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

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

CHAIR BADAME: I will move to our public hearing, which we're all waiting for, which is Item 2, the North 40 Phase 1. Architecture and Site Application S-13-090, Vesting Tentative Map M-13-014, requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which include 50 affordable senior units; approximately 66,000 square feet of commercial floor area, which includes a Market Hall; on-site and off-site improvements; and a Vesting Tentative Map. APNs: 424-07-024 through 027, 031 through 037, 070, 083 through 086, 090 and 100.

May I have a show of hands from Commissioners who have visited the site? Are there disclosures from Commissioners? Commissioner Hudes.

COMMISSIONER HUDES: I had incidental contact with Ms. Baker when I was doing a site visit.

CHAIR BADAME: Thank you. Commissioner Hanssen.

COMMISSIONER HANSEN: I was with Commissioner Hudes when he had incidental contact with Ms. Baker, who led us through the site, but we did not discuss the merits of the project.

1 CHAIR BADAME: Thank you. Anyone else? Seeing no
2 one, Mr. Paulson, we're ready for the Staff Report.

3 JOEL PAULSON: As you mentioned—and you went
4 through a number of items from a detail perspective that I
5 was going to go through—tonight we're really here to
6 continue discussions and deliberations on the Phase 1
7 applications.

8 Previously, on March 30th, the Planning Commission
9 received a very detailed Staff Report that went through a
10 lot of the particular aspects of the development
11 application, and then received a Staff Report verbally at
12 the Planning Commission hearing on the 30th, but
13 unfortunately given some challenges with the story pole
14 installation the Commission could not take any action and
15 did not go through full deliberations, and continued the
16 matter to April 27th.

18 Before the April 27th meeting the Council
19 considered a modification to the previously approved
20 exception for the story poles. Again, on April 19th that
21 request was considered and denied, therefore the Planning
22 Commission couldn't consider the application on April 27th
23 either.

24 Following that information there was also a
25 request with that denial that a study session be held,

1 which allowed an opportunity for both Planning Commission
2 and Council, as well as the school boards, to get some
3 additional information and ask questions, and allow members
4 of the public to ask additional questions regarding the
5 adopted Specific Plan, which is currently in place, the
6 Certified Environmental Impact Report for that document, as
7 well as the Housing Element. That occurred on June 15th.
8 There are verbatim minutes in the packet, so anyone who is
9 interested in reviewing that who wasn't able to attend can
10 look through that on the web site.
11

12 Tonight's written Staff Report really is a little
13 bit of a continuation and deals with really four general
14 topics relating to the development application. Given the
15 lengthy history, the Town Attorney is here as well, as well
16 as Public Works Staff, to address any questions as they
17 relate to either the traffic components, any of the off-
18 site or on-site improvements, as well as the issues and
19 topics of by right development and State density bonus
20 implications as they relate to housing, and what
21 limitations there are.

22 Generally, I will just state that the Commission
23 should be looking at development applications in light of
24 the adopted Specific Plan and the objective requirements of
25 the adopted Specific Plan, as well as any objective

1 requirements of the Housing Element or the General Plan
2 itself in relation to the Specific Plan.

3 With that, as was stated by the Chair before, we
4 have two applications before you this evening.

5 One is an Architecture and Site Application for
6 320 residential units. As mentioned, there are 50 total
7 affordable units; 49 of those are proposed to be senior
8 affordable units, affordable to income levels of Very Low
9 income and Extremely Low income, and then one manager's
10 unit will be Moderate income level.
11

12 Additionally, there is a commercial component, as
13 was previously stated, and it's approximately 68,000 square
14 feet for the commercial component that will be part of the
15 Phase 1 application.

16 Lastly, as was previously stated, there will be a
17 number of on-site improvements as well as off-site
18 improvements. The off-site improvements predominantly
19 relate to wet and dry utilities as well as traffic impact
20 improvements, so mitigation measures that are required to
21 reduce the traffic impacts. Those were required by the
22 Specific Plan EIR to reduce the traffic impact to a less
23 than significant level.
24

25 With that, Staff is available to answer
questions, and we're interested in receiving additional

1 public testimony this evening, and you'll obviously have an
2 opportunity to hear from the Applicant as well, and then
3 following that, depending on the time of evening it may be
4 when we conclude the public comments, then the Planning
5 Commission will go into their deliberations.

6 As mentioned before, there is an addendum and a
7 Desk Item for this item tonight. The Desk Item that was
8 originally sent out had an error in the tabulation that
9 Staff missed, and so we have corrected that, and that
10 correct version is also online.

11 Lastly, again as a reminder, the Planning
12 Commission will be forwarding a recommendation to the Town
13 Council, and then the Town Council is the final deciding
14 body on both of these applications, because Town Code
15 requires a Vesting Tentative Map to be acted upon by the
16 Town Council.

17 Again, Staff is available for any interim
18 questions. Otherwise, we're prepared to go into public
19 testimony.

20 CHAIR BADAME: Thank you, Mr. Paulson. At this
21 time are there questions of process or procedure from the
22 Commissioners? Commissioner Hudes.

23 COMMISSIONER HUDES: Thank you. My question is
24 about story poles. I asked this question at the hearing on
25

1 March 30th, and I was told no. Is the project in compliance
2 with the applicable public notice and story poles, and
3 since what date did they become in compliance?

4 JOEL PAULSON: I'd look maybe to the Town
5 Attorney. At the time of March 30th they were not in
6 compliance with the exception that was previously granted
7 by the Council; that's why the Commission couldn't take
8 action on the item.

9 Subsequent to that, and I want to say May 4th is
10 ringing a bell, but we'll pull up an exact date the poles
11 were put in place. Subsequent to that, the Town Council
12 considered... Actually, I believe it was last week when they
13 had a special meeting. The poles from the original
14 exception interpretation were permitted to be removed
15 beginning, I want to say, July 3rd. Prior to that the
16 Council took an action to extend that timeframe to August
17 9th, and with the allowance of some of the poles along Los
18 Gatos Boulevard were permitted to be removed, and those I
19 believe began being removed on July 8th, so 16 or 18 poles
20 were permitted to be removed along Los Gatos Boulevard.
21

22 COMMISSIONER HUDES: Thanks, and that pretty much
23 matches with the information that I have, but do we know
24 how many poles have been removed?
25

1 JOEL PAULSON: We can look to some past
2 information. If we can't get that for you this evening,
3 we'll definitely be prepared, should this go to a meeting
4 tomorrow. Sixteen or eighteen is the number that's sticking
5 in my head, but I will try to pull up some information
6 relating to that.

7 COMMISSIONER HUDES: I just wanted to make sure
8 that the public notice is in compliance, and there were
9 questions about that. Thanks.

10 CHAIR BADAME: Any further questions from
11 Commissioners? Commissioner O'Donnell.

12 COMMISSIONER O'DONNELL: This is more
13 substantive, just to review before we launch off. We are
14 required by the Housing Element to rezone 13.5 acres of the
15 North 40, and on that 13.5 acres to have 20 units or more,
16 is that correct?

17 JOEL PAULSON: Correct.

18 COMMISSIONER O'DONNELL: And that basically
19 started with the State government's essentially mandate. So
20 somewhere on the North 40 we have to have at least 13.5
21 acres having a density of 20 units to the acre, and that is
22 something we are required to do, is that correct?

23 JOEL PAULSON: Pursuant to the current Housing
24 Element, that's correct.

1 COMMISSIONER O'DONNELL: Thank you.

2 CHAIR BADAME: Commissioner Hudes.

3 COMMISSIONER HUDES: In addition to that
4 question, where are the 13.5 acres required? Are they
5 required in the Phase 1 application area?

6 JOEL PAULSON: I will start, and then the Town
7 Attorney may weigh in. There is nothing that specifically
8 states where those acres have to be in the Specific Plan or
9 the Housing Element; it just has to be in the North 40
10 area, but there is no specificity as it relates to that.

11 CHAIR BADAME: Commissioner Hanssen.

12 COMMISSIONER HANSSEN: I had a follow up question
13 about this, because it came up in one of the previous
14 meetings. The requirements from Housing and Community
15 Development to certify the Housing Element requires only
16 the zoning of the 20 units per acre without having any
17 material barriers to development, but is there any other
18 certification of checking that they're going to do to
19 determine if the units are actually affordable?
20

21 JOEL PAULSON: I guess there are interim stages
22 where we do annual reports that go to HCD as to the
23 progress that we've made in the prior year to meeting our
24 Housing Element objectives, and then ultimately when the
25 next cycle begins we'll get a new regional housing needs

1 allocation, and then we will prepare a new Housing Element,
2 and one component of that will be looking at the progress
3 that we've made over the prior eight years as far as what
4 was developed, and then they would be put into their
5 individual categories when something is developed.

6 COMMISSIONER HANSSEN: So hypothetically
7 speaking, if 200 units were developed on the North 40 and
8 they cost \$1 million each, could that reset our housing
9 allocation for the next cycle, because even though we zoned
10 it for 20 units per acre, they wouldn't count it?

11
12 JOEL PAULSON: There's no direct correlation.
13 Those would go in the Above Moderate category as far as
14 housing produced.

15 COMMISSIONER HANSSEN: Okay.

16 CHAIR BADAME: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: The Phase 1 before us
18 includes what we'll call Lark, I guess, plus what had been
19 part of the Transition zone, is that right?

20 JOEL PAULSON: Correct.

21 COMMISSIONER O'DONNELL: But not all of the
22 Transition zone?

23 JOEL PAULSON: No, there still is a little bit of
24 the Transition District that is left.
25

1 COMMISSIONER O'DONNELL: Do you know
2 approximately the acreage of that?

3 JOEL PAULSON: I don't have that information, so
4 I wouldn't be able to answer that.

5 COMMISSIONER O'DONNELL: I'm just curious,
6 because one word is "shift" some of the 20 units per acre.
7 As I understand it, the north property you can only put
8 residential above retail, right?

9 JOEL PAULSON: That's correct, residential above
10 commercial.

11 COMMISSIONER O'DONNELL: And there is a height
12 limitation?

13 JOEL PAULSON: Correct.

14 COMMISSIONER O'DONNELL: Has anybody ever looked
15 at the possibility of getting 20 units per acre above
16 retail?

17 JOEL PAULSON: The Applicant has provided some
18 information that was prepared and presented in the addendum
19 that talks about the difficulty related to that, but Staff
20 has not done an analysis of trying to prepare a site plan
21 to get to 20 units per acre.

22 COMMISSIONER O'DONNELL: So the Applicant thinks
23 it would be hard, but we're not sure?
24
25

1 JOEL PAULSON: The Applicant doesn't think it's
2 feasible. I believe the units were in the 750 square foot
3 range above commercial, given the restriction of the 35'
4 height limit in that area.

5 COMMISSIONER O'DONNELL: Thank you very much.

6 CHAIR BADAME: Any further questions from
7 Commissioners? Seeing none, I will open the public
8 testimony portion of the hearing and allow the Applicant
9 and their team ten minutes to address the Commission. I
10 don't see speaker cards for you. I know you'll fill one
11 out; I know who you are. Please state your name and address
12 for the record.
13

14 DON CAPOBRES: My name is Don Capobres. We have a
15 presentation that we need to queue up.

16 Good evening, Madam Chair, members of the
17 Planning Commission and residents in Council chambers and
18 watching on video. I am Don Capobres, representing
19 Grosvenor on the North 40 development team.

20 Many of us have participated in years of policy
21 debates on the North 40. The joint study session
22 highlighted most of the outcomes of these policy decisions,
23 and our legal council has submitted our position related to
24 Town and State law.
25

1 We are proud to have been part of the process to
2 respond to the design that has comprehensively addressed
3 the Town policy in many related discussions over the past
4 eight years. We sat together during the crafting of the
5 General Plan in 2009 and 2010. We were observers of
6 Albright in 2011 and 2012. We sat through the Lexington
7 School expansion hearings together. Multiple iterations of
8 the Housing Element. We responded to three major economic
9 studies conducted by the Town on impacts to the businesses
10 downtown. This is all in addition to all the subcommittees,
11 focus group sessions, and the North 40 Specific Plan
12 Advisory Committee. For over eight years the public process
13 surrounding the North 40 has been comprehensive,
14 transparent, and open to all.

16 Our proposal meshes all of these approved
17 policies together. We now hear a single-family detached
18 subdivision scattered throughout the entire planning area
19 should be what is built. Had the policies pointed us in
20 that direction, that is the proposal that you would have in
21 front of you today. Had the policies pointed towards a
22 light industrial complex, I imagine that is the proposal
23 that would be in front of you today. But these are not the
24 policies of a Specific Plan that was made by the Town
25 leaders after decades of public process and input.

1 Wendi Baker and I would like to take our time
2 here to focus on our proposal and what makes us different
3 from any other application that may come through to develop
4 any portion of the North 40, as with or without us the
5 North 40 will be developed and multiple applicants can do
6 it. Because we have been involved for over eight year we
7 are in a unique position to go beyond the bare minimums
8 required by these policies.
9

10 To start, this application is a model for an
11 agrarian neighborhood. The Historic Preservation Committee,
12 in making its findings, said the Committee reviewed the
13 agrarian feel of the proposed plans and determined that
14 that agrarian history is effectively integrated in Phase 1.
15 The concept of the model agrarian neighborhood permeates
16 our design team's thoughts. Its anchor is the open space
17 program of our application. We have several critical
18 success factors working with us on this front.

19 First, urban farming is trending upwards. People
20 are more interested in how their food is grown. Farm to
21 table restaurants are no longer an anomaly, and so there
22 will be demand for the community garden program. We are
23 blessed with good weather and soil, and there is growing
24 awareness and focus on public policy that facilities
25 growing and selling of fruits and vegetables in community

1 gardens. Zach Lewis on our team has been instrumental in
2 moving this legislation forward.

3 With Zach's help, the open space program will
4 feature 39 community garden plots, one senior garden, one
5 community demonstration garden, and 2.2 acres of orchards
6 and vineyards, which include 544 fruit bearing trees and
7 over 1,900 new trees that we'll plant. Overall, we project
8 we'll be able to grow an estimated 14.5 tons of fruit and
9 vegetables per year. This produce can be distributed to our
10 seniors, restaurants, and the produce can find a way to be
11 used or sold in the produce section of Market Hall.
12

13 Market Hall is envisioned to be a specialty
14 market that will focus on the daily needs of restaurants of
15 the North 40 and surrounding neighborhoods. We hope it will
16 feature the best the region has to offer in terms of
17 produce, dairy, protein and baked goods.

18 Picture a neighborhood, whether it is Blossom
19 Manor, Aventino, Charter Oaks, or the Almond Grove where I
20 live. Imagine community garden plots interlaced throughout
21 your streets, a park the size of downtown's town plaza, and
22 other smaller parks connected by landscape paseos leading
23 to a specialty market where some of the fruits and
24 vegetables you just walked by may be sold. Without
25

1 question, our proposal is genuinely a model for an agrarian
2 neighborhood.

3 WENDI BAKER: What describes the look and feel of
4 Los Gatos? We have been asked this many times in the past
5 eight years. While this is not an objective measurement or
6 policy, one approach to this question could be based on
7 architectural form and the quality of design, which the
8 Town's own consulting architect uses as his basis for
9 analysis. He states, "I feel that the applicant has adopted
10 an approach to providing high quality design with the
11 detail and diversity necessary to give the overall
12 development the 'look and feel' of Los Gatos." We're happy
13 to expand on this during questions and answers. We know to
14 measure a town based exclusively on aesthetics would be an
15 oversimplified approach.

17 So what makes Los Gatos special, and how can we
18 capture this as developers of the North 40? Los Gatos is
19 about community. It's about residents of this town coming
20 together and putting on the Holiday Parade; or parents
21 working together to fund raise for schools; or homeowners
22 putting dog bowls along Jones Road or College Avenue for
23 your thirsty best friends to get a cool drink on your way
24 down from hiking Los Gatos Creek Trail; or the cyclists,
25

1 Town Staff and Safe Routes to School working to get green
2 bike lanes around the schools.

3 To capture the community of Los Gatos we have
4 gone beyond simply proposing a project that meets the
5 objective policies within the Specific Plan or Housing
6 Element. The North 40 will not only be a community, the
7 North 40 will connect community. Don just spoke of how this
8 agrarian neighborhood will bring people together. In the
9 past 18 months the dialogue between your Town commissions
10 and Town residents about bicycle safety and pedestrian
11 opportunities has flourished. We will connect the North 40
12 not only inwardly and along the project boundary, but to
13 the Los Gatos Creek Trail through the installation of our
14 three-quarters of a mile of bicycle trails, coming together
15 to connect the community by identifying the missing links
16 and then working collaboratively to find a solution. That
17 is what the community of Los Gatos is all about.

18
19 And what about traffic? The traffic impact of the
20 Town's recent developments, including Albright, Laurel
21 Mews, Palo Alto Medical Foundation and Lester Lane, you
22 feel how these have added about 13% more cars to Lark and
23 Los Gatos Boulevard since 2012. That 13% increase in cars
24 results in a delay for everyone. We found a way for the
25 North 40 to be part of the solution.

1 Instead of only constructing our required EIR
2 mitigations that cost about \$1 million, we will do ten
3 times more, over \$10 million more towards traffic
4 improvements for overall community benefit. This will
5 result in—even after the addition of the North 40—a 26%
6 reduced delay at Lark and Los Gatos Boulevard.

7 The Town is required to rezone for additional
8 residential units, as are all Bay Area jurisdictions. The
9 North 40 has been included in the Housing Element, but
10 we're proposing benefits that are far beyond what is
11 required of us. Therefore, in addition to the one-time SB50
12 fees and the annual taxes being paid to the District, we
13 have worked with the school districts, discussed facilities
14 challenges, entered into a voluntary agreement based on
15 their identified facility expansion needs, sat on LGUSD's
16 Reimagine 2022 Task Force, and are working closely with the
17 District to find property for school facilities.

18 Further, facilities are only one of the
19 challenges. We have also engaged our regional partners to
20 find a solution for the school traffic, which is an
21 existing issue that impacts residents well outside of the
22 boundary of the North 40. This town now has an opportunity
23 to support a future school bus program that could be funded
24 regionally, and this is the approach that community takes:
25

1 identifying a challenge and working together towards a
2 solution.

3 We're not asking to only mitigate the bare
4 minimum that's required. We are neither proposing a
5 Specific Plan amendment nor a Planned Development. If the
6 Specific Plan and other governing documents stated that the
7 Northern District was the primarily residential district,
8 and the Lark District was to be primarily commercial, or
9 that there should only be two-story, single-family,
10 detached estate homes throughout the North 40, then our
11 application would look significantly different.
12

13 What the Specific Plan calls for is a diversity
14 of residential housing type, which we have achieved through
15 19 different floor plans in three different styles of
16 housing, plus an unprecedented Very Low income senior
17 affordable program. We have spread these units out with 193
18 residential homes in the primarily residential Lark
19 District, 127 homes in the Transition District, and a
20 remaining 45 homes that can be proposed in a future
21 application in the day-to-evening entertainment area
22 Northern District.
23

24 The Town of Los Gatos, its residents, elected and
25 appointed officials, and Staff all have worked very hard
over the last eight years to draft and then adopt a

1 Specific Plan that encompasses the spirit of this great
2 town. We're now before you as a future part of your
3 community. Not only do we conform to the required objective
4 criteria in the Specific Plan and Housing Element, we
5 proposed a model agrarian neighborhood that comprehensively
6 addresses both Town policy and the many related discussions
7 from the past eight years.

8 We and our team are available for any questions
9 now or after public comment. Thank you for your time.
10

11 CHAIR BADAME: Thank you. Do Commissioners have
12 questions of Mr. Capobres or Ms. Baker? Commissioner
13 O'Donnell.

14 COMMISSIONER O'DONNELL: I would first like to
15 compliment you, because I've been involved in this process
16 a long time and I think you've done an excellent job.
17 Obviously, however, it's a very difficult project and there
18 are many who would just as soon the project did not go
19 forward.

20 Just so we all know, however, your position, I'm
21 looking at the letter of your attorneys dated July 7th of
22 this year. In particular I'm looking at page 7, which I
23 think summarized your position. It's very short. I'm going
24 to read it to you to make sure that that is your position.
25

1 You say, "The State law provisions discussed
2 above require that the planning application may only be
3 reviewed for conformance with existing objective Town
4 policies which must be applied to facilitate development of
5 320 units. The Town may not reduce density, require project
6 phasing, relocate units to other sites on the North 40,
7 place units in other school districts, reduce height or
8 impose any other requirement not already contained in the
9 adopted development standards, nor can the planning
10 application be denied based on subjective standards such as
11 those contained in the Vision and Guiding Principles."
12

13 You conclude by saying, "In the event the Town
14 denies the planning applications, or approves them with
15 conditions that violate the legal framework described
16 above, the applicants do intend to fully enforce their
17 legal rights and remedies," which I understand to be
18 litigation. Is that correct?

19 WENDI BAKER: We would prefer no litigation, but
20 that is correct.

21 COMMISSIONER O'DONNELL: I understand that, but
22 that threat at the bottom of your letter I take to be a
23 threat of litigation.

24 WENDI BAKER: That is correct, and that is our
25 letter on public record.

1 CHAIR BADAME: No clapping. I don't want to have
2 to give another warning tonight, but please be considerate.
3 Thank you.

4 COMMISSIONER O'DONNELL: Thank you.

5 CHAIR BADAME: Vice Chair Kane has a question.

6 VICE CHAIR KANE: Ms. Baker, you said the
7 improvements at Lark and Los Gatos Boulevard would improve
8 delay times by 26%?
9

10 WENDI BAKER: That's correct.

11 VICE CHAIR KANE: I'm embarrassed. Is that in
12 here somewhere?

13 WENDI BAKER: That was provided as supplemental
14 documentation to Staff from the traffic engineers, and it
15 is a 13% change in volume, but a 26% reduction in delay.

16 And it is also in the EIR, to go back to the EIR,
17 because these improvements were considered as part of the
18 EIR, although not required, they are required community
19 improvements for the Specific Plan.

20 VICE CHAIR KANE: The 26% is in the EIR? I just
21 don't remember the number, because it's impressive. Mr.
22 Paulson, is Staff in accordance with that number?

23 JOEL PAULSON: We'll have to look through the
24 Phase 1 and the EIR to confirm that, so we'll get back to
25 you with that information.

1 VICE CHAIR KANE: No, I'm meaning to be
2 complimentary. If you can do that...

3 WENDI BAKER: That's correct.

4 VICE CHAIR KANE: ...far out, because that is the
5 main concern of the whole project.

6 WENDI BAKER: We would not want to spend \$10.5
7 million on transportation improvements if there was not
8 some sort of recognizable delay improvement.

