



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 12/01/2020

ITEM NO: 13

ADDENDUM

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DATE: November 27, 2020  
TO: Mayor and Town Council  
FROM: Robert Schultz, Town Attorney  
SUBJECT: Approval of Proposed Settlement Agreement between the Town of Los Gatos and SummerHill Homes LLC to Resolve the Damage Claim filed By SummerHill Regarding the Denial of SummerHill's Application to Remove Underground Parking from the North 40 Phase 1 Construction of the Market Hall

REMARKS:

Pursuant to Council direction, the Town Attorney with support from Town staff, has reached a tentative agreement subject to Town approval. The proposed Settlement Agreement (Attachment 2) for Town Council consideration would resolve SummerHill Homes \$5 Million claim against the Town with modifications to the conditions of approval for the Phase 1 development. The Key Components to the settlement agreement:

1. The agreement upholds the recent Town Council decision to deny SummerHill's appeal and retains the underground parking garage and all other features of the previously approved project.
2. The agreement modifies 9 of the 179 Conditions of Approval for the project. The 9 Conditions of Approval being modified are set forth as Exhibit A to the Settlement Agreement. The 9 Conditions of Approval modifications change the timing of when SummerHill can occupy the Market Rate Units in relationship to the off-site improvements and the construction of Market Hall and the associated Senior Affordable Housing.

Attachment previously received with the Staff Report:

1. Government Claim filed by SummerHill

Attachment received with this Addendum:

2. Settlement Agreement

PREPARED BY: Robert Schultz  
Town Attorney

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Reviewed by: Town Manager, Assistant Town Manager, Community Development Director and Parks and Public Works Director

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