

Co-signatories on the Appeal of the Conditional Use Permit at 66 E. Main Street

RECEIVED

July 10, 2019

JUL 10 2019

Town of Los Gatos Planning Commission:

TOWN OF LOS GATOS
PLANNING DIVISION

On June 4th, the Town of Los Gatos Development Review Committee (DRC) approved Conditional Use Permit (CUP) Application U-19-006 at 66 E. Main Street from The Club of Los Gatos.

We believe the new land-use conditions, as they currently exist under this CUP, would adversely affect the entire community within its radius, both commercial and non-commercial, specifically by violating the following Los Gatos General Plan 2020 policies:

- Policy LU-6.3 - Protect existing residential areas from adjacent nonresidential uses by assuring that buffers are developed and maintained.
- Policy LU-6.5 - The type, density, and intensity of new land use shall be consistent with that of the immediate neighborhood.

As stated in the General Plan, "Land use decisions encompass not only zoning, but circulation, design, open space and other factors." We respectfully request an appeal of this CUP – in its current form – on the basis of these and many other factors we believe exist at this location extending well beyond Zoning Code.

SIGNED:

Thomas C. Spilsbury, Property Owner, Forbes Mill Office Building, 61 E. Main Street, Los Gatos CA 95030

Shari Flick, Property Owner, Soda Works Plaza, 26-34 E. Main Street & 11&21 College Ave, Los Gatos CA 95030

Peter Hofmann, Property Owner, Beckwith Block, 27-37 E. Main Street, Los Gatos CA 95030

Mary Turoff and Randall Parton, Property Owners, Turoff Dentistry, 11 E. Main Street, Los Gatos CA 95030

Rita Minnis, Property Owner, 50, 80 & 111 E. Main Street, Los Gatos CA 95030

Steve Angelo, Business Owner, Purple Onion Café, 26 E. Main Street, Los Gatos CA 95030

Nick Difu, Business Owner, Nick's Next Door, 11 College Ave, Los Gatos CA 95030

Fan van Brunt, Business Owner, Main Street Annex Salon, 28 E. Main Street, Los Gatos CA 95030

Bill Reynolds, Business Owner, Billy's Boston Chowder House, 29 E. Main Street, Los Gatos CA 95030

TJ Tulachan, Owner, Namaste Indian Cuisine, 35 E. Main Street, Los Gatos CA 95030

Rita Melamed, Manager, American Cancer Society Discovery Shop, 39 E. Main Street, Los Gatos CA 95030

Christopher Kankel, Business Owner, 61 E. Main Street, Los Gatos CA 95030

Terry Martin, Owner, Terry J Martin Associates, 61 E. Main Street, Los Gatos CA 95030

Julie Thomas, Owner Representative, Casa Antigua Office, 101 Church Street, Los Gatos CA 95030

Gary Edwards, Owner, Millbrook Stone, 32 E. Main Street, Los Gatos CA 95030

Major General Kent Hillhouse, President, Veteran's Memorial & Support Foundation, 110 E. Main Street, Los Gatos CA 95030

Maureen Cappon-Javey, Exec Director, New Museum of Los Gatos (NUMU), 106 E. Main Street, Los Gatos CA 95030

Georgina Van Horn, President, Friends of Los Gatos Library, 110 E. Main Street, Los Gatos CA 95030

Greg Hacker, President, Forbes Mill HOA, 55 & 95 Church Street, Los Gatos CA 95030

Con & Erika Venter, Homeowners, 30 Pageant Way, Los Gatos CA 95030

EXHIBIT 11

July 10, 2019
Delivered by Hand
To the Planning Commissioners
Town of Los Gatos

Re: Appeal Of 66 East Main Conditional Use Permit

Commissioners:

My name is Tom Spilsbury, the Appellant, in the above matter before you tonight. I have been a resident of Los Gatos since 1962 and have owned my business here in Los Gatos since 1976.

For close to 43 years, I have been involved as real estate owner and broker and have assisted in several developments in Town (including the Soda Works Building). I am currently an Arts And Culture Commissioner for the Town, a volunteer for several Town projects, and always a supporter and booster for our businesses, our quality schools, and our beautiful Town.

I decided to appeal the Conditional Use Permit for two reasons: one, it is not an appropriate business use for our neighborhood. Secondly, I do not believe the decision by the DRC was well thought out, well researched, and based on inaccurate facts.

I was frankly stunned at the DRC decision for this project. I and six others testified to the damage that would be caused to our part of this community by allowing The Club to operate a gym at the 66 East Main Street. I was shocked to have the members of the DRC approve the CUP application as submitted; have their decision already typed up and ready to go before the meeting even ended and to base that decision on facts that were either incomplete or incorrect.

A number of us testified before the DRC, allowing a gym to operate from 5 a.m. to 10 p.m. on that location, 7 days a week, totally turns a blind eye to a business with such hours, with such intensity of use, is absolutely contrary to everything we have been led to believe that is in the Land Use Policies of Los Gatos. I have sat in this Chamber at both Planning Commission and Town Council meetings many times and watched applications be denied because of the negative impact it would have “on a neighborhood, 360 degrees”. I have been taught from the Planning Commission and the Town Council that protecting a neighborhood 360 degrees meant that buildings and businesses must be compatible with surrounding uses.

The initial staff report used by the DRC states that the subject business would be appropriate because it is situated in a zone that is commercial to the East, commercial to the West, commercial to the South, and commercial to the North, and that is a quote from the DRC report.

This description is not only misleading, it is inaccurate. This property sits at the center of a very mixed-use neighborhood. The report should have stated that there are well over 120 private residences within 300 feet to the North, East and to the South of this property. There are 7 offices buildings with 40 tenants; there are 19 retail store fronts with 16 different users; there is Los Gatos Museum, Friends of the Library Book Store, the stately newly installed Veteran’s Memorial, LG-Rec. Department and the Masonic Hall. Town Government offices are also within these 300 feet including the Los Gatos Police Department and all the departments in the Civic Center, and the Library. Los Gatos High School which has 4,400 students (2,200 of them driving to school) is literally within a 30 second drive or 90 second walk of the subject property.

Nowhere does staff point out the predominance of privately-owned residences so close to this property (across the street). Conversations on residential patios can be overheard on the nearby sidewalks. Nowhere does staff point out the restaurants with outside seating whose patrons (who are lucky enough to find parking or able to walk to the restaurant) would be 'treated' to watching and hearing workouts, music playing, and the grunts and yells that take place during high intensity workouts if this gym is allowed in this location.

Nowhere does staff point out the already high intensity use of our limited timed parking spaces which currently serve the mixed-use nature of the neighborhood. Trail Users, School kids who drive competing with office users and their clients, restaurant workers competing with employees of all businesses, students leaving school or employees leaving their businesses every 90 minutes to move their cars to avoid a ticket. Residents having to move their cars before 7 a.m. so they can avoid a ticket. Why should all these established residents, businesses, and patrons be penalized by the addition of a high use business that does not even bring retail sales dollars or shoppers to the community?

This use does not fit the character or conform to the integrity of our neighborhood. The Club has rented a 10,000 square foot property consisting of two buildings and a large outside covered space. This covered space is a parking area that can hold up to 20 cars. Why is it not being used as such a parking lot to help elevate the already bad parking situation? There will be on going back to back classes utilizing the entire property. That means 54 members. These Members will be looking for space to park, moving their cars every 90 minutes. If its 54 people and there will be 10 classes a day (per the Club owner) that is plus or minus 540 people all day, every day, coming, going, circling from 5 a.m. to 10 p.m. every single day of the week. How can that be a proper use for a neighborhood of private residents. We live with a

school schedule that requires 'us' the neighbors, to basically shelter in place 3 times a day, start of school, lunch break and when school lets out. How can we now ask dozens of parents to begin their constant circling to pick up students after sports with the access on Church Street to the Lower Field of the High School because there simply will not be even one spot open on Church Street or High School Street near the Lower Sports fields . Gym members will commandeer any open parking space 17 hours a day. What about the overflow of Church goes on Saturdays and Sundays or special holiday services who are accustomed to using the on-street parking on Church Street and High School Court? With gym classes from 5 a.m. to 10 p.m. and dozens of gym members using those parking spaces, there won't be any room for any of the existing neighbors.

This simple calculation makes my point. The gym owner states he has 400 gym members and he will have 48 which he applied for or 54 which was granted by the DRC (why 4 more than he requested?) on the premises at a time. The CUP does not even outline any conditions that will monitor that number of people. What sense does it make to allow him even more people than he requested and then not even impose a condition that will monitor that number. Are the people who come early and stretch included in the 54, or how about those that stay after class to warm down?

