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

Los Gatos Planning Commissioners:
Melanie Hanssen, Chair
Jeffrey Barnett, Vice Chair
Kylie Clark
Kathryn Janoff
Steve Raspe
Emily Thomas

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

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

CHAIR HANSSEN: We can go ahead with the agenda item for tonight, which is the continuation of discussion of the Draft 2040 General Plan as well as the Final EIR.

Just to recap for people that might not have been able to attend the last meeting, what we have decided to do in terms of reviewing the documents is to start out reviewing element-by-element and save the Land Use and Community Design elements, which have the bulk of the public comments that we've received in terms of volume, until the end so that we can put a lot of focus on that. We wanted to make sure that we addressed any comments that came in on the other elements.

In our last meeting we got through the Public Facilities, Services, and Infrastructure Element, and so we will begin the discussion tonight on the Open Space, Parks, and Recreation Element. I would like to ask Staff, since you did do another Staff Report, if you would like to make any Staff Report before we begin our discussion this evening?

JENNIFER ARMER: Thank you. You covered most of what I was going to say, Chair, but I do want to go over

1 just to make sure everybody is clear exactly where we are
2 in going through the review.

3 So good evening, Chair, Vice Chair, Planning
4 Commission. We are continuing the discussion of the General
5 Plan, and we have received verbal public comment and closed
6 the public comment period. We were going through Exhibit 7
7 and made it through the Introduction; the Racial, Social,
8 and Environmental Justice Element; the Mobility Element;
9 and the Public Facilities, Services, and Infrastructure
10 Element.

11 That means that the next one that we will be
12 proceeding to is Open Space, Parks, and Recreation.
13 Depending on how much we get through this evening, the
14 order as we go through that document includes the
15 Environment Sustainability Element, the Hazards and Safety
16 Element, then the Land Use Element, and Community Design
17 Element, and finally, the Final EIR.

18 We did publish a brief Staff Report on Friday, as
19 well as a Desk Item today, for your consideration, but this
20 does conclude Staff's presentation, but we're available to
21 answer any questions.
22

23 CHAIR HANSSEN: Thank you very much for that, Ms.
24 Armer. Do any Commissioners have questions for Staff at
25 this time? I don't see anyone hands raised.

1 When we get to Land Use and Community Design,
2 Land Use in particular, I will talk a little bit more about
3 what I would like to do in terms of proceeding forward on
4 that, but to recap what Staff had said, we were going
5 through Exhibit 7.

6 Exhibit 7 from the Staff Report from the April
7 13th meeting did contain a wonderful summation by Staff of
8 all the public comments that have been received over the
9 course of the last year since the Draft General Plan was
10 released, and we've been using that in terms of making our
11 comments, and what we had been doing in our last meeting is
12 for every element there are a number of comments.

13 Staff has given their recommendation as to
14 whether they're neutral, meaning they don't have a feeling
15 one way or another about whether or not it needed to be
16 included or not; whether they did recommend it and
17 suggesting that we would include that as a comment, that we
18 would make it a recommendation to Town Council; or not
19 recommended. Staff has done that for every single comment,
20 and what we were doing in the last meeting is we were
21 looking at the comments and making a note of the ones that
22 we wanted to be sure that we included in our recommendation
23 to include. However, it's fine if you want to bring up
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1 other ones and discuss it and see if we know where the
2 Commission comes out on it; that is fine as well.

3 We'll be on page 10 of Exhibit 7, which is also
4 page 226 of the Staff Report from the April 13th meeting, so
5 why don't we start on the Open Space, Parks, and Recreation
6 Element? There were about seven or eight comments that came
7 in.

8 Would any Commissioners want to highlight items
9 that we should consider for adding to our recommendation
10 for modifying the General Plan? Commissioner Raspe.

11 COMMISSIONER RASPE: Thank you, Chair. I'll just
12 begin. I thought that recommendations numbers 81 and 84
13 should be considered as part of our recommendation sent to
14 Town Council.

15 With respect to Item 86, while I thought the
16 notion of additional play fields is a worthy goal, I think
17 limiting it to soccer fields as opposed to any other kinds
18 of fields felt inappropriate, and so if you want to
19 consider that, I would make that a more generic
20 recommendation.

21 Finally, with respect to Recommendation 88,
22 working with schools to make school fields available for
23 community sports, I think that's already covered in OSPR-
24 6.3.

1 CHAIR HANSSEN: Thank you for that. I thought so
2 as well. I made a note about 86 and 88, and there was
3 already a reference in the Open Space element about working
4 with local schools, so if anything was going to be
5 modified. And I agree that sports fields should be not just
6 restricted to soccer fields and we should try to increase
7 that, but I thought it might have been covered in the
8 policies that were already in there, so I'm agreeing with
9 your suggestions.

10
11 I'd like to hear what the other Commissioners
12 think. Let's see, Commissioner Thomas, and then
13 Commissioner Janoff, and Commissioner Clark, and then Vice
14 Chair Barnett.

15 COMMISSIONER THOMAS: I will be quick. I just
16 want to say that I agreed with 81 and 84, the two that I
17 would want to recommend to include.

18 CHAIR HANSSEN: That's great. Commissioner
19 Janoff.

20 COMMISSIONER JANOFF: I was just going to say I'm
21 in agreement as well, with a note that on item number 83
22 regarding the state Quimby Act, I don't know what that is,
23 but if Staff thought that it was appropriate to add that,
24 if that makes sense to connect it, but I don't know what it
25 is to say yes or no.

1 CHAIR HANSSEN: I actually am glad you brought
2 that up, Commissioner Janoff. I was wondering if Staff
3 could comment on the state Quimby Act requirements, because
4 when I read through the implementation program and policies
5 it was fairly generic. The goal is to try to encourage more
6 open space dedication, but how to go about doing that isn't
7 as clear and if there was a Quimby Act that was more
8 definitive about how to do that, so could Staff maybe
9 comment on that? Is that something that seems reasonable to
10 add?
11

12 JOEL PAULSON: Thank you. I'll jump in, and if
13 Ms. Armer has anything additional. Generally the Quimby Act
14 looks at the amount of open space, park space, that a
15 jurisdiction has based on population. We actually exceed
16 the number here currently in the Town, so that's why we
17 don't have any Quimby Act implementation measures.

18 CHAIR HANSSEN: So that really wouldn't help us
19 unless we were below that, so we should be covered.

20 Commissioner Clark.

21 COMMISSIONER CLARK: I am not sure if there's a
22 reason we haven't discussed number 87, like if it's already
23 being incorporated, because I know that there has been
24 discussion around turf happening, but if it's not already
25

1 being implemented I would be supportive of the inclusion of
2 number 87 as well.

3 CHAIR HANSSEN: I'm actually glad you brought
4 that up. I made a note thinking it might merit an
5 implementation program, because I've seen very vocal
6 arguments on both sides of this to not have artificial
7 turf, and then also to not have grass, for example, that
8 requires a lot of water and is not environmentally friendly
9 either, so to me it seemed like an ideal thing for an
10 implementation program, but I would like to know what other
11 people thought. I thought it might be worth at least
12 discussing, and it looks like the Town Manager has
13 something to say before I ask anyone else.

15 LAUREL PREVETTI: I just wanted to say that this
16 might be one of those areas of level of detail that might
17 be best determined on a project basis with the Town Council
18 as opposed to having it legislated here in the General
19 Plan, and I defer to Ms. Armer, who might already be able
20 to point us to some direction in the draft. Thank you.

21 JENNIFER ARMER: Yes, I wanted to share that when
22 you are looking at the Public Facilities and Services
23 Element there is an Implementation Program C, which is
24 specifically about determining the appropriate use of
25 artificial turf.

1 CHAIR HANSSEN: Thank you. We went through that
2 in the last meeting and I had forgotten about that, so at
3 least it's already covered, and then there's also the
4 thought that there are other ways to tackle the issue in
5 terms of on an individual project basis as well.

6 Are there other Commissioners? Vice Chair Barnett
7 had his hand up before for general comments about this
8 section, so go ahead, Vice Chair.

9 VICE CHAIR BARNETT: I agree with the comments
10 that have been made so far; I had noted to that effect. But
11 I wanted to bring up comment 85. I'm not sure what that
12 means. Maybe it's just me, but it seems to be kind of
13 obscure.

14 CHAIR HANSSEN: My read on this was I made a note
15 connecting 82 and 85. The first comment in 82, it sounds
16 like it came from the Parks and Recreation Department
17 themselves, and that statement was made that their services
18 are provided on a full cost recovery model, and prior to
19 that statement it was that they received Town facilities at
20 a discounted rate, or something like that, so I think they
21 were reacting to they don't agree with the description of
22 the business model. My recommendation was actually to take
23 out the full cost recovery basis, because I don't think
24 that's a necessary detail in the General Plan.
25

1 Then there is reference to continuing to work
2 with Parks and Recreation to do services, and as part of
3 that discussion they might want to renegotiate their
4 business model in terms of working with the Town, but I
5 don't think that needs to be in the General Plan. That was
6 my thought on it, so what do others think? Vice Chair
7 Janoff has thumbs up. So my proposal was to delete the
8 words "provided on a full cost recovery model," and leave
9 that as a detail in terms of how they work with the Town
10 that can be worked outside of the General Plan, so if
11 nobody has any objections to that, we'll go ahead and do
12 that. Thumbs up, okay.

14 Does anyone else have anything that they want to
15 discuss with the Open Space, Parks, and Recreation? I think
16 we ended up talking about every recommended bullet point.
17 Ms. Armer.

18 JENNIFER ARMER: Just wanted to remind the Chair
19 that last time we did do a motion for each of the chapters
20 as to what the Commission was interested in moving forward
21 with.

22 CHAIR HANSSEN: Yes, and I would ask that we
23 continue to do that for the rest of the elements that we'll
24 be discussing, and then at the very end we will have to do
25 one on the overall General Plan as well as the overall

1 Final EIR. So would someone like to make a motion to accept
2 the Open Space, Parks, and Recreation Element with the
3 changes that we've recommended in this discussion?

4 Commissioner Janoff.

5 COMMISSIONER JANOFF: Commissioner Janoff would
6 move to incorporate the changes as recommended by the
7 Commission so far on Open Space, Parks, and Recreation.

8 CHAIR HANSSEN: Is there a second? Commissioner
9 Clark.
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11 COMMISSIONER CLARK: Second.

12 CHAIR HANSSEN: Thank you for that. And then
13 we'll go ahead and do our roll call vote, and I will start
14 with Commissioner Thomas.

15 COMMISSIONER THOMAS: Yes.

16 CHAIR HANSSEN: Commissioner Raspe.

17 COMMISSIONER RASPE: Yes.

18 CHAIR HANSSEN: Commissioner Janoff.

19 COMMISSIONER JANOFF: Yes.

20 CHAIR HANSSEN: Commissioner Clark.

21 COMMISSIONER CLARK: Yes.

22 CHAIR HANSSEN: Vice Chair Barnett.

23 VICE CHAIR BARNETT: Yes.

24 CHAIR HANSSEN: And I vote yes as well.
25

1 So now we can move on, and Staff, you did have a
2 record of what we discussed, and you had a nice recap of
3 what we discussed last time in the Staff Report for this
4 meeting.

5 JENNIFER ARMER: Yes, thank you. I've got items
6 81 and 84, and removing the phrase, "provided on a full
7 cost recovery model."

8 CHAIR HANSSEN: Perfect. So then the
9 Environmental Sustainability Element is the next element we
10 will discuss, and there are actually quite a few more
11 comments.
12

13 Before I ask any Commissioners for comments, I
14 wanted to ask Staff a question. In looking at numbers 104
15 and 105 it looked like it came from Valley Water, and so
16 what we had done in our previous meeting is since they are
17 the experts of course on their subject matter we had just
18 accepted those comments at face value without discussing
19 them, so I'm going to ask Staff what their thoughts were
20 about 104 and 105?

21 JENNIFER ARMER: Thank you, Chair. As stated in
22 the Staff Report, Staff's response to those was neutral.
23 That revised wording, if that is the will of the
24 Commission, we could make those changes. They could either
25 be considered first or could be part of your motion.

1 CHAIR HANSSEN: I'm happy enough to go with
2 having the Commissioners recommend that, but I'm going to
3 give the guidance that since we had done this previously
4 with some of the other entities, that might be worth
5 considering to do that, but I'm happy to have a discussion
6 about it if someone wants to bring it up, but since we're
7 doing this thing where we're going to accept certain
8 comments, then hopefully it will be recommended by one of
9 the Commissioners.
10

11 That being said, like I said, it's on the bottom
12 of page 10 as well as page 11 and goes onto page 12 and to
13 page 13, so it looks like there are about at least 20
14 comments that we should be considering or not considering.
15 I would also say that although we've been proceeding this
16 way anyway, if Staff is recommending not to include them,
17 they generally have a very good and well thought out reason
18 for that, so unless we feel like we should discuss it, that
19 there's no need to bring those up.
20

21 I'll start with Commissioner Thomas.

22 COMMISSIONER THOMAS: Thank you, Chair Hanssen. I
23 was just going to say because there are so many for this
24 one, do we want to like chunk it out by ten or so, just so
25 that we're not talking about all of them all over the

1 place, or do like 89 through 96 first, and then the second
2 page, page-by-page.

3 CHAIR HANSSEN: Let's do it page-by-page. Let's
4 do the comments on page 10, which are 89 to 96. Of those,
5 which ones would you want to include?

6 COMMISSIONER THOMAS: I would like to include 89,
7 90, and 91. I think that they are Staff recommended. The
8 other two are just making things more thorough, which I
9 think is good.

10 I think that I also feel strongly about 95 being
11 recommended, and it would definitely require a list of key
12 terms of integrated pest management, but that is something
13 that should be used. That should be the model that we
14 should be using. That's like the best model out there for
15 managing pests and reducing the use of pesticides in
16 particular.

17 I do not think that we should include 93 or 96,
18 because for 96 I don't think we can actually ensure,
19 "minimize potential damage to public health, native plants,
20 birds, and other wildlife," if that makes sense. And then
21 for 93, I do not think that we should include, "while
22 reserving some open space preserved for underserved
23 habitat," because I believe that has the potential to be
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1 used like in a NIMBY way, and I think that it's covered.
2 What we need for Town is covered in that policy already.

3 I did have a question about 94, maybe for
4 Commissioner Raspe for the Town Attorney. Just adding, "and
5 natural communities," is that helpful in informing policy,
6 or does that make this too big or too grand?

7 CHAIR HANSSEN: I'm glad you asked that, because
8 I also had a question. I was like how do you define
9 "natural community"?
10

11 Commissioner Raspe, you had your hand up, and
12 then Commissioner Clark does as well.

13 COMMISSIONER RASPE: I agree with Commissioner
14 Thomas' comments. A couple of points.

15 With respect to 94, I also had a question. I
16 think "natural communities," as currently drafted, I'm not
17 sure what it means and I would be concerned that it would
18 be interpreted too broadly to be really useful, and so I
19 would either not include that language or I would make
20 natural communities somehow defined.

21 Then with respect to 96, I also share
22 Commissioner Thomas' concern regarding the word "ensuring,"
23 because I don't think we can ensure, but I think it's a
24 noble goal and perhaps we could substitute the phrase,
25 "working towards," so we're working towards minimized

1 potential damage to public health, so it doesn't put an
2 obligation on us, but it certainly espouses our desire to
3 achieve what I think is a noble effort. Thanks.

4 CHAIR HANSSEN: I thank you for that, because you
5 have to read between the lines in terms of what we mean. So
6 your recommendation would be to either delete it or to
7 modify it to change ensuring to working towards that goal,
8 because that's the result of changing the approach and not
9 using harmful pesticides, but we couldn't ensure it.

10 COMMISSIONER RASPE: Agreed, that's my thought.

11 CHAIR HANSSEN: I was just trying to make sure I
12 captured in my mind what you were saying. Thank you for
13 that.

14 Commissioner Clark, you had a comment as well?

15 COMMISSIONER CLARK: Yes, thank you. I'm in
16 agreement with all of the ones the other Commissioners have
17 voiced approval for.

18 I had liked 92, just because it makes it a little
19 more specific that the species would be locally native, but
20 I'd also be curious to hear if other people feel like
21 that's productive or unnecessary.

22 I had been in support of 93, but I think I
23 understand what Commissioner Thomas is saying about it
24 potentially being used as a way to like maybe justify lack

1 of public access or something, and so yeah, I think that
2 sounds good.

3 For number 96, I like Commissioner Raspe's idea
4 of changing the verbiage to "working toward," because I
5 think that clarifies that reasoning behind the task without
6 actually trying to ensure something that we're not able to.

7 CHAIR HANSSEN: So your recommendation would be
8 rather than take it out, to leave it in and modify the
9 ensuring to something more reflective of why we're doing
10 it?

11 COMMISSIONER CLARK: Yes.

12 CHAIR HANSSEN: Okay, got it. On 92, I'll see
13 what other people have to say. I circled that, and my
14 reaction was how do you define local? Is local Los Gatos?
15 Is it Santa Clara County? Is it California? So I thought
16 maybe the species was enough. That was me, but if others
17 have a different thought on it, I would want to hear that.

18 Let's see, Commissioner Janoff, and then
19 Commissioner Thomas.

20 COMMISSIONER JANOFF: I'm in agreement with
21 everything that's been said, including the modification of
22 96, and I do like the idea of incorporating the word
23 "locally." More and more you hear people talk about you
24 should be eating local honey, you should be burning local
25

1 firewood, it's a real thing to keep materials within the
2 local environment. If local is unclear, we could say
3 "regional," and that might be clearer. That obviously gives
4 more of a geographical boundary than local, and I would be
5 comfortable with that, but I think including something that
6 is specific to our region is a great add.

7 CHAIR HANSSEN: Just to clarify my comment, as
8 long as it was clear what local is I had no problem with
9 that, because what's good for Southern California might not
10 be good for us, and so I heard everything that you said.

11 Commissioner Thomas, and then Commissioner Clark.

12 COMMISSIONER THOMAS: Thank you. I did not
13 mention this one and I do not support it for multiple
14 reasons. I would say that there are definitely official
15 resources and documentation of what species are local to
16 the Town, to Los Gatos, and there are many maps of that.
17 Many of those are old, and since then climate change has
18 significantly changed the region and will over the next 20
19 years, and so I strongly disagree with including locally
20 native species, because what was local and native or what
21 is local today is not actually going to thrive here, and
22 ecosystems are constantly changing, and so making policies
23 based on what is a locally native species today is not good
24 for conservation of biodiversity, but that's because things

1 are moving and ecosystems are shifting and ecotones are
2 moving, so I strongly disagree with that one.

3 I'm sorry, just because I know that it sounds
4 good, and I do agree with eating local food and burning
5 local firewood. I do think that that is a totally different
6 use of the term and I agree that that's really important,
7 but I do kind of feel strongly about this one as an
8 environmental scientist.

9
10 CHAIR HANSSSEN: I was going to say well said by
11 our environmental science teacher.

12 Commissioner Clark.

13 COMMISSIONER CLARK: Thank you. I was going to
14 also make a comment on 92 that was different before I heard
15 what Commissioner Thomas had to say, but I think a way to
16 actually get what we're trying to get at would like maybe
17 saying, "species that are adapted for the Mediterranean
18 climate," or, "that would naturally exist in this area at
19 the time," or something like that.

20 CHAIR HANSSSEN: So it would be your idea to try
21 to change the wording so it was clearer and more reflective
22 of changing conditions?

23 COMMISSIONER CLARK: Yes. And the other thing
24 I'll say is we might be getting a little nit-picky here.
25 It's probably okay to leave it as is also.

1 CHAIR HANSSEN: Fair enough. Let's just take two
2 more comments on this and then we'll move on.

3 Commissioner Raspe, and then back to Commissioner
4 Thomas.

5 COMMISSIONER RASPE: Thank you, Chair. Two things
6 very quickly.

7 First, I think Commissioner Clark made a comment
8 with respect to 91, the especially native species in
9 habitat language, adding that. I'm of two minds with this
10 one. When I first read it, it almost seemed to me like it
11 created a binary choice, for instance, we were going to
12 maintain and enhance (inaudible) significant natural
13 features, giving preference to native species and habitat
14 as opposed to preserving all that exists. I just don't want
15 that inference to ever filter down to the language, but
16 again, I'm not overly concerned, I just wanted to throw the
17 issue up.
18

19 Then I think Commissioner Thomas indicated her
20 support of 89, and my questions for the Chair or Staff is
21 who is going to define "designated creek" and how is that
22 handled? Thank you.

23 CHAIR HANSSEN: So Staff, could you start with
24 89, because that actually is a good question, and you did
25

1 recommend it, so could you start with 89 and then if you
2 had anything to add onto 91.

3 JENNIFER ARMER: Thank you. If including a
4 definition of the term "designated creek" is something that
5 the Planning Commission is in support of, then we would
6 work with the consultants and our Public Works Department
7 to find an appropriate definition to be consistent with the
8 work that we currently do with creeks and include that as
9 part of a set of potential definitions, so similar to some
10 of what was requested by the Planning Commission at the
11 last meeting. There was at least one term, I believe
12 "recycled water," where a definition was requested, and we
13 would provide some specific recommended language for that
14 before going to Town Council.

16 It looks like Director Paulson has something to
17 add.

18 JOEL PAULSON: Just a minor addition. We also
19 would work with our other partners, Valley Water, San Jose
20 Water, and some of the other folks who have regulations
21 related to the creeks to make sure that that was
22 consistent.

23 CHAIR HANSSEN: And Staff, you did recommend this
24 one versus being neutral on it, so I assume that you
25 thought it was a good idea?

1 JENNIFER ARMER: Defining terms, if somebody
2 thinks it's a good idea, we're in support of that. If
3 somebody's asking for a definition of it, then that
4 probably means there are a number of people who want to
5 know what it means.

