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

Los Gatos Planning Commissioners:	Tom O'Donnell, Chair D. Michael Kane, Vice Chair Mary Badame Melanie Hanssen Matthew Hudes Kathryn Janoff
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
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P R O C E E D I N G S :

CHAIR O'DONNELL: (Inaudible).

JOEL PAULSON: Commissioner Badame.

COMMISSIONER BADAME: Here.

JOEL PAULSON: Commissioner Hudes.

COMMISSIONER HUDES: Here.

JOEL PAULSON: Commissioner Hanssen.

COMMISSIONER HANSSEN: Here.

JOEL PAULSON: Commissioner Janoff.

COMMISSIONER JANOFF: Here.

JOEL PAULSON: Vice Chair Kane.

VICE CHAIR KANE: Here.

JOEL PAULSON: And Chair O'Donnell.

CHAIR O'DONNELL: Here. And we should just state for the record that Commissioner Burch cannot sit because of her proximity to the site.

Michael Kane is going to lead us in the Pledge of Allegiance.

VICE CHAIR KANE: Please join me.

(Pledge of Allegiance is recited.)

1 CHAIR O'DONNELL: At this point everybody always
2 tells you to turn off your cell phones and everything. I've
3 been skipping that, because I assume you'll do that.

4 Tonight we're only handling one thing, and that's
5 the North 40. I don't believe we have any subcommittee
6 reports, since we were here yesterday on a regular meeting;
7 only 24 hours difference.

8 The first thing I will ask, and there are not
9 minutes, as some of you understand, we can have general
10 comments for up to three minutes a person on matters not on
11 the agenda. I don't have any cards for that kind of thing;
12 at least I don't think I do. I have cards for the main
13 subject, but if anyone wants to speak on another matter,
14 now is the time to do it.

15 All right, seeing no one, first I'll invite
16 public comment on the matter for this evening, and that is
17 the North 40. I have some cards here of people who have
18 signed and asked to speak. If anyone else would like to
19 speak, I would invite you to take a card behind the seats
20 and submit them up here. The first card will be Charles
21 Erikson.
22

23 CHARLES EREKSON: Charles Erikson, 967
24 Cherrystone Drive, Los Gatos, California. I have four
25

1 issues to talk to the Commission about related to the North
2 40.

3 The first is the concept of economic vitality
4 versus community vitality, the difference between those two
5 concepts from my perspective, and how that might relate to
6 considerations about commercial development.

7 The second is grade, height, and open space.

8 The third is proposed changes to the allowable
9 square footage of hotels.
10

11 And the fourth is community room.

12 Because there are two minutes and 22 seconds
13 left, I'm going to take those in reverse order, because my
14 guess is I won't go back through all of them.

15 The first is about community space. Presently
16 generally all of the service clubs in the community which
17 provide great service to the community and help make Los
18 Gatos play a large role in that they are meet at the Los
19 Gatos Lodge; both Rotary Clubs, the Kiwanis Club, the Lions
20 Club, and including the Daughters of the American
21 Revolution. There has been substantial interest in that
22 property to be redeveloped, it's been an Affordable Housing
23 Overlay Zone, and so it's only a matter of time before the
24 present Los Gatos Lodge is not there anymore.
25

1 In anticipation of that, one will need to find a
2 new location for those service clubs to meet on a regular
3 basis, and as the service clubs have investigated that,
4 there is no location in town that will accommodate that
5 where there is parking available or that has the capacity.
6 So I would like for the Town, the Planning Commission, and
7 the Council to consider explicitly putting a community room
8 space into the allowable spaces that are permitted in
9 there, and encourage both the Planning Commission and the
10 Council to think about that as something that they would
11 work with developers on who might develop the property.

13 As an example, if you were to review the
14 application which has been filed and is a subject to
15 current litigation between the Town and those developers,
16 there was such a space in that proposal that in fact is
17 larger than the present space used by those service clubs,
18 so it would have performed that function for the Town, and
19 so there's an example for you to think about.

20 I've got 12 seconds left, so I will leave the
21 other three issues aside. Thank you for your time.

22 CHAIR O'DONNELL: Thank you very much. Are there
23 any questions? Yes, Commissioner Badame.

24 COMMISSIONER BADAME: I have a question for Mr.
25 Erekson. Can you elaborate just a little bit on that number

1 two, number three, and number four for us that you didn't
2 get to?

3 CHARLES EREKSON: Okay, I'll try to do it
4 briefly.

5 In the Staff's report, in the Allowable Use
6 Table, that's what I refer to is there. It changes the
7 allowable square footage for hotel office space from
8 250,000 square feet, and limits office space to 150,000
9 square feet, and limits hotels to 150,000 square feet.
10

11 I think that it's real important for the Town to
12 think carefully about what type of hotel that they would
13 like to have on that space. If it's a full service hotel,
14 it probably will not fit in 150,000 square feet, given my
15 research. So it's a full service hotel; it won't fit in
16 150,000 square feet. It's probably going to have to be
17 200,000 to 250,000 square feet. If it's a small boutique
18 hotel, it probably will fit in that. So it's a concern. So
19 while one splits it into two halves, effectively reducing
20 the square footage that one could build a hotel in from
21 250,000 to 150,000. I'm not sure what the purpose of
22 splitting that was, unless it was to intentionally limit
23 the type of hotel.
24

25 Related to that, the Council, when it looked for
other sources of revenue they put a measure in front of the

1 people that passed with 83% favorable vote which would
2 increase the hotel tax, so it seems like to me the Town's
3 interest is served by being sure they put a hotel, and can
4 appropriately incentivize a hotel to be built in town, and
5 that's the most obvious space for it to do, so to limit
6 somewhat arbitrarily without careful thought the square
7 footage of a hotel works against, which I believe was
8 Measure T, so that's one.

9
10 The second is grade, height, and open space.
11 There's a suggestion in the Staff Report that one could
12 increase height if one would increase open space, which is
13 not an unusual kind of concept to put in a planning
14 document. I think that's absolutely the wrong approach in
15 this case.

16 Here's why: The open space requirements in the
17 North 40 Specific Plan are much more generous, or larger,
18 or higher expectation, whatever the language is, than is
19 typical in town, typical in most towns, and is much more
20 generous than any other location in this town, so there's
21 no need to have more open space, and so height should be
22 limited to be sure that one is addressing the look and
23 feel. But height shouldn't be arbitrarily limited when it
24 works against what one wants to accomplish on the site, so
25 the height limitation should be related to the uses that

1 one wants to permit there and in fact wants to incentivize
2 there.

3 If you go back to the hotel thing, if you limit
4 the height of a hotel, let's say that you change the square
5 footage to 200,000-250,000 square feet for a hotel and you
6 wanted a full service hotel. You're probably not going to
7 be able to build a full service hotel with the height
8 limitation presently in the North 40; that's just a design
9 issue for them. So one needs to think about what does one
10 want to put there and what height does it require? And
11 don't trade something for that. Just whatever the height
12 needs to be for what you want there, just let that be the
13 height, but don't trade open space for height. Keep the
14 height down as much as you can, except where you need for
15 it to be up. So that's the second one.

17 And a sub-part of that is typically the Town
18 measures height from existing grade. I think in this case
19 one shouldn't do it from finished grade, because the
20 gradation of that property varies a lot, and it's grade is
21 related to an historical agricultural use which really has
22 nothing to do with the future use. They're going to have to
23 put in all kinds of infrastructure and all kinds of things.
24 So that's the other thing.

1 I'll leave the economic vitality versus community
2 vitality concept aside for the moment. I'm likely to talk
3 about that on the 31st to the Council. Economic vitality, in
4 my opinion, is much too limiting a concept, but economic
5 vitality becomes a sub-set of community vitality.

6 CHAIR O'DONNELL: I think there might have been
7 another question. Vice Chair Kane, did you have another
8 question?
9

10 VICE CHAIR KANE: No, that was my exact question,
11 would he elaborate?

12 CHAIR O'DONNELL: Any other questions? Thank you
13 very much. The second card I have, and again, my reading
14 may not be accurate, it looks like Jodi Houston. Jolie?
15 Jolie.

16 JOLIE HOUSTON: Hi, I am here. I'm an attorney
17 with Berliner Cohen and our firm represents Grosvenor,
18 SummerHill, and Eden Housing, so I'm speaking on their
19 behalf.

20 We have reasons why we believe that this revision
21 to the Specific Plan...

22 CHAIR O'DONNELL: Let me stop you for a moment.
23 At the moment we're not talking... Well, let me get the
24 right... Okay, go right ahead. It's my fault.
25

1 JOLIE HOUSTON: We believe that it's premature to
2 be revising the Specific Plan right now.

3 One, there's a lawsuit pending, and with the
4 trial scheduled at the end of March, if a judgment in favor
5 of the plaintiffs, our project would be built under the
6 existing Specific Plan, so any changes would be invalid as
7 they would not apply to half of the land area.

8 In addition, the Specific Plan as amended would
9 no longer be a consistent planning document and would need
10 to be revised yet again.

11 Also, we don't know what's feasible in the
12 revisions since we haven't seen a complete recommendation.

13 Last comment, CEQA. We can't assume that there
14 are no CEQA impacts since development would be
15 redistributed over the site.

16 I'm here to answer questions.

17 CHAIR O'DONNELL: Thank you. Are there questions?
18 Yes, Commissioner Hudes.

19 COMMISSIONER HUDES: I wonder if you could be
20 specific about that last statement. My understanding is
21 that the CEQA was prepared on maximums over the entire 40
22 acres and was not prepared on a project basis, correct?

23 JOLIE HOUSTON: Well, the CEQA document would
24 still have to be reviewed to see if the new revisions would
25

1 be in line with what the CEQA document approved, and
2 changing residential housing units and changing density can
3 affect traffic, parking, noise, and it would still need to
4 be reviewed.

5 COMMISSIONER HUDES: So you're not saying it
6 would need to be revised necessarily, it would need to be
7 reviewed, is what you're saying?

8 JOLIE HOUSTON: It needs to be reviewed and
9 possibly revised, depending on what the review would need,
10 and that's it.

11 COMMISSIONER HUDES: Thank you.

12 CHAIR O'DONNELL: Any other questions? Thank you
13 very much. The third card I have is Paul Grams.

14 PAUL GRAMS: Hello. I thank you for allowing me
15 to speak today. I just have some comments about the North
16 40 here, about the traffic impacts.

17 I think that as the developer is going to be
18 makings tens of millions of dollars, it seems that he
19 should be able to put some mitigations in to reduce the
20 traffic impact. I sent this as an email before, but it was
21 missed or something.

22 Anyway, a few things that the developer can do
23 are basically increase the Lark Avenue/Highway 17 on-ramp
24 going north to three lanes, and if he sets aside 12' of
25

1 land to do this, that would reduce the cost to that
2 significantly.

3 Also, I think that Lark Avenue should be
4 increased an additional one or two lanes from Los Gatos
5 Boulevard to 17, and the developer would have to provide
6 like 12-24' of land and maybe purchase 12' from the 76 gas
7 station, and that would alleviate traffic also.

8 Then increase Los Gatos Boulevard from four lanes
9 to six lanes from Lark Avenue to Samaritan Drive, and the
10 developer can assist funding to purchase the 25' of land
11 from the remaining 12 lots that are not already set back.
12 Most of the lots have already been set back, but there are
13 12 remaining that have not, and that would increase the
14 lanes from four to six.

15 Also, he could maybe assist with funding to
16 increase the 17 overpass with an additional one to two
17 lanes.
18

19 Another interesting concept is to add a street
20 throughout the center of the development from south Burton
21 Road to Lark Avenue, and that would reduce traffic on Los
22 Gatos Boulevard also, just have another highway going from
23 Burton to Lark.

24 A more interesting concept would be to possibly
25 do some other expansions of highways also.

1 Also, I had a concern about buying the land. Of
2 course it's worth supposedly \$4 million an acre, and that
3 works out to \$176 million. That's an awful lot of money,
4 but I think that's somewhat high, because that works out to
5 almost \$100 a square foot, and this is not Tokyo. Most view
6 properties undeveloped land in Los Gatos usually go for
7 half that, or even a quarter of that.

8 So anyway, if we did, say, buy the land for \$176
9 million, I buy tax-free bonds quite a bit, that can be used
10 as collateral for a tax-free bond. Right now the rate on
11 the 20-year tax-free bond is about 2%, or actually 1.5%,
12 and that would cost us like \$2.5 million a year. That
13 sounds like a lot of money, but you have that for
14 collateral or can refinance it after the 20 years are over.

15 CHAIR O'DONNELL: Thank you. Let's see if there
16 are any questions. Oh, we have some questions. Commissioner
17 Hudes.
18

19 COMMISSIONER HUDES: With regard to the traffic
20 suggestions, I didn't fully understand your first
21 suggestion. I wonder if you could repeat that.

22 PAUL GRAMS: So that was basically right now we
23 have a lot more traffic getting onto Highway 17, so right
24 now we only have two lanes going onto 17. If that were
25 increased to three lanes, the developer would have to

1 provide an additional 12' of land, so that should be set
2 aside now for that future expansion.

3 COMMISSIONER HUDES: 17 north?

4 PAUL GRAMS: Yeah, 17 north. Because right now it
5 backs up quite a bit there, and an additional lane would
6 greatly alleviate that backup.

7 COMMISSIONER HUDES: Thank you.

8 CHAIR O'DONNELL: Yes, Commissioner Hanssen.

9 COMMISSIONER HANSSEN: Thank you. Thank you for
10 your comments. As you may know, we're considering
11 amendments to the Specific Plan tonight on the agenda, and
12 so I appreciate your comments.
13

14 I wondered if you were recommending that we make
15 those suggestions of yours part of the Specific Plan, or
16 are you just hoping that at whatever point that the land
17 gets developed? Because the Specific Plan doesn't pertain
18 to a specific proposal, it's just a plan for the land. How
19 are you hoping to see this happen?

20 PAUL GRAMS: Well, what I was hoping is that, for
21 example, for the increase of, let's say, lanes on Los Gatos
22 Boulevard, the developer can set aside some land for that
23 to increase the number of lanes from four to six, and maybe
24 possibly assist with the purchase of that 25' of land from
25 those 11 remaining lots that are not already set back. So

1 this would allow in the future, or concurrently, their
2 expansion of Los Gatos Boulevard from four to six lanes.

3 COMMISSIONER HANSSEN: So just to recap, what
4 you're saying is when there is a development proposal, you
5 would hope that we could arrange that the developer make
6 those contributions?

7 PAUL GRAMS: Yes. After all, this is going to be
8 very profitable for him, it's going to have a tremendous
9 impact on the community, and the cost of those improvements
10 would not be that much considering the profits to be
11 derived from this development.

12 COMMISSIONER HANSSEN: Okay, thank you.

13 CHAIR O'DONNELL: Any other questions? Thank you.
14 That was the last card I have. I think there's another two
15 coming, so we'll wait. I have a card for Markene Smith.

16 MARKENE SMITH: Hi, I'm Markene Smith; I live
17 near the North 40 at Drake's Bay Avenue in Los Gatos.

18 This has been brought up before about the health
19 impacts of living so close to the freeway if we're going to
20 have any residential units there, a hotel being all right,
21 because often the windows are hermetically sealed. However,
22 in the case of a townhouse or an apartment or any other
23 kind of residential housing, these are no longer allowed
24 where I come from in Los Angeles, because they're called
25

1 "black lung lofts." They're just too darned close to the
2 freeway.

