

Hi Mike and Diane

I received a copy of your e-mail to Jennifer Armer from Ryan Safty, our Project Planner, and I am responding to same with hopefully some helpful information.

As now know, the story poles for both homes are up, so our plans are now clear and transparent as you request. To clarify, the home on Lot #1, the lower of the two homes, is a one story home with 3,685 square feet. Lot #2, the upper one of the two homes, is a one story home with 3,450 square feet. Both homes, like yours, are smaller than allowed to be constructed on the sites. Lot #1 is not visible from the viewing platform in San Jose. Lot #2 is over 25% visible from the viewing area so we will be looking to the Planning Commission to direct us on ways to mediate this minor exception to the Hillside Development Standards, such as adding some tree screening.

Please let me know if I can provide you further clarification for our project relative to a potential impact on your home.

Thanks

Bob

Robert O. Hughes
THE BUILDING WORKS



Hello Paul

Ryan forwarded your attached letter to the Planning Commission for my review and comment as needed. On review of your letter, I have deemed that a meaningful response is necessary to avoid confusion to those that might read your letter during this process. To follow the points of your letter, I offer the following:

1) ABSOLUTE MINIMUMS:

First let me provide the actual details of the proposed homes. The project signs posted state the home on Lot #1 is 4,785 square feet broken down as 3,683 square feet in the Main Home, 996 square feet in the Garage, and 106 feet in a covered walkway. The home on Lot #2 is 4,834 square feet broken down as 3,450 square feet in the Main Home, 671 square feet in the Garage, and 713 square feet in non-habitable attic space over 7' tall. These are not monster homes by any means, and are comparable to homes in the neighborhood.

You are correct that the set back from property line is the required 20 feet minimum. The homes were plotted several times in an effort to minimize the impact on your home by shifting the homes to the East, beyond a direct impact on your front door. The front corner of the home closest to your home is 20' off your property line and the rear corner is 40' off your property line as another effort to lessen the impact at your property.

I can understand your concern for change to what you have lived with for 43 years. I suspect what you are feeling is probably the same as the then neighbors North of your parent's parcel at the time they proposed building a home directly above their home. A lot of anxiety during the process, but in the end things usually work out and settle down. It did for your parents and that neighbor, and I suspect you will experience the same result over time.

As for your concern for the potential fire as a result of these homes being built, I believe it is an unfounded concern. Both proposed homes are in Wildfire Urban

Interface High Fire Area meaning the homes must be built to specific fire prevention specifications in the Building Code (Section R337 of the 2019 California Residential Code). Additionally, both homes will have the required fire sprinkles, and defensible space and fire break Landscaping in accordance with plans and specifications prepared by a licensed Landscape Architect.

2) MAJOR EXCEPTION:

The Hillside Specific Plan does not specifically state the maximum height for a home is 18'. It does state that the maximum height is 25', and both homes are proposed within that maximum height restriction.

The Hillside Specific Plan does state that if the homes are more than 25% visible from the viewing platform at Los Gatos Almaden Road and Selinda Way, across the street from Leigh High baseball field, then it could be required to lower the ridge height to 18'.

It is understood that this height is an issue that requires an exception, and this request had been made. The Planning Commission will ultimately decide this issue with a response ranging from lowering the home to 18' or mitigate the height issue with additional landscaping around the homes amongst other possible mitigation possibilities.

It is important to keep in mind the Story Poles are a bright orange color, making it obviously stand out from the viewing point and from various points in the neighborhoods below the project site. The homes have been designed with colors that will blend into the surrounding foliage and be less visible than the story poles.

3) THE STORM DRAIN:

It is not true that the proposed access road will be on your property Paul. Your survey clearly shows a 30' access and utility easement across the front of your property that is to the benefit of the subject development parcel. It is important to note that this 30' easement is in addition to the Public Right Away reserved by the Town of Los Gatos. To put it bluntly, access to this project could be to proceed

up your driveway and make a sharp right hand turn onto the subject property, all within the easements.

When this project was first contemplated we had a meeting with your attorney at which time access to the property using the same “utility road” that has existed long before your home was built was offered to us. In exchange you requested that you would have continual access across a portion of the subject property to facilitate landscape maintenance between the wrought iron fence your Father built well onto your property and the boundary line for the proposed home to be built on the lot closest to your home. We agreed that was a doable situation, but subsequently when I inquired about moving forward with that proposal by contacting your attorney, I was told he was no longer retained by you, and that the “offer” was no longer valid. Since then we have been diligently working to gain approval of an access road to the project that meets the requirements of all development departments in the Town, while avoiding any encroachment onto the public right away that you allege is your property. And that is where we stand today.

