



MEETING DATE: 1/20/04
ITEM NO. 18
ADDENDUM

COUNCIL AGENDA REPORT

DATE: January 16, 2004
TO: MAYOR AND TOWN COUNCIL
FROM: TOWN MANAGER *John Agnew*

SUBJECT: CONSIDER A REQUEST TO MODIFY AN APPROVED PLANNED DEVELOPMENT RELATING TO THE ALLOWED SQUARE FOOTAGE OF OFFICE SPACE AND NUMBER OF APARTMENT UNITS ON PROPERTY ZONED CM:PD. APN 424-32-068. PROPERTY LOCATION: 14300 WINCHESTER BLVD. FILE #PD-03-1. PROPERTY OWNER/APPLICANT: SOBRATO DEVELOPMENT COMPANIES.

DISCUSSION:

Attachment 21 is a letter of support that was received following completion of the staff report. Attachment 22 is a letter that was sent to Council members by Planning Commissioner Jeanne Drexel. Staff has reviewed Commissioner Drexel's letter and, at Council's request, has prepared comments on the main points for the Council's information.

Comments on Commissioner Drexel's letter

The following staff comments follow the sequence of comments offered by Commissioner Drexel.

- While it is interesting that Sacramento has TOD (transit oriented development) design guidelines, they have not been adopted by the Town. Staff referred the project to VTA since that agency has guidelines for integrating land use and transportation. The Town adopted the VTA guidelines with the intent of implementing them to the maximum extent feasible. VTA has indicated its support for the project (see Attachment 8 to the staff report).
- The Police Department reviewed the plans for the modified project. No short term or long term security issues were identified, but several ideas were discussed with the applicant such as installing a emergency call box on the trail and police communication antenna on the building.

PREPARED BY: BUD N. LORTZ, *Bud Lortz*
DIRECTOR OF COMMUNITY DEVELOPMENT

N:\DEVSUZANNE\Council\Reports\Fwd. to TC\1430\Win-PDA-add.wpd

Reviewed by: PSJ Assistant Town Manager Town Attorney Clerk Finance
 Community Development Revised: 1/16/04 1:56 pm

Reformatted: 5/30/02

Sobrato agreed to these. This project has incorporated high quality materials that will last many years with limited maintenance.

The original environmental review process determined that there would be no significant impacts to police services. While this development, on the boundary of the Town's service area, will incrementally add to the population of the Town, the Police Department will work with the developer and the security consultant to minimize impacts through environmental design and, if necessary, the use of private on-site security to handle low level issues. Further, the applicant has hired Ron Petroccui & Assoc., Contract Services, a security expert recommended by the Town to review the proposed plans. No significant security issues were identified, however, some refinements were suggested that can be addressed prior to the issuance of a building permit.

1. Too much underground and tandem parking.

The tandem parking is proportional to what was approved in the original project and to what other communities have successfully included in TOD projects. Staff and the applicant carefully looked at the parking ratios and found that they could eliminate some of the underground parking to address design issues raised by the Planning Commission. There is no evidence to show that there will be insufficient parking. The project provides parking at ratios considered appropriate by the Urban Land Institute and the Town's Consulting Traffic Engineer Fehr & Peers.

2. The units are accessed through interior corridors.

The approved project has interior corridors. There are no Town restrictions or regulations about discouraging interior corridors in multi-family developments. Interior corridors are not an uncommon design element of medium and high density apartment projects.

3. The units along the creek are not integrated into the rest of the development.

The townhouse units were included to provide an alternate housing type. A significant amount of work went into creating mini-neighborhoods throughout the project to provide a human scale and intimate open space areas where people can chose to live. From an urban design perspective, planners and architects try to give people living environment choices because some people like to live next to an amenity like a community pool, others near the playground, while others want to live near a more passive open space area well away from the noise of the pool and playground. It is true that the townhouses are separated from the rest of the project by a perimeter road, but the slope of the property forced this design feature as a way to step the project with the site to minimize the use of retaining walls and provide adequate circulation. The site is both pedestrian and bicycle friendly, however, stairs are needed in certain strategic locations to address the slope of the site. Again, the Police Chief did not see a security issue from a macro level and the applicant has hired a security expert to assist the Police Department

PAGE 3
MAYOR AND TOWN COUNCIL
SUBJECT: 14300 WINCHESTER BOULEVARD
January 16, 2004

in the review of the security issues. The applicant has hired a consultant that was recommended by the Police Chief.

