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

Los Gatos Planning Commissioners:
Tom O'Donnell, Chair
D. Michael Kane, Vice Chair
Mary Badame
Kendra Burch
Melanie Hanssen
Matthew Hudes
Kathryn Janoff

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Robert Schultz

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P R O C E E D I N G S :

CHAIR O'DONNELL: If we start promptly and move promptly we... It's now almost 9:00. We will adjourn, and possibly if we're not finished, continue, around 11:00 o'clock, so we've got two hours to try to finish it. But if we can get all the public input in, and just get to 11:00 o'clock, we'll probably continue for our decision after that, but it's important if we can to get all the public testimony in.

So we'll start, but I'll ask the staff for any report they may now have, so if you would.

JENNIFER ARMER: Good evening, Jennifer Armer, Associate Planner. This project you have seen before. Oh, we've got questions.

COMMISSIONER BADAME: I'm going to be recusing myself from this item, as my residence is located within 300' of the project site, so I wish everybody happy holidays and good night.

VICE CHAIR KANE: Can she do that?

CHAIR O'DONNELL: I just moved.

VICE CHAIR KANE: I live nearby too.

1 CHAIR O'DONNELL: All right, let's settle down.
2 Go ahead.

3 JENNIFER ARMER: All right, we'll try that again.
4 Good evening, Chair, Vice Chair, Commissioners.
5 The project in front of you tonight is the revised proposal
6 by Shane Arters of LP Acquisitions to build a new office
7 building at the corner of Alberto Way and Los Gatos-
8 Saratoga Road.

9
10 The project was heard by Town Council on
11 September 19th and October 3rd and remanded back to you to
12 consider additional modifications that were offered by the
13 Applicant. The Town Council's motion to remand the project
14 did not actually include specific direction, however, the
15 Town Council's discussion did include a number of points.

16 They discussed the Applicant's proposal to reduce
17 the size further than the 83,000 square feet, which is what
18 was last before you and went in the plans to Town Council.
19 They discussed recessed second floor windows, view glass,
20 increased side setbacks, increased public space and
21 landscaping on the site, increased view of the hills, use
22 of larger trees, LEED Gold certification rather than the
23 silver that was previously proposed, additional details on
24 surface parking and the use of that, and a discussion about
25 office being an appropriate use for the site.

1 The written materials from the neighbors show
2 that they are still very concerned about the project; about
3 its size, potential traffic and construction impacts, and
4 environmental.

5 In addition to the Planning Department and Public
6 Works staff, we also have the Town's traffic consultant and
7 the Town's geotechnical consultant, so that's TGKM and Amec
8 Foster Wheeler, as well as the environmental consultant for
9 the Town, EMC.

10 This concludes Staff's presentation, but I'd be
11 happy to answer any questions.

12 CHAIR O'DONNELL: Commissioner Hudes.

13 COMMISSIONER HUDES: Thank you. I did have the
14 opportunity to watch the recording of the Council's
15 meeting, and it seemed as though where Council ended up was
16 essentially I would say a de novo consideration, meaning
17 that they did not give specific direction, except to listen
18 to their concerns, because I believe there was at least one
19 motion before that had specific direction that failed, and
20 so they came back with... I think there were two motions
21 before, but one of them had specific remand instructions to
22 the Planning Commission, and so my understanding is that we
23 consider this as sort of a complete application in itself,
24 paying attention to the items pointed out by Council, but
25

1 that we really need to look at the whole picture of the
2 application, is that correct?

3 JENNIFER ARMER: Precisely.

4 COMMISSIONER HUDES: Okay, thank you.

5 CHAIR O'DONNELL: Other questions? Vice Chair
6 Kane.

7 VICE CHAIR KANE: That was my question.

8 CHAIR O'DONNELL: Before we start I will say
9 this. I don't have cards from the Applicant, so I would
10 appreciate if I could get those cards. If you don't have
11 them right away and you want to wait, that's okay, but it
12 would make my life easier if I had them. So now,
13 Commissioner Hanssen.
14

15 COMMISSIONER HANSSSEN: I had one question about
16 the EIR, and then a question about some of the additional
17 things that are proposed by the Applicant, which I can ask
18 them as well, but I wanted to ask Staff's perspective.

19 When we reviewed this before we did not address
20 the issue of the EIR, because we were deliberating about
21 the application since we had recommended denial. We didn't
22 go forward with that, but it is on the table for us to
23 consider the EIR in conjunction with this application.

24 As it stands right now, the EIR, the way that
25 they're structured, they have the ideal proposal and then

1 there's always a proposal of not doing the project, and
2 then there's sort of one in the middle, and so right now
3 the size of the project is the alternative size that they
4 looked at, and they did find that it was economically
5 feasible.

6 My question about the EIR is since the EIR, all
7 the mitigation measures determined at a larger size that
8 there were no significant impacts that couldn't be
9 mitigated, and those mitigations are in our terms and
10 conditions. Do we need to revisit the EIR in any way
11 because the mitigations should apply to a lower size, and I
12 can't think of any other issue, so I'm asking the question
13 do we need to?
14

15 JENNIFER ARMER: The EIR does still apply to the
16 project, and it will need to be part of your consideration
17 before an approval is considered, or as part of a motion to
18 approve. As we discussed the last time we had this before
19 you, if it was a motion to deny you don't need to consider
20 the EIR. However, I believe your question is is there some
21 change or revision that needs to be made to the EIR, and
22 the answer is no.

23 COMMISSIONER HANSSSEN: Just related to that, if
24 for some reason the size wasn't one of the alternatives
25 mentioned, would there be a need to revisit the EIR?

1 JENNIFER ARMER: We have had letters from the
2 consultants who prepared some of those documents that were
3 the basis for the EIR who did state that it is still that
4 the project is now less impactful than what was there
5 before.

6 COMMISSIONER HANSSEN: Then one quick question.
7 It was on the additional open space as well as the offering
8 to let the surface parking be available to the
9 neighborhood. During the Council hearing there was some
10 discussion about making that more than just a term and
11 condition, but making it sort of ironclad. For example, if
12 the first tenant knew that they had to make the space
13 available, what might happen going forward? I didn't see in
14 the terms and conditions an easement. Would that be an
15 appropriate way to make it more ironclad?
16

17 JENNIFER ARMER: The Conditional Use Permit will
18 run with the land, so it will apply to office uses going
19 forward, however, additional conditions could be
20 considered.

21 COMMISSIONER HANSSEN: So essentially what you're
22 saying is that isn't part of the terms and conditions of
23 the CUP per se?

24 JENNIFER ARMER: Yes.
25

1 COMMISSIONER HANSSEN: We have this big list of
2 terms and conditions, and I didn't know what's in the CUP
3 versus what's in the A&S.

4 JENNIFER ARMER: All of the conditions are part
5 of the Conditional Use Permit.

6 COMMISSIONER HANSSEN: Okay.

7 CHAIR O'DONNELL: Vice Chair Kane.

8 VICE CHAIR KANE: With respect to the EIR, we
9 have a six-page letter from attorney Rachel Mansfield
10 Howlett regarding the inadequacies and faults of the EIR.
11 Is that something that has to be responded to, taken into
12 consideration? I don't pretend to understand all of it. I
13 wondered if it was something that would compel us to
14 respond.
15

16 ROBERT SCHULTZ: We typically do not respond to
17 that. If you have specific questions about what they've
18 raised in that... Which letter again are you talking about,
19 the main letter?

20 VICE CHAIR KANE: May 4, 2017.

21 ROBERT SCHULTZ: Yeah. In general, no, I disagree
22 with her conclusions in that our EIR is defective or needs
23 to be amended, so that's the answer.

24 VICE CHAIR KANE: That's exactly what I needed to
25 know. Thank you.

1 CHAIR O'DONNELL: Any other questions? If not,
2 I'll ask the Applicant to step forward. The Applicant will
3 have ten minutes. I have a card here, thank you very much,
4 and I want to make sure I can read your writing. It's
5 Daniel Kirby?

6 DAN KIRBY: That's correct.

7 CHAIR O'DONNELL: Okay, and you have with you, I
8 believe, your architects and the owners, LP Acquisitions,
9 so go right ahead.
10

11 DAN KIRBY: Thank you, Commissioners. My name is
12 Dan Kirby. I'm an architect and partner with Arc Tec
13 architects in San Jose, and I'm the principle in charge of
14 the project.

15 I want to thank Ms. Armer for the summary of what
16 we heard on October 3rd at the Town Council meeting, and
17 these are, again, the points that were raised at the
18 meeting, which she articulated I thought very well in her
19 presentation. Rather than read them all again, I'm just
20 going to launch into how we have addressed and agreed to
21 all of those points with our third redesign, which you have
22 before you.

23 The first thing we've done is we've reduced the
24 square footage of the building from the former 83,000
25 square feet down to 74,260 square feet. This is the square

1 footage that is consistent with the Environmental Impact
2 Report's recommendation, which is referred to as a "reduced
3 scale alternative." It's something that also the Town
4 Council had recommended, and so if you look at this diagram
5 here you can see that represented by this blue line is the
6 former design, and the new design has now been set back
7 significantly from the north property line. The entry has
8 also been shifted over to the left to make the building a
9 little bit more symmetrical since it got pulled in from the
10 right. The purpose of pulling the building in from the
11 north property line is twofold.
12

13 Number one, it creates the open space that was
14 also recommended by the Town Council, and we are proposing
15 a large dog agility park, approximately 5,400 square feet,
16 and an amenity area for tenants and visitors.

17 The second advantage to pulling back from the
18 north property line is to create a larger buffer between
19 the residential property to the north, which was something
20 that the neighbors had requested.

21 And thirdly, it does create a view corridor from
22 the properties across the street and the sidewalk of the
23 hills beyond, which was another important consideration to
24 the neighbors.
25

1 The overall parking has also been reduced based
2 on the reduction of square footage. We've gone from 332
3 spaces down to 298 spaces, which is a reduction of 30
4 garage parking stalls and four surface parking stalls. The
5 third redesign preserves 38 of the 42 at-grade parking
6 spaces in front of the building. The four-space reduction
7 and reconfiguration of the parking lot has allowed us to
8 create a second amenity area, which is here on the south
9 end of the property, which can be used as well by the
10 public.
11

12 I wanted to point out that we've achieved further
13 reductions in the overall volume of both the building and
14 the parking garage, so whereas before we had achieved a 25%
15 reduction with our second redesign in the building volume,
16 that number has now increased to 33% volume reduction with
17 this redesign; and the garage had formerly achieved a 22%
18 volume reduction from the original design, and now that's
19 been increased to 27%, and I have specific cubic foot
20 numbers if anybody is interested in hearing those numbers.
21

22 The repositioning of the building entry to the
23 center has done, we think, a few really nice things to the
24 design. I'm going to go back to the very first slide.

25 With the building pulling in on the north side,
the former location of the entry was kind of skewed to the

1 right once that was done, so what we decided to do was pull
2 the entry over a little bit. What that allowed us to do was
3 to create a little bit more balanced façade, and you'll
4 notice that the different architectural elements have now
5 been kind of evened out. One of the prior concerns was that
6 there appeared to be some fairly long facades that had a
7 lot of the same elements occurring across them. What we've
8 done now is created some distinct architectural elements
9 that are a little bit more balanced, so I think that's a
10 successful result in terms of the look and feel of the
11 building.
12

13 We were also requested to increase the size of
14 the street trees, and that's been done as well as part of
15 our revised landscape design. We've gone from 36-inch box
16 trees to 48-inch box trees, and we can answer any specific
17 questions in that regard as well.

18 We've retained the amenity area right in front of
19 the building. The drop-off, the driveway locations have not
20 changed. The street configuration that we had before with
21 the straightening and widening and adding a bike lane, all
22 that has been preserved from the prior design.

23 Here you can see the original massing of the
24 building represented by the dash line. The second redesign
25 represented by the thicker dash line. Now the third

1 redesign pulling the building back from the north property
2 line.

3 And again, these are very realistic Photoshopped
4 plans showing the existing condition from across the street
5 and the view towards the building and the hills beyond.

6 This diagram shows you how the tree growth would
7 occur over a period of several years from the start to the
8 finish.

9 Traffic counts have also been reduced accordingly
10 based on the reduction of square footage. Our traffic
11 consultant is here this evening if you want to talk about
12 some of those specific numbers, but there has been a
13 corresponding reduction in trips based on the reduction of
14 the square footage.

15 Then we've got some key features for the Los
16 Gatos community, some of which people are already aware of,
17 but economic vitality for the Town and alternative modes of
18 transportation. We've also got a construction management
19 plan that we can answer questions on as well.

20 One of the things that I really wanted to stress
21 is that the current square footage of this third redesign
22 is really essential to achieving an economically viable and
23 marketable project for a Class A development. The project
24 floor plates are about 36,000 to 37,000 square feet, which
25

1 is very common in a Class A office market, and so we think
2 the square footage at this point is appropriate and
3 reasonable and also meets the requirements of the EIR and
4 Town Council.

5 I'm happy to answer any questions.

6 CHAIR O'DONNELL: Questions? Commissioner Hudes.

7 COMMISSIONER HANSSEN: Thank you. I wanted to go
8 back to the discussion about the straightening of the
9 street. I wonder if you could first just review for me what
10 the change is that's been made to the street? I'm going
11 back to the original proposal on that.

12 DAN KIRBY: Certainly. A portion of the property
13 that's owned by the developer is going to be deeded to the
14 Town in order to create a straighter and wider portion of
15 the street from the start of our property all the way to
16 the intersection of Highway 9, and what that's going to
17 allow us to do is create dedicated left- and right-turn
18 lanes at the intersection, as well as a bike lane in front
19 of the property.

20 COMMISSIONER HUDES: And how much is that? How
21 wide is that, how long is that?

22 DAN KIRBY: I'm not sure off the top of my head
23 the actual width that we're increasing it. I could get you
24 that information.

1 COMMISSIONER HUDES: Yeah, it's important to
2 understand that.

3 DAN KIRBY: Okay.

4 COMMISSIONER HUDES: The issues about safety with
5 residents on that street have continued to be a concern,
6 and the traffic situation on Highway 9 has gotten worse
7 since the application in terms of cut-through traffic and
8 gridlock, and there's not a permanent solution to that. I
9 think it's going to be very important for us to understand
10 how this will work with safety and the ability of emergency
11 vehicles to get into that area, so any information you have
12 on that would be helpful, and I think we probably will have
13 some follow up questions on that once I get that
14 information.

16 DAN KIRBY: Sure. And I can tell you that the
17 northbound direction of Alberto Way has not been decreased
18 in size; it's exactly the same as it is now. It's the
19 southbound direction where we've added the two dedicated
20 turn lanes and the bike lane, and we do have a civil
21 engineer, Kiren Wright, that has designed that per Town
22 standards, so those lanes and the bike lane are per Town
23 standards.

