

Date: January 10, 2023

To: Planning Commission

Re: 400 Surmont Dr. Request For Approval Of Exceptions

Dear Commissioners,

In a letter dated Dec. 12, 2022 from Robert Hughes stated: "To work toward an 18' overall height for both homes," which is 21 feet 6 inches for Parcel 1 and approximately 22 feet for Parcel 2. The revised elevation plans and story poles do not reflect the maximum 18 feet height hill-side guide lines. Please do not approve the revised height exceptions request for both parcels.

The request to approve the grading exception should also not be approved. I concur with Lee Quintana's assessment: This is an example of designing a house and then using the constraints of the property as an excuse to not meet the Hillside Design Standards and Guidelines rather than designing a house that conforms to the existing property topography and does not need exceptions.

Regarding the proposed planting of trees and shrubs to achieve screening from neighboring homes, the Town's Botanist should provide his/her review and opinion. A local nursery stated that the California Buckeye tree is not a good screen.

The request to approve construction of a Shared Driveway for Parcels 1 & 2 should be denied and instead a Cul-De-Sac should be built and also relocating the drainage ditch should be approved based on the future development of homes for the 400 and 401 Surmont Drive properties, and more than likely, pickup of the garbage cans in the Cul-De-Sac will be approved by the two new owners.

Thank you,

Chris Tanimoto

From: Todd Osborne [REDACTED]
Sent: Wednesday, January 11, 2023 12:58 AM
To: Ryan Safty <RSafty@losgatosca.gov>; Planning Comment <PlanningComment@losgatosca.gov>
Cc: Todd Osborne [REDACTED]
Subject: Osborne Family Public Comment Submission: Regarding 400 Surmont Court Planning Commission Event on Wednesday 1/11/2023

EXTERNAL SENDER

To: Mr. Ryan Safty and Town of Los Gatos Planning Commission

Fm: Todd Osborne and Cindy Osborne Family
[REDACTED] Los Gatos, CA 95032

Re: Public Comment Submission for Public Record, Planning Commission Hearing About 400 Surmont Drive on Wednesday 1/11/23

SENT VIA EMAIL 1/11/23

To begin this letter, we wish to thank Mr. Safty for his excellent communication and support throughout this process. His communication and detailed documentation have been extremely helpful.

We are writing to place into the public record our family's PUBLIC COMMENTS. This letter includes follow-up comments incremental to the letter we submitted prior to the November 21, 2022 planning commission meeting. We stand by all the issues raised in our letter submitted into the public record for that event and use this letter to provide additional input.

The request we make today to the planning commission is to reject all waivers for the proposal to develop 400 Surmont Court. The issues raised by our family not only affect the current development proposal for 400 Surmont Drive, but the future development of other nearby land also will become related matter(s) with many of the same issues raised here. The acreage involved are extremely inhospitable to development and present incredible problems in terms of public safety and public good for residents of the town of Los Gatos. Please do not establish a dangerous precedent for our families and our beloved town.

After reviewing communication from the developer in late December 2022 and viewing amended story poles for 400 Surmont Drive, we believe that all requested waivers for the existing 2-parcel development proposal should be rejected. Nothing of substance has changed. We understand that the

town planning staff has recommended that all waivers be rejected prior to the November meeting. None of the late December updates by the developer have changed our family's consensus with the findings of the town's planning staff last November that all waivers should be rejected.

The changes outlined by the developer do not bring either parcel 1 or parcel 2 into compliance with the Town of Los Gatos Hillside Development Standards and Guidelines. The simple reality is that the project designs do not conform. Each of the home designs, locations, access, and infrastructure simply don't work per the criteria established for the public safety and public good of Los Gatos residences. Please insist that the developer meets all existing standards and guidelines without waivers.

