

DRAFT

Council Agency Meeting May 1, 2006

Item #

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**TOWN OF LOS GATOS, CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY**

April 17, 2006/MINUTES

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town of Hall, 110 East Main Street, at 7:00 PM, April 17, 2006, in a joint regular session.
7:00 PM	ROLL CALL	Present: Steve Glickman, Joe Pirzynski, Barbara Spector, Mike Wasserman, and Mayor/Chairman Diane McNutt. Absent: None
7:01 PM	PLEDGE OF ALLEGIANCE	Matt and Joey Bergandi, Lyle, Clay and Clifford Hibbits, and Kyle Kavorkian, Los Gatos Little League led the pledge of allegiance. The audience was invited to participate.
7:03 PM	CLOSED SESSION	None.
7:04 PM	COMMENDATIONS AND PRESENTATIONS	Commendation <ul style="list-style-type: none">• Reeta Banerjee, Youth Commission Mrs. McNutt presented Ms. Banerjee with a commendation in appreciation for her appointment to the National League of Cities Council on Youth.• Stories of Service Program Mrs. McNutt presented Peter and Janet Radonich, Lavada and Stan Peterson, Marsha Parham, Chris Shelton, and Dean Joy with a commendation in honor of National Volunteer Month and their contributions in preserving history through the Stories of Service Program. Presentation <ul style="list-style-type: none">• Ken Kelly, Lyndon Hotel Painting Mrs. Spector thanked Mr. Kelly for the donation of an oil painting done by Laurna Merriell presented to the Town of Los Gatos by Ken and Linda Kelly.

<p>7:25 PM</p>	<p>CONSENT ITEMS #1-14</p> <p>ITEM #7 WAS PULLED BY MEMBER OF THE PUBLIC AND HEARD AFTER OTHER BUSINESS</p>	<p><u>TOWN COUNCIL</u></p> <ol style="list-style-type: none">1. Accept schedule of public hearings.(1-28)2. Ratify payroll for the month of March, 2006 (2-V)3. Ratify accounts payable for the month of March, 2006. (3-V)4. Adopt resolution authorizing the Town Manager to accept the donation of an oil painting by artist Lurna Merriell of the Lyndon Hotel donated by John and Jane Kelly. RESOLUTION 2006- 031 (4-32)5. Adopt resolution upholding a Planning Commission decision approving a minor Planned Development amendment to add one additional lot as permitted by the approved Planned Development, approval of the subdivision for the additional lot, approval to construct a single family residence on the new lot and approval to install a temporary sales trailer/model home office for property zoned RM: 5-12:PD. APN's: 424-29-024 through 026. Planned Development Application PD-06-2. Architecture and Site Application S-06-12. Property location: 15350 Winchester Boulevard. Property owner/applicant: Santa Clara Development Company. Appellant: Stephanie Carroll. (5-15) RESOLUTION 2006-0326. Adopt resolution of the Town Council of the Town of Los Gatos granting in part and denying in part an appeal of a decision of the Planning Commission denying demolition of a pre-1941 residence, construction of a new single family residence and accessory structure with reduced setbacks and deny the extended cellar on property zoned R-1D. APN: 529-08-008. Property owner/appellant: Anna Huynh and Kevin Crane. RESOLUTION 2006- 033 (6-15)
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	<p>CONSENT ITEMS #1-14</p> <p>Continued</p>	<p>10. Adopt resolution for National Arbor Day proclamation and annual observance. RESOLUTION 2006- 036 (10-33)</p> <p>11. Approve correction of resolution 2006-009 (Arnerich Road No. 1 Annexation). (11-26) RESOLUTION 2006-037</p> <p>12. Adopt resolution setting date (May1, 2006) for consideration of reorganization of uninhabited area designated "Mireval Road No.3, approximately 15.4 acres located at the end of Mireval Road (APN: 532-25-027). RESOLUTION 2006-038 (12-26)</p> <p><u>REDEVELOPMENT AGENCY</u></p> <p>13. Ratify accounts payable for the month of March, 2006. (13-V)</p> <p><u>TOWN COUNCIL/REDEVELOPMENT</u></p> <p>14. Approve Council/Agency Minutes of April 3, 2006. (14-V)</p> <p>Motion by Mr. Glickman to approve Consent Items #1-6, and #8-14. Seconded by Mr. Pirzynski.</p>
7:26 PM	MAYOR CALLED THE QUESTION	<p>Consent Items #1-5, and #8-14 carried unanimously. Consent Item #6 carried 4/1 Mrs. Spector abstained.</p>
7:26 PM	OPEN VERBAL COMMUNICATION	<p>Mr. Davis</p> <ul style="list-style-type: none"> • Questioned when American Apparel will be placed on the agenda. • Commented on the Mayor responding to his behavior during the April 3, 2006 Town Council Meeting.
7:30 PM	CLOSED VERBAL COMMUNICATION	

