



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 01/26/2017

ITEM NO: 2

ADDENDUM

DATE: JANUARY 23, 2017

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **NORTH FORTY SPECIFIC PLAN AMENDMENTS. PROJECT LOCATION: 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. PROPERTY OWNER: 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. APPLICANT: TOWN OF LOS GATOS.**

REMARKS:

Verbatim minutes for the December 15, 2016 Planning Commission meeting on this matter are attached (Exhibit 12).

EXHIBITS:

Previously received with December 15, 2016 Staff Report:

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

PREPARED BY: JOEL PAULSON
Community Development Director

Reviewed by: Planning Manager and Community Development Director

Previously received with December 13, 2016 Addendum:

9. Revised potential amendments, based on General Plan Committee discussion
(Including Exhibits A and B)

Previously received with December 15, 2016 Desk Item:

10. Public comments received between 11:01 a.m. December 8, 2016 and 11:00 a.m.
December 15, 2016

Previously received with January 26, 2017 Staff Report:

11. Public comments received between 11:01 a.m. December 15, 2016 and 11:00 a.m.
January 20, 2017

Received with this Addendum Report:

12. December 15, 2016 Planning Commission verbatim minutes

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

Los Gatos Planning Commissioners:	Mary Badame, Chair D. Michael Kane, Vice Chair Charles Erekson Melanie Hanssen Matthew Hudes Tom O'Donnell
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 :

CHAIR BADAME: Good evening, ladies and gentlemen. Welcome to the Town of Los Gatos Planning Commission special meeting of Thursday, December 15, 2016. If you haven't already done so, please take a moment to silence your devices.

Mr. Paulson, would you please call the roll?

JOEL PAULSON: Yes, thank you, Chair Badame. Commissioner Erekson.

COMMISSIONER EREKSON: Present and accounted for, one last time.

JOEL PAULSON: Commissioner Hanssen.

COMMISSIONER HANSSSEN: Here.

JOEL PAULSON: Commissioner Hudes.

COMMISSIONER HUDES: Here.

JOEL PAULSON: Commissioner O'Donnell.

COMMISSIONER O'DONNELL: Here.

JOEL PAULSON: Vice Chair Kane.

VICE CHAIR KANE: Here.

JOEL PAULSON: And Chair Badame.

CHAIR BADAME: Here.

1 Would everyone please stand and join Commissioner
2 O'Donnell as he leads us in the Pledge of Allegiance?

3 (Pledge is recited.)

4 CHAIR BADAME: The Town of Los Gatos strongly
5 encourages participation in the public process with verbal
6 and written comments. To speak on any item tonight, for
7 which we only have one, please complete a speakers card
8 located within the bench, follow the instructions on the
9 back of the card, and turn the card in to a Staff member.
10 Matters relating to the North 40 will be heard during the
11 itemized public hearing. Matters not on the agenda will be
12 heard under Verbal Communications.

14 We've received an addendum tonight, Exhibit 9,
15 and a Desk Item for Item 2. Have Commissioners had an
16 opportunity to read the correspondence? Yes? No, Charles
17 Erikson? Anybody need more time? No.

18 We don't have any requested continuances this
19 evening, and we don't have any subcommittee reports. Even
20 though we don't have any subcommittee reports I'm going to
21 make a report on the work of the General Plan Committee
22 regarding the amendments to the North 40 Specific Plan.

24 In meeting twice, Commissioner Hudes as Chair
25 provided a very methodical and thorough approach to the
issues at stake. Commissioner Erikson and Commissioner

1 Hanssen also provided extremely valuable input for the
2 focus of this evening's discussion, so thank you, Committee
3 Members, for making our job easier tonight.

4 Verbal Communications, I have one speaker card,
5 and that would be from Angelia Doerner.

6 ANGELIA DOERNER: Hello, I'm Angelia Doerner,
7 proud resident of the Almond Grove, and I just have a
8 couple of comments very quickly.

9 Compared to some, I'm somewhat of a newbie. I've
10 only been a resident for a little shy of 20 years, and
11 although I watched a little from afar in the past, I've
12 only been actively participating in your meetings and the
13 Council meetings for a little shy of three years. But man,
14 thanks to your deliberations, intense analysis and
15 insights, and your agreements to disagree, a lot of which
16 has come lately, I've learned an awful lot; among other
17 things policy versus practice—policy done above and
18 practice having to be borne out by you all—EIRs, traffic
19 studies, public works, design guidelines, architectural
20 styles, articulation, and lately there has been an awful
21 lot of debates on numerous applications over size, and most
22 importantly, compatibility with neighborhood, and overall,
23 the Town.
24
25

1 All of these things combined, most of which are
2 objective, are what results in the look and feel of Los
3 Gatos. I knew what that meant almost 20 years ago after one
4 afternoon driving around town, and I want to thank you for
5 how seriously you take your role in preserving that for us
6 and the future.

7 Two nights ago I attended a meeting regarding the
8 developer's outreach meeting regarding a proposed
9 development at Highway 9 and Santa Cruz. Yes, the gateway,
10 the first impression for all of our downtown, and by right,
11 our entire community. I believe we were told they would
12 likely be starting the process with the Town in early or
13 late spring. I felt I and other residents would have plenty
14 of time after the holidays to digest, analyze, critically
15 review, and hopefully really come to embrace the entire
16 project.

17 Today I found out it's actually already scheduled
18 to come before you on January 17th, so it just means that me
19 and a lot of other residents will need to get extremely
20 busy after the new year to ensure that we can be here to
21 help assist you in making sure that the architectural
22 style, articulation, and compatibility with the
23 neighborhood and our downtown are looked after for our
24 benefit and that of the future.

1 Thank you. Oh, and Merry Christmas.

2 VICE CHAIR KANE: Thank you, Ms. Doerner. Would
3 anyone else like to speak to us about an item other than
4 the North 40? If so, please come forward.

5 Seeing no one come forward, we'll go straight to
6 the North 40 Specific Plan Amendments, which is Item 2,
7 consideration of the General Plan Committee's discussion
8 and provide recommendations regarding the Town Council's
9 suggestions for amendments to the North 40 Specific Plan.
10

11 Mr. Paulson and/or Ms. Zarnowitz, we're ready for
12 the Staff Report, depending upon who is going to give it.

13 JOEL PAULSON: Sure. In the Staff Report you
14 received Friday there was a background, but I'll briefly go
15 through that.

16 As everyone in this room I'm sure, if not mostly
17 everyone, is aware, the Council adopted the North 40
18 Specific Plan as it currently exists in June 2015. In
19 September of this year the Council considered the Phase 1
20 application for the North 40, which was an actual
21 development application. They denied that application at
22 their September 6th meeting. Following that meeting, the
23 Mayor set a meeting to discuss potential amendments to the
24 Specific Plan. The Council held that meeting and forwarded
25 a list of suggestions that was, as you mentioned earlier,

1 discussed by the General Plan Committee on two occasions,
2 one in October and one in November.

3 The best exhibit to walk through those is
4 probably Exhibit 9 in the Addendum. The Exhibit 7 document
5 that was provided in the Staff Report didn't have
6 information on the General/Other category, which is the
7 final category.

8 The potential amendments, as Staff had provided
9 direction to Council when they were discussing it, aren't
10 intended to be a complete rewrite of the Specific Plan.
11 They're intended to be specific, they're intended not to
12 require additional environmental impacts review, and also
13 not to require modifications to our existing certified
14 Housing Element.

15 With that, that concludes Staff's report. We're
16 available to help Planning Commissioners as they walk
17 through this discussion and ultimately with us this evening
18 or another occurrence, provide a recommendation to the
19 Council on these and any other items.

20 When we get to the Other category, and
21 fortunately we do have three General Plan Committee members
22 here, the General Plan Committee also discussed the
23 potential for adding an assisted living/continuum of care
24 use. That is not in your package, but we're available to
25

1 discuss that, and have a couple questions, if we get that
2 far, that we'll be looking for guidance from the Commission
3 on.

4 CHAIR BADAME: Thank you, Mr. Paulson. Questions
5 for Staff from Commissioners? Commissioner O'Donnell.

6 COMMISSIONER O'DONNELL: I just saw this letter
7 from Grosvenor et al. dated December 12th this evening; it's
8 in the package we received tonight. I've had a chance to
9 scan it, but I haven't had a chance to evaluate it. I will
10 assume and hope that the Staff, including the Town
11 Attorney, has, because they seem to think that if we do
12 what we're proposing we would require change in the
13 environmental impact work, and I'm wondering where we are?
14 It's going to be rather difficult for us to evaluate that
15 without your advice, and also having just gotten it, it's a
16 very significant comment, so I'm just wondering if either
17 you or the Town Attorney have any comments concerning the
18 issues raised in that letter?

19
20 JOEL PAULSON: This issue also was brought up, I
21 believe, in a letter that was provided to the General Plan
22 Committee from Grosvenor as well, so we will be looking at
23 these different modifications. I believe, if I remember
24 correctly, it was potentially a traffic challenge, and so
25 the EIR obviously studied a larger amount of commercial

1 square footage. It also looked at a larger number of
2 residential units, and so we would be weighing that against
3 the changes.

4 The changes that are before you this evening we
5 don't believe are going to have impacts in that direction.
6 If anything, many of these suggestions actually lowered
7 some of those thresholds, but depending on the final
8 outcome and Town Council's ultimate decision on any
9 amendments, we would do a thorough walk-through to make
10 sure that we don't create any challenges for the Town in
11 the Environmental Impact Report.
12

13 CHAIR BADAME: One more from Commissioner
14 O'Donnell.

15 COMMISSIONER O'DONNELL: Just to follow up, as I
16 understand it, the Specific Plan now is in litigation and
17 at least the press reports said it might be argued in
18 March; whether it is or isn't, it's on the track to being
19 argued. Were SummerHill and Grosvenor to prevail, they
20 proceed under the existing Specific Plan, as I understand
21 it.
22

23 On the other hand, we are proceeding with some, I
24 think, speed and diligence to change the Specific Plan,
25 realizing it would only apply to other subsequent parties.
What I'm wondering is we seem to be proceeding, in my

1 experience at least, somewhat rapidly, and I'm wondering
2 what I'm missing? Because the one argument is we're
3 proceeding rapidly so somebody else can't come in and file
4 under the existing Specific Plan, but that seems so
5 fanciful since if they were able to file under the existing
6 Specific Plan one would think perhaps we're on the wrong
7 side of that battle in court. Is there any particular
8 reason why we're proceeding with more speed than usual, or
9 are we not proceeding with more speed than usual?
10

11 LAUREL PREVETTI: I'll give it a start, and then
12 my colleagues will probably join me.

13 We were fortunate in terms of working with the
14 General Plan Committee and going through all of the
15 suggestions in a very orderly way. We also heard public
16 testimony at both of the meetings, so the Committee had the
17 full benefit of public input, and as you can see, the
18 public is continuing to provide comment.

19 As you work through Exhibit 9 in your packet
20 you'll see that there's still a lot of work to be done, so
21 while we are at this point of starting to craft amendments
22 to the Specific Plan, there's still a fair amount of work,
23 and we'll see how far we get tonight and then we'll
24 continue our conversation.
25

1 Applications can still be submitted, and they
2 would be reviewed under the existing Specific Plan. There
3 is no moratorium; things can certainly proceed. This is
4 really happening in parallel and independent of any
5 lawsuit.

6 COMMISSIONER O'DONNELL: Except if someone were
7 to file under the existing Specific Plan they would be
8 behind the litigant, would they not? I mean I assume, I
9 don't know, you process another application under the
10 existing Specific Plan notwithstanding that we have
11 litigation on that same Specific Plan? Is that what you're
12 worried about?
13

14 LAUREL PREVETTI: We have multiple properties, as
15 you know, and the application that's currently in
16 litigation was for the southern portion. There are many
17 other properties to the north, and whether it's a small
18 parcel or a combination of parcels, those are still
19 eligible for new uses and new development, and so under
20 that scenario the current Specific Plan prevails.
21

22 COMMISSIONER O'DONNELL: Thank you.

23 ROBERT SCHULTZ: And there's no legal deadline
24 that we're doing, and I think part of it was just the
25 priority from Council to undertake this task, knowing how
important it is to the community and the amount of input

1 they received to put this forward in front of the General
2 Plan Committee, and they did it, but there isn't any set
3 date that Planning Commission has to be done, or when the
4 Council does.

5 COMMISSIONER O'DONNELL: So there's no date, for
6 example, when the Council is tentatively going to take this
7 matter up?

8 JOEL PAULSON: We tentatively outlined a
9 timeline, which was January 17th. However, we always knew
10 that was tentative, and that assumed only one General Plan
11 Committee meeting and only one Planning Commission meeting,
12 which we also knew may not work from just the sheer breadth
13 of information.

14 COMMISSIONER O'DONNELL: So that tentative
15 schedule would have the Town Council meeting on the 17th?

16 JOEL PAULSON: Correct.

17 COMMISSIONER O'DONNELL: Thank you.

18 CHAIR BADAME: Vice Chair Kane.

19 VICE CHAIR KANE: I have two questions. The first
20 is is it true that the only difference between Exhibit 7
21 and Exhibit 9 is the text where "should" has been changed
22 to "shall"?

23 JOEL PAULSON: The changes in the last two pages
24 in the General/Other category previously in Exhibit 7 had
25

1 said that further information would be coming forward, so
2 that, in combination with the two attachments, one being
3 the occurrences of "should," and the other being the Tree
4 Protection Ordinance, which was a request of the General
5 Plan Committee.

6 VICE CHAIR KANE: Right. So we should be guided
7 by Exhibit 9?

8 JOEL PAULSON: Correct.

9 VICE CHAIR KANE: Thank you. The second question
10 is we've received another letter from Grosvenor regarding
11 discrimination based on age, and they cited a number of
12 cases of apparent alleged discrimination on families with
13 children, and that—not being an attorney, Tom—got my
14 attention, because we have the General Plan Committee, and
15 myself and others in this body, have talked about senior
16 housing spread out and at ground level as opposed to in
17 elevated towers. Should we be concerned about that letter,
18 or are we on firm ground by requesting senior housing,
19 BMPs, be spread out and be on ground level?

20 ROBERT SCHULTZ: You should be concerned with the
21 letter, and the letter states what the law is regarding
22 discrimination, but there is no requirement from a legal
23 standpoint that says you can't dictate how your senior
24 housing is going to be built. You also have to understand
25

1 the ramifications though of putting that requirement in,
2 and then realistic expectations, which I said to GPC is
3 that you won't get senior housing if you're looking for
4 senior housing on the ground floor.

5 VICE CHAIR KANE: So despite the letter, it may
6 not be the senior housing spread out...

7 ROBERT SCHULTZ: I don't believe the letter... I
8 only saw the last one with this package, so it must have
9 been the previous one, but they were just talking in
10 generality about discrimination and the requirements of
11 senior housing. You can't specifically require senior
12 housing, but if senior housing is an element they want to
13 do, you can spell out how that senior housing is going to
14 be done. So discrimination meaning designating specifically
15 that there will be senior housing? Yes, you cannot do that.

16 VICE CHAIR KANE: And I think the letter pointed
17 out that there were cases exactly like that.

18 ROBERT SCHULTZ: And we didn't do that in the
19 first one, and we're not doing that requirement now. I
20 think what you are alluding to is that if an applicant does
21 want to do senior housing, then putting that requirement
22 that it has to be on ground floor and has to be spread out,
23 the ramifications of that in the real world is you won't
24 get senior housing, because that's not how it can function
25

1 either legally, because of the amenities all having to be
2 together, and because land is too valuable.

3 VICE CHAIR KANE: I didn't look at it that way.
4 You're saying despite all the conversation and the merits
5 to putting seniors on ground floor as opposed to up in
6 towers dependent upon elevators, that's probably not going
7 to happen?

8 ROBERT SCHULTZ: Unless you subsidize it or do
9 something else, yes.

10 CHAIR BADAME: Commissioner Hanssen followed by
11 Commissioner Hudes.

12 COMMISSIONER HANSSEN: I just wanted to add a
13 comment since we were on the General Plan Committee. We
14 discussed this issue at length, and my recollection of the
15 conclusion we came to is that we wouldn't be requesting
16 age-specific housing, but what we were going to try to do
17 instead to accommodate the needs of our seniors was to make
18 sure that we were clear on what kinds of features that they
19 would want in housing if they were to do step-down housing,
20 and make sure that we accommodated for that in the Specific
21 Plan.
22

23 CHAIR BADAME: Commissioner Hudes.

24 COMMISSIONER HUDES: This was a question that I
25 think was asked and answered at the General Plan Committee,

1 but I wanted to ask it again in this context, and it's
2 about the situation we're in where the Town, I believe, is
3 being sued by the Applicant, and so any deliberations that
4 we have or any changes that we make to the Specific Plan,
5 can those affect that litigation, and would you advise
6 anything in the way we would treat that particular event in
7 regard to our consideration?

8 ROBERT SCHULTZ: I'm glad you raise that question
9 again, because it's come up even from Council and from the
10 General Plan Committee. Anything that we're doing right now
11 cannot affect that litigation whatsoever. The
12 administrative record is done and complete and had finished
13 on September 6th when the resolution was submitted, so
14 that's everything that was the decision making in that
15 project, and any hearings from this point forward are not
16 part of the administrative record and will not be
17 introduced into evidence.

18 CHAIR BADAME: Any further questions? Seeing
19 none, we will now invite comments from members of the
20 public. I have a few speaker cards, and I will start with
21 Roy Moses.
22

23 ROY MOSES: Good evening, Commission Members, Roy
24 Moses, La Croix Court; I almost forgot where I live. I
25 haven't been home in a while.

