

December 13, 2021

REVISED November 2, 2021

REVISED October 7, 2021

REVISED July 30, 2021

REVISED August 2, 2022

Melanie Hanssen, Chair
Los Gatos Planning Commission
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

RE: Revised Letter of Justification, Winchester Memory Care and Assisted Living

Dear Planning Commission Chair Hanssen:

Swenson is pleased to present this letter of justification for its proposed redevelopment of 15890 Winchester Boulevard, Los Gatos (the "Property"). This 1.31-acre site consists of four parcels (APNs 529-11-13, -38, -39, and 40) and is located at the northeast corner of Winchester Blvd and Shelburne Way.

The Property is zoned Office and is currently entitled for a 30,070 square foot modern design office and commercial building consisting of two-stories, with 128 surface and underground parking spaces. This project was never constructed. Swenson now proposes a 125-unit, amenity rich assisted living and memory care facility. In keeping with the Town's design objectives and surrounding buildings and residences, the building has a Mediterranean, Italian Revival Estate design, with a tile mansard roof, Mediterranean articulation, exterior courtyards and natural Mediterranean landscaping. It includes below level garage parking with 49 spaces, as well as five visitor surface level parking spaces. Not only does this project fulfill a much-needed requirement for the Town's aging community, but according to the California Department of Housing and Community Development, Senior Housing and Assisted Living Units count toward the Town's quota toward the Annual Progress Report for Regional Housing Needs Assessment reporting.

Swenson's submission includes an application for a Conditional Use Permit to operate a Senior Assisted Living and Memory Care Facility at the Property and two variances requesting to achieve 50% lot coverage as permitted in the Los Gatos 2020 General Plan, and to exceed the Town's height limitation in a small portion of the building. In addition to detailing the variances requested, this letter responds to comments received from the neighboring owners, Conceptual Development Advisory Committee (CDAC), community engagement with Los Gatos Senior Recreation, Community Health and Senior Services and Los Gatos Service providers, and Planning Staff. The project has been designed to conform to its zoning designation in all other respects.

107 Housing Units for the Town

According to the United States Census Bureau, units in assisted living facilities are considered to be housing units. According to the California Department of Housing and Community Development, the project's senior housing and assisted living units count toward the Annual Progress Report for Regional Housing Needs Assessment reporting. The definition is as follows, "Beds or quarters in an institution or hospital do not count, but separate living quarters per the census definition. For example, senior housing with individual units that would allow for eating and living separately for the broader community could count." All proposed assisted living units have been designed to include kitchenettes that provide a separate eating option for the residents.

Variances Requested

As part of the development proposal, the project is requesting two variances. The first variance request is for the overall allowed lot coverage. The second variance request is to allow certain sections of the building to break the permitted height limit. Swenson met with the neighboring University Oaks residents multiple times to help implement a design that was favorable and reflective of their concerns they had regarding the previously entitled office project and concerns they had for Swenson's newly proposed project.

The project is seeking to utilize the 2020 General Plan lot coverage maximum of 50% instead of the current zoning lot coverage maximum of 40%. The lot coverage variance request aims to achieve the long-term outlook of the 2020 General Plan while incorporating an efficient operator design. By allowing the building to have a larger footprint, the services and amenities are appropriately laid out, and eliminates the need for the building to have more vertical height across its entire design. The southern wing of the building was adjusted to be two-stories at the Winchester Blvd frontage so that it is in keeping with the neighboring character of the adjacent residential development. The southern wing also has a side lot setback of 16 feet, six feet more than the code requirements, and will be screened by trees and masonry wall, to further address privacy and shadowing concerns voiced by the residential neighbors. By granting a variance to permit lot coverage from 40% to 50%, in accordance with Town Code 29.20.170 (1) Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zone; and (2) The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, the proposed development would be adhering to the long term goal of the General Plan to permit 50% lot coverage, and in order to create economic feasibility and provide a senior care facility for the community, a higher utilization of lot coverage is necessary. Additionally, nearby facilities of similar zoning exceed the 40% lot coverage limitation. 15427 Winchester Blvd has a gross square footage of 15,510 SQ FT, and the lot is 36,954 SQFT, allowing for the property to enjoy a 42% overall lot coverage.

