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

Los Gatos Planning Commissioners:
Kathryn Janoff, Chair
Kendra Burch, Vice Chair
Jeffrey Barnett
Melanie Hanssen
Jeffrey Suzuki
Reza Tavana
Emily Thomas

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

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

CHAIR JANOFF: This item is a request to consider for approval a zone change from Residential 1D:LHP, Single-family Residential Downtown with a Landmark and Historic Preservation Overlay, to C-2:LHP, Central Business District with a Landmark and Historic Presentation Overlay, and a General Plan Amendment to change the land use designation from Medium Density Residential to Central Business District for property located at 4 Tait Avenue, APN 510-44-054. Zone Change Application is Z-20-002 and General Plan Amendment Application is GP-20-001. Property owner is the Town of Los Gatos and the Applicant is Mr. Jim Foley.

First, may I see a show of hands from Commissioners who have visited this property? Thank you. Are there any disclosures? I see none. Ms. Armer, I understand you'll be giving the Staff Report tonight.

JENNIFER ARMER: Yes, good evening. Good evening, Chair, Vice Chair, Commissioners.

Before you tonight is a request for a General Plan Amendment from Medium Density Residential to Central Business District and the associated zone change from

1 Single Family Residential Downtown to Central Business
2 District. The Landmark and Historic Presentation Overlay
3 would be retained, and this is on 4 Tait Avenue.

4 In contrast to many projects reviewed by the
5 Planning Commission, this proposal is just about changing
6 the rules that apply to the property. There is no
7 particular business that is proposed on the site at this
8 time and no improvements are proposed to the site or the
9 building. Also unusual, this is a property that is owned by
10 the Town, so the Town has additional involvement when a
11 specific subtenant is chosen.
12

13 The requested General Plan Amendment was reviewed
14 by the General Plan Committee in January of this year. This
15 committee forwards a recommendation of approval to the
16 Planning Commission and to Town Council. The proposed
17 General Plan Amendment and zone change would be consistent
18 with the pattern of land use and zoning in the adjacent
19 downtown commercial area. Additionally, the Applicant's
20 letter explains how the best use of the existing historic
21 building is a commercial use. For these reasons and the
22 analysis provided in the Staff Report Staff does recommend
23 that they make the required findings in Exhibit 2 and
24 forward a recommendation of approval to Town Council of the
25

1 draft resolution in Exhibit 3 and draft ordinance in
2 Exhibit 4.

3 There was a Desk Item distributed today with some
4 comments and concerns from nearby neighbors.

5 This concludes Staff's presentation. I'd be happy
6 to answer any questions.

7 CHAIR JANOFF: Thank you, Ms. Armer. Do
8 Commissioners have questions for Staff? I don't see any
9 hands raised so at this time we will open the public
10 hearing and give the Applicant up to five minutes to
11 address the Commission.
12

13 DIRECTOR PAULSON: Thank you, Chair. I'm going to
14 allow the Applicant to speak. Mr. Foley, you can unmute
15 yourself and you have up to five minutes.

16 JIM FOLEY: Thank you, Mr. Paulson. Can you all
17 hear me?

18 CHAIR JANOFF: Yes, we can. Go ahead, Mr. Foley.

19 JIM FOLEY: Good evening, distinguished Planning
20 Commission. My name is Jim Foley representing Imwalle
21 Properties, Pennant Properties, and Tait Fire House LLC,
22 the Applicant. I'd just like to provide a bit of background
23 for you on the project.
24

25 The project is the result of an RFP process put
out by the Town of Los Gatos several years ago to create a

1 public/private partnership with a qualified local real
2 estate company to restore, renovate, reposition and
3 ultimately lease and manage the two Town-owned museum
4 properties located at 75 Church Street, which is Forbes
5 Mill, and 4 Tait Avenue, which is the Tait Fire House on
6 the corner there.

7 The RFP proposed a master lease structure whereby
8 the private partner would enter into a long-term lease for
9 the property from the Town and essentially take
10 responsibility for the aforementioned activities, including
11 the expenditure of significant dollars associated with
12 improvements in return for an economic participation in the
13 project. The details of this can be found in the two master
14 leases entered into with the Town of Los Gatos last year.

15 Imwalle Properties was awarded the RFP and for
16 two years went through an extensive process to craft and
17 ultimately execute the two master leases for the properties
18 with a tremendous amount of participation from Town Staff
19 and significant oversight by the then Town Council who
20 ultimately approved the leases and authorized the Town
21 Manager and Town Attorney to execute lease documents last
22 fall.
23

24 The Forbes Mill property is already zoned for
25 commercial uses contemplated by the master lease for that

1 particular property, however the Tait Fire House property
2 is zoned for residential use and needs to undergo the
3 proposed zone change and General Plan Amendment in order to
4 accomplish the goals of the master lease.

5 Please note that the only residential use that
6 has ever existed at the property is an ancillary use as a
7 component of the old fire house and outside of that has
8 always operated as a museum which was open to the public
9 and attracted outside visitors to the site.

