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

Los Gatos Planning Commissioners:	Mary Badame, Chair D. Michael Kane, Vice Chair Charles Erekson Melanie Hanssen Matthew Hudes Tom O'Donnell
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Transcribed by:	Vicki L. Blandin (510) 337-1558

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

CHAIR BADAME: Good evening, ladies and gentlemen. Welcome to the Town of Los Gatos Planning Commission special meeting of Thursday, December 15, 2016. If you haven't already done so, please take a moment to silence your devices.

Mr. Paulson, would you please call the roll?

JOEL PAULSON: Yes, thank you, Chair Badame. Commissioner Erekson.

COMMISSIONER EREKSON: Present and accounted for, one last time.

JOEL PAULSON: Commissioner Hanssen.

COMMISSIONER HANSSEN: Here.

JOEL PAULSON: Commissioner Hudes.

COMMISSIONER HUDES: Here.

JOEL PAULSON: Commissioner O'Donnell.

COMMISSIONER O'DONNELL: Here.

JOEL PAULSON: Vice Chair Kane.

VICE CHAIR KANE: Here.

JOEL PAULSON: And Chair Badame.

CHAIR BADAME: Here.

1           Would everyone please stand and join Commissioner  
2 O'Donnell as he leads us in the Pledge of Allegiance?

3           (Pledge is recited.)

4           CHAIR BADAME: The Town of Los Gatos strongly  
5 encourages participation in the public process with verbal  
6 and written comments. To speak on any item tonight, for  
7 which we only have one, please complete a speakers card  
8 located within the bench, follow the instructions on the  
9 back of the card, and turn the card in to a Staff member.  
10 Matters relating to the North 40 will be heard during the  
11 itemized public hearing. Matters not on the agenda will be  
12 heard under Verbal Communications.  
13

14           We've received an addendum tonight, Exhibit 9,  
15 and a Desk Item for Item 2. Have Commissioners had an  
16 opportunity to read the correspondence? Yes? No, Charles  
17 Erikson? Anybody need more time? No.

18           We don't have any requested continuances this  
19 evening, and we don't have any subcommittee reports. Even  
20 though we don't have any subcommittee reports I'm going to  
21 make a report on the work of the General Plan Committee  
22 regarding the amendments to the North 40 Specific Plan.

23           In meeting twice, Commissioner Hudes as Chair  
24 provided a very methodical and thorough approach to the  
25 issues at stake. Commissioner Erikson and Commissioner

1 Hanssen also provided extremely valuable input for the  
2 focus of this evening's discussion, so thank you, Committee  
3 Members, for making our job easier tonight.

4 Verbal Communications, I have one speaker card,  
5 and that would be from Angelia Doerner.

6 ANGELIA DOERNER: Hello, I'm Angelia Doerner,  
7 proud resident of the Almond Grove, and I just have a  
8 couple of comments very quickly.

9 Compared to some, I'm somewhat of a newbie. I've  
10 only been a resident for a little shy of 20 years, and  
11 although I watched a little from afar in the past, I've  
12 only been actively participating in your meetings and the  
13 Council meetings for a little shy of three years. But man,  
14 thanks to your deliberations, intense analysis and  
15 insights, and your agreements to disagree, a lot of which  
16 has come lately, I've learned an awful lot; among other  
17 things policy versus practice—policy done above and  
18 practice having to be borne out by you all—EIRs, traffic  
19 studies, public works, design guidelines, architectural  
20 styles, articulation, and lately there has been an awful  
21 lot of debates on numerous applications over size, and most  
22 importantly, compatibility with neighborhood, and overall,  
23 the Town.  
24  
25

1 All of these things combined, most of which are  
2 objective, are what results in the look and feel of Los  
3 Gatos. I knew what that meant almost 20 years ago after one  
4 afternoon driving around town, and I want to thank you for  
5 how seriously you take your role in preserving that for us  
6 and the future.

7 Two nights ago I attended a meeting regarding the  
8 developer's outreach meeting regarding a proposed  
9 development at Highway 9 and Santa Cruz. Yes, the gateway,  
10 the first impression for all of our downtown, and by right,  
11 our entire community. I believe we were told they would  
12 likely be starting the process with the Town in early or  
13 late spring. I felt I and other residents would have plenty  
14 of time after the holidays to digest, analyze, critically  
15 review, and hopefully really come to embrace the entire  
16 project.

17 Today I found out it's actually already scheduled  
18 to come before you on January 17<sup>th</sup>, so it just means that me  
19 and a lot of other residents will need to get extremely  
20 busy after the new year to ensure that we can be here to  
21 help assist you in making sure that the architectural  
22 style, articulation, and compatibility with the  
23 neighborhood and our downtown are looked after for our  
24 benefit and that of the future.

1 Thank you. Oh, and Merry Christmas.

2 VICE CHAIR KANE: Thank you, Ms. Doerner. Would  
3 anyone else like to speak to us about an item other than  
4 the North 40? If so, please come forward.

5 Seeing no one come forward, we'll go straight to  
6 the North 40 Specific Plan Amendments, which is Item 2,  
7 consideration of the General Plan Committee's discussion  
8 and provide recommendations regarding the Town Council's  
9 suggestions for amendments to the North 40 Specific Plan.  
10

11 Mr. Paulson and/or Ms. Zarnowitz, we're ready for  
12 the Staff Report, depending upon who is going to give it.

13 JOEL PAULSON: Sure. In the Staff Report you  
14 received Friday there was a background, but I'll briefly go  
15 through that.

16 As everyone in this room I'm sure, if not mostly  
17 everyone, is aware, the Council adopted the North 40  
18 Specific Plan as it currently exists in June 2015. In  
19 September of this year the Council considered the Phase 1  
20 application for the North 40, which was an actual  
21 development application. They denied that application at  
22 their September 6<sup>th</sup> meeting. Following that meeting, the  
23 Mayor set a meeting to discuss potential amendments to the  
24 Specific Plan. The Council held that meeting and forwarded  
25 a list of suggestions that was, as you mentioned earlier,

1 discussed by the General Plan Committee on two occasions,  
2 one in October and one in November.

3           The best exhibit to walk through those is  
4 probably Exhibit 9 in the Addendum. The Exhibit 7 document  
5 that was provided in the Staff Report didn't have  
6 information on the General/Other category, which is the  
7 final category.

8           The potential amendments, as Staff had provided  
9 direction to Council when they were discussing it, aren't  
10 intended to be a complete rewrite of the Specific Plan.  
11 They're intended to be specific, they're intended not to  
12 require additional environmental impacts review, and also  
13 not to require modifications to our existing certified  
14 Housing Element.

15           With that, that concludes Staff's report. We're  
16 available to help Planning Commissioners as they walk  
17 through this discussion and ultimately with us this evening  
18 or another occurrence, provide a recommendation to the  
19 Council on these and any other items.

20           When we get to the Other category, and  
21 fortunately we do have three General Plan Committee members  
22 here, the General Plan Committee also discussed the  
23 potential for adding an assisted living/continuum of care  
24 use. That is not in your package, but we're available to  
25

1 discuss that, and have a couple questions, if we get that  
2 far, that we'll be looking for guidance from the Commission  
3 on.

4 CHAIR BADAME: Thank you, Mr. Paulson. Questions  
5 for Staff from Commissioners? Commissioner O'Donnell.

6 COMMISSIONER O'DONNELL: I just saw this letter  
7 from Grosvenor et al. dated December 12<sup>th</sup> this evening; it's  
8 in the package we received tonight. I've had a chance to  
9 scan it, but I haven't had a chance to evaluate it. I will  
10 assume and hope that the Staff, including the Town  
11 Attorney, has, because they seem to think that if we do  
12 what we're proposing we would require change in the  
13 environmental impact work, and I'm wondering where we are?  
14 It's going to be rather difficult for us to evaluate that  
15 without your advice, and also having just gotten it, it's a  
16 very significant comment, so I'm just wondering if either  
17 you or the Town Attorney have any comments concerning the  
18 issues raised in that letter?

19  
20 JOEL PAULSON: This issue also was brought up, I  
21 believe, in a letter that was provided to the General Plan  
22 Committee from Grosvenor as well, so we will be looking at  
23 these different modifications. I believe, if I remember  
24 correctly, it was potentially a traffic challenge, and so  
25 the EIR obviously studied a larger amount of commercial

1 square footage. It also looked at a larger number of  
2 residential units, and so we would be weighing that against  
3 the changes.

4           The changes that are before you this evening we  
5 don't believe are going to have impacts in that direction.  
6 If anything, many of these suggestions actually lowered  
7 some of those thresholds, but depending on the final  
8 outcome and Town Council's ultimate decision on any  
9 amendments, we would do a thorough walk-through to make  
10 sure that we don't create any challenges for the Town in  
11 the Environmental Impact Report.

13           CHAIR BADAME: One more from Commissioner  
14 O'Donnell.

15           COMMISSIONER O'DONNELL: Just to follow up, as I  
16 understand it, the Specific Plan now is in litigation and  
17 at least the press reports said it might be argued in  
18 March; whether it is or isn't, it's on the track to being  
19 argued. Were SummerHill and Grosvenor to prevail, they  
20 proceed under the existing Specific Plan, as I understand  
21 it.

22           On the other hand, we are proceeding with some, I  
23 think, speed and diligence to change the Specific Plan,  
24 realizing it would only apply to other subsequent parties.  
25 What I'm wondering is we seem to be proceeding, in my

1 experience at least, somewhat rapidly, and I'm wondering  
2 what I'm missing? Because the one argument is we're  
3 proceeding rapidly so somebody else can't come in and file  
4 under the existing Specific Plan, but that seems so  
5 fanciful since if they were able to file under the existing  
6 Specific Plan one would think perhaps we're on the wrong  
7 side of that battle in court. Is there any particular  
8 reason why we're proceeding with more speed than usual, or  
9 are we not proceeding with more speed than usual?  
10

11 LAUREL PREVETTI: I'll give it a start, and then  
12 my colleagues will probably join me.

13 We were fortunate in terms of working with the  
14 General Plan Committee and going through all of the  
15 suggestions in a very orderly way. We also heard public  
16 testimony at both of the meetings, so the Committee had the  
17 full benefit of public input, and as you can see, the  
18 public is continuing to provide comment.

19 As you work through Exhibit 9 in your packet  
20 you'll see that there's still a lot of work to be done, so  
21 while we are at this point of starting to craft amendments  
22 to the Specific Plan, there's still a fair amount of work,  
23 and we'll see how far we get tonight and then we'll  
24 continue our conversation.  
25

1 Applications can still be submitted, and they  
2 would be reviewed under the existing Specific Plan. There  
3 is no moratorium; things can certainly proceed. This is  
4 really happening in parallel and independent of any  
5 lawsuit.

6 COMMISSIONER O'DONNELL: Except if someone were  
7 to file under the existing Specific Plan they would be  
8 behind the litigant, would they not? I mean I assume, I  
9 don't know, you process another application under the  
10 existing Specific Plan notwithstanding that we have  
11 litigation on that same Specific Plan? Is that what you're  
12 worried about?  
13

14 LAUREL PREVETTI: We have multiple properties, as  
15 you know, and the application that's currently in  
16 litigation was for the southern portion. There are many  
17 other properties to the north, and whether it's a small  
18 parcel or a combination of parcels, those are still  
19 eligible for new uses and new development, and so under  
20 that scenario the current Specific Plan prevails.  
21

22 COMMISSIONER O'DONNELL: Thank you.

23 ROBERT SCHULTZ: And there's no legal deadline  
24 that we're doing, and I think part of it was just the  
25 priority from Council to undertake this task, knowing how  
important it is to the community and the amount of input

1 they received to put this forward in front of the General  
2 Plan Committee, and they did it, but there isn't any set  
3 date that Planning Commission has to be done, or when the  
4 Council does.

5 COMMISSIONER O'DONNELL: So there's no date, for  
6 example, when the Council is tentatively going to take this  
7 matter up?

8 JOEL PAULSON: We tentatively outlined a  
9 timeline, which was January 17<sup>th</sup>. However, we always knew  
10 that was tentative, and that assumed only one General Plan  
11 Committee meeting and only one Planning Commission meeting,  
12 which we also knew may not work from just the sheer breadth  
13 of information.  
14

15 COMMISSIONER O'DONNELL: So that tentative  
16 schedule would have the Town Council meeting on the 17<sup>th</sup>?

17 JOEL PAULSON: Correct.

18 COMMISSIONER O'DONNELL: Thank you.

19 CHAIR BADAME: Vice Chair Kane.

20 VICE CHAIR KANE: I have two questions. The first  
21 is is it true that the only difference between Exhibit 7  
22 and Exhibit 9 is the text where "should" has been changed  
23 to "shall"?

24 JOEL PAULSON: The changes in the last two pages  
25 in the General/Other category previously in Exhibit 7 had

1 said that further information would be coming forward, so  
2 that, in combination with the two attachments, one being  
3 the occurrences of "should," and the other being the Tree  
4 Protection Ordinance, which was a request of the General  
5 Plan Committee.

6 VICE CHAIR KANE: Right. So we should be guided  
7 by Exhibit 9?

8 JOEL PAULSON: Correct.

9 VICE CHAIR KANE: Thank you. The second question  
10 is we've received another letter from Grosvenor regarding  
11 discrimination based on age, and they cited a number of  
12 cases of apparent alleged discrimination on families with  
13 children, and that—not being an attorney, Tom—got my  
14 attention, because we have the General Plan Committee, and  
15 myself and others in this body, have talked about senior  
16 housing spread out and at ground level as opposed to in  
17 elevated towers. Should we be concerned about that letter,  
18 or are we on firm ground by requesting senior housing,  
19 BMPs, be spread out and be on ground level?

20 ROBERT SCHULTZ: You should be concerned with the  
21 letter, and the letter states what the law is regarding  
22 discrimination, but there is no requirement from a legal  
23 standpoint that says you can't dictate how your senior  
24 housing is going to be built. You also have to understand  
25

1 the ramifications though of putting that requirement in,  
2 and then realistic expectations, which I said to GPC is  
3 that you won't get senior housing if you're looking for  
4 senior housing on the ground floor.

5 VICE CHAIR KANE: So despite the letter, it may  
6 not be the senior housing spread out...

7 ROBERT SCHULTZ: I don't believe the letter... I  
8 only saw the last one with this package, so it must have  
9 been the previous one, but they were just talking in  
10 generality about discrimination and the requirements of  
11 senior housing. You can't specifically require senior  
12 housing, but if senior housing is an element they want to  
13 do, you can spell out how that senior housing is going to  
14 be done. So discrimination meaning designating specifically  
15 that there will be senior housing? Yes, you cannot do that.

16 VICE CHAIR KANE: And I think the letter pointed  
17 out that there were cases exactly like that.

18 ROBERT SCHULTZ: And we didn't do that in the  
19 first one, and we're not doing that requirement now. I  
20 think what you are alluding to is that if an applicant does  
21 want to do senior housing, then putting that requirement  
22 that it has to be on ground floor and has to be spread out,  
23 the ramifications of that in the real world is you won't  
24 get senior housing, because that's not how it can function  
25

1 either legally, because of the amenities all having to be  
2 together, and because land is too valuable.

3 VICE CHAIR KANE: I didn't look at it that way.  
4 You're saying despite all the conversation and the merits  
5 to putting seniors on ground floor as opposed to up in  
6 towers dependent upon elevators, that's probably not going  
7 to happen?

8 ROBERT SCHULTZ: Unless you subsidize it or do  
9 something else, yes.  
10

11 CHAIR BADAME: Commissioner Hanssen followed by  
12 Commissioner Hudes.

13 COMMISSIONER HANSSEN: I just wanted to add a  
14 comment since we were on the General Plan Committee. We  
15 discussed this issue at length, and my recollection of the  
16 conclusion we came to is that we wouldn't be requesting  
17 age-specific housing, but what we were going to try to do  
18 instead to accommodate the needs of our seniors was to make  
19 sure that we were clear on what kinds of features that they  
20 would want in housing if they were to do step-down housing,  
21 and make sure that we accommodated for that in the Specific  
22 Plan.

23 CHAIR BADAME: Commissioner Hudes.

24 COMMISSIONER HUDES: This was a question that I  
25 think was asked and answered at the General Plan Committee,

1 but I wanted to ask it again in this context, and it's  
2 about the situation we're in where the Town, I believe, is  
3 being sued by the Applicant, and so any deliberations that  
4 we have or any changes that we make to the Specific Plan,  
5 can those affect that litigation, and would you advise  
6 anything in the way we would treat that particular event in  
7 regard to our consideration?

8           ROBERT SCHULTZ: I'm glad you raise that question  
9 again, because it's come up even from Council and from the  
10 General Plan Committee. Anything that we're doing right now  
11 cannot affect that litigation whatsoever. The  
12 administrative record is done and complete and had finished  
13 on September 6<sup>th</sup> when the resolution was submitted, so  
14 that's everything that was the decision making in that  
15 project, and any hearings from this point forward are not  
16 part of the administrative record and will not be  
17 introduced into evidence.

18           CHAIR BADAME: Any further questions? Seeing  
19 none, we will now invite comments from members of the  
20 public. I have a few speaker cards, and I will start with  
21 Roy Moses.

22           ROY MOSES: Good evening, Commission Members, Roy  
23 Moses, La Croix Court; I almost forgot where I live. I  
24 haven't been home in a while.

1           Just wanted to come tonight and say thank you  
2 very much for all the work that you're doing. I know this  
3 is an arduous task on your behalf. We, the citizens, have  
4 been meeting as well and trying to keep up on what we have  
5 put forth to you in past meetings, and then unfortunately  
6 we weren't able to get the document. What was it? Was it  
7 Exhibit 7 was the one that came out? Anyway, I read that  
8 tonight for about two hours. I've been busy with other  
9 things like family matters and that.  
10

11           But anyway, I just want to say that obviously by  
12 that document you have addressed a lot of the issues that  
13 we brought up in those meetings and things like that, and  
14 listening tonight, I'm starting to become a little bit more  
15 encouraged that we're moving forward. It's very difficult  
16 as a citizen to sit back, and without going through all the  
17 records on a continuous basis and reading every document  
18 that comes to us, to really keep up with all these things;  
19 it's confusing and the laws are pretty hard to figure out.  
20

21           But I just want to say thank you to everybody for  
22 being diligent in what you're doing. The citizens are  
23 aware, even though they're not here tonight. Obviously it's  
24 the holidays, and with school and the rain and everything,  
25 but I just want you to know that I speak to a lot of people  
every day in my business in the community—I've been here

1 for a long time—and they're aware that you're keeping an  
2 eye on all of us and they're asking us, the people who are  
3 involved, and we're trying to get them more involved to  
4 really keep on task and move forward.

