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Response to Appeal Letter Received 8/23/19

TOWN OF LOS GATOS
PLANNING DIVISION

In response to the appeal letter received on 8/23/19, below is a list of items that we have provided or included to address the issues in the letter:

1. The owners of 56 Central Ave have included a justification letters for the 5' side setbacks (as referenced in the attachments in the staff report). In quick summary, the home at 56 Central Ave or its Garage cannot be accessed from the rear of the property off of Oak Hill Way due to the severe slope and elevation change. In addition, the Design Team is also abiding to the Town's hillside guidelines for this non-conforming lot for grading restrictions and front and rear setbacks as well. On one side of the property (North side), the property abuts to a flag lot and driveway, with the closest residence being approximately 50 feet away. Many other residences on Central Avenue have less than 5' setbacks as identified in our justification letters. Including: all of Leslie Morley's lots and her adjacent neighbor at 64 Central Avenue (again referenced in the attachments provided in the staff report). Thus, it is our opinion that the current design fits nicely within the existing neighborhood's conditions. Especially so, considering one side of the 56 Central Avenue is adjacent to a flag lot, creating large separation between homes. It has also been communicated that Leslie Morley's existing house at 60 Central Avenue will likely and eventually be demolished and developed at some time in the near future.
2. The homeowner at 60 Central Avenue (and original owner of 56 Central Avenue – split from the old property) was also made aware of the difficult hillside lot and was noticed when selling the property that we would like to have 5' side setbacks due to the nature of not being able to access from Oak Hill Way and working with a limited width of the lot of 50 feet. See attached e-mail from Leslie Morley prior to the sale of her lot at 56 Central Ave documenting our constant communication with 5' side setbacks and even including her suggestion on making it a requirement of our contingency to close the real estate contract, which we both agreed to (Exhibit 1). Leslie had also communicated on several occasions directly with the Planning department requesting if 5' setbacks would be possible when selling the land. Leslie was handsomely compensated for her lot sale, and was always aware there would be a new house here that would impede some of her view with the 5' setbacks. She marketed and sold the lot with this promise, and is now appealing for larger setbacks after the sale was complete and her compensation received.
3. With regards to the balcony at 60 Central Ave: the lot line adjustment also required the removal of her balcony as it crosses over onto 56 Central's lot as identified in the topographic survey (Exhibit 2). With the removal of the balcony as required from the sale and lot split, there was always going to be an impact to her view/balcony, and she was well aware when splitting her lot up into 3 parcels. There were several conversations over the last year and half where she had stated that she would need to remove her balcony (or a significant portion thereof) due to it overhanging the property line.
4. Careful consideration was taken in the current design of 56 Central Avenue. With tough parameters of setbacks, hillside guidelines, no access from Oak Hill Way, and keeping with the natural lay of the land and concern for impacts to the community, the design was carefully crafted such that we tried to keep as many trees as possible while being conscious of fire hazard and safety concerns. Only trees highly impacted or with fair or poor condition by the City arborist were requested for removal.
5. Careful consideration of massing was also taken into account as the bulk of the main house (exclusive of garage) is setback from the frontage by almost 60+ feet, much of which falls below grade. Many trees along the North side were salvaged with the design to create and maintain a nice tree canopy while also

taking into account fire hazard concerns. The north side of the home is setback close to 50+ feet from the adjacent homes (as referenced above and in attachments in staff report). The south side of the garage is also setback close to 30+ feet from the 60 Central Ave property line as well. Only the existing home at 60 Central Avenue, which is currently 5' setback from the property line, after the lot split, is minorly impacted for only a small portion of the length of the home. All, as previously noted, was agreed to at the time of the sale of the lot.

6. Despite the data and history above, while also abiding by the Town Guidelines for development, the Owners of 56 Central Avenue have worked tirelessly with Leslie Morley to address the privacy concerns and have revised plans to accommodate many of the requests, including but not limited to revising the plans as follows:
 - a. Raising windows of the home as desired by Leslie Morley along the South side of the house to create additional privacy.
 - b. Adding privacy screening trees (6 total) at the property line at the request of Leslie Morley to create further privacy and foliage between the homes.
 - c. Adding a privacy screening wall at the master balcony at the request of Leslie Morley.
 - d. Constructing a brand new 6' high good neighbor fence at our expense to create further privacy for Leslie.

7. Lastly, we have many testimonials from neighbors close to Central Avenue and residents of the Los Gatos community who are showing support for the project. (letters included in the staff report)

In summary, the Bothman Family, which consists of Andrew, Ashley and their 15 month old daughter Juliana, have taken careful consideration in their design with strict adherence to Town guidelines, have worked with and changed the design to facilitate the needs of the neighbor and community over the last 1.5 years, and are excited to potentially move through the approval process to continue the process of building their primary residence and become a part of the Los Gatos community. Andrew and Ashley are not developers or looking to build and sell this home, they are a young family that is looking to bring great energy and contribution to the community. Andrew graduated from Los Gatos High School in 2003, grew up in the Town of Los Gatos, and has parents who have also lived here as contributors to the Los Gatos Community for decades. Nothing would make this family happier than to continue the Los Gatos tradition of raising a family here and contributing to the community which we grew up in and fell in love with. We are hopeful the planning commission and DRC will review all the facts and data we have provided and agree with the project and move it forward with an approval.

Thank you and should you have any questions or concerns feel free to contact us.

Andrew, Ashley and Juliana Bothman

Andrew.bothman@bothman.com 408-529-7833

Ashley.bothman@gmail.com 408-398-7328

Andrew Bothman

To: Leslie Morley
Subject: RE: POF

From: Leslie Morley <lmorley@serenogroup.com>
Sent: Monday, January 29, 2018 3:16 PM
To: Andrew Bothman <andrew.bothman@bothman.com>
Subject: Re: POF

Hi Andrew,

This lot is a non-conforming lot in the zone. The town has the ability to change setback requirements on non-conforming lots. It is 50-foot frontage and I have been told by the town that it will be 5-foot side setbacks. We should get confirmation on that. It can be a contingency. I am going to gather questions for the head planner and try to get a written response. It is a buildable lot.

I just have a pdf of the tentative map. The lot is 50' frontage, 236.4 on the longest side 211.93 and approximately 56' on the bottom (Oak Hill) side.

Best regards,



Oh, by the way, I am never too busy for your referrals. Referrals are the heart of my business.

On Mon, Jan 29, 2018 at 10:49 AM, Andrew Bothman <andrew.bothman@bothman.com> wrote:

Hey Leslie,

I have a couple of questions, not sure if you can answer.

1. Can you send over the plot map that we were reviewing in electronic form?
2. Per the Town records it looks like the subject property 56 Central Avenue is deemed R1:10 zoning. Per this zoning there needs to be an 80' frontage in order to build and lot at least 100' deep. Can you let me know what the total frontage measurement is and total lot depth?

Thank you.

ANDREW BOTHMAN

VP Project Management

Robert A. Bothman Construction

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