10 The property is adjacent to the Central Business
11 District and the neighbor to the east is currently zoned
12 for commercial use. We want to be really clear that this
13 project has restoration at its heart and it does not
14 contemplate expansion or redevelopment. We understand the
15 property is bordering the residential neighborhood and the
16 nearby schools and church, and we've been in touch with
17 both of the schools and the church and they were supportive
18 of the rezoning effort as it is of utmost importance to get
19 the property back into regular service and occupied in
20 order to discourage vagrants and vandals that have entered
21 the property from time to time over the past several years.

22 We've also heard from many residential owners in
23 the residential neighborhood, most of whom are supportive,
24 with a few having concerns that will hopefully be
25

1 alleviated as they watch the process unfold and a future
2 project is ultimately brought forward.

3 You'll note that the General Plan Committee, whom
4 some of you sit on, has recommended approval of the
5 application and Town Staff also recommends the Planning
6 Commission make a motion to recommend approval of the zone
7 change and General Plan Amendment to the Town Council. As
8 illustrated in our biography section, our team is highly
9 qualified, ultra-local, and has a vested interest in the
10 betterment of Los Gatos for several generations.

11
12 We'll be careful stewards of the property and are
13 really excited to move this project forward through the
14 process and we're here to answer any questions you may
15 have. Thank you.

16 CHAIR JANOFF: Thank you, Mr. Foley. Do
17 Commissioners have questions for the Applicant?
18 Commissioner Hanssen.

19 COMMISSIONER HANSSSEN: I obviously was on the
20 General Plan Committee when we heard this before, but I do
21 remember the discussion and I wanted to ask and make sure I
22 have it right, is that any potential applicant to take over
23 the lease in the facility would have to be approved by Town
24 Council, is that correct?
25

1 JIM FOLEY: That's my understanding. I don't know
2 if Director Paulson...or it doesn't appear that the Town
3 Attorney is on this Zoom, but that is my understanding as
4 to how the lease is written. That could be verified, I
5 think, internally if you want to check.

6 COMMISSIONER HANSSEN: It was probably a better
7 question for Staff, so thank you.

8 JIM FOLEY: Okay.

9 CHAIR JANOFF: Any other questions for the
10 Applicant? Vice Chair Burch.

11 VICE CHAIR BURCH: I noted on the General Plan
12 Committee notes that the committee members discouraged
13 restaurant and personal service uses in this location. I
14 was curious, with the proposed changes do you agree with
15 that discouraging recommendation or do you find that the
16 interest in this space may fall more in line with a
17 restaurant or services?
18

19 JIM FOLEY: It's a really interesting question.
20 Since we started this process a number of years ago a lot
21 of things in the market have changed, not that that is a
22 direct correlation to what is or is not appropriate here. I
23 think that this particular property is very compatible with
24 the C-2 and the Downtown Central Business District just
25 because of its location and the neighboring properties. But

1 we are on the border. I mean, we realize we're right there;
2 it is literally the edge of the residential neighborhood
3 and the edge of the Central Business District, so we've
4 seen some of the concerns and had some conversations with
5 the neighbors about what the uses are.

6 I don't know, I think it just depends on the
7 particular project. That's a very broad use. A food or
8 personal service use is allowed in C-2, but within those
9 designations there is a broad variety of how those things
10 could be executed, so I think it's just a matter of finding
11 something that's compatible. It's very likely that it's an
12 office project, but we don't want to preclude something
13 that could be really valuable to the community and to the
14 immediate neighbors that might fall under one of those use
15 categories.

17 The only other thing that I'll point out is I
18 think it was maybe only one, and possible two, but one of
19 the people that raised that issue at the General Plan
20 Committee meeting—there were not more than that—that had
21 that concern.

22 VICE CHAIR BURCH: All right, thank you.

23 CHAIR JANOFF: Commissioner Suzuki.
24
25

1 COMMISSIONER SUZUKI: You mentioned earlier that
2 there was a preservation element in terms of history to
3 changing the zoning laws. Could you elaborate?

4 JIM FOLEY: This is something that I wanted to
5 clarify to you all that have a better understanding of it
6 than most, but also to the neighbors. We're not talking
7 about tearing these buildings down or redeveloping them or
8 adding things to them. These are historical buildings in
9 the Town; they're of significance. I think the
10 architectural style of them is fine. Maybe there could be
11 some refreshing done but it's not a project to try to
12 increase any density or add any square footage; it's really
13 to preserve these. The museums were doing that to a certain
14 extent and the Town was the steward of that for many years,
15 and they were keeping the buildings up and keeping them
16 maintained, so I think we just want to take it to the next
17 level. We want to touch up some of the exterior stuff,
18 maybe provide some changes, maybe restore.

19 The fire house has some opportunities to restore
20 it to maybe what it looked like I don't know how many
21 decades ago, four or five or six decades ago.

22 Forbes Mill probably on the other hand has
23 remained much how it looks now, and a lot of the
24 improvements are going to be focused on tenant improvements
25

1 on the interior of the buildings rather than trying to
2 modify anything.

