



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
AUGUST 26, 2020
110 EAST MAIN STREET
LOS GATOS, CA**

*Melanie Hanssen, Chair
Kathryn Janoff, Vice Chair
Mary Badame, Commissioner
Jeffrey Barnett, Commissioner
Kendra Burch, Commissioner
Matthew Hudes, Commissioner
Reza Tavana, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” and return it to the Staff Liaison. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.

Live and Archived Planning Commission meetings can be viewed by going to:

<https://www.kcat.org/government-meetings>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

IMPORTANT NOTICE REGARDING AUGUST 26, 2020 PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at:

<https://losgatosca.gov.zoom.us/j/96935864583?pwd=QU1MaXRCMkczaDFmWGd3U2wrd3NDUT09>
Passcode: 574726.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@losgatosca.gov with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSSSEN, VICE CHAIR JANOFF, COMMISSIONER BADAME, COMMISSIONER BARNETT, COMMISSIONER BURCH, COMMISSIONER HUDES, AND COMMISSIONER TEVANA. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
AUGUST 26, 2020
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda consistent with the Participation instructions contained on page 2 of this agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda consistent with the Participation instructions contained on page 2 of this agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)*

1. Approval of Minutes of the August 12, 2020 Regular Planning Commission Meeting.

PUBLIC HEARINGS *(Applicants/Appellants, their representatives, and members of the public may to address the Commission on any Public Hearing item by following the Participation instructions contained on page 2 of this agenda. Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

2. Forward a Recommendation to the Town Council for Approval of Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Outdoor Lighting and Modifications to the Residential Design Guidelines. Location: Town Wide. Town Code Amendment Application A-20-005. Applicant: Town of Los Gatos.
3. Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Architecture and Site Application S-20-012. Property Owner/Applicant: Summerhill N40, LLC. Project Planner: Jocelyn Shoopman.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
AUGUST 12, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, August 12, 2020, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff , Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, and Commissioner Matthew Hudes
Absent: Commissioner Reza Tavana

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes – July 22, 2020**

MOTION: Motion by Commissioner Hudes to approve adoption of the Consent Calendar. **Seconded** by Commissioner Burch.

VOTE: Motion passed unanimously

PUBLIC HEARINGS

2. **Town Code Amendments regarding Below Market Price (BMP) Program**
Town Code Amendment Application A-20-004

Forward a recommendation to the Town Council for approval of amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding the Below Market Price (BMP) Program.

Applicant: Town of Los Gatos
Staff: Jocelyn Shoopman

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Heidi Owens

- Asked why the below market program is not aligned to the different RHNA number categories, for example, an extremely low-income requirement, etc.?

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Hudes** to forward a recommendation to the Town Council to approve amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding the Below Market Price (BMP) Program, subject to additional Planning Commission comments:

- Comments from Commissioner Barnett as written and submitted;
- Comments from Commissioner Burch regarding valuation and particularly rental considerations;
- Community Development Director Paulson's commitment to research part-time and gig workers;
- Consideration of looking at additional points for different income levels in the formulation; to look at 5 points for 60-percent and 3 points for 80-percent; and
- Consider increasing the number of units by surveying other communities to see if it is possible to raise the requirement by 10-percent across the board.

Seconded by Commissioner Badame.

VOTE: **Motion passed unanimously.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- Town Council met August 12, 2020; adopted the Vehicle Sales Ordinance modifications that the Planning Commission previously reviewed.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Commissioner Barnett

- CDAC met August 12, 2020; discussed the relocation of a residence located at 14919 Los Gatos Boulevard to be moved to Phase 1 of the N40 Development. Committee approved the proposed concept unanimously.

General Plan Update Advisory Committee

Chair Hanssen

- GPAC met twice since the last Planning Commission meeting:
 - o July 30, 2020; discussed the impact of the COVID-19 pandemic; environmental justice; and racial inequity and social justice and how that might be incorporated in the General Plan. The meeting had large public participation.
 - o August 6, 2020; discussed the Hazards and Safety Element.
- GPAC will discuss the Mobility Element at the next meeting.

Commission Matters

None.

ADJOURNMENT

The meeting adjourned at 8:15 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the August 12, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 2

DATE: August 19, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Town Council for Approval of Amendments to Chapter 29 (Zoning Regulations) of the Town Code Regarding Outdoor Lighting and Modifications to the Residential Design Guidelines.
Location: Town Wide. Town Code Amendment Application A-20-005.
Applicant: Town of Los Gatos.

RECOMMENDATION:

Forward a recommendation to the Town Council for approval of amendments to Chapter 29 (Zoning Regulations) of the Town Code regarding outdoor lighting and modifications to the Residential Design Guidelines.

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment.

FINDINGS:

- As required, pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, this project is Exempt, Section 15061(b)(3);
- The amendments to Chapter 29 of the Town Code are consistent with the General Plan; and
- The modifications to the Residential Design Guidelines are consistent with the General Plan.

PREPARED BY: JENNIFER ARMER, AICP
Senior Planner

Reviewed by: Planning Manager and Community Development Director

BACKGROUND:

On October 22, 2019, the Town Council Policy Committee discussed Town Code Section 29.10.09015, below, which limits outdoor lighting and prohibits “shoestring lights.” The Policy Committee motion was to temporarily suspend the prohibition of shoestring lighting while the Town considered new lighting regulations for different zones throughout Town.

On November 25, 2019, and January 28, 2020, the Town Council Policy Committee discussed and provided direction on potential outdoor lighting regulation modifications in order to better reflect the current interest in allowing decorative string lighting while limiting light impacts on neighbors.

DISCUSSION:

On July 28, 2020 the Town Council Policy Committee recommended the following modifications to the Town Code and Residential Design Guidelines. These modifications are shown below with additions underlined and deletions shown in strikethrough font.

A. Zoning Code

The following Section could be revised to read:

Sec. 29.10.09015. - ~~Control of~~ Residential outdoor lighting.

~~Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way. Shoestring lighting is not permitted.~~

All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes. Decorative lighting fixtures are preferred for security lighting fixtures.

Modify the sports court lighting to prohibit high-intensity lights. The following section could be revised to read:

Sec. 29.40.025. - Court game areas.

Tennis, volleyball, basketball, badminton and similar court game areas may be located anywhere on the lot except in the required front yard or side yard abutting the street. Fences over six (6) feet high are allowed to enclose court game areas, when approved through the Administrative Procedure for Minor Residential Projects. Lighting for court game areas is prohibited unless approved through the Administrative Procedure for

DISCUSSION (continued):

Minor Residential Projects and unless it is in compliance with the following standards to the satisfaction of the Planning Director:

- (1) Game court lighting shall incorporate cut-off fixtures and lighting shall be shielded and directed onto the court.
- (2) Lighting for game court areas shall not be used after 10:00 p.m.
- (3) High-intensity lights are not permitted.
- (4) Lighting in the hillside areas is prohibited. Hillside areas are defined by the hillside area map in the Hillside Development Standards and Guidelines.

B. Residential Design Guidelines

Residential Design Guideline 3.11.5 could be revised to read:

Minimize exterior lighting impacts on neighbors:

- All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures are preferred ~~should be chosen~~ rather than strictly utilitarian security lighting fixtures.

PUBLIC COMMENTS:

Public comments received by 11:00 a.m., Friday, August 21, 2020 are included as Exhibit 8.

CONCLUSION:

A. Recommendation

Based on the direction of the Town Council Policy Committee, staff recommends that the Planning Commission review the information included in the staff report and forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance and the modifications proposed to the Residential Design Guidelines. The Commission should also include any comments or recommended changes in taking the following actions:

1. Make the finding that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act [Section 15061 (b) (3)] (Exhibit 1);

CONCLUSION (continued):

2. Make the required finding that the amendments to Chapter 29 of the Town Code in the Draft Ordinance are consistent with the General Plan (Exhibit 1);
3. Make the required finding that the modifications to the Residential Design Guidelines are consistent with the General Plan (Exhibit 1);
4. Forward a recommendation to the Town Council for approval of the amendments to Chapter 29 of the Town Code in the Draft Ordinance (Exhibit 6); and
5. Forward a recommendation to the Town Council for approval of the proposed modifications to the Residential Design Guidelines (Exhibit 7).

B. Alternatives

Alternatively, the Commission can:

1. Forward a recommendation to the Town Council for approval of the Draft Ordinance and proposed modifications to the Residential Design Guidelines with modifications; or
2. Forward a recommendation to the Town Council for denial of the Draft Ordinance and proposed modifications to the Residential Design Guidelines; or
3. Continue the matter to a date certain with specific direction.

EXHIBITS:

1. Required Findings
2. Town Council Policy Committee Minutes, October 22, 2019
3. Town Council Policy Committee Minutes, November 25, 2019
4. Town Council Policy Committee Minutes, January 28, 2020
5. Town Council Policy Committee Minutes, July 28, 2020
6. Draft Ordinance
7. Draft Modifications to the Residential Design Guidelines
8. Public comments received by 11:00 a.m., Friday, August 21, 2020

PLANNING COMMISSION – August 24, 2020
REQUIRED FINDINGS FOR:

Town Code Amendment Application A-20-005

Consider amendments to Chapter 29 of the Town Code regarding Outdoor Lighting and proposed modifications to the Residential Design Guidelines.

FINDINGS

Required Findings for CEQA:

- It has been determined that there is no possibility that this project will have a significant impact on the environment; therefore, the project is not subject to the California Environmental Quality Act, Section 15061 (b)(3).

Required Findings for General Plan:

- The proposed amendments to Chapter 29 of the Town Code are consistent with the General Plan.
- The proposed modifications to the Residential Design Guidelines are consistent with the General Plan.

EXHIBIT 1

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**Minutes of the Regular Town Council Policy Committee Meeting
October 22, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, October 22, 2019, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Matt Morley, Parks and Public Works Director; Monica Renn, Economic Vitality Manager; Gitta Ungvari, Finance and Budget Manager; Holly Zappala, Management Analyst.

CONSENT ITEMS

1. Approve the Draft Minutes of September 24, 2019.

Approved.

VERBAL COMMUNICATIONS

Sarah Chaffin

- Commented regarding amending the Town's Below Market Price guidelines to allow teachers and other professions to be able to qualify.

The Committee requested that this item be placed on the agenda for the November Policy Committee meeting.

David Propach

- Commented regarding a policy change to allow a combined pottery shop and real estate office use on the ground floor in the Central Business District Commercial Zone.

OTHER BUSINESS

2. Discuss and Provide Direction of the Application of the Traffic Impact Policy and Associated Fees.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to modify the Traffic Impact Policy to be applied Town-wide to new square footage only. The Committee also requested that staff bring forward additional information in the Council report regarding (1) the loss of fees when a similar change was made for the downtown and (2) how the Traffic Impact Policy and fee would work if the Town switched from measuring vehicle trips based on the Institute of Transportation Engineers (ITE) standards to a vehicle miles traveled (VMT) approach.

3. Discuss Town Code Section 29.10.09015 regarding “shoestring lights,” and forward a recommendation to the Planning Commission and Town Council to remove the provision prohibiting them.

Monica Renn, Economic Vitality Manager, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Town Council to revoke Section 29.10.09015 – Control of Outdoor Lighting of the Town Code and suspend the prohibition on shoestring lighting pending consideration of the new ordinance. The Committee requested that staff return with new draft ordinance language to regulate outdoor lighting by zone.

ADJOURNMENT

The meeting adjourned at 5:47 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the October 22, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**Minutes of the Special Town Council Policy Committee Meeting
November 25, 2019**

The Town Council Policy Committee of the Town of Los Gatos conducted a special meeting on Monday, November 25, 2019, at 4:00 p.m.

MEETING CALLED TO ORDER AT 4:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Sally Zarnowitz, Planning Manager; Holly Zappala, Management Analyst.

CONSENT ITEMS

1. Approve the Draft Minutes of October 22, 2019.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

Mayor Jensen requested Item 3 be reviewed first.

3. **Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.**

Joel Paulson, Community Development Director, presented the staff report.

After discussion, the Committee asked staff to return to the Committee with revised proposed lighting regulations, similar to the City of Campbell's Lighting Design Standards, including the following considerations:

- Regulate lighting by zone or district
- Distinguish between permanent and temporary lighting
- Eliminate vague language

- Update terminology to include modern types of signs and eliminate obsolete references
- Maintain Hillside restrictions and adjust language to ensure enforceability
- Reduce restrictions on commercial signage
- Allow projected wall art as part of a Special Event Permit
- Consider allowing string lighting on private property on a permanent basis

2. Provide Direction on Potential Modifications to the Below Market Price Housing Program Regulations.

Joel Paulson, Community Development Director, presented the staff report.

Sarah Chaffin

-Commented that the Town's Below Market Price Housing Guidelines should allow eligibility for households who earn up to 120% or 150% of the Area Median Income (AMI) to accommodate people in households unable to afford housing in Los Gatos at market rate, but with incomes too high to qualify at the current 80% AMI eligibility limit (the "missing middle").

After discussion, the Committee asked staff to return to the Committee with revised proposed Below Market Price Housing Program Guidelines, including increasing the eligibility limit to 120% AMI, adjusting the requirements for purchases and rentals to correspond with each other, and making other revisions as identified by Committee members.

ADJOURNMENT

The meeting adjourned at 5:04 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the November 25, 2019 meeting as approved by the Town Council Policy Committee.

/s/ Holly Zappala, Management Analyst



**Minutes of the Town Council Policy Committee Regular Meeting
January 28, 2020**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, January 28, 2020, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Sally Zarnowitz, Planning Manager; Monica Renn, Economic Vitality Manager; Jennifer Armer, Senior Planner; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

- 1. Approve the Draft Minutes of December 10, 2019.**
- 2. Approve the Town Council Policy Committee Meeting Schedule for 2020.**

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

- 3. Discuss and Provide Direction on Potential Modifications to the Below Market Price Housing Program Regulations.**

Joel Paulson, Community Development Director, presented the staff report.

After discussion, the Committee asked staff to return to the Committee with revised proposed Town Code amendments and Below Market Price Housing (BMP) Guidelines, including increasing the household income requirement for BMP ownership to 120% of the Median Family Income to match the BMP rental requirement. The Committee requested clarification on questions regarding requiring BMPs in continuum care facilities and assigning preferences to applicants. The Committee agreed that the Town should modify

the Code and BMP Guidelines, while the Town's BMP housing provider, currently Hello Housing, may contribute an administrative appendix to the Guidelines.

4. Discuss and Provide Direction on Potential Outdoor Lighting Regulation Modifications.

Jennifer Armer, Senior Planner, was present to address questions.

After discussion, the Committee asked staff to send the Committee via email revised language, including consistent wording in the proposed Ordinance and the Residential Design Guidelines, and removal of the distinction of "holiday" or "patio" lights. Upon approval of the emailed language, the Committee agreed to forward a recommendation to the Planning Commission to approve the proposed modifications.

5. Discuss the Town's Interpretation of "Used Vehicles" in the Town Code and Determine if an Exemption for Indoor Showrooms is Appropriate.

Monica Renn, Economic Vitality Manager, presented the staff report.

Rodney Butterfield

-Commented that his company sells used cars, and they are high-end, restored vintage and sports racing cars. His customer base is collectors. He said that his showrooms look more like an antique art gallery as opposed to a used car lot.

John Eichinger

-Commented that he believes the addition of Mr. Butterfield's business would be an enhancement to downtown Los Gatos.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to amend Town Code Section 29.20.185, Table of Conditional Uses Section 7 to eliminate the word "new" from section (a) and entirely eliminate section (b) requiring used vehicle sales and rentals to be incidental to new vehicle sales.

6. Identify Future Work Plan Items for the Council Policy Committee.

Holly Zappala, Management Analyst, presented the staff report.

David Weissman

-Commented that the Town should revise its defensible space requirements in conjunction with the Hillside Development Standards and Guidelines Visibility Analysis as the two are tied together in practice.

PAGE 3 OF 3

SUBJECT: Minutes of the Regular Town Council Policy Committee Meeting of January 28,
2020

DATE: July 28, 2020

After discussion, the Committee agreed that the potential items for 2020 recommended by staff be added to the work plan for the Policy Committee in 2020 and each item be examined as it aligns with the Town's Strategic Priorities.

ADJOURNMENT

The meeting adjourned at 6:07 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 28, 2020 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst

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**Minutes of the Town Council Policy Committee Regular Meeting
July 28, 2020**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting on Tuesday, July 28, 2020, at 5:00 p.m. via teleconference.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Marcia Jensen, Barbara Spector.

Staff Present: Laurel Prevetti, Town Manager; Robert Schultz, Town Attorney; Joel Paulson, Community Development Director; Jennifer Armer, Senior Planner; Jocelyn Shoopman, Associate Planner; Holly Zappala, Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve the Draft Minutes of January 28, 2020.

Approved.

VERBAL COMMUNICATIONS

David Weissman

- Commented that Item #2 was placed on the Policy Committee agenda as a result of comments he had made at a prior Town Council meeting. He requested that when items are placed on an agenda that have been prompted by a comment from a speaker at a public meeting that the speaker be given advance notice of the item's placement on the agenda.

OTHER BUSINESS

2. Discuss and Provide Direction on Potential Modifications to the Hillside Development Standards and Guidelines Regarding Visibility.

In light of Mr. Weissman's comment, the Committee requested that this item be continued to the August Policy Committee meeting to allow sufficient time for review. The Committee also requested that Mr. Weissman be notified of the date and time of the August meeting once determined.

PAGE 2 OF 2

SUBJECT: Minutes of the Regular Town Council Policy Committee Meeting of July 28, 2020

DATE: August 11, 2020

3. Discuss and Provide Direction to Staff on Potential Outdoor Lighting Regulation Modifications.

Jennifer Armer, Senior Planner, presented the staff report.

After discussion, the Committee agreed to forward a recommendation to the Planning Commission to approve the proposed modifications.

ADJOURNMENT

The meeting adjourned at 5:18 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the July 28, 2020 meeting as approved by the Town Council Policy Committee.

Holly Zappala, Management Analyst

CHAPTER 29. – ZONING REGULATIONS

ARTICLE I. – IN GENERAL

DIVISION 1. - MISCELLANEOUS

Sec. 29.10.09015. - ~~Control of~~ Residential outdoor lighting.

~~Outdoor lights must be shielded and directed to shine on improvements including plants on the zoning plot where the lights are located and not directly on other property or any public right-of-way. Shoestring lighting is not permitted.~~

All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes. Decorative lighting fixtures are preferred for security lighting fixtures.

(Ord. No. 1316, § 3.47.010, 6-7-76; Ord. No. 1335, 10-4-76)

ARTICLE IV. – RESIDENTIAL ZONES

DIVISION 1. - GENERALLY

Sec. 29.40.025. - Court game areas.

Tennis, volleyball, basketball, badminton and similar court game areas may be located anywhere on the lot except in the required front yard or side yard abutting the street. Fences over six (6) feet high are allowed to enclose court game areas, when approved through the Administrative Procedure for Minor Residential Projects. Lighting for court game areas is prohibited unless approved through the Administrative Procedure for Minor Residential Projects and unless it is in compliance with the following standards to the satisfaction of the Planning Director:

- (1) Game court lighting shall incorporate cut-off fixtures and lighting shall be shielded and directed onto the court.
- (2) Lighting for game court areas shall not be used after 10:00 p.m.
- (3) High-intensity lights are not permitted.
- ~~(3)~~(4) Lighting in the hillside areas is prohibited. Hillside areas are defined by the hillside area map in the Hillside Development Standards and Guidelines.

(Ord. No. 1316, § 4.10.015, 6-7-76; Ord. No. 1335, 10-4-76; Ord. No. 1950, § I, 7-19-93; Ord. No. 2100, § I, 7-1-02)

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RESIDENTIAL DESIGN GUIDELINES

3.11.5 Minimize exterior lighting impacts on neighbors

- All permanent exterior light fixtures should utilize shields so that no bulb is visible and to ensure that light is directed to the ground surface and does not spill light onto neighboring parcels or produce glare when seen from nearby homes.
- Decorative residential light fixtures are preferred ~~should be chosen~~ rather than strictly utilitarian security lighting fixtures.

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Jennifer Armer

From: Lee Fagot <leefagot@gmail.com>
Sent: Tuesday, July 28, 2020 5:30 PM
To: Joel Paulson; Jennifer Armer
Cc: Laurel Prevetti; Marcia Jensen; Barbara Spector
Subject: Policy Meeting Item 3 - New Lighting ordinance

I had raised my hand to speak on item 3 at today's Policy Meeting, but apparently missed the Mayor's attention. My comment was to be focused on how to be able to objectively enforce the lighting impact on neighbors. Is it possible to measure lumens of light at a specific distance from the source to determine if TOO bright? This is similar to the method of measuring noise from sources that could impact adjoining properties or neighborhoods?

Perhaps this could be included in the wording of the proposal that will come to this committee or the Council at their next meeting?

Take care and be safe, folks.

Lee Fagot
845 Lilac Way
408 828 7080 cell

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 3

DATE: August 20, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Architecture and Site Application S-20-012. Property Owner/Applicant: Summerhill N40, LLC. Project Planner: Jocelyn Shoopman.

RECOMMENDATION:

Consider approval of a request for a modification to an existing Architecture and Site Application (S-13-090) to remove underground parking for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area.