9 VICE CHAIR KANE: Well, good, that's outstanding.

10 Mr. Capobres, when we did our tour of the
11 project, and also when you appeared before the Planning
12 Commission with Commissioner O'Donnell and I, we talked
13 about a memorial. We've got to preserve the agrarian
14 history, but also there's some other history to be
15 preserved, and I haven't seen that in any of the reports
16 yet. Is that because its time has not yet come? Is it a
17 Phase 2 issue?
18

19 DON CAPOBRES: The project had to go through the
20 Historic Preservation Committee. As we stated, the HPC
21 recognized our treatment of agriculture. The historic
22 issues really fall on another part of the North 40 related
23 to the red barn, and potentially an adobe house on the
24 second phase.
25

1 As I stated on public record previously, we'll
2 work with the Yuki family. They're an important Los Gatan
3 family. We'd be very happy to celebrate their contribution
4 to the Town. They're also immensely private as well, and so
5 we don't have anything to legally compel them to do
6 something, but we would be very happy to commemorate this
7 family.

8 VICE CHAIR KANE: I recall my interest in
9 something generic in respecting their privacy. There are a
10 number of families out there that were interred during
11 World War Two, and that's part of what I want to weave into
12 the fabric of the history of all that property out there.
13 Not just the immediate family; there are other families
14 involved as well, and I'm sort of passionate about that,
15 that that could be put on the old barn that we agreed to
16 preserve and that the children can read and understand it.

18 CHAIR BADAME: Vice Chair Kane, thank you for the
19 comments. Commissioner Hudes.

20 COMMISSIONER HUDES: I have a number of follow up
21 questions on the letter of July 7th, since that's been
22 opened at this point. I took notice of the letter and the
23 tone of the letter, and I have a number of questions about
24 it.
25

1 Coming back to the point about the application
2 being in compliance with design standards. Is it your
3 position that the Planning Commission may recommend denial
4 if the application is not in compliance with design
5 standards?

6 DON CAPOBRES: If we're not in compliance with
7 any of the objective standards, clearly.

8 COMMISSIONER HUDES: Another question. The
9 description on page 3 says, "The Housing Element also
10 requires that at least 270 units be permitted at a density
11 of at least 20 units per acre. Does the Housing Element
12 specify that those 270 units, or the 13.5 acres, be in the
13 24 acres that are in the Phase 1 application?

14 DON CAPOBRES: Neither specifies where the 13.5
15 acres has to be, nor does it preclude where it can be. The
16 fact that we have a proposal that meets the State's
17 requirements to qualify for affordable housing is kind of
18 the issue and is the basis for our legal position.

19 The conversation in the Housing Element Advisory
20 Board over the last couple of years is pretty clear, and
21 the decisions that were made on that board were very clear
22 in terms of the by right nature of any of the properties
23 that were included in the Housing Element.
24
25

1 COMMISSIONER HUDES: So basically you're saying
2 that it's not limited to Phase 1?

3 WENDI BAKER: I believe what we're trying to
4 clarify is much like residential units are not prohibited
5 from the Northern District, nor are retail or commercial
6 uses prohibited from the Lark District, it doesn't require
7 one or the other to be there. I believe what we're trying
8 to say is that it neither requires it all to be one place
9 or the other; it is a subjective decision on where it goes,
10 but it's objective that it must occur within the North 40.

11 COMMISSIONER HUDES: The other question I had
12 dealt with language in the letter that really got my
13 attention. On page 5 it says, "This history of animus
14 toward children," and it goes on from there, and then there
15 was another page that wasn't numbered, but it said,
16 "Additional statements and policies regarding desire to
17 exclude families with children," and I wanted to ask if
18 this is your recollection of the facts, because mine is
19 very different?
20

21 I served on the North 40 Advisory Committee, I
22 served on the Housing Element Advisory Board, and I don't
23 believe that the deciding or recommending bodies that I've
24 observed expressed animus toward children; quite the
25 contrary. They expressed concern with school overcrowding

1 and the welfare of children, and I found these assertions
2 to be aberrant, and so I would like to see whether I'm
3 remembering that differently than some of you who were
4 there as well.

5 DON CAPOBRES: Having been probably involved in
6 the North 40 process longer than potentially anybody, I
7 understand why only maybe 20 minutes was given
8 consideration to single-family detached homes when the
9 discussion regarding residential types were discussed at
10 the Advisory Committee level. It was specifically because
11 of concern that single-family detached home student
12 generation numbers were higher than multi-family or higher
13 density residential type. That was specifically discussed
14 during the deliberations of the North 40 Specific Plan.
15 There was language specifically in drafts of the North 40
16 Specific Plan without question that talked about designing
17 units to avoid school age children.

18
19 COMMISSIONER HUDES: Again, my recollection of
20 that is that draft language that was cited was language
21 that was removed from the Specific Plan before it was acted
22 into law, that that language was proposed by RRM
23 Consultants, who I believe were paid by the developer, and
24 then that language was rejected by the Town Council and the
25 Advisory Board.

1 DON CAPOBRES: (To Ms. Baker) You want to take a
2 shot? I'm happy to take it.

3 WENDI BAKER: All right, so I think there's a
4 conflict in what you might feel is the letter's intent,
5 that this entire process that we've been a part of and that
6 many people who have been in the room, there's been a lot
7 of discussion about impacts to schools and making sure that
8 the units that are out there have the least impacts to
9 schools as possible, and that was not just exclusive to RRM
10 but to much of the conversation that occurred at the dais.
11 Whether or not you personally contributed to that, I cannot
12 say specifically.
13

14 The letter is specific to not wanting to
15 discriminate against families, so it's a little bit of a
16 different spin that you're taking, which is that we're
17 trying to say that that's not legal.

18 However, the unmet needs discussion as a part of
19 the Specific Plan was not only exclusively trying to target
20 housing types—which is what we're proposing—that are not
21 typical within the Town, which is mostly a single-family
22 detached. There's a lot of discussion of is that being
23 specific to a type that does not generate children, and I
24 would imagine that might be a topic of conversation tonight
25 and going forward as well.

1 COMMISSIONER HUDES: Okay, thank you.

2 CHAIR BADAME: Commissioner O'Donnell.

3 COMMISSIONER O'DONNELL: I just want to revisit
4 that for one second. I'm looking at the summary, which is
5 Exhibit 34, and it says that there will be 126 one-bedroom
6 units, there will be 140 two-bedroom units, and there will
7 be 54 three-bedroom units. Now, the suggestion that perhaps
8 that configuration was somehow unfriendly to children
9 surprises me. If you have a three-bedroom unit, is that
10 unfriendly to children?
11

12 WENDI BAKER: What I was specifically noting is
13 the discussion that has taken place over the years on how
14 we can design away from families, and that has been in
15 there. Now, a three-bedroom unit, according to my focus
16 group that we met with both before and after design,
17 although they are single professionals they are interested
18 in more than one bedroom and more than two bedrooms,
19 because they might want work space, they might want a den,
20 they might want guest space. So that type of unit, yes, can
21 house children—and I don't think that that's a bad thing, I
22 think that's a great thing—but it could also appeal to a
23 diversity of buyers.
24

25 Probably if I were to come in in a traditional
setting, even at a 20 units per acre setting, I would

1 probably be much heavier on two- and three-bedrooms than
2 what I propose in this application. However, we do see the
3 need for the young professional and we're designing units
4 smaller and so forth to hit different price points for that
5 young professional to get into the market and that housing
6 type.

7
8 COMMISSIONER O'DONNELL: I want to be clear. It
9 may sound like there's some attack going on. I'm not trying
10 to attack you. You people have done a very professional job
11 and you have actually been a pleasure to work with, but I'm
12 just trying to get to some serious questions, and it's
13 without suggesting that you've done anything that you
14 didn't tell us you would do.

15 I'm thinking it through with you now, and I
16 notice that two-and three-bedrooms will be more than half
17 of the total units. Now, that's fine, because nobody is
18 trying to prevent children, but on the other hand one has
19 to consider the impact on the schools. You've offered
20 substantially more than you're required to offer to the
21 elementary school, and I personally appreciate that. I'm
22 just trying to think this through with you, that's all, so
23 if there was any suggestion of otherwise, I'm not. I'm
24 trying to get the facts; that's all.
25

CHAIR BADAME: Commissioner Hudes.

1 COMMISSIONER HUDES: The presentation that you
2 gave was very helpful. It doesn't exactly map to your
3 justification letters, so I'm wondering if you can provide
4 us a copy of that today, so that we could consider that as
5 we deliberate?

6 WENDI BAKER: Absolutely.

7 COMMISSIONER HUDES: Thank you.

8 CHAIR BADAME: Any further questions for the
9 Applicant? Seeing none, thank you very much. I'm sorry,
10 don't go away. Commissioner O'Donnell.

11 COMMISSIONER O'DONNELL: One question. I just
12 want to be very clear on this in my own mind. If I read
13 your lawyer's letter correctly, and I may or may not,
14 basically your position is we do not have the ability to
15 change anything at the moment, now.

16 WENDI BAKER: Our attorney's letter specifically
17 focuses on what we believe are the objective criteria of
18 the Specific Plan, and we believe that things that are
19 subjective... You can act on the objective if we do not meet
20 them.
21

22 COMMISSIONER O'DONNELL: Okay, my question
23 doesn't go to objective versus subjective. Objective could
24 be where you put the homes. In other words, you've got
25 Phase 2--what I call Phase 2--and you've got Phase 1. Those

1 are objective issues. I'm not talking about subjective; I'm
2 merely saying your lawyer specifically says you can't move
3 it. Now, that's objective. So your position, as I
4 understand it—I can reread the paragraph if you like—is
5 there is absolutely nothing we can do this evening. Is that
6 your position?

7 WENDI BAKER: That is our position. Staff has
8 also found that we're in conformance with the objective
9 standards of the Specific Plan.
10

11 COMMISSIONER O'DONNELL: Thank you.

12 DON CAPOBRES: The point of the first part of the
13 presentation was all of the years of policy that's gone
14 into the North 40, and observers and participants of that
15 process, it would be amazing if not embarrassing for us not
16 to get it right and provide to you an application that was
17 in compliance with all the objective standards of the
18 Specific Plan, because of how much participation we've had
19 over the years.

20 I've dealt with this over the last couple weeks
21 of having to answer this question, but it shouldn't be a
22 surprise, because of our participation in the community
23 dialogue, that we have come up with an application that is
24 in conformance with all your policies; not just the
25 Specific Plan, but the Housing Element and all the other

1 policies. What we would typically find in architecture and
2 site type discussion is it is about architecture and not
3 about whether or not housing is allowed, or what types of
4 housing are allowed. That is already in the documents that
5 have already been approved here.

6 COMMISSIONER O'DONNELL: I understand the State
7 requirement of right, so I'm not talking about that, but I
8 am saying that there are roughly 40 acres here; we're
9 talking about 22 of those acres. A portion of the
10 Transitional Phase is not in this plan, and then the north
11 part of the property is not in this plan. Your lawyer, I
12 think, takes the position we couldn't move any of the
13 housing that is otherwise scheduled for the first phase
14 anywhere else; for example, on the balance of the property
15 that is in the Transitional and not before us, nor in the
16 North 40. Her letter says you can't move the housing. Now,
17 that's a pretty strong statement that has nothing to do
18 with subjectivity, and so I'm saying is that your position?

19 DON CAPOBRES: It clearly is. We comply with open
20 space requirements, we comply with setback requirements, we
21 comply with height requirements, we comply with everything,
22 and then exceed those in most cases. So if it is a land use
23 that is allowed within a certain section of the North 40
24
25

1 and we comply with that, then we should be allowed to move
2 forward with that.

3 That would be true for any other applicant, and
4 there are 14 property owners on the North 40 who come
5 through. We don't control all of the property on the North
6 40. We have the ability to move forward with this piece. We
7 comply with all the objective standards. All the land uses
8 are in compliance, so we should be allowed to move forward.
9

10 COMMISSIONER O'DONNELL: What portion of the
11 Transitional area... When you look at the map you see the
12 Lark area, you see the Transitional area, but the
13 Transitional area with the map on it excludes part of that
14 Transitional area. How much is excluded, acreage-wise.

15 DON CAPOBRES: We can get that for you. We're
16 over two-thirds of the Transition District as it is, and
17 the reason why, and I can state this publicly now, is
18 because the Yuki family has elderly members of their family
19 living just to the north of the Transition District
20 boundary. They literally counted kind of rows of trees to
21 be able to protect their quality of life for the
22 foreseeable future. It's essentially a life estate, but
23 there is some time that needs to pass before we are allowed
24 to move forward with the North 40.
25

1 COMMISSIONER O'DONNELL: I understand what you're
2 saying. Just to confirm it then, that portion of the
3 Transitional area, which is not included in your plan, is
4 because of the same reason the northerly portion is not
5 essentially now here discussed, because of the Yuki's, as
6 far as I'm concerned, very reasonable request? I just want
7 to make sure that's part of that, is that right?

8 DON CAPOBRES: That's right, and there are other
9 property owners on the site. As a matter of fact, if we
10 were really trying to max things out, we might have just
11 gone ahead and plant without having control, but we need to
12 move forward, we need to control the property that we can
13 make traffic improvements on, and so we did not max out the
14 number of baseline units. That is why precisely there are
15 45 additional units available for development throughout
16 the rest of the...

17 And it does make sense that there is a tapering
18 off of residential from the Lark District through the
19 Transition District to the Northern District, because of
20 how the Specific Plan was developed.

21 COMMISSIONER O'DONNELL: But one thing that I do
22 recall is there is a limitation on the northern portion
23 that any housing must be above retail. That does not
24
25

1 however apply to that portion of the Transitional, which is
2 not part of this project, is that right?

3 DON CAPOBRES: Correct.

4 COMMISSIONER O'DONNELL: Thank you.

5 CHAIR BADAME: Are there further questions for
6 the Applicant? Seeing none, thank you very much.

7 DON CAPOBRES: Thank you.

8 CHAIR BADAME: I will now invite comments from
9 members of the public. I will be calling your names three
10 at a time. Our first three speakers are Diane Dreher, Tom
11 Picraux, and Peter Dominic. When you step up to the podium,
12 please be sure to state your name and address clearly for
13 the record.
14

15 DIANE DREHER: Good evening, Diane Dreher, 223
16 Arroyo Grande Way, Los Gatos.

17 My statement: I strongly recommend denial of the
18 current North 40 plan. Los Gatos is a historic town, not a
19 commercial industrialized complex.

20 I find the developer's plan dishonest and
21 disrespectful. Dishonest because it violates the Town's
22 Specific Plan, substituting high-intersection development
23 instead of the required "lower-intersection residential and
24 limited retail offices uses," crowding too many residential
25 units in the Phase 1 space.

1 In addition, I find the vague promises about
2 traffic reduction highly confusing, and I seriously doubt
3 how that would happen. I find the developer's plan
4 disrespectful, because it threatened a lawsuit and proposes
5 a dense set of industrial sized buildings instead of
6 respecting the unique character of our town with a
7 harmonious plan that would look and feel like Los Gatos.

8 I urge you therefore to reject this proposed
9 commercial industrialized complex at Lark and Los Gatos
10 Boulevard and think more cooperatively and creatively about
11 solutions.

12 The current plan would drastically increase
13 traffic and industrialized sprawl, impede vital access to
14 Good Samaritan Hospital, and undermine the safety of our
15 children, the character of our schools, and the quality of
16 our lives. Thank you.

17
18 CHAIR BADAME: Thank you, Ms. Dreher. Tom
19 Picraux.

20 TOM PICRAUX: Tom Picraux, 108 Panorama Way. I'm
21 chair of the Los Gatos Community and Senior Services
22 Commission, and I have a question regarding senior
23 services.

24 In particular, we're very happy that there are 49
25 units for Very Low income senior housing, but my question

1 is have there been provisions for the services that may be
2 needed in particular by Very Low income seniors? For
3 example, such things as their housing, healthcare,
4 nutrition needs, case management. These are things that
5 we've been concerned about, in fact struggling to enhance
6 for meeting the needs of Los Gatos seniors now.

7
8 Now my question has to do with has there been
9 provisions for these to be met by the Eden Housing or by
10 some other part of the development, or will this fall on
11 the shoulders of the Town, and the adult recreation center
12 service is what they have, and other services that we're
13 trying to provide for seniors?

14 So the question is has provision been made for
15 that, or not, and if it has, what type of provision has
16 been made, or will it all be on the Town to develop those
17 needs? Thank you.

18 CHAIR BADAME: Thank you, sir. When the Applicant
19 returns to the podium at the end of the public testimony,
20 perhaps he can address your comments at that time.

21 PETER DOMINIC: My name is Peter Dominic, and
22 live on Blossom Hill Road. I would like to thank the
23 Planning Commission for giving us this opportunity to
24 speak, and I would like to thank the entire Town of Los
25 Gatos for having patience with this ongoing process.

1 I support development in the North 40, but I
2 believe the current application is invalid for the
3 following objective reasons.

4 First, the developer is inconsistent in their
5 definition of the 49 units that they propose to build on
6 top of the Market Hall building. In a letter from their
7 lawyers dated March 10, 2016 they repeatedly refer to these
8 units as a "senior housing development," but they also ask
9 in the same letter that they be considered Very Low income
10 housing. The Density Bonus Code states that any proposal
11 for Very Low income housing must meet the definition in
12 Section 50105 of the Health and Safety Code, and Section
13 50105 states that Very Low income households means persons
14 and families whose incomes do not exceed the qualifying
15 limits for this Very Low income.
16

17 The key words there are "persons" and "families."
18 If the units proposed by Grosvenor are truly Very Low
19 income, then they must be eligible to persons and families
20 based on income; however, these units will have an age
21 restriction on them. If they are not eligible for all
22 persons and families to be considered, then they do not
23 meet the standards of Section 50105 and they must be
24 considered some type of other unit.
25

1 Second, even if you still believe that 49 senior
2 housing units that are called senior housing units that sit
3 in a single building, because that's required senior
4 housing, are also Very Low income housing and should
5 qualify for the density bonus as such, then I would submit
6 that the base number of units of 237 proposed by this
7 project is not valid according to the law. The Density
8 Bonus Law states that a city shall grant one density bonus
9 when an Applicant for a housing development seeks and
10 agrees to construct a housing development excluding any
11 units permitted by the density bonus awarded.
12

13 The 237 units proposed by this application
14 include numerous units that would not be allowable unless
15 we waive our design guidelines for building height, and we
16 do not have to waive any standards until we grant that
17 density bonus. I would propose the developer must submit a
18 base number that would actually be feasible to construct,
19 given our guidelines, and then we can consider a density
20 bonus and any standard waivers.
21

22 Finally, and apart from the two preceding issues,
23 the fact that there are two developers actually working on
24 this project under the banner of Grosvenor seems to
25 (inaudible) the intention of the Density Bonus Law. Again,
the Density Bonus Law states that a city shall grant one

1 density bonus and incentive when an applicant for housing
2 development seeks and agrees to construct a housing
3 development.

4 In this project we have SummerHill that is
5 building out Lark, and we have Eden Housing that will be
6 building the senior housing unit, but because these two
7 developers are paired under Grosvenor the units being built
8 by Eden will benefit the development being built by
9 SummerHill. I firmly believe this is a gross distortion of
10 the intention the Density Bonus Law, which is supposed to
11 provide developers with a way to recoup costs.
12

13 In that final point that Grosvenor may only
14 violate the spirit of the law and not the word of it, when
15 it comes to my first two points I firmly believe this
16 application is out of line. Thank you.

17 CHAIR BADAME: Thank you, Mr. Dominic. No
18 clapping. Thank you. Our next three speakers: Helen
19 Cockrum, Anne Robinson and Barbara Dodson. Anne Robinson,
20 why don't you come up first?

21 ANNE ROBINSON: Anne Robinson, 201 Charter Oaks
22 Circle.

23 I support the 270 housing units, 50 senior
24 affordable housing units, and 66,000 square feet of
25 commercial development.

1 What I'm opposed to is locating the housing units
2 in what Figure 15 of the North 40 EIR delineates as an area
3 that is considered a high health risk area along the 17
4 freeway. According to the six sources I reviewed, which you
5 should have received as a Desk Item, there are significant
6 health issues associated with building residences within
7 the designated are. Here are a few of them.

8 Increased risk of children developing leukemia.
9 Children are not only more likely to develop asthma and
10 other respiratory diseases, but their lung development may
11 also be stunted permanently. Fine and ultra fine
12 particulate matter in the air is linked to cardiovascular
13 disease, leading to premature heart attacks and strokes.
14 Pregnant women are more likely to have premature and low
15 birth weight babies, putting the children at risk for
16 multiple lifelong chronic diseases. Pregnant mothers
17 breathing higher rates of air pollution give birth to
18 children who have higher rates of several types of rare
19 childhood cancers. Women exposed to more traffic related
20 air pollution have a higher rate of breast cancer. Chronic
21 exposure to traffic air pollution increases the risk of
22 lung cancer. Toxic air pollution is linked to a shorter
23 lifespan for nearby residents. Five times more deaths are
24 due to air pollution than traffic accidents.
25

1 I understand that other communities are doing
2 this, but that does not make it right. Putting housing
3 units along the 17 freeway within the designated area is
4 irresponsible. Children don't have a choice, but you do.
5 Recommend to the Town Council that the developer move the
6 housing units farther away from the freeway, at least 500'
7 or approximately 150 meters, like they're required for
8 schools. The proposed buildings are 30-57' from the
9 freeway. Put an office building in the designated area with
10 fixed windows and filtered HVAC.
11

12 I heard tonight that the developer does not see
13 it feasible to put housing at 20 units per acre in the
14 Northern District, but the Town has not researched this
15 possibility. I was told the Town Council has the power to
16 amend the Specific Plan. Could they increase the height
17 limitation in the Northern District and make it feasible
18 for the mandatory housing component?

19 I just think we need to get this right, and the
20 housing should not be allowed along the 17 freeway where
21 this area is designated as a higher cancer risk area. Thank
22 you.

23 CHAIR BADAME: Thank you, Ms. Robinson.

24 ANNE ROBINSON: And you should have in the Desk
25 Item the sources I referred to.

1 CHAIR BADAME: Yes, we did receive it. Thank you
2 very much. Barbara Dodson.

3 BARBARA DODSON: Good evening, my name is Barbara
4 Dodson; I live on Marchmont Drive.

5 Please deny the proposal so a more fitting
6 proposal can be brought forward that spreads out
7 residential, provides housing more suitable for Millennials
8 and seniors, and adds open space.

9 I'm against high-density housing in the North 40,
10 but it seems our Housing Element traps us into having 20
11 units per acre on 13.5 acres, so for now we're stuck with
12 density.

13 But we're not stuck with the developer's
14 approach. We can have 20 units per acre with much more open
15 space. The Specific Plan calls for 320 residential units,
16 but doesn't say how big they units need to be. We'd get as
17 much credit toward the 320 total with homes that are 1,000
18 square feet as with homes double that size.

