



TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 08/15/2018

ITEM NO: 1

ADDENDUM

DATE: AUGUST 14, 2018

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: CONSIDER POTENTIAL 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:

The following questions received from a Council Member are outlined below and followed by staff's response.

- If amendments are adopted at this meeting when will they apply to developments?

The Town Council cannot adopt amendments at this meeting. At this meeting, staff is requesting specific direction for potential amendments that are agreed upon by the majority of the Town Council. Staff would then bring forward a resolution with all of the proposed amendments for Council consideration at a subsequent regular Town Council meeting.

Applicability to future developments would depend on the scope of the amendments that are adopted. For example, if the amendments that are adopted do not require a General Plan amendment then the amendments would be effective 30 days thereafter.

PREPARED BY: JOEL PAULSON
Community Development Director

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

REMARKS (Continued):

However, if the amendments require a General Plan amendment then the amendments would not be in effect until 30 days after the General Plan amendment is approved. A General Plan amendment application would be reviewed by the Planning Commission who would forward a recommendation for consideration and final action by the Town Council.

- What are the quantities of open space required by the current Specific Plan?

The current Specific Plan requires 30 percent open space for each development. A minimum of 20 percent must be green open space. The current Specific Plan also requires that 20 percent of the 30 percent required open space to be publicly accessible.

Approximately 19.34 (842,450 square feet) acres of the Specific Plan area remain for future development. Given the requirements above approximately 5.8 acres (252,648 square feet) are required to be open space, approximately 3.87 acres (168,577 square feet) are required to be green open space, and approximately 3.87 acres (168,577 square feet) are required to be publicly accessible.

- Please explain when and how density bonus applies.

Information regarding density bonus law is included in Attachment 43.

- What are the sizes of Plaza Park and Balzer Field?

Plaza Park is approximately 25,000 square feet or 0.57 acres. Balzer Field is approximately 50,000 square feet or 1.15 acres.

- How many housing units are available under the current Specific Plan and Environmental Impact Report?

The current Specific Plan allows 270 units. 33 housing units (not including density bonus units if requested) are available under the current Specific Plan. If a project comes in that does not remove all of the existing units on the balance of the Specific Plan area then the 33 units would be reduced by the number of existing units that remain. There are approximately 16 existing housing units on the remaining portion of the North 40 Specific Plan area.

The environmentally superior alternative in the Environmental Impact Report included 455 housing units. If 455 units are determined to be appropriate then 218 housing units would be available (not including density bonus units if requested).

REMARKS (Continued):

- What would establish the parameters for negotiation of a development agreement?

California's Planning Zoning Law authorizes cities/towns to enter into development agreements and establishes general rules governing development agreements. (Government Code §§ 65864 -65869.5). One of those rules requires a city/town to establish procedures and requirements for consideration of development agreement applications if requested by an applicant. To date, the Town has not received a request to establish development agreement procedures. Nonetheless, it would be prudent for the Town Council to adopt the procedures and requirements for consideration of development agreements in case anyone within the North 40 or elsewhere requests the Town to establish such procedures and requirements. Having a set of procedures will provide applicants, Town staff, the Planning Commission and City Council with a clearly defined process to follow, and will provide greater transparency and understanding for the public of the development agreement application review process. Such procedures and requirements may be adopted by ordinance or resolution and typically include the following:

- A statement of purpose/findings /public benefits of DAs;
- Application requirements;
- Notice and hearing procedures;
- Planning commission and governing body review;
- Recordation;
- Amendment and termination; and
- Periodic review

- Would Council be providing input during the negotiations via Closed Sessions?

Confidentiality through Closed Session is difficult in the context of development agreement negotiations because the Brown Act does not generally allow an exception for public agency negotiators on development agreements to receive direction from the governing body. There may be aspects of a development agreement—for example, the price and terms of payment for acquisition of property—that can be discussed in Closed Session. However, only those issues may be discussed in Closed Session—not the development agreement in general.

REMARKS (Continued):

- Who would negotiate on behalf of the Town?

Senior staff typically negotiates development agreements. The Town Manager should be involved because she knows the community, understands the desires of the legislative body and can gauge the agreement's value to the community. The CDD Director is typically on the negotiating team because of his or her planning background. While the Town Manager may focus on financial benefits to the community, the CCD Director will be concerned with the impact of the project on land use issues, including its compatibility with surrounding land uses. Engineering or Public Works staff should be included if infrastructure issues are involved. Finally, the Town Attorney and possibly outside legal counsel should be in on the negotiating team as legal issues will undoubtedly arise during negotiations.

Public Comments received between 11:01 a.m., Friday, August 10, 2018 to 11:00 a.m., Tuesday, August 14, 2018 can be found in Attachment 44.

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 previously received with the June 5, 2018 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

Attachments previously received with the August 7, 2018 Staff Report:

37. Letter from Grosvenor Americas regarding requested Specific Plan amendments with the conceptual site plan, received July 31, 2018 (17 pages)
38. White paper prepared by the Institute for Local Self Government entitled Development Agreement Manual

Attachments previously received with the August 6, 2018 Addendum Report:

39. Slides from Grosvenor Americas for a presentation to Los Gatos Democracy Tent on August 2, 2018 (17 pages)
40. Public Comments received between 11:01 a.m., Thursday, August 2, 2018 to 11:00 a.m., Monday, August 6, 2018

Attachments previously received with the August 7, 2018 Desk Item Report:

41. Public Comments received between 11:01 a.m., Monday, August 6, 2018 to 11:00 a.m., Tuesday, August 7, 2018

Attachments previously received with the August 15, 2018 Staff Report:

42. Public Comments received between 11:01 a.m., Monday, August 7, 2018 to 11:00 a.m., Friday, August 10, 2018

Attachments received with this Addendum Report:

43. Guide to the California Density Bonus Law
44. Public Comments received between 11:01 a.m., Friday, August 10, 2018 to 11:00 a.m., Tuesday, August 14, 2018