



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/18/2020

ITEM NO: 8

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**DATE:** August 13, 2020  
**TO:** Mayor and Town Council  
**FROM:** Laurel Prevetti, Town Manager  
**SUBJECT:** Adopt a Resolution Authorizing the Town Manager to Execute the North 40 In Lieu Traffic Fee Credit Agreement and North 40 Transportation Demand Management Agreement for Phase 1 of the North 40 Development

**RECOMMENDATION:**

Adopt a resolution authorizing the Town Manager to execute the North 40 In Lieu Traffic Fee Credit Agreement, North 40 Transportation Demand Management Agreement (Bellterra) and North 40 Transportation Demand Management Agreement (Market Hall) for phase 1 of the North 40 development.

**BACKGROUND:**

On August 1, 2017 the Town Council approved the applications for Phase 1 of the North 40 Specific Plan. Phase 1 included several conditions of approval, including the requirement for a Traffic Demand Management (TDM) Plan and the payment of Traffic Impact Mitigation Fees. Staff has worked with SummerHill Homes to address both of these issues as drafted agreements (Attachments 2 -4).

On August 4, 2020, the Town Council discussed the Agreements and continued the matter with direction to staff to revise language in the Transportation Demand Management Agreements to further enhance protections for the Town. This additional language can be found within Section 9 of both Attachments 3 and 4.

**DISCUSSION:**

Staff recommended that the North 40 development, through future assessments on property owners, provide funding for future Town-wide TDM initiatives, such as a Town-operated

**PREPARED BY:** Mike Weisz  
Senior Civil Engineer

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Parks and Public Works Director

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PAGE 2 OF 3

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DATE: August 13, 2020

DISCUSSION (continued):

shuttle. This measure is in addition to establishing an effective TDM plan and reaching the provided target reduction of 15% of daily trips to achieve compliance with the project's TDM requirement. The programmed measures, such as the commonplace bike racks, car share parking spaces and ridesharing programs, transit passes, shower facilities and a transportation coordinator, as well as the monitoring requirement and information, are included within the corresponding TDM plan. The full TDM plan will be provided as an addendum to this report.

The Town's Traffic Impact Mitigation Fee allows for developers to complete mitigation projects as an offset to the calculated impact fee, allowing for the completion of projects in the right of way that the Town would otherwise need to complete. Attachment 2 identifies a process in which traffic impact mitigation fees from future developers on the North 40 site will reimburse SummerHill Homes for the upfront costs of these improvements.

The Council also asked to see the full TDM plan for the project, which will be provided as an addendum. The TDM agreements provided in this report (Attachments 2 -4) are a subset of this broader draft TDM plan addressing the need for shuttle or other similar services. The broader final TDM plan will be approved administratively in a form substantially consistent with the attached.

CONCLUSION:

Staff recommends that Council adopt a resolution authorizing the Town Manager to execute the above-listed agreements for Tract Number 10441 (North 40 Phase 1).

COORDINATION:

This project has been coordinated with the Town Attorney.

FISCAL IMPACT:

Under the agreements, the Town will receive revenue for TDM measures.

ENVIRONMENTAL ASSESSMENT:

As part of the Specific Plan preparation process, the Town also prepared and circulated an Environmental Impact Report (EIR) that analyzed the potential environmental consequences of the Specific Plan, in accordance with the California Environmental Quality Act (CEQA). The EIR

PAGE 3 OF 3

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can be found at the following link: [www.losgatosca.gov/DocumentCenter/Index/413](http://www.losgatosca.gov/DocumentCenter/Index/413). The Town Council certified the Final EIR on June 17, 2015.

Attachments:

1. Resolution
2. North 40 In Lieu Traffic Fee Credit Agreement
3. North 40 Transportation Demand Management Agreement (Bellaterra)
4. North 40 Transportation Demand Management Agreement (Market Hall)

DISTRIBUTION:

SummerHill N40 L.L.C., 777 California Avenue, Palo Alto, CA 94304