24 CHAIR O'DONNELL: Commissioner Hanssen.

25

1 COMMISSIONER HANSSEN: I hadn't intended to ask
2 this question, but when you were talking to Commissioner
3 Hudes you mentioned about the dedicated... I knew about the
4 dedicated right-turn lane, but I was under the impression
5 from the Council hearing that there would be a shared left
6 and through-lane.

7 DAN KIRBY: Correct, it's a shared left and
8 through lane, and it's a dedicated left-turn lane.

9 COMMISSIONER HANSSEN: In order to make it a
10 dedicated left-turn lane it was my understanding from our
11 Staff that more parking spaces on the street would have to
12 be given out.

13 DAN KIRBY: I misspoke. It goes left, or you
14 could continue straight across into the Los Gatos Lodge
15 parking lot.

16 COMMISSIONER HANSSEN: Thank you. My actual
17 question is I know it was brought up with the Council, and
18 I saw it on one of your slides, but I didn't see it per se
19 in our terms and conditions, and maybe I didn't look close
20 enough, but about the shuttle. Is that still on the table
21 to do the shuttle, and how do you see that working to help
22 with the traffic mitigation?
23
24
25

1 DAN KIRBY: It is on the table, and I'm going to
2 invite Shane Arters to come forward, if you can, and talk
3 about the shuttle.

4 SHANE ARTERS: Commissioners, yes, we are
5 planning on having a community area transit shuttle.

6 CHAIR O'DONNELL: One second. For the record, if
7 you would identify yourself, it would be helpful.

8 SHANE ARTERS: Sure. I'm Shane Arters; I'm the
9 Applicant. All right, so you just heard what I spoke about
10 regarding the shuttle. Yes, if the project is approved, the
11 shuttle will go.
12

13 COMMISSIONER HANSSEN: And how is that going to
14 work? I mean that basically it will be for the convenience
15 of the people that work there, but there won't be any
16 mandate to use it, right? But it might help in terms of
17 people leaving the building during the day, because it was
18 intended to take people to downtown and back, if I
19 understood correctly, is that right?

20 SHANE ARTERS: The purpose of the shuttle is to
21 really reduce the amount of vehicle trips, right? So if
22 we're providing the shuttle we're reducing the amount of
23 vehicle trips to downtown and back and so forth. So not
24 only is that reducing that, which is part of the General
25 Plan, but it's also helping those tenants and neighbors get

1 around town from point A to point B, so it's multifaceted
2 in that aspect.

3 COMMISSIONER HANSSEN: So the shuttle is
4 available to the people in the neighborhood as well as the
5 (inaudible)?

6 SHANE ARTERS: Absolutely, and it's available for
7 the whole community, the high school students or anybody
8 else who wants to use it, which is fantastic.

9 COMMISSIONER HANSSEN: I had some questions about
10 the number of employees in the building. Is that something
11 I'm supposed to ask of you, or should I be talking to the
12 architect?
13

14 CHAIR O'DONNELL: Before you go, let me make
15 sure. I think Vice Chair Kane had a follow up question. As
16 long as you're there, Vice Chair Kane had a question to
17 you, I believe.

18 VICE CHAIR KANE: I think Commissioner Hanssen
19 was getting at it.

20 CHAIR O'DONNELL: We'll get there.

21 VICE CHAIR KANE: I didn't get it. What is the
22 shuttle going to do? Is it going to run 24 hours a day, 12
23 hours a day? Is it going to start from the building and go
24 up to Main? What's it going to do?
25

1 SHANE ARTERS: Good question. That's an operation
2 question, so I can answer that.

3 We envision—and part of this is what Jennifer
4 Armer has outlined for us—we are proposing five days a week
5 for hours of around 10:30 to about 3:30. That gives it a
6 good five hours for availability for residents on Alberto
7 Way to use in the morning if they want to go shopping in
8 the downtown area. Like, for example, Commissioner Burch
9 said last year or two years ago that she'd like to see a
10 shuttle that takes people to Walgreens. Well, Walgreens,
11 Safeway, they're all very supportive of it, and it helps
12 bring people around. So that's Monday through Friday.
13

14 We've also proposed to have the shuttle run... We
15 can talk to the Chamber of Commerce, but I think there are
16 about ten events per year where we wanted to voluntarily
17 provide the shuttle for events like festivals, things like
18 that, that we've already ran it for. And there are other
19 things, like maybe for the Christmas parade, that alleviate
20 the parking congestion and traffic in the downtown, and get
21 that out there so people can park elsewhere and go down to
22 the downtown area and enjoy it, and get around from point A
23 to point B too.
24

25 VICE CHAIR KANE: So it sounds like you're
working on the route.

1 SHANE ARTERS: No, we've already had the route;
2 it should be part of your materials. We've already run the
3 shuttle a number of times voluntarily.

4 VICE CHAIR KANE: Will there be one running
5 continuously, or more than one?

6 SHANE ARTERS: Just one running continuously,
7 yeah, and be a number of stops too.

8 VICE CHAIR KANE: Thank you.

9 CHAIR O'DONNELL: Before he sits down, does
10 anybody have a follow up question with this speaker?
11 Commissioner Janoff.

12 COMMISSIONER JANOFF: I did have a question about
13 the shuttle, and I didn't see that information in my
14 packet, so there are a lot of blanks. How large is the
15 shuttle? How many persons does it carry?

16 SHANE ARTERS: The shuttle is approximately I
17 think it was about 38 seats on there.

18 COMMISSIONER JANOFF: And point A and B is from
19 Alberto Way to what?

20 SHANE ARTERS: The number of stops that we
21 envision, it starts at Alberto Way. It takes a left and it
22 goes up Los Gatos-Saratoga Road to Los Gatos Boulevard,
23 takes a right, goes down to the Civic Center, in that area.
24 Makes a stop there in front basically by the high school.
25

1 Then it makes another stop just past the Civic Center in
2 the little retail area before Highway 17. It crosses over
3 Highway 17, and then it goes to Los Gatos Park right there,
4 and makes a stop there. Then it will propose to go all the
5 way down Santa Cruz, and it will do a roundabout and make a
6 stop in parking area 3, which is I think behind the Wells
7 Fargo bank. Then it will circle back to Santa Cruz and it
8 will go down all the way to Walgreens, make a stop right
9 there in front of the Starbucks across from there. Then it
10 will make another stop at Safeway, and then it will take a
11 right and go to University and then continue on around,
12 make the loop that way.

14 COMMISSIONER JANOFF: Okay, thank you. So it's
15 not just point A to point B, it's got a lot of points in
16 between.

17 SHANE ARTERS: Yeah, that's a good way to
18 describe it.

19 COMMISSIONER JANOFF: And a clarifying question.
20 You indicated that it would stop in front of the high
21 school, so it could be transportation for students,
22 however, if it starts at 10:30 you're going to have a lot
23 of kids with tardy slips, so any consideration to
24 lengthening those hours so it would in fact accommodate the
25 kids; they need to get to school on time.

1 SHANE ARTERS: We've talked about this, and I've
2 talked to parents, and I've talked to the high school, and
3 I've talked to Principal Grasty and a lot of people. First
4 of all, they're very excited about this, because we tried
5 to figure out what's the best way to alleviate this, to
6 help the students and so forth, so it came to our attention
7 that the afternoons were the best; that's when you get a
8 lot of the majority of the congestion over there, and we
9 had lots and lots of students, and they all loved it.

10
11 So our target is we're open to trying to expand
12 those hours, but targeting different groups and high school
13 students is going to be a challenge, and so we want to make
14 it available for everyone, so the afternoon seems like it's
15 more applicable for the high school students, because they
16 can get home faster. Mommy and Daddy don't have to pick
17 them up in front of the high school and fight the traffic
18 there; it really helps in that sense.

19 COMMISSIONER JANOFF: So it sounds like you're
20 doing due diligence and talking to the users of your
21 shuttle to make sure you're homing in on the most
22 advantageous hours and routes.

23 SHANE ARTERS: We're talking with everyone we
24 can.

25 COMMISSIONER JANOFF: Great, thank you.

1 CHAIR O'DONNELL: Other questions of this
2 speaker? Vice Chair Kane.

3 VICE CHAIR KANE: Ms. Armer, or Staff, the
4 shuttle is one piece of a multifaceted question, but I'm
5 interested in it. It's probably not going to be cheap. What
6 do we have to cause this shuttle to keep on running? Do we
7 have an easement? Do we have a condition of the CUP? What
8 guarantees that this service will be available in the
9 future?
10

11 JENNIFER ARMER: There currently is no condition
12 included about the shuttle. That is something that could be
13 added.

14 JOEL PAULSON: And so that condition, as with the
15 former response, would run with the Conditional Use Permit,
16 and so if they ever wanted to cease operation of that
17 shuttle then they would have to come back and ask for
18 modification of the CUP.

19 VICE CHAIR KANE: Thank you.

20 CHAIR O'DONNELL: Other questions for the
21 speaker? Thank you very much.

22 SHANE ARTERS: You're welcome.

23 CHAIR O'DONNELL: All right, so we're going back
24 to more general questions. Commissioner Burch.
25

1 COMMISSIONER BURCH: It's noted in here a few
2 times that you're going to get the equivalent of LEED Gold.
3 Are you not going for certification?

4 DAN KIRBY: No, I think we're planning on going
5 for certification, if I'm not mistaken. Yes, we'll certify
6 it through USGPC, no problem.

7 CHAIR O'DONNELL: Commissioner Hanssen.

8 COMMISSIONER HANSEN: That question I had wanted
9 to ask before, I know we talked about this in previous
10 hearings, but the number of employees that we can expect,
11 and I wanted to add onto that that we had some concerns
12 from the neighbors about some changes in recent office
13 seatings in Silicon Valley, packing more people in, so
14 could you comment on that? Of course it's going to be less
15 employees than it would be if there were 83,000 square
16 feet, but like how many people per square foot?

17 DAN KIRBY: I'm happy to talk to that. There has
18 been a lot of numbers being bandied around about these
19 buildings being packed full of people. It is a fact that
20 work stations are becoming smaller, the cubicles are
21 becoming smaller, and primarily the reason for that is that
22 people who work in high-tech buildings are much more mobile
23 now. They work on laptops; they like to move around.
24 Sometimes they go outside, sometimes they go to an amenity
25

1 area, and the large office and cubicle size just isn't
2 really necessary anymore from a work culture standpoint, so
3 the cube size is coming down. However, in exchange for that
4 we're providing many more amenity areas in buildings, open
5 common spaces, collaboration spaces, conference spaces
6 where people can interact and exchange ideas.

7 So the overall square footage per person in a
8 building hasn't really changed, it's just how the space is
9 being used, and that number truthfully and conservatively
10 is no less than 200 square feet per person. Now, somebody
11 will say wait a second, you're giving somebody a 6x6 cube,
12 that's only 36 square feet, but what you're failing to
13 account for is all of the circulation space that's required
14 around those cubicles, general circulation space and all
15 the amenity spaces: lobby, restroom cores, lunchroom, break
16 rooms, coffee areas, all the conferencing spaces, things
17 like electrical rooms, storage rooms. All those other
18 functions really drive that number down to something closer
19 to 200-250 square feet per person.

21 I can further state that the parking requirement
22 of four per thousand, if you take four parking spaces and
23 take a thousand and divide by four, that's 250; that's kind
24 of where that number comes from, because the 250 square
25 foot per person number is about the max that we see in the

1 buildings that we're designing these days. We do a lot of
2 tenant improvement work, so I can really stand by these
3 numbers.

4 Some cities are actually driving the parking
5 count even lower, below four per thousand. Some are getting
6 down to three-and a half and three, and the reason for that
7 is they're trying to encourage alternate transportation to
8 work: biking, public transportation, and those kind of
9 things.

10
11 COMMISSIONER HANSSEN: So basically what you're
12 saying is mathematically since the number of employees per
13 square foot isn't changing, we can expect a percentage
14 reduction that's akin to whatever 74,000 is over 83,000
15 reduction in terms of numbers of a place.

16 DAN KIRBY: Exactly.

17 COMMISSIONER HANSSEN: But you're also reducing
18 the parking, so you kind of started going after my related
19 question, which is if the standard of a use is changing,
20 then the way that we map out parking might be an issue, but
21 it sounds like still what those square footages are per
22 person is changing; it's more amenity areas.

23 DAN KIRBY: Correct.

24 COMMISSIONER HANSSEN: So we shouldn't expect, in
25 your opinion, for the parking to change?

1 DAN KIRBY: No, and actually the four per
2 thousand requirement, the reason we're doing that is
3 because that's what the Town requires. We actually think
4 that's probably more parking than we're going to have
5 people, but we're meeting the Town's requirement.

6 COMMISSIONER HANSSEN: Just one last question.
7 There's been a lot of conversation about Class A, and not
8 knowing exactly how this is defined, is there like a
9 minimum standard for Class A? Is it how much square footage
10 it is, or what makes an office building Class A?

11 DAN KIRBY: The floor plate size of 35,000 is
12 really kind of a good target. Even on some of the mid-rise
13 buildings we're doing where they're five and six stories,
14 the 35,000 square foot floor plate is kind of considered to
15 be the minimum floor plate that really works in that
16 marketplace. Once you get smaller than that, you're forcing
17 people to use stairways and elevators to interact with
18 their fellow employees, et cetera, so that's really a good
19 target number. Once it goes below that, it starts to become
20 a little bit more difficult from a marketing standpoint.

21 COMMISSIONER HANSSEN: So that's kind of the
22 dividing line, 35,000 square feet..
23

24 DAN KIRBY: Exactly.
25

1 COMMISSIONER HANSSEN: ...would be the minimum size
2 that it could possibly be for Class A building?

3 DAN KIRBY: Mmm-hmm.

4 COMMISSIONER HANSSEN: Okay, thank you.

5 CHAIR O'DONNELL: Commissioner Hudes.

6 COMMISSIONER HUDES: Coming back to parking, the
7 building size has reduced a couple of times and parking is
8 down 27%. Instead of reducing both proportionately, have
9 you looked at maybe doing more surface parking and less
10 underground, and is it even possible to work toward only
11 one level of underground parking and eliminating all of
12 that, the offhaul and all the other things associated with
13 that, and the water table issues and things like that?

14 DAN KIRBY: We did study that, but at the current
15 square footage we can't do it with one level of parking; we
16 really need the two levels of parking. I will say that this
17 most recent redesign has pulled the excavation of the
18 parking garage back from the north property line similar to
19 the way we pulled the building back, so that excavation is
20 now the same distance from the north property line as the
21 building, so we have reduced the size of the garage. We
22 can't get down to one level without substantial... There's
23 not enough room for the volume of surface parking that
24
25

1 would replace that lower level of the garage and also
2 provide the amenity areas that we're currently proposing.

3 COMMISSIONER HUDES: I understand it would be a
4 tradeoff with open space if you were to increase surface
5 parking. I just wondered if you had been through those
6 exercises, because if this ends up hinging on some of the
7 engineering issues with two-level parking, I just wondered
8 if you'd already done that exercise.

9 DAN KIRBY: We have done that exercise.

10 COMMISSIONER HUDES: Okay, thank you.

11 CHAIR O'DONNELL: Vice Chair Kane.

12 VICE CHAIR KANE: I want to echo the concern with
13 that one-level garage. If this project goes forward and
14 there's any way in hell to do it, I think that would be a
15 very smart thing to do, reduce the two to just one
16 subterranean garage.

17 In the Staff Report and in your notes, in
18 expressing concern and sensitivity on traffic and people
19 you made the comment that the operation on the building
20 would be 7:00 to 6:00, Monday to Friday, and I was thinking
21 is that a fair promise to make? How could you control that
22 in the future?

23 DAN KIRBY: Well, again, it's going to be tenant
24 driven, but most of companies that would lease a building
25

1 like this are going to have normal business hours. They're
2 going to be probably more like 8:00 to 5:00 would be what
3 we'd expect, and some come in a little early, some people
4 work a little bit past that, but I just can't anticipate.
5 It's not going to be an operation that's going to be having
6 people working in it in the evening; I just can't see that.

7 VICE CHAIR KANE: So are you making a promise or
8 a hope that they don't work past 6:00?

9 DAN KIRBY: I think it's a reasonable expectation
10 that they won't work past 6:00.

11 VICE CHAIR KANE: And it's a reasonable
12 expectation that they won't work on weekends either?

13 DAN KIRBY: I think that's a reasonable
14 expectation too.

15 VICE CHAIR KANE: Remember, you were talking
16 about Millennials running around with laptops a moment ago.
17 They work 24/7.

18 DAN KIRBY: Yeah, but typically they take their
19 laptop somewhere else on the weekend or in the evening.
20 They're not going stick around their office space.

21 VICE CHAIR KANE: Okay. I appreciate the creation
22 of two open spaces, and in addressing those you talked
23 about employees and visitors. Does that include neighbors?

24 DAN KIRBY: Yes.

1 VICE CHAIR KANE: So not just visitors?

2 DAN KIRBY: Absolutely.

3 VICE CHAIR KANE: Thank you.

4 CHAIR O'DONNELL: I think Commissioner Burch was
5 next.

6 COMMISSIONER BURCH: I actually had a question
7 for you. Knowing that we have a lot of speakers, I know I
8 personally have quite a few questions for the Applicant.
9 Would you prefer that this be a more general type
10 questioning, so that we can get to that, and I just list
11 and ask at the end?
12

13 CHAIR O'DONNELL: Yes.

14 COMMISSIONER BURCH: Okay.

15 CHAIR O'DONNELL: Following up on that point.
16 You're not going to give up any of these questions, because
17 they're going to close, but I would certainly like to hear
18 from everybody here. That would help our schedule. So if
19 somebody feels the need to ask a question right now, please
20 do, but otherwise let's follow Commissioner Burch's
21 suggestion. Okay, so thank you very much.

22 DAN KIRBY: Thank you.

23 CHAIR O'DONNELL: What I'm going to do is I'm
24 going to take the cards I've got here, and I'm going to run
25 through them, and you can bring up other cards.

1 I will say this: Many of you will necessarily
2 have to talk about the same issues that other people are
3 talking about, and that's fine, but I would ask that to the
4 extent you think my gosh, this is a repetition, you might
5 say I agree with Charlie or somebody and not do the same
6 exact time, because that will not only save us time, it
7 will save you time, and as you note, it's going to get
8 later. It's up to you though; I can't tell you what to do.
9 So I'm just going to go through these cards as they kind of
10 came in, and the first one I have is Sergey Melnik.

12 SERGEY MELNIK: Good evening, my name is Sergey
13 Melnik and I live at 420 Alberto Way, and I would like to
14 ask the Planning Commission to request to drill a new
15 boring between January 1st and March 31st 2018..

16 CHAIR O'DONNELL: Excuse me, I'm having a little
17 trouble understanding you. If you could speak a little
18 slower and a little louder.

19 SERGEY MELNIK: Okay. So what I'm ask the
20 Commission is to request to drill a new boring between
21 March...basically the winter/spring timeframe in 2018, on the
22 north end of the property to discover the actual depths of
23 the water, because that's related to the garage and
24 basically how deep can you go with that? The reason is
25 because the Applicant did the boring before that, but it

1 was basically the peak of the drought, and they estimated
2 the level to be around 12', but again, in the recent years--
3 I can show--so first there are two things.

4 I believe you have the picture already on file,
5 but this is basically saying that based on the Santa Clara
6 Valley Water District that half of the property, according
7 to them, is zero to 10' water level, and especially the
8 north part where the Applicant didn't report the level of
9 the water.

10 Then another thing is that based on the graph
11 provided in the past two years the water level went up
12 significantly, so if that would be measured now that would
13 reveal the much higher levels of the water, I believe.

14 The other thing is basically we asked them to
15 first do the drilling, and then second most likely, as I
16 said, underground went up, so even within one level of
17 underground water, most likely they will hit the water.

18 It makes sense then to restrict parking to the
19 surface only and one level underground to prevent... It also
20 helps to prevent differential settling beneath the 250'
21 radius from the foundation that the hydrologist Dr.
22 Geissler specified. In this zone, which is the water, and
23 during construction, likely to cause ground subsidence
24 followed by foundation settling in the creek at Las Casitas
25

1 and Pueblo De Los Gatos, so there might be pipe breaks and
2 there might be also other misalignments happening in there.

3 And just to mention that one question the Town
4 Council made around the ground movement, the Applicants
5 replied only on ground movement during construction, and
6 did not answer it fully.

7 CHAIR O'DONNELL: Thank you very much. Are there
8 any questions? There are none, so again, thank you. Next
9 card I have is Thomas Dunn.

10 THOMAS DUNN: Hello, my name is Thomas Dunn and
11 I've lived in Los Gatos for 40 years, and during these past
12 four decades the town population has increased 6,000
13 people. We've been able to keep this small town feeling, a
14 quiet neighborhood, friendly people, the picturesque views,
15 the mountains, redwoods, the sunsets, and we've done that
16 all because this is the Los Gatos identity that we want to
17 keep. As yourself, how was this able to happen?

18 Our past leaders in the past community in the
19 past years, what they were doing was reinforcing the Town
20 character, and when they were faced with pressures of
21 aggressive residential or commercial development they made
22 sure that it didn't have a negative impact on the
23 neighborhood or on the town.

1 Now today it's our town and it's our
2 responsibility to preserve the small town character and
3 integrity of our neighborhood. Now, it doesn't mean that we
4 shut down the doors to development. What it means is that
5 we remain vigilant about monitoring the proposed
6 developments that threaten the safety and the quality of
7 life as we know it. There are more significant issues
8 involved than modernization and the economic enhancement. I
9 believe that the Los Gatos identity is a greater value to
10 our community for us today and for our future.

12 I'm not opposed to development of this project,
13 but it is too large. It doesn't fit into the neighborhood;
14 it's not compatible with the neighborhood. We're going to
15 lose the view of the mountains; not all of it but we're
16 losing a percentage of the view of the mountains. It's
17 bringing 300 cars into the neighborhood that are down
18 Highway 9 now and they'll be turning down Alberto Way.
19 We've got traffic hazards of trying to back out of your
20 driveway or pull out of our complex to get onto Alberto
21 Way. We've got safety issues and hazards for the
22 pedestrians that are going to be walking up and down the
23 street with more driveways and more cars going up and down
24 and making it a little bit more risky. Street parking
25 spaces, they've been taken away, which we use in front.

1 There are two or three people that live in certain units
2 that we have, so there's more than one car, so we use that
3 parking place in front.

4 The last thing is the construction time. Now,
5 they have given us different numbers, but you're looking at
6 one-and-a-half to two years you're going to have dump
7 trucks, heavy-duty equipment digging, tearing up streets,
8 and so on.

9 What I'd like to do in this last 10 or 20 seconds
10 is just read a quote, something out of the Los Gatos
11 magazine, the holiday issue if you've got a chance to see
12 it and read it, there's an article in there called "Small
13 Town Cheer," and it's written by Joe Pirsynski, who we all
14 know has served over three years as mayor of this town over
15 ten years, and he says, "As we celebrate another holiday
16 season, we should spend some quality time in our downtown.
17 We, who are fortunate to have found ourselves members of
18 this special place should remember that it's our
19 responsibility to preserve and to protect what we inherited
20 when we made Los Gatos our home. It should never be taken
21 for granted, and we might consider it our duty to help our
22 community, or neighbors, our retail, restaurant and service
23 businesses continue to be successful. It certainly couldn't
24 hurt." Happy holiday.

1 CHAIR O'DONNELL: Thank you. Are there questions?
2 Vice Chair Kane.

3 VICE CHAIR KANE: Mr. Dunn, thank you for a
4 comprehensive presentation. You hit a lot of my points and
5 concerns, and as I've gone over the project, something is
6 going to go there.

7 THOMAS DUNN: Yeah.

8 VICE CHAIR KANE: And when you say you're not
9 opposed to development, you're saying something is going to
10 go there. I've been on the street a number of times and
11 people speed, it's congested, it seems to be impossible to
12 make a left-hand turn up at Highway 9. The queue runs from
13 Los Gatos Boulevard past the intersection of Alberto, and I
14 was thinking something is going to go there, and that
15 traffic is the way it is now, so it's just going to get
16 larger. Do you know in your community that the Town has a
17 traffic-calming program?
18

19 THOMAS DUNN: No, I do not know.

20 VICE CHAIR KANE: Be advised that when something
21 does go there, or now, you could apply to the Town for
22 consideration of a traffic-calming program. We've done that
23 in my neighborhood, for example. Speed bumps, signs,
24 lights. Also, you could apply to the Town...
25

1 CHAIR O'DONNELL: Remember now, we're going to
2 ask questions.

3 VICE CHAIR KANE: I'm going to state all of this
4 just once.

5 CHAIR O'DONNELL: That's not the question though.
6 You can ask a question, but you can't give a speech.

7 VICE CHAIR KANE: Consider applying for permit
8 parking.

9 THOMAS DUNN: Got it.

10 VICE CHAIR KANE: All right.

11 CHAIR O'DONNELL: Because your speeches are very
12 good, but they take a little time.

13 VICE CHAIR KANE: Sorry.

14 CHAIR O'DONNELL: Wait, there's another question.
15 Commissioner Hudes.

16 COMMISSIONER HUDES: I believe I'm going back to
17 some of the earlier hearings on this that the Applicant
18 acknowledged that the street parking was going to be
19 reduced and offered surface parking inside the development
20 to residents. Are you aware of that and is that a
21 satisfactory solution to the (inaudible)?

22 THOMAS DUNN: Yes, we're aware of that, but it
23 depends on who the tenant is that moves in, unless it's one
24
25

1 of the terms and conditions that they have to allow us to
2 be able to park on their spot.

3 COMMISSIONER HUDES: If it were a condition that
4 residents were allowed to park there, would that take away
5 some of the concerns about losing the street parking?

6 THOMAS DUNN: Absolutely. Absolutely.

7 COMMISSIONER HUDES: Thank you.

8 CHAIR O'DONNELL: Any other questions? Thank you
9 very much, Mr. Dunn. The next card I have is Angelia
10 Doerner. Well, okay, you've got four down there. There is
11 no four, I guess. Thank you. The next one is John
12 Mittelstet.
13

14 JOHN MITTELSTET: Good evening, Commissioners. I
15 am John Mittelstet, a resident of Los Gatos Commons, and
16 what I have to say tonight are solely my thoughts; I'm not
17 representing anyone else at Los Gatos Commons.

18 I would like to propose tonight a compromise for
19 the developer, and that is to build above ground what you
20 can in the style proposed, but only what can be supported
21 by a single-level underground parking garage.

22 A two-level underground garage subjects the
23 neighbors to great risk of damage to their properties. Let
24 me quote from the report by hydrologist Dr. Peter Geissler.
25 "Geissler Engineering holds the opinion that construction

1 of a two-story underground parking structure shall cause
2 soil subsidence, differential foundation settlement, and
3 cracked slabs at nearby houses in Los Gatos Commons, Bella
4 Vista Village, Pueblo De Los Gatos, and Las Casitas
5 developments.

6 Cracked slabs also mean broken plumbing and sewer
7 lines. It's difficult to quantify with any certainty the
8 cost to neighbors, but recent tree root problems at a few
9 of our units have caused in excess of \$30,000 per
10 occurrence for sewer line replacements. We have 60 ground-
11 level units at the Commons, and 60 times \$30,000 is \$1.8
12 million, and that's just for broken sewage lines, with
13 broken plumbing and cracked foundations on top of that, and
14 Los Gatos Commons represents only less than half of the
15 ground units in the neighborhood, so it's easy to see that
16 if it happens sooner than later when the inflation would
17 drive it even higher, a total cost of \$6 million is well
18 within the realm of possibility.

19 In discussions with Dr. Geissler, his comment to
20 me was that a single-level garage would not present any
21 danger for that, nor would it present the other dangers
22 that he outlined in his report.

23 A single-level underground garage would be
24 acceptable to me with two provisos: One, footprint of the
25

1 garage to be such that all vehicles and construction
2 equipment can be staged onsite as now planned by the
3 developer, and two, the portion of the building now
4 planned, which is north of the entrance of the building,
5 would be constrained to one-story to preserve and maintain
6 views now enjoyed by neighbors across the street and by
7 those enjoying just an evening stroll.

8 So do a single-level underground garage, and
9 build a Class A office above that. There are no two-level
10 underground garages in Los Gatos today. Let's keep it that
11 way. Thank you.

12
13 CHAIR O'DONNELL: Yes, Commissioner Hanssen.

14 COMMISSIONER HANSEN: Thank you for your
15 testimony. I know we had Dr. Geissler come to one of the
16 hearings about this project. The information that you were
17 reading off to us, is this in written materials that were
18 provided to the Planning Commission previously?

19 JOHN MITTELSTET: It's on page three of his
20 report that you have a copy of.

21 COMMISSIONER HANSEN: The report that we got
22 previously?

23 JOHN MITTELSTET: Yes, you got it prior to the
24 May meeting.

25 COMMISSIONER HANSEN: Okay, thank you.

1 CHAIR O'DONNELL: Commissioner Hudes.

2 COMMISSIONER HUDES: Just for clarification. I
3 missed your second point on the one-story garage.

4 JOHN MITTELSTET: Can we have that first or
5 second slide up, and I'll point to it? This is the north
6 part of the building to the north of the entrance. If this
7 were one-story, this view that's now about 70% gone would
8 be reinstated.

9 COMMISSIONER HUDES: I see. Thank you.

10 CHAIR O'DONNELL: Commissioner Janoff.

11 COMMISSIONER JANOFF: Just quickly, if I
12 understand you correctly, you're willing to trade open
13 space access for a larger footprint of building if a
14 portion of it is single-story, and/or a single-story
15 subterranean parking. So the two-story subterranean parking
16 issue is of such a strong concern that you'd be willing to
17 give up other amenities that the developer is proposing
18 that are available to the public?
19

20 JOHN MITTELSTET: I'm not speaking for a lot of
21 the other residents, but yes, I believe a single-story
22 garage would prevent excess expenses to the neighbors in
23 the future from a subsidence problem, and it would also
24 solve the number of cars that are coming.
25

COMMISSIONER JANOFF: Thank you.

1 CHAIR O'DONNELL: No other questions? Thank you
2 very much. I have three cards coming up, and they asked to
3 be called in sequence, so that's what I'm going to do. The
4 first one is Marilyn Basham.

5 MARILYN BASHAM: No, I'm actually last. Sorry.

6 CHAIR O'DONNELL: Boy, you guys are really
7 particular. I've got three cards, and you can come up
8 whenever you want. I've got Loretta Fowler and Marietta
9 Riney, so take your pick, but just let us know who you are.
10

11 LORETTA FOWLER: Good evening, my name is Loretta
12 Fowler. I'm speaking for the Los Gatos Commons, and I will
13 comment on the third redesign of 405 Alberto Way.

14 First, I have to point out that the Town Council
15 made no motion to direct the developer to reduce the
16 building to 74,260 square feet.

17 Second, we object to settling on the reduced size
18 alternative of 74,260 square feet in the Draft EIR. I spoke
19 to the author, Richard James, who said that the number was,
20 "Just a number," not derived from any objective or
21 quantitative analysis, and we would like a better treatment
22 than "just a number."

23 Third, the redesign does not address our most
24 important concerns. The building is still incompatible with
25 the structures on Alberto Way. Compare the size of it with

1 the commercial development across the street. At 31,000
2 square feet it is less than half the size of the proposed
3 building. Las Casitas is 26,000 square feet, one-third the
4 size of the proposed building. Pueblo De Los Gatos is just
5 over 55,000 square feet. The two Commons buildings that
6 face the street are only about 10,000. At the end of the
7 street the two office buildings at 56,000 are screened off
8 from the street by a 9.5' wall and tall evergreens.

9
10 The proposed building is 315' long. It's a
11 straight, monotonous building that does not look like it
12 belongs on Alberto Way. Look at Las Casitas; one pop-out
13 after another, and a very dynamic design. And this is
14 Pueblo De Los Gatos, actually two main wings placed
15 vertically on the lot with sections projecting out at
16 different angles; again, a very dynamic design. The Commons
17 consists of ten buildings spread out, and the two facing
18 the street are placed at different angles. Here's the same
19 sense of movement and dynamism. This is 485 Alberto Way,
20 identical to 475.

21 Now, the proposed building blocks our treasured
22 view corridor on the north part of the site. We have lost
23 already the view of the mountains on the south side. This
24 is our most prized view; calming, restorative. From the
25

1 west sidewalk you see the hillsides, ridgelines, and a
2 peak. We walk on the street and look at the view regularly.

3 CHAIR O'DONNELL: Let me stop you. Your time is
4 up.

5 LORETTA FOWLER: Okay. I lost a couple of seconds
6 there with the microphone. This is my last photograph.

7 CHAIR O'DONNELL: Go ahead.

8 LORETTA FOWLER: It shows what happens when the
9 story poles are filled in by the building. Look at what we
10 have left. It's really soul crushing. If you walk farther
11 south you don't see much of that ridge at all. If you walk
12 back towards the north property line, you see a little
13 more. But this photo was taken from the center there of
14 that view corridor, and we want to keep it. Thank you.

15 CHAIR O'DONNELL: Thank you. All right, who's
16 going to come up second? Okay, so you're Marietta Riney?

17 MARIETTA RINEY: My name is Marietta Riney and
18 I'm speaking on behalf of the Los Gatos Commons. We oppose
19 a two-level underground garage at 405 Alberto Way.

20 ENGEIO ignored the General Plan policy that called
21 for assessment of the effects of excavation on neighboring
22 properties. That concerned the residents of Alberto Way, so
23 we hired our own expert, Dr. Peter Geissler from San
24 Francisco. He has two PhDs, he taught at University of
25

1 California, and has headed Geissler Engineering for 30
2 years. His expertise is in hydrology and liquefaction, and
3 soil subsidence in differential foundation buildings. I'm
4 not going to go any further than that in talking about the
5 soil composition, since that's something that Mr.
6 Mittelstet already covered and I hope to save some time.
7 He's also highly regarded in his field. If you want, Google
8 his name, and you would be amazed.

9
10 He reviewed ENGEO's report, Appendix C. As you
11 know, he advised against a two-level garage built below the
12 water table on this site, that it would put the neighboring
13 properties at risk. Dr. Geissler found that a one-level
14 garage would pose significantly less problem for neighbors,
15 so please give Dr. Geissler's very dynamic and thoughtful
16 presentation a second look.

17 On the defense now, ENGEO would only admit to a
18 low risk to neighbors where a two-level garage was
19 concerned. Dr. Geissler had no chance to debate the issue.
20 We were shocked and disappointed that Amec Foster Wheeler
21 did not attempt to objectively assess the two points of
22 view, Geissler's and ENGEO's, in their letter.

23 We draw your attention to the recent developments
24 in Palo Alto where the possible negative impact of
25 dewatering our neighboring properties is taken very

1 seriously. Three of our developments on Alberto Way are
2 closer than 40' to the proposed project. We also point out
3 that there is no precedent for a two-level underground
4 garage on the flood plane in Los Gatos. We do not think
5 there is a one-level underground garage there either on the
6 flood plane. At the Commons most people are on fixed
7 incomes, and any repairs to pipes or slabs would be the
8 resident's responsibility, and think of the disruption of
9 our lives.

10
11 So we oppose a two-level underground garage at
12 405 Alberto Way. Thank you.

13 CHAIR O'DONNELL: Do we have any questions? Thank
14 you very much. So I guess I'll have Ms. Basham now?

15 MARILYN BASHAM: Good evening, my name is Marilyn
16 Basham and I live at the Los Gatos Commons.

17 Redesign three did have some positive features,
18 but these affected only a small amount of people. I'm going
19 to speak to the major changes that need to happen in order
20 for there to be a win-win both for the developer and for
21 the residents.

22 The history for these changes goes back to August
23 24, 2016 when Commissioner Erekson suggested a redesign for
24 the project between 55,000 to 63,000 square feet. The
25 design of 74,270 square feet was not seriously considered.

1 At that time the residents had asked for a project size of
2 45,000 square feet, but we did not get support. So we
3 residents, using the petition process, have decided three
4 main principles that follow the Commissioner's directions
5 and meet the residents' concerns.

6 One, reduce the square footage between 55,000 to
7 63,000 square feet. Two, bring in a one-level underground
8 garage. Three, protect the existing public views of the
9 Santa Cruz Mountains with an 80' setback on the north
10 property line.

11 So what would that look like? Here's an idea. You
12 can see two buildings, 28,000 square feet each. At the
13 narrow end is 90' wide, and those narrow ends would be on
14 the street side, so as you walk by it would break up the
15 façade. There's a pedestrian walkway between the two
16 buildings. Also, you can see that there would be plenty of
17 parking space on the south side as well as in front, and so
18 they'd only really need, now with a reduced size, a one-
19 level garage.

20 The plan echoes the Pueblo De Los Gatos, two
21 wings totaling 55,000 square feet; and the 475-485 two
22 buildings totaling 56,000 square feet. The pattern blends
23 with the neighborhood. Most important, the 80' setback on
24 the north property line would protect the existing views of
25

1 the Santa Cruz Mountains. Here is a drone picture of the
2 existing property, and you can see that the existing
3 buildings have a protected view corridor. That is provided
4 by that 80' setback on the north property line.

5 So the best scenario: reduce the size to 56,000
6 square feet, bring in a one-level underground garage, and
7 protect the existing public views of the Santa Cruz
8 Mountains. Thank you.

9 CHAIR O'DONNELL: Thank you. Any questions? There
10 aren't, so thank you very much. I think what we're going to
11 do is take another five-minute break. I will say this.
12 There are good reasons for taking a break, but also one of
13 the commissioners has a very bad back, and so I like to
14 take a five-minute break every hour-and-a-half, so that's
15 what we'll do. We'll try to keep it to five minutes.

16 (INTERMISSION)

17 CHAIR O'DONNELL: We'll start now again. I'm
18 going through a number of cards we have. So Jean Jones is
19 next.
20

21 JEAN JONES: Good evening, I'm Jean Jones and I
22 live at 443 Alberto Way. I'm the current president of the
23 Los Gatos Commons HOA. We residents of Los Gatos Commons
24 are proud of our homes. We are taxpayers who vote, shop in
25 local stores, enjoy the many restaurants in the area, the

1 library, and the senior center. We attend many events in
2 town, and volunteer for many causes. We are active senior
3 citizens.

4 We have submitted a petition to the Planning
5 Commission pertaining to the proposed development at 401-
6 409 Alberto Way with the following three principles, which
7 you have already heard: A building less than 62,000 square
8 feet, the underground garage be only one-level or all above
9 ground if possible, and protect our existing view of the
10 mountains from the west sidewalk. The petition was signed
11 by an overwhelming majority of the residents. The petition
12 was supported by the boards of directors of the Los Gatos
13 Commons, Pueblo De Los Gatos, and Las Casitas, and is
14 signed by the majority of residents at Bella Vista Village.

16 The residents of Alberto Way don't receive any
17 benefit from the proposed development, only loss. Loss of
18 view, loss of quality of life, and loss of the ability to
19 come and go on Alberto Way when we need to or want to.

20 There has not been an objective study of how this
21 proposed building would actually affect businesses in Los
22 Gatos. Much of the recent decline in business is due to
23 online shopping, heavy downtown and Highway 17 traffic, and
24 competition from restaurants in Campbell. The proposed
25 building would not solve any of these problems. This is a

1 commercial building and Commercial Design Guidelines apply,
2 and many General Plan policies also apply. The commercial
3 design building is required to be compatible with the
4 residential neighborhood policies, and that applies to
5 commercial buildings.

6 Support for the project is not coming from
7 Alberto Way residents; it's coming from people outside the
8 area who do not live on Alberto Way. We ask you, the
9 Planning Commission, to direct the developer to reduce the
10 building size to less than 62,000 square feet, and we would
11 like 56,000; build a one-level underground garage at the
12 most; and a new setback of 80' on the north property line
13 to protect our view. Thank you.

14
15 CHAIR O'DONNELL: Thank you. All right, the next
16 card I have is for Carol Rosenberg.

17 CAROL ROSENBERG: Good evening, my name is Carol
18 Rosenberg. I own a condo in the Los Gatos Commons and I'm
19 on the board of directors.

20 The senior community on Alberto Way is worried
21 about the affects the new design could have on us. Seniors
22 constitute half of the adult population on Alberto Way, and
23 at the Commons 75% of us are over 70. We hope the General
24 Plan policies regarding seniors will be followed. The
25 presence of seniors on Alberto Way shapes the character and

1 sense of place. The Commons offers below market condos for
2 seniors, and is the only senior residence in Los Gatos
3 where seniors can own their own units.

4 Others have spoken about the view. We lost our
5 view, and most of us have no mountain view from our units.
6 We look forward to walking up the sidewalk for an
7 inspirational look at the hillsides, ridgelines, and
8 maintain peaks.

9 Traffic delays could potentially cost lives. As
10 an example, one of our residents, Mrs. Kathy Figueroa,
11 became short of breath one day and passed out. Her neighbor
12 witnessed this and called 911. The EMR arrived in five
13 minutes and saved her life. The emergency room doctor told
14 Mrs. Figueroa that had the EMR arrived even two minutes
15 later she would be dead. Thank you.

16
17 CHAIR O'DONNELL: Any questions? Thank you very
18 much. The card I have is for Kalane McDonald.

19 KALANE McDONALD: Good evening, my name is Kalane
20 McDonald. I live at the Commons and I'm also a member of
21 the board of directors. I'm going to address traffic
22 issues.

23 The introduction of 298 vehicles on Alberto Way
24 during the morning and the evening rush will have a
25 negative impact on our neighborhood. This diagram will show

1 you the driveways of the proposed project. Those are in
2 blue coming down, and then the ones in red represent other
3 driveways: the one directly across at the commercial
4 center, the ones at Pueblo De Los Gatos, and Las Casitas.

5 Residents will have a more difficult time getting
6 out in the morning with 300 cars going into 405, plus 100
7 cars going down the street to the Alberto Oaks at 475 and
8 485. In the evening there will be a queue at the
9 intersection as cars from the project and Alberto Oaks
10 attempt to get out. Residents will experience significant
11 delays.
12

13 We think that this narrow dead-end street is not
14 the right spot for a huge office building, and we do not
15 think that the Hexagon study correctly characterized the
16 problems here. For one thing, after the Hexagon study was
17 completed the Alberto Oaks was renovated. The cars went
18 from 36 to over 100. If you counted the cars here, there
19 would be 103 in this photo. There are nine businesses at
20 475, and four more at 485, thus 100 more cars.

21 As Gary Black admitted to the Planning Commission
22 in an earlier hearing, the statistical average used to
23 compute the LOS, level of service, does not reflect the
24 lived experience. The ITE manual used by Hexagon to
25 determine trips used data, much of which was very old. The

1 authors admitted that due to the changes in the way people
2 do business now, there could be significant differences pre
3 and post.

4 Currently the largest two-story office building
5 in Los Gatos is 750 University Avenue. It's a busy street
6 dominated by commercial structures. This is a very
7 different situation than the single-access Alberto Way with
8 a narrow, primarily residential street. Does this make
9 sense to put a 74,000 square foot building, with the
10 associated 300 cars, there? We don't think so. Please
11 consider further the traffic implications.
12

13 Thank you for your attention.

14 CHAIR O'DONNELL: Thank you very much. The next
15 card I have is Harold Vitale.

16 HAROLD VITALE: Good evening, Commissioners. My
17 name is Harold Vitale; I'm a resident at Los Gatos Commons
18 and on the board of directors. I've lived in Los Gatos for
19 40 years, something like that.

20 I'll express my opinion that the proposed
21 building development plan for 405 Alberto Way be rejected,
22 and I'll focus mainly on what I call three flaws. Other
23 descriptions you've heard today, and I'll try not to get
24 onto those. The three items that I will address will be
25 briefly the two-level underground parking garage; congested

1 traffic, and I'll spend most of my time on that; and
2 credibility of a planning which is not stable. I don't
3 believe this is the last iteration on the plan.

4 First of all, a two-level underground parking
5 garage, I'll just make one point here. In the event of an
6 automobile fire in that garage there are a lot of noxious
7 fumes that are emitted as plastic burns, and even if there
8 is a sprinkler system in there, that doesn't protect an
9 under the hood or in the cabin fire. A car by design is
10 made that way to keep water out of it, and I'm concerned
11 about that. And then there will be fumes that would escape
12 from under the hood down and out, and a ventilation system
13 would be good for that, but if it's a disaster and power is
14 out, that's off.

16 Congested traffic. Let me tell you, I was very
17 concerned about congested traffic, so I decided to do an
18 analysis on my own, and my concern was primarily about at
19 the end of the day when the office workers are leaving;
20 that poses a real threat for a large traffic jam, in my
21 opinion, so I tried to do an analysis of that, and the
22 schematic that I want to use is this one. This one down
23 here, I'm not going to talk about this one. When I heard
24 about the new information on a right-hand turn lane I said
25 that's a good idea, let me look into that too. I wasn't

1 sure that was going to really stick, and I don't think it's
2 been approved by Caltrans yet.

3 Okay, so here's what you've seen in picture form,
4 and my analysis is based on a couple simple things. If you
5 observe traffic, when it's dense cars tend to follow each
6 other, so we can model this with just cars that are
7 traveling at no greater than the posted speed limits, and a
8 constant delay. That means if one car slows down, the
9 preceding ones slow down, so I think it's a pretty
10 reasonable model.
11

12 Here's the biggest problem that I see besides a
13 lot of cars. At this intersection, that's a real congestion
14 point. That's leaving the proposed parking garage and
15 trying to merge with the other traffic coming down, so that
16 generates a delay, and it's not much, but when you get
17 hundreds of cars, they all add up. I guess I'm out of time.

18 CHAIR O'DONNELL: When the red light comes on,
19 then you're out of time.

20 HAROLD VITALE: Okay.

21 (Beep.)

22 CHAIR O'DONNELL: Now you're out of time.

23 HAROLD VITALE: Well, thanks for listening to me,
24 and I hope that you have...
25

1 CHAIR O'DONNELL: We have a question of you.
2 Commissioner Hudes.

3 COMMISSIONER HUDES: Thank you. The information
4 that you presented in that charted and graph, has that been
5 provided to the Commission? I haven't had a chance to go
6 through that. Is that a current version that's been
7 provided to the Commission?

8 HAROLD VITALE: No, it isn't. I can do that.

9 COMMISSIONER HUDES: I would appreciate that; we
10 can still accept that information, so if you could provide
11 that, that would be helpful.
12

13 HAROLD VITALE: Okay. I had a ho-hum crasher on
14 the wait times at these various points, and they get up
15 into minutes.

16 COMMISSIONER HUDES: That would be helpful if you
17 could provide that information to us. Thank you.

18 CHAIR O'DONNELL: So you'll give a copy of that
19 to Jennifer, then we can make a copy and give it back to
20 you.

21 HAROLD VITALE: Oh, you can have it, except my
22 computer broke just before I started over, and so it's
23 pretty scratchy.

24 CHAIR O'DONNELL: She'll make copies for us.
25

1 HAROLD VITALE: Well, let me give you these two
2 sheets, because that tells you what the delays are.

3 CHAIR O'DONNELL: All right, thank you very much.
4 Next card I have is Beverly Bryant.

5 BEVERLY BRYANT: Good evening, members of the
6 Planning Commission; my name is Beverly Bryant. I live at
7 16940 Placer Oaks Road; I've been in the community for 31
8 years.

9
10 I speak tonight in support of the application for
11 401-409 Alberto Way, and request that you grant approval to
12 demolish the existing office buildings and permit the
13 construction of a two-story office building with
14 underground parking on the site.

15 This afternoon I took the time to walk the site
16 actually, as much as I could anyhow, and to look at the
17 story poles and consider the condition of the existing one-
18 story office building that's located there right now. I
19 also watched the review of the project that was conducted
20 by the City Council in early October, actually live, and
21 have read the documents in the Staff Report that was
22 proposed in preparation for tonight. All of this
23 information reinforces my opinion that this is a good
24 project for the Town of Los Gatos, and my request is that
25 you approve its construction.

1 Los Gatos has a very limited amount of office
2 space and permission for an office space to build. This is
3 one of the few sites in town that's still available for
4 that. The fact that it's a 74,000 square foot building is
5 important. Class A office is important, and to get the
6 tenants that need to come into the building, they have to
7 be a certain size. The current building, as you know, is
8 well beyond its useful life. Constructed in the mid-fifties
9 50 years ago, poor repair. As was pointed out by Mr. Hult,
10 who may be currently president of the Chamber of Commerce,
11 Los Gatos is really in need of commercial development of
12 some sort.
13

14 We have a tax base that's somehow eroding in the
15 downtown area. And further, I really believe that people
16 who work in this building will contribute to the sales tax
17 and revenue of the Town. Think about the gas that they
18 might buy on Los Gatos Boulevard, or that they might take
19 lunches anyplace downtown or along the boulevard.
20

21 The site is certainly suitable for office use,
22 and it's a high-quality project. I was very impressed with
23 the builders saying that they'd go to LEED Gold, which is a
24 high standard to meet. They've increased these setbacks,
25 they've got open space, and they've got parking for others

1 onsite. View glass is a real big addition, and the
2 underground parking, of course.

3 I understand the concerns of the neighbors very
4 much in terms of the construction period and the
5 difficulties. Placer Oaks Road was impacted about 18 months
6 ago or a couple of years ago. We had one development,
7 Placer Oaks Court on one end, and the Philz
8 Coffee/veterinarian site on the other end, and for about a
9 year-and-a-half it was pretty busy there. I live in the
10 middle of the street, so I understand that when it goes
11 away the conditions that your organization and you,
12 yourself, as planners, put on the developer when they build
13 are really restrictive and important, and I can guarantee
14 you that you'll be pleased with the results. Thank you very
15 much.
16

17 CHAIR O'DONNELL: Thank you. The next one I have
18 is Craig Steen.

19 CRAIG STEEN: Hello, my name is Craig Steen and I
20 don't live in the Commons; I live about two blocks away
21 from the corner of Los Gatos Boulevard and Highway 9.

22 Commuted down through there for about 30 years
23 now I've been a resident, and I guess I have to say that
24 most of us by now have experienced the epiphany of traffic
25 nightmares as we realize the development explosion in the

1 Bay Area, which is up to 7 million now, and in our own
2 town, is creating a little bit of havoc. In fact, if you
3 look at Highway 9 and Los Gatos Boulevard, and then Alberto
4 Way, it oftentimes backs up in the afternoons, and actually
5 in the mornings too, so remembering that the ingress and
6 egress for Highway 17, there are really only two main
7 areas, Lark and Highway 9 East Los Gatos, where this is
8 going to come out, and to add that traffic in there right
9 now just does not make sense.

10
11 I really feel sorry too for the pedestrians. My
12 wife and I don't even try to walk across on the sidewalk
13 anymore, because of the fact that the on-ramp and the off-
14 ramp from 17 come right through there. Those of you that
15 have driven through there probably have noticed that. It's
16 really dangerous; because it's off of the curb, so again,
17 by adding traffic in there we're just totally making the
18 problem worse.

19 To me, also compounding all of this right now—and
20 you may say well how does this deal with this—is our state
21 legislators. Evan Low, our assemblyperson, and Mr. Beall,
22 our state senator, have all championed high-density growth
23 and limiting public input, and when I called their offices
24 concerning this kind of development they said, "What do you
25 mean, you don't want to see more development in your town?"

1 and I said, "No." They were incredulous; they couldn't
2 believe it. They don't live here, they don't deal with the
3 traffic, and they don't know that Los Gatos Boulevard
4 cannot be widened anymore. We've got what we've got, and
5 now of course with the North 40, or North 20 plus 20, it's
6 going to get even worse.

7 I'd also like to direct your attention to the—I
8 thought it was really good myself—Los Gatos magazine,
9 September 17th, where the author chronicles what is said to
10 be "necessary commercial development," and in that, if
11 you'll recall, they were going to demolish a square block
12 bounded by Bean, Massol, Tate, and Nicholson so they could
13 build two 50' apartment buildings, and this was going to
14 contribute to the tax base, etc., of Los Gatos. I'm just
15 going to read this very quickly. "Fortunately the misguided
16 vision was never realized and the corner of Bachman and
17 Massol looks much different today than it might have under
18 the urban renewal," and we can thank Sandy Decker, and of
19 course our own Barbara Spector, for stopping this sort of
20 thing. Thank you very much.

21
22 CHAIR O'DONNELL: Thank you. The next card I have
23 is for Sherry Burke.
24
25

1 SHERRY BURKE: Hi, my name is Sherry Burke and I
2 am a resident at 420 Alberto Way, directly across from the
3 proposed development.

4 While the size of the development has decreased,
5 I still feel it's too large and massive for this site and
6 will overwhelm the neighborhood. It replaces a commercial
7 space that's only 31,000 square feet, and space that
8 generates way less traffic than projected for this
9 development. The proposed size is still more than two times
10 the existing structure.

11 The developer says the Town Council directed them
12 to reduce the size to 74,000 square feet, but as I recall
13 the Council members were not willing to approve a
14 resolution that stipulated this size, and those members
15 that thought this size was sufficient were not able to get
16 a majority ruling. I hope you see it that way as well.

17 I feel this proposal creates a traffic nightmare,
18 not only for residents of Alberto Way, but all who travel
19 on Highway 17, Highway 9, and Los Gatos Boulevard. Trip
20 generation counts show the existing buildings would
21 generate 331 daily trips, with the newest redesign
22 generating 820, about two-and-a-half times the amount of
23 traffic. Alberto Way is a fairly short street with only one
24
25

1 way in and one way out. To bring that much traffic onto the
2 street is just too much.

3 The developer will dedicate a portion of the site
4 for the purpose of widening Alberto Way, allowing for any
5 extended right-turn lane onto Highway 9. That's great and
6 will help get cars out of their building and on their way.
7 Wonderful for their tenant and their employees, but what
8 about the residents who may be stuck behind their cars
9 trying to enter on Alberto Way while they turn left into
10 the property, or stuck waiting while they exit out of the
11 garage? Perhaps they also need to dedicate a portion of
12 their site for the purposes of widening Alberto Way to
13 provide a left-turn lane into all entrances to their
14 property to further alleviate traffic bottlenecks and
15 backups in front of their development on Alberto Way, as
16 well as preserve existing residential on-street parking.

18 On-street parking is shrinking in many
19 residential areas of Los Gatos and needs to be preserved.
20 It's been argued that the location being close to the
21 freeway is reason to allow something to be built there that
22 would generate more traffic. However, this part of the
23 freeway is and has been a bottleneck for many years, and
24 the surface streets from the freeway to the development are
25 also bottlenecked many times of the day. There is not a

1 plan in place to alleviate the traffic pressure to Highway
2 17 or Highway 9 and Los Gatos Boulevard any time soon, and
3 this just increases the traffic even more. The development
4 is supposed to house less than 400 employees, but we've
5 heard there are numerous office buildings that cram twice
6 that number in the same space. Is this project going to
7 have a stipulation that the maximum number of employees
8 can't exceed the number of parking spaces? Thank you for
9 your consideration.

10
11 CHAIR O'DONNELL: Thank you very much, and I have
12 another Burke, Bob Burke.

13 BOB BURKE: I'm Bob Burke, I live at 420 Alberto
14 Way; that's Pueblo De Los Gatos.

15 When I first met with Lamb Partners about the
16 development I told them that of course we'd love to see a
17 brand new building across the street. I'm here to ask that
18 you approve only a design that doesn't hugely deteriorate
19 our quality of life on Alberto when it is occupied.

20 The current design does fail to conform to the
21 2020 General Plan and Commercial Design Guidelines. The
22 environmental impacts we identified have not been
23 addressed, and we ask that you deny it in favor of a
24 revised design that doesn't harm the Alberto Way residents.
25

1 Having said that, I've got a couple of slides
2 that I'd like to show you. This one shows what the impact
3 would be on view improvement if the one-story north
4 building design that was mentioned by John Mittelstet were
5 to be put in place. From the area where the center entrance
6 is, if it were one-story on the right-hand building, the
7 north building, the view improvement of the mountains would
8 be substantial, especially if these trees in the Highway 17
9 right-of-way were trimmed or removed so that the mountains
10 in the distance could be seen as a result.

11
12 I'd like to just ask a rhetorical question at
13 this point. What view shall be preserved when developments
14 are placed going forward? Should it be the view that is in
15 place today, that was in place when the General Plan was
16 written, that was in place in the fifties? We think that
17 view preservation can include view expansion.

18 Now I'd like to make one last presentation. This
19 would deal with the traffic by changing the entrance to the
20 property to have employees who arrive from 17 make a U-turn
21 and take an extra lane or two that would be put in place in
22 the Highway 9 right-of-way into an entrance to the
23 underground garage on this side of the property.

24 CHAIR O'DONNELL: Your time is up.
25

1 BOB BURKE: Thank you. And then the exits could
2 be over here.

3 CHAIR O'DONNELL: Okay, thank you. All right, the
4 next card I have is Randi Chen.

5 RANDI CHEN: Hi, I'm Randi Chen; I live at 118
6 Edelen Avenue and I represent the Los Gatos Chamber of
7 Commerce tonight. I would like to present a number of
8 arguments in favor of adding Class A office space at 405
9 Alberto Way in Los Gatos.

10
11 The Alberto Way property is zoned CH, which is
12 intended for vehicular oriented uses and sales along
13 highway frontages. Office space is one of the permitted
14 uses for this lot. This project would add badly needed
15 Class A office place to Los Gatos, and according the
16 Collier's for most of 2017 there was zero available Class A
17 office space in Los Gatos. Currently we have only about
18 10,000 square feet available for rent, which is probably
19 about the size of this building.