19 Let's look at one of the developer's six
20 (inaudible), which is what I've got up there. We could have
21 the six large units shown here, or we could reduce the
22 height, eliminate three other row home units, divide each
23 of the remaining three large homes into two one-story flats
24 and end up with the same number of units, six. We could use
25

1 the leftover acreage for green space instead of a three-
2 story attached building. At up to roughly 2,000 square
3 feet, we could have six flats at roughly 1,000 square feet
4 and three attached buildings.

5 Which would you prefer? Six tall massive row
6 homes that block views and suit families much more than the
7 supposed audience of Millennials and seniors, or six
8 smaller flats that really suit the target audience? The
9 proposal has 97 three-story row homes larger than 1,500
10 square feet, and 28 garden cluster homes larger than 1,700
11 square feet. This isn't Millennial or senior housing. It is
12 massive, boxy housing that doesn't look and feel like Los
13 Gatos. It is housing that could be built to really address
14 the intended audience.

16 I believe the original intent behind the 20 units
17 per acre was to satisfy affordable housing requirements
18 from RHNA, but in fact we'll end up with very little RHNA
19 credit. Los Gatos is supposed to build 619 affordable units
20 by 2023. I believe the Town expected 310 of these units to
21 be on the North 40, however, the developer has plans for
22 only 50 affordable units; all other units will be market
23 rate.

25 I am afraid that because enough affordable units
won't be built on the North 40 the Town will need to find

1 roughly 11 acres elsewhere for the affordable housing. The
2 overdevelopment will just go on and on. To me, the high
3 density, high priced housing in this proposal is a complete
4 lose-lose for our town.

5 As I said, I'd rather not have high-density
6 housing, but if we have to have it, we should at least try
7 to reduce the space it takes up and fulfill our RHNA
8 requirements for affordable housing. Thank you.

9 CHAIR BADAME: Thank you, Ms. Dodson. Helen
10 Cockrum.

11 HELEN COCKRUM: Hello, I'm Helen Cockrum and I
12 live at 159 Escobar Avenue in Los Gatos. First of all,
13 thank you, everyone, for working so hard on all of this. I
14 don't have the expertise of some of these people that will
15 describe exactly how many units are where and so forth, so
16 my comments are a little bit just general.

17 When the people that are going to develop that
18 say that it resembles the Town of Los Gatos, it's not in
19 any way near the Town of Los Gatos. It doesn't have old,
20 interesting buildings, and it doesn't fit in with Los
21 Gatos. I assume eventually that's going to be developed,
22 but then I think that it should be much smaller, not so
23 many units, and more traffic mitigation so that the traffic
24 is really terrific on Los Gatos Boulevard.
25

1 I don't know if any of you travel up there.
2 Almost any time of the day you try to get to 17 and 85, on
3 or off, and take a left on the Boulevard, go up and go into
4 85, then the traffic is coming in from Good Samaritan
5 Drive, and it's very, very difficult. With this many more
6 units planned, commercial and housing, families, children,
7 cars, our town cannot handle it, and it will not be the
8 town that it used to be.

9
10 The Specific Plan actually sets forth certain
11 things, which I don't have time to talk about, but the
12 Specific Plan is wrecked with what you're trying to do
13 here, as far as I can tell. Thank you.

14 CHAIR BADAME: Thank you, Ms. Cockrum, for your
15 comments. The next three speakers are JoAnn Disbrow, John
16 Thatch, and Emily Bartolomei. Please remember to state your
17 name and address for the record.

18 JOANN DISBROW: I'm JoAnn Disbrow and I live at
19 16500 South Kennedy Road, and I have lived here for 33
20 years.

21 I had not been quite as aware of what was
22 happening until these meetings started to happen, and I
23 think that's a problem that a lot of us have. This is so
24 much more than what we want or what we need, and I'm not
25 sure, is it the money, the taxes they'll pay? What is doing

1 this to this sleepy little town that is going to be
2 impossible to drive through? Thank you.

3 CHAIR BADAME: Thank you. Our next speaker is
4 Emily Bartolomei. Hello, Emily.

5 EMILY BARTOLOMEI: Hi. My name is Emily
6 Bartolomei and I live at 131 La Cienega Court.

7 I would like to say that I don't like how this
8 beautiful orchard is being cut down to build houses for
9 people to live here, because more houses means more cars
10 and more traffic, and more traffic means the longer the
11 ambulance will take to reach the houses to serve the
12 medical attention, and the more time that takes to reach,
13 that person could either die or their health could decline,
14 and I think that's a problem if they are waiting so long
15 because of the traffic; it shouldn't happen that way. Thank
16 you.
17

18 CHAIR BADAME: Thank you, Emily. We really
19 appreciate your comments. I just want you to know that we
20 appreciate your participation this evening. Thank you so
21 much, and Vice Chair Kane actually has a question for you.
22 Not a statement, a question.

23 VICE CHAIR KANE: Did you send us one of those
24 picture drawings about the project?

25 EMILY BARTOLOMEI: No.

1 VICE CHAIR KANE: Well, they were lovely, and
2 thank you anyway.

3 CHAIR BADAME: Thank you, Emily. All right, our
4 next three speakers are Lucille Weidman, Tony Alarcon and
5 Jak Van Nada.

6 LUCILLE WEIDMAN: Lucille Weidman, 215 Carlester
7 Drive, Los Gatos.

8 Upon looking at the renderings of the conception
9 of the drawings of the project, I felt, as so many have,
10 that it's not Los Gatos. What I wanted to show you, I have
11 two minutes, is a 50-second slide presentation of what we,
12 the residents of Los Gatos, feel and believe is the look
13 and feel of Los Gatos. So with your permission.

14 CHAIR BADAME: Yes.

15 LUCILLE WEIDMAN: It will just play.

16 CHAIR BADAME: All right, we're having some
17 troubles with the presentation. Is that Mr. Weidman coming
18 to the rescue? Thank you.

19 LUCILLE WEIDMAN: I knew I was going to get in
20 trouble.

21 CHAIR BADAME: We will be resetting the clock, so
22 you don't have to worry about your three minutes running
23 out.
24
25

1 LUCILLE WEIDMAN: I appreciate that. I'm a jinx
2 any time it comes to anything technical.

3 (Slide presentation is shown.)

4 CHAIR BADAME: Thank you for the slide show. We
5 very much appreciate it.

6 LUCILLE WEIDMAN: I just wanted to emphasize what
7 is Los Gatos, what is not Los Gatos, and with your
8 consideration, please deny the application. Thank you.

9 CHAIR BADAME: Thank you. Thank you. Tony
10 Alarcon.

11 TONY ALARCON: Hello, my name is Tony Alarcon,
12 229 Johnson Avenue. Many of you may have watched me speak
13 before. Hello to the Planning Commission.

14 Before I start, I'd like to thank my wife who let
15 me come to speak tonight on my 19th wedding anniversary. She
16 feels it's important enough to our children for me to come
17 speak tonight, and I appreciate the hundreds of hours that
18 she's let me put into this process.

19 Mr. Capobres stated something, and I'd like to
20 correct his misstatement. He has not been involved in the
21 North 40 longer than anyone. R.J. Fisher, who was master of
22 our Masonic Lodge across the street in 1954, and other
23 stewards of our town have recognized this property and done
24
25

1 what we can to protect it, to control the feel and maintain
2 the development of our town.

3 I would like to accommodate the last speaker and
4 acknowledge the film that she did. I think it truly
5 represents what Los Gatos looks like.

6 I'd also like to quote Mike Wasserman, because I,
7 too, have been a developer, and Mike is probably one of the
8 most respected politicians to come out of Los Gatos. I
9 proposed to put a development on the Los Gatos Shopping
10 Center, which is 30,000 square feet. I proposed to make it
11 45,000 square feet with a street between the buildings, and
12 to put 32 senior units above it with some above age, and
13 what he told me was, he said, "This is not Santana Row.
14 That's not the look and feel of Los Gatos. Do not even
15 bring the plan forward." And I think, Commission, that you
16 need to consider that.

17 I'm a little upset, because I've attended every
18 single meeting on this North 40. I've been involved from
19 the very beginning. I've seen it as a child when it was an
20 orchard. And I've seen the developer get in bed with the
21 Town in the Specific Plan. The developer should have been
22 at arm's length. They never were.

23 I've attended the Los Gatos Community Alliance
24 meetings, and it's sad to say that we were sold a plan that
25

1 I think was a lie, which will prove out post this
2 development to be a lie. We were promised 273 RHNA unit
3 credits for this development, because we had to do
4 development with the State, and it's my understanding that
5 we're only going to receive about 50 units.

6 You can say that there's been community
7 involvement and we've gone through the process and we must
8 now approve this project, but I don't believe that's true.
9 I don't think that we've been told the truth, and I think
10 there is still time to modify the plan that's been
11 presented by Grosvenor to make it fit within our Specific
12 Plan, because I do not believe that it complies, and that's
13 especially with the density bonus, as another speaker
14 earlier pointed out. It's for a specific builder, I know
15 that best, having mapped 1,000 doors in the past as a
16 developer, so please deny the current plan as it stands.
17 Thank you.

18
19 CHAIR BADAME: Mr. Alarcon, thank you, and Happy
20 Anniversary to you and your wife.

21 TONY ALARCON: Thank you.

22 CHAIR BADAME: Nineteen years. Thank you. Mr. Van
23 Nada.

24 JAK VAN NADA: Good evening. I brought my
25 teleprompter with me. My name is Jak Van Nada and I am here

1 to support this project, the project's developer, and the
2 Specific Plan.

3 A group of us started the Los Gatos Community
4 Alliance about five years ago as we were watching the Town
5 develop well past what we thought were sustainable
6 development levels. As we learned about land use we came to
7 understand that there are property rights of landowners. On
8 a smaller scale, many of us exercise our property rights
9 when we remodel our homes, and we can remodel them as long
10 as they fit within the zoning restrictions of our
11 neighborhood, and so can large landowners.
12

13 With only three minutes I picked the following
14 three major reasons we support this Specific Plan and the
15 developer.

16 Traffic will be mitigated beyond the level
17 required by law. The developer will contribute an
18 additional \$10-12 million to improve traffic back to 2012
19 levels. They do not have to do this, but they have
20 committed to do so.

21 Schools are crowded, and yet Lexington School is
22 underutilized even though it is a highly rated school. The
23 North 40 developer is required to pay \$976,000 to help
24 defray the costs of any additional children. We know this
25 is not enough. The developer knew this also and sat down

1 with the school board, who, by working together, negotiated
2 an additional payment to the schools of \$6,369,000, or two
3 contiguous acres of land.

4 Those of you who want the housing to spread
5 around the 44 acres should read and understand the costs of
6 doing it, not to the developer, but to you, to me, and the
7 school district. It's substantial, and you can read about
8 it on our website, lg-ca.com.

9 My third concern was the density and intensity of
10 the development. The Specific Plan calls for 30% of the
11 land to be open space, which are about seven-and-a-quarter
12 acres. Over four acres must be green, and one-and-a-half
13 need to be open to the public. No other development has
14 this percentage of space required, and no other developer
15 has even 5% open space.

16 Santana Row, which is over three times the
17 density of the North 40, has less than 2%. Only one other
18 developer donated money to the school, and it was Robson
19 who donated \$150,000 with houses that sold for at least
20 double what the houses on the North 40 are predicted to
21 sell for. Netflix got our own citizens to pass an
22 initiative such that they wouldn't even have to pay our
23 increased traffic mitigation fees, much less donate another
24 \$10-12 million to make our traffic flow better. Is it any
25

1 wonder that the Lark/Winchester intersection is and will be
2 a mess without your tax dollars to fix it?

3 It's for these reasons that I support this
4 project and this developer. Thank you.

5 CHAIR BADAME: Thank you, Mr. Van Nada. The next
6 three speakers are Susan Buxton, Sandy Decker and Susan
7 Kankel.

8 SUSAN BUXTON: Good evening, my name is Susan
9 Buxton and I've lived in Los Gatos for over 40 years.

10 Like most residents who have lived here any
11 length of time we knew the North 40 would be developed
12 someday, and rightfully so. After attending multiple
13 citizen meetings and presentations from the developers with
14 my husband and our friends, we were pleased when the
15 Council approved the Specific Plan.
16

17 It stated on the very first page that the intent
18 of the Specific Plan is to provide a comprehensive
19 framework in which development can occur in a planned,
20 logical fashion rather than a piecemeal approach. It then
21 listed the Guiding Principles, and on the first page of
22 Section 2 it stated, "The overarching goals are to ensure
23 future development is compatible with surrounding areas,
24 complements downtown Los Gatos, and contributes to the
25 small town charm of Los Gatos."

1 It appears the developers chose not to follow
2 these very important guidelines, and have presented instead
3 an application that reflects the use of maximum building
4 and land use specifications wherever possible. Using the
5 maximum number, which the Specific Plan makes clear is a
6 maximum, not a goal, the Applicant has presented us with a
7 plan that includes the dense and massive placement of 270
8 housing units in the Lark District built in a grid pattern
9 with narrow streets, blocking hillside views, and also that
10 do not fulfill our need for affordable housing or provide
11 RHNA credits. Except for the additional 50 Very Low income
12 senior units to be built on top of a three-and-a-half story
13 parking garage? The architectural style does not, "relate
14 to the site, adjacent development, or Los Gatos community
15 character."
16

17 While the Applicant may consider this consistent
18 with the Specific Plan and the General Plan, including the
19 Housing Element, the community is telling you it is not. It
20 is not consistent with the stated purpose of the Specific
21 Plan, the Vision Statement, the Guiding Principles, and the
22 overarching goals. All of these were inspired by community
23 input through Advisory Committee meetings, community
24 workshops, Town Council, and Planning Commission study
25

1 sessions, and should not be ignored, even if the Applicant
2 chose to.

3 "The Architecture and Site Application neither
4 reflects, celebrates, complements, is respectful of or
5 enriches the quality of life of all our residents." All
6 words from the Council Vision.

7 The community looks to you to forward a
8 recommendation for the denial of this application to the
9 Town Council. Thank you.

10 CHAIR BADAME: Thank you, Ms. Buxton. The next
11 speaker is Sandy Decker.

12 SANDY DECKER: Good evening, Planning
13 Commissioners. I'm Sandy Decker; I live on Glen Ridge.

14 The North 40 Vision Statement, as you all know,
15 is the heart of the Specific Plan for the development of
16 this 40-acre tract. It's to ensure the protection of the
17 uniqueness of Los Gatos.

18 The development that you are reviewing tonight is
19 diametrically opposed to the Vision Statement and Specific
20 Plan for the North 40. May I read you the opening sentence
21 of the Specific Plan?
22

23 "The North 40 will reflect the special nature of
24 our home town." Does this reflect our home town?
25

1 "It will celebrate our history." What part of Los
2 Gatos history does this bring to mind?

3 "It will celebrate our cultural heritage." If the
4 cultural heritage refers to the agricultural heritage, this
5 massive development will be responsible for the destruction
6 of one of the last large-scale agricultural tracts of land
7 in the entire area, and will leave us with some token
8 spaces, one called a "garden retreat," and a strip of
9 grapevines behind a restaurant, and a large retail space
10 bordered by parking. To buffer the dense residential units
11 against the Lark side and from the noise and from toxins,
12 the developer is providing three rows of trees, and he's
13 calling it "the orchard."
14

15 "The Vision Statement and Specific Plan will also
16 celebrate our hillside views." When it was announced the
17 developer would be responsible for the photo evidence of
18 compliance on this issue, I felt some independent evidence
19 should be shown. What you have in front of you are four
20 pictures of the obscuring of our hillside views from the
21 three sides of the development we could get to. I will show
22 them to the audience, but I'm afraid we tried this
23 yesterday and the poles dim. However, you may be able to
24 make out the fact that there is a tremendous loss of
25 viewscape.

1 Now, these are the viewsapes that we are going
2 to lose as a community as we drive by this, but picture the
3 viewsapes you're going to lose when you're inside this
4 massive structure.

5 The last thing the Vision Statement directs this
6 developer to celebrate is the small town character of Los
7 Gatos. What about this is small town character?

8 I'm sorry, I have to stop there, but please,
9 please deny this project.

10 CHAIR BADAME: Thank you, Ms. Decker, for your
11 comments. Susan Kankel.

12 SUSAN KANKEL: Susan Kankel, 99 Reservoir Road. I
13 try not to think of myself as old, but here I am, a senior
14 citizen and an old Los Gatan. I've lived here for over 65
15 years.

16 As a teenager in the summer I went to my friend's
17 orchard on Shannon Road to pick prunes and to cut cots, as
18 many kids did then. There were also pigs being raised.
19 There were drying sheds, small barns, cottages and ranch
20 houses on this and other properties around there. We were
21 in the country.

22 This is the agricultural background of this area
23 of Los Gatos. The last reminder of this is the Yuki
24 property, and this heritage is not being acknowledged in
25

1 this application, which is a requirement of the Specific
2 Plan, C-3-2-4. The developer gives us one store and a
3 couple of rows of trees, when what should be given is open
4 space, not hardscape, and buildings with a rural feel, like
5 the picture of 3-6 in the Specific Plan. This application
6 gives us density and intersection, which sounds a lot like
7 a city, not a town. It should be denied.

8
9 Along with being an old Los Gatan, I am a senior
10 citizen. When this proposal was first made public, move-
11 down housing for seniors was included in a cluster like
12 construction, cottage or garden clusters, like small
13 villages. This has disappeared in the present application,
14 thus ignoring the requirement of the Specific Plan to
15 address one of the unmet needs of senior citizens.

16 There are 5,236 seniors in Los Gatos who are over
17 65. Eighty-percent of these own their own homes, probably
18 larger homes than they need; yet nothing was provided for
19 them to move down. Perhaps these clusters of cottages could
20 have been included in Phase 1 had the developer adhered to
21 the Specific Plan to spread residential units across the
22 entire 40 acres. Of the 5,236 seniors, 180 of them are
23 subsidized in some fashion. This application offers 49
24 senior apartments for Very Low income seniors, and they're
25 over a store.

1 The lack of agricultural acknowledgement, the
2 inability to address the unmet needs of senior citizens,
3 and the refusal to spread residences across all 40 acres
4 are absolute reasons to deny this application.

5 CHAIR BADAME: Thank you, Ms. Kankel. We
6 appreciate your comments. I'm going to have to ask you all,
7 please do not clap. Thank you very much. All right, the
8 next three speakers are Rod Teague, Lainey Richardson and
9 Cindy Schneider.
10

11 ROD TEAGUE: Thank you, Commissioners. My name is
12 Rod Teague; I live on Johnson Avenue.

13 First, I'd like to say that I've always embraced
14 change. I'm from Los Gatos. I was in the real estate
15 industry. I have a city and regional planning background
16 from Cal Poly, and I understand healthy conforming
17 development is a necessary component to any municipality.
18 But, this current proposal is unprecedented and it's been
19 crafted and sold to this community using clever tactics.

20 One of those tactics was State mandated low cost
21 housing. This was the premise to approve this application.
22 I attended some of the meetings with Los Gatos Community
23 Alliance, and the developers and members of the Housing
24 Element Advisory Board. Somehow there was an understanding
25

1 that high-density zoning meant automatic RHNA credit.

2 Unfortunately, that's not correct.

3 This is from HCD directly, which explains that,
4 "Densities of housing for developments do not describe
5 affordability for the purpose of crediting units against
6 jurisdictions' RHNA credits." The community was told they
7 were going to get 270 RHNA credits from the 619 allocated
8 by the State. This is even used by Grosvenor on their FAQ
9 page up for their website.

10
11 In order to achieve this, we rezoned the North 40
12 at 20 units per acre and gave the developer a by right
13 privilege. I now understand only 50 units may count towards
14 RHNA. Again, 270 was a premise to drive this project.
15 Speaking to the two RHNA authorities at HCD, which are Glen
16 Campora and Jess Nigretti (phonetic), I understand the
17 reality. The Town planned for 270 Low to Moderate income
18 units, which you can see here, but under this application
19 the developer will deliver 50. The rest of the units are
20 market rate.

21 When Los Gatos submits those potential 50
22 qualifiable RHNA units, HCD is going to say fine, but since
23 you did not deliver 270 Low to Moderate as stated in the
24 Housing Element, you now have to amend your Housing Element
25

1 to reflect the locations where those 220 undelivered Low to
2 Moderate units will be relocated.

3 The premise for rezoning the North 40 high-
4 density was bogus from the beginning. Approving this
5 application achieves nothing, except for empowering the
6 developer and their lawyers with a by right option so that
7 they can bully this community into getting everything that
8 they want. This application makes it impossible to execute
9 the Specific Plan in a conforming and dignified manner.
10 Thank you.

11
12 CHAIR BADAME: Thank you. Mr. Teague. We are
13 going to take a ten minutes break. We cannot have clapping.
14 Lainey Richardson, you will be next. But I don't want to
15 have to give any more warnings in regard to the clapping.
16 So we will take a ten-minute break.

17 (INTERMISSION)

18 CHAIR BADAME: Everyone please have a seat. Thank
19 you. As a heads up, in regard to the clapping, it just
20 slows down the process, and we'd like to hear from everyone
21 tonight, and again as a heads up, we have about 20 speaker
22 cards remaining. Some still might come through, so we will
23 hear from everybody tonight, and that was my concern. So
24 thank you everybody. We will fit everybody in tonight, so
25 thank you.

1 Lainey Richardson is our next speaker.

2 LAINNEY RICHARDSON: Hi, Lainey Richardson, Golf
3 Links Drive in Los Gatos. Thank you for your time and for
4 listening to the concerns of your neighbors and
5 constituents who live in the Town of Los Gatos. I am a 55
6 year resident of Los Gatos and I am requesting that you
7 deny this application. I have many concerns with the
8 current application and design for the North 40.

9
10 My first concern is that the Vision Statement
11 states that the North 40 will look and feel like Los Gatos.
12 As you can see from the one-dimension rendition that I
13 printed off the North 40 website, this project does not
14 look like Los Gatos, it looks like the new Stanford Cancer
15 Center on the corner of Los Gatos Boulevard and Good
16 Samaritan Drive. This rendition looks and feels like a
17 massive high-density apartment complex, not the town I grew
18 up in.

19 My second concern is that detached cottage
20 clusters were promised, and I am unable to locate even one.
21 I've handed you copies of two pages off of the North 40
22 website which show the types and location of the different
23 housing models. Cottage clusters are not included in the
24 rendition. Standalone, architecturally diverse, detached
25 houses are what I am used to seeing in Los Gatos. The

1 developer stated they were included in their application,
2 but I cannot find one. Another reason to deny this
3 application.

4 I realize that I cannot stop the development of
5 this property, but I am very concerned that the developer
6 has requested and applied for the maximum allowable units
7 possible with the minimum amount of open space allotted. I
8 would like to see a new application that includes the
9 reduction of square footage for all units on the property,
10 so as to meet the minimum required units, thereby opening
11 up areas that might actually represent and feel like open
12 space.
13

14 By reducing the size of the units and
15 incorporating more detached units, you have the power to
16 create a new neighborhood in town that actually does
17 reflect the look and feel of Los Gatos. Less and/or smaller
18 units will reduce the traffic congestion, school
19 overcrowding and water usage, which should be a priority
20 for all of us who live in town.