3 I didn't bring my slides tonight, but if you take
4 a trip through Google Earth—it's really fun—start at the
5 south part of Los Gatos at the entrance near Main Street
6 and you'll see that there's 100' of trees on either side of
7 the freeway entrance. If you go down to Highway 9 there's
8 100' of trees on either side of the freeway there. The
9 gateway to Los Gatos on the north side is barren. The trees
10 have all been removed for farmland, and the houses that are
11 there are 100' away from the freeway.
12

13 My proposal is that we put amendments in the
14 Specific Plan, a change to make a 100' tree easement
15 between northbound Highway 17 and any occupied buildings,
16 and that tree easement would have giant redwood trees, or
17 live oak trees, both of which take a lot of the atmospheric
18 pollutants away and will increase the health of the whole
19 area, and will certainly increase the beauty.
20

21 This goes to the Specific Plan that was
22 originally done that says that any development on this
23 property should look and feel like Los Gatos. Los Gatos is
24 trees, if nothing more, and so many people have come
25 suggesting setbacks, and I'm suggesting this setback from
the freeway property line to any dwellings. If you look at

1 the Google Earth, you'll see that the dwellings that are
2 there now, the little farmhouses and everything, are all
3 100' from the freeway, as would any reasonable person want
4 to be.

5 CHAIR O'DONNELL: Are there questions? Thank you
6 very much.

7 MARKENE SMITH: Thank you.

8 CHAIR O'DONNELL: Ms. Quintana, you have a card?

9 LEE QUINTANA: Lee Quintana, 5 Palm Avenue. I'm
10 going to be very short.

11 I just wanted to comment that, glancing through
12 the minutes for the last meeting, you discussed should
13 versus shalls and where you wanted to change to should or
14 shall. I'd like to add that there are probably another 20
15 different terms that are used in that document without
16 saying should or shall, but provide, or require, or
17 encourage, just a whole slew of them. I think that because
18 it's divided up between standards in one chapter and
19 guidelines in the other chapter, but there are some
20 guidelines that have used these same languages, as do some
21 of the standards, that you should indicate which of those
22 words means shall and which means standard.

23 Other than that, I would just like to say that
24 I'm late because I forgot about the freeway closure. I
25

1 remember hearing people say that Los Gatans aren't very
2 kind, or nice lately. There was somebody at the corner of
3 Bayview and Main Street handing out PowerBars to the cars
4 as they passed. I thought that was really great. And it
5 looked like the police were talking to people at the corner
6 of Main and Santa Cruz and advising them a way to get back
7 to where they were going. Thank you.

8 CHAIR O'DONNELL: Are there any questions? Oh,
9 yes, there is a question for you. Commissioner Hudes.

10 COMMISSIONER HUDES: In terms of your suggestion
11 about clarifying more objective standards or objective
12 language, shall and should, throughout, are you suggesting
13 that these other terms that are similar be defined in the
14 glossary?

15 LEE QUINTANA: In the body itself, just like they
16 were in the AHOZ guidelines.

17 COMMISSIONER HUDES: So in each one it would be
18 designated...

19 LEE QUINTANA: Yeah, either you change them to
20 should or shall, all of them, one or the other, or you have
21 a section in the document where you say which one of them
22 means shall and which one of them means should.

23 COMMISSIONER HUDES: In a glossary?
24
25

1 LEE QUINTANA: No, in the introduction, so it's
2 clear.

3 COMMISSIONER HUDES: Okay.

4 LEE QUINTANA: The other thing is I'm not saying
5 that just because you put a should or a shall that a shall
6 is necessarily an objective criteria. It's a shall, but it
7 could be subjective.

8 COMMISSIONER HUDES: Right. Thank you.

9 CHAIR O'DONNELL: Any other questions? Thank you
10 very much. All right, I think that will end the public
11 comment part of this hearing.

12 First, I should say we've got some Desk Items and
13 we should note that we received some correspondence, which
14 is now part of the record. We have about ten different
15 communications. I won't go through them unless somebody
16 wants us to. I don't know whether a copy of this was out in
17 the lobby.

18 JOEL PAULSON: I have not been in the lobby, but
19 they're also available online.

20 CHAIR O'DONNELL: If anybody has not seen this
21 and would like to get them, take a look out there. If
22 they're not there, tell us, and we'll see that you get one.

23 At our last hearing we got all the way to
24 Commercial. Now we're taking up from Commercial with the
25

1 hope that we can proceed to completion, and I might just
2 mention that Exhibit 9 to an earlier document is a good way
3 to follow what we're commenting on and what we're being
4 asked to put some input on. So that having been said, I
5 would ask for Staff assistance before we kick off with our
6 discussions.

7
8 JOEL PAULSON: I think you summarized that we are
9 going to continue the conversation and discussion from page
10 8 of Exhibit 9 where the Commercial begins, and so we'll go
11 through each of these topics; and then I believe at the
12 last hearing if people had things to say or had questions,
13 then they would raise those as we went through the items;
14 and then we will do our best to provide any answers that we
15 can at this point.

16 CHAIR O'DONNELL: Okay, Vice Chair Kane has a
17 question.

18 VICE CHAIR KANE: For Staff. Recommendations for
19 affecting the traffic flow at Highway 17 caused me to think
20 back to Alberto Way where we made recommendations regarding
21 the traffic flow on Highway 17, and I believe we were
22 advised that that's a hands off Caltrans situation, we
23 couldn't affect that if we wanted to, is that true?

24
25 JOEL PAULSON: Well, there are a couple of
things. One is there has to be a nexus to require those,

1 and so the Environmental Impact Report that was prepared
2 and confirmed for the former proposal states what needs to
3 be done. To go above and beyond that we would need some
4 substantial evidence that that is necessary and an
5 obligation of any future applicant, and I don't believe we
6 have that evidence. The Town Attorney would like to speak
7 more to that.

8
9 The second part, before he may jump in is that
10 yes, if there is an improvement on Caltrans property, then
11 obviously it has to go through Caltrans' process, and that
12 would be something that...

13 VICE CHAIR KANE: But we couldn't do it if we
14 wanted to? It's their turf.

15 JOEL PAULSON: The Town couldn't alone improve
16 Caltrans right-of-way, but we could work with them if
17 that's something that was required by the environmental
18 document, but it was not.

19 VICE CHAIR KANE: Which it is not. Thank you.

20 CHAIR O'DONNELL: Yes, Commissioner Hudes.

21 COMMISSIONER HUDES: I wonder if I could make
22 some sort of broad comments about Commercial before we dive
23 into the specifics of the CUP (inaudible)?

24 CHAIR O'DONNELL: Before we do that, let's all
25 get on the same page. We have some questions from Staff.

1 Now you're suggesting, and I think it's a correct one, that
2 we can go ahead and begin with our comments. So if you'd
3 like to lead off, that's fine.

4 COMMISSIONER HUDES: Okay, thank you. I want to
5 compliment Staff on the excellent report that we're working
6 from, and interpreting the direction that we got from
7 Council about areas of concern. I think that particularly
8 in the area of Residential we've made a lot of progress in
9 addressing those concerns.

10
11 In the area of Commercial, I think that some of
12 it is addressed here, but I think there's a little bit
13 larger context that I just would like to address first
14 before we dive in.

15 We've heard testimony from many people, and there
16 are some people who talk about protecting the downtown. I
17 actually don't feel that we should be protecting or
18 eliminating competition, because I don't think that creates
19 the most vibrant kind of an economic environment. I think
20 that the vibrancy of our economic environment in downtown
21 and across town is actually helped by competition.

22 But I do think that it is very important to have
23 a level playing field so that the downtown can be on a
24 footing where it can compete effectively with what is
25

1 likely to be a very large commercial development going into
2 the North 40 as it's currently contained.

3 So if you think about leveling a playing field,
4 you have to think about two parts of the field to get it
5 level. We are only focused on the North 40 end of that;
6 that's the purview of this commission is to look at that
7 now. There might be wishful things we could hope for in
8 terms of changes to downtown businesses and downtown
9 regulations, but that's not within our purview, so I wanted
10 to focus on the things that we can do on the North 40.
11

12 The first set of ideas is around implementing
13 some commercial use policies, because there's really very
14 little in the plan now. That could include a distribution
15 matrix that specifies the amount of square footage by
16 business type; the North 40 Specific Plan Advisory
17 Committee considered that at one time.

18 Also, I would suggest maybe considering limiting
19 the Phase 1 retail to 16 units and 67,000 square feet, and
20 limiting the Phase 2 to 32 units and 300,000 square feet.
21 Also, I would include with that including the requirement
22 to objectively analyze the economic impacts of any
23 development, not just the plan itself, but the actual
24 application to come in with a rigorous economic analysis.
25 There was an economic analysis provided, there are some

1 requirements to do that, but I think we could be more
2 specific about what we'd like to see in that kind of an
3 economic analysis.

4 Then there's the CUP requirements, which I think
5 are addressed in this document, so I'm eager to discuss
6 those as well, because as you know, CUPs are required in
7 many, many areas in the downtown, and as the Specific Plan
8 is currently written there are virtually no commercial CUPs
9 required, so I think that's an important thing to look at.

10 But there were also some other ideas here.

11 Transit: Looking at encouraging transit
12 connections between a shopping center in the North 40 and
13 the downtown, so that we get some synergies between the
14 two.

15 Then also requiring that if a large commercial
16 development is put into the North 40 that there be a cross-
17 marketing plan and some funding of cross-marketing
18 activities, so that we could encourage people who come to
19 Town to take advantage of our downtown.

20 Then the other idea here would be to either have
21 a current standing committee or a new group monitor the
22 economic impacts of what's going on in downtown as we start
23 to see the development of hundreds of thousands of square
24 feet of retail, so that adjustments could be made to these
25

1 ideas, because we know that this is kind of a living
2 reality of what happens with commercial economics with the
3 rise of the Internet, et cetera, so either making this the
4 requirement for an existing body in town or creating a new
5 standing economic vitality advisory group.

6 So those are some suggestions that I would ask to
7 be considered as part of the plan that are a little bit
8 broader than the specifics that are in here.

9 CHAIR O'DONNELL: Vice Chair Kane.

10 VICE CHAIR KANE: You've done your homework.
11 Excellent comments. I have some questions on your comments.
12 What is a cross-marketing plan?

13 COMMISSIONER HUDES: To me that would be some
14 kind of a plan for, let's say there is a new shopping
15 center, to have ideas that could benefit the downtown. For
16 instance, a space for a pop-up store that could be a
17 downtown store having a presence in the North 40. Or
18 signage, or marketing, so that people who are in the
19 shopping center know that there is a downtown and that
20 there are some advantages there, and the other way around
21 as well. So it would be a document that would be created
22 that would describe how the marketing would occur.

23 VICE CHAIR KANE: And a follow up? Another one of
24 your subject was the CUPs. Now, when the revision that
25

1 we're working with, I guess the General Plan Committee put
2 this together, Exhibit 9, it shows the Commercial types of
3 enterprises, and as I read them they've all been changed to
4 CUPs. Is that the way you read them on Exhibit 9, page 8?

5 COMMISSIONER HUDES: Yeah, these haven't been
6 discussed yet though, so it was in that context that I
7 think that some CUPs... I mean I looked into CUPs, and there
8 are some 90 cases of where CUPs are used in town, and I
9 think that the General Plan Committee in looking at the
10 potential focused on the ones that are in this document,
11 which I think are one, two, three, four, five types of
12 CUPs, if I'm correct.

14 VICE CHAIR KANE: So I would say my contribution
15 to this would be to tell Council, because you all can make
16 individual comments to make suggestions to Council, that
17 they go ahead with the CUP provisions for the North 40 to
18 some extent, as you say.

19 However, there's a very interesting letter from
20 Mr. Doug Ferrari. He makes the point that if we put the CUP
21 requirements on the enterprises in the North 40, and if you
22 envision that and plan it out, then we're looking at 25 to
23 30 applications at once, and he makes the cynical
24 observation, I think, that we sometimes have trouble
25 getting one application through within two months. Aside

1 from that cynicism, if we do have CUP provisions for the
2 North 40, we ought to plan ahead that there will be
3 congestion, much like the traffic outside right now, and we
4 should have a format, a vision, to minimize that. That is
5 to say, maybe an expedited process, or maybe we schedule,
6 dare I say, extra meetings for a short period of time.

7
8 But we need to do something that if we do have
9 those CUPs we need to prevent CUP gridlock, and so I think
10 his letter was outstanding on that point. I support the
11 CUPs, but if we get 25 of them, we have a problem.

12 CHAIR O'DONNELL: I'm going to make a suggestion
13 in just one second. At the moment we're talking big picture
14 items. Eventually I would like to start with page 8, the
15 paragraph starting with Commercial, and if we follow that
16 pattern it's going to be a lot easier for us to follow, and
17 I should think it would be easier for the Staff too.

18 That having been said, Commissioner Hanssen.

19 COMMISSIONER HANSEN: I had a question on
20 exactly that. I really appreciate all of Commissioner
21 Hudes' suggestions. My question for Staff: Although I think
22 those are all pretty good ideas, I thought our direction
23 from Council was to be very specific and limited in terms
24 of this list of things that they had for us to look at. I'm
25 not personally against looking at other stuff, but I

1 thought that was our direction, so I just wondered if we're
2 really in a position to take on looking at more strategic
3 issues in our review of the plan.

4 CHAIR O'DONNELL: Let me say something and then
5 we can ask Staff, but my reading of where we are really is
6 that we should address the issues raised by the Council,
7 and some of those we may say elaborate on, or some of those
8 we may say we don't think that's a good idea, or we don't
9 think that's feasible. I do think the bigger picture from a
10 distance probably is not going to be helpful at this stage,
11 because I think what we're trying to do, and this is part
12 of the reason I think the Council really wanted this
13 expedited, was they came out with a lot of recommendations,
14 and if we could respond to those recommendations I think it
15 should be helpful and also mean there would be an end to
16 this process, which I think the Council would greatly
17 appreciate.
18

19 I think to follow up with what Commissioner
20 Hanssen is saying, I agree with what you're saying, and
21 again, I'd like to urge us to start. We all have Exhibit 9,
22 and if you start on page 8, because that's where we left
23 off at the last hearing, if we could take these paragraphs
24 and starting with one, the CUP requirements, and deal with
25

1 them seriatim so that we don't know the big pictures, but
2 take one item at a time.

3 Yes, go ahead, Commissioner Janoff.

4 COMMISSIONER JANOFF: This is a question about
5 the specific items for Staff. Do the other shopping centers
6 in Los Gatos, that is, Vasona Station or the Downing
7 Center, also have CUPs similar to the downtown shops?

8 JOEL PAULSON: Generally, yes, with the exception
9 of personal service businesses, and formula retail has a
10 different caveat outside the downtown; it only requires a
11 Conditional Use Permit if a space is over 6,000 square feet
12 for a formula retail.
13

14 COMMISSIONER JANOFF: So generally speaking,
15 applying the CUPs to the North 40 wouldn't be substantially
16 different from the way other retail centers have been
17 treated?

18 JOEL PAULSON: The question asked was
19 specifically for downtown, however, this table would change
20 for formula retail and personal service, because those are
21 both outside of downtown. If you look at the greater Los
22 Gatos area outside, those do not require Conditional Use
23 Permits, so it's in the middle.
24

25 COMMISSIONER JANOFF: So it is different. Okay,
thank you.

1 CHAIR O'DONNELL: Is the reason for that because
2 of our desire to protect the downtown and therefore perhaps
3 have more stringent rules?

4 JOEL PAULSON: The reason for that is that was
5 one of the potential suggestions for amendments, and so
6 Staff was responding to that at both General Plan Committee
7 and here before you at Council.

