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

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

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

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

VICE CHAIR THOMAS: We will be moving on to Item 5 on our agenda, which is to forward a recommendation to the Town Council on amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding considerations for an Architecture and Site Application, findings for a Conditional Use Permit, Manufactured Housing, and Private Open Space and Community Recreation Space requirements pursuant to Implementation Program AQ of the 2023-2031 Housing Element. Adoption of this ordinance is exempt pursuant to CEQA, Section 15601(b)(3), in that it can be seen with certainty that it will not impact the environment. Town Code Amendment Application A-24-008, and the project location is Town Wide.

Ms. Shoopman has the Staff Report, I believe.

JOCELYN SHOOPMAN: Yes, thank you. Good evening. Before the Planning Commission this evening for consideration is Implementation Program AQ of the Town's Housing Element, which requires various amendments to Chapter 29 of the Town Code. The draft ordinance with the proposed amendments can be viewed in Exhibit 2.

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
Application, Conditional Use Permit, Manufactured
Housing, Private Open Space, Community Recreation Space

1 Program AQ includes 11 items, of which three have
2 already been completed. One is pending adoption by the Town
3 Council at their next meeting on December 17th, and two will
4 be addressed through other implementation programs.

5 The draft ordinance before you this evening
6 focuses on the remaining items, which include amendments to
7 the considerations for an Architecture and Site Application
8 with specific modifications to Findings 4 and 6, as
9 direction by HCD; amendments to the findings for a
10 Conditional Use Permit with specific modifications to
11 Findings 1 and 2, as directed by HCD; an amendment to the
12 definition of a single-family dwelling by adding that the
13 definition also includes manufactured homes pursuant to
14 Section 65852.3 of the Government Code; and lastly,
15 amendments to the private open space and the community
16 recreation space requirements for both a multi-family and
17 condominium project to align them with the requirements
18 provided in the Objective Design Standards.

19 In April, the Town will report completion of and
20 progress made on this and other implementation programs to
21 HCD to demonstrate compliance with the Town's certified
22 Housing Element.
23
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1 This concludes Staff's presentation, but I am
2 available for any questions.

3 VICE CHAIR THOMAS: Thank you, Ms. Shoopman. Do
4 any members of the Commission have questions for Staff
5 before we open for public comment? Yes, Commissioner
6 Burnett.

7 COMMISSIONER BURNETT: Yes, question for Staff.
8 So, again, is this only to the site inventory, these
9 amendments?
10

11 JOCELYN SHOOPMAN: No, these amendments are Town
12 wide; they're not limited to the sites inventory.

13 COMMISSIONER BURNETT: I see, and when it was
14 mentioned in the Staff Report that the amendments to
15 Chapter 29 of the Town Code are consistent with the General
16 Plan, I did not find that in the General Plan. Where are
17 these amendments in Chapter 29 consistent in the General
18 Plan?

19 DIRECTOR PAULSON: From Staff's perspective, they
20 are not in the General Plan, they are in the Zoning Code,
21 but the Zoning Code is consistent with the General Plan,
22 and so these modifications to existing findings from our
23 perspective are also in conformance with the General Plan.
24

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LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
Application, Conditional Use Permit, Manufactured
Housing, Private Open Space, Community Recreation Space

1 COMMISSIONER BURNETT: So, you're saying the
2 amendments to Chapter 29 of the Town Code are consistent
3 with the General Plan?

4 DIRECTOR PAULSON: Yes, because they have to be.
5 We don't have a choice. Every Zoning Code amendment has to
6 be consistent with the General Plan; it's a requirement of
7 State law.

8 COMMISSIONER BURNETT: But where in the General
9 Plan is this mentioned?
10

11 DIRECTOR PAULSON: It is not. The findings are
12 not mentioned in the General Plan. The Zoning Code is
13 implementing the General Plan, but they don't have the same
14 specific language or topics in an identical form across any
15 of a number of topics.

16 COMMISSIONER BURNETT: That's very interesting.
17 Thank you.

18 VICE CHAIR THOMAS: Commissioner Hanssen.

19 COMMISSIONER HANSSEN: I just have a clarifying
20 question for Staff. You mentioned the 11 items, and then
21 there is well not this one, but then one is going to be...
22 So, would it be correct to say—I'm on page 145 at the
23 bottom—those are the things that we need to forward a
24 recommendation on? I'm just trying to figure out a right
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 way to characterize the 11 items. Everything but one, two,
2 three, four, five. Do you see where I'm going? Help us to
3 figure out how to present this thing.