3 I think our hope is having been here a long time,
4 and we have interests in a lot of other historical
5 properties and commercial properties in town, I think that
6 we understand maintaining character in town and that's sort
7 of the goal here, as opposed to whatever somebody else's
8 objective might be, to use these postage stamps of land and
9 create something new or different. Our agenda is no, let's
10 preserve them but figure out what we can do to make them
11 revitalized on the interior and bring some life back into
12 them and keep that going for the long term. I hope that
13 answers your question.
14

15 CHAIR JANOFF: Thank you for that. Commissioner
16 Thomas.

17 COMMISSIONER THOMAS: Thank you. Adding onto
18 that, Mr. Foley, you mentioned that you felt like the space
19 and location would be attractive to maybe some small office
20 space. Is there anything in any of the plans that would
21 maybe make the space more attractive to some public use as
22 long as that is something that the neighbors are happy with
23 or comfortable with? Because like you said, it was a
24 location that attracted public visitors and people could go
25 and enjoy it, and as we know, living in California we don't

1 have a lot of historic buildings in town and it is sad to
2 see it sitting there not being used and enjoyed by the
3 people of the Town, so is there anything with these changes
4 and any updates and renovations that could be done that
5 could make it more accessible and enjoyed by the public?

6 JIM FOLEY: That's a really good point. I think
7 it's too early to tell for this particular site, I mean
8 honestly. There's some property there and there is a
9 storage building kind of structure in the back that we
10 don't really know what the future of that is. It's going to
11 be particular to the project that we bring forward when we
12 bring an actual tenant improvement project forward where
13 we'll see, and if it's such that maybe not all of the space
14 is needed—it has a parking lot and is self-parked for the
15 size of the building, so short of reducing the size of the
16 building and trying to creating something might be
17 difficult—but maybe there is a way if the tenant doesn't
18 require it that we could repurpose some of the area to do
19 something, and I don't know what, but it would be
20 interesting to collaborate.

21 The cool thing with this project is we're a
22 public/private partnership with the Town, so everybody gets
23 to be involved and gets to talk about it, and if there's an
24
25

1 idea that comes forward I'm sure we all want to entertain
2 that.

3 Just editorially, Forbes Mill has a much larger
4 opportunity for that to occur because the property there
5 actually, you may not know if you've been down to the
6 trail, but it extends significantly farther back than just
7 the Forbes Mill annex building. I know we're probably not
8 going to revisit that in this venue, but it's something
9 that we've definitely had on our mind and would appreciate
10 any feedback we can get on both of them as to what's
11 creative that we can do to make it an asset to the Town for
12 sure, so thank you for asking that and hopefully that
13 answers.
14

15 COMMISSIONER THOMAS: And thank you for following
16 up about Forbes Mill. I definitely can see how that site,
17 it's a little easier to envision that just because of its
18 location and accessibility in town and how it's slightly
19 more isolated from a neighborhood.

20 I did have a follow up question with regard to
21 the accessory structure, like the little storage area that
22 you mentioned. Is that part of the historic structure of
23 the property, or not? If you don't know, I can ask Staff
24 later.
25

1 JIM FOLEY: Yeah, I don't know. I think Director
2 Paulson might know better than I how that would be treated.

3 CHAIR JANOFF: Thank you. Any other questions
4 from Commissioners? All right, seeing none, I will now move
5 to the public comments. Members of the public may choose to
6 state your name and/or address or to speak anonymously.
7 Please understand that the meeting is being recorded for
8 the public record. Do we have any members of the public who
9 wish to speak on this item?
10

11 DIRECTOR PAULSON: We do have a hand raised, so
12 the first person will be Kat.

13 KAT BATTAGLIA: Hi, my name is Kat Battaglia, my
14 husband is Robert White, and we submitted a letter today--
15 we're a little bit late to the party, I think.

16 Last year we purchased 300 West Main Street,
17 which is on the corner of West Main and Tait, so we are
18 directly across from 4 Tait. The whole side of our house
19 looks out at and is across from that building, so it's kind
20 of important to us what happens to it, particularly because
21 when we bought this house our research told us and the Town
22 told us that they were considering an old fire house
23 museum, not this sort of a new... It was kind of a surprise
24 to see this for lease sign go up, so we're concerned what
25 happens there.

1 We agree that it needs some upgrades, but the
2 view that we have over that building that's kind of cute
3 and has potential was a consideration for purchasing this
4 property and I'm very concerned about what happens there
5 for traffic impact, for our views, for the foot traffic,
6 for the amount of parking.

7 As it stands now, the parking lot has been used
8 by young people for—at least during COVID times—kind of a
9 gathering spot for impromptu parties, which are always
10 broken up very quickly, but we've had some homeless street
11 people, wanderers around there. It obviously needs
12 upgrades.

13 We had actually offered to purchase the property
14 out of concern for what it was or what might transpire
15 there with the intention of upgrading it but preserving the
16 aesthetic style, the roof lines, and I'm worried about roof
17 heights and that sort of thing and a big change there would
18 mean more congestion.

19 The other thing that was a big surprise to us is
20 the traffic problem and I'm concerned about that dependent
21 upon what type of business goes in there, so it's parking
22 and more traffic coming in. It's actually kind of dangerous
23 because there's such a gridlock pattern that we can't get
24 out and emergency vehicles can't get in. I've actually had
25

1 people during those times get out of their car and take
2 refuge under our birch trees for shade because they were
3 stuck, not moving on Tait for so long that she thought her
4 baby was going to perish; I've given water to people. So
5 I'm a little bit concerned about what goes in there.

6 And again, we welcome the property being upgraded
7 and updated. I'm concerned at this point, not knowing too
8 much and only speaking to Jim through one email reply
9 today, about what this will open up for the future.

