



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 06/12/2019

ITEM NO: 2

ADDENDUM

DATE: JUNE 11, 2019

TO: PLANNING COMMISSION

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PLANNED DEVELOPMENT APPLICATION PD-17-002 AND NEGATIVE DECLARATION ND-19-002. PROJECT LOCATION: 16212 LOS GATOS BOULEVARD. PROPERTY OWNER/APPLICANT: 16212 LOS GATOS BLVD. LLC.

REQUESTING APPROVAL OF A PLANNED DEVELOPMENT TO RE-ZONE TWO PROPERTIES ZONED CH TO CH:PD TO ALLOW FOR CONSTRUCTION OF A NEW COMMERCIAL BUILDING. APN 523-06-010 AND -011.

REMARKS:

Exhibit 14 includes additional public comments received between 11:01 a.m., Friday, June 7, 2019 and 11:00 a.m., Tuesday, June 11, 2019.

Exhibit 15 includes a Project Information Sheet from the Town's Engineering Division.

EXHIBITS:

Previously received under separate cover:

1. May 2019 Draft Initial Study and Negative Declaration

Previously received with the June 12, 2019 Staff Report:

2. Location Map
3. Required Findings (one page)
4. February 24, 2016 Planning Commission Staff Report and minutes (22 pages)
5. August 10, 2016, Conceptual Development Advisory Committee meeting minutes (three pages)
6. Project Overview and Letter of Justification received April 13, 2018 (three pages)
7. Consulting Arborist's Report dated November 20, 2017 (37 pages)
8. Consulting Architect's Report dated December 13, 2017 (ten pages)

PREPARED BY: RYAN SAFTY
ASSOCIATE PLANNER

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 16212 LOS GATOS BOULEVARD/PD-17-002 AND ND-19-002

JUNE 11, 2019

9. Applicant's response to Consulting Architect's Report received June 7, 2019 (two pages)
10. Justification for Exceptions and Response to Comments, received June 7, 2019 (four pages)
11. Color and materials board received May 30, 2019 (one sheet)
12. Planned Development Ordinance (31 pages) with Exhibit A Rezone Area (one page) and Exhibit B Development Plans, received May 30, 2019 (37 sheets)
13. Public comments received by 11:00 a.m. on Friday June 7, 2019

Received with this Addendum Report:

14. Public comments received between 11:01 a.m., Friday, June 7, 2019 and 11:00 a.m., Tuesday, June 11, 2019
15. Project Information Sheet by Engineering Division (four pages)

Ryan Safty

From: Cathleen Bannon <cathleenbannon@gmail.com>
Sent: Saturday, June 8, 2019 5:27 PM
To: Ryan Safty
Subject: Proposed building at Shannon/LG Blvd

RECEIVED

Follow Up Flag: Follow up
Flag Status: Flagged

JUN - 8 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Hello, I live on Kennedy Rd with children at Van Meter Elementary and Fisher.

I am concerned with the proposal as there is a reduced setback than all other buildings in the area which takes away from the neighborhood feel and loss of green to the Boulevard.

I am also concerned about the reduced lanes as traffic in the area around the school is already at an all time high.

We need to be very careful about the type of business /number of cars vs number of parking spaces for cars in the area as this corner due to the hundreds of kids using that intersection each day.

Thank you for making sure any proposed buildings are appropriate for the immediate neighborhood and only improves safety for our kids.

Thank you - Cathleen Bannon

Ryan Safty

From: Ryan Safty
Sent: Monday, June 10, 2019 8:14 AM
To: Ryan Safty
Subject: FW: New development

RECEIVED

JUN -9 2019

TOWN OF LOS GATOS
PLANNING DIVISION

From: Carleen <carleen_schomberg@comcast.net>
Sent: Sunday, June 09, 2019 6:21 PM
To: Planning <Planning@losgatosca.gov>
Subject: New development

To Whom It May Concern,

I am writing about a new building storyboard I recently saw on the corner of L.G. Blvd and Shannon Rd. Some of us who live in North Los Gatos are starting to feel like the town's ugly stepsisters. It seems that with every new commercial building, more and more of our view of the hills is obstructed. And more traffic is added to our roads. At the least, this new building could have been lowered and moved to the back of the parcel, with landscaping on the street side. I've lived here all my life and seen the charm and character of the town slowly eroded. Do you foresee a time when quality of life could possibly be considered before maximizing every square foot of land for profit. There has to be a balance somewhere.

Thank you for listening and considering our feelings.