20 As we presented to Council in September, the
21 Chamber of Commerce sent a survey to the downtown
22 businesses and our members asking if Class A office space
23 half a mile from downtown would bring increased revenue to
24 their business; 67 responded it would benefit there
25 businesses. We also asked their opinion regarding the

1 shuttle service that the developer is offering; 58% agreed
2 it would be a boon to their business, and 90% of the survey
3 respondents were in favor of the project.

4 In light of the Council meeting last night where
5 community vitality was one of the priorities for the coming
6 year, the Chamber believes that this project is a good
7 beginning in revitalizing the surrounding areas. Each
8 Councilmember mentioned a community shuttle. This project
9 is offering us a shuttle.

10 In addition, the 298 employees who will work in
11 this building will utilize services, merchants, and
12 restaurants downtown and along the boulevard. Sure,
13 employees bring their lunches, but there are times when we
14 forget our lunch or meet a friend for lunch, thus bringing
15 business to our food establishments. In addition, these
16 employees will need to run errands, get a birthday gift, or
17 pickup dinner on the way home, and will frequent our Los
18 Gatos businesses. The project now meets the CEQA
19 recommendation in the EIR for square footage and complies
20 with the zoning requirements. Chamber believes that this
21 additional Class A office space will be a great economic
22 benefit for our town and the businesses we represent. Thank
23 you.
24
25

1 CHAIR O'DONNELL: Thank you. We have one question
2 here.

3 VICE CHAIR KANE: Ms. Chen, when you say that you
4 represent the Chamber of Commerce, are you representing the
5 board of directors?

6 RANDI CHEN: Yeah.

7 VICE CHAIR KANE: Per their request you're here?

8 RANDI CHEN: Yes, I sent my speech to our
9 president and she approved it.
10

11 VICE CHAIR KANE: Ms. Rice? Thank you very much.

12 CHAIR O'DONNELL: All right, thanks again. The
13 next card I have looks like Dickson Fang.

14 DICKSON FANG: Hi, I'm Dickson Fang. I'm a
15 resident of Los Gatos Commons. My neighbors have said a lot
16 of things, but one thing confused me and bothered me a lot:
17 that is in the third iteration the developer put a dog park
18 in the whole thing. I don't know what kind of idea that is.
19 I know the commercial building has to accommodate the
20 neighbors, peaceful coexistence, but is that a way to do
21 it, put a dog park in front of us? And it's a Class A type
22 of building, supposed to have prestige, but that's not
23 considered IBM or anything. Even Netflix, do they want a
24 dog park in front? It will just drag more dog owners to
25

1 that place where the traffic is already so bad, so I don't
2 know; it really bothered me.

3 And considering I've been here several times, and
4 it's one iteration after the other, and the developer keeps
5 putting new things out--this time it's a dog park--I don't
6 know what's the real motive and intention. Don't tell me
7 two years from today, after the building is built, that
8 nobody going to use the dog park. They'll sneak it in as a
9 parking lot or some other outdoor activity and make the
10 place even worse. Thank you.

11 CHAIR O'DONNELL: Melanie Kemp.

12 MELANIE KEMP: Hi there, I'm Melanie Kemp. I live
13 at 174 Cuesta De Los Gatos Way; I'm part of the Bella Vista
14 townhomes at the very end of Alberto Way, directly across
15 the street from the Los Gatos Commons. I was elected last
16 year to be the spokesperson for those 47 townhouses, and I
17 want to just piggy back on what the other comments have
18 been here this evening, and also to respond to Commissioner
19 Hudes and Commissioner Kane, who had suggested that they'd
20 like to investigate a one-level parking garage a little
21 more thoroughly.

22 As you can see by a lot of the speakers who have
23 spoken here tonight, there is a lot of reinforcement from
24 our neighbors here to want to reduce the size, scale, and
25

1 mass of this building, and most specifically to reduce some
2 of the traffic of this street that would be coming from
3 this building.

4 At the Bella Vista Village we definitely feel
5 that 298 cars coming and going in the morning and the
6 evening is going to be a problem. I also suggest to you
7 that a community bus holding a maximum of 37 people that is
8 going to loop through the Town every 45 minutes or so
9 between the hours of 10:30 and 5:30 is going to do nothing
10 to mitigate to any considerable degree the traffic
11 certainly that the students would use. They're going to be
12 coming to school before 10:30 in the morning, and believe
13 me, by 3:30 in the afternoon they've blown way off that Los
14 Gatos High School campus, so it's going to do nothing for
15 student traffic.

17 If you've only got 37 seats on that bus, I mean
18 if you've got over 300 people in the building for sure,
19 we've got 300 parking spaces, you know there's going to be
20 more than 300 people. What person is going to be able to
21 count on that to get away for a lunch break? That bus is
22 going to get loaded up quickly. I can walk to downtown Los
23 Gatos in 15-16 minutes, so it doesn't behoove any of the
24 neighbors there to try to take the community bus.

1 So I'm asking you to please not pay too much
2 attention to these cookies that the developer is throwing
3 to this Planning Commission meeting after meeting. First it
4 was the community bus; then it was picnic tables that were
5 offered to the public that we're never going to use, and
6 we've told them so; and now it's a dog park. Thank you, but
7 no thank you.

8 We do look forward to Class A office building. We
9 do want the tax base increased in Los Gatos; we appreciate
10 that, we just don't want it all to be concentrated on that
11 one project on Alberto Way. Let's spread this a little bit
12 here. We want a really good Class A office building, we
13 want it reasonable, we want a good looking building, we
14 support that very much, we just want to support the ideas
15 already here put out by Commissioner Hudes and Commissioner
16 Kane that we really should investigate the one-level
17 parking garage.

18 Secondly, we would really like to ask the
19 attorney here why they won't address specifically the
20 questions raised by Rachel Mansfield Howlett in her letter?
21

22 And also, I please ask you to go back and
23 reexamine that Peter Geissler soils report that the
24 Commission before was so very, very impressed with. Thank
25 you.

1 CHAIR O'DONNELL: We have one question here. Vice
2 Chair Kane.

3 VICE CHAIR KANE: When you walk to town, how do
4 you get there?

5 MELANIE KEMP: I come up Alberto Way, and I can
6 do a loop that goes up to Los Gatos Boulevard, down Main
7 Street, come up University, and be back to my house in 35
8 minutes; that's the long way.

9 VICE CHAIR KANE: You take Los Gatos Boulevard?
10 You don't cross Highway 17?

11 MELANIE KEMP: If I want to go just to downtown,
12 the fastest way is for me to come up Alberto, up Highway 9,
13 and down University, and I can be at Old Town in 16
14 minutes.

15 VICE CHAIR KANE: Thank you.

16 CHAIR O'DONNELL: Thanks again, and I believe
17 that concludes all of the cards. Did you submit a card?
18 Would you come up, please? I don't see your card, but you
19 can just tell us who you are, and maybe I'll look again and
20 find it.

21 LEWIS DARROW: My name is Lewis Darrow, and I'm a
22 resident, I'm a homeowner on Alberto Way.

23 We've gone through three iterations of this where
24 I've been here, and I didn't know any of my neighbors, and
25

1 now a diverse group of older people, younger people, men,
2 women, everybody has come here, and everybody has a similar
3 comment and complaint. Nobody is complaining about the fact
4 we want development, we want it smart, and here the
5 complaints range from adding to the traffic problems, which
6 are horrendous, and adding a huge mass on a one-way-in
7 street with a lot of people who have a lot of special
8 services. And this is consistent. Three times you've got
9 40, 50 people commenting on the same comments.
10

11 Now, as a planning board you're representing
12 people. We have a building with mass. It doesn't represent
13 the neighborhood. You took out a bunch of buildings that
14 had building fabric, social fabric. There were architect
15 firms, copy centers, law firms; people in the neighborhood
16 could interact with these buildings. Yeah, they were aged,
17 but there was interaction. You create a big, massive 72,000
18 square foot building and it has no relationship to any
19 neighbors. It was pointed out there is nothing positive to
20 be gained by any of the neighbors; everything has been
21 negative. The view is blocked, the traffic is bad, and
22 underground parking is added to it.
23

24 The scale of the building is ridiculous; it's out
25 of scale. I think the architect did a very good job scaling
this down, but you know what? I'm going to leave you with

1 one image. Forget LEED Gold, because that's a sales pitch
2 from a developer. LEED Gold gives these people in the room
3 absolutely nothing.

4 You know, you've got service vehicles. They
5 haven't talked about all the service vehicles that are
6 going to come in to service this building: janitorial,
7 supplies, loading, food. I've worked for a high-tech
8 company and people don't bring their lunch in bags, nor do
9 they go out, it's all catered in. It doesn't go out to
10 downtown; they don't have enough time to do that.

11 I'm going to leave you with one comment. We
12 looked at Loretta's print and you saw... We talked about
13 story poles. They put story poles up on the site, and they
14 take them down. If you can all just shut your eyes for a
15 second and visualize what Loretta put up there. You saw the
16 mass. Story poles don't tell a story. She showed the mass
17 of the building. It doesn't work, it blocks out everything,
18 and you can all visualize that mass when she colored in
19 black, and that's the way it's supposed to look, and that's
20 what it's going to look like to us when we go down to the
21 site at night.

22 So I hope you can all do your jobs and really
23 take into effect what all the community is saying here. The
24 community that lives here, not the community who is here to
25

1 talk about the downtown development and how much money it's
2 going to bring into downtown. That's great, and we want to
3 support everything that's going to support Los Gatos. This
4 is going to destroy it. It's going to destroy the community
5 fabric, and I hope you guys can appreciate that. Thank you.

6 CHAIR O'DONNELL: Now, unless there's somebody
7 else I missed I think we're finished with the input of the
8 public, and now we can go back to the Applicant, and you
9 have five minutes.

10 DAN KIRBY: Thank you. I appreciate the fact that
11 so many of the residents want to see Class A development. I
12 just have to say there are many people in the room that
13 don't seem to understand what that entails.

14 The alternative suggested by the neighbors, two
15 buildings, 56,000 square feet, is not a feasible Class A
16 development. The floor plates would be too small, it would
17 be 14,000 square feet, it won't lease. There is no
18 developer that's going to develop that type of project on
19 this site, because it simply isn't feasible from an
20 economic standpoint. What I think we're hearing is that the
21 neighbors kind of want what's there now to remain, because
22 they just keep driving back to kind of what's there.

23 I want to talk about the single-level garage
24 issue. A single-level garage is not feasible to support the
25

1 square footage of the project. Even if we were to push the
2 single-level garage all the way out to the perimeter of the
3 site it wouldn't support enough parking to be able to park
4 for this square footage.

5 I did want to make one other point. Our firm has
6 designed numerous underground garages that go into the
7 water table; it's done on a very common basis. We have a
8 project right now in downtown Mountain View that's being
9 developed by Sobrato Development; they're actually going to
10 move in as their headquarters. That garage is going three
11 levels down into the water table. There is a 100-year-old
12 St. Joseph church that's right adjacent to the property. We
13 put GPS sensors on the church and it hasn't moved even a
14 fraction of an inch, so it is completely possible to
15 engineer a garage that goes into the water table and not
16 cause any disruption to adjacent sites, no differential
17 settlement. If I'd been designing garages that did that, I
18 would have been sued and lost my license a long time ago.

19 We do have engineers here from ENGEO who can
20 refute the report generated by Dr. Geissler. With all due
21 respect to him, he's not a licensed geotechnical engineer.
22

23 Let's talk about views real quick. Here you can
24 see the revised design, and you can clearly see the views
25 of the mountains are preserved over the top of the

1 building, as well as we've created a much more generous
2 view corridor on the north side of the property.

3 I want to go back to this diagram. The footprint
4 of the existing building that is onsite right now is all
5 the way out here on Alberto Way, so we're actually
6 improving views by demolishing that building and pushing
7 the building farther back, because you can't see the
8 mountains through that building right now on Alberto Way.
9 So there are some tradeoffs with respect to the views, but
10 we think in general the views are being preserved across
11 the board when you look at what we're taking away versus
12 what we're adding.
13

14 I want to talk a little bit about the comment
15 about the cars. People keep talking about how we're adding
16 300 cars to the development. We're not adding 300 cars; the
17 cars that are there now offset that, so it's actually a
18 much smaller number that's being added.

19 Last comment on the dog park. The dog park was
20 something that was suggested during the Council meeting. We
21 don't have to build the dog park; we can create whatever
22 amenity space the neighbors think would be appropriate. It
23 could just be a place to come and sit and relax. The dog
24 park was something that we thought the Town favored, so
25 that's why we offered it up.

1 That's it. I'm happy to answer any questions, and
2 we have more experts here that can answer questions as
3 well.

4 CHAIR O'DONNELL: Let me take an opportunity to
5 ask you some questions.

6 I'm looking at Exhibit A-01. Just so I can get a
7 frame of reference, tell me how many buildings are in the
8 plan as proposed. How many discrete buildings?

9 DAN KIRBY: You mean the current design that's
10 proposed now?

11 CHAIR O'DONNELL: Right.

12 DAN KIRBY: One.

13 CHAIR O'DONNELL: Okay, so when you look at it,
14 which is the way you designed it, it looks like there are
15 multiple buildings, but there is one connected building, is
16 that it?

17 DAN KIRBY: Correct.

18 CHAIR O'DONNELL: And the total square footage of
19 both floors and the total building is?

20 DAN KIRBY: 74,260.

21 CHAIR O'DONNELL: And you're saying that anything
22 less than 74,260 will not work, is that right?
23
24

25

1 DAN KIRBY: It's going to be much more difficult
2 to lease a building that's smaller than 35,000 square feet
3 per floor, correct.

4 CHAIR O'DONNELL: 35,000 square feet, give or
5 take, it's 70,000 square feet.

6 DAN KIRBY: Right, well...

7 CHAIR O'DONNELL: You're saying close enough, but
8 yeah.

9 DAN KIRBY: 37,000, excuse me.

10 CHAIR O'DONNELL: That works out the math. Okay,
11 I just wanted to get that down in my head. Are there
12 questions? Vice Chair Kane.

13 VICE CHAIR KANE: We're talking about Class A and
14 I don't...

15 SHANE ARTERS: We have like a minute and 24
16 seconds.

17 VICE CHAIR KANE: Sure, make use of your time.

18 CHAIR O'DONNELL: That's fine.

19 URI ELIAHU: Good evening, Commissioners, my name
20 is Uri Eliahu; I'm with ENGEO Incorporated, and we're the
21 geotechnical engineer for the project. I just wanted to
22 address a couple of items that had been brought up.

