

March 19, 2025

Los Gatos Planning Department  
Community Development Department  
110 E. Main Street  
Los Gatos, CA 95030

**RE: 15300 and 15330 Los Gatos Blvd., Los Gatos, CA  
Project Description/Letter of Justification**

Dear Planning Department:

On behalf of my client, Arya Properties, LLC, the owner of the property located at 15300 and 15330 Los Gatos Blvd. I am pleased to present this new revised project, "The Arya" to the town of Los Gatos.

On November 14, 2023, a preliminary application was submitted under California Senate Bill SB330 (CA SB330) invoking the Builders Remedy in accordance with California's Housing Accountability ACT (HHA). On December 23, 2024, the Town notified the Applicant that it's Formal Application was incomplete. This re-submittal/response to the Town's December 23rd notice is in accordance with both statutes.

**Existing Property Description:**

The Property is located on the east side of Los Gatos Boulevard between Gateway and Lark Avenue. It is flanked by residential buildings to the north and east, medical buildings to the south and a San Jose Water storage facility to the west, single family to the east and the south. The Property is currently occupied by Ace Hardware and other commercial tenants.

**Proposed Development Description:**

The proposal includes the demolition of the existing structures and the construction of a seven-level luxury condominium project (including 20% affordable units) that is constructed over street level commercial space and three levels of underground parking. We also have additional commercial space on the roof for a prospective eating establishment. We will also be filing for a condominium map and will provide updated CC&R's at the appropriate time. The units will be for sale.

The project site consists of two parcels totaling 82,764 SF (1.9 acres) with a General Plan designation of Mixed-Use Commercial plus Low Density Residential with a Zoning designation of C-1 Neighborhood Commercial. The total project square footage is 575,639 SF and has an overall height of 116'- 6". This includes 22' to the top of the Parapet wall ( mechanical screen) above the roof deck to accommodate the restaurant/bar and the community room and fitness area.



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The proposed density with 175 units on 1.9 acres is on 92 units /acre. There are 175 units in “The Arya”. 20% of the 175 units, 35 of them, will be offered at prices affordable to low income households as defined in SB330 and the HAA. These have been distributed evenly as follows:

- 2 Studio units / floor = Total 14 units in the Podium Courtyard Next to Stair #2
- 2 1-Bed units / floor = 14 units in the Podium courtyard Next to Stair #1
- 1 Studio unit / floor = 7 units next to Stair #4 facing the single family residences

The total comes to 21 - studios and 14 - 1 bedroom units = 35 units. These units have been located on the 1<sup>st</sup> floor plan Sheet A3.3.

There are seven stacked residential levels with 25 units per level. There are 21 studios, 21 one-bedroom units, 70 two bedroom units and 63 three bedroom units. The roof level is comprised of a fitness area, a covered barbecue area and a community outdoor roof deck. The outdoor roof deck boasts outdoor seating, extensive landscaping and a community spa. At the street level there are 37,865.4 SF of commercial floor area with an open plaza area 11,100 SF ( Including Setback Area ) in size. We also have 8186.6 SF of commercial area on the roof level for a prospective dining/bar establishment. A portion of the roof area is open to the patrons of the prospective eating establishment.

The Arya’s prominent façade wraps the commercial space at the ground level and is covered by a podium that will create a pedestrian connection with the street through a gracious plaza. The ground floor commercial space will have access to the plaza creating an open air seating area to be used by future tenants as appropriate.

The Arya has been carefully designed to incorporate stone, a variety of handrail types, and large window areas to utilize the scenic views. All of the units have exterior balconies that exceed the requirements of the Town’s Objective Design Standards. All the units will have triple pane windows, increased exterior wall insulation and sound absorbing materials vertically between the units. The window units will be recessed to provide further articulation to the exterior skin.

The upper roof has been designed with a shallow slope to facilitate the installation of solar panels per California Building Code requirements with the inclusion of a mechanical well on the roof to hide the mechanical equipment for the upper floor commercial spaces.

**Compliance to the following requirements has been provided :**

- There are 175 units in “The Arya”. 20% of the 175 units, 35 of them, will be offered at prices affordable to low income households as defined in SB330 and the HAA. These have been distributed evenly as follows:

2 Studio units / floor = Total 14 units in the Podium Courtyard Next to Stair #2

2 1-Bed units / floor = 14 units in the Podium courtyard Next to Stair #1

1 Studio unit / floor = 7 units next to Stair #4 facing the single family residences

Please see Cover Sheet 0.0 and All the floor plan sheets for location of the above mentioned units.

