



TOWN OF LOS GATOS COUNCIL AGENDA REPORT

Minutes of the Town Council Meeting Tuesday, October 3, 2023

The Town Council of the Town of Los Gatos conducted a regular meeting in person and utilizing teleconferencing means on Tuesday, October 3, 2023, at 7:00 p.m.

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

ROLL CALL

Present: Mayor Maria Ristow, Vice Mayor Mary Badame, Council Member Matthew Hudes, Council Member Rob Moore, Council Member Rob Rennie.

Absent: None

PLEDGE OF ALLEGIANCE

Madeline Sieve led the Pledge of Allegiance. The audience was invited to participate.

PRESENTATIONS

Mayor Ristow presented proclamations to faith leaders from Saint Vincent de Paul, Saint Luke's Episcopal Church, and the Los Gatos United Methodist Church for their work of service and in supporting the unhoused residents of Los Gatos.

CLOSED SESSION

Gabrielle Whelan, Town Attorney, stated the Town Council met in closed session to discuss performance evaluations for the Town Attorney and the Town Manager, and there was no reportable action.

COUNCIL/TOWN MANAGER REPORTS

Council Matters

- Vice Mayor Badame stated she attended the Police Department swearing in ceremony for the new Dispatchers and Police Officers; the second annual Octoberfest; and met with residents to discuss various concerns.
- Council Member Moore commented on recent "Zoom bombing" attacks in other jurisdictions; attended the League of California Cities annual conference in Sacramento; toured Villas on the Park which is a 100% affordable housing community run by People Assisting the Homeless (PATH); helped teach bike safety to students at Fisher Middle School; attended the Youth Citizens of the Year awards ceremony, the Informed Community Book Club at the Library, the Los Gatos Parks Commission meeting, and the housing Element Advisory Board meeting; met with various members of the community; and spoke about his next Community Coffee.

- Council Member Rennie stated he attended the CEO search committee meeting for Silicon Valley Clean Energy.
- Council Member Hudes stated he participated in a half-day session with the Silicon Valley Regional Interoperability Authority; attended the Initiatives and Publicity Committee meeting of the new Foundation for Older Adults, the Police Department swearing in ceremony for the new Dispatchers and Police Officers, the Foundation for Older Adults to Thrive in Los Gatos Board meeting, the NUMU opening of the history lab, and the Housing Element Advisory Board meeting; and made a request to move item 13 up on the agenda for discussion.
- Mayor Ristow stated she attended the League of California Cities annual conference in Sacramento, the Youth Citizens of the Year awards ceremony, the Police Department swearing in ceremony for the new Dispatchers and Police Officers, and the West Valley Mayors and Managers meeting; commented on recent "Zoom bombing" attacks; helped teach bike safety to students at Fisher Middle School; did a ribbon cutting for the NUMU history lab; and met with several residents on a variety of topics.

Manager Matters

- Announced the Town submitted its Housing Element to the State after the required seven-day public comment period.

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

1. Approve the Minutes of the September 12, 2023 Joint Meeting of the Town Council and Planning Commission Study Session.
2. Approve the Minutes of the September 19, 2023 Town Council Meeting.
3. Approve Modifications to Council Policy 2-11 Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum to Accommodate the Exception to Residency Requirements for the Newly Established Diversity, Equity, and Inclusion Commission.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council Member Hudes pulled item #3.

MOTION: Motion by Vice Mayor Badame to approve consent items one and two. Seconded by Council Member Moore.

VOTE: Motion passed unanimously.

VERBAL COMMUNICATIONS

Tom Picraux

- Announced the formation of a non-profit organization called the Los Gatos Foundation for Older Adults to Thrive and commented on the goals of the Foundation.

Lynley Fenchel

- Commented on the Bible and diversity, equity, and inclusion.

Ronald Meyer

- Commented on concerns with accountability, transparency, and process for the Housing Element.

Dorene Kastelman, Jewish Community Relations Council

- Commented on concerns with increasing incidents of hate.

PUBLIC HEARINGS

4. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.60.020, 'Permits for Retailers of Tobacco Products,' of Article VI, 'Smoking Regulations,' of Chapter 18, 'Offenses and Miscellaneous Provisions,' of the Town Code to Increase Fine Amounts and Amend the Definition of 'Tobacco Products' to Align with the Santa Clara County Ordinance."

Gabrielle Whelan, Town Attorney, presented the staff report.

Mayor Ristow opened public comment.

Carol Baker, Santa Clara County Tobacco Free Coalition

- Commented in appreciation of the Ordinance.

Mayor Ristow closed public comment.

