

June 9, 2021

Council Members
Town of Los Gatos
110 E Main Street
Los Gatos CA 95030

Re: Request of Forbes Mill LLC for Pop Up Restaurant at the Forbes Mill Annex,
75 Main Street

Dear Council Members:

I am the President of the Forbes Mill Homeowners Association which represents the 48 families that comprise the Forbes Mill Condominiums located at 55 and 95 Church Street.

As you know, our two condominium buildings share an ingress and egress road and sidewalks with the Forbes Mill Annex building. The Annex is located at the bottom of the footbridge that connects our properties and Old Towne. The road down through our complex also serves as an entry point to the Los Gatos Trail. A small parking lot with 13 spaces in front of the Annex Building serves that building, as well as the trail and footbridge users. There are also 4 parking spaces adjacent to the small parking lot that belong to Forbes Mill Condominiums.

The Lessee of the Annex, Forbes Mill, LLC, through their leasing agent, Pennant Properties, informed us this week that they have requested Town approval of their application to locate a "pop up" restaurant outside the Annex building. This 'restaurant' would be a food trailer serving food and beer and wine outdoors on Saturdays from 9 a.m. until 9 p.m. from June through October. The Lessee would add outdoor tables and open the restrooms inside the Annex building for patrons.

The Forbes Mill Homeowners strongly object to this application and strongly urge the Council to deny it. First and foremost, our 48 families have been reassured over and over again that the use of the Annex Building would be compatible with our homes and with the current flow of traffic in and out of our

property. Previously, the Annex building housed the Los Gatos Museum and we understood that a tenant was being sought for office use. Instead, a 'pop up' restaurant is now being proposed with the stated purpose by the Lessee to give them a 'chance to see if food uses work' at the property.

For over 40 years, our 48 families have honored our agreement to keep the road, sidewalks, and Annex parking lot clean; the landscaping well-tended. Forbes Mill Homeowners pay cleaning and landscaping support staff to pick up candy and food wrappers, plastic bottles, other trash and often dog droppings left behind by 'visitors' who walk and drive through our property on their way to and from the Annex Building, the Los Gatos Trail, and/or the footbridge.

At our cost, we have maintained flowering bushes and over 40 large redwood, eucalyptus, and sycamore trees that make up the beautiful vista that surrounds our property, the Annex, and the footbridge. We have done so willingly as good neighbors and good citizens of Los Gatos. We always believed and were reassured that the Annex Building would have a tenant compatible with our arrangement.

It was never contemplated that there would be this kind of intensive use of the roadway and sidewalks and that it could become a 'high traffic/high use' area. Forbes Mill Condominiums did not sign up for 'any and all uses'. We agreed to share this mutual road and sidewalks on a low density use basis. Now, we see the prospect that the easement will be overburdened by its change to an intensive use.

If this project were to be approved, our 48 families would be asked to endure a food trailer lugged down our roadway early every Saturday morning and lugged up our roadway late every Saturday night. We would be asked to endure the sights, sounds, and smells of food being prepared in time for service starting at 9 a.m. We would be forced to endure very early start times for set up and then endure very late end times for take down after the restaurant closes at 9 p.m.

We would be asked to endure increased auto and foot traffic up and down and through our property. One can reasonably ask with only 13 parking spaces in front of the Annex Building (one of which is handicap), where will food workers park, where will non-event auto traffic park when the small parking lot fills up. These autos will avail themselves to the Forbes Mill Condominium parking lots and what is our recourse as a private property? Only one: hire security, hire a towing company and incur the expense of parking enforcement not to mention incur the wrath of visitors whose cars are towed.

In addition, the proposal includes the request to serve wine and beer from open at 9 a.m. to close at 9 p.m. every Saturday. This may attract an element to our property that will be challenging for other reasons. No mention is made of music but music is only one of the foreseeable next steps for 'eating ambience'. The Lessee has directly stated that if this 'food trailer concept' is successful, their next step would be a more permanent 'food use' at the Annex Building.

This project is far different than office workers going to and from their office at the Annex. This proposal is far different than occasional bike riders using the road to access the Trail; far different than occasional autos driving down to park in front of the Annex to access the trail; far different than people walking down our sidewalks on the way to the Trail or the footbridge to Old Towne. To our families, this project means additional auto and foot traffic, additional trash to clean up, additional noise, additional people wandering through our property, increased security for parking and towing from overflow into our parking areas. It is not the use we have been assured the Annex property would have.

Added to this scenario is the Lessee's stated intention to see if this project can lead to the Annex building becoming a permanent destination for food and alcoholic beverage service. This is not the low density use we contemplated many years ago when we entered into the easement agreement, an agreement we have faithfully kept.

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We respectfully request that Council deny this use. The Annex Building is and was designated for office use. Forbes Mill Condominiums has been a good neighbor and a cooperative partner in a unique physical location shared with the Town. Turning the Annex grounds into a commercial restaurant venue would be an egregious interference with the right of our 48 families to continue to enjoy our property in a peaceful way, and would be a financial and social burden far beyond that contemplated between Forbes Mill Condominiums and the Town.

Respectfully submitted,

A handwritten signature in black ink that reads "Gregory Hacker, President". The signature is written in a cursive style.

GREGORY HACKER, PRESIDENT

Forbes Mill Homeowners Association