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

Los Gatos Planned Development Study Committee: Joanne Talesfore, Chair  
Jak Van Nada, Vice Chair  
Jeffrey Barnett  
Bob Beyer  
Charles Ereksen-Absent  
James Foley  
Melanie Hanssen  
Matthew Hudes-Absent  
Todd Jarvis  
Marcia Jensen-Absent  
Lee Quintana  
Marico Sayoc

Town Manager: Laurel Prevetti

Interim Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

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(510) 337-1558

**MINUTES NOT APPROVED  
DUE TO THE COMMITTEE BEING DISSOLVED ON  
JANUARY 14, 2016**

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

CHAIR TALESFORE: I think we have more coming. Lee will be coming. And I'll give you a few minutes to read those after they're passed out, but in the meantime, before we start anything I wanted to thank you all for the great work that you've been doing, because it's really bringing us to the nearing end point of what our purpose was. I appreciate all of the documents that are either sent to Staff and included with our report or that are Desk Items, because these topics are very deep and the extra work you're all putting in really is going to I think make for a better recommendation to Town Council.

Our objective tonight really is to finish off the documents, or have the discussion narrowed down to one or two topics for the January 28<sup>th</sup> meeting if we should go to that meeting.

So why don't we take a few minutes and look over the two Desk Items? I think Jak's came in an email this afternoon to all of you.

(Pause.)

1 CHAIR TALESFORE: Oh, please join us at the big dais.  
2 You can be at the big table tonight, Jim.

3 (Pause.)

4 CHAIR TALESFORE: Okay, how is everybody doing on  
5 that? Lee, I don't know if you were here when I was saying  
6 how much I appreciate, and I think the Staff does too, the  
7 extra work that many of you have gone through to make  
8 whatever we've sent on to Town Council or Planning  
9 Commission a much more full document.  
10

11 Tonight I wanted to begin the discussion of the CUPs  
12 for the residential uses in the commercial zones by  
13 reviewing the revisions that the Staff made. Those  
14 revisions were based on our recommendations from the last  
15 meeting, and they are found in Attachments 2, 3, and 4, and  
16 that would be our recommended revisions to Town Code  
17 section 2920.185, Table of Conditional Uses. From that we  
18 will continue the discussion to the recommended draft  
19 zoning amendments for the PD as seen in Attachment 6, and  
20 from that we'll take a vote I hope of being in favor or not  
21 of forwarding the revised and recommended documents to the  
22 Town Council, or we can continue the discussion if there  
23 are any glaring omissions or need for more revision.  
24

25 I want you to know that we can either say this is it,  
we've done a good job and we've included everything, or we

1 can say we still need to revise some of it. Keep in mind  
2 that any of your additional thoughts will be captured by  
3 Staff tonight hopefully, and in the verbatim minutes, and  
4 if you still feel that there needs to be some more  
5 information sent with your ideas on to Town Council for the  
6 rest of the process, that can still be included by emailing  
7 Staff before this goes off to the Town Council, I would  
8 think.

9  
10 And for you to know, Jak and myself will be writing an  
11 executive summary of our meeting to accompany our  
12 recommendations as they move forward.

13 Then the third part of the meeting, there is a list  
14 that Joel has captured for us based on our discussions over  
15 the last few weeks, and he'll pop that up on the overhead  
16 and we can look at it and decide if some of those issues  
17 need to be revised now or just go on again for more  
18 discussion, important topics by the Town Council and  
19 Planning Commission.

20 Those are the three areas I would like to get to  
21 tonight in two hours, so let's see how we do on that. And  
22 just always to remember that as much as I'd like to think  
23 these were concluding recommendations, they're not. They're  
24 actually going to be a starting point as the process  
25 continues. At least that's what I think.

1 Joel.

2 JOEL PAULSON: Thank you, Chair Talesfore and  
3 Committee members. Chair Talesfore went through exactly  
4 what I was planning to go through in an introduction, so  
5 that will make my comments extremely brief.

6 I'll pull some information up on the overhead. This is  
7 what was in the packet that you received. Generally we  
8 struck Category D and Category E, the boarding house and  
9 the apartment hotel. We had previously struck the  
10 residential condominium option. There was some back and  
11 forth as to whether or not we should include residential as  
12 a continued allowed use with a Conditional Use Permit or  
13 not. That's still an option; we just provided this as a  
14 starting point.

15  
16 Currently this would allow residential in office C-1  
17 and CH for single- and two-family dwellings in conjunction  
18 with principally permitted use, which goes to I think the  
19 further clarity of the General Plan land use designations  
20 and potentially zoning designations that Ms. Quintana's  
21 comments cover, and then multi-family dwellings in a mixed-  
22 use setting in the C-2 zone. So that's generally those  
23 comments.

24  
25 The General Plan designations just took a similar  
format. Again, starting point, just adding the term "and

1 residential in a mixed-use setting" to make the zoning, if  
2 we keep it in a Conditional Use Permit table and the  
3 General Plan land use designation consistent. That can be  
4 done a number of ways, but this really again was just a  
5 starting point.

6           As Chair Talesfore mentioned, should we get  
7 through the Conditional Use Permit discussion tonight, then  
8 we'll return to the Planned Development discussion and do  
9 any fine-tuning there and create a list. I haven't captured  
10 everything. I've picked some things out that really stuck  
11 out to me, but I know there's probably a more exhaustive  
12 list, so we'll capture those items both in the verbatim  
13 transcript as well as trying to pull them up and put them  
14 on the overhead as we go through that discussion.

15           Staff looks forward to the continued discussion  
16 and we're available for questions. I think we're going to  
17 begin with the Conditional Use Permit discussion.

18           CHAIR TALESFORE: Right. Let me just throw this  
19 out there. After you've read or looked at the revised  
20 Conditional Use table in Attachment 3... Is it ready to go  
21 prime time? Are there some suggestions you would make?  
22

23           JOEL PAULSON: I would note that in Committee  
24 Member Quintana's letter she has some suggestions relating  
25 to the table, which is on the last page of her comments,

1 which would be to delete the one-family, two-family, and  
2 multi-family dwelling unit categories so that Conditional  
3 Use Permits would not be allowed for those uses in any of  
4 the zones as I read it, and please correct me if I'm  
5 misinterpreting your comments.

6 CHAIR TALESFORE: That's on the last...

7 JOEL PAULSON: Page of Ms. Quintana's comments.

8 CHAIR TALESFORE: Right. Okay.

9 JOEL PAULSON: The very back page.

10 CHAIR TALESFORE: Under C?

11 JOEL PAULSON: No, flip over one more. It looks  
12 like you still haven't flipped.

13 CHAIR TALESFORE: Yes, thank you. Right there.  
14 You're right. Yes.

15 Lee.

16 COMMITTEE MEMBER QUINTANA: Let me just explain  
17 that this sort of goes hand-in-hand with the comments on  
18 the General Plan changes too. My thinking was that if the  
19 General Plan land use categories and the zoning categories  
20 were adopted text changes that allowed those uses within  
21 the Zoning Code, that there would be no need for them to be  
22 a CUP. It just seemed to me that of throwing out the idea  
23 that I thought it was better to include them in the zoning  
24  
25

1 and General Plan categories than being a CUP. They could  
2 still be subject to a Planned Development or not.

3           JOEL PAULSON: I would just offer that that's  
4 definitely an option. We could put them in the permitted  
5 use language of the zoning designations for each, whichever  
6 ones the Committee feels are appropriate, and then have the  
7 companion General Plan land use designation have the same  
8 wording.

9  
10           There is some wording. I believe it was the Desk  
11 Item for our last meeting where we gave the commercial  
12 zoning designations in the C-2 zone. You can have a one- or  
13 two-family dwelling in conjunction with an otherwise  
14 permitted use in the zone, and that is a permitted use in  
15 that zone. It doesn't account for multi-family, but that's  
16 a simple text amendment. You add multi-family and then you  
17 add that same language potentially in the other  
18 designations where you think it's appropriate as a  
19 permitted use.

20           If someone came in with a building, they could  
21 either go through Architecture and Site if they met all of  
22 the requirements, or they potentially could go through a  
23 Planned Development Ordinance if they met the requirements  
24 of our Planned Development Ordinance, whatever goes  
25 forward.

1 CHAIR TALESFORE: Interesting. Do we have any  
2 comments?

3 Bob.

4 COMMITTEE MEMBER BEYER: I would have a problem  
5 putting it in the actual zone. It seems to me that if we  
6 were to allow conditional uses in other zones, or use in a  
7 zone that's (inaudible) permit, that this process allows us  
8 to evaluate it on an individual basis rather than having it  
9 spread out as an automatic possibility within a zone. I'm  
10 not quite sure why I would want to approve a residential  
11 use in a commercial zone unless it's mixed-use or something  
12 like that. It seems to me it's going contrary to what our  
13 zoning ordinance is all about.

14 I understand the need for exceptions, and there  
15 are a lot of different conditions where that could apply,  
16 but I would be opposed to putting it into the zoning  
17 category of a zoning district (inaudible).

18 CHAIR TALESFORE: Thank you. Any comments or  
19 reactions to Bob's comment?

20 COMMITTEE MEMBER BEYER: I can hear them.

21 CHAIR TALESFORE: Okay.

22 Melanie.

23 COMMITTEE MEMBER HANSSEN: I had something  
24 related before we started the discussion. It was on the  
25

1 thing that we asked for, the CUP bindings. I was looking at  
2 Item 4 and it says, "The proposed uses of the property are  
3 in harmony with the variance elements and objectives of the  
4 General Plan." My question is why would we in a CUP only  
5 ask it to be in harmony with when in a Planned Development  
6 we're insisting it be the same use as in the General Plan,  
7 and if it wasn't it had to be an amendment? It's not the  
8 exact same issue, but it's related to this discussion.

9  
10 CHAIR TALESFORE: Harmony is an interesting word  
11 in this instance, isn't it?

12 COMMITTEE MEMBER HANSSEN: It seems to allow more  
13 flexibility. I mean it implies there's more flexibility  
14 with a CUP than there is with a Planned Development, and  
15 I'm not sure that's what we want our intent to be.

16 CHAIR TALESFORE: In the table, or just in  
17 general?

18 COMMITTEE MEMBER HANSSEN: I'm looking at the  
19 overarching issue of when a Planned Development could be  
20 invoked versus a CUP? It relates to what's in the table,  
21 but at the end of the day when you go and make the  
22 findings, if it isn't required that it have the same  
23 underlying Guiding Principles designation, that's a pretty  
24 big ease of use for the CUP versus the Planned Development.  
25

1                   JOEL PAULSON: I think that's the companion  
2 modifications that Staff was recommending, or at least for  
3 the discussion purposes tonight is that you add similar  
4 language to the General Plan designation, so it allows  
5 those, so you end up being able to accomplish that and  
6 still being in harmony, if that's ultimately the  
7 modification that's made to the General Plan land use  
8 designation.  
9

10                   For the downtown specifically I think many of you  
11 are familiar, but just to point out, above Le Boulanger  
12 there are residential units, and on the Beckwith block  
13 there are residential units, so there are a number of  
14 vertical mixed-use projects in Town that would have had to  
15 go through a Conditional Use Permit, or otherwise under our  
16 current Planned Development Ordinance many of those  
17 properties, if not all of them, were less than 40,000  
18 square feet, so they weren't eligible for a Planned  
19 Development, and so if it wasn't for the CUP option that  
20 isn't on the table currently, then that would not be a  
21 possible outcome for development of those sites absent a  
22 General Plan and/or a Zoning Code amendment.  
23

24                   COMMITTEE MEMBER HANSSEN: So that might be one  
25 automatic valid use for a CUP is in those zones where it's  
less than 40,000 square feet?

