TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 12/17/2024

ITEM NO: 18

DESK ITEM

DATE: December 17, 2024

TO: Town Council

FROM: Chris Constantin, Town Manager

SUBJECT: Consider an Appeal of a Planning Commission Decision to Approve an Architecture and Site Application for Construction of a Single-Family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned R-1:8. **Located at 15411 National Avenue.** APN 424-12-140. Architecture and Site Application S-23-033. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction. Property Owners: Vyankatesh and Ramya Muddada. Applicant: Jose Rama. Appellant: Hellen Martinez. Project Planner: Erin Walters.

REMARKS:

Attachment 11 includes public comments received between 11:01 a.m., Monday, December 16, 2024, and 11:00 a.m., Tuesday, December 17, 2024.

Attachment 12 includes the Appellant's Town Council presentation.

Attachment 13 includes the Applicant's Town Council presentation.

ATTACHMENTS:

Previously Received with the December 12, 2024, Staff Report:

1. November 13, 2024 Planning Commission Staff Report, with Exhibits 1 through 12
2. November 12, 2024 Planning Commission Addendum, with Exhibits 13 and 14
3. November 13, 2024 Planning Commission Verbatim Minutes
4. November 15, 2024 Planning Commission Action Letter with Modified Conditions of Approval
5. Appeal of the Planning Commission Decision, received January 22, 2024

PREPARED BY: Erin Walters
Associate Planner

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

6. Supplemental Correspondence from the Appellant, received December 4, 2024
7. Applicant's Response to Appeal, Received December 10, 2024
8. Draft Resolution to Deny Appeal and Approve Project
9. Public comments received between 11:01 a.m., Wednesday, November 13, 2024, and 11:00 a.m., Thursday, December 12, 2024

Previously Received with the December 16, 2024, Addendum:

10. Public Comments received by 11:01 a.m., Thursday, December 12, 2024, and 11:00 a.m., Monday, December 16, 2024

Received with this Desk Item:

11. Public Comments received by 11:01 a.m., Monday, December 16, 2024, and 11:00 a.m., Tuesday, December 17, 2024
12. Appellant's Town Council Presentation, received December 17, 2024
13. Applicant's Town Council Presentation, received December 17, 2024

From: Hellen [redacted]
Sent: Monday, December 16, 2024 11:01 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Fwd: Fw: 15411 National Ave project

[EXTERNAL SENDER]

Dear Erin,

Below is an email from the Applicants on December 2 where they proposed looking to the feasibility of moving their second story egress window from the North wall to the front (East) wall, if we agreed to drop our Appeal to the Town Council.

We do not believe that this proposal is acceptable in order to meet all our privacy concerns given that it does not address moving the second egress window in the second story, or the other offending windows in the garage, and upstairs storage room. And it does not address the issue with the size being out scale.

Thank you,
Hellen

From: Vyankatesh B [redacted]
Sent: Monday, December 2, 2024 12:50 PM
To: [redacted] Christian (National Ave Nieghbore) U. [redacted]
Cc: Ramya Muddada <[redacted]>; Jose Rama <[redacted]>
Subject: 15411 National Ave project

Hello Hellen and Christian,

We are looking into the feasibility of moving the second story first egress window location, to the front wall.

The second egress window already has enough privacy currently with the big oak tree and its not in the direct line of sight for you. Also, we cannot technically move it to the rare wall since there is not enough space on that wall and also it will be more closer to the rear neighbor.

If you are OK with this arrangement, you can consider pulling back your appeal.

Let me know at your earliest convenience.

Regards,

Vyankatesh (Venky)

From: Ramya Muddada [redacted]
Sent: Monday, December 16, 2024 12:51 PM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Fw: 15411 National Ave project

[EXTERNAL SENDER]

Hello Erin,

Below is the communication with the appellant, I think this should be part of the support,

Best,

Ramya

----- Forwarded Message -----

From: Ramya Muddada <[redacted]

To: [redacted] Christian (National Ave Nieghbore) U. <[redacted]; Vyankatesh B [redacted]

Cc: Jose Rama [redacted]

Sent: Monday, December 16, 2024 at 12:45:56 PM PST

Subject: Re: 15411 National Ave project

Hello, Hellen and Christian,

We looked into the feasibility of moving the second-story first egress window location to the front wall, but after speaking to my other neighbor on National, it will not be possible to move it.

Best,

Ramya

On Monday, December 2, 2024 at 12:50:27 PM PST, Vyankatesh B [redacted] > wrote:

Hello Hellen and Christian,

We are looking into the feasibility of moving the second story first egress window location, to the front wall.

The second egress window already has enough privacy currently with the big oak tree and its not in the direct line of sight for you. Also, we cannot technically move it to the rare wall since there is not enough space on that wall and also it will be more closer to the rear neighbor.

If you are OK with this arrangement, you can consider pulling back your appeal.

Let me know at your earliest convenience.

Regards,

Vyankatesh (Venky)

From: Ramya Muddada [redacted]
Sent: Tuesday, December 17, 2024 9:31 AM
To: [redacted] 'Jose Rama' [redacted]; Erin Walters <EWalters@losgatosca.gov>
Subject: Re: Public Comments - 15411 National Avenue - 12-16-24

[EXTERNAL SENDER]

Hello Erin,

Please see the attached letter in response to the appellant's letter received by the staff on 12.16.24,

Please let me know if you have any questions or concerns,

Best,

Ramya

On Monday, December 16, 2024 at 12:31:18 PM PST, Erin Walters <ewalters@losgatosca.gov> wrote:

Hello Jose, Venky, and Ramya,

Please see the attached public comment regarding the proposed 15411 National Avenue project. The comments will be included in a Desk Item report for tomorrow's Town Council report.

All comments received by 11:00 a.m., Tuesday, December 17th will be included a Desk Item.

Sincerely,

Erin Walters ● Associate Planner

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

Ph: 408.354.6867 ● 408-354-6872

www.losgatosca.gov ● ewalters@losgatosca.gov

COMMUNITY DEVELOPMENT HOURS:
Counter Hours: 8:00 AM – 1:00 PM**,** Monday – Friday
Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

TOWN CLOSURE NOTICE: Town offices will be closed from December 24, 2024, through January 1, 2025. Town offices will resume normal business hours on Thursday, January 2, 2025.

All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the Building and Planning webpages.

Dear Erin,

This letter is to address the appellants letter received by staff on 12.16.24

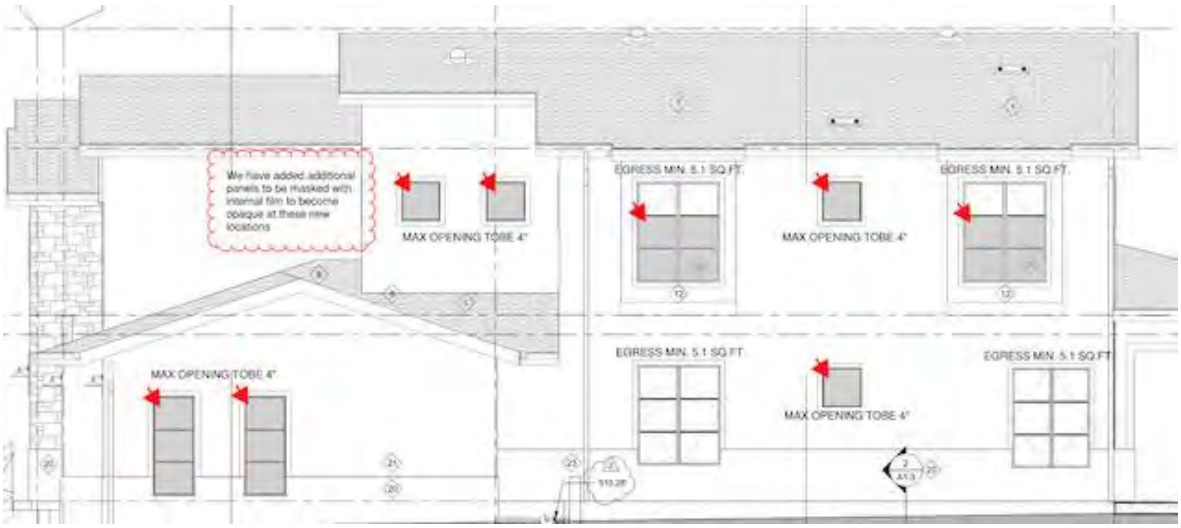
1. We definitely worked on the feasibility of moving the first egress window, but my other neighbor at 15385 National Ave is not willing to the change and sent a letter on 12/12/2024 reminding us of the assurance we had given him that we would not put a window on our front façade on the NE side.
Below are a few reasons why it is not feasible:

- Due to the driveway curve in that area, we can't add privacy trees that would block the window's view.
- We are not willing to Obscure/frost the windows on our front façade as it compromises our design element.
- Moving the window will not solve the issue of privacy, as we would still be able to see 377 Blackwell Dr.'s backyard and at least one window, and we would add one more neighbor to this mix.