1 Just wanted to come tonight and say thank you
2 very much for all the work that you're doing. I know this
3 is an arduous task on your behalf. We, the citizens, have
4 been meeting as well and trying to keep up on what we have
5 put forth to you in past meetings, and then unfortunately
6 we weren't able to get the document. What was it? Was it
7 Exhibit 7 was the one that came out? Anyway, I read that
8 tonight for about two hours. I've been busy with other
9 things like family matters and that.
10

11 But anyway, I just want to say that obviously by
12 that document you have addressed a lot of the issues that
13 we brought up in those meetings and things like that, and
14 listening tonight, I'm starting to become a little bit more
15 encouraged that we're moving forward. It's very difficult
16 as a citizen to sit back, and without going through all the
17 records on a continuous basis and reading every document
18 that comes to us, to really keep up with all these things;
19 it's confusing and the laws are pretty hard to figure out.
20

21 But I just want to say thank you to everybody for
22 being diligent in what you're doing. The citizens are
23 aware, even though they're not here tonight. Obviously it's
24 the holidays, and with school and the rain and everything,
25 but I just want you to know that I speak to a lot of people
every day in my business in the community—I've been here

1 for a long time—and they're aware that you're keeping an
2 eye on all of us and they're asking us, the people who are
3 involved, and we're trying to get them more involved to
4 really keep on task and move forward.

5 I just want to make sure I say a couple of things
6 I wanted to say here. I think the only other thing I would
7 like to say, in talking with a lot of people I know that
8 there are several other development projects coming up, on
9 Highway 9, the one on Alberto Way, and some other housing
10 projects. I don't know if things are just really kind of
11 going to get away from us in this town with all these
12 projects coming up. We have one on Hilow Court that's been
13 a big issue, and I'm not sure if we, the citizenry, or the
14 Town government, is going to be able to handle all this and
15 be able to maintain what this town is.

17 I'd like to just say that I'm in support of
18 having a moratorium on building in this town for two years
19 to get everything all sorted out. Traffic issues are not
20 going to go away, school issues are not going to go away,
21 impacted by all this development, and the general welfare
22 of the living that we have here in this town is not going
23 to go way. So I'd like to put that on the table for
24 consideration, and a lot of the citizens are talking about
25 that.

1 Thank you for your time. Have a great holiday.

2 Thank you very much.

3 CHAIR BADAME: Thank you, Mr. Moses. Next speaker
4 is Rod Teague.

5 ROD TEAGUE: Thank you, Commissioners. Happy
6 holidays. My name is Rod Teague and I've been a resident
7 here most of my life.

8 Please prioritize the following amendments in
9 order to safeguard the Specific Plan's true intent and
10 leave no gray areas to be manipulated.

11 The first one is spread housing out evenly
12 through all districts, which you've heard. This is a clear
13 intent of the Specific Plan and it needs to be solidified
14 and protected.

15 The second is reduce commercial to a maximum of
16 225,000 square feet. This would be approximately five times
17 the size of Trader Joe's Village Square. This is in
18 addition to the commercial that already exists there and
19 would be more than adequate to serve the north end
20 residents and all the adjacent communities. Considering the
21 new retail online purchasing paradigm, competition between
22 the North 40 and downtown is not a good thing. I agree
23 competition is good within the downtown itself, but we do
24 not want to fragment or confuse our downtown core. San Jose
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1 made that mistake. Why would we ever want to take that
2 chance? We want to foster our downtown success, because
3 that's who we really are. Also, because there has never
4 been a proposal on that North20, it's completely within the
5 Town's justifiable right to make this reduction now.

6 Number three; make housing affordable to early
7 career professionals. We've been talking about millennials,
8 but millennials are now requiring larger homes. This can be
9 achieved by mandating unit size caps, offer housing that
10 works with the median income for Los Gatos, which is
11 \$122,000. It's a great benchmark to make units attainable.
12 Based on the median income for Los Gatos early career
13 professionals might be able to afford a unit that is priced
14 at \$750,000, that is, if they have \$150,000 to put down.
15 This gives you an idea of what they would have to come up
16 with. That would translate into 1,000 square foot units at
17 \$750 a square foot. This number does not include revolving
18 debt for qualifying, so they would be hard pressed to even
19 qualify for a \$750,000 home with an income of \$122,000. At
20 least 33% of the total market price units in the
21 development should fall into this category. And that's it.
22 Thank you.

23
24 CHAIR BADAME: Mr. Teague, I have a question for
25 you. With your proposal to reduce the commercial to 225,000

1 square feet, does that include any consideration for a
2 hotel, and could you give me your thoughts on having a
3 separate square footage allotment for a hotel?

4 ROD TEAGUE: If that was a consideration, yeah, I
5 think that's very viable, but when we're talking about
6 retail space I think we need to be extremely critical. That
7 competition for downtown business in this retail
8 environment is really scary, especially as I just read in
9 the Los Gatos Weekly that this last quarter I think we were
10 down by another 4% in retail sales, so that seems to be the
11 continuing trend, and adding large retail malls is really a
12 bad choice, at least in my opinion.

14 CHAIR BADAME: Thank you. Commissioner Hanssen
15 followed by Commissioner Hudes.

16 COMMISSIONER HANSSEN: Thank you for your
17 comments. On the affordable housing for the early career
18 professionals, I think that makes a lot of sense. You
19 talked about the affordability of owner-owned units. One
20 issue that the General Plan Committee discussed, and we
21 didn't completely resolve it, was there's nothing in the
22 General Plan that speaks to having rental units, and of
23 course those would likely be more affordable, that combined
24 with reducing the unit size. So I'm wondering what your
25

1 opinion is on that in terms of making housing affordable
2 for young professionals living in the Los Gatos?

3 ROD TEAGUE: Through rentals? I think the young
4 professional would prefer to have a place of ownership, but
5 that's definitely an option, I think a very viable option.
6 But I think it's the size that's associated with that, and
7 having gone to so many meetings and listening about the
8 sell on the millennial makeup of the development, moving
9 forward I would like to see that, and I think that should
10 be comprised of a third of the total development.
11

12 COMMISSIONER HANSSEN: Okay, thank you.

13 CHAIR BADAME: Commissioner Hudes.

14 COMMISSIONER HUDES: Again, with regard to
15 affordable for early career professionals, you mentioned a
16 unit size cap. There have been some suggestions from the
17 Council of a 1,700 square foot cap, and the General Plan
18 Committee I believe came up with a 1,500 square foot cap.
19 Do you have any information that would support whether
20 either of those two numbers would be appropriate for this
21 purpose, or other numbers?
22

23 ROD TEAGUE: I just don't think it pencils out. I
24 think the average price for square footage for a new home
25 in Los Gatos is about \$850 a square foot now, and I'm kind
of going based on borrowing power. For somebody that is

1 maybe in their early thirties and is looking to purchase a
2 home in Los Gatos, a realistic buying power level I think
3 is probably about \$750,000 if you're making that \$122,000 a
4 year, so if there are 1,500 square foot homes for sale for
5 \$750,000, great, but I just don't think that's realistic.

6 COMMISSIONER HUDES: Thank you.

7 CHAIR BADAME: Thank you, Mr. Teague.

8 CHAIR BADAME: Next speaker is Bill Hirschman.

9
10 BILL HIRSCHMAN: Good evening, my name is Bill
11 Hirschman. I am one of the small property owners in the
12 North 40; it was part of the previous application. Just
13 making that disclosure, but I'm here really tonight as a
14 33-year citizen of Los Gatos and 33-year developer in this
15 town. Many of the projects that I built in the past the
16 Town now refers to as the look and feel of Los Gatos, so
17 I'm very familiar with the process in this town.

18 I spent about three hours this afternoon
19 preparing some statements, and unfortunately Mr. O'Donnell
20 took them all away and in a two-minute discussion. I think
21 you nailed the question: Why are we moving this in this
22 expedient fashion? There's no reason. I bought my property
23 in 1998, and I've spent 19 years waiting for decisions in
24 the North 40, most recently six years as part of that
25 application. I think there were 17 meetings to talk about

1 the Specific Plan, there was a year-and-a-half worth of
2 meetings, and now all of a sudden in three months we're
3 pushing amendments through, not knowing what's going to
4 happen with the litigation.

5 I'm going to offer up an answer for your
6 question. There is no reason to be doing this. There's no
7 solid reason to be expediting this process. There just
8 simply isn't, and if there is, I would like a response to
9 that question if there's a reason, if there's another
10 pending application, if there's a reason to push this
11 forward in a manner. This room was filled with hundreds of
12 people when we were here the last few times. The gentleman
13 who spoke before me saying it's Christmas. I mean who shows
14 up at Planning Commission meetings at Christmas? Only crazy
15 people like us. I mean that's the only people that do that.

17 So why are we doing this? What is the need? I'm
18 going to jump, because I've only got my minute and-a-half
19 here, but the question that also came up, and I can't
20 remember who brought it up, with regard to the traffic and
21 changing some of these recommendations, and how they don't
22 impact CEQA, I've been doing this a really long time and I
23 will tell you that changing uses, and changing traffic
24 patterns as a result of various uses, will absolutely
25

1 impact traffic patterns and traffic reports. There's no
2 doubt.

3 I have other comments. I'm running out of time.
4 My only other one is with regard to the CUPs. Before you
5 start requiring CUPs in a project of this magnitude you
6 better be prepared to process those CUPs. When you get hit,
7 as what will happen, with 20 or 25 CUPs, and that's the way
8 this process will work to lease these spaces, the Town's
9 not going to be able to handle that, and I haven't heard a
10 response as to how that would take place.
11

12 I have other comments, but I thank you for your
13 time.

14 CHAIR BADAME: Thank you, Mr. Hirschman. Don't go
15 away, we have a question for you from Commissioner Hudes.

16 COMMISSIONER HUDES: Thank you, I appreciate your
17 perspective very much. You were really asking two questions
18 about why are we doing this: Why are we moving so quickly,
19 and why are we doing this at all?

20 With regard to the why are we doing this at all,
21 we had testimony from many people at the Planning
22 Commission. I mean, are you aware that there were 500
23 individual comments, and that only 3% supported the
24 application?
25

1 BILL HIRSCHMAN: I'm not aware of that. I don't
2 those statistics; I'm accepting that that's what you said.
3 However, in this latest process, and I'd be open to hear
4 your response, have you heard one single comment in your
5 last go around of this review that you haven't heard for
6 the last six years? What's changed? Is there a single
7 comment that would lead you to change your decisions that
8 were discussed, that were voted, and went in the direction
9 that you decided to go? I would suggest that that's not the
10 case. I would suggest that there are agendas that people
11 that wanted it to be directed in one direction have now...
12 Those decisions didn't go in that manner, and so now
13 there's another bite of the apple.

15 COMMISSIONER HUDES: I appreciate your response,
16 and I don't think it's appropriate to get into a debate,
17 but I do appreciate your response and your perspective.
18 Thank you.

19 CHAIR BADAME: Thank you, Mr. Hirschman. Edward
20 Morimoto.

21 EDWARD MORIMOTO: Good evening. Thank you for the
22 opportunity to address you this evening. My name is Ed
23 Morimoto, and I live at 460 Monterey Avenue.

24 As my remarks to the Town Council and the General
25 Plan Committee on amending the Specific Plan are a matter

1 of public record I'll try to be brief, as I trust you all
2 have or will review these proceedings as part of your
3 decision making process. In that spirit, I'd just like to
4 punctuate two points.

5 I'd like to reiterate my concerns of the hasty
6 nature of the amendment process, both in regard to its
7 timing ahead of knowing the outcome of the pending Phase 1
8 lawsuit, and the rush to make changes with extremely
9 limited due diligence. Even with the benefit of time,
10 resources, and funding for study the complexity of the
11 North 40 Specific Plan was extremely challenging, and these
12 proceedings are predicated on a notion that despite those
13 luxuries the plan was flawed. So I'd ask you to consider,
14 can responsible decisions be made on elements like
15 residential allowances given the wildly different contexts
16 in which they will be applied, depending on the outcome of
17 the lawsuit?
18

19 I would also ask you to remember the remorse felt
20 by many, including those who made a decision, for the loss
21 of the originally proposed senior move-down building caused
22 by the simple, but perhaps under-considered, reduction in
23 building heights made by the Town Council in the final
24 stages of the Specific Plan hearings.
25

1 I would be the first to agree that the Specific
2 Plan isn't perfect, but creating it and even amending it is
3 a complicated endeavor that I believe requires greater
4 investment than is being given here.

5 I would also ask that this Committee proceed
6 cautiously on further commercial restrictions for the North
7 40 in the name of protecting our downtown. There are
8 multiple studies indicating the commercial allowed in the
9 North 40 Specific Plan doesn't spell doom for our downtown,
10 but not a single one that indicates that it does. If our
11 downtown is vulnerable, as it may be, I fail to see how
12 restricting the North 40 makes it less so. Shoppers and
13 diners don't even slow down crossing Town limits, but sales
14 tax revenue comes to a full stop. At last week's Town
15 Council it was made clear in the quarterly financial report
16 that Los Gatos faces declines in sales tax revenue when the
17 state broadly, and the West Valley specifically, are seeing
18 the opposite. Limited data and Netflix impacts may have
19 allowed us to miss this before, but the message is all too
20 clear now.

21
22 Now, my background is in business, not municipal
23 economic vitality, but I believe the same basic economic
24 laws apply. I have yet to experience a situation where the
25 answer to helping a struggling part of the business

1 requiring investment was to make another part of that
2 business less competitive, so I have a hard time
3 understanding how making the North 40 less competitive, and
4 likely bringing in less tax revenue to our town, will help
5 address the parking, traffic, and other issues requiring
6 investment needed to help our downtown.

7
8 Thank you for this opportunity to speak, and as
9 always, I'm available for questions.

10 CHAIR BADAME: Thank you, Mr. Morimoto.
11 Questions? Seeing none, thank you very much. Anne Robinson.

12 ANNE ROBINSON: Anne Robinson, Charter Oaks.

13 As you know, I've addressed this concern before,
14 and I appreciate you listening again.

15 This is the North 40. The area in orange is the
16 high health risk area of the North 40 where the current
17 application that's in the lawsuit is proposing housing in
18 that area. I handed out the EIR for this area, and in the
19 air quality section of the EIR it states, "However,
20 residential uses could be placed within areas with toxic
21 air contaminants and excessive standards. This is a
22 significant environmental impact. Implementation of the
23 following mitigation measures would reduce toxic air
24 contaminants and health risks to a less than significant
25 level." Then it goes on to mitigation measures, which I've

1 handed out, and it talks about, "High-efficiency filtration
2 on ventilation systems shall be required in residential
3 hotel and office units located in areas along State Route
4 17 identified in the EIR as having a cancer risk in excess
5 of ten cases per million."

6 I still don't get how this is going to be
7 effective for residential uses considering that the windows
8 will be open. I don't see how this mitigation measure will
9 be effective.
10

11 The other article I handed out to you, which is
12 called, "What is a Safe Distance to Live or Work Near High
13 Auto Emission Roads?" consolidates a lot of the research on
14 the Internet, and on page 4 it says, "On average,
15 particulate matter concentration is significantly higher
16 within 330', or 100 meters, of major highways than it is
17 farther away." So, basically it's saying that anything
18 within 330', or 100 meters, is going to have a higher toxic
19 contaminant of particulate matter.

20 My question to you is why are we allowing housing
21 in this area when you have 40 acres? I don't understand
22 that. I lived 30' from a freeway my entire life. My mom
23 died of lung cancer. It was horrible, it was dirty, and it
24 was loud. Why would we want to subject our future residents
25 to that? I don't understand.

1 What I'm asking is that in Section 2.7.4 in the
2 Setbacks for Residential you add a requirement that the
3 residential housing must be 330' from the State Route 17
4 boundary, that you seriously consider this. I think it's
5 important for you to address this issue. That's it. Thank
6 you very much for your time.

7 CHAIR BADAME: Thank you, Ms. Robinson.
8 Commissioner Hudes.

9 COMMISSIONER HUDES: Thank you, and I appreciate
10 you sending the articles. I'm not sure I completely
11 absorbed all of it, but how is the 330' the right setback?
12 I saw one article that said 1,000'; I saw another article
13 that said there was a certain kind of damage within certain
14 ranges. Why 330'?

15 ANNE ROBINSON: I think from the research on the
16 Internet that I've read, it's an average. Of course, this
17 is eight lanes of freeway; most of Los Gatos is four. This
18 has a major interchange; this has a lot of other, I guess,
19 impacts that some other areas don't. So again, the 330' is
20 an average. Why are schools required to be 500' from major
21 freeways? Because there's less pollution 500' away. I think
22 the 330', 100 meters, was just an average from what was
23 taken as far as measurements from other studies that were
24 done. But I think what concerns me is this is eight lanes,
25

1 this is a major interchange, these are off ramps, on ramps,
2 there's gridlock there hours every day. I don't understand
3 why we put housing here. I don't get it.

4 COMMISSIONER HUDES: Thank you.

5 CHAIR BADAME: Any further questions? Seeing
6 none, thank you, Ms. Robinson.

7 DAVID WEISSMAN: Dave Weissman. I just wanted to
8 second a suggestion in Exhibit 7, page 15, regarding the
9 definition of open space and green space.

10 I just want to say that I think following, I
11 guess this is Staff's research, where they found the EPA in
12 New England defines open space as green space, schoolyards,
13 playgrounds, public seating areas, public plazas, and
14 vacant lots. I think that is a much better definition of
15 open space than was done in the first version where streets
16 and sidewalks counted as open space.

17 CHAIR BADAME: Questions for Mr. Weissman? Yes.

18 VICE CHAIR KANE: Just a clarification. It goes
19 to what I asked earlier. You're referencing Exhibit 7, and
20 I'm assuming it's the same as Exhibit 9, which is the
21 authoritative exhibit that we're using for examination of
22 changes.
23
24
25

1 DAVID WEISSMAN: Yeah, I'm sorry, Mike, I don't
2 have... It says at the top, "Suggestions, page 15," and I
3 believe that's from Exhibit 7.

4 JOEL PAULSON: Yes, it's the same.

5 VICE CHAIR KANE: And I believe Exhibit 9 is the
6 same.

7 CHAIR BADAME: He probably didn't get Exhibit 9,
8 because we got it as an addendum.

9 VICE CHAIR KANE: Well, that's not fair.

10 DAVID WEISSMAN: I agree.

11 CHAIR BADAME: I'm sure he's referring to the
12 same thing that we're looking at in Exhibit 9, so thank you
13 very much. Any questions? Seeing none, thank you, Mr.
14 Weissman. Sam Weidman.

15 SAM WEIDMAN: Good evening, my name is Sam
16 Weidman. Between my wife and myself, we have over 120 years
17 in the Town of Los Gatos; I've had 70 myself. We've seen a
18 lot of changes.