4 DIRECTOR PAULSON: The last item, the attachment,
5 I think it's probably Exhibit 2, contains the amendments,
6 that's what you're forwarding, so that only encompasses the
7 items that are specifically being addressed tonight. That's
8 the simplest way to make sure that you capture what we're
9 looking at, but if there are modifications as you go
10 through your discussion on the items before you this
11 evening, then again, as was done before, there could be
12 requested recommendations to the Town Council for
13 amendments or otherwise.

15 COMMISSIONER HANSSEN: So, another way to say
16 this then would be in Exhibit 2, anything that's in red is
17 what we are forwarding for recommendation versus trying to
18 extract it from the overall implementation program.

19 DIRECTOR PAULSON: That's correct.

20 COMMISSIONER HANSSEN: Okay, thank you.

21 VICE CHAIR THOMAS: Any other questions for
22 Staff? I will now open the public comment, and I don't have
23 any speaker cards. Are there any hands raised on Zoom for
24 Item 5?
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
Application, Conditional Use Permit, Manufactured
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1 DIRECTOR PAULSON: There is no one on Zoom.

2 VICE CHAIR THOMAS: Thank you. I will now close
3 the public comment period and open it up for discussion.
4 I'm looking for discussion, a motion from the Commission,
5 or additional questions for Staff. Commissioner Barnett.

6 COMMISSIONER BARNETT: I don't have any problem
7 with the language in the proposed amendments in Attachment
8 2 to the Staff Report, and I could make an effort at
9 providing a motion for consideration by the Planning
10 Commission.

11 VICE CHAIR THOMAS: Yes, but can I just clarify
12 something with Staff before you go ahead and make that
13 motion?
14

15 COMMISSIONER BARNETT: Please.

16 VICE CHAIR THOMAS: Thank you. If we forward this
17 recommendation as is to Town Council and it's adopted,
18 there is just one outstanding item that will be covered by
19 an overlap with a different implementation program?

20 JOCELYN SHOOPMAN: Yes, that's correct. There is
21 a component of Program AQ, which is talking about
22 nonresidential housing, and we are proposing to have that
23 addressed through a separate implementation program that
24 the Commission will be seeing in the springtime.
25

LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
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1 VICE CHAIR THOMAS: Great. So, that's the most
2 efficient way it sounds like for the Town to deal with
3 that, so that's lovely. Thank you.

4 Commissioner Barnett, if you would like to make
5 your motion. Oh, no, Commissioner Burnett has another
6 question.

7 COMMISSIONER BURNETT: Section 29.20.150,
8 Considerations in Review of Applications, we're looking at
9 #4, Consideration Relating to Site Layout. Removing some of
10 the verbiage there, I'm wondering why?
11

12 JOCELYN SHOOPMAN: Thank you for that question.
13 This is specific language that the Town received from the
14 HCD that we needed to remove.

15 COMMISSIONER BURNETT: Character of the
16 neighborhood? Is that because it's subjective, or they want
17 to have the objective?

18 JOCELYN SHOOPMAN: Yes. HCD provided these
19 strikeouts removing the subjective terms from the findings.

20 COMMISSIONER BURNETT: But if you look at the
21 description, it always goes back to the General Plan. If
22 you look at the description found over and over again, this
23 was the way our Town is described. It's not so much
24

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LOS GATOS PLANNING COMMISSION 12/11/2024, Item #5,
Amendments to Town Code re: Architecture and Site
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1 subjective, it's a description. So, why can't we leave that
2 kind of wording in? Harmony?

3 JOCELYN SHOOPMAN: Thanks for that question.
4 These are subjective terms that the Town was directed by
5 HCD to remove. If you look at Program AQ it makes reference
6 to providing more certainty in the outcomes, and so these
7 are subjective terms the HCD deemed should be removed as
8 they are not objective.

9
10 COMMISSIONER BURNETT: Okay, again, but we're
11 talking about Town wide now. It doesn't bother me if it's
12 for new projects and new sites, but now we're talking about
13 Town wide that we have to be removing these kinds of terms:
14 character, desirable.