7:30 PM	PUBLIC HEARINGS ITEM #15 ZONE CODE AMENDMENTS A-06-01 THROUGH A-06-11	ITEM #15 (15-36) <u>Zoning Code Amendments A-06-01 through A-06-11 (Note: primarily housekeeping items(15-36)</u> Public hearing to consider introduction of ordinance amending sections of the Town Code addressing: <ul style="list-style-type: none">• References to Planning Director.• Requirements for Certificates of Use and Occupancy/Second Dwelling Units/Appeals from decisions of the Planning Director.• Parking exemption clarification for historic districts and parking lot and dimension modifications to meet National Pollution Discharge Elimination System Requirements.• Minor residential development application procedures and approvals required for Architecture and Site Application.• Projections allowed into yards, convert Town Policies into Town Code requirements relating to detached accessory structure exemptions, and detached garage exemption.• Title clarification and height exception for wireless telecommunication facilities• Salvaging/Recycling requirements for demolitions.• Appeal withdrawals, noticing procedures for minor residential projects and clarification of appeal fees.• Conditional Use Permit requirement for new office buildings and findings for denial.• Convert Town Policies into Town Code requirements relating to definitions of attic/cellar/basement.• Spelling and Grammar corrections. Staff report made by Bud Lortz .
7:33 PM	PUBLIC HEARINGS ITEM #15 ZONE CODE AMENDMENTS A-06-01 THROUGH A-06-11 COUNCIL COMMENT	<ul style="list-style-type: none">• Clarification regarding 29.40.070 and 29.50.055, projections allowed into yards.• Clarification regarding current status of zoning for amendment A-06-09, Conditional Use Permit requirement for new office buildings, and impact of proposed changes.

	PUBLIC HEARINGS ITEM #15 Continued ZONE CODE AMENDMENTS A-06-01 THROUGH A-06-11 COUNCIL COMMENT	<ul style="list-style-type: none"> Clarification on Section 29.20.060 under sub section 1. would like the phrase to read: <ol style="list-style-type: none"> Before occupancy of any new building or commencement of any activity when architecture and site approval or a conditional use permit is required. (Excluding single family, two family or second dwelling units). Questioned changing the zoning requirements for new office development. Questioned if there has been discussion from General Plan Committee or Planning Commission regarding Conditional Use Permits to be expanded to office development. Clarification on changes to the traditional findings for approval of a Conditional Use Permit. Clarification on the intent regarding the change of noticing procedures and the appeal process for minor residential projects.
7:43 PM	OPEN/CLOSE PUBLIC HEARING	
7:43 PM	PUBLIC HEARINGS ITEM #15 Continued ZONE CODE AMENDMENTS A-06-01 THROUGH A-06-11 COUNCIL DISCUSSION	Motion by Mr. Pirzynski to accept report in the form of meeting minutes from the Planning Commission regarding the Town Code amendments. Seconded by Mrs. Spector.
7:44 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
7:44 PM		Clerk Administrator was directed to read the title of the ordinance.
7:46 PM		Motion by Mr. Wasserman to wave the reading of the ordinance. Seconded by Pirzynski.
7:46 PM	MAYOR CALLED THE QUESTION	Carried unanimously.

7:47 PM	PUBLIC HEARINGS ITEM #15 Continued ZONE CODE AMENDMENTS A-06-01 THROUGH A-06-11 COUNCIL DISCUSSION	Motion by Mr. Pirzynski to make the required finding that the proposed Town Code amendments are consistent with the General Plan and its elements. Seconded by Mr. Wasserman
7:47 PM	MAYOR CALLED FOR THE QUESTION	3/2 Mr. Glickman and Mrs. Spector voting no.
7:48 PM		<ul style="list-style-type: none"> Questioned if proposed Town Code amendment A-06-09 sub-section C-1 could be removed from the amendment process. Concerns regarding adding approval processes to the Planning Commission. Motion by Mr. Wasserman to introduce the ordinance to effectuate the Town Code amendments with <ul style="list-style-type: none"> The exception to remove A-06-09 sub-section (C) which reads: <ol style="list-style-type: none"> The proposed use will result in a significant loss of current or potential revenue to the Town. And to renumber ordinance accordingly. Seconded by Mrs. Spector.
7:54 PM	MAYOR CALLED THE QUESTION	4/1 Mr. Glickman voting no.
7:55 PM	OTHER BUSINESS ITEM #16 CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS	ITEM #16 <u>Auto Dealers (follow up to 3/20/06 Council Study Session) (16-36)</u> Consideration of a resolution expressing support for automobile dealerships and review of action items from the automobile dealerships study session. Staff report made by Bud Lortz .
8:06 PM	COUNCIL COMMENT	<ul style="list-style-type: none"> Questioned the noticing process relating to the 29 parcels on Los Gatos Boulevard which are over 40,000 square feet. Clarification regarding the resolution applying to all such properties including the Swanson property.