4. The property along the creek is not being used for communal recreation.

The design and orientation of the buildings along the creek is similar to what was approved in the original project. The existing heavy vegetation along the creek and between the trail and the project totally screen the project from the creek and the trail. That vegetation is not on the Sobrato property and can not be removed because it provides riparian habitat. Consequently, reorienting the project to face the creek would not offer any specific benefit other than to afford views of the dense vegetation. Visual corridors were incorporated into the design of the project to provide views of the riparian vegetation. In addition, the project was designed to afford ample access the trail and the creek.

5. The site plan needs to be reviewed by a professional to see if security can be improved and address the "canyon" effect created by buildings in certain locations.

The Police Department has reviewed the plans and has stated that security is not a concern. What is termed a canyon can also be considered a transition area between the intimate open space areas. The corners of the buildings in these locations have been clipped to reduce the height and units were strategically eliminated to reduce the mass and scale in these locations.

6. The pedestrian system should provide clear, comfortable and direct pedestrian access to the core commercial area and transit stop. The primary pedestrian paths should be oriented between the creek and Winchester.

The applicant provided a plan that shows how the project is pedestrian friendly both within the project and in terms of how it connects to the future light rail and to A Street to access the Vasona Station Center on the northwest corner of Winchester & Knowles.

7. More places of activity need to be placed among the apartment units.

The applicant has proposed a variety of outdoor spaces and indoor common areas for residents. In addition, the Los Gatos Creek Trail affords the residents and office employees a premier recreation amenity. Perhaps more community barbecue areas could be incorporated but they may not be well used. One large area is provided for large parties or neighborhood events and the apartments have balconies or patios that may be used for barbeques.

8. The actual density is 36 units/acre and the project is more of a neighborhood TOD.

As noted previously, the Sacramento standards have not been adopted by the Town. The density of the modified project is lower than the approved project. The applicant has asked that the

density not be arbitrarily reduced unless there is a compelling reason to do so and without an opportunity to address the issue through creative design solutions. From VTA's perspective, the project is already at the low end of the ridership range to support extension of light rail to Los Gatos.

Commissioner Drexel made the following suggestions for inclusion in the project (staff comments follow each item):

1. No phasing.

The Town has allowed phased projects as part of the master planning process and Planned Development process. Los Gatos Community Hospital is going to the Planning Commission shortly with their master plan which may be phased over many years. Staff is more concerned about what happens with the area that would be delayed as a later phase. This concern has been discussed with the applicant and they understand and agree that the area should be well maintained with perhaps wild flowers, interim minimal landscaping and some other attractive low maintenance improvements.

2. BMP units should rotate through the project. More BMP units should be required.

The applicant proposed the concept of rotating the BMP units through the apartment complex. The BMP units will be the same size as market rate units to allow this to occur. While the applicant is only providing the number of BMP units required by code, they have offered to increase the number of BMP units by making some of the units at Riviera Terrace affordable to increase the ratio of affordable units. Riviera Terrace may be more dated housing but the location is closer to downtown which is a plus, and is consistent with the Town's policy of scattering the units throughout the Town. In addition, the Riviera Terrace units have been refurbished since Sobrato purchased the property. The applicant will address this at the meeting.

3. Bike racks shall be installed by the applicant.

Bike racks will be installed. This has always been a component of the plan. VTA guidelines will be used to determine the minimum number of bike racks.

4. The shuttle between the project and Campbell light rail must run with the land.

A community benefit agreement is required by condition of approval. The agreement will include details of the operation of the shuttle including timing and longevity of the system.

PAGE 5
MAYOR AND TOWN COUNCIL
SUBJECT: 14300 WINCHESTER BOULEVARD
January 16, 2004

5. The tot lot shall be located in a secure area that is easily accessible.

The plan ensures that anyone with a child can access the tot lot and if preferred, will be able to live adjacent to it. The stairs can be avoided by using an elevator or pathway but the pathway may be a little longer route to the tot lot.

6. Buildings along the creek shall be eliminated so the area can be used for recreational purposes.

See response to item 4 under the first set of comments.

