

From: Diane Michaelis [REDACTED]
Sent: Friday, November 18, 2022 2:45 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Cc: Ryan Safty <RSafty@losgatosca.gov>
Subject: 400 Surmont Dr - Planning Commission Meeting 11-21-2022

EXTERNAL SENDER

Dear Planning Commissioners,

It has come to our attention that the permit application presented to the Town is grossly inaccurate in several areas, including its description of the visibility analysis. The newly proposed houses violate the very intent of the Los Gatos Town Hillside Specific Standards and Guidelines. As the recently erected story poles and netting reveal, both of the houses are extremely visible from the view platform, referenced in the Constraints Analysis and Site Selection. The houses dominate, rather than blend in with the scenic appearance of the open hillside. As neighbors, our views and privacy will be significantly impacted, especially by the large, bulky upper house.

The proposed development does not maximize a contiguous open space, but rather would interfere and abruptly end the Open Space Easement that exists on our adjacent property. This easement, which was dictated by the Town of Los Gatos, when our property was created by a 1985 subdivision, prohibits any development on the hillside. The proposed development would essentially negate the intent of that open space easement, which sought to preserve the continuous natural scenic hillside beauty, as described in the current hillside standards.

All new hillside construction should be required to adhere to the Los Gatos Town Hillside Specific Standards and Guidelines, which were established in order to protect the views of the hillsides from adverse visual impacts, to maintain the natural appearance of the hillsides from all vantage points, to maintain the character of the hillsides and maximize the contiguous natural open space and to ensure that the development does not dominate, but rather visually blends and achieves harmony with the natural environment. It should be clear that, in order to achieve this objective, those seeking to develop within this environment are required to recognize and respect the constraints associated with hillside development.

Diane Michaelis

The following is for public record for the town of Los Gatos, to document specific and formal objections to the proposed development at 400 Surmont Drive that are being presented at the Planning Commission Public Hearing on Monday, November 21st, 2022 at 7pm.

To Ryan Safty and members of the Town of Los Gatos Planning Commission, I hope this finds you all doing well.

As you know, Story Poles for the housing development on Surmont Drive are up, and I would like to invite you to come up to the front of our home to see them.

I encourage you to view these proposed houses from our perspective – from our front porch, in relation to the home we've lived in for over 43 years – and in doing so, to seriously consider the following issues:

1. Absolute Minimums

The Story Poles erected last month show that the proposed 4,700+ square foot house closest to us would be the **absolute minimum distance** allowed by the town: exactly 20 feet from our property. This is one of the main reasons I invite you to come and stand by our front porch to see and to feel just how uncomfortably close this house would be.