6 CHAIR HANSSEN: Okay, great. Did you have
7 anything to comment on? You were neutral on 91 and 92, so
8 I'm assuming that we should just work out what we're going
9 to recommend, but if you had anything to add, let me know.
10

11 JENNIFER ARMER: Yes, I would say on those two
12 that the language as it was pretty clear to Staff as
13 recommended by the GPAC, and so those additional terms
14 could be included, but I think we stand behind GPAC but
15 we're open to making those changes if that is what the
16 Planning Commission feels is improving.

17 CHAIR HANSSEN: I understand now why you were
18 neutral. Before I go back to Commissioner Thomas, I'm going
19 to make a more general comment that as I was going through
20 this section, and I know exactly where some of the comments
21 came from, that different people with different interests
22 came in and they were putting like the word "biological" in
23 something that was more generic, and I was having the same
24 reaction as Commissioner Raspe, which is if we're
25 specifying biological resources, are we not taking care of

1 other kinds of resources? So I was having that reaction,
2 which is to kind of keep it more general, since this is the
3 General Plan, as long as we are not excluding something
4 that needs to be taken care of.

5 I'll go back to Commissioner Thomas, and then
6 Commissioner Janoff.

7 COMMISSIONER THOMAS: Thank you. I'm glad that
8 these comments about 91 are brought up, because I did not
9 read it in that way. I read that it was emphasizing that we
10 especially need to protect native habitats and species, but
11 I do understand how maybe it's not necessary.

12
13 Going back to 92, I would not recommend including
14 Mediterranean plants, because a lot of those are actually
15 invasive species, like all the grasses that we have here
16 from the Mediterranean, they're particularly invasive,
17 because they adapted alongside human disturbance.

18 I think that native species really does cover
19 what we want it to cover, because I do think that in the
20 world of landscape design guidelines native species has a
21 very specific definition and there are very specific lists
22 across the state. There's a county-wide list that already
23 exists for rebates and things like that, so I do think that
24 keeping it just at native specific is going to achieve the
25 goal that we want basically.

1 CHAIR HANSSEN: Thank you for that. We are so
2 fortunate to have our environmental expert on the
3 Commission, so thank you. Commissioner Janoff.

4 COMMISSIONER JANOFF: Yes, thank you,
5 Commissioner Thomas. It's great to have expertise that
6 augments our conversation, and in light of the comments I
7 would say that we keep 91 and 92 as written by GPAC, and if
8 the Chair is ready I'm prepared to make a motion.

9 CHAIR HANSSEN: On this page, yes.

10 COMMISSIONER JANOFF: On this page to include the
11 changes in number 89, number 95, and then 96 with the
12 modification of "ensuring" to "working toward."

13 CHAIR HANSSEN: Did you not think 90? Because it
14 was recommended in the beginning to do 89 and 90.

15 COMMISSIONER JANOFF: Yes, 89 and 90.

16 CHAIR HANSSEN: 89 and 90, but not 91 or 92, and
17 then you said 95, right?

18 COMMISSIONER JANOFF: Yes, 95, and then the
19 modification to 96.

20 CHAIR HANSSEN: Okay. For my own sake I was
21 trying to capture everything you said. So there is a motion
22 from Commissioner Janoff. Is there a second? Commissioner
23 Raspe.
24
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1 COMMISSIONER RASPE: Thank you, Chair. I second
2 the motion.

3 CHAIR HANSSEN: So we will take the roll call
4 vote, and I will start again with Commissioner Thomas.

5 COMMISSIONER THOMAS: Yes.

6 CHAIR HANSSEN: Then Commissioner Raspe.

7 COMMISSIONER RASPE: Yes.

8 CHAIR HANSSEN: Commissioner Janoff.

9 COMMISSIONER JANOFF: Yes.

10 CHAIR HANSSEN: Commissioner Clark.

11 COMMISSIONER CLARK: Yes.

12 CHAIR HANSSEN: Vice Chair Barnett.

13 VICE CHAIR BARNETT: Yes.

14 CHAIR HANSSEN: And I vote yes as well.

15
16 So we got through page 10 of the Environmental
17 and Sustainability Element comments, and now we will go on
18 to page 11, and that includes numbers 97 through 104.
19 Actually, just for the sake of argument, let's include 105,
20 because 104 goes onto the next page, and we'll go up to
21 105, because 104 and 105 both came from Valley Water, so
22 we'll cover from 97 to 105 under this discussion, so
23 comments on 97 through 105.

24 Vice Chair Barnett.
25

1 VICE CHAIR BARNETT: I have a couple of technical
2 issues starting with 98; the word "improves" should be
3 "improve."

4 Then on 100, the way I read it, it's talking
5 about a decrease in the mitigation measures.

6 CHAIR HANSSEN: So you're saying the way you're
7 reading it is that we should decrease mitigation measures,
8 is that correct?

9 VICE CHAIR BARNETT: I think it's saying to
10 decrease mitigation measures, but I don't think that's the
11 intent.

12 JENNIFER ARMER: My memory of this comment was
13 that they wanted to clarify that reducing vehicle miles
14 traveled is not the only way to reduce noise and air
15 quality impacts, and so it might be that slightly modified
16 language would get at that point more appropriately and
17 more clearly.

18 CHAIR HANSSEN: I read it the same way that you
19 described it, Ms. Armer, but maybe others read it the same
20 way that Vice Chair Barnett did, but we should be clear.

21 I lost track of who raised their hand and is
22 next, so I'll just go with Commissioner Clark, and then
23 Commissioner Thomas, and then Commissioner Raspe.
24
25

1 COMMISSIONER CLARK: Thank you. For numbers 100
2 and 101, I felt like if we're going to do that we need to
3 at least provide an example or two of what those things
4 are, because for me it made them a lot more unclear when I
5 was reading them, and so I think if people feel like there
6 is an understanding of what that would mean and we don't
7 need that, then that's great, but for me as a reader I felt
8 like it was a little too ambiguous.

9 CHAIR HANSSEN: In that same one it does explain
10 with an example of something that would decrease VMT. So
11 you're saying we're not being clear about other mitigation
12 measures from the noise and that would help improve noise
13 and air quality?

14 COMMISSIONER CLARK: You mean where it says TDM
15 Programs?

16 CHAIR HANSSEN: Yes.

17 COMMISSIONER CLARK: Yes, that's a good point. It
18 would just say that and kind of be referring to it, even
19 though that was already there in a way.

20 CHAIR HANSSEN: So you think it could be clear if
21 we added examples.

22 COMMISSIONER CLARK: But I'm good with that
23 change, like the theory of it.
24
25

1 CHAIR HANSSEN: Let's see, Commissioner Thomas,
2 and then Commissioner Raspe.

3 COMMISSIONER THOMAS: Thank you. I also felt for
4 100 and 101 that made them too broad. I know this is
5 supposed to be a big and broad document, but for 100,
6 because VMT is the gold standard for mitigating air
7 pollution, I'm not sure if including other options is
8 appropriate, and I would actually like to hear from Staff
9 or maybe the Town Attorney on that, because I don't want us
10 to get in a situation, but I'm pretty sure VMT is
11 traditionally most often used.
12

13 Then the same with 101, "requiring developments
14 to incorporate site planning techniques." Is site planning
15 techniques just like the standard that it's people that are
16 doing this know exactly what that means, and including
17 other is just making it more confusing and actually not
18 legal, if that makes sense?

19 So those are my two comments about 100 and 101,
20 and I see some people are popping up and their hands are
21 up.

22 CHAIR HANSSEN: Mr. Kim must be Staff, because
23 he's not a Commissioner, and (inaudible) as a panelist, so
24 yes, if you could help us with this, that would be great.
25

1 WOOJAE KIM: Yes, good evening, Commissioners.

2 WooJae Kim, the Town Engineer.

3 Regarding item 100, I would just be cautious
4 about adding that additional phrase in there, because it is
5 related to CEQA requirements. I'm talking about VMT. If
6 anything, maybe changing that word "or" to "and" might
7 help, but again, I would just be cautious about
8 substituting VMT requirements with other elements. Thank
9 you.

10
11 CHAIR HANSSEN: That's a very good point, but we
12 are treading on CEQA in this comment, and we don't want to
13 have something that's in conflict with CEQA law.

14 Let's see, Director Paulson, did you have
15 something to add?

16 JOEL PAULSON: Yes, thank you. Just for some big
17 picture context, kind of the intent of this is if VMT is
18 going to create air and noise impacts, those are all
19 impacts that are going to be reviewed. VMT will have
20 impacts. Air pollution and noise, they'll each have their
21 own sections, they'll each have mitigation measures, and so
22 that's what I think this was originally trying to capture
23 is that there are reductions to the VMT, which also might
24 reduce impacts to both air quality and noise impacts.

25

1 Then the other techniques, again, from a noise
2 perspective, if you have, for instance, residential uses
3 near a freeway there are usually a handful of mitigation
4 measures, whether that's a sound wall of some height,
5 whether that's having a high-efficiency HVAC system so that
6 folks don't necessarily have to open their windows and be
7 subject to those. Obviously, that's a choice if folks want
8 to do that, but those are the types of things that
9 typically are in those categories as mitigation measures in
10 the document. Just for big picture information for the
11 Commission.

12
13 CHAIR HANSSEN: That's helps. Thank you for that.
14 Commissioner Raspe.

15 COMMISSIONER RASPE: Thank you, Chair. First of
16 all, I agree with Commissioner Barnett's comments with
17 respect to 98.

18 Then I think he's correct in 100 that as
19 currently drafted it would require a decrease in mitigation
20 measures, which is actually the opposite of what we want.
21 Then taking Staff's comments into account, I think maybe if
22 we are going to insert a phrase into 100, perhaps a better
23 phrase might be, "and related noise and air quality
24 impacts." That way it's supplemental to the VMT and it's
25 still we are interested in managing noise and air quality

1 impacts that are related to vehicle miles, so rather than
2 casting the net too broadly, so I would suggest that change
3 to 100 if we want to include language.

4 With respect to other recommended changes, I
5 would also recommend changes 103 and 104 and 105 as well.
6 Thank you, Chair.

7 CHAIR HANSSEN: Okay, 103 and 104 and 105,
8 because I was asking you guys (inaudible) those came from
9 Valley Water. Let's see what the other Commissioners think.
10 Commissioner Janoff, then Commissioner Clark, and then
11 Commissioner Thomas.

12 COMMISSIONER JANOFF: On 100, I guess after
13 hearing discussion, Commissioner Raspe's recommendation is
14 a good one, although I think if we just take out, and we'll
15 leave the language as GPAC recommended, I think that's the
16 simplest.

17 Same with 101. Rather than trying to get nuanced
18 about these things, it's pretty broadly traffic generated
19 and I think that's clear enough.

20 With regard to 103, I wasn't thinking that we
21 want to include "composting green waste and chipping
22 programs" if the Town is not prepared to do that. That's
23 more of an implementation program if we want to go there,
24
25

1 but that's also already provided by other agencies, so I'm
2 not sure that that's a necessary add.

3 Then I'd be in favor of incorporating 104 and 105
4 per Valley Water recommendations.

5 CHAIR HANSSEN: Thank you for that. No one
6 brought up 103, except for you. I had the same comment. The
7 way it was before, it says "extended producer
8 responsibility and innovative strategies," which could
9 cover any number of things. Then I thought about 20 years
10 in the future, I don't know that it won't be the case, but
11 maybe there is something else besides composting and
12 chipping programs that might be helping them mitigate
13 environmental effects, so I thought it would be better to
14 just leave it the way it was.

16 COMMISSIONER JANOFF: We might have waste
17 vaporization.

18 CHAIR HANSSEN: I have faith, especially here in
19 Silicon Valley, for people to come up with really new and
20 innovative ways to deal with waste.

21 Commissioner Clark, and then Commissioner Thomas.

22 COMMISSIONER CLARK: I'll start just with 100 and
23 101. I think that we should leave them as recommended by
24 GPAC. I think if we don't say, "and these other things,"
25 it's not like we're limited to only vehicle miles traveled.

1 We're not saying only that, and so I don't see a problem
2 with leaving that language as is.

3 I'm very in favor of 97. I think that if there's
4 a remodel or retrofit happening, then that's also a great
5 opportunity for that bird-safe lighting.

6 Also, number 98, I liked those changes as well.

7 I agree about numbers 104 and 105; I'm in favor
8 of those two as well.

9 CHAIR HANSSSEN: Can I ask you and maybe Staff
10 about 97, because I had a big question mark by that. What
11 was in there before said, "require new development to
12 increase bird safety by reducing hazardous building and
13 architectural elements and including bird safe lighting
14 design," and the proposal was to add in addition to new
15 development, which I would take to be where there was
16 vacant land or a teardown, but it says, "remodels and
17 retrofit." In the past when we've had these kind of things
18 come up we've tended to leave these things to new
19 development versus remodels, but I'm going to ask Staff
20 what kind of issues that might create to add remodels and
21 retrofits to that statement?
22

23 JENNIFER ARMER: Thank you, Chair. I would start
24 by saying that there is generally concern about imposing
25 some of these sorts of requirements on something that's a

1 remodel or a retrofit. It really depends on the scale of
2 the project, whether there is kind of that nexus that
3 they're putting enough money into the project that we're
4 not overburdening them with these types of requirements.

5 It's also a little more difficult to implement in
6 terms of a policy, whereas a remodel or retrofit very well
7 may just be a building permit and so doesn't go through as
8 extensive review as a new building would. So new
9 development, I agree, we would consider that to include
10 development of vacant land or significant replacement of
11 existing buildings and redevelopment at the site.

12
13 CHAIR HANSSEN: Thank you, that was pretty much
14 exactly what was going through my head on that one, and you
15 said it very well. For me, I would be happier to leave it
16 as it was versus adding on remodels or retrofits, but let's
17 see what others think, and you're welcome to comment on any
18 of these.

19 Commissioner Thomas, and then I'll go back to
20 Commissioner Clark, and then Commissioner Raspe.

21 COMMISSIONER THOMAS: Thank you for clarifying
22 all of that and bringing that up, because I did also have
23 that question about 97. One thing that we could possibly do
24 to encourage this inclusion of bird safe design in remodels
25 and retrofits is just add, "and when appropriate in

1 remodels and retrofits." Is that a language change that
2 would kind of cover the bases, like encouraging and be a
3 possibility for when policy is being made for it to be
4 looked into? That is my one suggestion with that change.

5 Then for 100 and 101, I agree with Commissioner
6 Clark that I'm in support of how the GPAC originally had
7 it. If we do want to incorporate any changes, such as the
8 one that Commissioner Raspe suggested, I think that we just
9 need to add a verb like, "require decreases to vehicle
10 miles traveled," and something like, "other noise and air
11 quality impacts," because that's what is missing from that
12 phrase. Those are my comments.

13
14 CHAIR HANSEN: I'm going to ask you a question
15 back, Commissioner Thomas. Considering what Staff said,
16 what I heard Staff say is that when impacts are identified
17 as significant in the EIR, you have to go back and mitigate
18 them, and you would have to mitigate any impacts, so if the
19 impact generated by traffic happened to affect air quality,
20 it would have to be mitigated, so I'm not sure what it
21 adds, because in the EIR perspective if noise or air
22 quality was triggered, then they would have to go mitigate
23 anyway. So do you still feel strongly about leaving it in
24 there?
25

1 COMMISSIONER THOMAS: No, I don't feel strongly.
2 I'm fine with not leaving it in, but I was saying if we
3 were going to leave it in I think that we need to add a
4 verb, that's my only thing that I feel strongly about. But
5 no, I agree.

6 I do think that 100 and 101 become redundant in
7 the way that they're written, and we've covered the bases
8 with how they were originally written and professionals
9 originally wrote them.

10 But for 97, I am interested if people think that
11 "and when appropriate" would be helpful for adding in
12 including remodels and retrofit? Staff, I don't know if you
13 want to comment on it, or other Commissioners.

14 CHAIR HANSSEN: Director Paulson has had his hand
15 up for a couple of minutes.

16 JOEL PAULSON: Thank you, Chair. Just to let the
17 Commission and public know, there actually is an
18 implementation program to adopt a bird safe ordinance,
19 which is Implementation Program N. Those are the types of
20 details that we can consider, and then as it goes through
21 that process through the Planning Commission and Council,
22 they can make the decision on when those would be required
23 versus encouraged, for instance, if it ended up being new
24 development only, that doesn't reduce Staff's opportunity
25

1 when we're speaking with folks who are just doing building
2 permits to ask them if they've considered bird safe
3 options, so I think we're generally covered there, but I
4 just wanted to make sure the Commission knew that as
5 they're going through this discussion.

6 CHAIR HANSSEN: Thank you for that. I had
7 forgotten that we had put that as an implementation
8 program, so that helps.

9 Let's see, I'm going to go to Commissioner Clark,
10 and then Commissioner Raspe, and then back to Commissioner
11 Thomas.

12 COMMISSIONER CLARK: Thank you. Now that we know
13 that it's in an implementation program my only concern
14 would be like limiting it by just saying new development,
15 so I think I'd like to say require that new developments
16 increase bird safety and encourage remodels and retrofits
17 to do the same, just to at least have the idea in there
18 that we would like for remodels and retrofits to do that.

19 CHAIR HANSSEN: So that's a compromise statement
20 that could be modified. Item 97 could be modified.

21 Let's see, Commissioner Raspe, you had your hand
22 up for a while, and then Commissioner Thomas.

23 COMMISSIONER RASPE: Thank you, Chair. With
24 respect to 97, as I've been sitting here listening, I think
25

1 my mind has kind of shifted a little bit. Initially I
2 thought we were going to create a line drawing problem with
3 including remodels and retrofits. As currently stated, any
4 ADU, any re-siding of a property, could potentially trigger
5 a whole study of the project to make sure that there is no
6 endangering of the birds, and I'm not sure that's really
7 the scenario that we want to create, and so the notion of
8 maybe encouraging, as Commissioner Clark says, with respect
9 to remodels as opposed to making it mandatory, that might
10 solve that problem, but any requirement that remodels be
11 required to take into account additional bird safety I
12 think would be problematic.

14 Then jumping down to 100, I had earlier suggested
15 some changes, but as we discuss it I agree with my fellow
16 commissioners that we adopt the GPAC language for 100 and
17 101. Thank you.

18 CHAIR HANSEN: Thank you for that. Before I go
19 to Commissioner Thomas, I did want to make a point, and
20 this happened a while ago, but a personal experience that I
21 had as a resident. When we went to remodel our kitchen,
22 when the inspector came in they wanted to check all the
23 smoke detectors in the house, which I didn't think was a
24 bad idea, but it was unrelated to the actual matter at
25 hand, which was the kitchen. So as I was thinking through

1 this I remembered that experience, and that would be my
2 concern about doing something with this and not just
3 leaving it to the implementation program to get more
4 thoroughly vetted, which is that this thing could kind of
5 create, even with the word "encourage," some expectation
6 that if you're making a very small change like changing
7 something that's just a couple thousand dollars, that you
8 might be having to look at issues in other parts of your
9 house, so that would be my only concern, but I'm okay with
10 leaving it in there with the knowledge that it's going to
11 get better vetted in the implementation program.

12
13 Commissioner Thomas.

14 COMMISSIONER THOMAS: I could go either way on
15 that one, so I'm happy to do whatever the majority of
16 Commissioners would like.

17 I do want to point out for number 103 that there
18 are essentially like three different implementation
19 programs that cover how to become a zero waste town, and
20 they include things like composting green waste, chipping
21 programs, all of that, and so I do think that that's too
22 specific to include in this goal, because we have them as
23 implementation programs and they're probably going to be
24 part of the solution.

25 CHAIR HANSSEN: Very good. Commissioner Janoff.

1 COMMISSIONER JANOFF: I'm prepared to make a
2 motion at this time.

3 CHAIR HANSSEN: Okay.

4 COMMISSIONER JANOFF: In light of all the great
5 discussion, I think where we are landing is that 97 could
6 create problems unforeseen, and that's not what we want to
7 do, and so I'm seeing only number 98 with the modification
8 that the Vice Chair Barnett recommended, I guess as well as
9 landscape and biological resource; I didn't have a problem
10 with that. And 104 and 105, those are the changes that we
11 would agree to modify.
12

13 CHAIR HANSSEN: Is there a second? I saw a thumbs
14 up from Commissioner Raspe, so I assume that's a second as
15 well.

16 COMMISSIONER RASPE: That is a second. Thank you,
17 Chair.

18 CHAIR HANSSEN: All right, let's go ahead and
19 vote on that, and I will go again to Commissioner Thomas.

20 COMMISSIONER THOMAS: Yes.

21 CHAIR HANSSEN: And Commissioner Raspe.

22 COMMISSIONER RASPE: Yes.

23 CHAIR HANSSEN: And Commissioner Janoff.

24 COMMISSIONER JANOFF: Yes.
25

CHAIR HANSSEN: Commissioner Clark.

1 COMMISSIONER CLARK: Yes.

2 CHAIR HANSSEN: Vice Chair Barnett.

3 VICE CHAIR BARNETT: Yes.

4 CHAIR HANSSEN: And I vote yes as well.

5 So we've gotten through up to 105, and so then
6 let's just take the rest of them. It's 106 through 116, and
7 that's like ten of them. I think that seems (inaudible). So
8 106 through 116 would take us to the bottom half of page 12
9 and the top of page 13 of Exhibit 7. All right, Vice Chair
10 Barnett.
11

12 VICE CHAIR BARNETT: I have an easy one to start
13 with. On number 112, I think we should say, "encourage
14 waste water recycling," so there's no implication about a
15 mandatory program.

16 CHAIR HANSSEN: I like that. So that's an easy
17 one. So you would say yes, add 112 as long as it's reworded
18 to say, "encourage waste water recycling."