5 I just want to make sure I say a couple of things  
6 I wanted to say here. I think the only other thing I would  
7 like to say, in talking with a lot of people I know that  
8 there are several other development projects coming up, on  
9 Highway 9, the one on Alberto Way, and some other housing  
10 projects. I don't know if things are just really kind of  
11 going to get away from us in this town with all these  
12 projects coming up. We have one on Hilow Court that's been  
13 a big issue, and I'm not sure if we, the citizenry, or the  
14 Town government, is going to be able to handle all this and  
15 be able to maintain what this town is.

17 I'd like to just say that I'm in support of  
18 having a moratorium on building in this town for two years  
19 to get everything all sorted out. Traffic issues are not  
20 going to go away, school issues are not going to go away,  
21 impacted by all this development, and the general welfare  
22 of the living that we have here in this town is not going  
23 to go way. So I'd like to put that on the table for  
24 consideration, and a lot of the citizens are talking about  
25 that.

1 Thank you for your time. Have a great holiday.

2 Thank you very much.

3 CHAIR BADAME: Thank you, Mr. Moses. Next speaker  
4 is Rod Teague.

5 ROD TEAGUE: Thank you, Commissioners. Happy  
6 holidays. My name is Rod Teague and I've been a resident  
7 here most of my life.

8 Please prioritize the following amendments in  
9 order to safeguard the Specific Plan's true intent and  
10 leave no gray areas to be manipulated.  
11

12 The first one is spread housing out evenly  
13 through all districts, which you've heard. This is a clear  
14 intent of the Specific Plan and it needs to be solidified  
15 and protected.

16 The second is reduce commercial to a maximum of  
17 225,000 square feet. This would be approximately five times  
18 the size of Trader Joe's Village Square. This is in  
19 addition to the commercial that already exists there and  
20 would be more than adequate to serve the north end  
21 residents and all the adjacent communities. Considering the  
22 new retail online purchasing paradigm, competition between  
23 the North 40 and downtown is not a good thing. I agree  
24 competition is good within the downtown itself, but we do  
25 not want to fragment or confuse our downtown core. San Jose

1 made that mistake. Why would we ever want to take that  
2 chance? We want to foster our downtown success, because  
3 that's who we really are. Also, because there has never  
4 been a proposal on that North20, it's completely within the  
5 Town's justifiable right to make this reduction now.

6           Number three; make housing affordable to early  
7 career professionals. We've been talking about millennials,  
8 but millennials are now requiring larger homes. This can be  
9 achieved by mandating unit size caps, offer housing that  
10 works with the median income for Los Gatos, which is  
11 \$122,000. It's a great benchmark to make units attainable.  
12 Based on the median income for Los Gatos early career  
13 professionals might be able to afford a unit that is priced  
14 at \$750,000, that is, if they have \$150,000 to put down.  
15 This gives you an idea of what they would have to come up  
16 with. That would translate into 1,000 square foot units at  
17 \$750 a square foot. This number does not include revolving  
18 debt for qualifying, so they would be hard pressed to even  
19 qualify for a \$750,000 home with an income of \$122,000. At  
20 least 33% of the total market price units in the  
21 development should fall into this category. And that's it.  
22 Thank you.

23  
24           CHAIR BADAME: Mr. Teague, I have a question for  
25 you. With your proposal to reduce the commercial to 225,000

1 square feet, does that include any consideration for a  
2 hotel, and could you give me your thoughts on having a  
3 separate square footage allotment for a hotel?

4           ROD TEAGUE: If that was a consideration, yeah, I  
5 think that's very viable, but when we're talking about  
6 retail space I think we need to be extremely critical. That  
7 competition for downtown business in this retail  
8 environment is really scary, especially as I just read in  
9 the Los Gatos Weekly that this last quarter I think we were  
10 down by another 4% in retail sales, so that seems to be the  
11 continuing trend, and adding large retail malls is really a  
12 bad choice, at least in my opinion.

14           CHAIR BADAME: Thank you. Commissioner Hanssen  
15 followed by Commissioner Hudes.

16           COMMISSIONER HANSSEN: Thank you for your  
17 comments. On the affordable housing for the early career  
18 professionals, I think that makes a lot of sense. You  
19 talked about the affordability of owner-owned units. One  
20 issue that the General Plan Committee discussed, and we  
21 didn't completely resolve it, was there's nothing in the  
22 General Plan that speaks to having rental units, and of  
23 course those would likely be more affordable, that combined  
24 with reducing the unit size. So I'm wondering what your  
25

1 opinion is on that in terms of making housing affordable  
2 for young professionals living in the Los Gatos?

3           ROD TEAGUE: Through rentals? I think the young  
4 professional would prefer to have a place of ownership, but  
5 that's definitely an option, I think a very viable option.  
6 But I think it's the size that's associated with that, and  
7 having gone to so many meetings and listening about the  
8 sell on the millennial makeup of the development, moving  
9 forward I would like to see that, and I think that should  
10 be comprised of a third of the total development.  
11

12           COMMISSIONER HANSSEN: Okay, thank you.

13           CHAIR BADAME: Commissioner Hudes.

14           COMMISSIONER HUDES: Again, with regard to  
15 affordable for early career professionals, you mentioned a  
16 unit size cap. There have been some suggestions from the  
17 Council of a 1,700 square foot cap, and the General Plan  
18 Committee I believe came up with a 1,500 square foot cap.  
19 Do you have any information that would support whether  
20 either of those two numbers would be appropriate for this  
21 purpose, or other numbers?  
22

23           ROD TEAGUE: I just don't think it pencils out. I  
24 think the average price for square footage for a new home  
25 in Los Gatos is about \$850 a square foot now, and I'm kind  
of going based on borrowing power. For somebody that is

1 maybe in their early thirties and is looking to purchase a  
2 home in Los Gatos, a realistic buying power level I think  
3 is probably about \$750,000 if you're making that \$122,000 a  
4 year, so if there are 1,500 square foot homes for sale for  
5 \$750,000, great, but I just don't think that's realistic.

6 COMMISSIONER HUDES: Thank you.

7 CHAIR BADAME: Thank you, Mr. Teague.

8 CHAIR BADAME: Next speaker is Bill Hirschman.

9  
10 BILL HIRSCHMAN: Good evening, my name is Bill  
11 Hirschman. I am one of the small property owners in the  
12 North 40; it was part of the previous application. Just  
13 making that disclosure, but I'm here really tonight as a  
14 33-year citizen of Los Gatos and 33-year developer in this  
15 town. Many of the projects that I built in the past the  
16 Town now refers to as the look and feel of Los Gatos, so  
17 I'm very familiar with the process in this town.

18 I spent about three hours this afternoon  
19 preparing some statements, and unfortunately Mr. O'Donnell  
20 took them all away and in a two-minute discussion. I think  
21 you nailed the question: Why are we moving this in this  
22 expedient fashion? There's no reason. I bought my property  
23 in 1998, and I've spent 19 years waiting for decisions in  
24 the North 40, most recently six years as part of that  
25 application. I think there were 17 meetings to talk about

1 the Specific Plan, there was a year-and-a-half worth of  
2 meetings, and now all of a sudden in three months we're  
3 pushing amendments through, not knowing what's going to  
4 happen with the litigation.

5 I'm going to offer up an answer for your  
6 question. There is no reason to be doing this. There's no  
7 solid reason to be expediting this process. There just  
8 simply isn't, and if there is, I would like a response to  
9 that question if there's a reason, if there's another  
10 pending application, if there's a reason to push this  
11 forward in a manner. This room was filled with hundreds of  
12 people when we were here the last few times. The gentleman  
13 who spoke before me saying it's Christmas. I mean who shows  
14 up at Planning Commission meetings at Christmas? Only crazy  
15 people like us. I mean that's the only people that do that.

17 So why are we doing this? What is the need? I'm  
18 going to jump, because I've only got my minute and-a-half  
19 here, but the question that also came up, and I can't  
20 remember who brought it up, with regard to the traffic and  
21 changing some of these recommendations, and how they don't  
22 impact CEQA, I've been doing this a really long time and I  
23 will tell you that changing uses, and changing traffic  
24 patterns as a result of various uses, will absolutely  
25

1 impact traffic patterns and traffic reports. There's no  
2 doubt.

3 I have other comments. I'm running out of time.  
4 My only other one is with regard to the CUPs. Before you  
5 start requiring CUPs in a project of this magnitude you  
6 better be prepared to process those CUPs. When you get hit,  
7 as what will happen, with 20 or 25 CUPs, and that's the way  
8 this process will work to lease these spaces, the Town's  
9 not going to be able to handle that, and I haven't heard a  
10 response as to how that would take place.  
11

12 I have other comments, but I thank you for your  
13 time.

14 CHAIR BADAME: Thank you, Mr. Hirschman. Don't go  
15 away, we have a question for you from Commissioner Hudes.

16 COMMISSIONER HUDES: Thank you, I appreciate your  
17 perspective very much. You were really asking two questions  
18 about why are we doing this: Why are we moving so quickly,  
19 and why are we doing this at all?

20 With regard to the why are we doing this at all,  
21 we had testimony from many people at the Planning  
22 Commission. I mean, are you aware that there were 500  
23 individual comments, and that only 3% supported the  
24 application?  
25

1 BILL HIRSCHMAN: I'm not aware of that. I don't  
2 those statistics; I'm accepting that that's what you said.  
3 However, in this latest process, and I'd be open to hear  
4 your response, have you heard one single comment in your  
5 last go around of this review that you haven't heard for  
6 the last six years? What's changed? Is there a single  
7 comment that would lead you to change your decisions that  
8 were discussed, that were voted, and went in the direction  
9 that you decided to go? I would suggest that that's not the  
10 case. I would suggest that there are agendas that people  
11 that wanted it to be directed in one direction have now...  
12 Those decisions didn't go in that manner, and so now  
13 there's another bite of the apple.

15 COMMISSIONER HUDES: I appreciate your response,  
16 and I don't think it's appropriate to get into a debate,  
17 but I do appreciate your response and your perspective.  
18 Thank you.

19 CHAIR BADAME: Thank you, Mr. Hirschman. Edward  
20 Morimoto.

21 EDWARD MORIMOTO: Good evening. Thank you for the  
22 opportunity to address you this evening. My name is Ed  
23 Morimoto, and I live at 460 Monterey Avenue.

24 As my remarks to the Town Council and the General  
25 Plan Committee on amending the Specific Plan are a matter

1 of public record I'll try to be brief, as I trust you all  
2 have or will review these proceedings as part of your  
3 decision making process. In that spirit, I'd just like to  
4 punctuate two points.

5 I'd like to reiterate my concerns of the hasty  
6 nature of the amendment process, both in regard to its  
7 timing ahead of knowing the outcome of the pending Phase 1  
8 lawsuit, and the rush to make changes with extremely  
9 limited due diligence. Even with the benefit of time,  
10 resources, and funding for study the complexity of the  
11 North 40 Specific Plan was extremely challenging, and these  
12 proceedings are predicated on a notion that despite those  
13 luxuries the plan was flawed. So I'd ask you to consider,  
14 can responsible decisions be made on elements like  
15 residential allowances given the wildly different contexts  
16 in which they will be applied, depending on the outcome of  
17 the lawsuit?  
18

19 I would also ask you to remember the remorse felt  
20 by many, including those who made a decision, for the loss  
21 of the originally proposed senior move-down building caused  
22 by the simple, but perhaps under-considered, reduction in  
23 building heights made by the Town Council in the final  
24 stages of the Specific Plan hearings.  
25

1 I would be the first to agree that the Specific  
2 Plan isn't perfect, but creating it and even amending it is  
3 a complicated endeavor that I believe requires greater  
4 investment than is being given here.

5 I would also ask that this Committee proceed  
6 cautiously on further commercial restrictions for the North  
7 40 in the name of protecting our downtown. There are  
8 multiple studies indicating the commercial allowed in the  
9 North 40 Specific Plan doesn't spell doom for our downtown,  
10 but not a single one that indicates that it does. If our  
11 downtown is vulnerable, as it may be, I fail to see how  
12 restricting the North 40 makes it less so. Shoppers and  
13 diners don't even slow down crossing Town limits, but sales  
14 tax revenue comes to a full stop. At last week's Town  
15 Council it was made clear in the quarterly financial report  
16 that Los Gatos faces declines in sales tax revenue when the  
17 state broadly, and the West Valley specifically, are seeing  
18 the opposite. Limited data and Netflix impacts may have  
19 allowed us to miss this before, but the message is all too  
20 clear now.

21  
22 Now, my background is in business, not municipal  
23 economic vitality, but I believe the same basic economic  
24 laws apply. I have yet to experience a situation where the  
25 answer to helping a struggling part of the business

1 requiring investment was to make another part of that  
2 business less competitive, so I have a hard time  
3 understanding how making the North 40 less competitive, and  
4 likely bringing in less tax revenue to our town, will help  
5 address the parking, traffic, and other issues requiring  
6 investment needed to help our downtown.

7  
8 Thank you for this opportunity to speak, and as  
9 always, I'm available for questions.

10 CHAIR BADAME: Thank you, Mr. Morimoto.  
11 Questions? Seeing none, thank you very much. Anne Robinson.

12 ANNE ROBINSON: Anne Robinson, Charter Oaks.

13 As you know, I've addressed this concern before,  
14 and I appreciate you listening again.

15 This is the North 40. The area in orange is the  
16 high health risk area of the North 40 where the current  
17 application that's in the lawsuit is proposing housing in  
18 that area. I handed out the EIR for this area, and in the  
19 air quality section of the EIR it states, "However,  
20 residential uses could be placed within areas with toxic  
21 air contaminants and excessive standards. This is a  
22 significant environmental impact. Implementation of the  
23 following mitigation measures would reduce toxic air  
24 contaminants and health risks to a less than significant  
25 level." Then it goes on to mitigation measures, which I've

1 handed out, and it talks about, "High-efficiency filtration  
2 on ventilation systems shall be required in residential  
3 hotel and office units located in areas along State Route  
4 17 identified in the EIR as having a cancer risk in excess  
5 of ten cases per million."

6 I still don't get how this is going to be  
7 effective for residential uses considering that the windows  
8 will be open. I don't see how this mitigation measure will  
9 be effective.  
10

11 The other article I handed out to you, which is  
12 called, "What is a Safe Distance to Live or Work Near High  
13 Auto Emission Roads?" consolidates a lot of the research on  
14 the Internet, and on page 4 it says, "On average,  
15 particulate matter concentration is significantly higher  
16 within 330', or 100 meters, of major highways than it is  
17 farther away." So, basically it's saying that anything  
18 within 330', or 100 meters, is going to have a higher toxic  
19 contaminant of particulate matter.

20 My question to you is why are we allowing housing  
21 in this area when you have 40 acres? I don't understand  
22 that. I lived 30' from a freeway my entire life. My mom  
23 died of lung cancer. It was horrible, it was dirty, and it  
24 was loud. Why would we want to subject our future residents  
25 to that? I don't understand.

1           What I'm asking is that in Section 2.7.4 in the  
2 Setbacks for Residential you add a requirement that the  
3 residential housing must be 330' from the State Route 17  
4 boundary, that you seriously consider this. I think it's  
5 important for you to address this issue. That's it. Thank  
6 you very much for your time.

7           CHAIR BADAME: Thank you, Ms. Robinson.  
8 Commissioner Hudes.

9           COMMISSIONER HUDES: Thank you, and I appreciate  
10 you sending the articles. I'm not sure I completely  
11 absorbed all of it, but how is the 330' the right setback?  
12 I saw one article that said 1,000'; I saw another article  
13 that said there was a certain kind of damage within certain  
14 ranges. Why 330'?

15           ANNE ROBINSON: I think from the research on the  
16 Internet that I've read, it's an average. Of course, this  
17 is eight lanes of freeway; most of Los Gatos is four. This  
18 has a major interchange; this has a lot of other, I guess,  
19 impacts that some other areas don't. So again, the 330' is  
20 an average. Why are schools required to be 500' from major  
21 freeways? Because there's less pollution 500' away. I think  
22 the 330', 100 meters, was just an average from what was  
23 taken as far as measurements from other studies that were  
24 done. But I think what concerns me is this is eight lanes,  
25

1 this is a major interchange, these are off ramps, on ramps,  
2 there's gridlock there hours every day. I don't understand  
3 why we put housing here. I don't get it.

4 COMMISSIONER HUDES: Thank you.

5 CHAIR BADAME: Any further questions? Seeing  
6 none, thank you, Ms. Robinson.

7 DAVID WEISSMAN: Dave Weissman. I just wanted to  
8 second a suggestion in Exhibit 7, page 15, regarding the  
9 definition of open space and green space.  
10

11 I just want to say that I think following, I  
12 guess this is Staff's research, where they found the EPA in  
13 New England defines open space as green space, schoolyards,  
14 playgrounds, public seating areas, public plazas, and  
15 vacant lots. I think that is a much better definition of  
16 open space than was done in the first version where streets  
17 and sidewalks counted as open space.

18 CHAIR BADAME: Questions for Mr. Weissman? Yes.

19 VICE CHAIR KANE: Just a clarification. It goes  
20 to what I asked earlier. You're referencing Exhibit 7, and  
21 I'm assuming it's the same as Exhibit 9, which is the  
22 authoritative exhibit that we're using for examination of  
23 changes.  
24

25

1           DAVID WEISSMAN: Yeah, I'm sorry, Mike, I don't  
2 have... It says at the top, "Suggestions, page 15," and I  
3 believe that's from Exhibit 7.

4           JOEL PAULSON: Yes, it's the same.

5           VICE CHAIR KANE: And I believe Exhibit 9 is the  
6 same.

7           CHAIR BADAME: He probably didn't get Exhibit 9,  
8 because we got it as an addendum.

9           VICE CHAIR KANE: Well, that's not fair.

10          DAVID WEISSMAN: I agree.

11          CHAIR BADAME: I'm sure he's referring to the  
12 same thing that we're looking at in Exhibit 9, so thank you  
13 very much. Any questions? Seeing none, thank you, Mr.  
14 Weissman. Sam Weidman.

15          SAM WEIDMAN: Good evening, my name is Sam  
16 Weidman. Between my wife and myself, we have over 120 years  
17 in the Town of Los Gatos; I've had 70 myself. We've seen a  
18 lot of changes.

19                   I think most of you can probably remember we put  
20 up, I think, over 70 slides showing what we felt was the  
21 look and feel of Los Gatos. I never got a chance to  
22 summarize what that was really all about, but this  
23 afternoon I happened to go in on the website and read  
24 Exhibit 10, which had the Desk Items also in it, and I  
25

1 happened to read the letter from Leonard Pacheco and I  
2 think he quite succinctly, if you want, summarized what we  
3 were trying to get at, and this is based under the  
4 benchmarks of what constitutes design excellence for the  
5 North 40 development community addressed by the Specific  
6 Plan, and Item 2 he had there was avoid the overuse of  
7 concrete, sleet steel, and glass boxes, particularly in the  
8 central area. I think one thing you'll find of the look and  
9 feel of Los Gatos is you don't see a lot of concrete,  
10 steel, and large glass windows, large glass faces on them.  
11 That's all I have. Thank you.  
12

13 CHAIR BADAME: Thank you, Mr. Weidman. Sandy  
14 Decker.

15 SANDY DECKER: Sandy Decker, Los Gatos.

16 I would simply like to say thank you, especially  
17 to you as Planning Commissioners. You listened to this  
18 community and I want to thank you for supporting our  
19 concerns on the impacts of this development. This is a huge  
20 tract of land. You supported and participated in the  
21 Specific Plan amendment process, making us all hopeful that  
22 we will see what the Guiding Principles of this Specific  
23 Plan was set to do, and of course that's to make this  
24 something that Los Gatos can be very, very proud of,  
25 because in fact it does enhance the Town of Los Gatos.

