



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/28/2020

ITEM NO: 2

ADDENDUM

DATE: September 22, 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. Located at 14225 Walker Street. APN 424-56-017. Architecture and Site Application S-20-012. Property Owner/Applicant: Summerhill N40, LLC. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 15 includes a letter from the applicant responding to a public comment on the project's compliance with the parking requirements in the Specific Plan.

Exhibit 16 includes additional public comments received between 11:01 a.m., Friday, September 18, 2020 and 11:00 a.m., Tuesday, September 22, 2020.

EXHIBITS:

Previously received with 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 August 26, 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: September 22, 2020

EXHIBITS (continued):

Previously received with August 26, 2020 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.

Previously received with September 9, 2020 Staff Report:

10. Public comments received between 11:01 a.m., Wednesday August 26, 2020 and 11:00 a.m., Friday, September 4, 2020

Previously received with September 9, 2020 Desk Item Report:

11. Public comments received between 11:01 a.m., Friday, September 4, 2020 and 11:00 a.m., Wednesday, September 9, 2020

Previously received with September 23, 2020 Staff Report:

12. Applicant's response to the project's compliance with the parking requirements in the Specific Plan
13. Town Attorney Memorandum
14. Public comments received between 11:01 a.m., Wednesday, September 9, 2020 and 11:00 a.m., Friday, September 18, 2020

Received with this Addendum Report:

15. Applicant's response to a public comment regarding the project's compliance with the parking requirements in the Specific Plan
16. Public comments received between 11:01 a.m., Friday, September 18, 2020 and 11:00 a.m., Tuesday, September 22, 2020.

VIA E-MAIL

September 21, 2020

Jocelyn Shoopman
Associate Planner
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Response to Letter Submitted by Barbra Dodson, dated September 16, 2020

Dear Ms. Shoopman:

We have reviewed the comment letter prepared by Barbra Dodson on September 16, 2020. It contains many of the same comments and questions that were included in her letter dated September 3, 2020. We provided a response to that letter on September 17, 2020. The more recent letter examines Sheet A.11 in the plans. As mentioned in our previous response, Sheet A.11 in our plan set was intended to show only the changes proposed to Market Hall by the proposed amendment to the approved A&S. The table on Sheet A.11 was based on what was shown on Sheet 3.22 of the approved A&S plans. The required parking shown on Sheet 3.22 reflected the parking that would be required based on a mix of uses that could be allowed by the specific plan and the code requirements in place at that time.

In order to clarify what the required parking is based on the current Town Code, we have prepared Exhibit A attached to this letter. This table takes the square footage proposed for Market Hall and combines it with the Gross Square Footage identified on Sheet 3.22 of the approved A&S for the remainder of the Transition District. The result of this analysis shows that the Transition District would be required to provide 273 parking spaces and is currently estimated to provide 319 spaces. This is a surplus of 46 parking spaces.

We have attached Exhibit A for your reference.



Please let us know if you have any question.

Very Truly Yours,

SummerHill Homes

Michael Keaney

CC: Joel Paulson

Exhibit A

Transition District Parking Summary											
	Commercial SF	Residential Units			Required Parking					Proposed Parking Provided	
	Square Footage	Affordable	1-Bedroom	2-Bedroom	Gross Commercial Required Parking 1:300	Gross Community Room Square Footage 1:590	Residential Required Parking 0.5 per unit + 0.5 per unit (guest)	1-Bedroom Required Parking 1 per Unit + 0.5 per unit (guest)	Required Parking 1 per Unit + 0.5 per unit (guest)		Subtotal
Commercial Transition District											
Market Hall											
Gross Commercial SF	20,760				69					69	176
Gross Community Room SF	2,772					5				5	
Affordable Residential		50					50			50	
Subtotal										124	
Building A1											
Gross Commercial SF	11,438				38					38	
1 Bedroom Residential			6					9		9	
2 Bedroom Residential				4					10	10	
Subtotal										57	
Building A2											
Gross Commercial SF	11,198				37					37	
Building B2											
Gross Commercial SF	5,745				19					19	
Building C1											
Gross Commercial SF	10,644				35					35	
Subtotal: Building A1, A2, B2, C1	39,025				130					149	143
Transition District Total	62,557	50	6	4	199	5	50	9	10	273	319
									Surplus		46

Square Footage Based on approved Building Permit and Minor Revisions Estimated with the Elimination of the Basement

Gross Commercial Square Footage Based on Column 18 on Sheet 3.22 of A&S Approved Plans

Unit Count Based on Column 1 on Sheet 3.22 of A&S Approved Plans

Notes:

- The total in the Gross Commercial Required Parking column has one more parking space than required when adding up the column because when the decimals are aggregated and rounded off, it results in one more parking space being required than there would be if each parcel is considered separately.