8 CHAIR O'DONNELL: I ask that, too, because I
9 understand the Chamber of Commerce and others, they would
10 like us to remove many, if not all, of the CUP
11 requirements. I hear them constantly saying that we-we,
12 being the Town—are an impediment. We all know that our
13 retail is going down downtown, and some attribute it to
14 different things, but I always hear over and over again
15 things like the CUP requirements don't help. But is it fair
16 to say that the downtown would like to have many of the CUP
17 requirements removed?
18

19 JOEL PAULSON: I think that's a fair assumption,
20 and we hear similar comments from the community. There have
21 been a few efforts over the past year, year-and-a-half, to
22 try to look at just that, alleviating some of the
23 requirements downtown to make it a little simpler and
24 cheaper to get through the process, however, with the
25 exception of allowing valet parking and allowing outdoor

1 seating, none of those other efforts have been finalized or
2 approved yet.

3 CHAIR O'DONNELL: But they're in process?

4 JOEL PAULSON: They have been discussed before
5 and they come around in a circle, and many of them will be
6 coming back to the Council for that discussion.

7 CHAIR O'DONNELL: Okay. I was just going to say
8 going back now specifically to the CUP requirement, which
9 is paragraph 1, if each of us may wish to contribute any
10 thoughts to that. For example, this talks about CUPs, but
11 it also talks about consider maximum square footages as
12 another avenue of looking at it, so I would encourage us to
13 speak to those issues now.

14 Yes, Commissioner Badame.

15 COMMISSIONER BADAME: All right, so I'll start
16 cutting to the chase here on number 1, and I'm going to say
17 that I'm in favor of the CUP, not so much to match the
18 downtown, or not so much to have a level playing field, but
19 because I see the CUP as being a check and balance tool,
20 and it encourages and maintains a mix of uses for
21 synergistic vitality.

22 CHAIR O'DONNELL: Are there other comments? Yes,
23 Commissioner Hudes.
24
25

1 COMMISSIONER HUDES: With regard to the CUPs—and
2 I think that it is an effective mechanism for encouraging
3 some of the vitality—I wanted to just point out, because
4 maybe everyone hasn't had a chance to read all of the
5 economic reports that there were four reports that were
6 written. The first one was about leakage. The second one
7 was part of the EIR. There was a third one that I thought
8 was quite detailed, which was from a professor at San Jose
9 State; he works for Trulia. I want to quote from the
10 report, because it was some time ago and it's in a stack of
11 the mountain of materials, but one of his statements I
12 think is really relevant to this consideration.

14 It says, "Thus, if the preference of the
15 residents of the Town of Los Gatos is to keep existing
16 small business in downtown Los Gatos, then implementing a
17 regulatory scheme in the North 40 that mimics the same
18 procedural requirements for business operation in downtown
19 Los Gatos would keep the level playing field even in both
20 locations, and would reduce the incentive for businesses to
21 move from the downtown Los Gatos to the North 40."

23 Although I didn't necessarily reach agreement
24 with all of the conclusions in the report, it was
25 interesting that he analyzed the data and it did seem that
this would be a mechanism, and so I'm strongly in support

1 of looking at some CUPs in the North 40, a limited number
2 that would be relevant to the downtown and other areas of
3 town.

4 CHAIR O'DONNELL: All right, Commissioner
5 Hanssen.

6 COMMISSIONER HANSEN: Since Commissioner Hudes
7 and I were both on the General Plan Committee, and please
8 correct me if I misunderstood anything, but we discussed
9 the economic reports, and we discussed this issue at
10 length, and I thought we got some particular wisdom from
11 Council on this. Where I remember the discussion going in
12 addition to the economic reports was a discussion that came
13 from the experienced Council members about how downtown Los
14 Gatos isn't like downtown Saratoga, because of the things
15 that we've done with our CUPs, otherwise we might be all
16 restaurants, and that's what's happened to a lot of
17 downtowns in places that have started new centers and
18 they're turning out to be 80% restaurants, and I think
19 we've heard some of this at Planning Commission.

20
21 So we got strong influence from some of our
22 Council members, and then the General Plan Committee
23 concurred with that, that the right way to attack this
24 wasn't to remove the CUPs from downtown, even though there
25 was some movement for that, but it was rather to put CUPs

1 on specific types of commercial uses in the North 40,
2 including the ones on this list-restaurant, personal
3 service—so there's a way to make sure that we got the end
4 result that we wanted, and I think that's why we got
5 consensus on that. So I definitely support what's in here,
6 because I was part of that process, but I didn't know if
7 that would help to hear how we got to that conclusion.

8 CHAIR O'DONNELL: Thank you. Other comments?
9 Commissioner Janoff.

10 COMMISSIONER JANOFF: Just to provide input, I'm
11 also in agreement with the CUPs being consistent with the
12 downtown, so what is in here I think looks good.

13 CHAIR O'DONNELL: I might make a comment then; I
14 haven't heard from everybody. I would not like to see a
15 general application of CUP. I think some of the criticisms
16 of the CUP use in the downtown are accurate, some of them.
17 I think in general it probably is a necessary thing, and
18 that may be the same for the North 40. I think we should
19 decide which uses should have a CUP and not a blanket
20 requirement. Blanket requirements skip the important human
21 input of why we need that.

22 Secondly, for example, for the matter under
23 litigation, the Specific Plan, the amount of commercial in
24 the first development I didn't think was all that

1 significant, so when we talk about an existing development
2 plan which may or may not survive the litigation, that at
3 least is some evidence to us of what one might anticipate,
4 because as you know, we are now doing something we didn't
5 have to do with the first go-round where we spent seven or
6 eight years on somebody else's money getting all kinds of
7 input and that kind of thing. At the moment we have
8 wonderful help from Staff, but they've got a lot to do. We
9 don't have the kind of input.

10
11 So I'm not in favor of a blanket application of a
12 CUP to the North 40, so that's enough said. Any more on
13 that, it looks to me just in passing that... I want to be
14 clear on that. It's not clear to me that you all were
15 saying we should have a blanket CUP requirement, or are you
16 saying we should be careful about where we apply the CUPs?

17 COMMISSIONER BADAME: I don't think we should
18 have a blanket CUP in particular. I mean it's the formula
19 retail, the market hall, the restaurant, and the personal
20 service. Especially personal service and restaurants, we
21 can just be inundated with that. As we tend to get downtown
22 there seems to be a great mix of that, and it takes away
23 from people wanting to shop in the small retail stores and
24 maybe spend an afternoon downtown, which gives them reason
25

1 to spend money at other shops. Otherwise, it just becomes a
2 destination if it becomes all restaurants.

3 But those are my four in particular that I'd want
4 to see a CUP for.

5 CHAIR O'DONNELL: The personal service you
6 mentioned, what specifically do you have in mind?

7 COMMISSIONER BADAME: Like people getting their
8 nails done, or their hair done.

9 CHAIR O'DONNELL: Okay, so you're saying those
10 things you'd like to limit by the use of a CUP, those four
11 things?
12

13 COMMISSIONER BADAME: Correct.

14 CHAIR O'DONNELL: Okay. Other comments? Yes,
15 Commissioner Hanssen.

16 COMMISSIONER HANSSEN: Staff, correct me if I'm
17 wrong, but there are quite a number of other permitted
18 retail uses in the North 40 Specific Plan. These are the
19 only ones that are proposed to have a CUP, unless there
20 were some other ones.

21 JOEL PAULSON: I'll clarify. There are a number
22 of additional uses in the Permitted Use Table. This list is
23 specifically the uses that do not meet the requirements of
24 downtown with CUPS, and so this is a small sub-set of the
25 permitted uses.

1 COMMISSIONER HANSSEN: Right. So it's not a
2 request for a blanket CUP, it's just these specific uses,
3 and those are the ones that were called out to add a CUP
4 where there wasn't one in the Specific Plan previously?

5 JOEL PAULSON: Correct. Previously these were
6 permitted uses. There are other uses that require a CUP,
7 they just also require a CUP downtown, and so they're not
8 on this list.

9 COMMISSIONER HANSSEN: Okay.

10 CHAIR O'DONNELL: Let me see if I understand it.
11 You're saying that this list does not mean that there are
12 not other uses for the North 40 as originally put forward
13 that we would require a CUP, these are simply examples of
14 CUPs that are not required under the existing Specific
15 Plan, but are required downtown?

16 JOEL PAULSON: These are the only instances where
17 the permitted of them through a CUP or a permitted use is
18 different than what is required in downtown, so it's just
19 these five categories.

20 CHAIR O'DONNELL: And if these were, let's say,
21 changed to CUPs, then would it be fair to say we'd be on
22 the same footing with the downtown?
23

24 JOEL PAULSON: For the uses, correct.
25

1 CHAIR O'DONNELL: Okay, and the other thing I
2 just raise for people to think about is it's obvious to me
3 as I walk through downtown and I see retail closing that
4 the Internet may have something to do with this. We always
5 like to blame it on CUPs, we like to blame it on this, we
6 like to blame it on that, but we don't talk much about what
7 the effect of Internet shopping is and whether no matter
8 what we do with CUPs what the impact is. So I just mention
9 that, because again, I was walking downtown today and I saw
10 another store close, and I don't think it has much to do
11 with CUPs. Yes.

13 COMMISSIONER BADAME: Commissioner O'Donnell, to
14 that, we don't know if it's a byproduct of increasing
15 rents, so that the tenant could not keep up with a huge
16 rent increase from the landlord.

17 CHAIR O'DONNELL: Well, if you have enough
18 vacancies, the rents will go down, and I don't think that's
19 what we want, however. I don't think we want a lot of
20 vacancies. But I'm not in favor of high rents either; I'm
21 just saying it is true, if you have a very popular place
22 then your rents can go up, so there's a happy medium, I
23 guess. I think there's always concern if enough stores go
24 out of business and are not replaced by a like kind
25 business, and I just have a concern with that, because over

1 the years I've watched a lot of these businesses go out of
2 business for reasons that have nothing to do with Town
3 regulations.

4 Vice Chair Kane.

5 VICE CHAIR KANE: I support Commercial 1 as
6 written. Can we go to number 2?

7 CHAIR O'DONNELL: You're talking about
8 specifically paragraph 1 or paragraph 3, which is...

9 VICE CHAIR KANE: Commercial 1, page 8.

10 CHAIR O'DONNELL: Well, that includes a number of
11 sub-sections, right?

12 VICE CHAIR KANE: No, then I'm going on to number
13 2, Commercial 2, top of page 9.

14 CHAIR O'DONNELL: Okay. Because we were talking
15 about paragraph 3 at the moment, which is the CUPs.

16 JOEL PAULSON: I'll just clarify. Paragraphs 1
17 and 3 are very similar. It's a different topic in 3 than 1.
18 Paragraph 1 is there was a recommendation to consider
19 allowing more commercial in the Lark District, and so
20 that's what's represented in 3. Paragraph 1 is what we have
21 been talking about. I think it sounds like the majority of
22 the Commission is in favor of the proposal on 1, and then
23 with the Chair's comments also noted, which will be in the
24 record as well.
25

1 VICE CHAIR KANE: Well, through the Chair. I
2 didn't want to go out of line, but I would support
3 paragraph 3 as written as well.

4 CHAIR O'DONNELL: Let me just also say I don't
5 support paragraph 1 as written. I would like to be a little
6 more selective on the CUPs. I think that I'm in the
7 minority on that, but I did want the record to reflect
8 that.

9 COMMISSIONER HUDES: Maybe I could just inquire
10 of the Chair, which ones would you not be supportive of,
11 and maybe understand a little bit?

12 CHAIR O'DONNELL: Well, for example, the market
13 hall specialty retail; that's a single use on the property,
14 and that will have a number of uses within that use. So
15 when we say a CUP for the market hall specialty retail, it
16 isn't clear to me why that's necessary. It depends really
17 on what's in the market use, all of which, my understanding
18 at least on the other, were tenants.

19 Now, if one were to sell alcohol or something
20 like that, yes, you should have a CUP, if one were to have
21 a restaurant selling alcohol, but just the concept of a
22 market hall specialty retail, I just don't know if that
23 needs a CUP.
24
25

1 COMMISSIONER HUDES: Maybe just a little
2 background on that one, because that came up in the General
3 Plan and it came up to the Town Council as well, and I
4 believe Council Member Rennie suggested changing it to
5 allow a market hall in the downtown; it's currently not a
6 permitted use. So that's an example of something where I
7 think that this document could be changed. If changes were
8 made downtown, and if things were loosened up downtown,
9 then it would be natural to remove some of the restrictions
10 here as well.

11
12 CHAIR O'DONNELL: We know, for example, the
13 Sunday market downtown is in essence a market hall without
14 a hall, but that's only on Sunday and I don't know the
15 requirements of that, but it does exist, so I guess the
16 question then becomes is it going to be tit for tat on
17 everything we're going to do? I think a lot of the downtown
18 would like us to address the CUP so we make it less
19 cumbersome. If the argument is so long as it's cumbersome
20 downtown it must be cumbersome here, I have a problem with
21 that. I think I'd rather address downtown's problems than
22 simply saddle another problem on another location.

23 COMMISSIONER HUDES: Yeah, I would as well, but
24 unfortunately that's not in our purview.
25

1 CHAIR O'DONNELL: Well, it is in our purview to
2 say whether we think we want that many use permits on this,
3 because that is our purview. And if our rationale is
4 because of this other thing that we can't talk about, I
5 have a problem with that.

6 Yes, Commissioner Janoff.

7 COMMISSIONER JANOFF: To that point, perhaps it
8 would be worth including a comment that says while we agree
9 with providing CUPs that are consistent with downtown on
10 the North 40 on these particular items, given the work of
11 Staff and Council in terms of reviewing the CUPs in
12 general, should it get relaxed downtown, relax it at the
13 North 40, too. I mean there's no point in keeping the
14 competition when you relieve it on one side or the other.

15 CHAIR O'DONNELL: The other thing I'm concerned
16 about is at the moment we have two large users and as the
17 Specific Plan that was approved is in litigation, it
18 becomes more difficult. If we have roughly 40 acres,
19 instead of having, let's just say, two-plus, maybe three
20 including the senior housing, if it were broken up into
21 five-acre pieces, whatever, we don't know, we don't know
22 the economics, but if the litigation is won and a new
23 Specific Plan is adopted, it could be developed in one-acre
24 plots, five-acre plots, 20-acre plots, we don't know.

1 So what I want to be careful of is since we don't
2 know the future on that, we don't want to make it such that
3 it will be unsuccessful. Downtown, however we look at it,
4 and there are those of us that really admire downtown and
5 want to keep it good, I think we also have to remember it's
6 been there a long time and it has some history that this
7 does not, and I don't know that we could simply say we
8 should treat something brand new that we don't even know
9 about the same as we treat something that we do know about
10 that has a history, so I would like for us to consider the
11 effect of the CUPs on a new and unknown development as
12 opposed to simply saying because they do it downtown, you
13 must do it here. But I'll be happy to say that's the
14 minority position, and a narrow minority: me.

16 Yes, Commissioner Badame.

17 COMMISSIONER BADAME: I would like to say that
18 the downtown is successful and has a history of being
19 successful because we have CUPs.

20 CHAIR O'DONNELL: Okay. We can move on then.
21 We've covered 1 and 2. Well, 2 was only allow commercial
22 and mixed use on Los Gatos Boulevard. We haven't talked
23 about that.

24 JOEL PAULSON: Chair? We actually talked about
25 that during Residential, so we actually have resolved that,

1 so I don't think we need to discuss that, unless anyone has
2 anything further to discuss on item 2.

3 CHAIR O'DONNELL: That's fine. Okay, and we've
4 talked about 3, which we're just doing now. We haven't
5 talked—at least I don't think we have—about 4, which is
6 consider maximum square footage for commercial uses instead
7 of CUPs. I see hands going up.

8 Commissioner Badame.

9 COMMISSIONER BADAME: When I look at number 4,
10 were we supposed to get a table? Because if you read the
11 last paragraph, the first paragraph on number 4, it says,
12 "Staff will provide the Planning Commission a table," that
13 may provide us with a distribution matrix with ranges,
14 recommending the number of tenant spaces, et cetera.

