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

Los Gatos Planning Commissioners:	Emily Thomas, Chair Kendra Burch, Vice Chair Jeffrey Barnett Susan Burnett Steve Raspe Joseph Sordi Rob Stump
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 THOMAS: We will now move on to Item 6, which is to consider a request for approval of a Zone Change from C-2:LHP (Central Business District with a Landmark and Historic Preservation Overlay) to R-1D:LHP (Single-Family Residential Downtown with a Landmark and Historic Preservation Overlay), and General Plan Amendment to change the land use designation from Central Business District to Medium Density Residential for property located at 4 Tait Avenue. APN 510-44-054. Categorically exempt pursuant to the adopted guidelines for the implementation of the California Environmental Quality Act, Section 15061(b)(3). Zone Change Application Z-25-002, and General Plan Amendment Application GP-25-002. Property Owner and Applicant is the Town of Los Gatos.

Before the Staff Report, may I have a show of hands of Commissioners that have visited the property? Are there any disclosures?

Mr. Mullin, you will be providing the Staff Report this evening?

SEAN MULLIN: Yes. Good evening, Chair. Thank you.

1           The subject parcel is owned by the Town and  
2 located at the northeast corner of Tait Avenue and West  
3 Main Street in the Broadway Historic District. The property  
4 is developed with a primary and accessory building,  
5 originally constructed as a fire station and later used as  
6 a museum. The museum use was discontinued several years ago  
7 and both buildings are currently unoccupied.

8           The Town seeks to rezone the property from C-  
9 2:LHP to R-1D:LHP, and a General Plan Amendment to change  
10 the land use designation from Central Business District to  
11 Medium Density Residential. These changes would essentially  
12 revert to the previous Residential designation of the  
13 property, while continuing to maintain the Landmark and  
14 Historic Presentation Overlay on the property. The Staff  
15 Report describes how the proposed Zone Change and General  
16 Plan Amendment would be consistent with the General Plan  
17 and consistent with each other.

18           With that, Staff recommends that the Planning  
19 Commission forward a recommendation of approval as provided  
20 on page 6 of your Staff Report to the Town Council.

21           This concludes Staff's presentation. We are  
22 available to support your discussion.

23           CHAIR THOMAS: Okay, thank you. Are there any  
24 questions for Staff at this time? Commissioner Barnett.

1 COMMISSIONER BARNETT: Mr. Mullin, what is the  
2 proper action for the Planning Commission with respect to  
3 the draft ordinance? Is that something before us or not?

4 SEAN MULLIN: Tonight, the Planning Commission's  
5 role is to provide a recommendation to the Town Council,  
6 who would then consider both items at a future meeting.

7 COMMISSIONER BARNETT: Okay, thank you.

8 CHAIR THOMAS: Commissioner Burnett.

9 COMMISSIONER BURNETT: I just have a  
10 clarification here. When we're doing this General Plan  
11 Amendment and we're changing the wording from it being  
12 Medium Density to Single-Family Residential, like the R-  
13 1:D, it would still be R-1:D, but the wording has changed  
14 from Single-Family Residential to Medium Density, and there  
15 is quite a difference in the amount of housing, the  
16 description of what you can do with that property. That's  
17 why I'm concerned about why are we changing that wording?

18 SEAN MULLIN: I can clarify. There are two  
19 actions proposed with these applications. One is a rezone,  
20 and one is a General Plan Amendment.

21 The rezone, the request there is to change it  
22 from C-2, which is a Commercial designation, back to R-1D,  
23 which is Residential Downtown. The Residential Downtown  
24 designation, that zone I should say, allows for Single-  
25

1 Family Residential and two-family dwellings, and if it's a  
2 two-family dwelling, it would need to be contained in a  
3 single building. So, the proposal from the zoning  
4 perspective is to change it back to a Single-Family  
5 Residential or two-family zone, which would match the  
6 surrounding neighborhood.