19 On that point, before I take any other comments I
20 had a question for Staff. I thought, at least when I looked
21 into it a few years ago, that it was really hard and really
22 expensive to get gray water recycling for landscaping, get
23 the infrastructure put in, and it maybe has moved since
24 then, but I'm offering that in support of Vice Chair
25 Barnett's thing. Certainly it's something that it would be

1 motherhood and apple pie to want to encourage, but I don't
2 know how practical it is in the current environment, so I'm
3 asking Staff if they have any knowledge of that?

4 JENNIFER ARMER: Yes, thank you, Chair. We don't
5 currently have facilities in Town for that, but I will pass
6 it off to WooJae Kim to add more. It looks like he's turned
7 on his camera.

8 CHAIR HANSSEN: Thank you, Mr. Kim.

9 WOOJAE KIM: This is WooJae Kim, Town Engineer
10 again.

11 Yes, for Town facilities, we don't have such
12 infrastructure set up, but we could definitely look into it
13 further. The waste water for landscaping, the way I read
14 this policy is that for both private and public to
15 investigate a separate piping system that could be used for
16 landscaping, and there are certain gray waters that you
17 could re-pipe so that it could be used for landscaping, and
18 that's how I'm reading it.

19 It is something, as Vice Chair Barnett has spoke,
20 to investigate the feasibility of waste water and
21 encouraging such improvements, and that could definitely be
22 done for private developments, and maybe they choose to do
23 that for water conservation and so forth, so yes, there are
24
25

1 possibilities out there, but definitely adding the term
2 "encourage" might make some sense.

3 CHAIR HANSSEN: All right, thank you for that.
4 Director Paulson, you have your hand up, and then I'll go
5 to the Commissioners.

6 JOEL PAULSON: Thank you. Just to step back, this
7 is a public comment to add a new policy to this effect.

8 I'll just draw the attention of the Commission to
9 the Implementation Program UU and DV, which are water reuse
10 and rainwater. UU is, "Develop an ordinance and guidelines
11 to provide for the installation of gray water reuse in
12 residential and business uses, particularly for landscape
13 irrigation," so there is a program to look into that.

14 Then rainwater is, "Implement rainwater
15 harvesting in municipal facilities throughout Town and
16 encourage residents and businesses to use rain barrels or
17 other rainwater reuse systems and offer incentives where
18 possible."
19

20 CHAIR HANSSEN: I think that helps a lot, because
21 I think that the general policy and direction in the plan
22 is clear, and then with those implementation programs that
23 add some more definition to how we would do it, but we'll
24 see what others think.
25

1 Let's see, I thought Vice Chair Barnett was right
2 after Staff, and then Commissioner Clark, Commissioner
3 Raspe, and Commissioner Thomas. And we're talking about the
4 entirety of 106 through 116.

5 VICE CHAIR BARNETT: I didn't mean to have my
6 hand up. I'm sorry.

7 CHAIR HANSSEN: All right, then I'll go to
8 Commissioner Clark.

9 COMMISSIONER CLARK: Thank you. I'll just say
10 some of the ones that I am interested in. I was good with
11 106, 107, 108, and 110, and then I am particularly
12 passionate about 113 and 116.

13
14 I thought that those should both definitely be
15 included, especially 116. There were so many public
16 comments about the plant-based eating education program,
17 and so it's nice to finally be able to discuss that after
18 all of those comments. I think that conducting a wildlife
19 corridor study would be really good thing and that is
20 something that I've been hearing more and more about, and
21 if we're going to being doing anything about that, it's
22 probably important to understand where our Town is with
23 those at the moment.

24 CHAIR HANSSEN: I'm going to ask you a question
25 back on 113, since Commissioner Janoff and I were on the

1 Commission when we did the Fence Ordinance. Here's what we
2 kind of came up when we did the Fence Ordinance. We had two
3 groups of people. We had the land advocates and the
4 environment, and all comments were very much appreciated.
5 And then we had the land owners, and the land owners were
6 saying things like, "Well, I spent \$3 million dollars on my
7 home, and it's my home, and I don't want deer laying
8 underneath my kids' swing set, because they have fleas and
9 ticks, and I should be able to have a fence to prevent them
10 from being in my yard."

11
12 So my first reaction when I read this is I
13 remembered that, and I wrote down the comment, "We can do
14 this, but what would the outcome of it be?" Supposing that
15 the outcome was peoples' homes that were already built and
16 fences that were already built were impeding wildlife, what
17 would we ask them to do? Tear it out? That was my reaction
18 to that, so my reaction would be to not do that, but I
19 would like to hear what other Commissioners think, so I'll
20 just throw that out there.

21 So you've basically said you had several that you
22 wanted to include, and including 113 and 116.

23 COMMISSIONER CLARK: Yeah, and I think for 113,
24 that's really good context to have, so thank you for that.

25 I don't think that that's actually how I was thinking about

1 the corridors, and so maybe if we did choose to incorporate
2 113, like if we do feel that that's still a direction that
3 things are going, it could be a study that takes into
4 account the views and interests of land owners, because
5 that could actually be a way to find a solution to that
6 problem.

7 CHAIR HANSSEN: As long as it went both ways, so
8 that's an idea about how to do that. Let's see, I think it
9 was Commissioner Raspe, then Commissioner Thomas, then
10 Commissioner Janoff.

11 COMMISSIONER RASPE: Thank you, Chair. Starting
12 with 113, Chair, you've stolen my thunder. Those were
13 exactly my thoughts. My concern with this one is we've
14 created a policy that is going to apparently study
15 structures that are already infringing on habitats. If we
16 create a policy, we then have to create a remedy in the
17 event of infringement, or is it going to be enough for us
18 to say yes, the structure is infringing and we're content
19 to leave (inaudible). It seems to me a difficult discussion
20 to have, and I'm afraid I don't have an answer for it, but
21 I just spotted the same issue that I think you did.

22 I also support Commissioner Clark. The 116, I
23 think this was if not the leading public comment, the
24 second most leading comment about having the plant-based
25

1 diet initiative in our programs. My only question is it's
2 currently phrased as in implementation program. I don't
3 recall how it was presented to us. Was it in different
4 formats? I see Staff nodding, so I think it was as an
5 implementation program then?

6 JENNIFER ARMER: I can provide clarification that
7 the GPAC did accept language from them for inserting into
8 some policies, and so as a result of that they said in
9 addition we also want an implementation program, and that's
10 what this is.

11 COMMISSIONER RASPE: Thank you, I appreciate
12 that, Ms. Armer. So then I'm fine with 116.

13 As long as I have the microphone for one second,
14 given Director Paulson's comments, I think we don't need
15 112. Although I'm in favor of wastewater recycling, it
16 sounds like we have that already kind of under the umbrella
17 of what we've got existing.

18 Then the only other thing I would add, I would
19 include 107. Thank you a bunch.

20 CHAIR HANSSEN: That was already mentioned by
21 Commissioner Clark, I believe. All right, let's see.
22 Director Paulson, you had your hand up, so before I go to
23 any other Commissioners, I wanted to let you comment.
24
25

1 JOEL PAULSON: Thank you, Chair. Just wanted to
2 add a little more information regarding 113. That probably
3 would not be a good policy. We do have an Implementation
4 Program M, which is Movement Corridor Plan, which does look
5 at that potential for linkages for wildlife, so I think
6 that would be covered sufficiently in that, should the
7 Commission agree.

8 CHAIR HANSSEN: So what you're saying is that we
9 do have an implementation program that sort of gets at
10 that. I also had that thought about 113, which is that if
11 we were to go in that direction I would want it to be
12 important without too much structure to it until it had
13 more discussion, because we want to avoid unintended
14 consequences.

15 Commissioner Thomas, and then Commissioner
16 Janoff, and then I'll go back to Commissioner Raspe.

17 COMMISSIONER THOMAS: I agree that numbers 112
18 and 113 are really covered in implementation programs, but
19 I did have a couple of questions about that.

20 With regard to number 113 and Implementation
21 Program M, do we need to add to the implementation program
22 not just standards and ordinances designed to conserve
23 these movement corridors, but should we also be looking
24 into possibilities of building infrastructure that can link
25

1 corridors? Because I think that, from my experience and
2 understanding, we've already disrupted the corridors, so at
3 this point moving forward if we really want to achieve
4 protecting our local biodiversity and ecosystems we need to
5 relink corridors that we've disrupted, for example,
6 over/under Highway 17. I know that's a huge project and
7 it's not something necessarily that the Town would be able
8 to just like willy-nilly decide to do and pay for, but I do
9 know that there is grant money and funding out there for
10 that, so could we possibly add to Implementation Program M
11 looking into that possibility instead of just putting
12 ordinances in? I think it's more about reestablishing
13 corridors versus stopping the disruption of them moving
14 forward.

16 Then I do feel like we've totally covered 112,
17 except I did have a question also for Staff about that one.
18 When we say develop an ordinance and guidelines to provide
19 the installation of gray water reuse in residential and
20 business uses, does that also include looking into building
21 the actual infrastructure to residential neighborhoods?

22 I know that, for example, my school right now,
23 we're building a new building. We tore down an old building
24 and are building a new building in the City of Mountain
25 View, and the City of Mountain View requires gray water

1 installation even though our school doesn't have the
2 infrastructure to do that through the City, but it's part
3 of their long-term plans, so they're requiring all new
4 development and redevelopment to include a gray water
5 system, like purple pipes. Is that what this is covering?
6 Is UU covering that where we would develop ordinances that
7 would require the installation of a purple pipe system so
8 that then in the future if there is a possibility we can
9 actually hook up everyone?
10

11 CHAIR HANSSEN: So you had some questions you
12 want Staff to answer about 112, and 113 as well as far as
13 what more structure to have the implementation program
14 would (inaudible).

15 COMMISSIONER THOMAS: Yes. We need to add
16 something related to the Town actually investigating the
17 infrastructure part. Okay, thank you.

18 CHAIR HANSSEN: Mr. Kim has his camera on, so I
19 would go ahead and ask him. I'm sorry, Ms. Armer.

20 JENNIFER ARMER: I wanted to start off by
21 pointing out a couple of policies that are already in the
22 Public Facilities and Services Element. PFS-1.5 says,
23 "Encourage the use of recycled and reclaimed water," and
24 PFS-1.6 says, "Ensure proper provisions and conditions are
25 in place for the use of recycled water in areas when this

1 water becomes available." Since that's in the Public
2 Facilities section of that element, that may help support
3 that, but WooJae Kim has something more to add. I'll pass
4 it off to him.

5 CHAIR HANSSEN: Go ahead, Mr. Kim.

6 WOOJAE KIM: Yes, I think there are two sides.
7 There could be a Town-wide network of purple pipe system
8 that could be considered, but from my understanding at
9 least a couple of years back there wasn't a sufficient
10 amount of recycled or reclaimed water to be distributed, so
11 I might have to check back to see what the availability of
12 that type of water system is. And obviously there is all
13 that piping system that needs to be installed as well, but
14 I think a lot of the policies being discussed here is like
15 at the point source, kind of putting the pipe system as
16 needed to divert... It's still wastewater, but maybe from the
17 kitchen sink and so forth. There could be systems
18 investigated for that and checking on the feasibility,
19 working with the Building Department, so there are two
20 different sides to approach this issue, but we could
21 investigate it both ways.

22 CHAIR HANSSEN: Thank you for that, and I'm going
23 to ask Staff for some clarification on Commissioner Thomas'
24 question about an implementation program that was about the
25

1 wildlife corridors. Most of the implementation programs I
2 remember us putting in, and I don't have that page open to
3 me right now in my General Plan draft, the purpose of the
4 implementation program was kind of to explore the options,
5 and so I'm going to ask Staff if there is anything
6 preventing us from looking at more than one way to attack
7 the problem in the implementation program?

8 JOEL PAULSON: Thank you, Chair. I'll start. The
9 short answer is no. I think before we would develop any
10 ordinances or standards we would want to do a wildlife
11 movement corridor plan, and then that would have
12 recommendations, which would touch on all of the various
13 options that could be done. I know down in Southern
14 California they just are kicking off a big program, and
15 then there is some Highway 17 stuff that's been in the
16 works, and some of it may even be completed. So those are
17 all things that would come out of that, and the plan may
18 lead to further ordinances and standards related to private
19 development and/or public projects.

20 Similarly, from a purple pipe reuse, I think
21 Engineer Kim spoke about it. I think a lot of it is kind of
22 site specific where you're reusing your own water. The most
23 public infrastructure with public pipe and things like
24 that, those would be significant Capital Improvement
25

1 Program projects, whether or not that's the Town or whether
2 that is another organization, or the Town in concert with
3 another organization, those would be things that would be
4 considered a little farther down the road.

5 CHAIR HANSSEN: So my interpretation of that is
6 that Implementation Program M is predecessor to what
7 Commissioner Thomas was asking for, and an outcome of that
8 study might be recommendations including having an
9 ordinance.

10 JOEL PAULSON: We could do some simple
11 modification to M and just conduct a wildlife corridor
12 study and then it goes on to say the rest of it, and to
13 continue to support wildlife movement and things like that.
14 I think that's a simple modification so that it's more
15 explicit that that study would happen first, and then we
16 would get into the standards and ordinances.

17 CHAIR HANSSEN: Ms. Armer, did you have something
18 else you wanted to say on that?

19 JENNIFER ARMER: I was just going to add the
20 thought that when we do look at the language and it's
21 talking about conserving these movement corridors, I think
22 if we get into more detailed discussions of that one of the
23 components of conserving them is making sure that they are
24 connected in a way that they're actually usable for the
25

1 wildlife that is using them. I think that is integral to
2 that kind of discussion regardless of whether we add
3 additional language, but a few additional words there, or
4 adding, as Director Paulson suggested, a suggestion that a
5 wildlife corridor study might be the first step in that. I
6 think any of those could work just fine.

7
8 CHAIR HANSSEN: Thank you for that. I'm going to
9 go back to Commissioner Thomas, since she had asked the
10 question, and see where you're at, and then Commissioner
11 Janoff, Commissioner Clark, and Vice Chair Barnett.

12 COMMISSIONER THOMAS: Thank you for clarifying
13 all of my questions, especially about the Implementation
14 Program M, because how I was interpreting it was more
15 restricted, so I'm glad that Staff and the Town would be
16 interpreting it as like including possible buildings and
17 infrastructure, etc. So I do think that that means that 113
18 is covered.

19 I also do strongly support 116, as everyone has
20 discussed.

21 I also would just want to say that I support 107
22 and 108, unless there's anything that the Town Engineer
23 actually has to say about 108, but I think that including
24 ground water is good, because ground water is an important
25 resource in our community, in 107.

1 In 108, I know Director Paulson knows this,
2 because I have been asking him. I'm trying to redo my
3 driveway and I originally wanted to do gravel, because it
4 is a permeable surface and allows for recharging, as
5 opposed to concrete, and it's not allowed in Town, so I'm
6 not doing gravel, but I was just wondering if this could
7 cause some conflict with our current ordinances related to
8 surfaces that we can use for things like driveways?
9

10 CHAIR HANSSSEN: I think that's a good question to
11 ask Staff, so if you could comment on that one, and then
12 we'll go onto the other Commissioners.

13 JOEL PAULSON: Thank you. As Commissioner Thomas
14 mentioned, that's correct, we don't allow folks to just
15 have gravel driveways. It becomes a maintenance issue as
16 people track that stuff into the public right-of-way. There
17 are other alternatives. People in the past have used
18 grasscrete. There are the Hollywood ribbon strips that you
19 see in some places where you have a smaller impervious
20 surface, and then you have some other areas where that can
21 infiltrate. The challenge is really in the installation. A
22 lot of folks use impervious pavers, but unfortunately they
23 compact the subsurface so much they really might as well be
24 concrete, so a lot of that is really the installation
25 aspect.

1 But ultimately, if there are conflicts, the
2 General Plan is going to require a lot of modifications to
3 the Zoning Code and potentially other policy and standard
4 documents, and so those will be things that we can revisit
5 moving forward. There may be newer techniques that might
6 allow for some other impervious surface. We would just need
7 to investigate that further following, so I wouldn't be too
8 concerned about putting us in a position where we're going
9 to have a conflict with the Zoning Code. We're going to
10 have to evaluate a number of things and that can just be
11 added to the list.

13 CHAIR HANSSEN: That sounds good. Commissioner
14 Janoff.

15 COMMISSIONER JANOFF: I'm prepared to make a
16 motion based on the discussion so far, but will defer if
17 Commissioner Clark and Vice Chair Barnett have other
18 clarifying comments.

19 CHAIR HANSSEN: Why don't I ask them to add any
20 more comments they have, and then I'll go back to you for a
21 motion? Vice Chair Barnett, and then Commissioner Clark.

22 VICE CHAIR BARNETT: I certainly support 116, but
23 my only concern is what does it mean that we'll have an
24 educational program for implementation? And without
25 overburdening the matter I thought we might consider some

1 language to trap what we really mean by that, and I could
2 suggest something like periodic speakers, classes, and
3 materials. Otherwise, I'm not sure what we're committing
4 ourselves to.

5 CHAIR HANSEN: I think that's certainly a
6 reasonable suggestion. I'm going to make a comment on the
7 plant-based eating thing before I go on to the other
8 Commissioners.

9 I certainly think it's a great idea to add this
10 implementation program, but I'm going to go back to the
11 comment that I made to the advocates that brought this up,
12 which is that we have more than a hundred implementation
13 programs in the General Plan and we don't have a process,
14 and the GPAC actually decided not to have a process,
15 because we felt that this is really the domain of the Town
16 Council in terms of allocating resources towards programs
17 in the General Plan, and so it doesn't mean it's
18 necessarily going to happen is what I'm going to say, but I
19 have no problem at all putting that in there. I just wanted
20 to make sure that everybody understood that it's going to
21 become one of well over a hundred implementation programs,
22 and then they'll have to get prioritized to get it done,
23 and if it helps to make it clear about what it might be
24
25

1 when it happens, then I'm fine with adding what the Vice
2 Chair recommended.

3 I'll go to Commissioner Clark.

4 COMMISSIONER CLARK: Thank you. A couple of
5 things.

6 First just back on Implementation Program M, I
7 think I would like to add just some sort of phrase about
8 also connecting fragmented habitats, because that is
9 different from preserving the ones that exist. I minored in
10 environmental science, so I studied that to some degree and
11 I think that would be worth including, just to clarify
12 that.
13

14 Then I am really sorry that I didn't remember to
15 bring this up before, but in the document I shared with you
16 all with some of my recommended changes I had a couple for
17 this section, and they were on 8.17 and they're related to
18 clarifying the accuracy of the history with colonization
19 and the Ohlone and everything, and then also just more
20 including like them in the process of this. So I don't know
21 if you want to pull up the wording or if you had a chance
22 to look at the changes or anything, but I realized I should
23 bring that up.
24

25 CHAIR HANSSEN: Thank you for reminding us of
that. Rather than having people have to dig out that, could

1 you maybe read what your proposed changes were to us from
2 the comments that you submitted in writing? I apologize for
3 making you do that, only that I was like having six people
4 go dig through it when... I have a lot of paper here.

5 COMMISSIONER CLARK: Yeah, I have a horrifying
6 amount of paper in front of me, so that's very
7 understandable.

8 So for ENV-13.8, Increase Historical and Cultural
9 Awareness, it says, "Support a community sense of
10 stewardship for historic and cultural resources both
11 through supporting talks, tours, and other programs that
12 increase awareness and promote Los Gatos as a destination
13 with historic cultural resources," and I want to add on,
14 "and through including Ohlone people in the conversation
15 and planning," because I feel like if we're going to talk
16 about our cultural resources, we should be sure to include
17 the origins of that culture.

18 Then there is A-17, 8.8, Tribal Cultural
19 Resources, and says, "Before outside contact, Ohlone lived
20 in base camps," but I think it should say, "Before
21 colonization." Then further down it says, "The Ohlone group
22 were brought into the mission system," and I think it
23 should say, "forced into the mission system." I just felt
24 like a lot of the language was too gentle around what
25

1 actually happened. Then later in the paragraph it says,
2 "The Ohlone population dwindled," and I think it should say
3 it was "decimated." And then it says, "In 1973, the
4 population of people with Ohlone descent was estimated at
5 fewer than 300," and I wanted to add, "after what is widely
6 cited as a genocide." Then the last sentence says, "The
7 descendants of the Ohlone united in 1971 and have since
8 arranged political and cultural organizations to revitalize
9 aspects of their culture," and I wanted to alter that to
10 say, "and cultural organizations to revitalize, maintain,
11 and pass on their culture."
12

13 A lot of these changes came from a meeting that I
14 recently had with the Chairwoman of the Tamien Nation, and
15 so I do want to just clarify that that was largely what led
16 me to these changes and that...yeah, pretty much that I had
17 that conversation.

18 CHAIR HANSSEN: Before I go to Commissioner
19 Thomas, let me ask Commissioner Janoff, did you have any
20 comments on what Commissioner Clark just brought up, or was
21 this related to your motion? Then I would know whether to
22 ask Commissioner Thomas.

