

Summary of Revised Garage Design

The revised garage design proposes to construct a two-car garage placed approximately 32' away from the property line with 210 University Avenue, approximately 8' away from the property line with 72 Miles Avenue, and approximately 3' away from the sidewalk along Miles Avenue. After obtaining preliminary pricing for a garage with ADU constructed above it, we have no immediate plans to build an ADU constructed over the garage.

The revised design resolves all technical requirements and all neighbor concerns of which we are aware, summarized as follows (and detailed further below):

1. The revised design eliminates the need for setback variances from our neighbors at 210 University Avenue and 72 Miles Avenue.
2. The revised design resolves the issue of the PG&E guy wire on Miles Avenue, which obstructs and encumbers our property.
3. The revised design resolves neighbor concerns regarding the differences in property elevations among the properties at the rear corner of our property (where we had originally proposed to construct the garage). These elevation differences raised neighbor concerns regarding garage foundation engineering, water drainage, and retaining walls. These elevation differences should be viewed as an encumbrance on our property and technical justification for the revised garage placement near Miles Avenue.
4. The revised design provides for the *only* possible garage placement that avoids any obstruction of the kitchen window of 72 Miles Avenue. (In other words, any other garage placement would obstruct some if not all of the kitchen window of 72 Miles Avenue.) In fact, the garage placement in the revised design would not obstruct *any* of the windows, decks, or patios of 72 Miles Avenue or 210 University Avenue.
5. The revised design improves safety to our children by providing a better physical barrier between open yard and Miles Avenue, which is heavily trafficked by work trucks and other vehicles.
6. The revised design better incorporates the proposed garage with existing parkway trees and added vegetation to enhance the aesthetic of the frontage along Miles Avenue.

For the reasons detailed herein, we respectfully request approval by Planning Commission of this revised design. Additional background detail and justification follows.

Narrative Detail of Neighbor Outreach Regarding Garage Design

As an initial matter, it is important to note that several of our neighbors (including those at 72 Miles Avenue and 210 University Avenue) signed support letters in favor of our proposal to remodel our primary residence with detached garage, and we received unanimous approval for the plans by HPC around July 2021 and Planning Commission around January 2022. The neighbor support letters, and HPC and Planning Commission approval, included a garage located in the corner of our property with 3' setbacks from the property lines with our neighbors at 72 Miles Avenue and 210 University Avenue.

Per my contemporaneous notes and records, I discussed and reviewed several garage designs with our neighbors at 72 Miles Avenue and 210 University Avenue in an effort to design a garage that would be minimally disruptive to them. It is important to note that we were not required to provide our neighbors with elevations illustrating a garage with ADU above it. Nonetheless, we spent significant extra time and expense to develop plans reflecting an ADU so that our neighbors at 72 Miles Avenue and 210 University Avenue could raise any concerns as to construction of a future ADU (by us or a future owner).

- In one design, garage plans showed placement with a 3' setback from the property line with 72 Miles Avenue and a 1' setback from the property line with 210 University Avenue, with stairs for a future ADU following the property line with 210 University Avenue. Per my contemporaneous text messages with our architect, Jay Plett, I reviewed these plans with our neighbors at 72 Miles Avenue in mid-May 2022; as I recall, they expressed concerns that the garage location would obstruct the light corridors to their kitchen window and 1st floor bathroom window, and that any future ADU would also block the light corridors to their 2nd floor bedroom window and 2nd floor deck. (Given that initial feedback from our neighbors at 72 Miles Avenue, I recall that I did not review this design with our neighbors at 210 University Avenue because we were going to re-design it.)
- In a later design, garage plans showed placement with a 1' setback from the property line with 72 Miles Avenue and a 1' setback from the property line with 210 University Avenue, with stairs for a future ADU following the property line with 72 Miles Avenue. Mr. Plett and I believed these improved upon the previous plans reviewed with our neighbors at 72 Miles Avenue by maximizing light to their kitchen window (and upstairs bedroom window in the event of a future ADU). I reviewed these plans with our neighbors at 72 Miles Avenue and 210 University Avenue in late-May 2022. Per my contemporaneous text messages with Mr. Plett, our neighbors at 210 University Avenue expressed concerns with fire safety and that they would prefer to see story poles, but otherwise said they were "good with the plans". Also, per my contemporaneous text messages with Mr. Plett, our neighbors at 72 Miles Avenue expressed concerns of the 1' setback with their property line, but said they "like the general layout" and to "have Jay do the best he can all things considered, and we will probably be okay with it."

The design we previously submitted to HPC and Planning Commission reflected a 1'6" setback from the property line with 72 Miles Avenue and a 1' setback from the property line with 210 University Avenue, with stairs for a future ADU following the property line with 72 Miles Avenue. We believed that a 1' setback to the property at 210 University Avenue allowed for maximum light to 72 Miles Avenue, with minimal impact to 210 University Avenue, since the closest structure on 210 University Avenue would be a detached, one-story garage. Given this significant input from our neighbors at 72 Miles Avenue and 210 University Avenue, and believing that the proposed garage design improved on the prior-approved garage design by further opening the light corridors of our neighbors at 72 Miles Avenue and 210 University Avenue, we submitted the variance application in good faith, but without soliciting neighbor support letters. (Again, they had already signed support letters for the garage with 3' setbacks, we communicated with them significantly regarding earlier versions of the garage design, and we believed that the further-reduced garage setbacks clearly improved on the prior-approved garage placement.) It is important to note that HPC, in reviewing the garage design in August 2022, overwhelmingly

commended our efforts to accommodate the light corridors of our neighbors at 72 Miles Avenue and 210 University Avenue.