7           The second action, which is the General Plan  
8 Amendment, would change it from a Commercial designation to  
9 Medium Density Residential, and you are correct, and while  
10 the Medium Density Residential carries a density range of  
11 5-12 dwelling units per acre, the lot is small enough that  
12 it would never achieve the 5-12, but also, and more  
13 importantly from a consistency with the neighborhood use  
14 standpoint, the catch valve is that the zoning limits the  
15 use of property to Single-Family Residential or two-family,  
16 so you would not get multi-family on that property based on  
17 the zoning and the Town rules.

18  
19           DIRECTOR PAULSON: I'll just add also, this is  
20 what it was General Planned before we changed it to  
21 Commercial a few years ago, and the R-1D, the corresponding  
22 General Plan designation, is Medium Density Residential.

23           COMMISSIONER BURNETT: Okay.

24           CHAIR THOMAS: I have a follow-up to that. I just  
25 want to confirm that all the surrounding properties in that

1 area are also General Plan Medium Density Residential,  
2 correct?

3 SEAN MULLIN: Partially correct, yes. On one side  
4 it's Medium Density Residential, and the other side it's  
5 Commercial. This is right on the boundary, so either  
6 direction it goes it's consistent and it's not spot zoning  
7 or a spot designation.

8 COMMISSIONER BURNETT: Just a follow-up? So, the  
9 bottom line is that it wouldn't change what could be there?  
10 I mean, we're not looking at duplexes and triplexes.

11 SEAN MULLIN: What could be there under the  
12 proposed zone is a duplex, but a triplex, under the Town's  
13 rules, would not be allowed or anything, any more units  
14 than that in a multi-family configuration. One-family or  
15 two-family dwelling is what's allowed from a Residential  
16 perspective as a permitted use in that zone.

17 COMMISSIONER BURNETT: Okay, thank you.

18 CHAIR THOMAS: Are there any other questions for  
19 Staff at this time? We will now open the public portion of  
20 this public hearing on Item 6, and because the Town is the  
21 Applicant, we skip over that part and we will offer up  
22 comments from the public.

23 The first speaker card I have is for Steve  
24 McGrath. Mr. McGrath, if you could come up, state your name  
25

1 for the record, and you can adjust the microphone  
2 accordingly, and then you will have three minutes to speak  
3 on this topic.

4 I do just want to tell everyone here in the  
5 audience that this is a public comment, and then we have  
6 the opportunity to ask you questions, and we can ask Staff  
7 follow-up questions, but it's not an exchange. So, express  
8 your questions, please, but just know that typically we do  
9 not respond and go back and forth.

10  
11 STEVE McGRATH: My name is Steve McGrath. I am  
12 here with my son, Marcus, and represent my family. We live  
13 at 305 West Main Street, so we are directly across Main  
14 Street from the property.

15 I'm here to strongly support the zone change as  
16 proposed. I feel that the zoning would preserve the history  
17 of the neighborhood, which we feel is very, very important.  
18 There are so many areas of Los Gatos that are changing so  
19 quickly, we feel that this is a really positive influence  
20 to maintain the unique character of our town.

21 I think you made the comment that we're trying to  
22 match the surrounding neighborhood. We really feel strongly  
23 that this property should match the surrounding  
24 neighborhood. In particular, the Single-Family Residential  
25 is appropriate in this area due to the adjacency of the

1 nursery and elementary schools, so that's very important.  
2 Because it is surrounded on all sides, three sides  
3 certainly, by Residential, anything other than that would  
4 be a significant change to the character of this historic  
5 area.

6 Noise, traffic, and parking are already  
7 challenging in this area, and anything other than Single-  
8 Family Residential would certainly generate more noise,  
9 more traffic, and more parking issues. Thank you.

10 CHAIR THOMAS: Do we have any questions for the  
11 speaker? Thank you very much for your comments. The next  
12 card, I don't have a name at the top, but I think it's for  
13 Irina Graff. Thank you very much. If you speak together,  
14 then you will have three total minutes, whereas if you  
15 speak separately then you will have three minutes each.

16 ATTORNEY WHELAN: You can either choose to speak  
17 together for three, or separately for more.

18 CHAIR THOMAS: Will you state your name for the  
19 record, and whoever did not fill out a speaker card,  
20 whoever is not Irina, can you also fill out a speaker card?  
21 Thank you.