1 JOEL PAULSON: Sure.

2 COMMITTEE MEMBER HANSSEN: Because you would have  
3 no other choice than to use the CUP?

4 JOEL PAULSON: Currently there's a 40,000 square  
5 foot threshold for a Planned Development. The current  
6 version of the Draft PD Ordinance doesn't have a threshold,  
7 and the Ad Hoc Committees didn't have a threshold, so if  
8 you didn't put a threshold in there then they potentially  
9 could go through the Planned Development process rather  
10 than the CUP process. I guess it isn't really necessary to  
11 go through a Planned Development process if someone is  
12 intending to meet all of the requirements of the zone and  
13 not ask for any exceptions, which is typical of a Planned  
14 Development, so it gives you that option, depending on the  
15 threshold discussion.

17 CHAIR TALESFORE: Lee.

18 COMMITTEE MEMBER QUINTANA: Another one of my  
19 reasons for thinking about it this way was that it seemed  
20 to me that it made it easier for the Town to meet its  
21 housing requirements if part of the requirement...

22 Well, two different reasons.

23 One, that if we want to maintain the commercial  
24 and office space that we have without losing it to  
25 residential, and we want to promote housing, one way to do

1 it is when there is a request for a mixed-use housing with  
2 a non-residential zone that the housing be required to be  
3 above the retail office space.

4 JOEL PAULSON: And I think that's a good  
5 clarification. It makes it more explicit, but when Staff  
6 says in a mixed-use setting, I understand some of the  
7 Planned Developments have what is loosely termed as  
8 horizontal mixed-use, so it's not integrated vertically,  
9 it's you have commercial in one component and residential  
10 in the other component.

11 COMMITTEE MEMBER QUINTANA: And that's what I'm  
12 getting at, because that loses commercial space.

13 JOEL PAULSON: Sure. Yeah, so that clarification  
14 could be helpful. If someone came in with a residential  
15 product on the ground floor in commercial, let's say office  
16 above, that's probably not going to be in keeping with the  
17 character of the zoning designation anyway, but that  
18 additional clarification certainly could be added.

19 COMMITTEE MEMBER QUINTANA: And that one could go  
20 as a PD if they argued it right.

21 JOEL PAULSON: That's true, yes.

22 CHAIR TALESFORE: Okay, so where are we landing  
23 on this right now? Would we be able to—and I would like to  
24  
25

1 have the rest of the Committee weigh in—put a clarification  
2 in this table somewhere about...

3           JOEL PAULSON: We could either put it in the  
4 table, or another option would be having a definition of  
5 mixed-use in the definitions in the zoning ordinance, which  
6 is a principally permitted commercial use with residential  
7 above, or whatever kind of a standard. We can look at other  
8 jurisdictions and see if there are any definitions of  
9 mixed-use, but that's another option rather than having it  
10 in the table. It really becomes a definition so that all  
11 mixed-use is looked at the same.  
12

13           CHAIR TALESFORE: Okay. What does anybody here  
14 think? I see some heads nodding yes.

15           Bob, and then Jim.

16           COMMITTEE MEMBER BEYER: I like the idea of  
17 getting the definition down so it's applied equally along  
18 wherever it's used.

19           CHAIR TALESFORE: Okay. Jim.

20           COMMITTEE MEMBER FOLEY: I'd like to see some of  
21 the other sample definitions, but I wouldn't think that  
22 most of them are going to say that mixed-use is defined as  
23 residential always being above commercial. In the downtown  
24 that we're talking about I understand that, but I don't  
25

1 understand in other areas why it would need to be that way  
2 and it couldn't be horizontally mixed.

3           JOEL PAULSON: I think it's first up to the  
4 Committee. You could have that discussion whether they want  
5 to include that, or as this moves forward through the  
6 process Staff would bring forward mixed-use definitions and  
7 benchmarking of other jurisdictions, and the Planning  
8 Commission and Council could be the final arbiters of how  
9 that ultimately is included in the Zoning Code.

10           CHAIR TALESFORE: How do we feel about that?

11           Melanie

12           COMMITTEE MEMBER HANSSEN: I think we've had this  
13 discussion a few times. I think the ultimate objective  
14 would be to have a mixed-use zoning district, and absent  
15 having that we could at least take a baby step by having  
16 some definition of what it might look like to aid in the  
17 discussion.

18           CHAIR TALESFORE: That this Committee would  
19 forward a definition?  
20

21           COMMITTEE MEMBER HANSSEN: Well, just as Joel was  
22 talking about, you could put a definition in the ordinance  
23 of what a mixed-use might look like based on benchmarking  
24 with some other jurisdictions as well. I'm not saying what  
25 it's actually going to say, just the idea of that, and that

1 won't give us a zoning district per se, but it will take a  
2 step in the direction.

3 CHAIR TALESFORE: Okay.

4 JOEL PAULSON: Yeah, so that would go on that  
5 list of have them address a definition for mixed-use.

6 CHAIR TALESFORE: All right, and do I have  
7 agreement on that? I think we do.

8 Marico.

9 VICE MAYOR SAYOC: I think overall I do agree.  
10 I'm concerned about a couple of things.

11 One is I do agree with the intent of trying to  
12 simplify it, that once we define it in the zoning that  
13 there is no need for a CUP. The only concern I have of  
14 eliminating it completely, when you're looking at your  
15 commercial land use, and we're still encouraging  
16 commercial, but allowing residential in a mixed-use,  
17 without the CUP mechanism do you lose the ability for a  
18 discretionary review?  
19

20 JOEL PAULSON: You still have a discretionary  
21 Architecture and Site review, and so the approval body  
22 could be determined. In the Zoning Code we have what can be  
23 potentially approved by DRC, what has to go to the Planning  
24 Commission, what has to go to the Council, so the Committee  
25 and/or Planning Commission or Council could say in the

1 mixed-use projects, if it comes out of the CUP table. I  
2 think it could stay in the CUP table with a definition and  
3 we avoid that, but we could put that the Architecture and  
4 Site for that type of project and the Planning Commission  
5 is the deciding body, or the Council.

6 VICE MAYOR SAYOC: So if I may continue?

7 CHAIR TALESFORE: Yes.

8 VICE MAYOR SAYOC: I would be in agreement with  
9 it as long as we maintain that discretionary review. My  
10 biggest concern when I'm looking at commercial land use is  
11 we want to ensure the integrity of commercial in those  
12 zones, but allowing a mixed-use. There ought to be somebody  
13 looking at the site that's being proposed and whether that  
14 residential is in effect an appropriate location. So  
15 whether it's Architecture and Site or a CUP, I just want to  
16 make sure that somebody maintains that discretionary review  
17 somehow.  
18

19 JOEL PAULSON: And frankly, keeping the  
20 categories in the CUP table, we have the separate findings  
21 for the CUP, and so that's kind of that added. You'd have  
22 A&S anyway if we were doing a new building, but you have  
23 the CUP findings on top of it, which get to the harmony and  
24 compatibility with the General Plan surrounding  
25 designations.

1           That's why I think you could keep the categories  
2 in, add the "in a mixed-use setting," and then have a  
3 definition of what mixed-use is. Then we still have a  
4 minimum of Planning Commission as the approval bodies are  
5 set up in the current code. So there are different ways to  
6 deal with it, but it's whether or not we can get a  
7 consensus that we'll keep the categories in in a mixed-use  
8 setting, knowing that we're going to have a definition of  
9 mixed-use, or whether the majority of the Committee from a  
10 consensus perspective wants to remove those categories.  
11

12           CHAIR TALESFORE: I'm in agreement with keeping  
13 it and putting the definition in, so that's where I am.

14           JOEL PAULSON: I think maybe if we can just take  
15 a consensus.

16           CHAIR TALESFORE: We'll take that now. Would you  
17 all agree that we would proceed this way? Oh, wait a  
18 minute. Okay with under the table of conditional uses with  
19 A, B and C? Would you all agree with the definition, that  
20 we could leave in what's in front of us on A, B and C on  
21 that table? Okay, consensus.

22           JOEL PAULSON: I think raising hands would be  
23 helpful.

24           CHAIR TALESFORE: Yeah, could you raise your  
25 hands for me? Thank you. I think Bob, you're in consensus,

1 but I don't see your hand. Okay, right, so it is a  
2 consensus. Thank you.

3 Let's move on then. Okay, the boarding house is  
4 crossed out. I think we're all in agreement with that; that  
5 was our suggestion. Apartment hotel crossed out. Let's see,  
6 I want to make sure I'm capturing..

7 And then F: Mobile Home Park. I don't think we  
8 had any comments on that, however, Lee, you have one. Do we  
9 need this? Is it consistent with the Housing Element and  
10 state laws? Why is that important?

11 COMMITTEE MEMBER QUINTANA: Well, also it refers  
12 to conversion of mobile home park to condominium ownership,  
13 and again, we get into the question, like we scratched out  
14 that section in reference to residential in condo because  
15 it's an owner type, not a building type or a land use type.

16 JOEL PAULSON: We could simplify that to just  
17 conversion of a mobile home park to another use, whether  
18 that's some other residential use or some other commercial  
19 use, I think we could potentially add that. I'm not sure if  
20 that gets to what you're looking at, but I agree with the  
21 condominium now that you point that out, that we took the  
22 category out and we're going to take out that element, so  
23 should we have something here? So I think if we broaden it  
24 to change it to any other use.  
25

1 CHAIR TALESFORE: Comments or thinking from the  
2 Committee on that suggestion for G: changing it to  
3 conversion of mobile home park to any other use? Is that  
4 planning terminology? What do we think about that? Okay, I  
5 think that's okay. I think we have a consensus on that. I  
6 see a lot of heads shaking. All right.

7 COMMITTEE MEMBER QUINTANA: I also had...  
8 Excuse me.

9 CHAIR TALESFORE: Let's see. Oh, E? Did you want  
10 to comment on E?

11 JOEL PAULSON: That's the apartment hotel that we  
12 already spoke about.

13 CHAIR TALESFORE: No, there's a caretaker  
14 residence.

15 COMMITTEE MEMBER QUINTANA: I wanted to comment  
16 on D, current D, Mobile home park in the RM, and ask Staff  
17 if they could clarify for me whether that falls under the  
18 Housing Element, which was supposed to remove the  
19 restriction for multiple-family?  
20

21 JOEL PAULSON: A mobile home park generally isn't  
22 multi-family.

23 COMMITTEE MEMBER QUINTANA: Yeah.

24 JOEL PAULSON: They're separate units, so those  
25 would be individual single-family, so I don't believe it

1 applies. We can look into it further. I'm looking to Rob  
2 and he's shaking his head, saying that's not an issue.