1           Staff, this is a marvelous document. You captured  
2 the community's comments, and now we must be sure that this  
3 document does come to fruition.

4           Specifically, again, I would like to see you  
5 address the amendments without the repetition and the  
6 rewrite that you have in this particular document, and you  
7 did it because there were several things that were  
8 repetitive, so you had to answer the same question again,  
9 but I did find it a little bit confusing. I don't know  
10 about you, Planning Commissioners, but it was a little  
11 difficult to make sure exactly in some cases what the  
12 decisions were or what you were in fact suggesting. I don't  
13 know that you're suggesting, you're simply listening and  
14 putting forward to this body what the community was looking  
15 for, but I'd really like to make it clear that what we're  
16 looking for is a decision going that direction, and not  
17 more confusion.

19           On the last page of Exhibit 7 there are seven  
20 general comments that I don't think they've been addressed  
21 for the public, and they are the ones where we talk about  
22 "shoulds" and "shalls," and yes, there was something that  
23 was going to be provided on Monday, December 12<sup>th</sup>, and I'm  
24 sorry, but I cannot find it anywhere, but these seven  
25 things were apparently either talked about or addressed, so

1 I'll have to look further, but I'd like if maybe at some  
2 point somebody could tell me where they are. Things like  
3 underground parking were kind of glazed over. Several of  
4 the things were mentioned, but didn't feel like it gave  
5 this body an opportunity to really make a viable decision,  
6 if you will, if that's the process we're looking for.

7  
8           Anyway, I do thank you. I think you did yeoman  
9 service on this particular document. I hope it gives you  
10 Planning Commissioners what you need in order to make this  
11 work for the community, because you've certainly done the  
12 work we needed so far.

13           CHAIR BADAME: Thank you, Ms. Decker. Question  
14 for you. Ms. Decker, don't go away. Commissioner O'Donnell.

15           COMMISSIONER O'DONNELL: Really not a question,  
16 but hopefully it will be helpful. If you look at Exhibit A,  
17 which is a multi-page discussion of "should," and you said  
18 you didn't see that, I'm suggesting that if you look at  
19 that, that will help you decide whether it's (inaudible).

20           SANDY DECKER: Now, Tom, was that to you as part  
21 of this?

22           COMMISSIONER O'DONNELL: We got this I believe it  
23 was yesterday.

24           CHAIR BADAME: It was an addendum, but I don't  
25 believe the public received the addendum.

1 SANDY DECKER: I don't think we received it, Tom.

2 COMMISSIONER O'DONNELL: The hottest thing is  
3 something we got today, so this is an old one; we got it  
4 yesterday. Anyway, if you look at that, it does address  
5 your questions and you can see whether it does it  
6 adequately.

7 SANDY DECKER: Thank you very much.

8 CHAIR BADAME: Ms. Decker, Exhibit 9 is online,  
9 so you can look it up online.  
10

11 SANDY DECKER: We've got Exhibit 9, believe me,  
12 but it's finding the various... The last page you're saying  
13 is there? We got Exhibit 7, and Exhibit 9 is online?

14 JOEL PAULSON: I'll try to clear this up. Friday,  
15 when the Staff Report went out, Staff did not have time to  
16 get to the General/Other category, so we provided them with  
17 as much information as we had at that point, and the Staff  
18 Report stated that on Monday we would prepare the rest of  
19 those categories, and this is included in Exhibit 9, which  
20 includes two attachments. The one Commissioner O'Donnell  
21 was referencing was all the instances where "should" is  
22 used in the Specific Plan, which is Exhibit A to Exhibit 9,  
23 and then Exhibit B the General Plan Committee requested the  
24 Tree Protection Ordinance, so that also is included in  
25 Exhibit 9, which is in the addendum.

1 SANDY DECKER: And that came out on Monday?

2 JOEL PAULSON: Correct.

3 SANDY DECKER: Okay. And again, I'm afraid  
4 getting through our website sometimes is a little bit  
5 difficult, so I'll go back again. Please forgive me. Mary,  
6 thank you.

7 CHAIR BADAME: Thank you.

8 SANDY DECKER: Did you have a question, Mr. Kane?

9 VICE CHAIR KANE: When you appeared before the  
10 GPC on October 27<sup>th</sup> you were also talking about some  
11 confusion, and then I got confused as to what is your  
12 preference on the spread out of the homes? If the number of  
13 homes to be built is X, you want those spread out over all  
14 three parcels, or what?

15 SANDY DECKER: Well, thank you for bringing that  
16 up, because it's one of the things that I commend Staff on,  
17 on picking up where we were going as a suggestion, which  
18 was a percentage. If you look through this, they do talk  
19 about the option of doing a percentage of housing through  
20 each zone, and then they follow up of course by allowing it  
21 in the tables. So to me, that's this community. It's the  
22 opposite to feel like this is an additional neighborhood in  
23 this community.  
24  
25

SANDY DECKER: So that is your preference?

1 SANDY DECKER: Mmm-hmm, very definitely.

2 VICE CHAIR KANE: Okay.

3 SANDY DECKER: Yes, thank you.

4 CHAIR BADAME: Ms. Decker, can you give me your  
5 thoughts on the commercial, a reduction in square footage,  
6 and separating out for a hotel? Can you give me your  
7 thoughts for a hotel?

8 SANDY DECKER: Yes, I have many thoughts for a  
9 hotel. In fact, every time I go on a trip and there's a  
10 wonderful boutique hotel that looks just like Los Gatos, I  
11 walk right up to the manager and ask if I can talk to  
12 anybody who could make a decision about moving one of their  
13 hotels to our town. But you know that I feel like we should  
14 be doing more outreach anyway. There are some terrific  
15 opportunities. The world of hotel is not what we think  
16 about anymore as this huge, huge monolith in the middle of  
17 San Francisco or Dubai. There are some real opportunities  
18 here to embrace a wonderful design for a hotel. It doesn't  
19 cut the costs by any means, because it's smaller. We all  
20 have been to boutique hotels, and we know that they're  
21 costly.  
22

23 We're desperately looking for revenue, and triple  
24 occupancy tax is something that we have already approved  
25

1 and want to use as our revenue stream. Well, as far as I'm  
2 concerned, I think it should be there.

3           If we do, and hopefully we do, spread the  
4 housing, I'd like to see small neighborhood-serving  
5 commercial spread throughout the whole complex. I think  
6 that would be something that we see already.

7           CHAIR BADAME: Thank you for your comments.

8           SANDY DECKER: Thank you.

9           CHAIR BADAME: Markene Smith.

10           MARKENE SMITH: Thank you, Commissioners. I live  
11 on Drakes Bay Avenue, I'm Markene Smith, and that's near  
12 the North 40.

13           I've spoken at some of the meetings, and to  
14 summarize why we're doing this now, we all know it's  
15 because in the last ten or 15 years things have changed a  
16 lot. We have a much larger population. The housing crisis  
17 is worse than ever before. If you read the Wall Street  
18 Journal, retail has gone online almost exclusively to the  
19 point where it's actually great, because in my neighborhood  
20 Amazon, Costco, Fed Ex, UPS, the US mail come at all times  
21 of the day and night, including Saturdays and Sundays, and  
22 they're doing all the packages at once, and when they're  
23 coming with their 30 or 40 packages for my neighborhood for  
24  
25

1 various houses they're saving 30 or 40 car trips, and it's  
2 a great thing.

3           So to capture the leakage, we're going to have to  
4 go online, or start a hotel, and the hotel is the perfect  
5 thing, because you could see hills from there, it's  
6 beautiful. In my neighborhood there are all the medical  
7 centers that have gone in, and people are getting cancer  
8 treatments and they're there for all kinds of reasons, and  
9 hospice is down the way, and family members come during the  
10 holidays certainly. It would be really convenient to have  
11 boutique hotels that were in that area for the residents  
12 and local people and our families, and for people who come  
13 to the various medical facilities.

15           I wanted to double up on Anne Robinson's thing  
16 with the trees. I lived in Hollywood in Los Angeles before  
17 I came to Los Gatos like 30 years ago, and in Hollywood, in  
18 Los Angeles, they won't even allow buildings anymore the  
19 distance from the freeway; if they're residential they  
20 cannot be that close to the freeway anymore. They're called  
21 "black lung lofts," because people do get lung cancer, they  
22 get asthma, allergies, and they have more miscarriages. So  
23 my suggestion, and I put slides up at another meeting, is  
24 to have an at least 100' large tree corridor to take some  
25 of the pollution up, because trees will suck it up, and

1 300' is what would be optimal. I'm a master gardener too,  
2 and trees, we've done it since Earth Day in the 1960s, and  
3 it's because it's climate change and it works. So that's  
4 it.

5 CHAIR BADAME: Thank you, Ms. Smith. No  
6 questions. Thank you. Shannon Susick. This is our last  
7 card, by the way.

8 SHANNON SUSICK: Good evening, Commissioners.  
9 Thank you so much for the time, and I'm going to double up  
10 on Sandy Decker's thank you, because although you can't  
11 tell because it's raining and it's before the holidays,  
12 this is a great night for our town, and thank you all for  
13 your time and energy.

14 I apologize if you've seen this before, because I  
15 did present part of this to the Town Council. Maybe in the  
16 holiday spirit it's like *It's a Wonderful Life*. You've seen  
17 it again, and a movie can be seen over and over again.

18 I don't think it's been mentioned, and I  
19 apologize for being late to the meeting, but I believe that  
20 Commissioner Hudes mentioned that out of all the  
21 correspondence that you guys received, I think the number  
22 one issue was traffic. Just please put something in the  
23 revised Specific Plan; please put some language in there  
24 regarding traffic.  
25

1 (PowerPoint presentation failure.)

2 I'm going to pretend like I remember what was on  
3 that PowerPoint, and my main point is that I would ask on  
4 behalf of this community that some language be put in the  
5 Specific Plan regarding traffic studies. I know that it's  
6 costly, costs the Town, but I believe that is the number  
7 one issue. There is only one small smidgen in that Specific  
8 Plan, and it's that's if there is a significant change  
9 within the development it will trigger a new traffic study,  
10 and I think in this time and space, and with the projects  
11 at Good Samaritan and other projects planned, that it's  
12 really vital.

14 Oh, there we go. Do you want to do it? Does the  
15 thing work? Just keep going.

16 JOEL PAULSON: And just for the Commission's  
17 reference, the slides are in the Desk Item.

18 CHAIR BADAME: Yes, we have it as Exhibit 15.

19 SHANNON SUSICK: Oh, see, I kind of spoiled it. I  
20 already told you what the T stood for: Traffic. Keep going.  
21 You can just scroll through them. There's no new great  
22 information, I just thought that this might be kind of fun.  
23 Yeah, just keep going.

24 Please include traffic mandates in the revised  
25 Specific Plan. That is not on any of the lists that I saw,

1 and we obviously have an issue with it. I've talked a lot  
2 with the Staff and learned a lot about traffic studies, but  
3 I think that regardless, this is a major issue for everyone  
4 here.

5           It's all right, there's nothing really that  
6 everybody hasn't seen before.

7           VICE CHAIR KANE: Ms. Susick?

8           SHANNON SUSICK: Yes?

9           VICE CHAIR KANE: The entire presentation is  
10 included in our report.

11           SHANNON SUSICK: But isn't this more fun...

12           VICE CHAIR KANE: Well, I got what T stood for.

13           SHANNON SUSICK: ...me up here fumbling around?  
14 Okay.

15           Oh, and that is one issue, and we were talking  
16 about that today, that we are possibly losing our VTA  
17 service in town, no community bus any longer. And  
18 unfortunately most of the people still drive cars; they  
19 don't ride bikes here.

20           The Samaritan master plan is a net increase of  
21 365,000 square feet of medical space. They finally have the  
22 Draft EIR out and are holding meetings on it. That has a  
23 significant impact.  
24  
25

1           Yeah, you can keep going. The pictures are not  
2 that great. There we go. T should stand for our town, not  
3 traffic. Thanks very much.

4           CHAIR BADAME: Thank you, Ms. Susick. Questions?  
5 Seeing none. I have one more speaker card coming. Lee  
6 Quintana.

7           LEE QUINTANA: Lee Quintana, 5 Palm Avenue.

8           I'd just like to reiterate what some of the  
9 earlier speakers said about what's the rush? I submitted an  
10 email to the Town—I didn't mean it to be included in the  
11 packet, but it was—about Mountain View and what they call  
12 their Specific Area Plan, or something like that, for North  
13 Bayshore area. They approved that two years ago, and then  
14 they immediately, at the meeting I believe that they  
15 approved, initiated an amendment process that they  
16 anticipated taking two years.

17           I also included it because I felt that if you  
18 read it, it is so much easier to understand. It's organized  
19 very well, it's in a manner that doesn't make it  
20 repetitive and hard to understand, as Sandy Decker was  
21 talking about, so that's one thing I wanted to say.

22           I ask you please to ask the Council to postpone  
23 further consideration of this until we know what's  
24 happening with the lawsuit, because otherwise you may  
25

1 approve something that when the lawsuit is settled will  
2 have to come back for another amendment, because it no  
3 longer fits with what has come out of the lawsuit.

4           Secondly, on the CUPs, I understand that the  
5 downtown wants to be on a level playing field with the  
6 North 40, and therefore they've asked for the North 40 to  
7 have CUPs, but at the same time, they're also asking to  
8 take away CUPs from the downtown, so it doesn't make sense  
9 to me to consider one without considering the other. That  
10 seems like a separate question that should be answered all  
11 at one time, not only for the downtown and North 40, but  
12 for all the businesses in town.

14           Thirdly, I thought the suggestion about more  
15 affordable housing for the millennials or for whoever only  
16 makes \$125,000, I'm all for smaller houses and less  
17 expensive houses, but if you consider that for the North 40  
18 as a mandate, why not spread that out to the rest of the  
19 Town and require all new housing to fit that same criteria  
20 as a effort of fairness? I don't think you can do that. I  
21 don't think you should do it to the North 40. I know you  
22 can't do it elsewhere. I'm not a development proponent or  
23 anything like that, but I do think fair is fair, and we  
24 need to have a level playing field on fairness. Thank you.  
25

1 CHAIR BADAME: Thank you, Ms. Quintana. Diane  
2 Dreher.

3 DIANE DREHER: Good evening, Diane Dreher, Arroyo  
4 Grande Way, which is pretty close to the North 40.

5 First of all, I'd like to thank you all for your  
6 hard work on this measure, and also congratulate a lot of  
7 my fellow Town citizens for the incredible work that  
8 they've done in terms of research on housing, toxic  
9 pollution close to freeways, the need for open space, the  
10 look and feel of Los Gatos, the possibility of boutique  
11 hotels, traffic studies, and many more things, and I plead  
12 guilty to speaking on the subject of "shoulds" and  
13 "shalls," being the English professor in the room.

14 I realize that there has been some concern about  
15 rushing through this, but I don't see it as rushing, I see  
16 it as a very focused, committed, concerted effort by a lot  
17 of very dedicated Town citizens who have managed to perform  
18 yeoman's duties in terms of research. Therefore, like our  
19 Constitution says, "In order to form a more perfect union,"  
20 I would commend my neighbors and all of you for working  
21 together to form a more perfect Specific Plan for our  
22 future in Los Gatos.

23 Thank you very much, and happy holidays.  
24  
25

1 CHAIR BADAME: Thank you, Ms. Dreher. I have no  
2 further speaker cards, unless somebody would like to come  
3 forward at this time. Seeing no one come forward.

4 Mr. Paulson, would you like to add any comments  
5 before I close the public testimony portion of the hearing?

6 JOEL PAULSON: No, not at this time. Thank you.

7 CHAIR BADAME: Okay, I will now close the public  
8 portion of the public hearing.

9  
10 To stay focused in our discussion this evening  
11 Exhibit 9 will provide the basis for our deliberation as we  
12 proceed numerically through the following categories:

13 Residential, Commercial, Open Space, Parking, Height, and  
14 General/Other. Starting with Exhibit 9, with Residential,  
15 do any of the Commissioners have any comments? Commissioner  
16 Hanssen.

17 COMMISSIONER HANSSEN: Item 1 was the one that  
18 the Staff flagged as a concern, and we also discussed it in  
19 the General Plan Committee. The suggestion in that Lark  
20 Perimeter Overlay Zone was we should set a maximum density  
21 of eight units per acre. I don't know if all the  
22 Commissioners had a chance to read the verbatim minutes,  
23 but the reason that that came up was the cottage cluster  
24 units were completely ignored in the Phase 1 application  
25 simply because they generally couldn't be built at the

1 density of twenty dwelling units per acre, and so there was  
2 a feeling that we should have that kind of housing in the  
3 North 40 to meet the unmet needs of the community, and so  
4 there was a question about doing it.

5 I had some questions, but a comment that I wanted  
6 to make relative to Staff's comment is one thing that Staff  
7 flagged that we absolutely don't want to do is we don't  
8 want to revise the Housing Element, because it's already  
9 been certified by the state; that's a place that we really,  
10 really don't want to go.

11  
12 But in the interest of trying to accommodate the  
13 needs of the community, one thing I wondered is we're sort  
14 of in a I don't know if I would call it a box, but the cap  
15 on units of 270 translates exactly to 13.5 acres at twenty  
16 dwelling units per acre, and so if you put something else  
17 in there that's eight units per acre, then you don't have  
18 the ability to meet the requirement for the 13.5 acres at  
19 twenty dwelling units per acre unless you increase the cap  
20 on the number of units, so that's a big issue to consider.

21 One thing that I didn't see in this report that  
22 we discussed in the General Plan Committee that I wondered  
23 about—and I think Mayor Sayoc brought it up—was about  
24 averaging. So if we have, say, X acres that are eight  
25 dwelling units per acre, and we have other ones that are,

1 say, 25 or 30 dwelling units per acre, is it possible from  
2 the state's perspective to average that to net out to 20?  
3 And I don't know if we knew the answer to that.

4           JOEL PAULSON: No, I haven't seen that used, and  
5 I'd like to start the apologies right off the bat. Where it  
6 says the Housing Element needs to be revised, actually we  
7 can just make an amendment to the General Plan, but what  
8 that does mean is that that number would have to increase  
9 by however many units are built at 20 units per acre, and  
10 then we could still preserve the language in our Housing  
11 Element.

