



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
APRIL 26, 2023**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, April 26, 2023, at 7:00 p.m.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

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

Absent: Commissioner Kylie Clark

PLEDGE OF ALLEGIANCE

VERBAL COMMUNICATIONS

None.

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

1. Approval of Minutes – March 22, 2023

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

VOTE: Motion passed unanimously.

OTHER BUSINESS

4. Draft Proposed Capital Improvement Program Budget for Fiscal Years 2023/24 – 2027/28

Nicolle Burnham, Director of Parks and Public Works, presented the staff report.

Opened Public Comment.

Lee Fagot

- I believe the new Highway 17 Bicycle and Pedestrian Bridge should be delayed because the State and Caltrans are doing Highway 17 widening proposals and looking to redo the Blossom Hill Bridge over Highway 17, which does not meet State requirements. If we put in our own separate bicycle and pedestrian bridge, we'll be competing with Caltrans for funding and to have a separate entrance and exit around that area. This project should be delayed until we better understand what will happen with the funding for Caltrans to work on the Route 9 and Highway 17 interchange, the Blossom Hill Road new bridge, and see if we can collaborate with the State and include a better bicycle and pedestrian overcrossing as part of that new construct.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to forward a recommendation of approval to the Town Council for the Draft Proposed Capital Improvement Program Budget for Fiscal Years 2023/24 – 2027/28. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

PUBLIC HEARINGS

2. Land Use and Economic Recovery Amendments of the Town Code

Town Code Amendment Application A-23-001

Project Location: Town Wide

Applicant: Town of Los Gatos

Forward a recommendation to the Town Council on Land Use and Economic Recovery Amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding personal service businesses, bars, markets, banks, financial services, formula retail, group classes, veterinarians, offices, and definitions. The proposed amendments to the Town Code are not considered a project under the California Environmental Quality Act.

Sean Mullin, Senior Planner, presented the staff report.

Opened Public Comment.

Catherine Somers, Los Gatos Chamber of Commerce

- The June 2020 Economic Recovery Resolution created flexibility and increased opportunities for businesses and the Chamber supports almost all of staff's recommendations relating to making it permanent, with a few exceptions: 1) We request

the Town take a closer look at the language around specialty retail and how it might relate to the coffee industry. The discretion provided by the Development Review Committee would be appropriate to guide any newly proposed coffee businesses in the C-2 zone; 2) Formula Retailers 6,000 square feet was a policy meant to regulate larger box retail. There are some spaces in the commercial C-2 zone that would benefit from marketability of what would be considered a formula use as an approved use within the zone. There are leases, building size, and other constraints that self-regulate the concern of overly competitive big box retailers entering the market. The notion of formula retail is antiquated with the changing landscape of retail, and we want to welcome a few quality retailers to bolster our shopping experience and gain tax revenue. We suggest eliminating this limitation completely; 3) We think the definition of banks and financial institutions needs to be more straightforward if offices on the ground floor are not desired.

Bess Wiersema, Studio3 Design

- In addition to Studio3 I own another business called Shop the Studio, a trade-only showroom. I concur with Ms. Somers and the Chamber, because I hear it from my own clients at Studio 3 who are looking to have work done on their homes or are building homes, as well as many other architects and designers that use the trade showroom, that if downtown is vital it is easier for them to get clients to come and visit and stay and the more Los Gatos can establish itself as a boutique destination without big box stores, but ones that fit at the more niche level taking up only 10,000 square feet or less. I encourage the Planning Commission to let the architecture and footprint of the space do the talking and create a space that could become something besides the same old stuff we see downtown.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to forward to the Town Council a recommendation of adoption of amendments to the Town Code regarding Personal Service Businesses as a Permitted Use in the C-2 and O Zones. **Seconded by Commissioner Janoff.**

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to forward to the Town Council a recommendation of adoption of amendments to the Town Code regarding Bars, Markets, and Other Miscellaneous Commercial Businesses, subject to the change in the definition of specialty food retail by deleting the word “coffee” in the phrase “coffee/slash tea houses”

and inserting language specifically excluding coffee houses from the definition of specialty food retail. **Seconded by Commissioner Hanssen.**

The seconder of the motion requested the motion be amended to request that staff do the additional research discussed before going to Town Council to ensure no unintended consequences.

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

VOTE: Motion passed unanimously.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to forward to the Town Council a recommendation of adoption of amendments to the Town Code regarding Banks and Financial and Investment Services, subject to the change in the definition of retail bank by inserting the word “cash” in front of the phrase “deposit/withdrawals.” Seconded by Commissioner Janoff.

VOTE: Motion passed unanimously.

Commissioners discussed the matter.

MOTION: Motion by Commissioner Hanssen to forward to the Town Council a recommendation of adoption of amendments to the Town Code regarding Formula Retail Greater Than 6,000 Square Feet. Seconded by Commissioner Thomas.