22 SERGEI GRAFF: Good evening, Commissioners. My  
23 name is Sergei Graff. This is my wife, Irina Graff. We are  
24  
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1 Los Gatos residents. I'm also part of the St. Mary School  
2 community, and also the St. Mary parish community.

3 I am here to respectfully request the Commission  
4 to pause the zoning decision for 4 Tait Avenue so we can  
5 present our community-serving alternative.

6 Four Tait Avenue is not just a building, it was  
7 an art museum for many years, and right now we have a  
8 proposal and a plan for establishing an art museum for  
9 kids, that St. Mary's kids can attend, and also for Los  
10 Gatos kids and teenagers. It will be a place for art  
11 creativity, and we are proposing a (inaudible) and  
12 innovation center as a building, so it would fully preserve  
13 the architecture and design of this building. Also, it was  
14 an art museum before, and we will keep that in line.

15 I think it is a great opportunity and our  
16 community supported that, and they spoke with the principal  
17 of St. Mary School and the parish, Father Angelo for the  
18 St. Mary Church, and they fully supported the opportunity  
19 to collaborate with the art center, so they will  
20 collaborate and fully support that idea.

21 We are asking for maybe a 60- or 30-day pause on  
22 this proposal so we can create the full plan for funding  
23 and financial plan for that idea. We are asking to give the  
24  
25

1 community a chance to bring this art center back to life,  
2 and also create a museum and art center for kids.

3 Thank you very much for your time and considering  
4 this idea.

5 IRINA GRAFF: Also, we have a (inaudible) concept  
6 of this art space and combination between art innovation  
7 and technology, and we would like to serve our community  
8 with new technology from Netflix, Google, and (inaudible)  
9 and we have a representative from big tech company. People  
10 like to serve our kids and teens, to support them, and we  
11 have lot of representatives from our community who had  
12 cancer, and art therapy supports them.

14 SERGEI GRAFF: We also plan to do the art therapy  
15 for people who have illnesses.

16 CHAIR THOMAS: Thank you. Before you leave, are  
17 there any questions for the speakers? Vice Chair Burch.

18 VICE CHAIR BURCH: Just so I'm clear. You guys  
19 are putting together a proposal to purchase the property  
20 for like an art studio; sounds like an immersive  
21 experience.

22 SERGEI GRAFF: I think the best thing is so we  
23 will put (inaudible) this property and renting it.

24 IRINA GRAFF: For community purpose and for  
25 serving...

1           SERGEI GRAFF: Yes, as a nonprofit organization  
2 like (inaudible).

3           VICE CHAIR BURCH: Okay, thank you.

4           CHAIR THOMAS: Commissioner Barnett.

5           COMMISSIONER BARNETT: Did you have any  
6 communications with the real estate broker who has been  
7 trying to sell that property on behalf of the Town?

8           SERGEI GRAFF: No, we don't unfortunately. We  
9 just had this idea (inaudible) a long time ago.

10           IRINA GRAFF: If it is possible, we would like to  
11 send our concept presentation about this potential art  
12 center, and maybe is it possible to pause this kind of  
13 decision to deep dive into our proposal.

14           COMMISSIONER BARNETT: Thank you.

15           CHAIR THOMAS: Okay, thank you. Did you get your  
16 question answered? I think that we will get you in contact  
17 with Staff to discuss and disseminate the proposal.

18           I did also have a question for you. This space is  
19 designated an historic structure, and so that really limits  
20 some of the remodeling, use, existing use, all of the  
21 things, so in your proposal have you considered how this  
22 space being historic might impact the ability for it to be  
23 used?  
24  
25

          IRINA GRAFF: Of course, yes.

1           SERGEI GRAFF: We're not planning to change  
2 anything outside, so inside we looked at the plans. I think  
3 it is absolutely fine to create that space for learning and  
4 art classes and everything, so we don't think the parking,  
5 because most of the parents are parked in St. Mary parking  
6 spots. Also, I think we can some café, so yes.

