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

Los Gatos Planning Commissioners:
Jeffrey Barnett, Chair
Steve Raspe, Vice Chair
Susan Burnett
Melanie Hanssen
Kathryn Janoff
Emily Thomas

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

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

CHAIR BARNETT: We'll now move on to Agenda Item 4, which is a Request to Forward a Recommendation to the Town Council for a Request to Amend the General Plan to Include a Description of the Housing Element Overlay Zone, and Amend the Town Code to Modify the Affordable Housing Overlay Zone, Division 5 of Article VIII, Overlay Zones and Historic Preservation, to be the Housing Element Overlay Zone as Division 5 of Article VIII, Overlay Zones and Historic Preservation.

Per Staff an Environmental Impact Report was prepared and certified for the 2040 General Plan Update on June 30th of last year, which includes the proposed General Plan Amendments. No further environmental analysis is required.

The Zoning Code Amendment Application is Z-23-002, and the General Plan Amendment Application is GP-23-002. The property location is Statewide, and the Applicant is the Town of Los Gatos.

Could we have a Staff Report?

1 ERIN WALTERS: Good evening, Erin Walters,
2 Associate Planner. I will be presenting this evening. Good
3 evening, Planning Commissioners.

4 The six-cycle Housing Element includes
5 Implementation Program BG for the General Plan Amendment
6 and Program BF for the Zoning Code Amendments that involve
7 rezoning the parcels within the Town to allow modified
8 development standards. The purpose of these modified
9 development standards is to provide the development
10 capacity required by the State law to meet the Town's RHNA.
11

12 On July 20, 2023 a special meeting of the General
13 Plan Committee reviewed the request and recommended
14 approval of the General Plan Amendments to the Planning
15 Commission and Town Council.

16 Tonight the Commission will consider and make a
17 recommendation to Council on the request to amend the 2020
18 General Plan Land Use Element and Zoning Ordinance by
19 adding a description of the Housing Element Overlay Zone,
20 which is also referred to as the HEOZ. This motion does not
21 include applying the HEOZ to any specific property and does
22 not propose any specific development.

23 The language on pages LU-17 and LU-18 in the 2020
24 General Plan Land Use Element is proposed to be amended to
25

LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 describe the newly created HEOZ. Table LU-2 is provided on
2 page 4 of the Staff Report and describes the HEOZ
3 development standards for each land use designation.

4 Tonight the Commission will also consider and
5 make recommendation to Town Council on a request to amend
6 the Zoning Code to replace the Affordable Housing Overlay
7 Zone, known as AHOZ, with the new Housing Element Overlay
8 Zone per Division 5, Article VIII, Overlay Zones and
9 Historic Preservation. This action satisfies Item 1 of
10 Implementation Program BF of the Housing Element and can be
11 found in Exhibit 3.
12

13 Exhibit 5 of the Desk Item report provides a
14 comparison of the development standards for the 2020
15 General Plan and proposed Housing Element Overlay Zone.

16 Staff recommends that the Planning Commission
17 consider the General Plan Amendment and Zoning Amendments
18 and forward a recommendation of approval of the amendments
19 to Town Council per the findings that you can find in
20 Exhibit 1.

21 An Addendum was provided yesterday that includes
22 public comments that were provided after the preparation of
23 the Staff Report as well as the Desk Item that was provided
24 today.
25

 LOS GATOS PLANNING COMMISSION 8/23/2023
 Item #4, Amend the General Plan to Include Description
 of the Housing Element Overlay Zone, and Amend the Town
 Code to Modify Affordable Housing Overlay Zone

1 This concludes Staff's presentation and we're
2 happy to answer any questions you may have.

3 CHAIR BARNETT: Thank you for that report. Are
4 there questions by Commissioners? I wonder if you or
5 another member of the Staff could contrast Item 4 and Item
6 5 on our calendar tonight?

7 JENNIFER ARMER: Just to make sure that it's very
8 clear, we do have two interrelated issues on the agenda
9 tonight.

10 This is Item 4, and this is the creation of this
11 overlay zone. It is proposing to put language and a table
12 that describes this overlay zone both into the 2020 General
13 Plan Land Use Element and putting those details into the
14 Zoning Code.

15 Whereas Item 5, which we will hear next, involves
16 taking that new overlay zone and applying it to the parcels
17 within the Housing Element Sites Inventory. In addition,
18 there are a few changes to specific land use designations,
19 and we'll get into those details as part of Item 5.