PROJECT DATA:

General Plan Designation: North 40 Specific Plan
Zoning Designation: North 40 Specific Plan
Applicable Plans & Standards: General Plan; North 40 Specific Plan
Parcel Size: 1.77 acres
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Agriculture, Commercial, and Residential	North 40 Specific Plan (N40 SP)	N40 SP
East	Commercial and Residential	Mixed Use Commercial	CH and R-1:8
South	Commercial and Residential	N40 SP	N40 SP
West	Commercial and Residential	N40 SP	N40 SP

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 6

SUBJECT: 14225 Walker Street/S-20-012

DATE: August 20, 2020

CEQA:

An Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan on January 5, 2015. No further environmental analysis is required.

FINDINGS:

- That the project is consistent with the North 40 Specific Plan.

CONSIDERATIONS:

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

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

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

On August 1, 2017, the Town Council adopted a resolution to approve the Phase I Architecture and Site application S-13-090 and Vesting Tentative Map application M-13-014 for the construction of a new multi-use, multi-story mixed use development, which includes residential units, a market hall, and on-site and off-site improvements on 20.7 acres of the North 40 Specific Plan Area.

On September 4, 2018, the Town Council adopted a resolution to approve amendments to the North 40 Specific Plan.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject parcel is approximately 1.77 acres, located within the North 40 Specific Plan Area east of Los Gatos Boulevard, and is currently vacant (Exhibit 1).

PROJECT DESCRIPTION (continued):

B. Project Summary

Architecture and Site application S-13-090 included approval of a multi-story, mixed use building (Market Hall) with 50 affordable apartments for seniors, 20,700 square feet of retail space, a 2,722-square foot community room, and a four-story parking garage with 303 parking spaces. The approved parking garage consisted of three above grade levels and one below grade level. The applicant is proposing to remove the below grade level, eliminating 127 parking spaces.

C. Zoning Compliance

The multi-story, mixed use building (Market Hall) is a permitted use within the Transition District in the North 40 Specific Plan.

DISCUSSION:

A. Architecture and Site Analysis

Architecture and Site application S-13-090 included approval of a multi-story, mixed use building with 50 affordable apartments for seniors, 20,700 square feet of retail space, a 2,722-square foot community room, and a four-story parking garage with 303 parking spaces. The parking garage consisted of three above grade levels and one below grade level. The applicant is proposing to remove the below grade level, eliminating 127 parking spaces. No exterior modifications to the existing Market Hall building are proposed with the modification as detailed in Sheets A7.0 through A10.0 of Exhibit 6.

B. Parking

Architecture and Site application S-13-090 included approval of a four-story garage with three above grade levels and one below grade level. A total of 303 parking spaces were proposed, with 129 parking spaces in the below grade level. Based on the proposed uses within the Market Hall, the North 40 Specific Plan development regulations require 124 parking spaces. The approved application provided 179 parking spaces in excess of the requirements contained in the North 40 Specific Plan (Attachment 4). With the elimination of the below grade level, the applicant is proposing to modify the remaining three, above grade levels, resulting in a total of 176 parking spaces, 52 parking spaces in excess of the requirements for the Market Hall building (Attachment 5). Sheet A.11 of Attachment 6 details the required parking for the Transition District. With the proposed modification, the proposal would result in 45 parking spaces in excess of the requirements for the proposed uses in the Transition District.

DISCUSSION (continued):

Parking			
Approved Number of Parking Spaces		Proposed Number of Parking Spaces	
Level 0	129	Level 0	N/A
Level 1	63	Level 1	59
Level 2	69	Level 2	70
Level 3	42	Level 3	47
Total	303	Total	176
Required Number of Parking Spaces	124	Required Number of Parking Spaces	124

C. Grading

By removing the below grade level of the parking structure, the applicant states that the project will reduce excavation impacts related to the off hauling of soil, as well as reduce the construction time required to construct the below grade parking level (Attachment 5). In addition, the applicant states that by reducing the number of excess parking spaces, it will limit impacts related to automobile use and encourage the utilization of public transit, bikes, and other environmentally sustainable transportation methods for accessing the Market Hall.

D. CEQA Determination

An Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan on January 5, 2015. No further environmental analysis is required.

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants located within 300 feet of the subject property. Public comments received by 11:00 a.m., Friday, August 21, 2020 are included as Exhibit 7.

CONCLUSION:

A. Summary

The applicant is requesting approval of an Architecture and Site application to modify Architecture and Site application S-13-090 for parking requirements for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area.

CONCLUSION (continued):

B. Recommendation

Based on the analysis above, staff recommends approval of the Architecture and Site application subject to the recommended conditions of approval (Exhibit 3). If the Planning Commission finds merit with the proposed project, it should:

1. Make the finding that no further environmental analysis is required (Exhibit 2);
2. Make the finding that the project complies with the North 40 Specific Plan (Exhibit 2);
3. Make the considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
4. Approve Architecture and Site Application S-20-012 with the conditions contained in Exhibit 3 and the development plans in Exhibit 6.

C. Alternatives

Alternatively, the Commission can:

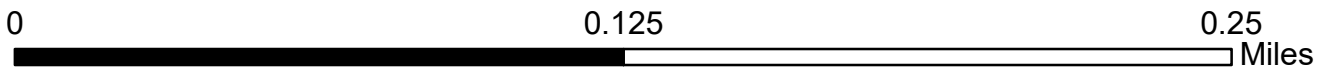
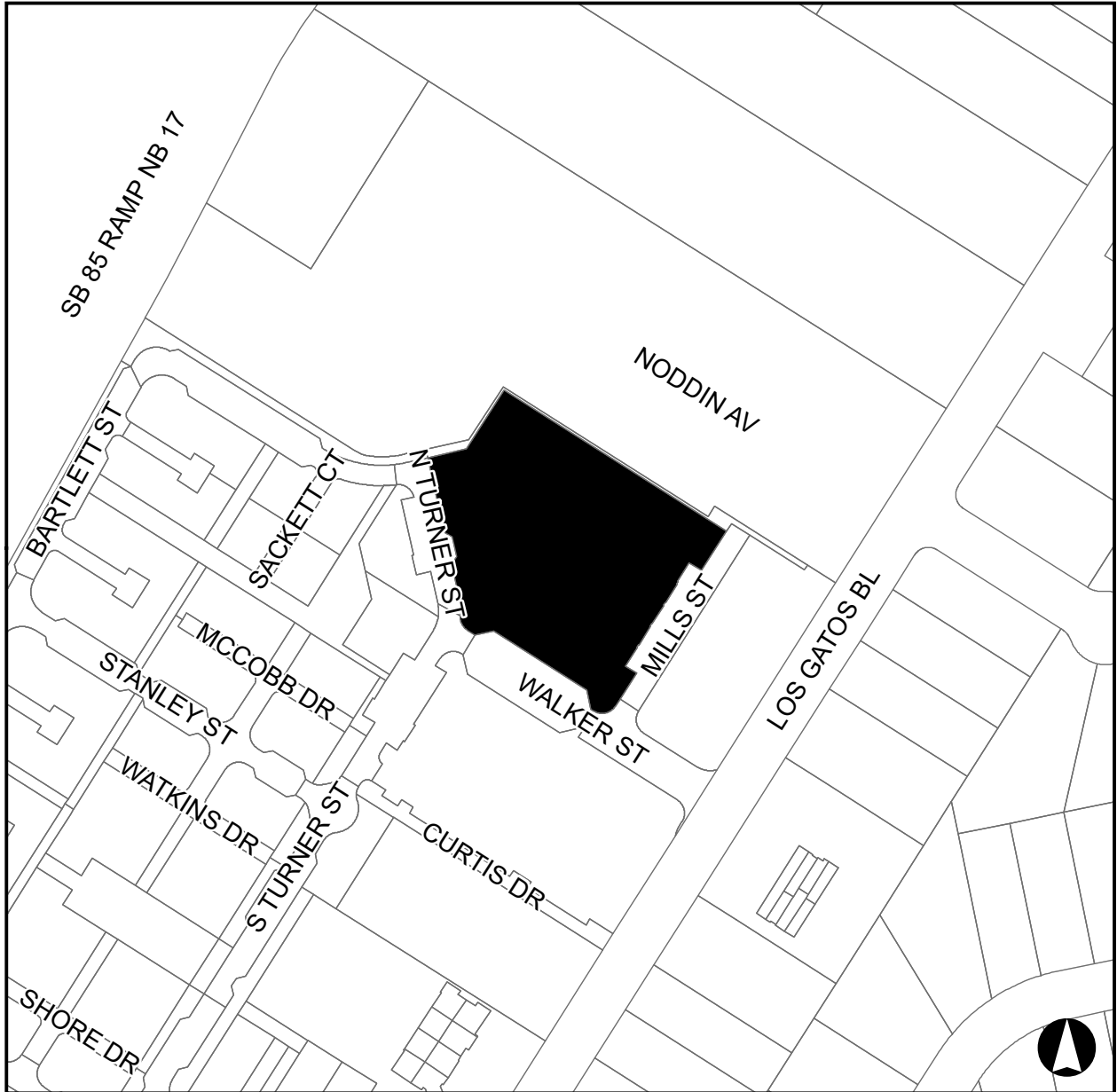
1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Development Plans, received May 18, 2020
7. Public comments received by 11:00 a.m., Friday, August 21, 2020

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14225 Walker Street



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PLANNING COMMISSION – August 26, 2020
REQUIRED FINDINGS & CONSIDERATIONS FOR:

14225 Walker Street
Architecture and Site Application S-20-012

Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017

PROPERTY OWNER/APPLICANT: Summerhill N40, LLC

FINDINGS

Required findings for CEQA:

- An Environmental Impact Report (EIR) was prepared and certified for the North 40 Specific Plan on January 5, 2015. No further environmental analysis is required.

Compliance with the North 40 Specific Plan:

- The project is in compliance with the North 40 Specific Plan.

CONSIDERATIONS:

Considerations in review of Architecture & Site applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

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PLANNING COMMISSION – August 26, 2020
CONDITIONS OF APPROVAL

14225 Walker Street
Architecture and Site Application S-20-012

Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area.

APN 424-56-017

PROPERTY OWNER/APPLICANT: Summerhill N40, LLC

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. OUTDOOR LIGHTING: Outdoor lighting shall comply with Town Code and Building Code regulations.
4. OPEN SPACE: The required open space shall be maintained in accordance with the requirements of the North 40 Specific Plan.
5. TANDEM GARAGES: Tandem garages are permitted for the required parking within the residential units. Tandem garages shall maintain a minimum interior clearance of 11 feet by 38 feet.
6. NOISE: The applicant shall comply with all recommendations provided by Charles M. Salter within the report dated January 20, 2016. The letter and/or recommendations shall be printed on the building permit plan set for all affected buildings.
7. PARKING GARAGE GATE(S): Prior to issuance of a building permit for the multi-story parking garage, the applicant shall retain a parking consultant and coordinate with the Los Gatos Monte Sereno Police Department regarding number and location of gated access points to the parking garage.
8. MITIGATION MONITORING AND REPORTING PLAN: The applicant shall comply with all relevant mitigation measures included in the adopted mitigation monitoring and reporting plan prepared with the certified EIR.
9. GENERAL: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.

EXHIBIT 3

10. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval and may be secured to the satisfaction of the Town Attorney.
11. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

12. PERMITS REQUIRED: A separate Building Permit shall be required for each new commercial building and a separate Building Permit will be required for the residential portion.
13. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2017, are the 2016 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12.
14. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
15. BUILDING AND SUITE NUMBERS: Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
16. SIZE OF PLANS: Submit four sets of construction plans, minimum size 24" x 36", maximum size 30" x 42".
17. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
 - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 2 minutes. Clear signage shall be provided for construction workers at all access points.
 - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. All non-road diesel construction equipment shall at a minimum meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112.
 - c. Developer shall designate an on-site field supervisor to provide written notification of construction schedule to adjacent residential property owners and tenants at least one week prior to commencement of demolition and one week prior to commencement of grading with a request that all windows remain closed during demolition, site grading, excavation, and building construction activities in order to minimize exposure to NOx and PM10. The on-site field supervisor shall monitor construction emission levels within five feet of the property line of the adjacent residences for NOx and PM10 using the appropriate air quality and/or particulate monitor.

18. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
19. SHORING: Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
20. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
21. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
22. SITE ACCESSIBILITY: At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance that they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public. At least one accessible route shall connect all accessible buildings, facilities, elements and spaces that are on the same site.
23. ACCESSIBLE PARKING: The parking lots, as well as the parking structure, where parking is provided for the public as clients, guests or employees, shall provide handicap accessible parking. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
24. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.
25. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
26. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town

Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.

27. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blue Print for a fee or online at www.losgatosca.gov/building.
28. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Santa Clara County Environmental Health Department: (408) 918-3479
 - f. Bay Area Air Quality Management District
 - g. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

29. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
30. PRIOR APPROVALS: All conditions per prior approvals (including Resolution 2017-045, etc.) shall be deemed in full force and affect for this approval.
31. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
32. PLANS AND STUDIES: All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any studies imposed by the Planning Commission or Town Council shall be funded by the Owner, Applicant and/or Developer.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

33. REQUIRED FIRE DEPARTMENT ACCESS: Compliance with the following is required; CFC Sec. 503, 504, 506, 509 and Santa Clara County Fire Department Standard Detail and Specification A-1. Minimum required roadway width is 20 feet. Note specifically the requirements for a minimum 26-foot wide roadway serving buildings more than 30 feet in

height from the lowest level of Fire Department Access. No parking is allowed within these minimum required widths. Minimum vertical clearance is 13'6". REVISION 11/18/2015 Plans provided to this office show access as required.

34. FIRE SPRINKLERS REQUIRED: System requirements will vary depending upon the occupancy classification and projected use of each structure. It appears that the largest single structure will be a commercial multistory structure of 18,000 square feet. Applicants are advised to consult with the San Jose Water Company to determine what existing and proposed infrastructure will be required to meet the anticipated demand. CFC Chapter 9 and CRC Section 313 as adopted and amended by LGTC.
35. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2016 CFC Sec. 903.3.5 and Health and Safety Code 13114.7
36. PUBLIC FIRE HYDRANT(S) REQUIRED: Provide public fire hydrant(s) at location(s) to be determined jointly by the Fire Department and San Jose Water Company. Maximum hydrant spacing shall be determined by the currently adopted edition of the California Fire Code, with a minimum single hydrant flow of 1,500 GPM at 20 psi, residual. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets. CFC Section 507, and Appendix B, Table B 105.1 and Appendix C.
37. HOSE VALVES/STANDPIPES REQUIRED: Hose valves/standpipes shall be installed as per the 2010 CFC Section 905, or where emergency access has been deemed minimal, shall be equipped with standpipes designed per NFPA Standard #14 and be equipped with 2-1/2" inch hose valves, located within the stair enclosure(s). Note specifically, within parking structure(s) at stairwells and on any proposed podium within certain courtyard areas.
38. FIRE APPARATUS (LADDER TRUCK) ACCESS ROADS REQUIRED: Provide access roadways with a paved all weather surface and a minimum unobstructed width of a minimum 26 feet, vertical clearance of 13 feet, 6 inches, minimum circulating turning radius of 60 feet outside and 31 feet inside, a maximum slope of 10 percent and vehicle loading of 75,000 pounds. CFC Section 503 and SCCFC SD&S A-1.
39. PARKING ALONG ROADWAYS: The required width of fire access roadways shall not be obstructed in any manner and, parking shall not be allowed along roadways less than 28 feet in width. Parking may be permitted along one side of roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides of the roadway. Roadway widths shall be measured curb face to curb face, with parking space based on an 8-foot width. CFC Section 503.
40. GROUND LADDER ACCESS: Ground-ladder rescue from second and third floor sleeping rooms shall be made possible for fire department operations. With the climbing angle of

seventy-five degrees maintained, an approximate walkway width along either side of the building shall be no less than seven feet clear. Landscaping shall not be allowed to interfere with the required access. CFC Section 503 and 1029 NFPA 1932 Section 5.1.8. through 5.1.9.2.

41. REQUIRED BUILDING ACCESS: Exterior doors and openings required by this code or the International Building Code shall be maintained readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the fire code official. CFC Section 504.
42. KEY BOXES WHERE REQUIRED: Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official. Locks. An approved lock shall be installed on gates or similar barriers when required by the fire code official. Key box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box CFC Section 506.
43. TIMING OF INSTALLATION: When fire apparatus roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternating methods of protection are provided. Temporary street signs shall be installed at each intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 CFC Section 501.
44. EMERGENCY GATE/ACCESS GATE REQUIREMENTS: Gate installations shall conform with Fire Department Standard Details and Specification G-1 and when open shall not obstruct any portion of the required width for emergency access roadways or driveways. Locks, if provided, shall be fire department approved prior to installation. Gates across the emergency access roadways shall be equipped with an approved access device. If the gates are operated electronically, an approved Knox key switch shall be installed, if they are operated manually, then an approved Knox padlock shall be installed. Gates providing access from a road to a driveway or other roadway shall be at least 30 feet from the road being exited. CFC Section 503 and 506.
45. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 14 and our Standard Detail and Specification SI-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. Plan pages specifically dedicated to safety plans, including proposed temporary access and water supply for each phase will be required CFC Chapter 14.
46. PREMISES IDENTIFICATION: Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background CFC Section 505.

Project Description

Market Hall is a mixed-use building located within Phase 1 of the North 40 Specific Plan. The building features 50 affordable apartments for seniors, 20,700 square feet of retail space, a 2,772 square foot community room, and 303 parking spaces. Parking is distributed across four floors, three above ground and one subterranean. Per code requirements, 124 parking spaces are required, which leaves an excess of 179 parking spaces.

SummerHill is requesting to amend the Market Hall plans to eliminate the subterranean parking level. This still leaves 52 excess parking spaces beyond what is required per the specific plan parking requirements.

As described in our project justification letter, these are excess parking spaces not required or needed by the project. Their removal, and the removal of the associated excavation, soil off haul and concrete pours, will benefit the community due to reduced construction activity, a faster horizon for the affordable housing, and reducing traffic during both construction and operation. 52 parking spaces beyond what is required by code will still be provided, and no negative impact on the surrounding community will occur based on this change.

Market Hall - Parking Requirements							
Use	Size (1)	Ratio (2)	Parking Req	Original Parking		Revised Parking	
Senior Housing	50	½ space per unit	25	129	Level 0		Level 0
Senior Guest	50	½ space per unit	25	63	Level 1	59	Level 1
Market Hall	18,729	1 space per 300 sqft	62	69	Level 2	70	Level 2
Bakery	2,032	1 space per 300 sqft	7	42	Level 3	47	Level 3
Comm. Room	2,772	1 space per 590 sqft	5	Total:	Excess:	Total:	Excess:
Total	23,583		124	303	179	176	52

1) Size based on latest building permit plans

2) Ratio per city code and specific plan – 1 space per 300 for retail, ½ space per unit for residential

Transition District Parking		
Parking Area	Original Parking	New Parking
Market Hall	303	176
Parking Area A	64	UNCHANGED
Parking Area B	55	UNCHANGED
Parking Area C	36	UNCHANGED
Total	458	331

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City of Los Gatos Staff and Planning Commission,
RE: Letter of Justification for an Amendment to Approved Architectural and Site Approval S-13-090

We are requesting a modification to our Approved Architectural and Site Approval, File Number S-13-090 to modify the Market Hall Building to remove the underground level of the project.

As approved, the Market Hall Building included 303 total parking spaces across four levels – three above ground levels with a combined 176 parking spaces, and one underground parking level with 129 spaces. As shown in the table below, of these, 50 are reserved for the use of the Senior Affordable Housing. The Specific Plan dictates that commercial space within Phase 1 of North Forty shall comply with the Down Town Parking Requirements per Town Code Section 29.10.150(b). Parking Guidelines call for 62 for the main Market Hall space, 7 for the proposed bakery, and 5 for the community room, and 50 for the residential portion, for a total of 124 parking spaces. This means that, as approved, the Market Hall building is providing 179 parking spaces beyond what are required.

Market Hall - Parking Requirements							
Use	Size (1)	Ratio (2)	Parking Req	Original Parking		Revised Parking	
Senior Housing	50	½ space per unit	25	129	Level 0		Level 0
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Bakery	2,032	1 space per 300 sqft	7	42	Level 3	47	Level 3
Comm. Room	2,772	1 space per 590 sqft	5	Total:	Excess:	Total:	Excess:
Total	23,583		124	303	179	176	52

- 1) Size based on latest building permit plans
- 2) Ratio per city code and specific plan – 1 space per 300 for retail, ½ space per unit for residential

The Market Hall was originally designed with a basement level by Grosvenor, with the intent to use the excess parking for future development in Phase II of North 40. With Grosvenor no longer involved in Phase I of the project, SummerHill has no need for parking beyond what is required by Town Code and the specific plan.

SummerHill is proposing to remove the subterranean parking level. This leaves the Market Hall project with an excess of 52 parking spaces above what is required by the zoning code to serve the commercial interests at North 40.

Removal of the underground parking will have a number of benefits, both over the course of construction as well as in the future operation of the Market Hall. The construction of a subterranean parking structure necessarily entails a number of impacts such as excavation, off hauling of soil, and significant additional construction time. During operation, reducing the number of excess parking spaces provided will limit traffic impacts, green house gasses, and encourage the utilization of public transit, bikes, and other more environmentally sustainable methods for utilizing Market Hall.