The Schombergs (and many of our friends and neighbors)

239 Marchmont Drive
Los Gatos, CA 95032
June 8, 2019

Planning Commission
Town of Los Gatos
10 Main Street
Los Gatos, CA 95030

RECEIVED

JUN - 8 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Subject: 16212 Los Gatos Boulevard

Dear Planning Commission Members:

I object to the approval of the plan for 16212 Los Gatos Boulevard for the following reasons:

- **INSUFFICIENT SETBACKS.** The building will have a reduced setback along Los Gatos Boulevard of 5 feet when Town Code requires 25 feet based on the proposed building height of nearly 30 feet. I tried to access the developer's justification for this in Exhibit 10, but the Metaviewer does not load the relevant material beyond page 157 (of 186). I assume the justification has to do with the sidewalk that extends out into the current roadway, thus eliminating the third lane of Los Gatos Boulevard.

The lack of a setback will create an unsightly area in a heavily traveled location. In general, there is never a good reason to go against the existing Town Code. Why have sensible, well-thought-through regulations like the 25-foot setback if they are easily sidestepped?

- **OBSTRUCTION OF HILLSIDE VIEWS.** I recognize that the building would be within Town Code requirements for 2-story buildings. However, this 2-story building, because of its location on the lot, would eliminate views of the mountains that residents currently enjoy. I don't believe the Town should permit this violation of residents' enjoyment of hillside views.

A 1-story building, like that across the street occupied by Orange Theory is much more appropriate for this space.

Thank you for your service and dedication to the Town of Los Gatos.

Sincerely,

Barbara Dodson

Ryan Safty

From: Maxine Granadino <itisapigsty@comcast.net>
Sent: Monday, June 10, 2019 9:07 AM
To: Ryan Safty
Subject: Proposed development at Shannon and L G Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

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JUN 10 2019
TOWN OF LOS GATOS
PLANNING DIVISION

Hello,

Unable to make the meeting regarding the proposed development at Shannon Road and Los Gatos Blvd, so here a couple of my concerns.

Traffic: I understand that the intersection and crosswalk will be altered. I would hope that the right and left turn lanes from westbound Shannon onto LG Blvd will remain, as this can be a crowded intersection. Also, will cars leaving the development be able to exit directly onto LG Blvd? If they can only use Shannon for access and egress, that will create a traffic mess.

And speaking of traffic concerns, previous meetings of the planning commission that I have attended have stated that medical offices create among the highest volume traffic patterns. Those of us who live nearby are concerned with how that will impact our neighborhood.

As it appears that several large trees will be removed, will the developer be required to replace those, even if somewhere else in town, just as homeowners would?

Thank you for your time,
Maxine Granadino

Ryan Safty

From: Alexandra Swafford <alexandra@swafford.com>
Sent: Monday, June 10, 2019 10:33 AM
To: Ryan Safty
Subject: Shannon and LG Blvd construction

RECEIVED

JUN 10 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Dear Planning Commission/Town,

It has come to our attention that there is a request for a variance by the developers on the corner of Shannon and LG Blvd. We live on S. Kennedy, and when the story poles went up, we assumed it was an error (it was windy and they were struggling). We will be out of town and unable to attend the meeting on the 12th, but we would like our opinion, as a resident who DOES use the turns on and off Shannon onto/and off of LG Blvd, to be noted as a huge OBJECTION.

There is no earthly reason, to grant a variance of any sort on the setback from LG Blvd. The character of LG (even down on LG Blvd) is of an open, welcoming, 'view of the mountains', green and 'town' (not city) feel. To run a building right up in everyone's faces, remove parking, narrow lanes is wildly shortsighted. Traffic along there, with three schools coming and going, lots of foot traffic, residents who often have no way off the mountain when there is traffic...! I am not sure if this is a negotiation tactic by the developer(s), but there is **zero** reason to have ANY variance to the setback at all. They want to have parking spaces in front, with lots of smaller trees, that could be considered.

We are glad to meet with anyone or try to attend any future meetings, though we leave town for the summer. We are leaving town in 5 minutes, so apologize for the hastily written email.

This is an OBJECTION to the variance of the setback and the reduction in the lane/street parking, etc.

Hastily,

Alexandra & David Swafford 104 Bond Court, Los Gatos

Opposition to Planned Development Application for 16212 Los Gatos Boulevard

Jeffrey A. Barnett

6.9.19

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JUN 10 2019

TOWN OF LOS GATOS
PLANNING DIVISION

My wife, Moni, and I are 36 year residents of 101 Wollin Way. Our home is approximately .8 miles from the intersection of Shannon Road and Los Gatos Boulevard. We use this intersection extremely often.