3 COMMITTEE MEMBER QUINTANA: Does that mean that  
4 it could come out of here, or not?

5 JOEL PAULSON: No, it would stay here. If someone  
6 wanted to propose a mobile home park, then they have to go  
7 through a Conditional Use Permit process, and they're only  
8 allowed in the mobile home park zone with a CUP.

9 COMMITTEE MEMBER QUINTANA: Okay, so the  
10 restriction of... Never mind, I'll clarify it later.

11 CHAIR TALESFORE: Okay. And then H is live-work  
12 units. Any questions on that? Comments? Okay, I don't see  
13 any.

14 JOEL PAULSON: The next section would be whether  
15 or not to have the addition of the language Staff had  
16 prepared to the General Plan land use designations, and/or  
17 the comments Lee has provided, which are fine.

18 CHAIR TALESFORE: Right. So this is Attachment 4?  
19 Joel, is that correct?

20 JOEL PAULSON: Is Attachment 4, and Lee's is  
21 Section 3. It starts on page 4 of her comments. It gives a  
22 little more specificity and I'd ask Lee if she wants to  
23 provide any more input on her comments, but I think it  
24 looks to put a similar scenario. I think if we deal with  
25

1 the mixed-use definition, then the "in a mixed-use setting"  
2 probably still works, but I'd look to Lee since they were  
3 her comments.

4 COMMITTEE MEMBER QUINTANA: I guess what I was  
5 trying to clarify is that the current language in the  
6 General Plan with me can be interpreted to mean that you  
7 can do any use in a non-residential zone instead of the  
8 uses that are outlined in that zone, and I was trying to  
9 get at the fact that I was never comfortable with that,  
10 because it seemed like a way of getting around the General  
11 Plan.  
12

13 I think that as long as the use is compatible  
14 with the General Plan and it's in combination with a non-  
15 residential use, that makes sense to me, because that means  
16 that you still have to be consistent with the General Plan  
17 and with the Zoning Code and the PD and whatever, and you  
18 need the PD to do that.

19 JOEL PAULSON: Sure. There are a couple of  
20 sections. There is the general non-residential section that  
21 has similar language, and then there is also the Planned  
22 Development where it says all those uses or any combination  
23 could be done through a Planned Development Overlay Zone.  
24

25 I think one piece with the CUP table adding "in a  
mixed-use setting" potentially adding a definition to the

1 Zoning Code, adding that same language to the General Plan  
2 land use designations helps clarify that once we get the  
3 definition so that we are talking about vertical mixed-use  
4 or whatever ultimate mixed-use development definition  
5 comes.

6 COMMITTEE MEMBER QUINTANA: Actually, as you say  
7 that, it seems like if it can be included when authorized  
8 by Planned Development, does it need to have a CUP?  
9

10 JOEL PAULSON: There are two different sections.  
11 You have the just general land use designations, which the  
12 general non-residential land use designation I'll put it up  
13 here real quick.

14 COMMITTEE MEMBER QUINTANA: Does that amount to  
15 you can choose between having a PD or CUP if you leave it  
16 in the CUP tables?

17 JOEL PAULSON: It does, so you could do either. I  
18 think adding the "in a mixed-use setting" helps make it  
19 more conforming to the designation, because I know there  
20 have been comments by this Committee and others through  
21 various processes of it doesn't say in these other  
22 designations that you can have residential, so adding that  
23 "in a mixed-use setting" is intended to help clarify that  
24 more. There could be additional General Plan text  
25 amendments that we could do in either this section and/or

1 the Planned Development section if that's something you're  
2 interested in, and I think that becomes a bucket list.

3 COMMITTEE MEMBER QUINTANA: It seems like if your  
4 General Plan is saying that if you do another use, even as  
5 it's stated now in the General Plan, that if you were  
6 combining uses, or if you were substituting uses, you would  
7 be required to do a PD. To then say you can use a CUP seems  
8 to be in contradiction to the General Plan language.

9  
10 JOEL PAULSON: One potential is just striking  
11 that, "where authorized by PD" is just may be permitted, so  
12 whether that's a CUP or a PD, and so that's another  
13 potential change.

14 COMMITTEE MEMBER QUINTANA: Or they could be  
15 (inaudible) conditional uses for the categories that they  
16 fall into.

17 JOEL PAULSON: Or we could add, "may be permitted  
18 where authorized by a Conditional Use Permit or Planned  
19 Development," so that's another option.

20 CHAIR TALESFORE: Thank you. I see heads nodding.  
21 Do I have any other comments on it? I think that would do  
22 it. Lee, would that do it for you? I think it would do it  
23 for me if we were going to go along with this change.

24 COMMITTEE MEMBER QUINTANA: I agree, you're  
25 probably going to go along with the change, but it seems

1 strange to me to give a choice between one and the other.  
2 It seems like you would choose to do one or the other, and  
3 if you choose to put it in the CUP, it seems like... I'd have  
4 to sit down and really think out my thoughts, but it  
5 doesn't seem logical to me, and I would like to see, before  
6 I would agree to one or the other or both, sort of a  
7 balancing of if you did this, or you did this, what are the  
8 pros and cons of each? I don't share your concern that it  
9 would eliminate discretionary uses.  
10

11 In fact, when we're talking it seems like it  
12 might seem to fall into putting it into a conditional use  
13 category for the different zoning districts, so that if  
14 it's a conditional use, well, that's a Conditional Use  
15 Permit. That's what I'm arguing against, so forget that.  
16 I'm sorry. Just go on. This will go on to the Commission  
17 and the Council and they'll make the determinations.

18 CHAIR TALESFORE: Okay, well before we go on with  
19 that, Lee, I have two people that have their hands up who  
20 may have some comments or clarifications.

21 I think it was Melanie first, and then Marico.

22 COMMITTEE MEMBER HANSEN: I don't know if I'm  
23 thinking the same thing as Lee, but I guess I was having  
24 the same reaction, which is when you're looking at this  
25 General Plan commercial land use designations, it's not

1 clear when you would apply a PD versus a CUP, so then it  
2 goes back to the overarching purpose of what we were trying  
3 to do. It's like trying to figure out when that makes  
4 sense, and I think we're just leaving it open.

5           JOEL PAULSON: I don't want to oversimplify it,  
6 but the PD or the CUP you have two options. If you want to  
7 meet all of the requirements of the Zoning Code for the  
8 CUP, and then all of the setbacks, height, parking,  
9 coverage, all of those things, then you wouldn't  
10 necessarily have to go through a PD. A PD generally,  
11 historically they've been requesting some kind of  
12 exception, and now we've added some additional limitations  
13 and some findings that tighten that, and so if you were to  
14 meet all of the requirements of the zone, why would you go  
15 through a PD, which is really a zone change? That's one  
16 simple case.

17  
18           COMMITTEE MEMBER HANSEN: Maybe it doesn't  
19 belong in this document, but having that clarification for  
20 general understanding is very worthwhile; that kind of  
21 gives you direction. If you're trying to do something  
22 that's out of the zoning ordinance and you don't have any  
23 changes to the setbacks and so on, then you would do a CUP  
24 versus a PD?  
25

1 JOEL PAULSON: Yeah, and that's the general  
2 direction that Staff would be giving applicants, so they  
3 would have a choice. Meet all the requirements and you  
4 could potentially go through the CUP and A&S process, or if  
5 you need to request exceptions, then you have the  
6 opportunity if you meet the requirements of the PD  
7 Ordinance to go through that process. So those are the two  
8 avenues.

9  
10 The CUP stops at the Planning Commission unless  
11 appealed. The PD has to go through all the way to the Town  
12 Council, so there is some process and timing there, but  
13 either one could work. It sounds like from the previous  
14 conversation we want to leave those categories in there.

15 The reason to add this additional language in the  
16 General Plan, there is a lot of conversation about projects  
17 not being consistent that have residential components in  
18 commercial zones, because nowhere in these land use  
19 designations do they talk about residential; they're all  
20 just commercial uses, even though we have these caveats  
21 where it says through a Planned Development you can do any  
22 mix and match of these. It's meant to add a little more  
23 clarification so that it makes it generally that much  
24 consistent with that designation, because it explicitly  
25 allows for that mixed-use opportunity.

1 COMMITTEE MEMBER HANSSEN: Okay, then a follow on  
2 question to that relative to the goal of trying to get  
3 through this document.

4 If you go past the first paragraph into the other  
5 paragraphs, especially like down under the Central Business  
6 District, it says, "encourages a use of a mixture of  
7 community oriented commercial goods, services, lodging and  
8 residential." So are we actually saying that that's what we  
9 want, that we want mixed-use in commercial zones? I just  
10 wonder about the actual words that we used. Maybe it's  
11 covered by the fact that you have to have the PD or CUP,  
12 but it almost sounds like when you read it, and maybe it's  
13 just in my mind, but it seems like we're almost saying we'd  
14 rather that you didn't just do plain old commercial, just  
15 please add residential, just based on the words that are in  
16 there.

18 JOEL PAULSON: Sure. I think the C-2 is a little  
19 different than the other land use designations, as I'm sure  
20 you've picked up. It starts with that encourages language  
21 and has the bullets where the other ones are pretty common;  
22 so it's those "ands" could be "ors." Obviously the  
23 principle zoning designation and General Plan land use  
24 designation is the commercial piece, but this also allows  
25

1 for that opportunity for the mixed-use potential, so it's  
2 adding that.

3           We can also take the language out. It doesn't  
4 have to be modified, but I think Ms. Prevetti also has some  
5 additional comments.

6           LAUREL PREVETTI: I just wanted to put forward  
7 another suggestion for your consideration, to leave the  
8 first sentence of the land use designations as it is  
9 currently in the General Plan, and maybe a second sentence  
10 could acknowledge that if in a mixed-use setting there is  
11 the interest of doing a mixed-use project that has one of  
12 the non-residential uses and residential, that that could  
13 be considered consistent with the designation, so maybe  
14 just pulling it into a second sentence would allay that  
15 concern.

16           JOEL PAULSON: And then we could pull it out of  
17 the specific designations themselves.

18           CHAIR TALESFORE: Okay, I see some heads nodding  
19 over there.

20           Marico, you had your hand up. Do you want to go  
21 ahead? And then Lee.

22           VICE MAYOR SAYOC: Sure, and it was very much in  
23 keeping with what Melanie had. Looking at office  
24 professional as well as Central Business District, the  
25

1 verbiage, and Ms. Prevetti may actually have solved that  
2 problem. I wanted to strike the suggested language, "and  
3 residential in a mixed-use setting," at least to change it  
4 so that it would read, "and may be permitted in a mixed-use  
5 setting." Again, I want to make sure that no one reads this  
6 thinking that's what we want.

7           JOEL PAULSON: And that second sentence could be  
8 modified to add similar language to that so that it's, "and  
9 may be permitted," it's not principally proposed.

10           VICE MAYOR SAYOC: Exactly, and then the same  
11 would apply for the Central Business District.

12           JOEL PAULSON: Yeah, we'd pull that out of all of  
13 them, put that sentence in the general non-residential land  
14 use designation section, the very top, and then that would  
15 remedy it for all of the designations and so that would  
16 accommodate that.

