

APPEARANCES:

Los Gatos Planning  
Commissioners: Emily Thomas, Chair  
Kendra Burch, Vice Chair  
Jeffrey Barnett  
Rob Stump

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

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## PROCEDINGS:

CHAIR THOMAS: We will now move on to our public hearing starting with Item 1, and I just want to remind everyone tonight that there will not be any decisions or recommendations made tonight or forwarded to Town Council, because we are still pending some environmental review. There will be another Planning Commission meeting on this agenda item at a future time after the environmental review has been cleared up and presented to us.

The first item is to consider a request to construct a Mixed-Use residential development, 450 units, a Vesting Tentative Map, site improvements requiring a Grading Permit, and removal of large, protected trees under Senate Bill 330, SB 330, on property zoned North Forty Specific Plan: Housing Element Overlay Zone. Located at 14859, 14917, 14925, and 16392 Los Gatos Boulevard; 16250, 16260, and 16270 Burton Road; and Assessor Parcel Number 424-07-116. APNs 424-07-009, -052, -053, -081, -094, -095, -115, and -116. The Architecture and Site Application is S-23-031, and the Subdivision Application is M-23-005. The property owner is Yuki Farms LLC, the Applicant is Grosvenor Property Americas c/o Steve Buster, and the project planner is Ms. Shoopman.

1                   Before the Staff Report, may I have a show of  
2 hands from Commissioners who have visited the properties?  
3 Are there any disclosures?

4                   Ms. Shoopman, thank you.

5                   JOCELYN SHOOPMAN: Thank you, and good evening.  
6 The Applicant is requesting approval to construct a Mixed-  
7 Use development with a total of 450 units, 77 of which  
8 would be designated as affordable. The application is being  
9 processed under Senate Bill 330, and the project qualifies  
10 for two concessions and unlimited waivers under State Bonus  
11 Density Law.

13                   The 15.565-acre site is proposed to be developed  
14 with a Mixed-Use Residential building with approximately  
15 7,874 square feet of commercial space on the ground floor,  
16 along with 255 apartments, ten of which would be designated  
17 for lower income households. A 100% affordable housing  
18 building consisting of 67 rental apartments for lower  
19 income households, along with one unit for an onsite  
20 manager, 127 townhomes distributed amongst 17 buildings,  
21 two commercial buildings totaling approximately 7,200  
22 square feet, and approximately 3.5 acres of publicly  
23 accessible open space that is spread throughout the project  
24 site. The majority of the accessible open space is located  
25 with the Meadow, a centralized space that contains an

1 outdoor pavilion; a pedestrian path; and active recreation  
2 uses, including a garden, amphitheater, and play space.

3 As described in greater detail in the Staff  
4 Report, the townhome buildings are proposed at three  
5 stories, ranging in height from 44'-3" to 48'-9". The 100%  
6 affordable housing building is proposed at five stories  
7 with a maximum height of 62'-5", and the Mixed-Use building  
8 proposed at seven stories with a maximum height of 99'-8".  
9 The two commercial buildings are proposed to be one-story  
10 ranging in height from 25'-27'.  
11

12 The Applicant has implemented the parking  
13 requirements provided by the State Density Bonus Law for  
14 the Mixed-Use building and the townhomes, which require a  
15 total 605 spaces to be provided. The project includes 768  
16 spaces within the Mixed-Use building parking garage, street  
17 parking, a surface parking lot, and private garages.

18 The Applicant has requested two concessions  
19 through State Density Bonus Law. The first concession is to  
20 allow for residential uses on the ground floor of  
21 buildings, as currently the North Forty Specific Plan  
22 prohibits residential uses on the ground floor in the  
23 Northern District. The second concession is to allow the  
24 Applicant the ability to remove the proposed private roof  
25 decks for the townhome buildings at the time of Building

1      Permit submittal, if necessary, to reduce construction  
2      costs, which would cause the project to fall short of the  
3      Objective Design Standard requirement for private  
4      recreation space.

5              A number of waivers are also requested, as  
6      detailed in Exhibit 2 for building height and several  
7      Objective Design Standards.

8              An Addendum and Desk Item have been distributed  
9      with additional public comments, correspondence from the  
10     Applicant, and updated parking information regarding State  
11     Density Bonus Law.

13             Staff recommends that the Planning Commission  
14     consider the request, take public comment, discuss the  
15     project, and continue the matter to a date uncertain. A  
16     future Planning Commission meeting will be scheduled to  
17     discuss the environmental analysis for the project and to  
18     make a recommendation to the Town Council.

19             This concludes my presentation; however, Staff is  
20     available to support your discussion tonight.

21             CHAIR THOMAS: Thank you. Are there any questions  
22     for Staff at this time? Commissioner Stump.

23             COMMISSIONER STUMP: Earlier this afternoon we  
24     received an email from the Los Gatos Community Alliance,  
25

1 and we received that as a Desk Item, and so I'm just  
2 wondering, has Staff has a chance to review this email?

3 DIRECTOR PAULSON: Thank you, Commissioner. We  
4 have read the letter and the statements in there. We will,  
5 as they suggest, look for advice first actually from legal  
6 counsel, so since Ms. Whelan is out, we will be seeking  
7 that clarification. We have had conversations on that in  
8 the past. I want to take this time to introduce Nazanin  
9 Salehi; she's from Goldfarb & Lipman, and she's sitting in  
10 in Ms. Whelan's absence.

11 COMMISSIONER STUMP: I guess there is no point in  
12 asking any further questions on this?

13 DIRECTOR PAULSON: You can ask the question, but  
14 we'll defer the answer.

15 COMMISSIONER STUMP: I guess one of my key  
16 questions was do we consider this to be an accurate  
17 statement, that the Town's Housing Element lacks  
18 certification on April 18<sup>th</sup>, so I will hold until we have  
19 Ms. Whelan back. Thank you.

20 CHAIR THOMAS: Any other questions from  
21 Commissioners? Commissioner Stump.

22 COMMISSIONER STUMP: I wanted to talk just a  
23 little bit about the affordable housing.

1                   CHAIR THOMAS: I'm sorry, this is just the  
2 questions for Staff.

3                   COMMISSIONER STUMP: It's for Staff, yes.

4                   CHAIR THOMAS: Oh, question for Staff, okay.

5                   COMMISSIONER STUMP: In the affordable housing  
6 portion of the report, I guess I'd like to ask you to state  
7 again how many units of affordable housing are being  
8 developed by the Applicant in North Forty Phase 2?

9                   JOCELYN SHOOPMAN: There are 77 units that are  
10 being proposed.

12                   COMMISSIONER STUMP: If we look back at our sites  
13 inventory in our Housing Element, do you know how many  
14 affordable housing units that we had planned for that  
15 property?

16                   JOCELYN SHOOPMAN: I don't have that number off  
17 the top of my head. I can certainly look it up and report  
18 back to the Commission.

19                   COMMISSIONER STUMP: I've been doing some  
20 research on this, because I think it's really important to  
21 look at this. That number was actually 364 for Phase 2 of  
22 the North Forty project, and what is actually happening is  
23 that 77 are being developed. What we've seen over the past  
24 several years is that numbers have been provided to us,  
25 like in September of 2022 the thought was up to...or maybe

1 even more than 130 units could be provided. Then in  
2 September of 2023 that was reduced to 91 affordable units,  
3 and now as of March 2025 it's being reduced further to 77  
4 affordable units. I know we do not have RHNA or no net loss  
5 analysis tonight, but as we look at that trajectory of  
6 fewer and fewer affordable housing units being built, what  
7 kind of predicament does this potentially put the Town in?

8 DIRECTOR PAULSON: Thank you, Commissioner Stump.  
9  
10 I'll make just an overarching statement that the reality of  
11 the sites in the Sites Inventory being developed to the  
12 level of affordability is if not zero, as close as you can  
13 possibly be.

14 As you're aware, if the Town gets into a  
15 situation where we no long have capacity to meet our  
16 Regional Housing Needs Allocation, we will fall under No  
17 Net Loss Law, which will require the Town to rezone an  
18 additional site to make up that capacity site or sites,  
19 depending on the extent of that, to refill that bucket so  
20 that we're still compliant with Housing Element Law.

21 COMMISSIONER STUMP: I guess just a comeback  
22 question, and that would be since we had 364 affordable  
23 housing units in our plan, did we consider that number to  
24 be realistic?  
25

1 DIRECTOR PAULSON: Realistic? From a planning  
2 Housing Element exercise? Yes.

3 COMMISSIONER STUMP: The way you'd have to answer  
4 it, sure.

5 DIRECTOR PAULSON: Yes. I mean, technically once  
6 you hit the minimum density for the specific jurisdictions—  
7 in our case it's a minimum of 30 dwelling units per acre—  
8 the State actually allows you to presume that all of those  
9 units will be affordable in the Housing Element process,  
10 but the State doesn't provide any opportunities for  
11 jurisdictions to compel projects to come forward in that  
12 exact or even remotely similar fashion.

14 COMMISSIONER STUMP: I guess just to help people  
15 understand, if we were to carry this out to where Los Gatos  
16 is, it's clear that we're not able to meet these numbers,  
17 what do we face in the way of penalties from the State?

18 DIRECTOR PAULSON: I don't want to get into the  
19 penalties. Again, I think that has a wide range. I'm not  
20 sure Ms. Salehi is interested in providing any injection,  
21 but we'll definitely make sure that we come back with more  
22 specifics as it moves forward.

23 COMMISSIONER STUMP: Thank you.

24 CHAIR THOMAS: Are there any other questions?  
25 Commissioner Barnett.

1                   COMMISSIONER BARNETT: I think I know the answer  
2 to this, but we have letters submitted by five nonprofits  
3 indicating that 16 units will be dedicated to  
4 intellectually or developmentally disabled persons, and I  
5 did not see that in the application. Do you have any  
6 information on that?

7                   JOCELYN SHOOPMAN: It has been brought to Staff's  
8 attention that those units are likely to be within the 100  
9 affordable housing building, but I believe Eden Housing is  
10 available, or townhome applicant is available, and can  
11 speak to that further tonight.

12                   COMMISSIONER BARNETT: Thank you.

13                   CHAIR THOMAS: Any other questions for Staff at  
14 this time? We will now open the public portion of the  
15 public hearing on Item 1, and give the Applicant an  
16 opportunity to address the Commission for up to five  
17 minutes. I believe Mr. Buster, you will be speaking on  
18 behalf of the Applicant tonight. Thank you. You will have  
19 five minutes to start. Thank you.

20                   STEVE BUSTER: Good evening, members of the  
21 Planning Commission. I'm Steve Buster. I'm Senior Vice  
22 President of Development for Grosvenor. We're excited to be  
23 here tonight to present the neighborhood Phase 2 project.

1 I'd like to start with a brief project history,  
2 touch on the Town's Housing Element and how it shaped the  
3 project design, I'll briefly touch on some of the key  
4 components of the program, introduce the project team  
5 members, and then we'll be available for any questions.

6 The North Forty is located at the very north end  
7 of town at the intersection of Highway 17 and 85. Planning  
8 for the site began in the 1990s. Grosvenor started their  
9 involvement in 2008. By 2015 the North Forty Specific Plan  
10 EIR and General Plan Update were approved and the  
11 application for Phase 1 was ultimately approved in 2017.  
12 SummerHill started construction after the Phase 1 approval.

13 In 2021 we turned our attention to Phase 2 and  
14 immediately began an extensive community engagement  
15 process. By January 2023 the Town's Housing Element and  
16 CEQA analysis were adopted, redesignating the site to 30  
17 dwelling units an acre. We submitted an application in  
18 April 2023, and it was deemed complete one year later in  
19 April 2024. Finally, in July 2024 the HCD certified the  
20 Town's Housing Element.

21 As a reminder, the Town's RHNA requirement is  
22 1,993 units, and the Town looks to our site to accommodate  
23 a significant portion of those units by redesignating the  
24 site to 30 dwelling units an acre. Grosvenor did say at the

1 time that we could only commit to 200 units, but ultimately  
2 the Housing Element was approved at the 30 units per acre.

3 So, we went to work to design a project that met  
4 your needs, consistent with your Housing Element, and we've  
5 done that, and we're proud of it. Two important points I'd  
6 like to mention.

7 One, the project's impacts are within the scope  
8 of the 2040 General Plan EIR, which the Town relied upon  
9 when adopting the Housing Element; and two, Grosvenor is  
10 not invoking Builder's Remedy. This application meets the  
11 Town's land use and density approved in the Housing  
12 Element.

14 I'll just briefly touch on the development  
15 program. We spent a considerable amount of time master  
16 planning the site to provide over eight acres of open  
17 space, a retail promenade, pedestrian and bike connections,  
18 and 450 homes, which I'll touch on in a bit.

19 This slide shows the very important integration  
20 between Phase 1 and the future Phase 2.

21 Here we illustrate the project's connectivity,  
22 including bicycle and pedestrian connections,  
23 implementation of the multi-use path, and it's important to  
24 note we voluntarily agreed to provide easements and a land  
25 dedication for a future extension of Burton Road if the

1 Town wanted to do that in the future. You can also see on  
2 this slide the center open space, which we call the Meadow.

3                   The central Meadow is the cornerstone of this  
4 plan. It provides an open space, gathering place for the  
5 community, and was a very, very important point of emphasis  
6 during our community outreach meetings.