7. Access to the creek with more direct access to the transit hub shall be incorporated into the final design.

The pedestrian circulation plan was carefully developed to afford ample circulation. The applicant can provide a more detailed description of the circulation at the Council meeting.

8. Eliminate interior corridors.

Eliminating interior corridors is a much different project than the one proposed by the applicant. If the Town wants to prohibit interior corridors a new policy or ordinance should be adopted.

9. The site plan should be reviewed by a security expert.

This has been discussed previously and is a condition of approval.

10. Integrate places for activities into the site so they are accessible to residents.

A variety of activity areas are included in the plan and these areas are all accessible. The applicant will discuss this further at the meeting.

11. Consult the Town's Consulting Architect about these changes and possibly require a TOD specialist to review the plan.

Changes can be reviewed by anyone the Council desires, but staff and the Consulting Architect traditionally address these issues.

12. Refer the revised plans back to the Planning Commission for final approval.

Council may refer this project back to the Planning Commission or it may approve the project with direction to address specific issues at the Planning Commission or DRC level. The Council may also deny the modified Planned Development.

PAGE 6
MAYOR AND TOWN COUNCIL
SUBJECT: 14300 WINCHESTER BOULEVARD
January 16, 2004

The applicant's desire not to revisit the project at the Planning Commission level is discussed in applicant's letter, Attachment 9 to the staff report.

Attachments:

- 1-20. Previously sent under separate cover
21. Letter from Stephen McNulty (one page), received January 14, 2004
22. Letter from Jeanne Drexel (four pages), received January 14, 2004
23. E-mail from Michele Jehenson (one page), received January 14, 2003
24. Letters received in support of the project (3 pages), received January 16, 2004

Distribution:

John Shenk, Sobrato Development, 10600 N. De Anza Blvd., Suite 200, Cupertino, CA 95014
Eric Morley, Morley Hunter Group, 99 Almaden Blvd., Suite 720, San Jose, CA 95113

BNL:SD:mdc

NADEV\SUZANNE\CouncilReports\Fwd. to TC\14300Win-PDA-add.wpd

Stephan McNulty
4727 Hacienda Ave.
Campbell, CA 95008
Home (408) 376-3863
Work (408) 918-2706
stephanmcnulty@hotmail.com

Mayor Steve Glickman
Los Gatos City Council
Town Hall
110 E. Main St.
Los Gatos, CA 95030

January 13, 2004

Dear Mayor Glickman and City Council,

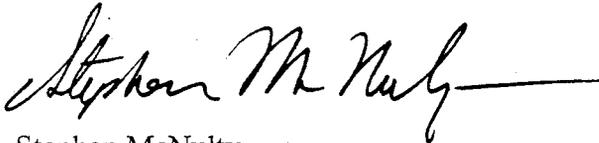
Many Los Gatos residents have looked at the Sobrato project on Winchester at Highway 85 and concluded that over on the west side of the freeway, they get all the benefits while Campbell gets all the impacts. Actually, there are some of us in Campbell who also get the benefits.

Our home on Hacienda Avenue is near the proposed site. I work for Santa Clara County in San Jose. If I could get on light rail transit at Vasona Station, it would be ideal for getting to work. I know some of my neighbors also look forward to both the proposed shuttle bus and a new transit station there.

Regional transportation officials welcomed the approved plan for the site as an acceptable transit-oriented development. The amended plan is considered by the Regional transportation officials as supportive of transit.

Los Gatos Gateway will be good for transit, for the people who live there, for the neighborhood and for the town. Please give your approval.

Sincerely,



Stephan McNulty

RECEIVED
JAN 14 2004
MAYOR & TOWN COUNCIL



SOBRATO

Comment:

This is supposed to be a Transit Oriented Development, or TOD. As a TOD, it should foster community, it should be pedestrian oriented, and reinforce the use of public transportation. It must also meet the requirements of our general plan. Please refer to "Transit-Oriented Development Design Guidelines" prepared by Calthorpe and Associates in Sept. 1990 for the Sacramento County Planning and Community Development Department. These guys are the gurus of this kind of project and the applicant claims to have followed these guidelines, which are the bible on the subject.