VOTE: Motion passed unanimously.

MOTION: Motion by Vice Chair Raspe to forward to the Town Council a recommendation of adoption of amendments to the Town Code regarding Group Classes in the C-2 zone. Seconded by Commissioner Janoff.

Commissioners discussed the matter.

VOTE: Motion passed unanimously.

MOTION: Motion by Commissioner Thomas to forward to the Town Council a recommendation of adoption of amendments to the Town Code

regarding Veterinarians in the C-1 Zone. **Seconded by Commissioner Burnett.**

VOTE: Motion passed unanimously.

3. Modifications to the Town Height Pole and Netting Policy

Project Location: Town Wide

Applicant: Town of Los Gatos

Forward a recommendation to the Town Council on modifications to the Town Height Pole and Netting Policy for Additions and New Construction. The proposed amendments to Town policy are not considered a project under the California Environmental Quality Act.

Jennifer Armer, Planning Manager, presented the staff report.

Opened Public Comment.

Bess Wiersema, Studio3 Design

- I am here representing architects Gary Kolhsaat, Tony Jeans, Tom Sloan, Jennifer Kretschmer, Louis Leu, Noel Cross, and Jay Plett. We strongly disagree that story poles are helpful, and actually believe they are more hurtful and are an outdated method for displaying and explaining a project. We live in a time where 3-D can be done and pinned to a height requirement or to a pole, and it shows the finished project. Story poles do not convey anything that exists in the character of how we are supposed to design homes as architects. Massing can be better seen in 3-D models, which are more useful in terms of creating neighborly conversation and are more realistic. Story poles that sit in hillsides do not show things like retaining walls, terraced hillsides, and grading on the site, so often the interpretation of what we consider massing is irrelevant to what it actually is in the long run. We are also concerned about the way story pole plans are reviewed in Los Gatos, which is different than other jurisdictions, is time consuming, and requires more rounds of revisions. In an effort to streamline the process we ask the Planning Commission to trust the professionals who are putting them up and putting together a certified letter. A basic story pole package including plans for a regular new home in Los Gatos costs \$20,000, which would be better spent on beautiful architectural details, especially if the house meets the design guidelines and the neighbors are not contesting it.

Catherine Somers, Los Gatos Chamber of Commerce

- Ms. Wiersema was correct in stating that we used to rely on story poles, but now there are so many new tools, and I believe we need to find ways to engage the public so they can utilize those tools. I believe story poles are causing impediments, and I represent many members of the Chamber of Commerce who are architects and builders and are frustrated with this process. I urge the Planning Commission to consider coming up with other

options so they can work through these building processes more quickly and efficiently, because it causes strain and concern on the part of the architects, builders, and homeowners, and causes constraints to the Building Department because we're spending a lot of time on some of these residential homes that are pretty easy, and then we have a lot of commercial projects also. We need to accept and acknowledge that the architects know what they're talking about, and if they say that story poles are obsolete and there are other ways of sharing their designs with the public, they should be able to do it that way.

Don Capobres, Harmonie Park Development

- I've worked on the North Forty project in Los Gatos for over 15 years. In the context in which we were required to implement it, the Town's story pole policy is an anti-housing development tool. Requiring story poles creates unnecessary tension within the community and can create false expectations about the Town's ability to deny or modify design elements such as height or massing that are consistent with the Town's development standards and create unnecessary opposition to projects that are legally entitled to move forward. The Town's outdated story pole policy is impeding housing production. The Town must allow simpler, less burdensome, and more effective ways of providing notice that convey similar information without unreasonably burdening development projects. This is especially true as meeting the Town's housing needs will entail having to allow for taller buildings with heights that make the Town's current story pole policy technically infeasible to implement. Story poles can only be seen from public right-of-way, making understanding the context of a larger proposal increasingly challenging.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Raspe** to continue the public hearing on Modifications to the Town Height Pole and Netting Policy for Additions and New Construction to a date certain of May 24, 2023. **Seconded by Commissioner Burnett.**

VOTE: **Motion passed unanimously.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Jennifer Armer, Planning Manager

- The Town Council met on April 4, 2023, where it considered and granted a story pole exception for a project at Winchester Boulevard and Shelburne Way and further discussed the draft revised Housing Element.

- The Town resubmitted the Draft Housing Element to HCD on March 31, 2023, and on April 14, 2023, received a comment letter regarding the adopted Housing Element from January 2023. Review with HCD is ongoing on the remaining issues that were submitted as part of the March 31, 2023, draft.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Commissioner Hanssen

- The CDAC met on April 12, 2023, regarding a development proposal for 18 acres of land that sits above the Surrey Farm neighborhood.

Historic Preservation Committee

Commissioner Burnett

- The HPC met on April 26, 2023, and voted to remove a home on Fillmer from the inventory.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the April 26, 2023 meeting as approved by the Planning Commission.

/s/ Vicki Blandin