

**The Los Gatos Glen  
Homeowners Association**

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August 31, 2020

The Los Gatos Town Council

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Vice Mayor Barbara Spector (bspector@losgatosca.gov),  
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Council Member Marico Sayoc (msayoc@losgatosca.gov)*

110 E. Main St.

Los Gatos, CA 95030

*Via Fax 408-399-5786, E-Mail (Council@LosGatosCA.gov et al.),  
and First Class Mail*

Re: Los Gatos Glen HOA Objection to Staff's "Preferred Alternative"  
Highway 17 Bicycle and Pedestrian Over-crossing (Project 818-0803)  
Proposed Bicycle and Pedestrian Master Plan Update, Table 4.2, Project Number 1  
Town Council Agenda Item #10 (September 1, 2020)

Dear Distinguished Members of the Town Council:

The undersigned are duly elected Board Members of the Los Gatos Glen Homeowners Association (HOA), representing homeowners in the Los Gatos Glen (formerly, Vasona Heights) Planned Development. Further to Town Staff's "Community Meeting Presentation" on August 25, 2020, in connection with the above-identified Project, we wish to raise specific concerns about and objections to Town Staff's apparently-final "Preferred Alternative" for the Project. Let us state at the outset that we, along with other Los Gatos residents, fully support the Town's Connect Los Gatos program, especially increasing safety along Blossom Hill Road, and appreciate Town Staff's effort in furtherance of that goal. At the same time however and with all due respect to Town Staff, we are very concerned about recent Staff actions (and omissions), as outlined below.

Having received no prior proper notice, the Los Gatos Glen homeowners were largely unaware of Staff's final decision to pursue design and construction of a massive project south of Blossom Hill Road ("Preferred Alternative") until just last Tuesday. In addition to such short notice, Staff's Tuesday Presentation was so lacking in detail about its "Preferred Alternative" that any effort by Staff at this juncture to seek Council's "approval" to commit substantial funds and resources for design and construction of that particular alternative - effectively locking it in - is at best premature. Although Staff has provided a very specific graphic of their "Preferred Alternative," Los Gatos Glen homeowners were informed at the Presentation that precious few details about the alternative actually exist. For example, actual placement of the contemplated (nominally) 20' bike/pedestrian corridor could occur anywhere from within the existing Blossom Hill Road right-of-way to some unspecified encroachment within the Vasona Heights Benefit Zone, potentially destroying an important landscaped buffer between the subdivision and vehicular/pedestrian traffic. Moreover, as to the over-crossing bridge itself, we were informed that essentially none of the details of the bridge - including its approximate location or height -- were knowable at this point, save that it would be very wide and must be raised 6' higher than the existing Blossom Hill over-crossing. Instead we were simply advised to not worry about the structure unless we "stand on [our] fences" -- Staff ignoring any consideration of the fact that homes in the subdivision are two-story with windows providing panoramic views of the surrounding area.

Equally disconcerting was Staff's apparent disregard of any serious consideration of other feasible Blossom Hill Road design alternatives, including ones with lower risks and better safety. For instance, when the suggestion was made that Staff should consider leveraging the open space available at Vasona Park, we were simply informed that that alternative was not feasible due to ADA constraints, yet there was no explanation of what apparently insurmountable constraints were present, nor were we given any indication that Staff had even consulted a licensed civil engineer or other expert on the matter. Other Community suggestions were

similarly rejected out-of-hand, with no indication given that Staff was doing little more than substituting lay conjecture in place of professional or expert opinions/work product (if any) that might have been commissioned for the Project. Essentially, we were asked to "swallow" Staff's final determination of their "Preferred Alternative," notwithstanding it being presented on very short notice (one week before Town Council September 1 Meeting) and with scant detail, so that Staff could meet Caltrans' 2021 ATP Cycle 5 application deadline (September 15, 2020) for funding. As Staff has of course known about the September date for some time, the onus is on Staff to justify why that particular "deadline" (and the specific ATP application responses therein) compels abridgement of minimal due diligence necessary to duly inform the Community, especially directly-affected Los Gatos Glen property owners, of the Town's contemplated land use plans, especially given that Staff is apparently already prepared to complete and submit the ATP application on September 15 with important project details yet to be worked out. Moreover, Staff really owes the Community a much better explanation of why coordination with Caltrans on a better, comprehensive solution is really not possible. Staff gave the distinct impression that the real reason was being concealed, such as possibly Staff's desire to notch a comparatively "quick and easy" win using Caltrans' ATP "shovel-ready" funds, notwithstanding the fact that that may yield an uncoordinated "Balkanized" solution, one that may be vastly inferior in terms of safety and noise pollution, and which Los Gatos residents would have to live with for many years or decades to come.

Most significantly, Staff provided no indication of any meaningful expert study or review of the most fundamental aspect of their choice, safety. The presently-contemplated southbound placement of a 20' bike/pedestrian corridor would potentially dump a very large volume of unimpeded bike/pedestrian traffic directly into the southeast quadrant of the Roberts Road/Vasona Park Entrance intersection – by far the most dangerous portion of the intersection, due to a constant, high-volume flow of right-turning drivers who assume (often incorrectly) that they can "Hollywood roll" the intersection. With a 10' dedicated lane for bikes, it is readily foreseeable that a significant number of (newly minted) westbound bike riders (and runners) will approach and enter the intersection at speeds that will not afford sufficient time for right-turning drivers to react, especially considering blind spots present in the area and existing driver predilection to "roll" this particular quadrant of the intersection. (Currently, westbound bike riders are restricted to the other, less-busy side of the intersection.) Instead, Staff simply indicated that circulation "convenience" for Fisher students dictated the final choice, with Staff apparently merely relying on its own hunch that that might be a safe option. The lack of expert study and review of such a fundamental consideration, the underlying safety of the Project, is an obvious due diligence step that cannot be skipped. To the contrary, expert study and review of the alternative's safety, including weighing it against other potentially safer alternatives, must be completed before the alternative can seriously be considered an appropriate and (essentially) final choice for Town Council's approval.

Apart from the foregoing concerns, Staff's "Preferred Alternative" also raises serious questions about the Town's land use. Here, Staff is proposing that an exceedingly-ambitious 20+ ft wide corridor project (far in excess of comparable Bay Area pedestrian overcrossings) be placed directly adjacent a low-density R-1 (single family) residential zone, the Los Gatos Glen subdivision, including possibly removing substantial portions of the subdivision's Benefit Zone, potentially destroying its aesthetics and buffering characteristics. Staff's preferred choice is wholly out of character for this location adjacent a single-family neighborhood and risks a substantial nuisance to the properties of the subdivision homeowners directly bordering the Project (i.e., Lots 18, 19, 20, and 21), thus rendering the choice incompatible with the objectives and policies of the Town's General Plan. These homeowners bought homes in a Town of Los Gatos R-1 zone with the reasonable expectation that they would enjoy the same property rights and privileges as other similarly-situated Town residents, including the fundamental right of quiet, comfortable enjoyment of one's home and

backyard. Yet, apparently no thought whatsoever has been given by Staff to consider worsening exterior noise exposure that such a massive bike/pedestrian corridor would undoubtedly bring to these homes. Does Staff expect these homeowners to endure disproportionate substantial and direct harm to their properties in the name of public use, without compensation and without any serious consideration of feasible alternatives to satisfactorily mitigate or avoid such harm? A project of this scope and magnitude is instead properly located in an open space zone (already available to the Town across the street) or placed in a commercial zone, or should be substantially scaled back before any consideration is given for placement anywhere near a residential zone.

As to the Vasona Heights Benefit Zone itself, it is contiguous with the Los Gatos Glen subdivision and an integral beneficial element of the subdivision's character since its inception. The Benefit Zone was obviously a significant inducement for homeowners to purchase in the subdivision, homeowners who relied on continued existence of the Zone to provide a natural buffer from external nuisances, particularly noise (and now unfortunately, an ever-increasing transient/homeless population). These homeowners have over the years invested many tens of thousands of dollars for certain improvements to the Zone as well as upkeep and preservation of those improvements. The Town may not simply on a whim dismantle or substantially degrade the subdivision's Benefit Zone, without any consideration given to the detrimental financial and environmental impact such action would have on properties in the subdivision, nor any consideration given to the very substantial financial investments (both direct and indirect) made by the subdivision's homeowners in reliance on the Zone's continued preservation. If anything, Town Staff should be working with Los Gatos Glen residents to make the modest-sized Benefit Zone even better, including improvements to improve safety and lessen noise pollution.

For the reasons stated, it is respectfully submitted that Staff has yet to substantiate a proper "alternative" for the Town Council to endorse at this time. Staff has failed to provide affected property owners adequate time and detail about the Project, so that those owners may consider the Town's proposed land use. **Significantly, both Federal and California due process protections require reasonable notice and opportunity to be heard before a lead agency imposes a land use decision that constitutes a substantial or significant deprivation of a property owner's rights. Such notice must be reasonably calculated to afford affected individuals the realistic opportunity to protect their interests.** Staff's failure to furnish even the most basic details about Staff's "Preferred Alternative" before submitting it for Town Council's endorsement is highly prejudicial to affected homeowners' property rights. At best, Staff has simply opened a line of inquiry as to what might possibly be one of multiple Blossom Hill Road alternatives to consider for further investigation and discussion with the Community. At a bare minimum, the project should be "fleshed out" in detail sufficient to afford the Community and Town Council Members an adequate opportunity to review and assess its benefits and risks, including ascertaining whether the choice is even safe for the Community. The massive scale and apparent planned location of Staff's current "Preferred Alternative" raises serious questions about its safety and the Town's adherence to its own General Plan and therefore cannot seriously be considered a viable alternative at this time. Staff's currently-proposed "Preferred Alternative" is an ambitious idea, but in its current incarnation it is simply too massive and too wide - and critical details far too uncertain - for Town Council's endorsement at the currently chosen location.

ACCORDINGLY, we respectfully REQUEST at this time that the Town Council **DENY** Staff's request to update the Town of Los Gatos Bicycle and Pedestrian Master Plan (BPMP) to include Staff's proposed **Table 4.2, Project Number 1** line item (Bicycle and Pedestrian Overcrossing over Highway 17, located "South of Blossom Hill Road over Highway 17, From Roberts Road East To Roberts Road West"), and further **DENY** Staff's request to approve **Agenda Item #10 Recommendations a. - e., inclusive**, as well as deny any other such recommendations, proposals, suggestions, actions, motions, updates, amendments, revisions, or the like that may be offered at this time that are contrary to or otherwise inconsistent with our REQUEST.

Respectfully submitted on behalf of

THE LOS GATOS GLEN  
HOMEOWNERS ASSOCIATION

By its duly elected BOARD:



Jacob A. Schroeder



[Alec Davidian \(Aug 31, 2020 09:53 PDT\)](#)

Alec Davidian



[Rami Kanama \(Aug 31, 2020 09:16 PDT\)](#)

Rami Kanama

cc: Ms. Laurel Prevetti, Town Manager ([Manager@LosGatosCA.gov](mailto:Manager@LosGatosCA.gov))  
Ms. Shelley Neis, Town Clerk ([sneis@losgatosca.gov](mailto:sneis@losgatosca.gov))  
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