2. Due to architectural reasons, we cannot move the second egress window. There is not enough space to put an egress window due to the patio roof, and we had assured 113 Leila Ct neighbors that there wouldn't be an egress window in the back of our property (staff has this communication as part of neighborhood reach-out).

The rest of the windows are non-offensive. The windows in the bathrooms and storage are not in the line-of-sight area as they start at 8ft and end at 6ft, and the garage window is non-living space and at ground level.

Even though the garage, storage, and bathroom windows are non-offensive, we have decided to obscure them and have an opening of only 4 inches.



3. With regards to the size and scale of the house – We are at a standard size for a multi-generational home.

From: Hellen [redacted]
Sent: Tuesday, December 17, 2024 10:27 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: Fwd: 15411 National Ave - Tower Visible from Street

[EXTERNAL SENDER]

Hello Erin,

Could you kindly include this desk item?

Thank you,

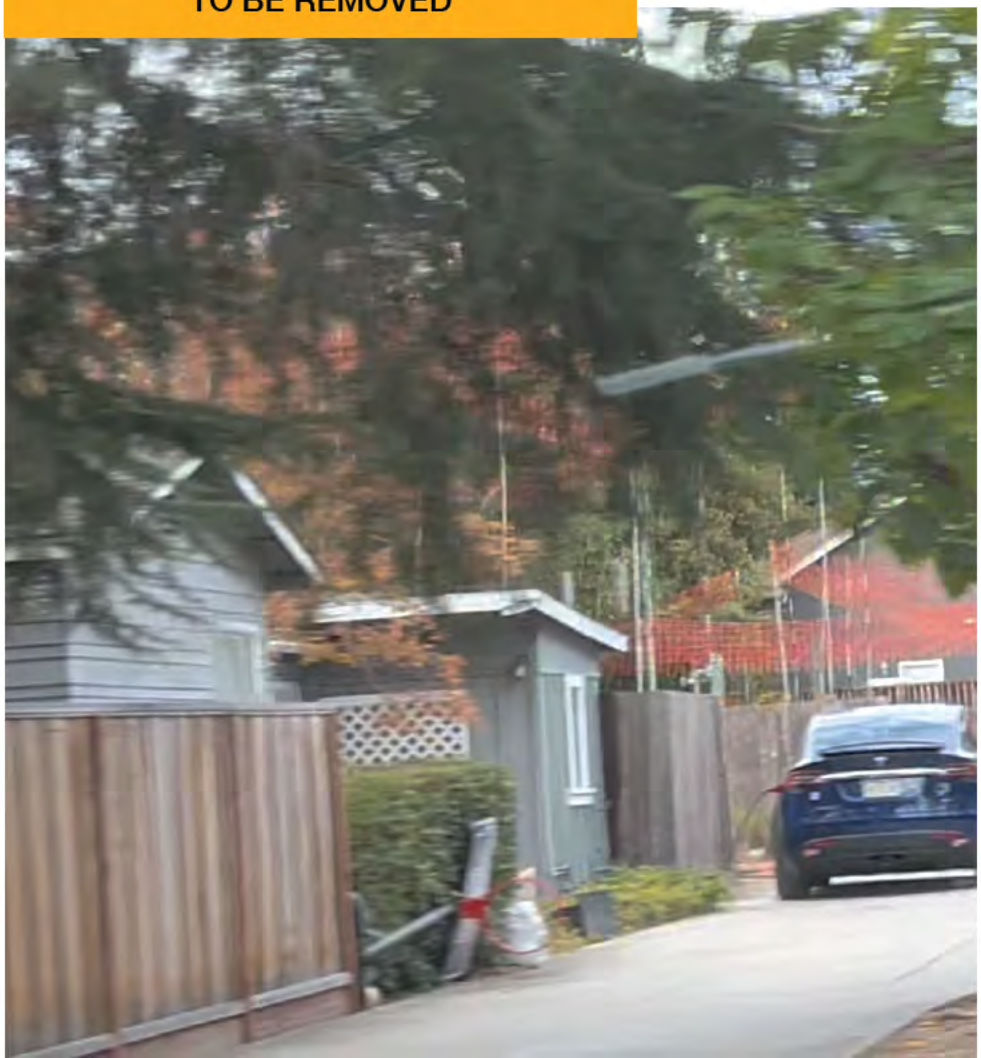
Hellen

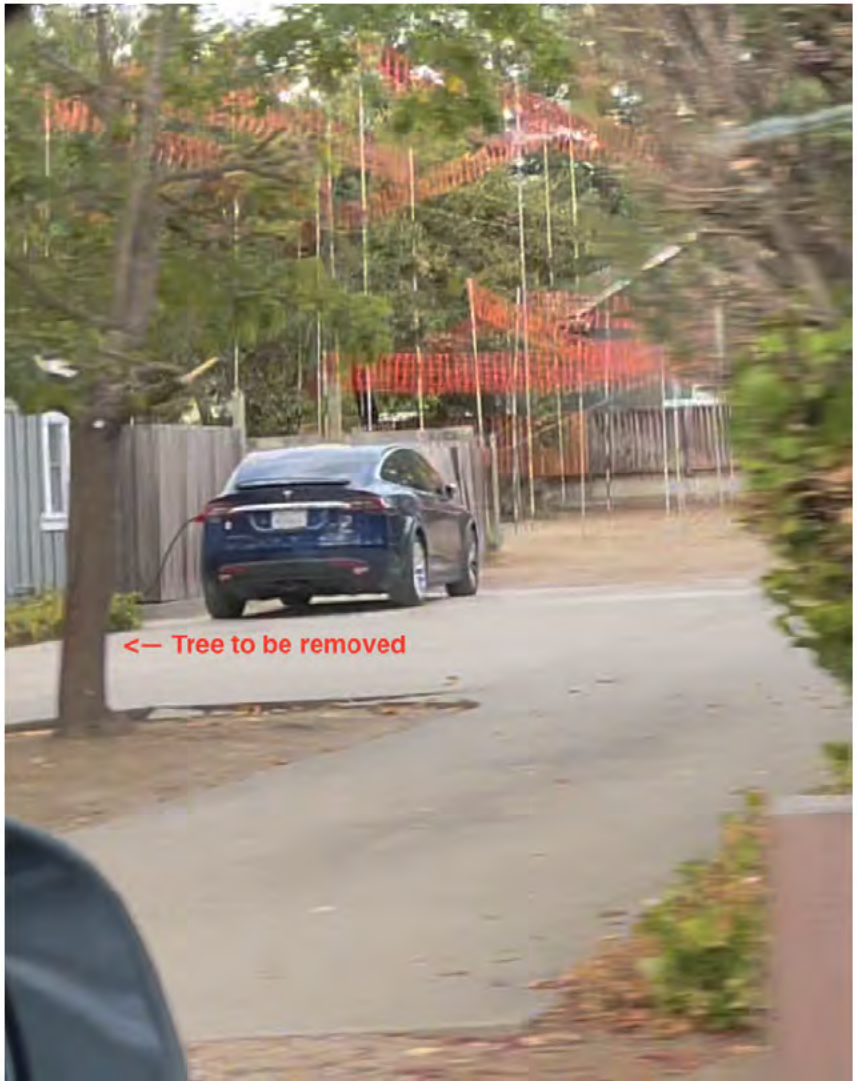
TOWER VISIBLE FROM THE STREET

In deliberation about one of the recommendations of the Town's consulting architect not being met, and the project not meeting the Design Guidelines on this point, a Commissioner asked if the tower would be visible from the street. The answer was "no". But it seems that once the trees that are to be removed are removed, it would indeed be visible from the street.

