TOWN OF LOS GATOS **ITEM NO: 2**
PLANNING COMMISSION STAFF REPORT
Meeting Date: July 12, 2016

PREPARED BY:	Sally Zarnowitz, Planning Manager szarnowitz@losgatosca.gov
APPLICATION NO:	Architecture and Site Application S-13-090 Vesting Tentative Map Application M-13-014
LOCATION:	**North 40 Specific Plan Phase 1** (southerly portion of the North 40 Specific Plan area, Lark Avenue to south of Noddin Avenue)
APPLICANT:	Grosvenor USA Limited
CONTACT PERSONS:	Don Capobres (Harmonie Park Development Co.) and Wendi Baker (Summerhill Homes)
PROPERTY OWNERS:	Yuki Farms, ETPH LP, Grosvenor USA Limited, Summerhill N40 LLC, Elizabeth K. Dodson, and William Hirschman
APPLICATION SUMMARY:	Requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which includes 50 affordable senior units; approximately 66,800 square feet of commercial floor area, which includes a market hall; on-site and off-site improvements; and a vesting tentative map. APNs: 424-07-024 through 027, 031 through 037, 070, 083 through 086, 090, and 100.
RECOMMENDATION:	Forward a recommendation of approval to the Town Council, subject to recommended conditions.

PROJECT DATA:

General Plan Designation:	North 40 Specific Plan
Zoning Designation:	North 40 Specific Plan
Applicable Plans & Standards:	General Plan; North 40 Specific Plan
Project Area:	20.7 acres

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Agriculture, Commercial, and Residential	North 40 Specific Plan (N40 SP)	N40 SP
East	Commercial and Residential	Mixed Use Commercial	CH, R-1:8
South	Commercial, Office and Residential	Mixed Use Commercial, Low and Medium Density Residential	CH, R-1:8, RD
West	Highway 17	N/A	N/A

CEQA:

An Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan on January 5, 2015. An Initial Study has been prepared and concludes that the proposed Phase 1 development applications do not require additional environmental clearance beyond the certified EIR.

FINDINGS:

- That an Initial Study has been prepared and concludes that the project does not require additional environmental clearance beyond the certified EIR.
- That the project is consistent with the General Plan.
- That the project is consistent with the North 40 Specific Plan.
- As required by Section 29.10.09030(e) of the Town Code for demolitions.
- As required by Table 2-6 of the North 40 Specific Plan for reduction of non-residential setbacks.
- As required by Section 29.10.420 (a) of the Town Code if the Planning Commission denies the Density Bonus request.
- As required by Government Code Section 65589.5 if the Planning Commission denies the Development Standard waivers.
- As required by Section 66474 of the Subdivision Map for the Vesting Tentative Map application.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.

ACTION: Open the public hearing, take testimony, and forward a recommendation to the Town Council, subject to the recommended conditions.

EXHIBITS:

Previously received under separate cover:

1. Proposed Development Plans, received March 18, 2016 (242 pages)

Previously received with the March 30, 2016 Staff Report:

2. Location Map (one page)
3. Initial Study (79 pages)
4. Findings and Considerations (three pages)
5. Conditions of Approval for Vesting Tentative Map (six pages)
6. Conditions of Approval for the Architecture and Site Application (27 pages)
7. Letter of Justification received March 23, 2016 (10 pages)
8. North 40 Narrative received February 8, 2016 (seven pages)
9. Economic study letter received November 6, 2015 (25 pages)
10. October 14 and November 11, 2015 CDAC Minutes (seven pages)
11. Response to CDAC comments received February 8, 2016 (13 pages)
12. January 27, 2016 Historic Preservation Committee Minutes (five pages)
13. Consulting Architect Report received December 18, 2015 (six pages)
14. Response to Consulting Architect Report received February 8, 2016 (three pages),
15. Consulting Architect Report received March 21, 2016 (six pages)
16. Consulting Arborist Report received October 14, 2013 (33 pages)
17. State Density Bonus Law - Government Code Section 65915-65918 (14 pages)
18. Density Bonus Ordinance and Program Guidelines - Ordinance 2209 (21 pages)
19. Letter from Barbara Kautz, received March 10, 2016 (16 pages)
20. Town's BMP Program and Guidelines - Ordinance 2181 (19 pages)
21. Public comment received through 11:00 a.m., Thursday, March 24, 2016

Previously received with March 30, 2016 Addendum Report:

22. Updated letter from Barbara Kautz received March 25, 2016 (five pages)
23. Comments received from 11:01 a.m. on March 24, 2016 to 11:00 a.m. on March 28, 2016

Previously received with March 30, 2016 Desk Item Report:

24. Residential Density Exhibit (one page), received March 30, 2016
25. Comments received from 11:01 a.m. on March 28, 2016 to 11:00 a.m. on March 30, 2016

Received with this Staff Report:

26. Frequently Asked Questions (FAQ) prepared for North 40 Study Session (14 pages)
27. Verbatim minutes of the March 30, 2016 Planning Commission meeting (164 pages)
28. Verbatim minutes of the June 15, 2016 Study Session (143 pages)
29. Memo from Town Attorney regarding application deadlines (eight pages)
30. Items received at March 30, 2016 Planning Commission (four pages)
31. Comments received from 11:01 a.m. on March 30, 2016 to 11:00 a.m. on July 6, 2016

BACKGROUND:

On June 17, 2015, the Town Council adopted the North 40 Specific Plan, providing more detailed land use and development guidance for the area than occurs in the General Plan. The approval of the North 40 Specific Plan also amended the zoning of the property to North 40 Specific Plan.

While the Specific Plan was going through its extensive public process, Grosvenor USA submitted Architectural and Site (A&S) and Vesting Tentative Map applications for the portion of the Specific Plan area south of Noddin Avenue (together called the Phase I applications). After the Specific Plan was approved, revised applications were submitted to the Town.

On February 16, 2016, the Town Council approved a Story Pole Exception for the Phase I development applications to provide for a reduced time frame and other exceptions given the existing uses on the properties. On March 30, 2016, the Planning Commission opened the public hearing on the applications, took public testimony, and continued consideration of the applications to April 27, 2016. The Commission could not take an action because the story poles had not been completely installed in accordance with the approved Story Pole Exception.

On April 19, 2016, the Town Council denied a subsequent request to modify the approved Story Pole Exception, and requested a joint study session with the Town Council, Planning Commission, and associated School District Boards. On April 27, 2016, the Planning Commission continued the applications to a date uncertain given the Council's action on April 19, 2016. On May 4, 2016, the story poles were certified as complete in accordance with the approved Story Pole Exception. The February motion for the exception allowed the poles to be installed for 60 days "sandwiched between Planning Commission meetings." The Study Session was held on June 15, 2016 and the verbatim minutes of that meeting are included in Exhibit 28.

On June 29, 2016, the Town Council discussed the original Story Pole Exception and provided clarification that the primary story poles, except for those that are a detriment to tenants (e.g., along Los Gatos Boulevard), should be kept up through August 9, 2016, the first Town Council meeting scheduled to review the Phase I development applications.

The March 30, 2016 staff report and attachments provide the technical review of the proposed Phase I development applications. The intent of this staff report is to continue to evaluate the proposed development as it relates to the North 40 Specific Plan requirements and address questions that have been received through public testimony and written correspondence. The majority of these questions and comments focus on housing, traffic, open space, consistency with the look and feel of Los Gatos, and schools. The school issues were addressed in the staff report for the March 30, 2016 Planning Commission meeting. In addition, information on all these topics has also been provided in the Frequently Asked Questions (FAQ) (Attachment 26).

After the Analysis section, the report suggests a sequence of issues as a framework for Planning Commission deliberation. The Chair has the discretion to modify the sequence at her discretion.

ANALYSIS:

The following topics are discussed based on public testimony and written communication:

A. Housing
B. Traffic and Additional Environmental Review
C. Open Space
D. Look and Feel of Los Gatos

A. Housing

The Town adopted and received State certification of its 2015-2023 Housing Element in May of 2015. This document was the result of more than 20 community and public hearing meetings between January 2014 and May 2015. The Housing Element Advisory Board (HEAB) met 15 times before providing a recommendation to the Planning Commission and Town Council. One of the most challenging issues was determining which properties should be zoned to meet the Town's Regional Housing Needs Allocation (RHNA) numbers. The Council adopted the Housing Element with the North 40 Specific Plan area as one of planned locations for new

housing as well as other sites and measures. The potential rezoning of the North 40 Specific Plan area and other sites were determined to be consistent with the existing goals and policies of the General Plan.

Following are responses to specific housing related questions or comments submitted by the community that may be helpful in the Planning Commission's deliberations.

Are there examples of developments at 20 units/acre in Town, and how big are those units? The Phase I development proposes condominiums and rental units at a density of 20 to 21 DU/AC, with unit sizes ranging from 580 to 1,999 square feet (sq. ft.). The following provides information, based on available data from sample residential and mixed-use developments constructed in Los Gatos:

Aventino Apartments: 46 units/acre (516 to 1,484 sq. ft.)
Baytree Apartments: 21 units/acre (782 to 1,114 sq. ft.)
Riviera Terrace (Vivere): 36 units/acre (639 to 1,035 sq. ft.)
Lora Drive (condominiums): 21 and 23 units/acre (800 to 1,000 sq. ft.)
Oak Rim Way/Oak Rim Court (condominiums and rentals) 20 units/acre (sq. ft. unknown)

Can the developer include cellars and reduce the mass of the development while providing the density required within the Housing Element? While cellars could be included within the proposed development, the majority of the residential ground floor area provides the required parking in garages for the residential units. The applicant has indicated to staff that accessibility and cellar light well requirements make it difficult to create the Specific Plan's required pedestrian connections due to the grade changes, and that cellar light wells would encroach into the pedestrian realm. While larger subterranean parking garages could be included, these would limit the ability to provide private garages for the residential units and require larger, more connected structures.

The development should include single-family detached residences and parks for kids. One of the primary goals of the North 40 Specific Plan was to address the unmet residential needs within the Town. According to the Town's 2020 General Plan (Table LU-1), approximately 60 percent of the land located in Town contains single-family residential uses, whereas only 6.5 percent contains multi-family residential uses. Residential land uses in the North 40 Specific Plan are focused on multi-family housing types, and single-family detached housing is not a permitted land use within the North 40 Specific Plan area. A variety of unit types and sizes are permitted within the Lark and Transition Districts of the North 40 Specific Plan area. Residential uses within the Northern District are restricted and only residential over commercial uses are allowed.

Please see the discussion under Section C. Open Space below for a response to the comment on parks.

Density and Intensity. Density is a proportional measurement of the number of residential units per acre, and is related to the intensity which covers elements such as floor area, height, massing, and setbacks both between units and from adjacent streets. The Housing Element (Action HOU 1.7) required the Town to rezone 13.5 acres within the North 40 Specific Plan Area to comply with a minimum density of 20 units per acre and established by-right development for these units (i.e. review based on objective standards).

The intensity connects to what you see and how it integrates with existing development. The parameters provided within the Specific Plan regarding landscape buffers from Lark Avenue and Los Gatos Boulevard, and stepped-down heights along these streets provided direction as to the intensity of development that was anticipated within the Specific Plan area.

The North 40 Specific Plan assumed that the intensity of development would increase towards the northern end of the site. The Specific Plan identified several different housing types that could meet the intent of the Plan. The Lark District was intended to be the least intense with primarily residential uses and limited commercial. The application proposes predominantly Garden Cluster (attached and semi-attached) units and more open space (42.5 percent) in the Lark District. The Transition District provides for neighborhood-serving commercial uses, office, and more intense residential development. The Northern District (not included in the current application) limits residential uses to a mixed-use context of residential above commercial uses. The Northern District was intended to provide for the majority of the commercial, office, or hotel uses that were anticipated within the Specific Plan area.

B. Traffic and Additional Environmental Review

The North 40 Specific Plan EIR included a Traffic Impact Analysis (TIA) which studied the traffic impacts from the full build out of the Specific Plan area on the existing roadways. The analysis concluded that the full build out would result in significant traffic impacts at several intersections, and identified mitigation measures to reduce those impacts to a less than significant level.

As noted in the March 30, 2016 Planning Commission staff report, the Phase I TIA included in the Initial Study for the Phase I applications (Appendix D of the Initial Study in Exhibit 3) studied the potential traffic impacts specific to the Phase I development applications, and found that the Phase I development applications would generate a portion of the North 40 Specific Plan build out traffic. As required by the North 40 Specific Plan EIR, the Phase I applications, if approved, are required to pay traffic impact mitigation fees and construct on-site and off-site improvements as part of the required mitigation. In other words, the Initial Study and the additional traffic analysis did not find new significant impacts and therefore, no additional mitigation measures are required.

At the Study Session, the participants inquired as to the criteria that need to be met for further analysis. Pursuant to CEQA there are three types of additional analysis that can be required after

an EIR is certified: a Subsequent EIR, a Supplement to an EIR, and an Addendum to a previous EIR.

A Subsequent EIR can be prepared for projects that change substantially due to new information, a changed project description, or changed circumstances within which the project would take place. Generally, new information requiring a Subsequent EIR would pertain to significant effects that were not previously analyzed. In order to require a Subsequent EIR, the Town must determine, pursuant to CEQA Guidelines Section 15162, based on substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:

    - The project will have one or more significant effects not discussed in the previous EIR;
    - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
    - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

A Supplement to an EIR may be prepared for projects in which only minor changes would be necessary to make the previous EIR adequate for the project as revised. A Supplement to an EIR may be circulated by itself without recirculating the previous Draft or Final EIR, but the Supplement must receive the same circulation and review as the previous EIR (CEQA Guidelines Section 15163).

An Addendum to a previous EIR is appropriate where that EIR adequately analyzed the project and if there are only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent or supplemental EIR have occurred (CEQA Guidelines Section 15164).

Since traffic is the key issue of concern and because additional analysis was completed that did not uncover new impacts, no further environmental clearance is necessary beyond the certified EIR which provides the mitigation measures that the Phase I applications would need to implement if approved.

C. Open Space

The North 40 Specific Plan open space requirements were designed to encourage integration of an interconnected system of open spaces, parks, and plazas within the area. Several of the responses provided in the FAQ (Attachment 26) provide information regarding how the proposed project and the North 40 Specific Plan open space requirements compare to other commercial and multi-family requirements throughout the Town. The Town does not have a minimum open space requirement for commercial developments, and the limited amount of common and private open space required for multi-family projects would be significantly less than the 30 percent required by the North 40 Specific Plan. The proposed Phase I development applications provide 38.9 percent of the total development area as open space (42.5 percent in the Lark District and 34.5 percent in the Transition District are included in the proposed application).

The proposed application provides 22.8 percent of the total development area as green open space; the North 40 Specific Plan requires a minimum of 20 percent green open space, defined as:

- Parks
- Bioretention areas
- Common or private residential green space
- Planters of 50 square feet or greater
- Landscape planting strips
- Driveable turfblock
- Parking lot landscaping

The proposed application provides 16.1 percent of the total development area as hardscape open space. The North 40 Specific Plan defines this as private or common paved areas for pedestrian use, including:

- Plazas
- Courtyards
- Pathways
- Sidewalks
- Pedestrian paseos

D. Look and Feel of Los Gatos

The North 40 Specific Plan provides specific direction for development through regulatory tools. The Land Use and Development Standards and Design Guidelines included in the document are

designed to reflect the Vision and Guiding Principles of the North 40 Specific Plan, including the notion of the "look and feel of Los Gatos" and retention of its small town character.

In addition to the specific open space, landscaping, and setback development standards, the North 40 Specific Plan incorporates relevant sections of existing Town documents (General Plan, Commercial Design Guidelines, Boulevard Specific Plan, and AHOZ Design Guidelines) in order to guide development that will be consistent with the look and feel of Los Gatos. Some specific examples listed in the Specific Plan that are included in the proposed development application and are also applied to other projects throughout Town are:

- Providing visual interest and breaks, both vertical and horizontal, in two- and three-story wall planes
- Providing pedestrian orientation and scale to proposed buildings
- Maintaining continuity of design from all sides
- Providing variation in color and texture of materials
- Providing a variety of roof forms and building shapes

The look and feel of Los Gatos varies throughout the Town depending on the location and housing product type present in a given neighborhood and high quality design is an important Town-wide element of a consistent look and feel of Los Gatos. The proposed application includes many high quality design details and the variety necessary to give the proposed development the look and feel of Los Gatos.

In a related subject, the following question was submitted by a community member:

Can the developer include underground parking? In the Transition District, the proposed development includes one level of below grade parking beneath the market hall/senior housing building. 130 spaces are proposed within the below grade level of the parking garage, which is comparable to the 150 at grade parking spaces provided throughout the commercial area of the Phase 1 development. The third floor of the parking garage also incorporates open space.

SUGGESTED SEQUENCE OF ISSUES FOR COMMISSION DELIBERATION:

The Planning Commission's role with the North 40 applications is to make recommendations to the Town Council. The Commission must complete its work by its July 20, 2016 meeting to provide the Council the time it needs to complete decision-making by the September 7, 2016 Permit Streamlining deadline (see Exhibit 29). If the Commission does not have a recommendation, the default recommendation is denial.

In its deliberations on the applications, the Commission has the discretion to consider the overall Vision and Guiding Principles of the North 40 Specific Plan as reflected in the Land Use and Development Standards as well as other elements of the North 40 Specific Plan. The Commission should identify specific facts associated with the application to support the needed findings.

To assist the Commission in its deliberations, the Commission may wish to work through the fundamental issue of the number and geographic distribution of the housing units. The resolution/recommendations related to this issue may inform or provide direction for the Commission's other recommendations on the remaining issues. Below is a suggested sequence of the issues for the Commission's consideration.

- Overall number and geographic distribution of housing units
  - If the Planning Commission determines that number and distribution are not consistent with the Specific Plan, then the Commission must give a rationale and identify a revised housing yield and/or distribution that would be consistent with the Specific Plan. Specific facts must be articulated for the record.
  - Staff will assist the Commission through the related issues of density bonus and by-right development in this discussion.
- Open space quantities and distribution
- Building setbacks
- Building heights
- Commercial uses
- Parking
- Architecture

CONCLUSION AND RECOMMENDATION:

Based on the analysis provided above, and the March 30, 2016 Planning Commission staff report and attachments, the proposed Phase I development applications meet the technical requirements of the North 40 Specific Plan, the goals and policies of the General Plan, and the Town's Housing Element. The proposed traffic impacts will be mitigated by the required traffic impact mitigation fees and implementation of the proposed right-of-way improvements. The Commission should consider the recommended conditions of approval to ensure the proposal meets the North 40 Specific Plan zoning and other Town Codes, policies, and guidelines. Other specific comments and direction are welcome as part of the Commission's recommendation to the Town Council.

Therefore, staff recommends the Commission take the following actions to forward a recommendation for approval of the Architecture and Site application and Vesting Tentative Map to the Town Council:

1. Make the required finding that an Initial Study has been prepared and concludes that the project does not require additional environmental clearance beyond the certified EIR (Exhibit 4); and
2. Make the finding that the project is consistent with the General Plan (Exhibit 4); and
3. Make the finding that the project is consistent with the North 40 Specific Plan (Exhibit 4); and
4. Make the findings as required by Section 29.10.09030(e) of the Town Code for granting approval of demolitions (Exhibit 4); and

5. Make the findings as required by Table 2-6 of the North 40 Specific Plan for reduction of non-residential setbacks (Exhibit 4); and
6. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture & Site application (Exhibit 4); and
7. Make the required finding that none of the findings in Section 66474 of the Subdivision Map Act for the denial of the Vesting Tentative Map application could be made.
8. Recommend Approval of Architecture and Site application S-13-090 and Vesting Tentative Map application M-13-014 subject to the conditions contained in Exhibits 5 and 6 and the development plans (Exhibit 1).

ALTERNATIVES:

If the Commission has concerns with the application, it can:

1. Forward a recommendation for denial to the Town Council; or
2. Forward a recommendation for approval with direction and/or modified conditions of approval to the Town Council; or
3. Continue the matter to July 13, 2016 for further deliberations.

Prepared by:
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JP:SZ:cg

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North 40 FAQs

1. What is a Specific Plan?

Under California State law, each governing body (City/Town Council or Board of Supervisors) of a local government in California is required to adopt a comprehensive, long-term general plan for the physical development of the municipality. A municipality may prepare and adopt a Specific Plan to help implement the municipality's General Plan for a particular geographic subarea of the community. A Specific Plan is incorporated into the General Plan and provides more detailed land use information and establishes the primary means of development guidance within the project area than occurs in the community's General Plan. By law, Specific Plans must include, among other items:

- Explanation of the relationship to and consistency with the General Plan;
- Location and distribution of land uses, including the amount of each type and the development densities and intensities;
- Development standards and guidelines for each land use;
- Transportation circulation, other infrastructure, and public facilities to support the planned level of development; and
- Implementation strategies, including financing of infrastructure.

Once a Specific Plan is adopted, development applications for the area are reviewed by the municipality for consistency with the Specific Plan as well as other applicable governing land use documents in the community.

2. What is the history of and public involvement for the North 40 Specific Plan process?

A draft Specific Plan for the North 40 Area was prepared in 1999, but was not adopted. In 2010, the Town Council adopted the 2020 General Plan. The 2020 General Plan required the preparation of a Specific Plan for the North 40 Area and included goals, policies, general guidelines, and implementation strategies to inform the preparation of the Specific Plan.

The North 40 Specific Plan Advisory Committee (N40 AC) was established by the Town Council on March 7, 2011. The goal of the N40 AC was to serve as an Advisory Committee to the Town Council and the Planning Commission through coordination with staff and interaction with the community. The N40 AC consisted of nine members from the General Plan Committee, and up to six members of the community from the General Plan Update Advisory Committee. The N40 AC began meeting in March of 2011 and concluded their work on October 15, 2013. All meetings were open to the public and community members provided input at the meetings and in writing. The N40 AC considered all public comments in its deliberations. The N40 AC meeting minutes and reports are available on the Town website: http://www.losgatosca.gov/1729/North-40-Specific-Plan-Area.

An Environmental Impact report (EIR) for the Draft Specific Plan was prepared and circulated for public comment in early 2014. The document received 35 comments. The Planning Commission considered the Draft Specific Plan and EIR at two meetings in July and August of 2014 at which 25 people provided public testimony. The Commission also

considered all written public comments as documented in the reports available on the North 40 website. The Planning Commission deliberated on all of the information and public comments, and forwarded its recommendations to the Town Council for the Council's consideration which occurred on August 13, 2014.

The Town Council considered the Draft Specific Plan and EIR on eight occasions between September 2014 and June 2015. During these proceedings, the public had multiple opportunities to submit written comments and provide verbal testimony as documented on the North 40 website, Council videos, and written reports and summaries. The Final EIR was certified on January 5, 2015 and the North 40 Specific Plan was adopted on June 17, 2015, incorporating the modifications approved by the Council based on its deliberations, consideration of public testimony, Planning Commission recommendations, and all other information contained in the record.

3. What is the overall vision for the North 40 area?

Based on the work of the North 40 Advisory Committee (N40 AC), Planning Commission, and Town Council, the adopted North 40 Specific Plan contains a Vision and Guiding Principles that provide overarching guidance for development of the North 40 Specific Plan area, as follows:

Vision

The North 40 reflects the special nature of our hometown. It celebrates our history, agricultural heritage, hillside views, and small town character. The North 40 is seamlessly woven into the fabric of our community, complementing other Los Gatos residential and business neighborhoods. It is respectful of precious community resources and offers unique attributes that enrich the quality of life of all of our residents.

Guiding Principles to Achieve this Vision

- The North 40 will look and feel like Los Gatos.
- The North 40 will embrace hillside views, trees, and open space.
- The North 40 will address the Town's residential and/or commercial unmet needs.
- The North 40 will minimize or mitigate impacts on town infrastructure, schools, and other community services.

4. What is the amount of development allowed under the North 40 Specific Plan?

The approval of the North 40 Specific Plan amended the zoning of the property to the tailored designation of North 40 Specific Plan. The Specific Plan provides a maximum allowable development capacity for the entire Specific Plan area of 270 residential units and 501,000 square feet of commercial uses (additional details are provided on pages 2-6 thru 2-10 of the Specific Plan). The Specific Plan also requires 30% open space, design elements to reflect the orchard heritage of the properties, new bicycle and pedestrian paths as well as roads to serve the development, and improvements to nearby streets (e.g., Lark Avenue and Los Gatos Boulevard) to accommodate increased traffic.

The Council reduced the development amount from the recommended quantities by the North 40 Advisory Committee (364 housing units and 580,000 square feet of non-residential development). The Planning Commission and Town Council meeting minutes and reports are available on the Town website: http://www.losgatosca.gov/1729/North-40-Specific-Plan-Area.

5. **Where can I find a copy of the adopted Specific Plan?**

   http://www.losgatosca.gov/DocumentCenter/View/15472

6. **Where can I find the certified Environmental Impact Report for the Specific Plan?**

   Draft EIR: Insert Link: http://www.losgatosca.gov/DocumentCenter/View/8891
   Draft EIR Appendices: http://www.losgatosca.gov/DocumentCenter/Index/413
   Final EIR: http://www.losgatosca.gov/DocumentCenter/View/13398

7. **What mitigation measures were required by Environmental Impact Report for the Specific Plan?**

   The Mitigation Monitoring and Reporting Program specifies the required mitigation measures that were included in the EIR for the specific Plan. Mitigation measures are required for aesthetics, air quality, biology, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, transportation and traffic, and utilities. These can be found on the Town website at:
   http://www.losgatosca.gov/DocumentCenter/View/16356

8. **Where can I find the Traffic Impact Analysis (TIA) for the Specific Plan?**

   http://www.losgatosca.gov/DocumentCenter/View/8929

9. **What existing and proposed projects were included in the cumulative traffic analysis within the TIA?**

   Future (pending and approved) development projects included in the Cumulative TIA within the Specific Plan EIR were:

   - Albright-Los Gatos Business Park
   - Sutter Health-Palo Alto Medical (15400 Los Gatos Boulevard)
   - Stanford Cancer Center (Corner of Los Gatos Boulevard and Samaritan Drive-San Jose)
   - CVS (15650 Los Gatos Boulevard)
   - Swanson Ford Mixed Use Development (Corner of Los Gatos Boulevard and Blossom Hill Road)
   - Dell Avenue Area Plan (Campbell)
   - Additional smaller pending or recently approved projects were also included

   The TIA analyzed the cumulative traffic impacts associated with the North 40 in the context of these pending or ongoing development applications. The TIA includes any mitigation

measures that are proposed or required as a result of these projects and analyzed the required mitigation measures associated with the North 40 Specific Plan to reduce potential traffic impacts to a less than significant level pursuant to State law regarding environmental analysis, the California Environmental Quality Act (CEQA).

10. Does the Town need to have a Certified Housing Element?

Yes, all California municipalities are required by Article 10.6 of the Government Code (Sections 65580-65590) to adopt housing elements as part of their general plans. Housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected regional housing needs of all economic segments of the community.

The housing element law is the State's primary market-based strategy to increase housing supply, affordability, and choice. The law recognizes that in order for the private sector to adequately address housing needs and demand, local governments must adopt land use plans and regulatory schemes that provide opportunities for, and do not unduly constrain, housing development. By law, every jurisdiction must plan for its fair share of new housing for all income segments of the community.

The housing element process begins with the California Department of Housing and Community Development (HCD) and Department of Finance (DOF) identifying the total housing need for the San Francisco Bay Area for an eight-year period. The Association of Bay Area Governments (ABAG) then distributes this need to local governments based on a methodology developed by representatives of the nine County Bay region and adopted by the ABAG Executive Board.. The methodology considered existing local General Plans, projected job growth, transit locations, and other factors. As a result, housing policy in the State rests largely upon the effective implementation of local general plans and, in particular, local housing elements. Housing element law also requires the HCD to review local housing elements for compliance with State law and to report its written findings to the local government.

Los Gatos was required to plan for 619 housing units per State law.

11. Where does the Housing Element plan these new housing units to be located in Los Gatos?

The Town Council appointed the General Plan Committee (consisting of Planning Commissioners, Town Council members, and appointed community representatives) and additional community representatives to a Housing Element Advisory Board (HEAB). All of its meetings were open to the public with opportunities for verbal and written testimony. The HEAB considered multiple locations for the new housing as well as significant technical issues. After considering public input and a variety of issues, the HEAB recommended that one of the sites for new housing should be the North 40.

The Planning Commission conducted its required public hearings on the draft Housing Element and also made its recommendations. The Town Council considered both sets of recommendations as well as additional public testimony when it made the final decision to

adopt the housing element. The Council's final decision on planned locations for new housing included the North 40. All of the deliberations and materials regarding the Housing Element can be found: http://ca-losgatos2.civicplus.com/DocumentCenter/View/14782

12. Where can I find the Town's Housing Element?

Housing Element: http://ca-losgatos2.civicplus.com/DocumentCenter/View/14782
Technical Appendices: http://ca-losgatos2.civicplus.com/DocumentCenter/View/14791
The meeting minutes and reports for the Housing Element Advisory Board (HEAB) can be found on the Town website: http://ca-losgatos2.civicplus.com/DocumentCenter/Index/412

13. What is the connection between the Housing Element and the Specific Plan?

The Town's Housing Element required adoption of the North 40 Specific Plan with certain development assumptions in order to meet projected housing needs. The Housing Element (Action HOU 1.7) required the Town to rezone 13.5 acres within the North 40 Specific Plan Area to comply with a minimum density of 20 units per acre within three years of the Housing Element adoption and established by-right development for these units. The Housing Element was adopted by the Town Council in May 2015; adoption of the North 40 Specific Plan implemented the required zone change in June 2015.

14. Is the North 40 an Affordable Housing Overlay Zone (AHOZ)?

No, the North 40 Specific Plan Area was not designated as an AHOZ site within the Housing Element. The North 40 Specific Plan provided development standards and guidelines for both the commercial/mixed use and the residential development within the Specific Plan Area.

15. Can the Specific Plan be amended to reduce the density?

In order to comply with the Town's certified Housing Element, the North 40 must include 13.5 acres of residential development at 20 units/acre. Reducing the density to less than 20 units/acre or reducing the number of acres to less than 13.5 would conflict with the Town's Housing Element and would require the Town to rezone other properties in Town at 20 units/acre.

16. Is the Specific Plan consistent with the Town's General Plan?

Yes, by State law the Specific Plan must be consistent with the General Plan. The Specific Plan provides more detailed design, development, and policy requirements than the General Plan. The Specific Plan implements the General Plan by providing more particular direction tailored to the North 40 Area.

17. What is by-right development?

The housing element must include a detailed land inventory and analysis including a site specific inventory listing properties, zoning and general plan designation, size, and existing uses to accommodate the jurisdiction's share of the regional housing needs.
In response to the Town's draft housing element, the HCD determined that the Town did not demonstrate adequate sites, appropriately zoned to meet the jurisdictions share of the regional housing needs. In order to obtain certification of the Town's housing element from HCD, the Town had to designate sites including providing zoning that allows owner-occupied and rental multi-family uses "by-right" with minimum densities and development standards.

The phrase "use by right" shall mean the local government's review of the owner occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code [CEQA]. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of [CEQA]. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5.25. The concept is to require the community to identify sites that are available for development with affordable housing without any discretionary review, 25 §65589.5(f) permits a local agency to require developments to comply with development standards consistent with meeting the quantified objectives and to impose fees to provide services and facilities.

18. Did the North 40 Specific Plan consider the existing traffic issues and anticipate additional traffic?

Yes. The North 40 Specific Plan and EIR anticipated additional traffic as a result of development within the Specific Plan Area and required mitigation measures to appropriately reduce these impacts. The delays at all 31 studied intersections, along with impacts of the proposed project with and without the required mitigation measures are provided in the TIA.

19. What traffic mitigation measures are required by the Specific Plan?

As required by the EIR, the Specific Plan requires roadway and intersection improvements to be completed within each phase of the Specific Plan implementation. Specific traffic mitigations can be found in the Draft Environmental Impact Report on pages 3-220 through 3-230 (http://www.losgatosca.gov/DocumentCenter/View/8891#page=310) and include:

- Widening of Lark Avenue to accommodate additional traffic lanes, and
- Modifications to Los Gatos Boulevard within the existing right-of-way, both south and north of Lark Avenue.

Additionally, the Specific Plan required that each phase of proposed development provide a traffic analysis to determine that the traffic and impacts studied within the EIR are not intensified with a proposed project within the Plan Area.

20. Phasing: Why does the Specific Plan allow it and what does it mean?

The North 40 Specific Plan Area, when adopted, included 38 parcels and even more property owners. Given the size and complexity of the ownership, it is highly unusual that all 40 plus acres could be developed in one phase. This is because of existing businesses and residents, the need to build new infrastructure on the property, and other considerations. Phasing recognizes the property rights of existing land owners within the Plan Area and allows each development to adjust to current needs and improved design standards.

21. What role does the Specific Plan play in future development applications?

The Specific Plan provides specific parameters for all new development proposals within the Plan Area. All development applications are required to comply with the standards, guidelines, and requirements of the Specific Plan. Current and future property owners are held to the same standards.

22. Why isn't a school included in the North 40?

The North 40 Specific Plan included both private and public schools as permitted uses within the North 40 Specific Plan Area. Public schools are regulated by the State as to proximity to certain uses such as freeways and gas stations. Additionally, the Leroy F. Greene School Facilities Act of 1998, or Senate Bill 50 (SB 50), restricts the ability of local agencies, such as the Town of Los Gatos, to deny land use approvals on the basis that public school facilities are inadequate. SB 50 authorizes school districts to levy developer fees to finance the construction or reconstruction of school facilities to address local school facility needs resulting from new development. SB 50 establishes the base amount of allowable developer fees for school impacts. In January 2016, the State Allocation Board (SAB) increased Level 1 Fees to $0.56 per square foot of enclosed and covered space in any commercial or industrial development, and $3.48 per square foot for residential development (SAB, 2010). Public school districts can, however, impose higher fees than those established by the SAB, provided they meet the conditions outlined in the act.

Developers and School Boards can voluntarily consider additional arrangements. For the southern portion of the North 40 Area, the Los Gatos Union School District Board entered into an agreement with the prospective developers regarding school issues: http://www.losgatosca.gov/DocumentCenter/View/16133

23. Why is there no school being planned for the development?

See FAQ #22

24. Could Los Gatos voters consider a special vote to buy the North Forty property for the town and make it an orchard/park? Get commercial sponsors to help.

The right of the government to obtain private land for public purposes is known as eminent domain, and this right derives from federal and state constitutions and related laws. The power of eminent domain allows the government to take private land for public purposes only if the government provides fair compensation to the property owner.

The process through which the government acquires private property for public benefit is known as condemnation. Most condemnation proceedings turn on the value of the property at issue. How much a piece of property (or an interest in property) is worth depends on many factors. The zoning of the property and the value of surrounding properties provide useful guidance for the calculation. The many unique characteristics of a property often result in a different estimation of value between the property owner and the government. In addition to an appraiser and an attorney, each side may have additional experts, such as engineers and architects. Factors that are considered in property valuation include: its size, how it is zoned, what kinds of buildings and roads are on it, what it's currently being used for, what it could be used for, how accessible it is, what other businesses or land uses are adjacent or nearby, and whether there are tenants or other leaseholders involved.

Given the value of the North 40 with the adopted Specific Plan and zoning, it is unlikely that the Town would have the resources to purchase the land for fair market value under these processes even with corporate donations and other tax revenue.

25. What is the minimum amount of notice provided in no-fault evictions? What is the amount of relocation assistance provided to tenants? Is additional assistance provided to elderly tenants or those with disabilities? How does the Town enforce this ordinance and what are the ramifications for those property owners who do not adhere?

The Town of Los Gatos does not regulate no-fault eviction or relocation assistance. Under state law, eviction notice requirements are governed by the agreement between the landlord and tenant and there are relocation assistance laws that may or may not apply depending on each individual circumstance. The Town does work to improve and preserve the supply and quality of existing rental and ownership housing opportunities that are available for residents and employees of local businesses. When new developments are approved by the Town, the Below Market Price (BMP) Housing Ordinance adopted in 1979 requires developers to offer a minimum percentage of the units so they are affordable to lower and median income households. Hello Housing (www.hellohousing.org) is the administrator of the Town's Below Market Price (BMP) Housing Program.

26. Now that there is a Specific Plan, can we back out of what is in the Specific Plan and try to preserve the area? Or is it too late?

See FAQ # 17 and response #24 above.

27. Table 2-2 specifies a "Maximum" 400,000 square feet of commercial. Does that mean the Council can approve less than 400,000 square feet? Can the Town approve any amount it wants?

Yes, the Town can approve less than 400,000 square feet of commercial uses, consistent with the Specific Plan. All development applications are evaluated based on their conformance with the Specific Plan as well as other factors.

28. Table 2-1 requires a Conditional Use Permit (CUP) for a Yoga Studio but not for a restaurant with a bar. What is the reasoning behind this need for a CUP for a yoga studio but not a restaurant with a bar?

The CUP requirement in Table 2-1 is for a health club, and an individual Yoga Studio would not be considered a health club. For purposes of Town zoning, a Yoga Studio is considered Instruction/Classes and would require a CUP anywhere in the Town, including the North 40 Specific Plan Area.

Under the Town Code outside of the Specific Plan area, all uses involving the service of alcohol require a CUP. Because the Specific Plan establishes zoning rules specific for the North 40 area, restaurants offering alcoholic beverage service do not require a CUP. In contrast, under the Specific Plan, a standalone bar requires a CUP.

29. Under the 400,000 maximum for commercial under Table 2-2: is there anything in there or anywhere in the Specific Plan to prevent a developer from leasing all 400,000 square feet to restaurants? Is there any limitation on the amount of restaurants at all?

The Specific Plan does not contain a maximum amount of restaurant space; however, a proposed development needs to demonstrate its consistency with the Specific Plan to address unmet needs of the Town and create a vibrant neighborhood in the northern portion of Los Gatos. One type of commercial use for all 400,000 square feet (e.g., all restaurants) would not be consistent with Policy LU3 that states “for a mix and size of uses to promote the creation of a lively, walkable neighborhood” and Policy LU11 that states “proposed uses should complement the existing balance and diversity of businesses located along Los Gatos Boulevard and in Downtown Los Gatos.”

30. Can the Town Council repeal the North 40 Specific Plan? Can the Council repeal it when an application to develop has already been submitted?

The Planning Commission and Town Council would need to hold noticed public hearings with the express purpose of repealing the Specific Plan. To maintain an adequate Housing Element under State law, at those same hearings, the Town would need to identify and zone replacement site(s) for the 270 units that would be removed by such repeal.

The Town Council can repeal or amend the North 40 Specific Plan. Chapter 6.5 in the Specific Plan specifically addresses the process for amendments. Any application that has been deem complete under the permitting streamlining act or subdivision map act would not be subject to the repeal or amendments that were made by Council.

31. Are there any contingencies related to the sale of the Yuki Farm Property and the surrounding properties that could impact the outcome of the North 40 development?

The Town is not a party to the sale of property and cannot comment on any contingencies between private parties. Implementation of the Specific Plan is not dependent on a specific applicant. The Town evaluates applications based on their own merits and the requirements of the Town's governing land use documents (i.e., General Plan, Specific Plan, Zoning, etc.).

32. In the development of the General Plan for Los Gatos Boulevard, residents always requested land be set aside for open space and community recreation. What happened to that request as plans for the North 40 were being presented for consideration?

The Specific Plan requires a minimum of 30% open space within each application for development. This is greater than the current requirement for commercial or multi-family developments in Town at this time. Town Code does not currently contain a requirement for a minimum amount of Open Space for commercial developments.

33. How many additional police, fire, and public works personnel will be required and how will this impact the Town's yearly budget? Will there be a need for additional taxes and/or fees to residents and/or business owners?

The EIR analyzed the impact on public services. Please see FAQ #6.

34. How did the recently built homes along Guadalupe Mines Road come to be included in the Los Gatos School District?

School District boundaries typically do not follow Town boundaries. The properties along Guadalupe Mines Road are in the City of San Jose and within the Los Gatos Union School District. The District's boundaries were determined prior to the development of the homes.

35. Is there any way that we as a Town can push back against the State and the Association of Bay Area Governments (ABAG) requirements for new housing, including affordable housing? Clearly these requirements do not take into account local lack of infrastructure and local overcrowding in schools.

See FAQ #'s 11, 19 and 22.

36. Is the private agreement between the developer and the Los Gatos Union School District legal? Specifically, what do the other school districts involved want and/or need? Why aren't the residential units spread across the entire property so that adjoining districts will share in the increased attendance?

See FAQ #22.

37. Why is there only one Planner for this enormous project? And if only one is deemed enough, why is it not the Planning Manager?

The Town typically has one Planner assigned to each application that is submitted. The Planner works collaboratively with other Town Departments and outside agencies in the evaluation of the application. In addition, the Planning Manager and/or the Community Development Director provide supervision, guidance, and other technical support in the evaluation of all Planning applications. The project Planner does not work in isolation.

38. Why and how was Grosvenor USA Limited allowed to be so embedded in the preparation of the Specific Plan?

The Town entered into an Agreement with Grosvenor with the purpose of Grosvenor funding the public planning process for the preparation of the Specific Plan and related documents. With this funding, the Town led all of the Advisory Committee meetings, managed the consultant teams that wrote the Specific Plan and EIR respectively, wrote all staff reports, and handled all public hearings. Grosvenor's funding only provided the resources to prepare a Specific Plan.

39. Can the Specific Plan be used to revise or deny their current application?

Yes, the Planning Commission will evaluate the pending applications in light of the Specific Plan and make recommendations to Town Council regarding the approval, modification, or denial of the applications.

40. Can the 320 residential units be spread throughout the entire 44 acres?

See FAQ #10.

41. Can we delay any development until the entire property has been purchased so that it is not developed piecemeal?

Both the State Subdivision Map Act and the Permit Streamlining Act have mandatory timeframes for development application decisions that must be complied with. Additionally, the Specific Plan anticipated phasing of the development given the fact that there are a number of property owners.

42. Please define "open space" and if we have input on how it is achieved.

The Open Space requirements and guidelines are provided on pages 2-11 thru 2-14 of the Specific Plan. The public had opportunities to provide input in the preparation of the Specific Plan. The public will have the opportunity to comment at public hearings before the Planning Commission and Town Council regarding the proposed development applications' approach to providing open space. The Planning Commission and Town Council consider all public comments in their deliberations.

43. How will traffic be mitigated if the November VTA Ballot Measure does not pass?

The right-of-way improvements required for the development of the North 40 are implemented by the applicant, and are not dependent on the VTA ballot measure.

44. If everything is not covered on June 15th can we please continue the Study Session in September when everyone has returned from summer vacations? I always find it frustrating that all of the important meetings dealing with major issues in the Town are always held during some type of holiday when people are not in Town.

The Town appreciates the comment, however, because the development applications are complete, the Town is under tight timeframes to hold public hearings and make final decisions in early September.

45. Can minimum requirements for housing density be met instead of maximum?

The Specific Plan identified a maximum number of 270 housing units and consistent with the Housing Element, the minimum density is 20 units per acre. Please see FAQ #10.