21 My last concern is your legacy. The developer
22 will be long gone once this project is complete. They will
23 not have to deal with traffic, school overcrowding to
24 include potential busing of students up and down Highway
25 17, water shortages, et cetera. You could, however, be

1 remembered as the Commissioners who did not represent your
2 neighbors and constituents' concerns. Please deny this
3 application. We can and should do a better job planning for
4 the future generations of our town.

5 CHAIR BADAME: Thank you, Ms. Richardson.

6 CINDY SCHNEIDER: Good evening, Commissioners. My
7 name is Cindy Schneider and I live on Matson Avenue in Los
8 Gatos; I've lived here for 30 years. Thank you for your
9 time this evening on what is undoubtedly the largest
10 application and the most contentious our town has ever
11 seen: forty-four acres of walnut orchards, the last largest
12 piece of undeveloped land in our town, and one of the last
13 in this valley.
14

15 For many of the Town's residents, and I know I
16 speak for many in my oft-forgotten corner of Los Gatos,
17 what we find most egregious about the application before
18 you is how it came about, and the entitlement the
19 developers apparently feel they have been given.

20 Most residents believe the Commission, Staff, and
21 Council not only represent them but are also stewards of
22 our town, land, and all that is Los Gatos. However, I think
23 it has been made clear by the collaboration from day one
24 between the Staff and the Applicant that this perception
25 and trust is unwarranted.

1 The Specific Plan, Housing Element, and the
2 current application have been developed in parallel so much
3 so that many residents believe the current North 40
4 application has already been approved, and that those story
5 poles that were reluctantly installed in the first place
6 are in fact a finished development. The letter from the
7 developer's attorney dated July 7th actually states how the
8 Town should proceed with the application.
9

10 While we appreciate the time and energy that all
11 parties have taken, it is imperative that there be a
12 separation of developer and Town, and that all
13 recommendations be completely objective and based on
14 information that is clear, concise, and that conforms to
15 our Design Guidelines and the Specific Plan.

16 When decisions have been made, and once the first
17 walnut tree is bulldozed, let us be clear that if this
18 application is approved the residents will be left with the
19 adverse affects, including the destruction of open space,
20 impact on roads, traffic, views, schools, and the sheer
21 beauty of Los Gatos while the developers and Staff leave
22 Los Gatos for their homes elsewhere, pocketbooks full.
23 Thank you.
24
25

1 CHAIR BADAME: Thank you, Ms. Schneider. The next
2 three speakers are Rhodie Firth, Ed Rathmann, and Alex
3 Rivlin.

4 RHODIE FIRTH: My name is Rhodie Firth. I've
5 lived in Blossom Hill Manor for 50 years, and the only
6 problem with what I have to say tonight is I'm repeating
7 myself, because I said the same things at a Town Council
8 meeting, but I want to be sure that you know after the man
9 who represents the developer—and I'm sorry I don't know his
10 name—said his company has dealt with total transparency
11 through this process.
12

13 The community was invited about, I don't know,
14 eight years ago, maybe, to a meeting by the developer to
15 get feedback from the community, and so about 70 of us went
16 to this meeting. These women from Grosvenor had huge pieces
17 of paper pasted on the walls, and they said, "Please give
18 us your ideas of what to do with the North 40." So we gave
19 them thousands of ideas of what to do, and they went
20 through them and they wrote them all down, and they said,
21 "As you leave, vote for the one you like the best." There
22 was not talk about buildings or businesses or any of that.
23 And then she said, "Come back in a month and we'll tell you
24 what the results are of the feedback that you gave us." So
25 we went back in a month, and this is what we saw. They

1 obviously had it all planned before they had the community
2 meeting, and I don't call that transparency, so let's not
3 trust them.

4 CHAIR BADAME: Thank you, Ms. Firth, for your
5 comments. Mr. Rathmann.

6 ED RATHMANN: Hi, my name is Ed Rathmann; I live
7 on Blanchard Drive.

8 If we take a step back and look at what is going
9 on here, it's pretty obvious that the vast majority of
10 people here tonight, and I would say also the vast majority
11 of Town residents, do not want this development to happen,
12 yet somehow we've gotten to this point. You've been
13 presented, through email and speakers tonight, with ample
14 reason to deny this application. This proposal contradicts
15 the spirit and the letter of the Specific Plan.
16

17 Here's another example of how this proposal does
18 not conform to the Specific Plan. This proposal calls for
19 66,000 square feet of commercial space with potential for a
20 total of 400,000 square feet. The Vision Statement of the
21 Specific Plan says that the commercial part will be,
22 "seamlessly woven into the fabric of our community." How
23 does this plan do that?
24

25 And, "It will complement other Los Gatos business
neighborhoods." As the owner of two downtown businesses, I

1 can say with absolute certainty that this project will not
2 help the downtown.

3 The Vision Statement also says that the
4 commercial component will, "address the Town's unmet
5 commercial needs." I was at the original meeting four years
6 ago when this Vision Statement was developed and approved.
7 This section was put in as a protection for the downtown
8 business community. If the Town does have unmet commercial
9 needs, they are in the area of businesses like REI or
10 Target, and not more restaurants, wine bars, and salons.
11 That is a met need. The Town does not need 66,000 square
12 feet of small retail, let alone 400,000 square feet.
13 Frankly, if one wants to do serious damage to the economic
14 vitality of the downtown, this plan will do it.

16 Again, this proposal contradicts the Vision
17 Statement of the Specific Plan. Please help the Council
18 deny this application by voting it down. The Town will
19 thank you, and future generations of Los Gatos residents
20 who will still get to enjoy our downtown will thank you.

21 CHAIR BADAME: And thank you, Mr. Rathmann, for
22 your comments. Alex Rivlin.

23 ALEX RIVLIN: Hello, my name is Alex Rivlin; I
24 live on Carlton Avenue. I want to talk about two things.
25 One is what happens after, and the second one is the cars.

1 Right now we're looking at the pictures of the
2 beautiful development, and typically developments fall into
3 two categories: successful and temporary.

4 When I look at some of the new developments, we
5 talk about the Santana Row analogy a lot, and Santana Row
6 is well and alive, but it is not as well and alive as it
7 was when it opened.

8 And if you look at another commercial development
9 with a lot of restaurants on the corner of Story and
10 McLaughlin, when that thing opened you couldn't find
11 parking there; it was all marble and crystal chandeliers,
12 and nowhere to park. Today it's probably 60%, so if you
13 need some extra storefront space, probably it is available
14 right there.

15 I want you to think about what happens. Say, we
16 start building units on day one and complete them three
17 years later. Fast forward another five years, and think
18 what will happen on that day. I'm not saying it won't be
19 successful. It may live very prosperously, like Union
20 Square in San Francisco has been around 100+ years.

21 But there are different options, and I want you
22 to think about and look around at how fashion shifts from
23 one neighborhood to the next, from Santana Row to Campbell,
24 et cetera, and just keep it in mind that this development
25

1 will persist for many, many years and we need to think not
2 on the day one when we move in and cut the ribbon, but on
3 the day five years passed when the hype is gone.

4 I have one minute left, and my second message is
5 about the cars. So 300 units. There were a few
6 conversations here about the traffic improvement, \$10
7 million. Ten million dollars is a very remarkable amount of
8 money, and it will probably significantly improve the
9 intersection of Lark and Los Gatos Boulevard, which is
10 great.

11
12 But I live very close to there, and when I think
13 about traffic, I think about what happens after that
14 intersection when I get to the freeway, and 600 cars will
15 need to get on those freeways, and you have the choice of
16 two freeways here, 85 and 17.

17 At the metering light, at five seconds per car,
18 600 cars will end up being 50 minutes of extra wait that I
19 don't enjoy today, but I will enjoy later, and that's for
20 me to get on the freeway. But the count argument is that we
21 have two freeways, which is true, so that will be a 25
22 minutes wait. So if I am driving 17, you effectively put me
23 25 minutes behind towards Summit Road and then ask me to
24 get to the same exact office where I am going right now
25 without the 25 minute wait.

1 Well, that was my message, and I thank you. I
2 have more details if you want, but it is really eating up a
3 lot of to our experience of getting to the office and a lot
4 of pollution.

5 CHAIR BADAME: Sir, we...

6 ALEX RIVLIN: Six hundred cars is two miles over
7 a two-lane freeway if you have 10' feet of it in the cars.
8 I don't drive 10'; I'm old enough to drive 15' between the
9 cars. That will be three miles of the cars.

10 CHAIR BADAME: All right, sir. Sir, we did get
11 your message. Thank you very much. Jeff Loughridge, Lisa
12 Martinskis, and Sam Weidman.

13 JEFF LOUGHRIDGE: Hi, my name is Jeff Loughridge;
14 I live on Paseo Laura. I've never been a fan of what large
15 groups or communities end up with for a solution to a
16 problem.

17
18 The North 40 project has been on the table for
19 many years now, and it just seems like now, when many
20 residents are just hearing it, our town has processes for
21 how any development is approved. It's not easy, it takes
22 many detailed, boring meetings before any developer is
23 allowed to break ground on a project. I have supported that
24 process, and will continue to support those responsibly
25 involved in that process. That includes the Town Staff,

1 Attorney, and Manager. That includes the Planning
2 Commissioners. That includes the Town Council members.
3 Without this process, things would be even more chaotic in
4 town.

5 Throughout this process the one truth is that in
6 order for it to work, it has to deal with facts. Facts help
7 to determine the best solution. Misinformation causes much
8 harm to the process and needs to be cleared up as quickly
9 as possible. I urge this Commission and Staff do that as
10 soon as possible, because I've heard a lot of
11 misinformation tonight.

12 The Town officials are not the bad guys here. It
13 would be more appropriate to direct anger in the direction
14 of our State capital. That's where our high volume of high-
15 density affordable housing requirements started. That's
16 where the SB50, which puts limitations on what towns and
17 cities can do regarding developments and school impacts,
18 started. That's where transportation engineers have written
19 our traffic requirements about what is mitigatable and at
20 what level what is determined sufficient. That's where the
21 EIR as well as CEQA requirements came from.

22 Whack a Mole is an arcade game in which players
23 use a mallet to hit toy moles that appear at random back
24 onto their holes. I'm using this reference to a situation
25

1 in which we make attempts to solve a problem that are
2 piecemeal or superficial, resulting only in moving the
3 problem somewhere else in town.

4 I was a member of the Los Gatos Housing Element
5 Advisory Board. We worked long and hard at not only
6 researching what we were dealing with, but also at finding
7 a solution for our town that produced the most minimal
8 impact.

9
10 Contrary to what you heard earlier tonight, all
11 320 units of the North 40 count towards our Los Gatos
12 required affordable housing number of 619 units, period.
13 The qualification here was the units must be built at a
14 density of 20 units per acre minimum. Unfortunately, any
15 suggested changes that might affect that number will impact
16 our town in some other way, and based on our work on the
17 Housing Element Advisory Board, a much worse way by being
18 relocated. Think Higgins Park on Blossom Hill, or Los Gatos
19 Lodge on Highway 9, each at a minimum of 20 units per acre.

20 What qualifies as traffic congestion, school
21 impacts, and housing density are things that the State has
22 pushed on us. Don't blame our Town Council, Planning
23 Commission, or Staff for something our State legislature
24 passed.
25

1 I am here tonight to support this process and the
2 development, and that is a part of it. My hope is that
3 others will show their support in a positive, responsible
4 manner.

5 CHAIR BADAME: Thank you, Mr. Loughridge.

6 LISA MARTINSKIS: Hello, my name is Lisa
7 Martinskis and I live in 84 Highland Avenue. I was born and
8 raised in this town, and I've seen it evolve over the 39
9 years I've been here. I went away to college, but came back
10 here to live, because this town has a very special place in
11 my heart.
12

13 My father, Al Martinskis, who I'm sure you've
14 heard from a lot, is a retired architect and he'd say that
15 the current application is failing pretty miserably at
16 upholding the Town's quaint look and feel. He couldn't be
17 here tonight, but I'm speaking on his behalf as well as
18 many of the Los Gatos residents who couldn't be here,
19 because we like to believe that our voices matter.

20 I echo the opposition to this development, but
21 especially so from a traffic and emergency vehicle
22 standpoint. That little girl hit the nail on the head. As a
23 resident of the foothills, I'm very worried that the
24 traffic and population increase will impede safety vehicles
25 in the case of a medical emergency or fire and end up in

1 disaster. As a member of this community, I have a vested
2 interest in not only the safety and quality of life for
3 myself and my family, but that of the rest of the current
4 residents as well.

5 I'd also like to add that in the 350-plus page
6 application that I perused today that you have posted
7 online, not one page references any sort of a traffic
8 solution, and I, for one, find that very suspicious. Please
9 deny this application.

10
11 CHAIR BADAME: Thank you.

12 SAM WEIDMAN: Sam Weidman, Carlester Drive.

13 Last Friday I received the Staff Report basically
14 relative to what's going on tonight and this weekend, and
15 one of the things I noticed on there is there is a
16 question: Are there examples of developments at 20 units
17 per acre in town, and how big are those units? I saw the
18 list of five locations and decided to go out and take a
19 look at those, just to find out for myself what 20 units
20 per acre looks like. Aventino Apartments, Bay Tree, Riviera
21 Terrace, Lora Drive Condominiums, and Oak Rim Way. I also
22 found out some interesting information I'll put out as we
23 go along.

24
25 This is Aventino, which is over behind the
Netflix building, the old one. It's essentially 46 units

1 per acre. That line I drew around the site is basically if
2 you want the acreage, so it comes out to 7.55 acres. At 46
3 units per acre, that's 347.3 units within a 7.5 acre
4 location. This is basically what it looks like more at an
5 angle. The interesting part is the buildings; they're not
6 all in straight lines like the Grosvenor area is going to
7 look like. It does have quite a bit of open space in
8 between buildings, et cetera, and green grass.

9
10 Bay Tree Apartments; they are on Massol at the
11 western end of Almendra. Kind of hard to see here. There's
12 a construction truck, part of the street repair. But what
13 it is, it's in the middle of—if you want the residential
14 area—where we have the usual detached homes of eight per
15 acre. This is the top view of it. Again, this takes up
16 about 2.32 acres, or 48.72 units if it is a 21 per acre
17 location. Again, it is amongst the residential areas,
18 housing all around it; you can barely actually see it with
19 all the trees now that have grown up around it.

20 The Riviera Terrace; this is off University
21 Avenue. It's a large unit also. It's designated RM:12-20,
22 3.33 acres, 119 units at 36 units per acre. That light
23 colored portion in the middle of the building, right here,
24 there is residential here, and there are other apartments
25 over here.

1 Lora Drive, Wedgewood Manor. This was originally
2 senior housing. It was originally designated as eight per
3 acre, got changed into senior housing. I believe it's now
4 open to anybody as far as condominiums. And again, it's in
5 a residential area, as shown here.

6 We also have Oak Rim Way and Oak Rim Court.
7 Again, this was amongst...

8 There's also 600 Pennsylvania, which also has,
9 again, a higher density amongst residential area, so it can
10 be done, but also if you look at it as very big, very
11 compressed. Thank you.

12 CHAIR BADAME: Thank you. The next three speakers
13 are Markene Smith, Jeanne Torre, and Kim O'Rourke.

14 MARKENE SMITH: Hi, I'm Markene Smith; I live on
15 Drake's Bay Avenue near the North 40 and have family
16 scattered all around town. I'm very opposed to the North 40
17 for public health and safety reasons.

18 First of all, it's been pointed out to the
19 Commission and to all of us at several meetings that the
20 proposed units that we see along Highway 17 as we're
21 turning onto Lark are, according to the Environmental
22 Impact Report, high risk for cancer, leukemia, lung
23 problems, asthma, all these things, and the developers who
24 claim that we're not for kids, the attorney was saying that
25

1 we're against children, and actually, they're putting
2 children, pets, and everybody else at risk by putting just
3 globs and globs and globs of houses right in the exact most
4 cancerful region of the 40 acres, and right there, that to
5 me is a clear reason to deny the application.

6 Another big thing is the privatization, the
7 private streets. This development is between two major
8 freeways, 85 and 17, and let's say the Waze app directs
9 people through the development to get faster to Netflix or
10 to 17 or to wherever, or from 17 to Samaritan Hospital?
11 They're going to cut through the private streets, and let's
12 say someone... Like these units look so cookie cutter, they
13 look exactly like the unit that George Zimmerman was trying
14 to defend on his private street when he shot Trayvon
15 Martin, who he didn't expect to be coming through his
16 street and didn't recognize as being in the neighborhood,
17 but we're asking the public to use private streets. That to
18 me is a giant danger in a location such as this that is
19 right on major thoroughfares.

21 Not only that, but also the children, pets, and
22 seniors have no safe pathway. Even after the proposed
23 improvements on Lark and Los Gatos Boulevard they'll have
24 no safe path over Highway 17, and there is no place for
25 children to play.

1 I was just going to close by saying that this
2 also doesn't satisfy any of the RHNA requirements, which is
3 to cut down on pollution, and to put all the new
4 developments near public transit to get the cars off the
5 streets and cut down on greenhouse gases, so it would be
6 near public transit, and we don't have that yet. We have no
7 Los Gatos light rail station. I think it should be denied
8 until there is one. Thanks.

9
10 CHAIR BADAME: Thank you. Jeanne Torre.

11 JEANNE TORRE: Hello, I'm Jean Torre; I live on
12 Willow Hill Court in the Charter Oaks neighborhood.

13 I'm not universally opposed to development, or
14 even to higher density development. I have been, however,
15 and remain concerned by development without a clear plan
16 for measures needed to address the demands that development
17 will make on the infrastructure, especially on traffic, and
18 I don't see that here.

19 For the North 40, there is no transit option for
20 its residents, except for cars, to get to their likely work
21 places, or even to businesses in other parts of Los Gatos.
22 Other than Los Gatos Boulevard and Lark, the only plan I
23 see is for a right turn only lane on Lark between the exit
24 from the development and the northbound ramp to 17. There's
25 nothing that even addresses the bottleneck that will be the

1 two lanes each way bridge over Highway 17 or the rest of
2 Lark Avenue.

3 We've seen the effect of the Albright development
4 on Lark Avenue. Its mitigation was a free-flowing right
5 turn lane from westbound lane to northbound University, yet
6 it's only half built and we're regularly seeing westbound
7 Lark traffic back up over the creek bridge.

8 I look to the Town to ensure that plans are in
9 place that addresses the whole impact to nearby roads, and
10 not just the roads in the North 40 and bordering the North
11 40 properties, and to do that before development proceeds.
12 Thank you.

13
14 CHAIR BADAME: Thank you, Ms. Torre. Kim O'Rourke

15 KIM O'ROURKE: I'm Kim O'Rourke and I live off of
16 Rochin Terrace, and I wasn't planning on coming. I was
17 actually reading a book on the passenger pigeon today, and
18 did you know that they lived for 300,000 million years, and
19 the government and us humans within a decade-and-a-half
20 allowed them to become completely extinct by slaughtering
21 them?

22 It reminded me of the North 40, because once we
23 allow this huge development to take over that land, we
24 can't change it. It's there. We can't bring it back. We can
25

1 slow it down. We've heard a ton of statistics of why we
2 shouldn't have it.

3 I recently was at a Council meeting for one of my
4 friends that was developing a business in Campbell, and it
5 was a similar circumstance where the Council wanted a lot
6 more restrictions, and he didn't get what he wanted. They
7 said, "Prove yourself." I look at the developer, and I say
8 work with the Town, work with the people. That's what they
9 said to him: "Work with us." And he, in the last year-and-
10 a-half, worked with the town, worked with the people, and
11 now he has a thriving, successful business that the people
12 enjoy.
13

14 So we're asking the same. We're asking you guys
15 to think about slowing this down, thinking about it,
16 because we're not going to be able to change it, and for
17 you, the developer, to start working with us.

18 CHAIR BADAME: Thank you. The next three speakers
19 are Chris Chapman, Joseph Gemignani, and Colin Heyne.

20 CHRIS CHAPMAN: Hello, my name is Chris Chapman;
21 I live at 201 Mistletoe Road in Los Gatos.

22 What I'm concerned about is in the event the Town
23 Council denies the application, based on the letter dated
24 July 7th regarding the developer's intent, or threat of
25 litigation, I'm concerned that the Town may not have the

1 financial resources to mount a legal battle. I'm worried
2 that the Town will approve the development to avoid lengthy
3 litigation, and that would have a long-term negative
4 ramification on our town.

5 CHAIR BADAME: Thank you.

6 JOSEPH GEMIGNANI: I'm Joseph Gemignani, National
7 Avenue, Los Gatos. Maybe in the future call me Joseph the
8 Weatherman, because that's my email address. I'm the
9 weatherman.
10

11 I kind of want to echo some of the things that
12 that lady over there was saying. Getting some water, I
13 accidentally ran into one of the lead architects of the
14 projects. This person seemed very friendly, open minded,
15 and I hope this person is listening. I think that they'll
16 be willing to at least listen to our ideas and make some
17 changes to this project; ask the person to make some
18 changes.

19 Back in 2011, actually in the summer—and I've got
20 the results here if anybody wants to see it—the Town of Los
21 Gatos asked us to do a survey, the people that live in Los
22 Gatos, and I participated in the survey. I've got here the
23 results of the survey that I'd like the architect to listen
24 to.
25

1 It says here the people wanted traditional
2 looking buildings, traditional for Los Gatos sense or
3 California sense; I'm from Chicago, not that kind of
4 traditional. Traditional Los Gatos California, and it also
5 said they preferred like Mission style buildings, and
6 finally they wanted a mix of buildings, which I did too,
7 because it's 40 acres.

8 When you have a big project like that you don't
9 want it to look like a subset of a city. That's a huge
10 area. By having a mixture of styles, incorporate some
11 Mission architecture, whatever, our old Los Gatos look. You
12 can have that agrarian look if you want, too, I don't mind
13 that. Have a mixture, but take into consideration what the
14 people said, otherwise, why do a survey?

15 We did the survey, and it doesn't reflect what we
16 wanted. I mean what did we do the survey for? Suzanne Davis
17 was the one that I guess handled the survey, and I know
18 she's not here anymore, but I do have the results of that
19 here if anybody wants to see it.

20 Again, the architect seemed pretty open minded.
21 Have her revise the project, put in some Mission, go ahead
22 and do your agrarian look. I think that modern is kind of
23 way out of place; it reminds me of Illinois. It's a big 40
24 acres. A mixture of buildings would look a lot better, so
25

1 when you're driving you don't say, "Here's Grosvenorville."
2 You want to say this is part of Los Gatos. It's a big park;
3 you gotta have a mixture of styles. Thank you.