10 DIRECTOR PAULSON: Time, Chair.

11 KAT GATTAGLIA: Oh, sorry. Is my time up?

12 CHAIR JANOFF: Yes, thank you for your comments.
13 Do any of the Commissioners have questions for the speaker?
14 I don't see any hands raised. Thank you very much. Do we
15 have any other speakers?

16 DIRECTOR PAULSON: Not currently, but let's give
17 it a couple seconds. Here we go. Ms. Quintana. Again I will
18 have to more her to panelist to allow her to speak. So, Ms.
19 Quintana, you go and unmute yourself and then you can
20 speak.
21

22 LEE QUINTANA: Just a couple of comments. This
23 was the first fire house in Los Gatos and a while back the
24 first fire bell was moved from its spot on the Town plaza
25 and moved back to what was then the Tait Museum with the

1 understanding when that move was approved that there was be
2 a structure built to house the fire bell on that site.

3 My concern now is what will happen to the fire
4 bell as part of any plans for the site and whether the fire
5 bell somehow could be integrated into something that would
6 be available for public use, like a tiny pocket park maybe,
7 or something. That's one concern.

8 The other thing I would like to say is this. I
9 was one of the General Plan Committee members who had
10 concerns about the possible uses on the site since it is my
11 understanding that all of those uses that could be allowed
12 in the C-2 would be by-right uses and therefore it's not
13 clear to me what control exactly that the Town Council
14 would have over the use rather than just the architecture.
15 Those are my comments.

16 CHAIR JANOFF: Thank you for those. Do any
17 Commissioners have questions of Ms. Quintana? I don't see
18 any hand raised. Do we have any other speakers?

19 DIRECTOR PAULSON: One second. I have to get back
20 to the other room and see if anyone else's hand is raised.
21 The next is Jim Pappas.

22 JIM PAPPAS: Good evening, Commissioners. My name
23 is Jim Pappas. I live at 5 Tait Avenue here in Los Gatos.
24 Much like Kat I somewhat echo many of her comments. We've
25

1 actually had a chance to talk about it. It was not quite on
2 the level of awareness of this level of the programming.

3 I guess my biggest concern would be much like Kat
4 said, yes, would love to see something developed there
5 because there is a lot of activity that occurs that's
6 rather nefarious in nature. In fact, even this afternoon
7 some high schoolers were parked there just exchanging
8 whatever at the time.

9
10 My concern really would be from the ability for
11 the Town to control what commercial is. Many towns or
12 cities have the ability to have commercial versus retail
13 versus office, and so the concern we would have as
14 neighbors is if it turns into retail, if you look at
15 downtown Los Gatos the likelihood of that retail changing
16 hands on a rotating basis would be of great concern. The
17 same thing with the restaurant. You're looking at in-and-
18 out traffic. That would be of great concern for that
19 location.

20 The other problem with a retail environment would
21 be beach traffic. That retailer would have no chance
22 whatsoever to survive because on Saturdays and Sundays they
23 can't commit any business during those times. That's why
24 our preference as neighbors, first would be residential; if
25

1 that's not possible it would be for more of an office
2 nature.

3 A couple of us put that in writing to you today
4 and yesterday to enumerate those concerns and really lay it
5 out for you where we believe a professional type office—it
6 could be an architect, it could be an engineer, it could be
7 a financial advisor—something with low traffic but it
8 maintains the architectural view that you have there
9 without adding traffic to the area, because the reality is
10 if you talk about four sides of that building, three of the
11 four sides are residential, and I think that needs to come
12 in because when people talk about it they say it's a
13 commercial location. It's commercial on one side where you
14 have kind of a hair shop and massage place. Everybody else
15 on all other sides are all residential, so I'd like for you
16 to keep that in mind when considering what control you have
17 if you do make it commercial. I appreciate your time. Thank
18 you.
19

20 CHAIR JANOFF: Thank you very much. Are there any
21 other questions for this speaker? Don't see any hands. Any
22 other speakers?

23 DIRECTOR PAULSON: I don't currently see any
24 other hands, Chair. Again, we'll give it a second here.
25

1 CHAIR JANOFF: All right, so at this time we
2 would like to hear from the Applicant again, who has up to
3 three minutes to add anything further. Does the Applicant
4 wish to speak again?

5 DIRECTOR PAULSON: Yes, Mr. Foley does. One
6 second.

7 JIM FOLEY: I won't take too long, but I
8 appreciate the comments by the neighbors and I was able to
9 see some of their letters, and to both of them or anyone
10 else listening, you received our letter reaching out and
11 I'm happy that you're engaged in the project. We just want
12 to make sure that everyone that's around there is on board.

13 We're excited that this is a project that we feel
14 keeps everybody aligned together: the Town, us as managing
15 the project, and the neighborhood. We're open to further
16 comment. This particular part of the process is very
17 technical; it's the rezoning and a General Plan Amendment.

18 As marketing proceeds and an actual project-level
19 project comes into focus where we know what the use is
20 going to be, we're going to have a lot more conversation
21 with everybody and we're really going to be open to making
22 sure that the immediate neighborhood isn't impacted and has
23 a chance to provide their input. So, everyone feel free to
24 contact us at any time with questions, concerns or updates
25

1 about what's going on and we want to make it really
2 beneficial to everybody else. Any other questions we're
3 here to field. Thank you.

