



TOWN OF LOS GATOS
PLANNING COMMISSION STAFF REPORT
Meeting Date: December 15, 2016

ITEM NO: 2

- PREPARED BY:** Joel Paulson, Community Development Director
jpaulson@losgatosca.gov
- SUBJECT:** North 40 Specific Plan Amendments
- LOCATION:** The plan area comprises approximately 44 acres located at the northern extent of the Town of Los Gatos, bordered by State Route 17 to the west, State Route 85 freeways to the north, Los Gatos Boulevard to the east, and Lark Avenue to the south. APN 424-07-009, 010, 024 through 027, 031 through 037, 052 through 054, 060, 063 through 065, 070, 081 through 086, 090, 094 through 096, 099, 100, 102 through 112, 424-06-115, 116, and 129.
- PROJECT SUMMARY:** Consider potential amendments to the North 40 Specific Plan
- SPECIFIC PLAN:** The North 40 Specific Plan, adopted June 17, 2015, implements the Town of Los Gatos General Plan and comprehensively plans for future development in the Specific Plan Area. The Specific Plan Area has a maximum development capacity of up to 270 housing units and 501,000 square feet of non-residential uses. Of the non-residential uses, the maximum development capacities are up to 250,000 square feet of office/hotel, and up to 400,000 square feet of other commercial (such as retail, restaurants, specialty market, health clubs, personal service, and entertainment). At least 30% of the area (approximately 13.2 acres) will be open space.
- APPLICANT:** Town of Los Gatos
- PROPERTY OWNERS:** Yuki Farms, ETPH LP, Grosvenor USA Limited, Summerhill N40 LLC, Dodson, Hirschman, Mattes, Ventura Trustee, Moisenco, Los Gatos Medical Office Center LLC, Los Gatos Gateway LLC, MbK Enterprise, Connell, Gin, John & Allison Diep LLC, Bernal, Lg Boulevard Holdings LLC, Polaris Navigation, Ew Real Estate LLC, Lazaar Enterprises LLC, Kothary, and Swenson Trustee.
- RECOMMENDATION:** Consider the General Plan Committee's discussion and provide recommendations regarding the Town Council's suggestions for amendments to the North 40 Specific Plan.

CEQA: The Town Council certified a Program Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments.

FINDINGS:

- The Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments.
- The Planning Commission must make a finding that the proposed amendments to the North 40 Specific Plan are consistent with the goals and policies of the General Plan and its elements, if the recommendation is for approval.

ACTION: Make a recommendation to the Town Council on amendments to the North 40 Specific Plan.

EXHIBITS:

1. Location Map
2. Findings
3. October 27, 2016 General Plan Committee Memorandums and attachments
4. October 27, 2016 General Plan Committee verbatim minutes
5. November 17, 2016 General Plan Committee Memorandums and attachments
6. November 17, 2016 General Plan Committee verbatim minutes
7. Potential amendments, based on General Plan Committee discussion
8. Public comments received between 11:01 a.m. November 17, 2016 and 11:00 a.m. December 8, 2016

BACKGROUND:

On June 17, 2015, the Town Council adopted the North 40 Specific Plan. The Specific Plan can be found at the following link: <http://www.losgatosca.gov/DocumentCenter/View/15472>. An Environmental Impact Report (EIR) was prepared and certified for the Specific Plan in compliance with the California Environmental Quality Act (CEQA).

On September 6, 2016, the Town Council denied the Phase 1 Architecture and Site and Subdivision applications because they determined that the proposed project is not consistent with the following General Plan and North 40 Specific Plan Policies:

- a. The proposed project overly concentrates all of the residential units that can be built pursuant to the North 40 Specific Plan and the General Plan Housing Element on the southern portion of the North 40 Specific Plan area and is therefore inconsistent with Specific Plan Section 2.5; Standard 2.7.3; Policy 5.8.2; and the Residential Unit Size Mix and Table set forth on page 6-14. This negatively affects the site layout and disproportionately hurts the chances of better site design in the future.
- b. The proposed project is inconsistent with North 40 Specific Plan Section 2.3.1 and its requirements for lower intensity residential uses in the Lark District.
- c. The proposed project buildings 18 through 27 are inconsistent with North 40 Specific Plan policy requirement that the Lark District consist of lower intensity residential development with office, retail, personal services, and restaurants along Los Gatos Boulevard.
- d. The proposed project buildings 24 and 25 are inconsistent with North 40 Specific Plan Section 4-2 as it eliminates “a fourth access point off of Los Gatos Boulevard closer to the Lark Avenue intersection;” are inconsistent with North 40 Specific Plan page 3-1, Section 3.1 Architectural and Site Character Goals and Policies, Policy DG5 Residential Siting that requires residential development to be located to minimize traffic, noise, and air quality impacts; and are inconsistent with the Commercial Design Guidelines beginning on page 3-2 which guide site plan development.
- e. The proposed project is inconsistent with North 40 Specific Plan Policy Section 2.4 and Appendix C of the Specific Plan as it does not address the unmet housing needs for seniors and “Gen Y.”
- f. The proposed project is inconsistent the Residential Unit Size Mix and Table set forth on page 6-14 of the Specific Plan and the Residential Unit Size Mix should have smaller units to come closer to the income distribution of affordable housing identified in the Town’s certified General Plan Housing Element for 156 very low, 84 low, and 30 moderate income units.
- g. The proposed project, specifically buildings 18 through 27, would result in an anomaly of residential uses within an existing commercial land use context.
- h. The only promised Below Market Rate housing is the 49 units above Market Hall and the remainder have home values estimated at \$900,000 to \$1,500,000 requiring a 20 percent down payment and income of approximately \$130,000 to \$200,000 per year.

Following the Town Council’s denial of the Phase 1 applications, the Mayor requested that a special Town Council meeting be set to identify potential amendments to the adopted Specific Plan. This meeting provided an opportunity for the public and the Town Council to identify specific amendments that would then be considered by the General Plan Committee (GPC), Planning Commission, and Town Council.

On September 27, 2016 the Town Council conducted a special meeting and provided suggestions for potential amendments to the North 40 Specific Plan. The GPC met on October 27, 2016 (Exhibit 3) and November 17, 2016 (Exhibit 5) to discuss the Council suggestions. Verbatim minutes for the GPC meetings are included in Exhibit 4 and Exhibit 6.

Based on the GPC discussion, specific potential amendments to the North 40 Specific Plan are provided in Exhibit 7 for the Commission's consideration. Please note that potential amendments are not included in Exhibit 7 for the General/Other category of suggestions. Staff will complete this category and the potential amendments will be provided on Monday December 12, 2016.

CONCLUSION:

This opportunity to consider the Town Council's suggestions for amendments to the North 40 Specific Plan is not intended to be a rewrite of the entire Specific Plan. Additionally, staff direction to the Town Council was that the suggested amendments should be specific and require no additional environmental analysis or amendments to the Housing Element.

At its meeting on December 15, 2016, the Planning Commission should take public testimony and consider the GPC's discussion on the Town Council's suggestions for amendments to the North 40 Specific Plan.

RECOMMENDATION:

When the Planning Commission has completed its consideration of the potential North 40 Specific Plan amendments, including public testimony, the Commission should forward a recommendation to the Town Council to:

1. That the Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments;
2. That the proposed amendments to the North 40 Specific Plan are consistent with the goals and policies of the General Plan and its elements, if the recommendation is for approval; and
3. Adopt the recommended North 40 Specific Plan Amendments.

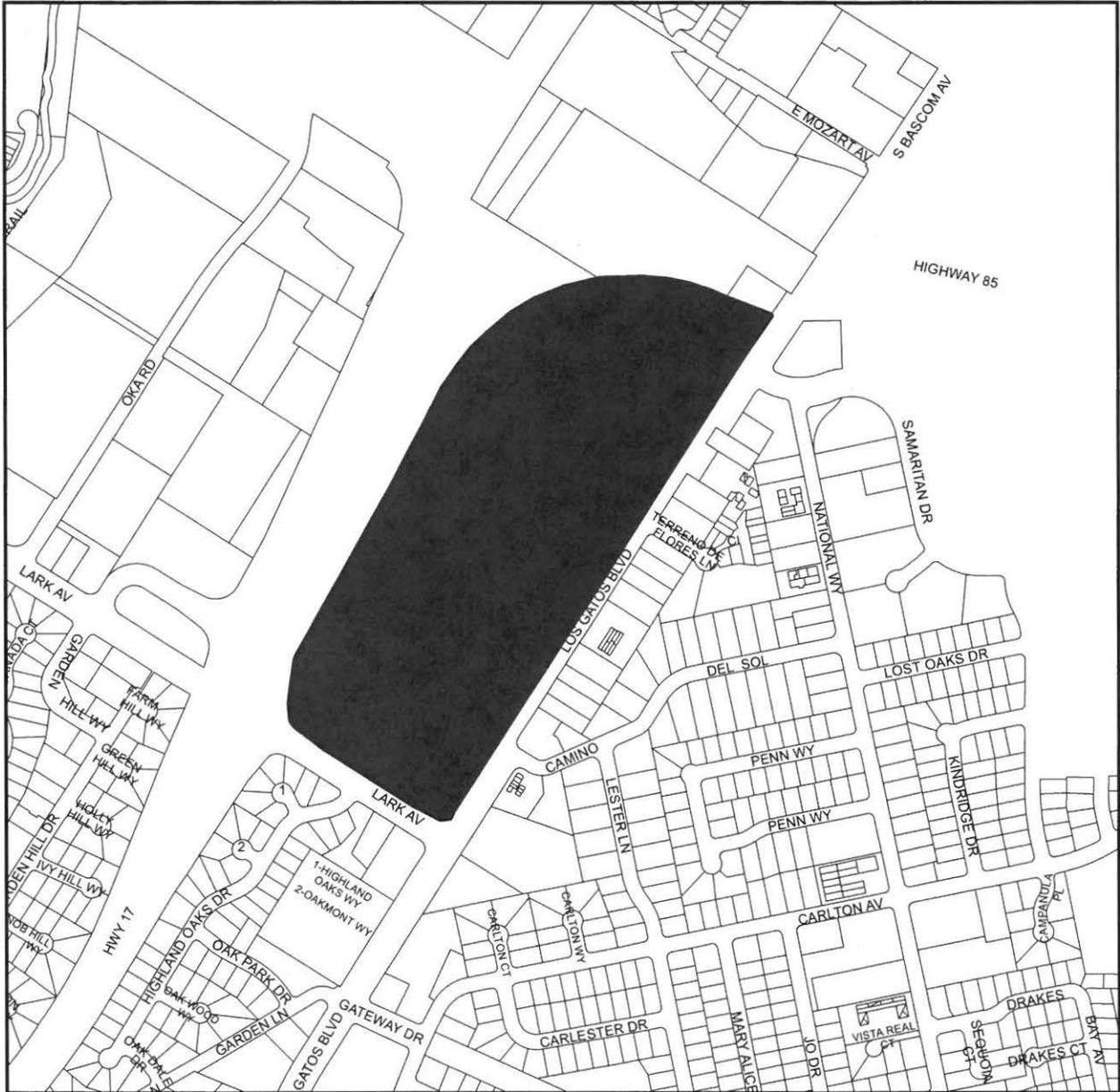


Prepared by:
Sally Zarnowitz, AIA, LEED AP
Planning Manager



Approved by:
Joel Paulson, AICP
Community Development Director

North Forty Specific Plan Area



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REQUIRED FINDINGS FOR:

North 40 Specific Plan

Consider the General Plan Committee’s discussion and provide recommendations regarding the Town Council’s suggestions for amendments to the North 40 Specific Plan. APN 424-07-009, 010, 024 through 027, 031 through 037, 052 through 054, 060, 063 through 065, 070, 081 through 086, 090, 094 through 096, 099, 100, 102 through 112, 424-06-115, 116, and 129.

PROPERTY OWNERS: Yuki Farms, ETPH LP, Grosvenor USA Limited, Summerhill N40 LLC, Dodson, Hirschman, Mattes, Ventura Trustee, Moisenko, Los Gatos Medical Office Center LLC, Los Gatos Gateway LLC, MbK Enterprise, Connell, Gin, John & Allison Diep LLC, Bernal, Lg Boulevard Holdings LLC, Polaris Navigation, Ew Real Estate LLC, Lazaar Enterprises LLC, Kothary, and Swenson Trustee.

APPLICANT: Town of Los Gatos

FINDINGS

Required finding for CEQA:

- That the Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments.

Required Consistency with the Town’s General Plan:

- That the proposed amendments to the North 40 Specific Plan are consistent with the goals and policies of the General Plan and its elements.

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MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: General Plan Committee

From: Joel Paulson, Community Development Director

Subject: North 40 Specific Plan Amendments

Date: October 21, 2016

The overall purpose of the October 27, 2016, General Plan Committee (GPC) meeting is to review the Town Council's suggestions for amendments to the North 40 Specific Plan and to provide recommendations regarding the suggestions to the Planning Commission.

On June 17, 2015, the Town Council adopted the North 40 Specific Plan. The Specific Plan can be found at the following link: <http://www.losgatosca.gov/DocumentCenter/View/15472>. An Environmental Impact Report (EIR) was prepared and certified for the Specific Plan in compliance with the California Environmental Quality Act (CEQA).

On September 6, 2016, the Town Council denied the Phase 1 Architecture and Site and Subdivision applications because they determined that the proposed project is not consistent with the following General Plan and North 40 Specific Plan Policies:

- a. The proposed project overly concentrates all of the residential units that can be built pursuant to the North 40 Specific Plan and the General Plan Housing Element on the southern portion of the North 40 Specific Plan area and is therefore inconsistent with Specific Plan Section 2.5; Standard 2.7.3; Policy 5.8.2; and the Residential Unit Size Mix and Table set forth on page 6-14. This negatively affects the site layout and disproportionately hurts the chances of better site design in the future.
- b. The proposed project is inconsistent with North 40 Specific Plan Section 2.3.1 and its requirements for lower intensity residential uses in the Lark District.
- c. The proposed project buildings 18 through 27 are inconsistent with North 40 Specific Plan policy requirement that the Lark District consist of lower intensity residential development with office, retail, personal services, and restaurants along Los Gatos Boulevard.
- d. The proposed project buildings 24 and 25 are inconsistent with North 40 Specific Plan Section 4-2 as it eliminates "a fourth access point off of Los Gatos Boulevard closer to the Lark Avenue intersection;" are inconsistent with North 40 Specific Plan page 3-1, Section 3.1 Architectural and Site Character Goals and Policies, Policy DG5 Residential Siting that requires residential development to be located to minimize traffic, noise, and air quality impacts; and are inconsistent with the Commercial Design Guidelines beginning on page 3-2 which guide site plan development.

- e. The proposed project is inconsistent with North 40 Specific Plan Policy Section 2.4 and Appendix C of the Specific Plan as it does not address the unmet housing needs for seniors and “Gen Y.”
- f. The proposed project is inconsistent the Residential Unit Size Mix and Table set forth on page 6-14 of the Specific Plan and the Residential Unit Size Mix should have smaller units to come closer to the income distribution of affordable housing identified in the Town’s certified General Plan Housing Element for 156 very low, 84 low, and 30 moderate income units.
- g. The proposed project, specifically buildings 18 through 27, would result in an anomaly of residential uses within an existing commercial land use context.
- h. The only promised Below Market Rate housing is the 49 units above Market Hall and the remainder have home values estimated at \$900,000 to \$1,500,000 requiring a 20 percent down payment and income of approximately \$130,000 to \$200,000 per year.

Following the Town Council’s denial of the Phase 1 applications, the Mayor requested that a special Town Council meeting be set to identify potential amendments to the adopted Specific Plan. This meeting provided an opportunity for the public and the Town Council to identify specific amendments that would then be considered before the GPC, Planning Commission, and Town Council.

On September 27, 2016 the Town Council conducted a special meeting and provided suggestions for potential amendments to the adopted Specific Plan which are included in Attachment 1. Staff organized the suggestions into categories and also references from the Specific Plan for the Town Council suggestions as a starting point for the GPC’s discussion. Following the GPC’s review and recommendation, staff will provide specific language to the Planning Commission for their review and consideration.

This opportunity to review the Town council’s suggestions regarding potential amendments is not intended to be a rewrite of the entire Specific Plan. Additionally, staff direction to the Town Council was that the suggested amendments should be specific and require no additional environmental analysis or amendments to the Housing Element.

ATTACHMENTS:

1. Town Council Suggestions for North 40 Specific Plan Amendments

Town Council Suggestions for Potential Amendments to the Adopted North 40 Specific Plan with Annotations of Relevant Specific Plan Sections (*in italics*)

Residential

1. In the Lark perimeter area we should set a maximum density of eight units per acre.
This could be added to section 2.5.7 on page 2-15 to address this suggestion.
2. Housing units should be spread across all three districts.
A minimum or maximum percentage or number of units could be added to section 2.5.1 on page 2-10 to address this suggestion.
3. Make sure that you somehow have a vision of how you're spreading these units to make it fit with the other uses and fit in the neighborhood idea.
4. Require smaller, more affordable units.
Language could be added to section 2.7.3 on page 2-25 and 2-26 to address this suggestion. Additionally, the table on page 6-14 in the Definitions section could be modified.
5. Only allow smaller units from 900 to 1,500 square feet.
Language could be added to section 2.7.3 on page 2-25 and 2-26 to address this suggestion. Additionally, the table on page 6-14 in the Definitions section could be modified.
6. Reduce the maximum size of some of the units to 1,700 square feet maximum to encourage less expensive units.
Language could be added to section 2.7.3 on page 2-25 and 2-26 to address this suggestion. Additionally, the table on page 6-14 in the Definitions section could be modified.
7. Apply the Town's BMP Ordinance requirements.
This is required in Section 2.7.3 c. on page 2-26.
8. Don't allow residential on Los Gatos Boulevard.
Language could be added to section 2.5.7 b. on page 2-15 to address this suggestion.
9. Provide senior housing at the ground level.
Language could be added to section 2.7.3 on page 2-26 to address this suggestion.
10. Consider the possibility of moving the houses away from Highway 17 and putting commercial in that area.
Section 2.5.7 on page 2-15 could be modified to increase the buffer size and/or prohibit residential uses in that area.
11. Remove the Conditional Use Permit (CUP) requirement for cottage clusters.
Table 2-1 on page 2-7 could be modified to address this suggestion.
12. Increase the total number of residential units on the North 40.
Table 2-2 and section 2.5.1 on page 2-10 could be modified to address this suggestion.

13. Is it possible for the Town to allow a developer to have a density bonus if the developer requests it, but not necessarily have those 13.5 acres in a certain location, i.e., spread throughout the property?

Commercial

1. The CUP requirements should be the same as downtown.
Table 2-1 on page 2-7 could be modified to address this suggestion.
2. Only allow commercial or mixed-use on Los Gatos Boulevard.
Language could be added to section 2.5.7 b. on page 2-15 to address this suggestion.
3. Explore commercial uses in the Lark District.
Table 2-1 on page 2-7 could be modified to address this suggestion. Additionally, language could be added to section 2.3.1 on page 2-3.
4. Consider maximum square footages for commercial uses instead of CUPs.
Table 2-2 on page 2-10 could be modified to address this suggestion.
5. Consider a reduction in the amount of commercial square footage.
Table 2-2 and section 2.5.1 on page 2-10 could be modified to address this suggestion.
6. Address the commercial needs that have been previously identified: general merchandise, building materials, and resident serving businesses defined as serving the north part of Los Gatos and the North 40.
The Guiding Principles on page 1-1 could be modified to address this suggestion. Additionally, Policy LU4, LU6, and LU11 on page 2-2 could be modified.
7. Consider reducing the total amount of commercial square footage with the goal of addressing our unmet needs.
Table 2-2 and section 2.5.1 on page 2-10 could be modified to address this suggestion.
8. The intent of the Specific Plan was to protect downtown while providing neighborhood-serving commercial and reducing retail sales tax leakage.
The Guiding Principles on page 1-1 could be modified to address this suggestion. Additionally, Policy LU4, LU6, and LU11 on page 2-2 could be modified.
9. How do we make the commercial that's near residential be truly neighborhood serving and not shoe stores and handbag stores that draw people away from downtown, and then how do we get the other portion of it to be general merchandizing, again, without creating a food court and a bunch of small stores with dress shops and so forth?
Section 2.6.6 could be modified to address this. Additionally, Policy LU4, LU6, and LU11 on page 2-2 could be modified.

Open Space

1. The perimeter district should be larger.
Section 2.5.7 on page 2-15 could be modified to increase the buffer size to address this suggestion. Additionally, see Table 2-5 on page 2-18 and 2-19,
2. More open space should be required.
Section 2.5.4 on page 2-12 and Table 2-3 on page 2-12 could be modified to address this suggestion
3. Have real open space.
Section 2.5.4 on page 2-12 could be modified to address this suggestion
4. Public access easements shall be required for the open space.
Section 2.5.4 d. could be modified to address this suggestion.

Parking

1. Underground parking should be explored.
Language could be added to section 2.5.8 on page 2-15, 3.2.3 on page 3-5, and/or section 4.12 on page 4-10 could be modified to address this suggestion.

Height

1. Increase the height to 45 feet, as long as there is more open space.
Section 2.5.2 on page 2-11 could be modified to address this suggestion.
2. Reduce the height of the residential to 25 feet.
Section 2.5.2 on page 2-11 could be modified to address this suggestion.

General/Other

1. "Shalls" should replace "shoulds."
The Specific Plan could be modified to address this issue. However, staff would need to walk through each instance and provide a recommendation on whether some of the "shoulds" should be replaced with "shall."
2. Confirm that the Guiding Principles in the Specific Plan is mandatory language rather than permissive language.
3. Require a plan for the entire Specific Plan area.
Section 6.2 on page 6-1 could be modified to address this suggestion. However, with multiple property owners in the Specific Plan area it does not appear to be feasible.
4. Preserve existing live oak trees.
Language could be added to address this suggestion.

5. Consider the widening Los Gatos Boulevard.
There is no nexus for the Town to require a developer to acquire the land to widen Los Gatos Boulevard. The Town would need to acquire the property and install the roadway improvements. Given the Town's limited resources for this type of action this suggestion does not appear to be feasible.
6. Try to acquire some land for a park or community pool.
Given the Town's limited resources for this type of action this suggestion does not appear to be feasible.
7. Consider making the Town Council the deciding body for applications.
Appendix E could be modified to address this suggestion



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: General Plan Committee

From: Joel Paulson, Community Development Director *JP*

Subject: North 40 Specific Plan Amendments

Date: October 26, 2016

Attachment 2 consists of public comments received between September 27, 2016 and October 6, 2016, inadvertently omitted from the memorandum for this item.

Attachments:

1. Town Council Suggestions for North 40 Specific Plan Amendments, previously Submitted with the October 21, 2016 memorandum
2. Public comments received between September 27, 2016 and October 6, 2016

From: Mike Matthews [<mailto:mike.matthews@power.com>]

Sent: Tuesday, September 27, 2016 4:54 PM

To: BSpector; Marico Sayoc; Marcia Jensen; Rob Rennie; Steven Leonardis; Laurel Prevetti; Joel Paulson; Robert Schultz

Subject: North 40 Development - resident comment

Dear Los Gatos Council members

I will be unable to attend tonight's meeting but do hope you can reach agreement to amend the Specific Plan for the North 40 development

Rgds

David M Matthews

Englewood Ave resident

Cindie Gonzales

From: kcduggins@gmail.com
Sent: Tuesday, September 27, 2016 5:19 PM
To: Joel Paulson; Sally Zarnowitz; Cindie Gonzales
Subject: North 40

Dear City Council and Planning Commission:

May I propose a plan for the North 40 that seems to me to be somewhat of a compromise to all parties. What if we can turn most of the homes into a community like The Villages. If we have 55 and older group buying the homes it would NOT affect our schools. Since most of the people would be retired or semi retired and not commuting at peak hours our traffic wouldn't be as impacted either. We could still have some stores that would not only serve this age group but perhaps the community around it. A small portion of the condos could be lower income and set aside for police, teachers and fireman that serve this community.

We know that at some point this property will be developed, but I believe my idea would give an opportunity to many long time Los Gatans who have lived and raised their families here, to stay in Los Gatos when the time comes to downsize. Since we have neither the space nor the finances to build more schools, this idea would at least limit the impact to our currently crowded schools.

I hope you will do the right thing by all of us and not give in to a developer that does not live here and only wants to line his own pockets. I am not opposed to development and growth (my husband is a contractor), however, I don't want to see life in Los Gatos being choked off by all the increase of traffic. It will only hurt us in the long run.

Thank you for all your time and consideration.

Kirsten Duggins

From: Mpmillen@aol.com [mailto:Mpmillen@aol.com]
Sent: Wednesday, September 28, 2016 10:20 AM
To: Council
Subject: North 40 specific plan meeting 09/27

Hi,

I wanted to share a few thoughts about last night's meeting.

I was impressed by so many speakers and their comments. Almost all of the ideas suggested had merit, and I am confident the council and staff can use the oral and written comments to make the Specific Plan work for the town, and to make the future development smart and positive for the town.

I wanted to respond to Council Member Rennie's (i think) question about where to locate a market hall downtown. I believe the old Ferrari dealership next to town hall is a perfect spot.

The property has been languishing empty for years, because the restrictive zoning blocks any beneficial use. Selling cars, even expensive cars, in a small space in a small town is over- the space will remain empty forever if the town does not act to change the zoning. It is unfair to citizens and the property owner that this property remains a ghost town.

Underground parking, and a market hall would be a huge success. The town needs to abandon the restrictive zoning at this property so it can grow something beautiful for the town.

Sent from my iPhone

Joel Paulson

From: Sally Zarnowitz
Sent: Monday, October 03, 2016 11:22 AM
To: Joel Paulson
Subject: Phone Call re: N40

Hi

Mr. Walker of Blossom Manor called me to convey his concerns about the Project and Specific Plan:

- Concerned about density, height, lack of open space
- Concerned about comments by council members re: cutting trees to provide better views - if that is what was said
- Sr. units need to be at grade; no steps, stairs, curbs, and wider doors – no second floors for disabled people
- Project does not feel like Los Gatos

Thank you

Sally Zarnowitz, AIA, LEED AP
Planning Manager | Community Development Department
Town of Los Gatos | 110. E. Main Street, Los Gatos, CA 95030
408.354.6873 | szarnowitz@losgatosca.gov

Planning: 408.354.6874

Community Development Counter Hours: Monday - Friday, 8:00 a.m. - 1:00 p.m.

Please note I will be out of the office: October 5-18, 2016

Please note the upcoming Town closure: November 24-25, 2016 - Thanksgiving



From: Robb Walker <rnwalker1@comcast.net>
Sent: Monday, October 03, 2016 12:36 PM
To: Planning
Subject: Dr. Weismann's suggestion at the last Town Council

Please forward this to Planning Commission

Dr. Weismann's suggestion at the last Town Council meeting to have the entire North 40 be for housing is too practical to overlook. Probably too much water has gone under the bridge already. Under his plan, businesses would be situated outside the North 40 where they currently exist on Los Gatos Blvd.. Another speaker questioned the sustainability of businesses currently being looked at in the North 40 with all the ramifications this will bring forward.

As I drove throughout Los Gatos I observed homes with a convenience store "within driving distance." Some homes farther away than others. Residents drive to do their shopping. Why is the No.40 any different or special? "Grosvenor was going to build a town for us when all we needed were homes." We already have a Town. People would be very satisfied with a "charming" small home community in the North 40 just like you find all over Los Gatos. Getting to a store from there is as easy as it is for all other Los Gatos residents.

The idea of developing a "home community" as Dr. Weizmann suggested is not so outlandish. It is very practical. I only wish this idea was presented at the first advisory committee meeting.

It accomplishes many things: it doesn't compete with downtown, provides for an attractive home setting with winding, meandering streets, the view of the hills is not an issue anymore with the lower height of the homes, senior housing is easily woven into the neighborhoods. You can go on and on. This plan seems to counter each problem we have been racking our brains to fix.

We are only "kicking the can down the road" under current plans when the balance of homes will eventually need to be situated somewhere else in town to meet the state's mandate i.e. Los Gatos Lodge and elsewhere. It then becomes someone else's problem. It's too bad that we are going to be compelled to let a good idea pass us by. Dr. Weismann's plan most assuredly provides the look and feel of Los Gatos.

Robb Walker

Sent from my iPad

From: jan prinzivalli [<mailto:janprinzivalli@hotmail.com>]

Sent: Tuesday, October 04, 2016 4:53 PM

To: Council

Subject: North 40

Council-

Please consider and vote for a library annex as part of the North 40. This would be convenient for schools and residents on the north side of town, but also reduce crosstown traffic.

Thank you for your consideration.

Jan Prinzivalli

101 Charter Oaks Circle

Los Gatos

From: Bruce MacNaughton <bruceamacnaughton@gmail.com>

Date: October 6, 2016 at 9:38:44 AM PDT

To: "Barbara Spector, Chair" <bspector@losgatosca.gov>, Marcia Jensen <mjensen@losgatosca.gov>, Marico Sayoc <msayoc@losgatosca.gov>, Rob Rennie <rrennie@losgatosca.gov>, Steve Leonardis <sleonardis@losgatosca.gov>

Subject: Affordable and Senior Housing

I recently moved to Los Gatos from out of state.. I believe that I might recognize some potential problems that someone closer to the situation might not see.

The people that you are creating affordable housing for are probably living here in Los Gatos.

When they move into the newly created housing, they are emptying where they currently live which will be immediately moved into by others.

The net result of the new affordable housing is to increase the population density in Los Gatos with the accompanying need for more schools, roads, services, etc. From what I have heard, this is not what the people of Los Gatos want.

I believe that goals should be developed for the future of Los Gatos which, if and when they are adopted, will make your jobs much easier.

In the past, I have been on the developer's side. I would strongly suggest that you require all the so-called North 40 acreage to be permitted before anything is allowed to proceed. Developers are persistent and they figure that they can and will wear down any opposition in time

BAM



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: General Plan Committee

From: Joel Paulson, Community Development Director *JP*

Subject: North 40 Specific Plan Amendments

Date: October 27, 2016

Attachment 3 consists of public comments received between October 7, 2016 and October 27, 2016.

Attachments:

1. Town Council Suggestions for North 40 Specific Plan Amendments, previously submitted with the October 21, 2016 memorandum
2. Public comments received between September 27, 2016 and October 6, 2016, previously submitted with the October 26, 2016 Addendum
3. Public comments received between October 7, 2016 and October 27, 2016

Sally Zarnowitz

From: edrathmann@comcast.net
Sent: Wednesday, October 26, 2016 11:10 AM
To: Sally Zarnowitz
Cc: Joel Paulson
Subject: North 40 / general plan

General Plan Committee,

I am in favor of amending the specific plan. I am concerned about the massive size of the retail allowed at the North 40 under the current plan. At 400,000 sq ft it is almost the size of Santana Row. I am worried that at its current size and the fact that there are very few restrictions on it, will seriously hurt our the downtown economy.

Its current potential size of over 400,000 sf is way too big and needs to be reduced substantially. In addition there needs to be restrictions on the amount of small retail and the number restaurants. Many new developments now like the new Main Street center in Cupertino are full of restaurants with very little retail. That would certainly harm the downtown environment.

Also the Market Hall concept should not be allowed in the North 40. It is a great and popular concept, but it belongs downtown. It will be full of small retail and restaurants and will be a regional draw. The work of the advisory committee was clear that the retail at the North 40 was supposed to serve the neighborhood , not draw people from all over the valley. A Market Hall would be a regional draw.

Finally CUP's should be required the at North 40 in the same way they are required downtown. Why would the town want to give up that kind of control? It is unfair to the downtown to require them there but not at the North 40.

Lets get away from the idea that every development needs to have small retail and restaurants in it. The north 40 is appropriate for other uses like mid size stores, a hotel, even some upscale offices. The retail at the North 40 can be nice addition to LG, without destroying our downtown.

Thank you.

WILLIS DEVELOPMENT
SENIOR LIVING COMMUNITIES

October 27, 2016

VIA EMAIL ONLY to: jpaulson@losgatosca.gov and szarnowitz@losgatosca.gov

Mr. Joel Paulson
Community Development Director
Town of Los Gatos

Ms. Sally Zarnowitz
Planning Manager
Town of Los Gatos

Re: North 40 Specific Plan
Santa Clara County APN's 424-07-010, 424-07-054, 424-07-063, 424-07-065

Dear Mr. Paulson and Ms. Zarnowitz:

Our company develops assisted living and memory care communities. We are considering a proposed community on the referenced parcels in the Town of Los Gatos.

The purpose of this letter is to request approval and/or verification that a proposed use of assisted living and memory care is a permitted use under the Town of Los Gatos North 40 Specific Plan.

If you have questions or need more information, please feel free to contact me at corey@willisdev.com or 559.246.0686.

Very Truly Yours,



Corey File
Managing Partner
Willis Development

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

Los Gatos Planning Commissioners:
Matthew Hudes, Chair
Marico Sayoc, Vice Chair
Barbara Spector, Mayor
Jeffrey Barnett, Public Rep.
Charles Erekson, Planning Commissioner
Melanie Hanssen, Planning Commissioner

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

Transcribed by: Vicki L. Blandin
(510) 337-1558

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

LAUREL PREVETTI: Good evening, everyone. Thank you so much for joining us for a special meeting of our General Plan Committee. I'm Laurel Prevetti, your Town Manager. You have the agenda before you. It's been a little while since we've pulled together the General Plan Committee, so we really appreciate everyone joining us tonight.

Our first order of business is Verbal Communications, and we do have speaker cards if anyone is interested in commenting on something not on the agenda. If you're interested in speaking on something on the agenda, please fill out a speaker card, note which agenda item it is, and we will recognize you at the appropriate time later on this evening.

Seeing no Verbal Communications, our first item of business is the election of Chair and Vice Chair, and the floor is open for nominations.

VICE CHAIR SAYOC: If I may, I'd like to nominate Matthew Hudes for Chair.

LAUREL PREVETTI: Okay. Is there a second?

1 MAYOR SPECTOR: Second.

2 LAUREL PREVETTI: Any other nominations for
3 Chair? Okay, all in favor of Mr. Hudes being our Chair?
4 Congratulations. Any opposed? Seeing none, Mr. Hudes you
5 are the Chair, and I hereby turn the meeting over to you
6 for the election of Vice Chair and our remaining items.

7 CHAIR HUDES: Thank you, Ms. Prevetti. I'd like
8 to hear the next item, which is nomination and election of
9 a Vice Chair. Are there nominations? Yes?

10 MAYOR SPECTOR: I don't have any.

11 CHAIR HUDES: Oh, I'm sorry. I saw...

12 MAYOR SPECTOR: I thought you were looking at me.

13 CHAIR HUDES: I saw a light turn on, that's why I
14 was. Perhaps I could make a nomination of Council Member
15 Sayoc as the Vice Chair.

16 MAYOR SPECTOR: Second.

17 CHAIR HUDES: Let's call the item. All in favor?
18 Opposed? It looks like it was unanimous. Thank you.

19 The second item on the agenda today is the
20 Approval of Minutes from October 28, 2015. Has everyone had
21 a chance to review the minutes? I actually was not at that
22 meeting.

23 Commissioner Hanssen.

24
25

1 COMMISSIONER HANSSEN: I would like to propose to
2 approve the minutes from October 28, 2015, and I was at the
3 meeting.

4 CHAIR HUDES: Thank you. Vice Mayor Sayoc.

5 VICE CHAIR SAYOC: Actually, I caught a couple of
6 errors. The first was that under Item 3 it says that I had
7 recused myself. Well, two errors. First it says "Chair
8 Marico Sayoc." I wasn't the chair, and I didn't recuse
9 myself. Then when it comes to the end where it says,
10 "Motion passes," again, I did not recuse myself, and I was
11 part of the motion that passed it.
12

13 COMMISSIONER HANSSEN: So I could amend my motion
14 to approve the minutes with the changes that you suggested.

15 VICE CHAIR SAYOC: Okay, and I'll second the
16 motion.

17 CHAIR HUDES: With that amendment and second,
18 I'll call the question. Those in favor? Opposed? Passes
19 unanimously. Thank you.

20 MAYOR SPECTOR: And I'm going to abstain, and I
21 think you have two abstentions.

22 CHAIR HUDES: Okay, let the record show that.

23 LAUREL PREVETTI: For our records, who was the
24 second abstention?
25

CHAIR HUDES: I am.

1 LAUREL PREVETTI: Okay, thank you.

2 CHAIR HUDES: Okay, so Item 3, which is the North
3 40 Specific Plan Amendments. Do we have a Staff Report on
4 this, or do we go to public comment?

5 JOEL PAULSON: Staff doesn't have anything to
6 add. As noted in the memorandum, tonight we're here to
7 discuss the suggestions that the Town Council proposed, and
8 so we'll walk through those. We don't have a set process,
9 so you're free to come up with a process, or we can walk
10 through that, or your other Commissioners may have
11 suggestions.
12

13 CHAIR HUDES: Thank you. Yes, comment, Mayor?

14 MAYOR SPECTOR: Thank you. Question of Staff.
15 From what I hear you say—we have pages of issues here—
16 you're going to walk through each issue one-by-one, and are
17 you looking for this Committee to make motions on each one,
18 or are you going to have the community testify first? What
19 is your concept here?

20 LAUREL PREVETTI: We are making copies of this
21 Staff Report now for the members of the community, so we do
22 want to make sure that everybody has something to follow
23 along, because there are a lot of suggestions and we also
24 have cross-referenced the document. So Staff is making
25

1 those copies and as soon as they're available, they'll be
2 in the chambers.

3 We do have one public comment card on this item,
4 so you may want to take public testimony now, and then I
5 would suggest that we work through them by category. For
6 example, Attachment 1 identifies 13 items in the
7 Residential category; I would suggest we work through
8 those. We tried to group them close together.

9 Really what we're looking for is do you agree
10 with these suggestions moving forward as formal amendments
11 to the Specific Plan? If your answer is yes, then Staff will
12 do the additional work in preparation for formal hearings
13 before the Planning Commission and Town Council in terms of
14 converting the suggestions into actual redline language, so
15 really what we're looking for is your expertise as our
16 General Plan Committee of do you agree that these items
17 should move forward?
18

19 A lot of them work well together, but you'll see
20 some of them may create a little bit of tradeoff, so you
21 might have some choices to make if one idea seems stronger
22 than another.

23 CHAIR HUDES: Yes, Commissioner Hanssen.

24 COMMISSIONER HANSEN: I reviewed a couple of
25 times the Town Council meeting from September 27th when all

1 these ideas were presented by the public. What I wondered
2 is, especially given Vice Chair Sayoc's comments at that
3 meeting about making sure that we continue to take public
4 input, I'm assuming we're not limited to the suggestions
5 here, that there could be others that may not have come up
6 in the pick up comments or in that meeting that could be
7 added, as long as they don't force an EIR change or a major
8 rewrite of the plan?

9
10 LAUREL PREVETTI: Yeah, and we want to make sure
11 that we can have a package of ideas that ultimately go
12 through a public hearing process, and clearly the policy
13 document has a lot of interactive pieces to it, so it's
14 very possible that even as a General Plan Committee you
15 will see ideas that then lends itself to a companion idea
16 or a companion change.

17 I think we would just caution, we did a fair
18 amount of outreach before the September 27th Council
19 meeting, we received a lot of input from the community. The
20 Council considered it carefully and I think did a good job
21 of going through it, and so you have a fairly comprehensive
22 list of idea, so we aren't expecting a lot more new
23 suggestions and I think we need to respect the process that
24 the Council started by bringing forward these specific
25 suggestions.

1 So I'd say our first order to business is really
2 working through what we have, and then if there's something
3 that in the course of the conversation comes up that's
4 really urgent or ties a couple of these pieces together,
5 then I would say that would make sense, but I would caution
6 about not reopening as if this were a brand new process,
7 because we already have a good list to start with.

8 CHAIR HUDES: Thank you. I think that makes a lot
9 of sense, and having read the Staff Report and the
10 organization, to me, it puts a number of issues into
11 categories that will allow us to go through them.
12

13 The one thing that I might suggest though is that
14 since the General Plan Committee hasn't met in quite some
15 time maybe allowing a little bit of time before we dive
16 into those specific areas to see whether any of the members
17 of the Committee have any overall comments or suggestions
18 about direction as well. Does that make sense?

19 Yes, Commissioner Erekson.

20 COMMISSIONER EREKSON: As I've thought about and
21 read the Staff Report and watched the video of the Council
22 meeting I was trying to wrap my head around at how I should
23 think about what we're about, and it caused me to have
24 three broad questions that it would be helpful if I had
25 some better understanding of.

1 The first question is I read the suggestions that
2 are here and listened to the tape and it seems to me they
3 are answers, and what I was trying to understand is what
4 was the question, or what was the problem trying to be
5 solved? I thought to myself that in the past when I've
6 taught university classes I always gave an admonition to
7 the students who were at an exam moment to take adequate
8 time to understand the question that they were attempting
9 to answer before they tried to answer it. It seems to me we
10 have answers, and I'm not clear what the question or the
11 problem being solved is. That was the first one.

13 The second—and I'm not referring to the Vision
14 Statement or the Guiding Principles—but in the current
15 Specific Plan there are some underlying assumptions or
16 concepts that helped inform and direct the specifics of the
17 Specific Plan.

18 The biggest example of that is that the Specific
19 Plan includes three districts. At least my understanding of
20 the concept, that was very intentional, because the concept
21 underlying those districts, and as reflected in the name of
22 the middle one, is that the Lark District was conceptually
23 intended to be primarily residential, and the Northern
24 District was intended to be primarily commercial, and the
25 middle district was named the Transition District because

1 it was to be the transition between primarily residential
2 and primarily commercial.

3 That's an underlying assumption concept—not
4 saying whether it's right or wrong—and there are other
5 examples of those kind of underlying assumptions, so if we
6 understand what the question or the problem trying to be
7 solved is, it would help us understand, I believe, whether
8 we would need to reexamine what some of those
9 assumptions/underlying concepts are, which then would help
10 us, help inform at least me, what the appropriate answer
11 might be. That's the second thing.

12 The third thing is there is pending litigation
13 with the Town, and what I was also trying to understand is
14 depending upon what the outcome of that litigation is, and
15 let's just make it simple for the moment, either the Town
16 prevails or the Town doesn't prevail.

17 If the Town doesn't prevail, then the most likely
18 outcome of that is that the court will direct the Town to
19 allow the developers to develop as their application was,
20 so then that means that the Town is limited—I believe; Mr.
21 Schultz can correct me on this—in how it can modify the
22 Specific Plan and how we would think about it, because 40%
23 or so of the whole Specific Plan area is not up for
24 revision. Then if I were going to think about that
25

1 conceptually I would say what do I want to accomplish in
2 the large part, but I've got a subset of it that I don't
3 have any say over.

4 If the Town prevails in it, then the whole thing
5 can be rethought.

6 So if we understand what the question is that
7 we're trying to answer, then do we need to reexamine any of
8 the underlying assumptions, and once we do that, then are
9 we going to prepare two different ways to go about it? A
10 Plan A, assuming that the Town prevails, a Plan B, assuming
11 the Town doesn't prevail? Because I would proceed
12 differently in my thought process depending upon whether
13 the Town prevailed or the Town didn't prevail.

14 So those are my kind of broad questions that I
15 was trying to image how to go about the process that were
16 conundrums for me.

17
18 CHAIR HUDES: Commissioner Erekson, I find that
19 very helpful. I would suggest maybe we take the public
20 input first, because I think there are going to be follow
21 up questions to Staff on this, and maybe other members of
22 the community have other similar kinds of concerns as well
23 that are broader, and then proceed from there if that's
24 okay with you.
25

1 At this point I'd like to open the hearing to
2 public comment. I have two cards here at this point, and
3 certainly would like to hear from the public. I believe we
4 have three minutes, is that correct? Yeah, three minutes.
5 The first member of the public is Mr. Morimoto. And just
6 please state your name and address.

7 EDWARD MORIMOTO: Good evening, my name is Ed
8 Morimoto and I live at 460 Monterey Avenue.

9 I'm here to ask you to take great care in
10 addressing this daunting task entrusted to you by our Town
11 Council, one that is made even more difficult as the
12 outcome of the pending lawsuit could dramatically impact
13 the scope and context of the problem. Many, if not all of
14 you, were heavily involved in the creation of the Specific
15 Plan as well as the Housing Element, which has a critical
16 dependency, so I am probably preaching to the choir when I
17 talk about how incredibly complex it is.

18 The complexity I speak of is more than its sheer
19 scope and volume, but of the dozens, perhaps hundreds, of
20 decisions it took that were not simply black or white, but
21 balance across various shades of gray. I would posit any
22 responsible amendment to the Specific Plan calls for full
23 consideration of all the facts and inputs that went into
24 these gray decisions, a burden that you bear that does not
25

1 encumber the critics of the plan. Building, or even fixing,
2 something has always been more challenging than tearing it
3 apart.

4 It is easy for critics to attack the size,
5 location, and density of the North 40 housing when they
6 don't have to provide an alternative for the 270 housing
7 units for our RHNA requirements. Their objections are not
8 tempered with the responsibility borne by the School
9 District to decide between the certainty of an
10 unprecedented subsidy for a modest amount of student
11 generation versus the risk of having those students come
12 without any funding whatsoever, and it is a luxury that
13 those who assume that further prescription on the North 40
14 housing will pass muster with California HCD, as they are
15 unlikely to be held responsible if it doesn't.

17 The housing shortage in the Bay Area has reached
18 crisis levels, and I believe that the housing component of
19 the North 40 Specific Plan is a balanced and responsible
20 way to shoulder our fair share of the solution.

21 It is also not difficult to generate concern that
22 the North 40 commercial allowances will kill the downtown
23 when most haven't read the three independent studies to the
24 contrary. Why not call for reductions when you have the
25 luxury of not being responsible for addressing the 7.8%

1 decrease in Q1 sales tax receipts while the Town faces over
2 \$30 million in unfunded pension liabilities? Who is
3 challenging them on how limiting Town revenue from the
4 North 40 will help solve the parking and traffic issues
5 plaguing the downtown?

6 Like my neighbors, I too cherish our downtown. I
7 appreciate how we all want to protect it, but I also
8 acknowledge that there are those who have vested interests
9 in avoiding competition of any kind. But I have to ask, as
10 there is not yet a wall around our town, is it smart to
11 level the playing field by making the North 40 and our
12 downtown equally ill equipped to compete, or should we be
13 focusing our efforts on helping our downtown be more
14 vibrant?
15

16 The North 40 Specific Plan is a compromise, and a
17 compromise never feels great. Nobody really gets what they
18 want, and everyone thinks that somebody else did. Outrage
19 by those whose understanding of the end result is through
20 the lens of a narrow sliver of all the work is
21 understandable, and addressing those concerns is a
22 political necessity. However, just because a group of
23 citizens have objections doesn't mean that we all do, nor
24 does it mean those objections are correct.
25

1 I hope and trust this Committee will consider the
2 full measure of the facts if changes to the Specific Plan
3 are made, and not just vocal opinion. Having a good North
4 40 plan is important, but gilding the lily or chasing after
5 public approval is folly our Town can hardly afford.

6 CHAIR HUDES: Thank you very much. Are there
7 questions? Okay, thank you. The next and the only other
8 card I have is for Maria Ristow.

9 MARIA RISTOW: Hi, Maria Ristow, 85 Broadway.

10 I think Commissioner Erekson and Mr. Morimoto
11 essentially captured what was going on in my head. I did
12 give some input for amendments potentially to the Specific
13 Plan, but I really do not understand how you can look at
14 amendments to one specific plan at this point, because with
15 the lawsuit looming over our heads the only amendments I
16 could possibly suggest that would make sense regardless of
17 the outcome would be to increase the amount of housing, or
18 to increase something.

19 For example, you decide there was some concern
20 about spreading the housing out, if you decide that you're
21 going to take the 270 and do 90 units Lark District, 90
22 units Transition District, 90 Northern District, that
23 doesn't hold and you can't even accept any applications or
24 do anything with applications for the Northern District
25

1 until the lawsuit is settled, because if the lawsuit goes
2 in the direction of the developer, then you don't have 90
3 units in the Northern District, so if you want to encourage
4 housing there, the only thing that makes sense at this
5 point would be to increase the amount of housing total.

6 If you don't want to do that, you almost have to
7 come up with two sets of amendments—like Commissioner
8 Erekson said—if the Phase 1 application goes through as it
9 is, or if it doesn't.

10 Anyway, I don't envy your task. Thank you.

11 CHAIR HUDES: Thank you. Any questions? Okay, the
12 next speaker is Jan Olsen.

13 JAN OLSEN: Hi, I'm Jan Olsen. I live on Lester
14 Lane, directly behind the Office Depot, which is directly
15 across the street from the North 40. I'm directly impacted.

16 I'm sorry I missed the beginning. I thought the
17 meeting was at 7:00, not 6:00. I will go back and look at
18 it online.

19 Some of the things I would like to see mentioned
20 and brought up in the Specific Plan; I think this project
21 should be a green project. There should be LEED
22 certifications, alternative energy uses, things like
23 pervious pavement, low water use, using trees and plants
24
25

1 for shade, and the sprinkler system should be moisture
2 regulated.

3 If we're going to build this from scratch, we
4 should make Los Gatos a showcase for environmentally sound
5 development. I haven't been hearing that. You know, we have
6 a drought and everything else. I really would think here's
7 our opportunity. Solar. I mean there are so many things we
8 could be doing.

9 On a personal level, I'd like to make sure this
10 mitigation for dirt gets thrown up into the air. I'm kind
11 of concerned about this going on for four years. I think
12 that there should be a park or playground for the
13 residents. Trying to have the kids cross Los Gatos
14 Boulevard to get to Live Oak Park is really dangerous. They
15 should have a place to play, and green space should not
16 include back yards and parts of parking lots.

17 I'm very concerned about what the new Samaritan
18 Drive project will do to the area's traffic. I don't think
19 it was considered when the traffic study was conducted; I
20 think that was 2013. I want to make sure that that whole
21 new development is addressed as part of the traffic in the
22 EIR.

23 It would be great if there was housing for
24 developmentally disabled adults. There are needs out there,
25

1 unaddressed needs, for our citizens. Developmentally
2 disabled adults, there are a lot of kids on the spectrum
3 that just can't live anywhere. Or housing for the active
4 over 55; a move-down place, one level, that should include
5 universal aging in place design, showers and doorways wide
6 enough for walkers and wheelchairs, because stuff happens
7 like knees and hips and things we don't really plan on
8 happening.

9
10 I appreciate this. I appreciate your time. I
11 appreciate your consideration. Thank you.

