

**DRAFT**  
**MINUTES OF THE PLANNING COMMISSION MEETING**  
**MARCH 30, 2016**

The Planning Commission of the Town of Los Gatos conducted a Special Meeting on Wednesday, March 30, 2016, at 7:00 pm.

**MEETING CALLED TO ORDER**

Chair Badame called the meeting to order at 7:00 pm.

**ROLL CALL**

**Present:** Chair Mary Badame, Vice Chair D. Michael Kane, Commissioner Charles Erekson, Commissioner Melanie Hanssen, Commissioner Matthew Hudes, and Commissioner Tom O'Donnell

**Absent:** Commissioner Kendra Burch (recused)

**PLEDGE OF ALLEGIANCE**

Commissioner Hudes led the Pledge of Allegiance. The audience was invited to participate.

**WRITTEN COMMUNICATIONS**

Desk Item for Item 2.

**REQUESTED CONTINUANCES**

None.

**SUBCOMMITTEE REPORTS**

None.

**VERBAL COMMUNICATIONS (AUDIENCE)**

Shannon Susick

- Commented that in the past ten years the Town has allowed developers to do whatever they want without consideration for the residents and the effect on the Town, and many of these projects have forever changed the landscape of the Town. Los Gatos needs to believe and trust in the value of the land and the community, and if it maintains what makes this town amazing and adheres to the General Plan principles, there should be no fear.

Jak Van Nada

- Commented that the purpose of taxes is to build a consistent, recurring revenue source for the Town to build infrastructure, but the Town has no fund should another North 40 or other piece of property become available in the future, for example, the Los Gatos Lodge. He urges the citizens to think about a source of revenue, whether fundraising or taxes, to build a fund up over time to ensure the Town has money to buy public property in the future.

Maria Ristow

- Commented that it is fantastic to see so many people engaged in the Town process in attending this meeting and urged residents to get involved in the Town processes, to apply to a Town commission, committee, or board, or to begin attending meetings.

John Shepardson

- Commented that the \$15 million police budget is a cancer on the health of the Town. Whether the Town keeps the police department or goes with the sheriff is secondary, the priority is reforming the budget. A third party review of the Town and police budget is necessary to save the Town from becoming a city. Presently the Town overspends on policing, making it financially dependent on big commercial projects, which if unchecked will continue and cause state-mandated housing.

## CONSENT CALENDAR

### 1. Approval of Minutes – None

## CONTINUED PUBLIC HEARINGS

### 2. North Forty Phase 1

Architecture and Site Application S-13-090

Vesting Tentative Map M-13-014

APNs 424-07-024 through -027, -31 through 0-37, -70, -083 through -086, -090, and -100.

Property Owner: Thomas M. Yuki Trust Et. Al./Yuki Farms, Robert & Georgianna Spinazze, Marianne Ezell, Grosvenor USA Limited, Summerhill Homes, James F. Dagostino Trustee, Elizabeth K. Dodson, William N. Fales, William Hirshman

Applicant: Grosvenor USA Limited

Project Planner: Marni Moseley

Requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which will include 50 affordable senior units; approximately 66,000 square feet of commercial floor area, which will include a market hall; on-site and off-site improvements; and a vesting tentative map.

### **Chair Badame opened the public hearing.**

Marni Moseley, Associate Planner, presented the staff report.

Commission members asked questions of staff.

Wendi Baker

- Commented that the application process has been public and transparent. They have held over 100 community meetings, and modified and resubmitted their application based on community input and changes in the approved Specific Plan. They will spend over \$10 million in offsite improvements. The project meets the EIR mitigation requirements. They have agreed with the school district to acquire or enable acquisition of land for schools expansion. The project achieves the minimum density required to satisfy the Town's Housing Element.

Andrea Osgood

- Commented that the senior affordable housing building has a financing program that allows them to target these units at much more affordable prices than is required by the BMP program. The building will be in the heart of the district.

Don Capobres

- Commented that their economic analysis of the impact of their retail proposal on downtown shows that there is significant unmet retail and restaurant demand in both the North 40 and the downtown, and that demand will grow significantly through 2020. The North 40 is well positioned on the north end of town to service employment growth. Market Hall will celebrate the site's agricultural heritage and showcase the region's best growers. The open space program will have over two acres of community gardens and orchard trees.

