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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
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

4 CHAIR BARNETT: We'll now move on to Item 5 on the
5 agenda tonight in which we are asked to forward a
6 recommendation to the Town Council on a Request to Amend
7 the General Plan Land Use Designation of 16492 Los Gatos
8 Boulevard and Assessor Parcel Number 532-07-086 from Low
9 Density Residential to Neighborhood Commercial; Amend the
10 General Plan Land Use Designation of Caltrans Right-of-Way
11 Adjacent to 14685 Oka Road from Low Density Residential to
12 Medium Density Residential and from R-1:8 to R-M:14-22, and
13 apply the Housing Element Overlay Zone to allow for
14 increase in allowable density, height, floor area ratio,
15 and lot coverage to the sites included in the Sites
16 Inventory Analysis of the 2023-2031 Housing Element. I will
17 incorporate by reference the APNs and addresses from page 4
18 of the agenda related to Item 5.
19

20 Staff reports that an Environmental Impact Report
21 was prepared and certified for the 2040 General Plan Update
22 on June 30, 2022 that no further analysis is required, and
23 included in the proposed General Plan Amendment.
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1 This is Zoning Code Amendment Application Z-23-
2 003 and General Plan Amendment Application GP-23-003.

3 Applicant is the Town of Los Gatos. Commissioner Thomas.

4 COMMISSIONER THOMAS: I wanted to confirm that
5 even if we live near these properties that I can still be
6 here. I live near Los Gatos Boulevard. I'm on the Housing
7 Element Advisory Board and have been able to provide
8 feedback there, but I just wanted to make sure. I can also
9 make a disclosure that I'm able to make decisions and
10 recommendations.
11

12 ATTORNEY WHELAN: If I remember correctly, the
13 FPPC rule is a regulation would affect 25% of the
14 properties within the Town and one person voting on that
15 decision doesn't impact their financial interest.

16 COMMISSIONER THOMAS: I'm assuming that these
17 types of decisions would impact a lot of us. We wouldn't
18 have a lot of people left to make recommendations because
19 it's such a wide space, but I'm happy to recuse myself to
20 be safe.

21 ATTORNEY WHELAN: What I can do is I can review
22 the FPPC regulations while the Commission takes public
23 comment.
24

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1 COMMISSIONER THOMAS: Should I step out still, or
2 no?

3 ATTORNEY WHELAN: No.

4 CHAIR BARNETT: So is there a Staff Report on
5 Item 5?

6 JOCELYN SHOOPMAN: Yes, there is. The process for
7 the item this evening will include holding a public
8 hearing, asking questions of Staff, receiving public
9 comment, and a recommendation by Staff to continue the item
10 to a date certain of September 13, 2023.

11
12 A six-cycle Housing Element includes
13 implementation programs and involves amendments to the
14 General Plan and the rezoning of parcels within the Town to
15 allow for modified development standards to provide the
16 development capacity required by State law and the Town's
17 Regional Housing Needs Allocation.

18 On July 20th at a special meeting the General Plan
19 Committee reviewed the requests and recommended approval of
20 the General Plan Amendments to the Planning Commission and
21 the Town Council.

22 Implementation Program BG of the Housing Element
23 proposes the following actions: Amendments to the General
24 Plan Land Use Designation of 16492 Los Gatos Boulevard on
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1 Assessor Parcel Number 532-07-086 from Low Density
2 Residential to Neighborhood Commercial, as well as the
3 Caltrans Right-of-Way that is adjacent to 14685 Oka Road
4 from Low Density Residential to Medium Density Residential.

5 Implementation Program BF of the Housing Element
6 also proposes the following action: Rezone the Caltrans
7 Right-of-Way adjacent to 14685 Oka Road from R-1:8 to R-
8 M:14-22.

9
10 Lastly, the Commission will consider a request to
11 apply the Housing Element Overlay Zone to the sites only
12 included in the Sites Inventory of the Town's Housing
13 Element.

14 The Draft Zoning Code Amendments for the Housing
15 Element Overlay Zone shown here were considered under Item
16 4 of this evening's agenda, but would apply the development
17 standards listed in Table 1A to sites listed in the Sites
18 Inventory.

19 Staff recommends that the Planning Commission
20 continue the item to a date certain of September 13, 2023
21 and at the next meeting make a recommendation of approval
22 to the Town Council for the requests detailed in the Staff
23 Report.

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1 There was an Addendum and Desk Item report
2 provided to the Commission with additional public comments
3 that were received.

4 This completes Staff's presentation. We are
5 available for any questions.

6 CHAIR BARNETT: Thank you for that report, and
7 I'll ask my fellow commissioners if they have questions?
8 Commissioner Hanssen.

9 COMMISSIONER HANSSEN: I asked this question
10 because it came up during the General Plan and Housing
11 Element Advisory Board meetings recently, and we've been
12 getting continued public comments on this.

