

TOLLING AGREEMENT

15495 Los Gatos Boulevard, Los Gatos

This Tolling Agreement (the “**Agreement**”), dated as of the date all parties sign this Agreement (the “**Effective Date**”), is entered into by and among Green Valley Corporation, a California corporation (the “**Applicant**”) and the Town of Los Gatos (“**Town**”). Applicant and the Town are individually referred to herein as a “**Party**,” and collectively referred to as the “**Parties**”.

RECITALS

- A. WHEREAS, Applicant owns and/or is authorized to submit a development application by the owner of that certain real property totaling approximately 3.86 acres, commonly known as 15495 Los Gatos Boulevard, Los Gatos, APN: 424-22-030 (the “**Property**”);
- B. WHEREAS, on March 19, 2024, the Applicant submitted a preliminary application (the “**Preliminary Application**”) pursuant to the Housing Crisis Act of 2019 (“**SB 330**”). The Preliminary Application consists of demolition of the existing commercial/retail structures and construction of a multi-family residential development including 238 residential units in two seven-story buildings that sit on a single podium for parking (the “**Apartment Project**”);
- C. WHEREAS, because Applicant has submitted a Preliminary Application, Applicant is vested to the Town’s development standards and fee schedule in place on the date the Preliminary Application was submitted;
- D. WHEREAS, Applicant had 180 days to submit a complete planning application and vested to two additional 90-day review periods;
- E. WHEREAS, on August 30, 2024, Applicant timely filed a formal application for the Apartment Project, and thereafter timely submitted responses to the Town’s comments and requests for additional information, studies, and reports.
- F. WHEREAS, Applicant’s first 90-day deadline was December 24, 2024, and Applicant resubmitted on November 26, 2024, and therefore timely filed its first resubmittal;
- G. WHEREAS, Applicant’s second 90-day deadline is March 23, 2025, which means that upon termination of this Tolling Agreement, Applicant will have five days in which to submit a complete planning application for the Apartment Project;
- H. WHEREAS, the Town issued review letters from each department identifying the status of Applicant’s Apartment Project application and identifying those items necessary for Applicant’s Apartment Project application to be deemed complete, as well as comments regarding consistency with Town standards, and to set the matter before the Planning Commission for a recommendation and Town Council for a decision (together, the “**Review Letter**”). A copy of the most recent Review Letter is attached hereto as **Exhibit A** and incorporated herein by this reference.

- I. WHEREAS, Applicant now desires to submit a new application consisting of demolition of the existing commercial/retail structures and construction of a townhome project (the “**Townhome Project**”) and toll any deadlines associated with the planning application for the Apartment Project pending processing of the Townhome Project;

Now therefore, with reference to the foregoing recitals, which are incorporated into this Agreement, and for good and valuable consideration, sufficiency of which is hereby acknowledged, the Parties agree as follows:

TERMS AND CONDITIONS

1. **Recitals.** Recitals A-I set forth above are deemed true and correct and incorporated herein by this reference.
2. **Tolling; Effect of Tolling.** The Parties agree that, for the Term of this Agreement as defined in Section 3, the running of all filing and/or submittal and review deadlines and the requirement to pay any additional fees or costs applicable to the Apartment Project, by either Party, are tolled. Nothing in this Agreement shall be admissible in any litigation between the Parties other than in an action to enforce the terms of this Agreement.
3. **Term, Termination, and Extension.** The term of this Agreement (the “**Term**”) will extend until the Town renders its final decision on the Townhome Project (the “**Final Decision**”) and all appeal periods for initiating a legal challenge (appeal, writ, referendum, or otherwise) of the Final Decision have passed without a challenge having been initiated, or if a challenge is initiated, such challenge has been resolved. (“**Term**”). Each Party has the right to terminate this Agreement, subject to a 30-day meet and confer period to work together in good faith to resolve the issues (the “**Meet and Confer Period**”). If the Parties are unable to achieve resolution within the Meet and Confer Period, then, within five business days of expiration of the Meet and Confer Period, either party may deliver written notice to terminate the Agreement (a “**Termination Notice**”) and this Agreement shall terminate on the date that is 90 days from the date of the Termination Notice. Nothing herein shall limit the Party’s right to seek judicial enforcement of an alleged breach after following the procedure set forth in Section 18. The Term can be extended only by mutual written consent of the Parties.
4. **Status of Application for Apartment Project.**
 - a. The Review Letter includes the final items required by the Town for the Apartment Project application to be deemed complete, as well as comments regarding consistency with Town standards, and to set the matter before the Planning Commission for a recommendation and Town Council for a decision. As described in detail in Exhibit A, the remaining items needed to render the formal planning application for the Apartment Project complete are:
 - (i) Vesting Tentative Map and fee of \$11,008.72;
 - (ii) With regard to the preliminary grading and drainage plans:

- a. Total disturbed area, in square feet or acre;
 - b. Interim erosion control measures;
 - (iii) With regard to the building elevations, elevations of existing buildings to be removed;
 - (iv) Provide striping details for the parking spaces consistent with Engineering Standard Plan ST-264.
- b. The fees paid to date by the Applicant are listed in **Exhibit B**.
- c. If the Term of this Agreement expires or if Applicant earlier terminates this Agreement and Applicant reverts to processing the Apartment Project, the Review Letters shall be controlling and no new or expanded requirements, deliverables, or requests may be imposed by the Town, except that the Town retains the ability to impose new requirements if the Applicant revises the Apartment Project or submits new information. The fees and cost schedule attached hereto as **Exhibit B** identifies all fees and costs paid by Applicant as of the date of this Agreement (the “**Fee Schedule**”). If the Term of this Agreement expires or if Applicant earlier terminates this Agreement and Applicant reverts to processing the Apartment Project, the Fee Schedule shall be controlling and the 2024 fee schedule shall apply. This documents that the Applicant has paid the fees set forth in Exhibit B. However, the applicant may need to pay additional deposits for any additional staff time, CEQA review, or consultant review.

5. **Evidence Code Section 1152.** The terms of this Agreement, and all communications and drafts related to this Agreement, are subject to Evidence Code section 1152, and shall not be admissible in any action between the Parties other than an action to enforce the terms of this Agreement.

6. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement. Signatures provided by electronic image shall have the same force and effect as original signatures.

7. **Notices.** All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered, emailed, or mailed to the respective Party as follows:

If to Town: The Town of Los Gatos
 110 E. Main Street
 Los Gatos, CA 95030
 Attn: Town Manager
 Email: manager@losgatosca.gov

With Copies to: The Town of Los Gatos
 110 E. Main Street

Los Gatos, CA 95030
Attn: Town Attorney
Email: attorney@losgatosca.gov

If to Applicant: Green Valley Corporation
777 N. First Street, Fifth Floor
San Jose, CA 95112
Attn: Legal Notices
Email: notices@swenson.com

With copies to: Situs Law
PO Box 3221
San Luis Obispo, CA 93403
Attn: Summer Ludwick, Esq.
Email: summer@situslaw.com

Any Party may change the address stated herein by giving notice in writing to the other Parties, and thereafter notices shall be addressed and transmitted to the new address. Notices shall be deemed delivered when they are (i) personally delivered, or (ii) sent if by email; and shall be deemed delivered three days after posting if mailed using the United States postal service.

8. **Headings.** The heading titles for each section of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.

9. **Severability.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this section shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

10. **Waivers.** Except as otherwise specified herein, waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

11. **Each Party's Role in Drafting the Agreement.** Each Party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither Party shall rely upon Civil Code Section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

12. **Governing Law; Venue.** This Agreement shall be governed by the laws of the State of California, excluding its conflict of laws principles. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be heard and filed in a court of competent jurisdiction in the County of Santa Clara.

13. **Integration and Modifications.** This Agreement contains all the representations and the entire agreement and understanding among the Parties with respect to the subject matter hereof, and supersedes all prior understandings, agreements (whether written, verbal, implied or otherwise), and communications with respect thereto. None of the terms hereof shall be amended, waived, or otherwise modified except pursuant to a written instrument duly executed by the Parties.

14. **No Third Party Beneficiaries.** Nothing in this Agreement, whether express or implied, is intended (i) to confer any rights, benefits, or remedies under or by reason of this Agreement on any person or entity other than the Parties and their respective successors and permitted assigns, (ii) to relieve, terminate, or discharge any obligation or liability of any person or entity not a party to this Agreement to any Party hereto, or (iii) to give any third person or entity any right of subrogation or action against any Party.

15. **Cooperation in Challenge to Agreement.** The Parties shall mutually cooperate with each other in any litigation, administrative action, or other proceeding brought by a third party or parties challenging this Agreement, shall not induce, recommend, or otherwise make any comment or statement to any person or entity to encourage a challenge to this Agreement or to the Project Approvals.

