



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
OCTOBER 28, 2020
110 EAST MAIN STREET
LOS GATOS, CA**

*Melanie Hanssen, Chair
Kathryn Janoff, Vice Chair
Mary Badame, Commissioner
Jeffrey Barnett, Commissioner
Kendra Burch, Commissioner
Matthew Hudes, Commissioner
Reza Tavana, Commissioner*

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” and return it to the Staff Liaison. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.

Live and Archived Planning Commission meetings can be viewed by going to:

<https://www.kcat.org/government-meetings>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

IMPORTANT NOTICE REGARDING OCTOBER 28, 2020 PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at: <https://losgatosca.gov.zoom.us/j/99895699697?pwd=aGZDZ1ovempOREc1ckxXbmtkSXdiUT09>
Passcode: 948215.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@losgatosca.gov with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSEN, VICE CHAIR JANOFF, COMMISSIONER BADAME, COMMISSIONER BARNETT, COMMISSIONER BURCH, COMMISSIONER HUDES, AND COMMISSIONER TEVANA. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
OCTOBER 28, 2020
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)*

1. Approval of Minutes from October 14, 2020 Planning Commission Meeting

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

2. Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway.
APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: ZKJ LLC. Applicant: Jay Plett, Architect. Project Planner: Sean Mullin
3. Consider Approval of a Request for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008. Property Owner: Ramya Muddada. Applicant: Kurt B. Anderson. Project Planner: Sean Mullin.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
OCTOBER 14, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, October 14, 2020, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff, Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, and Commissioner Reza Tavana

Absent: None.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. **Approval of Minutes** – September 23, 2020 Planning Commission Meeting
2. **Approval of Minutes** – September 28, 2020 Special Planning Commission Meeting

Commissioner Barnett requested the draft minutes of September 23, 2020 and September 28, 2020 be pulled from the Consent Calendar.

PUBLIC HEARINGS

3. **205 Lester Lane**
Tree Removal Permit T-20-074
APN 424-17-015
Property Owner/Applicant/Appellant: Cynthia Jaen
Project Planner: Ryan Safty

Consider an Appeal of the Replacement Tree Requirement for a Tree Removal Permit on property zoned R-1:8.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Cynthia Jaen/Owner, Applicant, and Appellant

- The tree was considered dead by the tree service who cut it down and per Town Code does not require replacement. The tree was also dangerous, having dropped several limbs over her property several times. The tree service pointed out that the tree was rotted inside and leaning toward the neighbor's property. Her appeal is reasonable. She has several trees on her property, more than any of her neighbors. The Town Arborist and Commissioners who visited did not knock on her door to see the property, so they all viewed the tree from the street.

Cynthia Jaen/Owner, Applicant, and Appellant

- For her to put three trees where the removed tree was would cause an issues with power lines running over her property, and there is no other space available on her property for those trees.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame to deny the appeal of a Replacement Tree Requirement for a Tree Removal Permit for 205 Lester Lane. Seconded by Commissioner Burch.**

VOTE: **Motion passed (6-0), Commissioner Hudes abstaining.**

4. **Approval of Minutes** – September 23, 2020 Planning Commission Meeting
Approval of Minutes – September 28, 2020 Special Planning Commission Meeting

Commissioners discussed the matter.

MOTION: **Motion by Commissioner Badame to approve the minutes of September 23, 2020, and September 28, 2020. Seconded by Commissioner Tavana.**

VOTE: **Motion passed (5-1), Commissioner Hudes dissenting and Commissioner Burch recused.**

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- Town Council met October 6, 2020 and considered:
 - Planning Commission recommendations for modifications to the BMP Program and Lighting.
 - Economic recovery efforts. Town Council provided direction to staff on items moving forward.
- Town Council will meet October 20, 2020 to consider:
 - An appeal of the Planning Commission decision for the North 40 modification.
 - A second reading and approval of two items heard at the October 6, 2020 meeting, the BMP Program and Lighting.
 - Recommendation from the Planning Commission on the Hillside Development Standards and Guidelines.
- A community workshop on community culture via Zoom will be held on October 22, 2020 at 7:00 p.m.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

Conceptual Development Advisory Committee

Commissioner Barnett

- CDAC met October 14, 2020 and considered 15299 Top of the Hill Court.

General Plan Advisory Committee

Commissioner Hanssen

- GPAC met October 1, 2020 and took a second look at Public Facilities, Services, and Infrastructure Element.
- The next meeting GPAC meeting will be on October 15, 2020 to review the next draft of the Environment and Sustainability Element.
- GPAC will review the Land Use Element and Community Design Element in November 2020.

Commission Matters

Commissioner Hanssen

- Commissioner Burch has agreed to chair the newly formed Subcommittee on Objective Standards.
- She requested that documents from the Commission members for review by the Planning Commission should be submitted in advance of public hearings and adhere to the deadline for desk items at a minimum.
- Because of the complex issues surrounding the North 40 it would be helpful to have training for the Commission in early 2021 about the Housing Accountability Act and changing laws, among other topics, to give everyone the same level of understanding.

ADJOURNMENT

The meeting adjourned at 7:47 p.m.

This is to certify that the foregoing is a true
and correct copy of the minutes of the
October 14, 2020 meeting as approved by the
Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 2

DATE: October 23, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: ZKJ LLC. Applicant: Jay Plett, Architect. Project Planner: Sean Mullin

RECOMMENDATION:

Deny the appeal of a Development Review Committee decision approving a request for demolition of an existing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP.

PROJECT DATA:

General Plan Designation: Medium Density Residential
Zoning Designation: R-1D:LHP
Applicable Plans & Standards: General Plan and Residential Design Guidelines
Parcel Size: 0.28 acres (12,132 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D:LHP
South	Residential	Medium Density Residential	R-1D:LHP
East	Residential	Medium Density Residential	R-1D:LHP
East	Residential	Medium Density Residential	R-1D:LHP

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
 1. The Town's housing stock will be maintained as the single-family residence will be replaced.
 2. The existing structures have no architectural or historical significance, and are in poor condition.
 3. The property owner does not desire to maintain the structures as they exist; and
 4. The economic utility of the structures was considered.
- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).
- The project is in compliance with the Residential Design Guidelines for single-family residences located in Historic Districts and not in hillside areas.
- The project is in compliance with the applicable sections of the Hillside Development Standards and Guidelines for properties outside of the hillside area with an average slope exceeding 10 percent.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the south side of Broadway, just west of Main Street in the Broadway Historic District (Exhibit 1). The lot is approximately 12,132 square feet and is developed with a two-story fire-damaged residence with an attached garage. The immediate neighborhood contains one-story and two-story single-family and multi-family residential buildings.

On February 28, 2020, the applicant submitted an Architecture and Site application for the demolition of the existing fire-damaged structure and construction of a new 2,449.5-square foot two-story residence with a 367-square foot attached garage. The project includes areas of below-grade square footage on the lower level that would not count toward the size of the residence.

The proposed project meets all technical requirements of the Town Code including parking, height, floor area, and setbacks.

On May 27, 2020, the Historic Preservation Committee (HPC) reviewed the proposed project for replacement of the non-contributing fire-damaged structure and found it to be compatible with the Broadway Historic District in terms of style, massing, and scale. The HPC forwarded a recommendation of approval of the proposed design with the condition that the new residence utilize wood channel lap siding (Exhibit 4).

During review of the Architecture and Site application, the applicant revised the design of the residence in response to the concerns of the adjacent neighbor by removing one second-story window, reducing the size of another second-story window on the west elevation, and lowering the roof by six inches above the master bedroom and bathroom.

On September 1, 2020, the Development Review Committee (DRC) considered approval of the application and continued the hearing to allow the applicant to work with the neighbors to address their concerns (Exhibit 5). Prior to this DRC hearing, staff forwarded public comments received to the DRC members (Exhibit 6).

On September 15, 2020, the DRC considered the application noting that the applicant had revised the project to address the neighbors' concerns, as follows:

- Removing one second-story window on the west elevation;
- Reducing the size of a second-story window on the west elevation;
- Lowering the roof by six inches above the master bedroom and master bathroom;
- Reducing the extent of the upper terrace patio by five feet to be farther away from the property to the east; and
- Introducing a fence along the east property line, adjacent to the neighbor's patio, with a height 1.33 feet above the neighbor's eave line for a length of not less than 40 feet.

BACKGROUND (continued):

Prior to this hearing, staff forwarded additional public comments received after the previous DRC hearing to the DRC members (Exhibit 7). The DRC made the required findings and considerations and approved the Architecture and Site application for the revised project with conditions of approval (Exhibit 8).

On September 18, 2020, the decision of the DRC was appealed to the Planning Commission by the adjacent neighbor (appellant), due to concerns regarding privacy; compatibility; height, mass, and views; story poles; spot elevations; and windows (Exhibit 9). The appellant submitted additional letters detailing their concerns in support of the appeal included with Exhibit 9.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is located on the south side of Broadway in the Broadway Historic District (Exhibit 1). The lot is 12,132 square feet and is developed with an approximately 1,296-square foot two-story fire-damaged residence with a 542-square foot attached garage. The property slopes up approximately 70 feet from the front to the rear property line and has an average slope of 23.2 percent. Properties located outside of the Hillside Area with an average slope in excess of 10 percent are subject to the standards and guidelines of the following sections of the Hillside Development Standards and Guidelines:

- Constraints Analysis and Site Selection (excluding visibility);
- Site Planning for Grading, Drainage, Driveways and Parking, and Geologic Safety; and
- Site Elements for Retaining Walls.

The immediate neighborhood contains one-story and two-story single-family and multi-family residential buildings. Generally, this section of Broadway ascends from east to west, with properties to the west sitting at a higher elevation than those to the east. Due to lot configuration and topography, many residences in the immediate neighborhood are sited at the front of the property toward Broadway.

B. Project Summary

The applicant proposes demolition of the existing fire-damaged residence and construction of a two-story residence with an attached two-car garage. The project includes areas of below-grade square footage on the lower level that would not count toward the size of the residence.

PROJECT DESCRIPTION (continued):

C. Zoning Compliance

A single-family residence is permitted in the R-1D:LHP zone. The proposed residence is in compliance with the allowable floor area, height, setbacks, and on-site parking requirements for the property. There is no maximum allowed building coverage, and HPC design review is required for construction in the zone.

DISCUSSION:

A. Architecture and Site Analysis

The applicant proposes demolition of the existing fire-damaged residence and construction of a new 2,449.5-square foot two-story residence with a 367-square foot attached garage. The project includes 410 square feet of living area and 428 square feet of garage area on the lower level that would meet the definition of below-grade square footage and does not count toward the size of the residence or garage. The proposed residence would be sited towards the front of the 50-foot wide and 258-foot deep property, utilizing the area of existing development and meeting the limitations of the Least Restrictive Development Area (LRDA). The front setback of the proposed residence would increase from that of the existing residence, with the proposed garage being approximately five feet deeper into the site and the front entry being approximately 19 feet deeper into the site than the existing residence. The rear of the proposed residence would extend approximately 20 feet beyond the existing residence over the area of existing patios. The width of the proposed residence is consistent with the existing residence at 38 feet, four inches. The maximum height of the proposed residence is 28 feet, six inches, where a maximum of 30 feet is allowed.

The proposed project materials include channeled horizontal wood lap siding, smooth plaster siding, aluminum clad wood divided lite windows and doors, a wood garage door, wood columns and brackets, and a composition asphalt shingle roof. A color and materials board are included with this staff report (Exhibit 10). The applicant has provided a Written Description/Letter of Justification detailing the project (Exhibit 11).

B. Building Design

On May 27, 2020, the HPC reviewed the proposed project for replacement of a noncontributing fire-damaged structure and found it to be compatible with the Broadway Historic District in terms of style, massing, and scale. The HPC forwarded a recommendation of approval with the condition that the new residence utilize channeled wood lap siding (Exhibit 4). The HPC's recommendation is reflected in the attached approved project plans (Exhibit 19).

DISCUSSION (continued):

Following the May 27, 2020 HPC hearing, the applicant revised the design to respond to the privacy and view concerns of the uphill neighbor by removing one second-story window, reducing the size of another second-story window on the west elevation, and lowering the roof ridge by six inches above the master bedroom and bathroom. Additional revisions were made by the applicant following the first DRC hearing to respond to the privacy concerns of the downhill neighbor by reducing the extent of the upper terrace patio by five feet to be farther away from the property to the east. Additionally, the applicant introduced a fence along the east property line, adjacent to the downhill neighbor's patio, with a height 1.33 feet above the neighbor's eave line for a length of not less than 40 feet.

C. Neighborhood Compatibility

The immediate neighborhood is made up of one-story and two-story single-family and multi-family residential buildings. Generally, the properties in the immediate neighborhood are narrow and sloped. Properties with average slopes in excess of 10 percent are required to reduce their net lot size as slope increases to determine allowable FAR. Because the average slopes of the properties in the immediate neighborhood are not known at this time, the analysis of the immediate neighborhood has been accomplished using gross lot area without reducing the lot size according to average slope. Additionally, in comparing the proposed residence to those in the immediate neighborhood, staff limited this comparison to other single-family residences. Based on Town and County records, the single-family residences in the immediate neighborhood range in size from 1,296-square feet to 3,494-square feet. The floor area ratios range from 0.107 to 0.458. The proposed residence would be 2,450-square feet with a floor area ratio of 0.202. The table below reflects the current conditions of the immediate neighborhood and the proposed residence:

Address	Zoning	Lot Size	Use	Residence	Garage	Total SF	Bldg FAR	Garage FAR	No. of Stories
86 Broadway	R-1D:LHP	5,440	SFR	2,493	324	2,817	0.458	0.060	1
98 Broadway	R-1D:LHP	5,701	MF/APT	2,336	0	2,336	0.410	0.000	2
100 Broadway	R-1D:LHP	13,080	MF/APT	3,608	0	3,608	0.276	0.000	2
352 W Main St	R-1D:LHP	24,990	MF/APT	5,502	0	5,502	0.220	0.000	2
107 Broadway	R-1D:LHP	11,300	SFR	1,496	360	1,856	0.132	0.032	2
93 Broadway	R-1D:LHP	5,662	SFR	1,817	322	2,139	0.321	0.057	1
89 Broadway	R-1D:LHP	6,419	SFR	1,270	200	1,470	0.198	0.031	1
115 Broadway	R-1D:LHP	21,502	SFR	2,614	192	2,806	0.122	0.009	2
130 Broadway	R-1D:LHP	12,672	SFR	3,494	432	3,926	0.276	0.034	2
101 Broadway	R-1D:LHP	12,132	MF	1,296	0	1,296	0.107	0.000	1
101 Broadway	R-1D:LHP	12,132	SFR	2,450	690	3,140	0.202	0.057	2

SFR – Single-family residence
MF/APT – Multi-family residence/residential building

DISCUSSION (continued):

The proposed residence would be the fourth largest home in the immediate neighborhood in terms of square footage and FAR based on gross lot size.

D. Tree Impacts

There are no trees located on the subject or neighboring properties with driplines within 30 feet of the project area. As there are no impacts to existing trees anticipated, an Arborist Report was not prepared for this project and tree protection measures will not be required.

E. Development Review Committee

The DRC held a public hearing for the Architecture and Site application on September 1, 2020. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property. Several neighbors submitted email correspondence and/or spoke on the item during the meeting. Written comments were provided to the DRC members prior to the hearing (Exhibit 5). The DRC continued the item to September 15, 2020 to allow the applicant to address neighbor concerns (Exhibit 6).

During the continuance, the applicant coordinated with the downhill neighbor to clarify the elevation of the neighboring patio and devise a remedy to this neighbor's concerns over privacy. The applicant and neighbor agreed to reducing the size of the proposed upper terrace to increase the distance between the terrace and the downhill property line by five feet. Additionally, the parties agreed to the construction of a fence along the east property line, no less than 40 feet long, with a top elevation 1.33 feet above the eave of the downhill neighbor (Exhibit 12). These changes have been incorporated into the approved development plans attached to this report (Exhibit 19).

The applicant also approached the uphill neighbor (appellant) to explore a remedy to their concerns. The applicant offered to lower the roof an additional two feet. The applicant reports that this offer was rejected by the uphill neighbor and continued with the previously agreed-upon offer to lower the ridge height by six inches (Exhibit 13).

At the September 15, 2020 hearing, the DRC accepted the HPC's recommendation of approval and found that the application was complete and in compliance with the Town Code and Residential Design Guidelines. Several neighbors submitted email correspondence and/or spoke on the item during the meeting. Written comments were provided to the DRC members prior to the hearing (Exhibit 7). Based on the findings and considerations, the DRC approved the revised project, subject to the recommended conditions of approval (Exhibit 8).

DISCUSSION (continued):

On September 18, 2020, the decision of the DRC was appealed to the Planning Commission (Exhibit 9).

F. Appeal

On September 18, 2020, the decision of the DRC was appealed to the Planning Commission by the uphill neighbor at 107 Broadway (Exhibit 9). In their October 12, 2020 letter, the appellant cites concerns with the project regarding privacy; compatibility; height, mass, and views; story poles; spot elevations; and windows. In addition to the appeal form, the appellant provided the following in support of the appeal included with Exhibit 9:

- Citations from the Residential Design Guidelines;
- Pictures;
- Previously submitted emails from the appellant and other neighbors expressing concerns with the project; and
- Letters written by the neighbor at 89 Broadway, received October 22, 2020.

The letter includes an introduction and a numbered list separating out reasons for the appeal individually. The appellant's letter includes citations from the Residential Design Guidelines, pictures, and other correspondence to support their appeal. For the sake of brevity, this report provides analysis on the reasons for their appeal, while omitting the references to the Residential Design Guidelines, pictures, and other correspondence, which may be referenced in Exhibit 9.

Introduction

"To explain further the reasons for our appeal of the decision of the DRC regarding 101 Broadway proposed plans and in order to attempt to reach a compromise for a new home, I am listing some of the many items laid out in the Towns Design Guidelines that we would like to be seriously considered in order to protect our special Broadway Historical neighborhood's character with better privacy, compatibility, harmony, enhancement, increased value and respect of the surrounding neighborhood and the nearby neighbors. While these house plans could fit nicely on a different type of lot, for this lot they are too high, massive and generally out of proportion for the topography and the surrounding neighborhood. This project must be reduced in scale and mass with better utilization of the lower level and first floor and eliminate the second story in back. As it is now, all I will see is a large wall blocking the sunlight, views, mother nature's many pleasures along with no privacy in my outdoor living area, plus so much more that has been available at 107 Broadway for over 100 years. It is part of the history and beauty of this property. I expected a new home to be built that would enhance and keep within the scope and respect of the

DISCUSSION (continued):

other surrounding homes and neighbors. Reducing the back to one story similar to what others have done would help to create more privacy and reduce noise for the neighbors on all sides including the future residents of the proposed home. This house rises above all. 93 Broadway is a good example of a house plan that is well fitted for the type of topography, scale and respect for this neighborhood.

“Note: shadow study that was completed while it may be correct, does not provide for the reality of the whole lot or neighboring lots. Our backyards do not get sun or very little year around because of the mountain and trees to the South East and South. 107 Broadway does not get sun from the West because of the home that sits above and the trees generally year around. The East sun exposure is the only source of sun for 107 Broadway. I would like to continue to have a garden. I have citrus trees that need sun and light to stay alive and to produce fruit, along with many other reasons for sun exposure, like my mental and physical health.

“While we are not considered part of the Hillside District, our lots are on a steep slope at the base of the Los Gatos mountains. There are additional Hillside guidelines that should be considered regarding, privacy, views, shadow effects, size, respect of neighbors and much more.”

The specific reasons for the appeal are provided below, followed by analysis in *italic* font.

Privacy

1. “The balcony on this proposed home is regrettably not in the spirit of community or respect. This 200 square foot balcony, situated on the left side of the house, is an abject invasion of privacy of the neighbors. After cutting it down by 5 feet, it is still towering over neighboring homes and remains 10 x 20 feet huge (!) on the second level. Moreover, the noise that people on the side balcony will create, will carry down the street! As it is, we are packed in so tightly, that I can hear conversations on both sides of my neighboring homes – music and other daily commotions carry down the entire block! This balcony is completely inappropriate and does not honor or CONSIDER in ANY way the neighbors. Modifying the massing of the upper floor could easily be achieved by altering the floor plan and eliminating the balcony. This would solve several of the issues at hand. It would eliminate the noise impact, the privacy impact in general, and preserve the feeling and character of surrounding homes.”

The terrace in question is located on the upper level adjacent to the master bedroom. The terrace faces the east and south with views to the west and north obstructed by the proposed residence. Privacy impacts were first expressed in August by Larry Brandhorst, the owner of the adjacent downhill property to the east, prior to the DRC hearings of

DISCUSSION (continued):

September 1 and September 15, 2020. Between these DRC hearings, the applicant and their Civil Engineer worked with Mr. Brandhorst to develop a remedy to Mr. Brandhorst's concerns over privacy. The proposed remedy was to reduce the size of the terrace by five feet and construct a fence along the east property line no less than 40 feet long with a top height elevation 1.33 feet above Mr. Brandhorst's eave line. Mr. Brandhorst agreed to these measures in his letter to the Town of September 10, 2020 (Exhibit 12) and they were added to the conditions of approval for the project. Following the DRC's September 15, 2020 approval of the application, Mr. Brandhorst has not contacted the Town. The approved development plans reflect the measures agreed upon by the applicant and Mr. Brandhorst (Exhibit 19).

Noise is regulated through the Town's Noise Ordinance, which is enforced on a complaint basis through the Town's Code Compliance Division and the Police Department.

Compatibility

2. "The nature of the design of the 101 Broadway project does not honor the historic design guidelines. It destroys the feel and original tone of this historic neighborhood. Its towering nature and tall mass seem to diminish other Victorian homes – like mine, which I have kept a one-story and 1200 square feet – with all original details – even though I did a complete rebuild, including foundation. Moreover, it forces me (and probably other neighboring homes) to seek opportunities to expand upward to block the intrusion. In order to protect myself from encroaching neighbors, I will have to build my own structure, wall, or wall of enormous trees, or second story, and whatever else I can find to block noise and eyes from leering into my yard. This project is the beginning of the end of our historic neighborhood – and it sets a precedent for continued disregard."

On May 27, 2020, the HPC reviewed the proposed project and found it to be compatible with the Broadway Historic District in terms of style, massing, and scale. The HPC forwarded a recommendation of approval with the condition that the new residence utilize channeled horizontal wood lap siding (Exhibit 4).

The proposed residence would not be the largest home in the immediate neighborhood in terms of floor area or FAR. The proposed residence would be the fourth largest residence in the immediate neighborhood in terms of floor area and FAR. In terms of number of stories, the proposed residence would be the fourth two-story residence in the immediate neighborhood.

DISCUSSION (continued):

Noise is regulated through the Town's Noise Ordinance, which is enforced on a complaint basis through the Town's Code Compliance Division and the Police Department.

While the subject property is a sloping lot, it is not located in the Hillside Area. The property slopes up approximately 70 feet from the front to the rear and has an average slope of 23.2 percent. Properties located outside of the Hillside Area with an average slope in excess of 10 percent are subject to the standards and guidelines of the following sections of the Hillside Development Standards and Guidelines:

- *Constraints Analysis and Site Selection (excluding visibility);*
- *Site Planning for Grading, Drainage, Driveways and Parking, and Geologic Safety; and*
- *Site Elements for Retaining Walls.*

The applicant indicates that the residence was designed by stepping the development up with the slope and setting each level back from the level below (Exhibit 11). The residence is located within the LRDA, which is located on the front half of the property. The project complies with the applicable sections of the Hillside Development Standards and Guidelines.

Height, mass, and views

3. "There are several issues with the HEIGHT / MASS of this project, and this is especially disrespectful given that the proposed house can easily be built lower. As it is now, the design completely disregards the character and size of the neighboring homes, which themselves have had to put bedrooms and windows in basements – below ground -- and were not allowed to build even one room on the second floor due to their historic classification. (Mine, as well as Larry and DiAnne Brandhorst). Why is it necessary to build the driveway 8 FEET above the street level as the Applicant has proposed?

"While it is true that the disputed house sits on a higher slope than the homes downhill from it, it is not true that the negative impact needs to be this invasive. Rather than be especially sensitive and respectful of this fact, the house has been intentionally built up as high as possible, maximizing rather than minimizing its impact on the privacy and well-being of neighbors. The recently added story poles, which were originally omitted, create an even more intrusive and unaesthetic look that can be seen from all street views, front and back alike.

"I seriously question the integrity of this project. The upper massing is way too much for this location and very little has been done to minimize the impact on neighbors, or to

DISCUSSION (continued):

ensure that the mass and height fit in with the general look of the surrounding properties.”

The maximum height allowed for a residence in the R-1D zone is 30 feet. The proposed residence has a maximum height of 28 feet, six inches. On May 27, 2020, the HPC reviewed the proposed project and found it to be compatible with the Broadway Historic District in terms of style, massing, and scale. The HPC forwarded a recommendation of approval with the condition that the new residence utilize channeled horizontal wood lap siding (Exhibit 4).

The applicant has made several revisions to the project to address the privacy concerns of the neighbors, including:

- *Removing one second-story window from the west elevation;*
- *Reducing the size of a second-story window on the west elevation;*
- *Lowering the roof by six inches above the master bedroom and master bathroom;*
- *Reducing the extent of the upper terrace patio by five feet to be farther away from the property to the east; and*
- *Introducing a fence along a portion of the east property line, adjacent to the neighbor’s patio, with a height 1.33 feet above the neighbor’s eave line for a length of not less than 40 feet.*

A shadow-study was submitted for the proposed project showing that shadows cast by the proposed residence would impact portions of the appellant’s property; the greatest extent of which would occur during the morning of the winter solstice (December 21). Section 3.11.1 of the Residential Design Guidelines recommends minimizing shadows cast on living spaces and actively used outdoor areas on adjacent homes. During the extreme of the winter solstice, the proposed residence would cast shadows on portions of the neighboring residence and outdoor patio area. These shadows would be present for the morning portion of the day and would progressively dissipate through noon.

Regarding views, the Residential Design Guidelines state that homes should be designed with respect for the views of their neighbors and acknowledges that views are not protected by right. The 2020 General Plan states that new structures shall be designed to respect views from surrounding properties while allowing all affected properties reasonable access to views. The appellant has provided photos showing the view impacts that the proposed house would have from their patio area at the base of their two-story residence. The proposed residence is within the height limitations allowed by the zone. Sheet A-1.1 shows the relationship of the proposed residence to those on the uphill and downhill properties (Exhibit 19). The height of the proposed residence is consistent with the neighboring properties.

DISCUSSION (continued):

The proposed driveway would slope up approximately seven feet from Broadway following the natural slope of the property. The driveway length would increase approximately five feet from the existing length. As shown on Sheet C3 (Exhibit 19), the proposed driveway slope would be consistent with the existing driveway.

Story poles

4. “Finally, the story poles on the front of the house were entirely omitted, and the drawings submitted to the city relating to the story pole certificates were completely wrong on the front portion of the house. BASED ON THIS FACT ALONE, THIS PROJECT SHOULD BE REJECTED. At best this was a careless mistake, and at worst, it is intentionally misleading. At this point, we really need an INDEPENDENT REVIEW OF THESE PLANS. After such “mistakes” how can we know what is really being proposed and what will go up? This project is, once again, not being carried out in good faith.”

In accordance with Town policy, the applicant was required to erect story poles and netting to adequately demonstrate the height, mass, and bulk of the project. The existing residence presented some challenges to installing story poles and netting as it was significantly damaged by a fire in 2017. The story pole plan allowed adequate representation of the proposed residence while minimizing the risks associated with working around a fire-damaged structure (Exhibit 14). The story pole plan included a schematic outline of the existing residence and showed that the story poles for the front portion of the proposed residence would be located within the volume of the existing residence. Staff approved the story pole plan and the poles and netting were installed and certified prior to noticing for the September 1, 2020 DRC hearing (Exhibit 15).

Prior to filing the appeal, the appellant voiced concerns over the accuracy of the installed story poles. Staff revisited the pictures of the installed poles and found them to be accurate according to the approved plan, as certified by the surveyor.

The DRC approved the project on September 15, 2020, and an appeal was filed on September 18, 2020. While reviewing the appeal documents, the appellant contacted staff to discuss continued concerns over the accuracy of the installed story poles. In consultation with the appellant and through a site visit, staff was able to identify the issue raised by the appellant. The applicant’s representation of the existing residence was schematic and not accurate as to the height of the existing fire-damaged residence. Staff coordinated with the applicant to address the issue, which involved installation of additional poles, wiring, and a section of netting to represent the height of the roof ridge at the front of the proposed residence (Exhibit 16). The additional poles were installed and certified by a surveyor prior to public notice of the October 28, 2020 Planning Commission meeting (Exhibit 17).

DISCUSSION (continued):

Spot Elevations

5. "I would also like a review of the elevation numbers related to a cross section drawing that was incorrect. Please see letters and illustrations submitted by Larry Brandhorst. Does this mean that the house will stand even taller than the remaining story poles indicate?"

The elevation numbers provided in the Development Plans were prepared by a licensed Civil Engineer. Concerns over these elevation numbers were first expressed in August by Larry Brandhorst, the owner of the adjacent downhill property. Between the DRC hearings, the applicant and their Civil Engineer worked with Mr. Brandhorst to develop a remedy to Mr. Brandhorst's concerns over privacy. The parties came to an agreement (Exhibit 12) and the agreed-upon changes were added to the conditions of approval for the project. Since the DRC's approval of the revised project, Mr. Brandhorst has not contacted the Town. The approved development plans attached to this report reflect the measures agreed upon by the applicant and Mr. Brandhorst (Exhibit 19).

The story poles have been certified by a licensed surveyor who indicated that they accurately reflect the height and location of the proposed residence (Exhibits 14 through 17).

Windows

6. "Windows. I request that the many windows on the southeast side of the proposed structure be addressed."

The windows on the southeast side of the residence face the downhill neighbor's property. As indicated above, Mr. Brandhorst agreed to measures proposed by the applicant to address concerns related to privacy (Exhibit 12). The approved development plans attached to this report reflect the measures agreed upon by the applicant and Mr. Brandhorst (Exhibit 19). Since the DRC's approval of the revised project, Mr. Brandhorst has not contacted the Town.

G. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

Prior to the September 1, 2020 DRC hearing, certified story poles and a project sign including the date of the DRC hearing, contact information, and project description, were installed on the site (Exhibits 14 and 15), and written notice of the DRC hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Staff forwarded public comments to the DRC members prior to the September 1, and September 15, 2020 hearings. These comments are included as Exhibits 5 and 7.

Following the appeal, revised certified story poles and a project sign including the date of the Planning Commission hearing, contact information, and project description, were installed on the site (Exhibits 16 and 17), and written notice of this Planning Commission hearing was sent to neighboring property owners and occupants within 300 feet of the subject property. Additional public comment received after the September 15, 2020 DRC hearing is included as (Exhibit 18).

CONCLUSION:

A. Summary

The proposed project was reviewed by the HPC who found the project compatible with the Broadway Historic District in terms of style, mass, and scale and forwarded a recommendation for approval. The project is in compliance with the Residential Design Guidelines, applicable sections of the Hillside Development Standards and Guidelines, and Town Code.

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Architecture and Site application:

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures (Exhibit 2);
2. Make the required findings as required by Section 29.10.09030(e) of the Town Code for the demolition of a single-family residence (Exhibit 2);
3. Make the finding that the project complies with the objective standards of Chapter 29 of the Town Code (Zoning Regulations) (Exhibit 2);
4. Make the finding required by the Town's Residential Design Guidelines that the project complies with the Residential Design Guidelines (Exhibit 2);
5. Make the finding the project complies with the applicable standards and guidelines of the Hillside Development Standards and Guidelines for lots with an average slope over 10 percent outside of the hillside area (Exhibit 2);

CONCLUSION (continued):

6. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application (Exhibit 2); and
7. Approve Architecture and Site application S-20-003 with the conditions contained in Exhibit 3 and development plans attached as Exhibit 19.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Architecture and Site application.

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. May 27, 2020 Historic Preservation Committee Action Letter
5. September 1, 2020 Development Review Committee public comments
6. September 1, 2020 Development Review Committee meeting minutes
7. September 15, 2020 Development Review Committee public comments
8. September 15, 2020 Development Review Committee meeting minutes
9. Appeal of Development Review Committee received September 18, 2020
10. Color and materials board
11. Project Description and Letter of Justification
12. Email correspondence between Larry Brandhorst and Jay Plett, September 10, 2020
13. Email correspondence between Karen Kurtz and Jay Plett, September 10, 2020
14. Story pole plan approved June 22, 2020
15. Story pole certification letter dated July 7, 2020
16. Story pole plan (revised) approved October 6, 2020
17. Story pole certification letter dated October 16, 2020
18. Public comments received between 5:01 p.m., Monday, September 14 and 11:00 a.m., Friday, October 23, 2020
19. Development Plans

101 Broadway

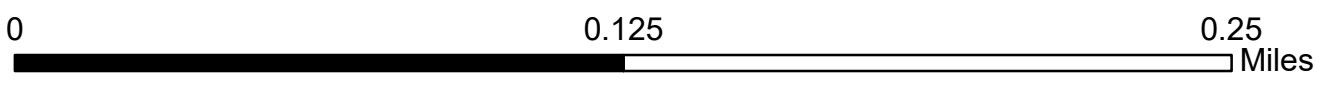


EXHIBIT 1

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PLANNING COMMISSION –October 28, 2020
REQUIRED FINDINGS & CONSIDERATIONS FOR:

101 Broadway
Architecture and Site Application S-20-003

Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041.

PROPERTY OWNER: ZKJ LLC.
APPLICANT: Jay Plett
PROJECT PLANNER: Sean Mullin

FINDINGS

Required finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

Required finding for the demolition of a two-family residence:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of existing structures:
 1. The Town's housing stock will be maintained as the two-family residence will be replaced.
 2. The existing structure has no architectural or historical significance and is in poor condition.
 3. The property owner does not desire to maintain the structures as they exist; and
 4. The economic utility of the structures was considered.

Required compliance with the Zoning Regulations:

- The project meets the objective standards of Chapter 29 of the Town Code (Zoning Regulations).

Required compliance with the Residential Design Guidelines:

- The project is in compliance with the Residential Design Guidelines for single-family residences located in Historic Districts and not in hillside areas. The project was found to be compatible with the Broadway Historic District in terms of style, massing, and scale by the Historic Preservation Committee. The applicant responded to the recommendation of the Historic Preservation Committee by revising the siding material to a wood channel lap siding.

EXHIBIT 2

- The project is not the largest for floor area or FAR, and is not the first two-story residence in the neighborhood
- The applicant revised the design to respond to the privacy concerns of the neighbor by removing one second story window and reducing the size of another second story window.
- The applicant lowered the roof ridge by six (6) inches above the master bedroom and master bathroom to respond to the view concerns of the neighbor.
- The applicant revised the design to respond to the privacy concerns of the neighbor by reducing the extent of the upper terrace patio by five (5) feet to be farther away from the property to the east. Additionally, the applicant introduced a fence along a portion of the east property line, adjacent to the neighbor's patio, with a height 1.33 feet above the neighbor's eave line for a length of not less than 40 feet.

Required Compliance with the applicable sections of the Hillside Development Standards and Guidelines (HDS&G):

- The project is in compliance with the applicable sections of the Hillside Development Standards and Guidelines for properties outside of the hillside area with an average slope exceeding 10 percent.

CONSIDERATIONS

Required considerations in review of Architecture & Site applications:

- As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

PLANNING COMMISSION –October 28, 2020
CONDITIONS OF APPROVAL

101 Broadway
Architecture and Site Application S-20-003

Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041.

PROPERTY OWNER: ZKJ LLC.
APPLICANT: Jay Plett
PROJECT PLANNER: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. SIDING: The new residence shall utilize wood channel lap siding as recommended by the Historic Preservation Committee.
4. SIDE YARD SCREENING: A fence shall be constructed along the east side property line adjacent to the neighbor's patio, with a height not less than 1.33 feet above the neighbor's eave line shall be constructed. This fence shall extend a length of not less than 40 feet centered on the neighbor's patio, in substantial conformance to that shown in Exhibit A attached hereto.
5. UPPER-LEVEL TERRACE: The extent of the upper level terrace adjacent to the master bedroom shall be reduced to be 17 feet away from the east side property line, in substantial conformance to that shown in Exhibit A attached hereto.
6. ROOF RIDGE: The roof ridge above the master bedroom and master bathroom orientated north-to-south shall be reduced in height not less than six (6) inches to an elevation not to exceed 510'-6". feet, in substantial conformance to that shown in Exhibit B attached hereto.
7. OUTDOOR LIGHTING: Exterior lighting shall be kept to a minimum and shall be down directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security.
8. TREE REMOVAL PERMIT: A Tree Removal Permit shall be obtained for any protected trees to be removed, prior to the issuance of a building or grading permit.
9. EXISTING TREES: All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan and must remain on the site.

EXHIBIT 3

10. TREE FENCING: Protective tree fencing, and other protection measures shall be placed at the drip line of existing trees prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection plan with the construction plans.
11. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
12. FRONT YARD LANDSCAPE: Prior to issuance of a Certificate of Occupancy the front yard must be landscaped.
13. WATER EFFICIENCY LANDSCAPE ORDINANCE: The final landscape plan shall meet the requirements of the Town of Los Gatos Water Conservation Ordinance or the State Water Efficient Landscape Ordinance, whichever is more restrictive. Submittal of a Landscape Documentation Package pursuant to WELO is required prior to issuance of a building permit. A review fee based on the current fee schedule adopted by the Town Council is required when working landscape and irrigation plans are submitted for review. A completed WELO Certificate of Completion is required prior to final inspection/certificate of occupancy.
14. SALVAGE OF BUILDING MATERIALS: Prior to the issuance of a demolition permit, the developer shall provide the Community Development Director with written notice of the company that will be recycling the building materials. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting the type and weight of materials, shall be submitted to the Town prior to the Town's demolition inspection.
15. STORY POLES: The story poles on the project site shall be removed within 30 days of approval of the Architecture & Site application.
16. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval and may be secured to the satisfaction of the Town Attorney.
17. COMPLIANCE MEMORANDUM: A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

18. PERMITS REQUIRED: A Demolition Permit is required for the demolition of the existing single-family residence and attached garage. A separate Building Permit is required for the construction of the new single-family residence and attached garage, and an additional Building Permit for the attached ADU.
19. APPLICABLE CODES: The current codes, as amended and adopted by the Town of Los Gatos as of January 1, 2020, are the 2019 California Building Standards Code, California Code of Regulations Title 24, Parts 1-12, including locally adopted Energy Reach Codes.
20. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.

21. **BUILDING & SUITE NUMBERS:** Submit requests for new building addresses to the Building Division prior to submitting for the building permit application process.
22. **SIZE OF PLANS:** Minimum size 24" x 36", maximum size 30" x 42".
23. **REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE:** Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
24. **SOILS REPORT:** A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed Civil Engineer specializing in soils mechanics.
25. **SHORING:** Shoring plans and calculations will be required for all excavations which exceed five (5) feet in depth or which remove lateral support from any existing building, adjacent property, or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to the Cal/OSHA regulations.
26. **FOUNDATION INSPECTIONS:** A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project Building Inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the Soils Report, and that the building pad elevations and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered Civil Engineer for the following items:
 - a. Building pad elevation
 - b. Finish floor elevation
 - c. Foundation corner locations
 - d. Retaining wall(s) locations and elevations
27. **TITLE 24 ENERGY COMPLIANCE:** All required California Title 24 Energy Compliance Forms must be blue-lined (sticky-backed), i.e. directly printed, onto a plan sheet.
28. **TOWN RESIDENTIAL ACCESSIBILITY STANDARDS:** New residential units shall be designed with adaptability features for single-family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls, at water closets, showers, and bathtubs, located 34 inches from the floor to the center of the backing, suitable for the installation of grab bars if needed in the future.
 - b. All passage doors shall be at least 32-inch wide doors on the accessible floor level.
 - c. The primary entrance door shall be a 36-inch-wide door including a 5'x 5' level landing, no more than 1 inch out of plane with the immediate interior floor level and with an 18-inch clearance at interior strike edge.
 - d. A door buzzer, bell or chime shall be hard wired at primary entrance.
29. **BACKWATER VALVE:** The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los

Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12 inches above the elevation of the next upstream manhole.

30. HAZARDOUS FIRE ZONE: All projects in the Town of Los Gatos require Class A roof assemblies.
31. WILDLAND-URBAN INTERFACE: This project is located in a Wildland-Urban Interface High Fire Area and must comply with Section R337 of the 2019 California Residential Code, Public Resources Code 4291 and California Government Code Section 51182.
32. PROVIDE DEFENSIBLE SPACE/FIRE BREAK LANDSCAPING PLAN: Prepared by a California licensed Landscape Architect in conformance with California Public Resources Code 4291 and California Government Code Section 51182.
33. PRIOR TO FINAL INSPECTION: Provide a letter from a California licensed Landscape Architect certifying the landscaping and vegetation clearance requirements have been completed per the California Public Resources Code 4291 and Government Code Section 51182.
34. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the Architect or Engineer of Record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the Building Permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building.
35. BLUEPRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara Valley Nonpoint Source Pollution Control Program Sheet (page size same as submitted drawings) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at ARC Blueprint for a fee or online at www.losgatosca.gov/building.
36. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407
 - e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

37. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this

- condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner and/or Applicant's expense.
38. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
 39. CONSTRUCTION PLAN REQUIREMENTS: Construction drawings shall comply with Section 1 (Construction Plan Requirements) of the Town's Engineering Design Standards, which are available for download from the Town's website.
 40. ENCROACHMENT PERMIT: All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the Owner/Applicant to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), AT&T, Comcast, Santa Clara Valley Water District, California Department of Transportation (Caltrans). Copies of any approvals or permits must be submitted to the Town Engineering Division of the Parks and Public Works Department prior to releasing any permit.
 41. GENERAL LIABILITY INSURANCE: The property owner shall provide proof of insurance to the Town on a yearly basis. In addition to general coverage, the policy must cover all elements encroaching into the Town's right-of-way.
 42. PUBLIC WORKS INSPECTIONS: The Owner and/or Applicant or their representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in penalties and rejection of any work that occurred without inspection.
 43. RESTORATION OF PUBLIC IMPROVEMENTS: The Owner and/or Applicant or their representative shall repair or replace all existing improvements not designated for removal that are damaged or removed because of the Owner and/or Applicant or their representative's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc., shall be repaired and replaced to a condition equal to or better than the original condition. Any new concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector and shall comply with all Title 24 Disabled Access provisions. The restoration of all improvements identified by the Engineering Construction Inspector shall be completed before the issuance of a certificate of occupancy. The Owner and/or Applicant or their representative shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
 44. SITE SUPERVISION: The General Contractor shall provide qualified supervision on the job site at all times during construction.
 45. STREET CLOSURE: Any proposed blockage or partial closure of the street requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.

46. **PLAN CHECK FEES:** Plan check fees associated with the Grading Permit shall be deposited with the Engineering Division of the Parks and Public Works Department prior to the commencement of plan check review.
47. **INSPECTION FEES:** Inspection fees shall be deposited with the Town prior to the issuance of any grading or building permits.
48. **DESIGN CHANGES:** Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner and/or Applicant's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
49. **PLANS AND STUDIES:** All required plans and studies shall be prepared by a Registered Professional Engineer in the State of California and submitted to the Town Engineer for review and approval. Additionally, any studies imposed by the Planning Commission or Town Council shall be funded by the Owner and/or Applicant.
50. **GRADING PERMIT:** A grading permit is required for all site grading and drainage work except for exemptions listed in Section 12.20.015 of The Code of the Town of Los Gatos (Grading Ordinance). After the preceding Architecture and Site Application has been approved by the respective deciding body, the grading permit application (with grading plans and associated required materials and plan check fees) shall be made to the Engineering Division of the Parks and Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location(s), driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). Prior to Engineering signing off and closing out on the issued grading permit, the Owner/Applicant's soils engineer shall verify, with a stamped and signed letter, that the grading activities were completed per plans and per the requirements as noted in the soils report. A separate building permit, issued by the Building Department, located at 110 E. Main Street, is needed for grading within the building footprint.
51. **COMPLIANCE WITH HILLSIDE DEVELOPMENT STANDARDS AND GUIDELINES:** All grading activities and operations shall be in compliance with Section III of the Town's Hillside Development Standards and Guidelines. All development shall be in compliance with applicable portions of Section II of the Town's Hillside Development Standards and Guidelines.
52. **DRIVEWAY:** The driveway conform to existing pavement on Broadway shall be constructed in a manner such that the existing drainage patterns will not be obstructed.
53. **DRAINAGE IMPROVEMENT:** Prior to the issuance of any grading/improvement permits, the Owner and/or Applicant shall: a) design provisions for surface drainage; and b) design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and c) provide a recorded copy of any required easements to the Town.
54. **TREE REMOVAL:** Copies of all necessary tree removal permits shall be provided prior to the issuance of a grading permit/building permit.

55. SURVEYING CONTROLS: Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
- a. Retaining wall: top of wall elevations and locations.
 - b. Toe and top of cut and fill slopes.
56. PRECONSTRUCTION MEETING: Prior to the commencement of any site work, the general contractor shall:
- a. Along with the Owner and/or Applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
 - b. Acknowledge in writing that they have read and understand the project conditions of approval and will make certain that all project sub-contractors have read and understand them as well prior to commencing any work, and that a copy of the project conditions of approval will be posted on-site at all times during construction.
57. RETAINING WALLS: A building permit, issued by the Building Department, located at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
58. SOILS REPORT: One electronic copy (PDF) of the soils and geologic report shall be submitted with the application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design, and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with Section 6735 of the California Business and Professions Code.
59. GEOLOGY AND SOILS MITIGATION MEASURE: A geotechnical investigation shall be conducted for the project to determine the surface and sub-surface conditions at the site and to determine the potential for surface fault rupture on the site. The geotechnical study shall provide recommendations for site grading as well as the design of foundations, retaining walls, concrete slab-on-grade construction, excavation, drainage, on-site utility trenching and pavement sections. All recommendations of the investigation shall be incorporated into project plans.
60. SOILS REVIEW: Prior to Town approval of a development application, the Owner and/or Applicant's engineers shall prepare and submit a design-level geotechnical and geological investigation for review by the Town's consultant, with costs borne by the Owner and/or Applicant, and subsequent approval by the Town. The Owner and/or Applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. Approval of the Owner and/or Applicant's soils engineer shall then be conveyed to the Town either by submitting a Plan Review Letter prior to issuance of grading or building permit(s).
61. SOILS ENGINEER CONSTRUCTION OBSERVATION: During construction, all excavations and grading shall be inspected by the Owner and/or Applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing shall be documented in an "as-built" letter/report prepared by the

Owner and/or Applicant's soils engineer and submitted to the Town before a certificate of occupancy is granted.

62. **SOIL RECOMMENDATIONS:** The project shall incorporate the geotechnical/geological recommendations contained in the Geologic and Geotechnical Study by C2EARTH, Inc., dated February 14, 2020, and any subsequently required report or addendum. Subsequent reports or addendum are subject to peer review by the Town's consultant and costs shall be borne by the Owner and/or Applicant.
63. **WATER METER:** The existing water meter, currently located within the Broadway right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner and/or Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
64. **PUBLIC IMPROVEMENTS:** The following improvements shall be installed by the Owner and/or Applicant. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town before the issuance of any grading or building. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
 - a. **Broadway:** Curb and gutter, Town standard residential driveway, 2" overlay from the centerline to the southern edge of pavement, or alternative pavement restoration measure as approved by the Town Engineer.
65. **CERTIFICATE OF OCCUPANCY:** The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
66. **FRONTAGE IMPROVEMENTS:** The Owner and/or Applicant shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, driveway approach, pavement, raised pavement markers, thermoplastic pavement markings, street lighting (upgrade and/or repaint) etc. The improvements must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued.
67. **UTILITIES:** The Owner and/or Applicant shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner and/or Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
68. **CONSTRUCTION VEHICLE PARKING:** Construction vehicle parking within the public right-of-way will only be allowed if it does not cause access or safety problems as determined by the Town.
69. **CONSTRUCTION TRAFFIC CONTROL:** All construction traffic and related vehicular routes, traffic control plan, and applicable pedestrian or traffic detour plans shall be submitted for

review and approval by the Town Engineer prior to the issuance of an encroachment, grading or building permit.

70. HAULING OF SOIL: Hauling of soil on- or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.), and at other times as specified by the Director of Parks and Public Works. Cover all trucks hauling soil, sand and other loose debris.
71. CONSTRUCTION HOURS: All construction activities, including the delivery of construction materials, labors, heavy equipment, supplies, etc., shall be limited to the hours of 8:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 4:00 p.m. Saturdays, holidays excluded. The Town may authorize, on a case-by-case basis, alternate construction hours. The Owner and/or Applicant shall provide written notice twenty-four (24) hours in advance of modified construction hours. Approval of this request is at discretion of the Town.
72. CONSTRUCTION NOISE: Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet from the source. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.
73. CONSTRUCTION MANAGEMENT PLAN SHEET: Prior to the issuance of any grading or building permits, the Owner and/or Applicant's design consultant shall submit a construction management plan sheet (full-size) within the plan set that shall incorporate at a minimum the Project Schedule, employee parking, construction staging area, materials storage area(s), construction trailer(s), concrete washout(s) and proposed outhouse location(s). Please refer to the Town's Construction Management Plan Guidelines document for additional information.
74. BEST MANAGEMENT PRACTICES (BMPs): The Owner and/or Applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be replaced at the end of each working day. Failure to comply with the construction BMP will result in the issuance of correction notices, citations, or stop work orders.
75. SITE DESIGN MEASURES: All projects shall incorporate at least one of the following measures:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas.
 - d. Use porous or pervious pavement surfaces on the driveway, at a minimum.
 - e. Use landscaping to treat stormwater.
76. EROSION CONTROL: Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks and Public Works Department. A maximum of two (2) weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried

out during construction and before installation of the final landscaping, shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The Town of Los Gatos Engineering Division of the Parks and Public Works Department and the Building Department will conduct periodic NPDES inspections of the site throughout the recognized storm season to verify compliance with the Construction General Permit and Stormwater ordinances and regulations.

77. DUST CONTROL: Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three (3) times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets shall be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one (1) late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed twenty (20) miles per hour (MPH). All trucks hauling soil, sand, or other loose debris shall be covered.
78. AIR QUALITY: To limit the project's construction-related dust and criteria pollutant emissions, the following the Bay Area Air Quality Management District (BAAQMD)-recommended basic construction measures shall be included in the project's grading plan, building plans, and contract specifications:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day, or otherwise kept dust-free.
 - b. All haul trucks designated for removal of excavated soil and demolition debris from site shall be staged off-site until materials are ready for immediate loading and removal from site.
 - c. All haul trucks transporting soil, sand, debris, or other loose material off-site shall be covered.
 - d. As practicable, all haul trucks and other large construction equipment shall be staged in areas away from the adjacent residential homes.
 - e. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day, or as deemed appropriate by Town Engineer. The use of dry power sweeping is prohibited. An on-site track-out control device is also recommended to minimize mud and dirt-track-out onto adjacent public roads.
 - f. All vehicle speeds on unpaved surfaces shall be limited to fifteen (15) miles per hour.

- g. All driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within forty-eight (48) hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. Please provide the BAAQMD's complaint number on the sign: 24-hour toll-free hotline at 1-800-334-ODOR (6367).
 - i. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed twenty (20) miles per hour.
 - j. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
79. **CONSTRUCTION ACTIVITIES:** All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Town's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
80. **SITE DRAINAGE:** Rainwater leaders shall be discharged to splash blocks. No through curb drains will be allowed. On-site drainage systems for all projects shall include one of the alternatives included in section C.3.i of the Municipal Regional NPDES Permit. These include storm water reuse via cisterns or rain barrels, directing runoff from impervious surfaces to vegetated areas and use of permeable surfaces. Stormwater treatment facilities shall be placed a minimum of ten (10) feet from the adjacent property line and/or right-of-way. Alternatively, the facility(ies) may be located with an offset between 5 and 10 feet from the adjacent property and/or right-of-way line(s) if the responsible engineer in charge provides a stamped and signed letter that addresses infiltration and states how facilities, improvements and infrastructure within the Town's right-of-way (driveway approach, curb and gutter, etc.) and/or the adjacent property will not be adversely affected. No improvements shall obstruct or divert runoff to the detriment of an adjacent, downstream or down slope property.
81. **SILT AND MUD IN PUBLIC RIGHT-OF-WAY:** It is the responsibility of Contractor and homeowner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
82. **GOOD HOUSEKEEPING:** Good housekeeping practices shall be observed at all times during the course of construction. All construction shall be diligently supervised by a person or persons authorized to do so at all times during working hours. The Owner and/or Applicant's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in penalties and/or the Town performing the required maintenance at the Owner and/or Applicant's expense.
83. **PERMIT ISSUANCE:** Permits for each phase; reclamation, landscape, and grading, shall be issued simultaneously.
84. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

85. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
86. FIRE SPRINKLERS REQUIRED: (As noted on Sheet A-1) An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: 1) In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 SF whether by increasing the area of the primary residence or by creation of an attached Accessory Dwelling Unit. 2) In all new basements and in existing basements that are expanded by more than 50%. 3) In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system. Exceptions: 1) One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.
87. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by this office until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s). 2019 CFC Sec. 903.3.5 and Health and Safety Code 13114.7.
88. ADDRESS IDENTIFICATION: New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. CFC Sec. 505.1.
89. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 33 and our Standard Detail and Specification S1-7. Provide appropriate notations on subsequent plan submittals, as appropriate to the project. CFC Chp. 33.



TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
PHONE (408) 354-6874 FAX (408) 354-7593

CIVIC CENTER
110 E. MAIN STREET
LOS GATOS, CA 95031

June 8, 2020

Jay Plett
213 Bean Avenue
Los Gatos, CA 95030
Via email

RE: 101 Broadway

Forward a recommendation to the Director on a request for demolition of an existing non-contributing multi-family residence and construction of a new single-family residence in the Broadway Historic District on property zoned R-1D:LHP. APN 510-45-041. Architecture and Site Application S-20-003.

PROPERTY OWNER: Mark DeMattei
APPLICANT: Jay Plett
PROJECT PLANNER: Sean Mullin

On May 27, 2020, the Los Gatos Historic Preservation Committee recommended approval of the above request to the Community Development Director with the recommendation that the new residence utilize wood channel lap siding.

If you have any questions, I can be contacted by phone at (408) 354-6823 or by email at smullin@losgatosca.gov.

Sincerely,

Sean Mullin, AICP
Associate Planner

cc: Mark DeMattei, via email

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From: Karen Kurtz <kurtzk@comcast.net>
Sent: Tuesday, May 26, 2020 9:49 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public comment item # 5

regarding 101 Broadway.

My name is Karen Kurtz

I have been a resident of Los Gatos since 1967 and residing at my present home at 107 Broadway since 1988. My home was built approximately 132 years ago.

I agree that 101 Broadway should be demolished soon. It is presently a fire & safety hazard as well as a health issue for our neighborhood. While I am happy to know a new home will be built on the property, I am saddened to see the present home plans which I do not believe blend in with our historic neighborhood or with the Victorian style homes on either side of it and throughout the neighborhood. I do not believe 101 Broadway should be 3 levels in the front or have flat or straight roof lines as again there are no other homes in the immediate area with that kind of architecture. I realize that the current trend is contemporary but our neighborhood is not contemporary.

I also am very concerned about the impact on my views which have been available & enjoyed at this property for over 100 years. Those views were certainly a consideration when I purchased this property and have added value on appraisals that I have had throughout the years. It will also block the light from the east except for maybe the 3 months when the sun is at its highest. The east is my only source of sun light because of the mountains & trees to the south and west. Except for those few longer days I need to turn on my lights in the house around 1:30 PM and all day in some rooms of my home on the lower level. Taking away my light and views will devalue my property. This is my retirement nest egg that I have fought to create and save for the last 32 years. Since I am in my 80's this is a major concern for me now as I have no other way to make up that lost value. I never considered or imagined that I would lose those views and light source.

I really want to work with the owner of 101 Broadway to create something that can satisfy both of our needs which I believe is possible. We have long but narrow

lots so the height issue along with window placement becomes more prominent when we are so close to one another. I am concerned about the neighbor on the other side at 98 Broadway whose owner passed away suddenly a few months ago. I'm not sure anyone is around to speak up about the privacy that they will lose with all the windows that will look into that backyard & their skylights.

My wish is to create a pleasant living experience for all. Yes, demo the present home but may we work together on the plans for the new replacement home so that they are more compatible for all regarding our privacy, views and natural light. I request that anyone who has a part in making the decision about the new house plans visit my property to see for themselves the negative impact the present plans will have on my property and the neighbor on the other side at 98 Broadway.

Thank you for your consideration and time,

Karen Kurtz
107 Broadway Ext

From: Karen Kurtz <kurtzk@comcast.net>
Sent: Monday, June 15, 2020 1:00 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: RE: 101 Broadway Ext. Los Gatos

Sean,

I am attaching the letter that I wrote to accompany the project at 101 Broadway. I hope it was received for the meeting with the Historical committee & is attached to the project file, if not, please include it.

It appears there is a new owner of this project. I hope I get to meet & work with them sometime in the near future to get a project that we can both be happy with. You are welcomed to pass on my name, phone number or email to them.

Thank you very much for getting back to me. It is much appreciated.

Karen Kurtz

From: Jay Plett <jay@plett-arc.com>
Sent: Monday, June 15, 2020 3:50 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Re: 101 Broadway Ext. Los Gatos

Hi Sean - Mark and I met with her prior to her writing the letter. She seemed ok with project and we were stunned

by her letter. The 3d shadow study submitted to you was prepared in response to her letter. Mark and I plan to

reach out to her again and will keep you posted. My comments for planning, building, fire are ready - just waiting

on Terry with the civil.

What are Planning's thoughts on the project?

Thanks, Jay

From: Jay Plett <jay@plett-arc.com>
Sent: Thursday, June 18, 2020 4:07 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Mark De Mattei <markd@demattei.com>
Subject: !01 Broadway Neighbor meeting

Hi Sean, Sally - Mark and I met with Mrs. Kurtz at her home today to review plans. We discussed the shadow study

and how the shadows cast will behave, we removed one upper window and minimized another that faces her.

Overall, a good meeting - and now for the storey poles....

Plans were resubmitted to you earlier today through the portal. We would appreciate a quick review by you to make

sure nothing is missing - if so, we want to provide it promptly. We are also ready with storeypole plan for your review

and approval - just let us know when we can submit.

Thanks, Jay

--

JAY PLETT ARCHITECT

jay@plett-arc.com

office 408 354 4551

mobile 408 585 8787

From: Karen Kurtz <kurtzk@comcast.net>
Sent: Friday, July 3, 2020 3:54 PM
To: Sally Zarnowitz <SZarnowitz@losgatosca.gov>
Subject: Need assistance

Sally,

I hope you can help me or point me to someone who can.

My name is Karen Kurtz,
I am a long time resident of Los Gatos. I currently reside at 107 Broadway, Los Gatos where I have lived since 1987. I lived in the Alta Vista area for 22 years before than. I am a single lady in my 80's.

There is a major re-building project going on next door to me at 101 Broadway. The current plans have a large negative impact on my property concerning views, light, devalue of my property and privacy. I am looking for some support from someone from the town who can direct and help me in understanding what my rights are, what the plan drawings really mean and are the builders telling me the truth. After the story poles went up, it appears they did not tell me the truth about the height. I know you provide help to the builders so I hope you also provide help to those affected by the builders.

My adult children all live out of the area so as an elder I am feeling quite alone and concerned about being taken advantage of. I would just like a planner or someone with the knowledge to help walk me through this project, similar to how you walk a builder through it. I would be so grateful if you could provide me with some help and support with this project.

Thank you so much,
Karen Kurtz
408-691-1373

From: Karen Kurtz <kurtzk@comcast.net>

Sent: Thursday, July 9, 2020 8:45 AM

To: Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>

Subject: photos of story poles at 101 Broadway

Here are a couple of photo's of the story poles for 101 Broadway. They might help for our conversation this morning since you are not coming to the property. Note what happens for the neighbors below, (most likely 3 neighbors below), besides my property.

Thank you for your time,

Karen





From: Karen Kurtz <kurtzk@comcast.net>

Sent: Monday, July 13, 2020 1:31 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>

Subject: Questions/concerns for 101 Broadway plans

Sean,

I have some additional questions with the concerns to ask about the proposed plans at 101 Broadway. Joel said I should email you the questions and these would be kept in the file

1. Why are story poles not extending to show the rest of the proposed plans. The front of the house plans propose putting an additional story on the front & also the present story poles are higher than the tallest peak on the small addition to the present structure.. So it most likely will cover additional views to the NE from my property. There is also suppose to be some kind of break in between roofs that Mark & Jay have mentioned that the present story poles on the back do not show that I can see. I would like to see complete story poles so that I and the neighbors can really see all of the height that is proposed for that property.
2. What do you use to determine the natural level of a hill side property to be in order to measure that 30' height. Is it the same for all hillside & sloped properties?
2. How are coordinates determined and plugged into the program to create shadows. I am quite certain I will not see sunlight except during the 3 or 4 summer months. If the building were set back further maybe a little sun but it is set right on the edge of the property line very near to my buildings that I don't think I will get any of the morning sunlight. I barely got any in the past with virtually no buildings. My teak patio furniture gets mildew during the winter months. When Mark cut some trees down near my cottage in the back than I got some of the later morning sunlight for a short time just before it hits the other trees to the East & never from the South except in the few long summer months. The shadow program they showed me doesn't match my experience of actually living on the property for 32 years. Maybe my roof would get light but not the ground level off my back door, which is up several feet from the street level.

I will have more questions but these are my immediate questions. We have another meeting set for Thursday between myself, my son, Brad, Mark and Jay. If you have time to answer these before Thursday, that would be very helpful. I know you are working from home & life is a little crazy for all of us.

I very much appreciate your help,

Karen

408-691-1373

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Wednesday, July 29, 2020 5:04 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>
Subject: 101 Broadway, Los Gatos

Sean,

My family are the Owners of the House at 93 Broadway, Los Gatos, CA and we have just recently found out that someone applied for permits to build a house next door at 101 Broadway.

Apparently, we have learned that there has already been a Historic Preservation Committee meeting to review the proposed house, however, we were never notified or new about this meeting and apparently none of the neighbors new about it either. We would like to request the minutes of the Historic Preservation Committee meeting and the process to file an appeal of the Historic Preservation Committees decision, that apparently was held without public impute.

We have been reviewing the plans available at the City's website and have seen the Story Poles on the site and very strongly oppose this proposed house that they are planning to build at 101 Broadway.

The proposed house extends way back behind the back of our house and the owner/contractor is proposing practically full walls of windows on the East side of the house, looking directly into our back yard.

Since this house is two stories high and one-story above the main floor level of our house it greatly infringes and completely eliminates all privacy in our backyard and patio areas.

We are working on a more formal letter of objection to this proposed house design and also some photo/drawings showing what the view would be like at the back of our house, with the proposed new house at 101 Broadway. These photo/drawings should be very helpful to the City in the decision to reject the proposed house plans.

Just wanted to give you a heads up of our objections and that we will be sending additional information and want to be notified of any public committee meetings to review or approve these house plans.

Please contact us if you have any question or need any specific information from us.

Thanks,

Larry D Brandhorst, AIA



The Architects Alliance
631 West Main Street
Jefferson City, MO 65101
T: 573.636.5000
F: 573.636.6133
W: thearchitectsalliance.com

From: Mark De Mattei <markd@demattei.com>
Sent: Monday, August 3, 2020 1:47 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>
Subject: RE: 101 Broadway, Los Gatos

Hi Sean,

Thank you for forwarding this e mail. So you are aware, I would like to convey my communications with the neighbors. Lynn Brandhorst, now deceased, was the owner of the home at 93 Broadway; We communicated with him when I purchased this property. He was looking forward to the new home to be built; he was tired of looking at the dilapidated structure. He communicated with us about some site specifics, which I looked into and have addressed.

Unfortunately, Lynn passed away several months ago leaving the home to his heirs who live in the mid-west. A few weeks ago, the heirs called me and I met with them. They were here visiting from the mid-west cleaning out the house and getting it ready for sale. They were asking me if I wanted to purchase their property, as well as looking for a local Realtor referral. I gave them a referral and they will be putting on the market very soon.

When I met with the heirs (sister-in-law Cathy, as well as Diane married to Larry) and we were discussing realtors..., I showed them my plans and they seemed positive about the design. As such, this letter is out of left field. It is unfortunate and unprofessional for an out of state architect to comment on the work of Jay Plett, a well-established local architect who has followed all the Town's guidelines and designed a very fitting home.

Now fast forward, I have been told by other neighbors the reality is that the heirs of 93 are concerned our story poles will discourage their potential buyers; so very self-serving.

As you are also aware, Jay and I met with Karen Kurtz at 107 four times. She is doing a good job of getting ears, no matter what concessions I make for her.

I have met with other neighbors, Ilona Merli at 89 Broadway, as well as apartment owners. We have been very accommodating, patient and respectful to all.

I have been to HPC twice and have been approved.

I just want to make it clear to the staff that we have designed and planned a home with the utmost respect for the Site, the immediate neighbors, the Town, and the Town's residents.

I realize that anything I have said in this e mail to you means nothing in the big picture, as we have all seen this many times. I just felt I want you to all to know the facts.

Kind Regards

Mark

Mark De Mattei
President



1794 The Alameda
San Jose, CA 95126
408.350.4200 p
[website](#) | [facebook](#) | [Houzz](#)

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Friday, August 7, 2020 1:10 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Gayl Henson <gayl@morganlawoffices.com>
Subject: RE: 101 Broadway, Los Gatos

Sean,

We are hereby forwarding some additional attached information relating to our objection of the proposed House development at 101 Broadway, West of our property at 93 Broadway, as follows:

1. Town of Los Gatos, Hillside Development Standards and Guidelines.

Please refer to the highlighted items in the Architectural Design, Design objectives, standards and guidelines and Design to be neighbor friendly Guidelines.

2. Photo from the center of the back Patio at 93 Broadway House with East Elevation (facing 93 Broadway) of the new proposed House development at 101 Broadway inserted into photo. (Thanks to the story poles in the photo, we were able to accurately locate the new House into the photo.)

As you can plainly see the new proposed House and all the East windows would extremely infringe on the privacy of our back yard/patio area. However, what the elevation doesn't show is the fact that the new east elevation of the main part of the house is also only 5 feet from our property line.

Another thing that doesn't clearly show in the elevation is the large upper level terrace / outdoor roof balcony area facing east and directly overlooking our patio area.

Therefore, I am also trying to work on sketch drawing section through our back patio area and the House at 101 Broadway to show their direct view onto our patio, especially from the upper level terrace / outdoor balcony.

WOULD YOU WANT THIS HOUSE BUILT ADJACENT AND 5 FEET FROM YOUR BACK YARD ???

I hope to forward additional information and comments in the future.

Please contact me if you have any question or need any specific information from us.

Thanks,

Larry D Brandhorst, AIA
Re: 93 Broadway, Los Gatos, CA

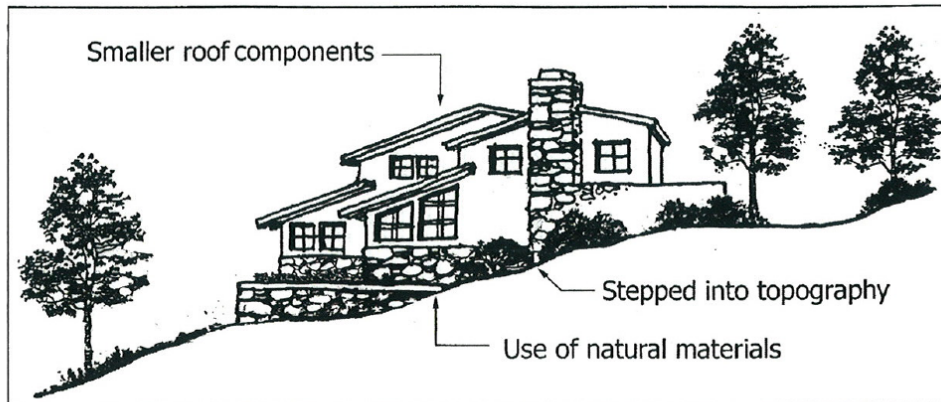


V. ARCHITECTURAL DESIGN

A. Design objectives.

The standards and guidelines in this section are intended to encourage architectural design that is:

1. in harmony and visually blends with the natural environment,
2. responsive to site constraints and opportunities,
3. compatible with the surrounding neighborhood and respectful of neighbors, and
4. respectful of the rural character of the hillsides.



Building form reflects hillside form/setting



B. Design to be neighbor friendly.

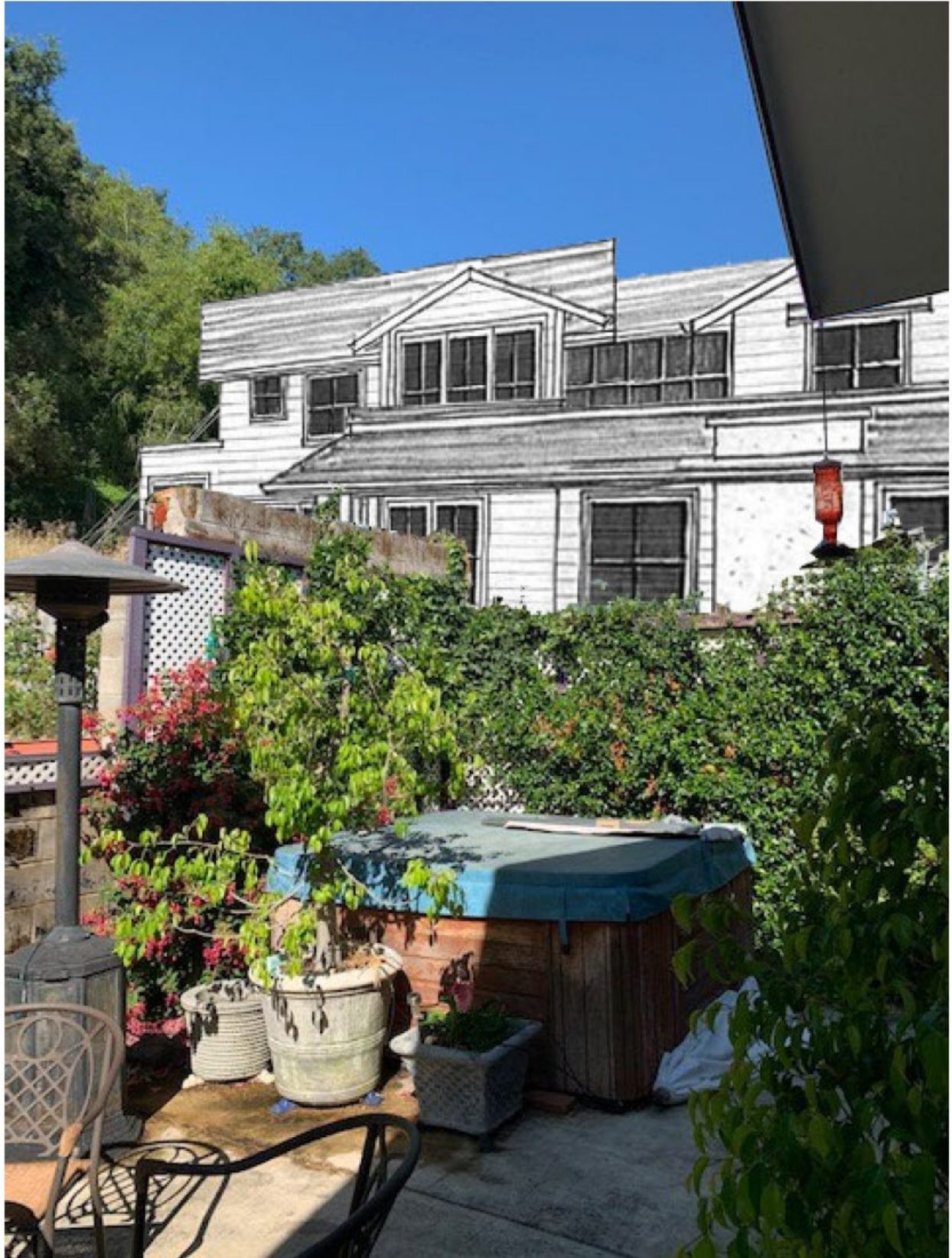
Protecting the privacy of neighboring homes is a high priority in the siting and design of a new house or addition. The following design standards shall be followed to the greatest extent feasible to ensure privacy to surrounding neighbors.

Standards:

1. Privacy impacts shall be addressed and resolved during the constraints analysis phase and initial design stage, not with mitigation measures imposed as an afterthought. Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.

Guidelines:

1. The following design guidelines should be implemented to the greatest degree feasible where privacy impacts are of concern;
 - a. Minimize second-story windows facing close neighboring properties. **No**
 - b. Orient upper floor windows, decks, and balconies to avoid impacting the privacy of neighbors. **No**
 - c. Incorporate screening measures (e.g., solid railing walls, lattice work, or planters) to obscure lines of sight to neighboring properties. **None Shown**
 - d. Limit the size of decks and balconies to six feet in depth in areas where privacy is a concern. This will limit their use to passive activities. **No**
 - e. Use landscaping to screen views to your neighbor's living areas most sensitive to privacy. Use evergreen trees and shrubs to provide year-round privacy. **None Shown**
 - f. Existing vegetation that protects privacy should not be removed. **Already Removed.**
 - g. Screen and control noise sources such as parking, outdoor activities, and mechanical equipment (e.g., air conditioning and pool equipment).
 - h. Locate outdoor activity areas adjacent to neighbor's outdoor activity areas rather than in close proximity to their quiet areas (bedrooms).



From: Jay Plett <jay@plett-arc.com>
Sent: Wednesday, August 12, 2020 1:01 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 101 Broadway letter



SITE OVERVIEW – EXISTING CONDITIONS

THE SITE IS NARROW AND SLOPES UPWARDS FROM BROADWAY, THE REAR UPPER PORTION OF THE PROPERTY IS NOT WITHIN LRDA LIMITS.

THE ORIGINAL HOME WAS SUBJECTED TO FIRE, THEN NEGLECT SINCE THAT EVENT. EVEN PRIOR TO THAT, THE ORIGINAL HOME'S CHARACTER WAS DESTROYED BY UNSEEMLY ADDITIONS AND TRIM APPLICATIONS. WINDOWS WERE REPLACED WITH RAW 1960'S STYLE ALUMINUM SLIDERS.

THE CURRENT BUILDING IS A BLIGHT AND HAS BEEN RIGHTFULLY APPROVED BY THE HPC TO BE TAKEN DOWN AND REPLACED WITH THE CURRENTLY APPROVED HPC DESIGN.

NEIGHBOR CONTACT

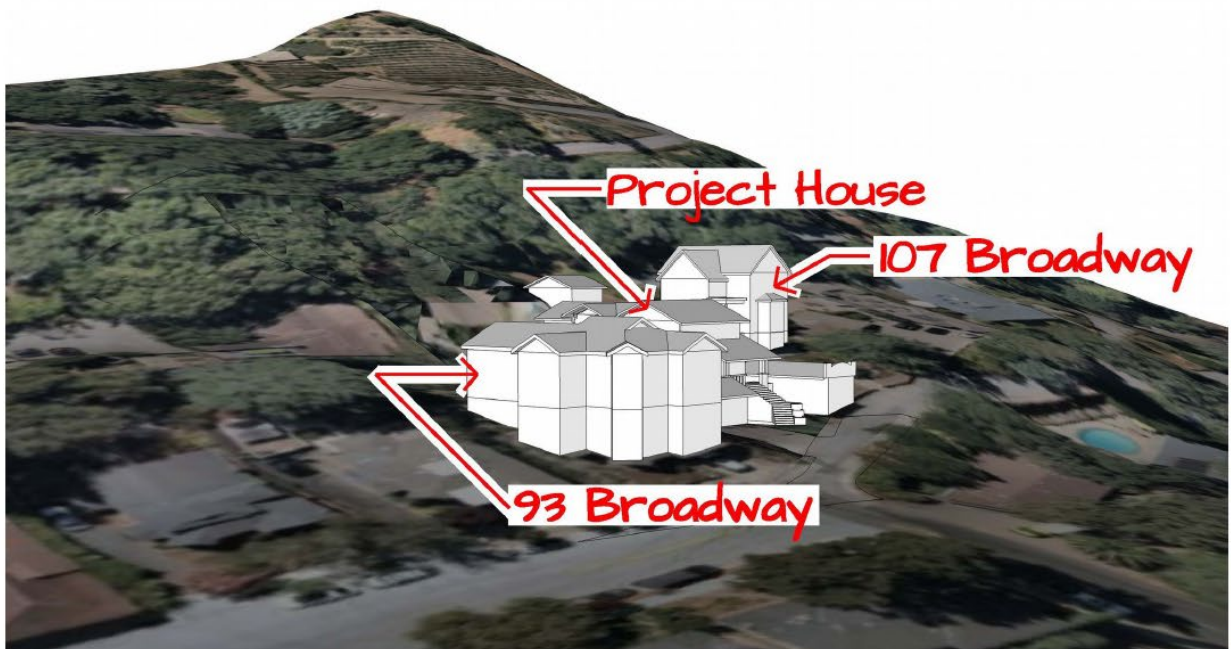
NEIGHBORS HAVE BEEN CONSULTED FROM THE BEGINNING OF THE PROJECTS INCEPTION. THERE WAS COMMUNICATION WITH LYNN BRANDHORST OF 93 BROADWAY PRIOR TO HIS PASSING. LYNN WAS VERY EAGER TO SEE A NEW HOME BUILT TO REPLACE THE HOME THAT IS THERE NOW. 93 BROADWAY IS NOW FOR SALE.