Construction Impacts

Construction of Market Hall as currently designed involves the off haul of approximately 18,200 cubic yards of soil. It is anticipated that this will require approximately 1,700 truck trips to remove material from the site, and 400 inbound truck-loads of concrete to complete the basement. Eliminating the basement parking will eliminate the need for these truck trips to and from the site during construction.

Benefits for operations

A fundamental concept in transportation planning is the idea of 'induced demand'. This is a phenomenon where, by providing excess capacity (such as on a highway, road, or in a parking structure), additional demand is effectively created to utilize this space. Providing so many extra parking spaces in Market Hall runs the risk of inducing additional demand for the project. This induced demand has negative effects on the surrounding community by increasing traffic, noise, and pollution. Additionally, lowering the number of parking spaces will increase the appeal of better and more sustainable transit options such as biking or public transit to access the site.

Vacant parking garages can also serve to attract unwanted behavior since they are out of site of the public, residents, and police. Eliminating the basement level will therefor also remove a potential future source of public and private nuisance and of public safety enforcement inquiries, leading to better operations for the site.

Fundamentally, the underground parking level is neither required nor needed by the project. Its removal, and the removal of the associated excavation, soil off haul and concrete pours, will benefit the community due to reduced construction activity, a faster horizon for the affordable housing, and reducing traffic during both construction and operation. Market Hall will still provide 52 parking spaces above what is required by code, and no negative impact on the surrounding community will occur based on this change.

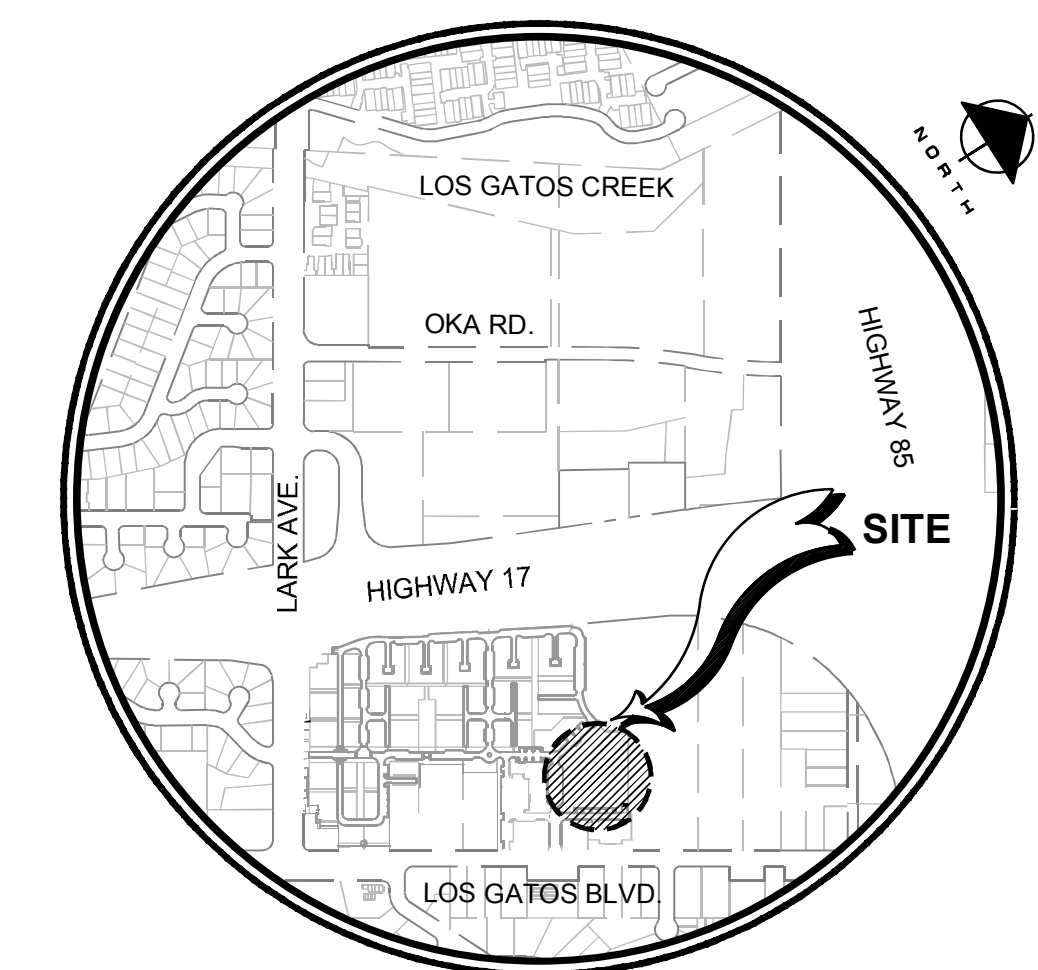
Market Hall Modification

A&S - S-13-090



Sheet Index

- A.0 - Cover Sheet
- A.1 - Site Plan
- A.2 - Basement 1
- A.3 - Floor 1
- A.4 - Floor 2
- A.5 - Floor 3
- A.6 - Floor 4
- A.7 - Elevations
- A.8 - Elevations
- A.9 - Elevations
- A.10 - Elevations
- A.11 - Building Area and Parking Tabulations
- L3.0 - Landscape Planting Plan
- L3.1 - Landscape Planting Plan



Overall Site Plan

Vicinity Map

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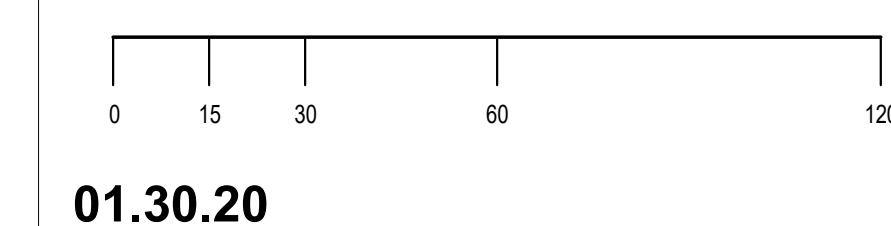
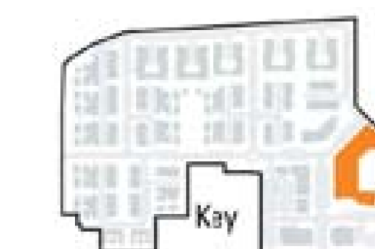
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North Forty Building B1

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LOS GATOS, CA 95032

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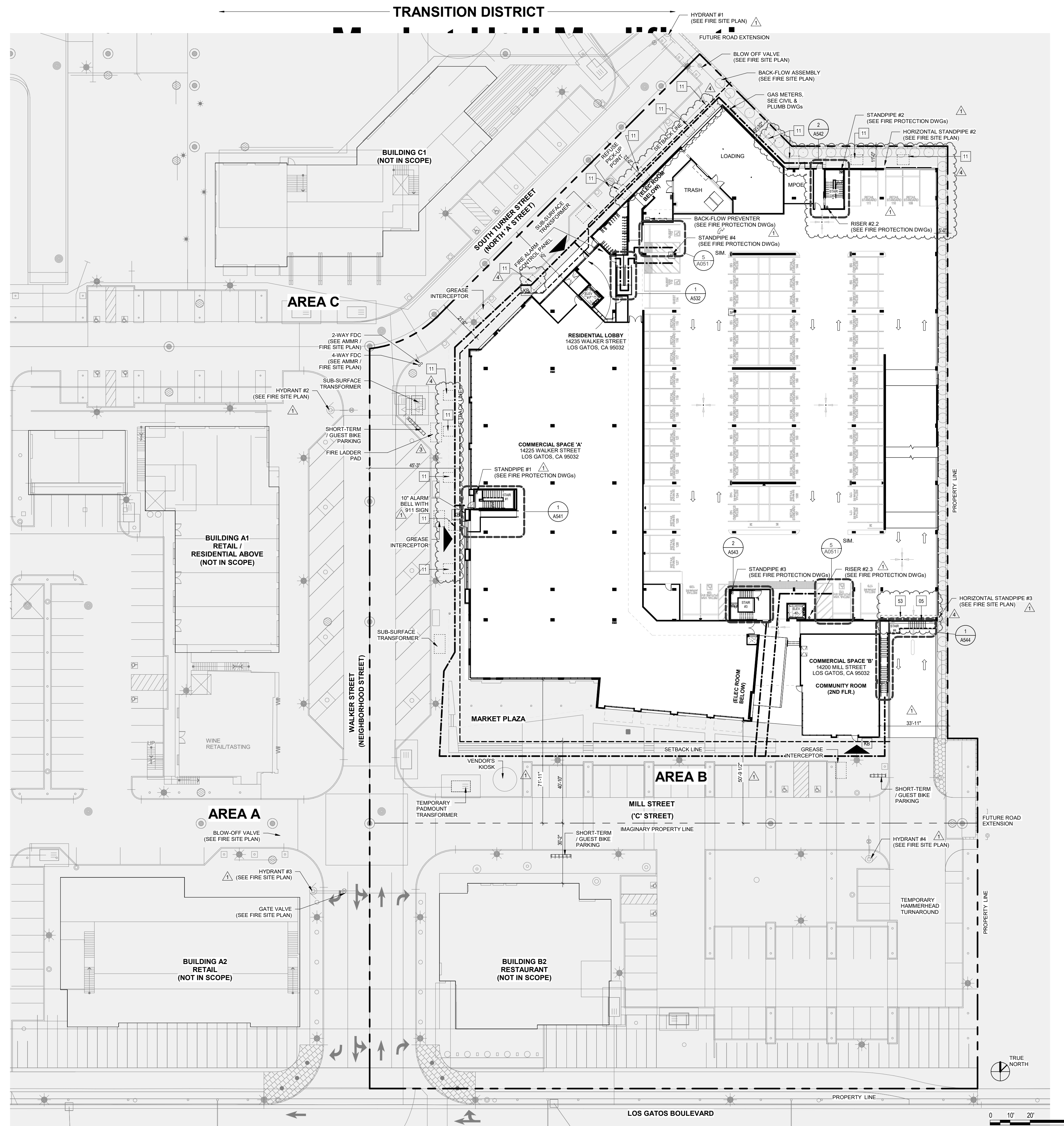


01.30.20

A.0

COVER SHEET

EXHIBIT 6



**NO SIGNIFICANT CHANGES
FROM APPROVED A&S**

Market Hall Building Site Plan

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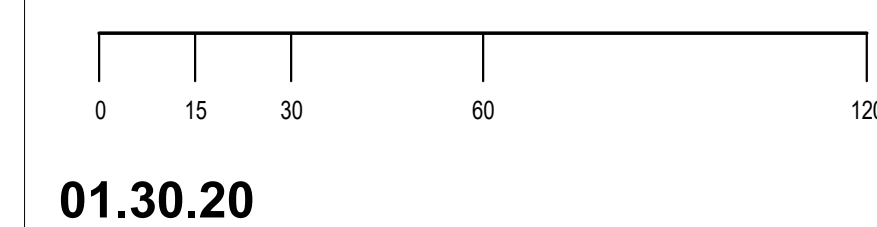
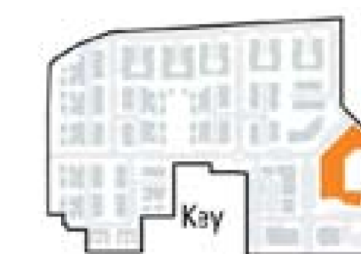
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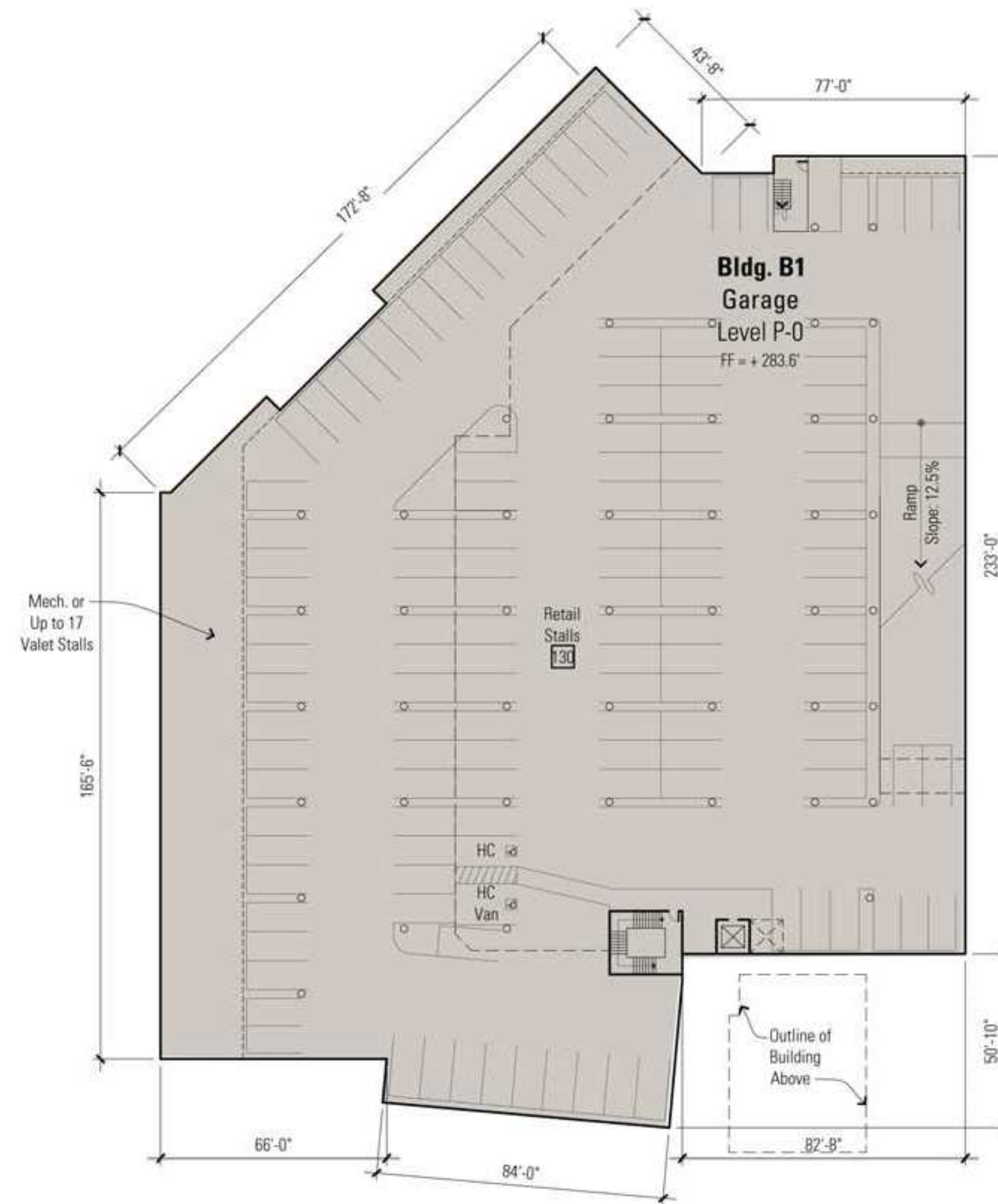


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A.1

SITE PLAN

AS APPROVED



**Building B1
Basement Floor Plan**

EARTHWORK SUMMARY

ITEM	ESTIMATED CUT (EXCESS)	ESTIMATED FILL (SHORT)	MAX CUT	MAX FILL
STREETS AND PADS	19,800 CY	21,000 CY	11.8FT	4.4FT
MARKET HALL GARAGE	18,200 CY	-	9.8FT	-
TRENCH SPOILS*	6,000 CY	-	28.1FT	-
INFILTRATION TRENCH SPOILS	5,500 CY	-	20.0FT	-
COMPACTION & CONSOLIDATION ASSUMED 0.3FT OVER ENTIRE SITE	-	8,700 CY	-	-
TOTALS	49,500 CY	29,700 CY	-	-

NET: 19,800 CY EXCESS *CIVIL MAIN IMPROVEMENTS ONLY INCLUDING 24" WATER TRANSMISSION LINE BY SJWC

AS PROPOSED



BUILDING B1 - BASEMENT FLOOR PLAN

THE BASEMENT IS ELIMINATED.

EARTHWORK SUMMARY

ITEM	ESTIMATED CUT (EXCESS)	ESTIMATED FILL (SHORT)	MAX CUT	MAX FILL
STREETS AND PADS	19,800 CY	21,000 CY	11.8FT	4.4FT
MARKET HALL GARAGE	18,200 CY	-	9.8FT	-
TRENCH SPOILS*	6,000 CY	-	28.1FT	-
INFILTRATION TRENCH SPOILS	5,500 CY	-	20.0FT	-
COMPACTION & CONSOLIDATION ASSUMED 0.3FT OVER ENTIRE SITE	-	8,700 CY	-	-
TOTALS	31,300 CY	29,700 CY	-	-

NET: 1,600 CY EXCESS *CIVIL MAIN IMPROVEMENTS ONLY INCLUDING 24" WATER TRANSMISSION LINE BY SJWC

Transition District
Floor Plans Area B

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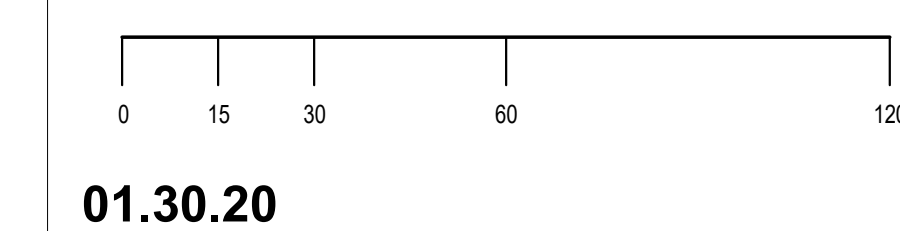
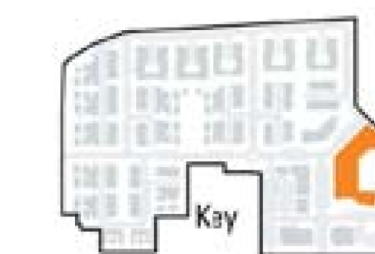
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North Forty Building B1