	OTHER BUSINESS Continued ITEM #16 CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS COUNCIL COMMENT	<ul style="list-style-type: none">• Questioned if the proposed resolution would require a Planned Development application.• Commented on Council's decisions regarding land use issues relating to Los Gatos.• Clarification regarding the operational use of the words "review carefully" as stated in the proposed resolution.• Commented on a streamlined process for the Architecture and Site Application.• Commented that the proposed resolution is benign and, if passed, discussion could move forward regarding the nine action items contained in the staff report.
8:22 PM	OPEN PUBLIC COMMENT	<p>Mr. Moore</p> <ul style="list-style-type: none">• Commented on traffic issues raised by staff, and the need for traffic to attract automobile sales.• Suggested retail options for Los Gatos Boulevard.• Commented against supporting the proposed resolution. <p>Mr. Robert Swanson</p> <ul style="list-style-type: none">• Commented on the different automobile dealership franchises, and stated that they have no interest at this time in locating to Los Gatos.• Commented against supporting the proposed resolution. <p>Council Comments</p> <ul style="list-style-type: none">• Questioned which of the three "resolves" was of concern to Mr. Swanson.• Clarification regarding the importance of traffic flow and having dealerships in a close proximity.• Clarification relating to the 10-mile rule. <p>Ms. Bowen</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Stated that she feels that the resolution intervenes between property owners and tenants. <p>Mrs. Swanson</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Commented on the Swanson's property rights and the delays associated with the proposed resolution.

	<p>OTHER BUSINESS Continued</p> <p>ITEM #16</p> <p>CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS</p> <p>PUBLIC COMMENT</p>	<p>Mrs. Swanson Continued</p> <ul style="list-style-type: none">• Commented on the lack of interest from other auto dealerships relocating to Los Gatos Boulevard in the near future.• Commented the proposed resolution would force auto dealerships to prove their insolvency if they have to close their doors.• Asked for clarification regarding the nine action items identified in the staff report. <p>Council Comments</p> <ul style="list-style-type: none">• Clarification from Mrs. Swanson regarding the three "resolves" in the proposed resolution. <p>Mr. Hickey</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution. <p>Mr. Lewis</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Commented how the manufacturers control the dealerships and the locations for dealerships.• Commented on market surveys with the automobile dealership industry which are routinely done by the manufacturers. <p>Mrs. McHugh</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Suggested that the Town use incentive plans and work with the existing dealerships to keep them in Town. <p>Council Comments</p> <ul style="list-style-type: none">• Asked Mrs. McHugh for ideas relating to incentive plans.• Asked for clarification regarding her ideas relating to the nine action items.• Commented that the action items should not take 4 to 6 months to accomplish. <p>Mr. Skow</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Commented against supporting the nine action items.• Commented against land use changes and Planned Development requirements relating to auto dealership properties.
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	<p>OTHER BUSINESS Continued</p> <p>ITEM #16</p> <p>CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS</p> <p>PUBLIC COMMENT</p>	<p>Mr. Skow Continued</p> <ul style="list-style-type: none">• Commented that the Town's review process is adequate, and asked why the Town would need the resolution. <p>Council Comments</p> <ul style="list-style-type: none">• Clarification on supporting Planned Development requirements for all properties that are currently dealerships. <p>Mr. Doyle</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution. <p>Ms. Fenton</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution. <p>Ms. Jones</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Commented on encouraging and supporting the dealerships that are currently in Los Gatos.• Commented that many dealerships rely on their used car sales, and suggested that dialogue with the dealerships and studies should be done before the Town would allow stand alone used car dealerships. <p>Council Comments</p> <ul style="list-style-type: none">• Questioned if Ms. Jones would be willing to provide dealer input in an ongoing dialogue.• Clarification regarding her support relating to the nine action items listed in the staff report.• Questioned pursuing used car dealerships as stand alone dealerships. <p>Mr. Pau</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution. <p>Mr. Moulds</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution. <p>Mr. Hirschmann</p> <ul style="list-style-type: none">• Commented against supporting the proposed resolution.• Questioned the intent of the proposed
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	<p>OTHER BUSINESS Continued</p> <p>ITEM #16</p> <p>CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS</p> <p>PUBLIC COMMENT</p>	<p>resolution.</p> <p>Council Comments</p> <ul style="list-style-type: none"> • Questioned if Mr. Hirschmann had an opinion as far as requirements for Planned Development applications for the 29 parcels with 40,000 square feet or more. <p>Mr. Wolf</p> <ul style="list-style-type: none"> • Commented against supporting the proposed resolution. • Commented against any restrictions for property rights. <p>Mr. Claxton</p> <ul style="list-style-type: none"> • Commented against supporting the proposed resolution. <p>Ms. Culker Smith</p> <ul style="list-style-type: none"> • Clarification for incentives to only car dealerships. • Clarification why incentives are being talked about now. • Will the community have input on the incentives and design changes on Los Gatos Boulevard. <p>Mr. Stansbury</p> <ul style="list-style-type: none"> • Commented on looking to retail for Los Gatos Boulevard. • Commented against supporting the proposed resolution. <p>Mr. Smith</p> <ul style="list-style-type: none"> • Commented against supporting the proposed resolution. • Suggested a study group formed of businesses along Los Gatos Boulevard to gather input for redevelopment of the area. • Commented that the guidelines and ordinances are fine and do not need any resolution. <p>Mr. Matteoni</p> <ul style="list-style-type: none"> • Commented against supporting the proposed resolution. <p>Mr. Davis</p> <ul style="list-style-type: none"> • Supports the proposed resolution.
9:53 PM	CLOSE PUBLIC COMMENT	