20 CHAIR BARNETT: Thank you very much. We'll now
21 open the public portion of the public meeting. Commissioner
22 Burnett.

23
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25 LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 COMMISSIONER BURNETT: I just wanted to clarify
2 with Staff on numbers 5 and 6 on page 261, that those will
3 be separately amended in Implementation Program UVNZ?

4 JENNIFER ARMER: Yes, that's correct.

5 COMMISSIONER BURNETT: Thank you.

6 CHAIR BARNETT: Other questions of Staff? If not,
7 I'll open the public portion of the public meeting and
8 invite comments from members of the public. If you haven't
9 already turned in a card, this would be a good time to do
10 that. We have two here. When you're called on to speak,
11 please come to the microphone and state your name and
12 address, and you have three minutes to speak. We'll begin
13 with Rosemary Harper.
14

15 ROSEMARY HARPER: Good evening, Commissioners.
16 It's a pleasure to be here before you. I am Rosemary
17 Harper. I live on Alberto Way, 453 Los Gatos Commons; it's
18 a 55 and older community.

19 We are very, very concerned about development of
20 the property on the corner of Alberto Way and Highway 9.
21 This is the second time around for this property. Prior it
22 was going to be a business development and now we're moving
23 to residential.
24

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LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 I'm concerned about the height of the property.
2 Four stories are overwhelming to the area around it;
3 nothing is over two stories over there.

4 The volume of the increased traffic on a dead-end
5 street with one way in and one way out. In an emergency
6 such as what happened in Maui, it would be impossible for
7 all the residents to be able to evacuate.

8 The construction of this proposed property would
9 greatly impact the residents on this street, and the air
10 quality is also of a concern.
11

12 As you consider this piece of property and the
13 development I wish you would consider us as residents that
14 have lived there for quite some time and the more increased
15 traffic and high-density living. Thank you very much.

16 CHAIR BARNETT: Thank you. Before you go, let's
17 see if you have any questions being presented by fellow
18 commissioners, and it doesn't look like any.

19 I have a disclosure to make that many years ago
20 in my legal practice if represented Los Gatos Commons.

21 ROSEMARY HARPER: Yes, I remember you. I've been
22 in your office. Happy retirement.
23
24
25

1 CHAIR BARNETT: Thank you. That was a long time
2 ago and I'm sure that my experience will not be of
3 influence in this case. Next speaker would be Lee Quintana.

4 LEE QUINTANA: Good evening, again. I just have a
5 few comments.

6 One is that I believe that there is such an
7 interrelationship between Item 4 and Item 5 that they
8 should both be considered at the same time and at the same
9 meeting, and since there is a recommendation on Item 5 that
10 it be continued, I suggest that the same be done for this
11 item.
12

13 Part of my comments actually relate to Item 5,
14 and since there's a question on how it relates to Item 4,
15 I'll talk about it under Item 5, but to me the two are
16 related. The two are complicated and hard to understand and
17 I think they need to be addressed together, so I ask you to
18 continue this item as you are recommended to continue Item
19 5.

20 CHAIR BARNETT: Thank you, Ms. Quintana. Are
21 there questions by the Commissioners? I don't see any.
22 Thank you very much. Mr. Paulson, do we have anyone on
23 Zoom?
24

25

LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 JOEL PAULSON: Thank you, Chair. Anyone who would
2 like to speak on Item 4, raise your hand, please. I don't
3 see any hands raised, Chair.

4 CHAIR BARNETT: Thank you. I note that the Staff
5 recommendation is to forward a recommendation of approval
6 to the Town Council on the following items: Amend the 2020
7 General Plan Land Use Element to include a description of
8 the Housing Element Overlay Zone (HEOZ), and amend the Town
9 Code to modify the Affordable Housing Overlay Zone (AHOZ)
10 to Division 5, Article VIII, Overlay Zones and Historic to
11 be HEOZ.
12

13 At this point I'll ask if Commissioners have any
14 comments on the recommendation? Commissioner Hanssen.

15 COMMISSIONER HANSSEN: As you guys know, I am
16 Chair of the Housing Element and chaired the 2040 General
17 Plan Update, of which the Land Use Element and the
18 Community Design Element have been referended, and so
19 that's why we're here, because we have the Housing Element
20 and because we have a very large target for planning for
21 additional housing.

