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

Los Gatos General Plan Committee Members:	Matthew Hudes, Chair Marico Sayoc, Vice Chair Barbara Spector, Mayor Jeffrey Barnett, Public Rep. Charles Erekson, Planning Commissioner Melanie Hanssen, Planning Commissioner Todd Jarvis, Business Rep.
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
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P R O C E E D I N G S :

CHAIR HUDES: Good evening, everyone. Welcome to the General Plan Committee and our meeting to consider the North 40 Specific Plan Amendments.

We are really here to answer two questions: Should the Specific Plan be amended, and if so, then how? We started our work last time, but before I get to that I'd like welcome and congratulate our new mayor, Mayor Sayoc...

VICE CHAIR SAYOC: Thank you.

CHAIR HUDES: ...and our newly reelected Council Member, Council Member Spector.

COUNCIL MEMBER SPECTOR: Thank you.

CHAIR HUDES: Last time we questioned quite a few things, and we answered a few things as well. We covered the suggestions of the Town Council on the Residential, Commercial, Open Space, Parking, and Height, and we stopped there.

Tonight we will cover Other and General items, as well as items that are open from the last meeting, as well as any concerns that the public may have that they would like to add to consideration.

1 Hopefully, we will conclude with enough
2 information for Staff to prepare recommendations in the
3 form of a report for the Planning Commission and for the
4 Council. Since we did not take formal votes on each item
5 considered, I assume that the opinions and the consensus of
6 this Committee will be reflected in the Staff Reports for
7 the Planning Commission and Council, and they'll be
8 summarized. Also, there's a reminder that there are
9 verbatim minutes that will be available. I believe there
10 will be an action item in the future as well, and that
11 there is a video available online, and there's a link to
12 that video in the attachment, the addendum to tonight's
13 meeting in the Staff Report of the Item 1 addendum. On the
14 second page, part way down, there's a link to the video for
15 those who would like to watch us again.
16

17 We will go through the meeting tonight by doing
18 Verbal Communications, and then I'll open the public
19 hearing on Agenda Item 1, and open the hearing in the sense
20 of taking any communications. So we'll do Verbal
21 Communications on items that are not on the agenda, and
22 then we'll have questions for Staff and hopefully an update
23 on the status of the Phase 1 application and the legal
24 matter surrounding that, and then we'll take public comment
25

1 on the North 40 Specific Plan, so there will be an option
2 again to provide additional comment on that.

3 Then we will begin our work of discussion of the
4 remaining portion of the Town Council suggestions, and that
5 is the section entitled General/Other, and I think there's
6 quite a bit of meat there. In the hope that we get through
7 all of this tonight, I want to start with that fresh area,
8 and then we'll come back to a discussion of any open items
9 from the last meeting and a discussion of any suggestions
10 from General Plan Committee members or the public.
11

12 So that's the plan for us to get through this
13 tonight. I think it should be really quite great
14 information and discussion.

15 With that, I'm going to open for Verbal
16 Communications, that is, communications on any topic not on
17 tonight's agenda. Do we have anyone who wishes to speak on
18 that?

19 Okay, none heard, so we'll move on to the public
20 hearing on Agenda Item 1. Why don't we start with questions
21 for Staff and an update on the Phase 1 application, if
22 maybe we could get that first?

23 LAUREL PREVETTI: We were expecting our Town
24 Attorney to join us, and hopefully he'll be on his way.
25

1 CHAIR HUDES: Do you want to hold that until he
2 gets here?

3 LAUREL PREVETTI: I think that would probably be
4 best, thank you.

5 CHAIR HUDES: Okay, so why don't we just do any
6 questions for Staff that the Committee Members may have?
7 Commissioner Hanssen.

8 COMMISSIONER HANSEN: This is probably a
9 question for the Town Attorney, but in our packet there was
10 a letter from the Applicants addressing a number of the
11 issues that the General Plan Committee is discussing, and I
12 wondered how we should consider that? It seemed to me that
13 we had already made a decision to proceed forward with
14 amending the Specific Plan, or at least going down that
15 path, so my assumption was that we can take that into
16 consideration, any of the comments that we get, including
17 from the Applicant, but we're continuing down the path that
18 we had already decided on. Is that correct?
19

20 LAUREL PREVETTI: That is correct. You would
21 consider those comments just as you would all the other
22 communications that you've received on this item.
23

24 COMMISSIONER HANSEN: Thank you.

25 CHAIR HUDES: Any other questions for Staff?
Okay. So let's take any public comment on the North 40

1 Specific Plan potential amendments. Would anyone like to
2 speak on that subject? If you don't mind, we'd like you to
3 fill out a card, but you can do that after you speak. If
4 you'd just come up and give your name and address, that
5 would be great.

6 CLAY GOODMAN: My name is Clay Goodman and I live
7 here in Los Gatos on San Benito, and I was at the Tuesday
8 energetic meeting about supply and demand for water.

9
10 This North 40 has been around for a while, and I
11 know that there are all kinds of legal issues around it,
12 but I'm wondering, if we don't have enough water, why are
13 we growing? I've come from Santa Barbara where they had no
14 growth for a while, where they had no water, and I'm not
15 positive about this, but I was told that Palo Alto has a no
16 growth policy now too, so I wondered if anybody has
17 considered just no growth? We have huge water bills. Mine
18 was \$600 last month for a two-bedroom, two-bath house, a
19 small house. My thoughts.

20 CHAIR HUDES: Thank you very much. Would anyone
21 else like to speak on what we're going to consider tonight?

22 MARKENE SMITH: I'm Markene Smith and I live on
23 Drakes Bay Avenue in Los Gatos, close to the North 40, and
24 I've spoken to both the Planning Commission and the Town
25 Council before, and I wanted to note that most of the

1 comments that were heard by both bodies came from people
2 who were concerned about the health of the future residents
3 of the North 40, and the safety of people who would live
4 there getting in and out of their places, getting across
5 very crowded freeways, the traffic, the problem for
6 pedestrians, the access, and the fact that the buildings
7 were so close to the freeway that they become, in fact, the
8 way that the previous plan was presented, black lung lofts,
9 because they had no large tree barrier between them and the
10 freeway.
11

12 I had proposed at a previous meeting a 300'
13 barrier, and I've talked to my colleagues, and we agreed
14 that a 100' barrier of large trees would help protect the
15 atmosphere, the climate, for the people so that they don't
16 have to live continually in hermetically sealed windows,
17 and when the children go out to play they will be breathing
18 air that at least is somewhat filtered by large trees like
19 are on every other entrance and exit near the freeways to
20 Los Gatos.
21

22 CHAIR HUDES: Thank you very much.

23 LEE QUINTANA: I'll turn that in later. Lee
24 Quintana, 5 Palm Avenue.
25

I think I expressed this before, but I'd like to
say that I think that if you do consider amendments to the

1 Specific Plan, either have them address clarifying the
2 Specific Plan without necessarily changing it, or prepare
3 amendments that would apply to everything in the Specific
4 Plan that would not affect the already existing Phase 1,
5 which is in litigation, and wait to see what happens there,
6 and then a second one that would address changes to any
7 future phase, so that when this litigation finally gets
8 settled you would have something that could go into effect
9 one way or the other and not have adopted something that
10 would then be inconsistent if the Town is not upheld or the
11 other way around. I think that's important.
12

13 Also, the way I wrote this is that the Specific
14 Plan was approved after the Housing Element was approved,
15 but the Housing Element was modified considerably after the
16 draft went to the Council and Planning Commission, and
17 there is a discrepancy between those two documents now, so
18 if there's no plan to change the Housing Element, it's the
19 Specific Plan that should be changed to be consistent with
20 the Housing Element. The Specific Plan itself at this point
21 has nothing in it that says anything about needing to have
22 13.5 acres designated as 20 acres or more density. That, I
23 think, is a major flaw of the plan.
24

25 The other thing I would like to address—I have
lots of things I'd like to address—is the question that has

1 been raised several times about not having the use along
2 Lark Avenue blending with the rest of community, and I
3 think there was a suggestion for a change to five units per
4 acre, and aside from what that would do to the rest of the
5 plan I would like to suggest that this is a unique
6 neighborhood that we're creating, and it is higher density,
7 and the Town has always planned for the North 40 to be more
8 intense than the rest of the plan, all the way back to
9 1985. Putting lower density housing there and then
10 immediately backing it up with your higher density housing
11 provides less of a buffer than if you have that buffer
12 happening from across Lark Avenue, including the big
13 setback that is already required by the plan.

15 I have other things, but that will do.

16 CHAIR HUDES: Thank you. Does anyone have any
17 questions, because I do? Thank you for sending the letter
18 in so that we could consider it; I think it's really
19 helpful and it's going to enter into some of my discussions
20 tonight.

21 LEE QUINTANA: I also sent in the communication
22 on pocket parks for your consideration.

23 CHAIR HUDES: Oh, that's good. The two questions
24 I had, your Problem 2 where you say there's a disconnect
25

1 between the plan's stated maximum and what is actually
2 possible, could you elaborate on that a little bit?

3 LEE QUINTANA: Yeah, the plan says 501,000 square
4 feet of non-residential and up to 700,000 square feet of
5 residential, but if you take into consideration all the
6 restrictions that have been placed with the space for open
7 space, setbacks, and lower intensity along the perimeter on
8 Lark and Los Gatos Boulevard, et cetera, I don't think that
9 if you tested the model that you would actually be able to
10 even get close to either of those maximums, and by leaving
11 them in the plan I think that presents a false sense that
12 the next phases could go up to that intensity, and that
13 will get us back into a cycle of misunderstanding.

15 CHAIR HUDES: Thank you. That issue has come up,
16 and thanks for pointing that out.

17 Anyone else have questions? Yes, Commissioner
18 Hanssen.

19 COMMISSIONER HANSSEN: Yes, and thank you for
20 your letter; I thought that was very helpful. I just wanted
21 to make sure, you mentioned the Housing Element and you
22 talked about compliance, and you're right, there isn't any
23 mention of the Housing Element in the Specific Plan at the
24 moment. My question is this: You also mentioned potential
25 not identified consistency, but with the General Plan as

1 well, and I wanted to ask if you thought there was
2 something that... Because the General Plan applicable
3 policies are listed in the Specific Plan, was it mainly the
4 Housing Element that you felt needed to be (inaudible)?

5 LEE QUINTANA: No, I think there are still a
6 couple of policies in the General Plan itself that aren't
7 consistent with the Specific Plan as it was approved. I
8 can't name them off the top of my head right now, but I
9 found a couple.

10 COMMISSIONER HANSSEN: But you do think aside
11 from the specific policies that are mentioned in today's
12 Specific Plan that there are some additional policies in
13 the General Plan that may not be consistent with the
14 Specific Plan, is that right?

15 LEE QUINTANA: That's right.

16 COMMISSIONER HANSSEN: Okay, thank you.

17 CHAIR HUDES: Thank you. Any other public comment
18 on this item? If you would like to, please just come
19 forward. Thank you.

20 EDWARD MORIMOTO: Good evening, I'm Ed Morimoto;
21 I live 460 Monterey Avenue.

22 I don't have any prepared comments this evening,
23 but I did want to just punctuate a few things from when I
24 was at this lectern at the last meeting, the first being
25

1 that similar to a previous speaker I think it's very
2 challenging, if not impossible, to make good decisions
3 around modifying the Specific Plan when such a significant
4 thing as the lawsuit is still pending. To crib Commissioner
5 Erekson, and risk getting it incorrect, the right answer
6 could be dramatically different depending on if we're
7 talking about a case where the lawsuit is won by the Town
8 versus one that's not.

9
10 The second that I would ask you to consider is
11 the great complexity of both the document that you are
12 looking to modify and the impact of those modifications,
13 and I call an example from your deliberations last time.

14 What seemingly is a simple and almost slam-dunk
15 kind of decision, and I'm talking about the elimination of
16 commercial along Los Gatos Boulevard, the Buildings 24 and
17 25 from the Phase 1 application, I too wonder does it make
18 sense to have residential buildings in those locations?
19 However, please consider that trying to do that elimination
20 triggers a number of things. I believe there is a letter
21 from the developers around that changes the traffic
22 scenario and therefore should trigger CEQA for traffic
23 analysis.