The building height of the proposed project complies with the Office Land Use designation along the Winchester Blvd frontage and southern property line. However, due to the topography and slope of the lot along Shelburne Way towards University Ave, a small area of the building exceeds the allowable 35-foot height limit. From the Shelburne Way frontage, a total of 340 square feet of building façade exceeds the height limit. From the pedestrian level viewpoint, 232 square feet of total building façade of exceeding the height limit is visible. The revised plan set for this resubmittal demonstrates the changes

made from the previous design to the current design. Please see the Figure 1 below and Sheets A-3.0, 3.1, and 3.2. The building also provides rooftop solar panels to help meet the Town's environmental and sustainable goals, and achieve LEED Silver certification. The tile mansard roof acts as a roof screen for the solar panels, however, this element is an architectural feature that exceeds the height limit. Although the design is not a true roof, the intent of the mansard roof is to meet the architectural expectations of a Mediterranean estate style strongly preferred by the Town at the CDAC meeting.



Figure 1: Height Variance and Building Stepback

In accordance with Town Code 29.20.170 (1) Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zone, and (2) The granting of a variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, the findings can be made that the slope of the lot proves challenging for proposed development to meet the height restrictions.

The variance request is to allow certain sections of the building to break the permitted height limit. This variance request is necessary (1) due to the slope and topography of the building site, (2) to adequately address the Town's desire for true Mediterranean style architecture, and (3) to address neighboring owners' concerns over light, air and views, all while allowing for an adequate number of units to support the viability of this amenity-rich senior community. Swenson has gone through several design iterations and minimized the non-conforming area as much as possible.

Public Comment Clarification:

Planning Staff received public comment on July 27, 2021, requesting clarification regarding building height calculation and number of levels for the proposed development. The clarification is provided as follows:

The proposed project is measured from one datum point based on the site's main street frontage of Winchester Blvd. As a natural architectural practice this measurement point is consistent regardless of the grade plane of the site.

The southern wing closest to the University Oaks community, has a building height of 23 feet, the mansard roof is five and a half feet, and the garage level is 11 feet. In total the height is 39.5 feet. From the Winchester Blvd frontage, the building height from grade is 23 feet, 28.5 if including the mansard roof. When measured from the sloping grade as the building moves down slope to the east, at 170 feet inward from the Winchester Blvd frontage is when the southern wing of the building exceeds the 35-foot height limit. At this point of measurement is where the project is requesting a variance due to the mansard roof which is being provided in order to architecturally shield solar panels and rooftop equipment. The remaining upper floor is stepped far enough back so it is not visible from pedestrian view from the University Oaks private drive aisle (See Sheet A-3.3).

The ground level has been designed to be excavated to place units at garage level as low as possible to adhere to the height and massing concerns of the University Oaks neighbors. If this option is not preferred, the southern wing will be designed to be wider to accommodate more units and as a result will eliminate the additional six feet of setback provided and bring the southern building wing closer to the University Oaks townhomes. The variance requested pertains to height limits, not building level elements as commented on by the adjacent neighbor.

Swenson met with the neighboring University Oaks residents multiple times to help implement a design that was favorable and reflective of their concerns of the previously entitled office project and concerns they had for Swenson's newly proposed project.

The southern wing of the building was adjusted to be two-stories at the Winchester Blvd frontage so that it is in keeping with the neighboring character of the adjacent residential development. The southern wing also has a side lot setback of 16 feet, six feet more than the code requirements, and will be screened by trees and masonry wall, to further address privacy and shadowing concerns voiced by the residential neighbors.