12 CHAIR HUDES: Next speaker is Sandy Decker,
13 followed by Rod Teague and Tom Spilsbury.

14 SANDY DECKER: Sandy Decker, Glen Ridge, Los
15 Gatos.

16 I don't think we're here to decide whether this
17 decision should have been made. It was made by three
18 Council members who had the vision and courage to listen to
19 the community and give this community the chance to make
20 this huge site what we hoped it would be.

21 I'm confused right off the top. If you look at
22 1.5.3 of the Specific Plan, on page 1-9, it states two or
23 three times, "The Specific Plan standards and guidelines
24 supersede the existing Los Gatos Commercial Design
25 Guidelines and development of the Specific Plan area." It

1 also states over and over that the Specific Plan for this
2 particular site supersedes the General Plan.

3 What we're being asked to do tonight is a little..
4 I really don't quite understand. Unless you are ready as a
5 General Plan Committee to tell us where the Specific Plan
6 does not meet General Plan requirements, I can't see,
7 frankly, why we're here. And if in fact the Specific Plan
8 does supersede General Plan requirements, it seems to me
9 the first meeting should have been Planning Commission, the
10 second one should have been Planning Commission, and then
11 if there were any leftover problems, possibly that could
12 have come from General Plan ideas that didn't fit what had
13 come out of Planning Commission, but this effort I just
14 find very difficult.

15 For instance, if you start talking about—and
16 we're all for it, of course—spreading the housing
17 population over the whole 40 acres, which I think everyone
18 expected and wants, we have already committed a great deal
19 of time and effort into laying out in the proposal of the
20 Specific Plan the various ways on the 40 acres that these
21 things were being laid out. Now, that's not a General Plan
22 problem as far as I can see, that's a problem within the
23 Specific Plan where we just state the two or three places
24 that it says housing has to be over commercial in such-and-
25

1 such an area, and on and on and on. If we've made the
2 decision that in fact we're going to spread it out, we
3 spread it out. If you're asking us today to tell you how
4 you want that spread out, that's one thing, but that feels
5 like a Planning Commission conversation.

6 So I guess you need to help me help you, because
7 I don't know what to do.

8 CHAIR HUDES: Thank you. Any questions? Okay,
9 thank you. The next speaker is Rod Teague.

10 ROD TEAGUE: Thank you. I didn't realize there
11 were going to be public comments, so I threw together some
12 quick comments.

13 I had hoped that Grosvenor would have hung in
14 there and saw that there were some compromises to be made,
15 and I hope moving forward, whatever those changes are, that
16 we simply defer to the Vision Statement of the Specific
17 Plan and the Guiding Principles for whatever changes are
18 made. That's the foundation, that's our goal. It was
19 created to prevent discord in the community, and any change
20 that does occur, you have to ask that simple question: Does
21 this comply with our vision and where we're going?
22

23 It was almost as if we were writing a screenplay
24 about the Vietnam War, and somehow in the process it turned
25 into World War Two, because the outcome, reading the

1 Specific Plan Vision Statement and Guiding Principles
2 paints a picture that conforms to the community, and in the
3 end what we got was a lot of row housing and things that
4 obviously were in contrast to what the community is about.
5 I think that's why so many community members were up in
6 arms; I think their vision was that their town would only
7 allow something with things conforming, like open space and
8 housing that conforms to the community.
9

10 I guess that's it. Just please ask that question:
11 Does this comply with our vision and where we're going and
12 how we're going to get there? Thank you.

13 CHAIR HUDES: The next speaker is Tom Spilsbury
14 followed by Woody Nedom.

15 TOM SPILSBURY: Good evening, Commission. This
16 project started out as the North 40. It's not the North 40;
17 it's the North 20. The grand vision started out as the
18 North 40; the pared down vision is the North 20. We don't
19 have what we started out with. We started with a big piece
20 of property that went from Lark Avenue to 87, from Bascom
21 to Highway 17, and what we really have is a lot of more
22 undeveloped land that is on Oka Road. All around there,
23 there are 60 to 70 acres of undeveloped land in East Los
24 Gatos that's going to come to the fruition of development
25 sooner or later.

1 Grosvenor started out with the North 40 but they
2 ended up with the North 20, and it's not what the Specific
3 Plan stated. Jamming all the houses into 20 acres is not
4 what anybody ever talked. I was on the committee originally
5 seven or eight years ago when Grosvenor showed up for the
6 first time with their Berkeley architect and told us how
7 neat he was. He's not that neat. We're sitting here today
8 because there are issues.

9
10 The biggest issue is traffic. We haven't solved
11 the traffic issue. We have properties on the east side of
12 Los Gatos Boulevard that still go out 30' to 40' into the
13 right-of-way; we haven't even figured out how to deal with
14 that. We have an intersection at Burton, where the
15 Starbucks is, that's the biggest nightmare of an
16 intersection that we have in the Town. Traffic is our
17 issue.

18 Streets are our issue; nobody has dealt with
19 that. Ten million to deal with that is a nice number, but
20 it's clearly not enough to deal with that.

21 We really need to probably form an Assessment
22 District for those properties that are around Los Gatos
23 Boulevard between Lark and 87, whether it's a popular
24 decision or not. Somehow the traffic issues have to be
25 solved before you start putting buildings on there with

1 people, because once you put buildings with people, you
2 can't go back and change what you're doing. I urge you all
3 to look at the traffic issues and think about how we can
4 deal with them in a productive way versus how we've dealt
5 with them, because that's what the issue is: traffic.

6 CHAIR HUDES: Thank you, Mr. Spilsbury. I'm
7 sorry; we have a question, if you don't mind coming back.

8 TOM SPILSBURY: I don't know. Yeah, I've got
9 enough time.

10 COMMISSIONER HANSSEN: Just a simple question.
11 I'm sure you meant 85, but you said 87.

12 TOM SPILSBURY: You know, it could go all the way
13 to 87. No, no, you're right. I get them confused all the
14 time. I've only lived here since 1962 and I still can't say
15 that right.

16 COMMISSIONER HANSSEN: That's fine. I just wanted
17 to make sure I heard you right.

18 TOM SPILSBURY: And I still call it Bascom
19 instead of Los Gatos Boulevard. I don't know; I'm screwed
20 up.

21 COMMISSIONER HANSSEN: It's fine.

22 CHAIR HUDES: Great, thank you. Woody Nedom, and
23 I think we have another card as well.
24
25

1 WOODY NEDOM: Good evening, everyone. My name is
2 Woody Nedom; I live on Azalea Way in Los Gatos.

3 I wasn't intending to say anything, but I'm glad
4 you guys are a little puzzled about how to proceed tonight,
5 because I certainly share that puzzlement. I don't really
6 know if we're just wandering in the desert or what's
7 happening, but in regard to that I think the best way to
8 proceed is to determine how the development does not comply
9 with the Specific Plan.
10

11 I recall at a meeting where everyone was up in
12 arms, the place was packed with people, they were
13 complaining about traffic, this and that, and the Town
14 Attorney said, "It's too late for that. The Environmental
15 Impact Report has been approved. The only issue is does it
16 comply with the Specific Plan?" Now, if I'm wrong in that,
17 I stand corrected, but isn't that the issue? How does this
18 development not comply with the Specific Plan?

19 I think there are lots of ways. I don't think the
20 Town is going to lose this lawsuit. I mean if you look at
21 all the meetings that led up to the Specific Plan you'll
22 see how this development does not comply with the Specific
23 Plan. It doesn't spread housing over the full development.
24 The units are way too large; they violate the appendix of
25 our own Specific Plan, which talked about smaller units.

1 We're here to meet the unmet needs of Los Gatos,
2 not the needs of families. We're here to mitigate the
3 impact on schools. These units don't do that. They have
4 three-bedroom units; they have two-bedroom units with a den
5 that could be turned into three bedrooms. Those are magnets
6 for families. They don't comply with the hours and hours
7 and months and months of talk that went into developing the
8 Specific Plan, and Mr. Capobres gets up here and says it
9 complies with it.
10

11 It does not comply with the Specific Plan. The
12 housing is not spread out, the units are too large, the
13 whole thing doesn't reflect the Town of Los Gatos, and
14 that's what I think people are saying.

15 Tonight, I think the people who have spoken here,
16 it's sort of like the thing is upside down. How can the
17 public comment on something when they don't know what it is
18 they're commenting on? It seems to me that there has to be
19 some sort of an idea as to how to proceed, and then maybe
20 some input from you folks, and then the public should be
21 able to talk about it, because the public, after all, they
22 are Los Gatos.

23 Thanks so much; I appreciate your time and all
24 the effort that's going into this thing.
25

1 CHAIR HUDES: Thank you, Mr. Nedom. The next
2 speaker I have is Diane Dreher, and that is the last card,
3 so if there's anyone else who would like to speak.

4 DIANE DREHER: Thank you, and good evening. I
5 came here actually just to show support, but like my
6 colleague Mr. Erekson, I also am a college professor, and
7 an idealist. I grew up watching a young president with the
8 vision and courage to say that we could put a man on the
9 moon and bring him back safely to earth. I believe that we
10 need to really affirm our ideals, or they will not happen,
11 and when we do, they do happen.

12 I've been to a number of meetings in which a lot
13 of Town neighbors said in many, many ways that the
14 Grosvenor plan did not coincide with the Specific Plan, and
15 I was here when the members of the Town Council voted to
16 that effect. I would like to see us affirm our vision of
17 what is possible for our community here in Los Gatos, and
18 have the courage and the ideals to really put those visions
19 forward. Therefore, I support the Town Council suggestions
20 for potential amendments to the Specific Plan, specifically
21 that housing should be spread across all three districts,
22 and require smaller, more affordable units.

23 One of the things I heard was that the one-
24 bedroom condominiums would start at something like \$900,000
25

1 to \$1.5 million, which would involve a house payment of
2 \$4,500 or \$6,500 a month. That is not affordable. There are
3 a lot of professionals in the area who could not afford to
4 live here. I would like us to have smaller, more affordable
5 units to welcome more people into our community.

6 Also, to provide senior housing at the ground
7 level, for obvious reasons, and many more really well
8 thought out suggestions.

9 I therefore suggest that we not surrender to
10 lawsuits or to what could possibly be a very crowded North
11 40, but really look to what is best for our community and
12 work together to make it happen. Thank you.

13 CHAIR HUDES: Thank you. That's the last comment
14 card that I have, so at this point I think it would be
15 valuable to hear from the Committee Members if they have
16 additional comments in terms of the general direction that
17 we're going, and then when that's done we'll proceed to go
18 through the structured sections as provided by the Town
19 Council and Staff. Would anyone like to make any general
20 comments about the process that we're following?
21

22 COMMITTEE MEMBER BARNETT: I have one question,
23 directed to Mr. Schultz, and that is this being an open
24 meeting I have concerns about what can be said and what
25 cannot be said, and do not want to prejudice the Town's

1 position? So I'd be interested in comment from you about
2 what might be wise to say or not say.

3 ROBERT SCHULTZ: You can say anything you want.
4 The lawsuit that was filed deals with a writ of mandate,
5 and so nothing that is said in this meeting can be
6 introduced into the record. A writ of mandate has to do
7 just with the administrative record, which is now closed;
8 it closed on September 6th. Anything that is said or done,
9 or changes made in any way, shape, or form won't have any
10 effect on that litigation whatsoever.
11

12 CHAIR HUDES: Thank you. I had those exact same
13 questions. Yes, Commissioner Hanssen.

14 COMMISSIONER HANSSEN: I had a question and a
15 comment.

16 My question is about the litigation that was
17 brought up. Since there is litigation on the table as we're
18 going through this process, I understand that the
19 litigation is relative to the existing version of the
20 Specific Plan and that's what standard the lawsuit will be
21 held to. So supposing we go through this process and we do
22 amend the Specific Plan, it would only apply to future
23 projects, but if we lose the lawsuit, where does that leave
24 our Specific Plan?
25

1 ROBERT SCHULTZ: If we were to lose the lawsuit
2 and the court would say that it did comply with the
3 Specific Plan and order the Town to implement the
4 application by the Specific Plan, it was be the old
5 Specific Plan that was approved that that application would
6 be able to be approved under.

7 COMMISSIONER HANSSEN: So we would proceed
8 forward with the old plan even though we'd revised the
9 current plan?
10

11 ROBERT SCHULTZ: Correct.

12 COMMISSIONER HANSSEN: Okay.

13 ROBERT SCHULTZ: And that would only apply to the
14 application that's in. The plan could be revised or
15 amended, and then any future applications would have to
16 comply with the plan as ordered.

17 COMMISSIONER HANSSEN: The revised plan.

18 ROBERT SCHULTZ: Correct.

19 COMMISSIONER HANSSEN: Then my comment is I was
20 looking through this, and we spent a lot of time on this
21 obviously this summer on the Planning Commission, and this
22 goes to some of the suggestions that came up that we have
23 in pipeline, I think it makes a lot of sense to look at the
24 Guiding Principles. I wondered if there wasn't a disconnect
25 in the existing plan between the Guiding Principles of the

1 look and feel of Los Gatos and the table that's in 6-14.
2 Also, in the Residential Guidelines it talks about only
3 multi-family housing and then the sizes of the houses are
4 1,000 to 2,000 square feet, and we saw a lot of that in the
5 proposal that we got, so I think it makes sense to look at
6 this in the context of does it fit with the Guiding Vision,
7 because I wondered if that table... It was a reference table,
8 it wasn't a mandated table, but when we heard a lot of
9 comments from the public it didn't seem like it met their
10 vision of what the Town was like, but this was the table
11 and the housing types that we had permitted in the Specific
12 Plan.
13

14 CHAIR HUDES: Thank you. Mayor Spector.

15 MAYOR SPECTOR: Thank you. One question, and then
16 possibly a comment.

17 The question is I should know, but remind me as
18 to why this is coming before the General Plan Committee.

19 LAUREL PREVETTI: A specific plan is essentially
20 a more detailed document that helps up implement our
21 General Plan, so typically a specific plan amendment could
22 affect the General Plan, so it's really important that it
23 has to be consistent with the General Plan.
24

25 You are the General Plan Committee, and you are
kind of the keepers of that long-range vision, so because

1 the Specific Plan is part of our General Plan, that's why
2 it's before you first, for your comments regarding the
3 suggestions before us. Depending on your deliberations the
4 public will certainly have more opportunities to comment
5 after the fact, because we will then go to Planning
6 Commission for formal public hearings. That will be noticed
7 and televised, et cetera, and then based on that
8 recommendation we would then go to the Council for final
9 decision. Again, another opportunity for the public.
10

11 The great thing about the General Plan Committee
12 is that it is a mix of Planning Commissioners, Town Council
13 members, and members of the public, so kind of the keepers
14 of our vision. You have the ability to go through these
15 ideas, understanding our land use framework, and can really
16 sort through the suggestions to determine which ones should
17 move forward and which ones shouldn't.

18 It's very possible for communities to consider
19 this process in parallel with a lawsuit, because specific
20 plans can be changed, and then they can be changed again,
21 et cetera, so the fact that there is a lawsuit, it will
22 proceed on its own path, and really, I think based on the
23 motion that Council made to deny the applications, that was
24 really to Commissioner Erekson's point. Clearly the
25 application didn't meet the expectation of what the

1 Specific Plan would deliver, so what do we need to do to
2 clarify the rules, particularly the objective criteria, to
3 make sure that the next application does in fact meet the
4 community's expectations?

5 CHAIR HUDES: Yes.

6 MAYOR SPECTOR: And follow up then with a couple
7 of comments.

8 First of all, I agree with Commissioner Hanssen,
9 various comments she made. With regard to what is the issue
10 that we're dealing with today, the issue that we're dealing
11 with today in view is should we amend the Specific Plan,
12 and if so, how?

13
14 With regard to how can you have one Specific Plan
15 with an application pending in litigation, that
16 application, as has been said by a couple of our Committee
17 Members here, is going to be evaluated under this current
18 Specific Plan and any amendments to the Specific Plan. Any
19 *future* applications would be considered under whatever
20 Specific Plan is in existence at that time.

21 So for me, I see the issues at least on a very
22 broad level, very clear cut. Let me get into these four or
23 five pages here, maybe not so much.

24 CHAIR HUDES: Thank you. Other Committee Members?
25

1 I had a question of Staff related to that, and
2 that has to do with the timing of this. Is there any
3 deadline or timeframe either that's been suggested by
4 Council or by the possibility of an application coming in
5 where there may be work ongoing for someone to actually
6 submit an application? And maybe also clarify what the date
7 is when they submit the application, as when it's complete,
8 what is the trigger event for which Specific Plan would
9 apply?
10

11 JOEL PAULSON: I don't know if there's a hard and
12 fast deadline of when this work needs to proceed. We
13 proposed to the Council a fairly aggressive schedule to try
14 to get this moved through the process prior to any further
15 applications being filed.

16 From a timeline perspective, it can go rapidly,
17 or there may be instances where we may not get through the
18 General Plan Committee's discussion in one meeting, or the
19 Planning Commission, or the Council, but those are some of
20 the lofty goals that we put forward.

21 In relation to an application if one is filed,
22 typically it's going to be the deemed-complete-by that's
23 going to be the arbiter of which Specific Plan it's under.
24 There are some other specifics there, but generally that's
25 what we would use for the tool. Obviously we'd also let any

1 potential applicant know that we're considering potential
2 Specific Plan amendments, and that's something that we
3 would bring forward to whatever bodies are reviewing the
4 potential amendments at that time.

5 CHAIR HUDES: Then I would also ask if you do
6 know of an application coming, would you also inform the
7 Committee so that we understand what kind of timeframe
8 we're working under?
9

10 JOEL PAULSON: We're not aware of any pending
11 applications, but if one is filed, then we will definitely
12 let both the public, as well as decision makers, know that.

13 CHAIR HUDES: Good. Yes, question, Commissioner
14 Erekson?

15 COMMISSIONER EREKSON: I think the Mayor in her
16 comments a moment ago asked the first right question, which
17 is should we amend the Specific Plan? The Council voted to
18 deny an application, and without getting into all the
19 detail of why they did, what underlay that decision was
20 that an application didn't meet the Specific Plan. That
21 doesn't necessarily mean the Specific Plan is wrong. That
22 wasn't part of their conclusion. Their conclusion, as I
23 understand it, was that a particular application didn't
24 meet the Specific Plan.
25

1 So the question seems to me still to be open:
2 Should the Specific Plan be amended? Because presumably if
3 a different application had come forward, the Council would
4 have approved that application and presumably we wouldn't
5 be here. So the fact that a particular application was not
6 approved doesn't seem to me to bear necessarily in any
7 relationship to whether the Specific Plan needs to be
8 amended, so the first question is should we amend the
9 Specific Plan, and the only reason why one would is if
10 there—maybe this isn't the right noun—were deficiencies in
11 the Specific Plan, or if we wanted to rethink what the
12 Specific Plan was, because there was no decision made that
13 the Specific Plan itself was not correct.

15 LAUREL PREVETTI: Mr. Chair, if I may? I think
16 that's a very fair point, and I would say that you don't
17 only need to look for deficiencies, because we're not
18 passing judgment one way or the other, it's really are
19 there places that need to be clarified? Is there language
20 that maybe reads more subjectively and you'd like to make
21 it more objective? It's really more are there ways that we
22 can clarify the intention so that way anyone looking at the
23 table of housing types, if that table doesn't reflect the
24 vision, are there some specific changes that can really
25

1 make sure, again, that if a development application comes
2 in we all know what that possible result might be?

3 ROBERT SCHULTZ: I'll just follow up. I think
4 clarification is the issue, because certainly the Applicant
5 believed, and still believes by the lawsuit, that their
6 application met the objective standards of the Specific
7 Plan, and even Staff's recommendation was that it met those
8 objective standards, and Council disagreed with that and
9 said it did not. So that's what I think the main purpose
10 would be is where can we provide clarifications, because we
11 don't want to rewrite the whole plan and have an EIR and go
12 through the Housing Element again. But where are there
13 clarifications so that if another application come in it
14 would be much more, I don't know if the word is easier, but
15 it would be able to be addressed by a Specific Plan that's
16 easier to understand through clarifications.

18 CHAIR HUDES: Commissioner Hanssen.

19 COMMISSIONER HANSEN: Just to give a specific
20 example relative to Commissioner Erekson's comments, I
21 think one thing that I've noticed in having gone through
22 the process is that—and I was on the Housing Element
23 Advisory Board as well—when we went through the process of
24 determining what types would be applicable for RHNA, and we
25 decided on placing some of that at the North 40, it made

1 sense from every perspective, but I think that from a
2 timing perspective, even though the Specific Plan got
3 approved after the Housing Element, a lot of the thought
4 process that went into it was not with the idea that every
5 housing unit had to be zoned at 20 dwelling units per acre,
6 because as you back into the numbers, that's the only way
7 that you could do the housing.

8
9 And I understand why to keep it to that number,
10 so that we didn't have a lot more housing than we wanted or
11 needed or could handle, but now we found out like, for
12 example, during the summer, if a decision was made to do
13 housing in the Northern District, because you have to zone
14 it 20 dwelling units per acre we had testimony from the
15 Applicant, and I think it was pretty valid, that with the
16 requirement to do a residential over commercial in the
17 Northern District, the only way you could get 20 dwelling
18 units per acre is to have units that are 500 square feet or
19 smaller, or they might have said 600, but that's an example
20 of how when one thing kind of came before the other it
21 didn't flow all the way through with the numbers, and so I
22 think there are other examples of things that we could
23 clarify and make in line with the Guiding Principles better
24 now that we know what we know.
25

1 CHAIR HUDES: If I might add my comments as well.
2 At the end of the work that the Planning Commission did on
3 the application I observed that this was really the first
4 test of the Specific Plan, and having been involved in the
5 creation of the Specific Plan and some of the other areas
6 along the way, I think there is some learning from going
7 through that test, the areas for clarification and,
8 frankly, also areas that working on the plan we were not
9 informed about, for instance, the impact of the buy right
10 law and the need to translate things such as the Vision
11 Statement into objective standards throughout the plan, and
12 so when faced with an application after learning that, it
13 became more challenging.

15 I actually went back to the hearings of the
16 Planning Commission as well as the Council's discussion
17 about why to look at the plan, and so just for my own sort
18 of direction from what the public cares about I tabulated
19 those comments, and I'll pass them to the rest of the
20 committee and can submit for the record. I wasn't going to
21 do this, but I think maybe it should be part of the record
22 for going forward.

24 During the Planning Commission hearings there
25 were several hearings where we took public input and we
 also accumulated a great deal of correspondence on the

1 application, and I think that that is informative about
2 where some of the issues or challenges may be. There were a
3 total of 500 unique comments between the emails and the
4 public testimony at those hearings. Four hundred and
5 eighty-five were against the application and 15 were for
6 the application, not including the Applicants themselves.

7
8 Then the Town Council, there were fewer, and I
9 only recorded the comments from the public hearing on
10 August 9th and I didn't go through the correspondence there,
11 but there were a similar number of comments or issues that
12 were raised, and I tabulated the issues into different
13 categories, and many of these map to the suggestions from
14 the Town Council in terms of areas in which the Specific
15 Plan can be improved. But I think notably there were some
16 that maybe didn't map, and so I would just add that for
17 information to the Committee Members. Commissioner Hanssen
18 raised the first one that I saw, which was the look and
19 feel as inconsistent with Los Gatos where we had 18% of the
20 comments falling into that category.

21 The other one was traffic, which was actually the
22 largest number of issues, that the traffic impacts were too
23 great.

24 I would just offer this as potential other input
25 to the Committee as areas in which we might look at the

1 Specific Plan and say is it objective? Does it need to be
2 clarified? Will it result in an improved type of a project
3 should another project come forward?

4 Given that backdrop, I think we should probably
5 move on to the areas that were suggested, because I think
6 that organization makes a lot of sense, and maybe walk
7 through those.

8 The first category is Residential, and the way
9 this has been organized I think is a good way to think
10 about it, but there aren't really a lot of answers here.
11 There is sort of this is where you could do something if
12 you wanted to do it, but there are not a lot of
13 suggestions, so I'm not sure how far we'll get just doing
14 this on the fly tonight, but I thought we'd give it a try
15 and walk through it and see whether we have some
16 suggestions relative to these particular points.

17 LAUREL PREVETTI: Thank you, Mr. Chair. I would
18 just say that I think really what we want to know is are
19 these suggestions useful to continuing the process? I
20 wouldn't worry about finding a specific solution to how we
21 would address it, but do you agree with the Council's
22 suggestion that this should be addressed in amendments? And
23 then again the full Planning Commission and Council and the
24 public will have opportunity to weigh in on those
25

1 specifics, because we may find that there are different
2 options for addressing them, so I think we just really need
3 your feedback of do you agree with the Council that this is
4 a suggestion that should in fact move forward?

5 CHAIR HUDES: Okay, thank you. Question? Yes,
6 Mayor.

7 MAYOR SPECTOR: Thank you. Following up on what
8 Staff just said, I'm just going to use this as an example
9 so that I have a better understanding.

10 Just looking at Residential, there's number one
11 and number two that is on Staff's report. And let's say
12 that I think that the housing units should be spread across
13 all three districts, but that I don't think there should be
14 a maximum density of eight units per acre, is that what
15 you're looking for? Are you looking for all of us to weigh
16 in on it with that kind of discreteness, or are you looking
17 for something more global?
18

19 LAUREL PREVETTI: What you just said would be
20 very helpful for us, so if there are ideas, and even if
21 it's priorities where of these 13 items the top three, for
22 example, are what the speaker raised, the units should be
23 spread across, smaller units, more affordable, and put the
24 senior at the ground level, if that's the consensus of the
25 group, these are the top three and the others are if we can

1 do it, that's great. Or this idea you don't agree with,
2 that would be helpful as well.

3 MAYOR SPECTOR: Thank you. Well, with that
4 direction, I'll kick it off and we'll see where we go.

5 I think the units should be spread throughout the
6 40 acres. I would like them to be smaller, and I would
7 prefer that the senior housing not be on the second or
8 third floor, and I can't remember what else you said, Ms.
9 Prevettti. Is that the three? Okay. I get three, that's it.
10

11 CHAIR HUDES: Well, why don't we look at the top
12 three points here, because there are a lot? There are 13
13 items in this section and the top three seem to go together
14 and I think your comments apply to that. Other comments on
15 those?

16 COMMISSIONER HANSSEN: I was just going to take
17 each one quickly.

18 In the Lark perimeter area setting the maximum
19 density of eight units per acre, what I understood from
20 watching the hearing was the intent to a) enable lower
21 intensity, which was the intent of the plan, and b) as it
22 stood during the process it didn't appear that even though
23 cottage clusters were a permitted type, since they required
24 a CUP and also because you couldn't make cottage clusters
25 achieve a twenty dwelling units per acre, it wasn't

1 possible to use them at all in any plan that was submitted.
2 So I don't know if eight units per acre is the right number
3 to make cottage clusters feasible, but it seemed like there
4 was a lot of interest in making that a feasible type, and
5 we had it in our plan as a desire with a limit of a certain
6 number of units, or a suggested number of units up to I
7 think 40 or 50.

8
9 On the housing units spread across all the
10 districts, I know we talked about this in the Planning
11 Commission hearings. It seemed to make a lot of sense in
12 terms of balancing out and coming up with the best plan we
13 can, knowing that it's going to be phased in over time, to
14 not try to digest everything, the housing, where all the
15 commercial or anything in one fell swoop, so to me it made
16 a lot of sense to spread the housing across the three
17 districts because of that.

18 And I did agree with the third point though,
19 especially if we're going to consider that realistically
20 there would be more housing in the Northern District, that
21 we need to decide if the neighborhood is what we want it to
22 be.

23 CHAIR HUDES: Thank you. Other Committee Members
24 on the first three? Vice Mayor.
25

1 VICE CHAIR SAYOC: Similar question of Staff with
2 regard to number one. Given our 20 units per acre Housing
3 Element requirement, number one couldn't even... I guess I
4 should ask you to clarify. Could number one even be a
5 possibility?

6 JOEL PAULSON: It could be a possibility, because
7 the perimeter zone, which is what is called for, is fairly
8 small, and so you still have plenty of acres left
9 throughout the rest of the plan area to accommodate that,
10 so that is possible.

11 VICE CHAIR SAYOC: We need 270, and it has to be
12 at 20 units per acre. That leaves us at 13.5, right? Which
13 is exactly...

14 JOEL PAULSON: Correct. You wouldn't be
15 accommodating any of the 20 units per acre requirements.
16 You have to accommodate those on 13.5 acres elsewhere in
17 the plan area.

18 VICE CHAIR SAYOC: But if we put a cap on
19 residential only at 270, how can you have an additional...
20 Let's say you did eight homes in the Lark perimeter area,
21 wouldn't you then go over your maximum ceiling of 270,
22 because you're still going to have to somehow build those
23 13.5?
24
25

1 LAUREL PREVETTI: I think that was one thought
2 that did come up in the Council discussion, and I think we
3 had testimony this evening, perhaps the total capacity of
4 the plan needs to be increased by some amount, and if the
5 goal is we do want a lower density perimeter and you just
6 give that as a goal, then we would say okay, therefore we
7 need to add ten more units to the plan, so now it's 280,
8 ten of which could be done at a lower density and the
9 remainder at the 20 units per acre.

10
11 The other answer is we could assume a density
12 bonus, but I don't think that would hold up in Housing
13 Element. I think they would want us to make sure that we're
14 planning deliberately for the 13.5 acres, so we shouldn't
15 rely on an expectation of density bonus.

16 CHAIR HUDES: Commissioner Hanssen.

17 COMMISSIONER HANSSEN: I had meant to ask
18 earlier, what is the amount of acreage in the perimeter
19 zone? I couldn't remember from our hearings, or find it.

20 JOEL PAULSON: We don't have that. It's the 50'
21 along Lark, that's all it is, so that's not going to be...

22 COMMISSIONER HANSSEN: It's not going to be
23 allowed?

24 JOEL PAULSON: No.

25 COMMISSIONER HANSSEN: Okay.

1 CHAIR HUDES: Other Committee Members on points
2 1, 2 and 3? Yes, Mr. Barnett.

3 COMMITTEE MEMBER BARNETT: I just wanted to voice
4 my support for the Mayor's position on the first three
5 items. There has been a lot of public comment about the
6 look and feel issue, and I think that distributing the
7 housing across the entire site would go a long way towards
8 achieving that, because Los Gatos isn't a cookie cutter
9 operation. If you look at any of the large shopping
10 centers, Whole Foods or Nob Hill, it's kind of nestled in
11 with the residential.
12

13 CHAIR HUDES: Maybe I could just add my comments
14 to that, that I am in support of doing something along
15 those three.

16 With regard to the second point, I'm not
17 advocating for this, but I'm suggesting maybe we think
18 about modifying Table 2-2 or 2-1 to include some
19 percentages to accomplish this. As an example, maybe 40%
20 residential in the Lark District, 30% in the Transition
21 District, and 30% in the Northern District. For hotel,
22 maybe 0% in the Lark District, 60% in the Transition
23 District, and 40% in the Northern District. For commercial,
24 maybe 15% in the Lark District, 35% in the Transition
25 District, and 50% in the Northern District.

1 And I use the word "maybe." I'm just not sure
2 we've done any analysis on this or whether those are the
3 right ones, but those are the ones that came off the top of
4 my head when I started trying to integrate the information
5 that we had.

6 Yes, Mayor.

7 MAYOR SPECTOR: I was flipping pages while you
8 were talking. I now have Table 2-1 and Table 2-2 in front
9 of me. Could you just tell me again what you said, so I can
10 follow you?
11

12 CHAIR HUDES: I suggested adding a column either
13 to Table 2-2 or 2-1, and I'm not sure which one would be...
14 Maybe 2-2 is the easier one to do it on, but that would be
15 to add a column that says Residential, and then says, 40%
16 Lark District, 30% Transition District, and 30% Northern
17 District, and those are the examples I gave.

18 MAYOR SPECTOR: Thank you.

19 CHAIR HUDES: I don't think we're going to be
20 taking votes on these, so I just want to offer all the
21 Committee Members the opportunity to either agree or
22 disagree with the comments that have been made on the first
23 three points.
24

25 Okay, so let's move to the next one, and I think,
again, points 4, 5 and 6 are related to each other, so why

1 don't you look at those three together? Require smaller,
2 more affordable units, only allow units from 900 to 1,500
3 square feet, and reduce maximum size of some units to 1,700
4 square feet. What are the Committee Members' thoughts on
5 those suggestions; first of all as to whether they should
6 be included, and whether those are viable suggestions?

7 Yes, Mayor.

8 MAYOR SPECTOR: Yes, I agree with those three,
9 and in my mind they were part of what I originally
10 mentioned with regard to smaller units throughout the
11 property. The only caveat there is, we have point 5 goes
12 from 900 to 1,500 square feet, and point 6 goes to 1,700
13 square feet. I'm inclined to the 1,500 square feet, but not
14 wedded to it, and would be looking for other Committee
15 Members to weigh in on that somewhat discrete issue.

16 CHAIR HUDES: Thank you. Commissioner Hanssen.

17 COMMISSIONER HANSEN: Thank you, Mayor, that was
18 really helpful.

19 In looking at the hearing, I wanted to just make
20 a comment on point 4. I remembered in the Town Council
21 hearing that this came up when we discussed the Housing
22 Element as well, that we can't require units to be at
23 certain levels of affordability, because the state
24 perceives that as a barrier to affordable housing, but
25

1 another way to accomplish it might be to reduce the sizes
2 of the units. I remember Ms. Prevetti also said as well
3 that it doesn't guarantee that you're going to be
4 economically affordable, given the examples like in San
5 Francisco.

6 One thing that came to mind, and we asked this
7 during the Planning Commission hearings, was why there
8 weren't any units that were smaller than 900 square feet?
9 Because Gen Y, all the research that has been done about
10 it, especially the younger parts of Gen Y, is that a 500
11 square foot unit might be just fine, a studio, so why
12 didn't we have any of those? And if you had some 500 square
13 foot units it might actually be affordable, especially if
14 they were a rental.

16 I know that SummerHill Homes had said we can't
17 sell units at 500 square feet, but I don't think our
18 objective is to make money for the developer. If there is a
19 market for Gen Y housing with 500 square foot units, I
20 could see easily, for example, in the Northern District
21 with all the shopping there young people might like to live
22 in a studio, and that they're not going to spend a lot of
23 time in their unit.

24 If I were going to modify this I would recommend
25 going with 500 to 1,500 square feet as in (inaudible) and

1 modify it. We're not telling them they have to build that,
2 I'm just saying that that might be our target range.

3 CHAIR HUDES: Thank you. Other Committee Members
4 want to weigh in on points 4, 5 and 6?

5 I might add a comment that we had through public
6 input some requests for significant senior housing beyond
7 the housing that was proposed with some other types of
8 housing, and I know that Kirsten Duggins, Dr. Weissman, and
9 Rob Walker had suggestions about that.

10
11 It seems to me that if we are trying to
12 accommodate smaller, more affordable units and senior
13 housing, we might want to give some thought to what
14 suggestions a developer who works on senior communities
15 might suggest. I think there were some things that were
16 suggested on the fly: changing some of the corner units to
17 be accessible and that type of thing, that were suggestions
18 made by Council Members, but it seems as though if we are
19 trying to accommodate that we might want to actually
20 discuss this and say what would be attractive in terms of
21 affordable and senior affordable that isn't necessarily the
22 very, very low 400-500 square foot unit that was proposed
23 in the application?

24
25 So in terms of that range that's been suggested,
it sounds like some members feel that the 1,500 square feet

1 should be the top, and other members think that we should
2 also potentially allow units smaller than 900 square feet.
3 Any other comments on that?

4 Yes, Mayor.

5 MAYOR SPECTOR: Thank you. I used the 900 square
6 feet, because it's one of these line items here, but
7 dropping that back to 500 to 1,500 square feet, given what
8 our stated objectives are in the Specific Plan, that would
9 be fine with me.
10

11 CHAIR HUDES: Okay, thank you. Let's move on to
12 point 7. This seems to be an administrative issue. What's
13 Staff's position on point 7?

14 JOEL PAULSON: On point 7 it's actually already
15 required in the Specific Plan. I think where the challenge
16 came up was given the density bonus they could ask for
17 relief from that type of exception, and so that's where it
18 came up, and it is actually currently in the Specific Plan.

19 CHAIR HUDES: Yes, Vice Mayor.

20 VICE CHAIR SAYOC: So if I hear correctly then,
21 any change in the Specific Plan to clarify this may even be
22 another area to be waived if someone chooses to use a
23 density bonus?
24

25 JOEL PAULSON: Correct.

1 VICE CHAIR SAYOC: If that's the case, then I
2 don't... It's there, and I don't think there's anything else
3 we could have done to tighten that language, and it was
4 just a provision that was waived and out of our control.

5 CHAIR HUDES: Yes, Mayor.

6 MAYOR SPECTOR: Thank you, and I would agree. I
7 don't know, I like our BMP provisions; I've liked them ever
8 since we've had them. I think they're great. But what I
9 hear you say in response to the Vice Mayor's questions is
10 we the Town can't do anything about it if a developer
11 chooses to eliminate them. However, I would just say if
12 there is anything the Town can do, and I don't know if
13 there is, then I would like our BMP provisions to be
14 protected.

15 CHAIR HUDES: Okay, thank you. Yes, Mr. Schultz.

16 ROBERT SCHULTZ: It was not only a request of
17 waiver, but our BMP unit also had, and this might be the
18 issue you also talk about when you get down to senior on
19 the ground level, is if you remember, their project... We
20 require our BMP to be spread out, as long as it's feasible.
21 So the Applicant said well, it's not feasible in senior
22 housing; if you're going to do senior housing we have to
23 put them all together, we can't spread them out.
24
25

1 Council had two ways to go about it. They could
2 agree that it's not feasible, or he could have requested
3 the wavier because of the density bonus. Either way he had
4 the ability to do it, but I think when we talk about senior
5 housing in relation to our BMP, to address that issue of
6 whether you are okay with that idea of it being all
7 together or whether it should be spread out.

8 CHAIR HUDES: Yes, Mayor.

9
10 MAYOR SPECTOR: Thank you. Well, then I'm going
11 to swing back to Staff. Let's assume that this one
12 committee member likes the BMPs. What I hear you say is
13 that if we put into effect our BMP Ordinance, then we would
14 have to eliminate, or not allow, or say we don't want all
15 of the below market price units together? I mean what is
16 Staff looking for on this? If we make the assumption that I
17 want BMP units, what needs to be done?

18 ROBERT SCHULTZ: I think it's more addressing the
19 senior housing. I think the only thing here is senior
20 housing on the ground senior level, but also discuss the
21 fact that it will be all together. It needs to kind of be
22 put in the plan if you're okay with that, which is contrary
23 to your BMP Ordinance, because when you have affordable
24 senior housing, I think—at least that's what Eden said—it
25 all has to be together; we can't have a housing project

1 separate. So the minute you do that, then you are in
2 contradiction with your BMP Ordinance that says they will
3 be spread out. I think the issue is if you want to have
4 senior housing, is it acceptable to place it all together,
5 because that's the only way it can be done? And then you
6 can talk about whether it can be on one floor or on three
7 floors.

8 CHAIR HUDES: Vice Mayor Sayoc.

9 VICE CHAIR SAYOC: I think what I've also learned
10 from this experience and just talking with other colleagues
11 is there are various definitions of senior housing. What
12 was proposed with Eden was this collective...it wasn't
13 assisted living, but it was collective senior living that
14 had a facilitator, a coordinator, group activities, whereas
15 through our discussions through the Specific Plan Committee
16 we were also looking at move-down, active living. So what
17 I'm learning is there are various forms of senior living
18 that we all have various interpretations on, yet we did not
19 specify in our Specific Plan what kind of senior housing we
20 were targeting. And maybe that was intentional, but I think
21 what I've learned throughout this process is there are
22 various forms, and perhaps that's an area we should
23 discuss, what type of senior housing are we really truly
24 trying to target?
25

1 CHAIR HUDES: Yes, Commissioner Hanssen.

2 COMMISSIONER HANSSEN: I thought that was a great
3 comment. I actually had spoken to Eden Housing when we were
4 on the Housing Element as a matter of interest, and we
5 actually asked them this question during the Planning
6 Commission hearings, and we're talking about it doesn't
7 necessarily have to be senior affordable housing, but an
8 affordable housing project, as you probably know, the
9 economics of that don't work here in Silicon Valley, so the
10 way that this works is Eden Housing, a nonprofit, takes
11 these tax credits and grants and all these things and they
12 kind of piece together the delta between what the market
13 would command and what the people are able to pay.

14 They came out and basically said they have a
15 system for how they do this stuff and they need to keep
16 everything all together, senior or affordable or not. If
17 it's an affordable housing development, they have to keep
18 it all together for funding and all these administrative
19 purposes and everything like that.

20 We did actually ask them the question that I
21 thought too: Why would you put senior housing above
22 commercial? But the president of Eden Housing got up and
23 said that's the way we like it.
24
25

1 So then the second question is what if there's a
2 new application? I don't know if it would be different, it
3 might be a different affordable housing company, but
4 certainly if the affordable housing isn't going to happen
5 without one of these nonprofit affordable housing
6 developers.

7 And then you also have, as you said, the senior
8 step-down housing, which is a different thing, and
9 certainly we've had plenty of testimony from seniors that
10 they want to not have to climb stairs, so then their
11 options were you could put it on the ground level.
12 Grosvenor had testified during the hearings that one
13 version of the Phase 1 plan had step-down housing, but they
14 would have had elevators, and then there was a height issue
15 with the 35'.

16 So we do have to think that through if we want to
17 come up with the kind of housing our seniors that are
18 currently in town would want to step down into, because I
19 don't think we had much of that in the proposal we got for
20 Phase 1.

21 ROBERT SCHULTZ: I think that perfectly frames
22 the issue and to go just a little bit earlier, really the
23 question is do you want the senior affordable housing that
24 she described, which takes advantage of the tax credits and
25

1 has all these requirements? Because if you really want
2 that, it really has to be the Eden model, it has to be
3 floors going up. Based on land value you're not going to
4 get anybody that's going to be able to come in and spread
5 it out on a ground floor where it's going to economically
6 make money. It won't happen. You could say that's what we
7 want, we want our senior affordable housing on a ground
8 floor, but it's not going to happen.

9
10 The other one is then you could still have the
11 senior buy-down spread out BMPs amongst there, but they're
12 not the senior housing project that's going to be
13 affordable the other way.

14 And that was a rental too, and that goes back to
15 we really didn't address in Residential-Commissioner
16 Hanssen kind of brought it-the fact that we got all
17 homeowner, no resident, no rental, and so should there be a
18 mixture or percentage of rental that we thought we were
19 going to get?

20 CHAIR HUDES: I'm going to add that one to the
21 list. I think we're really talking about point 9 right now,
22 so I'd like to maybe just open further comments on senior
23 housing, and senior housing at the ground level.

24 I think there were other considerations that were
25 made during the Council hearings. I remember a suggestion

1 by Committee Member Rennie to incorporate some senior units
2 on I think the corners and bottom floor of the multi-family
3 units. I think there was also discussion about not just
4 ground level, but the fact that senior housing would have
5 to be in buildings that had elevator access.

6 Are there other comments? Commissioner Erekson.

7 COMMISSIONER EREKSON: I think the Vice Mayor was
8 right in suggesting we need to clarify what we want to
9 accomplish for senior housing, because there's everything
10 from memory units, to what Eden proposed, to lie down
11 units, to something like The Villages in East San Jose.

12 It would seem like to me if the intent is to
13 suggest that the Town would like to use this part of this
14 development opportunity as a way to respond significantly
15 to senior housing needs, what does that mean? What
16 particular senior housing needs do we want to respond to?
17 Then someone can figure out ground level, multi-level,
18 whatever it is. So what senior needs are we trying to
19 accommodate, and to what extent do we want to accommodate
20 them? Then someone can figure out ground level, height
21 limitations, how does it pencil out, all those kind of
22 things, but it's hard for me to comment whether I think
23 senior housing should be on ground level when I don't know
24 what seniors I'm trying to accommodate.
25

1 LAUREL PREVETTI: Right, and if I may, Mr. Chair?
2 I think we could certainly look at amendments that would be
3 clearer around a variety of senior living choices, the
4 move-down or step-down, active living, et cetera. I think
5 the one type that is not currently allowed, but it could be
6 for your consideration, is there is no allowance for the
7 continuum of care. So if someone wanted the independent
8 living to the nursing to the assisted and memory care, that
9 is not a housing type or an allowed use in this current
10 Specific Plan, but if that's part of the vision for the
11 plan then you would need to make that very explicit.

13 CHAIR HUDES: Yes, Vice Mayor.

14 VICE CHAIR SAYOC: A question for our Town
15 Manager. Is that because we disallowed medical and so
16 there's that medical hybrid to it, or we didn't specify
17 that?

18 LAUREL PREVETTI: Right. When you look at the
19 Specific Plan and the housing types it really conveys
20 independent living, so that active senior, and maybe we
21 need to do a little bit more to articulate that more
22 clearly, but when you look at all of the design guidelines
23 and the multi-family housing types and other housing types,
24 it really kind of assumes that everyone is ambulatory or
25 has an accessible ability to meet their basic needs.

1 State law is pretty strict on ADA and access for
2 disabled persons, so we would have to still comply with
3 state law, but if there's an interest in introducing
4 something else, and depending on the zoning, some
5 communities consider those continuums of care to be more of
6 a commercial type of use, because while people are living
7 there it's really a business. It's 24/7, there are workers,
8 and it's kind of a different type of operation, unlike a
9 residential neighborhood in its more typical form.
10

11 CHAIR HUDES: It seems like item 9 is a little
12 bit of the tip of the iceberg and it's opened up a number
13 of questions about different types of senior housing. Would
14 the Committee Members feel that we might want to come back
15 to this after maybe Staff providing us with a little bit of
16 what are the types and the options and ways that the plan
17 might be modified to accommodate?

18 ROBERT SCHULTZ: And to weigh in on some of the
19 legal issues, because the framework that you were
20 discussing, where some of maybe the row house or the
21 clusters had to be senior affordable or senior housing at
22 the corners, is not capable from its law standpoint. You
23 can't force that on a developer, to make certain ones
24 senior housing in that situation, so I think it would help
25

1 to come back with some of the legal restrictions that we
2 have.

3 CHAIR HUDES: Commissioner Hanssen.

4 COMMISSIONER HANSSEN: I realize we have to come
5 back to it, but I did want to throw one more thing out on
6 this. I think we clearly need to define what the senior
7 housing means, and I know this came up in the hearings that
8 you can't restrict housing to seniors. Well, the affordable
9 housing they can, because it's income restricted, not
10 because they're seniors. Well, actually they could, because
11 they're seniors as well. But in a market economy you can't
12 do that, because it's discrimination.
13

14 But in terms of addressing unmet needs, I
15 remember working on the Housing Element and it really
16 struck me, we have fully a third of our population during
17 the Housing Element timeline that is going to be over 65
18 years old, and to think that we had in the Phase 1 proposal
19 maybe 10 or 15 units out of 270 that were suitable for
20 seniors other than the affordable housing, which isn't
21 targeted at our own move-down seniors, just didn't make any
22 sense to me.

23 I did want to put that out there that whatever we
24 do I hope that we have some goal, a range of what we're
25 looking for in terms of housing that's suitable for

1 seniors, even if it's not restricted in terms of the plan.
2 I hope we can put that in there.

3 CHAIR HUDES: Mayor.

4 MAYOR SPECTOR: Thank you. I totally agree.
5 Looking back on the North 40 Advisory Committee, my sense,
6 my memory, was that we did want to address Los Gatos' unmet
7 needs of future seniors, which as the Commissioner said, is
8 a significant portion of our community. But we were
9 addressing it with the size of the units, or at least that
10 was my mindset. If you have the size of the units small
11 enough, then you can have a move-down senior move into
12 those units.
13

14 The issue of ground floor, actually I don't
15 remember if it came up with the Advisory Committee, but it
16 certainly came up during our hearings on this specific
17 application, so I think that is an important issue that it
18 is one level. Maybe the elevators to the one-level unit are
19 okay, I don't know. I do remember the specific testimony
20 with regard to Eden, which is that having these units on
21 the second and third floor reduces the price for that
22 organization, since air rights are less expensive than
23 ground-level rights. So taking it back in, I think that we
24 can address our unmet needs by the size of the units.
25

1 With regard to continuum of care, I think that is
2 something like the Hyatt. That was discussed by the North
3 40 Advisory Committee, and we did get individuals from the
4 community who actually suggested that, but we never moved
5 forward with it, and I believe it was because we didn't see
6 a lot of that property being used with one use, but that is
7 just what I think I remember.

8 CHAIR HUDES: Yes, Committee Member Barnett.

9 COMMITTEE MEMBER BARNETT: Very briefly, as part
10 of the legal analysis on this issue I'd be interested to
11 know whether the intention is 55+ or 62+ housing. The
12 former, I understand, allows a little more flexibility, for
13 example, a disabled child or grandchild, versus 62+, which
14 is exclusive.

15 CHAIR HUDES: It sounds like we have a request
16 for more information and more discussion on senior housing
17 and the options, the types, and the legal parameters that
18 we have to operate with.

19 Let's move to items 8 and 10, which have to do
20 with location. So 8 is don't allow residential on Los Gatos
21 Boulevard, and 10 is consider the possibility of moving the
22 houses away from Highway 17 and putting commercial in that
23 area. Committee Members have ideas about those?
24
25

 Vice Mayor.

1 VICE CHAIR SAYOC: I'm going to weigh in, and in
2 weighing in I'm going to actually include number 8 and
3 number 3 together.

4 I think when we were looking at the actual
5 application what struck me was just the layout of the
6 application did not make sense, and so if I'm taking points
7 3 and 8 together, and I'm going to point to I think it was
8 units 24 and 25 that were actually on Los Gatos Boulevard
9 yet surrounded by commercial, that to me is an example of
10 how the vision and making it fit wasn't necessarily
11 working. So I'm going to even broaden that step back beyond
12 that and see if there's a way within the Specific Plan to
13 somehow change the process so that there's a discussion up
14 front of layouts before the vesting so that we have an
15 ability to have a discussion on layouts, so that we don't
16 have to come to the final minute on two units that happen
17 to be sticking out like a sore thumb, in my opinion.