4 CHAIR JANOFF: Thank you, Mr. Foley. Do
5 Commissioners have any additional questions for the
6 Applicant? Commissioner Barnett.

7 COMMISSIONER BARNETT: Yes, did you say that the
8 master lease with the Town is already executed? If so, I
9 have a follow up question.
10

11 JIM FOLEY: Yeah, it is. It's kind of a tricky
12 process that we're going through because the master lease
13 is kind of presupposed and had been supported by the
14 previous council that this is where we're headed, but we
15 still have to take this through the process, and there was
16 a lot of debate about whether the Town could take it
17 through the process itself or whether we as the master
18 tenant take it through the process, so we're here now,
19 doing it this way, and just hopeful that we still maintain
20 everyone's support. Whatever your next question is, I'm
21 happy to answer if I can.

22 COMMISSIONER BARNETT: The follow up question is
23 whether you're aware in the lease itself whether there's
24 any control over the use of the property, the subtenants?
25

1 JIM FOLEY: Yeah, my understanding is that the
2 Town of Los Gatos through the Town Council and supported by
3 your recommendations, and that the recommendations of Staff
4 and the Town Attorney has the final approval of any
5 subtenant that we have.

6 COMMISSIONER BARNETT: Okay, that's good to hear.
7 Thank you.

8 CHAIR JANOFF: Commissioner Thomas.

9 COMMISSIONER THOMAS: I had a question for Mr.
10 Foley about the timeline. If this zoning is changed do you
11 have any perspective timeline of when renovations might
12 begin to occur?
13

14 JIM FOLEY: I think it's a typical project
15 timeline but it's going to be triggered by tenant activity,
16 and as one of the neighbors had mentioned we've had a
17 marketing sign up there for a little while. We've had some
18 interest and it's been really exciting to field all that
19 interest through the middle of the pandemic where everyone..
20 Generally speaking, I think that there's been more activity
21 in Los Gatos than a lot of other places, but for this
22 particular property, it's in a quieter part of the Business
23 District so it may not be immediately the first property to
24 go look at, so we have had some inquires but not a lot of
25 activity.

1 As we go through the process and we emerge from
2 the pandemic I'm hopeful that activity ramps up and we're
3 able to field a lot of inquiry about what types of uses and
4 who is ready to come collaborate and bring a project
5 forward, so as that occurs let's call it the beginning of
6 summer, the next three months or so we'll hopefully have
7 more traction, but it could be a lot longer than that. Once
8 we have the tenant or a suitable tenant in line, then we're
9 in the middle of a tenant improvement project, so we'll be
10 going through if there's a necessary permit process that
11 takes several months. There is going to be a plan check
12 process for a Building Permit and it's going to take
13 several months, and there are going to be several months of
14 construction, so even if everything went lightning fast I
15 couldn't imagine anything getting in there faster than nine
16 months from now. It would be more like the end of the year
17 or the beginning of next year, unless there was something
18 that just needed very minor improvements, that was very
19 quick to be able to occupy, something could be in there
20 more like Q3, but my crystal ball says no, it's still a
21 ways out.
22

23 CHAIR JANOFF: All right, thank you for that. Do
24 we have any other questions for the Applicant? I don't see
25 any hand raised, so we will now close the public portion of

1 this hearing and ask if the Commissioners have any
2 questions of Staff, wish to comment, or introduce a motion
3 for consideration? Commissioner Suzuki.

4 COMMISSIONER SUZUKI: I do have a question to
5 Staff. What was mentioned earlier was the property hasn't
6 actually been used for housing. Is there any potential in
7 the future that it could be used for housing?

8 DIRECTOR PAULSON: I can go ahead and answer,
9 unless Ms. Armer wants to start, but I'm happy to jump in
10 there.

11 There's always that opportunity. As was stated,
12 the former Town Council has entered into a master lease
13 agreement with this tenant, so it would take an action to
14 modify that. The challenge gets to be utilizing the
15 existing building, which is historic, it is in an historic
16 district, whether or not that could be rehabbed or whether
17 it would need to be significantly altered to make housing,
18 whether that's market rate or affordable housing, to work
19 on that site.

20 Those are always options. We are going down the
21 path currently, as the Applicant mentioned. This is a
22 necessary action that will ultimately need to be taken by
23 the Town Council whether or not the General Plan and zoning
24 designations get changed.
25

1 But could it ever be used for housing? There is a
2 possibility that it could be used for housing. If these two
3 applications move forward and it is changed, then it could
4 either be changed back or we do actually allow residential
5 in a number of our commercial zones with Conditional Use
6 Permits. This doesn't negate the options for future
7 residential use, and hopefully that answers your question.
8

9 CHAIR JANOFF: Thank you for that. Any other
10 questions for Staff, or discussion?

11 I did have one further question for Staff. It's
12 been commented a couple of times, the control that Staff or
13 the Town Council has over who will potentially occupy this
14 site. There's been a lot of concern that was raised at the
15 General Plan meeting regarding what don't we want in this
16 space. So, if you could spend a minute just to help us
17 understand what type of controls would typically be in
18 place to make sure that the right fit for the neighbors and
19 the Town were decided upon.