OTHER NEIGHBORS HAVE BEEN CONSULTED AS WELL. WE HAVE MET NUMEROUS TIMES WITH KAREN KURTZ OF 107 BROADWAY AND MADE ACCOMMODATIONS FOR HER CONCERNS.

THE NEIGHBORS AT 321, 325, 346, 352 MAIN STREET AND 98, 100 BROADWAY ARE ALL SUPPORTIVE OF THE PROJECT AS DESIGNED. THEIR LETTERS HAVE BEEN SUBMITTED TO PLANNING STAFF.

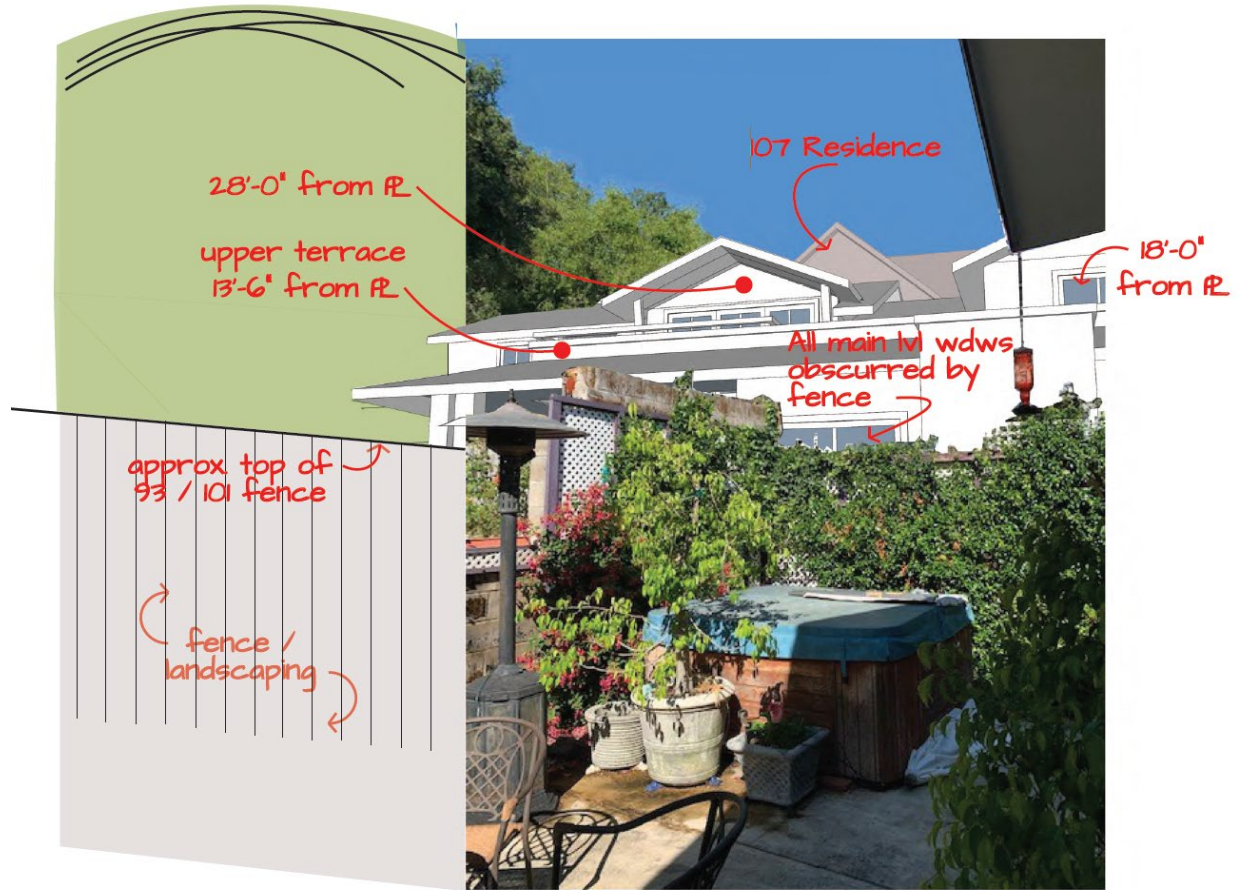
DESIGN ANALYSIS – TOWN DESIGN GUIDELINES

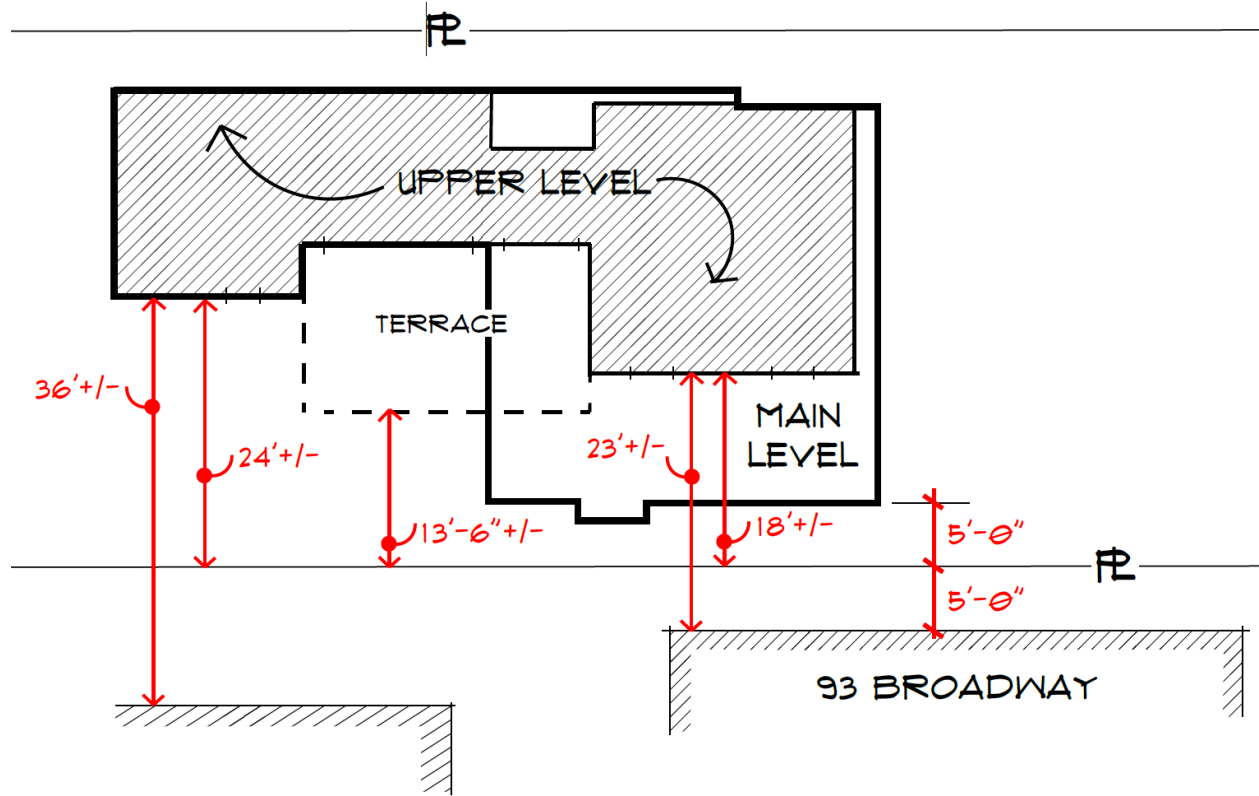
- THE HOME IS SITUATED WITHIN THE SITE'S LRDA, WHICH IS LOCATED ON THE FRONT LOWER PORTION OF THE SITE.
- THE HOME STEPS UP THE HILLSIDE, EACH LEVEL BEING SETBACK FROM THE ONE BELOW IT, WITH PORTIONS BELOW GRADE TO MINIMIZE HEIGHT AND MASS.
- THE HOME'S ROOF FORMS FOLLOW THE SLOPE OF THE SITE AS MUCH AS POSSIBLE.
- THE HOME IS WELL BELOW THE HEIGHT LIMIT FOR THE DISTRICT.
- WINDOWS HAVE BEEN PLACED THOUGHTFULLY WITH RESPECT FOR THE NEIGHBORS PER TOWN GUIDELINES.
- THE HOME HAS BEEN DESIGNED TO AMICABLY BLEND WITH THE EXISTING MASS AND SCALE OF THE NEIGHBORHOOD. SEE ILLUSTRATION BELOW – LOOKING UP BROADWAY TO PROPOSED HOUSE.



SUMMARY

THE PROPOSED HOME WAS PLANNED AND DESIGNED WITH THE UTMOST RESPECT FOR THE SITE, IMMEDIATE NEIGHBORS AND TOWN'S RESIDENTS. IT WAS APPROVED UNANIMOUSLY BY THE HPC AND HPC'S MATERIAL REQUESTS ARE INTEGRATED IN TO THE DESIGN. TOWN DESIGN GUIDELINES AND IT'S INTENT HAVE BEEN UTILIZED IN THE CONCEPTION AND DESIGN OF THE PROPOSED HOME. STAFF HAS NOT VOICED ANY CONCERNS REGARDING THE DESIGN. FROM TIME OF PROJECT'S INCEPTION, THE NEIGHBORS WERE KEPT APPRISED OF THE PROJECT AND IT'S NATURE.





From: Mark De Mattei <markd@demattei.com>
Sent: Wednesday, August 12, 2020 8:10 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: 'Jay Plett' <jay@plett-arc.com>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: Broadway neighbor 4 doors down across the street

Hello Mark,
It was great chatting with you today.

This house looks great and hopefully there is no pushback from the neighbors. If you need us to do anything in support of this project, just let us know.

It was great to meet your son.

Thanks,
Nicole

Mark De Mattei
President



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San Jose, CA 95126
408.350.4200 p
[website](#) | [facebook](#) | [Houzz](#)

From: Elisa Morgan <elisamorgan@att.net>
Sent: Tuesday, August 11, 2020 8:51 PM
To: Mark De Mattei <markd@demattei.com>
Subject: Re: Thank you

Hello Mark,

Wonderful talking with you yesterday. You're usually on the run when I see you, so it was nice having a few minutes to chat. Thank you for letting me know about your new build planned on Broadway. The design looks great! Maybe Joline and I will stop by sometime on a walk. You and your family stay well and happy!

Take care,

Elisa

Sent from my iPhone

From: Bill Gorman <bill.gorman@gmail.com>
Sent: Tuesday, August 11, 2020 11:10 PM
To: markd@demattei.com
Subject: Broadway Project

Good morning Mark,

Thank you for sharing your new house plans for 101 Broadway. I own 98 Broadway across the street. The improvements you will make to this property are fantastic and long overdue. You have put great effort into the plans and I look forward to seeing this come to fruition.

Bill Gorman

From: Gregory Howell <gregory@howelldevel.com>

Sent: Thursday, August 6, 2020 10:49 AM

To: markd@demattei.com

Subject: New Broadway house plans

Mark, thank you for reaching out to us today regarding your new house plans for 101 Broadway. We own the 2 apartment buildings directly across the street from your project as we discussed. We also live up the street on Glen Ridge Avenue and have been walking and driving past 101 Broadway for many years. 101 Broadway has been an eye sore for far too long and this was even before it burnt down. Thank you for putting the time, effort and money into such a well thought out plan. We look forward to seeing your house plans built.

What a great addition to the neighborhood!

Regards,

*Gregory and Diana Howell
125 Glen Ridge Avenue
Los Gatos, Ca. 95030*

From: Ilona Merli <ilonamerli@gmail.com>

Sent: Saturday, August 15, 2020 2:32 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>

Cc: Karen Kurtz <KurtzK@comcast.net>; Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>; dianne.brandhorst <dianne.brandhorst@gmail.com>

Subject: 101 Broadway proposed project

Dear Mr. Mueller and Team,

I am writing to ask that the September 1st 101 Broadway discussion with the DRC be moved DIRECTLY to the Planning Commission in an effort to save time and money. Regardless of the outcome of that meeting, immediate neighbors (myself included) will use all channels available to protect our interests.

I am deeply concerned about the project at 101 Broadway; surrounding neighbors held a meeting last evening on the subject and we jointly agreed to do whatever possible to preserve the integrity of our homes and neighborhood, as well as protect our own home values. While the overall home value in surrounding neighborhoods may ultimately increase based on sheer calculations of square footage and perceived "prestige," no one in their right mind would buy either of the neighboring properties were this project to move forward as is — unless the price were significantly reduced.

Sadly, the proposed project *beyond* "impacts" the neighboring homes, privacy, light, space, overall livability, as well as the integrity of the neighborhood, altogether. Additionally, it is essential that decision-makers regarding this project (EACH of them) actually come out to the site and see for themselves the invasive and inappropriate nature of the design with regard to impact on the neighbors. Thank you for your time and consideration.

Best regards,
Ilona

Ilona Merli
89 Broadway
Los Gatos, 95030
408-839-6965

From: Mark De Mattei <markd@demattei.com>
Sent: Monday, August 17, 2020 12:29 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>
Subject: RE: 101 Broadway proposed project

Dear Sean,

Thank you for your communication. Jay is on vacation this week . Although we have previously addressed all of the points and provided detailed studies to demonstrate the neighbors alleged accusations are unfounded. Jay however will respond to this neighbor e mail upon his return early next week. By the way she mentions values decreasing. This is also not accurate as a nicely done home with Jays thoughtful fitting architecture will increase immediate neighbors values and desirability.

Kind Regards,
Mark

Mark De Mattei
President



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From: Jay Plett <jay@plett-arc.com>

Sent: Monday, August 24, 2020 11:47 AM

To: Sean Mullin <SMullin@losgatosca.gov>

Cc: Mark De Mattei <markd@demattei.com>; Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>

Subject: Re: FW: 101 Broadway proposed project

Hi Sean -

I believe we have designed a home that not only meets the Town guideline criteria in technical aspects, but

also in the spirit and intent of the design guidelines. We urge the DRC to approve the project as designed with the agreed modifications per our conversations with Karen Kurtz.

Thanks, Jay

From: Irving MITSUNAGA <mitsunaga@comcast.net>
Sent: Wednesday, August 26, 2020 10:07 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Comment re 101 Broadway

Planning Review Committee and Planning Commission --

We are unable to attend the September 1 teleconference regarding rebuilding 101 Broadway, but we go on record in opposition to the structure as currently designed. The planned structure is too tall and too close to the property line between 101 and 107. The planned structure blocks the sun and the view of the residence at 107. Moreover, the house at 107 is historically designated and its property value will be decreased with this new structure.

We have lived in our house on Broadway since 1974 and we support the resident at 107 Broadway in her opposition to the designed structure. It is possible to build a one-story structure at 101 that will fit better with the neighboring houses and will preserve the value of the historical homes, and that should be required. Thank you for the opportunity to send an email.

Irving and Evelyn Mitsunaga
130 Broadway
Los Gatos, CA 95030

From: Jay Plett <jay@plett-arc.com>

Sent: Wednesday, August 26, 2020 3:44 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Mark De Mattei <markd@demattei.com>

Subject: Re: FW: Comment re 101 Broadway

Thanks Sean, communication received. We would like to reiterate our project does not block 107's sunlight per the shadow studies provided. We have demonstrated in multiple ways with drawings, model studies, and verbal

communication that our design is wholly compatible with the surrounding houses, Town design guidelines and

the historic character of the district as found by unanimous decision of the HPC committee.

Regards, Jay

From: Karen Kurtz <kurtzk@comcast.net>

Sent: Thursday, August 27, 2020 5:24 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>

Subject: 101 Broadway project question

Sean,

I have a question about the ADU regarding 101 Broadway that I haven't figured out or gotten any answer to yet.

On the front page of the plans it says "ADU future proposal 665sf" but, there is an ADU included in the drawings. Is there another ADU proposed or what does all of that mean and also how does it all fit in to FAR? It looks like they are up to their FAR limit. I once asked Mark if he could build a separate ADU in the back so he could lower the house and it was an emphatic "no". I thought ADU's were to be separate rentals to create affordable living quarters. This ADU does not appear to be a separate rental but instead incorporated into the main living quarters. We need a little explanation as to what all of this means.

I would ask Mark but it has been a challenge trying to get straight answers from Mark or Jay. We have had 3 meetings and basically no real changes and a lot of untruths or skirting around a real answer. I was very disappointed to learn that he told neighbors that I was old, could barely walk and was planning to move so I didn't care what the plans for the project looked like. This is totally untrue except I'm old. A situation like this in my occupation would be elder abuse and I would lose my license. I learned this through mutual acquaintances. This is a small town! He told me, that a lot of neighbors were happy with the plans when in fact I've learned that is not true, or when I asked how many square feet the home at 89 Broadway, that he built, was he said around 2500sf when it is actually 1270sf. At every meeting when I asked about the height of the project each time it was something different and when the story poles went up it was once again different and higher than they ever told me in the meetings. I have never learned about the shade cover figures which I had asked you about except that it was all "scientific". How will I ever know if the correct correspondents were plugged in or exactly what is done to get that information is correct? This is only a sample of my experiences. How can someone actually work with anyone who can't be up front and honest or agree to make real changes. (To be fair, I got 6" lowered on the height and a couple of windows shortened, very minor changes. Also no deck to be built on the flat roof in the very back of the ADU. That is important since that is at fence height.) I'm so very disappointed and this behavior has got to stop! It will never get us to any kind of an agreement or working "together" condition. We have a lot of neighbor work to complete.

Sorry to mention this to you but everyone needs to know that I and neighbors have listened and tried to work with Mark and Jay but so far it hasn't worked. We all want a home built on that lot but we want something reasonable that will be in harmony, enhance and improve our important Broadway Historic District. Not devalue our properties and invade our privacy or

hide the sun and nature. A home built like this would forever change the profile of this neighborhood. I or the next owner will want to build a taller structure in my backyard to recapture the light and the views. The owners below may want to build something tall to create some privacy. Will 93 Broadway ever sell for the price that it is really worth with a tall structure like this being built next door? The only other house nearby on our side of the street that is 2500+sf is 115 Broadway on a wider and approximately ½ acre lot and that addition is only one story, like 93 Broadway. Our lots may be long but very narrow and sloped uphill.

I will be sending more pictures since no one from the DRC or planning has been out to my property to see the actual impact that this project will have on our properties, except Joel Paulson. Even pictures cannot capture the real affect. Anyone is welcomed to come by. I just need a phone call so I can open the side gate. Thank you to Joel!

Thank you for your assistance with any information about the ADU.

Regards,
Karen Kurtz
107 Broadway
408-691-1373

From: Karen Kurtz <kurtzk@comcast.net>

Sent: Friday, August 28, 2020 9:21 AM

To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>

Subject: 101 Broadway

Sean,

I'm attaching a few more pictures regarding the proposed project of 101 Broadway to attempt to show what affect it will have on my home at 107 Broadway which is next door & up the hill from 101. I ask, how would you like the proposed house in your vision every time you stood at your kitchen window or sat on your patio? A vision that will block all that nature has to offer, the trees, the hills, the clouds, the birds flying around and landing in the water fountain and including your morning sunlight? It not only includes the loss of the views of nature and the sunlight but even the light that reflects off of the hills when the sun is setting. Please note in the proposed picture #2 that the green temporary fencing sits back onto my property by over 3' in the center so the house would actually be much closer than the picture shows. The 3rd picture is from my upper patio that is 8 steps above my main living area & patio, sky line totally blocked, the 4th picture is before the story poles from that upper patio, the 5th is from the upper patio at sunset. My kitchen window is totally blocked from seeing any sky unless I lean over & look up, I am short so it would be even worse for someone average height or taller. Keep in mind that these current scenes have been this way since before my house was built, around 1887, 133 years ago.

I purchased this home 32 years ago after searching for over 3 years to find a Victorian that I could restore and live in. It was a goal of mine for 20 years. The main priority besides finding one in my price range was to have enough windows for light and the East morning sun in my kitchen and bedroom This is not something I am making up just now because of the fact that this project will block all of that. It is something that has been important to me for many years, my agent was getting quit impatient with me. It is also important to point out that this is the only source of sunlight for my property except for summer time when the sun is higher, as the south has the mountains and tall trees and the west has the higher level home and tall trees. Presently, with that space entirely open, I have to turn on my lights inside the house about 1:30pm the majority of the time. My roof, patio furniture, walk ways, and rock walls get covered in mildew each year once summer is over. I hope you see how important that Eastern sunlight is to my property. Plus the negative affect on my mental and physical health as we all need to have some sunlight or we suffer from depression. I haven't even mentioned the negative affect on the value of my property, a large chunk of my retirement equity.

My privacy also will be gone with only a 5' set back. The overhang of the eaves and the windows when opened will make that space even less. All of this right over the patio area where I spend a great deal of time each and every day. It's my backdoor area. I will hear everything and so will they. We both lose our privacy and this is actually true for all sides of the project because of the height & length of the house running up a slope, short setbacks, the

patios, the upper level terrace and all the windows. It's obvious they are trying to capture the views. I've seen the client standing over there several times pointing them out. Why would they be allowed to block all the views and light from a property that has been here for over a hundred years?

Something very nice could be built there without taking away everyone's privacy and light and truly be in harmony, blend in and enhance all of our properties, not devalue the properties next door. I have worked two jobs the majority of the time I have lived here until the last 3 years in order to keep this home in good condition and the Historic integrity. I'm proud to own a home on the Bell Ringer list. I know the owner of 93 Broadway spent over 3 years when he re-built his home, trying to satisfy the Historical guide lines of the town requirements. It became a great addition to the neighborhood. The 101 property was sadly taken out of the Historical status just because it had some changes made years ago.

This project is just way too tall & too big! It needs to be lowered in order to blend in with the surrounding properties on the same side of the street. Help save our Historical neighborhood.

Please come see it for yourself. I am very disappointed that I have not seen anyone from the town come to view the project from my backyard except Joel Paulson. There is no way you can tell the true negative affect it will have on our Broadway Historical homes and neighborhood by just looking at plans on paper. It may fit within your Design guide lines but the lot & the neighborhood are not your average lot and neighborhood.

Thank you for your attention to this important matter.

Karen Kurtz
107 Broadway
408-691-1373



CURRENT PHOTO VIEW FROM PATIO DECK AT 107 BROADWAY



PHOTO VIEW FROM 107 BROADWAY WITH PROPOSED HOUSE AT 101 BROADWAY







From: Mark De Mattei <markd@demattei.com>
Sent: Friday, August 28, 2020 11:08 AM
To: Sean Mullin <SMullin@losgatosca.gov>; Jay Plett <jay@plett-arc.com>
Subject: RE: 101 Broadway project question

Hi Sean , thank you for sending. I do have to say this is all nonsense and not true . I have never told anyone that Karen can't walk and all of the rest of the allegations.
Jay and I have been most gracious , accurate and honest. It's sad they do not understand the design as well as the architecture.

Mark De Mattei
President



1794 The Alameda
San Jose, CA 95126
408.350.4200 p
[website](#) | [facebook](#) | [Houzz](#)

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Friday, August 28, 2020 11:11 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>; Gayl Henson <gayl@morganlawoffices.com>
Subject: RE: 101 Broadway, Los Gatos

Sean,

Forwarding attached letter with attachments addressing our **Objection to the Proposed House at 101 Broadway**.

We look forward to the opportunity to speak to the Development Review Committee Meeting on September 1, 2020.

Thanks,

Larry D Brandhorst, AIA



The Architects Alliance
631 West Main Street
Jefferson City, MO 65101
T: 573.636.5000
F: 573.636.6133
W: thearchitectsalliance.com

August 28, 2020

Town of Los Gatos
Community Development Department
Historic Preservation Committee
Development Review Committee
Planning Commission
Town Council of Los Gatos
110 E. Main Street
Los Gatos, CA 95030

Re: Proposed House at 101 Broadway Avenue

Dear Town of Los Gatos:

Continuing with our **Objection to the Proposed House at 101 Broadway** we offer the following words of wisdom for the Town of Los Gatos.

Lynn Brandhorst bought the original 1887 built, 93 Broadway Historic House in the mid 1970's. The house received significant damage from the 1989 earthquake.

Therefore, in the early 1990's Lynn and wife Pamela proceeded to rebuild the Historic House, working for many months, that turned into more than a year, with approval of the Town of Los Gatos, Historic Preservation and Development Review Committees, Planning Commission and finally the Town Council. (Refer to Rebuilding in attached Exhibit.)

Because this Historic House at 93 Broadway and the Historic Broadway Street area was so significant to the original development of the Town of Los Gatos, Lynn had to meet pages and pages of significant requirements and delays imposed by these Committees, Commissions and the Town Council.

But Lynn did his best and everything possible to preserve this Historic House, because he knew the significance to the Broadway Street neighbors and the people of the Town of Los Gatos. (Refer to Completed House in attached Exhibit.)

If our House at 93 Broadway was so Historically significant back then, why would the Town of Los Gatos allow construction of a House at 101 Broadway that **SIGNIFICANTLY TARNISHES THE HISTORIC VALUE AND PRIVACY OF THE ADJACENT 93 BROADWAY HISTORIC HOUSE**, as follows:

1. Lynn was required by the Town to salvage the existing front façade and side walls of the original historic house.
2. Lynn was required by the Town to re-build within the footprint of the original house; however, the 101 Broadway House is **TWICE THE FOOTPRINT OF THE PREVIOUS HOUSE ON THE SITE**. (Refer to attached Exhibits.)
3. Lynn was not allowed to add a second story to the house because the roof had to match the original historic house design. Yet the 101 Broadway house is being allowed a second story, even higher than the previous house on the site, **PLUS ADD AN UPPER LEVEL TERRACE / BALCONY**, that **INVADES PRIVACY OF THE HISTORIC 93 BROADWAY HOUSE**. (Refer to attached Exhibits.)

4. Lynn was limited on extending the back of the house therefore, they had to excavate under the original historic house, at additional cost, to add additional space for two bedroom; however, the 101 Broadway House is allowed to extend back twice the depth of the previous house, causing the main level of the house to be almost at a full story above the main level of the house at 93 Broadway, and at less than 6 feet from the property line, **INVADING COMPLETE PRIVACY OF THE HISTORIC 93 BROADWAY HOUSE.** (Refer to attached Exhibits.)
5. Lynn was required to match the existing windows on the original historic house, including adding fake windows on the side to match, however, the 101 Broadway house is allowed to add an almost entire wall of doors and windows, close to 50 percent of all the houses windows and doors on the East side of the house, **INVADING COMPLETE PRIVACY OF THE HISTORIC 93 BROADWAY HOUSE** and some at less than 6 feet from the property line. (Refer to attached Exhibits.)

The Town of Los Gatos, Hillside Development Standards and Guidelines as an example encourage architectural "**Design to be neighbor friendly;**" as "**Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.**" (Refer to attached Exhibits.)

The 101 Broadway House design is anything but Neighbor Friendly!

Most of the lots on Historic Broadway Avenue are very narrow lots and therefore, the houses are designed with the main doors, windows, patio & balcony areas facing the front and back of the house and property; **NOT FACING YOUR NEIGHBOR'S HOUSE.**

The design of the house at 101 Broadway completely destroys the way of life at 93 Broadway, destroys the significance of having a Historic House, Historic Street and Community by infringing on the Value of the Historic House at 93 Broadway and other Historic Houses in the neighborhood and devalues the investments Home Owners on Broadway Street and the Historic Los Gatos Community have invested to preserve that History.

Sincerely,



Larry D Brandhorst

Administrator of the House at 93 Broadway, representing all Owners of the House including the Brandhorst and Kolker Families

1035 Satinwood Court

Jefferson City, Missouri 65109

Ph: 573.636.5000

Email: lbrandhorst@thearchitectsalliance.com

Attachments/Enclosures:

1. Re-Building Historic House at 93 Broadway, 1994, one page.
2. Historic House at 93 Broadway Avenue, one page.
3. Town of Los Gatos, Hillside Development Standards and Guidelines, two pages.
4. Photo from Back Patio, 93 Broadway, showing Story Poles at 101 Broadway, one page.
5. Photo from Back Patio, 93 Broadway, showing Proposed East Elevation of House at 101 Broadway, Updated, one page.
6. Section/Elevation Showing Privacy Issue from Proposed 101 Broadway, one page.



REBUILDING HOUSE AT 93 BROADWAY



HISTORIC HOUSE AT 93 BROADWAY

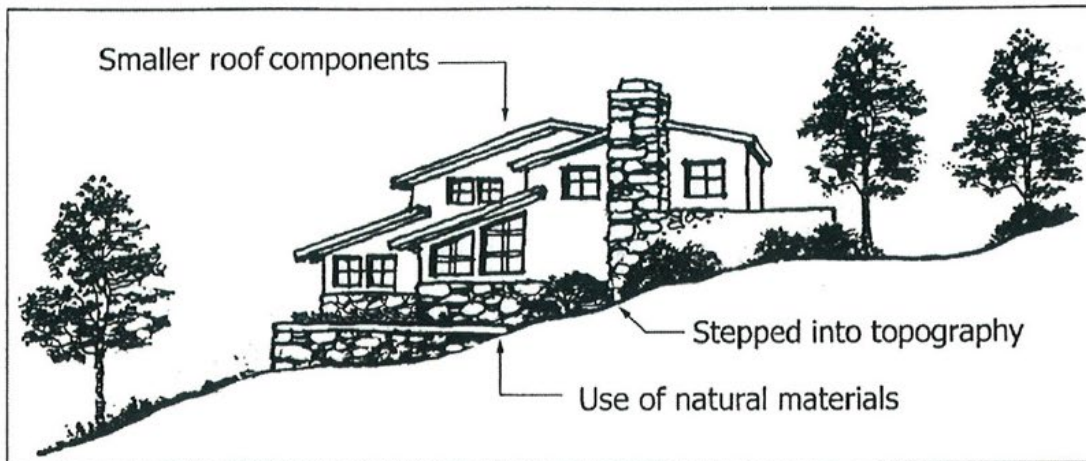


V. ARCHITECTURAL DESIGN

A. Design objectives.

The standards and guidelines in this section are intended to encourage architectural design that is:

1. in harmony and visually blends with the natural environment,
2. responsive to site constraints and opportunities,
3. compatible with the surrounding neighborhood and respectful of neighbors, and
4. respectful of the rural character of the hillsides.



Building form reflects hillside form/setting



B. Design to be neighbor friendly.

Protecting the privacy of neighboring homes is a high priority in the siting and design of a new house or addition. The following design standards shall be followed to the greatest extent feasible to ensure privacy to surrounding neighbors.

Standards:

1. Privacy impacts shall be addressed and resolved during the constraints analysis phase and initial design stage, not with mitigation measures imposed as an afterthought. Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.

Guidelines:

1. The following design guidelines should be implemented to the greatest degree feasible where privacy impacts are of concern;
 - a. Minimize second-story windows facing close neighboring properties. **No**
 - b. Orient upper floor windows, decks, and balconies to avoid impacting the privacy of neighbors. **No**
 - c. Incorporate screening measures (e.g., solid railing walls, lattice work, or planters) to obscure lines of sight to neighboring properties. **None Shown**
 - d. Limit the size of decks and balconies to six feet in depth in areas where privacy is a concern. This will limit their use to passive activities. **No**
 - e. Use landscaping to screen views to your neighbor's living areas most sensitive to privacy. Use evergreen trees and shrubs to provide year-round privacy. **None Shown.**
 - f. Existing vegetation that protects privacy should not be removed. **Already Removed.**
 - g. Screen and control noise sources such as parking, outdoor activities, and mechanical equipment (e.g., air conditioning and pool equipment).
 - h. Locate outdoor activity areas adjacent to neighbor's outdoor activity areas rather than in close proximity to their quiet areas (bedrooms).



PHOTO FROM PATIO AT 93 BROADWAY SHOWING STORY POLES AT PROPOSED 101 BROADWAY

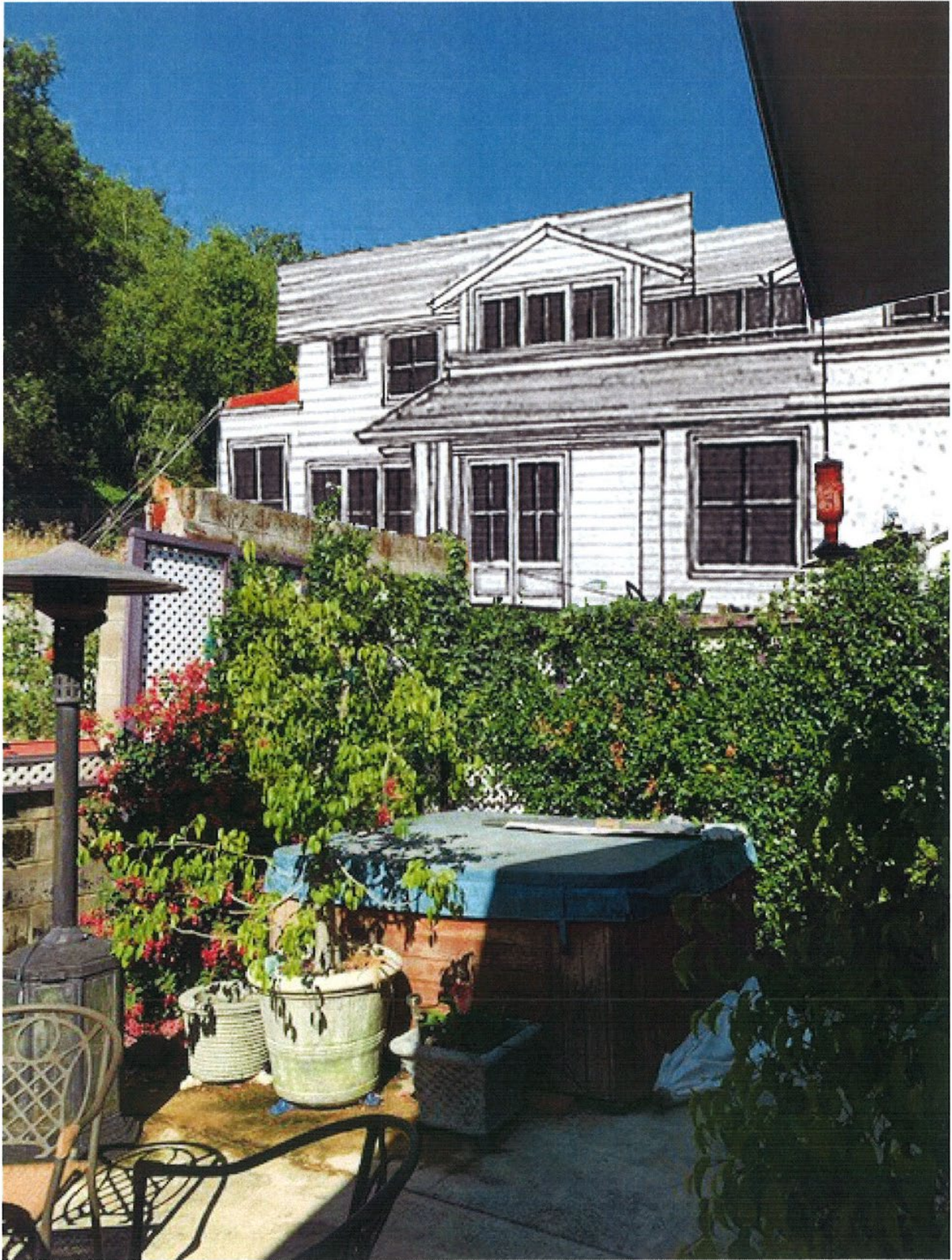
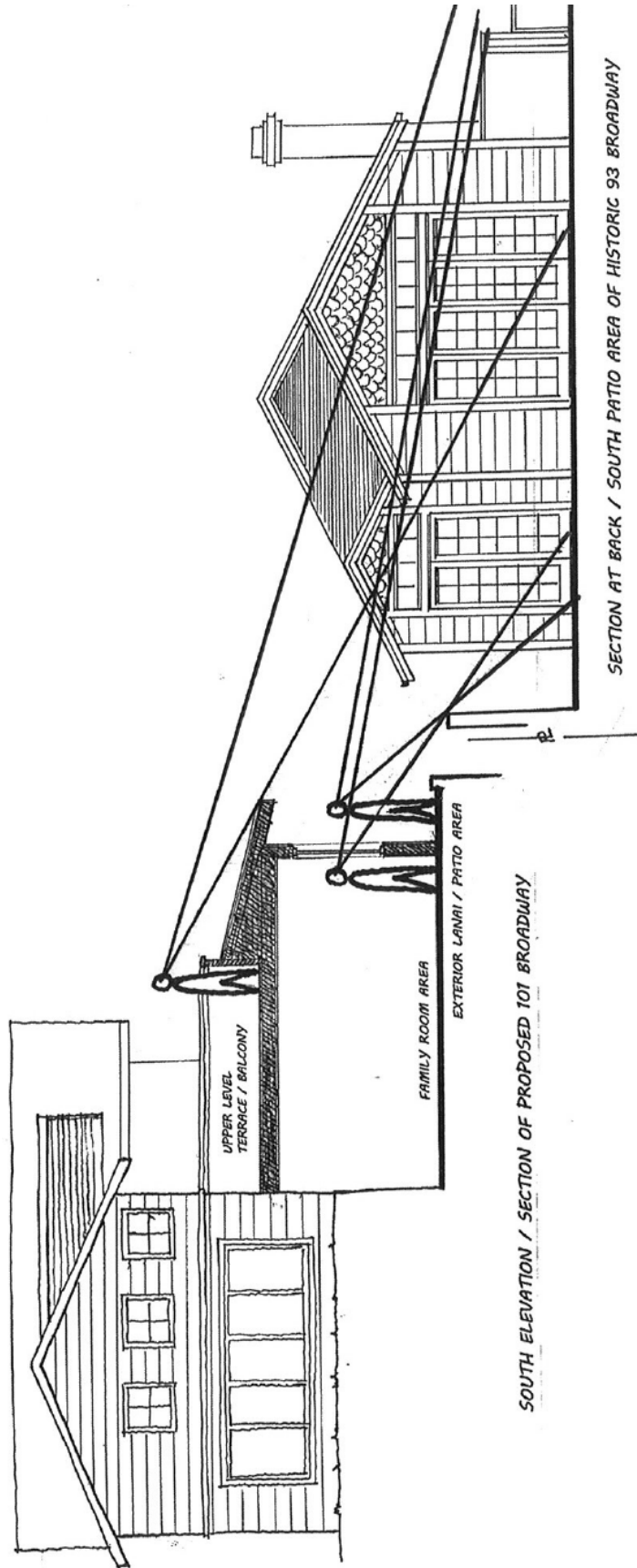


PHOTO VIEW FROM PATIO AT 93 BROADWAY WITH PROPOSED HOUSE AT 101 BROADWAY



SOUTH ELEVATION / SECTION OF PROPOSED 101 BROADWAY

SECTION / ELEVATION SHOWING PRIVACY ISSUE FROM PROPOSED 101 BROADWAY

From: Karen Kurtz <kurtzk@comcast.net>

Sent: Saturday, August 29, 2020 8:33 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>

Subject: 101 Broadway

Yes, me again with another concern/question.

I've been looking at Jay's letter of justification drawings, I note that his drawings on page 3 and page 7 show that my ADU is taller than the proposed house. The real fact is, the story poles are taller than my ADU. Are the story poles wrong or are his drawings incorrect? Who overs sees these kind of situations? I don't know how important these drawings are but the real fact is, it presents an inaccurate scenario. I am so sorry and do appreciate your time on getting back to me. I am not a professional on builder/architect plans. I need assistance on helping me understand what really is proposed now, not before I'm suddenly surprised when the building begins. It's because of these kind of situations that I am questioning how accurate the shadow study is. Who checks these details for accuracy? This is a serious project for me and the other nearby neighbors. It looks much different in person than on paper.

This morning at 8:00 the shadow of my ADU was extending out beyond my vegetable garden on my upper patio area. If 101 was built as proposed, it would have blocked my house of the morning sun. This on August 29th. That shadow lasted until at least 10:30 in the area of my house and back door patio. That means artificial light beginning mid-August or earlier and lasting until June? So much for energy saving. And gone is the possibility of my own small vegetable garden?

I would appreciate you checking into the drawings on Jay's report and get back to me.
Thank you once again, your help is appreciated,

Karen Kurtz
107 Broadway

From: Karen Kurtz <kurtzk@comcast.net>
Sent: Sunday, August 30, 2020 12:23 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: FW: Shadow at noon August. 30

This is to add to the file to show the true effects of the proposed house blocking the sunlight. My house is in line with the right side of those steps leading to my upper patio so my house would still be in the shade at 12:00pm at the end of August. You can see the shade still covering the entire upper level due to 101 trees and upper level. Remember the story poles are taller than my ADU. Note: ADU has no plumbing.

Thanks again,
Karen



From: Paul Clark <p_clark@hotmail.com>
Sent: Monday, August 31, 2020 8:53 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Comments on 101 Broadway pending planning project

Hello

Since I am unable to attend the Zoom meeting this week to discuss 101 Broadway, I would like to share some comments ahead of time.

First, I would like to say that I support having a new home on the site of 101 Broadway, and am looking forward to welcoming new neighbors.

That said, I have two, related objections to the plans as they stand today. The first is the so-called "future ADU." While explicitly excluded from the current application, the so-called ADU is clearly an integral part of the structure, fully connected to the rest of the house. Not only is it structurally integrated, sitting underneath the master bedroom and master bathroom, but it is also directly accessible from the kitchen. These plans represent a 3,100 square foot house masquerading as a 2,450 square foot house. The second objection is caused by that same so-called ADU. Its presence within the main house forces the master bedroom and bathroom up a level, which in turn blocks the view of the long-time resident next door. This directly contradicts a claim in the letter of justification that states that "THE PROPOSED HOME WAS PLANNED AND DESIGNED WITH THE UTMOST RESPECT FOR THE SITE, IMMEDIATE NEIGHBORS AND TOWN'S RESIDENTS" and that "WE HAVE MET NUMEROUS TIMES WITH KAREN KURTZ OF 107 BROADWAY AND MADE ACCOMMODATIONS FOR HER CONCERNS." If those claims were true, then the proposed structure would not remove the view that Karen Kurtz has had for several decades.

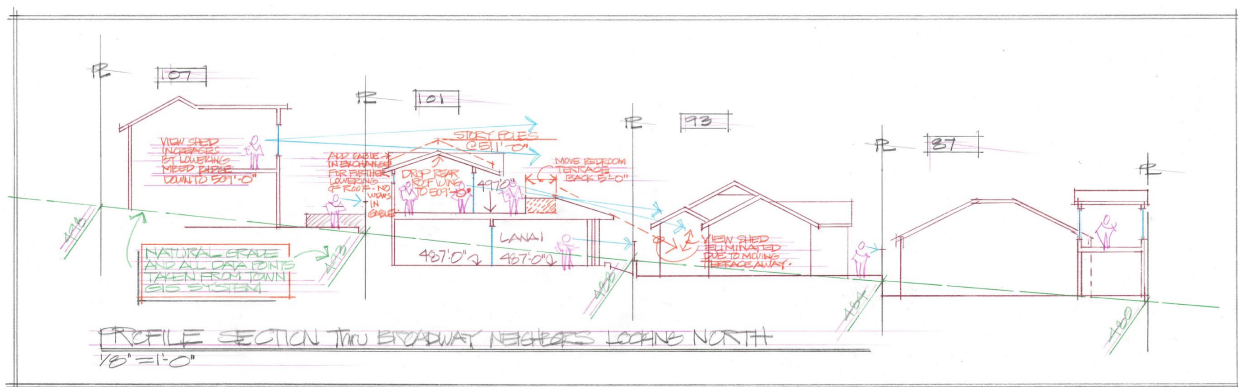
Best regards

Paul Clark
117 Broadway

From: Jay Plett <jay@plett-arc.com>
Sent: Monday, August 31, 2020 10:00 AM
To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: Broadway neighbor sections 9.1.20 | 1of2

Hi Sean - we prepared this neighbor comparison over the weekend. All data is derived from civil engineer and the Town's GIS information.
We are prepared to make the concessions shown in orange if those concessions ensure the approval of the project.

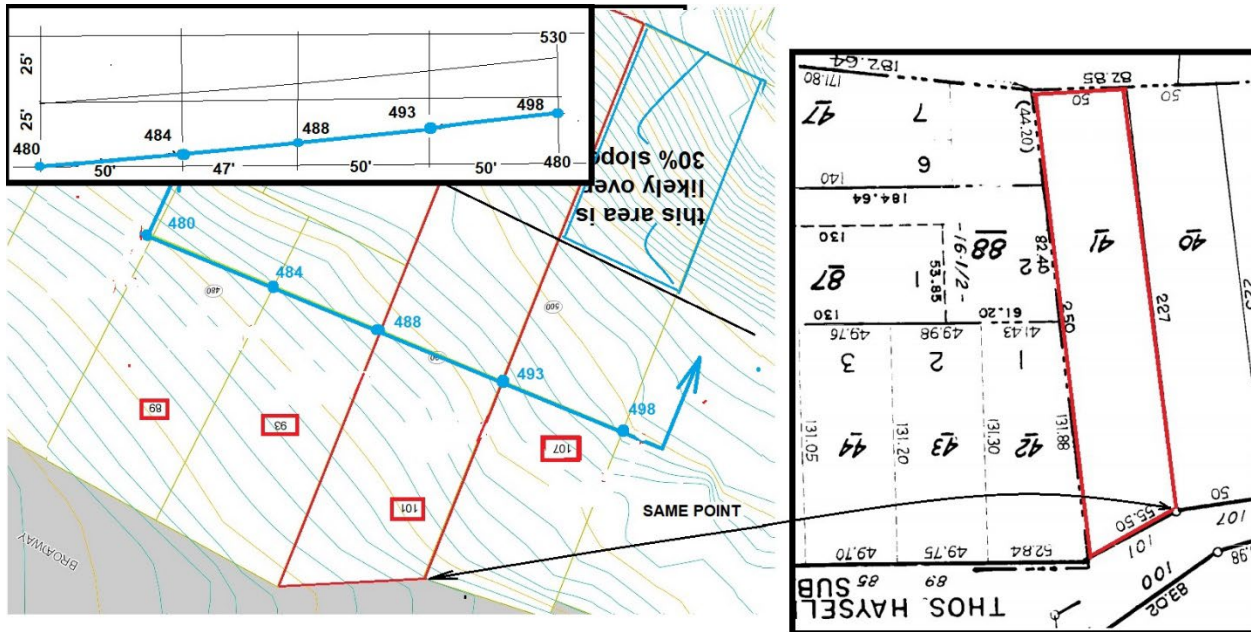
This further shows we are trying to accommodate concerns of neighbors.

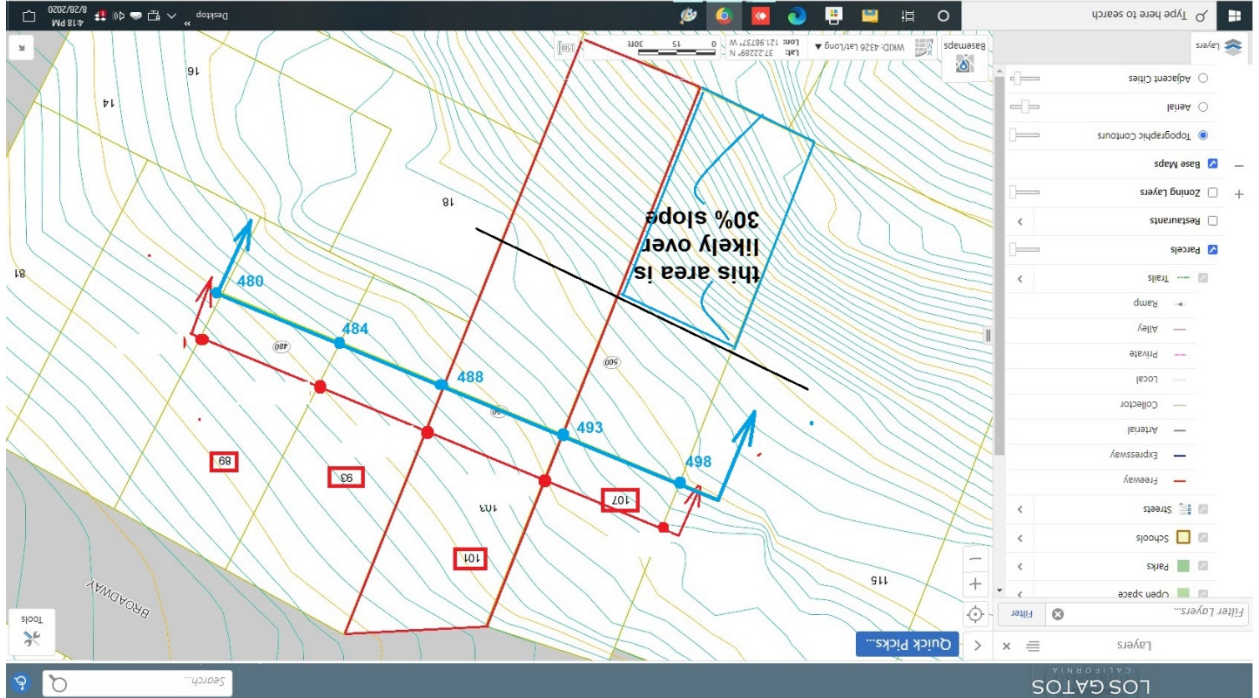
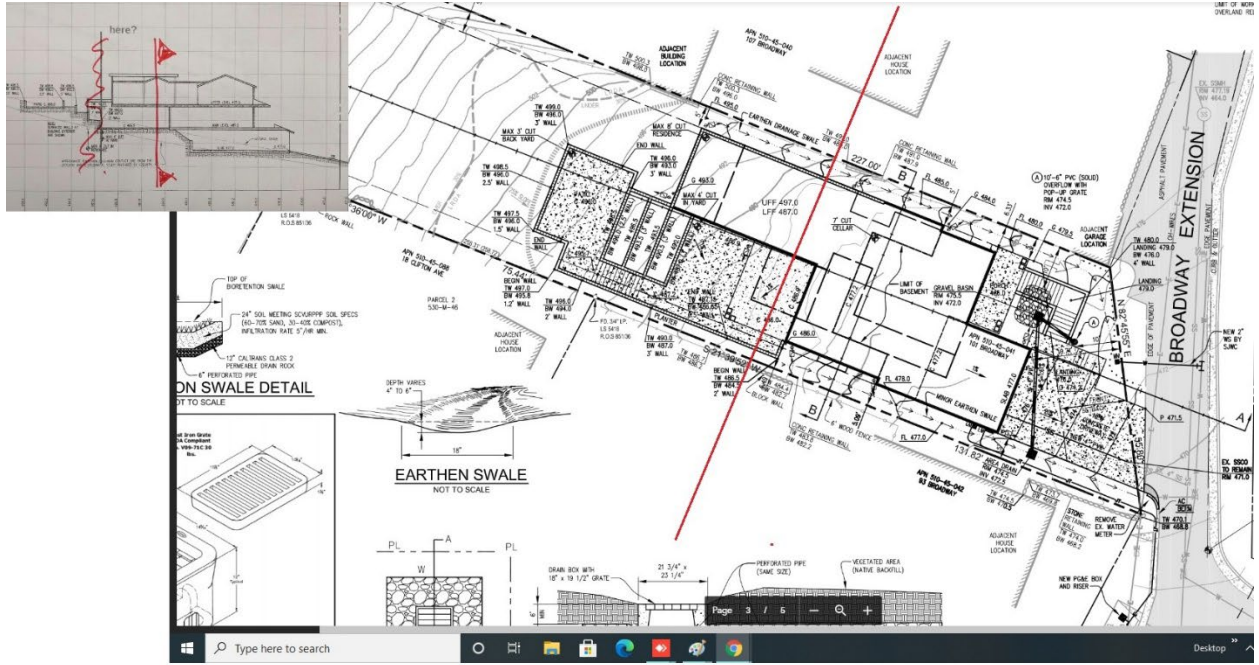


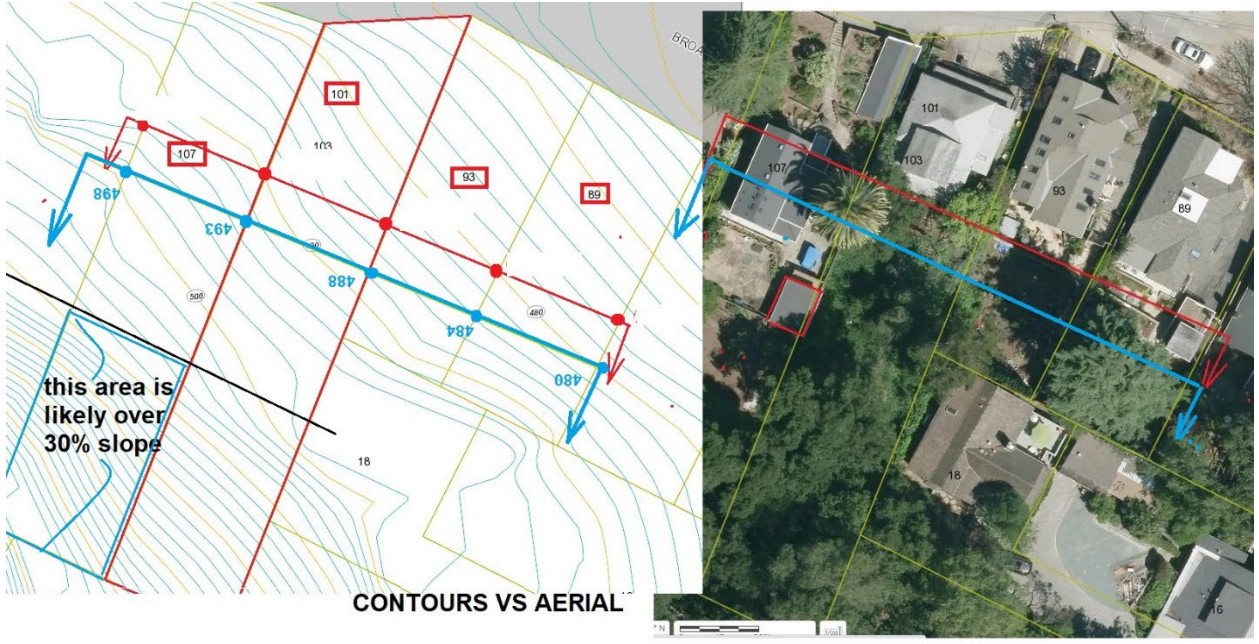
From: Jay Plett <jay@plett-arc.com>
Sent: Monday, August 31, 2020 10:03 AM
To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: 101 Broadway - Section | 2of2

Sean - this is the info provided by T/S that the Section just sent was based on.

Best regards, Terry
Terence J. Szewczyk, P.E.
TS/Civil Engineering, Inc
1776 Technology Drive
San Jose, CA 95110
[\(408\) 316-2696](tel:4083162696) cell (BEST NUMBER)
[\(408\) 452-9300 ext 220](tel:4084529300) office (RINGS THRU TO CELL)







From: Maria Ristow <ristows@comcast.net>
Sent: Monday, August 31, 2020 10:21 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public Comment Item #1 (101 Broadway)

The proposed house at 101 Broadway looks great on paper, but it doesn't work on the lot. I attended the January meeting of the Historic Preservation Committee where these plans were discussed and was supportive. The burnt-out remains of the old house need to be replaced, and I know Mark DeMattei builds beautiful homes.

That said, once the story poles went up and we visited the adjacent properties, we were dismayed. Looking at the plans is one thing, and seeing the impact on the neighboring properties is another. The topography of the land is lost when looking on paper. With a 2-story home built back into the deep property, the uphill property will be hemmed in, losing light and visual space. The two downhill properties will have serious loss of privacy.

While these plans might meet at the objective criteria in terms of FAR, height, setbacks...sometimes this is not enough. No set of rules can take all conditions into account. With the tight lots and steep slope of upper Broadway, what works in one part of town doesn't work here.

There has got to be another way to build here without such severe impacts on the neighbors.

Thank you,
Warren and Maria Ristow
85 Broadway

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**TOWN OF LOS GATOS
DEVELOPMENT REVIEW
COMMITTEE REPORT**

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
SEPTEMBER 01, 2020**

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on September 01, 2020, at 10:00 a.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online.

ROLL CALL

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Mike Weisz, PPW Engineering; and Tracy Staiger, SCCFD.

Absent: None

Staff: Joel Paulson, CDD Planning; Sean Mullin, CDD Planning; Robert Schultz, TAO; Lynne Lampros, TAO; and Kenny Ip, SCCFD.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

- None.

PUBLIC HEARINGS

1. 101 Broadway
Architecture and Site Application S-20-003

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP. APN 510-45-041.

PROPERTY OWNER: ZKJ LLC

APPLICANT: Jay Plett

PROJECT PLANNER: Sean Mullin

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment

Jay Plett

He is the architect for the project, speaking on behalf of the request. The proposed project has been designed to be consistent with Town policies and the immediate neighborhood. The house is stepped up the hill per the guidelines. They have sensitively designed the windows to be minimized and set back from neighboring properties.

Karen Kurtz

She is the adjacent uphill neighbor and has submitted written comments. She wants a new home that blends in with the historic neighborhood. She has concerns about the compatibility of the characteristics, aesthetics, values, and profile of the proposed project with the historic neighborhood. She has concerns that the project will block her sunlight from the east and take away privacy from her outdoor living area. She also has concerns about the fire safety of the project construction given its proximity and height. She states that the guidelines recommend the size and bulk should relate to the neighborhood, respect established site patterns, harmonize with the existing buildings, and be especially sensitive to the height and scale of adjacent homes. She has submitted photos of the shadow effects of the project.

Larry Brandhorst

He owns the adjacent downhill neighboring property. During the process of rebuilding, his property went through extensive design review, and the size was limited. The proposed project has a second story that is higher and a footprint that is deeper than those of the existing house. He has concerns about the privacy of outdoor areas, and the compatibility of the historic character and size with the historic neighborhood. He states that the Town's Hillside Development Standards and Guidelines encourage sight lines and windows to be placed to maintain privacy. The lots in this area are narrow with minimum side yard setbacks, therefore outdoor areas are designed in the front and rear yards.

Ilona Merli

She is a neighbor and was not originally against this project. She states that rules and guidelines address general building questions, but that it is important for people to see this project. The street is historical and has topography. She has concerns about how the height would affect the privacy, views, and quality of life of the neighbors. She states that this is a beautiful lot with lots of space and opportunities to design a project that does not impact the historical character of the neighboring properties.

Jay Plett

He is the architect for the project making closing comments on behalf of the request. They submitted Exhibit A illustrating how the windows have been moved back from the downhill neighbor at 93 Broadway and they have also offered to move the terrace back. They minimized the windows per the request of the uphill neighbor at 107 Broadway and the

shadow studies show no significant shadows on that property. Exhibit C shows how the project blends into the neighborhood. Exhibit B shows sight lines to the neighboring houses. They have moved the balcony back and are offering to lower the height by two feet to address the views.

Mark De Mattei

He is the owner of De Mattei Construction, Inc. They have worked hard to make the house blend in and address the concerns of the neighbors.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Robert Gray** to continue to September 15, 2020 to allow the applicant to further respond to the concerns of the neighbors voiced at the hearing. **Seconded by Mike Weisz.**

VOTE: **Motion passed unanimously 4-0.**

OTHER BUSINESS

- None

ADJOURNMENT

The meeting adjourned at 9:30 a.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 1, 2020 meeting as approved by the Development Review Committee.

Prepared by:

/s/Sally Zarnowitz, Planning Manager

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COMMENTS RECEIVED AFTER CUTOFF FOR 9/1
MEETING AND BEFORE CUTOFF FOR 9/15
MEETING.

From: PAUL Biber <lgaireinc@msn.com>
Sent: Monday, August 31, 2020 8:05 PM
To: PlanningComment@losgatos.gov
Subject: Public Comment Item #1 (101 Broadway)

We visited 101 Broadway and viewed the story poles.

Conclusions:

1. Because of the very limited parking on Broadway Extension, the house would be better served by moving upwards. There seems to be plenty of space to move up the lot.
2. The proposed house completely shuts off the morning light and view of the house to the right, boxing the neighbors in. The house that has its view taken away is historic and this town and block have been dedicated to preserving our heritage.
3. This proposed house which has no historic restrictions will devalue the livability and monetary value of the several houses involved.

We recommend redesign.

Sincerely,

Paul Biber and Carol Ferro
84 Broadway

Sent from my iPad

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Tuesday, September 1, 2020 7:55 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>
Subject: RE: 101 Broadway, Los Gatos

Sean,

The Architect for the 101 Broadway House contacted me yesterday and tried to tell me the 93 Broadway view was shielded by the existing fence.

He proceeded to send me the attached drawing section showing the existing wall/fence hiding the view. I proceeded to send him the other attached photo showing the view to 93 Broadway with elevations from the Civil drawings.

As you can see the main floor elevation of 101 Broadway is higher than the block wall between our properties; almost level with the lower roof line of 93 Broadway.

I felt compelled to send you these, because the Architect for 101 Broadway apparently doesn't even know what he designed or else doesn't know how to read his civil drawings.

I also mentioned to him my concern about the **storm drainage** over the walls etc. onto 93 Broadway. He said that wouldn't happen because there wasn't that much difference in grade level between the two houses.

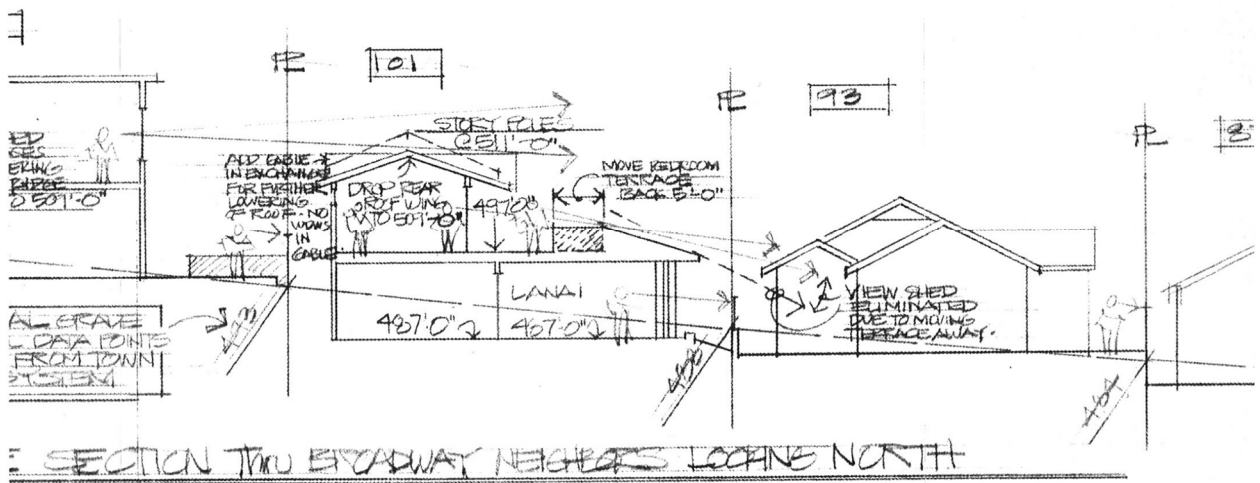
Sorry for the last minute send, but I felt you should know, in case he tries present that argument at the meeting today.

Thanks,

Larry D Brandhorst, AIA



The Architects Alliance
631 West Main Street
Jefferson City, MO 65101
T: 573.636.6000
F: 573.636.6133
W: thearchitectsalliance.com



From: jay <jay@plett-arc.com>

Sent: Tuesday, September 1, 2020 8:29 AM

To: Mark De Mattei <markd@demattei.com>; Sean Mullin <SMullin@losgatosca.gov>

Cc: Joel Paulson <jpaulson@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>

Subject: Re: 101 Broadway, Los Gatos

Sean - here is summary of my conversation with Larry yesterday.

1 - I asked him if we moved upper terrace back 5' would he accept it?
His answer - equivocation.

2 - I asked him again. Equivocation.

3 - I then asked him what we could do to satisfy him - he said 'nothing' would satisfy him.

4 - we talked further, he said to send him the site section, which I did.

T/S has since emailed him to clarify, but Larry is not responding, other than sending that communication to you.

-Jay

Sean,

Forwarding my attached spoken comments to the DRC Committee.

Thanks,

Larry D Brandhorst, AIA



I am Larry D Brandhorst, Administrator and therefore, now Owner of my brother's House at 93 Broadway.

I am here to speak in Opposition to the Proposed House at 101 Broadway.

My brother, Lynn Brandhorst, bought the deteriorating House at 93 Broadway in the mid 1970's

After the major earthquake of 1989 the House had significant damage, which would require rebuilding the House in the early 1990's.

During the process of design and approval from the Town of Los Gatos, Lynn was told the 93 Broadway House, built in 1887 was considered a Historic House, one of the first houses built in Los Gatos and within a Historic neighborhood on Broadway, one of the first streets in Los Gatos.

Therefore, Lynn went through months and months, over a year meeting with Los Gatos Town Committees trying to meet pages and pages of requirements placed upon his Historic House.

Lynn needed some additional floor space in the less than 1000 sq. ft. house, but the Los Gatos Town committees wouldn't allow him to add a second story, and he wasn't allowed to extend much further back on the property. Basically, Lynn had to stay within the footprint of the existing Historic House and he was required to salvage and retain, in place, parts of three walls/facades of the original Historic House.

However, the Overpowering **Proposed House at 101 Broadway** has a second story, several feet higher than the existing house, and it extends twice as far back on the property as the existing house on the property.

Well my question now is, why if this Neighborhood and the House at 93 Broadway, is of such Historic Value to the Los Gatos Community; would the Town of Los Gatos, allow the building of an Overpowering House next door, that completely eliminates the Privacy and Historic Value of the Historic House at 93 Broadway and therein the Historic and possibly Monetary Value of all the other Historic Houses on Broadway.

As noted in the Town of Los Gatos, Hillside Development Standards and Guidelines the Town Encourages architectural **“Design to be Neighbor Friendly”** and **“Sight lines shall be studied so that windows and outdoor areas are placed to maintain privacy.”**

As you can see from the documented information, I sent to the Town of Los Gatos there would be absolutely No Privacy left in the entire back property of 93 Broadway. **Anything but “neighbor friendly” and very disrespectful!**

Most of the lots on Historic Broadway are very narrow lots allowing only the minimum required 5 ft. side yards and therefore, the Houses are designed with the doors, windows, patios and balcony areas facing the front and back of the House and property; **Not facing your Neighbors House!**

In Closing, the Design of the House at 101 Broadway completely destroys the way of life at 93 Broadway, destroys the significance of having Historic Houses, Historic Street and Historic Town, by infringing on the Value of our Historic House at 93 Broadway and other Historic Houses in the neighborhood and devalues the investments Home Owners on Broadway Street and the Historic Los Gatos Town have invested to preserve that History.

From: Karen Kurtz <kurtzk@comcast.net>

Sent: Thursday, September 3, 2020 3:33 PM

To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>

Subject: for file of 101 Broadway... copy of my talk at the DRC meeting on Sept 1st.

Sean,

Please add this talk that I gave at the DRC meeting on Sept 1st. to the file of 101 Broadway

Thank you, Karen

I am Karen Kurtz, a resident of Los Gatos for 53 years, the owner of 107 Broadway for 32 years, next door up-hill from 101. My home is 133 years old and is part of the Bell Ringer project.

1. We all want a new home at 101, one that blends in, enhances, adds value, creates privacy and is in harmony with our important Historical neighborhood. All stated as requirements in the towns design guidelines in various sections.
2. Unfortunately, I do not believe this project meets these requirements. As it would adversely affect its relationship with the Historical characteristics, aesthetics, values and profile of the District leading to more tall and imposing structures.
3. For me, this project takes away major characteristics from my historical home
 - a. Blocks all of Mother nature, sunlight, trees, hills, breeze, town lights, sounds, views and a whole lot more.
 - b. I will no longer see the sky from my kitchen window
 - c. It greatly devalues the financial value
 - d. Takes away privacy from my outdoor living area.
 - e. I have concerns about fire safety with a building so close and tall. This is a High-Risk Fire District. I have lived through 2 major fires in the past 32 years. Fire here is a reality.
4. Some examples from the design guidelines say:
 - a. Page 11 Design is to blend into the neighborhood rather than stand out.
 - i. Relate a structure's size and bulk to those in the immediate neighborhood.
 - b. Pages 54/55 Historical Resources -New Construction.. **From the Historical section it is to**
 - i. Respect the **established site patterns** and harmonize with neighboring buildings...
 - ii. New construction should be in keeping with the existing neighborhood. It should be **especially** sensitive to the height and scale of the homes on immediate adjacent parcels.
 - iii. When a new project has more square footage than the surrounding structures, reduce the scale of the structure with sensitive design

treatments. (I do not believe it is appropriate to consider or compare with 4 plex's or apartment houses across the street, or a house on a half-acre)

5. I have had visits from neighbors and others in construction who all have been flabbergasted by the scope and scale of this project when they see it from my backyard.
6. I have sent a photo of the shadow effects from Sunday, August 30, 2020. I already would be using artificial light. We are supposed to be working toward using less energy.
7. **Please** do this right!

From: Jay Plett <jay@plett-arc.com>

Sent: Tuesday, September 8, 2020 2:05 PM

To: Sean Mullin <SMullin@losgatosca.gov>; lbrandhorst@thearchitectsalliance.com; Mark De Mattei <markd@demattei.com>

Subject: 101 Broadway | Fwd: Section 9.5.20 for 93

Hi Sean - Mark and I spoke with Larry Brandhorst earlier today to discuss the attached modifications to 101 Broadway.

We have agreed to...

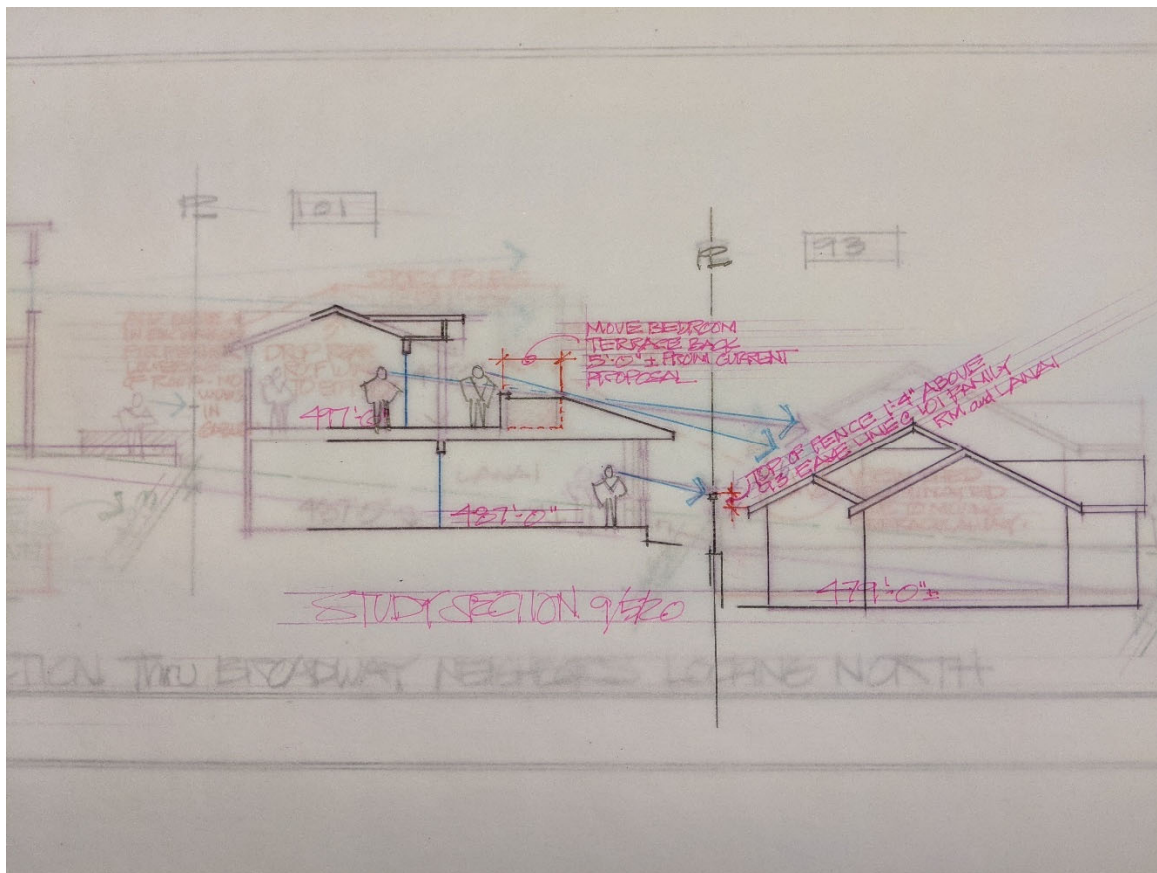
Move upper Terrace farther away from 93 by 5 feet.

We will build a fence between the properties to a height of 1.33' above the level of 93's roof eave line.

Larry - Please confirm to Sean - the project planner - that you are in agreement, thanks.

Mark and I will propose to Karen Kurtz a reduction in height of Master Bed ridge by 2' from where storypoles are currently set.

Regards, Jay



From: Jay Plett <jay@plett-arc.com>
Sent: Thursday, September 10, 2020 1:04 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Mark De Mattei <markd@demattei.com>
Subject: 101 Broadway | exchange with 107

Hi Sean - Mark offered to lower the ridge 2'-0" from where the storey poles are currently set - Mark's offer was completely rejected by Karen Kurtz.

Our response back was as follows -

Hi Karen - it is unfortunate you found the proposal to lower the Ridge by 2'-0" unacceptable. Moving forward, we will abide by our prior agreement with you to modify the windows on the West Elevation and lower the ridge 6".

Regards, Mark and Jay

The last set of plans sent to you reflect the agreed-to windows. We can make the lowering of the Ridge by 6" a condition of approval.

Please call with any questions. Is there anything further you need from us prior to Tuesday's DRC meeting?

Thanks, jay

--

JAY PLETT ARCHITECT
jay@plett-arc.com
office 408 354 4551
mobile 408 585 8787

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Thursday, September 10, 2020 11:23 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Jay Plett <jay@plett-arc.com>; 'Mark De Mattei' <markd@demattei.com>
Subject: 101 Broadway vs. 93 Broadway

Sean,

After conversation with Mark DeMattei and Jay Plett and review of their corrected elevation section at the back of 101 & 93 Broadway, it was agreed that they would add an acceptable screening fence to at least 1.33 feet above the level of 93 Broadway's West eave line, between the properties as shown in Jay Plett's attached drawing.

Thereby, providing not perfect, but improved and agreeable privacy between the properties.

The fence would be along the property line, possibly on top of the existing block/concrete walls and would include removal of the existing short fence on the west side of the existing wall at 93's patio area.

The fence would be required, at a minimum, along 93's patio area and the second level terrace area; not less than 40 ft. in length.

They also agreed to move the east edge of the upper level M. Bedroom Terrace back 5 feet from their original drawing location (at approx. 17 ft. from the property line), per attached drawing.

If acceptable to the Town of Los Gatos Development Review Committee, we are in agreement with these modifications and additions to resolve the Sight Line issues, we raised in previous submitted documents and at the previous DRC meeting.

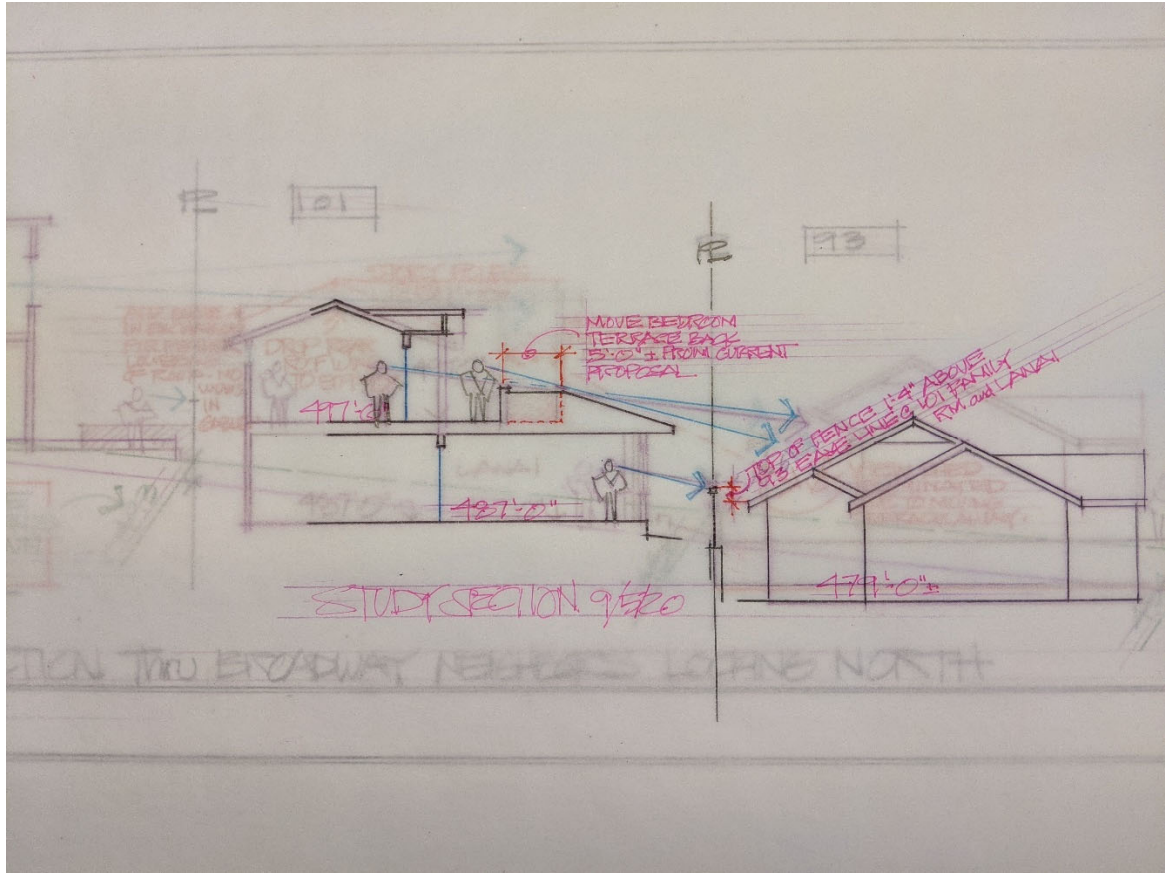
We do still have some concern about the storm drainage runoff between the two properties and onto 93 Broadway, because of the height difference; but I assume this will be addressed between the Civil Engineer and approved by the Town of Los Gatos.