18 When I look at residential on Los Gatos
19 Boulevard, in that particular application, yes, those two
20 units should not be there. Should that be extended all the
21 way to Highway 85? In my opinion, it should, because that
22 just continues the Los Gatos Boulevard Plan that we had
23 developed many, many years ago, and it just continues the
24 scale of the commercial aspects on Los Gatos Boulevard.
25

1 CHAIR HUDES: Other members? Commissioner
2 Hanssen.

3 COMMISSIONER HANSSEN: When I looked at this I
4 said yes. I didn't even think about it, it just seemed to
5 make sense because of the Los Gatos Boulevard Plan and all
6 the discussions we had.

7 On number 10, I thought I remember are Community
8 Development Director saying something about if you move the
9 entire width of the property in the Lark District, is that
10 880', or did I mishear that? I heard that there might a
11 width issue if you were really going to try to put a
12 buffer, particularly in the Lark District relative to 17,
13 but maybe I misheard.

14
15 JOEL PAULSON: I think that was in reference to a
16 suggestion from a member of the public to increase the
17 buffer to 300', I think, so it was a third of the entire
18 depth of the whole site, and that becomes challenging.

19 This is a little bit different comment, I think.
20 It's maybe looking at the potential restriction of
21 residential within a certain distance, so that wouldn't
22 preclude commercial necessarily, it wouldn't be taking the
23 full use of that entire area, so I think that was in
24 reference to a different comment.
25

1 COMMISSIONER HANSSEN: Okay, but I thought about
2 the part about the commercial as well. Well, there are
3 permitted commercial uses in the Lark District in the
4 current plan, so that might be a good place to put them.
5 There wasn't a lot in the Phase 1 proposal that we saw. I
6 don't think there was any in the Lark District; it was in
7 the Transition District. But that might be a change to
8 consider putting in there, and it would address two
9 concerns. One is having a little bit of neighborhood-
10 serving commercial in the Lark District, and two,
11 addressing the issue that was brought up about how health.
12 I'd be supportive of thinking about that.

14 CHAIR HUDES: Other Committee Members on items 8
15 or 10?

16 I might just add my comment that, again, reading
17 8, I thought it was a great idea, particularly since it
18 looked like we were getting sort of an isolated set of
19 residential buildings there that didn't have continuity.
20 Looking forward into the Northern District, it seems as
21 though it would probably be a good idea there as well, from
22 my perspective.

23 Item 10, I am not particularly swayed by the
24 argument to move all houses away from there. Considering
25

1 the need to achieve density, I think it could be difficult,
2 but that's just my perspective on that one.

3 I'm going to move on to item 11, which really has
4 to do with the cottage clusters, and I think we found that
5 the cottage clusters didn't move forward, they required a
6 Conditional Use Permit, so there's a suggestion to remove
7 the Conditional Use Permit for cottage clusters.

8 Yes, Mayor.

9
10 MAYOR SPECTOR: Thank you. I think that one is a
11 very good idea, to get rid of that. Now, I understand that
12 there were reasons within a specific development not to
13 include the cottage clusters, but during the history of
14 developing the Specific Plan the cottage cluster in
15 discussions was a very popular use, whether or not any one
16 specific developer could or could not use it within its
17 plan, I don't know, but I like getting rid of the CUP.

18 CHAIR HUDES: Thank you. I would agree. Any other
19 comments?

20 I want to just maybe ask Staff what was the
21 history of putting the CUP on the cottage clusters?

22 JOEL PAULSON: I think Vice Mayor Sayoc can
23 answer that.

24 VICE CHAIR SAYOC: I was going to comment on
25 that. The history of that, this is an example of one area

1 that did not get cleaned up when we did the Housing Element
2 and the Specific Plan.

3 During the Specific Plan residential use
4 discussion we were very clear that we did not want detached
5 single-family homes, because that was not an unmet need,
6 and we were afraid that cottage clusters could in essence
7 be detached single-family homes, and thus the CUP
8 requirements, so that we had the opportunity to look at it
9 and say hey, don't try to fool us, basically. But now that
10 we have the density requirement there really is no way, in
11 my mind, that someone could do a single-family home and
12 call it a cottage cluster, so I think that's just an
13 obsolete requirement that we should all be able to agree
14 on.
15

16 JOEL PAULSON: I think it also brings back one of
17 your first comments on item 1, which is if you have
18 development of a number of units, the cottage cluster
19 clearly will not be at 20 units per acre, so you end up
20 moving to 12, where there was the comment made before that
21 you may have to increase the number of units to accomplish
22 that.
23

24 CHAIR HUDES: I agree. I think there was public
25 testimony about missing out on the cottage cluster housing

1 type, and so I think that it makes sense to remove that,
2 from my perspective.

3 Number 12 is a big issue. Increase the total
4 number of residential units on the North 40, and I was a
5 little surprised to see it on the list, because it seemed
6 to me that this one would move into the redo the EIR
7 category. Maybe you could explain how that works.

8 JOEL PAULSON: It wouldn't require any change to
9 the EIR, because the EIR actually looked at 364 units, so
10 that wouldn't be a problem from that standpoint. I can't
11 remember the exact genesis of that, but in looking at maybe
12 not having... With item 1 and item 11 potentially, not being
13 built at 20 units per acre, you eat those units up but you
14 won't be able to achieve the 20 units on the back end,
15 unless someone, as the Town Attorney said before, requested
16 a density bonus, then you may be able to get back there,
17 but we're probably not going to be able to rely on that
18 assumption.

19 CHAIR HUDES: So there is a cap though at 364. I
20 know there was some public comment that the entire North 40
21 could be residential, but that would go beyond the EIR?
22

23 JOEL PAULSON: Correct.

24 CHAIR HUDES: Okay. So Committee Members opinions
25 about increasing the number of units?

1 Commissioner Erekson.

2 COMMISSIONER EREKSON: It seemed like to me one
3 would have to be clear about, if I was going to do that,
4 what I'm doing with item 5 under the Commercial. Does that
5 imply if I'm increasing the number of residential... Again,
6 with a fixed amount of land with limitations on height and
7 expectations for open space, if we're suggesting increasing
8 the number of residential units, are we also suggesting to
9 reduce the amount of allowable commercial space? Are we
10 changing the mix? I mean the mix wasn't prescribed at a
11 specific, but there were boundaries put around it that were
12 potentially achievable, so if we were to significantly
13 increase the number of residential units we wouldn't be
14 able to stay within the same range of commercial square
15 footage.
16

17 LAUREL PREVETTI: Mr. Chair, if I may? As we've
18 been talking with some of the other items, the idea of
19 being able to do smaller units means that you can put more
20 units in a same area of land, so it doesn't have to affect
21 the mix of the land uses, so we should be okay there.

22 I would just suggest that for number 12, given
23 the spirit of the conversation this evening, that any
24 increase in the total number of units would only be to
25 facilitate the cottage cluster or the low-density along

1 Lark, so it could be constrained. As this reads now,
2 "Increase the total number of units," it sounds like the
3 sky is the limit, let's go to that EIR max of 364, but I
4 don't think that was really the spirit of the suggestion
5 that came forward from the Council, so I think if the
6 Committee is agreeable, I think we would be looking for how
7 do we tighten that up and make it very clear that we're
8 looking for some boundaries around how much of an increase.
9

10 CHAIR HUDES: Right. Other Committee Members on
11 the increase, the amount, or whether we should?

12 Commissioner Hanssen.

13 COMMISSIONER HANSSEN: I actually did some back
14 of the envelope math. The way the current Specific Plan is,
15 with the 270 units and the zoning requirement for 13.5 at
16 20 units per acre, and the potential for a 35% density
17 bonus, which we don't know if it would happen, but we have
18 to assume that it could, and that was certainly the way the
19 Phase 1 proposal went with the first round. That being the
20 case, if you want to facilitate cottage clusters, which I
21 think we do, you have to add number of units to the plan,
22 because we can't count on using the density bonus for it.
23

24 I would suggest, and what I was doing in my mind
25 was keeping a cap on it, which we kind of already have a
suggested range of a top at 40 to 50 units, so if it turned

1 out that cottage clusters could only be eight units per
2 acre, I don't know if that's right or not, you could
3 basically set it up where there was a limit of a certain
4 number of units that can be at that low of a density, but
5 you'd have to add those to the total of 364.

6 LAUREL PREVETTI: To the total 270.

7 COMMISSIONER HANSEN: Two-seventy, but knowing
8 that there is going to be potentially a bonus that will
9 take you up to 364.

10 LAUREL PREVETTI: No, you wouldn't have to...

11 COMMISSIONER HANSEN: No? No, don't worry about
12 that? Okay.

13 LAUREL PREVETTI: Don't worry about the density
14 bonus. If it comes, we'll have to deal with it at that
15 time.

16 COMMISSIONER HANSEN: So it's 270 plus whatever
17 number it takes to accomplish the number of cottage cluster
18 units that you want to have.

19 CHAIR HUDES: Other comments on that? My comment
20 on that is that given that we do get these bonuses on top
21 of numbers that are prescribed that we should stay toward
22 the 270 number, my opinion, but I guess we'd be waiting to
23 see what number would come about if we included cottage
24 cluster then.

1 I had one more question in the Residential
2 section, and then I think we'll take a break and figure out
3 how late we're going to go.

4 Number 13 doesn't have a Staff response, but it
5 says is it possible for the Town to allow a developer to
6 have a density bonus if the developer requests it, but not
7 necessarily have those 13.5 acres in a certain location
8 that is spread throughout the property? This has been a
9 question for me as well, how do you define that 13.5 acres,
10 and how does that relate to a particular application?
11

12 ROBERT SCHULTZ: I'm not sure I quite understand
13 the question the way its phrased, but I'll try to interpret
14 the way I think it is.

15 If a developer comes in and wants a density
16 bonus, he can put it within that application's property.
17 For example, in this case let's suppose the application
18 came in and wanted the density bonus, but wanted to carry
19 it over to the other Transition District and say that's
20 going to be part of the next phase coming in. We told them
21 no, you can't do that. So it would have to be part of your
22 application within the property that you currently develop,
23 if that's the question you were asking.
24

25 If it's regarding where the 13.5 acres is,
another way to do it besides this percentage and spreading

1 it out is you can actually take the map and rezone the 13.5
2 acres on this map and say these are the acres where there
3 will be 20 units per acre, instead of doing a
4 percentagewise, if you want to be that specific. That's
5 really what our Housing Element says. It says you will
6 rezone 13.5 acres, so that's a possibility to look exactly
7 at the map and determine exactly where those 13.5 are. So
8 if it was part of the application, it could be done, and if
9 that was done, 13.5 were, and they're all situated
10 wherever, so long as they had control of the property and
11 that was part of their application, to build those dense a
12 units right there at that time as part of their
13 application, yes, they could do that. They can't say okay,
14 I've got a density bonus of 20 units and I'm just going to
15 carry those over and build them later; that we would not
16 allow. I hope that answered the question.

18 CHAIR HUDES: This was a question that was one
19 for inclusion, so other Committee Members want to comment
20 on item 13?

21 Yes, Mayor.

22 MAYOR SPECTOR: Follow up with Mr. Schultz. Just
23 hypothetically, could the Town say, following up on what
24 you said, we want—I'm going to use round numbers—four of
25 those acres in the Lark District and four of those acres in

1 the Transition District and four of those acres in the
2 Northern District?

3 ROBERT SCHULTZ: Yes.

4 MAYOR SPECTOR: Okay, thank you.

5 ROBERT SCHULTZ: And then I guess the question
6 was, and Joel just mentioned that, when they take that
7 density bonus could we tell them where to put the units?
8 No, that's part of their application. They can determine if
9 they want to make their density at 20 acres and want to
10 make that one at 24 or 25, that's where they get that
11 choice to do that, unless you can make that health and
12 safety finding.
13

14 CHAIR HUDES: It sounds like with regard to item
15 13 and the area of the 13.5 acres for the density bonus
16 that there are several approaches for it. One would be to
17 just specify how housing is distributed across all three
18 districts and let those 13.5 come about. The second
19 alternative would be to actually rezone the map and say
20 this is where the 13.5 acres are located. It sounds like a
21 third alternative is to say that of the 13.5 this many
22 acres would be in this district, this many in the second,
23 and this many in the third.
24

25 Do Committee Members have an opinion about those
three alternatives for addressing where to put the 13.5

1 acres? Okay. I think it's a lot to take in. Maybe we ought
2 to think about that one and revisit it the next time. Maybe
3 Staff will have some suggestions about those options.

4 LAUREL PREVETTI: The other option is that just
5 having the question on the table allows us to bring back
6 those options for Planning Commission consideration. I
7 think we have some ideas of what the Planning Commission
8 and Council might want to see in terms of next steps, so it
9 doesn't necessarily have to come back to this Committee,
10 but certainly for most of you on the other bodies, you'll
11 have a chance to look through those options.
12

13 CHAIR HUDES: Well, we'll leave that open then,
14 and we won't necessarily come back to it, but if Committee
15 Members think about it and want to weigh in on those three
16 options or other ones, we'll certainly not close that off.

17 Are there other comments on Residential before we
18 take a break? These were the ones that came to us from
19 Council, but are there other considerations that are not
20 related to height, which also I think impacts residential,
21 which we'll come to in a few minutes?

22 Commissioner Hanssen.

23 COMMISSIONER HANSEN: I don't know if it belongs
24 in this Residential discussion, but the comment I brought
25 up at the beginning about the current Specific Plan, you

1 can only put residential over commercial in the Northern
2 District, and I'm not saying we need to revisit that, but
3 it's tied into this density discussion.

4 We learned during the hearings that it might not
5 be feasible to do twenty dwelling units per acre,
6 especially since we're talking about potentially putting
7 numbers in, or percentage ranges of what needs to be in
8 each district. I wondered if we shouldn't make sure we
9 discuss that and see if we need to change it, because it
10 seemed like it was sort of a nonstarter for trying to
11 accomplish the housing over commercial with the density.
12

13 CHAIR HUDES: Okay, sounds like there's agreement
14 on that one.

15 Mayor.

16 MAYOR SPECTOR: There's an agreement on that one.

17 CHAIR HUDES: Thank you. I had a couple other
18 points on housing that really related to the comment about
19 translating the vision into specifics in the plan that seem
20 to be lacking a little bit, and so I would want to maybe
21 consider one of them, which is it doesn't only affect
22 housing, but it comes about strongly, and that's the look
23 and feel of Los Gatos, and the potential of including in
24 the Specific Plan some examples, architectural styles, and
25 much as we do with the housing, define what is good and

1 what is not good. In terms of look and feel, trying to make
2 look and feel a little bit more objective than it is. I
3 know it's an area that's difficult, but I wonder if other
4 Committee Members think that we should try to make that a
5 little bit less subjective and a little bit more objective?

6 Yes, Mayor.

7 MAYOR SPECTOR: I'm seeing yeses along here, and
8 maybe you are too. I think the answer to that is yes. I
9 personally think that the look and feel is objective, or
10 can be seen as objective in our current plan. However,
11 since not everybody does, it would be a good idea to
12 tighten it up.

13 CHAIR HUDES: The other one that came up again in
14 public comment, because he had sort of legal definitions of
15 density, but there was the term "intensity" that was used,
16 and I think there were some descriptions about how you can
17 achieve density with less intensity, and I'm wondering if
18 that's something that we might want to at least define, try
19 to define intensity, and try to assert that we are looking
20 to limit the intensity. Maybe it's just me, but I had
21 trouble with those two terms, and I didn't really find
22 anything in the Specific Plan that helped me to achieve the
23 density with less intensity. A lot of nodding heads on that
24 one, so maybe we could look at that.

1 Okay, I would suggest that we take a ten-minute
2 break, since I wasn't quite prepared for the hearing, and
3 we'll figure out how far we're going to get tonight, so if
4 we could take ten minutes, please.

5 (INTERMISSION)

6 CHAIR HUDES: I'd like to get started again if we
7 could. I'd like to move on to the next section, which is
8 Commercial. There are a number of suggestions in Commercial
9 and I wonder if there is any sort of broad discussion,
10 anything anyone would like to say about the Commercial
11 area, before we get into the specific suggestions?
12

13 I do have some comments about this section in
14 general. I think we had a very small test of the commercial
15 with the application, but I think it's also given the
16 opportunity to raise other questions, and there were quite
17 a few comments about the Specific Plan during the study
18 session on the Specific Plan that preceded the Council's
19 deliberations on the application as well, and so I did want
20 to make a few comments from my perspective.

21 This is an area that I've been very passionate
22 about for some time, and it's really not about eliminating
23 competition to the downtown. To me it's about creating a
24 level playing field so that the entire town can thrive, and
25 leveling the playing field I think involves two steps, or

1 two parts. Only part of it is applicable to the North 40,
2 and part of it is contained in the North 40 Specific Plan,
3 but I think we have to think about these two things in
4 tandem and not have the North 40 progress be the cart that
5 comes before the horse.

6 The first step to me is in enhancing the business
7 environment of the downtown so it can be competitive and
8 thrive and create synergies with the North 40, and so there
9 are some suggestions that came about as a result of this
10 process. I think Council Member Rennie's suggestion, Mr.
11 Millen (phonetic) to provide zoning to accommodate a market
12 hall elsewhere in town, perhaps in downtown. Other ways of
13 achieving synergy and enhancing the downtown would be to
14 have transit connections between the North 40 and downtown,
15 to revise or relax the CUPs in downtown for businesses that
16 could compete with North 40 retail. Also, funding town-wide
17 parking improvements, and also requiring the development of
18 the North 40 to include a specific cross-marketing plan and
19 funding of cross-marketing activities. Another idea that
20 was considered is forming a standing economic vitality
21 advisory group to monitor the impacts of commercial
22 development in the North 40 and recommend actions, should
23 they be appropriate.
24
25

1 Then there are other areas that would go in
2 tandem with this and may or may not be as necessary, but
3 those fall more into the control side of it on the North 40
4 and so very little controls actually exist in the plan, but
5 there are some things that could be considered.

6 One is a distribution matrix with ranges not just
7 of the space and sizes, but also the business types. This
8 was originally proposed by the consultant and considered by
9 the North 40 Committee. It was also referred to in I think
10 the first economic report. Other ideas would be to limit
11 Phase 1 retail, and that's one of the specific points
12 below. Limit Phase 2 retail to a certain number of units
13 per square footage, and then to include the requirement to
14 objectively analyze the economic impacts of the specific
15 application, not just the plan, and I think some of that is
16 incorporated now in the Specific Plan, but I think we've
17 learned something from doing that economic analysis about
18 improving that a bit. Then potentially including CUP
19 requirements for a development application that has a
20 potential of introducing retail that's substantially
21 competitive to downtown and other areas.

22 So that gets us really to our first point, but to
23 me those are sort of the broad ways of looking at in order
24 to have a thriving town we need to think about leveling the
25

1 field, and that comes from creating some synergies with
2 downtown, and it comes from potentially putting some
3 controls in the Specific Plan on commercial development and
4 getting the balance right between those so that we end up
5 with a level playing field.

6 Those are just my thoughts broadly on that. Any
7 reaction to that? And then happy to go through the specific
8 points.

9 Yes, Commissioner Hanssen.

10 COMMISSIONER HANSEN: I just had a question.
11 There's obviously a lot of history with our CUP process
12 downtown. If you weren't involved in the process it would
13 seem like the easiest thing to do would be to just take
14 away CUPs from downtown, but I'm sure that's been discussed
15 already. There was a little bit of discussion about it
16 during the Town Council hearing on the 27th. I was just
17 curious what the thoughts were, because it seems to be
18 adding an undue burden to add that to the North 40, but
19 certainly it makes sense to have them on a level playing
20 field with downtown, but would it be easier to modify what
21 we have downtown?
22

23 MAYOR SPECTOR: Thank you. This is an area that
24 when we did the North 40 Advisory Committee this was an
25 issue, the commercial, that Mr. Hudes and I probably, I

1 think, focused on maybe more than other members of our
2 committee, and it is an important area. It's important to
3 the success of the North 40, and it's important to the
4 continuing success of the downtown. There was an attempt to
5 include in our Specific Plan either certain square footages
6 of different commercial uses, or total square footages, and
7 that component never made it into the final Specific Plan.
8 There were also considerations of having more CUPs in the
9 Specific Plan; that never made it into the Specific Plan.
10 Quite frankly, it was the reason I voted against the
11 Commercial component and the entire Specific Plan, for
12 those reasons.
13

14 Some of the things that Mr. Hudes was talking
15 about, the transit, shuttles, whatever, between the two
16 parts of town, I think that is a great idea. Making the
17 CUPs in the North 40 consistent with the downtown, I think
18 that is very important.

19 Going to Commissioner Hanssen's questions, if you
20 want to take the big Conditional Use Permit parameters in
21 the downtown, they deal with CUPs for formula stores, or
22 chain stores, and not for our local small businesses. They
23 are for service, spa kinds of uses. They are for
24 restaurants and bars. The whole history—getting back to
25 what you were saying—of those Conditional Use Permits was

1 in order to increase the existence of success of our local
2 businesses. We know that it is far easier for a bar or a
3 restaurant or a spa or a formula store, chain store, to
4 come in to Los Gatos, but we were trying to keep a blend,
5 and to the extent of that, we've done that, we do have a
6 blend in our town far greater, for example, than Palo Alto
7 that was just in the newspaper today, and Campbell that was
8 in the newspaper within the past six months.

9
10 If you start changing those balances between the
11 locally owned store and the chain store, between the spa
12 and non-spa, you're going to disrupt the equilibrium that
13 we tried so hard to create. So if that's where people want
14 to go with regard to the downtown, I think it needs to be
15 done very cautiously, and if our reason for doing it is so
16 that we protect the downtown from the North 40, it might be
17 premature.

18 I share Mr. Hudes' passion about this issue, and
19 I think it's one that this committee, the Planning
20 Commission, and the Council needs to examine cautiously.

21 CHAIR HUDES: Thank you. Vice Mayor.

22 VICE CHAIR SAYOC: I'm think I'm going to echo
23 the comments... Let me step back. I'm going to echo the words
24 "act cautiously" on this. This morning I spent some time
25 with I believe it's the West Valley Brokerage community,

1 and just having now had an opportunity at a Council level
2 to really sit at the discussions that are happening region-
3 wise on economics, vitality, and the changing world of
4 retail and learning that it's quickly changing, it's very
5 dynamic, it's evolving. Even the discussions that we've had
6 previously on formula retail. Formula retail, just learned
7 today, that's at a decline. With online sales, things that
8 we are thinking of that are traditionally in brick and
9 mortar are slowing changing, and what other communities are
10 doing is they're loosening their regulations to better
11 adapt to new policies and to new changing environments.

12
13 So when I say I agree with working cautiously, I
14 think, yes, we have to look at what is best so that we
15 don't have one neighborhood at an advantage over another,
16 but we also have to look at not harming all of our downtown
17 business corridors inadvertently by putting unnecessary
18 regulations when we're in a dynamic environment that is at
19 least is making me think loosening regulations might be the
20 better way to move forward.

21 CHAIR HUDES: Just to add a comment to that, I
22 think that we have to be realistic about what's the purview
23 of this General Plan Committee and our task to revise the
24 Specific Plan if it does need that. In my mind, you have to
25 couple these things. There are some things that have been

1 discussed at the Council level about revising or relaxing
2 CUPs or providing parking, but I think that we can't assume
3 that those are going to happen necessarily, so to me it's
4 about getting that balance and so potentially including
5 some controls in the Specific Plan until such time as that
6 loosening, or freeing up of the ability of the downtown to
7 compete, actually occurs. That's what I meant about the
8 cart before the horse.

9
10 I'm concerned about allowing just anything goes
11 in the North 40 while we're still very constrained
12 downtown, maybe with the hope of loosening things up but
13 we're not there yet, and so that was my thinking about why
14 we might consider some controls in the North 40 regarding
15 commercial, with the possibility of relaxing those when the
16 playing field does even out, if that makes sense.

17 Commissioner Hanssen.

18 COMMISSIONER HANSEN: So much discussion went
19 into this during the North 40 Specific Plan, it's kind of
20 hard to come back after the fact and say wow. But given
21 what the Mayor just said, I wondered if a way to start with
22 it might be to take some of the permitted land uses, and
23 maybe the ones that we think would be most threatening to
24 downtown, maybe they'd need to have a CUP. There are a
25 number of businesses that have that already in the

1 permitted land uses, and I don't honestly know which ones
2 they would be, but maybe that would be the start, not
3 having everything have to have a CUP, but maybe the ones
4 that we thing that would be the most threatening to
5 downtown, and that way it would be somewhat of a control,
6 but it wouldn't be overly burdensome.

7 CHAIR HUDES: Let's try to draw it back to the
8 list that we have in front of us. I think that that comment
9 may relate to item 4 and some other items, but let's just
10 take the first item on its merits and get some comments,
11 and that is that CUP requirements should be the same as
12 downtown. Is there a sense of the Committee on that?
13

14 VICE CHAIR SAYOC: I have a question of Staff.

15 CHAIR HUDES: Yes, go ahead.

16 VICE CHAIR SAYOC: Just a quick question of
17 Staff. In our CUP requirements we have various requirements
18 not only for downtown, but various parts of our other
19 commercial centers, right? I should have thought of it
20 earlier, but is it possible to look at what it is for each
21 district? Is there an opportunity if we're looking at it to
22 make it the same town-wide, versus just downtown? I'd be
23 interested to hear with this committee if we're looking at
24 just putting downtown and North 40 on the same.
25

1 JOEL PAULSON: I'll just speak generally. There
2 are some differences. The two big differences are that
3 formula retail outside of downtown only requires a
4 Conditional Use Permit if it's over 6,000 square feet.
5 Where the downtown requires a Conditional Use Permit for
6 personal service, that's not required outside of the
7 downtown. I think those are the two big differences.
8 Restaurants already require CUPs in both areas, so those
9 are really the two differences between downtown and outside
10 of downtown.
11

12 CHAIR HUDES: Mayor.

13 MAYOR SPECTOR: Following up on that, it would be
14 helpful to me if this is going to come back to us, the CUP
15 issue, or I guess any control issue, to see where the
16 differences are; I mean a red line or whatever you want to
17 call it. This is the North 40 current Specific Plan, and
18 this is the Boulevard or whatever, and this is the
19 downtown.
20

21 JOEL PAULSON: We can do that.

22 CHAIR HUDES: Yeah.

23 MAYOR SPECTOR: And so then we can like zero in
24 on... It may be that we want it to be all the same, or it may
25 be that that's not realistic, but there are defined areas
where we think it should be.

1 CHAIR HUDES: I see a lot of nodding of heads on
2 that one. Any other comments with regard to number 1. I
3 think we've had a request for some more information on
4 that, but any other comments on it? Okay.

5 The next one is to allow commercial or mixed-use
6 on Los Gatos Boulevard. First of all, let me get some
7 clarification on that. Is it not allowed in the Specific
8 Plan currently? What's the current status?

9
10 JOEL PAULSON: I think this is related to the one
11 in Residential where we said we don't want residential
12 along Los Gatos Boulevard. The one modification here is
13 this potentially would allow mixed-use, so you'd still have
14 commercial, but it wouldn't be standalone commercial, it
15 would be generally residential above commercial, and so
16 whether one or both of those should be added to the
17 Specific Plan.

18 CHAIR HUDES: The way I read it then, it would be
19 to allow only commercial or mixed-use on Los Gatos
20 Boulevard; that's the intention.

21 JOEL PAULSON: Correct.

22 CHAIR HUDES: Okay. Yes, Vice Mayor.

23 VICE CHAIR SAYOC: Actually, that's a wrinkle
24 that I hadn't thought about when looking at Residential
25 number 8. I'd be interested to know what people think of

1 mixed-use. I don't believe just absolute residential on Los
2 Gatos Boulevard makes sense, but perhaps mixed-use might
3 open up some options. I'm just curious what other Committee
4 members think.

5 CHAIR HUDES: Yes, Commissioner Hanssen.

6 COMMISSIONER HANSSEN: When we were doing our
7 walk through of the North 40 I thought we had this
8 discussion, and I don't know if I remember correctly, but I
9 thought that because of the perimeter rule you can only go
10 up to 25'. I think it applies to Los Gatos Boulevard too,
11 if I'm not mistaken, so then that makes mixed-use not
12 possible. I think we talked about why there was only
13 housing and why couldn't it be retail over commercial,
14 because that would make more sense given the flow of what's
15 going on on the Boulevard. I don't know if we want to open
16 up a can of worms to make the height bigger, but that would
17 be a way to do it. I don't think we'd be missing that much.
18 I mean there are plenty of opportunities for mixed-use
19 elsewhere in the North 40 besides on Los Gatos Boulevard. I
20 don't think we'd be missing anything by not allowing that.
21

22 CHAIR HUDES: Thank you. Other comments? Okay,
23 then I'm going to move on to number 3, which is to explore
24 commercial uses in the Lark District, and currently I
25 believe that's not permitted at all in the Lark District.

1 JOEL PAULSON: There are some uses that are
2 permitted in the Lark District that are commercial.

3 CHAIR HUDES: So would we need to actually modify
4 anything or change the Specific Plan to accommodate that
5 idea?

6 JOEL PAULSON: I think the question is probably
7 twofold.

8 One, should more of the commercial uses that
9 currently are not permitted or permitted using a
10 Conditional Use Permit be permitted or require a
11 Conditional Use Permit in the Lark District? That's
12 probably the first one.
13

14 The other potentially is changing the general
15 overview of the Lark District. The language in here
16 regarding the Lark District and commercial uses and maybe
17 freeing that up a little bit more on the commercial side
18 are two areas where I see that as being potentially
19 beneficial to that comment specifically.

20 CHAIR HUDES: And we do already have a fair
21 amount of commercial in the Lark District through the
22 grandfathered businesses, correct?

23 JOEL PAULSON: Currently there is the gas
24 station, and then I can't remember where the Transition
25

1 straddles and whether or not the three office buildings as
2 you go north are all in that, or only two of them are.

3 CHAIR HUDES: All right. Mayor.

4 MAYOR SPECTOR: Thank you. It would seem to me
5 that if we do indeed reduce the new Specific Plan, reduce...
6 Well, we already have it in the old Specific Plan, but if
7 you have a reduced number of housing in the Lark area, then
8 you have the opportunity to have more commercial, and if
9 your goal is to have commercial that serves the northern
10 part of Los Gatos and the North 40, I don't know if the
11 answer is to create more commercial than we already have,
12 or not, but I think we should provide commercial for the
13 north part of Los Gatos and for the North 40 and to have it
14 included on the Lark area.

16 CHAIR HUDES: Other comments? I'm getting some
17 head nodding. Yes, Mr. Barnett.

18 COMMITTEE MEMBER BARNETT: The concern that comes
19 to my mind would be adverse consequences: traffic,
20 nuisance, and whatnot. I assume that there would be some
21 planning tools that could be used to mitigate this, but I'm
22 open for comment.

23 CHAIR HUDES: I would maybe also add my comment
24 to that, that this goes to me hand-in-hand with eliminating
25 the residential that's currently in that pocket in the Lark

1 District on the Boulevard. It does make sense to me to look
2 at potentially more commercial in the Lark District and to
3 change the general overview of that, so I'm sort of in
4 favor of what's in number 3 myself.

5 Commissioner Hanssen.

6 COMMISSIONER HANSSSEN: I know we're going to talk
7 about this later, but I wondered if the thing to do might
8 be to put a limit on the total amount of square footage for
9 commercial in the Lark District? There is also the CUP
10 process and the what's permitted uses. I'm looking at Table
11 2-1, the Permitted Land Uses. Right now there are typical
12 things that would be personal service: restaurant, personal
13 service office, financial institution, the bank. There
14 isn't a whole lot else that isn't without a CUP that's a
15 business per se, but even like a small family day care,
16 would that be in somebody's home? A botanical nursery is
17 allowed. So there are already some permitted uses, but if
18 we were worried about it being too much, we could always
19 put a limit on how much square footage, or maybe not.

21 CHAIR HUDES: I think we're on to number 4 now,
22 which is considering maximum square footages for commercial
23 use instead of CUPs, and we haven't resolved the CUP part
24 of that statement, but maybe take it without the CUP
25

1 portion of that statement, but to consider maximum square
2 footages.

3 The other idea and the other thing that came in
4 and out of the Specific Plan a number of times was square
5 footage ranges as well, and a table of ranges of square
6 footage, not just maximums. Do other Committee Members find
7 merit in those ideas?

8 Mayor.

9 MAYOR SPECTOR: Thank you. Yes, I do. Having been
10 someone who tried to create those tables, it's difficult,
11 and having the square footage is never accepted into the
12 Specific Plan as a further indication of how many
13 individuals will consider it difficult, but I like the
14 idea.
15

16 CHAIR HUDES: My recollection is we were close on
17 that one, and I think maybe we did have maybe a straw man
18 to go in to that from the previous work that the Committee
19 did, and that in conjunction with considering CUPs, this
20 could be a useful way of working on the level playing
21 field.
22

23 I'm going to move on to number 5, which is to
24 consider a reduction in the amount of commercial square
25 footage; Table 2-2 in Section 2.5.1, address that. Maybe

1 Staff could remind us what the current square footage is
2 that we would consider reducing.

3 JOEL PAULSON: The current maximum new square
4 footage is 435,000 square feet.

5 CHAIR HUDES: And is that strictly... What's
6 included in commercial?

7 JOEL PAULSON: There are two categories. That's
8 Total New. There is approximately 66,000 square feet of
9 existing, and the cap is 501,000 square feet. The
10 commercial, which is everything excluding office or hotel,
11 the cap is 400,000 square feet. Then the cap for office or
12 hotel is 250,000 square feet. So clearly, and this came up
13 a lot with the Advisory Committee, you'll never be able to
14 accomplish the maximum of both of those, but just throw
15 that in there. I'm sure people remember those conversations
16 as well.

17 CHAIR HUDES: And commercial includes
18 restaurants, retail, specialty market, health club,
19 personal service, and entertainment?
20

21 JOEL PAULSON: It's generally everything except
22 for office and hotel.
23

24 CHAIR HUDES: Right. So Committee Members, what
25 are your thoughts about reducing the 435,000 number
overall, without delving into the specifics?

1 Commissioner Hanssen.

2 COMMISSIONER HANSSEN: I don't know if I heard
3 this right, but in the Town Council hearing there was some
4 testimony that the 435,000 square feet is more than double
5 what we have downtown. Is that correct?

6 JOEL PAULSON: Not from a commercial square
7 footage.

8 COMMISSIONER HANSSEN: All right, so that was
9 incorrect, but I know that was a concern that was
10 expressed. Something that came to my mind, there are a lot
11 of balls in play here, for example, if we decided—which we
12 haven't yet—that we had to increase the number of the
13 amount of open space and we reduced the density requirement
14 and had a push back from Highway 17, I wondered if
15 everything could fit, all the commercial.

16
17 Then you already mentioned you can't have all the
18 commercial and office and hotel, so at some point we have
19 to do that analysis and say what is the most important
20 thing that we have to accomplish out of this in addition to
21 addressing the competitiveness issue? So I wondered if
22 we're able even to say what it needs to be until we kind of
23 decide what the other pieces look like, if that makes
24 sense?
25

1 LAUREL PREVETTI: And that's certainly a
2 possibility as the amendments themselves move through to
3 Planning Commission and Town Council. I think the other
4 piece to remember is Table 2-2 really sets out the
5 maximums, so if there's a specific reason why you would
6 want to reduce them, that would be helpful to know, but
7 otherwise this really is just an envelope; it doesn't mean
8 that you have to achieve all of the square footage either;
9 this is just the capacity.

10
11 CHAIR HUDES: Vice Mayor.

12 VICE CHAIR SAYOC: In looking at all the various
13 commercial uses allowable. One of the items that the
14 Advisory Committee continually expressed a desire for was a
15 hotel, and so I'm thinking now how do we provide incentives
16 to get what we want? Loosening regulations is one way, but
17 what other ways besides saying we would like a hotel can we
18 actually see that take place in the next iteration?

19 LAUREL PREVETTI: There are a couple of ways to
20 accomplish that, and it looks like the Town Attorney is
21 ready to go, so why don't you get started?

22 ROBERT SCHULTZ: Well, it's just near and dear,
23 because I dealt with this issue quite a bit in some other
24 jurisdictions, and you do have to relax the regulations for
25 that to occur. One of the issues that we did when we put

1 the height restriction, you have limited the ability to
2 obtain hotels, because they don't want to spread their
3 units out; they want to go up. Once you tell them about the
4 restriction, they pretty much will just walk. They don't
5 even want to listen to what else you could give them as far
6 as incentive, so that's what you have to deal with really.
7 The height would probably be the number one, but there are
8 other incentives you can do, that we could do, if that was
9 the goal. Then we could come back with language that would
10 provide those incentives.
11

12 JOEL PAULSON: And I think the existing Specific
13 Plan, for the hotel, it's actually a permitted use, so we
14 don't even require a Conditional Use Permit, so that's one
15 incentive. It's kind of coupling all of the issues together
16 is really great, it's permitted use, you have the height
17 challenge, which may be challenged, but then when you park
18 it you provide the 30% open space and all of the other
19 requirements, it becomes challenging. It doesn't mean it's
20 impossible, but probably becomes challenging, because
21 typically that market for hotels is very tight as far as
22 what they can make work economically.
23

24 ROBERT SCHULTZ: And just from a corporate
25 standpoint, the big names, they have their set protocols of
what they're looking for and what their standard building

1 is, and so they look to see if it's going to fit in the
2 box, and if it doesn't...

3 CHAIR HUDES: I think we've gotten a little into
4 the discussion on number 6, which are the actual commercial
5 needs. I wanted to try to draw number 5 to a conclusion, if
6 I could. Are there other comments from Committee Members on
7 reducing the amount of commercial square footage?

8 Mayor.

9
10 MAYOR SPECTOR: Thank you. It's actually going to
11 go back, because I do think that we've had a lot of input
12 over the years that people want a hotel, and I understand
13 that there are development parameters, but one way to do
14 that and to also get to wherever you were going on number
15 5, I think, is to take that Table 2-2 and increase the
16 square footage for the office hotel, and then that would,
17 if you wanted to keep the total, decrease the square
18 footage for the other commercial. So that's another metric
19 that could play into these two potential objectives, which
20 is less commercial and a hotel.

21 CHAIR HUDES: Commissioner Erekson.

22 COMMISSIONER EREKSON: I think if one wants to
23 aggressively pursue a hotel as an option, one probably
24 should... Well, I guess I wonder, should one decouple office
25 and hotel but then also put an upper limit on the square

1 footage of hotel that's reasonable? That would attract some
2 hotels, but without suggesting that one was going to build
3 a 1,000-room hotel in town, so one could find some ground.

4 Attached to the hotel also, it wasn't always
5 clear to me in the earlier conversations whether the
6 interest was in a hotel or an interest was in the meeting
7 room, conference space, that was associated with the hotel;
8 whether it was our hotel itself, or whether it was to
9 achieve the other? But it seems like to me if one steps
10 back and thinks about community needs, all of the major
11 service clubs in the town now utilize the same space, which
12 we all know will be developed for something other than Los
13 Gatos Lodge in the reasonably near future. There's no
14 alternative in this town for those service clubs to meet,
15 and for other organizations, because places like the
16 History Club are limited in size, they're limited in
17 parking, and the opera house is limited in parking.

18 So if we have an opportunity to tweak this so
19 that we respond to what is a real need in the community, so
20 that one doesn't have to go to Villa Ragusa in Campbell or
21 other kinds of places that that would be good, from my
22 perspective it might be another reason for isolating the
23 hotel conference use away from office.
24
25

CHAIR HUDES: Mayor.

1 MAYOR SPECTOR: Thank you. I agree with Mr.
2 Erekson. What happened during the discussions leading up to
3 the Specific Plan is that it was consistent that we got
4 input that the community wanted a hotel, and they wanted a
5 hotel with meeting rooms. I mean that was consistent, and
6 so therefore it made the cut on Table 2-2. But then the
7 Specific Plan allows the developer to come forward with
8 components of the Specific Plan, and my sense is that a
9 hotel use, besides having the limitations that Mr. Schultz
10 pointed out, may not be as economically feasible as
11 building homes with commercial.
12

13 CHAIR HUDES: Thank you. I did want to weigh in
14 on that one, if I may, as well. There's been a fair amount
15 of time that's passed since we first were working on this
16 issue, and there have been developments, particularly
17 looking at Sand Hill Road, where you have venture capital,
18 you have incubators, and you have a very fine hotel located
19 in that space. We talked about retail leakage; I'm thinking
20 about brain drain leakage where we have our best innovators
21 leaving town to go work in a venture capital firm outside
22 of town when there is the opportunity to combine really
23 excellent office space, potentially incubator space, that
24 goes nicely with a modest sized hotel.
25

1 I think that's an important component and I
2 personally believe, coming back to the numbers, that
3 250,000 is a bit small to accomplish something of that
4 magnitude and potential real benefit for the Town.

5 The other side of that where I wanted to weigh in
6 was on number 5, on the amount of commercial. The amount
7 that we have is not equal to, but it's in the same league
8 as, a Santana Row, and it's certainly quite large compared
9 to our downtown. So without some of the limitations or
10 controls, I had proposed some smaller numbers of 300,000
11 square feet, particularly in the way it was phased,
12 combined with 67,000 square feet of real neighborhood-
13 serving that was integrated with the community.

14 I would put those numbers out there for
15 consideration of options, since it seems like we are going
16 to consider a reduction of the number of commercial square
17 footage, so I just wanted to put that out there.

18 VICE CHAIR SAYOC: What would be helpful when
19 this comes back is to have our economic vitality manager
20 weigh in. During the time that the Specific Plan has been
21 in creation were there any inquiries about a hotel, and
22 what parameters were they looking at? That might be helpful
23 to us, because clearly, as I mentioned, that was a
24 identified need that I can't say all of us, but the
25

1 majority of us, clearly wanted and desired in this plan,
2 and so it would be helpful for me to know if there was any
3 interest that was ever expressed and what those parameters
4 were.

5 It might even be a nice exercise to know what
6 those parameters were, and if that is something that we as
7 a committee can look at to see if that could fit within the
8 various criteria that exist now in the plan and whether we
9 would need to tweak it, and whether those tweaks would be
10 something we would support.

11 JOEL PAULSON: I just offer that we definitely
12 can talk to the vitality manager. We have had inquiries
13 about hotels. They generally don't give us their
14 parameters; they ask what our regulations are, and then
15 they go back and see if they can make it work. But we
16 definitely can try to get some general information on what
17 a hotel needs maybe from a square footage perspective
18 versus keys or number of rooms.

19 ROBERT SCHULTZ: Kind of a general rule of thumb
20 is 50,000 square feet for a 100-room, but that's kind of
21 changed. That's based on a 325,000 square foot room, and
22 now sometimes they're doing bigger and they're doing
23 boutique size, but that used to be the general rule of
24 thumb. I was just trying to look it up to see how much it's
25

1 changed, but that was kind of where you went when you were
2 looking at square footage of what it would take, and that's
3 just the rooms, and it depends on how much you want for the
4 conference facilities and other things, or if it includes a
5 restaurant.

6 CHAIR HUDES: I think we're addressing number 5
7 and number 7. I wanted to maybe focus a little bit more on
8 number 6 and the unmet commercial needs that have
9 previously been identified: general merchandise, building
10 materials, resident-serving businesses defined as serving
11 the north part of Los Gatos and the North 40. Do Committee
12 Members want to weigh in on those particular commercial
13 needs? Is that a good list? Should there be additional
14 items that should be considered in terms of commercial
15 needs?
16

17 Commissioner Hanssen.

18 COMMISSIONER HANSSEN: What we have in the
19 Specific Plan is fairly general right now. I don't think
20 that it makes sense to put names of businesses in there,
21 but it might be like we have in the Hillside Guidelines and
22 the Residential Design Guidelines, maybe some more examples
23 of what is desirable versus not in the districts. We have
24 some architecture things and pictures of row houses and
25 stuff, but not a lot of description about what we what.

1 That might help in terms of clarifying the goals, because
2 we have the CUPs and the permitted uses, but not a lot of
3 direction besides that.

4 CHAIR HUDES: Commissioner Erekson.

5 COMMISSIONER EREKSON: I guess I would caution us
6 that while I think in general the Specific Plan needs to be
7 more specific than it was, so it needs to be a more
8 specific Specific Plan in general; I think that's where
9 everyone got into trouble a little bit. But if we begin to
10 name types of commercial enterprises building, and I'll
11 just use the examples that are here, building materials and
12 general merchandize, the retail area is really dynamic, and
13 to the extent that we become too specific with those kinds
14 of uses and we approach it by being restrictive—and I'm not
15 saying remove the rule or guidelines that would prevent us
16 from having a huge big box store or something, although the
17 marketplace may be taking care of that for us—but I think
18 we have to figure out how to nuance the language so that it
19 will achieve what we want to achieve while not precluding
20 the fact that we may not know five years from now what
21 would be desirable to develop in that area because of the
22 changing retail nature. I don't know how to nuance the
23 language in that manner, but I think we have to be very
24 careful with the language so that we don't restrict or we
25

1 don't make our own language outdated by the time that the
2 property is actually developed.

3 CHAIR HUDES: Mayor.

4 MAYOR SPECTOR: Thank you, and Mr. Erekson is
5 correct. I remember speaking with Mr. Capobres when this
6 whole process first started and he was talking about
7 general merchandise, and he was talking about a Target
8 store, and then by the time we got to 2015 it was a little
9 Target or a baby Target, so yes, it does evolve.

10 COMMISSIONER EREKSON: I would say something
11 like, saying or thinking about so great, you pose the
12 problem and you don't offer any help with the answer. Fire
13 that guy. But some phraseology like "resident-serving
14 businesses," if we take the other one, if we intend for it
15 to be resident-serving, that can change over time, but
16 that's a nature of a use, not a specific commercial or
17 retail kind of thing.

18
19 So if we can figure out language, if you and
20 Monica can figure out language, or in the chamber,
21 whomever, can help us figure out language like that, that
22 is serving needs, that's more descriptive than simply
23 saying, "Serving unmet needs." Serving unmet needs is so
24 general and unspecific that I don't think it's really
25 helpful to the Town decision makers, nor is it helpful for

1 people who would want to apply and develop, because it's
2 just so innocuous, I think.

3 CHAIR HUDES: I'm going to take all of these
4 comments. I think they all address questions 5, 6, and 7,
5 and I wanted to move on to 8 and 9, maybe take those two
6 together.

7 Eight, the intent of the Specific Plan was to
8 protect downtown while providing neighborhood-serving
9 commercial and reducing retail sales tax leakage, and 9,
10 how do we make commercial that's near residential be truly
11 neighborhood-serving and not shoe stores and handbag stores
12 that draw people away from downtown, and then how do we get
13 the other portion of it to be general merchandising, again,
14 without creating a food court and a bunch of small stores
15 with dress shops and so forth?

16 That's pretty complex language for us to tackle,
17 but I think it boils down to how do we get the balance
18 right with the downtown, and how do we serve the
19 neighborhood needs without making this necessarily
20 regional? Do Committee Members want to weigh in on 8 and 9,
21 ways that we might accomplish that?

22 Yes, Committee Member Barnett.

23 COMMITTEE MEMBER BARNETT: I have a couple of
24 thoughts I'll throw out.
25

1 The first one is in terms of protecting the
2 downtown, but also making the North 40 economically viable,
3 I need that question and answer to whether the Town has
4 received consulting information from knowledgeable parties
5 about the proper mix and square footage that's
6 appropriate,, and potentially even the pad sizes that we've
7 been talking about.

8 Then a related concern I have is that I'm not a
9 barebones free market person, but the North 40 is not the
10 only competition for the downtown. There's Campbell,
11 there's San Jose, and there are limits to what we can do. I
12 really embrace the idea of having transit and other
13 practical ideas that would encourage shopping between the
14 two centers, but I'm wary about the ability of the Town of
15 Los Gatos to effectively protect the downtown. There's a
16 free market out there, ultimately.

18 CHAIR HUDES: Maybe I can weigh in a little bit.
19 I don't agree that the intent of the plan is to protect the
20 downtown. I think, in my opinion, the specific plan should,
21 and the intent is to, have the entire town thrive and to do
22 that by encouraging synergies between the downtown and the
23 North 40, not to go into a huge protectionist mode, but to
24 look at controls where they're appropriate, but that
25 shouldn't, in my mind, be the intent.

1 I do think though that there was a lot of
2 discussion that goes a long way back about neighborhood-
3 serving, or I like Commissioner Erekson's term, "resident-
4 serving," and in order to distinguish this from a Santana
5 Row or a Westfield or something like that I would suggest
6 some language for consideration regarding retail and
7 restaurants, that it be primarily or principally resident-
8 serving, and that then gives I think the deciding bodies
9 the ability to look at something and say okay, it's not
10 just serving a few neighborhoods or a few residents, but
11 that's the primary goal of this application, and I would
12 suggest that language to be considered for LU-6 and LU-7,
13 the land use statements.

14 Reactions to that? Commissioner Hanssen.

15 COMMISSIONER HANSEN: I think that makes a lot
16 of sense. I think it was brought up earlier, we've seen
17 some pretty dramatic changes in the kind of retail
18 applications that have been coming in for downtown, the
19 traditional shopping clothing stores and stuff going down
20 and we're getting spinning classes and cooking classes and
21 all this kind of stuff, so I wondered if we shouldn't have
22 some more eyes on this. I know the Town's plate is very
23 full, but it seems like this is really important to make
24 our town thrive, and I'm not sure that the info that we had
25

1 when we made the Specific Plan in the first place and did
2 all the market studies, if it's still valid. I don't mean
3 starting all over again, but it might be worth getting some
4 additional opinions on this. I just throw that out.

5 CHAIR HUDES: Vice Mayor.

6 VICE CHAIR SAYOC: A couple of points to that.
7 I'm going to touch on comments that you both have made, and
8 I'll ask our Town Manager to weigh in on some ideas we've
9 been talking about.
10

11 But this notion not to protect downtown, but to
12 have all our commercial business districts thrive, I think
13 is very important. Today at this meeting that I went to
14 when I was listening to our economic vitality manager, she
15 was pointing out how just with the addition of Lester
16 Square, which is the corner of Blossom Hill and Los Gatos
17 Boulevard, that's created some energy there where now you
18 see more people walking to have a hamburger, and after
19 school at 2:35pm you see the mass of Fisher kids that are
20 heading there. That's neighborhood-serving. You see Downing
21 Square where just with a couple of additions all of a
22 sudden there's synergy there. That's neighborhood-serving.
23 So it's hard to predict unless you're actually looking at
24 those parameters what one addition will be the critical key
25 to make that a vital element to make that neighborhood-

1 serving, and that's difficult for me at this level to
2 prescribe in the Specific Plan.

