

Dear Commissioners and Planning staff,

Following the recommendation from the Planning Commission Committee at the September 7th, 2023 hearing, we made another effort to obtain our neighbor Ms. Harmon's consent for our remodeling project. Please see the attached proposal for a completely separate driveway for Ms. Harmon, which we discussed with her on September 14th, 2023. Unfortunately, she did not accept this proposal. This arrangement would have made our Challenge Court cul-de-sac symmetric with the driveways at 104 and 106, similar to those at 103 and 105, where each homeowner has complete ownership of their own land.

Prior to the September 7th hearing, we engaged in multiple discussions with Ms. Harmon regarding our remodeling project. These meetings were between Jan 21st 2023 and Sept 7th 2023:

1. First time, we met to explain the details of the remodeling project.
2. In a subsequent meeting, we provided an outline in our property indicating where the addition would be located.
3. After Ms. Harmon consulted with the planning team, she requested five modifications to the design in order to give her consent. We agreed to all five changes, but she later withdrew to give her consent.
4. Finally, we approached her again after the hearing to attempt further resolution as mentioned above.

We submitted the project to remodel our house in accordance with our property line setbacks and city guidelines. As immigrants in this country, we made sure we comply with all the city codes for the project of remodeling/addition to our property.

During the hearing on September 7th, 2023, our neighbor submitted a document claiming an "implied easement," a concept we were previously unfamiliar with. Since then, we have consulted multiple real estate attorneys to better understand our rights. Based on their advice, it is clear that our neighbor cannot validly claim an implied easement on our property.

We request that our application be approved because we met all of the City's requirements. We look forward to your decision.



Kirti Patel <kirtipl@gmail.com>

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## Follow up on our proposal

Kirti Patel <kirtipl@gmail.com>  
To: bborter <bborter@aol.com>

Sat, Sep 23, 2023 at 5:20 PM

Hi Bill,

Hope you both are doing great.

It's been over a week (Sep-14th) since we met and discussed the proposal of having a separate driveway for yourself. The proposal was to solve both the access and property value concerns you have raised.

This meant reducing the front grass area of your front lawn to accommodate expanding an additional 9 ft of the driveway area in your property.

I provided the printout last time, and the same document is attached in this email for reference. This document has just the bullet points that we discussed in detail verbally, so I am providing the explanation in email.

As you mentioned in the planning commission hearing, you are planning to buy an RV in the near future and would like to park in the driveway. It will be easily possible to park the RV and both your cars in the new proposed separate driveway solving parking concern. In our cul-de-sac, 105 challenge ct have a separate driveway without sharing with the neighbor, check their driveway usage. They are able to park a 2-4 people RV with a couple of cars next to them. Your new driveway will allow you to park similarly.

103 challenge ct and 105 challenge ct have been using their individual driveways for almost 60 years. In our cul-de-sac everyone has their own driveway except us (104 and 106).

As cars are getting bigger every decade, similarly the house needs are also expanding. These houses were built almost 60 years back, now there are new living standards and needs for families. Having a separate driveway for both properties 104 Challenge Ct and 106 Challenge ct has multiple benefits vs continuing to have common hammerhead driveway.

Once we have separate driveway and 106 challenge ct adds 550 sq ft in the front, it will increase your property value with the potential for the new home buyer of 104 to build similarly.

Just check [this house \(1191 Balclutha Dr\)](#) in our neighborhood that was sold last month. In today's market with a 7% interest rate, this house where the driveway space is limited went for over **\$221,000 over asking** price at \$1,143/sq.ft price. Imagine if the buyer had the option to add 550sqft in the front plus can park 2 cars in the driveway in a cul-de-sac area, what prices it can fetch vs [the house \(644 Matsonia Dr\)](#) your real estate agent mentioned in the comments which was sold for **\$60,000 below asking** price with \$1,011/sq.ft price earlier this year with 6% interest rate having a hammerhead driveway.

Similarly [650 Matsonia Dr](#) was sold for **\$315,000 over asking** price at \$1,079/sq.ft price in 2018 (5 years back) much higher than the price with hammerhead driveway house in terms of per sq ft price.

This clearly shows that having a hammerhead driveway is a negative thing for today's home buyers. All single family home owners want their own private driveway which is more desirable.

I agree you have been living in this house/city for 37 years but as you see in everyday life, things are evolving around us and we should adapt to those changes as well. Notice the city and overall peninsula/bay area and beyond, you will see construction everywhere. There is a need for more housing and a bigger house. Let your neighbor fulfill their family needs with the benefits that it brings to you if you have a separate driveway.

As in the proposal we have mentioned of covering the 50% cost of your new driveway, but if cost is the factor for moving ahead with this proposal, please let us know.

As a good neighbor for the last 12 years, I am thinking of a positive future for both of our houses. I want you to look at the proposal holistically and hope you would like to go with the new proposal given all the benefits it brings.

Thanks and have a great weekend  
Kirti

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**104 Challenge ct - new driveway proposal.pdf**

35K

2 main concerns with current addition to 106 challenge ct:

1. Driveway impact to go in and come out
2. Property value going down

PROPOSAL:

Have a separate driveway for 104 challenge ct.

