



**TOWN OF LOS GATOS  
PLANNING COMMISSION SPECIAL MEETING AGENDA  
MAY 02, 2022  
110 EAST MAIN STREET  
LOS GATOS, CA**

*Melanie Hanssen, Chair  
Jeffrey Barnett, Vice Chair  
Kylie Clark, Commissioner  
Kathryn Janoff, Commissioner  
Steven Raspe, Commissioner  
Reza Tavana, Commissioner  
Emily Thomas, Commissioner*

**PARTICIPATION IN THE PUBLIC PROCESS**

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please follow the participation instructions on page 2 of this agenda. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period, by following the participation instructions on page 2 of this agenda. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
  - For inclusion in any Addendum: by 11:00 a.m. the day before the meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

***Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays at 7:00 p.m.***  
***Live and Archived Planning Commission meetings can be viewed by going to:***  
[www.LosGatosCA.gov/TownYouTube](http://www.LosGatosCA.gov/TownYouTube)

***IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]***

## IMPORTANT NOTICE REGARDING PLANNING COMMISSION SPECIAL MEETING

This meeting is being 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 this meeting will not be physically open to the public and the Council and/or Commissioners will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below). The live stream of the meeting may be viewed on television and/or online at:

<https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=ed97530d-9c22-4c95-961a-4d6a2c43b619&p=1>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chambers.**

### PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments in real-time during the meeting, you must join the Zoom webinar at:

<https://losgatosca-gov.zoom.us/j/84730964860?pwd=VXBDeHpWaTJUUnNNbk5peHhZWWsydz09>.  
Passcode: 172409.

Please be sure you have the most up-to-date version of the Zoom application should you choose to provide public comment during the meeting. Note that participants cannot turn their cameras on during the entire duration of the meeting.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press \*9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to

[PlanningComment@losgatosca.gov](mailto:PlanningComment@losgatosca.gov) with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

### REMOTE LOCATION PARTICIPANTS

*The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSSEN, VICE CHAIR JEFFREY BARNETT, COMMISSIONER KYLIE CLARK, COMMISSIONER KATHRYN JANOFF, COMMISSIONER STEVEN RASPE, COMMISSIONER REZA TAVANA, AND COMMISSIONER EMILY THOMAS. All votes during the teleconferencing session will be conducted by roll call vote.*

**TOWN OF LOS GATOS**  
**PLANNING COMMISSION SPECIAL MEETING AGENDA**  
**MAY 02, 2022**  
**7:00 PM**

**MEETING CALL TO ORDER**

**ROLL CALL**

**RULES OF DECORUM AND CIVILITY**

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- Addressing the Planning Commission without first being recognized;
- Interrupting speakers, Planning Commissioners, or Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the microphone when directed to do so;
- Repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code Section 403.

**VERBAL COMMUNICATIONS** *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

**CONSENT ITEMS** *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Commission may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

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

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items.)*

**REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBCOMMITTEE REPORTS / COMMISSION MATTERS**

**ADJOURNMENT** *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

*Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.*

*Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.*



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
SPECIAL MEETING REPORT**

MEETING DATE: 5/2/2022

ITEM NO: 1

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DATE: April 29, 2022  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review and Make Recommendations on the Draft 2040 General Plan and Final Environmental Impact Report to the Town Council.

**REMARKS:**

On April 13, 2022, the Planning Commission received public comments on the Draft 2040 General Plan and Environmental Impact Report (EIR); and began the review of the Draft 2040 General Plan including the: Introduction; Racial, Social and Environmental Justice Element; Mobility Element; and Public Facilities, Services, and Infrastructure Element.

On April 25, 2022, the Planning Commission held a special meeting to continue the review of the Draft 2040 General Plan including the: Open Space, Parks, and Recreation Element; Environment and Sustainability Element; Hazards and Safety Element; and began review of the Land Use Element.