12           I haven't seen the state allow that type of  
13 averaging. There is an opportunity where you may have a  
14 situation where someone builds at eight units per acre and  
15 then you have a higher density, as you suggest. It wouldn't  
16 be averaged unless it's part of one project, so I guess  
17 that would be the question. If we average it across the  
18 entirety of that piece of property, then it could be  
19 averaged, but to offset the eight you're going to have to  
20 be pretty high, you're going to have to be at least, I  
21 don't know, what Matthew probably has off the top of his  
22 head.

23           CHAIR BADAME: Yes, and he has his hand up, so I  
24 know he's anxious to talk.

1                   COMMISSIONER HUDES: I do recall a slightly  
2 different answer in the General Plan Committee, because I  
3 don't think it's evaluated one acre at a time, so you don't  
4 have to have 20 units on this acre and 20 units on this  
5 acre.

6                   JOEL PAULSON: That's correct, and that's what I  
7 was trying to clarify. You could do an average if it's part  
8 of one project, but if something came in, hypothetically,  
9 just for that area of the Lark District, and it was just  
10 eight units per acre, that's where we run into this  
11 challenge.

12                   COMMISSIONER HUDES: Right. So if it were eight  
13 units per acre on one acre, then you'd have to make up the  
14 difference maybe across several other acres, so not on a  
15 one-for-one that you have to find one other acre where you  
16 have to make it up, but it could be, in my understanding,  
17 spread across what is considered residential zoning, is  
18 that correct?  
19

20                   JOEL PAULSON: That is correct. The challenge is  
21 with multiple property owners and the ability to come in  
22 with a smaller project, if it doesn't come in as part of a  
23 larger project then you may run into the issue, so you need  
24 to provide some flexibility in that instance to allow for  
25

1 more use should that occur, and so maybe I didn't go as in  
2 depth in that piece.

3 COMMISSIONER HUDES: If I could follow up, do we  
4 know otherwise how many acres are involved in this  
5 Perimeter Overlay Zone?

6 JOEL PAULSON: We did a rough calculation and  
7 it's probably somewhere around an acre.

8 COMMISSIONER HUDES: One acre?

9 JOEL PAULSON: Yeah, approximately.  
10

11 COMMISSIONER HUDES: Would it be feasible to make  
12 up that difference over the balance of the 12.5 acres?

13 JOEL PAULSON: It would be, because that actually  
14 wouldn't be part of... You'd still have 13.5 acres at 20 that  
15 we still would be producing, so that's where the challenge  
16 comes in. You still have the 13.5 acres at 20, and so  
17 that's where the need to raise that number is, because even  
18 though you may be able to... And again, this is strictly if  
19 you have a project that comes in just for that portion  
20 that's lower than 20 units per acre. Whether it's eight or  
21 15 or 19, you have to make that up, and if it's not part of  
22 a larger project we have to have some flexibility to be  
23 able to increase the maximum number for the 270 to be  
24 compliant with our Housing Element.  
25

CHAIR BADAME: Commissioner Hanssen.

1                   COMMISSIONER HANSSEN: This is probably a  
2 question that will have to also be discussed at Council,  
3 because a lot of deliberation went into coming up with the  
4 270 unit number, but if you go later in our packet the  
5 environmental analysis did cover for I think you said 364  
6 units.

7                   My additional question though is about the  
8 density bonus. Presumably if we get another application  
9 with this new plan there would be affordable housing in it,  
10 and if there were enough affordable housing they would  
11 automatically qualify for the density bonus, so then if the  
12 cap was raised from 270 to, say, 320 or some number like  
13 that, then the density bonus could be 35% on top of 320  
14 instead of 270, whatever number was proposed?

15                   JOEL PAULSON: That's correct. I think the  
16 potential limitation here is that we're talking an acre or  
17 two acres, we're talking about a fairly small amount of  
18 units at that density, so it probably doesn't get up near  
19 that point, but it could get there depending on the layout.  
20 If someone came in and wanted to do more than just the 50'  
21 of cottage cluster at eight units per acre, then again you  
22 just start eating into that property that could be used as  
23 the 20 units per acre, and you may end up with the option  
24  
25

1 or the need to have a project that is at a higher density  
2 than 20 units per acre.

3 CHAIR BADAME: So increasing the units will  
4 increase the traffic and the school impacts?

5 JOEL PAULSON: Not as long as it doesn't go above  
6 364, and you can't take the density bonus units into  
7 account from the environmental perspective, so there is a  
8 possibility there to make that happen depending on the  
9 number of acres that are developed ultimately at less than  
10 20 units per acre.

11 COMMISSIONER HANSSEN: We did talk in the General  
12 Plan Committee, and it's in one of the tables, that the  
13 total number would be not more than like 50 units, but  
14 nonetheless that could, as you said, Chair Badame, generate  
15 additional traffic, because you still have to produce the  
16 additional 270 units as guaranteed by our Housing Element  
17 at 13.5 times 20. So again, I think the balance is meeting  
18 the needs of the community and having some lower density  
19 and lower intensity in the Lark District versus adding more  
20 units total.

21 JOEL PAULSON: I think just for the Commission,  
22 with this, as with all of these, we're going to have some  
23 good discussion and there's going to be a lot of good  
24 input. I think the bottom line is whether or not in general  
25

1 this type of suggestion is something that the Planning  
2 Commission ultimately feels should be recommended and move  
3 forward to the Council as part of the recommendation, and  
4 then, as you stated before, we're going to have the same  
5 conversation. We'll get more information and provide that  
6 to the Council as well.

7  
8 CHAIR BADAME: Any further discussion on setting  
9 the maximum density for residential units in the Perimeter  
10 Overlay Zone along the Lark Avenue to eight units per acre?  
11 Would anybody else like to comment on that? Commissioner  
12 O'Donnell.

13 COMMISSIONER O'DONNELL: I assume that the end  
14 goal on the total acreage is not to exceed that which is  
15 now in litigation, so if we're not careful, we could find  
16 ourselves with a greater number than we're now complaining  
17 about.

18 CHAIR BADAME: Exactly.

19 COMMISSIONER O'DONNELL: And it does seem to me  
20 odd if we take a Specific Plan that we threw out and adopt  
21 a new Specific Plan that is worse than the original  
22 Specific Plan; that probably wouldn't be progress.

23 CHAIR BADAME: Well, I can tell you that I'm not  
24 in favor of this particular proposal. Commissioner Hudes.  
25

1                   COMMISSIONER HUDES: Just to bring back some of  
2 the discussion of the General Plan Committee. I think this  
3 was a tradeoff. There was not an assumption that this would  
4 automatically bump this up to a higher number of units  
5 across the entire area, because already in what we've seen  
6 there are some areas that are denser than others, and what  
7 we're saying with this recommendation is that this  
8 particular zone, which is on Lark Avenue, is not very well  
9 suited to residential and we would not want to see dense  
10 residential along this particular road. So it was a  
11 tradeoff, I understand, but I think at least myself, I  
12 would say that I would be supportive of not having as much  
13 density on Lark Avenue. We may not come to consensus, but  
14 that was my sense.

16                   CHAIR BADAME: Commissioner O'Donnell.

17                   COMMISSIONER O'DONNELL: It took a long time to  
18 get to where we were with the Specific Plan, because there  
19 was an awful lot of input over a number of years and there  
20 were a number of people who helped us to get there, and now  
21 I find we're going back, and I think that will involve a  
22 lot of effort, which is good, however, again, I'm a little  
23 concerned about our scheduling.

24                   One of the things the original Specific Plan had,  
25 not because of the plan but just because of luck, we had a

1 group of three what I'll call developers who told us how  
2 they would implement the Specific Plan; this is they had  
3 everything but the north part of the property, I think,  
4 under contract, or at least under control. The last portion  
5 of the property, the northern portion, they had no control  
6 over it. We're not privy to whatever their dealings were,  
7 but I was given to understand they did not have control of  
8 that. However, if we didn't have that circumstance and we  
9 simply said here's the Specific Plan, I assume a number of  
10 developers could come in and take a piece of it.  
11

12           So, for example, in the 20 acres, if somebody  
13 came in and said I'll take five of those, and everybody  
14 said fine, you're going to do exactly what I said, but I  
15 assume that when you said now we need some roads, now we  
16 need some sewage, that the developer of five acres would  
17 say fine, I'll pay my pro rata share of the roads. But we'd  
18 say but that's not going to do any good, because now we've  
19 got to wait for the other 15 acres to happen, and oh by the  
20 way, the sewage won't work either, because your five acres  
21 isn't going to pay for the sewage.  
22

23           So the new Specific Plan will be really good if  
24 we happen to have somebody come in who wants to do that  
25 Specific Plan. So I guess what I'm concerned with is you  
can have the best Specific Plan in the world, but if you've

1 got ten people implementing it, I don't see how you're  
2 going to get the money to do the necessary things like  
3 roadways, sewers, utilities, everything that is paid for,  
4 if you assume that a large portion of the property is  
5 developed at the same time. So I guess I would ask those  
6 who have been studying this now, what do you do with a  
7 Specific Plan that is being implemented over a period of  
8 years by multiple developers?

9  
10 CHAIR BADAME: Would anybody like to comment on  
11 that?

12 LAUREL PREVETTI: That's typically one of the  
13 implementation issues that are considered, and I think  
14 tonight we're really focused on what is the language, if  
15 any changes were to occur, that the Planning Commission  
16 would want to recommend to the Town Council?

17 There are a variety of implementation mechanisms  
18 in some communities. They require whomever the first one is  
19 in to build upfront infrastructure, and then they create a  
20 reimbursement mechanism, so that way all subsequent  
21 developers pay their fair share of what the first developer  
22 did.

23  
24 There are a variety of ways to do it, but I think  
25 for tonight we need to focus on what the Council gave to  
the General Plan Committee that has now been forwarded to

1 you, and I don't know if you want motions or how you want  
2 to work this, but I think the first issue is really what's  
3 that character that you want to see in the Perimeter Zone,  
4 knowing that if we do allow for lower density that it will  
5 have an implication on the total number? One way to  
6 regulate that is to cap how much of the lower density  
7 product you want, because my sense is you don't want it  
8 open-ended, but you're going to want to have some control  
9 of how much low-density, so that way you know how much  
10 minimum 20 units per acre you absolutely have to have.

11  
12 COMMISSIONER O'DONNELL: (Inaudible).

13 JOEL PAULSON: The Lark Perimeter is 50' and it's  
14 just along Lark. There's also a 30' perimeter along both 17  
15 and 85.

16 COMMISSIONER O'DONNELL: So those would not  
17 address the issues that have been raised of, as I recall,  
18 the 300', or 100 meters, so it would be our plan to build  
19 the black lung units within 50', is that right?

20 CHAIR BADAME: That sounds right. Commissioner  
21 Erekson.

22 COMMISSIONER EREKSON: I was trying to figure out  
23 whether I was wise enough to answer Commissioner  
24 O'Donnell's question about plan implementation, and the  
25 only wisdom that I could come up with is that chapter 6 in

1 the Specific Plan addresses those issues, either adequately  
2 or inadequately, but I would suggest to Commissioner  
3 O'Donnell to what extent they addressed them adequately or  
4 inadequately the General Plan Committee did not suggest any  
5 revisions to that approach, so there was no judgment that  
6 it was not okay. I'm not suggesting whether it was adequate  
7 or inadequate, but just that the issue has generally been  
8 addressed and there was no impetus to make any revisions to  
9 that chapter coming out of the General Plan Committee. I  
10 hope that's a sufficient answer.  
11

12 COMMISSIONER O'DONNELL: One parting thing was  
13 that I don't remember precisely, but I remember \$12 million  
14 dollars; that's a number that caught my attention. It was  
15 something like that, which as I understand it was going to  
16 be spent upfront on sewage and roads and that kind of  
17 thing, and that was not a function of the Specific Plan as  
18 such, it was that the Specific Plan was going to be carried  
19 out in large measure in one fell swoop.  
20

21 What we're doing now is saying we would come up  
22 with a Specific Plan that could be done in any sizes. You  
23 buy your two acres, you do two acre's worth, and the  
24 concept of having the two-acre guy put up the \$12 million  
25 bucks would probably be rather difficult.

CHAIR BADAME: Commissioner Hudes.

1                   COMMISSIONER HUDES: I would just maybe amplify  
2 what Commissioner Erekson said, and if I recall in the work  
3 in putting together the Specific Plan, the phasing came  
4 last, and so it's sort of you don't want the tail wagging  
5 the dog. In fact there were no changes recommended to the  
6 phasing section, I believe, and so there are phases that  
7 address some of the issues that Commissioner O'Donnell has  
8 raised in terms of organizing the work and the way it could  
9 be developed into phases, and those seem to be acceptable  
10 to several developers who either submitted applications or  
11 provided input to the process. Unless I'm mistaken, I don't  
12 know that there are things that we're proposing,  
13 particularly with regard to this item of density in the  
14 Perimeter Zone, that would significantly change that  
15 phasing plan, and I would look to Staff to comment on that  
16 as to whether that would impact the phasing plan.

18                   JOEL PAULSON: It would not.

19                   CHAIR BADAME: Commissioner Hanssen.

20                   COMMISSIONER HANSEN: In the interest of moving  
21 stuff along, I don't know, it doesn't seem that we're going  
22 to get agreement amongst the Commission about this, and  
23 because it's a big issue I think that my personal opinion  
24 is that it was a great idea to have the cottage cluster,  
25 which we'll get to in a bit, about not having to have a CUP

1 for it, but if we got any proposals for that we have to  
2 recognize that the densities are likely to be at twenty  
3 dwelling units per acre, and that means we're going to have  
4 to have more units.

5           So I think we should pass it along to Council and  
6 say although it's a good idea, it may not be a consequence  
7 that the Town wants to take on, to take on whatever number  
8 of units, even if it was 30 or 40, because as we heard, if  
9 there was a proposal for affordable housing and the density  
10 would apply to an even higher number, we may not want to go  
11 there in the interest of getting less intensity in the Lark  
12 District that way. There are some other ways we can  
13 accomplish it, maybe lower heights and spreading the units  
14 across the different districts.

16           CHAIR BADAME: Thank you for those comments. With  
17 that, we're going to move on to number two, which is  
18 housing units should be spread across all three districts,  
19 which I agree with 100%. Commissioner Hanssen followed by  
20 Commissioner Erekson.

21           COMMISSIONER HANSSEN: I think everybody on the  
22 General Plan Committee agreed that that was a good idea. At  
23 the very end we were saying well how are we going to define  
24 what it is? I think one of us just came out with the  
25 numbers that are in there; it's hard to know if they're the

1 right numbers. The only thing that I noticed is if you set  
2 it as the number of units won't exceed, I don't know how  
3 you do that in terms of phasing, because if you have a cap  
4 of 270 units and they're not in the different... So I'm  
5 asking Staff the question: How does that work with phasing?

6           JOEL PAULSON: We'd divide the 270 across the  
7 districts, and so it would be first in...

8           COMMISSIONER HANSSEN: First out, okay.

9           JOEL PAULSON: ...first person, and if they took up  
10 that whole allocation, then that would satisfy that  
11 requirement.

12           COMMISSIONER HANSSEN: So it's actually going to  
13 be a number then?

14           JOEL PAULSON: The percentage will translate into  
15 a number.

16           COMMISSIONER HANSSEN: Right. So I did the math.  
17 It's 108 units in the Lark District, for example, and then  
18 if they get up to that number, then that's done?

19           JOEL PAULSON: Then there's no more residential  
20 in the Lark District absent a Specific Plan amendment.

21           COMMISSIONER HANSSEN: I mean I couldn't think of  
22 a better way to write it. When we talked about it at the  
23 General Plan Committee we talked about some ranges and  
24 stuff, and so I kind of like the idea of the maximums, but  
25

1 it does actually translate into a number since we have a  
2 cap on the number of units.

3 CHAIR BADAME: Commissioner Erekson, and then  
4 followed by Commissioner Hudes.

5 COMMISSIONER EREKSON: It seemed to me what  
6 happened is I think the people who participated in the  
7 development of the Specific Plan that's in place today did  
8 it with good intentions, and so it seems to me part of what  
9 happened in the process of getting an application is that,  
10 from the view of some people, we learned that potentially  
11 what we intended didn't realize, and that's in fact where  
12 some people needed Roluids or TUMS to kind of sort through  
13 that. I was trying to figure out, so the Staff has  
14 suggested language that says 40% of the units should be in  
15 the Lark District, 30% in the Transition District, and 30%  
16 in the Northern District, which translates to 108 and 81  
17 and 81. If they all qualify for the density bonus it  
18 translates to 146 and 109 and 109.

19  
20 So I thought let's say we adopt that language and  
21 it's in the plan, if I'm a developer who is going to  
22 develop it, and because the sum of the percentages is 100%,  
23 we don't necessarily have to choose for them to total 100%,  
24 because we're setting a maximum in each one that's against  
25 a total maximum, but because we chose 100%, I believe if I

1 were the developer, essentially what happens is the maximum  
2 becomes the actual, because I would never want to take the  
3 land and develop less than I was allowed to do. So if I'm  
4 the developer, either a single one or a collective group,  
5 and I were developing the Lark District first, I would go  
6 to the 40%.

7 I'm going to leave the density bonus out for the  
8 moment, because if I wanted to do the density bonus, I'd  
9 get there, but that doesn't have anything to do with it.  
10

11 And then if I were collectively or individually  
12 developing the Transition District, why would I ever not  
13 develop it to the maximum I could? Therefore it would play  
14 itself out, I believe, as the actuals, not just the  
15 maximums. I'm not saying whether that's right or wrong, but  
16 I'm saying that my sense is the reality of this would be  
17 that we're setting the actuals, we're not setting the  
18 maximums, and maybe that's okay, but I think we should just  
19 try to project how it would actually happen so that we  
20 don't have something occurring that we didn't... So we might  
21 even just change the language to say you get 108 units in  
22 the Lark District, and 81 units... Because I think that's in  
23 reality how it would play itself out, because I can't  
24 imagine owning the land and developing it for less than  
25 what the maximum is, and so therefore I don't know why it

1 would ever materialize other than becoming just the  
2 actuals.

3 CHAIR BADAME: Commissioner O'Donnell followed by  
4 Vice Chair Kane.

5 COMMISSIONER O'DONNELL: I guess I'm concerned a  
6 little bit about the concept of the density bonus. It was  
7 easier in times gone by, because we had 49 units going in  
8 that would qualify for the density bonus, and those 49  
9 units were on one piece of this property. Now, if you break  
10 it up into three, I doubt that you're going to have 49  
11 units on one piece of property.  
12

13 On the other hand, we've heard from the Town  
14 Attorney, and I think he's correct, that to do something  
15 like senior housing you do have to have the concentration  
16 for many reasons, but we've said you can't have the  
17 concentration, because we're going to divide it up three  
18 ways, and if you want the bonus then you've got to have  
19 this kind of qualifying housing on each of the three  
20 parcels, which means it won't work.