On September 1, 2021, the Town of Los Gatos held a Staff Tech Review meeting review regarding the proposed development. As part of this review, Swenson discussed further stepping down the building height in order to address neighboring and staff concerns (See Sheet A-3.0 and 3.1).

Since the response to the Public Comment Clarification, the eastern side of the building has been stepped back away from the adjacent Los Gatos Dog and Cat Hospital and lowered in height. At the property line shared with the veterinarian hospital, the building has been reduced to three floors. The previous fourth floor has been eliminated in order to reflect a three-story structure on all sides of the development, and now offers a viewing deck for the residents at the east and northeast corner of the building.

Project Compatibility with the Los Gatos General Plan:

Land Use:

The proposed project has been designed to meet the Town of Los Gatos Zoning requirements and 2020 General Plan goals. The proposed setbacks, parking requirements, and overall building layout are intended to meet zoning code expectations. Swenson requests one variance which falls within Town Code 29.20.170, as discussed above.

Specific applicable goals and policies in the Los Gatos 2020 General Plan include:

LU-1.1 Encourage developers to engage in discussions as early as possible regarding the nature and scope of the project and possible impacts and mitigation requirements.

LU-1.2 Ensure that new development preserves and promotes existing commercial centers consistent with the maintenance of a small-scale, small-town atmosphere and image.

LU-1.4 Infill projects shall be designed in context with the neighborhood and surrounding zoning with respect to the existing scale and character of surrounding structures, and should blend rather than compete with the established character of the area.

LU-1.8 Commercial development of any type (office, retail, research and development, etc.) shall be designed in keeping with the small-town character of Los Gatos.

Community Design Element:

The three existing single-family homes on the site were built between the 1930's and 1940's. Prior to Swenson's ownership these houses were boarded up, occupied by the unhoused, overrun with rodents and unsafe. The proposed project will provide a high-quality, energy efficient, LEED Silver building that compliments the neighborhood's character, history and future.

This building is designed to convey a hillside estate feel with an Italian revival influence that features such elements as a tiled roof with deep set decorative eaves, picture framed windows, symmetrical facades, columns, balustrades, courtyards, intentional landscaping and warm colors. When planning this project, Swenson wanted to maintain the original rhythm of the neighborhood by replacing the existing three homes on the site with a structure that reflected the same three part rhythm facing Winchester Blvd. These three segments of the building are located approximately in the same location as the original homes with the most southern of these wings stepping down to two levels from the Winchester Blvd frontage. This was accomplished by creating visual interest through asymmetry. The stepped southern wing was designed in response to neighbors' concerns to minimize the size of the building to their adjacent driveway. In addition, in response to staff comments the eastern top floor wing was stepped down to minimize massing and articulate the look of a three-story building from all sides. The project steps down even further on either end of the building entrance with a framed entry / exit to the porte cochere.

The senior housing project consists of 18 memory care units and 107 assisted living units for a combined total of 125 units. In addition to the living units, this project has two separate dining rooms, a commercial kitchen, theater, library, great room, exterior courtyards and other common use spaces throughout. The outdoor spaces include both common use areas, which consist of three different

landscaped courtyards at the first-floor podium level as well as private use patios off the ground floor garden units to the south and east of our project.

The redevelopment of the site will provide a desirable building for the Town's senior community. The overall layout, design, and architecture will meet community goals and expectations of new development projects.

Specific applicable goals and policies in the Los Gatos 2020 General Plan:

- CD-1 Preserve and enhance Los Gatos's character through exceptional community design.
 - CD-1.1 Building elements shall be in proportion with those traditionally in the neighborhood.
 - CD-1.2 New structures, remodels, landscapes, and hardscapes shall be designed to harmonize and blend with the scale and rhythm of the neighborhood and natural features in the area.
 - CD-1.4 Development on all elevations shall be of high quality design and construction, a positive addition to and compatible with the Town's ambiance. Development shall enhance the character and unique identity of existing commercial and/or residential neighborhoods.
- CD-3 To require utilities, landscaping, and streetscapes to contribute to Los Gatos' high quality character.
 - CD-3.2 Street and structural lighting shall be required to minimize its visual impacts by preventing glare, limiting the amount of light that falls on neighboring properties, and avoiding light pollution of the night sky.
 - CD-3.4 Encourage the use of landscaping such as trees, large shrubs, and trellised vines to mitigate the effects of building mass, lower noise, and reduced heat generation.