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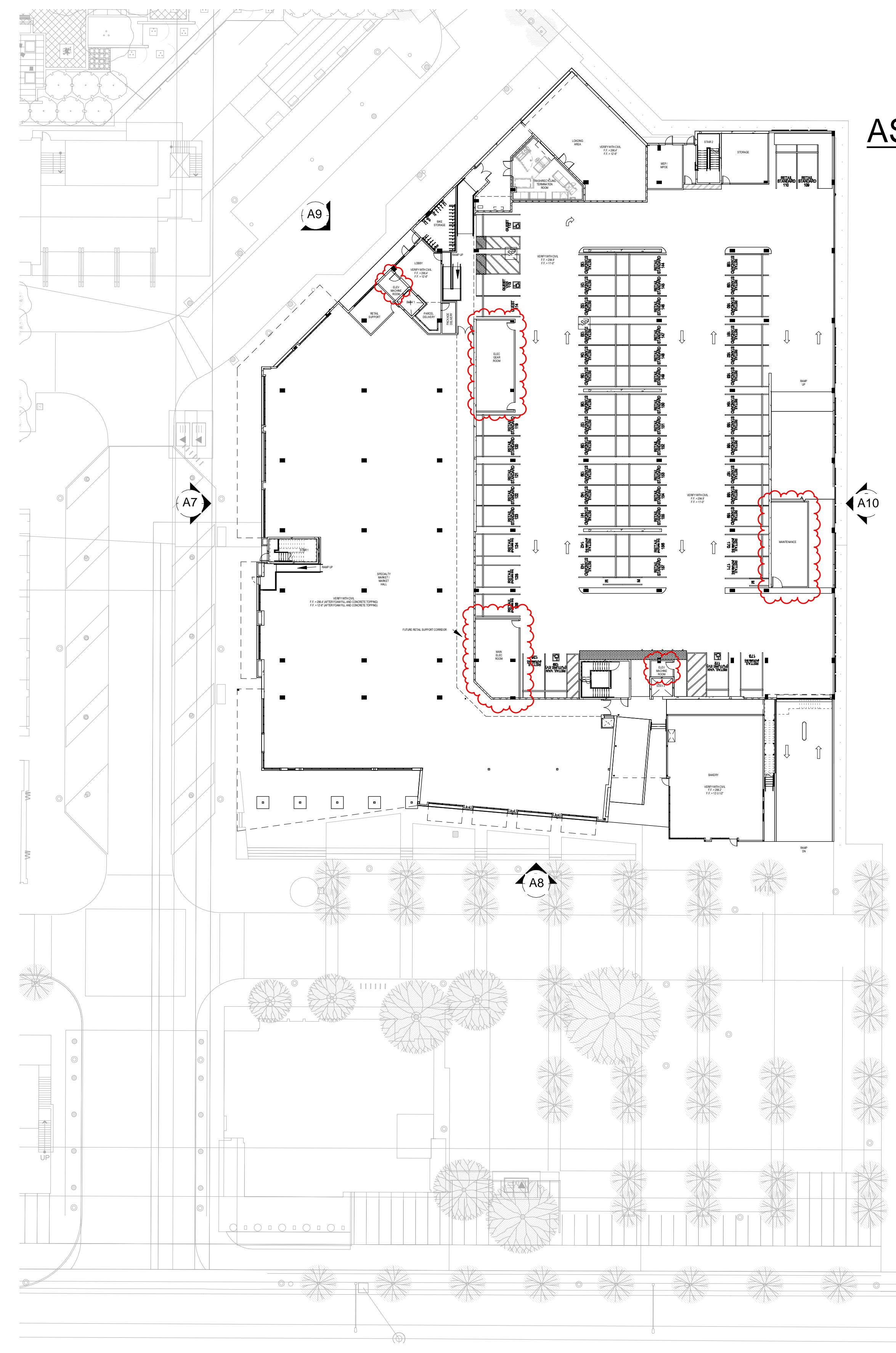
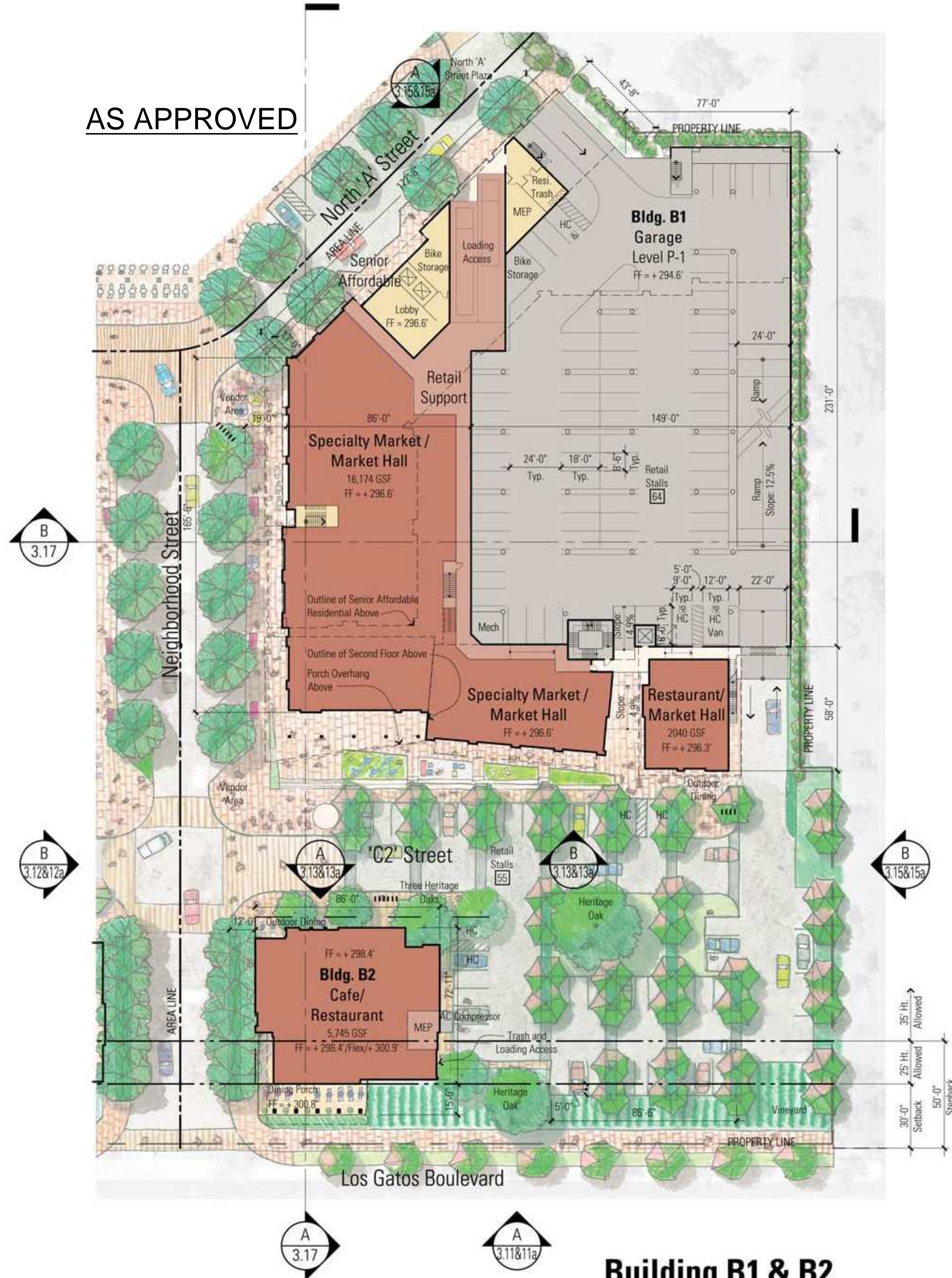


A.2

BASEMENT 1

AS APPROVED

AS PROPOSED



**Building B1 & B2
First Floor Plan**

BUILDING B1 - FIRST FLOOR PLAN

PARKING LAYOUT HAS CHANGED TO ELIMINATE THE RAMP TO THE BASEMENT AND EQUIPMENT ROOMS HAVE BEEN RECONFIGURED.

PROVIDED PARKING ON GARAGE LEVEL P1	
RETAIL	56
SENIOR VISITOR	3
SUB-TOTAL	59

PROVIDED PARKING PER FLOOR	
LEVEL P1	59
LEVEL P2	70
LEVEL 3	47
GRAND TOTAL	176

Transition District
Floor Plans Area B

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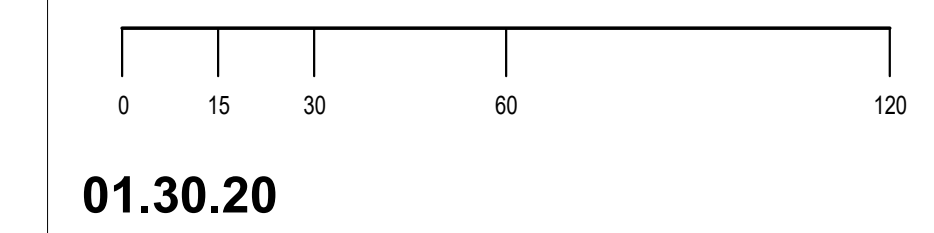
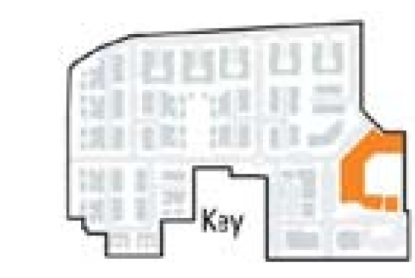
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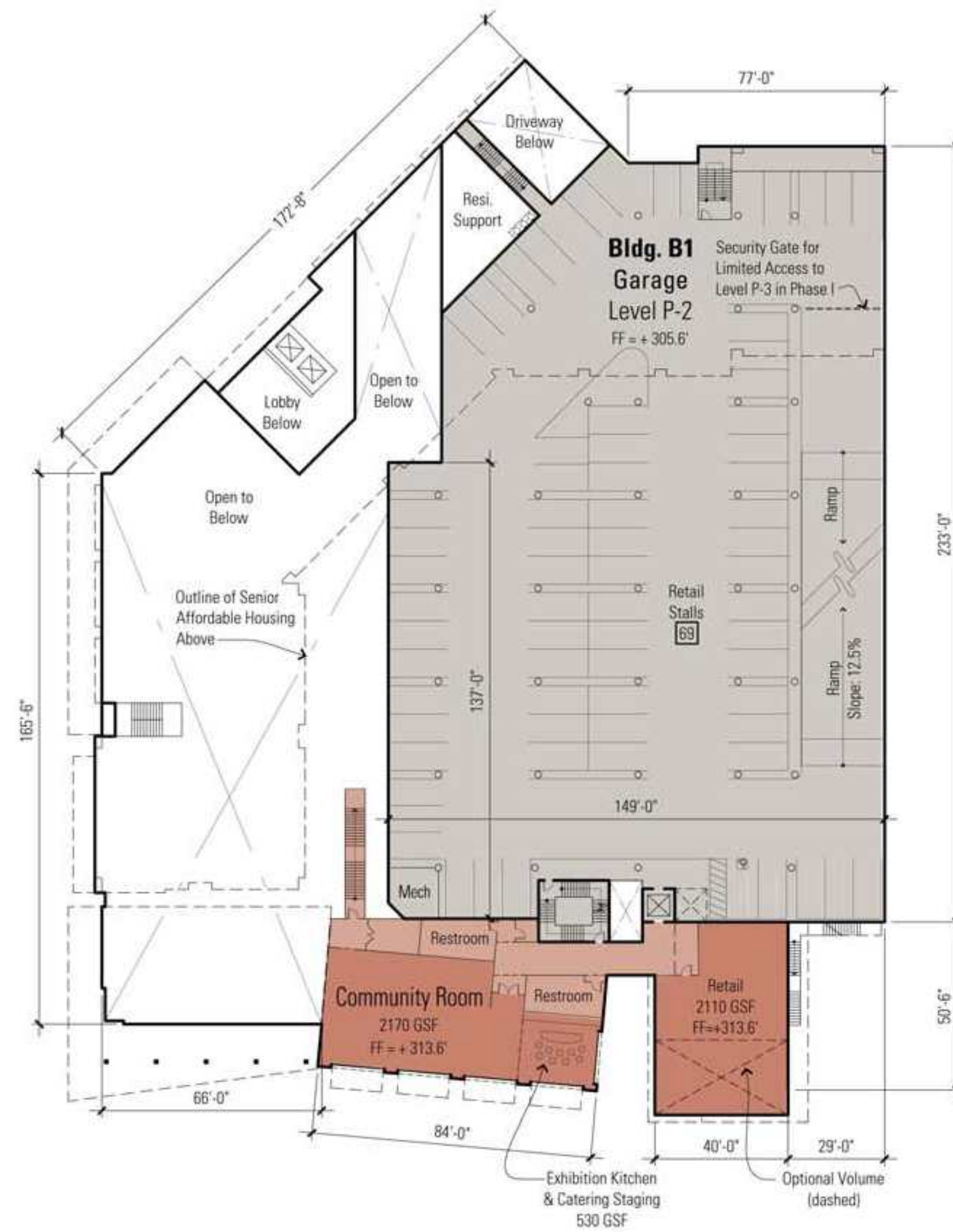


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A.3

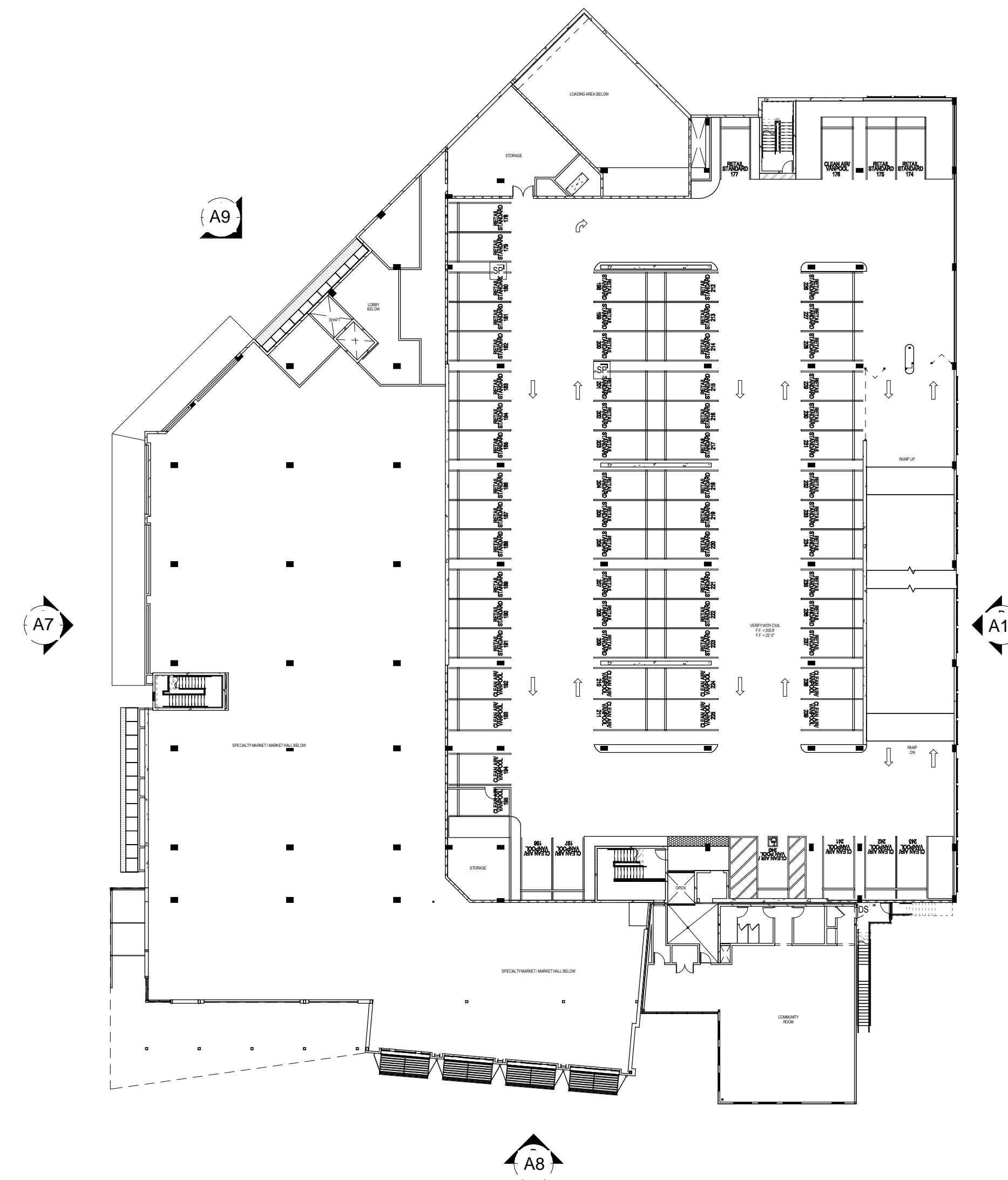
FLOOR 1

AS APPROVED



**Building B1
Second Floor Plan**

AS PROPOSED



BUILDING B1 - SECOND FLOOR PLAN

**NO SIGNIFICANT CHANGES
FROM APPROVED A&S**

PROVIDED PARKING ON GARAGE LEVEL P2	
RETAIL	70
SUB-TOTAL	70

PROVIDED PARKING PER FLOOR	
LEVEL P1	59
LEVEL P2	70
LEVEL 3	47
GRAND TOTAL	176

Transition District
Floor Plans Area B

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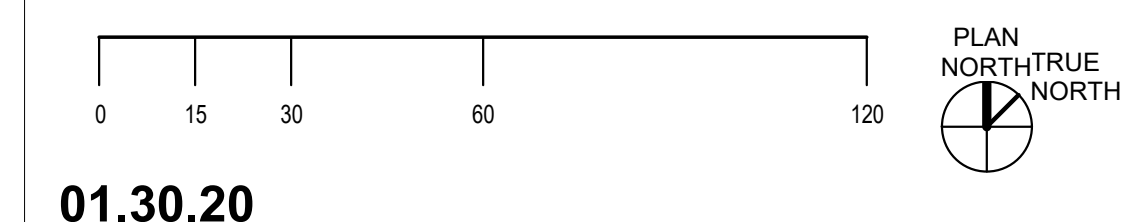
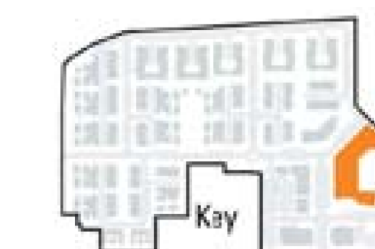
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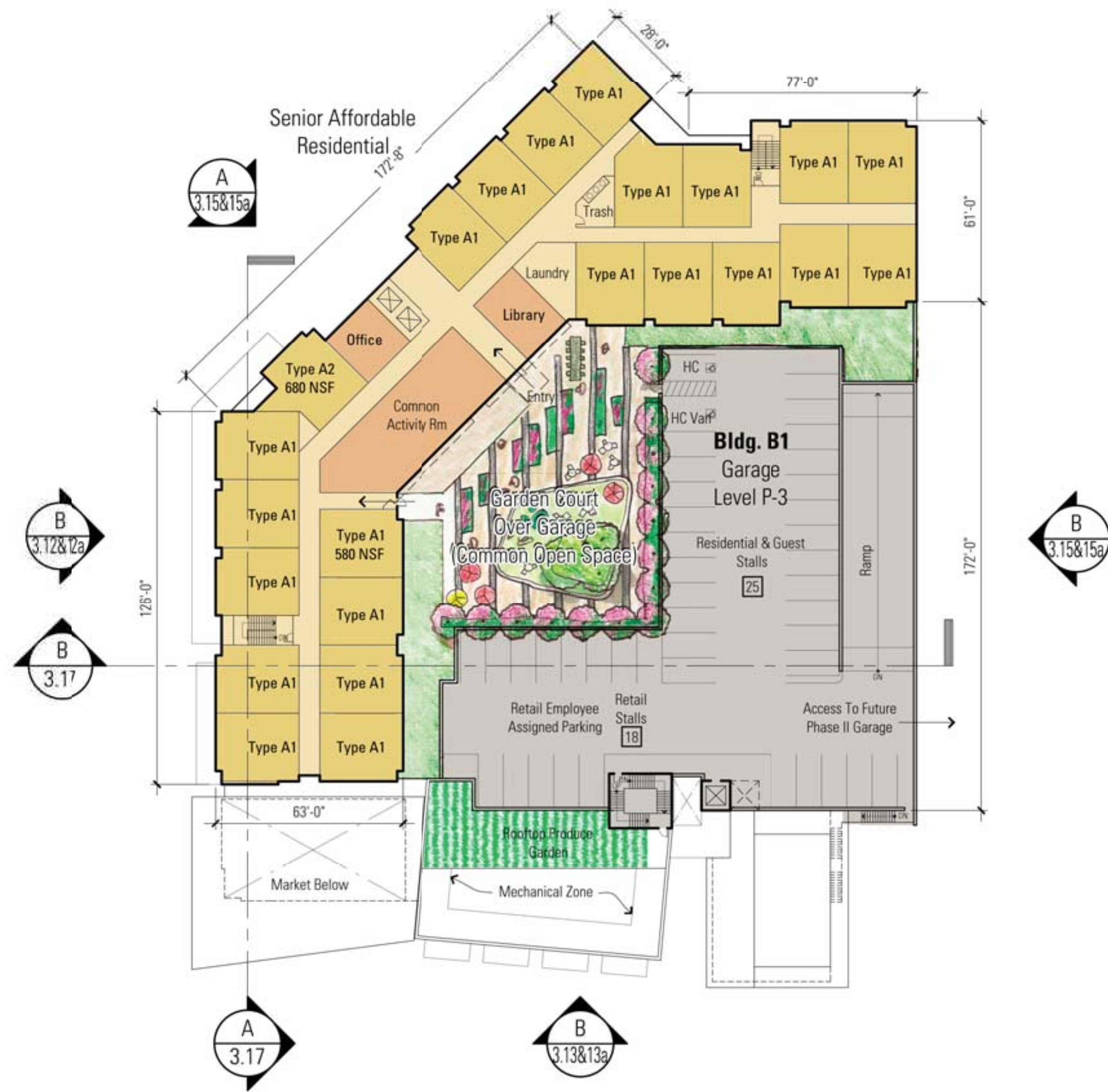
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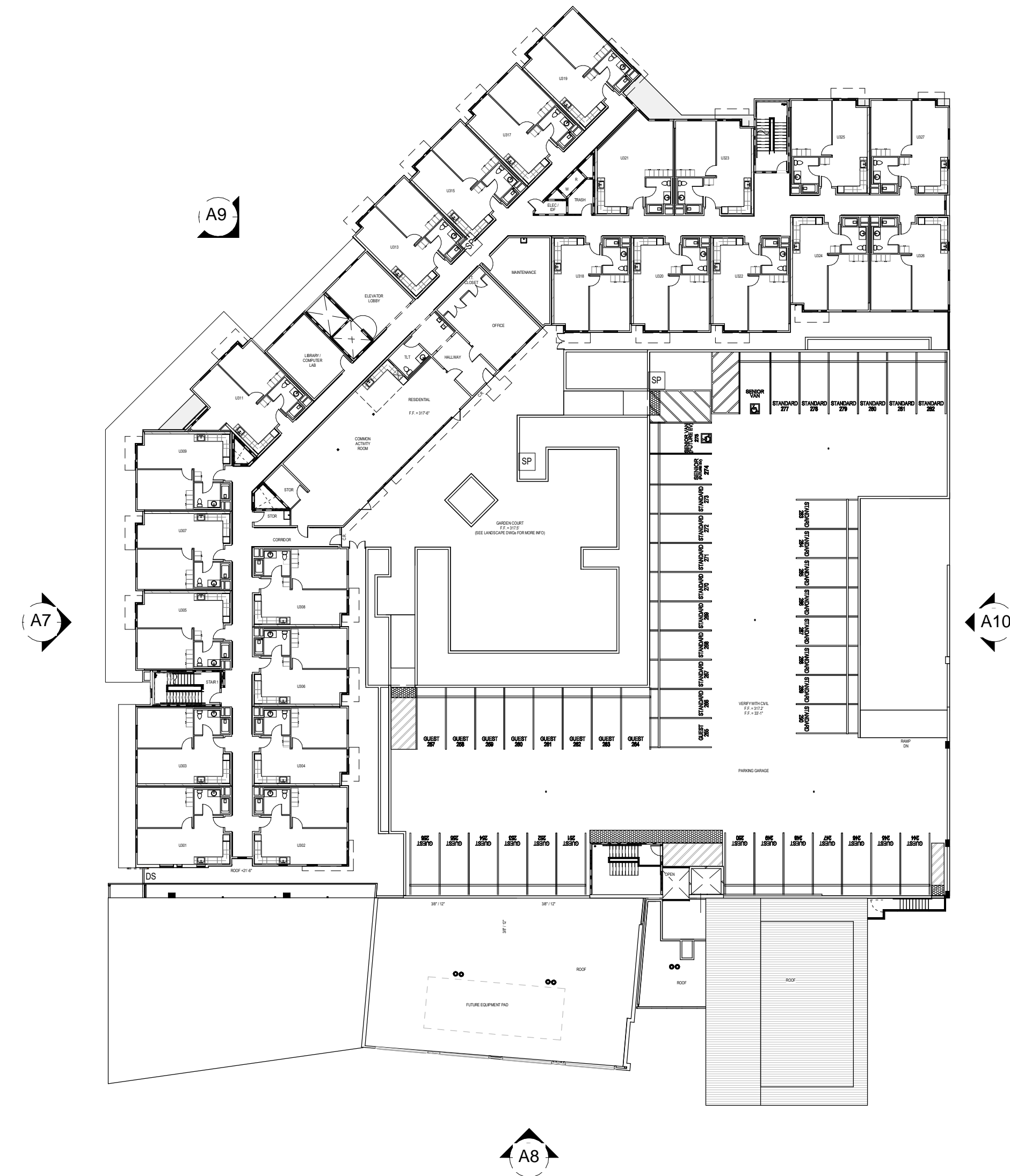
FLOOR 2