21 But the reason it won't work is if you have to  
22 concentrate the people, if you get small enough, it just  
23 doesn't pencil out. If you have ten seniors in one piece,  
24 and ten seniors in another, and 30 seniors in another, I  
25 would image that is viewed differently by the developer as

1 opposed to 50 units in one place. You'll recall that we had  
2 the 50 units under the original Specific Plan, and the  
3 objection was you needed an elevator to get to them, but  
4 then somebody said you couldn't build it on the ground,  
5 because it just won't happen.

6           Now, maybe it's not our concern what just won't  
7 happen, but I'll tell you one thing that probably also just  
8 won't happen is if you divide it up so you no longer have a  
9 project you can put together with some numbers. Now, maybe  
10 I'm missing something. Maybe you could put 50 units on one  
11 of the smaller parcels, I don't know, but I do know also as  
12 you narrow down to the north property, it is surrounded on  
13 two sides, I think, by a freeway, which means the  
14 particulate matter and other matter is more acute when you  
15 have two freeways than when you have one. I tell you, I'm a  
16 senior, and I'm not sure I'd want to spend my declining  
17 years—which I've started—surrounded by two particulate  
18 generating freeways. So it's really nice on paper.

19           The one thing I'm really concerned about this  
20 whole process is the other process took a long time,  
21 because we were getting some real back and forth. There was  
22 somebody to talk to, is this doable or not doable? If we're  
23 going to talk to ourselves, we can come up with a really  
24 pretty plan. I don't think it would go anywhere, but it  
25

1 will really be pretty, and I think we can all take pride in  
2 it, and nothing will happen, and then we can all go home  
3 and feel good about it.

4 CHAIR BADAME: Commissioner Hanssen.

5 COMMISSIONER HANSEN: I heard what you said and  
6 I'm a little confused. If you take basically 270 units and  
7 you split them up 108 and 81 and 81, there's no reason  
8 somebody couldn't make a proposal similar to the Phase 1  
9 proposal that we saw that just wouldn't have 320, it would  
10 have 180 or 190 units on it and 50 of those could be for  
11 affordable housing. I guess I don't understand your  
12 question. I had more questions about the table, but I'll  
13 leave that aside for the moment.

14 COMMISSIONER O'DONNELL: The only way you can get  
15 the density bonus is you have to have the density  
16 qualifying additions, in this case, senior. So the guy or  
17 gal that buys three or two or one, one would think they  
18 might be interested in the density bonus, so all of the  
19 density bonus goes to parcel one, then there's none of the  
20 density bonus left for parcel two and three. So I don't  
21 know, maybe it will work; I don't know.

22 I guess what I'm saying is I feel this is  
23 difficult because the other process took so long; the only  
24 virtue of that was there was give and take and you could  
25

1 talk about things. Here, the group of us who have no  
2 experience in what we're talking about, we'll draw up a  
3 plan and say we like that, and we'll find out if it works.

4 CHAIR BADAME: Vice Chair Kane.

5 VICE CHAIR KANE: For members of the General Plan  
6 Committee or Staff, if we spread the required units out  
7 over the three districts, which I'm in favor of, and if the  
8 hotel conference center was to be built in the north  
9 division, does the spreading of the housing eliminate the  
10 possibility of the hotel, or does it then require that they  
11 be very dense and next door to each other? Have you looked  
12 ahead to see if both concepts, both ideas, are compatible?  
13

14 JOEL PAULSON: I see some nodding heads, but I'll  
15 jump in as well. I think a lot of these conversations are  
16 providing flashbacks to the challenges we had even just  
17 going through the first Specific Plan; there are a lot of  
18 moving parts here.

19 Density bonus, I'll try to simplify. It's based  
20 on the number of units and the number of those units that  
21 are affordable at a certain level, whether that's senior or  
22 non-age restricted housing. So then depending upon the  
23 percentage of that and the type they get some level of  
24 density bonus up to 35 units, so it's based on the units.  
25

1           In the exercise that you're speaking of, has  
2 Staff done a site planning exercise to look at a number of  
3 different configurations of what works and what doesn't?  
4 The answer to that is no, we would be relying on the  
5 development community to come forward, understanding the  
6 rules of our existing or amended Specific Plan and then  
7 coming forward with the site plan for some, all, or  
8 portions of the Specific Plan area, and then we would  
9 evaluate that based on the Specific Plan in place at the  
10 time, and then the Planning Commission and/or Council would  
11 make a determination on that.  
12

13           VICE CHAIR KANE: So we don't know if we spread  
14 the housing whether or not that would preclude a desired  
15 commercial development or a desired hotel and conference  
16 center; we'd have to cross that bridge when we came to it?

17           JOEL PAULSON: We would. I think the base desire  
18 here is to spread the units. Then again, I think it was a  
19 suggestion of a General Plan Committee member, and as with  
20 all of this language, it's kind of the starting point  
21 language. There are other ways to do it, maybe the  
22 percentages should be modified, and so if there's any  
23 direction in that regard, then we'd definitely be  
24 interested in hearing that.  
25

1 I think there, frankly, are just too many factors  
2 involved when you do have the number of different property  
3 owners, and that's, as I stated before, the whole point of  
4 doing the Specific Plan; so whether it's half of the site,  
5 whether it's a two-acre site with the Specific Plan area,  
6 they're all using the same rules, and so hopefully in the  
7 end you come out with a cohesive plan that works.

8 VICE CHAIR KANE: Thank you.

9 CHAIR BADAME: Commissioner Hudes.

10 COMMISSIONER HUDES: I share Commissioner  
11 O'Donnell's concerns about us talking to ourselves and not  
12 having the benefit of experts, and how that relates to us  
13 moving this very quickly, and I am concerned about that. I  
14 would encourage Staff to flag those areas where additional  
15 analysis or expertise would be valuable in bringing these  
16 recommendations forward.

17  
18 With regard to the spreading, some specifics  
19 about that. Really, we talked about different methods of  
20 ensuring that housing was spread, and one of them was  
21 particular numbers in a zone; particular percentage was  
22 discussed as well. I think I may have contributed 40/30/30  
23 with very little thought in terms of whether those are the  
24 right numbers. Personally, I think the concept of spreading  
25 reflects the public input with regard to issues that were

1 raised during the process as well as specific comments from  
2 Town Council members, and I believe from my perspective  
3 that the percentage is a good one, because it's a way to  
4 see conceptually what this means in terms of impact when  
5 you see the percentage weight as compared to individual  
6 numbers, and it also allows recalculation if the total  
7 number does change, but I am not comfortable with the  
8 40/30/30 on the basis of my analysis, because it was really  
9 meant more as an example than specific numbers.  
10

11 This is where I would invite Staff to confer with  
12 some experts on this. I think we have to take this thing  
13 seriously, and I think that this is an example where it  
14 would be valuable to get that kind of input before moving  
15 it.

16 CHAIR BADAME: Commissioner O'Donnell.

17 COMMISSIONER O'DONNELL: I guess two points.

18 I would have to be educated on this. I don't know  
19 how much we paid for the expert advice we got over the  
20 seven or eight years we spent on the first Specific Plan  
21 versus how much we would... People are asking us. I think,  
22 reasonably, the Town ought to go out and hire some people.  
23 Well, that's all very interesting, but the Town has a  
24 rather limited budget, and so I don't know how feasible  
25 that is, and I also don't know, therefore, how much did the

1 developer pay for the experts in the past go round? Because  
2 there isn't anybody anymore that's funding this for us. So  
3 that's just one question.

4           The second question is the 13.5 acres. If the  
5 first person that pulls down 10 acres or whatever says I'm  
6 going to take three of those acres and make those 20 units  
7 per acre and the other ones I'm going to do some other  
8 stuff with, we needed 13.5 and the first person only took  
9 whatever they took. Now I guess you're going to count on  
10 the fact that you've still got enough land left that you  
11 can get your 13.5, but since you have no assurance as to  
12 when, if at all, that property will develop under this  
13 Specific Plan, is the state going to be satisfied that you  
14 develop a portion of the property as 13.5, but not all of  
15 it?  
16

17           LAUREL PREVETTI: That's a great question, and I  
18 think the state, so long as they see that we have a  
19 Specific Plan where it still is feasible to get the 20  
20 units per acre on the remaining acreage, and just looking  
21 at the map of the three districts, there's quite a bit of  
22 opportunity. We would have to be tracking, so the first one  
23 in would have the greatest flexibility, because they would  
24 be the first application. The subsequent developers would  
25 probably have more restrictions, because we're going to be

1 under the gun to make sure we produce the density that we  
2 need to for our Housing Element, but there's still  
3 flexibility, for example, if there's an interest in doing  
4 some lower-density product, but I think what we're trying  
5 to do is what are the opportunities that we want to create,  
6 hotels, residential living, retail, and are we creating  
7 those opportunities and spreading them where you want?

8           COMMISSIONER O'DONNELL: If you take 40 acres,  
9 which is the wrong number but approximately, and take 13.5  
10 and subtract it, and you say so long as I have 13.5 acres  
11 left, conceptually I could satisfy the state. So the first  
12 person develops and they have none of this in it. The  
13 second person develops and they have none of this in it.  
14 Now, we know that the third person comes in and we say  
15 guess what, you've got at least 13.5 acres and we're  
16 essentially telling you what you're going to put on that  
17 property, right? So we can say to the first person forget  
18 about it, don't worry about it, and the second person the  
19 same thing? So long as there is 13.5 acres left that this  
20 could apply to, we're copasetic?

21  
22           JOEL PAULSON: That's correct, in theory. You're  
23 going to get to a point where, let's just use there's zero  
24 units in the North 40 and there are only 12 acres left. At  
25 that point we then have to go find another site to

1 accommodate those units, and so that would be the exercise  
2 that we would go through, and we would be, as Ms. Prevetti  
3 stated, tracking that. If we got to the point where we were  
4 coming up on the next Housing Element cycle, giving them  
5 our progress on the previous Housing Element, and we say by  
6 the way, there are no units in the North 40 and we haven't  
7 rezoned anything else, then we would have some challenges  
8 legally.

9  
10 COMMISSIONER O'DONNELL: If we could not as a  
11 town in fairness say to people this burden should be shared  
12 over the acreage, so that's what people talked a little bit  
13 about. If the burden is you've got to have 13.5 acres at 20  
14 units per acre, we want to make sure that the first couple  
15 of developers aren't skating on that. So do we turn them  
16 down if they don't have 22 acres on their first... Well,  
17 because again, I told you that a person could come in with  
18 two acres the way we're doing this, I guess one acre; it  
19 gets very interesting. The old plan had just happenstance,  
20 I guess, of a developer, whereas now there is no developer  
21 and there's no reason why there couldn't be 30 developers  
22 over a period of years. But as we're the goalkeepers, at  
23 some point could we say to somebody wait a minute, we're  
24 now down to 13.5 acres and we want to make sure that  
25 housing goes on that?

1                   JOEL PAULSON: That would be a conversation we  
2 have. I don't know that we could require it, but at that  
3 point if we get into a position where, let's say, we have a  
4 development that doesn't meet the 13.5 and we haven't met  
5 it elsewhere in the Specific Plan, and they have a great  
6 commercial product or project, or a hotel, or something  
7 that the Town really desires, at that point approving that  
8 project would necessitate the Town rezoning something else.  
9

10                   COMMISSIONER O'DONNELL: And you think the state  
11 would sit there and let that happen?

12                   LAUREL PREVETTI: Well, no, that's exactly what  
13 we would have to do is we would have to then rezone Oka  
14 Road, or the Los Gatos Lodge, or some other property  
15 outside the North 40, because we did not meet our  
16 affordable housing, our density requirement, on the North  
17 40. I would just add two more points.

18                   One is that even though we're going through the  
19 Specific Plan amendment process we can't predict what size  
20 parcel the next developer might have. It might be 30 acres,  
21 it might be 24 of the 44 acres, so just because we're going  
22 through this exercise doesn't mean we're going to start  
23 seeing postage stamp applications. We might see some, but I  
24 would imagine that typically when there is a Specific Plan  
25 it's very attractive to a builder to try to accumulate

1 property and assemble it, so that way they can do a really  
2 nice design and have some nice internal controls for their  
3 own purposes.

4           Third, I just want to mention that we essentially  
5 have no budget for this effort, so you are seeing your  
6 experts before you, such as they are, and I apologize if  
7 we're not able to answer all of your questions. We don't  
8 have the economics that a developer would have, we wouldn't  
9 be able to run the financials as a developer could, but  
10 what you do have is expertise in planning and legal, et  
11 cetera, so I think we're trying to craft a Specific Plan  
12 that can be implemented that balances the needs of our  
13 Housing Element with creating a great neighborhood for our  
14 town.

15  
16           CHAIR BADAME: Commissioner Hanssen.

17           COMMISSIONER HANSSSEN: I understand all the  
18 comments that you made, Commissioner O'Donnell. My question  
19 is, isn't this more about whether they build commercial  
20 versus residential? Because if they build residential,  
21 since we have the cap of 270 and it has to be 13.5 times  
22 20, we can't have any proposal that doesn't meet the  
23 requirement for any residential that isn't twenty dwelling  
24 units per acre. That's written in stone in our Housing  
25 Element. So then the only question would be is if people

1 came in and built commercial instead of residential—and  
2 there are limitations proposed for how much commercial  
3 could be in Lark, for instance—just off the top of my head  
4 it seems like we have our bases covered, but I don't have  
5 the benefit of professional analysis, I'm just thinking  
6 about the things that I've heard, and it seems like we  
7 would be covered on that.

8 LAUREL PREVETTI: Nicely said.

9 CHAIR BADAME: All right, well we can have this  
10 discussion and we're not going to come to an agreement or  
11 consensus on several items. Our next item is a table, which  
12 is 2.1, the Permitted Land Uses, and that has to do with  
13 allowing different housing types throughout the districts.  
14 Would anyone like to comment on that?

15 Commissioner Hanssen.

16 COMMISSIONER HANSEN: Yeah, I thought it was  
17 part of the same thing, but I guess it's a different  
18 section. Right now I don't believe the cottage cluster  
19 unit, for example, is allowed in any district other than  
20 the Lark District, is that correct?

21 JOEL PAULSON: That's correct.

22 COMMISSIONER HANSEN: I don't have my plan open.  
23 I was trying to understand, Staff, why that was proposed,  
24 because if you look at what they were trying to avoid in  
25

1 the General Plan Committee is the Vision and Guiding  
2 Principles of the Specific Plan were to have the Lark  
3 District be more residential and adding more commercial as  
4 you moved towards the Northern District, so to me that  
5 speaks to not offering all the same types of housing.

6           Then on top of that, I don't think we had any  
7 discussion about removing the requirement that any housing  
8 in the Northern District has to be on top of commercial. So  
9 I don't know how you would build townhomes and garden  
10 cluster homes and cottage cluster homes on top of  
11 commercial. Just help me if I missed something.

12           JOEL PAULSON: No, I don't think you missed  
13 anything. This is all under the guise of spreading the  
14 units across the districts, so if you want to create the  
15 opportunity for someone to do residential where they may  
16 not have otherwise been allowed to do that, in your example  
17 the Northern District, yet clearly you're not going to do  
18 cottage cluster on top of commercial in the Northern  
19 District.

20           But this is trying to illustrate that if you want  
21 to have the opportunity for residential units to be spread  
22 across all districts, then there are a couple of options,  
23 and this gets a little bit to Ms. Decker's comments of  
24 trying to follow and when things are in multiple places,  
25

1 and the reason is we were trying to deal with that specific  
2 topic where it was, and so then you may or may not have  
3 noticed that when it's repeated later in the document the  
4 underlined red font turns to underlined black font, and  
5 then the new portion of that is related to that specific  
6 section.

7  
8           So the conversation here is if there is some of  
9 these uses that you don't think should be permitted uses  
10 from a residential standpoint across all three districts,  
11 then we can do that. I think you run into the issue,  
12 because there was some conversation on this later on as we  
13 go through the document of whether or not there should be  
14 residential above commercial.

15           As with many of these, which as we're seeing will  
16 happen tonight, we're not going to get any clear consensus  
17 and there will be varying opinions. So we're just trying to  
18 throw out options again. This is all really starting point  
19 language for a conversation and discussion, and if you  
20 don't feel any of this is appropriate, then we're happy to  
21 forward that recommendation and move that on to the  
22 Council, that's for sure.

23           CHAIR BADAME: Commissioner O'Donnell.

24           COMMISSIONER O'DONNELL: I think it's true, and  
25 perhaps I'm reading something that wasn't there, but it

1 certainly is true conceptually, we're not locked into  
2 making the north property have to have it above retail,  
3 because if we're now saying we're changing the rules and  
4 we're going to divide the housing up we could say it's not  
5 reasonable if we're going to do that to say it all has to  
6 be above the retail. So we could get rid of that and say if  
7 you want to put it above retail, great, but if you don't,  
8 that's okay too, because if we're going to say 30% or  
9 whatever of the housing is going to go in that, it probably  
10 makes no sense to say that 30% has to be second story and  
11 above kind of housing; and I don't think we're locked into  
12 that.  
13

14           So unless somebody feels that we want to be  
15 locked into that, but I would suggest to you that we  
16 probably wouldn't get the 30% ever built, at least under  
17 present circumstances if you said it has to be second floor  
18 above retail, but the good news is we're not stuck with  
19 that, we can decide it doesn't have to be. Now, we talked  
20 about in here that when it's close to some of the roadways  
21 we said yes, there it would have to be on the second story,  
22 but that's much more limited and it was spread out better.  
23

24           LAUREL PREVETTI: And in fact if you just look  
25 ahead to page 6, Item 11 shows a different version of the  
permitted land use that essentially would remove that

1 restriction from the Northern District, as you say. These  
2 things are interrelated, as Joel was mentioning and the  
3 public observed, so that's certainly for your  
4 consideration.

5 CHAIR BADAME: Commissioner Hudes.

6 COMMISSIONER HUDES: I had a question of Staff  
7 relating to the comments that we received from the public  
8 about locating residences away from freeways. Have we  
9 researched this at all? Are there either practical or  
10 accepted standards for this? Have other municipalities been  
11 addressing this proactively? I'm sure it's an area that's  
12 changing, that's probably not static, but do we have any  
13 information about whether we should enforce the 300 that  
14 was presented? What's Staff's opinion on locating with  
15 proximity to freeways?  
16

17 JOEL PAULSON: I don't have any information on  
18 other jurisdictions, Ms. Prevetti may, but as was also part  
19 of the materials that were presented by Ms. Robinson, the  
20 EIR evaluated that, and that was based on requirements and  
21 thresholds that are adopted by the state and then probably  
22 ultimately Bay Area Air Quality Management District, and so  
23 that is the restriction.  
24

25 The initial—and I don't have it in front of me—  
but I think the initial prior to 2015 when new air quality

1 standards were going into place for vehicles or for diesel  
2 trucks it was a larger setback, but after 2015 it was  
3 allowed to be moved down to the 50', so that meets the  
4 technical threshold. Whether you think more should be done  
5 as a matter of the information that's provided, I think  
6 that discussion also is farther down in one of the other  
7 sections.