4 CHAIR BADAME: Sir, if you'd like to submit the
5 survey to Staff, they'll be sure to distribute it to the
6 Commissioners, probably by tomorrow. Thank you.

7 COLIN HEYNE: Thank you, Commissioners. My name
8 is Colin Heyne. I actually don't live in Los Gatos. I'm
9 here representing Silicon Valley Bicycle Coalition.
10

11 Some of you may be familiar with us. We're a
12 nonprofit. We have a mission to create a healthy community,
13 environment, and economy through bicycling in San Mateo and
14 Santa Clara Counties. We have several members, 2,200 in
15 all, across both counties and several in Los Gatos.

16 The way we accomplish our mission, getting more
17 people on bikes, is twofold. One, we have programs and
18 services you may be familiar with: Bike to Work Day; more
19 Safe Routes to School, where we teach children how to walk
20 and bike safely. Two, we also work to create a built
21 environment that makes it a safe and welcoming place to
22 ride a bicycle.

23 So we're usually pretty enthusiastic when a
24 developer contacts us and says we've got an opportunity to
25 change the streetscape to make something safer for

1 bicyclists, and to contribute to a community that makes it
2 possible to get around by bike rather than by car. That's
3 what happened with the North 40 development team about two
4 years ago.

5 They contacted us and they said, "What can we do
6 to make this development better than average, above and
7 beyond for bicycling and make it safe, to make bicycling a
8 realistic transportation option for people who live here,
9 work here, and come here to shop?" And we said bike parking
10 is good, bike storage, safe places for people, maybe some
11 repair stations. Pie in the sky? Connect to Los Gatos Creek
12 Trail. Maybe get people safely across Highway 17. And they
13 said, "How do we do that?" and we said, "Well, you're going
14 to have to spend some money. You're probably going to have
15 to contact a design firm that specializes in bicycling,"
16 and they said, "Give us some names."

17 So this has continued over the last two years.
18 We've checked in with the development teams several times.
19 They bring us new options for improving bicycling in the
20 area, we give them feedback, and every time they bring back
21 an improved design. We've been really happy with our
22 experience working with them, and we think this is a great
23 opportunity to promote bicycling in Los Gatos and to give
24
25

1 people a healthy option, an alternative to driving a car.
2 Thank you.

3 CHAIR BADAME: Thank you, Mr. Heyne. The next
4 three speakers are Jeffrey Aristide, Ken Cubbon, and Susan
5 McElroy.

6 JEFFREY ARISTIDE: Good evening, I'm Jeffrey
7 Aristide at 102 Noble Court.

8 I request that the Commission deny this proposal
9 for the following reasons:
10

11 It's clear that there is going to be view
12 blockage from these buildings, especially the tall ones.
13 It's definitely not the character of the Town. To me,
14 that's a modernistic style. Certainly the density is much
15 too high, and one of the criteria was low intensity, which
16 this doesn't have; it's just too large. It should be
17 reworked and rescaled. Thank you.

18 CHAIR BADAME: Thank you. Ken Cubbon. Last call
19 for Ken. Susan McElroy.

20 SUSAN McELROY: Good evening, I'm Susan McElroy;
21 I'm the PR marketing rep for The Butter Paddle nonprofit
22 gift store in Los Gatos, and our address is 33 North Santa
23 Cruz Avenue. I'm happy to be here.

24 This evening, to represent our gift store the
25 best, I'm going to defer to a real special person that has

1 a lot more experience with our store and our organization,
2 and that's Caryl Pozos.

3 CARYL POZOS: Hi, I'll make this short and to the
4 point. I represent small retail in Los Gatos. Our store has
5 been operating for almost 50 years. We moved from sleepy
6 Saratoga six years ago to charming, vital Los Gatos.

7 We like being there, but we are concerned about
8 remaining healthy and vibrant and competing against big
9 commercial ventures. I think I can drive ten minutes and I
10 can be in Santana Row, I can be in Westfield Mall. Why do I
11 need to just drive five minutes, and have more people in a
12 very enclosed area?
13

14 I noticed that there was a Specific Plan that was
15 approved last June 2015 by the Town Council, and it says
16 that it "would require every applicant for a new commercial
17 use within the North 40 Specific Plan area to submit an
18 economic market study to assess the proposal's impact on
19 downtown competitiveness." They'll submit it. What do we
20 have to say? How do we know what they're saying and what
21 the grounds of your approval are?
22

23 I am just concerned that both North 40 and
24 downtown Los Gatos will not survive. We will not be a
25 vibrant downtown any longer. It will go the way of
Saratoga.

1 In sort of closing my thoughts, when did building
2 more help to control overdevelopment and overcrowding and
3 too much traffic?

4 CHAIR BADAME: Ma'am? Your name was Caryl. I
5 didn't catch your last name, but I don't have a speaker
6 card for you, so if you could be sure to fill one out. And
7 we do have a question from Vice Chair Kane.

8 VICE CHAIR KANE: As a merchant downtown—and I
9 meant to ask Mr. Rathmann this question—I'm wondering what
10 possibility do you see in a reverse argument that this
11 development might provide you with more business, more
12 traffic? I see people taking the position that it's going
13 to hurt. I'm also thinking downtown is charming. Those
14 folks may want to come and shop, like everybody else does.

15 CARYL POZOS: Well, I don't see somebody moving
16 from North 40 and saying let's just run over to downtown,
17 and maybe we can't find parking anyway. I just don't see
18 that happening. That's all I can say. I don't know what
19 would be the grounds to think that because they were there,
20 that it would bring more business to us.

21 CHAIR BADAME: Thank you. Don't forget about that
22 speaker card. The next three speakers are Michael Gordon,
23 Tom Thimot, and Mahnaz Tankamani.
24
25

1 MICHAEL GORDON: Thank you. My name is Mike
2 Gordon; I'm a 27 year resident of Los Gatos, currently
3 raising three children in Los Gatos Union School District.
4 I had some prepared remarks, but I want to just comment.

5 I think it's disingenuous of the developer to
6 threaten litigation if we don't follow strict guidelines as
7 in blind men designing an elephant, and not have the
8 capability to look at the project in total and decide
9 what's best for our community. I find that extremely
10 disingenuous, and certainly not in the spirit of working
11 with the community.
12

13 Secondly, I think some of the so-called facts
14 that have been indicated by the developer also strain
15 credibility.

16 Number one, to believe that with some modest
17 amount of spending for traffic mitigation, I think they're
18 talking about \$10 million or something along those lines,
19 that you would see a 13% increase over 2012 traffic but
20 would result in a 26% decrease in the time to navigate
21 those same areas. I think that you can create studies to
22 get the desired result any time you want, and I think that
23 this is probably more in that category than not.
24

25 I find it interesting that Staff is not really
able to validate those particular facts, I think as was

1 stated earlier, at this point. So again, I find it
2 interesting that those things have not been discussed
3 already with Staff, but yet made part of their presentation
4 in support of this project.

5 Lastly, I think I'd like to talk about the school
6 situation. When my daughter started at Van Meter—she's now
7 in the 12th grade at Los Gatos High School—Van Meter had
8 roughly 310 students. At the present time Van Meter has
9 over 625 students. Same area, same physical plan, and yet
10 we have over double the number of students in that area.
11 Anybody that believes that this development will not
12 seriously impact our schools is kidding themselves. You can
13 come up with all the statistics you want, you can talk
14 about there are only going to be a certain number of kids
15 coming out of that development. Life will out. There will
16 be more impact to our schools than we anticipate.

17 Secondly, the fact that they're going to donate
18 \$10 million to our school district, that is a drop in the
19 bucket. We just spent \$14 million building a gym at the
20 high school, so if that has any impact on our schools,
21 we're kidding ourselves.
22

23 I just would like to say that I think this is an
24 ill conceived project that does not take into account the
25 impact it's going to have on our community. Thank you.

1 CHAIR BADAME: Thank you. Tom.

2 TOM THIMOT: Hi there, Tom Thimot, Johnson Avenue
3 here in Los Gatos. Together with Rod Teague, co-founded
4 Town Not City. Thank you very much for your service to the
5 Town.

6 I think you've all read the 600 or so letters
7 that you just recently received, the thousands of letters.
8 Hopefully you've taken a look at our Facebook page. This
9 town does not want this application. You don't have to
10 count up the votes; it's clear. The Town wants you to deny
11 this application.
12

13 Why do they want you to deny this application?
14 The fact is as much as most of us would like to complain
15 about the traffic, the EIR pretty much takes that argument
16 away, and we'd love to complain about the schools, but SB50
17 doesn't allow us to do that. So let's talk about the facts
18 of why this should not be allowed.

19 First, the application must adhere to Los Gatos
20 town character. That's not Los Gatos town character; you've
21 got 600 letters that tell you that.
22

23 The second is the application must embrace
24 hillside views. Stand anywhere and look up at those story
25 poles and try to see the hills above them. Can't.

1 Third, the application must be low-intensity
2 housing in the Lark District. The nice report the Staff put
3 together talks about high-intensity housing. The Specific
4 Plan requires low-intensity housing in the Lark District.
5 That's not low-intensity. That's high-intensity. You don't
6 need to be a judge or a jurist to understand that.

7 So when you're looking at this, please, stand
8 firm in your negotiating position. This town, if you
9 surveyed them, would tell you bring the litigation. Bring
10 it on. We don't want this project. We don't want it the way
11 it's been designed.

12 And in the chess game you kind of check mated
13 yourself, because instead of offering this Commission the
14 ability to say hey, we're going to modify this and we're
15 going to modify that, you basically said take it or leave
16 it. Take that, or leave it. Well, we want to leave it, and
17 we've said that, and the Town has said that. You have the
18 letters. You have our Facebook page with 50,000 comments
19 hating this thing, and these are from people that are Los
20 Gatos residents that you represent.

21 So please, please, listen to those constituents,
22 hear them out, and then stand firm. This isn't Los Gatos
23 town character. It is high-intensity and it does not
24
25

1 embrace hillside views. Those are objective things that a
2 court and jury and a judge will defend. Fight it. Litigate.

3 CHAIR BADAME: Thank you, Mr. Thimot, for your
4 comments. Mahnaz Tankamani. Last call for Mahnaz. Angelia
5 Doerner, Shawna Rodgers, and Peter Curtis, and we'll be
6 done. Not all the way, guys. Don't get too anxious. We have
7 a lot to talk about. Two more cards.

8 ANGELIA DOERNER: Hello, Angelia Doerner, proud
9 resident of the Almond Grove.

10
11 Everybody has already discussed about Policy 01
12 as it relates to open views, protecting our views of the
13 hillsides. Obviously our views are not protected, and
14 obviously no one within this development will ever see a
15 hillside review. I see no evidence that none of these
16 pictures are even achievable in this plan, so as far as
17 Policy 01 is concerned, it has failed.

18 Let's go to Policy 02; let's talk about the
19 landscaping buffer. It should provide an opportunity to
20 incorporate sitting areas for passive recreation. The
21 perimeter buffers are very narrow with abutting on-street
22 parking. There is no opportunity that has been identified,
23 therefore we cannot consider that policy fulfilled. Policy
24 02 failed.
25

1 Policy 03; provide an open space network. I'll
2 talk about parks and passive open space in a moment, but
3 specifically 2.54, the Specific Plan provides incentives
4 for consolidation of parking, minimizing at grade parking.
5 There is no underground parking in any of these residential
6 units. I'm just showing you an example here of a garden
7 cluster, which I chose, as it is adjacent to the community
8 park. Thirty-four percent of that mass is related to
9 parking.
10

11 I also have a question as it relates to the
12 private space within that particular cluster. The developer
13 has used an assumption that it's 50/50 between hardscape
14 and green space. This is very critical, because the green
15 space in the Lark District is being used to offset
16 inadequacies of green space in the Transition District, so
17 we need to have this verified, and until this is verified
18 it looks to me visually that there is an awful lot more
19 hardscape in all of those private areas, all these garden
20 clusters that what they're getting credit for. So as far as
21 I'm concerned, let me guess. Failed.
22

23 Now, this is a picture of the community park
24 enlargement plan, which is in the developer's plans. What I
25 have marked out here is all private areas related to those
garden clusters. Very misleading, very deceiving, thinking

1 that all of that is actually community park, so let's get
2 rid of that.

3 What you're looking at now is a length of 235',
4 78 yards. The width is 85' viewed about three linear areas.
5 Visualize the total space as it compares to the football
6 field on the right. Now, add all of these things. My
7 goodness. Bocce court, fire pit lounge, café seating,
8 grill, communal dining, community gardens, and people will
9 still be able to relax in hammocks and enjoy this passive
10 space, all in that area down there on the bottom as it
11 relates to a football field. I don't think so.

12 Shadow impact, also troublesome.

13 Please let me continue.

14 CHAIR BADAME: Fifteen more seconds, and then
15 you're going to have some questions that might allow you to
16 continue even longer.

17 ANGELIA DOERNER: Let me go to the Grand Paseo,
18 because this is very important. Section 2.31 of the
19 Specific Plan, the Lark District, says, "Lower density
20 residential is envisioned in this area." It's interesting
21 that the developer, on page 12 of his plan, says, "Moving
22 from the lower intensity Lark residential area." You're
23 kidding me. He's even calling that lower intensity?
24
25

1 But also, the Grand Paseo is actually a tunnel
2 going through three-story high buildings. It is only 12'
3 wide.

4 CHAIR BADAME: Okay, I've got to stop you there,
5 but we have questions for you. I'm going to start with
6 Commissioner Hudes.

7 COMMISSIONER HUDES: Thank you, and I've read all
8 of your correspondence. It looks like you have some
9 additional information in this presentation to what you
10 previously emailed. Would you be willing to provide this
11 presentation for us to consider in our deliberations?
12

13 ANGELIA DOERNER: Absolutely.

14 COMMISSIONER HUDES: You can send that to us?

15 ANGELIA DOERNER: Sure. I believe I sent a copy
16 of my slides to each of you, but I will give you the
17 written information, and I think it's really important for
18 you to look at this, as it relates to most of our community
19 parks in the area.

20 This idea of community park in Grand Paseo is
21 absolutely contradictory to what our community considered
22 open green space, and if you look at no restrooms, no
23 sports, which relates to adults and children, no
24 playgrounds. We want playgrounds. Look at how many
25 playgrounds we have throughout our town. We love children,

1 okay? And no real area where you could actually do a picnic
2 of any kind.

3 CHAIR BADAME: Was your question answered?

4 COMMISSIONER HUDES: Yes, it was, thank you.

5 CHAIR BADAME: Thank you.

6 ANGELIA DOERNER: We have our Willoughby, but for
7 new residents who we want to be Los Gatans, what will it
8 be? Thank you.

9
10 SHAWNA RODGERS: Hello, my name is Shawna; I live
11 in the Blossom Hill Manor, and I'm here representing my
12 family who live on Alpine Road and off of Summit Road. I
13 went to St. Mary's in downtown Los Gatos, as did my
14 brother. I went to Archbishop Mitty and he went to
15 Bellarmine. We went away to college. We moved back, because
16 Los Gatos is this green, luscious place where we love
17 being.

18 I understand change is imminent with State
19 regulations, and that new housing has to be developed, but
20 I implore you to find a different way to do it.

21 I work in Santana Row, I'm a fresh graduate, and
22 people don't need any more stuff. We have enough shops. We
23 have enough product. I see people everyday that come in
24 like, "You have anything new?" Like we're a little bit
25 dulled to this consumer lifestyle that's being pushed in

1 many parts of the country, and our little town doesn't need
2 it. We need more trees, more parks, more places to raise
3 our children. My brother and I are getting towards the
4 child-bearing age, and I get really concerned thinking
5 about do I want to raise my kids here?

6 I know my family doesn't want it, and I can't
7 speak for other people, and the last thing that I want to
8 say is that when people speak, you can usually tell like
9 what part of their body they're speaking from and like
10 whether they're speaking from an honest place or speaking
11 from a place of really wanting to do good, and humans have
12 this like imbedded lie detector system. Like we can tell
13 when someone is selling us something. We can tell when
14 someone is lying; it's fairly obvious.

16 Lawyers, and you may have heard of the sophistry
17 from ancient Greek times. There's this thing that they can
18 do where they can take words and confuse you and make you
19 think a certain thing, and make you think that they're
20 coming from that honest, true, and genuine place, but only
21 you can tell when someone is speaking from that place.

22 So I just ask you, when you guys are making your
23 deliberations, to consider who you're trusting our town to.
24 That's all. Thank you for your time.
25

1 CHAIR BADAME: Ms. Rodgers, don't go away. Vice
2 Chair Kane has a question for you.

3 VICE CHAIR KANE: Just one question. Would you
4 like a job in Town government?

5 SHAWNA RODGERS: I've thought about it.

6 VICE CHAIR KANE: Very well done. Thank you.

7 CHAIR BADAME: Yes. I second that.

8 PETER CURTIS: I think I was last, yes? Peter
9 Curtis.

10 CHAIR BADAME: Peter Curtis, but we have speakers
11 after you, but you were the last of the three that I
12 called, so please precede.

13 PETER CURTIS: Thank you for hearing me out.
14 Getting this late in the meeting, and after many meetings,
15 some of which I've attended, a lot of things have been
16 said.

17 I don't know that I have anything new to add,
18 other than I think that the number of speakers here tonight
19 in support of the project as it stands, and somewhat
20 protesting against the way the project stands speaks very
21 loudly. I believe I counted only two citizens in support of
22 what we see on the wall there against it must be 30-35
23 people against, so I would urge you to consider that.
24
25

1 There seems to be a lot of confusion over the
2 RHNA aspect of this project. I haven't heard definitively I
3 think from either side what it is. I would really ask that
4 the Council get this right and communicate it back to the
5 citizens; it's very concerning.

6 Finally, like many people I think, it's kind of
7 anecdotal. One of the greatest fears in life for many
8 people is speaking publicly. For me, that's very true. I
9 came here to be sort of a silent supporter of some of my
10 friends who are not in support of this plan as it stands,
11 but my fear of this town turning into another cookie cutter
12 town with a cookie cutter looking development on the edge
13 of town is greater, so hopefully that's worth something. I
14 overcame that. I'd like to see us all overcome this and get
15 to a better solution. Thank you.

17 CHAIR BADAME: You did a great job, Mr. Curtis,
18 with your public speaking. We do have positions in Town
19 government, you know. All right, our next three speakers
20 are Ken Arendt, Bruce McCombs, and the last card goes to
21 Roy Moses.

22 KEN ARENDT: Good evening, my name is Ken Arendt.
23 I recognize most of you. I've been in and around this town
24 for over 40 years. This is not my first rodeo with the
25 Planning Commission in town, and I have a lot of respect

1 for what you guys do and what you put up with, and I
2 appreciate that.

3 I did have some prepared comments this evening,
4 but I'm going to have to change them a little bit based
5 upon what we've heard this evening. I was going to do some
6 sort of hard hitting recap and make it pretty obvious as to
7 what's going on, but you got all of that.

8 We know that change is inevitable. It's being
9 driven by a British firm, ultimately. There are millions of
10 dollars at stake in this project. They're determined to see
11 it through. We know what their agenda is; it's money.

12 But I think they made a huge mistake in coming
13 here tonight, especially in the July 7th letter that was
14 sent out. A lot of us came here with specific and
15 objective, and they had some subjective comments and ideas,
16 but I think with an underlying feeling like we know it's
17 going to be developed someday, but lets do it the right
18 way. But they didn't come here that way.

19 I think that you guys in good conscience have no
20 choice but to go ahead and deny the application as it
21 stands. If you want to go ahead and tell them something,
22 it's to wake up, maybe get better advisors than they have,
23 come back with something that the Town of Los Gatos and its
24
25

1 citizenry can support. Right now as it stands, we can't do
2 that. You can't do that. Thank you.

3 CHAIR BADAME: Thank you. Bruce McCombs.

4 BRUCE McCOMBS: Good evening, my name is Bruce
5 McCombs; I live at 16160 Kennedy Road in Los Gatos. My wife
6 and I have lived here in Los Gatos all of our lives. In
7 fact, we first met right across the street in the softball
8 field of the Los Gatos High School many, many years ago.

9
10 Like you and almost everyone in this room
11 tonight, we love our town very much. There are a number of
12 areas I'd like to address this evening, however, given the
13 limited amount of time that we have, I'll focus on those
14 areas I believe are most important.

15 The first is affordable housing. I agree that we
16 need more affordable housing, and the obvious way to make
17 that happen is by making the houses smaller. Smaller studio
18 size units would be less expensive to purchase or rent and
19 would satisfy the housing demand by young Millennials.
20 Small one-bedroom apartment or units would be a much better
21 fit for Millennials than the 1,500 to 2,000 square foot
22 units being proposed in this application.

23
24 This housing should be placed on the northern end
25 of the 40 acres, where building size is less conspicuous,
and where carpooling and company buses are close to Highway

1 85 for the transportation needs of the residents of the
2 North 40 to travel to and from work.

3 Seniors who are downsizing want a community
4 experience with plenty of open space for walking, reading,
5 entertaining our families, and especially for entertaining
6 our grandchildren. The Town knows this. So does the
7 developer. And yet it seems that we seniors have been
8 completely forgotten. How is this possible?
9

10 I'd also like you to know for the record that Los
11 Gatos currently has a total of three senior housing
12 facilities. They are The Meadows, The Terraces, and Los
13 Gatos Commons. My wife and I recently looked into moving
14 into The Terraces. We were told that the current wait to
15 move in is between one and two years.

16 And by the way, if that's not an unmet need, I
17 don't know what is. One to two years of wait.

18 All these facilities feature much smaller units
19 than the developer is proposing for the North 40. Each of
20 these facilities provide plenty of true open space, along
21 with community rooms where people can meet and talk and
22 hold group meetings on topics of interest. This proposal
23 doesn't include any of these important features, and
24 instead attempts to hide the only senior housing in the
25 proposed development right above the marketplace. That's

1 not right. We seniors don't want to live above a bustling,
2 busy, noisy market with constant noise from cars coming and
3 going at all hours, along with delivery trucks, and of
4 course the unmistakable and always very pleasant sound of
5 commercial trash collection, which invariably occurs first
6 thing in the morning. We seniors worked all of our adult
7 lives. Now we'd simply like to retire here in our lovely
8 Town of Los Gatos to enjoy some well earned, and much
9 needed, peace and quiet.
10

11 In conclusion, this is not the time for the
12 Planning Commission to say this has gone on long enough,
13 let's get it over with. Instead, let's not be intimidated
14 into approving something we simply don't want. I urge you
15 to please stand together with the residents of our Town
16 this evening and emphatically deny this application, and I,
17 for one, believe that we will. Thank you.

18 CHAIR BADAME: Thank you, Mr. McCombs. Roy Moses,
19 and we will have one speaker after that, and that will be
20 Shannon Susick, unless we get another card.