The review included the following unanimous motions:

1. In the Open Space, Parks, and Recreation Element, recommend the modifications in Exhibit 7 listed as Items 81 and 84, and remove "provided on a full cost recovery basis" from the first paragraph under Recreational Services on page 7-7 of the Draft 2040 General Plan;
2. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 89, 90, 95, and 96 but with "ensuring" changed to "working towards";
3. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 98 (with "improve" instead of "improves"), 104, and 105;
4. In the Environment and Sustainability Element, recommend the modifications in Exhibit 7 listed as Items 106, 107, 108, 110, and 116 with the language modified to state, "Plant Based Education: Develop and implement a plan ~~Implement programs~~ to educate and

**PREPARED BY:** Jennifer Armer, AICP  
Planning Manager

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Reviewed by: Community Development Director

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REMARKS (continued):

support residents about the environmental, economic, and social benefits of shifting to a plant-based diet, examples of which may include informational materials, educational programs, community events, coordination with schools and businesses, or guidelines for procurement ~~which includes improved health, curbing greenhouse gas emissions, reducing biodiversity loss and deforestation, reducing water usage, and reversing pollution of our air, land, and water."~~

5. In the Environment and Sustainability Element modify Implementation Program M to include linkages between movement corridors;
6. In the Environment and Sustainability Element modify the existing language about the Ohlone on page 8-17 of the Draft 2040 General Plan as suggested by Commissioner Clark:
  - Policy ENV-13.8, "Support a community sense of stewardship for historic and cultural resources through supporting talks, tours, and other programs that increase awareness and promote Los Gatos as a destination with historic cultural resources and through including Ohlone people in the conversation and planning."
  - Section 8.8, "Los Gatos is in an area once occupied by the Ohlone (or Costanoan) people, which extends from the point where the San Joaquin and Sacramento rivers flow into the San Francisco Bay to Point Sur, with the interior Coastal Ranges most likely constituting the inland boundary. Before colonization ~~outside contact~~, Ohlone lived in base camps of tulereed houses and seasonal specialized camps. Ohlone ate food gained by hunting, gathering, and fishing. Mussels were particularly important to their diet, as well as sea mammals and acorns.

Seven Franciscan missions were built in Ohlone territory in the late 1700s, and all members of the Ohlone group were eventually forced ~~brought~~ into the mission system. After the establishment of the missions, the Ohlone population was decimated ~~diminished~~ from roughly 10,000 people in 1770 to 1,300 in 1814. In 1973, the population of people with Ohlone descent was estimated at fewer than 300 after what is widely cited as a genocide. The descendants of the Ohlone united in 1971 and have since arranged political and cultural organizations to revitalize, maintain and pass on ~~aspects of~~ their culture."

7. In the Hazards and Safety Element, recommend the modifications in Exhibit 7 listed as Items 119 and 117 subject to review by the Santa Clara County Fire Department or CalFire; and
8. Modify definition of "equity," in addition to the modifications to that definition agreed upon at the previous meeting, to include a reference to "status and rights."

On April 27, 2022, the Planning Commission continued the review of the Land Use Element of the Draft 2040 General Plan.

The review included the following unanimous motion:

REMARKS (continued):

1. In the Land Use Element, recommend the modifications in Exhibit 7 listed as Items 21, 33, 34, and 40 (as an implementation program).

In addition, the Planning Commission discussed the options for whether and by how much the residential densities proposed in the Draft 2040 General Plan should be modified. This discussion included the following perspectives expressed by one or more Commissioners:

- There is a need to include sufficient capacity for future residential growth in the 2040 General Plan; and
- There is public concern over whether the growth potential as a result of these changes could be too much, or too little, or not of the desired type.

In addition, there seemed to be general agreement by the Commissioners that it would be acceptable to remove the new housing densities listed for the Office Professional and Service Commercial designations, since these were additions later in the General Plan Update Advisory Committee's (GPAC) process. The discussion of changes to the densities in the Central Business District and Community Commercial designations were not as clear, as there were concerns that reducing densities in those areas would reduce the potential of some key sites currently under consideration by the Housing Element Advisory Board (HEAB) as part of the Housing Element Update.

As a result of these discussions, Planning Commissioners requested information to provide a more complete understanding of what potential reductions might be made in the allowed densities in the Low and Medium Density Residential designations without eliminating the opportunity for Missing Middle Housing. The following information has been prepared in response to this request:

Maximum Dwelling Units per Acre	Lot Area Required to Allow Four Units (Acres)	Lot Area Required to Allow Four Units (Square Feet)	Properties That Meet Four-Unit Lot Size			
			Low Density Residential Designation		Medium Density Residential Designation	
			Number of Parcels	Percent of Parcels	Number of Parcels	Percent of Parcels
5	0.8	34,848	170	3%	-	-
8	0.5	21,780	462	7%	-	-
10	0.4	17,424	831	12%	-	-
12	0.33	14,520	<b>1,145</b>	17%	179	5%
18	0.22	9,680	-	-	354	11%
24	0.17	7,260	-	-	<b>708</b>	21%
Total Number of Parcels by Designation			6,751		3,294	
Number of Parcels in LHP by Designation			25		321	

REMARKS (continued):

In the table above, the numbers in **bold** are based on the land use densities in the Draft 2040 General Plan, and those in *italics* are based on the 2020 General Plan. This chart also includes the number of parcels within the Landmark and Historic Preservation Overlay Zone (LHP) because those are parcels that would not qualify for projects under Senate Bill 9 (SB 9).