Prepared By: Michael Keaney, SummerHill Homes

Date: September 14, 2020

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Barbara Dodson

Los Gatos, CA 95032
September 16, 2020

Dear Members of the Planning Commission:

SUBJECT: THE SUMMERHILL PLAN WOULD CREATE A PARKING SHORTAGE IN THE TRANSITION AREA A, B & C IN THE NORTH FORTY

Since our Town lawyer is now claiming that we need “objective” criteria for denying SummerHill’s proposal, here’s my personal list of **objective** reasons to reject SummerHill’s proposal.

1. The SummerHill proposal would create a parking shortage in the Transition District A, B & C. The Market Hall and garage cannot be considered in isolation. The application inappropriately focuses on the Market Hall and garage without admitting its impact on the total amount of parking needed for commercial uses in the Transition District A, B and C. This wider impact is that parking in the Transition District A, B and C would be reduced by between 4 and 24 spaces. .
(Note: There is 11,438 sq ft of commercial area in Building A1; 11,198 in Building A2; and restaurant/retail of 10,644 sq ft marked for Area C. The proposal deals only with parking in area B.)

SummerHill doesn’t provide consistent numbers, although their numbers always show that their proposal would create a shortage, not an excess, of parking spaces for the Transition District. Here are two ways in which the SummerHill numbers show parking shortages.

A SHORTAGE OF 24 SPACES. This is shown just using numbers in A.11. The **required** number of commercial spaces is 285 (column 36). The **provided** number of commercial spaces is 261 (column 39). There is a shortage of 24 spaces

A SHORTAGE OF 4 SPACES. This uses Sheet A.11 and Exhibit 4. The required number of commercial stalls in the Transition District is 285 (A.11). In Exhibit 4, Market Hall commercial stalls are given as 126 (176 – 50 resident-related stalls). Also in Exhibit 4, additional Transition District Parking is given as 155. Thus the total commercial parking SummerHill would provide would be 126 + 155, which equals 281. There is no excess parking. In this way of looking at it, there is a clear shortage of 4 spaces for the district (285 required – 281 provided).

2. To put item 1 above in another way: The application is based on the false assumption that the garage was intended for use only by occupants of the Market Hall complex—senior housing, senior guests, market hall, bakery, and community

room. In fact, the garage was also intended for use by customers at nearby retail outlets, restaurants, and bars in addition to occupants of the Market Hall complex itself. (Just think about Santana Row. Are shoppers limited to parking in the garage under the hotel if they want to shop at Anthropologie, which has a different parking lot across the street?) Given this fact, the parking in the underground garage is needed to accommodate these parking requirements.

3. Building on the point in item 2 above, the applicant fails to clearly show where the parking for the retail, restaurant/café, and bar/tavern that are not inside the Market Hall would be located and whether the removal of the underground garage has an impact on the availability of parking for these commercial outlets. Exhibit 4: Transition District Parking shows that Parking Areas A, B, and C (which provide surface parking) would provide a total of 155 spaces. But based on A.11, retail, restaurant/café, and bar tavern outside of the Market Hall would require 213 spaces. Here's the math from A.11:

Retail spaces	55
Restaurant/café spaces	124
Bar/tavern spaces	34
Total:	213

There is a 58-space difference ($213 - 155 = 58$). Where would these 58 spaces be located? Were they originally planned for the garage? (Following on this, Exhibit 4 in the SummerHill proposal says there would be an "excess" of 52 spaces in the parking garage. If the 58 unaccounted for spaces are considered, then there is a **shortage** of 6 spaces in the parking garage.)

4. The applicant provides conflicting numbers about how much parking it would provide in the Transition District. In some places, the applicant says that there would be 331 total spaces in the Transition District; in others the applicant uses a total of 330 spaces. Other inconsistencies are: 7 spaces for the bakery listed in Exhibit 4 versus no listing in A.11; 5 spaces for the community room in Exhibit 4 versus 4 spaces for the community room in A.11; 62 spaces listed for the Market Hall in Exhibit 4 versus 55 spaces for the "specialty market" listed in A.11.

