

December 4, 2024

Town of Los Gatos
Via Email

RE: Appeal of the Planning Commission's Decision on the Proposed Structure at 15411 National Avenue

We the neighbors respectfully ask that an appeal be granted due to the following reasons:

- 1) The project is inconsistent with neighborhood compatibility, sizing, massing, and scale Residential Design Guidelines.
- 2) Clarification on neighbors' request on the size of the proposed structure.
- 3) Clarification needed on the condition of approval to relocate windows.
- 4) Clarification needed on the condition of approval regarding trees.
- 5) Ongoing tree maintenance covenant.
- 6) Unaddressed significant privacy and quality of life concerns given the intended use by the applicants.
- 7) Clarification regarding visibility of the proposed house from the street.

1) The project is inconsistent with neighborhood compatibility, sizing, massing and scale Residential Design Guidelines.

The proposed two-story, three level structure, with 3240 sq ft, a 901 sq ft oddly distributed garage, a 1700 sq ft basement, a 570 sq ft covered patio, and a 36 sq ft front porch coverage, ***totalling 6,447 sq ft of gross square footage***, plus an attic, is massive. The project maximizes the allowable size, which as one of the commissioners put it, "is a maximum, not a goal", and would be *by far* the largest structure among the surrounding single-family, residential homes. It is ***over twice the structural size of the largest adjacent*** two-story and single-story ***houses***, which also lie on similarly sized lots of approximately 10,000 sq ft. One of the commissioners said the proposed structure is "not that much larger than the next largest house" and that is incorrect.

The size, massing, scale, bulk and style of the proposed structure does not harmonize with the houses in the immediate neighborhood, including ours, and it stands out even more so by its location in the middle of the city block (in a flag lot / corridor lot), which causes it to overlook all the neighboring backyards from every side. This is not in line with the Residential Design Guidelines.

Furthermore, approving such a large structure sets an undesirable precedent and new size standard for the South side parcel, that is also over 22,000 sq ft with a single-story, single family home on the National Ave side, with an expansive empty rear area, to build a similarly large development in a potential rear flag lot. This will completely disturb and negatively impact the peaceful, private, quiet nature of the immediate neighborhood along the entire city block, multiple streets, especially private Leila Court, whose entire block of neighbors originally opposed the subdivision of the 15415 National Avenue to subdivide the flag lot of this application at 15411 National Avenue, in fear of the impact of their quiet, exceptionally private settings. We ask that the impact or setting a precedent for another possible subdivision and development on a rear flag lot, on all the long standing residents and the established neighborhood, be considered when making an exception to approve this exceptionally large project.

An important background point to note is that the applicants were not forced to build such a massive structure in the rear flag lot. They chose to do so by subdividing the 15415 National Avenue lot in 2020 and creating the 15411 National Avenue flag lot (they currently own both lots). This subdivision was originally opposed by all the neighbors on Leila Court at the time, and in the letter of justification the applicants stated that a reason to approve would be that ***splitting the lot would allow for two smaller structures to be developed (one in each lot), versus a large single one*** in a larger lot, more in line with the sizing and scale of the neighborhood. We believe the current application contradicts that argument.

Note also that the hospital building located at 15400 National Ave is completely outside the view from any of the surrounding houses, and thus does not contribute to the area around this flag lot, contrary to one of the applicant arguments in the justification for such a large structure. What's in front, across, of the applicant's proposed dwelling is not this hospital building, but their own single-story house on the front lot. The only part of 15411 National Ave that faces the hospital is the narrow street entrance to the very long corridor to get to the far away rear lot.

There is a joint letter of opposition on this matter from four neighbors on Blackwell Dr and Leila Ct and this concern has not been addressed.

Request:

Decrease the size of the proposed two-story structure to one that is less massive, more harmonious and in scale, bulk, and size with the surrounding structures and its positioning in the middle of the city block, by following the Residential Design Guidelines.

2. Clarification on neighbors' request on the size of the proposed structure.

Based on various comments made by some of the Commissioners during the hearing, we believe they incorrectly assumed that we the neighbors were asking that the application be changed from a two-story house to a one-story house. This is inaccurate – In fact, two of our properties are two-story houses (373 Blackwell Dr and 377 Blackwell Dr), so we have no fundamental opposition to another two-story structure. Our request is that the size of the proposed two-story structure be reduced to one that is less massive and more harmonious with the surrounding structures, especially given its location in the middle of the city block (flag lot), which causes it to overlook all the neighboring backyards from every side, as described in point #1 above.

Request: Decrease the size of the proposed two-story structure to one that is less massive, more harmonious and in scale with the surrounding structures and its positioning in the middle of the city block, by following the Residential Design Guidelines.