20 DIRECTOR PAULSON: Generally, and I believe the
21 Town Attorney mentioned some of this at the General Plan
22 Committee, and so I can start and if Ms. Armer has
23 additional comments she would like to make.
24

25 The Town is the landlord for this master lease
agreement. There is language in there that we basically

1 have the ability to refuse a subtenant who might lease it
2 from the Applicant. I don't have the specific language in
3 front of me to know whether or not that's the Town Council
4 and/or the Town Manager, but typically if we do come to a
5 situation in moving forward is that becomes a situation and
6 this obviously following the recommendation of the Planning
7 Commission to the Council, further clarification will be
8 provided.

9
10 I apologize for not mentioning earlier that the
11 Town Attorney unfortunately wasn't able to join us this
12 evening, but it's my understanding from his comments at the
13 GPC that the Town does have basically a first right of
14 refusal for subtenants that would lease from the Applicant
15 and their group.

16 CHAIR JANOFF: Thank you for that clarification.
17 I just wanted to point out that for those of us who were
18 thinking about the parcel's proximity to the neighborhood,
19 how tight Tait is, and the parking lot and its size
20 relative to ingress and egress and opportunities, we were
21 thinking hard about how to control that, and the fact as
22 stated by Town Attorney and confirmed tonight by Director
23 Paulson that the Town has quite a bit of control over
24 deciding who comes into that space gave us a lot of comfort
25

1 to know that a good decision would be made if we were to
2 change the zone code.

3 Any other comments? Commissioner Hanssen.

4 COMMISSIONER HANSSEN: I was just going to add on
5 a little bit to what Chair Janoff said, because we all as
6 well as Commissioner Burch at the time were members of the
7 General Plan Committee when we heard this, and I think that
8 there was quite a long discussion actually by the General
9 Plan Committee and this is for a recommendation that was to
10 come to us. I think the way that we got comfortable with it
11 was exactly what Chair Janoff said, which is that the
12 Applicant is the Town of Los Gatos and because the
13 Applicant is the Town of Los Gatos there's going to be a
14 lot of oversight as to what kind of tenant might be in that
15 place.
16

17 That combined with the fact that the use has
18 never really been residential since its inception, and I
19 don't know to what extent the Applicant mentioned this but
20 it's quite a bit more difficult for them not having the
21 zoning aligned with the actual use in terms of making the
22 lease happen, so putting all that stuff together.

23 Having said that, the General Plan Committee was
24 concerned enough about the possibility to personal service
25 or restaurants being in that location, being so close to

1 residential, that that was included in the recommendation
2 that that shouldn't be considered. But again, it is just a
3 recommendation.

4 CHAIR JANOFF: Thank you for that, Commissioner
5 Hanssen. It's important to note that tonight we are making
6 a recommendation, or this motion will be a recommendation
7 to Town Council, and so if there are concepts that we would
8 like to see considered or not considered, now is the time
9 to put those ideas in place for their consideration.

10 I would just like to echo the comments of
11 Commissioner Thomas and perhaps elaborate a little bit. The
12 idea that this is a place of history is something that
13 really resonates for me, as it does I'm sure for those
14 members who are or were on Historic Preservation Committee—
15 thank you for the question, Commissioner Suzuki.

16 So, there's a real opportunity to do something
17 special here in terms of the kind of placemaking I think
18 that Commissioner Thomas is thinking of, and the notion
19 that there is a bell that is the possible focus for that
20 kind of opportunity for public enjoyment of this and its
21 history is a very compelling one, so I hope that those
22 comments go forward to the Town Council in terms of what
23 Planning Commission would like to see for this particular
24 location.
25

1 Any other comments? And yes, Commissioner Suzuki.

2 COMMISSIONER SUZUKI: Since this is essentially a
3 recommendation in spirit to the Town Council I do want to
4 bring up a concern that I can't help but have. I understand
5 that there's been a lot of thought and deliberation placed
6 into executing this private/public partnership, but I can't
7 help but see that there is a pretty large opportunity cost
8 to designating this land specifically for commercial use. I
9 do understand that there could be a potential for
10 Conditional Use Permits and that maybe people could live
11 there, but in spirit, specifically in the use of commercial
12 use, I don't know if I could endorse that.

14 The Town needs to meet state housing quotas and
15 the Town is still struggling to meet those quotas by
16 literally hundreds of houses, even with the North 40 in
17 play, and if we don't the State of California, when they
18 have the resources they probably will sue us again.

19 In our Housing Element, HOU-1, "Expand the choice
20 of housing opportunities for all economic segments of the
21 community by supporting the development of affordable
22 housing in a variety of types and sizes, including a
23 mixture of ownership and rental housing." HOU-3,
24 "Preserving existing residential opportunities," which I
25

1 believe is actually in line here, "including the existing
2 affordable housing stock."

3 After visiting the property personally I can't
4 help but to think that the property was quite large with a
5 lot of potential for housing development and specifically
6 for commercial zoning. I don't really see what the clear
7 benefits are here, and perhaps that's because a very clear
8 picture of what exactly the property will be used for
9 hasn't been made clear to me. Those are my thoughts.

10
11 CHAIR JANOFF: Thank you for that. Commissioner
12 Thomas.