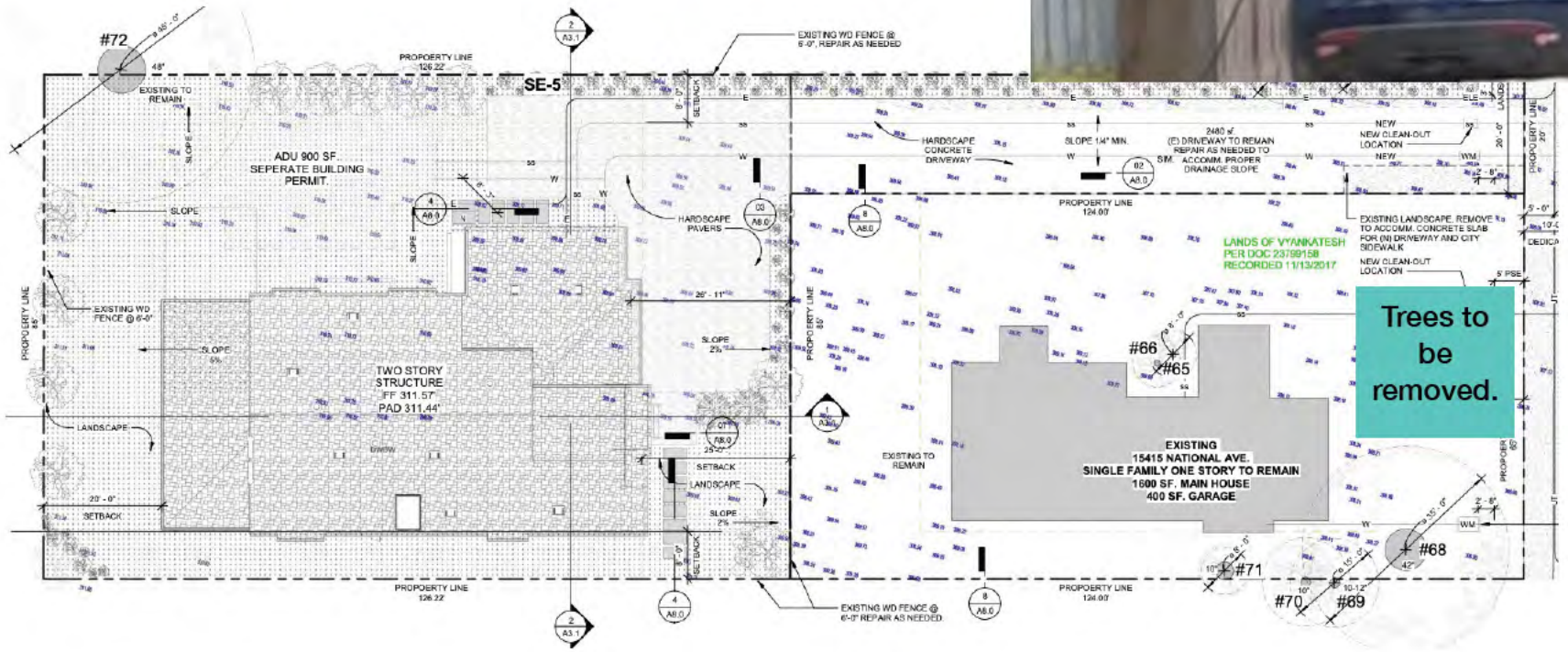
As a side note, the house itself is visible from the street it's on (National Avenue), as well as from another street (Blackwell Dr) between the houses.

TREE (CANOPY BLOCKING TOWER) TO BE REMOVED






SITE
TREE TO BE REMOVED


#72
PROPERTY LINE
126.22'
EXISTING TO REMAIN
SE-5
EXISTING WD FENCE @ 6'-0", REPAIR AS NEEDED
ADU 900 SF.
SEPERATE BUILDING
PERMIT.
SLOPE
HARDSCAPE CONCRETE DRIVEWAY
SLOPE 1/4" MIN.
2480 sf. (E) DRIVEWAY TO REMAIN REPAIR AS NEEDED TO ACCOMM. PROPER DRAINAGE SLOPE
NEW CLEAN-OUT LOCATION
HARDSCAPE PAVERS
PROPERTY LINE
124.03'
LANDS OF VYANKATESH
PER DOC 23799158
RECORDED 11/13/2017
EXISTING LANDSCAPE. REMOVE TO ACCOMM. CONCRETE SLAB FOR (N) DRIVEWAY AND CITY SIDEWALK
NEW CLEAN-OUT LOCATION
5' PSE
EXISTING WD FENCE @ 6'-0"
TWO STORY STRUCTURE
FF 311.57'
PAD 311.44'
SLOPE 2%
SETBACK
LANDSCAPE
20' - 0"
SETBACK
#66
#65
Trees to be removed.
EXISTING
15415 NATIONAL AVE.
SINGLE FAMILY ONE STORY TO REMAIN
1600 SF. MAIN HOUSE
400 SF. GARAGE
EXISTING TO REMAIN
#68
#71
#70
#69
PROPERTY LINE
126.22'
EXISTING WD FENCE @ 6'-0" REPAIR AS NEEDED
PROPERTY LINE
124.03'

From: [redacted]
Sent: Tuesday, December 17, 2024 11:00 AM
To: Erin Walters <EWalters@losgatosca.gov>
Subject: appelants letter

[EXTERNAL SENDER]

December 17, 2024

Los Gatos Town Council
Via Email

Dear Council,

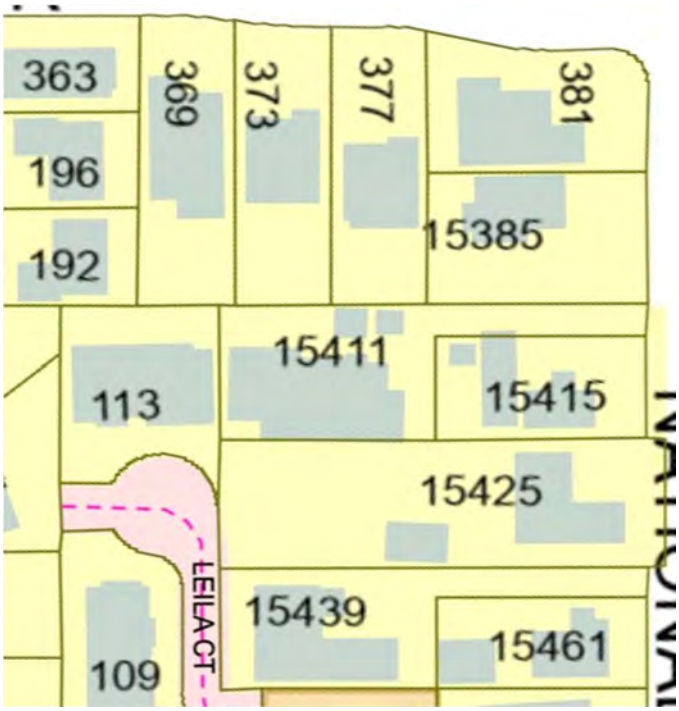
This letter intends to provide additional information and comments to our original letter sent on December 4, 2024.

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

While we recognize and accept that the Applicants have the right to build a two-story structure in this flag lot, the following are the reasons which prompted this Appeal:

- The structure is inconsistent with neighborhood compatibility, sizing, massing and scale per section 2.1 of the General Neighborhood Design Principles.
- The position of numerous windows in the structure raises severe privacy concerns resulting in our loss of quality of life and need to be re-positioned. We find the Conditions of Approval as written are inadequate on this requirement.
- The proposed landscaping is inadequate to protect our privacy. The Conditions of Approval address only the type but not the number of trees required

Our house on 377 Blackwell Drive as well as several of the adjacent houses in the immediate neighborhood were built in such a way to maximize privacy, minimizing adjacent windows, offsetting the ones that exist, and facing the primary living areas towards our respective backyards instead of each other. The houses surrounding this rear lot have a high level of privacy by design.



The project is inconsistent with neighborhood compatibility, sizing, massing and scale per the General Neighborhood Design Principles.

The size, massing, scale, bulk and style of the proposed structure does not harmonize with the adjacent houses, 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 the neighboring backyards and most private indoor living areas. We believe this is not in line with section 2.1 of the General Neighborhood Design Principles which states that "residential development shall be similar in mass, bulk and scale to the immediate neighborhood."
A look at its Square Footage (SF) of the structure provides an indication of its bulk and scale in relation to neighboring properties, especially given its location in the middle of the city block (flag lot):

First Floor	1,722 sq ft	Countable space
Second Floor	1,518 sq ft	Countable space
Garage	901 sq ft	**Maximum Allowed: 901 sq ft**
TOTAL SQUARE FOOTAGE	4,141 sq ft	
Basement	1700 sq ft	Not countable

Covered patio: 570 sq ft
Covered porch: 36 sq ft

For comparison, below are the
TOTAL Square Footage of several adjacent properties, per the Planning Staff report. None of the properties have a basement so this is also their gross square footage.

373 Blackwell Dr	2693 + 489 = 3,182 sq ft
377 Blackwell Dr	2693 + 468 = 3,161 sq ft
381 Blackwell Dr	2173 + 411 = 2,584 sq ft

We are not disputing that the proposed structure (exactly) meets the maximum allowed FAR of 0.30. We are stating the fact that its total size significantly exceeds the neighboring properties.

Despite the applicants having ***partially*** met the Town's Consulting Architect recommendations, we believe the structure still does not appear to be consistent with section 2.1 of the General Neighborhood Design Principles due to its very large mass, bulk and scale, especially given its location in the middle of the city block (flag lot).