13 While we're not making a recommendation tonight
14 on Item 5, which includes the sites and the Sites
15 Inventory, when the discussion happened at the General Plan
16 Committee there were a lot of people that spoke against
17 certain properties that in the Sites Inventory. My
18 understanding was that the Housing Element Advisory Board
19 recommended the Sites Inventory, and the Planning
20 Commission approved it as well as the Town Council. The
21 question is as part of this process, when we do make the
22 recommendation on September 13th, are we supposed to be
23 considering taking sites in and out of the Sites Inventory?
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1 JENNIFER ARMER: Thank you for that question.
2 I'll start, and then it may be that other Staff has
3 additional thoughts.

4 The recommendation from Planning Commission could
5 include recommendations changing what sites this would
6 apply to. One caution is that we at the General Plan
7 Committee meeting did hear concerns from neighbors of the
8 Caltrans site that was mentioned here in particular, and
9 then this evening we've already heard concerns from a
10 neighbor for the Alberto Way site, and so the concern is
11 that too many of those sites be removed and then additional
12 sites would need to be added at a later date, and we are
13 trying to get this zoning done as required by the Housing
14 Element.
15

16 COMMISSIONER HANSSEN: Thank you for that, and
17 that was the answer that we had in the General Plan
18 Committee meeting, and there probably aren't any sites in
19 the Sites Inventory that someone isn't going to be unhappy
20 about. That being said, we're not going there tonight, but
21 I wanted to bring that up since we've already gotten
22 comments tonight.

23 CHAIR BARNETT: Thank you for that input. Other
24 comments by Commissioners? Commissioner Burnett.
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1 COMMISSIONER BURNETT: Thank you. I have a
2 question for Staff. There is some question about three
3 sites that are under discussion about the number of units
4 that really are available to the Town, the three SB 330
5 sites. I'm concerned if we vote for this, which I feel
6 would be a good thing, although I'm concerned about those
7 three sites because I'm not sure if by voting for it, since
8 there is controversy about three of the major sites, how
9 does that impact voting for it? Because there is some
10 question on the numbers. For my own interest, I'm a little
11 confused on it. Thank you.

13 JENNIFER ARMER: Thank you, Commissioner, for
14 that question. My understanding is based on some of the
15 public comment that we've received that is concerned about
16 some of the preliminary applications that that Town has
17 received under the senate bill SB 330.

18 We did have a conversation with Town Council last
19 week and will have future meetings with Town Council about
20 some of these State laws and how they affect development in
21 the Town. What I can share this evening in relation to this
22 process is that when we are looking at the Sites Inventory
23 we want to make sure that we are not running into what's
24 called "no net loss," that that actually comes into effect
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1 once we get to a decision point on a development project.
2 It's not something that's triggered at a preliminary
3 application stage, it's something that the Town would need
4 to resolve within six months of a decision of a project.

5 At this point Staff's recommendation is to
6 proceed with the Sites Inventory as currently developed,
7 but as these future applications come forward, that will be
8 part of the discussion at those times, because by the time
9 those projects do move forward we don't know what other
10 applications might have come forward and whether there
11 really will be a no net loss problem at that time.

12
13 COMMISSIONER BURNETT: Thank you. I was just
14 concerned about our latest comment from the Los Gatos
15 Community Alliance letter.

16 JENNIFER ARMER: Thank you, and I can add that
17 Staff will continue to work with our consultants and in our
18 conversations with HCD to confirm whether modifications are
19 recommended.

20 CHAIR BARNETT: That covered the question. Other
21 questions of Staff? If not, we'll open the public portion
22 of the public meeting and invite comments from members of
23 the public, and we have one card from Mr. Rosenfeld.

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1 MARK ROSENFELD: Thank you for the opportunity to
2 address you. My name is Mark Rosenfeld; I live at 449
3 Alberto Way, and I did want to speak on the proposal to
4 build right now at 405 Alberto Way. We've already had
5 somebody from our community talk to you about this and I
6 may reiterate a few things that she has said, but I think
7 it's really important to talk about it.

8 The proposal is for two buildings, a total of 60
9 units, and the buildings are going to be 50' tall. They're
10 going to be three stories plus a garage unit, which is
11 basically on the ground level. Those will incorporate 114
12 parking spaces, or two parking spaces for each unit, and
13 only 12 guest spaces for all of the 60 units.

14 Our community on Alberto Way consists of two-
15 story condos and townhomes. The proposal is extremely out
16 of character with our neighborhood. We've looking at two
17 buildings that are at least 50' tall.

18 Also, parking on Alberto Way is already bumper-
19 to-bumper in the evening. You can't find any parking spaces
20 at all, and now there will only be 12 parking spaces
21 planned for guests for 60 units.

22 Another thing that was mentioned, which I think
23 is the most important thing, is that Alberto Way is
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1 basically a dead end street. In the event of an evacuation
2 there is only one exit for everybody who lives on that
3 street. We have 110 units in our development on Alberto Way
4 in addition to all of the townhouses and other condos that
5 are on that street. In other words, from what we have
6 you're potentially adding 114 cars to get out if we need to
7 evacuate.