AS APPROVED

AS PROPOSED



Building B1
Third Floor Plan
 FF = + 317.6'



BUILDING B1 - THIRD FLOOR PLAN
NO SIGNIFICANT CHANGES FROM APPROVED A&S

PROVIDED PARKING ON GARAGE LEVEL 3	
SENIOR	25
SENIOR VISITOR	22
SUB-TOTAL	47

PROVIDED PARKING PER FLOOR	
LEVEL P1	59
LEVEL P2	70
LEVEL 3	47
GRAND TOTAL	176

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Transition District
 Floor Plans Area B



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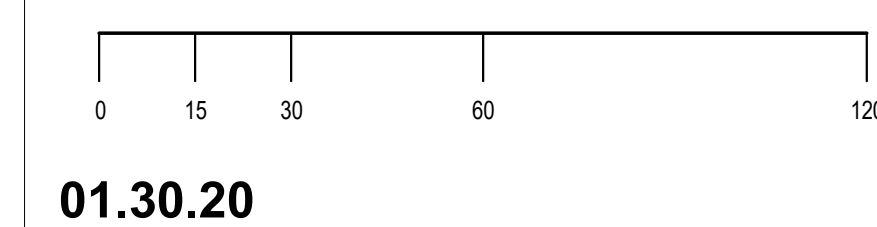
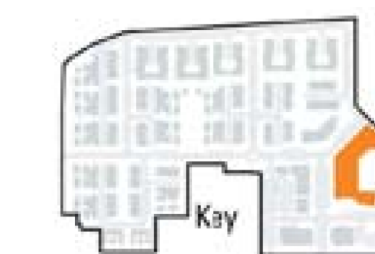
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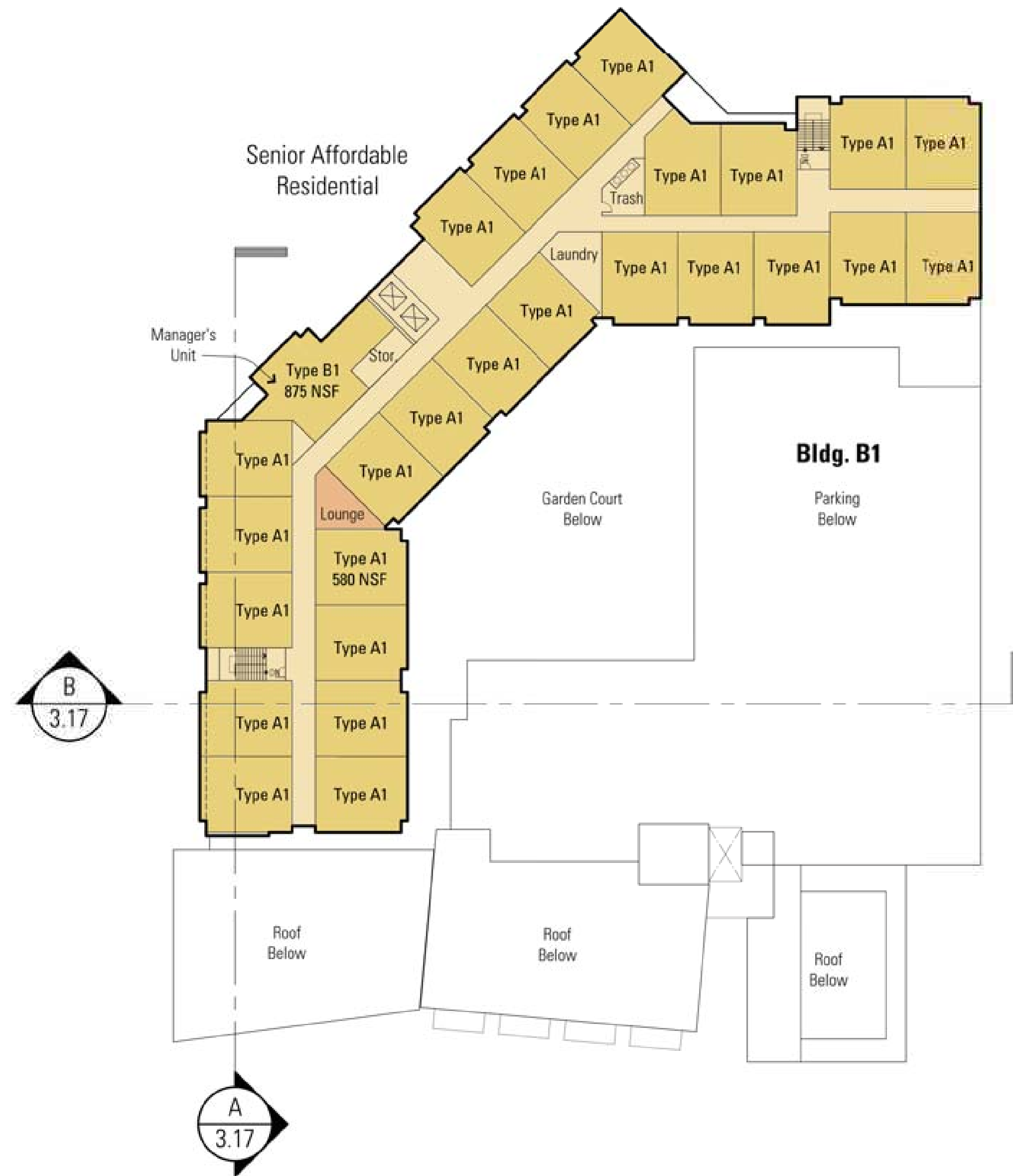
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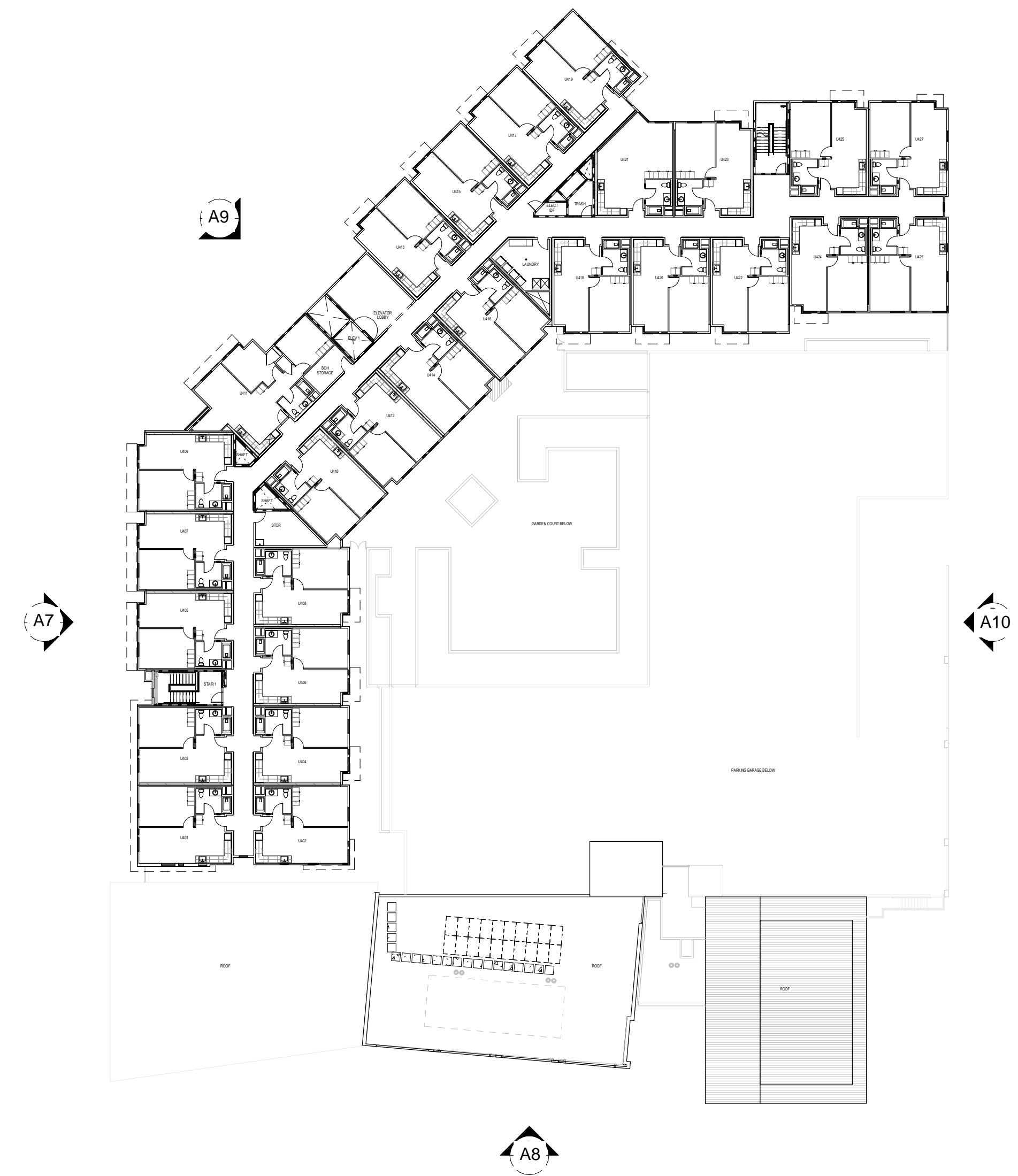
FLOOR 3

AS APPROVED

AS PROPOSED



Building B1
Fourth Floor Plan
 FF = + 327.9'



BUILDING B1 - FOURTH FLOOR PLAN
NO SIGNIFICANT CHANGES FROM APPROVED A&S

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Transition District
 Floor Plans Area B



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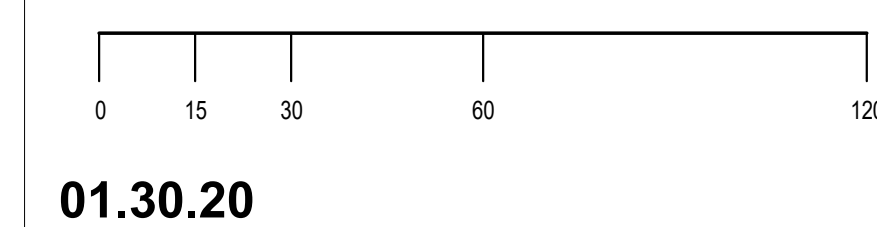
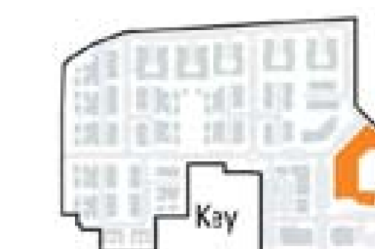
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A.6

FLOOR 4

AS APPROVED



AS PROPOSED



ELEVATION "B" - NEIGHBORHOOD STREET LOOKING NORTH

NO SIGNIFICANT CHANGES FROM APPROVED A&S

Transition District
Exterior Elevations - Neighborhood Street

AS APPROVED



**Building B1 - Specialty Market and Senior Affordable Residential
East Elevation**

Elevation 'B' - 'C2' Street looking West

AS PROPOSED



**ELEVATION "B" - 'C2' STREET LOOKING WEST
NO SIGNIFICANT CHANGES FROM APPROVED A&S**

Transition District
Exterior Elevations - Neighborhood Street

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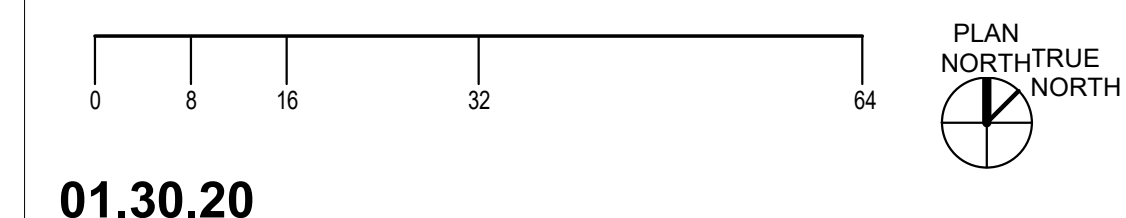
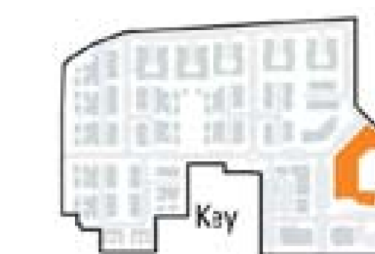
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Modified Market Hall Design



01.30.20

A.8

ELEVATIONS

AS APPROVED



Elevation 'A' - North 'A' Street Looking Northeast

AS PROPOSED



**ELEVATION "A" - NORTH "A" STREET LOOKING NORTHEAST
NO SIGNIFICANT CHANGES FROM APPROVED A&S**

Transition District

Exterior Elevations - Additional Market and Senior Affordable Residential Facades

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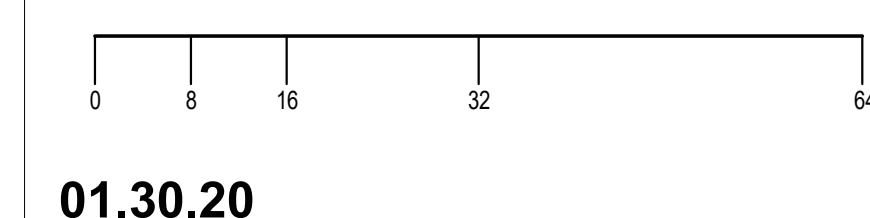
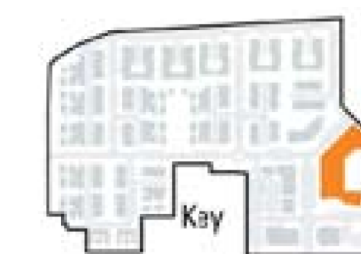
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A.9

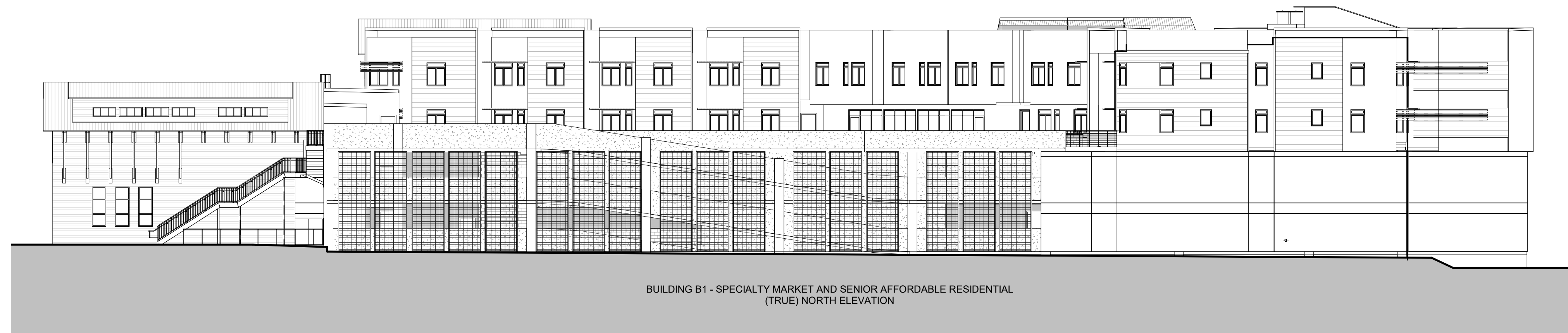
ELEVATIONS

AS APPROVED



Elevation 'B' - Phase I Property Line looking South

AS PROPOSED



ELEVATION "B" - PHASE I PROPERTY LINE LOOKING SOUTH

NO SIGNIFICANT CHANGES FROM APPROVED A&S

Transition District

Exterior Elevations - Additional Market and Senior Affordable Residential Facades

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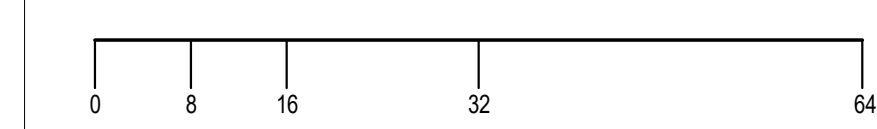
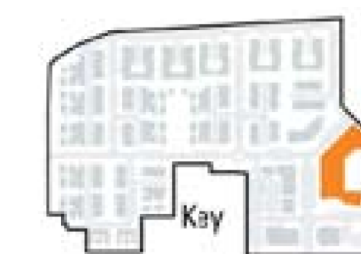
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A.10

ELEVATIONS

BUILDING AREA AND PARKING TABULATIONS - TRANSITION DISTRICT (AREA A, B, C)

3/14/2016

		RESIDENTIAL AREA TABULATIONS							COMMERCIAL AREA TABULATIONS										GARAGE AREA TABULATIONS				
Notes: see below to side		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
	Floor Level	Unit Count	Residential Net Unit Area (SF)	Approximate Residential Gross to Net Factor	Residential Gross Area (SF)	Residential Circulation and Support Area (SF)	Residential Amenity Area (SF)	Total Gross Residential Area (SF)	Specialty Market Leasable Area (SF)	Specialty Market Circulation and Support Area (SF)	Retail and Personal Service Leasable Area (SF)	Retail and Personal Service Circulation and Support Area (SF)	Restaurant/Cafe Leasable Area (SF)	Restaurant/Cafe Circulation and Support Area (SF)	Bar/Tavern Leasable Area (SF)	Bar/Tavern Circulation and Support Area (SF)	Community Room Leasable Area (SF)	Community Room Circulation and Support Area (SF)	Total Gross Commercial Area (SF)	Residential Garage Area (SF)	Commercial Garage Area (SF)		
AREA A: Mixed-Use																							
Building A1	basement	n/a	n/a	n/a	n/a				0	0	0	0	0	0	2,534	382	0	0	2,916	0	0		
Building A1	ground	n/a	n/a	n/a	n/a	538	0	538	0	0	8,231	291	0	0	0	0	0	0	8,522	0	0		
Building A1	2nd	10	8,950	1.15	10,432	1,225	0	11,657	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Building A1 Total		10	8,950		10,432	1,763	0	12,195	0	0	8,231	291	0	0	2,534	382	0	0	11,438	0	0		
Building A2	ground	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	7,912	300	0	0	0	0	0	0	8,212	0	0		
Building A2 -mezzanine *	mezz*	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	2,500	486	0	0	0	0	0	0	2,986	0	0		
Building A2 Total		n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	10,412	786	0	0	0	0	0	0	11,198	0	0		
AREA B: Mixed-Use & Senior Affordable																							
Building B1	ground	0	0	n/a	0	2,574	0	2,574	15,850	4,540	0	0	2,040	0	0	0	0	0	22,430	0	32,743		
Building B1	2nd	0	0	n/a	0	1,066	0	1,066	530	0	2,110	781	0	0	0	0	2,170	945	6,536	0	31,670		
Building B1	3rd	23	13,440	1.09	14,756	4,728	2,537	22,021	0	0	0	0	0	0	0	0	0	0	0	0	18,029	0	
Building B1	4th	27	15,955	1.09	17,547	4,367	236	22,150	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Building B1 Total		50	29,395		32,303	12,735	2,773	47,811	16,380	4,540	2,110	781	2,040	0	0	0	2,170	945	28,966	18,029	64,413		
Building B2 Total	ground	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0	0	5,483	262	0	0	0	0	5,745	0	0		
AREA C: Restaurant/Retail																							
Building C1	ground	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	2,000	0	4,862	296	0	0	0	0	7,158	0	0		
Building C2 -mezzanine	mezz	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0	0	1,300	388	0	0	0	0	3,486	0	0		
Building C1 Total		n/a	n/a	n/a	n/a	n/a	n/a	n/a	0	0	2,000	0	6,162	684	0	0	0	0	10,644	0	0		
TRANSITION DISTRICT (AREA A, B, C) TOTAL																							
		60	38,345		42,735	14,458	2,773	60,006	16,380	4,540	22,753	1,858	13,885	946	2,534	382	2,170	945	67,991	18,029	120,402		