15 JOEL PAULSON: You were, and I have that right
16 here. I'll pass that out and put it up on the overhead.
17 This was from a previous version. There used to be a table
18 that you'll see as we pass that out, and then I will put
19 one up on the overhead as well.

20 COMMISSIONER BADAME: You are on it. Thank you.

21 CHAIR O'DONNELL: Question of Staff?

22 VICE CHAIR KANE: Mr. Paulson, if we have
23 supported 1, 2, and 3, at least the majority, does that not
24 preclude a discussion of number 4?
25

1 JOEL PAULSON: It doesn't preclude a discussion
2 of number 4. There may be some opinions on that.

3 VICE CHAIR KANE: (Inaudible) in conflict with
4 the other three.

5 CHAIR O'DONNELL: I think it would be helpful
6 since we will not make the ultimate decision for the
7 decision maker to hear our thoughts on another possibility,
8 which is the reason we have number 4.

9 Commissioner Hudes.

10 COMMISSIONER HUDES: I'm very familiar with this
11 chart; it came in and out of the draft a number of times
12 and the numbers, the ranges, came in and out of it. I
13 personally believe that the CUP is a more effective
14 mechanism than the chart, but I think that chart is...

15 CHAIR O'DONNELL: Just one second so we can put
16 it up on the board so the audience can see what we're
17 talking about, but go ahead.

18 COMMISSIONER HUDES: This chart, which I'm
19 familiar with, has come in and out of the draft a number of
20 times. I personally am in favor of the CUP mechanism over
21 this chart because of some of the challenges when we got
22 into the details of this previously, however, I believe
23 that it should be provided to Council should they not
24 really want to consider the CUP mechanism. I think for
25

1 reasons really stated by Dr. McLaughlin that the regulatory
2 scheme is the right one to focus on, as compared to
3 something new, which we really don't know whether this
4 would work or not.

5 CHAIR O'DONNELL: All right, other comments?

6 COMMISSIONER BADAME: I'm in agreement with
7 Commissioner Hudes on that.

8 CHAIR O'DONNELL: Others?

9 VICE CHAIR KANE: Me too.

10 CHAIR O'DONNELL: Okay. Anybody else want to
11 comment? I think I can agree with that position, too.

12
13 Okay, I think we've now discussed number 4, which
14 moves us to number 5, which is consider a reduction of the
15 amount of commercial square footage, which as I understand
16 it, and I can't tell by looking at this, this used to have
17 office/hotel and that's been moved, and Mr. Erekson in his
18 comments did comment about the hotel situation. Should I be
19 looking elsewhere for the... 2.5.1 talks about the hotel, so
20 the removal of it from Table 2-2 is because of that latter
21 paragraph?

22 JOEL PAULSON: The suggestion, and I can't
23 remember if it was from Council or from the General Plan
24 Committee, in discussing Commercial they thought that it
25 may be appropriate to split hotel and office apart. In the

1 current plan it's office/hotel with a maximum of 250,000
2 square feet, and so the discussion by the General Plan
3 Committee was to split those apart, and these numbers are
4 really—and I will say this again, because I haven't said it
5 at this hearing—but these numbers are really starting
6 points. There's nothing scientific about these, so if
7 Commissioners have other suggestions or ideas, we're
8 definitely here to hear those.

9
10 CHAIR O'DONNELL: Commissioner Hudes.

11 COMMISSIONER HUDES: I was just going to suggest
12 that we go back to 2.5.1. If we've moved onto 5 it makes
13 more sense to maybe look at the total maximum capacity
14 first, before we get into the hotel part of this process.
15 Just a suggestion.

16 CHAIR O'DONNELL: Fine.

17 COMMISSIONER HUDES: The question I had, are we
18 talking about 435,000 or 385,000? I see on the next page,
19 the bottom part of 5, the top of page 11, it says, "The
20 total new square footage shall not exceed 385,000 square
21 feet," and then here under 2.5.1 we're talking about
22 35,000. Could you clarify which number was the
23 recommendation of the General Plan Committee?

24
25 JOEL PAULSON: I don't believe there was an
actual number recommended. The recommendation was to reduce

1 the commercial, and so this is what Staff put together.
2 This confusion came up as well; I think Ms. Decker
3 mentioned at the last meeting. If you look at 2.5.1 on page
4 10, which is above number 5, it has in the not strike
5 through or redline language, the current plan, and then
6 when you get over to number 5 these notes are underneath
7 that table, and so the reduction here was a 50,000 square
8 foot reduction, and that's why 435,000 goes down to
9 385,000.
10

11 COMMISSIONER HUDES: So that's the way it was
12 interpreted, that the total that we're looking at is
13 385,000?

14 JOEL PAULSON: That would be the total for
15 Commercial absent hotel and office, which would have their
16 own categories.

17 COMMISSIONER HUDES: Okay, thank you.

18 CHAIR O'DONNELL: Commissioner Hanssen.

19 COMMISSIONER HANSSEN: The other thing I don't
20 know if we talked about, but in 2.5.1 there was a
21 discussion by the General Plan Committee about having a
22 limit of the amount of total square footage in each
23 district in concert with the discussion we had about
24 spreading the residential across, and so if you look in the
25 redline comments it talked about because this is not in the

1 plan right now having 15% in the Lark District, 35% in the
2 Transition District, and 50% of the square footage in the
3 Northern District, and that was the consensus that the
4 General Plan Committee came to, to try to put some numbers
5 around the concept of each district, because we were kind
6 of spreading things out, that we needed to look at the
7 commercial as well as the residential if we were going to
8 go in that direction. So I just wanted to call that out as
9 a point that was added, and I just thought that the
10 Planning Commission should discuss whether it makes sense
11 or not to pass it along to Council.
12

13 CHAIR O'DONNELL: Other comments? Yes,
14 Commissioner Badame.

15 COMMISSIONER BADAME: I was getting ready to move
16 on to number 5, but if Commissioner Hudes still wants to
17 comment on the 2.5.1, go ahead.

18 COMMISSIONER HUDES: Yeah, I think that I am in
19 favor of some distribution of the commercial in conjunction
20 with distribution of the residential. It makes sense, since
21 we're talking about a mixed use, to do something like that.
22 I think that in general these percentages make sense as a
23 starting point for consideration, and so I'm in favor of it
24 conceptually.
25

1 I have a little sort of language concern about
2 the way it's written, and I think it actually goes back to
3 the residential as well, that if you say that a percentage
4 shall not exceed, it still has to add up to 100% at the end
5 of the day, right? So if, for instance, you only did 10% in
6 the Lark District, then you would not have the ability to
7 get to 100%, so it would probably be better to call out the
8 specific square footage, taking 15% of 385,000, which I
9 think is 57,500, as in the way the document is written,
10 just as a suggestion.

11
12 CHAIR O'DONNELL: Yes, Vice Chair Kane first.

13 VICE CHAIR KANE: She wants to respond to
14 something.

15 CHAIR O'DONNELL: I thought you did, too. Okay,
16 go right ahead.

17 COMMISSIONER JANOFF: Just following up on both
18 of the underlined suggestions on 2.5.1, there is an issue
19 with developers coming in at different times. If somebody
20 hits the maximum, then they hit it, or if they don't, then
21 you can't get to it if it's fully developed.

22 So I agree that a language change could benefit,
23 perhaps ranges, not this not to exceed 50%--that's a pretty
24 hard stop--but it's between such-and-such, and such-and-
25 such, and then at the bottom not to exceed 100%. Perhaps

1 you can incentivize developers to take advantage of the
2 higher percentage to meet that target, because if you
3 don't, then you don't know what other developers may come
4 up with next.

5 So anyway, we have this discussion along the same
6 lines with residential at 40%/30%/30%. Give a range so we
7 can get some flexibility, so that if we don't hit in one
8 district, then you might have an opportunity to push it
9 forward to the next.

10
11 CHAIR O'DONNELL: All right, staying on this one
12 paragraph, is there another comment? Vice Chair Kane.

13 VICE CHAIR KANE: That was going to be my
14 comment, that ironically as in favor I am of the 3,000
15 changes to the verb shall, this is a place where I'd like
16 it to be out and allow Council to have the flexibility to
17 use common sense; if it's 16 versus 34, they should be able
18 to do that.

19 The other thing I wanted to go back to is former
20 Commissioner Erekson. He was talking about research on what
21 is a full service hotel and I want to apply my same thought
22 pattern to that, that Council should have the flexibility
23 to decide what kind of a hotel, not a convention center
24 necessarily, maybe a convention center, so that the civic
25 social groups in town will have a place to meet, and if

1 that takes 200,000 square feet, then that's what it should
2 be. I wouldn't put a limit on the hotel until it's decided
3 what kind of hotel we want, and I would hope that that
4 would be a full service hotel, so that all of the
5 organizations in Town... I think you left out the Los Gatos
6 Morning Rotary, Commissioner, but Los Gatos Morning Rotary
7 would also like a place to meet, in addition to all the
8 other civic organizations. That's the flexibility Town
9 Council should have, along with the sentiment that we want
10 a place for these other organizations to meet.
11

12 CHAIR O'DONNELL: Let me make a comment here,
13 too. The hotel is something that I think the Town would
14 like to have, depending on what the hotel is, all the
15 normal things. So I think when I see it taking 250,000 and
16 splitting it arbitrarily—I think it's arbitrarily—to
17 150,000 and 100,000, we may not want to limit ourselves on
18 the hotel. Certainly the Town, to the best of my knowledge,
19 doesn't have anybody lining up to come in with a hotel.
20

21 We also don't really know where the hotel would
22 go, but we know after having looked at the residential in
23 our prior meeting that it gets rather complex, because
24 instead of putting all the housing in the first two areas,
25 now we said they should be spread among the third, and we
know that if you want to put in a hotel that, let's say, is

1 250,000 square feet rather than 100,000 square feet, it
2 becomes rather tricky as you develop, because again, with
3 two developers, or three developers, and it's really two on
4 this one, the third was fixed, they are massaging how
5 that's done. Here, we're doing it by guess and by golly,
6 but I would like to make sure that we leave open space,
7 whether it's in what we call Transition or the Northern,
8 for the hotel, and the additional square footage would be
9 applicable only to the hotel, because there's a concern
10 about retail, which I can understand.
11

12 But were we to have an opportunity to have a
13 hotel that we would all be pleased with, I would hate to
14 make it so limited—and this was Mr. Erekson's comment—so no
15 good normal hotel as opposed to perhaps a small good hotel
16 would want, so I would like to see us note that. Here, we
17 talk about 150,000 and 100,000. I'd like to flag the hotel
18 so it wouldn't be so limited, depending on what the use
19 specifically is.
20

21 Yes, Commissioner Hanssen.

22 COMMISSIONER HANSEN: I had the same thought.
23 The original proposal was office/hotel up to 200,000, so
24 the thought that went through my mind was what happened if
25 the first proposal came in for 200,000 square feet of
office space, and then we wouldn't have room to do the

1 hotel. I know from our Council members and most of the
2 General Plan Committee, as well as our Economic Vitality
3 team, there was a really strong preference for trying to do
4 whatever we could to incent a hotel to come, so the last
5 thing I would want to do is have general office take away
6 from that, so I understand why we separated it out, but I
7 would kind of be more in favor of putting as much as we
8 could in hotel, and then whatever was left for office as a
9 recommendation.
10

11 CHAIR O'DONNELL: I think Commissioner Badame,
12 did you have your hand up a moment ago?

13 COMMISSIONER BADAME: I did a couple of minutes
14 ago. I was actually in agreement as well. I thought Mr.
15 Erekson brought up some excellent points, and I didn't see
16 the need or desire to separate the office from the hotel.
17 But I did have a question.

18 Before it was 250,000 square feet, so then they
19 want office at 150,000 and hotel at 150,000, so we're
20 saying leave it at 250,000 for either the office or hotel?

21 CHAIR O'DONNELL: No.

22 COMMISSIONER BADAME: No?

23 CHAIR O'DONNELL: I'm not saying that.

24 COMMISSIONER BADAME: Okay, well I want
25 clarification on that.

1 CHAIR O'DONNELL: Let's let everybody comment and
2 find out what everybody is saying.

3 COMMISSIONER BADAME: Okay.

4 CHAIR O'DONNELL: Commissioner Hudes.

5 CHAIR O'DONNELL: Kind of going back to the way
6 we developed some of these numbers in the original draft,
7 it was purposeful to put numbers that didn't add up,
8 meaning that they could be used for various things. So, for
9 instance, the total is 501,000, but if you add up the
10 250,000 plus the 400,000 you have 650,000, so the market
11 drives that usage, who is eager to come in and make an
12 application, et cetera, and so I actually think that this
13 is a very important feature of this zoning, the ability to
14 have a hotel, probably not a huge hotel but a boutique or
15 an upscale hotel, in conjunction with office, and create
16 what you see in other innovation centers up and down the
17 Bay Area where you have office that isn't traditional
18 office so much as either incubator space or start-up space
19 or space for venture capital, and hotel for entrepreneurs
20 to come in to that area. You see that on Sand Hill Road,
21 you see that in the East Bay, and you see that in San
22 Francisco as well, so I think the concept of keeping those
23 two in one category is a good one and let the market drive
24 it. I actually am sort of rolling around in my head whether
25

1 that number should be 300,000 in case we did get 150,000
2 for a boutique hotel and 150,000 for office, but I'd be
3 interested in other people's reactions to a 300,000.

4 CHAIR O'DONNELL: Commissioner Janoff had her
5 hand up for next.

6 COMMISSIONER JANOFF: Yeah, as I read this table
7 it does increase from 250,000 square feet to 300,000 square
8 feet, so in response I think, to the public and Council, it
9 has bumped up.
10

11 I'm thinking of this incentivizing thing. I mean
12 how do you get people excited about coming in? You give
13 them some flexibility, you give them well okay, if you come
14 in with 150,000 it's so much, but if you come in with
15 200,000 and it's a hotel, then we'll give you... So I'm in
16 favor of keeping the number bundled rather than breaking it
17 out in order to give the decision makers the opportunity to
18 come in with some interesting creative plans, and the
19 Council or the Planning Commission the opportunity to look
20 at some kind of creative ways to go about obtaining what
21 the Town wants.

22 CHAIR O'DONNELL: Commissioner Badame.

23 COMMISSIONER BADAME: Perhaps we also want to
24 look at taking away the commercial square footage even
25 further and adding that square footage onto the

1 office/hotel, which would protect the downtown that
2 everybody is so worried about.

3 CHAIR O'DONNELL: Again, I have the problem in
4 that I don't know how many shopping centers you have done—I
5 mean literally done, but I would guess most of us have
6 never built a shopping center—but the further we get into
7 what would take an experienced person to go, the less
8 likely it is that it's going to be a good idea. Now, that's
9 not to say what our role isn't good, but I think we have to
10 be careful not to so micro-manage it that we will not get
11 anybody to be interested in it.
12

13 What I've heard is you want some flexibility so
14 if a hotel came in and said 150,000 is too small, could we
15 have 200,000, we'd at least have the discretion to be able
16 to do that.

17 Now, if the feeling is that we don't want more
18 than pick-a-number on the office, if we combine the two we
19 might have some flexibility with the hotel that we're not
20 prepared to give ourselves with the office, that would be
21 fine too, because offices are perhaps easier to deal with
22 than the concept of the hotel, because offices come in
23 different sizes and shapes, and hotels are less like that,
24 even though there are different sizes and shape.
25

1 So I'm just saying I would hope our flexibility
2 at least goes to the hotel, and if you think it should also
3 go as to the offices, we should say that.

4 Yes, Commissioner Hudes.

5 COMMISSIONER HUDES: I just have a suggestion
6 maybe to put that into place and say that the total for
7 office and hotel would not exceed 300,000, and the total
8 for office would not exceed 150,000, but to leave
9 flexibility on the hotel side.