Numbers for the amount of total commercial parking are also inconsistent. In A.11 the total of provided commercial parking is given as 261. However, using Exhibit 4, when you add the amount of commercial parking, you get a total of 281 (commercial parking of 126 in the garage + 155 in parking areas A, B). How much commercial parking will actually be provided? There's no way of knowing based on this proposal.

The Commission cannot approve the application without consistent numbers and accurate data being given.

5. The applicant makes false statements and uses bogus math.

Example 1: The applicant says that removing the subterranean parking level “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.” (page 49, Exhibit 5) However, A.11 under Commercial Required Parking Tabulations, in column 36, under the heading **REQUIRED/Number of Commercial Stalls**, we have the number 285.” Since removing the subterranean parking level actually leaves the project with only 261 commercial spaces and a **deficit of 24 spaces**, the applicant has made a false statement.

Example 2: The computations $39 + 30 + 261 = 330$ and $330 \text{ PROVIDED} - 285 \text{ REQ'D} = 45 \text{ EXTRA}$ in red to the right of A.11 creates a false impression. They imply that SummerHill would provide 45 extra commercial spaces. But to come up with the 45 Extra supposedly commercial stalls, SummerHill mixes residential stalls (the 39 and the 30) with commercial stalls (the 261). SummerHill then uses the required number of commercial stalls (the 285) to come up with its extra 45. In fact, looking at the situation this way, SummerHill has a **shortage of 24 parking stalls** for the Transition District A, B & C.

6. If the applicant claims that the numbers in A.11 are no longer accurate or are out of date, then the entire application must be thrown out for containing inaccurate data. It is the applicant’s responsibility to provide accurate data. Commissioners cannot make their decisions without accurate data.

.....
I’m wondering if you might ask SummerHill these questions based on Sheet A.11. I’d love to get answers.

Main Questions

- Under Commercial Required Parking Tabulations, in column 36, under the heading **REQUIRED/Number of Commercial Stalls**, we have the number 285. Is this number still accurate? If not, what is the accurate number?
- Under TOTAL PROVIDED PARKING TABULATIONS, **PROVIDED Commercial Stalls, we have 261** (column 39). **Since this number is not the total of the numbers provided in the table (the total is 285), where does this number come from and what is the explanation for this reduced number of parking stalls?**

Subquestions

Under Commercial Required Parking Tabulations, in column 27, under the heading Specialty Market/Number of Stalls, we have the number 55. Is this number still accurate? If not, what is the accurate number?

- Under Commercial Required Parking Tabulations, in column 29, under the heading Retail/Number of Stalls, we have the number 68. Is this number still accurate? If not, what is the accurate number?
- Under Commercial Required Parking Tabulations, in column 33, under the heading Bar/Tavern/Number of Stalls, we have the number 34. Is this number still accurate? If not, what is the accurate number?
- Under Commercial Required Parking Tabulations, in column 35, under the heading Community Room/Number of Stalls, we have the number 4. Is this number still accurate? If not, what is the accurate number?
- Looking at the tabulations in red to the right of A.11, what is the number 126 labeled Revised Bldg B1 Retail based on?
- What is the computation $39 + 30 + 261 = 330$ supposed to show? *The implication of the bottom two computations in red*

$$39 + 30 + 261 = 330$$

$$330 \text{ PROVIDED} - 285 \text{ REQ'D} = 45 \text{ EXTRA}$$

is that SummerHill is providing 45 extra commercial parking spaces. However, the numbers 39 and 30 used in the computations are the numbers for residential stalls and residential guest stalls respectively. Therefore SummerHill is making a false statement; it is NOT providing "45 Extra" if indeed it is trying to show that it is providing extra commercial stalls.

*In fact, SummerHill has a **deficit of 24 parking stalls** for the Transition District A, B & C.*

- In the bottom computation in red, why is the number 285 being used? (*THIS APPEARS TO BE AN ADMISSION THAT 285 COMMERCIAL STALLS ARE REQUIRED AS LISTED IN COLUMN 36. HOWEVER, IN COLUMN 39 SUMMERHILL ADMITS THAT IT IS PROVIDING ONLY 261 COMMERCIAL STALLS, 24 STALLS BELOW THE REQUIREMENT.*)

Thank you for your service to the Town.