Human Services:

The proposed development provides a much needed service to the growing senior population located within the Town of Los Gatos, surrounding community and region. The new facility will accommodate residents who are downsizing from their primary homes and are seeking assistance and support with their daily routines. The facility will also accommodate populations who require monitored care as they continue to age and need daily services from staff. The intent of this project is to provide a high-quality assisted living and memory care facility for seniors that offers all types of needed services for the betterment of the aging population and community. As discussed above, the 107 units containing kitchens will count toward the Town's RHNA numbers.

Specific applicable goals and policies in the Los Gatos 2020 General Plan:

- HS-1 To ensure resources and programs are available for the health needs of the entire community, including youth and seniors.
 - HS-1.3 Encourage a full array of health care professionals to locate their practices in Los Gatos.
- HS-8 To ensure programs and facilities for social interaction for senior citizens.
 - HS-8.6 Encourage the establishment and operation of a dedicated space for seniors.
- HS-9 To improve mobility and access to care and services for seniors.
 - HS-9.1 Ensure that seniors have convenient access to social and medical services, commercial areas, and transportation by coordinating with senior shuttle service providers.
 - HS-9.2 Encourage all new senior housing developments to provide transportation services.

HS-9.3 Encourage businesses and health care providers that serve seniors to locate in Town.

HS-10 To encourage a wide variety of types of senior housing, including independent living, residential care facilities, and affordable housing within the Town.

HS-10.1 Encourage new development or substantial remodels to incorporate barrier-free design principles to ensure access for people of all ages and abilities.

HS-11 To ensure safe environments for Los Gatos seniors.

HS-11.2 Continue daily public safety outreach and communications to seniors and their families requesting such support.

Transportation Element:

The Property is located along Winchester Boulevard and Shelburne Way. The main access for the facility's parking garage is located off Shelburne Way. A rotunda and care facility drop off is located on Winchester Boulevard. The facility will provide shuttle service for its residents. Given the use and residents, the project is not expected to generate unreasonable traffic, parking issues or congestion.

Hexagon Transportation Consultants conducted a full traffic operations analysis and concluded the following:

- The proposed project would not result in any significant VMT impact consistent with SB 743 and the Governor's Office of Planning and Research (OPR) recommendations.
- Because the project is expected to add fewer vehicle trips to the key signalized intersections compared to the prior approved office development proposed at the project site (Intersection LOS analysis from 2016 approved office development transportation study indicates all study intersections would operate at acceptable levels of service), it is concluded that the project would not result in any adverse operational effects at nearby intersections.
- The project proposed would not result in any queuing storage deficiencies at the study intersections.
- The project would not create any impacts to pedestrian, bike, or transit facilities.

Specific applicable goals and policies in the Los Gatos 2020 General Plan:

TRA-2.4 New Development shall minimize the number of driveway openings and curb cuts.

TRA-2.6 Street Improvements such as curb cuts, sidewalks, bus stops turnouts, bus shelters, light poles, traffic signals, benches and trash container shall be planned as an integral part of the development projects to ensure safe movement of people and vehicles and minimize disruption to the streetscape.

TRA-3 To prevent and mitigate traffic impacts from new development (all policies under Goal TRA-3).

TRA-5	To ensure that Los Gatos streets are safe for all users, including drivers, cyclists, and pedestrians.
TRA-9.6	Require development proposals to include amenities that encourage alternate forms of transportation that reduce pollution or traffic congestion as a benefit to the community (e.g. bicycle lockers/racks, showers, dedicated van-pool or car-pool parking areas, dedicated shuttle services, innovative bus shelter designs.
TRA-13	To provide adequate parking for existing and proposed uses, and to minimize impacts on surrounding residential neighborhoods.
TRA-13.3	Require adequate parking in commercial areas so as not to impact or affect adjacent residential properties.