23 COMMISSIONER JANOFF: My only comment with regard
24 to Commissioner Clark's recommendations is that I would
25 agree, and they're coming from a place of historical truth

1 and specific knowledge. I think the more we can create an
2 accurate document, the better it will stand. We've been
3 really striving for racial justice, and if that goes
4 forward then it also goes back in history, so that I think
5 that those are good adds, and presuming that would be
6 approved by the Commission, I would only recommend that the
7 changes between Planning Commission's recommendation to
8 Town Council and Town Council actually having something,
9 that those individuals that Commissioner Clark mentioned as
10 having some expertise would be consulted and just give a
11 stamp of approval on the changes that are recommended. But
12 I wouldn't shy away from a distasteful history; that's ours
13 to own.
14

15 CHAIR HANSSEN: All right, thank you for that.
16 Commissioner Thomas.

17 COMMISSIONER THOMAS: I agree with all those
18 changes, and thank you, Commissioner Clark, for bringing
19 them up, because I do think that when I read them I feel
20 like the same, and so I do agree with Commissioner Janoff
21 that we should own them. So I guess Commissioner Janoff was
22 going to make a motion.
23

24 CHAIR HANSSEN: I'll go back to Commissioner
25 Janoff. Would you like to make a motion on 106 through 116
as well as Commissioner Clark's suggested additions to page

1 8-17? I think they were all on page 8-17, or maybe 8-16 as
2 well.

3 Hold on, Commissioner Thomas had wanted to say
4 one more thing.

5 COMMISSIONER THOMAS: I'm so sorry, I was going
6 to say that based on Vice Chair Barnett's comments, I do
7 think that the implementation program for the plant-based
8 education, the beginning should be changed to "Develop and
9 implement a plan to educate and support," instead of just,
10 "Implement programs to educate," because I think that that
11 encompasses like we need to do a little research. What's
12 going to be effective? What are we capable of doing? And
13 then implement it. So that was just going to be my
14 suggestion with regard to that. It might actually happen, I
15 don't know.

17 CHAIR HANSSEN: Before you make your motion,
18 Commissioner Janoff, I also wanted to make one comment
19 about 116 in addition to what I already said, which is I
20 like Vice Chair Barnett's suggestion about giving examples
21 of what kind of programs. I also wondered if, when I looked
22 at some of the other implementation programs we had, the
23 latter part of the sentence about the benefits and listing
24 what all the benefits are, I'm not sure if the goal is to
25 implement a program that listing what all the benefits are

1 in the implementation program itself is going to be that
2 helpful to creating it. I think it would be more helpful to
3 delineate what kinds of things might go into a plant-based
4 education program, and then clearly in the education
5 program itself all those benefits are going to be
6 articulated versus saying it all in that sentence, but that
7 was just me.

8 Let's see, Commissioner Thomas, you wanted to
9 respond, and then Commissioner Clark had something to say,
10 and then we'll go back to Commissioner Janoff.

11 COMMISSIONER THOMAS: I agree that it is very
12 lengthy and I think that we can just simplify it by
13 changing it to say, "The environmental, social, and
14 economic benefits of shifting to a plant-based diet." Those
15 are like the three underlying components of sustainability,
16 and so I think that that incorporates the message and the
17 importance, but it simplifies things a little bit and is
18 more direct, so again, "environmental, economic, and social
19 benefits."

20 CHAIR HANSSEN: I like that, and then I'm
21 assuming you agree also with what Vice Chair Barnett
22 suggested, which is examples which would include blah,
23 blah, blah. It wouldn't be comprehensive, but it would give
24 some structure to what might happen.

1 COMMISSIONER THOMAS: That is more helpful than
2 defining the benefits in here.

3 CHAIR HANSSEN: Very good. Commissioner Clark.

4 COMMISSIONER CLARK: Thank you. Yes, for 116 I
5 completely agree with saying, "environmental, social, and
6 economic benefits." In the same way maybe it even allows
7 for more benefits to be included, and I just wanted to
8 remind everyone, you might recall from public comment at
9 our last meeting the folks advocating for the plant-based
10 diet told us that they have a really big document that is a
11 very comprehensive example of what this could look like,
12 and so it might be just good to direct Staff or Council to
13 connect with them between this to see what examples they
14 might want to include, but given that they were the ones
15 advocating for this and creating all of that, I would trust
16 their judgment for what examples they might want to include
17 in the implementation program.

18
19 CHAIR HANSSEN: In fact, in the comments for this
20 meeting there was quite extensive examples of things that
21 they wanted to include, so yes, I think that makes a lot of
22 sense.

23 Okay, Commissioner Janoff.

24
25 COMMISSIONER JANOFF: The motion is to
incorporate the changes for number 106, 107, 108, 110, and

1 116, with the caveat that we have a tremendous amount of
2 information coming from the Plant-Based Advocates that
3 Staff should use to modify any policies or implementation
4 programs that would identify, and yes, to include the
5 develop and implement language that Vice Chair Barnett is
6 recommending.

7 One thing I'd like to also acknowledge with this,
8 and part of the comments that Commissioner Thomas made
9 regarding the three legs that the plant-based diet stands
10 on, we'll be talking later about adding to the greenhouse
11 gas emissions problem, and this is advocating for a plant-
12 based diet to help ameliorate the greenhouse gas. It's a
13 good balance if we have those things that create more and
14 those that lessen it. I think it's a really smart thing for
15 us to include this and to emphasize to Council it may be
16 that there are a hundred or more implementation programs,
17 but this one happens to rise pretty high up for me and I
18 think the depth of information that the Plant-Based
19 Advocates have provided us, particularly in the most recent
20 Staff Report, are very interesting and compelling, so I
21 would definitely want to do that.

22 The motion also includes the changes that
23 Commissioner Clark has recommended, and as we said before,
24 to seek guidance or validation from the experts who could
25

1 create the language that would really resonate for the Town
2 and for tribal representatives.

3 CHAIR HANSSEN: Just a clarifying question on
4 your motion as far a Implementation Program M, the
5 additional clarification that was suggested by Commissioner
6 Clark and as well as I think Commissioner Thomas.

7 COMMISSIONER JANOFF: I think that's fine that
8 the implementation program as written does call out
9 linkages, so that the notion of that is in there, but if
10 it's the case that conserve doesn't really cover
11 everything, then examining linkages or recreating linkages,
12 clarifying that language does make sense. It makes it more
13 complete.

14 CHAIR HANSSEN: So that is Commissioner Janoff's
15 motion, and is there a second? Commissioner Clark.

16 COMMISSIONER CLARK: I second, and I'd like to
17 echo that consulting the Ohlone is a great thing to add,
18 and then also emphasis on 116 as priority when they're
19 actually sorting out the implementation programs.

20 CHAIR HANSSEN: When we first had the
21 Sustainability Plan that was introduced in 2012 there was a
22 quest to identify low hanging fruit, so I think what I'm
23 hearing is this would a low hanging fruit to help reduce
24
25

1 greenhouse gases, so we would hope that it would be sooner
2 rather than later.

3 All right, so then we have a motion and a second,
4 so I will start with Commissioner Thomas.

5 COMMISSIONER THOMAS: Yes.

6 CHAIR HANSSEN: And Commissioner Raspe.

7 COMMISSIONER RASPE: Yes.

8 CHAIR HANSSEN: Commissioner Janoff.

9 COMMISSIONER JANOFF: Yes.
10

11 CHAIR HANSSEN: Commissioner Clark.

12 COMMISSIONER CLARK: Yes.

13 CHAIR HANSSEN: Vice Chair Barnett.

14 VICE CHAIR BARNETT: Yes.

15 CHAIR HANSSEN: And I vote yes as well.

16 So that was a lot of suggestions for
17 environmental sustainability and a very robust discussion.
18 Let's go ahead and tackle the Hazards and Safety Element,
19 because there are only three suggested changes, and then
20 I'm going to suggest that we take a ten-minute break before
21 we tackle Land Use.

22 Before I go into Hazards and Safety, I did want
23 to ask a clarifying question of Staff. We kind of talked
24 about this a week or two ago, but on the additional
25 actions, suggestions, and public comments, since some of

1 those are really what I would perceive more as Town Council
2 decisions, I wasn't going to cover them, but I'm looking
3 for Staff's recommendation.

4 JOEL PAULSON: Thank you, Chair. I think if
5 Commissioners have specific comments on any of those, I
6 believe, four topics, I think it's appropriate to put that
7 in the record so the Council has the information as they're
8 reviewing these items.

9 CHAIR HANSSSEN: That sounds like a good way to
10 handle it, so we will at least ask if you want to comment
11 on any of the items that are suggested in 120 through 123?

12 Let's go to the Hazards and Safety Element. There
13 are only three suggested comments, of which 118 is not
14 recommended by Staff, because it's covered in other Town
15 policies and we don't want to be having things be
16 inconsistent in the General Plan versus other policies. So
17 how do Commissioners feel about 117 and 119?

18 Vice Chair Janoff, and then Commissioner Clark.

19 COMMISSIONER JANOFF: My thinking around 117 is
20 that we've had County Fire input on our language. If they
21 feel it's important to include emphasis on Wildland Urban
22 Interface, this is really outside of my area of expertise,
23 except I happen to live in a WUI environment, so it's not
24
25

1 so far out of my expertise, but whether we need this kind
2 of detail isn't clear to me and I defer to County Fire.

3 Number 118 is not recommended.

4 Then 119 looks like a technical clarification,
5 and I would say that's probably a good clarification to
6 include.

7 CHAIR HANSSEN: Can I ask Staff a clarifying
8 question? Do we know where comment 117 came from? It did
9 not come from CAL FIRE per se. It sounds like it came from
10 a resident or another comment based on stuff they had read
11 from CAL FIRE, is that correct?

12 JENNIFER ARMER: Unfortunately, I don't remember
13 exactly where that one did come from, but the recommended
14 changes from CAL FIRE were those changes at the beginning
15 of this exhibit, so this was not part of what was
16 recommended as part of their review. Also, we did have
17 Santa Clara County Fire taking a look at the relevant
18 sections of this document, so it would have been from a
19 public comment that we received, but I don't have it front
20 of me where exactly that one came from. It looks like
21 Director Paulson may be looking to see what he can find,
22 but he's shaking his head, so I don't think we've got a
23 direct link to whom that came from.
24
25

1 CHAIR HANSSEN: It also doesn't read like a
2 comment that would have come from CAL FIRE. I don't think I
3 can explain why that is, but just looking at their other
4 comments, it looked like others wrote it.

5 Let's see, Commissioner Clark and then
6 Commissioner Thomas.

7 COMMISSIONER CLARK: Thank you. So for 117, I
8 didn't really when reading it know how important that was
9 or how accurate, and so I feel like I would defer to the
10 experts. So I think if we don't know where it came from, it
11 might be worth just saying like, "Subject to the approval
12 of CAL FIRE," or if the Fire Department already read over
13 it and hadn't seen any problems with the General Plan,
14 maybe we do just leave it out.

15
16 Number 118, obviously no.

17 Then for 119, reading the Section 9.4 I wasn't
18 sure exactly where this would go or anything, but I agree
19 with what Commissioner Janoff said, that this seems like a
20 technical clarification, and so I would be in favor of that
21 one.

22 CHAIR HANSSEN: That sounds good. Ms. Armer had
23 her hand up, so before I go to Commissioner Thomas, Ms.
24 Armer.
25

1 JENNIFER ARMER: Thank you. I was able to locate
2 where that comment came from. It was a comment made in a
3 Midpeninsula Regional Open Space letter. If you're looking
4 at your packet from the meeting of the 13th, it is on page
5 319 of that packet, and it is revised language that they
6 were recommending.

7 CHAIR HANSSEN: So Midpen Open Space in my mind
8 would be a reasonably credible source, so there are a
9 couple of ways that we could go with this from my point of
10 view and those would be as suggested. Maybe run it past CAL
11 FIRE and see if they think that was a good add. I don't
12 know how much trouble that would be. Or we could just
13 accept it. Or we could just say that there is enough in
14 there and it wouldn't change things and the policies that
15 much. So those are the three options I see.

17 Commissioner Thomas.

18 COMMISSIONER THOMAS: This is really two comments
19 in mind.

20 The first one I feel less strongly about
21 including because I did not actually look up if the
22 statistic is true, although we know that fires in the WUI
23 are more of a hazard for humans, but the second part of the
24 comment is like a totally separate issue and I do think
25 that requires clarification.

1 It says that, "High fire hazard severity zone
2 does not describe the risk of a fire start, but rather
3 describes the potential impacts to natural ecosystems known
4 as fire severity." So like the fire ignition triangle is
5 what determines if the fire is going to start, and then CAL
6 FIRE has the fire hazard severity zones that are based on
7 the severity, which is how damaging it is based on the
8 intensity, so I do think that we should make sure that that
9 is all clarified in the description.
10

11 I noticed with some of the other comments, I
12 don't know if CAL FIRE and Santa Clara Valley Water and all
13 these other groups that look at our document specifically
14 look at a lot of our descriptions more of the introduction
15 pieces, or if they just look more specifically at the
16 policies and implementation programs, so I'm just saying
17 that that's maybe why 117 might have been missed, but I'm
18 not entirely sure.

19 So I think that there's two parts of this and I
20 don't really have opinions on the first part, but the
21 second part should be clarified.

22 CHAIR HANSSEN: Clarified as to the validity?

23 COMMISSIONER THOMAS: The second part, it just
24 says, "It's also important to note that a high fire hazard
25 severity zone does not describe the risk of a fire start,"

1 and then it says that somewhere in the introduction, which
2 is not true. The fire severity zone maps indicate the
3 severity of the fire, like how damaging it's going to be,
4 not the likelihood of a fire starting. There is some
5 discrepancy in the wordings and someone needs to comb
6 through it and make sure that that gets clarified.

7 CHAIR HANSSEN: Got it. All right, Commissioner
8 Raspe.

9 COMMISSIONER RASPE: Thank you, Chair. I don't
10 see any other hands raised, and so my sense of this Hazard
11 and Safety Element is that we're all in agreement that 118
12 should not be recommended, 119 should be recommended, and
13 perhaps 117 should be recommended subject to review and
14 appropriate modification by CAL FIRE, and if my Commission
15 members agree with that, I'd be happy to make a motion in
16 that respect.

17 CHAIR HANSSEN: I think that sounds fine, and
18 that sounds like a motion, so I'll take that as a motion
19 and see if there's a second.

20 Vice Chair Barnett.

21 VICE CHAIR BARNETT: I'll second the motion.

22 CHAIR HANSSEN: Thank you for that. Any other
23 discussion before we vote? I'll go with Commissioner
24 Thomas.

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COMMISSIONER THOMAS: Yes.

CHAIR HANSSEN: Commissioner Raspe.

COMMISSIONER RASPE: Yes.

CHAIR HANSSEN: Commissioner Janoff.

COMMISSIONER JANOFF: Yes.

CHAIR HANSSEN: Commissioner Clark.

COMMISSIONER CLARK: Yes.

CHAIR HANSSEN: Vice Chair Barnett.

VICE CHAIR BARNETT: Yes.

CHAIR HANSSEN: And I vote yes as well.

Okay, that covers the Hazards and Safety Element, and I'm going to take a stab at talking about 122 through 123, hoping that it's not going to be a super long discussion, but if it does turn out that way, then we might have to take a break.

There were additional suggestions, and you've all seen them in the public comments, and they're more generically about the timing of the General Plan, the first one being a vote or poll of residents on the proposed changes in the General Plan; the second one being requesting an exception to the RHNA requirement, which comment from Staff was the deadline has passed; and the third comment updating the Housing Element within the same timeline as General Plan use and Community Design Element,

1 which would mean delaying the approval of this document
2 until the Housing Element was complete; and the fourth one
3 is conducting a fiscal analysis relative to the fiscal
4 impacts of the full build-out of the 2040 General Plan, in
5 which the Town Council actually voted on this at their
6 April 5th meeting and decided against it.

7 So are there any comments that Commissioners
8 would like to make on these in terms of direction that we'd
9 like to give to Town Council?
10

11 I think Commissioner Raspe was first, and then
12 Commissioner Thomas, and then Vice Chair Barnett.

13 COMMISSIONER RASPE: Thanks, Chair. Only with
14 respect to one, that's 122, the Housing Element and the
15 timing of it with respect to the General Plan generally.
16 Currently the posture that we find ourselves in is we are
17 moving forward with the General Plan before our Housing
18 Element is complete, and I know several commentators raised
19 that as an issue and I thought maybe it might be useful if
20 we could have Staff discuss that a little bit, maybe how
21 common is that in this process? Is it something that we see
22 as part of the General Plan process? Is this an anomaly,
23 and how is it impacting the rest of our housing discussion?
24 Maybe some discussion of that would help ally some of those
25 concerns. Thank you, Chair.

1 CHAIR HANSSEN: I think that's a great way to go
2 at it, and I've already heard Staff's comments on this, but
3 I think it's beneficial for the public to hear as well from
4 Staff.

5 JENNIFER ARMER: Thank you, Commissioner Raspe, I
6 think that's a great opportunity for us to share a little
7 bit of context with these questions.

8 I'm going to start by pointing out that a lot of
9 these comments are concerned about one particular component
10 of one of the elements of the General Plan. A lot of these
11 are focused really on the potential development based on
12 the housing densities and other development regulations
13 that are included in the Land Use Element.

14 As we've seen already in the multiple hours of
15 discussion that the Planning Commission has already had
16 going through the General Plan, there are a lot of elements
17 to this document, a lot of topics covered, and so we would
18 strongly recommend that the General Plan continue to move
19 forward with a recommendation from the Planning Commission
20 with modifications as have been discussed so that it can
21 move forward and complete its process.

22 I would say that if those concerns about the
23 housing numbers and moving forward with those changes
24 before the Housing Element process is complete, then there

1 are ways to reduce those, which will be part of our next
2 discussion, to modify those and pull them back, but it
3 doesn't necessarily need to hold back the rest of the
4 process.

5 The next thing that I would share is that the
6 General Plan was started, when we started this process four
7 years ago, with the specific idea that it would actually be
8 fully completed prior to even starting the Housing Element.
9 One of the goals was to make sure that we had regulations
10 in place, and potentially even the required changes to the
11 Zoning Code, before we started on the Housing Element
12 update so that the rules would be in place that the Housing
13 Element could clearly show that it would be possible to
14 allow the construction of housing as required by our RHNA
15 allocation.
16

17 Because of numerous delays for different reasons,
18 the COVID pandemic not the least of those, we're still
19 working through that process, but we still really do want
20 to strongly encourage that this process continue to move
21 forward.

22 Then the last point that I will add, and then I
23 would expect that Director Paulson might have some
24 additional points, is that our Housing Element update is
25 relying on the fact that the environmental impact review

1 for the General Plan gets completed and that the EIR gets
2 certified, because if we do not have that environmental
3 review completed, then the Housing Element actually has the
4 extra burden of doing its own environmental review.

5 So I will pass that off to Director Paulson in
6 case he has any other points he'd like to add to clarify or
7 add context.

8 JOEL PAULSON: Thank you, Ms. Armer. I think you
9 covered all of the points well. Typically we would have a
10 General Plan in place, as Ms. Armer mentioned, and then we
11 would be using that for the Housing Element and relying on
12 the General Plan that's adopted.

13 A lot of the jurisdictions in the Bay Area either
14 have existing General Plans or they were not going through
15 that process, and so what ends up happening in that case is
16 that most of them, as Ms. Armer mentioned, need to do
17 environmental review, and then they end up with a bunch of
18 implementation programs that say okay, we all got far more
19 numbers than we had expected and then we may be able to
20 accommodate by our General Plan, and so then they end up
21 with implementation programs to modify the General Plan.

22 So from a planning perspective and Staff's
23 perspective, having the base of the General Plan that can
24 then inform the Housing Element is appropriate. Ultimately,
25

1 I think the Planning Commission can continue to do their
2 work and forward a recommendation, and then ultimately the
3 Town Council will have those same conversations, and should
4 they choose to go down a different path, then we'll look
5 for other options moving forward from that standpoint.

6 COMMISSIONER RASPE: Thank you, Ms. Armer and Mr.
7 Paulson for your very thorough responses, and also to each
8 of you and all Staff for your amazing efforts on this
9 entire process.

10 CHAIR HANSSEN: I just would add a little bit
11 more since I'm one of the three people from this Commission
12 that sits on the Housing Element Advisory Board, and I was
13 actually on the previous Housing Element Advisory Board as
14 well as the General Plan Update Advisory Committee back
15 2008 to 2010, and one thing that I heard from Staff and
16 that I didn't hear mentioned tonight, but I know they know
17 this and they've talked about it many times, is that it is
18 not expected or common or even typical that you would have
19 the General Plan of any jurisdiction on the same timeline
20 as the Housing Element, because the Housing Element is a
21 fixed thing. It's always an eight-year timeline, and it's
22 not that every jurisdiction in California has the same
23 eight-year timeline; they do not.

1 When we did the previous update of the General
2 Plan, it was from 2010 to 2020, and then we did the Housing
3 Element and we completed that and it's a 2015 to 2023
4 timeframe, so it is already a precedent for our town to do
5 it this way.

6 As a member of the Housing Element Advisory
7 Board, I would say that everything that I've heard in the
8 meetings that we've had with affordable housing developers
9 and whatnot, it's not that we couldn't proceed forward
10 without updating the General Plan, but it would be like
11 doing so with our arm tied behind our back, especially with
12 the expectation from HCD that we have all these (inaudible)
13 in place to make sure that we're successful in making this
14 housing happen, so if we didn't have the densities that we
15 asked for it would be problematic.

17 We even had a proposal in the last year at the
18 CDAC where they were looking at the possible draft
19 densities in the General Plan and they couldn't even get
20 any very good discussion going because the General Plan
21 wasn't approved, and it was for a 41-unit housing complex.

22 So for all those reasons, I totally support
23 everything that Staff said.

24 And Ms. Armer has more to say.
25

1 JENNIFER ARMER: I just had one additional
2 thought that I did want to share in terms of the processes
3 we're going through and these discussions about housing
4 density and housing numbers and the difficulty of having
5 the different types of conversations and how they're
6 interrelated.

7 One of the benefits, I think, to having a General
8 Plan update that's occurring just prior to a Housing
9 Element update is that we did at the beginning of the
10 process have a sense that the RHNA allocation that the
11 Housing Element update would be required to meet would be
12 approximately 2,000 units. We didn't know the exact number,
13 but we had that sense.