8           COMMISSIONER HUDES: Okay, so that's helpful. It  
9 does weigh in on this table to some degree and this is  
10 where things are interrelated; that's why it's helpful to  
11 have that information now, and I think we should discuss  
12 that in some more depth when we get to that point.

13           But again, the General Plan Committee did not  
14 propose, I believe, much adjustment to this table, and I  
15 wouldn't be in favor of having cottage clusters mixed with  
16 the more dense retail environment in the Northern District,  
17 but again, I think this is a little bit of the tail wagging  
18 the dog. I think you start with what do the districts look  
19 like? What percentage of residential and commercial do they  
20 have? Then you work on the housing type that fits into  
21 that. I'm concerned that we're locking onto the numbers  
22 that I put out there without much analysis and then  
23 revising this table on that basis, and so I'm concerned and  
24  
25

1 I would not be in favor necessarily of making changes to  
2 this table.

3 LAUREL PREVETTI: Actually, from a Staff  
4 perspective, if the goal is to spread the units, whether  
5 it's 33%/33%/33%, that's one approach, but actually given  
6 the Vision Statement for the Lark District, which has some  
7 language about primarily being residential, that lends  
8 itself to support a notion of 40%, something slightly  
9 higher in Lark compared to the others. So while the  
10 Commissioner may not have given it much thought, it  
11 actually suits the purpose and is consistent with the  
12 language that's already in the Specific Plan, so that's why  
13 Staff continued to promote that idea.

15 I think when we were modifying the permitted land  
16 uses, all we're saying is that if you want to spread the  
17 units, then we probably need to create some options for  
18 additional housing types. So if, for example, the  
19 Commission says we appreciate that, but for the transition  
20 zone in Northern cottage clusters is appropriate, it's too  
21 low of a density, we're already going to be challenged if  
22 we do any of that up anyway, so let's just keep that in  
23 Lark.

24 That could be part of your recommendation, but I  
25 would say you might want to give consideration to townhomes

1 or row houses in at least the Northern District, just so  
2 that you have more flexibility, especially if the  
3 Commission—as we'll be discussing later—takes away the  
4 vertical mixed-use requirement where the housing has to be  
5 above commercial, then your developers are going to want to  
6 have more choice as to what product they could build to  
7 meet the housing objective.

8 CHAIR BADAME: Commissioner O'Donnell.

9 COMMISSIONER O'DONNELL: I think we should not  
10 forget that the original Specific Plan had a different  
11 concept than what we're talking about. The tail end of the  
12 housing got to the Northern District, that's why it was on  
13 the second floor. Most of the housing went on Lark, and the  
14 name of the Transition District tells us what it was, and  
15 that tells us it transitions into something that isn't  
16 housing.

17  
18 But now we're say it is housing, because we're  
19 going to take 40%, which leaves 60%, and we're going to  
20 divide that equally so it's 30%/30%. The Transition  
21 District will be no different than the Northern District,  
22 so it really, perhaps, won't be transitional. Those things  
23 are just names and they came from a different Specific  
24 Plan, so I don't think we should be hung up on those.  
25

1           But if we're sincere about saying we want a  
2 significant number of houses on the North 40, then let's  
3 get rid of all the stuff that would be an impediment to  
4 that, and that would be building on the second story. I do  
5 think we have to take into consideration things we haven't,  
6 i.e. is there any problem with the dual freeways, and how  
7 does it lay out? Now, we're talking like land is just a  
8 shirt and you just cut it; we're not doing that. I don't  
9 know what it looks like down there, but I know in the past  
10 where we spent seven or eight years we said oh no, we're  
11 not putting a lot of housing down there. In fact, putting  
12 it on the second floor was almost like we're not putting  
13 any housing down there.

15           Now we're saying we don't have any background in  
16 this, we don't really know what we're doing, but it sure  
17 sounds nice if we spread the housing around. I agree we  
18 should spread the housing around, but then I think we have  
19 to access the new Specific Plan as a new Specific Plan and  
20 not try to jam things into the old Specific Plan.

21           But one thing I think Staff is worried about, and  
22 maybe I'm wrong, we don't want to do something that says  
23 wait a minute, now you have to do a new environmental  
24 study, and I agree with that. If we can say we want 30% of  
25

1 the housing on the northern property, I don't see why that  
2 would trigger the environmental problem.

3 I will say traffic will be different. If you put  
4 40% here, 30% here, and 30% here, the traffic pattern is  
5 going to be different, but I think we definitely don't want  
6 to defend the old names, the old nomenclature, the old idea  
7 of where we're going to put it. I think we should start  
8 with we're going to spread the housing over the whole  
9 thing. I think Commissioner Hudes is right, we just can't  
10 pull a number out of the air, which is kind of what we did,  
11 and I respect you for saying that. So we've got to get to  
12 that, and maybe we have to say a little bit looser. Maybe  
13 we say 40-50%, I don't have any numbers, but make it a  
14 little bit looser. I think everybody has said let's spread  
15 the housing, and I'm all for that. How we spread it and  
16 what percentage we spread it, we've got to get to.

18 I don't want to beat a dead horse, but let's  
19 remember let's not lock ourselves into the old Specific  
20 Plan if we're going to make these substantial changes.

21 CHAIR BADAME: Commissioner Hanssen.

22 COMMISSIONER HANSSEN: Just having heard the  
23 discussion, I think we haven't discussed it, but I agree  
24 with Commissioner O'Donnell that if we're going to go to  
25 this direction I think we have to consider removing the

1 requirement for having residential over commercial in the  
2 Northern District, because you have to offer enough  
3 flexibility to potential developers. Further, I agree with  
4 our Town Manager's comments.

5 I would probably just think about this table,  
6 with the exception of the cottage cluster units, as at  
7 least a starting point, but without the cottage cluster in  
8 Transition District and Northern District, as a starting  
9 point of trying to have a flexible enough system that fits  
10 within the existing plan. But we might want to think about  
11 the numbers again, because the one problem with the  
12 40%/30%/30% is although it does make it fairly even, it  
13 does make the Transition District and the Northern District  
14 basically equal from that perspective. I mean there isn't  
15 anything that's going to make one different than the other.  
16 We have to look at the commercial uses, but I think that  
17 it's not going to be that much different.

18  
19 CHAIR BADAME: Commissioner Erekson.

20 COMMISSIONER EREKSON: To Commissioner  
21 O'Donnell's point, I raised the question, as Ms. Prevetti  
22 and Mr. Paulson know, at the end of the second General Plan  
23 Committee meeting about if in fact we're intending to  
24 significantly change the nature of the plan then we might  
25 need to rethink the concept of the districts, and that

1 wasn't greeted with any applause by the other members of  
2 the General Plan Committee, including either of the Council  
3 members who are on it, and I assume Mr. Paulson was  
4 professional enough not to really cheer when they did that,  
5 since it would involve a significant amount of work on this  
6 staff.

7  
8           That being said, my sense is—and I know from  
9 talking with Commissioner Hudes that he did in fact use  
10 them as examples, not as what he was suggesting—if I assume  
11 that we're going to maintain the district descriptions in  
12 general from them, then I might suggest that the percentage  
13 difference between the Lark District and Northern District  
14 should be greater than 10%. For the sake of making the same  
15 error that Commissioner Hudes made, I might suggest that  
16 the first number for the Lark District, if you look at the  
17 language in the Lark District, that it's intended to be—I'm  
18 going to use my language, not what's in there—heavily or  
19 primarily residential, the numbers should probably be at  
20 least 50%, at least 50% in that area, and so that would  
21 suggest to me if there's not supposed to be as much  
22 residential in the Northern District that it needs to  
23 shrink down some, so maybe make it half of what it was.

24  
25           I'm talking about conceptual numbers but also  
getting close to actual numbers, so you might have 50% and

1 25%, and then I do think the sum of the percentages,  
2 whatever they end up being, should be in fact greater than  
3 100%, because if not we are literally, I believe from a  
4 developer standpoint, just prescribing what it is and we  
5 will take some flexibility away, and we would need to  
6 figure out what the language is that says the maximum is  
7 against these percentages but the total can't exceed.

8 I don't know how you write that language, but we  
9 do that with the square footage of commercial and other  
10 square footages where the sum of the parts is greater than  
11 the total that's allowed, so I assume there's a way to do  
12 that, because then we provide some flexibility as we move  
13 through the process.

14 We shouldn't assume just because we got an  
15 application, and the first time we got an application that  
16 it started in the Lark District, that if in fact the Town  
17 prevails in the existing litigation that the first  
18 application that we could get with a new Specific Plan  
19 would necessarily start in the Lark District; we shouldn't  
20 assume that, because it might not. It might start in the  
21 Northern District, or it might start in the Transition  
22 District, it might start most any place, so we shouldn't  
23 assume that. We would need the flexibility to allow that  
24 maybe it starts in the Transition District, so we need the  
25

1 flexibility to allow that to be maybe 40% of the housing or  
2 some other, because we might have someone who would come  
3 into the Transition District and take ten acres and develop  
4 it at 20 units per acre, we don't know, so it seems like if  
5 that sum of the percentages is exactly 100% it becomes  
6 prescriptive and takes away flexibility that might serve  
7 the Town and enable developers to be more responsive to us.

8 CHAIR BADAME: Commissioner Hudes.

9  
10 COMMISSIONER HUDES: I would agree with both  
11 points that I picked up out of many that Commissioner  
12 Erekson raised, one being to put a mechanism for  
13 flexibility in there, and if we think that one way to do  
14 that would be to have an up-to percentage number that was  
15 greater than added up to 100% in total, that might be one  
16 way to do it, and I'd be supportive of that.

17 Also, on reflection it makes sense to be  
18 consistent with the language that's been written for the  
19 different districts, and so something that reflects  
20 potentially a higher percentage in the Lark District would  
21 make sense to me as well.

22 CHAIR BADAME: Commissioner O'Donnell.

23  
24 COMMISSIONER O'DONNELL: I think all this is  
25 necessary. You people have gone through it on your  
committee and I have not, so bear with me for a minute. I

1 don't know how we stay with the original concept, because  
2 the original concept was housing, transitional, basically  
3 non-housing, and there's a consensus of opinion that the  
4 only way you can kind of take care of some of these  
5 problems is to make a better spreading across the property,  
6 and nobody is disagreeing with that, but that will change  
7 what the original concept was, and I think we ought to just  
8 say that. It doesn't do any good to say we're going to stay  
9 with the original concept; we're just going to change  
10 everything.

11  
12 I agree that more than half of it, perhaps, or  
13 half or more, can stay down with the Lark District, because  
14 that just made sense for many reasons. Then the question  
15 simply becomes how much do you put on what we call  
16 Transition versus how much do you put on Northern? I don't  
17 know, and maybe we don't have to know. We can say there's  
18 50% less, and we want to make sure that at least X percent  
19 of that goes on each, because otherwise we wouldn't be  
20 spreading, but there might be some flexibility and I think  
21 that's what has been said now twice, so that at the end of  
22 the day there will be more housing, for example, on the  
23 Northern than there might be on the Transition, we don't  
24 know, it depends on the people who come in. But, and this  
25 is Commissioner Erikson's point, you're starting with more

1 than 100%, but at the end of the day you can't have more  
2 than 100%, but you didn't know that going in, but you will  
3 certainly know it coming out, and at some point a developer  
4 is going to say whoops, now I know where we are on this  
5 last piece.

6 I don't want us to fall into this concept of  
7 somehow we're keeping the old plan, because we aren't,  
8 unless we say it is true that Lark is going to be primarily  
9 residential; that I would agree with. I don't know what  
10 we'd say as to Transition and Northern, because Northern is  
11 now a heck of a lot more residential than it was to start  
12 with. We have said before it's not going to be primarily  
13 housing; now it could be as much as 25% of the total number  
14 as housing. That's a lot of housing compared to the  
15 Transition, which also might be 25%, or Northern could be  
16 30%, let's say, versus 20%.

18 CHAIR BADAME: All right, I'm going to interrupt  
19 here, because I'd like the Town Manager to address us.

20 LAUREL PREVETTI: Well, I think this is a really  
21 valuable conversation, because it's kind of getting to the  
22 fundamental point about what is our responsibility, and  
23 what's being asked of us this evening and at subsequent  
24 hearings as we consider amendments to the plan?  
25

1           The Council gave us some boundaries when they  
2 first started this back in September. They said try to  
3 identify specific changes to the plan that address the  
4 concerns that were raised during the first application, so  
5 that we can have better certainty that the next time an  
6 applicant picks up the plan that they will know what it is  
7 the Town wants and will be able to provide an application  
8 that meets that.

9  
10           Then they said work within the parameters of our  
11 existing Environmental Impact Report, our existing Housing  
12 Element, and we're not doing a total rewrite of the  
13 Specific Plan, so I think the delicate line we're trying to  
14 find is how do we do something like spread the housing  
15 across three distinct areas that have been defined as land  
16 use districts in a way that maintains the integrity of this  
17 notion of three districts? I think the basis of this  
18 conversation is saying that the 40%/30%/30% might have been  
19 a good starting point, but that's inherently inconsistent  
20 with the notion, so I think you've convinced us. Both Joel  
21 and I have moved off the 40%/30%/30%, and whether it's  
22 50%/30%/20%, or up to 60%/20%/20% or some other range, the  
23 point has been made and that's been very valuable.

24  
25           I think as we continue to move forward we're  
going to have to do the additional work of really going

1 word-by-word and seeing this is a Transition District,  
2 because it provides a certain mix of uses, and the Northern  
3 District has also a mix of uses, but may have a different  
4 balance of what that mix is. It might have more commercial,  
5 office, retail than housing, but it will still have  
6 housing, so have we met that objective of spreading the  
7 units? So it will take some finesse, but I think we have  
8 not been asked to do a new Specific Plan.

9  
10 CHAIR BADAME: Commissioner O'Donnell followed by  
11 Commissioner Hanssen.

12 COMMISSIONER O'DONNELL: I don't know where we're  
13 going now. Maybe we're going to wait for some further work.  
14 I don't know where we're going, but I believe this exercise  
15 is to attempt to address the concerns of our citizens who  
16 were not happy with the original plan, so I think we have  
17 to do more than tinker with the location of the density,  
18 because if all we're going to do is to say we could have  
19 had 335 units and we're to spread those 335 units over the  
20 whole property rather than part of it, aren't you all happy  
21 now, the answer is going to be no, we're not all happy now.  
22 So I think we have to decide a little bit about what do we  
23 have to do besides...

24  
25 Part of the real objection to our look and feel  
and things like that, which are going to be very, very

1 difficult, I really think this housing thing, when I think  
2 we've essentially been told you want to spread that around,  
3 we can do that, and I think we can come up with better  
4 concepts on how to do that, I honestly don't think that's  
5 going to be as big a problem as the other problems, which  
6 are what were people really unhappy with? If you had to  
7 summarize it, it would be look and feel. Now, there's still  
8 the question of can we ever satisfy people on look and  
9 feel, and I don't know the answer to that, but we can  
10 certainly try. We're going to get to that I assume, but  
11 that's really going to be where this is.  
12

13 CHAIR BADAME: Commissioner Hanssen.

14 COMMISSIONER HANSSEN: With respect to the  
15 comments that our Town Manager and Commissioner O'Donnell  
16 just made, we haven't talked about the commercial yet, but  
17 as it stands there's a proposal to, in addition to the  
18 total limits on numbers of square footage potential, put  
19 limits on percentage of square footage in each district. So  
20 if you look at the mix, and I don't think you were  
21 necessarily having to throw out the intent of the plan, if  
22 it turns out that it's accepted that there's going to be a  
23 higher percentage of commercial in the Northern District  
24 than the least percentage in Lark, and then you kind of do  
25 a little of the opposite on the residential, I don't think

1 it completely changes the intent of the districts. I mean,  
2 we'll have to look at the total picture, but it seems like  
3 we're not that far off, although when I first looked with  
4 the percentage thing I did have the same concern that  
5 Commissioner Erekson did, which is if you don't have more  
6 than 100% we might not get what we need, and so we might  
7 want to change those percentages.

8 CHAIR BADAME: Vice Chair Kane.

9 VICE CHAIR KANE: I have an asset and a  
10 liability. The liability is I wasn't in on the ground floor  
11 and I don't serve on the GPC. The asset is I wasn't in on  
12 the ground floor and I don't serve on the GPC. I think the  
13 closer you are to this the more you're going to beat it to  
14 death, and I'm listening, and I'm listening and I'm  
15 learning. No offense, guys, I love all of you. God so loved  
16 mankind that she did not send a committee.

17 The Town Council wants us to give guidance, and  
18 what we've heard from the people, from the hundreds and  
19 hundreds of letters that we've received, and we know what  
20 those are, I would say that we've gotten to a point where  
21 on 2-5-1 maximum development clearly there needs to be some  
22 flexibility, and there needs to be a fundamental concept  
23 that the majority of houses, or a larger number of houses,  
24  
25

1 needs to go into Lark, so that means you've got X, and then  
2 you've got smaller numbers in the other two.

3           Off the top of my head, I've always seen—and I am  
4 stuck in the old version, Tom, mentally—that the middle  
5 ground was going to be commercial, and the northern ground  
6 was going to be don't know, and what I'm thinking for the  
7 northern ground is what I've heard from the people, and  
8 certainly it meets my opinion, that that's a place for a  
9 hotel and a conference center.

10           So we say to Council this might be a workable  
11 idea, and there's the flexibility to do whatever numbers  
12 needs to be done to get to the 270 or the other number with  
13 the housing bonus, and what we've done on 2.1 is, again, a  
14 whole bunch of flexibility. Now it conflicts with 2.1; we  
15 can discuss that later. I don't understand, one of them  
16 says Northern District with above commercial, and the other  
17 one says Los Gatos Boulevard, but whatever it is, it gives  
18 support to the idea of flexibility, and that's, I think,  
19 what Council needs to know, what we think we've heard from  
20 the people, and what we think we think, and then they can  
21 take it from there and give it back to the experts to do  
22 the actual language.

23           COMMISSIONER O'DONNELL: Thank you for clarifying  
24 that.  
25

1           VICE CHAIR KANE: I just think we're beating  
2 these guys to death and we need to make recommendations,  
3 common sense, that we heard.