7                   Lastly, this is a rendering of the public  
8 promenade, which provides a connection from Los Gatos  
9 Boulevard to the retail, to the Meadow, and Phase 1 retail.

10                  So, again, the project provides 77 units of  
11 affordable housing, 67 of which will be built by our  
12 partner, Eden Housing. Grosvenor is making a significant  
13 land donation to Eden to make that project possible. The  
14 Eden building will provide a mix of unit types available  
15 for lower-income households.

16                  We've master planned 127 townhomes, again, with a  
17 mix of sizes and bedroom counts to provide a wide variety  
18 of housing.

19                  Lastly, 255 units, including 10 affordable, will  
20 be delivered in the multi-family rental building, also  
21 designed with a wide variety of sizes and unit types to  
22 attract a range of renters.

23                  That building was designed and placed along Los  
24 Gatos Boulevard to preserve hillside views from Highway 17.

1 CHAIR THOMAS: Thank you. You'll have an  
2 additional three minutes in a little bit, and we will have  
3 questions for you, and you can pull up any of your slides  
4 to answer any questions, so thank you.

5 STEVE BUSTER: Thank you.

6 CHAIR THOMAS: At this time, do any Commissioners  
7 have questions for the Applicant? Commissioner Stump.

8 COMMISSIONER STUMP: I wanted to come back to  
9 affordable housing and this partnership you have with Eden  
10 Housing. Can you explain that a little bit more, how  
11 development would proceed, and would that development be  
12 concurrent with the Grosvenor part of the project?

14 STEVE BUSTER: Eden Housing is a wonderful  
15 partner. If you remember, they developed the affordable  
16 housing project, Walnut Grove, next door in Phase 1, which  
17 was very well received. I can invite them up here to speak  
18 about the project, but Grosvenor's obligation would be to  
19 donate the land and complete all of the infrastructure  
20 around the site, enabling them to go get their own  
21 financing and build that project.

22 DIXIE BAUS: Good evening, thank you. My name is  
23 Dixie Baus; I'm the Director of Real Estate Development for  
24 Eden Housing. It's a pleasure to be here, and I'm happy to  
25 take your questions on that.

1           We are, in fact, very grateful for the  
2 opportunity to build another phase of affordable housing  
3 for families who want to live in Los Gatos, and offering a  
4 range of one-, two-, and three-bedroom apartments for those  
5 families that want to call Los Gatos home.

6           COMMISSIONER STUMP: A follow-up question. I  
7 don't need to know the business details, but I'm trying to  
8 understand what the commitment is. We have 77 affordable  
9 housing units that are identified in this project. We need  
10 to make sure that all 77 are developed and something  
11 doesn't happen where it ends up kind of too bad, so sad,  
12 there was a problem and we couldn't build those units. I  
13 guess I'm looking for an assurance at this point in time  
14 that those units will be built, and that they would likely  
15 be built concurrently with the overall project.

17           DIXIE BAUS: Because of the unique way that 100%  
18 affordable housing is financed, that's really too difficult  
19 to predict at this time, but Eden does definitely have a  
20 very long history of working with many, many market rate  
21 apartment and for-sale developers, and just in the last  
22 five years we've completed seven such projects under the  
23 same similar scenario where land was dedicated, the land  
24 was prepped, infrastructure was built by the master  
25

1 developer, and that all counted to help us raise dollars  
2 for the affordable housing.

3 You see, our affordable housing will provide  
4 rents that are much lower than what is required in the  
5 Town's affordable housing plan, and so we can reach  
6 families with deeper affordability, but in doing that, we  
7 do go and we leverage our financing capabilities and get  
8 tax credits, which is mostly how all of the affordable  
9 housing at such low levels are being built in Santa Clara  
10 County and in Los Gatos.

11 COMMISSIONER STUMP: I understand, and we're  
12 fully in support of getting those units developed. It's in  
13 everybody's best interest to get those units developed.  
14 Chair, could I ask one more question about the waiver?

15 A waiver is being requested that allows you to  
16 develop the proposed BMP housing that we'll need to provide  
17 affordable units proportionally, the same unit type mix as  
18 the market rate units, nor have the units be dispersed  
19 throughout the property. I don't know that this is a  
20 question for you, but why is the affordable housing in your  
21 project being clustered this way?

22 DIXIE BAUS: I'll take one portion of that,  
23 because I do know that this particular building for Eden's  
24 affordable housing was always projected as a standalone

1 building, and that's to reach the lower area median income  
2 targets and the rent targets in which we set.

3 Now, the rest of the development has the  
4 remainder of the affordable housing units, which will be  
5 built at the same time as the other units. Ours is a  
6 special, unique financing situation in which the standalone  
7 has one 100% building consisting of all units that are 60%  
8 and below AMI. Does that answer the question?  
9

10 COMMISSIONER STUMP: Yes, like you said, the part  
11 that you could answer. Let me go ahead, and this is  
12 probably directed back towards Grosvenor. In the March 6,  
13 2025 letter that was signed by Eric Phillips, it states,  
14 "Compliance with the BMP program requirements would  
15 physically preclude development of the project." What is it  
16 about the lot that precludes you from developing in  
17 compliance with the BMP program? I understand the  
18 partnership, but what keeps you from building across the  
19 property?

20 ERIC PHILLIPS: Good evening, my name is Eric  
21 Phillips; I wrote the letter you just quoted from. Nice to  
22 meet you, Planning Commissioners.  
23

24 The issue with the waiver is that if the project  
25 were required to physically distribute units throughout the  
project, we would not be able to develop the project that

1 we've proposed. In order to meet the needs of the Eden  
2 Housing project, to have that project function as proposed  
3 as part of the unified whole of the development plan, it's  
4 necessary to have those physically designed in a single  
5 building with the bedroom count, with the unit sizes that  
6 the project is proposing, so the project that's proposed  
7 could not physically go forward if the Town's distribution  
8 and proportionality requirements were imposed on the  
9 project.

13 CHAIR THOMAS: Commissioner Barnett.

21                   ERIC PHILLIPS: No, so the housing would  
22 certainly be developed to comply with all fair housing  
23 laws, and it would be offered on a Fair Housing Law  
24 compliant basis. It would be universally accessible and  
25 marketed to reach a broad swath of the population. I've

1 done quite a bit of fair housing work and analysis on other  
2 projects, and we've never had any issue with having an  
3 affordable housing project be a component of a market rate  
4 project and leading that to exclude any protected classes  
5 under fair housing laws. In fact, because of the depth of  
6 affordability, we're actually able to serve many protected  
7 populations that wouldn't otherwise have housing  
8 opportunities in Los Gatos, so I think that the unit sizes  
9 and affordability that can be met by this project will help  
10 the Town achieve its obligation to affirmatively further  
11 fair housing.

12  
13 COMMISSIONER BARNETT: Thank you. I'm not sure  
14 who will respond to this, but can you enlighten me some  
15 more regarding the 16 units for developmentally or  
16 intellectually challenged people?

17 ERIC PHILLIPS: That we will ask Dixie to come  
18 back and talk about Eden's partnership with them. Thank  
19 you.

20 DIXIE BAUS: Thank you so much again for the  
21 question. Great question. In Eden's 57 years we have had  
22 the luxury, if you will, of partnering with a number of  
23 organizations that provide housing opportunities for many  
24 people.

1           One of those communities is the intellectually  
2 disabled community. The IDD community has been a friend to  
3 Eden for many years. We have set aside units to help meet  
4 their demand in communities, and there is a huge demand in  
5 this community for people who live with their parents  
6 currently, but cannot simply afford to have their own  
7 rental units, and so we're providing that opportunity for  
8 those individuals to apply for a home with us and making  
9 that opportunity available to them.  
10

11           There is no special needs population, if you  
12 will. There is no different way that those units have to be  
13 built. They're built inclusively along with the other  
14 apartments in the building, so it is creating a very  
15 cohesive, very inclusive community for rent opportunities  
16 for everyone who wants to live in Los Gatos.

17           COMMISSIONER BARNETT: May I follow-up? I still  
18 don't understand how there is going to be implementation of  
19 the 16 units set aside for these people.  
20

21           DIXIE BAUS: More often times than not, and for  
22 instance, in many affordable housing plans there are what  
23 is called, not special set-asides, but preferences that are  
24 given for a number of units, and so in some of our units we  
25 have preferences for senior, which is built in on Phase 1.  
Phase 1 was 100% preference for 55 and older, and then

1 there were sub-preferences for people who may have lived  
2 previously in the Town of Los Gatos or maybe even worked,  
3 so it really is dependent upon what is in the negotiated  
4 development agreement. In this particular instance, while  
5 we don't have a specific agreement with Housing Solutions,  
6 we do have a very long history of working together and  
7 definitely do want to provide that opportunity.

9 The exact number of units we'll have to work out  
10 as we go along, but right now it seemed like they needed  
11 about 25% out of the total, and so that's the starting  
12 number that we come up with. It could be more; it could  
13 certainly be less. I'm betting they think it's more; I know  
14 they'll want more. They certainly have the need in this  
15 community to provide affordable housing for the IDD  
16 community.

17 COMMISSIONER BARNETT: Thank you for that.

18 CHAIR THOMAS: I have one follow-up question for  
19 you about that. When actually building the units, is that  
20 when you take into account the population that you're  
21 targeting for the use, like in the design and the living  
22 space itself, or is it more about after they're built, the  
23 outreach and the programs that you coordinate with to get  
24 highest-need individuals into them?

1                   DIXIE BAUS: Typically, we do it very early in  
2 the game, because when we look at a specific piece of  
3 property, we want to say would this population work well  
4 with the master population?

5                   For example, you have some challenges when you  
6 mix the population of family and senior; there are some  
7 fair housing challenges that you have to work out there,  
8 but not when you mix populations with, say, veterans and  
9 families, or IDD community and families, or even formerly  
10 homeless, because we do that as well. So, there are many  
11 subsets of populations that mixes well in a community and  
12 in a development. In this particular development, the IDD  
13 subpopulation really, really blends quite well with large  
14 family.

16                   CHAIR THOMAS: Thank you. Vice Chair Burch.

17                   VICE CHAIR BURCH: A bit on a different topic, so  
18 this more directed toward Mr. Buster, please.

19                   During your presentation you made a note that you  
20 obviously had spent a lot of time on developing the site,  
21 and so I'd like to understand the thought process behind  
22 putting the tallest building right on the Boulevard where,  
23 if you recall during Phase 1, there was a lot of talk about  
24 being very deliberate and placing the tallest building  
25 closer to the highway to keep the view corridor along the

1 Boulevard and some things like that. Phase 2 seems to have  
2 kind of done a swap, so I'd like you to walk me through  
3 what that the planning and logic was.

4 STEVE BUSTER: Sure. Can you go back to my slide  
5 deck? There are several reasons why we placed the building  
6 where it is.

7 First, it does preserve the hillside views from  
8 Highway 17, which is also a big point of emphasis during  
9 Phase 1.

10 Number two, there is a drop in grade that's  
11 significant from Los Gatos Boulevard down onto the site,  
12 and so it takes advantage of that drop in grade. It  
13 essentially makes the feel of the height from Los Gatos  
14 Boulevard lower.

16 The third reason was there is retail provided  
17 along the promenade that's at the ground floor of the  
18 multifamily building, and that is the area in Los Gatos  
19 Boulevard where the retail will be most successful and  
20 activated.

21 So, those are three reasons why we placed it  
22 where it is.

23 VICE CHAIR BURCH: So I don't have to dig through  
24 the civil drawings, what's the grade drop from the  
25 Boulevard down?

1 STEVE BUSTER: I'm going to look at my civil  
2 engineer here and see if she knows. It's 6'.

3 VICE CHAIR BURCH: Okay, thank you.

4 CHAIR THOMAS: Commissioner Stump.

5 COMMISSIONER STUMP: Question about density.

6 These lots that make up the North Forty Phase 2, we're  
7 scheduled to produce a minimum of 464 housing units  
8 according to our Housing Element, the plan, and you're  
9 producing 450 housing units. My question would be why  
10 aren't you producing housing units that meet the minimum  
11 allowable density?

13 ERIC PHILLIPS: The minimum density that applies  
14 to the site is 30 dwelling units per acre, and that is the  
15 density that the project is being developed at. The density  
16 calculations exclude some of the streets and areas that are  
17 being dedicated to the Town, and looking at the developable  
18 area and the Town's definition of density, the project is  
19 being developed slightly higher than 30 dwelling units per  
20 acre.

21 COMMISSIONER STUMP: I guess this would be an  
22 area of one of my concerns. Numbers have meaning, and  
23 calculations have meaning as well. Their Housing Element  
24 plan, the definition for density is on page C-75. I may be  
25 wrong; it might be D-75. It says, "Residential developments

1 are regulated by an allowed density range, minimum and  
2 maximum, measured in dwelling units per acre. Residential  
3 density is calculated by dividing the number of housing  
4 units on the site, excluding accessory units, by the gross  
5 lot area."

6                   The only point I would make is perhaps if this is  
7 a difference of opinion, and I'm just all about getting  
8 things right, maybe we should look to HCD for some  
9 technical advice on the density calculation, because they  
10 obviously have approved this. They're expecting us to do  
11 apples-to-apples comparisons, and this may not be a true  
12 apples-to-apples comparison with other projects that might  
13 come before us.