46. Doesn't the Town have to conform to Specific Plan requirements for the aesthetics of the application; such as cluster housing, view of hills, "look and feel like Los Gatos"?

All applications for development within the Specific Plan Area will require compliance with all applicable elements of the Specific Plan.

47. Can the Town encourage secondary units and small condo development to fulfill the state low income rules? These could be spread all over Town.

The Housing Element does identify other, additional opportunities to meet the Town's housing needs.

The Town currently provides for non-discretionary review of new second units in Town. In addition, there are properties with multi-family zoning within the Town for new condominium or apartment developments.

48. Can three-story buildings be prohibited on the North 40 to save the hillside views?

The Advisory Committee, Planning Commission, and Town Council carefully considered building heights in the preparation of the Specific Plan. As a result, the adopted Specific Plan contains maximum heights in Section 2.5.2, which provides direction as to building height and reduces the permitted building heights along the existing street frontages on Lark Avenue and Los Gatos Boulevard.

49. What should 30% open space look like, sidewalks or parks/trees?

See FAQ #42.

50. What CUP regulations and licenses are planned for the North 40?

The permitted uses and uses that require a CUP are listed in Table 2-1 on pages 2-7 thru 2-10 of the Specific Plan.

51. Does the Town have a study about the impact of the development on sewer, water, public safety, etc.?

These elements were analyzed in the EIR for the Specific Plan. See FAQ #6.

52. Since the partial opening of Netflix has there been an updated EIR?

No, however, the traffic analysis for the North 40 Specific Plan EIR included the future Netflix construction as well as other pending or approved projects. See FAQ #9.

53. If the Town were to reduce the project density of the North 40 site, where would you locate the certified 270 units, required by the Housing Element, if not on the North 40 site?

To maintain an adequate Housing Element under State law, the Planning Commission would need to recommend and Town Council would need to zone replacement site(s) for the 270 units. During the preparation of the Housing Element, a community Advisory Board considered a variety of potential sites, which could potentially be re-examined as well as new locations. All of the Housing Element Advisory Board's deliberations and work is available at: http://ca-losgatos2.civicplus.com/DocumentCenter/Index/412.

54. I would like a clear explanation of what we are being forced to do by the state. In particular, I am bothered by the rules about concessions and our having no choice about that. How is state law like Code Section 65915 affecting what you are approving and the acceptance of an obviously inadequate EIR.

The EIR has been certified as being consistent with State law. The State law pertaining to concessions is complex and is related to an applicant's request for a density bonus. Under this law, if the application meets the affordability requirements, the Town must provide reasonable concessions.

55. Why was the Specific Plan made a part of the General Plan? (This is not normal practice and creates a trap for the Council and Planning Commission.)

The Specific Plan is a stand-alone policy document, consistent with the Town's General Plan. Consistent with State law, the Town adopted amendments to the General Plan to reflect the major features of the Specific Plan. The Specific Plan helps implement the General Plan.

56. What is a senior--Over 55? One half of a space?? Was this staff driven, developer driven, or State driven?

The Specific Plan does not define a senior citizen, however, most senior housing developments in California are intended for persons 55 years and older. For purposes of a development application, the applicant has the discretion to define the population(s) it intends to serve. Parking is often reduced in affordable senior developments.

57. Does the North 40 Specific Plan supersede the Los Gatos Boulevard Plan totally or in part?

The Specific Plan in Section 1.5.2 states that "the Specific Plan incorporates and/or complements the concepts and guidelines from the Los Gatos Boulevard Plan where applicable." The North 40 Specific Plan Area is not subject to the Los Gatos Boulevard Plan, however, the community-based Advisory Committee considered the Boulevard Plan in the preparation of the Specific Plan.

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

Los Gatos Planning Commissioners:	Mary Badame, Chair D. Michael Kane, Vice Chair Kendra Burch (Recused) 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

EXHIBIT 27

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

CHAIR BADAME: We will move along to our continued Public hearing, which is Item 2. Item 2 is our North 40 Phase 1, Architecture and Site Application S-13—090, Vesting Tentative Map M-13-014, requesting approval for the construction of a new multi-use, multi-story development consisting of 320 residential units, which includes 50 affordable senior units, approximately 66,800 square feet of commercial floor area, which includes a Market Hall, onsite and offsite improvements, and a vesting tentative map, APNs 424-07-024 through -027, -031 through -037, -070, -083 through -086, -090, and -100.

May I have a show of hands from Commissioners who have visited the site? Are there any disclosures from Commissioners? Commissioner Hudes.

COMMISSIONER HUDES: I had incidental conversation when I went and did the site visit. Also, I served on several committees prior to this, including the North 40 Advisory Committee, General Plan Committee, and the Housing Advisory Committee. I'll try to put that out of my mind as we go into this next phase, but I wanted to disclose that.

CHAIR BADAME: Thank you, Commissioner Hudes.

I had incidental contact with the Applicant during the site visit and prior town hall meetings. I also had coincidental with Mr. Capobres while walking my dog past his residence.

Commissioner Hanssen.

COMMISSIONER HANSSEN: Like Commissioner Hudes, I also had incidental contact with the Applicant when we did our walkthrough of the site. I did not serve on previous committees, however.

CHAIR BADAME: Thank you. Vice Chair Kane.

VICE CHAIR KANE: Incidental contact means we talked to them and asked them questions?

CHAIR BADAME: I'll ask the Town Attorney what his interpretation of that is.

ROBERT SCHULTZ: Incidental contact, and your rules and regulations says it's incidental, minor talking with an applicant or other parties that in no way is not included in your Staff Report or in other documentation that is outside. So in other words, you do not receive any information that is not currently in your package or in any of the information that's been provided you. Any information that's outside of that and is not privy to

anybody else is not incidental contact and should be declared.

VICE CHAIR KANE: I'm going to presume I did not have incidental contact.

CHAIR BADAME: Thank you, Vice Chair Kane. Commissioner O'Donnell.

COMMISSIONER O'DONNELL: I think the record should be clear that all of us were given the opportunity two, certainly three I guess would be max, to tour the property within the last week, which we did. We had one or two people walking with us to show us the story poles, and that to all of us I think was incidental. We just go to see what we've been reading about, but I think almost all us, if not all of us, did that.

CHAIR BADAME: Thank you, Commissioner O'Donnell, for that clarification.

In advance of Staff's presentation, I will emphasize that we have a large number of speakers present. We would like to take advantage of accommodating as many of you as possible tonight. We are here as a community to gather and process information. The Commissioners will take this into consideration with our preliminary questions of Staff and the Applicant.

I'm looking for Ms. Moseley. Are you ready to provide us with a Staff Report?

MARNI MOSELEY: I am. Good evening. As you all are aware, there's a lot of information in front of you, so there's a lot of stuff that we could talk about tonight. I'm going to keep to the big items and help frame that discussion for you tonight, and obviously we'll get into some questions that fall in between those pieces.

The development of the North 40 has been a topic of discussion off and on for the last 20 years. A specific plan was drafted in 1999 and never adopted. The Town's 2020 General Plan included a requirement that a North 40 Specific Plan be drafted, and as a result the Council appointed the North 40 Advisory Committee in May 2011. The Committee's role was to provide direction and guidance to Town Staff and the Town's consultant in drafting the Specific plan.

A specific plan is used by jurisdictions to implement their General Plan within a particular geographical area. A specific plan provides more detailed land use and development guidelines as it relates to that specific area.

The Advisory Committee met 20 times between May 2011 and August 2013. Their work included interaction with

the community and Staff in preparing a draft that met the direction of the goals and policies within the General Plan.

These documents were considered and revised in a dozen public hearing meetings by the Planning Commission and the Council between 2013 and 2015. The Specific Plan and the certified EIR for the North 40 Specific Plan set parameters and studied the impacts of the maximum development capacity contained within the Specific Plan. The Town's Housing Element, which is usually included in the adopted General Plan, was not completed until May 2015.

The delay was due in part to difficulties in designating the necessary RHNA sites within the Town. The adopted Housing Element includes the assumption that 13.5 acres of the North 40 will be developed at 20 acres per unit. Anything less than that would require a revision to the Town's Housing Element, with additional sites designated at 20 units per acre to replace those units not provided within the North 40. So while the Specific Plan permits a maximum of 270 units, provision of all these units is required at 20 units per acre in order to comply with the Town's adopted Housing Element. Providing these units at a lower density, for example, spread throughout

the Specific Plan area, would not meet the requirements of the Town's adopted Housing Element.

The Applicant's proposal tonight includes a density bonus request. The state's Density Bonus Law is one of several California statutes designed to implement an important state policy to promote the construction of low-income housing and to remove impediments to providing low-income housing.

When the legislature adopted the state Density Bonus Law it's purpose was to address the housing shortage crisis and require local governments to provide the necessary increased housing stock by reducing local discretion that would impede this provision. The Density Bonus Law applies to all cities and towns. It requires cities and towns to adopt an ordinance that specifies how local compliance with the statute would be implemented.

As such, the Town adopted a state-mandated Density Bonus Ordinance in 2012. The ordinance was intended to comply with the state's ordinance and its requirements. If requested, the ordinance requires that unless specific findings can be made to deny the density bonus, the bonus and up to three concessions must be granted.

The proposed application includes 50 affordable senior rental units, 49 of which would be very low-, and

extremely low-, income units, which is defined as 30-50% of the median income of Santa Clara County, as well as one manager unit that would be available to the moderate rate income category.

The senior units would be constructed and operated by Eden Housing, which is a local provider that owns and/or manages more than a hundred in the San Francisco Bay Area.

The proposed number of very low-income units is in excess of 11% of the base units, which qualifies the Applicant to a 35% density bonus, which would be an additional 83 units. The Commission must grant the density bonus unless the required findings for denial can be made.

Along with the provision of up to three concessions, the Town is additionally precluded from imposing a development standard that would preclude the Applicant from developing the density or number of units permitted by the bonus.

The Applicant has not requested any concessions, but has requested a waiver from two development standards included in the specific plan. One is the definition of height, which specifies that the height should be measured from existing or proposed grade, whichever is lower; and the second is the allowance for additional height for the

mixed-use affordable building from 45’ to approximately 51’. The Commission must grant these waivers unless the findings for denial can be made.

The proposed applications before you tonight include an Architecture and Site Application for development of 320 residential units and 66,791 square feet of commercial area.

Two hundred and fifty two of the residential units are proposed to be constructed by SummerHill Homes and would consist of three different types of units: traditional row homes, ranging from five to seven units per building; garden clusters, which range from five to eight units per cluster; and the condominium clusters, which each have 16 units. The units range in size from approximately 900 square feet to just under 2,000 square feet, and have from one to three bedrooms.

The one-bedroom units are required to provide a minimum of one parking space per unit, while the two- and three-bedroom units are required to provide two parking spaces per unit. Additionally, the Specific Plan requires that each unit provide an additional half space for guests. Each of the units as proposed has a single or two-car garage, depending on the number of bedrooms proposed.

The commercial component of the application includes 66,791 gross square feet of commercial area, and approximately 20,000 square feet of that space is intended to provide for Market Hall use, which is a grouping of artisan or specialty retailers that together function like a community grocery store, kind of like a continual farmers market. The Applicant will speak further to this and how they will be promoting local businesses through this use.

The remaining space is split up between restaurant space and neighborhood-serving retail and service uses. The Applicant is also requesting approval of a Vesting Tentative Map, which includes 113 lots with up to 320 residential condominiums.

As many of you understand, the Specific Plan and the certified EIR has provided some assumptions that limit the purview of the decision makers on these applications. For example, the EIR studied the impact on local resources like water, schools, and parks, as well as services like fire and police, and concluded that the development assumed within the Specific Plan would not impact existing services and resources.

Additionally, the EIR studied the traffic associated with the full build-out of the Specific Plan and determined that with the required mitigation measures in

place at full build-out of the North 40 Specific Plan area, Town roadways and intersections would continue to operate within Town standards. As part of the Phase 1 review process, Staff facilitated the preparation of an initial study to determine compliance with the certified EIR. The traffic associated with the Phase 1 development is in compliance with the parameters studied and assumed within the Specific Plan and the certified EIR. While there continues to be a lot of discussion regarding traffic associated with the development, as proposed the traffic will not exceed the level studied and approved within the Specific Plan.

While the density bonus is required by state law and must be granted unless the required findings can be made, the Commission can discuss reducing the base number of units on which the density bonus is granted with the understanding that the ramifications of that would require modification of the Town's Housing Element. As discussed earlier, the Housing Element assumed development at 20 units per acre. Below that threshold the development would no longer qualify for the assumptions included in the Housing Element.

Additionally, the Commission could discuss the provision of the BMP units in regard to the Town's BMP

Ordinance and program guidelines, however, state law precludes the ability to provide senior designated units dispersed as traditionally required by the Town's BMP guidelines. So if the units were required to be dispersed, they would no longer be able to be designated for seniors, or be provided at very low-income, or extremely low-income, which are categories that the Town currently has very limited inventory of.

The main areas for the Commission to discuss tonight are more subjective and relate to how the application accomplishes the look and feel of Los Gatos; how the agrarian feel and history of the site have been captured with the proposed plans; and additionally whether the open space and architectural styling meet the intent of the direction provided in the Specific Plan.

Usually we would refer to the Town's Residential Design Guidelines or the Commercial Design Guidelines, but the relevant sections of these documents were used to frame the development standards included in the Specific Plan, and as such all comments and direction should be in relation to what is contained in the approved Specific Plan.

The goal of the Commission this evening is to take public testimony on the proposed applications due to

unexpected constraints with the existing access and use of several of the sites that were proposed to include story poles. Not all of the poles could be installed, and as a result the Town Council at next week's Council meeting will be considering a modification of the story pole exception that was granted in February. Based on this requirement, the Planning Commission cannot take an action at tonight's meeting.

Staff recommends that the Commission accept public comments and continue the application to a date certain in order to complete their discussion and provide a recommendation to the Town Council.

This complete Staff's report, but we are here for any questions.

CHAIR BADAME: Thank you, Ms. Moseley.

MARNI MOSELEY: Oh, actually, let me break in. Rob did have a couple of clarifications from the legal aspect of things.

CHAIR BADAME: All right, the Town Attorney will speak. Mr. Schultz.

ROBERT SCHULTZ: Yes, good evening, Chair and Commissioners. I just wanted to elaborate a little bit on some of the issues that might be raised tonight, and to give a little bit of clarification first.

The first issue is on environmental issues. As Ms. Moseley said, the Town Council approved the final EIR for the North 40 Specific Plan. That EIR analyzed the environmental impacts for the North 40 Specific Plan. The EIR did include mitigation measures to address the potential impacts. I'm sure there are quite a few members of the public, as you heard from their comments already or their voices already, that might not agree with that, but that EIR was certified. The time to challenge that EIR has passed.

As you move forward with your deliberations on this, it's your job to review that certified EIR, then review the Specific Plan, and determine whether those two documents are consistent or inconsistent with the application in front of you.

The other issue I want to talk briefly about was school impact fees. State law known as SB50 is really the law of the land. It was enacted in 1998. It mandates that, "If a developer agrees to pay the fees established by SB50, the impacts on school facilities may not be analyzed. No mitigation for impacts on school facilities may be required and the project may not be denied due to impacts on schools or due to inadequacy of school facilities." Therefore, SB50 limited your and Town Council's ability to consider the

effects of the North 40 on the ability of schools to accommodate enrollment, to require mitigation, and deny the project because they have paid or agreed to pay the SB50 fees. I just want to caution you on those issues.

In regard to the Housing Element, we have an approved certified Housing Element that states for the North 40, “13.5 acres of the site shall be developed with a density of 20 units per acre,” and it is intended to accommodate 270 residences. The development is by right, that was required by state, that this area and other areas of the Town be by right, and what does that mean? By right means that if the application for this development is consistent with the Specific Plan and with the EIR, then the project must be approved.

So that’s really if you want to know what it is in a nutshell, and I’ll use Commissioner Kane as an example. Many times when you have a development review in the hillside area, Mr. Kane will put his hand on the Hillside Guidelines and say, “This is the law. You must be consistent with the law.” In this case really, what the law is is the Specific Plan and the EIR and those documents, and your job is to find out if the application, this document, is consistent with the Specific Plan. If you find it’s consistent with the Specific Plan, then you can make

recommendations to Council. If you find it inconsistent, then we'll make findings to that extent. Any questions?

CHAIR BADAME: Thank you, Mr. Schultz. Vice Chair Kane.

VICE CHAIR KANE: But I like the hillside law, and I have issues with this one as concerns traffic. I have, as I said earlier, read 210 letters with a 100 to go, and I don't think any of them failed to voice concern, fear, about children and existing gridlock. I have a binary question. If I don't like what the EIR, and particularly the initial study that comes from the EIR, it says the traffic is okay, if I don't feel that the traffic is okay, is there anything I can do about it?

ROBERT SCHULTZ: Your job as a Commissioner is to apply the law. There are many laws that you might not like, not only within our ordinance structures. The role then is to try to change those laws, but in this case a specific plan has been adopted, it is the law for you to file, and it's your job to follow that law and determine if it's consistent or inconsistent. If the project is consistent with the Specific Plan and the mitigation measures set forth in the EIR, then it must be approved.

VICE CHAIR KANE: I'll take that as a no. The second question is can Town Council do anything about it?

ROBERT SCHULTZ: Obviously it has the authority to change laws, so it could change the Specific Plan, it could change its Housing Element, it could change its General Plan, at any time.

VICE CHAIR KANE: I understand SB50 is state law.

ROBERT SCHULTZ: They can't change state law.

VICE CHAIR KANE: And I'm stuck with that, and I'm not even going to bring it up. But the traffic thing and the number of letters I've received, and they're passionate, somehow that needs to be addressed, if not by us, then perhaps by Town Council.

ROBERT SCHULTZ: Certainly what you would look at in this case is the EIR and the mitigation measures, and look how the testimony that you received from the public is inconsistent with that EIR, and determine if there's any other mitigation measures above and beyond the EIR that could be established to mitigate any traffic that you perceive as not being addressed.

VICE CHAIR KANE: I just don't think 210 people can be wrong.

CHAIR BADAME: Thank you, Vice Chair Kane. Commissioner Hudes.

COMMISSIONER HANSSEN: Since I'm kind of new to this and this is the first time I'm seeing a specific plan,

should you clarify what prevails? We have a Specific Plan, there's a General Plan, and you also said that there are other housing guidelines that fed into those documents, but particularly, what is our job relative to the Specific Plan and the General Plan, which I understand is sort of the law of Los Gatos?

ROBERT SCHULTZ: When we adopted a Specific Plan we also made amendments to the General Plan to make those two documents consistent, so they should remain consistent throughout both of them, but the Specific Plan is the document which is the law of the land that you need to look at to determine whether this is consistent or not.

COMMISSIONER HUDES: And if there is an inconsistency between those documents, what prevails?

ROBERT SCHULTZ: The Specific Plan should be the document that prevails in that case.

CHAIR BADAME: Does that answer your question, Commissioner Hudes? Commissioner Hanssen.

COMMISSIONER HANSSEN: Thank you for your report, Marni; that was very helpful.

I had a question about the density bonus. I sat on the Housing Element Advisory Board, and when we looked at the potential sites for affordable housing, which was required in the Housing Element, one of the things we did

in our exercises is looked at not only the amount of units, but what could happen in terms of total units because of the state density bonus. I do remember when we were having these discussions, and the original plan was for around 360 units, I don't know the exact number, but Town Council cut that back. My question is in the discussions done to arrive at the final 270 units, did they consider the impact of the density bonus? That’s the real number to look at, because we don’t have a choice about the state density bonus; it would be hard to fight against it.

MARNI MOSELEY: Yes, as I understand it, the Council did basically backtrack the math to the 270. The EIR studied 364 units, which would assume a 35% density bonus for the full 270 units.

CHAIR BADAME: Commissioner Erekson.

COMMISSIONER EREKSON: This is a question for Mr. Schultz.

While I fully understand SB50, as you know, the fourth guiding principle in the Specific Plan says in part, “The North 40 will mitigate impacts on schools.” I left out the other two (inaudible). What’s the relationship between that guiding principle and the requirements of SB50?

ROBERT SCHULTZ: Even though SB50 really just ties your hands on the ability to obtain full mitigation

from school districts, and going back to the history of SB50, it was basically enacted because many cities and towns were denying development based on school overcrowding, so it is the only mechanism we had to collect. But there was nothing restraining us from at least making that language to encourage and to require as much mitigation as possible, and one of the ways that occurred was the Applicant saw that language in the Specific Plan and negotiated directly with the school district for further mitigation above and beyond SB50, but we had no legal requirement to require anything more than SB50 fees.

COMMISSIONER EREKSON: Thank you.

CHAIR BADAME: Vice Chair Kane.

VICE CHAIR KANE: With respect to this SB50 mitigation, you mentioned earlier it was a monetary association with school impact that responsible parties had to pay or…

ROBERT SCHULTZ: It's a formula that's based on…

VICE CHAIR KANE: And the intent for that was the mitigation could take the form of finding a site for an additional school, as necessary. My question is are responsible parties looking for such a site?

ROBERT SCHULTZ: I don't know that. That would be the school district that would be looking for it, or the

Applicant, but we're not a party to the agreement between the school district and the Applicant.

VICE CHAIR KANE: If there's a school representative here tonight, would SB50 preclude me from later asking that question?

ROBERT SCHULTZ: No.

VICE CHAIR KANE: Thank you.

CHAIR BADAME: Commissioner Hudes.

COMMISSIONER HUDES: I had a question about notification and story poles. Is the notification to residents, and are the story poles, in compliance with the Town's ordinance and the Council's direction?

MARNI MOSELEY: To start with the story pole discussion, the Applicant requested an exception to the standard story pole requirements within our story pole policy based on existing use of various pieces of the overall project area. The Council approved that and the Applicant intended on implementing that.

What wasn't anticipated was the level of guide wires and safety supports that were going to be required adjacent to some of the existing residential and commercial uses, so some of those story poles were not able to be fully completed. the Applicant is pursuing an additional

modification of that exception at next week's Council meeting.

As far as the notification, we did the required newspaper postings, as well as notified above and beyond the 300'. I don't know how far it went; we established a boundary when we started the Specific Plan process, and I believe that includes somewhere between 500-1,000 notices.

COMMISSIONER HUDES: Is it fair to say that it's not in compliance now, but it will be in the future?

MARNI MOSELEY: They will be required to comply with whatever Council determines at next week's meeting.

COMMISSIONER HUDES: Will the public have an opportunity to speak about what they see when the story poles are fully compliant?

MARNI MOSELEY: The Applicant is requesting that the Council consider what is in place at this time. If the Council requests additional poles be put in, then we would have to discuss what that looks like and whether it merits additional discussion.

COMMISSIONER HUDES: One more question about story poles. Were there story poles erected as part of the development of the Specific Plan? In other words, was there an opportunity for the community to see what this Specific Plan might look like and express their views?

MARNI MOSELEY: I don't know the answer to that. I believe the Applicant will be able to speak to that when they come up.

CHAIR BADAME: The Town Attorney is shaking his head no.

ROBERT SCHULTZ: There were no story poles required for the Specific Plan. There was no specific project.

CHAIR BADAME: Any further questions? All right, we will now open the public testimony portion of the public hearing and allow the Applicant and their team ten minutes to address the Commission. As you speak, please be sure to state your name for the record.

WENDI BAKER: Good evening, Madam Chair and Commissioners, community members, and Staff. I'm Wendi Baker with SummerHill Homes, and tonight myself, Andrea Osgood with Eden Housing, and Don Capobres with Grosvenor, will share our eight years of community engagement and progress.

The North 40 has been a part of the Town process for nearly three decades. When the North 40 Specific Plan was approved last summer, the final planning phase began with our project application. The Town's vision has been clear and the process public and transparent. While we

recognize that the draft Specific Plan's evolution would modify our proposal, we wanted to provide visual context for the public to see how the Specific Plan translated into a development proposal, so in 2013 we submitted an application.

During this process we held over 100 community meetings. We significantly modified and resubmitted our Architecture and Site Review Application and Tentative Map based on both the community input from these meetings, as well as the changes in the approved Specific Plan.

We have also participated in the Town's thorough process, including two Conceptual Development Advisory Committee meetings, the Historic Preservation Committee, and the Bicycle and Pedestrian Advisory Committee. We constructed story poles, created and built a scale model, hosted a community open house, and have made ourselves available to meet with anyone interested or who had questions. We recognize the challenges, which we have never shied away from; rather, we have focused on effective solutions.

First, traffic. Not only will we resolve some of the existing deficiencies, but also equally important, we have designed to encourage people to get out of their cars.

With the first phase of the North 40 project we will spend over $10 million in offsite improvements. This is unprecedented in Los Gatos and we proposed to construct these improvements first. This project not only meets the EIR's mitigation requirements, but also then goes many steps further to implement real functional lane changes along Lark, the Highway 17 onramp, and Los Gatos Boulevard. We are dedicating private property to enable many of these improvements.

Going beyond the car. Connectivity to the Town through transit, bicycle, and pedestrian improvements is key and forward thinking as the Town develops its Master Bicycle Trails Plan. When challenged in the neighborhood meetings to resolve connectivity not only within, but outside our project boundaries, we worked with the Town engineering staff, VTA, Caltrans, Silicon Valley Bicycle Coalition, and community members to design bicycle lanes from the North 40 to the Los Gatos Creek Trail, which will safely connect the North 40 to downtown, Netflix, and beyond the Town boundaries. We proposed multi-use paths along our property frontage, as well as throughout the project, and thanks to our partnership with downtown Summit Bicycles, we are also including bicycle tuning stations and part vending services.

We designed our residential program to satisfy both the Town's Housing Element requirements and the residential unmet needs, as identified in the Specific Plan. The Fair Housing Act does not permit discrimination of any types, including families, so while we designed our residential program to meet the needs and tastes of seniors and millennials, a lingering question from the community about impact to schools always remained. After many years of conversations we entered into an unprecedented voluntary agreement with the school district to acquire or enable acquisition of land for facilities expansion. This is in addition to the legally mandated mitigation fees, and our significantly lower bedroom count and our design features intended to attract a millennial buyer.

The North 40 also achieves the minimum density required to satisfy the Town's Housing Element. After lengthy public process the North 40 was chosen as a significant way to satisfy the state's requirements. Phase 1 will satisfy 237 of the 270 units identified to be developed on the North 40.

Focus groups assisted our design process on what a millennial wants in a condominium. The For Sale program proposes agrarian architecture with three distinct product types, including 19 different floor plans starting at 900

square feet. We have addressed all architecture comments from Staff, the Town's outside consulting architect, and CDAC during our application process.

ANDREA OSGOOD: Hello, Andrea Osgood.

The senior affordable housing building represents Eden Housing's collaboration with Grosvenor and SummerHill homes to meet the requirements of the Town's BMP program. By delivering these units in a standalone building, we are able to restrict to households age 62 and older. As well, the standalone building allows us to put together a financing program that allows us to target these units at much deeper affordability levels than is required by the BMP program.

Our building is located in the heart of the district above the Market Hall and will be an exciting and engaging location for our seniors.

DON CAPOBRES: Don Capobres. I have really smart partners. People know I talk too much, so I'm going last, so I appreciate that.

As required by the Specific Plan, we've commissioned an economic analysis of the impact of our retail proposal on downtown. This report was presented to the Conceptual Development Advisory Committee. Tim Kelly,

President of Keyser Marston, is here tonight to address the report.

The conclusion is that there is significant unmet retail and restaurant demand in the market area for the North 40 and for downtown, and this demand is expected to grow significantly through 2020. The North 40 is well positioned on the north end of town to service employment growth at Roku, Netflix, and Good Samaritan. The question is why let these unmet demands continue to be absorbed in Campbell or Willow Glen or other parts of south San Jose?

Market Hall has been a part of Grosvenor's vision on the North 40 since about 2009 or 2010. One of the questions raised at Conceptual Development Advisory Committee was about the feasibility of Market Hall. We've done quite a bit of research on Market Hall. There are many directions that these can go. We've decided the focus of this particular Market Hall will be the celebration of the site's agricultural heritage and a showcase for some of the region's best growers.

To help us program it, I'm very happy to announce that we are now working with the co-owners of downtown Los Gatos' Manresa, Manresa Bread, and the Bywater. Not only will they help us implement Market Hall correctly, but also they will ensure that it is a unique Los Gatos gem.

Overall, a retail offering anchored by Market Hall is a jewel for the north end of town. In the interest of time, I'm not going to go through the entire program with you, but we'd be happy to do that during questions and answers.

Onto the agrarian inspiration and open space. Meshing with our focus on the growers at Market Hall is our inspired open space program that ties the residential and commercial components of Phase 1 together. We are pleased that the Town's Historic Preservation Committee accepted our interpretation of the historical agrarian feel of the site. We have engaged the assistance of Zach Lewis of Garden to Table to help program over two acres of productive community gardens and orchard trees that can be used for resident enjoyment, restaurant use, or provision of healthy food for our seniors.

The Historic Preservation Committee also raised a need to consider celebrating the history of the Yuki family. We will continue to work with the family on concepts to do this. They are immensely private, but we will find a way to pay tribute to this longtime Los Gatan family.

Continuing on the comments that we got at Conceptual Development Advisory Committee, the concept of

replacing our proposed orchard trees with walnut trees was also raised. Since then we've evaluated the pros and cons of this change. We conclude that our proposal is still probably the preferred option, but we would be happy to share the rationale for this conclusion with you during questions and answers.

Finally, and to the folks in the room here, I would really like to conclude by thanking the many citizens of Los Gatos who have dedicated so much time to vet the many competing interests related to the North 40. We are proud to have been part of this conversation for the better part of a decade now, believe it or not.

We do feel confident in our ability to deliver a uniquely Los Gatan neighborhood that we all can be proud of. We've had partnerships with agencies, other community partners that we're proud of and just being part of that conversation, and we look forward to continuing that conversation.

We have quite a few members of our design team available to answer any questions that the Planning Commission may have. With that, I did pretty well. I ended with some time left, so thank you.

CHAIR BADAME: Thank you, Mr. Capobres. Thank you Ms. Osgood, and thank you, Ms. Baker.

I'm going to look to the Commissioners to see if they have any questions for the Applicant? Commissioner O'Donnell.

ROBERT SCHULTZ: I would just remind the Planning Commission that because of the number of public comments, you will have the ability to ask the Applicant any questions during the rebuttal time.

COMMISSIONER O'DONNELL: I'm just going to ask a question, because I know a number of people have raised this, so perhaps it might be a good time just to raise it, and that is some of the letters have said why don't you spread out the residential units? We all know, for example, that had some of the residential units been put at the other end of the property, they in fact would have been, as I understand it, in a different school district, a school which was agreeable to that. Perhaps if you could refresh all of our recollections as to why that didn't happen.

DON CAPOBRES: A lot of this conversation happened over the last few years, and we're (inaudible) to implement the policies outlined in the Specific Plan, and the Specific Plan calls for the residential to be primarily located in the Lark District and the Transition District, and so we're implementing the guidelines found in the Specific Plan.

The other point to make, and why you have a Specific Plan in this case, is that there is not just one property owner on the North 40. At one point in time I think we've concluded that there were up 13 or 14 property owners on the North 40. The Specific Plan is put together to help those property owners work in a cohesive way as properties develop. We don't control all the property on the North 40 to be able to implement everything that we want to, so that's another reason.

CHAIR BADAME: Mr. Capobres, can you explain the rationale for eliminating the walnut trees?

DON CAPOBRES: I'm probably going to call on our landscape architect, Ashley Langworthy, to help me out on this.

The rationale on the walnut trees, and going back to the slide, is two big issues, because we aren't trying to do just notional trees out there, we're actually trying to do production trees that can be harvested, and because of how walnut trees are harvested you have to spread them apart a little bit more. One of the down sides, especially on Lark Avenue, which is the main setback and the main interface between us and Highland Oaks, is you have less trees, because they would be spaced farther apart, so you

would go from 146 trees, which we propose along Lark Avenue, to 80 total trees.

The second issue that I am kind of comfortable in speaking, and I'll ask Ashley to come up and fill in anything, is our understanding of what happens to the soil when you have walnut trees is there is some toxicity or chemical reaction that prohibits some of the undergrowth that we would have with other orchard trees, so you'd be limited in what you can plant under the trees.

I've exhausted my knowledge of walnut trees, so I'm going to turn it to our landscape architect.

WENDI BAKER: Just as one other side note, there are walnuts proposed within the application, but we wanted to focus on a diversity of choices.

DON CAPOBRES: I think the conversation at CDAC was about really taking a snapshot at this current history or this current moment in time on the North 40.

CHAIR BADAME: All right, thank you. You can go ahead.

ASHLEY LANGWORTHY: I want to clarify, is the question why aren't the existing trees going to remain?

CHAIR BADAME: The existing walnut trees. And if you could state your name for the record, as well.

ASHLEY LANGWORTHY: Ashley Langworthy. The existing trees have been on the site for a long time and they're at the end of their life, so it would not make sense in terms of longevity to keep the existing trees. We did study planting new walnut trees to keep that walnut character that is loved by many in the Town, and as Don expressed, there are certain issues with having walnuts, and one of the big ones is the toxicity that walnut trees leave in the soil, so there are very few species that will survive under a walnut tree. Our intention is to have the orchard trees overhead and then have a planting underneath, possibly lavender or sage or some kind of herb planting, agrarian planting, underneath.

Other reason is that walnuts have a longer period that they are bare, so just aesthetically a lot of the other orchard trees we're considering bloom earlier in the spring.

Then as Don mentioned, they need to be spread farther apart than many of the other species.

I think also as Don said, this is our preference from the design side, but I don't think it's a closed issue if that's a game changer.

CHAIR BADAME: Thank you for that explanation. Commissioner Hudes.

COMMISSIONER HUDES: Thank you, and thank you for the presentation. I have many, many questions, but I really want to hear from the public before I frame those questions. I have really two kinds of big picture questions about the site itself.

The first one is where is the school? If it's not on the site, what are the considerations about the plan itself that said it shouldn't be on the site?

WENDI BAKER: A school is a land use that would be accepted with a Conditional Use Permit in the Specific Plan. There's no site identified within the Specific Plan for a school, however, obviously we have heard the comments about school sitings. It's very challenging on this property to place a school, because of its proximity to the freeway.

This is actually a very real environmental issue. There's a 500' setback that must be obtained, and so pretty much the majority of the site is not buildable for a school, and then the places where it is constructable, there are existing office buildings, for example, along Los Gatos Boulevard, that were very recently built. Then the other area would be essentially the second project entrance.

As far as the school, and I think the school district is here and can speak on it, but the way that this agreement was arrived at was essentially establishing the cost for acquisition of land, be it on the North 40 or beyond the North 40, so that the school district could ultimately expand its land, and therefore expand facilities. It was completely voluntary, but there was a basis behind it. I think that it wouldn't be very smart for me to talk about where we're looking at land.

CHAIR BADAME: Commissioner Hudes, did you have a follow up to that?

COMMISSIONER HUDES: Yes. And I appreciate that. I understand the challenge with the school, but I also think that it's important to look at options of locating it on the property, and so I appreciate seeing this drawing and wonder if you would provide it to us so that we can consider that as we deliberate on this.

WENDI BAKER: Absolutely.

COMMISSIONER HUDES: I had another question about the site, but not the school.

CHAIR BADAME: Okay, go ahead.

COMMISSIONER HUDES: When I walked the site and I started looking at particularly the guiding principle that the North 40 will embrace hillside views, I was struck by

the layout and the grid pattern of the North 40, which I would characterize as north, south, east, west rectangular grid, and when I looked at the hillsides and I looked at El Sereno and El Sombroso, they did not fall north/south. Were you aware in laying this out of the location of these mountains that are very important to Los Gatos, and did you consider aligning the pattern of the site such that you could get hillside views?

WENDI BAKER: There's a lot of history on this. This was looked at very early on. Essentially there are a couple of constraints on the property. They do wrap the property, so while you're speaking of two peaks, there are hillside views that are outside of just those two peaks.

Ultimately there's an existing street grid network, Los Gatos Boulevard, Lark, 85, and 17, which happen to be quite lineal as well. Then there were locations that were pretty much set due to the existing street network of Highland Oaks, which was desired to make some sort of almost a four-way intersection with limited access behind you, and then there was a midway point, which is now Neighborhood Street on the plan. So there are the existing street networks.

This has already been constructed right here and right here. You become constrained, and so we looked a

flipping the site effectively 45-degrees, like what you're speaking of, so that those views could be going towards the mountains more directly. There are a lot of challenges with doing something like that, both from an infrastructure perspective and a site visibility perspective where the access points were proposed in the Specific Plan.

The other thing is that when you flip a plan like that you ultimately end up with a lot of extra spaces, and reaching that density that's required for the Housing Element, which we could have used as open spaces but we chose to put them in different locations instead. So what we did was focused on view corridors. Again, it may not go directly to those peaks, but it does serve a view of the mountains from inside of the site.

There's a 30' setback that's a perimeter buffer zone, and that in the Specific Plan is actually what is noted as being the primary view corridors, is on the actual perimeter of the site, which is why that 30' setback exists, and why there's an additional 20' where there is only 25' of height permitted, so the first 50' of the site you'll see is all two-story. That was drafted in the Specific Plan just for the reason that you're talking about, for those hillside views.

Then when you follow this pattern, we have these streets and paseos throughout the property, so if you're at this open space, or you're at this open space, you have a clear shot through those paseos. If you're at the demonstration garden, you can be standing here at the edge of the community garden and see the hills, or in this garden, or here, or again, here going up. Sometimes your best view corridors end up being your green spaces, your paseos, and your right of ways.

CHAIR BADAME: Commissioner Hanssen.

COMMISSIONER HANSSEN: I too want to hear all the comments from the public, but I did have one conceptual question about the market rate units. In one of the earlier versions, I think before the Specific Plan was adopted, there was a section of the development that was going to be not senior affordable housing, but senior step-down housing, and senior is a well-documented need in the Town of Los Gatos. When we looked at the Housing Element, the population has been aging in Los Gatos and there's a need for more options for seniors.

My question is when you make your remarks earlier you talked about the market rate units, that you can't restrict them to one group or another because of the fair housing law, but in reading the justification letters there

was no mention of seniors, other than the senior affordable housing units, so I'd just like to understand how the market rate units could possibly serve the unmet need of senior step-down housing.

WENDI BAKER: I can start with nowhere does it say that you have a defined percentage of unmet needs, right? And actually the millennials are the largest pool of population in the United States right now, so when you actually look at who is a big unmet need, that's a very large population.

Some of the units, while they may not be designated as senior—because you can't really designate senior units throughout the property, you have to do it in one designated location, hence, our senior affordable proposal—you would have to walk up one flight of stairs, but we had shown there are actual flats within these condominiums where it's single-story living. Then there are ten market rate apartments that also have elevator access. So in addition to those 50 units that you see, there are 20 flats that are all one level living, and then ten apartments, so you have another 30 units on top of that that offer that single level living. We are trying to accommodate for that. We can't restrict people to only in

that. I don't know if you want to talk about the other move-down building.

DON CAPOBRES: I don’t like rewinding history all that much, especially on this project, and there’s been a lot of history, but at one point in time the draft Specific Plan allowed for a height of about 55’ with additional open space. When that was in existence in the Specific Plan we had proposed a move-down housing program, and move-down housing is single-story, no stairs, service by elevator, no yards. We can’t say this from a Fair Housing Act perspective—I guess I’m about to get in trouble—but we designed them for a move-down buyer and away from amenities that would typically attract families, so instead of a big yard, you’d have a big terrace.

But because of utility the 55’ height allowance in the draft Specific Plan did not make it through Town Council last summer, and ultimately it did kind of thwart our opportunity to build that product type. I can go through why that is, why you can’t build it, but it was kind of a Specific Plan level conversation.

CHAIR BADAME: Thank you. Vice Chair Kane.

VICE CHAIR KANE: I want to return to something Ms. Baker said about schools on the property. You said we were restricted from building a school, and I think I’ve

learned that you're essentially correct, but I was wondering if the Town Attorney could give his erudite view of why in fact we couldn't do that?

ROBERT SCHULTZ: I think Wendi didn't mention that under state law there are certain parameters where you can and cannot build, and one is, like you said, it has to be so many feet away from the freeway, it has to be so many feet away from the gas station, and the overhead that was put up there, you are limited to a certain area, and then within that certain area there are individual owners where there are buildings that are already built on, and so that's the diagram up there which leaves very little on the property you can. The Specific Plan does allow for a school to be built on there, but we didn't designate any specific area that would require a school to be built.

VICE CHAIR KANE: Thank you both.

CHAIR BADAME: Thank you. Commissioners, are we ready to wrap it up and hear from the public? Thank you. Thank you, Ms. Baker.

We will now invite comments from members of the public. Due to the number of speaker cards, I'm going to call your names three at a time. You will have a full three minutes to make your comments. As you've noticed, a yellow warning light will come on, and that will tell you that

you've got 30 seconds before the red light comes on, and then your time will be up. Commissioners may have questions for you at the conclusion of your remarks.

Our first three speakers will be Anne Robinson, Kathleen Willey, and Ray Kearns.

ANNE ROBINSON: Anne Robinson, 201 Charter Oaks Circle.

I would like to compliment Grosvenor on the time and effort they have exhibited through this entitlement process and on the work that they have done with our community to address all of our concerns. I have three concerns regarding the current North 40 application.

The first concern, consistency, is based on one of the Guiding Principles for the North 40. The principle is that the type, density, and intensity of the new land use shall be consistent with that of the immediate neighborhood. I do not see how the density of this proposal is consistent with the immediate neighborhood, which is Highland Oaks.

Most of the Highland Oaks are ranch style homes with, at the most eight, homes per acre, and the North 40's residential density looks at least double the density of the immediate neighborhoods.

Also, how does this proposal achieve the theme of the 2020 General Plan of preserving the existing small town character of Los Gatos?

There is also one area on the plan along Los Gatos Boulevard between the gas station and the office buildings where the developer proposed housing units, and I was under the impression that the area along Los Gatos Boulevard was to be all commercial to be consistent with the existing office buildings.

Please lower the density of this proposal by reducing the housing in the Lark District by at least 100 housing units, and use these 100 housing units in the northern district, still using the 20 units per acre density. By reducing the number of housing units, the proposed development will be more consistent with the existing neighborhoods, preserve the small town character of Los Gatos, and provide more open space so it reflects the rural and agricultural history of the site, and this will also decrease the impact on the Los Gatos School District.

My second concern is the lack of integration of the commercial and residential components. Instead of having the Lark District all residential, and the northern district all commercial, integrate the commercial and

residential components of this development, which will give rise to a more balanced development and mitigate some of the traffic and parking issues. I don't feel it is a good idea to give the developer of the first 20 acres of the development all the residential component of the Specific Plan. It would be best if there were a master plan for the entire 40 acres so that this project is not developed in a piecemeal fashion.

My third concern is the several pending developments close to the North 40, such as the medical buildings on Samaritan Drive and Samaritan Court, which will provide a net increase of 364,726 square feet to the immediate area. At the end of Lark is the Albright development, which is only half completed, which will add an additional 242,500 square feet. Then coming in the future is the Dell Avenue plan, which calls for the development of over 2 million square feet. The impact of these nearby developments needs to be carefully considered when approving any development on the North 40. Thank you.