7           IRINA GRAFF: Community, yes.

8           SERGEI GRAFF: For community.

9           IRINA GRAFF: And we would like to propose after-  
10 school programs, so our children and kids don't need to  
11 drive and drop-off to this center, they just walk away from  
12 the school, and the pre-school also is near this building,  
13 and it will be very beneficial for all teenagers and kids  
14 of Los Gatos.

15           CHAIR THOMAS: Thank you. Are there any other  
16 questions for the speakers? Thank you very much. The next  
17 speaker card that I have is for Kat Battaglia.

18           KAT BATTAGLIA: My name is Kat Battaglia. My  
19 husband and I live on the other corner of West Main and  
20 Tait at 300 West Main Street, and we are also requesting  
21 and in support of hopefully reverting back to the original  
22 and historic zoning for the property for similar reasons as  
23 my neighbors.  
24  
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1           The character of that property has seemed very  
2 residential, and appearance-wise it's never appeared to be  
3 a commercial style building, so the blend with the  
4 neighborhood, assuming that it's under Residential, seems  
5 to be a better fit, especially with all the little kids  
6 behind it. They share a long boundary line on the back  
7 side, and then of course on the other three sides of the  
8 property is all Residential. The frontage of the property  
9 faces Tait, which is all Residential.  
10

11           There are a lot of challenges for parking in the  
12 area as it is. Tait is really difficult. There is one side  
13 that has a section in front where there is no parking. We  
14 see a lot of people just traffic-wise looking for parking  
15 anywhere. They tend to come around the corner and make a U-  
16 turn and go back; I think they're looking for parking.

17           It seems that if there was a commercial building  
18 or business there that that would just extremely exacerbate  
19 the problem for everyone with parking challenges, and it  
20 would change the entire flavor of the neighborhood. It's  
21 very much more Residential feeling after a certain time,  
22 particularly in the evening. I think that that would  
23 completely change.  
24

25           I am also concerned that with those parking and  
traffic issues we'd get a lot of gridlocks in the area. I

1 just think that would be worse if there was any kind of  
2 Commercial business there. There is also concern for  
3 emergency response when we have these gridlocked areas.  
4 Residential is just calmer, and I think it keeps in the  
5 flavor of the area and that particular building.

6 CHAIR THOMAS: Thank you. Are there any questions  
7 for the speaker? Thank you. The next speaker card I have is  
8 for Mike Wasserman.

9 MIKE WASSERMAN: Good evening, everyone. It's  
10 always nice to be back here, and nice to see all of you  
11 all. I want to thank you all first for your community  
12 service. It's nice to see some new faces, it's nice to see  
13 some familiar faces.

14 I want to thank Staff for making the  
15 recommendation that they've made thus far. I'm going to  
16 repeat a couple of things that you've heard already, but I  
17 think what is before you tonight and endorsed by Staff is  
18 an appropriate recommendation on their part.

19 If you've all been out to the site—I liked seeing  
20 all the hands raised beforehand, thank you for doing that—  
21 to the north of the property is a Single-Family Residential  
22 home, to the west of the property is a Single-Family  
23 Residential home, to the south of the property are two  
24 Single-Family Residential homes, and for the record, I own  
25

1 301 and I live at 303 West Main Street, so three out of  
2 four homes surrounding this piece of property are Single-  
3 Family Residential, and that's an important thing.

4           The front door, as was mentioned, the house faces  
5 Tait. Tait is a residential street. To throw a Commercial  
6 use out there is, in my opinion, not appropriate. It's  
7 residential; residential fits there. There is a salon and  
8 such to the east, and that's kind of the line that we in  
9 the neighborhood see where Commercial creep into the  
10 neighborhood stops and Residential continues from there.

11           Adjacent to this also is a nursery school. There  
12 is a traffic issue there. I would lobby for a stop sign as  
13 you're coming up Main Street or coming down Main Street  
14 right there at Tait, because people coming east on Main  
15 Street, coming down on Main Street, turn left onto Tait  
16 when people on Tait are trying to pull out. At my house, I  
17 hear horns every day.

