

Ryan Safty

From: Jim Whitney <jimw@demattei.com>
Sent: Friday, September 6, 2019 1:55 PM
To: mattcurrie@me.com; carriecurrie15@gmail.com
Cc: Linda Baron; Lerika Liscano; Shawn Clevenger; Ryan Safty; Sally Zarnowitz
Subject: 16336 Shady View Lane Development
Attachments: Coulson - Setback Reduction Exhibit - 2019-09-06.pdf

Follow Up Flag: Follow up
Flag Status: Completed

RECEIVED

SEP 06 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Hello Carrie & Matt,

I hope this email finds you well.

We have been busy looking for creative methods to mitigate our current impasse and feel that we have come up with a solution. In your letters you have voiced your concern regarding the close proximity of the two-story portion of the home. As you know, our options to locate the home are quite limited due to the size and shape of the lot, and thus placed it on the minimum 8'-0" side setback line.

That said, in following with the concept of "Neighborhood Context" and using the reduced street side setback of the home directly across Shady View as precedent, we are proposing to move the home towards Shady View. This will increase the distance between the homes by approximately 4 ½ feet. This change is something that the Town is willing to take under consideration and our hopes are that you will as well.

As you will see in the attached exhibit, views of the home from your yard as well as views on to your property have been improved. We hope that this change in addition to those prior will be acceptable to you in our effort to satisfy your concerns.

We look forward to hearing your feedback and please let us know if you have any questions or wish to discuss further.

Thank You,
Jim Whitney
Architectural Project Manager,
IT Oversight

De Mattei
Construction Inc.