3 I like the general terms that we talk about,
4 neighborhood-serving, but it's always been difficult for me
5 to say, whether it's a CUP or a maximum square footage,
6 what it is that that particular neighborhood will be
7 needing at that particular time. But what's exciting is
8 we're seeing it happen town-wide now, and I do think that
9 further helps us in our infrastructure needs, because any
10 time we can get people walking to a neighborhood-serving
11 center, that just helps alleviate the traffic that we all
12 have been experiencing.

14 There are so many ways to look at this, and to
15 look at this challenge, and I agree, we need more eyes
16 looking at this, and I know the Town Manager and Joel
17 Paulson have some ideas on perhaps how we may be able to
18 look at town-wide commercial interests in the future; that
19 may be helpful as we look down and drill down on what the
20 North 40 actually should be looking at.

21 LAUREL PREVETTI: Thank you, and I think there
22 are a lot of opportunities and we're very fortunate to see
23 so much great investment happening in different parts of
24 our town, so we are getting some really good input on that.
25

1 I would just also remind the Committee that Table
2 2-1, the Permitted Land Use table, actually already
3 includes a vast number of these neighborhood- or resident-
4 serving uses, so we might be able to fine tune it, but
5 whether it's an exercise class, which some have seen does
6 add more people on the street and activity as well, or a
7 coffee shop, or a small restaurant, there are a lot of
8 different ways to make this happen.

9
10 We're certainly happy to engage our economic
11 vitality manager on this. I do want to just caution though
12 that we are absorbing all of the costs associated with
13 amendments to the Specific Plan, so we really don't have
14 the budget to hire an economist to do any new studies for
15 us, but I'm sure just given our public and as we go through
16 the public hearing process, I'm confident that we will be
17 getting input from brokers or others who might have some
18 professional expertise to lend to this. We'll do our best
19 with the resources that we have, but I just can't afford at
20 this point to have another consultant study.

21 CHAIR HUDES: I'll just make one quick comment on
22 that. I believe there is a requirement for an application
23 to do an economic analysis. One way to address this would
24 be to be a little bit more specific about what goes into
25 that analysis. I personally found there were some very big

1 flaws in the report that came in earlier, and I think we
2 could solve that by putting in more of a table of contents,
3 if you will, for the economic analysis.

4 Mayor.

5 MAYOR SPECTOR: Thank you. Following up on
6 several things that have been stated.

7 First of all, I agree. We are getting in Los
8 Gatos more shopping areas that are neighborhood-serving,
9 and that's a really good thing, and we didn't use to have
10 it, it was basically just downtown. One of the things that
11 I was doing when we were working on the Specific Plan is
12 actually was looking at—and maybe Mr. Spilsbury did this
13 too—the shopping areas, like Vasona Station or Trader
14 Joe's, looking to see how big are those square footage-wise
15 and what do they have in them? I characterize those in my
16 own mind as neighborhood-serving, so that's how I was
17 helping myself identify the uses and the square footage.

18 With regard to more studies, we have I think
19 three studies associated with the Specific Plan.
20 Personally, I thought only the first one had any valid
21 substance. Other people disagree with me, but I did not
22 think the other two necessarily did; I thought they needed
23 a lot of help.
24
25

1 With regard to having the applicant go to the
2 CDAC, that wasn't very helpful either. If we want to use
3 these mechanisms, we're going to have to define them better
4 so that they are truly a benefit to the decision makers.

5 CHAIR HUDES: Commissioner Erekson.

6 COMMISSIONER EREKSON: Without being redundant to
7 what other people say, I've always been troubled with the
8 discussion about protecting the downtown, and if you'll let
9 me use a sports metaphor, that was for me playing not to
10 lose, as opposed to playing to win if we could make it
11 create energy. I guess for me while we don't want it to be
12 regional, and I don't know what the right language is, the
13 Staff will know better than I, but in and of itself having
14 people who don't live here come into town and spend their
15 money is not bad, but we don't want to create a huge
16 regional center either, so I don't know what the right
17 language to describe it is. Limited regional. I mean I
18 don't know what the right language is, but limited regional
19 is the best I could come up with.

20 The other thing that I would wonder with the
21 Staff is we have a tendency to regulate in a specific plan,
22 and I wonder—and I don't have the experience that you would
23 have with other kinds of plans—are there ways to put
24 incentives in a Specific Plan? I have no idea if that's
25

1 even possible or what those might be, but if we could
2 regulate where it would be appropriate to regulate, but
3 incentivize in some way in the plan that would help us, I
4 think, but I don't know what that looks like, feels like,
5 smells like, or tastes like, because I don't have the
6 experience base to know.

7 CHAIR HUDES: Commissioner Hanssen.

8
9 COMMISSIONER HANSEN: I don't know if we need to
10 change anything, but when I was listening to the Vice Mayor
11 talk about the successes we were having it made me think
12 maybe just as a sanity check we ought to look at what are
13 the places that are having the most success right now, and
14 another one I thought of is that Office Depot shopping
15 area, because they have the Panera and they have the
16 exercise place and that place is doing pretty well as well.

17 Like I said earlier, we've definitely seen at
18 Planning Commission and also at Town Council some different
19 kinds of retail, and so I was just doing a sanity check,
20 just for example like a spin class; there's one at Downing
21 Center, then there is the one proposed for downtown, and
22 then there's the cooking class coming in. Would any of
23 those be prohibited, not in the Northern District, because
24 that isn't an option right now, but in the Transition
25 District? Are some of those businesses that we've been

1 having so much success with? I know restaurants are fine,
2 but like the exercise class, because it says in here there
3 is health club, and then there's commercial, recreation,
4 and amusement establishment, so just as a sanity check I
5 would want to look at where we're having the most success
6 and make sure we're not standing in their way of coming to
7 the North 40.

8 CHAIR HUDES: Other comments on this? Maybe I'd
9 just add one comment. I personally don't think that we
10 should be discussing a regional center, whether it's
11 limited or otherwise. I think that's what opens the door to
12 something that doesn't create synergies but creates a real
13 potential negative impact on the downtown.

14 I don't believe that the downtown is thriving
15 relative to other downtowns in other areas. I think it's a
16 delicate balance. I think there has been some loss of
17 business. Some of the economic analysis that was submitted
18 actually showed to me that we're not quite as healthy as we
19 should be or could be, and so I would personally support
20 more language that talks about the synergies and talks
21 about being primarily or principally neighborhood-serving,
22 rather than just using the words neighborhood-serving. I'm
23 uncomfortable with just neighborhood-serving without some
24 kind of direction that it should be principally or
25

1 primarily neighborhood-serving. Again, that's my personal
2 position on this one.

3 That gets us through items 8 and 9, and that
4 takes us through Commercial. Now, we are at 9:15pm, and I
5 know we don't have a limit on this, but it seems like we
6 probably shouldn't go beyond 10:00pm. I guess are other
7 Committee Members willing to move on to the Open Space
8 discussion? Getting nods, so let's talk about that.

9
10 First of all, are there any general comments on
11 Open Space? If not, we can proceed to the particular items
12 that are in here.

13 Yes, Mayor.

14 MAYOR SPECTOR: The general comment I would have
15 is based upon the input that we've received from the
16 community, and the general input that we've received from
17 the community is they want more real open space, i.e. green
18 versus cement.

19 CHAIR HUDES: Great. Well, I think that gets
20 right to point 3. Why don't we start with that one, which
21 is have real open space. There are some ways we could
22 modify Section 2.5.4. to address that. Other Committee
23 Members on that particular issue?

24 Commissioner Erekson.
25

1 COMMISSIONER EREKSON: I think, and it's not
2 clear to us about point 3 solely, but also it seems like to
3 me while we required a high percentage of open space we
4 didn't require that it be contiguous, so that seems to me
5 to be, if I heard what the public was saying also, that we
6 need to have larger single—I don't know how to say it
7 exactly right now—open spaces that approximate small parks,
8 and those kinds of things, as opposed to just meeting the
9 30% or whatever the right percentage is, was another kind
10 of input from the public, I think.
11

12 CHAIR HUDES: Yes, Commissioner Hanssen.

13 COMMISSIONER HANSSEN: If I recall, they were
14 able to count like if you had a little patch of grass in
15 your back yard, private, that was counting towards open
16 space. Because they had to have 30% total open space and
17 then 20% that wasn't hardscape, I think that's correct. Off
18 the top of my head I wondered why it couldn't just be 30%
19 real open space that had public access, but maybe that's
20 too much to ask given all the other things that we need to
21 get out of the North 40, but it definitely seemed like we
22 could do better.
23

24 I know this came up, and it wasn't that they
25 weren't willing to do it, but in the Phase 1 application
there wasn't a single place for kids to play, and

1 considering that we know there is going to be children
2 there we don't want them walking across the street to the
3 park, and this whole idea of neighborhood-serving. I don't
4 know how you can force them to have a park, but you can
5 certainly encourage them, and I don't know that it's not
6 permitted to have a park, but we didn't necessarily
7 strongly encourage it, so I think some language could be in
8 there to make sure that we have that kind of stuff and
9 maybe make the open space requirement stronger and more
10 public.
11

12 CHAIR HUDES: Vice Mayor.

13 VICE CHAIR SAYOC: That was an interesting
14 discussion that we had during Advisory Committee, because
15 at the time we were designing for millennials and move-down
16 seniors, and so one of the areas that we could do it
17 legally was by architecture and amenities, so there was a
18 discussion on not having playgrounds, because you wanted to
19 cater to millennials who wanted open pit barbeque places
20 versus... So those are the types of things that we are
21 discussing, and I guess we could have a more realistic
22 discussion given what we know about our community, but the
23 more you change it to be family-friendly, then you are
24 going to slowly cater to a different demographic, and those
25

1 are the types of discussions I think the Committee was
2 grappling with: Who are you designing it for?

3 CHAIR HUDES: I wanted to add a comment to it,
4 because I was struck by the confusion of what is open
5 space, and there is a definition in the current Specific
6 Plan that looks to me like it's sort of a developer's
7 designation of open space, so I went and looked for other
8 definitions of open space and the first hit on Google
9 actually was the US EPA's language, which I thought could
10 enhance what we have in there. I'll provide it.

11
12 I won't go through the details, but it starts by
13 saying that open space is, "Any open piece of land that is
14 undeveloped, has no buildings or other built structures,
15 and is accessible to the public. Open space can include
16 green space," and it goes into a description of what that
17 is, "including gardens, shrubs," and things like that,
18 "schoolyards, playgrounds, public seating areas, public
19 plazas, vacant lots." It doesn't specify the strips between
20 parking in a parking lot there. It also talks about, "Open
21 space provides recreational areas for residents and helps
22 to enhance the beauty and environmental quality of
23 neighborhoods," and it goes on from there. I'll provide
24 that language, but I think that type of language would
25

1 enhance the pretty narrow description that we have in
2 Section 2.5.4.

3 JOEL PAULSON: Not to interrupt, but also we have
4 the open space definition, and then there is also a green
5 open space definition, and then the hardscape definition,
6 so those could also be modified to get more to what the
7 community was looking for.

8 CHAIR HUDES: Any other comments on number 3,
9 have real open space?

10 So let's go back to number 1, which is the
11 perimeter district should be larger, and this refers to
12 Section 2.5.7 on page 215. Any comments on that particular
13 perimeter district?

14 VICE CHAIR SAYOC: Is this the 50'?

15 CHAIR HUDES: Yes, this is buildings or portions
16 of buildings located within 50' of Lark restricting their
17 height.

18 Yes, Commissioner Hanssen.

19 COMMISSIONER HANSSEN: When I think about the
20 perimeter it kind of goes around the outside of the
21 property, and I wonder if that's the place that you really
22 want open space? I don't see people going out to the fence.
23 I would think you'd want it more inside, so I'm not sure if
24
25

1 increasing the perimeter space would accomplish what we
2 want.

3 CHAIR HUDES: Any other reaction to that?

4 JOEL PAULSON: I think the question is what is
5 the author of the question trying to achieve? Is it going
6 to be more of a buffer from noise or pollution, and would
7 any available measurement increase actually make a
8 practical difference? I personally would doubt it.

9 CHAIR HUDES: Commissioner Erekson.

10 COMMISSIONER EREKSON: My question when I read
11 this is I wasn't exactly sure why this was put under Open
12 Space. I assume what it is talking about is the Perimeter
13 Overlay Zone; there's no perimeter district, and Perimeter
14 Overlay Zone specifies limitations on what can happen in
15 there, but it doesn't specify that open space... There's no,
16 that I can see, real relationship between open space and
17 the Perimeter Overlay Zone, so I wasn't exactly sure why it
18 was there.

19 JOEL PAULSON: I just offer that if you get to
20 the table on 2-5 there's discussion relating to landscaped
21 areas, planting with orchard trees, and multi-modal paths,
22 so increasing that probably gets a larger greenscape buffer
23 in conjunction with it, so I would assume that's what they
24 were looking for in that sense.

1 CHAIR HUDES: Any other comments on number 1? It
2 doesn't sound like there's a resounding recommendation of
3 this Committee to make that perimeter district larger.

4 Number 2 I think is very important, and that's
5 the amount of open space. More open space should be
6 required. I think there were conversations or arguments
7 made that there is quite a bit of open space in the plan.
8 What are Committee Members' thoughts about whether a total
9 of more open space should be required? And maybe Staff
10 could remind us on how much is required?
11

12 JOEL PAULSON: The total is 30%, 20% of which
13 must be green open space, and we've already obviously
14 talked about potentially more green open space, so that's
15 one avenue, or just limiting what we count as open space
16 and not including the hardscape areas, so those are just a
17 couple options.

18 CHAIR HUDES: Any other comments about those
19 numbers, the 30% or the distribution between green and
20 other open space?

21 Commissioner Hanssen.

22 COMMISSIONER HANSSEN: I said this a few minutes
23 earlier, and I don't know if other people feel the same
24 way, but it seemed to me that in listening to some of the
25 concerns of the residents one thing we could do that would

1 help is eliminate private residential green space in the
2 count of open space. It doesn't benefit the community, it
3 only benefits the person that's living there, and that
4 would automatically force them to have some more green
5 space.

6 Another thing we could do is eliminate hardscape
7 as an option for achieving green space and leave the number
8 at 30%.

9 Those would be two easy things to do, whether or
10 not that's economically feasible and won't take away from
11 some of the other goals, I don't know that, but those are
12 two thoughts I had.

14 CHAIR HUDES: Mayor.

15 MAYOR SPECTOR: I agree.

16 CHAIR HUDES: I'll just add my comment to that. I
17 agree, and I think it's consistent with the EPA definition,
18 which says that open space is accessible to the public. So
19 that might mean changing the numbers or the percentages to
20 be realistic, but also sharpening our definition of what
21 open space is to not include the back yards.

22 VICE CHAIR SAYOC: (Inaudible) number 4?

23 CHAIR HUDES: Yup, number 4, which I wasn't sure
24 if this was more of a legal issue or more of policy issue,
25

1 so maybe Staff could explain, "Public access easements
2 shall be required for the open space."

3 ROBERT SCHULTZ: It's more of a legal issue. I
4 think even not in the Specific Plan when it came forward
5 with Conditions of Approval and everything else we would
6 have that in there, but we certainly could add it also.
7 It's a question of making certain that the public space
8 remained open to the public; so something we could
9 certainly do since we're making changes, just add it.

10
11 JOEL PAULSON: The other is that the requirement
12 in the Specific Plan was 20% of the 30% had to be publicly
13 accessible, so that number could also be increased.

14 CHAIR HUDES: Vice Mayor.

15 VICE CHAIR SAYOC: I believe when we brought this
16 up we also talked about fencing and how there should be no
17 fencing so that it just continues to leave that open to the
18 public feel. I mean obviously private residents will have..
19 I meant like the parks should not be fenced.

20 CHAIR HUDES: So coming back, does that require
21 public access easements, or can that just be addressed in
22 the language of the Specific Plan that the public shall
23 have access?

24 ROBERT SCHULTZ: We can just put some language in
25 there that they would be recorded easements for the public

1 space, so we know it's a requirement. Like I said, if the
2 application would have been approved, there would have been
3 requirements for those easements to be recorded to begin
4 with, so we'd catch it on the application anyway, but it's
5 good to have in the Specific Plan just as a reminder.

6 CHAIR HUDES: Yes, go ahead.

7 VICE CHAIR SAYOC: So using that example, let's
8 say a park was placed, could that park, even though it's
9 privately owned, be put on our inventory of parks that
10 residents could go to?
11

12 ROBERT SCHULTZ: Yes.

13 VICE CHAIR SAYOC: Okay.

14 CHAIR HUDES: So we are about to close out Open
15 Space. Are there any other issues on open space that I've
16 missed?

17 VICE CHAIR SAYOC: (Inaudible) open space.

18 CHAIR HUDES: Okay.

19 VICE CHAIR SAYOC: We're getting punchy.

20 CHAIR HUDES: Yeah, I think we are. I think we
21 ought to adjourn at this point, if that's okay with the
22 other Committee Members, before I close anything else out
23 that I shouldn't. So we'll take up the next matters,
24 Parking, and Height, for which I think we'll have some
25 discussion.

1 Yes, Mayor.

2 MAYOR SPECTOR: Before you gavel us closed, the
3 next three areas, Parking, Height, and General/Other, I'm
4 thinking we can get through them, but you are now the
5 Chair, so you make the call.

6 CHAIR HUDES: Well, I'm happy to go longer
7 personally. I do think that General/Other is a fairly large
8 topic as we bring in some of the other considerations, so
9 maybe we'll do Parking and Height then, is that okay,
10 Committee Members? Okay.

11 So let's move forward. Parking has only one item,
12 and it is underground parking should be explored. What do
13 Committee Members think about underground parking and
14 whether it should be explored?

15 Commissioner Hanssen.

16 COMMISSIONER HANSSEN: I think I remember from
17 being on the Transportation and Parking Commission years
18 ago, and also it came up in some of the recent discussions,
19 that underground parking adds significantly to the expense,
20 and so I don't know if that's the right... Certainly not to
21 make it required. To me, I would put it in that it's
22 encouraged as a way to create more open space and to reduce
23 bulk and mass. We could certainly put language in there
24 that it's encouraged, but I would be worried if the costs
25

1 were going to go way up when we're trying to get more
2 affordable housing; that would be my main concern.

3 ROBERT SCHULTZ: I would look at it more like if
4 it's a real goal like you talk about hotels or other things
5 you're trying to accomplish, the way to do that then is
6 you've got to provide other incentives, so there is a
7 tradeoff. If you're going to encourage or just put language
8 in there, it's not going to happen, because it's cost
9 prohibitive. But if you provide other incentives, and I
10 don't know what those would be right now, maybe there is a
11 reduction in open space if you do that, maybe there are
12 other things, so it's kind of how important that
13 underground is to you. Do you get a height variance because
14 of it? I don't know what issues, but that would be kind of
15 the thing you would look for if that were what you're
16 trying to do. The same with some of the other components of
17 the project that you're trying to do is how do you get the
18 developer to do it is usually because you give him some
19 other carrot.
20

21 CHAIR HUDES: Commissioner Erekson.

22 COMMISSIONER EREKSON: I guess consistent with
23 Mr. Schultz's comments, it would be helpful at least to me
24 for the Staff to kind of identify what some of those
25 incentives or tradeoffs might be. If all we were going to

1 do in the Specific Plan was add language, "Underground
2 parking should be explored," okay, check that one and move
3 on to the next. It's kind of a no harm, no foul, but it's
4 probably okay, so if I'm an applicant, I thought about it
5 for five minutes when I was at Starbucks waiting for my
6 latte, so I explored it, check that box, move on to the
7 next thing. So unless we want to do something like what Mr.
8 Schultz was talking about and understand what the advantage
9 might be for us and what the advantage might be for someone
10 who would develop it, it's kind of okay, put the language
11 in there, move on.

12
13 ROBERT SCHULTZ: Because we're restricting square
14 footage, maybe that's one of the incentives, but we can
15 look into that. But right now the Specific Plan doesn't
16 restrict and not allow underground parking, so it's already
17 allowed, so they can explore it. Like I said, I don't think
18 you're going to get it unless you provide them something
19 else.

20 LAUREL PREVETTI: Mr. Chair, if I may? I would
21 just be careful about this one, because in the public
22 testimony some members of our public thought that if we
23 required the underground parking that that would actually
24 create more room for open space, but as was mentioned, you
25 really can't be asking... That would be a huge ask of a

1 developer, so I think we would just need to be careful
2 about how much time we want to really invest in underground
3 parking. It's not precluded, as the Town Attorney said, and
4 it's always an option for a developer, especially here
5 where we don't have some water table problems or other
6 issues, but I think given the talk that we were just having
7 on open space, and the need for banquet space and some
8 things, as we look at the priorities this one seems a
9 little bit on the lower side in terms of really investing a
10 lot more time on policy language for this.

12 CHAIR HUDES: I appreciate that input. Maybe we
13 could just explore... There have been some developments
14 recently that have included underground parking. Could
15 maybe you tell us a little bit about why those developments
16 did that and why we didn't see that on the application on
17 the North 40?

18 JOEL PAULSON: I can give you some potential
19 observations. One is there's not a 30% requirement for open
20 space in any other zone in the Town. There's also not this
21 type of cap on square footage; it's capped on other things
22 such as they're allowed to cover 50% of the lot. Here, you
23 can't get anywhere near that. So some of those are probably
24 generally how those work. Additionally, some of them are
25

1 medical uses, and so they probably are able to foot that
2 cost for that type of use.

3 But there have been a number of them that have
4 done it, and it's not that it hasn't been done, I think
5 it's just when you couple the other requirements it becomes
6 challenging from that perspective. I think in the example a
7 hotel, a hotel would also have to do some underground
8 parking to meet all the other requirements of the Specific
9 Plan, and so they would have to find a way to manage that
10 cost.

11
12 CHAIR HUDES: Any other comments on parking
13 beyond underground parking?

14 Let's move on to Height. I'm surprised there are
15 only two items considering the amount of public input on
16 this. Are there any general comments on height, or any
17 comments actually? Let's just jump to the ones that are
18 here. Increasing the height to 45' as long as there is more
19 open space. Is that an idea that has merit or are there
20 some general comments?

21 Commissioner Erekson.

22 COMMISSIONER EREKSON: I would not be in favor
23 linking height to open space. I think, for me, we need to
24 decide what kind of open space we want and how much public
25 open space there is; that's just my opinion.

1 Height should be linked to the type of uses and
2 what we want to accomplish in the space. That being said,
3 once we clarify what it is, my sense is then we need to be
4 realistic about what the height limitations are on it, but
5 I think trading height simply for open space is not where I
6 would land.

7 CHAIR HUDES: Commissioner Hanssen.

8 COMMISSIONER HANSSEN: Going back to what we
9 talked about with residential, in the Northern District if
10 we wanted there to be 20 units per acre one way to
11 accomplish it would be to let the height go up to 45' and
12 then they could have three or four floors, and that way
13 they could accomplish that 20 units per acre, and in the
14 Northern District it might not matter as much.

15 Then I think we heard about the hotel issue; they
16 might need to do that. I think we at least ought to
17 seriously consider it.

18 The other place this came up, and I don't know if
19 it would feel good to do that in the Lark District, but the
20 idea of the stacked flats for the seniors. For move-down
21 with elevator they would need to go over 35', from what we
22 heard in testimony. So that's one I think we should
23 seriously consider.

1 I agree with Commissioner Erekson about not
2 coupling it to open space. As long as we have the
3 requirement for open space, I don't know that it has to be
4 a tradeoff.

5 CHAIR HUDES: Vice Mayor.

6 VICE CHAIR SAYOC: I know we used height as an
7 incentive. Right now there are two areas that allow 45';
8 one is the hotel and one is affordable housing. When I was
9 listening to the testimony about the Northern District and
10 how residential has to be above commercial, immediately I
11 thought if you added an affordable housing component to it
12 you'll go to 45', but then I went back to my Specific Plan
13 and saw that we didn't actually define what percentage of
14 that unit needed to be affordable housing. But again, I
15 look at that as an incentive that we can provide, so using
16 the Northern District example, housing, and maybe we want
17 to define it, use our BMP, so if 20% of that residential
18 unit has affordable housing, they get that incentive of
19 going up to 45'. Those are the things that I was
20 considering when I was looking at the height exception.

22 CHAIR HUDES: Mayor.

23 MAYOR SPECTOR: Thank you. Basically agree.
24 Forty-five feet I think can be an option. I just would add,
25 for me, 45' all-inclusive, because I've gone through

1 developments that you say 45' and it's really 55' or 60',
2 because they have things like elevators. I don't think it
3 should be tied to more open space. That's it.

4 CHAIR HUDES: I had another point I wanted to add
5 to this one. I agree with the 45' and the comments and the
6 not tying it to open space.

7 But there's another concept that I think we had
8 in the plan and I think maybe needs a little bit more
9 clarification, and that has to do with the placement of
10 buildings that are above 35'. The argument that we heard
11 was that the property naturally slopes away from Los Gatos
12 Boulevard and Lark. Remember, the backdrop for this was the
13 public outcry about height of buildings, and so there was
14 sort of a compromise or a discussion that said if the
15 property slopes away, and the taller buildings, the ones
16 that are larger than the district maximums, which is I
17 think 25' in the Lark District and 35' in the Transition
18 District and Northern District, if they are set back into
19 areas and we measure the height from existing grade rather
20 than finished grade, that would work if we do that
21 measurement from existing rather than finished.

22 And then also consider that they are placed in
23 areas that have an equivalent amount of slope reduction
24 from Los Gatos Boulevard and Lark, so that we don't end up
25

1 with the tallest buildings right at the front, and so where
2 we do have these exceptions that get up to 45'? I
3 personally would feel more comfortable with working off of
4 finished grade, and I know Committee Member Jarvis isn't
5 here tonight, but I know that was one of his strong points
6 in our previous deliberations, and that turned into an
7 exception; I think that was requested.

8
9 But I think that we should think about how to use
10 the natural slope of the property to prevent tall buildings
11 from occurring in the most visible areas, so I would
12 suggest adding some language about that.

13 The other point we have is to reduce the height
14 of residential to 25'. Could Staff explain what is the
15 current height for residential?

16 JOEL PAULSON: The current height for an
17 affordable housing building is 45', which was mentioned
18 before. The other maximum is 35', with the exception of the
19 Lark District, which also has a requirement for 25'
20 buildings for I can't remember how many percent it is was;
21 I want to say 15%. So those are generally the residential
22 requirements. There are also the Perimeter Overlay Zones,
23 which also have a 25' height limit for any use.
24
25

1 CHAIR HUDES: So Committee Members' comments
2 about reducing the height of residential, or limiting I
3 guess throughout to 25'? Does that seem feasible?

4 VICE CHAIR SAYOC: If we do that throughout, I
5 just don't think we would meet our density bonus.

6 CHAIR HUDES: (Inaudible).

7 VICE CHAIR SAYOC: Yeah.

8 CHAIR HUDES: Commissioner Hanssen.

9
10 COMMISSIONER HANSSEN: I had the same concern. I
11 wondered about maybe just in the Lark District, especially
12 with smaller units. I don't know the math relative to the
13 acreage, if it's possible, but if it was possible to have a
14 certain amount of cottage cluster units plus achieve the
15 density of 20 units per acre using those smaller units. I
16 think that was the thing that really alarmed people was
17 seeing that wall of 35' building, and maybe if it wasn't in
18 the Lark District. That would be the one place I wouldn't
19 think about the 25' height limit if we could make it work
20 with our numbers.

21 CHAIR HUDES: Any other comments about height
22 that we want to include?

23
24 So it seems as though we've got those comments
25 incorporated, and I think we're going to stop at this
point. There's quite a bit of discussion on some of the

1 general items, including a whole series of things that I
2 would suggest we include to make the Specific Plan more
3 objective, particularly in translating the vision into
4 objective statements in the plan I think is something that
5 we were missing, that guidance, when we did it the first
6 time. I'd like to maybe stop on this at this point and
7 maybe then just review a couple of things with Staff on
8 where we go from here.

9
10 JOEL PAULSON: I think from here what we'll do is
11 we will try to find some available dates when the chambers
12 are available, and then we'll poll the General Plan
13 Committee and get a date set to continue the discussion of
14 the other items as well as any of that information we can
15 pull together for the questions that were raised tonight
16 about additional information. We'll pull together as much
17 of that as we can as well, and then we'll move forward and
18 try to get through the rest of the list and any other
19 comments.

20 CHAIR HUDES: Okay, and since I kind of jumped
21 into this role I wasn't quite aware of some of the ways
22 that this works, so maybe you could refresh me and any
23 other members of the Committee.

24 This is a public meeting. It is being recorded,
25 is that correct?

1 JOEL PAULSON: Correct.

2 CHAIR HUDES: And there will be minutes?

3 JOEL PAULSON: There will be minutes as well,
4 yes.

5 CHAIR HUDES: We are short a few people, but I
6 think we're okay relative to a quorum?

7 JOEL PAULSON: Correct.

8 CHAIR HUDES: Okay. And anything you'd like to
9 say about Brown Act or public discussion guidelines. We
10 were just reviewing some of that at the Planning Commission
11 level, but it would be good for maybe the Committee to
12 understand.
13

14 ROBERT SCHULTZ: I could go into a couple of
15 hours on the Brown Act.

16 CHAIR HUDES: I think maybe just...

17 ROBERT SCHULTZ: I've getting nodding that you
18 know.

19 CHAIR HUDES: ...whether it applies to this
20 committee.

21 ROBERT SCHULTZ: Yes, it is a Brown Act committee
22 meeting, so the Brown Act does apply. We do our agenda
23 posting 72 hours in advance for the public and for you, and
24 then amongst yourselves you're not allowed to talk with the
25 majority about the issues that come in front of you.

1 CHAIR HUDES: And ex parte discussions with
2 regard to Commissioners, Council Members, and other
3 representatives on this committee?

4 ROBERT SCHULTZ: The two Planning Commissioners
5 are constrained because of their Planning Commission rules
6 and regulations, but the others are allowed to speak ex
7 parte with members of the public.

8 CHAIR HUDES: Thank you. Any other questions from
9 Committee members?

10 VICE CHAIR SAYOC: Would you like to announce
11 that we have vacancies?

12 CHAIR HUDES: I believe we do, and so how many
13 vacancies do we have on this committee?

14 LAUREL PREVETTI: We have one currently, and I
15 would just encourage members of the public to go to our
16 Clerk Department website to see all of the board and
17 commission and committee opportunities.

18 CHAIR HUDES: Great. That would be terrific.
19 Well, thank you all for a tremendous amount of work in
20 getting us here. Thank you to the Committee Members for
21 bearing with me as I kind of found my way through this.

22 VICE CHAIR SAYOC: You're a very good Chair.

23 CHAIR HUDES: Well, my pleasure. So thanks again.
24 We'll conclude this meeting.
25

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MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: General Plan Committee

From: Joel Paulson, Community Development Director *JP*

Subject: North 40 Specific Plan Amendments

Date: November 11, 2016

At the November 17, 2016 General Plan Committee (GPC) meeting the GPC will continue their review the Town Council's suggestions for amendments to the North 40 Specific Plan and provide recommendations regarding the suggestions to the Planning Commission.

Attachment 1 consists of public comments received between October 27, 2016 and November 11, 2016. Attachment 2 contains a copy of the Conditional Use Permit Table from the Town Code. The highlighted uses on Attachment 2 are uses that are not accounted for in the North 40 Specific Plan. Additionally, the following uses are permitted in the North 40 Specific Plan, but require a Conditional Use Permit in Downtown and/or other commercial areas in Town:

- Formula Retail
- Market Hall/Specialty Market
- Restaurant with or without alcohol service
- Super Drugstore
- Supermarket
- Personal Service
- Hotel
- Financial Institution
- Park, Plaza, Playground
- Public Building
- Public Transportation and Parking Facilities
- Alternating Use/Shared Parking of Off-Street Parking Spaces
- Botanical Nursery

Attachments:

1. Public comments received between October 27, 2016 and November 11, 2016
2. Conditional Use Permit Table



November 11, 2016

Mayor Spector, Vice Mayor Sayoc, and General Plan Committee Members
c/o Mr. Joel Paulson, Community Development Director
Town of Los Gatos Planning Department
110 E. Main St.
Los Gatos, California 95031

Dear Mr. Paulson:

On September 1, 2016, the Town Council denied the application of Grosvenor, SummerHill and Eden Housing, Inc. (the "Applicants") to develop approximately 20.7 acres ("Phase 1") of the 44-acre North 40 Specific Plan Area with 320 market and senior/affordable residential units and neighborhood-serving retail stores and restaurants (the "Project"). On October 6, 2016, the Applicants commenced proceedings in Santa Clara County requesting the court to direct the Town to comply with the Town's Housing Element, the Housing Accountability Act and State Density Bonus Law and compel the Town to approve the Project based on its consistency with the objective requirements of the existing Specific Plan. Therefore, any subsequent amendment to the Specific Plan will be invalidated and/or superseded to the extent it is in any way inconsistent with the anticipated court ruling, directing the Town to approve the Project based on the objective requirements of the existing Specific Plan. The Town therefore should refrain from considering or adopting any amendment to the Specific Plan until the pending litigation regarding the Project is finally resolved. If, however, the Town insists on prematurely pursuing its consideration of the proposed amendments to the Specific Plan, Grosvenor, SummerHill, and Eden Housing submit the following comments:

The Town of Los Gatos General Plan Committee is currently discussing potential modifications to the adopted North 40 Specific Plan. Town representatives have stated that the desire is to modify the Plan without triggering the reopening or changing of the existing California Environmental Quality Act ("CEQA") approval: the Specific Plan's Environmental Impact Report ("EIR"). In reviewing the Town Council Meeting from September, 2016 and the first General Plan Committee meeting on October 26, 2016, we believe it is prudent to remind the Committee of the specific reasons that certain planning decisions were made during the extensive public Specific Plan approval process. In that effort, we have the following comments for your consideration.

- 1) Modification of the land uses within the Specific Plan, which is being contemplated by the General Plan Committee, could significantly impact the Traffic Impact Analysis ("TIA") completed for the Specific Plan EIR and require reopening or changing of the existing CEQA approvals. Pursuant to CEQA Guidelines Sections 15162 and 15163, these changes will trigger the need for either a subsequent EIR or a supplemental EIR due to the potential substantial increase in severity of environmental impacts and/or the need for new or additional mitigations. In particular:

- a. The impacts of an additional ingress and egress driveway for commercial use access between the existing gas station and existing commercial structures on Los Gatos Boulevard was never studied, including the trip distribution that such a change would cause. Figure 26 of the TIA is attached which reflects the ingress and egress locations that the Specific Plan studied. This is attached as Exhibit A.
- b. The TIA explains that the baseline for establishing all future intersection "grades" or impacts were based on the trip distribution that was assigned based on the existing Specific Plan uses per district, with the majority of the housing (a lower traffic generating land use) to be located in the Lark District and Transition Districts. Please see Exhibit B.

Modifying the land uses in the Lark, Transition, and Northern districts changes the very backbone that the TIA is based on, thereby potentially changing impact results of each intersection. Most notably, a decrease of housing and increase in commercial in the Lark and Transition Districts will change the trip distribution and will have a significant impact on the intersection of Highland Oaks Drive and Lark Avenue. Therefore, additional traffic analysis would need to be completed that reflects any proposed land use changes and their resulting impact.

- 2) In reference to the GPC deliberation on requiring age-restricted (senior) housing, we submitted comment on February 13, 2015 regarding the legality of any mandatory requirement for any amount of senior housing. We have included this letter as Exhibit C. In summary, while senior housing can be incentivized, due to Fair Housing laws, both State and Federal law dictate that it cannot be a mandatory requirement. In brief:

"Federal and state statutes forbid the Town from enacting or enforcing land-use laws that operate to make housing "unavailable" based on "familial status.". "Familial status" is generally defined as a household containing a person under 18 years of age residing with a parent or guardian. (Gov't Code § 12955.2.)

In particular:

- *The federal Fair Housing Act ("FHA") (42 U.S.C. § 3604(a)) forbids actions by cities that operate to make housing "unavailable" based on familial status [and other listed factors].*
- *The California Fair Employment and Housing Act ("FEHA") (Gov't Code § 12955(l)) prohibits discrimination through land use practices that make housing opportunities "unavailable" because of familial status.*
- *Planning and Zoning Law (Gov't Code § 65008(a)(1)) invalidates any planning action if it denies the enjoyment of residence to any persons because of familial status, age, [or other factors]. Section 65008(b)(1) forbids cities from prohibiting or discriminating against any residential development because of familial status or age."*

- 3) As noted in our letter dated August 9, 2016, the Town does not have any legal nexus for requiring any percentage of open space. We have attached extended comments on this issue as Exhibit D, but in summary:

"A requirement for provision of public access to open space (including on the 30 percent already required by the Specific Plan) cannot be justified unless it is needed to mitigate the impacts of private development. The standard of the Nollan, Dolan, and Ehrlich cases requires that there be an essential nexus to the impacts of the Project, and that the requirement be roughly proportional to those impacts.

However, this nexus requirement is not satisfied in the North Forty Specific Plan. There is no impact on public open space due to the passage of the North Forty Specific Plan or the planned development of the Plan Area. The EIR for the Specific Plan identifies no such impact, and the Town has no ordinance consistent with the Quimby Act requiring public open space in new developments, since there is already abundant public open space in the Town, including open space close to the Plan Area. The EIR concluded that there is adequate public open space nearby to serve the Project."

We have dedicated years to the evaluation of the North 40 Specific Plan and are in a unique position to comment on its details and that of its supporting documents. If the discussion on amendments to the North 40 Specific Plan are to continue, we hope that these comments are considered. We also request that this correspondence be distributed to all members of the Town Council and Planning Commission. Thank you.

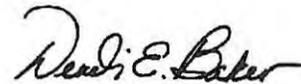
Sincerely,



A. Don Capobres
Principal
Harmonie Park Development
Representing Grosvenor Americas



Linda Mandolini
President
Eden Housing



Wendi Baker
Vice President of Development
SummerHill Homes

cc: Los Gatos Town Council
Mayor Barbara Specter
Vice Mayor Marico Sayoc
Council Member Marcia Jensen
Council Member Steven Leonardis
Council Member Rob Rennie

Town of Los Gatos Planning Commission
Chair Mary Badame
Vice Chair Michael Kane
Commissioner Melanie Hanssen
Commissioner Matthew Hudes
Commissioner Tom O'Donnell
Commissioner Kendra Burch
Commissioner Charles Erikson

Exhibit A

11. PROJECT IMPLEMENTATION

This chapter describes site access and internal circulation for vehicles, pedestrians, bicycles, and transit vehicles based on the conceptual site plan presented on **Figure 26**. It also provides general recommendations for parking. The discussion in this chapter is conceptual. A detailed site circulation evaluation should be conducted when parcel-level development proposals are submitted.

PROJECT PHASING

The North 40 Specific Plan is anticipated to be implemented over time and in several phases. **Figure 26** presents the three Specific Plan districts. From south to north, those districts are:

- Lark District: Residential uses, which will be developed first. Access via Los Gatos Boulevard/Neighborhood Street and Lark Avenue/A Street-Highland Oaks.
- Transition District: A mix of uses, some of which will be developed at the same time as Lark District. Access via Los Gatos Boulevard/Neighborhood Street, Los Gatos Boulevard/Noddin Lane and Los Gatos Boulevard/Samaritan Drive-Burton Road.
- Northern District: Mix of uses, including retail, entertainment, hotel and office (under Project Alternative B). This district will be developed last. Access via Los Gatos Boulevard/Noddin Lane and Los Gatos Boulevard/Samaritan Drive-Burton Road.

Fehr & Peers anticipates that improvements will be made to Los Gatos Boulevard/Neighborhood Street and Lark Avenue/A Street-Highland Oaks when the Lark and Transition Districts are developed. We anticipate that project-related mitigations and improvements at Los Gatos Boulevard/Samaritan Drive-Burton Road will be made in conjunction with construction in the Northern District. Permanent medians and bicycle facilities should be installed on Los Gatos Boulevard at project build-out. In the interim, the center median will be somewhat temporary but still provide the access control (limiting left turns out at side streets). This study presents an analysis of the transportation impacts from full development of all three districts described in the Specific Plan.

VEHICLE SITE ACCESS AND CIRCULATION

Access to the North 40 project site and its internal street network will be provided via three access points on Los Gatos Boulevard (Burton Road-Samaritan Drive, Noddin Avenue, and Neighborhood Street) and one access point on Lark Avenue (at Highland Oaks Drive-South A Street). Burton Road/A Street, Neighborhood Street, and Noddin Avenue provide access to parking and minor streets within the development. The access points are described as follows and shown on **Figure 26**:

- Los Gatos Boulevard/Burton Road-Samaritan Drive: Signalized access point that provides access to the northern portion of the North 40 site.
- Los Gatos Boulevard/Noddin Avenue: Unsignalized access point that is restricted to right-in, right-out only.

- Los Gatos Boulevard/Neighborhood Street: Signalized access point that provides access to the central portion of the North 40 site. A traffic signal, pedestrian signal heads and crosswalks will be installed at this location. To reduce the potential for delays along Los Gatos Boulevard, we recommend that separate lanes be provided for left turning and right turning vehicles exiting the project site.
- Lark Avenue/Highland Oaks-South A Street: Unsignalized access point that provides right-in, left-in, and right-out access to the project site. An eastbound left-turn lane will be added to the existing intersection at Highland Oaks.

Except at Noddin Avenue, left turn lanes are provided on Los Gatos Boulevard and Lark Avenue at the site entrances to accommodate entering traffic and prevent queues. The added left turn lane at Los Gatos Blvd/Neighborhood Street would coincide with the existing two-way left turn lane at this location. To minimize delays and conflicts due to left-turning vehicles, no left turns are permitted out of the project site at the Noddin Avenue-Terreno De Flores/Los Gatos Boulevard intersection. Our analysis assumes that no left turns would be permitted into Noddin Avenue and Terreno De Flores at this intersection; however, it is possible to install median diverters to allow inbound left turns while preventing outbound left turns. A median island could be provided at Bennett Avenue to preserve existing access for the businesses located on the west side of Los Gatos Boulevard. For all project driveways, we recommend keeping the area in front of the stop bar free of visually obstructive landscaping to provide adequate sight distance. Service vehicles have access to the project site via the access points on Los Gatos Boulevard and Lark Avenue. These vehicles will circulate through the internal street network to the various trash enclosures, loading docks and service entrances.

The circulation for the proposed internal and adjacent street network was reviewed for issues related to queuing, safety, and dead-end aisles. All internal and adjacent streets accommodate two-way travel.

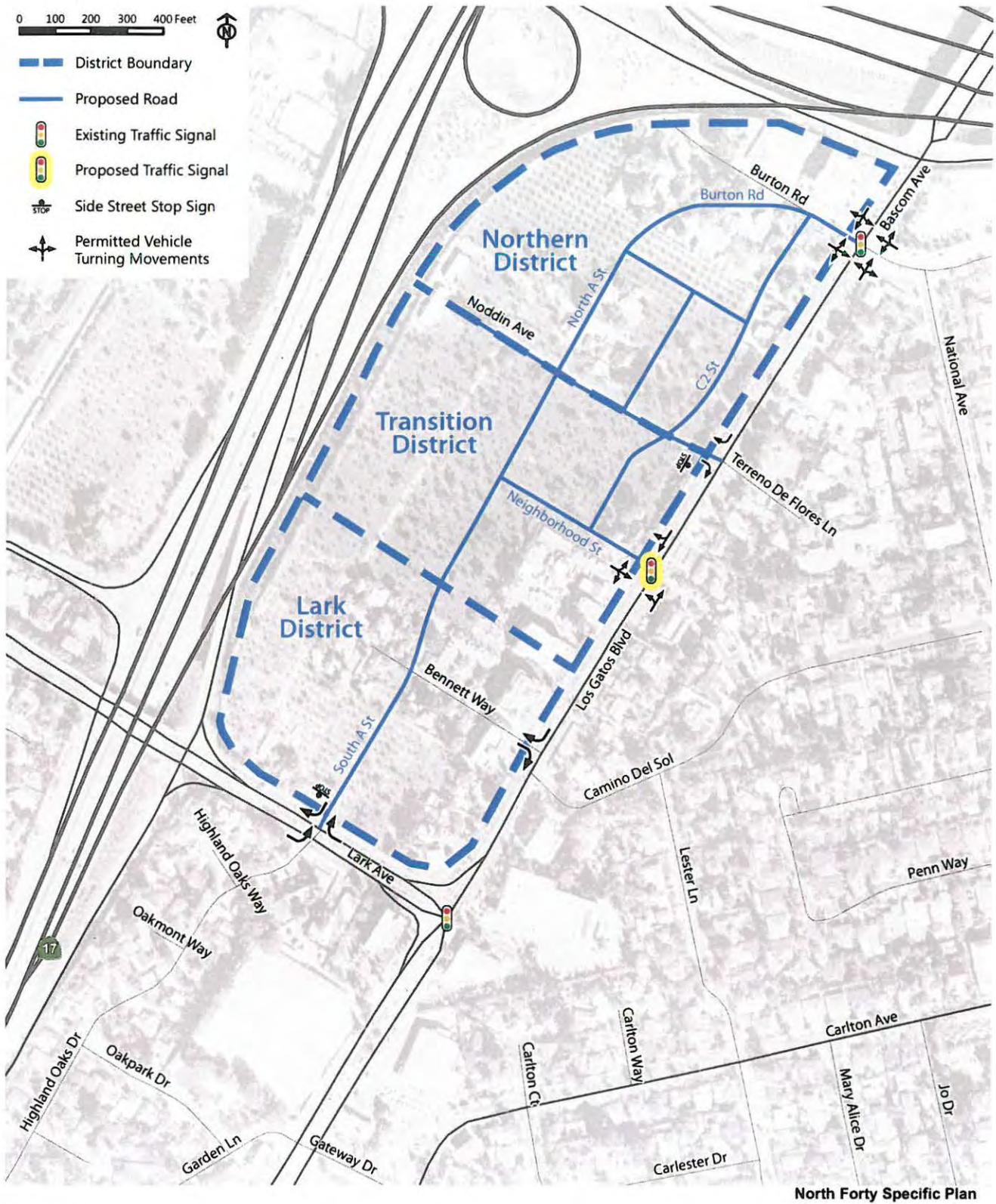


Figure 26.

Conceptual Site Plan

Exhibit B

3. PROJECT TRAFFIC ESTIMATES

Development within the North 40 Specific Plan Area ("the project") will add vehicle traffic to the surrounding roadways from residents traveling to and from their homes and customers traveling to and from retail and entertainment uses on the project site. Under the Project A alternative, some project traffic will also be generated by employees traveling to and from office space within the Plan Area.

The processes used to estimate the amount of traffic and how the traffic will approach and depart the site are described in this chapter. The amount of traffic produced by the proposed project is called "trip generation," and the directions of approach and departure are called "trip distribution." These two steps are combined and the project traffic is added to individual roadway segments and intersection turning movements in the "trip assignment" step.

TRIP GENERATION

Trip generation for the site was determined using rates developed by the Institute of Transportation Engineers (ITE) and published in *Trip Generation 8th Edition*. Trip generation was developed separately for the two project alternatives.

Based on the *Specific Plan*, residential uses for both project alternatives were assumed to include 73 cottage cluster units, 73 apartments and 218 townhouses. The majority of these residences would be located in the Lark District in the southernmost portion of the site, although some apartments and condominiums would be located in the Transition District as well. Since tenants have not yet been determined for the retail components, retail was analyzed using the ITE rate for shopping centers (ITE Rate 820). Office uses, which replace some retail uses under Project Alternative A, were assumed to be split evenly between general office and medical office uses.

The area surrounding the project site is largely built out, so it is appropriate to assume that some trips to and from the project will be taken by people passing by the site (pass-by trips) or diverted from nearby routes (diverted trips). These trips are assumed to be reflected in existing intersection counts and can therefore be removed from trip generation estimates for the project.

Pass-by trip reductions were taken for retail uses. The Santa Clara Valley Transportation Authority (VTA) publishes guidance for diverted and pass-by trip reductions in its *Transportation Impact Analysis Guidelines* (2009). ITE studies report that pass-by and diverted linked trip reduction rates average 34 percent for retail uses (*Trip Generation*, 2004). VTA guidelines list slightly lower trip reduction rates. To present a conservative analysis and comply with VTA guidelines, we reduced retail trips by 25 percent. All pass-by trips are included in the level of service analysis at the project driveways.

The Specific Plan locates residential and retail uses within walking distance of each other, making it likely that residents will walk or bicycle to retail and entertainment uses. This will reduce trips to and from both retail and residential land uses. Based on VTA guidelines, a reduction equivalent to 30 percent of residential trips was applied to reflect a 15 percent reduction of residential trips plus an equal number of matching trips generated by retail uses. This resulted in a total mixed-use reduction of 784 daily trips, 60 AM peak trips and 76 PM peak trips, or 30 percent of all residential trips for both project alternatives.



Table 11 summarizes trip generation for Project Alternative A; **Table 12** summarizes trip generation for Project Alternative B. The trip generation was approved by Town of Los Gatos staff before analysis was conducted.