I have always preferred that high density housing be built on this site. It is the only site in Los Gatos suitable for high density housing because of its orientation to 85 and access to 17 down Winchester. Also, the school district is Campbell, and Campbell has said it is an underutilized district and would like the additional students this project might generate. Though the site is an island in industrial uses, its proximity to the creek can provide a reason for housing here. The possibility of some day having a light rail station here also makes it a good site for high density housing. I support the idea of transforming office space from the original project into housing.

However, as proposed, over time, this proposal may create more problems for the town than solutions. Sure, on opening day the architecture will look beautiful. But I am worried about the project when it is no longer so shiny. I am worried about it becoming a drain on our police department. I am worried that it will become blighted over time. Because its design is not conducive to community, the population here will be very transitory. It may look good on opening day, but it won't be fun to live here for very long. The reason is simple. The site plan is terrible:

1. Poor parking (too much tandem and not enough underground; each modification by the applicant reduced more of the underground parking). More parking needs to be placed under the podium. If that allows surface parking to be reduced, so much the better.

2. The units are accessed through interior corridors, with the attendant noise, smells, and maintenance headaches.
3. The units along the creek are not integrated into the rest of the development. (They will be 8 feet below the podium). Calthorpe guideline 9A says that pedestrian and bicycle routes through parking lots or at the rear of residential developments should be avoided. Primary pedestrian routes and bikeways should be bordered by residential fronts (rather than back yards), public parks, plazas or commercial uses. Walking from these creek side units up a flight of stairs open to a parking garage or along the backs of apartments to reach the activity areas and/or Winchester presents security issues as well as logistic disincentives.
4. The property along the creek, which is what makes this site in a largely industrial setting attractive for housing, is not available for the communal recreation of the residents because it has been used as a building site. This is a violation of guideline 12E by Calthorpe. He says that on-site creeks should be incorporated into the design of the TOD as open space amenities.
5. Canyons are created by the close proximity of one block of construction to another at some points. The site plan needs to be reviewed by a professional to see if security can be enhanced by better locating the units and pedestrian paths.
6. Calthorpe Guideline 9B states that the pedestrian system should provide clear, comfortable, and direct pedestrian access to the core commercial area and the transit stop. The North-South orientation of pedestrian paths and meandering nature in this site plan does not meet this criteria. The primary pedestrian paths should be oriented primarily between the creek and Winchester.
7. More places for activities need to be strategically placed among the units. No one is going to BBQ at a site on the opposite side of the development from their unit. The same with play grounds. They need to be located in secure areas close to units at more than one location.
8. Actual densities on the residential part of the site are about 36 units per acre, depending upon who gets credit for the parking between the office and the residents. This project is more of a neighborhood TOD, though it might develop into an urban TOD. In Guideline 5A of Calthorpe's guidelines, densities for urban TODs are recommended at a minimum of 15 units per gross residential acre, maximum 50 and for a neighborhood TOD the average of 12 units per residential gross acre with a maximum of 30 units per gross residential acre is recommended.

The density of this project can be reduced in order to eliminate the site problems and still achieve the twin goals of providing high density housing and a transportation oriented development.

These are the things I believe we need to do to make this a good project.

1. No phasing. Projects are approved for a certain time in which they are, usually, appropriate. If times change so should the project. An example of this problem is the current approved project which the applicant uses to threaten the town. He says if he can't build the amended project as proposed, he will build the approved project. Let him. Do you want to approve what will become in 10 years or so the first Los Gatos slum? The first project is lousy but at least is unlikely to create law enforcement and security issues for people.
2. BMP units must rotate throughout the project and not be any particular units. Also, if the density is reduced, the same number of BMP units should be provided as the applicant proposes with the current project. The applicant eliminated much of the community benefit of this project by providing only the number of BMP units required by the town, rather than an excess, as before. Require him to provide a greater community benefit. Make him provide more BMP units at this location. He said he would provide a 20% bonus if the BMP units were at another location in town. That location is an old apartment house (Maybe 50 years old?) It is not a very desirable place to live compared to this site with the changes proposed. Give lower income people the best place to live that we can, not a deteriorated, dated building.
3. Bicycle racks SHALL be provided by the applicant. Not should.
4. The community benefit must be sure to include the bus between the project and the Campbell light rail and the obligation to provide the transportation must run with the land.
5. A tot lot shall be located in a secure area so that it is easily accessible to residences. No stairs to scale or elevators with a stroller, please.
6. Buildings running along the creek shall be eliminated and the area shall become open space integrated into the entire project as

recommended by the Calthorpe guidelines suggested by the applicant.

