

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

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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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ATTACHMENT 2

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

CHAIR HANSSEN: We will be moving on to Item 3, which is the Town Code Amendment Application A-20-002. Project location is Town Wide. The Applicant is the Town of Los Gatos. We're asked to forward a recommendation to Town Council for approval of the amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding family daycare home regulations.

We have a new Staff member, Mr. Mora, and I understand you'll be giving the Staff Report this evening.

SALLY ZARNOWITZ: Yes, and I'd just like to introduce Mr. Mora. He comes to us from the City of San Jose. He has a degree from Santa Clara University and is currently completing his Masters in Urban and Regional Planning with San Jose State University. He's been with us about six months and we're delighted to have him.

CHAIR HANSSEN: Great. Welcome.

DIEGO MORA: Thank you, Chair and Commissioners. Before you tonight are consideration of amendments to Chapter 29 of the Town Code regarding family daycare home regulations.

1 In September of 2019 Governor Newsom signed
2 Senate Bill 234, Exhibit 3, amending Sections 1596.72
3 through 1597.543 of the Health and Safety Code regarding
4 large family daycare homes. The code amendments are related
5 to definition of family daycare home, including small and
6 large daycare home and family daycare home as a residential
7 use by right where residential uses are permitted.

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9 Based on the evidence and discussion provided in
10 the Staff Report Staff recommends that the Planning
11 Commission forward a recommendation of approval to the Town
12 Council. The Commission should also include any comments or
13 recommended changes to the Draft Ordinance in Exhibit 2.

14 This concludes Staff's presentation and we are
15 happy to answer any questions you have.

16 CHAIR HANSSEN: Would any Commissioners like to
17 ask questions? Commissioner Burch.

18 COMMISSIONER BURCH: Just so I'm clear, we are
19 essentially updating our ordinance to match the current
20 state requirements, correct?

21 DIEGO MORA: That is correct.

22 COMMISSIONER BURCH: Thanks.

23 CHAIR HANSSEN: Commissioner Hudes.
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1 COMMISSIONER HUDES: In the attachment there's a
2 text from the state that's today's law as amended, 1596.78,
3 and that seems to cover a lot of the definitions that we
4 have in our proposed code. Maybe you could correct me if
5 I'm wrong, but it seems like we didn't use that verbatim.
6 Is there a reason why we didn't just adopt that language
7 from the state for definitions and things like that? Or
8 maybe I missed it; maybe we did, I don't know.

9
10 SALLY ZARNOWITZ: No, I'll take a stab at that. I
11 think that we work with the ordinance as it stands for the
12 most part and try to amend that and make sort of surgical
13 amendments to that as much as possible rather than
14 rewriting a definition where we already have one. So, we
15 just adjusted it to cover the number of children in the
16 large family daycare.

17 COMMISSIONER HUDES: Okay. I mean, I think that's
18 obviously going to be within the purview of the Staff and
19 how they want to handle that. I just was surprised that we
20 didn't just cut and paste from the state.

21 SALLY ZARNOWITZ: Yeah, there was also the state
22 was a little bit ambiguous as to the numbers between the
23 small and the large family daycare, so that said also
24 probably made it a little bit more challenging to do that,
25

1 so it seemed clearer to work with the ordinance as it
2 stands.

3 CHAIR HANSSEN: I just wanted to ask a clarifying
4 question. As I understand it, whereas in the past we would
5 have them apply for a business license if they wanted to
6 have a family daycare, now they won't be able to do that
7 anymore because the state wants to really streamline things
8 and really promote the family daycare. So, that was one
9 question. Is that correct?
10

11 DIEGO MORA: That is correct. It will be
12 considered a permitted use by right where residential uses
13 are permitted.

14 CHAIR HANSSEN: Okay. And that basically this is
15 a necessary step that we need to take to be in compliance
16 with the state law and there aren't any options for us to
17 make any deviations from it?

18 DIEGO MORA: That is correct, unless you want to
19 change something in the Draft Ordinance to make comments or
20 verbiage to it, but in essence this is to conform to state
21 law.

22 CHAIR HANSSEN: Thank you. Do other Commissioners
23 have questions? And then if that's not the case then we
24 will open up the hearing to public comment. Is there anyone
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1 in the audience that would like to speak on this item? If
2 so, then please fill out a speaker card and step up to the
3 podium. It doesn't look like we have any speaker or any
4 comments from the public. Okay, that being the case I will
5 close the public portion of the hearing and ask if any
6 Commissioners have additional questions for Staff, want to
7 make comments, or will introduce a motion for
8 consideration, and I would remind us that our objective is
9 to make a recommendation to the Town Council who will also
10 consider this following our recommendation. Commissioner
11 Burch.

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13 COMMISSIONER BURCH: I'll make a motion. I will
14 move that we forward a recommendation to the Town Council
15 to approve the amendments to Chapter 29 of the Town Code
16 regarding family daycare home regulations. I can make the
17 required findings for CEQA and the required findings for
18 the General Plan.

19 CHAIR HANSSEN: Second? Commissioner Badame.

20 COMMISSIONER BADAME: So moved.

21 CHAIR HANSSEN: All right, are there any
22 additional comments or questions before we take a vote? All
23 right, seeing none, all in favor? Opposed? No abstentions.
24 It passes unanimously. Thank you.
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Ms. Zarnowitz, just to clarify, there are no appeal rights because we're making a recommendation to Town Council.

SALLY ZARNOWITZ: That's correct.

CHAIR HANSSEN: Okay.