21 ROY MOSES: Hi, Commission members. Nice to see
22 you. My name is Roy Moses; I've lived on La Croix Court in
23 Los Gatos for 47 years with my family.

24 I'm just coming off a vacation, and I was kind of
25 waiting this evening, because I wanted to see what was

1 going to be said, and everything has been said, and I was
2 thinking, well, maybe I won't get up here. But I did write
3 some things, and it's probably everything that has been
4 said but in just a little different way, so I'm going to
5 just give you these remarks.

6 And thank you for all the work that you're doing.
7 You're faced with an obvious challenge here, but I know
8 with you and the citizenry, we can get through this
9 together.

10 I'm asking the Planning Commission to deny this
11 project tonight and return it to the developer, along with
12 a fresh copy of the Specific Plan. I ask that you require
13 the developer to carefully read the Specific Plan from
14 cover to cover, and then propose a project that meets the
15 requirements of that plan in both letter and spirit.

16 Land owners and developers, make your plans
17 consistent with the Specific Plan for the Town of Los
18 Gatos, which spells out what this town is and should
19 remain, a Vision that is consistent with the core issues
20 being raised here tonight.

21 The Town of Los Gatos is a very precious piece of
22 earth on our small planet, which does not deserve to have
23 its landscape scarred. I want to see the whole North 40
24 developed to capture the essence of Los Gatos, like the
25

1 southwest side of our town, which I believe is described in
2 the Specific Plan and was shown here this evening on the
3 screen. We do not want to change the essential character of
4 this community by defacing it with large, obtrusive, high-
5 density buildings with inadequate open space, limited
6 ingress/egress to the 40 acres-plus, and lack of roadways
7 that cannot currently handle the Los Gatos Boulevard
8 traffic problems.

9
10 With the addition of this small city being
11 proposed within our town could come the future needs and
12 burden on the citizens of Los Gatos through bonds and other
13 forms of taxation to improve growth and maintain all the
14 services that will be necessary to sustain this
15 development, for example, building new schools. You've
16 heard this before tonight. Water supply, added fire and
17 police services, healthcare, and road maintenance, et
18 cetera.

19 Please reach back to your roots and look deep
20 into our souls, especially if you live in and love this
21 town, and do what is right by denying this North 40 Phase 1
22 as it exists. We are asking you just to do it right. We
23 need to develop a comprehensive plan for all 40 acres of
24 the North 40, and include within that the Phase 1
25 development of Yuki Farms' 20 acres-plus, which will help

1 accomplish the goals of the Specific Plan. A piecemeal
2 approach to developing the 40 acres will not accomplish
3 those goals.

4 We, the people of Los Gatos, expect you, the
5 Planning Commission and Town Council, to deny the North 40
6 project. Let's make this development something that all of
7 us can be proud of, and one that we can all enjoy for many
8 generations to come. Please, and thank you in advance for
9 all the past, present and future due diligence and care in
10 this regard.

11
12 J.C. Penney was asked how he was so successful in
13 developing his company over the years, and he said, "I ask
14 questions of the heartbeat of our company, our employees..."

15 CHAIR BADAME: Thank you, Mr. Moses.

16 ROY MOSES: "...and they give me answers that
17 contain all the best ideas, which I act upon to make our
18 company great." I believe this principle should be applied
19 to running the Town of Los Gatos as well. Thank you very
20 much.

21 CHAIR BADAME: Thank you. Shannon Susick.

22 SHANNON SUSICK: Hi. Shannon Susick, 16407 Shady
23 View Lane. This is a massing, a mockup of the corner of
24 Lark and Los Gatos Boulevard. It's not an artistic
25

1 rendering with trees that are established and 40' high, and
2 plants, and kids on bicycles.

3 I wanted to address the letter that was sent on
4 July 7th, which I think will go down in infamy in this town.
5 I mean, gosh, what a way to get people to a meeting.
6 Threaten to sue.

7 I'm going to be clear. I'm not a land use
8 attorney, I don't have a law degree, but what I do
9 understand is the Vision and the intent of the North 40
10 Specific Plan and the mandates and objective criteria that
11 is set forth.

12 The Land Use Goals and Policies, page 202, Policy
13 LU-1, Land Use Designation, here is your objective mandate
14 for the rest of the plan: "The Specific Plan shall be
15 implemented through the approval of development projects
16 that are consistent with land uses and Council Vision as
17 outlined in this chapter." So if there are any subjective
18 items, we can go back to that.

19 The more I thought about the letter, and each
20 time I reread it, the concept of being held hostage in my
21 own town kept emerging in my mind. I can only imagine what
22 it feels like to attempt to do your job.

23 The letter submitted outlined how the Town should
24 proceed with our review of the application, and concluded
25

1 with threat of a lawsuit. While residents in the Town
2 appreciate the attempt to be educated by the Applicant's
3 attorney, what we must, will, and shall do is follow the
4 Specific Plan.

5 I'm not going to read that, because of the time,
6 but I wanted to thank you for your time and effort. We
7 appreciate the calendar that we are mandated to comply
8 with, but the application must be denied for these and all
9 the other findings that you've heard.

10
11 The Town of Los Gatos may be small in terms of
12 population, and large in terms of untapped riches in land,
13 but our true wealth and strength is our residents, the
14 Commission, the Council, and the fact that we value our
15 land.

16 This application and proposed development is the
17 largest the Town will ever see, and it is with the utmost
18 respect that we request you consider not only the current
19 residents, including all forms of life, but also future
20 residents.

21 Will it be a development that celebrates our
22 history, heritage, and views, or will it be blight at the
23 gateway to our town, and one that impacts us negatively
24 forever? This is our town, but as Commissioners it will be
25 your legacy. We've had these chambers full time and again

1 with those that either don't live here or underestimate the
2 amazing civic pride and love of one another. We're strong,
3 and after the Applicant is long gone, we will still be
4 proud Los Gatans. Let's live that pride. Let's plan with
5 pride. Thank you.

6 CHAIR BADAME: Thank you. All right, our last
7 card of the evening goes to Paul Matulich.

8 PAUL MATULICH: Hi, everyone, Planning. It's been
9 a while since I've appeared up here. I represent my own
10 restaurant, Steamer's, in Los Gatos, and the reason I'm up
11 here to speak is something about the business aspect of it.
12 I'm sure they've been said; I missed a lot of it because I
13 just got done at the restaurant.

14 I've been approached if I want space out there,
15 but so far I've not paid any attention to it.

16 I want to bring up a couple of names and see if
17 anybody remembers a store called Roos Atkins? Remember
18 downtown San Jose? This new thing was coming; it was called
19 a shopping center. It was a strip center, it was called
20 Stevens Creek, and it was going to be a new mall. I
21 remember being in Roos Atkins listening to the gentlemen
22 speaking about they were scared of what it would do to
23 their city and the downtown area where it was a little
24
25

1 thriving community, and now downtown San Jose, it's finally
2 coming back, but it's been 40, 50, 60 years.

3 I've been a resident of Santa Clara Valley all my
4 life and I've been in Los Gatos 50 years, and owned my
5 business for 36.

6 I'm sure you've heard what everybody said. I just
7 don't want to see what I saw happen to downtown San Jose
8 happen to our town. We have empty space down by Santa Cruz
9 Avenue that's totally empty. We can't keep that area full.
10 To add more to this, what's going to happen to your
11 downtown area? We need to draw. Campbell has done a hell of
12 a job on drawing parking, new businesses and everything. I
13 think we should focus our concentration on our downtown.
14 People that have been here have donated their time and
15 their money and their efforts to building a strong downtown
16 area, rather than something out there.

17 I think housing would be great. I'm sure
18 everything has been said, but it would nice to see
19 affordable renting. It would be nice to see the kids that
20 grew up in this town be able to come back and buy something
21 in this town. My kids are out there and they're making good
22 money, they've got straight salaries. They can barely get
23 anywhere in the Valley. It would be nice if they could come
24 back to their home town where they grew up. They're a
25

1 minority now, okay? They don't need a one-bedroom studio.
2 They're having kids, they want to get homes, but the homes
3 are over what, a million-something? Let's put some homes
4 out there for \$800,000 for the kids who grew up here and
5 want to support our town.

6 We want to support the Town too with our
7 business, but my business would be on very shaky ground if
8 you allow something like Santana Row to go in.

9 The same owners who own Santana Row own our
10 center downtown and King's Court, and I think if you gone
11 over to Santana Row lately, Santana Row has now turned into
12 a massive condominium development, more shops and services,
13 but you never see any bags. Walk around there. I'm serious.
14 Luxury Row has left and gone over to Westfield Mall. There
15 are always bags from Macy's and everything else; the rest
16 is just walking around over there.

17 So I just want to point those few business things
18 out to you, all right? That's all I've got to say. I
19 wasn't very prepared, but felt I should come by on the way
20 home. Thanks a lot.

21 CHAIR BADAME: Thank you, Mr. Matulich, for
22 coming by. Would anybody else like to speak to us tonight
23 before I invite the Applicant back up? Seeing no one come
24 forward, I will now invite the Applicant and their team
25

1 back to the podium for five minutes to add any further
2 comments about their application.

3 DON CAPOBRES: Madam Chair and members of the
4 Planning Commission, again, I'm Don Capobres. I appreciate
5 the time, and I do appreciate everyone coming out today.

6 One of the hallmarks of our team since starting
7 work on the General Plan has been literally working with
8 the community, not shying away from conversations, and
9 working hard to try to bring solutions. We've been
10 operating with that has a guiding principle for the entire
11 team, for the entire time that we've been working here.

12 After eight years when policies have been
13 approved, and we worked so hard to meet those policies and
14 believe that we have complied with all these policies, it's
15 come to the point where you have to assert your rights. No
16 one wants to litigate here. I've been here for a long time.
17 I've never claimed to be a Los Gatan, but I've spent a lot
18 of time here. We don't want to go down that route, but at
19 some point in time you have to assert your legal rights,
20 because the policies are now in place, we believe we
21 comply, and decisions have to be made on that front.

22 This includes the Housing Element, and 20 units
23 per acre is a minimum, *minimum*, that the State recognizes
24 for a town like Los Gatos. We are now part of the Housing
25

1 Element, and yeah, I've been at this for eight years, but I
2 didn't really jump into the Housing Element fray until
3 restrictions started getting changed, and HCD started
4 looking into the other sites that were in the Housing
5 Element previously, and so we do know it's complicated,
6 because it's not something that we were wired to understand
7 from the very beginning.

8
9 It's taken a lot of effort for us to get to that
10 point of educating ourselves, and I will say this about
11 HCD: The term "credit" is problematic, and you should look
12 at it and have Council look at it. The town is meeting its
13 obligation by allowing housing to be built at 20 units per
14 acre. HCD does not require units to be affordable, and
15 whether all of our units are market rate or all of them
16 were affordable, it complies with the Housing Element, so
17 as long as they're 20 units per acre. So they can be all
18 market rate, they can be all below market rate; as long as
19 they're 20 units per acre, which is the minimum
20 requirement, they comply with the Housing Element.

21 WENDI BAKER: I want to just talk a little bit
22 about what the Specific Plan requirements versus what our
23 proposal is, because to think, again, that only having a
24 conversation about the bare minimum would not be in the
25

1 spirit of how hard we've been working over the course of
2 the last eight years.

3 For open space, the Specific Plan requires 30%
4 open space, yet we've proposed 39% open space. For open
5 space that's publicly accessible, the Specific Plan
6 requires 20%; we're proposing 85%.

7 For the two-story Lark District, only 15% of the
8 homes need to be two-story. We have 29% of the homes as
9 two-story, or two-story elements.

10 The maximum number of units is 270 baseline.
11 We're proposing 237. With the density bonus it would be
12 365, and we're proposing 320.

13 The new commercial can be up to 435,000 square
14 feet. This application has 66,000 square feet.

15 There's a 25' residential setback on Lark and Los
16 Gatos Boulevard. That's 50' deep in the Specific Plan, and
17 we're proposing it to go another 15' beyond that and two-
18 story of only 65'.

19 The setback along Highway 17 is 30'. We're
20 proposing a 30'-63' setback along the freeway.

21 Finally, there's been a lot of talk about housing
22 sizes and reducing housing sizes. The Specific Plan calls
23 out up to 700,000 square feet of residential square
24 footage. We are proposing 446,000 square feet. We're
25

1 253,000-plus shy. The remaining 45 units would have to be
2 over 5,500 square feet each to even get to this number.

3 Obviously, we're nowhere near the maximums that
4 we could propose on this development project, and we just
5 wanted to let you know that we're trying to move forward in
6 this sort of fashion where we're going above and beyond,
7 because that's what we believe is the right thing that we
8 can do.

9 CHAIR BADAME: You still have time remaining.

10 WENDI BAKER: Six seconds. We'll pass our time.

11 CHAIR BADAME: All right, thank you. I see that
12 Commissioner O'Donnell has his hand up, so he will be
13 asking the first question.

14 COMMISSIONER O'DONNELL: Obviously there has been
15 some conversation about perhaps spreading the housing over
16 a different area. It isn't crystal clear to me that that
17 makes much difference, but it's been discussed, and
18 obviously whether your lawyer thinks it's possible or not,
19 I think it's possible. But it isn't apparent to me whether
20 you move...instead of putting it all where it's proposed, you
21 put some of it someplace else. It isn't clear to me how
22 that helps anything, and you obviously have reasons why you
23 haven't done that, and we're going to be discussing whether
24 it would help us to do that.
25

1 But I wanted to give you an opportunity to tell
2 me why you think it would, or you would obviously say would
3 not, help. I'm giving you an opportunity to say look, even
4 if you were to move some of this housing to a different
5 location, for example, on the Transitional part that is not
6 presently before us, or into the Northern part, either one
7 or both, why would that not be helpful?

8 DON CAPOBRES: It would not be helpful because it
9 presumes that it wouldn't be backfilled with another use.
10 The Specific Plan requires 30% of open space, as Wendi just
11 pointed out. We have exceeded that requirement by a good
12 margin. And let's be clear, we are for profit developers.

13 If you remove uses from the Lark District and are
14 already exceeding open space requirements, they would have
15 to be replaced by something else, and we believe kind of in
16 the spirit of the Specific Plan that the residential needed
17 to be adjacent to residential.

18 We spent a lot of time speaking to the Highland
19 Oaks neighborhood that's across the street from Lark. That
20 is a continuation of residential into the Lark District,
21 which is residential. If we were to backfill it with
22 commercial, that would not be something I think at least
23 some members of Highland Oaks would be interested in.
24
25

1 That's kind of a political statement, but the
2 real planning and business statement of it is the North 40
3 development has already begun. It began with the office
4 buildings that are along Los Gatos Boulevard, and the gas
5 station. In looking at planning for the Lark District, you
6 have visibility that's impeded because you have office
7 buildings that are taller than we can build, by the way,
8 already on Los Gatos Boulevard, and to tuck commercial
9 behind that we felt was infeasible from a business planning
10 perspective.
11

12 The assumption that you move units around I think
13 is based on the fact that you would not backfill it with
14 something, but we are compliant with the Specific Plan open
15 space requirements, all the setback requirements. We would
16 look to plan something else there. To pay for all these
17 benefits obviously some revenue has to be generated, and
18 that's what we would look for, and those other uses don't
19 make sense in the Lark District from a pure planning
20 perspective.
21

22 WENDI BAKER: Let me address that just based off
23 of traffic, and you can verify with your Staff if this is
24 accurate.
25

 Again, if you start shifting things around you
put more commercial uses into the Lark District, and

1 commercial is a much higher generating use. About 15,500
2 trips for the entire Specific Plan area were anticipated,
3 and we have about 3,800 in this first phase, because
4 residential is a much lower traffic generator. If you start
5 moving commercial over into the Lark District or Transition
6 District or add more of it, you will have much higher
7 traffic volume in this first phase. While that's okay, the
8 idea is to try to get less use out of A Street, which will
9 go into Lark, and what you'll end up having is a lot more
10 people accessing the commercial component through that A
11 Street, and it just will bog down that area, which is right
12 adjacent to residential right now, the Highland Oaks
13 neighborhood.
14

15 In our conversations with them, and they're not
16 here to speak for themselves, or perhaps that will be at a
17 future time, but everything that we're hearing is that
18 there is a desire of residential-to-residential and not
19 having more traffic flowing through that area of ingress
20 and egress.
21

22 CHAIR BADAME: Commissioner Hudes.

23 COMMISSIONER HUDES: Thank you. I have a number
24 of questions, and I was trying to organize them maybe into
25 the way that Chair Badame has suggested that we proceed
with our deliberations. I have one about process, and then

1 I have several about housing, some about views, some about
2 traffic and environmental, some about open space, and some
3 about look and feel.

4 Although it seems like things are repeating, the
5 fact is this Commission hasn't gone through this thing in
6 detail in a public hearing. We've taken a lot of comments,
7 but we haven't in my opinion asked a lot of questions of
8 the developer about the development itself, and so with the
9 indulgence of my fellow commissioners, I'd like to start
10 some of that process of asking a few more questions.

12 I want to go back to the letter of July 7th and
13 the statements about working cooperatively with the Town. I
14 can state from firsthand experience that both of you have
15 been at many, many meetings and have listened and responded
16 to concerns, and have done an effective job of listening.

17 My question is what changes have been made since
18 the plan and since that model that the Town came in and
19 looked at? I can't remember what that date was, but a few
20 months ago, and the feedback from the 400 instances that I
21 counted, what changes have been made to the development
22 during that time period?

23 WENDI BAKER: For clarification, are you speaking
24 of when the community meeting occurred?
25

1 COMMISSIONER HUDES: Yeah, since the community
2 input on the application started. I'm not talking on the
3 plan, I'm talking about once the application was there, and
4 you did that community input, many hours spent in that,
5 many hours of listening to community input. What changes
6 have been made to the development during that period of
7 time?

8 WENDI BAKER: This application was submitted
9 before the Specific Plan was ever completed, in part
10 because we wanted to... Not this application. Let me change
11 that statement. Not this application, but an application.
12 Part of the reason for doing that was to try to show folks
13 what heights would look like, what densities would look
14 like, where commercial might be, what the street network
15 might be, and things have evolved quite substantially as
16 the Specific Plan has evolved. For example, the move-down
17 building that folks spoke about is not possible anymore due
18 to the height restriction that was placed on us.

19 The community meeting that happened in February-
20 ish, the end of January, I think that was our fourth
21 submittal of plan sets at that point. The majority of
22 feedback that we got at this meeting was not suggestive as
23 far as we feel like you should change your color palette or
24 we feel that you should change your setbacks. It was
25

1 questions about traffic, questions about what our plan was.
2 There was no significant change in the plan since that
3 specific community meeting, because we had already been at
4 that point 2.5 years into an application process, but there
5 were questions and answers at that meeting.

6 COMMISSIONER HUDES: While I appreciate that
7 response, I respectfully disagree with the characterization
8 that you've been taking community input since the
9 application has really been exposed. I understand there's
10 been a lot of communication, but I haven't seen it in terms
11 of changes.
12

13 I wanted to move to housing, if we could, because
14 I think that's an important area, and maybe start with the
15 discussion about senior housing and how you determined that
16 was the correct type of housing for seniors, the placement
17 of it, as well as the size, I think about 550 square feet
18 for each unit.

19 DON CAPOBRES: Commissioner, I'll take the first
20 part of that question. We actually looked at potential
21 locations for the senior housing program. First of all, at
22 the very beginning no one made us do senior. We thought it
23 was a good fit; it met the unmet needs. The question was
24 where would it go? Ultimately, they're probably in the most
25 valuable spot in the project, and it was really working

1 with Eden Housing, we basically had a blank slate, put a
2 plan in front of them and had them work through the pros
3 and con of locating their senior program within the site. I
4 think it's one of the most attractive places to be.

5 I do disagree... Maybe I don't disagree, but I do
6 think seniors, and especially with the demographics that we
7 have, do want to be in a more active environment than they
8 previously might have. And I'm making a generality. The
9 premise was to put them in the active area, put them in a
10 product type that had elevators so they can go up and down,
11 put them in a location that was close to goods and
12 services, and that was the thought process behind the
13 location.
14

15 I'll have Andrea Osgood from Eden Housing talk
16 about square footage, or maybe expand upon the location
17 decisions.

18 ANDREA OSGOOD: My name is Andrea Osgood,
19 Director of Development for Eden Housing. We're a nonprofit
20 affordable housing builder and owner/operator, and we also
21 have a resident services arm that provides services to our
22 seniors. We've been in the business nearly 50 years and
23 we've built a lot of family housing, but also senior
24 housing.
25

1 In fact, I go to work every day in our corporate
2 headquarters, and there are 60 units of senior housing
3 above, right across from a BART station. It's actually one
4 of our most popular senior developments. Seniors love to
5 sit up on the balcony and watch life go by.

6 The size of the units is very comparable to
7 everything we build in our senior developments, typically
8 between 550 to 650 square foot, one-bedroom units. They are
9 affordable. The rent for these units will be based on
10 income, but typically range from about \$600 or \$1,100 for
11 this area.

12 CHAIR BADAME: Ms. Osgood, I'm going to need you
13 to complete a speaker card.

14 ANDREA OSGOOD: Sure.

15 CHAIR BADAME: And Vice Chair Kane has a question
16 for you.

17 VICE CHAIR KANE: I think this is a question for
18 you. The affordable senior housing, I gathered from the
19 report that each unit gets one-half of a parking space.

20 ANDREA OSGOOD: Yes.

21 VICE CHAIR KANE: So that means if it was a silly
22 commercial they'd cut the car in half? That means that a
23 couple living there would not have a parking space if they
24 had a car; there would be no place to put it? Or are there
25

1 other visitor spots that are usually picked up by people
2 who live there, which means they're not visitor spots?

3 ANDREA OSGOOD: The ratio is half a parking space
4 per unit, and that is very typical of the ratio that we've
5 built in all of our senior developments. We find that many
6 of our residents, if they have a car when they move in,
7 oftentimes once they move in decide they don't want it
8 anymore because of the expense, they're getting older and
9 they can't drive, so that is actually a very common parking
10 ratio that we find is successful.

11 VICE CHAIR KANE: I understand that, and I defer
12 to your experience. It just struck me as odd that you
13 wouldn't get a parking place if you lived there and there
14 would be no place to park. It's not the center of public
15 transportation.

16 ANDREA OSGOOD: That's true, but Eden actually
17 develops in a lot of suburban communities. We just finished
18 a successful senior projects in Lafayette and Orinda, and
19 both of those locations are much more suburban and would
20 feel similar to this location where many of us would think
21 how do you live without a car? You have to remember, the
22 seniors that we're serving are a single person surviving on
23 social security income. For a lot of them, they're making
24 choices between rent, medical payments, and food, and cars
25

1 are very expensive, so many of them just don't have cars to
2 begin with.