24
25 But more importantly, our own traffic engineers
have said that creating street access by creating a new

1 curb cut for commercial allocation is in fact undesirable
2 from a traffic standpoint, as well as dangerous. Don't take
3 my word for that; I could have it wrong. Please refer to
4 Matt Morley or Jessy Pu. And if that is the case, then we
5 need to consider whether it is appropriate to have
6 commercial being served by the residential roads that lead
7 from behind. I personally don't think that that sort of
8 commercial would be very successful, but at the same time I
9 don't think if I were living there I would want that sort
10 of traffic coming through my neighborhood.

11
12 The final thing I'd just like to point out is,
13 again, just reiterating a point that I made last time. Any
14 attempts or intention to reduce or limit the North 40
15 commercial for the sake of saving the downtown I think is a
16 little bit short sighted. Despite the fact of how the
17 elections went, there is not a wall separating our Town
18 from the rest of the Valley, and therefore we have to think
19 about competition from a regional perspective. Just because
20 we may hobble the North 40 relative to the downtown doesn't
21 mean the competition from elsewhere is going to "eat our
22 lunch," so I think you should consider that before you rob
23 the Town of additional tax revenue. Thank you.

24
25 CHAIR HUDES: Thank you very much for your
comments. Do we have any other speakers? Please come

1 forward. If anyone else would like to speak, it would
2 probably help the process if you turned in a card so we can
3 move this along. Thank you.

4 KIM: Good evening. A lot of things.

5 You hear all the people in the Town with concerns
6 and complaints and things like that. Why this property? Why
7 are they developing that area? I mean nobody wants any more
8 residential area, and they don't want any more traffic. Why
9 not develop the backside of Lexington, or somewhere far
10 away that it's not going to be this issue with traffic and
11 all this kind of stuff like that, environmental, the
12 animals, where the animals are going to go?

14 There's a laundry list of things that people are
15 concerned about. I mean, it's endless. It's endless. Why
16 put residential there? Why if you consider even developing
17 it, not have a sanctuary or something that's conducive to
18 the neighborhood, the environment, things like that? I mean
19 why? The revenue? I mean what is it? People are just so
20 concerned; they're so concerned about this. They come to
21 every meeting and they say we have a problem with that; we
22 have a problem with this.

24 You know, there's no reason to develop this area.
25 There's no reason, and we don't need... There's so much
inventory on housing here that people are leaving now,

1 people are leaving because of all this. It's just a
2 concern, and people need to listen to this, you know?
3 Develop another area, and develop, you know, like the
4 backside of Lexington or somewhere else. That doesn't need
5 to be developed.

6 You know, there's so much traffic. You can't even
7 park. You can't even enjoy the town anymore; it's so bad.

8 So it's just a lot of concerns and people just
9 need to listen, you know, on environmental and the
10 neighborhood. You know, they have their house; they're
11 asking to put a tree or a bush. I mean it's just, it's
12 utterly, I don't know, it's just a concern, I just needed
13 to tell you guys this, so thank you.
14

15 CHAIR HUDES: Thank you very much for your
16 comments.

17 JOHN EICHINGER: Hi, John Eichinger, 637 San
18 Benito.

19 I'll be the first to admit I haven't read the
20 whole Specific Plan, I haven't read the Housing Element,
21 I'm not familiar with all of them, but I have listened to a
22 lot of things, and some of my concerns are the following.

23 This phase thing, Phase 1 and Phase 2, I think
24 should be eliminated from the Specific Plan. How can you
25 build half of it without possibly knowing what's going to

1 be in the other half, what's coming down the road? I've
2 said it before; I think the developers are giving us a
3 sucker punch. I think we should see a plan for the whole 40
4 acres, not just for half of it, and then we'll see what
5 comes down the road later on.

6 Affordability; I've talked about this several
7 times before. We should have homes that can be affordable
8 by our police department, our fire department, our
9 teachers, and not just homes that are going to make the
10 developer a lot of profit.

11 I think we should have a new traffic study done.
12 Things have changed since the last traffic study, and
13 talking to the actual people who did the traffic study,
14 they said that they didn't take anything into account on
15 weekends; they didn't look at the traffic on weekends.

16 The last thing I wanted to comment on is open
17 space. The developers, when they were here, were crowing
18 about how 36% of the space was open. Streets and sidewalks
19 are not open space, and should not be considered as open
20 space. Parks and grassland, that's open space. Thank you.

21 CHAIR HUDES: Thank you. I have one more card
22 here, Susan Freiman.
23
24
25

1 SUSAN FREIMAN: Hello, my name is Susan Freiman.
2 I have appeared at this mike several times over the course
3 of the last two years.

4 First of all, thank you from the bottom of my
5 heart for your last vote.

6 Second of all, thank you for showing up at Van
7 Meter, our opening day of Safe Routes To School. I
8 recognized some of our Town Council there, and they were a
9 little surprised when I actually said, "Hey, I know you."
10 We do. We follow you. We're part of this town. We are all
11 in it together.
12

13 My two points, that were in an email, were about
14 as someone looking to do my own house, and very aware of
15 keeping the character of the Town, I'm terrified of
16 submitting my plans.

17 I am going subterranean, and I was very disturbed
18 to hear in the last like specific that they were able to
19 calculate half a parking spot. There was some very strange
20 less than 1:1 car per bedroom, which seemed off. Then not
21 an inch of it was below ground, and I think when everyone
22 saw those orange lines go up, the voices got really loud.
23

24 So if we can take into account and say they may
25 look high, but we're also going down low, I have no idea
what that does to the environmental impact of the soil or

1 whatever—rodents might be needing protection—however, at
2 least investigate going down below to preserve the roofline
3 and still give them space and parking that would hopefully
4 be subterranean.

5 The traffic study is the feeling that we were
6 being very taken advantage of with the plan putting 100% of
7 the houses in the Los Gatos district. It seemed an
8 egregious abuse of a system designed to help everyone get
9 ahead.

10 Development is going to happen. Let's just have
11 it be sane, sensible, and take into account as inclusive of
12 everyone's best interests as you can. Thank you for all of
13 your time.

14 CHAIR HUDES: Thank you. I do have one more card.
15 Roy Moses.

16 ROY MOSES: Good evening, everybody. Roy Moses.
17 The (inaudible) court in Los Gatos. I just got here. I'm
18 late, sorry, but I had a chance to get up here and just say
19 a couple of words. I don't have any prepared remarks for
20 tonight.

21 I've been trying to watch everything, the
22 proceedings going on on the video and everything at home,
23 but our business, and personal things, and trips, have
24 gotten in the way. It's a fulltime job trying to keep up
25

1 with everybody and all the events that are going on in the
2 community; it's very, very difficult to really see if we're
3 making progress or not.

4 I guess my main concerns are that we have to deal
5 with Staff, Town Council, and the Planning Commission, and
6 I hope and pray that you guys from our initial comments
7 when these chambers were full, going way back, understand
8 that this community is still as concerned as we were
9 before, even though the numbers are not here like we were
10 in the past, but we are very, very concerned.

12 I mean putting an amendment to all these issues,
13 the North 40 Specific Plan and the things that were
14 approved by the Council, and that and hopefully you're
15 making the progress that's necessary to give the citizens
16 of this town exactly what we want, and that is the look and
17 feel and to keep things as they should be.

18 When I first moved to this town, it was very,
19 very difficult to do anything and to grow. Obviously, we've
20 grown, and we've outgrown what we needed to in this town,
21 so it's necessary... I'm glad for Marico and Ms. Spencer for
22 being re-elected, even though Marcia didn't vote for our
23 wishes at that time, but you know the concerns on this
24 community, and I'm here to tell you that...

1 And I'm looking specifically at Staff and the
2 attorney. Their job is to represent this community. You may
3 not live here, but your job is to represent the community
4 and give us what we want, and what we want is the look and
5 feel of this town, okay? You've got your roles and
6 everything else, and the state passed all these laws. I
7 mean we're being inundated. We've lot control, the citizens
8 have lost control, but we're back to fight for our rights.

9 CHAIR HUDES: Sir, please address your comments
10 to the Committee.

11 ROY MOSES: Okay.

12 CHAIR HUDES: Thank you.

13 ROY MOSES: Well, to everybody. So I'm just
14 saying. I'm glad to have the opportunity to be here and say
15 that I am still concerned, even though my face hasn't been
16 here at the last couple of meetings, and I'm looking
17 forward to seeing the positive results from the citizens of
18 this community.

19 Thank you for all your work. I admire what you
20 all do. I couldn't do it, to be honest with you. Maybe it's
21 because of my age I couldn't do it, but that's just what it
22 is. Okay, thank you very much. And I'll be praying for you/
23 I believe in prayer, that the wishes of the people will be
24 addressed. Thank you.

1 CHAIR HUDES: Thank you very much. That's the
2 last card that I have, so what I'd like to do is now close
3 the public comment and move to discussion.

4 Now, in order to get through this, again, what
5 I'd like to do first of all is to discuss the remaining
6 portion of the Town Council's suggestions that we started
7 at the October 27th meeting, starting with the general group
8 of questions, and then come back to any open items from our
9 previous meeting, and then move to any suggestions from
10 General Plan Committee Members or the public, and
11 incorporate that as we get through this.
12

13 But before we do that, maybe, Mr. Schultz, you
14 could give us an update, if you wouldn't mind, on the
15 status of the Phase 1 application.

16 ROBERT SCHULTZ: Sure, I can do that. Good
17 evening, sorry I was late. I thought it was a 7:00 o'clock
18 start, so I was up in my office actually working on the
19 North 40 litigation.

20 As the public knows, and you know, litigation
21 was filed. Just yesterday we were in court with the judge
22 and came up with the stipulation of the deadlines and dates
23 that are will come forward.

24 The first milestone is actually next week, or
25 actually it's tomorrow. We have to submit an administrative

1 draft record to the other side. Just the index of that
2 draft, it's currently 13 volumes and over 900 pages, but we
3 are trying to whittle that down to the actual
4 administrative record, which is the proceedings that took
5 place in front of the Council, the Planning Commission, and
6 other advisory bodies.

7 We have a couple of meet and confirm meetings
8 with the other side over the next couple of weeks where
9 we'll go over the documents and try to get a stipulated
10 administrative record without the court intervening to
11 determine what the record is.

12 The records do (inaudible), and December 9th,
13 which is just a few weeks away, then I believe it's
14 approximately January 9th, and I don't have the exact dates,
15 but about 30 days later is when the Petitioners, that's
16 Grosvenor and the ones that filed the lawsuit, their brief
17 is due. And 30 days after that, approximately February 9th,
18 the Town's brief is due, which is called the Opposition.
19 Then about 30 days after that, about March 9th, is when the
20 reply brief is due from the Petitioners, which is the
21 Applicants for the North 40.

22 The trial is set currently for March 27th, but
23 it's only tentative; there has to be a courtroom available,
24 but that's the courtroom date that we get, so it's a very
25

1 fast process. The State Affordable Housing Act requires it
2 to be expeditiously processed, so those are the dates that
3 we're working with, and we're working quite diligently to
4 get done. The first date, obviously, is that administrative
5 record, which is due December 9th.

6 CHAIR HUDES: Thank you, and is there the
7 possibility of appeal by either side?

8 ROBERT SCHULTZ: Yes, there's always an appeal
9 from that date. If the trial did occur on March 27th, we
10 wouldn't get a decision that date, but some time after a
11 decision will be entered by the Superior Court, and that
12 can be appealed to the Appellant Court, and then that
13 decision can be appealed to the Supreme Court of
14 California.

15 CHAIR HUDES: Okay, thank you very much. Let's
16 move to where we stopped last time, and that's the
17 discussion of the remaining portion of Town Council's
18 suggestions.

19 There were seven items listed in the category of
20 General/Other; some of them are weightier than others. I'd
21 like the to group the first two together, if we could,
22 because I think they're really tied to each other.

23 The first one is shalls should replace shoulds,
24 and the second is confirm that the Guiding Principles in
25

1 the Specific Plan is mandatory language rather than
2 permissive language. So maybe just open with Committee
3 Members' thoughts and comments on the shalls and shoulds.

