



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 04/30/2025

ITEM NO: 1

DESK ITEM 2

DATE: April 30, 2025

TO: Planning Commission

FROM: Joel Paulson, Community Development Director

SUBJECT: Consider a Request to Construct a Mixed-Use Residential Development (450 Units), a Vesting Tentative Map, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned North Forty Specific Plan: Housing Element Overlay Zone. **Located at 14859, 14917, 14925, and 16392 Los Gatos Boulevard; 16250, 16260, and 16270 Burton Road; and Assessor Parcel Number 424-07-116.** APNs 424-07-009, -052, -053, -081, -094, -095, -115, and -116. Architecture and Site Application S-23-031 and Subdivision Application M-23-005. Property Owner: Yuki Farms LLC. Applicant: Grosvenor Property Americas c/o Steve Buster. Project Planner: Jocelyn Shoopman.

REMARKS:

Exhibit 21 includes additional public comments that were received between 11:01 a.m., Tuesday, April 29, 2025, and 11:00 a.m., Wednesday, April 30, 2025, and were erroneously excluded from the previous Desk Item.

EXHIBITS:

Exhibits previously received with the April 25, 2025, Staff Report:

1. Location Map
2. Letter of Justification with Proposed Density Bonus Concessions, Waivers, and Parking Reductions
3. Consulting Architect's Report
4. Applicant's Response to Consulting Architect's Report
5. Final Arborist Report
6. Neighbor Outreach Summary

PREPARED BY: Jocelyn Shoopman
Senior Planner

Reviewed by: Planning Manager and Community Development Director

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SUBJECT: 14859, 14917, 14925, and 16392 Los Gatos Boulevard; 16250, 16260, and 16270
Burton Road; and Assessor Parcel Number 424-07-116/S-23-031 and M-23-005

DATE: April 30, 2025

7. Visual Renderings
8. Objective Design Standards Checklist
9. Public Comments Received by 11:00 a.m., Friday, April 25, 2025
10. Transportation Analysis Report
11. Development Plans, Part 1
12. Development Plans, Part 2
13. Development Plans, Part 3
14. Development Plans, Parts 4 through 6
15. Development Plans, Parts 7 through 9
16. Development Plans, Parts 10 through 11

Exhibits previously received with the April 29, 2025, Addendum Report:

17. Public Comments Received Between 11:01 a.m., Friday, April 25, 2025, and 11:00 a.m.,
Tuesday, April 29, 2025
18. Full Transportation Analysis Report

Exhibits previously received with the April 30, 2025, Desk Item Report:

19. Public Comments Received Between 11:01 a.m., Tuesday, April 29, 2025, and 11:00 a.m.,
Wednesday, April 30, 2025
20. Additional Correspondence from the Applicant

Exhibit received with this Desk Item 2 Report:

21. Additional Public Comments Received Between 11:01 a.m., Tuesday, April 29, 2025, and
11:00 a.m., Wednesday, April 30, 2025

From: [REDACTED]
Sent: Wednesday, April 30, 2025 10:07 AM
To: Clerk <Clerk@losgatosca.gov>
Cc: [REDACTED]
Subject: For tonight's Planning Commission meeting. 4.30.25. Clarification Request Regarding N40 Phase II Vesting and SB 330 Applicability. Re Los Gatos, Ca.

[EXTERNAL SENDER]

Dear Ms. Wood, Please include the following for tonight's Planning as a desk item.

Dear Members of the Planning Commission,

We are writing to clarify that the Grosvenor N40 Phase II project cannot claim vested rights under the Town's Housing Element adopted on January 30, 2023, because the element was not certified by the California Department of Housing and Community Development (HCD) at the relevant time.

On April 14, 2023, HCD issued a letter finding the Town's Housing Element out of compliance with state law. Despite this, the Town deemed the N40 Phase II application complete and vested as of April 18, 2023—four days after HCD's formal finding of non-compliance.

Under Government Code §§ 65580–65589.11 and SB 330, housing developments may only vest in objective zoning and general plan standards in effect at the time the application is deemed complete—and only when those standards stem from a certified housing element. Because the Town's Housing Element lacked certification on April 18, 2023, the Grosvenor project cannot vest under it.

Instead, the application vested under the zoning laws actually in effect on April 18, 2023, which were those established by the Town's 2020 General Plan Land Use Element. That framework imposed a maximum residential density of 20 dwelling units per acre for the N40 site. The N40 Phase II project proposes 30 dwelling units per acre, which exceeds the allowable limit.

As such, the project did not conform to the applicable zoning at the time of vesting, and is therefore not entitled to the five-hearing limit under SB 330.

Given the significance of these legal issues and the potential consequences for land use decision-making in Los Gatos, we strongly urge the Planning Commission and Town staff to seek formal clarification from HCD on two critical points:

1. Whether SB 330 protections apply to projects that claim vesting under a non-certified housing element; and
2. Which zoning standards—specifically—the N40 Phase II project vested under as of April 18, 2023, based on the status of the Town’s housing element at that time.

Sincerely,

Los Gatos Community Alliance