17           CHAIR TALESFORE: I could agree with that. I see  
18 heads nodding.

19           Lee.

20           COMMITTEE MEMBER QUINTANA: I think I generally  
21 agree with it, but I do have a question as to the meaning  
22 of a mixed-use setting. It can mean different things to  
23 different people.  
24  
25

1 JOEL PAULSON: Understood, and so when we do the  
2 definition for mixed-use, maybe the word is not "setting,"  
3 maybe it's a "mixed-use project."

4 CHAIR TALESFORE: That would be better for me  
5 too. I don't know if we can get a sentence tonight to be  
6 approved, but it may have to come back to us. Well, we're  
7 getting somewhere. We are moving on down through here. All  
8 right, we will redo that; add a sentence and then take out  
9 "setting" and "residential in a mixed-use." It will be a  
10 project.  
11

12 How about C? Do we have anything with C? Any  
13 comments there? I don't see anything, so I'm going to take  
14 that as agreement that mixed-use, and that we strike the  
15 commercial. Then neighborhood commercial, again, we will  
16 take out in that paragraph under the heading and we will  
17 take out the word "setting."

18 Lee, did you have anything else on this?

19 JOEL PAULSON: The one other change that we did  
20 make that it might be good to have the Committee weigh in  
21 on is the current General Plan designation of mixed-use  
22 commercial. I know there was conversation about taking  
23 commercial out and just leaving it mixed-use, so I want to  
24 make sure that folks are comfortable with that.  
25

1 All the other modifications that are proposed  
2 would come out and they would be (inaudible) the second  
3 sentence of the general paragraph for non-residential land  
4 use designations.

5 CHAIR TALESFORE: Okay. Marico.

6 VICE MAYOR SAYOC: I want to use a hypothetical  
7 example. Los Gatos Boulevard, right now that is mixed-use  
8 commercial.

9 JOEL PAULSON: Correct.

10 VICE MAYOR SAYOC: So if I'm reading this, based  
11 on what we currently have if someone were to apply for a  
12 project that's not a PD, they can do up to 50% land  
13 coverage, 35 foot height limit, and right now the primary  
14 project would have to be commercial, or would we no longer  
15 have... If you take away mixed-use commercial, what would be  
16 the primary emphasis of that?

17 JOEL PAULSON: I think we were trying to  
18 accommodate some comments at the last meeting, but we don't  
19 have to take it out.

20 VICE MAYOR SAYOC: Oh, I'm not saying it's right,  
21 I'm just trying to get a sense of what is the base zoning  
22 one-story what Los Gatos Boulevard would be?  
23

24 JOEL PAULSON: The base zoning for the mixed-use  
25 commercial designation, the zoning designation is

1 restricted highway commercial. That's a term that maybe  
2 should be modified also to be more consistent with the  
3 mixed-use, but that's where that it.

4 VICE MAYOR SAYOC: Okay.

5 JOEL PAULSON: I think the mixed-use projects  
6 that you've seen—and it's really the most recent one  
7 obviously is the Swanson site—they came through the Planned  
8 Development process. Our Planned Development process allows  
9 for that through the General Plan, through the zoning.  
10

11 As we tighten this up, we're still going to have  
12 the allowance for mixed-use, but we have some additional  
13 parameters that people have to meet if they want to go  
14 through a Planned Development Ordinance. Most of the sites  
15 that are ripe for redevelopment on the Boulevard usually  
16 tip that 40,000 square foot threshold, so they're able to  
17 come in under the Planned Development as it currently is  
18 written, so that's how they accomplish that.

19 VICE MAYOR SAYOC: Okay.

20 JOEL PAULSON: But it could also meet the  
21 requirements and come through as a CUP under the current  
22 code.

23 VICE MAYOR SAYOC: If I may, Chair? But let's  
24 take Swanson Ford. Let's say it's empty again and we're  
25 starting all over. Right now it's mixed-use commercial

1 restricted highway, and if we wanted to maintain a large  
2 commercial portion of that, would getting rid of mixed-use  
3 commercial help, or would that hinder?

4 JOEL PAULSON: I don't know that it helps or  
5 hinders. Mixed-use is broader, frankly.

6 VICE MAYOR SAYOC: So it would be the deciding  
7 body to decide what the primary emphasis of that lot should  
8 be?

9 JOEL PAULSON: Yeah. As it is ultimately with  
10 every project, yes, that's the case.

11 CHAIR TALESFORE: Is that understood, or should  
12 that be added, that comment? That it will be up to the  
13 deciding body or bodies?

14 JOEL PAULSON: Everything is up to the deciding  
15 body. That's why we have discretionary review.

16 CHAIR TALESFORE: Two hands went up right away.  
17 Marico, are you finished? Did you need some more on that,  
18 and then we can go on?

19 VICE MAYOR SAYOC: Just one more. It just seems  
20 odd that if we're in a commercial land use designation to  
21 get rid of the mixed-use commercial.

22 JOEL PAULSON: And we don't have to.

23 VICE MAYOR SAYOC: Okay.

24  
25

1           JOEL PAULSON: This is just a suggestion that  
2 came from the last Committee meeting.

3           VICE MAYOR SAYOC: Sure, sure, sure. I guess I'm  
4 talking out loud, and I'd love to hear what others say, but  
5 I would like to make sure that there's still a primary  
6 emphasis that we look at when we look at all the different  
7 zones.

8           CHAIR TALESFORE: Melanie, and then Lee.

9           COMMITTEE MEMBER HANSEN: As I was listening to  
10 Marico talk, I thought this whole section is called non-  
11 residential land use designations. I would prefer to leave  
12 it be mixed-use commercial so that we're clear that that's  
13 the primary emphasis, and then if there's another category  
14 of mixed-use we could add it elsewhere in the General Plan.  
15 You're talking about the mixed-use definition. Maybe  
16 there's another category where residential might be the  
17 primary use. I don't know that. I'm just saying that I'd  
18 rather not take out the word "commercial," because this  
19 whole section is about these are the kinds of commercial  
20 designations that we have, and the stuff that we're taking  
21 is we're saying with a CUP or a Planned Development will  
22 allow, it might be possible to add residential, but to just  
23 call it mixed-use out of the gate, I'd rather leave the  
24 word "commercial" in this section.  
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CHAIR TALESFORE: Okay, we have that.

Lee, and then Bob. Lee, are you going to refer to your C here?

COMMITTEE MEMBER QUINTANA: Partly, and partly not. I think Melanie has hit on one of the things I was looking at, that you could do it two ways. You could take out the mixed-use commercial and then... Let me start over.

One of the ways I was looking at it is that you would add another General Plan designation, which will be mixed-use residential, and then you'd still need to make, I think, some modifications to the Zoning Code, because the mixed-use commercial zone does not allow residential use, whereas the mixed-use commercial General Plan does. So you might have to modify that, and then you would have to probably add another zoning district for mixed-use residential.

In my mind, the reason that that might be a good idea to do it that way is that in the zoning district you could place the emphasis on if it's in the residential district then X percent of it has to be residential so it maintains the emphasis on residential, and the commercial, there could be a similar requirement in the zoning district.

1 JOEL PAULSON: If I could get a quick  
2 clarification on that, Lee? What I thought I heard, and  
3 maybe I was wrong, is in the mixed-use residential scenario  
4 you're talking about a residentially zoned, residential  
5 General Planned property that has commercial also?

6 COMMITTEE MEMBER QUINTANA: Yeah. You're right.  
7 You've brought up another issue that just popped into my  
8 head. Yeah, I think of mixed-use as three different  
9 categories.  
10

11 JOEL PAULSON: Yeah, the mixed-use commercial,  
12 mixed commercial, and mixed residential.

13 COMMITTEE MEMBER QUINTANA: Yeah, mixed-use  
14 commercial or mixed-use residential could include  
15 residential with different emphases, or a mixed-use  
16 residential could be interpreted as being different types  
17 of residential on the same site. I think that's what's not  
18 clear in our Zoning Code.

19 CHAIR TALESFORE: So would the major heading then  
20 just be Mixed-Use, and then under that everything else  
21 would fall? You know, mixed-use commercial? I just wanted  
22 to clarify that. Is that what you were thinking?  
23

24 COMMITTEE MEMBER QUINTANA: I think you would  
25 want to divide it into the two categories of residential  
and mixed-use, the way the General Plan is divided.

1 CHAIR TALESFORE: Bob, I saw your hand.

2 COMMITTEE MEMBER BEYER: It seems to me that  
3 irrespective of how we designate, whether it's mixed-use  
4 commercial, residential, or a combination thereof, we still  
5 are dealing with the base zoning, which it seems to me to  
6 be the primary that we're looking at. Then when you come in  
7 with a mixed-use there's an exception to that basic zone,  
8 so that the onus then is on the applicant to say why it  
9 should be mixed and what that relationship should be. But I  
10 would assume if it's a commercial the majority of that  
11 project should be commercial, even if it's mixed, because  
12 there's a reason why it's a commercial zone to begin with.

14 COMMITTEE MEMBER QUINTANA: Exactly.

15 JOEL PAULSON: Correct.

16 COMMITTEE MEMBER BEYER: And it seems to me that  
17 one of the issues we've had is that we had the base zone,  
18 but then we go through these other processes and it ends up  
19 in essence changing the zone (inaudible) land use without  
20 going through a zoning change.

21 JOEL PAULSON: The PD is technically a zoning  
22 change, but you're right.

23 COMMITTEE MEMBER BEYER: Yeah, yeah.

24 CHAIR TALESFORE: So what would you suggest then,  
25 Bob? Would you add something?

1 COMMITTEE MEMBER BEYER: No, I'm not suggesting  
2 we add something. I'm still confused a little bit about the  
3 need for the three different mixed-use concepts, but if  
4 that's what we need to help identify it, make it clear, I'm  
5 okay with that.

6 JOEL PAULSON: I think we need to reel a little  
7 bit back, and I think these are good conversations. If you  
8 look at the latest draft of the Planned Development  
9 Ordinance we have the three split out specifically in the  
10 PD to call those out. If we're talking about adding new  
11 land use designations, really, the focus for this body was  
12 kind of the Conditional Use Permit conversation and the  
13 Planned Development Ordinance conversation. When we get to  
14 making a list of other things we want the Planning  
15 Commission and Council to consider, I think this is one  
16 where we could consider adding one or more new zoning  
17 designations to accommodate these other types of uses, and  
18 that's one opportunity that we do have.

19 CHAIR TALESFORE: I think that's probably a very  
20 good suggestion. I mean certainly if you would like to make  
21 more concrete suggestions about that, or recommendations,  
22 say it now. But if not, they would be reading that that was  
23 an issue we talked about and something we think needs to be  
24 looked at and fully discussed, whether we add or subtract  
25

1 or whatever we end up doing here. I would be comfortable  
2 with that. I also would be comfortable for us to make a  
3 recommendation. It seems like we're almost there to make  
4 one; that's why I'd be happy to entertain a change.

5 Marico.

6 VICE MAYOR SAYOC: Okay, then I would suggest—I'm  
7 looking specifically just at Attachment 4—that on the  
8 commercial land use designations we keep the titles as is,  
9 office professional, Central Business District, mixed-use  
10 commercial, D and E and F, with the change so that the  
11 verbiage up front discusses that residential may be  
12 permitted in a mixed-use setting, but it's clear that it  
13 may be permitted, but it's not encouraging that.