Shortly before 11:30 p.m., the Planning Commission continued the discussion to a Special Meeting on May 2, 2022. At this meeting the Planning Commission will continue their discussion including review of:

- The Land Use Element;
- The Community Design Element; and
- The Final EIR.

Once these discussions are complete, and the Planning Commission makes their recommendation, the process will continue with consideration by Town Council of the Draft 2040 General Plan and Final EIR, including consideration of recommendations from the GPAC and Planning Commission, and additional comments from the public.

EXHIBITS:

Exhibits previously provided: (available online here: <http://losgatos2040.com/documents.html>)

1. Draft 2040 General Plan
2. Draft EIR
3. Revised NOA and Transportation section
4. Final EIR

Exhibits previously received with the April 13, 2022 Staff Report:

5. Draft Findings of Fact and Statement of Overriding Considerations
6. GPAC Recommended Changes to the Vision and Guiding Principles
7. Modifications Proposed in Public Comment
8. Board of Forestry Recommended Changes
9. Public Comments received between 11:01 a.m., Thursday, May 6, 2021, and 11:00 a.m., Monday, September 20, 2021
10. Public Comments received between 11:01 a.m., Monday, September 20, 2021, and 11:00 a.m., Thursday, April 7, 2022

Exhibit previously received with the April 13, 2022 Addendum:

11. Public Comments received between 11:01 a.m., Thursday, April 7, 2022, and 11:00 a.m., Monday, April 11, 2022



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SUBJECT: Draft 2040 General Plan and Final EIR

DATE: April 29, 2022

REMARKS (continued):

Exhibits previously received with the April 13, 2022 Desk Item:

12. Planning Commissioner Comments

13. Public Comments received between 11:01 a.m., Monday, April 11, 2022, and 11:00 a.m., Wednesday, April 13, 2022

Exhibits previously received with the April 25, 2022 Staff Report:

14. Planning Commissioner Comments

15. Public Comments received between 11:01 a.m., Wednesday, April 13, 2022, and 11:00 a.m., Friday, April 22, 2022

Exhibit previously received with the April 25, 2022 Desk Item:

16. Public Comments received between 11:01 a.m., Friday, April 22, 2022, and 11:00 a.m. on Monday, April 25, 2022

Exhibit previously received with the April 27, 2022 Desk Item:

17. Planning Commissioner Comments

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
SPECIAL MEETING REPORT**

MEETING DATE: 5/2/2022

ITEM NO: 1

DESK ITEM

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DATE: May 2, 2022  
TO: Planning Commission  
FROM: Joel Paulson, Community Development Director  
SUBJECT: Review and Make Recommendations on the Draft 2040 General Plan and Final Environmental Impact Report to the Town Council.

**REMARKS:**

Exhibit 18 includes public comment received between 11:01 a.m., Friday, April 29, 2022, and 11:00 a.m. on Monday, May 2, 2022.

**EXHIBITS:**

Exhibits previously provided: (available online here: <http://losgatos2040.com/documents.html>)

1. Draft 2040 General Plan
2. Draft EIR
3. Revised NOA and Transportation section
4. Final EIR

Exhibits previously received with the April 13, 2022 Staff Report:

5. Draft Findings of Fact and Statement of Overriding Considerations
6. GPAC Recommended Changes to the Vision and Guiding Principles
7. Modifications Proposed in Public Comment
8. Board of Forestry Recommended Changes
9. Public Comments received between 11:01 a.m., Thursday, May 6, 2021, and 11:00 a.m., Monday, September 20, 2021
10. Public Comments received between 11:01 a.m., Monday, September 20, 2021, and 11:00 a.m., Thursday, April 7, 2022

PREPARED BY: Jennifer Armer, AICP  
Planning Manager

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Reviewed by: Community Development Director

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PAGE 2 OF 2

SUBJECT: Draft 2040 General Plan and Final EIR

DATE: May 2, 2022

Exhibit previously received with the April 13, 2022 Addendum:

11. Public Comments received between 11:01 a.m., Thursday, April 7, 2022, and 11:00 a.m., Monday, April 11, 2022

REMARKS (continued):

Exhibits previously received with the April 13, 2022 Desk Item:

12. Planning Commissioner Comments
13. Public Comments received between 11:01 a.m., Monday, April 11, 2022, and 11:00 a.m., Wednesday, April 13, 2022

Exhibits previously received with the April 25, 2022 Staff Report:

14. Planning Commissioner Comments
15. Public Comments received between 11:01 a.m., Wednesday, April 13, 2022, and 11:00 a.m., Friday, April 22, 2022

Exhibit previously received with the April 25, 2022 Desk Item:

16. Public Comments received between 11:01 a.m., Friday, April 22, 2022, and 11:00 a.m. on Monday, April 25, 2022

Exhibit previously received with the April 27, 2022 Desk Item:

17. Planning Commissioner Comments

Exhibit received with this Desk Item:

18. Public Comments received between 11:01 a.m., Friday, April 29, 2022, and 11:00 a.m. on Monday, May 2, 2022

**From:** Lee Fagot  
**Sent:** Friday, April 29, 2022 3:16 PM  
**To:** Planning  
**Cc:** Joel Paulson; Jennifer Armer; Laurel Prevetti  
**Subject:** Please post for Planning Commission to review.

Melanie, Jeff, Kylie, Katheryn, Steve, Reza and Emily,

Thank you, Commissioners and Town Staff, for the commitment to both the process and the final product you are working on for our Community. The long, and LATE, hours you are all putting in is appreciated, as well as the discussions where you each listen to the other's views on issues and work to find compromise - true democracy.

Following last night's (5/28) discussion on changes being proposed to the Density Ranges to achieve the Targeted Housing Element numbers, plus the decade following, a few suggestions:

- When considering changes to the Density Range in the proposed numbers, by Land Use Designations (Pg 182, of Draft 2040GP and Final EIR), please also link the Maximum Height because this too will have a significant impact on the sites being considered. For example, with no units in the Public, Open Space or Agriculture, why change the Max Height from 0 to 30 or 35 feet. Leave at 0, please, to demonstrate consistency.
- And, in Low Density, Medium and High Density Residential Designations, the Draft proposal is more than doubling the Density Range. Please continue to review, keep the densities as close to the current Range to realize the goals (more on goals below) and do NOT increase the Heights in those sites, as the Draft indicates, going up by 50% to 45Ft., just in High Density, for example. That truly changes the character of these "sights and sites" to change the character of our Town, in a negative way. We do not want tenements or row houses as you see in metro areas of our Eastern US cities. "Row" housing is not a good solution. I lived in one once...NO THANK YOU. I could not tell the difference between my street and the next two on the same block.
- Increasing some housing in Mixed Use makes sense, but not at 45 ft heights. Just 35ft.
- Limit Office Professional to 30 units and Service Professional could move the Density Range to 20 units per acre from 0, but no more as you pursue the real target for the 20 year plan.
- Please stay focused on the goal of 1993 (next RHNA allocation starting next year), plus a 10% buffer and recognize that the number can be adjusted when the 5 year reviews are done in our General Plan. Trying to forecast 20 years of housing and speculating (guessing) what Sacramento and ABAG ( in the next cycle) will demand of us, is far too risky. Remember, too, that developers will then be able to build "by right and without local control" if the Town adopts targets that go beyond reasonable expectations of REAL town growth/demand or to appeal to current reasonable developers. Note that we are seeing declining populations, an aging in place populations and NOT just because of land costs, but folks preference for other lifestyles (less marriages, children, etc), town character and scenery.
- The current average residents per housing unit is 2.4 folks, and the significant population increase projected with the far too aggressive housing unit proposals will have a deleterious effect on VHT, infrastructure, cost to Town Budget, etc. Lets be realistic and focus accordingly.

- Remember why folks moved here, and why they want to stay. This is a pleasant and accommodating community. Lets be accommodating, but do NOT change the real ambiance and character of Los Gatos

Thank you, and keep up your good work for all of us.

Lee Fagot, resident for more than 26 years.