4           CHAIR BADAME: All right, Commissioner Hudes, and  
5 then after that we are going to take a break.

6           COMMISSIONER HUDES: I would just add that I  
7 agree with the Town Manager's proposal on how to handle  
8 this, and I think it's adequate in terms of addressing the  
9 public's needs and responsive to the Council. I personally  
10 am not very good at getting into philosophical discussions  
11 about is this new, is this a change? For me, I'm going to  
12 take these one at a time, and I think that this is within  
13 the direction that we were given by the Council, and I also  
14 think it's within the direction that we were given by the  
15 public.  
16

17           CHAIR BADAME: All right, with that we're going  
18 to take a ten-minute break.

19           (INTERRUPTION)

20           CHAIR BADAME: The meeting has resumed, and Vice  
21 Chair Kane would like to make some comments.

22           VICE CHAIR KANE: I just want to clarify, if I  
23 might, my ending remarks.

24           I've read the verbatim minutes of both the GPC  
25 meetings, and I think they are absolutely outstanding. I

1 mentioned to somebody I don't know why we didn't do this in  
2 the first place, but that's very complicated, and I wasn't  
3 here.

4 I've also read the Exhibit 9, and all of the  
5 letters from all the public, and I think Exhibit 9 has got  
6 it right. We can tweak it here and there, but Council wants  
7 guidance on what we think and what we think we've heard  
8 from Town people, and I think it's all here. If you read  
9 those minutes of the GPC and you read Exhibit 9, it's 90%  
10 all here. This is a great document, and I think we should  
11 accelerate our progress, maybe even take a null hypothesis  
12 approach to what is wrong, what doesn't work with Exhibit  
13 9? I haven't found a lot of fault with it, but again, I  
14 haven't spent as much time as the GPC committee members  
15 have, but I'm not speaking for the Commission, I'm speaking  
16 for me, and I'm advising Council that I think this is a  
17 great document, I think it's mostly here and it's vastly  
18 improved, and that's the message they ought to get.

19  
20 Then give it to Mr. Paulson, who has got the  
21 expertise to work out these kinks to the degree he can with  
22 the resources at this disposal, and that's going to be  
23 we're not expediting, we're giving Joel the three months he  
24 needs to put this all together.  
25

1           So that's what I think. I think we can run it  
2 through the temptation of beating it death, we can go  
3 through it, but take the position that this is a really  
4 good document, GPC did a great job, and I think the people  
5 are consistent with what's here, because it's in their  
6 letters. That's what Council needs to know, and then Mr.  
7 Paulson needs to get on with his job.

8           CHAIR BADAME: Well stated. Commissioner Erekson.

9           COMMISSIONER EREKSON: Based on Commissioner  
10 Kane's comments, I think Mr. Paulson should ask the Town  
11 Manager for a raise.  
12

13           VICE CHAIR KANE: I agree, and additional  
14 staffing, but he says he has no budget, so we're stuck.

15           CHAIR BADAME: I'm going to call the question.  
16 All in favor?

17           All right, we need to move along, and hopefully  
18 we can go quicker, and some of these items might be easier.

19           So we are on Item 3 about the vision of how we're  
20 spreading these units to make it fit with other uses and  
21 fit in the neighborhood idea. So 2.7.3 talks about guiding  
22 future residential development that reflects the  
23 traditional character of existing residential architecture.  
24 Comments? Vice Chair Kane.  
25

1                   VICE CHAIR KANE: Commissioner O'Donnell has  
2 mentioned a couple of times that the riding factor in the  
3 issue is the look and feel of Los Gatos, and now Council  
4 has heard that again; I think that is a key issue. Given  
5 our housing requirements that is a challenge, but we did  
6 have a gentleman here who gave us 85 pictures last time,  
7 and maybe they could be included as a document or  
8 supplemented by work of our own to give the developer a  
9 better idea of what it is that we're looking for and what  
10 it is we think the people want and need.

11  
12                   CHAIR BADAME: Commissioner Hanssen.

13                   COMMISSIONER HANSSEN: I'm going to be really  
14 quick. I wrote down two words when I read that, and I said  
15 "good idea" about the pictures.

16                   CHAIR BADAME: Commissioner Hudes followed by  
17 Commissioner O'Donnell.

18                   COMMISSIONER HUDES: I agree, I think it's a good  
19 idea; that was my reaction. I also appreciated the language  
20 from Mr. Pacheco on this, but I believe that wouldn't fit  
21 here, that that language might fit for appropriately  
22 somewhere else, and that goes into explaining traditional  
23 character of the existing residential architecture. I  
24 didn't have time to take that comment and figure out where  
25 it goes, but I did want to say that I think that language

1 would be a valuable addition to the plan, maybe not in this  
2 spot, but maybe somewhere else.

3 CHAIR BADAME: Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: The problem I have is  
5 I've only lived here since 1972. When you look at the unit  
6 sizes, 500 square foot unit, it's pretty hard to get the  
7 look and feel of Los Gatos out of a 500 square foot unit,  
8 so I don't know, the look and feel. I remember what houses  
9 looked like in the Second World War, and they were pretty  
10 small, and maybe we're going back to the Second World War  
11 construction. Again, I don't know that that's the look and  
12 feel of Los Gatos.  
13

14 I think we have more of a problem, because if we  
15 make the units smaller the concept of look and feel can be  
16 done, I think, but I think it will be a question of how we  
17 do it. I think it would be easier to do it, for example,  
18 with the cottage cluster than it might be with townhomes,  
19 but perhaps not with row homes. Now, we don't have anybody  
20 helping us like an architect or something, but when I just  
21 sit here and say how many 500 square foot houses do you  
22 know in town, how many 500 square foot anything do you have  
23 in town, and so look and feel, it's going to be a trick. It  
24 could happen, I guess, but I just don't think it's a gimme,  
25 and therefore I think what we're doing here, going over it

1 item-by-item, is necessary. I think Joel did a wonderful  
2 job, but the whole point of everybody is so that we can add  
3 our thoughts and we can take them into consideration.

4 I'm as troubled by look and feel today as I was  
5 on the original, because that's a very amorphous concept,  
6 and hopefully we can come up with something that would be  
7 clearer, because if I were going to try to interpret look  
8 and feel, my interpretation, I guarantee, would be  
9 different than somebody else's. I don't know what we do  
10 about that, but perhaps by going over all this we can.

12 If there were anything we can do which is  
13 helpful, it would be help the Council know how to talk  
14 about look and feel in a way that somebody could be guided  
15 by it. I'm not guided by the concept of Los Gatos, because  
16 I have a view of what parts of Los Gatos look like and what  
17 other parts don't, and so hopefully we'll be able to help  
18 on look and feel.

19 LAUREL PREVETTI: I'm sorry to interrupt, but  
20 there are a lot of images in the document, and actually I  
21 think maybe for homework, if I could be so bold, there  
22 might be some images that you feel maybe they really don't  
23 belong in the Specific Plan, they're too boxy, they don't  
24 really represent the look and feel, so I think it would be  
25

1 of interest to know, well, maybe some of these need to not  
2 be in the illustrative guidelines.

3           And we do have an architect on staff, so we have  
4 a professional who has expertise both in public and private  
5 sector to help us with this, but I think it would be  
6 instructive to really look at the images in the plan and  
7 say, you know, some of these have got to go, because  
8 they're sending the wrong message.

9           COMMISSIONER O'DONNELL: One of the big problems  
10 before was the look and feel of large buildings, for  
11 example. Not everything was going to be residential, and  
12 that was a very difficult concept, because if you're going  
13 to build a 30' high building that's going to be used for  
14 commercial purpose, look and feel then is all over the lot.  
15 You can say it should have looked like Lunardi's, it should  
16 have looked like Nob Hill. What should it look like? And  
17 those are typically not great architectural buildings, if I  
18 can be so bold, so as we get into this we'll have to decide  
19 what the heck does look and feel mean? But I will do what  
20 you're suggesting, go back and look at the pictures.

21           CHAIR BADAME: Vice Chair Kane followed by  
22 Commissioner Erekson.

23           VICE CHAIR KANE: Well, again, the flexibility is  
24 what's important. Four says require small or more  
25

1 affordable. Yes. Five says allow smaller units from 900 to  
2 1,500, and I agree with Commissioner O'Donnell, is 500 a  
3 practical... But again, it's range, and so if there was a  
4 studio--somebody wrote a letter about people looking for a  
5 small studio as a starter--500 is really, really small. I  
6 don't know if that's practical, but we give Council a  
7 range, and we make the point that we want some of them  
8 smaller, we want some of them more affordable, and if you  
9 want to start at 500, that's fine, if you want to start at  
10 900, that's fine, but we're giving them the flexibility,  
11 because that's what people have asked for, and so I'm okay  
12 with four, five, and six, just for openers. Oh, and seven,  
13 if we can do it. Can we apply BMP to all of the land, or is  
14 there a limit on that?

16 JOEL PAULSON: The guidelines from the BMP  
17 Ordinance do apply to the site.

18 VICE CHAIR KANE: Great.

19 JOEL PAULSON: It's already in the Specific Plan.

20 VICE CHAIR KANE: I'm okay with that one too.

21 Like I said, I think they did a great job.

22 CHAIR BADAME: Commissioner Erekson.

23 COMMISSIONER EREKSON: The language itself that  
24 was suggested by the Staff in my opinion doesn't add any  
25 greater clarity; it just adds some other words. It provides

1 more words to debate, that is what I think it provides.  
2 That's not necessarily meant as a criticism, just as an  
3 observation.

4 I think the residential architecture is eclectic  
5 throughout the Town, because the neighborhoods in the Town  
6 were developed over three centuries, so they're eclectic,  
7 so I think there's no harm in the language that was added,  
8 but what I wrote down in my notes coming was, "As  
9 illustrated in," which is exactly where the Town Manager  
10 was going. So I think there's no harm in that language,  
11 unless it's just left by itself, because all it does by  
12 adding it is allow more debate.  
13

14 But then I would say, "As illustrated in," and  
15 then how many... Whatever we mean by this language, we  
16 illustrated it then, and then we can say hmmm... So a  
17 developer comes, they give us a picture of a building, we  
18 can say hmmm, doesn't look like any of these pictures,  
19 apparently it doesn't reflect the traditional character of  
20 existing residential architecture in Los Gatos, but now we  
21 don't have any basis upon which to do that.

22 CHAIR BADAME: Vice Chair Kane.

23 VICE CHAIR KANE: I agree with that completely,  
24 and I meant to put that in my remarks that I don't see it  
25 here, but it ought to be added that we've included an

1 addendum of all of the pictures that you referenced, and  
2 your idea about what doesn't look right is perfect. I used  
3 to play that game and say what don't belong in this  
4 picture, and I could do that, you know, this one is out,  
5 that one is out. But it wouldn't hurt if we just got a  
6 rough consensus and attached those pictures, not only from  
7 the book, but from anywhere else. Mr. Pacheco has probably  
8 got a hundred of them.

9  
10 CHAIR BADAME: Commissioner Hanssen.

11 COMMISSIONER HANSSEN: I think the one thing we  
12 have to be careful of is that so much of the Housing  
13 Element is in the North 40, and with the requirement to do  
14 twenty dwelling units per acre I think something like 80%  
15 of the housing that we have in town is single-family homes,  
16 and there's going to be a max of cottage cluster homes, if  
17 that even ever gets built, in the North 40. So then that  
18 kind of automatically speaks to the issue that it's not  
19 going to look and feel like what's across the street,  
20 because what's across the street in the neighborhood across  
21 Lark is single-family homes.

22 It seems like the best way we can address this,  
23 since we've gone down this path and that's what the Town  
24 has committed to do is to look at the architecture, is try  
25 to make it an architecture that's much the same, or give

1 examples of other things where it has twenty dwelling units  
2 per acre that we already have in Los Gatos if we think  
3 that's look and feel, but that's an elusive goal given the  
4 requirements of the plan and the Housing Element.

5 LAUREL PREVETTI: I would just add that most of  
6 the housing, if not all, in the Specific Plan is really  
7 intended to be multi-family and multi-units; so you  
8 wouldn't see a 500 square foot home all by itself, it would  
9 be within a larger complex. Some of the architectural  
10 photos show two-story buildings and multi-story buildings  
11 with architectural elements that reflect look and feel, so  
12 it would be a different housing type, but the architectural  
13 themes might be similar to what you've seen in our eclectic  
14 neighborhoods.  
15 neighborhoods.

16 VICE CHAIR KANE: What page and chapter are you  
17 (inaudible)?

18 LAUREL PREVETTI: I was on page 2-28 and 2-29,  
19 just for images.

20 CHAIR BADAME: Commissioner Hudes.

21 COMMISSIONER HUDES: Yeah, I had hoped the maybe  
22 we could come up with dos and don'ts, as we've done in  
23 hillside and things like that, and I'm losing hope that  
24 that's going to be possible to do, given the variety of  
25

1 housing types and given the need and the concentration of  
2 multi-family that we have here.

3           Each time I read this suggestion from Mr.  
4 Pacheco, I get more and more out of it. I think that  
5 there's a lot of merit in taking a really good look at  
6 including this and referencing this, because it gives some  
7 guidelines that I think do a better job of conveying the "I  
8 know it when I see it," than trying to come up with  
9 specific dos and don'ts, and so I want to convey that I'm  
10 very enthusiastic about these four points of design  
11 excellence and benchmarks that I believe could be used.  
12 They're more objective certainly than what's in there now,  
13 but they are not so specific that it would be difficult for  
14 someone to work with.

16           CHAIR BADAME: Commissioner Erekson.

17           COMMISSIONER EREKSON: I guess I'm not as  
18 concerned as Commissioner Hanssen is about this, because my  
19 sense is architectural style can be applied to single-  
20 family, multi-family, et cetera, so the questions is about  
21 architectural style and how elements of a particular style  
22 are used, so to the extent that we could articulate well,  
23 either with pictures or in language, that certain  
24 architectural styles are how we define the look and feel. I  
25 mean, I'm not an architect. They said that we could

1 identify ones that are maybe even predominant in the Town  
2 or something that would reflect and so forth, then you have  
3 a clearer definition of what that is, because they can span  
4 multi-family and all kinds of (inaudible) housing.

5 CHAIR BADAME: Vice Chair Kane.

6 VICE CHAIR KANE: I was just wondering if we  
7 could get a consensus on Commissioner Hudes' suggestion  
8 that we underscore, highlight, or incorporate the letter  
9 from Len Pacheco and the four points? I think everyone  
10 knows Len has served as Chairperson of the Historic  
11 Preservation Committee since Fremont rode in, and he knows  
12 a great deal about architecture and these points, and I  
13 agree with Commissioner Hudes that we pass that on to the  
14 Town Council.  
15

16 CHAIR BADAME: I would agree in passing those  
17 comments to the Town Council, and I'm seeing a nod of heads  
18 from everyone? All right, I think we have some consensus on  
19 that. We are making progress.

20 All right, the smaller affordable units, we have  
21 the chart. Are we all in consensus with that, the range  
22 starting at 500 square feet to 1,200 square feet?  
23

24 VICE CHAIR KANE: Only in so far as it gives them  
25 flexibility, but I agree with Commissioner O'Donnell, it  
may not be practical, but it's flexible, it's there.

1 CHAIR BADAME: Okay. All right, on page 4 it  
2 talks about new residential should be a maximum of 345,000  
3 gross square feet for cottage cluster, garden cluster,  
4 townhome, and row house products, and 207,000 net square  
5 feet for condos, multi-family, apartments, and affordable  
6 products. Any comments on that?

7 Vice Chair Kane.

8 VICE CHAIR KANE: Well, it's the old thing about  
9 giving a number. It's nice to say they're maximums, not  
10 goals, but that will be taken as a target sometimes. I  
11 would just say something like, "These are maximums and  
12 shall not be exceeded," but the numbers themselves have  
13 been reduced, so I think that communicates the desire for  
14 it to be smaller; I would support that.

15 CHAIR BADAME: All right, it appears we have  
16 consensus on that, so I'm going to move to the next one  
17 where we've got some redlining, and that would be don't  
18 allow residential on Los Gatos Boulevard. It talks about  
19 the Perimeter Overlay Zone and that residential is only  
20 allowed when located above commercial along Los Gatos  
21 Boulevard. Do we have comments on that?

22 Vice Chair Kane.

23 VICE CHAIR KANE: There were the two units on Los  
24 Gatos Boulevard near the gas station that Commissioner  
25

1 Erikson brought up and that I brought up, and they just  
2 seemed to be like sore thumbs out place, so I could support  
3 the revision and the red underline. Elsewhere it talks  
4 about, I'm guessing it was 27 and 28, that they come out  
5 for a variety of reasons, and when we get to that I would  
6 support that as well.

7 CHAIR BADAME: Commissioner Hudes.

8 COMMISSIONER HUDES: I agree with that concept  
9 about eliminating it. I think the wording, I would suggest  
10 rewording it to be residential, "Residential on Los Gatos  
11 Boulevard is only allowed when located above commercial,"  
12 rather than the way it's worded now.  
13

14 CHAIR BADAME: All right, do we have a consensus  
15 on that? Would anybody like to add a comment to the  
16 contrary?

17 Commissioner Erikson.

18 COMMISSIONER EREKSON: Not to the contrary, but I  
19 was going to suggest my sense is this was trying to solve  
20 the problem that Commissioner Kane was talking about, so I  
21 would have suggested that parks be also allowed facing Los  
22 Gatos Boulevard, which is another way to have a consistency  
23 facing the Boulevard that could be actually accessed from  
24 the interior and the exterior.  
25

1           One of the problems with commercial and the  
2 location that was of concern is it's challenging to access  
3 it off of the Boulevard and doesn't make sense from a  
4 development standpoint to access it from the interior;  
5 that's the real challenge generally. So to put parks or  
6 additional green space on the Boulevard would seem like to  
7 me to be another way to address the concern and have a  
8 consistency.

9  
10           CHAIR BADAME: I would agree with that,  
11 Commissioner Erekson, and along with that it would provide  
12 a buffer.

13           Our next item is provide senior housing at the  
14 ground level, and there is wording that states, "If age  
15 restricted housing is proposed, at grade accessible units  
16 and/or units that are accessed via elevator, ramps, and  
17 lifts are encouraged."

18           Comments from Commissioners? Commissioner  
19 Erekson.

20           COMMISSIONER EREKSON: I have great sensitivity  
21 to trying to write these kind of things, since I spent a  
22 lot of my career trying to write these kind of things, but  
23 if I had written this my staff would have told me just go  
24 back to the drawing board, buddy, because what it says is  
25 you can have units on the ground floor or you can have

1 units above, and if you have units above you have to give  
2 them access to it, so I'm not sure what this... If the  
3 direction is to put units on the ground floor, we should  
4 say that; we should eliminate the second half of the  
5 sentence. As it's written now, it doesn't serve any  
6 purpose, it seems like to me.

7 CHAIR BADAME: Don't take offense, Mr. Paulson.  
8 You still deserve a raise. Comments?

9 VICE CHAIR KANE: I glad it wasn't just me; I  
10 didn't understand it. Thank you.

11 CHAIR BADAME: All right, comments? Commissioner  
12 Hudes.

13 COMMISSIONER HUDES: I haven't really processed  
14 what Commissioner Erekson said in terms of should we only  
15 have it at grade level. I am simply suggesting a reword of  
16 this: "If age restricted housing is proposed, it should be  
17 accessible from grade, elevator, and ramp or lift."