18           The Single-Family Residential use is a lot less  
19 intense, or intensive, as far as parking or noise. Whether  
20 it's one home or a duplex, it's that parking can be off the  
21 street. Tait, at that area, because St. Mary is down there,  
22 is parking only on one side, not on both sides. If it's a  
23 Commercial use, where are they going to park? It has to be  
24 in front of homes. If it's a Single-Family, there's enough  
25

1 space there for a Single-Family or a duplex there and off-  
2 street parking to be there. Noise would be less.

3 I can say I've lived on Tait, Broadway, and Main  
4 Street, and Saturday my family and I, including my  
5 granddaughter, were either in or participating in our 43<sup>rd</sup>  
6 consecutive Christmas parade, and I hope each of you were  
7 there. I know on Friday night I saw a lot of faces.

8 I will close by saying Single-Family with  
9 historic preservation is appropriate.  
10

11 CHAIR THOMAS: Thank you. Are there any questions  
12 for the speaker at this time. No. Okay, thank you very  
13 much. The next speaker card I have is for Alexei Mollick  
14 (phonetic).

15 ALEXEI MOLLICK (phonetic): Good evening. It is  
16 an honor for me to have this moment to share my perspective  
17 with you. I understand it is pretty sensitive for the  
18 community, but I will speak as a human being that strongly  
19 believes in a long-term benefit of what will be the best  
20 usage of this space.

21 I do want to vote for changing the zoning,  
22 because we can always look up like for the high standards  
23 how to manage it, number one. Number two, the educational  
24 purposes and contributing to the community perspective of  
25 bringing in something as a value within the art purposes



1 will, in my opinion, definitely bring a more positive long-  
2 term effect from historical perspective, from today's  
3 standpoint, and as a town I think we will maintain a better  
4 historical preservation for Los Gatos as compared to  
5 transitioning to the Residential project. Thank you for  
6 your attention.

7 CHAIR THOMAS: Thank you. Are there any questions  
8 for the speaker? Commissioner Sordi.

9 COMMISSIONER SORDI: I just want to make sure I  
10 understand your point of view. I think you were saying  
11 you're supporting reverting back to the residential,  
12 correct?

13 ALEXEI MOLLICK: I'm sorry. No, that was wrong. I  
14 am supporting remaining the zoning.

15 COMMISSIONER SORDI: Remaining the Commercial.

16 ALEXEI MOLLICK: And I will add, my friends who  
17 are sitting in the first row, Irina and her husband, am  
18 totally in line with their proposition.

19 COMMISSIONER SORDI: I understand now. Thank you.

20 ALEXEI MOLLICK: You're welcome. Thank you. Any  
21 other questions?

22 CHAIR THOMAS: I don't think so. Thank you. The  
23 last speaker card that I have is for Natalia.

1           NATALIA: I am Natalia (inaudible), and I have  
2 three kids, and I went through cancer in 2017 and I'd be so  
3 happy that in this time... In 2017 I had such kind of center  
4 as family of Graff presented today, to leave my kids there,  
5 because I had full support from our community from Daves.  
6 They're driving my kids, and I have three kids, and helping  
7 with after school programs, but I'd be really happy as a  
8 psychologist, as an economist, and lawyer in (inaudible),  
9 so to have such kind of amazing center.  
10

11           And actually, I'm doing AI for (inaudible) and I  
12 understand that we live different lives and a lot of  
13 changes happened, so we have to be kind of... It's great to  
14 have next generation (inaudible) here. They present it, and  
15 I think I'm really happy to have family of Graff here,  
16 because they organized amazing St. Mary's Carnival in  
17 autumn, and they're going to organize art festivals in  
18 spring, and it's great. Irina also is running our  
19 (inaudible) program in St. Mary's, and she does amazing  
20 marketing background, and her husband, he is amazing  
21 architecture and designer from (inaudible) School of  
22 Design, and I think it's great to allow them to organize  
23 such kind of center in Los Gatos.  
24

25           Also, I am presented parents from (inaudible). My  
older son, he's graduated from Los Gatos High School and he

1 starts his (inaudible) there. And my daughter and my 14-  
2 year-old son, he is (inaudible), so I'm presenting  
3 (inaudible) family. They live in Los Gatos, and also they  
4 fully support this art immersive center here, also to have  
5 after school programs, and that will be great for the  
6 community, and especially because we are living mostly in  
7 the walking distance, and so it's not huge traffic for  
8 downtown, because we are just walking, and kids are walking  
9 here, and it will be amazing if you fully support their  
10 immersive art center for youth.