10 CHAIR O'DONNELL: I like that concept.

11 COMMISSIONER JANOFF: (Inaudible).

12 CHAIR O'DONNELL: The question is what if we
13 don't get a hotel? Which is a good question. I think that
14 when we talked about we have to have percentages that add
15 up to more than 100%, I think the percentages will have to
16 allow for our not getting something, so that I would not
17 want to preclude the build-out of a project, because we're
18 sitting there waiting for the non-existent hotel, and we
19 have office users that want to use it and we're...lock our
20 hands. Now, obviously you can take steps to unlock your
21 hands. Now, obviously you can take steps to unlock your
22 hands, but perhaps we could do that again with percentage,
23 and perhaps we can do it with language, how we're trying to
24 encourage the hotel. I don't know how you do that, but
25 maybe Staff will.

1 JOEL PAULSON: Yeah, there are multiple options.
2 I think it's fairly clear from the comments that the hotel
3 is an important component, and so whatever we can do to
4 allow flexibility for a hotel. I think there's also a
5 desire that if there's office, whether it's an incubator
6 scenario, we could just use numbers, either split or
7 together. Under the proposal here, maybe office not to
8 exceed 150,000, and then hotel not to exceed 250,000 square
9 feet, which gives that flexibility, you're still over the
10 100%, and then you can also discuss whether or not the
11 350,000 for all the other commercial uses is appropriate as
12 well.
13

14 But that would provide you the flexibility, gives
15 you some caps from the office so that it isn't... If you put
16 in an office/hotel you could get 250,000 square feet of
17 office. That probably wouldn't align with the EIR, so that
18 that would be an additional limitation, but that's
19 something to consider, and that's one option.
20

21 COMMISSIONER HUDES: Yeah, and I would be
22 concerned about putting something in here that would take
23 us out of alignment with the EIR, which was specific
24 instructions from Council.

25 CHAIR O'DONNELL: Well, we will revisit the EIR
before we're through, because Council did raise that issue

1 and I think we should discuss it, because I know that the
2 Town's desire is to stay with the same EIR, and I can
3 understand that. So at the end of the day we should revisit
4 where we are and discuss whether that will be consistent in
5 our view with the EIR, as opposed to finding out later that
6 it wasn't.

7 Yes, Commissioner Hudes.

8 COMMISSIONER HUDES: I just wanted to express
9 support for the Community Development Director's suggestion
10 of office 100,000 and hotel 250,000 maximums. I think that
11 gives us the flexibility for some of the things that Mr.
12 Erekson suggested as well, and I think it also has the side
13 benefit of keeping us under the EIR number of 250,000 for
14 office, which is another one that we're worried about.

15 CHAIR O'DONNELL: The only question I have is if
16 you don't get a hotel and you've allocated, let's say,
17 150,000, or 200,000, or whatever the number is to a hotel,
18 and you've allocated the balance to office and you're
19 sitting there with a vacant lot...

20 COMMISSIONER HUDES: Remember, you have a 501,000
21 maximum overall, so you still have 385,000 maximum for
22 commercial.

23 CHAIR O'DONNELL: We haven't been very clear on
24 that, I don't think, at least in my mind. But if that's the
25

1 intent, I would subscribe to that; I just didn't hear us
2 say that. Does the Staff understand that better than I did?

3 JOEL PAULSON: Yeah, so I think 501,000 is the
4 absolute cap for commercial, and so you do have that cap,
5 which could be lowered, depending on whether or not the
6 general commercial was lowered, or it could be kept the
7 same.

8 CHAIR O'DONNELL: The way we're dividing this up,
9 too, and particularly if we're going to spread the
10 residential over what I will call three areas, and so we'll
11 have more residential in the Transition and certainly more
12 residential in the Northern. We also have to consider where
13 the hotel would go, and so that this balancing will work
14 out, and if Staff feels that they can do that, that's
15 great.

16 CHAIR O'DONNELL: Okay, Commissioner Badame.

17 COMMISSIONER BADAME: I would say that the hotel
18 could only go in the Northern District.

19 CHAIR O'DONNELL: Why is that?

20 COMMISSIONER BADAME: Because if you look at the
21 purpose and reason for having districts, it's to...

22 CHAIR O'DONNELL: Well, we're basically throwing
23 out what we did originally, as you recall. The Transition
24 District is a transitional district. If one part was really
25

1 residential and one part was basically not residential
2 except for the second story residential, we're now saying
3 no, that's out, we're going to spread the residential out,
4 and therefore you won't have to have second floor
5 residential only in the Northern. So if we want to continue
6 to think we are where we were, I don't think we are.

7
8 I'm not suggesting we should therefore build a
9 hotel someplace else, I'm just saying it does change,
10 because if somebody came in and said you want 20% or 25% in
11 the so-called Northern District, and they do that, then the
12 question is how much is left? If it's split between office
13 and hotel, will it be big enough for hotel, whereas, again,
14 our discussion at the last meeting on how we split up the
15 total is rather critical here, and we just have to make
16 sure they all meld together.

17 Yes, Commissioner Hanssen.

18 COMMISSIONER HANSSEN: I just wanted to point out
19 that in the existing Specific Plan, if you look at the
20 Table of Permitted Land Uses, 2-1, hotels are permitted in
21 the Transition District and the Northern District, and
22 office is permitted in all three districts, and there's no
23 proposed change to that, so at the moment that would be the
24 case if they could make it work with the other things that
25 are going on.

1 CHAIR O'DONNELL: That's a good point. So we
2 don't have to do anything, but it could under that be in
3 one of two districts, and I suppose straddle two districts.

4 Other comments on that one area we're talking
5 about? If not, we can move on.

6 COMMISSIONER BADAME: I'm not ready to move on.

7 CHAIR O'DONNELL: Okay, I'm sorry. Go right
8 ahead.

9
10 COMMISSIONER BADAME: We still have this category
11 of Commercial, and it was 400,000 and now we've decreased
12 it to 350,000, but I think it's still within our purview as
13 the Planning Commission to decrease it further. We've heard
14 public testimony from members of the public that probably
15 are more knowledgeable than I am about the competition, et
16 cetera, and what might be appropriate for that site. So I
17 would like for us to consider possibly decreasing that
18 number further.

19 CHAIR O'DONNELL: Comments? I guess the problem I
20 have is the numbers originally came up after I don't know
21 whether it was seven years or eight years of discussion and
22 a lot of input, and now we're saying, with all due respect,
23 we have no background. If we simply say raise your hands,
24 all those who want to have less of everything, we get a lot
25 of hands going up. If we say, on the other hand, we want

1 the property to be developed, that's a different issue. So
2 if you want to decrease the office, obviously you can, but
3 the question is what do you relate that to and what is your
4 opinion as to the sustainability of that?

5 COMMISSIONER BADAME: I don't want to decrease
6 the office, it's commercial that I'm looking at.

7 CHAIR O'DONNELL: Oh, okay.

8 COMMISSIONER BADAME: And that being said, if we
9 decrease it further, we could have more open space.
10

11 CHAIR O'DONNELL: Well, if we did that to the
12 whole thing, we could have the whole thing open space. The
13 question is whether you can build something that you will
14 develop or whether it will not develop. There's no problem
15 getting more open space, you just make it so that it can't
16 be developed.

17 COMMISSIONER BADAME: That's not my goal.

18 CHAIR O'DONNELL: I understand.

19 COMMISSIONER BADAME: We've had significant
20 public testimony from the community.

21 CHAIR O'DONNELL: Commissioner Hanssen.

22 COMMISSIONER HANSSEN: We haven't done any
23 scientific study of this, but we had testimony at our last
24 hearing when we were talking about residential. I think
25 someone from the public suggested reducing it to 225,000

1 square feet with the related description that that's three
2 times the size of the shopping center where Trader Joe's
3 is, which is quite a bit of shopping space. It stuck in my
4 head as an interesting benchmark, even though we might not
5 have any scientific marketing studies to support whether
6 that's the right number or not, but also given the fact
7 that we desire some more open space, and also that
8 traditional retailers are struggling so much and we don't
9 want to have tons and tons of restaurants dominating the
10 North 40, I don't see a big problem with reducing the
11 number at least some.

12
13 CHAIR O'DONNELL: Commissioner Badame.

14 COMMISSIONER BADAME: We've also had several
15 letters about putting in a community garden, so that could
16 be square footage that could be taken away from commercial
17 and allow for a commercial garden.

18 CHAIR O'DONNELL: Commercial garden?

19 COMMISSIONER BADAME: Not a commercial garden.
20 You've got me all worked up over here, Chair O'Donnell. I
21 would say a community garden.

22 CHAIR O'DONNELL: Does anybody else want anything
23 else in the shopping center? So we want more open space,
24 and we want a community garden. Somebody wrote a letter and
25

1 said a community pool would be a good idea. Want a
2 community pool?

3 COMMISSIONER BADAME: I would say that would be a
4 huge liability problem for the Town.

5 CHAIR O'DONNELL: Okay, so at the moment we want
6 more open space, and a community garden. Do you have some
7 size in mind?

8 COMMISSIONER BADAME: If we could open public
9 testimony again, I'm sure we could get plenty of comments
10 on that. I don't personally have a size in mind.

11
12 JOEL PAULSON: I would just offer that we're
13 going to talk about open space in a later topic area. Here,
14 I think the question from Commissioner Badame is whether or
15 not the 350,000 square feet should be reduced. I believe
16 that's what the question is.

17 CHAIR O'DONNELL: Yeah, and if the majority of
18 the Commission thinks that's the case, we should just say
19 so.

20 COMMISSIONER BADAME: Well, I say so.

21 CHAIR O'DONNELL: Okay. Yes, Commissioner Janoff.

22 COMMISSIONER JANOFF: If I'm reading the numbers
23 right, 501,000 is the maximum. That includes commercial,
24 hotel, and office. So if you give priority, let's say,
25 because the Town really wants a hotel and you want to make

1 that a maximum sort of affair, that's in the neighborhood
2 of 250,000 square feet to get a good full-service property
3 installed. That leaves 251,000 square feet, which would be
4 the maximum available for office or retail, right?

5 JOEL PAULSON: Correct.

6 COMMISSIONER JANOFF: If you prioritize around
7 the hotel and incentivize around getting the hotel, it's
8 going to naturally depress what you're going to get on
9 commercial either way. Personally, I think absolutely I'm
10 in favor of reducing the amount of retail, but if the
11 Council looks at the applications and incentivizes the
12 applications the way I think we're all suggesting, it's
13 going to naturally depress that. I'm not sure we need to
14 change the numbers per se, but if we stick with the 501,000
15 we're going to have a natural cap.

17 CHAIR O'DONNELL: Other comments? Commissioner
18 Hudes.

19 COMMISSIONER HUDES: These numbers all kind of
20 play together, so I think that you've got sort of this
21 650,000 total possible, and you've got the 501,000, which
22 is the maximum, and so if you start to make changes
23 elsewhere... So we've increased the hotel/office by 50,000
24 square feet. I think it makes sense to decrease that,
25 because I think there was some thought about those totals

1 as compared to the maximums in terms of flexibility, and
2 those were suggestions that came from a number of the
3 consultants who worked on the project as well, so to that
4 end I would say that we're really looking to encourage
5 300,000 total, we're looking to encourage the possibility
6 of a 250,000 hotel, then I think we should consider
7 reducing that 350,000 to perhaps 300,000 or some number
8 lower than 350,000, just to have the number sort of hang
9 together.
10

11 CHAIR O'DONNELL: That number, would you remind
12 me, applicable to what specifically?

13 COMMISSIONER HUDES: To the table that says
14 commercial excluding office/hotel that is currently 400,000
15 reduced to 350,000, and there have been several suggestions
16 from other Commissioners to reduce it further, and I am in
17 support of that and the concept of how these numbers all
18 kind of play together, and if we're increasing hotel that
19 we ought to consider decreasing commercial.

20 CHAIR O'DONNELL: So if, for example, the
21 Planning Commission were of that mind, it might be adequate
22 to say reduce that, and we've talked about the possibility
23 of 50,000, but nobody is saying exactly what it should be,
24 but the idea being to reduce it, is that correct?
25

1 COMMISSIONER BADAME: That's correct, if not even
2 further.

3 CHAIR O'DONNELL: Well, that's what I mean.
4 Ultimately, they'd have to make that decision, unless you
5 want to make a stronger recommendation. So I'm really
6 asking you, the way I hear it now from what Commissioner
7 Hudes said was he thinks there should be a reduction, but
8 he's not putting an exact number. Fifty thousand was a
9 number that was acceptable to him; at least if I understood
10 what he said, but he's not saying it must be 50,000. Do I
11 understand you correctly, Commissioner Hudes?
12

13 COMMISSIONER HUDES: Yeah, that's correct. I
14 think it should be reduced at least 50,000, perhaps more. I
15 don't know that we have testimony to rely on from experts
16 with regard to what that number should be. Perhaps that's
17 an area that would require a little more work before it
18 goes to Council, but I would be comfortable with at least a
19 50,000 reduction.

20 CHAIR O'DONNELL: Commissioner Badame.

21 COMMISSIONER BADAME: Perhaps we could provide a
22 range to Council and they could review it and make a
23 decision. Commissioner Hanssen had brought up the 225,000,
24 which I recall public testimony on that, so perhaps we
25

1 could word our recommendation to be somewhere within the
2 range of 225,000-300,000.

3 CHAIR O'DONNELL: How does that go over with the
4 rest of the Commissioners? It looks like that would be
5 acceptable, if I read head nods correctly. Could we move on
6 then from that point?

7 Yes, Commissioner Hudes.

8 COMMISSIONER HUDES: I wanted to backtrack to a
9 previous point. Commissioner Janoff recommended putting
10 sort of a tolerance around these numbers that were in red,
11 and I wanted to express strong support for that. I think
12 that the word shall is important, but I think shall with a
13 range, and I would suggest just doing the math and taking
14 15% of the total number, and then adding plus or minus 10%
15 to whatever that number is.
16

17 CHAIR O'DONNELL: Is that acceptable? That also
18 looks like that would be acceptable.

19 I'm going to try to move on, and I may have the
20 wrong number, so you'll have to let me know if I'm moving
21 to the wrong number. Now, implicit in that is 2.5.1,
22 Maximum Development Capacity, and I think 6, which is
23 address commercial needs that have been previously
24 identified. I don't know that we specifically have
25

1 discussed that, unless that was your intention. Do you feel
2 we've covered 6?

3 VICE CHAIR KANE: No, we haven't covered 6. Let's
4 go to 6.

5 CHAIR O'DONNELL: Before we get into 6, that's
6 the question. Have we implicitly done 6, or is it ready to
7 be discussed now?

8 COMMISSIONER JANOFF: Ready for discussion.

9 CHAIR O'DONNELL: Okay, so let's discuss 6, which
10 is address the commercial needs that have been previously
11 identified: General merchandise, building materials, and
12 resident-serving businesses defined as serving in the north
13 part of Los Gatos and the North 40.

14 Now, Commissioner Hudes, did you have your hand
15 raised on that?

16 COMMISSIONER HUDES: Yes. I think it is a
17 separate point, and it has to do with the type of
18 businesses that go into whatever the numbers are, and this
19 is meant to clarify, I think, the intention of the original
20 Vision and the original Principles in the Vision by being
21 more specific and using a little bit more clear language
22 saying that the commercial development should be primarily
23 neighborhood-serving, so that the Planning Commission and
24 the Council have a yardstick to look at the development and
25

1 not necessarily in opposition to being primarily
2 neighborhood-serving would be a regional shopping center,
3 for instance, and so this would give the Council and
4 Planning Commission the ability to look at the type of
5 businesses that are coming in and in keeping with the
6 original intention, which was for these businesses to be
7 primarily neighborhood-serving.