MOTION: Motion by Vice Mayor Badame to introduce an Ordinance titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Section 18.60.020, 'Permits for Retailers of Tobacco Products,' of Article VI, 'Smoking Regulations,' of Chapter 18, 'Offenses and Miscellaneous Provisions,' of the Town Code to Increase Fine Amounts and Amend the Definition of 'Tobacco Products' to Align with the Santa Clara County Ordinance." **Seconded by Council Member Moore.**

VOTE: Motion passed unanimously.

5. Consider a Resolution to Amend the General Plan to Include a Description of the Housing Element Overlay Zone (HEOZ) and Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, 'Zoning Regulations,' of the Town Code to Replace the Affordable Housing Overlay Zone Division 5 of Article VIII, 'Overlay Zones and Historic Preservation,' With the Housing Element Overlay Zone As Division 5 of Article VIII, 'Overlay Zones and Historic Preservation.'" 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. Zoning Code Amendment Application Z-23-002 and General Plan Amendment Application GP-23-002. Project Location: Town Wide. Applicant: Town of Los Gatos. **RESOLUTION: 2023-052**

Jocelyn Shoopman, Associate Planner, presented the staff report.

Mayor Ristow opened public comment.

No one spoke.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to make the finding that no further environmental analysis is required as listed in Attachments 1 and 2 of the staff report; adopt a resolution to amend the 2020 General Plan Land Use Element to include a description of the HEOZ Attachment 1 of the staff report; and introduce an ordinance, by title only, effecting an amendment to the Town Code to replace the AHOZ of Division 5, Article VIII, "Overlay Zones and Historic Preservation," with the HEOZ (Attachment 2) with any specific changes identified and agreed upon by the majority of the Town Council.
Seconded by Mayor Ristow.

VOTE: Motion passed by a 4-1 vote. Vice Mayor Badame voted no.

Mayor Ristow called for a brief recess at 9:04 p.m.

Mayor Ristow reconvened the meeting at 9:18 p.m.

6. Consider a Resolution 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 Introduce an Ordinance Titled "An Ordinance of the Town of Los Gatos Amending the Zoning Code from R-1:8 (Single-Family Residential) To R-M (Multiple-Family Residential) for a Caltrans Right-of-Way Property Located Adjacent to 14685 Oka Road; and Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: APN's 424-06-116, 424-07-116, 424-08-029, 424-08-058, 424-08-059, 424-08-060, 424-08-074, and 532-07-085; 620 and 14000 Blossom Hill Road; 16210, 16240, 16245, 16250, 16260, 16270, and 16392 Burton Road; Cal Trans 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, 15795, 16151, 16203, and 16492 Los Gatos Boulevard; 165 Los Gatos Saratoga Road; and 14800 and 14840 Oka Road." 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 and Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003 and General Plan Amendment Application GP-23-003.
Applicant: Town of Los Gatos.

Mayor Ristow stated items 6, 7, 8, and 9 would be continued to a date certain and opened public comment for those people in the audience wanted to speak on the items.

Christina Olvera

- Commented on concerns with future development and how it would affect existing small businesses.

Lee Quintana

- Commented on the site inventory list and stated some concerns.

Mayor Ristow closed public comment.

MOTION: Motion by Council Member Hudes to continue item 6 to November 7. Seconded by Council Member Rennie.

VOTE: Motion passed unanimously.

7. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Site Inventory Analysis of the 2023-2031 Housing Element: 401 through 409 Alberto Way, 50 Los Gatos-Saratoga Road, 529-24-001, and 529-24-003." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

MOTION: Motion by Council Member Hudes to continue item 7 to November 7. Seconded by Mayor Ristow.

VOTE: Motion passed 4-0-1. Vice Mayor Badame was rescued from the vote.

8. Introduce an Ordinance Titled "An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Sites Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 15300, 15349, 15367, 15405, 15425, 15480, and 15500 Los Gatos Boulevard." An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

MOTION: Motion by Council Member Hudes to continue item 8 to November 7. Seconded by Mayor Rennie.

VOTE: Motion passed 4-0-1. Council Member Moore was rescued from the vote.

9. Introduce an Ordinance Titled “An Ordinance of the Town Council of the Town of Los Gatos to Apply the Housing Element Overlay Zone (HEOZ) to Provide for Increases to the Allowable Density, Height, Floor Area Ratio, and Lot Coverage for Residential Development on the Following Site Included in the Sites Inventory Analysis of the 2023-2031 Housing Element: 101 South Santa Cruz Avenue and Apply the Housing Element Overlay Zone.” An Environmental Impact Report was Prepared and Certified for the 2040 General Plan Update on June 30, 2022, which Included the Proposed Zoning Code Amendments. No further Environmental Analysis is Required. Zoning Code Amendment Application Z-23-003. Applicant: Town of Los Gatos.

MOTION: Motion by Council Member Hudes to continue item 8 to November 7. **Seconded** by Mayor Rennie.

VOTE: Motion passed 4-0-1. Mayor Ristow was rescued from the vote.