Commission members asked questions of Mr. Capobres, Ms. Langsworthy, and Ms. Baker.

Commission members asked questions of staff.

Anne Robinson

- Commented that her concerns regarding the North 40 application are consistency with the immediate neighborhood; preserving the small town character of Los Gatos; residential housing on Los Gatos Boulevard that she believed would be all commercial.

Kathleen Willey

- Commented that her biggest concerns regarding the North 40 development are how the increased traffic will impact the safety of her children and how it will impact the schools.

Steven Ferla

- Commented that past developments have added to the traffic on Los Gatos Boulevard. He does not believe the EIR that says traffic will not be a problem. The depiction of the future North 40 looks like a city and does not have the look and feel of Los Gatos.

Chris Chapman

- Commented that the Town needs a backup plan to deal with the traffic that will be going past this new development in five years from beach traffic, the Dell Avenue complex, and the Netflix facility, traffic that was not addressed by the environmental study.

Eric Wade

- Commented that everyone understands the North 40 will be developed, but it needs to conform to the residential site plan that the Town has. He had hoped for a larger orchard section along Lark Avenue to commemorate the Yuki family orchard, and with a larger setback. He asked that the height of the dwellings be brought down to a two-story maximum.

Carl and Sylvan Lepiane

- Commented that fire trucks, ambulances, medical personnel, etc. will have difficulty getting to Good Samaritan Hospital through the increased traffic. The display model of the North 40 shows the density is too high. The dwellings should be no more than two stories.

Kaye Little

- Commented that she was stunned at the height and design of the proposed development, which does not feel like Los Gatos. So many new homes will have a huge impact on Los Gatos's outstanding schools.

Cindy Schneider

- Commented that 320 homes and 66,000 square feet of commercial space is far too much for 22 of the 44 acres of the development. Why is the housing not spread throughout the project? The first guiding principle of the North 40 Specific Plan is that the North 40 will look and feel like Los Gatos, but this looks like every other freeway development on 85, 280, or 101.

Jeffrey Aristide

- Commented that the project is much too robust and should be scaled back. He agreed with Ms. Schneider that the housing should be spread throughout the entire property. The congestion and impact on the schools will be horrific.

Kim Vrijen

- Commented that she was originally pleased with the North 40 Specific Plan and with a developer that seemed engaged with the community, but was appalled when she saw the developer's proposal, clearly a vision that is not Los Gatos. The proposal maximizes the developer revenue rather than trying to minimize the impact to the community.

Joseph Gemignani

- Commented that the proposal is too modern and does not look like Los Gatos. He suggested a variation of architectural styles for such a large development, because Los Gatos is eclectic. A 2011 survey by the Town regarding North 40 development showed the majority of people wanted traditional architecture.

Ted Richards

- Commented that the North 40 user experience is based on a walled enclave surrounded by congested roads and freeways. Occupants of the North 40 will experience the walled community, but not the free and open Los Gatos.

Barbara Dodson

- Commented that the North 40 proposal's number one problem is excessive density of the buildings all jammed into the Lark Avenue, although the North 40 Specific Plan calls for homes in all three districts. The residences are too close together and too tall, although the Specific Plan calls for lower density in the Lark area.

Kiersten Shum

- Commented that safety is so important, and she agreed with Ms. Lepiane that safety and traffic go together. Los Gatos is a great place to live, but what people will see when they drive by the North 40 development is not the sort of advertising that Los Gatos wants. The Town needs tax revenue and housing, but people need to feel that this is a relaxing place

Don McKell

- Commented that he and his neighbors are extremely skeptical regarding the negative aspects of this development. If his own Los Gatos neighborhood had been built with the same density as the proposed North 40 development, there would be no Los Gatos as they know it. No development of the North 40 should be approved without the widening and improvements necessary to Los Gatos Boulevard.

Markene Smith

- Commented that none of the Grosvenor people involved in the proposed development live or work in Los Gatos and will not be affected by their project's homogeneity, urbanization, pollution, and gridlock. The Town should require Grosvenor to modify its Phase 1 application in order to comply with the North 40 Specific Plan, which it does not.

Dominic Hugyik

- Commented that he represents the Greenbelt Alliance, which endorses the North 40 Phase 1 as an example of smart infill development with a compact design and architecture that enlivens the streetscape with homes for residents across the income spectrum, and a variety of transportation choices.