7. Access to the creek, and more direct access to the transit hubs from the apartments shall be incorporated into the final design and lay out of the buildings as recommended by the guidelines.
8. Eliminate interior corridors.
9. The site plan should be reviewed by an expert in security planning to assure that the design will not create conditions which will enhance the opportunity for criminal behavior or detract from pedestrian or residents' security.
10. Integrate places for activities into the site so they are accessible to residents.
11. Consult the town architect about these changes and if he feels it necessary, require a TOD specialist to review the site plan at the applicant's expense.
12. After requiring the applicant to comply with at least these directions so that project is a long term benefit to the town, then give the planning commission final approval as to whether these directions have been met before the town council approves the PD.

Bud Lortz - town council

From: <Europe4U@aol.com>
To: <MWasserman@aol.com>
Date: 1/14/2004 9:01 AM
Subject: town council

Dear Mike,

Forgive me for writing to you but I only know your e-mail. You can pass this on to the other council members. I will be out of town for the next council meeting. I would like to get my voice heard still. Of course it is about the SObrato issue coming up. My point is really simple. It can be summed up in one word : FORESIGHT

. It seems that many people including John Sobrato himself believes that it is not up to the developpers to give land back to the community (I think land is more appropriate than soccer field because the concept of land is what is important, later the city can decide what it needs to do with the land). It also seems that the same people are unaware of what is being done in other communities. I can quote Benicia, Palo Alto (just recently) and Mill Valley (the latter has a beautiful huge community center with soccer fields, dog park , indoor pool... right on the water. Talk about prime real estate property and multi million dollar in potential development . a far cry from the side of Hway 85). Somewhere along the line, developpers had to give up some land for public use or they would not have had the privilege to inconvenience the city and its inhabitants . CUpertino has a zillion parks (of the top of my head, I can name 5 but there might be more). These Cupertino parks are not state or county parks. They are all within planned developments. All land set aside by the developer either willingly or as part of a settlement. Cupertino and these other communities have the foresight that Los Gatos has been lacking. Of course, Sobrato, who had been given the green light on a prior project, will probably pass on the opportunity to be a local hero and will go ahead and build the initial project.

I worry about the next large piece of property and the last one of its kind in Los Gatos: the NOrth 40. It seems that despite spending a huge amount of money and hiring a consultant to draw a plan for the entire lot , bits and pieces are being developped as we speak and there does nto seem to be a "plan for the entire area" . This is another opportunity for the city to get land in exchange for the privilege to make a huge profit. If the lot is zoned agricultural, a zoning change is a privilege at the expense of the community and the developer should pay a premium to the city as well as to the land owner.

Thank you for listening to my broken record.

Michele Jehenson

Attachment 23



Marilyn Cosden - Los Gatos Gateway

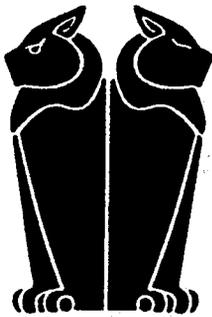
From: Dennis Chambers <dennis@cps-co.com>
To: <planning@town.los-gatos.ca.us>
Date: 1/15/2004 11:52 PM
Subject: Los Gatos Gateway