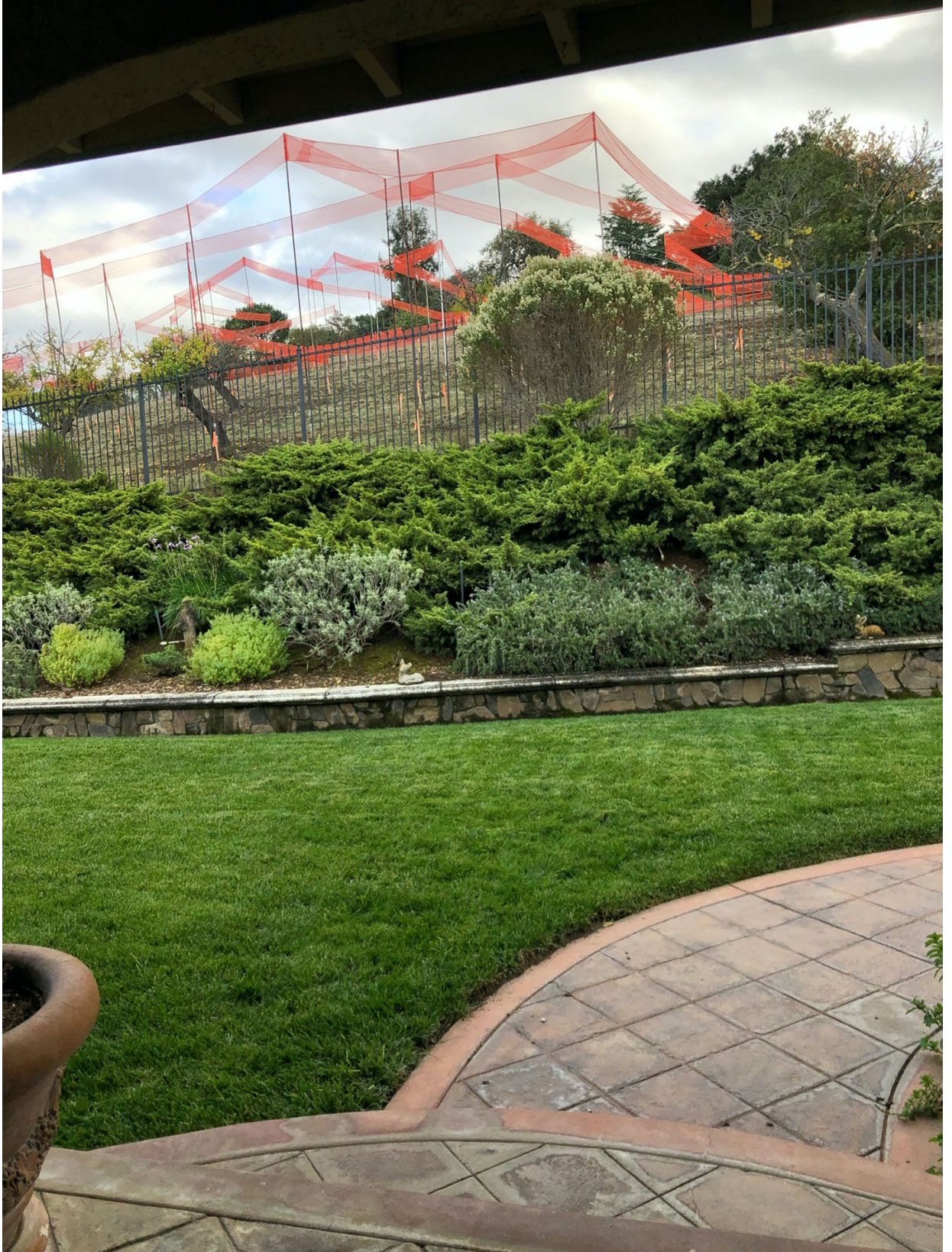


PHOTO TAKEN FROM OUR PORCH

In the original subdivision proposal for 400 Surmont Drive, it states: “both houses are planned to be one-story with generous setbacks and floor plans that nestle into the hillside terrain.” These proposed houses are FAR from nestled into the hillside; they are all on top of one another! Further, and more critically, with the increase in wildfires in California, we ask that the town consider the Defensible Space and Open Space Easement ordinances to **keep all homes safe** (not just ours) before allowing houses of this size to be built in such close proximity.

The proposed Shared Driveway for this development is also at the absolute minimum: just 12 feet wide. (More about this driveway below.)

2. A Major Exception

Each of the two proposed houses exceeds the maximum height allowance for the town’s limits for hillside homes which, as you know, is 18 feet. These houses range from approx. 22 to 24 feet at their highest point.

We are opposed to this, as it would overpower the front of our home. And with TWO houses of this size, it would create an overbearing presence in the neighborhood. (See photos below)



Photo taken from Leigh Ave & Blossom Hill Rd



Photo from viewing platform at Los Gatos-Almaden Road and Selinda Way

Thus, as the Hillside Specific Plan states, if a house is more than 25% visible from the viewing platform at Los Gatos Almaden Road and Selinda Way, then it could be required to lower the ridge height to 18'.