16. **Binding on Successors.** This Agreement shall be binding upon and shall inure to the benefit of the Parties and the Parties' successors, administrators, managers, assigns, and employees, and shall be binding upon and shall inure to the benefit of the Parties' officers and agents acting in their official capacity.

17. **Authority to Enter into Agreement.** Each Party covenants and represents that it is fully authorized to enter into this Agreement and to carry out the obligations provided for herein. Each signatory to this Agreement represents and covenants that he or she possesses the necessary capacity and authority to sign and enter into this Agreement and to bind the Party on whose behalf he or she is a signatory.

18. **Dispute Resolution.** If any Party believes that the other Party is in breach of the terms set forth in this Agreement, the Party asserting the breach shall give written notice to the other Party of the alleged breach, which notice shall set forth with reasonable particularity the alleged breach. The Parties shall meet, confer, and attempt to resolve the alleged breach within thirty (30) days of such notice. If the Parties are unable to resolve the claim of alleged breach in the meet and confer process, the Party asserting a breach may seek judicial enforcement of the Agreement.

IN WITNESS WHEREOF, the Parties do hereby agree to the full performance of the terms set forth herein.

[SIGNATURE PAGES FOLLOW]

TOWN OF LOS GATOS,

By: _____

Name: Chris Constantin

Title: Town Manager

Dated: _____, 2025

APPROVED AS TO FORM:

By: _____

Name: Gabrielle Whelan

Title: Town Attorney

Dated: _____, 2025

By: _____

Name: Wendy Wood

Title: Town Clerk

Dated: _____, 2025

GREEN VALLEY CORPORATION,
a California corporation

By: _____

Case Swenson, President

Dated: _____, 2025

EXHIBIT A
Review Letter
[attached]



**TOWN OF LOS GATOS
STAFF TECHNICAL
REVIEW COMMENTS**

**STAFF TECHNICAL REVIEW
PLANNING DIVISION
December 23, 2024**

**ITEM: 15495 Los Gatos Boulevard
Architecture and Site Application S-24-046
Conditional Use Permit Application U-24-011**

Requesting Approval for Demolition of Existing Commercial Structures, Construction of a Multi-Family Residential Development (238 Units), a Conditional Use Permit for a Mixed-Use Development, and Site Improvements Requiring a Grading Permit, Under Senate Bill 330 (SB 330) on Property Zoned CH. APN 424-22-030. CEQA Review is Pending.

PROPERTY OWNER: Grade-Way Associated VI, a California Partnership / Partner – Green Valley Corporation
APPLICANT: Green Valley Corporation dba Swenson / Mark Pilarczyk

PROJECT PLANNER: Sean Mullin
LAST REVIEWED BY STAFF: Second Review

COMMENTS: This application submittal is **INCOMPLETE** and requires resubmittal of plans and application materials to address deficiencies noted.

ENVIRONMENTAL: CEQA review is pending.

APPLICANT RESPONSE OF NOVEMBER 26, 2024

Architectural Response to Plan check comment in Blue italic and clouded as delta #1

Landscape Response to Plan check comment in Green italic and clouded as delta #1

Civil Response to Plan check comment in Red italic and clouded as delta #1

PROJECT DEFICIENCIES RELATED TO APPLICATION COMPLETENESS:

- 1) Pursuant to CA Gov Code Section 65941.1 (d), if the development proponent does not submit the necessary information identified in this and other review letters, within the 90-day period, then the preliminary application shall expire and have no further force or effect.
11/26/24 Response: Noted.



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STAFF TECHNICAL
REVIEW COMMENTS**

- 2) CEQA: Staff is coordinating with the Town Environmental Consultants to determine what environmental analysis will be required for the project. Environmental analysis is required at cost to the applicant. Staff will require payment of a deposit at a future date.
11/26/24 Response: Noted.
- 3) CEQA: Clarify whether the applicant team anticipates providing any technical studies related to environmental analysis (traffic, habitat, bio, ESA, cultural, air quality, noise, soils etc.) for peer review by the Town Environmental Consultants. If not provided, the studies determined to be required by the Environmental Consultant will be prepared by the Town Environmental Consultants at the cost of the applicant.
11/26/24 Response: Applicant anticipates limited reporting given CEQA exemption for infill projects under a certain acreage, which our project qualifies for. If for some technical reason the Town pursues an initial study for MND, again we would anticipate only limited reports.
Staff Response: The project does not qualify for a Class 15332 exemption since it is not consistent with the applicable General Plan land use designation, specifically the density. Staff will provide feedback regarding the CEQA process and a list of technical studies needed for that process shortly. No additional response on this item needed for Planning regarding completeness.
- 4) Since Multi-Family Residential is not a principally permitted use (or an allowed standalone conditional use) in the CH zone and is only allowed with a conditional use permit for a mixed-use development, please include a letter of justification detailing why the “mixed-use” component is not included as a part of the application.
11/26/24 Response: Justification Letter is updated and submitted as part of our response. The Housing Crisis Act of 2019 - SB 330 "Builder's Remedy" allows for residential development in these situations. This is further elaborated in our Justification Letter attached. We will be utilizing State Density Bonus to adhere to their on site affordable requirements allowing for waivers on certain design standards for our proposed project.
Staff Response: Several responses herein reference State Density Bonus Law and invoke waivers using this statute. The maximum density allowed by the General Plan land use designation is 20 du/ac. The proposed density of 61.7 du/ac far exceeds the increased densities accommodated through SDBL. Therefore, SDBL is not applicable to this project and “waivers” do not apply. Any requested deviations from Town objective requirements must rely on alternative means; in this case, the response invokes builders’ remedy. See additional consistency comments related to the submitted Letter of Justification below. No additional response on this item needed for Planning regarding completeness.



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- 5) Project Description Letter:
- a) ~~The second paragraph indicates 47 units will be designated as affordable, which is 19.7 percent of the gross unit count. Twenty percent of the gross unit count of 238 equals 47.6 units, which rounds to 48 units required to achieve the 20 percent threshold.~~
11/26/24 Response: 48 units are designated as affordable units, see affordable unit sheets A-0.65 to A-0.67.
- b) Specify which Town Requirements are not being complied with for this project.
11/26/24 Response: SB 330 and State Density Bonus allow for waivers given the on-site affordable that will be provided. Items requiring waiver are noted on the plans and excel sheet for design standards. This includes parking, bicycle parking, setbacks, height, etc.
Staff Response: State Density Bonus Law does not apply to this project. The maximum density allowed by the land use designation is 20 du/ac. The proposed density of 61.7 du/ac far exceeds the increased densities accommodated through SDBL. Therefore, SDBL is not applicable to this project and “waivers” do not apply. Any requested deviations from Town objective requirements must rely on alternative means. See additional consistency comments related to the submitted Letter of Justification below. No additional response on this item needed for Planning regarding completeness.
- c) ~~Provide basic project information (lot size, building size, existing building size to be demolished, proposed use, height, etc.).~~
11/26/24 Response: Existing Buildings: Site is 3.8+/- acres and the existing buildings are majority single story with a two-story building at the rear of the property. The total existing square feet is approximately 47,652 +/- SF between retail and office space. AU of the existing improvements will be demolished for the proposed redevelopment. Please see Project Information (A-0.01) for proposed building use information.
- d) Confirm that the project is to provide for rent units only. If units are to be for sale, provide a subdivision map meeting all the Town’s requirements.
11/26/24 Response: The proposed project is to be rental; however, we are creating a vesting tentative map to have for future flexibility. Initial plans are for this to be a rental product with single ownership and management company operating in the fashion of a market rate Class A apartment.
Staff Response: A Vesting Tentative Map was not included with the 11/26/24 submittal. If a VTM is proposed, provide one with the resubmittal including all the information required under submittal requirement G in “Requirements for Preparation of Development Plans” checklist. A VTM for condominium purposes requires a fee of \$11,008.72.



