section 8.12 of the General Plan. 47 percent of California's water goes to meat and dairy production and the livestock industry plays a key role in climate change. Any plan to achieve a sustainable environment must include education about plant-based diets.

Lisa Wade, Los Gatos Plant-Based Advocates

- Plant-Based Advocates has submitted a petition with 265 signatures requesting a plant-based education program be added to the Environmental section of the General Plan, Section 8.12. Mountain View has such a program and we would like to see Los Gatos have something similar. Our initiative has the support of health and environmental NGOs, prominent citizens of Los Gatos and neighboring cities, the Center for Biological Diversity, and the Sierra Club.

Jak Van Nada, Los Gatos Community Alliance

- The Department of Finance for the State of California believes that Los Gatos will not grow more than 1,954 households in 20 years, so why would the GPAC double that number to 3,738? We advocate a major effort by the Town to provide affordable housing and believe the Housing Element Advisory Board should be focused on low- and very-low income categories. It will be a major challenge in a built-out town with high land costs, but two successful housing developers have said it can be done and we encourage the Planning Commission to focus on the challenge of getting more affordable housing into Los Gatos.

Lee Quintana

- As a member of GPAC I voted to recommend the Draft General Plan go to the Planning Commission, but put it on the record that I did not agree to its current form because it has many problems, including: 1) The manner in which GPAC was conducted, with very little leeway in recommendations or changes; 2) One of the biggest flaws of the process is that the General Plan base map was never reviewed for consistency between the General Plan and the Zoning Code; 3) There are no incentives in this General Plan to help get the type of housing we want, which are smaller units; and 4) Policies do not give true and clear direction.

Matt Francois, Rutan & Tucker

- I am the land use counsel for Los Gatos Community Alliance, who has concerns with the proposed General Plan and EIR. The proposed plan significantly and indiscriminately upzones almost the entire town, including low-density residential neighborhoods and the downtown, but the EIR does not study those changes, as required by CEQA. If the Draft General Plan is approved in its current form, the Town could not legally deny a project that complied with the new density standards. The Town should first focus on the mandatory changes to its Housing Element, due in January 2023, because the Housing Element will provide critical information as to where housing should be located and at what density. If the General Plan goes ahead in its current form, the Commission should recommend it be amended to provide for no more than 2,300 units, which would satisfy market demand and the Town's new RHNA number, plus a reasonable buffer.

Gina

- I'm particularly passionate about our need for wildlife crossings. I agree with the other speakers about the dark skies, bird safety, protecting biodiversity, protecting the environment and reducing pollution and greenhouse gases, and including education on a plant-based diet to the General Plan. I agree with approximately 2,000 units versus 4,000 units. I am, as much as possible, against the high-density and upzoning. I support eliminating pesticides that are devastating to the Monarch butterfly population, which migrates through Los Gatos.

Connie Hamra

- One of my concerns is maintaining the integrity and beauty of the Town of Los Gatos. We do not have enough water for all the development planned throughout Santa Clara Valley. How is Los Gatos addressing that in terms of the Town's continued growth? I agree with keeping the number of units to be added to Los Gatos at the lowest level possible, because we want to keep our community the way it is.

Rosalee

- I support a plant-based diet education program in the General Plan. I also support the dark sky petition. With plans for so much expansion in Los Gatos we have to keep in mind that wildlife is one of the things that gives Los Gatos its character and charm. The main sale point of the North Forty was to address the affordable housing crisis, but once the project was started, this was not upheld. Who is accountable to ensure that what happened with the North Forty will not happen again in the next development proposed under the guise of satisfying affordable housing in Los Gatos?

Catherine Somers, Los Gatos Chamber of Commerce

- I also support the dark skies. I get criticized a lot in my job for not looking out for all of the commercial hubs in Los Gatos. One very important thing the Commission has on its plate is to wrap those hub communities into the whole, and yet make them very special and unique so that they serve their individual neighborhoods, and I would love to see that reflected in the Land Use portion of the General Plan. The Commission has a unique opportunity when looking at these different neighborhoods to look at what would make Los Gatos special and what would be community hubs 20 years from now.

Jesus

- With respect to the General Plan Zoning Map, I own a property on Los Gatos Boulevard and Farley Road that has been a professional office building for all of its 35 years, is part of Santa Clara County, and is zoned for administrative and professional office use. If the property were annexed into Los Gatos it would be zoned for residential. Please consider the zoning in that area, because my property is already in a commercial area, but a technicality could stop me from renovating and updating the facility.

Arvin

- I would like to suggest that the General Plan consider turning downtown Santa Cruz Avenue into a pedestrian street that would allow Los Gatos residents and visitors to come to downtown and support the businesses and socialize.