		RESIDENTIAL REQUIRED PARKING TABULATIONS					COMMERCIAL REQUIRED PARKING TABULATIONS* (excl. mezzanine)										TOTAL PROVIDED PARKING TABULATIONS					
Notes: see below to side		21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	
		Resident		Guest		Total	Specialty Market		Retail		Restaurant/Cafe		Bar/Tavern		Community Room		Total	PROVIDED Residential	PROVIDED Residential Guest	PROVIDED Commercial	PROVIDED Total	
		Stalls per Unit	Number of Stalls	Stalls per Unit	Number of Stalls	REQUIRED Number of Residential Stalls	1 stall per leasable SF noted	Number of Stalls	1 stall per leasable SF noted	Number of Stalls	1 stall per leasable SF noted	Number of Stalls	1 stall per leasable SF noted	Number of Stalls	1 stall per leasable SF noted	Number of Stalls	REQUIRED Number of Commercial Stalls	Residential Stalls	Residential Guest Stalls	Commercial Stalls	Total Stalls	
Senior Affordable																						
	Residential Parking Required (stalls per unit)	0.50	25															25				
	Guest Parking Required (stalls per unit)			0.50	25														25			
	Residential and Guest Parking Proposed (stalls per unit)*					50																
	Senior Affordable Parking Subtotal					50												25	25		50	
Residential Parking																						
	Residential 1-Bedroom Parking Required (stalls per unit)	6	1.00	6																		
	Residential 2-Bedroom Parking Required (stalls per unit)	4	2.00	8																		
	Guest Parking Required (stalls per unit)			0.50	5																	
	Residential Parking Subtotal		14		19													14	5		19	
Retail																						
	Retail Parking Required (1 stall per leasable SF noted)						300		300		100		75		590							
	Retail Parking Subtotal								55		68		124		34		4			261	261	
TRANSITION DISTRICT (AREA A, B, C) TOTAL																						
						69												285	39	30	261	330

TRANSITION DISTRICT AREA D - SEE SHEET 6.5

ORIGINAL BLDG B1 RETAIL = 254
 ORIGINAL OTHER RETAIL = 135
 TOTAL ORIGINAL ENTITLEMENT RETAIL = 389
 REVISED BLDG B1 RETAIL = 126
 ORIGINAL OTHER RETAIL = 135
 REVISED ENTITLEMENT RETAIL = 261
 39 + 30 + 261 = 330
 330 PROVIDED - 285 REQ'D = 45 EXTRA

Transition District Building Area and Parking Tabulations

NORTH FORTY | LOS GATOS, CA

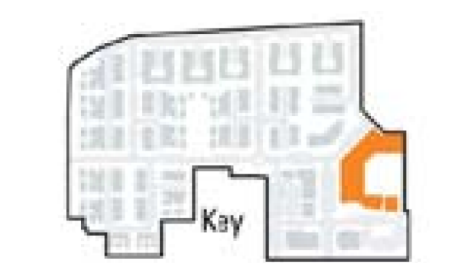


Architecture + Planning
 12555 W. Jefferson Blvd.
 Suite 100
 Los Angeles, CA 90066
 ktgy.com
 310.394.2623



North Forty Building B1 20171043
 14225 - 14235 WALKER STREET
 14200 MILL STREET
 LOS GATOS, CA 95032

Modified Market Hall Design

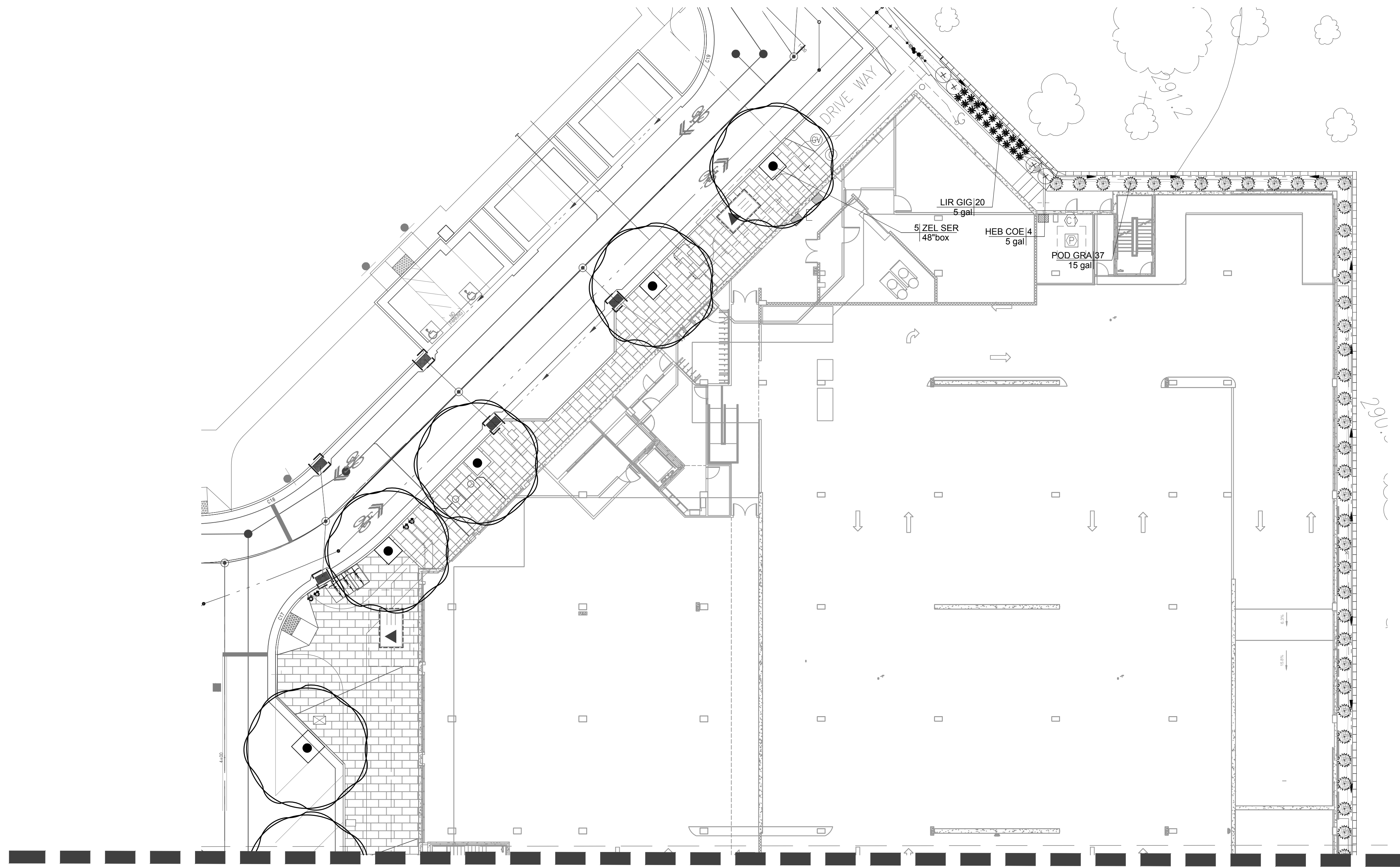


01.30.20



A.11

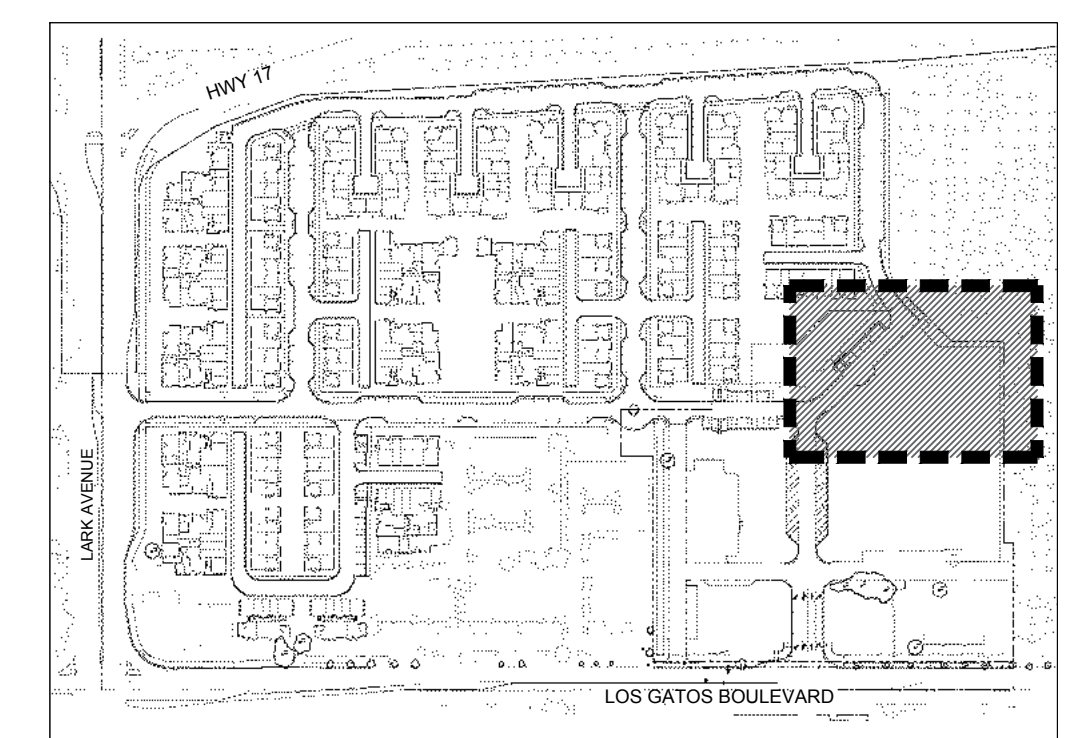
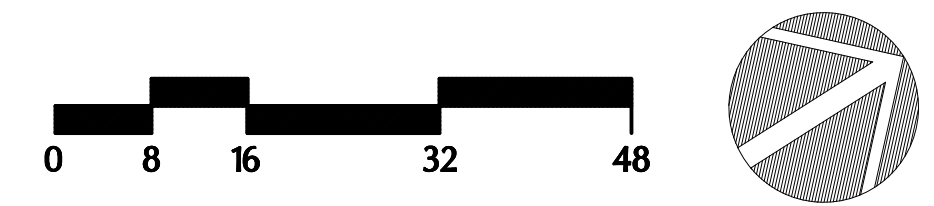
BUILDING AREA AND PARKING TABULATIONS



MATCHLINE L3.1

NO SIGNIFICANT CHANGES FROM APPROVED A&S

NOTES:
SEE L3.1 FOR PLANT LEGEND



KEYMAP

CLIENT:
SUMMERHILL HOMES
777 SOUTH CALIFORNIA AVE.
PALO ALTO
CA 94304
TEL. 650.842.2421



VAN DORN ABED
LANDSCAPE ARCHITECTS, INC.
81 14TH ST. SAN FRANCISCO, CA
ZIP 94103 PH (415) 864-7621 FAX (415) 864-4796
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PROJECT MANAGER: **HN**
DESIGNED BY: **HN**
CHECKED BY: **Z/A**

PROJECT NAME/LOCATION:
NORTH 40 - MARKET HALL
LOS GATOS
DRAWING TITLE:
LANDSCAPE CONSTRUCTION DRAWINGS
CA

REVISIONS:	NO.	DESCRIPTION	BY:	DATE

SHEET TITLE:
PLANTING PLAN

SCALE:
1/16" = 1'-0"

ISSUE DATE:
07/11/19

PROJECT NO.:
V1732

SHEET NO.:
L3.0
OF



June 26, 2020

Town of Los Gatos
Attn: Joel Paulson
110 E. Main Street
Los Gatos, CA 95030

22645 Grand Street
Hayward, CA 94541

510.582.1460 Phone
510.582.6523 Fax

**Re: North 40 – Market Hall Design
Modification to Design**

Dear Mr. Paulson:

Eden Housing has been working tirelessly for over 50 years to build and maintain high quality, service-enhanced affordable housing communities that meets the needs of lower income families, seniors and persons with disabilities. We are anxious to have the affordable homes within the North 40 development complete and ready for our seniors to move into.

We have reviewed the proposed changes to the design that eliminate the below ground level of parking and are in full support of this modification and urge you to support SummerHill Home’s request for the modification for the reasons stated below.

First, as a shared user of the Market Hall building we want to ensure there is a proper amount of parking -- without creating excessive traffic in a building occupied by senior citizens. After reviewing the chart of parking provided and seeing the excess spaces provided in a smaller building, we believe the only impact to adding more parking spaces would be to the detriment of our senior citizens safety with additional, unnecessary vehicular traffic.

Secondly, as an operator in a mixed-use building, we are required to pay Homeowner’s expenses (our fair share) to ensure the property maintenance and upkeep of all the common areas. The elimination of the excess spaces will assist in keeping these expenses lower so that the burden of maintaining this space does not rest on the shoulders of the affordable apartments and allow us to put more money into the spaces that our low-income seniors will use.

Finally, there is a dire need for affordable apartments needed in our communities for all persons – regardless of age or circumstance. The elimination of this subgrade parking structure will shorten the construction period for the building – thus providing affordable homes to our senior citizens that much more quickly.

We urge you to support the modification. The amount of parking remaining is more than adequate to meet the needs of our community.

Very Sincerely,

Linda Mandolini, President and CEO
EDEN HOUSING, INC.





August 13, 2020

Joe Paulson
Planning Department
Town of Los Gatos

Re: North 40

Dear Mr. Paulson,

Silicon Valley Bicycle Coalition is a non-profit member-based organization with the mission to create a healthy, community, environment, and economy through bicycling for people in San Mateo and Santa Clara Counties. We are writing to support the proposed changes to the Market Hall at North Forty as furthering the goals we share to create safe and friendly transportation connections throughout the region.

We have reviewed the proposed change to the project to eliminate the unneeded underground parking and are in full support. When a building has excessive unneeded parking, it creates induced demand for cars – the very knowledge that there will be no issue parking encourages people who might otherwise bike, walk, or take transit to drive instead.

SVBC strongly supports the proposed project changes and the safer and more active streets they will deliver. Combined with the expansive TDM measures and plans to significantly increase existing bicycle facilities on Los Gatos Boulevard, Lark Avenue, and through the project, we believe that this reduction in excess unneeded parking will make both the project and Los Gatos a safer and more bike and pedestrian friendly place.

We urge the planning commission to approve the revision to the project and create a better community for us all.

Thank you for your consideration.

Sincerely,

Shiloh Ballard
President and Executive Director

Silicon Valley Bicycle Coalition
www.bikesiliconvalley.org
96 N. Third St, Suite 375
San Jose, CA 95112
408-287-7259

BOARD OF DIRECTORS

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- Tom Werner
President and CEO
SunPower Corp.

PRESIDENT AND EXECUTIVE DIRECTOR

Shiloh Ballard

SVBC is a 501(c)(3) non-profit organization



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 3

ADDENDUM

DATE: August 25, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Architecture and Site Application S-20-012. Property Owner/Applicant: Summerhill N40, LLC. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 8 includes additional public comments received between 11:01 a.m., Friday, August 21, 2020 and 11:00 a.m., Tuesday, August 25, 2020.

EXHIBITS:

Previously received with the August 26, 2020 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Development Plans, received May 18, 2020
7. Public comments received by 11:00 a.m., Friday, August 21, 2020

Received with this Addendum Report:

8. Public Comments received between 11:01 a.m., Friday, August 21, 2020 and 11:00 a.m., Tuesday, August 25, 2020.

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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Intentionally
Left Blank***

From: richardson48@comcast.net <richardson48@comcast.net>

Sent: Tuesday, August 25, 2020 8:28 AM

To: PublicComment <PublicComment@losgatosca.gov>; Lainey Richardson <Richardson48@comcast.net>

Cc: Marcia Jensen <MJensen@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>

Subject: 3. Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Archit

Please do not cave and allow them to change the plan after work has begun. They obviously thought they would win as they have yet to dig the hole and are already putting in plumbing etc.

They are bullies and are ruining out town. Have you driven down LG Blvd and or Lark Ave lately?

Not just "No"....."Hello No"!!!

Do not let this happen!!!

Lainey Richardson
Golf Links Dr
Los Gatos, CA
50 plus year resident

From: Laura Steger <l_steger@hotmail.com>
Sent: Monday, August 24, 2020 8:14 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment #3 - Underground Garage Item of North 40 Project

Hello,

I am a resident of the Town Los Gatos and live in the La Rinconada area of Los Gatos. I would like to provide a public comment opposing the application from the Developer of the North 40 project to remove the underground parking located under the Market Hall of such project. Certainly, eliminating this underground parking structure will cause an overflow need for cars to use street parking and/or ground lots within the development. Also, it is my understanding that residential units that are part of the North 40 project are being allotted minimal parking spaces and, therefore, this underground parking lot can potentially serve as overflow residential parking when needed. Additionally, the underground parking lot can serve the mid-size retail stores that will be permitted under the second phase of the North 40 project, and minimize the need for large, ground-level parking lots. The Developer of the North 40 project presumably felt that an underground parking structure was necessary when they included this in their plan and submitted their plan to the Town for approval and permitting. I would surmise that the need for such parking has not changed based on the density of the North 40 project and based on no overriding factors that have significantly changed this need. With this said, I ask that the Planning Commission deny the Developer's application to remove the underground parking lot located under the Market Hall of the North 40 project.

Thank you.

Laura Steger
17286 Clearview Drive, Los Gatos CA 95032

From: richardson48@comcast.net <richardson48@comcast.net>

Sent: Tuesday, August 25, 2020 8:28 AM

To: PublicComment <PublicComment@losgatosca.gov>; Lainey Richardson <Richardson48@comcast.net>

Cc: Marcia Jensen <MJensen@losgatosca.gov>; BSpector <BSpector@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>; Marico Sayoc <MSayoc@losgatosca.gov>

Subject: 3. Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Archit

Please do not cave and allow them to change the plan after work has begun. They obviously thought they would win as they have yet to dig the hole and are already putting in plumbing etc.

They are bullies and are ruining out town. Have you driven down LG Blvd and or Lark Ave lately?

Not just "No" "Hello No"!!!

Do not let this happen!!!

Lainey Richardson
Golf Links Dr
Los Gatos, CA
50 plus year resident

From: Jay Lord <jlord@kw.com>
Sent: Monday, August 24, 2020 7:11:11 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Opposed to Latest North 40 Changes!

Hi Joel,

I am a resident in Los Gatos for the past 30+ years who lives near this North 40 project. I **strongly** oppose the developers latest proposal to remove the underground parking located under the Market Hall (I believe it's item #3 in the August 26 Planning Commission meeting).

Seriously this cost saving/profit increasing strategy by the developer is a short sighted blatant developer shortcut. And on top of that, they try to slip it past us while we are all consumed with covid 19, fires, school online learning, etc.

The reduction of the underground parking structure means cars parked on ground lots or through the streets. However, the residential units have minimal parking, one car garage and street parking, which means any residential parking overflow has nowhere to go. Removing the underground parking also limits what stores can be permitted in the second phase of the North 40. The underground parking will serve those stores, minimizing the need for large ground level parking lots.

Allowing these developers to go back and make incremental changes to the overall application puts all the work the Town and it's residents did to ensure the North 40 would be an asset to the Town, a step behind. We should hold the developer responsible to uphold what was agreed upon.

Please Joel do the right thing.

Thank you!
Jay

Jay Lord
206 Jo Drive
Los Gatos
408.621.1500

From: Judy Comcast <judy_mccool@comcast.net>
Sent: Monday, August 24, 2020 3:19 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Upcoming council meeting - agenda #3

Hello Mr Paulson- My note is regarding #3 in the upcoming agenda for the council meeting (North 40) I'm responding to a recent and alarming notification that I received regarding suggested changes benefitting the North 40 developers. I'm imploring you- DO NOT allow them to make the change of not putting in the underground garage. How dare they try to switch this item in their development plans! They've made enough intrusions into our beautiful town- the plans were approved and that should be it! They stand to make millions of dollars and will not put any of that money back into the town! They will leave us scarred with ugly homes and much unneeded retail space while taking away one of the last open spaces that Los Gatos has (they didn't even keep one tree from the historic orchard). Please do not allow them to run rough shot all over us again! I will loose faith in the town council and all it suppose to stand for- the right of the people- for the people!

Regards,
Judy McCool - resident of Los Gatos 21 years

Please excuse any auto correct mistakes. :- (Regards, Judy McCool Sent from my iPhone

From: Jeff Powell <jeffpmerc@yahoo.com>
Sent: Monday, August 24, 2020 2:54 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item # 3

Hi,

My name is Jeff and I am resident of Los Gatos.

I wanted to provide my written feedback for the August 26th meeting on public comment item #3.