CHAIR BADAME: Thank you, Ms. Robinson. Kathleen Willey.

KATHLEEN WILLEY: Good evening, Kathleen Willey, 135 Cardinal Lane.

My husband and I moved into this charming town of Los Gatos five-and-a-half years ago with our young boys. We chose Los Gatos for the small town feel, being able to walk and bike to school, and to educate our children in excellent schools. Therefore, my biggest concerns about the North 40 development are how it will impact the safety of our children and how it will impact the schools.

We currently walk or bike to Blossom Hill School every day. Our neighborhood, with no sidewalks or bike lanes, is already a cut-through for Los Gatos High School kids and for cars trying to avoid Los Gatos Boulevard.

Safe Routes to School has been trying to get people out of their cars and onto their feet to avoid excessive traffic. With the added population and cars that 320 homes in the Los Gatos School District will bring, I fear people will be unwilling to do this, creating additional pollution and dangerous conditions around our schools.

Additionally, getting to a Los Gatos trail at Vasona from east Los Gatos will become even more dangerous for bikers and walkers. Sadly, there was a fatality on Lark Avenue with a biker not too long ago. Lark and Blossom Hill are very narrow; I don't know how successful an additional bike lane would be there.

I'm pleased to hear the developer say that they would like to encourage people to get out of their cars, so I propose that the developer build a pedestrian bridge to at least make it safer for people getting to the trails.

Also, how can a proposal for 320 homes be approved when the current Los Gatos schools are so overcrowded already? I believe that there's still a discussion of including a school in the North 40. I would hope a school has precedence over a gas station. How can we move forward with any development until we know when or where this school might be built?

The Specific Plan of the North 40 called for housing in all three districts. There is no reason to crowd all the housing into our school district.

Furthermore, one project goal was to appeal just to seniors, young professionals, and empty nesters, thus avoiding school impacts. Now we find that out of 320 units planned, 135 will be two bedrooms and 54 will be three bedrooms. This violates the Specific Plan guidelines that the project should mitigate the impacts on schools.

The North 40 should spread the 320 homes into additional phases in different school districts to avoid overly impacting our schools. As a mom and tax paying Los Gatos resident, I urge the Town to not let the greedy

developers compromise the safety and education of our children. Thank you.

CHAIR BADAME: Thank you, Ms. Willey. Our next speaker is Ray Kearns. Last call for Ray Kearns. All right, I'm going to call the next three speakers. Steven Ferla, Chris Chapman, and Eric Wade.

STEVEN FERLA: My name is Steven Ferla; I live on Los Gatos Boulevard at 16345 Los Gatos Boulevard in the Villa de Los Gatos.

I've watched several developments around that area in the last few years. I've shown up at meetings and opposed them. They've gone through anyway. One is on Caldwell Avenue, and without question that added to the traffic on Los Gatos Boulevard. The next one is on Los Gatos Boulevard between Mitchell and Roberts Road, a very high-density project, and that has immensely added to the traffic on Los Gatos Boulevard, as I live right next door to it.

I don't believe a word that anybody would ever say; including an Environmental Impact Report that says traffic won't be a problem.

Further, I'm looking at the Guiding Principles here. "The North 40 will look and feel like Los Gatos." Well, this is the first that I've actually seen a picture

of it on a screen, and it looked like a city to me. Didn't look like it was going to have the look and feel of Los Gatos.

"The North 40 will embrace hillside views, trees, and open space." Every day I drive down Los Gatos Boulevard towards Campbell, and I drive back home on Los Gatos Boulevard, and every single year the view of the hillsides gets less and less, because the buildings get taller and taller.

"The North 40 will address the Town's residential and commercial unmet needs." I think that's spoken for. I don't believe that that will happen.

"The North 40 will minimize or mitigate impacts on Town infrastructure, schools, and other community services." I think it will make it worse. That's all I have to say. Thank you.

CHAIR BADAME: Thank you, Mr. Ferla, for your comments. Next speaker.

CHRIS CHAPMAN: Hello, my name is Chris Chapman; I live at 201 Mistletoe Road in Los Gatos.

I'd like to talk about a backup plan. What happens when five years from now the Dell Avenue complex has been developed, the Netflix facility is fully up and running, and because there is no 85 south entrance ramp on

Winchester, that means all of that traffic is going to have to go south on Winchester, turning left on Lark, right past this new development. We have this problem, the Town, where there is no real solution to the beach traffic that we have in our town, and five years from now there's going to be no real alternative to the traffic that this environmental study didn't address.

So I'd like to know—we talk about what's going to happen 20 years from now—what is our backup plan five years from now? Thank you.

CHAIR BADAME: Thank you, Ms. Chapman. Eric Wade.

ERIC WADE: Hi, Eric Wade, 17701 Bruce Avenue; I'm actually in Monte Sereno. I have a letter here I just wanted to pass out to the Commission.

CHAIR BADAME: Yes. Did you wish to speak as well?

ERIC WADE: I am actually the Chairperson for the Site and Architecture Commission over at the City of Monte Sereno. We don't get big crowds like this, but we review only residential projects. I'm also a design build contractor and a third generation in the Town of Los Gatos.

All the things I've been hearing from everybody makes a lot of sense. I've just put a few of my thoughts down on a piece of paper there. Some of my numbers are off

a little bit in light of some of the new developments, but I also adjusted to Council members, who in fact you're not; b you're commissioners like myself.

I was just bullet pointing some of the things I thought would be beneficial to the development. I think everybody understands that this most likely will be developed sometime in the future, but again, obviously to consider how it conforms to the development plan or a residential site plan that the Town of Los Gatos has.

I was hoping for possibly a larger orchard section along Lark Avenue to commemorate the Yuki family orchard, which my father actually worked in back in the fifties, so maybe a greater setback, and just maybe bring the total height of the dwellings down to two-story maximum. The height of some of these structures seems excessive, and certainly not aligned with residential developments in Los Gatos.

So I've just got those notes on my letter there, and hope you take them into consideration. Thanks for your time; I appreciate it.

CHAIR BADAME: Thank you, Mr. Wade. Our next three speakers will be Sylvan Lepiane with Carl Lepiane, and combined they will have three minutes together. After that we'll have Kaye Little, and Cindy Schneider.

SYLVAN LEPIANE: Good evening. Thank you very much for allowing us to talk with you this evening.

I am here not to speak about the density, but about our community's safety. This is an issue, because I am an operating nurse at O'Connor Hospital. People are not discussing the facts that fire trucks, ambulances, doctors, nurses, anesthesiologists, surgeons, any kind of person providing emergency healthcare, to manage the traffic to get to Good Samaritan Hospital is going to become a real nightmare. I hope none of you have a family member or a loved one at Good Samaritan Hospital needing emergency care, either in their emergency room or in their operating room, and have your physician or anesthesiologist trapped in traffic. Thank you.

CHAIR BADAME: Thank you. I need to remind you again, no clapping, please. Mr. Lepiane, please.

CARL LEPIANE: Carl Lepiane, 15890 Shannon Road, and a resident for 33 years in East Los Gatos, we call it.

I heard there was a model on display out in the lobby here, and took one look at the model. There's no guessing about it, this project has too high a density. I agree with the previous gentleman. Cut it back to two stories maximum. It's too big a project even for 40 acres

worth of property. It's going to devastate the street. Too much density, and that's the end of my story. Thank you.

CHAIR BADAME: Thank you for your comments. Next speaker.

KAYE LITTLE: First I'd like to thank the Planning Commissioners for your service and for this opportunity to speak. 453 Monterey Avenue in Los Gatos; I've owned the home for 43 years.

Like many Los Gatos residents, when I saw the story poles I was stunned at the height and density of the proposed development. Then the phone calls from my out of town friends, most of them over in Santa Cruz, began to come in and they said, "What is Los Gatos thinking?" and I didn't know what to say to them.

I've looked at the model, and I have to say I have some real concerns. It does not look and feel like Los Gatos to me. I'm not a city planner, but one of things that bothered me is it's so square, it's so right angled instead of meandering, among other things.

As a retired high school teacher, I have serious concerns about the impact so many new homes will have on our outstanding schools. I do not believe that the size of a home will discourage a family from purchasing a house in

Los Gatos that would allow their children to attend schools here.

Then the Town Attorney stated the impact on schools cannot be considered, but I had been told a couple of years ago that if the homes were in a certain area, the kids would go to Campbell schools, and Campbell wanted the students and has room for them, but if they were pushed to a different area they would go to Los Gatos schools, and we all know that that is the difference in the price you're going to get for the houses.

I'm asking the developer to please make the development less massive, and with a little more Los Gatos charm. Thank you.

CHAIR BADAME: Thank you, and can you also state your name for the record?

KAYE LITTLE: Kaye Little.

CHAIR BADAME: Thank you. Thank you very much.

CINDY SCHNEIDER: Hi, Cindy Schneider, 233 Mattson Avenue, Los Gatos. Good evening, Commission.

I would like to start by acknowledging the time and the effort that the Grosvenor company has put into this enormous project, however, it is obvious from the story poles and the model in the Town Chamber's lobby, that 320

homes and 66,000 square feet of commercial space is far too much for 22 acres of the 44 acres on this development site.

The height blocks our views and creates a concrete barrier. Why isn't housing spread throughout the project? The first Guiding Principle of the Specific Plan for this project is that the North 40 will look and feel like Los Gatos. This proposed development looks like every other freeway housing development on 85, 280, or 101: a 35' wall of concrete multi-story housing. This is not the Los Gatos I've lived in for 30 years.

If the housing were spread on all 44 acres, this project could begin to have a feel of being seamlessly woven into the fabric of our community as the Vision Statement for the North 40 dictates. The Vision Statement also says that the North 40 should celebrate our agricultural heritage, our hillside views, and small town character. Well, I suggest we apply the Vision Statement and Guiding Principles this community approved for this project and them to start over.

The open space in this configuration appears to be nonexistent. The open space requirement is 30%, but somehow they are being allowed to count hardscape, pathways, and sidewalks, so tiny strips of green are being

considered open green space. It's very sad, and not at all residential Los Gatos.

Again, I suggest spreading this housing out over the total 44 acres, incorporating parks and expending real green, try articulating the heights of these block-like structures, possibly meandering the street so this ridged design becomes softer and more unique, because that's what Los Gatos is. Thank you.

CHAIR BADAME: Thank you, Ms. Schneider. Next three speakers are Jeffrey Aristide, Kim Vrijen, and Joseph Gemisnani. And I apologize for any mispronunciation here.

JEFFREY ARISTIDE: Good evening, I'm Jeffrey Aristide, 102 Nobel Court. I've lived there for 12 years; I've got a wife and four children and they went through the school system.

I agree, I don't want to rehash what was said. It's basically much too robust. It should be scaled back, and I agree, the housing should be spread through the whole property. Frankly, it looks somewhat industrial.

I would say maybe about six years ago the character of this town did in fact change, because of all the excessive building, and the congestion and the impact to the school system is going to be horrific. I'm assuming there are going to be a few thousand people living there,

and maybe a few more thousand going there, so we're talking thousands of cars. To say it's not going to have a massive impact is ludicrous, so I would vote to have it scaled back rather drastically, and spread the housing through the property. Thank you.

CHAIR BADAME: Thank you, Mr. Aristide.

KIM VRIJEN: Hi, I'm Kim Vrijen from 268 Marchmont Drive in Los Gatos.

Last year when the Town Council finalized their North 40 Specific Plan, I was pleased. Although it wasn't the orchard that many of us wish could stay untouched, it was well thought out and represented a plan that was at least bearable. I then attended several education events where the developer was present and seemingly engaged in the community. This made me optimistic that we could maybe create a new North 40 that was an asset to our community. So when I saw the proposal by the developer, I was appalled.

It feels like they ignored the conversations they heard and went ahead with a vision that is not Los Gatos. There have been many people who have worked very hard to move the process forward, and instead of trying to minimize the impact on the community the proposal maximizes the developer revenue. The vision, in my opinion, was to spread

the housing, open space, and commercial space throughout the property. Instead, all the housing is in the first phase, right next to Lark and 85, which is already a traffic problem, and all the children will be part of the Los Gatos Unified School District.

One of the requirements is that the development look and feels like Los Gatos.

This is a senior housing development in the North 40. These are existing senior housing developments in Los Gatos. To show the scale, there are two stories, there is green space, there are meandering paths. This is a wall of building.

This is shopping in the North 40. This is downtown Los Gatos. Quaint.

This is a market in the North 40. This is what it would look like in historical Los Gatos.

It’s supposed to blend in with the community. These are all single-family homes. Here on the other side of the street is the North 40, where there are no single-family homes.

I think that when the North 40 was coming up with their plan they went to the wrong location and copied Santana Row. Thank you.

CHAIR BADAME: Thank you for your comments. Joseph Gemisnani.

JOSEPH GEMISNANI: When I looked at the plan, I was thinking it really doesn't look like Los Gatos either.

Part of the problem, I think, is it's huge. It's 40 acres—I know they're only developing 22, but 40 acres—and when I look at it the architecture looks so similar, but it doesn't really look like Los Gatos. So if I'm driving down Los Gatos Boulevard, I'm looking at the left and going whoa, where's Los Gatos? We're entering Grosvenorville, in honor of the developer. It's going to be Grosvenorville and won't be Los Gatos.

I think in a big development they should have a variation of architectural styles, because it's just too large of a tract. I think we need a variation, because Los Gatos is eclectic; it's not one style for 40 acres. There's Mediterranean, there's the Old Town Spanish Colonial, there's Victorian, there are all kinds of styles, but this is really modern. I know they're from England, but they're bringing their modern English architecture here, which I don't appreciate.

We took a survey in 2011, and I took part in the survey, and that survey was talking about the North 40 project. You took it online, the Town of Los Gatos did

this, and the majority of people said they wanted traditional architecture. One of the options was traditional, modern, whatever. We wanted traditional. This is not traditional. So I want you to ask the developer what did they do with those survey results? Ask them.

Also, what style people wanted? The majority of people want a Mediterranean style. I said this before, I love Mediterranean, Spanish Colonial, Italian, whatever, but ask them what happened to that? Why take a survey, ask the people to do a survey, and then the results are ignored?

So please, a couple things. It's a big lot. Do a variation of styles so it doesn't look like one huge development, that it looks like it maybe it was built over time by different developers. Thank you.

CHAIR BADAME: Thank you for your comments. Appreciate it. Ted Richards, Barbara Dodson, and Kiersten Shum.

TED RICHARDS: Los Gatos Commission, fellow townspeople, I'm Ted Richards; I live at 43 Fillmer Avenue in Los Gatos.

I'd like to comment on the North 40 user experience. I'm a user experience designer. I design how you pay bills, sign up for memberships, apply for jobs, buy

things online, and of note, I designed the interactive kiosk for Walt Disney's Celebration community located in Disney Word, Orlando.

The North 40 reminds me of Disney's Celebration community. As a UNIX and as a UX designer, I got to thinking about the North 40 user experience. It's an experience based in a walled enclave, much like a medieval castle, surrounded by a moat of congested roads and freeways. Inside are the subjects who will experience the walled community, but not the free and open Los Gatos.

Yes, the paintings of ideal North 40 life promises peace, prosperity, and harmony, much like paintings I saw brought to me when I worked on the Disney project by a painter who emulated Norman Rockwell. But these are not the paintings of Los Gatos, a wonderful, organic town with a hundred years of eclectic variety of homes, shops, restaurants, schools, and of course our wonderful population of citizenry.

I think we can do better by this open North 40 land. We can take down the walls and imagine how we would welcome this space in Los Gatos, and provide the Los Gatos user experience: family, work, volunteering, schools, celebrations, and parks, open and free.

Real briefly, my cartoon. I'm also a cartoonist. Thank you.

CHAIR BADAME: Thank you, Mr. Richards.

BARBARA DODSON: My name is Barbara Dodson, 239 Marchmont Drive in Los Gatos.

I have a number of concerns about the proposal for Phase 1 of the North 40. I've listed these in a letter to you, so here I'd just like to emphasize two.

I think the number one problem is the excessive density of buildings. The Specific Plan calls for homes in all three districts, yet the developer has jammed all the homes into the Lark area and maxed out the height of many of the residential buildings. The residences are too close together and too tall. The Specific Plan calls for lower density in the Lark District with increasing density as the development moves north. At least half the residents should be moved to other phases and across the school boundary line, and the buildings within the Lark District should be more spread out with larger spots of green space in between. Based on what I heard tonight, I hope the Town Council will revisit the land use requirement of 20 homes per acre.

A second key issue is look and feel. The Specific Plan says the development should look and feel like Los

Gatos. This development in no way meets this goal. In the Los Gatos North 40 narrative the developer claims the architectural character in the Lark District combines, “the colors, materials, rooflines, and proportions of the historical agricultural heritage, while reducing the detailing of the style down to its roots. The result is a neighborhood based in tradition with a contemporary and clean aesthetic.” This is just a justification for big, massive, dense, boxy buildings. The architect has reduced the detailing so much that it looks nothing like traditional Los Gatos.

I think that when we talk about the North 40 looking and feeling like Los Gatos, we’re talking about the Los Gatos of before the 1940s. We’re not talking about the look and feel of the recently built townhomes on Blossom Hill Road, or ranch homes built after the 1960s, or boxy apartments from the 1980s. We’re talking about homes from when the Town was surrounded by orchards. The so-called “contemporary and clean aesthetic” which results in massive, heavy boxes without architectural interest is not what we think of as Los Gatos. The North 40 designs completely lack the elements that give downtown Los Gatos homes charm, such as porches, shutters, paned windows, bay windows, setbacks, and front yards. We don’t think of homes

that are higher than trees or that has two-story windows as being traditions in Los Gatos.

This development should pay more than lip service to the notion of recalling our Town's agricultural past. The tiny vineyard should be enlarged, alleys should be widened, and extensive green space should be added. The cottage cluster idea that the developer touted but then entirely left out of the development should be used to reduce density and increase green space.

Please require that the development celebrate our history in fact, and not just in words. Thank you.

CHAIR BADAME: Thank you, Ms. Dodson.

KIERSTEN SHUM: Good evening, my name is Kiersten Shum and my address is 15595 El Gato Lane, Los Gatos. I first want to say thank you for everybody on the Planning Commission. You go to all these meetings, and that just takes so much patience. I know everybody is working very hard, and I know that people at Grosvenor are all working very hard. I'm a little bit nervous, but it's okay.

My spouse—we're gay—and the only reason I'm saying this is because she is Asian and about 100 pounds, and she rides her bicycle every day. She works at Oracle. We live off of Los Gatos-Almaden, and she was really excited recently because she realized that instead of

trying to cross 85 and go over to that pedestrian bridge to get over to the Los Gatos Creek Trail to work downtown for Oracle, she could go along Lark, and then Oka Road, and then get to the Los Gatos Creek Trail.

Safety is really, really important. I thought it was very striking, the woman who works as a nurse at Good Samaritan, she was talking about people being stuck in traffic. Safety and traffic go together. I didn't know about the recent fatality on Lark; that makes me feel very sad.

I think that in terms of Los Gatos, it's just a great place. We have the beautiful Los Gatos library; that's the most amazing thing.

I think that in terms of what different people have said, the eighth speaker was saying that her friends had notice from Santa Cruz, so when people drive by, that's what they're going to see, and that's not the sort of advertising that we really want for Los Gatos. We want people to come to Los Gatos. We do need tax dollars. We do need revenue for the Town of Los Gatos, but we need people to come and to feel like this is a relaxing place.

We do need a place for housing. We do need step-down housing for seniors.

As a teacher who has taught for 24 years, and I worked over on the east side, even in the east side people would come to our school, because it was one of the best in our school district, and they would do whatever they could, and people will do the same for Los Gatos. People really want to live here, and a lot of those employees from Netflix and different places like that, they're going to want to have their families here.

So thank you for your time. I really truly from the depth of my heart appreciate all your time and all your patience, and I know you all love Los Gatos. And thank you for the library. I love the library. Thank you.

CHAIR BADAME: We appreciate your comments. Thank you so much. Han Shum, Jak Van Nada, and Don McKell. Mr. Shum? No? Jak Van Nada. No? Don McKell?

Can they hear me outside? Yes, they can. Perhaps somebody could tell them that there's some room inside. There is some room in the benches if anybody would like to have a seat, or from the outside if they're listening. Okay, we're ready for you.

DON McKELL: Good evening, my name is Don McKell; I live at 31 Mariposa in Los Gatos.

I've actually lived there for coming on 44 years, the same address. My wife and I have raised a family, taken

advantage of the schools, the police and the fire departments and other civic services of the Town. We, and many of our neighbors, look with extreme skepticism upon the negative aspects of the commercial and residential development that this place represents.

If I go home to where I live on Mariposa and I look at that neighborhood, which is composed of largely quarter-acre lots with front yards and individual trees owned by homeowners, if that place had been built with the same density as this proposed cancer that is being planned for the North 40, there would be no Los Gatos as we know it. What we have in this town is something special, and what this project seeks to do is ruin it, in my humble opinion.

I don’t think any development of the North 40 should be approved without the intelligent widening of, and improvements necessary to, Los Gatos Boulevard, at least between Lark and Samaritan. One only has to consider the abysmal impact to traffic on Winchester being brought about by the approval of the new Netflix facility that somehow put four separate traffic signals in a 400 yard space of asphalt, and Netflix hasn’t even opened yet as far as the major traffic that’s going to be going there.

That’s the end of my spiel. Thank you.

CHAIR BADAME: Thank you. Markene Smith, John Thatch, and Dominic Hugyik.

MARKENE SMITH: Hi, Commission. My name is Markene Smith; I live at 201 Drakes Bay Avenue in Los Gatos, and that is off of National Avenue between Los Gatos-Almaden Road and Samaritan Drive. I mention that because it's complete gridlock since the four new medical centers and their associated parking lots have gone in; patients, staff, and everything.

I want to point out that neither Gerald Grosvenor nor the marketing and developing people he's hired to promote the current North 40 application lives or works here. Those developers will never be affected by their project's homogeneity, urbanization, pollution, and gridlock.

The Town of Los Gatos should require Grosvenor to modify its Phase 1 application in order to comply with the North 40 Specific Plan, which in my opinion it does not at this point. The application should include public streets, not private streets; wider pedestrian walkways; larger real greenbelt areas, not just sidewalks; public park and playground for the people who live there; and larger community garden areas with individual raised garden plot beds available to every unit that has no yard space to grow

food or other plants. We need some single-family detached homes there, and a community center. If this is a Planned Development without a community center, I don't know how they're ever going to have meetings or anything.

I propose that to mitigate catastrophic traffic and transportation issues the Town should require developer Grosvenor to fund 100% of the traffic improvements, because Caltrans cannot provide matching funds due to greatly decreased gas tax revenues.

This has changed since the EIR. The EIR is outdated, in my view, since the medical buildings have opened in our area right at that corner of Lark Avenue and Samaritan Drive, the new Burton Way and… I don't know, that whole area, Samaritan, Lark, and Los Gatos Boulevard. Anyway, the developer should fund all the traffic equipment, because he's solely benefiting from this.

Then the developer should also fund 100% of the VTA extension of the light rail to Vasona station, which we've been waiting more than a decade for. There could be an additional station besides the Vasona light rail at the Town-owned property at the southeast corner of Winchester Boulevard and Lark Avenue to serve the North 40 and surrounding neighborhoods, and that would take a lot of the car traffic out of the area, and also enliven our area. A

lot of millennials are now going to Campbell, because there is a light rail stop right in the center of the city, and they go there and come back, and they can go downtown from there or wherever they want.

Los Gatos is one of Santa Clara County's oldest communities… I do want to just finish. The Town began in 1868 with just 100 acres of a Mexican ranchero that was selected as the town site. The Town's first 100 acres were gradually developed over a period of 150 years.

CHAIR BADAME: Thank you. I have to stop you. We have a lot of speakers. Thank you very much. Han Shum has arrived, so I'll allow him to go ahead of John Thatch and Dominic. Apparently not. All right. John Thatch.

JOHN THATCH: Excuse me; I got in the wrong pile. I'm part of the Applicant's team.

CHAIR BADAME: Okay, you did get in the wrong pile. Dominic Hugyik.

DOMINIC HUGYIK: Good evening, Chair and Commissioners. My name is Dominic Hugyik. I'm here tonight as a volunteer with the Greenbelt Alliance.

Greenbelt Alliance is dedicated to shaping how the Bay Area grows to preserve what's special about our region and make our communities even better places to live.

The Greenbelt Alliance is proud to endorse the North 40 Phase 1 as an example of smart infill development, exactly the type of growth that Los Gatos needs to become an even more thriving, sustainable, and affordable place to live.

One of the most important actions we can have in our communities is to use our limited land wisely to create great neighborhoods that meet the needs of today, as well as tomorrow. That means creating inviting places to live that use land efficiently; create walkable, verdant streets; and add new homes for residents across the income spectrum to help our pressing housing affordability crisis. That means encouraging a mix of homes near jobs and amenities with a rich array of transportation choices.

The North 40 Phase 1 proposal is a prime example of this type of small infill development with a compact design architecture that enlivens the streetscape, homes for residents across the income spectrum, and a variety of transportation choices, also including integrated green spaces and high-quality green building features.

We hope it helps set a precedent for how Los Gatos can become an even better place to live, so that today's teenagers can afford to continue to be a part of this community as they graduate, our older adults can find

an option to downsize when they no longer want to take care of a large house, and our workforce can live close to their jobs rather than face a long, grueling commute to the edge of the region.

As the Planning Commission reviews the proposal we have three recommendations.

That every opportunity be taken to create safe spaces for walking and biking, particularly to cross Los Gatos Boulevard and Lark Avenue.

That there is a commitment to provide free trans-passes for all residents and employees, and someone onsite committed to administering this program as part of a robust transportation demand management program. That’s a technique that has proven significantly to increase transit use and reduce traffic and congestion.

In addition, we recommend that the North 40 and other new developments like it in Los Gatos include more homes to better meet the needs of our region without turning to development on our open spaces at the edge of the Bay Area where over 320,000 acres are currently threatened by sprawl.

In conclusion, by transforming this land into a walkable, well designed, mixed-use development the North 40 Phase 1 will help make Los Gatos and the Bay Area a better

place to live. We strongly support this proposal and encourage you to approve it. Thank you.

CHAIR BADAME: Sir, don't go away. We have a question for you from Commissioner Hudes.

COMMISSIONER HUDES: Thank you, and thank you for your letter.

In looking at the proposal, I'm a little confused. Are you saying that it needs to be changed to allow safe crossing of Los Gatos Boulevard and Lark, or are you saying that as you've reviewed it, it is adequate?

DOMINIC HUGYIK: Just make sure that those proposed changes are the right changes, that you review them again and just make sure that they're the most optimal.

CHAIR BADAME: Commissioner Hudes.

COMMISSIONER HUDES: If I may, one other follow up. In terms of the Greenbelt Alliance and the housing, did you look at the distribution of the housing on this property in terms of it being concentrated in one area, and do you have an opinion about the development from that perspective? If the housing were spread over other areas, would that change your opinion of the development?

DOMINIC HUGYIK: We just looked at the current proposal as it is right now at 20 units per acre.

COMMISSIONER HUDES: But in one area?

DOMINIC HUGYIK: No, we haven't.

COMMISSIONER HUDES: You didn't look if it were spread out over the other areas, as well?

DOMINIC HUGYIK: No, sir.

COMMISSIONER HUDES: Thank you.

CHAIR BADAME: Thank you. Susan Freiman, Roy Moses, and Ed Morimoto.

SUSAN FREIMAN: Hi, my name is Susan Freiman, 17380 High Street. Mom of two kids in Van Meter.

Same issues. I won't go over it. We all hate it. Brass tacks, from what I've read and what I've been looking at it. Thank you to Town not City for keeping us educated.

RHNA; we're being sort of forced between a rock and a hard place. Our town wants to keep the way it is, and it sounds like Sacramento and the powers that be, SB50 and the RHNA numbers, are pushing us where we don't want to go, if I get this correct. It sounds like we're not the only town there. It seems to me that there are communities… I heard stories of Los Altos or Hillsborough writing the check and paying the fine. It sounds like we're all letting these developers frame the argument and push us. We have to build it. We have to meet these numbers. Who's saying we

have to? And what are the backup plans? What are the alternatives? That's really all I have to say.

CHAIR BADAME: Thank you. Mr. Moses.

ROY MOSES: Roy Moses, 16529 La Croix Court in East Los Gatos.

I was here at the last Planning Commission, and Commissioners and Chair, thank you for all the work that you do. As you know, this is a very serious issue; along with the last one we were here for a couple of weeks ago on Shannon and Los Gatos Boulevard.

My comment to you was, and I'm saying it here again tonight, that I'm into beauty. I'm so fortunate, and our families and everybody here, to live in Los Gatos. Been here for 47 years, raised five children, and I know our grandchildren are not going to be able live here, and that's just the way progress goes. But fortunately we have a chance to save the beauty of this town, and we're counting on you to listen to all these comments.

I'm very upset about the comments that were made by the attorney, because obviously some things are already in place that might make it very difficult for us to make some of the changes that we feel are very necessary. So I'd like to know from you, do you think that all of us here

tonight speaking have a chance of changing the progress that has been made to this point? Anybody?

CHAIR BADAME: Are there any questions?

ROY MOSES: I'll pose it to the attorney.

ROBERT SCHULTZ: This is the public comment period. It isn't time for questions and answers.

CHAIR BADAME: We do have a question for you from Vice Chair Kane.

VICE CHAIR KANE: We're only allowed to ask questions of the speakers. Did you know that there is a lot of water under the bridge, and what we did on Shannon was by a different set of rules than we have tonight? Tonight is a ten-year developed North 40 Specific Plan; that is the law. As the Town Attorney said earlier, I love the Hillside Standards law, and I need to learn to love this law; I don't have an attractive choice.

A lot of this is a done deal, but not a lot of it. There are still things we can do. If you read the Staff Report, we have a narrow corridor, and when we finish the public hearing and the Applicant has had five minutes of rebuttal, then we will actually get into the case and discuss what we can and can't do on the legal, narrow corridor that they've given us. Thank you.

CHAIR BADAME: Commissioner Hudes has a question for you, as well.

ROY MOSES: Is this cutting into my time? I do want to finish.

CHAIR BADAME: No.

ROY MOSES: Thank you.

CHAIR BADAME: He'll be given his full three minutes.

COMMISSIONER HUDES: Thank you. I wonder if you have some comments that could help us in terms of are there some ways that this application is not consistent with the General Plan or the applicable law that we have to apply there? That's really what I'm trying to listen for from every comment, and to recognize where there is some ground for us to look at the application versus the zoning, the Specific Plan, the General Plan, et cetera.

ROY MOSES: No, because most of the public and this audience I don't think really have gone to meetings before. This has raised the hair on our backs about what's going on, and I already apologized to my kids, my grandkids, and all the other people that I was not here ten years ago, or eleven years ago, to see really what was going on, and to fight this thing tooth and nail. So our job right now is to take it from this point and do whatever

we can to mitigate and minimize what is going to take place.

The Yukis have a right, and all the property owners have a right, to do what they like, but this is a community, and like I pointed out last time, it says the "Town" of Los Gatos. This is not a city, and we don't need this type of ugliness taking place.

Now, you can drive through town… But you can't drive through town anymore. I've been here for 47 years. You cannot keep putting more people into a smaller box without killing us and suffocating us, and that's exactly what's taking place, so this project over here has to be minimized. It has to be minimized. You have to listen to the people of this community.

It's unfortunate that things have already been done that kind of say it's too late, buddy, you showed up too late. So time is of the essence. This whole Bay Area right now is in congestion and it is in gridlock, and it's going to continue that way, because it's such a great place to live, and because we are the brains of the world and high-tech business, and we are all coming here, and everybody wants to live here, and they're paying the prices to buy real estate to do that.

One other comment I'll make, I just found out today that you can buy a house in the east part of Los Gatos that has Campbell Union schools, or Union Elementary School, and you cannot send your kids to Alta Vista grade school; it's been closed. You cannot send your kids to Union Middle School, because it has been closed.

These people are moving into Los Gatos and they don't even know, because it's just coming about right now, they'll have to go and transfer their kids and travel farther distance to take their kids to school, which is going to cause more gridlock. Who in the hell is planning around here? Who is planning for the future? Nobody.

CHAIR BADAME: Please allow Mr. Moses to finish up. He can't speak with the clapping going on.

ROY MOSES: I'm not going to live long enough to see what's going to happen, but I'm going to do whatever I can do to make sure that this community tries to stay at least at the level that it is right now. We cannot continue on this path.

And attorneys can do whatever they want to do, but listen, you better make sure that the public is aware. And I let the ball drop. I let the ball drop, because I did not come to those Council meetings, and I'm kicking myself and I will for the rest of my life. But you're going to

hear from me in the future, and you're going to hear from the rest of these people.

I thank you for all you do, but all these people are working behind our backs and not realizing what's going to take place; they're going to hear from us.

CHAIR BADAME: Don't go away. We might have a question for you. Are there any further questions for Mr. Moses? There is none. Thank you so much. All right, Mr. Morimoto.

ED MORIMOTO: Good evening, my name is Ed Morimoto and I live at 460 Monterey Avenue. I'm a long time resident, a proud graduate of both Fisher and Los Gatos High, and a homeowner for over 20 years. As some of you know, I am also a member of the Yuki family, one of the North 40 property owners.

While I have more than a casual interest in this development, I also have had a front row seat to the North 40 public process, and certainly have attended more than my fair share of hearings in these chambers. Mine surely is but a fraction of the time and effort invested in the North 40 by dozens of consultants, Town Staff, elected and appointed officials, and thoughtful community members such as those here tonight.

For those first made aware of this development by the orange netting, I imagine it's hard to fathom, let alone appreciate, the eight years invested in getting us to this point. Work put in not only by Town government and the developers, but by citizens of this community participating in committees to advise the Specific Plan or Housing Element, stepping up to join commissions such as this one, or by organizing community groups like the Los Gatos Community Alliance who stand for sensible Town policy.

Even those of us close to this process have likely only experienced a fraction of the hundreds, if not thousands, of pieces of public testimony, the reams of impact studies ranging from traffic, to schools, to downtown businesses, or the hours of debate on topics such as meeting regional housing needs, the placement of residences on the site, or the adequacy of traffic mitigations.

Now, I mention this not to deter anyone from voicing their opinion tonight, for the first time or the fiftieth, for or against. I do so merely with the hope we can all appreciate the breadth and depth of the discussion that has gone into the future of my family's orchard, and perhaps be open to the idea that even if this plan doesn't align to one's wishes or beliefs, it is one whose

compromises are the product of thoughtful and earnest effort.

As some may cry unequivocally that the North 40's density and scale are not consistent with the Los Gatos look and feel, I'd ask that they consider where our town might be if our forebearers had been as uncompromising. Many of us live in homes that were only farmland when my family first arrived just 75 years ago. And how vibrant would Los Gatos be without 17 and 85, roads carved out of our orchards to connect us to our jobs, and to bring customers to our businesses?

As we face a genuine housing crisis, responsibility for which neither cause nor cure stops at our town limits, isn't it possible, just possible, considering thoughtful, selective use of higher-density over our traditional, sprawling, car-centric approach just might give us a better change at preserving our quality of life?

But my time runs short, so I'd like to close by thanking you for the challenging task you are now undertaking, and express my faith in your ability to consider the full breadth of this eight-year journey, as well as input you are hearing here tonight. Thank you.

CHAIR BADAME: Thank you for your comments, Mr. Morimoto. You do have a question from Vice Chair Kane.

VICE CHAIR KANE: I have to make this a question. Do you know that we thank you for attending, and we thank you for your family's contribution?

ED MORIMOTO: Thank you for saying so.

CHAIR BADAME: All right, we are on target to hear from all of you tonight, however, for now we are going to take a 15-minute break.

(INTERMISSION)

CHAIR BADAME: The next three speakers will be Olga Smith, Sivia Van Gundy, and Maryellen Burr.

OLGA SMITH: Identity is very important to me. My full name is Olga Encisco Smith. Madam Chair, Commissioners, thank you very much for your work for our town. I'm very nervous, because I haven't spoken in a long time in a place like this.

The developers, I believe, are going to destroy the small town character of my community, which is Los Gatos. It's mi casa.

I moved here in 1971, so that's about 43 years ago. In 1974 I opened a small folk art store in Old Town. Old Town kept that character, so there were small retailers there that made their things. Then Los Gatos changed. We

brought in chain stores, and ten years later I had to leave my beloved business and move it somewhere else. But I still live here.

I live at 157 Holly Hill Way, which is a cul de sac from Garden Hill, which is two blocks from Lark Avenue. I've been in that house for 43 years. I love that area. I love the community. I love Vasona Park; I walk there every day. My son is lower down the hill; we had parties. I participate in the PTA at various schools: Van Meter, Los Gatos High. I did fundraising events for their Week of Mexico in downtown Los Gatos with the support of this beautiful town.

For me it is very sad to see those orange things there. I wish I had participated before, but really, my life for the last 45 years has been very active, very full, running all over the place.

This community came together when we had the earthquake, and we rebuild from there. My husband was injured in the quake of 1989, he broke his back; he was coming home from Berkeley. So I know what the community and how home is.

We used to pick apricots down Oka Road. Those apricot trees are no longer there. My son lives here. He

said, “Mother, don’t sell the house.” My husband died two years ago. What am I going to do? I want to stay here.

This massive development will be (inaudible) and cause serious injuries to our citizens. I have here a police report. The police report says traffic collision report. I was hit by a car that was speeding when I was walking here. It happened on December 21st of last year, just before Christmas. I was shopping at Trader Joe’s and pushing my shopping cart, and a car is speeding and hit me. If I didn’t scream he would have ran over me. Because I screamed he put his brakes on. I have a bad back. I am here since 6:00 o’clock.

CHAIR BADAME: Ms. Smith, I’m sorry, your time ran out, but we appreciate your comments.

OLGA SMITH: Thank you very much.

CHAIR BADAME: Thank you so much. Sivia Van Gundy.

SIVIA VAN GUNDY: Hi, I’m Sivia Van Gundy and I’m at 3 Kimble Avenue. Good evening, members of the Commission. I really appreciate the hard work that you’ve been going through, and being my fellow neighbors, I really appreciate that. You are all my neighbors here in the Town of Los Gatos. I’m not going to address the people behind me at all, but thank you, as well.

It sounds like a lot of things have been done, and I've lived here for 15 years, so part of it is my bad for not participating in the development of the North 40 Plan. But I have a couple of suggestions.

I agree with everybody about the size and scope of this development, and how it is totally out of character with the Town of Los Gatos. I live on the hill up here in an 1892 Victorian, and I've spent the better part of those 15 years restoring, with love, that Victorian and keeping it within the character of the community that was originally developed by the founding parents of the Town of Los Gatos.

I would suggest to the Planning Commission, and Mr. Schultz, I'm not sure how to do this, that we go back and we investigate the EIR. The Environmental Impact Report, I don't know for sure when it was passed, but it sounds like it's out of date with the recent developments, and to say that there's going to be no effect on our schools and no effect on our traffic is ridiculous.

Right now my son is at the Los Gatos High School, and we were told that it is so impacted that they are adding trailers, and trailers, and trailers. We also have been through two remodels of Van Meter Elementary School. I don't know where they're going to put these kids.

To use the phrase that this is being built for millennials, well that's great. Yes, there was an accurate statement: Millennials are the single largest population cohort in the United States today, because while I was sitting here I looked it up at the U.S. Census. Millennials, by the way, are people born between 1982 and 2000. That means some of the millennials are 34 years old, and to say that they will not have children while they are living in this monstrosity and have to send their kids to school is an outright lie. They are 34 years old.

That being said, I would like for us to figure out a way for the Planning Commission and the peoples of Los Gatos to go back to the Town Council and ask that they revisit the EIR. Thank you very much for your time and consideration.

CHAIR BADAME: Thank you for your comments. Maryellen Burr.

MARYELLEN BURR: My name is Maryellen Burr; I live at 85 Roberts Road, and I've lived in Los Gatos since 1985.

I just wanted to restate my concerns about the impact on the schools, and I would like to see some discussion with the planning about which schools these students will go to, and how those schools will be able to

accommodate those news students. I don’t want that issue to be ignored. Thank you. Good-bye.

CHAIR BADAME: Thank you, and good-bye. Hello, Dick Glift, Anne Marie de Cesare, and Tom Thimot. I hope I’m pronouncing names correctly.

ANNE MARIE De CESARE: Hello, my name is Anne Marie de Cesare, and my family and I just moved here from Campbell, specifically for the schools. We purchased new construction on Los Gatos Boulevard at 236 Los Gatos Boulevard, and it’s a Craftsman style that fits in with the style of the avenue.

I just want to read a letter that I sent—and missed the cutoff—so it can be added to the record.

My family and I are in favor of a limited development and historic preservation of a large part of the currently undeveloped Los Gatos North 40 orchard and historic buildings, and we suggest at least half of the orchard and all the historic buildings are set aside as a public open space and child friendly museum.

As I understand it, the original plan approved by the Los Gatos Council last year called for 270 housing units on 44 acres, and after plan approval the project was redesigned to compress 320 housing units onto 22 acres, and added low-rise, low-income housing and 435,000 square feet

of commercial space, and that the Los Gatos Town Council communicated the development Guiding Principles to look and feel like Los Gatos; to embrace the hillside views, trees and open space; address the Town's unmet residential and commercial; and mitigate impact on the Town infrastructure, schools, and community services. But these Guiding Principles were ignored in the development plan after approval.

The look and feel of the 35' low-rise apartment complexes, and the 435,000 square foot mall, and the 320 high-density homes do not conform to any of the Los Gatos Town development Guiding Principles, and put a strain on the Los Gatos Union and Los Gatos Saratoga joint high school districts.

Please do not approve the North 40 development project as it exists, but rather change it to something that would preserve the historic orchard and implement smaller scale development that would support rather than strain the Town infrastructure, schools, and community services.

Specifically, my family and I are opposed to the current Los Gatos North 40 development plan for the following reasons: 1) Traffic is already very congested

after 3:00pm on 17 South and Los Gatos Boulevard. 17 South and Los Gatos Boulevard would be…

Oops, I have to skip to my last two questions, because I'm running out of time.

Here are some questions the Town should consider before moving forward with any project approval: Has the Town Council considered if the tax dollars collected from the new development would adequately offset the additional draw on Town resources? Would rental property owners contribute a share of tax dollars proportional to those homeowners to compensate for more students in the middle and high schools? Would the existing elementary schools even be able to accommodate such a large increase in enrollment?

There's more, and I'd just like to submit the letter. Thank you very much for your time.

CHAIR BADAME: And thank you, Ms. De Cesare.

DICK GLIFT: Good evening, my name is Dick Glift; I live at 17670 Tourney Road in Los Gatos; been here for 37 years.

Things have changed since we got here tonight, finding out that this plan doesn't look like it can be varied very much right now, so I'm just going to make general comments to the whole situation here in Los Gatos.

Everything in this town is completely stressed out, from schools, to parking, to driving on the streets, and I don't see how you can justify putting another project in like this that is going to have an impact on everybody, and you can see most of the people in this town don't want it, period. I think you need to go back with your attorney and figure out a way to stop it.