GENERAL CONTRACTOR

Building Relationships

1794 The Alameda
San Jose, CA 95126
408.350.4200 p
408.674.0440 c
[website](#) | [facebook](#) | [Houzz](#)



4



3



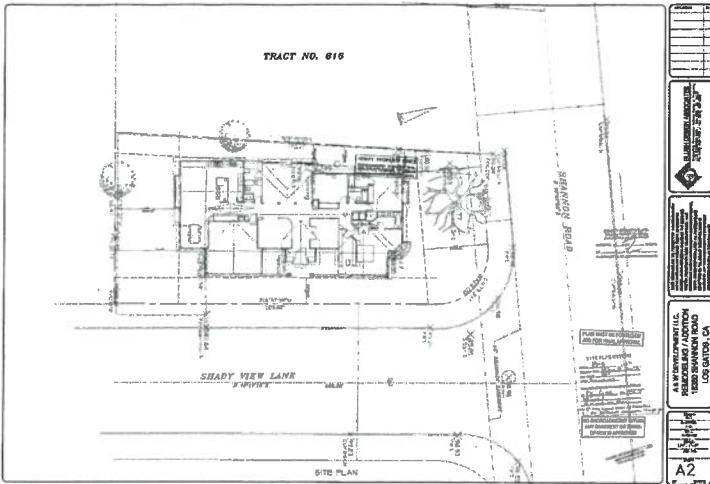
2



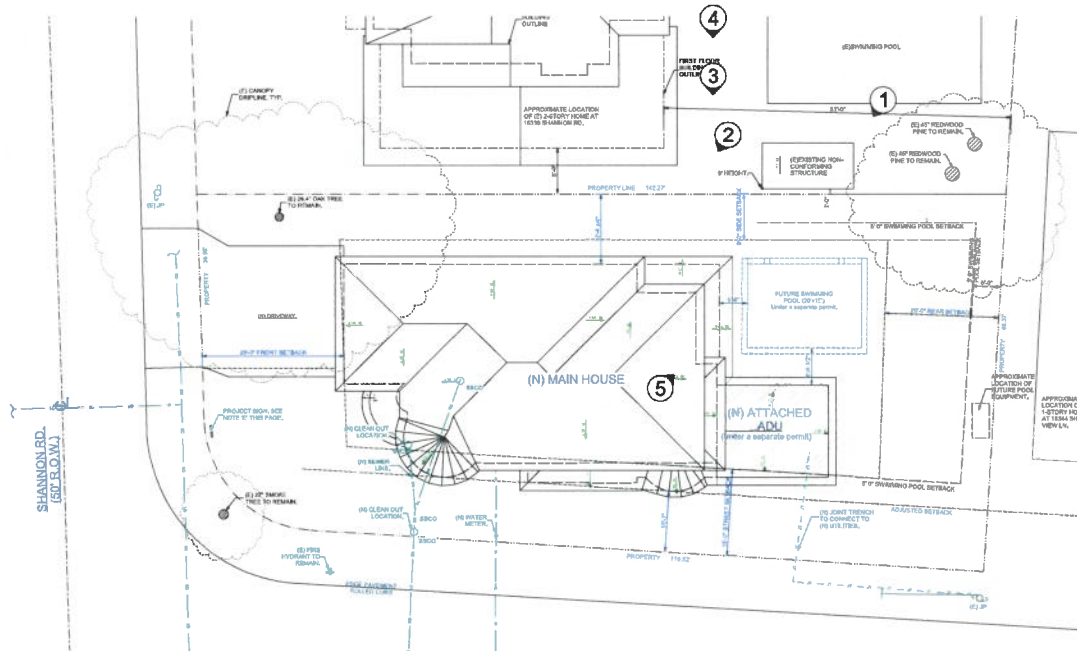
1



5



2 REDUCED STREET SIDE SETBACK EXAMPLE
Not To Scale
16360 SHANNON ROAD



1 SITE/ROOF PLAN - REDUCED STREET SIDE SETBACK
Scale: 1"=10'

RECEIVED

SEP 06 2019

TOWN OF LOS GATOS
PLANNING DIVISION

NO. DESCRIPTION	BY DATE
SHEET TITLE: PRIVACY EXHIBIT	
PROJECT DESCRIPTION: Coulson Residence 16336 Shady View Ln Los Gatos, CA 95032	
DRAWINGS PROVIDED BY: Delatell Construction, Inc. 1734 THE ASPEN WAY, LOS GATOS, CA 95026 P: (408) 296-7518 F: (408) 296-6599 LIC# B-176485	
DATE: 12/17/2018	
SCALE: As shown	
DRAWN BY: LL / JW	
SHEET: PE	

PLANNING SET 9/8/2019



**MILLER STARR
REGALIA**

1331 N. California Blvd.
Fifth Floor
Walnut Creek, CA 94596

T 925 935 9400
F 925 933 4126
www.mslegal.com

Nadia L. Costa
Direct Dial: 925 941 3235
nadia.costa@msrlegal.com

September 19, 2019

RECEIVED

SEP 19 2019

**TOWN OF LOS GATOS
PLANNING DIVISION**

VIA E-MAIL AND U.S. MAIL

Jim Whitney
Architectural Project Manager
IT Oversight
1794 The Alameda
San Jose, CA 95126
E-Mail: jimw@demattei.com

Re: 16336 Shady View Lane Development

Dear Mr. Whitney:

As you may know, this office represents Matthew and Carrie Currie in their appeal of the Town of Los Gatos Development Review Committee's (DRC) approval of your clients' Architecture and Site Application S-18-060 to construct a new residence (the "Project"). The Curries received your September 6, 2019 email and appreciate your efforts to mitigate some of the impacts that the Project would have on their residence by moving the Project towards Shady View an additional 4 ½ feet. However, the Curries still have concerns regarding the updated Project and the impacts it will have - in violation of the Town's Residential Design Guidelines - on the Curries' privacy.

We note that the revised Project still is out of proportion to the surrounding neighborhood and has impacts on views, privacy, and sunlight that violate various Residential Design Guidelines. The Curries remain especially concerned with your clients' proposed rear balcony. As the Curries noted in their August 22, 2019 appeal, Section 3.11.2 of the Residential Design Guidelines provides that "[s]econd floor balconies and decks should be used only when they do not intrude on the privacy of adjacent neighbors..." The Curries simply will not allow the Project to move forward with a balcony that so clearly violates this guideline and the Curries' privacy.¹ Accordingly, the Curries respectfully request that you remove or relocate the balcony in a manner that conforms with the clear language of the Town guidelines.

¹ The Curries also strongly disagree with the characterization, on Project plans, of the Curries' rear pergola as an existing "non-conforming structure". To the contrary, the pergola is *expressly* permitted at its present location under Town Municipal Code section 29.40.015(B)(2).

CRMC\56221\2159840.1

Jim Whitney
September 19, 2019
Page 2

The Curries are open to resolving this matter without resort to further legal process. However, they will continue enforce their rights under Town guidelines to the fullest extent necessary to ensure the future use, privacy, and enjoyment of their home. Please contact me as soon as possible to explore possible solutions to this impasse.

Very truly yours,

MILLER STARR REGALIA



Nadia L. Costa

CC:
Laurel Prevetti, Town Manager
Robert Schultz, City Attorney
Azhar Khan, City Planner
Matthew Currie

NLC/TZB

Ryan Safty

From: Jim Whitney <jimw@demattei.com>
Sent: Thursday, September 26, 2019 11:10 AM
To: April Kee
Cc: Town Manager; Attorney; mattcurrie@me.com; Nadia Costa; Shari Santos; CRMC_56221_Currie_Matthew and Carrie_16336 Shady View Lane Los Gatos_ Correspondence; Ryan Safty; Lerika Liscano
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]
Attachments: Coulson - Privacy Exhibit - 2019-08-25.pdf; Coulson_16336 Shady View - Letter to Curries - 2019-09-27.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED

SEP 26 2019

TOWN OF LOS GATOS
PLANNING DIVISION

April,

Attached please find our letter of response as well as some additional documentation. Let it be known, that to show our continued effort to compromise, we have elected to remove the balcony from the design. The accompanying documentation as well as a link to a 3D model will further demonstrate our intentions and hopefully answer any outstanding questions or concerns.

