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

Los Gatos Planning Commissioners:  
Melanie Hanssen, Chair  
Kathryn Janoff, Vice Chair  
Mary Badame  
Jeffrey Barnett  
Kendra Burch  
Matthew Hudes  
Reza Tavana

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

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

CHAIR HANSSEN: We will move on to our last item, which is also a public hearing and our last item within the public hearing portion of the agenda. This is Item 3 and we are to consider Town Code Amendment A-20-003. We are requested to forward a recommendation to Town Council for approval of amendments to Chapter 29, which is our Zoning Regulations, of the Town Code regarding vehicle sales. The Applicant is the Town of Los Gatos and the project planner is Sean Mullin. Mr. Mullin, will you be giving the Staff Report this evening?

SEAN MULLIN: Thank you, once again. The Town Code amendment being considered tonight would allow standalone used vehicle sales in the C-2, LM, and CH zones with an approved Conditional Use Permit. Under our current regulations used vehicle sales are only allowed when incidental to new vehicle sales. The Town Council Policy Committee discussed the matter in January, recognizing that vehicle sales would still require a Conditional Use Permit and that the Planning Commission would consider whether vehicle sales at a specific site were appropriate.

1 Staff is recommending the Planning Commission  
2 forward a recommendation to the Town Council for approval  
3 of the amendments to Chapter 29 of the Town Code as  
4 provided in the draft ordinance with your report.

5 This concludes Staff's presentation. We're happy  
6 to answer any questions.

7 CHAIR HANSSEN: Thank you, Mr. Mullin. I will ask  
8 the Commissioners individually if they have any questions  
9 of Staff. Commissioner Badame.  
10

11 COMMISSIONER BADAME: No.

12 CHAIR HANSSEN: Commissioner Tavana.

13 COMMISSIONER TAVANA: No.

14 CHAIR HANSSEN: Commissioner Burch.

15 COMMISSIONER BURCH: (Shakes head no.)

16 CHAIR HANSSEN: No. Commissioner Hudes.

17 COMMISSIONER HUDES: Yes, I do have questions.

18 CHAIR HANSSEN: Go ahead.

19 COMMISSIONER HUDES: So, trying to understand why  
20 this is being done and why we're changing Town Code. Is  
21 this for a single application or is it the policy that  
22 should be changed? There were no notes, I take it, from the  
23 Policy Committee?  
24

25 SEAN MULLIN: What began this was a business  
coming in to the Town and requesting to locate in the

1 downtown area in the C-2 zone selling used cars. What's  
2 before you tonight is not that business, it's the use, and  
3 that's what was forwarded after some discussion with other  
4 members of the Town Staff. That's what was forwarded to the  
5 Policy Committee. The Policy Committee found the idea  
6 amenable with that stipulation and the understanding that  
7 the Planning Commission can still look at vehicle sales at  
8 specific sites and determine whether they're appropriate  
9 and issue the CUP or not.

10  
11 COMMISSIONER HUDES: I was just curious why we're  
12 doing this by Town Code amendment. Sounds like there's one  
13 application? So, let me go back a little bit. Why was the  
14 distinction made? Was there community input at some time  
15 that said that we only want connected used car sales in  
16 that area?

17 SEAN MULLIN: After reviewing the discussion of  
18 the Town Council Policy Committee the Economic Vitality  
19 Manager did mention some things about maybe a stigma in the  
20 past with used vehicle sales being unsightly, as I  
21 remember—it's been a few months since I listened to that  
22 meeting, so I'm taking this as I remember—and I think  
23 that's why there was the distinction that used vehicle  
24 sales would be allowed in conjunction or incidental to new  
25 to avoid the unsightly possibility of used car sales. But

1 the way that this was moved forward and was considered is  
2 that there are very limited areas for used car sales in the  
3 C-2 zone especially and the Planning Commission would still  
4 have purview over whether they're appropriate for  
5 individual sites.

6           JOEL PAULSON: And to Commissioner Hudes, I just  
7 add we didn't go back and do the research as far as what  
8 year that was put in; was it the seventies or the eighties?  
9 Since I've been here, which is early 2000, it's always been  
10 connected, but as Mr. Mullin mentioned this probably was  
11 put in place back in the seventies when used auto sales  
12 were a little different animal and still continue to be in  
13 other jurisdictions, but the opportunity for the Planning  
14 Commission to review a Conditional Use Permit will provide  
15 opportunities and safeguards to place conditions on  
16 specific auto dealers, should they come forward.

18           COMMISSIONER HUDES: What would be the process if  
19 this didn't change? Could someone apply to do standalone  
20 used car sales in C-2, and what would the process be for  
21 them to do that?

22           JOEL PAULSON: They would not be able to do that.  
23 You wouldn't even be able to apply for a variance  
24 technically. I guess the only other opportunity, which  
25 would be a long shot, especially given that we just

1 modified our planned developments requirements a couple  
2 years ago, but that would be the only other option, which  
3 would be a PD Ordinance for that specific site, but I don't  
4 think that they would meet any of the requirements to apply  
5 for a PD given our current regulations.

6 COMMISSIONER HUDES: Okay, that's what I was  
7 getting at: Why couldn't we just do a variance if there was  
8 just one issue that we're thinking about here? But it  
9 sounds like that's not an option, so this Town Code  
10 amendment is necessary even if we only have one  
11 application.

12  
13 JOEL PAULSON: That's correct.

14 COMMISSIONER HUDES: Thank you.

15 CHAIR HANSSEN: Commissioner Barnett, do you have  
16 any questions for Staff?

17 COMMISSIONER BARNETT: I really don't have any  
18 questions. I was a little uncomfortable with it when I  
19 first read it but understanding that the Planning  
20 Commission will have the authority to draft appropriate  
21 conditions, I think I'm comfortable with it.