14 CHAIR TALESFORE: Okay. And so what about the  
15 word "encourages" under Central Business District? Do you  
16 want to leave that in?  
17

18 VICE MAYOR SAYOC: As long as it's the original  
19 language that "encourages a mixture of community-oriented  
20 commercial goods, services and lodging unique in its  
21 accommodation."  
22

23 CHAIR TALESFORE: Okay, so then we would remove  
24 "and residential in a mixed-use setting."  
25

JOEL PAULSON: Correct, that would come out of  
all of the designations and it would go up into the header.

1 I'm not sure if that was a motion for a consensus on that.  
2 We had consensus on the table modifications before.

3 CHAIR TALESFORE: I'm going to entertain that as  
4 a motion so we can conclude this part of the discussion.

5 COMMITTEE MEMBER JARVIS: I'll second it.

6 CHAIR TALESFORE: Thank you. Todd seconded that.  
7 All in favor? Opposed? Unanimous decision on that.

8 LAUREL PREVETTI: Madam Chair, if I could just ask  
9 a clarification. Under no circumstances though would we  
10 want the opportunity for mixed-use and service commercial  
11 or light industrial? That's just a clarification.

12  
13 JOEL PAULSON: Good point, because in the CUP  
14 table those categories don't currently permit that, so  
15 we'll make sure that we get a clarifier in there for that.

16 CHAIR TALESFORE: Yes.

17 JOEL PAULSON: We can start that with other than  
18 those designations.

19 CHAIR TALESFORE: Do you need another motion on  
20 that, or that will just be an amendment to the motion?

21 JOEL PAULSON: That's one of the clarifications;  
22 so that we can make sure we have the consistency.

23 CHAIR TALESFORE: Okay. Works for everybody? All  
24 right, I think that we have completed this part of the  
25

1 table, so I think that, if I'm reading this right, that's  
2 ready to be formed into a revised document.

3 JOEL PAULSON: Ultimately that will be a revised  
4 document. Depending on how the rest of the evening goes,  
5 that might be just forwarded to the next body and then we'd  
6 go from there. We'll see where we land in the next  
7 discussion.

8 CHAIR TALESFORE: All right. Let's move on then  
9 to discussion of the use of a PD.  
10

11 We have Jak Van Nada with his Desk Item, and also  
12 Jeff Barnett, and there may be other comments that you have  
13 about what's in front of you on this revised PD, and we can  
14 entertain that conversation as well.

15 Why don't we start off with Jeff and Attachment  
16 7, suggested language revision for Sections 29.80.075 and  
17 29.80.0954?

18 Jeff.

19 COMMITTEE MEMBER BARNETT: Thank you, Chair  
20 Talesfore.

21 In my rereading of the progress of the proposed  
22 language so far I came up with what I think are very modest  
23 proposals to clarify the language and to make it more  
24 congruent. Maybe it's my own personal writing style, but I  
25 wanted to present it for possible approval.

1           First, on 29.80.075 I'm suggesting that we have a  
2 cross-reference to 29.80.080(b), which are limitations on  
3 PDs, and then just changing the language slightly so that  
4 it has sort of the harmony to it, as do the subparagraphs.

5           The second proposal was just to include a  
6 footnote, if you will, that we're in Section 29.80.0954,  
7 that we're not running into a circular situation where  
8 we're establishing restrictions and then prohibiting them.  
9 I think it just tidies up the language a little bit without  
10 changing the fundamental language or meaning of the  
11 sections.  
12

13           CHAIR TALESFORE: Sure. And everyone has had a  
14 chance to review that? Do we have comments, or how do we  
15 feel about that? I think that that does tidy it up, thank  
16 you.

17           Lee.

18           COMMITTEE MEMBER QUINTANA: I think it goes to  
19 one of my questions. Maybe it's just me, but there is the  
20 statement in 29.80.085 that refers to, "except otherwise  
21 provided within," and I don't know why, but I can't figure  
22 out what we've provided within specifically that is an  
23 exception, unless it's related to 29.80.0954, which says  
24 that it has to be in conformance with everything else  
25

1 unless it's specifically excepted. No, that's not what it  
2 says.

3 CHAIR TALESFORE: Lee, are you reading your  
4 suggestions?

5 COMMITTEE MEMBER QUINTANA: No, I should be  
6 reading from the PD document itself.

7 CHAIR TALESFORE: If you could bring us along  
8 with the documents you're...

9  
10 COMMITTEE MEMBER QUINTANA: My concern is that in  
11 Section 29.80.085 it states that, "The Planned Development  
12 Overlay shall not be used to deviate from the standards,"  
13 et cetera, "or any other provision of the Town applicable  
14 to the property, except as otherwise provided within." I  
15 haven't figured out what the exceptions that are provided  
16 within are, unless it's referring all the way down to the  
17 findings on 29.80.0954, which state that you have to be  
18 consistent with the division, you have to be in consensus  
19 with the General Plan, et cetera, and then Number 4 says,  
20 "Any proposed use or development standard that deviates  
21 from the underlying zoning district results in innovative  
22 and creative site planning."

23  
24 There seems to be a conflict there to me. You're  
25 saying it has to be in consensus with this, this, this and

1 this, and then you're throwing in something that says you  
2 can deviate from this, this, this and this.

3 CHAIR TALESFORE: Can Staff clarify?

4 COMMITTEE MEMBER QUINTANA: I don't understand  
5 what are the exceptions that are specifically contained in  
6 the document.

7 JOEL PAULSON: I will while Rob is stepping up to  
8 the podium there.

9  
10 Number 4 is one of them, so that's the "except as  
11 otherwise provided herein," and then above that in  
12 29.80.090, Number 6 talks about having to supply whatever  
13 proposed deviations from the land use regulations and  
14 development standards. That doesn't give you the ability to  
15 deviate from General Plan designation.

16 COMMITTEE MEMBER QUINTANA: State it again. Start  
17 over; I lost you.

18 JOEL PAULSON: In Section 29.80.090, Number 6...

19 COMMITTEE MEMBER QUINTANA: Number 6(b)?

20 JOEL PAULSON: No, 29.80.090 is just 1-7. So  
21 Number 6, one of the things that must be supplied with the  
22 application is proposed deviations from land use  
23 regulations and development standards applicable to the  
24 underlying zoning districts, so those are the zoning  
25

1 district requirements that you have to show what you're  
2 asking the exceptions for.

3           And then Number 4 that you mentioned down in  
4 29.80.095 has the same language. It's proposed use or  
5 development standards that deviate from the underlying  
6 zoning districts, resulting in innovate and creative.. And  
7 then if you are asking for those, then you have to make the  
8 findings, which are on the next page, the A-E; it has to  
9 fall into one of those categories.

10  
11           COMMITTEE MEMBER QUINTANA: I'm still confused  
12 then, because that sounds like the language that you have  
13 to be consistent with the zoning, et cetera, and planning  
14 documents doesn't apply.

15           JOEL PAULSON: You're allowing for an exception.  
16 If we didn't allow for exceptions, then we wouldn't need a  
17 PD Ordinance.

18           COMMITTEE MEMBER QUINTANA: If we didn't allow  
19 for exceptions we wouldn't need a PD Ordinance. True, but  
20 the way I interpret this as written is we set up a bunch of  
21 criteria that you have to meet, and then we say you don't  
22 have to meet it.

23           JOEL PAULSON: We provide the opportunity that if  
24 you fall into one of these categories, the A-E in  
25 29.80.095, that you can request those. It doesn't require

1 that they be granted, but you can request those as part of  
2 your application.

3 COMMITTEE MEMBER QUINTANA: It seems like a very  
4 (inaudible). It sort of goes to Jak's other concern about  
5 what public (inaudible).

6 ROBERT SCHULTZ: I guess what you're trying to  
7 say is you want that language that we were just discussing  
8 to be all encompassing, and I've lost it.

9 COMMITTEE MEMBER QUINTANA: No, what I'm saying  
10 is that I would like the document to explicitly indicate  
11 what parameters can be modified and what...

12 ROBERT SCHULTZ: And that's right now here in  
13 your requirements; it specifically says which ones can be.  
14 And we could change, if you really want to look,  
15 "applicable to the property, except as outlined in  
16 29.80.090 and 29.80.095." We could do the specific sections  
17 that are otherwise provided in here that allow you to  
18 deviate. I think what Joel was trying to say is if you  
19 don't allow those deviations, then why are you discussing a  
20 Planned Development?  
21

22 COMMITTEE MEMBER QUINTANA: Right.

23 ROBERT SCHULTZ: The idea is there's something  
24 with a Planned Development, there's something innovative,  
25

1 there's something really special with this project that  
2 you're going to be allowed to deviate from some standards.

3 I think the difference is we did make some  
4 changes to 29.80.085 that in the implementation of this  
5 we're going to require some other documents to come along  
6 with it that we didn't before, and those documents are  
7 those amendments to make them consistent when it comes out  
8 the other end. The amendment to the General Plan, the  
9 amendment to the zoning, the things that we haven't done  
10 before that will make them consistent, except for where  
11 you've allowed for standards and deviations. I think that's  
12 how I get it, and I see some heads nodding.

14 COMMITTEE MEMBER QUINTANA: I still don't know  
15 what...

16 COMMITTEE MEMBER BARNETT: And that's why  
17 (inaudible) that's not the way (inaudible).

18 ROBERT SCHULTZ: I try to simplify. That's not  
19 the way you understand the PD. What are you trying to get  
20 to? It sounds like what I've heard you say is you want the  
21 PD to say when you want a PD everything has to be  
22 consistent with the standards, the regulations, the General  
23 Plan provisions and all those things. You want your PD to  
24 have all those things.  
25

1 COMMITTEE MEMBER QUINTANA: No, I'm saying that I  
2 think there may be some things that you don't want to allow  
3 deviations on, and they should be stated. Or it should be  
4 clear that when you say except as...

5 ROBERT SCHULTZ: Set forth in 29.80.090 and  
6 29.80.095; we can do that.

7 COMMITTEE MEMBER QUINTANA: What that is really  
8 referring to, and what it is allowing the flexibility on.

9 CHAIR TALESFORE: Rob gave us a suggestion for an  
10 alteration.

11 ROBERT SCHULTZ: You could state the actual  
12 number you're referring to, which is 29.80.096, which is  
13 that proposed deviations from the land use regulations and  
14 development standards applicable to the underlying zoning  
15 districts, and then the 29.80.095, which is the findings,  
16 Number 4. Part of that language is left over and they  
17 probably didn't point out the exact deviations, because I  
18 think both of them are kind of left open from before.

19 CHAIR TALESFORE: They are.

20 ROBERT SCHULTZ: And the reason why you don't and  
21 you use it just, "except as otherwise provided herein," is  
22 because sometimes you go through a revision and you don't  
23 always catch everything, and then you've got a revision  
24 that refers you to something that might not match up.