9:53 PM	OTHER BUSINESS Continued ITEM #16 CONSIDERATION OF RESOLUTION EXPRESSING SUPPORT FOR AUTO DEALERSHIPS COUNCIL DISCUSSION	<ul style="list-style-type: none">• Commented that staff could be directed to look into any of the nine action items listed in the staff report without having to adopt the resolution.• Commented against supporting the proposed resolution.• Clarification regarding a development agreement with Mr. Pau relating to the Swanson property.• Commented that property rights must be considered in the context of broader community needs.• Commented on community input relating to the Los Gatos Boulevard Community Design Plan.• Would like to give direction to the planning process.• Commented on the benefits of open communication with the auto dealerships.• Commented on the balance between the neighborhoods and the dealerships.• Commented on the benefits of using the Planned Development process.• Commented on the community's fear of property values going down if these changes were made.• Commented on the variation in facts and assumptions that market studies may generate.• Commented about concern with requiring fiscal impact information.• Commented on the need for more information on the development agreement process.• Requested information on the consequences and benefits of requiring Planned Development applications. Consensus to follow up with: <ul style="list-style-type: none">• Staff review the nine action items for any follow-up
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10:28 PM	CONSENT ITEMS #1-14 PULLED ITEM #7	ITEM # 7 7. Adopt resolution granting a request to modify a Conditional Use Permit for a restaurant/bakery (La Masion Du Croissant), to increase the number of seats, hours of operation, and to serve beer and wine for a new restaurant (James Randall), on property zoned C-2. Conditional Use Permit: U-06-013. APN: 510-14-048. Property location: 303 N. Santa Cruz Avenue. Property owner: Bert Millen. Applicant: Brenda Hammond. RESOLUTION 2006- 034 (7-15) Mr. Arzie <ul style="list-style-type: none"> • Commented regarding another restaurant increasing size, and beer and wine sales with the restaurant. • Asked Council to give direction to the Planning Commission regarding beer and wine licenses. Motion by Mr. Glickman Seconded by Mr. Pirzynski
10:34 PM	MAYOR CALLED THE QUESTION	Carried unanimously.
10:34 PM	ITEM #12 COUNCIL MATTERS	ITEM #17 Mrs. Spector <ul style="list-style-type: none"> • Thanked the Planning Commission for their good work leading to the five public hearings at the April 3, 2006 Council meeting. Mr. Glickman <ul style="list-style-type: none"> • Noted the upcoming Wednesday, April 19, 2006, Special Meeting.
10:36 PM	ITEM #13 MANAGER MATTERS	ITEM #18 None.
10:36 PM	MEETING ADJOURNED	

Submitted by:

ATTEST:

Jackie D. Rose, Deputy Clerk

MarLyn Rasmussen, Clerk Administrator