4 Commissioner Hanssen.

5 COMMISSIONER HANSSEN: I took a look at the
6 Specific Plan again in the last week, and I was considering
7 what we discussed at the last meeting, and I wondered if
8 the real issue wasn't that we didn't have as many numerical
9 or specific standards for some of the items in the Specific
10 Plan that we wished we had, because when I looked at what
11 we were discussing before, we were talking about when you
12 want to meet the needs of a certain residential population,
13 seniors or millennials, what constitutes meeting that? Is
14 it a minimum number or something like that? So I wondered
15 if that wasn't more the issue than shalls or shoulds?
16

17 But we do have a fair amount of shalls, and the
18 other thing was I know in the Planning Commission, when we
19 had our deliberations, we looked very carefully and
20 considered shalls to be objective standards that we could
21 rely on, even if they didn't have a number associated with
22 them, so I felt like we did have a good number of those,
23 but then people might contest that they weren't objective,
24 because they didn't have a number, but I thought that shall
25 meant objective. So those were my general thoughts.

1 CHAIR HUDES: Thank you. Anyone else, thoughts on
2 shalls and shoulds and Guiding Principles?

3 I have a few thoughts, if it's okay. I was very
4 disappointed to learn that under the existing North 40
5 Specific Plan the Planning Commission had very narrow
6 grounds for considering what is described as by right
7 development, that is, for an application that contained
8 even a small amount of affordable housing.
9

10 Most significantly, key elements, maybe the
11 essence of the Council's Vision and Guiding Principles,
12 which I believe were carefully crafted, were considered
13 subjective, and thereby not objective grounds that could be
14 used for denial of an application that was opposed by 97%
15 of the residents who spoke and corresponded with the
16 Planning Commission in 500 unique communications.

17 For whatever reason, perhaps because the law was
18 evolving or otherwise, the consultants and attorneys
19 advising the Town did not address the need for objective
20 standards adequately, in my opinion, so when we finished
21 with the Specific Plan we ended up with key elements of the
22 Vision not secured with objective language that was there,
23 and I think that some of that needs to be corrected, and I
24 think there are a couple of ways to do it.
25

1 One is to start with the should and shall list,
2 and not consider all of them, because I think, as some
3 Committee Members have pointed out to me, there are a large
4 number of them, 243, I think. But it's only a subset of
5 those, I think, that are related to the four Guiding
6 Principles, and I'd looked at a few, and there are some
7 examples where I saw it was not that difficult to trace
8 back some of these shoulds to a Guiding Principle, and to
9 potentially use that linkage between Guiding Principles and
10 the shoulds and promote some of those to shalls on that
11 basis.
12

13 To remind people what those Guiding Principles
14 are, "The North 40 will look and feel like Los Gatos. The
15 North 40 will embrace hillside views, trees, and open
16 space. It will address the Town's residential and/or
17 commercial unmet needs, and it will minimize or mitigate
18 impacts on Town infrastructure, schools, and other
19 community services." So I think that's one way to go about
20 it.
21

22 The other way, I think, is to go the other
23 direction, and that's to look at the Vision Statement and
24 Principles and see if they are adequately addressed in the
25 plan, and if not, propose some clear language.

1 As an example of that, let's take the look and
2 feel of Los Gatos. Potentially we could have some examples
3 in the plan that illustrates architectural styles; defines
4 what is good, what is not good, such as we do in the
5 Hillside Standards; or to maybe even put some language
6 like, "The architectural type, style, pattern, and layout
7 shall be commonly found with other Los Gatos neighborhoods
8 of similar use, whether they're residential, commercial, or
9 otherwise."
10

11 With regard to hillside views, I think that we
12 could set some standards for view locations, defining the
13 predominant hillsides that should be viewable, and
14 potentially craft some more objective way to evaluate
15 whether hillside views are going to be embraced. As an
16 example, and this is probably not very good at all, but say
17 something like, "The views of the predominant hillsides, El
18 Sereno and El Sombroso, shall be available from a minimum
19 of 30% of the intersections and roadways within any
20 project." I'm sure Staff could do a much better job of
21 identifying some objective ways, viewing platforms or
22 locations, or something like that.
23

24 Maybe I'll just stop there. I have a few other
25 examples, but I'd like to get Committee Members' reactions
to some of those thoughts.

1 Council Member Spector.

2 COUNCIL MEMBER SPECTOR: Thank you. I actually
3 had the same thoughts as Mr. Hudes, except that I didn't
4 delve down into the work that he did. I noted that in the
5 Staff Report it talked about the Staff going through and
6 changing shoulds to shalls, and my thought was not that,
7 but go through and look at the shoulds and change them to
8 shalls if it's necessary to bolster the Vision Statement
9 and Guiding Principles.
10

11 So that was my concept of what I thought needed
12 to be done, or could be done, and what I heard Mr. Hudes
13 say is that he'd actually gone through the document and
14 started making the changes and finding where those changes
15 could be made.

16 Now, I don't necessarily agree that the document
17 is not already objective as it is, but if we're going to
18 make these changes I would make them bolster, augment, the
19 Guiding Principles and the Vision Statement.

20 CHAIR HUDES: Thank you. Other thoughts?

21 Mayor.

22 MAYOR SAYOC: Thank you, Chair. Just a question
23 in terms of process. Would you like to share the list that
24 you've prepared, or is it something that you are hoping
25

1 that we would individually look at and provide to Staff?
2 I'm just trying to think how we should go through this.

3 CHAIR HUDES: I just did a sample, and I'm not
4 prepared to take everyone through that. I was suggesting
5 that perhaps Staff could go through that in preparation,
6 not for our deliberations, but in preparing a report for
7 the Planning Commission or the Council, to take a cut at
8 linking those shoulds that could be promoted based on the
9 linkage to the Principles.
10

11 Council Member Spector.

12 COUNCIL MEMBER SPECTOR: What Mr. Hudes just said
13 is exactly what I thought the next step would be if this
14 Committee were inclined to move in that direction.

15 CHAIR HUDES: Would others like to weigh in on
16 whether the Committee is inclined to move in that
17 direction?

18 Commissioner Hanssen.

19 COMMISSIONER HANSSSEN: I think that makes a lot
20 of sense, and then like I said earlier, combined with the
21 discussion that we had in our last meeting where we had
22 many, many different suggestions for modifying the Specific
23 Plan to make it more reflective of the specific direction
24 that we wanted to see in an application, I think combining
25

1 those two things would really help a lot with the Planning
2 Commission and Town Council deliberations.

3 CHAIR HUDES: Mr. Barnett.

4 COMMITTEE MEMBER BARNETT: I have a quick
5 comment. I did quickly go through the 243 applications of
6 should in the Specific Plan, and we've talked briefly about
7 the concept of testing those in consideration of their
8 relation to the Council Vision. I think that's an excellent
9 idea, but I did take away from that exercise the idea that
10 we're going to have some that are going to be more clearly
11 included, and a lot that are going to be in sort of an
12 ambiguous status that we're still going to have to go
13 through.

14 CHAIR HUDES: Before we move on, any comments
15 about more clearly identifying language about translating
16 the Vision into clearer language in the Specific Plan? Any
17 other areas or examples, or do we feel like that's another
18 view we ought to take? Getting some head nodding, no
19 objecting.

20 Before I move on to the next item, are there any
21 other considerations with regard to making sure that the
22 plan adequately addresses the Vision Statement and Guiding
23 Principles, or addresses the shall/should question?
24
25

Commissioner Erekson.

1 COMMISSIONER EREKSON: I have a question, I
2 suppose for Staff. It says here, "Confirm that the Guiding
3 Principles of the Specific Plan is mandatory language
4 rather than permissive language." While I understand the
5 meaning of all those words, what's the implication? How
6 does it play itself out in real life if it's interpreted as
7 mandatory language versus permissive language? So, for
8 instance, the Guiding Principles are mandatory--it says in
9 the statement that it's mandatory language--but the Guiding
10 Principles are very short and the document is this long, so
11 there is a lot more information. So how does that play
12 itself out? What does it imply if we apply that meaning,
13 and what does it imply differently than how we viewed the
14 Specific Plan in the past?

16 JOEL PAULSON: I think that what Chair Hudes
17 mentioned, we would go through the shoulds and probably
18 some of the shalls as well, and look for opportunities to
19 provide further clarification in the form of potentially
20 more objective standards that could be discussed by the
21 Planning Commission and Council to help solidify those in
22 relation to the Guiding Principles. I think one might say
23 you have the Guiding Principles and then all of the
24 policies and language that are in the plan, or to implement
25 those Guiding Principles and Vision, and so it's really,

1 from my perspective, tightening that up or providing
2 opportunities to insert more objective clarifying language.

3 CHAIR HUDES: Let's move on to the other
4 considerations.

5 Number 3 was to require a plan for the entire
6 Specific Plan area, and maybe Staff could help me
7 understand that better, because I'm trying to understand a
8 plan for a plan. Was this meant to require an application
9 for the entire plan at once, or was it meant to address the
10 need to re-plan for the entire area when an application is
11 approved? Maybe you could explain a little bit about what
12 was behind this suggestion from Council.
13

14 JOEL PAULSON: Well, a couple Council Members are
15 here, but generally I think it was either a potential for
16 reducing or eliminating phasing, or as an application comes
17 in, getting information on those next phases, even if
18 they're phased having the plan for what those are going to
19 entail. As we've said throughout the whole process and
20 stated here, given the multiple property owners that
21 becomes challenging, because an Applicant may not have
22 control over all of those properties.
23

24 CHAIR HUDES: Commissioner Hanssen.

25 COMMISSIONER HANSSEN: I have a question related
to that. The Specific Plan does cover the entire North 40.

1 It's a vision for the future, and it lays out some
2 parameters, and we're discussing amending some of those
3 parameters, but it does cover the entire 40 acres. So then
4 I kind of had the same question as Commissioner Hudes, but
5 my additional question is this: Quite a number of residents
6 have suggested we need to have a plan for the entire North
7 40, and it makes a lot of sense to view the things that
8 way, because you don't know what you're going to get in the
9 other phases. But if we were to do that, just for the
10 benefit of the audience, because of the Housing Element and
11 all the other stuff, what would happen if we required there
12 to be an application for the entire North 40?

14 JOEL PAULSON: I think the potential is that
15 you'd never get an application for the entire North 40,
16 which may be a positive scenario depending on your take,
17 but that's the challenge and that was kind of the basis for
18 creating the Specific Plan, knowing that there were
19 multiple property owners out there. That way we can create
20 this vision, create this land use patterning, and then that
21 way as the applications come through they'll all be
22 complying with the same requirements, and so you'll end up
23 with a more cohesive development in the end.

25 COMMISSIONER HANSEN: Relative to my question
about the Housing Element, supposing that we require any

1 future application to cover the entire North 40 Specific
2 Plan area? My understanding is that no developer at the
3 moment would have access to the entire North 40 property,
4 so what implications would that have for our Housing
5 Element?

6 JOEL PAULSON: It would depend on the individual
7 application. You could have to wait, and so you'd never be
8 able to produce any of those units if any application
9 didn't come forward, because they weren't able to acquire
10 all of the property.
11

12 But there's also the potential for someone to get
13 close to you, or work together with some of the other
14 property owners from a future perspective, so there's still
15 maybe some phasing but you may have a plan for the entire
16 area, and so then that could accommodate the Housing
17 Element requirements. That may not necessarily be an issue,
18 but I think it's extremely unlikely, frankly.

19 COMMISSIONER HANSSEN: One follow up question. My
20 understanding from having been on the Housing Element
21 Advisory Board is that the requirement was for us to zone
22 for the 13.5 acres at 20 dwelling units per acre, not to
23 have an application for them and not to build them. That is
24 the Housing Element law, as I understand it.
25

 JOEL PAULSON: That's correct.

1 LAUREL PREVETTI: Mr. Chair, I could just add
2 that one of the purposes of the Housing Element is to
3 identify barriers to development, and so if it's perceived
4 that requiring an application for the entire area is
5 infeasible, that could be considered by the state to become
6 a barrier to housing on the site.

7 CHAIR HUDES: Mayor Sayoc.

8 MAYOR SAYOC: Question of Staff. We talk a lot
9 about phasing, Phase 1, Phase 2, but realistically we don't
10 know that it will only be two phases, correct? Nowhere in
11 the document does it state that?
12

13 JOEL PAULSON: That's correct.

14 MAYOR SAYOC: So is it possible to actually
15 specify a minimum or a maximum on how many acres could be
16 phased in the future?