Our family is not anti-development; however, we absolutely reject the waivers requested because the project is completely flawed. The homes were never intended to meet the town's standards and guidelines, and the developer is now attempting to negotiate instead of making the necessary substantive changes that would remove the need for many waivers. In fact, the developer had the option of designing a development proposal that included a new cul-de-sac extension to Surmont Drive. This design would solve access and would relocate drainage to maintain public safety. This design would also avoid a lot of the infrastructure weakness including garbage pick up among other things outlined in our original letter. However, the developer decided not to proceed down that path despite that "concept" being floated (and favorably viewed by town officials) in early stages of this development. We ask the planning commission to please reject all waivers until a properly designed proposal (with all necessary attributes appropriate to meet existing town standards and guidelines for these parcels) is formally presented by the developer.

Respectfully,

Todd and Cindy Osborne

PS. As additional background, we've included an attachment, the .pdf file of our letter that was submitted prior to the 11/21/2022 planning commission meeting. This letter outlines each waiver request and explains our reasons for rejecting all waivers.

END

Todd and Cindy Osborne Family

[REDACTED], Los Gatos, CA 95032

Los Gatos Planning Commission Members

Attn: Mr. Ryan Safty, Project Planner, Town of Los Gatos

RE: 400 Surmont Drive Development, Public Hearing Scheduled for November 21, 2002

DELIVERED SUNDAY 11/20/2022 VIA EMAIL: PLANNINGCOMMENT@LOSGATOSCA.GOV

NOTE: DEADLINE FOR SUBMISSION PER GREEN MEETING NOTICE IS MONDAY 11.21.22 11AM

TO: Mr. Ryan Safty and Members of the Town of Los Gatos Planning Commission;

We are writing to place into the public record our family's PUBLIC COMMENTS. Please see the following letter delivered via email to the PLANNING COMMISSION for consideration at the public hearing on Monday, November 21st, 2022 at 7pm.

Specifically, we believe the developer's plans for 400 Surmont Drive do not align with the requirements, objectives, and goals of the ***Town of Los Gatos Hillside Development Standards & Guidelines*** approved by the Town Council in 2004.

We also believe the developer's actual plan, as defined by Story Poles now in place and described in the ***Updated Revised Letter of Justification and Description*** dated August 9, 2022, is highly inconsistent with what was communicated to neighbors dating back to August 2020. The current plan and elements under consideration by the PLANNING COMMISSION should be rejected, included the 3 items listed here:

1. Construction of Shared Driveway
2. Two New Single-Family Residences to Exceed Maximum Height for Visible Homes in the Hillsides
3. Grading Permit on Vacant Property Zoned HR-2 ½, APN 527-20-003

We support a fair minded, reasonable development, but only a plan that meets the town's baseline and is safe and appropriate, matching or exceeding existing standards and guidelines without exception.

Overview Details:

After reviewing the materials provided by the developer by mail (August 2000) to our family as a “neighbor” and then reviewing additional documents subsequently uploaded by the developer and 3rd parties working on behalf of the developer, we find that many of the original promised attributes/details of the development have changed for the worse and ask the Planning Commission to review/reject all of the proposal elements and waivers until changes are made by the developer for reasons that include:

1. Open Space Views and Requirements Not Supported by Home Locations/Designs
2. Change from Single Story to Multi Story Requiring Waiver on Maximum Height
3. Safety and Access Hazards Due to Lack of Promised Generous Setbacks