Also, we do still object to this project in relation to the Historical Aspect of the project, as it relates to the Historic significance of the House at 93 Broadway and the Historic significance of the entire Broadway Neighborhood.

However, we feel this is a matter best resolved between the current residence in the Broadway Neighborhood and Town of Los Gatos. Just keep in mind, the decisions by the Town of Los Gatos could also set a precedence for future development in the Historic areas of Los Gatos.

Thanks,

Larry D Brandhorst, AIA



From: Robert Moore <85gaucho@gmail.com>
Sent: Sunday, September 13, 2020 6:44 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Subject: 101 Broadway Ave

Development Review Committee

RE: 101 Broadway Ave

I am a neighbor on Hernandez Ave and have lived in Los Gatos for almost 30 years. During this time, I have had a very good experience working with the Town of Los Gatos and neighbors on re-building and restoring two homes, 59 Ellenwood Ave and 40 Hernandez Ave.

The multi-family rental unit at 101 Broadway Ave that recently burned is a blemish on this beautifully historical street. The proposed home is consistent in size, height, mass, and design with other homes on Broadway Ave. Broadway Avenue is diverse in home design and size, and the proposed project's size is roughly the median. The proposed home is under 2,500 sf of living space. Roughly half of the non-rental homes on the Broadway are larger in square footage, with some of those larger homes on smaller lots than 101 Broadway Ave. There are a handful of craftsman homes on the street, along with other materials and finishes not of Victorian vernacular.

The neighbor on the uphill side at 107 Broadway, has claimed the design will obstruct her views. There are no recorded view easements involving the properties. Many of the neighbors, including the letters of opposition, have stated these are tight lots. The expectation of side views and total privacy is unreasonable and currently not common on Broadway. This neighbor has two structures, on or over the joint property line not in compliance with Town zoning or regulations. This neighbor also was involved in recently removing a large tree between the properties, where her view was improved. This neighbor has been looking down on 101 Broadway Ave for years, just as the neighbors on Clifton Ave have been looking down on 81-93 Broadway Ave (other complainants). These conditions are not brand new and not created by the proposed home at 101 Broadway. The objection letter from 107 Broadway Ave contending compatibility, scale, site patterns and harmony smacks of hypocrisy, as she has benefitted from her own property ignoring zoning compliance for decades.

The lower neighbor at 93 Broadway does not live in Los Gatos. This home is currently for sale. It is my understanding he has been generally satisfied by a productive meeting with Jay and Mark. This meeting resulted in fencing changes and size reduction of upper decks.

These adjacent homes are the only two that will be affected by the new proposed home on 101 Broadway Ave. The dead-end location is two lots up from the West Main Street and Broadway Ave intersection, literally meaning there will be only seven families driving by this proposed home. The visual from Broadway has been addressed through well thought out front elevation stepped massing, less impact than the burned rental unit in place. Ironically, comparing the Floor Area Ratio of the neighbors in opposition, three of four appear to have higher floor area ratios and lot coverage than the proposed property. I'm not sure how the Town can reasonably consider a neighbor down the street complaining about the size of a home when their ratios exceed the proposed.

Regardless, Mark DeMattei has taken the neighbors and historical street character into consideration with many revised design elements. Stepping back the front and side elevation mass, designing the

garage and some living subterranean, and moving, reducing, or eliminating windows. Reducing the land use to a single residence as proposed will help with the street traffic seen on lower Broadway. The time and effort (and dollars) of Mark DeMattei and Jay Plett should be commended.

Not only have I lived in the wonderful Town of Los Gatos for 30 years, raised four grown adults here and built two homes, I am also in contract to purchase this proposed home from Mark DeMattei if approved intact. This is personal, as it was to be my last home. I have friends on the street that have voiced only positive opinions and support of the project. This is a project that complies with all the Town's guidelines and requirements, and a swift approval should be expected.

Frankly, the "not in my back yard" attitude of the opposing neighbors is concerning. To oppose a proposed project in total compliance with Town zoning and requirements, while ignoring said zoning on their own property, is appalling.

When buying property, you should expect that the clear, reasonable and transparent governance of the Town of Los Gatos would enable you to swiftly enjoy the property right freedoms that go along with that purchase.

Sincerely,

Robert Moore

40 Hernandez Ave

Los Gatos, CA 95030

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**TOWN OF LOS GATOS
DEVELOPMENT REVIEW
COMMITTEE REPORT**

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
SEPTEMBER 15, 2020**

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on September 15, 2020, at 10:00 a.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online.

ROLL CALL

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Mike Weisz, PPW Engineering; and Katherine Baker, SCCFD.

Absent: None

Staff: Joel Paulson, CDD; Sean Mullin, CDD Planning; Diego Mora, CDD Planning; Robert Schultz, TAO; and Kenny Ip, SCCFD.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

-None.

CONSENT ITEMS

1. Approval of Minutes – September 1, 2020
2. Approval of Minutes – September 8, 2020

MOTION: **Motion by Robert Gray to approve the consent calendar. Seconded by Mike Weisz.**

VOTE: **Motion passed unanimously 4-0.**

PUBLIC HEARINGS

3. 101 Broadway
Architecture and Site Application S-20-003

Requesting approval for demolition of an existing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP. APN 510-45-041.

PROPERTY OWNER: ZKJ LLC

APPLICANT: Jay Plett

PROJECT PLANNER: Sean Mullin

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Jay Plett

He is the architect for the project speaking on behalf of the request. He and the property owner have worked with the owner of the downhill property at 93 Broadway and agreed to the construction of a privacy fence and moving the upper-level terrace back. They had numerous meetings with the owner of the uphill property at 107 Broadway and agreed to minimize and eliminate some windows on the west elevation. After the previous DRC meeting, they offered to lower the roof ridge more, for a total reduction of two feet, but that appears to have been rejected by the neighbor. They agree to the additional conditions of approval to construct a privacy fence, move the upper-level terrace back, and lower the roof ridge six inches. They will continue to work with the neighbor at 107 Broadway to construct a fence and not plant any shade trees between the properties.

Karen Kurtz

She is the adjacent uphill neighbor. She has concerns about the accuracy of the scale of the drawings, that show her ADU and front porch taller than the story poles, which is not the case. She has met with the applicant and owner and discussed the windows on the upper level, but she also has concerns that the windows on the lower level will invade her privacy. Her biggest concern is that this project will shade her already limited sunlight, and a reduction in height of six inches or two feet will do nothing for this concern. She is concerned that the project does not align with the historic guidelines and is not in-scale with the neighborhood. She asks that the project be continued.

Ilona Merli

She is a neighbor and agrees with the concerns of Karen Kurtz. She is concerned with the impacts the proposed project will have on privacy, the nature of the street, and the yards. She states that views should be directed toward the rear of the property and not to the sides.

Larry Brandhorst

He is the adjacent downhill property owner. He has discussed his concerns with the applicant and owner and has agreed to the construction of a privacy fence, which will help with privacy at his patio, but the house will still look over it. He is concerned with stormwater runoff with the grade difference between the properties but assumes the project Civil Engineer and the Town will address this. He is concerned with the impact the project will have on the Historic District and neighboring property values.

Maria Ristow

She is speaking as a community member. She states that she supports clear guidelines and allowing a project that complies, however, sometimes guidelines don't take into account unique topographies or placements of properties in certain areas such as this part of Broadway. She states that when she looked at the plans at the time of the Historic Preservation Committee meeting, she was supportive, however, the story poles or some indication of the impact to neighboring properties was not available at the time. She believes that something can and should be built on the property, but the proposed home does not respect the more forward placement of other houses in the area. This house moves back and blocks the only source of light for the uphill neighbor and takes away the privacy of the downhill neighbors. She believes that with more collaboration, potentially starting over or changing the project would make more sense.

Jay Plett

He is the architect for the project making closing comments on behalf of the request. The shadow studies provided demonstrate that there will be no shadows cast in a negative way on the uphill neighbor except during the extreme of the solstice where every property is casting shadows on its neighbor. Even during that time, the uphill neighboring house rises above the shadow. The windows on the side elevation that were referred to are up high at the ceiling level. The uphill house will look down onto the proposed house. It is the nature of the neighborhood that as the hillside climbs the uphill houses look down on other properties below, and they are not proposing anything different. They have met with the Historical Preservation Committee, preliminarily for direction and they were on board then. They then formally submitted to the HPC and got a unanimous approval. They have done all they can to work with the neighbors and they request approval of the project.

Terry Sczewczyk

He is the project Civil Engineer. An active drainage system will be implemented that will collect and convey water to a point where it will be allowed to infiltrate into the ground. There is a swale along the side of the property that can be bolstered with a curb.

Closed Public Comment.

Committee members asked questions of staff and discussed the item.

MOTION: **Motion by Robert Gray** to approve the application with the required findings and considerations and recommended conditions of approval.
Seconded by Mike Weisz.

VOTE: **Motion passed unanimously 4-0.**

4. 122 N Santa Cruz Avenue
Conditional Use Permit Application U-20-008

Requesting approval for a new restaurant (Los Gatos Restaurant) with alcohol service on property zoned C-2. APN 529-03-062
PROPERTY OWNER: Richard and Kathryn Green.
APPLICANT: Angelo C. Heropoulos
PROJECT PLANNER: Diego Mora

The project planner presented the staff report.

Opened Public Comment.

Anthony Fish

He is the architect for the project speaking on behalf of the request. He made himself available for any questions and described the project as a ground floor restaurant with outdoor dining use, including a roof deck.

Michael Burke

He is a University Avenue neighborhood resident. He stated that his backyard would be exposed to the project. He has concerns about the loss of retail and the outdoor dining on the roof deck adjacent to residential. He cited the Town's General Plan Land Use Policy 6.1: "Protecting existing residential areas from the impact of non-residential development." He requested the Committee not approve the project and an environmental study be completed regarding the effects of the noise.

Lynne Kennedy

She is a neighborhood resident. She has concerns about the plans and believes sections and neighborhood photos from rooftop level should be provided. She also has concerns that the project will negatively impact residential uses, citing the noise from the occasional Gray's Lane block parties. She believes the rooftop dining with alcohol is incompatible with the narrow commercial district. She would support the project if there were no entertainment, and the restaurant were indoors only with a properly buffered patio. She questions why the Town needs a large restaurant when existing restaurants are struggling to stay open.

Jim Foley

He is a resident and business owner and represented this property as a broker. He stated that the Town has adopted streamlining policy changes, including allowing entertainment by right before 10:00 p.m. in conformance with the Entertainment Policy and the noise regulations. He believes that the architect has designed the project to be compatible with the area and the applicant has reached out to surrounding businesses and residents at large. The market dictates business location choices and this project is pivotal to the economic vitality of the downtown, currently suffering from the COVID-19 pandemic.

Anthony Fish

He is the architect for the project speaking on behalf of the request. He stated that good architecture is about trying to fit into the community and resolving concerns. He clarified that the rooftop deck is focused on Santa Cruz Avenue, and has an enclosed mechanical area that provides a buffer to University Avenue. This application is an approval of the use, and they will continue to design to mitigate noise as the construction of the project moves ahead.

Angelo Heropoulos

He is the applicant working with the architect. He stated that he wants the neighbors to know that he is very cognizant of preserving the integrity of Los Gatos. He believes in bringing in business that promotes success within the community. He states that he is here to listen and open to ensure that the community is happy because their success depends on it.

Closed Public Comment.

Committee members asked questions of staff and discussed the item.

Monica Renn

She is the Economic Vitality Manager for the Town and has been working with the applicant on how to build a successful project that will mitigate any concerns and be compatible with the surrounding neighborhoods. The Town does have a Late Night Entertainment Policy that this CUP is in compliance with. Regarding retail uses – most retail is no longer looking for big footprints downtown as brick and mortar is moving in a different direction.

MOTION: **Motion by Robert Gray** to approve the application with the required findings and considerations and recommended conditions of approval.
Seconded by Mike Weisz.

VOTE: **Motion passed unanimously 4-0.**

ADJOURNMENT

The meeting adjourned 10:50 a.m.

This is to certify that the foregoing is a true

and correct copy of the minutes of the
September 15, 2020 meeting as approved by the
Development Review Committee.

Prepared by:

/s/Sally Zarnowitz, Planning Manager



**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT**
110 E. Main Street
Los Gatos, CA 95030

BP29623



**APPEAL OF THE DECISION OF
DEVELOPMENT REVIEW COMMITTEE**

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW COMMITTEE as follows:

DATE OF DECISION: September 15 2020

PROJECT/APPLICATION: Architecture and site application S-20-003

LOCATION: 101 Broadway Los Gatos

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

- Standard guidelines do not apply in this case because of unusual sloped topography
- Privacy and light/shadow infringement is beyond all design guidelines because of mass and scale
- Denies the Historical nature, appeal and integrity of this neighborhood

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the planning commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: KAREN KURTZ SIGNATURE: Karen Kurtz

DATE: September 17 2020 ADDRESS: 107 Broadway

PHONE: 408.691.1373 EMAIL: KURTZKB@comcast.net

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION: 1. _____ DATE: _____
2. _____ DATE: _____
3. _____ DATE: _____

PLAPPEAL \$ 221.00 Residential
PLAPPEAL \$ 882.00 Commercial
PLAPPEAL \$ 90.00 Tree Appeals

October 12, 2020

Karen Kurtz-107 Broadway

Planning staff and Commissioners,

To explain further the reasons for our appeal of the decision of the DRC regarding 101 Broadway proposed plans and in order to attempt to reach a compromise for a new home, I am listing some of the many items laid out in the Towns Design Guidelines that we would like to be seriously considered in order to protect our special Broadway Historical neighborhood's character with better **privacy, compatibility, harmony, enhancement, increased value and respect of the surrounding neighborhood and the nearby neighbors**. While these house plans could fit nicely on a different type of lot, **for this lot they are too high, massive and generally out of proportion for the topography and the surrounding neighborhood**. This project must be **reduced in scale and mass** with better utilization of the lower level and first floor and eliminate the second story in back. As it is now, all I will see is a large wall **blocking the sunlight, views, mother nature's many pleasures along with no privacy in my outdoor living area, plus so much more that has been available at 107 Broadway for over 100 years**. It is part of the history and beauty of this property. I expected a new home to be built that would enhance and keep within the scope and respect of the other surrounding homes and neighbors. Reducing the back to one story similar to what others have done would help to create more privacy and reduce noise for the neighbors on all sides including the future residents of the proposed home. This house rises above all. 93 Broadway is a good example of a house plan that is well fitted for the type of topography, scale and respect for this neighborhood.

I have spent much time and money over the last 32+ years to upgrade and upkeep my Historical home to resemble the original home as much as possible. Built in the 1870's according to the town records, I would like to think that others would have the same respect in keeping this historical home, characteristics and neighborhood as original as possible.

While there are many listed guidelines to consider in the Towns Design Guidelines, I have tried to limit it to those that seem the most important and

appropriate in order to create a more compatible, in scale home on this challenging lot in a special neighborhood. They are listed in order by page number, sections, paragraphs, etc. so hopefully easy to go through.

Design Guidelines Introduction

Page 10 1.4 Community Expectations

item 1--**Homes will respect the scale and character of their immediate neighborhoods**

item 9--**Homes will be designed with respect for the views, privacy and solar access of their neighbors**

Page 11 1.6 How to read your neighborhood

- a. Paragraph 1-3: In addition to neighborhood patterns and details....., **consideration must be given to ensure that privacy and shadow impacts on properties within and outside the immediate neighborhood are evaluated**
- b. **Some neighborhoods have a distinctive character and scale**
- c. **General Design Principles**
 - a. Item 2--**Design to blend into the neighborhood rather than stand out**
 - b. Item 3--Reinforce prevailing neighborhood development patterns
 - c. Item 7--**Relate a structure's size and bulk to those in the immediate neighborhood**

Page 13 Neighborhood patterns

- a. paragraph 2.....However, the broad intent of these guidelines is to **respect the scale and character** of each of the Town's individual neighborhoods. The emphasis is on "**neighborhood compatibility**",.....

- b. 2.1 item 1--**Residential development shall be similar in mass, bulk, and scale to the immediate neighborhood.**

Page 20 2.5.2 **Design with sensitivity to adjacent neighbors**

Existing views are not protected as a right. **Never-the-less, additions to existing homes and new houses should be planned with an awareness of the impacts which they will have on the views, sky exposure, sun access and privacy of neighbors (see Section 3.11 for additional guidelines).**
(included below to stay in page order)

Page 21 **Building Design**

New Homes should be adapted to the scale of the surrounding neighborhood. While some larger new homes may be acceptable in established neighborhoods, they will be **expected to be designed to mitigate their visual size and bulk.**

Page 23 3.3.2 **Height and bulk at front and side setbacks**

- a. Item 1--Two story houses may not be appropriate for every neighborhood. For neighborhoods dominated by one story homes, an effort should be made to limit the house to one story in height or to accommodate second floor space within the roof form as is common in the Craftsman Style
- b. Item 3--**Avoid eave lines and roof ridge lines that are substantially taller than the adjacent house.** (note: that in the present plans, it is showing the ADU at 107 Broadway taller than the proposed home. It is actually shorter than the proposed home).
- c. Item 4--**Give special attention to adapting to the height and massing of adjacent homes.** Houses that are elevated above the street shall be designed to be compatible in height and mass with the other house on that side of the street, and should include design techniques to **minimize the visual mass** resulting from its raised elevation.

- d. Item 5--In neighborhoods with small homes, **try to place more of the floor area on the first floor with less area on the second floor.**
- e. Item 6-(page 24) **Take care in the placement of second floor masses**

Page 36 **3.11.1 Minimize shadow impacts on adjacent properties**

- a. Item 1—**Locate structure to minimize blocking sun access to living spaces and actively used outdoor areas on adjacent homes.**

Note: shadow study that was completed while it may be correct, does not provide for the reality of the whole lot or neighboring lots. Our backyards do not get sun or very little year around because of the mountain and trees to the South East and South. 107 Broadway does not get sun from the West because of the home that sits above and the trees generally year around. The East sun exposure is the only source of sun for 107 Broadway. I would like to continue to have a garden. I have citrus trees that need sun and light to stay alive and to produce fruit, along with many other reasons for sun exposure, like my mental and physical health.

3.11.2 Minimize privacy intrusions on adjacent residences

- a. Item 1—**Windows should be placed to minimize views into the living spaces and yard spaces near neighboring homes.**
- b. Item 5—**Second floor balconies and decks should be used only when they do not intrude on the privacy of adjacent neighbors.**

Page 39 **Historic Resources**

- a. paragraph 3..... all construction within the historic districts **will receive additional design review scrutiny** pursuant to the Town's adopted development review process.
- b. Paragraph 4 The following design guidelines are generally more prescriptive than those contained earlier in the document and reflect the desire to **maintain the integrity of the Town's historic resources and districts.**

Intent

- a. Paragraph 3 **New structure and alterations are expected to conform to the established proportions, siting, scale, rhythm, and materials of the existing building or neighborhood.**
- b. Paragraph 4—.....**New buildings and alterations should either blend in inconspicuously or match existing buildings.**

Page 40 **Historic Resources Advantages to Property Owners**

Item 5—**Neighborhood Protection Plan**

Historic designation generally controls the size, quality and scale of new construction and also restricts demolition, thus **protecting the character and quality of the neighborhood.**

Page 43 **Non-contributing Structures**

A noncontributing structure if not rehabilitated into a contributing style or design, should be remodeled or expanded consistent with its existing architectural style and design.

Page 47 **Guidelines Overview**

- a. Item 3—***The primary consideration** is that a proposed design **consciously reflects the scale, rhythm, and continuity of the existing neighborhood to create a harmonious fit that will enhance the quality of the neighborhood.**
- b. Item 7—**Complete buildout** to the maximum boundaries of existing zoning requirements **may not necessarily be acceptable in some cases**

Page 54 **4.10 New Construction**

- a. Item 2—New structures should be built in the **same style and design of contributing structures in the district.**
- b. Item 6—The **established contextual patterns and rhythms should be respected.**
- c. Item 8—Conform new structures to existing and/or required setbacks, and replace the “footprint” of the original structures if any.
- d. Item 9—**Respect the established site patterns and harmonize with neighboring buildings and existing topography.**
- e. Item 11—**New construction should be in keeping with the existing neighborhood. It should be especially sensitive to the height and scale of the homes on immediately adjacent parcels.** Front facades should appear similar in height to those seen historically in the block.
- f. Item 12—When a new project has more square footage than the surrounding structures, **reduce the scale of the structure with sensitive design treatments.**
- g. Item 14—**The proportion of window and door openings in new construction should be similar to that of the existing surrounding architecture**

While we are not considered part of the **Hillside District**, our lots are on a steep slope at the base of the Los Gatos mountains. There are additional Hillside guidelines that should be considered regarding, **privacy, views, shadow effects, size, respect of neighbors and much more.**

All the errors to date are totally unacceptable. It is a very intrusive project to the neighborhood on all sides. It is devastating to our privacy, views, home values and the characteristic of our neighborhood forever. I’m concerned about a fire risk with this building so tall & close to my house. Please make the effort to view from the backyard of 107 as it is the only way to get a true picture. I will make it accessible and hide out of site. Sean Mullin has my contact information.

1. The balcony on this proposed home is regrettably not in the spirit of community or respect. This 200 square foot balcony, situated on the left side of the house, is an abject invasion of privacy of the neighbors. After cutting it down by 5 feet, it is still towering over neighboring homes and remains 10 x 20 feet huge (!) on the second level. Moreover, the noise that people on the side balcony will create, will carry down the street! As it is, we are packed in so tightly, that I can hear conversations on both sides of my neighboring homes – music and other daily commotions carry down the entire block! **This balcony is completely inappropriate and does not honor or CONSIDER in ANY way the neighbors.**

Modifying the massing of the upper floor could easily be achieved by altering the floor plan and eliminating the balcony. This would solve several of the issues at hand. It would eliminate the noise impact, the privacy impact in general, and preserve the feeling and character of surrounding homes.

Page 5 Introduction, paragraph 3:

- a. The Town recognizes and welcomes the need for change, but **desires that change occur in a manner that is respectful of the scale, texture and character of the community's individual neighborhoods and unique natural setting.**

Page 6 1.2, item 3--**Ensure that new development is compatible with its surrounding neighborhood.**

Page 10 1.4, item 1--**Homes will respect the scale and character of their immediate neighborhoods**

- b. item 9--**Homes will be designed with respect for the views, privacy and solar access of their neighbors.**

2. The nature of the design of the 101 Broadway project does not honor the historic design guidelines. It destroys the feel and original tone of this historic neighborhood. Its towering nature and tall mass seem to diminish other Victorian homes – like mine, which I have kept a one-story and 1200 square feet – with all original details – even though I did a complete rebuild, including foundation.

Moreover, it forces me (and probably other neighboring homes) to seek opportunities to expand upward to block the intrusion. In order to protect myself from encroaching neighbors, I will have to build my own structure, wall, or wall of enormous trees, or second story, and whatever else I can find to block noise and eyes from leering into my yard.

This project is the beginning of the end of our historic neighborhood – and it sets a precedent for continued disregard.

Page 40 **Historic Resources Advantages to Property Owners**

- c. Item 5—**Neighborhood Protection Plan**
 - i. **Historic designation generally controls the size, quality and scale of new construction** and also restricts demolition, thus protecting the character and quality of the neighborhood.

Page 43 **Non-contributing Structures**

- d. A noncontributing structure if not rehabilitated into a contributing style or design, should be remodeled or expanded consistent with its existing architectural style and design.

Page 47 **Guidelines Overview**

Page 20 2.5.2 **Design with sensitivity to adjacent neighbors**

- e. Existing views are not protected as a right. **Never-the-less, additions to existing homes and new houses should be planned with an awareness of the impacts which they will have on the views, sky exposure, sun access and privacy of neighbors**

Page 21 Building Design, **New Homes should be adapted to the scale of the surrounding neighborhood.** While some larger new homes may be acceptable in established neighborhoods, they will be **expected to be designed to mitigate their visual size and bulk.**

3. There are several issues with the HEIGHT / MASS of this project, and this is especially disrespectful given that the proposed house can easily be built lower.

As it is now, the design completely disregards the character and size of the neighboring homes, which themselves have had to put **bedrooms and windows in basements – below ground** -- and were not allowed to build even one room on the second floor due to their historic classification. (Mine, as well as Larry and DiAnne Brandhorst). **Why is it necessary to build the driveway 8 FEET above the street level as the Applicant has proposed?**

While it is true that the disputed house sits on a higher slope than the homes downhill from it, it is not true that the negative impact needs to be this invasive. Rather than be especially sensitive and respectful of this fact, the house has been intentionally built up as high as possible, maximizing rather than minimizing its impact on the privacy and well-being of neighbors. The recently added story poles, which were originally omitted, create an even more intrusive and unesthetic look that can be seen from all street views, front and back alike.

I seriously question the integrity of this project. The upper massing is way too much for this location and very little has been done to minimize the impact on neighbors, or to ensure that the mass and height fit in with the general look of the surrounding properties.

Page 20 2.5.2 **Design with sensitivity to adjacent neighbors**

- f. Existing views are not protected as a right. **Never-the-less, additions to existing homes and new houses should be planned with an awareness of the impacts which they will have on the views, sky exposure, sun access and privacy of neighbors (see Section 3.11 for additional guidelines).** (I will include later in order to stay in page order)

Page 21 Building Design, **New Homes should be adapted to the scale of the surrounding neighborhood.** While some larger new homes may be acceptable in established neighborhoods, they will be **expected to be designed to mitigate their visual size and bulk.**

4. **Finally, the story poles on the front of the house were entirely omitted, and the drawings submitted to the city relating to the story pole certificates were completely wrong on the front portion of the house.** BASED ON THIS FACT ALONE, THIS PROJECT SHOULD BE REJECTED. At best this was a careless mistake, and at worst, it is intentionally misleading. At this point, we really need an INDEPENDENT REVIEW OF THESE PLANS. After such "mistakes" how can we know what is really being proposed and what will go up? **This project is, once again, not being carried out in good faith.**
5. **I would also like a review of the elevation numbers related to a cross section drawing that was incorrect. Please see letters and illustrations submitted by Larry Brandhorst. Does this mean that the house will stand even taller than the remaining story poles indicate?**
6. **Windows.** I request that the many windows on the southeast side of the proposed structure be addressed.

----- Forwarded Message -----

From: Paul Clark <p_clark@hotmail.com>

To: planningcomment@losgatosca.gov <planningcomment@losgatosca.gov>

Sent: Monday, August 31, 2020, 08:52:35 AM PDT

Subject: Comments on 101 Broadway pending planning project

Hello

Since I am unable to attend the Zoom meeting this week to discuss 101 Broadway, I would like to share some comments ahead of time.

First, I would like to say that I support having a new home on the site of 101 Broadway, and am looking forward to welcoming new neighbors.

That said, I have two, related objections to the plans as they stand today. The first is the so-called "future ADU." While explicitly excluded from the current application, the so-called ADU is clearly an integral part of the structure, fully connected to the rest of the house. Not only is it structurally integrated, sitting underneath the master bedroom and master bathroom, but it is also directly accessible from the kitchen. These plans represent a 3,100 square foot house masquerading as a 2,450 square foot house. The second objection is caused by that same so-called ADU. Its presence within the main house forces the master bedroom and bathroom up a level, which in turn blocks the view of the long-time resident next door. This directly contradicts a claim in the letter of justification that states that "THE PROPOSED HOME WAS PLANNED AND DESIGNED WITH THE UTMOST RESPECT FOR THE SITE, IMMEDIATE NEIGHBORS AND TOWN'S RESIDENTS" and that "WE HAVE MET NUMEROUS TIMES WITH KAREN KURTZ OF 107 BROADWAY AND MADE ACCOMMODATIONS FOR HER CONCERNS." If those claims were true, then the proposed structure would not remove the view that Karen Kurtz has had for several decades.

Best regards

Paul Clark
117 Broadway

The proposed house at 101 Broadway looks great on paper, but it doesn't work on the lot. I attended the January meeting of the Historic Preservation Committee where these plans were discussed and was supportive. The burnt-out remains of the old house need to be replaced, and I know Mark DeMattei builds beautiful homes.

That said, once the story poles went up and we visited the adjacent properties, we were dismayed. Looking at the plans is one thing, and seeing the impact on the neighboring properties is another. The topography of the land is lost when looking on paper. With a 2-story home built back into the deep property, the uphill property will be hemmed in, losing light and visual space. The two downhill properties will have serious loss of privacy.

While these plans might meet at the objective criteria in terms of FAR, height, setbacks....sometimes this is not enough. No set of rules can take all conditions into account. With the tight lots and steep slope of upper Broadway, what works in one part of town doesn't work here.

There has got to be another way to build here without such severe impacts on the neighbors.

Thank you,
Warren and Maria Ristow
85 Broadway





May 26, 2020

Historical committee
regarding 101 Broadway

My name is Karen Kurtz

I have been a resident of Los Gatos since 1967 and residing at my present home at 107 Broadway since 1988. My home was built approximately 132 years ago.

I agree that 101 Broadway should be demolished soon. It is presently a fire & safety hazard as well as a health issue for our neighborhood. While I am happy to know a new home will be built on the property, I am saddened to see the present home plans which I do not believe blend in with our historic neighborhood or with the Victorian style homes on either side of it and throughout the neighborhood. I do not believe 101 Broadway should be 3 levels in the front or have flat or straight roof lines as again there are no other homes in the immediate area with that kind of architecture. I realize that the current trend is contemporary but our neighborhood is not contemporary.

I also am very concerned about the impact on my views which have been available & enjoyed at this property for over 100 years. Those views were certainly a consideration when I purchased this property and have added value on appraisals that I have had throughout the years. It will also block the light from the east except for maybe the 3 months when the sun is at its highest. The east is my only source of sun light because of the mountains & trees to the south and west. Except for those few longer days I need to turn on my lights in the house around 1:30 PM and all day in some rooms of my home on the lower level. Taking away my light and views will devalue my property. This is my retirement nest egg that I have fought to create and save for the last 32 years. Since I am in my 80's this is a major concern for me now as I have no other way to make up that lost value. I never considered or imagined that I would lose those views and light source.

I really want to work with the owner of 101 Broadway to create something that can satisfy both of our needs which I believe is possible. We have long but narrow lots so the height issue along with window placement becomes more prominent

when we are so close to one another. I am concerned about the neighbor on the other side at 93 Broadway whose owner passed away suddenly a few months ago. I'm not sure anyone is around to speak up about the privacy that they will lose with all the windows that will look into that backyard & their skylights.

My wish is to create a pleasant living experience for all. Yes, demo the present home but may we work together on the plans for the new replacement home so that they are more compatible for all regarding our privacy, views and natural light. I request that anyone who has a part in making the decision about the new house plans visit my property to see for themselves the negative impact the present plans will have on my property and the neighbor on the other side at 98 Broadway.

Thank you for your consideration and time,

Karen Kurtz
107 Broadway Ext



I am Karen Kurtz, a resident of Los Gatos for 53 years, the owner of 107 Broadway for 32 years, next door up-hill from 101. My home is 133 years old and is part of the Bell Ringer project.

1. We all want a new home at 101, one that blends in, enhances, adds value, creates privacy and is in harmony with our important Historical neighborhood. All stated as requirements in the towns design guidelines in various sections.
2. Unfortunately, I do not believe this project meets these requirements. As it would adversely affect its relationship with the Historical characteristics, aesthetics, values and profile of the District leading to more tall and imposing structures.
3. Some examples from the design guidelines say:
 - a. Page 11 Design is to blend into the neighborhood rather than stand out.
 - i. Relate a structure's size and bulk to those in the immediate neighborhood.
 - b. Pages 54/55 Historical Resources -New Construction.. **From the Historical section it is to**
 - i. Respect the **established site patterns** and harmonize with neighboring buildings...
 - ii. New construction should be in keeping with the existing neighborhood. It should be **especially** sensitive to the height and scale of the homes on immediate adjacent parcels.
 - iii. When a new project has more square footage than the surrounding structures, reduce the scale of the structure with sensitive design treatments. (I do not believe it is appropriate to consider or compare with 4 plex's or apartment houses across the street, or a house on a half-acre)
4. I have had visits from neighbors and others in construction who all have been flabbergasted by the scope and scale of this project.
5. For me, this project takes away major characteristics from my historical home
 - a. Blocks all of Mother nature, sunlight, trees, hills, breeze, town lights, sounds, views and a whole lot more.
 - b. I will no longer see the sky from my kitchen window
 - c. It greatly devalues the financial value
 - d. Takes away privacy from my outdoor living area.
 - e. I have concerns about fire safety with a building so close and tall. This is a High-Risk Fire District. I have lived through 2 major fires in the past 32 years. Fire here is a reality.

6. I have sent a photo of the shadow effects from Sunday, August 30, 2020. Already would be using artificial light.
7. **Please** do this right!

o: Sean Mullin and the Los Gatos Planning Commission

FROM: Irving & Evelyn Mitsunaga, 130 Broadway, Los Gatos

We continue to believe that that proposed structure at 101 Broadway can be better designed to fit into the hillside and reduce the impact to neighboring homes. The current plans show a house that is too tall and too close to the home at 107 Broadway, blocking the sun and reducing the value of the historical house located at 107.

Below is the message that we sent prior to the DRC meeting on Sept 1, and as before, we appreciate the opportunity to comment on the project.

-- Evelyn & Irving Mitsunaga

----- Original Message -----

From: Irving MITSUNAGA <mitsunaga@comcast.net>

To: "PlanningComment@losgatosca.gov" <PlanningComment@losgatosca.gov>

Date: 08/26/2020 10:07 AM

Subject: Comment re 101 Broadway

Planning Review Committee and Planning Commission --

We are unable to attend the September 1 teleconference regarding rebuilding 101 Broadway, but we go on record in opposition to the structure as currently designed. The planned structure is too tall and too close to the property line between 101 and 107. The planned structure blocks the sun and the view of the residence at 107. Moreover, the house at 107 is historically designated and its property value will be decreased with this new structure.

We have lived in our house on Broadway since 1974 and we support the resident at 107 Broadway in her opposition to the designed structure. It is possible to build a one-story structure at 101 that will fit better with the neighboring houses and will preserve the value of the historical homes, and that should be required. Thank you for the opportunity to send an email.

Irving and Evelyn Mitsunaga
130 Broadway
Los Gatos, CA 95030



Hi Karen - it is unfortunate you found the proposal to lower the Ridge by 2'-0" unacceptable. Moving forward,

we will abide by our prior agreement with you to modify the windows on the West Elevation and lower the

ridge 6".

Regards, Mark and Jay

On 9/9/2020 5:56 PM, Karen Kurtz wrote:

Jay and Mark,

I appreciate the attempt to negotiate. I'm sure you know that 2 feet does not address my concerns. After spending the last two days with no sun, I think we have all learned how depressing it can be without having natural sunlight. If you have read my notes to planning you know that I spent over 3 years searching for a Victorian home in the downtown area that had morning sun from the East. It is very important for my mental and physical health.

I started from a ground level to suggest a one story addition on the back of the house as the other neighbors have done. That would be a big step for me as I would be giving up a lot of what I have enjoyed over the last 32 years. In addition, as I told you in one of our meetings, I shortened the deck that extended out from my ADU to create more privacy for 101 Broadway. The owner did not request that of me but I knew it was invading her privacy and wanted to do that for her. It was a good vantage point to enjoy the sites and for the family to hang out on and to sleep outside on when they came to visit during the summer, but I still did it for my neighbor as I knew how much she enjoyed her privacy. As it turned out it created a nice lower patio for me but that was not my objective. I also rejected a terraced patio, a suggestion from the contractor, from my upstairs when I rebuilt the back portion of my house, in order to protect the privacy of my neighbors on both sides. It is my hope that you will consider doing the same for your neighbors. I believe it is nothing less than what you would want if you lived in the neighborhood. We live on the hillside on very narrow lots and do not have a desire to be crammed in and on top of one another.

Let's keep talking to find some common ground and create a desirable neighborhood for all.

Thank you,

Karen

-----Original Message-----

From: Jay Plett <jay@plett-arc.com>
Sent: Tuesday, September 8, 2020 3:00 PM
To: Karen Kurtz <kurtzk@comcast.net>; Ilona Merli <ilonamerli@gmail.com>;
Mark De Mattei <markd@demattei.com>
Subject: 101 Broadway - Ridge height

Hi Karen - per our proposal at the prior DRC meeting, we would be willing to lower the Master Bed ridge by 2' from where the storypoles are currently set. This proposal is simple enough and should not necessitate a another meeting.

Please us know if you are in agreement.

Thank you, Mark and Jay

We spoke with Larry earlier in the day and have addressed his concerns.

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>

--

JAY PLETT ARCHITECT

jay@plett-arc.com

office 408 354 4551

mobile 408 585 8787



Virus-free. www.avast.com

October 21, 2020

This letter is to document the injustice and prejudice involved in the matter of Applicant and Owner for the construction project at 101 Broadway; specifically, I am writing to you in response to the Letter of Justification submitted to the Town of Los Gatos (without a date).

The Letter of Justification submitted by Applicant is a GROSS misrepresentation of the facts, as it attempts to portray the neighbors of said property to be in full support of the project: the neighbors of 101 Broadway (93 Broadway, 107 Broadway, 89 Broadway, 87 Broadway, and 86 Broadway, 117 and 130 Broadway) DO NOT AT ALL approve of the proposed project. These properties are the **actual** neighbors to 101 Broadway, and they are all opposed to said project as it is currently proposed.

Applicant has conveniently (at best) and deceptively (at worst) represented the properties of 101 Broadway, 325 – 346 Broadway, as well as 321 and 352 Main Street as being “neighbors that are in support of the project.” First of all, 321 and 352 Main Street are on a completely different street (!) that has NO VIEW and NO CONNECTION to the project in question! Additionally, and perversely, they are two relatively new homes built by Owner (Mark DeMattei/ party to Applicant) himself! Second, the only other two properties mentioned on Broadway, 100 and 98, are **apartment complexes** that house renters who could certainly care a less (!) AND are not at all affected because they do not personally have a financial or emotional stake in this game.

Furthermore, the pictures/ drawings submitted with the Letter of Justification are completely inaccurate. If one could refer to an image as a lie – they are lies. The 3-D image submitted portrays the proposed design as “sunk in between” the neighboring **historical** homes, when in fact, it towers SIX feet (probably more) over the home to the left (93

Broadway) and equally high as the neighbor to the right, situated at a higher elevation.

So far, these images have been the only available visual references for decision makers on staff for the Town of Los Gatos to determine the appropriateness/inappropriateness of this project.

Of all the misleading statements put forth in this letter, the most unconscionable is likely putting forth our neighbor Lynn Brandthorst, who recently passed, as in support of this particular design. Please note that Applicant simply states that Lynn was in favor of having “a” house built – *just as we all are*. Why was this included as a “justification?”

The town’s reluctance to review this project as requested in a timely and thorough manner will not go without remark, and most importantly, will not go unchallenged. Karen Kurtz, neighbor at 107 Broadway pointed out the inaccuracies in these drawings/ images MONTHS ago, and, again, was blown off, as she was when she pointed out the inaccuracies of the story poles.

Thank you for your time and consideration,
Ilona

Ilona Merli
89 Broadway
Los Gatos, CA 95030
408-839-6965

October 22, 2020

To Whom It May Concern:

The project at 101 Broadway is a political power play, and I am putting forth the situation for consideration. I would like to avoid involving newspapers and attorneys, and I am very much hoping that there will be an open and fair discussion on the matter.

I have been working together with three other *immediate* neighbors of the 101 Broadway project to bring the inappropriateness of the proposed design, as well as the inaccuracies in the plans and images submitted by Applicant, to the attention of the Town. We have all asked in writing and at meetings that all members come to visit the actual site — only Joel Paulsen came (and story poles were incorrectly placed) and Sean Mullin drove by last week. My neighbor wrote an articulate letter explaining how very much in favor of the project she was, *until* she visited the site. She explained that it is not something that one can understand on paper, but one must see the impact at the location because of the topography and situation of this location. (Please see Maria and Warren Ristow e-mail dated August 31)

It is also noteworthy, but not pertinent, to note that the two people who have commissioned this project, Robert and Jean Moore, have also refused to come to see the impact that their proposed home will have on neighboring homes.

In an effort to understand the projects that are typically permitted or denied in Los Gatos, I have combed the neighborhoods for weeks, as well as Town records, to find any such project anywhere in the historic districts in Los Gatos. I found nothing even remotely similar. As a matter of fact, I have found projects of **far, far, far** less impact that have been DENIED.

How is it that this project with its 200 square foot second floor balcony overlooking the neighbor's backyard, a 100 square foot front terrace, an elevator, an 8 foot-high driveway, and countless windows towering over neighbors yards is being permitted to be **sandwiched between TWO HISTORIC HOMES** (bellringers!) without a comment? Interesting to note, that none of the four historic Victorian homes to the right and left of 101 Broadway bear ANY resemblance to what is being proposed for this lot. The neighbor at 93 built a bedroom and an office *in the basement* because of restrictions that he was subject to. I remodeled my Victorian home without a second story, keeping it at 1200 square feet, and I will NOT be permitted to build "up" or to build anything that will counter the effects of what is happening at 101 Broadway. Did the Historic Committee simply overlook these relevant facts?

For the record please understand what is really happening here:

Robert Moore, who himself owns a construction company, has hired Applicant, Jay Plett, to *design* the 101 project. He has involved Mr. DeMattei, the owner of said property, as well as DeMattei Construction, to “push” the design through the town’s approval process. Mrs. Jean Moore has made clear that if this is not accomplished, she and her husband will walk away from the property, leaving Mr. DeMattei with the empty lot.

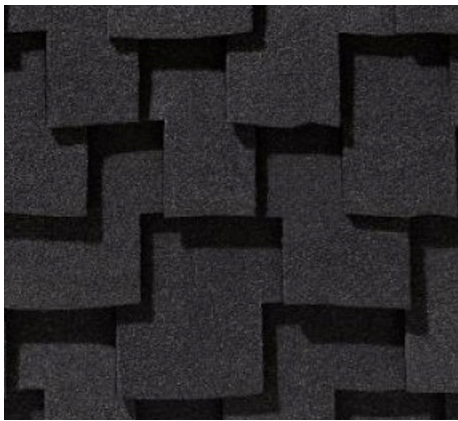
Mark DeMattei, Owner of 101 Broadway, is involved in this project because of his long-standing relationships with people in the Town, and his power to get projects through the Town more easily than a stranger. He is not involved in this project because Robert Moore (himself in the construction business) needs a builder. He is involved because Robert Moore needs approval and Mr. DeMattei has a better chance of getting that approval.

Very few people in the town of Los Gatos are willing to stand up to Mr. DeMattei because they have too much to lose. People depend on him for work/ contracts, such as my neighbor on Broadway, and despite their disapproval of a project, would not be willing to speak up. Generously, Mr. DeMattei donates to local schools and organizations, and many people in town are not interested in challenging his projects, regardless of how offensive or inappropriate, in return for this generosity.

Applicant and his team are KNOWINGLY putting forth a design that is very inappropriate. They are banking on our ignorance, fear, and lack of resources, as well as the Town’s loyalty, in order to complete this project. I hope that justice and decency prevail. And if they do not, it will have been worth the fight to know that my neighbors and I did not stand by and watch.

Thank you for your consideration,
Ilona Merli

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Roof Color



Trim Color



Body Color
Lap Siding - size TBD



Window Sash Color



Base Color - Plaster

101 Broadway
Los Gatos, CA 95030

Architect: Jay Plett
213 Bean Avenue, Los Gatos, CA 95030

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SITE OVERVIEW – EXISTING CONDITIONS

THE SITE IS NARROW AND SLOPES UPWARDS FROM BROADWAY, THE REAR UPPER PORTION OF THE PROPERTY IS NOT WITHIN LRDA LIMITS.

THE ORIGINAL HOME WAS SUBJECTED TO FIRE, THEN NEGLECT SINCE THAT EVENT. EVEN PRIOR TO THAT, THE ORIGINAL HOME'S CHARACTER WAS DESTROYED BY UNSEEMLY ADDITIONS AND TRIM APPLICATIONS. WINDOWS WERE REPLACED WITH RAW 1960'S STYLE ALUMINUM SLIDERS.

THE CURRENT BUILDING IS A BLIGHT AND HAS BEEN RIGHTFULLY APPROVED BY THE HPC TO BE TAKEN DOWN AND REPLACED WITH THE CURRENTLY APPROVED HPC DESIGN.

NEIGHBOR CONTACT

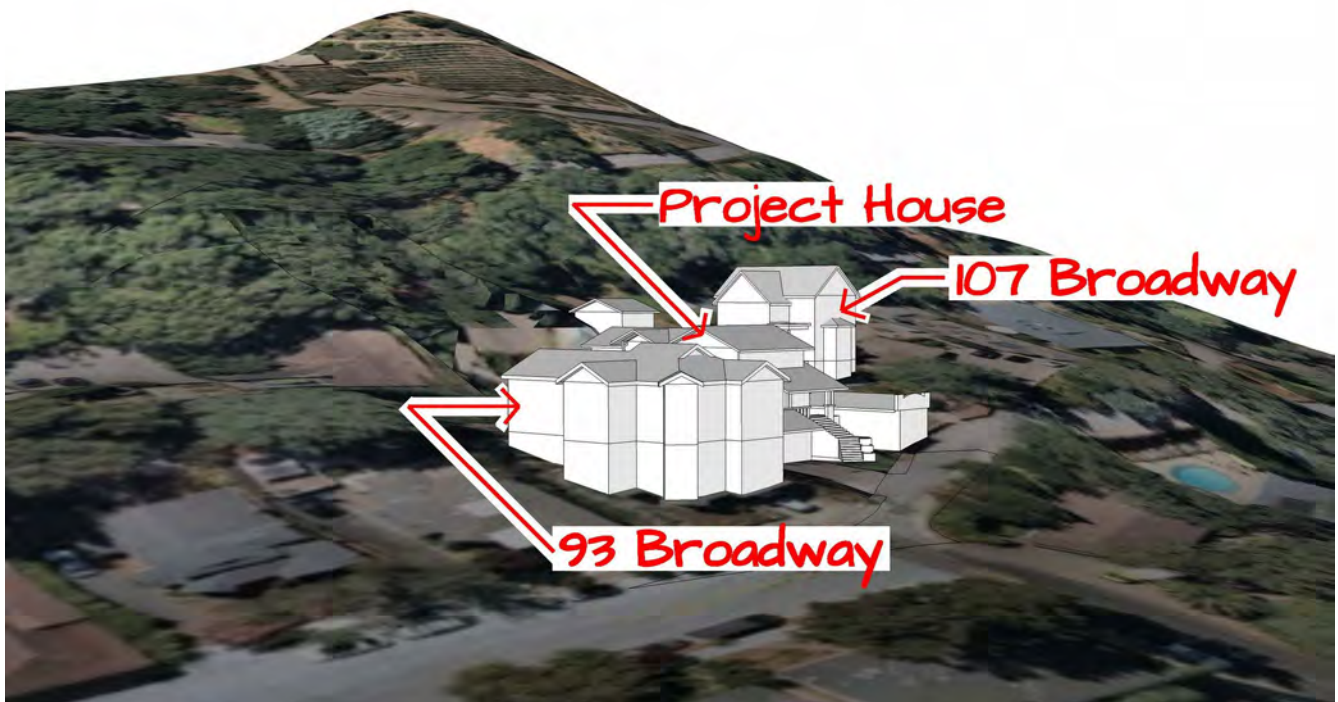
NEIGHBORS HAVE BEEN CONSULTED FROM THE BEGINNING OF THE PROJECTS INCEPTION. THERE WAS COMMUNICATION WITH LYNN BRANDHORST OF 93 BROADWAY PRIOR TO HIS PASSING. LYNN WAS VERY EAGER TO SEE A NEW HOME BUILT TO REPLACE THE HOME THAT IS THERE NOW. 93 BROADWAY IS NOW FOR SALE.

OTHER NEIGHBORS HAVE BEEN CONSULTED AS WELL. WE HAVE MET NUMEROUS TIMES WITH KAREN KURTZ OF 107 BROADWAY AND MADE ACCOMMODATIONS FOR HER CONCERNS.

THE NEIGHBORS AT 321, 325, 346, 352 MAIN STREET AND 98, 100 BROADWAY ARE ALL SUPPORTIVE OF THE PROJECT AS DESIGNED. THEIR LETTERS HAVE BEEN SUBMITTED TO PLANNING STAFF.

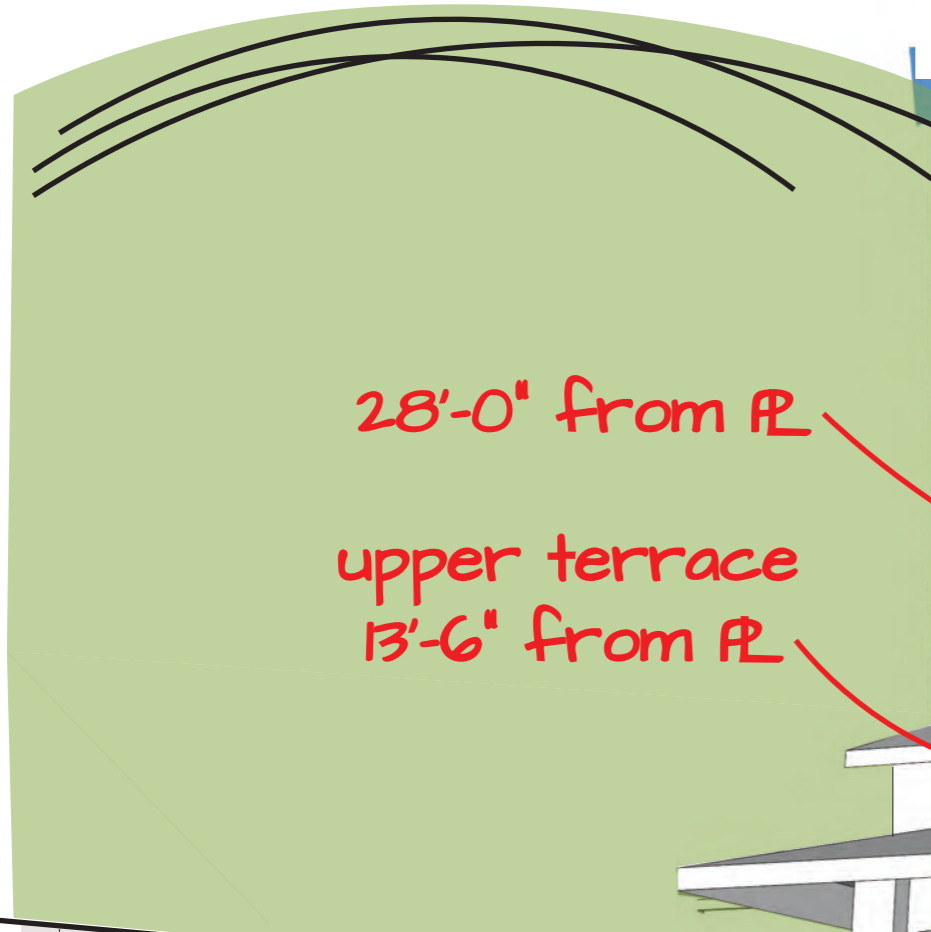
DESIGN ANALYSIS – TOWN DESIGN GUIDELINES

- THE HOME IS SITUATED WITHIN THE SITE'S LRDA, WHICH IS LOCATED ON THE FRONT LOWER PORTION OF THE SITE.
- THE HOME STEPS UP THE HILLSIDE, EACH LEVEL BEING SETBACK FROM THE ONE BELOW IT, WITH PORTIONS BELOW GRADE TO MINIMIZE HEIGHT AND MASS.
- THE HOME'S ROOF FORMS FOLLOW THE SLOPE OF THE SITE AS MUCH AS POSSIBLE.
- THE HOME IS WELL BELOW THE HEIGHT LIMIT FOR THE DISTRICT.
- WINDOWS HAVE BEEN PLACED THOUGHTFULLY WITH RESPECT FOR THE NEIGHBORS PER TOWN GUIDELINES.
- THE HOME HAS BEEN DESIGNED TO AMICABLY BLEND WITH THE EXISTING MASS AND SCALE OF THE NEIGHBORHOOD. SEE ILLUSTRATION BELOW – LOOKING UP BROADWAY TO PROPOSED HOUSE.



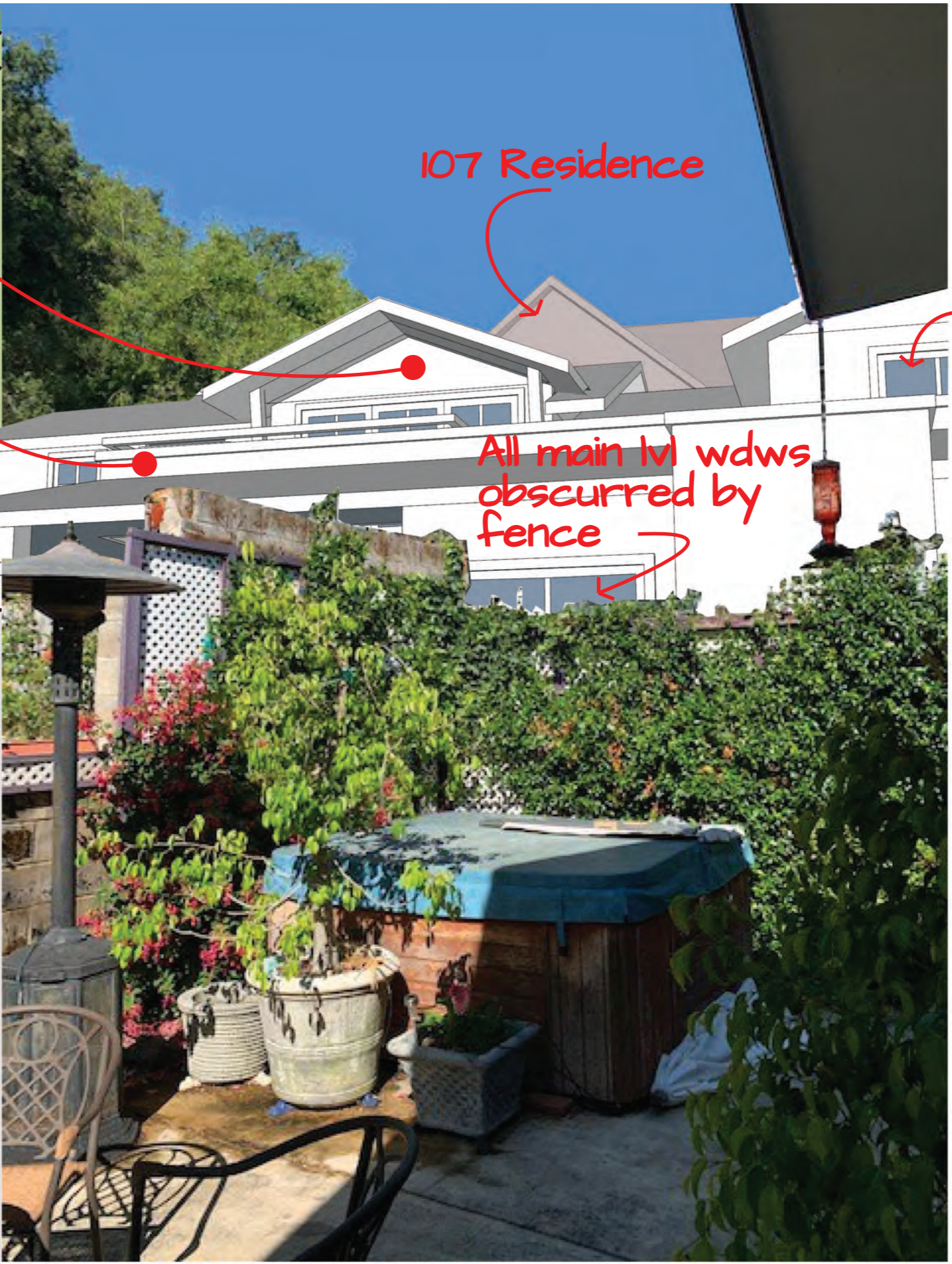
SUMMARY

THE PROPOSED HOME WAS PLANNED AND DESIGNED WITH THE UTMOST RESPECT FOR THE SITE, IMMEDIATE NEIGHBORS AND TOWN'S RESIDENTS. IT WAS APPROVED UNANIMOUSLY BY THE HPC AND HPC'S MATERIAL REQUESTS ARE INTEGRATED IN TO THE DESIGN. TOWN DESIGN GUIDELINES AND IT'S INTENT HAVE BEEN UTILIZED IN THE CONCEPTION AND DESIGN OF THE PROPOSED HOME. STAFF HAS NOT VOICED ANY CONCERNS REGARDING THE DESIGN. FROM TIME OF PROJECT'S INCEPTION, THE NEIGHBORS WERE KEPT APPRISED OF THE PROJECT AND IT'S NATURE.



28'-0" from PL

upper terrace
13'-6" from PL



107 Residence

18'-0"
from PL

All main lvl wdws
obscurred by
fence

approx top of
93 / 101 fence

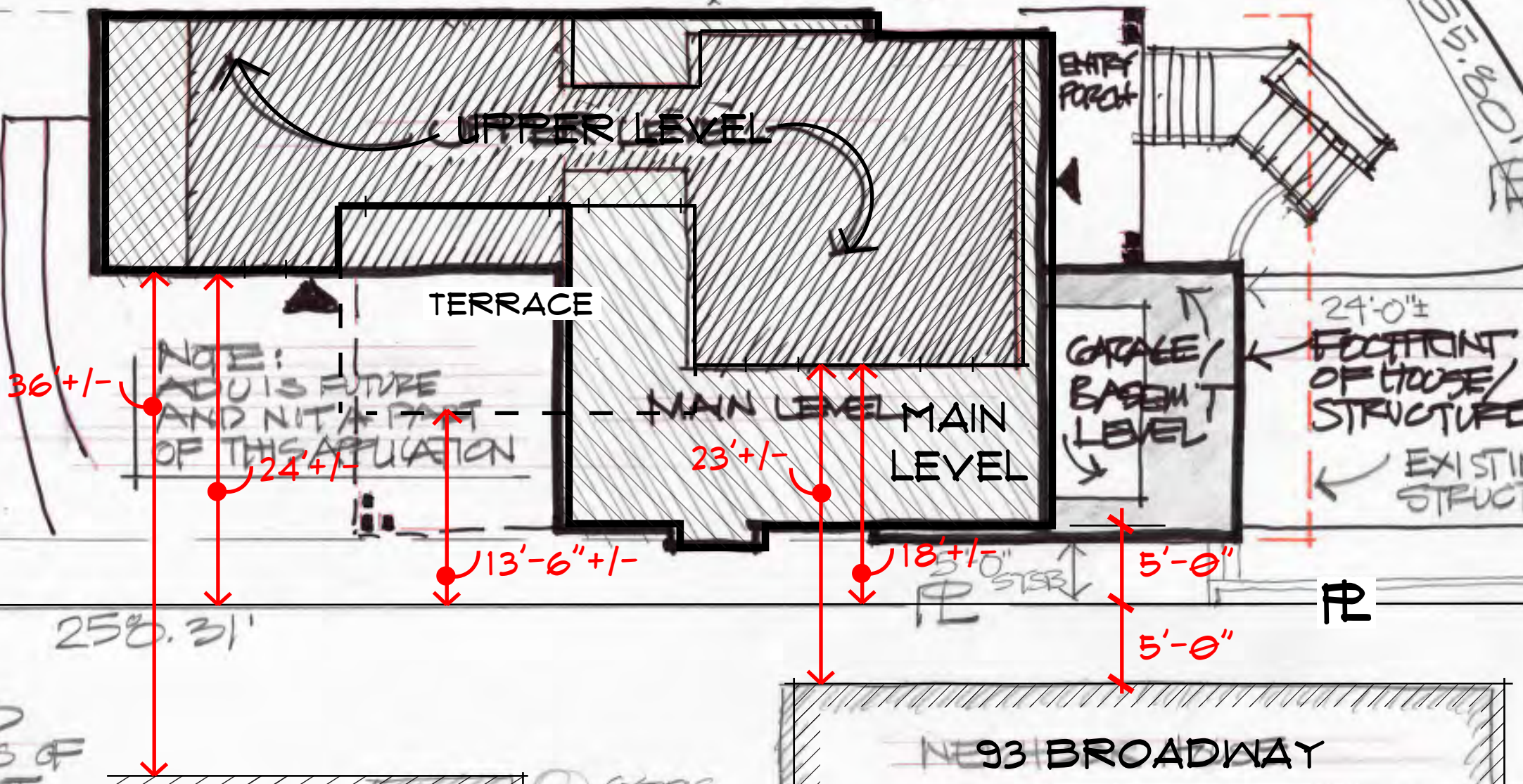
fence /
landscaping

227.00'

PL

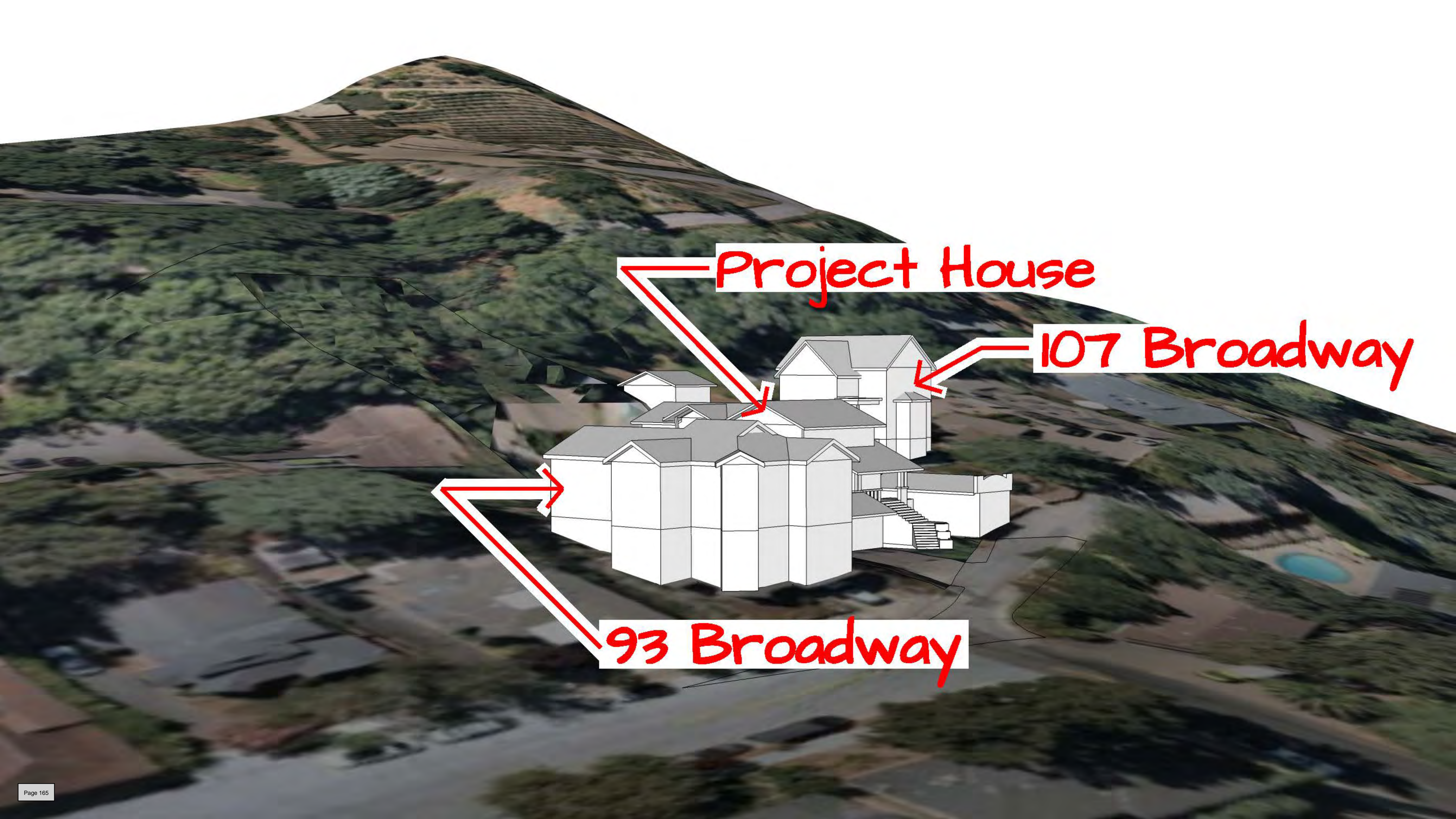
5'-0" SYSB

55'-00" PL



PLAN 1" = 10' 0"

PROJECT STA
THE EXISTING THREE S
TO BE DEMOLISHED. J



Project House

107 Broadway

93 Broadway

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September 10, 2020

Sean,

After conversation with Mark DeMattei and Jay Plett and review of their corrected elevation section at the back of 101 & 93 Broadway, it was agreed that they would add an acceptable screening fence to at least 1.33 feet above the level of 93 Broadway's West eave line, between the properties as shown in Jay Plett's attached drawing.

Thereby, providing not perfect, but improved and agreeable privacy between the properties.

The fence would be along the property line, possibly on top of the existing block/concrete walls and would include removal of the existing short fence on the west side of the existing wall at 93's patio area.

The fence would be required, at a minimum, along 93's patio area and the second level terrace area; not less than 40 ft. in length.

They also agreed to move the east edge of the upper level M. Bedroom Terrace back 5 feet from their original drawing location (at approx. 17 ft. from the property line), per attached drawing.

If acceptable to the Town of Los Gatos Development Review Committee, we are in agreement with these modifications and additions to resolve the Sight Line issues, we raised in previous submitted documents and at the previous DRC meeting.

We do still have some concern about the storm drainage runoff between the two properties and onto 93 Broadway, because of the height difference; but I assume this will be addressed between the Civil Engineer and approved by the Town of Los Gatos.

Also, we do still object to this project in relation to the Historical Aspect of the project, as it relates to the Historic significance of the House at 93 Broadway and the Historic significance of the entire Broadway Neighborhood.

However, we feel this is a matter best resolved between the current residence in the Broadway Neighborhood and Town of Los Gatos. Just keep in mind, the decisions by the Town of Los Gatos could also set a precedence for future development in the Historic areas of Los Gatos.

Thanks,

Larry D Brandhorst, AIA



From: Jay Plett <jay@plett-arc.com>

Sent: Tuesday, September 08, 2020 4:05 PM

To: Sean Mullin <smullin@losgatosca.gov>; Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>; Mark De Mattei <markd@demattei.com>

Subject: 101 Broadway | Fwd: Section 9.5.20 for 93

Hi Sean - Mark and I spoke with Larry Brandhorst earlier today to discuss the attached modifications to 101 Broadway.

We have agreed to...

Move upper Terrace farther away from 93 by 5 feet.

We will build a fence between the properties to a height of 1.33' above the level of 93's roof eave line.

Larry - Please confirm to Sean - the project planner - that you are in agreement, thanks.

Mark and I will propose to Karen Kurtz a reduction in height of Master Bed ridge by 2' from where storypoles are currently set.

Regards, Jay

September 10, 2020

Hi Karen - it is unfortunate you found the proposal to lower the Ridge by 2'-0" unacceptable. Moving forward,

we will abide by our prior agreement with you to modify the windows on the West Elevation and lower the

ridge 6".

Regards, Mark and Jay

On 9/9/2020 5:56 PM, Karen Kurtz wrote:

Jay and Mark,

I appreciate the attempt to negotiate. I'm sure you know that 2 feet does not address my concerns. After spending the last two days with no sun, I think we have all learned how depressing it can be without having natural sunlight. If you have read my notes to planning you know that I spent over 3 years searching for a Victorian home in the downtown area that had morning sun from the East. It is very important for my mental and physical health.

I started from a ground level to suggest a one story addition on the back of the house as the other neighbors have done. That would be a big step for me as I would be giving up a lot of what I have enjoyed over the last 32 years. In addition, as I told you in one of our meetings, I shortened the deck that extended out from my ADU to create more privacy for 101 Broadway. The owner did not request that of me but I knew it was invading her privacy and wanted to do that for her. It was a good vantage point to enjoy the sites and for the family to hang out on and to sleep outside on when they came to visit during the summer, but I still did it for my neighbor as I knew how much she enjoyed her privacy. As it turned out it created a nice lower patio for me but that was not my objective. I also rejected a terraced patio, a suggestion from the contractor, from my upstairs when I rebuilt the back portion of my house, in order to protect the privacy of my neighbors on both sides. It is my hope that you will consider doing the same for your neighbors. I believe it is nothing less than what you would want if you lived in the neighborhood. We live on the hillside on very narrow lots and do not have a desire to be crammed in and on top of one another.

Let's keep talking to find some common ground and create a desirable neighborhood for all.

Thank you,

Karen

-----Original Message-----

From: Jay Plett <jay@plett-arc.com>
Sent: Tuesday, September 8, 2020 3:00 PM
To: Karen Kurtz <kurtzk@comcast.net>; Ilona Merli <ilonamerli@gmail.com>;
Mark De Mattei <markd@demattei.com>
Subject: 101 Broadway - Ridge height

Hi Karen - per our proposal at the prior DRC meeting, we would be willing to lower the Master Bed ridge by 2' from where the storypoles are currently set. This proposal is simple enough and should not necessitate a another meeting.

Please us know if you are in agreement.

Thank you, Mark and Jay

We spoke with Larry earlier in the day and have addressed his concerns.

--

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<https://www.avast.com/antivirus>

--

JAY PLETT ARCHITECT

jay@plett-arc.com

office 408 354 4551

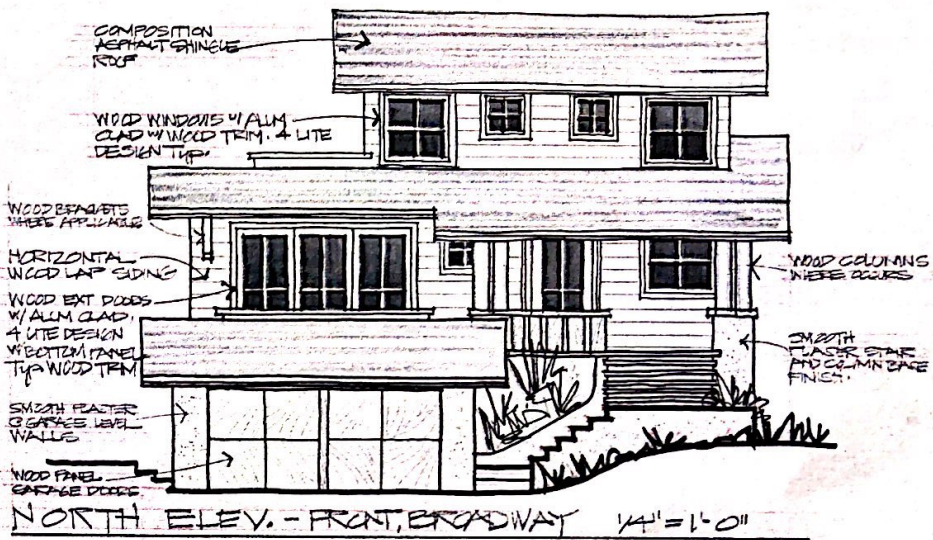
mobile 408 585 8787



Virus-free. www.avast.com

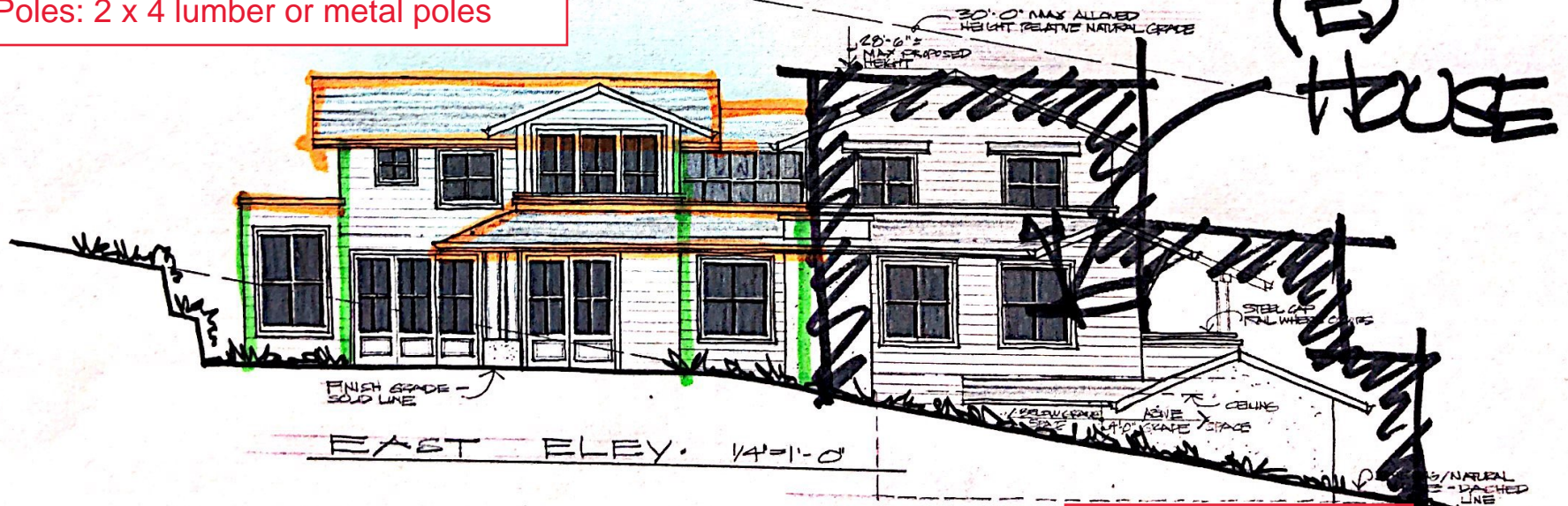


SOUTH ELEV. 1/4" = 1'-0"



NORTH ELEV. - FRONT, BROADWAY 1/4" = 1'-0"

Provide 5' measurements on one of the poles on each elevation.
 Materials:
 Netting: 24" wide plastic orange mesh (snow fencing)
 Poles: 2 x 4 lumber or metal poles



EAST ELEV. 1/4" = 1'-0"

Print date: 4/6/20
 2/20/20
 1/10/20

JAY PLETT
 ARCHITECT

408.354.4551
 jay@plett-arc.com
 www.plelt-arc.com
 213 Bean Avenue
 Los Gatos, CA 95030

THE DE MATTEI RES
 101 BROADWAY
 LOS GATOS CA

Revised by JAY PLETT

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PRICING SET	
CONST. SET	

Scale:
 Date:
 Sheet
 A-0

APPROVED
Seth Madlin
 Story Pole Only
 06/22/20

APPROVED
Scott Malbin
 Story Pole Only
 06/22/20

Print date:
 4/4/20
 1/7/20
 JAY PLETT

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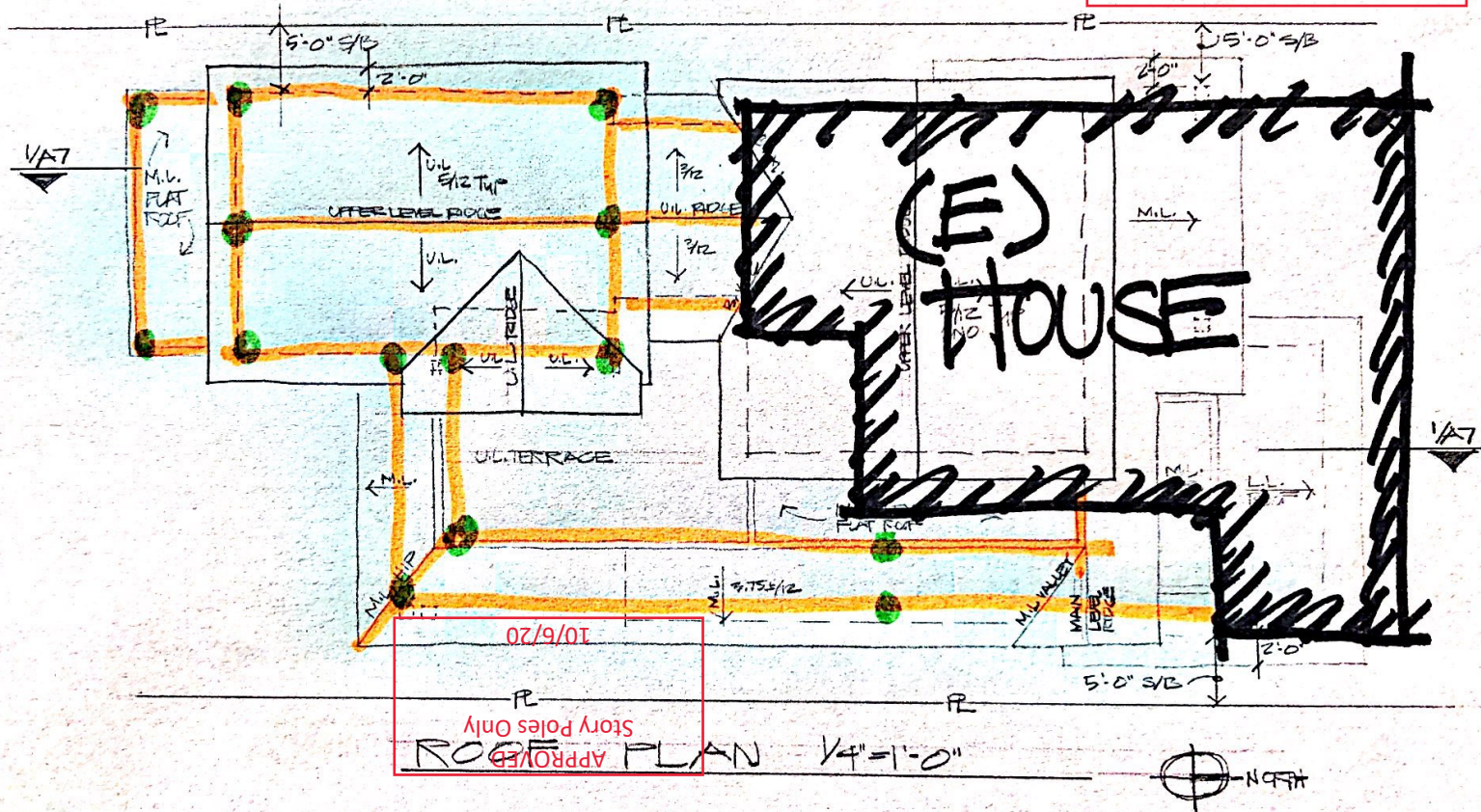
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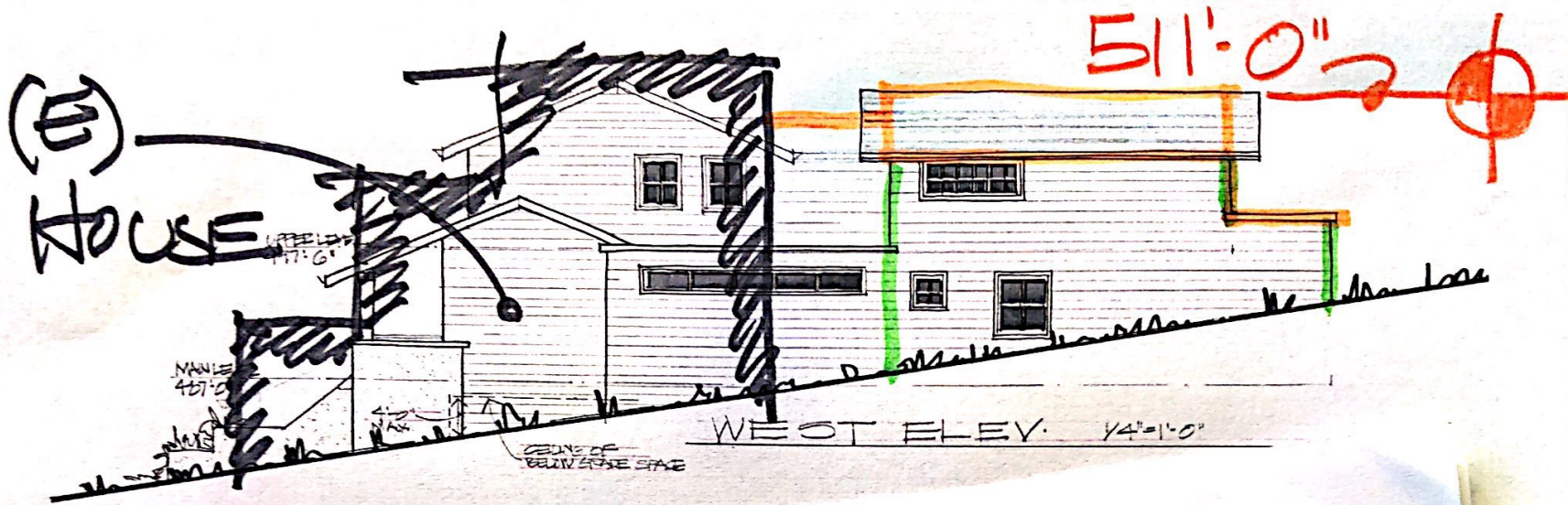


10/6/20
 Story Poles Only
 APPROVED

ROOF PLAN 1/4" = 1'-0"

NETTING
 POLES

Provide 5' measurements on one of the poles on each elevation.
 Materials:
 Netting: 24" wide plastic orange mesh (snow fencing)
 Poles: 2 x 4 lumber or metal poles



Print date:

4/15/20
2/19/20
1/12/20
JAY PLETT

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PRICING SET
CONST SET

Scale:
Date:

Sheet
A-7

APPROVED
Seftalbin
Story Pole Only
06/22/20

Provide 5' measurements on one of the poles on each elevation.
Materials:
Netting: 24" wide plastic orange mesh (snow fencing)
Poles: 2 x 4 lumber or metal poles

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Job No. 19-246

July 7, 2020

Sean R. Mullin, AICP
Town of Los Gatos – Planning Department
110 E. Main Street
Los Gatos, CA 95030

Subject: Story Pole Certification
101 Broadway

Dear Sean:

On July 6, 2020, I inspected the heights and location of the story poles and netting at the subject property. The poles were found to be consistent with the approved Architectural Plans by Jay Plett – Architect. These poles were also installed consistent with the required building setbacks. The highest ridgeline was measured at elevation 511.0. Also enclosed are pictures of the story poles.

