

VIA E-MAIL

October 14, 2020

Marcia Jensen, Mayor  
And Members of the Town Council  
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. Jensen:

SummerHill Homes is pleased to be developing Phase I of the North Forty Project. One component of the approved project is known as the Market Hall. It includes 20,761 square feet of commercial space, 2,772 square feet of community room space and fifty affordable senior housing units. When the project was originally approved it included 179 more parking spaces than were required by the Town Zoning Code. The purpose of this parking was to serve future phases of the project, but the original developer of this building choose not to proceed with the project. There is no requirement in the specific plan or the conditions of approval for Phase I to provide surplus parking for future phases of the project. We are proposing to eliminate the basement floor of the parking structure. The Market Hall building is required to provide 74 commercial parking spaces and 50 residential parking spaces. With the proposed modification to eliminate the basement of the parking structure there will be 126 commercial parking spaces and 50 residential parking spaces. This is a surplus of 52 commercial parking spaces.

The proposed modification is in compliance with the Town Zoning Code, but several comment letters were provided to the Planning Commission questioning our summary of the required parking and staff's conclusion that the proposed modification was in compliance with the Town Code. Ms. Barbara Dodson prepared three of these letters and we have provided responses to each of them on September 17<sup>th</sup>, 21<sup>st</sup> and 23<sup>rd</sup>. In each of these responses we explained that the required parking shown on Sheet 3.22 of the approved Architectural and Site plan set reflected the parking that would be required based on a mix of uses that could be allowed by the specific plan and the Town Zoning Code. In order to clarify what the required parking is today based on the current Town Zoning Code we prepared "Exhibit A" and included it in each of our responses. 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.

At the Planning Commission Hearing on September 28, 2020 Commissioner Hudes used the same assumptions in Ms. Dodson's letters from Sheet 3.22 to conclude that the project did not meet the Towns parking requirements. We have prepared a separate letter in response to his incorrect determination that the project does not meet the Towns parking requirements. As we state in this letter and the letters that we prepared in response to Ms. Dodson, the correct assessment of the required parking for the project is shown on Exhibit A.

The Town Attorney has provided direction to the Planning Commission that the modification that we have proposed is subject to the requirements of the Housing Accountability Act and can only be denied on the basis of objective standards. The modification that we are requesting is in conformance with the Town Zoning Code, as verified by Staff, and denial of our request by the Planning Commission was not based on objective standards.

We have attached a letter responding to the parking table provided by Commissioner Hudes at the Hearing on September 28, 2020, which includes Exhibit A. Exhibit A has been review by Town Staff and correctly summarizes the parking that is required for the North Forty Transition District. With the proposed modification there will be a surplus of 52 parking spaces for the Market Hall Building on Lot 27, and 46 surplus spaces for the Commercial Transition District.

Very Truly Yours,

SummerHill Homes

Michael Keaney

CC: Joel Paulson

VIA E-MAIL

October 14, 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:

At the Planning Commission hearing on September 28, 2020 Commissioner Hudes prepared a table of what he determined were the parking requirements for Phase I of the North Forty Project (S-13-090). This table is not correct and does not reflect the parking requirements from the Town code for the project. This table, prepared by Commissioner Hudes, that was the basis for his motion to deny the project, used the square footages and parking ratios from Sheet 3.22 of the approved 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. SummerHill Homes and Town Staff explained at the Planning Commission hearing and in writing, that the required parking shown on Sheet 3.22, was based on a hypothetical land use program, and the 2017 code requirement for parking. The table that Commissioner Hudes prepared includes a note highlighted in yellow which states “Based on Downtown parking requirements as of 8/1/2017.” These are not the current parking requirements, so the Table is not reflective of what is required by the Town Code.

To correctly assess the parking required for any component of Phase I of the North Forty project the gross commercial square footage in the proposed building permit and the land use that is proposed need to be analyzed with the required parking per the current and applicable Town Code. In the case of the Market Hall building, on lot 27, that information was provided in our Letter of Justification on March 13, 2020. The Market Hall building is required to provide 74 commercial parking spaces and 50 residential parking spaces. With the proposed modification to eliminate the basement of the parking structure, there will be 126 commercial parking spaces and 50 residential parking spaces. This is a surplus of 52 commercial parking spaces.

Several comments were provided to the Planning Commission that questioned the parking that would be required for the commercial transition district. The modification that we have



requested does not propose any changes to the parking required for the remainder of the commercial transition district, but in an effort to help respond to these questions SummerHill Homes prepared a table that includes all of the required parking. This table, Exhibit A, was provided to the Planning Commission on September 17, 2020. It was reviewed by staff and they have confirmed that it correctly summarizes the parking required for the Transition District based on the gross square footage and uses proposed from Sheet 3.22 of the approved plans and what is required by the Town code. As shown on Exhibit A there are 273 parking spaces required and 319 provided. This is a surplus of 46 parking spaces.

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
<b>Commercial Transition District</b>											
<b>Market Hall</b>											<b>176</b>
Gross Commercial SF	20,760				69					69	
Gross Community Room SF	2,772					5				5	
Affordable Residential		50					50			50	
Subtotal										124	
<b>Building A1</b>											
Gross Commercial SF	11,438				38					38	
1 Bedroom Residential			6					9		9	
2 Bedroom Residential				4					10	10	
Subtotal										57	
<b>Building A2</b>											
Gross Commercial SF	11,198				37					37	
<b>Building B2</b>											
Gross Commercial SF	5,745				19					19	
<b>Building C1</b>											
Gross Commercial SF	10,644				35					35	
<b>Subtotal: Building A1, A2, B2, C1</b>	<b>39,025</b>				<b>130</b>					<b>149</b>	
<b>Transition District Total</b>	<b>62,557</b>	<b>50</b>	<b>6</b>	<b>4</b>	<b>199</b>	<b>5</b>	<b>50</b>	<b>9</b>	<b>10</b>	<b>273</b>	
									<b>Surplus</b>	<b>46</b>	

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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