I am opposed to the modification of the building to plan in north 40 to remove the underground parking. A lot of time, planning and negotiation was done to finalize the current building plan. As part of this plan adequate parking is a MUST. Modifying the plan at this point seems like a clear attempt to maximize the profit at the expense of the community (over-crowded street parking, traffic,etc). I request the committee reject this modification and require the underground parking to be put in place as was in the building plan.

Thank you,
Jeff

Good evening Joel! I was just made aware of changes or elimination to the North 40 parking garage. This is NOT acceptable! The time and energy from everyone, attending meetings etc. would come down to a giant waste of time. The community finally went along with a very controversial project and for the owners to want to change a crucial, important part of the project should unanimously be rejected.

Thank-you,

Susan Burnett
85 Ellenwood

From: Kathy Kroesche <kathy.kroesche111@gmail.com>
Sent: Sunday, August 23, 2020 8:14 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40

Please require North 40 developers to keep current commitments to providing sufficient onsite parking.

Thank you.

Kathy

--

Take Care,

Kathy Kroesche

Cell [408-438-0103](tel:408-438-0103)

<https://truaurabeauty.com/kathyk> Protect and nourish the microbiome of your largest organ.
<https://kathykroesche.norwex.biz/> Create a safe haven by reducing chemicals.

From: Vicki Wagner <vwagner2016@gmail.com>

Sent: Sunday, August 23, 2020 3:27:28 PM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: North 40 Underground Parking

Dear Mr. Paulson,

I am writing to ask that the Planning Commission not approve the developer's request to remove the underground parking planned for the shops at the North 40 development.

This will unduly cause parking and traffic congestion as people will be competing for street parking.

We live near the intersection of Lark and LG Blvd, and we're already worried about traffic congestion around the development, as we use Highway 17 daily.

And we fear it will only get worse in the future as more and more shops and people move into the development.

Please do not undo all of the planning that went into the traffic and parking mitigation by removing the underground parking lot.

Thank You

Vicki and Jim Wagner

Loma Vista Avenue

Los Gatos, CA 95032

From: Rochelle Greenfield <rbg67@aol.com>
Sent: Sunday, August 23, 2020 1:44:57 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Parking

The developer of the north 40 must build the underground parking structure. Do not let them get away with changing the plans. We may not need parking now but we will when the project is completed.

Thank you
Rochelle greenfield
Forrester road resident.
Sent from my iPhone

From: Wilma Lee <wklee@mindspring.com>
Sent: Sunday, August 23, 2020 12:33:17 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 parking

Hello,

I am a Los Gatos resident.

I thought North 40 is a bad idea to begin with, but I now understand that there is an application to remove the underground parking located under the Market Hall. I strongly oppose this and I hope that it will not pass.

Already the residential units have minimal parking and there should be an ample parking plan for the North 40. It will adversely affect the neighboring residents and will attract less customers if parking is difficult.

Please don't allow them to make a bad idea even worse for our town of Los Gatos.

Thanks,
Wilma Lee

From: Judy Peterson <judypeterson773@gmail.com>

Sent: Sunday, August 23, 2020 12:05 PM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: North 40 parking @ planning

Mr. Paulson and Planning Commissioners:

I've reviewed the North 40 proposal to reduce Market Hall parking and am not opposed to less parking but am concerned about safety for seniors.

If memory serves, there was quite a bit of discussion during the approval process about the underground parking being secured by gates so seniors could go safely from their cars to an elevator and up to their apartments.

I don't see any mention of plans for secure senior parking in SummerHill's current request and would like to know how this issue is being addressed.

Thank you,
Judy Peterson

From: Amber Reynolds <ambercreynolds@yahoo.com>
Sent: Saturday, August 22, 2020 4:40 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item # 3 Request for Modification to an Existing Architecture and Site Application (S-13-090)

To whom it may concern:

I respectfully ask the committee to decline the request for modification to the approved plans.

With the addition of housing and business space to Los Gatos in the North 40 development, will come cars. These vehicles need places to be parked. The vehicles need to be parked safely and in proximity to their destination. Limiting available parking will cause people to look for overflow options in adjacent neighborhoods and business parking lots. The current adjacent businesses stand to lose customers if overflow North 40 parking impacts their customers ability to park. Adjacent neighborhoods will not be as capable of spotting individuals that do not belong, increasing their risk of property damage, vandalism and theft. Additionally, people will begin walking across very busy intersections in an effort to get to their final destination and an increase in pedestrian incidents and potential fatalities is a very likely outcome.

I appreciate the committee hearing my concerns. I sincerely hope the committee will hold the developers to their original plan.

Amber Reynolds, CPA
105 Charter Oaks Circle Los Gatos CA 95032

From: btdodson@aol.com <btdodson@aol.com>
Sent: Saturday, August 22, 2020 11:03 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item #3

Dear Chairwoman Hanssen, Vice Chair Janoff, and Commissioners Badame, Barnett, Burch, Hudes, and Tevana:

Please deny the request from the north 40 developers to remove underground parking below the commercial building (the Market Hall). Here is why I would like to see this denial:

--Before this request, I was already concerned about the lack of parking for the senior housing that will be located above the Market Hall. In the current plan, there is only 1 space allotted on top of the building for every 2 senior units. Plans for parking for the senior units assumed that there would be only one occupant for each senior unit. In fact, in all likelihood, in many units, there will be at least two people. The developer also assumed that many of the seniors would not have cars because they wouldn't be able to afford them. I think this will not turn out to be true. So there are already parking issues in the marketplace area related to the senior housing without the elimination of whatever number of parking spaces were supposed to go into an underground garage. Seniors and their guests will almost certainly need to park on the street as will shoppers, creating an untenable overflow situation.

--In general, I think developers should live up to their commitments. The developer committed to providing the underground parking. There was a great deal of discussion surrounding this parking during the hearings. It was very clear that the community wanted this parking. The provision of this parking was part of why the project was approved in the first place. Now the developer claims this parking is too expensive. Our community is not responsible for the profitability of a development. The developer was supposed to calculate all expenses in its proposal. If the developer made an error in figuring out the profitability of the development, the community should not have bear the responsibility of bailing the developer out.

Sincerely,

Barbara Dodson
239 Marchmont Drive
Los Gatos, Ca 95032

From: Yanli Xiao <yanlix@gmail.com>
Sent: Sunday, August 23, 2020 12:59 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item # 3 - underground garage

Dear Planning Committees,

I am writing to express my concern about North 40's application to remove the underground parking located under the Market Hall.

North 40 will bring in a lot of people after it is done. Without enough underground parking spots, it will hugely increase the parking demands on the street. The streets around North 40 are not able to afford the traffic and parking capacity. I am living at Lester Lane, which is walking distance to the North 40 project. Please take into the accounts of the existing residents around the area. Thank you in advance.

Regards,
Yanli Xiao
1517 Lester Lane
Los Gatos 95032

From: William Linder <william.linder@icloud.com>

Sent: Sunday, August 23, 2020 9:51:31 AM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: Item # 3 (underground parking)

There is little question that parking availability is the lifeline for such a project. I am against any modification of the current plan which would eliminate under ground parking.
William Linder. Monte Sereno

Sent from my iPhone

From: Martha Kirsten <mwkirsten@gmail.com>
Sent: Sunday, August 23, 2020 7:16:14 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 concerns

Hello Joel,

I am writing to you regarding the North 40 development. The LG planning commission has approved the FiINAL plan that includes underground parking. Please do your job and NOT change this. This development is huge and this parking is a crucial part of it. It is unbelievable that the developer is trying to do this, only to protect their bottom line. Please do not cave in to their request. The traffic is going to be next to intolerable when this opens. Please don't make the parking a problem as well.
From a very concerned Los Gatos resident,

Martha Kirsten
16481 Apple Blossom
Los Gatos

From: Donna Flowers <donna_flowers@icloud.com>
Sent: Sunday, August 23, 2020 8:30:48 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 parking structure

Hi,

I am a concerned Los Gatos citizen who lives/owns within walking distance of the North 40 project. I am dismayed to learn that the developer has requested time to try to remove the underground parking structure. Clearly he does not have LG interest in mind. Parking is always at a premium here, even Courtside Club has an issue with parking after adding another lot. Sometimes in the past on a Saturday or Sunday we choose to go to Campbell downtown because of the horrible parking in downtown LG.

Please do not let this developer reduce his expenses to the detriment of the town! We need that underground parking. It even sounds like the residents have to park a second car on the street due to 1 car garages? Where is the parking for the town?

Thank you,
Donna Flowers
114 Lancewood Place

From: Cassandra Joseph <cjsmail@sbcglobal.net>
Sent: Sunday, August 23, 2020 8:50:15 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Cc: Cassandra Joseph <cjsmail@sbcglobal.net>
Subject: North 40 Developer seeking to nix underground parking

Dear Mr. Paulson,

I'm writing this email to voice my opposition regarding the North 40 developer attempting to remove underground parking. I have followed the North 40 development project for about 7 years. My husband and I have had mixed feeling about it over the years, but we are hopeful that the town will do right by it's citizens and that it will end up being a wonderful, upscale gathering place. I oppose the request to remove underground parking. That was part of the deal, and the developer needs to follow through. I assume it's a money saving effort on their part, and that is just NOT ok. I live fairly close to the North 40, and neighbors and ourselves are concerned about parking already. To hear they want to remove the underground parking is unacceptable. Please stand by the community members of Los Gatos and do not allow the developer to skate away from their obligation. Thank you for your time.

Sincerely,

Cassandra Joseph
16213 Camino del Sol
Los Gatos

From: Sue Raisty <sraisty@sureproductconsulting.com>
Sent: Saturday, August 22, 2020 11:47:47 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Don't let North 40 developers remove promised parking

To the town council,

Please don't allow the North 40 developer to remove the promised underground parking from the project. The planned residential units have very minimal parking and without the underground structure, parking will overflow onto Los Gatos boulevard and nearby side streets, impacting the quality of life for other Los Gatos residents so that this developer can avoid the cost of making good on the promises they made to the community.

Sincerely,
Susan Raisty
114 Charter Oaks Cir, Los Gatos, CA 95032
Los Gatos resident since 2009

From: Jeff Morris <jeffreyjaymorris@gmail.com>
Sent: Saturday, August 22, 2020 10:52:04 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 deviation from the plan on parking?!!

Please tell me this is not true.
I have a business on Lark and there are parking issues here already!!

From: Scott Savage <smsavage@hotmail.com>

Sent: Saturday, August 22, 2020 8:29:24 PM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: Objection to removal of underground parking from North 40 Market Place

Good evening,

Earlier this evening I was alerted to a request that is reportedly scheduled to be heard by the Planning Commission this week. It has been reported that the developers of the North 40 complex are requesting to amend the development proposal to remove the already required underground parking lot from the plan. I am concerned that because of the Covid situation, information about this proposed amendment has not been disseminated to impacted parties as it should have been.

If this is truly the case, as a neighbor in an adjoining neighborhood I vehemently oppose approving any such amendment. It stands to reason that parking from both the residential and commercial developments will be displaced as a result of the reduction of available parking spots and that vehicles will be parked in the adjoining neighborhoods, adding to an already infuriating traffic situation in the north end neighborhoods. I am certain that this is just a cost savings to the developers which, if approved, will be at the expense of the neighboring Los Gatos residents. This is a change which will not be tolerated by the Towns' residents.

The existing plan was approved after years of meetings and discussion with all stakeholders and any proposed amendments should be required to undergo the same level of scrutiny. That being said, at this time there should be no further amendments to the plan and all parties should be bound by the existing agreement.

Thank you in advance for your consideration.

Scott Savage
15501 Benedict Lane
Los Gatos, CA 95032

From: Cathleen Bannon <cathleenbannon@gmail.com>

Sent: Saturday, August 22, 2020 7:51:50 PM

To: Joel Paulson <jpaulson@losatosca.gov>

Subject: North 40 underground parking

Hi- wanted to share my opposition to the removal of the underground parking at the upcoming North 40 development.

First, I think this issue should be tabled after the issues of the current fires to make sure the community is aware of the request to charge the project.

However, if it must be decided, the current plan was approved as it will supply appropriate parking to keep new shoppers & residents off the streets. We cannot put ourselves in a position of NOT planning for the future when that underground parking will be needed for the second phase of the larger project and any increased popularity of the development in the future. The entire town is already worried about the influx this development will bring. Do not let the developers scale back on any of the infrastructure promised.

Cathleen & Grant Bannon
16828 Kennedy Rd, LG, Ca 95035

From: Vicki Streeter <v.streeter83@gmail.com>
Sent: Saturday, August 22, 2020 6:32:52 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Cc: Marcia Jensen <MJensen@losgatosca.gov>
Subject: North Forty project changes

Dear Mr. Paulson

I'm writing to you regarding the proposal to change the parking for the North Forty project. Let me just say that this feels like a bait & switch. The developers pushed their way in with one proposal of underground parking and now that they've started they want to ditch that and impact the neighborhood with overflow parking. Is it that they maybe overrunning their costs? What other reason for the change. Their problem should not become Los Gatos citizens problem.

The neighborhoods around the Westfield Mall In San Jose bordering Stevens Creek and Forest Ave have battled the parking issues for years. They are now creating monstrous parking structures and I feel that Los Gatos will see the same in years to come.

It's heartbreaking enough to see the area turned into a shopping center please don't dump "salt in the wound" by allowing the overflow traffic into the neighborhoods.

Thank you for listening. I do hope this is not approved for the sake of our lovely town.

Regards

Jim and Vicki Streeter
Corinne Drive

Sent from my itty bitty iPhone. I apologize for spelling errors.

From: Ken Aitchison <kenny432@comcast.net>
Sent: Saturday, August 22, 2020 6:13:52 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 proposal - Opposition to upcoming proposed changes

Hello Joe

I was recently made aware of an item that will come up at the Los Gatos Planning Commission this Wednesday 8/26.

Apparently, the developers of the North 40 project will be submitting an application to remove the underground parking located under the Market Hall. I am opposed to the entire project, but this change in particular should be soundly defeated by the commission. Traffic and parking will undoubtedly be heavily impacted by the project as it is currently planned.

Removing this additional parking will mean:

1. Even more cars parked on nearby streets
2. Cars circulating in the parking lot looking for empty spots which will create even more traffic backups on the local streets

Please do what is right for the residents of Los Gatos and don't let the developers get away with this ploy to save money at our eventual expense.

Sincerely

Dr. Kenneth Aitchison
804 Lilac Way
Los Gatos
408-427-6991

From: Ruth And John Ransom <jrransom1@comcast.net>

Sent: Saturday, August 22, 2020 4:20:07 PM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: No 40 parking

Please do not let the North 40 change the original plans for underground parking. They are trying to cut costs without any thought to the needs of the people who will be living there. It's bad enough that this project was passed, please don't make another mistake by allowing less parking spaces.

Thank you for your consideration

John and Ruth Ransom
Los Gatos residents since 1986

Sent from my iPhone

From: Lisa Miller <lisa.miller1622@gmail.com>
Sent: Saturday, August 22, 2020 2:44:44 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 Parking

Dear Mr. Paulson,

My name is Lisa Miller and I am a Los Gatos resident. My home is near Lark Avenue (122 Highland Oaks Way) and the intense construction currently underway for the development of the North 40. It is my understanding that an application is being made to remove the underground parking structure located under the Market Hall. I am asking you to consider the effect this will have on the residents of this community and to reject this attempt to remove it from the plan. The removal of the underground parking structure will force parking to ground lots *or through the neighboring streets* - which includes the street where my home is located along with all my neighbors.

It is also my understanding the residential units have minimal parking, one car garage and street parking, which means any residential parking overflow has no where to go. Highland Oaks Drive and its adjoining cul-de-sacs will become parking areas and this is unacceptable.

In addition to keeping our already overcrowded street parking accessible to the residents is the benefit underground parking will provide the North 40 retail stores and their customers reducing the need for large ground level parking lots.

I implore you and the entire Planning Commission to reject any attempt to remove the planned underground parking structure and to hold the developer to their agreement to provide sufficient underground parking.

I thank you for your consideration in this important matter.

Regards,

Lisa Miller
Lisa.miller1622@gmail.com
408-394-4253

From: kjgavin@comcast.net <kjgavin@comcast.net>

Sent: Saturday, August 22, 2020 11:55:55 AM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: North 40 parking

I would like to respond to the reduction of parking spaces at the north 40.

I would not agree to reduce any parking. I look around town and there is a problem with the lack of parking now. This was done a long time ago. I understand that they never thought there would be that need. I would hope the town would learn from that and not grant the reduction of parking.

Thank you,

Kim Gavin

Sent from my iPad

From: Travis Hsu Engelman <engelman.travis@gmail.com>
Sent: Saturday, August 22, 2020 11:47:24 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 must have underground parking

Hi - I was informed the developers at North 40 are asking to revise the plan so they don't have to build underground parking. While I understand they would like to be more profitable - they are changing what has been agreed to.

I live across the street from N40 and would be tormented by people parking and walking to this establishment.

Please keep me updated on the request and tell me when I can voice my opinion to the planning commission.

Thanks
Travis engelman
15090 Los Gatos Blvd
650-703-8164

From: Mark Miller <markmiller3@me.com>
Sent: Saturday, August 22, 2020 10:34:10 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Cc: Lisa Miller <lisa.miller1622@gmail.com>; Andrew Miller <andrew.miller317@gmail.com>; Matthew Miller <matthew.miller213@gmail.com>; Teresa Siguenza <tsiguenza@saintlawrence.org>; Yuan and Maria Chou <yuan_maria@yahoo.com>; Marie-Ange Eyoum <meyoum@gmail.com>; Renee Devore <rdevore813@comcast.net>; margaretmquigley@comcast.net <margaretmquigley@comcast.net>; kendraburch@yahoo.com <kendraburch@yahoo.com>
Subject: North 40 Parking

Dear Mr. Paulson,

My name is Mark Miller and I am a Los Gatos resident. My home is near Lark Avenue and the intense construction currently underway for the development of the North 40. It is my understanding that an application is being made to remove the underground parking structure located under the Market Hall. I am asking you to consider the effect this will have on the residents of this community and to reject this attempt to remove it from the plan. The removal of the underground parking structure will force parking to ground lots *or through the neighboring streets* - which includes the street where my home is located along with all my neighbors.

It is also my understanding the residential units have minimal parking, one car garage and street parking, which means any residential parking overflow has no where to go. Highland Oaks Drive and its adjoining cul-de-sacs will become parking areas and this is unacceptable.

In addition to keeping our already overcrowded street parking accessible to the residents is the benefit underground parking will provide the North 40 retail stores and their customers reducing the need for large ground level parking lots.

I implore you and the entire Planning Commission to reject any attempt to remove the planned underground parking structure and to hold the developer to their agreement to provide sufficient underground parking.

I thank you for your consideration in this important matter.

Regards,

Mark Miller
markmiller3@me.com
408-422-9324

From: Pat <blkbrnpat@comcast.net>
Sent: Saturday, August 22, 2020 11:02:34 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40/ Underground parking Market Hall

Please do not allow the North 40 to remove the underground parking beneath Market Hall that was previously mandated. We need the parking there so as to not encroach on neighboring area.

Thank you.

Patricia Blackburn
Jim Blackburn

From: Connie Kirby <connie.kirby@gmail.com>
Sent: Saturday, August 22, 2020 9:30:23 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: Proposed Parking Changes to North 40

Greetings -

Under NO circumstances should underground parking in the North 40 development be eliminated!

Where are retail customers supposed to park? Where are visitors supposed to park?

Congestion on surrounding streets will already increase with increased traffic from residents. If underground parking is eliminated traffic would surely be impacted negatively.

Available parking will mitigate traffic issues in general and prevent overflow of cars on neighboring streets.

Thanks!

Connie Kirby
Los Gatos, CA
www.ckirbyconsulting.com

*"When you find yourself in a hole,
stop digging!" (Will Rogers)*

From: T H <isting50@gmail.com>
Sent: Friday, August 21, 2020 10:59:56 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 underground parking

Hi - I want to send an email expressing my concern for the application from developers to not have underground parking in North 40. We need to have underground to allow the development to be successful.

Thanks for your consideration.

- Ting

Sent from my iPhone

From: Marie-Ange Eyoum <meyoum@gmail.com>
Sent: Friday, August 21, 2020 6:41:53 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: DO NOT Support The North 40 underground parking removal

Hi Mr. Joel Paulson, My name is Marie Tagne and I live with my husband and 2 little children across the North 40 Development.

It came to our attention today that this topic will be in front of the Planning Commission next Wednesday night, given the fact that an application is being submitted by the developer to remove the underground parking located under the Market Hall.

While the current plan seems to have an abundance of parking from the map shared, the reduction of the underground parking structure means cars will have to park on ground lots or through the streets. However, the residential units have minimal parking (I heard one car garage), which implies that any residential parking overflow has nowhere to go. I believe this will lead to Highland Oaks Drive and it's cul-de-sacs (where we live) becoming overflow parking areas for North 40.

We want to make sure we hold the developer of North 40 project responsible to keep the promises made when they shared this with Los Gatos Community.

I am not able to make it to the planning Commission meeting next week, but wanted to send my voice and comment to you prior to the meeting via email to say that My family and I do NOT support this change.

Thanks for your consideration.