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- ~~6) Below Market Price Units: The floor plans and the “Project Description/Letter of Justification” need to specify which units are Below Market Price (BMP) and specify how compliance with the Town’s BMP requirements (Town Code Chapter 29, Article I, Division 6) are complied with. Detailed floor plans for each unit must be provided. The letter should respond to each of the four characteristics listed below, and the plans should contain enough information so that staff can determine that the size of units are compatible with the market rate units, that the location of BMP units are dispersed throughout the proposal, that the exterior appearance be indiscernible from the market rate units, and that all project facilities and amenities be available to the BMP units. Pursuant to the Town’s Below Market Price Housing Program, Section III (Characteristics of BMP Units):~~
- ~~a) Size of units: BMP dwelling units should to the extent possible, be consistent with the market rate units in the project. The Town and developer may negotiate regarding the size of units if more units than required are to be provided. BMP units should be provided proportionately in the same unit type mix (number of bedrooms) as the market rate units. In consideration of the household size of the households on the current program interest list, the Town and developer may negotiate to provide a greater proportion of a particular unit type. There should to the extent possible, not be a significant identifiable difference between the BMP and market rate units visible from the exterior. The size and design of the BMP units should to the extent possible, be consistent with the market rate units in the development. The goal of the BMP Program is for a seamless integration of the BMP units with the market rate units in a development.~~
- ~~*11/26/24 Response: New sheets for BMP units were added to the set Please refer to the sheet A-0.65, A-0.66 and A-0.67 for the BMP unit types and sizes (identified as BMP on each unit type). Also the ratio of each BMP unit type (20% of each type) were added to the project info sheet A-0.01 and clouded.*~~
- ~~b) Location of units: BMP units shall be dispersed throughout the development, to the extent feasible, in all buildings, on each floor, and in each project phase. A concentration of BMP units in one location is not desirable and will generally not be allowed.~~
- ~~*11/26/24 Response: New sheets for BMP unit locations were added to the set. Please refer to the sheet A-0.65, A-0.66 and A-0.67 for the BMP unit types and sizes (identified as BMP on each unit type).*~~
- ~~c) Finish of units: The external appearance of BMP units should be indiscernible to that of the market rate units in the project. The internal finish of BMP units should be identical to that of the market rate units in the project, except that the developer may request Town approval of substitutions for luxury interior finishes, appliances, or fixtures, if such substitutions do not violate any Town code requirement.~~



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~~*11/26/24 Response: All exterior and interior finishes will be the same as the Market Rate Units.*~~

- d) ~~Project Facilities: All project facilities and amenities, including parking, must be available on the same basis to the BMP units as to the market rate units in the project, to the extent feasible, unless the deciding body approves a reduction in parking for the BMP units.~~

~~*11/26/24 Response: Access to all on site amenities and on site parking will be offered the same to both Market Rate and Below Market Price units.*~~

- 7) ~~Contact the garbage and recycling service provider to ensure the trash rooms, staging area, and trash pickup are adequately sized for the proposed uses and that they have adequate access for pick up. Provide correspondence from provider.~~

~~*11/26/24 Response: The West Valley Recycles(garbage provider) is not providing correspondence for the project but provides guidelines to a minimum level of organics, recycling and landfill service based on the number of dwelling units and cubic yard container dimensions. See trash service calculation on sheet A-0.01. See attached email correspondence regarding adequate access for pick up.*~~

- 8) ~~Per the Town's Height Pole, Flagging, Netting and Signage Policy for Additions and New Construction a project identification signs shall be installed within 30 days of the date of this letter (October 25, 2024). Here is a link to the policy:~~

~~<https://www.losgatosca.gov/DocumentCenter/View/179/Height-Story-Pole-and-Netting-Information?bidId=>~~

~~*01/26/24 Response: Per the September 25th meeting with the Town, the story pole requirement was waived by the Town due to height of the proposed buildings.*~~

- 9) ~~As required on the Applicant Submittal Checklist:~~

- a) ~~The provided environmental checklist is incomplete. Please complete and include with resubmittal. (8)~~

~~*11/26/24 Response: Sent via email to Sean Mullin on 11/12/24, including copy with resubmittal.*~~

- b) ~~Provide a completed Build It Green Greenpoint Rated Checklist. (10)~~

~~*11/26/24 Response: Please see sheet A-0.03 & A-0.04 for the completed Greenpoint Rated Checklist.*~~

- c) ~~Provide a complete How to Read Your Neighborhood Workbook. (12)~~

~~*11/26/24 Response: Please see attached completed "How to Read Your Neighborhood Workbook".*~~



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- 10) As required on the Requirements for Preparation of Development Plans:
- a) ~~Site plans must show the required building setbacks. (B.2)~~
11/26/24 Response: The building setbacks have been provided, see sheet A-1.00 Site Plan.
 - b) ~~Be sure to show all required public improvements, including streets, curbs, gutters, street lighting, street paving, and fire hydrants. (B.8)~~
11/26/24 Response: Public improvements include the new driveways and new sidewalk to replace the old driveway not utilized. These are shown on sheet C2.0 Site Plan.
 - c) The following requirements are missing from the preliminary grading and drainage plans (B.10):
 - i. ~~Table of earthwork quantities with identification of individual areas of cut and fill depths and volumes (basement, driveway, landscape, site work, driveway, etc.).~~
 - ii. ~~Calculations of volumes in cubic yards.~~
 - iii. ~~Total disturbed area, in square feet or acre.~~
 - iv. ~~Interim erosion control measures.~~
 - v. ~~Trees impacted by grading.~~*11/26/24 Response: See sheet C3.0 Grading and Drainage Plan/or items i, ii, and iii. Item iv will be provided as part of building permit, not planning. For item iv. The Blueprint for a Clean Bay Sheet is on sheet A-0.02 for interim control measures. An erosion control plan will be prepared as part of the building and/or grading permit phase and will list interim control measures during construction. For item v, trees to be removed shown on sheet C1.0.*

Staff Response: Total disturbed area and interim erosion control measures have not been provided and are a requirement for this application during entitlement phase pursuant to the checklist.
 - d) ~~Clarify if any retaining walls are proposed. If so, provide all details required under B.10.g.~~
11/26/24 Response: No retaining walls are proposed.
 - e) The following requirements are missing from the building elevations (C):
 - i. ~~Elevations of existing buildings to be removed. (C.1)~~
11/26/24 Response: Elevations of existing buildings to be removed shown on sheet C1.0.

Staff Response: Elevations of the existing buildings to be removed are not included on Sheet C1.0 and are a requirement for this application during entitlement phase pursuant to the checklist.
 - ii. ~~All elevations and sections must show existing and proposed grades and dimension maximum height to the lower of the two grades. (C.3 & C.7)~~



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~~11/26/24 Response: Please refer to the elevation sheet A-3.01. The existing finish grade (341.90) and architectural grade (0.00) was shown on elevations and clouded as well as the maximum height dimensions.~~

- f) ~~The following requirements are missing from the landscape/tree plan (D):~~
- ~~i. The tables on A-0.52 (Arborist Report) must indicate which trees will be removed or saved. If removal proposed, indicate the reason for removal. (D.4.e & D.4.f)~~
 - ~~ii. Provide details of all fencing, gates, walls, etc., including height, location. Provide a construction detail showing all materials and dimensions. (D.6)~~
 - ~~iii. Provide the aggregate irrigated landscape area. (D.7)~~

~~11/26/24 Response: i. Arborist report shown on sheet L2. Column added to show which trees are removed and the reason why. ii. Details of all fencing, gates, walls, etc. shown on sheets L8-L9. Ca/louts shown on sheets L3-L6. iii. Aggregate irrigated landscape area shown in MWELo calculations on sheet L16.~~

Staff Response: Resolved from a completeness standpoint. See consistency comments below related to fence heights.

- g) Letter of Justification (I.7): Provide a letter of justification including the following information:
- ~~i. Description of the proposed request; **11/26/24 Response: 238 unit multifamily**~~
 - ~~ii. Benefit to the community if the project should be approved; **11/26/24 Response: Housing in the time of a housing crisis—Housing Crisis Act of 2019**~~
 - ~~iii. Where a traffic impact is determined by the parks and public works department, provide specific sections of the general plan and any applicable specific plan clearly stating that the type of project will benefit the community; **11/26/24 Response: A commercial/retail center is typically higher impacts to traffic than multifamily. SB 330 application with state density bonus allows the application.**~~
 - ~~iv. List the facts that would in your opinion, justify the application; and **See letter.**~~
 - ~~v. For residential projects, how the proposal meets the Town's housing needs as identified in the general plan. **See attached letter—market rate and affordable units provided.**~~

~~11/26/24 Response: Justification Letter submitted separately—dated 11/26/24~~



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Staff Response: See additional consistency comments related to the submitted Letter of Justification below. No additional response on this item needed for Planning regarding completeness.

- 11) Provide striping details for the parking spaces consistent with Engineering Standard Plan ST-264.

11/26/24 Response: *Striping details were added to all the parking spaces. Please refer to the basement and 1st floor plan on sheets A-2.00 and A-2.01.*

Staff Response: The striping details added to A-2.00 and a-2.01 does not include dimensions to show compliance with the objective standards included in Engineering Standard Plan ST-264. To achieve completeness for this item, staff recommends embedding Plan ST-264 onto these two sheets as a typical detail for the parking spaces.