Town Code Section 29.40.072 states that "The use of below grade square footage is allowed in residential zones as a means to provide 'hidden' square footage in lieu of visible mass."
The proposed structure includes a very large basement but also maximizes its FAR (0.30), its allowable garage size (901 sq ft) and its basement size (1700 sq ft, similar to the first floor). This does not follow the intent of Sec. 29.40.072 of using a basement to decrease visible mass and thus creating a more harmonious design with its surroundings, given its location in a flag lot.

Note that the project maximizes all the allowable size per the Town Code, which as one of the commissioners put it during the hearing, "a maximum is a maximum, not a goal". It is ***much larger than any of the adjacent*** two-story and single-story residential houses, which also lie on similarly sized lots of approximately 10,000 sq ft. Another commissioner during the hearing stated that the proposed structure is "not that much larger than the next largest house" and that statement is incorrect.

A joint letter of opposition on this matter from four neighbors was sent to the Planning Department on November 12 and we believe this concern has not been fully addressed.

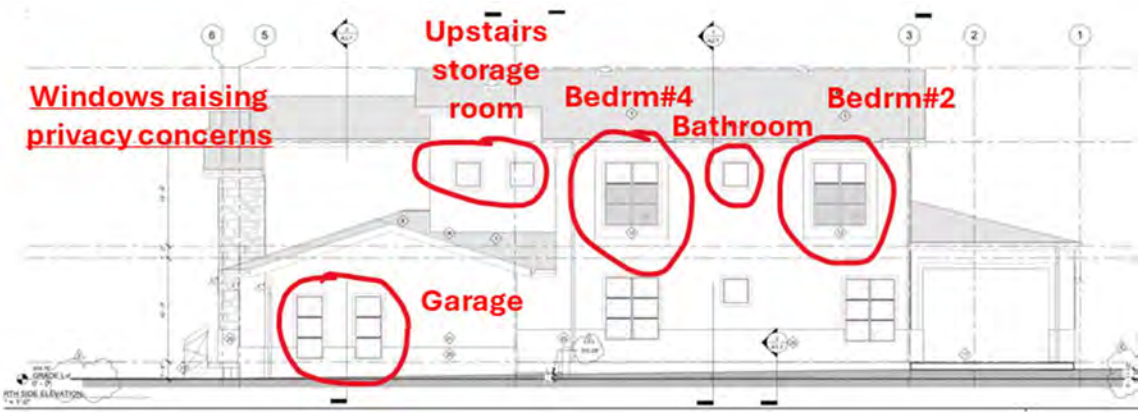
One additional point of clarification: Based on various comments made by some of the Commissioners during the hearing, we believe they incorrectly assumed that all the

Blackwell neighbors who spoke that day 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 and many indoor living areas on every side, as we have already stated.

Request:
Decrease the size of the proposed 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 point 2.1 in the General Neighborhood Design Principles.

Modification needed on the condition of approval to relocate windows

Our main privacy concerns, shared with two other neighbors on Blackwell, are related to various windows on the proposed structure which have line of sight to our various primary living spaces and backyards. Our house on 377 Blackwell Drive as well as several of the adjacent houses in the immediate neighborhood were built in such a way to maximize privacy, minimizing adjacent windows and facing the primary living areas towards our respective backyards. The proposed structure, given its large massing and flag lot position, will overlook all our backyards and interior living spaces (unobstructed by trees, in the case of our property at 377 Blackwell Drive), severely affecting the expectations of privacy and quality of life that has been a part of this neighborhood for decades.
There are various windows in the proposed structure that have a line of sight into our private living areas, including various windows upstairs as well as the proposed garage windows, which have a line of sight into our upstairs bedrooms given that they have not planned for privacy tress next to our common fence (see photo below).



It is important to note that, given the current level of privacy we've had for the past 15 years, it is not only a DIRECT line of sight that raises our concerns.

Below are a few photos of how the proposed structure would look from our master bedroom (with also a direct view into our master bathroom located behind the photographer), upstairs bedroom and downstair bedroom. **The current proposal does not include planting any privacy trees next to our common fence** (only trees next to the common fence with 373 Blackwell Drive are planned), so **these photos truly show how unobstructed the line of sight will be**.

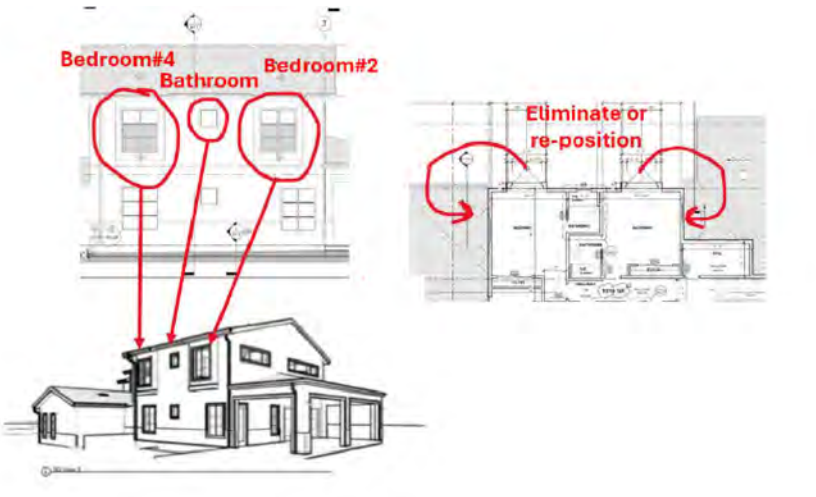
View of structure from master bedroom window

View of structure from upstairs bedroom #2

View of structure from downstairs bedroom

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, nor encompass all the windows brought up as an issue during the hearing. In multiple neighbor letters since early 2024, there had been requests to relocate these windows and/or bedrooms due to privacy concerns. And in our letter to the Planning Department on November 11 (attached below), 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 the Planning Commission 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.

Our proposed relocation of one of the offending windows from the North wall to the East wall would provide significant improvement to privacy, given that it would only have a very partial view of our backyard from its new location (and no view into our rooms). Here is a drawing from our letter to the Planning Department on November 11 proposing this repositioning:



Additionally, we sent an email to the Applicants before the Planning Commission hearing summarizing our ongoing concerns with the proposed structure. It was NOT our intended strategy not to communicate with the Applicants before that date.

On December 2, the Applicants wrote to us stating that they were looking into the feasibility of moving just one of the second-floor offending windows (egress window #1) from the North side to the East side if we would consider dropping this appeal. They also stated that they think upstairs egress #2 already would not be moved and that it “already has enough privacy”. This proposal unfortunately would not address all our privacy concerns. It is clear that the egress window #2 placement (and others) infringes on our privacy, even if it's not directly within the sightline. The design and layout of our home places a high premium on private outdoor spaces, and the current design directly contradicts that. The statement that “there is already enough privacy” feels dismissive of the very real concerns that we and other neighbors have raised.

On December 10 the Applicant stated in their letter to this Council that they did not intend to reposition the offending windows above. In the case of egress window #1, they use a new privacy argument with a different neighbor on 15385 National Avenue. This would severely impact our privacy and quality of life on several of our primary living areas and our backyard, especially since the Applicants do not intend to add additional privacy trees on the section of the North fence (their proposal only includes planting privacy trees on their common fence with 373 Blackwell Drive).
If the offending windows truly cannot be repositioned, we believe that there are ways they can work with their architect to address our privacy concerns, for example by moving some of the problematic living areas from the North-facing side to the South-facing side (where a “sitting area” and “master closet” are shown in the current design, which could be repositioned), and by eliminating the large windows from the “garage storage room” and the “garage.” Alternatively, one of the upstairs bedrooms could be moved downstairs where the large “garage storage room” is now. These options seem to be dismissed

without due consideration, even though they could easily address the privacy issues with a bit of creativity from the architect.

The use of obscure glass does not fully address our privacy concerns since it can be bypassed by opening the egress windows much of the time, especially in the good Los Gatos weather. Note that on their December 10 letter, the Applicants state that "*to address the planning commission councils' [sic] conditions of approval [they] have decided to obscure additional windows*". However, the drawing under that statement states "*we have marked additional panels to be masked with **internal film** to become **opaque** at these new locations*." Note that using glass with internal film (which just darkens the image - opaque) is not the same as using **obscure glass** (which distorts the image for privacy), and it is explicitly stated as not an allowed solution per the conditions of approval.

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.

<u>Modification needed on the condition of approval regarding trees</u>

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 of privacy trees by the section of the North fence facing 373 Blackwell Drive only, but **there would be no privacy trees by the section facing our property at 377 Blackwell Drive**.
On December 10 the Applicant stated in their letter to this Council that they did not intend to reposition the offending windows as mentioned above. This would severely impact our privacy and quality of life in several of our primary living areas and backyard, which makes adding additional privacy trees on the section of the North fence facing our property much more important.
Additionally, the allergy condition to various types of trees by one of our family members which we brought up verbally during the hearing is not something we would proactively communicate in writing, as with any medical condition.