19 I think most of you can probably remember we put
20 up, I think, over 70 slides showing what we felt was the
21 look and feel of Los Gatos. I never got a chance to
22 summarize what that was really all about, but this
23 afternoon I happened to go in on the website and read
24 Exhibit 10, which had the Desk Items also in it, and I
25

1 happened to read the letter from Leonard Pacheco and I
2 think he quite succinctly, if you want, summarized what we
3 were trying to get at, and this is based under the
4 benchmarks of what constitutes design excellence for the
5 North 40 development community addressed by the Specific
6 Plan, and Item 2 he had there was avoid the overuse of
7 concrete, sleet steel, and glass boxes, particularly in the
8 central area. I think one thing you'll find of the look and
9 feel of Los Gatos is you don't see a lot of concrete,
10 steel, and large glass windows, large glass faces on them.
11 That's all I have. Thank you.
12

13 CHAIR BADAME: Thank you, Mr. Weidman. Sandy
14 Decker.

15 SANDY DECKER: Sandy Decker, Los Gatos.

16 I would simply like to say thank you, especially
17 to you as Planning Commissioners. You listened to this
18 community and I want to thank you for supporting our
19 concerns on the impacts of this development. This is a huge
20 tract of land. You supported and participated in the
21 Specific Plan amendment process, making us all hopeful that
22 we will see what the Guiding Principles of this Specific
23 Plan was set to do, and of course that's to make this
24 something that Los Gatos can be very, very proud of,
25 because in fact it does enhance the Town of Los Gatos.

1 Staff, this is a marvelous document. You captured
2 the community's comments, and now we must be sure that this
3 document does come to fruition.

4 Specifically, again, I would like to see you
5 address the amendments without the repetition and the
6 rewrite that you have in this particular document, and you
7 did it because there were several things that were
8 repetitive, so you had to answer the same question again,
9 but I did find it a little bit confusing. I don't know
10 about you, Planning Commissioners, but it was a little
11 difficult to make sure exactly in some cases what the
12 decisions were or what you were in fact suggesting. I don't
13 know that you're suggesting, you're simply listening and
14 putting forward to this body what the community was looking
15 for, but I'd really like to make it clear that what we're
16 looking for is a decision going that direction, and not
17 more confusion.

19 On the last page of Exhibit 7 there are seven
20 general comments that I don't think they've been addressed
21 for the public, and they are the ones where we talk about
22 "shoulds" and "shalls," and yes, there was something that
23 was going to be provided on Monday, December 12th, and I'm
24 sorry, but I cannot find it anywhere, but these seven
25 things were apparently either talked about or addressed, so

1 I'll have to look further, but I'd like if maybe at some
2 point somebody could tell me where they are. Things like
3 underground parking were kind of glazed over. Several of
4 the things were mentioned, but didn't feel like it gave
5 this body an opportunity to really make a viable decision,
6 if you will, if that's the process we're looking for.

7 Anyway, I do thank you. I think you did yeoman
8 service on this particular document. I hope it gives you
9 Planning Commissioners what you need in order to make this
10 work for the community, because you've certainly done the
11 work we needed so far.

12 CHAIR BADAME: Thank you, Ms. Decker. Question
13 for you. Ms. Decker, don't go away. Commissioner O'Donnell.

14 COMMISSIONER O'DONNELL: Really not a question,
15 but hopefully it will be helpful. If you look at Exhibit A,
16 which is a multi-page discussion of "should," and you said
17 you didn't see that, I'm suggesting that if you look at
18 that, that will help you decide whether it's (inaudible).

19 SANDY DECKER: Now, Tom, was that to you as part
20 of this?
21

22 COMMISSIONER O'DONNELL: We got this I believe it
23 was yesterday.

24 CHAIR BADAME: It was an addendum, but I don't
25 believe the public received the addendum.

1 SANDY DECKER: I don't think we received it, Tom.

2 COMMISSIONER O'DONNELL: The hottest thing is
3 something we got today, so this is an old one; we got it
4 yesterday. Anyway, if you look at that, it does address
5 your questions and you can see whether it does it
6 adequately.

7 SANDY DECKER: Thank you very much.

8 CHAIR BADAME: Ms. Decker, Exhibit 9 is online,
9 so you can look it up online.
10

11 SANDY DECKER: We've got Exhibit 9, believe me,
12 but it's finding the various... The last page you're saying
13 is there? We got Exhibit 7, and Exhibit 9 is online?

14 JOEL PAULSON: I'll try to clear this up. Friday,
15 when the Staff Report went out, Staff did not have time to
16 get to the General/Other category, so we provided them with
17 as much information as we had at that point, and the Staff
18 Report stated that on Monday we would prepare the rest of
19 those categories, and this is included in Exhibit 9, which
20 includes two attachments. The one Commissioner O'Donnell
21 was referencing was all the instances where "should" is
22 used in the Specific Plan, which is Exhibit A to Exhibit 9,
23 and then Exhibit B the General Plan Committee requested the
24 Tree Protection Ordinance, so that also is included in
25 Exhibit 9, which is in the addendum.

1 SANDY DECKER: And that came out on Monday?

2 JOEL PAULSON: Correct.

3 SANDY DECKER: Okay. And again, I'm afraid
4 getting through our website sometimes is a little bit
5 difficult, so I'll go back again. Please forgive me. Mary,
6 thank you.

7 CHAIR BADAME: Thank you.

8 SANDY DECKER: Did you have a question, Mr. Kane?

9 VICE CHAIR KANE: When you appeared before the
10 GPC on October 27th you were also talking about some
11 confusion, and then I got confused as to what is your
12 preference on the spread out of the homes? If the number of
13 homes to be built is X, you want those spread out over all
14 three parcels, or what?

15 SANDY DECKER: Well, thank you for bringing that
16 up, because it's one of the things that I commend Staff on,
17 on picking up where we were going as a suggestion, which
18 was a percentage. If you look through this, they do talk
19 about the option of doing a percentage of housing through
20 each zone, and then they follow up of course by allowing it
21 in the tables. So to me, that's this community. It's the
22 opposite to feel like this is an additional neighborhood in
23 this community.
24
25

SANDY DECKER: So that is your preference?

1 SANDY DECKER: Mmm-hmm, very definitely.

2 VICE CHAIR KANE: Okay.

3 SANDY DECKER: Yes, thank you.

4 CHAIR BADAME: Ms. Decker, can you give me your
5 thoughts on the commercial, a reduction in square footage,
6 and separating out for a hotel? Can you give me your
7 thoughts for a hotel?

8 SANDY DECKER: Yes, I have many thoughts for a
9 hotel. In fact, every time I go on a trip and there's a
10 wonderful boutique hotel that looks just like Los Gatos, I
11 walk right up to the manager and ask if I can talk to
12 anybody who could make a decision about moving one of their
13 hotels to our town. But you know that I feel like we should
14 be doing more outreach anyway. There are some terrific
15 opportunities. The world of hotel is not what we think
16 about anymore as this huge, huge monolith in the middle of
17 San Francisco or Dubai. There are some real opportunities
18 here to embrace a wonderful design for a hotel. It doesn't
19 cut the costs by any means, because it's smaller. We all
20 have been to boutique hotels, and we know that they're
21 costly.
22

23 We're desperately looking for revenue, and triple
24 occupancy tax is something that we have already approved
25

1 and want to use as our revenue stream. Well, as far as I'm
2 concerned, I think it should be there.

3 If we do, and hopefully we do, spread the
4 housing, I'd like to see small neighborhood-serving
5 commercial spread throughout the whole complex. I think
6 that would be something that we see already.

7 CHAIR BADAME: Thank you for your comments.

8 SANDY DECKER: Thank you.

9 CHAIR BADAME: Markene Smith.
10

11 MARKENE SMITH: Thank you, Commissioners. I live
12 on Drakes Bay Avenue, I'm Markene Smith, and that's near
13 the North 40.

14 I've spoken at some of the meetings, and to
15 summarize why we're doing this now, we all know it's
16 because in the last ten or 15 years things have changed a
17 lot. We have a much larger population. The housing crisis
18 is worse than ever before. If you read the Wall Street
19 Journal, retail has gone online almost exclusively to the
20 point where it's actually great, because in my neighborhood
21 Amazon, Costco, Fed Ex, UPS, the US mail come at all times
22 of the day and night, including Saturdays and Sundays, and
23 they're doing all the packages at once, and when they're
24 coming with their 30 or 40 packages for my neighborhood for
25

1 various houses they're saving 30 or 40 car trips, and it's
2 a great thing.

3 So to capture the leakage, we're going to have to
4 go online, or start a hotel, and the hotel is the perfect
5 thing, because you could see hills from there, it's
6 beautiful. In my neighborhood there are all the medical
7 centers that have gone in, and people are getting cancer
8 treatments and they're there for all kinds of reasons, and
9 hospice is down the way, and family members come during the
10 holidays certainly. It would be really convenient to have
11 boutique hotels that were in that area for the residents
12 and local people and our families, and for people who come
13 to the various medical facilities.

15 I wanted to double up on Anne Robinson's thing
16 with the trees. I lived in Hollywood in Los Angeles before
17 I came to Los Gatos like 30 years ago, and in Hollywood, in
18 Los Angeles, they won't even allow buildings anymore the
19 distance from the freeway; if they're residential they
20 cannot be that close to the freeway anymore. They're called
21 "black lung lofts," because people do get lung cancer, they
22 get asthma, allergies, and they have more miscarriages. So
23 my suggestion, and I put slides up at another meeting, is
24 to have an at least 100' large tree corridor to take some
25 of the pollution up, because trees will suck it up, and

1 300' is what would be optimal. I'm a master gardener too,
2 and trees, we've done it since Earth Day in the 1960s, and
3 it's because it's climate change and it works. So that's
4 it.

5 CHAIR BADAME: Thank you, Ms. Smith. No
6 questions. Thank you. Shannon Susick. This is our last
7 card, by the way.

8 SHANNON SUSICK: Good evening, Commissioners.
9 Thank you so much for the time, and I'm going to double up
10 on Sandy Decker's thank you, because although you can't
11 tell because it's raining and it's before the holidays,
12 this is a great night for our town, and thank you all for
13 your time and energy.

14 I apologize if you've seen this before, because I
15 did present part of this to the Town Council. Maybe in the
16 holiday spirit it's like *It's a Wonderful Life*. You've seen
17 it again, and a movie can be seen over and over again.

18 I don't think it's been mentioned, and I
19 apologize for being late to the meeting, but I believe that
20 Commissioner Hudes mentioned that out of all the
21 correspondence that you guys received, I think the number
22 one issue was traffic. Just please put something in the
23 revised Specific Plan; please put some language in there
24 regarding traffic.
25

1 (PowerPoint presentation failure.)

2 I'm going to pretend like I remember what was on
3 that PowerPoint, and my main point is that I would ask on
4 behalf of this community that some language be put in the
5 Specific Plan regarding traffic studies. I know that it's
6 costly, costs the Town, but I believe that is the number
7 one issue. There is only one small smidgen in that Specific
8 Plan, and it's that's if there is a significant change
9 within the development it will trigger a new traffic study,
10 and I think in this time and space, and with the projects
11 at Good Samaritan and other projects planned, that it's
12 really vital.

14 Oh, there we go. Do you want to do it? Does the
15 thing work? Just keep going.

16 JOEL PAULSON: And just for the Commission's
17 reference, the slides are in the Desk Item.

18 CHAIR BADAME: Yes, we have it as Exhibit 15.

19 SHANNON SUSICK: Oh, see, I kind of spoiled it. I
20 already told you what the T stood for: Traffic. Keep going.
21 You can just scroll through them. There's no new great
22 information, I just thought that this might be kind of fun.
23 Yeah, just keep going.

24 Please include traffic mandates in the revised
25 Specific Plan. That is not on any of the lists that I saw,

1 and we obviously have an issue with it. I've talked a lot
2 with the Staff and learned a lot about traffic studies, but
3 I think that regardless, this is a major issue for everyone
4 here.

5 It's all right, there's nothing really that
6 everybody hasn't seen before.

7 VICE CHAIR KANE: Ms. Susick?

8 SHANNON SUSICK: Yes?

9 VICE CHAIR KANE: The entire presentation is
10 included in our report.

11 SHANNON SUSICK: But isn't this more fun...

12 VICE CHAIR KANE: Well, I got what T stood for.

13 SHANNON SUSICK: ...me up here fumbling around?
14 Okay.

15 Oh, and that is one issue, and we were talking
16 about that today, that we are possibly losing our VTA
17 service in town, no community bus any longer. And
18 unfortunately most of the people still drive cars; they
19 don't ride bikes here.

20 The Samaritan master plan is a net increase of
21 365,000 square feet of medical space. They finally have the
22 Draft EIR out and are holding meetings on it. That has a
23 significant impact.
24
25

1 Yeah, you can keep going. The pictures are not
2 that great. There we go. T should stand for our town, not
3 traffic. Thanks very much.

4 CHAIR BADAME: Thank you, Ms. Susick. Questions?
5 Seeing none. I have one more speaker card coming. Lee
6 Quintana.

7 LEE QUINTANA: Lee Quintana, 5 Palm Avenue.

8 I'd just like to reiterate what some of the
9 earlier speakers said about what's the rush? I submitted an
10 email to the Town—I didn't mean it to be included in the
11 packet, but it was—about Mountain View and what they call
12 their Specific Area Plan, or something like that, for North
13 Bayshore area. They approved that two years ago, and then
14 they immediately, at the meeting I believe that they
15 approved, initiated an amendment process that they
16 anticipated taking two years.

17 I also included it because I felt that if you
18 read it, it is so much easier to understand. It's organized
19 very well, it's in a manner that doesn't make it
20 repetitive and hard to understand, as Sandy Decker was
21 talking about, so that's one thing I wanted to say.

22 I ask you please to ask the Council to postpone
23 further consideration of this until we know what's
24 happening with the lawsuit, because otherwise you may
25

1 approve something that when the lawsuit is settled will
2 have to come back for another amendment, because it no
3 longer fits with what has come out of the lawsuit.

4 Secondly, on the CUPs, I understand that the
5 downtown wants to be on a level playing field with the
6 North 40, and therefore they've asked for the North 40 to
7 have CUPs, but at the same time, they're also asking to
8 take away CUPs from the downtown, so it doesn't make sense
9 to me to consider one without considering the other. That
10 seems like a separate question that should be answered all
11 at one time, not only for the downtown and North 40, but
12 for all the businesses in town.

14 Thirdly, I thought the suggestion about more
15 affordable housing for the millennials or for whoever only
16 makes \$125,000, I'm all for smaller houses and less
17 expensive houses, but if you consider that for the North 40
18 as a mandate, why not spread that out to the rest of the
19 Town and require all new housing to fit that same criteria
20 as a effort of fairness? I don't think you can do that. I
21 don't think you should do it to the North 40. I know you
22 can't do it elsewhere. I'm not a development proponent or
23 anything like that, but I do think fair is fair, and we
24 need to have a level playing field on fairness. Thank you.
25

1 CHAIR BADAME: Thank you, Ms. Quintana. Diane
2 Dreher.

3 DIANE DREHER: Good evening, Diane Dreher, Arroyo
4 Grande Way, which is pretty close to the North 40.

5 First of all, I'd like to thank you all for your
6 hard work on this measure, and also congratulate a lot of
7 my fellow Town citizens for the incredible work that
8 they've done in terms of research on housing, toxic
9 pollution close to freeways, the need for open space, the
10 look and feel of Los Gatos, the possibility of boutique
11 hotels, traffic studies, and many more things, and I plead
12 guilty to speaking on the subject of "shoulds" and
13 "shalls," being the English professor in the room.

14 I realize that there has been some concern about
15 rushing through this, but I don't see it as rushing, I see
16 it as a very focused, committed, concerted effort by a lot
17 of very dedicated Town citizens who have managed to perform
18 yeoman's duties in terms of research. Therefore, like our
19 Constitution says, "In order to form a more perfect union,"
20 I would commend my neighbors and all of you for working
21 together to form a more perfect Specific Plan for our
22 future in Los Gatos.

23 Thank you very much, and happy holidays.
24
25

1 CHAIR BADAME: Thank you, Ms. Dreher. I have no
2 further speaker cards, unless somebody would like to come
3 forward at this time. Seeing no one come forward.

4 Mr. Paulson, would you like to add any comments
5 before I close the public testimony portion of the hearing?

6 JOEL PAULSON: No, not at this time. Thank you.

7 CHAIR BADAME: Okay, I will now close the public
8 portion of the public hearing.

9
10 To stay focused in our discussion this evening
11 Exhibit 9 will provide the basis for our deliberation as we
12 proceed numerically through the following categories:

13 Residential, Commercial, Open Space, Parking, Height, and
14 General/Other. Starting with Exhibit 9, with Residential,
15 do any of the Commissioners have any comments? Commissioner
16 Hanssen.

17 COMMISSIONER HANSSEN: Item 1 was the one that
18 the Staff flagged as a concern, and we also discussed it in
19 the General Plan Committee. The suggestion in that Lark
20 Perimeter Overlay Zone was we should set a maximum density
21 of eight units per acre. I don't know if all the
22 Commissioners had a chance to read the verbatim minutes,
23 but the reason that that came up was the cottage cluster
24 units were completely ignored in the Phase 1 application
25 simply because they generally couldn't be built at the

1 density of twenty dwelling units per acre, and so there was
2 a feeling that we should have that kind of housing in the
3 North 40 to meet the unmet needs of the community, and so
4 there was a question about doing it.

5 I had some questions, but a comment that I wanted
6 to make relative to Staff's comment is one thing that Staff
7 flagged that we absolutely don't want to do is we don't
8 want to revise the Housing Element, because it's already
9 been certified by the state; that's a place that we really,
10 really don't want to go.

11
12 But in the interest of trying to accommodate the
13 needs of the community, one thing I wondered is we're sort
14 of in a I don't know if I would call it a box, but the cap
15 on units of 270 translates exactly to 13.5 acres at twenty
16 dwelling units per acre, and so if you put something else
17 in there that's eight units per acre, then you don't have
18 the ability to meet the requirement for the 13.5 acres at
19 twenty dwelling units per acre unless you increase the cap
20 on the number of units, so that's a big issue to consider.

