

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:

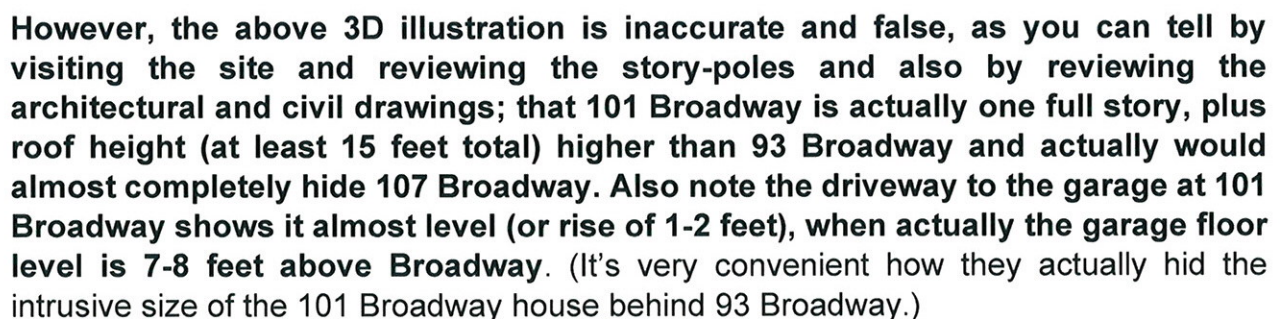
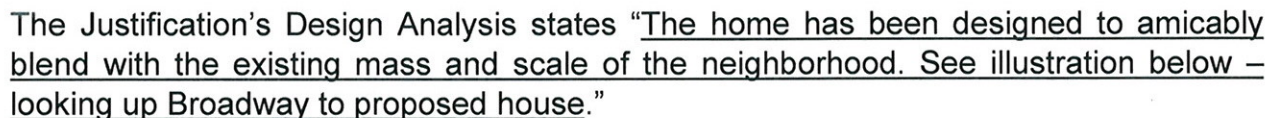
The Justification's Neighbor Contact information stated they had communication with my brother Lynn Brandhorst, prior to his passing, and that he "was very eager to see a new home built to replace the home that is there now," and insinuated he fully supported the house being proposed by the Applicant.

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.

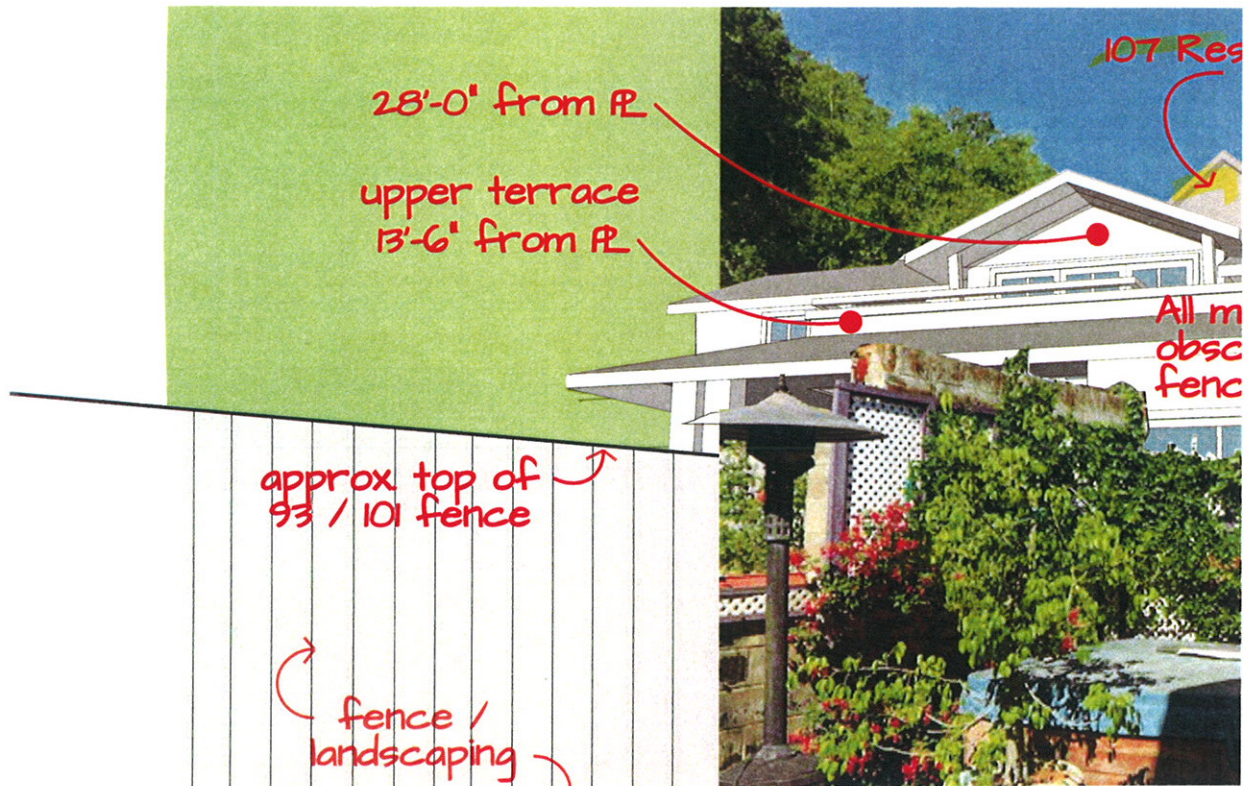
Lynn and his late wife Pamela took great pride in their Historic House and Historic Broadway Street Neighborhood, even after working for many months, that turned into more than a year, meeting pages and pages of significant requirements and delays imposed by the Town of Los Gatos Historic Preservation 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 tarnishes the historic value and privacy of the adjacent 93 Broadway Historic House.