1 CHAIR TALESFORE: So Lee, would that.. Go ahead,  
2 Bob.

3 COMMITTEE MEMBER BEYER: (Inaudible).

4 CHAIR TALESFORE: So we could do it either way.  
5 It seems like that's a real concern of yours, Lee, and we  
6 have an alternate here that would clarify what this is  
7 actually saying in Section 29.80.085. What does anyone else  
8 think? I saw some hands up, and I'd like to hear.  
9

10 Bob, then Jeffrey.

11 COMMITTEE MEMBER BEYER: I'm okay with the  
12 herein, but I don't see a problem if there's a desire to be  
13 very clear what the exceptions or the issues are that would  
14 be reviewed under 29.80.090.6 or 29.80.0954 that we just  
15 say so.

16 CHAIR TALESFORE: Okay. Jeffrey.

17 COMMITTEE MEMBER BARNETT: I like the idea of the  
18 cross-references, but I guess to my surprise, after all  
19 this effort, when I read it the language seems to me that  
20 it is kind of nebulous about what is the.. We set up all  
21 these good constraints..

22 COMMITTEE MEMBER QUINTANA: Yeah, and then we  
23 take them away.

24 COMMITTEE MEMBER BARNETT: ...and policy concerns,  
25 but what are the deviations that we're contemplating to be

1 made from those? I'd be interested in Staff's comments  
2 about is that something that's definable, or we just leave  
3 it to the good faith discretion of the Planning Commission  
4 and the Council?

5           JOEL PAULSON: I'll offer one just initial  
6 comment that that would entail going through each zoning  
7 designation, through each standard that applies to that  
8 zoning designation, and deciding which of those we want to  
9 allow deviations to and which ones we don't. I think that  
10 would be time consuming, but maybe if the consensus of the  
11 Committee is that that needs to be addressed, that's going  
12 to take some time just to pull together from Staff, and  
13 then that would be a lengthy process. It might be easier to  
14 say what the Committee is not interested in allowing folks  
15 to deviate from.  
16

17           CHAIR TALESFORE: Yeah.

18           LAUREL PREVETTI: I just wanted to say that  
19 another way of looking at it is that in fact the PD can  
20 only be used when it is consistent with the General Plan,  
21 all of our guidelines, all of other policies, except those  
22 development standards and land use regulations that are  
23 applicable in the underlying zoning. So it's actually  
24 pretty tight with this one area where deviations can occur,  
25 and as Joel said, it's the will of the Committee. You can

1 define that's all well and fine but under no circumstances  
2 can you ever deviate from height, or can you ever deviate  
3 from whatever other concern you might have. Actually, I  
4 think this is good, because it says we're not entertaining  
5 deviations from our Hillside Guidelines or other things, so  
6 that's another way of viewing this.

7  
8 COMMITTEE MEMBER QUINTANA: I think that's much  
9 clearer. I think the intent is much clearer that way.

10 CHAIR TALESFORE: Laurel, would you just repeat  
11 that one more time so the Committee can hear that again? I  
12 know it's off the top of your head.

13 LAUREL PREVETTI: Well, actually as I read that  
14 sentence it's telling me that the Planned Development  
15 Overlay shall not be used to deviate from General Plan  
16 guidelines, et cetera, so in my mind that's actually a  
17 pretty strong, very forward thinking statement, and then we  
18 are clear that there are two areas of exception.

19 I think if the Committee wants, we can reference  
20 those two code sections, the 29.80.090, et cetera, if that  
21 would give you comfort, but I think beyond that, as Joel  
22 was suggesting, that even the deviations under 29.80.0906,  
23 if there are certain development standards, under no  
24 circumstances you're interested in seeing deviations, we  
25 could spell those out too.

1           ROBERT SCHULTZ: And normally what you find in  
2 the Planned Development, those are probably your setbacks,  
3 your height, your open space maybe, coverage, parking, FAR.  
4 We could probably just keep on reeling them off. Like you  
5 said, there are just so many of them.

6           CHAIR TALESFORE: Right.

7           ROBERT SCHULTZ: So I didn't know what your  
8 concern on those was.

9           COMMITTEE MEMBER QUINTANA: Well, actually, if I  
10 understood what Laurel was saying, the deviations could  
11 come only from the standards of the Zoning Code itself, but  
12 they would still have to be consistent with the General  
13 Plan standards, which there are standards for the height  
14 and for coverage.

15           JOEL PAULSON: That's correct. That's how it's  
16 currently written. When I was reading it, maybe I wasn't  
17 clear.

18           COMMITTEE MEMBER QUINTANA: Yeah.

19           CHAIR TALESFORE: It speaks to the zoning  
20 district.

21           COMMITTEE MEMBER QUINTANA: If there was language  
22 that explained that, that's where my concern was, that it  
23 didn't seem to be understandable.  
24  
25

1           ROBERT SCHULTZ: Typically we don't have too many  
2 standards in our General Plan. We do have the height one,  
3 and coverage.

4           COMMITTEE MEMBER QUINTANA: And the density.

5           CHAIR TALESFORE: All right? Before we come to  
6 any conclusions, Marico had her hand up. And Jim, you had  
7 your hand up too, and I'd like to hear from you. Thank you.

8           Marico.

9           VICE MAYOR SAYOC: If I may just suggest language  
10 to change it around, perhaps it could help address it.

11           I'm looking at 29.80.085, "The Planned  
12 Development Overlay shall not be used to deviate from  
13 General Plan provisions," so we're switching the order,  
14 "guidelines adopted by the Town Council, standards  
15 contained in any existing land use regulations, or any  
16 other provisions of the Town Code otherwise applicable,  
17 except as," then the change in Zoning Code that we've  
18 mentioned.

19           Would that alleviate this? You're saying up front  
20 the General Plan provisions, that's your first and foremost  
21 thing that we will not deviate from?

22           COMMITTEE MEMBER QUINTANA: Yes, I put General  
23 Plan first. I think I agree with everything that you said  
24 except in reference to other standards. Could you repeat  
25

1 what you said? I thought there was one thing that I wasn't  
2 sure about.

3 VICE MAYOR SAYOC: It's, "General Plan  
4 provisions, guidelines adopted by the Town Council,  
5 standards contained in any existing land use regulations,  
6 and any other provisions of the Town Code." I basically  
7 changed the order of what's already here so that the  
8 General Plan and guidelines adopted by Town Council is  
9 first and then second.

10 CHAIR TALESFORE: And then if we included the...

11 JOEL PAULSON: The clarification...

12 CHAIR TALESFORE: The clarification, right.

13 JOEL PAULSON: ...of 29.80.095. I'm not sure we  
14 need to put the 29.80.090, that's really what just has to  
15 be included in the application, so it's really the findings  
16 of 29.80.095, Section 4.

17 COMMITTEE MEMBER QUINTANA: Okay, but it still  
18 doesn't explicitly say that the deviations may only...

19 VICE MAYOR SAYOC: Well, it would if you say,  
20 "otherwise provided in 29.80.095, Number 4," because then  
21 if you look at Number 4, it says, "development standards  
22 that deviate from the underlying zoning district," and so  
23 it's very limited now to just that area.

24 JOEL PAULSON: Right.

1 CHAIR TALESFORE: Thank you, Marico.

2 Jim.

3 COMMITTEE MEMBER FOLEY: I think you guys have  
4 pretty much covered everything, and I think Laurel did a  
5 good job clarifying it. I personally don't think it needed  
6 to be changed or clarified. I thought it was pretty self-  
7 explanatory, and I thought we did a lot of work putting all  
8 this together and really narrowing the path down and then  
9 having just a couple of very specific places where a unique  
10 circumstance comes up that is unforeseen, which we talked  
11 about a lot, and I wanted to make sure that we didn't do  
12 something strange here to throw that out.

14 CHAIR TALESFORE: Thank you, Jim, for that. I  
15 think that this may be the clarification that has been  
16 needed perhaps. Would this require a motion to change this,  
17 then?

18 JOEL PAULSON: No, I think your comments, and if  
19 we just get consensus from the Committee that that change  
20 is appropriate. I don't see anybody shaking their head no.

21 CHAIR TALESFORE: And I see everybody saying yes,  
22 and I think that was good. All right, thank you.

23 JOEL PAULSON: Then I guess did we conclude on  
24 Jeffrey's comments?

25 CHAIR TALESFORE: We did. Yes, we already did.

1           Now we have Jak's, and his is regarding public  
2 benefit, that nasty little phrase, the one that perplexes  
3 all of us and has for years.

4           So Jak, let's have some opening remarks.

5           VICE CHAIR VAN NADA: I think it was Marcia that  
6 first talked about rearranging the deck chairs, and I can  
7 also refer to tidying up the deck.

8           This is under Section 29.80.075, the purpose and  
9 intent, Item 4, "A project that provides a public benefit  
10 to the citizens of the Town." To me, we've done a lot of  
11 work, but we've still got this big loophole in there like  
12 we had in the previous PD. It's up to interpretation and  
13 going back to I believe it was the first night that I said,  
14 "So much depends on who is on the Council." Even with these  
15 ordinances we've seen things get bent, or misinterpreted,  
16 or whatever.

17           But I was thinking that we could tidy this up by  
18 defining a public benefit. Let's change that into something  
19 that is more dynamic, something that is stronger than  
20 public benefit. I took a quick stab at it, which was a  
21 development that substantially exceeds the current  
22 underlying zoning through its innovative design. That's not  
23 much stronger, but what I'm looking for is one of two  
24 things.  
25

1           Either we fix it tonight or we pass it forward,  
2 first to Town Council, and get them to fix it. If I were on  
3 Council, I may want it wide open like this so that I can  
4 interpret it as I see fit. With this Council I'm pretty  
5 much okay with that, but with past Councils, I'm not so  
6 okay with that.

7           I think that what we ought to do is tidy up the  
8 phrase, "the public benefit." Let's fix that.

9           CHAIR TALESFORE: Jak, I think that I would be  
10 more comfortable at least, if we can't derive any  
11 definition tonight that we actually come up with some  
12 examples of what that might be. Or we could come up with a  
13 definition; it's really up to the Committee here, but  
14 that's where I would like to go. I think having more  
15 dynamic words would be a start in the right direction.

16           Bob, you wanted to talk?

17           COMMITTEE MEMBER BEYER: I think your idea is a  
18 good one, and I had a similar one in terms of us just  
19 articulating what one might be that would be acceptable to  
20 us, but the other point is that it can take many different  
21 forms. It seems to me that depending, again, on how you  
22 interpret it, it could end up being a public building or a  
23 public facility. It could end up being actually a piece of  
24 a development if it was interpreted appropriately.  
25

1           It's a matter of how the community or the Town  
2 interprets what this extra thing is, and I think in order  
3 to be fairly successful in terms of what I hear us wanting  
4 to do we have to have some unanimity on examples, because I  
5 see there could be a far range depending on the project,  
6 depending on the location, depending on the community's  
7 needs at any point in time, and that might change over  
8 time.

9           CHAIR TALESFORE: Jim.

10           COMMITTEE MEMBER FOLEY: I think the last part is  
11 why I prefer keeping it broad. I think that's why our  
12 elected officials are elected, to make those types of  
13 decisions in the time that they're elected. The  
14 constituency is elected to look out for the best interests  
15 of the Town.

16           Because things change, a public benefit that  
17 somebody might have brought forth five years ago, which is  
18 kind of long but a relatively short period of time, may  
19 just no longer be applicable at this point in time.