21 One thing that I didn't see in this report that
22 we discussed in the General Plan Committee that I wondered
23 about—and I think Mayor Sayoc brought it up—was about
24 averaging. So if we have, say, X acres that are eight
25 dwelling units per acre, and we have other ones that are,

1 say, 25 or 30 dwelling units per acre, is it possible from
2 the state's perspective to average that to net out to 20?
3 And I don't know if we knew the answer to that.

4 JOEL PAULSON: No, I haven't seen that used, and
5 I'd like to start the apologies right off the bat. Where it
6 says the Housing Element needs to be revised, actually we
7 can just make an amendment to the General Plan, but what
8 that does mean is that that number would have to increase
9 by however many units are built at 20 units per acre, and
10 then we could still preserve the language in our Housing
11 Element.

12 I haven't seen the state allow that type of
13 averaging. There is an opportunity where you may have a
14 situation where someone builds at eight units per acre and
15 then you have a higher density, as you suggest. It wouldn't
16 be averaged unless it's part of one project, so I guess
17 that would be the question. If we average it across the
18 entirety of that piece of property, then it could be
19 averaged, but to offset the eight you're going to have to
20 be pretty high, you're going to have to be at least, I
21 don't know, what Matthew probably has off the top of his
22 head.

23 CHAIR BADAME: Yes, and he has his hand up, so I
24 know he's anxious to talk.

1 COMMISSIONER HUDES: I do recall a slightly
2 different answer in the General Plan Committee, because I
3 don't think it's evaluated one acre at a time, so you don't
4 have to have 20 units on this acre and 20 units on this
5 acre.

6 JOEL PAULSON: That's correct, and that's what I
7 was trying to clarify. You could do an average if it's part
8 of one project, but if something came in, hypothetically,
9 just for that area of the Lark District, and it was just
10 eight units per acre, that's where we run into this
11 challenge.

12 COMMISSIONER HUDES: Right. So if it were eight
13 units per acre on one acre, then you'd have to make up the
14 difference maybe across several other acres, so not on a
15 one-for-one that you have to find one other acre where you
16 have to make it up, but it could be, in my understanding,
17 spread across what is considered residential zoning, is
18 that correct?
19

20 JOEL PAULSON: That is correct. The challenge is
21 with multiple property owners and the ability to come in
22 with a smaller project, if it doesn't come in as part of a
23 larger project then you may run into the issue, so you need
24 to provide some flexibility in that instance to allow for
25

1 more use should that occur, and so maybe I didn't go as in
2 depth in that piece.

3 COMMISSIONER HUDES: If I could follow up, do we
4 know otherwise how many acres are involved in this
5 Perimeter Overlay Zone?

6 JOEL PAULSON: We did a rough calculation and
7 it's probably somewhere around an acre.

8 COMMISSIONER HUDES: One acre?

9 JOEL PAULSON: Yeah, approximately.
10

11 COMMISSIONER HUDES: Would it be feasible to make
12 up that difference over the balance of the 12.5 acres?

13 JOEL PAULSON: It would be, because that actually
14 wouldn't be part of... You'd still have 13.5 acres at 20 that
15 we still would be producing, so that's where the challenge
16 comes in. You still have the 13.5 acres at 20, and so
17 that's where the need to raise that number is, because even
18 though you may be able to... And again, this is strictly if
19 you have a project that comes in just for that portion
20 that's lower than 20 units per acre. Whether it's eight or
21 15 or 19, you have to make that up, and if it's not part of
22 a larger project we have to have some flexibility to be
23 able to increase the maximum number for the 270 to be
24 compliant with our Housing Element.
25

CHAIR BADAME: Commissioner Hanssen.

1 COMMISSIONER HANSSEN: This is probably a
2 question that will have to also be discussed at Council,
3 because a lot of deliberation went into coming up with the
4 270 unit number, but if you go later in our packet the
5 environmental analysis did cover for I think you said 364
6 units.

7 My additional question though is about the
8 density bonus. Presumably if we get another application
9 with this new plan there would be affordable housing in it,
10 and if there were enough affordable housing they would
11 automatically qualify for the density bonus, so then if the
12 cap was raised from 270 to, say, 320 or some number like
13 that, then the density bonus could be 35% on top of 320
14 instead of 270, whatever number was proposed?

15 JOEL PAULSON: That's correct. I think the
16 potential limitation here is that we're talking an acre or
17 two acres, we're talking about a fairly small amount of
18 units at that density, so it probably doesn't get up near
19 that point, but it could get there depending on the layout.
20 If someone came in and wanted to do more than just the 50'
21 of cottage cluster at eight units per acre, then again you
22 just start eating into that property that could be used as
23 the 20 units per acre, and you may end up with the option
24
25

1 or the need to have a project that is at a higher density
2 than 20 units per acre.

3 CHAIR BADAME: So increasing the units will
4 increase the traffic and the school impacts?

5 JOEL PAULSON: Not as long as it doesn't go above
6 364, and you can't take the density bonus units into
7 account from the environmental perspective, so there is a
8 possibility there to make that happen depending on the
9 number of acres that are developed ultimately at less than
10 20 units per acre.

11 COMMISSIONER HANSSEN: We did talk in the General
12 Plan Committee, and it's in one of the tables, that the
13 total number would be not more than like 50 units, but
14 nonetheless that could, as you said, Chair Badame, generate
15 additional traffic, because you still have to produce the
16 additional 270 units as guaranteed by our Housing Element
17 at 13.5 times 20. So again, I think the balance is meeting
18 the needs of the community and having some lower density
19 and lower intensity in the Lark District versus adding more
20 units total.

21 JOEL PAULSON: I think just for the Commission,
22 with this, as with all of these, we're going to have some
23 good discussion and there's going to be a lot of good
24 input. I think the bottom line is whether or not in general
25

1 this type of suggestion is something that the Planning
2 Commission ultimately feels should be recommended and move
3 forward to the Council as part of the recommendation, and
4 then, as you stated before, we're going to have the same
5 conversation. We'll get more information and provide that
6 to the Council as well.

7 CHAIR BADAME: Any further discussion on setting
8 the maximum density for residential units in the Perimeter
9 Overlay Zone along the Lark Avenue to eight units per acre?
10 Would anybody else like to comment on that? Commissioner
11 O'Donnell.
12

13 COMMISSIONER O'DONNELL: I assume that the end
14 goal on the total acreage is not to exceed that which is
15 now in litigation, so if we're not careful, we could find
16 ourselves with a greater number than we're now complaining
17 about.

18 CHAIR BADAME: Exactly.

19 COMMISSIONER O'DONNELL: And it does seem to me
20 odd if we take a Specific Plan that we threw out and adopt
21 a new Specific Plan that is worse than the original
22 Specific Plan; that probably wouldn't be progress.

23 CHAIR BADAME: Well, I can tell you that I'm not
24 in favor of this particular proposal. Commissioner Hudes.
25

1 COMMISSIONER HUDES: Just to bring back some of
2 the discussion of the General Plan Committee. I think this
3 was a tradeoff. There was not an assumption that this would
4 automatically bump this up to a higher number of units
5 across the entire area, because already in what we've seen
6 there are some areas that are denser than others, and what
7 we're saying with this recommendation is that this
8 particular zone, which is on Lark Avenue, is not very well
9 suited to residential and we would not want to see dense
10 residential along this particular road. So it was a
11 tradeoff, I understand, but I think at least myself, I
12 would say that I would be supportive of not having as much
13 density on Lark Avenue. We may not come to consensus, but
14 that was my sense.

16 CHAIR BADAME: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: It took a long time to
18 get to where we were with the Specific Plan, because there
19 was an awful lot of input over a number of years and there
20 were a number of people who helped us to get there, and now
21 I find we're going back, and I think that will involve a
22 lot of effort, which is good, however, again, I'm a little
23 concerned about our scheduling.

24 One of the things the original Specific Plan had,
25 not because of the plan but just because of luck, we had a

1 group of three what I'll call developers who told us how
2 they would implement the Specific Plan; this is they had
3 everything but the north part of the property, I think,
4 under contract, or at least under control. The last portion
5 of the property, the northern portion, they had no control
6 over it. We're not privy to whatever their dealings were,
7 but I was given to understand they did not have control of
8 that. However, if we didn't have that circumstance and we
9 simply said here's the Specific Plan, I assume a number of
10 developers could come in and take a piece of it.
11

12 So, for example, in the 20 acres, if somebody
13 came in and said I'll take five of those, and everybody
14 said fine, you're going to do exactly what I said, but I
15 assume that when you said now we need some roads, now we
16 need some sewage, that the developer of five acres would
17 say fine, I'll pay my pro rata share of the roads. But we'd
18 say but that's not going to do any good, because now we've
19 got to wait for the other 15 acres to happen, and oh by the
20 way, the sewage won't work either, because your five acres
21 isn't going to pay for the sewage.
22

23 So the new Specific Plan will be really good if
24 we happen to have somebody come in who wants to do that
25 Specific Plan. So I guess what I'm concerned with is you
can have the best Specific Plan in the world, but if you've

1 got ten people implementing it, I don't see how you're
2 going to get the money to do the necessary things like
3 roadways, sewers, utilities, everything that is paid for,
4 if you assume that a large portion of the property is
5 developed at the same time. So I guess I would ask those
6 who have been studying this now, what do you do with a
7 Specific Plan that is being implemented over a period of
8 years by multiple developers?

9
10 CHAIR BADAME: Would anybody like to comment on
11 that?

12 LAUREL PREVETTI: That's typically one of the
13 implementation issues that are considered, and I think
14 tonight we're really focused on what is the language, if
15 any changes were to occur, that the Planning Commission
16 would want to recommend to the Town Council?

17 There are a variety of implementation mechanisms
18 in some communities. They require whomever the first one is
19 in to build upfront infrastructure, and then they create a
20 reimbursement mechanism, so that way all subsequent
21 developers pay their fair share of what the first developer
22 did.

23
24 There are a variety of ways to do it, but I think
25 for tonight we need to focus on what the Council gave to
the General Plan Committee that has now been forwarded to

1 you, and I don't know if you want motions or how you want
2 to work this, but I think the first issue is really what's
3 that character that you want to see in the Perimeter Zone,
4 knowing that if we do allow for lower density that it will
5 have an implication on the total number? One way to
6 regulate that is to cap how much of the lower density
7 product you want, because my sense is you don't want it
8 open-ended, but you're going to want to have some control
9 of how much low-density, so that way you know how much
10 minimum 20 units per acre you absolutely have to have.

11
12 COMMISSIONER O'DONNELL: (Inaudible).

13 JOEL PAULSON: The Lark Perimeter is 50' and it's
14 just along Lark. There's also a 30' perimeter along both 17
15 and 85.

16 COMMISSIONER O'DONNELL: So those would not
17 address the issues that have been raised of, as I recall,
18 the 300', or 100 meters, so it would be our plan to build
19 the black lung units within 50', is that right?

20 CHAIR BADAME: That sounds right. Commissioner
21 Erekson.

22 COMMISSIONER EREKSON: I was trying to figure out
23 whether I was wise enough to answer Commissioner
24 O'Donnell's question about plan implementation, and the
25 only wisdom that I could come up with is that chapter 6 in

1 the Specific Plan addresses those issues, either adequately
2 or inadequately, but I would suggest to Commissioner
3 O'Donnell to what extent they addressed them adequately or
4 inadequately the General Plan Committee did not suggest any
5 revisions to that approach, so there was no judgment that
6 it was not okay. I'm not suggesting whether it was adequate
7 or inadequate, but just that the issue has generally been
8 addressed and there was no impetus to make any revisions to
9 that chapter coming out of the General Plan Committee. I
10 hope that's a sufficient answer.
11

12 COMMISSIONER O'DONNELL: One parting thing was
13 that I don't remember precisely, but I remember \$12 million
14 dollars; that's a number that caught my attention. It was
15 something like that, which as I understand it was going to
16 be spent upfront on sewage and roads and that kind of
17 thing, and that was not a function of the Specific Plan as
18 such, it was that the Specific Plan was going to be carried
19 out in large measure in one fell swoop.
20

21 What we're doing now is saying we would come up
22 with a Specific Plan that could be done in any sizes. You
23 buy your two acres, you do two acre's worth, and the
24 concept of having the two-acre guy put up the \$12 million
25 bucks would probably be rather difficult.

CHAIR BADAME: Commissioner Hudes.

1 COMMISSIONER HUDES: I would just maybe amplify
2 what Commissioner Erekson said, and if I recall in the work
3 in putting together the Specific Plan, the phasing came
4 last, and so it's sort of you don't want the tail wagging
5 the dog. In fact there were no changes recommended to the
6 phasing section, I believe, and so there are phases that
7 address some of the issues that Commissioner O'Donnell has
8 raised in terms of organizing the work and the way it could
9 be developed into phases, and those seem to be acceptable
10 to several developers who either submitted applications or
11 provided input to the process. Unless I'm mistaken, I don't
12 know that there are things that we're proposing,
13 particularly with regard to this item of density in the
14 Perimeter Zone, that would significantly change that
15 phasing plan, and I would look to Staff to comment on that
16 as to whether that would impact the phasing plan.

18 JOEL PAULSON: It would not.

19 CHAIR BADAME: Commissioner Hanssen.

20 COMMISSIONER HANSSEN: In the interest of moving
21 stuff along, I don't know, it doesn't seem that we're going
22 to get agreement amongst the Commission about this, and
23 because it's a big issue I think that my personal opinion
24 is that it was a great idea to have the cottage cluster,
25 which we'll get to in a bit, about not having to have a CUP

1 for it, but if we got any proposals for that we have to
2 recognize that the densities are likely to be at twenty
3 dwelling units per acre, and that means we're going to have
4 to have more units.

5 So I think we should pass it along to Council and
6 say although it's a good idea, it may not be a consequence
7 that the Town wants to take on, to take on whatever number
8 of units, even if it was 30 or 40, because as we heard, if
9 there was a proposal for affordable housing and the density
10 would apply to an even higher number, we may not want to go
11 there in the interest of getting less intensity in the Lark
12 District that way. There are some other ways we can
13 accomplish it, maybe lower heights and spreading the units
14 across the different districts.

16 CHAIR BADAME: Thank you for those comments. With
17 that, we're going to move on to number two, which is
18 housing units should be spread across all three districts,
19 which I agree with 100%. Commissioner Hanssen followed by
20 Commissioner Erekson.

21 COMMISSIONER HANSSEN: I think everybody on the
22 General Plan Committee agreed that that was a good idea. At
23 the very end we were saying well how are we going to define
24 what it is? I think one of us just came out with the
25 numbers that are in there; it's hard to know if they're the

1 right numbers. The only thing that I noticed is if you set
2 it as the number of units won't exceed, I don't know how
3 you do that in terms of phasing, because if you have a cap
4 of 270 units and they're not in the different... So I'm
5 asking Staff the question: How does that work with phasing?

6 JOEL PAULSON: We'd divide the 270 across the
7 districts, and so it would be first in...

8 COMMISSIONER HANSSEN: First out, okay.

9 JOEL PAULSON: ...first person, and if they took up
10 that whole allocation, then that would satisfy that
11 requirement.

12 COMMISSIONER HANSSEN: So it's actually going to
13 be a number then?

14 JOEL PAULSON: The percentage will translate into
15 a number.

16 COMMISSIONER HANSSEN: Right. So I did the math.
17 It's 108 units in the Lark District, for example, and then
18 if they get up to that number, then that's done?

19 JOEL PAULSON: Then there's no more residential
20 in the Lark District absent a Specific Plan amendment.

21 COMMISSIONER HANSSEN: I mean I couldn't think of
22 a better way to write it. When we talked about it at the
23 General Plan Committee we talked about some ranges and
24 stuff, and so I kind of like the idea of the maximums, but
25

1 it does actually translate into a number since we have a
2 cap on the number of units.

3 CHAIR BADAME: Commissioner Erekson, and then
4 followed by Commissioner Hudes.

5 COMMISSIONER EREKSON: It seemed to me what
6 happened is I think the people who participated in the
7 development of the Specific Plan that's in place today did
8 it with good intentions, and so it seems to me part of what
9 happened in the process of getting an application is that,
10 from the view of some people, we learned that potentially
11 what we intended didn't realize, and that's in fact where
12 some people needed Roloids or TUMS to kind of sort through
13 that. I was trying to figure out, so the Staff has
14 suggested language that says 40% of the units should be in
15 the Lark District, 30% in the Transition District, and 30%
16 in the Northern District, which translates to 108 and 81
17 and 81. If they all qualify for the density bonus it
18 translates to 146 and 109 and 109.

19
20 So I thought let's say we adopt that language and
21 it's in the plan, if I'm a developer who is going to
22 develop it, and because the sum of the percentages is 100%,
23 we don't necessarily have to choose for them to total 100%,
24 because we're setting a maximum in each one that's against
25 a total maximum, but because we chose 100%, I believe if I

1 were the developer, essentially what happens is the maximum
2 becomes the actual, because I would never want to take the
3 land and develop less than I was allowed to do. So if I'm
4 the developer, either a single one or a collective group,
5 and I were developing the Lark District first, I would go
6 to the 40%.

7 I'm going to leave the density bonus out for the
8 moment, because if I wanted to do the density bonus, I'd
9 get there, but that doesn't have anything to do with it.
10

11 And then if I were collectively or individually
12 developing the Transition District, why would I ever not
13 develop it to the maximum I could? Therefore it would play
14 itself out, I believe, as the actuals, not just the
15 maximums. I'm not saying whether that's right or wrong, but
16 I'm saying that my sense is the reality of this would be
17 that we're setting the actuals, we're not setting the
18 maximums, and maybe that's okay, but I think we should just
19 try to project how it would actually happen so that we
20 don't have something occurring that we didn't... So we might
21 even just change the language to say you get 108 units in
22 the Lark District, and 81 units... Because I think that's in
23 reality how it would play itself out, because I can't
24 imagine owning the land and developing it for less than
25 what the maximum is, and so therefore I don't know why it

1 would ever materialize other than becoming just the
2 actuals.