8 CHAIR O'DONNELL: Let me ask you this: When you
9 look at 6, and then you turn the page and you look at the
10 sub-paragraphs, that's exactly what they do, and so in
11 those they say primarily neighborhood-serving, primarily,
12 shall be primarily, and primarily, so that's the next four
13 paragraphs.

14 COMMISSIONER HUDES: Right. I thought that was
15 just the implementation of 6 was those four paragraphs.

16 CHAIR O'DONNELL: No, I'm just saying is there
17 more that we should add to that?

18 COMMISSIONER HUDES: No. Actually, no, I'm just
19 providing some rationale for why I think that should be
20 done that way and why it isn't covered by just playing with
21 the numbers.

22 CHAIR O'DONNELL: Okay. Other comments on that?
23 Commissioner Hanssen.

1 COMMISSIONER HANSSEN: I just wanted to concur
2 with what Commissioner Hudes said, that when we discussed
3 it in the General Plan Committee it was... Because right now
4 it's fairly general about complementing unmet needs in
5 town, and we wanted to be sure that to give more guidance
6 that what we were looking for in proposals for new
7 commercial was to serve the residents in the surrounding
8 areas as well as in the North 40, but they are not to bring
9 in things to attract people from all over the place. There
10 are places for that in the North 40, but the predominance
11 should be to serve the people that are in the North 40.

13 CHAIR O'DONNELL: Vice Chair.

14 VICE CHAIR KANE: I totally agree with that. I
15 really do want to move along, but I think we... I would leave
16 it up to Staff to use its superior views on these things,
17 and add for Council's benefit some kind of specific
18 reference.

19 I've read this and I think somewhere I saw it
20 said don't have a shoe store which might compete with
21 downtown, meaning it wasn't primarily neighborhood, so I
22 would just ask you to consider when you write this up for
23 Council what is meant by primarily neighborhood-serving,
24 like a local small restaurant, or an I don't know what. I
25

1 understand the intent, but I'd like to give them some
2 general, if not specific, guidance for all four paragraphs.

3 CHAIR O'DONNELL: When you look at 2.6.6, that
4 first paragraph there also uses the term "primarily," so
5 I'm asking you is there anything starting with 2.6.6 and
6 going to 7, 8, and 9 that you think needs some more
7 discussion?

8 VICE CHAIR KANE: No.

9 CHAIR O'DONNELL: If not, we can move on to Open
10 Space, which is on page 13, and you can see the comments
11 there. We've got Perimeter Overlay Zone, we've got more
12 open space should be required, we've got open space
13 standards, and so on. So I think we can talk about open
14 space fairly generally, and then zero in on the specific
15 paragraphs.
16

17 Who would like to comment? Commissioner Hanssen.

18 COMMISSIONER HANSSEN: I think one of the central
19 issues that I remember hearing about, and we heard some
20 additional testimony at our last hearing, was about what
21 counts as open space. Commissioner Hudes, I think it was
22 you that brought us this definition that's on page 15, so I
23 want to maybe start with that, because I think we heard
24 lots and lots of comments.
25

1 I know a lot of care was taken in the original
2 Specific Plan to have the 30% and then the 20% minimum
3 green space, and that it's way more than we would normally
4 get in any other type of proposal, but in terms of just
5 being clear, I like the definition that we were shown from
6 the EPA in New England about green space being, "Land that
7 is completely covered with grass, trees, shrubs, or other
8 vegetation. It includes parks, community gardens,
9 cemeteries, schoolyards, playgrounds, public seating areas,
10 public plazas, and vacant lots." That's what they define as
11 open space, and we had more than that in our definition.
12

13 CHAIR O'DONNELL: Commissioner Badame.

14 COMMISSIONER BADAME: I applaud the clarification
15 to define open space to mean green space, so I'm in favor
16 of the open space changes.

17 CHAIR O'DONNELL: Other comments?

18 VICE CHAIR KANE: Completely agree.

19 CHAIR O'DONNELL: Commissioner Hudes.

20 COMMISSIONER HUDES: Yeah, I raised the
21 suggestion because I think it's important for the deciding
22 bodies to be able to look at the applications and say is
23 this really open, or is this a strip of grass in a parking
24 lot? I think that having some language in the plan is
25 important to be able to provide that type of yardstick so

1 that we can come back and look at is this really something
2 that meets general standards on what is open space, so I'm
3 in support of this language, obviously.

4 CHAIR O'DONNELL: I've heard no dissenting
5 voices, so can we move on then to Parking, page 16?

6 Yes, Commissioner Hudes.

7 COMMISSIONER HUDES: I just wanted to maybe take
8 the opportunity to think about the possibility of a
9 community garden while we're talking about open space, and
10 I did want to react that there were a number of suggestions
11 during the hearings last summer, and then—I don't know the
12 number, I didn't count—but there were a number of emails,
13 it wasn't just a singular email, and it does seem to be
14 something that the community would like to see somewhere in
15 the zone, and so it seemed to me that maybe one way to do
16 that would be to either specify or encourage some of the
17 open space to be used for a community garden, and there are
18 a range of ways of doing that, so I just wanted to throw
19 that out there for discussion.
20

21 CHAIR O'DONNELL: If I recall correctly, the idea
22 of keeping the history of the site was also include some
23 vineyard type land around I guess it was a red barn or
24 something. Well, that's, I guess, fairly clearly, open
25

1 space. I don't know how it ties, or if it does, into
2 community gardens.

3 COMMISSIONER HUDES: Yeah, I don't think that was
4 in the Specific Plan, I think that was in the application.
5 It was an idea to have a vineyard there, which is one type,
6 but I actually think that many seniors are interested in
7 having a place to go and plant vegetables and (inaudible).
8

9 CHAIR O'DONNELL: I wasn't suggesting that the
10 vineyard would be a community garden, I'm just wondering if
11 perhaps instead of a vineyard, it could be a community
12 garden.

13 COMMISSIONER HUDES: Yeah, and I think maybe this
14 might be an area where we would put some language to
15 encourage that, and maybe there are some ways to
16 incentivize it, I don't know, but it seems like a great
17 idea and it would be interesting to see how other
18 municipalities have incentivized the creation of community
19 gardens in spaces that are accessible to people.

20 CHAIR O'DONNELL: Yes, Commissioner Badame.

21 COMMISSIONER BADAME: I have a question probably
22 for Staff. If there are any associated cost factors with
23 maintaining it, who would bear that?
24

25 JOEL PAULSON: It depends on how it's set up. It
could be a function that is open to the public community

1 garden, and then the HOA would ultimately maintain it, that
2 surrounds it, whether that's commercial or residential, but
3 there are a number of different options there. It could
4 also be someone coming forward and asking the Town to
5 maintain that portion, because it will specifically be open
6 to the public. It will depend on the use, and so we'd have
7 to look at that at the time of application.

8 COMMISSIONER BADAME: Thank you.

9 CHAIR O'DONNELL: Yes, Commissioner Hudes.

10 COMMISSIONER HUDES: Just a question for Staff.
11 Has there been discussion about a community garden
12 elsewhere in town? Has this ever come up?

13
14 JOEL PAULSON: Community gardens come up often.
15 Generally though we don't have the space, and we don't have
16 the Staff resources to maintain them. There are some
17 communities that have them that the actual city or town
18 does keep up the maintenance of those and manages them, but
19 for this one I think it's pretty clear that there is
20 interest for community gardens. We can let the Council know
21 that that was part of the recommendation of Council, and
22 probably provide some language for them as a starting point
23 that could be included in the Specific Plan.

24 COMMISSIONER HUDES: That makes sense to me.
25

1 CHAIR O'DONNELL: Okay, if there are no other
2 comments, we can move on. We were going to talk about
3 Parking, so that's page 16. What comments do we have on
4 Parking? There was one red underlining, and that was E,
5 which was underground parking is encouraged.

6 Are there any other comments? If there are not,
7 it will move on to Height. Oh, pardon me. Commissioner
8 Janoff.

9 COMMISSIONER JANOFF: I'm just thinking, reading
10 my notes I think I recall in some of the prior meetings
11 that there was a comment that underground parking is an
12 added cost factor that may not be attractive to a
13 developer, so to that point I agree with the addition of
14 item E, underground parking is encouraged, but I would also
15 encourage some incentivization so that we'd actually get
16 that. I think one of the comments was to incentivize
17 underground parking and relax the height, or add height, do
18 something to trade that off so that for the added cost the
19 developer has a benefit, and it's also beneficial for the
20 development.
21

22 CHAIR O'DONNELL: Okay, I suggest then that maybe
23 when we come to height, which is the next issue, you keep
24 that in mind and see where it might fit in.
25

1 Okay, as I said, the next issue is Height, and
2 there are a number of sections there, so I think we can
3 talk about them all right now. I know you have to look at
4 it to remind yourself, but as soon as someone is ready to
5 make any comments.

6 Vice Chair Kane.

7 VICE CHAIR KANE: The title of the section is
8 increase height to 45' as long as there is more open space,
9 and that sounds like a negotiation, and to the extent that
10 former-Commissioner Erekson had the first shot at this, I
11 agree with him, if I understood him. I don't think that's
12 applicable. If we need a structure to be more than 45',
13 like the hotel, I don't know why we should put a condition
14 on it. I'm open to listen, but I don't know why we would do
15 that.
16

17 CHAIR O'DONNELL: Just one thing. Commissioner
18 Janoff, I think, just said as an encouragement to
19 underground parking perhaps an increase in height would
20 incentivize it. So are you rejecting that?

21 VICE CHAIR KANE: Yeah. With the exception of the
22 hotel I don't know why we'd go above our standards on
23 height, and that's been a strong complaint from the
24 community, and it remains an issue for me. I wouldn't
25 negotiate a taller building unless it was the hotel.

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CHAIR O'DONNELL: Commissioner Hanssen.

COMMISSIONER HANSSEN: On this point too, I could be wrong, but I thought we talked about this in the General Plan Committee and we decided not to tie open space to the height. That's what I remember, but I could be mistaken. In any point, I wasn't in favor of this and I didn't think that our consensus was that, but we talked about so many things, maybe it just got lost.

But what I did want to say about the height though is to put some context around it, when the height restriction was made at 35' it actually eliminated some possible housing types that could accomplish dealing with some of the unmet needs, for instance, the senior step-down housing. That was one of the places where it was flagged that a 35' height limit wouldn't make it possible to have that kind of housing type. That was the whole reason that we had this discussion about doing this, and then it was kind of like well how could we hope that it happened, because we certainly don't want to have everything in the whole property be 45', so I thought it was going to be tied to certain kinds of properties, land uses, that we desired that required that.

Maybe instead we should just have a list of what those are, and it might include a hotel. I don't know if a

1 hotel needs 45'. I mean I would just prefer to do that than
2 to have incentives tied into it in the Specific Plan.

3 CHAIR O'DONNELL: So let me say, I think what I'm
4 hearing is you do not agree with the red addition on
5 paragraph 2.5.2.

6 COMMISSIONER HANSSEN: I do not.

7 CHAIR O'DONNELL: Okay, and I think I've heard
8 others say they didn't agree with it either.

9 Commissioner Hudes.

10 COMMISSIONER HUDES: I can't remember where the
11 General Plan Committee ended up on this issue. I personally
12 was not in favor of that, so I'm not in agreement with 3.

13 But there was another point that did come up that
14 I think is important, and it was raised earlier. Going back
15 to community input, if you remember, the backdrop on this
16 whole zoning was a lot of community concern about very tall
17 buildings. We just had lawsuits over various other
18 developments due to building heights.

19 One of the arguments that was made that was
20 persuasive on the part of the developers and the
21 consultants was that the property naturally slopes away
22 from Los Gatos Boulevard, so that it would be possible to
23 allow taller buildings in setback areas. Now, that only
24 works if there's clear language that you measure from
25

1 existing grade rather than finished grade, so I think that
2 we should really look at how to do that, and also to say
3 that the required height that's in excess of district
4 maximums only occur in areas that have an equivalent amount
5 of slope reduction from Los Gatos Boulevard and Lark
6 Avenue, and that puts some words behind the intention and
7 allows us to have taller buildings not have such an impact
8 by being set back into the center of the development rather
9 than being on the edge of the development. So I would
10 suggest adding some of that language to the height section,
11 and I think it's an important concept.

12
13 Now, I also remember that it was either a—I can't
14 remember the right word—concession or an exception that was
15 asked for by the developer as part of the density and other
16 things was to measure from finished grade rather than
17 existing grade, so I would like to see if there's a way
18 that we can try to make that a little bit tighter language
19 in here so that we really are ultimately measuring from
20 existing grade rather than finished grade. I think it's
21 important given the nature of that particular area in Town.

22
23 JOEL PAULSON: The way the Specific Plan
24 currently reads, we measure from existing grade or finished
25 grade, whichever grade is lower, and so currently it's
potentially even more restrictive. We can tighten this

1 language up. It would not solve your concern with the
2 concession that was requested as part of a density bonus.

3 COMMISSIONER HUDES: Okay, but there's also maybe
4 another suggestion to add language that says that height in
5 excess of district maximums only occurs in areas that have
6 an equivalent amount of slope reduction from Los Gatos
7 Boulevard and Lark Avenue, so it's a little bit different
8 context.

9
10 JOEL PAULSON: I remember. Yeah, similar concept
11 than in the original go-round with the Specific Plan, so we
12 can carry that forward.

13 CHAIR O'DONNELL: It is now almost 9:00. Let's
14 take a ten-minute recess. Thank you.

15 (INTERMISSION)

16 CHAIR O'DONNELL: Okay, we're going to resume.
17 We're still under building height. Building height is page
18 17, so that's just the one page there with the various sub-
19 paragraphs.

20 People have comments on height? Commissioner
21 Hanssen.

22 COMMISSIONER HANSSEN: I think we talked a lot
23 about the 45'. The other thing that's right after this is
24 the discussion that we also had about the Lark District in
25 particular, and then there was some sentiment about ideally

1 because so many people were up in arms about seeing 35'
2 tall buildings for residential, that we ought to consider
3 limiting the height in the Lark District to 25'.

4 Now, the only issue that might come with that is
5 the requirements for the Housing Element and the density of
6 twenty dwelling units per acre over 13.5 acres. I don't
7 know if we know the answer to that, but I think what I
8 recall, and maybe Commissioner Hudes could correct me if
9 I'm wrong, I thought the people in the General Plan
10 Committee were in favor of, if it was feasible, to still
11 meet our density requirements to reduce the height in the
12 Lark District just to make a smoother transition from the
13 residential neighborhoods across the street on up, if we
14 could do that, we should.

16 That's kind of the opposite of this 45' thing,
17 but that's where I think if we do the 45' thing it needs to
18 be this type and this type, say, affordable housing, senior
19 housing, a hotel, or whatever, and it needs to be in these
20 districts.

21 So that was kind of what I remember about the
22 discussion about height, just those two things: lower
23 height in the Lark District, and then specific places where
24 it could be 45'.

25 CHAIR O'DONNELL: Commissioner Hudes.

1 COMMISSIONER HUDES: Yeah, I do recall the
2 conversation, that that was really the intent of the
3 discussion in the General Plan Committee, that we should
4 look at reducing the height of residential to 25' where
5 possible. In fact, there was some earlier suggestion when
6 we were discussing this in mid-December at the Planning
7 Commission of having a lower density in a small area, which
8 is called a perimeter area, and so I think that's
9 consistent with what we discussed, and I'm supportive of
10 the statement on 2.
11

12 CHAIR O'DONNELL: Yes, Commissioner Janoff.

13 COMMISSIONER JANOFF: Question: Is the reduction
14 to 25' just for the Lark District, or is it across all
15 three?

16 COMMISSIONER HUDES: As I recall, it was in the
17 Lark District, because there are other residential
18 structures elsewhere, particularly over the market hall,
19 that are considerably taller than 25', if I remember.