15                   ERIC PHILLIPS: Yes, I think that the  
16 calculations are entirely consistent with the Town's  
17 definitions, both in its General Plan and its Municipal  
18 Code, and in the way that it applied density to the first  
19 phase of the project, so it has both a pattern and practice  
20 of calculating density in this way, and we are developing  
21 30 dwelling units per acre of the developable site. The  
22 only exclusions are for things that will function as public  
23 roadways. The internal network of streets is all included,  
24 so it is the equivalent of a gross (inaudible).  
25

1                   COMMISSIONER STUMP: I understand, and I guess  
2 where I'm coming from is how HCD interprets that. I  
3 realize, and I've talked to our Staff about this as well  
4 and gotten a similar explanation, so there's nothing out of  
5 line here, but it's just details matter, and this is a  
6 detail, so like I say, that's just a concern that I have; I  
7 have no further question on that though. Thank you.  
8

9                   ERIC PHILLIPS: Thank you, and I'm not in a  
10 position to speak for HCD, I won't put words in their  
11 mouth, but we definitely think that the project meets the  
12 Town's standards and is consistent with their approach to  
13 calculating the numbers.

14                   CHAIR THOMAS: Commissioner Barnett.

15                   COMMISSIONER BARNETT: For the appropriate  
16 person, it might be you, it was mentioned that there would  
17 be an easement dedicated to Burton Road, but public access  
18 needs to be assured for the Meadow—I understand that's a  
19 public use—so I assume there will be a dedication.

20                   ERIC PHILLIPS: The one part that was featured in  
21 the presentation was a dedication that goes above and  
22 beyond the impacts that the project have been identified,  
23 so in some ways it's an additional dedication that's being  
24 made to help facilitate the Town's long-term transportation  
25 goals, but even though that was featured in the

1 presentation, that certainly is not the only dedication  
2 that's going to be made as part of the project. The streets  
3 will have permanent easements over them so the public can  
4 access them, and there will certainly be accessible routes  
5 to use the project amenities.

6 COMMISSIONER BARNETT: Thank you.

7 CHAIR THOMAS: Okay, thank you very much. Thank  
8 you all for answering all those questions. We will now have  
9 comments from members of the public, so if you have not  
10 already turned in a speaker card to Staff, please do so at  
11 this time, or use the Raised Hand feature if you are on  
12 Zoom and would like to speak.

14 When you are called to speak, please state your  
15 name and address for the record, and you will have three  
16 minutes to make your public comments. The first speaker  
17 card I have is for Gia Pham. Thank you, and just to let  
18 everyone know, the microphone, you can take it off or you  
19 can move it and adjust as needed, so thank you.

20 GIA PHAM: Hi there, my name is Gia, and I am the  
21 Communications Coordinator at Housing Choices. We are a  
22 non-profit that helps people with intellectual and  
23 developmental disabilities, or IDD, find and retain  
24 housing.

1 I'm here to express support for the North Forty  
2 Phase 2 project, and more importantly, speak on behalf of  
3 the families and individuals with IDD who are part of this  
4 community and want to stay part of this community.

5 In the past few months, I had the privilege to  
6 speak with several families in Los Gatos who have children  
7 with developmental disabilities. They shared how  
8 heartbreaking it is to know that when their kids grow up,  
9 they most likely won't be able to afford to live in the  
10 town that they grew up in. One parent told me, "We love it  
11 here, but I don't see how my daughter could ever live here  
12 on her own."

14 At the Los Gatos-Saratoga Union High School  
15 District I spoke with the superintendent for special needs  
16 and he said that the post-secondary program currently  
17 serves 30 students with IDD. Each year three to five of  
18 these students age out of their program at 22 years old.  
19 Most continue living with their parents and would qualify  
20 for the affordable housing units proposed in this project.

21 Additionally, the high school program currently  
22 supports 20 families with students who in just a few years  
23 will be adults ready to take their next step. These  
24 families live right here in Los Gatos, and yet, when their  
25 children reach adulthood there are no independent living

1 options available for them. These families, like all  
2 others, want their kids to have stable, independent futures  
3 close to the people, families, and services that support  
4 them.

5                   This project includes about 16 homes set aside  
6 for people with IDD, and it provides more than just  
7 housing, it integrates these residents into the broader  
8 community with walkability, green spaces, gathering spaces,  
9 and just places to connect. Yes, it is all part of that one  
10 affordable housing building, but that's better than no  
11 housing at all, and it's also still integrated in the  
12 entire plan.

14                   Without affordable options like this, many face  
15 homelessness, and also many face being displaced out of Los  
16 Gatos as their caregivers age. At Housing Choices, we serve  
17 over 100 clients with ties to Los Gatos, many who are  
18 living here on just \$12,000 a year from SSI, while the area  
19 median income, as most of us know, is above \$120,000 a  
20 year, so this is a massive gap, and without projects like  
21 North Forty Phase 2, the housing crisis will keep leaving  
22 those with disabilities behind.

23                   Fair housing laws outline that individuals with  
24 disabilities have the right to choose their own housing and  
25 not be forced into institutions, but without actual housing

1 opportunities to support this right, the law fails in  
2 practice. North Forty Phase 2 brings us closer to honoring  
3 fair housing commitments, and I believe in the good faith  
4 of the Los Gatos Planning Commission to hopefully help move  
5 this project forward. Thank you.

6 CHAIR THOMAS: Thank you. Real quickly before you  
7 leave, I think Commissioner Barnett has a question for you.

8 COMMISSIONER BARNETT: If you would, please.

9 CHAIR THOMAS: Thank you.

10 COMMISSIONER BARNETT: This may be a little off  
11 topic, but can you bring out some of the services that are  
12 available for disabled people who may need assistance?

13 GIA PHAM: We provide housing coordination  
14 services for anybody associated with the San Andreas  
15 Regional Center, which is the hub that supports those with  
16 intellectual and developmental disabilities, and we also  
17 provide onsite resident support services for the folks who  
18 end up in those set-aside units.

19 COMMISSIONER BARNETT: Very much appreciate that.

20 CHAIR THOMAS: Thank you. Any other questions for  
21 the speaker? Thank you. The next speaker card I have is for  
22 Blake Thomas.

23 BLAKE THOMAS: Hello, good evening. My name is Blake;  
24 I'm at 16210 Escobar Avenue, and I've been a proud Los

1 Gatos resident my entire life. In fact, I remember hearing  
2 about this project when I was just 13 years old, and I'm  
3 surprised that we're still talking about it almost a decade  
4 later.

5 Tonight, I'm speaking in strong support of this  
6 development for three key reasons. First, it provides  
7 hundreds of desperately needed homes. Second, it creates no  
8 unique issues of traffic or safety. Third, it strengthens,  
9 not diminishes, the unique character of our town.  
10

11 First point, it provides seriously needed homes. It  
12 cannot be stated enough that we are in a housing crisis.  
13 Housing costs are eating up peoples' income, forcing people  
14 to commute long distances, and even putting thousands on  
15 the street. Our inability to build new homes is the chief  
16 cause of these issues as years of reports and studies have  
17 shown.  
18

19 Denser, multi-family developments like these not only  
20 ease affordability, but also play a vital role in funding  
21 Town services. It's well established that denser  
22 developments produce the most tax revenue for the lowest  
23 burden on public services, and this development will thus  
24 carry more than its otherwise weight in terms of funding  
25 our schools, roads, and parks.

1        My second point is that this project creates no unique  
2 issues of traffic or safety. Traffic and road safety have  
3 been problems in this town as long as I've been alive, and  
4 they will likely still be regardless of if this  
5 development is built, but this development will, however,  
6 provide key tax revenue for funding pedestrian  
7 infrastructure, bike infrastructure, and transit  
8 infrastructure that are the true solutions to traffic and  
9 road safety.

10       My third, final, and most important point is that this  
11 development actually strengthens our Town's unique  
12 character. When I think, "What makes Los Gatos so great?" I  
13 think about our thriving downtown businesses and the  
14 excellent events that we have every year at which I've made  
15 so many fond memories. These are what makes Los Gatos stand  
16 out from other sleepy, drab suburbs that are so common in  
17 this country, and this development provides the fuel for  
18 continuing our thriving and vibrant town. This project will  
19 provide our town with more patrons of local businesses,  
20 more volunteers to run town events, and more engaged  
21 community members who are invested in our town's success.

22       Opposing new housing will choke our town of new  
23 resources, ideas, and community members, and I want to  
24 remind everybody that our town's greatness isn't measured

1 by the height of its buildings, but the vitality of its  
2 community. That's why I urge support of this development.  
3 Thank you.

4 CHAIR THOMAS: Thank you. Are there any questions for  
5 the speaker? No. Thank you so much for your comments. Next  
6 up I have Katherine Mancuso.

7 KATHERINE MANCUSO: Hello, good evening. I'm Katherine  
8 Mancuso. My address is 14287 Mulberry Drive, Los Gatos. My  
9 parents moved to Los Gatos in the early 1950s, so I was  
10 really lucky to be able to grow up here, go to school here,  
11 and thankfully have a career that allowed me to buy a house  
12 in Los Gatos.

14 I have a son who is 28 years old, and he has  
15 intellectual disabilities. He's been very fortunate in that  
16 through Housing Choices he's actually been able to move out  
17 and lives currently independently, and I can tell you  
18 firsthand, like any of us with kids, I think there's some  
19 mystery around developmental disabilities or anyone with  
20 some special needs, but it sounds obvious, but to state it,  
21 they want the same thing everybody else does, and as  
22 parents we want the same thing that all of us want for our  
23 kids, to be able to be productive individuals, to be  
24 independent, and to have a place of their own. The pride  
25 and the growth that he's had and experienced being able to

1 move out, which honestly, we quite frankly never knew if  
2 that was going to actually happen, it's been just fabulous.

3       The downside is it's in Santa Clara; that's the  
4 closest place that we could find that fit the affordability  
5 piece, because he qualified through everything that they've  
6 been talking about, so being able to be in Los Gatos, I  
7 hate that number 16, it should be way larger than that,  
8 because I can't tell you... I know some friends of mine who  
9 live in the area sent letters in. My son personally has  
10 many friends in the Los Gatos area that also have  
11 intellectual disabilities, and so there are a lot of them  
12 out there and they're wonderful, they contribute, and  
13 they're stable.

15       Just to comment briefly on having them all in one  
16 place, I think I would think that way too, but in actuality  
17 where my son is, I don't know how many units there are,  
18 it's on San Tomas Expressway and Monroe Street, right on  
19 the corner there, it's a new development. He got to move in  
20 as the first new group of residents that went in there, and  
21 through Housing Choices, as Gia mentioned, they have onsite  
22 services, they give classes, and there ends up being some  
23 comradery.

24       Not always, but a lot of these individuals, my son  
25 included, don't drive, so they can share opportunities for

1 transportation, so there is some goodness that comes out of  
2 that kind of community being developed there, so I'm in  
3 strong support.

4 Having him be able to live where his doctors are, his  
5 dentist is, his friends are, his grandmother is, he could  
6 walk to our house from there, would just be fantastic, and  
7 so hopefully, the more, the better. Thank you.

8 CHAIR THOMAS: Thank you. Are there any questions?  
9  
10 Thank you so much for sharing tonight. The next speaker  
11 will be Jan Olson.

12 JAN OLSON: Good evening, I'm Jan Olson; I live at  
13 15189 Lester Lane, directly behind the Office Depot. We've  
14 lived in our home for over 30 years.

15 In 1994 I was part of a charrette the Town had to find  
16 out how the community envisioned Los Gatos Boulevard could  
17 be, and the look. There were so many great ideas, and they  
18 included the North Forty. Most of those were for the  
19 benefit of the Town's population to enjoy. Maximum heights  
20 for buildings were set at 35', which came to be, and  
21 walkability was a major factor.

22 I was very involved in most of the public discussions  
23 of North Forty Phase 1. Sadly, North Forty Phase 1 did not  
24 become the things that were promised, and in most peoples'  
25 opinions is uglier than "F," certainly not fitting with the

1 look and feel of Los Gatos. I was involved in Phase 2 at  
2 the beginning and quickly realized I needed to separate  
3 from it, as they were going to do whatever they were going  
4 to do.

5 The reason why I am here today is due to Housing  
6 Choices and the need to have at least 16 units, if not  
7 more, designated for adults with intellectual and  
8 development disabilities, IDD.

9  
10 My daughter, who is closing in on 36 and lives with  
11 me, went through the whole Los Gatos School District system  
12 as a special ed student. She was finally diagnosed with  
13 autism when she was 17. Back then there was not such a  
14 thing, and whatever it was, girls did not have it. She was  
15 one of the first high functioning students to join the high  
16 school's post-secondary program. There were maybe ten  
17 students then; I understand there are over 30 now, which I  
18 think is fabulous.

19  
20 She started receiving services from the regional  
21 center after she aged out. She was working at Walgreens  
22 with help at first, and ended up being there for 13 years.  
23 Due to the services she receives from the San Andreas  
24 Regional Center, which include independent living skills  
25 and special tutoring, she earned her associate's degree in

1 early childhood education from West Valley and is now  
2 working fulltime as a preschool teacher at Shir Hadash.