Sincerely,

TS/CIVIL ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Terence J. Szewczyk'.

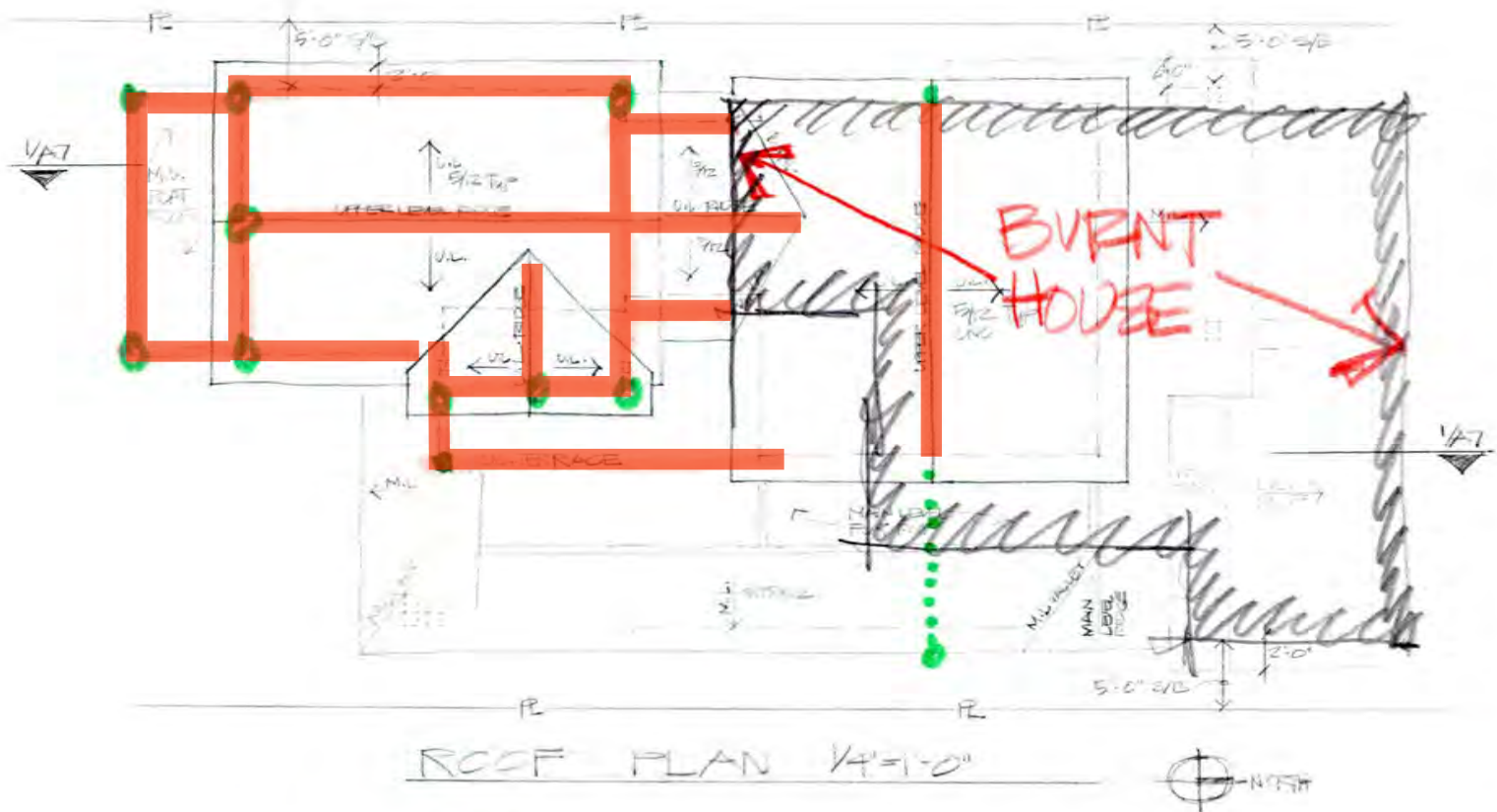
TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer

CC: Jay Plett
Mark DeMattei

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Provide 5' measurements on one of the poles on each elevation.
 Materials: Netting: 24" wide plastic orange mesh (snow fencing) Poles: 2 x 4 lumber or metal poles

10.6.20



— NETTING
 ● POLES

APPROVED
 Story Poles Only
Seth Adkin
 10/6/20

1/2

Project name:
 4/0/20
 17820
 JAY PLETT

408.354.4551
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 Los Gatos, CA 95030

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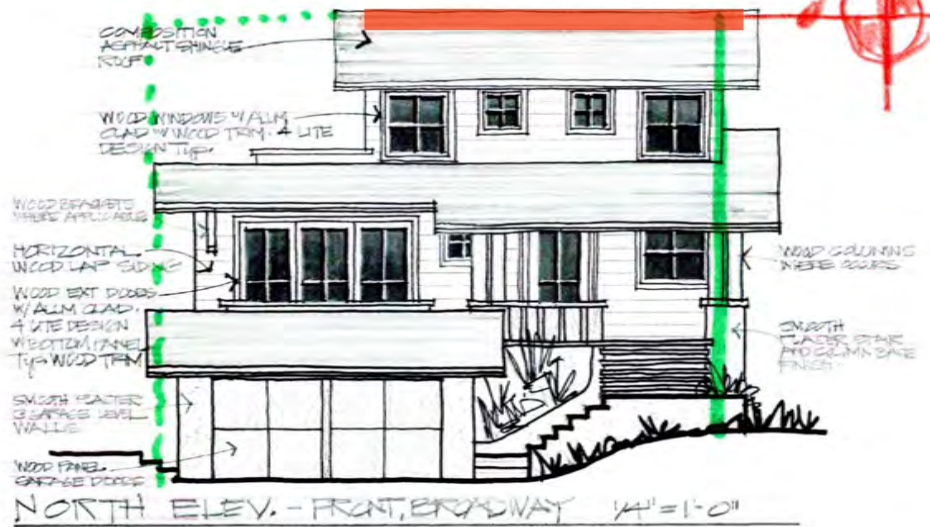
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SOUTH ELEV. 1/4" = 1'-0"

Provide 5' measurements on one of the poles on each elevation.
 Materials: Netting: 24" wide plastic orange mesh (snow fencing) Poles: 2 x 4 lumber or metal poles



NORTH ELEV. - FRONT, BROADWAY 1/4" = 1'-0"

511'-6"



EAST ELEV. 1/4" = 1'-0"

10.6.20

Print date: 4/6/20
 4/6/20
 4/6/20
 4/6/20
 JAY PLETT

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APPROVED
 Story Poles Only

 10/6/20



Job No. 19-246

October 16, 2020

Sean R. Mullin, AICP
Town of Los Gatos – Planning Department
110 E. Main Street
Los Gatos, CA 95030

Subject: Revised Story Pole Certification
101 Broadway, Los Gatos

Dear Sean:

On October 16, 2020, I inspected the heights and location of the story poles and netting at the subject property. The poles were found to be consistent with the approved Architectural and recently revised Architectural Plans by Jay Plett – Architect. These poles were also installed consistent with the required building setbacks. The highest ridgeline was measured at elevation 511.5' which is consistent with the revised plans dated October 6, 2020. Also enclosed are pictures of the story poles.

Sincerely,

TS/CIVIL ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'Terence J. Szewczyk'.

TS/CIVIL ENGINEERING, INC.
Terence J. Szewczyk, P.E. C35527
Principal Engineer

CC: Jay Plett
Mark DeMattei

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From: Ilona Merli <ilonamerli@gmail.com>
Sent: Wednesday, October 14, 2020 11:56 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Forwarding pictures that Larry provided/ Please see in conjunction with my letter.

Hi Sean,

This is taken from the August e-mail of L. Brandhorst. Please see photos.

I was just wondering what has been done to address this?

Thank you!

My letter will follow in just a minute!

Best,
Ilona

Ilona Merli
408.839.6965
ilona@oneyou.education
www.oneyou.education

The civil drawing shows the LFF Elevation at 487.0.
It also shows top of East wall behind the Existing House at 483.8.
It shows the top of existing Block Wall between the properties at 486.7.
You can see in our photos the top of the Block Wall.
Actually the LFF is even higher than what I show on my photo drawing sent to Town committee.
I suggest you have the surveyor get an actual elevation of 93 Broadway Main Floor Level at back patio.
I couldn't believe what I was finding when I was drawing my section.
I checked and checked several times because I couldn't believe what I was seeing.

Thanks,
Larry D Brandhorst, AIA



TOP OF
BLOCK WALL
486.7'



LFF 487.0'
TW 486.7'

From: Ilona Merli <ilonamerli@gmail.com>
Sent: Wednesday, October 14, 2020 1:33 PM
To: Sean Mullin <SMullin@losgatosca.gov>
Cc: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>; Karen Kurtz <KurtzK@comcast.net>
Subject: Incorrect Story Poles/ Re-placement

Dear Sean,

I just saw the “new” story poles and they look incomplete. Not only that, I am reviewing the town regulations to see if there is anything that states what happens when the “Applicant” makes an “error” of this nature, in his favor. Do you know the answer? Does the 30 days waiting period start over? Please advise.

I will check with our attorney only if absolutely necessary, in an effort to keep costs down.

Moreover, I need to check to see if the mistakes that Larry Brandhorst found would change the story pole height as well. I will get back to you on that.

Thank you,
Ilona

Ilona Merli
408.839.6965
ilona@oneyou.education
www.oneyou.education

From: Ilona Merli <ilonamerli@gmail.com>
Sent: Wednesday, October 14, 2020 3:09 PM
To: Joel Paulson <jpaulson@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>
Cc: Sean Mullin <SMullin@losgatosca.gov>; Karen Kurtz <KurtzK@comcast.net>; Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Subject: Story Poles/ Incorrect reflection of height/mass in proposed plans 101 Broadway, LG

Dear Mr. Paulsen and Mr. Schultz,

I am turning to you for advice and assistance regarding the proposed project on 101 Broadway in Los Gatos. Mr. Sean Mullin has been helping us, and is very knowledgeable should you need to see paperwork, or have additional questions.

I am very concerned about misrepresentation, lack of transparency, and due diligence regarding this proposed house.

So far, we have found a minimum of two (probably more, but who knows?) egregious misrepresentations in the numbers. After TWO MONTHS of asking planning commission to come and compare plans to story poles, Mr. Mullin finally (thankfully) came to the site and acknowledged the discrepancy. Rather than apologize and acknowledge the neglect involved in this misrepresentation, the Applicant is simply stating that it would have been dangerous to properly post poles because of partially burned roof. **However, there is was no mention of this in ANY of the meetings, nor is it posted anywhere on the property or in the plans. It's frankly, a very poor excuse.**

Additionally, there is a SIGNIFICANT discrepancy on floor elevations and how they have been represented in the plans.

At this point I don't TRUST the plans or the people involved in representing their accuracy; I am not an architect and cannot sieve through all of the drawings and numbers to assess their accuracy on my own. Must I hire an independent party?

Additionally, this is a very political issue, as it involves long-time and well-liked Los Gatos architects and builders. It has been very difficult for neighbors to get support and advice from attorneys and architects because of the friendships and alliances within the town and surrounding city.

I hope that you are able to see impartially and advise me to the best of your ability. ** I also respectfully request that the 30 day period begin once the CORRECT representation of the story poles is in place.

Best,
Ilona

Ilona Merli
408.839.6965
ilona@oneyou.education
www.oneyou.education

From: Ilona Merli <ilonamerli@gmail.com>

Sent: Thursday, October 15, 2020 8:03 AM

To: Sean Mullin <SMullin@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>; Robert Schultz <RSchultz@losgatosca.gov>

Cc: Karen Kurtz <KurtzK@comcast.net>; Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>

Subject: Height Certificate

Good Morning!

One more thing: where can we find a copy of the Height Certificate from the Licensed Surveyor? I would like to see the original, as well as the new one. Is it accessible on line?

Please advise:-)

Ilona

From: Ilona Merli <ilonamerli@gmail.com>
Sent: Monday, October 19, 2020 8:15 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: 101 Broadway floor level

Hi Sean —

I can't figure out the floor level . . . is it 482 feet? What is the floor level of the existing house?

Thank you
Ilona

Ilona Merli
408.839.6965
ilona@oneyou.education
www.oneyou.education

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The De Mattei Res
 101 Broadway
 Los Gatos CA

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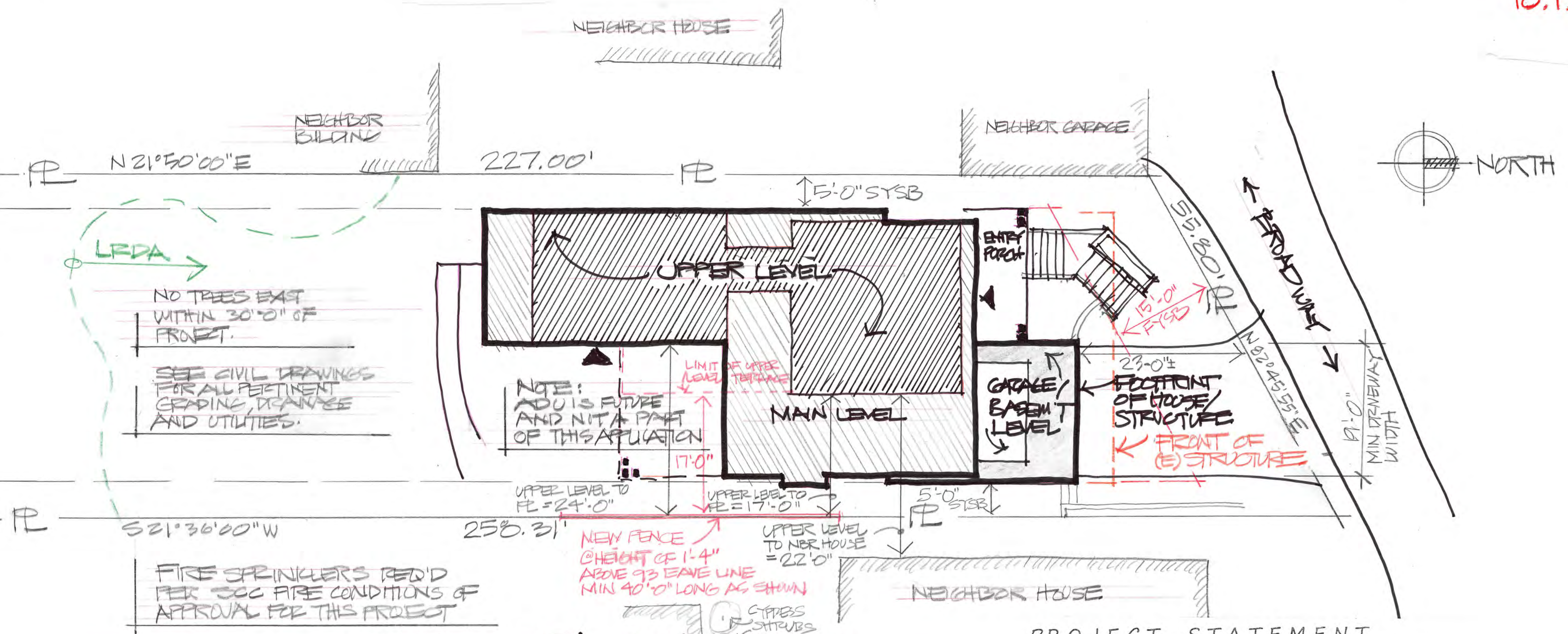
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A-1

INDEX to DRAWINGS

A-1	SITE PLAN / AREAS / DESCRIPTION
A-1.1	NEIGHBOR HOOD PLAN / ANALYSIS
A-2	GARAGE / BASEMENT FLOOR PLAN
A-3	MAIN LEVEL FLOOR PLAN
A-4	UPPER LEVEL PLAN
A-5	ROOF PLAN
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SDW-1	SHADOW STUDY PLANS
C-1	CIVIL / GRADING PLANS
C-2	CIVIL / GRADING PLANS
C-3	CIVIL / GRADING PLANS



SITE PLAN 1"=10'-0"

OWNER
 MARK De MATTEI
 408 639 3337
 1794 The ALAMEDA
 SAN JOSE, Ca 95126

SITE PARTICULARS
 ZONE R-1D LHP
 APN 510-45-041
 SETBACKS: F = 15', S's = 5', R = 20'

AREA SUMMARY

GROSS SITE	12,132.0 sf
S = 23% = 39% reduction	
NET SITE	7,400.5 sf
FAR = .331	
ALLOWABLE FLOOR AREA	2,449.5 sf

PROPOSED FLOOR AREA

	BELOW GRADE SF	ABOVE GRADE SF
LOWER LEVEL	41.0 sf	0
MAIN LEVEL	0	1,341.5 sf
UPPER LEVEL	0	1,108.0 sf
TOTAL PROPOSED FLOOR AREA		2,449.5 sf

GARAGE AREA SUMMARY
 FAR_{gar} = .093
 ALLOWED GARAGE = 690 sf

PROPOSED GARAGE AREA

	BELOW GRADE SF	ABOVE GRADE SF
GARAGE AREAS	428 sf	367 sf
TOTAL GARAGE AREA		795 sf

LOT COVERAGE	2,697.5	22%
LANAI / FRONT PORCH		418 sf
FUTURE ADU	665 +/- sf	

PROJECT STATEMENT

THE EXISTING THREE STORY HOUSE IS PROPOSED TO BE DEMOLISHED. JUSTIFICATION AS FOLLOWS PER LIBRARY AND PLANNING RESOURCES:

- THE HOME IS NOT FOUND ON SANBORN MAPS
- THE HOME IS NOT FOUND IN ANNE BLOOMFIELD'S INVENTORY
- THE FRONT OF THE STRUCTURE HAS PRIORLY BEEN MODIFIED IN A MOST UNSEEMLY, UN-HISTORIC MANNER, THEREFORE ANY HISTORIC VALUE HAS ALREADY BEEN DESTROYED.
- THE STRUCTURE WAS SUBJECTED TO A FIRE IN 2017 - THE BUILDING'S INTEGRITY WAS AND HAS BEEN SEVERELY STRUCTURALLY COMPROMISED BY THAT FIRE AND AS A RESULT, ITS INTERIOR HAS BEEN FURTHER COMPROMISED BEING OPEN TO THE WEATHER, WITH NO EFFORT TO PROTECT IT.

A NEW HOME IS PROPOSED PER THE PLANS. IT HAS BEEN DESIGNED WITH THE CONSULTATION OF THE TOWN'S DESIGN GUIDELINES. IT BEEN SITUATED ON THE SITE TO BE IN HARMONY WITH THE HOMES ON EITHER SIDE AND THE NEIGHBORHOOD WITH MASSING THAT STEPS UP THE SLOPING LOT, FITTING AND BLENDING INTO ITS SITE ENVIRONMENT. THE SIDING WILL BE PREDOMINATELY HORIZONTAL LAP WOOD SIDING WHICH IS TYPICAL OF HISTORIC STYLE WITH A PLASTER BASE AT THE LOWER LEVEL. THE WINDOWS AND DOORS HAVE BEEN DESIGNED WITH A HISTORIC VERNACULAR OF A FOUR LITE DESIGN PATTERN WITH THE EXTERIOR DOORS HAVING A PANEL DESIGN AT THE BOTTOM.

EXISTING HOUSE AS VIEWED FROM STREET W/ NON-HISTORIC, INAPPROPRIATE ALTERATIONS ACROSS ENTIRE FACADE. ALL HISTORIC VALUE HAS BEEN DESTROYED.



PHOTO OF EXISTING STRUCTURE.

1/2020
6/10
1/10

JAY PLETT
ARCHITECT

408.354.4551
jay@plett-arc.com
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213 Bean Avenue
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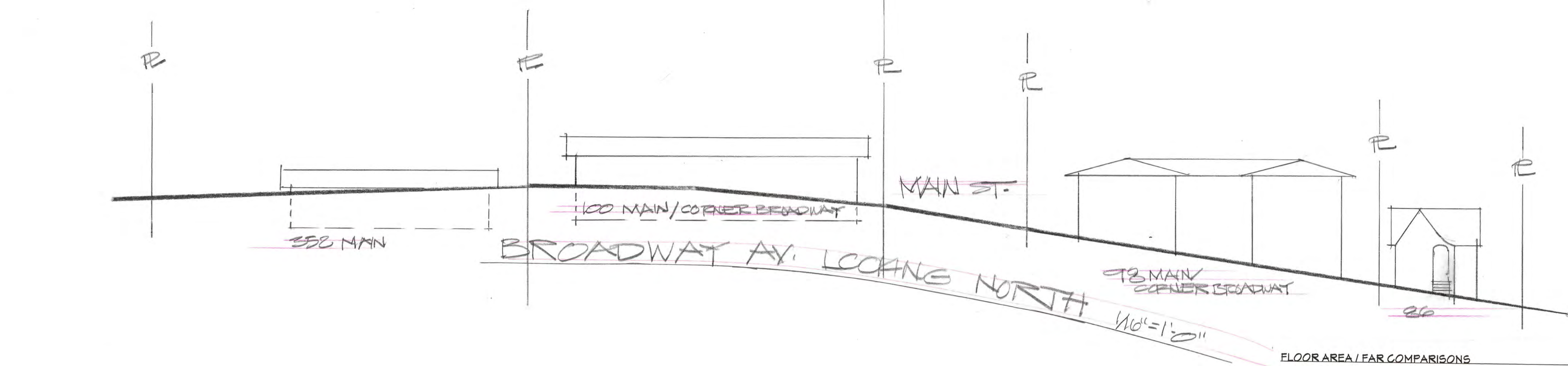
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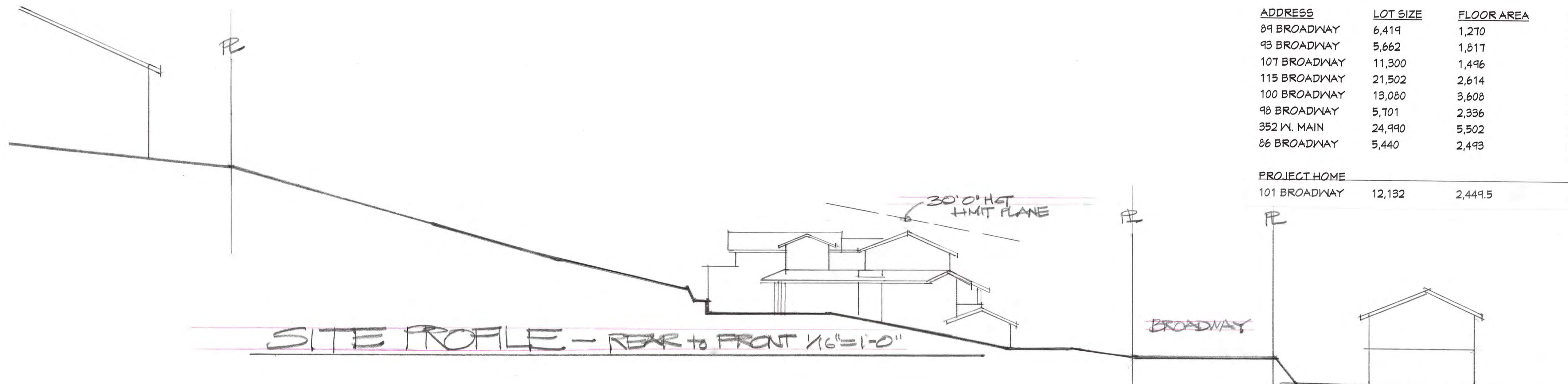


FLOOR AREA / FAR COMPARISONS

ADDRESS	LOT SIZE	FLOOR AREA	GARAGE	COMPARATIVE FAR
89 BROADWAY	6,419	1,270	200	0.198
93 BROADWAY	5,662	1,817	322	0.321
107 BROADWAY	11,300	1,496	360	0.132
115 BROADWAY	21,502	2,614	192	0.122
100 BROADWAY	13,080	3,608	0	0.276
98 BROADWAY	5,701	2,336	0	0.410
352 W. MAIN	24,990	5,502	0	0.220
86 BROADWAY	5,440	2,493	324	0.458

PROJECT HOME

101 BROADWAY	12,132	2,449.5	690	0.202
--------------	--------	---------	-----	-------



SITE PROFILE - REAR TO FRONT 1/16" = 1'-0"



BROADWAY AV. LOOKING SOUTH 1/16" = 1'-0"



NEIGHBORHOOD PLAN NO SCALE

10.6.20

Print date:
7/20/20
6/19/20
4/6/20
2/25/20
1/7/20
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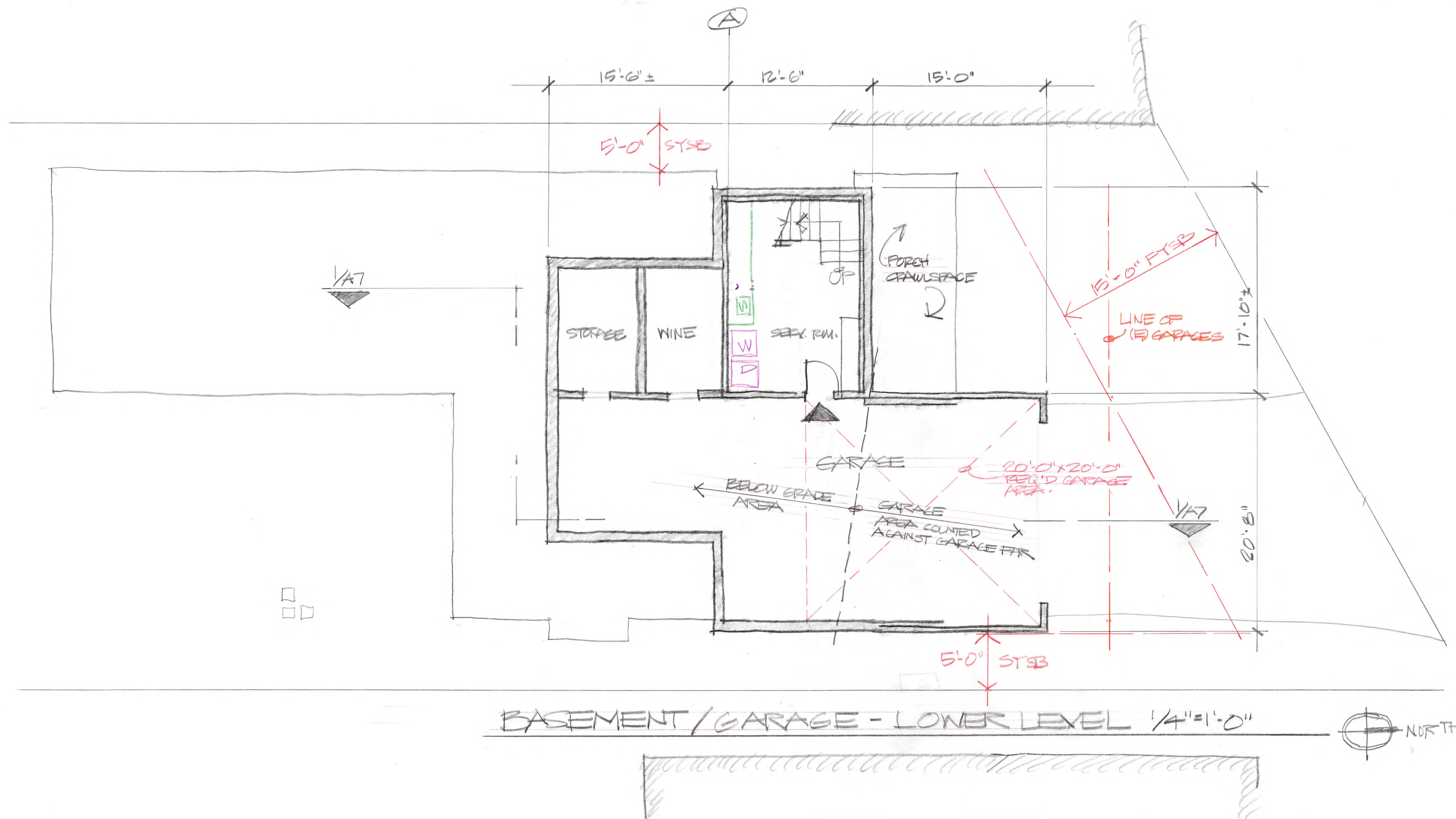
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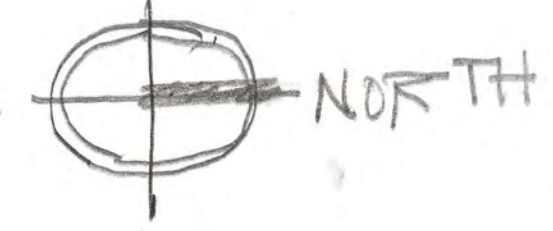
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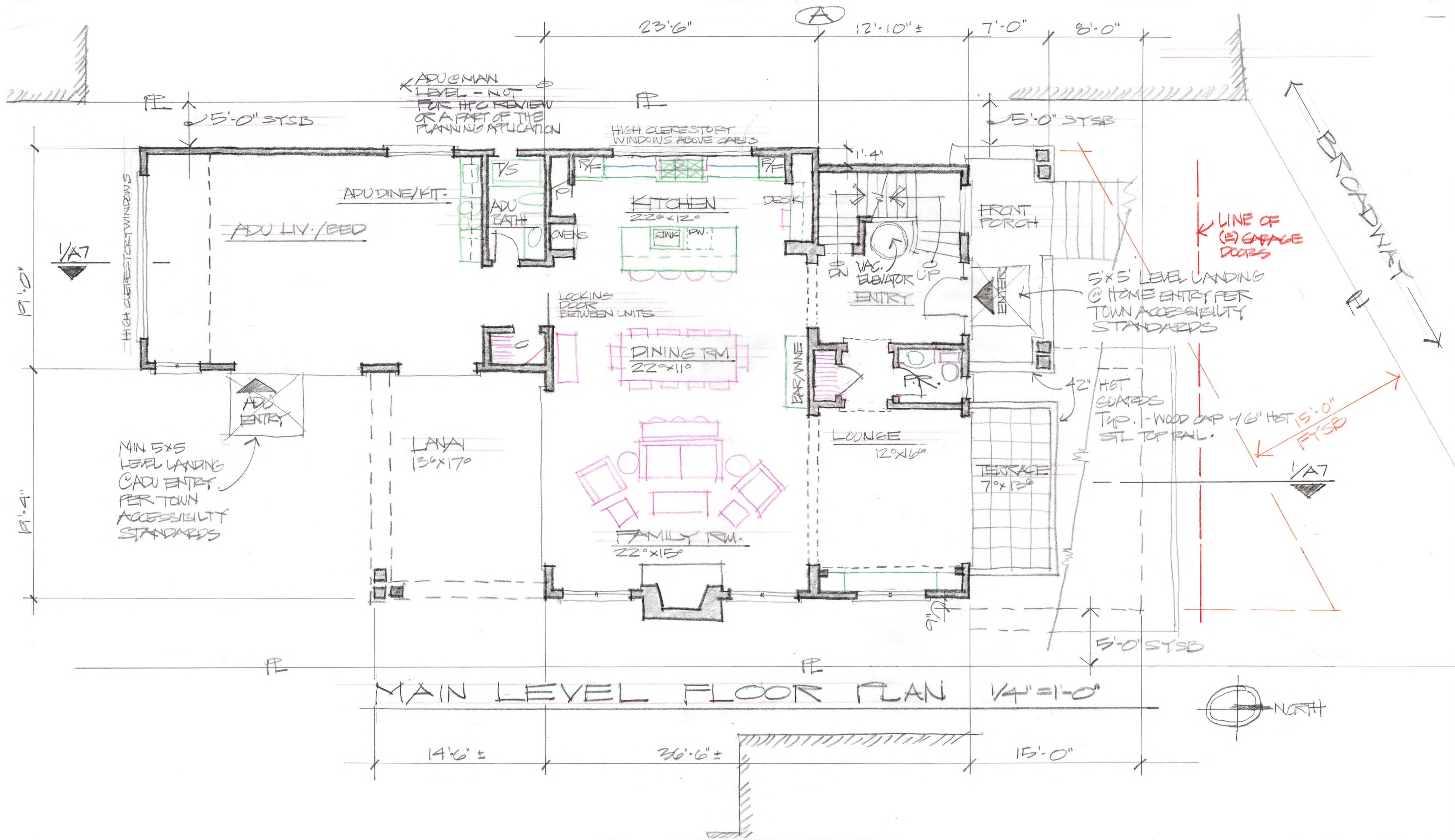
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BASEMENT/GARAGE - LOWER LEVEL 1/4"=1'-0"





MAIN LEVEL FLOOR PLAN 1/4" = 1'-0"

Print date:
 10.1.20
 11.20.20
 6.9.20
 4.9.20
 1.7.20

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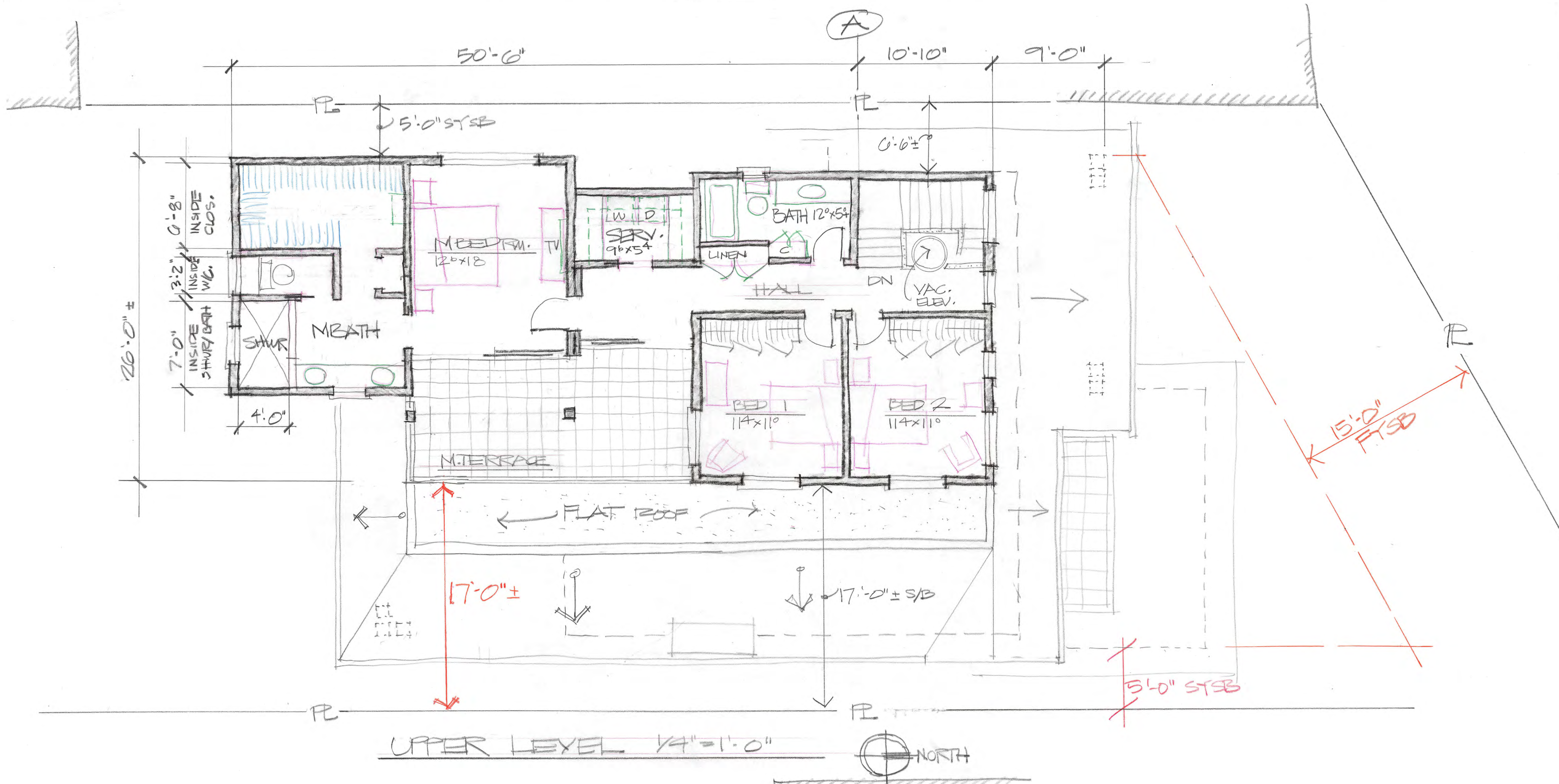
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Revisions:
 APPROVALS
 HPC
 DRC

PRELIM/HPC
 PLAN CK
 PRICING SET
 CONST. SET

Scale:
 Date:

Sheet
 A-3



UPPER LEVEL 1/4" = 1'-0" NORTH

Print date:
 10.11.20
 7/20/20
 6/9/20
 4/19/20

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 Los Gatos, CA 95030

THE DE MATTEI
 101 BROADWAY
 LOS GATOS CA

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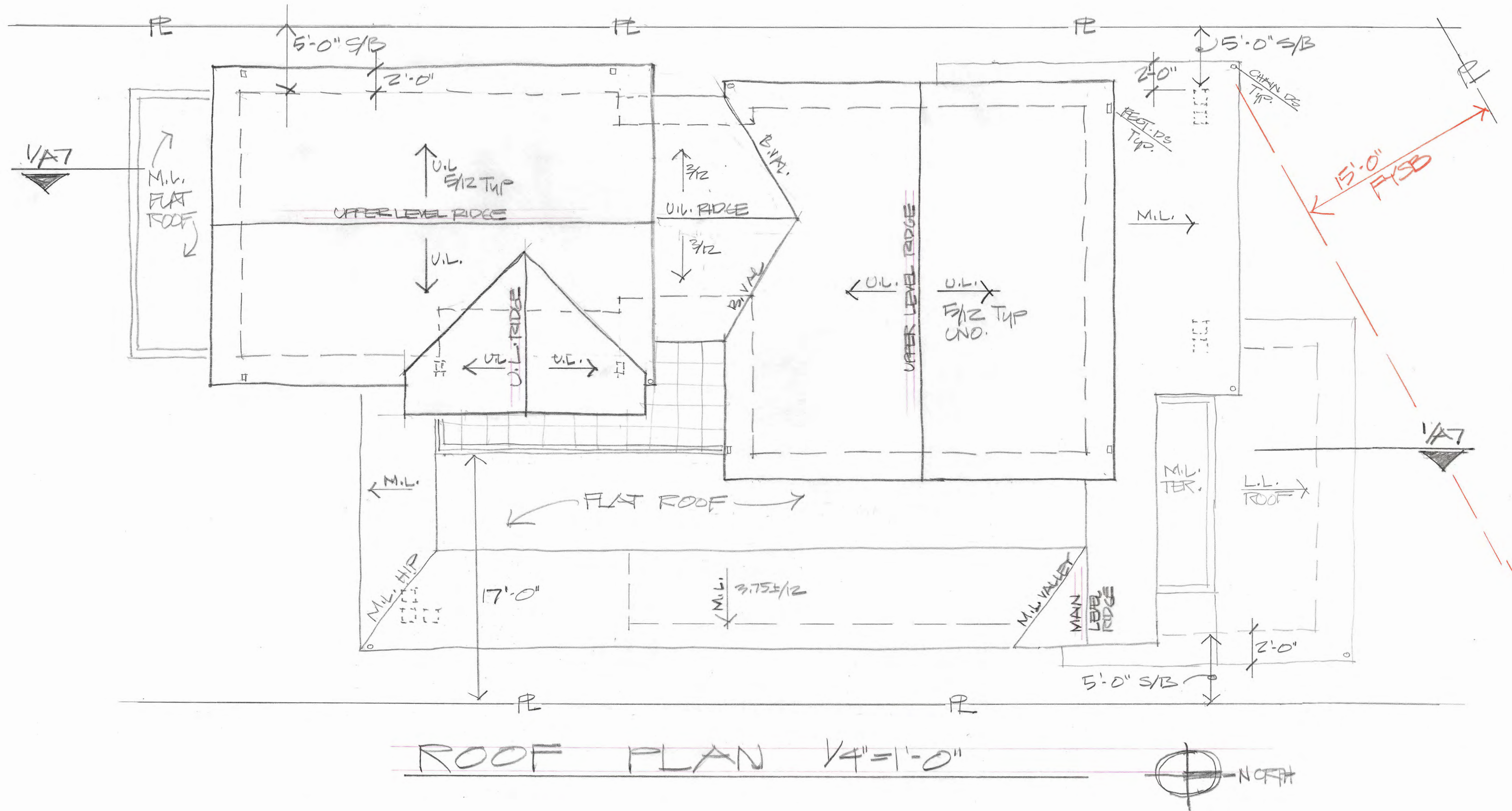
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 APPROVALS
 HPC
 DRC

PRELIM/HPC
 PLAN CK
 PRICING SET
 CONST. SET

Scale:

Date:

Sheet
 A-4



ROOF PLAN 1/4" = 1'-0"

Print date:
 10.11.20
 7/20/20
 4/6/20
 1/7/20
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 Date:
 Sheet
 A-5

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LOS GATOS CA

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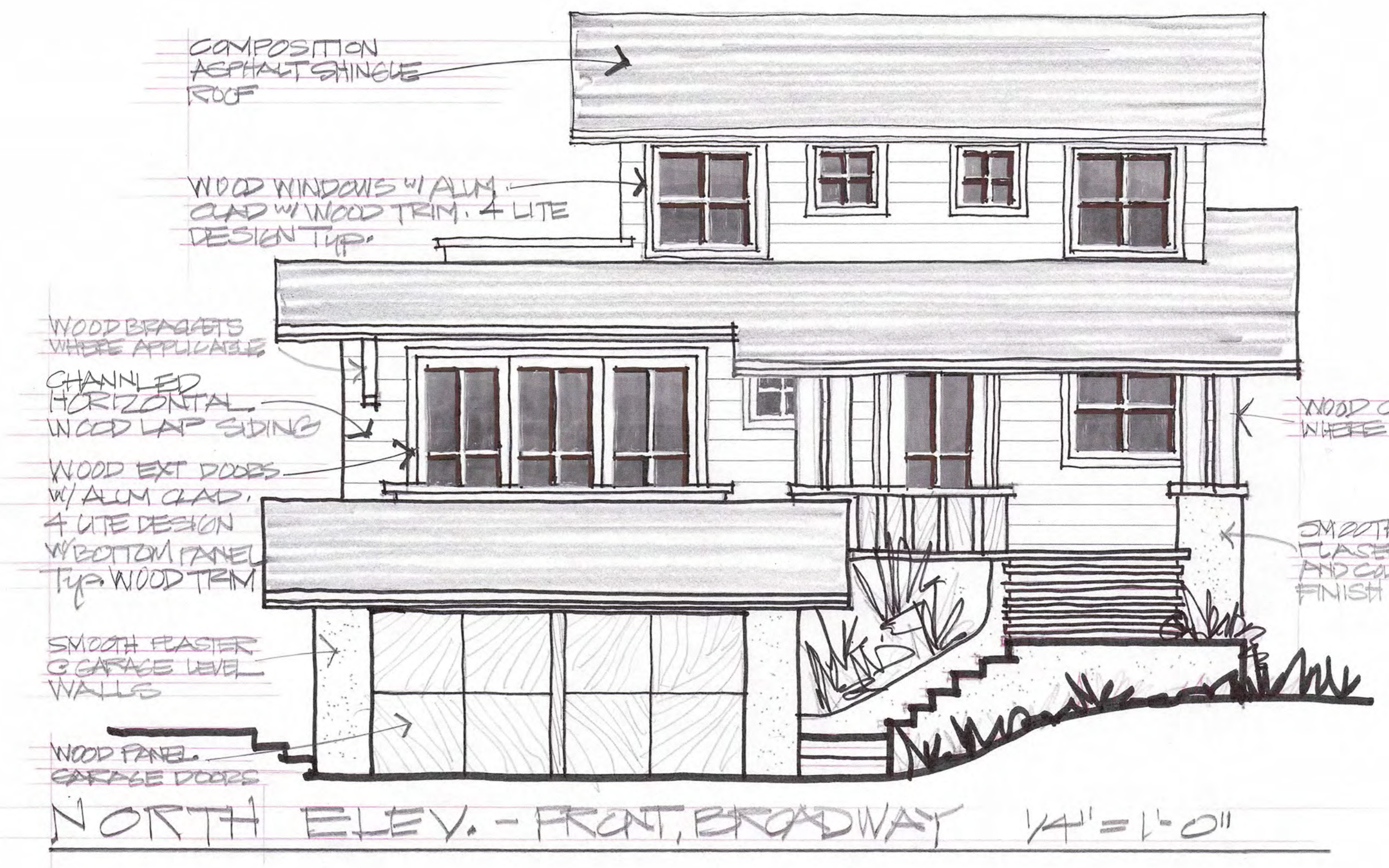
PRELIM/HPC
PLAN CK
PRICING SET
CONST. SET
Scale :
Date :

Sheet

A-6



SOUTH ELEV. 1/4" = 1'-0"



NORTH ELEV. - FRONT, BROADWAY 1/4" = 1'-0"

COMPOSITION
ASPHALT SHINGLE
ROOF

WOOD WINDOWS w/ ALUM.
CLAD w/ WOOD TRIM. & LITE
DESIGN TIP.

WOOD BRACKETS
WHERE APPLICABLE

CHANNELLED
HORIZONTAL
WOOD LAP SIDING

WOOD EXT. DOORS
w/ ALUM. CLAD.
& LITE DESIGN
w/ BOTTOM PANEL
TYP. WOOD TRIM

SMOOTH PLASTER
@ GARAGE LEVEL
WALLS

WOOD PANEL
GARAGE DOORS

WOOD COLUMNS
WHERE OCCURS

SMOOTH
PLASTER STAR
AND COLUMN BASE
FINISH.

30'-0" MAX ALLOWED
HEIGHT RELATIVE NATURAL GRADE

28'-6" ±
MAX PROPOSED
HEIGHT



EAST ELEV. 1/4" = 1'-0"

FINISH GRADE -
SOLID LINE

STEEL CAP
RAIL WHERE OCCURS

CEILING
SPACE
ABOVE
GRADE
SPACE
BELOW GRADE
SPACE
BELOW GRADE
SPACE

EXISTING/NATURAL
GRADE - DASHED
LINE

Print date:
 10.1.20
 8/10/20
 9/20/20
 4/16/20
 2/16/20
 1/17/20

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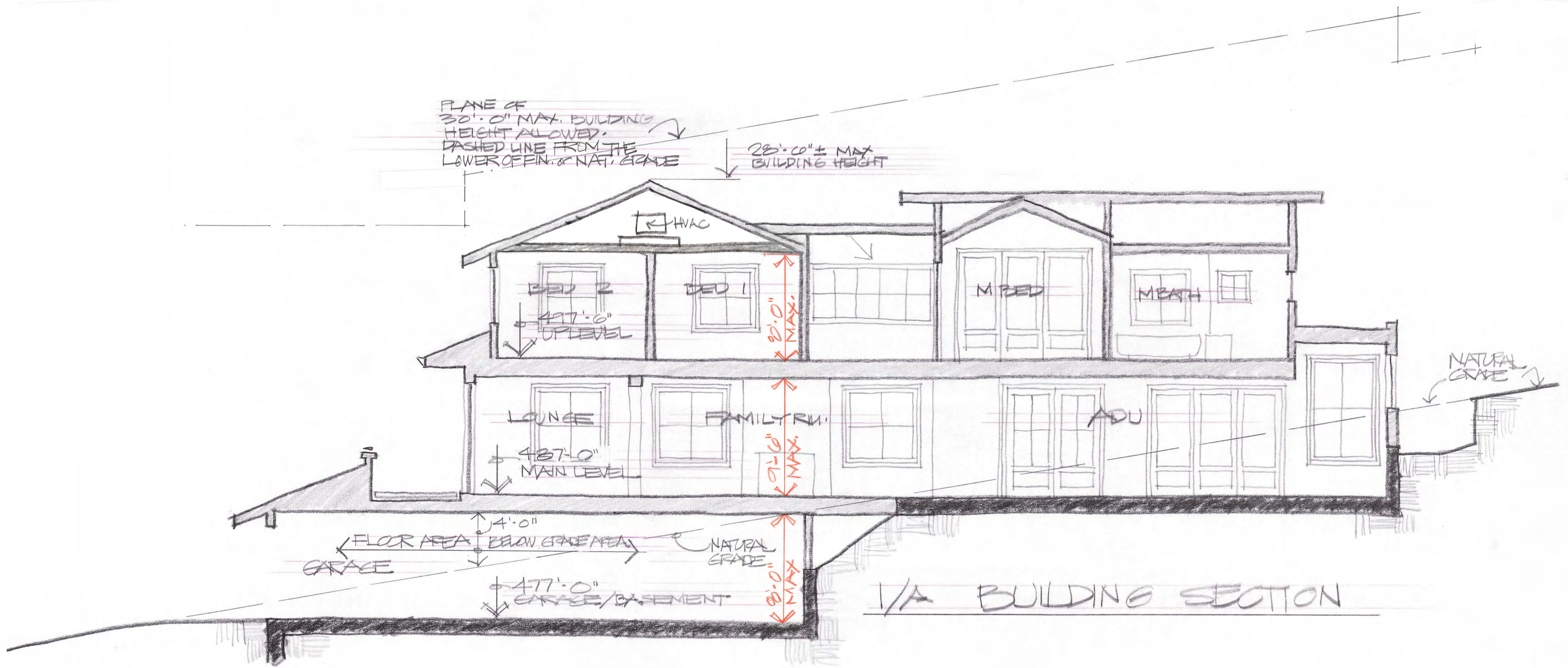
Revisions:

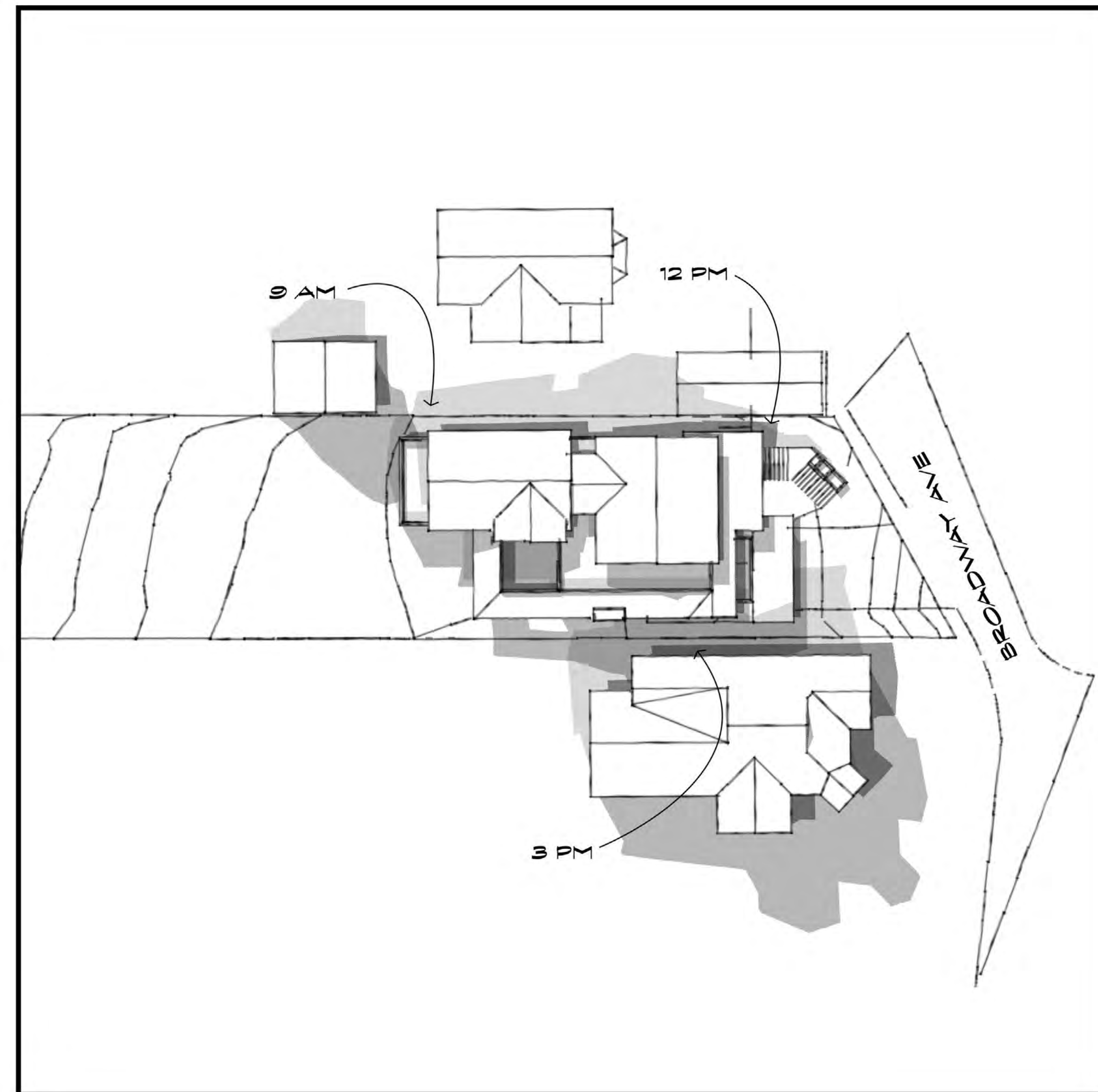
APPROVALS
 HPC
 PRC

PRELIM/HPC
 PLAN CK
 PRICING SET
 CONST. SET

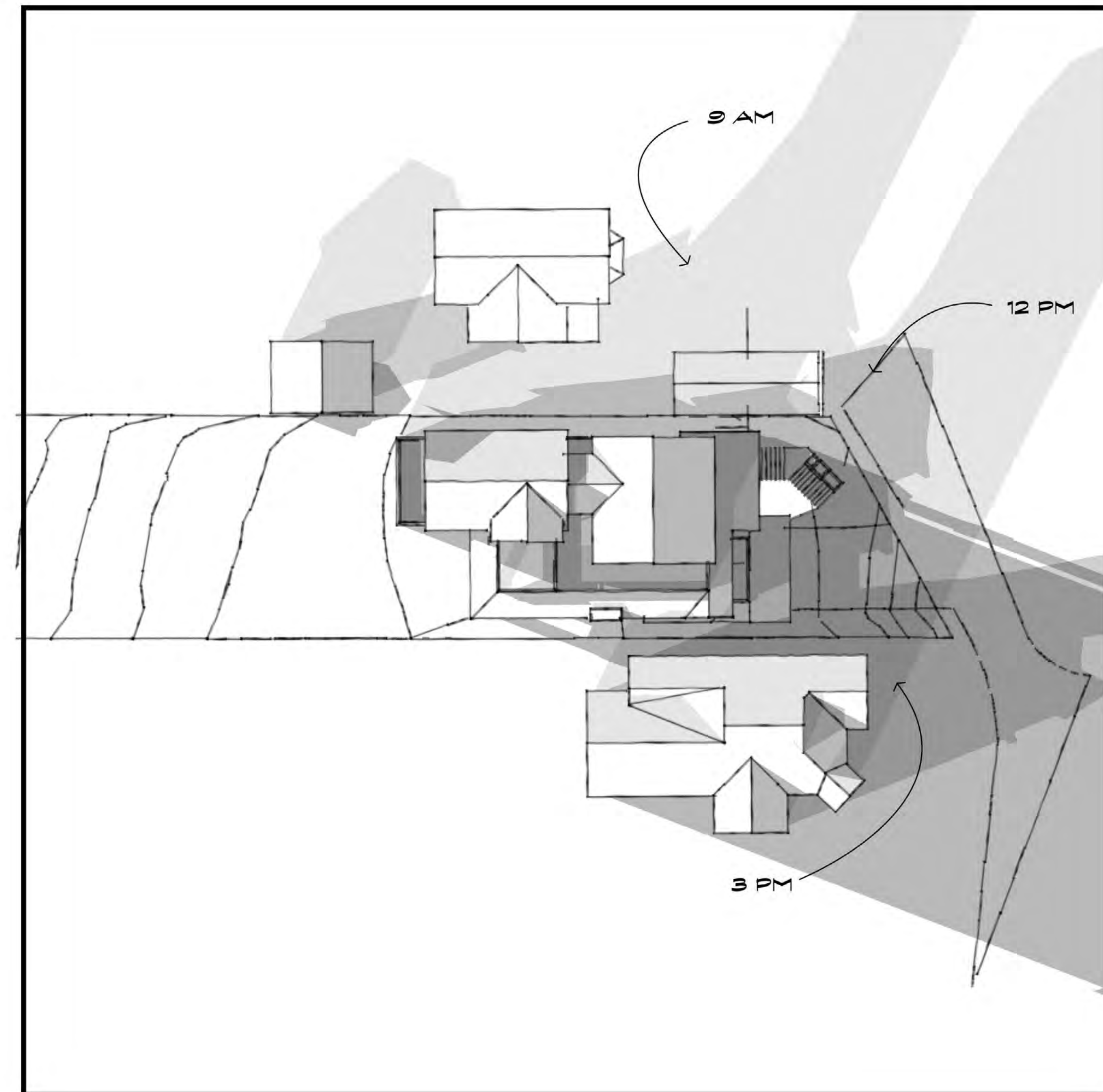
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 Date:

Sheet
 A-7





SHADOW STUDIES JUNE 21



SHADOW STUDIES DECEMBER 21

Print date :

1/7/20
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Revisions :

PRELIM/HPC X
 PLAN CK
 PRICING SET
 CONST. SET

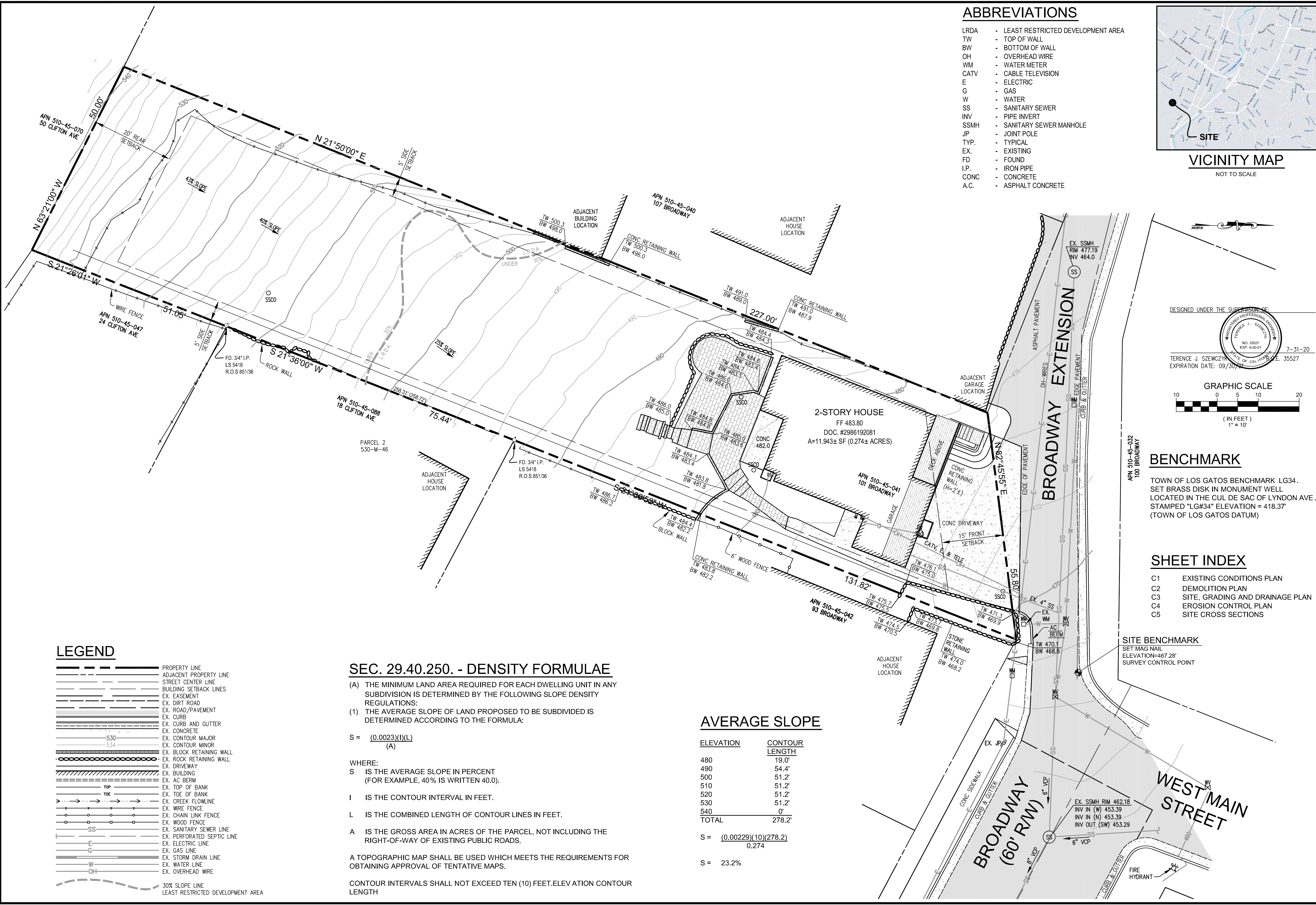
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Date :

Sheet

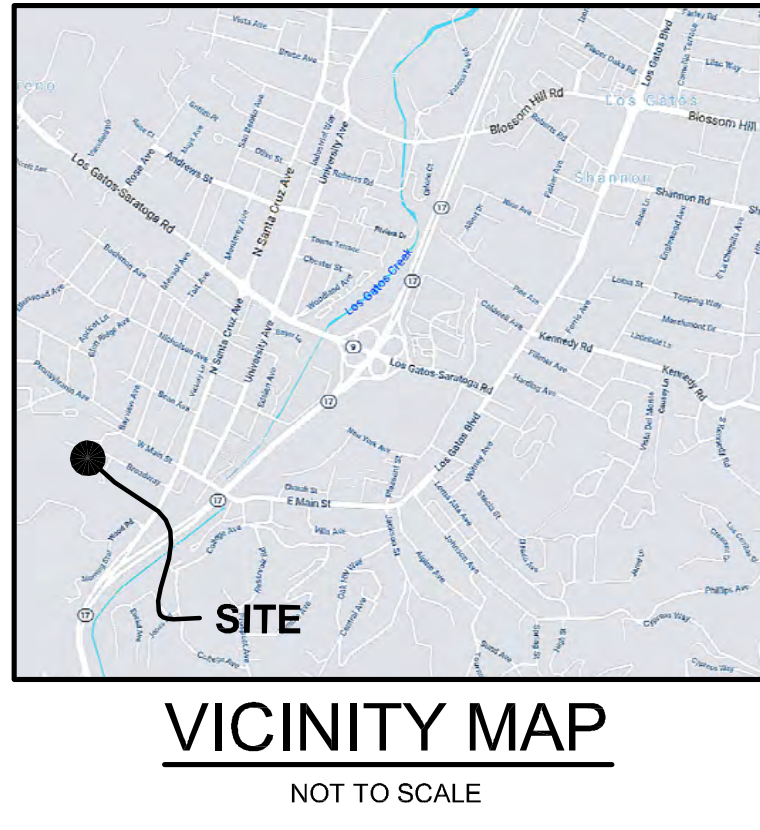
SDW-1

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ABBREVIATIONS

- LRDA - LEAST RESTRICTED DEVELOPMENT AREA
- TW - TOP OF WALL
- BW - BOTTOM OF WALL
- OH - OVERHEAD WIRE
- WM - WATER METER
- CATV - CABLE TELEVISION
- E - ELECTRIC
- G - GAS
- W - WATER
- SS - SANITARY SEWER
- INV - PIPE INVERT
- SSMH - SANITARY SEWER MANHOLE
- JP - JOINT POLE
- TYP. - TYPICAL
- EX. - EXISTING
- FD - FOUND
- I.P. - IRON PIPE
- CONC - CONCRETE
- A.C. - ASPHALT CONCRETE



DESIGNED UNDER THE SUPERVISION OF

 TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/2021
 7-31-20

GRAPHIC SCALE
 10 0 5 10 20
 (IN FEET)
 1" = 10'

BENCHMARK
 TOWN OF LOS GATOS BENCHMARK LG34.
 SET BRASS DISK IN MONUMENT WELL
 LOCATED IN THE CUL DE SAC OF LYNDON AVE.
 STAMPED "LG#34" ELEVATION = 418.37'
 (TOWN OF LOS GATOS DATUM)

SHEET INDEX

C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE, GRADING AND DRAINAGE PLAN
C4	EROSION CONTROL PLAN
C5	SITE CROSS SECTIONS

SITE BENCHMARK
 SET MAG NAIL
 ELEVATION=467.28'
 SURVEY CONTROL POINT

LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- STREET CENTER LINE
- BUILDING SETBACK LINES
- EX. EASEMENT
- EX. DIRT ROAD
- EX. ROAD/PAVEMENT
- EX. CURB
- EX. CURB AND GUTTER
- EX. CONCRETE
- EX. CONTOUR MAJOR
- EX. CONTOUR MINOR
- EX. BLOCK RETAINING WALL
- EX. ROCK RETAINING WALL
- EX. DRIVEWAY
- EX. BUILDING
- EX. AC BERM
- EX. TOP OF BANK
- EX. TOE OF BANK
- EX. CREEK FLOWLINE
- EX. WIRE FENCE
- EX. CHAIN LINK FENCE
- EX. WOOD FENCE
- EX. SANITARY SEWER LINE
- EX. PERFORATED SEPTIC LINE
- EX. ELECTRIC LINE
- EX. GAS LINE
- EX. STORM DRAIN LINE
- EX. WATER LINE
- EX. OVERHEAD WIRE
- 30% SLOPE LINE
- LEAST RESTRICTED DEVELOPMENT AREA

SEC. 29.40.250. - DENSITY FORMULAE

(A) THE MINIMUM LAND AREA REQUIRED FOR EACH DWELLING UNIT IN ANY SUBDIVISION IS DETERMINED BY THE FOLLOWING SLOPE DENSITY REGULATIONS:

(1) THE AVERAGE SLOPE OF LAND PROPOSED TO BE SUBDIVIDED IS DETERMINED ACCORDING TO THE FORMULA:

$$S = \frac{(0.0023)(I)(L)}{(A)}$$

WHERE:
 S IS THE AVERAGE SLOPE IN PERCENT (FOR EXAMPLE, 40% IS WRITTEN 40.0).
 I IS THE CONTOUR INTERVAL IN FEET.
 L IS THE COMBINED LENGTH OF CONTOUR LINES IN FEET.
 A IS THE GROSS AREA IN ACRES OF THE PARCEL, NOT INCLUDING THE RIGHT-OF-WAY OF EXISTING PUBLIC ROADS.

A TOPOGRAPHIC MAP SHALL BE USED WHICH MEETS THE REQUIREMENTS FOR OBTAINING APPROVAL OF TENTATIVE MAPS.

CONTOUR INTERVALS SHALL NOT EXCEED TEN (10) FEET. ELEVATION CONTOUR LENGTH

AVERAGE SLOPE

ELEVATION	CONTOUR LENGTH
480	19.0'
490	54.4'
500	51.2'
510	51.2'
520	51.2'
530	51.2'
540	0'
TOTAL	278.2'

$$S = \frac{(0.00229)(10)(278.2)}{0.274}$$

S = 23.2%

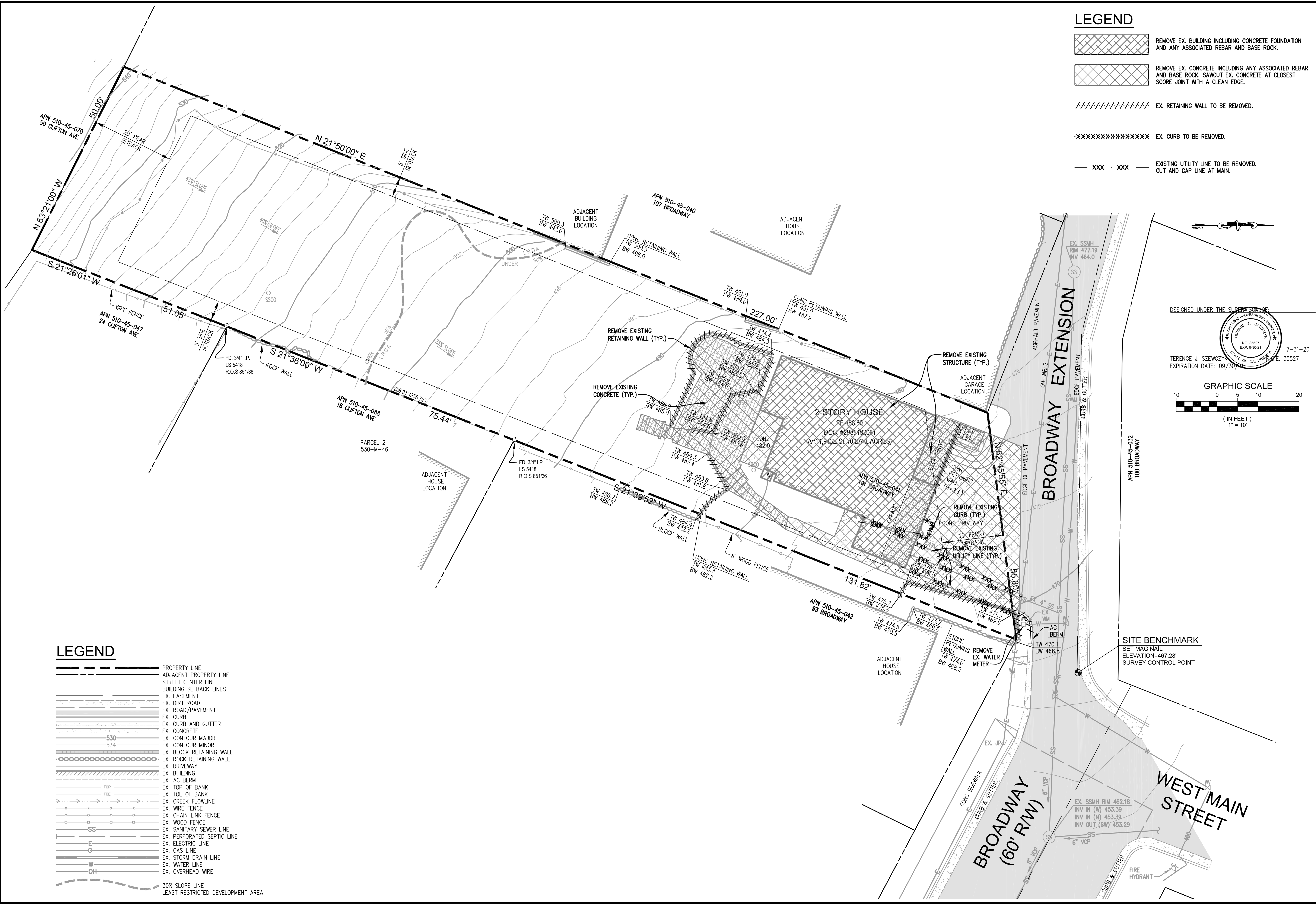
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 1776 TECHNOLOGY DRIVE
 SAN JOSE, CA 95110
TS CIVIL ENGINEERING
 PH: 408.452.9300
 FAX: 408.837.7550

EXISTING CONDITIONS PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

DATE: 7-31-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY: TJS
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C1**
 OF 5 SHEETS
 JOB NO. 19-246

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LEGEND

- REMOVE EX. BUILDING INCLUDING CONCRETE FOUNDATION AND ANY ASSOCIATED REBAR AND BASE ROCK.
- REMOVE EX. CONCRETE INCLUDING ANY ASSOCIATED REBAR AND BASE ROCK. SAWCUT EX. CONCRETE AT CLOSEST SCORE JOINT WITH A CLEAN EDGE.
- EX. RETAINING WALL TO BE REMOVED.
- EX. CURB TO BE REMOVED.
- EXISTING UTILITY LINE TO BE REMOVED. CUT AND CAP LINE AT MAIN.