17 ROBERT SCHULTZ: It would be difficult, unless
18 you found out all the parcels that are out there and took
19 the minimum as the smallest parcel there is, because the
20 challenge there is what if you say the minimum is three
21 acres—just to throw out to you—and you have an acre-and-a-
22 half parcel that you want to develop, haven't you prevented
23 them from doing any development on their own piece of
24 property, and then the argument would be it's a taking.
25

1 MAYOR SAYOC: So then what about the flip side, a
2 maximum? It just occurred to me right now.

3 ROBERT SCHULTZ: We'd have to do more research on
4 that, on whether you could limit a maximum. The argument
5 was we're trying to do it all at once, and now if you put a
6 limit on the maximum, are you not going with the more
7 cohesive development, if possible?

8 MAYOR SAYOC: Sure, okay. Because, I mean, after
9 the fact we're looking at this, and you could make
10 arguments to both scenarios. If you did all 44 acres, then
11 you know exactly what you're getting, whereas if you do
12 parcels, whether it's five, ten, fifteen at a time, the
13 next phase would be more realistic of the environment at
14 that. So I see there are pros and cons of each scenario,
15 and I was just wondering legally if there was ever any
16 precedent in past specific plans that had approached it
17 that way?
18

19 LAUREL PREVETTI: No, not that I'm aware of. The
20 closest that I've seen is when a developer does have
21 control of the majority of the parcel, say, 40 of 44 acres,
22 something like this, and then they apply for a master
23 permit. That way they essentially identify this is the
24 approach that they'd like to take for all of the site,
25 however, for financial or other reasons they're going to

1 phase the actual development over time, and they may come
2 back for additional development review during the
3 subsequent phase, because the market changes, or the needs
4 change, or suddenly we want more bike lanes or something
5 like that.

6 CHAIR HUDES: Thank you. Any other thoughts on
7 the phasing for the plan for the entire specific area?

8
9 One thing that I did hear in addition was that
10 perhaps after receiving an application there might be the
11 need for a very substantial part of the zone to potentially
12 look at what's left, because there may be no housing left,
13 or there may be other big changes that affect many acres,
14 so maybe that's something that should be considered,
15 whether it's in law or practice, to re-look at the rest of
16 the Specific Plan once a big application comes in.

17 I'm going to move on to the next item, which is
18 number 4, preserve existing Live Oak trees. Language could
19 be added to address this suggestion. Any Committee comments
20 on that one? Mr. Erekson.

21 COMMISSIONER EREKSON: I wouldn't see the need or
22 the appropriateness to specify a particular species of tree
23 or plant, but if the intent of this is to provide guidance,
24 then it would be best to preserve native species. That
25 would seem like to be more appropriate from my perspective,

1 but to specify a particular species seems to me to be not
2 clear in its intent, other than if I was a huge fan of Live
3 Oak trees.

4 CHAIR HUDES: Commissioner Hanssen.

5 COMMISSIONER HANSSEN: Question. We did the Tree
6 Ordinance last year, and I think it was still in process
7 when the Specific Plan was approved in June 2015—I'm not
8 positive of that—but I wondered why wouldn't the Tree
9 Ordinance apply to the Specific Plan? I guess if you write
10 in the Specific Plan that it supersedes other ordinances,
11 but that was a question I had.

13 CHAIR HUDES: Was that a question for Staff?

14 COMMISSIONER HANSSEN: I guess it's a question
15 for Staff, because protection of Live Oak trees is a key
16 component of the Tree Ordinance.

17 JOEL PAULSON: The Tree Ordinance does apply, but
18 that also doesn't mean that you can't remove a Live Oak
19 tree.

20 COMMISSIONER HANSSEN: And that's true of many
21 applications.

22 JOEL PAULSON: Of any tree, correct.

23 COMMISSIONER HANSSEN: Yeah, okay.

24 CHAIR HUDES: Yes, Mayor Sayoc.
25

1 MAYOR SAYOC: Just to clarify with Staff—I don't
2 have that appendix—we actually listed, I believe, the trees
3 that we recommend in this area, and if I remember
4 correctly, we identified native drought tolerant, and Live
5 Oak trees are in that list?

6 LAUREL PREVETTI: That's correct.

7 MAYOR SAYOC: Okay.

8 CHAIR HUDES: Council Member Spector.

9 COUNCIL MEMBER SPECTOR: Thank you. Clarification
10 for me, because I thought preserving existing Live Oak
11 trees sounded like a good idea. What I'm confused about now
12 is are we talking about a list that identifies trees to be
13 planted versus a list of what should be preserved? And I
14 guess if I could ask Staff, what rules would Staff be
15 applying to the removal of existing Live Oak trees?
16

17 JOEL PAULSON: The removal of existing trees, the
18 Tree Ordinance would apply, as it does with any application
19 that comes through town. I think Mayor Sayoc was just
20 asking if we had from a replacement or a suitable planting
21 plan in our tree palette, whether Live Oaks were in there,
22 and they in fact are.

23 COUNCIL MEMBER SPECTOR: So if I were developing
24 a parcel of property and it had Live Oaks, and I wanted to
25

1 remove those trees, would it be a request I made of the
2 Town and the Town would have to say yay or nay?

3 JOEL PAULSON: That's correct, as with any tree
4 removal, whether it's associated with a development
5 application or it's just an individual property owner not
6 doing development, they can request a Tree Removal Permit.

7 COUNCIL MEMBER SPECTOR: I don't recall why
8 Council Members placed this on the list. Is there an issue
9 as to whether or not Live Oak trees are going to be removed
10 on this parcel?

11 JOEL PAULSON: Live Oak trees will be removed,
12 and I believe there was a speaker at the Council meeting—if
13 not both Planning Commission and Council meetings—that
14 expressed an interest in those trees specifically and
15 thought that whatever could be done to preserve those
16 should be considered. I believe that's probably the genesis
17 of why this was carried forward by a Council Member.
18

19 COUNCIL MEMBER SPECTOR: But didn't you just say
20 that under our current Tree Ordinance the Live Oak trees
21 would be preserved, unless there was some reason under our
22 law to allow them to be removed?

23 JOEL PAULSON: Yes, they have to make at least
24 one of the findings, and those findings can be made.
25

1 COUNCIL MEMBER SPECTOR: Thank you, Chair and
2 Staff.

3 CHAIR HUDES: Thank you.

4 LAUREL PREVETTI: In addition, if it's the will
5 of the Committee, you could recommend a policy statement
6 for the Specific Plan that addresses tree preservation more
7 explicitly. So if that is something based on the public
8 feedback and your own deliberations that you think is
9 worthwhile to strengthen in the Specific Plan, whether it's
10 for a particular species or native species overall, that is
11 something you can consider adding.
12

13 CHAIR HUDES: Commissioner Hanssen.

14 COMMISSIONER HANSSEN: The think the Tree
15 Ordinance in really important in this consideration, but I
16 think it would be worth considering adding some additional
17 language, because I'm thinking of the look and feel of Los
18 Gatos, and pretty much any application that we looked at on
19 the Planning Commission there were Live Oaks on the
20 property, and that's one of the most pervasive trees, and a
21 native one at that, so I would consider (inaudible)
22 strengthening that in the Specific Plan.
23

24 CHAIR HUDES: I'll weigh in that I agree that a
25 more general language addressing tree preservation in the

1 document I think would be helpful to address some of the
2 public concerns that we heard quite a few times.

3 Yes, Mayor.

4 MAYOR SAYOC: Sorry to focus on logistics, but
5 one thing that may be helpful as this moves on to Planning
6 Commission, as part of the Staff Report as one of the
7 appendices, the actual Tree Ordinance, so that it can
8 remind us what exactly are the findings, so that if there's
9 anything that we feel that is necessary to be bolstered, we
10 could do so.

11 CHAIR HUDES: Okay, thank you. I'd like to move
12 on to item 5, which is to consider widening Los Gatos
13 Boulevard. I know that Staff has something to say about
14 this, so maybe we'll start with Staff's comments on this,
15 but I do believe this is in response to a great number of
16 resident concerns about traffic.

17 JOEL PAULSON: I believe as we stated, the nexus
18 from the environmental analysis relating to traffic did not
19 require that, so if the Town was interested in pursuing
20 that the Town would need to acquire that property and make
21 those improvements. The Town Attorney may have some
22 additional input, but it wouldn't be appropriate to require
23 that burden of, or place that burden on, any developer to
24 make those improvements.
25

1 LAUREL PREVETTI: And if I may, Mr. Chair, just
2 add that we also heard loud and clear the concern of our
3 community with respect to the traffic. The Environmental
4 Impact Report identified and studied very thoroughly those
5 impacts and identified appropriate mitigations, both onsite
6 in terms of how people move between their homes and the
7 shopping areas with the North 40, as well as appropriate
8 offsite, so we just want to reinforce that we've heard the
9 concern and that it's been adequately addressed, and as
10 much as a lot of people would love for us to widen the
11 Boulevard with this plan and with any applications, we are
12 limited in terms of how much we can ask of developers.

14 CHAIR HUDES: Commissioner Hanssen.

15 COMMISSIONER HANSEN: I had a question related
16 to this. In our packet there was a letter from the
17 Applicant and they attached the Transportation Impact
18 Analysis. I read through it, and there was a statement in
19 there with regard to the Lark District, that the assumption
20 was that the residents would be able to walk and not have
21 to do a lot of commuting outside of the development, but
22 the reality of the Phase 1 application that we got was
23 there was not a very large amount of commercial, and
24 probably not enough to satisfy the need for not having to
25 leave the property. So relative to the Applicant's

1 statements that any changes we'd make could invalidate the
2 Transportation Impact Analysis and require new CEQA action,
3 I wondered if the existing application didn't have that
4 issue as well, because of the statement in the
5 Transportation Impact Analysis that the residents would be
6 able to stay within the North 40 for the majority of their
7 shopping and retail needs? Because of that, that kind of
8 dovetails into this traffic on Los Gatos Boulevard issue as
9 well, so I just wondered if anyone else thought that might
10 be an issue.
11

12 JOEL PAULSON: I don't have the TIA with me, but
13 I understand the language that was referenced both in the
14 Applicant's letter and what you're talking about from the
15 TIA. I think what you need to look at is a couple of
16 things.

17 One is if we do ultimately make a determination;
18 let's say, on distribution, we look at moving residential;
19 that's generally the lowest generator. Then the question
20 becomes when an application comes forward how much of that
21 commercial, if any, moves into the Lark District? So then
22 that would have to be looked at to make sure that the
23 analysis that was done in the TIA is still adequate from a
24 distribution standpoint.
25

1 The other thing you need to look at with relation
2 to the Phase 1 application itself is, as you stated, it was
3 such a small amount of commercial in that first phase that
4 the traffic that was going to be generated by that is far
5 less than the total build-out of the plan area itself.

6 I don't anticipate that being an issue, but those
7 are things that as we move forward we will be working with
8 the Town's Traffic Engineer to make sure that we don't run
9 into any challenges.

10 COMMISSIONER HANSSEN: That's makes sense.
11 Thanks.

12 CHAIR HUDES: Council Member Spector.

13 COUNCIL MEMBER SPECTOR: For this question I
14 personally am not looking at any current application or
15 development, I'm just looking at whether or not we're going
16 to amend the Specific Plan, and I do not believe, as
17 basically has been stated, that there is any possibility or
18 feasibility of widening Los Gatos Boulevard, so when I was
19 going through the seven things that we were supposed to
20 prepare for tonight, that was the easiest one for me to
21 come to a conclusion on.