Bottom line: no more development. We've come to the limit in this town. You've got to start scaling back. We just can't live on every square inch of this town, and have a car on every square inch of the street. You can't park anywhere now.

I know you guys are doing a good job. I don't mean to lay it on you guys, because you're trying to do a good job, but things need to change.

CHAIR BADAME: You can lay it on us. We'll listen. Thank you. Thank you for your comments.

TOM THIMOT: Hi, while I'm pulling up my talk here, could you put up slide 16 of Don Capobres presentation, please? Thank you.

Tom Thimot; I live on Johnson Avenue. I also co-founded a group with my neighbor, Rod Teague, called Town not City.

Like many of the people that have spoken here, I was asleep for nine of the last ten years. Got a lot of things going on. I ran a little thing called LGEF for a few years to raise money for the Town schools. I'm very involved in the community, sat on Parish Council at St. Mary's for a while. We all have lots of activities. I honor your contribution sitting on the Planning Commission. We all do certain things.

Unfortunately, it's not until big story poles go up that we all realize whoa, hold on, what is this? And I get it. Since we started Town not City we now have 2,900 people on the site that are followers of it. When we make posts now, 50,000 people click on them and view them; those are Facebook's numbers. 20,000 share our posts. 20,000. It's geofence; we only allow people that are either from Los Gatos, live in Los Gatos, or are geofenced in Los Gatos, to have those on their phone and their newsfeed.

When we did two SurveyMonkeys, 91%, over 1,000 people… When they poll people for the presidential elections, 1,000 out of 30,000 is considered a very viable sampling. Ninety-one percent say they don't want this. Do you know the number one reason they cite? Town character. They cite traffic and the schools and everything else.

I realize that now we have the traffic and schools impact, thanks to a statement of overriding consideration, as Mr. Schultz will tell you, you really can't do anything about it. You hear the snickers in the crowd. Everybody knows it's a joke. We're going to have our schools overwhelmed. We're going to have our roads crowded, but you can't do anything.

But like a jury, you're akin to a jury right now, there are subjective things in that 330 pages, or however many pages it is, there are subjective things like is this Los Gatos town character? Subjectively, you can say no, and that is your job as the Planning Commission. You can't override the EIR. You can't change the law, which is the Specific Plan that was passed by a 3-2: Sayoc, Rennie, and Marcia Jensen, those three, 3-2; that became law.

But there are subjective parts of that. Stand on those, and say no to this. You have the ability on the subjective parts of this plan; Mr. Schultz can coach you on that. Say this is not Los Gatos, this is not San Jose, this is not Santana Row, and this is not what we all moved here for. Thank you.

CHAIR BADAME: We appreciate your comments. All right, Kelly Havens, Dr. Joan Oloff, and Susan Burnett along with Joanne Rodgers speaking together.

DR. OLOFF: I'm Joan Oloff; I live with my family at 105 Sund Avenue in Los Gatos, and I work with my other family at 15047 Los Gatos Boulevard, where I'm managing partner for Los Gatos Medical Office Center.

Development is inevitable. None of us like it. My request is to do things mindfully and thoughtfully.

I have a very personal interest for myself and patients in our building, and that has to do with we have a left-hand turning lane into our building now, and when we developed our property, as some of you may remember 11 years ago, this was allowed to happen. Although it's been wonderful for us, it's actually had a secondary issue, and that's it decongests Los Gatos Boulevard to a degree, because as you probably know, because I deal with it every day, the congestion on Los Gatos Boulevard has been horrendous, and as was brought up earlier by one of the nurses, it becomes a real safety factor for us, for our patients. We have emergencies that happen in the building, it's just inevitable when you're dealing with patients. EMS comes in, and these guys can't get to the hospital if they can't access across Los Gatos Boulevard.

I really would like to put it on record to say this is not just an issue for site development; it's not just an issue for visual impact. It has to do with the

safety of our citizens, and it's something that needs to be dealt with not only for now, but long-term. There has been some suggestion that it's a short-term thing. It really should not be a short-term thing.

If you go back and look at some of the environmental impact reports that were done, interestingly enough even the developer's own traffic reports recommended keeping it. Any changes that should be done to Los Gatos Boulevard should really wait until you have the access all the way down to Samaritan Drive, because if you piecemeal this it's just going to be a disaster. Right now it's already congested, and if we do these changes now and don't allow for this, the congestion is going to be horrific. Thanks.

CHAIR BADAME: Thank you, Dr. Oloff.

JOANNE RODGERS: Good evening, I'm Joanne Rodgers from 15287 Top of the Hill Court.

SUSAN BURNETT: And good evening, I'm Susan Burnett, and I live at 85 Ellenwood.

JOANNE RODGERS: This is a role-play of what we're dealing with in Los Gatos today.

SUSAN BURNETT: Hi, Joanne. I haven't seen you for a while. Want to come over for a cup of coffee? We can discuss what's happening in Los Gatos.

JOANNE RODGERS: Sure. What time would work for you to have me come by?

SUSAN BURNETT: Oh, it would be best if you could get here by 10:00, because you'll have a problem getting to my house after that time. You know, they've been closing off Massol and Ridgecrest because of the traffic unless you live in the neighborhood, because 85 gets congested, so traffic uses Highway 9, and then they cut through my neighborhood to get to Highway 17.

JOANNE RODGERS: Oh, but Susan, I can't come before 10:00am, because there's a line of traffic trying to turn left off of Kennedy Road and onto Los Gatos Boulevard, and when the light turns green the cars can't move, because it's so blocked up on Los Gatos Boulevard, and I can't turn right on Los Gatos Boulevard before, but if I could, I'd be stuck in the Van Meter traffic, and even worse, in the parents dropping off their kids at Fisher.

SUSAN BURNETT: Gosh, Joanne. Well, if you can make it to Highway 9, but don't use North Santa Cruz Avenue, it's a parking lot, just make a U-turn and use the parking lot behind Hult's Restaurant, or try University Avenue, because the problem will be trying to cross North Santa Cruz Avenue to get up to Ellenwood.

JOANNE RODGERS: I don't think this is going to work, Susan. I can't make it to your house without getting in a traffic jam, and we can't meet downtown, there's too much traffic and there's no parking.

SUSAN BURNETT: Well, why don't we meet in Saratoga? Can you avoid the traffic to get to a Starbucks in Saratoga?

JOANNE RODGERS: Well, let's see. If I take the back way down Kennedy Road to Shannon Road, I could cut over Short Road, then cut through Cherry Blossom to Los Gatos-Almaden, then I'd turn right on Los Gatos Boulevard. Well, I'd try to, and then I'd try to turn left on Lark, and then left on University onto Daves. The hard part will be crossing over. Oh, no. All of those roads are going to be overcrowded even before the North 40 and Dell and Oka are developed.

Susan, Joe and I have lived here 43 years, and you've lived here most of your life. Have you ever seen such disregard for the citizens of Los Gatos and our families?

SUSAN BURNETT: No, and I guess it makes you wonder why the story poles are incomplete. Did they not want us to see and visualize how large the Phase 1 project

is? What about Phase 2? And I understand there's actually a Phase 3.

CHAIR BADAME: We've got to finish up real quick.

JOANNE RODGERS: Okay. I think we need to change the logo up there. That shows a lot of green orchards leading up to our beautiful hills, and it has to be all covered with homes and condominiums and commercial.

CHAIR BADAME: Thank you. Thank you, ladies. All right, I called Kelly Havens. Is she still around? No. All right, Jan Olsen, Amy Despars, and Wayne Scott.

JAN OLSEN: Hello. Good evening, I'm Jan Olsen; I live at 15189 Lester Lane. I live directly behind the Office Depot, which is on Larkspur, which is directly across the street from the North 40.

We moved here in 1994, and the Office Depot at that point was a Nissan dealership lot that was just nothing, because they had been out of business. Office Depot was looking to build there, and I became part of the charrette, which had ten or twelve teams of ten people looking to see how we envisioned Los Gatos Boulevard. We knew Los Gatos Boulevard was going to be a gateway coming off of 85, and at that point we were how are we thinking this to be? And all the way up Los Gatos Boulevard became the Los Gatos Boulevard Plan.

One of the things is it had to be pedestrian friendly. We really didn't want chains, but now look, our town is full of them. Maximum height of Office Depot was either 25' or 35', because we did not want it overbearing. It needed to be pedestrian friendly. Every team had a suggestion for the North 40, and none of them looked anything like this. They were all open spaces, or parks, or soccer fields, or little retail for the north people.

I have to tell you, this is not what I'm seeing at all. This was in the works 20 years ago. I have been going to the meetings since the Committee and the Town Council and all that. I understand that you can't deviate from the Specific Plan, but I think what we need to do is go back to the Town Council and have them change the Specific Plan. We need to go back to that level and have them fix this.

A couple of things. I think the model is very deceptive, and I've pointed this out. All the open spaces on the north end that show trees and open space is not going to be. That's all part of Phase 2. We do not know what Phase 2 is going to be. I suggested they mark those trees and open spaces with little cards labeled Phase 2, just like they have everything else labeled, but it still

hasn’t been done, and it’s not going to be what it looks like, folks.

I would like to see and hear what Phase 2 entails, because that’s the whole thing. The 400,000 square feet of commercial space, and the proposed hotel, and all the other. I want to see the whole thing, not just this all crammed area.

I was told the senior move-down housing would have been three stories, but it was denied, and they can’t put an elevator into two stories, so therefore they’re not going to have senior housing.

If they’re going to doing neighborhood-serving businesses, they need to ask us what we want, because nobody has come to our neighborhood, and we are directly behind. We’re closer than the people behind the Rotten Robbie.

CHAIR BADAME: Thank you. Thank you, Ms. Olsen.

AMY DESPARS: Hi, my name is Amy Despars, 267 Longridge Road.

I actually stood here a month ago in front of you, and I am truly sorry that you’ve had to deal with all of this, because this was ten years ago when most of you were not on the Planning Commission.

I did hear someone say that it is water under the bridge, but when this started—unfortunately, I was not sleeping ten, twenty years ago—as Jan reminded us, there was that General Plan for the Los Gatos Boulevard that we all worked on. This didn't fit it. Ten years ago there wasn't the Gateway Medical Building, the Bluebird Lane, the Laurel Mews, Panera. Those are all the things that I've stood up here and talked about. Where is the growth? Where is the vision of our town? I've been standing up here through all these developments over the last 20 years since I've lived here. I'm wondering what happened to that General Plan for the Boulevard. Where's the General Plan that addressed traffic, housing, retail? Gateway, right where the new Stanford development was supposed to have some commercial retail space in it; it is medical. We did not want that in our neighborhood.

So I'm standing here in front of you. I feel bad that you have to clean up these pieces, but we need to bring back the General Plan, and as Mr. Thimot says, speak with your attorney, figure out a way that we can make this work and fit our town. You are the stewards of our wonderful town. You hold the future of our charming town in the palms of your hands. You can either keep Los Gatos wonderful, charming, historic, family friendly, a true

community, a place where people want to come and retire, or come and raise their families because of the schools, the resources, the history, the supportive community we live in.

Or, you can choose to turn it into a small town that resembles a developers dream come true, a mini-city with a lot of houses and buildings crammed into small lots just so the developer can fill his pockets at our expense, a place with lots of traffic, and an even more frustrated group of people who will want to move away because they are tired of it taking 30 minutes to get from one side of the town to the next.

We voted for you to make decisions that will enhance our community, not jeopardize our town's infrastructure, schools, and community services. Please listen to the people of this unique town and do not feel you owe the developers anything. We live here. We love this town. We have a commitment to making it the best it can be, as do each of you.

Just because the Applicant is asking for the maximum development standards does not mean you have to accept the application. I encourage you to use the minimum required standards.

There is no specific timeline established for the North 40 Specific Plan, so I encourage you to take your time and look into every aspect of this project and make sure it will fully fit, and as it says, celebrate our history, agricultural heritage, hillside views, and small town character. It is respectful of precious community resources and offers unique attributes that enrich the quality of life of all of our residents. That is what the North 40 needs to represent; it's written right there. Thank you.

CHAIR BADAME: Thank you, Ms. Despars.

WAYNE SCOTT: Hello, my name is Wayne Scott and I live at 108 Magneson Terrace in Los Gatos.

This is the second time that I've spoken in front of this body of fine folks. It's been an education; each time I come here I learn more, and I appreciate now just this evening the constraints that you all had to deal with.

Last weekend I was at a Persian celebration with a bunch of people who came from all around, and we got to talking about where do people go for dinner and things like that, and it's interesting that two of the couples there said, "We don't go to Los Gatos anymore," and I said, "Why not?" and they said, "Well, the traffic. It's just not a joy to go there, so we go to other places now, because it's

just to get there and to find a place to park." And I'm thinking, we haven't even added these additional homes on here. It's interesting that people are becoming aware of the issues we're having down here, and they're making some decisions about where they want to do business, and traffic is part of the equation for some of these folks.

There have been so many things that were brought up tonight, it's hard to add anything to what has already been said, but one thing I have in particular is traffic. The traffic is just incredible going down Los Gatos Boulevard. I commute to go down the Los Gatos and try to get on 17; it takes me a couple of lights. Coming back is also a lot of fun.

So I see the plan over here, and this A street. I mean all the residents are going to come in and out of that, off A Street onto Lark, and I'm thinking holy cow, how are people even going to get out of that place, because there's no light? Then we have all these people coming down, all getting to Lark, trying to get on 17. It just seems like they're not going to be able to get out, or something is going to happen.

Then I was looking at this EIR report, and there's also something back here that's I guess is Exhibit 3. It says, "Conflict with the applicable congestion

management program," and then it says, "Less than significant impact with mitigation measures incorporated." This just doesn't make sense that that's the case with adding…

Oh, in the report, something about, "3,819 average daily trips." Well, they're going to go someplace. This is just not correct. This EIR report just needs to be reviewed.

CHAIR BADAME: Thirty seconds more.

WAYNE SCOTT: Oh. I guess I have nothing else to offer, but the EIR report doesn't reflect reality. That intersection down there is just a terrible situation, and these houses are going to make it worse.

I think a couple of suggestions. Spread the things out over Phase 1 and Phase 2. We need houses here, that's for sure, but boy, to put them all in that one location just seems like it's going to be a disaster for all of us. Thanks.

CHAIR BADAME: Thank you for your comments. Rod Teague, Jim Bennette, and Diana Pleasant.

ROD TEAGUE: Rod Teague, Johnson Avenue, and thank you for hearing us today.

One of the things I want to point out here is earlier it was brought up by the developer that the

Specific Plan wanted the housing in the Lark District. So here is your Specific Plan, and here, I'll read a couple of things.

Lower intensity residential, it asks for cottage cluster housing, which is generally characterized by detached housing, which is probably the only housing that is semi in character with Los Gatos, but this plan doesn't have any cottage cluster housing.

If you go to the other districts, you've got the Transition District, which I think there might be a little bit of housing on. I know there's not much, if any. It does call for residential, including condominiums, live/work flats, multi-family flats, multiplexes, and row housing.

And then we get to the Northern District, which it also calls for housing.

So this is our Specific Plan. This is the rule. This is the guideline that we made. What I want people to know here is that the Specific Plan is yours. It's not theirs, it's not the Council's; it belongs to us. It has maximum on there. It has maximum homes. We don't have to go to the maximum homes; it's kind of irrelevant. We need to accept a plan that fits in with the look and feel of the community.

The Specific Plan did a horrible job defining what the look and feel of Los Gatos is, because I think most of us here would say the look and feel is probably like our historic area. If you go to the Northern District on Los Gatos Boulevard, you'll see a lot of tile roofs, you'll see a lot of Mediterranean style housing, so we're going to have this entire contrast.

I think what everybody needs to realize is don't buy into the scare tactics. I hear the developers using things like RHNA, and we're going to get our municipality seized by the state. That's happened in one case, in Pleasanton, and that's because Pleasanton gave them the big what-know-what-I'm-talking-about.

We're standing on the tracks right now. We're staring at a train coming down the tracks, and we can do something about this, but we have people telling us to look at the pretty meadow on the side, so I think it's time for all of us to step off the tracks and do something sensible and reasonable, so don't accept this current application, please.

CHAIR BADAME: Thank you, Mr. Teague, for your comments. We have a question for you from Vice Chair Kane.

VICE CHAIR KANE: You mentioned Pleasanton getting in trouble for what? Not abiding by the Housing Element?

ROD TEAGUE: Yeah, they didn't…

VICE CHAIR KANE: How did they get in trouble?

ROD TEAGUE: Well, they basically told the state we're not going to provide low-cost housing. I don't think that's anything Los Gatos ever intended to do. We chip off our low-cost housing when we can, and I think if the state sees that you're making an effort there's no reason for the state to come after us. But this has been used as a scare tactic all the way through.

We can do something sensible on the North 40. Put 100 units on the Los Gatos School District side, put another 100 units on the Campbell side, and we can make it high-density. Put 200,000 square feet of commercial in the middle to serve the community. We're not serving just the community by putting 501,000 square feet of commercial, we are serving the Valley, and we're turning it into a strip mall. You point your finger in any direction and you're going to see the same strip mall.

VICE CHAIR KANE: Mr. Teague, I didn't mean to reopen your presentation. My concern is that I know of a municipality that told the state no, and runs the risk of

losing state funding, and then they were successfully sued by a watchdog agency of civilians for not conforming with the Housing Element. California has to provide housing, and municipalities resist that sometimes, because the requirements are pretty severe, and in the case I'm familiar with, when they resisted, it wasn't the state that got them, it was a watchdog agency that successfully got them, because that's one of the Swords of Damocles over our head. That's the end of my question.

ROD TEAGUE: Okay, thank you.

CHAIR BADAME: Thank you, Mr. Teague. Jim Bennette.

JIM BENNETTE: Sick to my stomach. That's what I felt when I walked in here tonight and I saw that model. Sick to my stomach.

My neighbor—I live on Johnson—spent two-and-a-half years extending his house from 1,000 to 2,000 square feet on a 9,000 square foot lot. And you let that go through. Sick to my stomach.

I can't believe you'd let this go through. I look at you people and I see you've already made up your mind. I'm proud that our town has come out here to fight, but you've already made up your mind. And if you let this go through, this board will not go down as something great. I

don’t know what your motivations were for signing up to do this, but you’ll go down as the people that destroyed my town. Thank you.

CHAIR BADAME: I have a question for you, sir. Actually, probably a statement.

We have not made up our minds. We are here to listen to all of you. We are reading material. We writing copious notes. We have not made up our minds.

JIM BENNETTE: Fair enough.

CHAIR BADAME: I want you to know that.

JIM BENNETTE: Fair enough, but that’s my opinion.

CHAIR BADAME: You’re entitled to it. Thank you. All right, Diana Pleasant.

DIANA PLEASANT: Diana Pleasant, 814 Bicknell, Los Gatos; a 44-year resident of Los Gatos. Taught at Los Gatos High School for 29 years, and I’m retired.

I just have a simple point that I wish you not to overlook, and that is I heard the City Attorney and the Council and developers say that they’ve reached agreement with the Los Gatos School District, and that’s wonderful, but no one has remembered that there’s another school district, and that’s the high school district. It would be nice if the benevolence of the developers took that into

consideration also. They're already overfull, so if you'd put that on your agenda, I'd appreciate it. Thank you.

CHAIR BADAME: Thank you, Ms. Pleasant. We appreciate your comments. Jayne Sonnenschein, Roberta Goncalves, and Peter Dominick.

JAYNE SONNENSCHEIN: Good evening. Actually, good night, I guess. I'm Jayne Sonnenschein; I live at 239 Plaza La Posada. I live in the west-northwest part of Los Gatos and I've been a taxpaying resident since 1991.

I did participate in some of the activities about what was going to be the future of the North 40. It wasn't until I saw the story poles that I really understood this wasn't what I thought we were talking about. It reminds me of what's happening at Stevens Creek right now in our neighboring city. The difference is Stevens Creek isn't bound by freeways on two sides.

As a resident in my community, Saratoga and Monte Sereno border me. I have to use Lark to get across and support the merchants on Los Gatos Boulevard, to use the medical care that's there and the hospitals, and they've all been used in the years I've lived here.

The thing that's not being thought about with the traffic is there's no question that Lark Avenue and Los Gatos Boulevard will be unusable. Unfortunately, my access

to Highway 85 is on that route. It's also the same route that Netflix access is going to be, because there's a limit to what we can do on Winchester, can only go northbound. In order for me to use Highway 85, I have to use this thruway, which is the same access point that the houses are going to be using as well.

The density here I think is appropriate for the full 40 acres, not for the part that's just being presented.

I believe that there are some inaccuracies about the number of cars that will be used on the properties. I know millennials usually team up in housing, so a two-bedroom house could have four people living it in, and each of those has a car. I know a one-bedroom house certainly would have two cars.

This is going to be a parking lot, and it's going to be the kind of parking lot that there really isn't enough parking. We've all experienced what happens at Whole Foods where someone races because that one spot is available. There are going to be issues with just the residents in the property trying to park their cars, because there won't be enough spaces for the number of cars and the density of the project.

In addition, I am going to have to divert… There's a large neighborhood that I'm in. We're going to have to go down Winchester, down to North Santa Cruz, also Quito Road to Highway 9, which is already difficult; those roads can't really be widened much more. Daves Avenue had a big issue with traffic. But our traffic is going to have to go down there, because there are going to be times that the gridlock is so bad on Lark that we just can't go to Lark.

I want to close with saying as far as open space and vegetation, I would hope no matter what the size of this project ends up being that California native plants are part of the plantation that's considered in terms of trees and shrubbery, and that easements are not open space.

CHAIR BADAME: Thank you very much. Thank you.

ROBERTA GONCALVES: My name is Robert Goncalves; I live at 16100 Jasmine Way in Los Gatos. My husband and I did sent an email today, but we didn't know about the 11:00am deadline, so I want to make sure we entered it on the record, and I just would like to read it.

Thank you, Planning Commission Chair and Commissioners for your work. I think nobody would like to be in your shoes today or addressing this, but we are grateful that you are and you are taking this seriously.

My husband and I live in Blossom Manor with our two young children and we are absolutely opposed to this development. We have both lived in Chicago before, and we both love a big city for what it is. We also enjoy Los Gatos for what it is, and it should never try to look and feel like a big city. One main reason we moved here is how beautiful and quaint this town is, the excellent schools it offers, and the look and feeling of small town living, while close enough to San Jose and San Francisco and all they have to offer, but without the challenges those cities face today.

The last thing we need in our town is another Santana Row. We already have one; it is in San Jose. Los Gatos doesn't need to try to become San Jose. We can drive about seven minutes and be at Santana Row.

Our town already cannot handle all the traffic going to Santa Cruz on weekends and throughout the summer with the current infrastructure and population. Adding the 320 residential units, plus the commercial development, and more families in town with that structure planned as is will only make it significantly worse. It will also make traffic around town and our schools worse than what it already is.

This addition would require more roads and more schools at all levels, not just elementary school, but middle and high school. There are no such provisions being proposed, and frankly, just buying land does not pay teachers' salaries and administrators' salaries.

The quality of life we all have chosen this town for, the great schools, decent amount of traffic, and the character and feel of the town is at stake if this project get approved as is. Again, we don't need another Santana Row. We don't need to become another "stop by the highway." We don't need more traffic. We don't need to overcrowd our already full schools.

We ask you to please say no to this development, start from scratch, go back to the planning, and try to listen to the residents. Thank you.

CHAIR BADAME: Thank you.

PETER DOMINICK: Hello, Peter Dominick, Blossom Hill Road. If you're not familiar with Blossom Hill Road, that's the street that everyone speeds down after they get stuck in traffic on the Boulevard.

I would like to reiterate what everyone else has said. I am very appreciative of having this forum. I'm very appreciative that you spend your time listening to what we have to say. I think many people said, on days like today

it almost seems like a thankless job, but we do thank you for giving us his opportunity.

One thing that has been made clear tonight is that the Specific Plan is the law of the land. That was said many times it seemed like at the beginning, and we were reminded that there is water under the bridge, we have certain things we have to abide by, and all of us who have been coming here trying to tell you how we think you should interpret that Specific Plan.

What was interesting though was that when the developer had their time at the microphone and they talked about the plan, they were challenged on their concept of what it meant to consider the hillside views. I think that’s one of the four key tenets that are in the Specific Plan, and forgive me for paraphrasing here, but what I heard from the developer was kind of a shrug of the shoulders and said, “Well, we did what we could.”

It feels to me like things have gotten a little bit confused where the people of this community are being told this is the law of the land, you’re going to have to live with it, but when the develops came up and were questioned about it, they kind of got away with saying, “Well, we did our best,” and no one really pressed them on this.

You know, they could pivot their design on a 45-degree angle to better compensate the views of the peaks, and maybe the would sacrifice some of the land and they wouldn't be able to put as many units on there, but is this about our community, or is it about their development? That's all I have to say, and thank you very much.

CHAIR BADAME: Thank you. Rhodie Firth, David Lawler, and John Eichinger.

RHODIE FIRTH: Rhodie Firth; I live at 15905 Orange Blossom Lane, which is in Blossom Hill Manor. I've lived there for 50 years.

I've been fighting this proposed development since the beginning, and it hasn't helped. I haven't been to the Planning Commission a lot, but I've been to the Town Council, and written to the paper a lot. I had prepared remarks for tonight, but something the initial woman from the developers said made me think there's something more important I should say.

Above five or six years ago the citizens of Los Gatos were invited to a meeting by the developers, and I don't know if it was SummerHill or Grosvenor, but there were women in charge of this, and they are almost always at the Town Council, but they're not here tonight, so I don't know if they're still employed by them or not. We had this

huge meeting with 50 or 75 citizens. They had big white pieces of paper that they glued on the wall and asked us for suggestions. They write down everything we said, and we were just dumfounded that a developer cared what the citizens thought.

Then they invited us, about a month later, to come back to hear the results of what we had said. There wasn't one, single word in their proposal that we had advised. They said, "Some people wanted some of the orchard, so we've planted trees here and trees there," and they had pictures. I don't know if they were these exact pictures, but they had pictures of the development.

So they knew when they asked us for our opinion that they didn't care about our opinion. I'm only saying that because I don't trust them. I can't trust them after that kind of behavior.

I should also tell you that today I went to the Lark Avenue car wash to get my car washed, and I had to go twice, because the first time I couldn't get into the car wash with the traffic. So this afternoon I went, I got in, got my car washed, and then I couldn't come out. I mean the traffic on Lark Avenue is just… I thought well I'll just have to sleep at the car wash. Finally some good citizen saw the problem and let us out. When they say the traffic

is not going to be impacted by this project, that just can't be. Thank you.

CHAIR BADAME: Thank you, Ms. Firth.

DAVID LAWLER: Hi, I'm David Lawler, 148 Potomac.

Just three points. This is the Planning Commission, I guess, so it's Los Gatos planning and risk.

First of all, you've heard a lot today about what Los Gatos is or isn't, and what it should be and what it shouldn't be. There's a character and a feel to town that you can get by living there. I don't consider myself a long-term resident; I've only lived here 22 years. My neighbor was born in Los Gatos; his parents grew up here. There are a lot of people who have lived here a long time.

Now, that's going to change, I understand that. But the town is actually about the citizens and what they want, how they feel about the town, and this town basically has changed. We've seen the traffic going up. We've seen development, like Bluebird Lane, that has high density, and we've seen what that has done to our traffic. So if that's what Los Gatos is, it's not that. It's the town that we have, and we've seen these new developments coming in, and we've seen the negatives that come with them.

The second thing is planning; this is what it's all about. There has to be a plan. There's the General

Plan, there's the Specific Plan, there's the North 40 Specific Plan. Then there's this plan. This plan is actually the South 22 Plan, not the North 40 Plan, because we don't know what the North 40 Plan is. This is a specific plan, but this isn't it. I don't know who was good enough to actually put up here what the three elements of the North 40 were supposed to be, but this doesn't meet that criteria. In case you need to vote on whether or not you're going to approve it, take that into account. But it actually isn't there.

If you look at it, what we have is there's a recommendation for schooling, not a requirement, in the Specific Plan. The schools are overcrowded, there's no doubt, nobody will deny that, and they're getting worse. We just passed a bond measure that is going to go and expand the high school. It's expanded out the middle school, Fisher, twice, and we're going to have to do it again. We're going to pay.

That leaves the third part, though, which is risk. There's Los Gatos, there's planning, and there's risk, and the risk here is asymmetrical. Asymmetrical, and (inaudible) the developer will take the profits. Figure $1 million dollars a unit, $250 million. Take the profits, $300 per square foot to develop, lots of money. They're

gone. They don't even live in the town. We will be stuck if their estimate of traffic is wrong.

Do you know what their estimate was? I was here a month ago, and I said, "How many cars do you expect in this development?" the one right here. One hundred and three I think is the number. I may be off by a couple. One hundred. That's insane. I've got 30 seconds left, but their numbers are wrong.

I know the EIR I'm told by the lawyer is set in stone, but it's not. The congestion is real. We have school density that is there. We're going to have to pay the risks. This town, these citizens, which is Los Gatos, plan or no plan; we need a plan so we don't have to get stuck with the bill when the developer is long gone. We'll have the traffic. We'll have the congested schools, and we'll have nothing to do about it, and the millions of dollars will be gone out of this town. Thank you.

CHAIR BADAME: Thank you so much for your comments. Do you have a question, Vice Chair Kane? Thank you, no questions.

JOHN EICHINGER: Hi, my name is John Eichinger; I live at 637 San Benito Avenue, a 42 year resident of Los Gatos.

I'm a real estate broker. Now, a lot of real estate agents and brokers would be salivating over 300 more units to sell, more inventory, but I'm not. I'm adamantly opposed to this project.

My office is on Los Gatos Boulevard, at 455 Los Gatos Boulevard, directly across from the Valero gas station, near Van Meter School, and literally I sit with a picture window right next to me and Los Gatos Boulevard is 15' feet away. I joke with people that I sit on Los Gatos Boulevard. So I have a very intimate view every day of the traffic on Los Gatos Boulevard, and it's horrible. Everybody here knows it.

Any Environmental Impact Report that was paid for by the developers—is that correct?—paid for by the developers, should be thrown in the trash. We should have an Environmental Impact Report that is unbiased, not paid for by the developers, that addresses the real issues, because I believe that any one of you up here, any one of you, will know that 300 more units is going to impact traffic, and any environmental report that says it won't should be thrown in the trash.

The recommendations by Staff, I know you put a lot of work into this Staff Report, but on page 19 you say you can't make a decision tonight but you recommend that

you should accept the certified EIR. You should not accept the certified EIR, because the developers paid for it. That's called a fox in the henhouse.

We've all seen the model of Phase 1. We see the story poles of Phase 2. I'm sure the developers have sketches at least of what Phase 2 and Phase 3 look like. Let's see the story poles for Phase 2 and Phase 3 so that the Town can really understand the impact. Let's see the plans and the discussion for Phase 2 and Phase 3. I'm sure the developers have some plans and sketches with them already. Let's see them.

That's it. I think the Specific Plan should be brought up on the ballet in November. Thank you very much for your service. I don't envy you one bit.

CHAIR BADAME: Thank you. I'm going to ask you all to please refrain from the clapping and cheering as we continue on. We've got Caroline Lee, Erik Eastland, and Jason Farwell.

CAROLINE LEE: Hi there, my name is Caroline Lee. I have lived at 224 Creekside Village, and I've been a ten-year resident of Los Gatos; I guess that's not very long. I would like to make this my home. And I am not a millennial, or whatever that's called, so I'm a little older than that.

I want to talk about what high-density housing is and the impact it's had on me. Creekside Village is at the corner of 9 and 17. It's 72 homes that are within a very small area. It was the old mobile home park that got converted to single-family homes. I love living in Los Gatos, but this neighborhood is very much a developer-centric neighborhood. I have a home that if I do this (arms out straight) I can touch… Well, the fence will come to about here on the side, and if I do this one more time I can touch the other house, that's how close we are together.

We have 22 parking spaces in our community for 72 homes. This doesn't work for us. People park outside of our neighborhood and onto the neighboring streets. I do feel bad for the residents.

When I look at the North 40 and the density, and hear about the cars, a hundred cars; it's not going to be a hundred cars. Down here we all have a car. We have more than one car per home, and it gets really difficult. I don't believe that this is going to solve any problems.

The other thing I'd like to say about the traffic is I work a lot, I come home, and I just want to have a place to relax.

I have a situation where I every month I have to go get a blood test. I do this on a Saturday morning. I've gotten it down to the point where I know if I make an appointment I can get in and out of there. It takes me five minutes to get there, ten minutes to get my blood test, and 40 minutes to get home. It's a plan and an ordeal to do this, and it shouldn't have to be that way. It's the traffic that's difficult.

I know I can change and ride my bike, but I'd like to be able to just drive my car to where I need to go, because it's a town I live in that affords me to do this.

Then the final thing that I'd like you guys to also consider is I know we're under… I don't envy you for your job or your role. I appreciate that you've stepped up to plan our city, but I do wish to have you consider what you have been given, to please question them, to please challenge them, and to please start to..what you think are the right parameters for us, or for you in your role, and for us as citizens of Los Gatos. Thank you.

CHAIR BADAME: Thank you, Ms. Lee. Mr. Eastland.

ERIK EASTLAND: Hi, my name is Erik Eastland; I live at 201 Charter Oaks Circle.

I might be the youngest person at the podium. I do represent the millennial demographic that the developer

is aiming towards, and I will say that the proposed housing is attractive to me in my current situation, but as a resident of north Los Gatos and also a perspective teacher at Los Gatos High School, there are some concerns with regard to the traffic and the schools.

I was at this podium last year with the Albright project, and I witnessed the Town and the developer come to a so-called compromise with that development, and I see this particular plan leading down a very similar path to that.

Being a student teacher at Westmont, I've learned very quickly that if you give an inch, students will take a mile, and I see that the developers have used the language in the Specific Plan to take that mile with the language that people have cited and what has been brought to the board and in the foyer today.

I ask that you as the Commission do the same, to use the language to your advantage to service the needs and the wants of the people of this town. I do think that we can come to some sort of compromise with housing. Housing is an issue in this town, with traffic and with the schools.

I want to be able to live in this town without having to stay at the house that my mom has so graciously

kind of let me live in after she moved out with my step-dad. I'd like to be able to live here and be a part of the community, so I ask that you please keep all the perspectives in mind, all the middle-aged people who have lived here for 40 years, and the young millennials like me who want to stay here. Thank you.

CHAIR BADAME: Thank you so much for coming forward with your comments. Jason Farwell.

JASON FARWELL: Good evening, Madam Chair and Commissioners. Jason Farwell, 18 Park Avenue.

I've been following this for a lot of years, and I've been fighting it from day one. My general concern that got me involved in this whole process was what this development was going to do to our downtown. Full disclosure, I'm a commercial property owner. My family owns a few parcels downtown, and I'm very concerned as to what the impact of this development will have on our downtown.

Ed Rathmann and I—he's the owner of Willow Street and Main Street Burgers—have met time and time again over the years with our elected officials. We've expressed essentially every concern that's been raised here today, and they still certified it. They still certified the EIR. They still approved the Specific Plan. I don't know why.

But they did, and to a certain extent our hands are tied at this point.

I would just urge you, the public, to reach out to your elected officials and express your distain for what has occurred, and encourage them to take whatever action they can as the elected governing body of our town to take action and to hear your demands. We are owed that.

This project will change the landscape of our community forever. It is going to devastate our downtown. There are some that will disagree with me, but I'm absolutely certain that the merchants downtown will be impacted tremendously.

And I do know that the North 40 is encouraging certain business owners downtown to move out to their development. I know that there have been those hands extended to encourage that move, further drawing what I consider to be a very important aspect of our town, our downtown, and it will impact it.

I will leave you with that. I appreciate your time. I appreciate your consideration, and thank you.

CHAIR BADAME: Mr. Farwell, we have a question from Commissioner Hudes.

COMMISSIONER HUDES: Thank you for your comments in this area, which we haven't heard a lot about tonight,

and I think we haven't heard a lot about it because we've been talking about Phase 1, because that's the application that's in front of us today. I would appreciate any further insight into the Phase 1 retail proposal and the impact that that will have, including the Market Hall, the shops, the restaurants. Is that what you're most concerned about, or do you have specific concerns about Phase 1 that we should consider?

JASON FARWELL: Sure. I think the Market Hall concept is a very attractive concept. The lure of the Market Hall I think will draw folks from our downtown to the Market Hall.

I think the one complaint I've had from day one was kind of the unfairness between the North 40 and downtown. The Downtown District has a lot of regulations surrounding the particular uses that occur down there. Any food use, any use of alcohol, requires a Conditional Use Permit. Well, the North 40 has zero restrictions. There are no CUPs required for the North 40, so they pick and choose who goes in there, and the Town has no say. Literally no say. I don't know why. I don't know why they agreed to that. I expressed time and time again my concern on that point, but it was ignored. So it's really a fairness issue. We have a formula restriction on downtown where formula

stores can't come into downtown without a CUP. Well, that doesn't apply to the North 40. I just don't understand the unequal division here of the playing field. It seems really one sided.

But again, you'll hear the Council, they're constantly championing the Mom and Pop storeowner of downtown, but this is the knife in their heart.

I've done some rough calculations. Taking out the banks, downtown is roughly 240,000 square feet of retail space. The North 40 calls for over 500,000. It's nearly double what we have downtown. I think that speaks for itself.

COMMISSIONER HUDES: Thank you.

CHAIR BADAME: Thank you, Mr. Farwell. Patricia Ernstrom, Bryan Mekechuh, and Fiona Greenland.

PATRICIA ERNSTROM: Patricia Ernstrom, Bachman Avenue.

As others have mentioned tonight, I've been at a lot of the meetings, back to the first time when we were meeting over at the police department. Since that time, and in those early meetings, a lot of people have alluded to the fact that the plan is just different from all of the input that we gave, and somehow this project has just continued to be steamrolled ahead at every turn regardless

of the disastrous impacts that we all know—we're experiencing them now, and it's only going to get worse—regardless of what residents have been objecting to, and it is so disheartening and so discouraging, and I think we all feel here, what do we do? We need your help.

I was born in Los Gatos. This is like a Daves Avenue reunion that we're having here tonight.

We've heard from legal counsel what we can't do, and I guess the question is what can we do? People have talked about it's been going on a long time, and we've been part of that, and just because it's been going on a long time it's not too late, and it can't be too late, because as other people said, we are never going to get this back, it is going to be forever.

We must take into account the other developments that have passed but have not yet been built. It is layer upon layer upon layer. In our household we refer to "traffic Armageddon." On a weekend I can't get to see my 88-year-old father, because I can't get from my house on Bachman Avenue to his house off of Winchester and get there and know that I can get home in 30 minutes, so I'm making decisions about… And the role-play that we heard earlier, we all kind of chucked, tongue in cheek, ha ha funny. That's reality, and that's what everybody is experiencing,

and the developers are, again, going to take the money and be out of town.

As we've heard tonight, this is only one parcel, and somebody mentioned, I think it was in the report, that it's 13 to 14 parcels, so the Grosvenor development is one part of that. Then there are all of those other independent pieces, and without seeing the whole thing, how do we possibly make a decision here tonight.

When this doesn't work, when all of the impacts that we're experiencing now and all of the future impacts that we know are coming, what then? What do we as citizens of Los Gatos do? Who do we turn to? Please, please help us.

BRYAN MEKECHUH: Hi, Bryan Mekechuh, 55 Roberts Road. I just want to make three quick points.

The first one underscores what you've heard a lot tonight, which is taking an integrated approach to this development. If you're looking for certain areas where you can have a finding that doesn't support the acceptance of this, I think it's not knowing what the total impact is, and I really do think you have to look at the big picture of what's going on in the North 40. So that's my first point.

My second point is throughout Los Gatos people are putting things underground, they're putting in

basements and that sort of thing. I didn't see anything underground here. It's all the lowest cost construction, put it above ground or at grade. You want to get rid of some height? Put it underground.

My third point is when I looked at the model outside I thought wow, there's a lot of roof space there. I didn't see any solar on there. Trivial point, but there's a few kilowatts there.

Anyway, so those are my three points. Thank you.

CHAIR BADAME: Thank you.

FIONA GREENLAND: My name is Fiona Greenland; I live at 16588 Oleander Avenue, Los Gatos. Dear Commissioners, first of all, thank you very much for your patience this evening, and for your time.

The document that you see here I'm referring to comes from the North 40 proposal by the developer. You can see the page number; I've enlarged it there.

I just wanted to contest the concept that this development is indeed for young professionals. If you're marketing for young professionals, it refers to the document that says of the floor plan that the dens on all units are noted as not just dens, but optional bedrooms. So if you look down this list, I'm sure you can see that many of these bedrooms are for two-plus-den, or one-plus-den. I

would contest that that's not then being marketed for young professionals.

This is saying that two plus bedroom units, there's going to be 189, and as you mentioned earlier, that's going to be 189 of the 260 proposed units. As all other high-density housing has shown in Los Gatos Union School Districts, families are going to purchase these units.

The other point also proposed on the North 40—this is from the North 40 project summary and justification, and this is my drawing of the cars, I apologize—if you look through the plans, these are the drawings that they have for all the plans, and the idea is that they're assuming maybe young professionals are going to share with other young professionals. But the keys are going to be held in a communal area, and whichever car is there first you would take that car. Well, I know in my family we have one driveway, and I take my car and my husband takes his and that's how it works; we don't share the car. I mean we do share car, because we're a family. I don't think that young professionals are going to let their friends drive their cars; and I could be wrong.

So to reiterate the two points that I'm really trying to make here at this late time in the evening is

that if you really are marketing to young professionals, you don't need more than two bedrooms or tandem parking. Thank you.

CHAIR BADAME: Thank you. All right, I will be calling our last three speaker cards. We've made it. I'm sorry, four. Lee Quintana, Superintendent Diana Abbati, and Ingrid Oakley-Girvan.

LEE QUINTANA: There is just so much to say that I'm not going to have time for, so I'm going to try to be short, and I will sent you my other comments via letter. I forgot my name. Lee Quintana, 5 Palm Avenue.

Let me start by saying that as a child I lived for several years on my grandparents' walnut orchard, and it I was a wonderful time in my life. So I thank the Yukis for letting me see a walnut orchard practically every day of my life and relive my happy childhood from there.

The other comment I wanted to make about walnuts as street trees or trees to be used in the North 40, is that they are extremely messy and they stain your clothes. They would stain sidewalks, et cetera, so that's a consideration.

The other thing is I would like to add a little bit of history, and add the wording that my husband always

tells me, “Be careful what you wish for.” Unintended consequences.

I’ve been involved in this town for the last 25 years, eight as a Planning Commissioner. I voted against many of the projects that are now being cited as problems: the original Netflix, I can name several others. I was never considered a friend of the development community. I was concerned about keeping the character of Los Gatos. But life does change; we can’t stand still.

When I refer to history, I’m going all the way back to when the Town adopted their 85 element, and they worked with the state and the county on the 85 freeway. This town and its citizens did not want a full interchange at 85. The fact that we don’t have that interchange has greatly affected the Town’s ability to handle traffic. There is no longer any opportunity to have that interchange, because we built Albright on part of what could have been used as additional entrances to the freeway, and we built part of the original Netflix on property that was identified as a transit center for the community.