20 COMMISSIONER JANOFF: So I would support the
21 reduction to 25' in the Lark District, but overall allow
22 for a higher height, higher density, in the other
23 districts. This doesn't say specifically Lark.

24 CHAIR O'DONNELL: You're equating density there
25 to height, but you mean to say just height? You don't mean

1 density, do you? In other words, density would be how many
2 units per acre, as opposed to how many units per building.
3 Height and density are not the same.

4 COMMISSIONER JANOFF: What I'm saying is I'm
5 supportive of the 25' height restriction in the Lark
6 District, and if the height for residential units needs to
7 be higher in the other districts, that's fine.

8 CHAIR O'DONNELL: Anybody else have comments?
9 Vice Chair Kane.

10 VICE CHAIR KANE: It's been said, just to say it
11 again, item 3, increased height of 45' provided additional
12 open space is not something myself, maybe some others are
13 in support of, I wouldn't negotiate that. Again, I want to
14 provide a reasonable exemption for the hotel without
15 encumbering the hotel by having to find a way to increase
16 open space.

17 CHAIR O'DONNELL: My understanding is that the
18 red marked iii really was not what my fellow commissioners
19 wanted, is that correct? So the recommendation then would
20 not be to do that.

21 COMMISSIONER HUDES: Yeah, I'm not going to
22 (inaudible).

23 CHAIR O'DONNELL: Commissioner Hanssen.

24
25

1 COMMISSIONER HANSSEN: I think the recommendation
2 was to allow an increase in height from 35' to 45' for
3 specific reasons. I wouldn't be able to make a whole list,
4 but like I said, I named a couple that we found out in the
5 application we got for affordable housing that there might
6 be a need for it when there's residential or retail in the
7 Northern District. We heard there was a need for this for
8 senior step-down housing. There would be specific reasons
9 why we would allow 45', and only those reasons, and it
10 would only be in the Transition and/or Northern District.
11

12 CHAIR O'DONNELL: Any my recollection was that
13 possibly included a hotel?

14 COMMISSIONER HANSSEN: And the hotel, of course,
15 yeah. Like I said, my list wasn't comprehensive, but I
16 think it should be specific types of uses where we would
17 allow 45' that we're desiring to have happen, and that is
18 sort of an incentive of itself to try to encourage those
19 things to happen.

20 CHAIR O'DONNELL: Okay, so that appears to be... I
21 didn't mean to cut anybody off if you had some more
22 comments. I'm just looking at reduce the height of
23 residential. I think you've said that the 25' would be the
24 limit on the first, the Lark, and then we had discussion of
25

1 the next two, which I'm not going to try to repeat, but I
2 think we all know what that was.

3 Okay, so now if you're finished with your
4 comments we can move on to General/Other, and we had a long
5 list of shalls and shoulds, which I would hope we don't
6 have to go over specifically, but since you had them and
7 you looked at them, if there are some that you recall that
8 you don't agree with, or if there are some that you think
9 should be added, that might be a way to do it more quickly.

10 Yes, Commissioner Hudes.

11 COMMISSIONER HUDES: First, I had a question for
12 Staff, and that is the question about how the word should
13 or shall is used by the deciding bodies.

14 Shoulds: If you have a number of items in an
15 application that are not consistent with the statement in a
16 should, is that grounds, is that objective standards, for
17 rejecting an application, the word should?

18 JOEL PAULSON: If you're specifically talking
19 about objective standards, I would say no, but it depends
20 on what that should is tied to. It may be tied to specific
21 requirements, so I think that could vary.

22 CHAIR O'DONNELL: I might also say, and the Town
23 Attorney I think would agree with me on that, for purposes
24 of the law, shall is mandatory, and that's why people like
25

1 shall, and should is permissive, but as was just said, some
2 things that might otherwise seem to be permissive can in
3 the context be not permissive, but with the word shall
4 versus should, it's a lot easier if you say shall when you
5 mean shall, and I think that was the point of the comment
6 on should versus shall, but I just want to make sure we got
7 it all.

8
9 Then we also had a comment that there are some
10 other words in here that perhaps should be mandatory or not
11 and you can't tell, and I will not try to restate those,
12 nor have I gone over those, because we just heard it this
13 evening, but it might be something Staff would want to look
14 at.

15 We're trying to get rid of ambiguity, so if we
16 really meant shall when we say should, that should be
17 corrected. If we really meant should, then we should leave
18 it alone.

19 COMMISSIONER HUDES: If I might, that's my
20 understanding, and I was very disappointed to learn that we
21 were not able to use the Vision and Principles as a
22 yardstick of an objective standard for evaluating an
23 application, and so I think it's important that we look at
24 the shoulds and promote some of them to shalls.
25

1 I made the suggestion at the General Plan
2 Committee that we use the Vision and Guiding Principles as
3 the yardstick for things, and what I've done is I've looked
4 at them and I would encourage Staff to continue to do that.
5 It's great to have them highlighted, but it's also
6 important, I think, to follow through and see which of
7 these can be converted to objective standards that an
8 application could be evaluated by by promoting some of the
9 shoulds to shalls.
10

11 I can give you my top ten, if you want. I mean I
12 read them all, but...

13 CHAIR O'DONNELL: I would suggest, unless anybody
14 has a problem with that, you submit those to Staff, because
15 I think we all agree with the concept where you mean it to
16 be mandatory. If we could use shall, that would make it
17 easier, and so that would be my suggestion. If others would
18 rather do it a different way, that's fine.

19 Commissioner Hanssen.

20 COMMISSIONER HANSSSEN: I didn't want to make it a
21 different way. When I started going through it I kind of
22 started going through it one-by-one, and generally speaking
23 my overall feeling was that everything where it said should
24 should be shall, especially if it helped us achieve the
25 objectives that we were intending for the plan.

1 But I did actually have a question about a couple
2 of things where I didn't think that would be the case, and
3 I wondered like in the case of the very specific list of
4 improvements to the streets around the North 40 that the
5 first developer should make; I wondered maybe it was
6 because they were in the EIR, so you could help me with
7 that? I wondered if that wouldn't be something that could
8 potentially change, given the changes in traffic patterns,
9 that the shalls might be something different than what is
10 on this page, that we might need to add to it or make it
11 different than what it says on the page, if that makes
12 sense.
13

14 That was the one place where it said very
15 specific things about this street needs to have this many
16 lanes and yadda-yadda-yadda, and although I think that's a
17 great idea to be as specific as possible, I wondered if
18 there might be changes that would make it that you need to
19 do more than that, or do it differently?
20

21 JOEL PAULSON: I would say that, if I remember
22 correctly, and we will double check this before going to
23 Council obviously, all of those are specifically pulled out
24 of the Environmental Impact Report, so changing those to
25 shall would not be a problem, as well as the intent, which

1 is in the EIR of the first developer doing that list of
2 improvements.

3 COMMISSIONER HANSSEN: Okay, so those were from
4 the EIR. I thought that might be the case.

5 CHAIR O'DONNELL: Vice Chair Kane.

6 VICE CHAIR KANE: Just a clarification. Is your
7 subject in Exhibit A, or is it elsewhere?

8 JOEL PAULSON: Exhibit A. It's in chapter 4, so
9 you flip through until you get to the fours, and then she's
10 talking about 4.6, I believe, which is the intersection
11 improvements.
12

13 COMMISSIONER HANSSEN: Yeah.

14 VICE CHAIR KANE: Got it. Thank you.

15 CHAIR O'DONNELL: One question I guess I had was
16 if you say look and feel, and you say the project shall
17 have look and feel, that's fine, because I think that is
18 the intent. I don't think, however, it deals with what does
19 it mean for look and feel, so you may have a feeling that
20 you've accomplished something, but I'm not sure you have,
21 unless people know what look and feel means, which is
22 rather difficult.

23 Yes, Commissioner Janoff.

24 COMMISSIONER JANOFF: In my experience, shall is
25 you're going to do it, that's the legal thing, and so we

1 should be careful about blanket shalling. I would say that
2 if you've got documents that already provide for the shall,
3 make sure that those are consistent.

4 If you've got instances of should where it's an
5 inherently subjective topic it would difficult to enforce a
6 shall. As an example, on the first page, (inaudible) types
7 of open space, the should that's highlighted in the last
8 paragraph on the page, they should be well designed, I
9 don't know how you would change that to shall be well
10 designed, because well designed is a subjective kind of
11 attribute. So if you're prepared to back up a shall be well
12 designed with examples of what that shall shall be, then I
13 think that's okay, but if you've got something that's
14 inherently kind of soft, I don't think it's worth going to
15 a shall.

17 CHAIR O'DONNELL: Comments? Commissioner Hudes.

18 COMMISSIONER HUDES: I just wanted to voice my
19 support for Ms. Quintana's suggestion that other language
20 be looked at in a similar way. Obviously, we don't have
21 time to do that tonight, but perhaps the most efficient way
22 is to do that in an explanation in terms of a vocabulary,
23 whether it's in the front or the back of the document, that
24 explains it rather than rewriting the document or
25 reorganizing it completely, but I think that is an

1 excellent suggestion and I would be supportive of taking
2 another look at the document with regard to other language
3 that may be unclear and maybe clarifying whether a term is
4 mandatory or a suggestion.

5 CHAIR O'DONNELL: Other comments? That being the
6 case, we seem to have taken care of shoulds, and also I
7 think 2. Does anyone have any comments on the balance of
8 paragraph 2 at page 18? And that would now include
9 paragraph 4 on page 19. The addition at page 19, paragraph
10 4 is existing native trees shall be preserved where
11 feasible. Is there a comment on that?

12 COMMISSIONER HUDES: I actually have a comment on
13 2.

14 CHAIR O'DONNELL: I was going to go back.

15 COMMISSIONER HUDES: Oh, okay, because I have a
16 whole...

17 CHAIR O'DONNELL: It was pointed out to me I
18 should go back in any event, but since I was there, I just
19 thought we could at least do one of those. So anybody have
20 a comment on 4, and then I'll go back? If not, let's go
21 back then, and I know Vice Chair Kane has something, but I
22 think Commissioner Hudes' comment is just chronologically
23 before.
24
25

1 COMMISSIONER HUDES: This was a key part of the
2 area that came to light as the application was being
3 evaluated by the Planning Commission and subsequently by
4 the Council in terms of understanding that the Guiding
5 Principles that were very important to the Council and the
6 community are followed through in the document itself, and
7 so I had three areas where I had some examples of ways that
8 we could make the language more objective as a starting
9 point.

10
11 Look and feel of Los Gatos was one of the areas
12 that was challenged by attorneys and others, and so I was
13 going to suggest a couple of things there.

14 One is to amplify the document with examples
15 illustrating architectural styles, naming them, and using
16 them as a resource by which an application could be
17 evaluated, and also defining what is good and what is not
18 good as we've done with some of the Hillside Guidelines in
19 terms of things that would be examples of look and feel of
20 Los Gatos and things that would not be, so that the
21 deciding bodies have some more tools to make objective
22 evaluation in look and feel.

23 And then also particularly maybe adding some
24 language that says something like, "The architectural
25 types, style, pattern, and layout shall be commonly found

1 within other Los Gatos neighborhoods of similar use,
2 whether residential, commercial, or otherwise." Again, some
3 language that could be used as a yardstick for look and
4 feel.

5 CHAIR O'DONNELL: Any further comments on that?
6 All right, Vice Chair Kane, you had some comments on some
7 part of this.

8 VICE CHAIR KANE: On 4, existing native trees
9 should be preserved where feasible. I think the intent is
10 clear, but the words are wishy-washy, where feasible,
11 wherever possible, but the intent is there and respect
12 should be paid to the trees. I don't suppose you could use
13 a shall in that instance? But if it carries the same
14 meaning, shall be preserved where possible.

15 CHAIR O'DONNELL: Well, if you leave where
16 feasible there, shall works as well as should. I mean the
17 key there is where feasible.

18 VICE CHAIR KANE: Right. And going back to what
19 Commissioner Hudes was just saying, we've discussed before
20 putting together a package of houses, and we had a
21 submission from maybe it was Mr. Pacheco or someone else
22 who gave us a... No, it was a gentleman who spoke before the
23 mike; that's Lenny. It wasn't Mr. Pacheco, it was someone
24 else who had a catalog of pictures that he had taken, and
25

1 we said maybe we should include these, but I've lost my
2 stack of whatever pictures those were.

3 There was some concern about the legitimacy of
4 being selective, and it occurred to me that Commissioner
5 Janoff, Commissioner O'Donnell, and I and others have for
6 years used the Field Guide to American Houses when we get
7 to the Historic Preservation Committee. Now, that seems to
8 be a very legitimate activity; it's a scholarly document.
9 We could undertake to put something together like that,
10 identifying that different neighborhoods are different
11 neighborhoods, and we could do a chapter-by-chapter, much
12 as this book does. But it's a well-worn book, we've used it
13 for years, and it's a legitimate guide. Ms. Janoff is an
14 expert in this area, in fact, and would be a good candidate
15 to put that book together for us, just off the top of my
16 head. Thank you.

18 CHAIR O'DONNELL: Let me just say that one of the
19 problems that worry me is when we talk about a project and
20 we try to find something in Town to compare it to. If you
21 look at this project, the size of it, and you try to find
22 something to compare it to, you get things like Netflix,
23 and I think that's probably not the intention. If you go to
24 a residential neighborhood, I don't think that's similar at
25 all, no matter what it looks like.

1 The only problem I have with attaching photos is
2 good luck; I'm not sure what the photos are going to show
3 when you talk about a project of this size and this
4 mixture. If you put in commercial buildings which, let's
5 say, are 35' high and whatever, where are we going to go in
6 town to get something we think is the look and feel of one
7 of our warehouses? If people can do that, more power to
8 them.

9
10 Now, I think Commissioner Janoff looked like she
11 was... Did I misunderstand your hand?

12 COMMISSIONER JANOFF: Yes.

13 CHAIR O'DONNELL: Okay, so I've got Commissioner
14 Badame.

15 COMMISSIONER BADAME: I think we talked before
16 about Len Pacheco's letter that's contained in Exhibit 10,
17 and he talks about clarifying the look and feel of the
18 Town, and he talks about, "Architecture and site design
19 should reflect the rural past, its natural scheme, and
20 capture the agrarian feel of the property. Consider a rural
21 yet contemporary plan tuned to the site; rural, yet of
22 today."

23 I like that for a look and feel. If that could be
24 incorporated into the look and feel for comments for the
25

1 Council to consider, or if Staff could somehow work with
2 that, I think it kind of captures it.

3 JOEL PAULSON: We will definitely be forwarding
4 Mr. Pacheco's comments as it moves forward. I think with
5 anything with architectural style, I think Commissioner
6 Hudes was speaking about getting more to more traditional
7 architectures. Now, that obviously is limiting, and
8 architecture does change over time, so I think we just need
9 to be careful, but I think the suggestions are understood
10 and we will carry those forward.

11 CHAIR O'DONNELL: Again, I would say this: We had
12 this project last night and the idea of the look and feel
13 of Los Gatos. We haven't approved that, but that was then
14 compared to our library, the look and feel. Well, the look
15 and feel of our library has nothing to do, as near as I can
16 tell, with Los Gatos. I'm not criticizing, but I can't find
17 it has the look and feel of Los Gatos; it's just a very
18 functional and perhaps nice looking library. If this
19 ultimately gets approved, it won't be because I can run
20 around town and find something like that. I just point that
21 out. Hopefully we can have some more certainty in a very
22 uncertain area, but I am doubtful.