- The project specifically addresses the Objective Design Guidelines for Multi-Family and Mixed-Use Residential Development in the following manner:

A.1 Site Standards:	See revised plan and design standards table.
A.2 Short Term Bicycle Parking:	See revised plan and design standards table.
A.3 Long term bicycle Parking:	We are in compliance but the location for the bike storage is in the garage.
A.4 Vehicular Access:	See revised plan and design standards table.
A.5 Parking Location and Design:	not applicable.
A.6 Parking Structure Access:	See revised plan and design standards table.
A.7 Utilities:	See revised plan and design standards table.
A.8 Landscaping and Screening	See revised plan and design standards table.
A.9 Fencing:	See revised plan and design standards table.
A.10 Retaining walls:	not applicable.
A.11 Landscaped spaces:	See revised plan and design standards table.
A.12 Building Placement	See revised plan and design standards table.
B.1 Building Design:	See revised plan and design standards table.
B.2 Parking Structure Design	not applicable.
B.3 Roof Design	See revised plan and design standards table.
B.4 Façade Design and Articulation	we are in compliance.

We have scored 30 points on the checklist.

We have also included the checklist in our documents.

- We comply with community recreation space requirements with 2 % of the commercial area provided for Community recreation space. Please see 0.0 cover Sheet and A1.4 for a more detailed analysis.
- Please see sheet A1.5 for all details about bike Parking sizes and location
- We comply with all the Patio and Balcony dimensions and area requirements. Please see Sheet 1.3.

#### **Submittal of General Plan and Zoning Amendment:**

Please refer to Miller Starr Regalia's letter, dated September 2, 2024, which clarifies that we are not required under State Law to submit these applications. This has been further confirmed by recent legislation.

#### **Conditional Use Permits:**

- 1) We have revised our application to reflect a Conditional Use Permit request for the Mixed-Use Project.
- 2) We have revised our application to reflect a Conditional Use Permit for the proposed restaurant/bar at the roof level.

### **Restaurant Conditional Use Permit request:**

It is the owner's intent to provide a physical location for a restaurant/bar that is located on the roof deck and will be open to the public. It will be accessed via an elevator that connects to the commercial parking level and the plaza on the ground level.

Although we do not have an operator at this time, we anticipate the following:

- Hours of operation 11:00 AM to 11:00 PM, 7 days per week except Sunday which will be from 9:00 AM to 9:00 PM. This could change depending on a variety of factors.
- Number of employees will vary from 24 to 36 depending on type of menu. They will not all be there at the same time. We will most likely have 2 shifts per day; lunch and dinner.

The proposed use is an essential and desirable use for the public convenience and welfare by providing a service to the public and places of employment. In addition, we are providing much needed housing including 20% affordable units.

The proposed use will not impair the integrity or character of the Zoning District due to the mixed-use nature of the project.

The proposed use will not be detrimental to public health, safety or general welfare due to the quality of design and construction.

The proposed use is in harmony with the General Plan and the purposes of this Ordinance by providing mixed use and necessary housing.

### **Maintenance of Landscape Areas.**

The exterior of the building and all exterior landscape areas will be maintained by the Homeowner's Association. This will be delineated in the CC&R's.

### **Justification for Non - Compliance:**

#### **1. Garage Parking**

- We are using builder's remedy to justify parking calc. ratios. and shortfall of commercial parking. Pursuant to the governing provisions of the Builder's Remedy of the Housing Accountability Act, the Town cannot deny the Project, even if it is inconsistent with the Town's General Plan land use designation or zoning standards, including those that set commercial parking standards. The Town must apply its development standards in a manner that facilitates development of the project at the density proposed on the site. The Project also qualifies for benefits under the Density Bonus Law because it provides qualifying levels of affordable housing. Although not necessary due to the benefits of the Builder's Remedy, the Applicant continues to reserve its right to request a Density Bonus Law waiver of this standard.
- The commercial parking level will be accessed from Los Gatos Boulevard. The garage will be open from 7:00 AM TO ONE HOUR AFTER CLOSING OF THE RESTAURANT/BAR.

We need a total of 185 commercial stalls, but currently, we have only provided 159, resulting in a shortfall of 26 stalls. However, we believe that the 76 bicycle stalls will serve as a valuable resource to help compensate for this deficit. The commercial garage will be used after hours for guest parking. We have 159 Commercial Stalls which can be accessed by guests by using a smart garage door opener system , which allows you to create temporary codes and manage access through an app, or a dedicated keypad with temporary PIN functionality.

Please see the answer to the first bullet point above which provides further explanation as to why the Project is not required to comply with this standards under state law.

- We require 308 Stalls for Residential and have provided 310 stalls. We meet the residential parking requirements. We also meet the long-term bicycle parking requirements where 175 are needed and 228 have been provided.