I’m going to go back real fast to the history of the first draft on this project, on which I worked. It came to the Council. The citizens came out in droves saying we

don’t like that. That plan did not have any housing on it. That plan did not have any medical on it. It was 5,000 square feet of commercial and retail.

What I’m trying to get at is we have been planning the North 40 for 40 years, and we’ve never really gotten there, and every time it gets postponed something happens on the North 40 that limits what you can do with it next. All the newer developments on the Boulevard prevent a better plan for the North 40 Specific Plan.

CHAIR BADAME: Thank you, Ms. Quintana. Appreciate the comments.

LEE QUINTANA: And you’ll hear more from me. I was just going to say that, because I think there were lots of facts misstated that should be corrected.

SUPERINTENDENT DIANA ABBATI: Good evening, Chair, Planning Commissioners, Town Staff, and the community members. I’m Diana Abbati, the Superintendent of the Los Gatos Union School District. With me this evening is one of our trustees from our Board of Trustees, Emi Eto, and we’re here to speak on behalf of the Los Gatos Board of Trustees and answer any of your questions. So I’m going to turn it over to Emi Eto.

EMI ETO: Thank you. We represent the needs of our students in grades kindergarten through eighth grade.

On behalf of the Los Gatos Union School District Board, I would like to update the Planning Commission on the School District's agreement with the North 40 developers.

In the spring of 2015 the School District and the developers signed an unprecedented agreement to mitigate the effects of the student population growth as a result of housing construction in the North 40. The developers 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 our boundaries.

If you would like to read the agreement, it can be found on our website under the April 13, 2015 board meeting.

In addition, the District is in regular communication with the developers, and we would like to thank the collaboration with the Planning Commission and the Town Council for the considerations of the needs of the students. We know how difficult this decision is. We will continue to work with all constituents to welcome all children to our schools. We appreciate everyone's support. Thank you.

SUPERINTENDENT DIANA ABBATI: I also just want to thank the Planning Commissioner for your public support. I

know it's a volunteer position, so just thank you. We've had late night meetings. We've probably had the best collaboration we had in my five years here of service as the Superintendent of Los Gatos, and I just want to thank you for that.

CHAIR BADAME: Thank you. Vice Chair Kane.

VICE CHAIR KANE: Ms. or Dr. Abbati?

SUPERINTENDENT DIANA ABBATI: It's Dr. Abbati, but I'll take Diana; anything is fine.

VICE CHAIR KANE: Are you satisfied with the agreement? Will it provide for the additional students, and how many additional students are projected?

SUPERINTENDENT DIANA ABBATI: Yes, we are very satisfied by the number of the student gen… We used a student generation rate, and we estimated somewhere between 100 and 120 students for this development, and it's based on our student generation rate, which is roughly about a .4, I think the last time I looked, or .8. So based on that, yes, we are very pleased working with the developers. We're into educating; they're into land development. If they could work with us and to help us secure that property, we'll make something work for us.

VICE CHAIR KANE: If the property is secured, do you have the funds for the facility?

SUPERINTENDENT DIANA ABBATI: We do not have existing funds for this facility, but we have funds to purchase additional land, so if they were to help us find a parcel above two acres, we already have money set aside to pay or that or to finance that. We don't plan to build a new site probably for the next five to ten years, so at least we'd go into planning stages. We're trying to be very visionary and look to the future and not make the mistakes the District did years ago, so if we can secure public land or some private land to do that, we're planning for growth in five, ten, fifteen years. That's what we're trying to do.

VICE CHAIR KANE: So the new facility is just five to ten years out?

SUPERINTENDENT DIANA ABBATI: It would be if we needed to build. We're not planning it in the next five years.

VICE CHAIR KANE: What would we do in the meantime?

SUPERINTENDENT DIANA ABBATI: We've already mitigated for that; we've done a couple of things. We built Lexington School. Our demographic study shows that we won't have additional growth in our elementary, and it will take till 2022 to fill Lexington School. Just for that sake,

that's why we built that. We've upscoped that school, so it has a capacity of about 300 students; it roughly has 160 right now.

We've already mitigated for the middle school for this point, and we've also built a gym to facilitate the needs of that expanded growth. The gym project, which is called our sports complex, added four additional teaching spaces for us, freeing up four classrooms, so we were able to do that; that's why we call it our sports complex. It's not just a gym, it actually has some dance and fitness classrooms to make up for other classrooms that we need for math and science, so we think we're ready for that for the next five years too.

VICE CHAIR KANE: Have similar arrangements been made for the high school?

SUPERINTENDENT DIANA ABBATI: I can't speak for the high school; it's a different district than us. They have similar demographics than we do. It's the mobility rate, so as they increase in our school, they're going to increase in the high school, but we don't make recommendations or plan for them.

VICE CHAIR KANE: Thank you for attending, and thank you for being so patient with us at this late hour.

SUPERINTENDENT DIANA ABBATI: You're welcome.

CHAIR BADAME: Commissioner Hudes.

COMMISSIONER HUDES: Thank you, again. Will the possible 120 students being going to Lexington School?

SUPERINTENDENT DIANA ABBATI: No. You have to think about 120 students K-8, so they're going to be dispersed in all of our grades. We're not going to move 120. That could be roughly, depending on where the numbers are coming in, it could be 60 in the elementary and 60 in our middle school, so you just don't know where they are. They don't come in clean numbers.

They don't come all kindergarten, so we really look at the census data. Currently the census data is showing this flattened growth for our kindergarten grade, but we're seeing a lot more mobility. What that means is seniors are moving out of their current homes, they're moving to other places, and a family is moving into there. We're getting kids from all different grades, so they wouldn't be just one school, one grade. We have space mostly at Lexington to do that, but it would be based on wherever else we do have (inaudible).

COMMISSIONER HUDES: So some of them would go to Lexington?

SUPERINTENDENT DIANA ABBATI: Some would go. The majority would go to Lexington, and they would go wherever else we have space.

COMMISSIONER HUDES: Okay. One other follow up. In terms of the space needed for a school, I know five years sounds like it's a long way, but times goes pretty quickly sometimes, and it's difficult to secure real estate. How many acres? What space do you think you would need? Is the two acres adequate?

SUPERINTENDENT DIANA ABBATI: We could build a school the size of Lexington, which is roughly 300 students on a two-acre parcel; there are schools that look like that. They are very different than Los Gatos schools. It doesn't have as much green space. Most of our elementary schools have anywhere between five and eight acres. Our middle school has 14 acres. But there are schools, given what's happened in California… You can see them; there are lots of things on the websites under the Department of State Architecture, you can find schools. It would be a school that looks kind of two stories flat up with a playground in front and parking in front of that.

We would make that work. We would love more land, which is why we've put monies aside to do that if we could find a two-and-a-half, three-acre parcel, we'll make that

work too. Any type of shared partnership, we would love to do that, too, especially if it were next to a park, something that the Town owned, too. But again, we're working with all the entities to try to get that to work.

COMMISSIONER HUDES: I did a little research on it, and I know there's not a lot of good data available, but there's a publication called the Guide to School Site Analysis and Development from the California Department of Education, and it says that for a school of 450, the acres, according to the 2000 figures, was nine-point-six acres. That's pretty far from two acres.

SUPERINTENDENT DIANA ABBATI: They're recommended guidelines, so yes, they are guidelines, and they are not mandated. Think about schools in San Francisco. There are no schools that are nine-and-a-half acres. You're just thinking about a different type of school. A two-acre parcel will give you a blacktop and a parking space. It will not give you the green space and the soccer fields and the baseball fields that the other schools have. So to your point, we would love that if we could find it, but we could make a two-plus-acre parcel work.

COMMISSIONER HUDES: But it would be significantly different than the schools in the District today.

SUPERINTENDENT DIANA ABBATI: Yes, it would not be the feel of our Daves School, and Blossom Hill School, and our Van Meter, but land is very expensive. We will educate them. We will do what we can, and we'll make it work. Please note, there are schools that look like it, and they're not just commercial buildings that have been converted to schools. There are playground schools. These are schools that look like elementaries, I would say Lexington being the closest one that looks like a school, that has two stories. The K1-2 is on the ground floor, 3, 4, 5 in the upstairs, and a playground in front, with parking. They're very straight, kind of very square and boxy.

COMMISSIONER HUDES: Thank you.

SUPERINTENDENT DIANA ABBATI: You're welcome.

CHAIR BADAME: Thank you.

SUPERINTENDENT DIANA ABBATI: You're welcome.

DR. INGRID OAKLEY-GIRVAN: Hi, Dr. Ingrid Oakley-Girvan. I'm a parent of a high school senior, and an incoming graduating eighth grader coming to the middle school.

I think what we're looking for are options to redirect the legacy for Los Gatos. Do we want this urban plan, or do we want our Town plan? I would put forth that

there's a sustainable architectural lands conservation program. I've heard many of the Commissioners asking for options, and this one is a great one. It can be found at conservation.ca.gov. More than $40 million generated from the Greenhouse Gas Reduction Fund, specifically part of the division of land resources for protection programs to conserve California open space resources. So I'd like you guys to look at that, and to research that a little bit and think about it.

Another option is the William Act. It was started in 1965. What you do is you establish a contract. It can be done by a board or a council, and what they determine is that the unique characteristic of the agricultural enterprise in the area calls for establishment of a preserve if it's consistent with the General Plan. This is a ten-year contract. I'd also request that you look into that.

My question to legal is, I've heard a lot of we can't do this; we're forced into this. My perspective is all these people, and the ones who have been here the entire night, we all pay the salary for the Town Council legal team is my understanding, so I'd like to hear what solutions there might be to redirect this pathway, so that the legacy is not one, as Diana just mentioned, for an

urban elementary school. I don't really think that that's what we want. Who wants their kids running around on blacktop? Really? I don't think that's what Los Gatos wants.

There's no discussion of whether the high school is impacted. I can tell you the middle school is impacted, and it's going to get more so. And the high school, there's no question of how are we going to build out in that space if you have more kids? It's just a numbers game; it's simple population. You have X number of parking spots, X number of cars, just like you have X number of kids and X number of seats. You cannot go further than that.

I think it's really important that you all look at this holistically. I understand this is Phase 1, there's 2, 3, 4, who know how many more? What is the total impact, t he total aggregation? If you're looking at it from a health perspective, it's somebody's health, you don't just say what's you're diet like? You say what's your physical activity like? What's your stress like? What's your genetics like? You look at the whole picture. I'm asking you to do this for our town. Thank you.

CHAIR BADAME: Thank you. Shannon Susick, followed by John Shepardson, and if I don't get any more cards after that, we've gone through all the cards.

SHANNON SUSICK: I'm really honored to speak again. Almost a bookend. But also just on behalf of some of the residents. I'm so happy that so many people came out, even though this is such a difficult issue.

I'm not going to chastise anyone for not being here for ten years in all the meetings, because not everybody can do that, but God bless the people that have come out for the very first time, and have lived here for 40 years. I just think that that's amazing, and it's part of our process and it's one of the good things.

I already thanked you, and in advance, because it's going to be a tough road ahead.

But the most important thing that we can accomplish tonight and in the weeks and months, and it could be years, is to not only unite as a town and community, but to adhere to the vision and the purpose of our General Plan and the North 40 Specific Plan.

While it likely won't happen, and I have been exploring on my own some other options. It would be great for a foundation to come, Mark Zuckerberg, buy that orchard and have it be a camp for kids to come from all over. I mean or it could be Hidden Villa, or Ardenwood Park in Fremont. There are so many amazing things that we could do

with that piece of land, and not sell it and bull doze it. Like Roy said, I think a lot of people are upset about it.

But there are a couple of things I want to mention. It time, and it's late, and it's about the time. I think that this application, one of the largest that the Commission has ever seen, deserved at least one study session. That's a tremendous amount of material to go over. Not all the letters were in the packets. You guys were given things on Thursday or Friday before a holiday weekend. I think that the Commission and the Town deserve that.

And we have heard things that we can't do, supposedly, but there are a lot of things that were not specified in the North 40 Plan that you have the discretion and authority to look at. There is no footprint. It does not have to be this way. There's a lot of leeway with where the housing can go, where the commercial can go. And again, they're maximums. Yes, the developer wants to build to the maximum, because that's how you make the maximum amount of money, but is that what the Town wants? Is that what we need? Is that what our infrastructure can take?

Just as it's taken years for those walnut trees to grow and the Yuki family has had that, it could take that long for the Town to approve an application. Once the

orchards are turned over and concrete is poured, this land is gone forever, as is the agriculture and the history, and we know that. So I'm hoping that the citizens that are here, and the Town Council next week, will demand that this be continued until all the story poles are up. We need to know the whole story. It can't just be part of it, can't be half the story poles and the height. (Timer sounds.) Oh, my last sentence was really good.

CHAIR BADAME: Very quickly. Actually, Vice Chair Kane has a question for you, so maybe you can incorporate that.

VICE CHAIR KANE: We have to ask questions. What was your last statement?

CHAIR BADAME: I knew that was coming.

SHANNON SUSICK: I was going to say there are so many good things that can be accomplished with this unprecedented site. Let's take our time. This needs to be done right, and good things take time. Thanks so much.

CHAIR BADAME: Thank you. Our last speaker is John Shepardson.

JOHN SHEPARDSON: John Shepardson, 120 Oak Rim.

This has been in my home, and it's a board that I created with the Netflix project, and it states that 350,000 square feet of office space was the environmentally

superior alternative. The developer wanted 550,000, and the Town Council approved 485,000. We could have kept Netflix, and we could have had the best land use. We could have reduced the traffic impacts, we could have lowered the heights, and we could have done it at 350,000, and the Environmental Impact Report was telling us that. So we made a mistake, in my opinion. But we can learn from this, because that's history now.

But what we can do… I just have a little graph here of the there main arteries into town. Highway 17, we know that's jammed up. We've got Netflix on Winchester Boulevard; that's going to get jammed up. And now we have this other last artery, Los Gatos Boulevard. If we aren't wise about this, that artery is also going to get clogged, and then it's just going to spread; it's going to be really bad.

My solution is middle ground between the developer's proposal…

By the way, I think they've been class acts in my dealings with them, and I'll state that on the record.

So scale back the project. Mix single-family with high-density. That's what Los Gatos is already.

School buses I think are a larger issue, but we should have school buses, and we could reduce 30% of the traffic in town.

Safe Routes to School, protected bike lanes, smart traffic lights. Reduce traffic by 25%.

The RHNA. We've got to have some of this high-density to deal with our RHNA requirements, and we spread the housing across the project, so we put it in Los Gatos School District some, and the Union School District. That to me is reflective of Los Gatos, and we don't take the whole brunt, and we mix it up and we reduce the scale, and we do it in a way, frankly, that the developer can make a profit.

Because we live in homes that were made by developers, right? We need developers, and they're not necessarily an enemy. They have a profit motive. We have our interests. So lets see if we can find a middle ground here where we can work with each other.

Lastly, I applaud your efforts, and I say bravo to the people that came here tonight to express their views. Thank you.

CHAIR BADAME: Thank you. Do we have one more speaker? I will need a speaker card from you.

PAT KEARNS: Thank you for indulging me, Madam Chairwoman. You have my speaker card. You called me out as Ray, but I'm Pat Kearns, 7 West Central; I was the third name.

CHAIR BADAME: Oh, I'm so sorry.

PAT KEARNS: I just didn't respond.

CHAIR BADAME: Okay, well you can now.

PAT KEARNS: When I filled it out, if you look at it, it said to give my city, state, and zip, not my town, so I corrected that. I was afraid that that was a fait acompli that we are changing the character of our Los Gatos.

There has been a lot of wisdom in the room here tonight, and I have been moved by it. When I approach a problem and I involve an attorney, I want the attorney's opinion, and the want the opinion to help me to achieve my goals. I think we've heard a lot of comments about what the Town wants, and I don't believe the attorney does work for us. I think the attorney's fiduciary responsibility is to the Town, to the Commission, and to the Council, and I think that that's right. I think that the attorney can give the Council and the Commission his or her opinion, but I think the Town can also approach other solutions.

And to let an Environmental Impact Report that everybody knows on its face is false, at least in terms of traffic, doesn't seem right, so I would suggest that we commission another Environmental Impact Report independent of the Council, independent of the Commission, the citizens of Los Gatos, and file it with the Commission or the Council and ask you to consider it, or perhaps even certify it. None of this may be possible, but it's logical that the citizens can voice their opinion with a purchased Environmental Impact Report, and I would volunteer.

I'm not a community advocate, but would volunteer my email to focus the energy that's been discussed here tonight so that somebody could start to organize an approach to compromise, and I think that was the wisest thing that was said tonight, and that is info@protime.net. I will try to pass whatever comments come in along to a community leader and the Council and the Town, so that this energy could be focused on compromise. Thank you very much for hearing me.

CHAIR BADAME: Thank you.

PAT KEARNS: Did you find my card?

CHAIR BADAME: I did. Yes, you were third, just like you said.

All right, I am closing the public comment period, with the exception of the Applicant.

It's past 11:00, so I am looking to the Commissioners for a motion to continue past 11:30. Commissioner O'Donnell.

COMMISSIONER O'DONNELL: They have five minutes now, is that correct?

CHAIR BADAME: They would have five minutes.

COMMISSIONER O'DONNELL: We can take that vote now, and obviously if we get close to that we can revote, if you think that's indicated, but I would certainly move that we extend our meeting to 11:30.

CHAIR BADAME: Do we have a second?

ROBERT SCHULTZ: Past 11:30.

CHAIR BADAME: Okay, and that would be if we go past 11:30, not to 11:30.

COMMISSIONER O'DONNELL: Well, at this moment we're trying just to go to 11:30, and then we'll see where we are, so I don't need a motion is what you're tell me. Okay.

CHAIR BADAME: We don't need a motion. All right, at this point in time I will be calling the Applicant and their team back up. They will have five minutes to address the Commission with further comments.

DON CAPOBRES: All right, to rebut. I appreciate the time, Madam Chair. Because of the limited time that we have, there are a lot things we can go over. This will not be a popular move, I understand, but we're going to have Barbara Kautz, our attorney, provide some statements.

BARBARA KAUTZ: Hello Chair and Members of the Planning Commission. I'm Barbara Kautz; I'm a partner at the law firm of Goldfarb & Lipman, and I've representing Grosvenor and SummerHill.

The state legislature has decided that housing is a matter of vital statewide importance, and there is increasing concern at the state legislature level about the critical housing shortage in the Bay Area, particularly in areas like the Silicon Valley, which have had huge job growth with employers like Netflix and Apple, while expressing great opposition to housing growth, and so there's a whole variety of state laws that are intended to essentially require cities to approve housing.

One is the Housing Element, and as has already been said, the City promised to have on the North 40 site 270 units at 20 units per acre, by right, meaning all that can be a nondiscretionary approval where you only look at design guidelines.

In addition, there is another statute entitled the Housing Accountability Act, and although much of that relates to affordable housing, there's a provision of that that applies to housing developments in general, and that states that when a proposed housing development project complies with applicable objective, General Plan and zoning standards, including design review standards, in effect at the time the housing development project's application is determined to be complete.

A city cannot either reduce the density or deny the project unless it makes very specific findings that the project would have a specific adverse impact based on significant, quantifiable, direct, and unavoidable impact based on object, identified, written public health or safety standards as they existed on the date that the application was deemed complete, and there's no way to mitigate those impacts.

It's an extremely difficult finding to make, and frankly, I don't know any community that has been able to make that.

So yes, it is correct that the Council could change the Specific Plan and could change the Housing Element, but those changes could not apply to his project, because it has already been found to be complete, and you

must look at this project based on the Housing Element, the General Plan, the zoning, which basically consists of the Specific Plan, in effect right now.

The Specific Plan does not have any requirements 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. Actually, the Specific Plan was intended to take care of planning for the entire site, because there are many different property owners there.

And you cannot make your decision based on subjective standards; you must make your decision based on objective standards that are contained there.

A second point that was raised has to do with housing elements. There was a comment that Hillsborough and Los Altos had paid their way out of housing element conformance. That’s not correct; they both have housing elements that have been approved by the state.

In Pleasanton, which was an example, there was a voter adopted growth cap, and the city refused to do additional zoning that was required, like what’s required in your housing element. Eventually, after many years of fighting the city ended up paying $2 million to the attorneys for the plaintiffs. In addition, they were required to do all the zoning under a lot of scrutiny from

the plaintiffs and various advocacy groups, and really ended up having much less control over the zoning than they would have if they had just done it themselves.

Thirdly, there have been comments that the City does not need to approve the maximum number of homes being proposed. Density bonuses are not a discretionary approval. I recognize your ordinance has findings, but that's inconsistent with state law, because it would make the approval discretionary.

And lastly, in terms of the EIR, the EIR did consider a lot of future development on the site. I'm sure we'll provide some additional information about that. I'm sorry, it considered future developer off the site. So with that, I think that's my five minutes.

CHAIR BADAME: Can you also fill out a speaker card for us?

BARBARA KAUTZ: Oh yes. I'm sorry.

CHAIR BADAME: Thank you. Questions? Commissioner O'Donnell.

COMMISSIONER O'DONNELL: This is not a question. This is directed to the Chair. It is apparent to me that we're going to have a substantial number of questions. If we were to adjourn at 11:30—that only gives us ten minutes—and it's been my experience that the longer we go, the less

active our minds go, so I would throw out as a suggestion that as I understand it we can close the public hearing, and nevertheless, when we have the next meeting, because we have to have a next meeting, because the Council has to act on April 5th before we can reach a final determination, but at that time, we will still be able to question the Applicant, notwithstanding that the public hearing is closed. That is based on the advice of Counsel, which we obtained, is that correct?

ROBERT SCHULTZ: That is correct.

COMMISSIONER O'DONNELL: Okay. So I mean we could do this for the next ten minutes, but I don't see any great virtue in that. And we've heard a lot of testimony tonight, which I would like to take into consideration and look further into it so we can focus our questioning, rather than be scatter shot. So I just throw out to my fellow commissioners the thought of perhaps at this time continuing the hearing to a date certain.

ROBERT SCHULTZ: That's what I was going to say, a date certain. You'll need to pick.

CHAIR BADAME: Vice Chair Kane.

VICE CHAIR KANE: I'll second that motion.

CHAIR BADAME: All right, I will call the question. All in favor? Passes unanimously.

ROBERT SCHULTZ: Now you need a date certain.

CHAIR BADAME: All right, let's pick a date certain.

VICE CHAIR KANE: Oh, why not April 20th?

CHAIR BADAME: April 20th?

COMMISSIONER O'DONNELL: Could I just check (inaudible)?

CHAIR BADAME: Commissioner Hudes, is that something that might work for you?

COMMISSIONER HUDES: No, I only have the scheduled dates available. I will not be available. I'll be in Japan on the 20th.

CHAIR BADAME: Do you have other dates you might be available?

COMMISSIONER O'DONNELL: I won't be here either on the 20th.

CHAIR BADAME: All right. I'm going to suggest we pick a different date.

COMMISSIONER HUDES: What's the last one in April?

VICE CHAIR KANE: It's a Plan Comm day.

COMMISSIONER O'DONNELL: We have the 27th is a regular Planning Commission day, as you say, right?

VICE CHAIR KANE: The 27th, it's a Plan Comm Day.

COMMISSIONER O'DONNELL: The question, of course, and we direct this to Staff, we must already have agenda items, is that right?

JOEL PAULSON: If the audience could please hold it down just a bit. We're still trying to wrap up the business with the date.

COMMISSIONER O'DONNELL: What's the agenda like on the 27th?

JOEL PAULSON: The agenda on the 27th has a number of continued items that may be continued again. Those are the Highlands lots.

COMMISSIONER O'DONNELL: Perhaps we should poll and see if everybody's going to be here. I'm looking at my calendar. I will be here on the 27th, but that doesn't mean anybody else will.

CHAIR BADAME: Commissioner Hudes.

COMMISSIONER HUDES: Yeah, I will.

CHAIR BADAME: Commissioner Erekson.

COMMISSIONER EREKSON: Well, I'm at a bit of a disadvantage, because I couldn't hear the conversation that went on about what dates people weren't available, so my question of the Staff was going to be about the 13th…

MARNI MOSELEY: The 13th is fairly booked.

COMMISSIONER EREKSON: …which is the next regularly scheduled meeting of the Planning Commission.

JOEL PAULSON: The 13th has a number of items already currently on it.

MARNI MOSELEY: That have already been noticed.

COMMISSIONER O'DONNELL: Is the 27th a problem for the Commissioner?

COMMISSIONER EREKSON: No, I just didn't know why we were ruling out the 13th.

CHAIR BADAME: Probably because it's a Friday.

COMMISSIONER O'DONNELL: I'm sure we'll have a quorum. I'll be here on the 13th. I thought perhaps if we move it to the 27th, it would be less disrupting to our agenda, since the 13th is so close, but I'm available.

VICE CHAIR KANE: I'll second that motion as well.

CHAIR BADAME: Does that work for Staff?

MARNI MOSELEY: What was the date?

JOEL PAULSON: The 27th.

CHAIR BADAME: All right, I will call the question then. I'm sorry, Commissioner Erekson, did you have a question?

COMMISSIONER EREKSON: I just want to be sure everybody that's here tonight can be here on the 27th.

CHAIR BADAME: Yes.

COMMISSIONER EREKSON: Okay.

CHAIR BADAME: I will call the question. All in favor? Passes…

ROBERT SCHULTZ: Who made the motion to continue to the 27th, and the second?

COMMISSIONER O'DONNELL: I did.

ROBERT SCHULTZ: Okay.

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

Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Robert Schultz
Director of Public Works:	Matt Morley
Moderator:	Dr. Shawn Spano
Transcribed by:	Vicki L. Blandin (510) 337-1558

EXHIBIT 28

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

DR. SPANO: …and I'll be your facilitator for the meeting tonight. I wear a couple different hats. One hat I wear is I'm on faculty at San Jose State University, and then I also do consulting, and have been doing consulting for 20 years doing these kinds of meetings for local governments primarily in the Bay Area.

We're here for the North 40 Special Study Session, and for right now the one document that you should have—it was on the table out front—is the agenda for tonight's meeting, and we're at the point in the agenda right now where we're doing Welcome and Introductions, and I'll walk us through the Preview Purposes, Outcome and Format and get us ready for this evening's meeting.

I want to acknowledge tonight that we have the Mayor and members of the Town Council. Los Gatos Mayor and Town Council are here tonight, as well as Planning Commission members are here, and also School Board members and superintendents from the four school districts are here: Los Gatos, Los Gatos-Saratoga Joint High School District, the Los Gatos Union School District, Cambrian School District, and the Campbell Union School District.

I also want to acknowledge here the number of people that are in the room and the turnout tonight. In my experience it tells me when I see the number of people here—there are actually some people in the overflow outside—that this is a community that cares. I've done some work years ago in Los Gatos with the Town Council and the Planning Commission, and this is a community that cares. You're committed. You're invested in this community, and that's why you're here tonight.

I also know that the North 40 is a very important, big issue in Los Gatos, and that's obviously the focus of our meeting tonight. It creates a lot of passion, it creates a lot of interest, it creates a lot of spirited discussion, and that's wonderful, that's part of democracy. So we'll work through the issues tonight around the North 40, and my job here is to help guide the conversation so that we maximize our time and that we're as efficient as possible.

I'm moving on to the next agenda item. What are the purposes of tonight's meeting? Two purposes.

One, provide information and fact sharing around the key documents leading into the North 40 development: the North 40 Specific Plan, the Housing Element, the EIR

and the Environmental Impact Report. We're using those documents to frame the foundation of tonight's meeting.

The other purpose tonight is to provide an opportunity for you all to ask questions. I did not introduce Staff. We have Staff here at the table. We have Staff here, and Christina over here. Staff is available, utilizing their expertise to answer the questions tonight.

As you look at the agenda you'll see Questions and Answers a couple of items down. The bulk of the meeting tonight is built around the questions and answers, and the questions and answers are probably going to fall into some main areas; we'll have an Other category.

We're anticipating questions around school impacts. That why we invited them, and the superintendents and School Board members are here. We expect to have questions around housing issues, and we expect to have questions around traffic impacts. In addition, you might also have questions around those foundational documents: the EIR, the Housing Element and the Specific Plan. And any other questions you have about the North 40 as well.

So we want to address those questions. This meeting is for you tonight. It's for the community so that there is a clear understanding about how the North 40 will be developed.

What we're not doing tonight is we're not talking about specific development applications. There's a process for that, and as a matter of fact part of that process is described on the back of your agenda, where the Planning Commission will be holding meetings on development applications. There will be an opportunity for verbal input at those meetings. Obviously the Planning Commission will offer their advisory recommendations to Council. There are multiple Council meetings that will take up North 40 applications, and ultimately Council as the policy makers and decision makers will be making decisions around those applications. At every one of those Planning Commission and Council meetings there is opportunity for you to provide comment around those applications.

Tonight is about understanding the groundwork that has been laid. Council, Planning Commission and Staff have put multiple years into the Specific Plan, EIR and the Housing Element, getting ready for development in the North 40. What those documents do is they provide a framework, a foundation, and the parameters around how development will proceed. That's the focus of our meeting tonight.

What is that foundation? How will the development proceed in terms of the frameworks, the boundaries that have been established? Your Town Council has established

some of these, and others are mandated, and we'll hear about that a little bit from Staff in terms of State mandates and State regulations.

So that's what the focus of the meeting here is tonight: understanding the groundwork, the frame work, the foundation for the North 40 development, and how those applications will be reviewed and ultimately evaluated. I hope we're okay with that in terms of the core focus and core purpose of the meeting tonight.

I want to walk us through the format tonight, and how we'll be spending our time together. We have multiple hours to spend tonight. It says on the agenda 6:00 o'clock. We can go till 10:00 o'clock. If there are enough questions, we'll go to 10:00 o'clock. The idea here is that, again, this is your meeting, wanting to hear your questions, providing Staff answers, and we want to reserve as much time as possible for a broad range of questions.

In just a moment Staff will give a relatively brief presentation around the foundation, as I mentioned, a little bit about the history of the Specific Plan, a little bit about the Specific Plan EIR, the Housing Element, et cetera. So we'll have a presentation, and that presentation will help provide a common starting point for us tonight, and common vocabulary for us tonight.

We will then move into questions and answers. We can go ahead and pass those out, Christina. There is going to be one key card for the questions and answers, and that's this blue card here. So if you have a question that you want to ask tonight around anything about the North 40, traffic, housing, the foundational documents, put your questions on this card here. Here's an optional name on the back as well as an email address if you want to be on the list to receive information. When you fill out the card, please hand those to Christina. Christina will collect the cards, and then I'll be reading the questions to Staff, and then Staff will answer the questions.

Part of the reason for having the question cards and me reading them is to have as much efficiency as possible in how we're utilizing our time tonight. One of the things that is likely to happen, we might get lots of questions around, say, just for example, housing issues, a lot of the same questions. We'll consolidate those together and maintain the integrity of the questions, but we'll have a series of questions around housing, and as I anticipate, other questions around traffic and other topics that might arise tonight. So please, you can fill out the blue card right now with questions that you have.

If you don't have a question but you have a comment, yellow card. And that's a comment about anything related to the North 40 tonight, from the presentation or any other comments that you want to provide Planning Commission, Council and Staff on the yellow card.

As we work through the agenda, you'll see the second to last item on the agenda is Verbal Communications, so there will be an opportunity at the end of the meeting tonight for you to provide verbal comments, and it's really an open forum. We anticipate questions around the North 40, but it's an open forum and you can make comments on other topics as well related to the Town. Here is the Verbal Communications card here; it's on the beige. If you want to speak at the end and provide verbal comments, it's the beige card there.

As we're moving along here there might be some questions tonight that Staff is not prepared to answer, or they don't have the answer tonight and they have to go back and do some research and collect some additional information. We'll have a parking lot. Any of those questions tonight, they'll have a parking lot for those.

The other aspect tonight is some guidelines for your questions. Please, stay focused on the informational and fact sharing purpose of the meeting tonight. Again,

we're not dealing with the any specific applications in terms of development. In asking questions about the Specific Plan, the EIR, around the Housing Element, implications of that around traffic and schools, those are wonderful questions to ask tonight. Anything that you are focused on, not clear about, need some information, need some guidance from Staff in terms of how this all develops, those are great, great questions to ask.

There are some refreshments, as you saw in the lobby, and we hope you enjoy those; and enjoying them in the lobby would be great, not really wanting to have food or drink in Council chambers.

Make sure I captured everything here, and I did. Okay, so I think we're ready to move.

As we're looking at our agenda here the next item on the agenda is the Presentation on Key Topics, so I'm going to turn it over to Staff and let them walk you through the PowerPoint slides. Was there a question? Did I see a question?

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: The questions online. You want to take that, Laurel?

LAUREL PREVETTI: Good evening, I'm Laurel Prevetti, the Town Manager for the Town of Los Gatos. Thank you all for taking your time to join us this evening.

Many of you have submitted questions online. We have answered some of them. We know that there are other questions. We recently posted another 20 or so answers this afternoon, and we have another 10 or so that are not yet answered, but we have them and we will get getting those answers posted promptly.

So thank you to those of you who have submitted questions. That's going to be a living document online at the North 40 website, and we encourage all of you to visit that. It's perfectly fine this evening if you wish to write a question that you also submitted in email form; we're happy to discuss those as well this evening. Thank you.

DR. SPANO: Okay, so I think we're ready to move into the presentation, so Joel, you'll get us keyed up here. And then I did not introduce Staff. Laurel introduced herself, and Staff can introduce themselves as they get ready.

JOEL PAULSON: Great. Good evening, I'm Joel Paulson, the Community Development Director. I'm going to go through a little bit of the background and history. The Town has gone through a somewhat lengthy process to get to

the point of the Specific Plan adoption, so I'm going to go through some of that background information quickly.

So generally what is a specific plan? A specific plan is used to help provide additional guidance for specific areas of town. In this case, we have the North 40 Specific Plan area. It gets incorporated into the General Plan, and then once it's adopted, as we currently have applications they are weighed against the adopted Specific Plan to make sure that it conforms with that.

History goes way back. The Town actually drafted a Draft North 40 Specific Plan that was completed in 1999, but it was never adopted. The Town was getting ready to begin a comprehensive General Plan update, and so they tabled it from what I understand, and then didn't consider it any further.

In 2010 the Council adopted the most recent General Plan update, which we call the 2020 General Plan. In that document there was reference to the North 40 Specific Plan. It set some parameters that were evaluated in the EIR for the General Plan, and those parameters were up to 580,000 square feet of commercial used and up to 750 residential units. Those were used to help frame the evaluation and the cumulative impact of the Environmental Impact Report for the General Plan.

One of the requirements of the 2020 General Plan was that a North 40 Specific Plan be prepared. That led to the more focused direction of drafting the plan. The Town hired a consultant to help us out with preparation of that Specific Plan.

The Council also appointed an advisory committee, what we call the North 40 Advisory Committee. They began their work in 2011, and for approximately two-and-a-half years they completed that work and forwarded their recommendations on to the Planning Commission.

Along the way at the North 40 Advisory Committee meetings, all of the Planning Commission, all the Council meetings, and obviously public input as provided, both written and verbal, depending on the meeting.

For the Specific Plan we had to do an EIR, so a Draft EIR was prepared and circulated in early 2014. That EIR evaluated the project at the time, which was up to 580,000 square feet of commercial, and up to I want to say 364, but I can't remember the number off the top of my head; I will try to get that information.

So that was circulated and then the draft document, both the Specific Plan and the EIR were submitted to the Planning Commission. The Planning Commission performed their review over two meetings in July and August

of 2014, and from there they provided their recommendations to the Town Council, and then the Town Council evaluated that information and all of the public record.

Obviously there are Planning Commission and Council members here with us this evening. The amount of information was lengthy and voluminous, and so there was a lot of input that was provided.

The Council considered the Specific Plan and the EIR on a number of occasions and in June 2015 ultimately the Specific Plan was adopted.

The Specific Plan contains a number of development parameters, but it also contains a Vision and then Guiding Principles to implement that Vision. Hopefully everyone has had a chance to look at the Specific Plan itself. It's online, and there you can walk through all of the specific parameters, but I just want to bring focus to both the Specific Plan Vision as outlined on the screen, and then the Guiding Principles to achieve that Vision.

With that, I will give you a little bit more information on the development that is allowed. The maximum capacity ultimately in the adopted Specific Plan was up to 501,000 square feet of commercial uses, and up to 270 residential units.

The Specific Plan also contains open space requirements. The minimum amount of open space that must be provided is 30%. It also speaks to design elements that reflect the orchard heritage that currently exists on the site. We'll add new bike and pedestrian paths. Also there will be improvements obviously that are required of the EIR to nearby streets.

With that, I will pass it to the Town Attorney.

ROBERT SCHULTZ: Good evening. My name is Robert Schultz; I'm your Town Attorney. I've been with the Town now for about two-and-a-half years.

When I came along the Specific Plan Committee had already completed their work. The Specific Plan for the North 40 was in its draft, and as Joel told you, in 2014 and 2015 I was part of those hearings when it went to the Planning Commission and ultimately to the Town Council.

As with the Housing Element I was with that process pretty much all the way through, and we did our update through 2014 and 2015. So I've been here for those processes, but I wasn't here for the early stages of the Draft Specific Plan.

Tonight I'm kind of the bearer of bad news. I have two subjects that I want to talk about: school impacts, and the relationship between the Housing Element

and our Specific Plan. I guess I drew the short straw. I think they said, “You’re an attorney. They hate you anyway, so you can cover these two subjects.”

I’m here to talk about school impacts. We’ve had just a tremendous amount of comments at all the hearings about school impacts, and we all I think understand how impacted the schools are with overcrowding and lack of facilities.

The bad news is that the State has preempted us on this issue. The State has decided that it will regulate the impacts from schools, and not the local jurisdictions. It’s been that way since the 1990s when SB50 was passed, and that basically says that the Town, or any city or county, can’t prohibit a development based on any type of finding that says the schools are overcrowded or impacts. We just do not have that ability to make that finding in order to deny a project.

SB50 does authorize the school districts to levy a fee on new development, and it establishes the amount in the State law, exactly what they’re going to be able to levy on each new development and it’s basically a formula, and that formula continues to rise. I would be of the opinion that it hasn’t risen enough to keep up with the cost of real property and that there need to be some

changes made, but that has to be done at the State level; the Town doesn't have the ability to do that. Right now it's $0.56 per square footage for commercial and $3.48 for residential.

The school districts do have the ability to try to raise that up. You can go from Level 1 to Level 2 and Level 3. They had to do an analysis and a study to raise those levels up above the 2 and the 3. They do that; the Town doesn't have the ability to do that. The different school districts have looked at possibly raising those levels up.

So what can we do? Well, we did zone and allow for uses in the North 40 for public school. We can do that; we can use that as a use. We can't zone specific properties, because the problem with that is if we took three or four acres and said this will be a school, and then a school doesn't purchase it, it's basically then we've taken someone's property, because it can't be used for any other purpose. But we did allow for the use of a public school on the North 40 property; it's one of the approved uses.

What else can we do? Well, we put in language specifically in the Specific Plan that says we encourage, we require, the applicants or the developers to work with

the school districts on overcrowding. That message I think went through because I think most of you know now that the actual applicant for the North 40 did meet with the Los Gatos Union School District and agreement was reached for additional money above what the State allows, and that's allowed under State law. The Town wasn't part of that agreement; we just encouraged them to try to work that out. That agreement is a public record; anybody can look at that and see what funding will be provided, and representatives from the School District are here that maybe can answer those questions, if there are questions, about that specific agreement.

So really what the bottom line is on that is I know you're passionate about your school impacts. You're more than welcome to continue to comment about school impacts for each project, not just this and any others, but the hands of your local government officials are really tied. They don't have the ability to, like I said, deny or modify a project, any project, based on school impacts.

What we really need to do is get the State to change the methodology that is allowed up there so that more money is coming into local governments from developers.

The other issue is the Housing Element. The State has currently determined that there is a major and severe shortage of affordable housing and there is an immediate need to encourage the development of housing. This is continually going on. I'll talk a little bit later about Governor Brown's brand new proposal for even more legislation to take away local control.

In order to meet these regional housing needs California law requires the Town to adopt a Housing Element. We adopted one from 2007 to 2014, and our next one was just updated recently.

Every jurisdiction—we're not alone in this, we're all dealing with it—we all have to take care of our fair share and plan for the new housing of all income levels in the community.

In order to comply with the State law, what did the Town do? It appointed a Housing Element Advisory Board to help assist with the update of the Housing Element. The HEAB, as we called it, consisted of the General Plan Committee and four members of the community. The General Plan Committee consists of Council members and Planning Commission members.

In 2013 and 2014, when I first came on, I was part of numerous meetings that were held in the chambers

here and give public input on all the different ways that we could meet the State requirements and get a certified Housing Element. All housing elements have to be certified by the State.

In June 2014 what HEAB decided to do was to satisfy all its numbers that were required by the State. What it did was it used its existing Affordable Housing Overlay Zone sites. That's what we have done in our previous version; we figured that would work and we'd be able to show we can meet all our numbers for affordable housing by what we did in the last one.

This went in front of the Planning Commission and the Council in September of 2014. Then it was approved and we sent it on up to the HCD for their approval. Unfortunately the State said they're not going to certify it. They said that we weren't demonstrating that we had the ability to approve those sites for affordable housing.

What we had done, we had put an AHOZ, and I'll just use an example. One of our AHOZ sites is the Lodge property, the Los Gatos Lodge, and we were saying that has the ability to produce X amount of units of affordable housing, but unfortunately that wasn't mandatory. So when an applicant came in and said they wanted to produce those X amount of units, the Council, the Town, had complete

discretion to deny that and say they still wanted it to remain commercial since it was just an overlay, and the State said you're just playing games with the numbers of the amount of units that you're able to build, because there is too much discretion allowed amongst the Council on whether to approve any of those projects for those AHOZ sites and that you really have to show that you're able to meet those numbers for affordable housing and allow for development to occur.

So in order to obtain certification the HEAB got back together and met, and we went over all these different sites and tried to find out where we could meet our RHNA numbers.

One of the ways they did that was by taking the North 40 Specific Plan and taking 13.5 acres at 20 units per acre, and that's how they were able to meet those numbers that were missing to be able to get it certified. What they also had to do was list that the development on the Specific Plan and the North 40 was going to be by right, and what that means is 13.5 acres at 20 units per acre has to be done by right. What means is that if an applicant comes in and wants to do that amount of units, then you don't have the ability to say we don't want those

units. We've already said you're able to do them by right, you've allowed for the development of those units.

We were able to have some discretion of the design review, and we have to make certain that it still complies with the Specific Plan. What that means is we've heard many a time that the maximum is 270 units in the Specific Plan, and it does say maximum. So many people say well that's just a maximum, we can only allow 200 units. Not with what we did with our Housing Element. When we approved our Housing Element and said 270 units are by right, that basically means if an applicant comes in and wants to develop 270 units, the Council has to approve it at that number of units.

Now, they do have discretion within that to make certain that it does comply still with the Specific Plan, but they can't simply say we don't like 270; we want 200. Because that's what we were doing before on other projects and the State said no, you're not actually carrying your weight to meet their RHNA numbers.