OTHER BUSINESS

10. Discuss and Consider Modifications to the Review Process for Exception Requests to the State Minimum Fire Safe Regulations (Public Resource Code 4290).

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Ristow opened public comment.

Brandye Sweetnam

- Commented on concerns with the review process and Public Resource Code 4290.

Terry Szewczyk

- Commented on concerns with the review process and Public Resource Code 4290.

Gary Kohlsaat

- Commented on concerns with the review process and Public Resource Code 4290.

Scott Watson

- Commented on concerns with the review process and Public Resource Code 4290.

Ivy Chang

- Commented on adding a timeline to the appeal process and adopting a resolution similar to Saratoga.

David Hutchinson

- Commented on concerns with the review process and complying with State law.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Hudes to continue with the existing appeal process and provide principles to the Planning Commission of transparency, objectivity, feasibility, and timeliness. **Seconded** by Council Member Moore.

VOTE: Motion passed unanimously.

Mayor Ristow called for a brief recess at 10:41 p.m.

Mayor Ristow reconvened the meeting at 10:51 p.m.

11. Rescind Resolution 2023-051 and Adopt a Revised Enabling Resolution for the Diversity, Equity, and Inclusion Commission to Clarify that All Members are Voting Members, and that Terms will be Staggered. **RESOLUTION: 2023-053**

Laurel Prevetti, Town Manager, presented the staff report.

Mayor Ristow opened public comment.

Ronald Meyer

- Commented on concerns with the diversity, equity, and inclusion initiative and spoke in opposition of the item.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Councilmember Moore to rescind Resolution 2023-051 and adopt a revised enabling Resolution for the Diversity, Equity, and Inclusion Commission to clarify that all members are voting members and that terms will be staggered, and modify the resolution to say there will be no term limits. **Seconded** by Council Member Hudes.

VOTE: Motion passed 4-1. Vice Mayor Badame voted no.

12. Adopt a Resolution to Deny an Appeal of a Planning Commission Decision to Approve the Demolition of One Existing Office and Four Residential Buildings, Construction of an Assisted Living and Memory Care Facility, Variance from the Maximum Height and Lot Coverage of the Zone, Merger of Four Lots into One, and Removal of Large Protected Trees on Property Zoned Office. Located at 15860 -15894 Winchester Boulevard and 17484 Shelburne Way. APNs 529-11-013, -038, -039, and -040. Architecture and Site Application S-21-008, Conditional Use Permit Application U-21-010, Variance Application V-21-003, Subdivision Application M-22-008, and Mitigated Negative Declaration ND-22-001. An Initial Study and Mitigated Negative Declaration Have Been Prepared for This Project. Applicant/Property Owner: Green Valley Corp. d.b.a. Swenson. Appellant: Eric Hulser. Project Planner: Jennifer Armer. **RESOLUTION: 2023-054**

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Ristow opened public comment.

Eric Hulser

- Commented on concerns and requested the Council reconsider this matter.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Council Member Moore to adopt the staff recommendation listed on the staff report for item number 12 (Adopt a resolution to deny an appeal of a Planning Commission decision to approve the demolition of one existing office and four residential buildings, construction of an assisted living and memory care facility, variance from the maximum height and lot coverage of the zone, merger of four lots into one, and removal of large protected trees on property zoned Office). **Seconded by Council Member Rennie.**

VOTE: Motion passed 3-2. Council Member Hudes and Vice Mayor Badame voted no.

13. Discuss the Housing Element Work Plan.

Jennifer Armer, Planning Manager, presented the staff report.

Mayor Ristow opened public comment.

Lee Fagot

- Commented on concerns with the process.

Ronald Meyer

- Commented on concerns with the process.

Mayor Ristow closed public comment.

Council discussed the item.

PULLED CONSENT ITEM

3. Approve Modifications to Council Policy 2-11 Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum to Accommodate the Exception to Residency Requirements for the Newly Established Diversity, Equity, and Inclusion Commission.

Laurel Prevetti, Town Manager, presented the staff report.

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SUBJECT: Minutes of the Town Council Meeting of October 3, 2023

DATE: October 3, 2023

Mayor Ristow opened public comment.

Ronald Meyer

- Commented on concerns with the modification and spoke in opposition of the item.

Mayor Ristow closed public comment.

Council discussed the item.

MOTION: Motion by Councilmember Hudes to approve modifications to Council Policy 2-11 Commission Appointments, Residency and Attendance Requirements, and Establishing a Quorum to accommodate the exception to residency requirements for the newly established Diversity, Equity, and Inclusion Commission. **Seconded by Council Member Moore.**

VOTE: Motion passed 3-2. Council Member Rennie and Vice Mayor Badame voted no.

ADJOURNMENT

The meeting adjourned at 12:18 a.m.

Respectfully Submitted:

/s/ Wendy Wood, Town Clerk