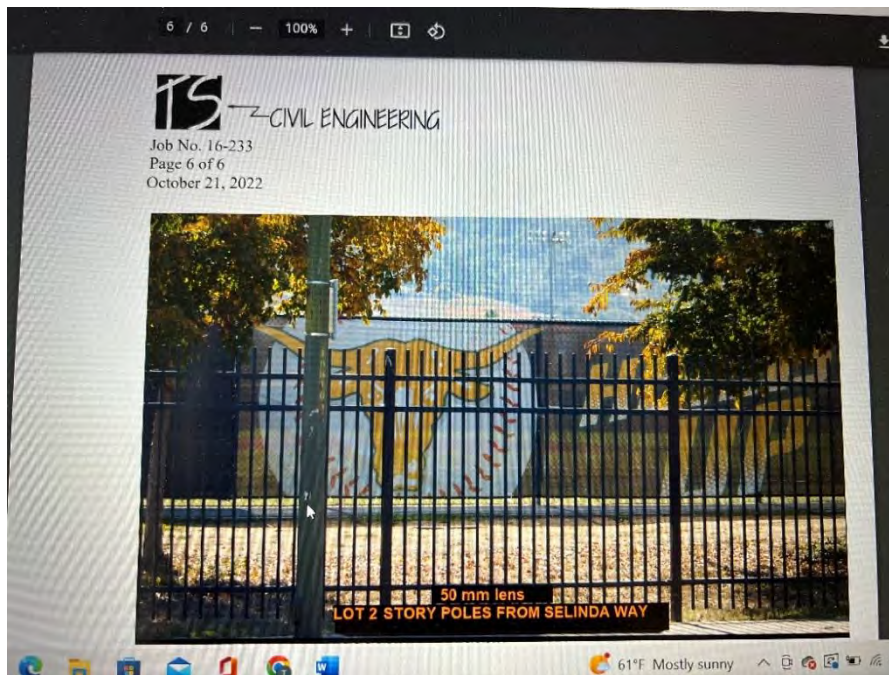
The developer’s new waiver/permit requests demonstrate that the project DOES NOT meet a baseline standard to move forward and should not be given any waivers or exceptions to the town’s standards and guidelines for hillside development.

An immediate example that negatively impacts public good at large and the Town of Los Gatos can be seen in the photo below, taken from the defined town Viewing Platform, of the installed Story Poles. Homes stand out and are obvious to the naked eye (photo in 50mm focal length), with one entire home is 100% visible and the second at least 80% visible.



Oddly, the photo in the Visibility Study provided by TS Civil Engineering in the **Updated Visibility Study** document purported to be taken from the town’s Viewing Platform does not

represent the reality of the scene. The photo (50mm focal length from LG-Almaden and Selinda Way) is not from Viewing Platform and camera is directed at the ground rather than the hillside Story Pole locations. This is clear case of incorrect documentation.



Additionally, it's particularly problematic to us that the civil engineer report(s) devalue the Town of Los Gatos Hillside Standards and Guidelines, stating/implying they are archaic, bogus, and should be invalidated, using the term "illogical aberrations" and apparently not worthy of the developer's consideration or concern. See actual final paragraph:

"It should be noted that somehow the good intentions of the Hillside Specific Plan visibility policies related to only "ridgeline projection" have evolved over 40 years to now require "invisible residences," The proposed residences are neither unsightly nor obtrusive, and the original staff who developed these policies in the 1980s would be disappointed about the present illogical aberrations..."

The developer and civil engineer should not be permitted to submit false or misleading information to fit their preferred narrative while disregarding the Town of Los Gatos Hillside Standards and Guidelines (which exist for all residents and the public good at large).

Additional Concerns:

HILLSIDE STABILITY AND DRAINAGE: Additional impacts to the public good and the neighborhood directly below 400 Surmont Drive that we believe should be addressed by the Planning Commission include changes of hillside integrity and stability. New grading permit for

this development will absolutely affect changes to existing hillside open space. Unintended consequences that include potential for change to water runoff, altered drainage flow, increased chance of mudslide and instability, and even expanding possibility of flash flood (especially if/when the minimal existing drainage areas / culvert become blocked or collapse).

WILD FIRE DANGER AND DRIVEWAY ACCESS: We believe the proposed home locations and development of this hillside open space property as currently designed, increase the chance of major fire events and reduce the ability of emergency first responders to access and fight wildfire. The proposed shared driveway is a specific concern as the maximum space available is apparently limited to only 12 feet width and required fire equipment turning radius appear uncertain from plans (with construction of driveway between proposed walls, drainage culvert, and property line). Should the driveway be blocked by parked vehicle(s) there is no chance that fire engine could access up the hillside or even as far as the two proposed homes. That inability to fight a fire means a far greater chance that a fire will spread to the neighborhoods below 400 Surmont Drive and beyond.