3 CHAIR BADAME: Commissioner O'Donnell followed by
4 Vice Chair Kane.

5 COMMISSIONER O'DONNELL: I guess I'm concerned a
6 little bit about the concept of the density bonus. It was
7 easier in times gone by, because we had 49 units going in
8 that would qualify for the density bonus, and those 49
9 units were on one piece of this property. Now, if you break
10 it up into three, I doubt that you're going to have 49
11 units on one piece of property.
12

13 On the other hand, we've heard from the Town
14 Attorney, and I think he's correct, that to do something
15 like senior housing you do have to have the concentration
16 for many reasons, but we've said you can't have the
17 concentration, because we're going to divide it up three
18 ways, and if you want the bonus then you've got to have
19 this kind of qualifying housing on each of the three
20 parcels, which means it won't work.

21 But the reason it won't work is if you have to
22 concentrate the people, if you get small enough, it just
23 doesn't pencil out. If you have ten seniors in one piece,
24 and ten seniors in another, and 30 seniors in another, I
25 would image that is viewed differently by the developer as

1 opposed to 50 units in one place. You'll recall that we had
2 the 50 units under the original Specific Plan, and the
3 objection was you needed an elevator to get to them, but
4 then somebody said you couldn't build it on the ground,
5 because it just won't happen.

6 Now, maybe it's not our concern what just won't
7 happen, but I'll tell you one thing that probably also just
8 won't happen is if you divide it up so you no longer have a
9 project you can put together with some numbers. Now, maybe
10 I'm missing something. Maybe you could put 50 units on one
11 of the smaller parcels, I don't know, but I do know also as
12 you narrow down to the north property, it is surrounded on
13 two sides, I think, by a freeway, which means the
14 particulate matter and other matter is more acute when you
15 have two freeways than when you have one. I tell you, I'm a
16 senior, and I'm not sure I'd want to spend my declining
17 years—which I've started—surrounded by two particulate
18 generating freeways. So it's really nice on paper.

19 The one thing I'm really concerned about this
20 whole process is the other process took a long time,
21 because we were getting some real back and forth. There was
22 somebody to talk to, is this doable or not doable? If we're
23 going to talk to ourselves, we can come up with a really
24 pretty plan. I don't think it would go anywhere, but it
25

1 will really be pretty, and I think we can all take pride in
2 it, and nothing will happen, and then we can all go home
3 and feel good about it.

4 CHAIR BADAME: Commissioner Hanssen.

5 COMMISSIONER HANSSEN: I heard what you said and
6 I'm a little confused. If you take basically 270 units and
7 you split them up 108 and 81 and 81, there's no reason
8 somebody couldn't make a proposal similar to the Phase 1
9 proposal that we saw that just wouldn't have 320, it would
10 have 180 or 190 units on it and 50 of those could be for
11 affordable housing. I guess I don't understand your
12 question. I had more questions about the table, but I'll
13 leave that aside for the moment.

14 COMMISSIONER O'DONNELL: The only way you can get
15 the density bonus is you have to have the density
16 qualifying additions, in this case, senior. So the guy or
17 gal that buys three or two or one, one would think they
18 might be interested in the density bonus, so all of the
19 density bonus goes to parcel one, then there's none of the
20 density bonus left for parcel two and three. So I don't
21 know, maybe it will work; I don't know.

22 I guess what I'm saying is I feel this is
23 difficult because the other process took so long; the only
24 virtue of that was there was give and take and you could
25

1 talk about things. Here, the group of us who have no
2 experience in what we're talking about, we'll draw up a
3 plan and say we like that, and we'll find out if it works.

4 CHAIR BADAME: Vice Chair Kane.

5 VICE CHAIR KANE: For members of the General Plan
6 Committee or Staff, if we spread the required units out
7 over the three districts, which I'm in favor of, and if the
8 hotel conference center was to be built in the north
9 division, does the spreading of the housing eliminate the
10 possibility of the hotel, or does it then require that they
11 be very dense and next door to each other? Have you looked
12 ahead to see if both concepts, both ideas, are compatible?
13

14 JOEL PAULSON: I see some nodding heads, but I'll
15 jump in as well. I think a lot of these conversations are
16 providing flashbacks to the challenges we had even just
17 going through the first Specific Plan; there are a lot of
18 moving parts here.

19 Density bonus, I'll try to simplify. It's based
20 on the number of units and the number of those units that
21 are affordable at a certain level, whether that's senior or
22 non-age restricted housing. So then depending upon the
23 percentage of that and the type they get some level of
24 density bonus up to 35 units, so it's based on the units.
25

1 In the exercise that you're speaking of, has
2 Staff done a site planning exercise to look at a number of
3 different configurations of what works and what doesn't?
4 The answer to that is no, we would be relying on the
5 development community to come forward, understanding the
6 rules of our existing or amended Specific Plan and then
7 coming forward with the site plan for some, all, or
8 portions of the Specific Plan area, and then we would
9 evaluate that based on the Specific Plan in place at the
10 time, and then the Planning Commission and/or Council would
11 make a determination on that.
12

13 VICE CHAIR KANE: So we don't know if we spread
14 the housing whether or not that would preclude a desired
15 commercial development or a desired hotel and conference
16 center; we'd have to cross that bridge when we came to it?

17 JOEL PAULSON: We would. I think the base desire
18 here is to spread the units. Then again, I think it was a
19 suggestion of a General Plan Committee member, and as with
20 all of this language, it's kind of the starting point
21 language. There are other ways to do it, maybe the
22 percentages should be modified, and so if there's any
23 direction in that regard, then we'd definitely be
24 interested in hearing that.
25

1 I think there, frankly, are just too many factors
2 involved when you do have the number of different property
3 owners, and that's, as I stated before, the whole point of
4 doing the Specific Plan; so whether it's half of the site,
5 whether it's a two-acre site with the Specific Plan area,
6 they're all using the same rules, and so hopefully in the
7 end you come out with a cohesive plan that works.

8 VICE CHAIR KANE: Thank you.

9 CHAIR BADAME: Commissioner Hudes.

10 COMMISSIONER HUDES: I share Commissioner
11 O'Donnell's concerns about us talking to ourselves and not
12 having the benefit of experts, and how that relates to us
13 moving this very quickly, and I am concerned about that. I
14 would encourage Staff to flag those areas where additional
15 analysis or expertise would be valuable in bringing these
16 recommendations forward.

17
18 With regard to the spreading, some specifics
19 about that. Really, we talked about different methods of
20 ensuring that housing was spread, and one of them was
21 particular numbers in a zone; particular percentage was
22 discussed as well. I think I may have contributed 40/30/30
23 with very little thought in terms of whether those are the
24 right numbers. Personally, I think the concept of spreading
25 reflects the public input with regard to issues that were

1 raised during the process as well as specific comments from
2 Town Council members, and I believe from my perspective
3 that the percentage is a good one, because it's a way to
4 see conceptually what this means in terms of impact when
5 you see the percentage weight as compared to individual
6 numbers, and it also allows recalculation if the total
7 number does change, but I am not comfortable with the
8 40/30/30 on the basis of my analysis, because it was really
9 meant more as an example than specific numbers.
10

11 This is where I would invite Staff to confer with
12 some experts on this. I think we have to take this thing
13 seriously, and I think that this is an example where it
14 would be valuable to get that kind of input before moving
15 it.

16 CHAIR BADAME: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: I guess two points.

18 I would have to be educated on this. I don't know
19 how much we paid for the expert advice we got over the
20 seven or eight years we spent on the first Specific Plan
21 versus how much we would... People are asking us. I think,
22 reasonably, the Town ought to go out and hire some people.
23 Well, that's all very interesting, but the Town has a
24 rather limited budget, and so I don't know how feasible
25 that is, and I also don't know, therefore, how much did the

1 developer pay for the experts in the past go round? Because
2 there isn't anybody anymore that's funding this for us. So
3 that's just one question.

4 The second question is the 13.5 acres. If the
5 first person that pulls down 10 acres or whatever says I'm
6 going to take three of those acres and make those 20 units
7 per acre and the other ones I'm going to do some other
8 stuff with, we needed 13.5 and the first person only took
9 whatever they took. Now I guess you're going to count on
10 the fact that you've still got enough land left that you
11 can get your 13.5, but since you have no assurance as to
12 when, if at all, that property will develop under this
13 Specific Plan, is the state going to be satisfied that you
14 develop a portion of the property as 13.5, but not all of
15 it?
16

17 LAUREL PREVETTI: That's a great question, and I
18 think the state, so long as they see that we have a
19 Specific Plan where it still is feasible to get the 20
20 units per acre on the remaining acreage, and just looking
21 at the map of the three districts, there's quite a bit of
22 opportunity. We would have to be tracking, so the first one
23 in would have the greatest flexibility, because they would
24 be the first application. The subsequent developers would
25 probably have more restrictions, because we're going to be

1 under the gun to make sure we produce the density that we
2 need to for our Housing Element, but there's still
3 flexibility, for example, if there's an interest in doing
4 some lower-density product, but I think what we're trying
5 to do is what are the opportunities that we want to create,
6 hotels, residential living, retail, and are we creating
7 those opportunities and spreading them where you want?

8 COMMISSIONER O'DONNELL: If you take 40 acres,
9 which is the wrong number but approximately, and take 13.5
10 and subtract it, and you say so long as I have 13.5 acres
11 left, conceptually I could satisfy the state. So the first
12 person develops and they have none of this in it. The
13 second person develops and they have none of this in it.
14 Now, we know that the third person comes in and we say
15 guess what, you've got at least 13.5 acres and we're
16 essentially telling you what you're going to put on that
17 property, right? So we can say to the first person forget
18 about it, don't worry about it, and the second person the
19 same thing? So long as there is 13.5 acres left that this
20 could apply to, we're copasetic?

21 JOEL PAULSON: That's correct, in theory. You're
22 going to get to a point where, let's just use there's zero
23 units in the North 40 and there are only 12 acres left. At
24 that point we then have to go find another site to
25

1 accommodate those units, and so that would be the exercise
2 that we would go through, and we would be, as Ms. Prevetti
3 stated, tracking that. If we got to the point where we were
4 coming up on the next Housing Element cycle, giving them
5 our progress on the previous Housing Element, and we say by
6 the way, there are no units in the North 40 and we haven't
7 rezoned anything else, then we would have some challenges
8 legally.

9
10 COMMISSIONER O'DONNELL: If we could not as a
11 town in fairness say to people this burden should be shared
12 over the acreage, so that's what people talked a little bit
13 about. If the burden is you've got to have 13.5 acres at 20
14 units per acre, we want to make sure that the first couple
15 of developers aren't skating on that. So do we turn them
16 down if they don't have 22 acres on their first... Well,
17 because again, I told you that a person could come in with
18 two acres the way we're doing this, I guess one acre; it
19 gets very interesting. The old plan had just happenstance,
20 I guess, of a developer, whereas now there is no developer
21 and there's no reason why there couldn't be 30 developers
22 over a period of years. But as we're the goalkeepers, at
23 some point could we say to somebody wait a minute, we're
24 now down to 13.5 acres and we want to make sure that
25 housing goes on that?

1 JOEL PAULSON: That would be a conversation we
2 have. I don't know that we could require it, but at that
3 point if we get into a position where, let's say, we have a
4 development that doesn't meet the 13.5 and we haven't met
5 it elsewhere in the Specific Plan, and they have a great
6 commercial product or project, or a hotel, or something
7 that the Town really desires, at that point approving that
8 project would necessitate the Town rezoning something else.
9

10 COMMISSIONER O'DONNELL: And you think the state
11 would sit there and let that happen?

12 LAUREL PREVETTI: Well, no, that's exactly what
13 we would have to do is we would have to then rezone Oka
14 Road, or the Los Gatos Lodge, or some other property
15 outside the North 40, because we did not meet our
16 affordable housing, our density requirement, on the North
17 40. I would just add two more points.

18 One is that even though we're going through the
19 Specific Plan amendment process we can't predict what size
20 parcel the next developer might have. It might be 30 acres,
21 it might be 24 of the 44 acres, so just because we're going
22 through this exercise doesn't mean we're going to start
23 seeing postage stamp applications. We might see some, but I
24 would imagine that typically when there is a Specific Plan
25 it's very attractive to a builder to try to accumulate

1 property and assemble it, so that way they can do a really
2 nice design and have some nice internal controls for their
3 own purposes.

4 Third, I just want to mention that we essentially
5 have no budget for this effort, so you are seeing your
6 experts before you, such as they are, and I apologize if
7 we're not able to answer all of your questions. We don't
8 have the economics that a developer would have, we wouldn't
9 be able to run the financials as a developer could, but
10 what you do have is expertise in planning and legal, et
11 cetera, so I think we're trying to craft a Specific Plan
12 that can be implemented that balances the needs of our
13 Housing Element with creating a great neighborhood for our
14 town.

15
16 CHAIR BADAME: Commissioner Hanssen.

17 COMMISSIONER HANSSSEN: I understand all the
18 comments that you made, Commissioner O'Donnell. My question
19 is, isn't this more about whether they build commercial
20 versus residential? Because if they build residential,
21 since we have the cap of 270 and it has to be 13.5 times
22 20, we can't have any proposal that doesn't meet the
23 requirement for any residential that isn't twenty dwelling
24 units per acre. That's written in stone in our Housing
25 Element. So then the only question would be is if people

1 came in and built commercial instead of residential—and
2 there are limitations proposed for how much commercial
3 could be in Lark, for instance—just off the top of my head
4 it seems like we have our bases covered, but I don't have
5 the benefit of professional analysis, I'm just thinking
6 about the things that I've heard, and it seems like we
7 would be covered on that.

8 LAUREL PREVETTI: Nicely said.

9 CHAIR BADAME: All right, well we can have this
10 discussion and we're not going to come to an agreement or
11 consensus on several items. Our next item is a table, which
12 is 2.1, the Permitted Land Uses, and that has to do with
13 allowing different housing types throughout the districts.
14 Would anyone like to comment on that?

15 Commissioner Hanssen.

16 COMMISSIONER HANSEN: Yeah, I thought it was
17 part of the same thing, but I guess it's a different
18 section. Right now I don't believe the cottage cluster
19 unit, for example, is allowed in any district other than
20 the Lark District, is that correct?

21 JOEL PAULSON: That's correct.

22 COMMISSIONER HANSEN: I don't have my plan open.
23 I was trying to understand, Staff, why that was proposed,
24 because if you look at what they were trying to avoid in
25

1 the General Plan Committee is the Vision and Guiding
2 Principles of the Specific Plan were to have the Lark
3 District be more residential and adding more commercial as
4 you moved towards the Northern District, so to me that
5 speaks to not offering all the same types of housing.

6 Then on top of that, I don't think we had any
7 discussion about removing the requirement that any housing
8 in the Northern District has to be on top of commercial. So
9 I don't know how you would build townhomes and garden
10 cluster homes and cottage cluster homes on top of
11 commercial. Just help me if I missed something.

12 JOEL PAULSON: No, I don't think you missed
13 anything. This is all under the guise of spreading the
14 units across the districts, so if you want to create the
15 opportunity for someone to do residential where they may
16 not have otherwise been allowed to do that, in your example
17 the Northern District, yet clearly you're not going to do
18 cottage cluster on top of commercial in the Northern
19 District.

20 But this is trying to illustrate that if you want
21 to have the opportunity for residential units to be spread
22 across all districts, then there are a couple of options,
23 and this gets a little bit to Ms. Decker's comments of
24 trying to follow and when things are in multiple places,
25

1 and the reason is we were trying to deal with that specific
2 topic where it was, and so then you may or may not have
3 noticed that when it's repeated later in the document the
4 underlined red font turns to underlined black font, and
5 then the new portion of that is related to that specific
6 section.

7
8 So the conversation here is if there is some of
9 these uses that you don't think should be permitted uses
10 from a residential standpoint across all three districts,
11 then we can do that. I think you run into the issue,
12 because there was some conversation on this later on as we
13 go through the document of whether or not there should be
14 residential above commercial.

15 As with many of these, which as we're seeing will
16 happen tonight, we're not going to get any clear consensus
17 and there will be varying opinions. So we're just trying to
18 throw out options again. This is all really starting point
19 language for a conversation and discussion, and if you
20 don't feel any of this is appropriate, then we're happy to
21 forward that recommendation and move that on to the
22 Council, that's for sure.

23 CHAIR BADAME: Commissioner O'Donnell.

24 COMMISSIONER O'DONNELL: I think it's true, and
25 perhaps I'm reading something that wasn't there, but it

1 certainly is true conceptually, we're not locked into
2 making the north property have to have it above retail,
3 because if we're now saying we're changing the rules and
4 we're going to divide the housing up we could say it's not
5 reasonable if we're going to do that to say it all has to
6 be above the retail. So we could get rid of that and say if
7 you want to put it above retail, great, but if you don't,
8 that's okay too, because if we're going to say 30% or
9 whatever of the housing is going to go in that, it probably
10 makes no sense to say that 30% has to be second story and
11 above kind of housing; and I don't think we're locked into
12 that.
13

14 So unless somebody feels that we want to be
15 locked into that, but I would suggest to you that we
16 probably wouldn't get the 30% ever built, at least under
17 present circumstances if you said it has to be second floor
18 above retail, but the good news is we're not stuck with
19 that, we can decide it doesn't have to be. Now, we talked
20 about in here that when it's close to some of the roadways
21 we said yes, there it would have to be on the second story,
22 but that's much more limited and it was spread out better.
23

24 LAUREL PREVETTI: And in fact if you just look
25 ahead to page 6, Item 11 shows a different version of the
permitted land use that essentially would remove that

1 restriction from the Northern District, as you say. These
2 things are interrelated, as Joel was mentioning and the
3 public observed, so that's certainly for your
4 consideration.

