



**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

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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



From: Jeff Loughridge [REDACTED]
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 Sighting 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 [REDACTED]
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 <[REDACTED]>
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
[REDACTED]
Los Gatos, CA. 95030
[REDACTED]
www.timeoutclothing.com

From: Mitzi <[REDACTED]>
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
[REDACTED], Los Gatos

Sent from my iPhone

From: Pat Blair [REDACTED]
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
[REDACTED]
Los Gatos

From: Smita [REDACTED]
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 [REDACTED]
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 [REDACTED]
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

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 [REDACTED]
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
[REDACTED]
Los Gatos

From: Perez Family [REDACTED] >
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 [REDACTED]
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 [REDACTED]
Sent: Tuesday, August 25, 2020 12:13 PM
To: Joel Paulson <jpaulson@losgatosca.gov>
Cc: Ben Carter [REDACTED]
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
[REDACTED]

From: Elke Billingsley [REDACTED]

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 [REDACTED]
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