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21

GRAPHIC SCALE
 1" = 10'

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- STREET CENTER LINE
- BUILDING SETBACK LINES
- EX. EASEMENT
- EX. DIRT ROAD
- EX. ROAD/PAVEMENT
- EX. CURB
- EX. CURB AND GUTTER
- EX. CONCRETE
- EX. CONTOUR MAJOR
- EX. CONTOUR MINOR
- EX. BLOCK RETAINING WALL
- EX. ROCK RETAINING WALL
- EX. DRIVEWAY
- EX. BUILDING
- EX. AC BERM
- EX. TOP OF BANK
- EX. TOE OF BANK
- EX. CREEK FLOWLINE
- EX. WIRE FENCE
- EX. CHAIN LINK FENCE
- EX. WOOD FENCE
- EX. SANITARY SEWER LINE
- EX. PERFORATED SEPTIC LINE
- EX. ELECTRIC LINE
- EX. GAS LINE
- EX. STORM DRAIN LINE
- EX. WATER LINE
- EX. OVERHEAD WIRE
- 30% SLOPE LINE
- LEAST RESTRICTED DEVELOPMENT AREA

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DEMOLITION PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

NO.	REVISIONS	DATE
6		
5		
4		
3		
2		
1		

DATE: 7-31-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C2**
 OF 5 SHEETS
 JOB NO. 19-246

07/31/2020 4:08pm - N:\2019 JOBS\19-246\DWG\19-246 C2 DEMOLITION PLAN.dwg - C2

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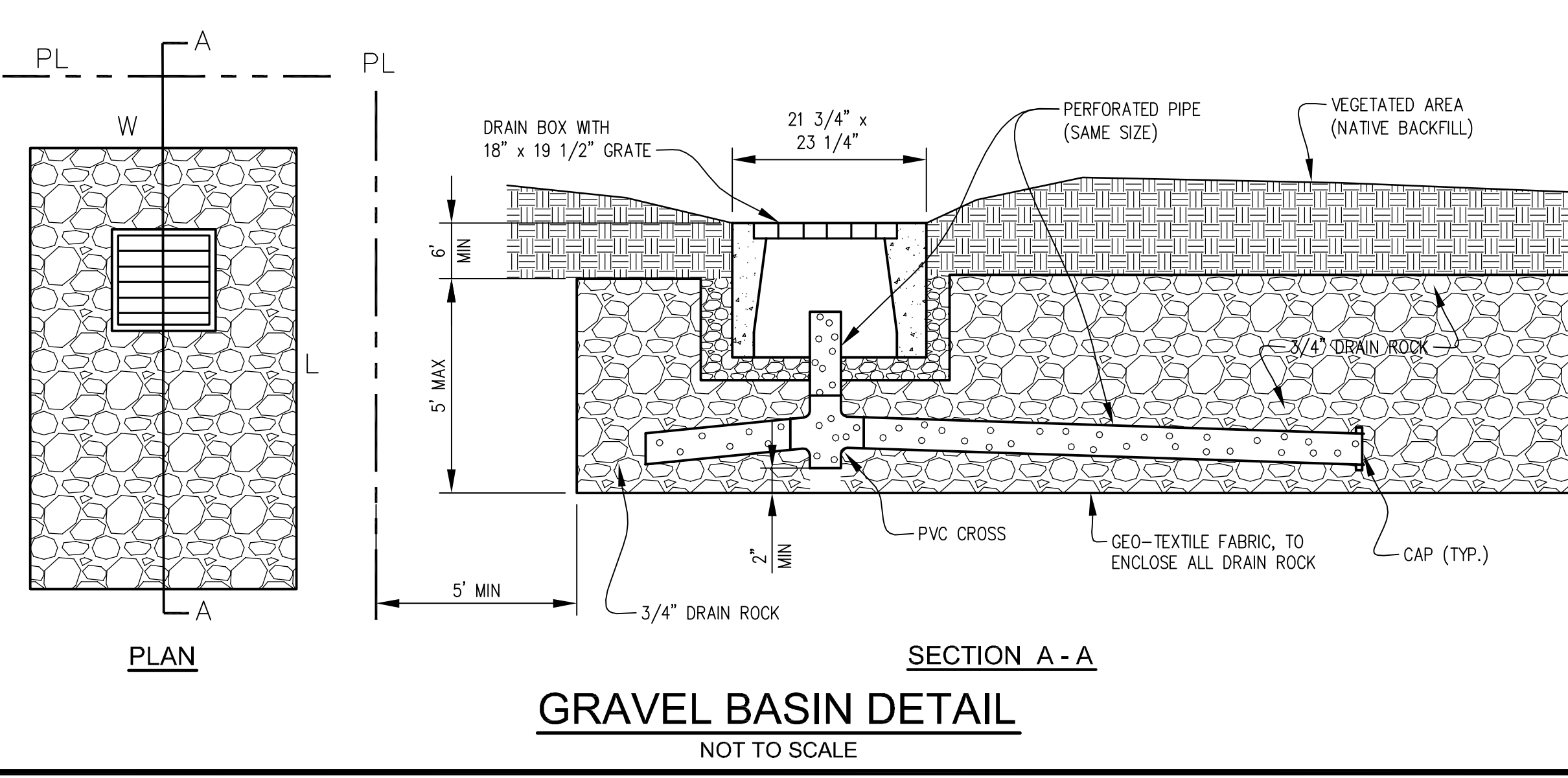
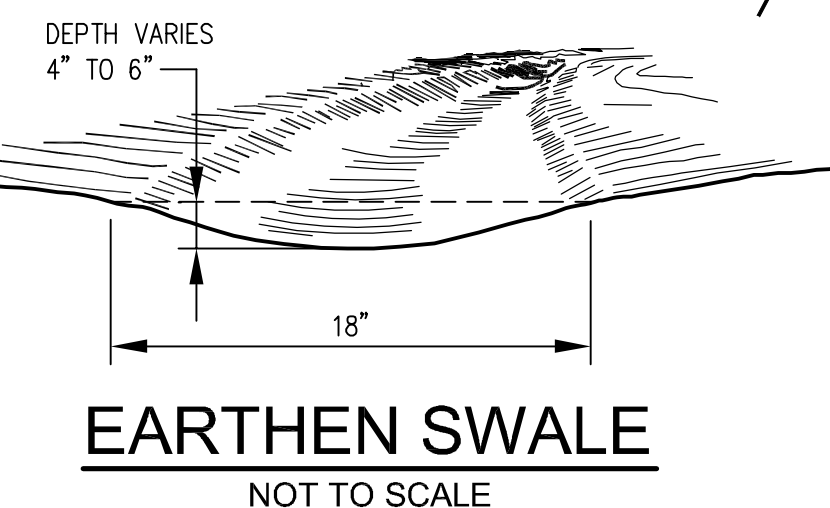
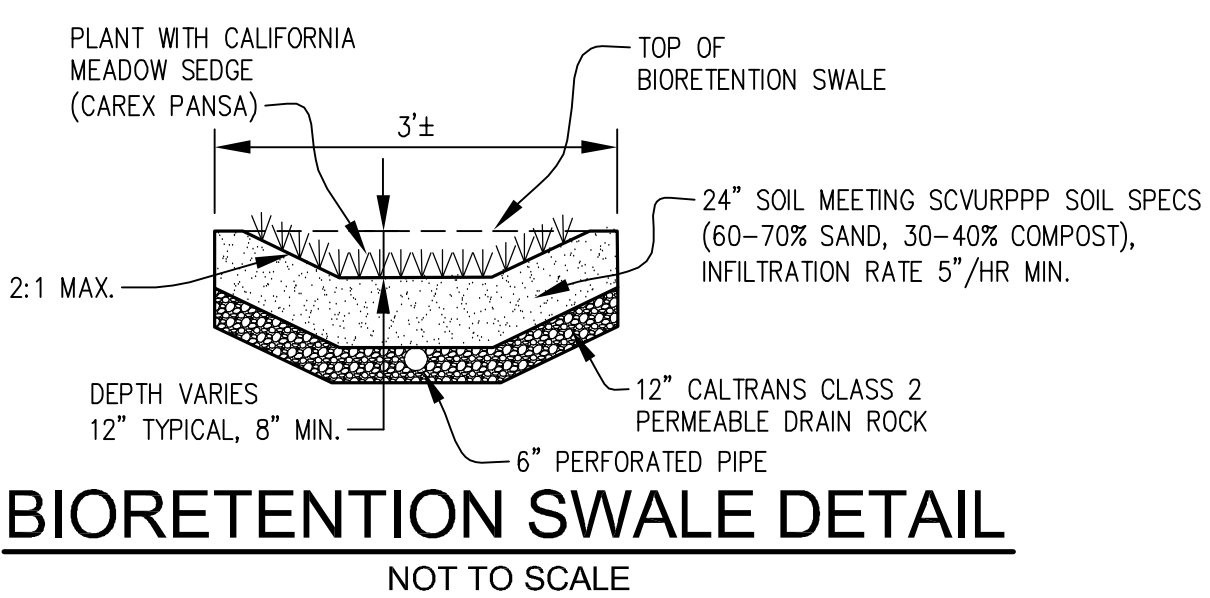
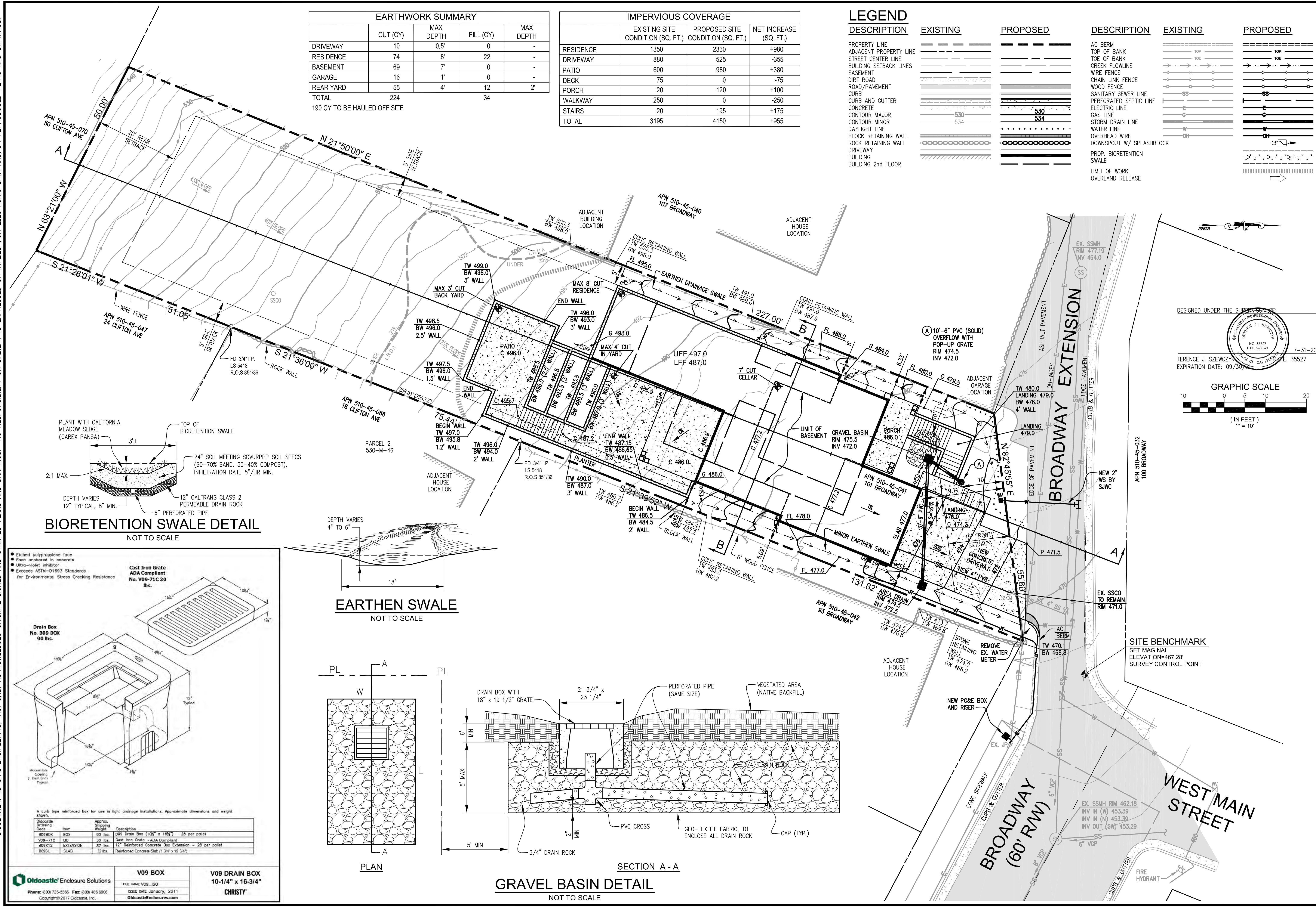
EARTHWORK SUMMARY				
	CUT (CY)	MAX DEPTH	FILL (CY)	MAX DEPTH
DRIVEWAY	10	0.5'	0	-
RESIDENCE	74	8'	22	-
BASEMENT	69	7'	0	-
GARAGE	16	1'	0	-
REAR YARD	55	4'	12	2'
TOTAL	224		34	

190 CY TO BE HAULED OFF SITE

IMPERVIOUS COVERAGE			
	EXISTING SITE CONDITION (SQ. FT.)	PROPOSED SITE CONDITION (SQ. FT.)	NET INCREASE (SQ. FT.)
RESIDENCE	1350	2330	+980
DRIVEWAY	880	525	-355
PATIO	600	980	+380
DECK	75	0	-75
PORCH	20	120	+100
WALKWAY	250	0	-250
STAIRS	20	195	+175
TOTAL	3195	4150	+955

LEGEND

DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---	AC BERM	---	---
ADJACENT PROPERTY LINE	---	---	TOP OF BANK	---	---
STREET CENTER LINE	---	---	TOE OF BANK	---	---
BUILDING SETBACK LINES	---	---	CREEK FLOWLINE	---	---
EASEMENT	---	---	WIRE FENCE	---	---
DIRT ROAD	---	---	CHAIN LINK FENCE	---	---
ROAD/PAVEMENT	---	---	WOOD FENCE	---	---
CURB	---	---	SANITARY SEWER LINE	---	---
CURB AND GUTTER	---	---	PERFORATED SEPTIC LINE	---	---
CONCRETE	---	---	ELECTRIC LINE	---	---
CONTOUR MAJOR	---	---	GAS LINE	---	---
CONTOUR MINOR	---	---	STORM DRAIN LINE	---	---
DAYLIGHT LINE	---	---	WATER LINE	---	---
BLOCK RETAINING WALL	---	---	OVERHEAD WIRE	---	---
ROCK RETAINING WALL	---	---	DOWNSPOUT W/ SPLASHBLOCK	---	---
DRIVEWAY	---	---	PROP. BIORETENTION SWALE	---	---
BUILDING	---	---	SWALE	---	---
BUILDING 2nd FLOOR	---	---	LIMIT OF WORK	---	---
			OVERLAND RELEASE	---	---



● Etched polypropylene face
● Face anchored in concrete
● Ultra-violet inhibitor
● Exceeds ASTM-D1693 Standards for Environmental Stress Cracking Resistance

Cast Iron Grate
ADA Compliant
No. V09-71C 30
lbs.

Drain Box
No. B09 BOX
90 lbs.

A curb type reinforced box for use in light drainage installations. Approximate dimensions and weight shown.

Disposal Code	Item	Approx. Weight	Description
B09BOX	BOX	90 lbs.	B09 drain box (18" x 19 1/2") - 28 per pallet
V09-71C	LD	30 lbs.	Cast iron Grate - ADA Compliant
B09X12	EXTENSION	87 lbs.	12" Reinforced Concrete Box Extension - 28 per pallet
B05SL	SLAB	32 lbs.	Reinforced Concrete Slab (1 3/4" x 19 3/4")

V09 BOX
10-1/4" x 16-3/4"
CHRISTY

V09 DRAIN BOX
10-1/4" x 16-3/4"
CHRISTY

Oldcastle Enclosure Solutions
Phone: (800) 735-5596 Fax: (800) 486-6806
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DESIGNED UNDER THE SUPERVISION OF
TERENCE J. SZEWCZYK
EXPIRATION DATE: 09/30/2021

NO. 35527
EXP. 9-30-21
STATE OF CALIFORNIA
7-31-20
35527

GRAPHIC SCALE
1" = 10'

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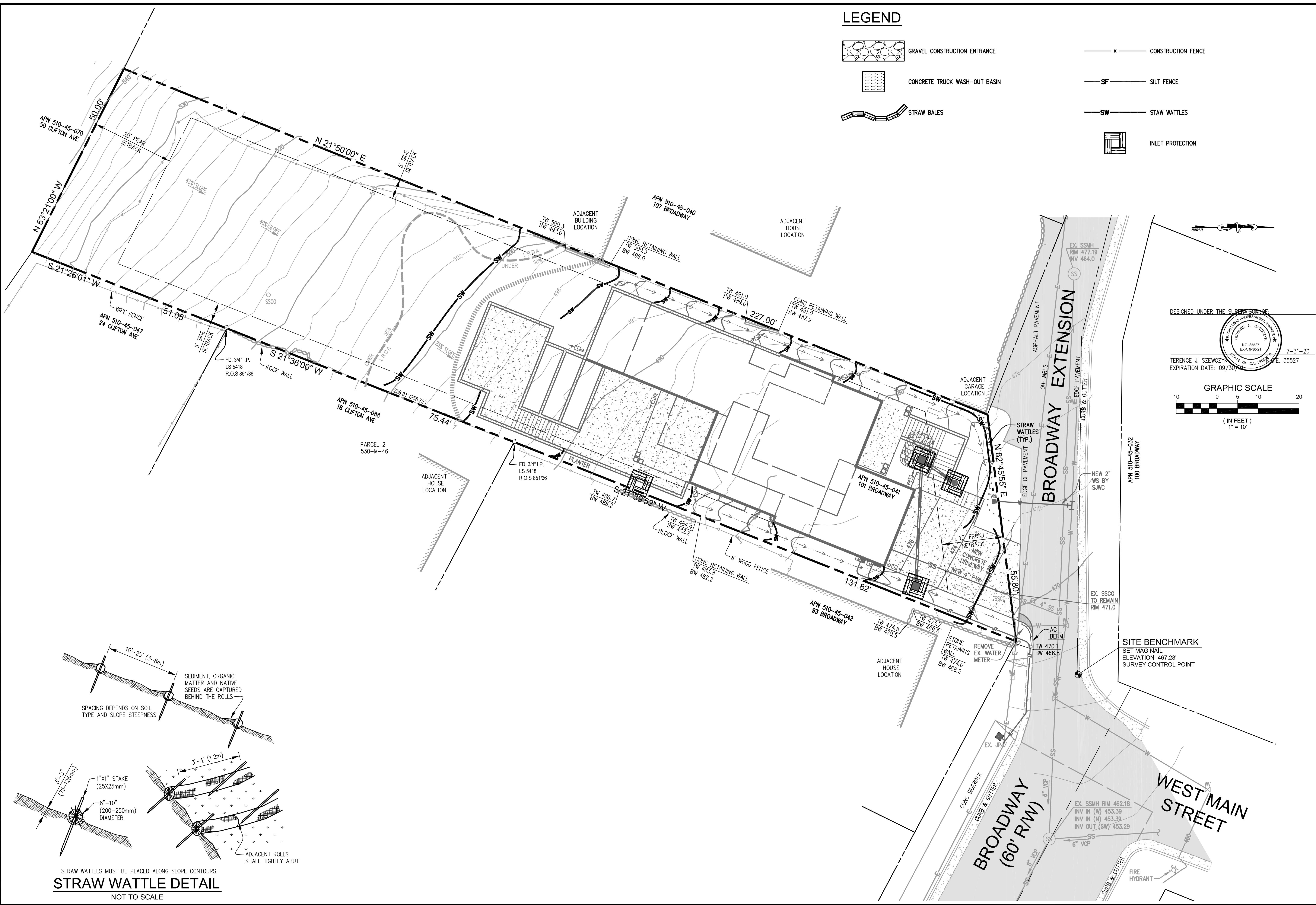
SITE, GRADING AND DRAINAGE PLAN
101 BROADWAY
LOS GATOS, CA, 95030
APN 510-45-041

NO.	DATE	REVISIONS	BY
6			
5			
4			
3			
2			
1			

DATE: 7-31-20
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS
SHEET NO. **C3**
OF 5 SHEETS
JOB NO. 19-246

07/31/2020 4:34pm - N:\2019 JOBS\19-246\DWG\19-246 C3 SITE GRADING AND DRAINAGE.dwg - C3

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LEGEND

- GRAVEL CONSTRUCTION ENTRANCE
- CONCRETE TRUCK WASH-OUT BASIN
- STRAW BALES
- CONSTRUCTION FENCE
- SILT FENCE
- STRAW WATTLES
- INLET PROTECTION

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TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21

GRAPHIC SCALE
 1" = 10'

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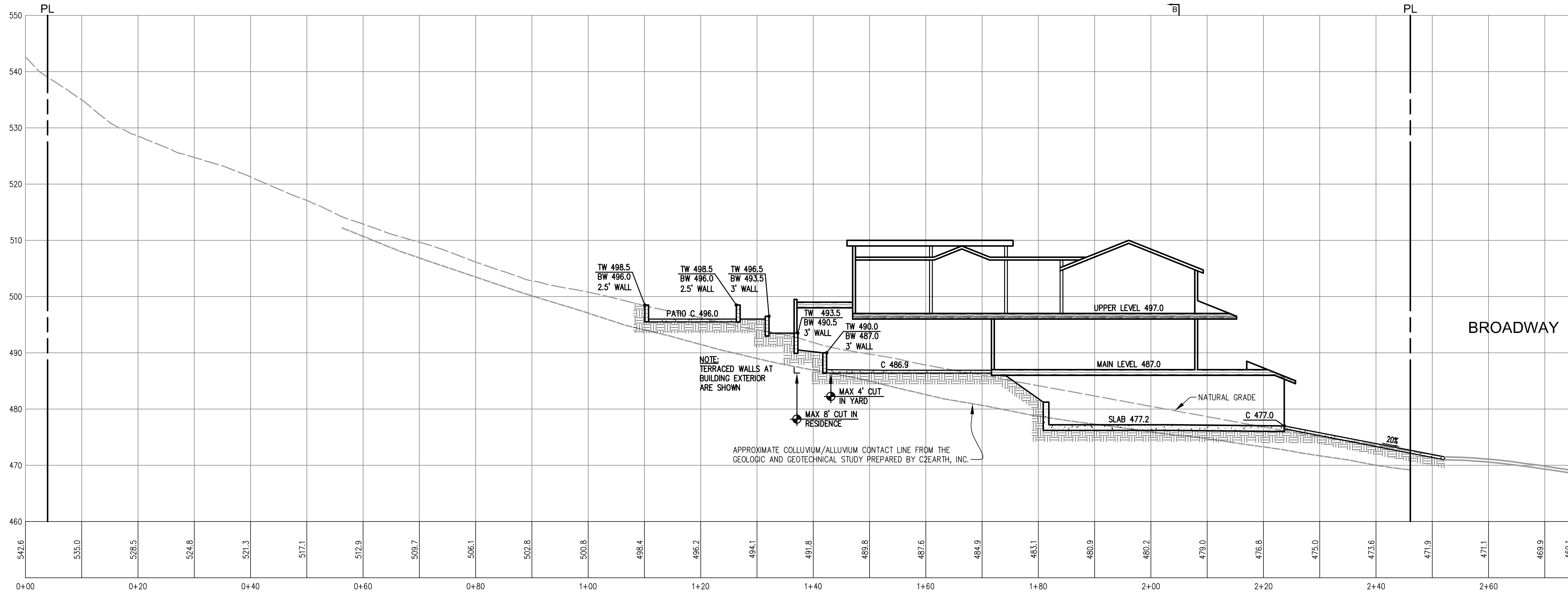
EROSION CONTROL PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

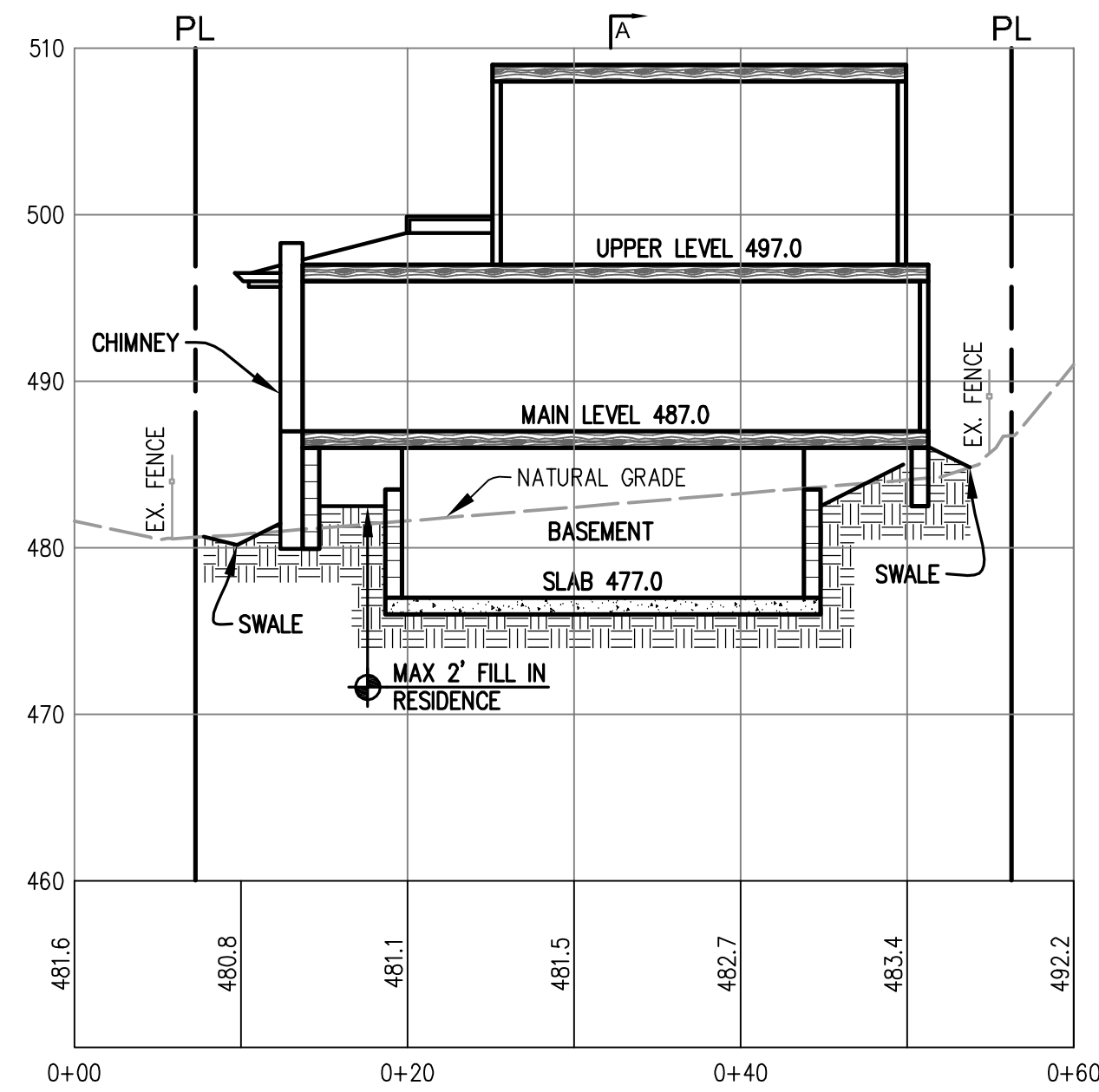
DATE: 7-31-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C4**
 OF 5 SHEETS
 JOB NO. 19-246

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SECTION A-A
1"=10'



SECTION B-B
1"=10'

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZCWCZYK
EXPIRATION DATE: 09/30/21

7-31-20

GRAPHIC SCALE
1" = 10'

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SITE CROSS SECTIONS
101 BROADWAY
LOS GATOS, CA, 95030
APN 510-45-041

NO.	BY	REVISIONS	DATE
6			
5			
4			
3			
2			
1			

DATE: 7-31-20
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS

SHEET NO.
C5
OF 5 SHEETS
JOB NO.
19-246

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 2

ADDENDUM

DATE: October 26, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: ZKJ LLC. Applicant: Jay Plett, Architect. Project Planner: Sean Mullin

REMARKS:

Exhibit 20 includes a project summary prepared by the applicant. Exhibit 21 includes additional public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Monday, October 26, 2020.

EXHIBITS:

Previously received with the October 23, 2020 Staff report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. May 27, 2020 Historic Preservation Committee Action Letter
5. September 1, 2020 Development Review Committee public comments
6. September 1, 2020 Development Review Committee meeting minutes
7. September 15, 2020 Development Review Committee public comments
8. September 15, 2020 Development Review Committee meeting minutes
9. Appeal of Development Review Committee received September 18, 2020
10. Color and materials board
11. Project Description and Letter of Justification
12. Email correspondence between Larry Brandhorst and Jay Plett, September 10, 2020

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 101 Broadway/S-20-003

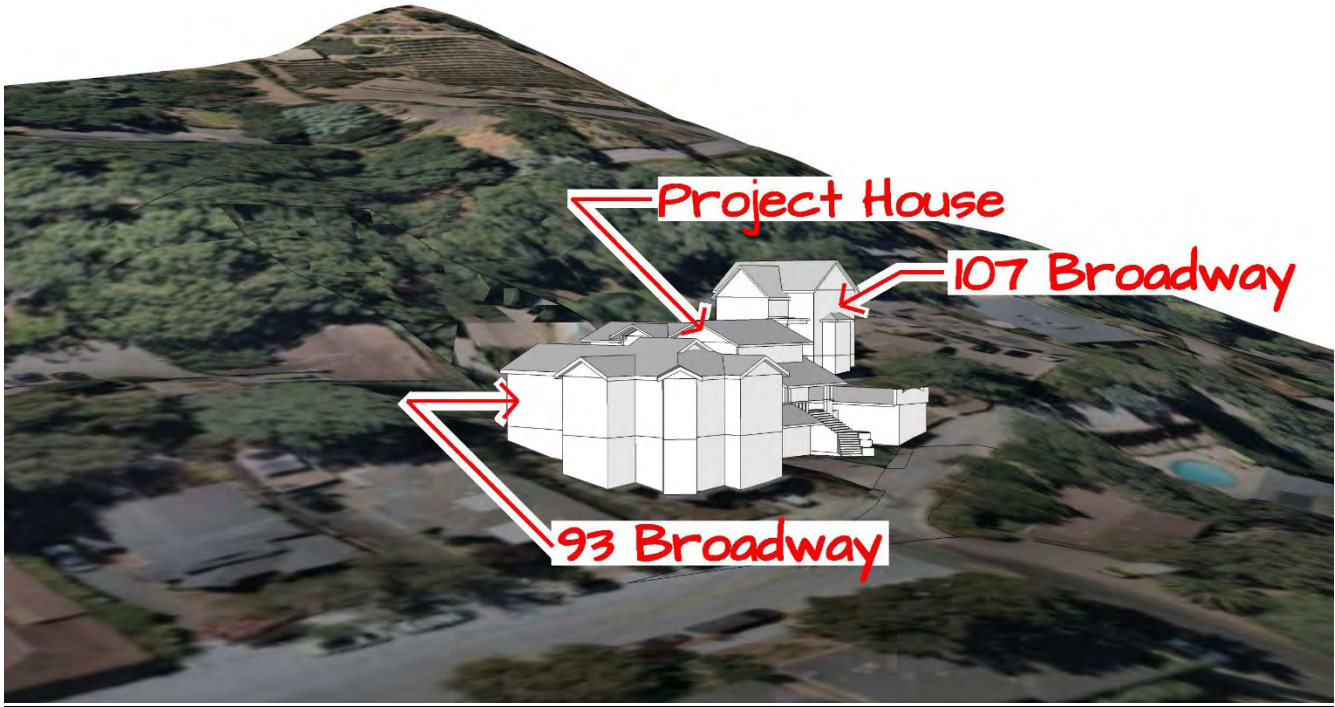
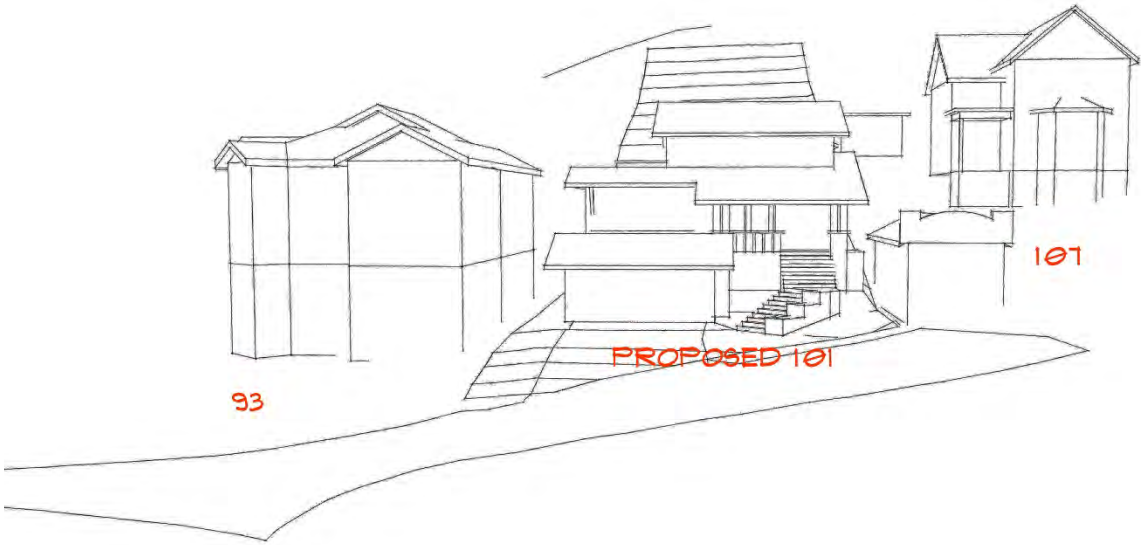
DATE: October 26, 2020

13. Email correspondence between Karen Kurtz and Jay Plett, September 10, 2020
14. Story pole plan approved June 22, 2020
15. Story pole certification letter dated July 7, 2020
16. Story pole plan (revised) approved October 6, 2020
17. Story pole certification letter dated October 16, 2020
18. Public comments received between 5:01 p.m., Monday, September 14 and 11:00 a.m., Friday, October 23, 2020
19. Development Plans

Received with this Addendum Report

20. Project summary by applicant, received October 26, 2020
21. Public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Monday, October 26, 2020

101 Broadway



PROJECT SUMMARY, OCTOBER 26, 2020

As the photo below demonstrates, the current home is a fire stricken, unsafe blight on the neighborhood and the Town at large. The HPC rightfully approved of its demolition. Per county record, its area is 1296SF. No historic character can be found. Even prior to the fire, the home was bastardized with unseemly additions and remodels - things that should never be done to any house.



Exhibit A – The existing structure

This project is subject to not just one, or two, but to three of the Town's controlling guidelines --

The HPC

The Residential Design Guidelines

and

The Hillside Design Guidelines

This design meets or exceeds the guidelines at all applicable points - that is why Planning Staff had not one negative comment or concern.

The subject site is narrow, deep and sloping. The LRDA is located in lower portion of the site – the proposed home is within the sites LRDA. In turn, the building envelope is very narrow – Just 39 feet wide on a Site of over 12,000sf.

Due to its slope, the FAR was reduced 31%, in turn reducing the allowable floor area by 1100sf – from ~ 3550sf down to 2449.5sf. The project home's size, mass and area fits compatibly with the other homes and does not possess the largest FAR or Floor Area.

The Design Process

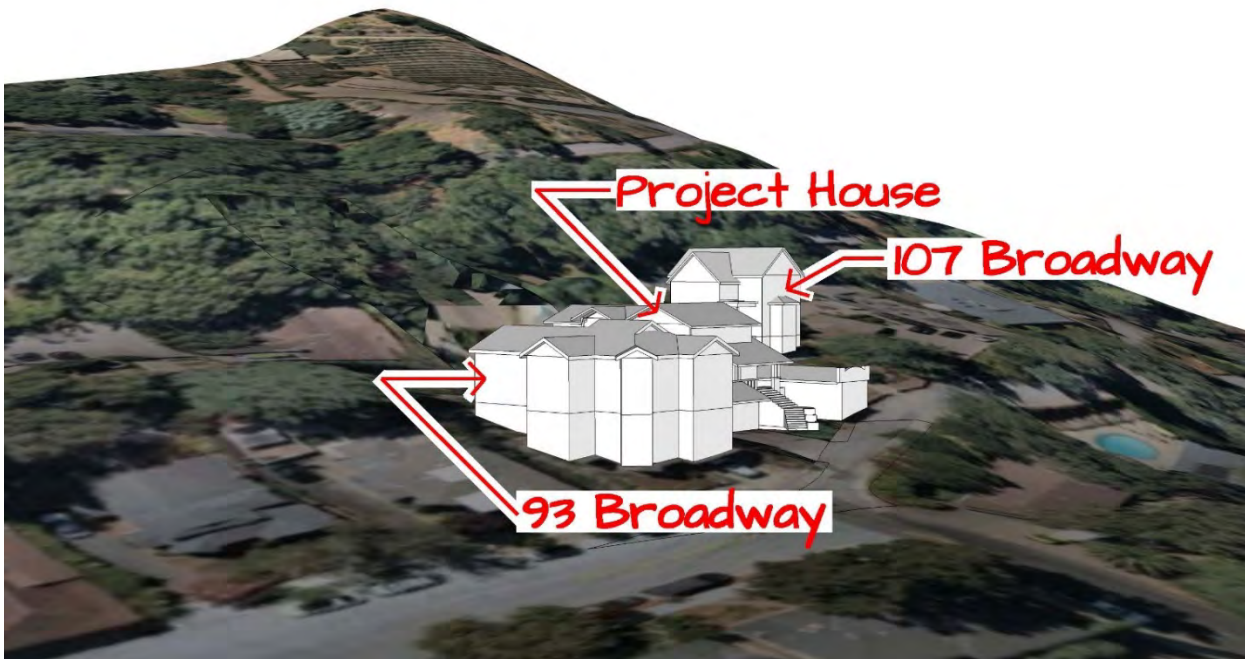
Historic

The project was deigned to be in keeping with the diverse fabric of the historic neighborhood, be of historic character, and employ the use of traditional materials and detail features.

Residential Design Guidelines

The design avoids a flat, imposing facade as currently exists. The lower level is moved 5 feet further back than what is existing, the main level is stepped back ~15' with the upper level stepped back even further, respecting the slope of the hillside and creating well-articulated massing. In addition, moving the house back provides safer back up space, and a better rhythm to the streetscape.

Exhibit B Illustration



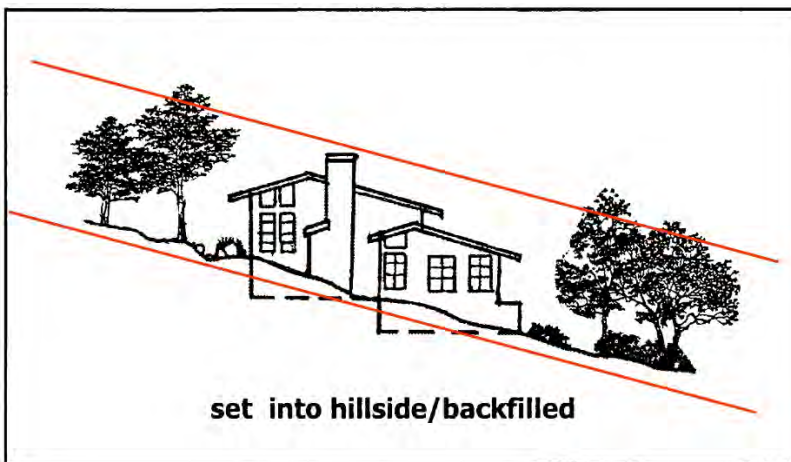
Hillside Guidelines

The home has been designed within the envelope of the site's LRDA.. Grading has been kept to a minimum.

The floor area of the home has been reduced accordingly per the Town's slope reduction policy.

The site naturally slopes up from front to back and at the same time from left to right. The design adheres to the guidelines meticulously as it steps up with the slope not only from front to back, but also from left to right. The upper level is setback 17 feet from the left side or easterly property line.

Exhibit C



Do this

Pg. 21 Los Gatos Hillside Development Standards and Guidelines, 3.A.6



East Elevation

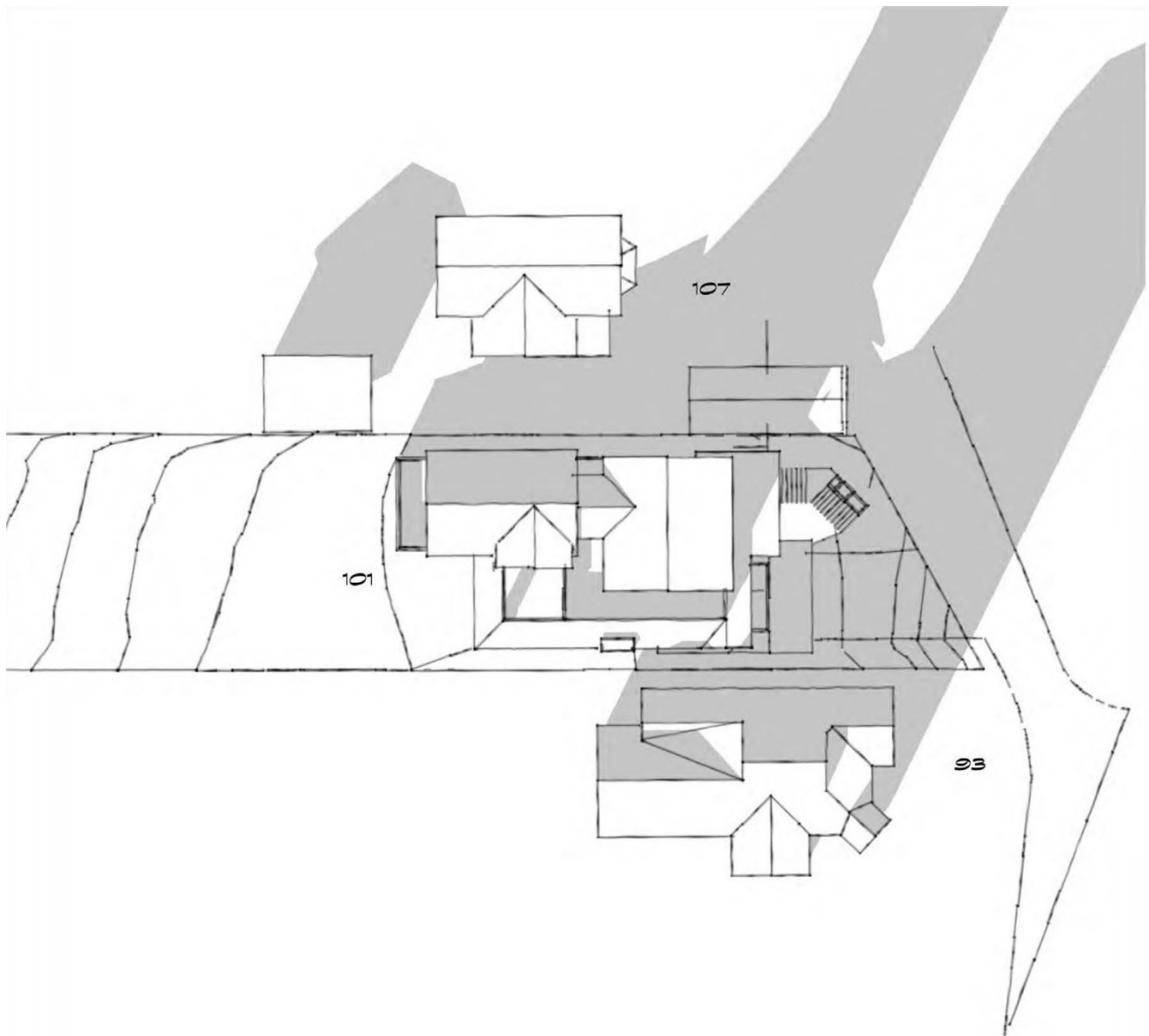


North Elevation

Shadow impacts

As can be seen in the Shadow Study, essentially no negative shadows will be cast on 107's property, with the exception of 9am Dec 21 - and even then, the house at 107 will rise above the shadow. By mid-morning on Dec 21, the shadow will have passed. Even on that particular day, 107's accessory unit casts a large shadow on its own yard.

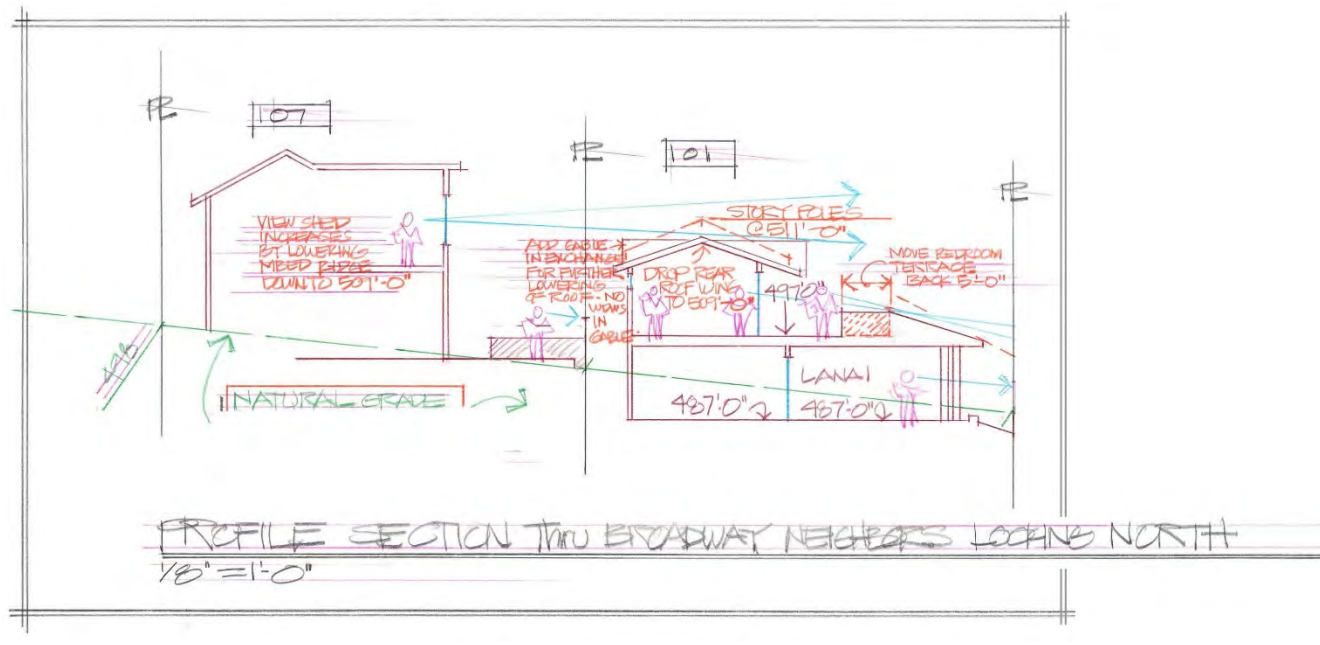
Exhibit D – Shadow Study 9:00am Dec. 21st



View Impacts

107's views from the 2nd story spaces have been preserved as illustrated in the following diagrams

Exhibit E



Neighbor Privacy

From the design's inception, windows along the westerly side with 107 were thoughtfully kept to a minimum at both the Main and Upper levels. It should be noted the upper level windows are private bathroom and bedroom windows – non-public spaces.

Also, from the design's inception, the upper level windows along the easterly side with 93 are setback 17 feet, 27 feet and 25 feet.

The 27 foot setback windows will not even be visible from 93. The allowed setback for the district is 5 feet. These are not windows from public spaces, but private bedroom and bathroom windows – non-public spaces.

HPC

We approached the HPC as other business for their direction prior to submitting the Arch and Site application. We followed their direction, and moved forward accordingly. At the formal HPC hearing, the Committee looked upon the design favorably and found it to fit well within the character of the district – all they asked was to specify the use of period style and profile wood siding, which we readily agreed to.

The HPC approved the project unanimously.

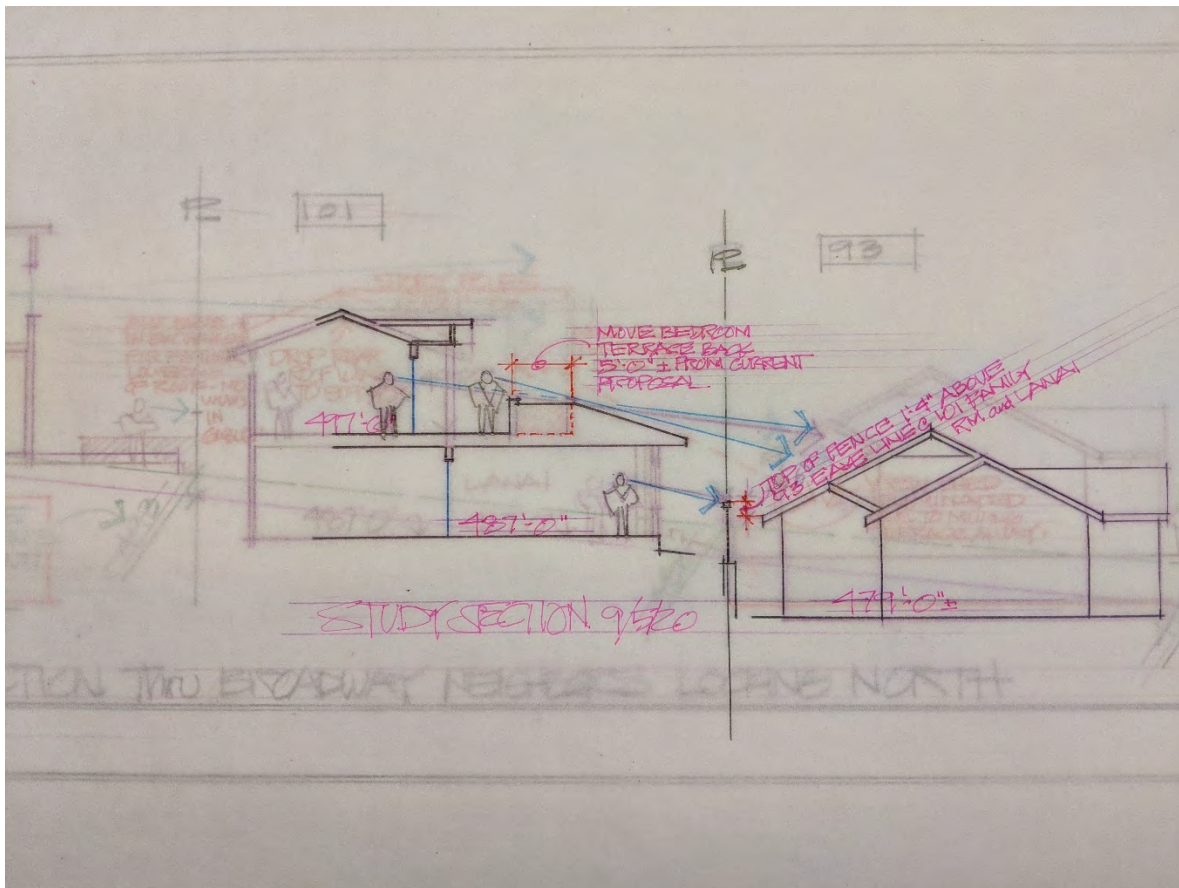
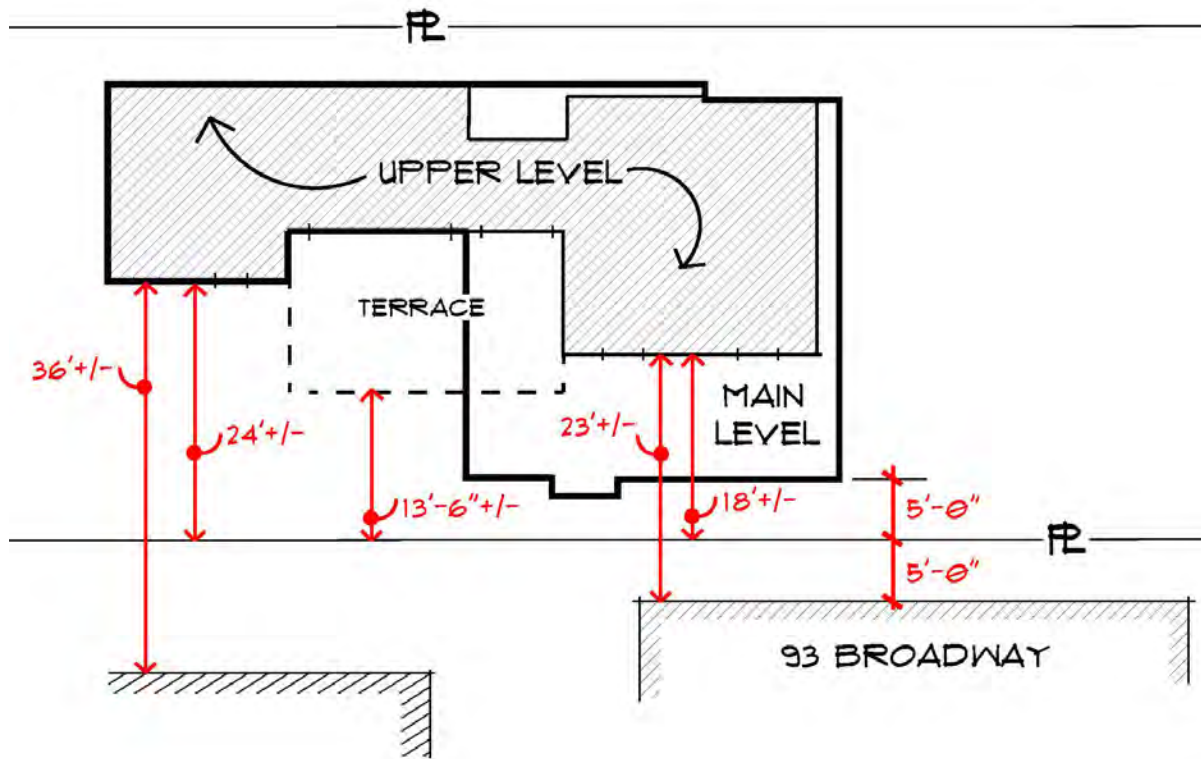
DRC

The initial DRC meeting was continued to address concerns of 107 and 93 – their resultant modifications are summarized below.

93 – concerns and agreed to modifications

After the initial DRC meeting, the neighbor at 93 granted us permission to access their property to gather As-Built topographical data. We then worked with the neighbor at 93 and came to agreement to move the bedroom terrace 5 feet further back from them - it is now in line with the 17 foot setback windows. We also agreed to a privacy screening fence just above the level of his roof eave. These modifications have been incorporated into the design. The owner has notified Planning Staff his privacy concerns have been addressed adequately.

Exhibit E



107 – concerns and agreed to modifications

Over the course of several meetings with the neighbor of 107, we agreed to modify the already minimal windows by eliminating one bathroom window and reducing the bedroom window by 50% in height - raising it higher above the floor. These window modifications have been incorporated into the plans. It should be noted these windows are not from public spaces – but are bathroom and bedroom windows.

In addition, 107 had concerns regarding the height of the rear roof ridge. There was agreement to lower it 6", then as a result of the DRC hearing, it was offered to lower the ridge by 2 feet.

Unfortunately, this was rejected.

Exhibit E



DRC Approval

Per the agreed to modifications above, the DRC approved the project unanimously and with out hesitation. The motion to approve was a very compelling, strong endorsement of the project's merits.

It should be noted that Staff had no concerns at anytime with the character of design or its conformance with any of the three applicable guidelines.

This is a thoughtful design with thorough consideration of the Town's policy direction for good design.

We ask you, the Commission, to approve this home as designed and modified per neighbor input and deemed worthy of approval by the HPC at the their January 22 meeting and by Staff at the DRC hearing of Sept 15.

Respectfully Submitted

Jay Plett Architect

From: Larry Brandhorst <lbrandhorst@thearchitectsalliance.com>
Sent: Monday, October 26, 2020 8:17 AM
To: Sean Mullin <SMullin@losgatosca.gov>
Subject: Appeal to Planning Commission of 101 Broadway

Sean,

Forwarding attached letter addressing **Support of the Appeal to reject the decision by DRC approving the proposed project at 101 Broadway**. Please forward this letter to the Planning Commission members.

I was not previously aware of the Letter of Justification submitted to the Development Review Committee, which contained misleading, deceptive and inaccurate information.

I also look forward to the opportunity to speak to the Planning Commission at the October 28, 2020 Meeting.

Thanks,

Larry D Brandhorst, AIA



October 26, 2020

Town of Los Gatos
Planning Commission
110 E. Main Street
Los Gatos, CA 95030

Re: **Appeal of House at 101 Broadway**



HISTORIC HOUSE AT 93 BROADWAY

Commission Members:

As current Owner/Administrator of the neighboring house at 93 Broadway, I am writing in support of the Appeal to **reject the decision by DRC**, approving the proposed project at 101 Broadway.

The approval by DRC should be rejected because the approval was based upon misleading, deceptive, and inaccurate information submitted, by the Applicant, to the Town of Los Gatos in their Letter of Justification and other material as follows:

The Justification's Neighbor Contact information stated they had communication with my brother Lynn Brandhorst, prior to his passing, and that he "was very eager to see a new home built to replace the home that is there now," and insinuated he fully supported the house being proposed by the Applicant.

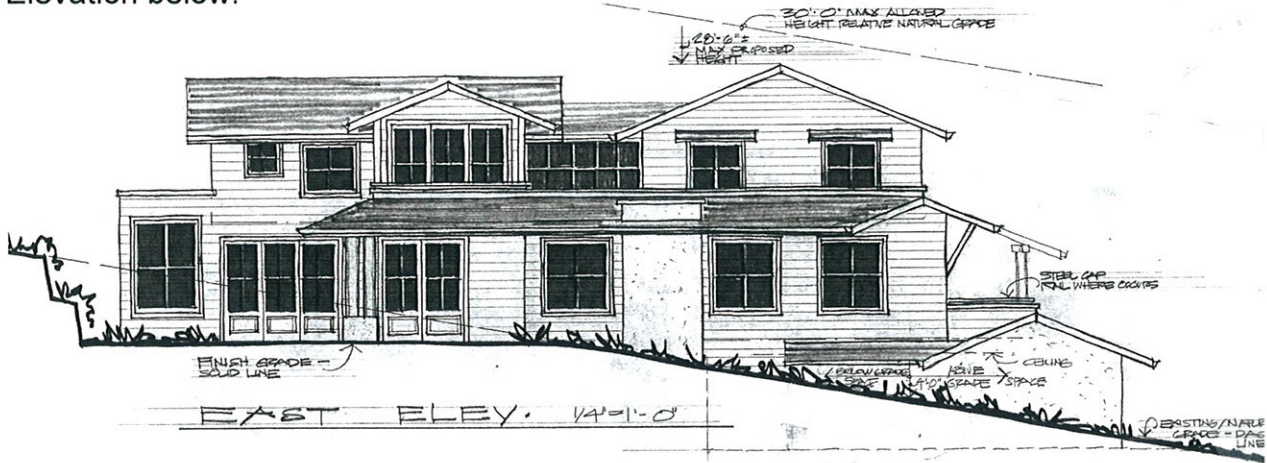
Yes, I'm sure, from past conversations with my brother that he supported replacing the existing burned house and see a new house built; but I assure you, knowing my brother, **he would NOT have supported, but opposed, the actual proposed two story house, five feet from his property line, with 50 percent of the windows facing and overlooking his back patio and terrace, plus a 300 square feet (15 ft x 20 ft) second floor terrace balcony overlooking his back patio and terrace**, if he only had the opportunity to oppose it. That is why I'm opposing it, for him, in his memory. Unfortunately, he passed away unexpectedly, on January 22, the same day it was presented to the Historic Preservation Committee. It would be easy for the applicant to imply he approved, it since he wasn't here to refute it.

Lynn and his late wife Pamela took great pride in their Historic House and Historic Broadway Street Neighborhood, even after working for many months, that turned into more than a year, meeting pages and pages of significant requirements and delays imposed by the Town of Los Gatos Historic Preservation and Development Review Committees, Planning Commission and finally the Town Council to rebuild the Historic House after the 1989 earthquake damage.

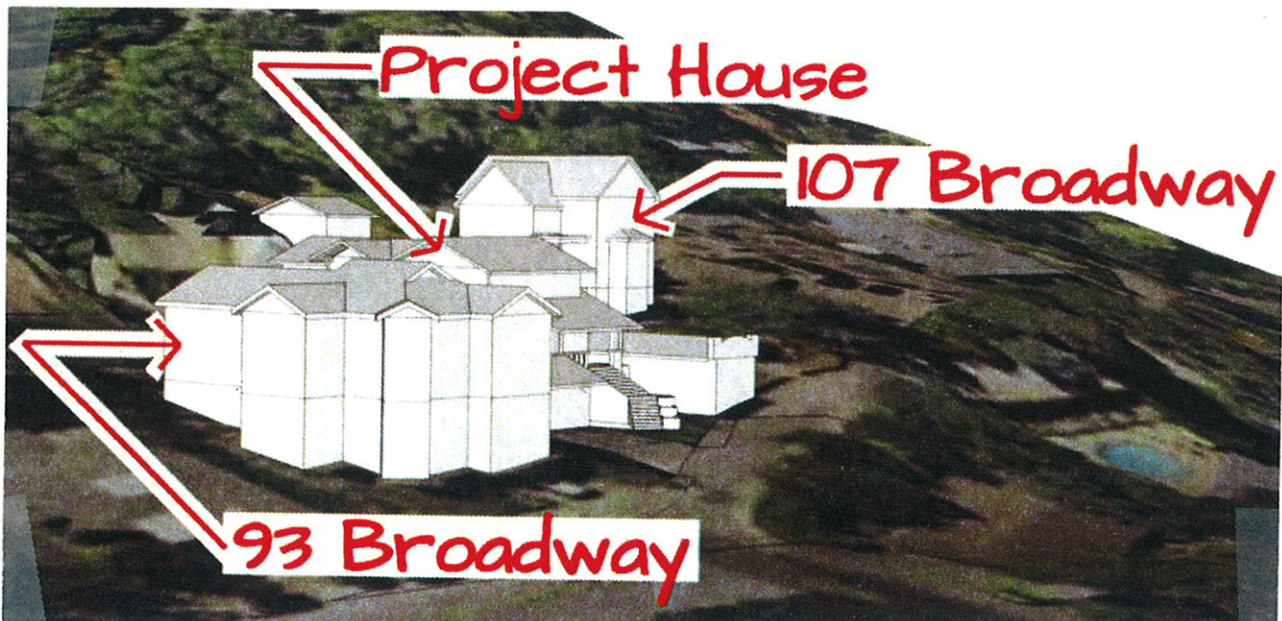
If the House at 93 Broadway was so Historically significant back then, why would the Town of Los Gatos allow construction of a House at 101 Broadway that significantly diminishes the historic value and privacy of the adjacent 93 Broadway Historic House.

The Justification's Design Analysis states "windows have been placed thoughtfully with respect for the neighbors"

That is an inaccurate and false statement, as the design's East Elevation has 50 percent of the windows facing and overlooking the back patio and terrace of 93 Broadway's Historic House, including several only five feet from the property line (plus additionally a 300 square feet (15 ft x 20 ft) second floor terrace balcony overlooking the back patio and terrace of 93 Broadway), as seen on the East Elevation below:

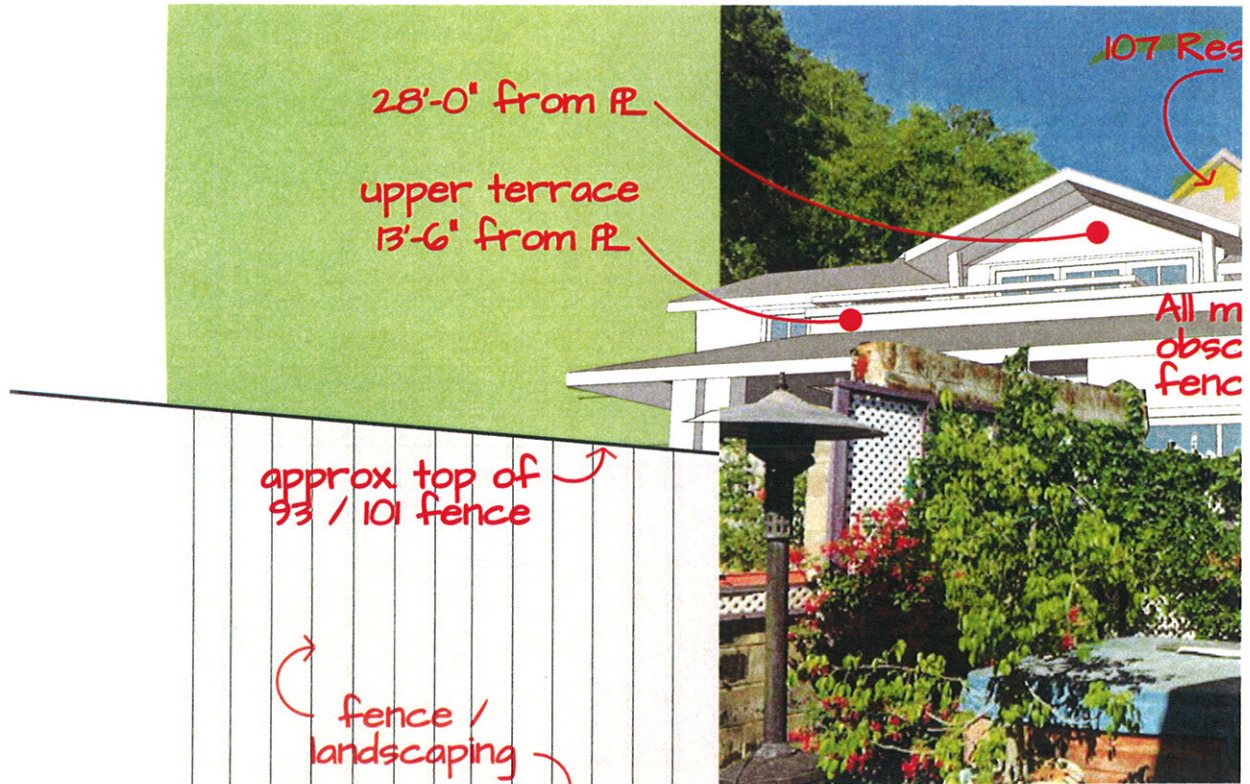


The Justification's Design Analysis states "The home has been designed to amicably blend with the existing mass and scale of the neighborhood. See illustration below – looking up Broadway to proposed house."



However, the above 3D illustration is inaccurate and false, as you can tell by visiting the site and reviewing the story-poles and also by reviewing the architectural and civil drawings; that 101 Broadway is actually one full story, plus roof height (at least 15 feet total) higher than 93 Broadway and actually would almost completely hide 107 Broadway. Also note the driveway to the garage at 101 Broadway shows it almost level (or rise of 1-2 feet), when actually the garage floor level is 7-8 feet above Broadway. (It's very convenient how they actually hid the intrusive size of the 101 Broadway house behind 93 Broadway.)

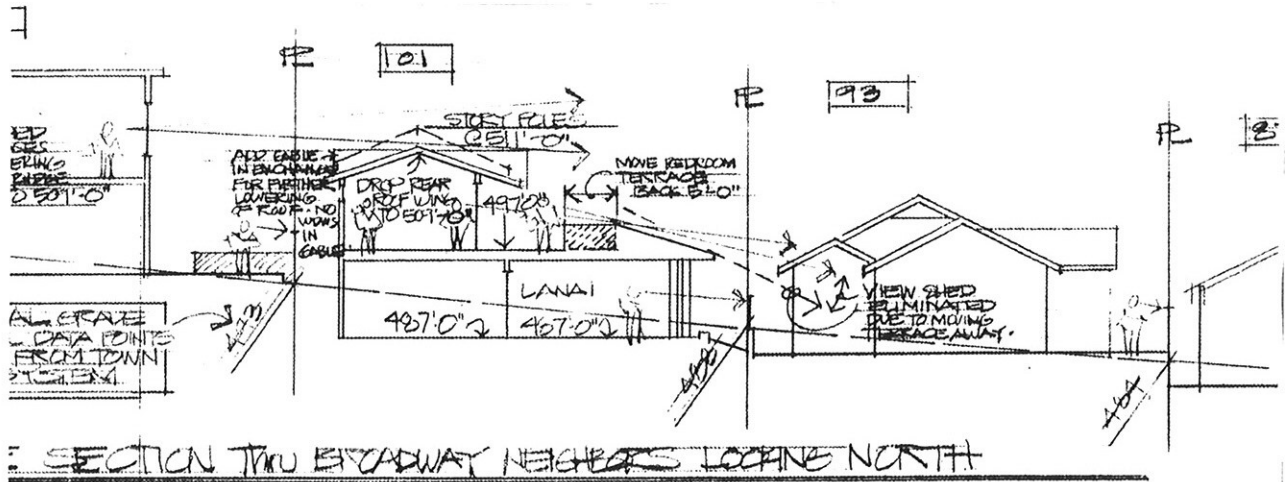
The Letter of Justification also included an inaccurate and false “Perspective Photo View with notes” as shown below:



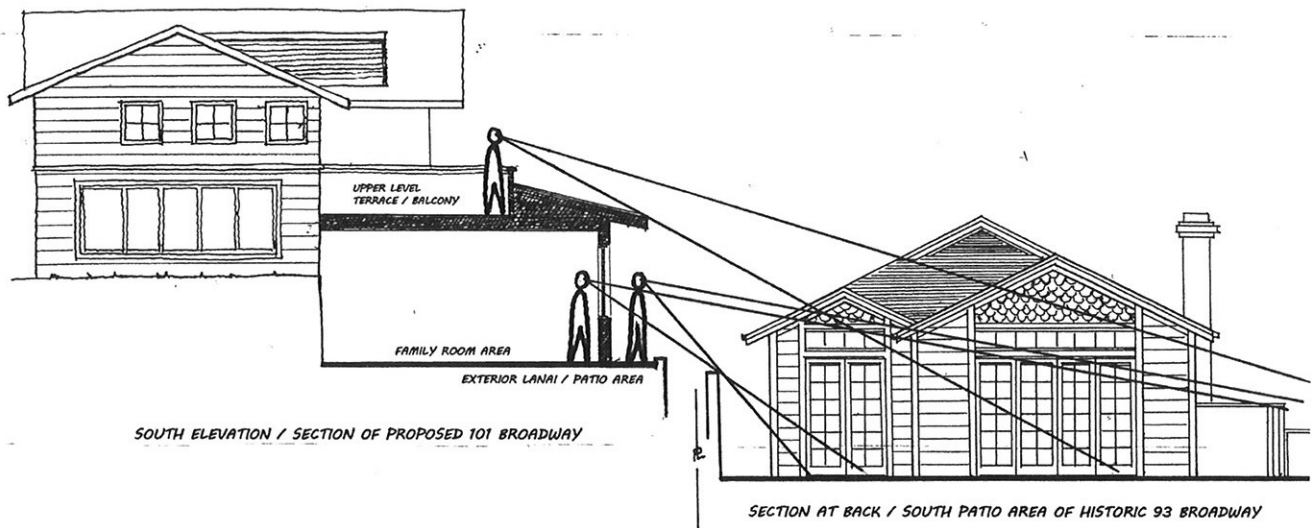
However, the above photo is completely inaccurate and false, as the photo conveniently doesn't show very much of the 101 Broadway house and the house is actually 8 feet higher than this photo shows. A more accurate photo view prepared by myself, an Architect, is shown below:



Also, to help support our claims of inaccuracy and false information above, is the Section Drawing they originally submitted below, showing the main floor level of 101 Broadway only about two feet higher than the back patio of 93 Broadway:



However, below is a correct Section, based upon the 101 Broadway civil engineering drawing, drawn by myself, an Architect, showing the main floor level actually 8 feet above the back patio of 93 Broadway:



SECTION / ELEVATION SHOWING PRIVACY ISSUE FROM PROPOSED 101 BROADWAY

Based upon the above and consultation with our legal counsel, the above information should be significantly sufficient for the Planning Commission to reject the approval by DRC.

Sincerely,

Larry D Brandhorst
 Owner/Administrator of the House at 93 Broadway
 1035 Satinwood Court
 Jefferson City, Missouri 65109
 Ph: 573.636.5000
 Email: lbrandhorst@thearchitectsalliance.com

From: Karen Kurtz <kurtzk@comcast.net>
Sent: Monday, October 26, 2020 5:18 PM
To: Sean Mullin <SMullin@losgatosca.gov>; Sally Zarnowitz <SZarnowitz@losgatosca.gov>; Joel Paulson <jpaulson@losgatosca.gov>
Cc: 'Larry Brandhorst' <lbrandhorst@thearchitectsalliance.com>; 'dianne.brandhorst' <dianne.brandhorst@gmail.com>; 'Ilona Merli' <ilonamerli@gmail.com>
Subject: 101 Broadway appeal

I am writing to say that I support Larry Brandhorst's email that he sent earlier today. I want to make sure that everyone knows this appeal was made by the three parties, Larry and DiAnne Brandhorst, Ilona Merli and myself. It was recommended to us by a reliable source that we submit it in only one name. We are all impacted by this project.

As you are aware we have found several errors in the plans and other drawings that town committees have based their judgements and decisions on. This is extremely concerning. I have always thought the reason for submitting plans to the town was so that they could make sure all measurements, drawings etc. were presented correctly. It was very disappointing when Joel Paulson sent out his email saying that you do not undertake such a task. Is that task always left up to the average citizen to make sure that plans and drawings are presented correctly? It seems like the public should at least be notified that there could be errors in the plans and that we may need to find our own third party professionals to verify. We trusted the town to oversee that process. If it wasn't for my home remodel/renovations and Real Estate Agent background I most likely wouldn't have been able to find what I found. However, I'm not a professional when it comes to reading plans and I am concerned what other errors there may be.

I will mention again that page A-1-1 on the plans which the staff uses to justify the scale and mass of this project on page 12 of the staff report, are **not** in scale. I have asked more than once in emails and during my talk at the second DRC meeting that the drawings on that page be corrected. The proposed house is just short of a couple of feet from the very peak of my upper story on the East. This is quite different than what those drawings show and certainly not consistent with the neighboring properties. Regarding the paragraph from the Staff report, page 12, the Staff's comments are highlighted below and the reference to the incorrect drawings on A-1-1 in red.

“Regarding views, the Residential Design Guidelines state that homes should be designed with respect for the views of their neighbors and acknowledges that views are not protected by right. The 2020 General Plan states that new structures shall be designed to respect views from surrounding properties while allowing all affected properties reasonable access to views. The appellant has provided photos showing the view impacts that the proposed house would have from their patio area at the base of their two-story residence. The proposed residence is within the height limitations allowed by the zone. Sheet A-1.1 shows the relationship of the proposed residence to those on the uphill and downhill

properties (Exhibit 19). The height of the proposed residence is consistent with the neighboring properties.”

I would also add that my photos **are not** what I consider from the base of my property, but from my first floor living area. In one of my emails I listed the various levels and number of steps between those levels. My living area is approximately 24 steps from the street level. It certainly would help if someone would take the time to come out to my property to familiarize themselves with the unique situation this neighborhood presents, which I have requested numerous times. It does not matter what your normal procedure is, this is a not a normal situation but a unique and extremely important project for me and my neighbors, especially with incorrect measurements and drawings being presented.

In addition I have also notified staff that the drawings on page 3 and 7 of the Letter of Justification are not to scale. To repeat once again, my ADU height (not a dwelling unit as it has no plumbing, just using ADU to make it brief) is below the proposed home. I wrote that first letter two months ago, Aug 29. No one has ever addressed my concerns nor have any corrections been made. It shows 93 Broadway as tall as the 101 proposed plans, it is not. Now, this is all being sent off to a third committee. I will also comment that adding a reference to Lynn Brandhorst who passed away on the day this house proposal was first presented to the Historical Committee was not in good taste. I had several conversations with Lynn about what we hoped to see rebuilt there. I know that Lynn would be fighting harder than any of us against this proposed project.

In addition this is not about “not in my backyard” I and my neighbors have stated many times that we want a new home there, one that **blends, is in harmony and respectful** of what this neighborhood is all about.