18 COMMISSIONER O'DONNELL: How else would it be  
19 accessed?

20 COMMISSIONER HUDES: Well, I'm just rewording a  
21 sentence that...

22 COMMISSIONER O'DONNELL: (Inaudible).

23  
24  
25

1 CHAIR BADAME: All right, this seems like some  
2 minor tweaking that I'm sure Mr. Paulson is highly capable  
3 of fixing. He has a heavy workload, so I don't...

4 COMMISSIONER O'DONNELL: If there is some other  
5 way, would you add it, please?

6 CHAIR BADAME: All right, Vice Chair Kane  
7 followed by Commissioner Hanssen.

8 VICE CHAIR KANE: For the benefit of Council,  
9 we've talked about seniors being on second and third floors  
10 and subject to the tyranny of the elevator, and that grabs  
11 my imagination. That would be a terrible thing, but we also  
12 had expert testimony from a person whose employment was to  
13 put people up on the ninth floor, and it worked just fine,  
14 so it may be something I don't understand; this is not my  
15 expertise. I can get rid of the pictures and the movies of  
16 seniors being trapped, but I'd also have someone be willing  
17 to look into do these things actually work, and I think the  
18 report we received it was on the ninth floor and it worked  
19 just fine. So again, some flexibility for Council.

20 CHAIR BADAME: Commissioner Hanssen.

21 COMMISSIONER HANSEN: I don't know about the  
22 wording or what, but I know when we discussed this in the  
23 General Plan Committee we did talk about accommodating the  
24 needs of seniors. We also talked about disabled persons and  
25

1 accommodating their needs as well, so do we have to  
2 specifically call out the population? I think we have unmet  
3 needs in our town that require grade accessible units, and  
4 so that should be accommodated by the housing that's built.  
5 I don't know to what extent.

6 VICE CHAIR KANE: I would say to the extent  
7 possible...

8 COMMISSIONER HANSEN: To the extent possible.

9 VICE CHAIR KANE: ...because Council has advised us  
10 that we can't get it. Now, there may be a gray area or an  
11 asterisk or something, so Council should be advised that if  
12 we could get it, that would be wonderful.

13 COMMISSIONER O'DONNELL: If F were omitted, what  
14 difference would it make? It doesn't say anything. I mean,  
15 we're all in favor of access, period. So what? You can't  
16 get in a house without access, so I mean why do we have to  
17 say that?  
18

19 JOEL PAULSON: I think the suggestion was provide  
20 senior housing at the ground level, and so...

21 COMMISSIONER O'DONNELL: But that's not what...

22 JOEL PAULSON: ...I guess we can just add provide  
23 senior housing at the ground level, if that makes you more  
24 comfortable.  
25

1                   COMMISSIONER O'DONNELL: Which I don't agree  
2 with, because we know it won't happen. Provide something  
3 you know won't happen and you'll all be happy.

4                   I think the sentence doesn't add anything. If you  
5 want to say something, we can decide we ought to be saying  
6 make it on ground level. I mean, you could say "if  
7 possible," but from what we've heard from everybody, if you  
8 say put the senior housing on ground level, that's like  
9 saying but we're not having any senior housing, which I  
10 don't think is a good idea. So then I'm saying if that's  
11 true--and I'm not criticizing, I think the draft thing is  
12 fine--I just don't know why we need it.

14                  JOEL PAULSON: And that simply could be that the  
15 Planning Commission doesn't think this is necessary and  
16 recommends this moves forward.

17                  CHAIR BADAME: Commissioner Erekson.

18                  COMMISSIONER EREKSON: I guess my advice to the  
19 Staff; you've gotten a lot of observation about we should  
20 have senior housing on the ground level. What I would put  
21 in and take forward is, "If age restricted housing is  
22 proposed, grade level accessible is encouraged," and leave  
23 it at that. That's what you heard. Now, whether that's  
24 feasible or not is a different question, and then the  
25 Council has to own the direction that they provided and

1 then decide whether or not they want to put something in,  
2 what you heard.

3           What I think you tried to do was sanitize what  
4 you had heard, which is like okay, this seems like a screwy  
5 idea to say put senior housing on ground level, and you  
6 tried to save people from themselves. I wouldn't try to  
7 same them from themselves on this issue, I'd just put it in  
8 there the way they provided you the direction and let them  
9 leave it if they want to, or let them take it out.

10           CHAIR BADAME: Okay, good points. Unless there  
11 are further comments, we'll move on to what probably Vice  
12 Chair Kane would say is a sticky wicket, and that is  
13 consider the possibility of moving the houses away from  
14 Highway 17 and putting commercial in that area. Comments  
15 from any Commissioners? No sticky wicket, Vice Chair Kane?

16           COMMISSIONER O'DONNELL: I don't know what that  
17 means. Consider moving them where, another 5'?

18           JOEL PAULSON: I think on page 6 there's  
19 currently you can't have a building within 30' of a  
20 property line adjacent to a freeway, so the suggestion is  
21 that that be increased and then not allowing residential in  
22 whatever that increase may be, and that was the suggestion  
23 that was carried forward.  
24  
25

1                   COMMISSIONER O'DONNELL: So the increase then  
2 would be the increase of what you provided on the next  
3 page?

4                   JOEL PAULSON: Correct.

5                   COMMISSIONER O'DONNELL: Well, then maybe the  
6 next page ought to reflect the suggestion that we think  
7 it's too small, because I mean those two statements, you  
8 can read them together and say oh, I guess it's 30' is  
9 moving it away from the freeway, but that's not your  
10 intention.

11                   JOEL PAULSON: Thirty feet is what exists in the  
12 Specific Plan today.

13                   COMMISSIONER O'DONNELL: Right.

14                   JOEL PAULSON: So whether or not that number  
15 should be increased.

16                   COMMISSIONER O'DONNELL: Right, but I'm saying we  
17 ought to link them. I don't see them being linked, is all  
18 I'm saying. You know the suggestion related to... Where is  
19 it? I guess all I'm saying is if what you're saying is no  
20 building shall be located within 30' of a property line—  
21 isn't that what you're saying?—let's consider whether that  
22 30' ought to be increased.

23                   JOEL PAULSON: Correct.

24  
25

1                   COMMISSIONER O'DONNELL: I guess if you say that,  
2 that's fine. Maybe I'm misreading it.

3                   LAUREL PREVETTI: I think what we want to know is  
4 is there another number based on the testimony that you've  
5 heard and reading the verbatim minutes. Given the narrow  
6 piece of land that we're dealing with, if 30' is too small,  
7 you've heard testimony about 100', 330'.

8                   COMMISSIONER O'DONNELL: We have state laws that  
9 provide as long as you take certain mitigation measures.  
10 For example, you have double pane windows that are closed  
11 and you have an air conditioner. They tell you how far you  
12 can do it and get a building permit. Now, if somebody says  
13 I just don't like that, then that becomes much more  
14 subjective.

15                   CHAIR BADAME: All right. Vice Chair Kane.

16                   VICE CHAIR KANE: Tom said what I was going to  
17 say: Just go with the state law standards. I appreciate  
18 what Ms. Anne Robinson said about the 300', 100'...

19                   CHAIR BADAME: And Markene Smith as well.

20                   VICE CHAIR KANE: That's who I meant.

21                   CHAIR BADAME: No, there are two people; Markene  
22 Smith and Anne Robinson actually both spoke to that.

23                   VICE CHAIR KANE: I empathize with both of them,  
24 but for this project, given that it's narrow, and given  
25

1 that we want a whole lot of other things, I'd go with the  
2 state requirements.

3 CHAIR BADAME: Commissioner Erekson.

4 COMMISSIONER EREKSON: I couldn't support  
5 anything that wasn't already.. I mean, this issue has been  
6 addressed in the Environmental Impact Report and the  
7 mitigation measures, and so it seems like to me that's  
8 sufficient, and to impose some other what would be a  
9 somewhat arbitrary number seems like to me not to be  
10 something that I would support.  
11

12 COMMISSIONER O'DONNELL: I agree.

13 VICE CHAIR KANE: We agree.

14 CHAIR BADAME: Commissioner Hudes.

15 COMMISSIONER HUDES: I feel like there's a lack  
16 of technical information here on this particular one. I  
17 mean, it wasn't only two people who've raised this; there  
18 were a number of people that raised it in the hearings that  
19 we had earlier. I think it's a concern. I am not willing to  
20 throw a number out there. I am suggesting that we do a  
21 little more research and see whether there is a trend in  
22 this, whether this is an evolving area, and whether it's  
23 something that should consider above and beyond what is  
24 contained in the environmental impact requirements. That's  
25 my personal opinion, that we ought to get a little more

1 information on it; I feel like it's one that we don't have  
2 much on.

3 CHAIR BADAME: Commissioner O'Donnell.

4 COMMISSIONER O'DONNELL: We have an EIR that says  
5 it's fine if what we're saying is we ought to redo the EIR.  
6 There are probably other things that would be interesting  
7 to look into, but we do have an EIR that considered the  
8 issue and laid it to rest. But if we want to reopen that, I  
9 guess the only question is what does that do to out  
10 position that what we're doing does not require a revision  
11 to the EIR? I would personally just as soon leave the EIR  
12 alone.  
13

14 CHAIR BADAME: I'd like to leave the EIR alone  
15 too, but the EIR also says that there's no problem with  
16 traffic, so I would agree with Commissioner Hudes that  
17 perhaps this is an area that does warrant further research,  
18 so I'm not quite sure we have consensus on this item.

19 Commissioner Erekson.

20 COMMISSIONER EREKSON: This is probably a  
21 question for Mr. Schultz. If the Town decided that it  
22 wanted to increase that number, don't worry about what  
23 number to increase it to, but to increase this number  
24 because they thought that was the right thing to do, given  
25 that the Environmental Impact Report has answered that

1 question, could a developer challenge the fact that the  
2 Town was imposing something that wasn't supported by the  
3 EIR?

4           ROBERT SCHULTZ: So at this late night, yes, it  
5 could be challenged. Anytime you've got your environmental  
6 document that said there are significant impacts--and to  
7 mitigate those impacts there have been the double pane  
8 windows, the air conditioning, all those things have been  
9 described to you that will mitigate that impact--if you're  
10 going to pick a different buffer you're going to have to  
11 have evidence that those mitigation measures weren't going  
12 to satisfy the impact and that the additional buffer will  
13 do that for you, as opposed to I'm just going to choose a  
14 larger number because I don't want it close to the freeway.  
15 If that was the direction, yes, we want additional buffer,  
16 we're going to have to do some evidence to support that  
17 additional requirement, the same as if you looked at  
18 traffic and wanted more to be done, we would need  
19 additional studies that there was an impact that wasn't  
20 being reduced to less than significant, and this would also  
21 do that, as opposed to just doing it.

22           CHAIR BADAME: Commissioner Hudes.

23           COMMISSIONER HUDES: Given that input, I'm not  
24 advocating that we change the number. I am suggesting that  
25

1 we research and see whether other municipalities...or many  
2 probably are facing a similar issue, how they're addressing  
3 it, and I don't know that we have that information before  
4 us tonight, that's all.

5 CHAIR BADAME: All right, we're going to move on  
6 to number twelve, which is increasing the total of number  
7 of residential units on the North 40. This may have already  
8 been addressed; there's no redlining for us to talk about.

9 Commissioner Hanssen.

10 CHAIR BADAME: I think you're correct. Maybe  
11 Staff would want to weigh in, but I think it was related to  
12 the possibility of lowering the density in the Lark  
13 District.

14 CHAIR BADAME: All right, I'm going to poll the  
15 Commissioners right now. We're done with Residential, so  
16 we've made some progress tonight. The next category would  
17 be Commercial, which I believe will also be lively, so we  
18 can continue on, or we can call it a night and categorize  
19 it.  
20

21 Commissioner Hanssen.

22 COMMISSIONER HANSEN: There were a couple things  
23 that we discussed but maybe they didn't make their way into  
24 the Staff Report, maybe the General Plan Committee didn't  
25 really decide what to do with them, but I wanted to at

1 least bring those up. They're related to Residential,  
2 that's why I'm doing it.

3 CHAIR BADAME: Okay.

4 COMMISSIONER HANSSEN: One was the subject of  
5 rental. The Specific Plan is silent about rental versus  
6 ownership, and I know we had the discussion about certainly  
7 encouraging a greater mix, and in the Phase 1 proposal that  
8 we did receive for the current existing Specific Plan there  
9 were a small amount of rental units. I just throw it out  
10 there. Since we're going through the change, is that  
11 something we would want to consider?  
12

13 We did get testimony during the North 40 hearings  
14 that it was very unlikely that anyone would actually build  
15 a for sale 500 square foot; it was be a rental unit. So I  
16 just wondered, should we keep the Specific Plan silent on  
17 this, or should we encourage to promote more affordability,  
18 encourage a greater amount of rental units? So I throw that  
19 out there.

20 Then, also, the other one was the continuing care  
21 facilities as a permitted use, although is that commercial  
22 or residential? Because they would be living there.

23 CHAIR BADAME: Commissioner Hudes.

24 COMMISSIONER HUDES: Clarification question with  
25 regard to rental regarding Commissioner Hanssen's point. Is

1 rental permitted for the senior affordable housing? As I  
2 recall, some of that was.

3 JOEL PAULSON: Yes.

4 COMMISSIONER HUDES: Is that the only place that  
5 rental is permitted currently?

6 JOEL PAULSON: Well, it's not permitted, it was  
7 proposed. Rental is permitted anywhere; we don't dictate  
8 ownership type.

9 LAUREL PREVETTI: And that's why you didn't see  
10 it in here is because it wouldn't be appropriate for a Town  
11 document to have a preference or encourage one tenure type  
12 over another.

14 Then the continuing care, we have an idea of how  
15 that could be accommodated, but given our time constraints  
16 weren't able to address all the comments that came, but  
17 when the Commission is ready to discuss that we have an  
18 idea of how it can be incorporated into the Specific Plan.

19 CHAIR BADAME: Commissioner Hudes.

20 COMMISSIONER HUDES: Yeah, I was just looking  
21 through my notes on the GPC Residential, and I agree with  
22 Commissioner Hanssen that there was a desire to address  
23 continuing care as one of the uses that fits in  
24 residential; then we probably should come back to that when  
25 we get back together.

1 CHAIR BADAME: All right. Would we like to  
2 continue with that, or would we like to move on to  
3 Commercial and hope to tackle the CUP issue?

4 Vice Chair Kane.

5 VICE CHAIR KANE: The issue to me is a break  
6 right now would be great, but we've been at this for 45 of  
7 the past 48 hours. What does that do to Staff in terms of  
8 the calendar, a date certain? Does that put great stress on  
9 you? Should we plod forward on this, or can we come back to  
10 it on another date convenient to the calendar?

11  
12 JOEL PAULSON: You can come back to it on another  
13 day. We would poll the Planning Commission to look for a  
14 date in January for another special meeting so we could  
15 continue this discussion. I believe as Ms. Prevetti said  
16 earlier, we're not bound by that tentative schedule that we  
17 set when we first had this conversation with the Council,  
18 so we would look for dates, poll the Planning Commission,  
19 and then come up with a special date and renotice the  
20 hearing.

21 VICE CHAIR KANE: Then, Madam Chair, I would  
22 suggest we do that. Let Staff get in touch with us with  
23 suggested dates and see if we could find one that works for  
24 all of us, if you all agree.

25 CHAIR BADAME: Commissioner Hudes.

1                   COMMISSIONER HUDES: Yeah, I would agree, because  
2 I think the next section may not lend itself exactly to a  
3 sequential process as much, so I think there would need to  
4 be some broader discussion first.

5                   CHAIR BADAME: Agreed.

6                   VICE CHAIR KANE: And we would begin with this  
7 thing on continuing care.

8                   CHAIR BADAME: All right, then we'll come back  
9 with Continuing Care, and then the Commercial at a later  
10 date to be determined.

11                   So with that, Mr. Paulson, do you have a report  
12 for us this evening?

13                   JOEL PAULSON: I want to thank the Commission for  
14 working through this. Obviously it's been a pretty busy  
15 week for you guys, with the hearing last night going long.

16                   I'd also like to thank Commissioner Erekson for  
17 his thoughtful service to the Town on the Planning  
18 Commission for the last just shy of eight years. It's been  
19 a real pleasure working with Mr. Erekson since I've been  
20 here, and I just want to recognize him for the great  
21 service he has provided to the Town.

22                   CHAIR BADAME: For Commission matters, I would  
23 like to turn to Commissioner O'Donnell for a special  
24 report.  
25

1                   COMMISSIONER O'DONNELL: Yes, I would just like  
2 to join in that. I've had the pleasure of serving with  
3 Charlie on this for essentially eight years, and I have  
4 done this even longer. There are some people who really  
5 stand out in my roughly 14 years I think so far, and  
6 Charlie is one of those people. He has not only  
7 intelligence--intelligence in this valley is fortunately in  
8 good supply--but he has something which is not perhaps in  
9 such good supply, and that's wisdom, and his wisdom has  
10 been somewhat unique, unfortunately, and it's very helpful.

11  
12                   Not only that, he has been a real pleasure to  
13 serve with. I wish he had simply told me he was thinking  
14 about not asking to be reapplied. He told me after the ship  
15 had left the dock, and I couldn't talk him out of it. I  
16 personally will greatly miss seeing him. Fortunately, I  
17 will see him elsewhere. I'm speaking for, hopefully, and  
18 you can correct me if I should be corrected, I think all of  
19 us will miss you, miss your counsel, miss your humor; we  
20 will miss your presence. So thank you very much, Charlie.

21                   CHAIR BADAME: I will second that. Did you want  
22 to give a speech?

23                   COMMISSIONER EREKSON: No, I don't want to give a  
24 long speech, but it was just nice for five members of the  
25 Council back a little over eight years ago to take a chance

1 on appointing me to the Planning Commission. It's been a  
2 pleasure to serve the citizens of the Town and the Council,  
3 because we all serve at the pleasure of and support the  
4 Council. It's been absolutely wonderful to work with the  
5 Staff, as I think I've expressed to present members of the  
6 Staff and those are no longer members of the Staff.

7  
8           When I was a young man I joined an organization,  
9 and when you joined the organization the pledge says when  
10 you become a member of this organization your duty is to  
11 leave the organization not only not less than, but greater  
12 than, when it was entrusted to you; that's the ultimate  
13 stewardship responsibility. So I will let others judge  
14 whether the eight years that I stewarded a role on the  
15 Planning Commission that I contributed to leaving it not  
16 only not less than, but greater than, when the stewardship  
17 was entrusted to me.

18           COMMISSIONER O'DONNELL: Here, here.

19           CHAIR BADAME: Here, here. Happy holidays to all.  
20 This meeting is adjourned.