14 And so when we were looking at the General Plan
15 town-wide, policy-wide, topic-wide, we were able to keep
16 that in mind, and so rather than going through the process
17 to try and show that the Town had capacity for 2,000 units,
18 in this case 1,993 plus a buffer, just looking at the
19 Housing Element itself we were able to have those
20 discussions with the GPAC looking town-wide, looking
21 strategically on multiple topics in the hope that this
22 whole document would be set up with Vision and Guiding
23 Principles and policies throughout that would support that
24 potential future development in a way that really works for
25

1 the Town, and the vision for the Town, for the next 20
2 years, rather than just the Housing Element topic and the
3 eight year timeline.

4 CHAIR HANSSEN: Thank you for that. Let's see,
5 Vice Chair Barnett, and then Commissioner Thomas, and then
6 Commissioner Janoff.

7 VICE CHAIR BARNETT: Thank you, Chair. Item 123,
8 I'm going to echo what the Chair said that in the Council
9 meeting there was an understanding that the preliminary
10 fiscal report showed that there was going to be negative
11 fiscal consequences of the General Plan, and it seems to be
12 although the Community Alliance has done tremendous work in
13 detailing further work that could be done, the likely
14 bottom line is that the fiscal impact would just be more
15 negative, so I'm of a mind not to conduct a further fiscal
16 impact analysis.

17 CHAIR HANSSEN: Thank you for that comment.

18 We haven't discussed the EIR either, but there
19 were several letters from the Alliance regarding why the
20 EIR wasn't studied to the full possible build-out of every
21 maximum density on every single property in the Town, which
22 would be something in the order of, I believe, 70,000
23 units. We'll talk about that more with the EIR, but that
24 isn't the way that any jurisdiction would do their EIRs.

1 They would be more on a reasonable thing, because it isn't
2 reasonable to think that anyone would build out every
3 single property in town, so that is part of where there is
4 just a difference of opinion about the way to go about
5 this.

6 The Council has already weighed in on this, so
7 all we would be doing is making a recommendation to Council
8 anyway for something they've already just visited.

9 Let's see, Commissioner Thomas, and then
10 Commissioner Janoff.

11 COMMISSIONER THOMAS: I would like to echo what
12 all other Commissioners have mentioned so far, and as a
13 member of the Housing Element Advisory Board, it's been
14 very difficult for us to actually get started on the
15 process without having an updated General Plan, so I think
16 that it is really important for everyone in Town to
17 understand that the Housing Element cycle is on a totally
18 different cycle in number of years, an eight year cycle
19 versus the General Plan is a 20-year document. I think that
20 that is really important for everyone to understand and
21 that what Ms. Armer said about the guess of what our RHNA
22 allocation number was going to be really helped inform the
23 General Plan in a way.
24
25

1 But now as a member of the Housing Element
2 Advisory Board we really need the General Plan to be
3 finalized so we can get to work, and there are serious
4 consequences from the state if we don't get our Housing
5 Element done and certified and turned in, so I don't want
6 us to be responsible for that.

7 So that being said, I do not support any of these
8 suggested actions because of those reasons.

9 CHAIR HANSSSEN: Thank you, Commissioner Thomas.
10 Commissioner Janoff.

11 COMMISSIONER JANOFF: Thank you. I agree with
12 everything that's been said by my fellow commissioners, but
13 I would like to add that one of the provisions of the Draft
14 General Plan is that it be reviewed on a five-year basis,
15 so that means if we go forward in the execution of the
16 Housing Element and we need to make any adjustments to the
17 General Plan, there are provisions for that. So even though
18 the General Plan some may think is casting too far into the
19 future without knowing what that future might look like,
20 these five-year incremental reviews help make sure that
21 we're staying in synch with what is expected of the Town,
22 how we need to plan, and whether any changes to the General
23 Plan need to be made in order to accommodate housing or any
24 other consideration that we may have.
25

1 I'd also like to say the way that I think about
2 the General Plan and the Housing Element is that the
3 General Plan provides a framework within which all of the
4 elements hang and inform how the Town of Los Gatos does
5 business. The Housing Element doesn't stand on its own. The
6 Housing Element can't go forward if we don't have the
7 zoning and the heights and the densities that we are
8 providing in the General Plan.

9
10 It might have been in the past that that was
11 possible because the changes that we might have considered
12 under how much housing we're going to build were much
13 smaller numbers, but we're talking about the numbers that
14 we have now, the 1,993 from RHNA plus buffer. That's a big
15 number and we can't get there with 2020 plan zone, height,
16 and density ordinances; we just can't do it. So we need to
17 have something in place in order for us to reasonably
18 recommend a Housing Element that has a chance of being
19 certified.

20 So I would also say that I'm not in favor of
21 these four actions from the public for all the other
22 reasons that Commissioners have voiced. Thank you.

23 CHAIR HANSSEN: Thank you, Commissioner Janoff. I
24 just wanted to make one little correction to what you said,
25 and maybe I misheard you, but we did approve at our last

1 meeting as an add to the implementation programs to have a
2 five-year review of the Land Use Element, not the entire
3 General Plan, and so maybe I misheard you.

4 COMMISSIONER JANOFF: (Inaudible) apply to the
5 Housing Element.

6 CHAIR HANSSEN: Yeah, yeah, and my understanding
7 of that from Staff and the discussion that we had was that
8 the whole reason for that was to help mitigate the risk of
9 if it turned out in 2031 when we have our next Housing
10 Element that the number is much lower, then we can make
11 adjustments at that point in time, so that will kind of
12 bring us more in line in terms of those two discussions
13 without having to dramatically alter the timeline of the
14 two documents.
15

16 Commissioner Clark.

17 COMMISSIONER CLARK: Thank you. I agree. I am not
18 in favor of any those four, and I was wondering if this is
19 a good place to include anything that goes back to one of
20 the other elements, so for example, Vice Chair Barnett's
21 edits to the equity and equality definitions?
22

23 CHAIR HANSSEN: Actually, that's a good point. I
24 had that on my list and I was going to bring it up at the
25 beginning.

1 Just for everyone's benefit, since we're
2 straddling over two meetings so far, Commissioner Clark
3 suggested modifying the definitions of equality and equity,
4 and then there was a discussion about that at the community
5 meeting that was a few weeks ago, and Vice Chair Barnett
6 wanted some more clarification on equality, not equity,
7 right?

8 COMMISSIONER CLARK: Yeah.

9 CHAIR HANSSSEN: So I read the comments. I wanted
10 to just see where the Commissioners came out on that,
11 because I'm going to ask Staff, I think we need to vote on
12 it if we're going to change it, because we had decided in
13 the last meeting and then the comment came in from Vice
14 Chair Barnett. So I'll start with that.

15 Commissioner Clark, you still have your hand up.
16 Is that because you had already brought it up and you
17 forgot to take it down, or you wanted to make a comment on
18 the issue?
19

20 COMMISSIONER CLARK: No, I'd like to make a
21 comment. I thought that he was spot on. I think that's
22 great to add a reference to equivalent status and rights. I
23 think that that will make it a lot more well rounded.
24

25 Something else I wanted to bring up is actually a
broader change that I had suggested in the document, but it

1 was 8-17 where we made those changes regarding the
2 historical origins of the land, and something that I
3 noticed is the Ohlone were pretty much only talked about in
4 the past tense, and so I want to add a third paragraph that
5 talks about today the Ohlone are doing this and doing that,
6 because otherwise I think that it made it sound kind of
7 like they aren't currently doing stuff. Even a lot of the
8 things that were discussed as past tense are things that I
9 learned that they're still doing, like collecting mussels
10 and stuff like that.

11
12 CHAIR HANSSEN: So you're talking about adding a
13 more descriptive statement about where the Ohlone currently
14 stand at the time of the writing of the General Plan.

15 COMMISSIONER CLARK: So it would be a third
16 paragraph under 8.8, Tribal Cultural Resources, and talking
17 about what they are doing today.

18 CHAIR HANSSEN: Oh, perfect. So there are two
19 things that are on the table. One is whether or not to
20 accept Vice Chair Barnett's revision to the definition of
21 equality, and also Commissioner Clark's suggestion to add
22 the section to 8-17. Any comments on that, or a motion?

23 Commissioner Janoff.

24 COMMISSIONER JANOFF: The motion would be yes and
25 yes to changes suggested.

1 CHAIR HANSSEN: Sounds good, and do we have a
2 second? Commissioner Clark.

3 COMMISSIONER CLARK: Second.

4 CHAIR HANSSEN: Good. All right, I will go with
5 the roll call vote, and Commissioner Thomas.

6 COMMISSIONER THOMAS: Yes.

7 CHAIR HANSSEN: Commissioner Raspe.

8 COMMISSIONER RASPE: Yes.

9 CHAIR HANSSEN: Commissioner Janoff.
10

11 COMMISSIONER JANOFF: Yes.

12 CHAIR HANSSEN: Commissioner Clark.

13 COMMISSIONER CLARK: Yes.

14 CHAIR HANSSEN: Vice Chair Barnett.

15 VICE CHAIR BARNETT: Yes.

16 CHAIR HANSSEN: And I vote yes as well.

17 So I think we've covered everything except for
18 the Land Use and Community Design Elements, and there is of
19 course the EIR as well.

20 It's almost 9:20. Why don't we take a break till
21 9:30, and then we can go for an hour-and-a-half and see
22 where we are. I think if we go past 11:00 o'clock we have
23 to vote to continue, and then we would have to vote again
24 to go past 11:30, so we can see how far we get, but I do
25 suggest in the interest of trying to get this completed,

1 even if we have to go to another meeting, let's try to get
2 as far as we can by 11:00. Does that sound good? Okay, so
3 let's take a break till 9:30 and we'll be back.

4 (INTERMISSION)

5 CHAIR HANSSSEN: Okay, everyone is back. Thank you
6 for that. I hope you enjoyed your break. We will go ahead
7 and start on the Land Use Element.

8 What I'd like to do with the Land Use Element,
9 unlike what we did with the other elements, because of the
10 high level of controversy we've had over the land use
11 build-out numbers I think that it's really important that
12 we discuss all of the comments and have the Commission
13 weigh in on them, but I want to defer comment number 20,
14 which is modifying the number of new housing units, until
15 we're done discussing the things that will kind of go
16 around that, which is all the other comments. I'd like to
17 take each comment one at a time, and it's actually in total
18 numbers not even as much as we had on the Environmental
19 Sustainability Element, but I suspect that there might be
20 more to discuss on them.

21
22 When we do get to the point where we're talking
23 about the numbers, we've gotten all kinds of feedback from
24 the community, and also Vice Chair Barnett had submitted
25 his suggestions, and Staff has in their Staff Report on

1 page 6 some possible recommendations that came from Council
2 if we were to want to modify the numbers.

3 With that in mind, I'd like to just start out
4 with number 21, and I think it's a pretty easy one. "Modify
5 the land use designation of the property at 15810 Los Gatos
6 Boulevard from Low-Density Residential to Mixed-Use
7 Commercial to be more in line with the existing use," and
8 Staff is recommending it.

9 We don't have to vote on each one at the moment.
10 What we'll do is we'll go to the end on the ones that we
11 think are worthy. So generally speaking, we don't need to
12 discuss that. That makes a lot of sense.

13 Number 22, "Building a high-rise condo on the
14 corner of Los Gatos Boulevard and Los Gatos Almaden."
15 Construction is not within the purview of the General Plan,
16 per Staff, but increased height limits in Mixed-Use
17 Commercial and land use designations could be considered.

18 I'm going to ask Staff to comment on that one,
19 which is that we did propose in the existing Draft 2040
20 General Plan to increase the height as well as the
21 densities on Los Gatos Boulevard. Do we think the intent
22 was to go further than that? Would that prevent us from
23 building a high-rise condo complex? I was hoping Staff
24 could comment on that.
25

1 JENNIFER ARMER: Thank you, Chair. This comment
2 is suggesting construction of a high-rise, which isn't what
3 the General Plan is doing, but as noted by Staff it is the
4 kind of thing that if consideration of modified height
5 limits was something that the Planning Commission wanted to
6 consider, that's more where this document would lead.

7 In terms of that location, the changes to the
8 designation on the Boulevard in terms of height limit are
9 45'. That's been raised to 45' to match the existing limits
10 in downtown. Generally I would say that in most places it's
11 not considered high enough for a high-rise, but the
12 Community Development Director may have something to add.

13 JOEL PAULSON: Thank you, just a couple things.
14 Ms. Armer touched on the changes. The height is proposed to
15 increase from 35' to 45', and the maximum density is
16 proposed to increase from 20 dwelling units per acre to 40
17 dwelling units per acre. I believe the site that this
18 commenter is referencing is what we refer to as the former
19 CVS application site. We actually have an application in
20 for a one-story commercial building there, and we're
21 processing that under the current General Plan, so that
22 site probably isn't going to be viable. I would say that if
23 you go down to comment 30, it gets to a similar comment of
24
25

1 increase over the 45', so maybe it's best to have the
2 conversation when we get there.

3 CHAIR HANSSEN: I had the same thought as we were
4 discussing it that this is more about construction, and
5 there was already another comment in number 30, so we can
6 just skip 22 and go on to that, because we know that the
7 issues surrounding that are there.

8 I will also note for everyone that's not on the
9 Housing Element Advisory Board, we just started going
10 through the site inventory and a very large number of the
11 potential sites for housing that are on the table right now
12 for the Housing Element are on Los Gatos Boulevard, but one
13 of them is not, this particular site, because CVS owns the
14 property and they've already submitted an application for
15 something that isn't related to housing.

16 Commissioner Janoff.

17 COMMISSIONER JANOFF: Thank you. I wanted to add
18 that in the discussions with the Housing Element Advisory
19 Board one of the things that I think we'll be talking about
20 is the incentives to builders for building higher density
21 housing units, so my advice, whether we get to it now or
22 when I get to number 30 is that we don't increase the
23 maximum heights that we have currently in the General Plan
24
25

1 in the Land Use Element, but we reserve the right to have
2 incentives in the Housing Element if that's possible.

3 CHAIR HANSSEN: I think that's great, and we'll
4 get to that when we get to the next one, but I think it's a
5 good time to bring that up since someone else brought that
6 up in the context of this comment.

7
8 Number 23 is, "Including opportunity areas in the
9 General Plan as outlined in the land use alternatives
10 report," and Staff said not recommended to previous GPAC
11 direction, and even though I was the chair of the GPAC I
12 don't remember back in our 35 meetings when we discussed
13 that or why we said that, but I suspect it's because we did
14 the General Plan after the Land Use Alternatives Report.

15 JENNIFER ARMER: Thank you, Chair. I can provide
16 a little clarification on that.

17 As the GPAC discussed the Land Use Alternatives
18 Report and made a recommendation to the Planning
19 Commission, who then made a recommendation to Town Council,
20 that really was a framework that that was going to be
21 implemented in the Land Use Element and other elements of
22 the General Plan.

23 So in the discussion of that land use
24 alternative, one of the concerns that came up is how does
25 that actually get implemented? And a concern about if you

1 have something called an opportunity area that covers
2 properties that are in different zones or different land
3 use designations, and then there are some properties that
4 are outside those opportunity areas, and so you have some
5 portions of, for example, a Low-Density or Medium-Density
6 Residential designated property, some that are within the
7 opportunity areas, others aren't, and it gets very complex
8 and confusing as to which are in and which are out and
9 you've got different rules even within the same
10 designation.
11

12 So as Staff worked with the consultants to look
13 at how to implement the framework that was approved by Town
14 Council one of the things that was discovered through that
15 was that most of those opportunity areas, the areas that
16 had high potential for redevelopment and a lot of potential
17 for doing it in a way that supported of the community, were
18 our Commercial and High-Density Residential areas, and so
19 by shifting those changes in maximum allowed density just
20 to the designations themselves rather than having a
21 separate overlay zone or district, you simplified how the
22 rules would work, clarified them, but really had very much
23 the same effect.
24

25 So then the areas that were noted in that
framework as opportunity areas then got concentrated

1 attention in the Community Design Element of the General
2 Plan saying these are the areas where we think there is
3 opportunity for redevelopment, and so it's really important
4 to have some specific vision for each of these areas for
5 what they look like now and what they could look like in
6 the future, that that development is done consistent with
7 the General Plan's Vision and Guiding Principles.

8 CHAIR HANSSEN: Thank you for that. I did
9 understand that and I hope it made sense to everyone. If
10 you look at the proposed modifications to the densities and
11 the heights in the Land Use section of the draft of the
12 General Plan, they're not specific to what geographic area
13 of Town they're in, it's more we have like Low-Density
14 Residential, we have Community Commercial, blah, blah,
15 blah, we have these thing.

16
17 And we haven't discussed the Community Design
18 Element yet, but when we created the Community Place
19 Districts they're intended to be a vision for what the
20 neighborhood would look like, but when we went through the
21 General Plan discussion no one wanted to create specific
22 zoning for those areas. Instead we wanted to say it was
23 going to be either Mixed-Use Commercial or Community
24 Commercial or something like that, but we weren't going to
25 have different zones for that, so that was kind of my

1 interpretation of what you said. You said it better than I
2 did, but I think that there was really no reason to change
3 all the things that we did in the General Plan after all
4 the time we spent on it, and I think we have a framework
5 that is going to be just fine for moving forward. I'm not
6 sure who suggested that. Was that from the public?

7 JENNIFER ARMER: Yes, that was in a number of
8 different public comments that were received suggesting
9 going back to that as approved by Town Council, though I
10 will point out that the implementation of that framework in
11 the form of the Land Use Element and Community Design
12 Element, we did go for a kind of check back with the Town
13 Council in November of that same year for them to take a
14 look at how that was going to be implemented.

15 CHAIR HANSSEN: But since this went to Town
16 Council multiple times and the GPAC had already sent
17 direction, there doesn't seem to be a lot of benefit to
18 revisiting it.

19 JENNIFER ARMER: Staff does not recommend it.

20 CHAIR HANSSEN: And that's why you didn't
21 recommend it.

22 I'm going to go on to number 24, which we
23 probably need to discuss more when we talk about the
24 numbers, but I'll put it out there anyway.

1 A lot of people are very worried about increasing
2 densities in Low-Density Residential, and so the proposed
3 General Plan does have us raising the densities as high as
4 12 dwelling units per acre, and a big part of that is to
5 facilitate missing middle housing. That's intertwined with
6 the things that we have no control over, which are ADUs,
7 which are ministerial permits and everyone anywhere is
8 allowed to build a Junior ADU as well as a detached ADU,
9 and that's state law.

10
11 Then we also have SB 9, which is just new this
12 year and we don't know the full impact of that, so a lot of
13 people have advocated to not increase densities in Low-
14 Density Residential, because they're afraid there's going
15 to be big, huge high-rises in their neighborhood, and so I
16 thought it was worth having the discussion now even before
17 we start talking about numbers to see what Commissioners
18 thought about that, because the approach that the General
19 Plan Advisory Committee took in recommending the whole
20 framework, and I think it was a direct quote from then
21 Mayor Jensen, which is basically no area should not have to
22 help support the growth that's expected of the Town, and it
23 could be in varying degrees, but that was the direction
24 that was taken. So I open that up for comments.

25
 Commissioner Thomas.

1 COMMISSIONER THOMAS: I think that the changes to
2 the densities were very well thought out and discussed and
3 analyzed, and I think that the ones that exist in the Draft
4 2040 General Plan are what we should go with if we have any
5 chance of getting the Housing Element certified and then
6 meeting our RHNA requirements, so that's how I feel about
7 it.

8 The changes that are proposed to height and
9 density, especially in Low-Density Residential areas I do
10 not think are going to allow for high-rises to be built in
11 areas, but if we don't get a Housing Element approved, then
12 a lot of things could change and a lot of stuff could get
13 built in places that people don't want it, so that's how I
14 viewed this one, and I think that we should go with the
15 densities that are in the 2040 General Plan.

16 Related to SB 9, I think that this kind of
17 connects to number 26. I'm just curious about if
18 establishing a new Low-Medium Density Residential land use
19 category, is that even necessary because of SB 9? Because
20 duplexes are going to be happening anyway, so I feel like
21 it's kind of related. This is another density question
22 that's kind of related, so if we felt so (inaudible) 26
23 (inaudible) might be helpful.
24
25

1 CHAIR HANSSEN: Let's talk about both of those at
2 the same time.

3 COMMISSIONER THOMAS: And 25, even honestly. It's
4 kind of more specific, but they're all related to density.

5 CHAIR HANSSEN: Number 25, I'll table that one
6 for the second, but I'm going to make a generalized
7 comment, because I know the origin of the Low-Medium
8 Density Residential.

9
10 We have Low-Density Residential, we have Medium-
11 Density Residential, so the proposal, as I understand it-
12 and Staff, correct me I got it wrong-is that there are some
13 community members who are afraid of what the impact of Low-
14 Density Residential increase in possible densities would be
15 in their neighborhoods have said if we created a new
16 designation called Low-Medium Density Residential we could
17 basically put the missing middle housing kinds of things in
18 that.

19 My question to Staff when I first heard of it was
20 where would we put this, because every geographical
21 location in Town does have a General Plan zoning
22 designation? The response I heard was then we would have to
23 decide where it would be, so then it would well be your
24 neighborhood is going to be Low-Medium Density Residential
25 even though you have primarily single-family homes now, and

1 maybe someone else would stay Low-Density Residential. I
2 see that personally as very problematic, if I understood
3 that correctly, but I would like to hear what you all
4 think.

5 I think Commissioner Janoff was first, then
6 Commissioner Raspe, Vice Chair Barnett, Commissioner Clark,
7 and Commissioner Thomas again.

