



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

SPECIAL MEETING DATE: 05/27/2025

ITEM NO: 1

ADDENDUM

DATE: May 23, 2025

TO: Mayor and Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider a Recommendation by the Planning Commission to Adopt a Resolution to Approve Architecture and Site, Conditional Use Permit, Subdivision, and Mitigated Negative Declaration Applications to Demolish the Existing Commercial Structures, Construct a Mixed-Use Development (30 Multi-Family Residential Units) with Commercial Space on the Ground Floor, Approve a Condominium Vesting Tentative Map, and Remove Large Protected Trees Under Senate Bill 330 (SB 330) on Property Zoned C-2. APNs 529-28-001 and -002. **Located at 143-151 E. Main Street.** An Initial Study and Mitigated Negative Declaration Have Been Prepared. Architecture and Site Application S-24-007, Conditional Use Permit Application U-24-002, Vesting Tentative Map Application M-24-004, and Mitigated Negative Declaration Application ND-24-003. Property Owner: David Blatt, CSPN LLC. Applicant: Kenneth Rodrigues and Partners, Inc. Project Planner: Ryan Safty.

REMARKS:

Attachment 10 includes public comments received between 11:01 a.m., Thursday, May 22, 2025, and 11:00 a.m., Friday, May 23, 2025.

ATTACHMENTS:

Attachments previously received with the May 22, 2025, Staff Report:

1. Initial Study and Mitigated Negative Declaration – March 21, 2025
(available online at <https://www.losgatosca.gov/DocumentCenter/Index/2225>)
2. Draft Resolution making the required findings and approving the applications subject to the Conditions of Approval (included as Exhibit A)
3. March 26, 2025, Planning Commission Staff Report, with Exhibits 2 through 22
4. March 26, 2025, Planning Commission Addendum, with Exhibit 23

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

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SUBJECT: 143-151 E. Main Street/S-24-007, U-24-002, M-24-004, and ND-24-003

DATE: May 23, 2025

5. March 26, 2025, Planning Commission Desk Item, with Exhibit 24
6. March 26, 2025, Planning Commission Verbatim Minutes
7. Applicant Letter from Legal Team
8. Existing and Proposed Building Footprint Comparisons
9. Public comments received by 11:00 a.m., Thursday, May 22, 2025

Attachment received with this Addendum Report:

10. Public comments received between 11:01 a.m., Thursday, May 22, 2025, and 11:00 a.m., Friday, May 23, 2025

Lisa C. Roberts / Peter M. Rehon

[REDACTED]
Los Gatos, CA 95030
[REDACTED]
[REDACTED]

May 22, 2025

VIA EMAIL ONLY

Matthew Hudes, Mayor (mhudes@losgatosca.gov)
Rob Moore, Vice Mayor (rmoore@losgatosca.gov)
Mary Badame, Council Member (mbadame@losgatosca.gov)
Rob Rennie, Council Member (rrennie@losgatosca.gov)
Maria Ristow, Council Member (mristow@losgatosca.gov)
Chris Constantin (cconstantin@losgatosca.gov)
Ryan Safty (rsafety@losgatosca.gov)
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: 143 and 151 East Main Street Application

Dear Mayor, Vice Mayor, Council Members, Mr. Constantin, and Mr. Safty:

Good morning and I hope this letter finds you all well.

This letter sets forth the opposition of my wife, Lisa C. Roberts, and me to the application by CSPN, LLC (the "Applicant") to construct a four-story, 30-home, 80-parking space, mixed use housing development on the property located at 143-151 East Main Street (the "Proposed Project"), directly across the street from Los Gatos High.

As some of you know, Lisa and I have lived at our home on [REDACTED] for over 37 years. Two of our children had the good fortune of having attended and graduated from Los Gatos High, along with having attended Van Meter Elementary and Fisher Middle Schools.

There are 29 homes on [REDACTED]. The Proposed Project is the equivalent of having everyone on [REDACTED] live in one four-story building directly across from Los Gatos High, along with their approximately 60 cars.

The location makes this Proposed Project unsafe. It is directly across the street from Los Gatos High School on a very heavily trafficked street. I have seen for

myself children crossing the street at grave risk for harm, and the construction of a project of this size will dramatically increase traffic and the risk of serious harm to children. With 30 units and 80 parking spaces, we can expect the residents of the project to have at least 60 cars that will go to and from the project at least twice a day at times when high schoolers are crossing the street. I am no traffic manager, but I do know that, for every additional car on the road, the risk of accidents and injuries increases. And only one child injured as a result of this Proposed Project is one child too many.

As I said, two of our children attended Los Gatos High for all of their high school years, and it was always challenging and worrisome for them going to and from school. This enormous project will only make the high school area more unsafe, which is precisely why Dave Poetzinger, Los Gatos High School principal, opposes this project. I also understand that the District Superintendent opposes this project as well for the same reason: It poses a grave threat to the health and safety of the children who attend the High School.

As you know, only four of the six planning commissioners recommended approval, and those that did apparently did so because they felt they had no choice under the Government Code. It has been implied that State Law, specifically Government Code section 65589.5(d)(5), the so-called "Builder's Remedy," requires the Town to approve this project. It does not, and any suggestion that it does is simply incorrect as a matter of law.

Government Code section 65589.5(d)(5), known as the "Builder's Remedy," is a provision of California's Housing Accountability Act that prevents jurisdictions without a substantially compliant housing element from denying certain housing projects, even if such projects do not comply with the jurisdiction's zoning ordinance or general plan.

First of all, we do not believe that the Builder's Remedy even applies since the Project does not meet the affordability requirements of Government Code section 65589.5.

Even if it does apply, the Town can and should deny approval of the Project if the Town finds that it presents clear and irremediable health and safety threats to the community.

Under Government Code section 65589.5(d), a project that qualifies for the Builder's Remedy can still be denied or conditioned in a way that renders it infeasible in circumstances where the reviewing jurisdiction concludes that the project would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income households.

Such is the case here. Simply put, too many cars, too close to the school, and too much risk to the children of Los Gatos.

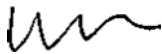
In short, you can listen to the citizens of our fair town, the high school principal, the high school district superintendent, two planning commissioners, and simple common sense, or you can take the high-risk bet believing an out-of-town developer who is trying to maximize profit at the expense of public safety. So we are clear, I am completely in favor of making money and a decent profit on real estate developments. I am not in favor of sacrificing the safety of our children and adults, many of whom, like me, are elderly and slow-moving, simply to maximize profit.

I, like my neighbors, do not oppose development of this property. Developing it as a commercial or retail space with a greatly reduced number of residential units would be an asset for the community and would give the owner a very nice profit with far less cost and risk. As my dear friend and neighbor, Brent Knudson at 25 Alpine, put it nicely: building a "4 story/30 condo/80 parking space/retail development isn't the right peg for the hole."

Good money can be made by developing this property in a way that is safe. The Town Council should send this precise message to the Applicant when it denies approval as it should.

Thank you for your consideration of the foregoing.

Very best regards,



Peter M. Rehon

Cc: Lisa C. Roberts
Miles Inwalle, Esq., Coblenz Patch Duffy & Bass LLP, counsel for
CSPN, LLC (via email only, [REDACTED])