The residential garage will have assigned stalls and will have limited access via a gated entrance. Tandem parking will be designated for the same unit, facilitating convenient use.

Please see the answer to the first bullet point above which provides further explanation as to why the Project is not required to comply with this standards under state law.

- We require 198 Short-term bicycle parking and have provided 76 spaces. We already have 53 extra Long-term bicycle parking spaces and more than needed Residential car Parking. Most of the Short-term parking will be used for commercial which requires only 23 Bike spaces.

Please see the answer to the first bullet point above which provides further explanation as to why the Project is not required to comply with this standards under state law.

- The commercial garage will be used after hours for guest parking. We have 159 Commercial Stalls which can be accessed by guests by using a smart garage door opener system , which allows you to create temporary codes and manage access through an app, or a dedicated keypad with temporary PIN functionality.
- The residential garage will have assigned stalls and will have limited access via a gated entrance. Tandem parking will be designated for the same unit, facilitating convenient use.
- Vehicle gate has been provided at the base of the Commercial ramp at the commercial Garage Level and the also at the base of the Residential Ramp going down to Residential Garage -II Level.

## **2. Project Height :**

Per Section 29.80.510(6)(b) Table 1B of the Town Code, the maximum height limit is 35 feet for mixed-use projects in the C1-HEOZ zone.

Pursuant to the governing provisions of the Builder's Remedy of the Housing Accountability Act, the Town cannot deny the Project, even if it is inconsistent with the Town's General Plan land use

designation or zoning standards, including the height standard referenced above. The Town must apply its development standards in a manner that facilitates development of the project at the density proposed on the site. The Project also qualifies for benefits under the Density Bonus Law because it provides qualifying levels of affordable housing. Although not necessary due to the benefits of the Builder's Remedy, the Applicant continues to reserve its right to request a Density Bonus Law waiver of this standard.

### **3. Project Density:**

Per Section 29.80.510(6)(b) Table 1B of the Town Code, the maximum density (units per acre) is 20 du/ac for mixed-use projects in the C1-HEOZ zone. According to the builder's Remedy, we are permitted to construct additional units, resulting in an acceptable density of 92 du/ac.

Pursuant to the governing provisions of the Builder's Remedy of the Housing Accountability Act, the Town cannot deny the Project, even if it is inconsistent with the Town's General Plan land use designation or zoning standards, including the standard referenced above. The Town must apply its development standards in a manner that facilitates development of the project at the density proposed on the site. The Project also qualifies for benefits under the Density Bonus Law because it provides qualifying levels of affordable housing. Although not necessary due to the benefits of the Builder's Remedy, the Applicant continues to reserve its right to request a Density Bonus Law waiver of this standard.

### **4. Site Setbacks:**

The following minimum yard requirements apply along those property lines of a lot in the C-1 zone which abut or are across the street from a lot in a residential zone:

- 3) a. Front 25 feet – We have setback the building 15'-0" from the property line to provide a continuous frontage along the sidewalk per Objective Design Standards A12.1. We meet the requirements of the façade design based on other sections of the same.
- b. Side abutting street 15 feet - We have 15'-0" on 1<sup>st</sup> Floor and 9'-0" on Upper Floors along Gateway Drive. We have upper floors further out on the upper floors to provide a covering to the commercial entry per Obj. design Standards B.1.1c
- c. Side – None required and none provided at Stair #3 facing Panera.
- d. Rear 20 feet - We have 25'-0" Min. on 1<sup>st</sup> Floor from Stair #4 to P.L. . The Commercial Space wall is even further back from there. and 3'-4" Min. on Upper Floors. The upper floor provides an entry cover with a colonnade per Obj. design Standards B1.1c and B1.1f on Carlton Ave.

Pursuant to the governing provisions of the Builder's Remedy of the Housing Accountability Act, the Town cannot deny the Project, even if it is inconsistent with the Town's General Plan land use designation or zoning standards, including the setback standards referenced above. The Town must apply its development standards in a manner that facilitates development of the project at the density proposed on the site. The Project also qualifies for benefits under the Density Bonus Law because it provides qualifying levels of affordable housing. Although not necessary due to the benefits of the Builder's Remedy, the Applicant continues to reserve its right to request a Density Bonus Law waiver of this standard.

### **Justification for the Project:**

The Arya is proposed at this time because of California's Housing Crisis. California enacted the Housing Crisis Act of 2019 as a direct response to this crisis. The Arya is being proposed at this time to address the severe housing shortage resulting from a lack of affordable housing and market rate housing in Los Gatos.

Respectfully,

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Principal



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