3 She loves her job and the kids. This is fabulous. She  
4 loves that she can ride her bike to work and stop at the  
5 stores on the way home, and she's in her community. She has  
6 lived most of her life in Los Gatos; this is home.

7 Designating 16 units for adults with IDD will provide  
8 local housing for our kids. Believe me, there has not been  
9 anything nearby for them. They live here in their parent's  
10 homes, have gone through the school systems here, and work  
11 here. Having dedicated housing in Phase 2 will allow these  
12 adults to live independently near family, jobs, and  
13 services. It will support stability and community  
14 inclusion. By designating these units, it will help Los  
15 Gatos meet its Housing Element goals, avoiding things like  
16 Builder's Remedy.

17 I worry that as I age and eventually need to leave our  
18 home, where is she going to live? How will she live? Living  
19 across the street on Los Gatos Boulevard in her own space,  
20 the support will bring both of us great peace of mind.

21 Thank you.

22 CHAIR THOMAS: Thank you very much. Are there any  
23 questions for the speaker? No. Thank you for sharing. The  
24 next speaker card I have is for Michelle Capriotti.

1                   MICHELLE CAPRIOTTI: Thank you for the parents that  
2 just recently shared, as I am the mother of a 20-year-old  
3 son, so I'm just a little further behind in the journey and  
4 I appreciate you creating the pathway for my child.

5                   I stand here before you today as a mother of four, and  
6 a special education teacher of 23 years. Returning to Los  
7 Gatos was always a dream. I grew up here, I had my first  
8 job here when I was 16 years old just across the street at  
9 the Los Gatos Athletic Club, now commonly known as the Club  
10 LG, and even today I still teach fitness down at Orange  
11 Theory in addition to my job as a special education  
12 teacher. I am here tonight to speak to you about the need  
13 to include all students in our community.

15                  I have not lived in Los Gatos for the past 20 years.  
16 My husband and I were so incredibly excited we were able to  
17 purchase our first home this past year. We were priced out  
18 of the market as the parents of four children when we  
19 graduated from college. It took us years to get back here,  
20 and we are grateful that now we will be able to call Los  
21 Gatos our forever home. We are back here with my parents  
22 and siblings. Our reason for moving here can be summarized  
23 in own word: opportunity. That is what we want for our son.

25                  We have four children, but I'm here today because of  
our youngest. Christopher is a 20-year-old man with both

1 autism and an intellectual disability. Today is the last  
2 day of Autism Awareness Month, and I hope I can share with  
3 you the value that children like mine bring to our  
4 community.

5 I come to you to speak on behalf of the North Forty  
6 Phase 2 development, a place my son could one day call  
7 home. There is such an incredible need for our young adults  
8 to be included in our communities. My son is one of the 30  
9 students who does attend the post-secondary program at West  
10 Valley as an extension of the Los Gatos High School. He is  
11 working on job skills, and just yesterday attended a job  
12 fair and hopes to this summer volunteer at the Billy Jones  
13 Wildcat Railroad where he can share his love of trains. I  
14 hope that you can all join him and visit him this summer.  
15

16 He is capable of this goal, but he does need help.  
17 He's not able to afford the high rental rates in this area.  
18 He wants to be close to his family and friends, and have  
19 access to transportation so he can continue to be a  
20 contributing member of this community.

21 Housing is not just a want; it is a need. Most adults  
22 with disabilities are never able to have a place to call  
23 their own home. It is a worry that parents like me are  
24 burdened with every day. What will happen upon my death? I  
25 want to set him up for success, success I know he is

1 capable of given the opportunity. This housing program  
2 would provide that opportunity for families like ours, and  
3 I want our adult children to live an independent life in  
4 Los Gatos.

5 I ask you today to vote yes on this project so that  
6 this community can provide more for our inclusive and  
7 diverse town. The Vision Statement of Los Gatos states  
8 residents are united in the desire to maintain a high-  
9 quality of life and preserve the character of the Town.  
10 This includes all members of the community, and housing  
11 opportunities that will extend an opportunity to enrich the  
12 lives not just of those with disabilities, but those that  
13 they will serve. Come and visit us this summer. Thank you.  
14

15 CHAIR THOMAS: Thank you very much. Are there any  
16 questions for the speaker? No. Thank you. Then I also have  
17 a card for Chris Capriotti.

18 CHRIS CAPRIOTTI: Good evening members of the Los  
19 Gatos Town Council and members of the community. My name is  
20 Chris Capriotti and I am currently in a post-secondary  
21 program with the Los Gatos-Saratoga Union High School  
22 District, and through my program I am also eligible to take  
23 classes at West Valley College. I'm doing two years at West  
24 Vally and I plan to do the University of California Davis  
25

1 to study acting and film through the Redwood SEED Scholars  
2 Program.

3       This housing project is important to me because it has  
4 good apartments that I could maybe move into after I finish  
5 college. I'd be close to family and friends while living  
6 independently and working. Being able to do this would make  
7 a huge positive impact on my life, both personally as well  
8 as the lives of many others like me. Think about it, when  
9 you were my age, did you imagine living on your own, or  
10 living with your parents forever. What I had in mind was  
11 not living with my mom and dad, even though I really don't  
12 mind, but thank you for your time and I hope you do build  
13 these apartments for our community.

15       CHAIR THOMAS: Thank you. Are there any questions?  
16       Thank you, Chris. Appreciate it. Next up I do have John, so  
17 thank you.

18       JOHN CAPRIOTTI: Hi, I'm John Capriotti. I'm not going  
19 to be as eloquent as my son, or as prepared as my wife. But  
20 I'm also in strong support of this.

21       As a realtor, I understand the need for affordable  
22 housing, especially a need for housing for individuals with  
23 developmental disabilities. Like my wife said, one of the  
24 reasons we moved here was for the opportunity. Found out  
25 about this project; it's something that's very exciting.

1         Sixteen is a good number to start with. Obviously, the  
2 whole area, we need a lot more of that. As parents, we just  
3 want to give our kids a chance to become everything they  
4 can be, depending on all the opportunities given to them.

5         I'm very proud of that young man, and he was very  
6 nervous coming up here today, but he's a kid that just  
7 tackles things head on, and having an opportunity to live  
8 on his own in a community with retail onsite, possibly have  
9 a job there, walk to work, it's one of the things that  
10 makes Los Gatos special.

12         Like my wife said, we haven't lived here long as we've  
13 come back, but we're very excited about this and I hope you  
14 guys support this.

15         CHAIR THOMAS: Thank you. Any questions? Thank you  
16 very much. The next speaker card I have is for Noa Sklar.

17         NOA SKLAR: Hi, I'm not so prepared, so I'll talk from  
18 the heart. The moms before me were amazing.

19         I'm Noa Sklar; I've lived on Mojonera Courts for  
20 almost 30 years. My younger daughter is autistic, and it's  
21 been a lifelong struggle. It's very difficult. People who  
22 don't have kids with disabilities cannot comprehend, but  
23 that's okay.

24         So, Romi grew up here. The services from the school,  
25 especially Los Gatos High School, were amazing, and now

1 what's happening, we invested a lot in her to become a  
2 productive member of society. Tens of thousands of dollars  
3 later she is now graduating with honors, on the Dean's  
4 List, which is a huge accomplishment for a kid like her.  
5 It's been a lifelong of being excluded in social issues,  
6 and I think now it's time to have a reparation, like a  
7 repayment.

8                   Mr. Barnett, just to let you know, there are tons of  
9 kids on the special needs. Some parents don't want to come  
10 forward and talk about it. A lot of kids live with their  
11 parents, and they need to be independent. That's part of No  
12 Kids Left Behind, (inaudible) inclusion, and the pathway  
13 for independence. So definitely we need units for special  
14 needs.

16                   Sixteen, to me, is a joke. I think there should be  
17 more. I remember when we started to talk about the North  
18 Forty, all you could hear was "affordable housing." Where  
19 is the affordable housing? All I see are \$2.2 million, \$1.9  
20 million, and \$3 million apartments there at the North  
21 Forty. I'm still waiting for the affordable housing, so  
22 where is it?

23                   I need my daughter to live nearby me. There is no  
24 reason for her to go to Santa Clara, or Mountain View, or  
25 Cupertino when she can be near me and be a productive

1 member of society, and work in two jobs, because she will  
2 never be able, maybe, but I don't think she'll be able to  
3 make enough to live here with a regular salary. She's  
4 planning to study social work, masters. We hope this will  
5 happen, but she's not going to be able to afford anything  
6 unless she gets affordable housing, and she deserves it.

7                   Let's include these kids. Enough with the fancy-  
8 shmansy, expensive units. Now it's time for payback. Now  
9 it's time to give for our people, for our kids to feel  
10 included and live nearby, not ostracized somewhere far, and  
11 that's it.

13                   CHAIR THOMAS: Thank you. Before you leave, are there  
14 any questions for the speaker? No. Thank you so much for  
15 sharing tonight. The next speaker card I have is Sara  
16 Grignon.

17                   SARA GRIGNON: Good evening. My name is Sara Grignon  
18 and I'm a director at Hope Services. We are a service  
19 provider for people with intellectual and developmental  
20 disabilities. I want to express my support of the North  
21 Forty development, particularly for the inclusion of  
22 affordable housing and designated units for adults with  
23 intellectual and developmental disabilities.

24                   Hope Services is a leading provider of services for  
25 people with disabilities in Silicon Valley. We service

1 approximately 3,700 people and their families in nine Bay  
2 Area counties and provide a broad spectrum of services.

3 Some of the services that we do provide are some of  
4 the services that you were asking about. In addition to the  
5 wonderful services that my colleague at Housing Choices  
6 talked about, we also layer independent living skills  
7 training and supported living support for people that are  
8 living independently in their own apartments; and this  
9 could be anywhere from drop-ins to a couple hours a week to  
10 24-hour support, depending on what the individual needs.

11 Many individuals and families that we support do  
12 reside in Los Gatos. These families are looking for places  
13 in the community where their adult sons or daughters can  
14 call home, and natural supports are very imperative for the  
15 success of the people that we support. Living in the  
16 communities where they are raised helps keep those natural  
17 supports in place. These are residents who grew up here,  
18 attended schools here, and now deserve the opportunity to  
19 thrive in our hometown.

20  
21 We are very grateful for Los Gatos' commitment to  
22 services and housing for people with IDD. We do not take  
23 this commitment for granted. After years of market rate  
24 development, it's refreshing to see this meaningful  
25

1 progress towards housing for all income levels, especially  
2 individuals with disabilities.

3       In addition, this project will so beautifully respond  
4 to our society's commitment for creating a more inclusive  
5 and accessible community. The need is urgent. There are so  
6 many local families, the ones that you heard here and so  
7 many others that we support, who are aging and they do  
8 worry about what will happen to their sons or daughters  
9 with disabilities in the future, so I urge the Planning  
10 Commission to approve this development and insure that the  
11 IDD designated units and affordable components are  
12 preserved and prioritized as the project moves forward.

14       Thank you for your commitment to addressing this  
15 urgent need for affordable housing and inclusive housing in  
16 our community for people with IDD. Thank you.

17       CHAIR THOMAS: Thank you. Are there any questions for  
18 the speaker? No. Thank you very much for your comments  
19 tonight. The next speaker I have is Lee Quintana.

20       LEE QUINTANA: I have to ask a question, because I was  
21 a little bit late in getting here. Speaking tonight does  
22 not eliminate the ability to speak again at future  
23 meetings?

24       CHAIR THOMAS: No, because there will be new  
25 information. All of the environmental review hasn't been

1 included. There will be enough new information that anyone  
2 can make another public comment.

3 LEE QUINTANA: I actually expected to hear a lot of  
4 people talk against the project because of the height of  
5 the buildings. Have to back up.

6 I'm a current member of the Historic Preservation  
7 Committee, but I'm speaking as a citizen, not as a member  
8 of that committee. I had just a few comments to make.  
9

10 Basically, I'm in support of the whole project. I know  
11 there is a lot of opposition out there to the height of the  
12 buildings, but consider the basic facts that this an SB 330  
13 application; that it's not a Builder's Remedy; that it's  
14 located on a Housing Element site, which requires a minimum  
15 of 30 units per acre, and this currently barely meets that  
16 requirement.

17 There are only two ways that I can think of to  
18 decrease the height of that building. One is getting rid of  
19 the podium parking and putting it elsewhere onsite, or  
20 reducing the number of units and putting them elsewhere  
21 onsite; both need to stay onsite. Currently the only way to  
22 do that that I can think of is to occupy some of the open  
23 space that has been provided, which is one of the really  
24 strong points of this project proposal. Neither of those  
25

1 solutions will, I think, work or be supported by the  
2 community.

3 In addition, I would just like to say that... No, I'm  
4 not going to talk about that. I'll reserve my specific  
5 design comments to a later meeting.

6 But I've been involved in the North Forty since the  
7 first North Forty plan, and I hope that we do not take  
8 another 10-15 years to get this project through and  
9 operable. I think that I would like to compliment the  
10 developers on the fact that, as far as I know, they are the  
11 only developers in Los Gatos that has dedicated land for  
12 affordable housing. They're the only developers in Los  
13 Gatos that has dedicated as much open space that is  
14 available to the whole community. They have provided bike  
15 trails that no other developer has voluntarily done, and I  
16 think they should be credited for that.