22 CHAIR HUDES: Just to consider that there's this
23 one small item that says consider widening Los Gatos
24 Boulevard, but traffic was cited by 26% of the 500 comments
25

1 that we got, and it's a significant issue, so I'm just
2 going to ask the question: If it's not feasible to widen
3 the Boulevard, is it feasible to consider other traffic
4 moderating measures within the North 40 itself, such as
5 reconfiguring the roads? I know that some have been
6 considered, but is it possible to continue to look at ways
7 to potentially move traffic in parallel, or, I don't know
8 the answer, but to look within the plan itself at traffic
9 flow?
10

11 JOEL PAULSON: There are a number of ways that
12 the internal circulation could be analyzed or looked at.
13 Ultimately we look at the application and make sure that
14 that does work from a traffic flow and circulation, both
15 internally and as it goes out onto Lark and Los Gatos
16 Boulevard, in this case. It comes back to the same
17 conversation, that ultimately we're looking at the
18 circulation pattern of the Town, and the internal is
19 important, but no issues were brought up from an
20 environmental perspective from the traffic analysis that
21 would necessitate that. Could an applicant propose a
22 different configuration? Sure, and that would be looked at
23 to make sure it doesn't create any additional impacts on
24 the outward network as well.
25

1 LAUREL PREVETTI: I would just caution that
2 modifying the plan to address circulation options might not
3 really yield the kind of benefit that folks might be
4 looking for, because the analysis really looks more at the
5 borders of the project area for CEQA purposes, and I think
6 that while theoretically there might be some different ways
7 of doing it, it would not make a measurable impact or
8 change to the CEQA analysis that's already been completed.
9

10 CHAIR HUDES: If I may, just to follow up on
11 that. There are other considerations in the General Plan
12 related to this that to me were not addressed very much in
13 the Specific Plan, and that is Goal VLR-9, which is to
14 reduce traffic impacts to residential development within
15 the Vasona Light Rail area by taking advantage of mass
16 transit opportunities; coupled with Policy VLR-9.5, which
17 is promote the development of mass transit links between
18 Los Gatos Boulevard, particularly any development on the
19 North 40 site and the planned Vasona Light Rail station.
20

21 So while not addressing widening the Boulevard,
22 is it possible to look a little deeper at ways of making it
23 easier for us to have mass transit incorporated within the
24 North 40 Specific Plan? Because if I recall, there was very
25 little in the actual application that we got, and there

1 were not a lot of specifics about how to do it in the plan
2 itself.

3 JOEL PAULSON: Mass transit is generally
4 controlled by VTA here, and so the mass transit that does
5 exist is the bus route on the Boulevard, obviously. I know
6 there are discussions happening as to whether or not some
7 or most of the routes throughout town may be modified in
8 the future; that to my knowledge hasn't happened yet. I
9 think some of those other ones with the light rail and
10 taking advantage of that when that does come, I think those
11 links inevitably... I would imagine VTA, as it does I think
12 periodically, will look at routes and ridership, and if the
13 circumstances change there may be increases. I don't know
14 that the General Plan policy that you're referencing to
15 requires developers to implement mass transit improvements.

17 CHAIR HUDES: Mayor.

18 MAYOR SAYOC: Thank you. If I could, Chair, just
19 take the opportunity to talk about how that specific
20 General Plan policy links to regional efforts happening,
21 and as Director Paulson said, VTA is looking at bus lines
22 and that plays integrally into what we are looking at for
23 the North 40.

24 There is discussion about potential loss of bus
25 lines, specifically 49, on Los Gatos Boulevard, and so

1 since we have a captive audience, it's just one of those
2 discussion points that we discussed during the North 40
3 hearing of how do we make sure we as a community are aware
4 of the regional decisions that are being made that affect
5 us? That's a specific example where if you can and are
6 interested and concerned, that's a way to help the Town,
7 because yes, we're monitoring this, our Public Works
8 Department as well as Transportation, but the more active a
9 community we have in saying keep 49, keep whatever line,
10 that helps us as we figure out these regional
11 transportation issues.

12
13 I do have a question though specific to North 40
14 in terms of CEQA. I was talking to the chair of the
15 Transportation and Parking Commission about Samaritan, and
16 their CEQA analysis makes certain assumptions based on the
17 North 40 CEQA analysis, the cumulative impacts. If anything
18 is changed with our North 40 plan, either through the
19 litigation or just changes we do, in any way does that
20 trigger any changes for them? Because if they're assuming
21 their traffic mitigation, and it's compounding onto what is
22 already assumed for ours, would we in any way lose out?

23
24 JOEL PAULSON: I don't know if lose out is the
25 right phrase.

1 MAYOR SAYOC: Would we lose any opportunities to
2 do some combined traffic mitigation on Los Gatos Boulevard?
3 I guess I should be more specific.

4 JOEL PAULSON: I think the challenge that we've
5 talked about in a number of hearings is the Traffic Impact
6 Analysis is really a snapshot in time. We set that
7 baseline, you use the best the best available information
8 you can at that time, then you move forward, and then
9 subsequent projects have to handle that. I think the
10 potential is that your scenario, and I don't have the
11 numbers in front of me, whether they used our reduced
12 number in their assumption or whether they used the
13 assumptions that we used in our EIR that were higher on
14 both the commercial and residential sides, so I'll look
15 into that with Director Morley and find that out,
16 ultimately will get picked up as it moves forward, but I
17 don't also imagine we're going to be looking at
18 modifications to the Specific Plan that are going to
19 potentially increase environmental impacts, so I don't see
20 that necessarily being a concern in this specific case.

22 LAUREL PREVETTI: For the Samaritan project, they
23 have the same nexus requirements as we do, so even though
24 that is a very large development, its influence and nexus
25 may not come down quite as far along the Boulevard or even

1 south of Samaritan Drive, so it may not even have a nexus
2 to create meaningful improvements within our own community.

3 MAYOR SAYOC: I haven't looked at it in a while,
4 but if I recall, didn't they also look at the traffic
5 coming off of 85 as well as 17? I guess the question is
6 when they were looking at the 17, was it under the
7 assumption of our proposed improvements of 17 on Lark, or
8 was it based on what currently exists there? I'm getting
9 into the weeds, but as you work with Director Morley, make
10 sure you're just on top of the Samaritan project, because I
11 am concerned about how the two projects are going to work
12 out in the future.

14 LAUREL PREVETTI: We'll take a closer look at
15 that. Thank you.

16 CHAIR HUDES: Okay, thank you. I'm going to move
17 on to number 6, which is try to acquire some land for a
18 park or community pool. Staff's response on that was that
19 given the Town's limited resources for this type of action,
20 this suggestion does not appear to be feasible. Would
21 anyone like to comment on that, Staff or anyone else?

22 Yes, Council Member Spector.

23 COUNCIL MEMBER SPECTOR: Thank you. This one for
24 me was vying with number 5 as to which one was easier for
25 me to weigh in on. There are Committee Members who thought

1 this was a good idea. There are members of the community
2 who have said in I don't know how many emails—I'm not as
3 diligent as Mr. Hudes in counting them—that it would be
4 really good if we just take that property and have a
5 community pool, or this, that, or the other thing, and
6 that's not realistic. It's not realistic because the Town
7 doesn't have the resources to purchase the property, which
8 is what the Staff Report says, and no one else is coming
9 forward to buy that property and put in a big pool. So that
10 one was an easy one for me to just go by.

11
12 CHAIR HUDES: Any other comments on the pool?

13 Okay.

14 Number 7 is a procedural one, consider making the
15 Town Council the deciding body for applications, so I would
16 really like to hear from other members, being that I have a
17 little bit of a bias on this one.

18 Council Member Spector.

19 COUNCIL MEMBER SPECTOR: Thank you. I actually
20 had a question of Staff, because in reviewing Appendix E it
21 showed which items go to which body, and some items do go
22 to the Planning Commission, one item does go the Council,
23 and so I don't recall what the Council was asking on this.
24 It seems to me that unless something is what I would call
25

1 solely technical, it does go to the Planning Commission or
2 Council, so help me out there.

3 JOEL PAULSON: That's correct; your reading of
4 that is correct. The only two things that are currently
5 required by either the Specific Plan and/or the code are if
6 someone applies for a Vesting Tentative Map. That must come
7 before Council pursuant to our Town Code, and if someone
8 applies for a Specific Plan amendment, that must come
9 before Town Council. Otherwise, absent a Vesting Tentative
10 Map for the Phase 1, the Planning Commission would have
11 been the ultimate deciding body.
12

13 I think there were some comments, and I don't
14 remember if it was during Council discussion or from
15 members of the public, of maybe the Council should be
16 looking at Architecture and Site applications, for
17 instance, for news structures, so that's why we brought
18 that one forward.

19 CHAIR HUDES: Clarifying question. In the case of
20 the application that fell under the original Specific Plan,
21 the final deciding body was the Planning Commission for
22 Architecture and Site, and then it was appealed?
23

24 JOEL PAULSON: Because it had a Vesting Tentative
25 Map, it had to go the Council.

1 CHAIR HUDES: Right, I see. So anything that
2 would have a Vesting Tentative Map would have to go to the
3 Council?

4 JOEL PAULSON: Correct.

5 CHAIR HUDES: Other thoughts on this one? Yes,
6 Council Member Spector.

7 COUNCIL MEMBER SPECTOR: Thank you. If we assume,
8 because a Vesting Tentative Map is a process that an
9 Applicant may or may not use, if there were not a Vesting
10 Tentative Map, and using Appendix E as an example, the only
11 thing that would come to the Council is a Specific Plan
12 amendment. All other A&S type reviews would be done at the
13 Planning Commission. So it would be if this group wanted to
14 make an amendment and have more things go to the Council,
15 which apparently some of us may have thought that we
16 should, we would have to suggest a change to this appendix?

17
18 JOEL PAULSON: Correct.

19 COUNCIL MEMBER SPECTOR: All right, thank you.

20 CHAIR HUDES: Other thoughts? Yes, Mr. Barnett.

21 COMMITTEE MEMBER BARNETT: I'll just state my
22 personal preference that the items that are not required to
23 go to Council go first to the Planning Commission to give
24 the public more of an airing time, and also the right of
25 appeal should be recognized.

1 CHAIR HUDES: Commissioner Hanssen.

2 COMMISSIONER HANSSEN: Given the importance of
3 the North 40, even though normally the process of the Town
4 would be to do Architecture and Site at the Planning
5 Commission with appeal rights to Town Council, I wondered
6 if we wouldn't want to move the Architecture and Site to
7 the ultimate deciding body, being the Town Council? There's
8 always the process of the appeal, but it just seems like
9 given the importance, how much it matters to the residents,
10 and all the complexity of issues, that having an additional
11 higher layer to be the ultimate deciding body might be the
12 right thing for this property.

14 CHAIR HUDES: Just kind of betraying my own bias
15 when I read this. What's the purpose of the Planning
16 Commission hearing if they're not the deciding body, and
17 will the applicant take the recommendation process
18 seriously? I think one of the things that we learned from
19 the previous application was that there was not very much
20 sort of give and take once the application went in; it
21 really didn't change at all from the time it went in till
22 it was voted on.

23 My own bias just from my short time on the
24 Planning Commission is that the Planning Commission is
25 equipped to take a first pass and ask that some things be

1 modified, and actually ask for rescheduling the item, and
2 give and take that would probably be bypassed if they were
3 only a recommending body, so just my own opinion.

4 Yes, Mayor.

5 MAYOR SAYOC: Actually, Chair Hudes, you said
6 what I was about to say. Having sat as a Planning
7 Commissioner for eight years, I do think having the
8 deciding body be the Planning Commission in my opinion
9 makes the applicants more willing to be deliberative in the
10 dialogue that's actually happening at the Planning
11 Commission versus seeing it as just a stop along the way,
12 so I would support keeping it at the Planning Commission
13 level, knowing that there are appeal rights and someone is
14 able to utilize those appeal rights.

16 CHAIR HUDES: Commissioner Erekson.

17 COMMISSIONER EREKSON: This is something that I
18 don't see as broken for all the reasons that were said, and
19 one of the reasons I don't see this as being broken is
20 because there are multiple landowners and there are some
21 small parcels, so if there was a really small parcel that
22 was coming up for application I don't see the reason for it
23 prescriptively or mandatorily going to the Town Council.

24 If we knew today that there were a single
25 landowner for all 44 acres, and that none of it was

1 developed, including the existing medical buildings, the
2 gas station, and so forth, and that it were going to be,
3 for this town, massive for Los Gatos, then I might rethink
4 whether or not it should go directly to the Council.

5 But given that it's more likely to be developed,
6 and the likelihood of it all being developed at one time
7 and all being owned by one party at one time doesn't seem
8 to me... It seems to me it would place an undue burden on the
9 Council to deal with Architecture and Site applications
10 that they would prefer to vest in the Planning Commission,
11 so it doesn't seem to me that it's broken from what we know
12 today.
13

14 CHAIR HUDES: If there are no more comments on
15 that one, which will obviously be decided by the Council,
16 so we'll find out the answer to that in a few months, I'd
17 like to move to discussion of any open items from our
18 previous meeting on October 27th. I had a couple, and I'm
19 sure others do, and then we'll move to any new suggestions
20 from GPC members or the public.
21

22 Starting with Staff was kind enough to prepare an
23 analysis of Conditional Use Permit requirements, and in the
24 report helped us with a list. First of all, let me read
25 what the original suggestion was, that the CUP requirements
should be the same as downtown. We considered this last

1 time but we didn't have adequate information in front of
2 us. Part of the discussion last time was about businesses
3 that are substantially competitive with downtown or other
4 districts that require a CUP, and so maybe Staff would like
5 to give us a summary of how CUPs are used elsewhere in the
6 Town so we can understand what might apply in the North 40
7 if we were to consider that.