23 First of all, ENGEO is a 46-year-old firm,
24 founded here in the Bay Area and always had its
25

1 headquarters here. Over the years we've done thousands of
2 projects in the Bay Area, many of them with basements, many
3 of them with high groundwater, with, thankfully, flawless
4 results on that count.

5 There was concern brought up about offsite
6 impacts due to dewatering. First of all, the soils here are
7 not susceptible to consolidation due to drawdown of
8 groundwater; these are just not compressible soil types
9 that are susceptible to that. Second, the ground undergoes
10 fluctuations in groundwater elevation routinely, and the
11 extent to which the groundwater would be depressed during
12 the construction and only during the construction, is less
13 than the natural fluctuations.

14
15 CHAIR O'DONNELL: That light went red, but we
16 took some of your time by asking questions, so take another
17 minute, all right?

18 URI ELIAHU: Right, so essentially we've
19 considered all of these things. As has been mentioned and
20 as we've all observed, building basements in proximity to
21 adjacent structures is routine. We have active projects
22 now. We have a project in Oakland with six levels of
23 basement immediately adjacent to not only other buildings,
24 but indeed historic buildings that really need to be
25 protected and are themselves substandard. There's a proven

1 science in doing this, as you can imagine. We see this all
2 the time in urban areas, and so we know how to safeguard
3 against those things.

4 I'll be happy to answer questions as well. I know
5 time is limited.

6 CHAIR O'DONNELL: Commissioner Hudes has a
7 question.

8 COMMISSIONER HUDES: I know this question is
9 going to make me popular with my fellow commissioners.
10 Could you explain the Palo Alto dewatering guidelines?
11 There appear to be new guidelines? Why wouldn't they apply?
12 Why wouldn't they be appropriate for this project?

13 URI ELIAHU: We don't know all of the
14 considerations that went into the Palo Alto guidelines.
15 Some of it seems to be motivated by water *quantity* concerns
16 during times of drought and availability for watering.

17 Fundamentally the reason they wouldn't apply is
18 because soil types are different everywhere, and the soil
19 types here, these clayey gravels are not susceptible;
20 they're not compressible within a range that would be
21 represented by the dewatering.

22 Specifically, when groundwater is depressed, when
23 it's pulled down, it increases the effect of stresses over
24 the zone where it's pulled down, and if you have
25

1 compressible soils that have never experienced those
2 stresses in their history, they would be susceptible to
3 consolidation under those increased effective stresses. I
4 don't want to get too technical here.

5 That's not the case here; on two counts that's
6 not the case here. Number one, these aren't those types of
7 soils. Number two, these soils that are here routinely
8 experience increased stress levels that are as a result of
9 depression of groundwater. It's a natural phenomenon, and
10 as has been pointed out, at the time we conducted our
11 borings the groundwater was indeed much deeper, and so
12 those soils have routinely experienced those stress levels
13 and have already done what they're going to do as a result
14 of those increased stress levels.

16 COMMISSIONER HUDES: There's a follow up to that,
17 if I may. Have you read the Palo Alto guidelines?

18 URI ELIAHU: I have.

19 COMMISSIONER HUDES: And they seem to relate to
20 the report provided by a professional engineer, and then
21 trigger certain actions based on that. That seems to be a
22 little different than what you've said. In other words,
23 you've said that the soils are different than what's
24 referenced in their report, but when I read their report it
25 says, "Conducted geotechnical study to determine the radius

1 of influence," and based on that, then there's certain
2 dewatering that should apply based on that report. And you
3 don't agree with that?

4 URI ELIAHU: No, we don't disagree with that for
5 Palo Alto. Again, the objective has to be defined. If the
6 objective is to prevent offsite impact, or to prevent
7 impact in proximity to the dewatering location, what we're
8 saying is that the dewatering contemplated here to achieve
9 the excavation that is necessary for the garage is such
10 that it will neither increase the stress state of the soils
11 off property to a greater extent than Mother Nature already
12 has, nor will it cause consolidation because of the soil
13 type.
14

15 Part of the objective with the Palo Alto policy
16 is to reduce the amount of groundwater withdrawn for other
17 reasons; not because of offsite impact so much, but because
18 of water quantity reasons, and that's stated in the early
19 part of that policy.

20 COMMISSIONER HUDES: And those don't apply in Los
21 Gatos?

22 URI ELIAHU: Well, I think those apply anywhere,
23 but the volumes that we're talking about here are probably
24 minimal compared to the groundwater regime as a whole.
25

1 COMMISSIONER HUDES: You've come across these
2 Palo Alto guidelines before? Are other municipalities
3 adopting similar guidelines to this, or is Palo Alto the
4 only place that does this at all?

5 URI ELIAHU: I'm not aware of any other town that
6 has that policy, and I have only seen that in the last few
7 days.

8 COMMISSIONER HUDES: Okay, thank you.

9 CHAIR O'DONNELL: Commissioner Hanssen.

10 COMMISSIONER HANSSEN: One of the residents
11 brought up the idea of doing another drilling to assess the
12 level of the water table. My question is supposing that
13 their hypothesis was correct—and they actually had some
14 charts from Santa Clara—but that the water table, given
15 more recent rain, was much, much higher? How would that
16 change the engineering for this project?

17 URI ELIAHU: It wouldn't. It would change the
18 amount of dewatering needed at the time of excavation, and
19 if we were to do another boring and take a snapshot of the
20 groundwater elevation tomorrow, all we know for sure is it
21 will necessarily be different from that at the time of
22 construction. It's not a static thing, and so the
23 dewatering that occurs for construction will be based on
24
25

1 the groundwater elevations that are present at the time of
2 the construction.

3 Then following construction the waterproofing for
4 the basement will extend up above the highest anticipated
5 groundwater elevation, and the groundwater will then
6 fluctuate as it normally does. None of the engineering
7 changes; the only thing that changes is literally volume of
8 water that is pumped in order to accommodate the
9 construction.

10
11 COMMISSIONER HANSSEN: So you're basically saying
12 your engineering applies to any level of water table, but
13 the actual amount of dewatering in the process will change.

14 URI ELIAHU: Absolutely.

15 COMMISSIONER HANSSEN: A related question to that
16 is I think the architect brought up a property where there
17 was an underground garage and that it was next to a church,
18 so it made me think about the residents nearby. Assuming
19 that this goes through with the two-level garage, is there
20 something we can do in terms of monitoring the condition of
21 the nearby neighbors as the process is happening to be
22 aware... Because you don't want them to find out like down
23 the road that there were cracks in the foundation. Is there
24 a way of kind of monitoring as the process is going on?
25

1 URI ELIAHU: Yes, there are multiple techniques.
2 That would be up to the Applicant, but yes, there are
3 techniques that are surface techniques for monitoring
4 movements. Strain gauges and other such things are
5 available.

6 COMMISSIONER HANSSEN: And is that a typical
7 practice in situations like this where the surrounding
8 neighbors or businesses or whatever has a concern?

9 URI ELIAHU: Yeah, that's a good question.
10 Typically the monitoring that occurs is right at the top of
11 the supportive excavation wall. There is an allowed
12 deflection in the wall, and there's usually some monitoring
13 that occurs both vertical and horizontal on that bracing,
14 that temporarily wall that holds up the excavation, and
15 typically that's not extended for a great distance away
16 from the excavation. Sometimes it is, sometimes maybe half,
17 maybe a distance corresponding to half of the depth of the
18 excavation horizontally, but monitoring points can be
19 placed anywhere practically.
20

21 COMMISSIONER HANSSEN: That's very good to know.
22 Thank you.

23 CHAIR O'DONNELL: Yes, Vice Chair Kane first.
24
25

1 VICE CHAIR KANE: Mr. Kirby, you said that a
2 50,000 square foot facility couldn't handle the Class A
3 requirements. What is the minimum?

4 DAN KIRBY: If it's broken into two buildings, as
5 was suggested, the floor plates would be 14,000 and that's
6 just not a feasible square footage.

7 VICE CHAIR KANE: What is the minimum for a Class
8 A facility?

9 DAN KIRBY: 35,000 to 37,500 square feet per
10 floor is preferred from a leasing standpoint, so just what
11 we designed today.
12

13 VICE CHAIR KANE: 37,000 per floor?

14 DAN KIRBY: Correct.

15 VICE CHAIR KANE: 74,000 as it turns out.

16 DAN KIRBY: Mmm-hmm.

17 VICE CHAIR KANE: That's the minimum? The number
18 we have before us is the minimum for Class A?

19 DAN KIRBY: Correct.

20 VICE CHAIR KANE: Okay.

21 CHAIR O'DONNELL: Commissioner Burch.

22 COMMISSIONER BURCH: I think this is going to be
23 a tag team question, but for the benefit of all the people
24 sitting here, I'm going to extend this conversation
25 concerning the boring and the testing, okay?

1 I received a copy of the original report, which
2 unfortunately I didn't have a minute ago, but the field
3 exploration for this, you did the boring on June 27, 2015.
4 I think we all know we were in the middle of a very long
5 drought, so I doubt there was a great deal of groundwater.
6 If we were to go back and do the same boring, we would find
7 more groundwater probably at a higher level, because of the
8 simple saturation of the creek nearby and saturation of
9 soils. You guys are in this every day. We aren't, so what I
10 want to understand are a couple of things.

11
12 What measure that you would suggest that would
13 allow people to feel more comfortable with that level of
14 excavation and that type of a subterranean structure being
15 placed, because no matter what, we do know that the water
16 is going to be displaced? If it was in this box, and this
17 box doesn't exist, it has to go somewhere. How does that
18 work, particularly knowing we do have a clay level within
19 our soils, which does not compact as easily?

20 And second, when we do construction, when you do
21 the dewatering, especially if part of this construction
22 takes place during winter when it's raining, where are you
23 going to displace that water to during the construction for
24 the pumping?
25

1 So those are the two questions, and I want you to
2 use layman terms for everyone else in here.

3 URI ELIAHU: Excellent, thank you.

4 The first question is what sort of comfort can we
5 provide. I guess I would say first of all that all of the
6 design work that we're doing is reviewed by the Town's
7 engineer, a very, very highly regarded firm, and
8 incidentally ENGEO does a lot of that work for many public
9 agencies. We've been involved not only in projects that
10 have been successful, but we've done forensic work as well.

11 So the comfort maybe goes back to the monitoring
12 question. We can place instruments near the excavation that
13 can record not only displacements, movements, but also
14 groundwater elevation. I think the former is much more
15 relevant than the latter, because the groundwater
16 elevations don't matter if they don't result in some
17 movement at the surface, and so that can be accomplished.

18 With regard to where does the water go? The water
19 generally is discharged into the storm drain system. That's
20 typically the contractor practice.

21 DAN KIRBY: Can I comment?

22 COMMISSIONER BURCH: Can I ask a follow up
23 question to that then? Hold on, Mr. Kirby, because I think
24
25

1 where I'm going to go might jump into where you're going to
2 go.

3 So during this last rain season, and when it's
4 raining, you've got a big hole open and you're trying to
5 dewater this, for example, the storm drain on my street
6 flooded. And I know you've got a construction management
7 plan, but what goes into Plan B as a comfort for the
8 people? Because if you've been in that area when it rains,
9 it does flood. So there's got to be a Plan B on where that
10 water goes then if, God forbid, we have a situation like we
11 came upon last year.

13 URI ELIAHU: Well, I guess I would say first of
14 all that it would be unwise to plan the basement excavation
15 at a time when flooding is a possibility; it would just be
16 unwise for many reasons that go way beyond what we're
17 talking about here.

18 In the event of some unexpected flood at the time
19 of the basement dewatering, the work couldn't be going on
20 within the basement anyway; the pumps would be shut off
21 anyway. The basement won't become a big hole that would
22 collect water until the work could recover. But again, it
23 wouldn't be smart to be doing this in the middle of winter.
24 This is the kind of thing that you do when the weather is
25 favorable.

1 COMMISSIONER BURCH: Can I ask one last question
2 on this topic, and then I'll stop? Obviously we know that
3 we could put monitors in during construction, because you
4 are overseeing this process, but I think also some of the
5 comfort level would come with what about two years later?
6 What kind of reassurances could we get from the Applicant
7 that longer-term monitoring could go on to a time certain
8 that would allow for that type of monitoring for the
9 residents if this is a concern?
10

11 URI ELIAHU: I think the Applicant can answer
12 that, but I would just suggest that we consider first of
13 all that after the basement walls are completed the
14 dewatering is shut off and groundwater elevations are
15 allowed to return to their natural state, which is a
16 fluctuating state. There would be no reason; there would be
17 no force that would create any other impacts.

18 It's also true with these clay soils that these
19 soils expand and contract with seasonal moisture cycles,
20 and so if we were to precisely measure elevations of
21 foundations, particularly foundations that have been around
22 longer than current building codes have, we would see
23 seasonal variations in the heights of those foundations.
24 They move, they breathe. That's what the soils do. They
25 expand in the winter and they contract in the summer, and

1 so it would be extremely difficult, it would be impossible,
2 to relate those movements to anything that's occurring on
3 an adjacent site. Essentially, once those basement walls
4 are built the effect is gone; the influence is gone.

5 COMMISSIONER BURCH: Thank you.

6 CHAIR O'DONNELL: Let me just ask a question on
7 that, because earlier you were talking about a Sobrato
8 building and you were talking about St. Joseph. As I
9 understood it, St. Joseph was monitored, or some kind of
10 electronic device, which I took from whoever said it, and I
11 can't remember who, was a continuing process, and so
12 everybody was comfortable that St. Joseph was not being
13 affected by the I forget whether it was a three-story
14 basement.

15 So I guess the question that I've just heard, I'm
16 getting an answer of we don't have to do that, but when it
17 came to wherever this was, Mountain View or someplace, you
18 did, and I guess I'm confused about by doing it on one job
19 and not on the other.

20 DAN KIRBY: On that particular project it's a
21 downtown environment, and it's a zero lot line parking
22 structure, meaning it's built right out to the edge of the
23 property line on all sides of the building, right out to
24 the edge of Castro Street and Church Street.
25

1 The adjacent church, St. Joseph Church, is a
2 historical structure, it's over 100 years old, it's a
3 massive structure, it's very heavy, and the garage
4 excavation in one location is about 15-20' away from the
5 church, so the City of Mountain View insisted in that
6 particular instance that we put GPS monitors on the church
7 to monitor it perpetually while we were doing the
8 underground excavation to make sure there would be no
9 differential settlement. The shoring was designed properly,
10 the foundation of the church wasn't affected in any way,
11 and once the garage was constructed, and all the walls were
12 built, and all the floors went in, the monitoring was
13 terminated, because as Robert pointed out, once the garage
14 is constructed and the dewatering is turned off, everything
15 kind of restores itself to the way it was before you
16 started. The garage itself just acts like the soil that was
17 there originally.

