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A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Melanie Hanssen, Chair Jeffrey Barnett, Vice Chair Kathryn Janoff Steve Raspe Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

P R O C E E D I N G S:

CHAIR HANSSEN: We will move on to the next item on the agenda, which is Item #5, which is considering amendments to Chapter 24 (Subdivision Regulations) and Chapter 29 (Zoning Regulations) of the Town Code regarding Town-initiated parcel mergers. Town Code Amendment Application: A-22-003. Project location: Town-wide. The Applicant is the Town of Los Gatos.

I assume that you guys are going to give a Staff Report on this?

ATTORNEY WHELAN: Yes, I'll give a brief report.  
This is Gabrielle Whelan, the Town Attorney, and this is a  
cleanup of the Town Code.

Right now the Town Code has a lot merger provision that's located in the Zoning Code that has caused confusion for some applicants, because the existing provision provides that lots that don't conform with Town standards are automatically merged. I think that that section predates the Subdivision Map Act, because the Subdivision Map Act contains a different procedure for the merger of parcels, and it is not automatic and there is a very specific procedure that the Town would need to go

1 through to merge the two parcels, and the State law  
2 preempts any regulations.

3           So this is a cleanup that is intended to remove a  
4 conflict that we have with State law in the current Town  
5 Code, and then also remove the provision out of the Zoning  
6 Code and into the Subdivision Ordinance, because Staff  
7 feels that it will be easier for applicants to find if it's  
8 located in the Subdivision Ordinance.

9           We've proposed an amendment and we're asking for  
10 the Planning Commission's recommendation of this amendment  
11 to the Town Council, and if the Commission agrees with  
12 Staff's proposal it would probably go to the Town Council  
13 at some time in January.

14           CHAIR HANSSEN: Thank you for that. I'm going to  
15 ask if any Commissioners have questions for Staff, but my  
16 understanding after going over this in the pre-meeting is  
17 that the Commission isn't being asked to modify any of the  
18 language or determine if that's adequate or not, that's  
19 been done by our Town Attorney, so this is only a yes or no  
20 in terms of recommending it to Town Council, but we can  
21 certainly ask questions.

22           Commissioner Raspe.  
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1 COMMISSIONER RASPE: Thank you, Chair. I  
2 understand why we're making this change, and it makes  
3 complete sense to me.

4 One point of clarification: My understanding is  
5 our prior process was an automatic merger of lots without  
6 any action required necessarily, and the way the new  
7 language is drafted, it indicates that the Town may  
8 initiate the mergers?

9 ATTORNEY WHELAN: Right.

10 COMMISSIONER RASPE: It doesn't make it  
11 mandatory, nor does it say under what criteria the Town may  
12 do that. Is there a process that we'll go through to make  
13 those determinations?  
14

15 ATTORNEY WHELAN: The language we've proposed  
16 matches what's in the Subdivision Map Act right now, and so  
17 the criteria under which the Town could decide to initiate  
18 a merger would be if any of the parcels are under the  
19 minimum size, if they don't meet our current standards for  
20 sewage disposal and water supply, they don't meet our  
21 current slope stability standards, they don't have legal  
22 access, there are health and safety standards, or the lot  
23 is inconsistent with an applicable General Plan or Specific  
24 Plan provision. Those have been written to match the  
25

1 circumstances that the State says a town or city could  
2 initiate a parcel merger.

3 COMMISSIONER RASPE: I just wanted to make sure  
4 we weren't introducing some uncertainty where we had an  
5 automatic provision previously, but it sounds like as  
6 drafted it works with the remainder of the Subdivision Map  
7 Act to kind of take care of that, so thanks for answering  
8 my questions.

9  
10 CHAIR HANSSEN: Are there any other questions  
11 from other Commissioners? If there aren't any questions,  
12 can I get a motion to recommend this code change to the  
13 Town Council? Commissioner Raspe.

14 COMMISSIONER RASPE: Thank you, Chair. I move to  
15 recommend the amendment to Chapter 24 (Subdivision  
16 Regulations), and Chapter 29 (Zoning Regulations), of the  
17 Town Code regarding Town-initiated parcel mergers as  
18 presented in the Staff Report to Town Council.

19 CHAIR HANSSEN: Very good, thank you for that. Is  
20 there a second? Commissioner Thomas.

21 COMMISSIONER THOMAS: I second Commissioner  
22 Raspe's motion.

23 CHAIR HANSSEN: Very good. Any other discussion?  
24 Vice Chair Barnett.  
25

1 VICE CHAIR BARNETT: Are we required to make the  
2 findings that are listed on page 1 of Item 5 in the agenda?

3 ATTORNEY WHELAN: It's legislation, so findings  
4 aren't technically required, but I suppose it couldn't hurt  
5 to explain that it is exempt from CEQA and that the  
6 amendments are consistent with the General Plan.

7 COMMISSIONER RASPE: I'd be happy to revise my  
8 motion to include the findings that there is no possibility  
9 the project will have significant impact on the  
10 environment, therefore the project is not subject to CEQA,  
11 and with the finding that Town Code amendments are  
12 consistent with the General Plan.  
13

14 CHAIR HANSSEN: Very good, and does the seconder  
15 agree? I note that Ms. Armer has her hand up, so let's see  
16 what she has to say.

17 JENNIFER ARMER: Thank you, Chair. Since this is  
18 a public hearing, I do believe we need to ask for public  
19 comment.

20 CHAIR HANSSEN: Oh, yes, of course. Thank you for  
21 that. We've talked about this item and we made a motion,  
22 but we can still make public comment, and if there's a need  
23 to revisit the motion, we can do that. I will put out there  
24 that this would be the time for any member of the public to  
25 speak on this item, and you would have up to three minutes.

1 Is there anyone that would like to speak, and if so please  
2 raise your hand on Zoom or follow the procedure in the  
3 agenda if you're on a phone.

4 JENNIFER ARMER: If anybody would like to speak  
5 on this item, please raise your hand now. I'm not seeing  
6 any hands raised.

7 CHAIR HANSSEN: Thank you for reminding me that  
8 we needed to do that, and we need to do that on the next  
9 item as well, right? Okay.

10 If there are no further comments I will call the  
11 question, and start with Commissioner Thomas.

12 COMMISSIONER THOMAS: Yes.

13 CHAIR HANSSEN: Commissioner Raspe.

14 COMMISSIONER RASPE: Yes.

15 CHAIR HANSSEN: Commissioner Janoff.

16 COMMISSIONER JANOFF: Yes.

17 CHAIR HANSSEN: Vice Chair Barnett.

18 VICE CHAIR BARNETT: Yes.

19 CHAIR HANSSEN: And I vote yes as well. And this  
20 is a recommendation, so I don't believe there are any  
21 appeal rights, and then it will go on to Town Council for  
22 their consideration later on.  
23

24 (END)  
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