



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 6/5/2018

ITEM NO: 15

DATE: MAY 25, 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

RECOMMENDATION:

Adopt a resolution (Attachment 27) approving amendments to the North 40 Specific Plan.

BACKGROUND:

On March 6, 2018, the Town Council held a continued public hearing to consider amendments to the North 40 Specific Plan, received public testimony, and continued the matter to the April 17, 2018 Town Council meeting with requests for additional information from staff. Staff was not able to complete the work associated with the Town Council's requests for additional information for the April 17, 2018 Town Council meeting and requested that the item be continued to the Town Council meeting on June 5, 2018.

DISCUSSION:

The requested information from the March 6, 2018 meeting is outlined below and is followed by staff responses.

PREPARED BY: JOEL PAULSON
Community Development Director

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

DISCUSSION (Continued):

- **Provide more information regarding objective criteria for community benefit.**

The recently adopted Planned Development Ordinance contains many references to public benefit. The Zoning Code and General Plan do not define public benefit. As part of its recommendation, the Planned Development Study Committee proposed the following definition of public benefit for Planning Commission and Town Council 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."

Staff is also providing excerpts from other jurisdictions regarding public and community benefit that were previously provided for the Planned Development Ordinance item (Attachments 28 through 35).

- **Provide suggested language regarding objective criteria for additional hotel height related to community benefit.**

Staff has added the following starting point language, which includes more objective criteria regarding additional height for hotels, to page 2-11 of the Specific Plan:

c. The maximum height is 45 feet for a hotel. A height increase above 45 feet for a hotel may be permitted if an additional 10% publicly accessible green open space is provided. Other community benefits that may be considered by the Town Council for additional height include, but are not limited to: a community center; a performing arts center; publicly accessible open space; publicly accessible sports fields; or additional BMP units.

- **Provide more information for a trade-off of more residential units in exchange for less commercial building volume.**

Page 2-26 of the Specific Plan allows up to 400,000 gross square feet for Cottage Cluster, Garden Cluster, Townhome, and Rowhouse products (Exhibit A of Attachment 27). Approximately 150,000 square feet is still available in this category following the approved Phase I project.

Page 2-26 of the Specific Plan allows up to 300,000 net square feet for Condominium, Multi-Family, Apartments, and Affordable products (Exhibit A of Attachment 27). Approximately 286,000 square feet is still available in this category following the approved Phase I project.

DISCUSSION (Continued):

A reduction of commercial square footage is not required given the remaining square footage in the two residential categories outlined above. The remaining square footage in the two residential categories is adequate to allow 94 additional residential units. However, if the Town Council is interested in reducing the commercial square footage in exchange for more residential units, then modifications to the highlighted commercial square footage numbers on page 2-10 of the Specific Plan can be made (Exhibit A of Attachment 27). Additionally, if the Town Council is interested in increasing the number of residential units from 270 to 364 then modifications on page 2-10 and 2-26 can be made (Exhibit A of Attachment 27).

- **Provide language regarding electric vehicle sales.**

In the Permitted Land Uses Table (Table 2-1) on page 2-9 of the Specific Plan, new vehicle sales and rental is an allowed use in the Northern District with the approval of a Conditional Use Permit. However, if the Town Council is interested in separating vehicle sales and electric vehicle sales then a new category could be added to Table 2-1 on page 2-9.

- **Provide language regarding innovative businesses and Innovation Centers.**

Given the Town Council's interest in innovative businesses and Innovation Centers, staff has added potential amendments to page 2-4 (Exhibit A of Attachment 27) to address this request. Additionally, staff has included the following starting point language in the Glossary on page 6-12 (Exhibit A of Attachment 27):

Innovation Center

A building or buildings that provide a variety of office and shared work spaces for venture capital firms, startup companies, and other similar new business ventures.

- **Limit residential unit square footage to 500 to 1,200 square feet.**

If the Town Council is interested in this limitation on residential unit size in the Northern portion of the Specific Plan area, staff has included the following starting point language to page 2-26 (Exhibit A of Attachment 27):

- a. Residential units shall range in size. Refer to Residential Unit Size Mix in Glossary (Chapter 6). *Residential units in the Northern portion of the Specific Plan area (north of the Phase I development) shall range in size from 500 to 1,200 square feet.*

CONCLUSION:

This meeting will provide another opportunity for the Town Council to consider potential amendments and the additional information that has been provided, receive additional public testimony, and discuss the potential amendments to the North 40 Specific Plan.

The previously proposed amendments have been revised and are provided in Exhibit A of Attachment 27. The potential amendments are shown in red underlined font and all deletions are shown in red ~~strikethrough~~ font.

Staff recommends that the Town Council:

1. Make the finding that the Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments (Attachment 25);
2. Make the required finding that the North 40 Specific Plan amendments are consistent with the General Plan (Attachment 25); and
3. Adopt a Resolution (Attachment 27) approving amendments to the North 40 Specific Plan with any specific changes identified and agreed upon by a majority of the Town Council.

ALTERNATIVES:

Alternatively, the Council may:

1. Continue this item to a date certain with specific direction to staff; or
2. Determine that modifications to the North 40 Specific Plan are not necessary.

CEQA DETERMINATION:

The Town Council certified an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program for the North 40 Specific Plan on January 20, 2015 (Resolution 2015-002) and no additional environmental review is necessary for the proposed amendments.

PUBLIC COMMENTS:

Public comments received between 11:01 a.m., Tuesday, February 6, 2018 to 11:00 a.m. Thursday, May 31, 2018 are included in Attachment 36.

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 February 6, 2018 Desk Item Report:

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

Attachments previously received with the March 6, 2018 Desk Item Report:

25. Required Findings (Previously received as Attachment 15 with the January 16, 2018 Staff Report)

26. Resolution with Exhibit A (Previously received as Attachment 16 with the January 16, 2018 Staff Report)

Attachments received with this Staff Report:

27. Revised Resolution (including revised Exhibit A)

28. City of Los Altos - Exceptions for Public Benefit Excerpt (one page)

29. City of Mountain View - San Antonio Precise Plan Excerpt (seven pages)

30. City of Mountain View - North Bayshore Precise Plan Excerpt (three pages)

31. City of Mountain View - El Camino Real Precise Plan Excerpt (four pages)

32. City of Mountain View - Resolution for Public Benefits Minimum Value for El Camino Precise Plan (two pages)

33. Culver City - Resolution Establishing the Community Benefit Incentive Program (seven pages)

34. City of Glendale - Incentives and Bonuses Chapter of Downtown Specific Plan (six pages)

35. Greenbelt Alliance – Public Benefit Bonus Policy Brief (15 pages)

36. Public Comments received between 11:01 a.m., Tuesday, February 6, 2018 to 11:00 a.m. Thursday, May 31, 2018