

Dear Commissioners,

A couple of facts have arisen since the Town Hearing a couple weeks ago around the development project at 15860 Winchester Boulevard and I urge the council members who voted in support of the project reconsider, rescind their votes, and bring this matter back for debate in light of new information:

- After the hearing, the members of the council and the neighboring town received a pamphlet from PG&E discussing the high pressure natural gas transmission line that runs adjacent to this property. This matter was raised with both the Planning Commission and Town Council but I do not believe it was given due consideration. The pamphlet states, specifically with regards to Planning, Zoning and Property Development that *"it is crucial to coordinate with pipeline companies to take the location of pipelines into consideration in land use plans."* **This has not been done for this development.** It further states *"the goal of PIPA is to reduce risks and improve safety of affected communities"* and specifically calls out the required identification of *"a facility that is occupied by persons who are confined, are of impaired mobility, or would be difficult to evacuate. Examples of such a facility are hospitals, schools, elder care, **assisted living / nursing facilities**, prisons and child daycares."* I urge the council to take this matter seriously and not make a reckless decision based on simple desire to see this project through. The explosion that occurred in San Bruno in 2010 from one of these pipelines killed eight individuals and destroyed dozens of homes - *we, the neighbors, are the people who will be put at risk if something tragic occurs in the pursuit of an unjustifiably massive development project directly on this pipeline.*
- During the hearing, council member Rob Moore failed to disclose his relationship with one of the members of the Planning Commission. I believe this creates a direct conflict of interest and withholding that information was disingenuous to the public and he should have recused himself from the hearing.

I thank council members Mary Badame and Matthew Hudes for their support of the appeal. I believe they were very judicious in their arguments and justifications as to why they supported the appeal, and I strongly urge the other council members to reconsider their vote and bring this matter back for debate in light of these new points of evidence.

Thank you,

Eric Hulser

[REDACTED]

Dear Los Gatos Town Council,

My name is Ashley Abercrombie Hulser, I am a homeowner at [REDACTED], next to the proposed development project at 15860 Winchester Blvd. My husband, Eric Hulser filed the appeal for this project that was voted upon during the last Town Council hearing.

I am writing in the hopes that the members who voted against the appeal use this opportunity to reconsider their vote and call this matter back for debate.

This decision did not received unanimous support at any level, and I thank the two members who voted in support of the appeal. Both Mary Madame and Matthew Hudes have prior experience serving as Planning Commissioner and as such have considerable experience in these matters, provided sound justifications based on the requirements for this project, and yet were not in the majority losing out to popular opinion and sentiment over sound reason for this development. I find it very unfortunate their voices did not carry more weight in that debate.

The evidence provided in the Appeal stated that the site is not the limiting factor to justify the variances. There seemed to be little refute to that statement, in fact the site itself seemed to be barely discussed. It is still unclear under what grounds the findings were met and that this project did not receive special privileges - the arguments used in favor of the project are due to its aesthetics, a desire to not have the project "go away", and a desire for more housing units. In fact, due to the slope the site seems to provide the perfect cover for the project as it continually is referred to as a two and three story project based on the Winchester Boulevard vantage point, despite the fact that the majority of this project sits behind it as a three to four story project. None of these arguments however justify why the *site* is the problem as required by Town Code, *all* of the arguments seem to be granting special privileges to the Applicant.

One particularly glaring comment, Council Member Rob Rennie stated the "50 feet height does not bother me" since it was toward the back of the building, away from Winchester - as though the height requirement is based on how bothersome it is. The height requirements are very explicit to be measured at every point of the building, to the lower of the natural or finished grade. There was not a single point raised in either the Planning Commission hearing or the Town Council hearing that was able to definitively refute the points raised in the appeal that the *site* justified the project plans and zoning variances. All of the arguments were around the desire for the development to continue for either housing units or in fear of the project being killed, in spite of the town code.

My home is setback from Winchester just as far as this property - would I be allowed to put a third story on my home so that I can once again see the skyline next door once this project is completed? The view from my daughter's bedroom will be replaced from sky with a view into a neighbors bedroom. If I put in project plans for a taller building so that my daughters can have sunlight in their bedrooms again, would I be approved to make my building 50 feet high? It is as far away from Winchester Boulevard as my neighbors will now be, it similarly should not be bothersome to anyone. If I am not allowed to do this, how is it *not* granting a special privilege to the Applicant? We should all be beholden to the same zoning laws. That is what is fair, that is what is right.

When I bought my home in 2019, we did so knowing the 30,000 square foot Office that was going to be built next door. We knew the zoning requirements and we knew the zoning for that property. Every decision, variance and conditional use permit that is being granted by the Town to the Applicant is resulting in their financial gain in direct opposition to the financial loss the neighbors and community of Los Gatos will incur.

Since we are still confused on how this can be, we would very much appreciate hearing from the Town Attorney at tomorrow's hearing to explain what justifications are required to make such a finding to justify these variances and how this does not constitute special privileges per our town code so that I may better understand for the future.

Thank you,
Ashley Abercrombie Hulser

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