

**From:** Bryan Mekechuk  
**Sent:** Friday, September 22, 2023 10:34:29 AM  
**To:** Maria Ristow <[MRistow@losgatosca.gov](mailto:MRistow@losgatosca.gov)>  
**Subject:** 15860 Winchester Boulevard - High Pressure Natural Gas Pipeline

[EXTERNAL SENDER]

Hi Maria,

Just following up from the denial of the appeal on Tuesday.

During my testimony and questioning, I mentioned that I received a brochure that was sent to elected officials regarding pipelines in their jurisdictions. Attached is a photo of the cover of that brochure. Since I received this brochure as an elected official in Monte Sereno, I would expect that you would have received the same brochure.

The high pressure natural gas transmission line is the only such pipeline serving Los Gatos. All other natural gas lines in Los Gatos are lower pressure distribution lines.

Page 5 of that brochure, is also attached. Please read the left hand portion, "Planning, Zoning, and Property Development". In particular, the brochure warns readers that, "Changes to the topography on either side of a pipeline may impose unacceptable stresses on the pipeline." This is the issue that I raised regarding the excavation of the underground garage for the building, and that the excavation will go beyond the actual building footprint.

On the right side of page 5 there are decisions highlighted that elected officials should consider that may impact the safety of the community surrounding the pipeline. Please review these.

Finally, at the bottom of the page is "Identified Sites". There are three conditions stated, of which the proposed development meets all three. The most restrictive condition, item (c) states, "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."

Clearly, the proposed assisted living/memory care facility would be exceedingly difficult to evacuate in the event of an emergency. The more rooms on the same footprint (higher density) will make any evacuation take more time, and require more nursing effort than if there were fewer rooms on the same footprint.

The inherent dangers of allowing a large building to be constructed on the site immediately adjacent to the only high pressure natural gas transmission line serving Los Gatos were brought to Town Council's attention during the public hearing. Town Council could have required mitigating factors, such as decreasing the density of the occupants (removing a floor) and increasing the setback against Winchester Boulevard yet those items were not considered in denying the appeal or sending the application back to the Planning Commission.

Town Council went beyond the approval of the proposed development and allowed a variance to increase the height of the building that allowed the developer to increase the number of units in the building. The presence of the high pressure natural gas transmission line should have been a condition

that required an increase in the setback and lower density of units. Given the risks related by the high pressure natural gas transmission line, allowing the variance was reckless.

As a resident across the street from the approved development, I am deeply troubled by the increased danger resulting from denying the appeal and approving the development.

Bryan

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Bryan Mekechuk

 call or text



# Pipeline Safety Resources For Emergency and Public Officials



- ☐ Product Transported
- ☐ Operator Name
- ☐ Contact Number





# PLANNING, ZONING, AND PROPERTY DEVELOPMENT

It is crucial to coordinate with pipeline companies to take the location of pipelines into consideration in land-use plans, zoning, and property development activities. For example, developments can make use of pipeline easements as open spaces and greenway connectors. Pipeline depth is a crucial consideration during development planning to ensure that costs for lowering or relocation are identified. Changes to the topography on either side of a pipeline may impose unacceptable stresses on the pipeline. Pipeline companies would like to coordinate in the development of site plans where large numbers of people congregate, including schools, churches, etc.



## LAND USE PLANNING AND TRANSMISSION PIPELINES

The Pipelines and Informed Planning Alliance (PIPA) is a broad stakeholder initiative led and supported by the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). The goal of PIPA is to reduce risks and improve the safety of affected communities and transmission pipelines through implementation of recommended practices related to risk-informed land use and development near transmission pipelines. The PIPA recommended practices describe actions that can be taken by stakeholders when there are proposed changes in land use or new development adjacent to existing transmission pipelines.

PIPA has developed recommended practices to assist in making decisions about what, where, and how to build safely near transmission pipelines. The decisions you make can impact the safety of the community surrounding the pipeline.

- Have you consulted with the pipeline company?
- Have you considered access for pipeline maintenance and emergency response?
- Is enhanced fire protection needed?
- How will excavation damage to the pipeline be prevented?

For more information, please go to <https://primis.phmsa.dot.gov/comm/pipa/landuseplanning.htm>

## IDENTIFIED SITES\*

Owners and companies of gas transmission pipelines are regulated by the US Department of Transportation (DOT). According to integrity management regulations, gas pipeline companies are required to accept the assistance of local public safety officials in identifying certain types of sites or facilities adjacent to the pipeline which meets the following criteria:

- (a) A small, well-defined outside area that is occupied by twenty or more persons on at least 50 days in any twelve-month period (the days need not be consecutive). **Examples of such an area are playgrounds, parks, swimming pools, sports fields, and campgrounds.**
- (b) A building that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12-month period (the days and weeks need not be consecutive). **Examples included in the definition: religious facilities, office buildings, community centers, general stores, 4-H facilities, and roller rinks.**
- (c) 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.**

If you know of sites within your jurisdiction that fit any of the above requirements, please go to [my.spatialobjects.com/isr/home](https://my.spatialobjects.com/isr/home) to provide this valuable information to pipeline companies.

**\*49 CFR §192.903**



**From:** Case Swenson

**Sent:** Tuesday, September 26, 2023 9:57 AM

**To:** Jennifer Armer <JARmer@losgatosca.gov>; Maria Ristow <MRistow@losgatosca.gov>; Mary Badame <MBadame@losgatosca.gov>; Matthew Hudes <MHudes@losgatosca.gov>; Rob Moore <RMoore@losgatosca.gov>; Rob Rennie <RRennie@losgatosca.gov>

**Subject:** 15860 Winchester Blvd., Los Gatos

[EXTERNAL SENDER]

Dear Mrrs. Maria Ristow, Mary Badame, Matthew Hudes, Rob Moore, Rob Rennie and Jennifer Armer;

Please accept my sincerest gratitude for your approval of the assisted living/memory care facility at 15860 Winchester Boulevard.

I acknowledge that was not an easy decision and appreciate your strong political fortitude when weighing the voice of the dissenting neighbors with the future of Los Gatos.

As a Los Gatos resident, my family and I also experience the impact new developments have on our town. We worked hard to breathe some life into that area of Winchester Blvd., while not impacting schools, traffic, foot traffic along Winchester, views, and the surrounding trees. Housing our aging population is important work, and your approval of our project will help many families.

For those of you that did not vote to approve the project, we hear and understand your concerns, and appreciate your careful consideration of the project. We will try to incorporate your valuable feedback where possible.

Thank you,

Case Swenson

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Case Swenson

**SWENSON** | 777 N 1st Street, 5th Floor | San Jose, CA 95112

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