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.

We humbly and respectfully ask that this appeal be granted so that the applicants may submit a proposal which addresses all the issues listed above and they can move on to building an appropriate two-story house, considering the privacy of all neighbors and maintaining our quality of life and neighborhood character.

Thank you for your time and consideration.

Sincerely,

Hellen Martinez

377 Blackwell Dr

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Appeal of Planning Commission's Project Approval of 15411 National Avenue

Los Gatos Town Council, December 17, 2024

Appeal to Planning Commission Building Plan Approval of 15411 National Avenue

Appellant's Opening Presentation
Los Gatos Town Council
December 17, 2024

Reasons for our Appeal

- While we recognize and accept that the Applicants have the right to build a two-story structure in this flag lot, the following are the reasons which prompted this Appeal:

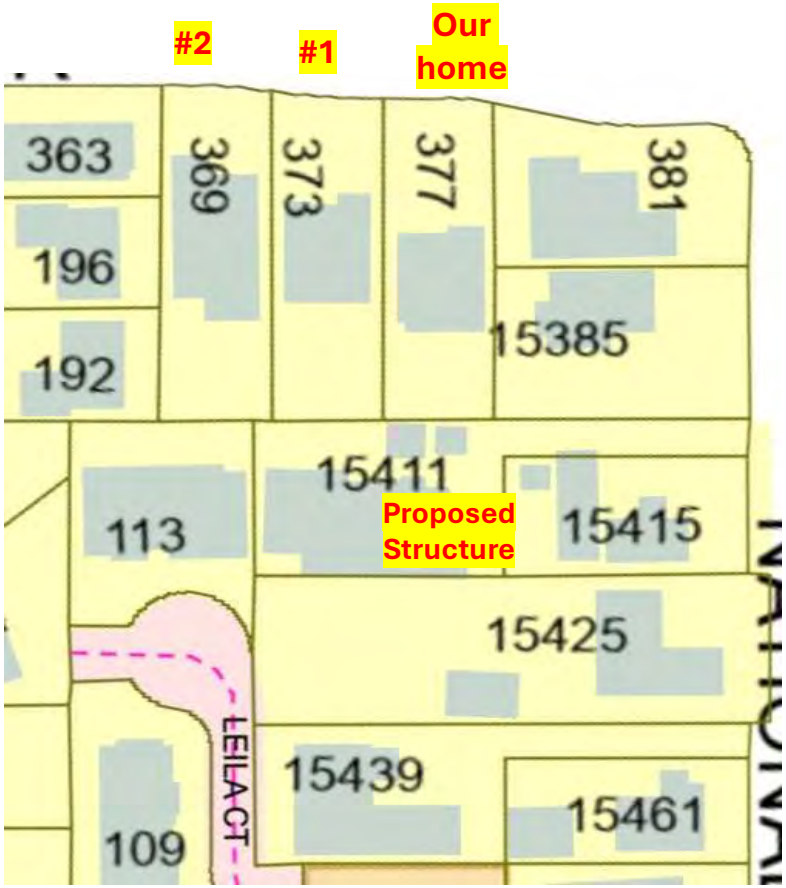
  - The structure is inconsistent with neighborhood compatibility, sizing, massing and scale per section 2.1 of the General Neighborhood Design Principles.
  - The position of numerous windows in the structure raises severe privacy concerns resulting in our loss of quality of life and need to be re-positioned. We find the Conditions of Approval as written are inadequate on this requirement.
  - The proposed landscaping is inadequate to protect our privacy. The Conditions of Approval address only the type but not the number of trees required.

Our Immediate Neighborhood

- Our home as well as several of the adjacent houses in the immediate neighborhood were built in such a way to maximize privacy, minimizing adjacent windows and facing the primary living areas towards our respective backyards.

- They comprise a mix of one-story and two-story houses, all under 2,729 sq ft and with no basements. All garages on Blackwell are under 490 sq ft. (on National, all are under 777 sq ft)

- Emails supporting this Appeal were sent to the Town by our neighbors #1 and #2, who are also directly impacted by the proposed structure and have similar concerns.



Size and Location of the Proposed Structure

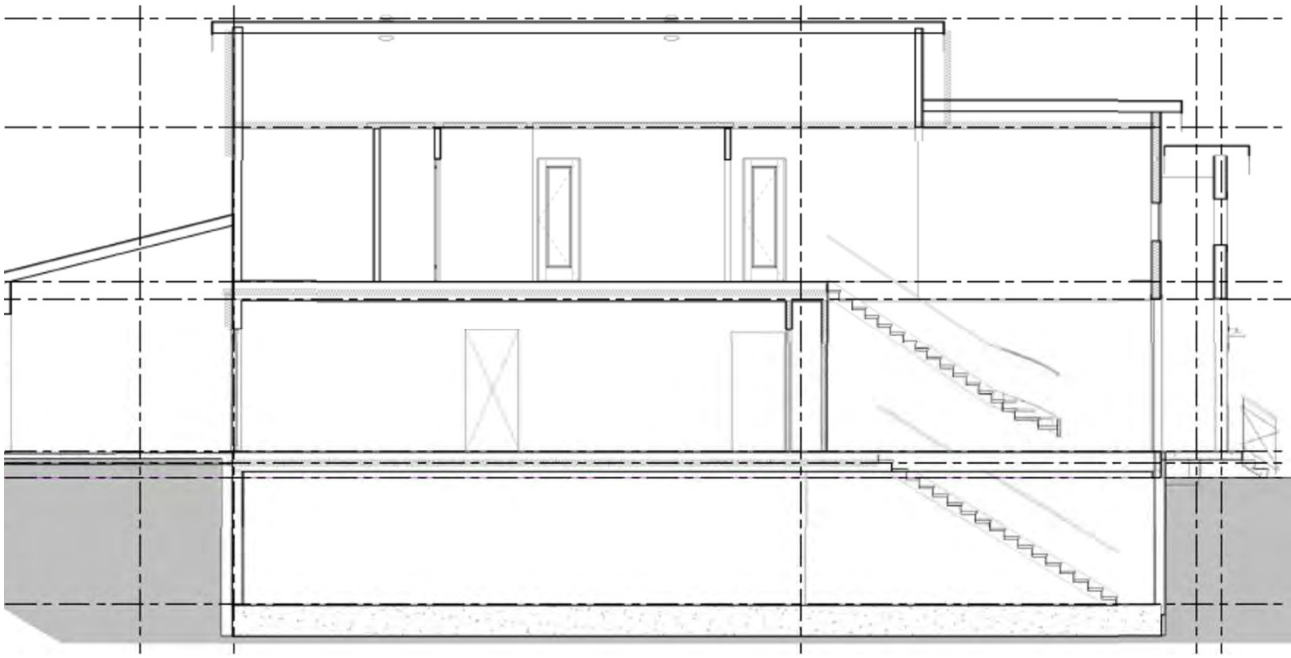
- The structure's large massing and bulky style do not harmonize with the multiple single-family homes around it, including ours.
- Its location in a flag lot in the center of the city block causes it to look over the backyards of several neighboring properties, negatively impacting those neighbors' privacy, quality of life, sunlight, and property values.
- It is not in line with section 2.1 of the General Neighborhood Design Principles which states that "*residential development shall be similar in mass, bulk and scale to the immediate neighborhood*."
- The structure includes a very large basement allowed by Town Code Section 29.40.072, but **without its intended use to decrease the above-ground visible mass**.