WILDLIFE HABITAT AND INVASIVE AFFECTS: The positive aspects of wildlife in our neighborhood have already been impacted by hillside development activities. And unintended consequences have appeared including present in prior 24 months of dangerous animals being pushed into existing neighborhood because of development work. Rattlesnakes are now commonplace despite fact we've never seen a rattlesnake on our property before August 2020. Rodents too have infiltrated down the hillside and become problematic for the first time in over 20 years.

PROBLEMATIC LOGISTICS OF GARBAGE COLLECTION: The existing street design creates a significant amount of garbage can congestion two days a week (Thursday and Friday) when a large number of family homes place their garbage cans (organic, recycling, and regular garbage) in a very small area at and near the intersection of Surmont Drive and Surmont Court. Because existing and proposed hillside homes have no curbside, the existing access and visual nuisance will be made worse with large volume of new cans.

HILLSIDE VIEW TO RIDGELINE FROM [REDACTED]: As final photo submission confirms, our family loses a significant portion of the ridgeline view we've enjoyed in the 23 years we've lived in our home. Height waiver should not be granted for this reason as well.



Photo above taken from deck at 50mm focal length from [REDACTED]

Thank you for your attention and consideration to the issues we've raised in this letter.

Sincerely,

Todd and Cindy Osborne

[REDACTED]

Los Gatos, CA 95032

Wednesday, January 11, 2023

TO: Ryan Safty and Members of the Town of Los Gatos Planning Commission

RE: 400 Surmont Drive Development

I hope this letter finds you all doing well.

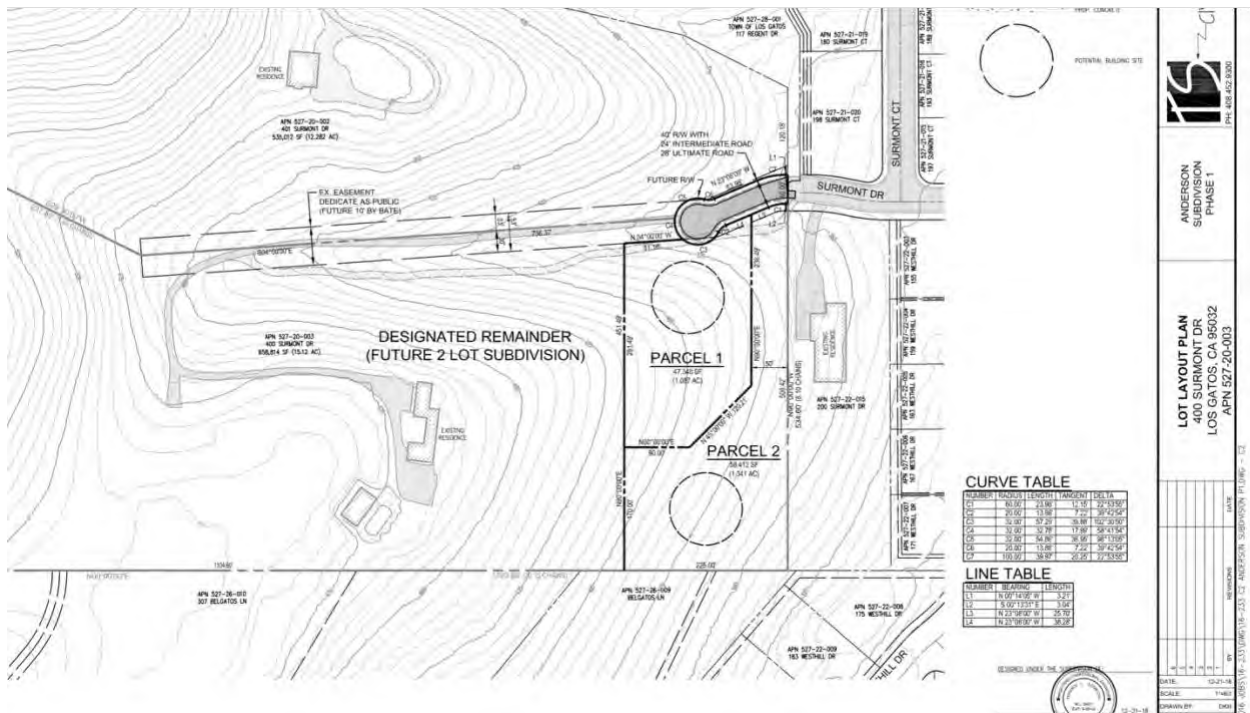
We, the homeowners of [REDACTED], ask that the current application for the development at 400 Surmont Drive be denied on the basis that the proximity of the proposed house on parcel #1 is an invasion of our privacy.