Commission members asked questions of Mr. Hugyik.

Susan Freiman

- Commented that she has the same issues as her fellow Los Gatos residents: they all hate the development. The Town of Los Gatos wants to remain the way it is, but Sacramento and the RHNA numbers are pushing them where they don't want to go, but she asks what are the alternatives?

Roy Moses

- Commented that he is into beauty and feels fortunate to live in Los Gatos. This is an opportunity to save the beauty of Los Gatos. He was upset to hear from the attorney that some things are already in place that will make it difficult to make necessary changes.

Commission members asked questions of Mr. Moses.

Ed Morimoto

- Commented that he is a member of the Yuki family. He hopes everyone can appreciate the depth and breadth of discussion that has gone into the future of the North 40, and asked that they be open to the idea that if the plan is not what they wish for, it is a product of compromise and thoughtful efforts.

Commission members asked questions of Mr. Morimoto.

Olga Encisco Smith

- Commented that she believes developers will destroy the small town character of Los Gatos and recalled that the Town changed when chain stores were allowed in. She loves the area near Lark where she lives, but the increased traffic will be dangerous to the citizens, and a speeding car hit her last year.

Sivia Van Gundy

- Commented that she agreed with most citizens that the size and scope of this development is totally out of character with Los Gatos. She suggested the Town go back and investigate the EIR, which sounds out of date with the recent developments. To say there would be no effect on the schools or traffic is ridiculous.

Maryellen Burr

- Commented that she is concerned regarding the impacts to the schools and would like to see discussion by Planning as to which schools these students will go to, and how those schools will accommodate those new students.

Anne Marie de Cesare

- Commented that her family just moved to Los Gatos specifically for the schools. She is in favor of a limited development and historic preservation of a large part of the North 40 with half the orchard and the historic building set aside as a public open space and museum. The development guiding principles set forth by the Town Council last year were disregarded in the development plan after the project was approved.

Dick Glift

- Commented that in Los Gatos the schools, parking, and traffic are completely stressed out. He does not understand how the Town can justify putting in such a project as the proposed North 40 development that will impact everyone, especially when no one wants it. The Town should find a way to stop this development. Los Gatos has come to its limit and there should be no more development.

Tom Thimot

- Commented that he is a co-founder of Town, not City. Ninety-one percent of people they surveyed did not want this development, citing town character and impact to traffic and schools. Although they cannot stop the development, the Planning Commission can say no to the subjective parts of the plan that are not Los Gatos.

Dr. Joan Oloff

- Commented that development is inevitable, but she requests that it happen thoughtfully and mindfully. The congestion on Los Gatos Boulevard is horrendous and has become a real safety issue. Any change to Los Gatos Boulevard should wait until there is access all the way down to Samaritan Drive.

Joanne Rodgers and Susan Burnett

- Commented that after 10 a.m. traffic makes it difficult to get anywhere unless you live in that neighborhood, and traffic cuts through her neighborhood. Right turns on Los Gatos Boulevard cannot be made before 9 a.m., and even if they could, you get stuck in the school traffic. Downtown there is too much traffic and no parking. The Town logo should remove the green hills and insert homes and commercial buildings.

Jan Olsen

- Commented that she understood the Planning Commission could not deviate from the North 40 Specific Plan, but they should go back to the Town Council and have them change the Specific

Plan. The North 40 model is deceptive, with the space on the north end that shows trees and open space that will actually be part of Phase 2, and they don't know what that will be. She wants to see all of what Phase 2 will entail, not just this one crammed area.

#### Amy Despars

- Commented that she has stood up in Planning Commission meetings for the last ten years asking where is the vision of the Town through all the developments: Gateway Medical Building, Bluebird Lane, Laurel Mews, Panera. She asked what happened to the Los Gatos Boulevard Plan that addressed traffic, housing, retail, and said it needs to be brought back. The Town needs to find a way to make this development fit the Town.

#### Wayne Scott

- Commented that people he knows no longer go to Los Gatos for dinner and entertainment because of the traffic, that they say it is no longer a joy to go there, and that is the feeling even before these new additional homes. Los Gatos's traffic congestion plays a part in how people want to do business with Los Gatos. The EIR's claim of less than significant traffic impacts makes no sense.