We oppose the application of 16212 Los Gatos Blvd., LLC (“STEM”) for a negative declaration and planned development application on the following grounds:

- The proposal does not meet the standards of a planned development overlay zone.

Planned development overlay zones require that a development be in harmony with the existing or potential development of the surrounding neighborhood, be of quality design, and ensure orderly planning. See 2020 General Plan, Land Use Element, Page LU-16.

As admitted by the developer, the front setback along Los Gatos Boulevard is proposed to be reduced from the CH Zone requirement of 25 feet to a mere 5 feet. This is an 80% degradation of the setback. The configuration is not in harmony with existing developments on the Boulevard. 16268 Los Gatos Boulevard (the Compass Building), which STEM cites as similar to the proposal, in fact has a setback of 25 feet from the face of the building to the sidewalk.

- The proposal is not consistent with the Los Gatos Boulevard Plan.

The Vision Statement of the Los Gatos Boulevard Plan establishes the goal of preserving and protecting the essence of Los Gatos’ history, individuality, character and natural environment. The projected building is incompatible with this vision. It conflicts with the character of the Boulevard. No other buildings on Los Gatos Boulevard tower over the sidewalk with a nominal setback. The planned building might be compatible with construction on El Camino Real in Sunnyvale or Mountain View, but it dramatically clashes with the look and feel of Los Gatos Boulevard.

- The project conflicts with the requirements of the Los Gatos Commercial Guidelines.

The Guidelines state in Section 3.1 on Page 7 that they are intended to, among other things, (1) maintain a building scale that is consistent with the Town's small scale image; (2) reinforce the special qualities of the Town's visual character; and (3) provide visual continuity along street frontages.

Section 1.4, on Page 8 relating to community expectations, includes the principle of constructing to scale and character appropriate to the setting.

Section 5.1A on Page 42 emphasizes the importance of projects maintaining a strong, landscaped setback along street edges.

Section 5.A.2.1(a) on Page 43 requires a 15 foot landscaped setback to the fronting sidewalk.

Section 5.A.2.6(a) on Page 44 states that buildings on corner locations should generally be limited to one story in height.

The planned development application should be denied until the substance and spirit of the Commercial Guidelines are met.

- The proposal conflicts with the General Plan.

The General Plan provides in Policy LU-6.5 on Page LU-25 that the type, density and intensity of new land use shall be consistent with that of immediate neighborhood.

It further provides in Policy LU-6.8, also on Page LU-25, that new construction, remodels, and additions shall be compatible and blend with the immediate neighborhood.

The STEM request would result in a structure that is inconsistent with that of the immediate neighborhood. The proposed building is not compatible, nor does it blend with, the immediate neighborhood. The incongruity results from placing a large, two story building in immediate proximity to the sidewalk.

- A negative declaration is inappropriate.

The project would have a significant adverse aesthetic impact on the environment. It is too massive and close to the boundary. It would conflict with the appearance of the other structures at the intersection and throughout the Boulevard. It therefore cannot qualify for a negative declaration. Negative effects on the environment include aesthetic considerations. By statute, "Significant effect on the environment" means a substantial, or potentially substantial, adverse

change in the environment." (§ 21068.) By regulation, the term in part includes "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project." (Cal. Code Regs., tit. 14, § 15382.)14 CCR § 15382.

Lay opinions of local community members create a fair argument of potentially significant adverse aesthetic environmental impacts. See *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358.

Here it is anticipated that there will be a number of objections to the adverse aesthetics of the contemplated construction. As required by *Georgetown*, the Commission should consider these comments as creating a proper basis to deny the requested negative declaration.

Thank you for your consideration of these comments.



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JUN 11 2019

TOWN OF LOS GATOS
PLANNING DIVISION

TOWN OF LOS GATOS
PARKS AND PUBLIC WORKS

PROJECT INFORMATION SHEET

Engineering Division

June 12, 2019

ITEM: 16212 Los Gatos Boulevard; APN: 523-06-010 and 523-06-011
Planned Development Application PD-17-002
Requesting approval of a Planned Development to re-zone a property from CH to CH:PD.
PROPERTY OWNER/APPLICANT: 16212 Los Gatos Blvd., LLC

Q: Where is the development project?

A: The proposed development project is located at the northeastern corner of the intersection of Los Gatos Boulevard and Shannon Road.