17 I support approving this project in as expeditious a  
18 way as possible. Thank you.

19 CHAIR THOMAS: Thank you. Are there any questions for  
20 the speaker? No. Okay, thank you. Next, I have Dennise  
21 Jauregui.

22 DENNISE JAUREGUI: Good evening. I'm Dennise Jauregui,  
23 Executive Director of Housing Choices, and I am here to  
24

1 express my strong support for the North Forty project,  
2 particularly the inclusion of IDD units.

3       As my colleague, Gia, mentioned, our mission at  
4 Housing Choices is to open doors for people with  
5 developmental disabilities by creating quality affordable  
6 housing, ensuring that they're living rewarding lives in  
7 the homes of their choosing, and as my other colleague,  
8 Sarah, mentioned, with supportive services of their  
9 choosing as well. Because the clients that we serve have  
10 multiple or various disabilities, there isn't one fits all.  
11

12       The lack of access to affordable housing is the number  
13 one reason adults with developmental disabilities are  
14 unable to move out of the family home and live  
15 independently, and are at greater risk of becoming homeless  
16 and not having a place to live. Housing Choices has worked  
17 with Eden Housing at numerous properties all throughout  
18 Santa Clara County, and we have been fortunate enough to  
19 provide stable housing to people with developmental  
20 disabilities by providing different services onsite in  
21 various cities to help keep the clients and the people that  
22 we serve within their communities that they've grown up in  
23 and are comfortable living in.

24       By forming these long-term partnerships with housing  
25 developers who have set aside a percentage of the units to

1 people with developmental disabilities, they are able to  
2 continue living in the cities that they grew up in. It is  
3 because of these projects that reflect the community where  
4 people of all abilities can live. I really hope that you  
5 consider moving this project forward.

6 CHAIR THOMAS: Questions? Thank you. Next, I have  
7 Shiva Risi (phonetic).

8 SHIVA RISI: Hello, everyone. First, I would like to  
9 thank all the families who kindly shared their journeys and  
10 stories with us. I'm a relatively new resident of the Los  
11 Gatos community and I'm attending todays Town Hall to  
12 listen and hear the facts and arguments before forming an  
13 opinion, so what I'm about to say is just my personal  
14 opinion so far, not encouragement for approval or rejection  
15 of the project.

16 One of the arguments that has stood out as the  
17 developers were speaking was the promise of commercial  
18 prosperity with the North Forty Phase 2. Well, if Phase 1  
19 is any indication, that ground level commercial area has  
20 been sitting vacant for over two years. In fact, the  
21 parking lot area was even unfinished for a very long time,  
22 so I'm genuinely curious to see if there are any  
23 safeguards? If there safeguard that these promises would  
24 actually materialize?

1       Of course I'm all for affordable housing. They are all  
2 valid comments that people made, however, with Phase 1 it  
3 ended up having like a 49 senior affordable multi-family  
4 apartment complex with 250+ multi-million, no-so-affordable  
5 units adjacent to that.

6       Now, if like 16, as people made, that number I do not  
7 think is going to cut it for the support that the community  
8 with disabilities is going to need. I'm just curious to  
9 know if there are any safeguards. Like what is there so  
10 that we know, okay, the development is made. What is there?  
11 Is there a guarantee so that it doesn't end up being just a  
12 multi-million-dollar project with very minimal...so that it  
13 just qualifies for supplying affordable housing?

15       CHAIR THOMAS: Thank you, and if this is your first  
16 meeting, we don't answer questions during this, but Staff  
17 does take note of them and we will be discussing more with  
18 the developer and everything, so thank you for your  
19 comments tonight. Next, I have Pamela Emanuel.

20       PAMELA EMANUEL: Good evening, everyone, and thank you  
21 for allowing me to speak. My name is Pamela Emanuel. I am a  
22 retired person. I've been at the Phase 1 since the  
23 beginning, since it first opened.

24       I've been in the Santa Clara County area for 20 years  
25 now. I raised my kids here. I had an option to come here or

1 live in the area where I was living and continue my job  
2 there. I chose to come here because I wanted to make this  
3 town my city, make it my home, and bring my children here,  
4 to raise my children here.

5 Now that I've retired, my children were worried about  
6 me, wondering if I would be able to care for myself because  
7 it's so expensive. If it weren't for the Phase 1 project, I  
8 would not be able to live in this community. Family unity  
9 is very important, so for me to be here and continue to be  
10 around my children, my grandchildren, my great-  
11 grandchildren, I feel like it's a blessing and an honor to  
12 be able to live in the community that I'm living in in  
13 below market housing. Without this, I would not be able to  
14 do this.

16 It is a good option for other people. I worked in San  
17 Francisco and still do. I retired and I had to go take  
18 another job because I couldn't afford it, but San Francisco  
19 has a massive housing crisis out there. They have a lot of  
20 people that are homeless on the streets. This is a  
21 beautiful city. I don't want to see that happen here. I  
22 would like to see more affordable housing for people so  
23 that people can be able to live here, and not be on the  
24 street, not live in their cars, not live without dignity  
25 because they can't afford to live in proper places just to

1 be around their family, or move to another state because  
2 they can't afford to stay here around their family, so I  
3 think affordable housing is amazing.

4 I know since I've been here, this program has helped  
5 me tremendously. I feel safe. My grandchildren come here  
6 and they feel safe with me being here. My children feel  
7 that way, and I think that if we had more of this to offer  
8 the community, it would be better.  
9

10 I listened to some of the mothers here that spoke  
11 about their children with disabilities. I also have one  
12 with a disability, and I worry about him too. With  
13 affordable housing, we don't have to worry about that. To  
14 be able to lay down and go to sleep and feel great and not  
15 have to worry is amazing. For my children to be able to  
16 call me on the phone and say, "You know what? I don't have  
17 to worry about you. I know you're safe. I know that you're  
18 okay and you can take care of yourself." To be a senior  
19 citizen and not be able to care for yourself is  
20 frightening, it's really frightening. But to be able to  
21 have more affordable housing in this community is great. I  
22 don't want to move to another state, I don't want to move  
23 to another city, I want to stay here. Thank you.  
24

25 CHAIR THOMAS: Thank you. Are there any questions? It  
looks like Vice Chair Burch does have a question for you.

1           VICE CHAIR BURCH: Just a quick one. So, to confirm,  
2 you live in the Phase 1 Eden Housing, correct?

3           PAMELA EMANUEL: Yes, I do.

4           VICE CHAIR BURCH: And you feel like that has been a  
5 very successful program?

6           PAMELA EMANUEL: One hundred percent, yes.

7           VICE CHAIR BURCH: Great, thank you.

8           PAMELA EMANUEL: You're welcome.

9           CHAIR THOMAS: The last speaker card I have is for  
10 Karen Yamamoto.

11           KAREN YAMAMOTO: Hi, my name is Karen Yamamoto; I've  
12 lived here for 25 years. I'm a retired special ed teacher.  
13 I have a little bit of a problem with this development for  
14 several reasons.

15           I love the fact that it's an IDD, has that element. I  
16 love the fact that it has affordable housing. Love the fact  
17 that it's got a lot of things going good for it. The issues  
18 that I have is that it is part of the SB 330 build. It will  
19 create infrastructure issues. It should be included with  
20 the EIR as a cumulative effect with the rest of the SB  
21 330s, like the Los Gatos Green. This should not be looked  
22 at individually; it needs to be looked at as a whole.

1       There are 14 SB 330s that are going to play havoc with  
2 the infrastructure and be very, very, extremely costly for  
3 our Town.

4       With that said, I'm also wondering how the developers  
5 will guarantee that they will fix the sewer and the water  
6 issues and not just tap into them, like in Phase 1 of the  
7 North Forty, which caused sewage to back up into our houses  
8 off of Benedict Lane, which is right down the street. I  
9 also have low water pressure at my house because of Phase  
10 1. These are issues that have to be addressed with our old  
11 infrastructure, and I don't know who pays for it. I'm  
12 hoping it is not our town.

14       I'm also concerned that we're putting a facility for  
15 the IDD community on a flood zone and an earthquake zone.  
16 How does that pass CEQA? Thank you. Any questions?

17       CHAIR THOMAS: Are there any questions for Ms.  
18 Yamamoto? Okay, thank you.

19       I do not have any more speaker cards, so we're good in  
20 the audience. Are there any speakers on Zoom?

21       DIRECTOR PAULSON: Yes, thank you, Chair. First  
22 speaker will be Ali.

23       ALI SAPIRMAN: Good evening, Commissioners. My name is  
24 Ali Sapirman, and I'm on here on behalf of the Housing  
25 Action Coalition, a nonprofit that supports housing at all

1 income levels, to express our strong support for the North  
2 Forty Phase 2 project.

3       This proposal brings a rare opportunity to transform  
4 15 underutilized acres into a vibrant, mixed community with  
5 450 new homes, including a significant 17% affordable  
6 housing component. It also goes further than the Town's  
7 requirements by dedicating land to Eden Housing for a 100%  
8 affordable building, ensuring that families earning 60% of  
9 AMI and below has access to safe, high-quality housing in  
10 Los Gatos.  
11

12       This is also a Housing Element site in which the Town  
13 has already designated the site as a way to meet its RHNA  
14 goals of 1,900 homes.

15       The project is thoughtfully designed around the  
16 Meadow, a 3.5-acre public gathering space that connects  
17 homes, retail, and open space. Despite not being a transit-  
18 rich area, the development team has prioritized bike and  
19 pedestrian connections, a balanced parking plan, and  
20 transportation demand strategies to reduce car dependency  
21 responsibly.

22       We are also encouraged by the project's environmental  
23 leadership with all-electric units, solar energy, and a  
24 target of GreenPoint Rated Silver certification, and  
25 importantly, this proposal reflects years of community

1 engagement with real input shaping the design as well as  
2 redesign to meet the Housing Element targets. From retail  
3 spaces that support local businesses, to infrastructure  
4 upgrades, the project offers broad public benefit.

5 We urge you to support North Forty Phase 2 as a  
6 thoughtful, balanced approach to meeting Los Gatos' housing  
7 needs and building a more inclusive, connected community.  
8 Please move this project forward without any delay. Thank  
9 you.  
10

11 CHAIR THOMAS: Thank you. Are there any questions for  
12 Ali? No. Okay, thank you very much for your comments. Are  
13 there any other additional speakers on Zoom?

14 DIRECTOR PAULSON: Yes, Chair. Next speaker will be  
15 Jennifer.

16 JENNIFER LUCAS: Good evening, Commissioners. My name  
17 is Jennifer Lucas and I am the Manager of the Central Coast  
18 Office of the California State Council on Developmental  
19 Disabilities. The State Council is an independent State  
20 agency established in both State and Federal law and is  
21 responsible for driving systemic change that advances self-  
22 determination, inclusion, and independence for people with  
23 intellectual and developmental disabilities.  
24

25 I just want to express our strong support for the  
North Forty Phase 2 development, in particular the

1 inclusion of affordable housing and the designated units  
2 for adults with intellectual and developmental  
3 disabilities.

4         Access of affordable housing in the community is  
5 critical for people with developmental disabilities  
6 because it does remove barriers that often prevent them  
7 from living safely, independently, and with dignity in  
8 their own communities. Individuals with developmental  
9 disabilities have the legal right to live in community-  
10 based settings rather than in institutions. Ensuring access  
11 to affordable housing helps to uphold these civil rights  
12 protections guaranteed under California's Lanterman Act—  
13 which by the way, is an amazing and unique civil rights law  
14 for our State. No other state has the Lanterman Act or  
15 anything like that—as well as the Americans with  
16 Disabilities Act.

17         People with developmental disabilities are especially  
18 impacted by the shortage of affordable housing that meets  
19 their needs, because the vast majority of people with  
20 disabilities live with their parents and aging caregivers.  
21 As you already heard from the parents who shared their  
22 stories earlier, many families are grappling with the  
23 difficult decision of what will happen to their adult  
24  
25

1 children with disabilities when they are no longer able to  
2 provide care.

3       And those adult children, like Chris who spoke  
4 earlier, want to have the opportunity, as we all do, to  
5 live in own place, and having low-income units also  
6 provides the direct care staff who support people with  
7 developmental disabilities and often have a great deal of  
8 difficulty affording to live in the area due to low wages,  
9 the opportunity to remain here as well.

10      The development not only provides many low-income  
11 units, but also 16 units specifically for people with  
12 intellectual and developmental disabilities, and by doing  
13 so, it signals a meaningful shift toward a future where  
14 everyone, regardless of ability or income, has a place in  
15 Los Gatos, including those who provide support to folks  
16 with intellectual and developmental disabilities.

17      With onsite support from Housing Choices, which is a  
18 vendor at San Andreas Regional Center, as you already  
19 heard... And by the way, if you're not familiar with the  
20 Regional Center system, they cannot purchase housing, so  
21 affordability is really critical, because they do help to  
22 support the people in their own homes and provide the  
23 staffing.

1           CHAIR THOMAS: I'm sorry, Jennifer, your three minutes  
2 is up, but does anyone have a question? I do have a  
3 question for you, and that would be do you feel that the  
4 application and the partnership with Eden meets what you  
5 believe to be like the needs of the community in an  
6 effective way, or is there anything else that you feel like  
7 needs to...