5 CHAIR BADAME: Commissioner Hudes.

6 COMMISSIONER HUDES: I had a question of Staff
7 relating to the comments that we received from the public
8 about locating residences away from freeways. Have we
9 researched this at all? Are there either practical or
10 accepted standards for this? Have other municipalities been
11 addressing this proactively? I'm sure it's an area that's
12 changing, that's probably not static, but do we have any
13 information about whether we should enforce the 300 that
14 was presented? What's Staff's opinion on locating with
15 proximity to freeways?
16

17 JOEL PAULSON: I don't have any information on
18 other jurisdictions, Ms. Prevetti may, but as was also part
19 of the materials that were presented by Ms. Robinson, the
20 EIR evaluated that, and that was based on requirements and
21 thresholds that are adopted by the state and then probably
22 ultimately Bay Area Air Quality Management District, and so
23 that is the restriction.
24

25 The initial—and I don't have it in front of me—
but I think the initial prior to 2015 when new air quality

1 standards were going into place for vehicles or for diesel
2 trucks it was a larger setback, but after 2015 it was
3 allowed to be moved down to the 50', so that meets the
4 technical threshold. Whether you think more should be done
5 as a matter of the information that's provided, I think
6 that discussion also is farther down in one of the other
7 sections.

8 COMMISSIONER HUDES: Okay, so that's helpful. It
9 does weigh in on this table to some degree and this is
10 where things are interrelated; that's why it's helpful to
11 have that information now, and I think we should discuss
12 that in some more depth when we get to that point.

13 But again, the General Plan Committee did not
14 propose, I believe, much adjustment to this table, and I
15 wouldn't be in favor of having cottage clusters mixed with
16 the more dense retail environment in the Northern District,
17 but again, I think this is a little bit of the tail wagging
18 the dog. I think you start with what do the districts look
19 like? What percentage of residential and commercial do they
20 have? Then you work on the housing type that fits into
21 that. I'm concerned that we're locking onto the numbers
22 that I put out there without much analysis and then
23 revising this table on that basis, and so I'm concerned and
24
25

1 I would not be in favor necessarily of making changes to
2 this table.

3 LAUREL PREVETTI: Actually, from a Staff
4 perspective, if the goal is to spread the units, whether
5 it's 33%/33%/33%, that's one approach, but actually given
6 the Vision Statement for the Lark District, which has some
7 language about primarily being residential, that lends
8 itself to support a notion of 40%, something slightly
9 higher in Lark compared to the others. So while the
10 Commissioner may not have given it much thought, it
11 actually suits the purpose and is consistent with the
12 language that's already in the Specific Plan, so that's why
13 Staff continued to promote that idea.

15 I think when we were modifying the permitted land
16 uses, all we're saying is that if you want to spread the
17 units, then we probably need to create some options for
18 additional housing types. So if, for example, the
19 Commission says we appreciate that, but for the transition
20 zone in Northern cottage clusters is appropriate, it's too
21 low of a density, we're already going to be challenged if
22 we do any of that up anyway, so let's just keep that in
23 Lark.

24 That could be part of your recommendation, but I
25 would say you might want to give consideration to townhomes

1 or row houses in at least the Northern District, just so
2 that you have more flexibility, especially if the
3 Commission—as we'll be discussing later—takes away the
4 vertical mixed-use requirement where the housing has to be
5 above commercial, then your developers are going to want to
6 have more choice as to what product they could build to
7 meet the housing objective.

8 CHAIR BADAME: Commissioner O'Donnell.

9 COMMISSIONER O'DONNELL: I think we should not
10 forget that the original Specific Plan had a different
11 concept than what we're talking about. The tail end of the
12 housing got to the Northern District, that's why it was on
13 the second floor. Most of the housing went on Lark, and the
14 name of the Transition District tells us what it was, and
15 that tells us it transitions into something that isn't
16 housing.

17
18 But now we're say it is housing, because we're
19 going to take 40%, which leaves 60%, and we're going to
20 divide that equally so it's 30%/30%. The Transition
21 District will be no different than the Northern District,
22 so it really, perhaps, won't be transitional. Those things
23 are just names and they came from a different Specific
24 Plan, so I don't think we should be hung up on those.
25

1 But if we're sincere about saying we want a
2 significant number of houses on the North 40, then let's
3 get rid of all the stuff that would be an impediment to
4 that, and that would be building on the second story. I do
5 think we have to take into consideration things we haven't,
6 i.e. is there any problem with the dual freeways, and how
7 does it lay out? Now, we're talking like land is just a
8 shirt and you just cut it; we're not doing that. I don't
9 know what it looks like down there, but I know in the past
10 where we spent seven or eight years we said oh no, we're
11 not putting a lot of housing down there. In fact, putting
12 it on the second floor was almost like we're not putting
13 any housing down there.

15 Now we're saying we don't have any background in
16 this, we don't really know what we're doing, but it sure
17 sounds nice if we spread the housing around. I agree we
18 should spread the housing around, but then I think we have
19 to access the new Specific Plan as a new Specific Plan and
20 not try to jam things into the old Specific Plan.

21 But one thing I think Staff is worried about, and
22 maybe I'm wrong, we don't want to do something that says
23 wait a minute, now you have to do a new environmental
24 study, and I agree with that. If we can say we want 30% of
25

1 the housing on the northern property, I don't see why that
2 would trigger the environmental problem.

3 I will say traffic will be different. If you put
4 40% here, 30% here, and 30% here, the traffic pattern is
5 going to be different, but I think we definitely don't want
6 to defend the old names, the old nomenclature, the old idea
7 of where we're going to put it. I think we should start
8 with we're going to spread the housing over the whole
9 thing. I think Commissioner Hudes is right, we just can't
10 pull a number out of the air, which is kind of what we did,
11 and I respect you for saying that. So we've got to get to
12 that, and maybe we have to say a little bit looser. Maybe
13 we say 40-50%, I don't have any numbers, but make it a
14 little bit looser. I think everybody has said let's spread
15 the housing, and I'm all for that. How we spread it and
16 what percentage we spread it, we've got to get to.

18 I don't want to beat a dead horse, but let's
19 remember let's not lock ourselves into the old Specific
20 Plan if we're going to make these substantial changes.

21 CHAIR BADAME: Commissioner Hanssen.

22 COMMISSIONER HANSSEN: Just having heard the
23 discussion, I think we haven't discussed it, but I agree
24 with Commissioner O'Donnell that if we're going to go to
25 this direction I think we have to consider removing the

1 requirement for having residential over commercial in the
2 Northern District, because you have to offer enough
3 flexibility to potential developers. Further, I agree with
4 our Town Manager's comments.

5 I would probably just think about this table,
6 with the exception of the cottage cluster units, as at
7 least a starting point, but without the cottage cluster in
8 Transition District and Northern District, as a starting
9 point of trying to have a flexible enough system that fits
10 within the existing plan. But we might want to think about
11 the numbers again, because the one problem with the
12 40%/30%/30% is although it does make it fairly even, it
13 does make the Transition District and the Northern District
14 basically equal from that perspective. I mean there isn't
15 anything that's going to make one different than the other.
16 We have to look at the commercial uses, but I think that
17 it's not going to be that much different.

18
19 CHAIR BADAME: Commissioner Erekson.

20 COMMISSIONER EREKSON: To Commissioner
21 O'Donnell's point, I raised the question, as Ms. Prevetti
22 and Mr. Paulson know, at the end of the second General Plan
23 Committee meeting about if in fact we're intending to
24 significantly change the nature of the plan then we might
25 need to rethink the concept of the districts, and that

1 wasn't greeted with any applause by the other members of
2 the General Plan Committee, including either of the Council
3 members who are on it, and I assume Mr. Paulson was
4 professional enough not to really cheer when they did that,
5 since it would involve a significant amount of work on this
6 staff.

7 That being said, my sense is—and I know from
8 talking with Commissioner Hudes that he did in fact use
9 them as examples, not as what he was suggesting—if I assume
10 that we're going to maintain the district descriptions in
11 general from them, then I might suggest that the percentage
12 difference between the Lark District and Northern District
13 should be greater than 10%. For the sake of making the same
14 error that Commissioner Hudes made, I might suggest that
15 the first number for the Lark District, if you look at the
16 language in the Lark District, that it's intended to be—I'm
17 going to use my language, not what's in there—heavily or
18 primarily residential, the numbers should probably be at
19 least 50%, at least 50% in that area, and so that would
20 suggest to me if there's not supposed to be as much
21 residential in the Northern District that it needs to
22 shrink down some, so maybe make it half of what it was.

23 I'm talking about conceptual numbers but also
24 getting close to actual numbers, so you might have 50% and
25

1 25%, and then I do think the sum of the percentages,
2 whatever they end up being, should be in fact greater than
3 100%, because if not we are literally, I believe from a
4 developer standpoint, just prescribing what it is and we
5 will take some flexibility away, and we would need to
6 figure out what the language is that says the maximum is
7 against these percentages but the total can't exceed.

8
9 I don't know how you write that language, but we
10 do that with the square footage of commercial and other
11 square footages where the sum of the parts is greater than
12 the total that's allowed, so I assume there's a way to do
13 that, because then we provide some flexibility as we move
14 through the process.

15 We shouldn't assume just because we got an
16 application, and the first time we got an application that
17 it started in the Lark District, that if in fact the Town
18 prevails in the existing litigation that the first
19 application that we could get with a new Specific Plan
20 would necessarily start in the Lark District; we shouldn't
21 assume that, because it might not. It might start in the
22 Northern District, or it might start in the Transition
23 District, it might start most any place, so we shouldn't
24 assume that. We would need the flexibility to allow that
25 maybe it starts in the Transition District, so we need the

1 flexibility to allow that to be maybe 40% of the housing or
2 some other, because we might have someone who would come
3 into the Transition District and take ten acres and develop
4 it at 20 units per acre, we don't know, so it seems like if
5 that sum of the percentages is exactly 100% it becomes
6 prescriptive and takes away flexibility that might serve
7 the Town and enable developers to be more responsive to us.

8 CHAIR BADAME: Commissioner Hudes.

9
10 COMMISSIONER HUDES: I would agree with both
11 points that I picked up out of many that Commissioner
12 Erekson raised, one being to put a mechanism for
13 flexibility in there, and if we think that one way to do
14 that would be to have an up-to percentage number that was
15 greater than added up to 100% in total, that might be one
16 way to do it, and I'd be supportive of that.

17 Also, on reflection it makes sense to be
18 consistent with the language that's been written for the
19 different districts, and so something that reflects
20 potentially a higher percentage in the Lark District would
21 make sense to me as well.

22 CHAIR BADAME: Commissioner O'Donnell.

23
24 COMMISSIONER O'DONNELL: I think all this is
25 necessary. You people have gone through it on your
committee and I have not, so bear with me for a minute. I

1 don't know how we stay with the original concept, because
2 the original concept was housing, transitional, basically
3 non-housing, and there's a consensus of opinion that the
4 only way you can kind of take care of some of these
5 problems is to make a better spreading across the property,
6 and nobody is disagreeing with that, but that will change
7 what the original concept was, and I think we ought to just
8 say that. It doesn't do any good to say we're going to stay
9 with the original concept; we're just going to change
10 everything.

11
12 I agree that more than half of it, perhaps, or
13 half or more, can stay down with the Lark District, because
14 that just made sense for many reasons. Then the question
15 simply becomes how much do you put on what we call
16 Transition versus how much do you put on Northern? I don't
17 know, and maybe we don't have to know. We can say there's
18 50% less, and we want to make sure that at least X percent
19 of that goes on each, because otherwise we wouldn't be
20 spreading, but there might be some flexibility and I think
21 that's what has been said now twice, so that at the end of
22 the day there will be more housing, for example, on the
23 Northern than there might be on the Transition, we don't
24 know, it depends on the people who come in. But, and this
25 is Commissioner Erekson's point, you're starting with more

1 than 100%, but at the end of the day you can't have more
2 than 100%, but you didn't know that going in, but you will
3 certainly know it coming out, and at some point a developer
4 is going to say whoops, now I know where we are on this
5 last piece.

6 I don't want us to fall into this concept of
7 somehow we're keeping the old plan, because we aren't,
8 unless we say it is true that Lark is going to be primarily
9 residential; that I would agree with. I don't know what
10 we'd say as to Transition and Northern, because Northern is
11 now a heck of a lot more residential than it was to start
12 with. We have said before it's not going to be primarily
13 housing; now it could be as much as 25% of the total number
14 as housing. That's a lot of housing compared to the
15 Transition, which also might be 25%, or Northern could be
16 30%, let's say, versus 20%.

18 CHAIR BADAME: All right, I'm going to interrupt
19 here, because I'd like the Town Manager to address us.

20 LAUREL PREVETTI: Well, I think this is a really
21 valuable conversation, because it's kind of getting to the
22 fundamental point about what is our responsibility, and
23 what's being asked of us this evening and at subsequent
24 hearings as we consider amendments to the plan?
25

1 The Council gave us some boundaries when they
2 first started this back in September. They said try to
3 identify specific changes to the plan that address the
4 concerns that were raised during the first application, so
5 that we can have better certainty that the next time an
6 applicant picks up the plan that they will know what it is
7 the Town wants and will be able to provide an application
8 that meets that.

9
10 Then they said work within the parameters of our
11 existing Environmental Impact Report, our existing Housing
12 Element, and we're not doing a total rewrite of the
13 Specific Plan, so I think the delicate line we're trying to
14 find is how do we do something like spread the housing
15 across three distinct areas that have been defined as land
16 use districts in a way that maintains the integrity of this
17 notion of three districts? I think the basis of this
18 conversation is saying that the 40%/30%/30% might have been
19 a good starting point, but that's inherently inconsistent
20 with the notion, so I think you've convinced us. Both Joel
21 and I have moved off the 40%/30%/30%, and whether it's
22 50%/30%/20%, or up to 60%/20%/20% or some other range, the
23 point has been made and that's been very valuable.

24
25 I think as we continue to move forward we're
going to have to do the additional work of really going

1 word-by-word and seeing this is a Transition District,
2 because it provides a certain mix of uses, and the Northern
3 District has also a mix of uses, but may have a different
4 balance of what that mix is. It might have more commercial,
5 office, retain than housing, but it will still have
6 housing, so have we met that objective of spreading the
7 units? So it will take some finesse, but I think we have
8 not been asked to do a new Specific Plan.

9
10 CHAIR BADAME: Commissioner O'Donnell followed by
11 Commissioner Hanssen.

12 COMMISSIONER O'DONNELL: I don't know where we're
13 going now. Maybe we're going to wait for some further work.
14 I don't know where we're going, but I believe this exercise
15 is to attempt to address the concerns of our citizens who
16 were not happy with the original plan, so I think we have
17 to do more than tinker with the location of the density,
18 because if all we're going to do is to say we could have
19 had 335 units and we're to spread those 335 units over the
20 whole property rather than part of it, aren't you all happy
21 now, the answer is going to be no, we're not all happy now.
22 So I think we have to decide a little bit about what do we
23 have to do besides...

24
25 Part of the real objection to our look and feel
and things like that, which are going to be very, very

1 difficult, I really think this housing thing, when I think
2 we've essentially been told you want to spread that around,
3 we can do that, and I think we can come up with better
4 concepts on how to do that, I honestly don't think that's
5 going to be as big a problem as the other problems, which
6 are what were people really unhappy with? If you had to
7 summarize it, it would be look and feel. Now, there's still
8 the question of can we ever satisfy people on look and
9 feel, and I don't know the answer to that, but we can
10 certainly try. We're going to get to that I assume, but
11 that's really going to be where this is.
12

13 CHAIR BADAME: Commissioner Hanssen.

14 COMMISSIONER HANSSEN: With respect to the
15 comments that our Town Manager and Commissioner O'Donnell
16 just made, we haven't talked about the commercial yet, but
17 as it stands there's a proposal to, in addition to the
18 total limits on numbers of square footage potential, put
19 limits on percentage of square footage in each district. So
20 if you look at the mix, and I don't think you were
21 necessarily having to throw out the intent of the plan, if
22 it turns out that it's accepted that there's going to be a
23 higher percentage of commercial in the Northern District
24 than the least percentage in Lark, and then you kind of do
25 a little of the opposite on the residential, I don't think

1 it completely changes the intent of the districts. I mean,
2 we'll have to look at the total picture, but it seems like
3 we're not that far off, although when I first looked with
4 the percentage thing I did have the same concern that
5 Commissioner Erekson did, which is if you don't have more
6 than 100% we might not get what we need, and so we might
7 want to change those percentages.

8 CHAIR BADAME: Vice Chair Kane.

9 VICE CHAIR KANE: I have an asset and a
10 liability. The liability is I wasn't in on the ground floor
11 and I don't serve on the GPC. The asset is I wasn't in on
12 the ground floor and I don't serve on the GPC. I think the
13 closer you are to this the more you're going to beat it to
14 death, and I'm listening, and I'm listening and I'm
15 learning. No offense, guys, I love all of you. God so loved
16 mankind that she did not send a committee.

17 The Town Council wants us to give guidance, and
18 what we've heard from the people, from the hundreds and
19 hundreds of letters that we've received, and we know what
20 those are, I would say that we've gotten to a point where
21 on 2-5-1 maximum development clearly there needs to be some
22 flexibility, and there needs to be a fundamental concept
23 that the majority of houses, or a larger number of houses,
24
25

1 needs to go into Lark, so that means you've got X, and then
2 you've got smaller numbers in the other two.

3 Off the top of my head, I've always seen—and I am
4 stuck in the old version, Tom, mentally—that the middle
5 ground was going to be commercial, and the northern ground
6 was going to be don't know, and what I'm thinking for the
7 northern ground is what I've heard from the people, and
8 certainly it meets my opinion, that that's a place for a
9 hotel and a conference center.

10 So we say to Council this might be a workable
11 idea, and there's the flexibility to do whatever numbers
12 needs to be done to get to the 270 or the other number with
13 the housing bonus, and what we've done on 2.1 is, again, a
14 whole bunch of flexibility. Now it conflicts with 2.1; we
15 can discuss that later. I don't understand, one of them
16 says Northern District with above commercial, and the other
17 one says Los Gatos Boulevard, but whatever it is, it gives
18 support to the idea of flexibility, and that's, I think,
19 what Council needs to know, what we think we've heard from
20 the people, and what we think we think, and then they can
21 take it from there and give it back to the experts to do
22 the actual language.

23 COMMISSIONER O'DONNELL: Thank you for clarifying
24 that.
25

1 VICE CHAIR KANE: I just think we're beating
2 these guys to death and we need to make recommendations,
3 common sense, that we heard.