Environmental and Sustainability Element:

The project will implement native plantings in its landscaping, water use efficiencies, photovoltaic panels, and aim to achieve LEED Silver certification. The project will meet Water Efficient Landscape Ordinance (WELO) standards, utilized recycled water for landscaping (if accessible), retain as many trees as possible, and provide mitigation and replacement for trees that are removed.

The proposed development has identified the removal of 22 protected trees, of which 7 are defined as Large Protected Trees. Due to the historical nature of the Property being utilized as single-family residential, the trees have flourished, but have also be minimally maintained. To best utilize the site under the office zoning designation, in addition to creating building space with efficient design due to the building height restrictions, the development proposes removing these identified trees. The arborist report made the following determinations based on the evaluation of the trees. The Town of Los Gatos Municipal Code Sec. 29.10.0990. - Standards of review and Sec. 29.10.0992. - Required findings have been referenced below:

Per the Town of Los Gatos Municipal Code Sec. 29.10.0990. - Standards of review, the following criteria can be determined due to the project providing 76 new trees on site, and six new street trees, while retaining 12 of the existing trees, for a total of 94 tress when the project is complete: (3) The removal of the tree(s) will not result in a density of trees or tree cover that is inconsistent with the neighborhood.

Protected Trees Proposed to be removed:

4: Weak structure and impacts from site improvements,

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.
- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication

5: Impacts from site improvements

Street Tree

Existing street trees will be replaced with 6 new street trees.

7: Impacts from site improvements

Street Tree

Existing street trees will be replaced with 6 new street trees.

8: Located within proposed building footprint

(3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.

10 Weak structure and within building footprint

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication

11: Within building footprint

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

13: Within building footprint

(3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

14: Within driveway apron

Street Tree

Existing street trees will be replaced with 6 new street trees.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

15: Site improvements

Street Tree

Existing street trees will be replaced with 6 new street trees.

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

17: Severe impacts from building construction, grading, and site improvements

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

19: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically

experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

20: Within building footprint

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

25: Within excavation footprint for building and site wall

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

34: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

38: Site Improvements

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

42: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

43: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

44: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

45: Within excavation footprint for site wall

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

Large Protected proposed to be removed:**9: Within building footprint**

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree

12: Within building footprint

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

16: Severe impacts from building construction, grading, and site improvements

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

18: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree

21: Within building footprint

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

24: Within building footprint

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

39: Within building footprint

(1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.

(4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.

(7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.

The overall intent of the development is to provide a building and facility that is of sustainable design and meets current building code and efficiency standards.

Specific applicable goals and policies in the Los Gatos 2020 General Plan:

- ENV-1 To preserve and protect native plants and plant communities in the Town, and promote the appropriate use of local, native plants in habitat restoration and landscaping.
- ENV-5 To protect and preserve watersheds and water quality.
- ENV-6 To conserve the water resources of the Town and promote the efficient use of water to ensure an adequate water supply for the Town's plant and wildlife populations as well as human populations.
- ENV-7 To encourage the use of recycled and reclaimed water.
- ENV-8 Meet all wastewater treatment demands and federal and State regulations.
- ENV-9 To minimize the amount of stormwater runoff, as well as to protect and improve the water quality of runoff.
- ENV-10 To promote recycling and reuse as well as reduction in demand.
- ENV-11 To conserve landfill space.
- ENV-12 To conserve the air resources of the Town and maintain and improve acceptable air quality in Los Gatos.
- ENV-13 To promote a sustainable community that protects environmental resources and the climate to prevent negative impacts to future generations.
- ENV-14 To reduce overall greenhouse gas (GHG) emissions to 1990 levels by 2020.
- ENV-15 To encourage sustainable procurement, extended producer responsibility and innovative strategies to become a zero-waste Town.
- ENV-16 To foster development that reduces the use of nonrenewable energy resources and expands the use of renewable resources and alternative fuels.
- ENV-17 To promote green buildings that minimize consumption of energy and natural resources.