8           JENNIFER LUCAS: No, I think their partnership is  
9 fantastic. It's been successful in other towns as well, and  
10 so I absolutely support that.

11           CHAIR THOMAS: Okay, thank you. I do have one more  
12 speaker card. Are there any more speakers on Zoom?

14           DIRECTOR PAULSON: There are no hands raised on Zoom.

15           CHAIR THOMAS: I have one more speaker card, and it is  
16 for Lee Fagot.

17           LEE FAGOT: Lee Fagot, a 30-year resident of Los Gatos  
18 on Lilac Way, and I'm speaking here as an individual in the  
19 community; I'm not representing any group.

20           I am encouraged to hear the proposals that are before  
21 you for this development, and this is in Phase 2, with the  
22 more affordable housing units and the assisted living type  
23 of facilities that I think will be very, very important,  
24 and I'm encouraged by that.

1       The concern I do have though is the fact that we don't  
2 have the Environmental Impact Report for this development  
3 yet, and we also need to be looking at it under the CEQA  
4 guidance, which is the California Environmental Quality  
5 Act, which summarizes the impact of not just this  
6 development, but those along and near this same  
7 development.

8       We do have quite a few, more than 1,000 housing units,  
9 that are going to be along the Boulevard if they all get  
10 built, and they're proposing to do so, many under SB 330,  
11 and that has to be considered by the Town, and the impact that  
12 that's going to have on this development and the housing  
13 that is going to have water issues, sewage issues, and  
14 other utility service requirements that have to be  
15 remedied, and this should be done in advance of the  
16 building or as part of the development.

17       The other thing is the impact not just on these new  
18 housing units, but also on the existing residents in that  
19 neighborhood. As you heard from an earlier speaker, she at  
20 her house has been impacted already by some of the  
21 developments that have occurred in the Phase 1 of the North  
22 Forty, so let's put all of this together and not just look  
23 at an isolated development, but what the impact of this  
24 additional development is in series with the other

1 developments in the surrounding area, so that we have a  
2 safe environment, a healthy environment, and one that is  
3 appealing to the current residents and new residents to  
4 move into town, and we are open for new residents to move  
5 in, but let's do it in a way that is reasonably priced,  
6 safe, and will encourage more people to reside in our  
7 community, so thank you.

8                   CHAIR THOMAS: Thank you. Are there any questions for  
9 the speaker. No, and as has been mentioned a few times, the  
10 environmental analysis is still pending, and so when that  
11 is done, that's when we'll have a future meeting on this  
12 agenda item.

14                   I have no more speaker cards. Is there someone on Zoom  
15 now?

16                   DIRECTOR PAULSON: Yes, there's a hand. Rich Stephens.

17                   RICH STEPHENS: My name is Rich Stephens; I live in  
18 Los Gatos. Actually, I was born here 60 years ago. I live  
19 on Benedict Lane.

20                   I love to hear that this is not using Builder's  
21 Remedy; that's great. Thank you so much for pursuing it in  
22 that manner. I support the project, but would like to add  
23 that I don't like the 5-7 story buildings at all. Worse,  
24 I'm terrified of the safety, infrastructure, and height of  
25 them. That said, at least they are similar to the other

1 North Forty characteristics and to buildings in that area,  
2 like the hospital, cancer center, Stanford, and the senior  
3 center home, so I'm thankful that they are farther north  
4 and they fit a little bit into that area, much more than  
5 they would if they were farther south.

6 I do strongly share Karen's and Lee's concerns. I do  
7 believe, and I think it was just mentioned, that we need to  
8 do a full, complete EIR and considering CEQA before any of  
9 these projects are approved. Again, I do support this  
10 project, I think it's a great idea, I think it's a good  
11 location, but I am concerned.

13 Traffic already on Los Gatos Boulevard towards Good  
14 Samaritan is absolutely horrible, so I would look at what  
15 that's going to do in that area. How are ambulances going  
16 to get to Good Samaritan? What's going to happen with the  
17 water, the flooding? I believe there is an area of that  
18 project, North Forty area, that floods already with rain,  
19 so what's going to be done about those types of things?

20 Anyway, that's all I have to say. I'd just consider  
21 the full safety and full EIR of all the units in Los Gatos.  
22 Thank you.

23 CHAIR THOMAS: Thank you. Are there any questions for  
24 the speaker? No. Any other hands raised on Zoom?

25 DIRECTOR PAULSON: No other hands, Chair.

1           CHAIR THOMAS: I think that we need to take a bathroom  
2 break perhaps, if that's okay. I know it's a little bit  
3 awkward timing, but what we will be doing is we will take a  
4 three-minute break, and then after that three minutes the  
5 Applicant will come back up and have three minutes to  
6 address the Commission. We will follow-up with questions,  
7 and then discussion. So, we will be back in three minutes.  
8  
9 Thank you.

10           (INTERMISSION)

11           CHAIR THOMAS: We are back from our break. Thank you  
12 very much, everyone, for your patience in person and on  
13 Zoom.

14           The next part we will have the Applicant come up to  
15 make a closing statement. You will have three minutes to  
16 speak, and then Commissioners will, I'm sure, have  
17 additional questions for you.

18           STEVE BUSTER: I'm going to be really short. I just  
19 want to thank you for the hard work on the Housing Element  
20 previously; it has paved the way for this project and  
21 Eden's building, which has been discussed so positively  
22 tonight, so thank you.

23           All of our consultants are here to answer any  
24 questions you have. I just wanted to reassure everyone—and  
25 I said this during the presentation—this project's

1 individual and cumulative impacts are within the scope of  
2 the 2040 General Plan EIR, which the Town relied upon when  
3 they passed the Housing Element, so I just wanted to remind  
4 everybody. Thank you very much.

5 CHAIR THOMAS: Thank you. Vice Chair Burch, you can  
6 start off with the questions.

7 VICE CHAIR BURCH: There are probably going to be some  
8 follow-up questions, so I'm kind of queueing this up for  
9 fellow commissioners, but obviously the way that the  
10 affordable housing of this is being structured is a little  
11 unique. I would like for you to tell me actually a little  
12 bit about your partnership with Eden, and have you done  
13 something similar? Aside from previously the North Forty,  
14 have you done other partnerships with them? Is this a  
15 longstanding type of relationship that you have, so that we  
16 sort of understand that the potential risk of the  
17 affordable housing units happening on their part is a low  
18 risk. I would like to understand that a little better.

20 STEVE BUSTER: Sure. With regard to Grosvenor, our  
21 relationship with Eden is limited to the North Forty, so  
22 Phase 1 and Phase 2. We've had an incredible relationship  
23 with Eden. Phase 1 was extremely successful, as you've  
24 heard. I would certainly say, and I think this addresses  
25 some of your question, that there is no one that will work

1 harder to deliver that building than Eden, and they just  
2 need to secure their State and Federal funding to do so. We  
3 will deliver the site to them, donate the site to them, and  
4 we can work with Staff to ensure that there are safeguards  
5 in place to make sure that the affordable housing is built  
6 within a reasonable timeframe.

7 VICE CHAIR BURCH: Thank you.

8 CHAIR THOMAS: Commissioner Stump.

9  
10 COMMISSIONER STUMP: Let me build on that, because  
11 Vice Chair Burch, while you used low risk, I would like to  
12 replace that with no risk. We cannot afford—no pun  
13 intended—to not have these 67 affordable housing units, so  
14 that's why we're trying to understand the relationship,  
15 because if there is no guarantee then...

16 By the way, I would view this as we basically have two  
17 different projects. We have North Forty, Part A, and we  
18 have North Forty Part B that's going to develop 67  
19 affordable housing units, because we cannot take this risk  
20 that something does happen, so again, that's why I've  
21 replaced low risk with no risk.

22 You may not have an answer right off the top, and I  
23 realize I think you're willing to make assurances, but we  
24 have got... You heard it tonight, awesome; I love the  
25 community that came out and demonstrated their support and

1 their need, and what was also, I think, very important for  
2 the Town to hear and the Commissioners to hear.

3 We have significant needs in Los Gatos, so this isn't  
4 that we're building low-income housing for people that are  
5 going to just all come from outside the community, it's  
6 needed here in the community, and so we have literally got  
7 to ensure, because we want those folks that presented  
8 tonight to see this come to fruition, not just the hope of  
9 it.

10  
11 Again, I don't mean to be condescending at all when I  
12 make that statement, because I realize your best intentions  
13 are for this to happen, but from my perspective—I have to  
14 state for myself—it's got to be no risk. Thank you.

15 Well, my question is... Sorry, I got reminded, don't you  
16 have a question? I do. My question would be so what can be  
17 put in place to make this no risk?

18 STEVE BUSTER: The fastest way to get these homes  
19 built is to get this project approved, first of all.

20 COMMISSIONER STUMP: I get that.

21 STEVE BUSTER: Second of all, as I said before, this  
22 project is incredibly important, as you heard. We agree. We  
23 will work with Staff to make sure that building is  
24 completed within a reasonable timeframe.

1           COMMISSIONER STUMP: You use the term "reasonable  
2 timeframe," and I realize that's difficult, because  
3 developing the North Forty over how many years, has that  
4 been a reasonable timeframe? What would your definition of  
5 a reasonable timeframe be?

6           STEVE BUSTER: It's probably a better answer from  
7 Eden, and they can come up here and answer that. I would  
8 just say they are the experts in getting the Federal and  
9 State funding to build these buildings, so it's really  
10 probably best for them to answer.

11           COMMISSIONER STUMP: That would be great, and while  
12 you're making your way up to answer that question, let me  
13 just pop one more on you. When it relates to getting  
14 Federal funding, when does your process begin? I guess  
15 there's got to be a project approval, but you will tell me  
16 the answer. At what point in time do you seek Federal  
17 funding, or funding, for a project like this?

18           DIXIE BAUS: I've already started. I've already  
19 started with the funding applications, and of the total  
20 project development cost, let me pull that number up so I  
21 don't misquote here.

22           Part of the thing that should be spoken to, and we  
23 certainly speak to this in all of our applications for  
24 funding, is that that land has a value, it has a

1 significant value, and that land, even though it's coming  
2 from not a governmental agency, it counts as funding  
3 support for the project, because it was donated at less  
4 than what the market value is. So, 1.34 acres, that's  
5 expensive here. Let's just for argument's sake say the  
6 first \$12 million is raised with their donation.

7 The next piece that is extremely expensive is the  
8 streets and the roads and the land improvement, the  
9 horizontal improvement, not the vertical. The horizontal  
10 improvement has virtually limited sources of funds that I  
11 can go out and ask Federal, State, local dollars, even  
12 County dollars; very, very limited funds.

14 So, with the master developer prepping that land for  
15 us, giving us what's called a blue top ready pad, it takes  
16 out millions of dollars of cost in our affordable housing  
17 community. If I were to do that—and we did—we build another  
18 building in San Jose about the same density, close to \$1  
19 million a door, close to \$1 million per unit. We paid our  
20 own land cost, we paid our own infrastructure improvements,  
21 our own demolition, and if it had not been for the County  
22 of Santa Clara or the City of San Jose, that project would  
23 still be likely waiting to go, because it was a \$120  
24 million project.

1        This project doesn't have those two huge tranches. So,  
2 we're left now with the gap to fund, if you will, so out of  
3 I believe we have... Well, let me look at the numbers,  
4 because I can make some stuff up really good. The total  
5 development cost without land or without infrastructure  
6 right now in its current day at the interest rates where we  
7 have is about \$45.5 million. So, the savings of we'll just  
8 round it up to \$15 million, maybe \$16 million, is \$16  
9 million we don't have to go out and raise from local,  
10 County, State, or Federal sources.

11       So, how quickly can we get the rest of it? The tax  
12 credits will equate to about \$23-\$24 million in equity in  
13 today's prices. That wasn't close to what we received in  
14 equity on Phase 1. A lot of stuff happened at the Federal  
15 level, at the banking level, that significantly impacted  
16 the amount of money that we can sell a tax credit for. But  
17 Eden Housing, in its 57 years, garners the highest amount  
18 on a per tax credit basis than any of the other for-profit  
19 and non-profit developers in the same space, and so our  
20 projects now in different areas of the State are getting  
21 about ten cents on the dollar more than our colleagues in  
22 the business, and that's phenomenal.

23       And so, our track record of coming up and doing these  
24 projects in partnership with companies like Grosvenor, in

1 partnership with companies like Aga Development, or Sunset  
2 Development, or even SCS Homes in Santa Clara where land  
3 was donated to us, infrastructure was put in for us, since  
4 2016 we have seven of those complete. I'm not even counting  
5 Phase 1, because the money was also donated at part of that  
6 development.

7 So, we have many, many different types of partnerships  
8 and vast experience in getting the money, and I think they  
9 picked a great partner in us; we have a good track record.  
10 Sorry I was very winded.

11 CHAIR THOMAS: Commissioner Stump has a follow-up.

12 COMMISSIONER STUMP: With Phase 1 maybe you can give  
13 us an idea, because to me it kind of looks like the  
14 structure got built under you, right? Because there was a  
15 structure that was going up and you occupy a floor. So,  
16 were you given a rough frame, weathertight shell to develop  
17 inside of, or what did that development project look like,  
18 and what was the time lag for the completion of that  
19 development versus other things that were going on around  
20 you? I realize that can be a tough question, because the  
21 project was phased.