Just as a final note, what I said before, Governor Brown has just proposed sweeping new regulations that this wouldn't just apply to our 619 RHNA numbers, or 270 where we set by right; it would apply across the board. If a project comes in and proposes I think it is 20% of

affordable housing in a project, you have to allow it by right. You don't have the ability anymore to deny projects, and there will be very little CEQA review.

I would strongly suggest you look up this law and talk to your legislators about it, because it takes away tremendous local control. Bills are being proposed to take away local control. I serve on a housing committee with the State, and we're continually trying to fight to keep that local control, but time and time again the State is trying to take it away for what they believe is a State purpose.

With those two pieces of bad news on the Housing Element and the school impacts, I'll pass it over to Matt Morley.

MATT MORLEY: Good evening, I'm Matt Morley, the Director of Parks and Public Works. I'm going to talk to you a little bit about traffic impacts and how the Town handles that. I'll start by talking about the standards the Town has set in place, and these standards are in place through the General Plan that both Joel and Rob have talked about a little bit.

To set the standard the Town has identified six levels of service within the Town. We rate those on an A through F levels, and we do include E, not like your school grades. For the sake of identifying the traffic levels of

service, Level D is considered acceptable in the General Plan.

The level of service is measured in terms of delay in seconds. What this means when it comes down to it is that the Town looks at individual intersections and the amount of time and delay that you would expect or anticipate when you come to that intersection to wait for your opportunity to progress through.

How does this translate to developments? In terms of intersections that are in the area of an A through C, they're allowed to drop one level, and this is in the General Plan as well. The standard is that those intersections within development can degrade by one level. The intersections cannot drop below a level of D. D is the lowest level of acceptable service for an intersection, so if it hits a D or below, there has to be some sort of mitigation to bring that intersection back up to a level of D. In addition, if an intersections drops more than one level, so if it were to drop two or more levels, then it needs to be brought back up and there needs to be a mitigation to address that as well.

How do we go about figuring all this out? It starts with a traffic impact analysis, or TIA, and that's part of the Environmental Impact Report. For the Specific

Plan 31 existing intersections were analyzed, and then one new intersection that is created with the Specific Plan was added and analyzed as well.

The analysis includes anticipated vehicle trips, so how many trips were going to be generated with the development, and that's all a standardized calculation based on industry standard. It also considers the type of development, so the residential versus the commercial. And it considers the time of day, so what happens in the worst impacted period of the day, the peak periods, and typically there's a peak period in the morning and a peak period in the evening, an AM peak and a PM peak.

In Los Gatos' case we include an analysis of other anticipated developments. In many communities the anticipated developments are those that are already permitted. In Los Gatos, if we have it on the radar and we can identify the scope and scale of the project, it's included in the analysis.

With that, there are several projects that were included in the analysis for the North 40 Specific Plan. These are the six projects that were included, and those were included based on the information that was in the Town's possession at the time that the EIR was completed.

Once these impacts are identified and we know that the development is going to bring more traffic in, we have to figure out how to solve the impacts of the traffic increase. To do this we've looked at many different ways of reducing the level of service—again, it always goes back to the level of service and the calculations and the data—and bringing that back to the alignment with the Town Code, with the General Plan.

In order to do that for the North 40 there are several areas that we've incorporated, including multi model improvements. There's a bike and pedestrian path that goes around the perimeter of the properties as well as through the center of the properties.

There are Lark and Highway 17 intersection improvements. This is the northbound on-ramp to Lark and 17. There's an additional right turn lane to handle the additional capacity that's necessary.

There are improvements at Lark and Los Gatos Boulevard to provide for left turns, both from Los Gatos Boulevard onto Lark Avenue and from Lark Avenue onto Los Gatos Boulevard. Those extra lanes will help to decrease the delay at that intersection.

There is a new intersection at "Neighborhood Street" that will be a new signalized intersection.

"Neighborhood Street" is in quotes on the screen, because it's not yet fully named, but the new intersection that I talked about was added to the analysis, and a new signalized intersection will help to provide access to the project and will help to alleviate traffic and congestion from vehicles going in and out of the area.

Finally, there are improvements in the Specific Plan for Los Gatos Boulevard at Burton and Samaritan.

In terms of traffic it's important to note that the General Plan acknowledges that there is an increase of traffic with developments and works hard to mitigate those impacts. The mitigation measures as I've listed here are efforts to accommodate that additional capacity need and address the traffic in that means.

As I mentioned, there are ways for intersections not to get fully mitigated, so some intersections don't get fully mitigated back to the level. There is an allowance for a drop, but the General Plan does establish a standard, a minimum level of service at that D Level, and the documents ensure that that level of service is met.

With that, that concludes the traffic impact section, and we'll turn it back to Shawn for the wrap up.

DR. SPANO: This slide here is the same slide that you have on the back of our agenda, as I mentioned

earlier about the process going forward and opportunities for public input; just want to remind you.

In July there will be Planning Commission public hearings regarding Phase 1 development. Expect multiple meetings on that aspect from the Planning Commission, and every one of those meetings is an opportunity for public input on those applications.

Then the same thing with the Town Council public meetings. There will be multiple meetings and opportunities for public input and verbal comment at those meetings as well.

We are being televised tonight on KCAT, and there will be a verbal transcription of the meeting here tonight as well.

We are ready to move on to Questions and Answers. Christine is collecting questions—I've got three categories here—and Christina will collect your blue cards.

So far I have three big categories. The two questions around the EIR and Specific Plan, we'll start there. There are several housing questions here, and several traffic. Let's take up housing after the EIR and Specific Plan question.

Question: What agency or consulting firm performed the EIR?

JOEL PAULSON: I'll take that. EMC Planning Group is the consultant that the Town used to prepare the EIR for the North 40 Specific Plan.

DR. SPANO: Okay, excellent. And a question around the Specific Plan is: "Why is the North 40 Specific Plan not adhering to Town Council and resident concerns?" We'll take that question as it is. I might respond this way: In what ways did the Specific Plan respond to Town Council and resident concerns, and which ways did it not is another way of phrasing the question. Go ahead, Joel.

JOEL PAULSON: I'd say, as I spoke of earlier, the Planning Commission, Council, North 40 Advisory Committee, there was a lengthy public process. Ultimately a policy document was adopted, which is the Specific Plan, taking into consideration all of the concerns that were raised, many of which are similar to many of the concerns we have been hearing recently. I believe those were all taken into consideration by the Planning Commission and then ultimately the Council before taking an action on that item.

LAUREL PREVETTI: Let me just add a specific example. As Joel mentioned in the opening presentation, when the Advisory Committee was doing its work the plan was considering about 350 or so housing units. As the plan

worked through the process, ultimately the Council reduced the housing development capacity to 270, so I think that is one example of how the Council was in fact listening to some of the public comments that were coming forward during that time.

There are other examples. We did an economic study to make sure that the North 40 Specific Plan would not compete with our precious and very unique downtown, and so the elements coming out of that study were also incorporated.

And there are numerous other examples. Our Council and Planning Commission reads all of the correspondence, so as we move forward, again, we encourage you to continue to stay engaged and participate.

DR. SPANO: Thank you. A question just came in, and this question is related to the Specific Plan, so I'm going to take that question now. You can see what I'm doing. I'm trying to take questions that fall together in the same category, since we're on that topic.

This question asks, "Does the Specific Plan involve the City of Campbell as a joint municipality affected by the overall plan? Is there coordination between the two? How much additional…" Let me just hold on that second question. So, coordination with Campbell?

JOEL PAULSON: I will turn this over to Mr. Morley. It's not a joint plan between Campbell and the Town. This is the Town's Specific Plan for this specific area. The traffic, through the environmental process, we do coordinate with not only Campbell, but also San Jose and other neighboring jurisdictions where there may be impacts that could be created by this proposal.

MATT MORLEY: Thank you, Joel. Great question in terms of what the regional coordination looks like. There are two examples and they were on the list, and I'm going to flip back in the slides real quick.

Two additional projects that were included in the analysis. The Dell Avenue plan, which is a Campbell plan, was incorporated into the traffic analysis, so that definitely has been considered, as well as the Samaritan area improvements that were on the books at the time, and those have been considered from the Council as well.

DR. SPANO: Excellent. I have some other questions here around the Specific Plan. "Since the purpose of the North 40 Specific Plan was to develop the property with a cohesive, unified plan covering the entire 40 acres, how can we consider only Phase 1 in a vacuum without seeing how it fits into the whole? Why doesn't the Town require this comprehensive plan that covers the entire property?"

JOEL PAULSON: The Specific Plan, for those have read through that, does anticipate phasing. There are a number of different property owners across the North 40 Specific Plan area, and so to facilitate the development phasing was reviewed and taken into consideration and included in the Specific Plan itself. I don't know the total number currently of property owners out there, but there are still a number of property owners across the Specific Plan area, and the application that it's currently in is only for the first phase, because that's the property that they have control over.

Then I would turn it to anyone else who wants to add anything additional.

ROBERT SCHULTZ: I think, as Joel mentioned, it is specifically in the Specific Plan. Section 6.2 addresses that issue and states that it will be implemented over time and in more than one phase. Each phase shall stand alone and shall be dependent on the improvements in that. So each phase does have to do its own public improvements that are necessary, but each phase was addressed, and that issue was brought up during all the hearings that were held.

LAUREL PREVETTI: I would just add that because we are working through an application for the southern part it needs to anticipate the infrastructure needs for the

entire plan area. You will see in the drawings stubbed out streets and other elements that indicate that in the future, when the northern portion is ready for private development, that we've anticipated the infrastructure needs accordingly, so while we don't know exactly the form or the shape of what the northern section would look like, the plan anticipates that it's going to happen over time.

This is not uncommon for a large tract of land such as this one that's over 40 acres. It would be highly unusual for a single development proposal to happen in one fell swoop. Typically it does happen over time with multiple applications.

ROBERT SCHULTZ: And although not part of the question, a lot of the questions that have been submitted so far that have talked about three phases. There are not three phases. There are three different districts, but there are only two phases of development. The first application that's in is dealing with the first two districts, and then the third district would be the second phase.

There might be parts in that Northern District that could be broken into smaller phases, because there are multiple owners, so it's pretty much impossible in a project this size to get everybody to come in at the same

time, because there could be a property owner in the northern area that doesn't plan on developing their project consistent with the Specific Plan for ten or fifteen years even.

DR. SPANO: Okay, are we good here? I have an EIR question: "Can the Town have another follow up EIR?"

ROBERT SCHULTZ: The Town can always request additional environmental studies, a city or town, if it determines that an addendum is necessary or there are new facts and circumstances under CEQA. That's why I hesitated; there is specific language that allows for that to happen. We'd have to look at and see if that was a concern of the Planning Commission and Town Council when it goes further, that there are issues that they feel were not addressed in the original one, and there have been circumstances that have changed. Then we would have to look at that and see if we could make the findings to allow for additional environmental review.

DR. SPANO: Along those same lines, "Can the Specific Plan be amended?"

ROBERT SCHULTZ: Yes. Chapter Six does specifically call out the administration of the plan and plan amendments, so at any time the document can be amended by Council.

DR. SPANO: A Specific Plan question: “Are there any contingencies related to the sale of Yuki’s property at all that could impact the outcome of the North 40 development?” Contingencies related to the Yuki property.

JOEL PAULSON: The Town Attorney may jump into this as well. We don’t get involved in the private land transaction, so we are not always privy to the specific contingencies, whether there are contingencies there or not. I know during the public hearing process there were discussions at the public hearings about the anticipated phasing, for one, and then two, some loose terms regarding some of the transaction issues moving forward, but that’s not something the Town gets involved in.

ROBERT SCHULTZ: Nor do we even have copies of those agreements between the property owner and the potential buyer.

DR. SPANO: A Specific Plan question: “Since the Yuki family is now keeping 22 acres, how can the Specific Plan still be relevant?”

JOEL PAULSON: The Specific Plan was prepared specifically because there are so many owners out there, and we want to be able to maintain the private property rights of the individual property owners, but they don’t own the entire North 40 Specific Plan area. They do own a

large chunk of the Specific Plan area, but they do not own all of the parcels.

DR. SPANO: Another Specific Plan question: “Three districts that will work together as self sufficient neighbors, but self sufficiency must wait until a future phase. What happens if Phase 2 and beyond never gets built? Would we just have a lot more housing?” Does that question make sense? You want me to read that again?

ROBERT SCHULTZ: No. There’s always the potential of a property owner, as I mentioned, not wanting to do a project under the Specific Plan and leaving the land just the way it is right now with some of the outlying individual homes that you see out there, but any time when they come in they would have to file an application and comply with the Specific Plan at that particular time. There is the maximum of the 270 units, so if someone was to say that the 270 units had already been built out by previous applicants and someone came in and wanted to propose more housing units, it would require, as we discussed, a amendment to be able to do that, because it wouldn’t be able to fit the Specific Plan requirements.

DR. SPANO: Another Specific Plan question: “The plan dictates 270 units, but there is a bonus. How does the

bonus apply, and what is the number of bonus units the total on the site would be?"

JOEL PAULSON: I'll start, and if Ms. Prevetti or Mr. Schultz need to add anything in. The bonus is up to 35%. I know we're not here discussing the application that's currently before us, but they requested the 35% bonus, and so the total number, if I remember correctly, if you did the 35% density bonus across the 270, you end up with 364 units, so that is possible.

Also note that any residential project in town can utilize the density bonus; they just have to request that.

ROBERT SCHULTZ: As Joel mentioned, they have to request that, and again, that's a State law that we cannot circumvent. We can't say no, we're not going to allow you to have a density bonus. It's allowed if it's requested by the developer and he meets the requirements to obtain the density bonus, which is providing a certain amount of affordable housing, and depending on whether that's Very Low, Low or Moderate determines how much of a percentage, and as Joel mentioned, it's up to 35%.

DR. SPANO: Here's a question: "Is it possible to purchase the property, or has the adoption of the Specific Plan precluded that?"

JOEL PAULSON: The adoption doesn't preclude any private land transaction. I'm sure the property could be purchased. Obviously there is a lot of work and time that's been invested, and so whether or not the parties that currently hold any rights to that property would be interested in having that conversation, that would be a private conversation that would need to take place.

DR. SPANO: The follow up: "If purchase is possible, could a bond measure be proposed?"

ROBERT SCHULTZ: The first question dealt with whether it could be purchased, and as Joel mentioned, that's a private transaction. We don't have the documents between the purchaser and the person that has that option right now to purchase it, so if a third party came in and wanted to also try to purchase it, there are all sorts of contracts that would have to be terminated and brought into.

The second question is about issuing bonds, and I think that goes to the Town purchasing the property. Currently we would not want to get involved in a voluntary purchase of the property, because of the fact there's a transaction that's already pending and there could be all sorts of ramifications of interference with a contractual relationship that we wouldn't want to.

But the Town does have the ability under eminent domain proceedings to take property for public use. That is always a possibility. I would say that's a very complicated procedure. We did give a very detailed answer in our questions that are online about the eminent domain and the experts that are hired and how you go through that process, but certainly at any time a purchase can be taken for public use through the eminent domain procedures.

JOEL PAULSON: Just to follow on, for those of you who aren't aware, the Town does have an FAQ, Frequently Asked Questions, posted online, so please, if you haven't taken a look at that, take a look at that. We're evolving that and adding answers to questions as they come in. We actually just updated it again this afternoon with some additional information, so I'd encourage folks to take a look at that as well.

LAUREL PREVETTI: I just want to moderate some expectations. While it's theoretically possible, it's highly unlikely, because if the Town were to get involved, not withstanding any contractual challenges that we might have, we would have to pay fair market value, and because there is a Specific Plan with the specific development capacities, that's going to be very expensive land for the

Town to buy, so it's highly unlikely for not only practical reasons, but also legal reasons, that that would happen.

ROBERT SCHULTZ: I was preferenced just from a legal Specific Plan, and there are all sorts of financial issues that would be involved, and the bond measure and timeframe that would take. I was just looking at it from a standpoint of yes, the Town has eminent domain ability under State law to take property for public use, but accomplishing that under these circumstances would be very, very difficult.

DR. SPANO: There's a follow up question here that I'm not going to have Staff answer. It's about the developer's proposal and whether it meets the guidelines of the Specific Plan, and as you recall that's really not the focus of the meeting tonight. That will be taken up by Planning Commission and Town Council.

We're staying on the Specific Plan EIR questions here. "If we have another EIR, how can the Town meet the deadline of the current application if there was another follow up EIR?"

JOEL PAULSON: I'll start. I think it would be highly unusual. The circumstances haven't changed to the point where those thresholds probably are met.

The other important piece to understand is that as other jurisdictions, other projects, come in, they all have to take into account the traffic that is proposed to be generated by the North 40 Specific Plan. They then will have to accommodate whatever impact their project is going to have in the cumulative analysis, also taking into account the North 40, the Dell Avenue plan, and many other projects. So they're required to go through their own environmental process and then make those determinations with this as background data included.

AUDIENCE MEMBER: (Inaudible) the question was how do we for (inaudible)?

JOEL PAULSON: That's something I think that we won't be able to answer right here, so the Town Attorney can maybe provide some additional input.

ROBERT SCHULTZ: During the process, and that's one of the reasons why we're focusing on the Specific Plan as opposed to an individual application, because an applicant does have due process rights. That issue will certainly come up at the Planning Commission where there will be at least two hearings in July for the Planning Commission, and at least two hearings in front of the Council in August and September. So that would be the time

to ask for additional environmental review, at those hearings.

There are many complicated issues that overlap with regard to the Permit Streamlining Act in regard to the Subdivision Act that we would have to work through if in fact that was a requirement, and we could make the findings. As I said earlier, there are strict findings to require additional environmental review, and until we get really into the meat of the project and hear the elected and appointed bodies is when those issues will arise.

DR. SPANO: A question here about the Specific Plan: "The Vision Statement in the Specific Plan states that the 40 acres should not be developed piecemeal." There's no question, but I'm assuming the question that follows from that is related to the earlier question about developing in phases. So reiterate the same answer? Is there another way of answering that division plan statement in the Specific Plan states that the 40 acres should not be developed piecemeal?

JOEL PAULSON: Bear with me. I'm just going to make sure I'm looking at the exact words. So looking at the Vision Statement, I don't see…

DR. SPANO: Could you repeat that? It was under Purpose 1.1. Thank you.

LAUREL PREVETTI: The bottom paragraph on page 1.1 says, “The intent of the Specific Plan is to provide a comprehensive framework in which development can occur in a planned, logical fashion rather than a piecemeal approach,” and that’s really the whole purpose of the Specific Plan, that it brings together all of the properties under a common Vision, which is also articulated on that page, and a common set of design guidelines and rules and regulations. It is intended to be a comprehensive plan.

I recognize that there’s concern that we may have multiple applications, but the first application is for a fairly large portion of the total area, and so as a subset that’s still considered a comprehensive plan that anticipates the future.

So again, it is related to phasing. I know ideally we would all love to see what’s it all going to look like ultimately, but it isn’t uncommon for projects of this magnitude and this size to happen in segments. Essentially it’s the plan that knits together those future applications to make sure that it is going to deliver an integrated neighborhood for our town.

DR. SPANO: Thank you. A Specific Plan question: “The Vision of the Specific Plan paints a pretty picture for a conforming development, however, the maximum density

and intensity drastically conflict with the Vision. Can the Town amend the Specific Plan to be in compliance with itself?"

JOEL PAULSON: Obviously the Planning Commission and Council, when they evaluate the Phase 1 applications that are currently going through the process, will be taking into consideration the Vision, the Guiding Principles and all of the elements of the Specific Plan document to make a determination for the Planning Commission, a recommendation to Council, and then ultimately the Council to take a final action on the project and to ensure that it complies with the Specific Plan.

Those are important pieces that will continue to be discussed in July by the Planning Commission, and starting in August probably in front of the Town Council. Offer anything else?

LAUREL PREVETTI: Just under State law we are required to make sure that all specific plans are internally consistent and that the Specific Plan is consistent with the General Plan. Those findings were made during the process of the Specific Plan preparation, so the document as approved is internally consistent.

As mentioned earlier, there is a process for amending the plan, and that could be considered at a later date.

DR. SPANO: "Does the Specific Plan protect the Downtown District? If so, how?"

JOEL PAULSON: There are a number of policies and language in the Specific Plan, because that obviously was a large component of having the conversation of going through the development of the Specific Plan and not wanting to negatively impact the downtown that we have.

There are a number of policies that were put in place specifically to try to limit that and really focus on complementing the downtown rather than competing with the downtown; that was a lot of the conversations originally when the Specific Plan was going through the process.

I will thumb through and see if I can find any specific policies that relate to that. The Town did do an economic study as part of the Environmental Impact Report, and that study did look at the potential impact on downtown, and that impact was not evident based on what was proposed.

LAUREL PREVETTI: I would also just add, there is a table called Table 2.2 that identifies the maximum development capacity and the maximum amount for different

uses, including retail, restaurants, et cetera, and those numbers were carefully considered in light of the entire economic segment of our community.

In addition, there is a table of uses that identifies which uses need a Conditional Use Permit or some other development permit, and that's Table 2-1, and that was carefully considered by the Town Council, and I recall that there were some modifications along the way to make sure that we were complementing the downtown and not competing.

And again, all these elements could be subject to future Specific Plan amendments if we find that additional changes are necessary.

JOEL PAULSON: The other thing I'd point out for the commercial uses, the Specific Plan requires them to be presented to the Conceptual Development Advisory Committee, which is a body that's made up of two Council members and three Planning Commissioners. Then they are also required to do additional economic impact analysis, which is brought forward to the Conceptual Development Advisory Committee before going through the process.

Any future commercial or future phases will have to go through that same process, and that will be taken into consideration at that time too, and depending on the

length of time may give you a similar or different economic story, but that evaluation will be provided with each application that comes forward.

DR. SPANO: Specific Plan question: "Would it be accurate to say that if somehow the Town successfully reduced the density of the Specific Plan it would essentially just be kicking the can down the road and result in denser future redevelopments?"

JOEL PAULSON: That is one possible outcome. Obviously if the 13.5 acres in the Specific Plan is not developed at 20 units per acre the Town has to identify additional sites that will accommodate 20 units per acre by right development, which Mr. Schultz has discussed at length, and that has to be done immediately following any action that would be taken to reduce the adequate sites inventory for the Specific Plan area. That was a big conversation throughout the process with the Advisory Committee and Housing Element Advisory Board.

The challenge is the Town in the last cycle used Affordable Housing Overlay Zones to accomplish our RHNA numbers, and this time they chose to remove some of those, given some of the new requirements with by right and 20 unit per acre development to utilize the North 40 in that

case. So anything that gets reduced on the North 40 will have to be accommodated elsewhere in town.

DR. SPANO: Thank you, Joel. I checked with Laurel. I wasn't sure if this was an application question or not. "I'm proud of Town Council for rejecting Shannon Road/Los Gatos Boulevard development due to high-density application request. Why is North 40 application density not being rejected under the same pretense?"

JOEL PAULSON: The Town took specific actions through our Housing Element and Specific Plan to accommodate our regional housing needs, and that was to say that we're going to have 13.5 acres of the North 40 area be developed at 20 units per acre on that site.

I think the Shannon Road project was actually probably far less then 20 units per acre. It's just obviously a smaller site, and the determination was made that the proposed development wasn't appropriate and the project was ultimately denied.

LAUREL PREVETTI: I think the context is also different, because that site was designated primarily for commercial use, so that was not a Housing Element site, it was not a site that we had identified for residential.

The first question is really do we want housing at that Shannon Road and Los Gatos Boulevard location?

Secondly, that project went through the entire process, so it went through all of the development evaluation. It went through Planning Commission and it went through Town Council, so it went through the whole process.

With the North 40, with the application that's currently pending, we're still in that process. We don't know what the outcome of that is going to be, but as was mentioned on the slide that's up there, we do have Planning Commission hearings starting on July 12th, and we'll see what its recommendation will be and ultimately what the Council's decision will be in August or early September, so we're still in process.

ROBERT SCHULTZ: I'll just add to that. It was a totally different scenario, because of the fact mentioned. It was commercial; an applicant is asking for it to be changed to residential. That's within the discretion of the Council whether to allow or not. It wasn't a site within our Housing Element.

But more importantly, I'll go back to Governor Brown's proposal. If his law passes, that project would have to be approved by Council. They would not have had the discretion, because if it had that 20% affordable, which is 11 units, if there were 20% of those units, they would not have had any discretion, it would have had to be approved

without any CEQA allowed. That's how far the State is trying to go take away local control.

DR. SPANO: Thank you. Still on the Specific Plan: "The Specific Plan states that 13.5 acres will have a density of 20 units. Do all 13.5 acres have to be in the Lark and Transition Districts, or can it be spread throughout the entire 40 acres?"

JOEL PAULSON: It can be spread out, ultimately. That's a determination the Council will make on the application. There is obviously language, and as was discussed before the Specific Plan talks about three districts. This first application is taking up almost two of the districts, so if that's something that the Planning Commission through their recommendation and/or Council ultimately think it is appropriate, then that's something that they can consider.

I think the challenge gets to be there are a lot of other areas, and I'll turn to the Town Attorney relating to density bonus requests and where our discretion lies there, as well as some of the by right concerns that were raised before.

ROBERT SCHULTZ: I'll just come back to the Specific Plan, because that's really why we're here, and not the specific application. But under the Specific Plan

the 13.5 acres are not designated, it just says there will be 13.5 acres designated at 20 units per acre. That allows for it to be spread if the Council so desires.

DR. SPANO: Okay, Specific Plan: “If there are so many property owners, which was known prior to approving the Specific Plan in January 2015, then why was the entire 44 included in the Specific Plan?”

JOEL PAULSON: I think as Ms. Prevetti mentioned before, that’s the whole point of creating a specific plan, when you have multiple owners, so that way everyone understands what the requirements are for the entire plan area, so that good planning can move forward, whether it’s done all at once, whether it’s done in multiple phases, or whether an individual property owner wants to just develop their specific piece of property, it provides that framework for the future applications to be tested against to make sure they comply with the Vision, Guiding Principles and developments parameters that reside in the Specific Plan.

DR. SPANO: Follow up question to that: “Why not a North 20 Specific Plan?”

JOEL PAULSON: A North 20 Specific Plan would have been doing a Specific Plan for only half of the site, and so we’d have the challenges that we have now, which

would be someone could come in with a development application for one acre or 20 acres. The area is bound pretty specifically by Highway 85, Highway 17, Lark and Los Gatos Boulevard, as everyone is aware, so that really actually makes sense to create Specific Plan for that entire area.

But again, the Specific Plan really is a tool to help the planning efforts moving forward when there are multiple property owners to make sure everyone understands what the rules are, and you get to set the rules for that specific area.

DR. SPANO: Joel, I think this next question falls in the same category: “Can the plan be amended to include only the current option to parcels?”

JOEL PAULSON: The plan could always be amended. I think Mr. Schultz explained there are processes laid out in the Specific Plan for amendment. I will make a statement, and then the Town Attorney can correct me if I go astray, but generally the applications that are currently before the Town, they have to be acted upon given the parameters that are currently in place. Amending the Specific Plan may not have an impact on the current proposal, but there is a process for amending the Specific Plan and that is always possible.

DR. SPANO: "Where in the Specific Plan does it state that all 270 units plus bonuses be located in the Lark District?"

JOEL PAULSON: It does not say that.

DR. SPANO: Next question: "How important are the Vision and Guiding Principles to land use decisions? In other words, if the Town determines most of the development is inconsistent with the important element of the Vision and Guiding Principles, but is otherwise compliant with the technical standards and guidelines, must the Town allow development to go forward?

JOEL PAULSON: I think it's been mentioned before, that's obviously a big part of the evaluation. The Council ultimately will have to make the determination as to whether the first phase, or any subsequent application that comes before them, complies with the Specific Plan. That will be a specific finding that will have to be made, and so that's very important.

We get this question a lot with the General Plan. If you read the General Plan, there are a lot of policies, goals, vision language in there, some of which, depending on the project, can be construed in multiple ways. So it's really taking a look at the application, taking a look at

the foundation of the Specific Plan, and then ultimately that determination is going to be made by the Town Council.

DR. SPANO: "So invoking language from the Specific Plan, can the 'look and feel' of Los Gatos be interpreted to include the diversity of buildings, architecture, styles, et cetera, and not emphasize cookie cutter, which is scarcely found in Los Gatos?" So can the look and feel of Los Gatos be interpreted to include the diversity of buildings, architecture and styles? Is that what is meant by the look and feel of Los Gatos?

JOEL PAULSON: Yes.

DR. SPANO: Good. And as I understand the question, encouraging that diversity and not wanting the cooking cutter, and you're saying that yes, that's what the Specific Plan enables and allows?

JOEL PAULSON: Correct.

DR. SPANO: Excellent. "Was the Specific Plan changed when the size of the development was reduced by one-half?"

JOEL PAULSON: I guess I can try to interpret what that question means. I'm assuming it means did we cut the Specific Plan in half because we were only looking at half of the first phase, only dealing with half of the application or the area?

DR. SPANO: Or that the Specific Plan changed in some way when the area was reduced.

JOEL PAULSON: The Specific Plan area was never reduced; it's always been the same size. The application that's currently in is a Phase 1 application, which is half, so there are no changes required to the Specific Plan because we have an application in for the first phase.

DR. SPANO: This question then I think operates off the same premise about a reduction: "How many planned units were lost by the reduction in acreage?" What I'm hearing you say is there was no loss.

JOEL PAULSON: There is no loss of acreage. The acreage that the Specific Plan governs has not changed. It provided the requirements for the entire North 40 area, even buildings that are intended to stay.

DR. SPANO: "If the Specific Plan is discovered to be in conflict with the General Plan, must one of them be amended?"

JOEL PAULSON: The General Plan was amended when the Specific Plan was adopted, and the Specific Plan was determined to be in compliance with the General Plan, and so from Staff's perspective there is not a conflict between the Specific Plan and General Plan, because it's not permitted.

DR. SPANO: “What is the definition of ‘open space’ in the Specific Plan? How will it be achieved?”

The questions are great. You’re right on track with the questions and the guidelines, so you’re doing great in terms of the guidelines. I’m taking some application questions; they’re off in a separate pile, because again, we’re not looking at applications and anything about any specific proposal. Joel.

JOEL PAULSON: Open space is defined on pages 6-13 of the Specific Plan, and I will go ahead and read it for the audience. “Open space means a ground plane open and generally unobstructed from the ground plane to the sky. Balconies, shade structures and roof eaves may extend over a portion of the open space. Open space includes green open space and hardscape, plazas, courtyards, pathways, sidewalks and pedestrian paseos. Plazas, courtyards and planters over podium parking or on roof decks also qualify as open space.”

So it is broadly interpreted across from hardscape to greenscape. There is also a requirement in the Specific Plan that a minimum of 20% of the required 30% open space be green open space.

DR. SPANO: And then the second part of that is is it achievable, that definition of open space?

JOEL PAULSON: Yes.

DR. SPANO: Great. “Where in the Specific Plan does it say that housing units have to be spread out?”

JOEL PAULSON: It does not say that either. I’ll just offer that it does speak to where residential can be implemented, and that is across the entire Specific Plan area with the caveat that in the Northern District any residential that’s proposed has to be above commercial, so you have to have a vertical mixed-use setting for any residential that is in the Northern District.

DR. SPANO: Very good. Christina, how are we doing? Any other EIR Specific Plan questions? I think we’re good. I think we’ve covered all the EIR Specific Plan questions, and I know they obviously feed off into traffic and density and so forth.

Let’s move over. I’ve got a couple of cards on schools here.

And we can come back. If you still have questions about the Specific Plan, fill out a blue card and get it in. We don’t need to stay all regimented; we can move around a little bit here.

Schools: “Is a school considered a non-residential use, and if so, is it excluded by way of Table 2.2?” which I’m assuming is Table 2.2 in the Specific Plan.

ROBERT SCHULTZ: Under Table 2.1, Permitted Land Uses, which is found on page 2.8, it says that public and private schools are allowed in all three of the districts with a CUP, so it's not considered a non-residential use, it's just a specific category that allows it anywhere within the North 40 plan.

DR. SPANO: Thank you. Another school question: "Is the plan to divide the North 40 project to be received by several school districts? For example, is a portion of the development to be serviced by Campbell Union Elementary and High School District, and not serviced by Los Gatos Elementary and High School District? As a 34-year resident of Los Gatos, I live in the Old Adobe Road area serviced by Campbell. The Town of Los Gatos has never been inclusive of fringe areas. I would strongly state that two different schools districts is disjunctive." So the key question, is the plan to divide the North 40 project to be serviced by several school districts?

LAUREL PREVETTI: A completely different process determines our school districts and their boundaries. As you know, we have many school districts that serve the residents and families here in our community and we're very fortunate for that.

The southern portion of the Specific Plan area is generally served by the Los Gatos Union School District; this is our elementary and middle school age group, and then for the high school it would be our Los Gatos-Saratoga Union High School District that serves that southern portion. To the north we have our Cambrian School District, and we again thank the participation, as well as the Campbell Union High School District that takes care of the northern portion. That's why we've invited four different school district boards and superintendents to be with us tonight.

Those boundaries were predetermined long before the Specific Plan even came into fruition, but we look at school issues for all of our districts, and that's why it is identified specifically as a use within the Specific Plan area.

DR. SPANO: "Can the School Board ask that the builder build a school on the property? How do they propose that we intake a large number of students in already impacted schools?"

ROBERT SCHULTZ: No, the School District can't demand from a developer that they build a school. As I mentioned (inaudible) there's a formula for the levy and the fees, and that's all they can do is collect fees based

on the square footage of the development, so there isn't that ability to do that.

In this case though the developer and the Los Gatos Union School District did voluntarily meet and discuss and enter into an agreement for additional money above and beyond the State requirements that I mentioned about the square footage.

DR. SPANO: I have a question here for a school superintendent on supporting the Governor's proposal, and we're going to hold onto that, because the school superintendent is not answering questions here this evening.

Okay, so we can move on. That's all I have on schools. Christina, we good? Any other schools questions?

Okay, I've got traffic. Let's move over to traffic. Some other categories that are coming in—and again, don't feel bound by these categories—I have traffic, we'll move to housing after that, and then there are several questions on commercial as well. So I've got a handful of traffic questions here.

"If intersection LOS levels can drop by one level each time there is a development, we could theoretically eventually land at D Level for all intersections. Is there

a minimally acceptable distribution of LOS levels, i.e. 25% of A, 25% of B, et cetera?" Matt.

MATT MORLEY: Level D is the General Plan's determination for what is acceptable, so that's the lowest level that the intersection can go to within the Town. There is no distribution across that; that's been determined to be the level of service that is acceptable.

DR. SPANO: Here's another traffic question, really comments. I think I can find question in here. "Three major concerns: Town's loss of identity as a special town; education, schools impact now; and then traffic. More cars, really?"

As you said, I believe, Matt, that in the TIA it does say for more traffic, so just say a little bit more about that.

MATT MORLEY: The Traffic Impact Analysis is exactly that, it's an analysis of the impacts from traffic. It acknowledges that a development will bring additional vehicles to the road and it looks for alternatives to mitigate those additional cars, those additional vehicle trips, and to reduce the impact of those trips on the community.

As I mentioned in my opening, several projects around the development that accommodate these impacts and

help to mitigate that and to keep the traffic flowing, so that when you reach an intersection your delay is managed and controlled.

DR. SPANO: Thank you. Traffic: “Why can’t a new traffic EIR be required before development is approved, because clearly traffic in Los Gatos has changed significantly since 2014 to now, 2016?”

So the heart of the question: Can the EIR be required before development is approved to include the traffic?

MATT MORLEY: I think the answer is consistent with your responses previously that the Council can look for additional EIR studies, and the TIA is a portion of that, and so that is a potential for the future.

I would say that traffic analysis is a snapshot in time. The Traffic Impact Analysis captures the traffic at that time and the increases that the project brings, so it’s very specific to the increase created by the project, regardless of when that traffic analysis is done.

JOEL PAULSON: I just offer one other thing. I don’t have the project or the files in front of me, but that is a question that we’ll also answer online as it relates to the Phase 1 application to illustrate what traffic review has happened as part of that Phase 1.

DR. SPANO: I have a couple of specific traffic questions coming up here. “Is the Town looking at the need to change the traffic flow on Winchester south of Lark for the two residents that will need to avoid Bascom Avenue and still need…still need the (inaudible) at Bascom?” Am I reading that right? I don’t have a name on that. So, “Is the Town looking at the need to change the traffic flow on Winchester south of Lark for the two residents that will need to avoid Bascom Avenue?”

Are we okay on that? Are you following that, or is this a parking lot and we need to follow up with a little bit more… (To audience member) Help clarify.

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: Okay, thank you.

MATT MORLEY: The intensity of Winchester and Lark specifically was addressed and it is in the TIA.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: There is not a project, because the impact associated with that intersection did not change it so that it needed mitigation.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: There are additional dollars set aside from the Netflix project to address that local area. One of the commitments we’ve made is to hold those dollars

until we see what the result of that full Netflix build-out and occupation is, and that will allow us some flexibility in using those dollars, so that's the potential for mitigation in the future.

There were projects associated with Netflix that address the traffic in that area. I think as you see that area settle out a little bit it will allow us an opportunity to continue to do the assessments in there and identify where we need to program those dollars.

DR. SPANO: Very good. Thank you for the clarifications, and the next time when that needs to happen I will repeat that for the people in the overflow so they can hear the follow up question.

"Will there be any pedestrian or car access from Bennett Way?"

MATT MORLEY: Bennett Way is a Phase 1 application question, I believe, although there is car access to Los Gatos Boulevard in the Specific Plan. What that looks like specifically will come out of the Phase 1 application.

DR. SPANO: Thank you. And again, we're on very specific traffic questions here; so let's just do the best we can.

MATT MORLEY: Let me just finish off with that.

DR. SPANO: Please, please. Yes.

MATT MORLEY: There is significant pedestrian and bike access in the project in its entirety. There's a loop around the perimeter that is a very wide multi model path, as well as a requirement that there be a multi model paths through the project Specific Plan as well. The large amount of open space will also contribute to the ability for bikes and pedestrians to move about.

DR. SPANO: "When turning right onto south Los Gatos Boulevard from Neighborhood Drive, will there be a No Right Turn on red? I believe this will help surrounding businesses get out of their driveways."

MATT MORLEY: That as well will be addressed through the development of the Phase 1 application.

DR. SPANO: "Lark and Winchester intersection is currently now a congestion problem. Shouldn't the EIR address this intersection too?" So that's Lark and Winchester.

MATT MORLEY: As we mentioned previously, Lark and Winchester was addressed through the Traffic Impact Analysis. The study included that analysis and what the delays at that intersection were. What we'll do, I think we'll see if we can pull up the analysis on Lark and

Winchester and get that up in a few minutes on the overhead.

DR. SPANO: Okay. (To audience member) So the question was?

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: So did the analysis and what actually happened, are they consistent with one another? So that was the question for the overflow audience.

MATT MORLEY: The analysis considered the development of the project, of the North 40 Specific Plan, and ultimately an answer won't be known until the full development is in place.

DR. SPANO: "Why wasn't the Oka Road/Lark intersection considered in the TIA?"

MATT MORLEY: The Oka Road/Lark intersection is an intersection that has less load from the Oka Road feeding into that intersection, and it was determined not to be a significant intersection and without impacts, so it was not considered through the TIA.

DR. SPANO: "Much of the current Lark traffic in the evenings is due to restricted capacity of Highway 17 and Highway 9. Why doesn't the Town allow Caltrans to widen 17 to 9?"

MATT MORLEY: The Council has a General Plan policy that prohibits the widening of…or identifies the widening of Highway 17 as not something that the Town is accepting of.

DR. SPANO: "Los Gatos Boulevard from 85 to Lark is already overwhelmed due to only two lanes existing each way. Why won't the Town use eminent domain now to take the eight properties to widen the road so we don't have to wait 30 more years?"

ROBERT SCHULTZ: That's certainly a possibility, and I would go on that question that will answer any type of eminent domain question where I've answered that about the process you have to go through, and I think as Laurel mentioned, it's a process that you do have to pay the fair market price for that property, so each property would be entitled to it if we were to pay for that.

Normally the way we have done it is that we wait till that development comes through and it's part of the development. Then we're able to extract that as a nexus from the project's impacts so that we don't have to pay for that property. But certainly the eminent domain process does allow for that to happen.

DR. SPANO: “Is it possible to have a new traffic study, a new TIA, that uses local standards versus the TIA formulas that aren’t truly relevant?”

MATT MORLEY: The Traffic Impact Analysis standards are identified in our Town’s General Plan, so very specific to the Town, adopted by the Town, and even more stringent than, for instance, the VTA standards, which govern a little bit more broadly. So the Town has its own standards that it has adopted and follows.

DR. SPANO: “Given that traffic has become significantly worse in years since the EIR, will a new EIR be done?” Let me just ask that. We’ve asked that question.

“If traffic level of service is shown at D or F, will all future development be halted? How often will traffic EIRs be repeated?” Let’s just take the levels of service is shown to be D or F. Will all future development be halted?

MATT MORLEY: If an intersection is at E or F it needs to be brought back to a Level D, so the acceptable level of service; there are multiple ways to do that. The Town collects traffic impact fees that allow the Town to do projects along the way, and it also can be incorporated into a project development.

DR. SPANO: “How often are traffic EIRs done?” This is requested. An EIR is requested, so it’s done at the request of Council?

MATT MORLEY: Yeah, the Town has triggers on where a Traffic Impact Analysis is done, and the threshold for us is 20 trips, so if the project generates 20 vehicle trips or more, then it’s required.

LAUREL PREVETTI: If I may?

DR. SPANO: Please.

LAUREL PREVETTI: If I could just add that typically the driver for when we do traffic analysis is when we have a private development proposal. It’s unusual for us to just do a traffic study just on our own, but we typically do it when we have a specific proposal that is asking us to evaluate some new development.

MATT MORLEY: It gets a little into the weeds, but I did want to talk a little bit about the question on Winchester Blvd and Lark Avenue, and if I can bring your attention to the screen.

On this line where you see the arrow, Number 7, Winchester Blvd and Lark Avenue, identifies the traffic for both the AM and the PM peak periods, the time when it’s most impacted.

Under background, background is what was analyzed and seen as what existed. What's the existing situation? The most telling there, you see the letter grades; both of them are B at Winchester and Lark, so that's what the…

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: Let me finish, and then we'll get to some questions. I'll run through the scenarios here.

You can see that the delay was 17 seconds; that's the number right to the side of the B, so 17.4 in the AM and 17.7 in the PM.

Two projects were analyzed; we called them Project A and Project B. When you add those projects you can see what happens to the delay; it increases by .7, or by roughly 3 seconds, to a B- and a C+.

That's how the analysis is done, and that's really a little bit in the weeds on the details, but that's where the comparisons come from, and this level of analysis happens with all of the intersections.

DR. SPANO: So the question is what year was this analysis done?

MATT MORLEY: The analysis was done in March 2014.

DR. SPANO: The question is traffic analysis since 2014?

MATT MORLEY: The traffic analysis, as with the rest of the EIR, is a snapshot in time, so it has captured a particular point in time, and that's the information that's had when the decisions are made, and that's the information that goes forward.