4 CHAIR BADAME: All right, Commissioner Hudes, and
5 then after that we are going to take a break.

6 COMMISSIONER HUDES: I would just add that I
7 agree with the Town Manager's proposal on how to handle
8 this, and I think it's adequate in terms of addressing the
9 public's needs and responsive to the Council. I personally
10 am not very good at getting into philosophical discussions
11 about is this new, is this a change? For me, I'm going to
12 take these one at a time, and I think that this is within
13 the direction that we were given by the Council, and I also
14 think it's within the direction that we were given by the
15 public.

16 CHAIR BADAME: All right, with that we're going
17 to take a ten-minute break.

18 (INTERMISSION)

19 CHAIR BADAME: The meeting has resumed, and Vice
20 Chair Kane would like to make some comments.

21 VICE CHAIR KANE: I just want to clarify, if I
22 might, my ending remarks.

23 I've read the verbatim minutes of both the GPC
24 meetings, and I think they are absolutely outstanding. I
25

1 mentioned to somebody I don't know why we didn't do this in
2 the first place, but that's very complicated, and I wasn't
3 here.

4 I've also read the Exhibit 9, and all of the
5 letters from all the public, and I think Exhibit 9 has got
6 it right. We can tweak it here and there, but Council wants
7 guidance on what we think and what we think we've heard
8 from Town people, and I think it's all here. If you read
9 those minutes of the GPC and you read Exhibit 9, it's 90%
10 all here. This is a great document, and I think we should
11 accelerate our progress, maybe even take a null hypothesis
12 approach to what is wrong, what doesn't work with Exhibit
13 9? I haven't found a lot of fault with it, but again, I
14 haven't spent as much time as the GPC committee members
15 have, but I'm not speaking for the Commission, I'm speaking
16 for me, and I'm advising Council that I think this is a
17 great document, I think it's mostly here and it's vastly
18 improved, and that's the message they ought to get.

19
20 Then give it to Mr. Paulson, who has got the
21 expertise to work out these kinks to the degree he can with
22 the resources at this disposal, and that's going to be
23 we're not expediting, we're giving Joel the three months he
24 needs to put this all together.
25

1 So that's what I think. I think we can run it
2 through the temptation of beating it death, we can go
3 through it, but take the position that this is a really
4 good document, GPC did a great job, and I think the people
5 are consistent with what's here, because it's in their
6 letters. That's what Council needs to know, and then Mr.
7 Paulson needs to get on with his job.

8 CHAIR BADAME: Well stated. Commissioner Erekson.

9 COMMISSIONER EREKSON: Based on Commissioner
10 Kane's comments, I think Mr. Paulson should ask the Town
11 Manager for a raise.
12

13 VICE CHAIR KANE: I agree, and additional
14 staffing, but he says he has no budget, so we're stuck.

15 CHAIR BADAME: I'm going to call the question.
16 All in favor?

17 All right, we need to move along, and hopefully
18 we can go quicker, and some of these items might be easier.

19 So we are on Item 3 about the vision of how we're
20 spreading these units to make it fit with other uses and
21 fit in the neighborhood idea. So 2.7.3 talks about guiding
22 future residential development that reflects the
23 traditional character of existing residential architecture.
24 Comments? Vice Chair Kane.
25

1 VICE CHAIR KANE: Commissioner O'Donnell has
2 mentioned a couple of times that the riding factor in the
3 issue is the look and feel of Los Gatos, and now Council
4 has heard that again; I think that is a key issue. Given
5 our housing requirements that is a challenge, but we did
6 have a gentleman here who gave us 85 pictures last time,
7 and maybe they could be included as a document or
8 supplemented by work of our own to give the developer a
9 better idea of what it is that we're looking for and what
10 it is we think the people want and need.

11 CHAIR BADAME: Commissioner Hanssen.

12 COMMISSIONER HANSSEN: I'm going to be really
13 quick. I wrote down two words when I read that, and I said
14 "good idea" about the pictures.

15 CHAIR BADAME: Commissioner Hudes followed by
16 Commissioner O'Donnell.

17 COMMISSIONER HUDES: I agree, I think it's a good
18 idea; that was my reaction. I also appreciated the language
19 from Mr. Pacheco on this, but I believe that wouldn't fit
20 here, that that language might fit for appropriately
21 somewhere else, and that goes into explaining traditional
22 character of the existing residential architecture. I
23 didn't have time to take that comment and figure out where
24 it goes, but I did want to say that I think that language
25

1 would be a valuable addition to the plan, maybe not in this
2 spot, but maybe somewhere else.

3 CHAIR BADAME: Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: The problem I have is
5 I've only lived here since 1972. When you look at the unit
6 sizes, 500 square foot unit, it's pretty hard to get the
7 look and feel of Los Gatos out of a 500 square foot unit,
8 so I don't know, the look and feel. I remember what houses
9 looked like in the Second World War, and they were pretty
10 small, and maybe we're going back to the Second World War
11 construction. Again, I don't know that that's the look and
12 feel of Los Gatos.
13

14 I think we have more of a problem, because if we
15 make the units smaller the concept of look and feel can be
16 done, I think, but I think it will be a question of how we
17 do it. I think it would be easier to do it, for example,
18 with the cottage cluster than it might be with townhomes,
19 but perhaps not with row homes. Now, we don't have anybody
20 helping us like an architect or something, but when I just
21 sit here and say how many 500 square foot houses do you
22 know in town, how many 500 square foot anything do you have
23 in town, and so look and feel, it's going to be a trick. It
24 could happen, I guess, but I just don't think it's a gimme,
25 and therefore I think what we're doing here, going over it

1 item-by-item, is necessary. I think Joel did a wonderful
2 job, but the whole point of everybody is so that we can add
3 our thoughts and we can take them into consideration.

4 I'm as troubled by look and feel today as I was
5 on the original, because that's a very amorphous concept,
6 and hopefully we can come up with something that would be
7 clearer, because if I were going to try to interpret look
8 and feel, my interpretation, I guarantee, would be
9 different than somebody else's. I don't know what we do
10 about that, but perhaps by going over all this we can.

11
12 If there were anything we can do which is
13 helpful, it would be help the Council know how to talk
14 about look and feel in a way that somebody could be guided
15 by it. I'm not guided by the concept of Los Gatos, because
16 I have a view of what parts of Los Gatos look like and what
17 other parts don't, and so hopefully we'll be able to help
18 on look and feel.

19 LAUREL PREVETTI: I'm sorry to interrupt, but
20 there are a lot of images in the document, and actually I
21 think maybe for homework, if I could be so bold, there
22 might be some images that you feel maybe they really don't
23 belong in the Specific Plan, they're too boxy, they don't
24 really represent the look and feel, so I think it would be
25

1 of interest to know, well, maybe some of these need to not
2 be in the illustrative guidelines.

3 And we do have an architect on staff, so we have
4 a professional who has expertise both in public and private
5 sector to help us with this, but I think it would be
6 instructive to really look at the images in the plan and
7 say, you know, some of these have got to go, because
8 they're sending the wrong message.

9 COMMISSIONER O'DONNELL: One of the big problems
10 before was the look and feel of large buildings, for
11 example. Not everything was going to be residential, and
12 that was a very difficult concept, because if you're going
13 to build a 30' high building that's going to be used for
14 commercial purpose, look and feel then is all over the lot.
15 You can say it should have looked like Lunardi's, it should
16 have looked like Nob Hill. What should it look like? And
17 those are typically not great architectural buildings, if I
18 can be so bold, so as we get into this we'll have to decide
19 what the heck does look and feel mean? But I will do what
20 you're suggesting, go back and look at the pictures.

21 CHAIR BADAME: Vice Chair Kane followed by
22 Commissioner Erekson.

23 VICE CHAIR KANE: Well, again, the flexibility is
24 what's important. Four says require small or more
25

1 affordable. Yes. Five says allow smaller units from 900 to
2 1,500, and I agree with Commissioner O'Donnell, is 500 a
3 practical... But again, it's range, and so if there was a
4 studio--somebody wrote a letter about people looking for a
5 small studio as a starter--500 is really, really small. I
6 don't know if that's practical, but we give Council a
7 range, and we make the point that we want some of them
8 smaller, we want some of them more affordable, and if you
9 want to start at 500, that's fine, if you want to start at
10 900, that's fine, but we're giving them the flexibility,
11 because that's what people have asked for, and so I'm okay
12 with four, five, and six, just for openers. Oh, and seven,
13 if we can do it. Can we apply BMP to all of the land, or is
14 there a limit on that?

16 JOEL PAULSON: The guidelines from the BMP
17 Ordinance do apply to the site.

18 VICE CHAIR KANE: Great.

19 JOEL PAULSON: It's already in the Specific Plan.

20 VICE CHAIR KANE: I'm okay with that one too.

21 Like I said, I think they did a great job.

22 CHAIR BADAME: Commissioner Erekson.

23 COMMISSIONER EREKSON: The language itself that
24 was suggested by the Staff in my opinion doesn't add any
25 greater clarity; it just adds some other words. It provides

1 more words to debate, that is what I think it provides.
2 That's not necessarily meant as a criticism, just as an
3 observation.

4 I think the residential architecture is eclectic
5 throughout the Town, because the neighborhoods in the Town
6 were developed over three centuries, so they're eclectic,
7 so I think there's no harm in the language that was added,
8 but what I wrote down in my notes coming was, "As
9 illustrated in," which is exactly where the Town Manager
10 was going. So I think there's no harm in that language,
11 unless it's just left by itself, because all it does by
12 adding it is allow more debate.
13

14 But then I would say, "As illustrated in," and
15 then how many... Whatever we mean by this language, we
16 illustrated it then, and then we can say hmmm... So a
17 developer comes, they give us a picture of a building, we
18 can say hmmm, doesn't look like any of these pictures,
19 apparently it doesn't reflect the traditional character of
20 existing residential architecture in Los Gatos, but now we
21 don't have any basis upon which to do that.

22 CHAIR BADAME: Vice Chair Kane.

23 VICE CHAIR KANE: I agree with that completely,
24 and I meant to put that in my remarks that I don't see it
25 here, but it ought to be added that we've included an

1 addendum of all of the pictures that you referenced, and
2 your idea about what doesn't look right is perfect. I used
3 to play that game and say what don't belong in this
4 picture, and I could do that, you know, this one is out,
5 that one is out. But it wouldn't hurt if we just got a
6 rough consensus and attached those pictures, not only from
7 the book, but from anywhere else. Mr. Pacheco has probably
8 got a hundred of them.

9
10 CHAIR BADAME: Commissioner Hanssen.

11 COMMISSIONER HANSEN: I think the one thing we
12 have to be careful of is that so much of the Housing
13 Element is in the North 40, and with the requirement to do
14 twenty dwelling units per acre I think something like 80%
15 of the housing that we have in town is single-family homes,
16 and there's going to be a max of cottage cluster homes, if
17 that even ever gets built, in the North 40. So then that
18 kind of automatically speaks to the issue that it's not
19 going to look and feel like what's across the street,
20 because what's across the street in the neighborhood across
21 Lark is single-family homes.

22 It seems like the best way we can address this,
23 since we've gone down this path and that's what the Town
24 has committed to do is to look at the architecture, is try
25 to make it an architecture that's much the same, or give

1 examples of other things where it has twenty dwelling units
2 per acre that we already have in Los Gatos if we think
3 that's look and feel, but that's an elusive goal given the
4 requirements of the plan and the Housing Element.

5 LAUREL PREVETTI: I would just add that most of
6 the housing, if not all, in the Specific Plan is really
7 intended to be multi-family and multi-units; so you
8 wouldn't see a 500 square foot home all by itself, it would
9 be within a larger complex. Some of the architectural
10 photos show two-story buildings and multi-story buildings
11 with architectural elements that reflect look and feel, so
12 it would be a different housing type, but the architectural
13 themes might be similar to what you've seen in our eclectic
14 neighborhoods.
15 neighborhoods.

16 VICE CHAIR KANE: What page and chapter are you
17 (inaudible)?

18 LAUREL PREVETTI: I was on page 2-28 and 2-29,
19 just for images.

20 CHAIR BADAME: Commissioner Hudes.

21 COMMISSIONER HUDES: Yeah, I had hoped the maybe
22 we could come up with dos and don'ts, as we've done in
23 hillside and things like that, and I'm losing hope that
24 that's going to be possible to do, given the variety of
25

1 housing types and given the need and the concentration of
2 multi-family that we have here.

3 Each time I read this suggestion from Mr.
4 Pacheco, I get more and more out of it. I think that
5 there's a lot of merit in taking a really good look at
6 including this and referencing this, because it gives some
7 guidelines that I think do a better job of conveying the "I
8 know it when I see it," than trying to come up with
9 specific dos and don'ts, and so I want to convey that I'm
10 very enthusiastic about these four points of design
11 excellence and benchmarks that I believe could be used.
12 They're more objective certainly than what's in there now,
13 but they are not so specific that it would be difficult for
14 someone to work with.

16 CHAIR BADAME: Commissioner Erekson.

17 COMMISSIONER EREKSON: I guess I'm not as
18 concerned as Commissioner Hanssen is about this, because my
19 sense is architectural style can be applied to single-
20 family, multi-family, et cetera, so the questions is about
21 architectural style and how elements of a particular style
22 are used, so to the extent that we could articulate well,
23 either with pictures or in language, that certain
24 architectural styles are how we define the look and feel. I
25 mean, I'm not an architect. They said that we could

1 identify ones that are maybe even predominant in the Town
2 or something that would reflect and so forth, then you have
3 a clearer definition of what that is, because they can span
4 multi-family and all kinds of (inaudible) housing.

5 CHAIR BADAME: Vice Chair Kane.

6 VICE CHAIR KANE: I was just wondering if we
7 could get a consensus on Commissioner Hudes' suggestion
8 that we underscore, highlight, or incorporate the letter
9 from Len Pacheco and the four points? I think everyone
10 knows Len has served as Chairperson of the Historic
11 Preservation Committee since Fremont rode in, and he knows
12 a great deal about architecture and these points, and I
13 agree with Commissioner Hudes that we pass that on to the
14 Town Council.
15

16 CHAIR BADAME: I would agree in passing those
17 comments to the Town Council, and I'm seeing a nod of heads
18 from everyone? All right, I think we have some consensus on
19 that. We are making progress.

20 All right, the smaller affordable units, we have
21 the chart. Are we all in consensus with that, the range
22 starting at 500 square feet to 1,200 square feet?
23

24 VICE CHAIR KANE: Only in so far as it gives them
25 flexibility, but I agree with Commissioner O'Donnell, it
may not be practical, but it's flexible, it's there.

1 CHAIR BADAME: Okay. All right, on page 4 it
2 talks about new residential should be a maximum of 345,000
3 gross square feet for cottage cluster, garden cluster,
4 townhome, and row house products, and 207,000 net square
5 feet for condos, multi-family, apartments, and affordable
6 products. Any comments on that?

7 Vice Chair Kane.

8 VICE CHAIR KANE: Well, it's the old thing about
9 giving a number. It's nice to say they're maximums, not
10 goals, but that will be taken as a target sometimes. I
11 would just say something like, "These are maximums and
12 shall not be exceeded," but the numbers themselves have
13 been reduced, so I think that communicates the desire for
14 it to be smaller; I would support that.

15 CHAIR BADAME: All right, it appears we have
16 consensus on that, so I'm going to move to the next one
17 where we've got some redlining, and that would be don't
18 allow residential on Los Gatos Boulevard. It talks about
19 the Perimeter Overlay Zone and that residential is only
20 allowed when located above commercial along Los Gatos
21 Boulevard. Do we have comments on that?

22 Vice Chair Kane.

23 VICE CHAIR KANE: There were the two units on Los
24 Gatos Boulevard near the gas station that Commissioner
25

1 Erikson brought up and that I brought up, and they just
2 seemed to be like sore thumbs out place, so I could support
3 the revision and the red underline. Elsewhere it talks
4 about, I'm guessing it was 27 and 28, that they come out
5 for a variety of reasons, and when we get to that I would
6 support that as well.

7 CHAIR BADAME: Commissioner Hudes.

8 COMMISSIONER HUDES: I agree with that concept
9 about eliminating it. I think the wording, I would suggest
10 rewording it to be residential, "Residential on Los Gatos
11 Boulevard is only allowed when located above commercial,"
12 rather than the way it's worded now.

13 CHAIR BADAME: All right, do we have a consensus
14 on that? Would anybody like to add a comment to the
15 contrary?
16

17 Commissioner Erikson.

18 COMMISSIONER EREKSON: Not to the contrary, but I
19 was going to suggest my sense is this was trying to solve
20 the problem that Commissioner Kane was talking about, so I
21 would have suggested that parks be also allowed facing Los
22 Gatos Boulevard, which is another way to have a consistency
23 facing the Boulevard that could be actually accessed from
24 the interior and the exterior.
25

1 One of the problems with commercial and the
2 location that was of concern is it's challenging to access
3 it off of the Boulevard and doesn't make sense from a
4 development standpoint to access it from the interior;
5 that's the real challenge generally. So to put parks or
6 additional green space on the Boulevard would seem like to
7 me to be another way to address the concern and have a
8 consistency.

9
10 CHAIR BADAME: I would agree with that,
11 Commissioner Erekson, and along with that it would provide
12 a buffer.

13 Our next item is provide senior housing at the
14 ground level, and there is wording that states, "If age
15 restricted housing is proposed, at grade accessible units
16 and/or units that are accessed via elevator, ramps, and
17 lifts are encouraged."

18 Comments from Commissioners? Commissioner
19 Erekson.

20 COMMISSIONER EREKSON: I have great sensitivity
21 to trying to write these kind of things, since I spent a
22 lot of my career trying to write these kind of things, but
23 if I had written this my staff would have told me just go
24 back to the drawing board, buddy, because what it says is
25 you can have units on the ground floor or you can have

1 units above, and if you have units above you have to give
2 them access to it, so I'm not sure what this... If the
3 direction is to put units on the ground floor, we should
4 say that; we should eliminate the second half of the
5 sentence. As it's written now, it doesn't serve any
6 purpose, it seems like to me.