We had planned at this evening's meeting to ask the town for the same courtesy of privacy screening (tree and shrubs) that our neighbors to the east are receiving from the developer, but we have learned recently that that would be prohibited due to the Fire Defensible Space regulations. The proposed house on parcel #1 would sit exactly 20 feet from our property, and the FDS requires a minimum of 30 feet of open space. Therefore, the developer would be unable to plant any trees or bushes to protect our home from the almost 5,000 square foot house.

We respectfully ask that the house on Parcel #1 be moved to a distance of at least 30 feet from our property line so that the developers can plant trees and shrubs to protect our privacy.

Our further grievance with this whole project is based on the developer's misrepresentation of what they were going to do and where they were going to place these houses. The original proposal states: "...both houses are planned to be one-story with generous setbacks and floor plans that nestle into the hillside terrain."

This following image was presented to the town and to the neighbors indicating where the houses would approximately be placed:

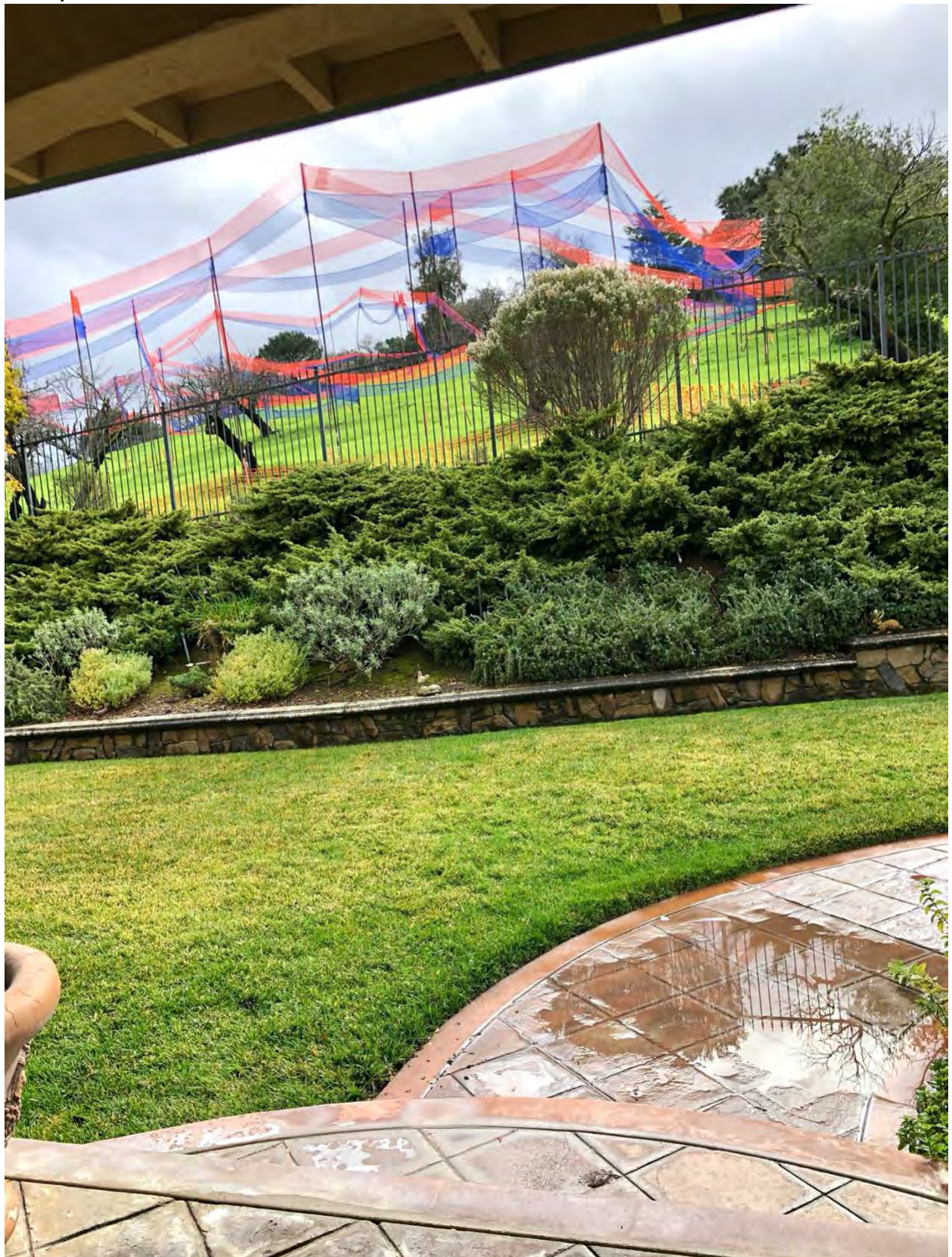


Instead, this is what we're all dealing with today: All three houses stacked on top of one another!



And, as the story polls show, this is what we at [REDACTED] are stuck with

today!



Again, Thank you for your time with this very important matter.

Respectfully,

Paul Cosentino

A solid black rectangular box used to redact the signature of Paul Cosentino.

Tuesday, January 11, 2023

TO: Ryan Safty and Members of the Town of Los Gatos Planning Commission

RE: 400 Surmont Drive Development

I hope this letter finds you all doing well.

I have some news regarding the garbage can issue that I've written to you about for the past few years.

