

January 30, 2026

Via Electronic Submittal

Ryan Safty, Associate Planner
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Letter of Justification / Formal Application Pursuant to SB 330 for 15495 Los Gatos Boulevard, Los Gatos (APN 424-22-030)

Dear Mr. Safty,

Green Valley Corporation dba Swenson respectfully submits this Letter of Justification in support of its development application for a new multi-family residential condominium community located at 15495, 15505, 15525, and 15545 Los Gatos Boulevard.

Project Summary

Swenson proposes to redevelop the project site with a new 80-unit multi-family Townhome Style condominium community. The project consists of the demolition of existing commercial structures and the construction of a new residential development including associated site improvements, circulation, parking, infrastructure, landscaping, community and private open space, and subdivision of the property into condominium ownership.

The development will be constructed as a condominium subdivision, with individual residential units in separate ownership and common areas—including private drives, utilities, parking areas, landscaping, and shared open space—owned and maintained through a homeowners association pursuant to recorded CC&Rs.

Requested Approvals

We respectfully Request for Approval for Demolition of Existing Commercial Structures, Construction of a Multi-Family Residential Development (80 Units), a Conditional Use Permit, a Condominium Vesting Tentative Map, and Site Improvements Requiring a Grading Permit, Under Senate Bill 330 (SB 330) on Property Zoned CH. APN 424-22-030. The project is categorically exempt from CEQA pursuant to CEQA Guidelines §15332 (California Code of Regulations, Title 14, Chapter 3 – Class 32 Infill

Development Projects).

Swenson submitted an SB 330 Preliminary Application for the project, and the project is subject to the ordinances, policies, and standards adopted and in effect at the time of the Preliminary Application submission pursuant to Government Code §65589.5 (California Legislative Information, Chapter 4.3 – Housing Crisis Act of 2019 / SB 330).

General Plan and Zoning Consistency

The project site is located within a developed infill corridor along Los Gatos Boulevard and is served by existing infrastructure, public services, and transit access. The proposed residential development advances the Town’s housing objectives by providing new housing supply in an urbanized area and supports General Plan policies encouraging infill development, efficient land utilization, and residential growth in established corridors.

The site is suitable for residential development and contributes to the Town’s ability to meet its Regional Housing Needs Allocation (RHNA). The proposed residential density is consistent with the Town’s General Plan when considered in conjunction with the project’s provision of affordable housing units and the application of State housing law, including the State Density Bonus Law, which permits increased density and regulatory flexibility in exchange for the provision of affordable housing.

Density Consistency and State Housing Law Framework

The project’s density is consistent with the Town’s General Plan and zoning framework when evaluated in conjunction with State housing law. The project provides required Below Market Price units and therefore qualifies for regulatory benefits under Government Code §65915 (California Legislative Information, Chapter 3 – Density Bonus Law). The Density Bonus Law expressly authorizes increased density and relief from development standards where affordable housing is provided. Accordingly, the project’s residential yield, site configuration, and development intensity are consistent with the Town’s land use framework as modified by State housing law provisions.

Affordable Housing and BMP Program Compliance

The project provides thirteen (13) Below Market Price (BMP) units in compliance with the Town of Los Gatos Below Market Price Housing Program, consisting of seven (7) moderate-income units at 120% AMI and six (6) low-income units at 80% AMI. The BMP units are:

- Integrated throughout the development
- Comparable in quality, design, construction, and finishes to market-rate units
- Distributed across the site
- Located within residential buildings and not segregated
- Provided with equal access to project amenities and common facilities

Unit locations, quantities, unit types, and affordability levels are identified on the project plans and information sheets. The affordable units directly contribute to the Town's affordable housing supply, RHNA obligations, and Housing Element implementation goals.

State Housing Policy Consistency

The project is consistent with State housing policy objectives, including policies promoting housing production, infill development, and affordable housing integration. The development supports California's statewide housing goals by increasing residential supply in a developed urban area, providing inclusionary housing units, and utilizing State housing incentive programs to facilitate feasible residential development.