8 COMMISSIONER JANOFF: Thank you. The notion that
9 we could create a separate area for duplexes and triplexes
10 doesn't make sense given SB 9, which allows for lot splits
11 and for duplexes and fourplexes to be created on lots
12 virtually any size, but it's more likely to be in Low-
13 Density or Medium-Density, because that's where you've got
14 the space to do that kind of development, so I agree that
15 number 26 presents more complications than it seems to add
16 benefit.

17
18 The rules of the state are going to allow for the
19 Higher-Density and Low-Density anyway, which is why when
20 you look at maintaining the level of Low-Density and if you
21 say let's go back to the 2020 plan, you could do that, but
22 you're still likely to see ADUs in this area. The 200 ADUs
23 that we've got planned for currently in the RHNA numbers,
24 they're more than likely going to be in Low-Density. So you
25

1 could say I'm not going to add density, but the state is
2 going to allow you to do it anyway.

3 I just don't think it makes sense for us to put
4 our heads in the sand and pretend that we can create
5 isolated neighborhoods where we can prohibit a development
6 when we simply can't, so my position on both 24 and 26 are,
7 as Commissioner Thomas said, go with the recommended
8 densities that the draft plan advises.

9
10 CHAIR HANSSEN: Which would mean not creating a
11 new Low-Medium Density Residential, because it basically
12 doesn't change the issue; it doesn't accomplish anything.

13 COMMISSIONER JANOFF: It doesn't accomplish
14 anything.

15 CHAIR HANSSEN: Okay, got it. Commissioner Raspe,
16 then Vice Chair Barnett, and Commissioner Clark, and then
17 back to Commissioner Thomas.

18 COMMISSIONER RASPE: Thank you, Chair. Revisiting
19 24, and it's only because several commentators raised this
20 comment, maintaining the existing 2020 General Plan
21 densities for Low-Density Residential, given SB 9, and it's
22 a little bit unfair to Staff, because I'm asking you to
23 project when we're still in the infancy of this entire
24 discussion, but given SB 9, if we were to theoretically
25 maintain the 2020 densities in those areas, is it likely,

1 unlikely, unfathomable that we would hit our RHNA numbers,
2 or do we just simply not know?

3 JOEL PAULSON: Thank you, Commissioner Raspe. The
4 short answer is we don't know. SB 9 is the big unknown. As
5 it has been mentioned, anyone in a residentially zoned
6 property can go through the SB 9 process and have up to
7 four units. Currently on any residential property you can
8 have up to three units, even if you just do ADUs. Density
9 is not a factor when considering ADUs or SB 9, so we
10 already have consideration in the General Plan and then
11 also in the Housing Element with the eight-year cycle
12 approximately 25 units per year. We don't have guidance and
13 we don't have a good track record to rely on like we do for
14 ADUs to tell the state that this is how many SB 9s we think
15 we're going to get. I think we have three so far, but those
16 aren't even for units; those are just subdivisions so far.

17
18 We'll get more information as the year goes on,
19 so if we do have the ability we'll probably at least ask
20 that question. We'll definitely ask that question of HCD,
21 letting them know here's how many SB 9 projects we have,
22 whether it's units or subdivisions, and see if there's any
23 possibility to include those.

24
25 There have been a number of suggestions and I
think ultimately the low-density, if that is maintained as

1 it is and Staff says we're neutral on that, yes, it reduces
2 the number, which is something that a lot of folks want.
3 But ultimately something that also has the impact that we
4 mentioned in the Staff Report is the work that was
5 contemplated in the missing middle, which now some folks
6 say is kind of superseded by the SB 9; that just gets
7 pulled out of the General Plan.

8 Staff is comfortable with it either way. The big
9 push and the big potential unit counts really are more in
10 the commercial areas, so that's really where we're kind of
11 interested in doing that. The challenge that was mentioned
12 before is most of those sites are on Los Gatos Boulevard,
13 so then you run into the issue of we're going to
14 concentrate them all on the Boulevard or the predominant
15 number of them on the Boulevard and that gets to be
16 challenging from a number of aspects, but Staff is neutral.
17 We envisioned that numbers were going to change going
18 through this process, so we're comfortable either way, and
19 so I think this is a good discussion to hear different
20 perspectives of different Commissioners as you ultimately
21 get to the point where you formulate a recommendation on
22 specific densities.

24 COMMISSIONER RASPE: Thank you, Director Paulson.

25 That answers my question.

1 CHAIR HANSSEN: And I wanted have this discussion
2 without the numbers on the table, because I think the issue
3 is important to discuss.

4 I do want to ask a question back to Staff on your
5 comment, and you brought this up before and I believe that
6 you answered it, but I wanted to make sure we really
7 understood the answer.

8 Since people can build up to four units on any
9 property I think regardless of even the size of the land
10 underneath it, why would it make it necessary to take the
11 missing middle housing discussion out of the General Plan?
12 Because the people could do it anyway, even if we were to
13 potentially reduce the densities, why would be need to take
14 missing middle housing out of the General Plan?
15

16 JOEL PAULSON: I can start, and then if Ms. Armer
17 has anything to add.

18 The missing middle is really a different
19 opportunity. You wouldn't be going through SB 9 for a
20 missing middle housing project, because we would be
21 increasing the density, which would allow more units
22 outside of that. So you really would have two different
23 paths; you'd have two options. You either use SB 9, which
24 has a lot of advantages, or you could go through the
25 missing middle housing component, which would allow more

1 units on a site. So there really are two different paths,
2 two different options, and so that's something the
3 Commission and ultimately the Council will have to consider
4 as well.

5 CHAIR HANSSEN: All right, that helps. Vice Chair
6 Barnett.

7 VICE CHAIR BARNETT: Yes, thank you. I support
8 maintaining the existing 2020 General Plan densities with a
9 Low-Density Residential, and I'd like to reserve comment
10 when we get to my submission to the Commission, but I would
11 note that there is sufficient density in the High-Density
12 Mixed-Use Office, Service Commercial, and Neighborhood
13 Commercial designations to achieve that accomplishment, to
14 achieve that goal, in the RHNA requirements, so I think
15 that we can do it, especially in view of the SB 9 and the
16 ADU requirements by state law.

17 CHAIR HANSSEN: Thank you for that. Let's see,
18 Commissioner Clark.

19 COMMISSIONER CLARK: Thank you. I am not in favor
20 of the changes recommended in 24 and 26, and I just want to
21 say that I think creating a Low- to Medium-Residential
22 category would be a really bad idea. I think that it would
23 lead to some ugly arguments about what zoning goes where,
24 and I don't know how those kinds of decisions would be
25

1 made, and the purpose of missing middle housing is that it
2 blends in with the single-family homes, not that it gets
3 its own designation in its own neighborhood, and so I also
4 think that it would be kind of circumventing the benefits
5 that we can get from missing middle housing.

6 CHAIR HANSSEN: Okay, thank you for that.
7 Commissioner Thomas.

8 COMMISSIONER THOMAS: I agree with Commissioner
9 Clark's comments, and I just wanted to say that I feel like
10 it's really important that we have as many pathways as
11 possible for people to develop housing, so including having
12 the missing middle pathway option, as Director Paulson was
13 saying, and SB 9 option. Having both of those moving
14 forward I think is important for developers and
15 individuals.
16

17 CHAIR HANSSEN: Thank you for that.

18 I just wanted to make a note for the entire
19 Commission that we're not making a decision on anything
20 right now, we're discussing, and then when we do talk about
21 the numbers that would kind of go hand-in-hand and we'll do
22 like we did with the other elements and take a vote on the
23 entire list of recommended changes to the element. So if
24 you find later on in the discussion that something swayed
25 you in a little bit different direction, it's not an issue

1 at the moment, but I think this is a very good discussion
2 to have.

3 Commissioner Thomas, you just spoke. Do you still
4 have more to add? Okay. Anyone else that wanted to comment
5 on 24 or 26? Okay.

6 So number 25 is somewhat related. I should say as
7 a matter of background for those of you that are not on the
8 Housing Element Advisory Board, there were some letters
9 that were submitted to the Housing Element Advisory Board
10 last week, and Staff would be more able to comment on it
11 and it's probably more of a Town Council issue at this
12 point, but the gist of it was that some people were upset
13 about the SB 9 Urgency Ordinance, which would prevent
14 people from doing lot splits in the hillsides, and in the
15 same letter—and these comments probably predate that—they
16 were talking about they wanted to be able to take their
17 existing hillside property, split it, and basically be able
18 to have two lots and be able to stay in their home.

19
20 Along with that we've gotten comments about there
21 are some areas that aren't truly in the hillsides in the
22 sense of big, huge slope and small roads and all the things
23 that the General Plan Advisory Committee worried about in
24 terms of increasing any density in the hillsides, so the
25 proposal was to look at certain areas on the fringes of the

1 hillsides that don't have as much slope in the lots that
2 could be possible candidates for additional density.

3 So I wanted to share what peoples' comments were
4 in that area, but there are kind of a lot of things flying
5 in the air right now around this topic.

6 Commissioner Janoff.

7 COMMISSIONER JANOFF: It's unclear what fringe
8 areas adjacent to San Jose might actually be, but we do
9 have two of them included in our areas of opportunity, the
10 Union Avenue areas as well as the Harwood Area, so those
11 are two that border San Jose that are kind of the fringe
12 areas of the hillside. Well, Harwood for sure, maybe not
13 Union so much. I'm not really sure what the fringe areas of
14 Los Gatos would be, so not really understanding this I
15 wouldn't be in favor of making those changes. The other
16 communities that border, Campbell and Saratoga, I can't see
17 those fringe areas not being truly hillside and being
18 susceptible to the wildfire dangers, which drove the GPAC
19 to saying no development in the hillsides, so I'm not in
20 favor of 25.

22 CHAIR HANSSEN: Director Paulson, you had a
23 comment?

24 JOEL PAULSON: Yes, thank you. Commissioner
25 Janoff just mentioned one of them, which is this was

1 discussed and there wasn't an interest at the time with the
2 GPAC to modify the density in the hillsides.

3 I'll give one instance of what could be fringe. I
4 think this gets to the same conversation as creating a new
5 category of this Low-Medium. I think the more potentially
6 appropriate option would be, and you mentioned Harwood, so
7 as you go up Harwood past that shopping center that's in
8 the Community Place District there are some Hillside
9 Residential that come down, and they're flat lots, they're
10 not sloped.

11
12 If that was something that either the Commission
13 or the Council were interested in, that would probably be a
14 modification to the land use designation, because most of
15 those abut Low-Density Residential, so it would be changing
16 it from Hillside to Low-Density Residential, which would
17 probably be more appropriate. I don't know that we have a
18 whole lot of those areas. That's the one that comes to
19 mind, because we did have a very large lot adjacent to an
20 R-1:8 subdivision, but they're designated HR-1, and so that
21 would probably be that fringe. That's not adjacent to San
22 Jose.

23
24 The only areas in our hillsides that are adjacent
25 to San Jose is really probably over by Hicks Road. We've
got a subdivision out there that was done through a Planned

1 Development, but we don't really have a whole lot of areas
2 that abut San Jose and that are zoned Hillside that
3 probably are appropriate from that standpoint.

4 I will say some of the ones on Harwood do back
5 up, they abut San Jose at the rear of their properties, up
6 Alerche, some of those properties, and probably even some
7 of the Harwood ones, but that's probably a very limited
8 opportunity and I'm not sure if ultimately it's worth the
9 consideration to increase just for a handful of sites
10 rather than potentially modifying the land use designation
11 to the Low-Density Residential adjacent to it.

13 CHAIR HANSSEN: Thank you for that. That helps to
14 clarify kind of where it would be. The properties that you
15 were just talking about off of Hicks Road, I forget the
16 name of the community, but those are very, very, very large
17 houses. I mean, I'm having a hard time visualizing how you
18 would go with those houses that are on pretty large lots
19 and then add a lot of density, and it's already fully built
20 out is my understanding, so this sounds problematic to me
21 how you would make that work.

22 Any other comments on this one? Vice Chair
23 Barnett.

24 VICE CHAIR BARNETT: I apologize for not reading
25 all the Staff Reports on GPAC, but I wonder if Mr. Paulson

1 could describe the basis for eliminating Hillside from the
2 density increases? Is it the roads?

3 JOEL PAULSON: I'm sure Chair Hanssen and
4 Commissioner Janoff and potentially Commissioner Thomas
5 could add some additional, but generally it's wildfire
6 access. Those are the typical issues, so to look at
7 increasing the density in those areas, even though they are
8 a lot of large lots, it was really some of those safety
9 issues that were a big concern.

10 JENNIFER ARMER: I would add that while I think
11 that was the primary element, also an important component
12 of the character of the Town is the views of the hillsides,
13 and so additional housing in the hillsides makes it more
14 and more visible and changes that character, so I think the
15 fire danger was the primary component, but there were also
16 discussions about visual impacts with more density in that
17 sense.

18 CHAIR HANSSEN: Yes, and I will agree that that
19 was a secondary discussion, and I'll have Commissioner
20 Janoff comment as well when I finish.

21 I can tell you that when we initially started the
22 General Plan we had community meetings, and in one of those
23 community meetings people were supposed to identify the
24 things that were most important to them and most endeared
25

1 them to living in Los Gatos, and by far and away the number
2 one thing was safety, and as we were talking through it—
3 this was in 2018 when some of the worst wildfires had
4 happened—a lot of people in the hillsides are in
5 neighborhoods where they have private roads, and those
6 private roads are really skinny roads, basically one-lane
7 roads, and people are terrified of this scenario where
8 there's a fire and there might be enough room for the fire
9 truck to get up, but there might not be room for anyone to
10 get out. That is actually a very common thing that we see
11 in the hillsides, and so when we were talking through
12 everything it was really a unanimous decision of
13 recommendation of everyone on the GPAC that not only would
14 we not encourage growth in the hillsides, but there is an
15 implementation program in the General Plan to study the
16 possibility of downzoning, which has it's own set of
17 implications because people own the land and they do have a
18 right to build to a certain extent.

20 The whole idea of what the General Plan Advisory
21 Committee recommended is we can't stop people from building
22 on their land, but we're not going to encourage a lot of
23 additional density, because we don't have anywhere close to
24 the infrastructure to provide for the safety that everyone
25 in Town desires.

1 Commissioner Janoff.

2 COMMISSIONER JANOFF: What I wanted to emphasize
3 is that we're working through the General Plan element-by-
4 element, but when the General Plan Advisory Committee
5 considered the General Plan it was as a whole. We're
6 looking at land use in isolation, but in this particular
7 case, this is where it crosses over to the Hazards and
8 Safety, or as Ms. Armer suggested, it crosses over to the
9 visual character of the Town, so we're looking at these in
10 isolation, but it's important for us to remember as we go
11 through this process that the General Plan is a really much
12 larger picture, and the decisions we're making, or the
13 recommendations we're making, regarding any one of these
14 elements need to hang together with the other elements, and
15 so this is one that was really a very robust discussion
16 over wildland safety, wildfire, and so on, and that was
17 really the predominant element when it came to discussing
18 this particular piece of the Land Use Element. So I just
19 wanted to point out that we want to make this document as
20 internally consistent as we possibly can, and this is one
21 of the examples where it really is.
22

23 CHAIR HANSSEN: And that was another good thing
24 to bring up too about the open space. The open spaces that
25

1 the Town is responsible for are all in the hillsides, and
2 so when everything added up it didn't make sense.

3 Now, I did want to add one thing before we get to
4 the numbers. There was a lot of discussion in the public
5 domain about the difference between the 3,738 number and
6 the 3,904 number. I might be off a little on the numbers,
7 but the difference being the hillsides, and there is a
8 number in there that says there could be up to 166 hillside
9 units, but it's not as a result of any policy that's
10 recommended in the General Plan.
11

12 That's simply the fact that people do own land
13 there and we consistently are still getting proposals from
14 people that want to subdivide their 22 acres and build ten
15 new homes, and when they come to the CDAC unilaterally
16 every response has always been that's not a great idea, and
17 a hundred neighbors come out and say that's not a good
18 idea, but nonetheless there will be some growth in the
19 hillsides whether we encourage it or not simply by the
20 virtue of people that own land that have a right to build
21 on it and the zoning says HR-1 or 2.5 or whatever the case
22 may be.

23 Anyone else have comments on that? Like I said,
24 we're not making a decision at this point. I just wanted to
25 make sure that we put these things on the table, and I

1 think it will help when we are talking about any
2 adjustments we want to make to the build-out option.

3 So then 27, "Utilize maximum FAR only for non-
4 residential components of Mixed-Use project, because
5 housing will be limited by maximum density."

6 I wanted to ask Staff a question about this. For
7 all my years on the Planning Commission we've always used
8 FAR, so this would be a departure from anything that we've
9 done in the past.

10 JENNIFER ARMER: I will start with we have
11 treated Commercial in a couple of different ways, depending
12 on the land use designation or zoning.

13 For example, downtown there has been a floor area
14 ratio that's been consistently used for the entire building
15 for Commercial, and that's been in place for many years.

16 In other Commercial zones, rather than an FAR,
17 which is the floor area ratio, ratio of the floor area of
18 the building to the property size, there was a combination
19 of a height limit and a lot coverage. So if you have a
20 height limit of 35' and you're talking about an office
21 building, it's really only going to be two stories, and if
22 you have a 50% lot coverage, then that is actually
23 effectively the same as an FAR of 1.0, because you could do
24
25

1 levels at 50% and you get 100% of the lot area in terms of
2 floor area.

3 It's a little bit of kind of playing around with
4 how to implement these, and one of the reasons to consider
5 floor area rather than just lot coverage and height is that
6 it does really look a little more at the massing of the
7 building and gives some flexibility of how that building
8 might be designed, depending on the layout of the site and
9 the proposed uses, but there are different ways of using
10 these different tools handled by different communities, and
11 it looks like Director Paulson has something to add.

12 JOEL PAULSON: Thank you, Ms. Armer. She
13 explained kind of the existing rules. Typically we're
14 looking at density, and if you have three or more units FAR
15 generally doesn't apply, but because we were increasing
16 FAR—and the GPAC members will remember this fondly—we had
17 conversations constantly about density versus intensity, so
18 this was intended to capture that intensity component from
19 a total square footage standpoint.

20 So if someone was proposing a Mixed-Use building,
21 not only would we be counting the Commercial on the ground
22 floor, but we'd be limiting to some effects the Residential
23 up above, which for instance, one hypothetical is they want
24 to go to the maximum density, which generally is going to
25

1 mean smaller units, so it's kind of balancing the density
2 versus intensity, and that's why it's written as it is
3 currently.

4 To Ms. Armer's point, that really gets to also I
5 think ultimately trying to deal with if we only use it for
6 the Commercial component someone could just develop
7 Commercial and not have Residential. They're not required
8 to be Residential in many of the designations, so then you
9 end up with potentially a much larger, much more square
10 footage for a Commercial building not having the
11 Residential component.

12 So that's kind of another way to hopefully, as we
13 implement it through zoning code or other mechanisms,
14 again, incentivizing the development of Mixed-Use, which is
15 a big component of the General Plan, so that we do get some
16 of these sites containing Residential and Commercial. I
17 think Ms. Armer might have some additional comment.

18 JENNIFER ARMER: I just did want to add one
19 additional thought in response to the comment that Director
20 Paulson shared about density versus intensity, and a
21 comment earlier from Commissioner Janoff about how
22 increases in height, or also increases in floor area for
23 example here, might be a component of some incentive
24 programs that might be discussed by the Housing Element
25

1 that if you build additional housing that additional floor
2 area might be a possibility, and I think that is a
3 component of some of the public comment that we've received
4 related to this discussion of intensity versus density,
5 that if you're going to allow additional intensity that it
6 really should be tied to building more housing, since
7 that's our goal. So I think that's another component to
8 consider, whether those might be tied in future discussions
9 of how to incentivize and encourage additional housing.
10

11 CHAIR HANSSEN: Staff recommended neutral on this,
12 so my response as a member of the Housing Element Advisory
13 Board would be I would only want to go in that direction if
14 it was going to be an inhibiting factor for developers to
15 want to build Mixed-Use. As long as the FAR is high enough
16 I'm not sure that... And it seems like from our perspective
17 FAR is a useful tool for controlling intensity, and then we
18 have density and the interplay of those two things. So I
19 didn't hear any reason to not use FAR unless developers
20 were telling us we can't live using FAR at all when we're
21 building a Mixed-Use Commercial. I don't know what other
22 people think, but that was kind of what I heard.
23

24 No comments, so I guess you all agree. Okay,
25 we'll go on.

1 Number 28 was, "Change development rules to
2 increase construction of diverse housing types, including
3 greater density, higher height limits, lower parking
4 requirements, more transit and connection to light rail."

5 I'm not sure what that means in terms of
6 modifying the General Plan. Does Staff have any thoughts
7 about this?

8 JENNIFER ARMER: Thank you. I would say that we
9 are doing some of that with the policies and changes that
10 are proposed in the Draft 2040 General Plan. I would say
11 that this comment is probably encouraging the Planning
12 Commission and Town Council to consider going farther in
13 some of those areas. Without specific recommendations, we
14 shared that general comment just to make sure that there
15 was that voice, since that is part of the public comment
16 that was received.

17 CHAIR HANSSEN: And you did make a comment
18 earlier on one of the other points that we could consider
19 higher this or that than what is already proposed in the
20 General Plan.

21 I'm going to take Commissioner Thomas' comment,
22 but it seems like number 20 doesn't really give us any
23 direction in terms of how we should modify the plan unless
24 someone is saying I wish the FAR was 4 instead of 3.
25

1 They're not saying what form it would take beyond what
2 we've already recommended.

3 Commissioner Thomas.

4 COMMISSIONER THOMAS: In general I support these
5 ideas, because I think that they are important for covering
6 a lot of the policies in the General Plan, like a lot of
7 the goals that we're trying to reach for our community, but
8 I wasn't really sure where it would be put or how it would
9 change, so that's really what my comment was.
10

11 CHAIR HANSSEN: I think we can kind of save 28
12 for when we actually talk about the numbers and then see if
13 people... They know Commissioners have a reaction to is
14 number enough? Do we need to do more based on what we know
15 today, which might not be everything?

