



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

**MINUTES OF THE PLANNING COMMISSION MEETING
SEPTEMBER 8, 2021**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 8, 2021, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 PM

ROLL CALL

Present: Chair Kathryn Janoff, Vice Chair Kendra Burch, Commissioner Jeffrey Barnett, Commissioner Melanie Hanssen, Commissioner Jeffrey Suzuki, and Commissioner Emily Thomas, Absent: Commissioner Reza Tavana.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – August 25, 2021

MOTION: Motion by Vice Chair Burch to approve adoption of the Consent Calendar. **Seconded** by Commissioner Suzuki.

VOTE: Motion passed 5-0-1 with Commissioner Thomas abstaining and Commissioner Tavana absent.

PUBLIC HEARINGS

2. 17200 Los Robles Way

Lot Line Adjustment Application M-20-012

APNs 532-36-075, -076, and -077

Appellants: Alison and David Steer, Terry and Bob Rinehard, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo

Applicant: Tony Jeans

Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel

Project Planner: Ryan Safty

Consider an Appeal of a Development Review Committee Decision approving a Lot Line Adjustment between three adjacent lots on properties zoned R-1:20.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Alison Steer (Appellant)

- The Subdivision Map Section 66412 is overly broad. The Subdivision Map Act is silent on when lot line adjustment procedures can be used, whereas the Town Ordinance is explicit that it cannot be used under these circumstances and therefore takes precedence. The Subdivision Map Act in fact allows jurisdictions to decide how they regulate lot line adjustment procedures and loosely provides the minimum requirements that need to be met. There is no legal access to Parcel 2 and therefore Town Code requires denial of the application.

Tony Jeans (Applicant)

- These are three legal lots recognized by the Town of Los Gatos. A Certificate of Compliance has been recorded. Their current plan is a much more appropriate use of the space than the current configuration. There is a good amount of space reasonably available for building without dramatically impacting trees. Parcel 1 retains better use of the land for the existing house, Parcel 3 would have good access for a buildable area in the center, and Parcel 2 would have an almost one-acre area with room to get separation from existing homes on the adjacent lots.

Tony Jeans (Applicant)

- They had to comply with the Town zoning rules and Subdivision Map Act. They have removed as many of the existing nonconformities in the new proposed configuration, which is substantially better than what currently exists, and he asks for the Commission's approval.

Alison Steer (Appellant)

- The Subdivision Map Act allows jurisdictions to decide how they regulate Lot Line Adjustment procedures. The Town Ordinance says they need legal access, and a turnaround and Parcel 2 does not have those today. The appellants ask that the Lot Line Adjustment be denied, and the appeal granted, and also, that the Commission maintain the existing primary access for these parcels along Los Robles Way. They respectfully disagree with the Town Attorney and asked for court cases as proof, as they believe that the Town Ordinance is valid and should be followed.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Burch to Deny an Appeal of a Development Review Committee Decision for 17200 Los Robles Way. **Seconded** by Commissioner Barnett.**

VOTE: **Motion passed 5-0-1 with Commissioner Hanssen abstaining.**

3. Provide the public with an opportunity to give verbal comments on the Draft Environmental Impact Report (DEIR) for the Draft 2040 General Plan. **No action will be taken at this meeting.** Project Planner: Jennifer Armer.

Jennifer Armer, Senior Planner, presented the staff report.

Opened Public Comment.

Giulianna Pendleton, Santa Clara Valley Audubon Society

- Lighting is a serious issue for species, habitats, and humans. Recent findings are beginning to identify light pollution as a significant driver for the current insect apocalypse. Lighting is not listed as a potential biological impact to the surrounding area in the biological report of the Draft EIR. There should be a town-wide environmental review for lighting incorporated within the EIR.

Closed Public Comment.

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- The deadline to apply to join the General Plan Committee to form the Housing Element Advisory Board for the 2023-2031 Housing Element is September 10th at 4 p.m.
- There will be a joint study session between the Planning Commission and Town Council regarding the Draft 2040 General Plan on September 20th at 4 p.m.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

None.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 8, 2021 meeting as approved by the Planning Commission.

/s/ Vicki Blandin