13 COMMISSIONER THOMAS: I can't help but have some
14 of the same concerns as Commissioner Suzuki because I too
15 know, I mean we all know, that we're facing a housing
16 crisis in the State of California and Los Gatos is not
17 immune from that, and so I do think that it is our job to
18 be thorough and play devil's advocate and make sure that we
19 are looking at all the potential best uses of different
20 land space.

21 We were provided with the existing floor plan of
22 the property. Looking at it I thought could this be divided
23 into multiple smaller units? One of the reasons I asked,
24 which I did want to ask Staff about if they could follow up
25

1 on that, but is the accessory structure part of the
2 historical designation or could that be removed?

3 Both Commissioner Suzuki and I are jumping into
4 this a little bit later than some of you because so many of
5 us are on that General Plan Committee, so I did have the
6 same questions initially looking at this. Has it really
7 been thoroughly looked at if this could be used for people
8 to live? Especially because it's so walkable to downtown
9 and this is a space where people could not need a car to
10 live, which is great. Providing housing in places like this
11 is just something that we're not only required to do by the
12 state but we want to do in the rewriting of the General
13 Plan.
14

15 Like I said, I love the idea of having it be a
16 placemaking situation. I do think you can provide that in
17 addition to allowing people to live there, right?
18 Especially if there is like a small courtyard with a bell
19 and some signage, incorporating some park or space where
20 people can sit. So anyway, that is one of my concerns. I
21 did have the question about the accessory structure and if
22 there's any historical significance to that.

23 My other question is if a General Plan update
24 would affect this at all, or the lease, or if it would be
25 grandfathered in because of that situation that's more of

1 just like a technical question, I guess, for Commissioner
2 Hanssen maybe, or Chair Janoff; I don't know if you'd be
3 able to answer that.

4 CHAIR JANOFF: Let's start with the first
5 question regarding the accessory structure. Does Staff have
6 any idea whether that's... I have an opinion. Based on the
7 cinderblock structure I have an opinion about whether it's
8 historic, but I'll defer to Staff.

9 JENNIFER ARMER: I don't actually have any
10 specific information about the detached structure. Often on
11 historic sights it is the primary structure that we are
12 focused on, and as you said, the cinderblock nature does
13 indicate it might be more recent.

14 CHAIR JANOFF: Yeah, it's a tell. And
15 Commissioner Thomas or Suzuki, or for anybody else
16 interested in whether or not structures on a property are
17 considered historic, I would encourage you to visit the
18 library and take a look at the Sanborn Maps—and if you
19 don't know what they are, ask one of the librarians and
20 they'll show you—but you can look at these specific parcels
21 and see the structures that existed from 1895 through 1949,
22 I believe, or 1950, so there's a lot of information there
23 and I'm sure a quick look at this parcel would indicate
24 whether it existed in an historic timeframe.
25

1 Regarding whether the change in zone would impact
2 the General Plan Advisory Committee work, I'll defer to
3 Chair Hanssen.

4 COMMISSIONER HANSSEN: Yes, we do have a very
5 large housing target, but this one property isn't going to
6 make a difference one way or the other. When we had this
7 discussion at the General Plan Committee, because we're all
8 well aware of the huge housing target that we do have,
9 again, this is a property that's owned by the Town of Los
10 Gatos, who is also very aware of the housing target that we
11 have and the growth that's expected, and they are
12 proceeding forward with wanting to change this to the
13 General Plan zoning as well as the underlying zoning to
14 commercial use because that property has never been done as
15 such.
16

17 So that was how the General Plan Committee got
18 comfortable with it. I don't think it's going to have any
19 impact on the work of the Committee. We'll be starting the
20 Housing Element later this year, and I sat on the Housing
21 Element last time, and yes, as Commissioner Suzuki pointed
22 out, we have had a tough time getting there, primarily
23 because we can only plan for housing but we can't force
24 developers to build it, so we do have ongoing issues but it
25

1 don't think this one property is going to swing things one
2 way or the other.

3 DIRECTOR PAULSON: I would just add a couple
4 things, Chair.

5 We're not anticipating the General Plan update
6 process changing a whole bunch of General Plan
7 designations, so the General Plan update wouldn't affect
8 that portion.

9 The other is that the Town Council, we will be
10 doing verbatim minutes, so they'll get verbatim minutes of
11 everything that's been said on this item as it moves
12 forward to them.

13 The housing is interesting. The Town has not to
14 my knowledge been a landlord for residential, and so what I
15 image would happen if folks wanted it to go down a
16 residential path is the Town would look at selling. We
17 don't develop property. Even our below market price
18 properties are owned by individuals and/or property
19 management for the rental size, so we're not in that
20 business. There are some jurisdictions who do do that. The
21 Town just hasn't been one of those jurisdictions yet, but I
22 just wanted to make sure that everyone knows that all of
23 these thoughts and ideas will be forwarded to the Town
24 Council following this evening's meeting.

1 CHAIR JANOFF: Thank you for that, and I did want
2 to comment.

3 I've been in this structure many, many times as a
4 former volunteer and associate of the museum that was
5 there. It could be subdivided potentially into three units,
6 very, very small, a couple of them, but one of the concerns
7 that I would have if the Town decided to sell it is that we
8 really have no control over what develops as a residential
9 structure, and from what we're hearing the appetite for
10 developing low-income housing in the downtown area in an
11 historic neighborhood, I'm going to say it's probably
12 pretty low, and so we might desire that outcome, and I
13 think it's an excellent point if there was a way to
14 incentivize someone to do it.