7 CHAIR BADAME: Don't take offense, Mr. Paulson.
8 You still deserve a raise. Comments?

9 VICE CHAIR KANE: I glad it wasn't just me; I
10 didn't understand it. Thank you.

11 CHAIR BADAME: All right, comments? Commissioner
12 Hudes.

13 COMMISSIONER HUDES: I haven't really processed
14 what Commissioner Erekson said in terms of should we only
15 have it at grade level. I am simply suggesting a reword of
16 this: "If age restricted housing is proposed, it should be
17 accessible from grade, elevator, and ramp or lift."

18 COMMISSIONER O'DONNELL: How else would it be
19 accessed?

20 COMMISSIONER HUDES: Well, I'm just rewording a
21 sentence that...

22 COMMISSIONER O'DONNELL: (Inaudible).

23
24
25

1 CHAIR BADAME: All right, this seems like some
2 minor tweaking that I'm sure Mr. Paulson is highly capable
3 of fixing. He has a heavy workload, so I don't...

4 COMMISSIONER O'DONNELL: If there is some other
5 way, would you add it, please?

6 CHAIR BADAME: All right, Vice Chair Kane
7 followed by Commissioner Hanssen.

8 VICE CHAIR KANE: For the benefit of Council,
9 we've talked about seniors being on second and third floors
10 and subject to the tyranny of the elevator, and that grabs
11 my imagination. That would be a terrible thing, but we also
12 had expert testimony from a person whose employment was to
13 put people up on the ninth floor, and it worked just fine,
14 so it may be something I don't understand; this is not my
15 expertise. I can get rid of the pictures and the movies of
16 seniors being trapped, but I'd also have someone be willing
17 to look into do these things actually work, and I think the
18 report we received it was on the ninth floor and it worked
19 just fine. So again, some flexibility for Council.

20 CHAIR BADAME: Commissioner Hanssen.

21 COMMISSIONER HANSEN: I don't know about the
22 wording or what, but I know when we discussed this in the
23 General Plan Committee we did talk about accommodating the
24 needs of seniors. We also talked about disabled persons and
25

1 accommodating their needs as well, so do we have to
2 specifically call out the population? I think we have unmet
3 needs in our town that require grade accessible units, and
4 so that should be accommodated by the housing that's built.
5 I don't know to what extent.

6 VICE CHAIR KANE: I would say to the extent
7 possible...

8 COMMISSIONER HANSEN: To the extent possible.

9 VICE CHAIR KANE: ...because Council has advised us
10 that we can't get it. Now, there may be a gray area or an
11 asterisk or something, so Council should be advised that if
12 we could get it, that would be wonderful.

13 COMMISSIONER O'DONNELL: If F were omitted, what
14 difference would it make? It doesn't say anything. I mean,
15 we're all in favor of access, period. So what? You can't
16 get in a house without access, so I mean why do we have to
17 say that?
18

19 JOEL PAULSON: I think the suggestion was provide
20 senior housing at the ground level, and so...

21 COMMISSIONER O'DONNELL: But that's not what...

22 JOEL PAULSON: ...I guess we can just add provide
23 senior housing at the ground level, if that makes you more
24 comfortable.
25

1 COMMISSIONER O'DONNELL: Which I don't agree
2 with, because we know it won't happen. Provide something
3 you know won't happen and you'll all be happy.

4 I think the sentence doesn't add anything. If you
5 want to say something, we can decide we ought to be saying
6 make it on ground level. I mean, you could say "if
7 possible," but from what we've heard from everybody, if you
8 say put the senior housing on ground level, that's like
9 saying but we're not having any senior housing, which I
10 don't think is a good idea. So then I'm saying if that's
11 true--and I'm not criticizing, I think the draft thing is
12 fine--I just don't know why we need it.

14 JOEL PAULSON: And that simply could be that the
15 Planning Commission doesn't think this is necessary and
16 recommends this moves forward.

17 CHAIR BADAME: Commissioner Erekson.

18 COMMISSIONER EREKSON: I guess my advice to the
19 Staff; you've gotten a lot of observation about we should
20 have senior housing on the ground level. What I would put
21 in and take forward is, "If age restricted housing is
22 proposed, grade level accessible is encouraged," and leave
23 it at that. That's what you heard. Now, whether that's
24 feasible or not is a different question, and then the
25 Council has to own the direction that they provided and

1 then decide whether or not they want to put something in,
2 what you heard.

3 What I think you tried to do was sanitize what
4 you had heard, which is like okay, this seems like a screwy
5 idea to say put senior housing on ground level, and you
6 tried to save people from themselves. I wouldn't try to
7 same them from themselves on this issue, I'd just put it in
8 there the way they provided you the direction and let them
9 leave it if they want to, or let them take it out.

10 CHAIR BADAME: Okay, good points. Unless there
11 are further comments, we'll move on to what probably Vice
12 Chair Kane would say is a sticky wicket, and that is
13 consider the possibility of moving the houses away from
14 Highway 17 and putting commercial in that area. Comments
15 from any Commissioners? No sticky wicket, Vice Chair Kane?

16 COMMISSIONER O'DONNELL: I don't know what that
17 means. Consider moving them where, another 5'?

18 JOEL PAULSON: I think on page 6 there's
19 currently you can't have a building within 30' of a
20 property line adjacent to a freeway, so the suggestion is
21 that that be increased and then not allowing residential in
22 whatever that increase may be, and that was the suggestion
23 that was carried forward.
24
25

1 COMMISSIONER O'DONNELL: So the increase then
2 would be the increase of what you provided on the next
3 page?

4 JOEL PAULSON: Correct.

5 COMMISSIONER O'DONNELL: Well, then maybe the
6 next page ought to reflect the suggestion that we think
7 it's too small, because I mean those two statements, you
8 can read them together and say oh, I guess it's 30' is
9 moving it away from the freeway, but that's not your
10 intention.

11 JOEL PAULSON: Thirty feet is what exists in the
12 Specific Plan today.

13 COMMISSIONER O'DONNELL: Right.

14 JOEL PAULSON: So whether or not that number
15 should be increased.

16 COMMISSIONER O'DONNELL: Right, but I'm saying we
17 ought to link them. I don't see them being linked, is all
18 I'm saying. You know the suggestion related to... Where is
19 it? I guess all I'm saying is if what you're saying is no
20 building shall be located within 30' of a property line—
21 isn't that what you're saying?—let's consider whether that
22 30' ought to be increased.

23 JOEL PAULSON: Correct.

24
25

1 COMMISSIONER O'DONNELL: I guess if you say that,
2 that's fine. Maybe I'm misreading it.

3 LAUREL PREVETTI: I think what we want to know is
4 is there another number based on the testimony that you've
5 heard and reading the verbatim minutes. Given the narrow
6 piece of land that we're dealing with, if 30' is too small,
7 you've heard testimony about 100', 330'.

8 COMMISSIONER O'DONNELL: We have state laws that
9 provide as long as you take certain mitigation measures.
10 For example, you have double pane windows that are closed
11 and you have an air conditioner. They tell you how far you
12 can do it and get a building permit. Now, if somebody says
13 I just don't like that, then that becomes much more
14 subjective.

15 CHAIR BADAME: All right. Vice Chair Kane.

16 VICE CHAIR KANE: Tom said what I was going to
17 say: Just go with the state law standards. I appreciate
18 what Ms. Anne Robinson said about the 300', 100'...

19 CHAIR BADAME: And Markene Smith as well.

20 VICE CHAIR KANE: That's who I meant.

21 CHAIR BADAME: No, there are two people; Markene
22 Smith and Anne Robinson actually both spoke to that.

23 VICE CHAIR KANE: I empathize with both of them,
24 but for this project, given that it's narrow, and given
25

1 that we want a whole lot of other things, I'd go with the
2 state requirements.

3 CHAIR BADAME: Commissioner Erekson.

4 COMMISSIONER EREKSON: I couldn't support
5 anything that wasn't already... I mean, this issue has been
6 addressed in the Environmental Impact Report and the
7 mitigation measures, and so it seems like to me that's
8 sufficient, and to impose some other what would be a
9 somewhat arbitrary number seems like to me not to be
10 something that I would support.

11 COMMISSIONER O'DONNELL: I agree.

12 VICE CHAIR KANE: We agree.

13 CHAIR BADAME: Commissioner Hudes.

14 COMMISSIONER HUDES: I feel like there's a lack
15 of technical information here on this particular one. I
16 mean, it wasn't only two people who've raised this; there
17 were a number of people that raised it in the hearings that
18 we had earlier. I think it's a concern. I am not willing to
19 throw a number out there. I am suggesting that we do a
20 little more research and see whether there is a trend in
21 this, whether this is an evolving area, and whether it's
22 something that should consider above and beyond what is
23 contained in the environmental impact requirements. That's
24 my personal opinion, that we ought to get a little more
25

1 information on it; I feel like it's one that we don't have
2 much on.

3 CHAIR BADAME: Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: We have an EIR that says
5 it's fine if what we're saying is we ought to redo the EIR.
6 There are probably other things that would be interesting
7 to look into, but we do have an EIR that considered the
8 issue and laid it to rest. But if we want to reopen that, I
9 guess the only question is what does that do to out
10 position that what we're doing does not require a revision
11 to the EIR? I would personally just as soon leave the EIR
12 alone.
13

14 CHAIR BADAME: I'd like to leave the EIR alone
15 too, but the EIR also says that there's no problem with
16 traffic, so I would agree with Commissioner Hudes that
17 perhaps this is an area that does warrant further research,
18 so I'm not quite sure we have consensus on this item.

19 Commissioner Erekson.

20 COMMISSIONER EREKSON: This is probably a
21 question for Mr. Schultz. If the Town decided that it
22 wanted to increase that number, don't worry about what
23 number to increase it to, but to increase this number
24 because they thought that was the right thing to do, given
25 that the Environmental Impact Report has answered that

1 question, could a developer challenge the fact that the
2 Town was imposing something that wasn't supported by the
3 EIR?

4 ROBERT SCHULTZ: So at this late night, yes, it
5 could be challenged. Anytime you've got your environmental
6 document that said there are significant impacts--and to
7 mitigate those impacts there have been the double pane
8 windows, the air conditioning, all those things have been
9 described to you that will mitigate that impact--if you're
10 going to pick a different buffer you're going to have to
11 have evidence that those mitigation measures weren't going
12 to satisfy the impact and that the additional buffer will
13 do that for you, as opposed to I'm just going to choose a
14 larger number because I don't want it close to the freeway.
15 If that was the direction, yes, we want additional buffer,
16 we're going to have to do some evidence to support that
17 additional requirement, the same as if you looked at
18 traffic and wanted more to be done, we would need
19 additional studies that there was an impact that wasn't
20 being reduced to less than significant, and this would also
21 do that, as opposed to just doing it.

22 CHAIR BADAME: Commissioner Hudes.

23 COMMISSIONER HUDES: Given that input, I'm not
24 advocating that we change the number. I am suggesting that
25

1 we research and see whether other municipalities...or many
2 probably are facing a similar issue, how they're addressing
3 it, and I don't know that we have that information before
4 us tonight, that's all.

5 CHAIR BADAME: All right, we're going to move on
6 to number twelve, which is increasing the total of number
7 of residential units on the North 40. This may have already
8 been addressed; there's no redlining for us to talk about.

9 Commissioner Hanssen.

10 CHAIR BADAME: I think you're correct. Maybe
11 Staff would want to weigh in, but I think it was related to
12 the possibility of lowering the density in the Lark
13 District.

14 CHAIR BADAME: All right, I'm going to poll the
15 Commissioners right now. We're done with Residential, so
16 we've made some progress tonight. The next category would
17 be Commercial, which I believe will also be lively, so we
18 can continue on, or we can call it a night and categorize
19 it.

20 Commissioner Hanssen.

21 COMMISSIONER HANSSSEN: There were a couple things
22 that we discussed but maybe they didn't make their way into
23 the Staff Report, maybe the General Plan Committee didn't
24 really decide what to do with them, but I wanted to at
25

1 least bring those up. They're related to Residential,
2 that's why I'm doing it.

3 CHAIR BADAME: Okay.

4 COMMISSIONER HANSSEN: One was the subject of
5 rental. The Specific Plan is silent about rental versus
6 ownership, and I know we had the discussion about certainly
7 encouraging a greater mix, and in the Phase 1 proposal that
8 we did receive for the current existing Specific Plan there
9 were a small amount of rental units. I just throw it out
10 there. Since we're going through the change, is that
11 something we would want to consider?
12

13 We did get testimony during the North 40 hearings
14 that it was very unlikely that anyone would actually build
15 a for sale 500 square foot; it was be a rental unit. So I
16 just wondered, should we keep the Specific Plan silent on
17 this, or should we encourage to promote more affordability,
18 encourage a greater amount of rental units? So I throw that
19 out there.

20 Then, also, the other one was the continuing care
21 facilities as a permitted use, although is that commercial
22 or residential? Because they would be living there.

23 CHAIR BADAME: Commissioner Hudes.

24 COMMISSIONER HUDES: Clarification question with
25 regard to rental regarding Commissioner Hanssen's point. Is

1 rental permitted for the senior affordable housing? As I
2 recall, some of that was.

3 JOEL PAULSON: Yes.

4 COMMISSIONER HUDES: Is that the only place that
5 rental is permitted currently?

6 JOEL PAULSON: Well, it's not permitted, it was
7 proposed. Rental is permitted anywhere; we don't dictate
8 ownership type.

9 LAUREL PREVETTI: And that's why you didn't see
10 it in here is because it wouldn't be appropriate for a Town
11 document to have a preference or encourage one tenure type
12 over another.

13
14 Then the continuing care, we have an idea of how
15 that could be accommodated, but given our time constraints
16 weren't able to address all the comments that came, but
17 when the Commission is ready to discuss that we have an
18 idea of how it can be incorporated into the Specific Plan.

19 CHAIR BADAME: Commissioner Hudes.

20 COMMISSIONER HUDES: Yeah, I was just looking
21 through my notes on the GPC Residential, and I agree with
22 Commissioner Hanssen that there was a desire to address
23 continuing care as one of the uses that fits in
24 residential; then we probably should come back to that when
25 we get back together.

1 CHAIR BADAME: All right. Would we like to
2 continue with that, or would we like to move on to
3 Commercial and hope to tackle the CUP issue?

4 Vice Chair Kane.

5 VICE CHAIR KANE: The issue to me is a break
6 right now would be great, but we've been at this for 45 of
7 the past 48 hours. What does that do to Staff in terms of
8 the calendar, a date certain? Does that put great stress on
9 you? Should we plod forward on this, or can we come back to
10 it on another date convenient to the calendar?

11
12 JOEL PAULSON: You can come back to it on another
13 day. We would poll the Planning Commission to look for a
14 date in January for another special meeting so we could
15 continue this discussion. I believe as Ms. Prevetti said
16 earlier, we're not bound by that tentative schedule that we
17 set when we first had this conversation with the Council,
18 so we would look for dates, poll the Planning Commission,
19 and then come up with a special date and renotice the
20 hearing.

21 VICE CHAIR KANE: Then, Madam Chair, I would
22 suggest we do that. Let Staff get in touch with us with
23 suggested dates and see if we could find one that works for
24 all of us, if you all agree.

25 CHAIR BADAME: Commissioner Hudes.

1 COMMISSIONER HUDES: Yeah, I would agree, because
2 I think the next section may not lend itself exactly to a
3 sequential process as much, so I think there would need to
4 be some broader discussion first.

5 CHAIR BADAME: Agreed.

6 VICE CHAIR KANE: And we would begin with this
7 thing on continuing care.

8 CHAIR BADAME: All right, then we'll come back
9 with Continuing Care, and then the Commercial at a later
10 date to be determined.

11 So with that, Mr. Paulson, do you have a report
12 for us this evening?

13 JOEL PAULSON: I want to thank the Commission for
14 working through this. Obviously it's been a pretty busy
15 week for you guys, with the hearing last night going long.

16 I'd also like to thank Commissioner Erekson for
17 his thoughtful service to the Town on the Planning
18 Commission for the last just shy of eight years. It's been
19 a real pleasure working with Mr. Erekson since I've been
20 here, and I just want to recognize him for the great
21 service he has provided to the Town.

22 CHAIR BADAME: For Commission matters, I would
23 like to turn to Commissioner O'Donnell for a special
24 report.
25

1 COMMISSIONER O'DONNELL: Yes, I would just like
2 to join in that. I've had the pleasure of serving with
3 Charlie on this for essentially eight years, and I have
4 done this even longer. There are some people who really
5 stand out in my roughly 14 years I think so far, and
6 Charlie is one of those people. He has not only
7 intelligence--intelligence in this valley is fortunately in
8 good supply--but he has something which is not perhaps in
9 such good supply, and that's wisdom, and his wisdom has
10 been somewhat unique, unfortunately, and it's very helpful.

11
12 Not only that, he has been a real pleasure to
13 serve with. I wish he had simply told me he was thinking
14 about not asking to be reapplied. He told me after the ship
15 had left the dock, and I couldn't talk him out of it. I
16 personally will greatly miss seeing him. Fortunately, I
17 will see him elsewhere. I'm speaking for, hopefully, and
18 you can correct me if I should be corrected, I think all of
19 us will miss you, miss your counsel, miss your humor; we
20 will miss your presence. So thank you very much, Charlie.

21 CHAIR BADAME: I will second that. Did you want
22 to give a speech?

23 COMMISSIONER EREKSON: No, I don't want to give a
24 long speech, but it was just nice for five members of the
25 Council back a little over eight years ago to take a chance

1 on appointing me to the Planning Commission. It's been a
2 pleasure to serve the citizens of the Town and the Council,
3 because we all serve at the pleasure of and support the
4 Council. It's been absolutely wonderful to work with the
5 Staff, as I think I've expressed to present members of the
6 Staff and those are no longer members of the Staff.

7
8 When I was a young man I joined an organization,
9 and when you joined the organization the pledge says when
10 you become a member of this organization your duty is to
11 leave the organization not only not less than, but greater
12 than, when it was entrusted to you; that's the ultimate
13 stewardship responsibility. So I will let others judge
14 whether the eight years that I stewarded a role on the
15 Planning Commission that I contributed to leaving it not
16 only not less than, but greater than, when the stewardship
17 was entrusted to me.

18 COMMISSIONER O'DONNELL: Here, here.

19 CHAIR BADAME: Here, here. Happy holidays to all.
20 This meeting is adjourned.

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