

**From:** Maria Ristow [<mailto:ristows@comcast.net>]  
**Sent:** Monday, August 14, 2017 10:28 PM  
**To:** Council  
**Subject:** Agenda Item #9- Urgency Ordinance for Tuesday August 15, 2017

Mayor Sayoc, Vice Mayor Rennie, and Council Members Jensen, Leonardis and Spector,

I understand the desire on the Town's part to take a moment to reconsider the North 40 Specific Plan. Given the public reaction to the Phase 1 application, where the possibilities under our approved Specific Plan and Housing Element are now better understood, perhaps it makes sense to better define the Plan for the remainder of the land. With the request for MORE affordable housing from the community, some changes are definitely in order to encourage and allow this.

I have concerns about an urgency moratorium. I don't believe the EIR and present circumstances justify findings that "the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health, and welfare". If challenged in court, would it stand up? Or will the Town lose more money on another losing legal battle? I believe amendments to the Specific Plan may be in order, but I don't support a moratorium without solid factual basis. Amendments can still move forward, with a small risk that applications may come in before revision of the Specific Plan. I think that's a better risk to take than falsely stating there is threat to public health and safety with the present Plan.

If this ordinance is approved, I request the Town not use this to delay for another 2 years, but rather take rapid action to shape the Plan into better fulfillment of what the Town NEEDS, not merely what the residents don't want. Much of the input on the Specific Plan in the last year or so has focused on cutting/denying/delaying. As a Town we need to seriously consider what will benefit us in to the future in terms of housing, commercial, sales tax, office, hotel, etc. The remaining 20+ acre northern part of the North 40 should not be squandered because we refuse to plan for our future. With immediate access to two freeways, development can impose LESS of a traffic burden on the Town than if the same housing, hotel, commercial, office were placed 0.5- 2 miles away.

One other concern I have is with the imposed traffic mitigations for Phase 1. While the mitigations for the full build-out have been calculated and the Phase 1 developer is supposed to improve the roads in advance, do we risk losing some of this if the Town slashes the remainder of the commercial?

I know you will take all this, plus the additional input from staff and other residents, into account. I appreciate your thoughtful consideration of all information and facts moving forward. We have the opportunity to improve the Specific Plan; please use this opportunity with needs of future residents of Los Gatos in mind.

Thank you,

*Maria Ristow*  
*Los Gatos Community Alliance*

**From:** [edrathmann@comcast.net](mailto:edrathmann@comcast.net) <[edrathmann@comcast.net](mailto:edrathmann@comcast.net)>

**Sent:** Tuesday, August 15, 2017 7:55 AM

**To:** Marico Sayoc; Marcia Jensen; BSpector; Steve Leonardis; Rob Rennie

**Subject:** moritorium thoughts

Councilmembers and Mayor,

I'd like to go on record that the Specific Plan needs to be reworked and the Town needs time to do it before another application comes in. So much has changed in LG in the last few years, specially around traffic congestion that makes the SP out of date.

Willow Street sales this summer are down 10% from last year. There might be several factors but by far traffic and the difficulty of getting to the Downtown is by far the number one reason.

What will happen with more retail and restaurants at the North 40? Well common sense says, " lets get off 17 at Lark and go to the No 40" where there is plenty of parking and we can get out of this stop and go traffic.

Campbell right now is killing the downtown. Lets not build in the Town limits more significant competition to the downtown.

By the way, the closing the Street this past Sat and Sunday, was nice to see and helped business. It did not have the energy of a Campbell street fair but it was at least a start.

Ed



# GROSVENOR

VIA E-MAIL AND U.S. MAIL

Marico Sayoc, Mayor  
And Members of the Town Council  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95030

Re: Possible Moratorium for North 40, Phase 2  
Town Council Meeting, August 15, 2017

Dear Mayor Sayoc and Councilmembers:

As you know, Grosvenor USA Limited ("Grosvenor") owns or has under contract the majority of the land in the North 40 Phase 2 area. Grosvenor and the community have worked with the Town for over eight years in the development of the Specific Plan for the North 40. The Specific Plan EIR fully analyzes all environmental impacts from potential development of the Phase 2 area, including traffic impacts, and imposes extensive mitigations on future development.

While we understand that some vocal community members believe that it is appropriate to restudy the Phase 2 area, Grosvenor objects to restudying the plan that took several years to develop, and to any proposed moratorium, and urges the Council not to adopt it.

We have been advised that the Town is legally permitted to impose a moratorium "prohibiting any uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal" that the Town intends to study in the near future (Government Code section 65858). But such a moratorium can only be imposed if the uses to be prohibited pose a "current and immediate threat to the public health, safety, or welfare" (Govt. Code section 65858(c)). Grosvenor has not filed an application for Phase 2, and has no immediate plans to do so at this time. A threat does not become current and immediate until an application is filed *and* the jurisdiction's approval of that application is imminent. Consequently, there is no urgency to this matter and no legal justification for the Town to impose a moratorium on Phase 2.

Sincerely,

Steve Buster  
Senior Vice President  
Grosvenor USA Limited

## Joel Paulson

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**From:** Markene Smith <markene@comcast.net>  
**Sent:** Tuesday, August 15, 2017 9:39 AM  
**To:** Marico Sayoc; Rob Rennie; Marcia Jensen; Steven Leonardis; BSpector  
**Subject:** N40 Moratorium

Dear Mayor Sayoc, Vice Mayor Rennie, and Town Council,

Thank you for your efforts to tighten conditions of approval for the North 40 Phase I, after developers failed to incorporate the Town's reasonable suggestions for improvement into their plans.

We now have the opportunity to shore up the North 40 Specific Plan, to clearly identify features that will improve future development on the site.

Will you please vote "Yes" for a North 40 Moratorium, to allow time to specify necessary zoning and site improvements?

Thank you for your support!

Markene Smith  
North 40 Neighbor  
Los Gatos, CA 95032

VIA E-MAIL

Mayor Mariko Sayoc  
Members of the Town Council  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95030

Re: August 15, 2017 Town Council Meeting  
Agenda Item #9: Urgency Ordinance for a North 40 Specific Plan Area Moratorium

Dear Mayor Sayoc and Councilmembers:

On behalf of the Yuki family, I am writing to express our objection to the proposed moratorium and respectfully urge the Council not to adopt it.

According to the proposed Ordinance, the moratorium's apparent purpose is to address those issues raised by the "Court's decision" and to "consider and study legally appropriate and reasonable policies regulating the further development in the North 40 Specific Plan". There is no measure of urgency in the foregoing, let alone any "current and immediate threat to the public health, safety and welfare." No current plan for development of the approximate 20 acres remaining on the North 40 exists, and, contrary to the ordinance's recitals, there would be ample time "to undertake adequate study and planning" should one ever come to fruition. Thus, there is no need for an urgency ordinance at this time.

Please know that although the Yuki family disagrees with the imperative to amend the North 40 Specific Plan, we do not oppose consideration of amendments which are intended to strengthen the Specific Plan. Los Gatos should, however, be approaching any amendment with an eye towards creating the best possible platform for getting what our Town wants/needs on the North 40 in a way that is balanced for all parties and realistic in its expectations. This urgency ordinance fails to further that objective in any way and casts a cloud over the amendment process by suggesting that the purpose of the process is to limit or even prohibit all development of the remaining North 40 Specific Plan area.

Respectfully,



Edward Morimoto

cc: Katharine Hardt-Mason, Esq.  
Shelley Neis, Clerk Administrator  
Laurel Prevetti, Town Manager  
Joel Paulson, Director of Community Development