22 CHAIR HANSSEN: Okay, thank you. Vice Chair  
23 Janoff.

24 VICE CHAIR JANOFF: The only comment I would make  
25 is I think this actually gives us more flexibility to bring

1 in business but also take a close look and make specific  
2 approval, so I like that it broadens the Town's abilities  
3 but also gives us added checks and balances.

4 CHAIR HANSSEN: Thank you. I just had one  
5 question, and I pretty much know the answer to it and  
6 that's probably why there's a Conditional Use Permit, but I  
7 did note that there is a distinction between the indoors  
8 and the outdoors, because I think the outdoors one would  
9 lend itself more to being more unsightly, and so I'm  
10 thinking that because our code and our uses table is silent  
11 on indoor versus outdoor the way that we would control this  
12 is through the Conditional Use Permit process, is that  
13 correct?  
14

15 SEAN MULLIN: Yes, you would be looking at the  
16 specific site and determining whether it's appropriate or  
17 not, and if that site had an outdoor component that the  
18 Planning Commission found detrimental to the area, then  
19 that could be something that would be considered.

20 CHAIR HANSSEN: All right, and that was one of  
21 the reasons for putting this Conditional Use Permit process  
22 in, to make sure that we have adequate controls over the  
23 process, right?  
24  
25

1 SEAN MULLIN: Yes, and it mimics what the process  
2 is now for new vehicle sales, so we're just now allowing  
3 standalone used with the same process.

4 CHAIR HANSSEN: Same process. Okay, thank you  
5 very much. Okay, so then we would now invite comments from  
6 the members of the public. Mr. Paulson, do we have any  
7 members of the public that wish to speak on this item?

8 JOEL PAULSON: We do not have any members of the  
9 public wishing to speak.

10 CHAIR HANSSEN: All right, then I will now... I'm a  
11 little unclear. I don't think we have the Town come back  
12 and speak again for three more minutes, so I'm going to  
13 move on and close the public portion of the hearing and ask  
14 if Commissioners have any questions of Staff, wish to  
15 comment further on this item, or introduce a motion for  
16 consideration? So, I will start with Commissioner Badame.

17 COMMISSIONER BADAME: I don't have any questions  
18 but I would be supporting a motion. I'd be happy to make  
19 one awaiting discussion from the other Commissioners.

20 CHAIR HANSSEN: We're going to ask every  
21 Commissioner to make comments or ask any questions, so go  
22 ahead and make the motion if you're ready.

23 COMMISSIONER BADAME: All right. I move to  
24 forward a recommendation to the Town Council for approval



1 of amendments to Chapter 29 of the Town Code regarding  
2 vehicle sales, in particular that would be Town Code  
3 Amendment Application A-20-003. I can make the required  
4 findings for CEQA and I can make the required findings for  
5 the General Plan.

6 CHAIR HANSSEN: All right, thank you. And I saw  
7 Commissioner Hudes' hand up.

8 COMMISSIONER HUDES: Second the motion.

9 CHAIR HANSSEN: All right, thank you. Now I'm  
10 going to ask the other Commissioners if they have any  
11 questions. Commissioner Tavana, do you have any questions  
12 or comments before we take a vote?  
13

14 COMMISSIONER TAVANA: No further questions or  
15 comments.

16 CHAIR HANSSEN: Okay, Commissioner Burch, did you  
17 have any questions or comments before we take a vote?

18 COMMISSIONER BURCH: (Shakes head no.)

19 CHAIR HANSSEN: Okay. Let's see, Commissioner  
20 Hudes, you seconded the motion but do you have any other  
21 comments?

22 COMMISSIONER HUDES: No, thank you.

23 CHAIR HANSSEN: Okay, and then let's see,  
24 Commissioner Barnett, did you have any other questions or  
25 comments?

1 COMMISSIONER BARNETT: No comments.

2 CHAIR HANSSEN: Okay, Commissioner Janoff?

3 VICE CHAIR JANOFF: No further comments.

4 CHAIR HANSSEN: I mean Vice Chair, sorry. I will  
5 be supporting the motion. I feel that we have huge economic  
6 vitality issues and I feel like this amendment to the  
7 Zoning Code has enough controls in it to make sure that it  
8 doesn't turn out to be the wrong result, but we need to  
9 encourage any businesses we can.  
10

11 All right, so that being the case, I will do the  
12 roll call vote and please vote yes, no, or abstain, and I  
13 will start with Commissioner Badame.

14 COMMISSIONER BADAME: Yes.

15 CHAIR HANSSEN: Commissioner Tavana.

16 COMMISSIONER TAVANA: Yes.

17 CHAIR HANSSEN: Commissioner Burch.

18 COMMISSIONER BURCH: (Nods head yes.)

19 CHAIR HANSSEN: Okay. Commissioner Hudes.

20 COMMISSIONER HUDES: Yes.

21 CHAIR HANSSEN: All right, Commissioner Barnett.

22 COMMISSIONER BARNETT: Yes.

23 CHAIR HANSSEN: Vice Chair Janoff.

24 VICE CHAIR JANOFF: Yes.  
25

1 CHAIR HANSSEN: And I vote yes as well, so the  
2 motion passes unanimously, and Mr. Paulson, are there any  
3 appeal rights for this item?

4 JOEL PAULSON: There are not appeal rights as  
5 this is a recommendation to Council, so this will move  
6 forward to the Council and they will consider it probably  
7 sometime in June.

8 CHAIR HANSSEN: Okay, thank you very much.  
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