



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 3/6/2018

ITEM NO: 06

ADDENDUM

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DATE: MARCH 2, 2018

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: ADOPT A RESOLUTION APPROVING AMENDMENTS TO THE NORTH 40 SPECIFIC PLAN. APN 424-07-009, 010, 024 THROUGH 027, 031 THROUGH 037, 052 THROUGH 054, 060, 063 THROUGH 065, 070, 081 THROUGH 086, 090, 094 THROUGH 096, 099, 100, 102 THROUGH 112, 424-06-115, 116, AND 129. PROPERTY OWNERS: YUKI FARMS, ETPH LP, GROSVENOR USA LIMITED, SUMMERHILL N40 LLC, DODSON, HIRSCHMAN, MATTES, VENTURA TRUSTEE, MOISENCO, LOS GATOS MEDICAL OFFICE CENTER LLC, LOS GATOS GATEWAY LLC, MBK ENTERPRISE, CONNELL, GIN, JOHN & ALLISON DIEP LLC, BERNAL, LG BOULEVARD HOLDINGS LLC, POLARIS NAVIGATION, EW REAL ESTATE LLC, LAZAAR ENTERPRISES LLC, KOTHARY, AND SWENSON TRUSTEE. APPLICANT: TOWN OF LOS GATOS

REMARKS:

A question received from a Council Member is outlined below and followed by staff's response.

- **What specific policy language could be added regarding public benefit as it relates to requests for additional height?**

The potential amendments currently contain the following language regarding increased height for hotels:

*The maximum height is 45 feet for a hotel. A height increase above 45 feet for a hotel may be permitted if additional open space is provided.*

Additional specific examples of public benefit could be added to the policy language.

PREPARED BY: JOEL PAULSON  
COMMUNITY DEVELOPMENT DIRECTOR

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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REMARKS (Continued):

Specific examples that could be added include, but are not limited to:

- A specific amount of additional publicly accessible open space (i.e., five percent)
- Below Market Price (BMP) units in excess of the current minimum requirement of 20 percent
- Community facilities (i.e., sports fields, performing arts center, community center, etc.)
- Funds for right of way acquisition and improvement on the east side of Los Gatos Boulevard
- Bicycle and pedestrian amenities in excess of what would otherwise be required
- Requirement for Leadership in Energy and Environmental Design (LEED) Gold certification or higher

Alternatively, the policy language could be modified to include a reference to public benefit and a definition of public benefit with specific examples could be added to the Specific Plan.

Public benefit is also referenced in the Draft Planned Development Ordinance, currently being reviewed by the Planning Commission, recommended by the Planned Development Study Committee. The Committee acknowledged the importance of defining public benefit and proposed the following definition as a starting point for consideration:

*A project that makes a substantial contribution to the public infrastructure that is consistent with the vision and objectives of the General Plan. Mere compliance with the existing zoning shall not be considered a substantial community benefit. Substantial benefits must be actions that are substantially above and beyond what an applicant would be required to make in order to comply with the underlying zoning.*

The Town previously had a Community Benefit Policy, which was rescinded in 2015. The Policy defined community benefit as:

*An offering of benefit to the Town proposed by an applicant, in addition to the standard mitigation measures required by the Town, that overrides certain negative impacts resulting from an infill project or a project that generates more than five peak hour trips.*

The Policy also listed the following as potential examples of community benefits: additional affordable housing units; improved traffic circulation; street/neighborhood improvements; historic preservation/restoration; public art; open space and

REMARKS (Continued):

conservation; public trails; mitigation of an existing problem; restoration of a riparian habitat; and a demonstrated unique or desirable use for the Town.

The following is another example of a potential definition of public benefit:

*An increase in height for a hotel shall only be approved upon a finding that greater than normal public benefits may be achieved by increasing the height. Such benefits may include, but are not limited to improved or innovative site and/or architectural design, greater public or private usable open space, provisions of housing for seniors or low/moderate income families, and provision of extraordinary public access.*

Attachments previously received with October 3, 2017 Study Session Report:

1. Town Council Suggestions for Potential Amendments to the adopted North 40 Specific Plan
2. December 15, 2016 Planning Commission Staff Report (with Exhibits 1-8)
3. December 15, 2016 Planning Commission Addendum Report (with Exhibit 9)
4. December 15, 2016 Planning Commission Desk Item Report (with Exhibit 10)
5. December 15, 2016 Planning Commission Verbatim Minutes (131 pages)
6. January 26, 2017 Planning Commission Staff Report (with Exhibit 11)
7. January 26, 2017 Planning Commission Addendum Report (with Exhibit 12)
8. January 26, 2017 Planning Commission Desk Item Report (with Exhibit 13)
9. January 26, 2017 Planning Commission Verbatim Minutes (115 pages)
10. Public Comments received 11:01 a.m. Wednesday, May 10, 2017 to 11:00 a.m., Thursday, September 28, 2017
11. Potential amendments based on GPC and PC discussions (including Exhibit A)

Attachments previously received with October 3, 2017 Desk Item Report:

12. Public Comments received 11:01 a.m. Thursday, September 28, 2017 to 11:00 a.m., Tuesday, October 3, 2017

Attachments previously received with November 14, 2017 Special Meeting Report:

13. North 40 Hotel Site Assessment
14. Public Comments received 11:01 a.m. Tuesday, October 3, 2017 to 11:00 a.m., Friday, November 10, 2017

Attachments previously received with the January 16, 2018 Staff Report:

15. Required Findings
16. Resolution (including Exhibit A)
17. North 40 Traffic Scenarios

18. November 14, 2017 Town Council Meeting Minutes

19. Public Comments received 11:01 a.m., Friday, November 10, 2017 to 11:00 a.m., Thursday, January 10, 2018

Attachments previously received with the Addendum Report:

20. Public Comments received 11:01 a.m., Thursday, January 11, 2018 to 11:00 a.m., Friday, January 12, 2018

Attachments previously received with the Desk Item Report:

21. Public Comments received 11:01 a.m., Friday, January 12, 2018 to 11:00 a.m., Tuesday January 16, 2018

Attachments previously received with the February 6, 2018 Staff Report:

22. Public Comments received 11:01 a.m., Tuesday, January 16, 2018 to 11:00 a.m., Thursday February 1, 2018

Attachments previously received with the Addendum Report:

23. Public Comments received 11:01 a.m., Thursday, February 1, 2018 to 11:00 a.m., Monday, February 5, 2018

Attachments previously received with the Desk Item Report:

24. Public Comments received 11:01 a.m., Monday, February 5, 2018 to 11:00 a.m., Tuesday, February 6, 2018