22 DIXIE BAUS: That building could not be built  
23 independently of all of the components that were in it. I  
24 mean, there is a retail space, there's a public parking

1 garage, and there is residential above, and so we  
2 eloquently with the help of attorneys way smarter than me--f  
3 and I'm not that attorney kind of person, thank you, Eric--  
4 figured out how to do an execution that allowed for  
5 SummerHill to start construction on a very complicated  
6 transaction that we're not proposing here. We don't have  
7 the current finance environment that would do what we call  
8 a step-into-the-shoes execution. Where they went, as soon  
9 as they got their approvals from Town Council, they started  
10 the horizontal improvements and went vertical, and then at  
11 some point we said whoa, stop, we're going to go get the  
12 tax credits now, you're going to still pay for the stuff  
13 that we can't raise the dollars for, and that was the  
14 agreement we made at the time. That's not an agreement that  
15 works in this environment by any means.

16 So, our timing to deliver that building was actually  
17 quite elegant, and we came out of ground and started that  
18 construction and came into the execution a couple of years  
19 ahead of schedule, because we just got lucky. We're scrappy  
20 at the State level, and so that is part of the beauty of  
21 finding the right lender, the right investor, and that is  
22 exactly what we'll bring to this development as well.

23  
24 CHAIR THOMAS: Commissioner Barnett.  
25

1           COMMISSIONER BARNETT: Thank you very much. One  
2 question I have is having listened to the dire need for  
3 housing for the disabled, where does the 16 come from  
4 again? It's a projected?

5           DIXIE BAUS: It is projected. We wanted to make sure  
6 that we could have the most flexible funding mechanisms for  
7 the project that we could. In other words, we know we have  
8 to split the needle at the State, at the local, at the  
9 Federal level, so the way you do that when you're planning  
10 for financing affordable housing is that you really provide  
11 the most opportunity for the most little buckets of money  
12 that you know you can chase after.

14           So, one of the thoughts here, I believe that our gap,  
15 and certainly I'll take a donation check from the Town, but  
16 I'm not going to do that ask right here.

17           COMMISSIONER BARNETT: I thought you were asking me.

18           DIXIE BAUS: I know. I couldn't with a straight face.  
19 Where was I going with this?

20           COMMISSIONER BARNETT: The question is in light of the  
21 crying need for the form of housing, is there a way that  
22 you could increase your projection?

23           DIXIE BAUS: It wouldn't be advantageous to the  
24 project, because at the most competitive level, to deliver  
25 what's called a large family project, which is two- and

1 three-bedroom units, to get the tax credits that I need and  
2 the tax exempt bonds from the State, I need that building  
3 set aside, if you will, to fall into the large family  
4 category, and so if we, Eden, were to put more units, it  
5 would get out of that category which allows me to take  
6 advantage of the fact that Los Gatos sits in what's called  
7 a highest resource area, and from the State's standpoint,  
8 it gets you the most points, bang for your buck, when  
9 you're doing the competition for the tax credits and the  
10 bonds at the State level. That's about the easiest way I  
11 can explain a little bit of crazy, crazy mathematical fun  
12 that we have.

14 COMMISSIONER BARNETT: I understand. Thanks, I think I  
15 got that.

16 CHAIR THOMAS: Commissioner Stump.

17 COMMISSIONER STUMP: Can I assume that Eden Housing is  
18 basically a soup-to-nuts provider? What I mean by that is  
19 you get funding, and then basically the project is entirely  
20 on you, so you've got a construction management team. How  
21 full are your services for development?

22 DIXIE BAUS: We're pretty full indeed. We've got a  
23 bench of 35 developers in our department, so we've got the  
24 development team. We do not build our own projects, so we  
25 do hire a general contractor. We work with all of the

1 bigger general contractors in the area. We're kind of  
2 repeat offenders to them. You build that relationship and  
3 you keep going back to someone who delivers on time, on  
4 budget, and delivers you a quality project, that's what  
5 we'll look for.

6 And in terms of property management, we do have our  
7 own property management arm as well as resident services,  
8 which don't take the place of services that, say, an IDD  
9 service provider would do, but we also augment services to  
10 our residents who may or may not need it.

11 For example, in some of our projects, what our  
12 residents need most is technology centers, and so we staff  
13 those technology centers with college students who come and  
14 volunteer their time, and then we build the space for it  
15 and we provide the equipment; or maybe someone is just  
16 trying to find a little extra food, so we work with great  
17 organizations who are already in the community to provide  
18 them the space to get those services directly to the  
19 residents who need them.

21 COMMISSIONER STUMP: Thank you.

22 DIXIE BAUS: We also asset manage too, so we won't  
23 sell either.

24 CHAIR THOMAS: Additional questions for the Applicant?  
25 Commissioner Stump.

1           COMMISSIONER STUMP: I've got a question I think that  
2 would probably go to Eric, since I'm going to refer to your  
3 March 6<sup>th</sup> letter once again, and I'm sorry, I've got a  
4 quote, so you've got the context from it, and it's not a  
5 long passage, but stick with me here.

6           "The California Department of Housing and Community  
7 Development found that the Town's January 30, 2023 Housing  
8 Element did not substantially comply with the requirements  
9 of the State Housing Element law. The Town made numerous  
10 revisions to its Housing Element in response to HCD's  
11 findings before adopting a substantially compliant Housing  
12 Element that HCD certified on July 10, 2024. However,  
13 because the project has a vested right," and that project  
14 speaking of yours, correct, "has a vested right to proceed  
15 under the ordinances, policies, and standards in place at  
16 the time the Applicant submitted the preliminary  
17 application on January 30, 2023 that Housing Element  
18 applies."

19           So, I guess my question—sorry for that lengthy reading  
20 of your letter—why do you believe this HCD project, or this  
21 project vests with January 30<sup>th</sup>? I'm sorry, I said HCD in  
22 there, I did not mean it. Why do you believe your project  
23 vests with the January 30<sup>th</sup> Housing Element that was  
24 submitted to HCD?

1           ERIC PHILLIPS: Yes, thanks, I follow the question.  
2 The Town adopted a Housing Element on January 30<sup>th</sup> and  
3 submitted it to HCD, so that Housing Element was in effect  
4 at the time it was adopted. The Town made findings to  
5 comply with CEQA, it adopted a resolution, it took effect.  
6

7           HCD required the Town to continue working on the  
8 Housing Element. It made other changes that weren't related  
9 to this project site in the rest of the Housing Element, so  
10 the Housing Element continued to evolve and was readopted  
11 multiple times before the final HCD certification was  
12 required, but HCD certification isn't a prerequisite for  
13 the Housing Element taking effect. The Town took all the  
14 legal steps it needed to for the Housing Element to take  
15 effect.

16           The meaning of HCD not certifying the Housing Element  
17 right away means that in the time period between the Town's  
18 first adoption of the Housing Element and the ultimate  
19 Housing Element that was adopted and later certified that  
20 the Town could have been subject to Builder's Remedy  
21 applications, which other applicants have invoked, but  
22 during the window where the Town had adopted its first  
23 Housing Element and were even waiting to see what HCD was  
24 going to do in response to that Housing Element, we  
25 submitted a preliminary application. As of the date of that

1 preliminary application the rules and standards that were  
2 in effect as of that date are then what control for the  
3 rest of the project, and as of the date that we submitted,  
4 it was the Town's original January 30, 2023 Housing Element  
5 that was in effect.

6 COMMISSIONER STUMP: That raises another question, and  
7 that would be on April 14<sup>th</sup> of that same year HCD sent the  
8 Town a letter that said the Town neither complies nor  
9 obviously is that Housing Element certified.

10 ERIC PHILLIPS: That's correct.

11 COMMISSIONER STUMP: And of course that's what you  
12 state in your letter. I mean, you state it very clearly.  
13 And by the way, I'm not an attorney, so I won't try to keep  
14 up with you here, so at some point I have to say thank you  
15 very much, but it just does not seem to be logical that you  
16 can tag to a Housing Element that we're being told by the  
17 State does not comply nor is certified, and so that's why  
18 I'm asking the question. I'm trying to understand what  
19 you're linking to here.

20 ERIC PHILLIPS: No, I understand, and I'll see if I  
21 can add a little bit more context to it. When HCD certifies  
22 a Housing Element, they review the Housing Element and  
23 compare how that Housing Element satisfies the various  
24 statutory requirements, and they will then certify whether

1 or not in their opinion it has checked all the boxes that  
2 are necessary to fulfill the statutory duty to adopt that  
3 Housing Element, and that creates a presumption that the  
4 Housing Element is adequate.

5 At the time when the Housing Element was first  
6 adopted, the inverse wasn't true, there was no presumption  
7 of inadequacy, so although HCD certifying the Housing  
8 Element would tell everyone that yes, unless HCD made a  
9 terrible mistake, we're presumed that you've complied. The  
10 fact that they didn't find it compliant didn't  
11 automatically create a presumption at that time that the  
12 Housing Element wasn't compliant, and regardless of whether  
13 the Housing Element satisfied all of this statutory  
14 criteria which are necessary to apply for certain grants,  
15 to be designated as a pro-housing jurisdiction, to be  
16 necessary to make sure that you're not subject to the  
17 Builder's Remedy, it doesn't actually affect whether or not  
18 the Housing Element was adopted and in effect.

20 So, you can adopt the Housing Element that maybe I  
21 think one of the issues in the Town's Housing Element that  
22 was originally adopted was that HCD felt that the Town  
23 hadn't analyzed its obligations to affirmatively further  
24 fair housing deeply enough, and so there were lots of  
25 changes in that section of the Housing Element.

1       But while that work was going on, the Town had an  
2 adopted Housing Element in effect. It is true that the  
3 State didn't agree that the analysis in that element met  
4 all of the statutory criteria, but that doesn't change the  
5 fact that the Housing Element was still adopted and in  
6 effect and controlling the land use designations on the  
7 sites that have been included in that Housing Element.

8                   COMMISSIONER STUMP: Thank you.

9  
10          ERIC PHILLIPS: I guess one other thought. I can see  
11 that you're still wrestling with some of that or not fully  
12 satisfied. To the extent you were to look at it and say  
13 that if there were no Housing Element in at that place,  
14 then the project is in fact covered by the Builder's  
15 Remedy, but we haven't felt that we need to invoke the  
16 Builder's Remedy because of the consistency with Town-  
17 adopted land-use designations and densities, but if it were  
18 true that the Housing Element were not properly adopted or  
19 in effect at that time, that the end result would be the  
20 same, because the project is either consistent with the  
21 Housing Element and able to proceed as a Housing Element  
22 project, or if there were not Housing Element, there still  
23 is not a legal basis to deny that project.

24  
25                   COMMISSIONER STUMP: Thank you for your patient  
answer.

1 CHAIR THOMAS: Commissioner Barnett.

2 COMMISSIONER BARNETT: This is more generally for the  
3 Applicant. A couple members of the community have expressed  
4 concern about the adequacy of the infrastructure outside of  
5 the boundaries of the new project. I was wondering if you  
6 could address those concerns.

7 STEVE BUSTER: I will turn it over to our civil  
8 engineer.

9 JACQUELYN BAYS: Hi, everyone. My name is Jacquelyn  
10 Bays, MacKay & Somps. I was a civil engineer on Phase 1 as  
11 well, and now on Phase 2.

13 The site, I'll start with sewer, is served by a sewer  
14 main that is under Highway 17; that's an existing main. It  
15 serves Phase 2 and only Phase 1, so that sewer system is  
16 just collecting the flows from Phase 1 and Phase 2.

17 Water will connect on Los Gatos Boulevard and to the  
18 Phase 1 water connections at three different locations. San  
19 Jose Water Company does that design.

20 Then storm drain. The site itself will collect  
21 stormwater, its own stormwater, and stormwater from Los  
22 Gatos Boulevard. That stormwater will go to a  
23 hydromodification vault that's under Fifth Street in the  
24 back of the site, and then to a storm drain line that's  
25 under Highway 17 as well.

1                   COMMISSIONER BARNETT: I may have a follow-up. I think  
2 the concern that was expressed is the age of the public  
3 infrastructure right now. I think the sewer was mentioned,  
4 and I guess the question is have you evaluated the ability  
5 of the existing infrastructure to handle the demands of the  
6 new project?

7                   JACQUELYN BAYS: Yes, so the infrastructure was  
8 studied during the EIR process and the Specific Plan  
9 process, so it accounted for that flow going into the  
10 existing sewer line in the back. I'm not familiar with that  
11 street that the person who commented was speaking of, but  
12 again, the sewer line just collects from our site, so that  
13 sewer main, that infrastructure that's under Highway 17, is  
14 only collecting our site, so that wouldn't impact any other  
15 part of the Town.

16                   COMMISSIONER BARNETT: Okay, thanks so much.

17                   CHAIR THOMAS: Thank you. Any other questions? I have  
18 a question just about planning to fill the retail space.  
19 Obviously, we know that the retail landscape has been  
20 changing a lot over the past probably like 30 years. As a  
21 developer, how did you approach really planning for the  
22 retail space, and what are the plans for trying to get  
23 those spaces leased out? Any information about the approach  
24  
25

1 to it, just so we can better understand would be helpful.