Architecture and Site Approval

Swenson respectfully requests that the Town grant Architecture and Site Approval for the project. The project has been designed to substantially comply with the Town of Los Gatos Objective Design Standards, as documented in the submitted plans and Objective Design Standards Checklist.

Where full compliance is not achieved, Swenson seeks relief pursuant to applicable State law, as described herein.

Conditional Use Permit Findings

The proposed uses of the property are essential and desirable to the public convenience and welfare, as the project increases housing supply, provides affordable housing, and advances the Town's housing and community development objectives in a developed infill corridor.

The proposed uses will not be detrimental to public health, safety, or general welfare. The project is designed with appropriate access, circulation, infrastructure, utilities, fire access, and life-safety features and will comply with all applicable building, fire, and engineering standards.

The proposed uses of the property are in harmony with the various elements and objectives of the General Plan and the purposes of the Town's zoning ordinance, as the project supports infill development, efficient land utilization, residential growth in established corridors, and the Town's housing policy objectives.

Solar and Energy Efficiency Measures

The project incorporates energy efficiency and sustainability measures consistent with applicable State and local standards, including compliance with California Energy Code requirements and solar readiness provisions. Building systems, site design, and infrastructure planning have been coordinated to support energy efficiency, resource conservation, and long-term operational sustainability.

Traffic, Infrastructure, and Public Benefit

The project is located in a developed corridor served by existing infrastructure, utilities, and transportation systems. The proposed residential development supports efficient land use patterns, reduces pressure on undeveloped land, and promotes infill development in proximity to services and employment centers, thereby providing a public benefit consistent with General Plan policies.

State Law Authority

All waivers, concessions, and regulatory relief requested for this project are sought exclusively pursuant to the State Density Bonus Law.

The project qualifies for benefits through the provision of Below Market Price units in compliance with the Town of Los Gatos Below Market Price Housing Program. Upon qualification, this authorizes local agencies to grant incentives, concessions, and waivers or reductions of development standards where the application of such standards would physically preclude the construction of the project at the permitted density and configuration.

No other State law is invoked to authorize development standard exceptions. Senate Bill 330 is relied upon solely for vesting of applicable regulations and statutory processing protections and along with locking in the fees at time of application submittal (2024).

State Density Bonus – Waivers and Concessions

Pursuant to Government Code §65915(d) (California Legislative Information, Chapter 3 – Waivers and

Reductions of Development Standards), Swenson respectfully requests the following waivers of development standards, as strict application would physically constrain reasonable development of the site and preclude construction of the project as proposed:

Requested Waivers / Reductions of Development Standards

Waiver – Minimum Site Landscaping Coverage

Swenson respectfully requests a waiver or reduction of development standards to modify the minimum site landscaping coverage requirement.

Strict compliance with the 20% landscaped area standard would require reconfiguration of building footprints, internal circulation, fire access, and site geometry, which would physically preclude construction of the project as proposed. Compliance would result in loss of units and reduced housing yield, which is inconsistent with the project objectives and would reduce the number of affordable units provided.

Waiver – Minimum Community Recreation Space

Swenson respectfully requests a waiver or reduction of development standards to modify the minimum community recreation space requirement.

It is not physically possible to provide 100 square feet of community recreation space per unit without eliminating units or substantially reducing building area, which is not consistent with the project as proposed or the project objectives. Eliminating units would reduce the number of Below Market Price units and conflict with the Town's obligation to affirmatively further fair housing. Creating significant cost impact to the HOA and ongoing amenity costs.

Waiver – Short-Term Bicycle Parking Standards

Swenson respectfully requests a waiver or reduction of development standards to modify short-term bicycle parking placement and quantity requirements.

It is not physically possible to comply with the full placement and quantity standards without eliminating units, disrupting circulation systems, or compromising site safety and functionality. Full compliance would physically constrain the site layout and reduce achievable housing yield.