20           So if you start trying to put examples out there,  
21 I don't have a problem with examples. If we want to put  
22 some examples in there, I think that's okay. But I then  
23 think it starts to convolute things where five, ten, even  
24 fifteen years from now, whatever, and this work that we're  
25

1 doing now remains in play, all of a sudden these things  
2 become irrelevant and then people start arguing about what  
3 was the intent there and what did they mean, and then it  
4 becomes more and more confusing, where it should be a  
5 little bit more fluid, in my opinion, and left up to the  
6 interpretation of the deciding body.

7           CHAIR TALESFORE: To clarify examples, I wasn't  
8 thinking that it would be something like a park bench; I  
9 was thinking that it would be examples of where a public  
10 benefit could fit into serving our Town for the whole Town.  
11 It could fit into maybe goals that we have, whether they're  
12 in the General Plan goals, whether it's in the housing  
13 goals, whether it's in a paving the road goals, I don't  
14 know. I was thinking it should be something along that line  
15 as an example. It could be protecting the environment,  
16 protecting our viewsheds, sustainable development. These  
17 are just mine that I came up with. Providing natural green  
18 space.  
19

20           I remember that we did have the example of  
21 SummerHill over on Blossom Hill Road. They did give us that  
22 natural green space; then they moved them. So that was one  
23 thing, and that was real public benefit; it still is today.  
24

25

1 I think making a contribution like that either to  
2 a major infrastructure or just promoting our own helping us  
3 achieve our Town goals. So things like that in there.

4 Melanie.

5 COMMITTEE MEMBER HANSSEN: I know we were here  
6 before on this issue, but rather than giving specific  
7 examples which could box it in or lead people in the wrong  
8 direction, couldn't we use something more compelling or  
9 something to clarify that it's not a park bench? I know we  
10 had this on the table before and decided not to do it, but  
11 after hearing the discussion I wondered if it couldn't be  
12 something like that, or substituting the language that Jak  
13 suggested just to make sure that it's clear that it's not  
14 any kind of public benefit, because a park bench could be a  
15 public benefit.  
16

17 CHAIR TALESFORE: That's true.

18 COMMITTEE MEMBER HANSSEN: But it's a very small  
19 one, as was pointed out, a couple of hundred dollars. But  
20 if you start going down that path of defining the specific  
21 benefit...

22 CHAIR TALESFORE: From what I said like  
23 furthering the Town goals, I think that's broad enough to  
24 mean a lot of things, but what it does is it sets up an  
25 example; it gets us thinking in the same way.

1 COMMITTEE MEMBER HANSSEN: So you're saying if  
2 you change it to say like a public benefit that aids in the  
3 Town meeting its overarching goals, or something like that?

4 CHAIR TALESFORE: Right, something like that, or  
5 maintaining their goals.

6 COMMITTEE MEMBER JARVIS: I think the suggestion  
7 is, and you can define it, kind of on a philosophical bent.  
8 I realize that different people can be elected to Council  
9 or whatever, but just the basic way the Town Council and  
10 the City government works is depending on the people who  
11 are working here, whether it's a committee like that, it's  
12 the Planning Commission, or the Town Council.  
13

14 You go and you define something and meet the  
15 Town's goals. Well, suppose you have a new innovation  
16 center for new types of venture capital businesses? This  
17 may be a great asset to the Town, may create another  
18 Netflix. Well, that may not be part of the Town's goals.

19 You're limiting yourself by trying to computerize  
20 the benefit. I think it's a much more valuable bent to go  
21 on relying on the people that are working for the Town to  
22 have some kind of consensus, some checks and balances. If  
23 the Planning Commission and the Town Council agree on  
24 something, there's a good likelihood that it would be a  
25

1 benefit, whether it meets the goals or not. It's relying on  
2 the mechanics of government.

3           That's my two cents. I think defining it actually  
4 works against that, because I can't think of all the things  
5 like park benches and paw prints on the sidewalk that we  
6 would want to exclude; we would be here for days and months  
7 trying to do that, whereas I would rather rely on committee  
8 and opinions of multiple people and some kind of consensus.  
9 I mean that's why we're here, to create the Town benefit.  
10 That's even what we were doing today.

11           CHAIR TALESFORE: So you would like to have it  
12 more specifically defined?

13           COMITTEE MEMBER JARVIS: No. No, I like it left  
14 open, and depending upon the bodies in this process,  
15 whether it's a planned unit development and goes to Town  
16 Council, or is something that just goes through the  
17 Planning Commission, to rely on those people that are in  
18 line to manage the process. That's my two cents.

19           CHAIR TALESFORE: Okay. Jim and Jak.

20           COMMITTEE MEMBER FOLEY: I would agree with Todd.  
21 I just think it kind of said it, like we get to the point  
22 where somebody is going to build a 50,000 square foot  
23 office building and propose two park benches? I hope that  
24 we wouldn't have elected to Council or Planning Commission  
25

1 anyone that would think that that's okay, and I know that  
2 there are probably at least 12 of us here that will fill  
3 the Council chambers and tell them that it's not. I think  
4 that's what it comes down to. In my opinion, I think Todd  
5 did a good job trying to explain that as well. People care,  
6 and there are a lot of people to rely on that are around  
7 here to help.

8  
9           Your language that you're saying I think is good,  
10 and what Jak put in too. Give it a little more hey, we want  
11 to make sure that this is relevant and it's not just going  
12 to be checking off a box, and I think that that was the  
13 idea that we came to in the beginning, so adding some of  
14 those things are okay, but I think we have to put a little  
15 bit of faith and trust in what everybody is doing around  
16 here.

17           CHAIR TALESFORE: It's nothing about faith and  
18 trust; it really is what are those issues I always grappled  
19 with as a planning commissioner? What I thought was a  
20 community benefit, I was told well no, that isn't going to  
21 work. So there you go, right? It was like I wish I could  
22 have had a little more definition; that I could have hung  
23 my hat on something.

24           Jak, and then Bob.  
25

1                   VICE CHAIR VAN NADA: One of the people, it was  
2 the CFO from Netflix, when asked what was the benefit to  
3 the Town of Los Gatos of Netflix, he said, "Netflix." If  
4 that's the typical perception—it's a very broad perception,  
5 it's egotistical—there wasn't enough meat in that  
6 statement.

7                   What I'm looking for is not something like a park  
8 bench or like a public meeting center, any of those sorts  
9 of things. Joanne brought something. Let me just read it to  
10 you, and it's more the direction I'm headed with this, not  
11 necessarily in these same words.  
12

13                   And let's assume that we'd have a public benefit  
14 on here and then we have it actually defined. We leave the  
15 public benefit phrase in the PD, but we further define it  
16 with an asterisk or whatever, and the definition would be,  
17 "Making a major contribution to the public infrastructure  
18 required for the development of a pedestrian-friendly,  
19 design-conscious, mixed-use Town center," is what they use,  
20 " consistent with the vision and objectives of the Town  
21 Plan. Mere compliance is *not* a substantial public benefit.  
22 Compliance with the requirements of this bylaw is a minimum  
23 expectation, not a substantial benefit to the community.  
24 Substantial benefits must be actions above and beyond what  
25

1 an applicant would be required to take to comply with this  
2 bylaw." That's it.

3 CHAIR TALESFORE: Bob, you had your hand up.

4 COMMITTEE MEMBER BEYER: Well, part of what I was  
5 going to say is contradictory to that. I liked some of the  
6 elements of that, but I could see it in some cases where  
7 the actual use itself could be a benefit to the Town, a  
8 public benefit to the community. I'm not talking about  
9 Netflix, but I could see where it has nothing to do with  
10 design of the facility or anything, but bringing a certain  
11 use to the community could be a value and be a public  
12 benefit. I could see that from my perspective being defined  
13 within the context of a public benefit. It doesn't have to  
14 be something physical.

16 I also understand what you're saying or what  
17 she's suggesting in terms of being above and beyond that  
18 which is required by the conditioning of the project. And  
19 again, what that does is it helps facilitate the  
20 development of your future infrastructure if you tie it  
21 specifically to that.

22 But also you're suggesting in terms of their Town  
23 policies is that you've got a built-in infrastructure,  
24 requirements for that, whether it's Public Works, whether  
25 it's whatever it is. You can build on that, because you can

1 develop a process in place where as new developments come  
2 in you pretty well know where those are going to go. I mean  
3 you can pretty well plan those so that they can help you  
4 implement your capital improvement program essentially  
5 under that if you use that as a definition.

6 CHAIR TALESFORE: We have about 14 more minutes,  
7 and we forgot to approve the verbatim minutes, so I want to  
8 make sure we have time for that, and I would like to come  
9 to some conclusion with this. I'm not sure what it's going  
10 to be, but be thinking about what would resonate with you  
11 as a committee and where we could go.

12 In the meantime, Lee, you had your hand up.

13 COMMITTEE MEMBER QUINTANA: I like a lot of the  
14 thoughts that were in what you read. I only have one  
15 concern, and that has to do with the word "substantial,"  
16 because some of the projects that will be eligible for PDs  
17 under this ordinance may not be substantial projects. They  
18 may be a PD because of an earthquake fault running through  
19 the property, and so I think there has to be some kind of  
20 way to provide flexibility for that. I still would love to  
21 get away from the use of the word, period, and just  
22 encompass that concept in some language that isn't so  
23 loaded, so seemingly open to interpretation. I don't know  
24 what that language is though, and I would ask if Staff  
25

1 could think about that and maybe come up with some various  
2 suggestions.

3 CHAIR TALESFORE: I think they probably can, but  
4 I think that if we could give them some direction. We've  
5 had a lot of ideas here.

6 COMMITTEE MEMBER QUINTANA: Taking into  
7 consideration the ideas that have been expressed.

8 CHAIR TALESFORE: That could be.

9 ROBERT SCHULTZ: You're wrestling with an age-old  
10 question. We were just saying every community wrestles with  
11 the public benefit issue in Planned Developments, and some  
12 define it better, but not much better.

13  
14 I was just looking at a study memo in 2013 in  
15 Palo Alto that goes into quite a bit of detail and puts  
16 them in three categories: financial benefits, aesthetic  
17 benefits, and functional benefits, and starts to break it  
18 down. I haven't read the whole article, I just saw it, but  
19 I think most of them go a little bit further than we did,  
20 but not much further. I think I remember telling you I've  
21 seen the greater than normal public benefit. What does that  
22 mean? You still have something significant that is  
23 otherwise not required from the project. You'll see that  
24 quite a bit. And then the other one, the greater public  
25 benefit provided than what would otherwise be achieved.

1           You had some of that language in there. I know we  
2 don't have much time on this, and my feeling is the Council  
3 is going to see your whole transcript and know how badly  
4 you wrestled with it, and so is the Planning Commission,  
5 and I think this will evolve into more than it is right  
6 now. To what extent it does, it could be as simple as like  
7 I just said, something significant that is not otherwise  
8 required, or maybe they go into such details as breaking  
9 down financial benefits such as additional impact fees, and  
10 additional public funds; the aesthetic benefits such as  
11 cultural facilities, landscaping, and open space; and the  
12 functional benefits, which is more the improvements such as  
13 electrical vehicle charging stations. What are you giving  
14 besides?  
15

16           But I don't know if you want that menu list,  
17 because it's just ever-changing. Even some of the things  
18 you said today that are so important to us, ten years from  
19 now we go why do we want that? That's not a public benefit.  
20

21           CHAIR TALESFORE: My thought anyway was to  
22 somehow capture something broad enough that it could move  
23 forward through the years. Good luck with that.

