



TOWN OF LOS GATOS
COUNCIL AGENDA REPORT

MEETING DATE: 08/01/2017

ITEM NO: 16

ADDENDUM B

DATE: JULY 31, 2017

TO: MAYOR AND TOWN COUNCIL

FROM: LAUREL PREVETTI, TOWN MANAGER

SUBJECT: ARCHITECTURE AND SITE APPLICATION S-13-090 AND VESTING TENTATIVE MAP APPLICATION M-13-014. PROPERTY LOCATION: SOUTHERLY PORTION OF THE NORTH 40 SPECIFIC PLAN AREA, LARK AVENUE TO SOUTH OF NODDIN AVENUE. APPLICANT: GROSVENOR USA LIMITED. PROPERTY OWNERS: YUKI FARMS, ETPH LP, GROSVENOR USA LIMITED, SUMMERHILL N40 LLC, ELIZABETH K. DODSON, AND WILLIAM HIRSCHMAN.

CONSIDER A REQUEST FOR THE CONSTRUCTION OF A NEW MULTI-USE, MULTI-STORY DEVELOPMENT CONSISTING OF 320 RESIDENTIAL UNITS, WHICH INCLUDES 50 AFFORDABLE SENIOR UNITS; APPROXIMATELY 66,800 SQUARE FEET OF COMMERCIAL FLOOR AREA, WHICH INCLUDES A MARKET HALL; ON-SITE AND OFF-SITE IMPROVEMENTS; AND A VESTING TENTATIVE MAP. APNS: 424-07-024 THROUGH 027, 031 THROUGH 037, 070, 083 THROUGH 086, 090, AND 100.

THE PUBLIC HEARING IS BEING HELD PURSUANT TO A COURT ORDER DIRECTING THE TOWN COUNCIL TO SET ASIDE THE DENIAL OF THE NORTH FORTY DEVELOPMENT APPLICATIONS AND RECONSIDER THE APPLICATIONS UNDER THE PROVISIONS OF GOVERNMENT CODE §65589.5(J) KNOWN AS THE HOUSING ACCOUNTABILITY ACT.

REMARKS:

Attachment 19 contains public comments received after distribution of the Staff Report and Addendum.

PREPARED BY: ROBERT SCHULTZ
Town Attorney

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

REMARKS (Continued):

Staff has received a number of questions from Council Members. The following are questions received, followed by staff responses in bold italic font:

1. Can additional Conditions of Approval be added?

Conditions of Approval, in general, may be placed on a project in order for the project to be in conformance with applicable State, Federal, or local regulations. These may include regulations enforced by many different agencies and departments.

For the North 40 project, the Housing Accountability Act requires all Conditions of Approval to be based upon written objective standards. For example, air filters or other mitigation measures that goes beyond the EIR mitigation measures, or beyond County or State law, would need to be agreed to by the developers unless the Town can establish that there is a written objective standard to require such a condition.

2. Should bollards be required at the raised area for the temporary bus stop on the east side of Los Gatos Boulevard?

Parks and Public Works (PPW) works directly with the Valley Transportation Authority (VTA) when designing and installing bus stops. VTA requires final approval of all bus stop designs and monitors bus stop construction during the installation process. Specific VTA design standards are required for a bus stop design. VTA's Bus Stop and Passenger Facilities Standard Details for bus stop configurations does not show the installation of bollards at bus stops and therefore bollards would not be installed for the bus stops on Los Gatos Boulevard. PPW will work with VTA to install bus stops on Los Gatos Boulevard near the North Forty project that meet all required design and safety standards, as is done with all bus stop installations throughout the Town.

U-turns will be allowed at Neighborhood Street from southbound Los Gatos Boulevard. The U-turn would meet current design and safety standards and will not impact the bus stops on Los Gatos Boulevard.

3. Is maintenance of the multi-modal path and adjacent landscaping required?

Condition 140 of Attachment 18 (same as Exhibit B within Attachment 12) requires a Landscape Maintenance Agreement in which the Developer agrees to maintain the vegetated areas along the project's Los Gatos Boulevard and Lark Avenue frontages located within the public right-of-way. The maintenance for the portions adjacent to the multi-modal path on private property will be addressed in the required CC&Rs.

Attachments previously received with July 20, 2017 Staff Report:

1. Draft Resolution to rescind Resolution 2016-046 (Exhibit A contains Resolution 2016-046)
2. Decision and Judgement
3. Housing Accountability Act
4. Recommended Conditions of Approval
5. Applicants' rationale for Density Bonus and BMP modifications
6. Public Comment received before 11:00 a.m. July 19, 2017

Attachments previously received with July 20, 2017 Addendum:

7. Public Comment received between 11:01 a.m. July 19, 2017 and 11:00 a.m. July 20, 2017

Attachments previously received with July 21, 2017 Addendum B:

8. Public Comment received between 11:01 a.m. July 20, 2017 and 11:00 a.m. July 21, 2017

Attachments previously received with July 24, 2017 Desk Item:

9. Public Comment received between 11:01 a.m. July 21, 2017 and 11:00 a.m. July 24, 2017

Attachments previously received with the July 27, 2017 Staff Report:

10. Revised Draft Resolution to rescind Resolution 2016-046 (Exhibit A contains Resolution 2016-046)
11. Draft Resolution to deny the applications
12. Draft Resolution to approve the applications (includes Exhibit A, Findings and Exhibit B, Conditions of Approval)
13. Response to August 16, 2016 Council meeting from the applicant (Attachment 32 from Desk Item G for the 9/1/16 Council meeting), received August 25, 2016 (includes Exhibits A-G)
14. Chapter 2.6 of Government Code Section 65088
15. Legislative history of SB 167
16. Public Comment received between 11:01 a.m. July 24, 2017 and 11:00 a.m. July 27, 2017

Attachments previously received with the July 28, 2017 Addendum:

17. Public Comment received between 11:01 a.m. July 27, 2017 and 11:00 a.m. July 28, 2017 (includes public comments that were inadvertently not included in the staff report that was distributed yesterday)
18. Proposed modifications to the Conditions of Approval from the Mayor

Attachments received with this Addendum B:

19. Public Comment received between 11:01 a.m. July 28, 2017 and 11:00 a.m. July 31, 2017