I was finally able to ascertain accurate and complete information directly from the district manager at West Valley Collection & Recycling, Virginia Palafox. I met with Ms. Palafox last Friday at her offices downtown, along with Matt Chapa, and they explained to me that WVC&R can neither guarantee nor can anyone within her office "assure" anyone that they will pick up garbage on the proposed private driveway hammerhead for the new development at 400 Surmont Drive.

The reason for this is that WVC&R will only guarantee servicing houses on public roads. They will, however, service private roads and driveways if and only if they obtain written permission from each homeowner currently living on the private road. If just one homeowner does not sign WVC&R's private road agreement – no matter how many houses reside on any given private road/driveway do sign — they will not service any of the houses.

This means that it IS possible that Surmont Drive, Surmont Court, and even Westhill Drive could be inundated with 10 to 14+ extra garbage cans from the development at 400 Surmont Drive. And, in addition, with the sale and development of the Bates' 10-acer property at 401 Surmont Drive, there could be another 7 to 14+ cans put out onto Surmont Drive. I make these statements because it is quite possible that these new future homeowners may not want a garbage truck munching up their private driveways every week, and they may choose to have their cans brought down to the street, just as is the case currently with Sandy Anderson at 400 Surmont Drive (see attached photo of typical Friday morning on Surmont Drive).

Therefore, once again, I propose that the best remedy to this situation is to work out with the developer extending Surmont Drive (just as we did when we built our home). This would provide the space needed to properly service these new houses, and avoid causing any future irreversible garbage can chaos to the neighborhood.

Thank you for your time with this very important matter.

Paul Cosentino