2 Thank you.

3 STEVE BUSTER: It's a great question. Retail is a  
4 tricky product type. I think one of the main things we  
5 focused on is putting all the retail together on the  
6 promenade. If you spread out retail or you don't have easy  
7 access, you put it in the back of the site, it will fail,  
8 so I think putting it along the public promenade, making  
9 sure they're neighborhood-serving with food uses, and  
10 flexible spaces where you can get a variety of different  
11 size tenants, so you can move walls around, all those  
12 things make retail successful. I think keeping it close to  
13 the Phase 1 retail, which will eventually be built, will  
14 also help make it successful.

16 CHAIR THOMAS: Okay, thank you. Then, in what part of  
17 the Phase 2 would the retail be built and possibly leased  
18 out?

19 STEVE BUSTER: A large portion of that retail is on  
20 the ground floor of the multi-family building, so that  
21 would be built at the same time and marketed to retail  
22 users. There is a freestanding retail building directly  
23 across, and that would likely be built at the same time as  
24 the multi-family building.

25 CHAIR THOMAS: Thank you. Commissioner Barnett.

1           COMMISSIONER BARNETT: I know this would ultimately be  
2 an issue that would be addressed in the Conditions of  
3 Approval, but could you speak briefly about how you will  
4 address noise and traffic during construction, site safety,  
5 etc.? I'm getting way ahead of ourselves, but some comment  
6 would be appreciated.

7           ERIC PHILLIPS: No, we'd love to answer a forward-  
8 looking question like that. That would be a great problem  
9 to have. A couple of components to it.

10           One, the project application materials were  
11 supplemented with a noise study, an air quality study, and  
12 transportation study; all of those looked at both  
13 operations and construction period to analyze potential  
14 impacts, compare it to what previous EIRs had looked at,  
15 and make sure that there wouldn't be any air quality  
16 impacts, noise impacts, two sensitive receptors around the  
17 site; so all of those studies were prepared, they've been  
18 peer reviewed, and show that construction can occur without  
19 triggering impacts at those sensitive receptors.

20           Then to help make sure that some of the assumptions  
21 that were baked into those reports happen, the project, as  
22 you pointed out, will be conditioned to comply with the  
23 Town Noise Ordinance around hours of construction and  
24 around construction routes and how trucks come and go to

1 the site. There will be conditions around the way that the  
2 site maintains dust control and make sure that there aren't  
3 impacts from that, so there will be all of the standard  
4 construction controls that are baked in, and then, as I  
5 mentioned, the specifics about how this project would be  
6 constructed were analyzed separately.

7 COMMISSIONER BARNETT: Reference to the prior studies  
8 is well appreciated, and I think the answer is fully  
9 responsive.

10 ERIC PHILLIPS: Great.

11 CHAIR THOMAS: Commissioner Stump.

12 COMMISSIONER STUMP: Sorry to torture you with one  
13 more question. I come back to January 30<sup>th</sup> and substantially  
14 comply with the Housing Element law. If indeed you were in  
15 agreement that we were substantially compliant with Housing  
16 Element law, then why would Builder's Remedy have ever been  
17 invoked on the Town of Los Gatos. I realize this might seem  
18 like a funny question, an awkward question, to be directing  
19 that to you, so if I'm putting you in an awkward position,  
20 don't feel like you have to answer my question.

21 ERIC PHILLIPS: I will probably not directly answer  
22 your question, as you suspected, but our view was that the  
23 Town, regardless of all of the other details that are  
24 included with the Housing Element, that the Town expressed

1 a very clear policy direction for creating housing at this  
2 site at a particular density level, so the use and the  
3 density was a very clear expression from the Town in that  
4 Housing Element, and we wanted to work with the Town to  
5 basically respect that policy direction that the Town had  
6 created through our application, and in so doing, it let us  
7 maybe dodge the harder question about whether or not HCD's  
8 determination was correct, whether we had to try to make  
9 other, more novel legal arguments about how to process the  
10 project. We can let other projects that you weren't  
11 thinking about handle that, and we can come in and deliver  
12 a project that is consistent with the planning framework  
13 that the Town adopted; we thought that was a better  
14 approach.

16 COMMISSIONER STUMP: Thank you.

17 CHAIR THOMAS: I have another question for the  
18 developer. I just have a question about landscaping, which  
19 I know is very specific but within my wheelhouse, and so is  
20 anyone available to answer any of those questions? Great,  
21 I'm seeing some nods.

22 I just first want to say that I really do appreciate a  
23 lot of the choices for landscaping. There are a lot of  
24 native plants and a lot of appropriate non-natives that are  
25 also drought tolerant, but I did notice some magnolia trees

1 and know that some of those have had some issues with roots  
2 when they get pretty established in an area and just not as  
3 drought tolerant, so I was wondering regarding  
4 justification for that and/or if you would be willing to  
5 maybe swap them out for some of the other trees that are  
6 native?

7 HELEN SCHNEIDER: I'm Helen Schneider. I'm an  
8 architect and Associate Principal at Perkins & Will. We  
9 have been in charge of the masterplan as well as the  
10 landscape design. I'm not a landscape architect, so I will  
11 not be able to propose an alternate, however, I think  
12 they're up for other proposed solutions if that particular  
13 tree has had issues in Los Gatos.

15 CHAIR THOMAS: Okay, thank you. Can I just get a nod  
16 if that's maybe something that when we have our next  
17 meeting we can perhaps see if that's a possibility? Okay,  
18 thank you.

19 HELEN SCHNEIDER: Thank you very much.

20 CHAIR THOMAS: Are there any other questions for the  
21 Applicant right now? Okay. I think people do have some  
22 questions for Staff, so last call for Applicant questions.  
23 We're good? We'll now close the public portion of the  
24 public hearing on Item 1, and I invite Commissioners to ask  
25 questions of Staff, provide comments, and eventually we

1 will need to propose a motion to move this to a date  
2 uncertain.

3 COMMISSIONER BARNETT: For Mr. Paulson. We've dealt  
4 with this issue recently, but I wonder if you could respond  
5 to the speakers from the public who mentioned concerns  
6 about the cumulative impacts of the developments which are  
7 accelerating through the Town?

8 DIRECTOR PAULSON: Yes, thank you. Through the Chair,  
9 as many or all of you may recall, well, actually two of you  
10 weren't participating last week, the Genuine Automotive  
11 site, this question came up. It's come up at previous  
12 hearings. Ms. Whelan explained that we've been having  
13 conversations with environmental consultants about some  
14 potential cumulative impact analysis. At that time, she  
15 envisioned maybe in about a month, four weeks I think she  
16 said, hopefully honing in closer on a potential path, so  
17 that was made part of the direction to Council for that  
18 item.

20 So again, we continue to look at it. I know the  
21 environmental consultant, when we spoke, I think it's  
22 important for the public for sure and Planning Commission  
23 as well, I think a lot of the discussions that revolve  
24 around traffic frankly are not going to be addressed in the  
25 cumulative impact from a CEQA perspective, because as our

1 environmental consultant mentioned last week, CEQA now  
2 currently uses VMT.

3 The congestion, intersection impacts, the typical what  
4 you experience when you're frustrated sitting on Los Gatos  
5 Boulevard or Main Street or any other portion of town is  
6 addressed through a traffic impact analysis and a level-of-  
7 service analysis. The Town still does those analyses, but  
8 they will not be a component of impacting a determination  
9 of significance from a CEQA-specific perspective.  
10

11 CHAIR THOMAS: Vice Chair Burch.

12 VICE CHAIR BURCH: As a follow-up to that, Mr.  
13 Paulson, is there an intent for the Town to do a cumulative  
14 traffic impact study that might partner with the cumulative  
15 environmental report?

16 DIRECTOR PAULSON: That probably would be part of that  
17 discussion as we continue to refine what Ms. Whelan lands  
18 on as far as what study she wants to do, so it could be two  
19 different components, it could be specifically the CEQA  
20 analysis from a cumulative perspective, but also a  
21 transportation impact analysis from a cumulative  
22 perspective as well.  
23

24 VICE CHAIR BURCH: Okay, great. I would appreciate  
25 having that too. I think that's going to be a big topic of  
conversations as we move forward with these applications.

1           CHAIR THOMAS: I have a follow-up question for that  
2 too. That type of analysis, obviously it would not be  
3 something that developers would be required to mitigate,  
4 because it's not part of CEQA?

5           DIRECTOR PAULSON: At this time, I can't provide  
6 information on that.

7           CHAIR THOMAS: Perfect. But either way, whether  
8 developers or certain projects would be responsible or not,  
9 it would still help the Town with future planning for  
10 infrastructure for trying to extend VTA access, or it would  
11 provide us with data about where we have the most  
12 congestion and how to eventually mitigate that with regard  
13 to our planning over time perhaps? You don't know?

15           DIRECTOR PAULSON: Generally, yes, I would say we're  
16 talking again about two separate but parallel potential  
17 paths from a CEQA perspective. We'll have to look at that  
18 analysis. From a traffic impact analysis, we'd be working  
19 closely with our consultants as well as our Parks and  
20 Public Works team to figure out what that scope looks like,  
21 and then what that analysis looks like, but again, that  
22 won't necessarily feed directly into the CEQA analysis,  
23 because it will strictly be looking at VMT.

24           CHAIR THOMAS: Okay, thank you. Commissioner Stump.  
25

1                   COMMISSIONER STUMP: Another quick follow-up.  
2 Obviously, we've not seen any of the CEQA work that's been  
3 done, because it's not completed yet for this project. My  
4 question would be does it really take cumulative impact  
5 into account, or is it just really project-specific CEQA?

6                   DIRECTOR PAULSON: I don't recall the language that we  
7 have seen thus far. They generally have at least some  
8 discussions of cumulative impacts. I think you've heard  
9 testimony this evening as far as what other environmental  
10 documents have been relied on with this being specifically  
11 a Housing Element site, but since that hasn't been locked  
12 up and released publicly, or a determination quite yet made  
13 about which direction we're going, I'm not comfortable  
14 answering that.

16                  COMMISSIONER STUMP: And again, I'm the guy that keeps  
17 coming back and saying that this type of study is needed,  
18 and that as we take a look at the 2020-2040 General Plan  
19 EIRs, they just do not study reasonably foreseeable  
20 development, and we're going through unprecedented times  
21 with all of these Builder's Remedy projects.

22                  I'm not trying to pick on any single project, but I  
23 think we owe it to our community to make sure we fully  
24 understand the impacts to the community, the people that  
25 are here, and ultimately the people that we're going to

1 welcome into this community, because they don't want to  
2 walk into a community that is gridlock, traffic congestion,  
3 whatever the issue might be, because we didn't study it. I  
4 just really feel we've got a strong obligation to do that,  
5 so thanks for letting me make that very long comment, Mr.  
6 Paulson.

7 CHAIR THOMAS: Are there any other questions for  
8 Staff? Is there any discussion or comments that we want to  
9 make about anything?

10 VICE CHAIR BURCH: I assume since this is kind of Part  
11 1, we're going to have to be armed with more information  
12 and probably have a significantly more robust or in-depth  
13 conversation based on the information we'll be given.

14 CHAIR THOMAS: Yes. Commissioner Stump.

15 COMMISSIONER STUMP: I'm going to do it. I did ask the  
16 Applicant about this minimum density issue and the fact  
17 that our Housing Element called for 464 housing units at  
18 this site, and what we're ending up with is 450. I'm  
19 certainly encouraged by what's going on with this project,  
20 but why not go to that 464 if that truly is the 30 dwelling  
21 units per acre, if that's truly the density?

22 We need affordable housing. This project is yielding  
23 77 units. Wouldn't it be great if it would yield a few  
24 more? We hear the need, and yet what was supposed to be

1 coming from this property was 364 based on our Housing  
2 Element, and we're going to get 77. I would just say that  
3 there's got to be somewhere in the middle that we would say  
4 that's reasonable, that's rational. So, anyway, I'm going  
5 to keep pushing that issue, because I think it's critical.  
6 I think the State of California has got an agenda. We're in  
7 a housing crisis, we need more housing, and we need more  
8 affordable housing, and are we getting more affordable  
9 housing? That's my big concern, so thank you for that.  
10

11 CHAIR THOMAS: Commissioner Barnett.

12 COMMISSIONER BARNETT: I would like to make a motion  
13 with respect to Item 1 on the agenda tonight concerning the  
14 addresses which were previously read by the Chair that we  
15 continue this hearing to a date uncertain, expecting that  
16 the CEQA analysis will be available in advance, and with  
17 the request of course that the Applicant take into  
18 consideration the various comments that have been made  
19 tonight by the Planning Commissioners and the public. Thank  
20 you.

21 CHAIR THOMAS: Is there a second? Vice Chair Burch.

22 VICE CHAIR BURCH: I'll second the motion.

23 CHAIR THOMAS: Any discussion? Okay, great. I now call  
24 the question and ask for a show of hands in favor of the  
25 motion, and it passes unanimously 4-0, and there aren't any

1 appeal rights, I'm assuming, because this is a  
2 recommendation or a continuance.

3 DIRECTOR PAULSON: That's correct.

4 CHAIR THOMAS: Okay, thank you. I just want to thank  
5 Staff, my fellow Commissioners, all of the public that  
6 came, and the Applicant and your entire team for coming and  
7 being willing to answer all of our questions tonight. I  
8 look forward to our next meeting when we have some more  
9 details about environmental review.

10  
11 (END)

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