11  
12 I think it's great also to preserve this spirit  
13 of the fire station we used to have, and to preserve it not  
14 as residential, but as (inaudible) art and here (inaudible)  
15 historical landmark. I really support Sergei, who is an  
16 architect. He will keep the beauty as it is.

17 CHAIR THOMAS: Thank you. Do we have any  
18 questions for the speaker? Thank you very much. I do not  
19 have any more speaker cards. Is there anyone else from the  
20 audience that would like to speak on this item? Are there  
21 any hands raised on Zoom?

22 DIRECTOR PAULSON: Yes, there are a couple of  
23 hands. The first to speak will be Susanne.  
24  
25

1 SUZANNE FIORE: My name is Suzanne Fiore. I live  
2 at 5 Tait Avenue; I am directly across the street from 4  
3 Tait Avenue that is in question.

4 I will save time and not repeat everything that  
5 some of the other speakers that are in favor of returning  
6 to the initial zoning of Residential with Historic have  
7 mentioned. I am very strongly in favor of that for all the  
8 reasons that were mentioned, the ones that are really  
9 important to me.

10  
11 Parking issues are very difficult with only side  
12 of the street, and the whole length of the curb on Tait to  
13 the corner to the driveway is non-parkable, as it should be  
14 because of safety issues.

15 Our street is quite narrow. If you aren't parked  
16 very tightly to the curb, people's mirrors have been  
17 clipped, and it's not a place to be adding a lot more  
18 traffic, for sure.

19 The concern that I had when it was changed to  
20 Commercial, and would still exist if it stays that way and  
21 has other uses than Residential, is noise. This is a quiet  
22 neighborhood. I know the school is nearby, the church is  
23 nearby, the nursery school is nearby, but on Tait  
24 specifically those things aren't existing; they are on the  
25 other side. As some of the other people said, that property

1 is three sides Residential and one side that backs up to  
2 Commercial and the nursery school.

3 And it suits the neighborhood. One person said  
4 the building style suits the Residential and historic  
5 nature of this neighborhood.

6 I am thrilled that this is being looked at, and I  
7 strongly support the Residential change. Thank you.

8 CHAIR THOMAS: Thank you. Are there any questions  
9 for the speaker? Are there more?

10 DIRECTOR PAULSON: The next speaker will be Lisa.

11 LISA MAMMEL: Hello, my name is Lisa Mammel. I'm  
12 at 33 Tait. I have lived on Tait Avenue for over 30 years.  
13 I am six houses from the building that is in question.

14 I strongly support reverting back to the Single-  
15 Family Residential District with Landmark Historic  
16 Preservation status. I echo some of the comments before,  
17 but I will just rejoin them by stating them.

18 I want to remind those here that the width of  
19 this block on the street is three cars wide. There is  
20 difficulty with ingress and egress of cars coming in and  
21 out of St. Mary, both as a church and as a school. I live  
22 across the street from their parking lot. The addition of  
23 something that would stay in business and/or amplified as a  
24 business would only add to this traffic issue.  
25

1           At times I have had to park a block or two away.  
2 I only have room for my one car in my driveway, and I can't  
3 access my home. This happened way back when the museum had  
4 artist showings that would happen for the weekend, that we  
5 couldn't access our own housing.

6           You compound that with the summer beach traffic,  
7 and this is a jammed street. This last block here is  
8 gridlock. We have also worried about emergency vehicles,  
9 and indeed within that past six years there was an  
10 emergency vehicle that could not get through.

11           For the past few years there was an attempt to  
12 get a Commercial resident in this building, and it's gone  
13 somehow astray; I don't know the reasons for which. That  
14 said, it's gone into disrepair, not finding a Commercial  
15 resident to lease it.

