



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/23/2020

ITEM NO: 2

DESK ITEM

DATE: September 23, 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 17 includes an additional letter from the applicant responding to a public comment on the project's compliance with the parking requirements in the Specific Plan.

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.

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.

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 23, 2020

EXHIBITS (continued):

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

Previously received with September 23, 2020 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

Received with this Desk Item Report:

17. Additional response from the applicant responding to a public comment regarding the project's compliance with the parking requirements in the Specific Plan

VIA E-MAIL

September 23, 2020

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

Re: Los Gatos North Forty; Request for Modification (S-20-012) to an Existing
Architecture and Site Application Approval (S-13-090)

Dear Ms. Shoopman:

SummerHill Has prepared the attached response to the Letter submitted by Barbara Dodson and included in the Staff Report Addendum. As we have previously stated, our application is for Market Hall, Lot 27, but in order to help answer questions from the community and the Planning Commission we have prepared and provided Exhibit A: Transition District Parking Summary, which accurately summarizes the parking that is required and provided for the Transition District.

As can be seen in Exhibit A, the Market Hall meets the Towns parking requirements and based on the Gross Square footage from the approved A&S, the Transition District as a whole will have a surplus of 46 parking spaces.

Please let us know if you need any additional information.


Very Truly Yours,

SummerHill Homes

Michael Keaney

CC: Joel Paulson

SummerHill Responses to Letter from Barbara Dodson Received 9/21/20:
Responses Provided in Red Text


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.

Response: Our application was for a modification to Market Hall on Lot 27. It does not propose any changes to the parking for Building A1, A2, B2, or C1. Our Project Description included a table that showed Transition District Parking. It has Parking Area A, B and C as unchanged and only changed Market Hall. The total is correctly shown as 331 spaces. The parking for Area A, B and C is based on counting the surface stalls shown on the Site Plan from the approved A&S plan set. The Market Hall has a surplus of 52. The Transition district as a whole has a surplus of 46 spaces based on the square footages and land uses proposed in the A&S Plans on Sheet 3.22.

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

Response: The request for a modification for the Market Hall on Lot 27 has always identified a required parking of 124 stalls and a proposed parking of 176 stalls. This is included in our Letter of Justification which is Exhibit 5 of the staff report.

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?

Response: Exhibit 4 includes a table showing "Original Parking" in the A&S Approved Plan set and what was included for Market Hall with the basement parking. The "New Parking" column has the 176 stalls for Market Hall proposed in our modification, and shows the remainder of the Transition District as unchanged. Exhibit A is a summary of:

1. Required parking per the Town Code
2. Proposed parking for Market Hall without the basement and surface parking as shown on the Phase I Commercial Parking Spaces Exhibit prepared by MacKay and Soms.

The approved In-Tract Private Improvement Plans include 58 surface parking stalls, the same as shown on the approved A&S Plan Set. The 12 space difference between 331 shown in Exhibit 4 (Approved A&S Plan Set) and the 319 in Exhibit A (Mackay and Soms Phase I Parking Exhibits) is a result of conceptual modifications to the commercial surface parking lots. This still results in a surplus of 46 parking stalls for the Transition District. It should be noted that the commercial surface parking lot designs are preliminary and no application has been filed at this time. The remaining commercial buildings in Phase I will have to comply with the parking requirements in the Town Code and the Specific Plan to obtain a building permit.

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?

Response: Our application only applies to Market Hall, Lot 27. All other information is provided for reference only. The remaining commercial buildings in Phase I will have to comply with the Town Code parking requirements and the Specific Plan to obtain a building permit.

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.

Response: Our request to remove the basement parking from the Market Hall and provide 176 parking stalls, 52 more than required by the Town code is described in our Letter of Justification and Project Description. It is accurate and has never changed.

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?

Response: The Specific Plan Parking Requirements for Parking Non-Residential Parking is established in Section 2.5.8.a: Non-Residential Use: The number of off-street parking

spaces shall be consistent with the parking required in Downtown as required within Division 4 of the Zoning Ordinance. This section of the code was updated after the approval of the A&S for Phase I. Exhibit A reflects what is required by the current Town Code.

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.

Response: With the proposed modification there are currently proposed to be 46 more stalls than are required for the Transition District.

Thank you for your service to the community.

Sincerely,

Barbara Dodson

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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