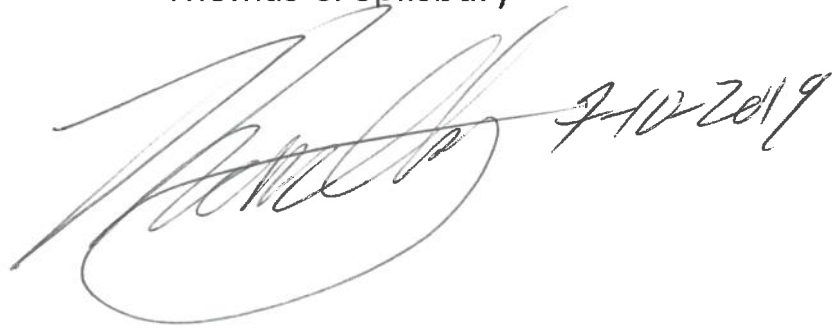
In summary, and you will hear this from others testifying on this matter, our neighborhood deserves more than a pre-written approval read aloud by the DRC, prepared and typed before the DRC hearing, that totally ignored the public testimony at that hearing. The DRC is not schooled or trained to deal with a complex land use decision like the one before you. After the DRC hearing, I actually wondered if any of the DRC members even walked outside their offices to review the location and surrounding uses, which after all are in 'our' neighborhood. No, this building does not sit in an exclusive commercial area. The DRC either missed or ignored the 120 plus private residences

across from and next to 66 East Main let alone all the other contributing factors I and others have raised.

My request is that you follow established precedent in taking into consideration "the neighborhood, 360 degrees", and make a determination that this appeal should be granted. The conditional use permit should be denied based on its incompatibility with the neighborhood.

Thank you for your time.

Thomas C. Spilsbury

A handwritten signature in black ink, appearing to read 'Tom Spilsbury', is written over the printed name. To the right of the signature, the date '7-10-2019' is handwritten in the same ink.

Retail Tenant
Friends of Library Book Store
Georgina Van Horn ETD.

July 4, 2019

Attn: Town of Los Gatos Planning Commission

I, Georgina Van Horn, support the appeal of the decision of the Town of Los Gatos Development Review Committee to approve the Conditional Use Permit Application U-19-006 at 66 E. Main Street from The Club of Los Gatos. I respectfully request the Planning Commission reevaluate this DRC decision.

My reasons include the following:

1. No on site parking: I am a volunteer at the Friends bookstore next to NUMU and on the Board of the Friends
2. of the Los Gatos library. The parking lot in front of the
3. library should be available to library patrons
4. The congestion caused by cars/individuals going in & out all day & night at a busy area of town.

Please consider this letter as my written authority of objection to this project.

Signed: Georgina Van Horn

Name (print): Georgina Van Horn

Address (print): 706 Winchester Blvd. Los Gatos 95036

Email (print): george_vh@msn.com

Property Owner

July 9, 2019

Attn: Town of Los Gatos Planning Commission


I am Shari Flick, owner of the Soda Works Plaza property, which includes 5 businesses, 4 apartments, and a private parking lot. I support the appeal of the decision of the Town of Los Gatos Development Review Committee to approve the Conditional Use Permit Application U-19-006 at 66 E. Main Street from The Club at Los Gatos. I respectfully request the Planning Commission reevaluate this DRC decision.

My reason for supporting the appeal is the lack of parking in the area. Adding to the problem, is the nature of the business. People tend to exercise after school drop-off in the morning and after getting off work in the evening. These are the same times most people hit the LG Creek Trail or Jones Trail and park in the same area.

One idea is to require the Club at Los Gatos to reserve half of their parking lot at 285 E. Main Street for their clients during the remodel and have them walk from there.

In addition, this Use Permit could be restricted to the Club at Los Gatos, not to be available for the future use of the property.

Please consider this letter as my written authority of objection to this project.



Shari Flick

26-34 E. Main Street and 11 & 21 College Avenue, Los Gatos

ShariFlick@icloud.com

purpleonioncafe

July 9, 2019

Attention: Town of Los Gatos Planning Commission

I, Steve Angelo, owner and operator of Purple Onion Café, 26 East Main Street, and local resident support the appeal of the decision of the Town of Los Gatos Development Review Committee to approve the Conditional Use Permit Application U-19-006 at 66 east Main Street from The Club if Los Gatos. I respectfully request the Planning Commission reevaluate the DRC decision.

My biggest concern is parking, my business uses the private lot directly behind 66 East Main that I guarantee the club patrons will use. I do not think most people going to work out will car pool so potentially that will put 40 to 50 cars in the neighborhood all day every day. Where do they park, in the city/police parking? on the street? Library lot? My guess is all the above.

Please consider this letter as my written authority of objection to this project.

Steve Angelo

141 Johnson Ave. Los Gatos

steve@purpleonionlg.com

408 313.2207

26 East Main Street / Los Gatos Ca / 95030

Retain Tenant

July 4, 2019

Attn: Town of Los Gatos Planning Commission

I, GARY EDWARDS e BARRY TRIPP
_____, support the appeal of the decision of the Town of
Los Gatos Development Review Committee to approve the
Conditional Use Permit Application U-19-006 at 66 E. Main
Street from The Club of Los Gatos. I respectfully request the
Planning Commission reevaluate this DRC decision.

My reasons include the following:

1. NO PARKING
- 2.
- 3.
- 4.

Please consider this letter as my written authority of objection to
this project.

Signed: Gedwards B. Trip

Name (print): GARY EDWARDS BARRY TRIPP

Address
(print): 32 EAST MAIN ST LOS GATOS
CA 95030

Email
(print): INFO e MAIN@BLACKSTONE.COM

tslgcommercial@gmail.com

From: Mary Turoff <mmturoff@yahoo.com>
Sent: Tuesday, July 9, 2019 4:04 PM
To: tslgcommercial@gmail.com
Cc: Randy Partin; Cesar Escudero; Dr. Michelle Torres
Subject: Gym site proposal

To the City of Los Gatos,

We have owned the building at 11 E Main St. since 1986 and have paid numerous parking assessment taxes over the years with nothing to show in an improvement to the scarce parking in Los Gatos.

We strongly oppose the use of the buildings, which were a high end car dealership, to be occupied by a gym. The impact this will have on the other businesses on the street will be catastrophic! The gym presently has its own onsite parking. They should only be allowed to occupy another location that also has onsite parking for the many members that use their facility from early am to late pm.

Our building is occupied by small business owners that will be greatly affected if their much smaller clientele have an even more difficult time finding a place to park.

If the City of LG is so set on accommodating this tenant, then I feel that you should designate spaces in your parking lot, which is across the street, for the Gym members.

In addition our many parking assessments should go to a multi tier parking structure that was promised decades ago.

With concern,

Randall C Partin DDS
Mary M Turoff DDS

Mary M Turoff DDS
Assistant Professor Preventive and Restorative Department
Immediate Past President, Alumni Association
UOP Arthur A Dugoni School of Dentistry
mmturoff@yahoo.com
831-818-4106

July 9, 2019

To the Town of Los Gatos Planning Commission:

For transparency, I am a member of the gym and I plan to continue to use the gym during remodeling in the alternative facility.

I do not have issue with the premises being used during re-modeling. However, this permit application needs to be considered in the light of our current way of life and existence in the area. For me personally I definitely have an expectation that my quality of life ***in the area*** not be impacted negatively by the presence of the gym.

It is important to consider the changes ***in the area*** that the presence of the gym will bring. As a very regular member of this gym, there are current activities and behaviors around the current gym ***that cannot be accepted in the area***.

I am the only resident that shares a Pageant entry with this premises and I insist that the following conditions be met as requirement for the permit:

1. **No extension of gym exercises and training outside of the premises.** This happens at the gym today. I do not have half-dressed people running in my street and past my house and driveway today – and I definitely expect that to continue while the gym operates on these premises.
2. **No dressing and undressing in and around parked cars in the area.** This happens in the gym parking lot today – people ***just*** slipping into or out of something.
3. **No loud noise on the street.** This happens in the gym today - individuals get carried away and play super loud music – this needs to be controlled.
4. **No portapotties for toilet facilities.** Unfortunately right now that is what happens at the gym. The mens's room's facilities are broken and they have been using a portapotty for forever – years. Toilet facilities will never be augmented with portable outside toilets.

I know the owner negates the existence of these goings on, but it is very real. Since he is denying, it should be no problem to include these as conditions for the permit. I would like to see this in writing added to the permit – regardless of anybody's opinion. If it is mindless speculation on my side, then this text in the permit will not harm anybody.

Also if the town has no jurisdiction to somehow contain the impacts of this business *in the area* then it goes unsaid that this permit cannot be granted.

Other considerations that should be addressed:

1. This premises is a showroom – with intentional high visibility from outside – people should be properly dressed, when using the facility – hairy sweaty people walking around showing their assets, should be strongly discouraged. I can just imagine how this will affect the patrons of the restaurant across the street.
2. Pets – some people bring their dogs to the gym – today there is a nice covered outside area where pets can wait – what is there plan for this?

These are my thoughts on the issues.

Best Regards,
Con Venter
30 Pageant
408-621-6908

RECEIVED

July 3, 2019

JUL 03 2019

Hand Delivered to:

TOWN OF LOS GATOS
PLANNING DIVISION

Town of Los Gatos Planning Commission
Los Gatos, California
Attention: Joel Paulson
Community Development Director

Re: 66 East Main Street
Hearing Scheduled for July 10, 2019

Dear Planning Commissioners:

I am the President of the Forbes Mill Homeowners Association. I have been asked by my Board of Directors to appear before you on July 10, 2019 regarding the appeal of the Conditional Use Permit granted to The Club for the use of the above referenced property as a gym.

I live at 55 Church Street directly across the street from the property. I am one of 48 homeowners of Forbes Mill Condominiums which have been at 55 and 95 Church Street for over 40 years. While we do not oppose the use of the property by The Club, we are not clear from the use permit what is and what is not permissible.

For example, from the Exhibit attached to the Permit there are two buildings on the property, and at least a 1,000 square foot area of outside space under a covering. We understand from current members of the Club that they have been told the outside space will be used for CrossFit training, Aerobic classes, and other uses that employ loud upbeat music and the use of microphones by instructors. When Alex, The Club owner, was asked about this he indicated it was not his intent to use the outside space for exercise 'except maybe if the weather is nice and we would roll out exercise equipment.'

We also see from information printed by The Club that the hours of operation are from 5 a.m. until 10 p.m. week-days and 6 a.m. to 10 p.m. on week-ends. Can you imagine the people who live in the 125 residences within 300 feet

Planning Commission
July 3, 2019
Page Two of Three
Re: 66 East Main Street

of the property being awakened every morning at 5 a.m. by CrossFit or other activity coming through a loud speaker?

The CUP limits occupancy at any one time to 42 members and 6 staff. How will this condition be enforced? The permit gives no basis to monitor this limitation and The Club has over 200 members. The class schedule published by The Club indicates classes are to be ongoing, back to back.

Back to back classes mean the probability that 40 vehicles will be arriving for classes going around and around Church Street while they wait for 40 vehicles to vacate their spots. Obviously, parking is at a premium in all our neighborhoods and here on Church Street parking is time limited and has to accommodate residents, students, visitors to the museum, to restaurants and other businesses along Main Street, as well as visitors to the new Veterans Memorial. How will this situation be monitored? There is nothing in the CUP that puts any boundaries around these class times or states a way to ensure members on the premises at any one time are limited to 42.

In summary, we are looking to the Planning Commission to spell out clear conditions The Club must meet on a continuous basis if it occupies this space. We would implore the Commission to set:

- More limited conditions on hours. 5 a.m. to 10 p.m. for that level of activity is unreasonable in a residential neighborhood.
- Conditions on how to enforce the number of people on the premises. If between 200 and 400 members will be using the facilities, how will the business keep that level to 42 at a time? How will classes be spaced to lessen the impact of 42 or 48 or 96 additional cars looking to park within walking distance of the gym?

Planning Commission
July 3, 2019
Page Three of Three
Re: 66 East Main Street

- Conditions on use of the space. The use permit is unclear as to the use of the outdoor space. Cross fit is a high intensity workout which includes tire rolling, barbell dropping, and various other rigorous activities. We've been told by more than one current Club member that the outdoor space will be used for workouts. The Owner has stated this 'might' happen when the weather is good. We do not believe it is acceptable to have this kind of activity taking place from 5 a.m. until 10 p.m. out of doors first in a residential neighborhood and secondly with outdoor seating in restaurants within easy sight of the activity.

In summary, although we do not oppose a conditional use permit, it must specify enough detail to be clear and to be certain so that this business does not dramatically impact the right we have to a peaceful home, and enough detail to be certain this one business does not destroy the ambiance and livelihood of the neighboring businesses.

We would like to see a Conditional Use Permit which clearly spells out what is permissible and what is not permissible. In addition, the CUP should be granted with a provision allowing a six month or one year 'check in' review of the performance under the use permit at a scheduled Planning Commission meeting. If the conditions are not being met, the CUP should be subject to revocation by the Planning Commission.

Thank you for your consideration of the issues we have raised.

Gregory Hacker
President
Forbes Mill Homeowners Association

***This Page
Intentionally
Left Blank***