Marie-Ange Eyoum Tagne,
Los Gatos Resident on Oakmont Way



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/26/2020

ITEM NO: 3

DESK ITEM

DATE: August 26, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Modification to an Existing Architecture and Site Application (S-13-090) to Remove Underground Parking for Construction of a Commercial Building (Market Hall) in the North 40 Specific Plan Area. APN 424-56-017. Architecture and Site Application S-20-012. Property Owner/Applicant: Summerhill N40, LLC. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 9 includes additional public comments received between 11:01 a.m., Tuesday, August 25, 2020 and 11:00 a.m., Wednesday, August 26, 2020.

EXHIBITS:

Previously received with the August 26, 2020 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Project Description
5. Letter of Justification
6. Development Plans, received May 18, 2020
7. Public comments received by 11:00 a.m., Friday, August 21, 2020

Previously received with the August 25, 2020 Addendum Report:

8. Public Comments received between 11:01 a.m., Friday, August 21, 2020 and 11:00 a.m., Tuesday, August 25, 2020.

PREPARED BY: JOCELYN SHOOPMAN
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 14225 Walker Street/S-20-012

DATE: August 26, 2020

EXHIBITS (continued):

Received with this Desk Item Report:

9. Public Comments received between 11:01 a.m., Tuesday, August 25, 2020 and 11:00 a.m., Wednesday, August 26, 2020.

From: shannon susick

Sent: Wednesday, August 26, 2020 10:56:48 AM (UTC-08:00) Pacific Time (US & Canada)

To: Joel Paulson; Laurel Prevetti; Planning; Council

Subject: Planning Commission Meeting This Evening; desk item

Good Morning Planning & Staff,

Please deny the proposed changes to underground parking as mandated in the specific Plan and approved by planning previously tonight.

It is the one component of the plan that makes sense in terms of some assemblance of open space, minimizing pavement and protecting the environment.

Thank you so much,

Shannon Holmes Susick

(408)316-9559

From: Jeff Loughridge <lokrij@comcast.net>

Sent: Wednesday, August 26, 2020 10:45 AM

To: Planning Comment <PlanningComment@losgatosca.gov>

Subject: Planning Commission Meeting Item No. 3 Request for Modification to an Existing Architecture and Site

August 26, 2020

Town of Los Gatos
Attn: Joel Paulson
110 E. Main Street
Los Gatos, CA 95030

Re: North 40 - Market Hall Design/Modification to Design

Dear Mr. Paulson,

It is my understanding that Summerhill Homes who are currently responsible for Phase One of the North 40 are asking to eliminate the underground portion of the Market Hall parking.

Underground parking solutions have many advantages over aboveground parking:

- It makes more land available for non-parking uses
- It offers easier access control to help reduce crime
- Due to the parking structure, parked cars are unseen
- Less obstruction of views or sunlight

As a resident, I don't look at the North 40 in phases. I look at it as one large North 40 project. And when Phase One was being negotiated by the developer and was finally agreed on, Market Hall was to include an underground level included in the parking structure.

The underground parking portion under the Market Hall was included with idea that any excess parking from the parking structure would be used for Phase Two. Phase One is part of a complete project for the Town of Los Gatos. Phase Two is also just another part of that same project.

Housing estimates were shared between Phase One and Two, so why not parking? Phase Two can include whatever is negotiated with the Town by the developer.

Utilizing current parking requirements for ONLY the Phase One portion of the North 40 is irresponsible of the town to consider since we know for a fact that Phase Two will require additional parking. The less above ground parking necessary will make more land available for other, more productive and efficient uses.

Summerhill knew what the project was and what it included before they agreed to build it. They knew it included underground parking.

Complete parking requirements for a development the size of the North 40 will be somewhat vague until the whole project plan is more complete. Eliminating 127 parking spaces at this point would be irresponsible for the town to consider. Seldom, if ever, do we get a developer to agree

to underground parking of any kind. We have the underground parking agreed to in the current plan.

I would imagine that if the Town of Los Gatos could turn back time to say, 1970 and have a developer suggest downtown underground parking, we would have been crazy to turn it down. And considering the current Los Gatos downtown parking situation, that 1970 underground parking would come in very handy now.

127 extra parking spaces might seem like a luxury now, but by leaving it in the plan gives us all the potential of a better final project in the future. This reduces the need for 127 above ground parking spaces which would have to be absorbed into the rest of the North 40.

By keeping this parking we can avoid the potential risk of excess parking spilling out into the North 40 or surrounding neighborhoods.

Summerhill's contention of "induced demand" does not make sense in terms of the whole project, Phase One and Two. Any "extra" parking spaces can and will, be utilized in Phase Two. Plus the environmental impact report has already included the parking from the underground portion of the parking structure.

Opening the Architecture and Sight application to eliminate the underground parking portion of the parking structure makes me think that other things could potentially be renegotiated once that application is opened. It seems a very dangerous precedent to open the application in the first place for any reason. I think that this would be a very bad idea.

Was there a specific error in the Architecture and site application at the time that the application was filed that would require us to reopen? If not, then why do we feel compelled to open the application to remove something that the developer "just doesn't want to do it"?

The Los Gatos downtown has always had a shortage of parking and is constantly struggling to provide workaround solutions to this problem. Why design the North 40 to include these same problems? It just doesn't make any sense.

It would be a shame to have wasted all that work to get the project to where it is now, on paper, only to have a new developer whittle away the good work done.

I get the feeling when reading staff's report, that eliminating the underground parking is an insignificant change as well as a no brainer.

I don't agree. I think it would be bad for the North 40 project and bad for the Town of Los Gatos and its residents.

From: Sheldon Gilbert <shelbert@me.com>

Sent: Wednesday, August 26, 2020 9:39 AM

To: Planning Comment <PlanningComment@losgatosca.gov>

Subject: Public Comment Item # 3 Request for Modification to an Existing Architecture and Site Application (S-13-090)

To: Town of Los Gatos and the Town of Los Gatos Planning Department and Planning Commission:

As a resident of the Los Gatos, I want to ask you to deny the application by SummerHill to eliminate the underground parking at their North 40 project. Parking is always a problem in our city and at projects like this. Although, as a former BPAC commissioner, I always support efforts to encourage alternate forms of transportation, but I find it rather cynical that SummerHill has stated in their application their belief that by reducing the number of excess parking spaces, it will limit impacts related to automobile use and encourage the utilization of public transit, bikes, and other environmentally sustainable transportation methods for accessing the Market Hall. If that was their real goal, then they should develop a bike path, provide additional bike lanes and traffic mitigation. They could build bike lockers or expand the parking lots to include locations for bike and scooter rental. Just making it harder to drive and park will only push the traffic problems they are sure to create onto the neighborhood streets and adjacent properties that they are already sure to be adversely impacting.

I strongly encourage you to reject this application.

Thank you,

Sheldon Gilbert

From: ginger rowe <ginger@timeoutclothing.com>

Sent: Wednesday, August 26, 2020 7:01 AM

To: Council <Council@losgatosca.gov>; jpaulson@losgatos.ca.gov; lprevetti@losgatos.ca.gov; planning@losgatos.ca.gov

Subject: North 40

It has been brought to my attention that Summehill Homes is now trying to change their original plans of providing underground parking for their facility. I am asking you NOT to allow the change. We all know the problems we have had with parking in Los Gatos over the years! Now is the time to continue with the original plan. We won't be able to add these structures later. This town has always had issues with too many stories, and the town has never supported to continue to build up on existing structures...

It is with a great deal time and lots of years of this planning that this project was approved. It would be a big mistake to change now. I'm sure that there have been hurdles and issues that have happened during construction that has them asking to change, but I urge you NOT to allow the change. This new development will bring lots of interest and potential employees and visitors. There will be no place for run off or any extra places to add structures later.

Again, please do NOT approve or recommend the change to more forward with removing the underground parking structure in the North 40.

Thank you,

Ginger Rowe

Time Out Clothing
108 N. Santa Cruz Avenue
Los Gatos, CA. 95030
(408) 354-8653
www.timeoutclothing.com

From: Mitzi <mitziand@aol.com>
Sent: Wednesday, August 26, 2020 8:36 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 Changes

To Whom It May Concern,

I'm asking that the proposed underground parking structure elimination for the North 40 be denied. The developers need to be held to the infrastructure they committed to for the project to be approved. We do not need to create a parking nightmare that the town will have to deal with for decades to come.

I'm asking you to hold the developers to the infrastructure they knew was important to the project when it was approved. This project is already a blight on our town landscape, please do not make it even worse.

Sincerely,
Mitzi Anderson
Foster Road, Los Gatos

Sent from my iPhone

From: Pat Blair <pblair41@gmail.com>
Sent: Wednesday, August 26, 2020 8:59 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 parking

Dear Mr. Paulson,

Parking is always an issue in any town. Why not be forward thinking? How often do we say, if only, with roads and parking? You only have one chance to do this right! There are so many reasons why existing parking is minimal at best, and probably inadequate. Please please do the right thing and provide the extra parking space that we know will be needed.

Pat Blair
Lorain Pl.
Los Gatos

From: Smita <yogabear482@gmail.com>

Sent: Wednesday, August 26, 2020 9:10 AM

To: Joel Paulson <jpaulson@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Planning <Planning@losgatosca.gov>

Subject: Please do not allow SummerHill to change the plan

Hello:

I am a resident of a nearby neighborhood to North 40 and am concerned to hear that Summerhill has applied to remove underground parking from their plan. They need to keep underground parking as part of their plan, they should not be allowed to remove it. The rationale is below.

I also plan to participate in the meeting.

Why should they be required to have underground parking?

#1 This was the final agreement between the Town and Grosvenor/Summerhill. This agreement was also part of the very lengthy deliberations and discussions between Grosvenor, the Planning Committee, Town Council, and the community members.

The senior housing only has 25 parking spaces for 50 units. What if a couple has two cars or visitors? The bakery only has 7 required parking spaces. Where do they expect the employees to park along with the customers?

The community center has 5-7 parking spaces. Where are all of the people, going to the community center, going to park?

It is my understanding that residential units that are part of the North 40 project are being allotted minimal parking spaces and, therefore, this underground parking lot can potentially serve as overflow residential parking when needed.

If you look at every development in this town parking is sorely lacking.

The 127 spaces of underground parking is needed to provide additional parking for this development. This is much needed parking that will be utilized. It is common sense to follow the plan and put in the underground parking now and have enough spaces for all needs. Los Gatos Blvd. cannot provide more parking. The neighborhoods, who fought against this project in the first place, do not want cars from the North 40 in their neighborhoods, including ACE Hardware or Office Depot.

These neighborhoods already have too many cars parked on their streets from medical offices, Trader Joe's and pre-Covid Google bus commuters.

Thanks,
Smita Jain Kanungo

From: Ira Nanda <irananda@gmail.com>

Sent: Wednesday, August 26, 2020 9:30 AM

To: Joel Paulson <jpaulson@losgatosca.gov>; Laurel Prevetti <LPrevetti@losgatosca.gov>; Planning <Planning@losgatosca.gov>

Subject: Please do not allow SummerHill to change the plan

Hello,

I am a resident of a neighborhood close to North 40 and am concerned to hear that Summerhill has applied to remove underground parking from their plan. They need to keep underground parking as part of their plan, they should not be allowed to remove it. Please see rationale below.

Why should they be required to have underground parking?

1. This was the final agreement between the Town and Grosvenor/Summerhill. This agreement was also part of the very lengthy deliberations and discussions between the Planning Committee, Town Council, and the community members.
2. The senior housing only has 25 parking spaces for 50 units. What if a couple has two cars or visitors?
3. The bakery only has 7 required parking spaces. Where do they expect the employees to park along with the customers?
4. The community center has 5-7 parking spaces. Where are all of the people, going to the community center, going to park?
5. It is my understanding that residential units that are part of the North 40 project are being allotted minimal parking spaces and, therefore, this underground parking lot can potentially serve as overflow residential parking when needed.

The 127 spaces of underground parking is needed to provide additional parking for this development. This is much needed parking that will be utilized. It is imperative that the plan is followed and put in the underground parking now and have enough spaces for all needs. Los Gatos Blvd. cannot provide more parking. The neighborhoods, who fought against this project in the first place, do not want cars from the North 40 in their neighborhoods, including ACE Hardware or Office Depot.

These neighborhoods already have too many cars parked on their streets from medical offices, Trader Joe's and pre-Covid Google bus commuters.

Thanks,
Ira Nanda

From: C. W. Tripp <cwtrippmusic@gmail.com>
Sent: Tuesday, August 25, 2020 10:38 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40

Hi, I'm against eliminating the parking below ground in the N. 40. Charles Tripp (60 year resident)

Barbara Dodson

239 Marchmont Drive
Los Gatos, CA 95032

Dear Planning Commissioners:

SUBJECT: ITEM #3. ELIMINATION OF 127 PARKING SPACES IN AN UNDERGROUND GARAGE IN THE NORTH 40

Here are remarks I plan to make if I'm able to work my way through the Zoom system.

.....
I'm opposed to the elimination of the underground parking garage. Here are my comments.

1. **ALREADY NOT ENOUGH PARKING FOR THE SENIOR RESIDENCES.** There was already a potential lack of adequate parking in the Market Place complex before this proposal. Specifically, the allotted housing for seniors and their guests was not realistic in the original proposal. The allotment was ½ space per unit plus ½ space per guest for a total of 50 spaces related to the senior housing. The developer kept the allotment low with the assertion that most of the low-income seniors wouldn't have cars because they couldn't afford them. The developer also assumed that each senior unit would have only one resident.

It is in fact entirely possible that each senior unit will have two or even more residents, not just one resident. It is also entirely possible that there will be one car connected to each unit for a total of 50 cars, thus using up all the unit spaces and guest spaces. In that case, where would guests park?

2. **NOT ENOUGH SPACES FOR SHOPPERS.** Supposing that the residents of the 50 senior units use their 50 allotted parking spots, only 126 will remain to be used in connection with the Market Hall, Bakery, and Community Room. It's very likely some seniors and their guests will need to use some of these spaces. So will employees at the Market Hall and bakery. It appears possible that not enough spaces will remain for shoppers.
3. **BENEFITS STATEMENT FEELS BOGUS.** I just need to mention that for me the developer's benefit statement doesn't ring true. The developer states that reducing the number of parking spaces will limit traffic impacts and greenhouse gasses and encourage the use of public transit and bikes. Just on the face of it, it's unlikely that people will use buses and bikes to get to the North 40. It seems more likely that the reduction in parking will reduce people's interest in using the Market Place.
4. **DON'T WE WANT TO "INDUCE DEMAND"?** Further, the notion of induced demand—that so-called excess capacity will induce additional demand for the project and increase traffic, noise, and pollution--does not feel like it applies to this situation. It feels much more likely that the Market Place will be a failure if there is not enough parking, which is the likely outcome of the elimination of the underground parking. And don't we want to induce demand for the Market Place

and nearby shops and restaurants? Don't we want the area to be a success? Who would want to drive to the North 40 to shop if they knew there was no place to park? Also I think we all would prefer a few extra parking spaces when we go shopping.

5. **WILL TENANTS WANT TO RENT IN A MARKET PLACE WITH INADEQUATE PARKING?** I don't think so.

6. **DEVELOPERS SHOULD STICK TO THEIR COMMITMENTS.** The original developer committed to building the underground garage. There was a good deal of discussion about the garage during the original hearings. The developer didn't want to build the garage then. The new developer doesn't want to do it now. But the underground garage was a condition of the approval of the project. The Commission should compel the developer to follow through on what was originally agreed to.

Sincerely,
Barbara Dodson

From: Paula Bowen <belucky@hotmail.co.uk>
Sent: Tuesday, August 25, 2020 8:08:30 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: N40 Underground Parking

I oppose the application to remove the underground parking located under the Market Hall. While the current plan has an abundance of parking. The reduction of the underground parking structure means cars parked on ground lots or through the streets. However, the residential units have minimal parking, one car garage and street parking, which means any residential parking overflow has nowhere to go. Overall, this can lead to Highland Oaks Drive and its cul-de-sacs becoming potential overflow parking areas. Removing the underground parking also limits what stores can be permitted in the second phase of the North 40. That portion of the overall North 40 project has been slated for mid-size upscale retail stores. The underground parking will serve those stores, minimizing the need for large ground level parking lots. Without the underground parking this will create major problems for the residents and visitors to the shops and residents. I believe removing it will impact not only residents, local close residents, and businesses. This could also mean less open spaces for the enjoyment of local families. Please make the developer keep to his promised plans as once built it cannot be added.

Best regards
Paula Bowen
533 San Benito Ave
Los Gatos

From: Perez Family <robethperez@gmail.com>

Sent: Tuesday, August 25, 2020 6:38:35 PM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: North 40 Changes

I have recently been made aware that the developers of the North 40 have expressed a desire to eliminate the underground parking-structure as required in the original Town Project Approval. My concern is the developer is showing signs of not complying to the original plan. This is already a contentious build and any additional movements away from that should not be taken lightly.

Regards,
Beth Perez
LG Resident over 20 years

From: Julie Oderio <julie@jodcom.com>

Sent: Tuesday, August 25, 2020 12:53 PM

To: Joel Paulson <jpaulson@losgatosca.gov>; Planning Comment <PlanningComment@losgatosca.gov>

Subject: Public Comment Item #3

Hello,

I realize I am missing the 11am deadline for comments relating to tonight's meeting. Unfortunately, I cannot be there live and still wanted to express my opinion on the proposed removal of a significant amount of parking from the North 40.

This project was approved with the underground parking and to allow the developer to remove that condition would be a material change to this project and adversely affect the surrounding area. I request that you deny their request for all the obvious reasons, however if you chose to accept their modification, the entire project should be subject to reevaluation. Are they willing to remove or modify another aspect of the project to compensate for this very material change? We are all bound by the existing approval, however, if you negotiate some more favorable terms for the town; that should be included in their offer/request for change, i.e a reduction in overall square footage. Otherwise, it should remain as-is, there is no justification significant enough to justify removing valuable underground parking from a project of this size.

There can NEVER be too much parking.

Thank you,

Julie Oderio
Los Gatos, CA

From: Susan Carter Anderson <ranchodelcarter@gmail.com>
Sent: Tuesday, August 25, 2020 12:13 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Cc: Ben Carter <misterbencarter@gmail.com>
Subject: No change for North 40 parking structure

Dear Mr. Paulson,

I am writing to you today ***in favor of keeping the parking spaces*** below the Market Hall. This development is only Phase 1 and, in a high density plan, ample parking is key to long term success.

The allocation of 1/2 a parking space per senior is outdated as there is a growing interest in automated cars to improve senior driving safety. <https://www.aarp.org/auto/trends-lifestyle/info-2019/self-driving-car-benefits.html> In addition, the developers assertion that more parking makes a more dangerous lot is in contrast to what we all know to be the case. Lack of parking makes people aggressive. We don't need that.

Parking is always a factor when a potential business reviews the viability of a new location. We need to draw people into Los Gatos, not shut them out.

Growth and density in Los Gatos is only going to increase. Signing away a chance to keep adequate parking is short sighted. We need to plan for the long term.

Bike lane improvements have a large margin for improvement in our town. What was done to improve safety near Fisher Middle is a great example of the kind of aggressive work that needs to be done regardless of the parking. What will motivate people to ride their bike to the market will be the ability to safely get there, not lack of parking. You can both improve bike safety and keep ample parking. It doesn't have to be a choice.

Thank you for your consideration. I honestly look forward to the North 40 retail potentially bringing in some new or exciting businesses. Just keep the parking!

Regards,

Ben Carter and Susan Carter Anderson, homeowners
775 Blossom Hill Rd.

From: Elke Billingsley <elke.billingsley@gmail.com>

Sent: Tuesday, August 25, 2020 11:56 AM

To: Joel Paulson <jpaulson@losgatosca.gov>

Subject: KEEP - Underground parking lot at North 40 - for meeting agenda on Aug. 26, 2020

To Whom It May Concern:

I am against the North 40 developer requesting not to have underground parking. This was part of the agreement when the project was approved and needs to remain that way.

When residents, guests or shoppers visit the development but are not able to find parking, this will result in an even bigger traffic mess than originally planned.

Please do not approve the change to remove underground parking from this project. Do not let the developer bully the town into agreeing to this.

Thank you,

Elke Billingsley

Los Gatos resident and home owner

From: b c <tc22@gmail.com>
Sent: Tuesday, August 25, 2020 11:38 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item #3 North 40

Regarding the hearing and public comment for the North 40 Modification Application;

I "oppose" the application and am in hopes that the Board will deny the modification application. I believe that Los Gatos, along with the community, has lost a lot of the towns "feel along with other things too many to mention" and we are going to have to live with what has been approved. Los Gatos gave up many of the peoples wishes, in order to avoid a lengthy and costly legal battle, leading both sides to come to an agreement and reach a final resolution. This should be the last of any requests, from the developers team, Los Gatos should have to deal with on this project. The developers along with their design team, engineers, architects, lawyers etc. are very aware of what they agreed to and should not be allowed to play the game of "let's agree now to what we have gotten Los Gatos to go along with, having the full intention of coming back for a modification down the road when the dust has settled". This is a very common approach of commercial developers getting through the planning dept., non stop tweeking until they get exactly what they intended in the first place. I again want to state I am OPPOSED to the North 40 Modification Application.

Thank you for your consideration,
Barbara Carson
local resident