8 Just to remind you, the Camp Fire in California
9 in 2018 took only four hours to spread, and the Lahaina
10 Fire, which we just saw, spread at a mile a minute, so I
11 think the Town really needs to provide the residents of
12 Alberto Way with a viable evacuation plan before you can
13 even consider anything additional to be built there. Thank
14 you very much.

15 CHAIR BARNETT: Thank you, Mr. Rosenfeld. Are
16 there questions for the speaker? I don't see any. Thank you
17 for your comments tonight. We also have Lee Quintana again
18 on Item 5.

19 LEE QUINTANA: I'm beginning to think I sound
20 like a broken record, but there is such an interconnection
21 between Item 4, which you already passed, and Item 5 and
22 what's going on at the Housing Element Advisory Board that
23 it makes my head spin, because each one is going along a
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1 different path at a different time, not considering what's
2 happening at each one, and I say that for several reasons.

3 One, when you read the report for tomorrow
4 night's meeting you're going to be discussing certain
5 things. There has been a lot of progress made in certain
6 areas, but my reading of the report indicates that there
7 are still sections of the Sites Inventory which may be a
8 problem and will probably, in my estimation, result in need
9 for changes in numbers, so we're getting ahead of ourselves
10 in what is actually happening, or will end up happening,
11 being recommended for approval, probably. There are still
12 so many ifs.

14 One thing that I noticed in the Addendum on this
15 item is that one of the applications for SB 30 discusses
16 the fact that the recommended approval of the Overlay
17 Densities and Standards will in fact not be able to
18 accommodate the 30 units per acre density that's required.
19 So again, are we making a mistake by approving that and not
20 considering what standards really need to be to accommodate
21 those densities and the other requirements?

22 It seems to me when I deal with this project I
23 always feel like I'm chasing a moving target and I can't
24 keep up, and every time I understand one thing all of a
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1 sudden I turn around and it or something else has been
2 changed that affects what was just changed or decided upon.
3 So I ask you to please take that into consideration and not
4 make it any more complicated than it needs to be.

5 CHAIR BARNETT: Thank you, Ms. Quintana.
6 Questions for the speaker? I don't see any. Anyone on Zoom,
7 Mr. Paulson.

8 JOEL PAULSON: Yes, thank you, Chair. Declan, I'm
9 unmuting you. You have three minutes to speak.

10 DECLAN: Okay, hi, guys. A lot of things have
11 been discussed tonight. I'm kind of new to figuring out the
12 local stuff, but I've lived here for over 20 years, so I
13 see the developments that have gone on locally across the
14 street from me and in front of me with the hotel.

15 I just want to know and understand, and I don't
16 think anybody who lives around here is being told about
17 what really is the State mandated housing project and
18 overlay and all that stuff; it's kind of like a vague fog
19 that nobody is telling us, and now we're fighting off
20 property owners across the street from developing their
21 projects over the years, and now we're onto something else
22 and it keeps changing over the years and the place is a
23 major eyesore.
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1 Can the Town please come down and talk to the
2 people who live right here on Alberto Way and explain to
3 them what is going on? Why are we not being listened to? Or
4 explained to on what's going on with these State mandates?
5 And why we are being segregated out versus the wealthy
6 people living up in the hills who have multi-million acres
7 of land and property versus oh, let's go down and take care
8 of the little people on the street and suffer them and push
9 them into having to have multi-million dollar high-rises
10 beside them. I'm not sure what's going on, but can somebody
11 explain that to me? I would love to know.
12

13 CHAIR BARNETT: Thank you, Declan. Unfortunately,
14 we're not able to respond to questions, but we very much
15 appreciate your input, and I'll ask if any Commissioners
16 have questions for you? I don't see any. Thank you very
17 much for your input, sir. I don't have any other cards and
18 no one on Zoom.

19 We have a recommendation for a continuance, but
20 I'm going to ask Staff whether only new comments are to be
21 accepted from members of the public rather than having
22 speakers speak twice?
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1 ATTORNEY WHELAN: Speakers can speak once on an
2 agenda item, and so any speaker who spoke tonight will not
3 be speaking at the next meeting.

4 CHAIR BARNETT: Okay, thank you. I think we're
5 ready to close the public portion of the public hearing and
6 ask Commissioners if they have any questions for Staff, or
7 wish to comment at this time, or make a motion as
8 recommended for a continuance to September 13th?
9 Commissioner Janoff.

10 COMMISSIONER JANOFF: I move that we continue
11 this item to September 13th.

12 CHAIR BARNETT: Thank you. Second? Commissioner
13 Hanssen.

14 COMMISSIONER HANSSEN: I second the motion.

15 CHAIR BARNETT: Any discussion? If not, raise
16 your hand, please, if you are in support of the motion. It
17 passes unanimously. Thank you very much.

18 I assume again that there are no appeal rights,
19 is that correct?

20 JENNIFER ARMER: Correct.

21 (END)

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