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:



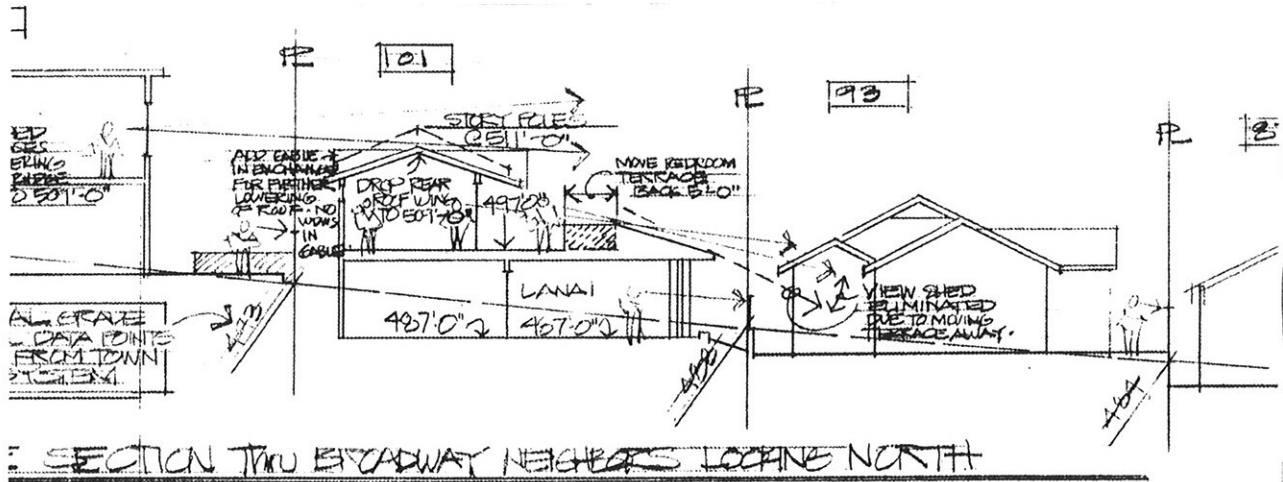
The Letter of Justification also included an inaccurate and false “Perspective Photo View with notes” as shown below:



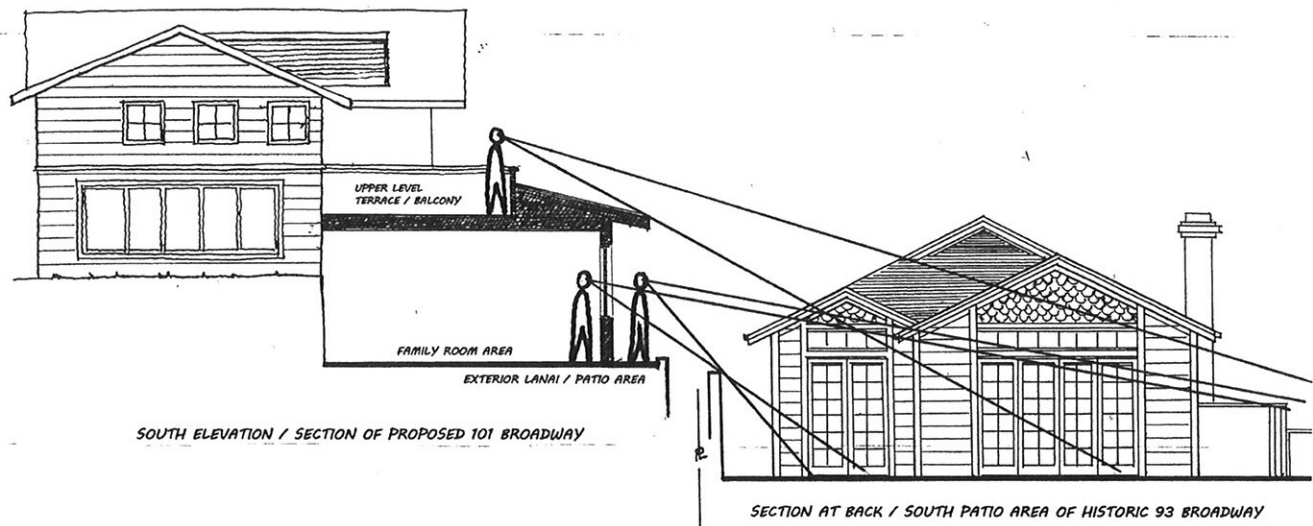
However, the above photo is completely inaccurate and false, as the photo conveniently doesn't show very much of the 101 Broadway house and the house is actually 8 feet higher than this photo shows. A more accurate photo view prepared by myself, an Architect, is shown below:



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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