Karen Kurtz

107 Broadway

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 2

DESK ITEM

DATE: October 28, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Request for Demolition of an Existing Single-family Residence and Construction of a New Single-family Residence Located in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: ZKJ LLC. Applicant: Jay Plett, Architect. Project Planner: Sean Mullin

REMARKS:

Exhibits 22 through 25 include the staff reports and minutes from the January 22, 2020 and May 27, 2020 Historic Preservation Committee meetings. Exhibit 26 includes photos of the subject property submitted by the applicant. Exhibit 27 includes additional public comments received between 11:01 a.m., Tuesday, October 27, 2020 and 11:00 a.m., Wednesday, October 28, 2020.

EXHIBITS:

Previously received with the October 23, 2020 Staff report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. May 27, 2020 Historic Preservation Committee Action Letter
5. September 1, 2020 Development Review Committee public comments
6. September 1, 2020 Development Review Committee meeting minutes
7. September 15, 2020 Development Review Committee public comments
8. September 15, 2020 Development Review Committee meeting minutes
9. Appeal of Development Review Committee received September 18, 2020
10. Color and materials board

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 101 Broadway/S-20-003

DATE: October 28, 2020

11. Project Description and Letter of Justification
12. Email correspondence between Larry Brandhorst and Jay Plett, September 10, 2020
13. Email correspondence between Karen Kurtz and Jay Plett, September 10, 2020
14. Story pole plan approved June 22, 2020
15. Story pole certification letter dated July 7, 2020
16. Story pole plan (revised) approved October 6, 2020
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19. Development Plans

Previously received with the October 27, 2020 Addendum Report

20. Project summary by applicant, received October 26, 2020
21. Public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Tuesday, October 27, 2020

Received with this Desk Item Report

22. January 22, 2020 Historic Preservation Committee staff report with attachments
23. January 22, 2020 Historic Preservation Committee meeting minutes
24. May 27, 2020 Historic Preservation Committee staff report with attachments
25. May 27, 2020 Historic Preservation Committee meeting minutes
26. Photo exhibits by applicant, received October 28, 2020
27. Public comments received between 11:01 a.m., Tuesday, October 27, 2020 and 11:00 a.m., Wednesday, October 28, 2020



**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

MEETING DATE: 01/22/2020

ITEM NO: 3

DATE: JANUARY 16, 2020

TO: HISTORIC PRESERVATION COMMITTEE

FROM: JOEL PAULSON, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PROJECT LOCATION: 101 BROADWAY. PROPERTY OWNER: MARK DEMATTEI. APPLICANT: JAY PLETT.
REQUESTING PRELIMINARY REVIEW OF A PROPOSAL FOR DEMOLITION OF AN EXISTING NON-CONTRIBUTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE LOCATED IN THE BROADWAY HISTORIC DISTRICT ON PROPERTY ZONED R-1D:LHP. APN 510-45-041.

RECOMMENDATION:

Review information and provide a preliminary review of the applicant's request.

BACKGROUND:

A. Property Details

1. Date primary structure was built: prior to pre-1900
2. Town of Los Gatos Historic Status Code: N/A
3. Does property have an LHP Overlay? Yes
4. Is structure in a historic district? Yes, Broadway District
5. If yes, is it a contributor? No
6. Findings required? Yes
7. Considerations required? Yes

B. Comments

Sanborn Fire Insurance Maps indicate that a single-story residence was constructed on the site by 1895 (Attachments 3). The structure had been significantly altered by the 1990 Bloomfield survey and was determined to be a non-contributing structure. Town

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

BACKGROUND (continued):

records indicate that a second-story addition was made prior to 1962 and an addition to the living room was made in 1976. The property was granted a secondary dwelling unit permit in 1988 and was addressed as 101 and 103 Broadway. The residence experienced a fire in March 2017 and has been uninhabited since that event.

The applicant is proposing to demolish the existing non-contributing single-family residence and construct a new two-story single-family residence with a below-grade garage. Due to its location in the Broadway Historic District, the applicant has chosen to pursue preliminary feedback on the request ahead of submitting the required Planning application. If a formal Planning application is made, the proposed project would return to the HPC for a formal recommendation.

Section 4.10 of the Residential Design Guidelines states that replacement of non-contributing structures within an historic district is acceptable and provides guidance for new construction within a district.

DISCUSSION:

A. Findings

___ As required by Town Code Section 29.10.09030(c) *Demolition of historic structures*, a demolition permit for a historic structure may only be approved if:

1. The structure poses an imminent safety hazard; or
2. The structure is determined not to have any special historical, architectural or aesthetic interest or value.

Any request to demolish an historic structure shall be reviewed by the Historic Preservation Committee. Applications to demolish a non-contributing historic structure shall be accompanied by a detailed report describing all aspects of the structure's physical condition prepared by an architect, licensed design professional, or registered civil engineer at the applicant's expense.

B. Considerations

___ In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

BACKGROUND (continued):

2. In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

ATTACHMENTS:

1. Los Gatos Museum Association Historic Home Survey
2. Project Bellringer II Historic Home Improvement Survey
3. Sanborn Fire Insurance Maps 1895, 1904, 1908, and 1928
4. Development Plans

DISTRIBUTION:

Cc: Mark DeMattei, 194 The Alameda, San Jose, CA 95126
Jay Plett, 213 Bean Avenue, Los Gatos, CA 95030

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Project Bellringer II
Historic Home Improvement
Survey

Street: BROADWAY ANNEX House Number: 101
Construction Date: Estimated 1891 Source map sketch & deed
Style: _____
Present Owners: Ms. Jean Mc-Namara
Phone: 354-7394 Willing to work with survey committee? _____
Rental? No Yes Tenants name: _____ Phone: _____
Absentee owners mailing address: multifamily structure
Best time to contact owner: _____ Tenant: _____

History (include dates, events, and persons associated with site when known)

1835 - land bought by the doctor C. H. Hayselden
1906 - house passed from Dr. Cooley to Maria Williams
House was in 1901 tax records

Present lives in the house - 1971
present owner since 1971

Dr. Lyndon in 1887 - deed to Hayselden from Dr. C.

Architectural History (identify information source and year of change)

Original:

Put in family room in 8/31/71
estate of

Added:

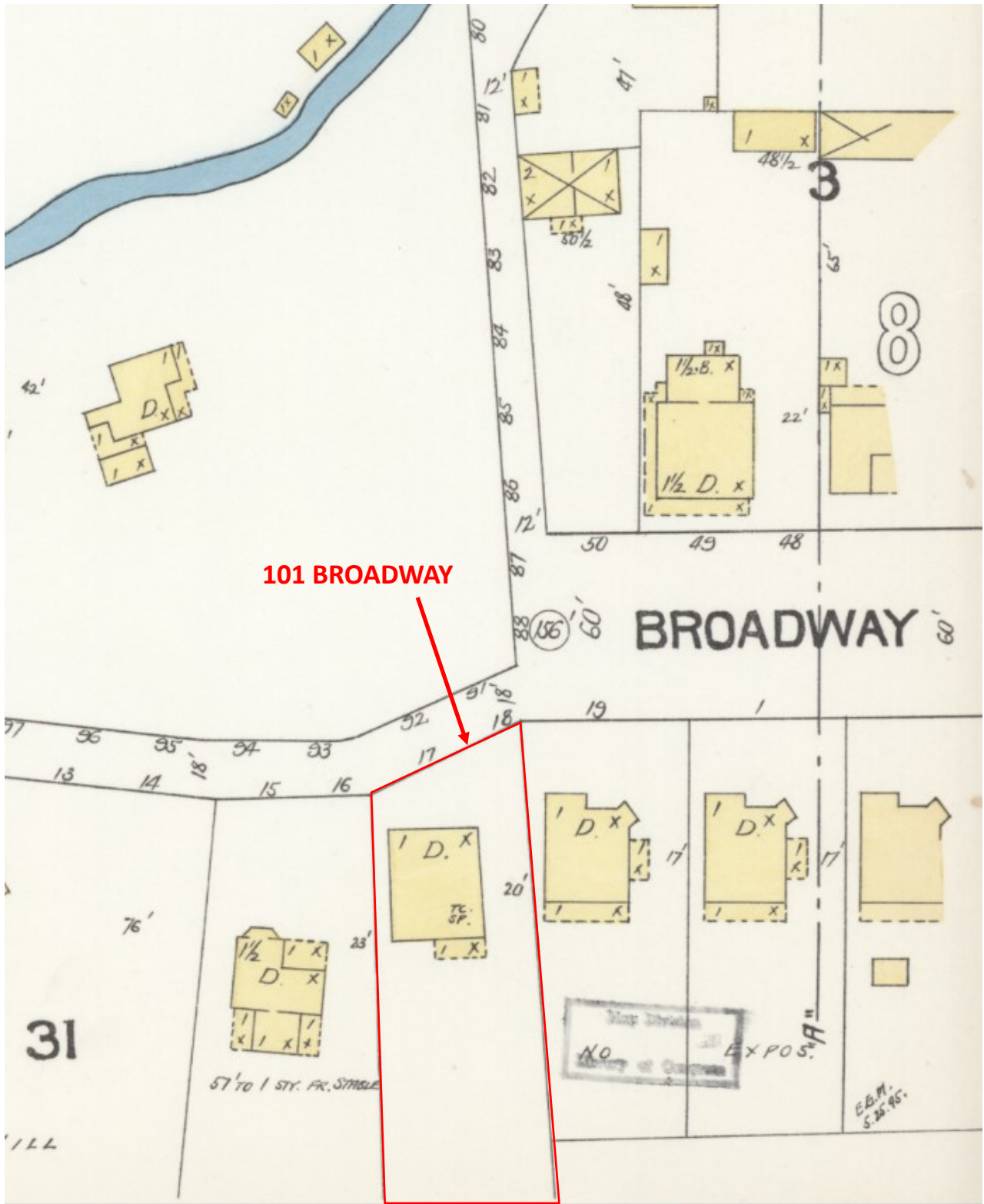
Entrance above of

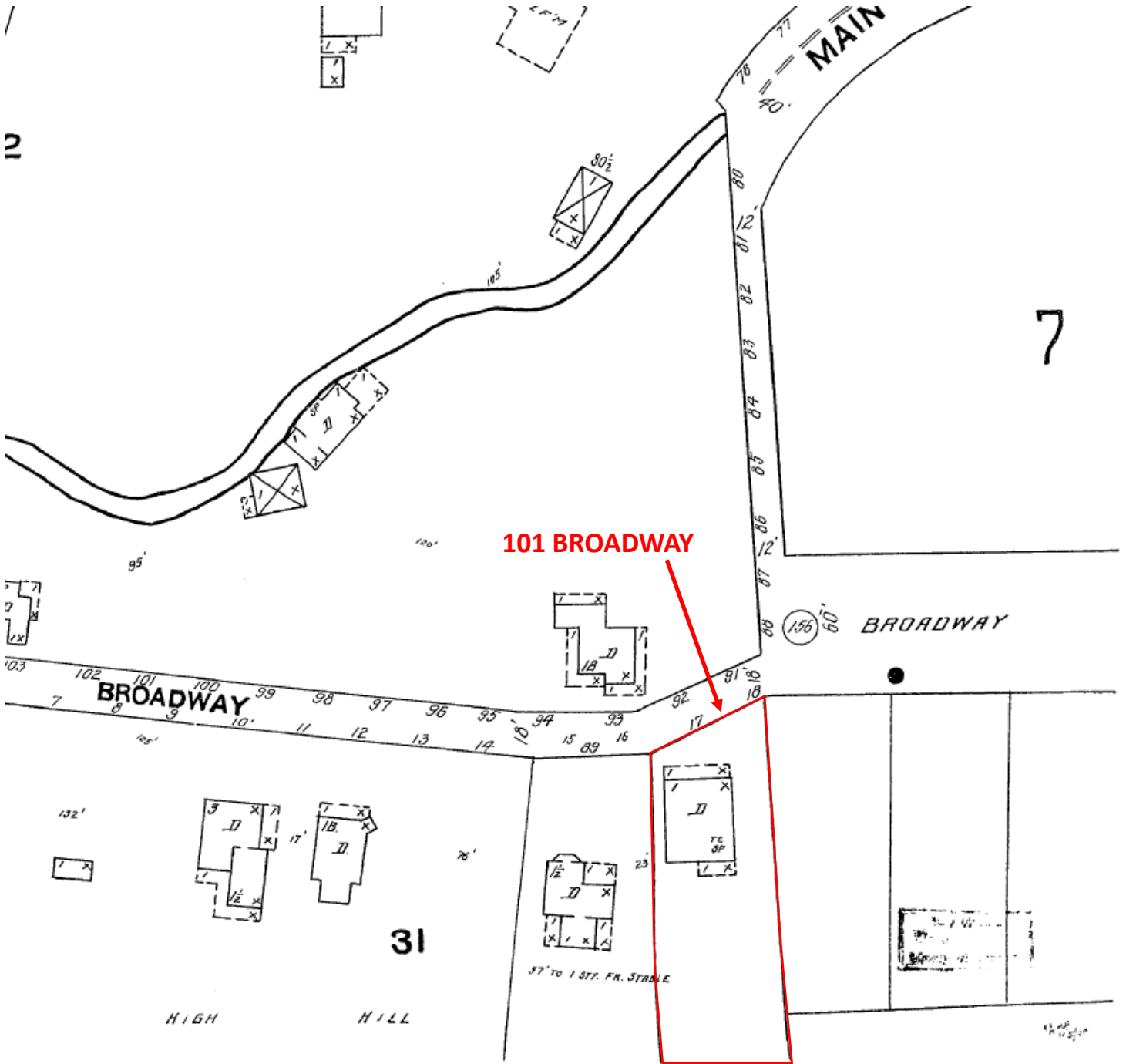
Renodeled:

up stairs addition before 1932 - from yard

outside of house

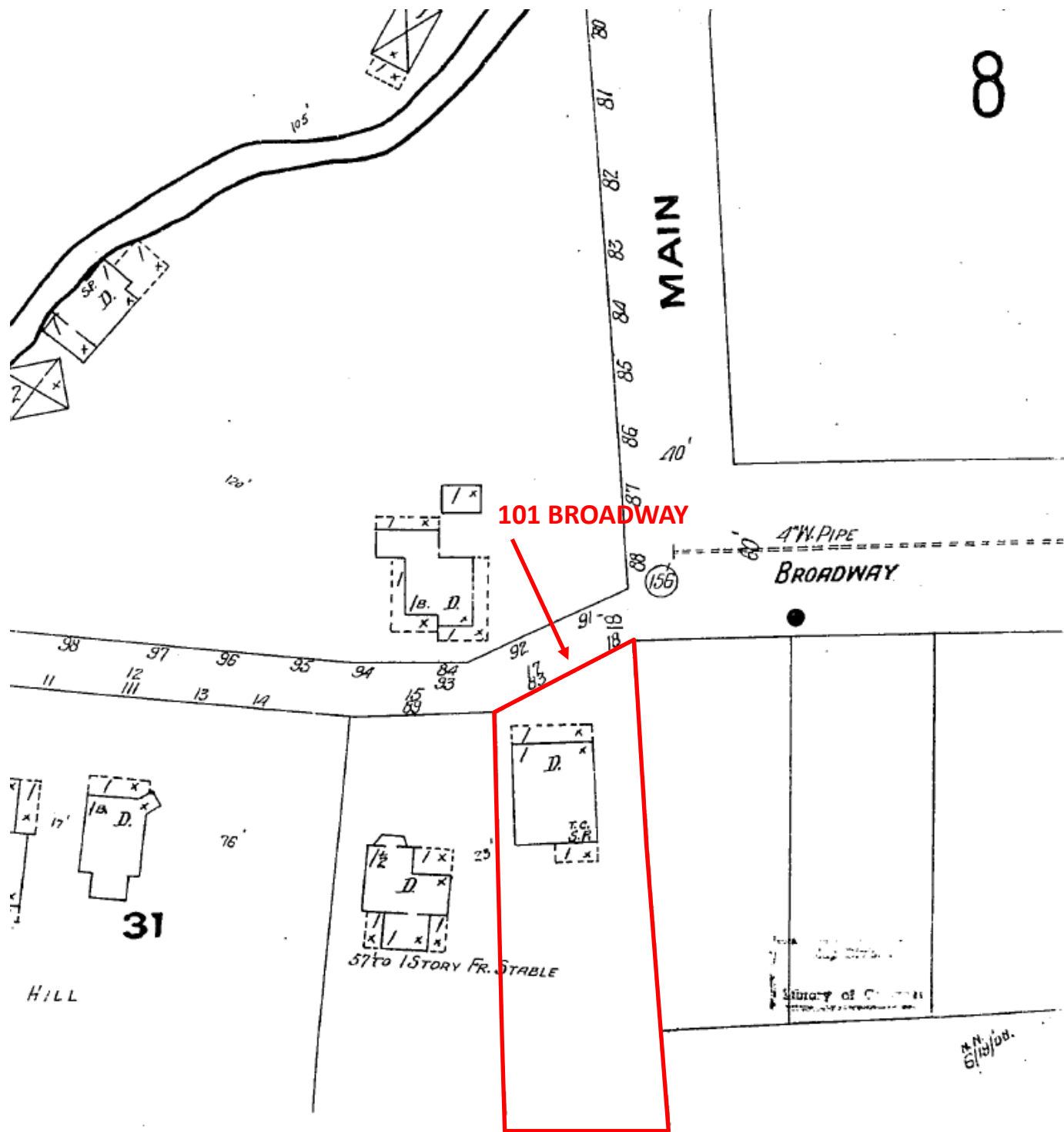
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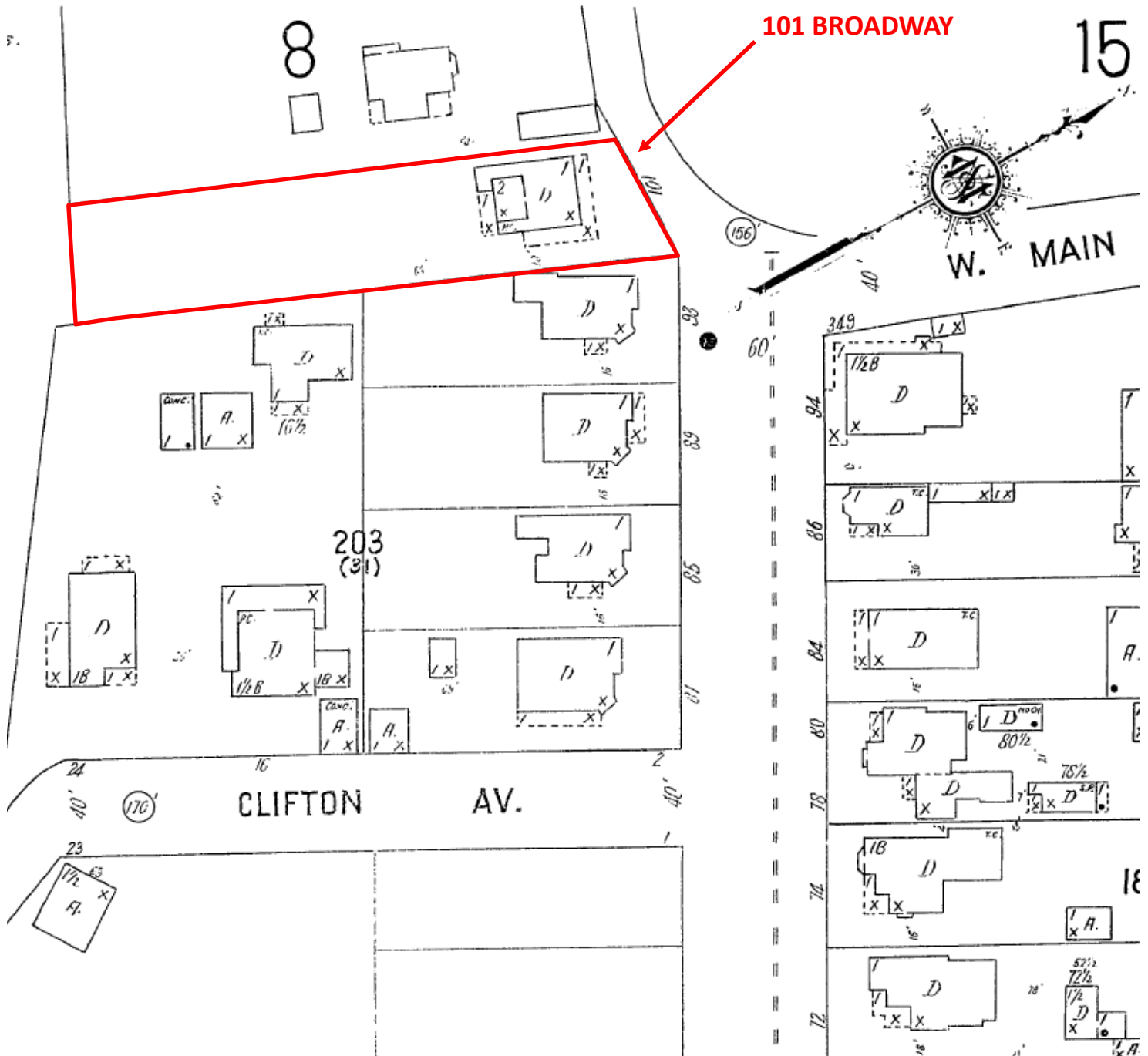
Oct. 1904
LOS GATOS
 CAL.

8



101 BROADWAY

JUNE 1908
 LOS GATOS
 CAL.



MARCH 1928
LOS GATOS
 CALIF.

THE De MATTEI RES
101 BROADWAY
LOS GATOS CA

copyright (c) JAY PLETT

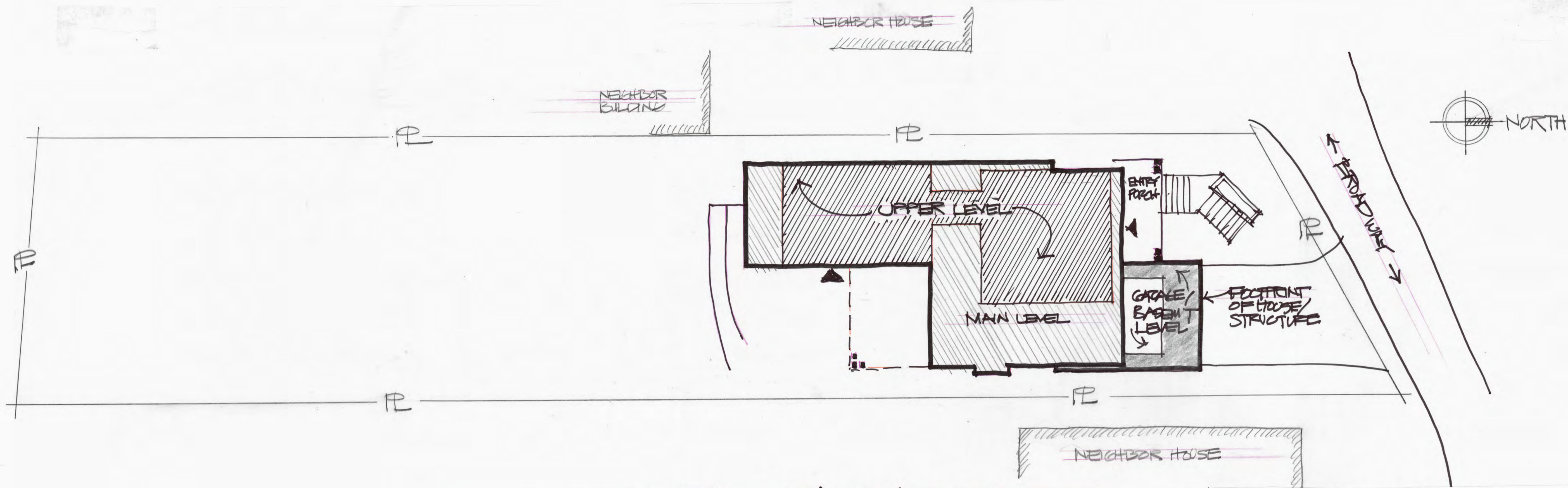
This document constitutes original copyrighted material as an instrument of service by the architect JAY PLETT. These documents shall not be utilized and/or duplicated without the permission of the designer in writing. The design remains the sole property of JAY PLETT.

Revisions:

PRELIM/HPC
PLAN CK
PRICING SET
CONST. SET

Date: Sheet

A-1



SITE PLAN 1"=10'0"

OWNER

MARK De MATTEI
 408 639 3337
 1794 The ALAMEDA
 SAN JOSE, Ca 95126

SITE PARTICULARS

ZONE R-1D LHP
 APN 510-45-041
 SETBACKS : F/R = 15', S's' = 5'

AREA SUMMARY

GROSS SITE	12,132.0 sf
S = 23% = 31% reduction	
NET SITE	7,400.5 sf
FAR = .331	
ALLOWABLE FLOOR AREA	2,449.5 sf
<u>PROPOSED FLOOR AREA</u>	
MAIN LEVEL	1,341.5 sf
UPPER LEVEL	1,108.0 sf
TOTAL PROPOSED FLOOR AREA	2,449.5 sf

BASEMENT AREA 600+- sf

GARAGE

FAR _{gar} = .093	
ALLOWED GARAGE	690.0 sf
PROPOSED GARAGE	690.0 sf

PROJECT STATEMENT

THE EXISTING THREE STORY HOUSE IS PROPOSED TO BE DEMOLISHED. JUSTIFICATION AS FOLLOWS PER LIBRARY AND PLANNING RESOURCES :

- THE HOME IS NOT FOUND ON SANBORN MAPS
- THE HOME IS NOT FOUND IN ANNE BLOOMFIELD'S INVENTORY
- THE FRONT OF THE STRUCTURE HAS PRIORLY BEEN MODIFIED IN A MOST UNSEEMLY, UN-HISTORIC MANNER, THEREFORE DESTROYING ANY HISTORIC VALUE.
- THE STRUCTURE WAS SUBJECTED TO A FIRE IN 2017 - IT WAS AND HAS BEEN SEVERELY COMPROMISED BY THAT FIRE AND THE FACT THAT ITS INTERIOR HAS BEEN OPEN TO THE WEATHER SINCE THE FIRE WITH NO EFFORT TO PROTECT IT.

A NEW HOME IS PROPOSED PER THE PLANS. IT HAS BEEN DESIGNED WITH THE CONSULTATION OF THE TOWN'S DESIGN GUIDELINES. IT BEEN SITUATED ON THE SITE TO BE IN HARMONY WITH THE HOMES ON EITHER SIDE AND THE NEIGHBORHOOD WITH MASSING THAT STEPS UP THE SLOPING LOT, FITTING AND BLENDING INTO ITS SITE ENVIRONMENT. THE SIDING WILL BE PREDOMINATELY HORIZONTAL LAP WOOD SIDING WHICH IS TYPICAL OF HISTORIC STYLE WITH A PLASTER BASE AT THE LOWER LEVEL. THE WINDOWS AND DOORS HAVE BEEN DESIGNED WITH A HISTORIC VERNACULAR OF A FOUR LITE DESIGN PATTERN WITH THE EXTERIOR DOORS HAVING A PANEL DESIGN AT THE BOTTOM.



PHOTO of EXISTING STRUCTURE.

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LOS GATOS CA

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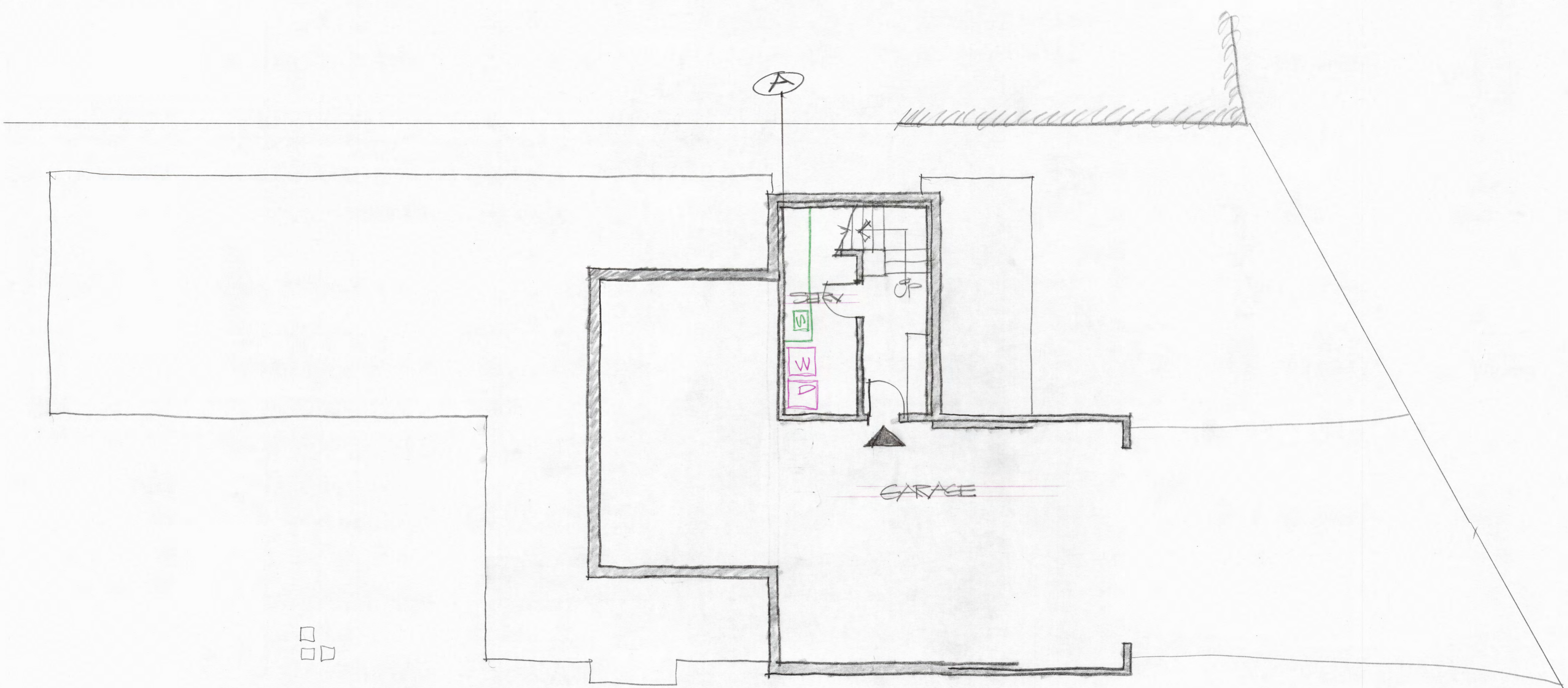
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BASEMENT / GARAGE - LOWER LEVEL 1/4" = 1'-0"

1.7.20

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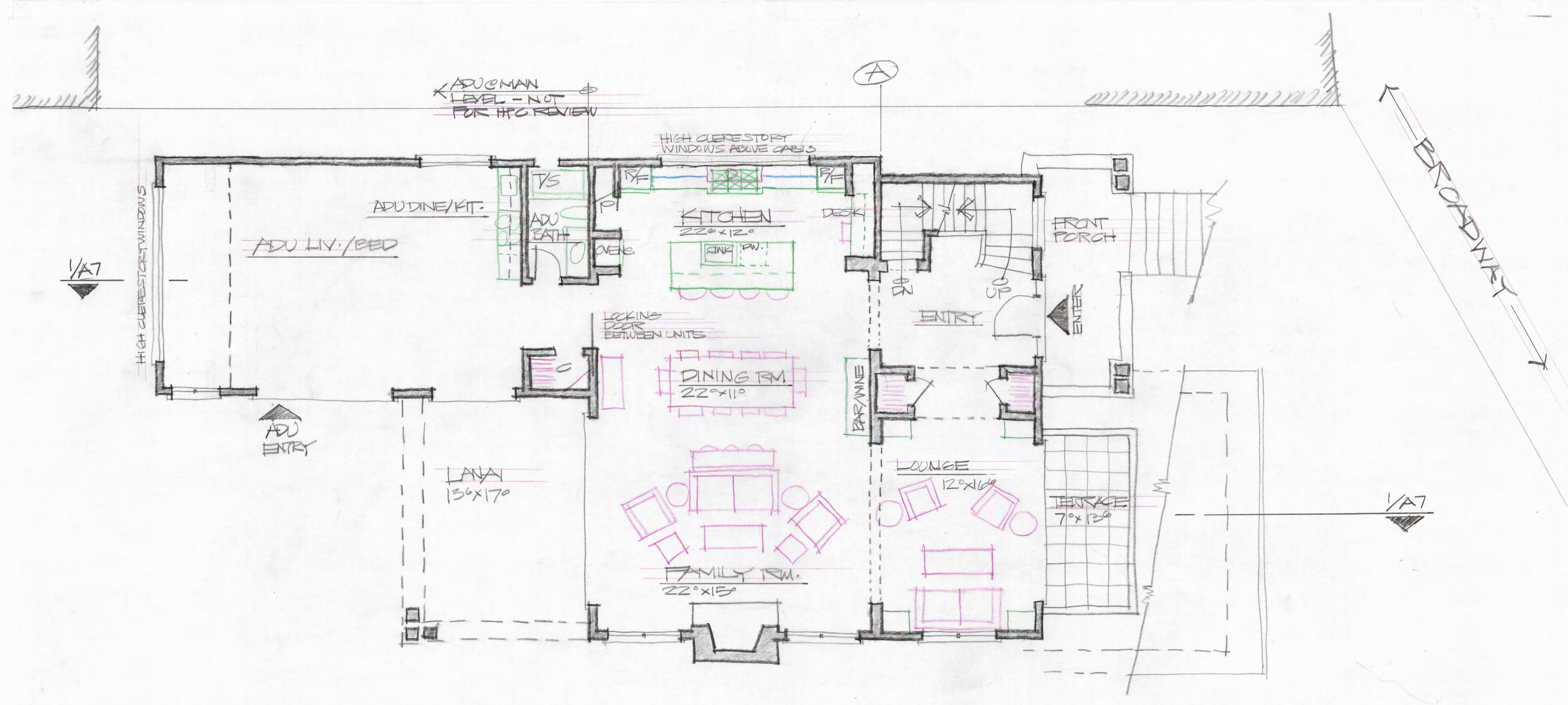
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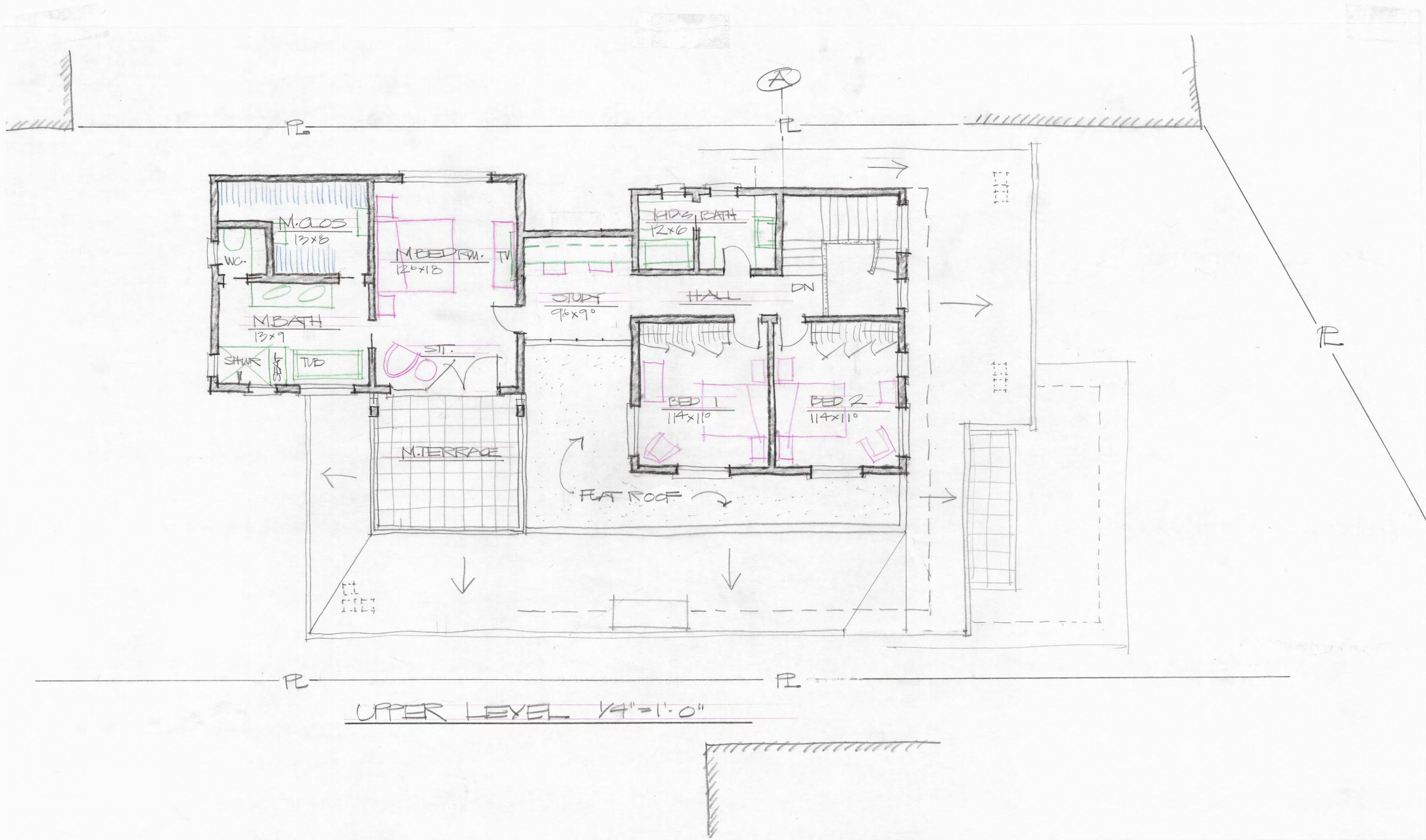
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MAIN LEVEL FLOOR PLAN 1/4"=1'-0"



UPPER LEVEL 1/4" = 1'-0"

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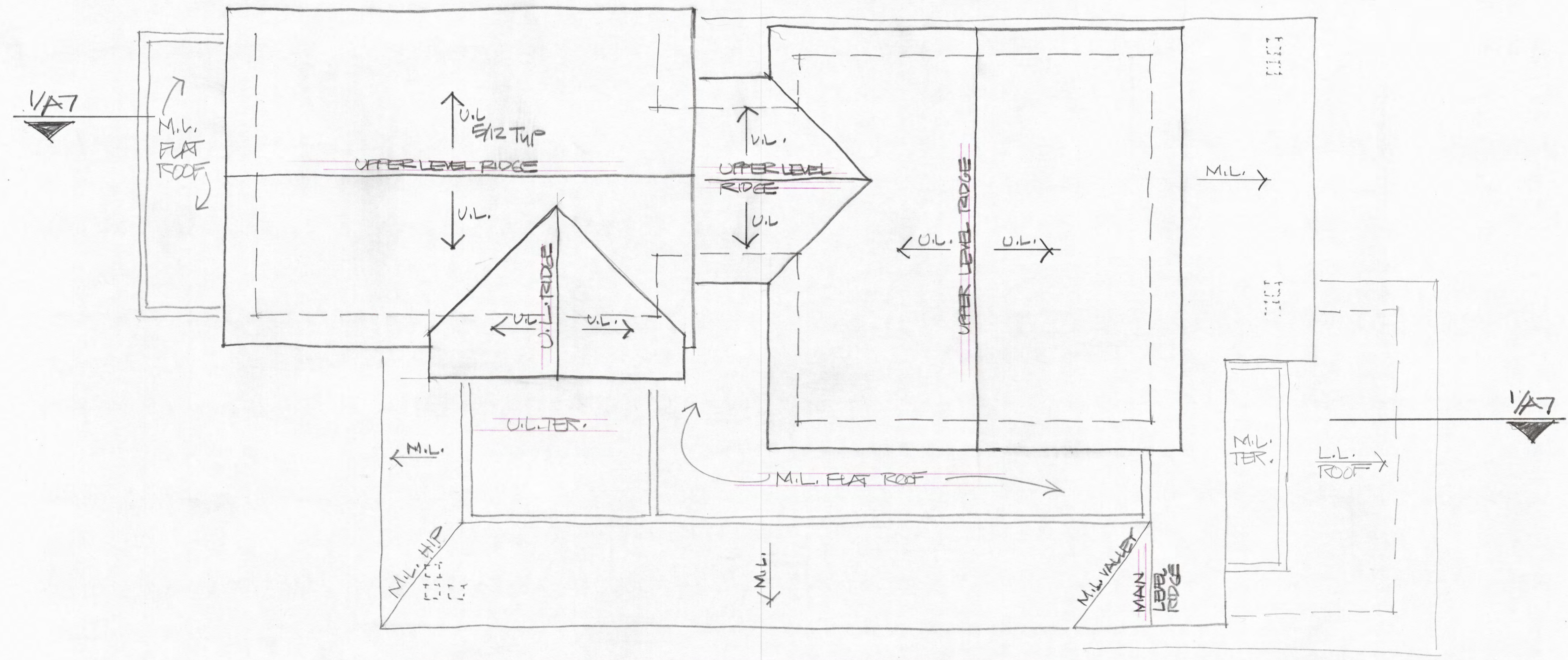
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ROOF PLAN 1/4" = 1'-0"

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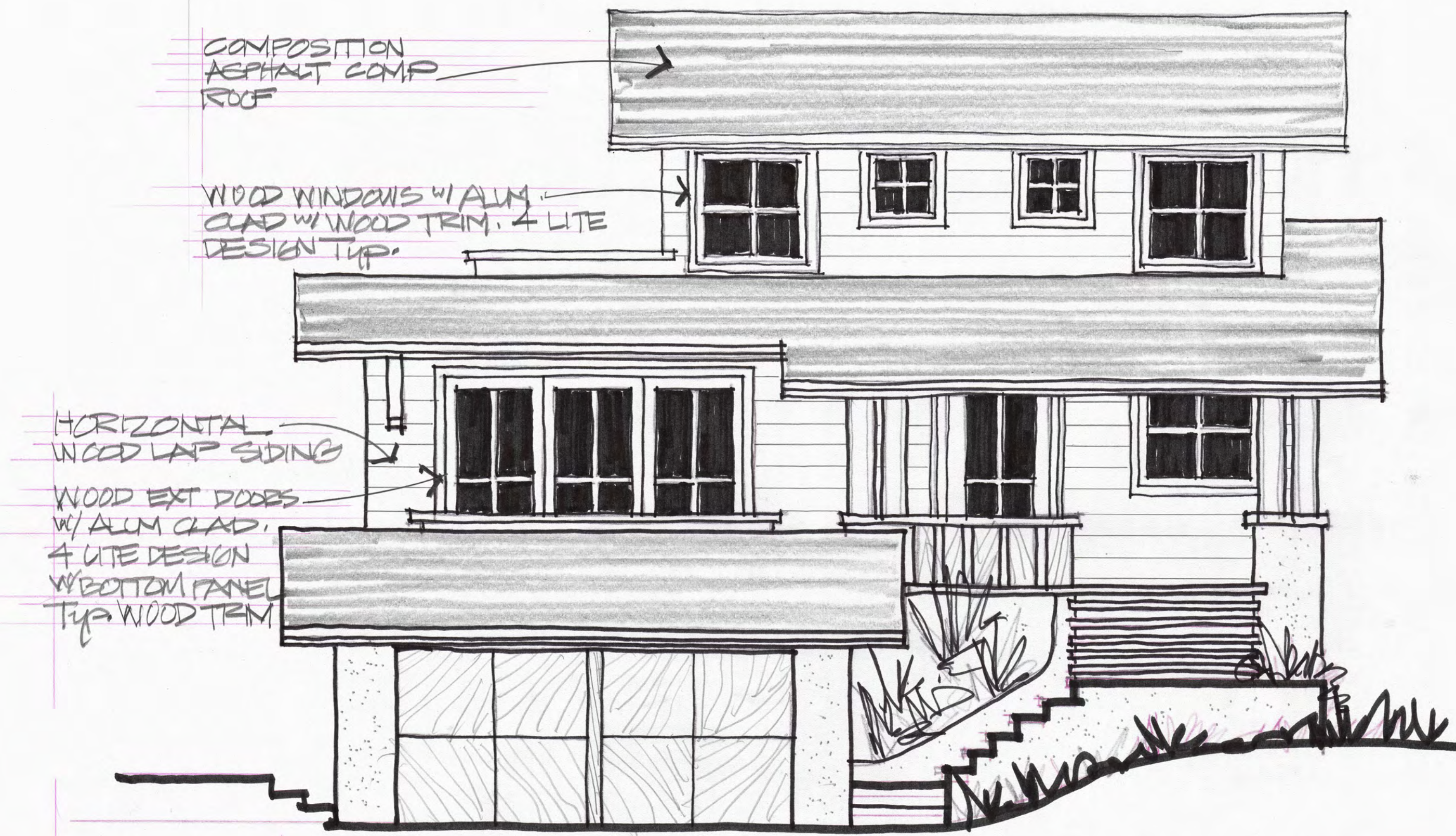
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A-0



SOUTH ELEV. 1/4" = 1'-0"



NORTH ELEV. - FRONT, BROADWAY 1/4" = 1'-0"

COMPOSITION
ASPHALT COMP
ROOF

WOOD WINDOWS w/ ALUM
CLAD w/ WOOD TRIM, 4 LITE
DESIGN TIP.

HORIZONTAL
WOOD LAP SIDING

WOOD EXT DOORS
w/ ALUM CLAD,
4 LITE DESIGN
w/ BOTTOM PANEL
TYP. WOOD TRIM

30'-0" MAX ALLOWED
HEIGHT RELATIVE NATURAL GRADE

28'-0" ±
MAX PROPOSED
HEIGHT



FINISH GRADE -
SOLID LINE

EAST ELEV. 1/4" = 1'-0"

EXISTING/NATURAL
GRADE - DASHED
LINE

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A-7



WEST ELEV. 1/4"=1'-0"

PLANE OF
30'-0" MAX. BUILDING
HEIGHT ALLOWED.
DASHED LINE

28'-0" ± MAX
BUILDING HEIGHT



1/4 BUILDING SECTION

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**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

**MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING
JANUARY 22, 2020**

The Historic Preservation Committee of the Town of Los Gatos conducted a Regular Meeting on January 22, 2020, at 4:00 p.m.

ROLL CALL

Present: Planning Commissioner Matthew Hudes, Chair; Committee Member Robert Cowan, Vice Chair; Planning Commissioner Mary Badame; Committee Member Nancy Derham; Committee Member Steven Raspe

Absent: None

MEETING CALLED TO ORDER AT 4:00 PM

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – December 11, 2019

MOTION: Motion by Chair Matthew Hudes to approve the consent calendar.
Seconded by Planning Commissioner Mary Badame.

VOTE: Motion passed unanimously 5-0.

PUBLIC HEARINGS

2. 477 University Avenue

Requesting approval for a revision to the approved exterior materials on a pre-1941 single-family residence on property zoned R-1:D. APN 529-07-029.

PROPERTY OWNER: Eric and Lisa Hoffner

APPLICANT: Bess Wiersema, Studio Three Design

PROJECT PLANNER: Sean Mullin

Sally Zarnowitz, Planning Manager, presented the staff report.

Applicant presented the proposed project.

PAGE 2 OF 3
MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING OF
JANUARY 22, 2020

Opened and closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Chair Matthew Hudes to recommend approval as requested.
Seconded by Committee Member Nancy Derham.**

VOTE: **Motion passed unanimously 5-0.**

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

3. 101 Broadway

Requesting preliminary review of a proposal for demolition of an existing non-contributing single-family residence and construction of a new single-family residence located in the Broadway Historic District on property zoned R-1D:LHP. APN 510-45-041.

PROPERTY OWNER: Mark DeMattei

APPLICANT: Jay Plett

PROJECT PLANNER: Sean Mullin

Sally Zarnowitz, Planning Manager, presented the staff report.

Applicant presented the proposed project.

Opened the Public Comment.

Maria Ristow

- She is a neighbor concerned about mass and bulk of the project. The front view can be visually minimized by the direction the roof is pitched. She is also concerned about privacy issues because of windows facing a side neighbor.

Karen Kurtz

- She is a neighbor concerned about losing views and the contemporary style.

Closed the Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Chair Matthew Hudes** to recommend demolition of existing non-contributing structure as proposed. **Seconded by Planning Commissioner Mary Badame.**

VOTE: **Motion passed unanimously 5-0.**

4. Election of Chair and Vice Chair

MOTION: **Motion by Planning Commissioner Matthew Hudes** to nominate Committee Member Robert Cowan as Chair and Committee Member Steven Raspe as Vice Chair. **Seconded by Planning Commissioner Mary Badame.**

VOTE: **Motion passed unanimously 5-0.**

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the January 22, 2020 meeting as approved by the Historic Preservation Committee.

/s/Jocelyn Fong, Administrative Assistant

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**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

MEETING DATE: 05/27/2020

ITEM NO: 5

DATE: May 21, 2020
TO: Historic Preservation Committee
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Director on a Request for Demolition of an Existing Non-Contributing Multi-family Residence and Construction of a New Single-family Residence in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: Mark DeMattei. Applicant: Jay Plett. Project Planner: Sean Mullin.

RECOMMENDATION:

Forward a recommendation to the Director on a request for demolition of an existing non-contributing multi-family residence and construction of a new single-family residence in the Broadway Historic District on property zoned R-1D:LHP located at 101 Broadway.

PROPERTY DETAILS:

1. Date primary structure was built: prior to 1900
2. Town of Los Gatos Historic Status Code: N/A
3. Does property have an LHP Overlay? Yes
4. Is structure in a historic district? Yes, Broadway District
5. If yes, is it a contributor? No
6. Findings required? Yes
7. Considerations required? Yes

BACKGROUND:

The subject property is located in the Broadway Historic District and is developed a multi-family residence containing two units. The applicant has submitted an Architectural and

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

BACKGROUND (continued):

Site application for demolition of an existing non-contributing multi-family residence and construction of a new single-family residence. In January, the Historic Preservation Committee (HPC) preliminarily reviewed the architectural merit of the existing residence. The HPC recognized that the existing residence had been damaged in a fire and found that the existing residence has been altered to the point where the historic integrity has been lost. Should the HPC continue to agree with its preliminary review, it can make findings for demolition related to alterations to the original residence resulting in a loss of integrity.

The HPC stated further that replacement of the residence could be considered, given a design, mass and scale, and detailing compatible with the neighborhood and the Historic District. Additionally, the HPC recommended that the new residence be sensitive to maintaining privacy with the neighboring properties. Should the Committee continue to agree with its preliminary review, it can also make considerations in the design review of the proposed new residence.

CONCLUSION:

A. Findings

X As required by Town Code Section 29.10.09030(c) *Demolition of historic structures*, a demolition permit for a historic structure may only be approved if:

1. The structure poses an imminent safety hazard; or
2. The structure is determined not to have any special historical, architectural or aesthetic interest or value.

Any request to demolish an historic structure shall be reviewed by the Historic Preservation Committee. Applications to demolish a non-contributing historic structure shall be accompanied by a detailed report describing all aspects of the structure's physical condition prepared by an architect, licensed design professional, or registered civil engineer at the applicant's expense.

B. Considerations

X In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

2. In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the

CONCLUSION (continued):

application, nor adversely affect its relationship, in terms of harmony and appropriateness, with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural or aesthetic interest or value of the district.

ATTACHMENTS:

1. Development Plans

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4/06/20
2/26/20
1/7/20

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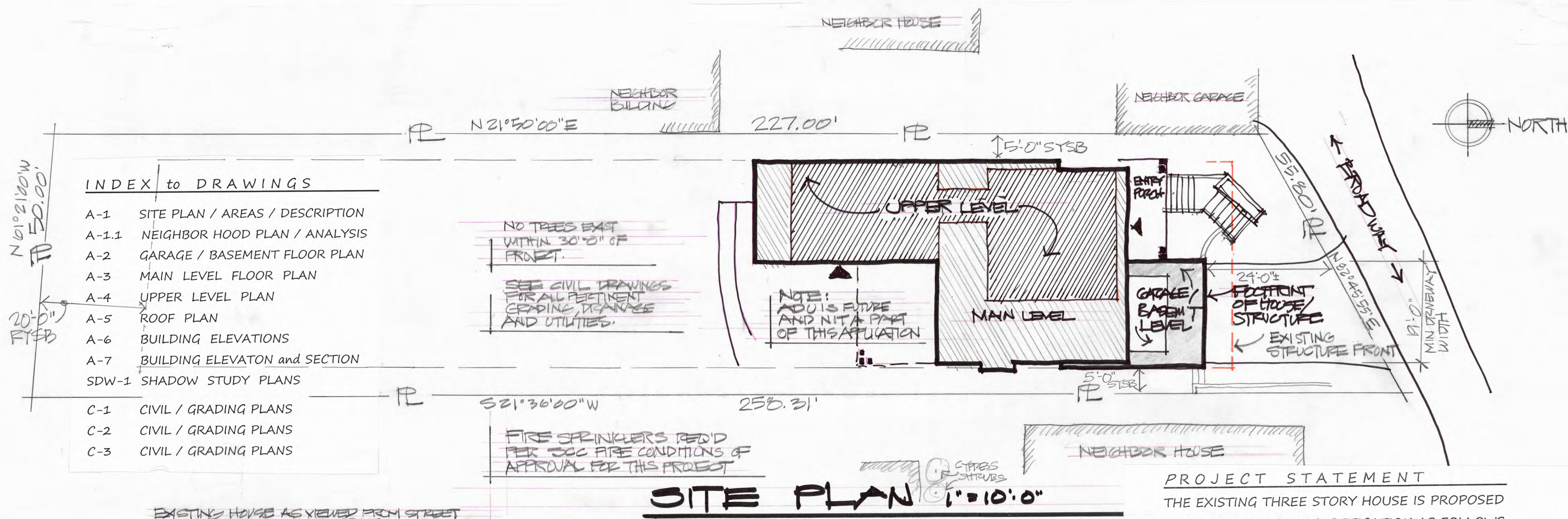
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ATTACHMENT 1



INDEX to DRAWINGS

A-1	SITE PLAN / AREAS / DESCRIPTION
A-1.1	NEIGHBOR HOOD PLAN / ANALYSIS
A-2	GARAGE / BASEMENT FLOOR PLAN
A-3	MAIN LEVEL FLOOR PLAN
A-4	UPPER LEVEL PLAN
A-5	ROOF PLAN
A-6	BUILDING ELEVATIONS
A-7	BUILDING ELEVATION and SECTION
SDW-1	SHADOW STUDY PLANS
C-1	CIVIL / GRADING PLANS
C-2	CIVIL / GRADING PLANS
C-3	CIVIL / GRADING PLANS

SITE PLAN 1"=10'-0"

EXISTING HOUSE AS VIEWED FROM STREET W/ NON-HISTORIC, INAPPROPRIATE ALTERATIONS ACROSS ENTIRE FACADE. ALL HISTORIC VALUE HAS BEEN DESTROYED.



PHOTO OF EXISTING STRUCTURE

OWNER
MARK De MATTEI
408 639 3337
1794 The ALAMEDA
SAN JOSE, Ca 95126

SITE PARTICULARS
ZONE R-1D LHP
APN 510-45-041
SETBACKS : F = 15', S's = 5', R = 20'

AREA SUMMARY

GROSS SITE	12,132.0 sf
S = 23% = 31% reduction	
NET SITE	7,400.5 sf
FAR = .331	
ALLOWABLE FLOOR AREA	2,449.5 sf

PROPOSED FLOOR AREA

	BELOW GRADE SF	ABOVE GRADE SF
LOWER LEVEL	410 sf	0
MAIN LEVEL	0	1,341.5 sf
UPPER LEVEL	0	1,108.0 sf
TOTAL PROPOSED FLOOR AREA		2,449.5 sf

GARAGE AREA SUMMARY
FAR_{gar} = .093
ALLOWED GARAGE = 690 sf

PROPOSED GARAGE AREA

	BELOW GRADE SF	ABOVE GRADE SF
GARAGE AREAS	428 sf	367 sf
TOTAL GARAGE AREA		795 sf

LOT COVERAGE 2,697.5 22%
LANAI/FRONT PORCH 418 sf
FUTURE ADU 665 +/- sf

PROJECT STATEMENT

THE EXISTING THREE STORY HOUSE IS PROPOSED TO BE DEMOLISHED. JUSTIFICATION AS FOLLOWS PER LIBRARY AND PLANNING RESOURCES :

- THE HOME IS NOT FOUND ON SANBORN MAPS
- THE HOME IS NOT FOUND IN ANNE BLOOMFIELD'S INVENTORY
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- THE STRUCTURE WAS SUBJECTED TO A FIRE IN 2017 - THE BUILDING'S INTEGRITY WAS AND HAS BEEN SEVERELY STRUCTURALLY COMPROMISED BY THAT FIRE AND AS A RESULT, IT'S INTERIOR HAS BEEN FURTHER COMPROMISED BEING OPEN TO THE WEATHER, WITH NO EFFORT TO PROTECT IT.

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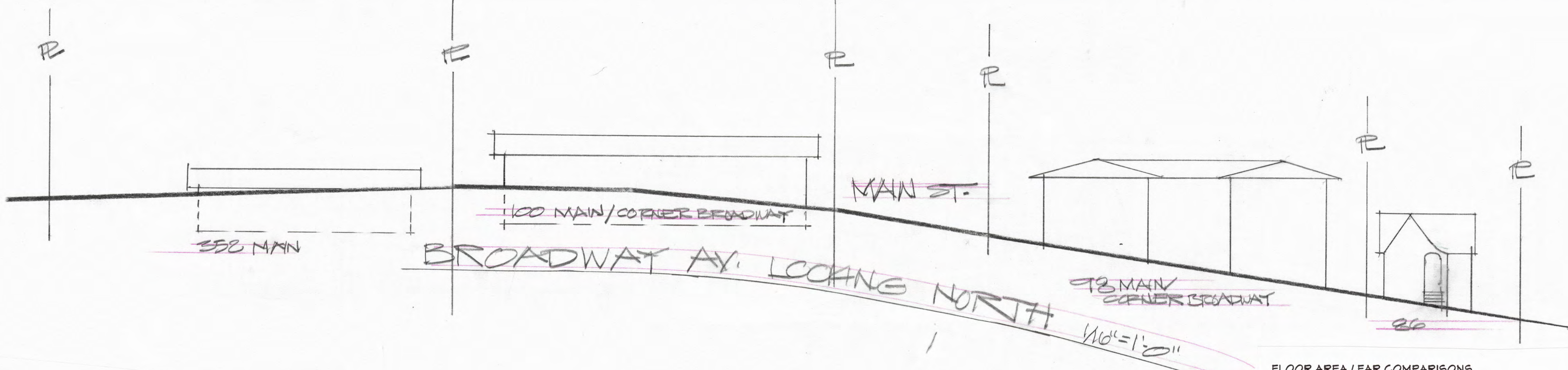
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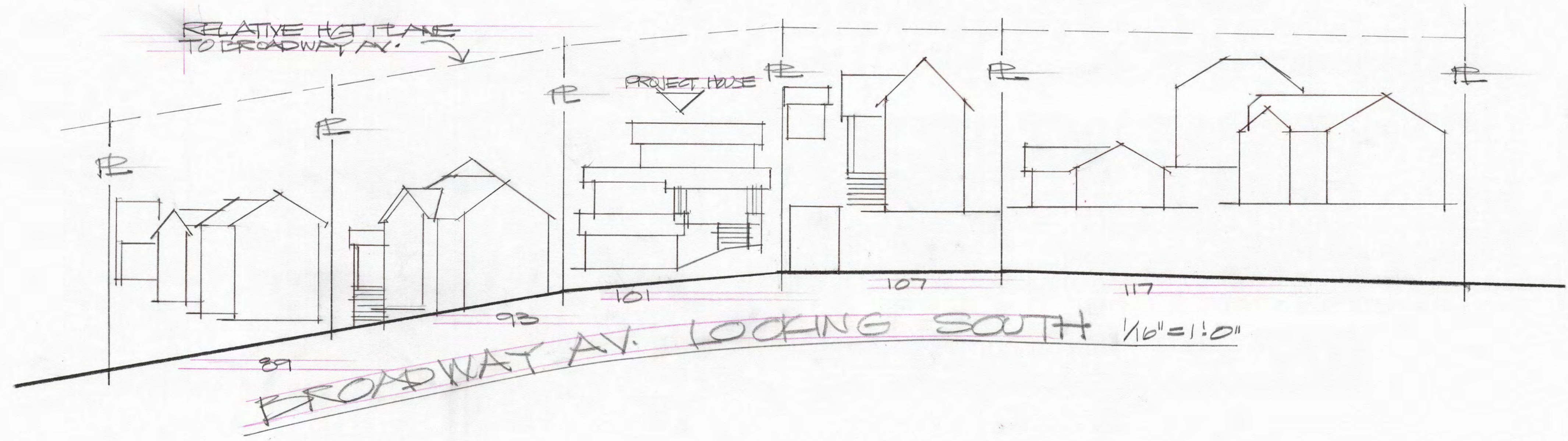
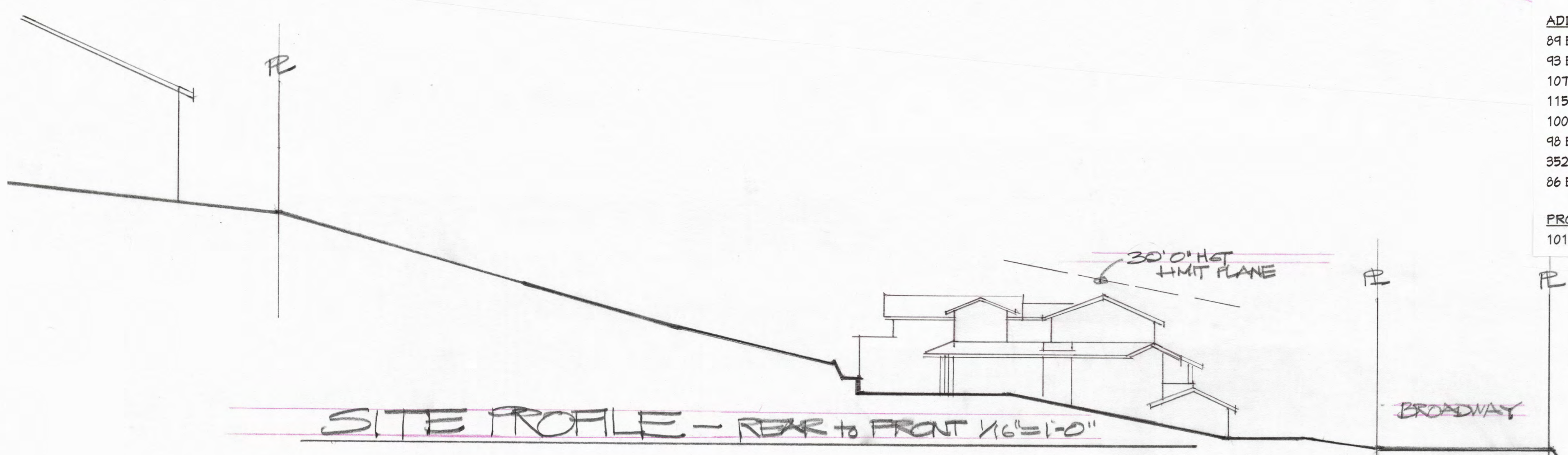
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FLOOR AREA / FAR COMPARISONS

ADDRESS	LOT SIZE (SF)	FLOOR AREA (SF)	GARAGE (SF)	COMPARATIVE FAR
89 BROADWAY	10,125	2,239	480	0.221
93 BROADWAY	5,662	1,817	322	0.321
107 BROADWAY	11,300	1,496	360	0.132
115 BROADWAY	23,415	2,614	192	0.112
100 BROADWAY	13,080	3,608	0	0.276
98 BROADWAY	5,701	2,336	0	0.41
352 W MAIN	24,990	5,502	0	0.22
86 BROADWAY	5,440	2,493	324	0.458
PROJECT HOME				
101 BROADWAY	12,614	2,440	690	0.193



4/6/20
2/24/20
1/7/20

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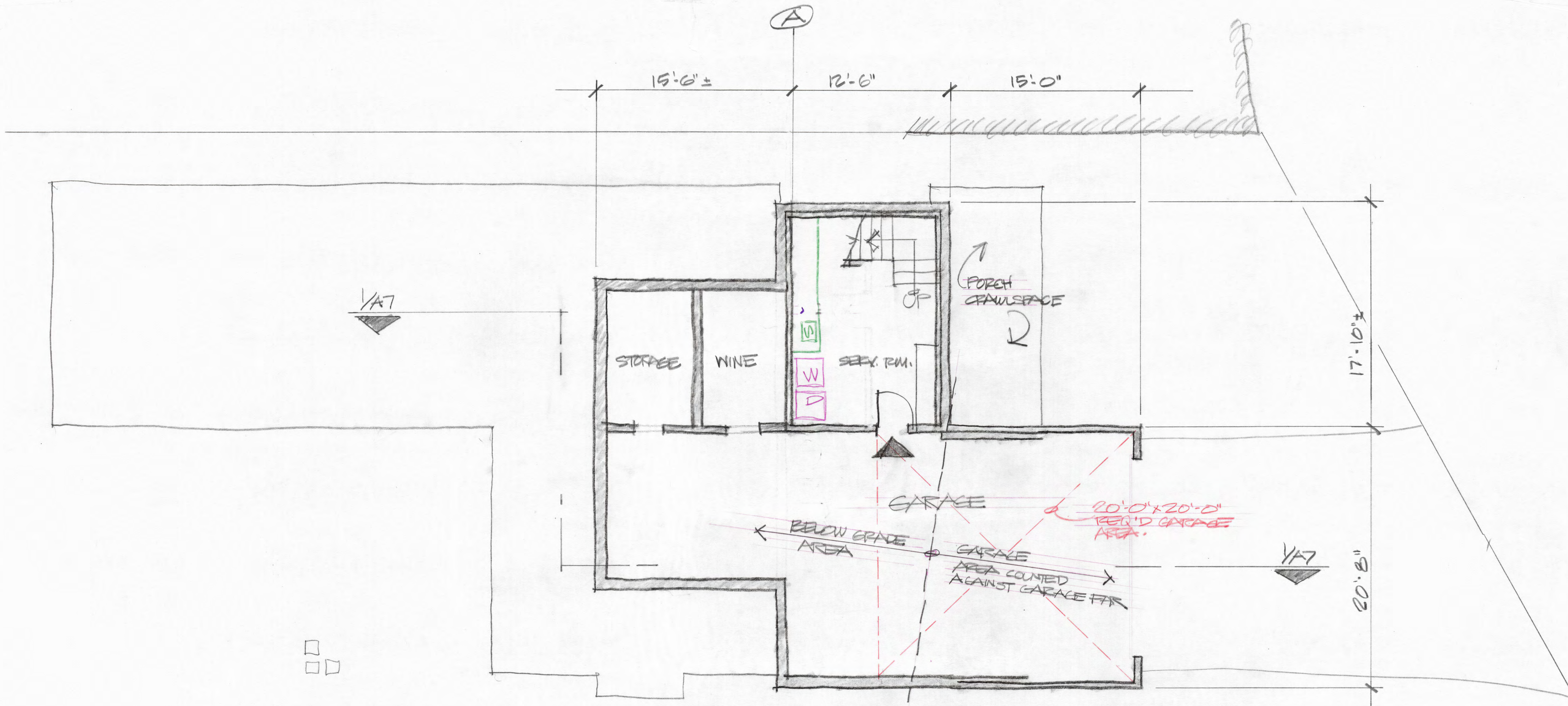
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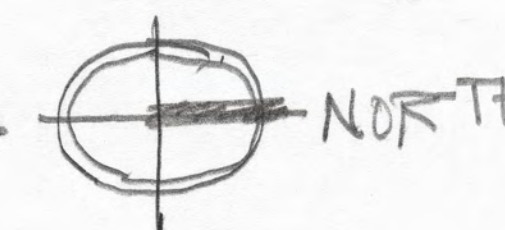
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BASEMENT/GARAGE - LOWER LEVEL 1/4"=1'-0"



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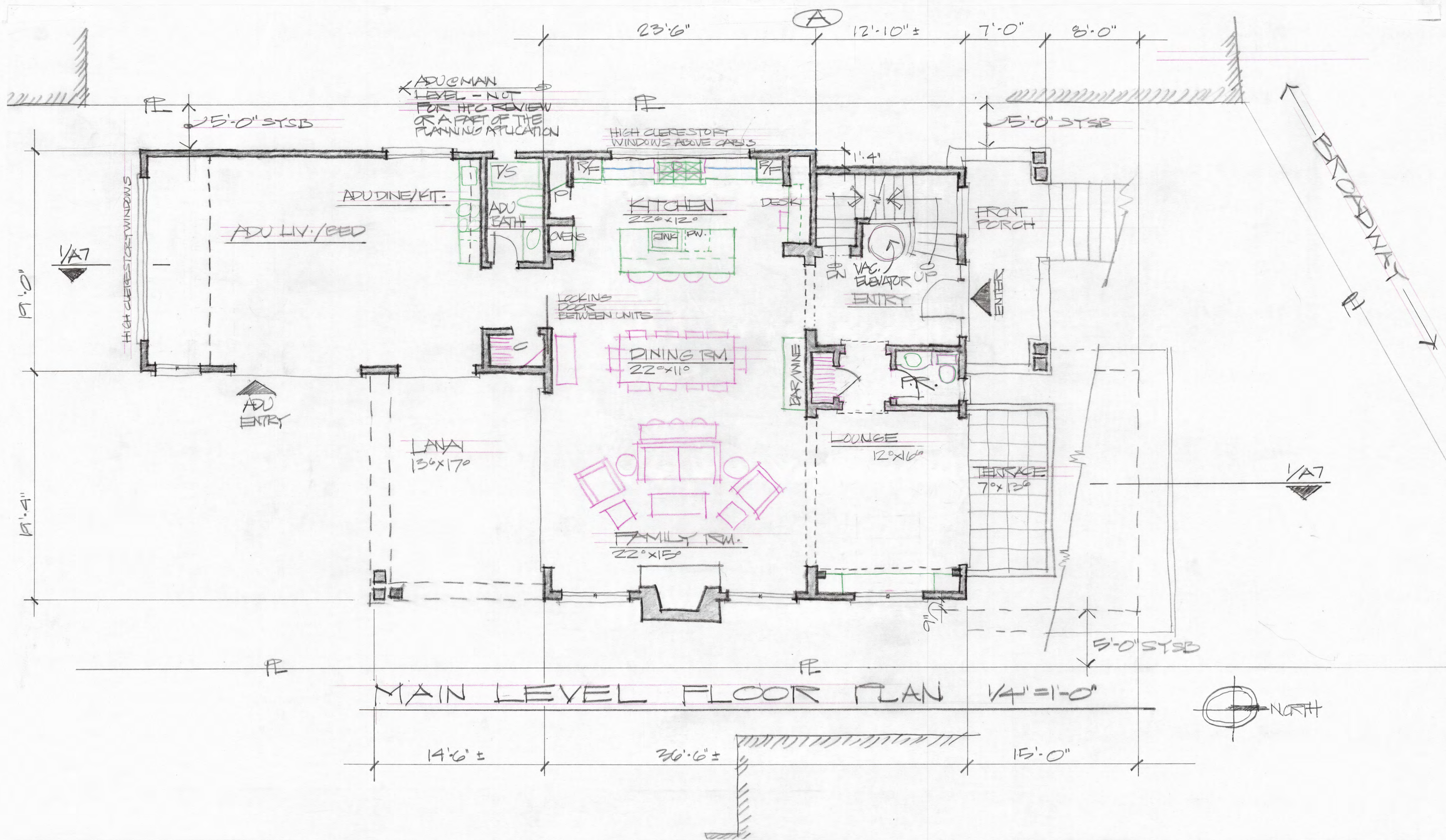
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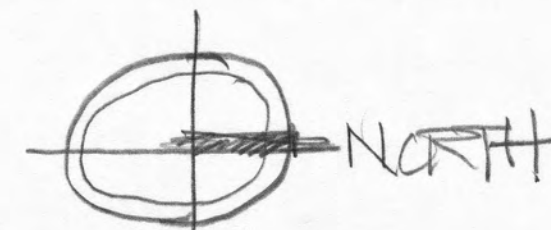
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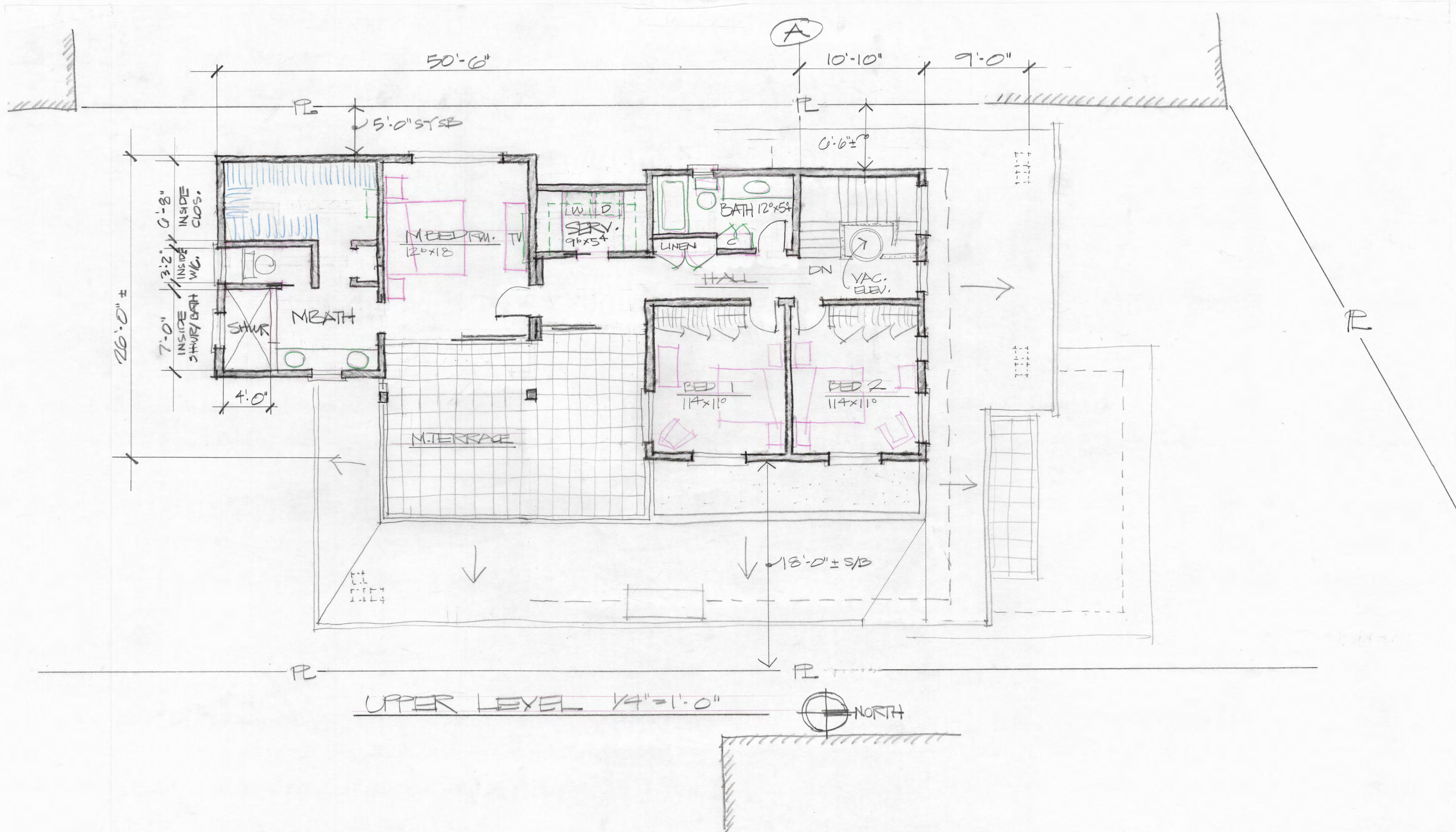
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MAIN LEVEL FLOOR PLAN 1/4"=1'-0"





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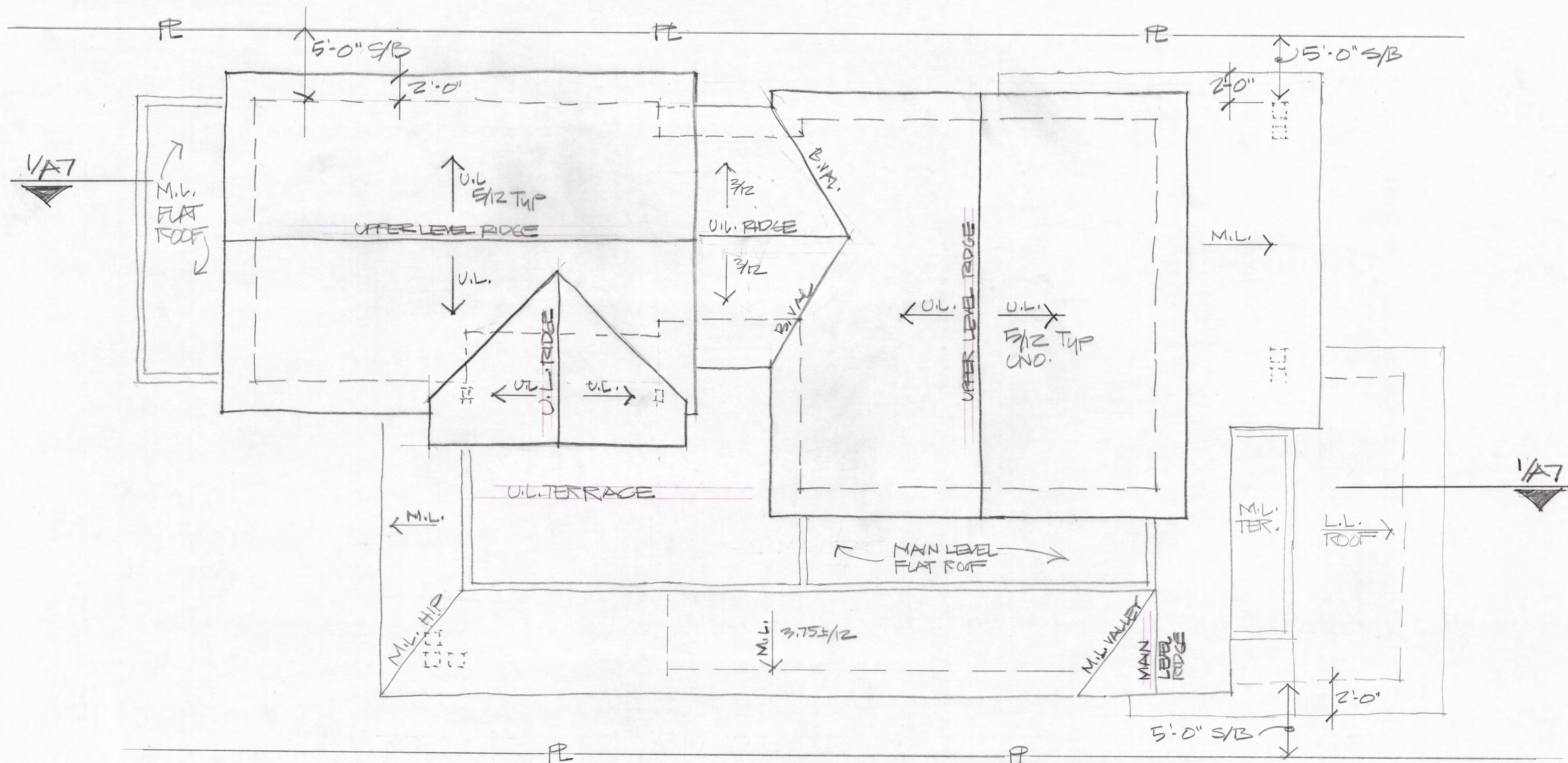
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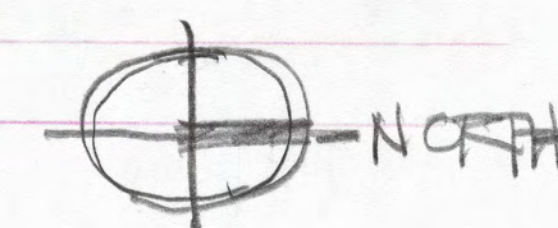
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ROOF PLAN 1/4" = 1'-0" 

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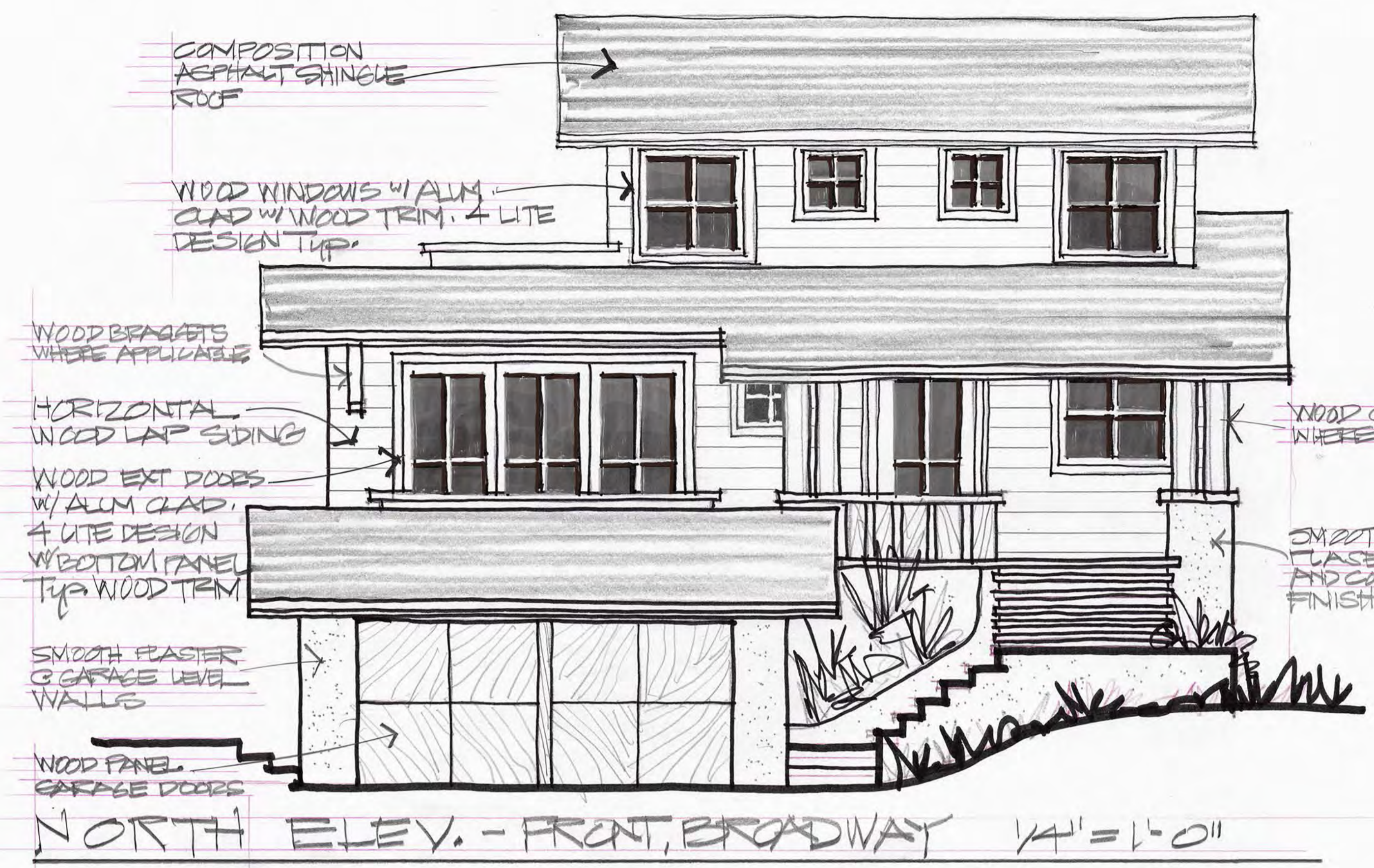
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A-6



SOUTH ELEV. 1/4" = 1'-0"



NORTH ELEV. - FRONT, BROADWAY 1/4" = 1'-0"

COMPOSITION
ASPHALT SHINGLE
ROOF
WOOD WINDOWS W/ ALUM.
CLAD W/ WOOD TRIM, 4 LITE
DESIGN TYP.
WOOD BRACKETS
WHERE APPLICABLE
HORIZONTAL
WOOD LAP SIDING
WOOD EXT. DOORS
W/ ALUM. CLAD,
4 LITE DESIGN
W/ BOTTOM PANEL
TYP. WOOD TRIM
SMOOTH PLASTER
@ GARAGE LEVEL
WALLS
WOOD PANEL
GARAGE DOORS

WOOD COLUMNS
WHERE OCCURS
SMOOTH
LASER STAR
AND COLUMN BASE
FINISH.

30'-0" MAX ALLOWED
HEIGHT RELATIVE NATURAL GRADE
28'-6" ±
MAX PROPOSED
HEIGHT



EAST ELEV. 1/4" = 1'-0"

FINISH GRADE -
SOLID LINE

STEEL CAP
RAIL WHERE OCCURS

CEILING
SPACE
4'-0" GRADE
SPACE
ABOVE
CEILING
SPACE

EXISTING/NATURAL
GRADE - DASHED
LINE

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2/21/20
1/1/20

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Revisions :

PRELIM/HPC
PLAN CK
PRICING SET
CONST. SET

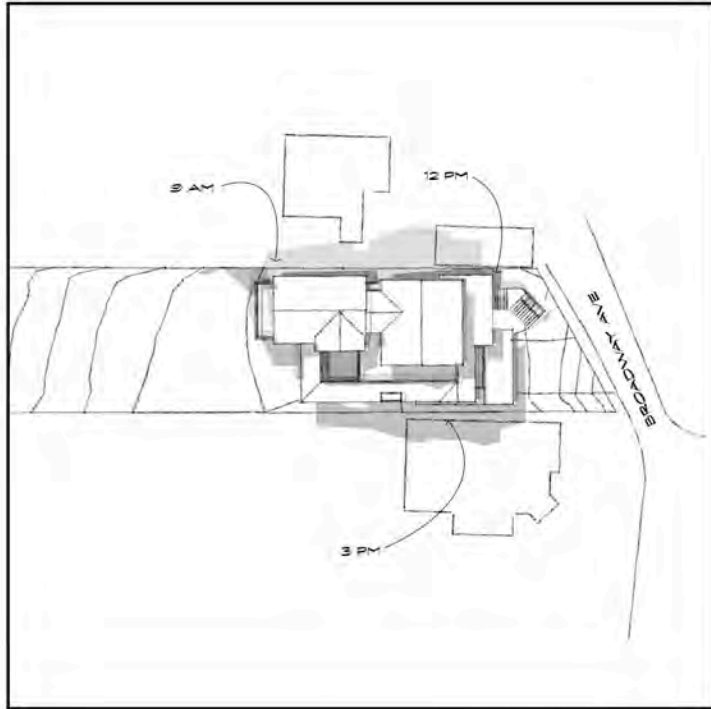
Scale :

Date :

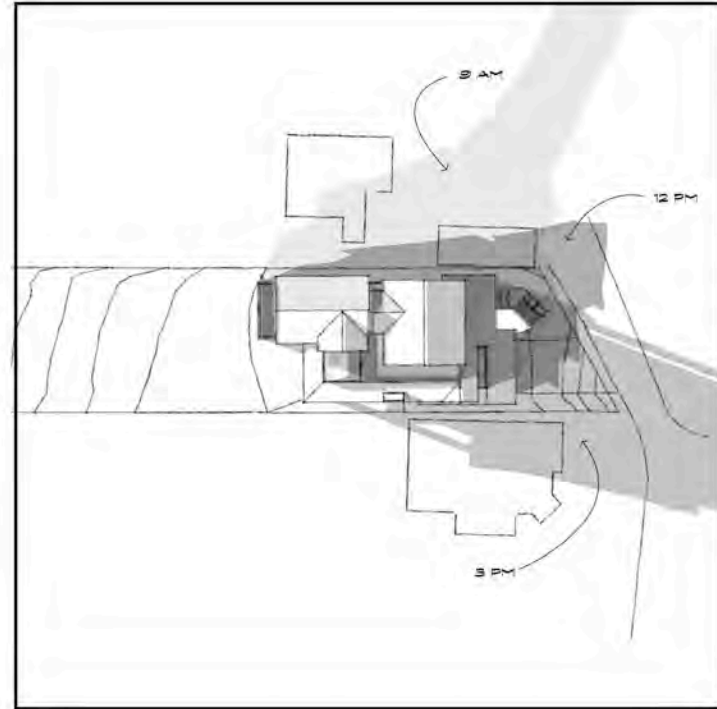
Sheet

A-7





SHADOW STUDIES JUNE 21



SHADOW STUDIES DECEMBER 21

Print date:

1/7/20

JAY PLETT
ARCHITECT

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jay@plett-arc.com
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213 Bean Avenue
Los Gatos, CA 95030

TWO DE MATTEI RES
101 BROADWAY
LOS GATOS CA

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Revisions:

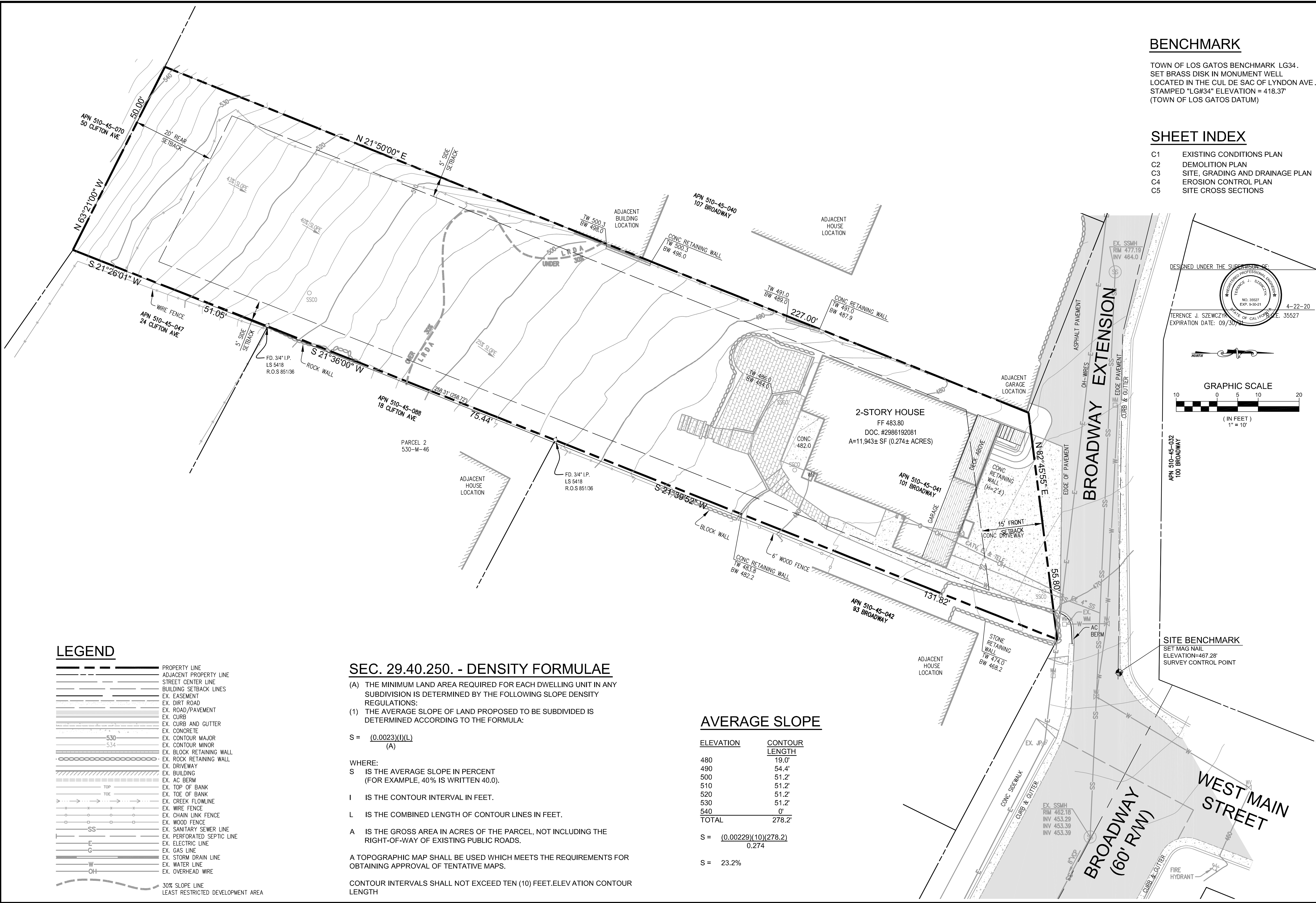
PRELIM/HPC: X
PLAN CK:
PRICING SET
CONST SET

Scale:
Date:

Sheet

SDW-1

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BENCHMARK
 TOWN OF LOS GATOS BENCHMARK LG34.
 SET BRASS DISK IN MONUMENT WELL
 LOCATED IN THE CUL DE SAC OF LYNDON AVE.
 STAMPED "LG#34" ELEVATION = 418.37'
 (TOWN OF LOS GATOS DATUM)

SHEET INDEX

C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE, GRADING AND DRAINAGE PLAN
C4	EROSION CONTROL PLAN
C5	SITE CROSS SECTIONS

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21

4-22-20

GRAPHIC SCALE
 (IN FEET)
 1" = 10'

LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	STREET CENTER LINE
	BUILDING SETBACK LINES
	EX. EASEMENT
	EX. DIRT ROAD
	EX. ROAD/PAVEMENT
	EX. CURB
	EX. CURB AND GUTTER
	EX. CONCRETE
	EX. CONTOUR MAJOR
	EX. CONTOUR MINOR
	EX. BLOCK RETAINING WALL
	EX. ROCK RETAINING WALL
	EX. DRIVEWAY
	EX. BUILDING
	EX. AC BERM
	EX. TOP OF BANK
	EX. TOE OF BANK
	EX. CREEK FLOWLINE
	EX. WIRE FENCE
	EX. CHAIN LINK FENCE
	EX. WOOD FENCE
	EX. SANITARY SEWER LINE
	EX. PERFORATED SEPTIC LINE
	EX. ELECTRIC LINE
	EX. GAS LINE
	EX. STORM DRAIN LINE
	EX. WATER LINE
	EX. OVERHEAD WIRE
	30% SLOPE LINE
	LEAST RESTRICTED DEVELOPMENT AREA

SEC. 29.40.250. - DENSITY FORMULAE

(A) THE MINIMUM LAND AREA REQUIRED FOR EACH DWELLING UNIT IN ANY SUBDIVISION IS DETERMINED BY THE FOLLOWING SLOPE DENSITY REGULATIONS:

(1) THE AVERAGE SLOPE OF LAND PROPOSED TO BE SUBDIVIDED IS DETERMINED ACCORDING TO THE FORMULA:

$$S = \frac{(0.0023)(I)(L)}{(A)}$$

WHERE:

S IS THE AVERAGE SLOPE IN PERCENT (FOR EXAMPLE, 40% IS WRITTEN 40.0).

I IS THE CONTOUR INTERVAL IN FEET.

L IS THE COMBINED LENGTH OF CONTOUR LINES IN FEET.

A IS THE GROSS AREA IN ACRES OF THE PARCEL, NOT INCLUDING THE RIGHT-OF-WAY OF EXISTING PUBLIC ROADS.

A TOPOGRAPHIC MAP SHALL BE USED WHICH MEETS THE REQUIREMENTS FOR OBTAINING APPROVAL OF TENTATIVE MAPS.

CONTOUR INTERVALS SHALL NOT EXCEED TEN (10) FEET. ELEVATION CONTOUR LENGTH

AVERAGE SLOPE

ELEVATION	CONTOUR LENGTH
480	19.0'
490	54.4'
500	51.2'
510	51.2'
520	51.2'
530	51.2'
540	0'
TOTAL	278.2'

$$S = \frac{(0.00229)(10)(278.2)}{0.274}$$

S = 23.2%

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EXISTING CONDITIONS PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

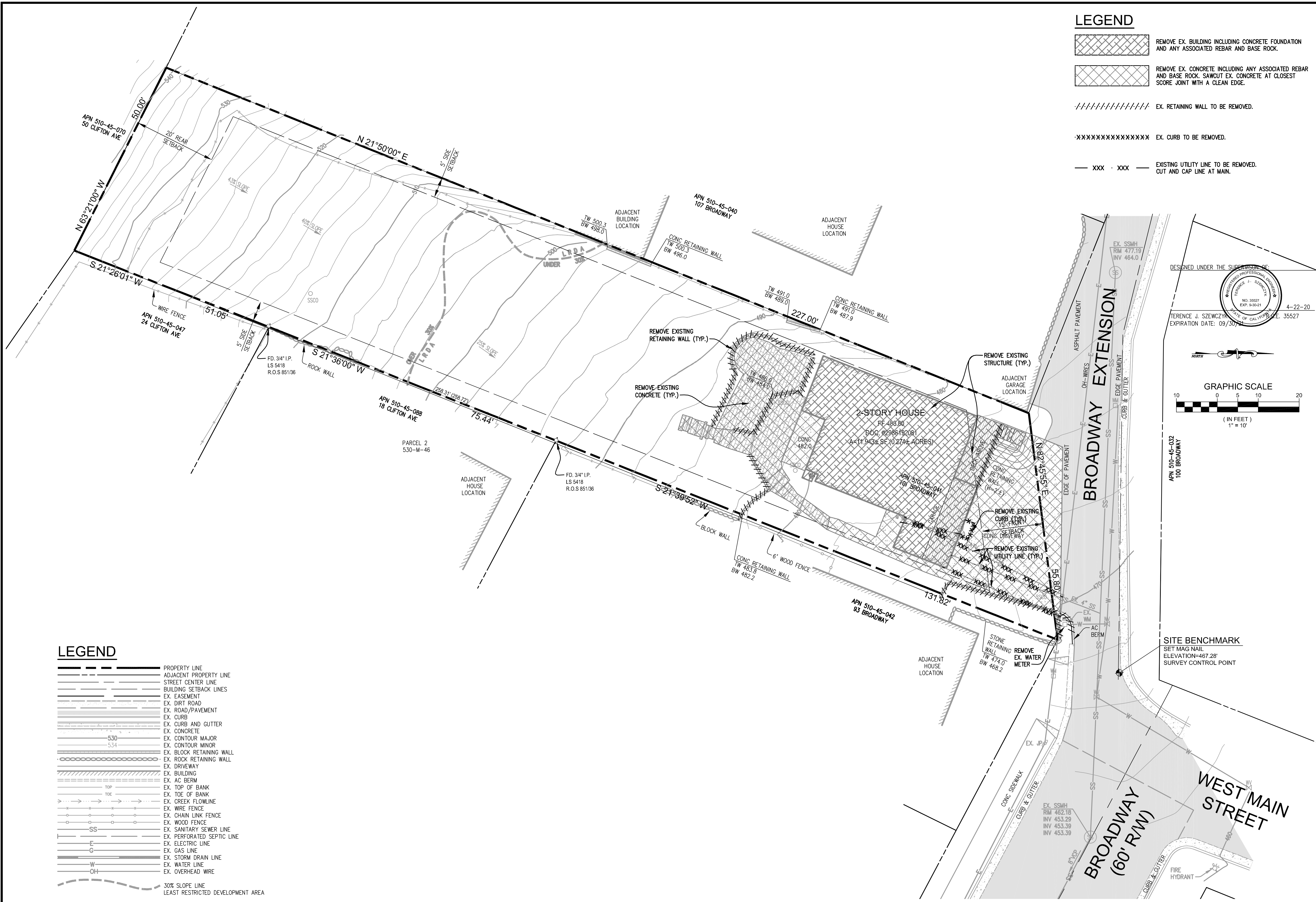
NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

DATE: 4-22-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY: TJS
 PROJ ENGR: TJS
 CHECK BY: TJS

SHEET NO. **C1**
 OF 5 SHEETS
 JOB NO. 19-246

04/22/2020 5:51pm - N:\2019 JOBS\19-246\DWG\19-246 C1 EXISTING CONDITIONS.dwg - C1

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LEGEND

- REMOVE EX. BUILDING INCLUDING CONCRETE FOUNDATION AND ANY ASSOCIATED REBAR AND BASE ROCK.
- REMOVE EX. CONCRETE INCLUDING ANY ASSOCIATED REBAR AND BASE ROCK. SAWCUT EX. CONCRETE AT CLOSEST SCORE JOINT WITH A CLEAN EDGE.
- EX. RETAINING WALL TO BE REMOVED.
- EX. CURB TO BE REMOVED.
- EXISTING UTILITY LINE TO BE REMOVED. CUT AND CAP LINE AT MAIN.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- STREET CENTER LINE
- BUILDING SETBACK LINES
- EX. EASEMENT
- EX. DIRT ROAD
- EX. ROAD/PAVEMENT
- EX. CURB
- EX. CURB AND GUTTER
- EX. CONCRETE
- EX. CONTOUR MAJOR
- EX. CONTOUR MINOR
- EX. BLOCK RETAINING WALL
- EX. ROCK RETAINING WALL
- EX. DRIVEWAY
- EX. BUILDING
- EX. AC BERM
- EX. TOP OF BANK
- EX. TOE OF BANK
- EX. CREEK FLOWLINE
- EX. WIRE FENCE
- EX. CHAIN LINK FENCE
- EX. WOOD FENCE
- EX. SANITARY SEWER LINE
- EX. PERFORATED SEPTIC LINE
- EX. ELECTRIC LINE
- EX. GAS LINE
- EX. STORM DRAIN LINE
- EX. WATER LINE
- EX. OVERHEAD WIRE
- 30% SLOPE LINE
- LEAST RESTRICTED DEVELOPMENT AREA

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21

4-22-20

GRAPHIC SCALE
 (IN FEET)
 1" = 10'

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DEMOLITION PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

DATE: 4-22-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C2**
 OF 5 SHEETS
 JOB NO. 19-246

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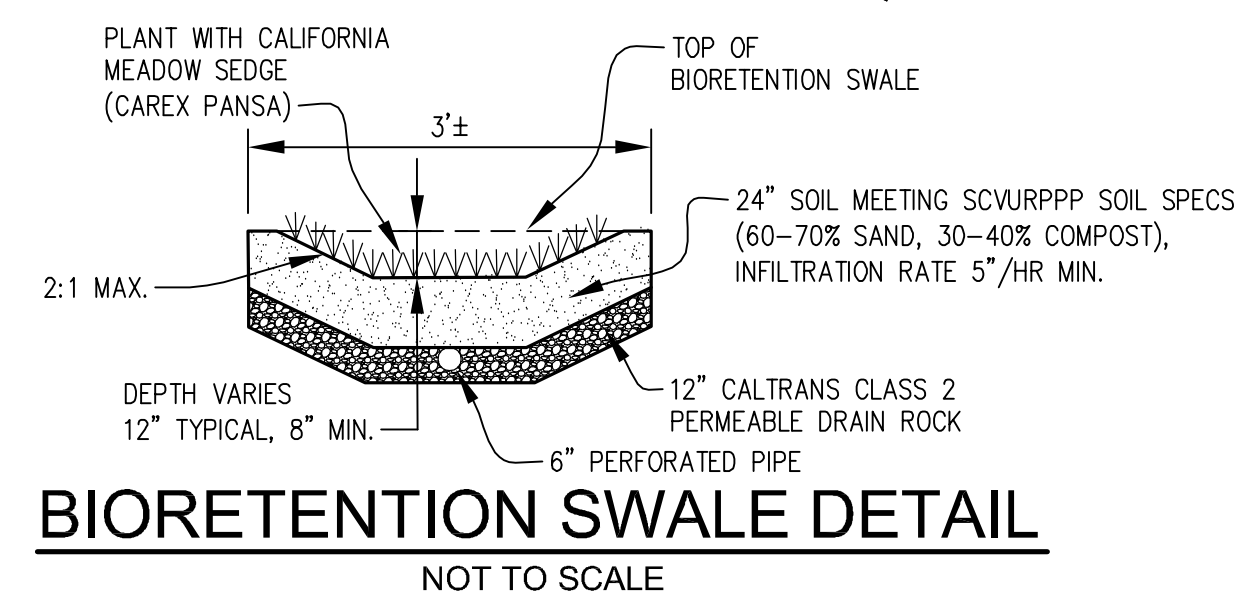
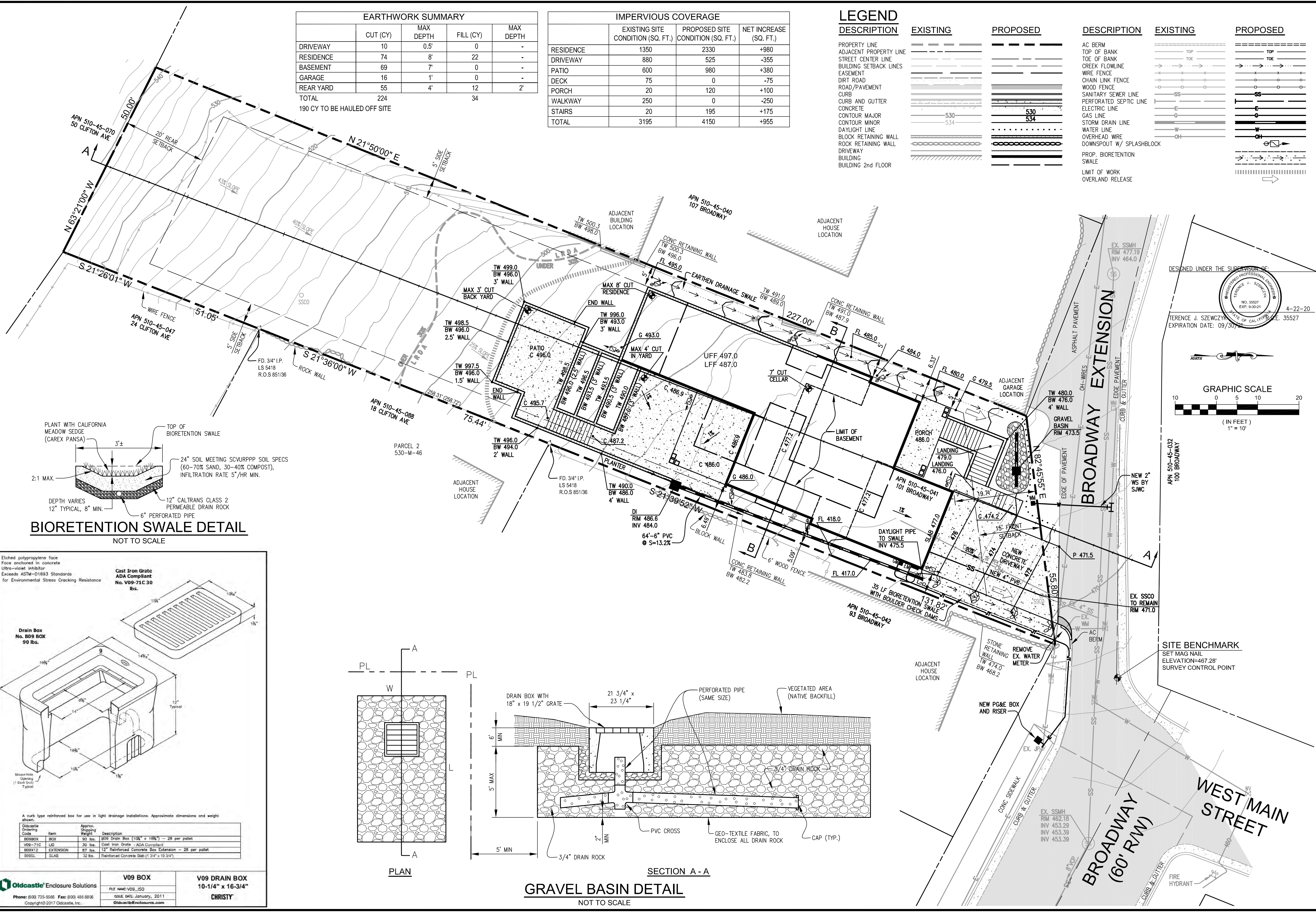
EARTHWORK SUMMARY				
	CUT (CY)	MAX DEPTH	FILL (CY)	MAX DEPTH
DRIVEWAY	10	0.5'	0	-
RESIDENCE	74	8'	22	-
BASEMENT	69	7'	0	-
GARAGE	16	1'	0	-
REAR YARD	55	4'	12	2'
TOTAL	224		34	

190 CY TO BE HAULED OFF SITE

IMPERVIOUS COVERAGE			
	EXISTING SITE CONDITION (SQ. FT.)	PROPOSED SITE CONDITION (SQ. FT.)	NET INCREASE (SQ. FT.)
RESIDENCE	1350	2330	+980
DRIVEWAY	880	525	-355
PATIO	600	980	+380
DECK	75	0	-75
PORCH	20	120	+100
WALKWAY	250	0	-250
STAIRS	20	195	+175
TOTAL	3195	4150	+955

LEGEND

DESCRIPTION	EXISTING	PROPOSED	DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---	AC BERM	---	---
ADJACENT PROPERTY LINE	---	---	TOP OF BANK	---	---
STREET CENTER LINE	---	---	TOE OF BANK	---	---
BUILDING SETBACK LINES	---	---	CREEK FLOWLINE	---	---
EASEMENT	---	---	WIRE FENCE	---	---
DIRT ROAD	---	---	CHAIN LINK FENCE	---	---
ROAD/PAVEMENT	---	---	WOOD FENCE	---	---
CURB	---	---	SANITARY SEWER LINE	---	---
CURB AND GUTTER	---	---	PERFORATED SEPTIC LINE	---	---
CONCRETE	---	---	ELECTRIC LINE	---	---
CONTOUR MAJOR	---	---	GAS LINE	---	---
CONTOUR MINOR	---	---	STORM DRAIN LINE	---	---
DAYLIGHT LINE	---	---	WATER LINE	---	---
BLOCK RETAINING WALL	---	---	OVERHEAD WIRE	---	---
ROCK RETAINING WALL	---	---	DOWNSPOUT W/ SPLASHBLOCK	---	---
DRIVEWAY	---	---	PROP. BIORETENTION SWALE	---	---
BUILDING	---	---	SWALE	---	---
BUILDING 2nd FLOOR	---	---	LIMIT OF WORK	---	---
			OVERLAND RELEASE	---	---



● Elched polypropylene face
 ● Face anchored in concrete
 ● Ultra-violet inhibitor
 ● Exceeds ASTM-D1693 Standards for Environmental Stress Cracking Resistance

Cast Iron Grate
 ADA Compliant
 No. V09-71C 30 lbs.

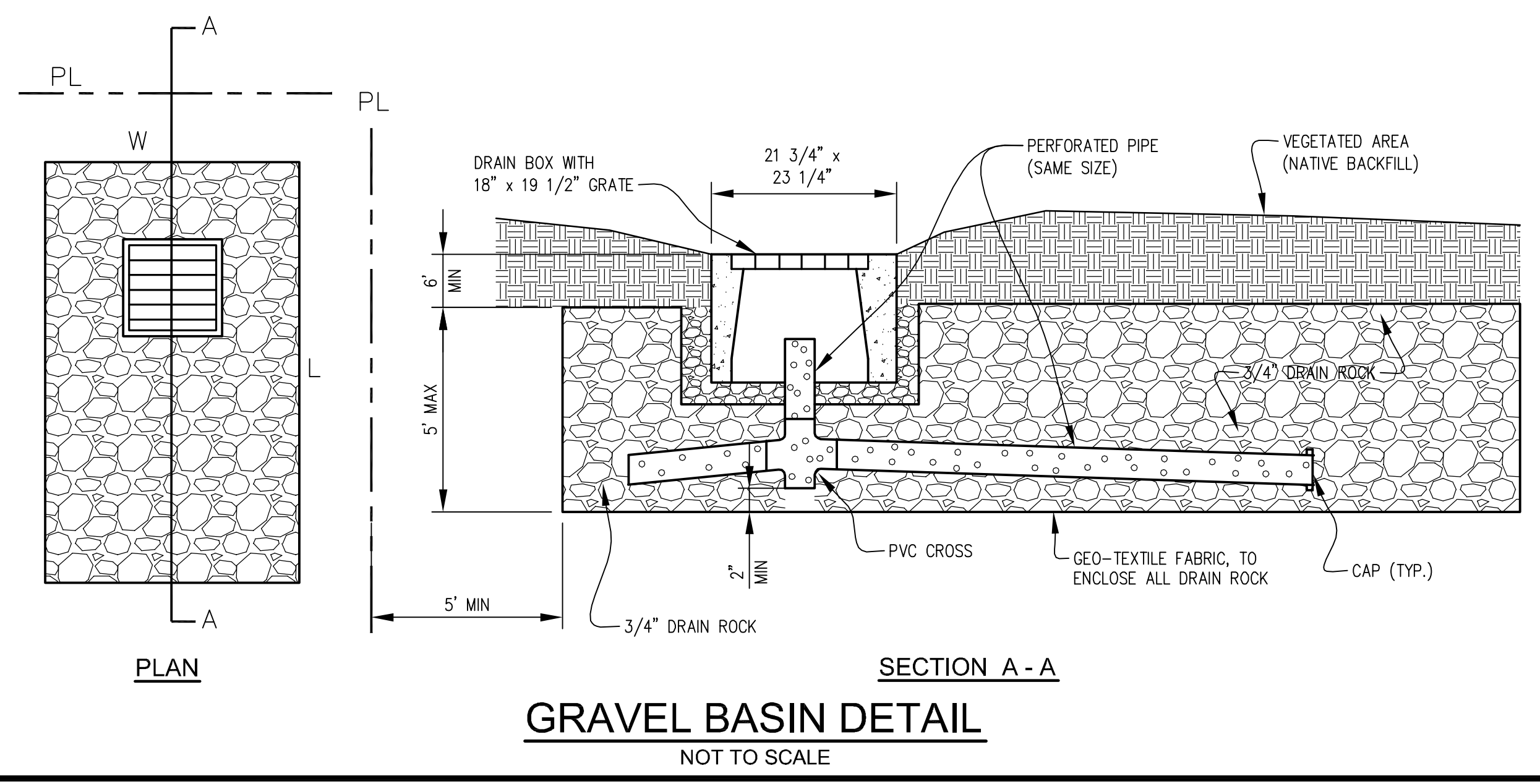
Drain Box
 No. B09 BOX 90 lbs.

A curb type reinforced box for use in light drainage installations. Approximate dimensions and weight shown.

Discontinue Code	Item	Approx. Weight	Description
B09BOX	BOX	90 lbs.	#909 Drain Box (10 1/4" x 16 3/4") - 28 per pallet
V09-71C	LID	30 lbs.	Cast Iron Grate - ADA Compliant
B09X12	EXTENSION	87 lbs.	12" Reinforced Concrete Box Extension - 28 per pallet
B09SL	SLAB	32 lbs.	Reinforced Concrete Slab (1 3/4" x 19 3/4")

V09 BOX
 FILE: WMC-V09_ISO
 PHONE: 800 735-5506 FAX: 800 486 6806
 ISSUE DATE: January, 2011
 Copyright © 2017 Oldcastle, Inc.

V09 DRAIN BOX
 10-1/4" x 16-3/4"
 CHRISTY



DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZEWCZYK
 EXPIRATION DATE: 09/30/21

4-22-20

GRAPHIC SCALE
 1" = 10'

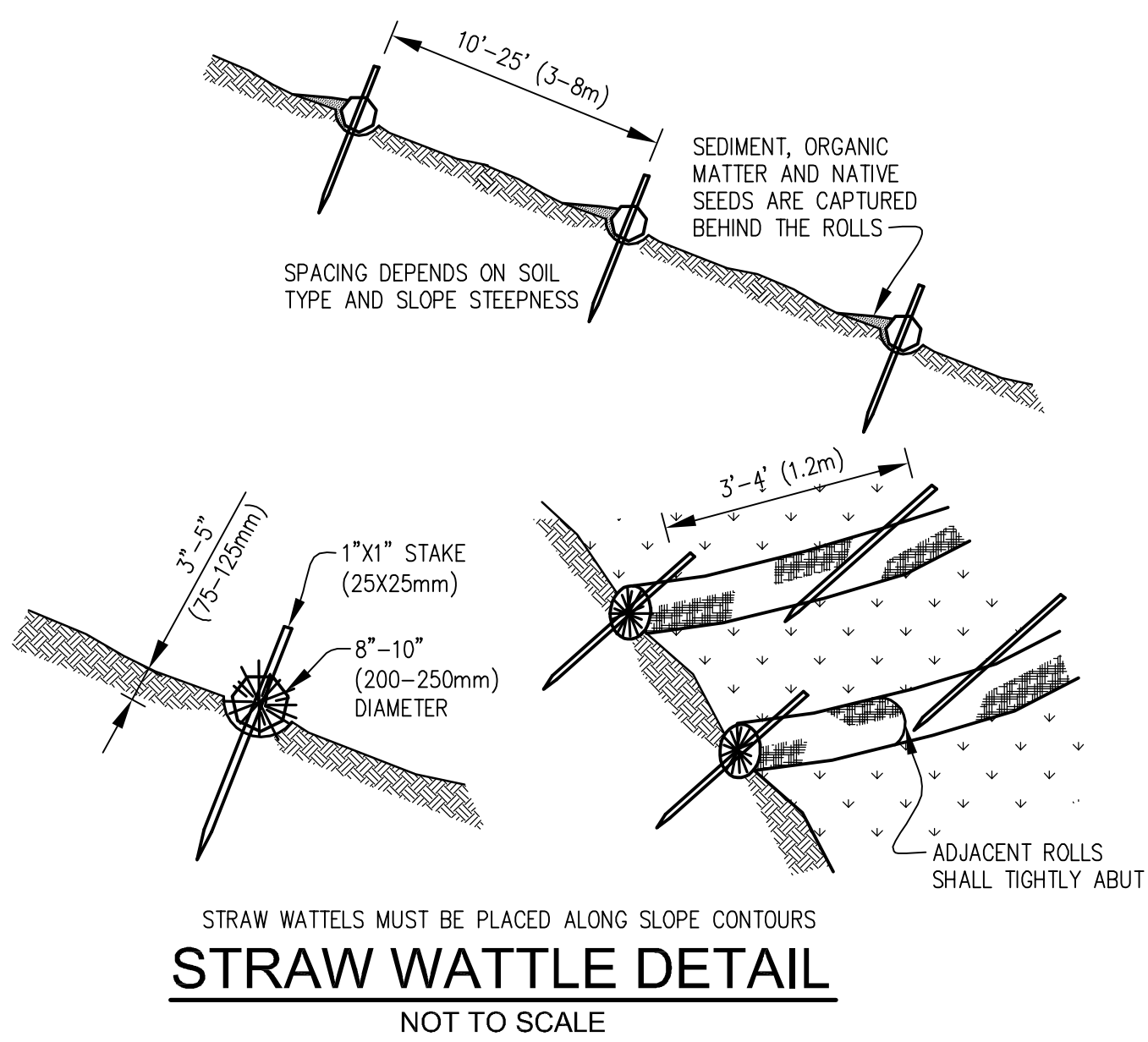
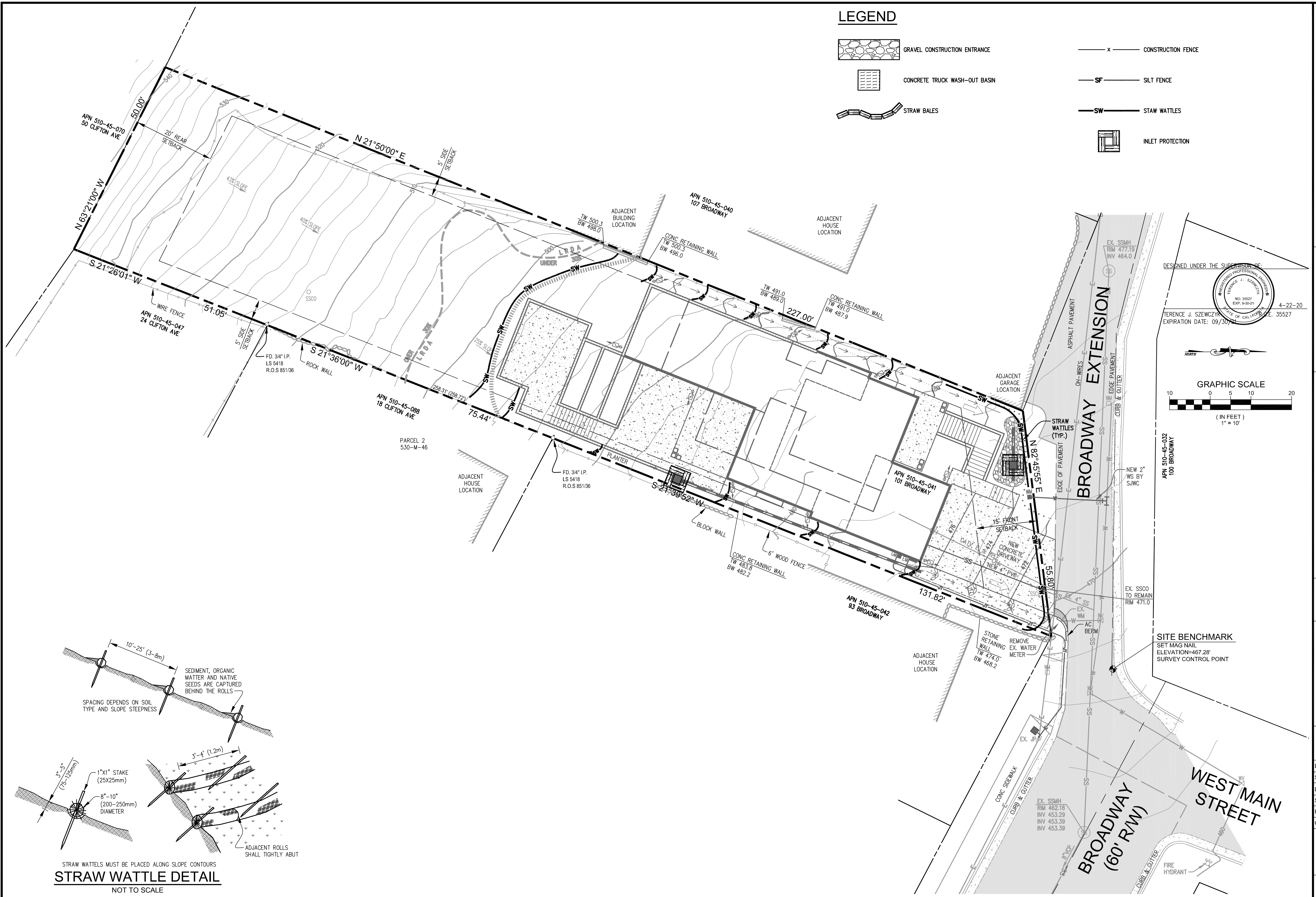
SITE, GRADING AND DRAINAGE PLAN
 101 BROADWAY
 LOS GATOS, CA, 95030
 APN 510-45-041

NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

DATE: 4-22-20
 SCALE: 1"=10'
 DRAWN BY: DKH
 SURVEYED BY:
 PROJ ENGR: TJS
 CHECK BY: TJS
 SHEET NO. **C3**
 OF 5 SHEETS
 JOB NO. 19-246

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LEGEND

- GRAVEL CONSTRUCTION ENTRANCE
- CONCRETE TRUCK WASH-OUT BASIN
- STRAW BALES
- CONSTRUCTION FENCE
- SILT FENCE
- STRAW WATTLES
- INLET PROTECTION

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZEWCZYK
EXPIRATION DATE: 09/30/21

4-22-20

GRAPHIC SCALE
(IN FEET)
1" = 10'

EROSION CONTROL PLAN
101 BROADWAY
LOS GATOS, CA, 95030
APN 510-45-041

NO.	REVISIONS	DATE
6		
5		
4		
3		
2		
1		

DATE: 4-22-20
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS
SHEET NO. **C4**
OF 5 SHEETS
JOB NO. 19-246

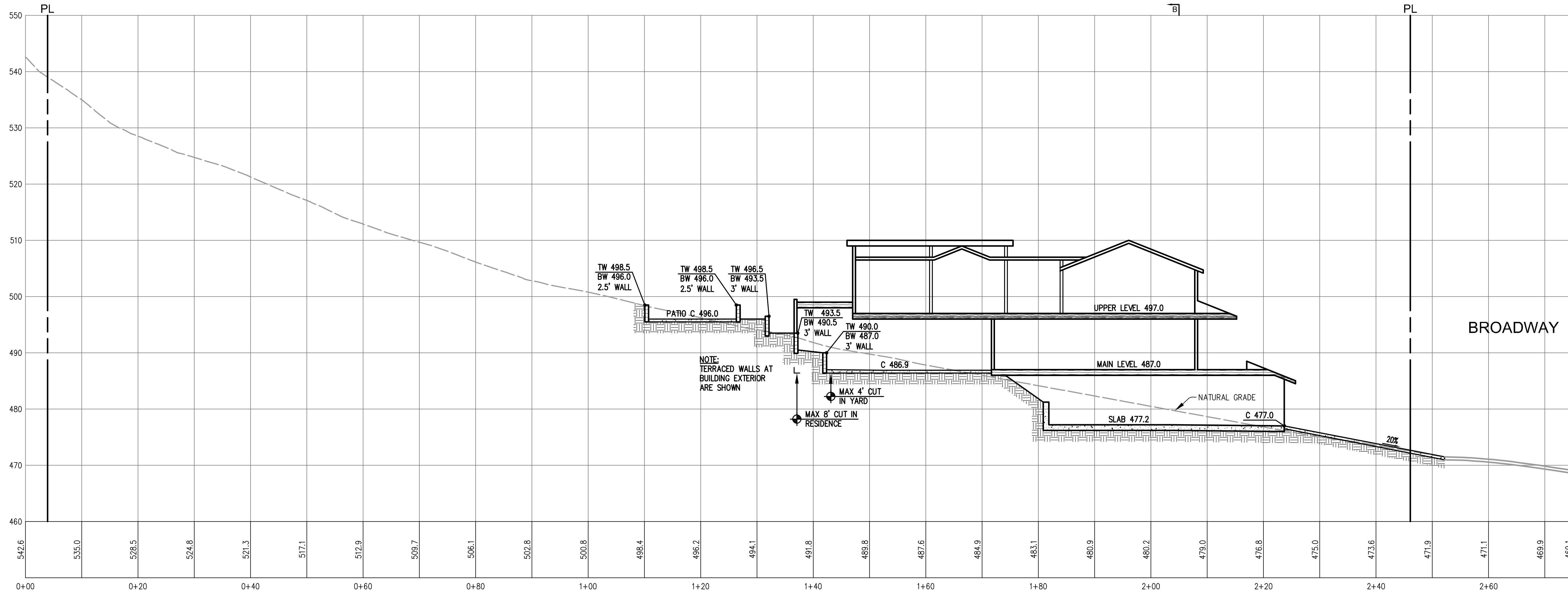
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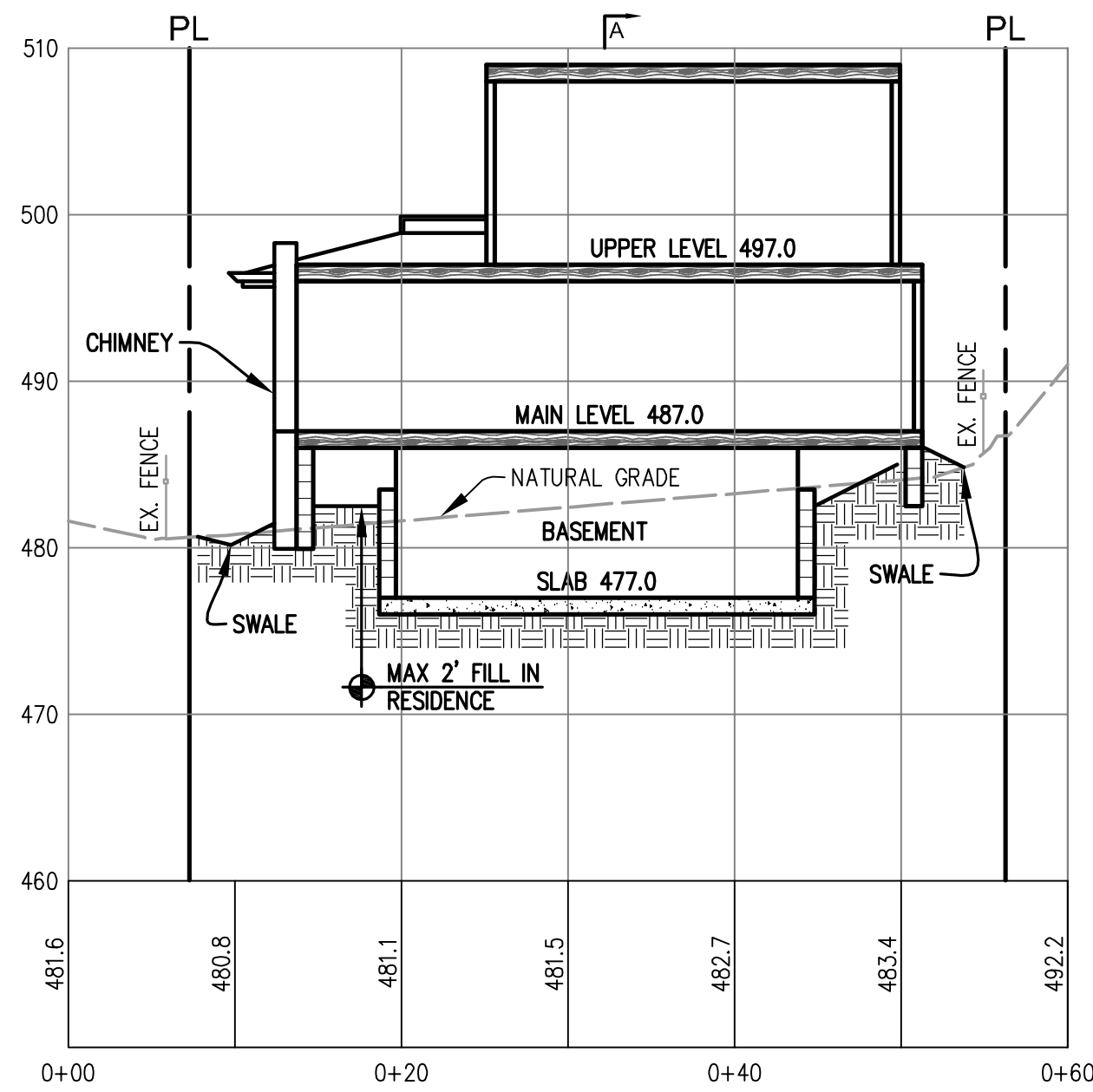
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04/22/2020 5:51pm - N:\2019 JOBS\19-246\DWG\19-246 C4 EROSION CONTROL.DWG - C4

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SECTION A-A
1"=10'



SECTION B-B
1"=10'

DESIGNED UNDER THE SUPERVISION OF:

TERENCE J. SZCWCZYK
EXPIRATION DATE: 09/30/21

4-22-20

GRAPHIC SCALE
(IN FEET)
1" = 10'

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SITE CROSS SECTIONS
101 BROADWAY
LOS GATOS, CA, 95030
APN 510-45-041

NO.	DATE	BY	REVISIONS
6			
5			
4			
3			
2			
1			

DATE: 4-22-20
SCALE: 1"=10'
DRAWN BY: DKH
SURVEYED BY:
PROJ ENGR: TJS
CHECK BY: TJS
SHEET NO.
C5
OF 5 SHEETS
JOB NO.
19-246

04/22/2020 5:50pm - N:\2019 JOBS\19-246\DWG\19-246 C5 SITE CROSS SECTIONS.dwg - C4



**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

MEETING DATE: 05/27/2020

ITEM NO: 5

DESK ITEM

DATE: May 27, 2020
TO: Historic Preservation Committee
FROM: Joel Paulson, Community Development Director
SUBJECT: Forward a Recommendation to the Director on a Request for Demolition of an Existing Non-Contributing Multi-family Residence and Construction of a New Single-family Residence in the Broadway Historic District on Property Zoned R-1D:LHP Located at 101 Broadway. APN 510-45-041. Architecture and Site Application S-20-003. Property Owner: Mark DeMattei. Applicant: Jay Plett. Project Planner: Sean Mullin.

REMARKS:

Attachment 2 is an updated Shadow Study. Attachment 3 includes public comments received between 11:01 a.m., Friday, May 22, 2020 and 11:00 a.m., Wednesday, May 27, 2020.

ATTACHMENTS:

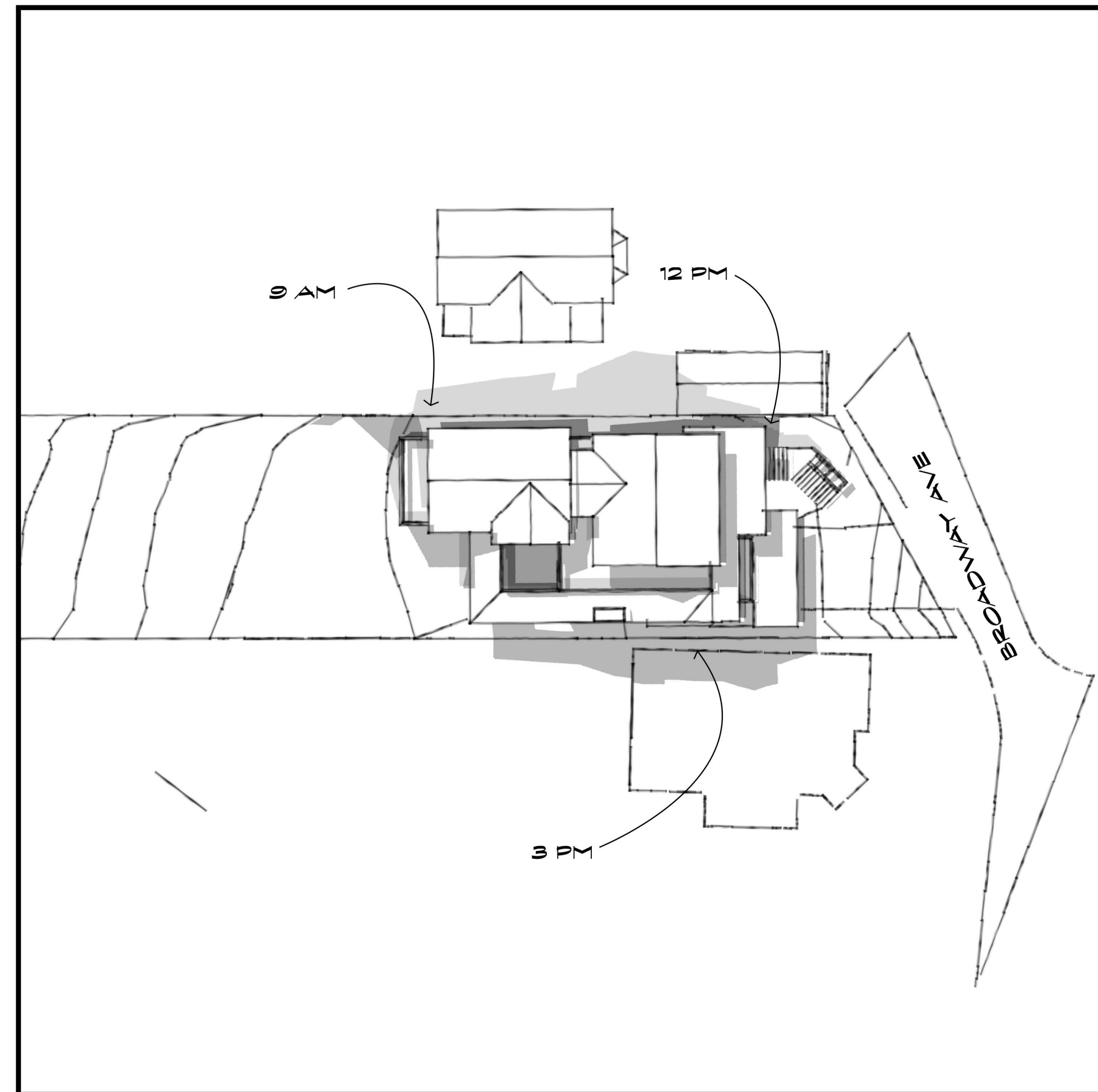
Previously received with the May 27, 2020 report:

1. Development Plans

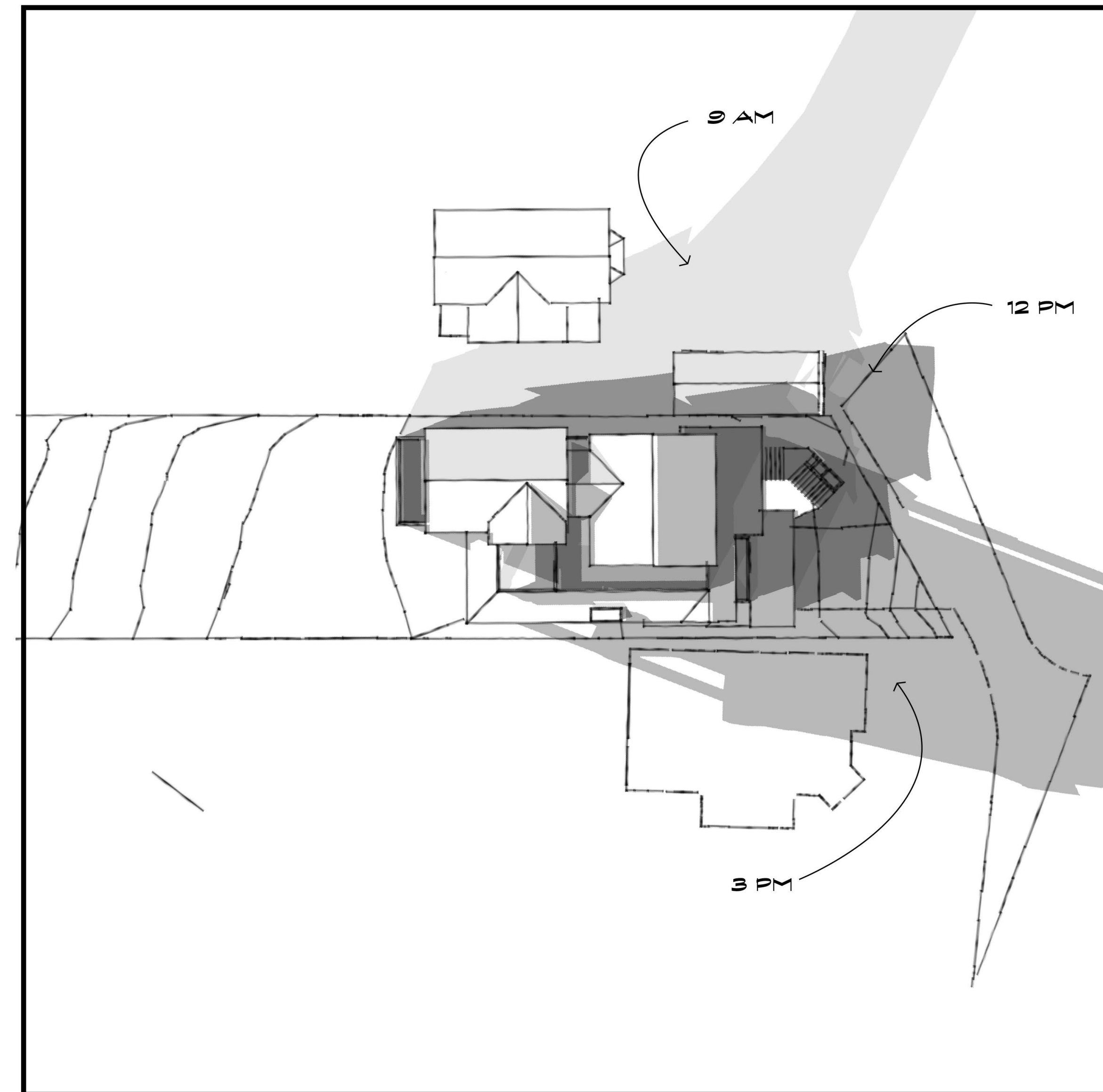
Received with this Desk Item Report:

2. Updated Shadow Study
3. Public comments received between 11:01 a.m., Friday, May 22, 2020 and 11:00 a.m., Wednesday, May 27, 2020

PREPARED BY: SEAN MULLIN, AICP
Associate Planner



SHADOW STUDIES JUNE 21



SHADOW STUDIES DECEMBER 21

Print date :

1/7/20
 JAY PLETT
 ARCHITECT

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 jay@plett-arc.com
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 Los Gatos, CA 95030

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Revisions :

PRELIM/HPC
 PLAN CK
 PRICING SET
 CONST. SET

Scale :

Date :

Sheet

SDW-1

From: Karen Kurtz <kurtzk@comcast.net>
Sent: Tuesday, May 26, 2020 9:49 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Public comment item # 5

Regarding 101 Broadway.

My name is Karen Kurtz

I have been a resident of Los Gatos since 1967 and residing at my present home at 107 Broadway since 1988. My home was built approximately 132 years ago.

I agree that 101 Broadway should be demolished soon. It is presently a fire & safety hazard as well as a health issue for our neighborhood. While I am happy to know a new home will be built on the property, I am saddened to see the present home plans which I do not believe blend in with our historic neighborhood or with the Victorian style homes on either side of it and throughout the neighborhood. I do not believe 101 Broadway should be 3 levels in the front or have flat or straight roof lines as again there are no other homes in the immediate area with that kind of architecture. I realize that the current trend is contemporary but our neighborhood is not contemporary.

I also am very concerned about the impact on my views which have been available & enjoyed at this property for over 100 years. Those views were certainly a consideration when I purchased this property and have added value on appraisals that I have had throughout the years. It will also block the light from the east except for maybe the 3 months when the sun is at its highest. The east is my only source of sun light because of the mountains & trees to the south and west. Except for those few longer days I need to turn on my lights in the house around 1:30 PM and all day in some rooms of my home on the lower level. Taking away my light and views will devalue my property. This is my retirement nest egg that I have fought to create and save for the last 32 years. Since I am in my 80's this is a major concern for me now as I have no other way to make up that lost value. I never considered or imagined that I would lose those views and light source.

I really want to work with the owner of 101 Broadway to create something that can satisfy both of our needs which I believe is possible. We have long but narrow lots so the height issue along with window placement becomes more prominent when we are so close to one another. I am concerned about the neighbor on the other side at 98 Broadway whose owner passed away suddenly a few months ago. I'm not sure anyone is around to speak up about the privacy that they will lose with all the windows that will look into that backyard & their skylights.

My wish is to create a pleasant living experience for all. Yes, demo the present home but may we work together on the plans for the new replacement home so that they are more compatible for all regarding our privacy, views and natural light. I request that anyone who has a part in making the decision about the new house plans visit my property to see for themselves the negative impact the present plans will have on my property and the neighbor on the other side at 98 Broadway.

Thank you for your consideration and time,

Karen Kurtz
107 Broadway Ext

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**TOWN OF LOS GATOS
HISTORIC PRESERVATION
COMMITTEE REPORT**

**MINUTES OF THE HISTORIC PRESERVATION COMMITTEE MEETING
MAY 27, 2020**

The Historic Preservation Committee of the Town of Los Gatos conducted a Regular Meeting on May 27, 2020, at 4:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.

MEETING CALLED TO ORDER AT 4:00 PM

ROLL CALL

Present: Vice Chair Steve Raspe, Planning Commissioner Mary Badame, Planning Commissioner Matthew Hudes, Committee Member Nancy Derham

Absent: Chair Robert Cowan

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – February 26, 2020
2. 135 Tait Avenue

Forward a Recommendation to the Director on a Request for Construction of Exterior Alterations to a Non-Contributing Single-Family Residence in the Almond Grove Historic District on Property Zoned R-1D:LHP. APN 510-18-031.

PROPERTY OWNERS: Gary and Amanda Butcher

APPLICANT: Tara Rasmussen

PROJECT PLANNER: Sean Mullin

3. 16880 Kennedy Road

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8 Located at 16880 Kennedy Road. APN 532-35-067.
PROPERTY OWNER: David Collins
APPLICANT: Jay Plett
PROJECT PLANNER: Sally Zarnowitz

4. 146 Stacia Street

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8 Located at 146 Stacia Street. APN 532-29-093.
PROPERTY OWNER/APPLICANT: Greg Jack
PROJECT PLANNER: Sally Zarnowitz

Commissioner Mary Badame announced that she would be recusing herself from the Item 2, 135 Tait Avenue, as her business is located within 1,000 feet of the subject property.

Commissioner Hudes requested Item 2, 135 Tait Avenue, and Item 3, 16880 Kennedy Road, be pulled from the Consent Calendar.

MOTION: Motion by Commissioner Matthew Hudes to approve Item 1 and Item 3 of the Consent Calendar. Seconded by Committee Member Nancy Derham.

VOTE: Motion passed unanimously

PUBLIC HEARINGS

2. 135 Tait Avenue

Forward a Recommendation to the Director on a Request for Construction of Exterior Alterations to a Non-Contributing Single-Family Residence in the Almond Grove Historic District on Property Zoned R-1D:LHP. APN 510-18-031.
PROPERTY OWNERS: Gary and Amanda Butcher
APPLICANT: Tara Rasmussen
PROJECT PLANNER: Sean Mullin

Commissioner Mary Badame recused herself from Item 2, 135 Tait Avenue, as her business is located within 1,000 feet of the subject property.

Sally Zarnowitz, Planning Manager, presented the staff report.

Opened Public Comment.

Applicant presented the project.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Commissioner Matthew Hudes** to recommend approval to the Director for construction of alterations to a non-contributing single-family residence in the Almond Grove Historic. **Seconded by Committee Member Nancy Derham.**

VOTE: **Motion passed unanimously**

3. 16880 Kennedy Road

Consider a Request to Remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8 Located at 16880 Kennedy Road. APN 532-35-067.

PROPERTY OWNER: David Collins

APPLICANT: Jay Plett, Architect

PROJECT PLANNER: Sally Zarnowitz

Sally Zarnowitz, Planning Manager, presented the staff report.

Opened Public Comment.

Applicant presented the project.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Commissioner Matthew Hudes** to approve removal of the pre-1941 property from the Historic Resources Inventory. **Seconded by Committee Member Nancy Derham.**

VOTE: **Motion passed unanimously**

5. 101 Broadway

Forward a Recommendation to the Director on a Request for demolition of an Existing Non-Contributing Multi-Family Residence and Construction of a New Single-Family Residence in the Broadway Historic District on Property Zoned R-1D:LHP.

APN 510-45-041. Architecture and Site Application S-20-003.

PROPERTY OWNER: Mark DeMattei

APPLICANT: Jay Plett, Architect

PROJECT PLANNER: Sean Mullin

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Applicant presented the project.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Commissioner Matthew Hudes** to recommend approval as proposed, with the condition that siding will be channel lap. **Seconded by Commissioner Mary Badame.**

VOTE: **Motion passed unanimously**

6. 201 Wilder Avenue

Forward a Recommendation to the Director on a Request for Construction of Exterior Alterations and an Addition to an Existing Non-Contributing Single-Family Residence in the Almond Grove Historic District on Property zoned R-1D:LHP. APN 510-17-029.

Minor Residential Development in an Historic District Application HS-20-004.

PROPERTY OWNER/APPLICANT: Cathy Davis

ARCHITECT: Chris Spaulding, Architect

PROJECT PLANNER: Sean Mullin

Commissioner Mary Badame announced that she would be recusing herself from Item 6, 201 Wilder Avenue, as her business is located within 1,000 feet of the subject property.

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Architect presented the project.

Closed Public Comment.

Committee members discussed the matter.

MOTION: **Motion by Commissioner Matthew Hudes to recommend approval as proposed. Seconded by Committee Member Nancy Derham.**

VOTE: **Motion passed unanimously**

7. 32 Walnut Avenue

Consider a Request to remove a Pre-1941 Property from the Historic Resources Inventory for Property Zoned R-1:8. APN 510-41-013.

PROPERTY OWNERS: Manish Belsare and Rekha

APPLICANT: Tom Sloane, Architect

PROJECT PLANNER: Sean Mullin

Sean Mullin, Associate Planner, presented the staff report.

Opened Public Comment.

Applicant and Owner presented the project.

Jeffrey Siegel

- He is a neighbor. He supports the request. The house has been heavily altered and he does not believe that it is a good representation of an architectural style.

Closed Public Comment.

Committee members discussed the matter.

Commissioner Hudes notes that he observed several existing features that appear to contribute to the integrity of the structure, including old-growth redwood siding, window casings, window tails, windowsill dimensions, antique glass, siding joint characteristics, and millwork detailing.

MOTION: **Motion by Commissioner Matthew Hudes to deny removal of the pre-1941 property from the Historic Resources Inventory in that the following two findings cannot be made:**

- 3. There are no distinctive characteristics of type, period or method of construction or representation of work of a master;

5. The integrity has been compromised such that the structure no longer has the potential to convey significance, identifying potential character-defining window and millwork features to be considered in the rehabilitation of the structure.

Seconded by Committee Member Nancy Derham.

VOTE: Motion passed unanimously

OTHER BUSINESS (*Up to three minutes may be allotted to each speaker on any of the following items.*)

8. Annual Certified Local Government Report

Committee members discussed the matter.

MOTION: Motion by Vice Chair Steve Raspe to accept the report. Seconded by Commissioner Mary Badame.

VOTE: Motion passed unanimously

9. Report from Planning Manager

ADJOURNMENT

The meeting adjourned at 5:44 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 27, 2020 meeting as approved by the Historic Preservation Committee.

/s/Sally Zarnowitz, AIA, LEED AP, Planning Manager

101 Broadway, Desk Item #1

Progression of walking up Broadway.



A



B



C



D



E

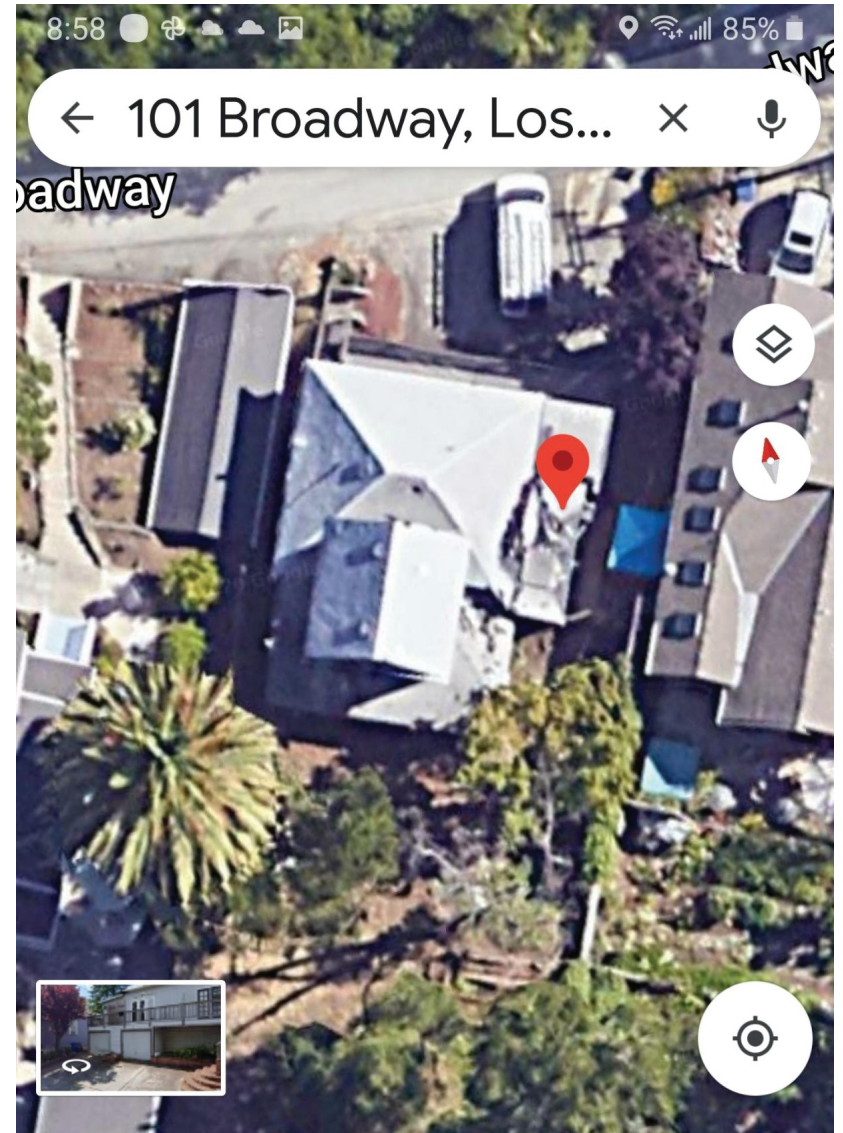


F

Story poles not visible until photo F



Pre Fire Satellite Image.



Post Fire Satellite Image.

From: Tami Kurtz <tamikj@gmail.com>

Sent: Tuesday, October 27, 2020 4:00 PM

To: Sean Mullin <SMullin@losgatosca.gov>

Subject: Fwd: Support of the Appeal to reject the decision by DRC approving the proposed project at 101 Broadway

Dear Sean Mullins,

My name is Tami Kurtz, I am writing to express my **strong and full support of the appeal to reject the decision by the DRC approving the proposed project at 101 Broadway.**

I grew up in Los Gatos and lived there for most of the first 35 years of my life. I am proud to call Los Gatos home and love to visit as frequently as possible. Karen Kurtz at 107 Broadway, is my mother. After living in Los Gatos since 1967 my mother began a multi year search for an historic Victorian home until she found the perfect property for her to restore at 107 Broadway in 1988. She has spent time, endless amounts of money, love, care and respect for her homes' history and her neighbors for 32 years. This home (107 Broadway) and this neighborhood honor the history of the area and provide a peaceful, beautiful setting for the residents, community and visitors alike. I've long admired the Town Planning Commission for preserving the history and beauty throughout the downtown area.

I have been following the lack of progress towards a reasonable solution for rebuilding 101 Broadway all summer and must say I am dismayed at the complete lack of transparency and honesty from those proposing the project, Jay Plett, Mark De Mattei and Robert Moore. It is very clear these three parties are attempting to ram this project through without any regard to the neighboring properties at 107 Broadway and 93 Broadway, and with little to no regard to the historic nature and scale of homes on beautiful historic Broadway.

As the project plans and story poles are now, the project at 101 Broadway would grossly block any views that my mother's home and backyard have enjoyed for more than a century. Instead of looking over the valley to the East Foothills, she would be staring at a monstrosity of a wall from both her home and her backyard.