Intended Use of Basements/Cellars

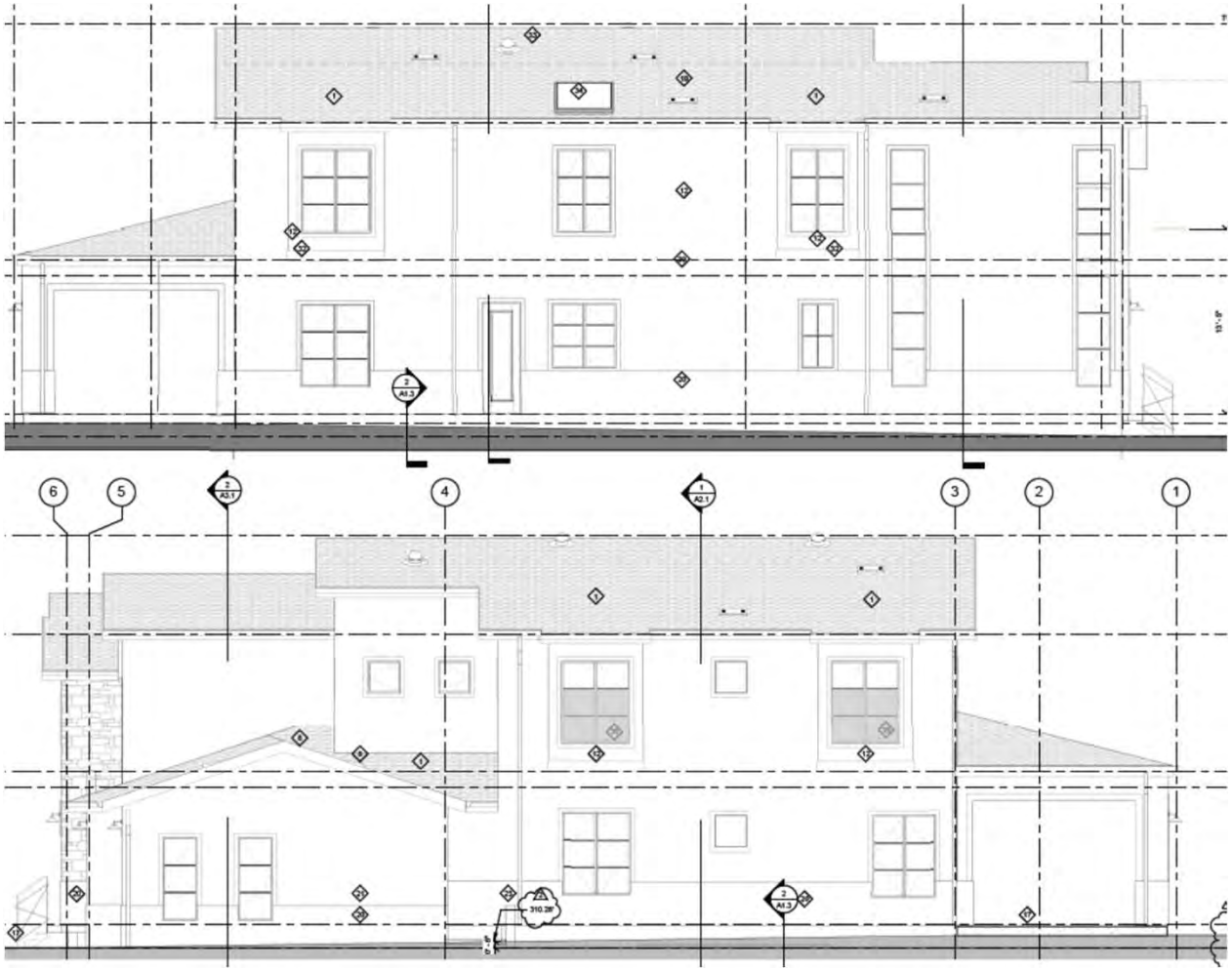
"A maximum is a maximum, not a goal"

- Town Code Section 29.40.072 states that "*The use of below grade square footage is allowed in residential zones as a means to provide 'hidden' square footage in lieu of visible mass.*"

- The proposed structure includes a very large basement but also **maximizes** its FAR (0.30), its allowable garage size (901 sq ft) and its basement size (1700 sq ft, similar to the first floor). **This does not follow the intent of Sec. 29.40.072 of using a basement to decrease visible mass and thus creating a more harmonious design with its surroundings, given its location in a flag lot.**



Size of the Proposed Structure



- House: 3,240 sq ft (countable)
- Garage: 901 sq ft (countable)
- Basement: 1,700 sq ft (not countable)
- TOTAL GROSS SQUARE FOOTAGE: 5,841 sq ft

- Covered patio: 570 sq ft (not countable)
- Covered porch: 36 sq ft (not countable)
- Attic (not countable)

- All numbers are within allowed limits.
- This calculation shows the complete massing and volume of the structure.

373 Blackwell Dr	2693 + 489 = 3,182 sq ft
377 Blackwell Dr	2693 + 468 = 3,161 sq ft
381 Blackwell Dr	2173 + 411 = 2,584 sq ft

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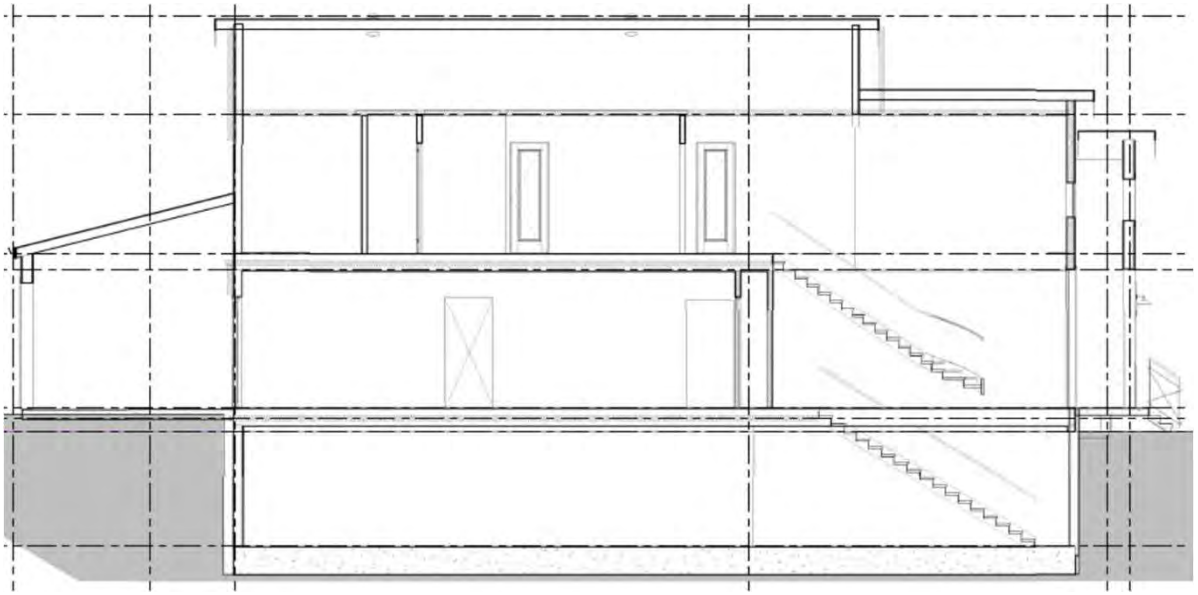