16           We have an obvious housing shortage in Los Gatos;  
17 it has been mandated from the state, it has been reflected  
18 in our housing values and our marketing of our residential  
19 area. This is an opportunity to chip away at some of that  
20 housing question.

21           Finally, Tait Avenue is a proud community that  
22 hosts the Children's Parade. It hosts the bike race. It  
23 hosts Halloween. This is a community that comes together as  
24 neighbors and as ones who know each other and welcome  
25

1 others, but it's a neighborhood, it is not a Commercial  
2 district, and therefore I strongly support reverting it  
3 back to the Single-Family Residential Downtown with  
4 Landmark Historic Preservation.

5 CHAIR THOMAS: Thank you. Are there any questions  
6 for the speaker? Are there any other hands raised on Zoom?

7 DIRECTOR PAULSON: There are no other hands  
8 raised.

9 CHAIR THOMAS: We will now close the public  
10 portion of the public comments on Item 6, and I invite  
11 Commissioners to ask Staff questions, and/or eventually  
12 proposed a motion. Commissioner Sordi.

13 COMMISSIONER SORDI: Just a question for Staff  
14 for clarification. I think one of the Commissioners asked  
15 earlier about whether or not the party interested in a  
16 Commercial use reached out to the broker, but do we know if  
17 anyone who is in the principal role in this real estate  
18 transaction, which is the Town, has been contacted as well?  
19 They're aware of that potential deal?

20 DIRECTOR PAULSON: I know that the Town has taken  
21 the action to make the surplus land for sale. We do have a  
22 broker, I believe it's through Cosmont (phonetic) is the  
23 brokers. They're preparing materials, but they have had  
24 inquiries from a number of folks interested in the property

1 that know that it will be sold, so I suggest that folks  
2 continue to look at that, but the Town's intent currently  
3 is to sell this property.

4           Even with the reversion to R-1D that the Town  
5 Attorney has looked up, you can do that type of use in this  
6 zone with a Conditional Use Permit, so should things change  
7 or should someone buy the property and work out an  
8 agreement with them, then that's still an opportunity.

9           COMMISSIONER SORDI: Thank you.

10          CHAIR THOMAS: Commissioner Barnett.

11           COMMISSIONER BARNETT: I'm concerned because  
12 there is legitimate interest in a possible—I wouldn't call  
13 it Commercial, but I would call it family-oriented—use of  
14 the property, but I'm concerned because there was no input  
15 to the Commission in advance of tonight and there is a  
16 request for a continuance from the public.

17           My thought is since we're only making a  
18 recommendation to the Council that the parties have an  
19 opportunity to speak to the Council about their concerns,  
20 or perhaps there will be a change with respect to the  
21 broker in the interim, but my thought would be to approve  
22 the application, and I can make a motion when appropriate.

23           CHAIR THOMAS: Okay, thank you.



1           DIRECTOR PAULSON: Through the Chair, just from a  
2 timing perspective, so the folks are aware. This process is  
3 the Planning Commission reviews this and they make a  
4 recommendation to the Council. It won't go to Council until  
5 their second meeting in January, because they will be  
6 cancelling their first one. Then it will have to go back  
7 for a second reading, which will probably be the first  
8 meeting in February, and if they take that action, then it  
9 doesn't go into effect until 30 days after that.  
10

11           That's going to be clearly delineated in the  
12 marketing materials that the broker is putting together.  
13 This process is underway, but just so folks have an idea of  
14 this isn't going to be like next week where we've changed  
15 the zoning. It's got some additional process that it needs  
16 to go through.

17           CHAIR THOMAS: Thank you. Then another follow-up  
18 question to that. I remember when we voted to change this  
19 to the Commercial. That's when you know you've been on the  
20 Planning Commission long enough is when you're undoing your  
21 own changes. But in that time the Town has been trying to  
22 get this property leased, and every opportunity has fallen  
23 through, that's correct?