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REVIEW COMMENTS

PROJECT CONSISTENCY RELATED ITEMS:

COURTESY NOTIFICATION OF CONSISTENCY ISSUES IDENTIFIED AS PART OF COMPLETENESS REVIEW:

While conducting the completeness review of your planning application, staff identified the following consistency issues and am calling them to your attention now as a courtesy:

- 12) ARCHITECTURAL REVIEW: Peer review by the Town's Consulting Architect requires a deposit of \$13,750. Contact staff to indicate if payment will be made via check or credit card so the invoice can be finalized. Credit card payments are subject to a 2.4% processing fee.

11/26/24 Response: Invoice provided by Town and Swenson processed payment for delivery to Town.

Staff Response: Requested deposit has been provided. Review by the Town's Consulting Architect is proceeding, and the report will be provided upon completion. No further action on this item is needed.

- 13) ARBORIST REVIEW: Peer review of the project Arborist Report requires a deposit. Staff is coordinating with the Town's Consulting Arborist and will request the deposit. Please submit the Arborist Report as a separate standalone document in addition to embedding in the project plans.

11/26/24 Response: Requested invoice from Town. Report included in original submittal and included in plans and submitting separate documents per this request

Staff Response: Requested deposit has been provided. Peer review by the Town's Consulting Arborist is proceeding, and the report will be provided upon completion. No further action on this item is needed.

- 14) OBJECTIVE DESIGN STANDARDS: See staff comments on the Objective Design Standards (ODS) provided in the separate spreadsheet.

11/26/24 Response: Please refer to the OBJECTIVE DESIGN STANDARDS response letter.

Staff Response: See additional staff comments in the ODS spreadsheet.

- ~~15) Cover Sheet:~~

- ~~a) Scope of Work: Clarify the use/programming of the amenity space along Los Gatos Boulevard.~~

~~*11/26/24 Response: The scope of work was revised to include the fitness/ community use for the amenity space along Los Gatos and clouded both on 1st floor and cover sheet See sheets A-2.01 and A-0.00.*~~



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REVIEW COMMENTS

16) Sheet A-0.01:

- a) Project Information table:
- i. Provide the maximum allowable building coverage per the CH zone (50 percent).
~~11/26/24 Response: Max. building coverage per CH was added to the project information and clouded on sheet A-0.01.~~
 - ii. Provide the maximum allowable building height per the CH zone (35 feet).
~~11/26/24 Response: The max. building height per CH was added to the project information and clouded on A-0.01.~~
 - iii. Remove the statement regarding AB 2011. Correct the zoning to “CH – Restricted Commercial Highway.”
~~11/26/24 Response: The statement was removed and the zoning was corrected and clouded on sheet A-0.01.~~
 - iv. Remove the following text “Parking shall be setback a minimum of 25 feet off of the corridor.”
~~11/26/24 Response: The text was removed from the project information.~~
 - v. The Occupancy Code Section calls out a restaurant use. Is a restaurant proposed?
~~11/26/24 Response: There is no proposed restaurant. The restaurant note has been deleted.~~
 - vi. Provide the square footages of the existing buildings to be demolished.
~~11/26/24 Response:~~
Staff Response: The requested information was not provided on Sheet A-0.01.
 - vii. Provide the maximum density allowed for the site (20 units/acre).
~~11/26/24 Response: The max. allowed density was added to the project information and clouded.~~
Staff Response: In addition to the 20 units/acre provided on Sheet A-0.01, staff noted the addition of “IDENTIFIED AS A MUNICIPALITY IN A METROPOLITAN AREA (SANTA CLARA COUNTY) 60 UNITS/ACRE”. What is the source of this claimed density allowance and how does it apply to this site?
 - viii. Provide density calculations: Gross (inclusive of all units) and Net (excluding BMP units).
~~11/26/24 Response: The gross and net density calculation was provided in project information on sheet a-0.01 and clouded.~~
- b) This project is subject to the Town's Below Market Price (BMP) Program. Provide a summary detailing the number of units to be dedicated affordable, the affordability level, and which specific units are to be dedicated. The Town's BMP requirements are included in Town Code Chapter 29, Article I, Division 6.
~~11/26/24 Response: The BMP summary has been provided to indicate the number and location of BMP units throughout the different levels of the two buildings (Building A & B), see sheet A-0.67.~~



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- c) Provide the square footages and maximum heights of the existing buildings to be demolished.
11/26/24 Response: 14-23+/- foot height (some single story and one portion two-story) and approximately 47,652 square feet.
Staff Response: Provide this information in the plan set. Staff recommends inclusion in the Project Information table on Sheet A-0.01.
- d) ~~Provide the parking required by the Town Code:~~
~~1.5 spaces per unit: 357 spaces~~
~~1 guest space/unit: 238 spaces~~
~~TOTAL 595 spaces~~
11/26/24 Response: The required and provided parking spaces were added to the parking calculation table and clouded.
- e) ~~Provide a table listing the number of proposed conforming parking spaces (i.e., non-tandem) and nonconforming spaces:~~
11/26/24 Response: A new column was added to the parking table for tandem parking and clouded.
- f) Include the 240 short-term bike parking spaces required by the Objective Design Standards and the number of proposed spaces in the bike parking table.
11/26/24 Response: The required and provided class I & II bike parking spaces were added to the bike parking table and clouded.
Staff Response: Please clarify if the bike storage room on the ground floor in the north (right-rear) corner of the building is included in the 240 spaces provided in the table. If the bike lockers in this room are used to satisfy the 240 required long-term bike parking spaces, provide full details showing compliance with ODS A.3.3. Add notes to all bike rooms indicating that they are for use by the residents only and are key accessed consistent with ODS A.3.
- g) "GARAGE" is misspelled in the First Floor table of the Gross Building Area Summary.
11/26/24 Response: Spelling has been corrected.
- 17) Sheet A-0.20:
a) "GARAGE" is misspelled in the First Floor table of the Gross Building Area Summary.
11/26/24 Response: Spelling has been corrected.
- 18) Sheet A-0.21:
a) Clearly label all community recreation spaces per the Objective Design Standards.
11/26/24 Response: The amenity area on 1st floor was revised to the fitness I community room and clouded.
Staff Response: The table provided on Sheet A-0.01 and plans on Sheets A-0.21, A-0.22, and A-0.23 demonstrate compliance with this ODS. No additional response needed.



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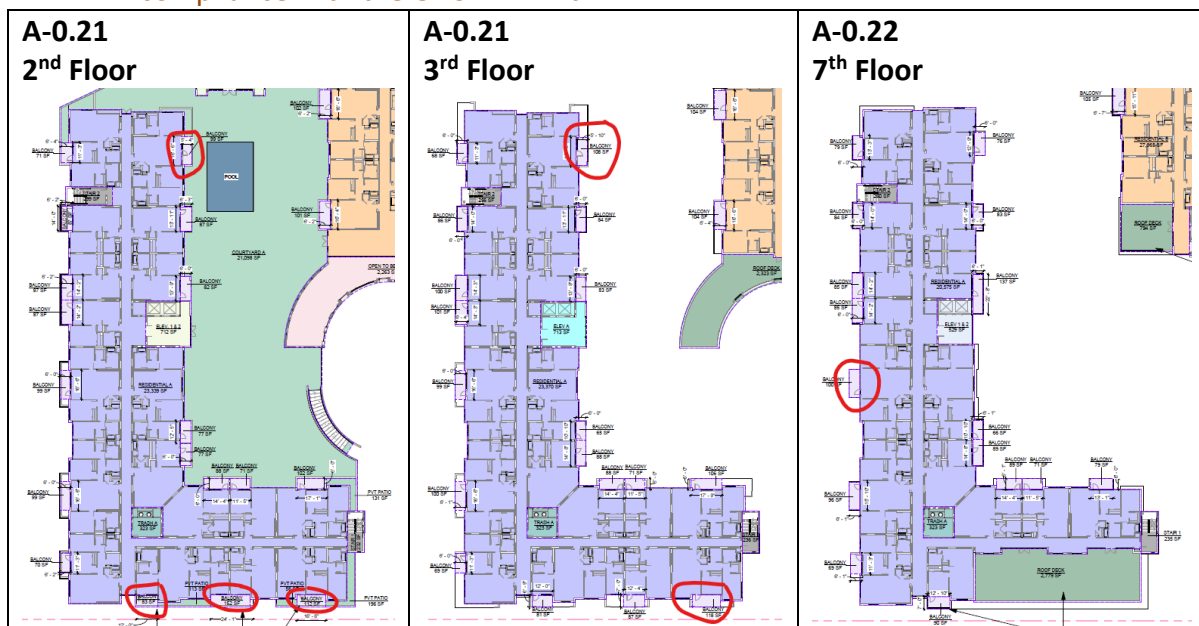
- b) ~~It is not clear how/if the roof decks and private patios are accessed. If so, are they accessible to individual units or the community at large?~~

~~*11/26/24 Response: There are access doors from the common corridors area.*~~

- c) Call out the sizes of each balcony for each unit.