Waiver – Rear Setback Requirements (Including 37'-3" Condition)

Swenson respectfully requests a waiver or reduction of development standards to modify rear setback

requirements, including the 37'-3" rear setback condition.

It is not physically possible to comply with the rear setback standard without eliminating units or substantially reducing floor area, which is not consistent with the project as proposed or the project objectives. Eliminating units would reduce the number of Below Market Price units and conflict with fair housing objectives.

Waiver – Balcony Placement, Projection, and Separation

Swenson respectfully requests a waiver or reduction of development standards to modify balcony placement, projection, and separation requirements.

Strict compliance would require elimination of private open space areas or significant redesign that would reduce unit livability and housing yield, which is inconsistent with the project as proposed.

Waiver – Upper-Level Stepback and Setback Standards

Swenson respectfully requests a waiver or reduction of development standards to modify upper-level stepback and setback requirements.

It is not physically possible to comply with the upper-level stepback standards without eliminating units or reducing floor area, which would conflict with the project objectives and reduce the number of Below Market Price units.

Waiver – Rear-Yard Deck Separation Standards

Swenson respectfully requests a waiver or reduction of development standards to modify rear-yard deck separation requirements adjacent to residential uses.

Strict compliance would require removal or relocation of decks and private open space areas, reducing unit functionality and residential quality, and physically constraining reasonable development of the site.

Waiver – Street-Facing Frontage Treatment Standards (Non-Primary Buildings)

Swenson respectfully requests a waiver or reduction of development standards to modify street-facing frontage treatment standards for Buildings #2 and #5.

It is not physically appropriate or feasible to impose primary frontage articulation standards on non-primary edge buildings without artificial massing treatments that conflict with site geometry and

circulation and physically constrain reasonable development of the site.

Waiver – Building Massing and Articulation Standards for Edge Buildings

Swenson respectfully requests a waiver or reduction of development standards to modify massing and articulation requirements for non-primary buildings located at site edges.

Strict application would require artificial building articulation and massing treatments that conflict with site configuration and physically constrain reasonable development of the project as proposed.

Requested Concessions / Incentives

Pursuant to Government Code §65915(e) (California Legislative Information, Chapter 3 – Waivers and Reductions of Development Standards) Swenson respectfully requests the following concessions or incentives, as these modifications result in identifiable and actual cost reductions and are necessary to make the project economically feasible while supporting the delivery of affordable housing:

Concession – Site Layout and Planning Flexibility

A concession to allow flexibility in site layout standards, enabling efficient placement of buildings, access drives, utilities, fire access, and service areas without unnecessary redesign requirements that increase construction costs and reduce housing yield.

Concession – Circulation and Access Design

A concession to allow flexibility in internal circulation, driveway geometry, turning movements, and access standards to avoid excessive grading, paving, and infrastructure costs while maintaining safety and functionality.

Concession – Open Space Configuration

A concession to allow flexibility in the configuration and distribution of open space areas to avoid inefficient land allocation that would reduce housing yield or increase development costs.

Concession – Building Placement and Orientation

A concession to allow flexibility in building placement, orientation, and spacing to accommodate site geometry, fire access, and infrastructure systems without triggering costly redesigns or unit reductions.

Concession – Building Form and Architectural Design

A concession to allow flexibility in building form, massing, and architectural standards to avoid design requirements that significantly increase construction costs without corresponding public benefit.

Concession – Infrastructure and Utility Layout

A concession to allow flexibility in infrastructure alignment, utility placement, grading, and drainage systems to avoid costly relocations, trenching, and inefficient infrastructure construction.

Conclusion

The proposed project advances housing production, supports the Town's housing and community development objectives, and delivers high-quality infill residential development in a developed urban corridor. The project is consistent with the General Plan, Town policy, and State housing law.

The requested waivers and concessions are limited in scope, legally supported, and necessary to allow reasonable development of the site under the State Density Bonus Law.

Swenson respectfully requests approval of the proposed project and associated waivers and concessions and looks forward to working collaboratively with the Town through the review process.

Sincerely,



Mark Pilarczyk, President Development