3 VICE CHAIR KANE: And how old are they?

4 ANDREA OSGOOD: Sixty-five.

5 VICE CHAIR KANE: You can't have my car.

6 ANDREA OSGOOD: I don't want your car.

7 VICE CHAIR KANE: I also have concerns about
8 tandem parking. Tell me that in your experience that works
9 as well, especially if it's two different couples.
10

11 WENDI BAKER: Tandem parking is in the Specific
12 Plan as a type of parking. We have to think about the
13 viability of it from a marketability perspective as well,
14 so you have to start thinking about will these really,
15 truly be usable parking configurations?

16 Remembering who our buyer is, this is a buyer who
17 oftentimes--and we do this through a lot of our post-sale
18 surveys, et cetera--has their keys on the hooks as they go
19 through to the garage and they pick the keys for the car
20 that is the furthest out. This is a very common way,
21 especially if you're looking at people who could be used to
22 urban living that are currently living in San Francisco,
23 but taking a bus down to Netflix.

24 VICE CHAIR KANE: What I'm specifically trying to
25 understand is if you've got four couples and they can only

1 have two cars, and they're in an tandem spot, and Couple 1
2 wants to get out, and Couple 2 is playing Bocce ball, I
3 don't see how that works.

4 WENDI BAKER: I understand what you're saying.
5 The tandem units, you would assume that there are two
6 couples in each one of these units, for example. We don't
7 have just open parking lots of tandem spaces; these are all
8 private garages for whoever lives exactly in those units.

9 VICE CHAIR KANE: How does Couple 1 get out?
10

11 WENDI BAKER: You oftentimes have a set of keys
12 for both cars there too. I mean my husband and I both have...

13 VICE CHAIR KANE: They can't have my car either.

14 WENDI BAKER: My husband has the set of keys, for
15 example, for both of... We both have a set of keys for our...
16 It's becomes a lifestyle choice.

17 VICE CHAIR KANE: It's difficult; I'd have to see
18 it. Thank you.

19 CHAIR BADAME: I think there might be an
20 insurance dilemma there, just saying. Commissioner Hudes
21 has a question for you.

22 COMMISSIONER HUDES: I wanted to come back to the
23 senior housing. Could you walk us through the waivers? I
24 assume that you are trying to be consistent with the BMP
25 program, and so there are some waivers. Could you walk us

1 through the waivers that you're requesting? I mean there
2 are a number of things that are not compliant with the BMP
3 program for affordable housing and seniors.

4 ANDREA OSGOOD: I think the first waiver was the
5 BMP program requires that the units be sprinkled throughout
6 the development, so in order to do senior housing legally
7 we have to provide that in one building to have an age
8 restriction. That's a Fair Housing law. In order to have
9 the affordable targeted towards seniors, it needs to be in
10 one location.

11 From a practical matter though, too, it's helpful
12 for us to have one building so that we can more efficiently
13 operate the building with our own property management
14 staff, but we also have services, such as we have a
15 community room, and we have community gardens where we have
16 our resident services programs, so it helps create that
17 atmosphere in that location.

18 COMMISSIONER HUDES: You said it must be in one
19 building? Is that a preference?
20

21 ANDREA OSGOOD: In order to have age restriction
22 for senior housing, it has to be a standalone building or a
23 set of buildings. It can't just be one unit here in this
24 and one unit over here.
25

1 COMMISSIONER HUDES: Okay. But it could be more
2 than one building?

3 ANDREA OSGOOD: Technically.

4 DON CAPOBRES: This issue was covered at the
5 Conceptual Development Advisory Committee. I believe your
6 Town Attorney weighed in on the proposal's standing vis-à-
7 vis the BMP program. Anyway, this is not a new issue.

8 COMMISSIONER HUDES: Well, I think it's the first
9 time it's come before this Commission.
10

11 One of the other requirements is about "placing
12 all senior living in a unit that is unique. It will be
13 discernable." How would it not be discernable?

14 ANDREA OSGOOD: The easiest way for me to think
15 about it being discernable is there is one lobby where you
16 can go in, and there's one office, if you were interested
17 in applying; that would be a very discernable. The signage
18 would indicate that this was a senior housing for that
19 building.

20 COMMISSIONER HUDES: So you're asking for a
21 waiver about that as well, because the BMP program
22 requires, "There shall not be significant identifiable
23 differences between the BMP and market rate units visible
24 from the exterior."
25

1 ANDREA OSGOOD: But it has to be distinct for the
2 senior, for you to have the age restriction placed on it.

3 COMMISSIONER HUDES: So it will be discernable,
4 therefore it will be something that needs a waiver from the
5 BMP guideline.

6 DON CAPOBRES: Just to be clear, we're not asking
7 for any waivers to your BMP program. Your BMP program does
8 allow for some flexibility within it. The waivers we're
9 asking for are under the State Density Bonus Law.

10 I believe one of them is on height related to the
11 Eden Housing building, because of some roof pitches that
12 were included in the architecture, and the second is an
13 unlimited area where the penthouse elevator penetrates the
14 unlimited area where the penthouse elevator penetrates the
15 45' height limitation.

16 The second waiver we're asking for is to be
17 measured from finished grade versus existing grade. Both
18 are being asked for through State Density Bonus Law. We've
19 already walked through where we sit versus the Town's BMP
20 program. That conversation has, I believe, concluded that
21 we are within the parameters allowed by the Town.

22 COMMISSIONER HUDES: Maybe I could direct you to
23 page 4 of the North 40 Proposed BMP Plan, revised October
24 21, 2015. Maybe I used the wrong term; maybe it's not a
25 waiver. What it says is, "The development team is

1 requesting modifications to the BMP program guidelines
2 regarding the following specific requirements," and it
3 looks like some kind of an exception, because there's
4 justification cited for each of these.

5 DON CAPOBRES: Commissioner Hudes, can you repeat
6 the date of that letter?

7 COMMISSIONER HUDES: I think it was part of a
8 letter from October 21, 2015.

9 DON CAPOBRES: Yup, I got it. Thank you. So thank
10 you for the clarification.

11 Under, again, the specific law, and I'd probably
12 say Density Bonus Law as well, we would have been allowed
13 to have asked for additional waivers, and one of them was
14 to I guess provide some flexibility towards your BMP
15 program. Subsequent to that letter it was determined that
16 that a waiver was not required, because our program was
17 allowed under the purview of the your BMP program, and I
18 would confirm that with your legal council.

19 COMMISSIONER HUDES: Okay, great. I'll definitely
20 follow up on that. I don't have anything in there that says
21 that.

22 The other question in there that I wanted to
23 follow up on had to do with rental as a permissible
24 substitute for an ownership program. In other words, I
25

1 think that it says that in a development where there is
2 individual ownership, then the below market also needs to
3 be individual ownership.

4 DON CAPOBRES: Right. Again, in that letter we
5 were requesting it as a waiver under State Density Bonus
6 Law. Subsequent to that letter being submitted that waiver
7 was said to be not required, and that request has been
8 removed.

9
10 COMMISSIONER HUDES: So we'll follow up then on
11 that. I have other questions on housing, if we want to keep
12 going.

13 CHAIR BADAME: We can keep going. I did see
14 Commissioner Hanssen have her hand up earlier. Did you want
15 to jump in with a question before Commissioner Hudes
16 continues?

17 COMMISSIONER HANSSEN: Yes, I just had one
18 question for Andrea.

19 One of the residents had asked about the
20 services. Actually, it was from our Community and Senior
21 Services Commission, and I thought that was a very good
22 question. When you're designating it as senior housing, you
23 might have people at various levels, and I realize this
24 isn't going to be going into full levels of service, but
25 what kinds of service might be available? Especially since

1 they are low income and, as you said, often have to
2 prioritize maybe medical bills versus car.

3 ANDREA OSGOOD: As I mentioned before, Eden is
4 not only a developer, but we also own every property we've
5 ever developed, and we also have a management company and a
6 services company.

7 We would have onsite managers, but we would also
8 have resident services staff available to really help with
9 more of the health and social needs of our residents. We
10 find our goals in our senior developments is to help
11 seniors live as independently as they can for as long as
12 they can in our properties, so our services Staff really
13 focus on that. One of the best things to do is to make sure
14 that they're engaged and they're not isolated, so that they
15 can identify issues earlier. But really, it's helping deal
16 with everyday things, like making sure they're getting good
17 nutrition, they're getting exercise, so we have those kinds
18 of programs. We have health and wellness programs as well.
19 Because we're right there, we have onsite property
20 management, but also services. We can identify when
21 somebody might need extra help and connect them if they
22 need it with more extensive services that are available in
23 the community, often at the county level, through in-home
24 health services as well.
25

1 COMMISSIONER HANSSEN: And do you have a shuttle
2 bus type of thing? Especially since a lot of these guys
3 don't have cars, and at least in Phase 1 there isn't going
4 to be a whole lot of personal services.

5 ANDREA OSGOOD: We don't operate shuttles, but we
6 do help seniors connect with local para-transit or other
7 kinds of options like that.

8 COMMISSIONER HANSSEN: Just one last question on
9 the senior housing. I understand why it's rental. I just
10 wanted to hear why they might not... Would they end up if
11 they were able to buy the units, or would they always stay
12 rental?
13

14 ANDREA OSGOOD: We always do rental, and I think
15 rental units particularly help serve seniors living on a
16 much more fixed income who potentially don't own a home
17 now, maybe worked their whole life but were never able to
18 reach that goal, and now may be faced with living on a
19 fixed income, either social security or maybe a small
20 pension, and so rent for those folks is unfortunately their
21 only choice.

22 COMMISSIONER HANSSEN: So it's permanent rental?

23 ANDREA OSGOOD: Permanent rental, yes.

24 CHAIR BADAME: Vice Chair Kane, followed by
25 Commissioner Hudes.

1 VICE CHAIR KANE: We've heard comments tonight
2 about carcinogenic toxicity coming in from Highway 17 and
3 the units and their proximity to Highway 17. We've also
4 heard about schools not likely being built out there,
5 because of the proximity of Highway 17 and Highway 85, and
6 I think the other item that was on that list was gas
7 stations, building schools too close to gas stations.

8 Cottage clusters 21 and 24 are on the boundary of
9 the gas station that's called MKG Enterprise or something
10 like that, but it's the gas station on the southeast corner
11 of the project. Has there been a concern about the
12 proximity of those units to a gas station? You couldn't put
13 a high school there, why can you put units there?

14 WENDI BAKER: Residential standards are different
15 than school standards, and we should all appreciate that,
16 because we want our schools obviously in the safest
17 locations. Residential air quality standards were a
18 measurement as a part of the Specific Plan EIR, and very
19 specific mitigations were required for any unit impacted by
20 any sort of particulates or impacts, and all that is a part
21 of the EIR. There are certain mitigations that we must
22 adhere to in certain limited areas.

23 VICE CHAIR KANE: I'm willing to take your
24 opinion that it's in the EIR or otherwise substantiated
25

1 that these two units are not at risk, given that they abut
2 to a gas station.

3 WENDI BAKER: That is accurate. Any units that
4 are will have the proper mitigation measure applied, which
5 include air filtration and mandatory air conditioning, for
6 example.

7 VICE CHAIR KANE: So you're saying they will have
8 these mitigations?

9 WENDI BAKER: Those two units do not have
10 mitigations.

11 VICE CHAIR KANE: They're fine as they are?

12 WENDI BAKER: Correct.

13 VICE CHAIR KANE: All right, thank you.

14 CHAIR BADAME: Commissioner Hudes.

15 COMMISSIONER HUDES: I wanted to get back to the
16 senior housing topic. We've talked about the low-income
17 affordable housing. What about provisions for the move-down
18 units for seniors? I know those were in the plans earlier;
19 I believe they're not today. Why were they eliminated, and
20 are there other residential housing types that you think
21 are appropriate for move-down seniors?
22

23 DON CAPOBRES: Other than (inaudible) housing
24 units, there's nothing that precludes anyone from moving
25

1 into any of the other units. There are no age restrictions
2 on any of the existing units in our plan.

3 At one point in time, prior to the approval of
4 the Specific Plan, we had proposed specifically designed
5 move-down residential homes. Our goal was to create a
6 multi-generational, multi-income, diverse neighborhood.

7 To provide for a move-down program, which
8 features more elevators and structured parking, we had
9 worked under the an assumption, and it was a longstanding
10 height offering of 55' for additional open space. That was
11 in the Draft Specific Plan for at least a couple years, I
12 think.

13 We had designed a move-down program, and this
14 move-down program was stacked flats, so not multiple floors
15 that require elevators. Our profile of that potential buyer
16 said they still wanted multiple bedrooms, because of
17 grandchildren or children visiting. They tended to drive
18 the square footage over all of our applications higher,
19 because they were still larger units; they tended to be
20 2,000 square foot and above.

21 It was taken out because we needed a higher floor
22 to ceiling height for that program. We requested up to 55'.
23 Not requested, but that was our hope. Town Council, because
24 of view impacts from the highway, did not allow that height
25

1 limitation for move forward, and it was it in the Draft
2 Specific Plan, so they decreased the height to 35' overall,
3 25' on Los Gatos Boulevard, which is lower than what
4 existing height is. They allowed some exceptions for
5 affordable housing and for a potential hotel, if one were
6 to be applied, but because that height was removed we
7 weren't able to move forward with our program for a move-
8 down.

9
10 WENDI BAKER: Obviously the for sale residential
11 doesn't prohibit, I guess, anyone purchasing the property.
12 Not only are there eight market rate apartments that are
13 above the retail as part of this application that our
14 elevator served, but some of the for sale residential also-
15 I think I mentioned this at the last Planning Commission
16 meeting-actually operate as flats, so while you will park
17 on the ground level and you'd have to walk up a flight of
18 stairs, it's then single level living once you get there.

19 When you consider senior population, there will
20 be a time when stairs may not be manageable, but for a
21 large period of time one level of stairs might be
22 manageable, so we intentionally designed some flats into
23 our residential offering as well.

24 CHAIR BADAME: Commissioner Hanssen.
25

1 COMMISSIONER HANSSEN: I think one of the things
2 that I feel the most troubled about it that this proposal
3 is supposed to address the unmet housing needs of our town,
4 and it's a pretty well documented thing in our Housing
5 Element and in many of our other documents that the average
6 age in Los Gatos is 45 and it's been going up, and that we
7 heard in the beginning of the Housing Element that one in
8 three residents of Los Gatos during our planning period for
9 the Housing Element was going to be 65. Yet the seniors are
10 kind of an afterthought in this thing.

12 Most of the buildings in this proposal are two
13 and three stories, and there are just a handful of units
14 that are flats, as you said. I would have imagined if we
15 were really trying to address the unmet needs of our town
16 that we would have a great preponderance of the units being
17 single story or flats that would address the unmet needs of
18 our town.

19 I don't know why you guys went down this path, so
20 I was hoping you could help me about what we can say to our
21 residents that are looking for a place to leave their big
22 single-family homes and move to.

24 WENDI BAKER: I think Don just mentioned the
25 move-down building was a part of our original application
that had at one point 90, and then ultimately 88 on the

1 subsequent application resubmittal. The height limits just
2 made elevator access to those units extraordinarily
3 challenging, to say the least, and then also when you want
4 to move down from your big Victorian you probably don't
5 want 8' high ceiling plates. So there's one thing.

6 We had to eliminate 90 of those units that
7 specifically catered to that demographic. However, I have
8 stated on public record before, Millennials are the largest
9 and fastest growing, because they are what they are. They
10 are the largest demographic in the United States, and just
11 because...

12 I mean you've just heard from several people that
13 have just come back to Los Gatos. They might be interested
14 in returning to Los Gatos if they had a place to go, but
15 because so much of your housing stock is single-family
16 residential, unmet need becomes a multi-family product, and
17 so while that is one unmet need, the senior and move-down
18 buyer is not the only unmet need.

19 COMMISSIONER HANSEN: What evidence do we have
20 that the Millennials want to live in Los Gatos? Everything
21 I've heard, they'd like to live in San Francisco. In fact,
22 I was on a call with a planner for San Francisco, and they
23 just can't build enough housing for them. I know we have
24 needs for seniors, and I understand Millennials are a big
25

1 market, but what evidence do we have that they want to live
2 here in Los Gatos? Especially in a place where there aren't
3 a lot of services, at least in the early phase in the
4 complex, so I would just like to understand that.

5 WENDI BAKER: Well, I think SummerHill would not
6 want to move forward with a development application that we
7 felt like we could not find buyers for and design towards.
8 We've done multiple focus groups, and the reason that we
9 went into Netflix and we hosted a focus group was to talk
10 exactly to these people. There are nine buses going back
11 and forth from San Francisco to Netflix. To talk to exactly
12 those people, the Millennials, and there was a requirement
13 on age on who could attend this focus group, to talk to
14 these folks and say would you live in Los Gatos? Because
15 some people wouldn't, and maybe some people raised their
16 hands and said, "I would not live here. I would rather live
17 in a city." And then some people will say, "You know what?
18 If you had this type of available housing stock in Los
19 Gatos, I'd love to see it," or, "If you had accessibility
20 to some of the things that I enjoy, such as walkability or
21 bikeability, or access to like a Market Hall," that we're
22 doing. If we have that sort of interconnected neighborhood,
23 then they would be very interested in coming down here.
24
25

1 They wanted things that they could not get in San
2 Francisco. San Francisco can be quite charming for a period
3 of time, and then some people return back to the suburbs.
4 In fact, although many Millennials want to live in the
5 cities, the reality of being able to achieve that is not
6 always available for people, and what we've found is that
7 the vast majority of Millennials are actually flocking to
8 the suburbs; not only the urban destinations, but also the
9 suburbs.
10

11 CHAIR BADAME: I'm going to tag onto that one
12 real quick, Commissioner Hanssen, if you don't mind. But
13 what evidence do you have that Millennials want 1,900
14 square foot homes? I think of them living pared down lives
15 that 500-800 square feet would do just fine.

16 WENDI BAKER: Right, some Millennials will want
17 that 900 square foot unit; that's why we have it in here.
18 If you're going to draw from someone that's in a city
19 though and may be living in a 500-600 square foot unit, and
20 you want to draw them down into a more suburban
21 environment, they want certain things, and one of them is
22 more space, more area for open space, bigger decks and so
23 forth, that they might not have in the urban environments.

24 The Millennial population, we have to remember,
25 is not 23 to 25. We're talking about a population that as

1 time goes on is an aging population, probably in the early
2 20s to about 37, so the purpose and intent of our
3 residential stock was to have a diversity of housing types,
4 one-, two-, and three-bedrooms, 900 to 1,900 square feet,
5 to have this range, and to also offer some units that might
6 be 1,500 square feet, but one-bedroom that offer big loft
7 experiences, and again, some of that more urban feel that
8 they might not be able to afford in San Francisco.

9
10 CHAIR BADAME: I understand that, but I didn't
11 see very many units on the smaller end of the scale. They
12 seemed to be on the maximum side of the square footage in
13 the chart in the sixth chapter of the Specific Plan, but
14 actually it's just a hypothetical chart.

15 WENDI BAKER: It is a hypothetical chart, but
16 there is a maximum square footage that's permitted, as I
17 pointed out, and we are significantly under that maximum
18 square footage permitted.

19 In going to these focus groups, not all people
20 are looking to live in a 500 square foot unit, or a 750
21 square foot unit, or a 1,000 square foot unit. People do
22 want to have different choices. They do work from home
23 oftentimes. They do want to get a roommate a lot of times,
24 and that enables them to be able to have that flexibility
25 to be able to afford their mortgage, and then once they're

1 better established to move on to a different type of
2 housing, or maybe not have the roommate with them anymore.

3 One thing we heard loud and clear from all the
4 focus groups that we did was we want flexibility and we
5 want more space, and we heard three- and four-bedrooms. We
6 do not have that as a part of this proposal. We've heard
7 actually very clear, we really prefer not having a one-
8 bedroom, but we knew that wasn't what the Specific Plan's
9 vision was for this, and so we tried to have a large
10 variety of one-, two-, and some three-bedrooms; 16% three-
11 bedroom units. Sometimes the square footage might be for
12 some of those grander spaces that they're looking for, not
13 exclusive to bedrooms. It might be very large bathrooms,
14 because they might want a very large bathroom, for example.

16 CHAIR BADAME: All right, thank you, Ms. Baker.
17 Back to you Commissioner Hanssen. Were you done with your
18 questions? Otherwise, I'll move to Commissioner Hudes.
19 Okay, Commissioner Hudes.

20 COMMISSIONER HUDES: Continuing with housing.
21 Some of the comments have been about the look and feel of
22 Los Gatos and the concern about views and hillside views,
23 and it seemed as though one of the possible solutions to
24 that would be occasionally to use a cellar, and I know that
25

1 was a question that was asked in the Staff Report. Why are
2 there no cellars, and why isn't that a viable solution?

3 WENDI BAKER: Cellars are a really different
4 thing to utilize in a townhome type product. In this case
5 we have condos stacked flat, so you might have a garage and
6 then two levels above you might have a flat, so to get a
7 cellar in there when you have parking... Somebody did show
8 that the garage does take up a portion of that first floor,
9 so you don't necessarily have your kitchen and your main
10 living space on that first level with your garage; you're
11 really separating the units with a garage in between,
12 because we don't have underground parking in this sort of
13 product type.
14

15 It creates challenges with livability. It creates
16 huge challenges with offhaul, and it will cut your density
17 as well, because you'll have to reconfigure your units
18 unless you also are proposing cellars and the height. What
19 I've heard is put in cellars instead of the extra level of
20 height. You can't get the units to work contiguously
21 together to have... We did a large study on it as a response
22 to this question, because we've heard it many times, and
23 you end up on each residential unit, if it's a five-unit
24 building, you might lose one unit, for example, in there.
25

1 But mostly it's livability and offhaul. This type of
2 offhaul was not studied in the Specific Plan EIR.

3 COMMISSIONER HUDES: My concern is that this is a
4 solution that could have been explored. It does cost money
5 to do it, but this type of solution has been employed for
6 150 years in products like brownstones and townhomes and
7 things like that, and it's surprising that we have none of
8 that.

9
10 WENDI BAKER: That could be possible,
11 particularly if you had a larger townhome unit. Some of the
12 townhome units you might be looking at might be 2,000
13 square feet where you have the garage, again, and then you
14 have large first story living areas where you walk right in
15 from you garage into your kitchen, and so forth. That's why
16 you can find cellars as a more likely alternative in
17 single-family, detached homes that are a little bit larger
18 and they don't have shared walls and all the constraints
19 that...and building underneath of exclusively a garage. There
20 are a lot of constraints. Some of the townhouses you might
21 talk about might even have detached parking; that's really
22 common in some of these developments.

23
24 So while it might be possible, I think that you
25 run into a large list of constraints, and if it could be
done with ease or even just for an additional cost, then I

1 think you'd see it much more frequently in the Bay Area,
2 because land is very valuable. So there are a lot of
3 different components that go along with this.

