

March 29, 2024

Mayor Mary Badame and
Los Gatos Town Council
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: April 2 Agenda Consent Item 16: Height Pole and Netting Policy

Dear Honorable Mayor and Council Members:

Our firm represents Grosvenor USA Limited (“Grosvenor”) in connection with housing and land use matters for development of the North Forty Specific Plan Area in the Town of Los Gatos (the “Town”). Since our last correspondence to you on this issue, Grosvenor has advanced beyond the preliminary application stage and has submitted its formal development application to the Town for a housing development project on the North Forty Phase II site that is consistent with the density and unit count allocated to the site in the Town’s 2023-2031 Housing Element.

While Grosvenor’s application remains pending, we have continued to monitor the Town’s progress towards implementing Housing Element Program AW (Story Poles and Netting Policy). We previously commented on the Housing Element to identify the Town’s current policy regarding height pole and netting requirements (collectively, the “Story Pole Policy”) as a constraint on development generally and a particular constraint for the review and approval of Grosvenor’s proposed housing development project. In its December 1, 2023 letter to the Town, the California Department of Housing and Community Development (“HCD”) directed the Town to strengthen Program AW to modify the Story Pole Policy in order to eliminate this constraint on housing production.

On March 18, 2024, the Town submitted a revised 2023-2031 Housing Element to HCD that incorporated revisions to Program AW. In its latest submittal, the Town committed to update the Story Pole Policy by March of 2024 to exempt affordable housing projects and to give all multifamily housing applicants the “option to provide visuals, video rendering, or other visual methods in place of story poles for all multi-family and mixed-use projects” An item related to the Story Pole Policy was agendized for March 19; however, the Town Council continued the item to April 2. Based on the

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April 2 agenda, the Town Council intends to continue the item again, meaning the earliest it would act on the Story Pole Policy would be April 16.

We urge you to avoid continued delay and take up the Story Pole Policy on April 16. Moreover, we respectfully request that the revised Story Pole Policy expressly apply to Grosvenor's housing development application, consistent with the commitment the Town has made in the revised Housing Element Program AW to allow all multi-family and mixed-use projects to use alternative visualizations to story poles.

As we have written previously, amending the Story Pole Policy as applied to Grosvenor's housing development application is an important step towards helping the Town achieve its housing production goals. The Town has already committed to these revisions in its latest Housing Element submitted to HCD, and we encourage the Town Council to follow through and implement the identified revisions in a timely manner.

Thank you for your prompt attention and action. The Grosvenor team looks forward to continuing its work with the Town to deliver much needed housing during the planning period.

Sincerely,



Eric S. Phillips

cc: Gabrielle Whelan, Los Gatos Town Attorney
Steve Buster, Senior Vice President, Grosvenor
Whitney Christopoulos, Senior Development Manager, Grosvenor
Don Capobres, Principal, Harmonie Park Development
Paul McDougall, HCD Senior Program Manager
Jose Armando Juaregui, HCD Housing Policy Analyst