Los Gatos Sustainability Plan (2012)

Sustainability measures pertaining to energy efficiency standards will be provided in accordance with the Town of Los Gatos' goals. The proposed project will meet all current Title 24 and Green Building Standard requirements, along with aiming to achieve LEED Silver certification.

In compliance with the Los Gatos Sustainability Plan, the project will include support for pedestrian and bicycle connections, shuttle operations for residents of the assisted living and memory care facility, in addition to the overall traffic impacts of being a reduction in comparison to the previously entitled office building. The project will meet water use efficiency through the utilization of water efficient fixtures and the Water Efficient Landscape Ordinance (WELO). Solar orientation and photovoltaic systems will be

included to provide renewable energy resource to the project. A construction Waste Management plan will monitor and implement construction waste from the project and provide recycle and salvaged construction material. The overall development will include multiple approaches to be an example of sustainable building and operation within in the Town of Los Gatos.

Specific applicable goals and policies in the Los Gatos 2012 Sustainability Plan:

- TR-1 Support for Pedestrians, Bicyclists, and Transit. Promote walking, bicycling, and transit through the following:
- a. Require all new buildings, excluding single-family homes, to include a principal functional entry that faces a public space such as a street, square, park, paseo, or plaza, in addition to any entrance from a parking lot, to encourage pedestrian foot traffic.
 - b. Require new projects, excluding single-family homes, to include pedestrian or bicycle through-connections to existing sidewalks and existing or future bicycle facilities, unless prohibited by topographical conditions.
 - c. Seek grant funding to establish a Safe Routes to School (SR2S) Program to increase more student walking and biking trips. The program may include: conducting school walking audits, improving nearby pedestrian and bicycle facilities, implementing nearby traffic-calming measures, implementing school bus, vanpool, and carpools to school, implementing walking buses to schools, coordinating school schedules to not overlap with peak commute times, conducting traffic studies for specific schools for more efficient drop-off and pick-up activity at schools (e.g. staggered schedules, changing on-street parking to loading zones, and more), and increasing speed enforcement around schools.
 - d. Design and implement affordable traffic-calming measures on specific streets to dissuade Highway 17 cut-through traffic and attract pedestrian and bicycle traffic.
 - e. Implement transit access improvements through sidewalk/crosswalk safety enhancements and bus shelter improvements.
- TR-3 Fixed-Route Shuttle. Provide a fixed-route shuttle system to the downtown area from key residential areas, employment and commercial centers, Vasona Light Rail, and Vasona Park.
- TR-4 Bicycle Facilities and Programs. Provide for new bicycle facilities and programs through the following:
- a. Install new bicycle facilities throughout the existing Town street network to close bicycle network gaps, as identified in General Plan.
 - b. Require bicycle parking facilities and on-site showers in major nonresidential development and redevelopment projects. Major development projects include buildings that would accommodate more than 50 employees, whether in a single business or multiple tenants; major redevelopment projects include projects that change 50 percent or more of the square footage or wall space.
- TR-6 TR-6 Vehicle Circulation, Parking, and Idling Reduction Programs. Support trip reduction and the use of electric vehicles through the following:
- a. Encourage a voluntary Employer Commute Trip Reduction Program for new and existing development. This would be a multi-strategy program that encompasses a combination of individual measures, such as rideshare programs, discounted transit programs, end-

of-trip facilities (e.g. showers and lockers), encouraging telecommuting, and preferential parking permit programs. As part of this program, encourage employers to allow commuters to pay for transit with pre-tax dollars.