19 CHAIR O'DONNELL: Thank you. That helped. Other
20 questions? Commissioner Hudes.

21 COMMISSIONER HUDES: I have some questions about
22 the parking and the one-level versus the two-level; I
23 wanted to follow up on that a little bit more. I don't know
24 if you will have all this in front of you or whether it's
25 something that you would need to provide later, but while I

1 understand that you've done some modeling, we haven't seen
2 the benefits of that, and it does seem to be a somewhat
3 elegant solution to some of the issues with groundwater and
4 other things, and it's certainly one of the ideas that's
5 come forth from the community, so maybe I could just ask a
6 few questions about the numbers. How many spaces are on the
7 second level?

8 DAN KIRBY: The garage is pretty much split 50/50
9 between the first level and the second level: 123 on the
10 second, 137 on the first, and 38 on the surface.

11 COMMISSIONER HUDES: And how many additional
12 spaces could be put onto surface parking?

13 DAN KIRBY: If you take a look at the drawings on
14 the wall here you can see that the parking garage footprint
15 right now is still larger than the building footprint, and
16 we've actually got a dash line that shows the extent of the
17 building footprint over the top of the garage. So the
18 garage, if it was to go one level would literally need to
19 be doubled in size, and there's just simply not enough
20 room, even if we built all the way out to the property line
21 to create the equal amount of parking on one level.

22 And I wanted to remind the Commission there were
23 some other considerations in earlier meetings. One was we
24 didn't want to have any construction staging onsite, so
25

1 part of the reason to create the more compact garage that
2 went down two levels is so we have a zone on the front of
3 the property to stage construction; we don't have to dig a
4 hole all the way to the edges of the property line. That
5 was something neighbors were very concerned about.

6 COMMISSIONER HUDES: It's good information.
7 You've gotten ahead of me a little bit.

8 DAN KIRBY: Sorry.

9 COMMISSIONER HUDES: I was asking how many
10 additional spaces could be on the surface if there were
11 tradeoffs with other uses of space on the surface?
12

13 DAN KIRBY: You mean on the surface of the..

14 COMMISSIONER HUDES: Surface parking.

15 DAN KIRBY: Surface parking.

16 COMMISSIONER HUDES: How many additional surface
17 parking spaces?

18 DAN KIRBY: Well, if we were to park along the
19 north side, I don't know if we could get a double right-of-
20 way of parking in that setback zone, because we're limited
21 in setback even with parking from property line.

22 COMMISSIONER HUDES: So you don't have that
23 information. Maybe you could provide that to us?

24 DAN KIRBY: Yeah. Yeah, we could do that. Sure.

25

1 COMMISSIONER HUDES: And then the other question
2 would be—what you were getting at a little bit—was once you
3 figured out what other surface parking you could do, what
4 is the square footage of a parking area to accommodate one-
5 level parking with the remainder? That would be important
6 to understand, and then to understand how that would fit
7 with the buildable area on the lot; that would be something
8 else that I would be interested in finding out about.

9 DAN KIRBY: Okay.

10 COMMISSIONER HUDES: I know Commissioner Burch
11 had some rough ideas on this. Were there other questions
12 maybe on this topic that we could explore to understand the
13 feasibility of one-level parking?
14

15 COMMISSIONER BURCH: I was pretending I was an
16 architect? I was also just taking a look at if we did one
17 large footprint, underground parking plus a little bit more
18 ground level parking, and definitely it's fewer parking
19 stalls, based on what we had just been told it also sounds
20 like as far as the groundwater situation goes, whether it's
21 a smaller second level parking garage, significantly
22 smaller or not, in your opinion the displacement of
23 groundwater issue during construction is not going to be
24 different based on the size of the parking garage?
25

1 DAN KIRBY: That's correct. We have to dewater
2 still.

3 COMMISSIONER BURCH: Okay.

4 DAN KIRBY: And I should point out, the garage
5 will be waterproofed on the outside from the moment you get
6 to the soil on down. We do waterproofing all the way down,
7 so no matter how the water table fluctuates, the water is
8 kept out of the garage.

9
10 COMMISSIONER BURCH: Right. And as the site
11 layout is then-kind of tag teaming on what Matthew was
12 thinking about—we are currently... Because again, depending
13 on how late this goes, I have a thousand construction
14 management questions.

15 CHAIR O'DONNELL: We're going to 11:30, that's
16 where we're going.

17 COMMISSIONER BURCH: So no thousand; that will go
18 longer. But the way you have this laid out and the way this
19 is proposed, I mean if we're going to wind up having more
20 parking underground I want to feel very confident there's
21 not going to be a truck in the street. I'm going to say out
22 loud for the record that he's nodding yes.

23 DAN KIRBY: Yeah, that was the purpose of
24 creating smaller plates and going down two levels, and the
25 reduction of square footage allows us to create the staging

1 area on the front of the site for all the trucks to come in
2 and park and load and come out. There will be no trucks in
3 the street, there will be no construction trailer in the
4 street, none of that; it will all be onsite.

5 COMMISSIONER BURCH: All right.

6 CHAIR O'DONNELL: Commissioner Hudes.

7 COMMISSIONER HUDES: On another topic, I wanted
8 to come back to the question I had earlier about the space
9 added to Alberto Way and the straightening of that. Of
10 particular interest to me was by widening that street is it
11 possible to get an emergency vehicle down it, even if it
12 means going into the other lane of traffic and that type of
13 thing? How much space has been added to that? Do you have
14 that information now, or do you want to provide that to us?

15 DAN KIRBY: I can provide it for you. I don't
16 know the exact amount of footage that we are deeding to the
17 Town in widening the street, but as I mentioned, it does
18 accommodate two lanes and a bike lane.

19 COMMISSIONER HUDES: And the original concern on
20 that was not only the ability to turn, but the ability to
21 get an emergency vehicle down that street, particularly if
22 we were in somewhat of a gridlock situation due to beach
23 traffic blocking Highway 9, and also backing up over there.
24 So any additional information you could provide on that
25

1 space and how an emergency vehicle could navigate that
2 street.

3 CHAIR O'DONNELL: Let me interrupt you. I'm going
4 to direct this to the attorney, because if we close public
5 input, which is what I intend to do at 11:30, if we were to
6 come back at another date and discuss and reach a decision,
7 I don't know exactly how we receive essentially what is
8 further testimony.

9
10 ROBERT SCHULTZ: You can close public comment,
11 except for you're leaving this open still to ask questions
12 of the Applicant, so that's where we are right now. Public
13 comment is closed, except for questions for the Applicant,
14 and you can do that.

15 CHAIR O'DONNELL: Are those the questions we
16 identify tonight?

17 ROBERT SCHULTZ: No.

18 CHAIR O'DONNELL: Assuming we do what I'm
19 suggesting—and I don't make that decision, it will be up to
20 you, but there's no other thing we can do—we'll get a date
21 certain for our finishing of this, and whatever questions
22 we have I assume would be run through Staff, right? We've
23 already identified some questions, but if somebody had a
24 different question, or fleshed out a question, I guess you
25

1 could direct that to Staff and they can direct that to the
2 Applicant?

3 ROBERT SCHULTZ: Or they would be available to
4 ask any questions at your next one in the follow up
5 meeting.

6 CHAIR O'DONNELL: It would be very helpful
7 however...

8 ROBERT SCHULTZ: If they were ahead of time that
9 would be...
10

11 CHAIR O'DONNELL: ...if we could ask the questions
12 ahead of time, get the answers ahead of time, so when we
13 meet we might be in a position actually to make a decision
14 rather than go to further testimony. That would be my hope,
15 but we're not stuck with that.

16 ROBERT SCHULTZ: And I would say although the
17 oral public comment period is closed for the rest of the
18 public, it would still be open for written comments; they
19 could still submit any written comments after today.

20 CHAIR O'DONNELL: So everybody then would have an
21 opportunity.

22 ROBERT SCHULTZ: For written comments.

23 CHAIR O'DONNELL: Because I want to make sure
24 it's fair.
25

1 COMMISSIONER HUDES: And that's actually what I'm
2 asking for is some written comments or answers to questions
3 they haven't been able to provide during the hearing.

4 CHAIR O'DONNELL: And let's be sure—we only have
5 a few minutes left—I think you've asked specific questions,
6 and I think Mr. Kirby has, I'm sure, taken them down, so if
7 anyone has any other questions they would like a written
8 response to, if they can fit it in within the next eight
9 minutes, I encourage you to do so. Okay, Commissioner Hudes
10 wasn't through, I think.

11 COMMISSIONER HUDES: I had one other topic, and
12 that is whether we could see written operating parameters
13 for the shuttle.
14

15 CHAIR O'DONNELL: The shuttle, okay. And
16 Commissioner Burch, you had something?

17 COMMISSIONER BURCH: Obviously I'm going to ask
18 for a copy of the construction plan.

19 DAN KIRBY: It's actually... (Aside) Is that part
20 of our submittal?

21 FEMALE: It's part of the conditions of approval
22 (inaudible).

23 DAN KIRBY: Yeah. But we have a slide we could
24 send you; it's part of our PowerPoint.
25

1 COMMISSIONER BURCH: It's just one slide? Are we
2 going to be able to ask questions in the next one?

3 CHAIR O'DONNELL: I did not understand your
4 question, so if you would repeat it?

5 COMMISSIONER BURCH: There's usually a
6 construction plan. Not just hours and standard things,
7 there's usually something that indicates traffic
8 management, times for specific types of trucks, et cetera,
9 that we're usually provided; I want to get a copy of that.
10

11 CHAIR O'DONNELL: And the answer as I understood
12 it was there is already something, and you're questioning
13 whether that would be adequate.

14 JOEL PAULSON: And I would just say that it's a
15 standard condition of approval. We generally do not see
16 those at this stage; that is worked out with Staff. So if
17 you're asking for that upfront, then that's definitely
18 (inaudible).

19 DAN KIRBY: We do have a rudimentary diagram, but
20 it would need to become a much more detailed plan as part
21 of the conditions of approval and the Building Department
22 submittal.

23 COMMISSIONER BURCH: Then would it be acceptable
24 to you when I get that, having heard some comments and I've
25 taken some notes before about what the residents were

1 concerned about, I could just make some questions and send
2 them to you about that?

3 JOEL PAULSON: Yeah, or if there are specific
4 things you want to make sure are addressed in that plan,
5 then we can definitely add those to the condition as well.

6 COMMISSIONER BURCH: Thank you.

7 CHAIR O'DONNELL: Commissioner Hanssen.

8 COMMISSIONER HANSSEN: Just adding onto that, I
9 do recall when the Council heard this there was some
10 discussion of that, and although the construction
11 management plan isn't typically done until after the
12 approval, especially with some of the issues with the Los
13 Gatos Commons and senior citizens and emergency access and
14 stuff, one of the suggestions that came up and wasn't
15 formalized into a terms and conditions was, for instance,
16 not allowing hauling during like morning rush hour or
17 evening rush hour, and having it at other times of the day.

18 I don't know how much that would help, but if you
19 kind of just say that there's a construction management
20 plan and you don't dig into the details, then how do you
21 know that you're concerns are going to be addressed? So I
22 had the same idea; it would be nice to see some of that.

23 CHAIR O'DONNELL: Well, we can certainly look at
24 whatever this is, and if we make a decision we can also say
25

1 we would like to see that tweaked to this extent, whatever
2 it is, but we won't know that until we look at what
3 generally speaking the proposed management plan is.

4 DAN KIRBY: Typical construction management plans
5 do limit hours of work, and that can all be negotiated with
6 the Town and the neighbors, so that's pretty common.

7 CHAIR O'DONNELL: Okay, we only have five more
8 minutes. Vice Chair Kane had something.

9 VICE CHAIR KANE: Mr. Kirby, Denzel Washington
10 often says, "Explain it to me like I'm a six year old." My
11 question is what I would like in writing is the definition
12 of Class A, and I'd like to know why it just happens to be
13 74,260 square feet as the minimum Class A building, which
14 was an arbitrary number in the Draft EIR, which I painfully
15 reread today, and if it is a fair comparison, know that
16 when the Draft EIR talks about 74,200 square feet instead
17 of 92,800 as proposed by the project, "This alternative
18 assumes construction of underground parking, likely one-
19 level, would remain feasible for the design site."

20 So if we have time and we can get things back in
21 writing, I'm reading on page S-8 of the Draft EIR. Let's
22 address the implication that one level would likely be
23 feasible, and tell me why 74,260 just happens to equal the
24 minimum Class A building.
25

1 CHAIR O'DONNELL: That's the Final EIR, I
2 believe.

3 VICE CHAIR KANE: It's the Draft, sir. This is
4 the Final. The little guy is the Final.

5 CHAIR O'DONNELL: Okay.

6 VICE CHAIR KANE: The Draft is the big guy.

7 CHAIR O'DONNELL: You're right. Okay, so we
8 should wrap up, I think, otherwise I'm going to leave.
9 Okay, so thank you very much, everyone. We'll continue the
10 matter, and give us a date certain.
11

12 JOEL PAULSON: January 10th is probably the
13 soonest, and if we're not able to get all the information
14 from the Applicant, then we'll simply continue it to a
15 further date.

16 CHAIR O'DONNELL: Okay, so at the moment it's
17 January 10th.

18 JOEL PAULSON: We still need a motion.

19 CHAIR O'DONNELL: Yeah, we need a motion to
20 continue the matter to January 10th.

21 COMMISSIONER BURCH: Yes, correct. So moved.

22 CHAIR O'DONNELL: Oral public comment...

23 COMMISSIONER BURCH: Except by the Applicant.
24 Oral public comment is closed. Questions of the Applicant
25 are still open.

1 CHAIR O'DONNELL: Right, and we're told...

2 COMMISSIONER BURCH: Hey guys, we're still having
3 a meeting.

4 CHAIR O'DONNELL: So what I've been told is not
5 only can they respond to our questions in writing, which
6 we've asked them to do, but if anyone in the public wishes
7 to submit something in writing, they can do that too, so
8 that part is still open, I just want to make that clear.
9 And the motion will take us to February...no January...

10 COMMISSIONER BURCH: No, January 10th unless
11 documentation (inaudible).

12 CHAIR O'DONNELL: Okay, if we could get a motion
13 on that.

14 VICE CHAIR KANE: She just made it.

15 COMMISSIONER BURCH: That was my motion.

16 CHAIR O'DONNELL: Okay, go ahead.

17 VICE CHAIR KANE: Second.

18 CHAIR O'DONNELL: All right, moved and seconded.
19 All those in favor say aye. It passes unanimously. Thank
20 you, all.
21
22
23
24
25