4 COMMISSIONER HUDES: I have more questions, but I
5 don't want to dominate all the discussion here.

6 CHAIR BADAME: I don't see anybody else. Well,
7 let's let Commissioner Erekson have a shot at it, and then
8 we'll go back to you, Commissioner Hudes.

9 COMMISSIONER EREKSON: I have just three or four
10 questions for the two of you.

11 The first one is a much more practical question.
12 In the proposed Conditions of Approval that the Staff has
13 put together for the project, Conditions of Approval 121
14 through 126 relate to management of the construction
15 process in the event that the application moves forward as
16 proposed. Have you reviewed those particular conditions
17 yourselves, and do you have concerns about what are in the
18 Conditions of Approval that relate to the management of the
19 construction process?
20

21 WENDI BAKER: I cannot remember exactly which one
22 of those Conditions of Approval is specified. We have
23 reviewed all the Conditions of Approval, and as far as
24 construction process, I believe there are some items as far
25 as noticing, and obviously pre-construction meetings, and

1 sending out emails whenever there is activity going on
2 onsite. Those are things we already do. We're building up
3 at Prospect Road, so these are things we already
4 participate in, but if you wanted to specify. I don't have
5 them in front of me, but if you want to be specific as to
6 what they are.

7
8 COMMISSIONER EREKSON: Sure. Let me ask you a
9 question about something that's not in those six.

10 There are time parameters on when construction
11 can occur. Obviously, they're pretty typical. I mean the
12 kind of conditions without worrying about whether you can
13 remember in a level of detail. They're relatively typical
14 of what the Town of Los Gatos would do, or relatively
15 typical of other projects that you would have engaged in.

16 One of the things that it does is talks about
17 when one can do offhauling and some other kinds of
18 activities that generate traffic on the adjacent streets.
19 One of the limitations that is not in there would be to put
20 a parameter on... I've not actually talked to Staff about
21 this, so I wouldn't know exactly how to phrase this, but we
22 have particular issues at certain times in the summer--last
23 weekend was a great example of that--where we have excessive
24 traffic, not of our own making often, that comes through
25

1 the middle of town and comes down Los Gatos Boulevard and
2 so forth.

3 So would you be open—and again, I don't know, I
4 haven't talked to Staff about how we would phrase this—with
5 amending one of those that would preclude those particular
6 times when we would anticipate having excessive traffic
7 from the so-called diversion of traffic from 17? Is that a
8 reasonable thing to add to that from your perspective?
9

10 WENDI BAKER: It can be reasonable, and I'll tell
11 you there's a pro and a con always, so we always will look
12 to Staff for their expertise on when is the best time to do
13 the construction, especially offsite construction, so that
14 it's not during, for example, the school AM or PM pickup
15 hours or PM rush hour traffic. Then also there is obviously
16 now the traffic that you're referring to where there could
17 be more limited construction hours around that, and that's
18 always something that we'll turn to Staff for.

19 The issue always is that the more that you
20 restrict the hours of when you can do something, the longer
21 the process takes. So as long as everybody is aware that
22 there's a cause and effect there, that's something we can
23 be agreeable to, yeah.
24

25 COMMISSIONER EREKSON: Okay, thank you. Is it
okay if I ask a couple more?

1 CHAIR BADAME: Of course, go ahead.

2 COMMISSIONER EREKSON: I want to return to
3 something that Commissioner O'Donnell brought up at the
4 beginning about the relocation, and Don's answer about if
5 in fact one were to remove some of the housing from the
6 Lark District that one would need to replace it with
7 something else, and that doing housing there—and I actually
8 agreed with his comment—that putting housing generally as
9 it is now is the best planning, with one possible question
10 that I have.
11

12 Buildings 24 and 25 back up to residential
13 buildings and they back up to Los Gatos Boulevard. Now,
14 from a good planning standpoint here's what I see happening
15 long-term, if we're out 25 years from now, or however long
16 it takes to develop whatever is developed on the North 40.

17 If I drive from Lark to Burton, or Good
18 Samaritan, however you want to look at it, here's what I
19 would have if there is housing at that spot. I will have,
20 starting at Burton, I would assume commercial, commercial,
21 commercial, commercial, commercial, commercial, commercial,
22 commercial, housing, commercial, with the only exception to
23 commercial on Los Gatos Boulevard from that stretch being
24 the housing that is backed up to it.
25

1 That doesn't seem to me to represent good long-
2 term planning, so just from long-term planning I guess I
3 would wonder why one wouldn't put some non-residential use
4 in that spot, and therefore along all of the Boulevard, and
5 take the housing out of that? I also understand that would
6 probably mean redoing that particular one, because there's
7 a turnaround street, but that's a different design
8 question. Do you have some response to that?
9

10 WENDI BAKER: Sure, I can respond to that. It's
11 not the first time we've been asked that, so I think that
12 hopefully I can give you a few reasons.

13 Obviously the Specific Plan does not require
14 commercial there, so we are able to propose residential
15 there. Residential is not prohibited in that area. But
16 without understanding why would we do that is really the
17 question, and to be clear, none of our units back onto Los
18 Gatos Boulevard; those are front doors along Los Gatos
19 Boulevard, much like exists right now. There's actually two
20 residential right along there that front onto Los Gatos
21 Boulevard.

22 But even though residential exists right now, why
23 wouldn't we build commercial there? You have to look at
24 what the requirements of the Specific Plan are. There's a
25 30' orchard setback along that area. There is another 20'

1 beyond that, so 50' that could be two-story, or 25' for
2 commercial, that's probably not two-story. And constructing
3 something that's similar to what--so you're talking about
4 sort of the continuity--you have right next door is not
5 feasible, both because of that orchard setback and the
6 additional 20' of two-story setback.

7 Then going beyond that, we actually worked with
8 Bill Hirschman to look at a land plan for that area of Los
9 Gatos Boulevard and putting commercial there. That was one
10 of our first stops when entered into this application and
11 discussion, and at 45', which is what he has next door,
12 that was more feasible. Once the Specific Plan had certain
13 restrictions of 25' and the orchard and so forth, it became
14 less feasible.

15 Then the biggest issue became access to these
16 units, and so we actually acquired one of the properties
17 along there in order to have a secondary access opportunity
18 onto Los Gatos Boulevard, maybe for commercial or maybe for
19 a secondary access onto the Boulevard, for whatever it may
20 be. When we sat down with Staff, the challenge was that
21 along Lark is where the right-turn lane begins, and so you
22 would actually have an ingress and egress for that property
23 into the right-hand turn lane, and the conflict of
24 movements... We were told pretty enthusiastically by Staff
25

1 that that would cause too many points of conflict along the
2 Boulevard. Right now as it is, after the Specific Plan is
3 developed you would only be able to make a U-turn to get to
4 those buildings.

5 So then you go into the well, can you get access
6 to that area along sort of that frontage road, if you want
7 to call it, that's along those existing commercial
8 buildings? And you can't achieve that because there's an
9 orchard setback, and so it's not a straight shot, so you
10 can't get that frontage road to have a linear path anymore.
11 But then also, that building next door has been
12 condominiumized, and you would have to have all the people
13 in there agree to grant you an easement to access your
14 property through their private property.
15

16 So it became a lot of different challenges, and
17 they just started stacking on top of one another as far as
18 developing that portion of property as commercial.

19 COMMISSIONER EREKSON: Okay.

20 WENDI BAKER: I do have one other thing; I'm
21 sorry. The other thing that we have is a very strong
22 pedestrian connection between all the park networks, if I
23 can leave it at that. All the park networks, but in this
24 one particular area there is a pedestrian paseo that goes
25 in between the residential buildings, that then connects

1 you to the Grand Paseo, that then connects you to the
2 sidewalks, that then connects you to the community park,
3 and so one solid building face of commercial, which it's
4 not that large of a piece of land right there, really does
5 start separating you from the rest of the community, and
6 then taking access through private secondary streets to get
7 to their retail, that's not going to be successful.

8 I think I gave you a lot of reasons. We did look
9 at it.

10 COMMISSIONER EREKSON: Okay. I understand
11 everything you said.

12 WENDI BAKER: Okay, good.

13 COMMISSIONER EREKSON: And followed everything. I
14 apologize for this being a little bit of an unfair
15 question, giving you a heads up, but I'm going to ask for a
16 very specific answer to the question, but I'm okay with an
17 order of the magnitude response to the question, if you
18 know the difference between those.

19 So can you give me an order of the magnitude, if
20 not a specific answer, to what percentage of the open space
21 is in the perimeter buffer zone, and what percentage of the
22 green open space is in the perimeter buffer zone? Which
23 will then help me understand what percentage is not in the
24 perimeter buffer zone.
25

1 WENDI BAKER: Hold on a second.

2 COMMISSIONER EREKSON: I don't want to take a
3 whole lot of time away from other Commissioners.

4 DON CAPOBRES: Through the Chair, Paula
5 Krugmeier, lead designer on the project, has the answer.
6 I'd ask her to come up.

7 CHAIR BADAME: Yes.

8 PAULA KRUGMEIER: Madam Chair, my name is Paula
9 Krugmeier, architect with BAR Architects, and have been
10 involved in this project with the Applicants for about
11 eight years.
12

13 We did that calculation today, and the landscape
14 architect shared a number with me that was slightly over
15 11% of the total open space that is on the three-side
16 perimeter. So Los Gatos Boulevard, Lark, and then there is
17 a very small strip along Highway 17. That was at 11.2%.

18 WENDI BAKER: Then 14% of the overall open space
19 for this application, so it's a relatively small amount of
20 the open space. That's more the zone you're looking for.

21 COMMISSIONER EREKSON: Thank you.

22 CHAIR BADAME: If we could have the architect
23 fill out a speaker card. Thank you. Commissioner Hudes.

24 COMMISSIONER HUDES: Thank you. For one last
25 time, I want to drag myself back to housing and the

1 affordable units. I want to come back to the waivers that
2 have been requested, and I want to understand the necessity
3 of those waivers, because I believe that those waivers are
4 to be granted if necessary to achieve the density, and so
5 if we could maybe understand those two waivers and why
6 they're a necessity.

7
8 WENDI BAKER: We have a grading component, which
9 is a measuring from finished grade, and then we also have
10 an additional height for, as Don mentioned, the elevator
11 and accessory components of the affordable building. So
12 those are the two waivers that you're referring to.

13 The site itself, the way that it would grade, the
14 way to get utilities to work, it's a very complex puzzle.
15 We're talking a lot about some of the things that you're
16 seeing above the ground, but there are a lot of things
17 below the ground. Trying to get all those things to work,
18 it ends up that you fill in the site as you go towards the
19 north. It's a cut-fill. Most of the cut occurs in the Lark
20 area. Most of the fill occurs as you go towards the
21 Transition area, and to try to design every building to
22 existing grade, and also to attempt to get utilities to
23 work in that fashion, just makes it infeasible, and I
24 believe that those have been reviewed by Staff and the
25

1 Conceptual Development Advisory Committee, and have been
2 determined to be...

3 COMMISSIONER HUDES: Two questions about that.

4 One is that if you remember some of the Advisory Committee
5 hearings and other meetings, the issue about building
6 height was a very big issue in town right at that time.

7 There were requests to have some exceeding 35', and it was
8 granted to 45'. However, I know a number of Committee
9 members were very strong in their opinion that that should
10 be measured from existing grade rather than the proposed
11 grade, rather than from finished grade, for the reason that
12 the site slopes away from Los Gatos Boulevard and that
13 would mitigate against us granting a height that is not
14 allowed elsewhere in town.

15
16 I really want to make sure we're getting a very
17 compelling reason why the density could not be achieved
18 without that, because actually we've got a stacking of
19 these two waivers in that, I believe from looking at the
20 site grading plan, the area where we have the most grading,
21 I think it's approaching 5', is the spot where the 45'
22 building is also being asked for additional height, so it
23 really is 53', I think, plus 5', so it's 58', if I'm not
24 mistaken. So could you please make sure that we understand
25

1 the compelling reason why the density couldn't be achieved
2 without that height and without that grade exception?

3 WENDI BAKER: The compelling reason is we have to
4 grade the site and consider utilities and drainage and so
5 forth as a part of this design, and that's not something
6 that we got into deeply during the specific plan process.
7 Once this was uncovered and essentially how this site will
8 work from a grading perspective and stormwater perspective
9 and so forth, then if you were to take that and you
10 actually assumed that you could not have the sort of
11 height, excuse me, measuring from finished grade instead of
12 the existing grade. We calculated the number of units that
13 we would then be reduced by in order to not be measured by
14 the existing grade standards, and I believe we counted
15 about 90-something units. I don't have that with me, but we
16 had submitted that at a previous meeting. Obviously that is
17 a huge issue for meeting the 20 units per acre requirement
18 of the Housing Element, so it became a density issue as
19 much as it layered on top of a true utility reason.

21 DON CAPOBRES: I was getting jealous I wasn't
22 getting any of the action. When you talked about most of
23 the residential in the Lark District, since you are
24 specifically referring to the Eden Housing Market Hall
25

1 building, I did want to step up. We do have our civil
2 engineer here who has worked on the grading plans.

3 Just to be clear, the 45' height limitation is
4 we're asking for exceptions on the height for two specific
5 areas that are a very small percentage of that building.
6 One is for the elevator penthouse, and one area is where we
7 actually have some sloped roofs to aid on the articulation
8 of the building. If you wanted to just totally comply with
9 the height, we would have probably just put a flat roof on
10 that and just have the mechanical penthouse be there, but I
11 don't think that's what folks were looking for.
12

13 In the particular area where you're talking
14 about, where those height variations are, we're looking at
15 3' in terms of grade, and so it's 48' if you're going to
16 measure from, I guess, existing grade would be the total,
17 but we are seeking these waivers, we are entitled to these
18 waivers under State Density Bonus Law, but I just wanted to
19 correct you; it's not a 58' difference.

20 COMMISSIONER HUDES: Now, I understand that
21 you're entitled to the waivers, but it has to be tied back
22 to the need to achieve the density, and I see the paragraph
23 in the letter of March 10th that says that "It would
24 physically preclude the development of 320 units," and it
25 also says, "We estimate that 97 units would be lost." I

1 don't see any calculations to back that up. Have you
2 discussed this with Staff, and has Staff walked through
3 this with you?

4 DON CAPOBRES: We have had the conversation with
5 Staff, has everything in the application, so I would answer
6 in the affirmative, yes. Your issue then is even more
7 pronounced on the Market Hall Eden building, because just
8 even a little bit over that 45' would essentially lop off
9 an entire floor of Eden housing over Market Hall, which
10 would exacerbate your issue in terms of feasibility without
11 a question.
12

13 COMMISSIONER HUDES: Okay, thank you. Those are
14 my last two on housing. I have some questions about some
15 other areas, if that's okay.

16 CHAIR BADAME: That would be okay, but I think
17 that this would be an opportune time for me to poll the
18 Commissioners for us to go past 11:30; we're approaching
19 11:30. So should we continue past 11:30, I would need a
20 motion.

21 COMMISSIONER O'DONNELL: I don't (inaudible)
22 awake.

23 CHAIR BADAME: Okay, Commissioner O'Donnell, is
24 that a motion?
25

COMMISSIONER O'DONNELL: It's just a warning.

1 CHAIR BADAME: A warning. Okay, all right. Vice
2 Chair Kane.

3 VICE CHAIR KANE: I make a motion that we not go
4 past 11:30, and request Commissioner Hudes to try to wrap
5 it up by then, if you think you can. If you can't, then
6 I'll support that. Do you need more than ten minutes?

7 COMMISSIONER HUDES: Let me try. I mean I can't
8 commit.

9 VICE CHAIR KANE: It would be best if we could
10 wrap it up tonight.

11 COMMISSIONER HUDES: It depends on the answers
12 that I get. I want to talk about views. I want to talk
13 about traffic; there were some figures that were put up
14 there. I want to talk about look and feel as well, which
15 were all topics that were laid out by the Chair in terms of
16 things we're going to deliberate about.

17 CHAIR BADAME: I'm going to guess that's going to
18 take more than ten minutes. Vice Chair Kane, did you have a
19 question? That would mean the public testimony for the
20 Applicant would still be open tomorrow.

21 VICE CHAIR KANE: And can conclude tomorrow.

22 CHAIR BADAME: I would remind the public that the
23 public comment period is closed, but we would just resume
24
25

1 with the Applicant, and then we would deliberate
2 afterwards. Vice Chair Kane.

3 VICE CHAIR KANE: I make a motion we not go past
4 11:30, based on that information.

5 COMMISSIONER O'DONNELL: I'll second.

6 CHAIR BADAME: All right, I will call the
7 question.

8 Commissioner Erekson, did you have your hand up,
9 or did you just want to chime in?

10 COMMISSIONER EREKSON: I want to ask a question
11 of the Town Attorney before we vote. Is it correct that
12 even though we will not be closing the public portion of
13 the public hearing, that if we do this and we reopen the
14 public portion of the public hearing tomorrow night, that
15 in fact the only members of the public who could speak
16 during the reopening the public portion of the public
17 hearing are the Applicants and their representatives?

18 ROBERT SCHULTZ: We are closing the public
19 comment period for the public comment period, and the
20 Applicant isn't allowed to make any more statements and
21 closing statements. We're in the process of asking any
22 questions of the Applicant, but he's not allowed to make
23 any more public comments or public statements, as is the
24 public is not allowed also, because we've closed the public
25

1 hearing period. Technically the public hearing period
2 closes after his five minutes of his rebuttal; that's when
3 it closed.

4 CHAIR BADAME: All right, does that sound good to
5 you, Commissioner Erekson? Go ahead.

6 COMMISSIONER EREKSON: That's fine, yeah. I just
7 wanted to be sure that I understood what we were voting on.

8 CHAIR BADAME: Very good. I will call the
9 question. All in favor? Passes unanimously. Commissioner
10 Hudes, you still have eight minutes.

11 COMMISSIONER HUDES: Let me talk about views,
12 because it's not a very long topic. There are several areas
13 where views are addressed. They are addressed of course in
14 the Vision Statement, but they're also addressed in I could
15 see at least three other places within the application. You
16 use the term "view corridors." Could you explain what you
17 mean by a view corridor? I understand a view. I can see
18 something or not. What is a view corridor?

19 DON CAPOBRES: Permission through the Chair. I'm
20 going to have Paula Krugmeier... We spent a lot of time on
21 view and embracing the view over the years, and so I
22 believe you'll probably hit your time deadline, Madam
23 Chair, through our presentation here, but it is a very
24
25

1 important topic for us and I want to be able to present it
2 properly, but Paula will be handling that.

3 CHAIR BADAME: Well, if you think it's going to
4 go past eight minutes, maybe Commissioner Hudes can go to a
5 question that would be quicker than that.

6 COMMISSIONER HUDES: Yeah, I'm happy to, because
7 there is a diagram that I sent yesterday.

8 CHAIR BADAME: Okay, all right.

9 DON CAPOBRES: I do think it will go... It's an
10 important topic...

11 CHAIR BADAME: It is.

12 DON CAPOBRES: ...and I think one that's probably
13 better if you are going to come back tomorrow, that we
14 should probably tackle with fresh eyes.

15 CHAIR BADAME: Thank you.

16 COMMISSIONER HUDES: So my last question, look
17 and feel.

18 DON CAPOBRES: Oh, boy.

19 COMMISSIONER HUDES: I just would like a broad
20 discussion about this, or perspective on this. Do you
21 believe that look and feel is important, and do you believe
22 you've addressed that in your application?
23

24 DON CAPOBRES: Again, these two topics are
25 probably the biggest issues that we've considered since, as

1 you asked the question, since story poles went up, and
2 since the community meeting went up, and the joint study
3 session. The answer is yes; we do feel that we meet the
4 look and feel aspect of it. We have, we think, a good
5 presentation on that front. So the answer is yes. I don't
6 know if that suffices. It doesn't really show you how we
7 can back that statement up.

8 COMMISSIONER HUDES: Well, it doesn't square with
9 the attorney's statement that the Commission and Council
10 have no right to modify the application to better achieve
11 the look and feel of Los Gatos, so maybe you could address
12 how your statement ties back to the statement in this
13 letter.

14 DON CAPOBRES: So we will continue to assert our
15 rights, given where the policies have been approved over
16 time, but that doesn't mean we can't have a discussion on
17 how we think we met those. I don't know, Wendi, if you want
18 to add anything here. We have carefully thought through
19 this. Even though we're not required...

20 WENDI BAKER: I think that it's really
21 advantageous... We have some visuals, which they're not
22 coming up. I know that you all as Planning Commissioners
23 were able to get out onsite, but generally members of the
24 public haven't been able to get into the center of the site
25

1 and so forth and see the story poles, and so we've taken a
2 lot of time to put together imagery that shows look and
3 feel or view corridors, not because we don't believe that
4 we satisfy it, but because this team has taken a really
5 comprehensive approach to looking at those things and we
6 want to share that from the inside of the side.

7 COMMISSIONER HUDES: Maybe I should just accept
8 the answer to my last question and save this for the more
9 comprehensive discussion?
10

11 CHAIR BADAME: Yeah, I think I would recommend
12 that.

13 COMMISSIONER HUDES: I definitely accept the
14 answer to the last question.

15 COMMISSIONER O'DONNELL: (Inaudible).

16 WENDI BAKER: Oh, there it is (indicating
17 visuals). I know it's five minutes, so...

18 CHAIR BADAME: All right, so we can continue with
19 you tomorrow. You can have a seat now. Thank you. We will
20 be absorbing the new testimony that we received this
21 evening and looking forward to further discussion tomorrow
22 night.

23 Thank you all for your participation and being a
24 part of the public process. That includes the Commissioners
25 and Staff who dedicate their time to the community.

1 Mr. Paulson, do you have a report for us this
2 evening?

3 JOEL PAULSON: I do not.

4 CHAIR BADAME: All right. Do Commissioners have a
5 matter to bring to the attention of the Commission?
6 Commissioner Hudes.

7 COMMISSIONER HUDES: I have a concern, and that
8 is that if we don't finish tomorrow night it's been
9 proposed that there be a meeting on July 20th to continue
10 the matter. I will not be available on July 20th. I've made
11 that clear to Staff for several months now. So if that
12 happens, I wonder if Staff might be willing to bring back
13 some alternatives to July 20th, or just let me know and I'll
14 not vote.

15 CHAIR BADAME: I would recommend that tomorrow
16 night we work very late. This will be early for us tomorrow
17 night, so we will burn the midnight oil if I get a motion
18 as such, otherwise... Mr. Paulson.

19 JOEL PAULSON: The other thing I would offer is
20 that I will check evening dates for Council chamber
21 availability for different dates, and then check and see
22 who else may or may not be available. It may be just a
23 scheduling error that we won't be able to get everyone
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25

1 there, but we can talk through that tomorrow and we'll look
2 for options.

3 CHAIR BADAME: All right, this meeting..

4 FEMALE: (Inaudible).

5 CHAIR BADAME: I'm sorry; this meeting is
6 adjourned. Public comment is closed.

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