16 The Town could break the lease and then they
17 could sell the property and a lot of ifs fell into place,
18 but I agree with Commissioner Hanssen that the General Plan
19 in its update is attempting to identify a far larger and
20 probably more buildable set of affordable housing within
21 Los Gatos. So, I see better targets for development than
22 this, but I think it's an interesting point to forward to
23 the Town Council. Commissioner Thomas and then Suzuki.

24 COMMISSIONER THOMAS: Thank you for pointing that
25 out because I do think that it is important, but based on

1 the comments just for this project and what could
2 potentially go in there neighbors have opinions and strong
3 feelings about that, and we would not want to make
4 assumptions but I do think that it is difficult to get low-
5 income housing passed in certain neighborhoods and I
6 appreciate that you pointed that out, so thank you.

7
8 I do think that if verbatim minutes are going to
9 the Town Council I would be interested to see if as part of
10 solving our housing crisis here we could become a
11 jurisdiction that does manage property and propose and
12 build and rent it. I don't know what the ramifications are
13 of that, but that might be a creative way that we can move
14 forward with dealing with our housing issues.

15 CHAIR JANOFF: Thank you for that comment.
16 Commissioner Suzuki and then Vice Chair Burch.

17 COMMISSIONER SUZUKI: Thank you for explaining
18 the political barriers to constructing additional housing
19 units; I very much appreciate that.

20 Along with Commissioner Thomas on including
21 certain statements for things in the verbatim minutes, I
22 want to address the idea that specific parcels of land are
23 not going to impact things one way or another or they're
24 not going to meet our quota unilaterally. I can't help but
25 to feel that we can say that about pretty much literally

1 any piece of land. Like, no individual parcel of land is
2 going to meet those state requirements. That requires a
3 pretty holistic change in our philosophy as a planning
4 commission, as a town, pretty much across the board.

5 In this specific case that's the reason why I
6 said in my first comment after the Applicant finished that
7 in terms of spirit I am opposed to the property being used
8 commercially. Does that mean that I think that it would be
9 bad for the property to be used commercially? No, but I
10 think that the Town should very much prioritize the
11 construction of housing above not practically everything
12 else, but it should be really up there, probably above
13 commercial development specifically.

14
15 CHAIR JANOFF: Thank you for those comments. Vice
16 Chair Birch.

17 VICE CHAIR BURCH: I want to commend everybody. I
18 think that this is a great conversation, but I want to
19 bring us back to the application in front of us, and I was
20 prepared to attempt a motion if that's all right with the
21 Chair.

22 CHAIR JANOFF: Yes, please go ahead.

23 VICE CHAIR BURCH: Great. All right. I am going
24 to move that we approve the request for a zone change from
25 R-1D:LHP to C-2:LHP, and a General Plan Amendment to change

1 the land use designation from Medium Density Residential to
2 Central Business District for property located at 4 Tait
3 Avenue. I can find the required findings for CEQA; this is
4 non-exempt. I can find the requirements that the proposal
5 is consistent with the Town's General Plan, that it is
6 internally consistent with the existing goals and policies
7 of the General Plan and its corresponding elements, and
8 that the proposed zone change is consistent with the
9 General Plan and its elements in that the proposed zoning
10 is consistent with the proposed General Plan land use
11 designation. I believe that was all the findings.
12

13 CHAIR JANOFF: Thank you for that. Do we have a
14 second? Commissioner Hanssen.

15 COMMISSIONER HANSSEN: I second the motion.

16 CHAIR JANOFF: Thank you. Any comments on the
17 motion? Questions for Staff. Do we need to incorporate
18 Exhibit 3 and/or Exhibit A as part of the motion?

19 DIRECTOR PAULSON: As I understand it, the motion
20 includes the resolution for the General Plan Amendment and
21 the ordinance for the zone change with any attachments is
22 how I understood the motion.

23 CHAIR JANOFF: Thank you.

24 VICE CHAIR BURCH: That's correct.
25

1 CHAIR JANOFF: All right, seeing no other hands
2 then, I'll call the question. Commissioner Hanssen.

3 COMMISSIONER HANSSEN: Yes.

4 CHAIR JANOFF: Commissioner Tavana.

5 COMMISSIONER TAVANA: Yes.

6 CHAIR JANOFF: Commissioner Barnett.

7 COMMISSIONER BARNETT: Yes.

8 CHAIR JANOFF: Commissioner Thomas.

9 COMMISSIONER THOMAS: Yes.
10

11 CHAIR JANOFF: Commissioner Suzuki.

12 COMMISSIONER SUZUKI: No.

13 CHAIR JANOFF: Vice Chair Burch.

14 VICE CHAIR BURCH: Yes.

15 CHAIR JANOFF: And I vote yes, so the motion
16 carries 6-1, and since this is a recommendation to Town
17 Council I'm assuming there's no appeal or other
18 considerations.

19 DIRECTOR PAULSON: That's correct. It's a
20 recommendation to the Town Council so there are no appeal
21 rights.

22 CHAIR JANOFF: All right, thank you.
23
24
25

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