BENEFITS:

1. Make use of the space available in front to do addition which can be used in better way
2. This will fetch top selling price
3. Selling point: Next door house has added 550sqft in the front
  - a. Build cost: \$500-600/sq ft
  - b. Sell cost: \$1200/sq ft 2 times build cost
4. Can park 4 cars total
  - a. Good when guests will come.... More tandem parking space.
5. In our neighborhood very few houses have the option to do addition in front as we have the 20ft setback and a lot of common space in between our properties.
6. Like 105 challenge ct ( more than 900 sq ft driveway)
7. Brand new driveway as a good selling point which is good for another 25-30 years
8. Will be able to park recreation vehicle

CONS - IF WE DON'T BUILD A NEW DRIVEWAY:

1. Easement is negative for both properties as buyers would not like to buy a house which has legal binding with neighbors... it can always run into conflicts / problems with the new neighbor...
  - a. New owners of a property can bring trouble to neighbors
2. Easement will reduce both properties value
3. Both properties can't use that portion of land, which we own.

COST SPLIT:

We can pay 50% of the cost to build your new concrete driveway. It will roughly cost around \$25,000 to build a new driveway including the public works for the new approach. This will give you a brand new driveway with the benefits we discussed earlier.

Single Family homes in neighborhood  
with curved driveway



Search Google Maps



106 Challenge Ct

Foster City, California



Google Street View

Jun 2022



103 and 105 challenge ct view of  
using their driveway and garage



PILGRIM  
- TRITON



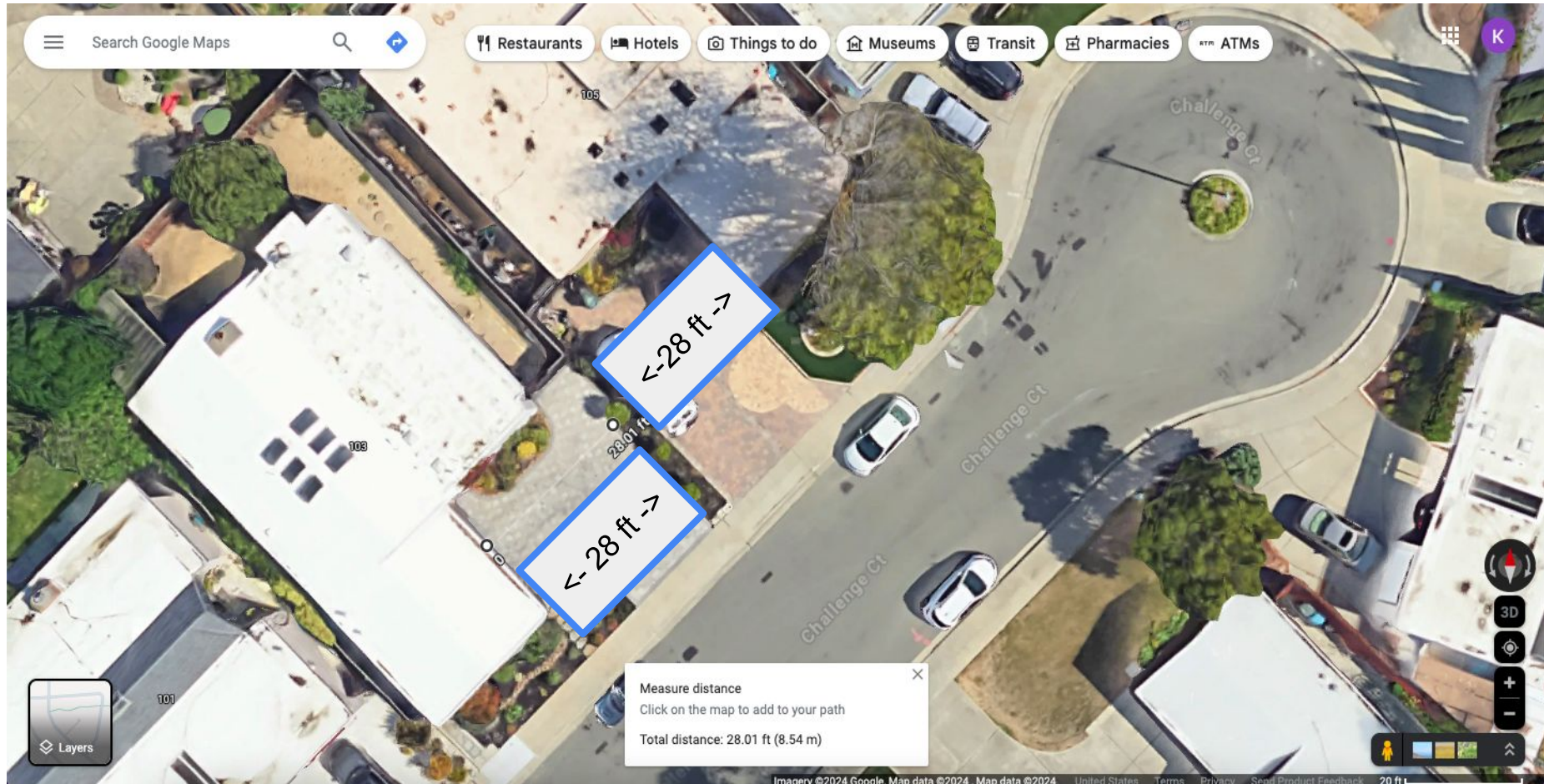
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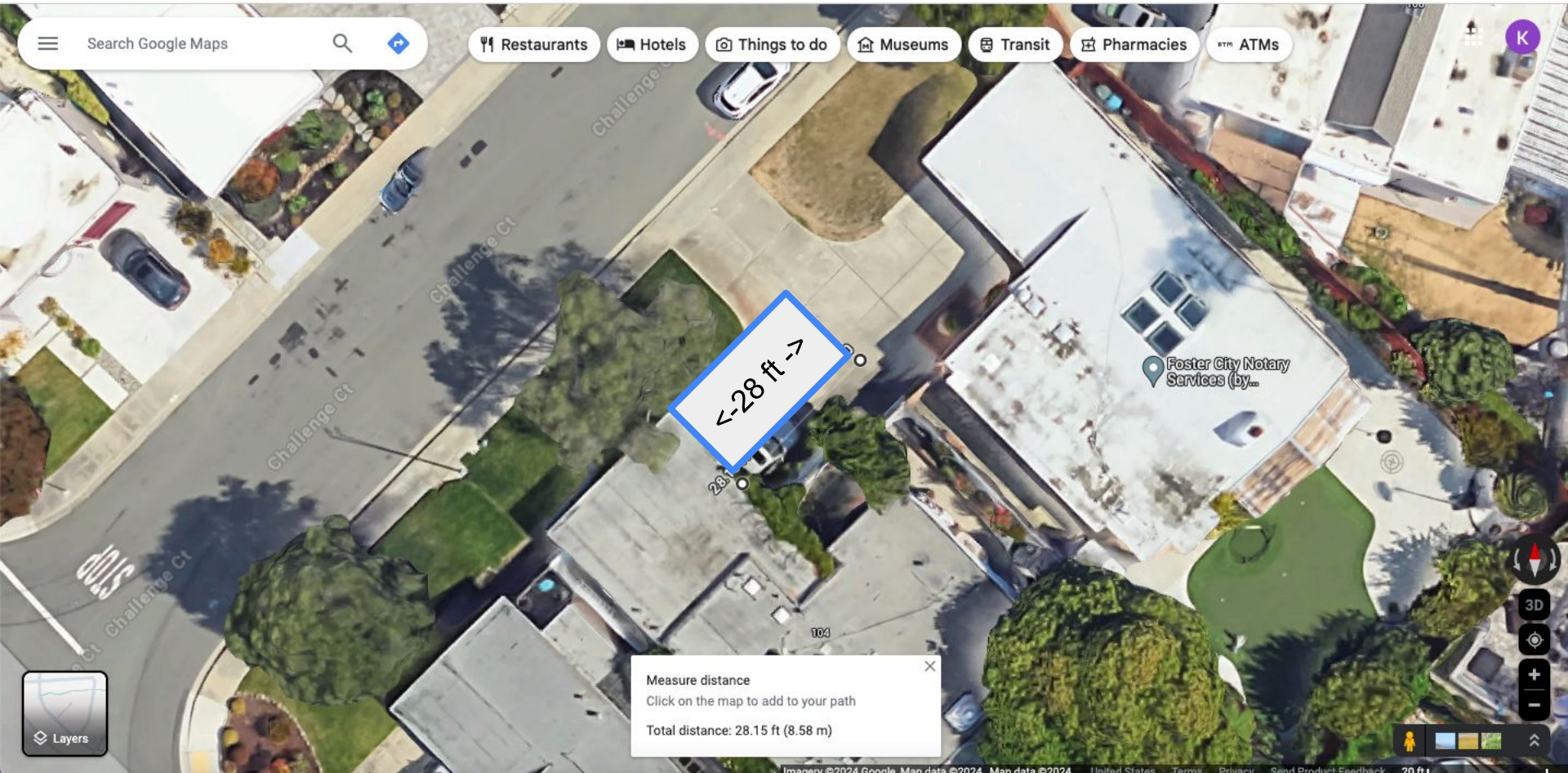


# 103 and 105 Challenge ct - Space between garage eave to the property line - 28 ft





**104 Challenge ct - Space between garage eave to the property line - 28 ft**





# Single Family homes in neighborhood with curved driveway

Address	Lot size	Property line to garage eaves distance
650 Matsonia Dr	5,606 sqft	25 ft
103 Challenge Ct	5,967 sqft	28 ft
105 Challenge Ct	8,407 sqft	28 ft
106 Goldhunter Ct	6,490 sqft	23 ft
114 Goldhunter Ct	6,621 sqft	25 ft
636 Harvester Dr	6,185 sqft	26 ft
1191 Balclutha Dr	5,795 sqft	23 ft
104 Challenge ct	8,058 sqft	28 ft