22 We're using the 2020 General Plan right now and
23 the land use density and height standards are not
24 sufficient to get the product that we would need to plan
25

LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 appropriately for the 1,993 units that we're tasked with by
2 the State, as well as the buffer.

3 I have a question for Staff, and we asked this
4 before, I think, at the General Plan Committee, but Table
5 LU-2, it was my understanding that this is the minimum
6 density improvements that we would need to be able to
7 achieve the density on the sites that are listed in the
8 Site Inventory, which are the only sites this will be
9 applied to, because we're not amending the actual land use
10 standards in the General Plan other than for these sites?
11

12 ERIN WALTERS: Thank you for the question. Yes,
13 that is true.

14 COMMISSIONER HANSEN: A follow up question I
15 would have is the only reason to continue on this, in my
16 opinion, would be if there were some disagreement about the
17 actual land use standards that we were making for the
18 houses in the Site Inventory, which I don't think that's a
19 question, because it's been asked multiple times that this
20 is the minimum that we need to do to be able to meet our
21 Regional Housing Needs allocation.

22 I would be in favor of approving Item 4. I do
23 understand the interrelationship between Item 4 and Item 5,
24 but basically we have no other way to meet our numbers
25

LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 other than to put this Housing Element Overlay Zone, which
2 is basically spot zoning at higher density for the sites
3 that are in the Site Inventory only.

4 CHAIR BARNETT: Thank you. Other comments?
5 Commissioner Thomas.

6 COMMISSIONER THOMAS: Thank you, Chair. I just
7 want to echo what Commissioner Hanssen said. Two of the
8 subcommittees that I served on was the General Plan Update
9 Committee and the Housing Element Advisory Board.
10

11 I know that changes to zoning can be really scary
12 for residents, but I think as Commissioner Hanssen said,
13 this is really to address the specific areas that have
14 already been targeted for hopefully development or
15 redevelopment in order to meet those RHNA numbers that are
16 mandated by the State, so I also support this
17 recommendation as is.

18 CHAIR BARNETT: Thank you. Other comments? I
19 don't see any. I noted the approval of the General Plan
20 Amendment and zoning changes requires making of the
21 approvals and findings on page 265 of the Staff Report, and
22 I'm looking for a motion. Commissioner Janoff.

23 COMMISSIONER JANOFF: I move that we forward a
24 recommendation to the Town Council for a request to amend
25

LOS GATOS PLANNING COMMISSION 8/23/2023
Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 the General Plan to include a description of the Housing
2 Element Overlay Zone and amend the Town Code to modify the
3 Affordable Housing Overlay Zone, Division 5 of Article
4 VIII, Overlay Zones and Historic Preservation to be the
5 Housing Element Overlay Zone as Division 5 of Article VIII,
6 Overlay Zones and Historic Preservation.

7 An Environmental Impact Report was prepared and
8 certified for the 2040 General Plan Update on June 20,
9 2022, which included the proposed General Plan Amendments.
10 No further environmental analysis is required.

11 Zoning Code Amendment Application Z-23-002 and
12 General Plan Amendment Application GP-23-002.

13 The project location is Townwide and the
14 Applicant is the Town of Los Gatos.

15 I can make the required findings for CEQA, and I
16 can find that we have the required consistency with the
17 Town's General Plan as noted in Exhibit 1.

18 CHAIR BARNETT: Thank you for that complicated
19 motion. A second? Commissioner Thomas.

20 COMMISSIONER THOMAS: I second.

21 CHAIR BARNETT: Discussion by the Commission?
22 Commissioner Burnett.

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24 LOS GATOS PLANNING COMMISSION 8/23/2023
25 Item #4, Amend the General Plan to Include Description
of the Housing Element Overlay Zone, and Amend the Town
Code to Modify Affordable Housing Overlay Zone

1 COMMISSIONER BURNETT: I did ask Staff on this,
2 when we say project locations Townwide, I want it clarified
3 that we're not saying Townwide, we're saying at the Site
4 Inventory only.

5 ERIN WALTERS: Yes, that's true.

6 CHAIR BARNETT: Any questions or comments? If
7 not, please raise your hand in support of the motion. It's
8 unanimous. Thank you very much. And I assume there are no
9 appeal rights, because it's a recommendation?
10

11 JENNIFER ARMER: That is correct.

12 CHAIR BARNETT: Thank you.

13 (END)

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