16 Commissioner Janoff.

17 COMMISSIONER JANOFF: Again, I think 28, 29, and
18 30 all speak to the kind of detail that we need to get to
19 in the Housing Element. They're all about housing. We've
20 provided the framework in the General Plan to allow for,
21 and I would just advocate that we allow the Housing Element
22 to provide the exceptions or the incentives for high or
23 higher density.
24
25

1 As Commissioner Thomas said, and I completely
2 agree with, these are great ideas but it's not in this part
3 of the General Plan where they belong, in my opinion.

4 CHAIR HANSSEN: So you're saying you wouldn't
5 even address this in the General Plan, you'd save it for
6 the Housing Element.

7 COMMISSIONER JANOFF: Yes, it's a real detailed
8 and housing-specific kind of comment on 28. Number 29 is,
9 "Allow Mixed-Use in High-Density." Well, we've talked a lot
10 about Mixed-Use and how feasible that is in High-Density,
11 whether it's buildable, whether builders build it, that
12 kind of thing. What it all boils down to, as other
13 Commissioners have said, is how are we going to get the
14 housing that we need, and to me these three items, as well
15 as others, are great incentives, but those details could be
16 fleshed out in the... Keep this, but move it to the Housing
17 Element.

18
19 CHAIR HANSSEN: I was only wondering about 29.
20 I'm going to ask Staff. Because there is a permitted uses
21 table for every land use designation in the General Plan. I
22 thought we allowed Mixed-Use in High-Density Residential,
23 but maybe we don't.

24 JENNIFER ARMER: No, the Residential designations
25 do not allow any Commercial.

1 CHAIR HANSSEN: Okay, and we made a conscious
2 decision not to do that, so that might be worth discussing
3 either as part of our recommendation or deferring it to the
4 Housing Element, but if we didn't allow it in the General
5 Plan it would be hard to do it in the Housing Element.

6 We can think more about that, but I'm going to
7 take Commissioner Clark's comment.

8 COMMISSIONER CLARK: Thank you. Yeah, Chair
9 Hanssen, your comment that you just made kind of gets at my
10 question, which is I completely agree with what
11 Commissioner Janoff said. I think that these conversations
12 really are best held in the Housing Element Advisory Board
13 where there is a large group of experts and they're having
14 those conversations, but then what is the rule of the
15 General Plan when we understand that that's where these
16 conversations will exist? Is it really important that make
17 sure all of these ideas that we think are good will be
18 possible, or do we understand that they might need to go in
19 and make some changes to the decisions that will be made on
20 the General Plan?
21

22 CHAIR HANSSEN: I'm going to ask Staff to comment
23 on that one as well so that I know we're looking the right
24 way about it. Director Paulson.
25

1 JOEL PAULSON: Thank you, Chair. Ultimately, as
2 we go through the Housing Element we're going to hopefully
3 get a General Plan adopted, then we're going to look at the
4 Housing Element for those land use designations and see
5 what number we can get to. There is a chance for one or
6 more sites, or even designations. If we're not getting to
7 the numbers, or HCD is not agreeing with all the sites that
8 we selected, so we have to come up with other ideas, there
9 may be implementation programs that have to be added. The
10 hope is that that will be a minimal number of modifications
11 that would be subsequent changes to the General Plan.
12

13 I think specifically 29; in rereading it I
14 probably should have said this in the beginning. We're all
15 interpreting the public's comments, which we may or may not
16 be getting 100% right, so if any of these we're getting
17 wrong, please feel free to submit additional written
18 comments.

19 Looking at 29, we have very limited High-Density
20 Residential land use designations, and so I actually in
21 hindsight would say Staff would not recommend 29. Those are
22 traditional High-Density—from the Town's perspective—multi-
23 family apartment buildings and things like that. We do have
24 High-Density Residential built into some of our Commercial,
25

1 the Mixed-Use specifically, so I just want to provide some
2 of that context as well.

3 CHAIR HANSSEN: I think what you're saying is if
4 we want to have High-Density Mixed-Use we should have that
5 Mixed-Use designation, not modify High-Density Residential.

6 JOEL PAULSON: That's correct.

7 CHAIR HANSSEN: So you're going to change your
8 recommendation on 29 to not recommend it for the reasons we
9 just discussed. Okay, got it. That helps, and that
10 clarifies kind of what we were discussing when we went
11 through the General Plan.
12

13 I think we've covered actually 28, 29, and 30
14 unless people have other comments.

15 On number 30, I'm going to go with what
16 Commissioner Janoff was saying, which is that it might be a
17 good tool for the Housing Element, but we may not want to
18 go and create like artificially high General Plan limits
19 when we could use it as a technique to motivate people to
20 do affordable housing. We can have that discussion more
21 when we're talking about the land use build-out table and
22 the standards, but right now we've gone up to 45', as Ms.
23 Armer noted, to match downtown. It might be necessary to go
24 higher, but we probably don't need to decide that just yet,
25

1 and we can decide what form it will take when we make our
2 actual recommendation.

3 But if people have comments about it, I would
4 like to hear anyone's thoughts about it. Okay, I don't hear
5 anything else. No hands are raised.

6 I did want to talk about number 31 in spite of
7 the fact that maybe it is more of a Housing Element
8 discussion, but 31 is, "Reducing the maximum allowed floor
9 area ratio in the Central Business District from 2 to
10 1.25." Staff, is it 1.25 in the 2020 General Plan?

11
12 JENNIFER ARMER: No, at the moment I believe the
13 current regulations are .6 for downtown.

14 CHAIR HANSSSEN: Oh, so it's even less than that.
15 So putting more housing in downtown, as you've seen from
16 the comments, has been fairly controversial, but I will
17 share this, that the GPAC, in talking through the thing, it
18 was a combination of no area should be immune, and
19 especially we can for the most part rely on our objective
20 standards to make sure that things fit in the neighborhood.

21 Then we also had the discussion on Thursday at
22 the Housing Element Advisory Board as we started going
23 through the proposed site inventory that there are several
24 potential sites that housing could be build in downtown.

25 One, for example, is the post office, and there was a very

1 long comment made by Vice Mayor Ristow about how the post
2 office is really not the best use for downtown and that it
3 could turn into a really beautiful property with a smaller
4 post office, you could get more housing, it would fit right
5 in, so there are definitely people on very polarized sides
6 of the issue. The Town Council did vote, when we went over
7 the land use alternatives, to incorporate the Central
8 Business District having additional housing. Then the only
9 question would be how much?
10

11 But that's part of this thing with the floor area
12 ratios, where that all came from, so I would be interested
13 if people had thoughts, and we'll have to end up having the
14 discussion, when we talk about numbers, about whether and
15 how much there should be in the downtown. No comments.
16 Okay, I'll defer to when we talk about the numbers.

17 Let's see, there were several comments about the
18 North Forty, and the general response that was given, and
19 some of this was in the EIR, some of it was in other
20 places, but the developers of the North Forty, it's my
21 understanding the Specific Plan that governs the North
22 Forty is separate from the General Plan, but it's not in
23 conflict with it, and it has standards for how much can be
24 built, and because there's the potential of additional
25 housing—and Staff, jump in if I'm getting it wrong—that the

1 developers can enter into a development agreement with the
2 Town to build more housing, which would supersede the
3 limited amount of housing that they're able to in the North
4 20. Did I get that right?

5 JENNIFER ARMER: Yes, I think you got that pretty
6 right. One of the things that I would add is that because
7 the two Specific Plans that we have in Town are included in
8 the General Plan, both as the zoning designation and the
9 General Plan designation, it's there in place of another
10 designation that might have been there previously, and so
11 it does kind of defer to the rules that are in that plan.
12 It looks like Director Paulson has something to add.

14 JOEL PAULSON: Thank you, Ms. Armer, Chair.

15 Ultimately, yes, I think most folks are aware
16 there are a very limited number of units left from what's
17 currently allocated in the North Forty Specific Plan, 33
18 units. There's been a lot of talk about the potential for
19 additional units out there. There are multiple paths.

20 You mentioned one, which the development
21 agreement, which would probably have to be coupled with a
22 Planned Development, which is also the other minor change
23 that was made in the Specific Plan.

24 The other probably more appropriate option would
25 be to do a Specific Plan Amendment to increase that number.

1 The current General Plan looked at far more units
2 and they were ultimately approved out there. I believe the
3 number in the EIR was 750 units for the North Forty, so
4 there's some capacity there from an environmental clearance
5 perspective potentially, but should the Commission think
6 that more units should go out there, those of you on CDAC
7 saw a CDAC application that would have more units, which
8 Staff at that time said would require a Specific Plan, but
9 as you mentioned, there is the Planned Development
10 development agreement option that may also be possible, but
11 if it's the interest of the Planning Commission from a
12 recommendation standpoint that that number should be
13 increased in the Specific Plan or through another
14 mechanism, I think that would be great input for Council.

16 CHAIR HANSSSEN: Then I think that is something
17 that we should discuss. What I understand from Staff's
18 perspective is that the modification wouldn't happen in the
19 General Plan, it would happen in the Specific Plan, because
20 the Specific Plan has all the objective standards of how we
21 would do the North Forty, and so the right way to go about
22 adding more housing would be to modify the Specific Plan.

24 JOEL PAULSON: I think what we probably would
25 recommend would be ultimately an implementation program
that says modify the Specific Plan to increase the number

1 of housing units. For instance, on the Boulevard, which is
2 a Mixed-Use designation, the current Draft General Plan is
3 going up to 40 units per acre. The current Specific Plan is
4 at 20 units per acre, which is the existing General Plan
5 designation for Mixed-Use, so that could be part of the
6 conversation as well.

7 CHAIR HANSSEN: All right, so probably an
8 important thing that we should resolve before we finish
9 recommending any changes to the Land Use Element is whether
10 or not we would recommend to modify the Specific Plan to
11 add more housing.

12 Commissioner Janoff.

13 COMMISSIONER JANOFF: Yes, thank you. I'm in
14 favor of modifying the Specific Plan to include more
15 housing (inaudible) since the EIR for the North Forty would
16 accommodate additional housing, and it's also one of the
17 areas that's probably on the Housing Element Advisory
18 Board's site selection list, so we're already thinking of
19 it in terms of providing additional housing, so it makes
20 sense to me that we open it up to that possibility. It may
21 not go there, but at least it gives us the option, and I
22 think that makes sense.

23 CHAIR HANSSEN: That's good. Commissioner Raspe.
24
25

1 COMMISSIONER RASPE: Just to air the contrary
2 view, my only concern is those units are just coming online
3 now, and so we really don't have a full sense of their
4 impact on this community, and so I'd like to have a further
5 discussion of what the impact of those additional units
6 might be to infrastructure, all those areas that various
7 commentators raised as part of that discussion. I think
8 that would be valuable. Thank you.

9
10 CHAIR HANSEN: That was a good thing to bring
11 up. I would just point out what Director Paulson said, when
12 the North Forty phase one application was approved the EIR
13 was studied for the capacity of 750 units, a much bigger
14 number than the 320 units that we have.

15 The Environmental Impact Report looks at
16 transportation, air quality, all those impacts, and
17 although I remember that there was significant unavoidable
18 impacts primarily in transportation, there was something in
19 the order of \$10-12 million dollars of mitigation that was
20 paid for by the developers to alleviate and that reduce the
21 impact somewhat, although it was still significant. Did I
22 get that right, Staff? So I'm not sure if studying the
23 thing further would have any impact if we already studied
24 it for 750 units.
25

1 Commissioner Thomas, and then Commissioner
2 Janoff.

3 COMMISSIONER THOMAS: I understand Commissioner
4 Raspe's concerns and I think that we should be very
5 thorough, but I assume that if there were any major changes
6 to the plan and then there was actually development that
7 would happen, we would have to do a very thorough analysis
8 of the impacts, so I don't know if that's kind of doing an
9 analysis now before changing, if that's putting the cart
10 before the horse or not, but I might not be fully
11 understanding the situation.
12

13 CHAIR HANSSEN: I'm going to put that back to
14 Staff. Supposing that we modify the Specific Plan to allow
15 what was proposed in the CDAC hearing, I don't remember,
16 was it 300 more units or something? Right now they're only
17 allowed to do about I think 30 more units, because the
18 whole idea of the original Specific Plan was most of the
19 housing would be in the southern part and then as you move
20 north you would have more Commercial, and so in the
21 original Specific Plan they were only allowed to do
22 Residential over Commercial and not on a standalone basis,
23 but it's been moving in the direction of more. Do we need
24 to redo the EIR if the Town ends up going in that
25 direction?

1 JOEL PAULSON: Thank you. The answer to that
2 question is maybe. We would evaluate that when we received
3 an application and look at whether or not we would have the
4 ability to rely on the Specific Plan EIR or whether
5 additional environmental review would be required. The big
6 picture question at the General Plan level is do we think
7 we should consider more units at this stage for the
8 Planning Commission, and then we would go through the
9 appropriate processes should we get applications for the
10 site.

11
12 CHAIR HANSSEN: So it depends. All right,
13 Commissioner Janoff.

14 COMMISSIONER JANOFF: Thank you. I wanted to add
15 that as we go through the process through the Housing
16 Element Advisory Board we're mindful of the big concern
17 that too much development occurs in an areas that's already
18 overloaded, and that's a consideration at the element
19 level. We're at the General Plan level, which says where
20 might development possibly happen? We're not saying it
21 will, and certainly it wouldn't be North Forty, Los Gatos
22 Boulevard. We just couldn't support that and HCD probably
23 wouldn't certify that.

24
25 So again, we're at a high level here with the
General Plan thinking we've got areas in Town that could be

1 developed and it could be beneficial for the Town, we just
2 need to be able to have the ability to look at those areas
3 or consider development or not, and I think because our
4 numbers are so high, it's beneficial to have more areas to
5 consider than not to help us hopefully get to where we need
6 to be. I just wanted to remind everyone that we're not
7 saying it's going to happen, we're just providing for these
8 are potential areas that could work if we loosen some of
9 the bounds that are in place right now.

10
11 CHAIR HANSSEN: I would also note, some of you
12 guys are on the CDAC, I've listened in to the CDAC hearing
13 where Harmony and Park Development and those guys were
14 presenting their ideas for developing the North Forty, and
15 the Los Gatos Community Alliance has been very vocal about
16 limiting the amount of housing in Town and being
17 conservative. They were all for putting more housing in the
18 North Forty. You can ask what are all the reasons for that,
19 but the fact was that that was a big thing, and I'm going
20 to concur with what Commissioner Janoff said, which is that
21 we probably shouldn't eliminate any options unless there's
22 a really good reason for doing it, especially when we had
23 to come up with that much housing.

24
25 In the Balancing Act tool that's out in the
public right now the North Forty is a place where housing

1 could be put in terms of the draft site inventory, so we
2 don't have to make a recommendation right now, but there
3 are definitely reasons to consider it.

4 Let's see, let's keep going and see if we can at
5 least get through the recommended changes.

6 Number 33 and number 34 are just wording changes
7 to the existing policies.

8 Number 33 is adding the word "environment" to
9 having to evaluate projects that have mitigation measures
10 with things on the list, which they're adding the
11 environment to this. It says, "Urban services, wildfire
12 risk, including utilities, police, and fire."

13 Then the second one, 34, is to add the words
14 "migration" and "biological corridors" when we're trying
15 to, "Ensure that housing in the hillside will not adversely
16 impact the natural environment."

17 So the question for Staff is you said you were
18 neutral to adding the word "environment" to that policy
19 statement in LU-3.2. Since we already have CEQA, what would
20 be the benefit of adding the word "environment" to that
21 policy?
22

23 JENNIFER ARMER: Thank you. I would say that we
24 labeled this one and the next as neutral because that is
25 covered elsewhere and through CEQA, that it's not a problem

1 to add that additional language to those two policies. We
2 haven't identified a significant problem with that, but
3 generally the sense is that it is covered either here in
4 other locations in the document or CEQA.

5 CHAIR HANSSEN: So that's why you're neutral, it
6 doesn't really materially change anything one way or the
7 other to have it in there. Then I assume that "migration"
8 and "biological corridors" as in adding that to number 34
9 is in the same category from Staff's perspective?

10 JENNIFER ARMER: Correct.

11 CHAIR HANSSEN: Okay. Does anyone have a feeling
12 about is it important to add it or is it worth it?

13 Commissioner Clark, and then Commissioner Thomas.

14 COMMISSIONER CLARK: I would be in favor of both
15 of the additions for number 33. I feel like the public
16 feels like that is important to have in there and I'm
17 perfectly happy to put it in.

18 And for number 34, I actually think that that
19 increases consistent within the General Plan just because
20 we've discussed some other areas that talk about wildlife
21 corridors.

22 CHAIR HANSSEN: I hate to belabor this point, but
23 since I heard all the people testify in the hillsides when
24 we did the Fence Ordinance, in 34 it says, "Ensure the
25

1 housing in the hillsides will not adversely impact the
2 natural environment," then adding "migration" and
3 "biological corridors," so it's probably redundant to the
4 natural environment, but given what was said and some of
5 the testimony we got from people in the hillsides, would we
6 have to add like a checklist once that wildlife corridor
7 study is done and when people are trying to build and say
8 well you can't build there? That would basically be
9 included in the idea of the Least Restrictive Development
10 Area, because it impacts a wildlife corridor. I don't think
11 we know yet, but I'm just asking the question in terms of
12 where would this go?
13

14 JENNIFER ARMER: I'd expect that if we do a
15 wildlife corridor study that that would result in some
16 specific recommendations, that we would be looking at how
17 that study then might be implemented and that that would go
18 through discussion with the Planning Commission and Town
19 Council as to what components of that might be, say, added
20 to the Hillside Design Standards and Guidelines as a new
21 map or specific restrictions that would be part of the
22 follow up discussion to doing that study.
23

24 CHAIR HANSSEN: Okay, fair enough. And by the
25 way, for the rest of the Commission, I'm not opposed to
adding those words; I just wanted to make sure I asked some

1 devil's advocate questions about it. So what I heard is
2 it's really premature because we haven't done the wildlife
3 study, and then there would have to be recommendations that
4 came out of that, and so there's nothing to be concerned
5 about adding those words.

6 Commissioner Thomas.

7 COMMISSIONER THOMAS: I was just going to second
8 Commissioner Clark's comments that if the public felt like
9 they wanted to add these in and Staff doesn't oppose it
10 that we should include them, because I do think it creates
11 some consistency in a way that it's not redundant, but I
12 think that they're fine to include.
13

14 CHAIR HANSSEN: That sounds good. I'm going to
15 suggest that we don't need to talk about 35 or 36, because
16 they're both in the same genre of what we talked about with
17 the North Forty, which are the special planning areas. If
18 it's just a clarification thing, I would have no problem
19 adding it, but if it's going to be to modify the General
20 Plan substantially to change anything that the place to do
21 that is in the Specific Plan so that it's not out of
22 consistency with the General Plan, so that was my
23 recommendation.
24

25 Just so everyone who wasn't on the General Plan
Committee knows, we were very specific as we went through

1 the entire process that whenever there were wording changes
2 that didn't impact the meaning of the General Plan we would
3 have Staff unilaterally accept them and we didn't need to
4 talk about them, because there was hundreds and hundreds of
5 pages and English and grammar that we don't have to worry
6 too much about as long as it doesn't change the intent.

7
8 So I'm just going to say we don't have to talk
9 about 35 or 36 unless Staff feels differently.

10 Number 37 is another clarification thing. It's to
11 add the Town is facilitating discussions for residents and
12 stakeholders, and someone wanted to add other local
13 governments input into planning activities early on and
14 through the development process, which seems like an easy
15 add. I would hope we would be talking to local governments
16 anyway. I don't think it creates any conflict, and Staff
17 was neutral.

18 Commissioner Clark.

19 COMMISSIONER CLARK: Thank you. I, personally,
20 when I saw this kind of thought what would this actually
21 look like and how important is it to specifically include
22 local governments at all of these points? Especially I
23 think the goal really is to reach the general public, and
24 so first I don't think that we need it, but second, I would
25

1 definitely want a better idea of how we would even go about
2 doing this if we were going to add this.

3 CHAIR HANSSEN: Actually, you raise a really good
4 issue. If the development wasn't anywhere near a Town
5 border, then why would we involve other governments? And
6 stakeholder could be broadly defined to include local
7 government, especially if it was near a border.

8 Vice Chair Barnett.

9 VICE CHAIR BARNETT: I'd be interested to hear
10 from Staff why they're neutral on this point, because it
11 does seem to be overly broad.

12
13 JOEL PAULSON: Thank you. From Staff's
14 standpoint, "stakeholders" is the broad term, so that would
15 be a member of the public and any other local governments
16 if they were in the vicinity. We do that as a matter of
17 course. We have other projects where if it's over a certain
18 number of units, then we also make sure we reach out to
19 school districts and other groups, so from our standpoint
20 stakeholders covers a broad enough range from a General
21 Plan perspective, but we're neutral if the Commission
22 thinks it's important to add other local governments.

23
24 I think what happens with a lot of these, and we
25 have these discussions at the GPAC, is once you start
adding one group, then do we need to add NGOs, CBOs, all

1 these other groups potentially? From Staff's standpoint
2 stakeholders covers it, but if the Commission is interested
3 in adding additional qualifiers it's not going to be an
4 impact from our perspective.

