

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

Los Gatos Planning Commissioners:	Jeffrey Barnett, Chair Steve Raspe, Vice Chair Susan Burnett Kylie Clark Melanie Hanssen Kathryn Janoff Emily Thomas
Town Manager:	Laurel Prevetti
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

1  
2  
3 P R O C E E D I N G S:

4 CHAIR BARNETT: We'll now move on to Item 3 on the  
5 agenda, which is a request for approval of demolition of  
6 one existing office and four residential buildings,  
7 construction of an assisted living and memory care  
8 facility, Variances for the maximum height and lot coverage  
9 of the zone, merger of four lots into one, and removal of  
10 large protected trees on property zone O located at 15860-  
11 15894 Winchester Boulevard and 17484 Shelburne Way. The  
12 APNs are 529-11-013, -038, -039, and -040. Architecture and  
13 Site Application S-21-008, Conditional Use Permit  
14 Application U-21-010, Variance Application V-21-003,  
15 Subdivision Application N-22-008, and Mitigated Negative  
16 Declaration ND-22-001.

18 Staff has noted that an additional study and  
19 Mitigated Negative Declaration have been prepared for the  
20 project, and staff has recommended denial of the  
21 application. We'll hear from Ms. Armer on that issue. The  
22 property owner is Green Valley Corporation, dba Swenson.

23 May I see a show of hands from Commissioners who  
24 have visited the property? It's unanimous, and are there  
25 any disclosures?

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 I have one. In my law practice I at one time  
2 represented University Oaks Condominium Association, which  
3 has submitted opposition to the proposed project, as well  
4 as some of its members. Per staff in my office the last  
5 work was performed in 2008, but I believe there may have  
6 been other services closer to my retirement in 2020. I've  
7 given the matter significant thought and I believe that I  
8 can act without prejudice in this matter.

9  
10 Having said that, Ms. Armer, you will be giving  
11 the Staff Report tonight?

12 JENNIFER ARMER: Yes, thank you. Good evening,  
13 Chair, Vice Chair, and Commissioners.

14 The item before you this evening is a proposal  
15 for a new assisted living facility at the corner of  
16 Winchester Boulevard and Shelburne Way. As just stated by  
17 the Chair, the request includes demolition of the existing  
18 buildings, a Conditional Use Permit for the proposed use, a  
19 Variance from the maximum height limit of 35', a Variance  
20 from the maximum lot coverage of 40%, and merger of the  
21 four lots into one, including also removal of large  
22 protected trees.

23 An Initial Study and Mitigated Negative  
24 Declaration has been prepared as part of the required CEQA  
25 environmental review.

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1           The proposed project would create a new three-  
2 story assisted living and memory care facility consisting  
3 of 107 assisted living units and 18 memory care units with  
4 54 parking spaces, most of which would be provided in a  
5 below-grade parking garage with access off of Shelburne  
6 Way.

7           As part of the process a Story Pole Exception was  
8 granted by Town Council, which required larger signage, and  
9 a video simulation is available online. The project  
10 complies with zoning with the exception of the two  
11 Variances previously mentioned for heights up to 50' and  
12 lot coverage of 50%. The proposed use is permitted if  
13 approved through a Conditional Use Permit.

14           The Town's Consulting Architect reviewed and was  
15 in support of the building design with no recommended  
16 changes.

17           Environmental review, as I stated, was an Initial  
18 Study and Mitigated Negative Declaration. The appendices  
19 did include transportation and arborist reports among other  
20 reports.

21           Some of you will remember the previous office  
22 project that was approved on the site in 2017. The proposed  
23 project does take into consideration the feedback and  
24 conditions that were applied to that project as well as  
25

1 feedback received from the Conceptual Development Advisory  
2 Committee (CDAC) meeting in 2020 in designing this project.

3 In addition, the Applicant has worked with Staff  
4 to provide required information and modify their proposal  
5 to address Staff comments and reduce the extent of the  
6 variance request for height. Staff does not recommend  
7 approval of the Variances currently requested, but if  
8 Planning Commission finds merit in the request we would  
9 point you towards the required findings in Exhibit 3 and  
10 Draft Conditions of Approval in Exhibits 4 and 5.

12 Public comments were received and provided to you  
13 in the Staff Report in an addendum and in a Desk Item. They  
14 have been a mix of supportive comments and concerns about  
15 the proposed project.

16 This evening we have Town Staff from Planning and  
17 Public Works as well as the Town's Transportation  
18 Consultant, the Town's Environmental Consultant, and the  
19 Town Attorney all available to support your discussion.

20 This concludes Staff's presentation, but we'd be  
21 happy to answer any questions.

22 CHAIR BARNETT: Thank you very much, Ms. Armer.  
23 Do Commissioners have questions? Commissioner Clark.

24 COMMISSIONER CLARK: Thank you. I just have a  
25 quick question. I know that this is part of the policy and

1 not something we would be changing or anything, but what is  
2 the reasoning for the 40%-50% lot coverage? I felt like  
3 that's so little of the lot. What's expected to be done  
4 with the rest of it, if that makes sense?

5 JENNIFER ARMER: Thank you for that question.  
6 This is an interesting situation where the Office land use  
7 designation in the General Plan actually does list maximum  
8 lot coverage of 50%, but in this case the zoning is more  
9 restrictive for the Office zone; it is 40%. In general, the  
10 other areas of the lot are used for landscaping, access,  
11 driveways, and required setbacks. As you can see, that is  
12 what is proposed in this site for the area that isn't  
13 considered lot coverage.  
14

15 COMMISSIONER CLARK: And is the reasoning for the  
16 limitation just massing overall?

17 JENNIFER ARMER: Generally in zoning, yes, but  
18 that has to do with making sure that there is a certain  
19 amount of spacing between buildings, and green space, and  
20 other kinds of open space in terms of the feel of the  
21 community.

22 COMMISSIONER CLARK: Thank you.

23 CHAIR BARNETT: Commissioner Hanssen.

24 COMMISSIONER HANSSEN: We recently went through  
25 the process of updating our General Plan, and the land use

1 portion of that as well as community design are on hold as  
2 the 2020 plan for the time being. My recollection is in the  
3 2020 General Plan the highest height we have for any zone  
4 is 45', is that correct?

5 JENNIFER ARMER: That is correct.

6 COMMISSIONER HANSSEN: And is there any building  
7 on Winchester Boulevard that's more than 35'?

8 JENNIFER ARMER: We do have some buildings that  
9 exceed that. I'm trying to remember what the height of the  
10 Netflix building is. I don't know that number off the top  
11 of my head, but I believe that is the tallest building in  
12 that area.

13  
14 COMMISSIONER HANSSEN: But Netflix was a Planned  
15 Development at the northern part of Winchester?

16 JENNIFER ARMER: That is correct.

17 COMMISSIONER HANSSEN: Okay, thank you.

18 CHAIR BARNETT: Vice Chair Raspe.

19 VICE CHAIR RASPE: Thank you, Chair, and thank  
20 you, Ms. Armer, for your excellent presentation. Two quick  
21 questions.

22 First, I think you indicated we are getting 107  
23 proposed assisted living units, and then 18 units for  
24 memory care, is that correct?

25 JENNIFER ARMER: Correct.

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 VICE CHAIR RASPE: Do some or all of these count  
2 toward our housing numbers for the Town?

3 JENNIFER ARMER: Thank you. The proposed project  
4 is considered Commercial in terms of the use on an Office  
5 zone, however, because of the way that these units are  
6 proposed with individual kitchens I believe, based on  
7 current State law we do believe that the 107 would count  
8 towards our housing production required by the Town's  
9 Housing Element.

10 VICE CHAIR RASPE: Thank you, and one follow up  
11 question, if I may, Chair? I noticed some of the comments  
12 referenced driving studies and I think indicated that  
13 perhaps we had relied on an older dated study. Can you  
14 respond to that?

15 JENNIFER ARMER: Thank you. If there are more  
16 detailed questions in the future, we do have the  
17 consultants who prepared the 2021 study, but the study that  
18 was the basis for the environmental review and our analysis  
19 of the project was conducted in 2021, not the 2016. The  
20 2016 report was mentioned because it was previously  
21 conducted for development on the site, but that was the  
22 basis for the previous office proposal approval.

23 VICE CHAIR RASPE: Thanks so much.

24 CHAIR BARNETT: Commissioner Janoff.

25 LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way



1 COMMISSIONER JANOFF: I have two questions.

2 When I looked at Exhibit 1 it was dated 2022, and  
3 that's the current traffic study that was brought to our  
4 attention in the addendum. The addendum comment in summary  
5 was that the 2022 report used was based on a 2016 ITE  
6 versus when there was a 2021 ITE guideline available. Can  
7 you comment on that?

8 JENNIFER ARMER: Thank you for that question. I  
9 actually will pass that off to Mike Vroman, our Senior  
10 Traffic Engineer who is with us on Zoom. Mike, if you want  
11 to go ahead and unmute yourself and answer that question if  
12 you are able, or pass it on to our consultants from TJKM;  
13 that's up to you.

14 MIKE VROMAN: Good evening, Commissioners. The  
15 report looked at the ITE Trip Generation Manual, the 10<sup>th</sup>  
16 edition, which I believe was replaced by the 11<sup>th</sup> edition in  
17 the fall of 2021, so at the time of report I believe it was  
18 current; it was the 10<sup>th</sup> edition. Now there is a new one,  
19 but TJKM did a quick analysis earlier today and the 11<sup>th</sup>  
20 edition actually has a reduction in the AM. In the 10<sup>th</sup>  
21 edition there were 16 trips into the site, 10 trips out,  
22 for a total of 26 trips in the morning peak hour. In the PM  
23 peak hour there were 13 in and 22 out, for a total of 35,  
24 compared to the 11<sup>th</sup> edition ITE Trip Generation Manual  
25

1 there are 14 in the AM going in and 10 coming out, for a  
2 total of 24, so there is a net reduction of two fewer trips  
3 based on the ITE 11<sup>th</sup> edition, and in the PM it's 12 in, 20  
4 out, and 32 total, so that's actually a reduction of three,  
5 so materially it doesn't make any difference at all in the  
6 analysis report. If anything, it might reduce it a very  
7 slight amount, because there are slightly fewer trips both  
8 in the AM and the PM, but once again, that was the current  
9 edition at the time the report was done. Now we're using  
10 the 11<sup>th</sup> edition.

11  
12 COMMISSIONER JANOFF: Thank you. I have one other  
13 question for Staff. Ms. Armer, you said you believe that  
14 the 107 units would be counted toward the RHNA numbers.  
15 Either through further explanation, or perhaps the Town  
16 Attorney could clarify if they actually will. The reason I  
17 pursue this question is it seems to me that when we are  
18 considering a senior community, not in the distant past the  
19 answer was no, that they did not count toward our RHNA, so  
20 I want to be absolutely sure rather than maybe.

21 JENNIFER ARMER: Thank you for that question and  
22 the opportunity to clarify. Yes, we are counting these  
23 towards our RHNA allocation. They are actually currently  
24 listed as pending project units in the Draft Housing  
25 Element and we do expect to be able to count them.

1 Over the last few years this has been a question  
2 as to whether this type of unit does get counted, but the  
3 most recent information that we have received is that they  
4 would. The Town Attorney is available on Zoom in case she'd  
5 like to add something to this.

6 ATTORNEY WHELAN: That's correct. I do recall  
7 that there was also a discussion as to whether or not the  
8 Town could impose its below market rate (BMR) requirement  
9 on these residential units, and I recall that we concluded  
10 that the Town could not do that.

11 CHAIR BARNETT: Other questions for Staff?  
12 Commissioner Burnett.

13 COMMISSIONER BURNETT: Thank you. One of the  
14 letters was wondering should this area be changed and zoned  
15 from an Office zone to an RN zone based on the fact that  
16 it's no longer office space but residential? It was brought  
17 up in one of the comments from a neighbor.

18 JENNIFER ARMER: Thank you for that question. The  
19 use that is being considered here is allowed with a  
20 Conditional Use Permit. Whether this lot is zoned Office or  
21 if it's zoned Multi-Family, there are actually, I believe,  
22 at least five different zones in which this is allowed, but  
23 in all cases it requires a Conditional Use Permit, so a  
24  
25

1 change in zoning does not actually affect the use, the  
2 process for approving this use on this site.

3 COMMISSIONER BURNETT: Thank you.

4 CHAIR BARNETT: Other questions? There will be  
5 further opportunity later. Commissioner Clark.

6 COMMISSIONER CLARK: Thank you. I have a follow  
7 up question for the Town Attorney. I was wondering if you  
8 could say why the Town is unable to impose the BMR  
9 requirements on this?  
10

11 ATTORNEY WHELAN: I'd have to get back to the  
12 Commission with that information, because it was research  
13 that we did about a year ago and I don't remember the  
14 details about the BMR requirement, but I can provide that  
15 to the Commission in the future.

16 JENNIFER ARMER: Through the Chair, I could add  
17 that I believe that that was based on the fact that this is  
18 not considered a Residential use, it is considered  
19 Commercial, and the BMR requirement is based on Residential  
20 uses. We can confirm that if needed, but that is my memory  
21 of those conversations.

22 CHAIR BARNETT: Thank you for that. I think we're  
23 ready to open the public portion of the public hearing and  
24 give the Applicant an opportunity to address the Commission  
25

1 for up to five minutes. We have a card from the Applicant,  
2 Mr. Bristow.

3 JESSIE BRISTOW: Good evening, my name is Jessie  
4 Bristow of Swenson Builders; I'm the Development Project  
5 Manager for this project. Along with me is my colleague  
6 David Meades, who is our Senior VP of Architecture, and  
7 he's here for any questions after the presentation.

8 First of all, I do want to say thank you for  
9 allowing us to be here tonight. I just want to thank Staff  
10 for getting us to this point.

11 On this slide I'd just like to highlight that we  
12 reached out to the Town Council, University Oaks neighbors,  
13 and we went to the CDAC when we first thought about this  
14 project in 2020, and asked the same question of all three  
15 parties. We asked would you prefer a mixed-use or 100%  
16 apartment project, or would you prefer a senior care  
17 facility, and the consensus was a senior care facility; and  
18 the University Oaks residents actually expressed that they  
19 didn't want to be next to an apartment building, so that's  
20 the direction we took. The CDAC also said that they would  
21 like to see Mediterranean architecture. There was other  
22 outreach, but I can go into detail later.

23 I want to highlight we first submitted in April  
24 2021 after all the feedback that we got. We were deemed  
25

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 complete in July 2022 and all of that, as Staff said, was  
2 making adjustments to the project to try to make it as  
3 conforming as possible.

4           We already discussed the reason we're going for  
5 that 50% lot coverage Variance; that is the General Plan.  
6 The General Plan is a progressive document, it's what you  
7 want to see your town build out to in the next 15-20 years,  
8 and it is a better efficiency of the site for our proposed  
9 use.

10           The height request, we do have a sloping lot and  
11 so it makes this challenging for our project to meet this  
12 height at 35 feet. If you look at the building at the top  
13 of plate, not including the mansard roof, the building is  
14 actually trying to meet as much as possible. On the  
15 frontage of Winchester we are, but on Shelburne we're not;  
16 and we can highlight that later. We also have the mansard  
17 roof to shield mechanical equipment and solar equipment.

18           When we first presented this project we had three  
19 wings, and all three wings were three stories, and the  
20 south wing that was closest to the University Oaks  
21 neighbors was three stories, and after meeting with them  
22 they asked can you step it down, can you scoot it back, and  
23 can you provide more vegetation? So we went from three  
24 stories to 20 stories and we lost about ten units on that  
25

1 floor, actually I think it was 15, and we went from a 10-  
2 foot setback to 15-foot setback, and we added vegetation;  
3 we made sure there would be plenty of that for privacy on  
4 both sides.

5           In here, this is in the plan set, the highlighted  
6 yellow is the area and Variance that we're asking for, and  
7 there's a blue line—it's in the plans, I apologize, it's  
8 hard to see on the screen. Originally we had the back of  
9 the building on the top floor where those umbrellas area,  
10 those actually went all the way back, so we stepped in that  
11 building and we went from a double corridor to a single  
12 corridor and we lost ten units there. So we really tried to  
13 step in the building to try to meet this Variance as much  
14 as possible; we know we're not meeting it all the way, but  
15 we did make a concerted effort.

17           Just quickly, if I could highlight, this is the  
18 south elevation for University Oaks. On the left side, that  
19 frontage of that two-story building on the building top  
20 place, not including the mansard roof, is now 23'. All the  
21 way back is 33', so if we eliminate the mansard roof and  
22 expose the equipment this project is conforming of what  
23 would be next to the neighbors.

24           One thing I really want to highlight, there was a  
25 comment in the University Oaks letter that says there's no

1 middle ground, that the developer isn't providing a middle  
2 ground, and I think that's the confusion. This project is  
3 the middle ground. We're proposing something that we think  
4 is low intensive use, the users are self-contained and they  
5 have everything they need. They're of an older age; they're  
6 not going to be disturbing. There are less traffic impacts  
7 as discussed, and we're really trying to propose a project  
8 that the Town can be proud of and is higher end.

9  
10 The alternative is SB 6 or AB 2011. Those went  
11 into effect in July 2023, and anything that is zoned Office  
12 or Commercial can be 100% residential. So based on where  
13 Los Gatos is in the metropolitan area of Santa Clara you  
14 can build up to 60 units per acre. We have 1.31 acres, so  
15 that's 78 units; round it up to 80. That's not including a  
16 density bonus where we can get a 50% increase; that would  
17 be 120 units, and when you apply a density bonus you can  
18 break the height.

19 So we would pursue another path if we don't have  
20 this option. We would build something bigger, we would  
21 build something taller, we would build bigger apartment  
22 units that would be more impactful, and the neighbors  
23 specifically said they didn't want to be next to an  
24 apartment unit.  
25



1           With that, those are the final points I'd like to  
2 make. I appreciate your time and I can answer any  
3 questions.

4           CHAIR BARNETT: Can you stand by for questions  
5 for Commissioners, which I'm sure we'll have? Commissioner  
6 Hanssen.

7           COMMISSIONER HANSEN: We have a good number of  
8 letters of opposition. There are a few in support, but I  
9 would say the preponderance are letters of opposition from  
10 the very neighbors that you said that you've spoken to, so  
11 I was wondering if you could comment on what kind of  
12 discussions you had and why are we seeing this much  
13 opposition?  
14

15           I will preface, after doing this for a number of  
16 years, that it is very common with large developments that  
17 at the very end after people realize that it might be  
18 approved that people will be making comments, but since you  
19 just met with them in August, what was discussed with them  
20 at that meeting and what was the outcome of that? Because  
21 here we're sitting with all these letters of we don't want  
22 this.

23           JESSIE BRISTOW: I think the frustration with the  
24 neighbors is that we met with them at the end of 2020, and  
25 from then we started to design our project, and that's when

1 we submitted to Staff. So we met with them initially before  
2 the CDAC. We met with them with that proposal and they said  
3 could you step it in, step it back? And that's what we did.

4 Now, if they approve of that we wanted to keep  
5 moving forward with the Town and Planning Staff and make  
6 sure we can keep our application going and still be able to  
7 hopefully meet the standards of what the neighbors  
8 expected.

9  
10 We had an individual meeting with one member of  
11 the University Oaks with Staff on the call where after we  
12 submitted our first submittal they basically went through  
13 line-by-line what they did not like about the project, so  
14 it just felt kind of regardless of what we did they weren't  
15 going to be happy with the project. There are some letters  
16 that say we would be okay with a one-story building or a  
17 two-story building. Well, the section that is next to them  
18 is two stories, but still it's the other part of the  
19 project to have a functional facility I think they're going  
20 to find challenging.

21 COMMISSIONER HANSSEN: Did you share with them in  
22 this most recent meeting that the part of the building that  
23 is closest to them is actually two stories?

24 JESSIE BRISTOW: Yes. It has been a long road,  
25 and when we originally were going to come to the Planning

1 Commission in October or November of 2002, and when we put  
2 up those story poles we didn't get any feedback regarding  
3 those story poles. I understand that there was an  
4 expectation to have more outreach, but again, no one  
5 reached out to us, and so we went over the completed  
6 package with what we were proposing and I said just wanted  
7 to let you guys know we're going to the Planning  
8 Commission, did you have any questions, any concerns?  
9

10 I think some people that live farther south on  
11 University Oaks away from the project aren't as concerned  
12 about it, but I think people that live a little bit closer  
13 in their development are very concerned about it, and  
14 rightfully so; we are going to be neighbors.

15 COMMISSIONER HANSSEN: A follow up question. The  
16 specific comment about people looking into windows, you  
17 mentioned that you had increased the setback and there  
18 would be screening trees, so is there a way that you are  
19 able to demonstrate to them that... Is it going to be  
20 possible for people to look into each other's windows?  
21

22 JESSIE BRISTOW: I think as much as any neighbor  
23 in a two-story home if you're next to your neighbor, but  
24 people have landscaping, people have trees, people have  
25 blinds, and mind you, the average age in these facilities  
are 83, so even if they do want to look out the window I'm

1 not sure if they're going to be able to see very far, but  
2 again, there can be privacy effects that can calm some  
3 people's nerves.

4 COMMISSIONER HANSSEN: And you're committed to  
5 putting in those privacy screenings like plantings and that  
6 kind of thing to make sure that there aren't people looking  
7 into each other's windows?

8 JESSIE BRISTOW: Yes, absolutely. I believe the  
9 request was to have evergreen trees so when the seasons  
10 change they are still full. If there's a need to add  
11 lattices or something of that nature along the separation  
12 wall, I think we could adjust our landscaping plan.

13 COMMISSIONER HANSSEN: Okay, thank you.

14 CHAIR BARNETT: Other questions for Mr. Bristow?  
15 Commissioner Janoff.

16 COMMISSIONER JANOFF: A couple of questions.  
17 Although we've received a number of comments and concerns  
18 from University Oaks, we also received concerns from other  
19 neighbors. Can you describe the extent of your neighborhood  
20 outreach in talking to not just University Oaks, but to the  
21 broader neighborhood about the project?

22 JESSIE BRISTOW: I think directly across  
23 Winchester is actually an office building; I think Stanford  
24 had a medical office out there right across the street, so  
25

1 they didn't have any concerns. There was no communication,  
2 so we assumed that was okay. Directly next to us is a  
3 veterinarian and we reached out to them, and they were  
4 excited to see a new change. They are backed up to an older  
5 portion of the property. We didn't have any communication  
6 with anyone directly across on the corner. We did have  
7 communication from the adjacent neighbor, who I think  
8 you're all familiar with, and he expressed his concerns and  
9 that he would only support our project if it were the same  
10 size as the original office that was approved in 2017. That  
11 was the extent of our outreach for the neighbors.  
12

13 CHAIR BARNETT: Something further, Commissioner  
14 Janoff?

15 COMMISSIONER JANOFF: If I could just follow up.  
16 Just to confirm, you did not do any outreach to the  
17 neighbors? Not the business across the street, but the  
18 neighbors next to that and on the other corners, on the  
19 northern (inaudible)?

20 JESSIE BRISTOW: No, we didn't. We spoke with the  
21 Senior Services Commission, the Los Gatos Recreation, and  
22 Los Gatos-Saratoga Senior Services.

23 COMMISSIONER JANOFF: Right, but not the people  
24 who would be directly impacted by looking at the building  
25 in their daily lives, right?

1 JESSIE BRISTOW: Right. We were specifically told  
2 to reach out to University Oaks.

3 COMMISSIONER JANOFF: Another question on a  
4 different topic. You mentioned a couple of times that you  
5 would meet the height requirements without the mansard  
6 roof. What would you do if you didn't have the mansard  
7 roof?

8 JESSIE BRISTOW: That's the thing; I think the  
9 architecture that we were requested to pursue, that it  
10 calls for that type of architecture. If we had a true roof  
11 and not the mansard rood it would be much taller. It just  
12 would be kind of out of balance, unfortunately, and it  
13 would take a lot of articulation away from the structure.  
14

15 COMMISSIONER JANOFF: Thank you.

16 CHAIR BARNETT: Other questions? Commissioner  
17 Thomas.

18 COMMISSIONER THOMAS: Thank you for your  
19 presentation and coming here tonight. I do have two  
20 questions.

21 This whole application is coming right in between  
22 our General Plan situation, so which General Plan were you  
23 working off of essentially for a majority of this project?  
24 Even though I know the 2020 is what applies, but briefly we  
25 thought that the 2021 was there.

1 JESSIE BRISTOW: At the time I believe we just  
2 had the 2020 information. We were deemed complete in 2022  
3 and I don't believe the 2040 process had those draft  
4 documents ready, so we were sticking with what we knew.

5 COMMISSIONER THOMAS: Okay, thank you. Then my  
6 second question is just related to the information on your  
7 last slide. First of all, have you been involved in any  
8 other projects where you have gone through these other  
9 routes, and would you maybe be able to elaborate a little  
10 bit more on what these development alternatives would look  
11 like?  
12

13 JESSIE BRISTOW: I have not personally submitted  
14 an SB 6 or AB 2011. They did just go into effect, but we  
15 were aware of them, that they were passing a law for 2023.  
16 I have submitted an application for Builder's Remedy; that  
17 is also another option we that we could pursue, but again,  
18 it's not something that we want to pursue.

19 When it comes to these two laws, the AB 2011 does  
20 require 15% affordable, so that would part of the project  
21 as well, but again, to get a density bonus you have to have  
22 that affordability anyway. I think for efficiency's sake  
23 and maybe cost we probably wouldn't do a basement, it would  
24 probably be a project that would be a podium. Right now I  
25 think the average size of our units are 400 square feet to

1 700 square feet is the biggest, so to have an apartment in  
2 Los Gatos most likely it would make sense to have two  
3 bedrooms, so even though the units would be 120 units  
4 versus 125 for the current proposed project, you could have  
5 120 units of at least two people, so that would mean more  
6 parking challenges, more traffic challenges. AB 2011 and SB  
7 6, I believe, are ministerial, so we would not come to the  
8 Planning Commission to get approval.

9 COMMISSIONER THOMAS: May I follow up?

10 CHAIR BARNETT: Please do, Commissioner Thomas.

11 COMMISSIONER THOMAS: This might be a question  
12 for Staff, so if you don't know, that's fine. With regard  
13 to going through those pathways, do you know what the  
14 parking minimum looks like for that, or would you not have  
15 to follow that?

16 JESSIE BRISTOW: I think the State law  
17 supersedes. I think it's one space per unit. I think it  
18 depends on the size.

19 COMMISSIONER THOMAS: We can follow up and ask  
20 the Town Attorney. Okay, thank you.

21 CHAIR BARNETT: Anyone else at this time?  
22 Commissioner Clark.

23 COMMISSIONER CLARK: Thank you. I wanted to ask  
24 about affordability. What income level are you targeting,

25  
LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way



1 and are there any affordable units incorporated, or did you  
2 consider incorporating affordable units?

3 JESSIE BRISTOW: The challenge with these  
4 facilities, and again, this is based on the knowledge I  
5 know from the operators that we work on, at Swenson we're  
6 not targeting a certain group, but again, we're trying to  
7 provide a high-end facility for the Town of Los Gatos.

8 When it comes to the affordability, the challenge  
9 of that is these facilities have a requirement that in  
10 order for them to be licensed they have to have three hot  
11 meals a day, there needs to be medication management,  
12 they're legally responsible for the people onsite, so there  
13 are a lot of factors as part of that certification and  
14 there's a fixed cost to that. It's hard to subsidize a  
15 fixed cost, and our operators have found that challenging,  
16 and so when it comes to municipalities that do have an in  
17 lieu option, that tends to be the solution.

18  
19 CHAIR BARNETT: Did that answer your question?  
20 Okay, Commissioner Burnett.

21 COMMISSIONER BURNETT: Yes, thank you. Thank you  
22 for coming tonight. A question on the traffic. It says that  
23 there would be 351 daily trips at the facility. So since  
24 it's memory care and assisted living, is that 351 trips  
25 workers, nurses, or caregivers?

1 JESSIE BRISTOW: The majority of the trips will  
2 be staff. The study that we referenced, I think it  
3 referenced like 28 trips per peak hour in the AM and then  
4 for lunch and then the leaving. How we understand it from  
5 operators is there are three rounds, so you have your  
6 morning shift, the mid shift, and then the night shift; you  
7 have to have someone onsite 24/7, and they've expressed  
8 there is probably about 14-18 staff members, and there  
9 would be a doctor there, I think that would include the  
10 doctor, so you're looking at about 19 people per shift.

12 The majority of these residents, the reason why  
13 they're there is either them or their partner need  
14 assistance, so more often than not the cars that are there  
15 don't move a lot, and not many of them actually own cars.  
16 The memory care is contained, and memory care does require  
17 more staffing, so that's why you're only seeing about 18  
18 memory care units and more assisted living; it's a  
19 different class, so memory care is more hands on.

20 COMMISSIONER BURNETT: Thank you.

21 CHAIR BARNETT: Any further questions? I have one  
22 for you, sir. A couple of the letters that were submitted  
23 by neighbors indicated that the meeting was not conducted  
24 in an open manner and that it was sort of a fait accompli  
25 that was presented to them. Can you give me some idea of

1 how long the meeting lasted and was there a free exchange  
2 of ideas?

3 JESSIE BRISTOW: In our previous meetings I don't  
4 think everyone was there. Then this last final meeting,  
5 because it is a very real project that's going to be heard,  
6 every member was there, so there were a lot of people and  
7 there were a few people that had never seen the project  
8 before and shared their initial concerns from seeing it at  
9 the very beginning and expecting further change, so I think  
10 last week when we spoke with the residents essentially the  
11 frustration is that the project was already deemed complete  
12 and that there wouldn't be any further change. And the  
13 reason why there wouldn't be any further change is we were  
14 deemed complete and we've been trying to get to the  
15 Planning Commission, so it wouldn't make sense for us to  
16 try to adjust the project and go through that. Every time  
17 we change something all of the reports have to be updated,  
18 so it was our goal to get deemed complete and continue to  
19 move the project forward.

21 We were deemed complete in 2022, and since then I  
22 don't believe anyone had reached out to us; maybe one  
23 resident, the one in particular that we had an individual  
24 meeting with along with Planning Staff, so I think the  
25 frustration was that there was nothing further to be

1 augmented on our project and our project is being proposed  
2 as such.

3 CHAIR BARNETT: I see. Thank you for that, and if  
4 there are no further questions from Commissioners, thank  
5 you very much.

6 JESSIE BRISTOW: Thank you.

7 CHAIR BARNETT: Appreciate it. We now have a  
8 request for an opportunity to speak from Joseph Gimagoni  
9 (phonetic). Please come forward.

10 JOSEPH GIMAGIONI: I would only come up here if  
11 I'm in favor of a project, and I've seen many proposals for  
12 this particular site over the years, there have been three  
13 or four, and actually I didn't like any of them, but when I  
14 saw this one I went this is a beautiful project, and I'm  
15 glad the Town Architect must agree.

16 I think the architecture is timeless, I think it  
17 will fit in with Los Gatos from a historical perspective,  
18 yet it does have the pizzazz that is kind of forward  
19 looking too. I just think it's beautiful.

20 What worries me is I've heard things about taking  
21 off the roof, and I would not be in favor of if you took  
22 off the roof. It would just start looking like so many  
23 buildings in the Bay Area and across the country as I  
24 travel that are just flat, boxy looking buildings. People  
25

1 are starting to get really feed up with that. We're getting  
2 tired of this boxy look. Please do not take off the roof  
3 part of it. I think that's actually a pretty component of  
4 the building itself.

5           Along with that, is there any way we can have a  
6 height limitation—I'm not an architect so I don't know the  
7 word—that would just consider the wall part that I think is  
8 called the plane, and not include roof articulation?

9 Because what I'm afraid of is builders are just going to  
10 build up. Let's say you say it's 35'. They're going to  
11 build up to the 35' and just forget about the roof, get as  
12 much square footage as they can, so is there any way  
13 somebody can kind of look at that and say don't include the  
14 roof articulation?  
15

16           Otherwise, please don't change this project just  
17 for a few feet, and keep the roof; I think it makes the  
18 project look a lot better. So that's about all I can say.  
19 And if you can address the height and exclude maybe the  
20 roof portion, if someone could look at that.

21           CHAIR BARNETT: Before you go, we have questions  
22 from the Commissioners potentially. I don't see any. Can I  
23 ask you for your address?  
24

25           JOSEPH GIMAGIONI: Yes, 4860 National Avenue. I'm  
in San Jose, but if I look across the street it's Los

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 Gatos, so that one whole side is Los Gatos and our side is  
2 San Jose; I'm not sure why. It's right near Carlton and  
3 National.

4 CHAIR BARNETT: Thank you. Our next speaker will  
5 be Chris Sullivan.

6 CHRIS SULLIVAN: Good evening, Commissioners. I'm  
7 Chris Sullivan and I'm the property manager for Park Hill  
8 View Apartments. It's between University and Santa Cruz  
9 Avenue, right where we go into Blossom Hill.  
10

11 Right now it is very interesting that we learn  
12 that there is a slope involved with the proposed building.  
13 What you may not know is that Park Hill View has a pump  
14 that drains off the water table that comes down off Bruce  
15 Avenue and that whole sector of property above us across  
16 the street from Santa Cruz Avenue. We even had an event  
17 during this atmospheric river that we all experienced where  
18 a sinkhole presented itself, and you could check the Water  
19 Department because they came out and looked at it. Rushing  
20 water was coming down in between us and the condominium  
21 that is our next door neighbor, and created a sinkhole, and  
22 the water was raging coming through there.  
23

24 So I have two concerns: One, about maybe  
25 shoehorning this project into the corner. I'm curious if  
anybody has done any studies on the land as far as the

1 water table and where that runs. Number two, I have 30  
2 units in our apartment complex and our parking is  
3 exhausted. My tenants walk from Bruce up the street and all  
4 along University Avenue just to find a parking space, even  
5 down by the auto body stores down there.

6           Putting a complex that has 107 people and then  
7 the 18 people and then the employees that go with it, even  
8 with underground parking you're going to have a problem. I  
9 don't know if you guys have been on the weekends on  
10 Winchester to Santa Cruz Avenue and University; it's a  
11 parking lot. From 10:00am to 2:30 in the afternoon it's a  
12 parking lot. Our people even struggle when we have the City  
13 of Lights that comes on in the wintertime. We can't even  
14 get in and out of our parking garage, because the traffic  
15 is backed up almost all the way to Lark Avenue, so we  
16 really have an issue here that I think we may be premature  
17 in wanting to do it.

18  
19           We love the concept, but no one has talked to us  
20 about the impact that this is going to have, not to mention  
21 the construction. If you're going to cut all that and do  
22 the civil and all the sewer and all the water, it's going  
23 to be a mess for awhile for everybody that lives in the  
24 area, and we don't want that to happen.  
25

1           We hope you guys don't pass this in its form now,  
2 because it's not going to work for us. Thanks. Any  
3 questions?

4           CHAIR BARNETT: Oh, yes. Mr. Sullivan, thanks for  
5 standing by. Commissioner Thomas.

6           COMMISSIONER THOMAS: I do have a question. Thank  
7 you for coming and speaking tonight. Since you're  
8 representing this community, what sort of development would  
9 have less of an impact for you in this location, or would  
10 any development have an impact?

11           CHRIS SULLIVAN: It's a complicated answer,  
12 because you've got an auto shop, and veterinarian facility,  
13 then you're got four homes, and then you've got trees there  
14 that need to stay being trees. Something that a contractor  
15 could come up with, or someone to purchase the property  
16 that would build homes that would be consistent with the  
17 neighborhood look of the area I think would be helpful.

18           COMMISSIONER THOMAS: So you're saying that you  
19 would want single-family homes to go in there?

20           CHRIS SULLIVAN: Something to that effect.  
21 Duplexes would be fine, but residential, not commercial.  
22 You start going in the commercial and we start getting  
23 scared, because oh my, what's going to happen next? But I  
24 would say something like duplexes, residential.  
25



1 COMMISSIONER THOMAS: So how would that address  
2 the parking issue for you?

3 CHRIS SULLIVAN: Well, you wouldn't have 107  
4 people. I heard it's called residential, but it's  
5 commercial. Do each one of these 107 units have kitchens?

6 COMMISSIONER THOMAS: I'm sorry; we're not  
7 answering questions.

8 CHRIS SULLIVAN: Because I'm curious about that.

9 CHAIR BARNETT: The developer will have another  
10 opportunity to speak and he can address that.

11 COMMISSIONER THOMAS: Okay, thank you.

12 CHAIR BARNETT: Other questions for Mr. Sullivan?  
13 If not, thank you, sir. Next would be Mary McCloy. Could  
14 you please come forward?

15 MARY McCLOY: Good evening, Commissioners. Thank  
16 you very much. My name is Mary McCloy and I live at 698  
17 North Santa Cruz Avenue at Park Hill View Apartments, where  
18 Mr. Sullivan also lives. There are about 40 of us there at  
19 Park Hill View. We're two doors down from the proposed  
20 construction. We live next door to University Oaks; we're  
21 the next building down.

22 I attended the Planning Commission a few weeks  
23 ago when there was a mix up on dates to talk about this  
24 property, but I'd never been to a Planning Commission

25 LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 meeting before, and I want you to know how impressed I am  
2 with the way this commission handles its business.

3 I've been a resident of Los Gatos for almost 30  
4 years living in the same place. I walk by the proposed  
5 construction site often and have been concerned since the  
6 signage went up describing the building of the assisted  
7 care and memory care structure. These are my concerns.

8 The signage in the QR code video describing the  
9 building and what it would look like, it seemed like a  
10 chalet type structure with no other buildings around and  
11 multiple trees with an unobstructed view of the Santa Cruz  
12 Mountains. In reality this is an existing neighborhood with  
13 homes and small businesses that fit the style of current  
14 architecture that are mostly one-story or two stories.

15 Winchester is a very busy traffic corridor, not a  
16 nice quiet street with cars occasionally passing by, and  
17 often is quite crowded at commute times and on summer  
18 weekends, and especially at times for school. We've got  
19 Daves School up the street right across the street from  
20 where this construction is, and Bruce is quite congested at  
21 the beginning and end of the school day. This is not a  
22 quiet site for an assisted living facility.

23 The proposed building takes up many lots and  
24 trees and is three stories tall. This is way out of  
25

1 proportion for this neighborhood of homes and trees. The  
2 proposed building exceeds the height size and limit size  
3 and would set a precedent for the future development of the  
4 same types of larger structures in our neighborhood. There  
5 are regulations for a reason: to keep our community in some  
6 type of uniformity and the same type of character of our  
7 neighborhoods.

8           We need housing for older adults. I think I can  
9 qualify for that. But not here on this street taking up the  
10 height and space of this proposed building. It is out of  
11 place in our neighborhood. Places like the Belmont Village  
12 on Union Street in Los Gatos found an empty lot in a  
13 neighborhood for its location. Other places like Belmont  
14 Village on South Winchester found an existing neighborhood  
15 where their building fit fine. We do need assisted living,  
16 we do need memory care units, but we just don't need one  
17 located on this property.

18           I just have another side. When I heard this  
19 gentleman speak about talking to neighbors, I have no  
20 knowledge of any meeting, no flyers. This is the first I  
21 ever heard that there were meetings of people that live in  
22 the neighborhood. At least where we live there was nothing  
23 proposed. All the signage went up and it said it was  
24 tonight.

1 CHAIR BARNETT: You're out of time, but  
2 Commissioners may have questions for you. And thank you for  
3 your comments so far. Commissioner Thomas.

4 COMMISSIONER THOMAS: Hi, thank you for coming. I  
5 just have the same question as the last speaker. Just what  
6 type of development would you be supportive of seeing here?

7 MARY McCLOY: I would see something on a much  
8 smaller scale, kind of like that office building, the one  
9 that was going to go up there before; it kind of fit and  
10 they weren't taking down everything around it to make it.  
11 They weren't really changing the whole look of the area; it  
12 was something that fit in. This just does not fit in.

13 CHAIR BARNETT: Other questions? I don't see any.  
14 Thank you very much for coming tonight and for your  
15 comments. Do we have anyone on Zoom, Ms. Armer?

16 JENNIFER ARMER: We do, thank you. We've got at  
17 least a couple of people who have raised their hands to  
18 speak on Zoom, so we will start with Georgina. You should  
19 be able to unmute yourself.

20 GEORGINA VAN HORN: I'm Georgina Van Horn at 706  
21 Winchester Boulevard here at the University Oaks.

22 First of all, I knew there was going to be a  
23 building at that site. My concern is this building that's  
24 proposed is absolutely enormous. It comes almost to our  
25

1 wall that separates the two properties. It will overwhelm  
2 this area, as the speaker just said.

3 Winchester is a way into town from Lark, from 85,  
4 and it becomes North Santa Cruz right here at this point,  
5 so it will drastically affect this area. It would also  
6 affect me personally. I am one of the two closest  
7 townhouses to the property, and our front doors are not on  
8 Winchester; the two closest are not on Winchester. They  
9 would be facing a whole side of the property, our front  
10 doors. They're townhouses, they're two stories, so again I  
11 am concerned about looking and seeing into those windows  
12 seeing into mine.  
13

14 When I walk over to my window here, I'm upstairs,  
15 and I look out and I see the poles, the flags have been  
16 gone, and I have to look and raise my head so far to see  
17 the top of those poles, and the thing is I know how close  
18 they will be to us.

19 We just have a little driveway here in front of  
20 our two townhouses that are the closest, because it's not a  
21 regular driveway, it doesn't even go through to University,  
22 and then we have just a small like 2' of dirt with some  
23 bushes and a few trees, and then almost here past the wall  
24 there will be this absolutely gigantic building.  
25

1           We've tried here at the University Oaks to keep  
2 the woodsy feel of our town, and the fact that just across  
3 University there are two big parks, and this building does  
4 not fit with our small town feel.

5           As I say, I know there will be a building there,  
6 but first of all, we need more room here with our front  
7 doors and not to have this wall, and just maybe you can  
8 picture your house, where you front door is, if it's two  
9 stories, and you have this building so close to you it  
10 would drastically impact your house.

11           CHAIR BARNETT: You're out of time; I apologize  
12 for that. There may be question for you from the  
13 Commissioners. I'm looking; I don't see any. Thank you for  
14 participating tonight. We have another Zoom caller?

15           JENNIFER ARMER: We do; we still have two hands  
16 raised. The next is Dillon. You should be able to unmute  
17 and speak.

18           DILLON PARKER: Dillon Parker, 702 Winchester  
19 Boulevard, and I am also the person apparently the  
20 Applicant has identified as the person that they met with  
21 that went line-by-line item, and is apparently disagreeable  
22 to any aspect of this project.

23           I just wanted to kind of start the conversation  
24 by letting you know that I am also a planner for another  
25

1 jurisdiction, so I'm acutely aware of what happens on your  
2 side of the dais.

3 I think one thing that's particularly interesting  
4 that the Applicant has brought up in this conversation is  
5 essentially their true intention. Now, the applicant would  
6 say that they've met with us extensively and they've met  
7 our concerns through modifying the project, but I want to  
8 point back toward the end of the conversation where  
9 essentially they were saying this is a foregone conclusion,  
10 that if we don't get what we want as designed with a  
11 Variance that we're going to apply for a Builder's Remedy,  
12 we're going to apply for an SB 6 or an AB 2011.

14 So I want you to consider that the true  
15 intentions of the applicant were not to collaborate and  
16 outreach to the neighbors. The true intentions of the  
17 Applicant are to build what they want, how they want, with  
18 complete disregard to not only our concerns, but to the  
19 Town's concerns and to the Town's development standards.

20 Now, switching gears, discussing in terms of the  
21 Town's Staff has noted that the use is commercial but it  
22 counts towards the RHNA allocation for affordable units, if  
23 you will, but the interesting component of that is this  
24 site is zoned Office. Office is considered a transitional  
25 zone from Commercial uses to Residential uses, so in other

1 words, the development standards are intended to minimize  
2 the development impacts of a Commercial use next to a  
3 Residential use.

4           Now, the Town Staff's statement, if you carry  
5 that forward a little bit and say this is considered  
6 housing but it's a commercial use, then it would make  
7 better sense to have development standards similar to the  
8 Multi-Residential zoning district where there are  
9 additional requirements with regard to setback, distance  
10 between buildings, etc., so this sounds like kind of a  
11 mixing of two development standards to get the benefit of  
12 the best.

14           CHAIR BARNETT: You are out of time. We did  
15 receive your comments in writing, but I'll ask at this time  
16 if Commissioners have questions for you. I do not see any,  
17 so thank you for your comments.

18           JENNIFER ARMER: Next up is Demian. You should be  
19 able to unmute and speak.

20           DEMIAN RASPALL: Good evening, my name is Demian  
21 Raspall at 713 University Avenue. I am also serving as the  
22 president of the HOA for University Oaks. I really  
23 appreciate your time tending to our concerns on this  
24 matter.



1 I acknowledge that we actually understand and  
2 agree that the architecture on the building as well as the  
3 proposed (inaudible) that Swenson consulted with us and is  
4 bringing something that our community is agreeable to.  
5 However, we disagree, as stated before, in two arguments.

6 One is that the building is too large, as it was  
7 mentioned, and it is too close to our community, and it's  
8 too tall on our community. It is true that it's a two-story  
9 building, but as the pictures presented by Swenson showed,  
10 it's actually a three-story building because of the slope  
11 when it is in front of, for example, Georgina's house.

13 I want to use the majority of the time since  
14 there is enough technical and detailed discussion on the  
15 merits of the project to actually address the points raised  
16 by the Commission, because I see that the Commission really  
17 cares about the outreach and how conversations went with  
18 our HOA. As is shown on Slide 2 I believe, it was very  
19 clear that between basically June of 2021 until August 2023  
20 there was no outreach of any kind, and that's 26 months in  
21 which Swenson continued to develop and fine tune the  
22 project, however, we were never invited to have any type of  
23 conversation.

24 One of the Commissioners asked about how the  
25 meeting was conducted last week, and we were appreciative

1 that Swenson reached out. It is our understanding that  
2 Swenson reached out at the request of the Staff members. In  
3 fact, Mr. Bristow said, "We were told to reach out to  
4 University Avenue," so it didn't even come from them, they  
5 were told to reach out to us, but as it was stated in our  
6 letter, this is a done deal, this is a done project. If you  
7 have any issues with the project you should come to this  
8 meeting and present the issues, because we are not going to  
9 change the project, and if you don't like the project and  
10 if the Commission does not approve the project, then  
11 they're going to build something that you would like even  
12 less, and that is the attitude that the developer has had  
13 with us.  
14

15 CHAIR BARNETT: Your time is up. I appreciate  
16 your comments, and let's see if Commissioners have  
17 questions for you. I don't see any, so thank you for  
18 calling in and presenting your views. Anyone else on Zoom?

19 JENNIFER ARMER: We don't have any other hands  
20 raised, so if anyone on Zoom would like to speak, please  
21 raise your hand now. I don't see any more hands, Chair.

22 CHAIR BARNETT: Thank you. Oh, we do have a  
23 speaker.  
24

25 BRYAN MEKECHUK: Hi, Bryan Mekechuk, 17509 Via  
Serenno, Monte Sereno.

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 I live directly across the street from the  
2 proposed property, and I submitted quite a lengthy letter  
3 explaining my position and our family's position. Several  
4 people on Via Sereno asked me to represent them, but I  
5 can't do that. I am an elected official in Monte Sereno;  
6 I'm the mayor, and I believe we are your single biggest  
7 partner with Los Gatos.

8 One thing that I really want to point out other  
9 than the information in here, and I'll read the line in the  
10 third paragraph that says, "My wife and family welcome the  
11 development of the proposed site provided it is an  
12 attractive and sustainable development that fits with Los  
13 Gatos." A number of the Commissioners have asked speakers  
14 what would you see there? We see a project similar to what  
15 was designed and approved by Town Council before. This  
16 project is a multiple of the size of that. I would  
17 wholeheartedly support a project that was of the size and  
18 nature of what was there before.

19 To deal with the applicant—and I don't say this  
20 lightly—he's being disingenuous in terms of outreach to the  
21 community. Disingenuous. I spoke with the gentleman, Mr.  
22 Bristow, immediately after the Town Council meeting. I gave  
23 him my card and I said, "I would like to speak with you.  
24 I'd like to understand the project and so you hear my  
25

1 concern." What did I hear from him? Crickets. Nothing. In  
2 fact, I felt dissed.

3           If you go down Winchester Boulevard you'll see  
4 the side of the building. The building will be massive. It  
5 won't be at the back. I raise a number of points in here,  
6 including the outdated and stale plans and reports, the  
7 things that if you were to approve it you have to rely on  
8 those findings, and I don't think that you can do that with  
9 those stale plans.

10           I mention the high-pressure natural gas  
11 transmission line. That's kind of a secret, because PG&E  
12 doesn't say where their infrastructure is. The single  
13 biggest high-pressure transmission natural gas pipeline  
14 going into Los Gatos is right by this.

15           CHAIR BARNETT: I'm sorry, I do have to interrupt  
16 you since your time is up, but I'll ask Commissioners if  
17 they have questions of you. And we do have your extensive  
18 communications to the Planning Commission and Staff in  
19 advance, so that's appreciated and is considered. Thank  
20 you. So Mr. Hulser, I believe you wanted to come forward  
21 and make a presentation.

22           ERIC HULSER: Yes, thank you. Good evening. Thank  
23 you for listing to me. My name is Eric Hulser. I am the  
24 neighbor to Georgina, who you heard earlier, and I live at  
25

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 708 Winchester Boulevard, the closest property to this  
2 development.

3 I have a number of objections to this project. It  
4 sounds like you guys have read a number of them already,  
5 but I wanted to focus my attention today on this part right  
6 here, the south-facing wall.

7 A lot of these renderings that have been  
8 presented are very misleading to the Commission and public.  
9 That is not a road; that is my driveway. Where that line  
10 is, that is our wall. This property scoots right up to the  
11 end of our property here. This would be the view that we  
12 would see coming out our front door if we were about 100  
13 yards back and there were no buildings there. Again, these  
14 cars would be in our driveway. Oftentimes I hear that is  
15 presented as a two-story building. That may be true up at  
16 the Winchester side, but it quickly goes into a three-story  
17 building, and that is what we look at.

18 This is what you would see out of our windows. On  
19 the left, that's my daughter's bedroom window; on the  
20 right, that's my bedroom window. If you were down in our  
21 living room you would not even be able to see the sky. So  
22 this is taking that same rendering that you just saw, but  
23 putting it in proper context. This is mapped up to the tent  
24 poles that are poorly approximating this project.  
25

1           One of the reasons I think this is quite  
2 misleading is because of the size and scale of this project  
3 they were unable to do proper netting; they were unable to  
4 do proper flags. Even the billboard that is up does not  
5 draw your attention the way it should.

6           This is also another misrepresentation. This is  
7 showing that same Variance, and we are arguing that the  
8 roof should not be included, however, you can see here that  
9 the height line is drawn to the natural grade that is  
10 closest to us, and if you look at the closest building  
11 here, that would be what we look at; it's saying the entire  
12 thing is below that line. As you go farther back, that's  
13 the actual amount that would be over this variance; that is  
14 over 50 feet high for that central building, so that was  
15 not properly reflected in really any of the slides that the  
16 developer presented.

17           Again, if I remove that wall you can see pretty  
18 clearly this is a three-story building that we stare at,  
19 not a two-story building as has been referenced multiple  
20 times. In addition, the yellow would be what is above the  
21 35-foot limit. As has also been brought up, we would  
22 recommend that this is not office space. Those are living  
23 rooms and those are bedrooms and they are right up against  
24  
25

1 the wall in an RN that would be 20 feet back, not 10 feet  
2 back.

3 CHAIR BARNETT: Thank you. Stand by for  
4 questions. Commissioner Thomas.

5 COMMISSIONER THOMAS: Thank you for submitting  
6 this information and preparing these slides. I have two  
7 questions for you.

8 The first is the type of development that you  
9 would want to see in this location and what sort of setback  
10 or screening would make you more comfortable with a  
11 building being built here?

12 ERIC HULSER: As the developer mentioned, in 2020  
13 we said we be okay with an assisted living facility. I  
14 think we are still okay with that. We were given the choice  
15 of you get either apartment complexes or assisted living.  
16 Given that choice, we choose assisted living. We don't get  
17 much say in that choice. All I ask is that it be built  
18 according to code.

19 As far as what goes there, it looks beautiful. I  
20 have no objections to the look or feel of the project, but  
21 the size and scale and scope is immense, so what we would  
22 be okay with, or at least I personally would be okay with,  
23 is a building built according to code.  
24  
25

1           As far as the zoning, you're asking setback  
2 requirements. Again, this project is using up 50% versus  
3 40%. You could take that wall back, you could cut down on  
4 that over-usage, and if you were to adhere to an RM, then  
5 that building, what we would see out of our front door,  
6 would be totally acceptable and the people who live there  
7 would have a building that would be built according to code  
8 for the residents of the building.

9  
10           It may be said that it's going to be a Commercial  
11 project, but the people who live there will be people.  
12 That's not an office space. That's people living in their  
13 homes, in their living rooms staring into mine.

14           COMMISSIONER THOMAS: All right, thank you.

15           CHAIR BARNETT: Thank you. Are there any other  
16 questions for the speaker? I don't see any. Thank you very  
17 much for coming. We don't have any other members of the  
18 public on Zoom or who have submitted cards, so we'll now  
19 give the Applicant an additional three minutes to make a  
20 presentation. Thank you.

21           JESSIE BRISTOW: Thank you. I'll try to address  
22 the comments as much as possible.

23           For Mr. Sullivan, the comments regarding the cut  
24 and the study done on the soil, we do have a geotechnical  
25 report. There are kitchens in the assisted living, there



1 are no kitchens in memory care for obvious reasons, and  
2 it's zoned Office, so we can't do single-family homes; we  
3 can't do estates. I know people want a lesser impact use,  
4 but we're dealing with what it's zoned for.

5           Again, same with the next speaker, Mary McCloy.  
6 One- or two-story single-family homes are not feasible for  
7 this site. We did reach out to Safe Routes to School. I'm  
8 sorry I forgot to mention that, but we did reach out to  
9 them early on in the process and they never got back to us,  
10 but basically our position was this would be less traffic  
11 trips than an office building, so we hope you're in favor  
12 of something like this.

13           There was a discussion a little bit about the  
14 office. I know it's a smaller building, but in our opinion  
15 it is a higher impact use, and the office building was  
16 proposing to remove 31 trees and our project is proposing  
17 to remove 29, if it makes any difference.

18           Regarding some of the comments from Mr. Parker on  
19 how it's a foregone conclusion, AB 2011 and SB 6 wasn't a  
20 draft law until 2022, and we were deemed complete in 2022,  
21 so it was never our intention to go this route and just  
22 build multi-family if we don't get our way. That wasn't our  
23 intention, but as you know, the State does want more  
24 housing and bigger projects, which I think is difficult for  
25

1 people to get used to, but we have to build vertically  
2 because we're also going to run out of land. With that  
3 said, it's something that is an option today, and again,  
4 we're trying to build something of use that was the  
5 direction we got originally in 2020.

6 I do understand Demian's comments that they feel  
7 it's too large, too tall, too big. During the call I did  
8 not express that if you guys don't like this we're going to  
9 build something bigger, I did not express that; it is an  
10 option that we could go down. It wasn't presented in that  
11 manner at that meeting, so I'd just like to clarify that.

12  
13 Regarding Mr. Mekechuk's comments, he said  
14 sustainable building. This will be a LEED Silver building;  
15 it's required by the General Plan. We'll have solar and  
16 California Green Building standards.

17 Regarding outreach, if I recall correctly, Mr.  
18 Mekechuk called me and left a voice mail, and I think we  
19 might have spoke on the phone once where he basically said  
20 essentially what he said today, I'll support it if it stays  
21 within the height of the office building. And then at the  
22 story pole meeting when we did converse out back and it was  
23 clear that he was frustrated, and again, our project was  
24 already deemed complete, so there is nothing that I could  
25

1 have adjusted at that time, so I do apologize for not  
2 getting back to you, but it wasn't in a malicious manner.

3 CHAIR BARNETT: You are out of time.

4 JESSIE BRISTOW: Yes, sorry. If you have any  
5 questions.

6 CHAIR BARNETT: I'll just see if Planning  
7 Commissioners have any questions. Vice Chair Raspe.

8 VICE CHAIR RASPE: Thank you, Chair. One quick  
9 question following up to Mr. Hulser's comments essentially  
10 indicating he would be satisfied with the project if it  
11 didn't seek a Variance, if you were at the .40 lot coverage  
12 and the 35' height limit throughout. My question to you is  
13 did you analyze the project in that sense, and is it  
14 possible to do that project within those parameters?

15 JESSIE BRISTOW: By going 40% we lose a lot of  
16 amenity space for the residents. Additionally, if we do 40%  
17 the design I think would actually shorten at the back. It  
18 wouldn't shorten as far as the width in the proximity to  
19 the University Oaks neighbors, so 40% is nice, but again, I  
20 don't think it's going to accomplish what Eric spoke to,  
21 and he spoke to a conforming project, so the façade that he  
22 views. I do acknowledge it is close to his property. Even  
23 if you eliminate that roof and we just do some type of  
24 mechanical equipment shielding on top, you're still going  
25

1 to have that building conforming in height, so that two-  
2 story building that we have is conforming, and even if you  
3 dropped it lower, even if they wanted one-story at that  
4 point, looking past it you're going to see a two-story  
5 building, and again, you're going to alter the balance of  
6 the building and how it looks overall.

7           Currently right now the top floor is, I want to  
8 say, 30 units, so if the entire top floor goes away we  
9 would have 30 units less, and that would be 30 units that  
10 would not be towards the regional housing numbers.

11           VICE CHAIR RASPE: Follow up question, please.  
12 Assuming just for the sake of argument 30 units less on the  
13 top floor, of course it would hurt the Town on our numbers.  
14 Does it still remain a viable project for you and/or the  
15 developer?  
16

17           JESSIE BRISTOW: When it comes to operations they  
18 try to have over 100 units when it comes to the assisted  
19 living. The memory care, again, usually stays roughly that,  
20 so it would be substandard from an operating standpoint.  
21 I'm sure there might be some operators that would be  
22 interested, but the ones we've worked with and the one we  
23 have consulted, they are attracted to the project as it is  
24 proposed today.  
25

1 VICE CHAIR RASPE: I appreciate that. Thanks very  
2 much.

3 CHAIR BARNETT: Other questions from  
4 Commissioners? Commissioner Hanssen.

5 COMMISSIONER HANSSEN: My question is about the  
6 height. My view of this is there is probably a trade-off;  
7 if you had less height you're going to need more lot  
8 coverage to provide the amenities that you want. Are there  
9 assisted living/memory care facilities out there that are  
10 only 35' tall?  
11

12 JESSIE BRISTOW: Yes, but they would have a very  
13 low amount of units, and it gets to a point of is it worth  
14 even building the project? So there's a balancing act  
15 there.

16 COMMISSIONER HANSSEN: Well, if there was more  
17 land, let's just say instead of 1.3 acres it was 2 acres or  
18 2.5 acres?

19 JESSIE BRISTOW: Oh, yes, absolutely. If we had  
20 two acres we could probably fit the whole building on two  
21 stories, but we don't; we have a finite amount of land.

22 COMMISSIONER HANSSEN: Okay, thanks.

23 CHAIR BARNETT: Other questions? I have a  
24 question for you, sir. As I understand, to make the  
25 Variances that are requested for height and lot coverage we

1 have to determine that there are special circumstances  
2 applicable to the property such as size, shape, topography,  
3 location, or surroundings that justify that deviation from  
4 the standard. Can you speak to that?

5 JESSIE BRISTOW: To have a functioning facility  
6 the way we've designed it and with the topography, the  
7 challenge is we're trying to meet that height as much as  
8 possible on Winchester, but it's because of the sloping lot  
9 and the way the code reads that it has to be a set height I  
10 believe averaged across the lot, it's not at the frontage,  
11 and so because we have that sloping challenge we're not  
12 able to meet that for this proposed project.

14 CHAIR BARNETT: Thank you for those comments.  
15 Commissioner Janoff.

16 COMMISSIONER JANOFF: I'm confused by the height.  
17 You say that it's conforming without the mansard roof, but  
18 we're not doing away with the roof just in case anybody out  
19 there thought that that was the direction you were going.  
20 The question is to the developer. When I read these plans,  
21 which need a magnifying glass at best for us, I see a 39'  
22 height for the lower portion of the building increasing to  
23 a 50' height for the higher portions of the building. So  
24 could you explain how 39' feet is conforming to 35'?  
25

1 JESSIE BRISTOW: Would it be possible to see  
2 slide 5 of the presentation? Thank you. The blue line you  
3 could probably see a little better, that is the average  
4 sloping height, so that is 35' with the topography as you  
5 go down. So, yes, if you measure from the straight point up  
6 you have different heights at the depth of the back of the  
7 property, but when you read the building, that's where  
8 we're trying to meet that height as much as possible. So  
9 the center of the building where you see just past the  
10 garage, it peaks up just a little bit over, but that's  
11 because of the way the property slopes and we can't have a  
12 slanted building.  
13

14 Those are corridors, we have to have elevator  
15 access, there are all these challenges, and if you try to  
16 move one elevator only and shorten it, then you're going to  
17 have an access issue for basically what is a medical  
18 facility, and so we have to have a central elevator point,  
19 and that's essentially where the elevator house would be in  
20 the middle lane of the project.  
21

22 If you look at the frontage on Winchester to the  
23 right, you can see part of our mansard roof is just  
24 floating under that blue line, but because the property  
25 slopes we're having challenges meeting it, and even if you  
took off that top floor the mansard roof would still be

1 impacting the height restriction, and so I think maybe the  
2 question is to Staff. I understood that the building top  
3 plate is what was being measured and the mansard roof would  
4 not be counted because it's really just shielding  
5 mechanical equipment, but maybe I'm incorrect.

6 COMMISSIONER JANOFF: I would defer to Staff, but  
7 it's my understanding that it's the actual top height of  
8 the structure, including the roof. Essentially what's being  
9 obscured visually is the height of the building, and that's  
10 why I'm confused when you say you're meeting a 35'  
11 requirement, when in fact there's very little except a  
12 little bit of the eave that's on the Winchester side that  
13 looks like it might be below, and the balance of the  
14 building looks like it's well above the 35'. I would defer  
15 to Staff if that interpretation is not correct, but what  
16 I'm hearing you say is different from my understanding of  
17 how height requirements are calculated or read.

18  
19 Number one, given that, would it be possible for  
20 you to even meet the 35' requirement? I understand that the  
21 slope of the lot will give us a higher height at the rear  
22 of the lot; that's understood. We knew that before when it  
23 was the previous project and understood that, which is why  
24 we asked for the building to be shifted back as far as  
25



1 possible on the lot so you had a lower elevation at the  
2 front.

3 I don't see any of this proposal meeting our 35'  
4 requirement, let alone where it slopes to 50'. I understand  
5 that part, but I'm at a loss at how we could approve it  
6 this way when it's nearly 100% above Town requirements.

7 JESSIE BRISTOW: In reference to where it is  
8 conforming, it would be the two-story component that's on  
9 the other side. This side is challenged, and so I think in  
10 order to meet it you would have to remove the top floor,  
11 which would be a challenge for us from an operational  
12 standpoint, and it's not something we really want to do.

13 CHAIR BARNETT: Thank you. Other questions?  
14 Commissioner Thomas.

15 COMMISSIONER THOMAS: Does the slope allow for  
16 more belowground parking than typically you would be able  
17 to have with less digging?

18 JESSIE BRISTOW: So that's why we have a  
19 basement. If you actually take the garage and call that the  
20 basement and treated that as the lowest point, we'd be  
21 meeting the height. If that garage entrance point were your  
22 measuring stick, then we would be meeting the height, but  
23 the Town reads garages as part of the building, and even  
24 though it's half in/half out, we're being dinged for that.

1           So the office building actually did a bunch of  
2 fill and had surface parking, and actually when we met with  
3 the neighbors their concern was all the cars were parked  
4 and their lights would be in their windows, so we actually  
5 enclosed the garage and we built on top of it.

6           CHAIR BARNETT: Other Commissioners? Vice Chair  
7 Raspe.

8           VICE CHAIR RASPE: Just a quick follow up  
9 question. What are your floor plate heights?

10          JESSIE BRISTOW: They're close to 10'.

11          VICE CHAIR RASPE: Is that standard? Is it above  
12 average? I guess my question is, is there any play there?

13          JESSIE BRISTOW: For assisted living it's  
14 standard. I think the smallest you could go for residential  
15 is 8', but it's really tight, but for this type of facility  
16 close to 10' is pretty standard.

17          VICE CHAIR RASPE: Is that a requirement because  
18 of its specific use, the medical equipment, or it's just  
19 standard?

20          JESSIE BRISTOW: I'm going to consult with my  
21 architect.

22          CHAIR BARNETT: State your name, please.

23          DAVID MEADS: David Meads with Swenson,  
24 architect. The plate height would be 10' floor-to-floor,

25               LOS GATOS PLANNING COMMISSION 8/9/2023  
              Item #3, 15860-15894 Winchester Boulevard  
                                  and 17484 Shelburne Way

1 but then hanging it back down into that space would be the  
2 floor structure and a drop ceiling for mechanical and  
3 whatnot, and so you're looking at right around a 9'  
4 ceiling, which is current market standards at this point.

5 VICE CHAIR RASPE: My question I guess, what I'm  
6 trying to get at, is there a way to shrink the mass just by  
7 shrinking the floor plate?

8 DAVID MEADS: Oh, by dropping the floor plates?

9 VICE CHAIR RASPE: Yes.

10 DAVID MEADS: Right now that would put you kind  
11 of subpar with what current market is offering. That's more  
12 something you'd see back in the seventies and early  
13 eighties with an 8' ceiling height.

14 VICE CHAIR RASPE: Okay. I just want to make sure  
15 we're examining all our options. I appreciate that.

16 CHAIR BARNETT: Other questions or comments? If  
17 not, we don't have anyone further on Zoom.

18 JENNIFER ARMER: We had closed the general public  
19 comment, so once you are done with questions with the  
20 Applicant, then that would be the end of comments.

21 CHAIR BARNETT: Thank you for that reminder. So  
22 at this point we'll close the public portion of the public  
23 meeting and ask Commissioners if they wish to comment, ask  
24  
25

1 questions of Staff, or present a motion? Commissioner  
2 Hanssen.

3 COMMISSIONER HANSSEN: I have a question for  
4 Staff. Under construction off of Blossom Hill is an  
5 assisted living/memory care facility that we looked at a  
6 couple of years ago. What is the height of that? Do you  
7 have that information handy?

8 JENNIFER ARMER: Thank you for that question.  
9 Yes, that was able to comply with the required height  
10 limits of 35'.  
11

12 COMMISSIONER HANSSEN: My recollection of the  
13 hearing was it was easy; it met a need and there weren't  
14 any Variances. Okay, thank you.

15 CHAIR BARNETT: Other question or comments?  
16 Commissioner Janoff.

17 COMMISSIONER JANOFF: Thank you. It's a beautiful  
18 building. The architecture is wonderful and I think the  
19 articulation of the building mass is well done, but in my  
20 opinion it's just too high.

21 With regard to the neighborhood outreach, to go  
22 from 30,000 square feet to 81,000 square feet is a huge  
23 jump without any conversation about what and why; we're  
24 talking about the project that was previously approved as  
25 the office building compared to what we're looking at now.

1 I really appreciate however that this is an  
2 assisted living facility; I think that's a need in town.  
3 I've moved my mother to two different assisted living  
4 facilities in the last several months. There is no need for  
5 a 9-10' interior plate height. I'm in agreement with where  
6 Vice Chair Raspe is perhaps going in suggesting that the  
7 plate heights be reduced to get a little bit of relief on  
8 the overall height of the building, but if you can take it  
9 and we can get three stories in 35', let's get three  
10 stories in 35', and if you have to run to the back and we  
11 need more height in the back, I don't have any issue with  
12 giving that height Variance.  
13

14 Having said all of that, I actually don't have an  
15 issue with the Variance on the 40% or 50% lot coverage. In  
16 fact, I would say if you can get the height down you could  
17 have more lot coverage, because we want these units, but we  
18 want them to reasonably fit within the visual element of  
19 town, so I'm struggling with both requests for Variance;  
20 it's like too much, too much. If you could have one, if you  
21 could get the height down to the 35' and take the back  
22 higher, I wouldn't have any issue with that, but even  
23 better to get the whole thing down even lower and take more  
24 lot coverage, but I'm not suggesting this be a roofless  
25 building. Thank you.

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 CHAIR BARNETT: Commissioner Hanssen.

2 COMMISSIONER HANSSEN: I agree with Commissioner  
3 Janoff. It's a beautifully designed building.

4 I was on the Planning Commission when we heard  
5 the office building. Because the office building wasn't  
6 going to work out, they couldn't find a tenant and we all  
7 know what has happened to the office market, so that's not  
8 been a good scene.

9  
10 When I was looking at this, I think the CDAC  
11 didn't put our minutes in there, but I recall the CDAC was  
12 generally favorable to the idea, but it's a concept, it's  
13 not a design. When I saw this the first thing I thought of  
14 was the height, and it's not that it's unreasonable to have  
15 a 50' tall building in town, but is this the thing that we  
16 would do it for, and if this the right place to do it?  
17 That's why I asked the question at the beginning about the  
18 heights of buildings on Winchester. Way at the north end of  
19 town we have Netflix and that's taller, but it's at the  
20 very north end of town and it's not approximated by lots  
21 and lots of single-family residential or the kind of units  
22 that you'll see in the part of Winchester you're on.

23  
24 I think that the concept makes a lot of sense,  
25 but what I'm hearing is that because of the requirements  
for an assisted living facility it has to be more than

1 really might be appropriate for the site. It's 1.3 acres  
2 and it's in a residential neighborhood with just single  
3 stories. The push back coming from residents is that it  
4 doesn't fit well into the neighborhood.

5           Getting back to whether the project is approvable  
6 or not, certainly the Town desires more housing units,  
7 certainly there is a need for assisted living, we have an  
8 aging population, but this seems like it's too much. I can  
9 imagine a scenario where if it met the height limit it  
10 might be possible to see this fitting in, but then it  
11 sounds like it won't pencil out for the operators that need  
12 that, so maybe there is another site that would be more  
13 appropriate for assisted living, but as it stands right now  
14 I couldn't make the findings for the Variance for the  
15 height.  
16

17           CHAIR BARNETT: Thank you for those comments.  
18 Commissioner Clark.

19           COMMISSIONER CLARK: Thank you. I will share a  
20 few of my thoughts. I think it's really important to go  
21 into this with the mindset that opportunities like this  
22 don't come up all the time and we only get one shot at this  
23 really, that probably whatever happens with this property  
24 is what it will look like for our entire lives, so I just  
25 think it's really important to think about that.

1 I'm hearing a lot of people saying that we need  
2 this, but not here, that this is definitely something  
3 important, but we need it somewhere else, but I believe we  
4 would hear that pretty much anywhere that we put it, and so  
5 the way I see it is it is being proposed here.

6 During my site visit I felt like it fit in pretty  
7 well actually and the properties that it would be replacing  
8 aren't any major loss or anything, which is great. The  
9 slope to me is pretty unique, and so I would be able to  
10 make the finding that they're facing unique topographical  
11 challenges.  
12

13 Also I think it's important to remember that more  
14 height is more units, so to lower the height and lose 30  
15 units, that is 30 people who would not have this place to  
16 go, and something important with an older adult living  
17 community is that each of those units could mean an entire  
18 single-family home that's opening up because somebody would  
19 otherwise be staying in their home because they didn't have  
20 somewhere like this to go, because it is something that  
21 we're lacking.

22 I also think the North Forty taught us an  
23 important lesson about height, which is that 5' can make a  
24 really big difference aesthetically in the sense that  
25 essentially we kept the height so low that when they got to



1 the max they just flattened it and it looks horrible to  
2 many people—I kind of like it—but if we had allowed even 3-  
3 5' more they would have been able to do an aesthetically  
4 pleasing roof and it would look better without impeding  
5 people's views more, so I also think when we talk about the  
6 height in numbers we need to think about what we're really  
7 getting for what we might be losing.

8 I like Commissioner Janoff's idea for more lot  
9 coverage and less height; I think that would be something  
10 worth looking at.

11  
12 Something else I wanted to mention is I've rarely  
13 seen the Consulting Architect have no changes, so I think  
14 that says a lot about this project in that they're at least  
15 doing it in the best way possible probably.

16 I'm personally in favor of the project. I think  
17 that they did it really tastefully, I felt like it fit in  
18 well, and I think I would be able to make the findings  
19 necessary to grant the two Variances.

20 CHAIR BARNETT: Thank you for your comments,  
21 Commissioner Clark. Other Commissioners? Commissioner  
22 Thomas.

23 COMMISSIONER THOMAS: I want to echo some of what  
24 Commissioner Clark just said and what all the Commissioners  
25 have said so far.

1           It is really well designed architecturally, and I  
2 was also surprised to see no changes recommended. I do  
3 think that the pictures that we've seen do a good job of  
4 showing what the building will actually look like, maybe  
5 not how it will really sit in the entire neighborhood—that  
6 requires a little bit more imagination—but I do think that  
7 it is really well designed and I do agree that the  
8 topography provides a challenge.  
9

10           I think that the reality is moving forward we  
11 know that the State is going to continue to require us to  
12 allow for more density, and so I agree that if the height  
13 can be brought down a little tiny bit without compromising  
14 the integrity of the structure looking proportioned and  
15 nice, and we would not want the roof to be gone.

16           I do agree that having more lot coverage would be  
17 ideal. This is a facility that 50% even just seems like not  
18 that much for a memory care or assisted living facility. I  
19 know outdoor and green spaces are important, and I  
20 understand the neighbors want some barrier and buffer and  
21 allowance for a lot of vegetation, which I understand, but  
22 50% or even a little bit more than that if we could figure  
23 out how to get the height down just like a tiny bit to  
24 appease people, that this is something that I would be  
25 comfortable with, and I do think, like Commissioner Clark

1 just said, because of the topography that I could make the  
2 findings to grant the Variances.

3           Lastly, I want to say that I think that we should  
4 try really hard to come to a compromise and make this  
5 project work, because similar to North Forty and there are  
6 just so many alternative pathways now for getting  
7 development done, and I think this is a good place for this  
8 facility.

9           Maybe it is a little bit too high and maybe  
10 that's what Commissioner Hanssen was really just mentioning  
11 more than the type of facility it is, because I do think  
12 that the vet is there and it's kind of a mix; it's not  
13 quite fully residential even though there are a lot of  
14 people that live near there and it is near the school, but  
15 it's also a little bit of business, so I think it's a good  
16 location for this type of facility.

17           I do think that the neighbors said that they  
18 would rather have something like this than apartments, and  
19 I do think that having an apartment complex would make a  
20 much larger impact with regard to traffic, with regard to  
21 the parking issues, with regard to just a lot of the noise,  
22 having people in and out in general.

23           I think that I really want this to work because  
24 we don't get a lot of opportunities to do this and we need  
25

1 to try to attempt to help with housing getting built in  
2 town for RHNA requirements and numbers, so I think that  
3 this is a really good opportunity and I hope that we can  
4 get somewhere, because we don't want to be that place where  
5 developers are coming in and using Builder's Remedy and  
6 stuff. We've talked about that here, we've talked about  
7 that when we've been in our General Plan meetings and our  
8 Housing Element meetings and all of that, and I know we  
9 really want to avoid going down that path, so I hope that  
10 we can come to a compromise.

11  
12 CHAIR BARNETT: Commissioner Janoff.

13 COMMISSIONER JANOFF: Thank you. I would hope  
14 that the Planning Commission is not making a decision  
15 tonight based on a fear of what a different project might  
16 look like. I think we need to evaluate this on its face  
17 value and its benefit to this area. Builder's Remedies are  
18 going to happen, and these bills that builders are going to  
19 try to use are going to happen, but I don't want to  
20 compromise a project for fear that that would happen, so I  
21 just want to make that point.

22 The other thing I would like to add, again having  
23 had more experience with senior communities than I ever  
24 really wanted to, independent living is not a part of this  
25 project. Independent living in my view would want to

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 accommodate much more open space. When you are talking  
2 about assisted living individuals, it's people who don't  
3 have a lot of mobility to start and then it gets worse.  
4 Providing as many units as we can I think is a priority, so  
5 I wouldn't want to lose 30 units. I would want the height  
6 reduced, but if you can put more units on the ground and  
7 take 50%-60% more land to do it, I'd like to know whether  
8 the developer would be open to rethinking the layout if we  
9 provide the opportunity to take up more space. I think  
10 that's a reasonable place to go.

11  
12 I'm not going to suggest any reengineering or  
13 architecting of this building, which is quite beautiful, as  
14 we've said, but I think it could be done—and this isn't  
15 going to sound fair to the future residents perhaps—in not  
16 so luxurious a fashion. It can be a practical and  
17 beautiful, caring, and welcoming environment. It doesn't  
18 need to have 9' ceilings, and you could have smaller  
19 spaces. See how we could rethink the overall layout to get  
20 you the numbers you want, but in a more compact, maybe  
21 lower slung configuration.

22 CHAIR BARNETT: Thank you for that. Other  
23 comments? Commissioner Burnett.

24 COMMISSIONER BURNETT: Yes, thank you. This is a  
25 confusing one, because I think your project is beautiful. I

1 mean, it really is. I think the design architecture is  
2 really great, the way the building moves, and it's really  
3 what you want.

4 I'm having issues at where it is. Somehow I don't  
5 think it's appropriate there coming into Los Gatos. I have  
6 a member over at the Terraces. There are a lot of  
7 ambulances coming and going all the time; someone is coming  
8 in and going out. I mean there are a lot of transportation  
9 issues.

10  
11 You're by the school. You're talking about 351  
12 daily trips, a lot of traffic right in that area, and I  
13 know the peak numbers in the morning and the evening are  
14 lower than the office building before that was approved,  
15 but it just seems too big, too massive, too tall, and I  
16 don't think it works there. If you can make a smaller  
17 version of it, maybe it would work better for me, but I  
18 really think it is a beautiful project and I commend you  
19 for that, but coming into Los Gatos and seeing this massive  
20 project there, I just don't think it's right for Los Gatos,  
21 our General Plan, and what we're trying to achieve for our  
22 town.

23 And it's getting so hard now that we have to be  
24 really cautious on what we move forward, because then you  
25

1 set a precedent for the next project and the next project,  
2 so it's very complex and sort of difficult. Thank you.

3 CHAIR BARNETT: Commissioner Janoff.

4 COMMISSIONER JANOFF: I would just like to  
5 clarify one point. We hear each project de novo. These  
6 project decisions are not setting a precedent. It should  
7 not be setting a precedent. Each site is unique, each set  
8 of plans is unique, and so I don't want Commissioners to  
9 feel like approving this project sets an unfortunate  
10 precedent. We hear each and every item on our agendas as a  
11 brand new, without precedent, item. So I just want to be  
12 clear that in my view the Planning Commission doesn't set  
13 precedent with decisions, it considers each project on its  
14 own merits and makes a determination.

16 CHAIR BARNETT: Thank you for that reminder.  
17 Commissioner Burnett and then Commissioner Thomas.

18 COMMISSIONER BURNETT: I don't think I was saying  
19 that how you describe it, that a precedent is setting, I'm  
20 saying that it seems to open a door for more and more  
21 people to come in, or more developers to bring in their  
22 projects for more density or intensity, just to clarify.

23 COMMISSIONER JANOFF: Just a quick response. We  
24 know from the General Plan, we know from the Housing  
25 Element, that we are going to be seeing more and more of

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 these large developments, and as I think Commissioner Clark  
2 indicated, there are always going to be issues with these.  
3 These are unique projects in terms of density and height  
4 and we'll see more and more of those going forward, as we  
5 must if we're going to meet our RHNA numbers. It's  
6 uncomfortable for the Town, it's uncomfortable for the  
7 residents, we understand that, but that's the fact of  
8 needing to create more housing in a pretty compact area  
9 such as Los Gatos, so I think we're going to see more of  
10 these difficult decisions.

11  
12 CHAIR BARNETT: Commissioner Thomas, you were  
13 next, and then Commissioner Hanssen.

14 COMMISSIONER THOMAS: I have a question for  
15 Staff. I know that we are using the 2020 General Plan, I  
16 understand that, but what would have been the lot coverage  
17 for the 2040? I'm just wondering percentage-wise just  
18 because that did go through some scrutiny and everything,  
19 so it might give an indicator of what some of the public  
20 might think about a change in lot coverage.

21 JENNIFER ARMER: Thank you for that question. I  
22 can look that up, though as you said, at this time and  
23 based on our evaluation the rules that do apply to this  
24 project is the 2020 Land Use Element, and so that is what  
25



1 governs, but I can take a quick look and find that number  
2 for you.

3 COMMISSIONER THOMAS: Okay, thank you. Then my  
4 other question was a follow up to Commissioner Hanssen's  
5 mention of the facility that's being built on Blossom Hill.  
6 Where is that?

7 JENNIFER ARMER: It's 400 Blossom Hill Road. It's  
8 the construction that you see as you're going north on  
9 Highway 17 on the right; that is the project that she was  
10 referring to.

11 COMMISSIONER THOMAS: So the lot is bigger?

12 JENNIFER ARMER: Yes, it was a different  
13 configuration.

14 COMMISSIONER THOMAS: And also topography-wise  
15 it's different, so okay.

16 JENNIFER ARMER: And I can answer your other  
17 question as well. In the 2040 General Plan Land Use Element  
18 we actually switched. Instead of a lot coverage it was  
19 floor area, and so the maximum height in the Office zone  
20 was still at 35' and the FAR was 1.0.

21 CHAIR BARNETT: Thank you. Still open for  
22 discussion. Commissioner Hanssen, you had your hand raised.

23 COMMISSIONER HANSSEN: I wanted to echo what  
24 Commissioner Janoff said earlier. I would certainly hope  
25

1 that no Planning Commission in the Town of Los Gatos or  
2 anywhere would bow to pressure from a developer to threaten  
3 SB 30 or any other law in California in terms of when we  
4 have a discretionary decision sitting in front of us and we  
5 have zoning codes to deal with that we would be intimidated  
6 by that, and I personally will not.

7           That being said, I did want to reiterate what I  
8 said earlier, which is that when we saw this at CDAC back  
9 in 2020 I was in favor, and I still am in favor, of the  
10 idea of the senior assisted living project that's here, but  
11 this comes with having to take pretty big Variances against  
12 our building standards, and as I said, I don't know that we  
13 have much of any buildings in Los Gatos that are 50', and  
14 we may have to go there for the Housing Element. I chaired  
15 the Housing Element and I've been sitting on the General  
16 Plan Committee for years. We may have to go there with the  
17 developers, but is this the building where we're doing it  
18 for the first time, and is this the right location to do  
19 that?  
20

21           I asked Staff about the property of the senior  
22 facility that's being constructed on Blossom Hill. That is  
23 sort of down in a hole, it's next to an apartment building  
24 complex, but as you're driving down there were other  
25 commercial buildings in that area, so that was an easy

1 thing because there weren't a lot of impacts to the nearby  
2 neighbors, they weren't going to be looking at people's  
3 windows looking at them.

4 I'll go back also to what Commissioner Janoff  
5 said. I think that it would be a good idea if we can try to  
6 make this project work, because if you compare it to the  
7 alternatives for residential, this is going to be less  
8 impact to traffic, because people will be spending more  
9 time in their units versus a traditional apartment  
10 building, and I personally would be willing to go there on  
11 trading off the lot coverage for the height, because I  
12 think the height is a big deal and people do value their  
13 views of the surrounding mountains and all that, and like I  
14 said, we haven't been going there with 50' heights.  
15

16 CHAIR BARNETT: Commissioner Janoff, and  
17 Commissioner Thomas afterwards.

18 COMMISSIONER JANOFF: Just to clarify that the  
19 way I read the plans the 50' height is only because the  
20 back side of the lot drops off, and that affords the  
21 opportunity for more units, so that's a unique feature of  
22 the topography. I think calling it a 50' height building is  
23 probably not accurate. I mean, it is.  
24

25 But my question overall is I guess what I'm  
hearing are some votes in favor of approving this as is,

1 and some votes in favor of asking the Applicant if they  
2 would be willing to go back and reconsider more lot  
3 coverage for a reduced height. Can we ask the Applicant?

4 JENNIFER ARMER: Thank you for that question. If  
5 you have a specific question for the Applicant, the Chair  
6 could choose to open just for a specific question.

7 CHAIR BARNETT: I would be amenable to opening  
8 the public hearing just for that purpose.

9 COMMISSIONER JANOFF: So to just clarify what  
10 that question would be, and it's generally a yes or no  
11 question, would the Applicant be willing to go back and  
12 reconsider their plans, keeping the senior facility as  
13 envisioned but with a larger footprint and a reduced height  
14 to get it under the 35', would they be willing to consider  
15 that?

16 CHAIR BARNETT: Does the representative of  
17 Swenson want to deal with that question?

18 JESSIE BRISTOW: Good evening, Jessie Bristow,  
19 Swenson Builders. I was discussing with my colleague about  
20 where maybe we could fit some of that lot coverage if we  
21 were granted additional space. There are two portions, the  
22 north wing and the south wing, but unfortunately that's  
23 where we have our C-3, which is our storm water control, so  
24  
25

1 that would be a significant redesign and I'm not sure if  
2 we'd actually be able to capture all that water runoff.

3 In discussing potentially the height, at this  
4 juncture I don't know if we could accommodate the 35' a  
5 hundred percent. The first floor has all the amenities, it  
6 has a full kitchen, so dropping that plate would be really  
7 challenging, because that's where everyone would exist, so  
8 to speak, when they're not in the room. But the second  
9 floor and the third floor we believe we could drop that  
10 floor plate about a foot. I know it's not much, but that  
11 would go from the highest point 2' lower, and then we might  
12 be able to adjust the mansard roof by 0.5'. Again, I know  
13 it's not much, but that's 2.5' potential reduction just  
14 speaking on it off the cuff today. Thank you.

16 CHAIR BARNETT: Thank you, sir. Appreciate the  
17 clarification. Other questions or comments? Commissioner  
18 Thomas.

19 COMMISSIONER THOMAS: Do you feel like your  
20 question was answered?

21 COMMISSIONER JANOFF: No. Thank you for asking.

22 COMMISSIONER THOMAS: I kind of have a follow up  
23 question to that, because I understand that you can't say  
24 yes, we could totally move a few things around and  
25

1 reconfigure, but I think the question was would you  
2 consider do that?

3 COMMISSIONER JANOFF: The essence of the question  
4 is would the Applicant be interested in a continuance on  
5 the part of the Planning Commission to allow them to try to  
6 achieve some of the objectives the Planning Commission has  
7 obviously voiced?

8 CHAIR BARNETT: The public portion has been  
9 extended.  
10

11 JESSIE BRISTOW: Thank you. Jessie Bristow,  
12 again. Unfortunately at this time I don't have authority to  
13 say that we can do that, but essentially losing that whole  
14 floor would be 30 units, and that would be a challenge for  
15 us. They are valuable units to us and to the Town, so that  
16 would be difficult at this juncture.

17 COMMISSIONER JANOFF: So I'm hearing the answer  
18 is no. Thank you.

19 JESSIE BRISTOW: Sorry.

20 CHAIR BARNETT: Thank you. Vice Chair Raspe.

21 VICE CHAIR RASPE: Thanks, Chair. I'm going to  
22 join in some respects with my fellow commissioners and  
23 depart in others.  
24

25 First of all, I'll join in saying this town needs  
assisted living facilities, as I think all cities in our

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 country. We're an aging population; we need these. We also  
2 need significant numbers to reach our RHNA allocations, and  
3 this project satisfied both those goals.

4           Some Commissioners have indicated that they think  
5 it's a difficult location. I would argue to the contrary. I  
6 think one of the speakers on Zoom indicated that these  
7 facilities should be placed in transitional zones. To me,  
8 this feels like a transitional zone. You're coming down  
9 Winchester and it's changing, you're coming into town, and  
10 it feels like a great location for exactly this type of  
11 facility. You're going to have, I imagine, rescue units  
12 coming here from time to time. Winchester is exactly the  
13 type of street you want those types of vehicles and  
14 facilities to use as opposed to quieter residential  
15 streets.  
16

17           So for me the location, the type of project, the  
18 number of units all make sense for a variety of reasons,  
19 and as everybody agrees, the architecture is beautiful.  
20 Now, there are a couple of things I don't love about this  
21 project.

22           First of all, I think the public outreach was  
23 probably not handled as well as it could have been, and I  
24 would hope that on a going forward basis the developer and  
25

1 the neighbors would develop a more insightful, helpful  
2 discourse.

3           The height for me is the most problematic, and  
4 it's the most problematic on the Winchester side, not on  
5 the downslope side. I agree this is a unique lot situation,  
6 although I guess technically it's four lots, but the  
7 falling away of the street creates the 50' issue, so I  
8 think it's less of an issue more so on the Winchester side.

9           I'm very happy to hear that by my calculations  
10 we've captured perhaps 2.5' of reduction in height just in  
11 our discussion here tonight by reducing one floor plate and  
12 the roof alignment, so while I would have hoped for, again,  
13 a better discourse at the first instance and a smaller  
14 building currently, I'm satisfied with what we've discussed  
15 here tonight and I would be willing to allow this project  
16 to go as we've discussed tonight with the minor changes  
17 we've discussed.

18  
19           CHAIR BARNETT: Sounds like a possible motion,  
20 but we'll see what Commissioner Clark has.

21           COMMISSIONER CLARK: Thank you. I agree. I just  
22 want to add that I would appreciate it if my fellow  
23 commissioners can really consider approving this project. I  
24 feel like this is about the best we're going to get. Like  
25 Vice Chair Raspe said, it's in a transitional zone, which



1 is exactly where you might want a project like this to go,  
2 because its zoning is more Commercial but it will have  
3 people living in it, and the location makes a lot of sense  
4 to me.

5 I think when people are saying it's too tall, or  
6 this isn't what we want in Los Gatos, I would like to hear  
7 that taken one step further as to what is so bad about it  
8 being however many feet too tall versus us getting more  
9 units, or getting this much needed older adult assisted  
10 living, and I feel like we've been needing something like  
11 this for a long time and we have it right here before us,  
12 and I don't feel like the reasons that we are finding to  
13 deny it outweigh the benefits of this project that is  
14 sitting in front of us, and so those are my thoughts.

16 CHAIR BARNETT: And we appreciate those. Other  
17 comments? Commissioner Thomas.

18 COMMISSIONER THOMAS: Thank you. I like where  
19 Vice Chair Raspe is going with his potential motion  
20 perhaps, and I do appreciate the quick calculations and  
21 willingness to drop the 2.5', and I agree with Commissioner  
22 Janoff about the backside down Shelburne height is not as  
23 much of a concern as the Winchester side, and especially  
24 for part of that because of the neighbors that live there.  
25

1 I do want to follow up and say that I also want  
2 to echo what Commissioners Hanssen and Janoff said about  
3 we're not a town and we're definitely not a Commission  
4 that... I do not feel like I can be bullied by developers  
5 with the threats of these State laws that are coming down  
6 and with Builder's Remedy and everything. I know that  
7 sometimes residents, like everyone here is working and  
8 doing a job, and the reason that we know about these  
9 possibilities is because we have volunteered our time and  
10 energy to being here, and I know that I talk to a lot of  
11 residents that don't know about these possibilities, and I  
12 know that people don't want us to become a town that is  
13 known for those things to possibly happen because of any  
14 situation.  
15

16 My comments more are related to the fact that I  
17 want the public to know that we're not in a place where we  
18 can just say we don't want buildings to be built in town  
19 anymore and we don't want development to happen anymore.  
20 That time is gone, and I know that it's upsetting to a lot  
21 of people, so I hope that we can agree to all participate  
22 in the process to cooperate, and our job as the Commission  
23 is not to be bullied by developers but to try to meet  
24 everyone's needs, the community's needs, our RHNA goals,  
25 all of our everything, and so I do think that, as

1 Commissioner Clark said, this is a really great opportunity  
2 for us to meet a lot of our goals and appease a lot of the  
3 concerns with the neighbors, and I really think that it  
4 could be a great project for our community, and so I hope  
5 that we can try to come to an agreement tonight also.

6 CHAIR BARNETT: We've had a lot of discussion.  
7 Perhaps we should have a motion and see how that goes. Do  
8 we have a motion from the Commissioners on this Item 3?  
9 Commissioner Thomas.

10 COMMISSIONER THOMAS: I just have a question I  
11 guess about some of the motion. So Vice Chair Raspe, you  
12 are thinking that if we say you can drop 2.5' that's what  
13 you want to meet? Do we want to say you have to meet the  
14 35' at least for the very front of the building along  
15 Winchester? I'm curious to see what kind of conditions we  
16 would suggest putting on this before we go through with the  
17 motion.  
18

19 CHAIR BARNETT: My comment is that we should get  
20 a motion on the table and then discuss it. Commissioner  
21 Janoff.

22 COMMISSIONER JANOFF: I'll defer to the motion  
23 maker.

24 ATTORNEY WHELAN: I'll pop in. This is Gabrielle  
25 Whelan, Town Attorney. I recommend confirming with the

LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 Applicant that they can accept a condition that would  
2 reduce the structure by 2.5', and I recommend that the  
3 Applicant specify exactly where that reduction would occur.

4 CHAIR BARNETT: Thank you for that input, and  
5 we'll ask for the response.

6 JESSIE BRISTOW: Thank you. Jessie Bristow,  
7 Swenson Builders, again.

8 So to clarify, we can drop 1' on the second  
9 floor, we can drop 1' on the third floor, and then we can  
10 drop 0.5' on the mansard roof, so it would be the 2.5'.  
11

12 CHAIR BARNETT: Does that satisfy the concern of  
13 the Town Attorney?

14 ATTORNEY WHELAN: Yes, thank you.

15 CHAIR BARNETT: All right, so Vice Chair Raspe.

16 VICE CHAIR RASPE: Okay, let me try. I move that  
17 we approve the demolition of one existing office and four  
18 residential buildings for the construction of an assisted  
19 living and memory care facility, Variance for maximum  
20 height and lot coverage of the zone, merger of four lots  
21 into one, and removal of large protected trees on property  
22 zoned O located 15860-15894 Winchester Boulevard and 17484  
23 Shelburne Way, APNs 529-11-013, -038, -039, and -040,  
24 Architecture and Site Applications S-21-008, Conditional  
25 Use Permit Application U-21-010, Variance Application V-21-

1 003, Subdivision Application M-22-008, and Mitigated  
2 Negative Declaration ND-22-001.

3 I can make the required findings for CEQA that an  
4 Initial Study and Mitigated Negative Declaration have been  
5 prepared for this project, that it has been determined that  
6 the project will not have a significant impact on the  
7 environment with the adoption of the Mitigated Negative  
8 Declaration and mitigation monitoring and reporting program  
9 to mitigate potential impacts.  
10

11 I can make the finding that the project meets the  
12 objective standards of Chapter 29 of the Town Code except  
13 for the height and lot coverage Variance requested.

14 I make the finding for the demolition of existing  
15 structures as required by Section 29.10.09030(e) of the  
16 Town Code.

17 I can make the required findings for granting of  
18 a Variance Application as required by 29.20.070 of the Town  
19 Code for granting a Variance Application specifically that  
20 because of the special circumstances applicable to the  
21 property, including its topography.

22 I can make the required findings for a  
23 Conditional Use Permit as required by 29.20.190 of the Town  
24 Code for granting a Conditional Use Permit.  
25

1 I can make the required findings to deny a  
2 Subdivision Application as required by Section 66474 of the  
3 State Subdivision Map Act.

4 I can make the finding that the proposed building  
5 is consistent with applicable provisions of the Commercial  
6 Design Guidelines.

7 I can make the finding as required by Section  
8 29.20.150 of the Town Code that consideration in review of  
9 an Architecture and Site Application were all made in  
10 reviewing this project.

11 The motion is subject to the following  
12 alterations as to the plans submitted by the Applicant in  
13 that the second floor and third floors will each be reduced  
14 by 1' each in floor plate height, and that the roof will be  
15 reduced 6" such that the overall height of the project will  
16 be reduced by 2.5'.

17 JENNIFER ARMER: Through the Chair, I just wanted  
18 to clarify the findings for the lot merger as slightly  
19 unique. It's that none of the findings for denial can be  
20 made. I just wanted to clarify for the record that that was  
21 your intent.

22 VICE CHAIR RASPE: The motion is modified to  
23 reflect so.

1 CHAIR BARNETT: Thank you. We'll look for a  
2 second. Commissioner Clark.

3 COMMISSIONER CLARK: I second the motion.

4 CHAIR BARNETT: Any discussion on the motion?

5 JENNIFER ARMER: First, Chair, just additional  
6 clarification that the motion does include the Conditions  
7 of Approval in Attachments 3 and 4 and the plans provided.

8 VICE CHAIR RASPE: So amended.

9 JENNIFER ARMER: Thank you.

10 CHAIR BARNETT: So now we'll move on to  
11 discussion. We've had quite a bit already, and we may know  
12 the general feelings of the Commissioners, but I'll give  
13 you another opportunity, should you wish.

14 I just want to add that I think the concerns of  
15 the neighbors are serious in consideration. I think the  
16 building does have a very large presence; I was somewhat  
17 overwhelmed when I saw it. I considered the fact that the  
18 architectural consultant, Mr. Cannon, did not actually make  
19 a determination of neighborhood compatibility, which he  
20 usually does, but I've been persuaded by my fellow  
21 commissioners that the project overall meets appropriate  
22 needs for the community, and RHNA needs, in addition to  
23 serving the aging population of our town, and so I am going  
24 to support the motion. Commissioner Thomas.

25  
LOS GATOS PLANNING COMMISSION 8/9/2023  
Item #3, 15860-15894 Winchester Boulevard  
and 17484 Shelburne Way

1 COMMISSIONER THOMAS: I know it's only 6" for the  
2 roof, but can we include in the motion that the Town  
3 Consulting Architect approves that everything will still be  
4 within balance with the changes proposed, or would that  
5 require a whole new thing?

6 CHAIR BARNETT: That's a proposed amendment to  
7 the motion.

8 COMMISSIONER THOMAS: Well, let's see what she  
9 says.

10 JENNIFER ARMER: I could provide clarification;  
11 it sounded like a question for Staff.

12 COMMISSIONER THOMAS: Yes.

13 JENNIFER ARMER: That is something that could be  
14 provided, but on a building of this size I don't expect  
15 that that will significantly modify the appearance of the  
16 roof. One of the things that we do look at for this  
17 particular roof is that it is screening the mechanical  
18 equipment and 6" is unlikely to make a significant change  
19 to how well that is screened, though the mechanical  
20 equipment is still going to be the same height, which is  
21 part of the height of the building.

22 COMMISSIONER THOMAS: Okay, then that's fine with  
23 me. I just want to make sure we're not messing up the...too  
24 much.



1           My other question was if we wanted to just ensure  
2 that there is significant screening. In the pictures we got  
3 it didn't really seem like it, but making sure that in the  
4 Conditions of Approval that they specified it to be an  
5 evergreen screen for the neighbors.

6           CHAIR BARNETT: We'll ask the maker of the  
7 motion.

8           VICE CHAIR RASPE: Question for Staff. Is that  
9 part of the submitted plans? Was it evergreen screening?  
10

11           JENNIFER ARMER: I would have to take a look at  
12 what the species are in the landscape plan. We could  
13 specify.

14           VICE CHAIR RASPE: If not, the Conditions of  
15 Approval would be appropriate evergreen screening.

16           JENNIFER ARMER: On the south elevation in  
17 particular?

18           VICE CHAIR RASPE: Correct, yes.

19           CHAIR BARNETT: Other discussion? If not, I'll  
20 call the question and ask for a raising of hands for those  
21 who are in support of the motion.

22           JENNIFER ARMER: I'm sorry, Chair. We did just  
23 add a condition for evergreen screening along the south  
24 side. I wanted to make sure the seconder accepted.  
25

          CHAIR BARNETT: Thank you for that.

          LOS GATOS PLANNING COMMISSION 8/9/2023  
          Item #3, 15860-15894 Winchester Boulevard  
          and 17484 Shelburne Way

1 COMMISSIONER CLARK: Yes, thank you.

2 CHAIR BARNETT: So now we'll proceed and ask  
3 those in favor of the motion to raise their hand. And those  
4 opposed? So it passes 5-2. Are there appeal rights on this  
5 matter?

6 JENNIFER ARMER: There is, thank you, Chair. The  
7 decision of the Commission can be appealed to Town Council  
8 by any interested person as defined by Town Code Section  
9 29.10.020 within ten days on forms available online with  
10 fees paid. Final deadline is 4:00pm on the tenth day.  
11

12 CHAIR BARNETT: Thank you for that.

13 (END)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25