#### Rod Teague

- Commented that the developer claims the Specific Plan wants the housing in the Lark District, but the plan really asked for cottage cluster housing, which is generally detached housing and the only housing in character with Los Gatos, but the developer's proposal does not have any cottage cluster housing. Although the Specific Plan contains maximums for the amount of homes, they do not have to go to the maximum.

Commission members asked questions of Mr. Teague.

#### Jim Bennette

- Commented that he felt sick to his stomach when he viewed the North 40 model. The Planning Commission has already made up its mind to let this development go through, and will be remembered as the people who destroyed his town.

Commission members asked questions of Mr. Bennette.

#### Diana Pleasant

- Commented that she would like the Town to not overlook the high school district and the fact that they are already overflowing.

#### Jayne Sonnenschein

- Commented that when she saw the story poles she was reminded of what is happening at Stevens Creek. There is no question that Lark Avenue and Los Gatos Boulevard will be unusable, but they are what she must use to access local merchants. The density for Phase 1 is more appropriate for the entire 40 acres.

#### Roberta Goncalves

- Commented that she and her husband are opposed to the development. They enjoy Los Gatos for what it is, and it should never try to look and feel like a big city. They moved to Los Gatos because the Town is so beautiful and quaint with excellent schools. Los Gatos cannot handle its traffic with its current infrastructure and population.

#### Peter Dominick

- Commented that he agreed with his fellow speakers in opposing the development. When the developer was challenged on the concept of considering the hillside views, one of the four key tenets of the Specific Plan, they more or less said they did what they could. It seems the citizens of Los Gatos are being told the Specific Plan is the law of the land they must live with, but the

developers get away with saying they did their best and were not challenged on it, but there are in fact things the developer could do to better compensate the views of the peaks.

Rhodie Firth

- Commented that five or six years ago the developers held a meeting and solicited suggestions from Los Gatos citizens, but their subsequent proposal did not contain even one word of their suggestions. She went to the car wash on Lark Avenue but had to go twice, because the first time she couldn't get into the car wash because of the traffic. She got in later, but couldn't get out, again, because of the traffic. When the developer says traffic would not be impacted by this project, that simply cannot be true.

David Lawler

- Commented that the Town has changed with increased development and traffic. The plan presented is really the South 22 Plan, because they don't know yet what the North 40 Plan is, and this South 22 Plan does not meet the criteria of the North 40 Specific Plan. The developers will take their money and leave, but the citizens will be stuck with the mistakes they make with respect to the traffic and school density.

John Eichinger

- Commented that he is a real estate broker, but he is adamantly opposed to this project. His office is on Los Gatos Boulevard and has close-up view of the traffic, and it is horrible. The Town should have an unbiased EIR that is not paid for by the developers that addresses the real issues, because everyone knows that over 300 more units will indeed impact traffic. The Commission should not accept the certified EIR, because the developer paid it for. The Town should be allowed to see story poles for Phase 2 and Phase 3 so it can understand the impact of those phases.

Caroline Lee

- Commented that the developer's assertion that there will only be 100 new cars from the North 40 development cannot be true; in her development the residents have more than one car per home and the parking can be quite difficult. The traffic in town is already difficult and she would like to be able to drive her car in her own town. She urged the Planning Commission to question and challenge the guidelines they have been given.

Erik Eastland

- Commented that he is concerned about the traffic and schools, and sees this project going down a similar path to the Albright project. He asked the Commission to use the language in the Specific Plan to the Town's advantage to service the needs of the people of the Town. He believes they can come to a compromise with respect to housing.

Jason Farwell

- Commented that he has fought this development from day one. His concern is what this development will do to the downtown. Although their hands are tied now, he urges the public to reach out to their elected officials and express their disdain of the project and encourage them to do what they can to take action and hear the demands of the public. The merchants downtown will be impacted by this development tremendously.

Commission members asked questions of Mr. Farwell.

Patricia Ernstrom

- Commented that somehow this project has been steamrolled ahead regardless of the disastrous impacts everyone is already experiencing and the objections raised by the community. Legal counsel had told them what they can't do, now what can they do? Other developments that will be built must be taken into account. This is only one parcel, so how can decisions be made without seeing the whole development.