Q: What is the proposed use?

A: The proposed development would construct a new two-story mixed-use commercial building with a total of 11,317 square feet of commercial space in addition to the existing commercial building which will remain.

Q: How many additional trips will be generated by the project?

A: Utilizing data from the Institute of Transportation Engineering's (ITE) *Trip Generation Manual*, the project would generate 335 new average daily trips as compared to the current commercial use. This number includes 14 new trips during the AM peak hour and 34 new trips during the PM peak hour.

Q: Did the proposed project complete a traffic study?

A: Yes. In accordance with Town's Traffic Impact Policy, a traffic impact analysis (TIA) is required for any private development projects that are expected to add 20 or more trips in the AM or PM peak hours.

Q: How are AM and PM peak hours selected for any given intersection?

A: The Town's traffic consultants conduct traffic counts between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM during weekdays when schools are in session for studied intersections. The one-hour duration with the highest traffic concentration (based on traffic counts) during both these morning and evening periods are selected as the peak hours.

Q: How is the number of vehicle trips calculated?

A: The number of vehicle trips generated by a development project is determined by using the applicable trip generation rate from the Institute of Transportation Engineers (ITE) *Trip Generation Manual* or alternative sources in accordance with the Town's Traffic Impact Policy. Use of the ITE trip generation rates for estimating the number of vehicle trips is a standard practice, and is also consistent with the VTA's traffic impact analysis guidelines.



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

Q: What can be done to reduce the number of vehicle trips generated by the project?

A: Even though the project is not expected to cause significant traffic impacts, a TDM (Transportation Demand Management) plan would be required for the development. The TDM plan would include a list of measures for reducing single-occupant vehicle trips and encourage alternative transportation modes such as riding bicycles, carpooling, and riding transit.

Q: Is any increase in traffic from a new development considered a significant impact to the nearby traffic intersections and surrounding area?

A: No. The Town's General Plan (GP) and Traffic Impact Policy define a significant traffic impact based on changes to the intersection's Level of Service (LOS).

Q: What is LOS and how does it determine the impacts of project traffic on the Town?

A: Traffic engineering standards use LOS (Level of Service) to determine project traffic impacts. LOS represents traffic intersection congestion by a letter scale that ranges from LOS A to LOS F, with LOS A representing the least or no congestion. The Town's Traffic Impact Policy and General Plan (GP) do not allow for developments to drop the LOS at an intersection by more than one level or below LOS D without requiring the development to mitigate or provide a "fix" for the increased traffic delay. A project TIA analyzes LOS at impacted intersections as a function of the average vehicle delay and determines the impact significance and any required mitigation. *The impacts are only considered significant if the LOS drops more than one level or below a LOS D.*

Q: What are the TIA's findings of the LOS impact for this project?

A: For the currently proposed project, the TIA concluded that the intersections would not drop more than one level or below a LOS D. Therefore, the project would not create a significant impact on traffic. The intersections that were included in the analysis are: Blossom Hill Road and Roberts Road; Los Gatos Boulevard and Blossom Hill Road; Los Gatos Boulevard, Roberts Road and Shannon Road; and Los Gatos Boulevard and Nino Avenue.

Q: Does this project trigger traffic impact mitigation fees to be paid to the Town?

A: Yes. The Developer is required per Condition of Approval 92 to pay the project's proportional share of transportation improvements needed to serve cumulative development within the Town of Los Gatos as calculated using a comparison between the existing and proposed uses. The current amount based on the project plans is **\$311,550.00**.

Q: The plans show extensive changes to the offset intersection of Los Gatos Boulevard, Shannon Road and Roberts Road – why is that?

A: The development plans include changes to the intersection required by the Town through the Council-approved Safe Routes to School (SR2S) Report, which is also part of the Town's Bicycle and Pedestrian Master Plan. Both of these documents were approved by the Town



TOWN OF LOS GATOS PARKS AND PUBLIC WORKS

Council to increase safety for schoolchildren walking and biking to Van Meter and Blossom Hill Elementary, Fisher Middle and Los Gatos High Schools. Town staff has also required added safety improvements where needed. These necessary safety improvements include the following:

- Removal of the pork chop island for right turns from Shannon Road to Los Gatos Boulevard, increasing safety for pedestrians and bicyclists. This will provide greater protection than the existing “No Turn on Red” sign (see figure 1 at right).
- Widening of the sidewalk along northbound Los Gatos Boulevard to a width of ten (10) feet between Shannon Road and Magneson Loop and installation of a separated sidewalk (planter strip).
- Widening of the sidewalk along the westbound Shannon Road frontage and installation of a separated sidewalk (planter strip).
- A protected green bike lane along the project’s Los Gatos Boulevard frontage.
- Relocation of the crosswalk across Los Gatos Boulevard from the northeast corner of the Los Gatos Boulevard/Shannon Road intersection to the southwest corner of the Los Gatos Boulevard/Roberts Road intersection providing better visibility.
- A bike box on westbound Shannon Road to allow for bicyclists to queue ahead of vehicular traffic for left turns onto southbound Los Gatos Boulevard.



Figure 1: No Turn on Red signage for right turns from Shannon Road to Los Gatos Blvd

All of these items can be located on page 35 of the SR25 Report, where a summary of these modifications is accompanied with a schematic diagram of the envisioned improvements:



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

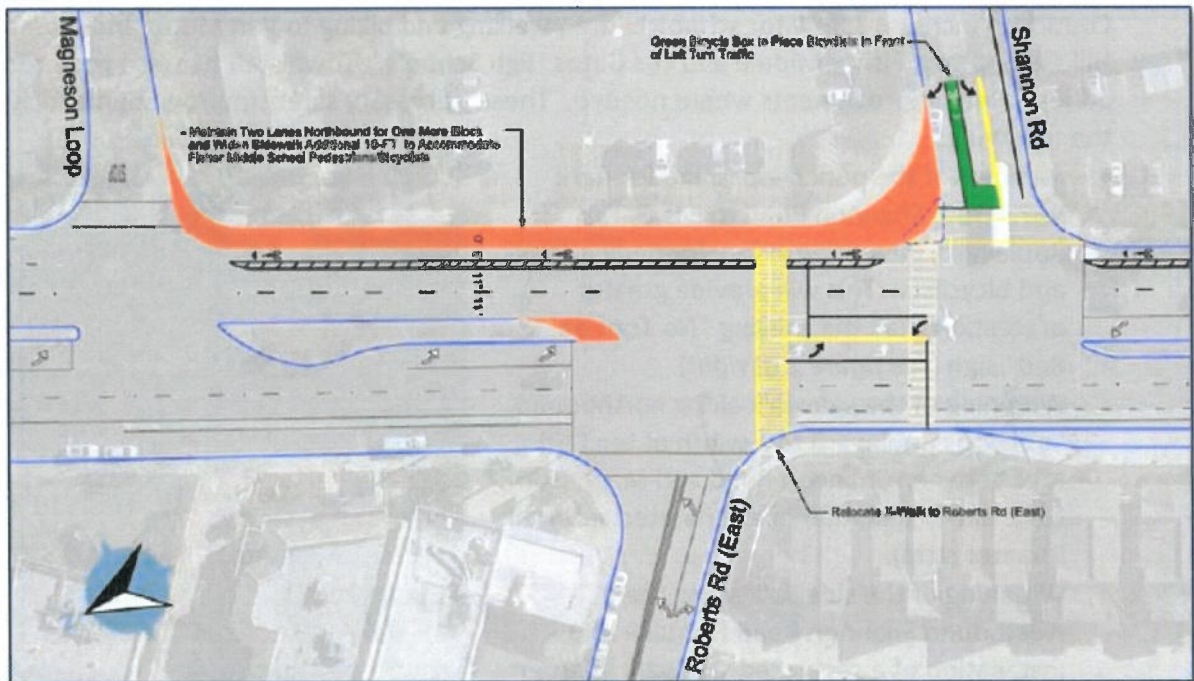


Figure 2: Concept Plan Line drawing, Safe Routes to School Report; accepted by Council 10/18/2016

Q: What other off-site improvements will be constructed by the proposed project?

A: The following off-site improvements would be required:

- Remove and replace the existing pavement section along the project's Shannon Road frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the north side of the street, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- Remove and replace the existing pavement section along the project's Los Gatos Boulevard frontage with a traffic-appropriate engineered structural pavement section from centerline to the lip of gutter on the east side of the street.

Q: Does the Town Engineering staff or the Town's engineering consultant have concerns with the proposed project creating safety issues regarding traffic?

A: No. The project analysis for traffic was conducted by the developer's traffic consultant and subsequently reviewed by Engineering staff and the Town's traffic engineering peer review consultant. As currently designed, the proposed project meets the Town Code requirements as well as accepted engineering standards.