TABLE 11 – NORTH 40 TRIP GENERATION TABLE - PROJECT ALTERNATIVE A

ITE#	Land Use Type	Method	Size	Type	Weekday			AM Peak			PM Peak		
					Daily	In	Out	Total	In	Out	Total	In	Out
Commercial Development													
820	Shopping Center	Best Fit	269	ksf	12,920	6,460	6,460	276	168	108	1,235	605	630
		<i>Pass-by Reduction¹</i>		25%	<i>(3,230)</i>	<i>(1,615)</i>	<i>(1,615)</i>	<i>(69)</i>	<i>(42)</i>	<i>(27)</i>	<i>(309)</i>	<i>(151)</i>	<i>(158)</i>
		<i>Retail Subtotal</i>			<i>9,690</i>	<i>4,845</i>	<i>4,845</i>	<i>207</i>	<i>126</i>	<i>81</i>	<i>926</i>	<i>454</i>	<i>472</i>
310	Hotel	Best Fit / Linear Rate ²	150	rm	970	485	485	68	41	27	89	47	42
720	Medical-Dental Office Building	Best Fit / Linear Rate ³	62.5	ksf	2,341	1,171	1,170	144	114	30	187	50	137
710	General Office Building	Best Fit	62.5	ksf	929	465	464	129	114	15	149	25	124
Residential Development													
210	Cottage Cluster Units (Single-Family Detached Rate) ⁴	Best Fit	73	Units	778	389	389	61	15	46	79	50	29
220	Apartment	Best Fit	73	Units	566	283	283	40	8	32	58	38	20
230	Residential Condominium	Best Fit	218	Units	1,267	634	633	96	16	80	114	76	38
		<i>Residential Subtotal</i>			<i>2,611</i>	<i>1,306</i>	<i>1,305</i>	<i>197</i>	<i>39</i>	<i>158</i>	<i>251</i>	<i>164</i>	<i>87</i>
		<i>Project Subtotal</i>			<i>16,541</i>	<i>8,272</i>	<i>8,269</i>	<i>745</i>	<i>434</i>	<i>311</i>	<i>1,602</i>	<i>740</i>	<i>862</i>
		<i>Mixed Used Trip Reduction⁵</i>			<i>(784)</i>	<i>(392)</i>	<i>(392)</i>	<i>(60)</i>	<i>(12)</i>	<i>(48)</i>	<i>(76)</i>	<i>(50)</i>	<i>(26)</i>
		Project Total			15,757	7,880	7,877	685	422	263	1,526	690	836

Notes:

1. Based on VTA guidelines, a pass-by reduction of 25 percent was taken from shopping center trip generation. Pass-by trips were removed from through movements and added to in/out movements at project driveways. 2. Regression equation used for Weekday and AM, average rate used for PM (no equation available). Assumed 600 sq ft/rm and 20 ksf common space.
3. Regression Equation used for Weekday and PM, average rate used for AM (no equation available).
4. Trips for Cottage Cluster Units were developed using the ITE Single Family Detached unit rate. This rate is higher than other residential rates and produces higher trip generation number. It was used to present a conservative (higher) trip generation.
5. Based on VTA guidelines, a reduction equivalent to 30 percent of residential trips was applied to reflect a 15 percent reduction of residential trips plus an equal number of matching trips generated by retail uses. Source: Institute of Transportation Engineers, *Trip Generation 8th Edition*, 2008; Fehr & Peers, 2013.



TABLE 12 – NORTH 40 TRIP GENERATION TABLE - PROJECT ALTERNATIVE B

ITE#	Land Use Type	Method	Size	Type	Weekday			AM Peak			PM Peak		
					Daily	In	Out	Total	In	Out	Total	In	Out
Commercial Development													
820	Shopping Center	Best Fit	400	ksf	16,938	8,469	8,469	353	215	138	1,632	800	832
		<i>Pass-by Reduction¹</i>		25%	<i>(4,235)</i>	<i>(2,117)</i>	<i>(2,117)</i>	<i>(88)</i>	<i>(54)</i>	<i>(35)</i>	<i>(408)</i>	<i>(200)</i>	<i>(208)</i>
				<i>Retail Subtotal</i>	<i>12,703</i>	<i>6,352</i>	<i>6,352</i>	<i>265</i>	<i>161</i>	<i>103</i>	<i>1,224</i>	<i>600</i>	<i>642</i>
310	Hotel	Best Fit / Linear Rate ²	150	rm	970	485	485	68	41	27	89	47	42
Residential Development													
210	Cottage Cluster Units (ITE Single-Family Detached Rate) ³	Best Fit	73	units	778	389	389	61	15	46	79	50	29
220	Apartment	Best Fit	73	units	566	283	283	40	8	32	58	38	20
230	Residential Condominium	Best Fit	218	units	1,267	634	633	96	16	80	114	76	38
				<i>Residential Subtotal</i>	<i>2,611</i>	<i>1,306</i>	<i>1,305</i>	<i>197</i>	<i>39</i>	<i>158</i>	<i>251</i>	<i>164</i>	<i>87</i>
				<i>Project Subtotal</i>	<i>16,284</i>	<i>8,143</i>	<i>8,142</i>	<i>530</i>	<i>241</i>	<i>288</i>	<i>1,564</i>	<i>811</i>	<i>753</i>
				<i>Mixed Used Trip Reduction⁴</i>	<i>(784)</i>	<i>(392)</i>	<i>(392)</i>	<i>(60)</i>	<i>(12)</i>	<i>(48)</i>	<i>(76)</i>	<i>(50)</i>	<i>(26)</i>
				Project Total	15,500	7,751	7,750	470	229	240	1,488	761	727

Notes:

1. Based on VTA guidelines, a pass-by reduction of 25 percent was taken from shopping center trip generation. Pass-by trips were removed from through movements and added to in/out movements at project driveways.. 2. Regression equation used for Weekday and AM, average rate used for PM (no equation available). Assumed 600 sq ft/rm and 20 ksf non-living space for total of 110 ksf.
3. Trips for Cottage Cluster Units were developed using the ITE Single Family Detached unit rate. This rate is higher than other residential rates and produces higher trip generation number. It was used to present a conservative (higher) trip generation.
4. Based on VTA guidelines, a reduction equivalent to 30 percent of residential trips was applied to reflect a 15 percent reduction of residential trips plus an equal number of matching trips generated by retail uses. Source: Institute of Transportation Engineers, *Trip Generation 8th Edition*, 2008; Fehr & Peers, 2013



TRIP DISTRIBUTION AND ASSIGNMENT

The directions of approach and departure for project trips were estimated using the existing street and highway network, the Albright *Transportation Impact Analysis* (2012) and local knowledge. Retail uses are assumed to attract more trips from the immediate vicinity than office and residential land uses; therefore, two trip distributions were developed: one for retail land uses and another for office and residential land uses. Trip distribution was approved by staff at the Town of Los Gatos before analysis was conducted. The resulting major directions of approach and departure are shown on **Figure 7**.

Project trips were assigned to the roadway system based on the directions of approach and departure described above, with existing street geometries taken into account. Pass-by trips for project retail outlets were assigned to project driveways using the same trip distribution and assignment assumptions as other project-generated trips.

To provide adequate access to the project site, the analysis assumed the following changes to intersection geometry:

- Highland Oaks/Lark Avenue:
 - o Add one eastbound left-turn lane on Lark Avenue allowing left-in access to the project site;
 - o Remove the existing westbound left onto Highland Oaks Drive (retaining access for fire vehicles);
 - o Add right-out stop-controlled project driveway out of the project site;
 - o Permit westbound vehicles on Lark to turn right into project site;
 - o Restrict northbound movement from Highland Oaks Drive to right turn only.

- Los Gatos Boulevard at Noddin Avenue-Terreno De Flores Lane¹:
 - o Allow only right-in and right-out access to project site;
 - o Allow only right-in and right-out access to residential neighborhood on Terrano De Flores Lane;
 - o Remove left-turn lanes onto Noddin Avenue and Terreno De Flores Lane.

- Los Gatos Boulevard and Neighborhood Street (new intersection proposed between Noddin Avenue and Bennett Way):
 - o Construct new signalized intersection at Los Gatos Boulevard and Neighborhood Street;
 - o Add northbound left-turn lane;
 - o Add signal-controlled project driveway permitting eastbound left and right turns.

AM and PM peak hour trip assignments at the study intersections for Existing plus Project A Conditions are shown on **Figure 8**. Trip assignments for Existing plus Project B Conditions are shown on **Figure 9**. Existing and proposed project access points are presented on **Figure 26** in Chapter 11.

¹ Our analysis assumes that no left turns would be permitted into Noddin Avenue and Terreno De Flores; however, it is possible to install median diverters to allow inbound left turns while preventing outbound left turns at this intersection.



Exhibit C



February 13, 2015

Town of Los Gatos
Honorable Mayor Jensen and Council Members
Housing Element Advisory Board
c/o Laurel Prevetti, Assistant Town Manager and Community Development Director
110 E. Main St.
Los Gatos, California 95031

Honorable Mayor Jensen, Council Members, and Housing Element Advisory Board Members:

At the February 3rd, 2015 Town Council Meeting, Council sought direction from Staff and the Town Attorney to determine what the legal limitations may be for requiring developers on the North 40 to provide for either an age 55-plus or 62-plus affordable or market rate component through the North 40 Specific Plan.

This question has arisen on numerous occasions during the Specific Plan process. For our own clarity, we requested a legal analysis from Goldfarb & Lipman. We have attached their conclusions for your reference. In brief, while senior housing can be incentivized by a Specific Plan, requiring such housing types would violate state and federal fair housing laws. .

Although the Town's Specific Plan is still in process, after years of observation and discussion with the Town, we respect that the Specific Plan emphasizes residential design towards the Town's unmet housing needs, including places for senior to live. We embrace the Town's vision in the Specific Plan which allows for the provision of a multi-generational and mixed income neighborhood. We are anxious to continue working with the Town to implement this vision.

We appreciate your consideration of the attached letter, and are available for any questions regarding this matter.

Sincerely,

Handwritten signature of A. Don Capobres in blue ink.

A. Don Capobres
Senior Vice President
Grosvenor

Handwritten signature of Linda Mandolini in black ink.

Linda Mandolini
President
Eden Housing

Handwritten signature of Wendi Baker in black ink.

Wendi Baker
Vice President of Development
SummerHill Homes

Attachment: Fair Housing Issues Memo

M David Kroot

Lynn Hutchins

Karen M. Tiedemann

Thomas H. Webber

Dianne Jackson McLean

Michelle D. Brewer

Jennifer K. Bell

Robert C. Mills

Isabel L. Brown

James T. Diamond, Jr.

Margaret F. Jung

Heather J. Gould

Juliet E. Cox

William F. DiCamillo

Amy DeVaudreuil

Barbara E. Kautz

Erica Williams Orcharton

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San Francisco

415 788-6336

Los Angeles

213 627-6336

San Diego

619 239-6336

Goldfarb & Lipman LLP

February 12, 2015

To

Don Capobres, Grosvenor Americas
Wendi Baker, SummerHill Homes

From

Barbara E. Kautz

Fair Housing Issues Regarding Planning and Families with Children

Summary

During hearings on the North Forty Specific Plan, public comments have been made opposing the Town of Los Gatos' (the "Town") approval of housing that may attract families with school-age children because of school overcrowding. In particular, proposals have been made that development on the site be limited to senior housing or to other housing that will not accommodate families with school-age children.

Both federal and state law prohibit the Town from using its planning and zoning powers to deny residency to, or make housing unavailable to, or discriminate against, families with children. Planning or zoning restrictions that are adopted to discourage families with children from living in the Town, or that prevent families with children from living in the Town, such as zoning sites to permit only senior housing or limiting the number of bedrooms in residences, would deny residency to, make housing unavailable to, and discriminate against families with children.

Further, a property owner or manager may not select individual tenants or buyers on the basis of age unless the housing is designed as senior housing and the property is operated consistent with federal and state requirements for senior housing.

Analysis

A. Zoning for Senior Housing

Federal and state statutes forbid the Town from enacting or enforcing land-use laws that operate to make housing "unavailable" based on "familial status."

"Familial status" is generally defined as a household containing a person under 18 years of age residing with a parent or guardian. (Gov't Code § 12955.2.)

In particular:

- The federal Fair Housing Act ("FHA") (42 U.S.C. § 3604(a)) forbids actions by cities that operate to make housing "unavailable" based on familial status [and other listed factors].
- The California Fair Employment and Housing Act ("FEHA") (Gov't Code § 12955(l)) prohibits discrimination through land use practices that make housing opportunities "unavailable" because of familial status.
- Planning and Zoning Law (Gov't Code § 65008(a)(1)) invalidates any planning action if it denies the enjoyment of residence to any persons because of familial status, age, [or other factors]. Section 65008(b)(1) forbids cities from prohibiting or discriminating against any residential development because of familial status or age.

Town zoning and planning actions taken for the *purpose* of discouraging the construction of housing for families with children would violate these federal and state fair housing laws. Similarly, planning and zoning actions that on their face prevent occupancy of housing by families with children – even if done without the intent to exclude families with children – would violate federal and state fair housing laws. Examples could include allowing only senior housing to be built on designated sites or limiting the number of bedrooms in homes.

The Senior Housing Exception.

All of the fair housing statutes contain exceptions for senior housing constructed and designed in conformance with Civ. Code §§ 51.2 – 51.4 and similar provisions of federal law. These sections allow discrimination based on age and familial status by a "business establishment" *if* the housing is built and designed to serve seniors. The California Legislature made some of the requirements for senior housing in California more stringent than those imposed by the Fair Housing Act "in recognition of the acute shortage of housing for families with children in California." (Civ. Code § 51.4(a).) A developer may propose, and the Town may approve, a development proposed by a developer for senior housing but the Town cannot **require** senior housing to be constructed or designate a site for senior housing when there is no proposal or intent by a "business establishment" to construct such housing. There is no exception to this rule for affordable senior housing.

As discussed further in the next section, senior housing in compliance with these provisions must either require *all* residents to be 62 years of age or older; or comply with more stringent design standards and require at least one member of each household to be 55 years of age or older. Housing otherwise cannot have age limits or be limited to 'adults only,' and managers and brokers cannot consider age or familial status in selecting tenants and buyers.

Zoning for Senior Housing. Local agency efforts to *require* housing to be built or even maintained for seniors have usually been overturned by the courts. For example:

- Despite an exemption in State law to allow Riverside County to maintain long-standing senior housing zones, these were found to violate the Fair Housing Act because the County did not ensure that the housing within these zones actually complied with the statutory requirements. (*Gibson v. County of Riverside*, 181 F. Supp. 2d 1057 (C.D. Cal. 2002).) Note also that the specific exemption in State law for Riverside County's zoning suggests that similar zoning by other cities and counties would violate state fair housing laws.
- An ordinance adopted by American Canyon to require a mobilehome park approved as a senior park to maintain its senior status, rather than convert to an all-age park, was found to violate the Fair Housing Act because the park had never, in fact, actually been operated as a senior park in compliance with state and federal law. (*Waterhouse v. Town of American Canyon*, 2011 U.S. Dist. Lexis 60065 (N.D. Cal. 2011).)
- A mobilehome park owner who alleged that the City of Fillmore adopted invalid subdivision conditions for the purpose of preventing the park from converting from a senior park to an all-age park was found to have standing to sue the City under the Fair Housing Act. (*El Dorado Estates v. City of Fillmore*, 765 F.3d 1118 (9th Cir. 2014).

One ordinance was upheld. The Town of Yucaipa was found to be in compliance with the Fair Housing Act when it adopted zoning prohibiting *existing* senior mobilehome parks, which in fact were being operated as senior parks, from converting to all-age parks. (*Putnam Family Partnership v. Town of Yucaipa*, 673 F.3d 920 (9th Cir. 2012).)

The decision was confined to the situation where the parks were already operating as senior housing. The Court specifically declined to determine if its decision would be the same if the housing was not already serving seniors. (*Id.* at 927 n.3) The decision was also based on federal law alone and did not consider possible violations of State Planning and Zoning law or FEHA. State law does

not have the same language which was relied upon by the Court to uphold Yucaipa's ordinance.

The Court also noted that the federal statute included a policy of "preserving" senior housing and that Yucaipa's intent appeared to be to preserve existing senior housing "rather than animus against families with children." (*Id.* at 931.) By contrast, in Los Gatos, there has been extensive public comment, testimony from the School District, and statements by decision-makers indicating that the Town wishes to discourage families with children from residing in the North Forty because of school overcrowding. An early draft of the North Forty Specific Plan stated specifically that, "Residential product types (market rate and affordable) shall be limited to product types that respond to emerging demands of the seniors, empty nesters, and young adult demographics" – all groups unlikely to have children.¹ If the Town of Los Gatos were to require senior housing on the North Forty or to adopt other Specific Plan provisions to prevent or discourage households with children from moving to the North Forty, the record contains substantial evidence of "animus" against households with children.

Incentives for Senior Housing. State and federal laws recognize that there is a need for senior housing and provide funding and incentives to encourage senior housing. For instance, State density bonus law permits all senior housing to receive a 20 percent density bonus whether or not it is affordable. (Gov't Code § 65915(b)(1)(C), (f)(3).) There does not appear to be a violation of fair housing laws if zoning incentives are provided for senior housing, in recognition of its unique characteristics: lower automobile use, less traffic, smaller household size (rarely more than two persons/household). Other incentives typically provided may be lower parking requirements and reduced traffic impact fees. A recent case recognized that there is a statewide priority to develop senior housing, and, when a developer proposed a senior project, the city's zoning of the site for higher density was not illegal spot zoning. (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal. App. 4th 1302.)

However, if there is evidence that these incentives were adopted with the *intent* of excluding housing for families with children, the zoning may be found to be invalid. (*C.f. Pacific Shores Properties LLC v. City of Newport Beach*, 746 F.3d 936 (9th Cir. 2014; writ of certiorari denied, 135 S. Ct. 436 (2014)) (holding that facially neutral ordinance invalid where adopted with discriminatory intent).

¹ HUD's Fair Housing newsletter featured a case filed against the Village of Bronxville, N.Y. challenging a Village ordinance that requires developers to demonstrate that the design of residences is intended to appeal primarily to singles and to couples without children – a provision similar to the original provisions proposed in the Specific Plan.. (*Westchester Residential Opportunities Inc. v. Village of Bronxville* (S.D.N.Y. Case No. 15 CV 00280) (filed January 15, 2015).

Conclusion.

Los Gatos cannot adopt Specific Plan provisions for the North Forty that exclude or discourage families with children, such as by requiring the development of senior housing or by zoning a portion of the site for senior housing only. While the Town can provide incentives for senior housing in view of its unique development characteristics, the incentives could be found to be invalid if they are adopted with the intent to exclude families with children.

B. Selection of Buyers and Renters Based on Age

The Town has asked if the Specific Plan could require developers to reserve some portion of the residences on the North Forty for seniors. Only housing that qualifies as a senior development under both state and federal law may discriminate based on age and familial status (42 USC § 3607(b)(1)-(3); Civ. Code § 51.2(a)). Developers cannot choose to reserve a portion of the units in a non-senior project for seniors, nor can local government require them to do so

Both the federal Fair Housing Act and California's Unruh Act contain standards specifying whether a development qualifies as "housing for older persons" and may discriminate based on age and familial status. Reading the two Acts together, they allow the following types of senior housing:

- Housing provided under a state or federal program that HUD recognizes as intended for elderly persons (42 USC § 3607(b)(2)(A)); Civ. Code § 51.2(e));
- Housing with fewer than 35 units occupied *solely* by persons 62 years of age or older (42 USC § 3607(b)(2)(B); Civ. Code § 51.2); and
- Housing with 35 units or more either occupied *solely* by persons 62 years of age or more; or occupied by households where at least one occupant is 55 years or older (42 USC § 3607(b)(2)(C); Civ. Code § 51.2 – 51.3).

All new senior housing must include certain design features and have rules and covenants clearly restricting occupancy consistent with the federal and state occupancy requirements. Further, the policies, procedures, and marketing must demonstrate that the project *as a whole* is intended for seniors. (54 Fed. Reg. 3255 (Jan. 23, 1989).) Mixed-income developments are only possible if separate buildings are constructed for each income group.

If a development is not designed as senior housing, the owner or manager cannot use age or familial status as a criterion in deciding whether to sell or rent a home.

February 12, 2015
Page 6

Conclusion

Requiring developers of non-senior housing to reserve a percentage of the units for seniors would violate state and federal housing laws.

Exhibit D



August 9, 2016

Hon. Barbara Spector and Members of the Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: North Forty Phase 1 ("Project")
Architecture and Site Application S-13-090
Vesting Tentative Map Application M-13-014
Special Town Council Meeting August 9, 2016

Dear Mayor Spector, Vice Mayor Sayoc and Members of Los Gatos Town Council:

We have reviewed the Staff Report dated August 4, 2016 and wish to respond to certain statements and analyses contained in that Report and expressed by some members of the public in letters attached to the Staff Report. Preliminarily, we note that although the official recommendation on page one of the Staff Report is to deny the Project, the rest of the Staff Report contains no support for denial. Thus we assume that the official recommendation is in line with Town practice that the staff recommendation will be to uphold the Planning Commission's action, but that this recommendation does not reflect staff's professional judgment which in all prior staff reports to has been to approve the Project.

The Staff Report (page 14) suggests that the Council can consider whether the "number and distribution of units" are consistent with the Specific Plan and possibly suggest changes. A desire to decrease the number and change the distribution of units is also expressed by some members of the public in letters attached to the Staff Report. We disagree that this is an option. The proposed Project is fully consistent with the objective standards of the Specific Plan, as the Staff Report confirms. There is no other application in front of the Town, so any idea that some units could be redistributed elsewhere in the North Forty Plan Area is pure speculation at this time.

The density proposed in our application is based on rights afforded to us by state law.

More particularly:



1. The Density Bonus Law entitles the Project to 320 units. If there is a development standard that precludes the Project from achieving the 320 units, it must be waived by the Town pursuant to the Density Bonus Law.
2. Under the Housing Accountability Act, the Project cannot be denied and the density cannot be reduced unless the Project does not conform to some objective standard; and/or there is a "specific health or safety impact." However, the state Density Bonus Law also provides that the Town must waive any development standard that precludes 320 units.

These rights provided by state law are in addition to rights afforded to us by Town policy. More particularly:

1. Under the Town's Housing Element and the Housing Element statute, the approval is "by right" and must achieve development at a minimum of 20 units per acre.
2. The Town's own North Forty EIR stated that the Project has no impact on parks or open space, and the Town has not adopted a state Quimby Act-compliant subdivision ordinance, so no additional open space can be required to be dedicated to the Town or for public access. Nonetheless, the Project exceeds all the standards for private open space in the Specific Plan *and* voluntarily offers to allow public access to the vast majority of the open space in the Project.

Town of Los Gatos General Plan

Not only is the right to build at this density (or higher) afforded to us by State and local law but we believe this density or intensity is what is, in fact, envisioned by Town policy.

The Housing Element of the General Plan was adopted following the certification of the Environmental Impact Report (EIR) for the North Forty Specific Plan. The Housing Element was approved by this Town Council on May 5, 2015. At that time, the minimum density of 20 units per acre to be required on the North Forty was made clear as was the required 'by-right' nature of approvals for housing. 'By-right' is defined as "not requiring a conditional use permit or other discretionary approval; however, design review according to the objective standards contained in the Specific Plan can occur (see Action HOU- 2.4)." In addition, the Housing Element states that "it is anticipated that by-right, multiple-family development at a minimum of 20 units to the acre will occur as a single use development as permitted by the zoning." The Project is consistent with this and other applicable policies and actions specified in the General Plan and Housing Element as shown in attached Tables A and B.

The Specific Plan reference to "lower intensity residential" in the Lark District is a statement that the planned uses in the Lark District are lower intensity uses than those in the Transition and



Northern Districts due to its primarily residential character versus the other districts (which include higher intensity mixed-use, commercial, hospitality and entertainment uses). Section 2.3.2 of the Specific Plan makes this distinction vis-à-vis the Transition District as it states:

“Located in the central portion of the Specific Plan Area, the Transition District provides a transition and buffer between the lower intensity, primarily residential, character of the Lark District and the active retail and entertainment emphasis of the Northern District. The Transition District will accommodate a range of uses including neighborhood-serving stores, specialty market and mixed-use housing with residential units above commercial. A hotel or hospitality use could also be part of the land use mix.”

In alignment with the Town’s Housing Element policies, the North Forty Specific Plan makes it more difficult for lower density residential to be approved by making multifamily housing its focus (Section 2.4 page 2-6) and making the non-multifamily residential type, cottage clusters, only allowable with a Conditional Use Permit (Table 2-1). Thus, the Specific Plan is in conformance with the General Plan Housing Element Policy HOU 2.4 and the intensity of housing proposed is in line with these policies.

The Housing Element

Related to this, members of the public have expressed concern that the Town will be required to find another site to meet its RHNA requirements if the Project is built as proposed. The Project proposes 50 units of affordable, income-restricted housing and 270 units of market-rate housing (with a density bonus), all at a density of 20 units per acre. This more than meets the Town's obligation to allow development of 270 units on the North Forty at 20 units per acre, and no additional rezoning will be needed to meet the Town's Housing Element obligations. If a Project application, such as the one before you, is approved at a density of less than 20 units per acre or denied, additional rezoning would be required to meet the Town’s obligations under state Housing Element law. Please see attached e-mail correspondence from Glen Campora, Assistant Deputy Director, Housing Policy Division, California Department of Housing and Community Development, which is attached as Exhibit A.

Open Space and Quimby Act

Finally, reducing or redistributing units from the area covered by the Project application is being suggested in order to create more open space. As has been already noted, the Specific Plan requires 30 percent open space (more than any other Project in Los Gatos that we have observed in the eight years we have been active on the North Forty), and our application exceeds this



requirement by providing 39 percent open space, of which at least 85 percent is open to the public.

A requirement for provision of public access to open space (including on the 30 percent already required by the Specific Plan) cannot be justified unless it is needed to mitigate the impacts of private development. The standard of the Nollan, Dolan, and Ehrlich cases requires that there be an essential nexus to the impacts of the Project, and that the requirement be roughly proportional to those impacts.

However, this nexus requirement is not satisfied in the North Forty Specific Plan. There is no impact on public open space due to the passage of the North Forty Specific Plan or the planned development of the Plan Area. The EIR for the Specific Plan identifies no such impact, and the Town has no ordinance consistent with the Quimby Act requiring public open space in new developments, since there is already abundant public open space in the Town, including open space close to the Plan Area. The EIR concluded that there is adequate public open space nearby to serve the Project.

Despite this finding, we have designed an open space program that is the centerpiece of a modern agrarian neighborhood. The open space program will feature 2.7 acres devoted to agricultural uses which will produce an estimated 14.5 tons of fruits and vegetables per year. These will be grown in community gardens, commercial gardens and on producing (not ornamental) orchard trees. We also feature eight public parks and plazas that are connected by 25' to 35' wide landscaped paseos, shaded sidewalks and a multi-modal pathway system. These parks include a community park that is comparable in size and scale to Town Plaza Park and two passive use neighborhood parks that are similar in size and scale to other neighborhood parks in Los Gatos. Finally, buoyed by the Town's aspiration for amenities for pedestrians and bicycles and in addition to the multi-modal pathway system, we are voluntarily proposing to connect the North Forty to the Los Gatos Creek Trail via dedicated bicycle lanes on both sides of Lark Avenue.

Reduction of Unit Sizes

In addition to the desire to reduce or redistribute units in order to create more open space, another common complaint is that the units are too large and should be reduced in size. We would emphasize that there is absolutely no objective standard in the Specific Plan that would support any such reduction. The only specification of unit sizes contained in the Specific Plan is on page 6-14, and the sizes listed there are on average considerably larger than those proposed. In fact, if one takes the maximum residential square footage allowed (700,000 sf) and divides by the 270 baseline (365 density bonus) allowable units, the resulting maximum size per unit is 2,592



square feet (1,917 square feet if density bonus is used) which is approximately 1,199 (524) square feet larger than proposed.

Any requirement to reduce unit size would in effect be a denial of this Project, since it would require complete redesign of the buildings and site layout, in violation of the Housing Element "by right" requirement, the Density Bonus Law, and the Housing Accountability Act. In addition, it renders the Project infeasible economically.

After the Planning Commission's request to consider smaller unit sizes, we commissioned John Burns Real Estate Consultants to determine the feasibility of this from a marketability perspective. Their consumer analysis summarizes how the reduction of the average market rate for-sale housing square footage by over 33% (from 1567 to 1000 square feet) is not supported by the market. Based on their research, the size of units proposed is far smaller than the existing newer multi-family for-sale housing stock in the Town. The report states: "Of newer townhomes in Los Gatos, the median unit size is over 1,900 SF, including three bedrooms and 2 ½ bathrooms. When assessing only townhomes built in the last 10 years, the median unit size is even larger, at +/- 2,100 SF. At a weighted average size of 1,561 SF, the current product array at the Subject Property is substantially smaller than the recently constructed housing inventory of Los Gatos." This report is attached as Exhibit B to this letter.

Finally, the Staff Report references that the Planning Commission statement that "(t)he project does not incorporate views adequately in the layouts as called out in Open Space Policy 01 View Preservation and does not comply with Design Guideline 3.2.1.d *Site Planning and Design*, and Section 3.2.6.e.i. *Building Elements and Articulation* which states "Special care shall be taken to avoid obstructing views to the surrounding hills." However, Section 3.2.6.e.i. more specifically states in section e) that "Projects located on corner parcels at signalized intersections along Lark Avenue and Los Gatos Boulevard should incorporate major design features on the intersection corner," and in section l) that "Buildings located at these corner locations are strongly encouraged to frame and front onto intersections. Special care shall be taken to avoid obstructing views to the surrounding hills."

This portion of the Specific Plan only relates to the corner buildings at signalized intersections. For this application, this applies only to Lark and Los Gatos Boulevard and Los Gatos Boulevard and the new Neighborhood Street. The application does not include the land area located at the corner of Lark Avenue and Los Gatos Boulevard (gas station location). At Los Gatos Boulevard and the new Neighborhood Street entrance, the two buildings proposed both frame and front onto this intersection. The Specific Plan requirement for a 30' orchard setback along Los Gatos Boulevard and a 25' height restriction from Los Gatos Boulevard for the first 50' from the



property line have been also been satisfied. Therefore, the reference to this portion of the Specific Plan as a broader policy is not appropriate, and the application in fact satisfies the objective standards for this portion of the site plan.



TABLE A: Conformance with General Plan

Policy or Action	Project Conformance
<p>Goal LU-4 To provide for well-planned, careful growth that reflects the Town’s existing character and infrastructure.</p>	
<p>Goal LU-11 To Plan for development of a variety of uses in the North Forty area in a coordinated and comprehensive way.</p>	
<p>Policy LU-11.1 Zoning shall be changed as part of the development applications to provide consistency with the Vasona Light Rail Element and other elements of this General Plan and with any future specific plan prepared for this area.</p>	<p>On June 17, 2015 the Town Council adopted Resolutions Nos. 2015-055 and 2015-056 adopting the North Forty Specific Plan and adopting amendments to the Land Use Element of the Los Gatos General Plan for the North Forty Specific Plan area. Those resolutions found that the Specific Plan was consistent with the General Plan and amended the Land Use Element to incorporate the major policies of the Specific Plan. In particular, the Land Use Element was modified to incorporate the Vision Statement contained on page 1-1 of the Specific Plan, the general guidelines contained on pages 1-6 and 1-7 of the Specific Plan, and the maximum development capacity contained in Table 2-2 of the Specific Plan. The Specific Plan also determined that its policies, standards, and guidelines were consistent with the overarching goals of the General Plan.</p> <p>Therefore, given that the vision, guidelines, and development capacity contained in the General Plan are identical to those in the Specific Plan, and that the Specific Plan was adopted to determine those development standards consistent with the vision, guidelines, and development capacity contained in both the General Plan and the Specific Plan, the determination that the Project is consistent with the Specific Plan conclusively determines that the Project is also consistent with those provisions of the General Plan applicable to the North Forty.</p>
<p>Policy LU-11.2 The Town shall encourage uses that serve Town residents. These include, but are not limited to open space, playfields, office, retail, and other commercial uses. Residential uses may be permitted as part of mixed-use development and only with acceptable mitigation of adverse noise, air quality, and other environmental hazards.</p>	<p>The North Forty Specific Plan requires a minimum of 30% open space. The Project application proposes 39% open space. The Project application also proposes 66,000 square feet of neighborhood serving commercial space as part of a mixed-use development that also</p>



Policy or Action	Project Conformance
	<p>includes residential housing that meet the objective criteria of the North Forty Specific Plan which were established to respond to unmet residential needs of the Town of Los Gatos.</p> <p>Impacts of noise, air quality, and other environmental hazards were studied in the Environmental Impact Report (EIR) for the North Forty Specific Plan. This EIR was certified by the Town Council on January 20, 2015 by Resolution No. 2015-002. In evaluating the environmental impacts of the Specific Plan, the EIR comprehensively reviewed all of the policies of the General Plan applicable in any way to the North Forty and found that the North Forty Specific Plan was consistent with the applicable General Plan policies. The conclusions of the EIR regarding the Project's conformance with the General Plan are hereby incorporated by reference into these findings.</p>
<p>Policy LU-11.3 Provide coordinated infrastructure in the North Forty area.</p>	<p>The North Forty Specific Plan requires that all infrastructure necessary to support the development shall be constructed in capacity that allows for current and future phases, subject to approval of the town engineer. All infrastructures stubbed for future use, including utilities and roadways, shall be constructed so as not to appear unfinished. The Project application complies. The infrastructure in the Project application is designed to stand alone and not be dependent on improvement required in future phases. See Tentative Map Sheet 1.3 Dimensional Plan, Grading Plans Sheet 1.6-1.14 and Preliminary Utility Plan sheet 1.16 for future site connection edge conditions.</p> <p>The infrastructure in the Project application sizes utilities for future site connection and edge conditions. See Preliminary Utility Plan sheet 1.16.</p>
<p>Policy LU-11.4 Include a variety of commercial uses reflective of Town Council's Vision and Guiding Principles for the North Forty. Land uses shall follow a logical land use</p>	<p>The North Forty Specific Plan states in Section 2.4 "In general, lower intensity shops, offices, and residential land uses are envisioned in the southern portion of the Specific Plan Area.</p>



Policy or Action	Project Conformance
<p>pattern that takes advantage of the site opportunities while protecting adjacent uses.</p>	<p>Moving northward, potential land uses transition to mixed-use residential and potentially hospitality uses to provide a buffer between the primarily residential uses in the southern portion of the Specific Plan Area and the entertainment, restaurant, and shopping uses envisioned in the northern portion of the Specific Plan Area.”</p> <p>The Project application conforms to the Specific Plan as non-vertical-mixed use residential is planned in the southern Lark District and retail and mixed-use residential is proposed in the Transition District (which is north of the Lark District). The residential use in the Lark District is compatible with the Highland Oaks residential neighborhood which is located directly south of the Lark District.</p>
<p>Policy LU-11.5 Avoid negative effects on the long-term development potential of the area surrounding the North Forty area.</p>	<p>The infrastructure in the Project application is designed to stand alone and not be dependent on improvement required in future phases. It also, however, sizes utilities for future site connection and edge conditions.</p> <p>Proposed roadway and traffic improvements for this Project application are also designed to mitigate impacts of automobile trips caused by potential future development in the North Forty Specific Plan Area that are not a part of the Project application. Internal roadways are also designed for future connections and edge conditions.</p>
<p>Policy LU-11.6 Incorporate multimodal links from the North Forty area to the Vasona Light Rail station into the North Forty Specific Plan.</p>	<p>Section 4.9, 4.10, 4.11 and 4.12 outline multimodal links from the North Forty Specific Plan Area to other parts of the Town and region. On bicycle travel, the Project application complies with the Specific Plan and also voluntarily proposes to connect its internal multimodal path to the Los Gatos Creek Trail system by providing dedicated bike lands from the Project area west along Lark Avenue.</p> <p>As part of the draft Conditions of Approval, The Applicant shall prepare a Transportation Demand Management (TDM) Plan for Town of Los Gatos approval prior to the issuance of a building</p>

Policy or Action	Project Conformance
	<p>permit. The TDM shall include a minimum of those measures identified in the Specific Plan such as:</p> <ul style="list-style-type: none"> a. Bicycle facility provisions b. Transit passes and subsidies c. Carpool incentive d. Reserved car share parking e. Electrical car charging stations f. Coordination with the Santa Clara Valley Transportation Authority (VTA) to decrease headway times to connect to regional destinations, etc. The TDM shall include a TDM coordinator who will submit a TDM effectiveness report to the Town annually. <p>In addition, the applicants have been actively working with the Valley Transit Authority, CalTrans, Silicon Valley Bicycle Coalition, Town Staff, the school districts and Town commissions including Bicycle and Pedestrian Advisory Commission on specific congestion management programs.</p>
<p>Goal VLR-3 To encourage mixed-use developments that coordinate housing in proximity to either neighborhood commercial uses or employment centers.</p>	
<p>Policy VLR-3.4 Encourage mixed-use development of commercial, office, and medium-high residential uses in the North Forty area and along East Los Gatos Boulevard, north of Lark Avenue.</p>	<p>Section 2.4 of the Specific Plan states that “the Specific Plan land uses help to create a pedestrian-oriented and interactive environment that is compatible with surrounding neighborhoods as well as provides for on-site uses that are compatible with each other. The Specific Plan specifies the desired mix, as well as the location of land uses. In general, lower intensity shops, offices, and residential land uses are envisioned in the southern portion of the Specific Plan Area. Moving northward, potential land uses transition to mixed-use residential and potential hospitality uses to provide a buffer between primarily residential uses in the southern portion of the Specific Plan Area and the entertainment, restaurant, and shopping uses”</p>



Policy or Action	Project Conformance
	The Project application proposes residential uses that are consistent with this General Plan Policy in addition the Town's Housing Element.
<p>Goal VLR-9 To reduce traffic impacts of residential development within the Vasona Light Rail area by taking advantage of mass transit opportunities.</p>	
<p>Policy VLR-9.5 Promote the development of mass transit links between Los Gatos Boulevard, particularly any development on the North Forty site, and the planned Vasona Light Rail station.</p>	<p>As a condition of approval, the applicant is required to coordinate with the Santa Clara Valley Transportation Authority (VTA), plan for, and provide an enhanced bus stop at the location of the existing stop along southbound Los Gatos Boulevard between Neighborhood Street and Bennett Way. The improvements shall be in compliance with VTA standards and must be completed and accepted by the Town of Los Gatos before a Certificate of Occupancy for any new building can be issued.</p>
<p>Goal CD-1 Preserve and enhance Los Gatos' character through exceptional community design.</p>	
<p>Policy CD-1.6 Town staff shall review properties next to community entry points when they are developed or redeveloped to reflect the gateway concept.</p>	<p>The Project application has been reviewed by Town Staff and the Town's consulting architect and has met the requirements of the Town's consulting architect.</p>

TABLE B: Conformance with Housing Element

Policy or Action	Project Conformance
<p>Action HOU-1.1: Below Market Price (BMP) Program: Continue to implement the BMP Program in order to increase the number of affordable units in the community.</p>	<p>The Project provides over 20% very low income units, exceeding the BMP program requirement for 20% moderate-income units. See Exhibit 19 of Attachment 1 to staff report.</p>
<p>Action HOU-1.7: North Forty Specific Plan Area Rezoning: the Town will rezone 13.5 acres within the North Forty Specific Plan area within three years of Housing Element adoption at minimum a density of 20 dwelling units per acre to facilitate affordable housing production. After rezoning, owner occupied or multiple family development will be by-right as defined by not requiring a conditional use permit or other discretionary approval; however, design review according to the objective standards contained in the Specific Plan can occur (see Action HOU- 2.4). In addition, it is anticipated that by-right, multiple-family development at a minimum of 20 units to the acre will occur as a single use development as permitted by the zoning. If housing affordable to very low and low income households is part of a mixed use development, it will occupy at least 50 percent of the total floor area of a mixed use Project.</p>	<p>The Town completed the rezoning of the North Forty to permit housing at 20 units per acre on a minimum of 13.5 acres within the North Forty Specific Plan area. The zoning permits housing by right as defined in State Law, with design review permitted based on the objective standards in the Specific Plan. The senior affordable housing occupies at least 50 percent of the floor area of the mixed use building it occupies.</p>
<p>Action HOU-2.4: By Right Findings: For multiple family residential development within the North Forty and the Southbay AHOZ site subject to by right development, the Town will amend the Town Code to add by right development findings that, among other items, state that if a Project meets the objective review criteria contained in the AHOZ Design Guidelines or North Forty Specific Plan design guidelines (available on the Town’s website) the deciding body will approve the affordable housing proposal.</p>	<p>Although the Town has not adopted these provisions to the Town code, the Town is reviewing the Project application based on objective review criteria contained in the North Forty Specific Plan design guidelines.</p>
<p>Goal HOU-5: Retain and expand affordable housing opportunities for seniors.</p>	<p>The Project includes 49 units of housing affordable to very low income seniors.</p>

Sally Zarnowitz

From: Hiten Thakkar <hthakkar@ucsc.edu>
Sent: Sunday, November 06, 2016 5:09 PM
To: Sally Zarnowitz
Subject: North 40 plan

This should NOT be considered because of the exacerbated Traffic and congestion on Los Gatos Blvd. Inability for any emergency vehicles or personnel to be dispatched. Also the increased population will overwhelm the class size and will diminish the quality of education for which the Los Gatos is a sought after town. Kindly bear the above before voting on the resolution.

Thanks and regards,
Hiten J. Thakkar.

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Pocket Parks

Alison Blake

Urban Parks



Greenacre Park, New York City, NY

photo credit:
psu9jm85100, webshots.com

Pocket parks, also known as minipark or vest-pocket parks, are urban open space at the very small scale. Usually only a few house lots in size or smaller, pocket parks can be tucked into and scattered throughout the urban fabric where they serve the immediately local population.

These diminutive parks tend to act as scaled-down neighborhood parks, but still often try to meet a variety of needs. Functions can include small event space, play areas for children, spaces for relaxing or meeting friends, taking lunch breaks, etc. They can be a refuge from the bustle of surrounding urban life and offer opportunities for rest and relaxation. However, because space is restricted and user needs are both diverse and vary throughout the day, conflicts can sometimes arise between different groups. Thus, in organizing pocket parks, designers must often work out a delicate balancing act so that all groups can use the space in peaceful co-existence.

One of the unique and exciting characteristics of pocket parks is that they may be created out of vacant lots or otherwise forgotten spaces. Many pocket parks are the result of community groups, private entities or foundations reclaiming these spaces for the benefit of the local neighborhood. Unfortunately, they are sometimes easier to create than to maintain because without functional design, community support, use and maintenance, they may fall into disrepair.

The ecological functions of pocket parks are probably limited as they are typically designed for heavy use by people and because they are typically located in dense urban areas. However, they do present opportunities for increasing the amount of permeable surfaces throughout the city and could also function as patches for some animals, particularly birds.

We must provide facilities for recreation, reset and relaxation that are available to all citizens in every walk of life. We must consider the urban citizen who wants his recreation within the city. We must, in particular, consider the pressing need of the low-income families living amid the congestion, noise, drabness, and unbroken monotony of asphalt and brick characteristic of the deprived areas of our cities. Here, obviously, we have the greatest deficit of green space and recreational facilities.

Robert C. Weaver "Recreational Needs in Urban Areas" (From Whitney North Seymour Jr. An Introduction to Small Urban Spaces p3)

The midtown park may be defined as a small park- yet big enough in essence to reaffirm the dignity of the human being. Robert L. Zion

For such parks to contribute effectively to city life, they must be readily available. Further, they should not be looked upon as mere amenities. They have become necessities, and necessities must, by definition, be close at hand, easily come by. Their presence must be felt everywhere throughout the area- on the way to work, on the way home, as well as during the lunch hour. If such a system of parks is to succeed, there must be proximity as well as profusion- one such park for each square block.

New Parks for New York Exhibit, 1963 (From Whitney North Seymour Jr. An Introduction to Small Urban Spaces p3)

Contexts

Ideally, pocket parks are closely tied into the neighborhoods they serve. By nature, they tend to be scattered and disconnected because they are usually created opportunistically. With some planning, they can be connected if they are placed along greenways or bike paths as long as they would still be visible to a sufficient number of pedestrians who are also potential users.

From an ecological standpoint, pocket parks, at best, act as very small patches. Because they need be sited in areas of heavy pedestrian traffic so they themselves remain safe and functioning, potential use by many other animal species is negligible. However, greenery within pocket parks can help regulate microclimates and act as the "lungs" of the city, while permeable surfaces increase infiltration.

The establishment of pocket parks throughout the urban environment also has the potential to benefit the overall ecology of cities because communities who have parks that meet their needs within walking distance are less likely to drive far away for the same resources, thereby reducing pollution, traffic and the consumption of resources such as oil. Along these same lines, pocket parks could relieve pressure on the same larger, more distant parks. These large parks would conceivably see fewer demands for play areas (and the other needs that pocket parks can meet), allowing them more flexibility to devote larger park areas to habitat and ecological function.



Philadelphia's Pocket Parks:

Location: Philadelphia, Pennsylvania

Dates created: 1961-1967

Number of Parks created: 60

Sizes: 900 sq. ft. to 9,000 sq ft. (average size, around 3,000 sq. ft.)

Overseen by: Philadelphia's Neighborhood Park Program

Uses: Play, sitting (focusing on children and the elderly)

Features: Climbing structures, areas for exploration, bright colors, community involvement, basketball courts, flower or vegetable gardens, "tot lots," etc.



Philadelphia was one of the first cities to begin developing pocket parks within its neighborhoods. These were constructed on the site of vacant or abandoned lots that had become eyesores and were located in low-income areas that needed local open space in addition to the limited facilities already available. These parks involved the community in their design and construction and had a specific focus on children's play areas.



Three Philadelphia Lots Transformed
photo credit: City of Philadelphia & Philadelphia Neighborhood Park Program

Essential Elements

Small Size:

Pocket parks tend to be between 1-3 lots in size, with a tendency to be larger on the west coast than on the east (Marcus, 150)

Local Community:

These parks rely on a local population for their use and often for their upkeep (to at least make sure they are maintained)

Uses/Functions

Small Events, especially neighborhood events
rest, relaxation
lunch breaks
Play, both individual and group

Elements (Not all elements can necessarily be accommodated within any one park)

plantings, trees, often water
natural elements are a common feature of pocket parks
Play areas
Areas to Sit
Gathering places

Greenacre Park:

Size: 6,360 square feet

Location: New York City, New York

Date opened: 1971

Developed by: Greenacre Foundation

Designers: Hideo Sasaki & Harmon Goldstone

Purpose: "some moments of serenity in this busy world."

Features: Visible from the street, moveable chairs, overhead trees, greenery, a waterfall, concessions, heat lamps for cool weather

Project for Public Spaces describes the waterfall at the back of Greenacre Park by saying that it "provides a focal point and a dramatic reason to visit the park and its noise creates a sense of quiet and privacy" and that "there is shade in the summer from the trees yet their thin structure allows a beautiful dappled light to pass through."

That this level of relief from the urban environment can occur in a slot of space only .14 acres in size speaks to the amazing potential of the pocket park and why it should not be quickly dismissed as an open space typology.

Greenacre Park is a privately endowed New York park that caters mainly to professionals, tourists and shoppers. It has now been a successful open space for over thirty years, which is a testament to the quality of the design, which has all the qualities of a successful small urban space, including visibility, flexible seating, things to eat, climactic comfort (shade or heat lamps, depending on the weather), and a key location with many potential users.



Views of Greenacre Park, New York City
photo credit: Project for Public Space

It is the redevelopment of the smaller parks, reserves and street closures that makes a difference to the local community. -Roger Jasprizza



Aquisition / Implementation Mechanisms

Community Activism

Many pocket parks have been created as a result of community groups organizing and rallying for more open space and identifying spaces for parks within the urban environment.

Vacant Lots and Parking Lots

Leftover spaces, often eyesore present opportunities to become pocket parks and important amenities to communities. These are often purchased and owned by cities, with the agreement that they will be run and maintained by a foundation or other organization if the city is unable to maintain the park itself.

Foundation Owned and Run

City Organized

Land for Philadelphia's pocket parks was acquired at Sheriff's sales "at no cost other than the write-off of municipal liens, which often are unrecoverable"

Public-Private Partnerships



Views of Downtown Squares-
photo credit: Project for Public Space

Downtown Squares, Savannah, GA

Size: .46 acres to 1.38 acres
Total Number of squares: 22
Location: Savannah, Georgia
Dates created: 18th & 19th century

Features: Variable by square, but range from seating, fountains, statues, mature trees, shade, monuments, gazebos, recreation areas, gardens, etc.

Although the largest of Savannah's downtown squares are somewhat larger than a traditional pocket park, the squares are notable as a comprehensive system of small parks that are an incredible asset by serving many functions and shaping the character and image of the city itself. Unlike other cities' pocket parks, which are often squeezed into leftover spaces, the Downtown Squares were designed with the city grid, placing them at the heart of the neighborhoods. The central location of these parks encourage heavy use and exploration by residents and visitors alike. The connectivity of this system also encourages pedestrians to walk throughout the neighborhood, rather than drive.

Patterns:

4-Block Radius User Group

People Places states that "few minipark users will walk more than four blocks, and most will come from a one-to-two-block radius. Thus, the design of a pocket park should attempt to serve the needs of this immediately local community.

Frequency:

Ideally, there will be one small park sited within every city block in order to meet the range of user group needs without causing conflict between groups.

Microclimates:

Pocket parks should be appropriately sited and arranged so as to respond to the local microclimate, thereby encouraging use.

User Needs:

Accommodate as many different users as possible, according to neighborhood needs; however be careful not to pack too many uses into such a small space that conflicts are inevitable.

Visibility

Pocket parks should be visible from the street

Location:

Parks should be sited in areas of heavy pedestrian traffic so that they are convenient to get to and pass through. They can be sited on block corners, mid block, or may even transect a whole block to create a pedestrian corridor.



A Midtown Pocket Park: Paley Park

Size: 4,200 square feet .1acre

Location: Midtown Manhattan, New York City, New York

Date created: 1967

Designed by: Zion and Breene Associates

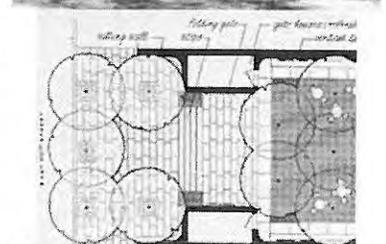
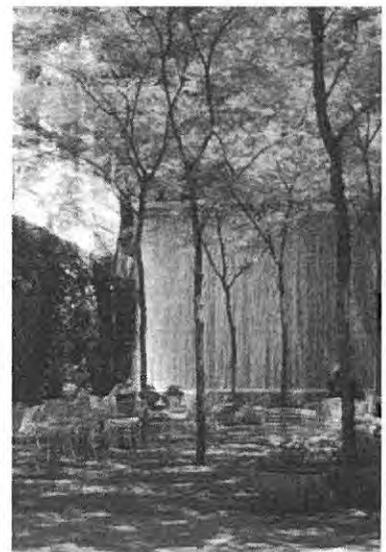
Funded by: William Paley, former Chairman of CBS
(the William S. Paley Foundation)

Uses: Rest & relaxation, lunch area, sight-seeing, meeting spot, etc.

Features: 17 honey locust trees, 20-foot waterfall on back wall, moveable chairs, concession stand, ivy-covered walls.

Paley Park is one of the most widely known and most successful of all pocket parks. It is designed as an oasis away from the bustle of Manhattan while still maintaining clear sight lines and a connection with the street. Unlike some pocket parks, Paley Park does not attempt to be multi-functional. It is primarily a place for sitting and relaxing and, despite catering to a limited user group, is extremely busy and popular because of the high density of workers, shoppers, and tourists in the area.