15 DIRECTOR PAULSON: Yes, again, I know there has
16 been a lot of discussion in the past about the small-town
17 character and look and feel and all the subjective
18 language. That again, as Ms. Shoopman mentioned, is
19 specifically what was requested to be removed by the State
20 as our implementation program. So that's, again, why it's
21 before the Planning Commission.

22 COMMISSIONER BURNETT: But, again, I'm not trying
23 to be argumentative here, but we're only talking about our
24

25

1 Housing Element, which only pertains, as far as I can look
2 at it, as sites.

3 DIRECTOR PAULSON: No. I'll try to be clear. The
4 housing implementation programs do not apply only to the
5 housing sites. They apply to all housing in the entire
6 town, existing and proposed moving forward. A
7 misunderstanding, maybe, that you have is that the
8 implementation programs only apply to the site. They do
9 not. The sites are their own separate element of the
10 Housing Element, but these implementation programs apply
11 Town wide.
12

13 COMMISSIONER BURNETT: But developers or builders
14 can choose whether they want to go on the fast track, which
15 means they use the Objective Standard guidelines, or they
16 can choose to go through our architectural design and have
17 a more subjective review, so how can you make a blanket
18 statement like that when there can be two different tracks
19 you follow? If you follow a track that isn't using
20 Objective Standards, then you would be able to use the
21 subjective and you could use character, and you could use
22 (inaudible).
23

24 DIRECTOR PAULSON: I'll start, and maybe the Town
25 Attorney will have some additional comments.

1 We're taking all the projects, whether they're
2 going through what you described as the subjective track or
3 the objective track.

4 COMMISSIONER BURNETT: Right.

5 DIRECTOR PAULSON: We're asking for all the same
6 things in both processes. The difference is that in the
7 objective track we can't require the applicants to make
8 those changes, even if we request them, whereas in the
9 subjective side we can compel more of those. Like with
10 single-family home, even the projects that are SB 330 are
11 going to Larry Cannon. He's providing recommendations, but
12 folks are choosing how many, or if any, of those they are
13 interested in making given that we can only hold them to
14 the Objective Standards.
15

16 So, nothing is going to change with the process,
17 it's just some of the language. Again, it's from the
18 State's perception that these subjective findings or
19 considerations, again, are an obstacle, a barrier, to
20 housing.

21 So far, it hasn't changed how Staff is processing
22 either of those types of projects. We're processing the
23 same exact way; we just in some cases can compel folks to
24 do things, in other cases we cannot.
25

1 COMMISSIONER BURNETT: Okay, thank you.

2 VICE CHAIR THOMAS: Any additional questions or
3 comments? Are we ready for a motion?

4 COMMISSIONER BARNETT: I'll present a motion.

5 VICE CHAIR THOMAS: Thank you.

6 COMMISSIONER BARNETT: On Item 5 on the calendar
7 tonight, I move to forward a recommendation to the Town
8 Council on amendments to Chapter 29 (Zoning Regulations) to
9 the Town Code regarding considerations for an Architecture
10 and Site Application, findings for a Conditional Use
11 Permit, Manufactured Housing, and Private Open Space and
12 Community Recreation Space requirements pursuant to
13 Implementation Program AQ of the 2023-2031 Housing Element.
14 Adoption of this ordinance is exempt pursuant to CEQA,
15 Section 15061(b)(3), in that it can be seen with certainty
16 that it will not impact the environment. Town Code
17 Amendment Application A-24-008. I can make the findings for
18 CEQA on page 149 of the Staff Report as well as the
19 findings for the General Plan.
20

21 VICE CHAIR THOMAS: Commissioner Hanssen.

22 COMMISSIONER HANSSEN: I'll second the motion.
23
24
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1 VICE CHAIR THOMAS: Just to clarify, the Maker of
2 the Motion, that includes the language of the proposed
3 ordinance? That was included in it?

4 COMMISSIONER BARNETT: Yes, that's included.

5 VICE CHAIR THOMAS: Okay, thank you. Is there any
6 discussion? Commissioner Burnett.

7 COMMISSIONER BURNETT: Yes, discussion. I will
8 vote in favor of it to the Town Council, but I would like
9 to add that I have my trepidations about these amendments,
10 and I would hope the Town Council would look clearly at
11 them and make sure that we are on the right track.

12 VICE CHAIR THOMAS: Any other comments? Seeing
13 none, by a show of hands, all those in favor of the motion,
14 please raise your hand. The motion passes unanimously.

15 (END)

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