The Planning Department forwarded the December 9, 2022 email comment from Jeff Scott at 72 Miles Avenue. While the email was generally supportive of our planned renovation, the comment raised concerns regarding (i) the reduced 1'-6" setback along the shared property line with 72 Miles Avenue, and (ii) some obstruction of light corridors to their kitchen window, and, in the event of a future ADU, upstairs bedroom and upstairs rear deck, and that they would not support the project as designed.

Planning Department also forwarded the December 12, 2022 email comment from Russ and Lois Anderson at 210 University Avenue, which raised concerns regarding the reduced 1' setback along the shared property line with 210 University Avenue, specifically, (i) foundation engineering, (ii) water drainage, (iii) retaining walls, (iv) fire safety, and (v) privacy (in the event of a future ADU). On December 13, 2022, I communicated with Mr. Anderson by text and telephone, and also met in person with him on December 13, 2022 to better understand the concerns raised. I recall that Mr. Anderson also raised a concern that a future ADU could diminish his property value. Mr. Anderson suggested an alternative proposal for placement of the garage, namely, a substantially similar garage placed with minimal setbacks along Miles Avenue, and urged us to consider the viability of the proposal.

We continued to work with Mr. Plett to explore the viability of the alternative garage placement proposed by Mr. Anderson. On initial review, it appeared that there may be a narrow path to the viability of the proposed garage placement; however, it was not possible for us to confirm the viability, review with our neighbors as appropriate, and submit the revised design to Los Gatos Planning in sufficient time for Planning Commission to evaluate the revisions prior to the December 14, 2022 meeting. Accordingly, we requested a continuance to the next Planning Commission meeting. On December 14, 2022, I personally met with Mr. Anderson (210 University Avenue) and Mr. Scott (72 Miles Avenue) to explain that we requested a continuance until the next Planning Commission meeting, and that we would continue working on the design to attempt to resolve their concerns.

On December 19, 2022, civil engineer, Terence (Terry) Szewczyk, confirmed the viability of the new garage location from the perspective of vehicle access. Mr. Szewczyk emphasized that this garage orientation only worked if the garage was within several feet of the Miles Avenue sidewalk because of the placement of the primary residence and guy wires maintained by PG&E. On December 20, 2022, Mr. Plett and I met with Mr. Mullin to review the new garage placement and review timing for revised design submission to Los Gatos Planning.

We continued working with Mr. Plett to prepare new plans for garage placement. In summary, it kept substantially the same garage footprint but moved it approximately 32' away from the property line with 210 University Avenue (rather than 1'), approximately 8' away from the property line with 72 Miles Avenue (rather than 1'-6"), and approximately 3' away from the sidewalk along Miles Avenue. These revised design resolves all technical requirements and all neighbor concerns of which we are aware, detailed as follows:

1. As to 72 Miles Avenue, it resolves all neighbor concerns raised:
 - a. garage setback increased to approximately 8' (rather than 1'-6"), such that no variance is required as to the setback with 72 Miles Avenue; and

- b. no obstruction of light corridors to kitchen window, 1st floor bathroom, upstairs bedroom, or upstairs rear deck.
2. As to 210 University Avenue, it resolves all neighbor concerns raised:
 - a. garage setback increased to approximately 32' (rather than 1'), such that no variance is required as to the setback with 210 University Avenue; and
 - b. the 32' setback resolves the concerns that Russ Anderson raised as to foundation engineering, water drainage, retaining walls, and fire safety.
3. The revised design resolves the issue of the PG&E guy wire on Miles Avenue, which obstructs and encumbers our property.
4. The revised design improves safety to our children by providing a better physical barrier between open yard and Miles Avenue, which is heavily trafficked by work trucks and other vehicles.
5. The revised design facilitates incorporation of existing parkway trees with added vegetation and a low picket fence, to enhance the aesthetic of the frontage along Miles Avenue. This can be compared and contrasted with existing structures abutting or adjacent to sidewalks throughout the University/Edelen and Almond Grove historic neighborhoods, for example, 123 University Avenue, 81 Broadway, 312 W Main Street, 214 Bean Avenue, 103 Edelen Avenue, 259 University Avenue, and 301 University Avenue. Mr. Plett has included images with this submission.
6. The revised design takes into account that a 6' stucco wall currently exists along the property line between our property and 72 Miles Avenue. Thereby, the impact of a garage in that space will be muted and mitigated from the perspective of 72 Miles Avenue, as compared to if a shorter fence existed along that property line.
7. The revised design (which includes a variance request for additional sf) is less sf than the allowed sf if our lot were an inside lot (and not a corner lot), and is intended to maximize storage and usability to accommodate our growing family.
8. If a future ADU is ever built over the garage (again, it is not our intention to build an ADU at this time given cost constraints), the only window obstruction would be an upstairs bathroom window of 72 Miles Avenue, which is frosted.

I reviewed preliminary sketches for this new garage placement with Mr. Anderson (210 University Avenue) on January 5, 2023, who seemed to favor the new garage placement over the prior proposed placement. Given the significant outreach to our neighbors at 72 Miles Avenue and 210 University Avenue, and given that the revised design resolves every concern that our neighbors have raised, we hope that they will back the revised design now being submitted to Los Gatos Planning.

For the reasons detailed herein, we respectfully request approval of this revised design by Planning Commission.

Sincerely,

Tyler and Kristine Shewey