24           DIRECTOR PAULSON: A longer story than that, but  
25 generally the Town had an agreement with a master developer

1 who was actively pursuing Commercial opportunities. None of  
2 those ever came to fruition. If I recall correctly, I can't  
3 remember if we just withdrew it or if we let it lapse from  
4 a time period, and so that's when the Council started  
5 looking at other opportunities and landed on the sale of it  
6 and then reverting back to the Residential zoning  
7 designation and General Plan.

8 CHAIR THOMAS: Okay, thank you. With that  
9 clarification, I also agree that we should move this  
10 recommendation that Staff has given us with the findings on  
11 page 6, or In Considerations on page 6, that we need to  
12 make. It is on a border area, and so originally, and we do  
13 need housing, and it's currently sitting vacant, and there  
14 are things that have been happening to try to fill this  
15 space for a while, but I do think it is worth noting that  
16 the changes won't be made, as Director Paulson mentioned,  
17 for a while, and also that there is the possibility to  
18 present for a Conditional Use Permit of the space that  
19 would be other than Residential. I think in that case, as  
20 Commissioner Barnett noted, we would have more information  
21 for being able to make an informed decision about the best  
22 use of that space.

23  
24 That being said, Commissioner Barnett, do you  
25 want to make a motion?

1 COMMISSIONER BARNETT: I do. I have the findings  
2 as Exhibit 5; I think you mentioned 6.

3 CHAIR THOMAS: Oh, I think maybe I wrote down the  
4 wrong... Maybe it was page 6 of the last Staff Report, but  
5 yes.

6 COMMISSIONER BARNETT: It's on page 51 of the  
7 Staff Report.

8  
9 With respect to Item 5 on our calendar regarding  
10 4 Tait Avenue, Zone Change Application Z-25-002, General  
11 Plan Amendment General Plan-25-002, I can make the finding  
12 that the property is categorically exempt from CEQA, and I  
13 can make all the findings in the Staff Report in Exhibit 5  
14 on page 51 of the Staff Report, and my reasons were  
15 previously stated. Thank you.

16 ATTORNEY WHELAN: Just one thing to note for the  
17 record, it's Agenda Item 6, but that's it.

18 COMMISSIONER BARNETT: Oh, Agenda Item 6, yes.

19 CHAIR THOMAS: Vice Chair Burch.

20 VICE CHAIR BURCH: I was going to second the  
21 motion.

22 CHAIR THOMAS: Okay, thank you.

23 DIRECTOR PAULSON: Before we go forward, just so  
24 we can understand the maker and the seconder, the motion is  
25 to forward recommendation of approval of both the Zone

1 Change and General Plan Amendment as illustrated in the  
2 Staff Report, as well as the modified resolution in the  
3 addendum.

4 VICE CHAIR BURCH: Correct.

5 COMMISSIONER BARNETT: That is correct.

6 CHAIR THOMAS: Is there any discussion?  
7 Commissioner Burnett.

8 COMMISSIONER BURNETT: Thank you. I think this is  
9 a great use for this property to go back to Residential. I  
10 think it is a perfect place to have a residence there. My  
11 only concern was the General Plan Amendment, which was  
12 answered to my satisfaction.  
13

14 I was a little confused speaking about the  
15 gallery. Is that what we're talking about with the  
16 Conditional Use Permit? So, it would be a business within  
17 the residence? That was confusing to me.

18 CHAIR THOMAS: Director Paulson.

19 DIRECTOR PAULSON: Thank you. The use that  
20 members of the public spoke about, even with the Zone  
21 Change that is a use that could be allowed through a  
22 Conditional Use Permit. That's not what is before you  
23 currently.  
24

25 COMMISSIONER BURNETT: Thank you.

1 CHAIR THOMAS: Any other questions or discussion?  
2 Then I will call the question. All those in favor, please  
3 raise your hand. The motion passes unanimously, and because  
4 this is a recommendation, there are no appeal rights.

5 DIRECTOR PAULSON: That's correct.

6 CHAIR THOMAS: But it will be seen by Council  
7 sometime in January or February.

8 DIRECTOR PAULSON: Correct.

9 CHAIR THOMAS: Okay, thank you.  
10

11  
12 (END)

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