8 JOEL PAULSON: Given the Council's suggestion,
9 what we tried to do was pull out the uses that currently
10 require a Specific Plan either in the downtown and/or other
11 commercial areas in town that are permitted uses in the
12 Specific Plan, so that's that list that included both the
13 initial memorandum as well as the addendum that has which
14 zones currently require Conditional Use Permits.

15 The other thing we tried to do is in the table
16 itself, the attachment, highlight uses that ultimately,
17 through either a permitted use and/or Conditional Use
18 Permit, aren't accounted for in the Specific Plan. We've
19 heard from at least a couple of people about one specific
20 type of use relating to continuing care or those types of
21 uses which are in our Conditional Use Permit and do require
22 Conditional Use Permits, but aren't permitted anywhere in
23 the Specific Plan.
24
25

1 So that's the categories. I don't know if you
2 want to walk through each one, or if members of the General
3 Plan Committee want to give their list of which—some, all,
4 none—of these should comply where appropriate, where
5 downtown requires a CUP, and whether or not the Specific
6 Plan should be modified to match that as well.

7 CHAIR HUDES: I think that might be useful for us
8 to scan this list. The table of 90 uses throughout the Town
9 I think was daunting, and so it was helpful to see the 13
10 that are uses that are in the current North 40 Specific
11 Plan where CUPs are required for that same activity in
12 other areas, I believe. I formed my own opinion about some
13 of those. Maybe the Committee would like to weigh in on
14 which of those...

15 In light of the background of the discussion was
16 the level playing field discussion and the concern that we
17 really wanted to encourage economic vitality across the
18 whole town, and in order to do that and raise the overall
19 economic vitality the Town and create synergies with the
20 North 40 that it might make sense to have a more level
21 playing field, and understanding that CUPs could disappear
22 elsewhere as other actions, but that's not the purview of
23 this Committee, so what we suggested was let's focus on
24 those that exist today elsewhere and see whether some of
25

1 those might be needed in the North 40, or a good idea in
2 the North 40, since that same activity requires it in other
3 areas.

4 Any reactions to this list of 13 about which ones
5 sort of fall into that category of addressing the overall
6 economic vitality of the Town?

7 Commissioner Erekson.

8 COMMISSIONER EREKSON: I have a question of the
9 Chair that would help me before I can answer that question.
10 You use the term "level playing field," creating a level
11 playing field, and I'm trying to understand what you mean
12 by that phrase. Does that mean that the use of CUPs in all
13 parts of the Town should be identical, or what does level
14 playing field mean in this case if that's the objective?

15 CHAIR HUDES: I've used that terminology myself,
16 but the Council has also used it, and I know some of the
17 Committee Members on our Committee have used it, also
18 Council Member Jensen I believe used that terminology as
19 well to talk about the economic vitality of the Town. I can
20 answer from my perspective, and maybe others would like to
21 as well.
22

23 My sense is that we have a very unique and
24 somewhat fragile resource in our downtown, and that it is
25 really the heart of the Town, and that we need to think

1 about how to create synergies with that rather than to put
2 up barriers to the downtown being successful, and so my
3 sense in looking at that was that there are certain things
4 that are very tightly regulated in the downtown that are in
5 fact active in the downtown. Some of them are regulated but
6 not very active that fall into that category of things that
7 we ought to look at, giving the downtown a chance to thrive
8 by now allowing just anything goes in the North 40; I don't
9 know if that's helpful.
10

11 COMMISSIONER EREKSON: I have a reaction to that.
12 To me, level playing field means some version of equal
13 treatment, or equal treatment across the... I don't know how
14 to put any other meaning to the term level playing field.

15 I would agree with something that you said, and
16 that is that we have a precious resource in the downtown
17 area that needs to be protected; maybe that's not exactly
18 the right word, but I can't think of a better word. That
19 would suggest in and of itself to me that we shouldn't
20 apply a level playing field across all commercial areas in
21 town by treating them equally. That would suggest to me
22 that in fact one would want to be very clear about what
23 sort of practices achieve what one wants to achieve in
24 different commercial areas of the Town that are playing
25 different roles in the overall economic development of the

1 Town. That's what causes me to pause when using the term
2 level playing field when I think most people would
3 interpret that as consistent a treatment across the Town,
4 so that's what concerned me about the phrase.

5 CHAIR HUDES: Maybe I can just respond quickly.
6 It's not our purview to look at the entire playing field;
7 we're only looking at the North 40 part of it. That, to me,
8 is where we should think about creating an ability to have
9 a thriving North 40 and a thriving downtown, and I know
10 there are others who would think about this from the other
11 side. I think we have to think about it in terms of the
12 North 40 side of the equation.

14 Commissioner Hanssen.

15 COMMISSIONER HANSEN: I had a couple thoughts.
16 The first one is the discussion we had about all these
17 other developments that are happening that are going to be
18 close to there, Samaritan, Dell, and so when you think
19 about level playing field, if we spend all our focus on
20 making a level playing field between the North 40 and
21 downtown, are we ignoring the global problem, which is is
22 Los Gatos on a level playing field with the surrounding
23 communities that are also building and will be competing
24 for our business?
25

1 So having thought about that, and then given that
2 we can only change the North 40, it just seemed like we
3 would be putting the North 40's arm behind its back to
4 compete by throwing out additional CUPs that weren't a
5 revision in the Specific Plan. To me the other approach
6 would be to look at what we could do to make it easier for
7 downtown to be competing with... We don't want them to
8 compete with the North 40, with other communities outside,
9 to bring in business. I mean that seemed like more the
10 right answer.
11

12 The second thing that I wanted to bring up is I
13 thought Mayor Sayoc brought up a great point at our last
14 meeting about some of the thriving neighborhoods, and I
15 thought about the Downing Center, for example, and I was
16 kind of looking at the businesses that are in the Downing
17 Center and wondering is it possible for either downtown or
18 the North 40 to be able to put in more of those kinds of
19 businesses? One of them that came to mind that's gotten
20 very popular, and we've seen this at Planning Commission,
21 are these...they're not health clubs, but these exercise
22 places: Orangetheory Fitness; I think the Downing Center
23 has Cyclebar; we had SoulCycle downtown. These are the new
24 retail. This is what people are doing instead of shopping;
25 they're going to Cyclebar or whatever. So I had a question

1 for Staff. I didn't know what category they would fit under
2 in the list of permitted uses in the North 40 or the
3 downtown.

4 JOEL PAULSON: Those are generally categorized as
5 group fitness classes, and they do require a Conditional
6 Use Permit both downtown and outside downtown. I'm just
7 looking through here to see if that one carried forward.
8 I'll look through my notes; that might be one of the ones
9 that are highlighted, because generally we don't have a
10 specific category for them. You could potentially put them
11 in a health club scenario, but that's generally more of a
12 larger sense of a health club. The category we typically
13 put them in is the art/dance/music classes, school, and so
14 they require a Conditional Use Permit, but I'll look and
15 see if that's one of the highlighted topics of the
16 attachment.
17

18 COMMISSIONER HANSSEN: I know it also came up in
19 terms of a parking issue as well, because we were applying
20 general retail standards to these fitness places. That's a
21 whole other discussion.
22

23 But getting back to overlying point, I know that
24 we've had many people testimony that we can't let the North
25 40 hurt downtown, but I am really concerned about this more
global issue about are we going to be hampering ourselves

1 relative to the surrounding communities? I think we have to
2 consider that.

3 CHAIR HUDES: Commissioner Erekson.

4 COMMISSIONER EREKSON: Another question that I
5 have that isn't clear to me at least, to help me understand
6 how we should proceed in this way. I went back and looked
7 at and tried to understand what guidance we're providing to
8 someone who would develop this property about the
9 commercial property, and at least it wasn't clear to me if
10 we intended for it to be neighborhood-serving or regional
11 serving, or what it was supposed to be clearly serving. It
12 felt like to me that it was a smorgasbord without sharp
13 focus, and if that's what the intent is, that's the intent.

14 That, however, potentially has the consequence of
15 allowing the developers to decide more than maybe the Town
16 wants it to decide on what the focus of that commercial
17 development is. So if we want to give more shape to it, and
18 therefore more guidance, we might need to make it less of a
19 smorgasbord and have the menu be a little more limited than
20 it is now.
21

22 Obviously, if we talk about something like the
23 Downing Center, the Downing Center is very clearly in its
24 approach a neighborhood-serving shopping center. Their
25 strategy is very clear and they execute it. You will never

1 find a hotel being built there. But we talk about this
2 being neighborhood-serving, and then we permit a hotel to
3 be built there. I'm not saying that's right or wrong, but
4 those are really two different needs being served that may
5 or may not be compatible with each other. It's the extreme
6 example of the smorgasbord.

7 I think that's an important question ultimately
8 to answer. Do we want to have the smorgasbord? And we gave
9 it some definition. I'm not saying that we just said
10 develop anything that's commercial, but the plan, those of
11 us that were involved, there was a lot of give and take,
12 and lot of compromise, and language and those kind of
13 things, and I worry about is it sharp enough and
14 intentional enough if we want to be more intentional?

15 CHAIR HUDES: Maybe I can comment on that a
16 little bit, because I did make some remarks on that last
17 time when we talked about the broader retail. One of the
18 suggestions that I had was to change the language regarding
19 retail and restaurants, not hotels, throughout to be
20 primarily or principally neighborhood- or resident-serving,
21 and for the folks down the line to debate that idea,
22 because that would then say it's important for us to use
23 that as a filter rather the way it's currently worded, that
24 it should be neighborhood-serving; it doesn't say that that
25

1 should be the main focus of the retail. That's one way to
2 address that.

3 COMMISSIONER EREKSON: I have a reaction to that.
4 If I were thinking about developing the property and the
5 primary focus was going to be neighborhood-serving, and I
6 were thinking about building a hotel there, I probably
7 wouldn't, because I need other stuff, other access to other
8 kind of retail to support the people that are coming to
9 stay in my hotel that are a different need than serving
10 residents in the immediate neighborhood.

11 So again, if I do primarily residential, if my
12 direction is primarily residential neighborhood-serving,
13 but I leave a hotel there, I still have the same problem
14 that I was talking about a minute ago; I have incompatible
15 uses. So if we want a hotel there, and we want some of the
16 benefit of a hotel-meeting space and conference space has
17 been a benefit of a hotel that's been discussed at our last
18 meeting and earlier- I think we probably need to think
19 carefully about saying we want it to be neighborhood-
20 serving and we want you to build us a hotel, because my
21 guess is Marriott will check the box no for Courtyard, and
22 anybody else would check the box no, so I think we have to
23 be very careful about the mix and the direction of
24
25

1 commercial, because there's no purpose in putting in
2 commercial direction that will never be realized.

3 CHAIR HUDES: Mayor Sayoc.

4 MAYOR SAYOC: Actually, Commissioner Erekson, you
5 bring up a very good point. I'm going to bring up two
6 points to complement that.

7 One, when we began this process of the Specific
8 Plan many years ago, I think the economic conditions
9 continue to change, and so the concepts that we were
10 discussing eight years ago are much different than the
11 concepts now.

12 But one thing that has been consistent among
13 those that are looking at the commercial is the idea of a
14 hotel and a conference center, and even last time we met as
15 a group that was an area that we all seemed to have
16 consensus on, but I guess I never really connected the
17 neighborhood-serving with the hotel and how that would
18 actually look.

19 One other interesting point that I'm trying to
20 layer into this discussion is we talk about the lack of
21 hotel spaces, but having talked with several people that
22 work at Netflix about where do they house their many
23 employees that come in when they're at company
24 headquarters, the lack of hotel, but also the lack of
25

1 amenities close to Netflix. Would that be neighborhood-
2 serving? I mean, how do we define it? Netflix and their
3 employees, would that be a neighborhood as well?