Link to 3D model (Please note that once the model has loaded, click Rendering Techniques and select Standard to see more detail as well as the trees.):

<https://3d-viewer.chiefarchitect.com/go?share=222751530517376>

Also, please note that Azhar Kahn (akhan@losgatosca.gov) is no longer with the Town of Los Gatos. Ryan Safty (rsafty@losgatosca.gov) is the new planner assigned to this project and has been copied on this email.

Thank You,

Jim Whitney
Architectural Project Manager,
IT Oversight

De Mattei
Construction Inc.


GENERAL CONTRACTOR
Building Relationships

1794 The Alameda
San Jose, CA 95126
408.350.4200 p
408.674.0440 c
[website](#) | [facebook](#) | [Houzz](#)

From: April Kee [mailto:AZK@msrlegal.com]
Sent: Thursday, September 19, 2019 2:31 PM
To: jimw@demattei.com
Cc: manager@losgatosca.gov; attorney@losgatosca.gov; akhan@losgatosca.gov; mattcurrie@me.com; Nadia Costa <nadia.costa@msrlegal.com>; Shari Santos <shari.santos@msrlegal.com>; CRMC_56221_Currie_Matthew and Carrie_16336 Shady View Lane Los Gatos_ Correspondence <{F1007514}.iManage@iManage.MSRLEGAL.com>
Subject: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Nadia L. Costa
Miller Starr Regalia
1331 N. California Blvd.
Walnut Creek, CA 94596



RECEIVED

SEP 26 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Re: 16336 Shady View Lane Development
Date: 09/26/2019
Site Application S-18-060

Dear Ms. Costa,

Thank you for the letter dated September 19th, 2019. We appreciate the feedback and are encouraged to see that we are perhaps making progress in resolving this impasse.

In further effort to show our willingness to compromise, we have elected to remove the open balcony from the scope of the project. That space is now fully enclosed with very limited views onto our clients own property.

Included under separate copy is a PDF which illustrates revisions to the floor plans and views to and from the Currie's property. Also included in this PDF are diagrams illustrating the massing of the proposed home in relation to the neighborhood as well as a shadow study as required by the town. We've also included a link to a scale 3D model. This model can be moved and rotated to achieve points of view from any angle and we feel it does a better job at conveying the massing of the home than that of the story poles.

Link to 3D model (Please note that once the model has loaded, click Rendering Techniques and select Standard to see more detail as well as the trees.):

<https://3d-viewer.chiefarchitect.com/go?share=222751530517376>

When you pass this information on to your clients, please let them know that we are also open to resolving this matter and look forward to finding common ground.

Regards,
Jim Whitney
De Mattei Construction
1-408-350-4200

TYPICAL NOTES:

BATHROOM ELECTRICAL:

- A. PROVIDE 20AMP DEDICATED BRANCH CIRCUIT TO SUPPLY THE BATHROOM OUTLETS. THIS CIRCUIT CANNOT SUPPLY ANY OTHER CIRCULAR LIGHTS, LIGHTS, FAN, ETC. (EXCEPTION-WHERE THE CIRCUIT SUPPLIES A SINGLE BATHROOM OUTLET FOR OTHER OUTLETS WITH THE SAME BATHROOM SHALL BE PERMITTED TO BE SUPPLIED).
- B. ALL BRANCH CIRCUITS TO BE PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTER (GFCI).

KITCHEN ELECTRICAL:

- A. ALL BRANCH CIRCUITS TO BE PROTECTED BY ARC-FAULT CIRCUIT INTERRUPTER (AFCI).
- B. PROVIDE AFCI AND GFCI PROTECTION AT ALL RECEPTACLES SERVING KITCHEN COUNTERTOPS.
- C. AT EACH KITCHEN AND DINING AREA COUNTER SPACE WIDER THAN 12" LOCATE A RECEPTACLE SO THAT NO POINT ALONG THE COUNTER WALL IS OVER 24" FROM A RECEPTACLE. COUNTERTOP RECEPTACLES REQUIRED WITHIN 24" EACH SIDE OF A BREAK IN THE CONTINUOUS COUNTERTOP SURFACE (SINKS/STOVES).
- D. RECEPTACLES MOUNTED ON THE SIDES OF CABINETS SHALL BE A MAXIMUM OF 12" BELOW THE COUNTERTOP SURFACE WITH A MAXIMUM OF 4" COUNTERTOP OVERHANG.
- E. PROVIDE AT LEAST TWO (2) 20 AMP CIRCUITS FOR COUNTER RECEPTACLES.