Sincerely,

Barbara Dodson

From: Sharon Elder [REDACTED]
Sent: Monday, September 21, 2020 9:22:55 AM
To: Joel Paulson <jpaulson@losgatosca.gov>
Subject: North 40 underground parking structure

Hi, my name is Sharon Elder and the resident of Los Gatos. It's my understanding that the developers of the North 40 project are now proposing to remove the underground parking structure that was originally passed as part of their overall plan.

I feel that by removing this parking structure will force traffic on the side roads and dissuade shoppers from going to these new shopping developments because they will have nowhere to park.

I feel that in good faith the developers of the North 40 project should continue with our original plan which was to build and ensure that there is sufficient parking for their development. Their plan was passed because it made allowances for parking that they are now renegeing on.

Rgds
Sharon Elder
[REDACTED] Los Gatos

Sent from my iPhone

From: Amy Nishide [REDACTED]
Sent: Friday, September 18, 2020 7:19:01 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: North 40 parking garage proposed elimination

I am against this. Not including the the parking is extremely short-sighted. The entire North 40 was envisioned as one plan under the specific plan and should be built. Just because Summerhill took over for Grosvenor, doesn't mean the garage can be eliminated. In the future, parking overflow could spill into the neighborhood and create significant issues. Don't be short-sighted. Think long term.

Amy Nishide
Los Gatos

She believes they should retain the underground parking because of the concern that the entire North Forty has been envisioned as one project under the Specific Plan and there would be no way to go back and dig out under a parking structure if they don't put the underground parking in now.

Los Gatos, CA 95032
September 20, 2020

Dear Members of the Planning Commission:

Obviously it's hard for members of the community to keep up with SummerHill's ever changing story. SummerHill submitted an application in which it said it would be providing either 330 or 331 parking spaces in the Transition District. Now, with its new Exhibit A, it says it will be providing 319 spaces. Previously SummerHill claimed excess of 52 spaces; now the excess is 46.

Can approval really be based on an addendum that contradicts the original proposal?

Assuming that Sheet A.11 had old information that is no longer reliable, we still have Exhibit 4 that

SummerHill created for this proposal. Based on Exhibit 4, we should still have 331 spaces. Where did the 12 spaces shown in Exhibit go when Exhibit A was put together? What is the breakdown? If we accept Exhibit 4, there should still be 176 spaces in a garage without an underground area. There should still be 155 spaces in Parking Areas A, B, and C combined. So why aren't there still 331 parking spaces in the Transition District?

It looks like SummerHill aims to reduce the parking in Parking Areas A, B, and C along with eliminating the underground garage. In Exhibit 4, Parking Areas A, B, and C provide a combined total of 155 spaces. Exhibit A lists only 143 spaces to be provided in addition to the spaces in the above-ground garage. It looks like SummerHill plans to reduce the parking in Parking Areas A, B, and C by 12 spaces. Doesn't SummerHill have to apply for approval of this additional change as well?

I urge you to deny this application on the basis that SummerHill has provided ever changing numbers, making it impossible for the Commission to make a decision. If Exhibit A now provides accurate numbers, this just shows that the application itself contains numbers that are NOT accurate and statements that are false.

Some questions:

From the SummerHill comments, it sounds like parking requirements in the Town Code were different in 2016 when the Phase 1 proposal was approved. It sounds like the old requirements are used in Sheet A.11 (which shows a requirement for 354 parking spots in the Transition District A, B & C) and that SummerHill is reducing parking based on requirements that have changed since 2016. If that's the case, wouldn't SummerHill still have to abide by parking requirements that were in place at the time of approval?

If the above question is not relevant, what changed between 2016 and now so that 354 spaces were required then but only 319 are required now?

SummerHill was party to the 2016 proposal that was approved by Town Council, along with Grosvenor and Eden Housing. Why should SummerHill now be allowed to distance itself from what was approved just because Grosvenor has pulled out?

Just as a note, I find it alarming that SummerHill projects that it will provide roughly 9% less parking than the Town used as part of the basis for approval of Phase 1. The 2016 proposal included a total of 1,039 parking spaces. SummerHill now plans to provide a total of 900 spaces for Phase 1.

Thank you for your service to the community.

Sincerely,

Barbara Dodson