Bryan Mekechuk

- Commented that he advocated taking an integrated approach to this development. The project has the lowest cost construction, and no basements, which would help reduce the height. The project also lacks the use of solar power.

Fiona Greenland

- Commented that she contests the concept that this development is for young professionals because the “dens” are also being marketed as bedrooms. As all other high-density housing in the Los Gatos School District has demonstrated, families will purchase these units. She also contests the idea that young professional living there will share cars.

Lee Quintana

- Commented that walnut trees are extremely messy and would not be good as street trees in the North 40. They have been planning the North 40 for 40 years, and every time it gets postponed something happens that limits what can be done with it, and all the new developments on Los Gatos Boulevard prevent a better plan for the North 40 Specific Plan.

Diana Abbati

- Commented that she is the Superintendent of the Los Gatos Union School District. She and Emi Eto, a member of the Board of Trustees, are there to answer questions.

Emi Eto

- Commented that the North 40 developers have signed an agreement to mitigate the effects of student population growth from the North 40 housing development. The developers have agreed to either provide a two-acre parcel of land, or work with the district to acquire land for a new school in Los Gatos, or pay additional mitigation fees above SB50 for every entitled market rate home in the Los Gatos Union School District.

Commission members asked questions of Ms. Abbati.

Ingrid Oakley-Girvan

- Commented that an option is a Sustainable Agricultural Lands conservation program, part of the division of land resources for protection programs to conserve California open space. Another option is the Williamson Act to establish a preserve. The Town’s legal counsel has repeatedly said they can’t do anything to change the development at this point, but the citizens who oppose this development pay their salaries and want the Town’s legal team to come up with solutions to redirect this path.

Shannon Susick

- Commented that the most important thing they can do is uniting as a community and adhering to the vision and purpose of the General Plan and North 40 Specific Plan. There are many amazing things that could be done with that land, such as a camp for children. This application, one of the largest the Planning Commission has ever seen, deserved to have at least one study session. There is still a lot of leeway as to how this property will be developed.

Commission members asked questions of Ms. Susick.

John Shepardson

- Commented that the Town made a mistake with the Netflix project, but they can learn from it. Highway 17 is jammed up, Winchester Boulevard is jammed up, and if the Town is not wise about the last remaining artery, Los Gatos Boulevard, it will also get clogged up and with disastrous consequences. His solution is to scale back the project, mix single-family with high-density, have school buses and encourage biking and walking to school to reduce traffic, spread the housing across the project with some in the Los Gatos School District and some in the Union School District.

Pat Kearns

- Commented that the Town can approach other solutions. Everyone knows the EIR is false in terms of traffic. He suggested commissioning another EIR, independent of the Town Council and Planning Commission, and ask for it to be reviewed and maybe even certified. It is logical that the citizens can voice their opinion with a purchased EIR and help focus the energy of the citizens on a compromise.

Barbara Kautz

- Commented that it is correct that the Town Council could change the Specific Plan and the Housing Element, but those changes would not apply to this project, because it has already been found to be complete and the project must be looked at based on the Housing Element, the General Plan, and the zoning in effect right now. The Specific Plan does not require that the 20 units per acre be spread out over the site. There is no requirement that a plan be submitted for the entire site. The EIR did consider a lot of future development off the site.

**Chair Badame closed the public input portion of the hearing and returned to the Commission for deliberation.**

**MOTION:**                   **Motion by Commissioner O'Donnell** to continue the public hearing for the North 40 Phase 1 to a date certain.  
**Seconded by Vice Chair Kane.**

**VOTE:**                   **Motion passed 7-0.**

**MOTION:**                   **Motion by Commissioner O'Donnell** to continue the public hearing for the North 40 Phase 1 to a date certain of April 27, 2016.  
**Seconded by Vice Chair Kane.**

**VOTE:**                   **Motion passed 7-0.**

**NEW PUBLIC HEARINGS**

None.

**NEW OTHER BUSINESS**

3. Report from Community Development Director, Joel Paulson
  - None.
4. Commission Matters
  - None.

**ADJOURNMENT**

**Meeting adjourned at 11:32 pm.**

TOWN OF LOS GATOS PLANNING COMMISSION  
Wednesday, March 30, 2016

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Mary Badame, Chair

APPROVED AS TO FORM AND ATTEST:

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Joel Paulson  
Community Development Director