The midtown park is for adults- office workers, shoppers, tourists, and passerby. Its purpose is for rest- for the office worker who has finished lunch, a place to spend the remainder of the lunch hour; for the shopper, an opportunity to put down parcels, recline in a comfortable chair, and perhaps sip a coffee before continuing; for the tourist or passerby an opportunity to be refreshed visually by the scale of the place, by the dense green growth and, hopefully, by the quiet of the tiny space. Zion, p.75



Views of Paley Park
photo credit: Project for Public Space

Possible area for text/quote, photo. establishes mood and continuity of layout



Resources

Jasprizza, Roger. "Small Spaces Make a Difference" *Landscape Australia* 1999 Nov.-2000 Jan., v.21, n.4 (84), p.292-294

Marcus, Clare Cooper and Carolyn Francis, *People Places, 2nd Edition*. John Wiley and Sons Inc. New York 1998

Projects for Public Spaces; www.pps.org

Seymour Jr., Whitney North. *Small Urban Spaces: The Philosophy, Design, Sociology and Politics of Vest-Pocket Parks and Other Small Urban Spaces*. New York University Press, New York. 1969.

GREENSWARD FOUNDATION, www.greenswardparks.org

ZONING REGULATIONS

§ 29.20.185

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	R-ID	RMH	O	C-1	C-2	CH	LM	CM
(1) Commercial													
a. Banks									X	X	X		
b. Savings and loan office									X	X	X		
c. Drive-up window for any business									X	X	X		
d. Supermarket									X	X	X		
e. Super drugstore									X	X	X		
f. Department store									X	X	X		
g. Shopping center									X	X	X		
h. Motel										X	X		
i. Hotel										X	X		
j. Restaurant including those with outdoor dining areas or take-out food									X	X	X	X	X
k. Establishment selling alcoholic beverages for consumption on premises													
1. In conjunction with a restaurant									X	X	X	X	
2. Without food service (bar)										X			
l. Establishment selling alcoholic beverages for consumption off-premises (this provision only applies to establishments commencing or expanding off-premises sales after April 23, 1981)									X	X	X		
m. Convenience market									X	X	X		
n. Formula retail business										X			
o. Formula retail business greater than 6,000 s.f.									X		X	X	
p. Personal service businesses (as set forth in section 29.60.320)										X			
q. New office building approved or constructed after May 1, 2006									X	X	X		
r. New retail sales of firearms, ammunition and/or destructive devices as set forth in section 29.70.100												X	
(2) Recreation													
a. Commercial recreation and amusement establishment									X	X	X	X	

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
b. Theater										X			
c. Outdoor entertainment										X			
d. Swimming pool for non-incidentual use	X	X	X	X	X	X		X	X	X	X	X	X
e. Private sports recreation club	X	X	X	X	X	X		X	X	X	X		
f. Golf course	X	X	X	X	X								
(3) Community Services													
a. Public building; police, fire, community center, library, art gallery, museum	X	X	X	X	X	X		X	X	X	X	X	X
b. Club, lodge, hall, fraternal organization			X	X	X	X		X	X	X	X	X	X
c. Church, monastery, convent, and other institutions for religious observance	X	X	X	X	X	X		X	X	X	X	X	
d. Mortuary, columbarium, mausoleum						X				X	X	X	
e. Public transportation and parking facilities	X	X	X	X	X	X		X	X	X	X	X	X
f. Park, plaza, playground	X	X	X	X	X	X		X	X	X	X	X	X
g. Nonprofit youth groups	X												
(4) Schools													
a. Public schools or college not otherwise specified	X	X	X	X	X	X		X	X	X	X	X	
b. Private school or college not otherwise specified; including a new private school or college to be located on grounds or within buildings formerly occupied by a public school	X	X	X	X	X	X		X	X	X	X	X	
c. Nursery school/day care center, provided that each shall be on a site not less than 20,000 square feet in area and in a building not less than 2,000 square feet in floor area	X	X	X	X	X	X		X	X	X	X	X	
d. Small family day care home								X	X	X	X		
e. Large family day care home								X	X	X	X		
f. Vocational or trade school										X	X	X	
g. Business or professional school or college								X	X	X	X	X	

ZONING REGULATIONS

§ 29.20.185

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
h. Art, craft, music, dancing school								X	X	X	X	X	
(5) Health Services													
a. Hospital								X					
b. Convalescent hospital			X		X	X		X	X	X	X		
c. Residential care facility-small family home								X	X	X	X		
d. Residential care facility-large family home	X	X	X	X	X	X		X	X	X	X		
e. Residential care facility-group home	X	X	X	X	X	X		X	X	X	X		
(6) Transmission Facilities/Utilities													
a. Public utility service yard, station, transmission lines, storage tank, drainage or communication facilities	X	X	X	X	X	X		X	X	X	X	X	X
b. Antenna facilities operated by a public or private utility for transmitting and receiving cellular telephone and other wireless communications	X	X	X	X	X	X		X	X	X	X	X	X
c. Radio and/or broadcast studios								X	X	X	X	X	X
(7) Automotive (Vehicle sales, service and related activities)													
a. New vehicle sales and rental										X	X	X	
b. Used vehicle sales only incidental to new vehicle sales and rental										X	X	X	
c. Vehicle tires and accessories, sales, servicing, recapping											X	X	
d. Vehicle body repair and painting											X	X	
e. Vehicle repair and service (garage)											X	X	
f. Service station									X	X	X	X	
g. Parking lots or storage garages, not accessory to another use										X	X		
h. Car wash											X		
i. Truck terminal												X	X
j. Alternating use of offstreet parking spaces	X	X	X	X	X			X	X	X	X	X	X

TABLE OF CONDITIONAL USES	RC	HR	R1	RD	R-M	R-1D	RMH	O	C-1	C-2	CH	LM	CM
k. Recreational vehicle and equipment storage yard											X	X	X
l. Temporary auto storage for automobile dealers	X	X	X	X	X	X		X	X	X	X	X	X
m. Parking lots that serve a nearby commercial use located on a previously unimproved property in the R-1:12 zone on an arterial street			X										
n. Sales, service, and repair of electric vehicles as set forth in Section 29.10.020										X	X	X	
(8) Residential Uses													
a. One-family dwelling								X	X	X	X	X	
b. Two-family dwelling								X	X	X	X	X	
c. Multiple-family dwelling								X	X	X	X	X	
d. Boardinghouse					X					X	X	X	
e. Apartment hotel					X					X	X		
f. Mobile home park					X								
g. Residential condominium					X			X	X	X	X	X	
h. Caretaker residence	X	X											
i. Reserved													
j. Conversion of a mobile home park to condominium ownership					X		X						
k. Live/work units								X	X	X	X	X	
(9) Agriculture and Animal Services													
a. Botanical nursery	X	X	X	X	X	X		X	X	X	X	X	X
b. Dairying	X	X											
c. Veterinary hospital (without kennel)										X	X	X	X
d. Kennel	X	X											X
e. Commercial and private stables and riding academies	X	X	X	X	X								
f. Wineries that have been legally and continuously operating for at least 50 years or is operated in conjunction with a vineyard	X												
g. Aviaries and other wholesaling animal-raising facilities	X	X	X										
h. Vineyards, orchards, and agricultural or farming activities greater than 3,000 s.f.	X	X	X										

TABLE OF CONDITIONAL USES	RC	HR	RI	RD	R-M	R-ID	RMH	O	C-1	C-2	CH	LM	CM
(10) Light Industrial													
a. Large recycling collection facilities												X	X
b. Large recycling collection facilities operated by a public agency	X	X	X	X	X	X	X	X	X	X	X	X	X
c. Equipment rental yard										X	X	X	
d. Construction materials yard												X	X
e. Bulk fuel storage and sales												X	X
f. Dry cleaning plants									X	X	X		
g. Hazardous waste management facility													X
(11) Other													
a. Outdoor storage											X	X	X
b. Changing the activity in a nonconforming building	X	X	X	X	X	X		X	X	X	X	X	X
c. 24 hour businesses or businesses open between the hours of 2:00 a.m. and 6:00 a.m.								X	X	X	X	X	X

(Ord. No. 1316, § 5.20.205, 6-7-76; Ord. No. 1363, 8-1-77; Ord. No. 1367, 9-19-77; Ord. No. 1369, 10-3-77; Ord. No. 1375, 11-21-77; Ord. No. 1405, 9-5-78; Ord. No. 1417, 2-20-79; Ord. No. 1476, 9-15-80; Ord. No. 1483, 12-2-80; Ord. No. 1493, 3-17-81; Ord. No. 1506, 7-6-81; Ord. No. 1531, 4-20-82; Ord. No. 1546, 8-16-82; Ord. No. 1555, 10-25-82; Ord. No. 1571, 3-7-83; Ord. No. 1596, 10-24-83; Ord. No. 1654, 4-22-85; Ord. No. 1667, 12-2-85; Ord. No. 1701, 12-15-86; Ord. No. 1724, 5-18-87; Ord. No. 1725, 6-1-87; Ord. No. 1729, 6-15-87; Ord. No. 1732, 7-20-87; Ord. No. 1737, § V, 11-2-87; Ord. No. 1746, 3-21-88; Ord. No. 1835, § III, 7-16-90; Ord. No. 1842, § II, 4-1-91; Ord. No. 1896, § I, 4-6-92; Ord. No. 1961, § I, 11-15-93; Ord. No. 1993, § I, 1-3-95; Ord. No. 2006, § IIA, 11-6-95; Ord. No. 2011, § I, 3-4-96; Ord. No. 2107, § II, 11-4-02; Ord. No. 2115, § III, 9-15-03; Ord. No. 2131, § I, 5-3-04; Ord. No. 2132, § II, 5-17-04; Ord. No. 2149, § I, 5-1-06; Ord. No. 2220, § I(Exh. A), 10-7-13; Ord. No. 2222, §I(Exh. A), 10-21-13; Ord. No. 2233, § I(Exh. A), 8-5-14)

Sec. 29.20.190. Findings and decision.

(a) The deciding body, on the basis of the evidence submitted at the hearing, may grant a conditional use permit when specifically authorized by the provisions of this chapter if it finds that:

- (1) The proposed uses of the property are essential or desirable to the public convenience or welfare;
- (2) The proposed uses will not impair the integrity and character of the zone;



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

To: General Plan Committee

From: Joel Paulson, Community Development Director *JP*

Subject: North 40 Specific Plan Amendments

Date: November 16, 2016

Attachment 3 consists of public comments received between November 11, 2016 and November 16, 2016.

A General Plan Committee (GPC) member asked a question regarding the list of uses permitted in the North 40 Specific Plan from page one of the November 17, 2016 GPC Memorandum. The question was which commercial areas require a Conditional Use Permit (CUP) for those uses? The zoning districts that require a CUP for the permitted uses in the North 40 Specific Plan are included below:

- Formula Retail (Downtown and C-1, CH, LM when over 6,000 square feet)
- Market Hall/Specialty Market (Downtown, C-1, and CH)
- Restaurant with or without alcohol service (Downtown, C-1, CH, LM, and CM)
- Super Drugstore (Downtown, C-1, and CH)
- Supermarket (Downtown, C-1, and CH)
- Personal Service (Downtown only)
- Hotel (Downtown and CH)
- Financial Institution (Downtown, C-1, and CH)
- Park, Plaza, Playground (Downtown, O, C-1, CH, LM, and CM)
- Public Building (Downtown, O, C-1, CH, LM, and CM)
- Public Transportation and Parking Facilities (Downtown, O, C-1, CH, LM, and CM)
- Alternating Use/Shared Parking of Off-Street Parking Spaces (Downtown, O, C-1, CH, LM, and CM)
- Botanical Nursery (Downtown and O, C-1, CH, LM, and CM)

Additionally, a GPC member asked if minutes of the last meeting will be provided. Action minutes are not yet completed for the last GPC meeting given other minutes that have needed to be prepared. Verbatim minutes will be prepared and provided to the Planning Commission and the Town Council prior to the consideration of this matter before the Planning Commission.

On Thursday the GPC will continue their discussion with the following section of suggestions from the Town Council which is where we left off at the last meeting:

General/Other

1. "Shalls" should replace "shoulds."
The Specific Plan could be modified to address this issue. However, staff would need to walk through each instance and provide a recommendation on whether some of the "shoulds" should be replaced with "shall."
2. Confirm that the Guiding Principles in the Specific Plan is mandatory language rather than permissive language.
3. Require a plan for the entire Specific Plan area.
Section 6.2 on page 6-1 could be modified to address this suggestion. However, with multiple property owners in the Specific Plan area it does not appear to be feasible.
4. Preserve existing live oak trees.
Language could be added to address this suggestion.
5. Consider the widening Los Gatos Boulevard.
There is no nexus for the Town to require a developer to acquire the land to widen Los Gatos Boulevard. The Town would need to acquire the property and install the roadway improvements. Given the Town's limited resources for this type of action this suggestion does not appear to be feasible.
6. Try to acquire some land for a park or community pool.
Given the Town's limited resources for this type of action this suggestion does not appear to be feasible.
7. Consider making the Town Council the deciding body for applications.
Appendix E could be modified to address this suggestion

Additionally, the GPC will have an opportunity to discuss other suggestions from GPC members or the public.

The video of the last GPC meeting is available at the following link:

http://losgatos.granicus.com/MediaPlayer.php?clip_id=1597

Attachments (previously received with November 17, 2016 Memorandum):

1. Public comments received between October 27, 2016 and November 11, 2016
2. Conditional Use Permit Table

Attachments received with this Addendum:

3. Public comments received between November 11, 2016 and November 16, 2016

From: Mohammad Javanbakht [mailto:mj@avestadev.com]
Sent: Friday, November 11, 2016 3:14 PM
To: Sally Zarnowitz
Cc: Joel Paulson; Erin M. Walters; Mason, Brian (SJC); Walewski, Andre' (SJC)
Subject: Re: Burton Rd. and Los Gatos Blvd.

Hi Sally,

Following our conversation the other day, I would like to formally request that the General Plan Committee of the City of Los Gatos consider inclusion of the Senior Housing use, specifically, Senior Apartments, Independent Living, Assisted Living and Memory Care, in the Specific Plan amendment for the North Forty District. In particular we would like to be able to develop a senior housing development on a 2.5 acre property at the corner of Burton Rd. and Los Gatos Blvd.

Senior housing communities offer a fully amenities, service enriched, and much needed housing option to our senior citizens, while providing a complementary and low impact housing addition to the neighborhood. These communities provide a high-quality, culturally rich, and social living environment for aging residents to be able to remain active and able to stay in their neighborhood, among their family and friends. The communities also offer a low-impact economic engine; while facilitating new investment in aging homes as well as creating many direct and indirect local jobs, they are a low impact housing option in the neighborhood. The senior communities will have extremely low traffic, due to the fact that most residents do not operate vehicles. The communities also have a minimal use of city resources/infrastructure, due to the fact that the buildings include many amenities needed for the residents' daily lifestyle.

Furthermore, the senior apartments, independent living and sometimes even assisted living residents are considered dwelling units, due to the fact that they include kitchenettes or full kitchens, bathrooms and living areas, and therefore, will satisfy the City's housing requirements.

Below is a description of various types of residences:

Senior Apartments and Independent Living Residences: Each senior residence would constitute an individual "dwelling unit". Specifically, each residence would constitute individual living quarters that include areas for living, eating, and sleeping, plus a kitchen and at least one bathroom. The residences would be "high end," with top-quality fixtures and surfaces, and designed to appeal to sophisticated and discerning individuals.

The occupants of the residences would be offered a menu of services as part of their monthly rent such as meals, housekeeping, laundry, transportation, social and recreational activities as well as observation of the resident for changes in condition. Residents will also be offered personal care services such as assistance with dressing, bathing, grooming, toileting and medication management on an as-needed, a la carte basis. From a practical perspective, the senior residences within the Project would function in exactly the same manner as residences within any other multi-family building, with additional support for the occupants on an "as-needed" basis.

Assisted Living Residences: Assisted Living residences are similar to independent living residences with a higher degree of services and care provided. It is anticipated that these residents may require assistance with activities of daily living such as ambulation, toileting, bathing, dressing and grooming.

Memory Care Residences: The memory care residences would be individual private or shared residences that would house seniors who have been diagnosed with Alzheimer's or some other form of memory impairment. Memory Care Residents would be offered meals, housekeeping, laundry, transportation, social and recreational activities as part of their monthly rent as well as assistance with services such as dressing, bathing, grooming, toileting and medication management as needed. Memory Care residents would also receive specialized personal care tailored to people with memory impairments provided by trained staff members.

Assisted Living and Memory Care residences can be also considered a commercial use due to the intensity of services that are provided.

Please feel free to contact me if you have any questions.

Best Regards,
Mohammad Javanbakht
Managing Partner

AVESTA | DEVELOPMENT
GROUP

T: 925-899-8981 | F: 415-800-6063 | E: mj@avestadev.com
13922 Quito Rd., Saratoga, CA 95070 | www.avestadev.com

Sally Zarnowitz

From: Susan Freiman <srfreiman@gmail.com>
Sent: Wednesday, November 16, 2016 9:11 AM
To: Sally Zarnowitz; Joel Paulson
Cc: Marsh
Subject: North 40 comments

Hello and Thank You for all your hard work,

We have been actively attending and speaking out at Town mtgs since the first Town Not City protest in 2014. As 20 year residents of High St, we feel that we must add our voice to preserve the character of our town.

Specific comments:

1) The obvious "Gaming the system" of the developer to put 100% of the homes in the LG school district was alarming to us. If it is at all legal, the future plan should do its best to prevent the next application from abusing our rules to maximize their profit.

2) As a family that is hoping to demo and build a new home some day, we drew up plans that include significant underground excavation to minimize our impact on our neighborhood while giving us more room in which to live. Please seek to, at a minimum, place all of the new development's parking underground to minimize the impact of these new structures on our lovely views. A lowered guideline on maximum height would also be most desirable.

My children and I are looking forward to attending tomorrow night's meeting.

Thank you again,
-Susan & Marshall Freiman
High Street

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To: General Plan Committee
Meeting: November 17, 2016
Re: Potential Amendments to the Specific Plan
From: Lee Quintana

I would like to submit the following comments for the Committee's consideration. I have followed the suggestion made by Commissioner Erekson at your last meeting by identifying a problem and following the problem with a potential solution(s) (amendment) to address the problem.

Problem 1:

Specific Plan, as adopted, is not consistent with the revised Housing Element of the General Plan

- The Specific Plan was adopted subsequent to the adoption of the revised Housing Element. However, the Plan was not modified to reflect the changes in the Housing Element specifically applicable to the North 40 Specific Plan. For example:
 - The Housing Element requires a minimum of 13.5 acres at a density of 20 units/acre to be zoned within the Specific Plan area.
 - The Housing Element includes by-right development and
 - The Housing Element limits A&S review to objective design criteria.
- The Plan also lacks a discussion of applicable portions of state and federal laws relating to housing, such as the State Density Bonus.
- ***These are major deficiencies.*** Without the context of the Specific Plan in relationship to the Housing Element it is impossible to understand the Plan, nor is it possible to assess whether a proposed application is in conformance with the Specific Plan, the Housing Element, the General Plan and/or applicable state laws.

Solution 1:

Amend the SP to include the following:

- Requirement to zone 13.5 acres at a density of 20 units/acre
- Discussion of the relationship between the Specific Plan, the Housing Element and other applicable State and Federal Laws
- Discussion of by-right development and objective design criteria
- Discussion of the State Density Bonus Law including accommodations and waivers.
- Add a list of applicable goals and policies from the Housing Element

Problem 2:

There appears to be a disconnect between the Plan's stated maximum allowed development capacity for both non-residential and what is actual possible based on requirements of the plan.

Solution 2:

Do a reality check and reduce the maximum development capacity of the Plan accordingly.

Problem 3:

It is not always clear when a standard or guideline is mandatory or is not mandatory. In addition, the Plan includes a limited number of “objective design criteria”

Solution 3:

- Amend the Plan to expand the definition of mandatory to include terms other than “shall”.
- Amend the Plan to expand the definition of not mandatory to include terms other than “should”.
- Amend the Plan to add additional objective design criteria that provide some flexibility.

Thank you for considering these comments.

Lee Quintana
5 Palm Ave.

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

Los Gatos General Plan Committee Members:	Matthew Hudes, Chair Marico Sayoc, Vice Chair Barbara Spector, Mayor Jeffrey Barnett, Public Rep. Charles Erekson, Planning Commissioner Melanie Hanssen, Planning Commissioner Todd Jarvis, Business Rep.
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (510) 337-1558

EXHIBIT 6

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

CHAIR HUDES: Good evening, everyone. Welcome to the General Plan Committee and our meeting to consider the North 40 Specific Plan Amendments.

We are really here to answer two questions: Should the Specific Plan be amended, and if so, then how? We started our work last time, but before I get to that I'd like welcome and congratulate our new mayor, Mayor Sayoc...

VICE CHAIR SAYOC: Thank you.

CHAIR HUDES: ...and our newly reelected Council Member, Council Member Spector.

COUNCIL MEMBER SPECTOR: Thank you.

CHAIR HUDES: Last time we questioned quite a few things, and we answered a few things as well. We covered the suggestions of the Town Council on the Residential, Commercial, Open Space, Parking, and Height, and we stopped there.

Tonight we will cover Other and General items, as well as items that are open from the last meeting, as well as any concerns that the public may have that they would like to add to consideration.

1 Hopefully, we will conclude with enough
2 information for Staff to prepare recommendations in the
3 form of a report for the Planning Commission and for the
4 Council. Since we did not take formal votes on each item
5 considered, I assume that the opinions and the consensus of
6 this Committee will be reflected in the Staff Reports for
7 the Planning Commission and Council, and they'll be
8 summarized. Also, there's a reminder that there are
9 verbatim minutes that will be available. I believe there
10 will be an action item in the future as well, and that
11 there is a video available online, and there's a link to
12 that video in the attachment, the addendum to tonight's
13 meeting in the Staff Report of the Item 1 addendum. On the
14 second page, part way down, there's a link to the video for
15 those who would like to watch us again.
16

17 We will go through the meeting tonight by doing
18 Verbal Communications, and then I'll open the public
19 hearing on Agenda Item 1, and open the hearing in the sense
20 of taking any communications. So we'll do Verbal
21 Communications on items that are not on the agenda, and
22 then we'll have questions for Staff and hopefully an update
23 on the status of the Phase 1 application and the legal
24 matter surrounding that, and then we'll take public comment
25

1 on the North 40 Specific Plan, so there will be an option
2 again to provide additional comment on that.

3 Then we will begin our work of discussion of the
4 remaining portion of the Town Council suggestions, and that
5 is the section entitled General/Other, and I think there's
6 quite a bit of meat there. In the hope that we get through
7 all of this tonight, I want to start with that fresh area,
8 and then we'll come back to a discussion of any open items
9 from the last meeting and a discussion of any suggestions
10 from General Plan Committee members or the public.

11 So that's the plan for us to get through this
12 tonight. I think it should be really quite great
13 information and discussion.

14 With that, I'm going to open for Verbal
15 Communications, that is, communications on any topic not on
16 tonight's agenda. Do we have anyone who wishes to speak on
17 that?
18

19 Okay, none heard, so we'll move on to the public
20 hearing on Agenda Item 1. Why don't we start with questions
21 for Staff and an update on the Phase 1 application, if
22 maybe we could get that first?

23 LAUREL PREVETTI: We were expecting our Town
24 Attorney to join us, and hopefully he'll be on his way.
25

1 CHAIR HUDES: Do you want to hold that until he
2 gets here?

3 LAUREL PREVETTI: I think that would probably be
4 best, thank you.

5 CHAIR HUDES: Okay, so why don't we just do any
6 questions for Staff that the Committee Members may have?
7 Commissioner Hanssen.

8 COMMISSIONER HANSSEN: This is probably a
9 question for the Town Attorney, but in our packet there was
10 a letter from the Applicants addressing a number of the
11 issues that the General Plan Committee is discussing, and I
12 wondered how we should consider that? It seemed to me that
13 we had already made a decision to proceed forward with
14 amending the Specific Plan, or at least going down that
15 path, so my assumption was that we can take that into
16 consideration, any of the comments that we get, including
17 from the Applicant, but we're continuing down the path that
18 we had already decided on. Is that correct?
19

20 LAUREL PREVETTI: That is correct. You would
21 consider those comments just as you would all the other
22 communications that you've received on this item.
23

24 COMMISSIONER HANSSEN: Thank you.

25 CHAIR HUDES: Any other questions for Staff?
Okay. So let's take any public comment on the North 40

1 Specific Plan potential amendments. Would anyone like to
2 speak on that subject? If you don't mind, we'd like you to
3 fill out a card, but you can do that after you speak. If
4 you'd just come up and give your name and address, that
5 would be great.

6 CLAY GOODMAN: My name is Clay Goodman and I live
7 here in Los Gatos on San Benito, and I was at the Tuesday
8 energetic meeting about supply and demand for water.

9
10 This North 40 has been around for a while, and I
11 know that there are all kinds of legal issues around it,
12 but I'm wondering, if we don't have enough water, why are
13 we growing? I've come from Santa Barbara where they had no
14 growth for a while, where they had no water, and I'm not
15 positive about this, but I was told that Palo Alto has a no
16 growth policy now too, so I wondered if anybody has
17 considered just no growth? We have huge water bills. Mine
18 was \$600 last month for a two-bedroom, two-bath house, a
19 small house. My thoughts.

20 CHAIR HUDES: Thank you very much. Would anyone
21 else like to speak on what we're going to consider tonight?

22 MARKENE SMITH: I'm Markene Smith and I live on
23 Drakes Bay Avenue in Los Gatos, close to the North 40, and
24 I've spoken to both the Planning Commission and the Town
25 Council before, and I wanted to note that most of the

1 comments that were heard by both bodies came from people
2 who were concerned about the health of the future residents
3 of the North 40, and the safety of people who would live
4 there getting in and out of their places, getting across
5 very crowded freeways, the traffic, the problem for
6 pedestrians, the access, and the fact that the buildings
7 were so close to the freeway that they become, in fact, the
8 way that the previous plan was presented, black lung lofts,
9 because they had no large tree barrier between them and the
10 freeway.
11

12 I had proposed at a previous meeting a 300'
13 barrier, and I've talked to my colleagues, and we agreed
14 that a 100' barrier of large trees would help protect the
15 atmosphere, the climate, for the people so that they don't
16 have to live continually in hermetically sealed windows,
17 and when the children go out to play they will be breathing
18 air that at least is somewhat filtered by large trees like
19 are on every other entrance and exit near the freeways to
20 Los Gatos.
21

22 CHAIR HUDES: Thank you very much.

23 LEE QUINTANA: I'll turn that in later. Lee
24 Quintana, 5 Palm Avenue.
25

I think I expressed this before, but I'd like to
say that I think that if you do consider amendments to the

1 Specific Plan, either have them address clarifying the
2 Specific Plan without necessarily changing it, or prepare
3 amendments that would apply to everything in the Specific
4 Plan that would not affect the already existing Phase 1,
5 which is in litigation, and wait to see what happens there,
6 and then a second one that would address changes to any
7 future phase, so that when this litigation finally gets
8 settled you would have something that could go into effect
9 one way or the other and not have adopted something that
10 would then be inconsistent if the Town is not upheld or the
11 other way around. I think that's important.
12

13 Also, the way I wrote this is that the Specific
14 Plan was approved after the Housing Element was approved,
15 but the Housing Element was modified considerably after the
16 draft went to the Council and Planning Commission, and
17 there is a discrepancy between those two documents now, so
18 if there's no plan to change the Housing Element, it's the
19 Specific Plan that should be changed to be consistent with
20 the Housing Element. The Specific Plan itself at this point
21 has nothing in it that says anything about needing to have
22 13.5 acres designated as 20 acres or more density. That, I
23 think, is a major flaw of the plan.
24

25 The other thing I would like to address—I have
lots of things I'd like to address—is the question that has

1 been raised several times about not having the use along
2 Lark Avenue blending with the rest of community, and I
3 think there was a suggestion for a change to five units per
4 acre, and aside from what that would do to the rest of the
5 plan I would like to suggest that this is a unique
6 neighborhood that we're creating, and it is higher density,
7 and the Town has always planned for the North 40 to be more
8 intense than the rest of the plan, all the way back to
9 1985. Putting lower density housing there and then
10 immediately backing it up with your higher density housing
11 provides less of a buffer than if you have that buffer
12 happening from across Lark Avenue, including the big
13 setback that is already required by the plan.

15 I have other things, but that will do.

16 CHAIR HUDES: Thank you. Does anyone have any
17 questions, because I do? Thank you for sending the letter
18 in so that we could consider it; I think it's really
19 helpful and it's going to enter into some of my discussions
20 tonight.

21 LEE QUINTANA: I also sent in the communication
22 on pocket parks for your consideration.

23 CHAIR HUDES: Oh, that's good. The two questions
24 I had, your Problem 2 where you say there's a disconnect
25

1 between the plan's stated maximum and what is actually
2 possible, could you elaborate on that a little bit?

3 LEE QUINTANA: Yeah, the plan says 501,000 square
4 feet of non-residential and up to 700,000 square feet of
5 residential, but if you take into consideration all the
6 restrictions that have been placed with the space for open
7 space, setbacks, and lower intensity along the perimeter on
8 Lark and Los Gatos Boulevard, et cetera, I don't think that
9 if you tested the model that you would actually be able to
10 even get close to either of those maximums, and by leaving
11 them in the plan I think that presents a false sense that
12 the next phases could go up to that intensity, and that
13 will get us back into a cycle of misunderstanding.

15 CHAIR HUDES: Thank you. That issue has come up,
16 and thanks for pointing that out.

17 Anyone else have questions? Yes, Commissioner
18 Hanssen.

19 COMMISSIONER HANSSEN: Yes, and thank you for
20 your letter; I thought that was very helpful. I just wanted
21 to make sure, you mentioned the Housing Element and you
22 talked about compliance, and you're right, there isn't any
23 mention of the Housing Element in the Specific Plan at the
24 moment. My question is this: You also mentioned potential
25 not identified consistency, but with the General Plan as

1 well, and I wanted to ask if you thought there was
2 something that... Because the General Plan applicable
3 policies are listed in the Specific Plan, was it mainly the
4 Housing Element that you felt needed to be (inaudible)?

5 LEE QUINTANA: No, I think there are still a
6 couple of policies in the General Plan itself that aren't
7 consistent with the Specific Plan as it was approved. I
8 can't name them off the top of my head right now, but I
9 found a couple.

10 COMMISSIONER HANSSEN: But you do think aside
11 from the specific policies that are mentioned in today's
12 Specific Plan that there are some additional policies in
13 the General Plan that may not be consistent with the
14 Specific Plan, is that right?

15 LEE QUINTANA: That's right.

16 COMMISSIONER HANSSEN: Okay, thank you.

17 CHAIR HUDES: Thank you. Any other public comment
18 on this item? If you would like to, please just come
19 forward. Thank you.

20 EDWARD MORIMOTO: Good evening, I'm Ed Morimoto;
21 I live 460 Monterey Avenue.

22 I don't have any prepared comments this evening,
23 but I did want to just punctuate a few things from when I
24 was at this lectern at the last meeting, the first being
25

1 that similar to a previous speaker I think it's very
2 challenging, if not impossible, to make good decisions
3 around modifying the Specific Plan when such a significant
4 thing as the lawsuit is still pending. To crib Commissioner
5 Erekson, and risk getting it incorrect, the right answer
6 could be dramatically different depending on if we're
7 talking about a case where the lawsuit is won by the Town
8 versus one that's not.

9
10 The second that I would ask you to consider is
11 the great complexity of both the document that you are
12 looking to modify and the impact of those modifications,
13 and I call an example from your deliberations last time.

14 What seemingly is a simple and almost slam-dunk
15 kind of decision, and I'm talking about the elimination of
16 commercial along Los Gatos Boulevard, the Buildings 24 and
17 25 from the Phase 1 application, I too wonder does it make
18 sense to have residential buildings in those locations?
19 However, please consider that trying to do that elimination
20 triggers a number of things. I believe there is a letter
21 from the developers around that changes the traffic
22 scenario and therefore should trigger CEQA for traffic
23 analysis.

24
25 But more importantly, our own traffic engineers
have said that creating street access by creating a new

1 curb cut for commercial allocation is in fact undesirable
2 from a traffic standpoint, as well as dangerous. Don't take
3 my word for that; I could have it wrong. Please refer to
4 Matt Morley or Jessy Pu. And if that is the case, then we
5 need to consider whether it is appropriate to have
6 commercial being served by the residential roads that lead
7 from behind. I personally don't think that that sort of
8 commercial would be very successful, but at the same time I
9 don't think if I were living there I would want that sort
10 of traffic coming through my neighborhood.

11
12 The final thing I'd just like to point out is,
13 again, just reiterating a point that I made last time. Any
14 attempts or intention to reduce or limit the North 40
15 commercial for the sake of saving the downtown I think is a
16 little bit short sighted. Despite the fact of how the
17 elections went, there is not a wall separating our Town
18 from the rest of the Valley, and therefore we have to think
19 about competition from a regional perspective. Just because
20 we may hobble the North 40 relative to the downtown doesn't
21 mean the competition from elsewhere is going to "eat our
22 lunch," so I think you should consider that before you rob
23 the Town of additional tax revenue. Thank you.

24
25 CHAIR HUDES: Thank you very much for your
comments. Do we have any other speakers? Please come

1 forward. If anyone else would like to speak, it would
2 probably help the process if you turned in a card so we can
3 move this along. Thank you.

4 KIM: Good evening. A lot of things.

5 You hear all the people in the Town with concerns
6 and complaints and things like that. Why this property? Why
7 are they developing that area? I mean nobody wants any more
8 residential area, and they don't want any more traffic. Why
9 not develop the backside of Lexington, or somewhere far
10 away that it's not going to be this issue with traffic and
11 all this kind of stuff like that, environmental, the
12 animals, where the animals are going to go?

14 There's a laundry list of things that people are
15 concerned about. I mean, it's endless. It's endless. Why
16 put residential there? Why if you consider even developing
17 it, not have a sanctuary or something that's conducive to
18 the neighborhood, the environment, things like that? I mean
19 why? The revenue? I mean what is it? People are just so
20 concerned; they're so concerned about this. They come to
21 every meeting and they say we have a problem with that; we
22 have a problem with this.

24 You know, there's no reason to develop this area.
25 There's no reason, and we don't need... There's so much
inventory on housing here that people are leaving now,

1 people are leaving because of all this. It's just a
2 concern, and people need to listen to this, you know?
3 Develop another area, and develop, you know, like the
4 backside of Lexington or somewhere else. That doesn't need
5 to be developed.

6 You know, there's so much traffic. You can't even
7 park. You can't even enjoy the town anymore; it's so bad.

8 So it's just a lot of concerns and people just
9 need to listen, you know, on environmental and the
10 neighborhood. You know, they have their house; they're
11 asking to put a tree or a bush. I mean it's just, it's
12 utterly, I don't know, it's just a concern, I just needed
13 to tell you guys this, so thank you.
14

15 CHAIR HUDES: Thank you very much for your
16 comments.

17 JOHN EICHINGER: Hi, John Eichinger, 637 San
18 Benito.

19 I'll be the first to admit I haven't read the
20 whole Specific Plan, I haven't read the Housing Element,
21 I'm not familiar with all of them, but I have listened to a
22 lot of things, and some of my concerns are the following.

23 This phase thing, Phase 1 and Phase 2, I think
24 should be eliminated from the Specific Plan. How can you
25 build half of it without possibly knowing what's going to

1 be in the other half, what's coming down the road? I've
2 said it before; I think the developers are giving us a
3 sucker punch. I think we should see a plan for the whole 40
4 acres, not just for half of it, and then we'll see what
5 comes down the road later on.

6 Affordability; I've talked about this several
7 times before. We should have homes that can be affordable
8 by our police department, our fire department, our
9 teachers, and not just homes that are going to make the
10 developer a lot of profit.

11 I think we should have a new traffic study done.
12 Things have changed since the last traffic study, and
13 talking to the actual people who did the traffic study,
14 they said that they didn't take anything into account on
15 weekends; they didn't look at the traffic on weekends.

16 The last thing I wanted to comment on is open
17 space. The developers, when they were here, were crowing
18 about how 36% of the space was open. Streets and sidewalks
19 are not open space, and should not be considered as open
20 space. Parks and grassland, that's open space. Thank you.

21 CHAIR HUDES: Thank you. I have one more card
22 here, Susan Freiman.
23
24
25

1 SUSAN FREIMAN: Hello, my name is Susan Freiman.
2 I have appeared at this mike several times over the course
3 of the last two years.

4 First of all, thank you from the bottom of my
5 heart for your last vote.

6 Second of all, thank you for showing up at Van
7 Meter, our opening day of Safe Routes To School. I
8 recognized some of our Town Council there, and they were a
9 little surprised when I actually said, "Hey, I know you."
10 We do. We follow you. We're part of this town. We are all
11 in it together.
12

13 My two points, that were in an email, were about
14 as someone looking to do my own house, and very aware of
15 keeping the character of the Town, I'm terrified of
16 submitting my plans.

17 I am going subterranean, and I was very disturbed
18 to hear in the last like specific that they were able to
19 calculate half a parking spot. There was some very strange
20 less than 1:1 car per bedroom, which seemed off. Then not
21 an inch of it was below ground, and I think when everyone
22 saw those orange lines go up, the voices got really loud.
23

24 So if we can take into account and say they may
25 look high, but we're also going down low, I have no idea
what that does to the environmental impact of the soil or

1 whatever—rodents might be needing protection—however, at
2 least investigate going down below to preserve the roofline
3 and still give them space and parking that would hopefully
4 be subterranean.

5 The traffic study is the feeling that we were
6 being very taken advantage of with the plan putting 100% of
7 the houses in the Los Gatos district. It seemed an
8 egregious abuse of a system designed to help everyone get
9 ahead.

10 Development is going to happen. Let's just have
11 it be sane, sensible, and take into account as inclusive of
12 everyone's best interests as you can. Thank you for all of
13 your time.

14 CHAIR HUDES: Thank you. I do have one more card.
15 Roy Moses.

16 ROY MOSES: Good evening, everybody. Roy Moses.
17 The (inaudible) court in Los Gatos. I just got here. I'm
18 late, sorry, but I had a chance to get up here and just say
19 a couple of words. I don't have any prepared remarks for
20 tonight.

21 I've been trying to watch everything, the
22 proceedings going on on the video and everything at home,
23 but our business, and personal things, and trips, have
24 gotten in the way. It's a fulltime job trying to keep up
25

1 with everybody and all the events that are going on in the
2 community; it's very, very difficult to really see if we're
3 making progress or not.

4 I guess my main concerns are that we have to deal
5 with Staff, Town Council, and the Planning Commission, and
6 I hope and pray that you guys from our initial comments
7 when these chambers were full, going way back, understand
8 that this community is still as concerned as we were
9 before, even though the numbers are not here like we were
10 in the past, but we are very, very concerned.

12 I mean putting an amendment to all these issues,
13 the North 40 Specific Plan and the things that were
14 approved by the Council, and that and hopefully you're
15 making the progress that's necessary to give the citizens
16 of this town exactly what we want, and that is the look and
17 feel and to keep things as they should be.

18 When I first moved to this town, it was very,
19 very difficult to do anything and to grow. Obviously, we've
20 grown, and we've outgrown what we needed to in this town,
21 so it's necessary... I'm glad for Marico and Ms. Spencer for
22 being re-elected, even though Marcia didn't vote for our
23 wishes at that time, but you know the concerns on this
24 community, and I'm here to tell you that...

1 And I'm looking specifically at Staff and the
2 attorney. Their job is to represent this community. You may
3 not live here, but your job is to represent the community
4 and give us what we want, and what we want is the look and
5 feel of this town, okay? You've got your roles and
6 everything else, and the state passed all these laws. I
7 mean we're being inundated. We've lot control, the citizens
8 have lost control, but we're back to fight for our rights.

9 CHAIR HUDES: Sir, please address your comments
10 to the Committee.

11 ROY MOSES: Okay.

12 CHAIR HUDES: Thank you.

13 ROY MOSES: Well, to everybody. So I'm just
14 saying. I'm glad to have the opportunity to be here and say
15 that I am still concerned, even though my face hasn't been
16 here at the last couple of meetings, and I'm looking
17 forward to seeing the positive results from the citizens of
18 this community.

19 Thank you for all your work. I admire what you
20 all do. I couldn't do it, to be honest with you. Maybe it's
21 because of my age I couldn't do it, but that's just what it
22 is. Okay, thank you very much. And I'll be praying for you/
23 I believe in prayer, that the wishes of the people will be
24 addressed. Thank you.

1 CHAIR HUDES: Thank you very much. That's the
2 last card that I have, so what I'd like to do is now close
3 the public comment and move to discussion.

4 Now, in order to get through this, again, what
5 I'd like to do first of all is to discuss the remaining
6 portion of the Town Council's suggestions that we started
7 at the October 27th meeting, starting with the general group
8 of questions, and then come back to any open items from our
9 previous meeting, and then move to any suggestions from
10 General Plan Committee Members or the public, and
11 incorporate that as we get through this.
12

13 But before we do that, maybe, Mr. Schultz, you
14 could give us an update, if you wouldn't mind, on the
15 status of the Phase 1 application.

16 ROBERT SCHULTZ: Sure, I can do that. Good
17 evening, sorry I was late. I thought it was a 7:00 o'clock
18 start, so I was up in my office actually working on the
19 North 40 litigation.

20 As the public knows, and you know, litigation
21 was filed. Just yesterday we were in court with the judge
22 and came up with the stipulation of the deadlines and dates
23 that are will come forward.

24 The first milestone is actually next week, or
25 actually it's tomorrow. We have to submit an administrative

1 draft record to the other side. Just the index of that
2 draft, it's currently 13 volumes and over 900 pages, but we
3 are trying to whittle that down to the actual
4 administrative record, which is the proceedings that took
5 place in front of the Council, the Planning Commission, and
6 other advisory bodies.

7 We have a couple of meet and confirm meetings
8 with the other side over the next couple of weeks where
9 we'll go over the documents and try to get a stipulated
10 administrative record without the court intervening to
11 determine what the record is.

12 The records do (inaudible), and December 9th,
13 which is just a few weeks away, then I believe it's
14 approximately January 9th, and I don't have the exact dates,
15 but about 30 days later is when the Petitioners, that's
16 Grosvenor and the ones that filed the lawsuit, their brief
17 is due. And 30 days after that, approximately February 9th,
18 the Town's brief is due, which is called the Opposition.
19 Then about 30 days after that, about March 9th, is when the
20 reply brief is due from the Petitioners, which is the
21 Applicants for the North 40.

22 The trial is set currently for March 27th, but
23 it's only tentative; there has to be a courtroom available,
24 but that's the courtroom date that we get, so it's a very
25

1 fast process. The State Affordable Housing Act requires it
2 to be expeditiously processed, so those are the dates that
3 we're working with, and we're working quite diligently to
4 get done. The first date, obviously, is that administrative
5 record, which is due December 9th.

6 CHAIR HUDES: Thank you, and is there the
7 possibility of appeal by either side?

8 ROBERT SCHULTZ: Yes, there's always an appeal
9 from that date. If the trial did occur on March 27th, we
10 wouldn't get a decision that date, but some time after a
11 decision will be entered by the Superior Court, and that
12 can be appealed to the Appellant Court, and then that
13 decision can be appealed to the Supreme Court of
14 California.

15 CHAIR HUDES: Okay, thank you very much. Let's
16 move to where we stopped last time, and that's the
17 discussion of the remaining portion of Town Council's
18 suggestions.
19

20 There were seven items listed in the category of
21 General/Other; some of them are weightier than others. I'd
22 like the to group the first two together, if we could,
23 because I think they're really tied to each other.

24 The first one is shalls should replace shoulds,
25 and the second is confirm that the Guiding Principles in

1 the Specific Plan is mandatory language rather than
2 permissive language. So maybe just open with Committee
3 Members' thoughts and comments on the shalls and shoulds.

4 Commissioner Hanssen.

5 COMMISSIONER HANSSEN: I took a look at the
6 Specific Plan again in the last week, and I was considering
7 what we discussed at the last meeting, and I wondered if
8 the real issue wasn't that we didn't have as many numerical
9 or specific standards for some of the items in the Specific
10 Plan that we wished we had, because when I looked at what
11 we were discussing before, we were talking about when you
12 want to meet the needs of a certain residential population,
13 seniors or millennials, what constitutes meeting that? Is
14 it a minimum number or something like that? So I wondered
15 if that wasn't more the issue than shalls or shoulds?
16

17 But we do have a fair amount of shalls, and the
18 other thing was I know in the Planning Commission, when we
19 had our deliberations, we looked very carefully and
20 considered shalls to be objective standards that we could
21 rely on, even if they didn't have a number associated with
22 them, so I felt like we did have a good number of those,
23 but then people might contest that they weren't objective,
24 because they didn't have a number, but I thought that shall
25 meant objective. So those were my general thoughts.

1 CHAIR HUDES: Thank you. Anyone else, thoughts on
2 shalls and shoulds and Guiding Principles?

3 I have a few thoughts, if it's okay. I was very
4 disappointed to learn that under the existing North 40
5 Specific Plan the Planning Commission had very narrow
6 grounds for considering what is described as by right
7 development, that is, for an application that contained
8 even a small amount of affordable housing.
9

10 Most significantly, key elements, maybe the
11 essence of the Council's Vision and Guiding Principles,
12 which I believe were carefully crafted, were considered
13 subjective, and thereby not objective grounds that could be
14 used for denial of an application that was opposed by 97%
15 of the residents who spoke and corresponded with the
16 Planning Commission in 500 unique communications.

17 For whatever reason, perhaps because the law was
18 evolving or otherwise, the consultants and attorneys
19 advising the Town did not address the need for objective
20 standards adequately, in my opinion, so when we finished
21 with the Specific Plan we ended up with key elements of the
22 Vision not secured with objective language that was there,
23 and I think that some of that needs to be corrected, and I
24 think there are a couple of ways to do it.
25

1 One is to start with the should and shall list,
2 and not consider all of them, because I think, as some
3 Committee Members have pointed out to me, there are a large
4 number of them, 243, I think. But it's only a subset of
5 those, I think, that are related to the four Guiding
6 Principles, and I'd looked at a few, and there are some
7 examples where I saw it was not that difficult to trace
8 back some of these shoulds to a Guiding Principle, and to
9 potentially use that linkage between Guiding Principles and
10 the shoulds and promote some of those to shalls on that
11 basis.
12

13 To remind people what those Guiding Principles
14 are, "The North 40 will look and feel like Los Gatos. The
15 North 40 will embrace hillside views, trees, and open
16 space. It will address the Town's residential and/or
17 commercial unmet needs, and it will minimize or mitigate
18 impacts on Town infrastructure, schools, and other
19 community services." So I think that's one way to go about
20 it.
21

22 The other way, I think, is to go the other
23 direction, and that's to look at the Vision Statement and
24 Principles and see if they are adequately addressed in the
25 plan, and if not, propose some clear language.

1 As an example of that, let's take the look and
2 feel of Los Gatos. Potentially we could have some examples
3 in the plan that illustrates architectural styles; defines
4 what is good, what is not good, such as we do in the
5 Hillside Standards; or to maybe even put some language
6 like, "The architectural type, style, pattern, and layout
7 shall be commonly found with other Los Gatos neighborhoods
8 of similar use, whether they're residential, commercial, or
9 otherwise."
10

11 With regard to hillside views, I think that we
12 could set some standards for view locations, defining the
13 predominant hillsides that should be viewable, and
14 potentially craft some more objective way to evaluate
15 whether hillside views are going to be embraced. As an
16 example, and this is probably not very good at all, but say
17 something like, "The views of the predominant hillsides, El
18 Sereno and El Sombroso, shall be available from a minimum
19 of 30% of the intersections and roadways within any
20 project." I'm sure Staff could do a much better job of
21 identifying some objective ways, viewing platforms or
22 locations, or something like that.
23

24 Maybe I'll just stop there. I have a few other
25 examples, but I'd like to get Committee Members' reactions
to some of those thoughts.

1 Council Member Spector.

2 COUNCIL MEMBER SPECTOR: Thank you. I actually
3 had the same thoughts as Mr. Hudes, except that I didn't
4 delve down into the work that he did. I noted that in the
5 Staff Report it talked about the Staff going through and
6 changing shoulds to shalls, and my thought was not that,
7 but go through and look at the shoulds and change them to
8 shalls if it's necessary to bolster the Vision Statement
9 and Guiding Principles.
10

11 So that was my concept of what I thought needed
12 to be done, or could be done, and what I heard Mr. Hudes
13 say is that he'd actually gone through the document and
14 started making the changes and finding where those changes
15 could be made.

16 Now, I don't necessarily agree that the document
17 is not already objective as it is, but if we're going to
18 make these changes I would make them bolster, augment, the
19 Guiding Principles and the Vision Statement.

20 CHAIR HUDES: Thank you. Other thoughts?

21 Mayor.

22 MAYOR SAYOC: Thank you, Chair. Just a question
23 in terms of process. Would you like to share the list that
24 you've prepared, or is it something that you are hoping
25

1 that we would individually look at and provide to Staff?
2 I'm just trying to think how we should go through this.

3 CHAIR HUDES: I just did a sample, and I'm not
4 prepared to take everyone through that. I was suggesting
5 that perhaps Staff could go through that in preparation,
6 not for our deliberations, but in preparing a report for
7 the Planning Commission or the Council, to take a cut at
8 linking those shoulds that could be promoted based on the
9 linkage to the Principles.

10 Council Member Spector.

11 COUNCIL MEMBER SPECTOR: What Mr. Hudes just said
12 is exactly what I thought the next step would be if this
13 Committee were inclined to move in that direction.

14 CHAIR HUDES: Would others like to weigh in on
15 whether the Committee is inclined to move in that
16 direction?

17 Commissioner Hanssen.

18 COMMISSIONER HANSSSEN: I think that makes a lot
19 of sense, and then like I said earlier, combined with the
20 discussion that we had in our last meeting where we had
21 many, many different suggestions for modifying the Specific
22 Plan to make it more reflective of the specific direction
23 that we wanted to see in an application, I think combining
24
25

1 those two things would really help a lot with the Planning
2 Commission and Town Council deliberations.

3 CHAIR HUDES: Mr. Barnett.

4 COMMITTEE MEMBER BARNETT: I have a quick
5 comment. I did quickly go through the 243 applications of
6 should in the Specific Plan, and we've talked briefly about
7 the concept of testing those in consideration of their
8 relation to the Council Vision. I think that's an excellent
9 idea, but I did take away from that exercise the idea that
10 we're going to have some that are going to be more clearly
11 included, and a lot that are going to be in sort of an
12 ambiguous status that we're still going to have to go
13 through.