24           There is one other item on the agenda tonight.  
25 Melanie, I know you wanted to say something; you had your  
hand up. Did you want to comment quickly? But I wanted to

1 get to Joel's list of the important items that we do want  
2 to pass on with this document so that perhaps we would add  
3 public benefit, and to listen to our discussion tonight,  
4 because I thought it was a good one and important.

5           Melanie.

6           COMMITTEE MEMBER HANSSEN: I was just going to  
7 say quickly that I liked what Jak read recently as better  
8 than just using the words "public benefit," but if the  
9 Committee doesn't feel that way.  
10

11           But it made me think of a discussion we had last  
12 night at the Planning Commission; it's not the same thing,  
13 but it's similar. It was on the discussion of how much is  
14 too much formula retail? There is no actual guideline, and  
15 then Rob advised us that if you start putting a number in  
16 there then you could get sued, and then you might have the  
17 number and then the next thing that comes in is so  
18 compelling, but you have that number and you can't let them  
19 come in because of that, so maybe you don't want to be too  
20 specific. But I'd be fine with putting some more general  
21 language just so that it's clear that it needs to be big.

22           CHAIR TALESFORE: Or something significant to the  
23 Town.  
24

25           COMMITTEE MEMBER HANSSEN: Or something that  
people would say yeah.

1 CHAIR TALESFORE: Wow, no wonder, this is great.  
2 So I think we will end this discussion here without any  
3 conclusion except that we want it perhaps added.

4 Joel, can you put your slide up?

5 And you know what, Jak? I don't want to ignore  
6 you. Do you have any closing words for this? You did bring  
7 this issue up.

8 VICE CHAIR VAN NADA: What I'll do is I'll  
9 rewrite it in this language that I read from here, because  
10 I think it's broad enough that it will take care of Jim and  
11 Todd's concern, and it's futuristic enough that it can be  
12 applied today or it can be applied 20-30 years from now  
13 without any problem. So I'll rewrite that and send it to  
14 Joel.

15 CHAIR TALESFORE: But I wonder if you would like  
16 us to add it though to other issues? In fact, I thought we  
17 were going to put other important issues to be addressed by  
18 the Planning Commission and Town Council.

19 JOEL PAULSON: Well, they're all important  
20 issues.

21 CHAIR TALESFORE: I know, but I want the word  
22 "important."

23 JOEL PAULSON: Sure.

24  
25

1 CHAIR TALESFORE: Thanks. Sorry. I know they're  
2 important.

3 ROBERT SCHULTZ: And could you define important?

4 CHAIR TALESFORE: Thanks, Rob. You get on that  
5 for us.

6 So Jak, would that work for you to put it on  
7 here? Okay, good.

8 VICE CHAIR VAN NADA: Define public benefit  
9 (inaudible).  
10

11 CHAIR TALESFORE: Oh, is it up there already?

12 JOEL PAULSON: I already put it up there.

13 CHAIR TALESFORE: Oh, okay. Oh, good. I'm going  
14 to ask someone else to read that.

15 JOEL PAULSON: I can read it off really quick.

16 There is some talk of open space. Do we want to  
17 have the Planning Commission and Council look at defining  
18 minimum open space requirements, look at fixing  
19 inconsistencies between the Zoning Ordinance and the  
20 General Plan; I think that's just kind of a broad one.

21 Whether or not we want to have a minimum lot size  
22 threshold for Planned Developments as we currently do, or  
23 not; the current proposal doesn't have a threshold.

24 The processing of Architecture and Site  
25 applications and Planned Developments at the same time; I

1 know there was a lot of discussion around that, and so I  
2 think there is general consensus, but we can have them look  
3 at that further and then get more into the process, because  
4 I think that's where we got derailed: Does it belong in a  
5 PD Ordinance or is it really a process issue?

6           Defining public benefit, which we were just  
7 talking about.

8           And then defining minimum and maximum densities  
9 for residential and mixed-use developments.

10           This is in no way an all-inclusive list, and I  
11 think Lee even had in the first section of her letter from  
12 this evening a number of other items.

13           CHAIR TALESFORE: And do you want to have those  
14 included, Lee?

15           COMMITTEE MEMBER QUINTANA: My first one was  
16 similar to processing A&S and Planned Developments at the  
17 same time. I went a little further and was suggesting that  
18 the Town consider actually including the specific  
19 development approval as part of the PD approval, so that  
20 what gets approved as the development becomes the standards  
21 for the PD itself.

22           Fixing the inconsistencies in the Zoning  
23 Ordinance and General Plan, yes, I think I was going a  
24 little further in saying that there are some changes that  
25

1 have been made, or are about to be made, to the Zoning Code  
2 that aren't currently in the Zoning Code and making sure  
3 that we don't have conflicts between what we're proposing  
4 and those types of things that are already occurring.

5 I think we already addressed the expectation  
6 within issue that I had.

7 You have defined public benefit; that was  
8 essentially one of my things.

9 I also had a concern that there was a lack of  
10 density standards for residential use in non-residential  
11 zones, and you've captured part of that. I think I went  
12 into a little bit more detail.

13 The last one that I had was requesting Staff to  
14 add additional recommendations that they thought we might  
15 have overlooked, or that could improve what we've already  
16 done.

17  
18 CHAIR TALESFORE: Melanie.

19 COMMITTEE MEMBER HANSSEN: Maybe we decided not  
20 to add this before, but I thought we were going to have on  
21 the list about consider establishing a mixed-use zoning  
22 district, which would have the effect of having to sit down  
23 and ask ourselves, or the Town Council asking itself, what  
24 do we want it to look like? Sort of like a strategic  
25 planning thing, and then that could result into the zoning

1 district, which would simplify the whole PD and CUP process  
2 if we had a better definition or list of definitions of  
3 what mixed-use should look like, besides just the density.

4 CHAIR TALESFORE: You're right, that was a  
5 question, and actually you brought it up, and I think one  
6 of the suggestions was should it be a 50/50? Do you want to  
7 add that in there?

8 COMMITTEE MEMBER HANSSEN: If it's just  
9 recommendations we're forwarding on, then they're going to  
10 decide whether to do something about it or not. In the  
11 beginning of this process I had read an article about there  
12 are several jurisdictions in the country that have gone  
13 done the path of having that, and it certainly made it  
14 easier to facilitate those developments.

15 CHAIR TALESFORE: Okay, thank you.

16 Lee, we have just three minutes.

17 COMMITTEE MEMBER QUINTANA: Okay. One of the  
18 things I apparently forgot to put on my list that I think  
19 is important is that I would recommend that when this goes  
20 to the Planning Commission and the Town Council that it be  
21 a comprehensive package that does include a recommendation  
22 of the changes that might be required to ensure that  
23 everything is compatible with everything and encompasses  
24 what we've been suggesting.  
25

1 CHAIR TALESFORE: Joel.

2 JOEL PAULSON: I added it, but that was kind of  
3 the intent of the consistency with the Zoning Ordinance, so  
4 that's within itself and with the changes.

5 CHAIR TALESFORE: Thank you. Okay, so that's our  
6 list. If you still have another something you think needs  
7 to be included, I know Joel has email that you can send  
8 something in to him.

9  
10 So I think we're finished. Are we finished? We  
11 like the draft that we've provided so far? I mean, are we  
12 done? Has our work here been concluded?

13 JOEL PAULSON: Ultimately that's up to you.

14 CHAIR TALESFORE: I know. I'm asking the  
15 Committee.

16 COMMITTEE MEMBER BEYER: (Inaudible) very  
17 important issues up there.

18 CHAIR TALESFORE: Oh, okay. All right, could we  
19 have a motion to adopt the very important issues that are  
20 going to go along with our report and our drafts to Town  
21 Council and Planning Commission?

22 COMMITTEE MEMBER BEYER: So moved.

23 COMMITTEE MEMBER BARNETT: Second.

24 CHAIR TALESFORE: So moved, and seconded by  
25 Jeffrey, thank you.

1           Could I also have a motion to approve the  
2 verbatim minutes of December 17<sup>th</sup>?

3           Lee.

4           COMMITTEE MEMBER QUINTANA: I move to approve the  
5 verbatim minutes of December 17<sup>th</sup>.

6           COMITTEE MEMBER JARVIS: I second.

7           CHAIR TALESFORE: All right, thank you, and Todd  
8 will second that.

9           I have nothing further to say except thank you so  
10 much. It's been a pleasure working with all of you. You've  
11 had terrific ideas, so much to discuss, and the conclusions  
12 I think you were able to do consensus with me and not  
13 giving a lot of trouble about that. You also kept good  
14 humor, and I appreciate that very much. I know the Town of  
15 course would be thanking you. I don't know if Laurel would  
16 like to say anything else.

17           LAUREL PREVETTI: I would. Well, first of all I  
18 want to thank our Chair and Vice Chair for leading us  
19 through a very complex set of issues. You've done a very  
20 fine job and I really want to appreciate all of the  
21 Committee members for the thoughtfulness that you brought  
22 to the table and the implications. You really did a  
23 remarkable job, and of course our Staff, Joel and Rob's  
24  
25

1 assistance to guide us through some pretty sticky issues,  
2 and our public for being interested.

3 I'm very proud of the effort. We'll do our best  
4 in our Staff Report to the Council to convey all of the  
5 good work. Of course they're going to get lots of verbatim  
6 minutes and I know our Council will read everything, and we  
7 welcome your continued participation as the Town works  
8 through this important issue. So thank you very much.

9  
10 CHAIR TALESFORE: And thank you, Staff. I didn't  
11 mean to ignore the work that you've done. You made it a lot  
12 easier for us to get through it.

13 ROBERT SCHULTZ: And same thing. Thank you very  
14 much. Difficult issue to get through, and you've gotten  
15 through it, and really when you think about it you might  
16 think it wasn't short, but it was a short period of time to  
17 go through it and make some difficult decisions.

18 I would say with any ordinance, two things. One  
19 is that even when it comes out the final end, it seems like  
20 there's always with these types you'll see some amendments  
21 made to it, because there are things that maybe we will  
22 tweak when we see a few projects.

23 But also, all of you have that inside knowledge  
24 of really digging deep in there, and the Planning  
25 Commission, even though they'll read the verbatim minutes,

1 come to those meetings and you can speak, and at Council  
2 meetings, to say what you're opinions are. So you don't  
3 lose those because now the Commission is gone and I can't  
4 get up now and speak now in front of them and voice any  
5 additional opinions that you have.

6           JOEL PAULSON: I think also just to add it also  
7 would be helpful at both the Planning Commission and the  
8 Council meetings if you come; they can ask you specific  
9 questions if they need additional clarification on what was  
10 the thinking of the Committee on this recommendation or  
11 that recommendation, so that's definitely another  
12 opportunity both in writing and/or at the meetings. Thank  
13 you very much for your hard work on this challenging issue.

14           CHAIR TALESFORE: It was fun, in a way. All  
15 right, thank you. We're now discussed and disbanded.  
16

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