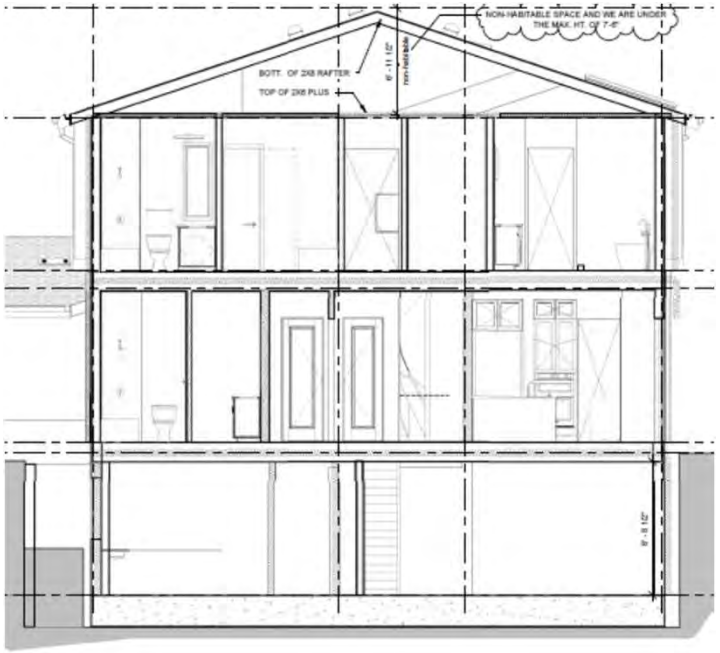

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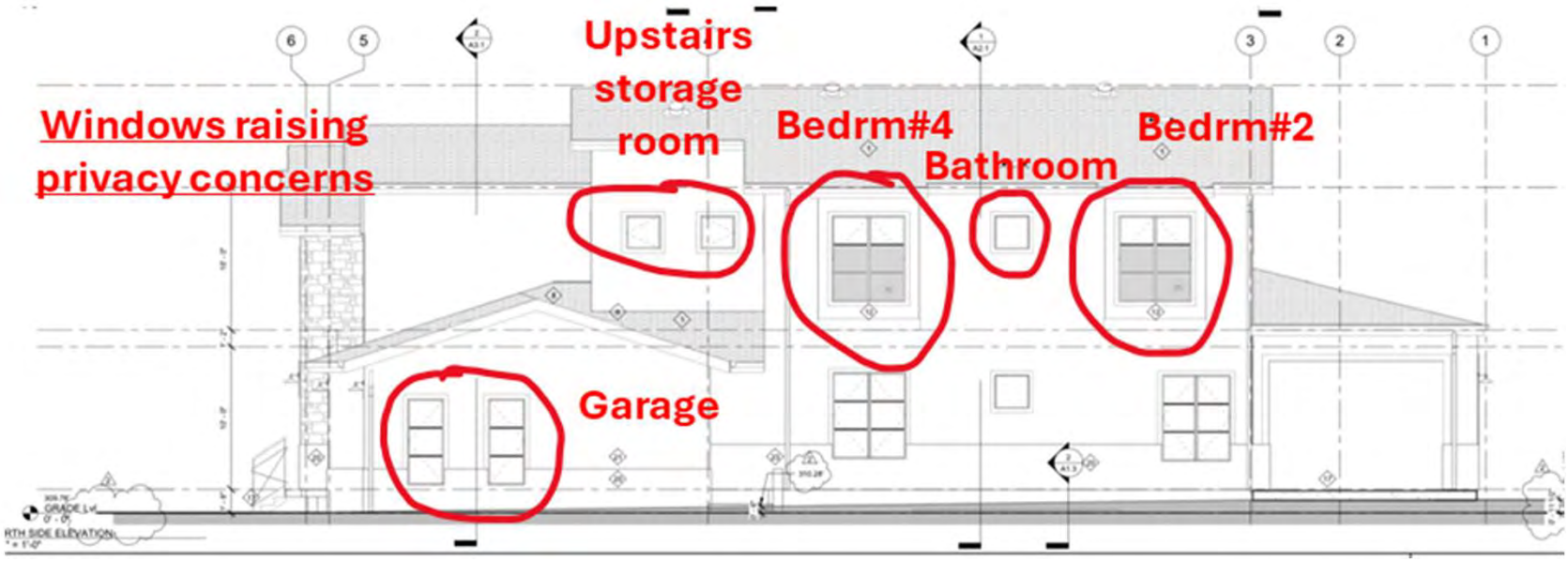
Significant Privacy Concerns

- Given its location in the center of the flag lot, the proposed structure has numerous second-floor and first-floor windows facing our property, with line of sight into our most private living spaces, bedrooms, bathroom and backyard.

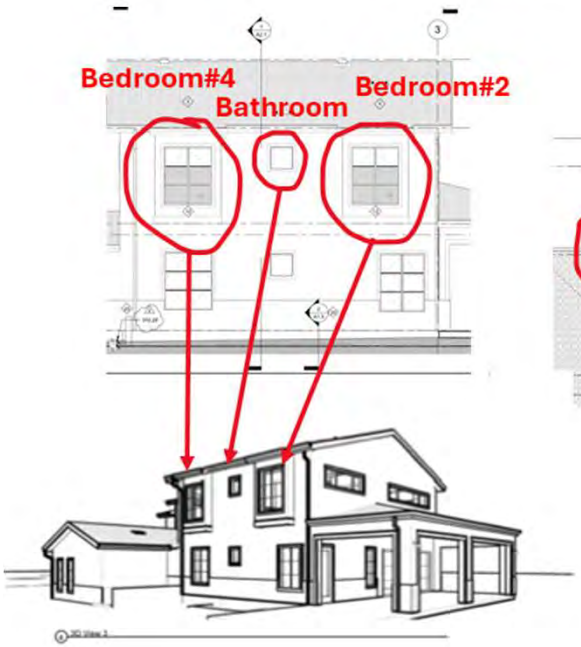


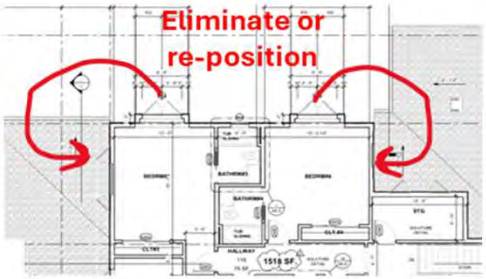
Window Repositioning Request

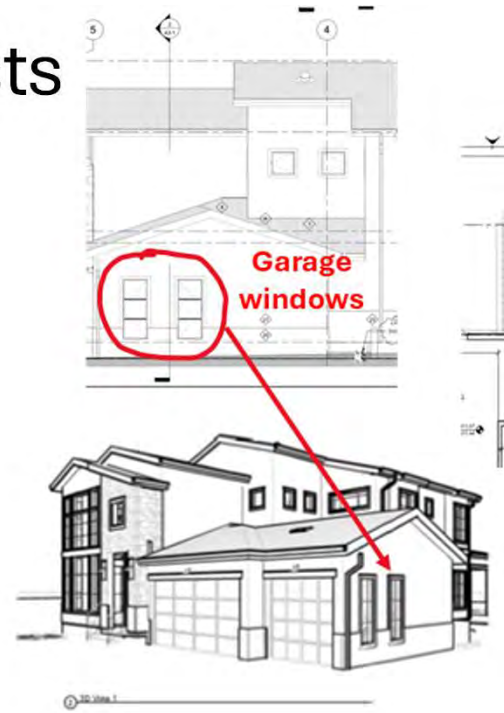
- To address our privacy concerns, we had proposed to the Planning Commission that these windows be either removed or relocated.
  - Only using obscure glass is not sufficient since it can be bypassed by opening the windows, especially given our good Los Gatos weather.
  - Only planting additional privacy trees is not sufficient to fully address concerns.

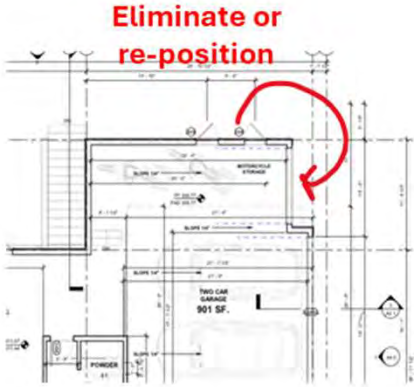
- Changing the location of the rooms with these windows could also be a solution.

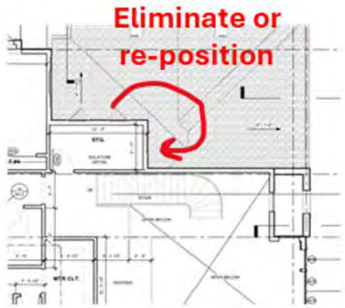
Our Window Repositioning Requests











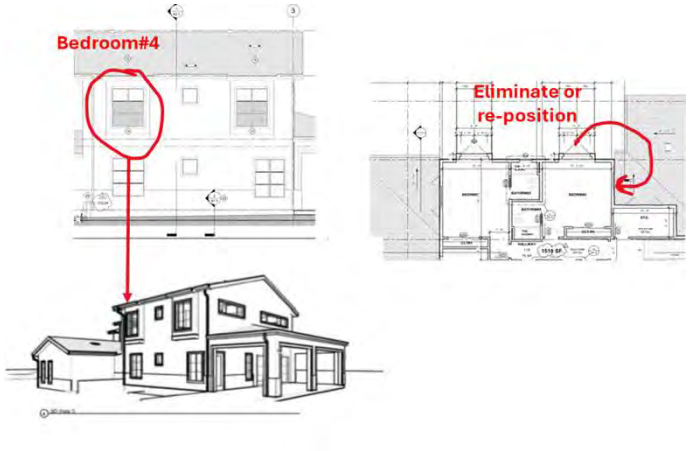
Addressing Privacy Concerns

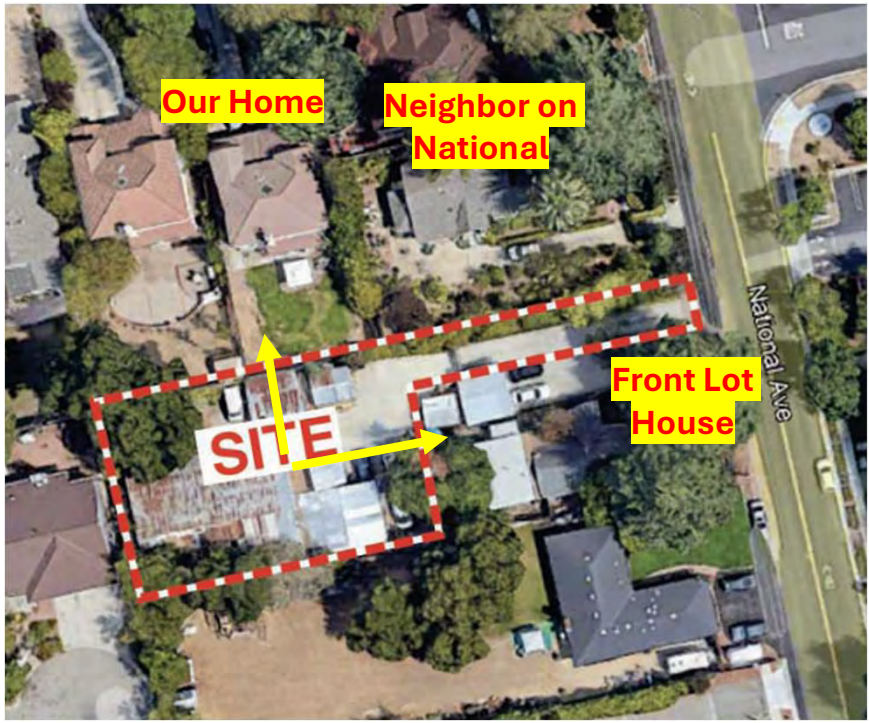
- The Commission's condition of approval for the "**applicant to meet in *good faith* to relocate the offending windows**" tried to address our privacy, but we find it is too vague and not suited to address our primary concerns, which was one reason for our Appeal.