11/26/24 Response: Please refer to the Area plans sheets A-0.20 to A-0.22 and A-0.65 for balcony sizes.

Staff Response: The circled balconies on the plans referenced below either do not meet the minimum six-foot dimension or do not provide dimensions to show compliance with the ODS A.11.1.b.



- 19) ~~Sheet A-0.40:~~

- a) ~~Streetscape A — Provide more elevation details for the proposed building.~~

~~*11/26/24 Response: The proposed elevation was added to the streetscape and clouded.*~~

- b) ~~All streetscapes and sections: Call out the maximum height of each building.~~

~~*11/26/24 Response: All building's heights were indicated on the streetscape sheet and clouded.*~~

- c) ~~Add an additional site section from Los Gatos Boulevard through the proposed building and the property at 15460 Benedict Lane.~~

~~*11/26/24 Response: The new section cutting through the property at 15460 Benedict Ln. was added to the streetscape sheet on A-0.40 and clouded.*~~

- d) ~~Label all streets.~~

~~*11/26/24 Response: All streets were labeled and clouded.*~~



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20) ~~Sheet A-0.41:~~

a) ~~Label all streets.~~

~~*11/26/24 Response: All streets were labeled and clouded.*~~

21) ~~Sheet A-0.50:~~

a) ~~Provide a north arrow on the plan sheet.~~

~~*11/26/24 Response: The north arrow has been provided.*~~

b) ~~The diagram shows a truck at the left side and rear of the building along the shared property line with the existing single-family uses. Is the plan to collect trash in this area? If so, how have noise impacts to adjacent residential uses been considered?~~

~~*11/26/24 Response: All the trash is collected from the trash staging area located on the north-east side of the project. Please refer to the path of the travel diagram to the curbside collection area. There is no plan to collect the trash from the south or east side of the building.*~~

c) ~~The diagram shows trash collection rooms within the ground floor parking garage and a trash staging area. Are the bins from the garage going to be moved to the staging area on collection days? How will this be facilitated?~~

~~*Response: The garbage will be moved to the trash staging area on the collection day.*~~

d) ~~Provide details of how the trash staging area will be screened from view to the interior of the property.~~

~~*11/26/24 Response: Trash staging area will only store trash collection bins on trash pick up days. On the landscape plan, the trash staging area is screened on the Northwest and Northeast sides with tall planting and trees.*~~

22) ~~Sheet A-0.52:~~

a) ~~Add columns to the tree inventory tables indicating whether each tree will be removed or saved, and which trees qualify as Large Protected Trees under the Town Code.~~

~~*11/26/24 Response: Column added to sheet L2.*~~

23) ~~Sheet A-1.00:~~

a) ~~Label property lines with length and bearing.~~

~~*11/26/24 Response: The length and bearing were added to the property line on A-1.00 and clouded. Also please refer to the CLO sheet/or the length and bearings.*~~

b) ~~Dimension the proposed building setbacks at their closest points along each property line.~~

~~*11/26/24 Response: All the building setbacks were dimensioned and clouded on the site plan.*~~

c) ~~The required setbacks shown on the site plan are not correct. Show the correct required setbacks and label them.~~



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Minimum front, side and rear yards in a CH or restricted highway commercial zone shall be as follows:

(1) Front	15 feet
(2) Side	None required
(3) Rear	None required
(4) Side abutting street	15 feet

The following minimum yard requirements apply along those property lines of a lot in the CH zone which abut or are across the street from a lot in a residential zone:

Front25 feet

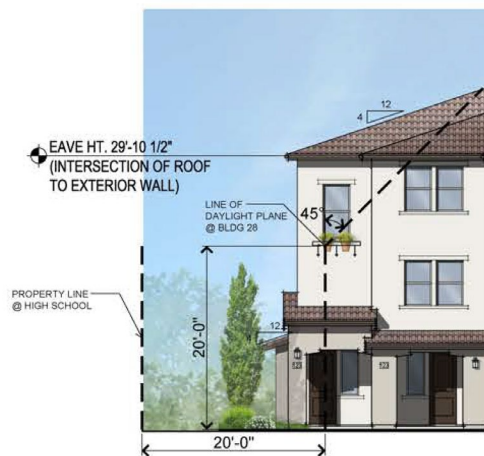
Side15 feet

Rear20 feet

Plus one (1) foot for each foot of building height over twenty (20) feet. A six-foot high masonry wall is required along the property line.

11/26/24 Response: *All the required and proposed setbacks were indicated on the site plan and clouded on sheet A-1.00. Also added to the project information on sheet A-0.01.*

Staff Response: Additional sections or elevations needed showing the required setback as it increases with building height. Example provided below.





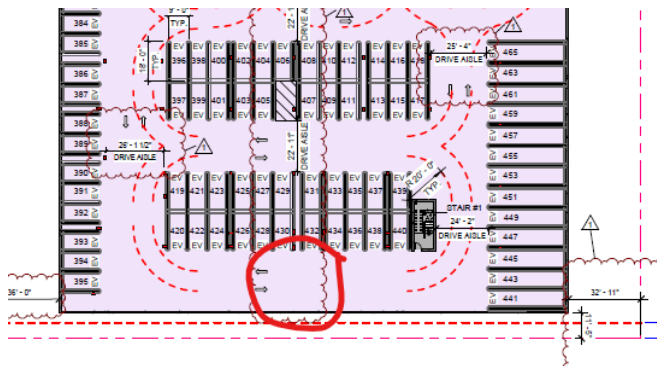
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24) Sheets A-2.00 and A-2.01:

- a) Aisle widths shall be a minimum of 22 feet for two-way aisles. Several two-way aisles do not meet the 22-foot width requirement. [29.10.155 (d)(2)]

11/26/24 Response: All the drive aisles were revised to meet the min 22' width and clouded on basement and 1st floor plans, sheets A-2.00 and A-2.01.

Staff Response: Add dimension to the circled aisle on Sheet A-2.00 shown below.



- b) Parking space boundaries shall be delineated by double striping. Each double stripe shall consist of two (2) four-inch lines, separated by an eighteen-inch space. Provide a typical detail meeting this requirement. [(29.10.155 (d)(7)]

11/26/24 Response: The striping details were added to all types of parking please refer to the basement and 1st floor plans.

Staff Response: See response to comment #11 above.

- ~~c) Dead end aisles on two way aisles are permissible if turn around space is provided. Provide an exhibit demonstrating ample turnaround space is provided at each dead end two way aisle. [29.10.155 (d)(9)]~~

~~**11/26/24 Response:** Parking layouts were revised to remove the deadend aisles. Please refer to the basement and 1st floor plan for the revised parking aisles. Sheets A-2.00 and A-2.01.~~

- ~~d) The minimum inside turning radius for aisles and islands shall be 20 feet. Dimension all turning radii to demonstrate this requirement is met, including inside the parking garages and the drop off circle adjacent to the lobby. [29.10.155 (d)(10)]~~

~~**11/26/24 Response:** The turning radius was added to all the parking islands and aisles with 20' inside radius typical to all the turning radiuses. Please refer to the sheets A-2.00 and A-2.01 for the parking plans.~~

- ~~e) All off street parking spaces shall have wheel stops. Wheel stops must be continuous curbing and shall not be separate blocks. [29.10.155 (h)(1)]~~

~~**11/26/24 Response:** The continuous wheel stops were added to all parkings please refer to the sheets A-2.00 and A-2.01 for the revised parkings.~~



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- f) ~~Opposing ranks of parking stalls shall be separated by a raised curbed island. Breaks in the curb may be permitted to allow for drainage to meet best management practices methods for NPDES requirements. [29.10.155 (h)(2)]~~
11/26/24 Response: Per the town of Los Gatos Parking Development Standards, the raised curbed island is related to the parking lots and not covered garage. Please see below;
- g) ~~All off-street parking areas shall be provided with entrance, exit, and traffic flow markings so arranged and marked as to provide for orderly and safe parking of automobiles, subject to the approval of the Town Engineer. [29.10.155 (h)(3)]~~
11/26/24 Response: All the traffic flow markings were added to the parking plans and clouded on sheets A-2.00 and A-2.01.
- h) ~~Pedestrian circulation. Off-street parking areas shall provide for adequate pedestrian circulation. Provide details of pedestrian circulation. [29.10.155 (i)]~~
11/26/24 Response: All the pedestrian circulation was indicated with the parking striping and clouded on parking levels. See sheets A-2.00 and A-2.01.
- i) ~~Provide details demonstrating that the paved surface of the parking lots will meet the surfacing requirements of Section 29.10.155 (e).~~
11/26/24 Response: There is an interior/covered parking garage and no outdoor parking spaces. This section is related to the outdoor parking and not applicable to this project.
- j) ~~Number all spaces sequentially.~~
11/26/24 Response: The parking numbers have been assigned in a sequential order.
- k) ~~Provide details on how the tandem spaces will be managed.~~
11/26/24 Response: The tandem parking spaces are assigned to 2 or 3 bedrooms units and will be professionally managed.
- l) ~~Number all existing trees consistent with the Arborist Report.~~
11/26/24 Response: Existing trees are numbered on sheet L1.
- m) ~~The shaded tree canopies obstruct the view of the plan details. Either make them transparent or eliminate the shaded fill.~~
11/26/24 Response: Tree canopies are transparent. Areas covering the architectural plan are clipped out on landscape plans.
- n) ~~Clarify the use/programming of the amenity space along Los Gatos Boulevard.~~
11/26/24 Response: The amenity spaces were revised to be fitness / community room and clouded on sheet A-2.01.
- o) ~~Label property lines with length and bearing.~~
11/26/24 Response: Please refer to the site plan/or the property lien length and bearing, on sheet A-1.00.
- p) ~~Dimension the proposed building setbacks at their closest points along each property line.~~