The letter from Robert Moore who plans to live at 101 Broadway suggests that my mother's concerns about losing views, sunlight and peaceful enjoyment of her property smacks of hypocrisy, which is outright ridiculous, as she has not once expanded her home, added decks, balconies or anything of that nature to her home in the entire 32 years of owning and living at 107 Broadway. In fact, she shrank a deck out of respect for her neighbor at 101 Broadway. The hypocrisy is Mr. Moore's alone to own.

I'm disappointed to hear that it's taken all summer to get the Planning Commission to visit the site and as of now, only you have been to 101 Broadway as I understand it. Nobody has visited by mother's yard at 107 Broadway to actually see how high these story poles are and the overshadowing aspect this home will have on the neighbors on both sides of 101 Broadway. How can the Planning Commission reasonably make a decision without seeing the overwhelming scale in person?

It's my understanding there are clear inaccuracies in the design elevations submitted by the Applicant to the Town of Los Gatos. How does the Planning Commission confirm plans are accurate and true? Are professional architects and builders used to review the Applications? Who checks for truth and accuracy?

This project has the ability to either enhance the neighborhood, or greatly diminish it. I want to go on record that as the plan stands now, it would greatly diminish my mother's quality of life, her sunlight, and her property value. I believe it will also diminish the property value and quality of life at 93 and 89 Broadway as well.

I look forward to a revised plan that fits into the scale, nature and historic feel of Broadway and downtown Los Gatos overall.

Thank you for reading and taking this into consideration.

Kind regards,
Tami L. Kurtz

Tami L. Kurtz
(917) 207-8960



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 3

DATE: October 23, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008. Property Owner: Ramya Muddada. Applicant: Kurt B. Anderson. Project Planner: Sean Mullin.

RECOMMENDATION:

Consider approval of a request for subdivision of one lot into two lots on property zoned R-1:8 located at 15415 National Avenue.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: General Plan
Parcel Size: 0.53 acres (22,969 square feet)
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Office	Office Professional	Office
West	Residential	Low Density Residential	R-1:8

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.
- As required by Section 66474 of the State Subdivision Map Act.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located on the west side of National Avenue, approximately 385 feet south of the intersection of National Avenue and Los Gatos-Almaden Road (Exhibit 1). The subject property is approximately 0.53 acres (22,969 square feet) and developed with a 1,719-square foot single-family residence, a 317-square foot detached garage, a carport, and approximately six additional accessory structures of various sizes. The subdivision application has been referred to the Planning Commission to determine if the proposed corridor lot is consistent with the Land Use Element of the General Plan, specifically Policy LU-4.5: Discourage corridor lots.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject property is approximately 0.53 acres (22,969 square feet), located on the west side of National Avenue. Single-family residential development surrounds the property to the north, south, and west; office uses are located to the east of the property across National Avenue. The existing single-family residence and detached garage are located toward the front (east) of the property. The property has a depth of 250 feet and is primarily flat with a four-foot difference in grade between the front and rear property lines.

B. Project Summary

The applicant is proposing subdivision of the property into two lots: Lot 1 would have a net area of 8,060 square feet and lot 2 would have a gross area of 13,209 square feet and a net area of 10,729 square feet with the corridor area removed. The applicant proposes

PROJECT DESCRIPTION (continued):

demolition of all existing structures on the property except the single-family residence. Lot 2 would be left vacant and future development would be regulated by the requirements of the zone. The proposed subdivision also includes a street dedication of 10 feet at the front of the property along National Avenue.

C. Zoning Compliance

The applicant proposes subdivision of one lot into two lots in the R-1:8 single-family residential zone. Lot 1 would continue the existing single-family residential use. Lot 2 would be vacant, and its use would be regulated by the allowed and conditional uses of the R-1:8 single-family residential zone.

DISCUSSION:

A. Subdivision Design Analysis

The R-1:8 zone includes requirements for lot area, frontage, depth, and setbacks. Section 29.10.085 includes requirements for the corridor portion of a corridor lot, including a minimum width of 20 feet and a maximum length of 300 feet. The existing property has 85 feet of frontage along National Avenue. Given the narrow shape of the existing property, a two-lot subdivision without a corridor lot would not meet the 60-foot frontage requirement for the zone. Use of a corridor lot would allow proposed lots 1 and 2 to meet the requirements of the R-1:8 zone and Section 29.10.085. A summary of the subdivision design is included in the table below.

Subdivision Design Summary

	Required in R-1:8	Lot 1	Lot 2
Area	8,000 sf	8,060 sf	10,729 sf*
Frontage	60 ft/20 ft for corridor	65 ft	20 ft
Depth	90 ft	124 ft	126 ft
Corridor Length	300 ft or less	N/A	124 ft
Lot Coverage	40% maximum	21%	0%
Setbacks			
Front	25 ft	33 ft	25 ft
Rear	20 ft	20 ft	20 ft
Side	8 ft	8 ft	8 ft
* - Does not include the area of the corridor 2,480 sf			

Section 29.40.075 of the Town Code provides a calculation of the maximum allowed floor area ratio (FAR) for residential lots. The applicant proposes demolition of all the existing

DISCUSSION (continued):

structures on the property except the single-family residence. The existing residence would be located on the proposed lot 1 and would comply with the FAR limitations for the lot. Lot 2 would be vacant. A summary of the FAR for the proposed lots is included in the table below.

FAR Summary

	Lot 1		Lot 2	
Lot Area	8,060 sf		10,729 sf*	
	Allowed	Proposed	Allowed	Proposed
FAR				
Residence	0.326	0.213	0.304	0 sf
Garage	0.091	0.000	0.084	0 sf
Floor Area				
Residence	2,624 sf	1,719 sf	3,263 sf	0 sf
Garage	737 sf	0 sf	901 sf	0 sf
* - Does not include the area of the corridor 2,480 sf				

B. Neighborhood Compatibility

The proposed subdivision would result in two lots: Lot 1 would be 8,060 square feet and lot 2 would be 10,729 square feet with the corridor area removed. As summarized in the table below, the proposed lot sizes would be consistent with those of the neighboring R-1:8 zoned properties. The proposed subdivision would create a corridor lot for lot 2. While generally discouraged by General Plan Policy LU-4.5, corridor lots may be allowed if found to be consistent with the character of the surrounding neighborhood, which includes a corridor lot at 15439 National Avenue. In this context, the proposed corridor lot would be consistent with the surrounding neighborhood as summarized in the table below.

DISCUSSION (continued):

Summary of Neighborhood R-1:8 Lot Sizes

Address	Lot Size
15415 National Ave (Lot 1)	8,060 sf
15415 National Ave (Lot 2)*	10,729 sf
15385 National Ave	10,707 sf
15425 National Ave	20,726 sf
15439 National Ave*	9,655 sf
15461 National Ave	6,970 sf
15465 National Ave	8,993 sf
15475 National Ave	7,592 sf
15485 National Ave	7,592 sf
369 Blackwell Dr	10,138 sf
373 Blackwell Dr	10,180 sf
377 Blackwell Dr	9,883 sf
381 Blackwell Dr	9,147 sf
* - Does not include the area of the corridor	

C. Public Improvements

The proposed subdivision includes an 85-foot wide and 10-foot deep dedication along National Avenue. The applicant will be responsible for public improvements including installation of new roadway, curb, gutter, sidewalk, and driveway and relocation of existing utility poles. These improvements will be required prior to issuance of any future Building or Grading Permits.

D. Tree Impacts

The proposed subdivision and subsequent public improvements would require removal of five trees, four of which are located in the Town right-of-way. The proposed tree removals are necessary for the required public improvements. The property owner will be required to obtain a Tree Removal Permit prior to removal of the trees. This permit will require planting of replacement trees onsite or the payment of in-lieu fees to offset the tree removals.

E. General Plan

General Plan Land Use Element Policy LU-4.5 discourages corridor lots; however, if a corridor lot is proposed, it should only be allowed if its use is consistent with the following criteria. The applicant has provided a Letter of Justification addressing these criteria (Exhibit 4). Staff’s analysis is included below.

DISCUSSION (continued):

- The use of a corridor lot decreases the amount of public street required for the subdivision.

The proposed subdivision involves a single lot of limited size within an established neighborhood. The use of a corridor lot would not impact the amount of public street required for the subdivision as National Avenue is an existing street providing service to the existing neighborhood.

- The use of a corridor lot contributes to the surrounding neighborhood.

The proposed corridor lot would allow for subdivision of the existing property into two lots that are more consistent in size with the surrounding neighborhood. As a result, the development potential of the proposed lots would be consistent with the surrounding neighborhood in terms of mass and scale. If lot 2 is developed with a single-family residence, the subdivision would add at least one additional unit to the Town's housing stock.

- The use of a corridor lot is in context with the existing scale and established character of the neighborhood (current letter).

As discussed above, subdivision of the existing property would produce two lots that are consistent in size with the surrounding neighborhood. This will allow for development that is in context with the existing scale and established character of the surrounding neighborhood.

- The subdivider shall also demonstrate that the use of a corridor lot benefits surrounding properties.

The use of the corridor lot would facilitate the subdivision of a lot that is much larger than most of the surrounding lots. Use of a corridor lot would reduce the scale and size of the potential development to a level consistent with the neighborhood.

F. CEQA Determination

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.

PUBLIC COMMENTS:

At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The applicant is requesting approval for subdivision of one lot into two lots, including a corridor lot. General Plan Land Use Element Policy LU-4.5 discourages corridor lots unless found to be consistent and beneficial to the surrounding neighborhood. The applicant has provided justification for the proposed corridor lot and demonstrated that the proposed lot configuration would create two lots that would be consistent with the surrounding neighborhood.

B. Recommendation

Based on the analysis above, staff recommends approval of the Subdivision application subject to the recommended conditions of approval included in Exhibit 3. Should the Planning Commission find merit in the request, it should:

1. Make the finding that the proposed project is Categorically Exempt, pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions (Exhibit 2);
2. Making the findings in the affirmative as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and
3. Approve Subdivision Application M-18-008 with the conditions of approval contained in Exhibit 3, and the plans in Exhibit 5.

C. Alternatives

Alternatively, the Commission can:

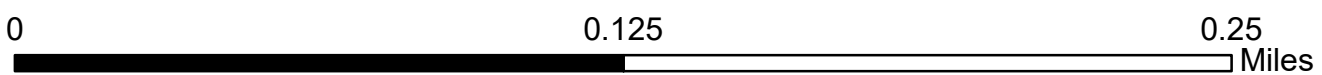
1. Continue the matter to a date certain with specific direction; or
2. Approve the application with additional and/or modified conditions; or
3. Deny the application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Development Plans

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15415 National Avenue



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PLANNING COMMISSION –October 28, 2020
REQUIRED FINDINGS

15415 National Avenue
Subdivision Application M-18-008

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008.

PROPERTY OWNER: Ramya Muddada
APPLICANT: Kurt B. Anderson
PROJECT PLANNER: Sean Mullin

FINDINGS

Required Finding for CEQA:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15315: Minor Land Divisions.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made in the negative: **None of the findings could be made in the negative to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat
- f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.
- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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PLANNING COMMISSION – October 28, 2020
CONDITIONS OF APPROVAL

15415 National Avenue
Subdivision Application M-18-008

Requesting Approval for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008.

PROPERTY OWNER: Ramya Muddada
APPLICANT: Kurt B. Anderson

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. **APPROVAL:** This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
2. **EXPIRATION:** The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. **EXISTING STRUCTURES:** Existing accessory structures shall be demolished or relocated prior to recordation of the parcel map.
4. **TREE REMOVAL PERMIT:** A Tree Removal Permit shall be obtained for any protected trees to be removed, prior to the issuance of a building or grading permit.
5. **TOWN INDEMNITY:** Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.
6. **COMPLIANCE MEMORANDUM:** A memorandum shall be prepared and submitted with the building plans detailing how the Conditions of Approval will be addressed.

Building Division

7. **PERMITS REQUIRED:** A separate Demolition Permit is required for the demolition of each individual existing structure as outlined in the drawings provided with this application.
8. **REQUIREMENTS FOR COMPLETE DEMOLITION OF STRUCTURE:** Obtain a Building Department Demolition Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department

Service Counter with the Air District's J# Certificate, PG&E verification, and three (3) sets of site plans showing all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.

9. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development – Planning Division: (408) 354-6874
 - b. Engineering/Parks & Public Works Department: (408) 399-5771
 - c. Santa Clara County Fire Department: (408) 378-4010

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

10. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
11. PLANS AND STUDIES: Any studies imposed by the Planning Commission or Town Council shall be funded by the Owner/Applicant.
12. GENERAL: The Owner/Applicant shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Certificate of Compliance. Issuance of a Certificate of Compliance will acknowledge the Town's acceptance of the parcel as legally created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.
13. PARCEL MAP: A parcel map shall be recorded. Two (2) hardcopies and an electronic copy of the parcel map shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. Submittal shall include closure calculations, title reports and the appropriate fee. The map shall be recorded prior to the issuance of any grading or building permits. The Owner/Applicant shall provide the Engineering Division with an electronic copy (in PDF format) of the signed recorded map along with a CAD drawing of the Parcel Map after it is recorded.
14. WEST VALLEY SANITATION DISTRICT: All sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision maps with respect to the subject property or properties or immediately prior to the issuance of a sewer connection permit, whichever event occurs first. Written confirmation of payment of these fees shall be provided prior to map recordation.
15. DEDICATIONS: The following shall be dedicated on the parcel map by separate instrument. The dedication shall be recorded before any grading or building permits are issued:
 - a. National Avenue: The ten (10) feet within the subject property located immediately adjacent to the National Avenue right-of-way shall be dedicated in fee.

- b. Public Service Easement (PSE): Five (5) feet wide, next to the National Avenue right-of-way dedication as described above.
 - c. Ingress-egress, storm drainage, sanitary sewer, and utility easements for Parcel 2 as shown on the Proposed Lot Subdivision plans, dated October 5, 2018, as required.
- 16. WATER METER: The existing water meter, currently located within the National Avenue right-of-way, shall be relocated within the property in question, directly behind the public right-of-way line. The Owner/Applicant shall repair and replace to existing Town standards any portion of concrete flatwork within said right-of-way that is damaged during this activity prior to issuance of a certificate of occupancy.
- 17. PUBLIC IMPROVEMENTS: The following improvements shall be installed by the Developer. Plans for those improvements shall be prepared by a California registered civil engineer, reviewed and approved by the Town, and guaranteed by contract, Faithful Performance Security and Labor & Materials Security before the recordation of a map. The improvements must be completed and accepted by the Town before the issuance of any subsequent grading or building permits unless otherwise allowed by the Town Engineer.
 - a. National Avenue: Curb, gutter, sidewalk, street lights, tie-in paving, signing, striping, storm drainage and sanitary sewers, as required.
 - b. Remove and replace the existing pavement section along the project frontage with a traffic-appropriate engineered structural pavement section from centerline to the edge of pavement on the project (west) side, or alternative pavement rehabilitation measures as approved by the Town Engineer.
- 18. CERTIFICATE OF OCCUPANCY: The Engineering Division of the Parks and Public Works Department will not sign off on a Temporary Certificate of Occupancy or a Final Certificate of Occupancy until all required improvements within the Town's right-of-way have been completed and approved by the Town.
- 19. FRONTAGE IMPROVEMENTS: The Developer shall be required to improve the project's public frontage (right-of-way line to centerline and/or to limits per the direction of the Town Engineer) to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approach, signs, pavement, raised pavement markers, thermoplastic pavement markings, storm drain facilities, street lighting (upgrade and/or repaint) etc. Plans for the improvements must be approved by the Town prior to the issuance of any grading or building permits. The improvements must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.
- 20. DRIVEWAY APPROACH: The Owner/Applicant shall install one (1) Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Plans and must be completed and accepted by the Town before a Certificate of Occupancy for any new building can be issued. New concrete shall be free of stamps, logos, names, graffiti, etc. Any concrete identified that is displaying a stamp or equal shall be removed and replaced at the Contractor's sole expense and no additional compensation shall be allowed therefore.
- 21. FRONTAGE IMPROVEMENTS (TRAFFIC): The Developer shall construct improvements including and may not be limited to signage, striping, curb/gutter/sidewalk, and street

lights, at the project frontage as directed by the Town Engineer. Plans for the improvements approved by the Town and the improvements themselves must be completed and accepted by the Town before the issuance of any grading or building permits unless otherwise allowed by the Town Engineer.

22. UTILITIES: The Owner and/or Applicant shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. The Owner and/or Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers before a Certificate of Occupancy for any new building can be issued. Proposed modification of any utility pole locations will require the undergrounding of affected overhead utility lines. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
23. SUBDIVISION IMPROVEMENT AGREEMENT: The Owner/Applicant shall enter into an agreement to construct public improvements in accordance with Town Code Section 24.40.020. The Owner/Applicant shall supply suitable securities for all public improvements that are part of the development in a form acceptable to the Town in the amount of 100% performance and 100% labor and materials prior to the issuance of any encroachment permit. The Owner/Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division of the Parks and Public Works Department. A copy of the executed agreement shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any encroachment permit.
24. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. The easements and associated agreements shall be recorded simultaneously with the Parcel map. A copy of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

25. GENERAL: Review of this Developmental proposal is limited to acceptability of site access, water supply and may include specific additional requirements as they pertain to fire department operations, and shall not be construed as a substitute for formal plan review to determine compliance with adopted model codes. Prior to performing any work, the applicant shall make application to, and receive from, the Building Department all applicable construction permits.
26. Additional conditions shall be generated during further development of the parcels.

July 27, 2020

Sean Mullin
Planning Department
110 E. Main Street
Los Gatos, CA 95030

RE: 15415 National Avenue Project Justification

Dear Planning:

The current parcel located at 15415 National Avenue is 22,119 SF with a General Plan Designation of Residential and a Zoning Designation of R-1:8.

We understand that the Council has been denying Corridor lot requests in the past but we feel this Project has enough compelling reasons (see below) that the Council should hopefully consider this subdivision favorably and approve our request.

The site is surrounded on three sides by 8,000 SF lots or larger with a commercial development across National to the east.

The gross lot size is 22,119 SF in an R-1:8 Zoning District which requires a minimum of 8,000 SF per lot. There is enough gross land to adhere to all the Zoning lot size requirements including the corridor lot requirements.

Justification to support the subdivision in spite of Land Use LU4.5 of The General Plan:

The site is 22,119 SF and with the proposed subdivision, both lots conform to the minimum lot size requirements. This is after the dedication of 850 SF on National Avenue.

The size of the proposed lots will be more in conformance with the surrounding neighborhood and will more effectively blend in size and scope benefitting the adjacent properties by limiting the size of the new residences due to the allowable FAR and impervious coverage. This is very important, by reducing the two lot sizes from one single large parcel, the new residences will be more in scale with the existing residences on the surrounding properties. Otherwise the landowner could choose to build a very large structure on this site dwarfing the size of the adjacent residences.

We have prepared a sheet titled Neighborhood Exhibit, which is part of the drawing package, indicating the adjacent lot sizes. The five contiguous lots to the north and west are; 10,707 SF, 9,883 SF, 9,920 SF, 10,092 SF and 9,639 SF. The parcel to the south is 22,418 SF. Our two new net sized parcels are 8,060 SF and 10,716 SF respectively. This is after the street dedication (850 SF) and the exclusion of the corridor leg. The two new lots blend within the neighborhood lot sizes.

The proposed residence will conform to all setbacks, FAR restrictions and by creating these two lots, the resulting FAR will be more in line with the surrounding properties and neighborhood.

In addition, we did meet with the surrounding property owners and as far as we can determine, there is no opposition to our request.

By approving this proposal (which conforms to all the lot size restrictions and requirements mandated by the Town's Zoning Code) it creates a wonderful opportunity for the Town to increase the housing stock and in addition, it provides for new street improvements along the property's frontage along National Avenue.

Respectfully submitted,

Kurt B. Anderson, AIA, CBIG
Principal

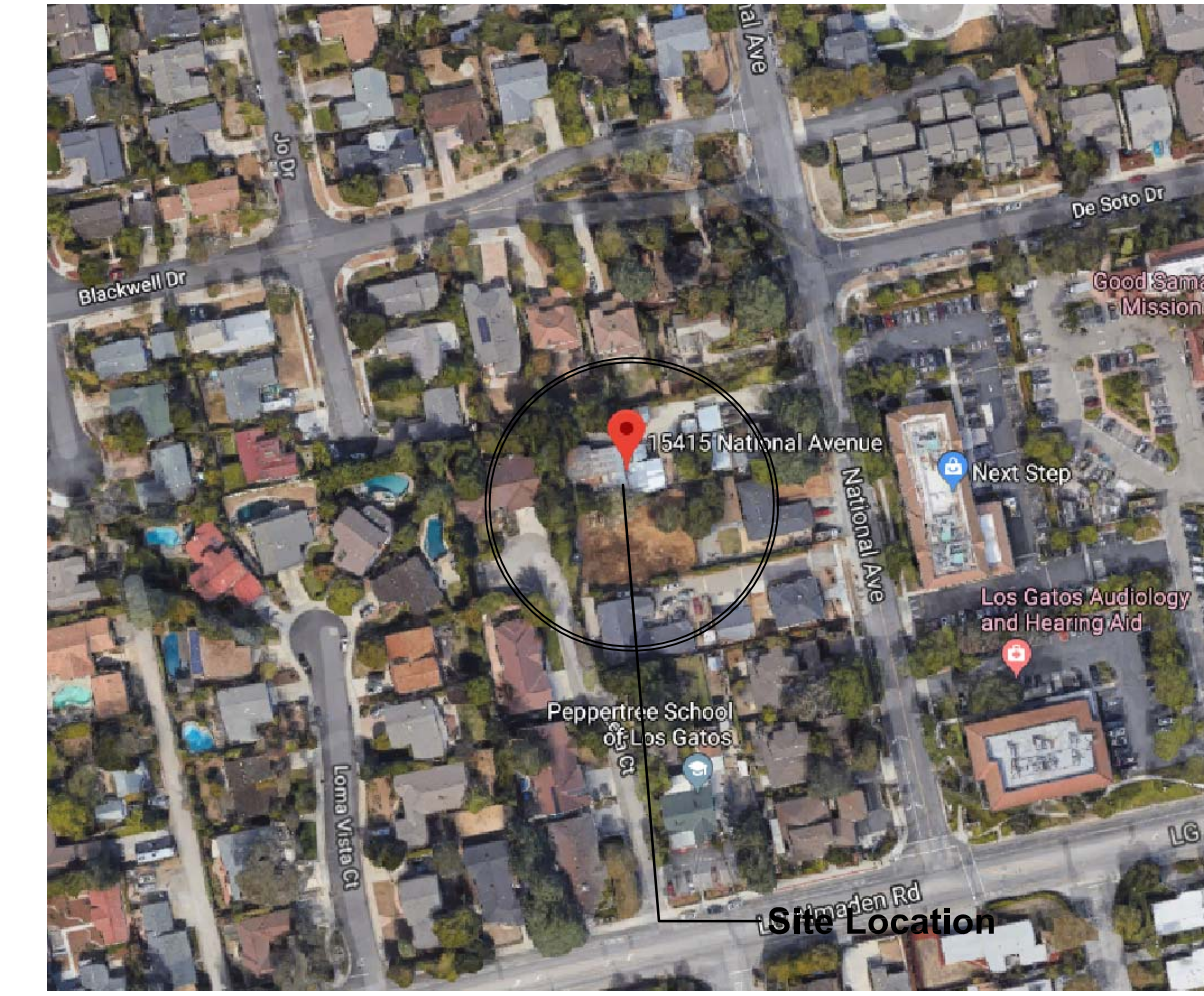


120 W. Campbell Ave.
Suite D
Campbell, CA 95008
T: 408 . 371 . 1269
F: 408 . 370 . 1276

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PROPOSED LOT SUBDIVISION

15415 NATIONAL AVENUE , LOS GATOS CA. 95030



VICINITY MAP

Anderson Architects INC

kanderson@andarchinc.com
Cell 408.202.5462

Kurt B. Anderson, AIA
Principal

120 W. Campbell Ave, Suite D
Campbell, CA 95008

Tel. 408.371.1269
Fax. 408.371.1276

www.andarchinc.com

The use of these plans and specifications shall be restricted to the specific site for which they were prepared and publication thereof shall be expressly limited to such use. Reuse, reproduction or publication by any method, in whole or in part, is prohibited. Title to the plans and specifications remains with ANDERSON ARCHITECTS INC. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of the restrictions.

Client:
RAMYA MUDADDA
15415 NATIONAL AVENUE
LOS GATOS ALAMDEN ROAD
SAN JOSE, CA. 95030

Project:
MUDADDA RESIDENCE

15415 NATIONAL AVENUE
LOS GATOS ALAMDEN ROAD
SAN JOSE, CA. 95030

PLANNING DEPARTMENT PRELIMINARY DESIGN REVIEW SUBMITTAL BUILDING DEPARTMENT PLAN CHECK SUBMITTAL APPROVED FOR CONSTRUCTION

CONSULTANTS

OWNER :
RAMYA MUDADDA
15415 National Avenue
Los Gatos Almaden Road
San Jose CA. 95030
Contact: Ramya Mudadda

ARCHITECT
Anderson Architects, Inc.
120 W. Campbell Ave., Suite D
Campbell, CA 95008
P: 408.371.1269 x1
C: 408.202.5462
Contact: Kurt Anderson, AIA, Principal

CIVIL:
NTERRA GROUP
1295 E. DUNNE AVENUE #230
MORGAN HILL ,CA 95037
P: 408.472.5222
Contact: DAVE VOORHIES

PROJECT DATA

A.P.N. : 424-12-006
LOT SIZE : PARCEL 1 8,060 S.F.
PARCEL 2 13,209 S.F.

ZONING : R1: 8 SINGLE FAMILY
OCCUPANCY: R3
EXISTING USE : RESIDENTIAL
PROPOSED USE : RESIDENTIAL
TYPE OF CONSTRUCTION : TYPE V-A
GENERAL PLAN : LOW DENSITY RESIDENTIAL 0 TO 5 DWELLING UNITS PER ACRE.

EXISTING LOT SIZE: 22,119 SQ. FT.
DEDICATION: 850 SQ. FT.

PROPOSED PARCEL 1:
GROSS: 8,060 SQ. FT.

PROPOSED PARCEL 2:
GROSS: 13,209 SQ. FT.
CORRIDOR: 2,480 SQ. FT.
NET AFTER CORRIDOR: 10,729 SQ. FT.

PROJECT DESCRIPTION

THE REQUEST IS TO SUBDIVIDE A 22,119 S.F. LOT INTO TWO PARCELS
ONE LOT FRONTING NATIONAL AVENUE AT A SIZE OF 8,060 S.F.
AND THE REAR CORRIDOR LOT TO BE 13,209 S.F. GROSS AND 10,729 S.F. NET.
A STREET DEDICATION OF 850 SQ. FT. WILL BE REQUIRED TO ACCOMMODATE
STREET IMPROVEMENTS.

SHEET INDEX

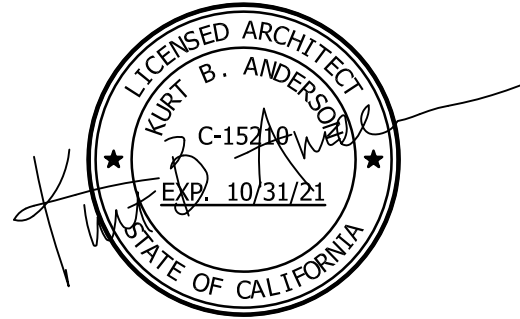
ARCHITECTURAL

- A0.0 COVER SHEET
- A0.1 CONTEXT SITE PLAN
- A0.2 CONTEXT ELEVATION STREET PICS
- A1.0 EXISTING SITE PLAN
- A2.0 DEMOLITION PLAN
- A3.0 PROPOSED SITE PLAN

CIVIL

- TM1 COVER SHEET
- TM2 CIVIL SITE LAYOUT

Stamp:



Issued For

No.	Description	Date
0		
1	PLAN REVIEW COMMENTS	7-1-2019
2	PLAN REVIEW COMMENTS	9-13-2019
3	PLAN REVIEW COMMENTS	2-14-2020
4	CITY COMMENTS	7-27-2020
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Initial Submittal Date: 8-19-2019

Scale: NTS

Drawn By: CDR

Checked By: KBA

Sheet Title:

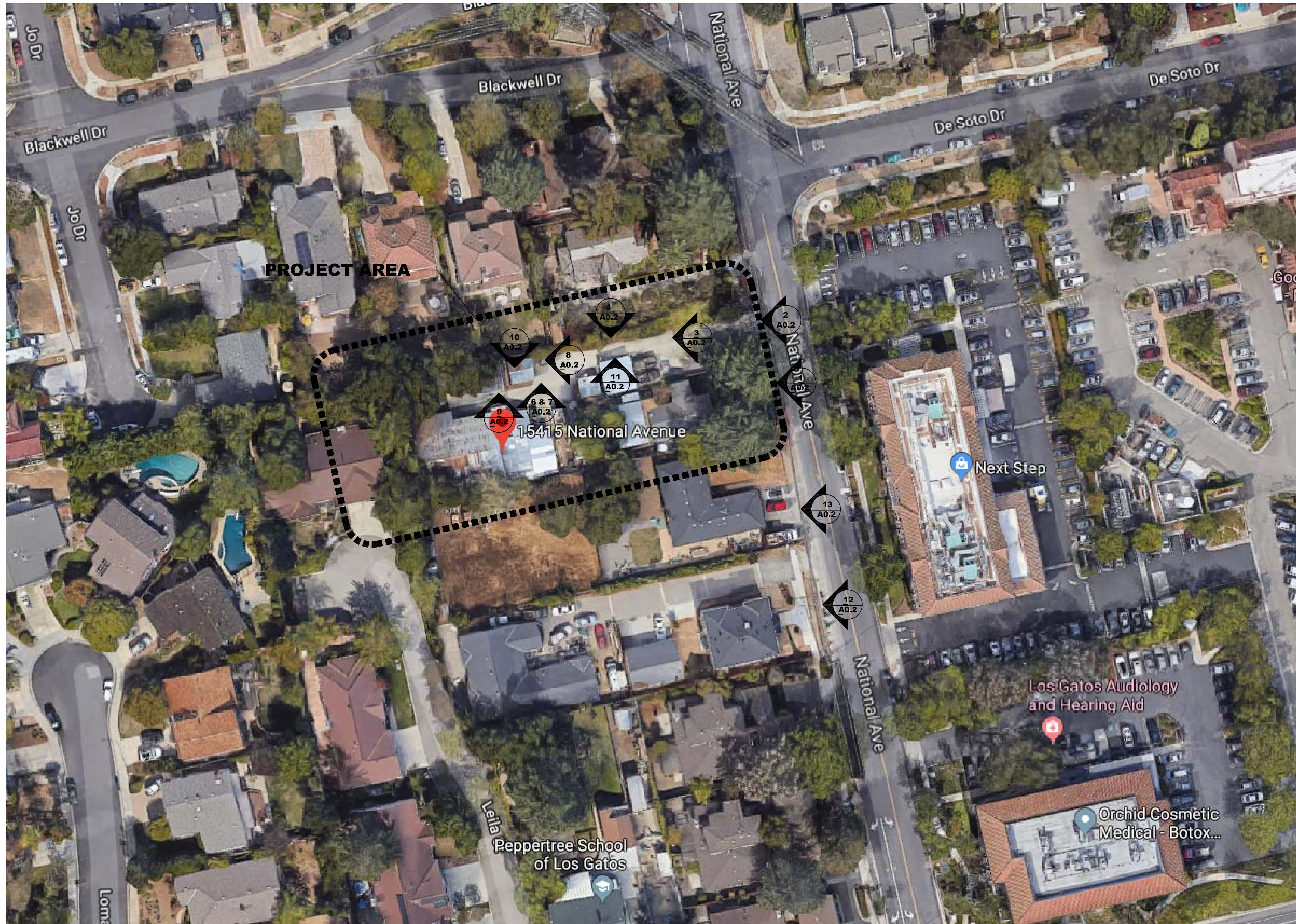
COVER SHEET

Sheet No.:

A0.0

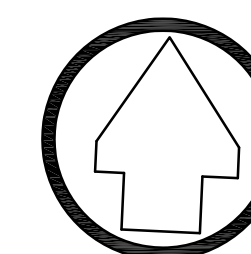
File: P:\Projects\National Ave.

Job: National Ave.



1 CONTEXT SITE PLAN
NTS

NOTE: REFER STREET PICS ON SHEET A0.2



NORTH

Anderson Architects INC

kanderson@andarchinc.com
Cell 408.202.5462

Kurt B. Anderson, AIA
Principal

120 W. Campbell Ave, Suite D
Campbell, CA 95008

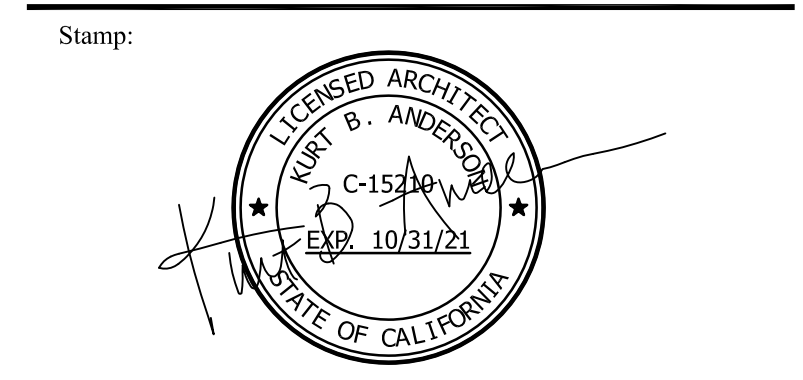
Tel. 408.371.1269
Fax. 408.371.1276

www.andarchinc.com

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LOS GATOS ALAMDEN ROAD
SAN JOSE, CA. 95030

Project:
MUDADDA RESIDENCE
15415 NATIONAL AVENUE
LOS GATOS ALAMDEN ROAD
SAN JOSE, CA. 95030



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Initial Submittal Date: 8-19-2019

Scale: NTS

Drawn By: CDR

Checked By: KBA

Sheet Title:

Context Site Plan

Sheet No.:

A0.1

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15415 NATIONAL AVENUE
LOS GATOS ALAMDEN ROAD
SAN JOSE, CA 95030

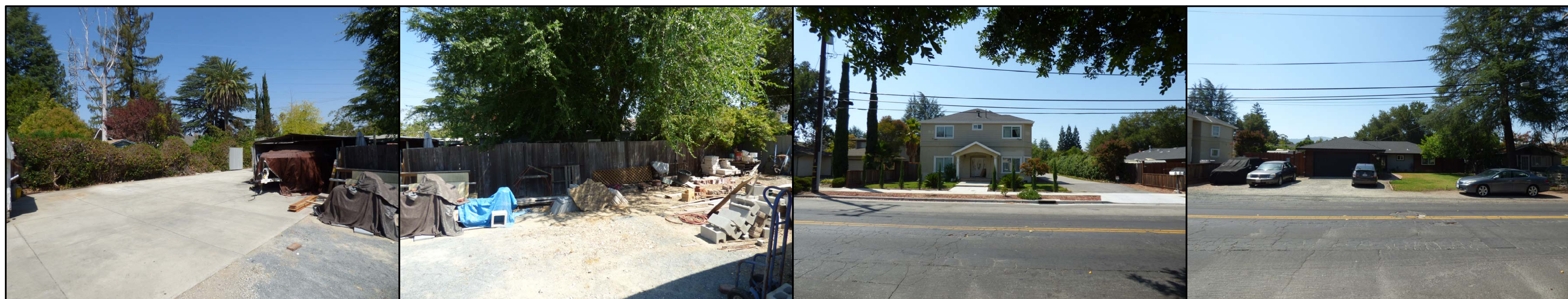
Project:
MUDADDA RESIDENCE
15415 NATIONAL AVENUE
LOS GATOS ALAMDEN ROAD
SAN JOSE, CA 95030



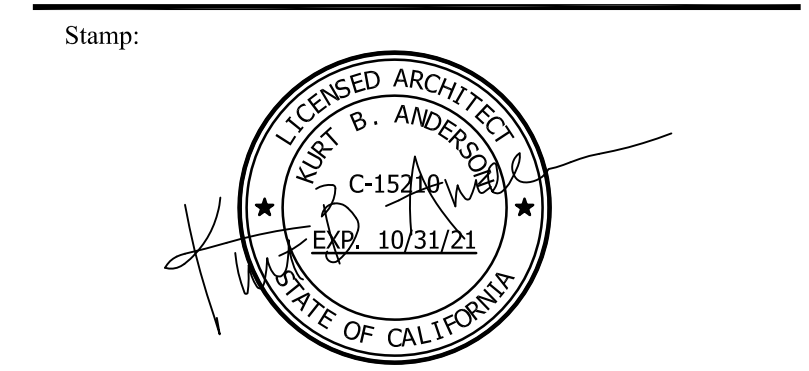
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Issued For

No.	Description	Date
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1	PLAN REVIEW COMMENTS	7-1-2019
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Initial Submittal Date: 8-19-2019

Scale: NTS

Drawn By: CDR

Checked By: KBA

Sheet Title:

Context Elevations

Sheet No.:

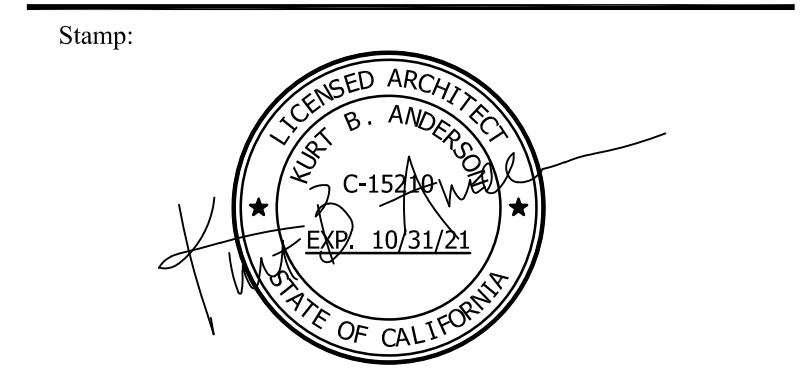
A0.2

1 CONTEXT ELEVATIONS
1"=40'-0"

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 LOS GATOS ALAMDEN ROAD
 SAN JOSE, CA. 95030

Project:
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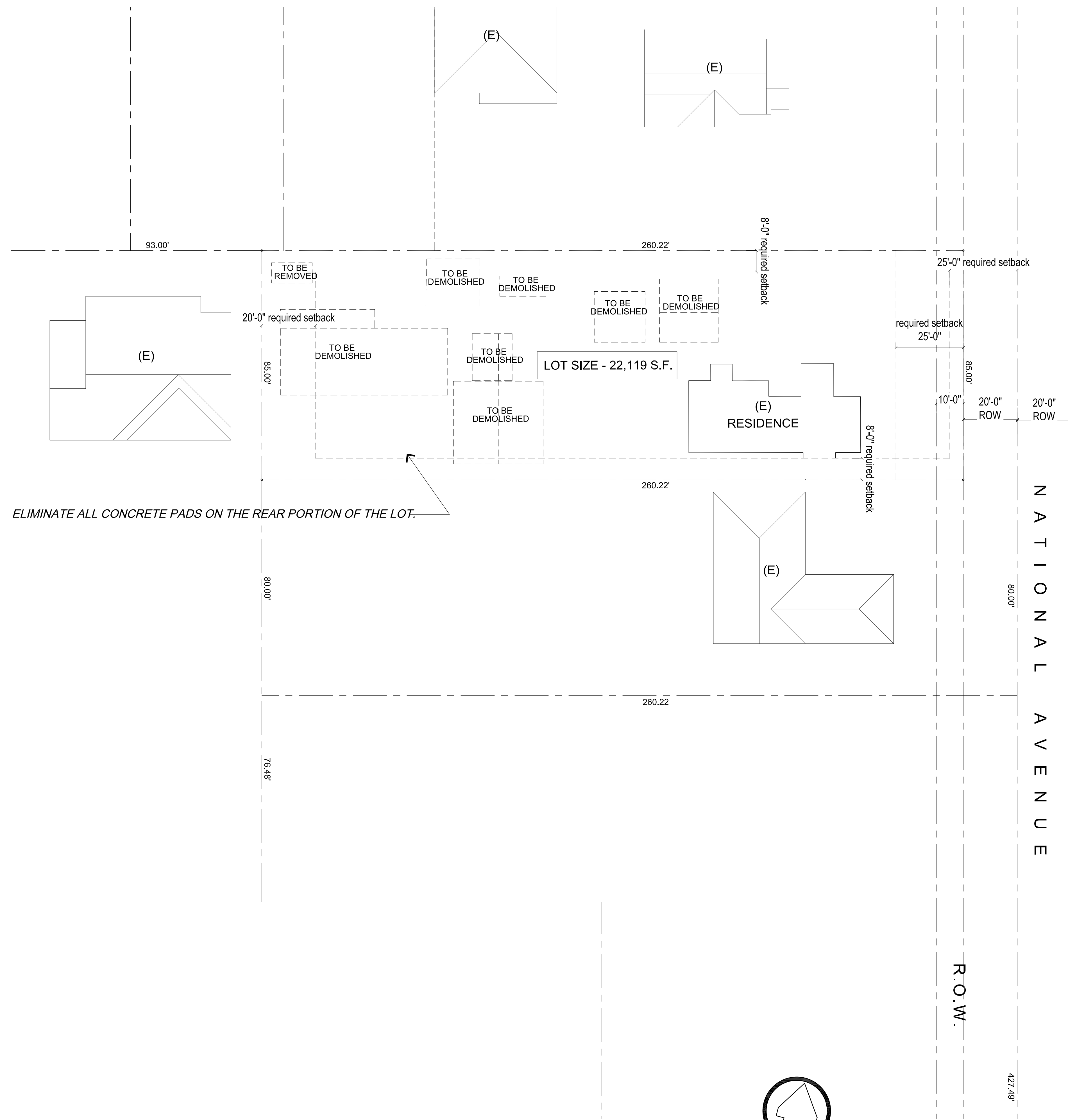
Issued For

No.	Description	Date
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Initial Submittal Date: 8-19-2019
 Scale: AS SHOWN
 Drawn By: CDR
 Checked By: KBA
 Sheet Title:

Demolition Plan

Sheet No.:
A2.0



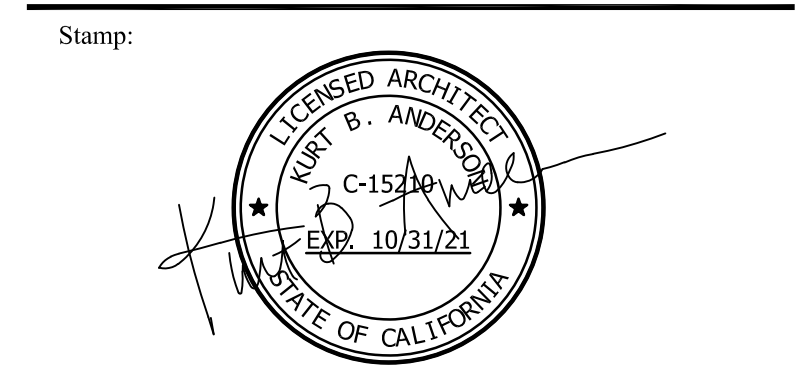
1 DEMOLITION PLAN
 1"=20'-0"



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Project:
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15415 NATIONAL AVENUE
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SAN JOSE, CA 95030



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Initial Submittal Date: 8-19-2019

Scale: AS SHOWN

Drawn By: CDR

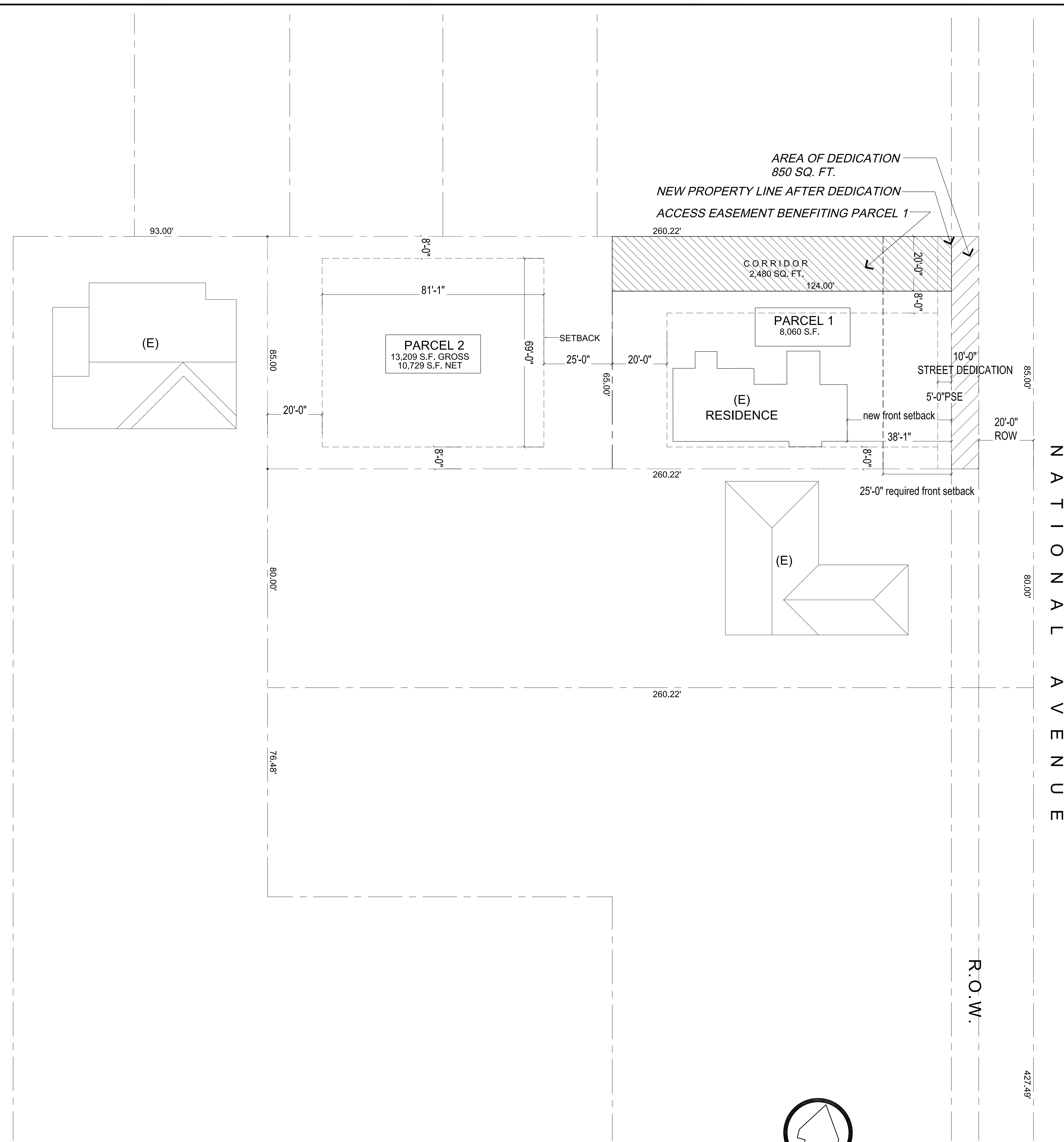
Checked By: KBA

Sheet Title:

Proposed Site Plan

Sheet No.:

A3.0



1 PROPOSED SITE PLAN
1"=20'-0"



BASIS OF BEARINGS:

THE BEARING OF S12°31'50"W ALONG THE CENTERLINE OF NATIONAL AVENUE AS SHOWN ON THE MAP FILED IN BOOK 621 OF MAPS AT PAGES 49-50, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA AS SHOWN THEREON WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS TENTATIVE MAP.

FLOOD ZONE:

THIS PROJECT SITE IS NOT WITHIN A DESIGNED FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 100-YEAR FLOODPLAIN. FLOOD ZONE D IS AN UNSTUDIED AREA PER FEMA MAP NO. 06085C0377H, DATED MAY 18, 2009 WHERE FLOOD HAZARDS ARE UNDETERMINED, BUT FLOODING IS POSSIBLE. THERE ARE NO CITY FLOODPLAIN REQUIREMENTS FOR ZONE D.

GENERAL NOTES

NAME:	15415 NATIONAL AVE LOS GATOS, CA 95032	EXISTING ZONING:	R1-8
OWNER:	BHATTULLA VYANKATESH PIRAYYA/ MUDDAD RAMYA 15415 NATIONAL AVE LOS GATOS, CA 95032	PROPOSED ZONING:	R1-8
SUBDIVIDER:	BHATTULLA VYANKATESH PIRAYYA/ MUDDAD RAMYA 15415 NATIONAL AVE LOS GATOS, CA 95032	GENERAL PLAN/LAND USE	R1-8
CIVIL ENGINEER:	NTERRA GROUP DAVID VOORHIES, P.E. 1295 E DUNNE AVE., SUITE 230 MORGAN HILL, CA 95037 RCE 26429 EXPIRES 3-31-20	WATER:	SAN JOSE WATER COMPANY
ASSESSORS PARCEL NUMBER:	APN 424-12-006	SANITARY SEWER:	WEST VALLEY SANITATION DISTRICT
BOOK AND PAGE:	E OF MAPS AT PAGE 67 PART OF LOT 9	STORM DRAIN:	CITY OF SAN JOSE
EXISTING USE:	RESIDENTIAL	GAS:	PG&E
PROPOSED USE:	RESIDENTIAL	ELECTRICAL:	PG&E
EXISTING WELLS:	NONE	TELEPHONE:	AT&T
		CABLE TV:	AT&T BROADBAND
		EXISTING NUMBER OF LOT:	1
		PROPOSED NUMBER OF LOTS:	2
		TOTAL SITE ACREAGE:	
		EXISTING:	22,118.7 SF 0.508± ACRES
		AFTER DEDICATION	21,268.7 SF 0.488± ACRES
		STREET DEDICATION:	850 SF

APN 424-12-123
HEPLER BRAD D
AND UMALI PAMELA
CURRENT USE: RESIDENTIAL

APN 424-12-124
VUPPUNUTULA VENKAT REDDY;
REDDY, SAHITHI VUPPUNUTULA
CURRENT USE: RESIDENTIAL

APN 424-12-125
URRICARIET CHRISTIAN M
AND MARTINEZ-VISBAL
CURRENT USE: RESIDENTIAL

APN 424-12-127
MORADI MOSTAFA
CURRENT USE: RESIDENTIAL

(N78°00'00"E 260.22' R1)
N77°24'07"E 260.22' (TOTAL)

VESTING TENTATIVE SUBDIVISION MAP

15415 NATIONAL SUBDIVISION

TWO LOTS SUBDIVISION FOR RESIDENTIAL PURPOSES

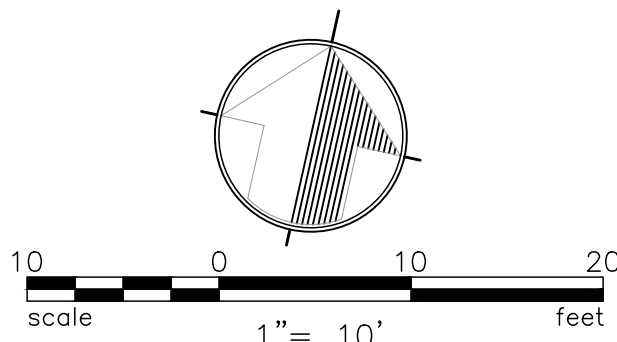
15415 NATIONAL AVENUE LOS GATOS CALIFORNIA

SHEET INDEXES

- 1 TM1 COVERSHEET
- 2 TM2 CIVIL SITE LAYOUT

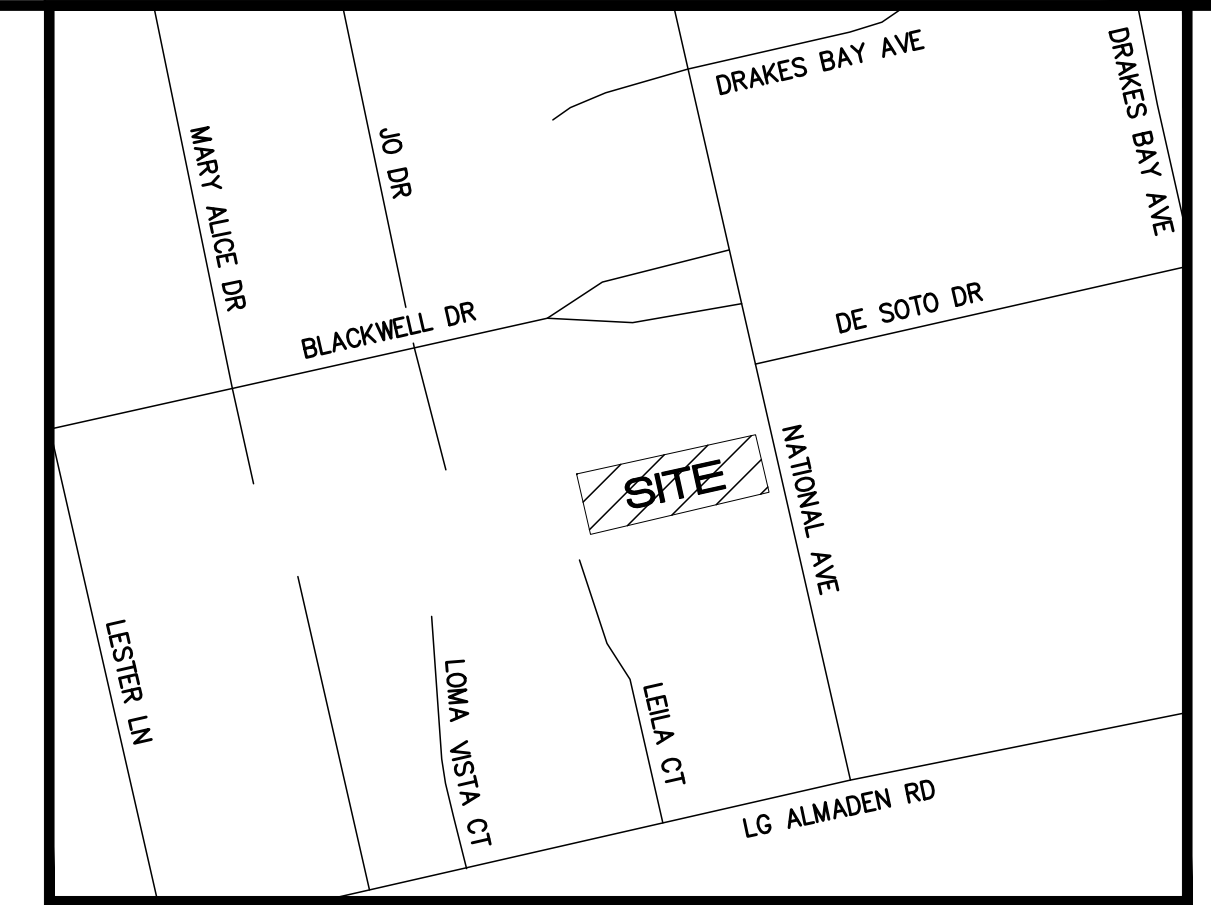
ABBREVIATION

PSE PUBLIC SERVICE EASEMENT



LEGEND

- DISTINCTIVE BORDER LINE
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- ▨ STREET DEDICATION (850 SF)
- SET BACK LINE
- CENTER LINE OR MONUMENT LINE AS INDICATED
- R1 GRANT DEED FROM LORRAINE C. BLACKBURN, TRUSTEE OF THE BLACKBURN BYPASS TRUST TO VYANKATESH PIRAYAYA BJATTULLA AND RAMYA MUDDADA, RECORDED NOVEMBER 13, 2017 AS DOCUMENT 23799158, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA.
- ▨ CORRIDOR FOR PARCEL 2 ALSO ACCESS EASEMENT FOR PARCEL 1



VICINITY MAP

NTS

NO.	DATE	BY	REVISIONS

TWO LOTS SUBDIVISION
15415 NATIONAL AVE
LOS GATOS CALIFORNIA

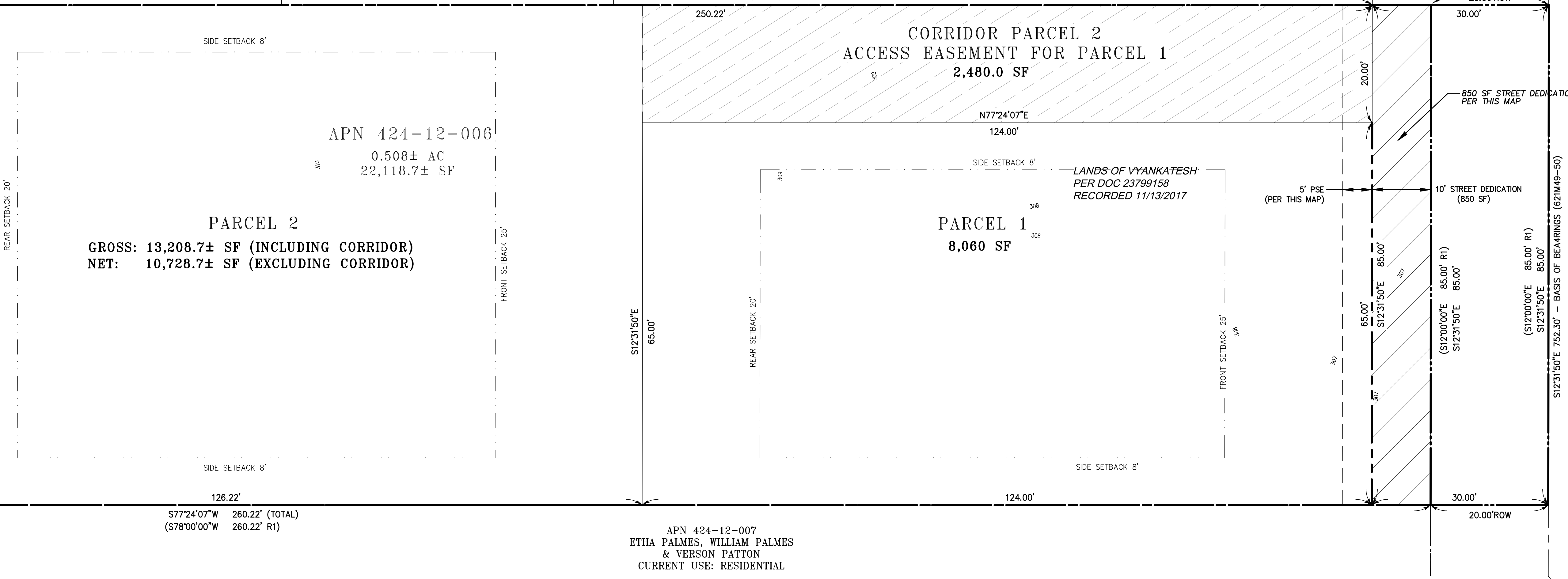
NTERRA GROUP
1295 E Dunne Avenue #230
Morgan Hill California 95037



VESTING TENTATIVE MAP
COVERSHEET

SHEET
TM1
1 OF 2 SHEETS
CITY PROJECT #
M-18-008

Project No.: PR18-001 | Designer: DJV | Checked: DJV | Date: 10/01/20



LG ALMADEN RD

NATIONAL AVE

NOTES:

- DEVELOPER SHALL CONSTRUCT IMPROVEMENTS INCLUDING AND MAY NOT BE LIMITED TO SIGNAGE, STRIPING, SIDEWALK, CURB, GUTTER AND STREET LIGHTS, AT PROJECT FRONTAGE AS DIRECTED BY THE TOWN ENGINEER.
- REMOVED AND REPLACE THE EXISTING PAVEMENT SECTION ALONG THE PROJECT FRONTAGE WITH TRAFFIC-APPROPRIATE ENGINEERED STRUCTURAL PAVEMENT SECTION FROM CENTERLINE TO THE EDGE OF PAVEMENT ON THE PROJECT (WEST) SIDE, OR ALTERNATE PAVEMENT REHABILITATION MEASURES AS APPROVED BY THE TOWN ENGINEER.
- EXISTING SANITARY SEWER SERVICE TO EXISTING HOUSE TO REMAIN. THE NEW PARCEL IN THE REAR WILL BE SERVED BY A NEW SANITARY SEWER LATERAL TO BE ADDED AS PART OF FUTURE DEVELOPMENT.

LEGAL DESCRIPTION PARCEL 1:

REAL LAND SITUATED IN THE TOWN OF LOS GATOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF LOT 5, ALSO THE WEST RIGHT-OF-WAY OF NATIONAL AVENUE, TRACT NO. 8306, WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 3, 1990, THENCE S12°31'50"E 20.00', TO THE TRUE POINT OF BEGINNING, THENCE S12°31'50"E 65.00', THENCE N77°24'07"E 124.00', THENCE N12°31'50"W 65.00', THENCE S77°24'07"W 124.00' TO THE TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION PARCEL 2:

REAL LAND SITUATED IN THE TOWN OF LOS GATOS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF LOT 5, ALSO THE WEST RIGHT-OF-WAY OF NATIONAL AVENUE, TRACT NO. 8306, WHICH WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON DECEMBER 3, 1990, THENCE S12°31'50"E 20.00', THENCE N77°24'07"E 124.00', THENCE S12°31'50"E 65.00', THENCE S77°24'07"W 126.22', THENCE N12°31'50"W 85.00', THENCE N77°24'07"E 250.22' TO THE POINT OF BEGINNING.

15415 NATIONAL AVE FAR LOT COVERAGE CALCULATIONS			
	PARCEL 1	PARCEL 2	
TOTAL NET AREA	8060 SF	TOTAL NET AREA	10729 SF
MAXIMUM ALLOWED LOT COVERAGE 40%	3224 SF	MAXIMUM ALLOWED LOT COVERAGE 40%	4291.6 SF
ALLOWABLE FAR MINUS GARAGE	0.326	ALLOWABLE FAR MINUS GARAGE	0.304
MAXIMUM ALLOWABLE LIVING AREA	2624 SF	MAXIMUM ALLOWABLE LIVING AREA	3263 SF
EXISTING HOUSE ON LOT 1	1719 SF	EXISTING HOUSE ON LOT 2	0 SF
ALLOWABLE FAR FOR GARAGE	0.091	ALLOWABLE FAR FOR GARAGE	0.084
MAXIMUM ALLOWABLE GARAGE AREA	737 SF	MAXIMUM ALLOWABLE GARAGE AREA	901 SF
EXISTING GARAGE ON LOT 1	317 SF	EXISTING GARAGE ON LOT 2	0 SF

LEGEND

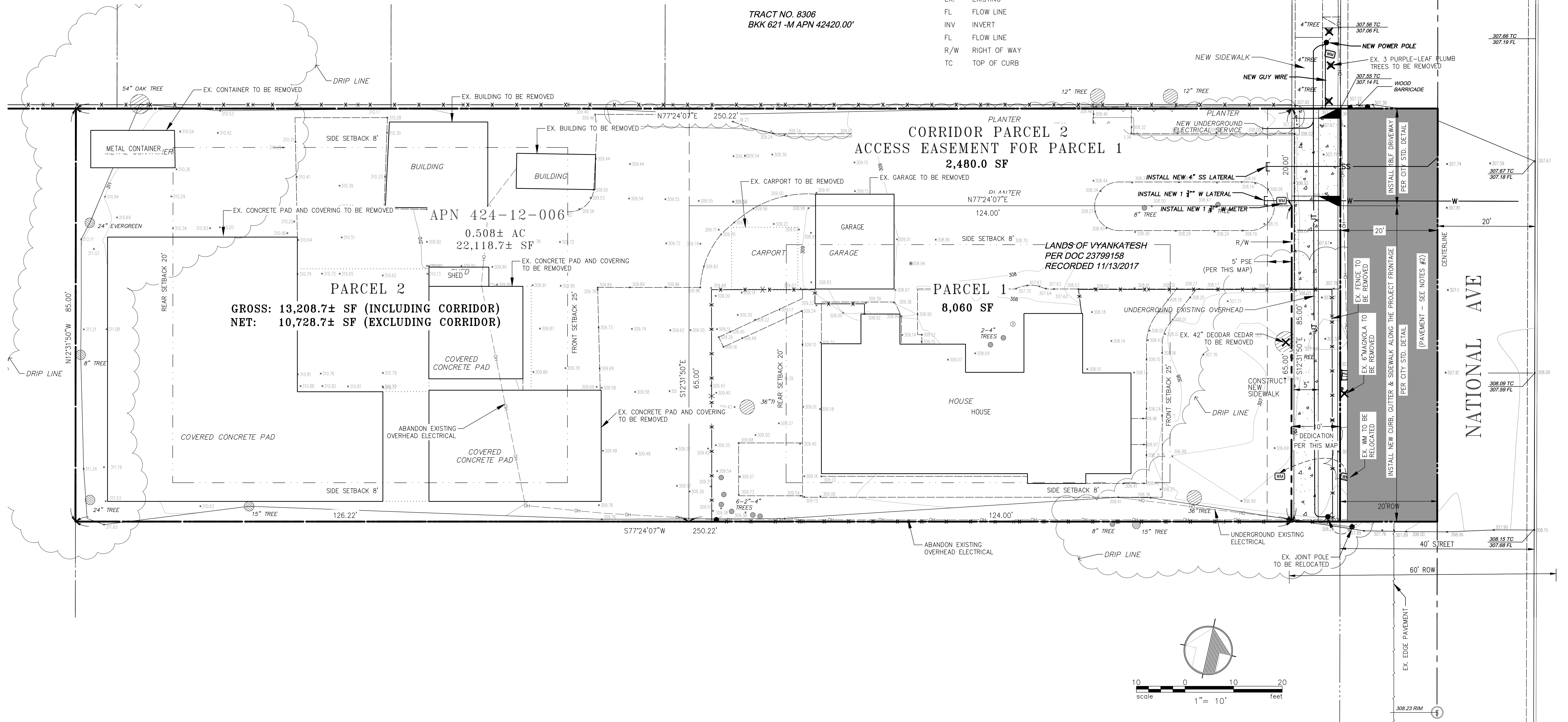
DESCRIPTION	TO BE CONST.	EXISTING
DISTINCTIVE BOUNDARY LINE	---	---
LOT LINE	---	---
EASEMENT	---	---
SET BACK LINE	---	---
CENTERLINE	---	---
CURB AND GUTTER	---	---
CONCRETE	[Pattern]	[Pattern]
AC PAVEMENT	[Pattern]	[Pattern]
OVERHEAD LINE	OH	OH
SANITARY SEWER LINE	SS	SS
SANITARY SEWER CLEANOUT	SSCO	SSCO
JOINT POLE	[Symbol]	[Symbol]
TREE	[Symbol]	[Symbol]

ABBREVIATION

EX.	EXISTING
FL.	FLOW LINE
INV.	INVERT
FL.	FLOW LINE
R/W.	RIGHT OF WAY
TC.	TOP OF CURB

SETBACKS

ZONE: R-1:8	REQUIRED	PARCEL 1	PARCEL 2
LOT SIZE:	8,000 SF	8,060 SF	10,729 SF (NET)
FRONTAGE:	60 FT	65 FT	20 FT
DEPTH:	90 FT	124 FT	126.22 FT
SETBACKS-			
FRONT:	25 FT	33 FT	
REAR:	20 FT	20 FT	
SIDE:	8 FT	8 FT	
LOT COVERAGE	40% MAX.	21%	



VESTING TENTATIVE MAP
CIVIL SITE LAYOUT

TM2



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/28/2020

ITEM NO: 3

ADDENDUM

DATE: October 26, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval of a Request for Subdivision of One Lot into Two Lots on Property Zoned R-1:8 Located at 15415 National Avenue. APN 424-12-006. Subdivision Application M-18-008. Property Owner: Ramya Muddada. Applicant: Kurt B. Anderson. Project Planner: Sean Mullin.

REMARKS:

Exhibit 6 includes additional public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Monday, October 26, 2020.

EXHIBITS:

Previously received with the October 23, 2020 Staff report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Letter of Justification
5. Development Plans

Received with this Addendum Report

6. Public comments received between 11:01 a.m., Friday, October 23, 2020 and 11:00 a.m., Monday, October 26, 2020

PREPARED BY: Sean Mullin, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

From: Sherri Gillespie <sagilsp@yahoo.com>
Sent: Sunday, October 25, 2020 9:42:14 PM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Subdivision Application M-18-008. All Leila Ct. Homeowners will attend the Zoom Virtual Meeting on 10/28/20 at 7 PM.

To: PlanningComment@losgatosca.gov

From: Sherri Gillespie
101 Leila Ct.
Los Gatos, CA 95032
Passcode: 948215

Re: Plan to subdivide one property into two at 15415 National Avenue
APN – 424-12-006. Subdivision Application M-18-008

DATE: 10/25/2020
Attention: Planning Department Town of Los Gatos.

We are registering our opposition to this subdivision. My neighbors and I purchased our homes on a small Leila Court development because it is a private, quiet, and secure street that backs up to Pepper Tree Preschool and the proposed subdivision at 15415 National Avenue. Our small, private, secure Leila Court street is jointly owned by four residential homes and Pepper Tree Preschool. We enjoy the privacy, restricted use of our cul-de-sac dead end street where our children are safe and the street provides added security for senior retired owners. We strongly object to the proposed subdivision at 15415 National Avenue. We stand united in our opposition to application M-18-008. This subdivision and frontage access will disturb the privacy of our street diminishing the quality, quiet, peaceful, and secure access to our homes. Our street is narrow with limited access for the traffic to our homes and the exiting driveway of Pepper Tree School. It is difficult to negotiate traffic on Leila Court when Pepper Tree parents and workers exit the school as residential owners enter and exit the street. Leila Court is designated as a fire lane.

Owners of all four homes together plan to virtually attend the meeting via Zoom on October 28, 2020 at 7:00 PM in one of our homes. Please advise asap via my email address: sagilsp@yahoo.com if we can use my passcode of 948215 for all 4 owners who plan to jointly meet at one Leila Court homeowner's residence when we sign on to Zoom. Some of the homeowners threw out their passcodes assuming the notice mailed October 16, 2020 was junk mail. If you require each of us to have a passcode please email the additional passcodes to me at sagilsp@yahoo.com immediately. We will obviously be able to identify ourselves on Zoom via our Leila Court address.

We have been petitioned for several years by homeowners on National to subdivide their large lots. Acceptance of this subdivision will set a precedence for subdividing National homes adjacent to Leila Court. We consistently have objected to National homeowners petitioning to subdivide the rear of their homes adjacent to Leila Court. The privacy and security of Leila Court was a KEY provision for purchasing our homes and contributes to the assessed values of our properties. WE OBJECT TO THE 15415 NATIONAL AVENUE SUBDIVISION.

Cc. Leila Court Neighbors

From: Kurt Anderson <kanderson@andarchinc.com>

Sent: Monday, October 26, 2020 1:41 PM

To: sagilsp@yahoo.com

Cc: Ramya Muddada <ramyamuddada@yahoo.com>; Sean Mullin <SMullin@losgatosca.gov>

Subject: National Subdivision

Dear Sherri Gillespie:

I am in receipt of your email in opposition to the proposed subdivision and understand your concerns about noise and traffic.

I wanted to make it very clear to you and the rest of the owners on Leila Court that there will be no access from Leila Court to the proposed corridor lot, ever. The existing lot does not have any frontage on Leila Court and cannot legally access Leila Court because there is another piece of property between the National property and Leila Court. The only access can be from National Ave.

Once the subdivision is approved (if approved), we will have to go through a Site and Architectural approval process and during that process, we will insure that the residence will be designed to keep the same relationship that exists now, a rear yard facing towards Leila Court.

I hope this allays your concerns and if you have any questions, please call me.

Thanks,



Kurt B. Anderson, AIA, CGBP
Principal

Anderson Architects, Inc.

120 W. Campbell Ave.

Suite D

Campbell, CA 95008

(408) 371-1269 Office x 1261

(408) 370-1276 Fax

(408) 202-5462 Cell

From: Sherri Gillespie <sagilsp@yahoo.com>

Sent: Monday, October 26, 2020 7:38 PM

To: Sean Mullin <SMullin@losgatosca.gov>

Cc: Kurt Anderson <kanderson@andarchinc.com>

Subject: Re: Subdivision Application M-18-008. All Leila Ct. Homeowners will attend the Zoom Virtual Meeting on 10/28/20 at 7 PM.

October 26, 2020

Hello Mr. Mullin,

I am in receipt of your email dated October 26, 2020. I also received the attached email from Kurt Anderson today. Please confirm via an email to me whether or not his subdivision plans are consistent with his email declaration and that the proposed subdivision homes back yards only will face Leila Ct. Further that there will be no access or frontage that will have any noise or additional traffic to disturb Leila Court homeowners' private, peaceful, narrow, and secure street. Mr. Anderson states in his letter to me we can be assured there will NO IMPACT on our Leila Ct., community. If Mr. Anderson's email declaration to me is consistent with the Town of Los Gatos' planning department's interpretation of Mr. Anderson's plans please confirm via email as soon as possible the Town planning department agrees with his email declaration attached. I will give my neighbors copies of both your's and Mr. Anderson's emails. Please advise asap if there is a benefit or need for my Leila neighbors and me to attend the virtual meeting on October 28, 2020, to protect our interests in our Leila Ct. homes. The only thing I would add is there is a lot of traffic on National Avenue and when combined with construction access may add to further congestion of traffic on that busy street. I trust the planning department and Town of Los Gatos will assess the traffic impact on National during your review of the subdivision application M-18-008 to subdivide the property at 15415 National Avenue APN-424-12-006. We look forward to your timely confirmation that Mr. Anderson's declaration is in fact consistent with his plans. Contingent on your response my neighbors and I may not benefit or need to attend the virtual meeting on October 28, 2020. Thank you for your consideration and your pending response.

Sincerely, Sherri Gillespie, 101 Leila Ct., Los Gatos, CA 95032

Cc:

Architect Kurt Anderson

Leila Ct. neighbor homeowners

From: Kurt B. Anderson <KAnderson@AndArchInc.com>

Sent: Monday, October 26, 2020 9:07 PM

To: Sherri Gillespie <sagilsp@yahoo.com>; Sean Mullin <SMullin@losgatosca.gov>;
KAnderson@AndArchInc.com

Subject: Re: Subdivision Application M-18-008. All Leila Ct. Homeowners will attend the Zoom Virtual Meeting on 10/28/20 at 7 PM.

Dear Sherri Gillespie:

Thank you for your response. You pointed out something in your email which is very important for me to address and that is Leila Court is a private street and most likely is maintained by a homeowners association.

If that is the case, no access can be granted without the Association's approval and we do not intend now or ever to make a formal request for access.

Please be assured we will only be accessing the two parcels from National Ave.

Thanks again,

Kurt B. Anderson, AIA, CGBP

Principal

Anderson Architects, Inc.

120 W. Campbell Ave., Suite D

Campbell, CA 95008

[\(408\) 371-1269](tel:4083711269) Office x 1261

[\(408\) 370-1276](tel:4083701276) Fax

[\(408\) 202-5462](tel:4082025462) Cell

From: Kurt Anderson <kanderson@andarchinc.com>
Sent: Tuesday, October 27, 2020 9:03 AM
To: 'Sherri Gillespie' <sagilsp@yahoo.com>; Sean Mullin <SMullin@losgatosca.gov>
Cc: Ramya Muddada <ramyamuddada@yahoo.com>
Subject: RE: Subdivision Application M-18-008. All Leila Ct. Homeowners will attend the Zoom Virtual Meeting on 10/28/20 at 7 PM.

Morning Sherri:

I have attached a parcel map of your subdivision and also the National proposed subdivision for your records.

It clearly indicates that the proposed subdivision has no access to Leila Court and also shows the access only from National Avenue.

On behalf of my client and myself, we greatly appreciate you taking the time to share your concerns with the Town. Your concerns and input will be addressed as we proceed through the process.

Thanks again,



Kurt B. Anderson, AIA, CGBP
Principal

Anderson Architects, Inc.
120 W. Campbell Ave.
Suite D
Campbell, CA 95008
(408) 371-1269 Office x 1261
(408) 370-1276 Fax
(408) 202-5462 Cell



From: Sean Mullin

Sent: Tuesday, October 27, 2020 9:07 AM

To: Sherri Gillespie <sagilsp@yahoo.com>

Cc: Kurt Anderson <kanderson@andarchinc.com>

Subject: RE: Subdivision Application M-18-008. All Leila Ct. Homeowners will attend the Zoom Virtual Meeting on 10/28/20 at 7 PM.

Dear Ms. Gillespie,

Thank you for your email. The property at 15415 National Avenue fronts National Avenue and does not have any frontage along Leila Ct (see map below). The property backs up to 113 Leila Ct and there is nothing in the file for this application that indicates there are any access rights for the subject property across 113 Leila Ct to the private road. Any access through 113 Leila Ct would require easement granted by the owner of 113 to the owner of the subject property. No such access is proposed under the subdivision application. The proposed subdivision would divide one lot into two. The proposed property to the west (rear) would be a corridor lot (sometimes referred to as a "flag lot") and would take access through a corridor leading out to National Avenue. The current subdivision application does not include a proposal for development. Future development of the proposed rear lot will require an Architecture and Site application, under which all details of access will be reviewed.

Please let me know if you have any other questions.



Regards,



Sean Mullin, AICP • Associate Planner

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6823 • smullin@losgatosca.gov

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