14 CHAIR HUDES: Before we move on, any comments
15 about more clearly identifying language about translating
16 the Vision into clearer language in the Specific Plan? Any
17 other areas or examples, or do we feel like that's another
18 view we ought to take? Getting some head nodding, no
19 objecting.

20 Before I move on to the next item, are there any
21 other considerations with regard to making sure that the
22 plan adequately addresses the Vision Statement and Guiding
23 Principles, or addresses the shall/should question?
24
25

Commissioner Erekson.

1 COMMISSIONER EREKSON: I have a question, I
2 suppose for Staff. It says here, "Confirm that the Guiding
3 Principles of the Specific Plan is mandatory language
4 rather than permissive language." While I understand the
5 meaning of all those words, what's the implication? How
6 does it play itself out in real life if it's interpreted as
7 mandatory language versus permissive language? So, for
8 instance, the Guiding Principles are mandatory--it says in
9 the statement that it's mandatory language--but the Guiding
10 Principles are very short and the document is this long, so
11 there is a lot more information. So how does that play
12 itself out? What does it imply if we apply that meaning,
13 and what does it imply differently than how we viewed the
14 Specific Plan in the past?

16 JOEL PAULSON: I think that what Chair Hudes
17 mentioned, we would go through the shoulds and probably
18 some of the shalls as well, and look for opportunities to
19 provide further clarification in the form of potentially
20 more objective standards that could be discussed by the
21 Planning Commission and Council to help solidify those in
22 relation to the Guiding Principles. I think one might say
23 you have the Guiding Principles and then all of the
24 policies and language that are in the plan, or to implement
25 those Guiding Principles and Vision, and so it's really,

1 from my perspective, tightening that up or providing
2 opportunities to insert more objective clarifying language.

3 CHAIR HUDES: Let's move on to the other
4 considerations.

5 Number 3 was to require a plan for the entire
6 Specific Plan area, and maybe Staff could help me
7 understand that better, because I'm trying to understand a
8 plan for a plan. Was this meant to require an application
9 for the entire plan at once, or was it meant to address the
10 need to re-plan for the entire area when an application is
11 approved? Maybe you could explain a little bit about what
12 was behind this suggestion from Council.
13

14 JOEL PAULSON: Well, a couple Council Members are
15 here, but generally I think it was either a potential for
16 reducing or eliminating phasing, or as an application comes
17 in, getting information on those next phases, even if
18 they're phased having the plan for what those are going to
19 entail. As we've said throughout the whole process and
20 stated here, given the multiple property owners that
21 becomes challenging, because an Applicant may not have
22 control over all of those properties.
23

24 CHAIR HUDES: Commissioner Hanssen.

25 COMMISSIONER HANSSEN: I have a question related
to that. The Specific Plan does cover the entire North 40.

1 It's a vision for the future, and it lays out some
2 parameters, and we're discussing amending some of those
3 parameters, but it does cover the entire 40 acres. So then
4 I kind of had the same question as Commissioner Hudes, but
5 my additional question is this: Quite a number of residents
6 have suggested we need to have a plan for the entire North
7 40, and it makes a lot of sense to view the things that
8 way, because you don't know what you're going to get in the
9 other phases. But if we were to do that, just for the
10 benefit of the audience, because of the Housing Element and
11 all the other stuff, what would happen if we required there
12 to be an application for the entire North 40?
13

14 JOEL PAULSON: I think the potential is that
15 you'd never get an application for the entire North 40,
16 which may be a positive scenario depending on your take,
17 but that's the challenge and that was kind of the basis for
18 creating the Specific Plan, knowing that there were
19 multiple property owners out there. That way we can create
20 this vision, create this land use patterning, and then that
21 way as the applications come through they'll all be
22 complying with the same requirements, and so you'll end up
23 with a more cohesive development in the end.
24

25 COMMISSIONER HANSEN: Relative to my question
about the Housing Element, supposing that we require any

1 future application to cover the entire North 40 Specific
2 Plan area? My understanding is that no developer at the
3 moment would have access to the entire North 40 property,
4 so what implications would that have for our Housing
5 Element?

6 JOEL PAULSON: It would depend on the individual
7 application. You could have to wait, and so you'd never be
8 able to produce any of those units if any application
9 didn't come forward, because they weren't able to acquire
10 all of the property.
11

12 But there's also the potential for someone to get
13 close to you, or work together with some of the other
14 property owners from a future perspective, so there's still
15 maybe some phasing but you may have a plan for the entire
16 area, and so then that could accommodate the Housing
17 Element requirements. That may not necessarily be an issue,
18 but I think it's extremely unlikely, frankly.

19 COMMISSIONER HANSSEN: One follow up question. My
20 understanding from having been on the Housing Element
21 Advisory Board is that the requirement was for us to zone
22 for the 13.5 acres at 20 dwelling units per acre, not to
23 have an application for them and not to build them. That is
24 the Housing Element law, as I understand it.
25

 JOEL PAULSON: That's correct.

1 LAUREL PREVETTI: Mr. Chair, I could just add
2 that one of the purposes of the Housing Element is to
3 identify barriers to development, and so if it's perceived
4 that requiring an application for the entire area is
5 infeasible, that could be considered by the state to become
6 a barrier to housing on the site.

7 CHAIR HUDES: Mayor Sayoc.

8 MAYOR SAYOC: Question of Staff. We talk a lot
9 about phasing, Phase 1, Phase 2, but realistically we don't
10 know that it will only be two phases, correct? Nowhere in
11 the document does it state that?
12

13 JOEL PAULSON: That's correct.

14 MAYOR SAYOC: So is it possible to actually
15 specify a minimum or a maximum on how many acres could be
16 phased in the future?

17 ROBERT SCHULTZ: It would be difficult, unless
18 you found out all the parcels that are out there and took
19 the minimum as the smallest parcel there is, because the
20 challenge there is what if you say the minimum is three
21 acres—just to throw out to you—and you have an acre-and-a-
22 half parcel that you want to develop, haven't you prevented
23 them from doing any development on their own piece of
24 property, and then the argument would be it's a taking.
25

1 MAYOR SAYOC: So then what about the flip side, a
2 maximum? It just occurred to me right now.

3 ROBERT SCHULTZ: We'd have to do more research on
4 that, on whether you could limit a maximum. The argument
5 was we're trying to do it all at once, and now if you put a
6 limit on the maximum, are you not going with the more
7 cohesive development, if possible?

8 MAYOR SAYOC: Sure, okay. Because, I mean, after
9 the fact we're looking at this, and you could make
10 arguments to both scenarios. If you did all 44 acres, then
11 you know exactly what you're getting, whereas if you do
12 parcels, whether it's five, ten, fifteen at a time, the
13 next phase would be more realistic of the environment at
14 that. So I see there are pros and cons of each scenario,
15 and I was just wondering legally if there was ever any
16 precedent in past specific plans that had approached it
17 that way?
18

19 LAUREL PREVETTI: No, not that I'm aware of. The
20 closest that I've seen is when a developer does have
21 control of the majority of the parcel, say, 40 of 44 acres,
22 something like this, and then they apply for a master
23 permit. That way they essentially identify this is the
24 approach that they'd like to take for all of the site,
25 however, for financial or other reasons they're going to

1 phase the actual development over time, and they may come
2 back for additional development review during the
3 subsequent phase, because the market changes, or the needs
4 change, or suddenly we want more bike lanes or something
5 like that.

6 CHAIR HUDES: Thank you. Any other thoughts on
7 the phasing for the plan for the entire specific area?

8
9 One thing that I did hear in addition was that
10 perhaps after receiving an application there might be the
11 need for a very substantial part of the zone to potentially
12 look at what's left, because there may be no housing left,
13 or there may be other big changes that affect many acres,
14 so maybe that's something that should be considered,
15 whether it's in law or practice, to re-look at the rest of
16 the Specific Plan once a big application comes in.

17 I'm going to move on to the next item, which is
18 number 4, preserve existing Live Oak trees. Language could
19 be added to address this suggestion. Any Committee comments
20 on that one? Mr. Erekson.

21 COMMISSIONER EREKSON: I wouldn't see the need or
22 the appropriateness to specify a particular species of tree
23 or plant, but if the intent of this is to provide guidance,
24 then it would be best to preserve native species. That
25 would seem like to be more appropriate from my perspective,

1 but to specify a particular species seems to me to be not
2 clear in its intent, other than if I was a huge fan of Live
3 Oak trees.

4 CHAIR HUDES: Commissioner Hanssen.

5 COMMISSIONER HANSSEN: Question. We did the Tree
6 Ordinance last year, and I think it was still in process
7 when the Specific Plan was approved in June 2015—I'm not
8 positive of that—but I wondered why wouldn't the Tree
9 Ordinance apply to the Specific Plan? I guess if you write
10 in the Specific Plan that it supersedes other ordinances,
11 but that was a question I had.

12 CHAIR HUDES: Was that a question for Staff?

13 COMMISSIONER HANSSEN: I guess it's a question
14 for Staff, because protection of Live Oak trees is a key
15 component of the Tree Ordinance.

16 JOEL PAULSON: The Tree Ordinance does apply, but
17 that also doesn't mean that you can't remove a Live Oak
18 tree.

19 COMMISSIONER HANSSEN: And that's true of many
20 applications.

21 JOEL PAULSON: Of any tree, correct.

22 COMMISSIONER HANSSEN: Yeah, okay.

23 CHAIR HUDES: Yes, Mayor Sayoc.

1 MAYOR SAYOC: Just to clarify with Staff—I don't
2 have that appendix—we actually listed, I believe, the trees
3 that we recommend in this area, and if I remember
4 correctly, we identified native drought tolerant, and Live
5 Oak trees are in that list?

6 LAUREL PREVETTI: That's correct.

7 MAYOR SAYOC: Okay.

8 CHAIR HUDES: Council Member Spector.

9 COUNCIL MEMBER SPECTOR: Thank you. Clarification
10 for me, because I thought preserving existing Live Oak
11 trees sounded like a good idea. What I'm confused about now
12 is are we talking about a list that identifies trees to be
13 planted versus a list of what should be preserved? And I
14 guess if I could ask Staff, what rules would Staff be
15 applying to the removal of existing Live Oak trees?
16

17 JOEL PAULSON: The removal of existing trees, the
18 Tree Ordinance would apply, as it does with any application
19 that comes through town. I think Mayor Sayoc was just
20 asking if we had from a replacement or a suitable planting
21 plan in our tree palette, whether Live Oaks were in there,
22 and they in fact are.

23 COUNCIL MEMBER SPECTOR: So if I were developing
24 a parcel of property and it had Live Oaks, and I wanted to
25

1 remove those trees, would it be a request I made of the
2 Town and the Town would have to say yay or nay?

3 JOEL PAULSON: That's correct, as with any tree
4 removal, whether it's associated with a development
5 application or it's just an individual property owner not
6 doing development, they can request a Tree Removal Permit.

7 COUNCIL MEMBER SPECTOR: I don't recall why
8 Council Members placed this on the list. Is there an issue
9 as to whether or not Live Oak trees are going to be removed
10 on this parcel?

11 JOEL PAULSON: Live Oak trees will be removed,
12 and I believe there was a speaker at the Council meeting—if
13 not both Planning Commission and Council meetings—that
14 expressed an interest in those trees specifically and
15 thought that whatever could be done to preserve those
16 should be considered. I believe that's probably the genesis
17 of why this was carried forward by a Council Member.
18

19 COUNCIL MEMBER SPECTOR: But didn't you just say
20 that under our current Tree Ordinance the Live Oak trees
21 would be preserved, unless there was some reason under our
22 law to allow them to be removed?

23 JOEL PAULSON: Yes, they have to make at least
24 one of the findings, and those findings can be made.
25

1 COUNCIL MEMBER SPECTOR: Thank you, Chair and
2 Staff.

3 CHAIR HUDES: Thank you.

4 LAUREL PREVETTI: In addition, if it's the will
5 of the Committee, you could recommend a policy statement
6 for the Specific Plan that addresses tree preservation more
7 explicitly. So if that is something based on the public
8 feedback and your own deliberations that you think is
9 worthwhile to strengthen in the Specific Plan, whether it's
10 for a particular species or native species overall, that is
11 something you can consider adding.
12

13 CHAIR HUDES: Commissioner Hanssen.

14 COMMISSIONER HANSSEN: The think the Tree
15 Ordinance in really important in this consideration, but I
16 think it would be worth considering adding some additional
17 language, because I'm thinking of the look and feel of Los
18 Gatos, and pretty much any application that we looked at on
19 the Planning Commission there were Live Oaks on the
20 property, and that's one of the most pervasive trees, and a
21 native one at that, so I would consider (inaudible)
22 strengthening that in the Specific Plan.
23

24 CHAIR HUDES: I'll weigh in that I agree that a
25 more general language addressing tree preservation in the

1 document I think would be helpful to address some of the
2 public concerns that we heard quite a few times.

3 Yes, Mayor.

4 MAYOR SAYOC: Sorry to focus on logistics, but
5 one thing that may be helpful as this moves on to Planning
6 Commission, as part of the Staff Report as one of the
7 appendices, the actual Tree Ordinance, so that it can
8 remind us what exactly are the findings, so that if there's
9 anything that we feel that is necessary to be bolstered, we
10 could do so.

11 CHAIR HUDES: Okay, thank you. I'd like to move
12 on to item 5, which is to consider widening Los Gatos
13 Boulevard. I know that Staff has something to say about
14 this, so maybe we'll start with Staff's comments on this,
15 but I do believe this is in response to a great number of
16 resident concerns about traffic.

17 JOEL PAULSON: I believe as we stated, the nexus
18 from the environmental analysis relating to traffic did not
19 require that, so if the Town was interested in pursuing
20 that the Town would need to acquire that property and make
21 those improvements. The Town Attorney may have some
22 additional input, but it wouldn't be appropriate to require
23 that burden of, or place that burden on, any developer to
24 make those improvements.
25

1 LAUREL PREVETTI: And if I may, Mr. Chair, just
2 add that we also heard loud and clear the concern of our
3 community with respect to the traffic. The Environmental
4 Impact Report identified and studied very thoroughly those
5 impacts and identified appropriate mitigations, both onsite
6 in terms of how people move between their homes and the
7 shopping areas with the North 40, as well as appropriate
8 offsite, so we just want to reinforce that we've heard the
9 concern and that it's been adequately addressed, and as
10 much as a lot of people would love for us to widen the
11 Boulevard with this plan and with any applications, we are
12 limited in terms of how much we can ask of developers.

14 CHAIR HUDES: Commissioner Hanssen.

15 COMMISSIONER HANSEN: I had a question related
16 to this. In our packet there was a letter from the
17 Applicant and they attached the Transportation Impact
18 Analysis. I read through it, and there was a statement in
19 there with regard to the Lark District, that the assumption
20 was that the residents would be able to walk and not have
21 to do a lot of commuting outside of the development, but
22 the reality of the Phase 1 application that we got was
23 there was not a very large amount of commercial, and
24 probably not enough to satisfy the need for not having to
25 leave the property. So relative to the Applicant's

1 statements that any changes we'd make could invalidate the
2 Transportation Impact Analysis and require new CEQA action,
3 I wondered if the existing application didn't have that
4 issue as well, because of the statement in the
5 Transportation Impact Analysis that the residents would be
6 able to stay within the North 40 for the majority of their
7 shopping and retail needs? Because of that, that kind of
8 dovetails into this traffic on Los Gatos Boulevard issue as
9 well, so I just wondered if anyone else thought that might
10 be an issue.
11

12 JOEL PAULSON: I don't have the TIA with me, but
13 I understand the language that was referenced both in the
14 Applicant's letter and what you're talking about from the
15 TIA. I think what you need to look at is a couple of
16 things.

17 One is if we do ultimately make a determination;
18 let's say, on distribution, we look at moving residential;
19 that's generally the lowest generator. Then the question
20 becomes when an application comes forward how much of that
21 commercial, if any, moves into the Lark District? So then
22 that would have to be looked at to make sure that the
23 analysis that was done in the TIA is still adequate from a
24 distribution standpoint.
25

1 The other thing you need to look at with relation
2 to the Phase 1 application itself is, as you stated, it was
3 such a small amount of commercial in that first phase that
4 the traffic that was going to be generated by that is far
5 less than the total build-out of the plan area itself.

6 I don't anticipate that being an issue, but those
7 are things that as we move forward we will be working with
8 the Town's Traffic Engineer to make sure that we don't run
9 into any challenges.
10

11 COMMISSIONER HANSSEN: That's makes sense.
12 Thanks.

13 CHAIR HUDES: Council Member Spector.

14 COUNCIL MEMBER SPECTOR: For this question I
15 personally am not looking at any current application or
16 development, I'm just looking at whether or not we're going
17 to amend the Specific Plan, and I do not believe, as
18 basically has been stated, that there is any possibility or
19 feasibility of widening Los Gatos Boulevard, so when I was
20 going through the seven things that we were supposed to
21 prepare for tonight, that was the easiest one for me to
22 come to a conclusion on.

23 CHAIR HUDES: Just to consider that there's this
24 one small item that says consider widening Los Gatos
25 Boulevard, but traffic was cited by 26% of the 500 comments

1 that we got, and it's a significant issue, so I'm just
2 going to ask the question: If it's not feasible to widen
3 the Boulevard, is it feasible to consider other traffic
4 moderating measures within the North 40 itself, such as
5 reconfiguring the roads? I know that some have been
6 considered, but is it possible to continue to look at ways
7 to potentially move traffic in parallel, or, I don't know
8 the answer, but to look within the plan itself at traffic
9 flow?

10
11 JOEL PAULSON: There are a number of ways that
12 the internal circulation could be analyzed or looked at.
13 Ultimately we look at the application and make sure that
14 that does work from a traffic flow and circulation, both
15 internally and as it goes out onto Lark and Los Gatos
16 Boulevard, in this case. It comes back to the same
17 conversation, that ultimately we're looking at the
18 circulation pattern of the Town, and the internal is
19 important, but no issues were brought up from an
20 environmental perspective from the traffic analysis that
21 would necessitate that. Could an applicant propose a
22 different configuration? Sure, and that would be looked at
23 to make sure it doesn't create any additional impacts on
24 the outward network as well.
25

1 LAUREL PREVETTI: I would just caution that
2 modifying the plan to address circulation options might not
3 really yield the kind of benefit that folks might be
4 looking for, because the analysis really looks more at the
5 borders of the project area for CEQA purposes, and I think
6 that while theoretically there might be some different ways
7 of doing it, it would not make a measurable impact or
8 change to the CEQA analysis that's already been completed.
9

10 CHAIR HUDES: If I may, just to follow up on
11 that. There are other considerations in the General Plan
12 related to this that to me were not addressed very much in
13 the Specific Plan, and that is Goal VLR-9, which is to
14 reduce traffic impacts to residential development within
15 the Vasona Light Rail area by taking advantage of mass
16 transit opportunities; coupled with Policy VLR-9.5, which
17 is promote the development of mass transit links between
18 Los Gatos Boulevard, particularly any development on the
19 North 40 site and the planned Vasona Light Rail station.
20

21 So while not addressing widening the Boulevard,
22 is it possible to look a little deeper at ways of making it
23 easier for us to have mass transit incorporated within the
24 North 40 Specific Plan? Because if I recall, there was very
25 little in the actual application that we got, and there

1 were not a lot of specifics about how to do it in the plan
2 itself.

3 JOEL PAULSON: Mass transit is generally
4 controlled by VTA here, and so the mass transit that does
5 exist is the bus route on the Boulevard, obviously. I know
6 there are discussions happening as to whether or not some
7 or most of the routes throughout town may be modified in
8 the future; that to my knowledge hasn't happened yet. I
9 think some of those other ones with the light rail and
10 taking advantage of that when that does come, I think those
11 links inevitably... I would imagine VTA, as it does I think
12 periodically, will look at routes and ridership, and if the
13 circumstances change there may be increases. I don't know
14 that the General Plan policy that you're referencing to
15 requires developers to implement mass transit improvements.

17 CHAIR HUDES: Mayor.

18 MAYOR SAYOC: Thank you. If I could, Chair, just
19 take the opportunity to talk about how that specific
20 General Plan policy links to regional efforts happening,
21 and as Director Paulson said, VTA is looking at bus lines
22 and that plays integrally into what we are looking at for
23 the North 40.

24 There is discussion about potential loss of bus
25 lines, specifically 49, on Los Gatos Boulevard, and so

1 since we have a captive audience, it's just one of those
2 discussion points that we discussed during the North 40
3 hearing of how do we make sure we as a community are aware
4 of the regional decisions that are being made that affect
5 us? That's a specific example where if you can and are
6 interested and concerned, that's a way to help the Town,
7 because yes, we're monitoring this, our Public Works
8 Department as well as Transportation, but the more active a
9 community we have in saying keep 49, keep whatever line,
10 that helps us as we figure out these regional
11 transportation issues.

12
13 I do have a question though specific to North 40
14 in terms of CEQA. I was talking to the chair of the
15 Transportation and Parking Commission about Samaritan, and
16 their CEQA analysis makes certain assumptions based on the
17 North 40 CEQA analysis, the cumulative impacts. If anything
18 is changed with our North 40 plan, either through the
19 litigation or just changes we do, in any way does that
20 trigger any changes for them? Because if they're assuming
21 their traffic mitigation, and it's compounding onto what is
22 already assumed for ours, would we in any way lose out?

23
24 JOEL PAULSON: I don't know if lose out is the
25 right phrase.

1 MAYOR SAYOC: Would we lose any opportunities to
2 do some combined traffic mitigation on Los Gatos Boulevard?
3 I guess I should be more specific.

4 JOEL PAULSON: I think the challenge that we've
5 talked about in a number of hearings is the Traffic Impact
6 Analysis is really a snapshot in time. We set that
7 baseline, you use the best the best available information
8 you can at that time, then you move forward, and then
9 subsequent projects have to handle that. I think the
10 potential is that your scenario, and I don't have the
11 numbers in front of me, whether they used our reduced
12 number in their assumption or whether they used the
13 assumptions that we used in our EIR that were higher on
14 both the commercial and residential sides, so I'll look
15 into that with Director Morley and find that out,
16 ultimately will get picked up as it moves forward, but I
17 don't also imagine we're going to be looking at
18 modifications to the Specific Plan that are going to
19 potentially increase environmental impacts, so I don't see
20 that necessarily being a concern in this specific case.

22 LAUREL PREVETTI: For the Samaritan project, they
23 have the same nexus requirements as we do, so even though
24 that is a very large development, its influence and nexus
25 may not come down quite as far along the Boulevard or even

1 south of Samaritan Drive, so it may not even have a nexus
2 to create meaningful improvements within our own community.

3 MAYOR SAYOC: I haven't looked at it in a while,
4 but if I recall, didn't they also look at the traffic
5 coming off of 85 as well as 17? I guess the question is
6 when they were looking at the 17, was it under the
7 assumption of our proposed improvements of 17 on Lark, or
8 was it based on what currently exists there? I'm getting
9 into the weeds, but as you work with Director Morley, make
10 sure you're just on top of the Samaritan project, because I
11 am concerned about how the two projects are going to work
12 out in the future.

14 LAUREL PREVETTI: We'll take a closer look at
15 that. Thank you.

16 CHAIR HUDES: Okay, thank you. I'm going to move
17 on to number 6, which is try to acquire some land for a
18 park or community pool. Staff's response on that was that
19 given the Town's limited resources for this type of action,
20 this suggestion does not appear to be feasible. Would
21 anyone like to comment on that, Staff or anyone else?

22 Yes, Council Member Spector.

23 COUNCIL MEMBER SPECTOR: Thank you. This one for
24 me was vying with number 5 as to which one was easier for
25 me to weigh in on. There are Committee Members who thought

1 this was a good idea. There are members of the community
2 who have said in I don't know how many emails—I'm not as
3 diligent as Mr. Hudes in counting them—that it would be
4 really good if we just take that property and have a
5 community pool, or this, that, or the other thing, and
6 that's not realistic. It's not realistic because the Town
7 doesn't have the resources to purchase the property, which
8 is what the Staff Report says, and no one else is coming
9 forward to buy that property and put in a big pool. So that
10 one was an easy one for me to just go by.

11
12 CHAIR HUDES: Any other comments on the pool?

13 Okay.

14 Number 7 is a procedural one, consider making the
15 Town Council the deciding body for applications, so I would
16 really like to hear from other members, being that I have a
17 little bit of a bias on this one.

18 Council Member Spector.

19 COUNCIL MEMBER SPECTOR: Thank you. I actually
20 had a question of Staff, because in reviewing Appendix E it
21 showed which items go to which body, and some items do go
22 to the Planning Commission, one item does go the Council,
23 and so I don't recall what the Council was asking on this.
24 It seems to me that unless something is what I would call
25

1 solely technical, it does go to the Planning Commission or
2 Council, so help me out there.

3 JOEL PAULSON: That's correct; your reading of
4 that is correct. The only two things that are currently
5 required by either the Specific Plan and/or the code are if
6 someone applies for a Vesting Tentative Map. That must come
7 before Council pursuant to our Town Code, and if someone
8 applies for a Specific Plan amendment, that must come
9 before Town Council. Otherwise, absent a Vesting Tentative
10 Map for the Phase 1, the Planning Commission would have
11 been the ultimate deciding body.
12

13 I think there were some comments, and I don't
14 remember if it was during Council discussion or from
15 members of the public, of maybe the Council should be
16 looking at Architecture and Site applications, for
17 instance, for news structures, so that's why we brought
18 that one forward.

19 CHAIR HUDES: Clarifying question. In the case of
20 the application that fell under the original Specific Plan,
21 the final deciding body was the Planning Commission for
22 Architecture and Site, and then it was appealed?
23

24 JOEL PAULSON: Because it had a Vesting Tentative
25 Map, it had to go the Council.

1 CHAIR HUDES: Right, I see. So anything that
2 would have a Vesting Tentative Map would have to go to the
3 Council?

4 JOEL PAULSON: Correct.

5 CHAIR HUDES: Other thoughts on this one? Yes,
6 Council Member Spector.

7 COUNCIL MEMBER SPECTOR: Thank you. If we assume,
8 because a Vesting Tentative Map is a process that an
9 Applicant may or may not use, if there were not a Vesting
10 Tentative Map, and using Appendix E as an example, the only
11 thing that would come to the Council is a Specific Plan
12 amendment. All other A&S type reviews would be done at the
13 Planning Commission. So it would be if this group wanted to
14 make an amendment and have more things go to the Council,
15 which apparently some of us may have thought that we
16 should, we would have to suggest a change to this appendix?

17
18 JOEL PAULSON: Correct.

19 COUNCIL MEMBER SPECTOR: All right, thank you.

20 CHAIR HUDES: Other thoughts? Yes, Mr. Barnett.

21 COMMITTEE MEMBER BARNETT: I'll just state my
22 personal preference that the items that are not required to
23 go to Council go first to the Planning Commission to give
24 the public more of an airing time, and also the right of
25 appeal should be recognized.

1 CHAIR HUDES: Commissioner Hanssen.

2 COMMISSIONER HANSSEN: Given the importance of
3 the North 40, even though normally the process of the Town
4 would be to do Architecture and Site at the Planning
5 Commission with appeal rights to Town Council, I wondered
6 if we wouldn't want to move the Architecture and Site to
7 the ultimate deciding body, being the Town Council? There's
8 always the process of the appeal, but it just seems like
9 given the importance, how much it matters to the residents,
10 and all the complexity of issues, that having an additional
11 higher layer to be the ultimate deciding body might be the
12 right thing for this property.

14 CHAIR HUDES: Just kind of betraying my own bias
15 when I read this. What's the purpose of the Planning
16 Commission hearing if they're not the deciding body, and
17 will the applicant take the recommendation process
18 seriously? I think one of the things that we learned from
19 the previous application was that there was not very much
20 sort of give and take once the application went in; it
21 really didn't change at all from the time it went in till
22 it was voted on.

23 My own bias just from my short time on the
24 Planning Commission is that the Planning Commission is
25 equipped to take a first pass and ask that some things be

1 modified, and actually ask for rescheduling the item, and
2 give and take that would probably be bypassed if they were
3 only a recommending body, so just my own opinion.

4 Yes, Mayor.

5 MAYOR SAYOC: Actually, Chair Hudes, you said
6 what I was about to say. Having sat as a Planning
7 Commissioner for eight years, I do think having the
8 deciding body be the Planning Commission in my opinion
9 makes the applicants more willing to be deliberative in the
10 dialogue that's actually happening at the Planning
11 Commission versus seeing it as just a stop along the way,
12 so I would support keeping it at the Planning Commission
13 level, knowing that there are appeal rights and someone is
14 able to utilize those appeal rights.

16 CHAIR HUDES: Commissioner Erekson.

17 COMMISSIONER EREKSON: This is something that I
18 don't see as broken for all the reasons that were said, and
19 one of the reasons I don't see this as being broken is
20 because there are multiple landowners and there are some
21 small parcels, so if there was a really small parcel that
22 was coming up for application I don't see the reason for it
23 prescriptively or mandatorily going to the Town Council.

24 If we knew today that there were a single
25 landowner for all 44 acres, and that none of it was

1 developed, including the existing medical buildings, the
2 gas station, and so forth, and that it were going to be,
3 for this town, massive for Los Gatos, then I might rethink
4 whether or not it should go directly to the Council.

5 But given that it's more likely to be developed,
6 and the likelihood of it all being developed at one time
7 and all being owned by one party at one time doesn't seem
8 to me... It seems to me it would place an undue burden on the
9 Council to deal with Architecture and Site applications
10 that they would prefer to vest in the Planning Commission,
11 so it doesn't seem to me that it's broken from what we know
12 today.
13

14 CHAIR HUDES: If there are no more comments on
15 that one, which will obviously be decided by the Council,
16 so we'll find out the answer to that in a few months, I'd
17 like to move to discussion of any open items from our
18 previous meeting on October 27th. I had a couple, and I'm
19 sure others do, and then we'll move to any new suggestions
20 from GPC members or the public.
21

22 Starting with Staff was kind enough to prepare an
23 analysis of Conditional Use Permit requirements, and in the
24 report helped us with a list. First of all, let me read
25 what the original suggestion was, that the CUP requirements
should be the same as downtown. We considered this last

1 time but we didn't have adequate information in front of
2 us. Part of the discussion last time was about businesses
3 that are substantially competitive with downtown or other
4 districts that require a CUP, and so maybe Staff would like
5 to give us a summary of how CUPs are used elsewhere in the
6 Town so we can understand what might apply in the North 40
7 if we were to consider that.

8
9 JOEL PAULSON: Given the Council's suggestion,
10 what we tried to do was pull out the uses that currently
11 require a Specific Plan either in the downtown and/or other
12 commercial areas in town that are permitted uses in the
13 Specific Plan, so that's that list that included both the
14 initial memorandum as well as the addendum that has which
15 zones currently require Conditional Use Permits.

16 The other thing we tried to do is in the table
17 itself, the attachment, highlight uses that ultimately,
18 through either a permitted use and/or Conditional Use
19 Permit, aren't accounted for in the Specific Plan. We've
20 heard from at least a couple of people about one specific
21 type of use relating to continuing care or those types of
22 uses which are in our Conditional Use Permit and do require
23 Conditional Use Permits, but aren't permitted anywhere in
24 the Specific Plan.
25

1 So that's the categories. I don't know if you
2 want to walk through each one, or if members of the General
3 Plan Committee want to give their list of which—some, all,
4 none—of these should comply where appropriate, where
5 downtown requires a CUP, and whether or not the Specific
6 Plan should be modified to match that as well.

7 CHAIR HUDES: I think that might be useful for us
8 to scan this list. The table of 90 uses throughout the Town
9 I think was daunting, and so it was helpful to see the 13
10 that are uses that are in the current North 40 Specific
11 Plan where CUPs are required for that same activity in
12 other areas, I believe. I formed my own opinion about some
13 of those. Maybe the Committee would like to weigh in on
14 which of those...

15 In light of the background of the discussion was
16 the level playing field discussion and the concern that we
17 really wanted to encourage economic vitality across the
18 whole town, and in order to do that and raise the overall
19 economic vitality the Town and create synergies with the
20 North 40 that it might make sense to have a more level
21 playing field, and understanding that CUPs could disappear
22 elsewhere as other actions, but that's not the purview of
23 this Committee, so what we suggested was let's focus on
24 those that exist today elsewhere and see whether some of
25

1 those might be needed in the North 40, or a good idea in
2 the North 40, since that same activity requires it in other
3 areas.

4 Any reactions to this list of 13 about which ones
5 sort of fall into that category of addressing the overall
6 economic vitality of the Town?

7 Commissioner Erekson.

8 COMMISSIONER EREKSON: I have a question of the
9 Chair that would help me before I can answer that question.
10 You use the term "level playing field," creating a level
11 playing field, and I'm trying to understand what you mean
12 by that phrase. Does that mean that the use of CUPs in all
13 parts of the Town should be identical, or what does level
14 playing field mean in this case if that's the objective?

15 CHAIR HUDES: I've used that terminology myself,
16 but the Council has also used it, and I know some of the
17 Committee Members on our Committee have used it, also
18 Council Member Jensen I believe used that terminology as
19 well to talk about the economic vitality of the Town. I can
20 answer from my perspective, and maybe others would like to
21 as well.
22

23 My sense is that we have a very unique and
24 somewhat fragile resource in our downtown, and that it is
25 really the heart of the Town, and that we need to think

1 about how to create synergies with that rather than to put
2 up barriers to the downtown being successful, and so my
3 sense in looking at that was that there are certain things
4 that are very tightly regulated in the downtown that are in
5 fact active in the downtown. Some of them are regulated but
6 not very active that fall into that category of things that
7 we ought to look at, giving the downtown a chance to thrive
8 by now allowing just anything goes in the North 40; I don't
9 know if that's helpful.
10

11 COMMISSIONER EREKSON: I have a reaction to that.
12 To me, level playing field means some version of equal
13 treatment, or equal treatment across the... I don't know how
14 to put any other meaning to the term level playing field.

15 I would agree with something that you said, and
16 that is that we have a precious resource in the downtown
17 area that needs to be protected; maybe that's not exactly
18 the right word, but I can't think of a better word. That
19 would suggest in and of itself to me that we shouldn't
20 apply a level playing field across all commercial areas in
21 town by treating them equally. That would suggest to me
22 that in fact one would want to be very clear about what
23 sort of practices achieve what one wants to achieve in
24 different commercial areas of the Town that are playing
25 different roles in the overall economic development of the

1 Town. That's what causes me to pause when using the term
2 level playing field when I think most people would
3 interpret that as consistent a treatment across the Town,
4 so that's what concerned me about the phrase.

5 CHAIR HUDES: Maybe I can just respond quickly.
6 It's not our purview to look at the entire playing field;
7 we're only looking at the North 40 part of it. That, to me,
8 is where we should think about creating an ability to have
9 a thriving North 40 and a thriving downtown, and I know
10 there are others who would think about this from the other
11 side. I think we have to think about it in terms of the
12 North 40 side of the equation.

14 Commissioner Hanssen.

15 COMMISSIONER HANSEN: I had a couple thoughts.
16 The first one is the discussion we had about all these
17 other developments that are happening that are going to be
18 close to there, Samaritan, Dell, and so when you think
19 about level playing field, if we spend all our focus on
20 making a level playing field between the North 40 and
21 downtown, are we ignoring the global problem, which is is
22 Los Gatos on a level playing field with the surrounding
23 communities that are also building and will be competing
24 for our business?
25

1 So having thought about that, and then given that
2 we can only change the North 40, it just seemed like we
3 would be putting the North 40's arm behind its back to
4 compete by throwing out additional CUPs that weren't a
5 revision in the Specific Plan. To me the other approach
6 would be to look at what we could do to make it easier for
7 downtown to be competing with... We don't want them to
8 compete with the North 40, with other communities outside,
9 to bring in business. I mean that seemed like more the
10 right answer.
11

12 The second thing that I wanted to bring up is I
13 thought Mayor Sayoc brought up a great point at our last
14 meeting about some of the thriving neighborhoods, and I
15 thought about the Downing Center, for example, and I was
16 kind of looking at the businesses that are in the Downing
17 Center and wondering is it possible for either downtown or
18 the North 40 to be able to put in more of those kinds of
19 businesses? One of them that came to mind that's gotten
20 very popular, and we've seen this at Planning Commission,
21 are these...they're not health clubs, but these exercise
22 places: Orangetheory Fitness; I think the Downing Center
23 has Cyclebar; we had SoulCycle downtown. These are the new
24 retail. This is what people are doing instead of shopping;
25 they're going to Cyclebar or whatever. So I had a question

1 for Staff. I didn't know what category they would fit under
2 in the list of permitted uses in the North 40 or the
3 downtown.

4 JOEL PAULSON: Those are generally categorized as
5 group fitness classes, and they do require a Conditional
6 Use Permit both downtown and outside downtown. I'm just
7 looking through here to see if that one carried forward.
8 I'll look through my notes; that might be one of the ones
9 that are highlighted, because generally we don't have a
10 specific category for them. You could potentially put them
11 in a health club scenario, but that's generally more of a
12 larger sense of a health club. The category we typically
13 put them in is the art/dance/music classes, school, and so
14 they require a Conditional Use Permit, but I'll look and
15 see if that's one of the highlighted topics of the
16 attachment.
17

18 COMMISSIONER HANSSEN: I know it also came up in
19 terms of a parking issue as well, because we were applying
20 general retail standards to these fitness places. That's a
21 whole other discussion.
22

23 But getting back to overlying point, I know that
24 we've had many people testimony that we can't let the North
25 40 hurt downtown, but I am really concerned about this more
global issue about are we going to be hampering ourselves

1 relative to the surrounding communities? I think we have to
2 consider that.

3 CHAIR HUDES: Commissioner Erekson.

4 COMMISSIONER EREKSON: Another question that I
5 have that isn't clear to me at least, to help me understand
6 how we should proceed in this way. I went back and looked
7 at and tried to understand what guidance we're providing to
8 someone who would develop this property about the
9 commercial property, and at least it wasn't clear to me if
10 we intended for it to be neighborhood-serving or regional
11 serving, or what it was supposed to be clearly serving. It
12 felt like to me that it was a smorgasbord without sharp
13 focus, and if that's what the intent is, that's the intent.

14 That, however, potentially has the consequence of
15 allowing the developers to decide more than maybe the Town
16 wants it to decide on what the focus of that commercial
17 development is. So if we want to give more shape to it, and
18 therefore more guidance, we might need to make it less of a
19 smorgasbord and have the menu be a little more limited than
20 it is now.

21 Obviously, if we talk about something like the
22 Downing Center, the Downing Center is very clearly in its
23 approach a neighborhood-serving shopping center. Their
24 strategy is very clear and they execute it. You will never
25

1 find a hotel being built there. But we talk about this
2 being neighborhood-serving, and then we permit a hotel to
3 be built there. I'm not saying that's right or wrong, but
4 those are really two different needs being served that may
5 or may not be compatible with each other. It's the extreme
6 example of the smorgasbord.

7 I think that's an important question ultimately
8 to answer. Do we want to have the smorgasbord? And we gave
9 it some definition. I'm not saying that we just said
10 develop anything that's commercial, but the plan, those of
11 us that were involved, there was a lot of give and take,
12 and lot of compromise, and language and those kind of
13 things, and I worry about is it sharp enough and
14 intentional enough if we want to be more intentional?

15 CHAIR HUDES: Maybe I can comment on that a
16 little bit, because I did make some remarks on that last
17 time when we talked about the broader retail. One of the
18 suggestions that I had was to change the language regarding
19 retail and restaurants, not hotels, throughout to be
20 primarily or principally neighborhood- or resident-serving,
21 and for the folks down the line to debate that idea,
22 because that would then say it's important for us to use
23 that as a filter rather the way it's currently worded, that
24 it should be neighborhood-serving; it doesn't say that that
25

1 should be the main focus of the retail. That's one way to
2 address that.

3 COMMISSIONER EREKSON: I have a reaction to that.
4 If I were thinking about developing the property and the
5 primary focus was going to be neighborhood-serving, and I
6 were thinking about building a hotel there, I probably
7 wouldn't, because I need other stuff, other access to other
8 kind of retail to support the people that are coming to
9 stay in my hotel that are a different need than serving
10 residents in the immediate neighborhood.

11 So again, if I do primarily residential, if my
12 direction is primarily residential neighborhood-serving,
13 but I leave a hotel there, I still have the same problem
14 that I was talking about a minute ago; I have incompatible
15 uses. So if we want a hotel there, and we want some of the
16 benefit of a hotel-meeting space and conference space has
17 been a benefit of a hotel that's been discussed at our last
18 meeting and earlier- I think we probably need to think
19 carefully about saying we want it to be neighborhood-
20 serving and we want you to build us a hotel, because my
21 guess is Marriott will check the box no for Courtyard, and
22 anybody else would check the box no, so I think we have to
23 be very careful about the mix and the direction of
24
25

1 commercial, because there's no purpose in putting in
2 commercial direction that will never be realized.

3 CHAIR HUDES: Mayor Sayoc.

4 MAYOR SAYOC: Actually, Commissioner Erekson, you
5 bring up a very good point. I'm going to bring up two
6 points to complement that.

7 One, when we began this process of the Specific
8 Plan many years ago, I think the economic conditions
9 continue to change, and so the concepts that we were
10 discussing eight years ago are much different than the
11 concepts now.

12 But one thing that has been consistent among
13 those that are looking at the commercial is the idea of a
14 hotel and a conference center, and even last time we met as
15 a group that was an area that we all seemed to have
16 consensus on, but I guess I never really connected the
17 neighborhood-serving with the hotel and how that would
18 actually look.

19 One other interesting point that I'm trying to
20 layer into this discussion is we talk about the lack of
21 hotel spaces, but having talked with several people that
22 work at Netflix about where do they house their many
23 employees that come in when they're at company
24 headquarters, the lack of hotel, but also the lack of
25

1 amenities close to Netflix. Would that be neighborhood-
2 serving? I mean, how do we define it? Netflix and their
3 employees, would that be a neighborhood as well?

4 As we're discussing this, to me I'm having more
5 questions now versus clarifying answers, and I'd be
6 interested to hear what others have to say, because we've
7 always talked on neighborhood-serving, but which
8 neighborhood are we in fact trying to serve is one question
9 I keep grappling with.

10
11 CHAIR HUDES: Commissioner Hanssen.

12 COMMISSIONER HANSSEN: I wasn't on the original
13 North 40 Committee, but if you look at the plan it seems
14 that the direction that was given is that any retail in the
15 southern part of the North 40 was going to be more
16 neighborhood-serving, and then as you moved into the
17 Northern District, that would be more regional-serving. I
18 don't think that's a bad strategy, and that's where we
19 would envision the hotel to be, and I think if you look at
20 the permitted uses, the formula retail and whatnot would be
21 there, and then you're kind of getting down a layer, like
22 restaurants and personal service and stuff, those are
23 permitted there, but are they going to be regional- or
24 neighborhood-serving, as you said, if people from Netflix
25 come to visit.

1 But I don't think the direction we have in there
2 is bad now, that's kind of the direction that we gave in
3 the original plan, because we do have conflicting needs. I
4 have a need to take care of people outside of the North 40
5 in terms of hotel space and amenities that are related, and
6 then we also have the need for the residents that are in
7 the North 40, so I think we have to accommodate both.

8 CHAIR HUDES: Council Member Spector.

9 COUNCIL MEMBER SPECTOR: Thank you. Well, you've
10 all brought up a lot of issues. They're not necessarily
11 linear in their analysis, but first of all I'm going to
12 start with Staff.

13 This new list you gave us with the 13 items, much
14 easier to deal with than that huge list. In my mind, I was
15 familiar with these uses and where they needed a CUP, but
16 after seeing your list, I was not. I did not realize that
17 we had the downtown, and C-1 and the CH, and the LM and the
18 CM, that all had CUPs pretty much for all of the uses, with
19 the exception of the personal service, which was downtown
20 only. So that was a new, good, interesting piece of
21 information for me.

22 Secondly, we have to keep in mind what the CUPs
23 are used for, and they're used for balancing. We talk about
24 other communities, and I hope our neighboring communities
25

1 aren't listening to me tonight, because when one looks at
2 balancing one looks at Saratoga, which became all
3 predominantly restaurants and it really hurt their
4 downtown. We may have another community more recently,
5 Campbell, that again went restaurants at night and is
6 hurting its retail and it is now working on that issue.

7 The reason Los Gatos has CUPs, the reason other
8 communities have CUPs, is so you can balance these uses, so
9 you don't have a downtown that has only personal service,
10 because for some locations, including Los Gatos, that could
11 become a big use, or you could have CUPs so you can balance
12 the uses of restaurants with or without liquor, because if
13 you don't have that balancing, it could become an
14 overwhelming use.

15 I find CUPs to be a good tool for balancing that
16 has served our community well, and like I said, I didn't
17 realize how much of the Town we were using it in. I would
18 be inclined with at least some of this list to include CUPs
19 on the North 40.

20 With regard to what sector we are trying to
21 address on the North 40, and I've been working on this so
22 long that I don't remember if what I remember was something
23 that was kept in the plan or jettisoned, but my sense was
24 that we wanted neighborhood-serving retail services,
25

1 restaurants, being for the people who lived on the North 40
2 and also the people who were in the north part of the Town.
3 I specifically remember input from people who live on Lark
4 or immediately south of Lark who felt as though they didn't
5 have anywhere to go and they were really looking forward to
6 the North 40, so I saw those two locations being served.

7
8 As far as the further north where we were talking
9 about the other part of our commercial or retail that
10 wasn't being addressed for the entire town, that get's back
11 to our general merchandise, what we have in the past called
12 the "small targets."

13 With regard to the hotel, yes, what does the
14 hotel need? I am not convinced that we're going to get a
15 hotel, although there are a lot of parts of the hotel that
16 I would like, but I'm not sure we're going to get it, and
17 if the hotel is there, it seems to me that they will have
18 within their hotel a lot of the uses that they need, and
19 then what else are they going to need? They're probably
20 going to want restaurants, restaurants with bars,
21 restaurants without bars, and I think that that will be
22 included just by virtue of serving the North 40 and the
23 folks who live in the northern part of our town.

24
25 CHAIR HUDES: Maybe I could comment as well. My
concern, and why I would strongly oppose language about it

1 being regional-serving is that that opens us up to a
2 Santana Row or a shopping mall that I think would be very
3 destructive of the downtown and wouldn't create synergies,
4 but would actually diminish our downtown. I think we've
5 seen that in San Jose; we've seen other shifts in Saratoga
6 and Campbell, and I think Los Gatos has a remaining vibrant
7 downtown that is fragile. We've heard from numerous
8 business owners about their concerns about having that type
9 of a shopping center in the Town, and so while I'm
10 supportive of the Town doing well versus surrounding
11 communities, one of the ways that I think we do well versus
12 surrounding communities is we have this fantastic downtown.
13

14 So that's why I am in favor of language that
15 makes... And I actually took the language "resident-serving"
16 I believe from Commissioner Erekson from the last meeting.
17 Maybe that's better to replace the word "neighborhood-
18 serving," to use that as a filter about whether this is
19 going to be something that helps us overall.

20 I'm in agreement with Council Member Spector, I
21 think there are some cases for CUPs in the North 40, not
22 all of them, but some of them, and it's the ones that I
23 think are directly linked to some of the unique,
24 independent, creative, dynamic establishments that we have
25 in our downtown, and that would include formula retail, the

1 market hall specialty market, the restaurant, personal
2 service, maybe the hotel, and the botanical nursery. Some
3 of the others, like financial institutions, or
4 supermarkets, or drugstores, or public buildings, I don't
5 think are as important to consider.

6 I know we may not all come out on the same page
7 with this one, but I did want to weigh in that I think we
8 really need to be careful, because one of the things that
9 makes us so vibrant and such an attractive town is the
10 downtown, and let's think about ways of having some
11 synergies rather than put some things in place that really
12 start to see a destruction of our downtown.

14 CHAIR HUDES: Council Member Spector.

15 COUNCIL MEMBER SPECTOR: Thank you. Interesting.
16 I went through this list of 13 and I personally marked four
17 that I thought the Town would benefit with the CUP, and it
18 was formula retail, market hall, restaurant, and personal
19 service. I just stopped at that. I know that Mr. Hudes just
20 mentioned hotel, but I actually just stopped at those four.

21 CHAIR HUDES: Mayor Sayoc.

22 MAYOR SAYOC: Thank you. I think I just want to
23 echo what you said about being careful. I think what we're
24 learning through the various economic discussions we're
25 having is I think quite similar to what everyone is saying

1 here today, that what we don't want to do is create
2 unintended consequences, and how do you develop policy that
3 actually is implemented in the way that you are hoping to
4 do so?

5 As you mentioned the downtown being fragile, the
6 key point that I think we all have consensus on is how do
7 we be careful in moving forward so that we don't cause any
8 downshift to downtown and our other neighborhood centers?
9 Because I think, as we've seen, it does create some
10 excitement within the neighborhoods. Downing Center, we
11 talked about that earlier, just the residents around there
12 and how much that has enhanced their quality of life, and
13 so moving forward, how do we create some policies that in
14 no way creates a negative impact to any of our economic
15 centers?
16

17 CHAIR HUDES: Other comments on this? It sounds
18 like we don't have consensus or unanimity on this, but I do
19 think we have some diverse perspectives that need to be
20 passed on to the next groups that consider it. There were a
21 couple of other ideas that were considered during the
22 original North 40 Specific Plan deliberations.

23 One of them was the inclusion of a business type
24 or a square footage table, and I know we discussed that
25

1 previously; that was felt that that might be one way to be
2 careful.

3 Another way that was considered was an advisory
4 committee, an ongoing advisory group, that looked at what
5 was happening there and made recommendations about whether
6 adjustments were necessary to zoning as we started to see
7 things unfold and looked at the impact as well, and I
8 believe those are things that might again be considered if
9 we're concerned about this issue.

10 The other open item that I had, which was not in
11 the Staff Report but I just wanted to cover it quickly and
12 then we can move on to other suggestions—we'll take a break
13 after this last one that I have—is options for distributing
14 13.5 acres of twenty dwelling units per acre across the
15 site. I sort of took some notes from last time that we had
16 several options.

17 One was to leave it open, but distribute all
18 housing over various districts. Another option was to
19 rezone, specifying the location of housing in each
20 district. Another option was to allocate a portion of the
21 13.5 to each district, meaning an actual number value. The
22 last option is to leave all of the above to the next body
23 that considers it, not to go any further than the options.
24
25

1 Do Committee Members have any opinions on this,
2 because this was a little bit open after our last
3 discussion?

4 Commissioner Hanssen.

5 COMMISSIONER HANSSEN: After having sat through
6 all of the deliberations this summer and the discussions we
7 had recently, it seemed to me like a pretty simplistic way
8 to do it would be... Part of the problem is we left it too
9 open in the Specific Plan, so coming up with a percentage
10 that is applicable to each district seemed... Or maybe
11 arrange 20-30%, or 30-40%, might be the right approach, and
12 that way it would leave some flexibility, but it would give
13 more guidance than what we have in the plan as it stands
14 today.