3. The Storm Drain/Culvert

After hiring our own land surveyor, we learned that the proposed Shared Driveway for this development will be so close to our property that we decided to put up a low-lying barrier along the southwest corner of our property so the developers would not come onto our property during construction, as it would be a liability for us. This, as we understand it, is because the developers refuse to move forward with the original plan to extend Surmont Drive and build a cul-de-sac that would properly service these new houses. Instead, they plan just to leave the old existing storm drain in the middle of three active driveways. When we asked why the cul-de-sac was no longer being considered, we were told by the developer that the town of Los Gatos had voted against it. I asked Ryan Safty for documentation on this, and this was his reply on 3/16/22:

Hi Paul,

Please see attached the CDAC report and meeting minutes. The plans that went before CDAC showed the cul-de-sac bulb. The meeting minutes state the following:

- *The Committee did not express concerns with the proposed cul-de-sac and lot configuration.*

Respectfully,

Ryan Safty • Associate Planner

We respectfully ask the town to reject the Requested Approval for Construction of a Shared Driveway and to inquire as to why the cul-de-sac plans have been abandoned, and why the developer is not building **proper and safe** access to private driveways for hillside houses. There is nothing in the environmental report that states that the current storm drain cannot or

should not be moved further up Surmont Drive and a sounder and more appropriate culvert be constructed.

The existing culvert is a serious safety issue and needs to be reconsidered before any development is done. Although the town recently came out and replaced the wood around it, this did nothing to reinforce its banks. It is crumbling on both sides, and now, after the workers were here, the main pipe is filled halfway with dirt.



And it will continue to crumble deteriorate as numerous vehicles, workers, machinery and equipment disturb the land as they develop around it.

We would ask that it be relocated several yards up the hill to a safer area so that three driveways are not in direct line with it, and the new private driveway is not encroaching on our own driveway and property.

If left in its current location and two acres of land are bulldozed, this development would not only change the entire flow of water coming off the hill, but it would also restrict access to Fire and Sanitation Vehicles, which brings me to the last concern:

4. The Garbage Can issue.

In my letter to the town in March of 2021, I raised concerns about the number of garbage cans there would be if these houses were built. The following is, in part, what I wrote:

“At our house, we have 5 garbage cans. In the heavier growing season, we have 7. Sandy has 5 generally, but sometimes 8. And she brings them down from her property and places them in front of our house, as that is the only place on Surmont Drive for them. Her property has no curb space for garbage cans. Neither does the Bates’ property [REDACTED]). Currently, every Thursday/Friday, along with the other 3 homes that share road space for cans, somewhere between 16 and 21 garbage cans are placed on Surmont Drive.

“Each of the two approved subdivisions is ~1.3 acres, so they could potentially have 5-7 cans each as we do, which would mean 10-14 more garbage cans. (15-21 if a third home is built). Where are these 34-45 cans going to go? Not at the top (hammer head) of this proposed Shared Driveway. And, contrary to what the developer has stated, West Valley Collection & Recycling will NOT guarantee that they will send a smaller garbage truck up the private driveway except for an “on-site prem” (disabled) provision. “The cans must be curb- side”

I have called West Valley Collection & Recycling several times to talk with Matt Chapa, the supervisor who came out to Surmont Drive earlier last year to talk with us about garbage removal for this development, and he told me that, in fact, they CANNOT guarantee (in writing or otherwise) that they will send a smaller garbage truck up a private driveway. I followed up this past week (11/9/22) and spoke with an employee named Eddie, and he said to me, "We don't even *have* small trucks!"

Given the above four issues, we ask that the town reject the requests for approval for Construction of a Shared Driveway, Two New Single-Family Residences to Exceed the Maximum Height for Visible Homes in the Hillsides, and Site Work Requiring a Grading Permit on Vacant Property Zoned HR-2 ½.

Again, I hope and encourage each of you to come up to view the Story Poles, the Storm Drain, and the proximity of the proposed driveway to our property. You have my permission and the permission of my entire family to walk up our driveway to get a closer look and feel at what is being asked of you to vote on.

