

# Bean Avenue Associates

A California General Partnership

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December 2, 2019

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Planning/Building Department  
**Town of Los Gatos**  
110 East Main Street  
Los Gatos, CA 95030

TOWN OF LOS GATOS  
BUILDING DIVISION

*Re: 59 North Santa Cruz Avenue, Los Gatos (Elevator Permit)*

Dear Planning/Building Department Members,

I have been a resident of the Town of Los Gatos since 1969 and am the principal owner and manager of the above-referenced property. I am also a commercial real estate broker and property manager which, I believe, provides me with reasonably broad experience in the matters I offer, below.

On behalf of the partnership, Bean Avenue Associates General Partnership, which owns the property, a two-story mixed use retail and office building, I submitted an application to you for construction of an elevator. The application was submitted through our architect, Terry J. Martin. In my visits to the Department, and in my conversations with the Planners a few weeks ago, I understood a letter from me commenting on the justification for granting a variance enabling the permit process to move forward, would be helpful. To that end, I would like to communicate to you the following:

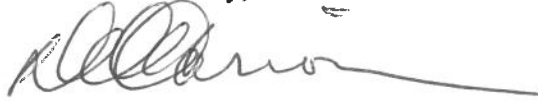
My group has owned the property since 1976, a year after it was constructed. I have managed it since its purchase, through good economic times and not so good. I am certain you are aware, that the building was purchased prior to passage of the Americans With Disabilities Act ("ADA"). Had it been constructed a few years later an elevator would have been required, but, of course, it was not. So now we have to deal with the following:

- Since 1976 many new office buildings have come on stream in Los Gatos. Because the great majority of them have been constructed since ADA they all have elevators
- The result of not having an elevator has resulted in our building becoming less and less competitive
- Because we are less competitive we are having a very difficult time re-renting second floor office space. In past years it was not such an issue, but with an aging population, business offering their services to clients with difficulties in negotiating stairs are now unwilling to consider our building as home for their business. When I receive inquiries most ask if the available office is on the second floor, and if so, is there an elevator. When I reply "Yes" and "No" they politely let me know the space will not work for them
- The only businesses which will consider our second floor space are those who have few clients visiting them. They are not in the majority
- We have had two small spaces (377 square feet and 569 square feet) available since the end of May. I have proposed the spaces to approximately ten prospective tenants. I recall only two

who were interested and for whom lack of an elevator was not a problem. The others remarked that without an elevator they could not consider the offices. Those spaces remain vacant

I ask that you please consider the foregoing in making a decision. It would help us and presumably the Downtown business climate and through tax revenues, the Town. I'm happy to respond to any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David P. de Carion", with a long horizontal flourish extending to the right.

David P. de Carion  
Managing General Partner

Bean Avenue Associates  
a California General Partnership

December 6, 2019

Planning/Building Department  
**Town of Los Gatos**  
110 East Main Street  
Los Gatos, CA 95030

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TOWN OF LOS GATOS  
PLANNING DIVISION

*Supplemental Letter of Justification Re: 59 North Santa Cruz Avenue, Los Gatos (Elevator Permit)*

Dear Planning/Building Department Members,

On December 2 of this year I delivered to you a letter expressing my thoughts on why I believe the Town should approve our application for variance to build the proposed elevator at the above address. There are additional reasons which I would now like to express, as follows:

- First, the parcel was platted nearly 100 years ago. At that time perceived needs of the public and of the governing municipal authority were different. They have evolved today and now emphasize incorporating natural landscape materials, light, minimizing the impact of traffic, adequate parking, consideration of ease of access for older and disabled persons, as well as other elements, into any parcel development plan. Despite its age, the subject building exhibits many of these elements, except perhaps the pre-ADA requirements for ease of access for disabled and older persons.
- The application before you asks that this missing element be addressed by permitting construction of an elevator in the interior courtyard. It is an element that would not bestow any special privilege on the owners or on the property, inasmuch as many other buildings in the area, in fact, **ALL** other two story buildings built in the downtown area since 1990, the year the ADA act was passed, enjoy the same privilege; such "privilege" is now required in all commercial two-story construction under State and Federal law.
- Due to the configuration of the building on the property, there is no other way to ease the burden of older and disabled persons wishing to avail themselves of services provided by businesses located on the second floor of the building.
- The elevator would not be visible from outside the building and it would not impact any other building nearby.

Please consider the foregoing when you deliberate the granting of the variance.

Sincerely,

David P. de Carion  
Managing General Partner