- b. Encourage new non-residential development to include designated or preferred parking for vanpools, carpools, and electric vehicles.
- GB-3 Incentives for Green Building Certification. Allow greater development flexibility and other incentives (e.g. permitting related) for LEED Silver certification or equivalent GreenPoint rating, for example, by giving green projects priority in plan review and processing.
- GB-4 Solar Orientation Require measures that reduce energy use through solar orientation by taking advantage of shade, prevailing winds, landscaping, and sun screens.
- RE-3 Renewable Energy Generation in Projects Require that new or major rehabilitations of commercial, office, or industrial development greater than or equal to 20,000 square feet in size incorporate solar or other renewable energy generation to provide 15 percent or more of the project's energy needs. Major rehabilitations are defined as remodeling/additions of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area. Remove regulatory barriers to incorporating renewable energy generation.
- RE-5 Solar Ready Features Where feasible, require that all new buildings be constructed to allow for the easy, cost-effective installation of future solar energy systems. "Solar ready" features should include: proper solar orientation (i.e. south facing roof area sloped at 20° to 55° from the horizontal); clear access on the south sloped roof (i.e. no chimneys, heating vents, or plumbing vents); electrical conduit installed for solar electric system wiring; plumbing installed for solar hot water system; and space provided for a solar hot water storage tank.
- EC-3 Energy-Efficient Outdoor Lighting Require outdoor lighting fixtures to be energy-efficient. Require parking lot light fixtures and light fixtures on buildings to be on full cut-off fixtures, except emergency exit or safety lighting, and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch. Prohibit continuous all night outdoor lighting in construction sites unless required for security reasons. Revise the Town Code to include these requirements.
- EC-10 Heat Gain Reduction Require all new development and major rehabilitation (i.e. additions or remodels of 20,000 square feet of office/retail commercial or 100,000 square feet of industrial floor area) projects to incorporate any combination of the following strategies to reduce heat gain for 50 percent of the non-roof impervious site landscape, which includes roads, sidewalks, courtyards, parking lots, and driveways: shaded within five years of occupancy; paving materials with a Solar Reflectance Index (SRI) of at least 29; open grid pavement system; and parking spaces underground, under deck, under roof, or under a building. Any roof used to shade or cover parking must have an SRI of at least 29.
- WW-1 Water Use and Efficiency Requirements For new development, require all water use and efficiency measures identified as voluntary in the California Green Building Standards Code, and consider more stringent targets. California Green Building Standards Code requirements include: 1) reduce indoor potable water use by 20 percent after meeting the Energy Policy Act of 1992 fixture performance requirements, and 2) reduce outdoor potable water use by 50 percent from

a calibrated mid-summer baseline case, for example, through irrigation efficiency, plant species, recycled wastewater, and captured rainwater. Establish Town requirements for discretionary projects regarding watering timing, water-efficient irrigation equipment, water-efficient fixtures, and offsetting demand so that there is no net increase in imported water use. Include clear parameters for integrating water conservation infrastructure and technologies, including low-flush toilets and low-flow showerheads. As appropriate, partner with local water conservation companies on the development and implementation of this measure.

- WW-3 Bay Friendly Landscaping Require new development to use native plants or other appropriate noninvasive plants that are drought-tolerant, as described in the Bay Friendly Landscaping Guidelines, available at StopWaste.org and BayFriendlyCoalition.org.
- WW-4 Water Efficient Landscape Ordinance Update Review and update the Town's Water Efficient Landscape Ordinance with improved conservation programs and incentives for non-residential customers that are consistent with the Tier 1 water conservation standards of Title 24.
- SW-1 Construction Waste Diversion Revise the existing construction and demolition ordinance to require at least 50 percent diversion (i.e. reuse or recycling) of non-hazardous construction waste from disposal.
- SW-3 Salvaged, Recycled-Content, and Local Construction Materials Encourage the use of salvaged and recycled-content materials and other materials that have low production energy costs for building materials, hard surfaces, and non-plant landscaping. Require sourcing of construction materials locally, as feasible.