LAUNDRY ELECTRICAL:

- A. ALL BRANCH CIRCUITS TO BE PROTECTED BY ARC-FAULT (AFCI) CIRCUIT INTERRUPTER AND GROUND FAULT (GFCI) CIRCUIT INTERRUPTER.
- B. PROVIDE 20AMP DEDICATED BRANCH CIRCUIT TO SUPPLY THE LAUNDRY RECEPTACLE OUTLET.
- C. MINIMUM 30 AMP DEDICATED CIRCUIT FOR DRYER PER NEC 220.54.

LAUNDRY/BATHROOM VENTILATION:

- FOR LAUNDRY ROOMS AND BATHROOMS WITHOUT AN OPERABLE WINDOW:
 - A. PROVIDE MECHANICAL VENTILATION SYSTEM CAPABLE OF 3 ACH CHANGES/HR TO EXTERIOR.
 - B. USE BLOWTHRU METAL DUCT FOR DRYER EXHAUST WITH A MAX. LENGTH OF 16', TO OUTSIDE WITH BACKDRAFT DAMPER AND TWO 90° ELBOWS AND A MIN. OF 4" DIA. C. TERMINATION OF ALL DOWNDRAFT AIR DUCTS SHALL BE A MINIMUM OF 3 FEET FROM PROPERTY LINES OR ANY OPENINGS INTO THE BUILDING (E.G., DIVERS, BATH AND UTILITY FANS, MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING SCHEDULES OR ATTIC VENTS).
 - D. EXHAUST FANS SHALL HAVE A MIN. OF 50 CFM FOR INTERMITTENT VENTILATION OR 20 CFM FOR CONTINUOUS VENTILATION AND BE ENERGY EFFICIENT AND BE EQUIPPED WITH A HUMIDISTAT AND HUMIDITY CONTROL, AND BE SWITCHED SEPARATELY FROM LIGHTING SYSTEMS.

HIGH EFFICACY LIGHTING:

- A. ALL LIGHTING SHALL BE HIGH EFFICACY AS DEFINED BY IESNA TABLE 100-0A.
- B. ALL PERMANENTLY INSTALLED (RECESSED) LIGHT FIXTURES SHALL CONTAIN BOREN-BASED JAR LIGHT APPENDIX B COMPLIANT LAMPS AND BE MARKED AS JAR-BORN OR JAR-BORN-LIKE. (IEC 150-0000)
- C. ALL JAR COMPLIANT LIGHT FIXTURES INSTALLED IN CEILING RECESSED DOWNLIGHTS, LED LINER CASES WITH INTEGRAL SOURCES, PIN-BEADED LED LAMPS, AND (ALSO) BASED LED LIGHT SOURCES SHALL BE CONTROLLED BY VACUANCY SENSORS OR DIMMERS.
- D. AT LEAST ONE FIXTURE IN EACH BATHROOM, GARAGE, LAUNDRY ROOM, AND UTILITY ROOM SHALL BE CONTROLLED BY A VACUANCY SENSOR.
- E. ALL LIGHTING SHALL BE SWITCHED SEPARATELY FROM EXHAUST FANS (EXCEPT FOR KITCHEN ISLAND HOODS).
- F. ALL LINER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.
- G. GARAGE, LAUNDRY AND UTILITY ROOMS: LIGHTING INSTALLED IN GARAGES, LAUNDRY, AND UTILITY ROOMS SHALL BE HIGH EFFICACY AND CONTROLLED BY VACUANCY SENSORS.
- H. HIGH EFFICACY LIGHTING IS NOT REQUIRED IN CLOSETS OF LESS THAN 10 SF.
- I. OUTDOOR LIGHTING PERMANENTLY MOUNTED TO A RESIDENTIAL BUILDING SHALL BE HIGH EFFICACY AND CONTROLLED WITH A MANUAL ON/OFF SWITCH AND BY PHOTO CONTROL AND A MOTION SENSOR, PER ENERGY TITLS.
- J. ALL OTHER ROOMS LIGHTING INSTALLED IN ALL OTHER ROOMS SHALL BE HIGH EFFICACY OR SHALL BE CONTROLLED BY OTHER DIMMERS AND VACUANCY SENSORS.