Thank you for your time.

Paul Cosentino



From: Todd Osborne [REDACTED]
Sent: Sunday, November 20, 2022 8:11 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Cc: Todd Osborne [REDACTED]
Subject: Osborne Family Public Comment Document Submission: For 400 Surmont Court PLANNING COMMISSION Hearing on Monday 11/21/22 at 7PM

EXTERNAL SENDER

To: Mr. Ryan Safty and Town of Los Gatos Planning Commission,

Fm: Todd Osborne and Cindy Osborne Family
[REDACTED], Los Gatos, CA 95032

Re: Public Comment Submission for Public Record, Hearing About 400 Surmont Drive, Monday 11/21/22 at 7pm

Please find the attached .pdf format document with the public comments from our family, a neighbor to the 400 Surmont Drive project being considered at the Planning Commission hearing.

Thank you for placing this in the public record as you review the proposal and agenda items as defined in the hearing notice we received via mail.

Sincerely,

Todd Osborne and Cindy Osborne Family
Sunday 11/20/22

PS. Due to a work commitment, it is unlikely that we can attend the 7pm hearing in person via Zoom. Please received and present our public comments. Thank you.

Todd and Cindy Osborne Family

[REDACTED], Los Gatos, CA 95032

Los Gatos Planning Commission Members

Attn: Mr. Ryan Safty, Project Planner, Town of Los Gatos

RE: 400 Surmont Drive Development, Public Hearing Scheduled for November 21, 2022

DELIVERED SUNDAY 11/20/2022 VIA EMAIL: PLANNINGCOMMENT@LOSGATOSCA.GOV

NOTE: DEADLINE FOR SUBMISSION PER GREEN MEETING NOTICE IS MONDAY 11.21.22

11AM

TO: Mr. Ryan Safty and Members of the Town of Los Gatos Planning Commission;

We are writing to place into the public record our family's PUBLIC COMMENTS. Please see the following letter delivered via email to the PLANNING COMMISSION for consideration at the public hearing on Monday, November 21st, 2022 at 7pm.

Specifically, we believe the developer's plans for 400 Surmont Drive do not align with the requirements, objectives, and goals of the ***Town of Los Gatos Hillside Development Standards & Guidelines*** approved by the Town Council in 2004.

We also believe the developer's actual plan, as defined by Story Poles now in place and described in the ***Updated Revised Letter of Justification and Description*** dated August 9, 2022, is highly inconsistent with what was communicated to neighbors dating back to August 2020. The current plan and elements under consideration by the PLANNING COMMISSION should be rejected, included the 3 items listed here:

1. Construction of Shared Driveway
2. Two New Single-Family Residences to Exceed Maximum Height for Visible Homes in the Hillsides
3. Grading Permit on Vacant Property Zoned HR-2 ½, APN 527-20-003

We support a fair minded, reasonable development, but only a plan that meets the town's baseline and is safe and appropriate, matching or exceeding existing standards and guidelines without exception.

Overview Details:

After reviewing the materials provided by the developer by mail (August 2000) to our family as a "neighbor" and then reviewing additional documents subsequently uploaded by the developer and 3rd parties working on behalf of the developer, we find that many of the original promised attributes/details of the development have changed for the worse and ask the Planning Commission to review/reject all of the proposal elements and waivers until changes are made by the developer for reasons that include:

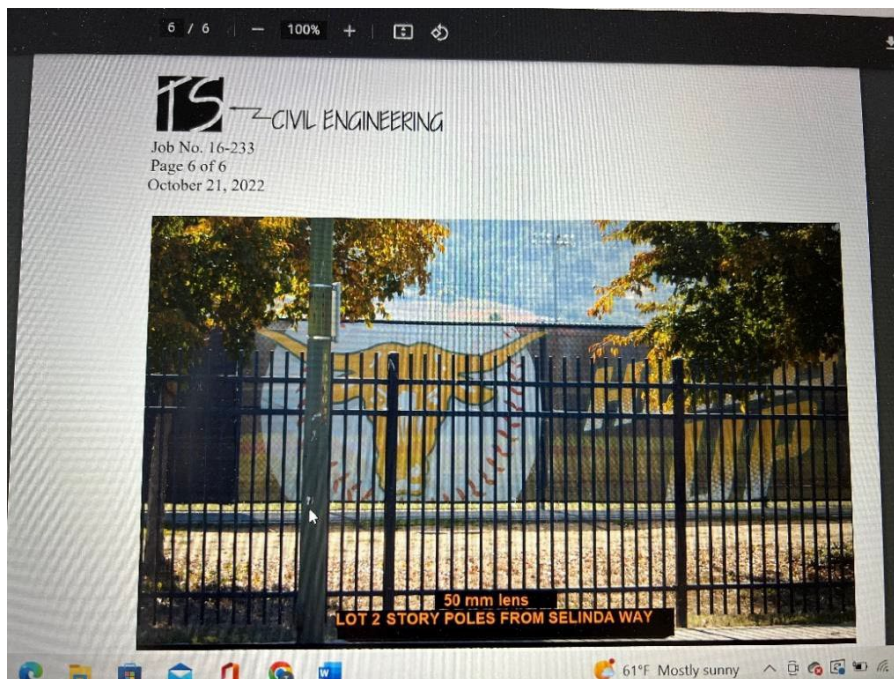
1. Open Space Views and Requirements Not Supported by Home Locations/Designs
2. Change from Single Story to Multi Story Requiring Waiver on Maximum Height
3. Safety and Access Hazards Due to Lack of Promised Generous Setbacks

The developer's new waiver/permit requests demonstrate that the project DOES NOT meet a baseline standard to move forward and should not be given any waivers or exceptions to the town's standards and guidelines for hillside development.

An immediate example that negatively impacts public good at large and the Town of Los Gatos can be seen in the photo below, taken from the defined town Viewing Platform, of the installed Story Poles. Homes stand out and are obvious to the naked eye (photo in 50mm focal length), with one entire home is 100% visible and the second at least 80% visible.



Oddly, the photo in the Visibility Study provided by TS Civil Engineering in the **Updated Visibility Study** document purported to be taken from the town's Viewing Platform does not represent the reality of the scene. The photo (50mm focal length from LG-Almaden and Selinda Way) is not from Viewing Platform and camera is directed at the ground rather than the hillside Story Pole locations. This is clear case of incorrect documentation.



Additionally, it's particularly problematic to us that the civil engineer report(s)

devalue the Town of Los Gatos Hillside Standards and Guidelines, stating/implying they are archaic, bogus, and should be invalidated, using the term “illogical aberrations” and apparently not worthy of the developer’s consideration or concern. See actual final paragraph:

“It should be noted that somehow the good intentions of the Hillside Specific Plan visibility policies related to only “ridgeline projection” have evolved over 40 years to now require “invisible residences,” The proposed residences are neither unsightly nor obtrusive, and the original staff who developed these policies in the 1980s would be disappointed about the present illogical aberrations...”

The developer and civil engineer should not be permitted to submit false or misleading information to fit their preferred narrative while disregarding the Town of Los Gatos Hillside Standards and Guidelines (which exist for all residents and the public good at large).

Additional Concerns:

HILLSIDE STABILITY AND DRAINAGE: Additional impacts to the public good and the neighborhood directly below 400 Surmont Drive that we believe should be addressed by the Planning Commission include changes of hillside integrity and stability. New grading permit for this development will absolutely affect changes to existing hillside open space. Unintended consequences that include potential for change to water runoff, altered drainage flow, increased chance of mudslide and instability, and even expanding possibility of flash flood (especially if/when the minimal existing drainage areas / culvert become blocked or collapse).

