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TOWN OF LOS GATOS  
PLANNING DIVISION

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Advance Copy via Email

Matthew Hudes and Members of the Los Gatos Planning Commission  
Town of Los Gatos  
110 E. Main Street  
Los Gatos, CA 95030

**Re: 16 Chestnut Avenue**

Dear Chairperson Hudes and Members of the Commission:

This office represents Kenneth Garrett and Kim Roper, the owners of 16 Chestnut Avenue. They have applied to renovate their single family home, and the only significant remaining issue is the location of the driveway. That driveway was the primary subject of the July 10th hearing, which ended in a continuance for the purpose of obtaining a traffic study to determine whether the driveway at the existing corner location was safe so that the Town's governmental immunity would apply even though that location does not comply with the 50' requirement in the Town's standards.

It was our understanding from the July 10th meeting and a subsequent meeting with staff, including the Town Attorney, that if we went through the process of retaining an independent traffic engineer to analyze the comparative safety of the two driveway locations, and if the traffic engineer determined that the corner location was at least as safe as the location 50' from the intersection (and we had no assurance that the traffic engineer would make the determination we hoped for), then the public works staff would accept the judgment of the professional traffic engineer. TJKM was hired and prepared the report.

We are greatly disappointed to have delayed our project for months and spent extraordinary sums to obtain a traffic report which, as it turns out, supports approval of the driveway at the corner, only to have public works staff in the staff report stubbornly adhere to the position it took before it knew all the facts (which are present in the report) opposing the existing corner location.

The TJKM firm offers professional traffic engineering services. The Town does not have its own traffic engineers on staff, and so routinely retains companies specializing in traffic engineering to perform work for the Town, including TJKM on many occasions. TJKM's report concludes that the intersection location for the driveway is as safe as a driveway location complying with Town 50' standard, due to specific factors associated with that particular intersection.

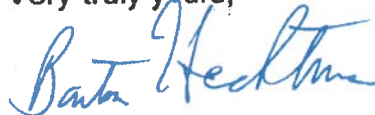
Remarkably, the public works staff has concluded that it knows better than the professional traffic engineers of TJKM by declaring (without any supporting analysis or evidence) that following Town Standards "would provide a safer design". Public works staff is not qualified to make that determination, and even if they were, they have not provided the required factual support for their conclusory opinion.

Public works props up its position by claiming that there are "inadequacies" in the traffic study. Public works staff had an open line to TJKM before the report was prepared to ensure their concerns were addressed, and 32 days after the report was delivered to it on November 4th to ask TJKM for additional information. Instead, they waited to raise these "inadequacies" until mid-afternoon on the Friday before the hearing. TJKM will be at the hearing and can address the adequacy of its report per industry standards.

We want to remind the Planning Commission of the information provided at the last hearing: There are stop signs in all directions at this intersection, where the driveway has been located for many decades. There is no record of any accidents at the intersection. All of the neighbors support retention of the driveway at its current location. And now we have the TJKM report supporting the current driveway location.

We hope that the Planning Commission will adhere to the spirit of the strategy borne at the July 10th hearing, even if public works staff will not honor that spirit, and approve the corner location, enjoying the liability immunity described in the Town Attorney's portion of your staff report.

Very truly yours,



BARTON G. HECHTMAN

BGH:cab

cc: Mr. Garrett and Ms. Roper  
Bess Wiersema, AIA