The information that we're dealing with is a comparison between the existing traffic and how the development will cause the traffic to increase, and so that snapshot in time identifies what that increase from the development will be, and the developer is required to mitigate that delta.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: Based on the information, yes, the information at the time. But the capture is that delta in impact, and that's the mitigation that's required.

DR. SPANO: Okay, and so I'm hearing very clearly the request here for an updated traffic analysis.

MATT MORLEY: We'll provide a more detailed summary of the traffic analysis online in the Q&A, so that you'll have that for the future.

DR. SPANO: Very good. Thank you. Christina, we okay on traffic questions? Any other traffic questions?

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: Thank you for your comment. And so we can record what you have, it would be great if you filled that out on the… Thank you very much for that. Thank you.

I'm not hearing any other questions, seeing any other questions on traffic. A couple school questions came in, and we'll circle back to those.

"The North 40 developer promotes on his Facebook page that it is working on an agreement with the Los Gatos Union School District. Why are they not talking to Cambrian School District who has unused schools in their ownership?" I'm not sure we're in a position to answer that question since it's a School District question.

I've got one other school question: "If there is overcrowding in Los Gatos schools, what was the rationale to put the residential housing within Los Gatos School District boundaries and not Cambrian School District?"

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: They are here in a listening role tonight, not in a speaking role tonight, and they were told that they would be in a listening role and not in a speaking role tonight.

So the rationale for residential housing in Los Gatos School District boundaries and not the Cambrian School District?

JOEL PAULSON: I'll offer that obviously that was a topic that was discussed at length through the Specific Plan process and through the Environmental Impact Report process, and ultimately the determination was made to allow housing and to allow housing across the site, with the caveat that the Northern District would only allow residential that is above commercial. So that anticipation, the reduction over time of the number of units.

The school districts did participate and wrote letters, the ones that were interested and concerned, and that documentation is in the Council and Planning Commission packets from when the Specific Plan went through the process.

I'd also offer, I'm sure most if not all of you have already been to the Town's North 40 website. There is an abundance of information, and background material as well, to be pulled from that specifically, and I'd then point to Ms. Prevetti if she has anything additional to offer.

LAUREL PREVETTI: I just want to add that one of the large topics that we talked about when we were going through the Planning Commission and Council meetings was what kind of community are we trying to create, and one of the Guiding Principles is that the North 40 should address

the Town's residential and/or commercial unmet needs. What that means is that we have a lot of family housing already within our community, but we know we have people who are choosing to age and continue to live in our community, which is great, so there is a need for senior housing, and then there's also a need for all of us who have kids who are graduating high school and going to college or whatever and starting to get jobs, and we would love for our youth to be able to come back into our community and live here as well.

Those are some of the unmet needs that we're trying to address through the Specific Plan. It's kind of an indirect way to get to the school issue, but it was something that we debated pretty strenuously.

DR. SPANO: "Please clarify. Did the TIA include the Netflix development and other proposed anticipated projects?"

MATT MORLEY: Yes, it did.

DR. SPANO: Very good. Thank you. Question was, "Only half of those buildings are now currently occupied."

MATT MORLEY: The TIA considered the Netflix build-out for its entirety, not for what was currently occupied.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: The question is the traffic now is only half of what it will be when it's currently occupied, and that is correct, and the analysis that was conducted for Netflix incorporated the full traffic study for full occupancy in Netflix, not what the current level was.

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: The question was, and this is for our friends in the lobby, "Do you audit the results?" Matt.

MATT MORLEY: Our traffic engineer reviews the traffic on a regulation basis, and although it's not an official audit per se, it is a review of the traffic levels within the Town, and you can see from traffic study to traffic study what the impacts are. It does become difficult to attribute the traffic, because there are many factors that contribute to traffic at a particular intersection. It's difficult to identify specifically where that traffic is coming from over time.

LAUREL PREVETTI: Let me just add, as Director Morley said earlier, we have some funds that have been set aside, so that way after Netflix is completed we can do some analysis to determine what within that vicinity can the Town do to try and reduce the impacts further, and that may in terms of vehicles, but it also might be in terms of introducing other modes, such as bicycle and pedestrian

improvements. So there is more work to come, because we still haven't done those studies since Netflix is still under construction.

DR. SPANO: This question here is about beach traffic, so we won't take that up. It's not North 40, but just so we air the question here. "The Town doesn't want to widen 17, however the struggling with beach traffic and Santa Cruz Avenue is not a solution."

Okay, I'm going to jump around a little bit with another school question. "A payment to the School District. Agreement includes a provision whereby the District cannot contest any aspect of the development as the School District represents the Town residents. That in essence precludes a significant voice of the residents. How could the right of residents to contest or voice dissent be taken away? Is that provision legal?" How can the right of residents to contest of voice dissent be taken away?

(Applause.)

ROBERT SCHULTZ: I guess I heard clapping, but I'm not sure I understand the question. The voice of residents can still be heard. They come to the Planning Commission meeting and they come to Council.

The School District, their fees that they collect from the developer are set by the State. That's the .56¢

per square foot and the 346, so it's set. They were able to negotiate additional amounts that will benefit the School District, and whether that was not enough, whether that was too much, that can be debated, but I'm not sure how that agreement that enabled them to obtain more than State law would allow them to obtain somehow took away the voice of the citizens of Los Gatos. Maybe they can go to the School District and say it wasn't enough, but any amount above and beyond is more than what was allowed under State law.

DR. SPANO: And just maybe by way of clarification, the premise here: "The agreement included a provision whereby the District cannot contest any aspect of the development." So that's a premise that's leading to the question.

ROBERT SCHULTZ: And that would just be the School District, and that's an agreement between the two parties. It still allows any of the citizens to contest the actual project.

DR. SPANO: We're going to jump back to specific planning questions; I've got a couple here. "I appreciate the strenuous effort done with the Specific Plan regarding youth housing, but is it realistic under the current application if 274 proposed units are above market income rate?" Is that realistic for the youth housing?

JOEL PAULSON: Again, Phase 1 application information, I don't know, because I don't know how much they're ultimately sold for. We can look to get some of that data. And obviously it's going to depend on the youth. Folks coming back to town, it's challenging for some of them to get into the market, because it is a good market here, and so I don't know that they're going to be on the order of magnitude where folks can come back and then they'll automatically have a spot. It will provide an additional type of housing, which is important for the unmet needs piece, but the specific circumstances would dictate whether or not certain individuals are going to be able to afford these types of units when they're constructed.

DR. SPANO: This question here circles back to the unmet needs that we talked about: "Does the Town have any quantification of the unmet needs by market?" The preamble: The Specific Plan talks about unmet needs for residential. Appendix C talks about seniors. Does the Town have any quantification of the unmet need?

LAUREL PREVETTI: I wasn't with the Town at the time that the Advisory Committee was doing all of its work, but I believe there were several market studies that were done to help inform the preparation of the Specific Plan. I

know the Housing Element has to do a demographic analysis to identify the needs across all income spectrums, so that analysis is definitely in the document.

Typically the State focuses more on housing for older persons as opposed to our younger population, but I think here in Los Gatos we're really interested in making sure we can house all segments and all types of households within our community.

We'll look a little bit deeper in our documents and put something up on the FAQ regarding that.

DR. SPANO: Still Specific Plan: "Are there any other areas in Los Gatos that have 20 units per acre? If not, what is the largest?"

JOEL PAULSON: There are areas of town that have 20 units per acre, and there are existing developments around town that exceed 20 units per acre. We can pull together some of those sites and get that information posted on the Frequently Asked Questions as well.

DR. SPANO: The question from the audience was: "What's the definition of a unit?"

JOEL PAULSON: It's an individual living unit, whether it's a single-family detached house, an apartment, condo or townhome, that is a unit. It could be a secondary dwelling unit. There are a number of different definitions

for what a unit is. The density is based on the number of units per acre of the site, and that's where the density is driven.

DR. SPANO: "The Town used to have standards for open space and parking. Does the Specific Plan reduce this? That would be private and public open space." The Town used to have standards for open space and parking. Does the Specific Plan reduce that? And including both public and private open space.

JOEL PAULSON: I'll speak to the parking first. There are some opportunities that are allowed by Town Code, but the Specific Plan explicitly allows them, whether that's shared use of parking, there's some allowance I believe for reduced numbers for a certain project or unit types, so with the parking, yes.

Open space, we have required setbacks, so that's not necessarily open space, but we do have General Plan language that speaks to providing open space. I don't recall an actual specific number for either commercial or residential that is in place currently, and so if someone has reference to when that was in place or whether it was commercial and residential, or not, we can do some research on that.

DR. SPANO: We've had questions about amending the Specific Plan, et cetera. This one is: "Can the Specific Plan be amended while there is a pending application?"

ROBERT SCHULTZ: It depends where in the planning process that pending application is. Under the Permit Streamlining Act and the Subdivision Map Act there is what is called being deemed complete, and once an application is deemed complete, that then locks in your rules, regulations and laws that are in effect at that time.

For example, the application that is in right now has been deemed complete, so if any amendments were proposed and changed while that application is still pending and deemed complete, it wouldn't affect that application.

DR. SPANO: "The hillside views are obliterated based on the orange story poles. Can you require that the buildings be lowered?"

JOEL PAULSON: The Specific Plan sets maximum height. Those are maximum heights, however, again, getting back to the by right and the State density bonus provisions which allow concessions to any number of topics, they can request those exceptions as part of the density bonus project. So then it's whether or not we can make the

findings, and I think it's a finding that has to be made, if we don't think that concession is appropriate.

DR. SPANO: We'll go back to traffic: "Does the TIA conclude that the Winchester/Lark Avenue delay from current to the full development of the North 40 in the AM be only a 0.7 seconds?" The delay.

MATT MORLEY: That is correct.

DR. SPANO: Okay, very good. Thank you. This is for Staff: "Do you live in Town? If so, how can you recite these traffic findings with a straight face?" Okay, so I'm not (inaudible) that one. Not sure that question followed our guidelines in staying focused on the information and fact sharing aspect of our question asking tonight.

Another traffic question: "How can you say that the plan won't impact downtown when traffic is currently preventing people from getting downtown now, and it will only get worse with the density of the North 40?"

MATT MORLEY: I think I'll start by saying that the Council and Staff spend a significant amount of our time managing traffic, and we look for every opportunity to help to manage the traffic and to lower the impacts of traffic in the Town, so anything that we can do that achieves that is something that we would take on.

We are limited by the standards that are set fourth through the Traffic Impact Analysis, and that guides us really on the analysis. Then the alignment of the impacts from the project really drives the direction of where the improvements can occur.

This particular project has very high standards, higher standards than are regionally adopted, so the efforts continue to look for every opportunity to manage the traffic, but I think what the heart of the question is, is there an increase in traffic? And there ultimately is. It's been determined to be within the tolerable standards that the Town has set forth for itself.

DR. SPANO: Very good. I have about five or six commercial questions, and I've got a big stack of housing questions here. I'm thinking it might be a good time to take a break. We're just about at the two-hour mark; so let's just take ten minutes. There are refreshments. If you keep those refreshments out in the lobby, that would be great. We'll take ten minutes, and we're going to reconvene here at five after, five after sharp. We'll do commercial questions, and then housing.

(INTERMISSION)

DR. SPANO: Let's get started for the second half. Please find your way back to your seat.

We'll go ahead and get started here for the second half. Want to just remind you about the cards, and please fill out the blue card for questions, the yellow card if you have comments, and Staff will collect those comment cards. We won't be reading the comment cards tonight. Then the beige card if you do want to speak tonight in Verbal Communications.

Also, if you do have a follow up question, fill out another blue card, and we'll get the blue card in here and we'll do the follow up question as well.

We have had a couple questions about the School District, the Superintendent and School Board members that are here tonight. They are here tonight as the Town's invited guests, and just in the way that we designed the meeting, they were not told to be prepared with a presentation or to answer questions. I have talked to a couple superintendents, and they invite and encourage you to contact them directly if you have any questions related to their agreements or how they're handling North 40 issues within their school boards and districts.

Okay, we're going to move forward. As I mentioned, we'll have some questions around the commercial development aspect, then there are lots of questions around housing, and then during the break a couple more Specific

Plan questions came in, so let's just tackle those before we move on to those other topics.

"What process is available to revoke the Specific Plan? Not amend, to revoke the Specific Plan." Is there a process available, and what would that look like?

ROBERT SCHULTZ: The Town Council is who approved the Specific Plan, so they can as part of an amendment actually revoke it and make those changes to it. As I stated though, if it was revoked tomorrow that wouldn't affect the current application that's in place, because it's been deemed complete.

So that's the Town Council always has control over its own document. If the question is could the citizen do an initiative or referendum to revoke the Specific Plan, no, that's not available. The timeframe for when the Specific Plan could have been referendumed by the citizens has passed.

DR. SPANO: "Since there has not been an application for Phase 2, can the Specific Plan be amended to state no development, retail or anything in Phase 2?" Can it be amended for Phase 2?

ROBERT SCHULTZ: There has to be some potential to develop a piece of property, or then we go back to the whole argument of the taking of someone's property.

Certainly the second phase could be amended. There is no application pending and changes could be made. It could result back into its original development potential, but even doing that at this point in time could be deemed to taking if you were down-zoning and then taking away, because we've allowed by approving the Specific Plan a certain type of development. People could say they've already relied on that passage of that Specific Plan, and if you were down-zone it to open space then the argument would be that would be a taking.

DR. SPANO: "Does the Specific Plan allow for land to be set aside for open space and community recreation as set forth in the General Plan for Los Gatos Boulevard, or will all 44 acres be developed and cemented over?"

JOEL PAULSON: As I mentioned before, there is an open space requirement and a minimum of 30% has to be open space, and a minimum of 20% of that 30% has to be green open space, so it will not be paved over completely.

DR. SPANO: "Where did the follow up funding for the EIR come from? Who paid for the EIR?"

JOEL PAULSON: As with every application process in town we receive funds from an applicant, and then we use our consultants and we are the overseers of the document,

its preparation and its final release. The developer funds it, which is the same process we use for all of our projects and environmental documents.

LAUREL PREVETTI: I would just add that if there is a concern with an EIR it's the Town that's the one that gets sued. The dollars just essentially allow the analysis to occur, but we are ultimately accountable for the information that's in the EIR, and the Town has a process for certifying that it does in fact meet State law.

DR. SPANO: Very good, thank you. I have a couple of traffic questions: "TIA measurement by car does not reflect whole delay, seven seconds times number of cars. Why does Town oppose widening 17?" The first one, let me just find the question in there, "TIA measurement by car does not reflect whole delay, seven seconds times number of cars," if that makes sense, Matt?

MATT MORLEY: I'll make the interpretation. I think the interpretation is that the number of cars coming out of the development would seem to equate to more than seven seconds, so I'll answer that as a question.

As vehicles come out of the development they will go multiple directions, and the Traffic Impact Analysis considers that and identifies what vehicles will go to what intersections and what those vehicles at that particular

time will create in terms of a backup at that intersection; that equates to the delay.

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: The question was: “How do you quantify that?”

MATT MORLEY: So how do we quantify the delay to the flow of traffic at a particular intersection? If you think of yourself as an individual coming up to an intersection, what you can anticipate is the delay being to you as you approach that intersection, so it doesn’t necessarily multiply. If there are five people coming to an intersection, it doesn’t multiply that seven seconds times the five people, it simply identifies the impact to you specifically.

DR. SPANO: Here’s another traffic question: “There are 270 three- to four-bedroom, two- to three-bedroom, with a studio that can be converted into different units. An average of two cars per unit. Since the market price in Santa Clara the vast majority have to be dual-car households. How many cars are estimated in the plan?” How many cars are estimated in the plan by household is the question.

MATT MORLEY: Whether it is household or commercial space or office space, the Traffic Impact

Analysis considers the number of trips. Not the number of vehicles, but the number of trips that are generated based on the industry standard for that particular use. It uses standards that are set for us, and those are the requirements that are set forward based on our complying with CEQA.

DR. SPANO: "Has a comparison been made to other new high-density developments in town such as Bluebird Lane? Can one be done?"

MATT MORLEY: The TIA looks at a much bigger picture than independent development, so it's a look holistically at how impacts in similar developments occur and not at a small cross-section or a smaller subset.

DR. SPANO: So it can't be zeroed into a Bluebird Lane or any particular street in that way.

"Does the developer have any liability if the traffic estimate in their plan is wrong?"

MATT MORLEY: No.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: The question is: "How many cars are in the plan?" and the follow up is, "Do we base it on the number of trips that are expected out of the development?"

Yes. If you consider that a vehicle may or may not leave at a particular time, the analysis is based on

what can be anticipated on the trips generated out of a particular house. The example would be a residence that in the morning somebody may go to work and somebody may stay and work from home, and those average over the entire development across the sample sizes, the samples that are included that drive the standards that are used in the analysis, so it's a standard space analysis.

AUDIENCE MEMBER: (Inaudible).

MATT MORLEY: The question is, "Does density impact the number of trips?" Yes, the density does impact the number of trips. The density is important in that the trips are generated by unit.

DR. SPANO: And it would be great to put those follow up questions on a blue card so we have those and they can put them into their question pool.

I'm not sure if this is going to be answerable here: "What is the current status with Grosvenor regarding the schools? What has been offered and on the table?" Do we know that, or do we need to go to the schools for that?

JOEL PAULSON: The only agreement we're aware of is the agreement that has been entered in with the elementary and middle school district, Los Gatos Union School District, and we're not aware of any other

agreements or negotiations between any other school district and applicant.

LAUREL PREVETTI: That agreement is available through the North 40 website if someone is interested in seeing it.

DR. SPANO: We're going to move over to about five or so commercial questions. "Table 2.1 requires a CUP for a yoga studio, but not a restaurant with a bar. What is the thinking behind that?" Table 2.1. CUP, Conditional Use Permit for a yoga studio, but not a restaurant and bar, so what was the thinking?

JOEL PAULSON: This is one of the additional answers that we provided on the website today. I think the reference to a yoga club actually is really into health club, not a yoga studio. This was one of the main things that were considered, this table, throughout the North 40 Advisory Committee as well as Planning Commission and Council, as far as what uses should be permitted and what uses should require a Conditional Use Permit.

When it went through that process that was discussed, this was the ultimate decision that was made by the Council for what uses would be permitted in the various districts and what uses would be required to get a Conditional Use Permit.

DR. SPANO: “What makes the developer think any additional retail space is needed in town in light of lengthy vacancies of old?” and mentioning Blockbuster Video, Wolf Camera, the Hallmark shop. So is the developer doing an analysis that additional retail is needed? What are they basing that on? First, are they doing that, and if so, what are they basing that on?

JOEL PAULSON: Ultimately there were a number of leakage studies showing what categories the Town is lacking and where folks that live in town have to leave the Town to get certain goods and services. That study did show that there was capacity from the leakage perspective to accommodate new retail and other commercial uses.

DR. SPANO: “Table 2.2 specifies a maximum of 400,000 square feet of commercial. Does that mean the Council can approve less than 400,000 square feet, any amount it wants?”

JOEL PAULSON: Generally, yes. Those are maximums, so the Council will have to consider whether or not they think whenever the commercial comes forward whether that’s the appropriate number or whether it should be less. That will be evaluated during the planning process that we’re currently going through, as well as any future applications that might come forward.

DR. SPANO: “Is there anything in the Specific Plan that would prevent the developer from leasing all 400,000 square feet to restaurant use?”

JOEL PAULSON: Generally, yes, there is, because it does talk about that all of the applications, again, are going to be considered, and it does speak to a mix of uses to help complement the rest of the Boulevard as well as downtown, so someone coming in with that amount of all restaurant is not only highly unlikely, but it also would be challenging to show that that actually conforms with the Specific Plan.

DR. SPANO: “Is there any limitation around restaurants at all in the Specific Plan, the amount of restaurants?”

JOEL PAULSON: I don't know that there is a specific limit, no. It’s just part of the greater application review of where restaurants are anticipated, or as they move forward through the process.

DR. SPANO: “If the Specific Plan was to be revoked, what happens to the land in the North 40?” If the Specific Plan was revoked?

JOEL PAULSON: If the Specific Plan is revoked, then it would revert back to its former zoning designations or the zoning designation that complies with the General

Plan. So if it gets revoked, then I would guess that would be the likelihood, but I will look to the Town Attorney to see if he has any additional input.

ROBERT SCHULTZ: We did make changes to our General Plan to make it consistent with the Specific Plan. I still look at it as an amendment. If in fact Council wanted to make changes, it isn't just a revocation of it; there has to be some discussion about what the underlying designation is going to be. It just wouldn't automatically go back to the previous, because that's already been amended and is no longer applicable, so a complete revocation would put it in a very precarious place, because there has to be some designation of what that land can and cannot do.

DR. SPANO: "Can the original 750 homes and 586,000 square feet from 2010 take over if that was to be revoked?"

JOEL PAULSON: As Mr. Schultz was explaining, there would be necessary Zoning Ordinance amendments as well as General Plan amendments if the plan was revoked. The previous General Plan designation, if I remember correctly, was mixed-use commercial, so that does allow up to 50% coverage for the site, and so you can take 20 acres times 50%. Theoretically that would kind of leave your

building envelope, which could be far in excess the 501 that's currently the maximum cap.

I think it's important to point out that one of the previous questions, there is also an additional cap of commercial with the exclusion of office and hotel; I think office and hotel. That cap is actually 400,000 square feet for the other commercial uses, but I just wanted to offer that.

DR. SPANO: Another commercial question, not directly related to the North 40, but we'll see if we have an answer here: "What is the total square footage of retail currently in downtown Los Gatos?"

JOEL PAULSON: We will pull that information from the previous documents and add that to our FAQ. I do not recall off the top of my head.

DR. SPANO: A couple Specific Plan questions before we move over to housing. "Will the sewer system of the North 40 be serviced by Campbell? If so, that system is antiquated and needs upgrades." This related back to our earlier question about coordination with Campbell. Will the sewer system be coordinated with Campbell? Will Campbell service it?

MATT MORLEY: The sewer system is West Valley Sanitation and they will maintain that sewer system.

DR. SPANO: And the comment, not a question, that that system is antiquated and needs upgrades, and somebody is going to have to pay for that. You want to comment on that, Matt?

MATT MORLEY: Significant analysis has been done on the sewer system and its capacity for the site, and upgrades will account for all of the need associated with that sewer system.

DR. SPANO: And then who would pay for that?

MATT MORLEY: That's part of the development. The development creates the impact; the development pays for the improvements.

DR. SPANO: This is a Specific Plan question: "Has Staff or anyone working for the Town examined the negative impacts on property values all the development will have with downslides, schools, traffic, et cetera? What is a homeowner's recourse?" Have the negative impacts been examined in terms of the impact on property values?

JOEL PAULSON: I don't know that we looked specifically at property value impacts; that's not an evaluation that we typically do. I know that does come up quite often with even just a single-family home improvement where neighbors have concerns, and so that is brought up. I haven't seen that personally analyzed, and so we might be

able to say that we definitely have not analyzed that. I'm not sure if Mr. Schultz or Ms. Prevetti has anything additional.

ROBERT SCHULTZ: Just with regard to the impact for property values. I know no case law that ever been undertaken where a homeowner has sued over a development project from the impact of that development project on their property value. Most of the legal challenges come from a CEQA challenge or a findings challenge, but not on the impacts from a property value.

DR. SPANO: "Does the maximum commercial FT have the same bonus percentage as residential FT?"

JOEL PAULSON: Generally the State Density Bonus Law only applies to residential; it does not apply to commercial.

DR. SPANO: We're back to commercial. "Is the North 40 commercial element targeted the same as the Downtown District?" Is the North 40 commercial element targeted, treated the same way as the Downtown District?

JOEL PAULSON: Ultimately the Specific Plan sets the parameters. There are provisions in the Specific Plan that have requirements that are less stringent than some of the downtown properties, so that clearly was set up when it went through the process. There are differences between how

downtown applications are provided for when compared to properties that are going to come forward in the Specific Plan.

DR. SPANO: Good. “With the maximum commercial development, how many jobs are anticipated? Is that provided by planned housing adequate to support these jobs?” So if there has been a jobs analysis.

JOEL PAULSON: That is evaluated in the Environmental Impact Report. I will pull that data as well, so that we can get that posted online. It does anticipate based on square footage, and they do anticipate a number of employees that will be generated by the various uses.

DR. SPANO: “Why are CUPs, Conditional Use Permits, different for downtown and North 40? Why do developers get easier rules than downtown businesses on the North 40 side?

JOEL PAULSON: That was a discussion along the way as well, obviously, with the concerns. So when it came forward and went through the process, ultimately given the additional detail and development standards that are being applied to the Specific Plan, I can’t speak that there was actually anything specific that I recall that was stated other than typically in a development like this you are going to have…

It's important to understand where you are from a potential tenant perspective. I think some of that information was provided as well when it went through the process, and then ultimately it was determined that there probably is going to be, for instance, restaurants in the North 40, and so anticipating that, knowing that, analyzing the impact of some percentage of restaurants, it was determined that, for instance, that use where a CUP is required in downtown, it is not required in the North 40 Specific Plan.

DR. SPANO: There's a question here asking, "Why is Los Gatos not joining with other California cities and towns to push back against State mandates," mentioning some of the State mandates here in terms of water supply and pollution report. I'm not sure if this relates directly to the North 40 or not. Was there a water analysis done? Was a pollution report? Was that related to the North 40, tied into the North 40?

MATT MORLEY: The North 40 is required to comply with stormwater requirements within the State, and will do so. A large amount of that includes retention of stormwater onsite and ensuring that the stormwater that's released is cleaned and unpolluted, and that will certainly be a part of the project.

DR. SPANO: And the question here is asking why Los Gatos isn't pushing back against those State mandates, joining with other cities and towns in California, pushing back against those mandates?

MATT MORLEY: Los Gatos is part of a broader coalition of cities that provides input to the State on stormwater issues, and the Town provides their voice through that coalition and does provide input to State requirements as they come forward. The State requirements do get stricter and stricter over time, and we do work with our coalition to provide input that would help to manage the continued requirements.

LAUREL PREVETTI: If I could just add that we did do a water supply assessment, so there was an analysis done and it's included in the Environmental Impact Report, and working with the Water District and the water retailer we found that there is adequate water supply.

I want to just add that we know that we are still in a drought condition, and so we do have local ordinances that encourage and require more conservation than what the State is requiring, so I think, again, our environmental history here in the Town is continuing, and our legacy, and so we tend to be more proactive in making sure that we're protecting our environment, whether it's regarding

stormwater, drought, water supplies or other issues; it is something that we're very mindful of and this plan was intended to make sure that we continue with that pattern.

DR. SPANO: Thank you.

ROBERT SCHULTZ: I'll add one more.

DR. SPANO: Please.

ROBERT SCHULTZ: We do push back, if that's the word you want to use, against the State. As Matt mentioned, we participate in a coalition of what's called the League of California Cities. I serve on and was appointed by that League of California Cities to sit on a housing committee. We meet four times a year to discuss the various bills that are being proposed, to keep us informed, and we do vote on oppose or support for those bills. We are part of a coalition with many of our neighboring cities and keep track and inform Council of the different bills that the State is trying to impose on us to take away local control.

DR. SPANO: Okay, we are moving over into housing now. "What is the definition of 'affordable housing' as required by the State?"

JOEL PAULSON: There are different levels of affordable housing. There is Moderate, Medium, Low, Very Low, and there's actually a new category, Extremely Low. Generally it's based on and starts at Moderate is up to

100%, and so it's using the Santa Clara County average median income is what the basis is, so they evaluate that and then they look at which different categories they can go into.

Our policy generally looks at having a mix between Low and Moderate units being what we start off with. If a development comes in and they're proposing a certain type of project, then we would ask that half of the required BMP units be of Low category and half be in the Moderate category, or Medium.

LAUREL PREVETTI: And if I may just add some quantification to that. We follow the United States Housing and Urban Development Guidelines for determining affordability, and it's all based on our county median income, so we are a high-income community compared to other counties throughout California.

By way of example, in 2014 if you are a household of four persons and you made essentially $100,000 a year, you would be right at that median, that's kind of the benchmark. To be Moderate, you would have to be $120% of median, so if you're a family of four and you earned $120,000, that would be considered above Moderate.

And then Extremely Low, just to kind of put the other side, that would be 30% of the area median income,

and that would mean a family of four earning essentially $32,000 a year. So again, those numbers mean that you still are earning income, but you're essentially qualifying for affordable housing.

And Very Low is 50%, as Joel mentioned, and for a family of four that's essentially $54,000 a year.

So working families are essentially considered affordable housing in this county.

DR. SPANO: "How will the Garden Cluster homes look and feel like Los Gatos?"

JOEL PAULSON: I'm assuming that's speaking specifically to the Phase 1 project that will be analyzed. That was one of the residential unit types that was spoken about in the Specific Plan itself, so there was some anticipation that there be some multi-family units to be produced onsite, and so that will be evaluated and that will part of the Planning Commission and Council purview as they move forward to determine whether or not that does look and feel like Los Gatos, the proposed project as it currently sits.

DR. SPANO: You want to add anything to that, Rob? Are we good?

When we were talking earlier about youth as an unmet need, the question here is: “Are you talking just about Los Gatos youth that went to our schools?”

JOEL PAULSON: No. I can elaborate a little bit. We can’t restrict housing in that fashion, and if the Town Attorney needs to add anything else, but generally we don’t have the ability to make those kinds of restrictions.

DR. SPANO: This question is related to the earlier question about pushing back against State mandates, ABAG, et cetera, mentioning Los Altos and Monte Sereno successfully legally circumvented those and why Los Gatos is not doing what the question asker says Los Altos and Monte Sereno are doing?

ROBERT SCHULTZ: I’ll have to research both of those, because I’m not aware that they were able to circumvent State law. There is an appeal process; Saratoga went through it. I know they lost. There is an appeal process when they come out with the RHNA numbers that you can appeal and provide factual evidence that the numbers that they have given you are too high. Sometimes those appeals are won. I’m trying to think of the number, Saratoga, they were giving I believe in the high-400s as opposed to ours; it was 600s. They wanted to try to lower it down to the 419 number, and they lost.

So whomever the person is that knows Monte Sereno and the other community and how they circumvented the law, if they know more, I can certainly look into that and provide a more detailed answer, but anyone who has tried to circumvent the law has lost in any lawsuit that I'm aware of.

LAUREL PREVETTI: And in fact just recently the Monte Sereno City Council had to zone a property for multi-family development. Of course it was very controversial there, but that was to implement its housing element. So again, they needed to show action to zone adequate site for affordable housing and so the Council did take that action.

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: Okay, so the comment here is about using granny units and so forth, and Laurel, that's for people in the lobby.

LAUREL PREVETTI: Right, thank you very much. So again, like many cities we use a combination of sites to try to meet our housing needs, and the Town of Los Gatos has a plan to expand its secondary housing unit provisions to also count towards our affordable housing needs.

Because of the way Monte Sereno did it and reduced the density on the Hacienda site, they had to find

a replacement site. The replacement site was found, and so they are in compliance with their housing element.

ROBERT SCHULTZ: So it wasn't to circumvent the law, they just found another.

And this is the many meetings that were discussed on coming up with our RHNA numbers, and if you did not zone the North 40 to use our RHNA numbers, where else were you going to use that? There were a number of sites: the Knolls, the Lodge, Oka Road, and those are available that we can provide you with that they looked at very detailed in many meetings to determine which were the ones to use, and we are using some of our secondary units and are trying to expand that, so that we can use more of them.

DR. SPANO: We had the earlier question about definition of affordable housing. This is: "Define Low Income and Very Low Income."

LAUREL PREVETTI: I believe I just did the Very Low Income.

AUDIENCE MEMBER: (Inaudible).

LAUREL PREVETTI: Yeah, homeless. We do have working homeless in this county, so that is an issue, but like any affordable housing program, our BMP, someone would have to demonstrate that they qualify because of income, and ultimately it's the property owner that would decide

whether or not an individual qualifies, together with our housing program administrator.

So it's theoretically possible, but again, we'd need to look to house all income segments of our community, and to the extent we have working homeless that are looking for permanent housing, that could be one population served.

DR. SPANO: The question here was whether homeless for eligible for the affordable housing units.

Here's just an interesting little question, sort of trivia question: "Is the Governor's bill AB 250, by our own Assemblyman Evan Low?" Does anybody know that? We can move on.

ROBERT SCHULTZ: We can make certain. In my mind it's Governor Brown's bill, because it was trailer bill and it was tacked onto the budget as a gut and amend, so it didn't go through any committees whatsoever. I don't know the particular assemblyman or senator, but we can check on that and say who actually help sponsor it with the Governor's office.

DR. SPANO: "If housing is spread into the Northern District, is it possible, given height limits and requirements of residential over commercial?"

JOEL PAULSON: Can you repeat that?

DR. SPANO: "…is it possible, given height limits and requirements of residential over commercial?" Can residential trump, supersede, over commercial?

JOEL PAULSON: It is possible within the height limits to have a vertical mixed-use development, and the Specific Plan permits that, so that is a possibility. We would have to see it.

I think the other challenge gets to be depending on how many acres still have to be at the 20 dwelling units per acre. I think it gets interesting from a site planning perspective to try to get that type of density above commercial, but I couldn't say it's not possible at all. We'd have to look at that.

DR. SPANO: "What is the affect on the Los Gatos Union School District deal to obtain extra mitigation?"

ROBERT SCHULTZ: I think we've addressed that. The agreement is online and you can look at exactly what their deal was and what they did get through that agreement. Again, the Town didn't participate in those negotiations.

DR. SPANO: "Our Town Attorney has painted a bleak picture. Please state what the options are. It doesn't sound like the number of units can be reduced. It doesn't appear there will be another EIR. The Los Gatos

schools received the settlement. The question: Can the application be denied?”

ROBERT SCHULTZ: That will all take place during the application process. The Applicant has due process rights. I’m not even a member that would be voting on this, it’s the Planning Commission and the Council, and they’ll weigh all the evidence and determine whether it is in compliance with the Specific Plan.

I certainly said that yes, there are by rights for 270 units, but certainly they do still have to meet the design guidelines and the standards that are set forth in the Specific Plan, and so that’s going to be the issue that they need to decide.

What I think I tried to get across is I’ve heard quite a bit of let’s reduce it, and that’s a maximum of 270, but because of the Housing Element that is also on top of that Specific Plan they do have the by right of doing 270 units plus a density bonus. So, yes, that is bad news for the development, if you wanted to reduce the density, but there are many, many, many issues that are still on the table for the Planning Commission and Council to look at and decide, one being, I think it’s been brought up, a unit is described in many different ways, and what is the size

of those units that fit within the parameters of the Specific Plan?

DR. SPANO: "With Town opposition on density and intersection of North 40 application, and we know as a town we need a housing unit of 619, why not create a lottery of more in-law units?"

JOEL PAULSON: I don't understand the lottery question, but maybe providing opportunities where they currently don't exist is the idea of a lottery. I know that there was a time period in the, I'm going to say mid-eighties, where we did grandfather a lot of second units in town.

Then we actually are looking at modifying one of the General Plan or Housing Element action items to allow second units where we currently don't allow them, so we'll be doing a Zoning Code amendment for that and taking that through the process. It's not a lottery per se, but we are going to try to loosen up the restrictions that currently exist for certain properties, and that will make it easier, but we can't force people to apply to build these units, and they still need to meet some other parameters.

LAUREL PREVETTI: The Housing Element identified 28 of the 619 units as being the share that would happen through secondary units. We could certainly exceed that.

That's, again, going to be up to the individual property owners in terms of whether or not they want to pursue the new opportunity to build more secondary units.

DR. SPANO: "Why does North 40 housing not need to follow square foot ratio?"

JOEL PAULSON: There are certain parameters where FAR applies. FAR applies to single- and two-family dwellings, and so those are going to be detached. Once you have three or more attached units, FAR doesn't actually apply in the Town Code either. Here, same thing: there isn't an FAR for multi-family units.

DR. SPANO: This has to do with the distribution of housing in the North 40: "Why is it crunched into one small area of the total project area. Can Town Council require that the housing be equally divided among the 40 acres?"

JOEL PAULSON: We answered that earlier. Any of that that is spread, or if they can't accomplish it in the Northern section, then we will have to find additional sites to accommodate that housing.

DR. SPANO: "Why was the maximum number of units changed from 364 down to 270?"

JOEL PAULSON: It was discussed during the hearings; I'm going way deep into my recollections. During

the process of the Specific Plan and the Housing Element there was some overlap, and so there was a conversation, because we did have a lot of conversations about these by right density bonus concerns that were raised just through the Housing Element. It works out that if someone were to take advantage of a density bonus on this site, then 270 is the number where if you apply 35% bonus you'd get back to the 364, so it's accommodating the up to 364, which was also the number of units that was analyzed in the Environmental Impact Report.

DR. SPANO: "Is the North 40 subject to the Los Gatos Boulevard Plan?"

JOEL PAULSON: I believe we answered that in one of our FAQs. Let me take a look. I think the short answer is it is not applicable. The Specific Plan creates the development parameters for all of the properties within the Specific Plan area, but I will look and see if there is anything to add to that.

DR. SPANO: "How will publicly accessible space be ensured in the future? What is considered defined as privately owned and maintained, and public access space?"

JOEL PAULSON: We are still, again, working through the development application process. There is a significant amount of area that is going to be publicly

accessible, private open space, and we will be working through that with ultimately probably CC&Rs and other agreements, and there are conditions of approval that will deal with that to make sure that it remains publicly accessible.

DR. SPANO: "Does the 13.5 in the North 40 that is by right 20 units an acre all have to be in the Southern District, Lark?"

JOEL PAULSON: The answer is no, and we've added additional information on that in previous questions as well.

LAUREL PREVETTI: We can go back to the Los Gatos Boulevard Plan. The Specific Plan incorporates or complements the concepts and guidelines from the Los Gatos Boulevard Plan where applicable. Essentially, when the Advisory Committee and Planning Commission were working on the Specific Plan the Boulevard Plan was one of the inputs into that process, so strictly as we evaluate the development application we're going to be evaluating it against the Specific Plan, and not the Boulevard Plan.

DR. SPANO: "As one of the many renters that will now be displaced by the North 40 development, what provision for relocation assistance and affordable housing will be provided for us?"

ROBERT SCHULTZ: We've also answered that one in the Frequently Asked Questions. The Town doesn't have any ordinances, rules or regulations that call for relocation expenses, so we don't address that. There are a number of state laws that can address those issues, one being the Ellis Act. I don't know the circumstances of each individual renter and what their agreement is. For example, the Ellis Act applies only for multi-dwellings, so I'm not sure of the situation.

What we've done is we've tried to connect the renters with people with the county, with our Hello Housing, and with our mediation and arbitration service, because we do provide mediation and arbitration service for landlord/tenant issues, but we don't have any ordinance that we could enforce that requires that of a developer in this type of situation.

DR. SPANO: "My analysis suggests that North 40 development is being done at maximum levels. Highest possible buildings that zoning allows, highest possible density as zoning allows, highest possible low-cost housing as zoning allows. Is this true, and why is Los Gatos taking that approach?"

ROBERT SCHULTZ: I think, again, that's a specific application question, and I think those are great

comments. That's what needs to be analyzed by the Planning Commission and by Council as to what are those height issues, those setback issues, and whether they comply with the Specific Plan, and to look at and analyze those. It doesn't specifically address anything in the Specific Plan, so we'll wait for those questions and comments and for the deliberation by the Planning Commission and Council.

DR. SPANO: "Why can't the Town require the height of the houses to be lower by requiring the developer to build basements instead of three to four story buildings?"

JOEL PAULSON: Obviously we look at a development application when it comes in and we compare that to, in this case, the Specific Plan, Zoning Code or General Plan, those documents. The applicant could propose to do cellars to basements, but that would be for them to propose. I think it gets back to the same challenges with by right and density bonus concessions where we will be looking to see what, if any, options there are as they relate to that.

DR. SPANO: This question is about affordable housing and State mandates, and the question is: "Is it really a State mandate or is it more of a suggestion? In other words, stating that housing is an issue although

nothing is mandated or enforced, only suggested? Is that true?”

JOEL PAULSON: I’ll go ahead and start. I think it really gets back to there is State law that says you have to have a Housing Element. I think the question that comes up often is that the Town is required to plan and show that we have adequate sites to accommodate that housing. We are not required to build it or to go knock on developers’ doors to have them build housing, but we do have to show that the adequate sites are available in town to accommodate those affordable units.

ROBERT SCHULTZ: I think Joel addressed it by saying yes, there is a State mandate to have a Housing Element, State mandate to show that you have adequate sites to build your RHNA numbers. We don’t have the ability to go do what the developer does. I did a memo about a year ago and I can repost that again, as to the litigation that has developed over towns and cities that either dragged their feet or failed to produce adequate sites that could be developed for affordable housing, and in each and every case they lost, they’ve had to pay hundreds of thousands in legal fees, and they had to develop a Housing Element.

It has even been very close to where the State has said they’ll even take away your planning authority if

you don’t. If you want an analogy, because I’ve worked in a lot of coastal cities, is every coastal town has to have a local coastal plan with the Coastal Commission; it’s the same type of thing if you’ve got a State organization implementing themselves on and telling the town or city what to do and what they shouldn’t do.

Malibu was one that almost was in litigation for many years, because they refused to follow the State mandates of a coastal local plan, and they came very, very close to having their planning powers taken away. There are many other towns that have just said okay, we can’t do this, we’re going to turn over your planning powers. In many local coastal towns they don’t have even a planning commission, because the State has taken it over through the Coastal Commission.

Does the State have funding to do that? No. Do they have the funding to even file suit against the towns and the cities? That’s not really where it’s coming from. The lawsuits come from the building associations that will sue because you haven’t complied with State law. It’s not the State that has to sue you; any individual can sue you over the fact that you haven’t complied with State law.

DR. SPANO: “We know 20 homes per acre. What will the square footage of the homes be?”

JOEL PAULSON: The development plans for the Phase 1 application are online. I do not have that information. I know there is a range of sizes. We will try to pull some of that together and add that to the FAQs, or create some other document for the Phase 1 specifically.

DR. SPANO: This might have been asked earlier. Let's see if there's something new here. "If we spread the housing over the 44 acres it would seem that we could reduce the height of commercial and create mixed use, commercial and housing, and include large open space. Does the Specific Plan allow for that?"

JOEL PAULSON: The Specific Plan allows a number of alterations. Again, I'll go back to what we are doing is we're required to analyze any applications that come forward against the Specific Plan that's adopted. Is it possible to have lower buildings spread out? It's possible. I can't say that it's not possible. But you end up running into, depending on the types of units, trying to achieve the reduced heights and then also get to the 20 dwelling units per acre, that site plan exercise you have to work through. So that's something that is possible, but we again are evaluating the projects as they come through from an application perspective.

ROBERT SCHULTZ: And I think if you turned to 2.7 of the tables, Permitted Land Uses, you would find in the Lark District, though that was primarily in the Specific Plan. Supposed to be residential and you'll find many retails uses aren't allowed; the formula retail businesses aren't. So there are different things that are not allowed in that Lark District, because it was supposed to be primarily residential.

DR. SPANO: And Rob, I know you explained this in the PowerPoint, but if you'd add a little bit to that. "What is the concept of by right development as it applies to the North 40?"