CARBON MONOXIDE ALARMS:

- CARBON MONOXIDE ALARMS REQUIRED BY SECTION 420.6.2 SHALL BE INSTALLED AND MAINTAINED IN THE FOLLOWING LOCATIONS:
 - A. OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM (S).
 - B. ON EVERY LEVEL OF A DWELLING UNIT INCLUDING BASEMENTS.
 - C. IN GROUP OR PL OCCUPANCIES: ON THE CEILING OF EVERY SLEEPING UNIT OR OTHER LOCATIONS WITHIN THE SLEEPING UNIT IN COMPLIANCE WITH THE MANUFACTURERS INSTALLATION INSTRUCTIONS.
 - D. CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE MANUFACTURERS INSTALLATION INSTRUCTIONS.
 - E. SOURCE AND SHALL BE EQUIPPED WITH BATTERY BACKUP. ALARMS WIRING SHALL BE PERMANENTLY CONNECTED TO THE PERMANENT BUILDING WIRING WITH A DISCONNECTING SWITCH OTHER THAN AS REQUIRED FOR OVERCURRENT PROTECTION.
 - F. WHERE MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN THE DWELLING UNIT OR WITHIN A SLEEPING UNIT, THE ALARM SHALL BE INTERCONNECTED IN A MANNER THAT ACTIVATION OF ONE ALARM SHALL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT.
 - F. CARBON MONOXIDE ALARMS SHALL BE LISTED AND COMPLY WITH UL 2034 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND MANUFACTURERS INSTRUCTIONS.

SMOKE DETECTORS:

- A. SMOKE DETECTOR OR SYSTEM SHALL BE HARD WIRED, INTERCONNECTED TO SOUND SIREN TANGIBLY AND EQUIPPED WITH BATTERY BACKUP.
- B. INSTALL DETECTORS IN EACH BEDROOM, AT EACH CORRIDOR AREA NEXT TO THE BEDROOM, AT THE TOP OF STAIRS AND EACH STAIR AND BASEMENT.
- C. MULTIPLE SMOKE DETECTORS ARE REQUIRED WITHIN CEILING LEVELS (ELEVATIONS CHANGE OR ARE INTERRUPTED BY ARCHITECTURAL ELEMENTS (GATED OPENINGS, ARCHWAYS, BOWTIE-WELLS, ETC.).
- D. SMOKE DETECTORS SHALL BE LISTED AND COMPLY WITH UL 217 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND MANUFACTURERS INSTRUCTIONS.

PLUMBING:

- A. ALL NEW TOILETS SHALL HAVE AN EFFECTIVE FLUSH VOLUME NOT TO EXCEED 1.28 GALLONS PER FLUSH.
- B. ALL NEW LAUNDRY FAUCETS SHALL HAVE A MAXIMUM FLOW RATE OF 1.2 GALLONS PER MINUTE AT 60 PSI.
- C. ALL NEW SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI.
- D. ALL NEW SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI. SHOWER FAUCETS MAY TEMPORARILY INCREASE THE FLOW ABOVE THE MAXIMUM RATE, BUT NOT TO EXCEED 2.2 GALLONS PER MINUTE AT 60 PSI AND MUST DEFAULT TO A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 60 PSI.

BATHROOM:

- A. WATER CLOSETS SHALL BE LOCATED IN SPACES NOT LESS THAN 30" IN WIDTH AND 24" IN FRONT.
- B. WATER RESISTANT GYPSUM BOARD SHALL NOT BE USED WHERE THERE WILL BE DIRECT EXPOSURE TO WATER, (IE: TUBS).
- C. BACKERS FOR SHOWER AND TUB SHOWER WALLS TO BE FIBER-CEMENT, FIBER REINFORCED CONCRETE OR BACKER UNITS, GLASS MAT GYPSUM BACKERS OR FIBER-REINFORCED GYPSUM BACKERS TO A MIN HEIGHT OF 72" ABOVE THE FLOOR.
- D. USE 204 WOODEN BACKING IN ALL BATHROOM WALLS AT WATER CLOSET SHOWER AND BATH TUBS, LOCATED AT 34" FROM FLOOR TO CENTER OF THE BACKING STABLE FOR THE ADOPTION OF GYPSUM BASES.
- E. DOOR AND PANELS OF TUBS AND SHOWER ENCLOSURES SHALL BE FULLY TEMPERED LAMINATED SAFETY GLASS OR APPROVED PLASTIC.
- F. SHOWER COMPARTMENTS SHALL HAVE MIN INTERIOR FLOOR AREA OF 1024 SQ IN AND BE A MINIMUM OF 30" SQUARE.
- G. SHOWER AND TUB SHOWER COMBINATION IN ALL BUILDING SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE-BALANCE OR THE THERMOSTATIC MIXING VALVE TYPE.

ATTIC/UNDERFLOOR INSTALLED FAU:

- A. UNIT SHALL BE ACCESSIBLE THROUGH AN OPENING AND PASSAGEWAY NOT LESS THAN THE LARGEST COMPONENT OF THE UNIT AND NOT LESS THAN 22"00".
- B. THE DISTANCE FROM THE PASSAGEWAY ACCESS TO THE UNIT SHALL NOT EXCEED 30'.
- C. THE WIDTH OF THE PASSAGEWAY SHALL BE UNOBSTRUCTED AND SHALL HAVE SOLID FLOORING NOT LESS THAN 3/4" OF FROM THE ENTRANCE OPENING TO THE UNIT.
- D. LEVEL WORKING PLATFORM NOT LESS THAN 30" BY 30" SHALL BE PROVIDED IN FRONT OF THE SERVICE SIDE OF THE UNIT.
- E. PERMANENT LOW RECEPTACLE OUTLET AND LIGHTING FIXTURE SHALL BE INSTALLED NEAR THE UNIT. THE SWITCH CONTROLLING THE LIGHTING FIXTURE SHALL BE LOCATED BY THE ENTRANCE TO THE PASSAGEWAY.

KITCHEN VENTILATION:

- WHERE COMBUSTION APPLIANCES OR SOLID FUEL BURNING APPLIANCES ARE LOCATED INSIDE THE PRESSURE BOUNDARY, THE MAXIMUM ALLOWABLE NET EXHAUST FLOW OF THE TWO LARGEST EXHAUST FANS SHALL NOT EXCEED 18 CFM PER 100 SQ. FT. OF OCCUPABLE SPACE, WHEN OPERATING AT FULL CAPACITY. IF THE DESIGNER TOTAL NET FLOW EXCEEDS THIS LIMIT, THE NET EXHAUST FLOW MUST BE REDUCED BY REDUCING THE EXHAUST FLOW OR PROVIDING COMPENSATING OUTDOOR AIR FLOW (NOTE: IF MAKEUP AIR FAN IS INSTALLED IT MUST BE ELECTRICALLY INTERLOCKED WITH THE LARGEST EXHAUST FAN).

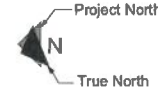
ELECTRIC VEHICLE (EV) CHARGING:

- ELECTRIC VEHICLE SUPPLY EQUIPMENT SHALL BE INSTALLED TO FACILITATE THE FUTURE INSTALLATION OF AN EV CHARGING DEVICE AND MUST COMPLY WITH THE FOLLOWING:
 - A. A LISTED TRADE SIDE 1 RACEWAY SHALL BE INSTALLED TO ACCOMMODATE A DEDICATED SEPARATELY BRANCH CIRCUIT. THE RACEWAY SHALL ORIGINATE FROM THE MAIN SERVICE PANEL OR SUB PANELS AND TERMINATE INTO A LISTED CABINET, BOX OR OTHER ENCLOSURE IN CLOSE PROXIMITY TO THE FUTURE CHARGING DEVICE.
 - B. THE SERVICE PANEL AND/OR SUB PANEL SHALL PROVIDE CAPACITY TO INSTALL A 20 AMP BRANCH CIRCUIT AND SPACE RESERVED TO ACCOMMODATE A BRANCH CIRCUIT OVERCURRENT PROTECTIVE DEVICE.
 - C. THE ELECTRICAL PANEL, SCHEDULE SHALL RESERVE THE OVERCURRENT PROTECTIVE DEVICE SPACE RESERVED FOR FUTURE EV CHARGING AS "EV CABLES".
 - D. THE RACEWAY TERMINATION LOCATION SHALL BE PERMANENTLY AND VISIBLY MARKED AS "EV CABLES".

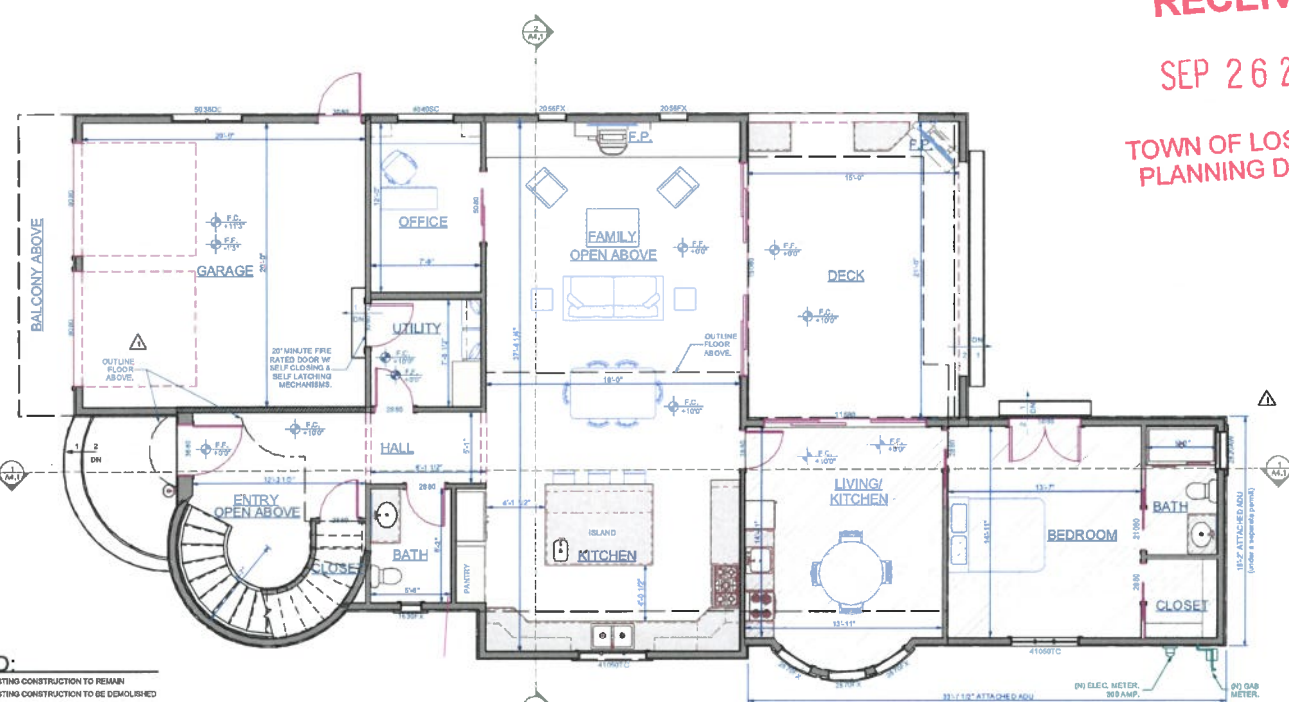
TOWN STANDARDS:

- RESIDENTIAL ACCESSIBILITY
 - A. ALL PASSAGE DOOR SHALL BE AT LEAST 32 INCH DOORS ON THE ACCESSIBLE FLOOR LEVEL.
 - B. THE PRIMARY ENTRANCE DOOR SHALL BE A 36 INCH WIDE DOOR INCLUDING A 5/8" LEVEL LANDING, MORE THAN 1 INCH OUT OF PLANE WITH THE IMMEDIATE RECESSED DOOR LEVEL, AND WITH AN 18 INCH CLEARANCE AT 8" FROM EITHER EDGE.
 - C. A DOOR BUZZER, BELL OR CHIME SHALL BE HARD WIRED AT PRIMARY ENTRANCE.
- FIREPLACE:
 - A. NEW WOOD BURNING FIREPLACES SHALL BE AN EPA PHASE 2 APPROVED APPLIANCE OR GAS APPLIANCE PER TOWN ORDINANCE 1901. THESE LIMBS SHALL BE CUT WITHIN 10 FEET OF CHIMNEY.

RECEIVED
SEP 26 2019



TOWN OF LOS GATOS
PLANNING DIVISION



LEGEND:

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE DEMOLISHED
- NEW INTERIOR CONSTRUCTION: 2x4 WD, 2x10, 1/2" GYP. BD, EACH SIDE
- NEW EXTERIOR CONSTRUCTION: NEW 1-1/2" FIBER REINFORCED WALL, 2x4 WD, STUD, 5/8" TYPE "X" GYP. BD, EACH SIDE, SEE PLAN FOR LOCATIONS.

1 PROPOSED FIRST FLOOR PLAN
Scale: 1/4"=1'-0"

PLANNING SET 9/25/2019

PROJECT DESCRIPTION: Coulson Residence 16336 Shady View Ln Los Gatos, CA 95032	SHEET TITLE: PROPOSED FIRST FLOOR PLAN	NO.	DESCRIPTION	BY	DATE
		1	RESPONSE TO PLAN CHECK COMMENTS		
DRAWINGS PROVIDED BY: Delmarter Construction, Inc. 1758 The Wayback, CA, CA 95126 P: (408) 268-5816 F: (408) 268-5858 LIC # B-47945		DATE: 12/17/2018		SCALE: As shown	
DRAWN BY: LL / JW		SHEET:		A2.1	

TYPICAL NOTES:

BATHROOM ELECTRICAL:

- A. PROVIDE DEDICATED BRANCH CIRCUIT TO SUPPLY THE BATHROOM OUTLETS. THIS CIRCUIT CANNOT SUPPLY ANY OTHER RECEPTACLES, LIGHTS, FAN, ETC. (EXCEPT WHERE THE CIRCUIT SUPPLIES A SINGLE BATHROOM OUTLET FOR ONE EQUIPMENT WITH THE SAME BATHROOM SHALL BE PERMITTED TO BE SHARED).
- B. ALL BRANCH CIRCUITS TO BE PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTERS (GFCI).