- Concerns about several of these windows have been raised in letters from multiple neighbors since early 2024, with no action taken by the Applicants

Second Story NE Egress Window

- On December 16 the Applicants claimed for the first time to have an early verbal agreement with a neighbor on National Ave to avoid egress windows on the NE wall.
- However, on December 2 the Applicants had written to us offering an arrangement to look into moving one of the offending egress windows from the NW to the NE wall as we had suggested, in exchange of dropping this Appeal.
- It would be reasonable to relocate this window to the NE wall, since it would only have direct line of sight to the property on the front lot home owned by the Applicants. **Note that its line of sight to the neighbor on National Ave is similar in either position.**



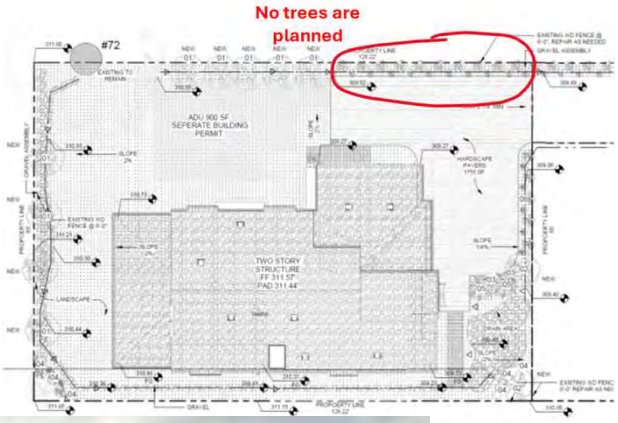


Use of Obscured Glass

- A Condition of Approval states that "***the privacy windows shall utilize obscured glass. Privacy film shall not be used.***"
- Obscure glass is insufficient since it can be bypassed by opening the egress windows.
- On their December 10 letter, the Applicants state that "*to address the planning commission councils' [sic] conditions of approval we have decided to obscure additional windows*."
- However, the drawing under that statement states "*we have marked additional panels to be masked* ***with internal film to become opaque*** *at these new locations.*"
- Glass with internal film is not allowed per the Conditions of Approval. **Any window that faces our property needs to have obscured glass, not privacy film**.

Inadequacy of Adjacent Landscaping

- The conditions of approval state that the neighbors shall agree to the type of privacy trees to be planted, but not the quantity.



- The current plan does not include privacy trees directly facing our property.
- Trees to address privacy, traffic, noise, and pollution

Photos of the Structure from inside our Residence

Master bedroom, second upstairs bedroom, downstairs bedroom

- These photos show how unobstructed the line of sight would be, given the lack of trees planned next to our common fence.
- Note that the garage windows (above lattice) can be seen from our master bedroom.

In Conclusion

- We respectfully ask that this Appeal be approved, based on:
  - The structure is inconsistent with neighborhood compatibility, sizing, massing and scale.
  - Significant privacy issues caused by multiple windows, which are not fully and adequately addressed by the current Conditions of Approval.
  - Inadequacy of the proposed landscaping to protect our privacy, which is not fully addressed by the current Conditions of Approval.

Thank you

Proposal for single family residence

The proposed residence is a transitional home that executes a mix of elegance and sophistication

promotes and uplifts surrounding area by value and scenery

The proposed house is on a 13,209 vacant flag lot with a proposed build area of 3,240 sf

The expanded size of the house is necessitated by the specific requirements of our family structure, including multi-generational living arrangements that demand additional space for storage, comfort and functionality.

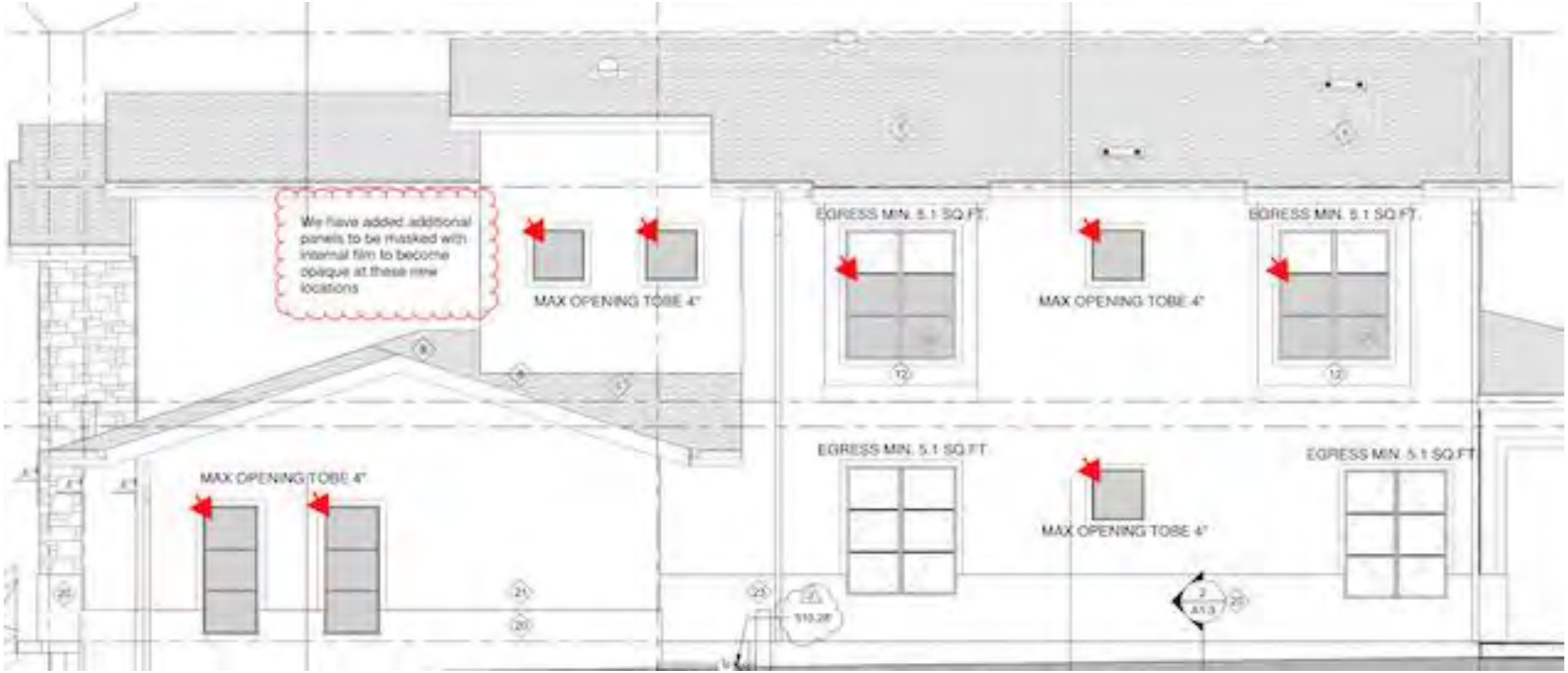
ATTACHMENT 13

When the property was bought, we inherited the dump with storage structures.

Before Demolition

Addressed Neighborhood concerns at best of our abilities.

- The Initial plan for the proposed house was to have it on the north side, where the Blackwell neighbor would have had three windows with the more extended façade facing them. However, we moved the project to the south after conducting the shadow study and to minimizing shadow impacts on adjacent properties.
- Made sure the façade facing Blackwell is smaller.
- Removed balcony and windows with a line of sight from our proposed design to provide more privacy to our Leila Ct and Blackwell Dr neighbors.
- Obscure/frosted glass on the two-story bedroom egress windows on the north elevation facing the Blackwell Drive rear yards.
- Made adequate setbacks (almost 40ft) on the proposed north side of the building to ensure distance b/w proposed two-story windows and two stories of current neighbors on Blackwell Dr is over 100 feet.
- The current giant oak tree at the rear of the proposed site, shared with the Blackwell neighbor, provides a considerable privacy screen.
- We are planting 5 Privacy trees to add additional privacy from the egress windows for the Blackwell neighbors.



The Windows for storage, bathrooms, and garage are non-offensive, but we have addressed even these by obscuring and having only a 4inch opening

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