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~~11/26/24 Response: All the building setbacks to the property line were dimensioned and clouded on sheets A-2.00 and A-2.01.~~

- ~~q) The required setbacks shown in blue text are not correct. Show the correct required setbacks, as provided above, and label them.~~

~~11/26/24 Response: All the front and rear setbacks were indicated on the floor plans and clouded.~~

- 25) Sheets A2.01, A-2.02, A-2.03, & A-2.07:

- a) The required setbacks shown in blue text are not correct. Show the correct required setbacks, as provided above, and label them.

~~11/26/24 Response: All the front and rear setbacks were indicated on the floor plans and clouded.~~

Staff Response: Show and dimension the required front setback.

- ~~b) The shaded tree canopies obstruct the view of the plan details. Either make them transparent or eliminate the shaded fill.~~

~~Response: Tree canopies are transparent. Areas covering the architectural plan are clipped out on landscape plans.~~

- ~~c) Identify the units to be dedicated as affordable.~~

~~11/26/24 Response: The 48 BMP units dedicated as affordable was indicated on new sheets A-0.60, A-0.61 and A-0.62 and the percentage of each BMP unit types were shown in project information tables and clouded on A-0.01.~~

- 26) Sheet A-2.20:

- ~~a) Within Unit Type B1, where does the doorway from the living room to the outside lead? It seems there is a balcony missing from this floor plan.~~

~~11/26/24 Response: The balcony note was added to the unit plan and clouded on sheet A-2.20.~~

- ~~b) The floor plan for unit type C2 is missing.~~

~~11/26/24 Response: The units B2 and C2 were added to the unit plans and clouded on sheets A-2.20 and A-2.21.~~

- 27) Sheets A-3.01 & A-3.02:

- ~~a) Show the existing and proposed grades.~~

~~11/26/24 Response: The existing grade (RRE: 341.90) was shown on elevations and clouded. The architectural base point at this height is 0.00'.~~

- ~~b) Dimension maximum building height from the lower of the existing or proposed grade.~~

~~11/26/24 Response: The maximum height of the building (82' 8") is already shown on elevations and clouded.~~

- ~~c) Provide design, materials, and finish details for the proposed windows and railings.~~



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~~*Response: The railing and window material and details were added to the sheets A-3.02 and A-4.00 and clouded.*~~

- d) ~~In addition to the provided cardinal direction labels, please label the elevations with front, left, right, and rear.~~

~~*11/26/24 Response: All elevations were labeled with front, left, right and rear and clouded on both elevation sheets A-3.01 & A-3.02.*~~

- e) ~~Clarify the material at the base of the building on the right side of drawing 5 on Sheet A-3.02. It appears to be differentiated from the cement plater used elsewhere.~~

~~*11/26/24 Response: The material was noted on the elevation and clouded on sheet A-3.02.*~~

- f) ~~View #2 is repeated in the key map on Sheet A-3.02.~~

~~*11/26/24 Response: The key map was revised and clouded on sheet A-3.02.*~~

~~28) Sheet C1.0:~~

- a) ~~Number all existing trees consistent with the Arborist Report.~~

~~*11/26/24 Response: Tree numbers added.*~~

~~29) Sheet C2.0:~~

- a) ~~Number all existing trees to remain consistent with the Arborist Report.~~

- b) ~~The required setbacks are not correct. Show the correct required setbacks, as provided above, and label them.~~

- c) ~~What is the 5-foot dimension just left of the driveways measuring?~~

- d) ~~Dimension proposed building setbacks.~~

~~*11/26/24 Response:*~~

~~*a) — Tree numbers to remain added.*~~

~~*b) — All the building setbacks to the property line were dimensioned and clouded on sheets A-2.00 and A-2.01.*~~

~~*c) — 5-ft transition from flush to 6" curb called out by construction note 9.*~~

~~*d) — All the building setbacks to the property line were dimensioned and clouded on sheets A-2.00 and A-2.01.*~~

~~30) Sheet C4.0:~~

- a) ~~Is screening proposed for the required backflow preventors along the front property line?~~

- b) ~~Show how the building will be served with power and telecom utilities.~~

- c) ~~Add "FW" to the list of abbreviations.~~

~~*11/26/24 Response:*~~



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~~a) — Backflow preventers will be screened with planting as allowed by San Jose Water Company. Detailing of screening will be in landscape plans at the time of building permit submission.~~

~~b) Power and telecom will be underground along the property frontage feeding from the transformation room to the utility rooms.~~

Staff Response: Understood. Can the path of the power and telecom be shown on .

~~c) — FW added to list of abbreviations~~

31) ~~Sheet C6.0:~~

~~a) Note #6 (top left of page) indicates that no trees along the fire access roadway may exceed a height of 30 feet. Will the existing trees along this access be trimmed to meet this requirement? How will the proposed trees be restricted from growing above 30 feet? Has this height limitation been considered in the privacy/visual impact analysis to the single family residential uses to the west?~~

~~11/26/24 Response: Landscape has selected trees between the fire access roadway and the building to be less than 30 feet tall at maturity. This is a requirement for just the trees between the building and the fire access roadway; trees on the outside edge can be taller and utilized for screening of residential uses to the west.~~

32) ~~Sheet L1:~~

~~a) Label the proposed tree protection fencing by type. See Town Code Section 29.10.1005.~~

~~11/26/24 Response: Legend on sheet L1 amended to state the tree protection fencing type.~~

~~b) Show any tree protection required by the arborist for the trees along the rear property line.~~

~~11/26/24 Response: Tree protection fencing shown on sheet L1.~~

~~c) Add a table calling out the number of protected trees and large protected trees that are proposed for removal.~~

~~11/26/24 Response: See On-Site Tree Mitigation Table on sheet L1.~~

33) ~~Sheet L2:~~

~~a) Revise the tree protection notes and diagrams to be consistent with Town Code Requirements. 29.10.1005.~~

~~11/26/24 Response: Notes and diagrams amended.~~

34) Sheet L3:

a) Add a north arrow to the key map.

b) Show the required front setback of 15 feet.

c) Include the common name for all proposed plant/tree species.



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- ~~d) Clearly show the location of the proposed property line screening fencing.~~
- e) Provide a dimensioned detail for the proposed short term bike parking. Refer to the Objective Design Standards for requirements.

11/26/24 Response:

~~a) North arrow added.~~

~~b) Setback dimension called out on plans.~~

~~c) Common names shown on sheet L7.~~

~~d) Property line screening fencing shown on sheets L3 & L4.~~

~~e) Short-term bike parking detail shown on sheet L17.~~

Staff Response:

a) The required front setback is not shown on Sheet L3.

e) Details have not been provided to show compliance with ODS A.2. Each short-term bike parking space shall be a minimum of seven feet in length and two feet wide.

Sheet L17, detail A simply states "See Plan" with no sheet reference.

~~35) Sheets L3, L4, L5, & L6:~~

~~a) Add a north arrow to the key map.~~

~~b) Provide details of how the trash staging area be screened from view to the interior of the property?~~

~~11/26/24 Response: a) North arrow added. b) Trash staging areas will only store trash collection bins on trash pick-up days. On the landscape plan, the trash staging area is screened on the Northwest and Northeast sides with tall planting and trees.~~

36) Sheets L9, L10, L11, & L12:

a) Add a north arrow to the key map.

~~11/26/24 Response: North arrow added.~~

37) Sheet L15:

a) Details, elevations, and dimensions are required for the proposed cabana structures, fencing, and bike racks.

~~11/26/24 Response: Fencing information is added to sheets L8-L9. Cabana and bike rack information is shown on sheet L17.~~

Staff Response: Elevations for the proposed cabana structures have not been provided. The concept images do not satisfy this requirement. This comment remains outstanding. See additional comments related to fence heights below.