Tony Alarcon

- The RHNA numbers provided by the state to Los Gatos should be appealed. I do not support exceeding the RHNA numbers or the approximately 4,000 units proposed in the General Plan. I agree with a prior speaker that the North Forty was promised as affordable housing and it is anything but that. Other solutions to create affordable options, such as

smaller units, are needed. I would like to see the historic districts retain their character. We have yet to see the impacts of SB 9 and SB 10. We should slow down on the General Plan and not be too aggressive with the number of proposed housing units, and further study should be done before making drastic changes in that direction.

Joe Rodgers

- I am very much opposed to a request being considered by the Town Council to add one to three cannabis dispensaries in the Town. It sends the wrong message about the quality and nature of Los Gatos, but my concerns also go to traffic and parking problems. The first step is a dispensary, then packaging and processing, and then growing cannabis with the accompanying water and electrical power needs. I request the Planning Commission and Town Council do an environmental impact study and include it in the General Plan.

Joanne Rodgers

- For every dollar taken in for a cannabis sale, four dollars is spent on policing, traffic management, crime, etc. We are asking for the environmental review to be included in the General Plan.

John

- I am generally supportive of additional housing units. What pops out in the plan are the 804 opportunities in Land Development, and maybe 1,200 opportunities in the Redevelopment section. The 3,900 new units and another approximately 9,000 residents in Los Gatos would not work well in terms of traffic, especially Los Gatos' summer traffic. It would great if most housing development were converting commercial properties along strong road corridors to multi-use. Wildfire is referenced extensively in the plan, but there is not much strength in the Wildfire Fuels, Mitigation, and Management; this is an essential area to pay attention to.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Barnett** to approve changes to the Vision and Guiding Principles section of the Introduction, as recommended in Exhibit 7 to the staff report. **Seconded by Commissioner Tavana.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Clark** to add language regarding the Ohlone and Tamien Indians to the Los Gatos Community section of the Introduction. **Seconded by Commissioner Thomas.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to accept the suggested changes listed as Items 2 through 7 in Exhibit 7 to the staff report. **Seconded by Chair Hanssen.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend Town Council approval of the Racial, Social, and Environmental Justice Element, subject to the following modifications: 1) Add an implementation program for Policy RSEJ-4.1 to do research on coordinating and promoting acceptance of government-issued food vouchers; 2) Make the changes to reflect the definitions submitted by Commissioner Clark for key terms of equality and equity; 3) Approve Item 17 in Exhibit 7 of the staff report with the addition of “historically marginalized” to the language in Policy RSEJ-6.2; and 4) Approve Items 11, 15, and 18 from Exhibit 7 to the staff report. **Seconded by Commissioner Janoff.**

Commissioners discussed the matter.

VOTE: **Motion passed unanimously, with Vice Chair Barnett recommending the Town Council consider the terms “equality” and “equity” after further review by members of the Planning Commission of their use in the document. Vice Chair Barnett will provide further comment in writing after his review.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Janoff** to recommend Item 67 from Exhibit 7, and add Items 62 and 63 from Exhibit 7 as a single implementation program in the Mobility Element.

Commissioner Thomas requested the motion be amended to change “Implementation Program D” to the 2020-2025 timeframe.

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

Seconded by Commissioner Thomas.

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Tavana** to extend the meeting past 11:00 p.m. to 11:30 p.m. **Seconded by Commissioner Raspe.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Thomas** to recommend Town Council approval of the Public Facilities, Services, and Infrastructure Element subject to the following modifications: 1) Add a definition of recycled and reclaimed water; 2) Change Implementation Program C to the 2020-2025 timeframe and expand it to looking at artificial turf and other ground cover alternatives; and 3) Accept Items 70, 73, and 80 of Exhibit 7 to the staff report. **Seconded by Commissioner Clark.**

VOTE: **Motion passed unanimously.**

MOTION: **Motion by Chair Hanssen** to continue the public hearing for the Draft 2024 General Plan and Final Environmental Impact Report to a date certain of April 25, 2022 at 7:00 p.m. **Seconded by Vice Chair Barnett.**

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- Town Council met April 5, 2022:
 - Discussed whether or not additional fiscal analysis should be performed for the General Plan and determined no additional analysis was necessary.
 - Considered an appeal of 118 Olive Street, which was approved with modifications.
 - Considered 110 Wood Road, which was remanded back to the Planning Commission.
- A Study Session on affordable housing was held on April 6, 2022. A video is available for viewing on the Town's Housing Element website.
- The next Housing Element Advisory Board meeting will be April 21, 2022, via Zoom. The public is encouraged to attend.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 11:29 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 13, 2022 meeting as approved by the Planning Commission.

/s/ Vicki Blandin