5 CHAIR HANSSSEN: And number 38 is similar, about
6 coordinating with public agency stakeholders such as Midpen
7 specifically mentioned in this thing. That probably came
8 from the Midpen, I don't know. What I'm hearing is maybe
9 keep it more general, because if you start naming specific
10 agencies, what if they change, and what if you left out
11 somebody that you shouldn't have, and we would always want
12 to reach out to everyone that was significantly impacted by
13 any development that we did to make sure that we had a
14 conversation going on about it.

16 I would say we haven't made a recommendation yet,
17 but we could probably just not make any changes per 37 and
18 38 and it wouldn't hurt anyone and it would still be
19 covered.

20 Then number 39, I wasn't sure where that was
21 going and were we not doing enough to communicate with the
22 public. I wasn't sure what the change was, because there
23 was nothing underlined. Does Staff know where this comment
24 came from, because there was things that were suggested
25 that was more than what we were doing?

1 JENNIFER ARMER: If we look at what the existing
2 language is for policy LU-20.4, it's talking about variety
3 of public communication methods and it says that, "The Town
4 shall continue to share public information across a variety
5 of media, technology, and traditional platforms based upon
6 the demographics of the community," and so in looking at
7 this I think it mostly wants to make sure there are
8 specific examples of what would be included within that
9 policy rather than keeping it general. I'll also search and
10 see if I can find whom that came from specifically.

11
12 CHAIR HANSSEN: Several people have their hands
13 up. I think Commissioner Janoff, and then Commissioner
14 Raspe, and then Commissioner Clark.

15 COMMISSIONER JANOFF: The way I read this is
16 really traditional methods, like I don't have a computer
17 and I'm not connected to the Internet, so how am I going to
18 get informed? As we go to the digital means of
19 communication, those who don't have access may feel that
20 they're being left out, so that's how I read it.

21 CHAIR HANSSEN: That's good, because you look at
22 something and you're like where did this come from, and so
23 that makes sense.

24 Commissioner Raspe.

1 COMMISSIONER RASPE: Thank you, Chair. I read it
2 the same way as Commissioner Janoff that we were perhaps
3 missing important segments of our population that aren't
4 exposed to electronic media. Specifically by way of example
5 there were several comments that I think we could put in
6 the no growth category, and I think if perhaps those
7 individuals had a better understanding of, for instance, SB
8 35, some of the limitations that are placed upon the Town
9 that really dictate this entire process, I think that would
10 be helpful for the entire community and the Planning
11 Commission and Town Council as well, so I think any effort
12 that captures more of the community I think only serves to
13 enrich the entire process.
14

15 CHAIR HANSSEN: That sounds great. Commissioner
16 Clark.

17 COMMISSIONER CLARK: Thank you. I actually have a
18 couple of problems with number 39.

19 First, LU-20.4 already does say traditional
20 platforms, and so it's not like this is currently excluded.
21 I think it is just specifying for this one and not the
22 others, which I also think could be a problem.

23 Another thought that I definitely have is that
24 this method is bad for the environment compared to other
25 ones, and if we're talking about a 20-year General Plan I'd

1 like to think that we're able to find more creative ways to
2 engage at some point, and since the language says,
3 "traditional platforms based upon the demographics of the
4 community," I think that that does get at the fact that we
5 want to make sure that we're using outreach methods that
6 will ensure everyone is reached, and maybe in 20 years
7 everyone has a computer or something, so I don't think that
8 it's super wise to include these specifics in the General
9 Plan.

10
11 CHAIR HANSSEN: That's very good additional input
12 on the other side of thing, and that's where this General
13 Plan discussion is sort of like how far do you go? If it
14 says traditional, is it enough, or do you need to have
15 more?

16 Vice Chair Barnett.

17 VICE CHAIR BARNETT: I wanted to agree with
18 Commissioner Clark on this particular matter. I think that
19 the existing LU-20.4 is broad enough. We keep talking about
20 keeping the General Plan at a high level, and I think this
21 is really getting down into the weeds.

22 CHAIR HANSSEN: All right, I think that's good
23 for now, and then when we get to the point where we're
24 ready to make the recommendation on the entire Land Use
25

1 Element someone can make a motion about just leaving out 39
2 or whether to add it in any form.

3 Then number 40, I'm going to add it in the same
4 bucket as the North Forty. Number 40 says to, "Modify the
5 North Forty Specific Plan to allow up to 40 dwelling units
6 per acre to be consistent with the Mixed-Use land use
7 designation on Los Gatos Boulevard."

8 We can certainly include modify the Specific
9 Plan. I'm going to ask Staff a question though when we get
10 to talking about numbers and specific recommendations. Were
11 you hoping that the Planning Commission would make a
12 recommendation like that specific about what density?

13 JENNIFER ARMER: I would start by saying that we
14 did say neutral for a reason, that really moving forward
15 with additional housing in the North Forty area is going to
16 be a separate process, but as Director Paulson stated, if
17 there is an inclination from the Planning Commission based
18 on your discussions, if that is something that you think
19 would be worthwhile and that you do want to recommend and
20 support, that that is a discussion point that we could
21 bring forward to Town Council.

22 CHAIR HANSSEN: So it's probably worth being
23 somewhat specific about it, but we don't have to decide it
24 right now.
25

1 We did get through all of the recommended changes
2 to the Land Use Element except for number 20, which would
3 be to talk about whether or not we should modify the number
4 of new housing units.

5 Now it is 10:54. We certainly aren't going to be
6 able to finish everything tonight, but we could decide to
7 vote to move forward to 11:30, or we could vote to stop and
8 then take up the discussion of the numbers and the
9 Community Design Element and then the final recommendations
10 on that EIR, so those are the options that we have right
11 now.
12

13 I'm going to ask Staff, I think because of our
14 agenda we do have to have the report from the Community
15 Development Director and subcommittee reports and the
16 normal stuff for our meetings, is that correct?

17 JENNIFER ARMER: I don't believe we need to have
18 those. I guess I could check and see. It could just have
19 been our standard agenda since those will be taken care of
20 on Wednesday. Mr. Paulson.

21 JOEL PAULSON: I would say yeah, we probably
22 could have struck those from this agenda since we're going
23 to be meeting Wednesday anyway. Obviously, you guys have
24 been going at this for just shy of four hours. This next
25 topic is going to probably engender a lot of discussion, so

1 I'm not sure if it would be good to start it if you don't
2 think you're going to finish it, but that's my personal
3 opinion, and ultimately it's up to the Commission.

4 CHAIR HANSSEN: Commissioner Janoff, you had a
5 comment?

6 COMMISSIONER JANOFF: I agree, I don't think that
7 we're likely to get finished with the Land Use Element
8 tonight, but if it's possible I think it would be very
9 beneficial for the Commission to have a framework for how
10 you would like to carry the discussion forward, so if it's
11 a table that you have in mind that we're going to do number
12 adjustments, help us understand the structure of the logic
13 that you want to go through so that we can be prepared to
14 think through those numbers and the rationale for any
15 changes or no changes.
16

17 CHAIR HANSSEN: Thank you for that. I can tell
18 you what I had in mind was I'm going to go to page 14 of
19 the Staff Report that came on April 15th in which discussion
20 they took the 3,738 number that was out in the public
21 domain and was the subject of a lot of press, mostly
22 negative, for doubling our RHNA housing numbers, and
23 although Staff has continued to explain that, that's still
24 pretty controversial.
25

1 They went further than that on page 6 and talked
2 about if you adjusted it for the fact that the General Plan
3 is 20 years versus the Housing Element being on an eight-
4 year time cycle, that we were down to 3,038 units because
5 of existing projects and the accessory dwelling units that
6 would built after.

7 And they said specifically therefore if you
8 consider the 1,993 times of 15% buffer of 2,292 units,
9 comparing that to 3,038 in theory we are 746 housing units
10 greater than the expected need for the Housing Element if
11 you took it to the minimum.

12 That is followed by some potential reductions in
13 housing development capacity that were suggested by Staff
14 after the result of the meeting that they had with Town
15 Council back in December where they talked about potential
16 directions where to go, and the Town Council is not telling
17 us to reduce the number, they're just saying that if we
18 thought it was recommended to reduce the number, then these
19 are some ways that could do it.

20 So my idea about doing that was if you look at
21 number 20 on Exhibit 7, it says, A) No increase in housing
22 levels. These are possible modifications; B) Reduce the
23 number of new housing units to a lower, less ambitious
24 target; C) Reduce new housing units to 1,993, which is the
25

1 exact amount of our RHNA, and remember we're doing the
2 General Plan, not the Housing Element; and D) Reduce the
3 number of new housing units to 1,993 plus a 15-20% buffer.

4 The place we have to kind of start is I think
5 number 20, which is can we rule out a couple of those
6 options, and there is actually Option E that's not on here,
7 which would be to leave it exactly as it is.

8 So that's where I'd ask you guys to start for
9 when we do our next meeting and think about what are your
10 responses to A, B, C, D, and E, and then we can talk about
11 if the desire is to modify the housing numbers and make
12 them lower what are the best ways to do that, and I think
13 that will be a good discussion. Does that give you enough
14 structure, Commissioner Janoff, in terms of what I was
15 thinking of?
16

17 COMMISSIONER JANOFF: (Thumbs up.)

18 CHAIR HANSSEN: Does that help you guys in terms
19 of thinking about it for when we continue the discussion?
20 Okay. Are there questions that you have about how we should
21 go about this, or suggestions that you would like to make
22 before we set the date for continuing the discussion?
23 Commissioner Clark.

1 COMMISSIONER THOMAS: I know that we don't want
2 to get into a discussion of everything in detail, but I am
3 just a little bit curious to hear some of the
4 Commissioner's general thoughts on these ideas about where
5 they're coming from so that we could kind of like take that
6 away with us and process it over the next couple of days. I
7 don't have any new information, but I know that this is an
8 important discussion.

9 CHAIR HANSSSEN: Here's a suggestion I have. Why
10 don't we take a read on everyone's feedback on number 20,
11 and adding in option E that's not on there, which is not
12 changing the numbers at all, and see where everyone's
13 initial read is on it, and then we'll have a more in depth
14 discussion about whether we go in that direction and to
15 what extent in the follow up meeting.

16 COMMISSIONER THOMAS: I think that would be
17 helpful to me, because I just have no idea where everyone
18 else is. I don't mind going first.

19 CHAIR HANSSSEN: Go ahead.

20 COMMISSIONER THOMAS: As a member of the GPAC who
21 already approved this, and understanding the full extent of
22 the entire situation and what Staff has provided with us, I
23 do not support A, B, C, or D. I don't think we should
24
25

1 modify. I think we should go with the original number in
2 the Draft 2040 Plan.

3 CHAIR HANSSEN: So my suggestion of adding E,
4 which is not modifying what's in the draft right now.

5 Commissioner Raspe, you had your hand up but you
6 don't have it up anymore.

7 COMMISSIONER RASPE: I don't want to derail the
8 train of discussion, but I was just going to address a
9 procedural question. I think it's clear we're not going to
10 finish Land Use and/or address the Design Element tonight,
11 and we have a meeting scheduled Wednesday. I was curious—
12 and I think I know the answer to this—can we add this
13 discussion to that agenda, or is it too late because that
14 agenda has been published, or should we consider our next
15 meeting for this discussion? I don't mean to interrupt; I
16 wanted to put that out there.

17 CHAIR HANSSEN: It's a very good question. I will
18 hand it over to Staff, but I'm going to guess that because
19 the agenda is already out there we won't be able to add it
20 to Wednesday's discussion.

21 JENNIFER ARMER: Actually, Staff recommendation
22 was going to be you continue to a date certain of the 27th
23 and we would just add it on as an additional item after the
24 existing items that are already on the agenda, so it would
25

1 be continued, and it would be Item 4, I believe. Director
2 Paulson.

3 JOEL PAULSON: We did consult with the Town
4 Attorney. We would just do an amended agenda tomorrow,
5 given the timeframe, and we get that posted.

6 CHAIR HANSSEN: We can do that after we finish
7 the question that on the table in terms of recommending the
8 date certain, right? But that is good to know, because as
9 your Chair I would rather do that than go to another
10 special meeting.

11 ROBERT SCHULTZ: Chair and Commissioners, the
12 Brown Act specifically allows you to continue a meeting
13 within five days of the meeting, and you can continue this
14 item to Wednesday. The Brown Act specifically allows you to
15 do that and then (inaudible). And then Staff will change
16 the agenda to reflect that tomorrow, but you're allowed to
17 do that if you're within five days of the continuance, so
18 you're able to do that.

19 CHAIR HANSSEN: That is very, very good to know,
20 because the other advantage of doing it on Wednesday would
21 be it will be fresh in our minds and we can kind of pick up
22 from where we left off without a lot of interruption.

23 Would others like to comment on number 20, on
24 what general direction they'd like to go?
25

1 Vice Chair Barnett.

2 VICE CHAIR BARNETT: I think it's apparent from
3 my submission that I would go with D.

4 CHAIR HANSSEN: Okay. I don't know if you all saw
5 Vice Chair Barnett's submission, but he had a spreadsheet
6 with specific recommendations that he was advocating for.

7 Others? Commissioner Raspe.

8 COMMISSIONER RASPE: Thank you, Chair. I haven't
9 had a chance to review Vice Chair Barnett's submission yet,
10 but my thinking is largely similar to his in reducing it to
11 a less ambitious target, so I will look at his figures as
12 well as reducing it to the RHNA numbers plus a reasonable
13 buffer in the 15-20% range. That's where my thinking is at
14 the moment, but to be fair to the Commission, I'm still
15 processing this information and so open to any discussion.
16 Thank you.

17 CHAIR HANSSEN: No, that's fine. We're just
18 weighing where we kind of stand right now, and then we're
19 going to discuss it more, and then you may still feel the
20 same way or not after we get through it.

21 Commissioner Janoff.

22 COMMISSIONER JANOFF: Thank you. I'm of two
23 minds. I think as Commissioner Thomas said, it was quite a
24 bit of deliberation that went into the numbers. The actual
25

1 number that was in the General Plan was a surprise to many
2 of us, because that wasn't a number that we had seen.
3 Nonetheless, it wasn't an unreasonable extrapolation from
4 the discussions that we had, and keeping in mind that the
5 General Plan is a 20-year plan and covers three housing
6 cycles.

7 In the worst case you could envision three
8 housing cycles that demand you to create 1,993 units in
9 each cycle, which puts you in the neighborhood of 6,000
10 units. That's probably not going to happen, who knows? But
11 even if you step back and say we're not likely to get a
12 zero housing RHNA number, so what we've had in the past is
13 somewhere in the neighborhood of 500-600, so then you have
14 2,000 from this cycle, 600 from the next cycle, and perhaps
15 another 600 from the next cycle, which gets you to
16 approximately 3,200 units.

17 I can understand the concern among the Town
18 residents that the number is too high, and there's a
19 difference between planning for a high number and saying
20 that is the number that is going to be built, so that's an
21 important distinction in my mind.

22 Having said that, I would recommend that we do B,
23 but probably with a more ambitious/less ambitious target
24 certainly than Vice Chair Barnett has proposed in his
25

1 table, because I think we do need to be mindful of the
2 future cycles that will be under the umbrella of this
3 General Plan, should it get recommended and approved.

4 Having said that, if we're going to review the
5 Land Use Element every five years and make adjustments as
6 needed to accommodate the trend of housing development
7 under the current cycle or what we see in the future cycle,
8 then I can see that we could have a less ambitious number
9 now, but then the Town would need to understand that it
10 could get ambitious later.

11 It's kind of a question of managing expectations,
12 and I want to be sure that the Planning Commission and
13 whatever we recommended is really dead, dead clear on this
14 is this Housing Element, this is the next Housing Element,
15 and this is the next Housing Element. So we separate out
16 all of those pieces so residents can understand what those
17 numbers are tied to, what are being actionable, what's
18 actionable in this cycle versus outlying cycles, and why
19 the General Plan needs to plan for more than just the
20 current RHNA cycle, so that's my short explanation of why
21 I'm at a fat B.

22 CHAIR HANSSEN: Thank you for that.

23 Commissioner Clark.

1 COMMISSIONER CLARK: Thank you. Something that I
2 would like my fellow commissioners to consider before the
3 next meeting is how many units, not that you want the RHNA
4 number to be or anything like that, but how many units you
5 want to be built, because I think that the reality is that
6 that number is so big, because they're not going to get
7 built. It is so hard to develop, and now matter how hard we
8 tried that's not going to happen, especially just because
9 of the amount of time that it does take to build, and so I
10 think that I'm more in favor of keeping it a bigger number,
11 because that way we're allowing for more opportunities for
12 development in hopes that we might actually meet our RHNA
13 number.
14

15 I think in terms of getting our Housing Element
16 through, we've seen the HCD is very, very strict as we
17 watched the Southern California cities go through review,
18 and I think something that would go a long way with them is
19 seeing that we are prepared for the capacity for more than
20 we were actually required to, because that makes it a lot
21 more likely that we actually reach our number, and that
22 makes it easier to get the Housing Element through as a
23 whole, because that I think will be one of the most highly
24 weighted aspects, and then after that there's going to be
25

1 like AF of H and the policies and the outreach and things
2 like that.

3 CHAIR HANSSEN: Thank you for that.

4 So I'll weigh in. This was mentioned a bit
5 earlier, but when we started this whole process of updating
6 the General Plan I remember sitting down with a couple of
7 Town Council members and I said, "Well, if we're going to
8 go through this process of trying to manage our growth
9 kicking and screaming, instead of trying to take the reins
10 and grow in the way that we'd like to grow, and that's
11 hopefully in concert with what is expected by the state, I
12 would much prefer to be with that kind of process where
13 we're not kicking and screaming.
14

15 I've never been a fan of doing the absolute
16 minimum and fighting everything every step of the way,
17 because we have to be thinking that we're in the role of
18 planning for the future, and it was obvious at the
19 beginning of the General Plan process that we're not
20 building the kind of housing that is going to be right for
21 the kind of population that we're going to have going
22 forward.
23

24 I'm not even considering talking about a lot of
25 people that don't live in Town now, which we do need to
think about, but just the seniors that want to go to move-

1 down housing, of which there's none. There is senior member
2 care and things like that, but there's no move-down housing
3 for seniors or for our youth. I have college age kids that
4 are getting out of collage and they can't afford to live
5 here, and we don't have the kind of housing that they can
6 do either. Instead, we're building 6,000 square foot houses
7 with 4,000 square foot faces that cost \$4-5 million dollars
8 that they won't be able to afford for decades, if ever. So
9 I'm definitely of the mind that we need to build a lot more
10 smaller units.

11
12 Getting back to the number, when we started the
13 General Plan process we didn't know what the RHNA was. We
14 talked about 2,000 units and it was big number, but we were
15 looking at 20 years, and then as it turned out that became
16 our RHNA, and then so when we were doing the General Plan
17 we said since we already are at 2,000 units, do we need to
18 think about planning for even more so we'd be covered, but
19 now that we're talking about updating the Land Use Element,
20 I don't feel as big about that.

21 So getting back to the actual recommendation, I'm
22 sympathetic to all the concerns, and people are terrified
23 in Town, and I too am a resident of the Town, and I think
24 we have to worry about managing growth and growing in the
25 right way, so I think that it would be prudent to think

1 about making some kind of reduction from the almost 4,000
2 number, even though we're looking at a 20-year timeframe,
3 and bringing it back to something.

4 But if you consider, I'll just give D, for
5 example, reducing the number of new housing units to 1,993
6 plus a 15-20% buffer, even that number isn't going to work,
7 because just taking ADUs, for example, we have projected 25
8 ADUs per year for so many years, and then there's 300 more
9 ADUs that we expect to get in the decade following the
10 Housing Element that's coming up, and so there's going to
11 be 300 more housing units that we have no control over
12 whatsoever that are already going to be part of that
13 process, so I'm definitely thinking it's going to be a
14 number higher than 2,292, and then the question is what is
15 the right number?
16

17 I'm open to hearing what you guys think, but I'm
18 not keen on the idea of eliminating entire categories of
19 places where we could add additional housing. So that's
20 kind of where I came out, but I'll be interested to see
21 where we go with the discussion, and hopefully we can come
22 up with a good recommendation that will make sense for the
23 Town Council.
24

25 That being said, we don't need to do the rest of
the meeting stuff, because we're going to have our meeting

1 on Wednesday, but we do need to make a motion to continue
2 this meeting to a date certain. Would one of you make that
3 motion for me?

4 Commissioner Clark.

5 COMMISSIONER CLARK: I move to continue this
6 meeting to April 27th date certain. Should I include the
7 time?

8 CHAIR HANSSEN: No.

9 COMMISSIONER CLARK: That's my motion.
10

11 CHAIR HANSSEN: All right, second? It looks like
12 Vice Chair Barnett has his hand up.

13 VICE CHAIR BARNETT: Yes, I'd be happy to second
14 the motion.

15 CHAIR HANSSEN: Then we will do a roll call vote.
16 Commissioner Thomas.

17 COMMISSIONER THOMAS: Yes.

18 CHAIR HANSSEN: Commissioner Raspe.

19 COMMISSIONER RASPE: Yes.

20 CHAIR HANSSEN: Commissioner Janoff.

21 COMMISSIONER JANOFF: Yes.

22 CHAIR HANSSEN: Commissioner Clark.

23 COMMISSIONER CLARK: Yes.

24 CHAIR HANSSEN: Vice Chair Barnett.
25

VICE CHAIR BARNETT: Yes.

1 CHAIR HANSSEN: And I vote yes as well, so that
2 passes.

3 I wanted to take a minute just to thank you all
4 for all your time and attention. It's been a long meeting
5 and we've gotten through a lot of material, and I think
6 we're in good shape to continue this and hopefully finish
7 the rest of what we need on Wednesday, but certainly we
8 should be able to finish Land Use and Community Design, and
9 then hopefully the EIR as well. So I thank you all for
10 that. We will see you in a couple of days, and this meeting
11 is adjourned.
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