I am not certain if you have reviewed the latest plans that depict the conditions I note above, so I will drop off a full size civil plan set to your home in the next day or so. By the same token, it is important that you realize property in the Town Right-Away is not your property.

Yes, the original proposal presented to the Conceptual Development Advisory Committee meeting on January 9, 2019, did propose a cul-se-sac. You attended that meeting, and there were comments made at that meeting suggesting that we needed the cooperation of the neighbor to the west of the subject property to be able to make the proposed cul-de-sac work. That neighbor was represented at that meeting, and he stated that they had no interest in participating in the widening of our driveway to accommodate the proposed access road. I subsequently contacted the Owner of the property, and she reiterated what her representative said in that meeting.

The existing driveway is 9.5 to 10.0 wide depending on where you measure it. The right side of the driveway (as you drive up) pretty much designates the common property line between the 2 properties. I understand it is deceiving because the

area (about 20' wide) to the right of the property is maintained by Sandy Anderson, the Owner of the subject property, for "curb" appeal to her home.

By using the driveway as the access to the development, that road would be serving three (3) homes at which time the requirement of the Santa Clara County Fire Department for the driveway width becomes 20'. Twenty feet cannot be achieved between the property line and the creek, which is environmentally protected.

That leaves the proposed access to the project as the only viable one for consideration.

The existing storm drain is addressed in the improvement plans I will be dropping off at your home in the next day or so. The railing around the storm drain will be rebuilt to Cal Trans specifications as requested by the Town of Los Gatos Public Works Department.

The proposed access road to the project has been approved by the Santa Clara County Fire Department.

The four (4) "driveways" (yours, the new development access road Anderson, and Bates) that will come off the existing rural end of Surmont Drive are separated to the required cul-de-sac spacing in accordance with the Town of Los Gatos Public Works Department specifications.

As for the trash can collection, I think you have somewhat been over dramatic regarding the situation. Yes, Anderson does bring her five (5) trash cans down to Surmont Drive to facilitate the weekly trash pick. They are brought down late Thursday, and picked up a little afternoon on Friday, assuming the trash pickup has been done by then. You are correct, the trash cans are placed at curb side at the far south of your property frontage so as to not interfere with the placement of your trash cans. I have to stand by the documented comments Matt Chapa made when we all met on March 31, 2021, that trash for the two proposed homes can be picked up on the hammerhead portion of the development.

My team looks forward to discussing these items of concern with you at the Planning Commission Meeting on Monday, November 21, 2022.

Respectively submitted
THE BUILDING WORKS

Robert O. Hughes

ROH/BS

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To the Planning Commission of the Town of Los Gatos,

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 we would like you to seriously consider the following issues when voting on the plans for this development:

1. Absolute Minimums

The Story Poles erected last month show that the proposed 4,700+ square foot house would be built at the **absolute minimum distance** allowed by the town: exactly 20 feet from our property. This is one of the main reasons I am inviting you to come and stand at our front porch to see and feel how uncomfortably close this house would be. Further, and more critically, with the increase in wild fires in California, we ask that the town consider the Defensible Space ordinance to keep all homes safe before allowing houses of this size to be built in such close proximity.

2. Major Exception

Each of these proposed houses exceeds the maximum height requirement 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 major exception to the town's height requirement as it would overpower the front of our home and create an overbearing presence to the neighborhood. (see attached pics taken from Leigh Ave & Blossom Hill Rd)

3. The Storm Drain

After conducting a property survey of our own, we learned that the proposed driveway will actually be ON our property. This, as we understand it, is as a result of a refusal on the developer's part 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 active driveways. When we asked why the cul-de-sac is no longer being considered, we were told by the developer that you, the town counsel of Los Gatos, had voted against it. I checked with Ryan Safty for documentation on this, and this was his reply:

Hi Paul,

Please see attached for 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

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

We respectfully ask the town to address why the cul-de-sac plans have been abandoned, and why Surmont Drive is not being extended to allow proper access to private driveways to service these new houses.

The existing storm drain is a serious safety concern, and needs to be reconsidered. If left in its current location, this development would restrict access to fire and sanitation vehicles, which brings me to the last concern:

4. The Garbage Can issue has not yet been resolved.

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. 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 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 will not guarantee (in writing or otherwise) that they will send a smaller garbage truck up a private driveway. I followed up this past week and spoke with an employee named Eddie, and he actually said to me, "We don't even *have* small trucks!"

Again, I 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 before the next public hearing. (perhaps on a Thurs or Fri when all the garbage cans are out!)

Please call or text me to set up a date/time.

Thank you for your consideration in these matters.

Respectfully,

Paul Cosentino



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