



**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
- Destroys 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 (10<sup>th</sup>) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10<sup>th</sup>) 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**

- 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](mailto:p_clark@hotmail.com)>

**To:** [planningcomment@losgatosca.gov](mailto:planningcomment@losgatosca.gov) <[planningcomment@losgatosca.gov](mailto: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](mailto:mitsunaga@comcast.net)>

To: "PlanningComment@losgatosca.gov" <[PlanningComment@losgatosca.gov](mailto: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](mailto:jay@plett-arc.com)>  
Sent: Tuesday, September 8, 2020 3:00 PM  
To: Karen Kurtz <[kurtzk@comcast.net](mailto:kurtzk@comcast.net)>; Ilona Merli <[ilonamerli@gmail.com](mailto:ilonamerli@gmail.com)>;  
Mark De Mattei <[markd@demattei.com](mailto: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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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

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JAY PLETT ARCHITECT

[jay@plett-arc.com](mailto:jay@plett-arc.com)

office 408 354 4551

mobile 408 585 8787



Virus-free. [www.avast.com](http://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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