Conditional Use Permit Findings:

The proposed development for the project site will provide a building that is reflective of existing residential homes throughout the Town with Italian revival influenced architecture, but will incorporate sustainable design and features. The intent of the design is to create the look of three separate homes with open space and landscaping but function as an interconnected assisted living and memory care facility.

The site is currently being underutilized with the existing the single-family homes that are outdated and not designed in a sustainable or energy efficient manner sought by the Los Gatos 2020 General Plan or the Los Gatos Sustainability Plan.

The proposed Senior Assisted Living and Memory Care Facility would not be detrimental to public health, safety, or general welfare of the Town. In comparison, the previously entitled office project provided 128 spaces of parking and had a greater impact of daily trips generated and were a concern to the neighborhood, whereas the newly proposed project is providing 54 parking spaces due to the limited need of the vehicles by the senior care clientele and the facility provided shuttle service. The traffic analysis conducted for the proposed project concluded that the project would not create any significant VMT impacts, due to the lower vehicle trips that would not cause any adverse impacts to the nearby signals, would not create any queuing storage deficiencies at the studied intersections, or create any impacts to pedestrians, bicyclists, or transit facilities.

The project is designed to be harmonious with the Town of Los Gatos and the existing neighborhood. The architectural and sustainable elements are in keeping with the General Plan policies and goals, as discussed above, and would provide a signature care facility for the Town of Los Gatos.

Neighborhood Outreach:

Swenson reached out to multiple community stakeholders including council members, neighbors, planning staff, the Community Health and Senior Services Commission, Los Gatos Saratoga Recreation, and the Los Gatos / Saratoga Services Providers, to better understand the need, desire and overall fit of the proposed project.

- **February - March 2020:**
Swenson conducted outreach to the Town Councilmembers regarding input and any concerns for the two original proposed concepts of a Mixed-Use Apartment building or a Senior Care Facility.
- **March 9, 2020:**
At the suggestion of Planning Staff and Councilmembers, Swenson reached out to the neighboring residential complex University Oaks. The meeting consisted of a discussion between preferred concept uses, challenges and concerns of the entitled Office Building project, massing, design, and operational concerns of the two separate proposed uses.
- **June 10, 2020:**
Swenson took part in a Community Development Advisory Committee Meeting to gain direction on the preferred use of the two concepts. Swenson received feedback from Planning Staff, Committee Members, and neighbors.
- **October 8, 2020:**
Video Conference with University Oak Neighbors about overall design and building location, and desired changes.
- **October 27, 2020:**
Community Health and Senior Services Commission to discuss local and regional need for the care facility.
- **November 2, 2020:**
Los Gatos Saratoga Recreation to discuss local and regional need for the care facility.
- **November 10, 2020:**
Los Gatos / Saratoga Services Providers to discuss local and regional need for the care facility.

- **June 27, 2021:**

Swenson met via video conference call, with Planning Staff present, with a single neighbor from the University Oaks development who requested to discuss the development proposal and architectural design of the building.

In an effort to design a project that fits within the neighborhood and is compatible, Swenson listened to each of these comments and general feedback received. Swenson has adjusted its design, building footprint, and height accordingly in an effort to achieve community support and a project viability.

Benefits to the Community:

The proposed Senior Assisted Living and Memory Care project is a high-quality facility that provides a much-needed service to the increasing senior population within the Town of Los Gatos and surrounding areas, and will help the Town of Los Gatos meet its Regional Housing Needs Assessment allocation goals. The facility will offer living options and onsite care for senior residents looking to downsize and transition into supportive care services. As the population of Los Gatos, the surrounding community, and the region continues to age, it is necessary to provide continued care options and alternatives. The new development will provide a healthy environment to those residing at the facility, but also provide a project that is in keeping with the town and community expectations for overall design, character and sustainable standards, without impact to traffic and vehicle congestion.

Thank you for your time and consideration,

Jessie Bristow
Development Project Manager
Swenson

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