23 I saw some other hands. Commissioner Hudes.
24
25

1 COMMISSIONER HUDES: I understand the challenge;
2 we faced that one last night. However, I think the way the
3 North 40 Specific Plan is currently drafted really doesn't
4 give you very much at all to go back to, so I am in favor
5 of Commissioner Badame's suggestion. I would actually
6 promote Mr. Pacheco's comments to be part of the document.
7 As compared to a comment, I think they are valuable.
8 Actually, I think we mentioned that in the General Plan
9 Committee, but somehow it was late and we probably didn't
10 actually follow through on that, but I am very much in
11 favor of those comments.
12

13 I think those, coupled with examples as
14 Commissioner Kane pointed out, as well as a statement that
15 allows you to have something to hang your hat on where you
16 say that the architectural style, pattern, layout shall be
17 commonly found within other Los Gatos neighborhoods so that
18 if you see something and it's not there at all anywhere in
19 town, you can say no.

20 CHAIR O'DONNELL: So if you have the warehouses
21 being built there, where are you going to find a good
22 looking warehouse?

23 COMMISSIONER HUDES: Well, *if* it is of similar
24 use. If you don't have similar use, then you can't use
25

1 that. That's why I had the words "similar use" in that
2 statement.

3 CHAIR O'DONNELL: Oh, we have warehouses in town,
4 but I'm just saying if you show us five warehouses in town,
5 is that then the look and feel of Los Gatos?

6 COMMISSIONER HUDES: Well, for a warehouse.

7 CHAIR O'DONNELL: Okay, so that's the look and
8 feel. We'll find five warehouses and we'll say this is the
9 look and feel of Los Gatos.

10 COMMISSIONER HUDES: Well, it's some kind of a
11 starting point for a discussion about whether something
12 meets something that was very important to this document,
13 and that is the Vision and the Principles that the Council
14 came up with and was severely challenged saying that those
15 were not objective, and so I think it's important that we
16 have some language in the document that allows you to have
17 that discussion and to, again, make a judgment based on
18 facts and law that allows you to reject something if it is
19 totally out of character with the look and feel.

20 CHAIR O'DONNELL: Okay. Commissioner Janoff.

21 COMMISSIONER HUDES: I think not just for the
22 Specific Plan, but very often we get designs that come
23 before us that need to "reflect Los Gatos," and Los Gatos
24 means a lot of different things to a lot of different
25

1 people, so I agree that attaching the full list of Mr.
2 Pacheco's recommendation on how to further refine
3 especially that first bullet, not just the North 40, but
4 generally speaking we got that look and feel of Los Gatos
5 here, so I think this helps.

6 The design guidelines do a very good job of
7 providing examples of do this, not that. It doesn't seem
8 like a very big stretch to be able to attach some
9 additional examples that would further elaborate on the
10 North 40 type of development objectives, so I would support
11 attaching this list to the Specific Plan as well, as to
12 more generally for us to be able to use in Planning
13 Commission work, and provide a handful of visible examples.

14 I would say that the look and feel of Los Gatos
15 is—no disrespect intended to anybody who is really
16 interested in warehouses—I suspect the interest is more of
17 the residential and commercial facilities, so I think
18 that's where I'd go.

19
20 CHAIR O'DONNELL: Commissioner Hanssen.

21 COMMISSIONER HANSSEN: I'm going back to when we
22 were hearing the Specific Plan proposal that we got, and
23 I'm going to echo Commissioner Hudes' comments that we had
24 to look hard in the document to figure out the things that
25

1 we felt that we could justify that were objective
2 standards, and more examples always help that.

3 I'm mixing look and feel a little bit with
4 density, but one of the things that we had to wrestle with
5 is right now there is, what is it, 70% or 80% single-family
6 homes, and there's no single-family homes specified in the
7 North 40, and so you're automatically in this place. I
8 think Staff gave us five examples of properties in Los
9 Gatos where there were actually twenty dwelling units per
10 acre and what the sizes of those were, because we were
11 discussing the density and everything, so I don't think it
12 would be a stretch to do that, and maybe Commissioner
13 Hudes' language that would say that you could find it in
14 some other neighborhood, because I think there are always
15 going to be some examples that we can at least compare it
16 to, and there is so much variety, that might cover the look
17 and feel.

19 CHAIR O'DONNELL: Yes, Commissioner Janoff.

20 COMMISSIONER JANOFF: One last suggestion for
21 Staff. As this change in language begins to evolve and
22 solidify around what we are hoping to be more objective
23 criteria it might be a good idea to invite some architects
24 and developers who would pro bono take a look at the
25 revisions and say yeah, that brings it into a more

1 objective realm, or I can still wiggle around this if I
2 wanted. Just get an outside opinion as to whether the
3 changes are going in the direction that we intend.

4 CHAIR O'DONNELL: Commissioner Badame.

5 COMMISSIONER BADAME: Could that mean Larry
6 Cannon, our Town Architect?

7 COMMISSIONER JANOFF: I wouldn't say just one
8 individual. Certainly someone from the Town with the Town's
9 interest, but we've got a lot of very capable developers
10 and architects in town that could weigh in, a complimentary
11 session with doughnuts and coffee and comments, or
12 something.

13
14 JOEL PAULSON: I think these are good comments.
15 Not being an architect, I would say architecture is
16 inherently subjective, so I don't know how you're going to
17 get to that point, frankly. We can go around and take
18 photos of more multi-family buildings in town, but then we
19 have to have a consensus or a number of the Planning
20 Commission or Council say, yes, that is the look and feel,
21 or no, go take some more pictures of something else,
22 because even though it's in town, that's not the look and
23 feel of the Town. This is obviously a big topic, but I
24 think architecture in and of itself is subjective.
25

1 CHAIR O'DONNELL: If you look at the higher
2 density developments in Los Gatos, I mean I think about
3 some we've had, like the Sobrato development that got the
4 bonus points, very high density, it never occurred to me
5 that was the look and feel of Los Gatos, but it certainly
6 is a very major complex in Los Gatos and you couldn't very
7 well leave it off. So if you look at the various
8 illustrations of the look and feel of Los Gatos when you
9 look at substantial developments of residential, i.e. high
10 density, it's going to be interesting if you can find a
11 pattern.
12

13 COMMISSIONER BADAME: I would say it's going to
14 be difficult to get enough examples. We are an eclectic
15 town, so I'm not so sure I'm in favor of attaching samples,
16 because I think it may be limiting. But I think Mr.
17 Pacheco's letter covered a range pretty well without
18 providing examples.
19

20 CHAIR O'DONNELL: I will mention that the
21 Historic Preservation Committee, which the three of us
22 either are on or were on, does rely on this book. You'll
23 find that every picture in this book is a home, and that's
24 a lot easier to deal with than what we're dealing with, and
25 I don't know of a book of a comparable thing, which only
means my knowledge is limited, partly because the types of

1 buildings we may be talking about are so different, but if
2 in fact we can find a look and feel that applies to that,
3 that would be very helpful.

4 Commissioner Hudes.

5 COMMISSIONER HUDES: I understand this is a
6 challenging area, and I don't think we need to worry about
7 warehouses, because they're not a permitted use in the
8 North 40, and I'm not even so concerned about the
9 commercial on look and feel.

10 I think we heard a lot of input from residents in
11 the Town that the application that we saw didn't meet the
12 look and feel, and therefore we had to look at the zoning
13 and we had to look at the document, and there was very
14 little in there to hang our hat on, so I think coupling Mr.
15 Pacheco's statement with the suggestions that I've made
16 about some language, and potentially using a reference as
17 well, a document that says that these are some of the
18 types, but give us a little bit more to work with in
19 evaluating look and feel, because it was very important to
20 residents.

21 CHAIR O'DONNELL: Any other comments?

22 Commissioner Hanssen.
23
24
25

1 COMMISSIONER HANSSEN: I didn't have any more
2 comments on look and feel, but I had another one on one of
3 the other Guiding Principles.

4 CHAIR O'DONNELL: Fine.

5 COMMISSIONER HANSSEN: Okay. I didn't know if we
6 were finished.

7 The one that I'm really concerned about is the
8 third one, the North 40 will address the Town's residential
9 and/or commercial unmet needs. The existing plan has
10 basically a one- or two-page exhibit with some very, very
11 generic language about Gen Y and seniors, and I didn't feel
12 like it was substantial enough to define it. So then we
13 kind of ran into this thing where okay, if you have senior
14 affordable housing, you have senior housing. Well, that
15 isn't meeting the needs of the seniors that live in Los
16 Gatos, because most of the people that live in Los Gatos
17 aren't in a situation qualifying for that kind of
18 affordable housing, and what they're looking for instead is
19 some kind of step-down housing, and so then it becomes a
20 gray area, like what are the unmet needs and what do they
21 want? I thought we could just maybe do a little bit better
22 job.
23

24 We don't really have the resources to go through
25 a detailed survey or anything like that, but we could do a

1 better job than the very generic language that we had in, I
2 think it was Exhibit C or whatever, that described those
3 populations and talked a little bit more about Los Gatos. I
4 mean because we have data in the Housing Element, even,
5 that talks about the number of seniors that we're going to
6 have and what we're going to have over a period of time,
7 and we probably have the same of Millennials and stuff, so
8 I was hoping we could maybe just have some more specific
9 data about the unmet needs in Town for at least
10 residential.

11
12 And then for commercial we know one is a hotel,
13 and I think it says elsewhere in the document that we
14 really want a hotel, but if we needed to be more specific,
15 we could say that again.

16 CHAIR O'DONNELL: Other comments? Yes,
17 Commissioner Hudes.

18 COMMISSIONER HUDES: I think that that would be
19 important to do that, as with some of the other things, to
20 give some more ability to evaluate an application based on
21 whether it is meeting or not meeting the needs of the Town,
22 so I think amplifying that section would be valuable.

23 I also had some comments on hillside views,
24 which, again, falls under number 2, translating the Guiding
25 Principles into mandatory rather than permissive language,

1 so kind of staying with that same section. These are
2 examples from the document itself, but also this was an
3 area where I think we could make this more objective and
4 clearer.

5 I think that hillside views, we could set some
6 standards for view locations, and define prominent
7 hillsides that should be viewable. I think hillsides like
8 El Sereno and El Sombroso are very important and they
9 really define the hillsides that you can see looking south
10 from almost anywhere in town, and so one way to make that
11 more objective would be to put some language such as,
12 "Views of the predominant hillsides, El Sereno and El
13 Sombroso, shall be available from a minimum of 30% of the
14 intersections of roadways within any project on the North
15 40."
16

17 I'm just taking a stab here, but I'm sure Staff
18 could do a much better job of identifying viewing platform
19 locations, et cetera, ways to evaluate whether in fact
20 hillside views are being embraced in a more objective way.
21 I think that was one of the very top issues that residents
22 had after we looked at an application.

23 CHAIR O'DONNELL: Vice Chair Kane.

24 VICE CHAIR KANE: I remember you discussing that
25 at I think it was the second General Plan Committee meeting

1 that I attended, and that's really persuasive stuff. If
2 Staff would underscore those remarks in the verbatim
3 transcript that we have, he says it very, very well. I
4 didn't know the names of some of those hills, but I knew
5 when they were gone.

6 CHAIR O'DONNELL: Other comments? Yes,
7 Commissioner Hudes.

8 COMMISSIONER HUDES: I have another topic fitting
9 under 2 though.

10 CHAIR O'DONNELL: Fine.

11 COMMISSIONER HUDES: And that was just a
12 suggestion, maybe some language about intensity. Though the
13 term "intensity" and the term "density" were used, and one
14 in sort of a legal sense where you have the number of units
15 per acre, but I think it would be helpful to have some
16 suggestions about how the Housing Element density that
17 we're legally required to provide can be obtained with less
18 intensity, and so that would be helpful to have some
19 language in the plan. Again, I'm not an expert, but I think
20 that's an area that could help us in evaluating
21 applications where we have to meet a certain density level,
22 but we could then also look at the intensity, and ways that
23 the intensity could be reduced.
24
25

1 CHAIR O'DONNELL: Our comments tonight, and maybe
2 I'm wrong, relate specifically to the North 40, so if your
3 comment...

4 COMMISSIONER HUDES: Absolutely, because I'm
5 looking at number 2, the Guiding Principles and making the
6 language mandatory rather than permissive; that was another
7 area.

8 CHAIR O'DONNELL: Commissioner Badame.

9
10 COMMISSIONER BADAME: I would just comment that
11 when we reviewed the Residential amendments that we did
12 look at the intensity by reducing the square footage
13 allowances on the residential units, so I felt that it was
14 addressed there, the intensity issue.

15 CHAIR O'DONNELL: And one of the major things
16 that we're supposed to do is have 13.5 acres of a density
17 of 20, which kind of removes, I think, the question of
18 density, because we know we must have that density, at
19 least of the 13.5 acres, but I guess the other question
20 would apply to the other acreage.

21 COMMISSIONER HUDES: No, I'm actually talking
22 about that requirement where maybe some suggestions could
23 be made in the guidelines about how to achieve that
24 required density with less intensity. There was a great
25 deal of concern about the intensity as well, so maybe

1 clarifying that from the perspective of professionals in
2 land use and planning so that the deciding bodies can see
3 if we are still meeting the legal requirement on density,
4 can that be achieved with less intensity?

5 I agree with Commissioner Badame that we did
6 address that somewhere, but there wasn't much in the
7 document to say, again, here are some guidelines about how
8 to achieve the required density with perhaps a bit less
9 intensity, and I was suggesting that that might be helpful
10 to the deciding bodies.

11
12 CHAIR O'DONNELL: Other questions? So I think
13 we've covered the material we have before us. Earlier in
14 the evening a question came up as to whether or not we
15 could stay within the existing Environmental Impact Report.
16 If anybody wants to raise any questions about that at the
17 moment, they can. If not, I think we're complete.

18 Vice Chair.

19 VICE CHAIR KANE: You're right. Let's just
20 formally agree that we agree with the General Plan
21 Committee recommendations on items 3, 4, 5, 6, and 7, which
22 are essentially one-liners, just to put that on the record.

23 CHAIR O'DONNELL: Well, we've said it each time,
24 but if everybody agrees with that, that's fine with me.

25 Commissioner Badame.

1 COMMISSIONER BADAME: So are we looking for a
2 motion at this point, then? Because I can make one.

3 CHAIR O'DONNELL: I don't know that we need a
4 motion, but I'll look to Staff for that.

5 JOEL PAULSON: I think we can just carry forward
6 the comments. If you would like to make a motion, we
7 definitely won't stop you, but it's one of those things I
8 think where we've had a lot of discussion over the last two
9 meetings, and so I think it could be simple, because you
10 could just say based on our past two meetings we forward
11 these recommendations to the Council.
12

13 COMMISSIONER BADAME: Well, I have a simple one.

14 JOEL PAULSON: There we go.

15 COMMISSIONER BADAME: And we do have Exhibit 2,
16 and this is usually what we refer to when we make our
17 required findings, so I'll make one; I'll make it official.

18 I move to forward the Planning Commission's
19 recommendations and comments to the Town Council for
20 consideration of amendments to the North 40 Specific Plan.
21 I can make the required finding for CEQA, and I can make
22 the required consistency with the Town's General Plan.

23 CHAIR O'DONNELL: Yes, Commissioner Hudes.

24 COMMISSIONER HUDES: I'll second that motion.
25

1 CHAIR O'DONNELL: All right. Any discussion? All
2 those in favor? It's unanimous.

3 Does Staff have anything to raise at this point?

4 JOEL PAULSON: We don't have anything to raise.
5 We really appreciate the hard work you guys have put in
6 over the last two meetings, and we will carry this forward
7 and we'll see where the Council lands on your
8 recommendations. Thank you very much.

9 CHAIR O'DONNELL: All right, thank you. The
10 meeting is adjourned.
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