ROBERT SCHULTZ: By right development means that basically you have that right to develop that many units at that density. You don't have the ability to reduce that number of units if an applicant comes in. You're able to apply design review, and that's maybe the look and feel and how it orientates with the neighborhood. You're able to make sure it complies with all the Specific Plan standards, but you don't have the discretion. This where the State said that we had the discretion, for example, for the Lodge properties, to say, "Well, we said the maximum was 270 but we're only going to allow you to have 200 units," or, "We decided we want all commercial now and no residential,"

because that truly would not allow for those RHNA numbers to be met.

So the by right development is just as if you have your home and it's on an R-1 property. You can come in and build your one residential home on there. You have to meet all the standards, the setbacks, the height restrictions, but the Town can't say to you, "We don't want a home on that piece of property," and that's the same with the by right development. There are rights on this property to develop it with 270 units.

DR. SPANO: "What specific latitude in the area of design review does the Planning Commission and Town Council have in regard to the upcoming application? Revisions, approval, not approval? Are there examples from other communities we could look to?" So the latitude of Commission and Council on design review?

JOEL PAULSON: I don't have it with me, but March 30th was the first time the Phase 1 application had gone to the Planning Commission, and there is a Staff Report associated with that that did lay out and speak to some of that discretion. As it continues additional Staff Reports will be prepared for the upcoming July 12th meeting and then following meetings with the Planning Commission, and also with Council.

ROBERT SCHULTZ: Didn't mean to grab the mic, but it reminded me that I needed to discuss deadlines.

As Joel said, the application will be coming back for Planning Commission discussion on July 12th. That will be a public hearing, public comment will be open, and we welcome all your public comments. After all the public comment is taken, then the Planning Commission will make a recommendation to the Council.

The Planning Commission has to make a recommendation to the Council by August 31st per the Permit Streamlining Act and the Subdivision Map Act. Then the Council has to make a decision under the State law by September 7th.

Those dates are very close together, so from a Staff standpoint what we plan to do is have the Planning Commission have the public comment period and everything that's need in July, even if there will be special meetings, and to have hearings in August in front of Council so that we can make those deadlines.

It's very important to make those deadlines so the applicant doesn't have any argument that because we didn't act within the State law that their application is approved, so we need to comply with those deadlines so that by September 7th there will be a decision made. The Council

has the ability to approve, deny or modify the application that is in front of them, if they can make the findings that they need to in regard to the Specific Plan and the Environmental Impact Report.

DR. SPANO: Very good. I have three questions here that are about what we just heard in terms of why are the Planning Commission and Town Council meetings being scheduled for July and August, vacation time, obviously it's not conducive necessarily to public meetings, and so that's the reason why, because of the deadline that the Town is facing, and so we can answer those questions.

ROBERT SCHULTZ: I did a memo to the Mayor and Council on May 24th and we'll put that online also for you. It explains all the dates under the Permit Streamlining Act and the Subdivision Map Act that requires us to act within those timelines.

DR. SPANO: "How much additional housing is planned for the additional phases of the project?"

JOEL PAULSON: Until we have an application I can't tell you whether it is going to be none or the total amount that's left. I have to do a little math. I want to say in the range of probably 30 units, and I'll look to my left. In the 270 capacity, so there's capacity for the

potential for up to 44 units on any future phase that comes forward.

DR. SPANO: Very good. The next question, “They don’t all need to be in Phase 1, right?” And so the answer then is right. Yeah, they don’t need to all be in Phase 1.

“If 270 units can be developed by right, can we use the Specific Plan to determine where they can be built in the 44 acres and how they will be designed?”

JOEL PAULSON: I think that’s been addressed quite a bit throughout the evening tonight. The units can be spread across the site, and then there will be design review as it relates to the Specific Plan guidelines and parameters that will be reviewed when it goes through Planning Commission and Council.

DR. SPANO: “The estimated purchase price of the studios, a one-bedroom, a two- or three-bedroom?” Just a ballpark, if you have that.

JOEL PAULSON: We do not have that.

DR. SPANO: “What revenue is anticipated to be generated in property taxes?”

JOEL PAULSON: I don't know that we’ve even done that calculation, frankly, so ultimately whatever transaction takes place the Town typically receives I want to say 9.6% of each dollar of property taxes.

DR. SPANO: Right, and I think that's helpful for people…

JOEL PAULSON: 9.6 cents on the dollar.

DR. SPANO: On the dollar on property taxes.

JOEL PAULSON: That would be entitled and come to the Town, as well as any portion of the sales tax that might be generated by the 60,000-70,000 square feet of commercial that is proposed in the first phase application.

DR. SPANO: "How does the size of the Campbell side of the overall project…" Not clear. "How many residential units in Campbell? How much retail square footage in Campbell?"

JOEL PAULSON: For Campbell, I think we just spoke about this as well, I think the line is pretty close to where the first phase line is, but I don't have that exactly, so it could be up to 44, but I think we can take a look at that piece and get that answer up as well.

Then the Northern District, we talked about that would be predominantly commercial if the project that's currently before the Town is approved.

LAUREL PREVETTI: And I would just clarify that none of the North 40 is in the City of Campbell, so when there's reference to Campbell in this response, it's really pertaining to the Campbell Union High School District that

serves the northern portion of the area together with the Cambrian School District.

DR. SPANO: I think we've answered this, but let me ask it just to make sure. "How does by right project apply when majority of the units are market rate, not affordable housing?"

ROBERT SCHULTZ: We have to meet RHNA numbers of 619 across the entire board, not just for Low Income, not just for Very Low, but it's across the board of providing units across all the needs, so the 270 by our Housing Element has the by right for the entire 270, not just for affordable housing.

DR. SPANO: "How does the Town plan to meet our 619 RHNA allocation? By my calculation we would need to build 3,669 to meet that number with a developer density bonus."

LAUREL PREVETTI: Our Housing Element identified different ways to meet the need, and one of them was to include the North 40 Specific Plan, so that's 270 units. The other approach was the secondary units that we talked about; that was about 28 units. We also talked about doing an enhanced secondary unit program; that would bring another 27 units. We do include the South Bay site as another housing opportunity site in the Town with a yield

of about 148 units, and then we have other sites such as Oka Road, which is 99 units.

We also were able to take credit for the recently approved Knolls development that was happening at the time that we were developing or preparing the Housing Element, so we actually got credit of 57 for approved units that the Town had done.

So there are a variety of strategies that ultimately came into our Housing Element at a variety of densities.

DR. SPANO: "Project seems dense. Buildings seem high. Why is there not park area or other public use space that would reduce the number of units?"

JOEL PAULSON: I think we've answered this as well. We're still working with the 20 units per acre, and there is publicly accessible open space that will be part of the development. I would encourage folks to go online and/or attend the Planning Commission meeting on July 12th, and you can take a look and see what is proposed.

DR. SPANO: "Can the Town force the developer to spread out the units across the property that is not part of an application?"

ROBERT SCHULTZ: I think we've answered that. I don't like using the word "force." The Council has the

ability to approve, deny or modify any project that comes in front of them. If an applicant doesn't want to do that, then they don't have a project.

DR. SPANO: "Other than the numbers required by right in the Housing Element, does anything else require encouraging that maximums be reached or minimums be reached, heights, setbacks, open space?" Does anything else require encouraging that maximums be reached, minimums be reached?

ROBERT SCHULTZ: No. But again, when we go through the project, when you ask for a density bonus, there are concessions and waivers that an applicant can ask for, and again, State law says we have to allow those. That's the push back we're going to look at when we're analyzing this with the density bonuses: What type of waivers and concessions is the applicant looking for?

DR. SPANO: "Is it accurate to assume that part of the motivation for such a large, high-density project is at least partly to prevent any additional smaller sites scattered all over the city?" So if you concentrated the high-density, high height in one area, then it wouldn't be scattered across the city, but it would be localized in one area. Is that part of the motivation?

JOEL PAULSON: I don't know if that's part of the motivation, but that was definitely part of the discussions as the Housing Element Advisory Board, and then ultimately the Planning Commission and Council, struggled with should the North 40 be used? Should we go back to the AHOZ opportunity? Should we look at other sites? Ultimately the decision was made to incorporate the 13.5 acres for up to 270 units at 20 dwelling units per acre in the Housing Element, and that was the strategy that moved forward.

We've talked at length about options and opportunities if that number was changed, then we would be looking at a similar evaluation of going back through and finding sites to make up for whatever density in units have been lost.

LAUREL PREVETTI: I would just add that overall the Town has a General Plan that identifies the appropriate uses throughout our community, and we really want to make sure that we put any new development in the right place, so as there are other development applications pending or in the future will be applied for, we would encourage all of you to be just as actively engaged as you are now.

We do have pending subdivision applications, for example, that would increase housing in other sites that are not even in our Housing Element. I know there is a lot

of attention right now on the North 40, but this isn't the only application that's moving through the process.

We do have a Pending Planning Projects portion of our website, so I would encourage all of you to become familiar with it. There's a map-based approach, so you can see what's happening, a What's Proposed in My Neighborhood, and then the project planner's name and contact is available. So you can take a look at those applications as they are pending, and definitely please participate in our process as those move forward as well.

AUDIENCE MEMBER: (Inaudible).

LAUREL PREVETTI: The question is, "If we approve North 40, does it prevent things like Laurel Mews in the future?"

Really, all land use decisions are unique and they're considered on their own merits, determined by consistency with the General Plan, zoning and other applicable codes, and guidelines. We have a lot of properties here in town, and with the strong economy there are a lot of property owners who are trying to make sure that they get what is in their opinion the highest and best use, and those applications are going through a similar process.

AUDIENCE MEMBER: (Inaudible).

LAUREL PREVETTI: Not necessarily. Again, ultimately our deciding bodies, Planning Commission and Council, make those decisions on their own merits.

DR. SPANO: "If additional commercial development is allowed at this site or anywhere else in town, does that trigger more State mandated housing?" Additional commercial.

JOEL PAULSON: I'm not familiar with the methodology and what goes into that. Maybe Ms. Prevetti can offer.

LAUREL PREVETTI: No, it's essentially a separate discussion. We have our housing need numbers that were identified, and we've adequately planned for them, we've identified sites. If there is new commercial development that happens, there is not a housing requirement that follows.

DR. SPANO: I think we've answered this, but just in case, "How are housing needs determined?"

LAUREL PREVETTI: Housing needs are determined in a very complex way for purposes of our Housing Element. There is a strict methodology that is outlined in State law in terms of who makes the population projections for the State of California, and that's the Department of Finance. Then they give the number for the nine county Bay Area

region to the Association of Bay Area Governments, and then that regional agency sets forth a methodology to distribute all of that new population and the equivalent in terms of housing to all of our respective communities. So that's a very public process. The Town is able to participate and comment on those numbers before we then do our Housing Elements.

For this county, in the next cycle for housing elements, we're considering doing our own methodology with our colleague cities within Santa Clara County so that we have even more local control of the distribution of that housing. That won't happen until 2020, but again, that will be a whole other process, and we are looking for how we can maintain the local control and have more of a voice, instead of a regional agency telling us how much housing we need to plan for.

DR. SPANO: "Do other developments in Los Gatos have the same square footage, unit number, acre density?"

JOEL PAULSON: The short answer is there are other projects that actually even exceed the density for what is being proposed on the North 40. I think earlier I had mentioned I would look to pull some of that information and get that posted, so that folks have an idea of what that looks like.

But there are other projects in town that have more density. Now, with square footage and those things, we would have to look at that. This probably is the biggest combination the Specific Plan would allow, but you also have to take into account a lot of other factors of when some of these other projects may have been built, and what size the properties are, so we'll try to pull some of that information together and get some information posted on the website.

DR. SPANO: "What is the current approved number of housing units and commercial space square footage not yet built out?" The number of housing units, commercial square footage not yet built out.

JOEL PAULSON: We don't have that data, but that's something we can try to pull together.

DR. SPANO: "You mentioned that Saratoga has lost its appeal to reduce RHNA number, yet we don't see orange monster development story poles in Saratoga. Why are we letting developers dictate what is best for RHNA needs? Granny units, please." So the question: "Why are we letting developer dictate what is best for RHNA needs?"

JOEL PAULSON: This process was done through the Town, so this is the Town's document. The Town took this through the public process and we had a lot of

conversations, some of them very similar to the conversations we're having this evening, and ultimately the decision was made to use the North 40 Specific Plan site as one of the components to meeting and achieving our regional housing needs for this Housing Element cycle.

DR. SPANO: "Any plans for solar panels on roofs, greywater systems built into the residential and commercial structures, rainwater capture systems?" Any plans for any of those with North 40?

JOEL PAULSON: Again, that's going to be part of the Phase 1, so we will take a look at that information, but there is green infrastructure that encourages it, if not requires it.

Speaking to what Director Morley spoke about before, C-3 requirements now require a lot more treatment onsite, so typically some of those components get added in, but we will specifically pull that information up.

LAUREL PREVETTI: And the Specific Plan does have sustainability guidelines. There are specific guidelines in Section 3.3.8 that promote a lot of the sustainability issues that were raised in the question.

DR. SPANO: "You mentioned single-family home has to follow FAR requirements, but multi-units do not, yet the developer application is waiting to sell each unit as a

single unit. Why the discrepancy? Should the Town reduce the intensity of the application to comply with other single unit FAR requirements?"

JOEL PAULSON: Appreciate the question. The difference is the distinction of attached units. They're still single-family units that are being proposed, they're just attaching three or more, which for the Town makes that a multi-family dwelling unit. For discussion purposes, you have one building that has three units in it, but they're all sold to three different property owners. That's a multi-family development, and based on current Town Code those do not have FAR requirements.

DR. SPANO: "Did the Town impose requirements on the construction phase? I can't imagine huge construction and materials trucks flowing from the site to Los Gatos Boulevard for years." So did the Town impose requirements on the construction phase, staging and that kind of thing?

MATT MORLEY: That's specific to the first phase project, and that will come forward through the improvement and the conditions with that project.

DR. SPANO: Okay, very good, and obviously opportunity for public comment around that.

We are down to our last question card, and this really is about sort of ethics and the Brown Act. "What are

the policies, ethics and standards regarding Staff and Council interaction with developers and/or vendors? How is this monitored to ensure residents are protected from undue influence on Staff and Council?”

ROBERT SCHULTZ: We have specific policies that address this issue.

For the Planning Commission policy, they’re allowed no contact. They’re allowed what we call incidental contact. For any project they go out to, if they’re going on someone’s property they’re able to at least say hello and maybe get oriented to where the facts are. But our Planning Commission is not allowed to have any of what is called “ex parte communications” with developers, with citizens, with no one. It’s a very, very strict rule. I’ve brought it back a couple times for Council and Planning Commission to discuss, and both the Planning Commission and the Council wanted to keep that rule intact.

For the Council, it’s different in that they are allowed that ex parte communication, and we specifically even say the reasoning is that they’re elected officials, they need to hear from the public, they need to hear from you as to the issues that are coming forward, so they’re allowed to have that ex communication with you and with the applicant.

It does require though that before any hearing where property rights are involved that they do have to disclose those ex parte communications, so when it comes in front of Council, and even when it comes in front of Planning Commission, we have the ex parte communications and that's why they'll say they did a site visit and they might have had incidental contact. But with Council they have to state who they've met with and whether they gained any other information that's not in the public record, because it's very important from a due process and Brown Act standpoint that any information they receive outside the hearing is brought into the hearing, so not only they know that, but the rest of the Council knows that, so everybody has the same information to make a decision.

DR. SPANO: Thank you. Okay, so no other questions. We'll move to the public comment period of our meeting here, and this is the beige card. If you want to speak, you'll have three minutes, and just fill out one of these cards and you can hand that to Christina. We'll queue up over here for public comment, and I'm just going to hold the microphone while you make your comments, and Shelly will be keeping time over here. We're going to be pretty strict on the three-minute limit so that everybody gets the same amount of time.

AUDIENCE MEMBER: (Inaudible).

DR. SPANO: Okay, so the follow up is Staff interaction and how that plays into the ethics and Brown Act, et cetera. Thank you.

ROBERT SCHULTZ: Under the Brown Act Staff isn't even a part of that. It applies to elected officials or appointed officials, so we don't even have any requirement of the Brown Act.

For myself, I have an open door. Any time any member of the public wants to come in and talk to me about the Specific Plan, I'd be happy to do that. We also have meetings with developers to make sure we understand their proposal and how it does or does not apply, what our feelings are. They always want to know whether we're going to be supporting this project or not supporting it, and we have to take them through our analysis, just as we would for any member of the public, so we don't include developers and not include the public, or include the public and not include the developers. You're open to speak with any of us at any time.

DR. SPANO: Thank you. Okay, public comment, verbal communication. Chris Chapman, please come over here. Roy Moses. We'll queue three at a time. And Bruce McCombs,

please. We'll start with Chris, and then go to Roy, and to Bruce.

CHRIS CHAPMAN: My name is Chris Chapman; I live at 201 Mistletoe Road in Los Gatos.

My concern is that I'm astonished that this plan is going to have two or more school districts service the development. I find that now is the time to address a consolidation of schools. You're approving a development to where kids on one side of the development will go to one school, and kids on another street will go to another school.

I look at the School District members here, I look at the Town Council, and I heard a comment from the Town Council that said, "We have nothing to do with boundaries." I, as a resident of Los Gatos, look to the Town Council, the Planning Commission and the School Districts to work together to allow for one school district to service these 320 house. I finding it kind of amazing that we're talking about a bicycle path going around this development for our kids to ride their bikes on, but oh well, Johnny's going to go to Cambrian and so-and-so is going to another district.

I implore everybody here to work together with the State to make it a consolidation of one school district serving this development. Thank you.

DR. SPANO: Thank you, Chris. We have Roy up next if Roy Moses is here, and then Bruce will be after Roy.

ROY MOSES: Thank you very much, and I want to thank all the Council members and the Planning Commissioners for getting this meeting together.

You've got a big job to do. This is our town. I don't know how many of you that work for the Town are actually citizens of Los Gatos, but I've lived here for 48 years. It definitely has changed. I don't like the change, but change is inevitable; I mean we all know that.

I'm in a second career; my kids will probably have three careers. When you're young you try to make some plans, and you have a family and you plan for your finances and you look ahead. The kids got to go to school. They're going to get out of school and hopefully they're not going to be dependent upon their parents, they're going to be out living on their own, which ours are, and all these things.

So planning forward and looking ahead is very, very important, and sometimes cities kind of just look right here, because they've got obligations to the State, and they have obligations to this person and this

particular development, whatever. You have to look beyond and look to the future. You know what this community is going to look like in 25 years? Just imagine. I'm going to be dead, and my kids have to live here, and a lot of other people don't want to live here.

Low-income people really cannot live in this town. You all know that. The State is crazy. Send Jerry Brown a copy of this meeting tonight, this video. Let him listen to the citizens of this small town. I'm sure the big cities are talking about the same thing. We have to start getting to the State and say you're full of bullshit. This has been going on for years. You cannot continue this. I mean this Town cannot hold more people. What are you going to do? Stack them on top of one another? You talk about road rage? There's going to be a lot of things happening as a result of this.

You have a tremendous responsibility. You inherited most of this. All you people that are sitting here, the Commissioners, you inherited this, but we have to start mitigating some of these things.

So I ask you, passionately ask you, there are ways of mitigating the density, all the other things that are going to impact traffic and local services, all the things that we talked about here tonight. You've given us a

lot of good answers in all the things; you've done a lot of homework and all these other things. It still doesn't stop the fact that we have a problem, and every other community is going to have a problem. I think I've got 30 seconds.

DR. SPANO: Continue on.

ROY MOSES: I've been here before. So I want to thank you all, but I'm just telling you, we're going to be here, the citizens are going to be here. It's unfortunate it's going to be in the summertime again. All these big issues come up in the summertime. There are 40% of the people that are not here tonight, because they're gone with their kids enjoying someplace else. But they're going to come back and find out about all these things. We're going to be here, we're going to be guiding you, so please listen to us. Thank you very much.

DR. SPANO: Thank you. So Bruce is up next, and then after Bruce, it will be John Hechinger. Bruce. Very good, okay. Thank you. Thank you, Bruce. So, John. Is John here? No, don't see John. How about Ted Halunen? Is Ted here? Nope. Joan. Is Joan Langhoff here? No, she's not here either. That's all the comment cards. Come on over.

ROD TEAGUE: I have a question.

DR. SPANO: We won't be responding to the verbal comments, but please, ask the question. That's okay.

ROD TEAGUE: My question is regarding the density zoning. I had a conversation with a senior planner at ABAG, Gillian Adams, and I guess what I'm worried about is that the RHNA deductions are really worth their weight in gold. Of course we want to be sure that we're getting every single one of them, and if we based our plan on receiving all 270 units do we have any assurance from Housing and Community Development that we're going to get credit for them? Because I see in the Housing Element it shows that we're knocking most of these RHNA deductions out by Very Low Income, Low Income and Moderate Income, and we know that most of those units are just market rate.

Is there any chance that down the line when we submit to HCD for our credit that they look at this and they say, "We don't base it on density, we base it on income and qualifying"? Only 50 of these units actually qualify for Low Income, so is it sort of futile and pointless, or do we have a guarantee from HCD that we're going to get credit for all 270 units?

It would be a crime, because I don't know if people really understand the implications of how much housing he have to add to our pool of housing here, and if they came back and said, "No, we're only giving you a 50-unit credit," I mean we have to add somewhere in the range

of 4,000-5,000 new homes if we count on the developer to sponsor Low-Income housing. Did you get that? Thank you.

DR. SPANO: Thank you. Excellent. As we move toward our wrapping up the meeting, again, on the back of your agenda you have the loose timeline and schedule for the upcoming Planning Commission and Town Council meetings. I'm hearing July 12th is the Planning Commission, is that correct? So that's been confirmed. July 12th will be the next opportunity for you to provide public input around the North 40, but then obviously they'll be taking up the developer application and you'll be able to comment on that as well.

Laurel, do you want to wrap us up for the rest of the meeting?

LAUREL PREVETTI: I just wanted, again, to really say thank you to all of you for participating. Thank you to the Staff who answered all these questions. Thank you to our Town Council, Planning Commission and School Board members and superintendents who joined us. Thank you to the community. I know there are a lot of people who are probably watching on either television or on the Internet, or will be watching in the future. We are doing verbatim minutes, so all of this transcript will be recorded, and we will continue to add to the FAQ, as mentioned.

So again, thank you all very, very much. We look forward to your ongoing participation in the Planning Commission and upcoming Town Council meetings, as noted, and then as well as with other issues happening in our Town, so thank you all very much and we'll see you soon. Thank you.

TOWN OF LOS GATOS

OFFICE OF THE TOWN ATTORNEY

MEMORANDUM

To: Mayor & Council
From: Robert Schultz, Town Attorney RWS
Date: May 24, 2016
Subject: North 40 Subdivision Map Act and Permit Streamlining Act Deadlines

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Summary

My office has received numerous inquiries regarding the deadline for the Planning Commission and Town Council to make a decision on the North 40 Vesting Tentative Map and Architecture & Site (A&S) Application submitted by Grosvenor USA Limited and SummerHill Homes ("Developer"). This memorandum addresses those deadlines.

On March 18, 2016, the Developer submitted a revised application for a Vesting Tentative Map and A&S approval. On April 18, 2016, Town Staff notified the Applicant that their application for the Vesting Tentative Map was deemed complete but determined that the A&S application was not deemed complete "until the story poles have been completed".

Based upon the Subdivision Map Act and Permitting Streamlining Act, once a Vesting Tentative Map and A&S application is deemed complete, the Town has 80 days to make a decision on the Vesting Tentative Map and 60 days on an A&S application. In order to accommodate the Study Session requested by Town Council, the Developer and the Town have entered into a Time Extension Agreement that requires the Planning Commission to make recommendations to the Town Council on the Vesting Tentative Map Application and A&S Application by August 31, 2016 and requires the Town Council to approve or disapprove the Developer's A&S Application and Vesting Tentative Map Application by September 7, 2016. The Time Extension Agreement is attached hereto.

Legal Analysis

The Subdivision Map Act sets forth certain statutory time periods for reporting and acting upon maps, depending on which advisory agency is charged with approving the map. Within the Subdivision Map Act, Government Code Section 66452.1 provides as follows:

> (a) If the advisory agency is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body within 50 days after the filing thereof with its clerk.

EXHIBIT 2 9

(b) If the advisory agency is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall take that action within 50 days after the filing thereof with its clerk and report its action to the subdivider.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

Pursuant to Town Code Sec. 24.10.020, the Planning Commission is the advisory agency for the Town under the Subdivision Map Act and is authorized to approve, conditionally approve, or disapprove all maps **except vesting tentative maps**. Therefore subsection (a) above is applicable and the date for which the Planning Commission would have to make a recommendation to the Town Council without the Time Extension Agreement is June 7, 2016. The Time Extension Agreement allows the Planning Commission to make its recommendations to the Town Council by August 31, 2016.

Within the Subdivision Map Act, Government Code Section 66452.2 provides as follows:

(a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

Based upon the Subdivision Map Act, the Town Council has until July 7, 2016 to approve, conditionally approve, or disapprove the vesting tentative map (50 days + 30 days = 80 days) without the Extension Agreement. Based upon the Town Council's request for a study session and since Town Council is on recess in July, a Time Extension Agreement was necessary and allows the Town Council to approve, conditionally approve, or disapprove the vesting tentative map by September 7, 2016.

In addition to the time limits contained in the Subdivision Map Act, there are time limits contained in the Permit Streamlining Act that also must be adhered to. The Permit Streamlining Act was enacted in order to expedite the processing of permits for development projects. The Permit Streamlining Act achieves this goal by (1) setting forth various time limits within which state and local government agencies must either approve or disapprove permits and (2) providing that these time limits may be extended once by agreement between the parties.

Within the Permitting Streamlining Act, Government Code Section § 65943, provides as follows:

> (a) Any public agency that is the lead agency for a development project shall approve or disapprove the project within whichever of the following periods is applicable:
> (4) Sixty days from the determination by the lead agency that the project is exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) if the project is exempt from the California Environmental Quality Act.

The Town and Developer have disagreed on when the 60 day period began. The Developer asserts that the A&S Application was complete as of April 18, 2016, the same date that the Vested Tentative Map was deemed complete, and therefore the Town has until June 17, 2016 to approve or disapprove the A&S Application. The Town's position is that the Developer must complete and certify that it is in compliance with the Town's story pole requirements before the Town can deem the A&S application complete and for the sixty day period timeline to begin. Since the Developer did not certify its compliance with the Town's story pole requirements until May 4, 2016, the Town position is that the Town has until July 3, 2016 to approve or disapprove the A&S Application.

The Subdivision Map Act and the Permit Streamlining Act timelines allow the above deadlines to be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. The Permit Streamlining Act specifically states that no other extension, continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted.

Conclusion

In order to resolve our disagreements on the timeline and to accommodate the Study Session and July recess, the Town and Developer have entered into an agreement to extend the deadlines to a date certain. The agreement entered into between the Town and the Developer is attached hereto and provides that the Town has until September 7, 2016 to take final action on the Vesting Tentative Map and A&S Application.

Attachment:

Time Extension Agreement

TIME EXTENSION AGREEMENT PURSUANT TO THE PERMIT STREAMLINING ACT AND SUBDIVISION MAP ACT

This Extension Agreement ("Agreement") is made this 17th day of May, 2016, by and between the Town of Los Gatos, a California Municipal Corporation ("Town") on the one hand, and Grosvenor USA Limited and SummerHill Homes on the other hand, in order to extend certain time limits imposed by State law that apply to the Town's consideration of applications for the North Forty Phase 1 Development Project, all as more particularly detailed in the following recitals.

WHEREAS, the Town Council of the Town of Los Gatos ("Town Council") certified the Final Environmental Impact Report ("EIR") for the North 40 Specific Plan ("Specific Plan") on January 5, 2015, and subsequently approved the Specific Plan itself on June 17, 2015; and

WHEREAS, Grosvenor USA Limited is the developer of approximately 20.7 acres of real property within the Specific Plan area; and

WHEREAS, SummerHill Homes is the development partner of Grosvenor USA Limited with respect to the proposed development; and

WHEREAS, for the sake of simplicity, both Grosvenor USA Limited and SummerHill Homes will be together referred to as "Developer" in the remainder of this agreement; and

WHEREAS, Developer is seeking, through a vesting tentative subdivision map and Architecture and Site ("A&S") approval, authorization to develop within the North 40 Specific Plan area 20.7 acres as a multi-story development consisting of 320 residential units, which includes the following: 50 affordable senior units; approximately 66,800 gross square feet of neighborhood commercial floor area, including a market hall; and on-site and off-site improvements (the "Project"); and

WHEREAS, Developer's vesting tentative map and A&S applications apply to Assessor's Parcels Numbers ("APNs") 424-07-024 through 424-07-027, 424-07-031 through 424-07-037, 424-07-070, 424-07-083 through 424-07-086, 424-07-090, and 424-07-100; and

WHEREAS, on March 18, 2016 Developer submitted a revised application for a vesting tentative map and A&S approval; and

WHEREAS, on April 18, 2016, Town staff by e-mail notified Developer of the completeness of its vesting tentative map application but asserted that the A&S

application was "not technically deemed complete...until the story poles have been completed"; and

WHEREAS, on April 26, 2016, attorney Andrew L. Faber of Berliner and Cohen LLP, on behalf of Developer, asserted Developer's contention that the Town must also treat the A&S application as complete as of April 18, 2016, as the Town had no legal authority for requiring the completion of the story pole process before accepting the A&S application as complete; and

WHEREAS, the Town disagrees with Mr. Faber's contention that the A&S application was complete as of April 18, 2016, as the Town asserts that the Developer must complete and certify that it is compliance with the Town's story pole requirements before the Town can deem the A&S application complete; and

WHEREAS, because the Developer did not certify that it is compliance with the Town's story pole requirements until May 4, 2016, the Town asserts that is date the A&S application was deemed complete; and

WHEREAS, Developer does not agree with Town's assertion as to the date the A&S application should be deemed complete; and

WHEREAS, Mr. Faber's letter also invoked a provision of the Subdivision Map Act ("SMA"), Government Code section 66452.1, which provides in subdivision (a) that an advisory agency not authorized by local ordinance to approve, conditionally approve or disapprove a tentative map shall make its written report to the legislative body within 50 days after the filing thereof with its clerk; and

WHEREAS, subdivision (c) of Government Code section 66452.1 further provides, in pertinent part, that this 50-day period for action "commence[s] after certification of the [EIR] ... or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code" [that is, the California Environmental Quality Act or "CEQA"]); and

WHEREAS, subdivision (a) of Government Code section 66452.2 further provides that, if the advisory agency is not authorized by local ordinance to approve, conditionally approve or disapprove a tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter, and the legislative body shall approve, conditionally approve or disapprove the tentative map within that 30-day period; and

WHEREAS, subdivision (b) of Town Code Section 24.10.020 states that the Planning Commission will report to the Town Council on its recommendations regarding vesting

tentative maps but does not have authority to approve, conditionally approve or disapprove vesting tentative maps, and as a consequence the Planning Commission does not have authority to approve or disapprove the A & S application, which must be approved or disapproved by the Town Council; and

WHEREAS, within the Permit Streamlining Act ("PSA"), Government Code section 65952.1, subdivision (b), provides that development projects consisting of proposed subdivisions also subject to the SMA shall comply with the timelines set forth in Government Code sections 66452.1 and 66452.2; and

WHEREAS, as part of the PSA, Government Code section 65950, subdivision (a)(4), provides that agencies must approve or disapprove a development project they determine to be exempt from CEQA within 60 days of such a determination; and

WHEREAS, the Initial Study commissioned by the Town regarding the Project concluded that all impacts were adequately analyzed in the Specific Plan EIR, and no further CEQA analysis is necessary; and

WHEREAS, Mr. Faber's letter further contended that, because the 50-day period under the SMA began to run on April 18, 2016, the period during which the Town's Planning Commission could make its written report to the legislative body on Developer's vesting tentative map application would end on June 7, 2016; and

WHEREAS, Mr. Faber's letter also further contended that, because the 60-day time period under the PSA (Government Code section 65950, subdivision (a)(4)), for projects exempt from further CEQA review, also began to run on April 18, 2016, the parallel time period during which the Planning Commission must make its recommendation on the A&S application would end on June 17, 2016; and

WHEREAS, while the Town disagrees with all of Mr. Faber's date calculations set forth above, the Town sees considerable value in reaching agreement with Developer as to the dates by which the Planning Commission and Town Council must take action to approve or disapprove the two pending applications; and

WHEREAS, the Town, in order to facilitate an agreement with Developer, is therefore willing to use the dates calculated by Mr. Faber as the starting points for considering time extensions under both the SMA and the PSA with the exception of the date on which Developer contends the A&S application was complete; and

WHEREAS, Developer, in order to facilitate an agreement with the Town, is willing for the purpose of this Agreement to use the Town's date of May 4, 2016, as the date on which the A&S application was deemed complete; and

WHEREAS, using May 4, 2016 as the date that the A&S application was deemed complete, the 60-day PSA time period under Government Code section 65950, subdivision (a)(4), for projects exempt from further CEQA review, also began to run on May 4, 2016, meaning that the time period during which the Planning Commission must make its recommendation on the A&S application would end on July 3, 2016; and

WHEREAS, Government Code section 66451.1 of the SMA allows extensions of SMA timelines for acting on proposed maps by mutual consent of the applicant(s) and the local agency advisory body or legislative body; and

WHEREAS, a vesting tentative map application is a development project and is also subject to the provisions of the PSA, including Government Code section 65950; and

WHEREAS, Government Code section 65957 of the PSA allows one-time extension by mutual written agreement for a maximum of 90 days of the time limits set forth in, among other statutes, Government Code section 65950, including the 60-day time period to approve or disapprove a project after determining that a proposed project is exempt from CEQA; and

WHEREAS, the parties now intend to agree to an 85-day extension, commencing on June 7, 2016, and ending on August 31, 2016, for the Planning Commission to recommend to the Town Council that it approve, conditionally approve, or disapprove the vesting tentative map application, pursuant to Government Code section 66451.1 of the SMA; and

WHEREAS, the parties now intend to agree to a 66-day extension, commencing on July 3, 2016, and ending on September 7, 2016, for the Town Council to approve or disapprove the A&S application and the vesting tentative map application pursuant to Government Code section 65957 of the PSA; and

WHEREAS, the Developer and the Town are willing to agree to these extensions in order to facilitate the most thorough possible consideration of the two pending applications by the Planning Commission and Town Council. Except for the extensions of time herein, this Agreement is not intended to modify in any other way the respective rights and obligations of Developer or the Town under the SMA or the PSA with respect to the two pending applications.

NOW, THEREFORE, the Town of Los Gatos, Grosvenor USA Limited, and SummerHill Homes, through their respective authorized representatives, agree on the following:

1. All of the foregoing recitals are true and correct, and are to be treated as part of this Extension Agreement.

2. The date for the Planning Commission to make recommendations to the Town Council on whether to approve, conditionally approve, or disapprove Developer's vesting tentative map application is hereby extended to and including August 31, 2016 pursuant to Government Code section 66451.1; and

3. The date for the Town Council to approve or disapprove Developer's A&S application and vesting tentative map application is hereby extended to and including September 7, 2016 pursuant to Government Code section 65957.

4. This Agreement may be signed in counterparts. Each executed duplicate hereof shall be considered as an original. Facsimile or signatures on electronically transmitted documents in PDF form and copies of signatures shall have the same force and effect as original signatures.

Dated: May __, 2016

TOWN OF LOS GATOS

Laurel Prevetti

By: Laurel Prevetti, Town Manager

Dated: May __, 2016

GROSVENOR USA LIMITED

By: JAMES PATILLO
MID. DEVELOPMENT.

Steve O'Connell
Managing Director, Investmer

Dated: May __, 2016

SUMMERHILL HOMES

By: Katie Kamanger
Executive Vice President

Jason Biggs
Secretary

APPROVED AS TO FORM

Robert Schultz, Esq.
Attorney for Town of Los Gatos

Andrew Faber, Esq.
Attorney for Grosvenor USA Limited and SummerHill Homes

4822-3125-4449v7
NDH-SCE0427005

Recieved at 3/30/16
PC Meeting

From: **Anne Marie de Cesare** adecesare@me.com
Subject: Objections and Alternatives to North 40 Development Plan
Date: March 30, 2016 at 12:02 PM
To: mmoseley@losgatosca.gov
Cc: council@losgatosca.gov, **Josh de Cesare** decesare@mac.com

Dear Ms. Moseley,

My family and I are in favor of limited development and historic preservation of a large part of the currently undeveloped Los Gatos North 40 orchard and historic buildings and we suggest at least half the orchard and all historic buildings are set aside as a public open space and child friendly museum.

As I understand it, the original plan approved by the Los Gatos Town Council called for 270 housing units on 44 acres and after plan approval the project was redesigned to compress 320 housing units onto 22 acres and added in low rise low income housing and 435,000 square feet of commercial space. And that the Los Gatos Town Council communicated the development guiding principles: look and feel like Los Gatos, embrace hillside views, trees and open space, address town's unmet residential and commercial needs, mitigate impact on town infrastructure, schools and community services, but these guiding principles were ignored in the development plan altered after approval. The look and feel of 35 foot low rise apartment complexes, the 435,000 square foot mall, and 320 high density homes do not conform to any of the Los Gatos Town development guiding principles and put a strain on the Los Gatos Union and Los Gatos Saratoga Joint High School Districts.

Please do not approve the North 40 development project as it exists, but rather change it to something that would preserve the historic orchard and a implement smaller scale development that would support rather than strain the Town infrastructure, schools and community services.

Specifically, my family and I are opposed to the current Los Gatos North 40 development plan for the following reasons:

1) Traffic is already very congested after 3:00 p.m. on 17 South and Los Gatos Boulevard. 17 South and Los Gatos Boulevard would be as congested as 880 South is at rush hour every day with the addition of 320 additional high density housing units and 435,000 square feet of commercial space between Route 85 and Lark Avenue. For a shopping center that size to even be commercially viable it would have to pull in customers from all over the 85 corridor adding to existing traffic congestion.

2) A 435,000 square foot shopping mall does not conform in any way to the Los Gatos Town development guiding principles.

3) There are already empty store fronts on Los Gatos Boulevard which would be more likely to stay empty with a 435,000 square foot mall down the street. Los Gatos should consider inviting investors to rejuvinate store fronts on Los Gatos Boulevard before considering building a new mall one third the size of Valley Fair Mall as a source of competition for local businesses.

4) The 320 additional housing units would increase the Fisher Middle and Los Gatos High School Classroom sizes. The classroom sizes are already pretty large. Increasing classroom sizes would alter the middle and high school experience for all Los Gatos families and possibly lower the quality of education within the districts.

5) Before considering any development plan, Los Gatos should consider the historic relevance of one of the few remaining orchards in the Santa Clara Valley. Los Gatos has a conscientious dedication to historic preservation and it would be tragic to pave over one of the last remaining orchards.

And finally, here are some questions the Town should consider before moving forward with any project approval. Has the Town Council considered if the tax dollars collected from new development would adequately offset the additional draw on Town resources? Would rental property owners contribute a share of tax dollars proportional to those home owners to compensate for more students in the middle and high schools? Would the existing elementary schools even be able to accommodate such a large increase in enrollment?

Thank you for your kind attention.

Sincerely,

Anne Marie, Josh, Sarah and Josh II
The de Cesare Family
236 Los Gatos Boulevard

EXHIBIT 3 0

Received at 3/30/16
PC Meeting

Possible adjustments to the North 40 application

Council members, 3/24/2016

My name is Eric Wade. I am a third generation Los Gatos general contractor. My grandfather Jack Wade senior purchased property on Bonnie lane in 1947. My father, Jack Wade junior started his construction career by helping his father build their home in 1948. My Father attended Los Gatos middle school which was then located where Old Town is currently. One of his classmates' was a Yuki and he would on occasion during harvest help on the Yuki family orchard.

My wife and I are currently raising our two children here in Monte Sereno and they are attending Daves Avenue Elementary. I am the head chair on the Monte Sereno Site & Architecture commission. Both my wife and I are very involved in our community.

I have had a chance to review the proposed development for the North 40 and would be very appreciative if you would spend a few moments reviewing my fallowing concerns, thoughts and possible adjustments to the application for development.

- Reduce the height and mass of all structures. Consider a maximum of 2 stories for all residential structures.
- Break condominium blocks into smaller number of units.
- Reduce total number of housing units by 1/3 or a total of approx. 240 units
- Divide the total number of housing (240 units) between the north and south districts or divide total number of housing units evenly between the Los Gatos & Campbell school districts.
- Provide larger open space or garden areas in each district.
- Increase the setback along Lark Ave. to 50' and plant a "Heritage Orchard" in this area.
- Have the property taxes fund 1 additional police officer for the Town and the HOA fees cover the maintenance of the orchard.

These are just a few of my ideas and hope you would take them into consideration.

Thank You,

Eric Wade

Recieved at 3/30/16
PC meeting

From: **Roberta Goncalves** chris_and_roberta@yahoo.com
Subject: Concerns about North 40
Date: March 30, 2016 at 2:19 PM
To: Mmoseley@losgatosca.gov
Cc: Chris Balough cbalough@yahoo.com

Dear Ms. Moseley,

We live in Blossom Manor and are absolutely opposed to this development. We have both lived in Chicago and enjoy a big city for what it is. We also enjoy Los Gatos for what it is, and it should never try to look and feel like a big city.

One main reason we moved here is how beautiful and quaint this town is, the excellent schools it offers, and the look and feeling of small town living, while close enough to San Jose and San Francisco and all they have to offer, but without the challenges those cities face.

The last thing we need in our town is another "Santana Row." We already have one. It is in San Jose. Los Gatos doesn't need to try to become San Jose. We can drive 7 minutes and be at Santana Row.

Our town already cannot handle all the Santa Cruz traffic with the current infrastructure, and population. Adding 320 residential units, and families to the town, will only make it worse, significantly worse. It will also make traffic around town, and our schools, worse than it already is.

This addition would require more roads, more schools at all levels, not just Elementary, but Middle and High School as well. There are no such provisions being proposed.

The quality of life we all have chosen this town for, the great schools, decent amount of traffic, the character and feel of the town, are at stake if this projects gets approved.

We don't need another Santana Row. We don't need to become another "stop by the highway." We don't need more traffic. We don't need to overcrowd our already full schools. We don't need to add to the burden of emergency services serving our small communitty, from firefighters, to police, by adding a significant amount of commercial and residential areas to our town.

Lastly, we urge the Town's Council to listen to residents, and not the developers focusing on profits. We need to support our existing businesses, many of which are Mom and Pop type places, family owned. These are choices that will impact generations in Los Gatos, and ought to be done taking resident's views and preserving the essence of this town: a town that was, and will continue to be charming, small, has manageable traffic, and offers great schools to its residents.

Please vote NO for adding 270-320 housing units and 435,000 sf of new commercial space.

We are not opposed to some form of development on that land, but it truly needs to reflect what this town is all about, and look and feel like it. This North 40 proposal does a terrible disservice to the Town and its residents.

Sincerely,

Roberta Goncalves and Chris Balough

16100 Jasmine Way
Los Gatos CA 95032

*Phone numbers for your use only, not to be publicly disclosed:

*Roberta mobile:
*Chris's mobile: