

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:	Emily Thomas, Chair Kendra Burch, Vice Chair Jeffrey Barnett Susan Burnett Steve Raspe Rob Stump
Town Manager:	Chris Constantin
Community Development Director:	Joel Paulson
Town Attorney:	Gabrielle Whelan
Transcribed by:	Vicki L. Blandin (619) 541-3405

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

4 CHAIR THOMAS: We'll now be moving on to Item 4 on  
5 our agenda, which is to consider a request for approval to  
6 demolish existing commercial structures, construct a mixed-  
7 use development (30 multi-family residential units), with  
8 commercial space on the ground floor, a Conditional Use  
9 Permit, a Condominium Vesting Tentative Map, and remove  
10 large, protected trees under Senate Bill 330 (SB 330) on  
11 property zoned C-2. Located at 143 and 151 E. Main Street.

12 APNs 925-28-001 and -002. Architecture and Site  
13 Application S-24-007, Conditional Use Permit Application U-  
14 24-002, Vesting Tentative Map Application M-24-004, and  
15 Mitigated Negative Declaration Application ND-24-003. An  
16 Initial Study and Mitigated Negative Declaration have been  
17 prepared. Property owner is David Blatt, CSPN LLC;  
18 Applicant is Kenneth Rodrigues and Partners, Inc.; and the  
19 project planner is Mr. Safty.  
20

21 Before Mr. Safty gives us the Staff Report, can I  
22 have a show of hands from the Commissioners who visited the  
23 property? Would be kind of hard not to, since we're right  
24 across the street. Are there any disclosures about this?  
25 Yes, Commissioner Burnett.

1 COMMISSIONER BURNETT: I just have to say that I  
2 do know Ken Rodrigues, the architect. We're in a social car  
3 club together and a neighbor, but we have not discussed  
4 this project.

5 CHAIR THOMAS: Okay, thank you. Any other  
6 disclosures from anyone? Mr. Safty, will you be presenting  
7 the Staff Report for us this evening?

8 RYAN SAFTY: Yes, thank you, Chair, and good  
9 evening. I'd like to actually have the Town Attorney start  
10 by providing some background on the regulatory framework  
11 that's applicable for this project.

12 ATTORNEY WHELAN: Thank you. I prepared a  
13 PowerPoint for tonight's meeting that goes over the  
14 generalities of the Builder's Remedy and Senate Bill 330.

15 Senate Bill 330 became law several years ago, and  
16 it authorizes applicants to submit what's called a  
17 "preliminary application." Once an applicant has submitted  
18 a complete preliminary application that includes the  
19 requirements that are set forth in the Government Code,  
20 that applicant vests to the Town's development standards  
21 that were in place at the time of submittal.

22 This applicant vested at a time prior to the  
23 State Department of Housing and Community Development's  
24  
25

1 certification of the Town's Housing Element. As a result,  
2 this applicant has asked to use the Builder's Remedy.

3           The Builder's Remedy is also found in the  
4 Government Code, and that applies to residential  
5 development projects that include affordable housing, and  
6 the Government Code limits the Town's disapproval or  
7 imposing of conditions that would render a project  
8 infeasible.

9           The law does set forth several grounds under  
10 which a project could be denied or conditioned, so I'll go  
11 through those permissible grounds.

12           The first is that the agency has adopted a  
13 Housing Element that substantially complies with State law  
14 and has met or exceeded its Regional Housing Needs  
15 Allocation for each of the income categories that are  
16 proposed by the project.

17           For those who are not familiar with it, the  
18 Housing Element is one of the elements of the Town's  
19 General Plan, and the Housing Element needs to accommodate  
20 the Town's Regional Housing Needs Allocation. The Regional  
21 Housing Needs Allocation is assigned to various  
22 jurisdictions in the State by the Association of Bay Area  
23 Governments.

1           The Town does have a certified Housing Element  
2 that satisfies its Regional Housing Needs Allocation;  
3 however, the Town's Housing Element was not certified at  
4 the time that this preliminary application was deemed  
5 submitted.

6           The second grounds for denying or conditioning a  
7 project would be that the proposed project will have a  
8 specific adverse impact upon public health or safety and  
9 there is no feasible method to satisfactorily mitigate or  
10 avoid that adverse impact without rendering the development  
11 unaffordable.

12           The statute defines a specific adverse impact to  
13 be significant, quantifiable, direct, unavoidable, and  
14 based on objective identified written public health or  
15 safety standards, policies, or conditions. Examples of that  
16 would be requirements that can be found in the Fire Code or  
17 in the State Building Code.

18           The third grounds for denial or imposition of a  
19 condition are that it is required to comply with a State or  
20 federal law.

21           The fourth reason would be that the proposal is  
22 on agricultural land, which is not the case here.

23           The final reason would be that the project is  
24 inconsistent with the Town's Zoning Ordinance and General  
25

1 Plan land-use designation, and on the date the preliminary  
2 application was deemed complete the agency had adopted a  
3 Housing Element that was in substantial compliance with  
4 State law.

5           So, there are the grounds under which a project  
6 could be denied or conditioned.

7           I wanted to also tell the Commission about some  
8 other elements of Senate Bill 330.

9           When there is a Senate Bill 330 project before  
10 the Commission, the Town is limited to holding five  
11 hearings on the application, and that includes any  
12 continued hearings. Each continued hearing counts as a  
13 separate hearing. It also includes any appeals hearing on  
14 the decision.

15           Then, finally, the California Environmental  
16 Quality Act still does apply to Senate Bill 330 and  
17 Builder's Remedy projects.

18           I'll turn it back to the project planner, but I'm  
19 available for questions. Thank you.

20           RYAN SAFTY: Thank you. The Applicant is  
21 requesting approval to demolish the existing onsite  
22 structures at 143 and 151 E. Main Street and construct a  
23 mixed-use building with 24 market rate units and six below  
24  
25

1 market price units, as well as some ground floor commercial  
2 space.

3           The application is being processed, as noted,  
4 under SB 330 and the Applicant has invoked their right to  
5 use the Builder's Remedy.

6           The under half-acre site would be developed with  
7 a 52-foot tall, four-story, mixed-use building occupying a  
8 majority of the site, roughly 70%.

9           The building design is inspired by the Los Gatos  
10 High School next door and the many significant brick  
11 structures within the downtown. The 30 residential units  
12 will be distributed along all four floors of the building  
13 and would include a range of one-, two-, and three-bedrooms  
14 ranging in size from 743 to 2,188 square feet, and each of  
15 these units would have their own private patio or balcony,  
16 depending on the level of floor they are on.

17           As noted, commercial space is proposed on the  
18 ground floor along the southeastern corner of the property.

19           Parking for the property is proposed below grade  
20 with vehicle access off Church Street at the rear. The  
21 primary pedestrian entrance is proposed along E. Main  
22 Street.

23           As noted in the application materials, there are  
24 two different below-grade parking garage options provided  
25

1 in the submittal, and the Applicant is requesting approval  
2 of both options.

3           Option #1 would be a two-level parking garage  
4 with 47 standard spaces, and Option #2 would be a single-  
5 level parking garage with 39 spaces and includes the use of  
6 stackers and tandem spaces, which are not standard to the  
7 Town.

8           A number of exceptions pursuant to the Builder's  
9 Remedy are requested, including things like building  
10 height, floor area ratio, density, setbacks, and parking,  
11 and these are detailed in the Staff Report as well as  
12 Exhibits 8 and 15.

13           The Initial Study was prepared for this project  
14 pursuant to CEQA guidelines, which included a number of  
15 project-level technical studies. The Initial Study  
16 concluded that the project would not have a significant  
17 impact on the environment with the adoption of the  
18 recommended mitigation measures and Mitigation Monitoring  
19 and Reporting Program. Each of the 13 mitigation measures  
20 identified in the Initial Study are included as Conditions  
21 of Approval within Exhibit 3 of the Staff Report.

22           There have been several public comments received  
23 for this project, which are included in Exhibit 20 of the  
24  
25



1 Staff Report as well as in yesterdays' addendum and today's  
2 Desk Item.

3 This concludes Staff's presentation, and we are  
4 happy to answer any questions. Also noting, we do have  
5 Parks and Public Works Staff, including the traffic  
6 engineer, and the environmental consultant is on Zoom as  
7 well.

8 CHAIR THOMAS: Commissioner Stump.

9  
10 COMMISSIONER STUMP: Is it appropriate to ask a  
11 CEQA question at this point concerning the report?

12 ATTORNEY WHELAN: I'll defer to the Chairperson,  
13 but if it is an easy question, you can ask it now, and if  
14 it's more complex, you might want to wait until after  
15 public comment.

16 COMMISSIONER STUMP: Let me ask the question.  
17 Then we'll come back, for example, to talk about the  
18 transportation portion of the additional study that was  
19 done. That would be after we would take public comment.

20 CHAIR THOMAS: I was going to ask a question  
21 about that, so maybe we'll see if your question is answered  
22 with my question, and then we can follow-up. Is that okay?

23 COMMISSIONER STUMP: I actually have a series of  
24 questions related to the transportation piece.  
25

1 CHAIR THOMAS: I have a question for Staff to  
2 explain how all that data was collected and how the study  
3 was done, so maybe some of your questions will be answered  
4 within that, is what I'm saying.

5 COMMISSIONER STUMP: Okay, okay. I may add one  
6 question.

7 CHAIR THOMAS: Perfect, yes, as follow-up. Before  
8 I ask my question, does anyone else have a question? Yes,  
9 Commissioner Barnett.

10 COMMISSIONER BARNETT: I would appreciate the  
11 Town Attorney commenting on the Applicant's requests that  
12 both parking options be considered as part of the hearing  
13 tonight.

14 ATTORNEY WHELAN: That is a novel request, to ask  
15 to have two options considered. I did research the issue,  
16 because it was a new one for me, and I did not see any  
17 legal grounds not to consider their request.

18 COMMISSIONER BARNETT: Thank you.

19 CHAIR THOMAS: Any other questions? My one  
20 question for Staff was if we could very briefly review how  
21 the traffic study was done, and what VMT means and some of  
22 the overviews of the additional trips, etc. Just how the  
23 traffic study was done for this project and what vehicle  
24  
25

1 miles traveled means, and how the additional trips were  
2 calculated.

3           MIKE VROMAN: Thank you for your question. Mike  
4 Vroman, Senior Traffic Engineer in Parks and Public Works.

5           The transportation analysis looks at both the  
6 level-of-service analysis for potential intersection  
7 impacts as well as the VMT analysis, so those are two  
8 distinct things.

9           I'll address the level-of-service first; that's  
10 the easiest and quickest. Because this project was not  
11 going to generate more than 20 new trips in the AM or the  
12 PM peak hour, there was no level-of-service calculations or  
13 level-of-service analysis required, as would ordinarily be  
14 the case.

15           For the VMT analysis, that was conducted, and  
16 Hexagon Transportation Consultants, in this case they were  
17 working for the environmental consultant as a subcontractor  
18 to the Town; they ran the latest VTA model, the Valley  
19 Transportation Authority model, for the 2020 base year.

20           I believe one of the questions was what is the  
21 baseline VMT for Los Gatos, and that is 29.4 vehicle miles  
22 traveled per service population. The service population is  
23 calculated based on the number of employees that come to  
24 the Town of Los Gatos, plus the number of residents that  
25

1 live in the Town. Then that is taken from the County, the  
2 VTA model, they look at the total mileage for the Town, the  
3 total vehicle miles traveled, and divide it by that, so  
4 that's where the 29.4 vehicle miles per service population  
5 comes from. So, that's our baseline.

6           Then to determine the project impact, the Town  
7 decided that if the VMT per service population for the  
8 project exceeds a level of 11.3% below the total VMT per  
9 service population—so that's if you take the 29.4  
10 multiplied by the 88.7 multiplied by the baseline rates  
11 gets a significance threshold of 26.1 vehicle miles  
12 traveled per service population—that's the determining  
13 factor for if the project is going to generate significant  
14 project impact for VMT.

15           The consultant created a separate transportation  
16 analysis zone to represent this project, and then they put  
17 in the number of units. The assumption was that that would  
18 result in a population of 78 residents, which would  
19 generate 1,577 daily vehicle miles traveled. When you  
20 calculate that, it results in a 20.1 vehicle mile traveled  
21 per service population, which is less than the threshold of  
22 26.1, so therefore there is no significant project impact.

23           They look at the project effect compared to the  
24 total additional boundary trips for the Countywide vehicle  
25

1 mile traveled model. And that one, the threshold is 6.5% of  
2 the total County boundary trips or boundary vehicle miles  
3 traveled.

4           The additional 1,577 additional vehicle miles  
5 traveled from the additional 78 residents would be an  
6 increase of .0042%, which is significantly less than the  
7 threshold of 6.5%, therefore there was no VMT cumulative  
8 project impact, or effect.

9           With all that said, if there are any questions,  
10 please let me know, and if I've made any errors, I'll let  
11 our environmental consultant correct me. Thank you.

12           CHAIR THOMAS: Thank you. I just have one follow-  
13 up question, and that is about that it is estimated that  
14 the proposed project would generate 17 new daily trips with  
15 no new trips during the AM and PM peak hours. Could you  
16 just explain how that data was determined?

17           MIKE VROMAN: Yes, thank you for your question.  
18 That data is determined by using the existing land use and  
19 the proposed land use. The Institute of Transportation  
20 Engineers produces a trip generation manual. They're on the  
21 11<sup>th</sup> edition now; it comes out probably every three or four  
22 years. They get traffic studies from public agencies, from  
23 consultants, from associations, from student groups;  
24 whenever somebody does a traffic study they submit them  
25

1 voluntarily, they don't get paid for them. So, they monitor  
2 and they come up with trip generation manuals every few  
3 years, so that's used to determine the existing trips as  
4 well as the proposed trips.

5           Based on the existing trips of the small office  
6 building that was there, it's approximately 8,500 square  
7 feet, plus or minus, that when you look at the trips of the  
8 existing use generated, and then based on the new proposed  
9 use for the 30 residential units, it resulted in fewer  
10 trips during the AM peak and fewer trips during the PM  
11 peak.  
12

13           If you look at the total daily trips, the  
14 proposed use will generate an additional 17 trips over the  
15 course of the day, but during the morning peak hour trips  
16 there would be four fewer trips going into the site and one  
17 more trip exiting the site, so that would be a net  
18 difference of -3 in the morning peak. In the evening peak  
19 there would be two fewer trips coming into the site, and  
20 four fewer trips leaving the site for a net reduction of 6  
21 trips.  
22

23           Once again, those are based upon the Institute of  
24 Transportation Engineers Trip Generate Manual, which is  
25 something that we're mandated to use; every agency uses  
those. If there are exceptions of different land uses, some

1 agencies, and the Town here, can use the San Diego...they  
2 have their own trip generation rates.

3 So, that's the answer to that question. If you  
4 have any further, please let me know.

5 CHAIR THOMAS: Thank you. Just to clarify,  
6 because with a previous project, like at the Lodge, there  
7 were actual trip counts done.

8 MIKE VROMAN: Yes.

9 CHAIR THOMAS: But my understanding through my  
10 questions of Staff was that that wasn't appropriate for  
11 this project.

12 MIKE VROMAN: The history behind the reason we  
13 did the trip generation, the Town did actual counts and the  
14 consultant did counts, because there was a difference of  
15 opinion. The Applicant was proposing a hotel use, which  
16 generates quite a significant number more, which would have  
17 resulted in a significant deduction for the trips, and the  
18 Town's argument was that it was a motel use, and so we  
19 agreed to do actual counts, and the Town contracted and did  
20 actual counts well before the Applicant and their  
21 consultant did, and they came up with counts, and that was  
22 the best way to go, and it seemed most equitable for all  
23 parties involved, so that's why we deviated a little bit in  
24 that case.

1 CHAIR THOMAS: Okay, thank you. Just one final  
2 question. When we're talking about AM and PM peak hours,  
3 could you remind us of what time that actually is?

4 MIKE VROMAN: Yes, we look at the AM peak hours  
5 as being from 7:00am until 9:00am, and the PM peak hours as  
6 being from 4:00pm to 6:00pm. In this area you could make  
7 arguments that would probably extend those hours, but that  
8 has historically been what we use, and those are still  
9 probably the highest traffic hours.

10 CHAIR THOMAS: Okay, thank you very much. I'm  
11 going to go to Commissioner Burnett first, and then we'll  
12 get over to Commissioner Stump. Commissioner Burnett.

13 COMMISSIONER BURNETT: Thank you. When they did  
14 this study, do they do it as an average over the year?  
15 Because during school time there are so many more trips. I  
16 know we have the credit from the office building, and then  
17 you actually come up with net project trips of 17. You have  
18 all these different ways of calculating, but somehow it  
19 never seems to make sense. When they do these studies,  
20 during school time there are so many more trips. How was it  
21 done? Was it an average for AM and PM?

22 MIKE VROMAN: No. Because the school trips are  
23 underlying trips, so those are there regardless of this  
24 project or regardless of what land use is in play at this  
25



1 address. Once again, because the increase in the AM and the  
2 PM trips did not... Our threshold in the Town of Los Gatos is  
3 20 new trips, so unless you hit a threshold of 20 new trips  
4 you don't need to do a traffic study.

5           One question I think came from Commissioner Stump  
6 was about if we take congestion seriously in the Town of  
7 Los Gatos. I've worked for a number of different agencies  
8 within Santa Clara and San Mateo Counties, and the Town of  
9 Los Gatos takes congestion and level-of-service very  
10 seriously. Our threshold in the Town of Los Gatos is 20 new  
11 trips in the AM or PM hour. If an Applicant exceeds those  
12 numbers, they have to do a full transportation analysis.  
13 The Valley Transportation Authority as well as most other  
14 agencies within Santa Clara and San Mateo Counties have a  
15 threshold of 100 AM or PM new trips, so we take traffic  
16 very seriously. We understand the residents do and the  
17 Commissioners do, and I just want to reassure everyone.

18  
19           COMMISSIONER BURNETT: Yes, it's our residents  
20 that are having so much problem with the issue of traffic,  
21 and I'm concerned about the cumulative effect of other  
22 projects that are going to be occurring in our town as  
23 well, and I would think those numbers would have to come  
24 into play somewhere in here.  
25

1           MIKE VROMAN: You're correct, and thank you for  
2 that point that if there had been a transportation analysis  
3 required over and above the VMT analysis, then we would  
4 have looked at all those things. We would have looked at  
5 the existing conditions and level-of-service at various  
6 intersections. We'd have looked at the impact the project  
7 would have on those different levels of service. We'd have  
8 looked at the other projects that have been approved and  
9 haven't undergone construction or are in process, the  
10 cumulative, and then then we've looked at long-term.

12           But because they didn't meet the threshold of 20  
13 new trips in either peak hour, AM or PM, that  
14 transportation analysis was not required of this project,  
15 because they didn't hit our threshold, so those issues  
16 weren't addressed. In our opinion, especially since there  
17 were fewer peak hour trips, this should result in a minor  
18 reduction in level-of-service.

19           COMMISSIONER BURNETT: Okay, thank you for that.

20           CHAIR THOMAS: Commissioner Stump.

21           COMMISSIONER STUMP: Just two quick follow-ups on  
22 traffic. If I understood you correctly, school trips are  
23 captured in our VMT.

24           MIKE VROMAN: As far as I know, yes, they would  
25 be, because the vehicle miles traveled are based upon the

1 overall population, it's everyone, and the working  
2 population, people who work in town, so both those are  
3 taken into account. I'm no modeling expert, but that's my  
4 understanding, yes.

5 COMMISSIONER STUMP: Shifting you to a parking  
6 question. The traffic report that we received, Appendix H  
7 identifies 86 parking spaces required. The Staff Report  
8 identifies 84 parking spaces required, and I'm assuming,  
9 Mr. Safty, the Staff Report is correct with 84.

10 RYAN SAFTY: That is correct.

11 COMMISSIONER STUMP: Then, if I can, one last  
12 question. This is just a general CEQA study question. The  
13 work completed for this project addresses obviously  
14 possible environmental effects that may be individually  
15 limited to this project but can be cumulatively considered,  
16 meaning this project has been viewed in connection with the  
17 effects of past projects, other current projects, and the  
18 effects of probable future projects. My question is have  
19 cumulative impacts, especially of the other projects that  
20 we have in town, been considered in this CEQA study?

21 DIRECTOR PAULSON: Thank you for the question. We  
22 will have our environmental consultant. EMC, you're unmuted  
23 and you can go ahead and speak.  
24  
25

1 SHOSHANA LUTZ: Hi, Chair and Commissioners. This  
2 is Shoshana Lutz; I'm a senior planner with EMC Planning  
3 Group. I prepared the Initial Study and CEQA documentation.  
4 I'm also joined by Teri Wissler Adam, who is a senior  
5 principal with the EMC Planning Group. She can add on to  
6 what I am saying.

7 But just in short, thank you for that question,  
8 but the cumulative for the Mitigated Negative Declaration,  
9 the analysis used the build-out addressed in the 2040  
10 General Plan EIR, so that included the 3,738 dwelling units  
11 by the year 2040, and this methodology is acceptable for  
12 CEQA, so this build-out was used in a cumulative analysis,  
13 but the MND did not analyze specific projects elsewhere in  
14 Los Gatos. Each of those projects do require their own  
15 environmental documentation; they're not included in this  
16 Initial Study. Did that answer your question?

17  
18 COMMISSIONER STUMP: So, it would be cumulative  
19 based on our 2040 General Plan EIR and perhaps the follow-  
20 on environmental impact analysis for the Housing Element,  
21 with the identified sites, etc.?

22 SHOSHANA LUTZ: Correct.

23 COMMISSIONER STUMP: Okay, thank you.

24 CHAIR THOMAS: We will now open the public  
25 portion of the public hearing on Item 4 and give the

1 Applicant an opportunity to address the Commission for up  
2 to five minutes. Applicant team, you can decide how to  
3 distribute those five minutes, so whoever will be speaking  
4 first, please come up and make sure that you speak into the  
5 microphone. Thank you.

6 KEN RODRIGUES: Thank you, Chair Thomas, Members  
7 of the Commission, my name is Kenneth Rodrigues and I am  
8 the architect designing this project. My firm with me  
9 tonight is my partner, Chris (inaudible) from KRP  
10 Architects, and Miles M. Wally, and Craig Spencer from our  
11 legal team. The Applicant is also joining virtually, David  
12 Blatt, the property owner.

14 With that, I'd like to present my presentation. I  
15 think you all know this the site. I just always love to  
16 have a vicinity map just in case we need to reference  
17 anything.

18 As you know, the existing building is a  
19 combination of retail office building and parking at the  
20 rear, with access off Church Street.

21 This is the proposed site plan. The blue on the  
22 site shows the commercial component that we would like to  
23 have in the project, which sits right on the same corner as  
24 the current Café Dio, and then the residential component  
25

1 wraps around that, in grey, that fronts out on Church  
2 Street with a main entrance off Main Street.

3           Typical floor plan, and I won't go through a lot  
4 of these; I know you've seen them in your packet, but they  
5 are a combination of residential units for sale, as Mr.  
6 Safty said in his Staff Report, somewhere between a little  
7 over 700 up to 2,000 square feet on the four units that are  
8 up on the fourth floor. Commercial unit, again, shown in  
9 blue, and site access is off the back-end corner on Church  
10 Street where the two blue arrows are.

11           The upper floors are very similar with balconies,  
12 as Mr. Safty mentioned, and then a center circulation  
13 corridor that leads to each one of the units, a combination  
14 of ten on one floor, 11 on another, and then four on a  
15 stepback setback fourth floor.

16           Let's go to the elevations, if we could. These  
17 are our renderings that we did, but there are some great 3-  
18 D modeling renderings that are in your packet that the Town  
19 hired a consultant to do, and we can refer to either one.  
20 It's a combination of brick, lots of glass, and recessed  
21 balconies along with the stepback fourth floor that would  
22 have outdoor trellis elements on that, and we did that to  
23 reduce the overall massing and visual height of the  
24 building.  
25

1           This is a view back from High School Court along  
2 Church Street. You can see the hotel to the left on Main  
3 Street.

4           Our materials, I've already talked about. The  
5 Staff Report does a really good job of addressing those.

6           Just some key data. Size of the site is .425  
7 acres. The commercial that we're proposing is 2,416 square  
8 feet. Thirty residential units, of which six are  
9 affordable, bringing something to the Town that is much  
10 needed, as well as the 24 are market rate units.

11           We do have the two parking options, and I can  
12 talk about that if you have any questions of why two?

13           Height. The current C-2 zoning allows 45 feet; we  
14 are proposing 49 feet for most of the site, with the  
15 exception of the corner where we are proposing the  
16 commercial; it would be 52 feet high, so we're exceeding  
17 the current zoning by, in this case, just a few feet for  
18 most of the building, and then approximately seven feet at  
19 the corner piece.

20           I've already talked about the materials, and with  
21 that, that concludes my presentation.

22           CHAIR THOMAS: Thank you. Are there any questions  
23 for the Applicant at this time? Commissioner Raspe.

1 COMMISSIONER RASPE: Thank you, Chair. First of  
2 all, I wanted to say thank you. I know you presented this  
3 project to CDAC in the first instance.

4 KEN RODRIGUES: I did, yes.

5 COMMISSIONER RASPE: And you received their  
6 comments and it looks like you've incorporated many of  
7 those comments into your design, so thank you. And thank  
8 you for counting six below market spaces into your overall  
9 plan. I think that's going to be beneficial to our town  
10 overall.  
11

12 KEN RODRIGUES: Me too. Thank you.

13 COMMISSIONER RASPE: I had a couple of design  
14 questions as part of our discussion just to make sure that  
15 you had considered these.

16 For instance, I noticed at the fourth floor,  
17 you've used it as a stepback to break up the massing. Have  
18 you considered doing that with any of the other levels,  
19 second or third floors?

20 KEN RODRIGUES: What we did was on those  
21 renderings that I presented, we have recessed balconies as  
22 well as projection balconies so that that gives a lot of  
23 animation to the elevations.

24 As you probably have read in your packet, I've  
25 had the pleasure of following this famous architect,



1 William Weeks, around Santa Clara County and have worked on  
2 five of his projects, so I'm very familiar with Los Gatos  
3 High School, which he designed, and one other beautiful  
4 residence here in town that I had the pleasure of  
5 remodeling too, and I think we're trying to pick up many of  
6 those components of his original heritage and history of  
7 architecture that he's provided for the Valley, and that's  
8 what drove the current design.

9  
10 As you may or may not know, I've lived in the  
11 area for 42 years. I feel very comfortable; the Café Dio is  
12 my café where I like to go, and I really think that that  
13 type of architecture will be a real positive addition to  
14 the Town.

15 COMMISSIONER RASPE: Thank you for that response.  
16 Chair, a couple more questions to follow-up, if I may?

17 CHAIR THOMAS: Of course.

18 COMMISSIONER RASPE: Ceiling heights. Can you  
19 tell me what your ceiling heights are?

20 KEN RODRIGUES: Yes, they're going to be 10'.  
21 Floor-to-floor is 11', so it's about a foot of structure.

22 COMMISSIONER RASPE: Very good. Then the  
23 commercial space, I understand you don't have a tenant yet,  
24 correct?

25 KEN RODRIGUES: Our client does not.

1 COMMISSIONER RASPE: But I noticed in our packet  
2 there were proposed operating hours from 8am to 6pm. Can  
3 you tell us why that was?

4 KEN RODRIGUES: I did a little research with some  
5 commercial brokers on what a typical tenant would want and  
6 need, and that's what came back to us.

7 COMMISSIONER RASPE: One final question. I  
8 believe it's the west side of your building, that which  
9 faces that high school, in both the front and back  
10 elevations you've used a lighter color offset to kind of  
11 break up the façade, but I don't think you did that as much  
12 on the west side. I don't know if you've got a slide  
13 showing the west.  
14

15 KEN RODRIGUES: Mr. Mullin, could you possibly  
16 call up the elevations maybe? They might help a little bit  
17 versus the perspective. The building colors are the same.

18 COMMISSIONER RASPE: Yes. I'm looking now, for  
19 instance, on the right side, which I believe faces...

20 KEN RODRIGUES: That's the east side. Yes, the  
21 high school.

22 COMMISSIONER RASPE: Facing the high school, the  
23 east side.  
24

25 KEN RODRIGUES: Yes.

1           COMMISSIONER RASPE: And it appears, just from my  
2 eye, at least between the second and third floors, for  
3 instance, it's an uninterrupted kind of band of brick as  
4 opposed to breaking up that. I wondered if you had  
5 considered using an offset to kind of break up that large  
6 massing. There are some windows, yes, but I think even from  
7 this vantage point you'll lose a little bit of it, and it  
8 appears to be more brick.

9           KEN RODRIGUES: Again, I think we're just  
10 animating the elevations a little differently. We've got  
11 heavy pedestrian along Main Street, we have some pedestrian  
12 along Church Street, and this is a very short court, as you  
13 know, and so I think it's consistent with the high school  
14 across the way in terms of its massing as well. It doesn't  
15 step back; it is a vertical component.

16           COMMISSIONER RASPE: I appreciate the response.  
17 Thank you.

18           CHAIR THOMAS: Commissioner Burnett.

19           COMMISSIONER BURNETT: Yes, thank you. I'm happy  
20 that you did follow some of our Town Architect's  
21 suggestions.  
22

23           In the main project, looking at the front gable  
24 there, is that the current design? It's a little lower  
25 than...

1 KEN RODRIGUES: The current design of that gable  
2 was revised per Architect Cannon, who I've worked with a  
3 lot here and I do respect him, so we looked at a different  
4 option and what you see is a revision.

5 COMMISSIONER BURNETT: That's very nice.

6 KEN RODRIGUES: Thank you.

7 COMMISSIONER BURNETT: The second question is he  
8 recommended the brick additions in the middle of the front  
9 to sort of cut down on the vertical appearance, and you  
10 decided not to do that.

11 KEN RODRIGUES: That's right, yes.

12 COMMISSIONER BURNETT: Is there a reason why?

13 KEN RODRIGUES: Yes. As you can probably tell,  
14 I've done a lot of research on Mr. Weeks, this other  
15 architect who practiced between the 1920s and the 1950s,  
16 and I think what we are suggesting is much more consistent  
17 with that, and I think it's just a difference of opinion  
18 between two architects.

19 COMMISSIONER BURNETT: I see. Then, looking at  
20 some of the designs of Mr. Weeks and who you follow, and  
21 the high school of course, your building has a little bit  
22 more of the back and forth than some of his other designs.

23 KEN RODRIGUES: It's a great question. The high  
24 school, I would say, is a much more vertical building and  
25

1 doesn't have a lot of stepping. On the other hand, if you  
2 look at some of his other work, Campbell High School;  
3 Fremont High School in Sunnyvale; the Hotel De Anza, which  
4 I remodeled in the early 1990s; and San Jose Water  
5 building, which is downtown San Jose, there is more  
6 animation to those elevations, so I think it's a nice  
7 balance between the Los Gatos High School building, which I  
8 love and I love the way it sits up on a plinth with the  
9 lawn coming up and it's kind of stepping up to it; it's  
10 just slightly different.

11  
12 COMMISSIONER BURNETT: Thank you for that, and  
13 may I ask one other question?

14 CHAIR THOMAS: Yes.

15 COMMISSIONER BURNETT: When you went to the  
16 Conceptual Development Advisory Committee and we were  
17 talking about parking, that was a question that came up,  
18 and your answer would have been that all the project  
19 parking is proposed underground and will be adequate to  
20 support the residential and commercial uses.

21 KEN RODRIGUES: Yes.

22 COMMISSIONER BURNETT: And now that you have  
23 Option 1 and Option 2, I notice that the numbers are  
24 definitely lower than what we were thinking we would have  
25 from the building.

1 KEN RODRIGUES: The Town of Los Gatos has a very  
2 high parking ratio. If any of you have heard me say that  
3 before at a hearing, I have. I think the Town requires a  
4 lot of parking, which is not consistent with the way things  
5 are actually moving today.

6 From our standpoint, the current parking that  
7 we're proposing meets the market rate where our client and  
8 our studies have thought it would be, and both options, I  
9 think, go to what the Town Attorney showed early on about  
10 an SB 330 Builder's Remedy project, that we're trying to  
11 make these projects feasible to build, and so we're trying  
12 to give options to the property owner to be able to do both  
13 of these.

14 One is a one-level underground approach that's  
15 significantly less money to build; and the other is a two-  
16 level underground approach, which is more expensive, but we  
17 would like to look at both options. The two-level  
18 underground approach yields slightly more cars than the  
19 one-level approach with stackers, which, again, are being  
20 used a lot in residential work that we've been doing and  
21 others have been doing.

22 COMMISSIONER BURNETT: With the stackers, do you  
23 foresee the cars being two cars at once?  
24  
25

1 KEN RODRIGUES: That's a good question. It's  
2 called a puzzle stacker; it actually rotates and there is  
3 one space that is out of service at all times, so that's  
4 literally how you get to these simple little puzzles that  
5 rotate. It's a fascinating system, and we've done and  
6 looked at some that are being built today in the Bay Area,  
7 and they are just incredibly efficient. You don't  
8 necessarily have to communicate with any other resident  
9 there. You can literally off your phone dial up your number  
10 and it rotates down to the space down on grade as you're  
11 there, and you're gone.

13 COMMISSIONER BURNETT: Thank you for that.

14 CHAIR THOMAS: Commissioner Stump.

15 COMMISSIONER STUMP: I just wanted to do a quick  
16 check on the minutes that were done for CDAC back in June  
17 of 2023, and this is from the minutes. Obviously, they  
18 didn't ask you for your approval, but the minutes read,  
19 "Ken Rodriques, architect for the applicant, stating, 'The  
20 three-story project meets the 45-foot height limit.'" I  
21 only bring this up because of the accuracy of the minutes.  
22 What got presented to CDAC in 2023, was it a three-story  
23 building or a four-story building?

24 KEN RODRIGUES: It was three-story. You're  
25 correct.

1 COMMISSIONER STUMP: Three-story.

2 KEN RODRIGUES: Yes.

3 COMMISSIONER STUMP: Okay, thank you. That's all.

4 KEN RODRIGUES: I think what happened there was,  
5 just so you know the history, is we talked about stepping  
6 back up a third or fourth floor. I did also say at the  
7 meeting that we're still exploring. This is a real early  
8 conceptual stage. We hadn't even had an elevation, we had  
9 done some massing studies is all, and so I like to present  
10 something that it's early in the stage. Then we decided to  
11 do a 20% affordable housing project versus a 15% that I was  
12 presenting back at the CDAC meeting, and so with that we've  
13 added more affordable housing, and again, more units. I  
14 think we had 24-26 at that meeting, and now we're proposing  
15 30.  
16

17 COMMISSIONER STUMP: Thank you for that  
18 clarification.

19 CHAIR THOMAS: Commissioner Barnett.

20 COMMISSIONER BARNETT: If I'm reading the Parking  
21 Plan correctly, you have slightly over half of the parking  
22 spaces with EV chargers, but a lot that don't, and given  
23 the high usage of EV and hybrid vehicles in this town, I  
24 was wondering what your thought process was and whether  
25 you'd consider adding additional charging stations?



1 KEN RODRIGUES: What's shown meets the California  
2 Building Code, the CBC, and that's where we started,  
3 because it is a combination market rate/affordable project.  
4 The Applicant has said, we are designing to at some point  
5 have the power there enough to add more chargers, and as  
6 the market happens, that's really what will happen. In  
7 fact, we do show on the plans the quantity of each, EV  
8 versus the normal stall.

9  
10 COMMISSIONER BARNETT: Yes, I did see that. If I  
11 may, I have a rather trivial question. The plans show  
12 canvas awnings, and in my experience representing hundreds  
13 of homeowners associations, those become a maintenance  
14 problem. I've seen that there are acrylic painted awnings  
15 that have much longer life span and don't fade. I was  
16 wondering if you might give some consideration to that.

17 KEN RODRIGUES: I think we certainly would do  
18 that between now and the time we submit plans to the  
19 Building Department; it's a good suggestion.

20 COMMISSIONER BARNETT: Thank you.

21 CHAIR THOMAS: I have one question regarding  
22 building codes in Los Gatos. There will be no natural gas  
23 in the building, correct?

24 KEN RODRIGUES: We are not proposing that.  
25

1 CHAIR THOMAS: Can you describe some of the ways  
2 that will be used for heat, for water; just explain some of  
3 those decisions? Thank you.

4 KEN RODRIGUES: The building will be plumbed for  
5 future solar; I think that that's an important piece. We  
6 would like the option, and are asking for the option, of  
7 being able to use either gas or electric appliances; I  
8 think that's important for projects for sale. Then also,  
9 we've taken other measures in terms of design with energy  
10 efficient windows, walls, roof systems, those kinds of  
11 thing.  
12

13 CHAIR THOMAS: Okay, thank you. Commissioner  
14 Raspe.

15 COMMISSIONER RASPE: Thank you, Chair. Another  
16 issue related to traffic I think is also bicycles, and I  
17 notice you're proposing bicycle parking. Can you describe  
18 the number and location of your bicycle parking plan?

19 KEN RODRIGUES: Quite a bit. If Staff wouldn't  
20 mind just pulling up that one plan. I don't know the  
21 numbers off the top of my head, but it's excessive, because  
22 this is a biking community.

23 We have three different types. We have outdoor  
24 storage racks that we're proposing right at the corner  
25 where the café would be or the retail space, for visitors.

1 We then have secure bike parking on the first floor, as  
2 well as in the parking garage. So, we've got a really nice  
3 mixture of bike parking. Mr. Safty, I don't have the number  
4 off the top of my head, but maybe you could help with that.

5 COMMISSIONER RASPE: If I'm reading the Staff  
6 Report, it appears that you have eight short-term parking  
7 spaces and 42 long-term parking spaces. Does that sound  
8 about right?

9 KEN RODRIGUES: Yes. Thank you so much.

10 COMMISSIONER RASPE: Okay, thank you.

11 CHAIR THOMAS: Seeing that we don't have any more  
12 questions at this time, thank you very much. Thank you for  
13 answering all our questions. We will now take public  
14 comment from any members of the public. I do have a number  
15 of speaker cards, and this is for Item 4, so if any  
16 additional people in the audience would like to speak,  
17 please turn in a speaker card, and if you are on Zoom,  
18 please raise your hand now. The first card that I have is  
19 for Dave Poetzinger. Please just speak into the microphone  
20 and you will have three minutes. Thank you.

21 DAVE POETZINGER: My name is Dave Poetzinger, I'm  
22 the principal of Los Gatos High School, and I'm here  
23 representing the admin team at Los Gatos High School.  
24  
25

1           We have two missions every day, and our two  
2 missions are to bring kids to our campus safely, and to  
3 make sure that we are educating their minds and their  
4 character every day. The first one is the one that we are  
5 concerned about with this particular one.

6           We bring 2,000 or more students and staff every  
7 day to the campus. We have students arriving with family  
8 drop-offs, we have students arriving on bikes, we have  
9 students arriving on ebikes, and we have students arriving  
10 by foot. A large majority of our foot traffic, our bike  
11 traffic, our drop-offs, our ebike traffic, come right  
12 through Church Street and High School Court.

13           The concern from our admin team is adding a 30-  
14 unit residential, and however many cars that brings, into  
15 that particular site. We're out on supervision on a daily  
16 basis. I stand often at Church Street and High School  
17 Court, and see near misses every day. That's really my  
18 concern, making sure that these kids are kept safe and that  
19 we can maintain sight lines where they can see cars and  
20 potential dangers, and that the cars can see them and the  
21 potential dangers.

22           As we go forward, I would hope that the  
23 Commission could consider possibly reducing the size of  
24 this particular development, particularly just for the  
25

1 sight lines on Church Street and Main Street/High School  
2 Court; and then also just looking at potential traffic  
3 lights to help keep the kids safe as they're coming into  
4 campus. Thank you very much for your time.

5 CHAIR THOMAS: I think some Commissioners might  
6 have questions, so first Vice Chair Burch.

7 VICE CHAIR BURCH: Hi, thanks for coming today.  
8 In any of your discussions that you've had with the  
9 Applicant, have you started having any preliminary  
10 discussions around the Logistics and Safety Plan during  
11 construction?  
12

13 DAVE POETZINGER: I have had no contact with the  
14 Applicant on this particular development.

15 VICE CHAIR BURCH: All right, thank you.

16 CHAIR THOMAS: Any other questions? Okay, thank  
17 you, and thank you for being here in March, late at night.  
18 I'm a teacher, so I understand. The next card I have is for  
19 Cathy Gist. Thank you. If you could just state your name  
20 and speak directly into the microphone, you can adjust.  
21

22 CATHY GIST: Cathy Gist. I live on Blossom Hill  
23 and Los Gatos and I've lived here forever.

24 One of my concerns is the students during drop-  
25 off, pick-up, and lunchtime; it's already kind of a problem  
driving through town; you have to be really, really

1 careful, and adding an additional 30 units is a concern as  
2 well.

3 I was concerned about the potential loss of  
4 vegetation management and wildfire fuel abatement funding  
5 that could happen, and so now we're adding an additional 30  
6 multi-family units, which is more cars on already impacted  
7 streets during an emergency.

8 I was listening to when we did the discussion on  
9 the Los Gatos site, 155 units there, and again, the concern  
10 with traffic during an emergency, and I think I heard at  
11 that time they were going to build a street through that,  
12 coming through High School Court and it was going to end up  
13 on Main Street as well, so again, that just seems like a  
14 lot of traffic coming through.

15 I know you mentioned everything being looked at  
16 in total, all the projects that Los Gatos is looking at  
17 right now. There are a lot of high-rise, multi-family,  
18 large buildings going in at most of the intersections. I  
19 don't know if studying just one-by-one is the right thing,  
20 so I don't know if you have a plan that's already looked at  
21 everything and had a CAD drawing of what these are all  
22 going to look like and the impacts on traffic. If not, I  
23 think that's a good idea.  
24  
25

1           The height of the building is also a concern for  
2 me in terms of the view and the look and the feel of Los  
3 Gatos. We're kind of losing a lot of the sights of the  
4 mountains and everything else that people come here and  
5 really appreciate, and that's why they want to live here,  
6 because it's beautiful. We're starting to look like San  
7 Jose, which is not bad, but I don't think that's what we  
8 actually want to look like. I think we want to look like  
9 the Town of Los Gatos.

10  
11           I know the Town has been trying to encourage more  
12 tourism as well, and I think removing some of Los Gatos'  
13 charm does not bring tourists in, and neither does bad  
14 traffic or parking problems, and parking is an issue. I  
15 know (inaudible) have more than most, but parking still is  
16 a problem in Los Gatos.

17           Then adding the retail space, I know right now on  
18 Main Street and North Santa Cruz Avenue there is a ton of  
19 vacant retail, and I was wondering do we really need to add  
20 more retail space?

21           It's not that I'm opposed to growth, I'm all for  
22 growth, I just think that we need to make sure that it  
23 appeals to people and all the residents, and that it's what  
24 the Town really needs. Thank you.

1 CHAIR THOMAS: Thank you. Are there any questions  
2 for the speaker? No. Thank you. The next speaker card I  
3 have is Jorge Polo Tomas. Thank you.

4 JORGE POLO TOMAS: Good afternoon. My name is  
5 Jorge Polo Tomas. I'm a representative of the Nor Cal  
6 Carpenters Union Local 405. Today I'm here to talk to you  
7 about this project.

8 This project sits in the heart of our community,  
9 and how it gets built matters. We're calling on the  
10 developer to make the right decision by hiring responsible  
11 contractors, contractors who pay fair wages, offer health  
12 benefits, invest in apprenticeship programs, and hire  
13 locally. These aren't just boxes to check, these standards  
14 ensure the people building our homes and businesses can  
15 afford to live here too. Responsible contractors bring  
16 quality, safety, and accountability to the job site. They  
17 don't cut corners, they don't exploit workers, and they  
18 don't leave communities worse off than when they arrived.

19 East Main Street deserves more than just another  
20 development. We deserve a project that reflects the values  
21 of our cities, opportunity, fairness, dignity for the  
22 working people, so let's make sure this project is built by  
23 those who are invested in our community, not just profiting  
24 off of it. Thank you.  
25



1 CHAIR THOMAS: Thank you, and can you just  
2 reiterate your list at the beginning, contractors that do  
3 X, Y, and Z?

4 JORGE POLO TOMAS: Work with contractors who pay  
5 fair wages, offer health benefits, invest in apprenticeship  
6 programs, and hire locally.

7 CHAIR THOMAS: Okay, fair wages, apprenticeship  
8 programs, health care, and hire locally. Okay, thank you  
9 very much. Are there any other questions? Okay, thank you  
10 very much. The next card I have is Majid Alasvandian.

11 MAJID ALASVANDIAN: Hi, my is Majid Alasvandian.  
12 I am a resident of Los Gatos for 26 years; I live on  
13 Cleland Avenue right behind this building. I am opposing  
14 this project for a number of reasons.

15 The first reason is the safety. As you all know,  
16 downtown Los Gatos is bordering the hills on two sides, and  
17 there are hundreds of homes that are in the hillside, and  
18 the evacuation paths are coming through. If you're looking  
19 on the east side, my side, this side, all comes through  
20 College Avenue. So, all the homes on Prospect Avenue with  
21 wineries, all the homes on the Cleland Reservoir, they all  
22 come through College. All the homes further south, they  
23 come through Alpine Avenue and Jackson Street, and they are  
24 all close to each other, and all of them merge into Main  
25

1 Street; Main Street being narrow. From Highway 9 and Main,  
2 they come down south. Going back through Santa Cruz and  
3 University back to Highway 9 is a very narrow street. This  
4 town was built in 1860s, it was not built for high traffic  
5 and high density.

6           The safety in lieu of the fires that we have  
7 experienced. SB 330 was passed prior to all that experience  
8 that we had in Maui and with Pacific Palisades. I hope that  
9 never happens, but I can't forget the pictures of Pacific  
10 Palisades when the fire was taking place. Everybody was  
11 escaping and all the traffic on Highway 1, people leaving  
12 their cars, escaping with their lives. So, all that talk  
13 about SB 330, Builder's Remedy, they can do whatever they  
14 want to do, but I think we have to take into consideration  
15 the safety of the downtown residents; I think that should  
16 be the number one.

18           High density in the downtown. We can have that  
19 (inaudible) closer to the freeway, there are more escape  
20 routes, but not in the downtown. The downtown is enclosed  
21 by the hills. So, that's number one.

22           Number two is the traffic. The gentleman provided  
23 a number of data.

24           CHAIR THOMAS: I'm sorry, that's time. But are  
25 there any questions for the speaker? Commissioner Stump.

1 COMMISSIONER STUMP: From a traffic standpoint,  
2 where do you find, as a resident, the greatest pinch  
3 points, and when?

4 MAJID ALASVANDIAN: On Main Street. My kids went  
5 to Van Meter and Fisher, and they're in high school; my son  
6 is graduating from high school. In the morning, 7:00-7:30  
7 to 9:00 o'clock, it would take you 45-50 minutes to go a  
8 mile-and-a-half from here to Fisher or to the Van Meter.

9 And you would spend probably 15 minutes at the  
10 intersection of Jackson and Main Street, because you have  
11 traffic coming from high school, traffic on Main Street,  
12 people dropping and people who are taking their kids to  
13 school, people going to work.

14 On the intersection of Highway 9 and Los Gatos  
15 Boulevard, the incoming traffic to Los Gatos, they might be  
16 missing multiple traffic lights, because they don't get the  
17 chance to actually get in; they might be sitting 15-20  
18 minutes.

19 And we're going to be building the Los Gatos  
20 Lodge right there. I don't have a problem with that if  
21 there's a way to deal with that, but this side, this  
22 project, is too big.

23 COMMISSIONER STUMP: Thanks for your answer.  
24 Appreciate that.

1 CHAIR THOMAS: Thank you very much for your  
2 comments. I don't think there are any additional questions.  
3 The next speaker I have is Brent Knudsen.

4 BRENT KNUDSEN: Thank you very much. My name is  
5 Brent Knudsen, and my wife Kathryn and I live on Alpine  
6 Avenue; have for over 30 years. She's a therapist and her  
7 office is on Church Street. We have a private equity  
8 business and one is on the corner of Main and North Santa  
9 Cruz, and now over on Jackson Street, so we're really  
10 familiar with the area.

11  
12 I'm reminded of the old story about painting an  
13 animal to look a little bit better, and this is really a  
14 situation of trying to paint a not attractive animal into a  
15 cat, and as great as Mr. Rodrigues is, and if anybody can  
16 do it, I think he's our man, but you can't paint a bad idea  
17 into being a beautiful cat, and that's what Los Gatos is  
18 about.

19 We've talked about the traffic. I'm no traffic  
20 expert, but I do know math, and I know that if you put 80  
21 parking spaces into a downstairs parking lot, you're going  
22 to have a lot more than 17 new cars on the road. I can go  
23 through the math, but it just doesn't work, in all due  
24 respect, sir.  
25

1           The safety from our principal is so important,  
2 and allowing those students a place where they not only  
3 feel good but they know they're safe, I'd go back to the  
4 Traffic Department and ask them to look at all the things  
5 that we talked about, not just cars, but adding scooters,  
6 ebikes, bicycles, all of those wheels together. Maybe the  
7 math should be number of wheels versus number of cars, and  
8 you'd come up with a really different answer.

9  
10           I'll just conclude, from the Good Counsel of the  
11 Town, if ever there was a specific adverse impact on public  
12 health and safety, this is it. I think we all know it's a  
13 bad idea. As much as we can paint it as a good idea, it's  
14 never going to be a good idea. It's not going to be a cat.  
15 We need to protect our town. We need to protect the look of  
16 our town, we need to protect the safety of our town, and  
17 this is a bad idea.

18           CHAIR THOMAS: Thank you. Are there any questions  
19 for the speaker? No. Thank you. The last speaker card I  
20 have is Lee Fagot.

21           LEE FAGOT: Good evening. I don't have to say  
22 good morning; we're not quite there yet. Thank you for the  
23 opportunity to speak. I'm a 29-year resident of Los Gatos.

24           I think the architectural style fits the  
25 character of the town pretty well; it's really a nice

1 building. Unfortunately, it's not suitable for this site.  
2 The density, the height, the contribution to traffic, and  
3 the impact on safety messages that this should be in  
4 another location that is zoned in our Housing Element for  
5 the right height, the mixed-use, and some below market rate  
6 housing.

7           Please have the developer look at sites more  
8 suitable, like on Los Gatos Boulevard, instead of some of  
9 those monoliths that are being proposed. Let's put in  
10 something that's more appealing and more representative of  
11 the Town on Los Gatos Boulevard, as an example of another  
12 site for this kind of a beautiful building. The people  
13 would cheer the developer for doing so, and the Shannon  
14 Road and Los Gatos Boulevard building sites would benefit  
15 that neighborhood and be so zoned, so that's an example of  
16 one of the places on the Boulevard where there could be an  
17 improvement.  
18

19           As an experiment, I went onto the high school  
20 campus at the beginning of this current school year, mid-  
21 September, and I parked in the parking lot and I waited  
22 there until the bell at the end of the school day. I waited  
23 22 minutes before I needed to even start the engine on my  
24 car to start moving, because of the traffic that was there  
25 with the kids leaving the campus. It was another nine

1 minutes before I was able to get around onto Main Street,  
2 and then another almost eight minutes before I was able to  
3 get over to University and Main with the traffic.

4           A building like this with more residential units  
5 at that site is just going to compound the problem,  
6 increase the safety risk, and really start changing the  
7 character of the town that we all love, and therefore I  
8 think the builder should look at a nice design, but put it  
9 in a different place that's more suitable, with the  
10 infrastructure that can support it, in a neighborhood where  
11 the people would cheer having such a building there instead  
12 of what is being proposed now. Thank you.

14           CHAIR THOMAS: Thank you. Are there any questions  
15 for Mr. Fagot? Thank you. I did receive one more speaker  
16 card, and that is for Dania Sackrova (phonetic).

17           DANIA SACKROVA: Hello, my name is Dania. I am a  
18 downtown resident for the last ten years. I was born and  
19 raised in Belarus, Europe. I have a degree in design and  
20 art. I've lived in Minneapolis, St. Paul, and I lived five  
21 years in downtown Chicago. I am a member of the oldest art  
22 club in the county called Palette and Chisel. I love  
23 history, art, and nature.

24           When we moved to Silicon Valley, I fell in love  
25 with this town and I really feel like it's my town. I'm

1 doing my best to be a good resident and save and preserve  
2 the beauty and nature of my town for future generations.

3           My concern is this new building sometimes  
4 covering the view and ruining the landscape of the town.  
5 When I'm driving around right now and seeing proposals for  
6 a seven-floor high building around the town is actually  
7 terrifying me, because we are kind of a unique town. When  
8 you come you see that San Jose and other towns, with their  
9 own beauty, they are actually really different from our  
10 town, and I would like to preserve it.

11           With respect to architecture, I think it is a  
12 beautiful building and it is very good work, but compared  
13 to the high school I think it's a little bit too big. I  
14 think right now the school looks like the main building, it  
15 has historical impact, and my opinion is it will look  
16 insignificant compared with this big scale building nearby.

17           Also, my son goes to high school and we are lucky  
18 he can walk to the high school, but he sprained his ankle  
19 and I was dealing with traffic the last couple of days  
20 because I was dropping him off and picking him up, and it's  
21 really, really bad traffic.

22           Another thing, I also live in a building which  
23 has underground parking, and I know that underground water  
24 really close to the earth is another problem here. Also,  
25



1 underground parking near a high school could be not very  
2 safe in my opinion, or we need to think about some safety  
3 issue. That's it. Thank you for your time.

4 CHAIR THOMAS: Thank you. Are there any questions  
5 for the speaker? No. Thank you. I have no more speaker  
6 cards. Are there any hands raised on Zoom for Item 4?

7 DIRECTOR PAULSON: Thank you, Chair. There are  
8 currently no hands raised on Zoom.

9 CHAIR THOMAS: Then we will ask the Applicant if  
10 they wish to make a closing statement? You will have three  
11 minutes.

12 KEN RODRIGUES: Thank you. A couple of  
13 clarifications and then a closing statement.

14 One, I wanted to mention, I misspoke on the  
15 appliances; the CEQA report looks at all electric  
16 appliances, so I just wanted to go back on the record as  
17 stating that.

18 Two, I appreciate the comments here tonight. I'd  
19 like to talk about the two that really deal with most of  
20 them, and that is height and traffic.

21 The Mitigated Negative Declaration really speaks  
22 to both issues, and it's important to note that as an  
23 outside, independent consultant doing those studies, not  
24  
25

1 us, not residents, not people like me too who have been  
2 here for a long time, they're independent.

3 I appreciate the traffic engineer's comments;  
4 he's very thorough, and while we may question those  
5 numbers, the numbers are the numbers that are in the CEQA  
6 report, and that is, I want to read exactly what it says:  
7 "The existing office building is estimated to generate 119  
8 daily trips. The proposed project will generate 136."  
9 That's the net increase of 17 trips; that's the number.

10  
11 Then on height, although the proposed structure  
12 is 7' higher than the maximum permitted height in the C-2  
13 zoning district, the project is eligible for this increase  
14 based upon Builder's Remedy law. The project location in  
15 downtown, in addition to being a Builder's Remedy project,  
16 will result in less than significant visual impacts. That's  
17 important to me, that's important that people know that as  
18 well.

19 Lastly, in terms of the health and safety issues  
20 of traffic, to quote the CEQA report: "The project would  
21 not conflict with a program, plan, ordinance, or policy  
22 addressing the town's roadway system." Again, it results  
23 in a less than significant impact. That's important. There  
24 are no health and safety issues based upon the CEQA report.  
25

1           Those are my comments, and we'd be happy to  
2 answer any other questions that you may have. Thank you so  
3 much.

4           CHAIR THOMAS: I assume we do have some  
5 questions. I will start with Vice Chair Burch and then  
6 Commissioner Burnett.

7           VICE CHAIR BURCH: Thank you for saying something  
8 about the high school, because while I realize builder's  
9 risk, there are a lot of things that maybe we're not going  
10 to be able to fully mitigate.

11           One of the things I think we can is safety to the  
12 students during construction. I would really appreciate a  
13 commitment that your team would directly interface with the  
14 principal when you're developing that logistics plan to  
15 keep large trucks away from the school during hours when  
16 kids are traveling to and from school. My own daughter was  
17 actually hit by a car right there; it's not safe. How  
18 you're going to screen the construction from the students.  
19 Kids are curious, they're going to try to be close by. That  
20 is something that I feel like I can directly ask you guys  
21 to please really be a good neighbor here. Obviously, we are  
22 a town very passionate about our schools and our students,  
23 so if I could please ask you guys to begin those talks  
24 early and develop a plan that will work really well for the  
25

1 school and for yourself, and for the safety of the  
2 students.

3 KEN RODRIGUES: Yes.

4 CHAIR THOMAS: Commissioner Burnett.

5 COMMISSIONER BURNETT: Yes, thank you. Because  
6 the building is all-electric, I'm sure you're providing  
7 generators, because sometimes our electricity goes out, and  
8 an all-electric building with chargers and everything else,  
9 you'd have to supply some pretty good generators to take  
10 care of the building if the electricity did go out.  
11

12 KEN RODRIGUES: I'm not sure about that question  
13 to answer it. That would be something that would be  
14 designed in the next phase of things, but you're right, the  
15 power in Los Gatos does go out a lot, especially at my  
16 house.

17 COMMISSIONER BURNETT: Then a follow-up question,  
18 Chair, if I may? Option 1 and Option 2, the first floor, or  
19 second floor, or both floors? I know the cost is definitely  
20 what is your concern here. Do you have a preference, or are  
21 you leaning toward one or the other to help us with the  
22 concerns that we have about parking, etc.?  
23

24 KEN RODRIGUES: The owner and Applicant has been  
25 asked that question by Staff, and I think his preference

1 probably would be the one-level parking garage, which is  
2 the least amount of parking.

3 I think it's important to just think about how  
4 this building really gets built, and there is a lot yet to  
5 study, and that is why we are asking for the option of  
6 both, and I really hope you consider this strongly, because  
7 the whole part of SB 330 is to make projects feasible to  
8 build, and that's exactly why we're asking for two options.

9  
10 COMMISSIONER BURNETT: Yes, thank you for that,  
11 and I understand because you are an SB 330 and you're  
12 having Builder's Remedy, so the constraints are... We  
13 understand the position we're in, we just have worries and  
14 concerns about mainly traffic, and so just (inaudible)  
15 answered those questions, but thank you.

16 CHAIR THOMAS: Commissioner Stump.

17 COMMISSIONER STUMP: This may be more of a sales  
18 question than a development question, but it's linked back  
19 to parking. It's quite apparent that you will not have  
20 enough parking for the residents you have in the building  
21 unless they're only going to have one car per family.

22 My question is, and maybe you have to work with  
23 the Town, not work with the Town, but you're going to have  
24 a number of residents that are going to need access to  
25 unlimited parking, and there is no unlimited parking

1 anywhere in this area; it's either all time-limited or it's  
2 private parking, so I've got to believe that in putting  
3 together a project like this you're got to think about what  
4 do you tell these people? Where's my parking? We don't  
5 know. Is there any thought about how to address that when  
6 you will not have enough parking even for your own  
7 residents?

8 KEN RODRIGUES: Most of the units are smaller  
9 units, and I would challenge the thinking a little bit  
10 about enough parking. When I was remodeling my house on  
11 Pennsylvania Avenue, I got a chance to live for a year-and-  
12 a-half in Forbes Mill while that was underway, and I  
13 remember my wife talking about how great it was to be able  
14 to walk everywhere in town, being able to use all the  
15 facilities. We really didn't need the two cars that we had  
16 at the time. That was in the 1980s and 1990s, and it's even  
17 better today in that respect.

18 So, while we do have a few larger units that are  
19 within the project, we think the parking is balanced. We  
20 think it's balanced based on today's need for a more urban,  
21 downtown project, not a suburban project; I agree with you  
22 there.

23 COMMISSIONER STUMP: Thank you.  
24  
25

1 CHAIR THOMAS: Are there any other questions for  
2 the Applicant? I do have some questions regarding some of  
3 the proposed landscaping. I was wondering if you would be  
4 amenable to planting more native trees instead of the crepe  
5 myrtles, like planting additional redbuds instead of the  
6 crepe myrtles?

7 KEN RODRIGUES: I think that certainly the owner  
8 would look at that option. The crepe myrtles are onsite  
9 that we're proposing on the Guzzardo landscape plan?

10 CHAIR THOMAS: Yes, it's like obviously the  
11 magnolias.

12 KEN RODRIGUES: They're not the street trees?

13 CHAIR THOMAS: Yes, the street trees that will be  
14 put in.

15 KEN RODRIGUES: No, are they the street trees?

16 CHAIR THOMAS: I think they're the street trees  
17 that have to be replaced, from the magnolia that's coming  
18 out. I don't know, maybe Mr. Safty can clarify.

19 RYAN SAFTY: The street trees proposed are crepe  
20 myrtles.

21 CHAIR THOMAS: Yes, the street trees.

22 DIRECTOR PAULSON: That would go through our  
23 Parks and Public Works, because those are street trees, so  
24  
25

1 I wouldn't limit them to another species that is not  
2 currently proposed.

3 CHAIR THOMAS: There is redbud proposed, there  
4 just also are crepe myrtles.

5 DIRECTOR PAULSON: In the street tree wells?

6 CHAIR THOMAS: Yes, I think so, but maybe it's  
7 also kind of hard to see late at night, so I understand if  
8 that is not the case. Okay, so not the street trees, but do  
9 you think that you would be amenable to...

10 KEN RODRIGUES: The onsite planting, absolutely.

11 CHAIR THOMAS: ...onsite plantings being...

12 KEN RODRIGUES: But we're open to that, yes.

13 CHAIR THOMAS: Do we know if all the...

14 RYAN SAFTY: The street trees are all crepe  
15 myrtles.

16 CHAIR THOMAS: And so, I guess this is a question  
17 just for Staff before we close this public portion of the  
18 hearing. What would be the recommendation if that was  
19 trying to recommend that those be a native tree instead of  
20 crepe myrtles?  
21

22 DIRECTOR PAULSON: I think one option would be to  
23 add a condition that additional types of native street  
24 trees be considered by Parks and Public Works in addition  
25 to what is currently proposed.



1 CHAIR THOMAS: Okay, thank you. Yes, Vice Chair  
2 Burch.

3 VICE CHAIR BURCH: Also, I believe it was  
4 Commissioner Raspe who had asked about the hours of  
5 operation you had noted for the commercial portion of the  
6 property. Would you be open to making those hours be a  
7 little earlier? It's not unheard of that what might go in  
8 that would also be something that would be serving to the  
9 students and the staff of the high school, and I know  
10 what's there right now is pretty packed by 7am, so would  
11 you be open to making those hours be earlier so teachers  
12 like Chair Thomas can get a coffee in the morning?  
13

14 KEN RODRIGUES: I think the Applicant certainly  
15 would be. I mean, the more flexibility, the better, on  
16 tenant use. I would defer to Staff.

17 VICE CHAIR BURCH: Yes, I'll ask them when it's  
18 time, but I just didn't want to commit for you.

19 KEN RODRIGUES: Yes, thank you.

20 CHAIR THOMAS: Are there any other questions for  
21 the Applicant at this time?

22 KEN RODRIGUES: We're happy to answer any other  
23 questions, if they come up.

24 CHAIR THOMAS: Okay, thank you. We will now close  
25 the public portion of the public hearing, and I invite my

1 Commissioners to ask questions of Staff. That's probably  
2 the first thing we're going to need to do. I actually will  
3 kick that off.

4           My first question for Staff is that we've heard a  
5 lot of issues regarding safety in the area, and I think  
6 that a lot of that already exists with no matter what  
7 structure is or isn't on this site, so my question for  
8 Staff is how can we, as a commission or perhaps as a town,  
9 move forward with looking at some adjustments to traffic  
10 and safety in this area, or is that already (inaudible) on  
11 the Bike and Pedestrian Safety Plan improvements, or  
12 anything related to that?  
13

14           MIKE VROMAN: Mike Vroman, Traffic Engineer. The  
15 site lines will be improved with the proposed project. The  
16 existing building comes up to the back of the sidewalk on  
17 Church/High School Court and E. Main Street. The proposed  
18 new building would be set back at least 10' from Church and  
19 Main Street and about 5' from High School Court. In  
20 addition, the corners of the building will be chamfered so  
21 they'll improve site lines.

22           In addition, one of the mitigation measures was  
23 to paint red curb. There will be a new driveway entrance  
24 into the underground parking off Church Street, and there  
25 will be red curb on both sides, and there will also be a

1 loading zone put in, so those are some of the mitigation  
2 measures to improve and enhance safety.

3 CHAIR THOMAS: Okay, thank you. Just to follow-up  
4 is this an area, besides this project, that the Town has  
5 recently looked at trying to improve safety with making the  
6 lanes narrower, or making things one way, or anything like  
7 that?

8 MIKE VROMAN: Recently, a few years ago, we put  
9 in the green bike lanes, and we currently have a CIP  
10 project that we're working on. We had it designed and it's  
11 back on our list to put in to enhance the crossings. There  
12 are three high-visibility crosswalks that lead to the high  
13 school, and we're looking at a project to put on curb  
14 extensions which minimizes pedestrian crossing distance,  
15 minimizes exposure of pedestrians in the roadway, and  
16 brings out pedestrians so they can see and be seen much  
17 more readily, so those are some safety issues. Then there  
18 will be an additional high-visibility crosswalk as part of  
19 this project in improved curb ramps.

21 CHAIR THOMAS: Okay, thank you for answering  
22 that. My other follow-up question to Staff is just about  
23 how traffic with regard to the high school is managed in  
24 the sense of is that up to the school district to provide  
25

1 alternative modes of transit to the high school? Do they  
2 work with the Town on that?

3           DIRECTOR PAULSON: To be honest, I don't want to  
4 provide an answer to that. Obviously, the Town has  
5 historically had a number of conversations with the school,  
6 and the school with us, regarding this issue, because it's  
7 not a new issue, as everyone understands, it's been going  
8 on forever. So, I'm sure there are always discussions on  
9 what could be done to help improve the situation, and so I  
10 would say it's not quite as bad, but it's nearly as bad as  
11 the other issue with beach traffic, for which the Town has  
12 tried a number of solutions which have not been successful.  
13 I think we'll continue to work with the school from the  
14 Town Manager's office and Parks and Public Works to look at  
15 solutions when they're available, but it's really just a  
16 constrained situation that there aren't any quick or great  
17 ideas that are just going to overnight change that  
18 scenario.  
19

20           CHAIR THOMAS: Thank you for confirming that. I  
21 have two more questions. I'm sorry, I'm hogging the mic,  
22 but I will let other people ask questions.

23           My question is for Park and Public Works about  
24 the street trees. Would it be appropriate to ask for  
25

1 western redbuds instead of crepe myrtles or something  
2 because they are native?

3           GARY HEAP: Thank you. Gary Heap, Public Works.  
4 Yes, we'd be fully supportive of changing out the crepe  
5 myrtles to an alternative tree that fits more of the local  
6 character of the area, like the redbud.

7           CHAIR THOMAS: Okay, thank you. Then my last  
8 question is with regard to any Conditions of Approval  
9 regarding the public comment from the local union about  
10 responsible contractors. I know that this has come up in  
11 the past and I was wondering, can we put any conditions  
12 about who gets hired, and if not, is the Town looking into  
13 implementing an ordinance that requires some of that?

14           ATTORNEY WHELAN: There are some jurisdictions in  
15 California that have local ordinances that would permit  
16 such conditions. The Town currently does not have such an  
17 ordinance on the books, and there is currently no  
18 discussion of adding that.

19           CHAIR THOMAS: So, what would be the most  
20 appropriate route for having a discussion about that?

21           ATTORNEY WHELAN: If the Commission wished, the  
22 Commission could include that in its recommendation to the  
23 Town Council on this item, that that be considered in the  
24 future, or anybody who has an interest in that topic can  
25

1 write to the Town Attorney, the Town Manager, the Town  
2 Clerk, or members of the Town Council to ask that an  
3 ordinance be considered.

4 CHAIR THOMAS: Okay, everyone else now who have  
5 questions. Commissioner Burnett.

6 COMMISSIONER BURNETT: Question for Staff. On  
7 Church Street is there any way to have it so that when cars  
8 come out of the building in the back, on Church Street,  
9 that they would not be able to turn right into the High  
10 School Court area, but they would have to go to the left,  
11 so that would divert traffic in the High School Court area?  
12 I don't know if we can request that, a traffic study or  
13 something, but it would prevent traffic in that area. Then  
14 I have a second question.

15 MIKE VROMAN: Typically, that's not something  
16 that we would do. Recently it came up at one of our  
17 offsites places where there were complaints that they force  
18 people to turn right coming out of the driveway, and some  
19 of the neighbors resented that because it added traffic,  
20 but the Town doesn't really have authority of how people  
21 come in or out of the driveway; it's a public roadway and  
22 as long as they perceive it as safe to turn one way. Then  
23 if we force them to go back the other direction, there are  
24 still conflicts down at the other end, and so it's good to  
25

1 have people distribute sometimes; it depends where they're  
2 going to which way they would go. Hopefully that answers  
3 your question.

4 COMMISSIONER BURNETT: It does. Thank you. Just  
5 another question.

6 The Town, as a lead agency for our environmental  
7 and CEQA issues, because we have to consider the cumulative  
8 effect of other and whatever under California Code 15065,  
9 does the Town have the option to relook at this? Because  
10 we're thinking of all the other projects that might have  
11 impact on this project, and so the cumulative effect?  
12

13 ATTORNEY WHELAN: The Commission definitely has  
14 the ability to ask for more environmental work. The  
15 Commission might want to hear from the Town's CEQA  
16 consultant to hear how they analyzed cumulative impacts to  
17 date.

18 COMMISSIONER BURNETT: Thank you.

19 CHAIR THOMAS: Do you want to ask a question for  
20 the CEQA consultant now?

21 DIRECTOR PAULSON: I'm pretty sure that question  
22 was answered earlier in the hearing, so I guess I can get  
23 her to repeat that if it's necessary.  
24

25 CHAIR THOMAS: Other questions for Staff?  
Commissioner Barnett.

1 COMMISSIONER BARNETT: With respect to a couple  
2 members of the community who suggested that the building be  
3 not built in that location, or not be so big, because of  
4 the safety issues, would that be a reasonable request under  
5 SB 330?

6 ATTORNEY WHELAN: The way that statute is  
7 written, it requires that the public health and safety  
8 concern be based on an adopted written objective standard  
9 of the Town's, and so any requested change, the project  
10 would need to be based on one of those standards.

11  
12 COMMISSIONER BARNETT: Are such standards in  
13 place?

14 ATTORNEY WHELAN: I'm not familiar with all the  
15 Town's development standards, but what I read in the Staff  
16 Report indicated that this project conformed with most of  
17 the Town's objective standards, and I'd defer to Public  
18 Works.

19 JAMES WATSON: James Watson, Parks and Public  
20 Works, Senior Engineer. We've received the plan set, we  
21 made comments, we went through all our consistency items,  
22 and we found the project to be in conformance with the Town  
23 Code, with the exception of the exceptions that they  
24 requested.  
25

COMMISSIONER BARNETT: Thank you.



1 CHAIR THOMAS: Commissioner Burnett.

2 COMMISSIONER BURNETT: I think I still need to  
3 hear again from the CEQA representative. I'm not satisfied  
4 with her answer. I think the Town, as a lead agency, can  
5 request another study if we foresee a cumulative impact,  
6 and so I just want that clarified.

7 DIRECTOR PAULSON: EMC, you can go ahead and  
8 unmute yourself and speak. Again, the similar question that  
9 was asked previously.  
10

11 TERI WISSLER ADAM: Good evening, Chair Thomas,  
12 Commissioners, my name is Teri Wissler Adam with EMC  
13 Planning Group. I worked with Shoshana, who you heard from  
14 earlier, on the preparation of the Initial Study and  
15 Mitigated Negative Declaration.

16 When looking at cumulative impacts, one of the  
17 options that is provided by the CEQA guidelines is to look  
18 at the buildout of the General Plan that was evaluated in  
19 the General Plan EIR, and so that's what we did. We looked  
20 at this project's contribution to that cumulative impact,  
21 and CEQA requires us to make a determination on whether the  
22 contribution of this particular project is considerable  
23 when compared to the cumulative impacts of buildout of the  
24 General Plan.  
25

1           There are other options for looking at cumulative  
2 projects, and one of them, as has been suggested by some of  
3 the Commissioners, is looking at all the projects that are  
4 currently proposed in the Town at this point, but again,  
5 that's not the route that we used in this particular  
6 Initial Study and Mitigated Negative Declaration.

7           DIRECTOR PAULSON: Through the Chair, I would add  
8 that further analysis has been discussed, and I know the  
9 Town Attorney is still discussing what options there are.  
10 Some of you are aware that for additional cumulative  
11 analysis for specifically or maybe including the projects  
12 that weren't part of the Housing Element sites inventory,  
13 so there are still conversations going on around that.

14           I haven't heard any substantial evidence from an  
15 expert that has changed the determinations made in the MND  
16 that there is a significant adverse impact based on an  
17 objective standard or a health and safety standard that has  
18 been adopted, but again, we're going to consider looking at  
19 this as each of these projects come forward.

20           COMMISSIONER BURNETT: Okay, thank you.

21           CHAIR THOMAS: Anyone want to start discussion,  
22 make comments?  
23  
24  
25

1           DIRECTOR PAULSON: Before you start discussion,  
2 you might want to discuss extending the meeting, because  
3 we're almost at 11:30.

4           CHAIR THOMAS: And how long do we need?

5           DIRECTOR PAULSON: That's up to you and how your  
6 discussion goes.

7           CHAIR THOMAS: Midnight is our cutoff, right? No,  
8 11:30 is our cutoff?

9           DIRECTOR PAULSON: Correct, so then you make a  
10 motion to extend the meeting.

11           CHAIR THOMAS: We need to make a motion. Does  
12 anyone want to make a motion to extend the meeting?

13           COMMISSIONER STUMP: So moved.

14           COMMISSIONER BARNETT: Second that.

15           CHAIR THOMAS: So, to 30 minutes? Okay, so  
16 Commissioner Stump and Commissioner Barnett second. I'll  
17 call the question. All those in favor? Motion passes  
18 unanimously. Thank you for that reminder. Commissioner  
19 Stump.  
20

21           COMMISSIONER STUMP: I'm going to jump in here,  
22 and this goes back to the first question that I really  
23 asked, and that was about CEQA, and that has to do with  
24 cumulative impact.  
25

1           We've heard a little about cumulative impact, but  
2 what I'm going to say is that tonight I cannot make the  
3 required finding for CEQA related to this project. This  
4 study does not take into account the cumulative impacts of  
5 probable projects that are out here in the future that were  
6 not envisioned to be at the mass, scale, height, or density  
7 that are being proposed. Thanks.

8           CHAIR THOMAS: Commissioner Raspe.

9           COMMISSIONER RASPE: Thanks, I'll go next. I am  
10 going to disagree, I'm afraid, with my fellow commissioner.  
11 This is our first SB 330 Builder's Remedy project. The  
12 Lodge could have been developed in that fashion, they chose  
13 not to, and so this is really our first experience with it.

14           And really, it hands the Town an unfortunate  
15 situation in many instances. The Town may not disapprove a  
16 qualified affordable housing project on the grounds that it  
17 does not comply with the Town zoning and General Plan, and  
18 this project we have before us is a qualifying affordable  
19 housing project; it has six below market units. That means,  
20 in short, we can't disapprove of this project on the  
21 grounds of the height, the FAR, the setbacks, the density,  
22 etc.  
23

24           To those points, overall, I find the building is  
25 well designed and it fits within our Town's aesthetic. It's

1 big, it 52', but that's only 7' higher than would be  
2 otherwise permissible, and it's actually smaller than the  
3 penthouse building. So, it's a big building, but I think,  
4 again, given where we are in the SB 330 world, it could be  
5 worse.

6           So, I think this, to Commissioner Stump's  
7 comments, leaves the CEQA traffic issue as really the only  
8 remaining one and I think the only one that really is going  
9 to impact this discussion.

10           In this case, an Initial Study was done, and a  
11 Mitigated Negative Declaration and Mitigated Monitoring and  
12 Reporting Program were instituted, and as part of that the  
13 traffic was studied by professionals, and people who I'm  
14 glad to say are much more knowledgeable than I am on these,  
15 and I think as the Applicant noted, the numbers are the  
16 numbers. I would love to dispute them, and frankly, I am  
17 concerned about traffic, but I don't have any evidence to  
18 argue that those numbers are wrong, and so I have to rely  
19 on our expert, and that's what I'm going to do, so I would  
20 argue that CEQA has been satisfied in this case.

21           So, again, while I have issues with this project,  
22 I wish it wasn't next to the high school, I wish it was  
23 smaller, I don't see grounds that allow us to deny the  
24 project, but I would offer some suggestions.

1 I would like to go with Option 1 as the parking  
2 situation. I think that better suits us and it's a better  
3 fit for our town.

4 I would like the builder to work with school  
5 officials to solve the issues that I foresee on Church  
6 Street. Maybe there is some signaling we can use, some kind  
7 of warning lights that come out of the parking structure,  
8 something that would protect our kids in that area.

9 My understanding is that we're a town that works  
10 together in good faith. I'm looking forward to the parties  
11 working in good faith on this project, but with the record  
12 before us, I don't see a reason where we can decline this  
13 project.

14 CHAIR THOMAS: Vice Chair Burch.

15 VICE CHAIR BURCH: I agree with my fellow  
16 commissioner's statements. I think there are a couple of  
17 other things that I might recommend.

18 Again, like it said, working directly with the  
19 high school on Safety and Logistic Plans for during  
20 construction to make sure that we're keeping everybody  
21 safe.

22 I do want to say I think the retail hours should  
23 be earlier.

1 I don't know if this would be a question for  
2 Staff, but would we be able to make some notes in the  
3 Conditions of Approval about not having large delivery  
4 trucks or dump trucks at High School Court during school  
5 drop-off and leaving hours?

6 RYAN SAFTY: Thank you for the question. I don't  
7 see a reason why not, and I would actually confirm with  
8 Parks and Public Works Staff. Is there any chance we might  
9 have that currently?

10 VICE CHAIR BURCH: You might. I didn't even read  
11 it. You might read that condition.

12 JAMES WATSON: James Watson Parks and Public  
13 Works. We do have conditions in there about construction  
14 traffic, travel times, haul routes, parking.

15 VICE CHAIR BURCH: Is it the standard hours  
16 though that we usually have in there?

17 JAMES WATSON: I believe it's 9am to 3pm, but I'd  
18 have to review the conditions.

19 VICE CHAIR BURCH: If we could maybe just adjust  
20 it to be more like in the mornings not there between like  
21 7am to 9am, and I think it's like maybe 2pm to 3:30pm; I  
22 think those are typical. Chair Thomas has got it, like when  
23 it's time to make a motion I can have better hours. Would  
24 that be acceptable so that we're not having those large  
25

1 vehicles in that section, one, for safety, but two, just  
2 for the nightmare of traffic anyway.

3 JAMES WATSON: We're very open to that, and I'll  
4 even add to that that our encroachment inspector is always  
5 on top of school traffic and limits our contractors working  
6 in the downtown school area, and doesn't allow any  
7 encroachment work to begin during those traffic hindering  
8 times when there is no movement, and so we're happy to make  
9 that condition.

10  
11 VICE CHAIR BURCH: I also just want to add too,  
12 that I do agree with going with Option 1 for the parking  
13 options.

14 CHAIR THOMAS: I have one question for the CEQA  
15 consultant actually related to the Mitigated Negative  
16 Declaration, and this was under AQ-1 for a mitigation  
17 measure that all non-road diesel construction equipment  
18 will at minimum meet tier three emission standards listed  
19 in the Code of Federal Regulations, Title 40, etc., and  
20 further, where feasible, construction equipment will use  
21 alternative fuel such as compressed natural gas, propane,  
22 electricity, or biodiesel.

23 I have a question. Most often the State of  
24 California has stricter emission standards, but this is a  
25 case where it seems like the federal standard is what



1 applies, and when I went to go look this up it was not even  
2 linked currently on the EPA website, so I was wondering if  
3 our CEQA consultant would make a recommendation about an  
4 additional backup standard, or if that can be put into our  
5 Conditions of Approval in some way that it's like what...  
6 Because the way that the statute is written is that since  
7 2024 the federal government can adjust it however they see  
8 fit, and they might see fit to adjust it all the way down  
9 to nonexistent. Just wondering if the consult can offer a  
10 suggestion, or maybe the Town Attorney?

12           TERI WISSLER ADAM: Sure. Again, this is Teri  
13 Wissler Adam with the EMC Planning Group, and I think we  
14 looked at this a little bit earlier, Mr. Safty and I, and  
15 suggested that maybe we could add some language to that  
16 mitigation measure that says that the tier three emission  
17 standards listed in the Code of Federal Regulations in  
18 effect at the time this mitigation measure is adopted by  
19 the Town, so that would tie them into whatever is in effect  
20 right now.

21           CHAIR THOMAS: Okay, perfect. Thank you. Then I  
22 would maybe make the recommendation, or if we could add an  
23 and/or if stricter regulations apply, then that takes  
24 precedent. Is that a possibility?  
25

1           ATTORNEY WHELAN: I'm going to defer to the CEQA  
2 consultant.

3           CHAIR THOMAS: Is it a possibility to include the  
4 standards that apply when the project application is  
5 approved, or the most current stricter standards? I'm not  
6 anticipating, obviously, that this current administration  
7 is going to make the standards stricter, but the intent of  
8 this provision at the federal level is that it continues to  
9 become stricter over time, so it's a possibility.

10           TERI WISSLER ADAM: I think that language can be  
11 created that gives the Town the option of applying the  
12 standard in effect as today if you adopt this mitigation  
13 measure, or stricter standard, if that's in effect at the  
14 time of construction.

15           CHAIR THOMAS: Okay, thank you.

16           DIRECTOR PAULSON: Through the Chair, obviously  
17 you're not making the findings, you're doing a  
18 recommendation, so we can find out whether or not that  
19 creates any issues with the current State laws that they're  
20 utilizing from a vesting perspective prior to getting to  
21 Council.

22           CHAIR THOMAS: Great, exactly. Okay, thank you.  
23 After getting that question answered, I would like to echo  
24 what Commissioner Raspe and Vice Chair Burch have said  
25

1 tonight. I also believe that forwarding a recommendation to  
2 Town Council to approve this is a motion that I would  
3 support with a couple of changes, including what was just  
4 mentioned, and then the suggestions with regard to traffic  
5 and school during construction, and then lastly, just some  
6 landscaping suggestions that I have. Yes, Ms. Whelan.

7           ATTORNEY WHELAN: For the school, that was  
8 construction activities only?

9           VICE CHAIR BURCH: I made a comment concerning  
10 coordination of the Site Logistics And Safety Plan during  
11 construction, and no allowing large delivery trucks or dump  
12 trucks to be on High School Court.

13           DIRECTOR PAULSON: And I think Commissioner Raspe  
14 was speaking for operationally when the building was done,  
15 the entrance and exit from the underground parking.

16           VICE CHAIR BURCH: Oh, that's right. Sorry.

17           COMMISSIONER RASPE: I suggested a flashing light  
18 system, or we've all seen the buzzing, something that would  
19 protect or alert school kids as they're walking.

20           ATTORNEY WHELAN: Then with regard to the  
21 construction condition, is the Commission thinking of  
22 prohibiting trucks between 7am-9am and 2pm-4pm?

23           VICE CHAIR BURCH: Yes.

24           CHAIR THOMAS: Commissioner Barnett.

1           COMMISSIONER BARNETT: I share the feelings of my  
2 fellow Commissioners. I've been a resident of the Town for  
3 44 years. I greatly sympathize with members of our  
4 community who are appalled at the State law now, but that  
5 is our new legal environment and we don't have a choice not  
6 to comply with it, at least without substantial negative  
7 ramifications.

8           I think the building height, as Commissioner  
9 Raspe said, is not unreasonable; it could have been higher.  
10 There was discussion about the short-term bicycle parking  
11 loss, but it is reasonable given the significant parking  
12 inside the garage.  
13

14           It's a positive that the owner has made revisions  
15 in accordance with the recommendations of the consulting  
16 architect.

17           I join in the preference for the two-level  
18 parking.

19           The safety recommendations that we talked about  
20 are also key.

21           Certainly, the addition of the below market  
22 housing is a very positive addition for our community, even  
23 though it's only six units.  
24  
25

1 I appreciate the open space, balconies, and  
2 personal open space that is important to the community that  
3 will be living there.

4 There was the modification to the front façade,  
5 which eliminated the vertical design feature at the Main  
6 Street entry and substituted a lower gable for the roof  
7 form, and I thought that was an excellent accommodation by  
8 the developer. Those are my basic comments.

9 CHAIR THOMAS: I would like to add that I agree  
10 that more parking is preferred, however, we should note in  
11 the record for Town Council to look at and discuss that we  
12 prefer the two-level, but make the recommendation for both  
13 as is, but I'm open to hearing what my fellow commissioners  
14 think. Or maybe somebody wants to make a motion.  
15 Commissioner Stump.

16 COMMISSIONER STUMP: (Inaudible) on the parking  
17 point, more is better.

18 COMMISSIONER RASPE: I would agree.

19 VICE CHAIR BURCH: Yes, I agree.

20 COMMISSIONER RASPE: Let's forward it as a strong  
21 recommendation to Council then for Option 1, and if you  
22 want, I can try to make a motion.

23 First, a question for Staff. This is a  
24 recommendation to Town Council, not an approval?  
25

1                   DIRECTOR PAULSON:   Correct.

2                   COMMISSIONER RASPE:   Then I would move that we  
3 recommend to Town Council that they approve the demolition  
4 of the existing commercial structures, construct a mixed-  
5 use development, 30-multi-family residential units, with  
6 commercial space on the ground floor, a Conditional Use  
7 Permit, a Condominium Vesting Tentative Map, and removal of  
8 large, protected trees under Senate Bill 330 on property  
9 zoned C-2, located at 143 and 151 E. Main Street.  
10

11                   APNs 529-28-001 and -002, Architecture and Site  
12 Application S-24-007, Conditional Use Permit Application U-  
13 24-002, Vesting Tentative Map Application M-24-004, and  
14 Mitigated Negative Declaration Application MD-24-003,  
15 whereas an Initial Study and Mitigated Negative Declaration  
16 have been prepared.

17                   I can make all the findings as set forth in our  
18 Staff Report, with the additional modifications.

19                   First, that while both parking options are  
20 available, it is the Planning Commission's strong  
21 preference it use the larger parking option, which is  
22 Option 1. That during construction, that additional traffic  
23 mitigation efforts be incorporated therein as discussed  
24 this evening, that after construction is completed that  
25 traffic mitigation continue on Church Street as discussed

1 this evening, that the hours of the commercial store be  
2 extended as earlier discussed, that the tier three  
3 emissions shall be as set forth on the date of adoption or  
4 such stricter standard as may apply, and the additional  
5 landscaping comments made this evening. That's my motion.

6 ATTORNEY WHELAN: Was there something about  
7 deliveries as well, a limitation on deliveries?

8 VICE CHAIR BURCH: I think that was that same  
9 comment about large delivery trucks or dump trucks on High  
10 School Court.

11 COMMISSIONER RASPE: That should be incorporated  
12 with construction traffic.

13 CHAIR THOMAS: Is there a second? Vice Chair  
14 Burch.

15 VICE CHAIR BURCH: Second.

16 CHAIR THOMAS: Do you want me to give the  
17 specifics about the landscape tree options? No?

18 DIRECTOR PAULSON: I think we'll craft it based  
19 on the conversation this evening.

20 CHAIR THOMAS: Because the Applicant said that  
21 they would be amenable to some changes of their onsite  
22 plantings too, so I have a recommendation for that. No, you  
23 don't want to hear it?  
24  
25

1                 DIRECTOR PAULSON: Sure, you can provide your  
2 recommendation.

3                 CHAIR THOMAS: Just the columnar red maple be  
4 swapped out for bay laurel.

5                 COMMISSIONER RASPE: My motion is so amended.

6                 VICE CHAIR BURCH: Approved.

7                 CHAIR THOMAS: Then something like the street  
8 trees being vine maples or western redbuds, as I said  
9 earlier. Thank you.  
10

11                 Any other discussion? I'll call the question. All  
12 those in favor, please raise your hand. And those opposed?  
13 The motion passes 4-2, and because it's a recommendation, I  
14 am assuming there are no appeal rights.

15                 DIRECTOR PAULSON: That's correct.

16                 CHAIR THOMAS: Okay, thank you.

17

18                 (END)

19

20

21

22

23

24

25