RECEIVED

JAN 16 '04

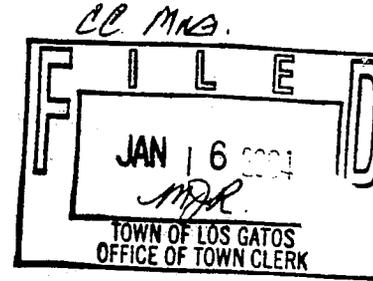
TOWN OF LOS GATOS
PLANNING DEPARTMENT

>
 > Mayor Steve Glickman
 > Town Council Members
 > Los Gatos Town Council
 > City of Los Gatos
 > 110 E. Main St.
 > Los Gatos, Ca 95030
 >
 > January 15, 2004
 >
 > Dear Mayor Glickman and City Council,
 >
 > We concur with Sobrato Development in its assessment that the
 > commercial-residential mix at the proposed Los Gatos Gateway project should
 > be changed to increase housing units and decrease office space. While a Los
 > Gatos location has special appeal, the availability of some 60 million
 > square feet of empty office space will impact even the most prestigious
 > address.
 >
 >
 > The change in mix also helps the town meet its housing obligations without
 > impacting our low-density character, promotes the Vasona transit extension
 > and still retains the significantly improved appearance along Winchester.
 >
 > Please approve the proposed PD amendment. It's good for the residents and
 > employees who will live and work there, and it's good to get rid of the weed
 > patch and increase the tax revenue for the city.
 >
 > Sincerely,
 > Dennis Chambers
 > 469 Wraight Ave
 > Los Gatos, Calif. 95032
 --
 Dennis Chambers
 dennis@cps-co.com
 http://www.cps-co.com



TOWN OF LOS GATOS CHAMBER OF COMMERCE

SPEAKING FOR BUSINESS.
LISTENING TO THE COMMUNITY



RECEIVED

JAN 16 2004

January 16, 2004

The Honorable Steve Glickman, Mayor
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Dear Mayor Glickman:

We want to express our support for the Sobrato Company's Los Gatos Gateway development on behalf of the Los Gatos Chamber of Commerce Board of Directors. The revised land use mix of office/R&D and housing conforms to the Los Gatos General Plan and improves the Planned Development already approved by the Town.

The Sobrato Company's modification to the approved Planned Development is a positive response to the specific community concerns raised with the initial project. The revised plan scales down the office space and increases housing units without compromising architectural or site design quality. We believe that providing 49 affordable housing units is a substantial community benefit. While more sports fields are important, affordable housing is an even greater community need, in our opinion.

We believe that Los Gatos is fortunate that a local company with a strong track record of success is proposing to develop this strategic gateway parcel. The Sobrato Company has a reputation for quality development, for high standards of property management and for attracting the kind of technology tenants that are the mainstay of Silicon Valley.

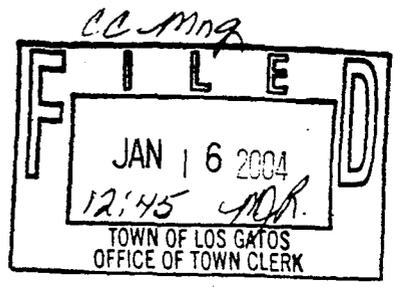
On the matter of including retail in the project, the existing Vasona Station Shopping Center should be the focus of retail businesses serving that area of Town.

The Chamber of Commerce's support for this revised proposal is consistent with our position on the original project in 2002. The Town Council's approval of the modified Planned Development is especially important to provide for new jobs, both affordable and market housing, and new tax base for Los Gatos. We urge the Town Council to approve the modified Planned Development for Los Gatos Gateway.

Sincerely,

Phil Johnson, President

Jim Derryberry, Vice President for Legislative Affairs



January 16, 2004

Mayor Steve Glickman
Vice Mayor Mike Wasserman
Council Member Sandy Decker
Council Member Diane McNutt
Council Member Joe Pirzynski
c/o Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: Los Gatos Gateway Development

Dear Mayor Glickman and Members of the Town Council:

I wish to encourage your support for the revised Los Gatos Gateway project, which will come before you on January 20th.

The revised project is even better for Los Gatos, as it will provide more housing for our teachers, nurses, technical workers and others who are vital to our community and who are already contributing to it. There is a housing crisis for people in the Bay Area who are living on modest incomes, and this high quality development will help meet this real need.

As a 32 year resident of Los Gatos, and as the former CEO of a large technical services company located off Winchester Boulevard near the proposed Los Gatos Gateway site (Quadrex Corporation), I am very familiar with our town and its needs. I attended the Council hearing last year where the earlier Sobrato development proposal was considered, and was very impressed with this creative proposal to combine residential with Office/R&D in a location adjacent to the future light rail line. It is clear that the Sobrato development will be of the highest quality in terms of design, materials and amenities.

Finally, the fact that the development will provide 49 units of long-term affordable housing, at no cost to our town finances, is extremely important. Los Gatos should be thrilled to be the beneficiary of this substantial community benefit.

I am confident that this project will fit beautifully within our community, and hope that you will give it your full support.

Sincerely,

Sherman Naymark

P-1