15 CHAIR HUDES: Council Member Spector.

16 COUNCIL MEMBER SPECTOR: Thank you. On that issue
17 I was anticipating that we would get some guidance from our
18 Town Attorney, because I understand this issue to be in
19 part governed by numbers, i.e. you want X number of homes,
20 or you want to try to do that under RHNA, et cetera, but
21 also there would be a way that we might be able to do that,
22 and I don't know if Mr. Schultz can speak to it or not, but
23 that's what I was thinking where we would go.
24
25

1 ROBERT SCHULTZ: The issue I think is if you're
2 talking about what the density bonus was, you remember we
3 backed that number out to get to the 270, so that's the
4 number really you're working at, and knowing that any
5 project may or may not have that density bonus is how we
6 got to the full number of 360. So really how you want to
7 try to spread them out is what basis do you want to use?

8
9 I think the Chair mentioned the different ways to
10 do that. Maybe you don't want to specifically say yet or
11 put a recommendation, but just say yes they do need to be
12 spread out to make that formula work later, and there could
13 be a range. I mean you could easily say one-third, one-
14 third, and one-third, or it's one-fourth to a half and
15 each, and then you wouldn't have that issue that we do have
16 if someone came in the beginning and put half up on the
17 first phase, and then you don't have any left for the
18 second; I think that was part of the issue that came up
19 before if you do give a range.

20 There are all these different components you're
21 working for, but I think the number you're working with is
22 the 270, and the density bonus will happen by state law;
23 you really don't have control over it.
24
25

1 CHAIR HUDES: No other opinions on that one, then
2 obviously this will move forward with at least those three
3 options, and I'm sure people will come up with more.

4 I am going to ask the Committee whether they'd
5 like to take a break. We have one more item, which is other
6 suggestions from GPC members or the public. I only have a
7 couple. I just want to get some sense about whether we want
8 to take a break now and then get back to it. Okay, so let's
9 take a ten-minute break and start again at 8:10pm.

10 (INTERMISSION)

11 CHAIR HUDES: Let's get started again, because
12 we'd like to try to conclude our work tonight, so if I
13 could have people take their seats, that would be great.

14 We'll take the last item that we have, which is
15 other suggestions from GPC members or the public, things
16 we've heard tonight or during the process. I've been
17 incorporating a lot of those along the way, so maybe I
18 could just get a quick sense. Do people have a few of
19 those? Yes, okay.

20 Commissioner Hanssen, it sounds like you're ready
21 to go.

22 COMMISSIONER HANSSSEN: I think Ms. Quintana had
23 this in her letter, and I had been thinking the same thing,
24 I think that we need to add some language about
25

1 consistency. Generally speaking there is language about
2 being consistent with the General Plan and the Housing
3 Element, but we don't have any of the Housing Element
4 policies referenced in the Specific Plan.

5 I don't know that it changes anything, but
6 probably the biggest issue that I see is the way that the
7 Specific Plan is set up right now. We discussed this in our
8 last meeting. You had the 270 units cap, which works out to
9 exactly 13.5 times 20, and so basically when you consider
10 those two things—and I'll leave aside the density bonus—you
11 can't have any other housing besides that which is zoned at
12 20 units per acre in the North 40 at all.

14 I don't know if that was the intended
15 consequence, and if that is what we intended, then it makes
16 it really hard to do housing in the Northern District
17 because above retail we found out in our testimony trying
18 to make 20 dwelling units on top of retail is very hard
19 unless those units are really small, which might be fine,
20 but I think that at a minimum we ought to take applicable
21 policies of the Housing Element. There's a lot of
22 discussion in the Housing Element about unmet needs and
23 that kind of thing and we ought to have some of that in the
24 Specific Plan to tie it together, especially since the
25 Housing Element and the Specific Plan have probably the

1 most issues we're trying to stay together from a legal
2 perspective.

3 CHAIR HUDES: Council Member Spector.

4 COUNCIL MEMBER SPECTOR: Thank you. The only
5 thing I would say, and I think it's akin to what she was
6 saying, is I'm going to accept for the basis of this
7 statement that the housing has to be on 13.5 acres and it
8 has to have X number of units per acre, and in order to do
9 that you can't have certain types of housing. So with that
10 assumption, I'm going to agree with her so that one could,
11 for example, have cottage clusters.
12

13 CHAIR HUDES: Other comments on consistency? Yes,
14 Mayor.

15 MAYOR SAYOC: If I could see if we could get
16 further clarification then. I'd actually like to remove the
17 CUP requirement for cottage clusters, and one thing I would
18 like Staff to look at as we look at the 20 units per
19 density, is if, let's say, one acre was 25, could we do
20 cottage clusters on an adjacent, and would that still meet
21 the density rules so that we can have the different housing
22 types but still meet the legal requirements?
23

24 JOEL PAULSON: That's potentially possible, yes.

25 MAYOR SAYOC: Okay, so I'd like that explored
further to the next point.

1 CHAIR HUDES: Council Member Spector.

2 COUNCIL MEMBER SPECTOR: I'm going to go beyond
3 explore it. I'd like that in. There are two of us.

4 CHAIR HUDES: I would agree with that. I think
5 actually we did make that desire known earlier about the
6 cottage clusters, and I agreed with that and agree with it
7 again.

8
9 In terms of the issue of consistency, maybe Staff
10 can talk about this a little bit, because do we need to
11 duplicate the language between these three documents, or do
12 we need to reference them better, or are there areas that
13 have to get cleaned up in these documents, in your opinion?

14 JOEL PAULSON: I think there may be scenarios of
15 all of the above, so we will take a look at that. There may
16 be some elements where we want to reference other
17 documents. I'm not sure that it's the best practice to just
18 duplicate the information in all the documents across, I'm
19 not sure that that's going to be necessary, but we'll take
20 a look at that and see where we can try to get a little bit
21 more clarity as far as acknowledgment of these other
22 documents so people know they exist, and then they have
23 links or some other mechanism to get to those documents.

24
25 CHAIR HUDES: I would agree with that, because I
think that the public in reading one document was maybe not

1 aware of some of the constraints that existed in other
2 documents that were also governing, so it would be really
3 helpful to straighten that out as well; I think it's a
4 great suggestion.

5 Other ideas? Okay, there was another one that
6 came in in a letter and I just wanted to bring it to
7 people's attention. This was an additional use potentially
8 for assisted living and memory care; I believe there was a
9 letter from Mr. Javanbakht either in the original report or
10 in the addendum, and that triggered a question for Staff in
11 my mind. If we were to think about assisted living and
12 memory care, or senior services, how does that relate to
13 the letter that we received from the developer saying that
14 there were certain things we could not do in terms of
15 designating senior development?
16

17 JOEL PAULSON: Right now it's not permitted
18 anywhere in the Specific Plan, so it's allowing for that
19 opportunity, whether that's through a permitted use or a
20 Conditional Use Permit requirement, so it's adding that
21 type of use or those types of uses to the permitted use
22 table in the Specific Plan; I think that was the request.
23

24 CHAIR HUDES: So Committee Member's opinions
25 about including something like assisted living and memory
care?

1 Commissioner Hanssen.

2 COMMISSIONER HANSSSEN: I was glad you brought
3 that up, because I actually thought the same thing when I
4 read that letter, and I thought the right answer was to
5 make it a permitted use, especially given that a third of
6 our population in the Housing Element planning process is
7 going to be a senior, not that it will get built, but at
8 least to make it a permitted use made a lot of sense.

9
10 LAUREL PREVETTI: Mr. Chair, if I may? Last time
11 when we met we did talk about adding that as an allowable
12 use, but as I recall at least, the interest was to require
13 a CUP, so allow it as being permissible but have the CUP so
14 you could still do the balancing of the uses.

15 CHAIR HUDES: I see a lot of nodding heads on
16 that. Yes, okay.

17 There was discussion last time about senior
18 living and ground floor and other things, and this actually
19 came up in the Council deliberations on the application and
20 some suggestions that were made there. Yes, there was some
21 language in the letter from the Applicant about things we
22 could not do. Were there any other thoughts or things that
23 you wanted to share with us about opportunities for senior
24 living in locations across the plan?
25

1 ROBERT SCHULTZ: It's permitted, the senior
2 housing, and I think what the letter was saying, which we
3 don't disagree with, is you can't make it mandatory that
4 there be senior housing. It has to be voluntary by whoever
5 the developer/applicant is. It would still be a permitted
6 use, but certainly we could put other requirements on that
7 if in fact senior housing comes forward, and I think that
8 was some of the things that have been brought up in that
9 senior housing that is vertical as opposed to on the ground
10 floor, that might be some of the issues we can look at if
11 you want, but more requirements on your senior housing, if
12 in fact it does come forward.
13

14 CHAIR HUDES: Commissioner Hanssen.

15 COMMISSIONER HANSEN: I actually had a related
16 question. I think you said yes, but I actually wrote as I
17 was reading through... I understand clearly that you can't
18 restrict housing to seniors except the particular case of
19 the Eden Housing development; that was not the case, that
20 it qualified as a...they were able to age restrict that, if
21 that actually ends up happening.
22

23 But it did seem to me that there is no reason we
24 can't specify that the type of housing has to have the
25 parameters that could be appropriate for seniors without
even using the word seniors. Like there needs to be so many

1 single-story units, or so many single-story access units
2 with elevator or whatever. So my question is can we do that
3 and not be accused of discrimination?

4 ROBERT SCHULTZ: Yes, you can do that. The issue
5 becomes though if you're really, truly trying to obtain
6 senior housing, will you be able to obtain it if in fact
7 there are too many requirements that are put on that type
8 of use? You heard Eden talk about their prototype is
9 straight up and down, and we've talked about hotels and
10 what are the height limits they need, so if you begin to
11 say yes, we want a hotel but it can only be 30', you won't
12 get a hotel. If you say you want senior housing but it
13 always has to be on the ground floor, chances are you won't
14 get senior housing then, so it depends on what type of uses
15 you're really trying to attract to this area.

17 COMMISSIONER HANSSEN: It seemed to me that it
18 might be worth a little bit of extra effort to try to ask
19 some of our seniors. I'm not forgetting millennials, but
20 I'm just bringing up seniors for the moment, that we could
21 ask them what would they want in move-down housing? Or what
22 would be the minimum requirements for move-down housing?
23 And just make sure that we have a certain number of units,
24 it's built to have at least that minimum set of features.
25 That was my idea.

1 CHAIR HUDES: Mayor Sayoc.

2 MAYOR SAYOC: And also, I think with the single-
3 story unit we could emphasize that although many of our
4 seniors are move-down housers that would be utilizing it,
5 we still have a population that can utilize it. We have
6 people who may not be able to walk a flight of stairs, and
7 so I don't think it's necessarily designing it for a
8 certain age group, but just for a population that may or
9 may not be able to utilize stairs I think is something that
10 we should start looking at.

11 CHAIR HUDES: Mr. Barnett.

12 COMMITTEE MEMBER BARNETT: If I recall correctly,
13 Staff said although the senior housing could not be
14 compelled, that it could be incentivized, and I was
15 wondering if you could give me some examples of the type of
16 incentives that we could consider and whether they might go
17 into the Specific Plan.

18 ROBERT SCHULTZ: Parking, height, setbacks, those
19 types, usually what we're looking for when we're looking
20 for incentives.

21 CHAIR HUDES: Just to weigh in on that, I think
22 it was one of the things we heard very clearly as an unmet
23 need in the Town. There was debate about whether housing at
24 all was an unmet need, but there was very little debate

1 that reasonable options for seniors for move-down and other
2 considerations for seniors was a strong unmet need, so I
3 would hope we could do a little more in the Specific Plan
4 to incentivize and to allow that to happen. I do think that
5 that would be really important, particularly if we're
6 looking at distributing housing more than we've seen, so I
7 would weigh in that I would be very supportive of getting
8 some guidance, and again, talking to seniors would be a
9 great way to do that, but also there are other resources
10 that can help us, I think, to think about how we can build
11 that into the plan; I'd be very supportive of that.

12
13 Are there other items that Committee Members
14 would like to discuss? Commissioner Erekson.

15 COMMISSIONER EREKSON: If an outcome of the
16 revision would be to distribute types of housing across all
17 of the districts, then I think the Staff would need to look
18 at and carefully consider Section 2.3, which is the
19 designation of the land use districts, and those
20 descriptions, which are a fundamental assumption in the
21 plan that drives a whole lot of the policies and guidance
22 in the plan, may not be appropriate.

23
24 In fact, if a major thrust of redoing the plan is
25 to accomplish distributing all types of housing that are
allowed across all the districts, then it becomes

1 questionable for me whether the idea of having districts at
2 all is still appropriate, but for sure whether the type of
3 districts that are described, which are based on some
4 pretty clear assumptions about where housing is allowed and
5 what types, it calls into question that which...

6 So I wonder, if one were conclude then that
7 concept of districts that then drive a whole bunch of other
8 assumptions in the plan no longer is appropriate, that will
9 likely require a nightmare for Joel Paulson and this Staff,
10 because it would likely require a rewriting of most of the
11 plan potentially, because the plan is structured around
12 some assumptions that are captured largely in the concept
13 of districts.
14

15 I'm not saying that's right or wrong, but I'm
16 just saying it's something that needs to be looked at
17 carefully.

18 CHAIR HUDES: Council Member Spector.

19 COUNCIL MEMBER SPECTOR: Thank you. I don't
20 remember how we wrote all of this, but it could very well
21 be that the distinctions that we have memorialized in this
22 document are permissive rather than mandatory, and so
23 therefore even if we have these proposed changes, it may
24 not require a massive change in the document. I don't know,
25 because I don't remember.

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CHAIR HUDES: Commissioner Hanssen.

COMMISSIONER HANSSEN: I just wanted to do a sanity check. I thought that when we were discussing removing the CUP, for example, from cottage cluster, it was only going to be permitted in the Lark District. That was where I thought we went with the discussion, and I'm not saying that any changes wouldn't end up influencing what's written in Section 2.3, but the other point was in the Northern District I don't think we had any discussion about removing the requirement for any residential to be over commercial. I remember we talked about if we wanted to have more residential in the Northern District that we might have to look at increasing the height limitation in order to get the twenty dwelling units per acre density, and that obviously needs to be looked at, but clearly we have to look at the language and make sure we're not contradicting the plan, but based on what we've discussed so far it didn't seem to me that we were going to be violating what was in Section 2.3.

CHAIR HUDES: Just to weigh in, that was my recollection as well, that we were looking at some sort of minor adjustments to where housing might be located across the site, but that the fundamental idea of the districts and what they did, in my mind, was a good thing and was

1 valuable to carry forward. But we will see when we see the
2 Staff Reports that come to us for consideration, since we
3 didn't tick and tie and vote on everything, but that one I
4 think we'll see how that turns out.

5 Other comments or suggestions from the Committee?
6 Okay.

7 I want to thank the Staff in particular for
8 tremendous work. I know the Community Development Director
9 and the Town Manager paid really close attention to this.
10 Where earlier we had a lot of resources and consultants and
11 whatever, this is now falling very much on the Staff, and I
12 appreciate all of the work that's gone into this first
13 step. I'm looking forward to a report that summarizes the
14 opinions and consensus of this committee, and ideas that
15 come out of this committee as this moves forward.

17 And I want to thank my fellow Committee Members
18 for putting in the work and the attention to this, but also
19 putting up with me as I sort of muddled through leading us
20 through this process, so thank you, and this concludes the
21 work of the Committee.

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General Plan Committee Discussion
Regarding Town Council Suggestions for
Potential Amendments to the Adopted North 40 Specific Plan

The Town Council suggestions for potential amendments to the adopted North 40 Specific Plan with staff responses follow in italicized font. Staff recommendations for potential amendments to Specific Plan sections follow in regular font, as a starting point for the Planning Commission's consideration.

Residential

1. In the Lark perimeter overlay zone we should set a maximum density of eight units/acre.

This suggestion could be added to Section 2.5.7 on page 2-15 as noted below. Staff is concerned about the implementation of this suggestion because this will reduce the number of units available to meet our Housing Element requirement of 13.5 acres at 20 dwelling units per acre. To address this concern either the Housing Element would have to be amended or additional changes would need to be made to the Specific Plan to allow an increase to the current maximum number of residential units (270) equal to the number of units that are approved at less than 20 dwelling units per acre.

2.5.7 Perimeter Overlay Zone

The following standards apply within the Perimeter Overlay Zone:

- a. Buildings or portions of buildings located within 50 feet of Lark Avenue shall be restricted to a maximum building height of 25 feet.
- b. Buildings or portions of buildings located within 50 feet of Los Gatos Boulevard shall be restricted to a maximum building height of 25 feet.
- c. Additional setback requirements are provided in Table 2-5 of this chapter.
- d. No building shall be located within 30 feet of a property line adjacent to the freeway.
- e. The maximum density for residential units in the Perimeter Overlay Zone along Lark Avenue is eight units per acre.

2. Housing units should be spread across all three districts.

A member of the GPC made a recommendation on percentages to address distribution of the residential units. This suggestion could be added to Section 2.5.1 on page 2-10 as noted below.

The Planning Commission should discuss whether this is the appropriate approach and whether these are the right percentages for each district. Another option is adding a new Land Use Policy to page 2-2 that contains this language.

2.5.1 Maximum Development Capacity

A maximum development capacity of 501,000 square feet (sf) has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of 250,000 sf of new office/hotel, 400,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 270 residential units.

More restrictive than the Town’s General Plan, the Specific Plan has a maximum capacity of 501,000 sf which includes 435,000 sf of new non-residential square footage and 66,000 sf of existing commercial uses.

The number of residential units shall not exceed: 40 percent in the Lark District; 30 percent in the Transition District; and 30 percent in the Northern District.

Additionally, the potential changes below to the Table 2-1 on page 2-7 should be discussed by the Planning Commission if there is a desire to allow all residential types in all three districts.

Table 2-1 Permitted Land Uses

		Lark	Transition	Northern
Residential				
a.	Cottage cluster	CUP	<u>P</u>	<u>P</u>
b.	Townhomes/ Garden cluster	P	P	<u>P</u>
c.	Rowhouses	P	P	<u>P</u>
d.	Multi-family	P	P	P2
e.	Condominiums	P	P	P2
f.	Live/work lofts	<u>P</u>	P	P2

Note:

1. Medical Office is only permitted on Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129.
2. Residential only allowed in Northern District when located above commercial.

3. *Make sure that you somehow have a vision of how you’re spreading these units to make it fit with the other uses and fit in the neighborhood idea.*

The Town’s Residential Design Guidelines note that existing neighborhoods vary widely, reflecting the community’s growth over time. For that reason, the intent is to respect the scale and character of residential neighborhoods, with an emphasis on compatibility. The Land Use and Development Standards, found in Chapter 2 of the North 40 Specific Plan, set the parameters of new development to prescribe pedestrian-friendly residential architecture that is compatible with existing single-family neighborhoods. Language could be added to

Section 2.7.3 to reinforce the requirement for more traditional architectural design as noted below.

2.7.3 Residential Units

The Specific Plan Area should accommodate a mix of residential product types and sizes to create the character of an authentic neighborhood rather than a typical development project. The following standards set parameters to guide future residential development that reflects the traditional character of existing residential architecture. Also refer to the Residential Design Guidelines in Chapter 3 of this Specific Plan.

Additionally, Tables 2-7 through 2-9 provide images illustrating the massing and character of the residential product types. These images could be reviewed and modified to reinforce consistency with the look and feel of Los Gatos.

4. Require smaller, more affordable units.

Language currently exists in section 2.7.3 on page 2-26 that references the Conceptual Model of Residential Sizes table on page 6-14 in the Definitions section. Modifying this table as illustrated in Item 5 below would result in smaller units that would generally be more affordable than the larger units which are currently referenced in the table.

5. Only allow smaller units from 900 to 1,500 square feet.

The GPC recommended that this suggestion be modified to only allow units between 500 and 1,500 square feet. This suggestion could be addressed by changing the table in the Glossary on page 6-14 as noted below.

Conceptual Model of Residential Sizes Table

Types	Net Unit Area Range	Gross Unit Area Range	Approx. Unit Range	Percent Approx. of Total Range	Total Area
Cottage Cluster (Detached Product)	1,000 - 1,200 <u>500 - 1,200</u>	1,000 - 1,200 <u>500 - 1,200</u> sf	40-50	20-25%	40,000 - 60,000 <u>20,000 - 60,000</u>
Garden Cluster	1,000 - 1,999 <u>500 - 1,500</u>	1,000 - 1,999 <u>500 - 1,500</u> sf	40-50	20-25%	40,000 - 60,000 <u>20,000 - 75,000</u>
Townhomes, Rowhouses	1,000 - 1,999 <u>500 - 1,500</u>	1,000 - 1,999 <u>500 - 1,500</u> sf	130 - 140	30 - 40%	130,000 - 280,000 <u>65,000 - 210,000</u>
Gross Unit Area Total					210,000 - 400,000 <u>105,000 - 345,000</u>
Condos/ Multi-Family	1,300 - 2,350 <u>500 - 1,500</u> sf		90 - 110	25 - 30%	117,000 - 258,000 <u>45,000 - 165,000</u>
Apartments/ Affordable	500 - 750 sf		45 - 55	10 - 15%	22,000 - 42,000
Maximum Units Allowed			364		
Net Unit Area					

Total

~~139,000 – 300,000~~
77,000 - 207,000

Refer to definitions for Net Unit Area and Gross Unit Area.

Note: 100% is not intended to be achieved by adding the example Percent of Total Range numbers, as it is not required to use every residential product type listed in the table.

These changes would also necessitate changes to Section 2.7.3 d. on page 2-26 below.

d. New residential shall be a maximum of:

- ~~400,000~~ 345,000 gross square feet for Cottage Cluster, Garden Cluster, Townhome and Rowhouse products
- ~~300,000~~ 207,000 net square feet for Condominium, Multi-Family, Apartments and Affordable products
- These are maximums, not a goal

6. Reduce the maximum size of some of the units to 1,700 square feet maximum to encourage less expensive units.

The GPC's recommendation on item 5 above conflicts with this suggestion because they recommended a maximum of 1,500 square feet for residential units.

7. Apply the Town's BMP Ordinance requirements.

This is currently required in Section 2.7.3 c. on page 2-26. Staff does not have any additional suggestions for additional modifications.

8. Don't allow residential on Los Gatos Boulevard.

Language could be added to section 2.5.7 on page 2-15 as noted below.

2.5.7 Perimeter Overlay Zone

The following standards apply within the Perimeter Overlay Zone:

- a. Buildings or portions of buildings located within 50 feet of Lark Avenue shall be restricted to a maximum building height of 25 feet.
- b. Buildings or portions of buildings located within 50 feet of Los Gatos Boulevard shall be restricted to a maximum building height of 25 feet.
- c. Additional setback requirements are provided in Table 2-5 of this chapter.
- d. No building shall be located within 30 feet of a property line adjacent to the freeway.
- e. The maximum density for residential units along Lark Avenue is eight units per acre.
- f. Residential is only allowed when located above commercial along Los Gatos Boulevard.

Alternatively, the note in item 11 below could be the only place where this is addressed.

9. Provide senior housing at the ground level.

Language could be added to section 2.7.3 on page 2-26 to address this suggestion, below.

2.7.3 Residential Units

The Specific Plan Area should accommodate a mix of residential product types and sizes to create the character of an authentic neighborhood rather than a typical development project. The following standards set parameters to guide future residential development. Also refer to the Residential Design Guidelines in Chapter 3 of this Specific Plan.

- a. Residential units shall range in size. Refer to Residential Unit Size Mix in Glossary (Chapter 6).
- b. There shall be a maximum of 270 residential units. This is a maximum, not a goal, and includes the affordable housing units required and the existing units.
- c. Affordable housing (Below Market Price housing) requirements shall be met pursuant to Town Code.
- d. New residential shall be a maximum of: 400,000 gross square feet for Cottage Cluster, Garden Cluster, Townhome and Rowhouse products, 300,000 net square feet for Condominium, Multi-Family, Apartments and Affordable products. These are maximums, not a goal
- e. Single family detached units shall be a maximum of 1,200 square feet and be designed as a cottage cluster product type as defined in Glossary (Chapter 6).
- f. If age restricted housing is proposed, at grade accessible units and/or units that are accessed via elevator, ramps, and lifts are encouraged.

10. Consider the possibility of moving the houses away from Highway 17 and putting commercial in that area.

This suggestion related to the EIR for the Specific Plan regarding air quality concerns. The EIR noted that this concern would be addressed by new stricter air quality standards that have already gone into effect. Section 2.5.7 on page 2-15 could be modified to increase the buffer size highlighted below and/or prohibit residential uses in that area.

2.5.7 Perimeter Overlay Zone

The following standards apply within the Perimeter Overlay Zone:

- a. Buildings or portions of buildings located within 50 feet of Lark Avenue shall be restricted to a maximum building height of 25 feet.
- b. Buildings or portions of buildings located within 50 feet of Los Gatos Boulevard shall be restricted to a maximum building height of 25 feet.
- c. Additional setback requirements are provided in Table 2-5 of this chapter.

- d. No building shall be located within 30 feet of a property line adjacent to the freeway.
- e. The maximum density for residential units in the Perimeter Overlay Zone along Lark Avenue is eight units per acre.
- f. Residential is only allowed when located above commercial along Los Gatos Boulevard.

11. Remove the Conditional Use Permit (CUP) requirement for cottage clusters.

Table 2-1 on page 2-7 could be modified to address this suggestion as noted below.

Table 2-1 Permitted Land Uses

		Lark	Transition	Northern
Residential <u>2</u>				
a.	Cottage cluster	CUP	<u>P</u>	<u>P</u>
b.	Townhomes/ Garden cluster	P	P	<u>P</u>
c.	Rowhouses	P	P	<u>P</u>
d.	Multi-family	P	P	P 2
e.	Condominiums	P	P	P 2
f.	Live/work lofts	<u>P</u>	P	P 2

Note:

1. Medical Office is only permitted on Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129.

~~2. Residential only allowed in Northern District when located above commercial.~~

2. Residential is only allowed when located above commercial in the Perimeter Overlay Zone along Los Gatos Boulevard.

A change to Section 2.3.1 on page 2-3 would also need to be modified as noted below.

2.3.1 LARK DISTRICT

Cottage cluster housing is generally characterized by detached cottages oriented onto common greens ~~and will be considered with a Conditional Use Permit.~~

12. Increase the total number of residential units on the North 40.

If the suggestion in Item 1 above is implemented then the number of units available to meet our Housing Element requirement of 13.5 acres at 20 dwelling units per acre will be reduced. To address this concern either the Housing Element would have to be amended or this suggestion could be implemented to increase the current maximum number of residential units (270). The EIR for the Specific Plan considered 364 residential units so that is the

maximum number of units that could be considered for any potential increase since we are not doing further environmental review for these potential amendments. Table 2-2 and section 2.5.1 on page 2-10 could be modified to address this suggestion by providing a recommendation on an increase to the highlighted numbers below.

2.5.1 Maximum Development Capacity

A maximum development capacity of 501,000 square feet (sf) has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of 250,000 sf of new office/hotel, 400,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 270 residential units.

More restrictive than the Town's General Plan, the Specific Plan has a maximum capacity of 501,000 sf which includes 435,000 sf of new non-residential square footage and 66,000 sf of existing commercial uses.

The number of residential units shall not exceed: 40 percent in the Lark District; 30 percent in the Transition District; and 30 percent in the Northern District.

TABLE 2-2 MAXIMUM DEVELOPMENT CAPACITY

LAND USE	UNITS	Square Feet
RESIDENTIAL	270*	Refer to section 2.7.3
OFFICE/HOTEL		250,000
COMMERCIAL (EXCLUDING OFFICE/ HOTEL)		400,000
RESTAURANTS		
RETAIL		
SPECIALTY MARKET		
HEALTH CLUB		
PERSONAL SERVICE (BEAUTY SUPPLY, NAIL SALON, ETC.)		
ENTERTAINMENT		

Note: The new non-residential portion of the project shall include a mixture of commercial (shopping center), and/or hotel, and/or stand-alone general office that does not create a significant unavoidable impact as a result of the development. The total new square footage shall not exceed 435,000 square feet (sf). With the exception of Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129, no new Medical Office will be permitted. If destroyed, the existing buildings on the parcels referenced above are allowed to rebuild in substantially the same manner as they existed before their destruction. The existing 66,000 sf of recently constructed buildings on the parcels referenced above is in addition to the 435,000 sf of new non-residential square footage. Each project shall provide a current traffic analysis demonstrating compliance with this requirement.

Projects cannot exceed the maximum traffic capacity evaluated in the EIR

*Total number of units, includes existing units and Town required Below Market Price units. Action HOU-1.3 General Plan Density Bonus does not apply to the Specific Plan Area.

13. Is it possible for the Town to allow a developer to have a density bonus if the developer requests it, but not necessarily have those 13.5 acres in a certain location, i.e., spread throughout the property?

The distribution suggestions and recommendations outlined in Item 2 above address this suggestion.

Commercial

1. The CUP requirements should be the same as downtown.

The GPC discussed making modifications regarding the following uses in Table 2-1 on page 2-7 as noted below.

TABLE 2-1 PERMITTED LAND USES

	LARK	TRANSITION	NORTHERN
COMMERCIAL			
FORMULA RETAIL		P <u>CUP</u>	P <u>CUP</u>
MARKET HALL/ SPECIALTY RETAIL		P <u>CUP</u>	P <u>CUP</u>
ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES			
IN CONJUNCTION WITH A RESTAURANT		P <u>CUP</u>	P <u>CUP</u>
RESTAURANT	P <u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>
PERSONAL SERVICE	P <u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>

2. Only allow commercial or mixed-use on Los Gatos Boulevard.

Language has been suggested to be added to section 2.5.7 b. on page 2-15 to address this suggestion (see Residential, Item 8, above)

3. Explore commercial uses in the Lark District.

Table 2-1 on page 2-7 could be modified to address this suggestion.

TABLE 2-1 PERMITTED LAND USES

	LARK	TRANSITION	NORTHERN
COMMERCIAL			
FORMULA RETAIL	<u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>
MARKET HALL/ SPECIALTY RETAIL	<u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>
ESTABLISHMENT SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON PREMISES			
IN CONJUNCTION WITH A RESTAURANT	P <u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>
RESTAURANT	P <u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>
PERSONAL SERVICE	P <u>CUP</u>	P <u>CUP</u>	P <u>CUP</u>

4. Consider maximum square footages for commercial uses instead of CUPs.

This could be done in a number of ways. A GPC member offered a couple of way to address this which included, but wasn't limited to, including a distribution matrix with ranges, recommending a maximum number of tenant spaces, and a maximum number of square feet or number of tenants based on use type. Table 2-2 on page 2-10 (see Item 5 for existing Table 2-2) could be modified to address this suggestion. Additionally, staff will provide the Planning Commission a table, which was not included in the Specific Plan, as a starting point for discussion.

A member of the GPC also made a recommendation on percentages to address distribution of commercial square footage. This suggestion could be added to Section 2.5.1 on page 2-10 as noted below.

2.5.1 Maximum Development Capacity

A maximum development capacity of 501,000 square feet (sf) has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of 250,000 sf of new office/hotel, 400,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services and entertainment), and 270 residential units.

More restrictive than the Town’s General Plan, the Specific Plan has a maximum capacity of 501,000 sf which includes 435,000 sf of new non-residential square footage and 66,000 sf of existing commercial uses.

The commercial square footage shall not exceed: 15 percent in the Lark District; 35 percent in the Transition District; and 50 percent in the Northern District.

The number of residential units shall not exceed: 40 percent in the Lark District; 30 percent in the Transition District; and 30 percent in the Northern District.

5. *Consider a reduction in the amount of commercial square footage.*

The GPC discussed separating Office and Hotel into individual categories, increasing the Office and Hotel maximum square footage, and lowering the maximum square footage for the general Commercial category. Table 2-2 and section 2.5.1 on page 2-10 could be modified to address this suggestion as noted below.

TABLE 2-2 MAXIMUM DEVELOPMENT CAPACITY

LAND USE	UNITS	Square Feet
RESIDENTIAL	270*	Refer to section 2.7.3
OFFICE/HOTEL		250 150,000
<u>HOTEL</u>		150,000
COMMERCIAL (EXCLUDING OFFICE/ HOTEL)		400 350 ,000
RESTAURANTS		
RETAIL		
SPECIALTY MARKET		
HEALTH CLUB		
PERSONALSERVICE (BEAUTY SUPPLY, NAIL SALON, ETC.)		
ENTERTAINMENT		

Note: The new non-residential portion of the project shall include a mixture of commercial (shopping center), and/or hotel, and/or stand-alone general office that does not create a significant unavoidable impact as a result of the development. The total new square footage shall not exceed ~~435~~385,000 square feet (sf). With the exception of Assessor Parcel Numbers 424-07-102 through -112, 424-07-099, and 424-06-129, no new Medical Office will be permitted. If destroyed, the existing buildings on the parcels referenced above are allowed to rebuild in substantially the same manner as they existed before their destruction. The existing 66,000 sf of recently constructed buildings on the parcels referenced above is in addition to the ~~435~~385,000 sf of new non-residential square footage. Each project shall provide a current traffic analysis demonstrating compliance with this requirement.

Projects cannot exceed the maximum traffic capacity evaluated in the EIR

*Total number of units, includes existing units and Town required Below Market Price units. Action HOU-1.3 General Plan Density Bonus does not apply to the Specific Plan Area.

2.5.1 Maximum Development Capacity

A maximum development capacity of 501,000 square feet (sf) has been provided to limit the overall build-out of the Specific Plan Area and provide an appropriate balance of land uses that meet the goals and objectives of the Specific Plan.

Table 2-2 defines maximums of ~~2150~~2150,000 sf of new office ~~hotel~~, 150,000 sf of new hotel, and ~~400~~350,000 sf of other new commercial (includes: restaurants, retail, specialty market, health club, personal services, and entertainment), and 270 residential units.

More restrictive than the Town's General Plan, the Specific Plan has a maximum capacity of 501,000 sf which includes 435,000 sf of new non-residential square footage and 66,000 sf of existing commercial uses.

The commercial square footage shall not exceed: 15 percent in the Lark District; 35 percent in the Transition District; and 50 percent in the Northern District.

6. *Address the commercial needs that have been previously identified: general merchandise, building materials, and resident serving businesses defined as serving the north part of Los Gatos and the North 40.*

Existing commercial needs could be specifically identified in the Specific Plan, but these may change over time. Another option may be to provide more language regarding the types of uses that are envisioned for the Specific Plan area.

Policy LU4, LU6, and LU11 on page 2-2 and Section 2.6.6 on page 2-24 could be modified as noted below.

Policy LU4: Maximum Commercial Development

Commercial development within the Specific Plan Area shall be complementary to Downtown through the careful control of primarily neighborhood serving uses and permitted square footage as set forth in the Maximum Development Capacity Table (refer to Table 2-2.)

Policy LU6: Retail

Retail uses within the Specific Plan Area are intended to serve primarily North 40 residents, adjacent neighborhoods, nearby employment centers and the unmet needs of the Town of Los Gatos.

Policy LU11- Economic Balance

Proposed uses ~~should~~ shall be primarily neighborhood serving and shall complement the existing balance and diversity of businesses located along Los Gatos Boulevard and in Downtown Los Gatos.

2.6.6 RETAIL TENANT SPACE SIZE

The Specific Plan allows for a mix of retail sizes, including smaller primarily neighborhood serving stores that will support the new residential, as well as, larger space for commercial uses, such as sit-down restaurants, specialty market, entertainment, and formula retail.

- 7. Consider reducing the total amount of commercial square footage with the goal of addressing our unmet needs.*

See comments and suggested changes in Item 5 and 6 above.

- 8. The intent of the Specific Plan was to protect downtown while providing neighborhood-serving commercial and reducing retail sales tax leakage.*

See comments and suggested changes in Item 5 and 6 above.

- 9. How do we make the commercial that's near residential be truly neighborhood serving and not shoe stores and handbag stores that draw people away from downtown, and then how do we get the other portion of it to be general merchandizing, again, without creating a food court and a bunch of small stores with dress shops and so forth?*

See suggested changes in Item 5 and 6 above. Additionally, the suggested changes in Item 1 would require CUPs for many uses that are permitted uses in the Specific Plan which would provide the Town with additional tools to address this suggestion.

Open Space

1. *The perimeter overlay zone should be larger.*

There Section 2.5.7 on page 2-15 could be modified to increase the buffer sizes highlighted below.

2.5.7 Perimeter Overlay Zone

The following standards apply within the Perimeter Overlay Zone:

- a. Buildings or portions of buildings located within 50 feet of Lark Avenue shall be restricted to a maximum building height of 25 feet.
- b. Buildings or portions of buildings located within 50 feet of Los Gatos Boulevard shall be restricted to a maximum building height of 25 feet.
- c. Additional setback requirements are provided in Table 2-5 of this chapter.
- d. No building shall be located within 30 feet of a property line adjacent to the freeway.
- e. The maximum density for residential units in the Perimeter Overlay Zone along Lark Avenue is eight units per acre.
- f. Residential is only allowed when located above commercial along Los Gatos Boulevard.

2. *More open space should be required.*

Section 2.5.4 on page 2-12 and Table 2-3 on page 2-12 could be modified to increase the amount of open space required.

2.5.4 Open Space Standards

To ensure that adequate open space is integrated into future development in the Specific Plan Area, a minimum of 30% of open space is required (Table 2-3). This 30% requirement should be a variety of green-spaces and plaza spaces dispersed throughout the different districts. By specifying minimum open space requirements/ standards, the Specific Plan provides incentives for the consolidation of parking into podium parking and parking structures, minimizing at-grade parking, minimizing road widths, and increasing pedestrian spaces.

- a. Open space means a ground plane open and generally unobstructed from the ground plane to the sky. Balconies, shade structures, and roof eaves may extend over a portion of the open space. Open space includes both “green open space” and “hardscape” (plazas, courtyards, pathways, sidewalks, and pedestrian paseos). Plazas, courtyards, and planters over podium parking or on roof decks also qualify as open space.

- b. To ensure the open space is distributed throughout the Specific Plan Area, a minimum of 30% open space shall be provided across the entire Specific Plan Area. The 30% requirement shall be calculated for each application or group of applications.
- c. The 30% open space requirement shall include a variety of green and plaza spaces with a minimum of 20% being green space.
 - i. Green Space/Green Open Space: for purposes of this Specific Plan and calculating open space requirements green space and green open space is grass or landscaped areas. These can include but are not limited to parks, bioretention, common and private residential green space, planters larger than 50 square feet, landscaped planting strips, drivable turf-block, and parking lot landscaping. Trees planted in tree wells shall not be calculated as part of the green space requirement.
 - ii. Hardscape: for purposes of this Specific Plan and calculating open space requirements, hardscape refers to private or common paved areas for the use of pedestrians including plazas, courtyards, pathways, sidewalks, and pedestrian paseos. Roads and parking areas shall not be calculated as part of the open space or hardscape requirement.
- d. 20% of the 30% open space requirement shall be publicly accessible.
- e. Every application for Architecture and Site Review shall include an exhibit(s) that shows the open space and pedestrian network.
- f. Remodels of existing structures along Los Gatos Boulevard that do not change more than 50% of the existing footprint are exempt from the 30% open space requirement.

Table 2-3 Minimum Open Space Requirements	
Open Space Designation (Excluding Parking and Roadways)	Percent of Specific Plan Area
Green Open Space	20% Minimum
Hardscape (Plazas/ courtyards/pathways/ sidewalks and pedestrian paseos) and/or additional green open space	Remainder of Required Open Space
Total Open Space	30% Minimum

3. *Have real open space.*

Section 2.5.4 on page 2-12 above in Item number 2 could be modified to address this suggestion to require more green open space. Additionally, the definition of Green Space/Green Open Space below could also be modified to limit what qualifies as green open space.

GREEN SPACE/GREEN OPEN SPACE

For purposes of this Specific Plan and calculating open space requirements green space and green open space is grass or landscaped areas. These can include but are not limited to parks, bioretention, common and private residential green space, planters larger than 50 square feet, landscaped planting strips, drivable turf-block, and parking lot landscaping. Trees planted in tree wells shall not be calculated as part of the green space requirement.

A GPC member provided the following information from the EPA in New England:

Open space is any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Open space can include:

- Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, community gardens, and cemeteries.
- Schoolyards
- Playgrounds
- Public seating areas
- Public plazas
- Vacant lots

Open space provides recreational areas for residents and helps to enhance the beauty and environmental quality of neighborhoods. But with this broad range of recreational sites comes an equally broad range of environmental issues. Just as in any other land uses, the way parks are managed can have good or bad environmental impacts, from pesticide runoff, siltation from overused hiking and logging trails, and destruction of habitat.

4. *Public access easements shall be required for the open space.*

Section 2.5.4 d. could be modified to address this suggestion as noted below.

- d. 20% of the 30% open space requirement shall be publicly accessible and easements for the publicly accessible open space shall be provided.

Parking

1. Underground parking should be explored.

Language encouraging underground parking could be added to section 2.5.8 on page 2-16 could be modified to address this suggestion as noted below. Additionally, the Planning Commission could consider recommending incentives for projects that provide underground parking.

Parking Structures:

- a. Maximum height of a parking structure shall not exceed maximum building height requirements and shall be measured from the adjacent street grade, without restrictions on the number of internal stories.
- b. Setbacks shall be heavily landscaped in accordance with the Landscape Palette provided in Chapter 3.
- c. Parking structures fronting the Neighborhood Street shall be wrapped with commercial space at the ground floor.
- d. Parking structure facades visible from Primary Streets over 150 feet in length shall incorporate at least one or more of the following:
 - Differentiation of the ground floor from upper floors.
 - Changes in architectural materials.
 - Projecting forward or recessing back portions or elements of the parking structure facade.
 - Horizontal openings broken up with vertical columns to create a rhythm of openings similar to a building with windows.
- e. Underground parking is encouraged.

Height

1. *Increase the height to 45 feet, as long as there is more open space.*

This was included in a previous version of the Specific Plan. The previous language that was included is provided in Section 2.5.2 on page 2-11 below for the Planning Commission's consideration.

2.5.2 Building Height

- a. The maximum height of any building, excluding affordable housing and hotel uses, is 35 feet with the following criteria:
 - i. Maximum building height shall be determined by the plumb vertical distance from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade. For portions of a structure located directly above a cellar, the height measurement for that portion of the structure shall be measured as the plumb vertical distance from the existing natural grade to the uppermost point of the structure directly over that point in the existing natural grade. No point of the roof or other structural element within the exterior perimeter of the structure shall extend beyond the plane established by the maximum height plane. Maximum building height includes all elements and height exceptions are not permitted within the Specific Plan Area.
 - ii. Lark District - 15% of the overall development provided (building footprint) within the Lark District shall be structures of a maximum of two-stories with a 25 foot maximum height. The majority of this requirement may be provided within the Perimeter Overlay Zone (refer to Section 2.5.7). Every application for Architecture and Site Review shall include a table that identifies the following:
 - Total building footprint square footage within the Lark District existing at the time of the application submittal.
 - Percent of total building footprint square footage located within the Lark District currently satisfying the 15% height requirement at the time of submittal.
 - iii. An increased height up to 45 feet is allowed in the Transition and Northern District if the project provides an additional 5% green open space.

2. *Reduce the height of the residential to 25 feet.*

Section 2.5.2 a. ii. on page 2-11 above could be modified to address this suggestion and require more than the existing 15% of the residential in the Lark District to be a maximum height of 25 feet.

General/Other

1. “Shalls” should replace “shoulds.”

Information will be provided Monday December 12, 2016.

2. Confirm that the Guiding Principles in the Specific Plan is mandatory language rather than permissive language.

Information will be provided Monday December 12, 2016.

3. Require a plan for the entire Specific Plan area.

Information will be provided Monday December 12, 2016.

4. Preserve existing live oak trees.

Information will be provided Monday December 12, 2016.

5. Consider widening Los Gatos Boulevard.

Information will be provided Monday December 12, 2016.

6. Try to acquire some land for a park or community pool.

Given the Town’s limited resources for this type of action this suggestion does not appear to be feasible.

Information will be provided Monday December 12, 2016.

7. Consider making the Town Council the deciding body for applications.

Information will be provided Monday December 12, 2016.

Joel Paulson

From: David Weissman <gryllus@gmail.com>
Sent: Thursday, November 17, 2016 10:10 PM
To: Joel Paulson
Subject: please forward this

to Commissioner Melanie Hanssen and Commissioner Matthew Hudes.

The Town's new Tree Protection Ordinance became effective 7/2/2015.

Item 4 on tonight's agenda for the North 40, was a discussion of retaining the existing live oak trees on the property. I have a few comments. First off, the denied plans called for the placement of a large amount of fill in the area where the present live oaks are located. If this were done, then these live oaks would probably be killed as they don't tolerate well having such fill placed around their base and roots. This situation is reflected in many of Deborah Ellis' reports for the Highlands project where she, as the Town's Consulting Arborist, notes that oaks are not very tolerant of such fill.

Also discussed were what replacement trees would be required if the live oaks already there were removed. Sec 29.10.0985, note 4, addresses this issue: "Replacement with native species shall be strongly encouraged." This is the requirement for non-hillside areas in LG, such as the North 40. On the other hand, Sec. 29.10.0987 addresses the same situation in the hillsides where replacement trees (for native trees) must be natives taken from Appendix A of the HDS&G. So the flatlands and hillsides are treated differently as far as removed live oaks are concerned. I think that live oaks would be an excellent, mandated choice for the North 40 for several reasons: after 2-3 years of watering, they are self sustaining and, in fact, don't tolerate summer watering. They don't grow that tall and would be less obstructive of hillside views than some non-native trees that were proposed in the original plan. They also provide good habitat for many birds and squirrels and other native animals and they are evergreens. Their one downside might be that they probably grow slower than many non-native trees.

Hope that this helps.

Dave

--

Dave Weissman
15431 Francis Oaks Way
Los Gatos, CA 95032
H: (408) 358-3556
gryllus@gmail.com

EXHIBIT 8

From: Diane Dreher <ddreher@scu.edu>
Sent: Friday, November 18, 2016 12:03 AM
To: Planning; BSpector; Marico Sayoc; cerekson@losgatos.gov; mhanssen@losgatos.gov; mhudes@losgatos.gov; jbarnett@losgatos.gov
Cc: Diane Dreher
Subject: Thank you and a comment

Dear Planning Commission members:

Thank you for your careful consideration of the suggested changes to the North Forty Specific Plan and your work to ensure the best future for our town.

I would like to underscore the importance of the proposed word change with “Shalls” replacing “Shoulds” throughout the Plan.

Full disclosure—I am an English professor.

The difference:

“Shall” is future tense, meaning that something will be done.

“Should,” on the other hand, expresses only an ideal or a wish (that may not actually come to pass).

I could say “All American citizens should vote.” But, as we know, that doesn’t mean they will. However, if I say “I will vote” or “I shall vote” the intention is clear. (More formal than “will,” “shall” is used legally to indicate an intended future action.)

Therefore, as you revise the Specific Plan, changing “should” to “shall” will make the Specific Plan more objective, preventing any future confusion. “Shall” conveys a clear message that the Planning Commission and the town actually intend for the relevant sections in the Plan to be complied with.

Thanks for considering my email, and again, my thanks for your vital work on the Specific Plan.

Sincerely,

Diane Dreher

--

Diane Dreher

Professor of English

President, Faculty Senate

<https://www.scu.edu/faculty-senate/>

Past President, AAUP Chapter

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<http://www.psychologytoday.com/blog/your-personal-renaissance>

<https://blogs.scu.edu/writeherewritenow/>

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has." Margaret Mead

Joel Paulson

From: Lee Quintana <leeandpaul@earthlink.net>
Sent: Sunday, November 27, 2016 2:19 PM
To: Laurel Prevetti; Joel Paulson; Sally Zarnowitz; Robert Schultz
Subject: North Bayshore Precise Plan, Mt. View

<http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=20935>

FYI

The link is to the North Bayshore Precise Plan draft Oct. 2016. The Plan was originally adopted by Council in 2014. This draft includes amendments to include residential uses, including a section on Affordable Housing. Tables have modified. Individual tables for each area/topic have been deleted and replaced with tables that combine all areas for each topic into a single table.

Elements that I liked:

- Clear statement of Vision, Principles, Objectives.
- Use of tables for topics broken down by areas.
- Inclusion of Standards and Guidelines in each section.
- Organization that reduces repetition.

Lee

Sally Zarnowitz

From: Gerber, Andrew (Andy) <agerber@belmontvillage.com>
Sent: Wednesday, November 30, 2016 11:22 AM
To: Sally Zarnowitz; Joel Paulson
Subject: 1.59-acre site in North 40

Importance: High

Good morning Sally and Joel. My company is looking into the 1.59 acre site at the corner of Los Gatos Blvd. and Burton Road in the "Northern District" of the North 40 Specific Plan Area. I understand that some of my competitors may have already been in contact with you about this so I'm a bit late to the party. That said I was hoping you might be able to confirm a few things for me regarding the site to the extent possible given the status of the Specific Plan:

1. My company develops and operates for-rent senior housing communities with a focus on assisted living and memory care. We are typically classified as a residential care facility with "large" or some similar designation as a qualifier (our projects are typically 100-175 units). Would our use be permitted under the Specific Plan, either by right or with a CUP?
2. What would the basic development regulations be – i.e. maximum permitted height, FAR, maximum lot coverage, and front/side setbacks?
3. What is the status of the Specific Plan? Is it approved? If not, is there an approximate timeline for approval?

Any assistance you can provide very quickly would be greatly appreciated. Please feel free to call me at the number below if it makes more sense to discuss by phone. Thanks!

Sincerely,

Andy Gerber
Vice President of Acquisition & Investment
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BELMONT *Village*
SENIOR LIVING

Sally Zarnowitz

From: Joseph Gemignani <josephtheweatherman@gmail.com>
Sent: Saturday, December 03, 2016 12:15 PM
To: Sally Zarnowitz
Subject: north 40 comments

Hi Sally,

It seems no one is addressing the look and feel of the boxy modern buildings that are proposed on the north 40. I thought in the boulevard plan the buildings are supposed to have a look and feel of Los Gatos.

Why did those buildings make it this far? Is anyone going to address that?

Thanks Joseph