38) Sheets L16, L17, & L18:

~~a) The north arrows provided in the key maps are oriented incorrectly.~~

~~11/26/24 Response: North arrow amended.~~



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- ~~b) How will the wall light and railing light be installed to meet the requirement that exterior lights are downward directed?
11/26/24 Response: Lights amended to face downward. See updated conceptual lighting plans.~~
- ~~c) The gazebo lights do not appear to meet Town requirements for exterior lighting to be shielded.
11/26/24 Response: Lights amended to face downward and are now shielded. See updated conceptual lighting plans.~~
- d) The post light height listed in the table (20 feet) and the notes (15 feet) exceeds the maximum allowed height by the Objective Design Standards.
11/26/24 Response: Lights amended. See updated conceptual lighting plans.
Staff Response: Please confirm that the post-mounted light fixture has been eliminated from the project.

39) Sheet A-0.00:

- a) The following sheets are not included in the Sheet Index: A-0.60, L19, L20, L21, A-4.00.

40) Sheet A-0.01:

- a) Project Data Summary table:
 - i. General Plan Land Use Designation is not listed: “Mixed Use Commercial”
 - ii. Correct the allowed density (listed as conforming) to “20 du/ac”
 - iii. Provide the proposed density: Gross (61.7 du/ac) and Net (49.5 du/ac).
 - iv. The listed FAR is inconsistent with what is provided in the Project Information table.
 - v. Remove references to Density Bonus since this project does not qualify under SDBL.
- b) The Below Market Price Unit (BMP) table provided on Sheet A-0.01 is not consistent with the information provided on Sheets A-0.65 to A-0.67.

	A-0.01	A-0.65 to A-0.67
1 BD / 1 BA	22	23
2 BD / 2 BA	14	13
3 BD / 3 BA	12	12
	48	48

- c) The Required Residential Bicycle Parking table: Remove reference to the waiver since the project does not qualify under SDBL.
- d) Recreation Area table:
 - i. The area listed for Building A at the 7th level is inconsistent with the area provided on Sheet A-0.22.



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- ii. The area listed for Building A at the Podium level is inconsistent with the area provided on Sheet A-0.21.
- 41) Sheet A-0.22: The area of the Roof Deck on Building A is not consistent to the area provided on Sheet A-0.01
- 42) Sheets A-0.61, A-2.00, A-2.02, A-2.03, & A-2.07:
 - a) Show and dimension the required front setback.
- 43) Sheets L2:
 - a) Tree #77 is listed as to be removed in the table. Sheets C1 and L1 do not show this tree proposed for removal. Additionally, this tree is located on the neighboring property. If proposed for remove, provide permission from the property owner.
 - b) Tree #79 does not meet the definition a Large Protected Tree.
- 44) Sheets L3 and L4:
 - a) Callout for property line screening fence: add reference to Sheet L9 where the detail for this fence can be found.
- 45) Sheet A-2.01: Clarify whether the existing six-foot tall wall along the back property line is a masonry wall.
- 46) Letter of Justification:
 - a) Section B, first paragraph: The final sentence is incomplete.
 - b) The letter indicates that a Vesting Tentative Map is included with the project. A VTM was not included with the 11/26/24 submittal. See above completeness comment.
 - c) The letter references State Density Bonus Law and invokes waivers using this statute. The maximum density allowed by the General Plan land use designation is 20 du/ac. The proposed density of 61.7 du/ac far exceeds the increased densities accommodated through SDBL. Therefore, SDBL is not applicable to this project and “waivers” do not apply. Any requested deviations from Town objective requirements must rely on alternative means; in this case, the response invokes builders’ remedy.

In accordance with the Permit Streamlining Act, the Town will provide you with a letter identifying inconsistencies after your planning application has been deemed complete. The inconsistencies identified above were noticed as part of the Town’s completeness review, are not a complete list, and are being provided to you now as a courtesy. They will be included in the Town’s future consistency determination as well.



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GENERAL INFORMATION

- 47) Pursuant to CA Gov Code Section 65941.1 (d), if the development proponent does not submit the necessary information identified in this and other review letters, within the 90-day period commencing 180 days after the vesting date, then the vesting established under the preliminary application shall expire and have no further force or effect.
11/26/24 Response: Noted.
- 48) ADVISORY COMMENT: The project is subject to WELO - New construction projects with an aggregate landscape area equal to or greater than five hundred 500 square feet or rehabilitated landscape projects with an aggregate landscape area of 2,500 square feet are subject to the State's Model Water Efficiency Landscape Ordinance (WELO). A complete WELO Landscape Documentation Package is required prior to issuance of building and/or grading permits. A completed WELO Certificate of Completion is required prior to final inspection/certificate of occupancy. Review by the Town's Consulting Landscape Architect for WELO will take place under the Building Permit application and requires a payment of a deposit. Funds are not required at this time.
11/26/24 Response: Noted. MWELo calculations shown on sheet LI 6.
- 49) Please modify plans per the above comments and resubmit to Planning via the Town's Online Permitting Service with a **compliance memorandum** and any other supporting documents.
11/26/24 Response: Noted.
- 50) Upon resubmittal through the Town's online portal, provide **two full-size printed set of the plans** to Planning staff.
11/26/24 Response: Noted.
- 51) Pursuant to the Town's Height Pole, Flagging, Netting and Signage Policy buildings over 55 feet in height shall comply with alternative/video rendering requirements in place of story poles. Renderings shall be prepared by the Town's consultant. The applicant shall be responsible for all technical reviews, materials, and cost of the Town's evaluation and/or preparation process. No action needed at this time. The Policy is available on the Town's website here:
<https://www.losgatosca.gov/DocumentCenter/View/179/Height--Story-Pole-and-Netting-Information?bidId=>
11/26/24 Response: The sign was installed at site on Oct 22nd, 2024.
- 52) Pursuant to the adopted fee schedule, in the event additional processing services by the Town are required due to changes, modifications, additions, errors, omissions, or discrepancies caused by the applicant or his/her agents or representatives, the applicant shall pay an additional fee as determined by the Community Development Director to cover the actual cost.
11/26/24 Response: Noted.



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STAFF TECHNICAL
REVIEW COMMENTS**

53) Pursuant to the adopted fee schedule, if the requested information from any of the Tech Review Staff is not submitted within 180 days of this meeting, the applicant will be required to pay a fee of 10% of the current application fee at the time the requested information is submitted. Any resubmittal after one year will be processed as a new application, subject to new fees.

11/26/24 Response: Noted.

54) Pursuant to the adopted fee schedule, if after three meetings, any additional review is required by the Technical Review Committee and/or DRC, there will be an additional fee based on time and material cost.

11/26/24 Response: Noted.

Please resubmit and provide a compliance memorandum showing how all the deficiencies, corrections, and general comments have been addressed. PLEASE NOTE THAT NEW COMMENTS MAY ARISE UPON SUBMITTAL OF ADDITIONAL MATERIALS/DETAILS REQUESTED.

Sean R. Mullin, AICP
Planning Manager
SMullin@losgatosca.gov
(408) 354-6823

N:\DEV\PLANNING PROJECT FILES\Los Gatos Boulevard\15495\S-24-046, U-24-011 (SB 330 Formal)\Staff Comment Letters\02 12-18-24\PLAN - 15495 Los Gatos Blvd - R2.docx



TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS

STAFF TECHNICAL REVIEW
Engineering Division
1/8/2024

ITEM: 15495 Los Gatos Blvd; APN: 424-22-030
A&S Application S-24-018
Requesting Approval for Demolition of Existing Commercial Structures, Construction of a Multi-Family Residential Development (238 Units), a Conditional Use Permit for a Mixed-Use Development, and Site Improvements Requiring a Grading Permit, Under Senate Bill 330 (SB 330) on Property Zoned CH.
PROPERTY OWNER:
Grade Way Associated VI, a California Partnership / Partner – GreenValley Corporation
APPLICANT:
Green Valley Corporation dba Swenson/Mark Pilarczyk

PROJECT PLANNER: Sean Mullin
LAST REVIEWED: 9/25/2024

This application submittal is **INCOMPLETE** and requires resubmittal of plans and application materials to address deficiencies noted below.