4 As we're discussing this, to me I'm having more
5 questions now versus clarifying answers, and I'd be
6 interested to hear what others have to say, because we've
7 always talked on neighborhood-serving, but which
8 neighborhood are we in fact trying to serve is one question
9 I keep grappling with.

10
11 CHAIR HUDES: Commissioner Hanssen.

12 COMMISSIONER HANSSEN: I wasn't on the original
13 North 40 Committee, but if you look at the plan it seems
14 that the direction that was given is that any retail in the
15 southern part of the North 40 was going to be more
16 neighborhood-serving, and then as you moved into the
17 Northern District, that would be more regional-serving. I
18 don't think that's a bad strategy, and that's where we
19 would envision the hotel to be, and I think if you look at
20 the permitted uses, the formula retail and whatnot would be
21 there, and then you're kind of getting down a layer, like
22 restaurants and personal service and stuff, those are
23 permitted there, but are they going to be regional- or
24 neighborhood-serving, as you said, if people from Netflix
25 come to visit.

1 But I don't think the direction we have in there
2 is bad now, that's kind of the direction that we gave in
3 the original plan, because we do have conflicting needs. I
4 have a need to take care of people outside of the North 40
5 in terms of hotel space and amenities that are related, and
6 then we also have the need for the residents that are in
7 the North 40, so I think we have to accommodate both.

8 CHAIR HUDES: Council Member Spector.

9 COUNCIL MEMBER SPECTOR: Thank you. Well, you've
10 all brought up a lot of issues. They're not necessarily
11 linear in their analysis, but first of all I'm going to
12 start with Staff.
13

14 This new list you gave us with the 13 items, much
15 easier to deal with than that huge list. In my mind, I was
16 familiar with these uses and where they needed a CUP, but
17 after seeing your list, I was not. I did not realize that
18 we had the downtown, and C-1 and the CH, and the LM and the
19 CM, that all had CUPs pretty much for all of the uses, with
20 the exception of the personal service, which was downtown
21 only. So that was a new, good, interesting piece of
22 information for me.

23 Secondly, we have to keep in mind what the CUPs
24 are used for, and they're used for balancing. We talk about
25 other communities, and I hope our neighboring communities

1 aren't listening to me tonight, because when one looks at
2 balancing one looks at Saratoga, which became all
3 predominantly restaurants and it really hurt their
4 downtown. We may have another community more recently,
5 Campbell, that again went restaurants at night and is
6 hurting its retail and it is now working on that issue.

7 The reason Los Gatos has CUPs, the reason other
8 communities have CUPs, is so you can balance these uses, so
9 you don't have a downtown that has only personal service,
10 because for some locations, including Los Gatos, that could
11 become a big use, or you could have CUPs so you can balance
12 the uses of restaurants with or without liquor, because if
13 you don't have that balancing, it could become an
14 overwhelming use.

15 I find CUPs to be a good tool for balancing that
16 has served our community well, and like I said, I didn't
17 realize how much of the Town we were using it in. I would
18 be inclined with at least some of this list to include CUPs
19 on the North 40.

20 With regard to what sector we are trying to
21 address on the North 40, and I've been working on this so
22 long that I don't remember if what I remember was something
23 that was kept in the plan or jettisoned, but my sense was
24 that we wanted neighborhood-serving retail services,
25

1 restaurants, being for the people who lived on the North 40
2 and also the people who were in the north part of the Town.
3 I specifically remember input from people who live on Lark
4 or immediately south of Lark who felt as though they didn't
5 have anywhere to go and they were really looking forward to
6 the North 40, so I saw those two locations being served.

7
8 As far as the further north where we were talking
9 about the other part of our commercial or retail that
10 wasn't being addressed for the entire town, that get's back
11 to our general merchandise, what we have in the past called
12 the "small targets."

13 With regard to the hotel, yes, what does the
14 hotel need? I am not convinced that we're going to get a
15 hotel, although there are a lot of parts of the hotel that
16 I would like, but I'm not sure we're going to get it, and
17 if the hotel is there, it seems to me that they will have
18 within their hotel a lot of the uses that they need, and
19 then what else are they going to need? They're probably
20 going to want restaurants, restaurants with bars,
21 restaurants without bars, and I think that that will be
22 included just by virtue of serving the North 40 and the
23 folks who live in the northern part of our town.

24
25 CHAIR HUDES: Maybe I could comment as well. My
concern, and why I would strongly oppose language about it

1 being regional-serving is that that opens us up to a
2 Santana Row or a shopping mall that I think would be very
3 destructive of the downtown and wouldn't create synergies,
4 but would actually diminish our downtown. I think we've
5 seen that in San Jose; we've seen other shifts in Saratoga
6 and Campbell, and I think Los Gatos has a remaining vibrant
7 downtown that is fragile. We've heard from numerous
8 business owners about their concerns about having that type
9 of a shopping center in the Town, and so while I'm
10 supportive of the Town doing well versus surrounding
11 communities, one of the ways that I think we do well versus
12 surrounding communities is we have this fantastic downtown.
13

14 So that's why I am in favor of language that
15 makes... And I actually took the language "resident-serving"
16 I believe from Commissioner Erekson from the last meeting.
17 Maybe that's better to replace the word "neighborhood-
18 serving," to use that as a filter about whether this is
19 going to be something that helps us overall.

20 I'm in agreement with Council Member Spector, I
21 think there are some cases for CUPs in the North 40, not
22 all of them, but some of them, and it's the ones that I
23 think are directly linked to some of the unique,
24 independent, creative, dynamic establishments that we have
25 in our downtown, and that would include formula retail, the

1 market hall specialty market, the restaurant, personal
2 service, maybe the hotel, and the botanical nursery. Some
3 of the others, like financial institutions, or
4 supermarkets, or drugstores, or public buildings, I don't
5 think are as important to consider.

6 I know we may not all come out on the same page
7 with this one, but I did want to weigh in that I think we
8 really need to be careful, because one of the things that
9 makes us so vibrant and such an attractive town is the
10 downtown, and let's think about ways of having some
11 synergies rather than put some things in place that really
12 start to see a destruction of our downtown.

14 CHAIR HUDES: Council Member Spector.

15 COUNCIL MEMBER SPECTOR: Thank you. Interesting.
16 I went through this list of 13 and I personally marked four
17 that I thought the Town would benefit with the CUP, and it
18 was formula retail, market hall, restaurant, and personal
19 service. I just stopped at that. I know that Mr. Hudes just
20 mentioned hotel, but I actually just stopped at those four.

21 CHAIR HUDES: Mayor Sayoc.

22 MAYOR SAYOC: Thank you. I think I just want to
23 echo what you said about being careful. I think what we're
24 learning through the various economic discussions we're
25 having is I think quite similar to what everyone is saying

1 here today, that what we don't want to do is create
2 unintended consequences, and how do you develop policy that
3 actually is implemented in the way that you are hoping to
4 do so?

5 As you mentioned the downtown being fragile, the
6 key point that I think we all have consensus on is how do
7 we be careful in moving forward so that we don't cause any
8 downshift to downtown and our other neighborhood centers?
9 Because I think, as we've seen, it does create some
10 excitement within the neighborhoods. Downing Center, we
11 talked about that earlier, just the residents around there
12 and how much that has enhanced their quality of life, and
13 so moving forward, how do we create some policies that in
14 no way creates a negative impact to any of our economic
15 centers?
16

17 CHAIR HUDES: Other comments on this? It sounds
18 like we don't have consensus or unanimity on this, but I do
19 think we have some diverse perspectives that need to be
20 passed on to the next groups that consider it. There were a
21 couple of other ideas that were considered during the
22 original North 40 Specific Plan deliberations.
23

24 One of them was the inclusion of a business type
25 or a square footage table, and I know we discussed that

1 previously; that was felt that that might be one way to be
2 careful.

3 Another way that was considered was an advisory
4 committee, an ongoing advisory group, that looked at what
5 was happening there and made recommendations about whether
6 adjustments were necessary to zoning as we started to see
7 things unfold and looked at the impact as well, and I
8 believe those are things that might again be considered if
9 we're concerned about this issue.

10 The other open item that I had, which was not in
11 the Staff Report but I just wanted to cover it quickly and
12 then we can move on to other suggestions—we'll take a break
13 after this last one that I have—is options for distributing
14 13.5 acres of twenty dwelling units per acre across the
15 site. I sort of took some notes from last time that we had
16 several options.

17 One was to leave it open, but distribute all
18 housing over various districts. Another option was to
19 rezone, specifying the location of housing in each
20 district. Another option was to allocate a portion of the
21 13.5 to each district, meaning an actual number value. The
22 last option is to leave all of the above to the next body
23 that considers it, not to go any further than the options.
24
25

1 Do Committee Members have any opinions on this,
2 because this was a little bit open after our last
3 discussion?

4 Commissioner Hanssen.

5 COMMISSIONER HANSSEN: After having sat through
6 all of the deliberations this summer and the discussions we
7 had recently, it seemed to me like a pretty simplistic way
8 to do it would be... Part of the problem is we left it too
9 open in the Specific Plan, so coming up with a percentage
10 that is applicable to each district seemed... Or maybe
11 arrange 20-30%, or 30-40%, might be the right approach, and
12 that way it would leave some flexibility, but it would give
13 more guidance than what we have in the plan as it stands
14 today.

15 CHAIR HUDES: Council Member Spector.

16 COUNCIL MEMBER SPECTOR: Thank you. On that issue
17 I was anticipating that we would get some guidance from our
18 Town Attorney, because I understand this issue to be in
19 part governed by numbers, i.e. you want X number of homes,
20 or you want to try to do that under RHNA, et cetera, but
21 also there would be a way that we might be able to do that,
22 and I don't know if Mr. Schultz can speak to it or not, but
23 that's what I was thinking where we would go.
24
25

1 ROBERT SCHULTZ: The issue I think is if you're
2 talking about what the density bonus was, you remember we
3 backed that number out to get to the 270, so that's the
4 number really you're working at, and knowing that any
5 project may or may not have that density bonus is how we
6 got to the full number of 360. So really how you want to
7 try to spread them out is what basis do you want to use?

8
9 I think the Chair mentioned the different ways to
10 do that. Maybe you don't want to specifically say yet or
11 put a recommendation, but just say yes they do need to be
12 spread out to make that formula work later, and there could
13 be a range. I mean you could easily say one-third, one-
14 third, and one-third, or it's one-fourth to a half and
15 each, and then you wouldn't have that issue that we do have
16 if someone came in the beginning and put half up on the
17 first phase, and then you don't have any left for the
18 second; I think that was part of the issue that came up
19 before if you do give a range.

20 There are all these different components you're
21 working for, but I think the number you're working with is
22 the 270, and the density bonus will happen by state law;
23 you really don't have control over it.
24
25

1 CHAIR HUDES: No other opinions on that one, then
2 obviously this will move forward with at least those three
3 options, and I'm sure people will come up with more.

4 I am going to ask the Committee whether they'd
5 like to take a break. We have one more item, which is other
6 suggestions from GPC members or the public. I only have a
7 couple. I just want to get some sense about whether we want
8 to take a break now and then get back to it. Okay, so let's
9 take a ten-minute break and start again at 8:10pm.

10 (INTERMISSION)

11 CHAIR HUDES: Let's get started again, because
12 we'd like to try to conclude our work tonight, so if I
13 could have people take their seats, that would be great.

14 We'll take the last item that we have, which is
15 other suggestions from GPC members or the public, things
16 we've heard tonight or during the process. I've been
17 incorporating a lot of those along the way, so maybe I
18 could just get a quick sense. Do people have a few of
19 those? Yes, okay.

20 Commissioner Hanssen, it sounds like you're ready
21 to go.

22 COMMISSIONER HANSSSEN: I think Ms. Quintana had
23 this in her letter, and I had been thinking the same thing,
24 I think that we need to add some language about
25

1 consistency. Generally speaking there is language about
2 being consistent with the General Plan and the Housing
3 Element, but we don't have any of the Housing Element
4 policies referenced in the Specific Plan.

5 I don't know that it changes anything, but
6 probably the biggest issue that I see is the way that the
7 Specific Plan is set up right now. We discussed this in our
8 last meeting. You had the 270 units cap, which works out to
9 exactly 13.5 times 20, and so basically when you consider
10 those two things—and I'll leave aside the density bonus—you
11 can't have any other housing besides that which is zoned at
12 20 units per acre in the North 40 at all.