3. Clarification needed on the condition of approval to relocate windows.

One of the Commission's conditions for approval is that, in order to address the strong privacy concerns brought up by multiple neighbors before and during the hearing, "the applicants shall meet in good faith to relocate the offending windows such that they are the least offensive to the privacy interest of the neighbors." We feel that this language is vague and does not specifically state that the windows shall be relocated, or encompass all the windows brought up as an issue during the hearing. In multiple neighbor letters, there have been requests to relocate these windows and/or bedrooms due to privacy concerns. And in our own latest letter, we provided specific suggestions on how those offending windows might be moved to face East and West instead of North to address our primary privacy concerns. We also mentioned in the letter and hearing that there are other windows that are of significant concern to our property specifically and it is unclear, and open to interpretation, which and how many the approval of condition applies to. The Planning Commission tried to address the privacy concerns with this condition of approval, but it in effect does not. We believe that given the specific directive to address these concerns, the owners and architects can come up with a design that solves this.

Request: The condition of approval be amended to require redesign that all the offending windows shall be repositioned to a location that addresses the neighbors' privacy interests.

4. Clarification needed on the condition of approval regarding trees

One of the Commission's conditions for approval is that "the [privacy] tree species shall be mutually agreed upon by the neighbors that they are a minimum protective of privacy and non-allergenic to any of the neighbors." While we appreciate and value this condition, we believe it's insufficient to address the concerns we expressed before and during the hearing, given that the proposed plan includes planting privacy trees by the section of the North fence facing 373 Blackwell Drive only, but not the section facing our property at 377 Blackwell Drive.

Request: The condition of approval be amended to require that both the species and also the number and location of the privacy trees shall be mutually agreed upon by the neighbors.

5. Ongoing tree maintenance covenant.

All the adjacent neighbors have experienced difficulties with the applicants during the

last seven years since their ownership of the two lots, with multiple maintenance and repair and maintenance issues, specifically with respect to the level and speed of responsiveness even when dealing with severe damage caused by storms, for instance.

We all have severe concerns about their level of commitment to perform the adequate level and frequency of maintenance to the privacy trees (which will be on their property).

Request: Add as a condition of approval that an enforceable covenant of ongoing maintenance be established.



6.Unaddressed significant privacy and quality of life concerns given the intended use by the applicants.

We have significant privacy and quality of life concerns given the intended use of the flag lot by the applicants as a high-density multi-dwelling complex. This includes the

massive proposed 3-level structure, which could easily be subdivided at any time to be partially/totally used as multi-family dwellings, as well as their stated intent to build two ADUs in the future (which we understand is allowed by California law). While the applicant claims the proposed structure is a single-family residence, its size, design and layout suggest it could be easily converted into a multi-family dwelling or house several tenants. This would introduce an unacceptable level of density to an area that is not designed to handle such congestion. Increased numbers of occupants would increase the level of car traffic and noise in the middle of the city block (flag lot), and additionally place strain on resources such as street parking and street traffic. What may appear as a single-family home could, in reality, become a high-occupancy structure, putting further pressure on our infrastructure and the quality of life for current surrounding residents, by circumventing current zoning laws which are intended to prevent such overdevelopment. Our community has been thoughtfully designed to maintain the aesthetic and functional integrity of single-family residential zones. Approving a structure that will not align with the typical size, footprint, or use of single-family homes in the area sets a troubling precedent for future developments that could dramatically change the neighborhood's character.

Request: We respectfully encourage the Town Council/Planning Commission to reject this proposal. Allowing what is likely a multi-family unit to be disguised as a single-family home would not only be a violation of the zoning regulations but would also undermine the very fabric of our neighborhood. We ask that the size of the proposed two-story structure be reduced to one that is less massive, more harmonious and in scale with the surrounding structures and its positioning in the middle of the city block.

7. Clarification regarding visibility of the proposed house from the street.

Inaccurate information regarding the visibility from the street of the proposed development, given that one of the very large trees (#67) blocking the structure from the street shows as 'to be removed' in the development plans, and upon further inquiry continues to be in question as to whether it will remain or not. This was a stated key clarifying point for one Commissioner as she considered the applicant's not meeting one of the consulting architect's recommendations.

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We humbly and respectfully ask that this appeal is granted so that the applicants may submit a proposal that addressed all the issues listed above and they can move on to build an appropriate single family house, (two-stories is fair) for single family use in this single family residential area, taking into account the privacy, safety and neighborhood character interests.

Thank you for your time and consideration.

Sincerely,

Hellen Martinez

■ Blackwell Dr

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