PROJECT DEFICIENCIES RELATED TO COMPLETENESS:

General:

1. ~~Provide details of storm drain and sewer structures used. (manhole, cleanouts, area drains etc)~~
 - a. Will be a condition of approval per applicant request.
2. ~~Easements will need to be abandoned/quitclaimed prior to approval.~~
 - a. Will be a condition of approval per applicant request.
3. Provide striping plan for basement level and ground level parking area.
 - a. Applicant Response: Please refer to the basement and first floor plan for parking striping. Refer to the sheets A-2.00 and A-2.01.
 - i. Per code, Space width shall be increased by one (1) foot to nine and one-half (9.5) feet if adjacent on one (1) side to a wall, fence, hedge or structure; and by two (2) feet to ten and one-half (10.5) feet if adjacent on both sides to such walls, fences, hedges, or structures. Please dimension width of spaces that require either 9.5 or 10.5 feet.
4. Please provide a copy of the plans (full-size), data form, worksheets and calculations for review by the Town's stormwater peer review consultant. A fee of **\$937.50** and a deposit in the amount of **\$3,750.00** is required before these items can be routed and review can commence. Please provide payment of **\$4,687.50** along with copy of plans and calculations. Comments will be provided when this review has been completed.



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- a. Plans received, deposit and peer review remains outstanding.
5. ~~Traffic impact mitigation fees are required for the project. Please complete a traffic questionnaire (https://www.losgatosca.gov/1656/Engineering_Documents) and coordinate with the Town's traffic engineer to determine fees. Applicant shall retain a traffic engineer to provide a traffic study to the Town for peer review by the Town's traffic consultant. Fee to be determined by the Town's traffic engineer once study is received. Comments will be provided when this review has been completed~~
6. ~~Please provide a refuse circulation plan as described in the PPW development checklist.~~
7. Peer review from the Town Geotechnical Consultant is required. A fee of **\$750** and a deposit of **\$3,000** must be paid prior to review. The deposit is required for our peer review time + materials with unused deposit funds being returned to the applicant. Please provide payment of **\$3,750.00** for the fee and deposit along with:
 - a. A soils and geology report prepared by a geologist or engineering geologist for review. The report must discuss the geologic and seismic hazards (fault zones, groundwater, landslides, liquefaction etc.) and conclude that there is a geotechnically feasible building envelope on each proposed lot, in addition to providing design recommendations for foundations, proposed driveways, retaining walls and walkways. Comments will be provided when this review has been completed.
 - b. Remains outstanding.

C1.0:

8. ~~Show the location and land uses of adjacent parcels. Include existing buildings, structures, driveways, vehicular access areas, walls, fences, and other improvements within 150 feet of the subject property boundaries. Indicate the distances between structures and between structures and property lines.~~

C2.0:

9. ~~Provide site circulation analysis using Autoturn to ensure roads are wide enough to accommodate all vehicle movements (Fire response vehicles, refuse haulers, etc).~~
10. Provide parking stall and drive aisle dimensions.
 - a. Per code, space width shall be increased by one (1) foot to nine and one-half (9.5) feet if adjacent on one (1) side to a wall, fence, hedge or structure; and by two (2) feet to ten and one-half (10.5) feet if adjacent on both sides to such walls, fences, hedges, or structures. Please dimension width of spaces that require either 9.5 or 10.5 feet.
11. ~~Show location of all proposed parking spaces for vehicles (standard, compact, motorcycle, charging, handicap, and bicycle short and long term) and required parking area landscape planters. Include any structural elements or other obstructions that impact parking~~



**TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS COMMENTS**

- ~~spaces. Number the parking spaces for convenient reference during review. Show any parking space overhang of adjacent sidewalk.~~
- ~~12. Show location, dimensions, and design details of trash recycling enclosures.~~
 - ~~13. Provide longitudinal cross sections of proposed garage ramps.~~
 - ~~14. Call out page on landscape plans where paver and turf information can be found.~~

C4.0:

- ~~15. Show proposed easements.~~
- ~~16. Show location and size of sewer lines and main.~~
- ~~17. Any proposed trash enclosure(s) must be covered and include area drains connected to the sanitary sewer.~~
- ~~18. Provide clearance information at utility crossings. Horizontal clearance: Ten foot horizontal separation between parallel water and sewer mains. Sewer mains must be vertically below adjacent water mains. At pipe crossings: a minimum separation of one foot between pipe outside diameters with sewer mains always below water mains.~~

For faster processing:

- **Please cloud and delta all changes.**
- **Provide a compliance memorandum showing how all the deficiencies and comments have been addressed.**
- **Note the delta/revision number and date in the title block.**

PLEASE NOTE THAT COMMENTS/DEFICIENCIES LISTED ABOVE MAY NOT BE AN EXHAUSTIVE LIST OF ALL PLAN CHECK COMMENTS OR CONDITIONS.

Corvell Sparks

PPW Engineer

CSparks@losgatosca.gov

408.395.5340

EXHIBIT B
Fee Schedule
[attached]

SB 330 Preliminary Application PRE24-00212					
Date Assessed	Invoice #	Fee Item	Amount	Date Paid	Fee Description
2/20/2025	175485	On-line processing fee	\$ 1.31	2/27/2025	2.4% Town Credit Card Processing Fee
2/20/2025	175485	PLPERMIT SB 330 Preliminary Application (cost)	\$ 54.86	2/27/2025	Outstanding balance for staff's review of SB 330 preliminary application
2/28/2024	170747	PLADMIN - ADMIN FEE	\$ 50.00	2/28/2024	Administrative fee of 10% of at-cost SB 330 preliminary application deposit
2/28/2024	170747	PLPERMIT SB 330 Preliminary Application (cost)	\$ 500.00	2/28/2024	Deposit for review of SB 330 preliminary application
2/28/2024	170747	2.4% Credit Card Convenience Fee	\$ 13.20	2/28/2024	2.4% Town Credit Card Processing Fee
		TOTALS	\$ 619.37	\$ 619.37	

Architecture and Site Formal Application S-24-046					
Date Assessed	Invoice #	Fee Item	Amount	Date Paid	Note
12/10/2024	174491	On-line processing fee	\$ 79.20	12/10/2024	2.4% Town Credit Card Processing Fee
11/20/2024	174258	PLADMIN CDD Admin Fee (Cost)	\$ 300.00	12/10/2024	Administrative fee of 10% of at-cost deposit for review by Town's Consulting Arborist
11/20/2024	174258	PLARBOR Arborist Review (Cost)	\$ 3,000.00	12/10/2024	Deposit for review by Town's Consulting Arborist
9/13/2024	174134	PLADMIN CDD Admin Fee (Cost)	\$ 1,250.00	12/3/2024	Administrative fee of 10% of at-cost deposit for review by Town's Consulting Architect
9/13/2024	174134	PLARCH Architect Review (Cost)	\$ 12,500.00	12/3/2024	Deposit for review by Town's Consulting Architect
9/4/2024	173227	On-line processing fee	\$ 587.96	9/4/2024	2.4% Town Credit Card Processing Fee
9/4/2024	173227	PLENVIRN EIR Consultant Fee (Cost)	\$ 5,000.00	9/4/2024	Initial Study Deposit (CEQA)
9/4/2024	173227	PLADMIN 1000ft 3 Stories - CDD Admin Fee (cost)	\$ 37.37	9/4/2024	Administrative fee of 10% of noticing costs
9/4/2024	173227	PLPERMIT 1000ft 3 Stories Other Fees (cost)	\$ 373.70	9/4/2024	Noticing costs
9/3/2024	173227	PLTRACK 4% Computer Surcharge	\$ 684.67	9/4/2024	4% Computer Surcharge
9/3/2024	173227	ENGDEV Engineering Review - PC New Multi Family	\$ 4,948.00	9/4/2024	Engineering Development Review Services Fee
9/3/2024	173227	PLANAP Advanced Planning	\$ 1,711.67	9/4/2024	10% Advance Planning Special Project fee
9/3/2024	173227	PLPERMIT PC New Multi Family	\$ 11,743.00	9/4/2024	Application fee for new multi-family residence with two or fewer buildings
		TOTALS	\$ 42,215.57	\$ 42,215.57	

Conditional Use Permit Formal Application U-24-011					
Date Assessed	Invoice #	Fee Item	Amount	Date Paid	Note
9/4/2024	173228	On-line processing fee	\$ 56.60	9/4/2024	2.4% Town Credit Card Processing Fee
9/3/2024	173228	PLTRACK 4% Computer Surcharge	\$ 50.36	9/4/2024	4% Computer Surcharge
9/3/2024	173228	ENGDEV Engineering Review - CUP Consolidated	\$ 923.00	9/4/2024	Engineering Development Review Services Fee
9/3/2024	173228	PLANAP Advanced Planning	\$ 125.90	9/4/2024	10% Advance Planning Special Project fee
9/3/2024	173228	PLPERMIT CUP Consolidated	\$ 1,259.00	9/4/2024	Application fee CUP consolidated with another application
		TOTALS	\$ 2,414.86	\$ 2,414.86	

Total Assessed	\$ 45,249.80
Total Paid	\$ 45,249.80
Balance	\$ -

Updated 3/10/2025