



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/19/2024

DATE: March 14, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: 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 Regarding Appeals from the Decision by the Planning Director, Appeals from the Decision of the Historic Preservation Committee, Assignment of Duties to the Planning Director, Assignment of Duties to the Planning Commission, Powers and Duties of Planning Commission, Powers and Duties of the Planning Director, and Powers and Duties of the Historic Preservation Committee” and Adopt a Resolution Titled “Resolution of the Town Council of the Town of Los Gatos Amending the Enabling Resolution of the Historic Preservation Committee and Rescinding Resolution 2021-043.” The Proposed Amendments to the Town Code are Not Considered a Project Under Section 15378 of the California Environmental Quality Act. Town Code Amendment Application A-24-001. Applicant: Town of Los Gatos. Project Planner: Sean Mullin.

RECOMMENDATION:

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 Regarding Appeals from the Decision by the Planning Director, Appeals from the Decision of the Historic Preservation Committee, Assignment of Duties to the Planning Director, Assignment of Duties to the Planning Commission, Powers and Duties of Planning Commission, Powers and Duties of the Planning Director, and Powers and Duties of the Historic Preservation Committee” (Attachment 1) and adopt a resolution titled “Resolution of the Town Council of the Town of Los Gatos Amending the Enabling Resolution of the Historic Preservation Committee and Rescinding Resolution 2021-043” (Attachment 2).

PREPARED BY: Sean Mullin, AICP
Senior Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Department Director

BACKGROUND:

On January 16, 2024, the Town Council considered a request for direction on potential amendments to the Historic Preservation Committee Ordinance and Enabling Resolution to address the challenges that can arise when a decision by the Historic Preservation Committee (Committee) is appealed to the Planning Commission. After considering multiple options, the Council directed staff to prepare amendments to the Town Code and Enabling Resolution to provide that the Committee is advisory in nature.

On February 14, 2024, the Planning Commission considered the draft HPC Ordinance (Attachment 1) and draft Enabling Resolution (Attachment 2) and recommended approval to the Town Council. The February 14, 2024 Planning Commission Staff Report and verbatim minutes are included as Attachments 5 and 6.

DISCUSSION:

Town Code Section 29.80.227 provides the Committee's powers and duties. While most of the powers and duties are advisory only, Subsection (3) does provide that the Committee renders decisions regarding some minor residential and commercial exterior alterations. By practice, the Committee also makes determinations on requests to remove pre-1941 properties from the Historic Resources Inventory. In accordance with Town Code Section 29.20.258, these decisions and determinations are appealable to the Planning Commission. Such appeals are rare. In 2023, there were two appeals of Committee decisions to the Planning Commission.

As detailed in the Planning Commission staff report (Attachment 5), the draft Ordinance and draft Enabling Resolution provide that the Committee is advisory in nature. The draft revisions are consistent with the Council's direction to staff and with Town Code Section 29.80.225, which states that the Committee acts as an advisory body. As an advisory body, the Committee will provide recommendations to either the Planning Director or the Planning Commission who will render the final decision. These decisions are subject to appeal as reflected in the draft Ordinance and draft Enabling Resolution (Attachments 1 and 2). Redline versions of the draft Ordinance and draft Enabling Resolution are included as Attachments 3 and 4). Consistent with the Council's direction, appeals considered by the Planning Commission would not require recusal of the Planning Commissioners that serve on the Committee.

PUBLIC OUTREACH:

Staff conducted outreach through the following media and social media resources, as well as direct communication with stakeholders as summarized below:

- The Town's website home page, What's New;
- The Town's Facebook page;
- The Town's Twitter account;

PUBLIC OUTREACH (continued):

- The Town’s Instagram account;
- The Town’s NextDoor page; and
- Direct email communication to local architects and designers.

At the time of this report’s preparation, the Town has not received any public comment.

ENVIRONMENTAL ASSESSMENT:

The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act.

CONCLUSION:

Staff recommends that the Town Council introduce the draft Ordinance and adopt the draft Enabling Resolution by taking the following steps:

1. Make the finding that the environmental impacts of the proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act (Attachment 1, Section X); and
2. Make the required finding that the amendments to Chapter 29 of the Town Code in the draft Ordinance are consistent with the General Plan (Attachment 1, Section XI); and
3. Introduce and Ordinance titled “An Ordinance of the Town Council of the Town of Los Gatos Amending Chapter 29, ‘Zoning Regulations,’ of the Town Code Regarding Appeals from the Decision by the Planning Director, Appeals from the Decision of the Historic Preservation Committee, Assignment of Duties to the Planning Director, Assignment of Duties to the Planning Commission, Powers and Duties of Planning Commission, Powers and Duties of the Planning Director, and Powers and Duties of the Historic Preservation Committee” (Attachment 1); and
4. Adopt a resolution amending the Enabling Resolution of the Historic Preservation Committee and rescinding Resolution 2021-043 (Attachment 2).

ALTERNATIVES:

Alternatively, the Town Council may:

1. Introduce the draft Ordinance and Adopt the draft Enabling Resolution with modifications;
or
2. Continue this item to a date certain with specific direction to staff; or
3. Refer this item back to the Planning Commission with specific direction; or
4. Take no action, leaving the Town Code and Enabling Resolution unchanged.

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SUBJECT: HPC Ordinance Amendments/Town Code Amendment Application A-24-001

DATE: March 14, 2024

COORDINATION:

The Community Development Department coordinated with the Town Attorney's Office in the review of the proposed project.

Attachments:

1. Ordinance for Adoption
2. Resolution for Adoption
3. Draft Ordinance Redline
4. Draft Resolution Redline
5. February 14, 2024 Planning Commission Staff Report (without Exhibits)
6. February 14, 2024 Planning Commission Verbatim Minutes