



March 25, 2025

Jocelyn Shoopman
Senior Planner
Town of Los Gatos
Community Development Department
110 E. Main Street
Los Gatos, CA 95030

**Re: Final Application Submittal for 14859 Los Gatos Blvd and 16270 Burton Road (APN 424-07-009, -053, -081, -094, -095, -115, -116, and -052)
Architecture and Site Application S-23-031
Subdivision Application M-23-005**

Dear Ms. Shoopman:

I am writing to confirm our response to the Town of Los Gatos's Consulting Architect report, dated February 4, 2024. In Sections II and III of the October 3, 2024 letter addressed to you from Eric Phillips, we acknowledged the receipt of the Cannon Design Group's Design Review Comments and provided our response. For ease of reference, the portions of the October 3, 2024 letter relevant to our response to the Design Review Comments are excerpted and updated below.

As an initial matter, we note that the Project has been designed to comply with all of the Town's applicable, objective design standards, as demonstrated by the most recent "Objective Design Standards" matrix submitted in support of our application. In addition, Grosvenor has partnered with three highly-qualified, well-respected architecture firms who have expended a tremendous amount of time and thought in developing a vision for Phase II of the North 40 that includes neighborhood serving retail, complements the surrounding neighborhoods and uses, and maximizes open space that both the North 40 and surrounding community can enjoy – all while satisfying the minimum density requirement identified in the Town's Housing Element. Therefore, we believe that the Project's design thoughtfully satisfies the Town's applicable design standards and its housing policies in a manner appropriate for the required density, the Project Site, its immediate surroundings, and the larger community-wide context.

The Project Complies with the Town's Applicable, Objective Development Standards.

The Town has adopted "Objective Design Standards" to evaluate housing development projects. In its December 23, 2024 Staff Technical Review letter, the Town did not identify any applicable Objective Design Standards that the Project did not satisfy.¹ Note that the Project has also applied for concessions/incentives and waivers pursuant to the State Density Bonus Law (Government Code section

¹ The Staff Technical Review letter requested additional justification related to the Project's requests under the State Density Bonus Law, which information was provided to the Town on March 7, 2025.

65915) to accommodate the Project's design.² Accordingly, not all of the Town's Objective Design Standards are applicable to the Project. However, the Project's design satisfies all applicable Objective Design Standards.

Cannon Design Group's Design Review Comments are inapplicable to the Project.

The Town's July 17, 2024 Staff Technical Review letter attached a report from the Town's Consulting Architect evaluating the Project (Design Review Comments from Cannon Design Group dated February 4, 2024, or the "**Cannon Letter**"). As discussed in more detail below, the Cannon Letter's comments do not address standards applicable to the Project or identify any basis to disapprove or condition the Project. Therefore, the Project application material does not include a response to each specific comment in the Cannon Letter.

First, the Cannon Letter focuses on the "vision, goals, policies, development standards, and design guidelines" from the North 40 Specific Plan ("**Specific Plan**"). However, the referenced standards were created for residential uses already developed in Phase I of the Specific Plan. The Specific Plan describes commercial design guidelines for Phase II and the Project Site. However, as discussed in Section II of this letter, the Specific Plan's land use designations and standards are not applicable to a housing development project that is consistent with the Housing Element's designation for the Project Site. Because the Project will consist of residential development consistent with the Housing Element, the Specific Plan's commercial design guidelines and Phase I residential design guidelines are not applicable to the Project.

Second, the Housing Element designates the Project Site for residential development at 30 du/ac with an expected yield of up to 461 units. The Specific Plan was intended for a much lower density development and accommodated only 320 total units in Phase I and Phase II after a density bonus was awarded. This means that the Specific Plan's guidelines do not facilitate nor accommodate the density currently allowed on the Project Site, and as such they may not be enforced. (See Gov. Code § 65589.5(f)(1) (development polices "shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development").)

Third, many of the Cannon Letter's comments and the underlying design guidelines use the word "should," which is not mandatory language. (See Specific Plan, p. 3-1 ["Mandatory regulations are denoted by the use of the word "shall." A guideline, which is denoted by the word "should," is not mandatory"].) In addition to being advisory, the Cannon Letter's comments and underlying design guidelines are highly subjective, and the Town's discretion is limited to compliance with objective standards. No response is required to comments regarding non-mandatory guidelines, which are not a basis to deny or condition the Project.

For example, the Architectural and Site Character Goals and Policies in the Specific Plan Design Guidelines include a goal to "continue the small-town character of Los Gatos," and Policy DG2 is to "create a new neighborhood that has its own identity yet complements the existing character of Los Gatos." (Specific Plan, p. 3-1.) Throughout the Cannon Letter are many variations on the statement that

² Because of the Project's affordability levels, it is eligible for two concessions/incentives that result in cost reductions and unlimited waivers of development standards necessary to accommodate the Project as proposed. (Gov. Code § 65915(d)(2)(B), (e).)



the Project design should reflect the “look, feel and small-town character of Los Gatos.” These standards are neither mandatory nor objective, so no response is required.

The Cannon Letter’s comments rely on inapplicable, subjective standards that conflict with the density allowed in the Housing Element in an apparent effort to reduce the Project’s density, in direct conflict with the Housing Accountability Act and the Town’s own Housing Element policies. For example, the Cannon Letter takes issue with the Project’s proposed height. (See, e.g., pp. 10 [“The height and mass of the structure are magnitudes larger than any other residential or commercial development in the community”], 18 [“The currently proposed design falls arguably short of accommodating a building of this size and height”], 27 [“The proposed height and bulk of the mixed use housing project would be a major departure from the wishes of the community over the past several decades”], & 29 [design concepts could “reduce the [Project’s] impact” but “could not fully mitigate [the Project’s] height and bulk”].) None of these comments are based on applicable, objective standards. Rather, the Cannon Letter raises issues with height and bulk in connection with its comments on the “character” of the development, which is not a valid basis to review the Project.

We look forward to the Planning Commission’s and Town Council’s review of the Project application and continuing to work with the Town to meet the community’s housing needs.

Yours sincerely,

Steve Buster
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