WILD FIRE DANGER AND DRIVEWAY ACCESS: We believe the proposed home locations and development of this hillside open space property as currently designed, increase the chance of major fire events and reduce the ability of emergency first responders to access and fight wildfire. The proposed shared driveway is a specific concern as the maximum space available is apparently limited to only 12 feet width and required fire equipment turning radius appear uncertain from plans (with construction of driveway between proposed walls, drainage culvert, and property line). Should the driveway be blocked by parked vehicle(s) there is no chance that fire engine could access up the hillside or even as far as the two proposed homes. That inability to fight a fire means a far greater chance that a fire will spread to the neighborhoods below 400 Surmont Drive and beyond.

WILDLIFE HABITAT AND INVASIVE AFFECTS: The positive aspects of wildlife in our neighborhood have already been impacted by hillside development activities. And unintended consequences have appeared including present in prior 24 months of dangerous animals being pushed into existing neighborhood because of development work. Rattlesnakes are now commonplace despite fact we’ve never seen a rattlesnake on our

property before August 2020.

Rodents too have infiltrated down the hillside and become problematic for the first time in over 20 years.

PROBLEMATIC LOGISTICS OF GARBAGE COLLECTION: The existing street design creates a significant amount of garbage can congestion two days a week (Thursday and Friday) when a large number of family homes place their garbage cans (organic, recycling, and regular garbage) in a very small area at and near the intersection of Surmont Drive and Surmont Court. Because existing and proposed hillside homes have no curbside, the existing access and visual nuisance will be made worse with large volume of new cans.

HILLSIDE VIEW TO RIDGELINE FROM [REDACTED]: As final photo submission confirms, our family loses a significant portion of the ridgeline view we've enjoyed in the 23 years we've lived in our home. Height waiver should not be granted for this reason as well.



Photo above taken from deck at 50mm focal length from [REDACTED].

Thank you for your attention and consideration to the issues we've raised in this letter.

Sincerely,
Todd and Cindy Osborne
[REDACTED]
Los Gatos, CA 95032

From: Carol Muser <[REDACTED]>
Sent: Monday, November 21, 2022 9:38 AM
To: Planning <Planning@losgatosca.gov>
Subject: SPECIAL MEETING AGENDA NOVEMBER 21, 2022

EXTERNAL SENDER

To the Town of Los Gatos Planning Commission,

Thank you for strongly encouraging my active participation in the public process.

In regard to the agenda of today's meeting,

I am writing to express my belief that State Minimum Fire Safe Regulations should be upheld without this exception.

I am also writing to express my belief that Maximum Height for Visible Homes in the Hillside should not be exceeded.

Regards,

Carol Muser

[REDACTED]
Los Gatos, CA 95032
[REDACTED]

TOWN OF LOS GATOS
PLANNING COMMISSION - SPECIAL MEETING AGENDA NOVEMBER 21, 2022
110 EAST MAIN STREET
LOS GATOS, CA

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy.

1. Requesting Approval for Construction of a New Single-Family Residence and Site Improvements Requiring a Grading Permit and an Appeal of a Santa Clara County Fire Department Decision Denying a Request for an Exception to the State Minimum Fire Safe Regulations on Property Zoned HR-1. Located at 17121 Crescent Avenue. APN 532-21-007. Architecture and Site Application S-21-021. PROPERTY OWNERS/APPLICANTS: Eric and Lee Ann Wade.

PROJECT PLANNER: Sean Mullin.

2. Requesting Approval for Construction of a Shared Driveway, Two New Single-Family Residences to Exceed the Maximum Height for Visible Homes in the Hillside, and Site Work Requiring a Grading Permit on Vacant Property Zoned HR-21/2. Located at 400 Surmont Drive. APN 527-20-003. Architecture and Site Applications S-21-004 and S-21-023. PROPERTY OWNER: Sandra K. Anderson, TTE. APPLICANT: Studio 3 Design. PROJECT PLANNER: Ryan Safty.

<https://mccmeetings.blob.core.usgovcloudapi.net/losgatos-pubu/MEET-Agenda-7653826a7a76470f8a5d67303af1bfc1.pdf>