14 I don't know if that was the intended
15 consequence, and if that is what we intended, then it makes
16 it really hard to do housing in the Northern District
17 because above retail we found out in our testimony trying
18 to make 20 dwelling units on top of retail is very hard
19 unless those units are really small, which might be fine,
20 but I think that at a minimum we ought to take applicable
21 policies of the Housing Element. There's a lot of
22 discussion in the Housing Element about unmet needs and
23 that kind of thing and we ought to have some of that in the
24 Specific Plan to tie it together, especially since the
25 Housing Element and the Specific Plan have probably the

1 most issues we're trying to stay together from a legal
2 perspective.

3 CHAIR HUDES: Council Member Spector.

4 COUNCIL MEMBER SPECTOR: Thank you. The only
5 thing I would say, and I think it's akin to what she was
6 saying, is I'm going to accept for the basis of this
7 statement that the housing has to be on 13.5 acres and it
8 has to have X number of units per acre, and in order to do
9 that you can't have certain types of housing. So with that
10 assumption, I'm going to agree with her so that one could,
11 for example, have cottage clusters.
12

13 CHAIR HUDES: Other comments on consistency? Yes,
14 Mayor.

15 MAYOR SAYOC: If I could see if we could get
16 further clarification then. I'd actually like to remove the
17 CUP requirement for cottage clusters, and one thing I would
18 like Staff to look at as we look at the 20 units per
19 density, is if, let's say, one acre was 25, could we do
20 cottage clusters on an adjacent, and would that still meet
21 the density rules so that we can have the different housing
22 types but still meet the legal requirements?
23

24 JOEL PAULSON: That's potentially possible, yes.

25 MAYOR SAYOC: Okay, so I'd like that explored
further to the next point.

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CHAIR HUDES: Council Member Spector.

COUNCIL MEMBER SPECTOR: I'm going to go beyond explore it. I'd like that in. There are two of us.

CHAIR HUDES: I would agree with that. I think actually we did make that desire known earlier about the cottage clusters, and I agreed with that and agree with it again.

In terms of the issue of consistency, maybe Staff can talk about this a little bit, because do we need to duplicate the language between these three documents, or do we need to reference them better, or are there areas that have to get cleaned up in these documents, in your opinion?

JOEL PAULSON: I think there may be scenarios of all of the above, so we will take a look at that. There may be some elements where we want to reference other documents. I'm not sure that it's the best practice to just duplicate the information in all the documents across, I'm not sure that that's going to be necessary, but we'll take a look at that and see where we can try to get a little bit more clarity as far as acknowledgment of these other documents so people know they exist, and then they have links or some other mechanism to get to those documents.

CHAIR HUDES: I would agree with that, because I think that the public in reading one document was maybe not

1 aware of some of the constraints that existed in other
2 documents that were also governing, so it would be really
3 helpful to straighten that out as well; I think it's a
4 great suggestion.

5 Other ideas? Okay, there was another one that
6 came in in a letter and I just wanted to bring it to
7 people's attention. This was an additional use potentially
8 for assisted living and memory care; I believe there was a
9 letter from Mr. Javanbakht either in the original report or
10 in the addendum, and that triggered a question for Staff in
11 my mind. If we were to think about assisted living and
12 memory care, or senior services, how does that relate to
13 the letter that we received from the developer saying that
14 there were certain things we could not do in terms of
15 designating senior development?
16

17 JOEL PAULSON: Right now it's not permitted
18 anywhere in the Specific Plan, so it's allowing for that
19 opportunity, whether that's through a permitted use or a
20 Conditional Use Permit requirement, so it's adding that
21 type of use or those types of uses to the permitted use
22 table in the Specific Plan; I think that was the request.
23

24 CHAIR HUDES: So Committee Member's opinions
25 about including something like assisted living and memory
care?

1 Commissioner Hanssen.

2 COMMISSIONER HANSSSEN: I was glad you brought
3 that up, because I actually thought the same thing when I
4 read that letter, and I thought the right answer was to
5 make it a permitted use, especially given that a third of
6 our population in the Housing Element planning process is
7 going to be a senior, not that it will get built, but at
8 least to make it a permitted use made a lot of sense.

9
10 LAUREL PREVETTI: Mr. Chair, if I may? Last time
11 when we met we did talk about adding that as an allowable
12 use, but as I recall at least, the interest was to require
13 a CUP, so allow it as being permissible but have the CUP so
14 you could still do the balancing of the uses.

15 CHAIR HUDES: I see a lot of nodding heads on
16 that. Yes, okay.

17 There was discussion last time about senior
18 living and ground floor and other things, and this actually
19 came up in the Council deliberations on the application and
20 some suggestions that were made there. Yes, there was some
21 language in the letter from the Applicant about things we
22 could not do. Were there any other thoughts or things that
23 you wanted to share with us about opportunities for senior
24 living in locations across the plan?
25

1 ROBERT SCHULTZ: It's permitted, the senior
2 housing, and I think what the letter was saying, which we
3 don't disagree with, is you can't make it mandatory that
4 there be senior housing. It has to be voluntary by whoever
5 the developer/applicant is. It would still be a permitted
6 use, but certainly we could put other requirements on that
7 if in fact senior housing comes forward, and I think that
8 was some of the things that have been brought up in that
9 senior housing that is vertical as opposed to on the ground
10 floor, that might be some of the issues we can look at if
11 you want, but more requirements on your senior housing, if
12 in fact it does come forward.

14 CHAIR HUDES: Commissioner Hanssen.

15 COMMISSIONER HANSEN: I actually had a related
16 question. I think you said yes, but I actually wrote as I
17 was reading through... I understand clearly that you can't
18 restrict housing to seniors except the particular case of
19 the Eden Housing development; that was not the case, that
20 it qualified as a...they were able to age restrict that, if
21 that actually ends up happening.

22 But it did seem to me that there is no reason we
23 can't specify that the type of housing has to have the
24 parameters that could be appropriate for seniors without
25 even using the word seniors. Like there needs to be so many

1 single-story units, or so many single-story access units
2 with elevator or whatever. So my question is can we do that
3 and not be accused of discrimination?

4 ROBERT SCHULTZ: Yes, you can do that. The issue
5 becomes though if you're really, truly trying to obtain
6 senior housing, will you be able to obtain it if in fact
7 there are too many requirements that are put on that type
8 of use? You heard Eden talk about their prototype is
9 straight up and down, and we've talked about hotels and
10 what are the height limits they need, so if you begin to
11 say yes, we want a hotel but it can only be 30', you won't
12 get a hotel. If you say you want senior housing but it
13 always has to be on the ground floor, chances are you won't
14 get senior housing then, so it depends on what type of uses
15 you're really trying to attract to this area.

17 COMMISSIONER HANSSEN: It seemed to me that it
18 might be worth a little bit of extra effort to try to ask
19 some of our seniors. I'm not forgetting millennials, but
20 I'm just bringing up seniors for the moment, that we could
21 ask them what would they want in move-down housing? Or what
22 would be the minimum requirements for move-down housing?
23 And just make sure that we have a certain number of units,
24 it's built to have at least that minimum set of features.
25 That was my idea.

1 CHAIR HUDES: Mayor Sayoc.

2 MAYOR SAYOC: And also, I think with the single-
3 story unit we could emphasize that although many of our
4 seniors are move-down housers that would be utilizing it,
5 we still have a population that can utilize it. We have
6 people who may not be able to walk a flight of stairs, and
7 so I don't think it's necessarily designing it for a
8 certain age group, but just for a population that may or
9 may not be able to utilize stairs I think is something that
10 we should start looking at.

11 CHAIR HUDES: Mr. Barnett.

12 COMMITTEE MEMBER BARNETT: If I recall correctly,
13 Staff said although the senior housing could not be
14 compelled, that it could be incentivized, and I was
15 wondering if you could give me some examples of the type of
16 incentives that we could consider and whether they might go
17 into the Specific Plan.

18 ROBERT SCHULTZ: Parking, height, setbacks, those
19 types, usually what we're looking for when we're looking
20 for incentives.

21 CHAIR HUDES: Just to weigh in on that, I think
22 it was one of the things we heard very clearly as an unmet
23 need in the Town. There was debate about whether housing at
24 all was an unmet need, but there was very little debate

1 that reasonable options for seniors for move-down and other
2 considerations for seniors was a strong unmet need, so I
3 would hope we could do a little more in the Specific Plan
4 to incentivize and to allow that to happen. I do think that
5 that would be really important, particularly if we're
6 looking at distributing housing more than we've seen, so I
7 would weigh in that I would be very supportive of getting
8 some guidance, and again, talking to seniors would be a
9 great way to do that, but also there are other resources
10 that can help us, I think, to think about how we can build
11 that into the plan; I'd be very supportive of that.

13 Are there other items that Committee Members
14 would like to discuss? Commissioner Erekson.

15 COMMISSIONER EREKSON: If an outcome of the
16 revision would be to distribute types of housing across all
17 of the districts, then I think the Staff would need to look
18 at and carefully consider Section 2.3, which is the
19 designation of the land use districts, and those
20 descriptions, which are a fundamental assumption in the
21 plan that drives a whole lot of the policies and guidance
22 in the plan, may not be appropriate.

23 In fact, if a major thrust of redoing the plan is
24 to accomplish distributing all types of housing that are
25 allowed across all the districts, then it becomes

1 questionable for me whether the idea of having districts at
2 all is still appropriate, but for sure whether the type of
3 districts that are described, which are based on some
4 pretty clear assumptions about where housing is allowed and
5 what types, it calls into question that which...

6 So I wonder, if one were conclude then that
7 concept of districts that then drive a whole bunch of other
8 assumptions in the plan no longer is appropriate, that will
9 likely require a nightmare for Joel Paulson and this Staff,
10 because it would likely require a rewriting of most of the
11 plan potentially, because the plan is structured around
12 some assumptions that are captured largely in the concept
13 of districts.
14

15 I'm not saying that's right or wrong, but I'm
16 just saying it's something that needs to be looked at
17 carefully.

18 CHAIR HUDES: Council Member Spector.

19 COUNCIL MEMBER SPECTOR: Thank you. I don't
20 remember how we wrote all of this, but it could very well
21 be that the distinctions that we have memorialized in this
22 document are permissive rather than mandatory, and so
23 therefore even if we have these proposed changes, it may
24 not require a massive change in the document. I don't know,
25 because I don't remember.

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CHAIR HUDES: Commissioner Hanssen.

COMMISSIONER HANSSEN: I just wanted to do a sanity check. I thought that when we were discussing removing the CUP, for example, from cottage cluster, it was only going to be permitted in the Lark District. That was where I thought we went with the discussion, and I'm not saying that any changes wouldn't end up influencing what's written in Section 2.3, but the other point was in the Northern District I don't think we had any discussion about removing the requirement for any residential to be over commercial. I remember we talked about if we wanted to have more residential in the Northern District that we might have to look at increasing the height limitation in order to get the twenty dwelling units per acre density, and that obviously needs to be looked at, but clearly we have to look at the language and make sure we're not contradicting the plan, but based on what we've discussed so far it didn't seem to me that we were going to be violating what was in Section 2.3.

CHAIR HUDES: Just to weigh in, that was my recollection as well, that we were looking at some sort of minor adjustments to where housing might be located across the site, but that the fundamental idea of the districts and what they did, in my mind, was a good thing and was

1 valuable to carry forward. But we will see when we see the
2 Staff Reports that come to us for consideration, since we
3 didn't tick and tie and vote on everything, but that one I
4 think we'll see how that turns out.

5 Other comments or suggestions from the Committee?

6 Okay.

7 I want to thank the Staff in particular for
8 tremendous work. I know the Community Development Director
9 and the Town Manager paid really close attention to this.
10 Where earlier we had a lot of resources and consultants and
11 whatever, this is now falling very much on the Staff, and I
12 appreciate all of the work that's gone into this first
13 step. I'm looking forward to a report that summarizes the
14 opinions and consensus of this committee, and ideas that
15 come out of this committee as this moves forward.

17 And I want to thank my fellow Committee Members
18 for putting in the work and the attention to this, but also
19 putting up with me as I sort of muddled through leading us
20 through this process, so thank you, and this concludes the
21 work of the Committee.

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