KITCHEN ELECTRICAL:

- A. ALL BRANCH CIRCUITS TO BE PROTECTED BY ARC-FAULT CIRCUIT INTERRUPTERS (AFCI).
- B. PROVIDE GFCI AND GFI PROTECTION AT ALL RECEPTACLES SERVING KITCHEN COUNTERTOPS.
- C. AT EACH KITCHEN AND DINING AREA COUNTERTOP SPACE WIDER THAN 12". LOCATE A RECEPTACLE SO THAT NO POINT ALONG THE COUNTERTOP IS MORE THAN 6 FEET FROM A RECEPTACLE. COUNTERTOP RECEPTACLES REQUIRED WITHIN 24" EACH SIDE OF A BREAK IN THE CONTINUOUS COUNTERTOP SURFACE (ISLANDS).
- D. RECEPTACLES MOUNTED ON THE SIDES OF CABINETS SHALL BE A MAXIMUM OF 12" BELOW THE COUNTERTOP SURFACE WITH A MAXIMUM OF 4" COUNTERTOP OVERHANG.
- E. PROVIDE AT LEAST TWO (2) 20 AMP CIRCUITS FOR COUNTERTOP RECEPTACLES.

LAUNDRY ELECTRICAL:

- A. ALL BRANCH CIRCUITS TO BE PROTECTED BY ARC-FAULT (AFCI) CIRCUIT INTERRUPTER AND GROUND FAULT (GFI) CIRCUIT INTERRUPTER.
- B. PROVIDE DEDICATED BRANCH CIRCUIT TO SUPPLY THE LAUNDRY RECEPTACLES OUTLET.
- C. MINIMUM 20 AMP DEDICATED CIRCUIT FOR DRYER PER CEC 220.54.

LAUNDRY/BATHROOM VENTILATION:

- FOR LAUNDRY ROOMS AND BATHROOMS WITHOUT AN OPERABLE WINDOW:
 - A. PROVIDE MECHANICAL VENTILATION SYSTEM CAPABLE OF 1.5 AIR CHANGES PER HOUR TO EXTERIOR.
 - B. USE SMOOTH METAL DUCT FOR DRYER EXHAUST WITH A MAX. LENGTH OF 14' TO OUTSIDE WITH BACKDRAFT DAMPER AND TWO 90° ELBOWS AND A MIN. OF 4" DIA. C. TERMINATION OF ALL EXHAUSTS SHALL BE A MINIMUM OF 3 FEET FROM PROXIMITY LINES OR ANY OPENINGS INTO THE BUILDING (LA. DRIVERS, BATH AND UTILITY FANS, ETC., MUST BE 3 FEET AWAY FROM DOORS, WINDOWS, OPENING, SPLITTERS OR ETC. VENTS).
 - D. EXHAUST FANS SHALL HAVE A MIN. OF 50 CFM FOR INTERMITTENT VENTILATION OR 20 CFM FOR CONTINUOUS VENTILATION AND BE ENERGY EFFICIENT AND BE EQUIPPED WITH A HUMIDISTAT AND HUMIDITY CONTROL, AND BE SWITCHED SEPARATELY FROM LIGHTING SYSTEM.

HIGH EFFICACY LIGHTING:

- A. ALL LIGHTING SHALL BE HIGH EFFICACY AS DEFINED BY DEC TABLE 19.0A.
- B. ALL PERMANENTLY MOUNTED RECESSED LIGHT FIXTURES SHALL CONTAIN SCREW-IN LED. DIM (JOINT APPENDIX E) COMPLIANT LAMPS AND BE MARKED AS 90% OR HIGHER Efficacy PER 19.0A.
- C. ALL DIM COMPLIANT LIGHT FIXTURES INSTALLED IN CEILING RECESSED DOWNLIGHTS LED LUMINAIRES WITH INTEGRAL SOURCES, RECESSED LED LAMPS, AND ORZA BASED LED LIGHT SOURCES SHALL BE CONTROLLED BY VACUUM BREAKER DIMMERS.
- D. AT LEAST ONE FIXTURE IN EACH BATHROOM, GARAGE, LAUNDRY ROOM, AND UTILITY ROOM SHALL BE CONTROLLED BY A VACUUM SWITCH.
- E. ALL LIGHTING SHALL BE SWITCHED SEPARATELY FROM EXHAUST FANS (EXCEPT FOR KITCHEN EXHAUST HOODS).
- F. ALL UNDER CABINET LIGHTING SHALL BE SWITCHED SEPARATELY FROM OTHER LIGHTING SYSTEMS.
- G. GARAGE, LAUNDRY AND UTILITY ROOMS: LIGHTING INSTALLED IN GARAGES, LAUNDRY, AND UTILITY ROOMS SHALL BE HIGH EFFICACY AND CONTROLLED BY VACUUM SWITCHES.
- H. HIGH EFFICACY LIGHTING IS NOT REQUIRED IN CLOSETS OF LESS THAN 70 SF.
- I. OUTDOOR LIGHTING PERMANENTLY MOUNTED TO A RESIDENTIAL BUILDING SHALL BE HIGH EFFICACY AND CONTROLLED WITH A MANUAL ON/OFF SWITCH AND A PHOTO CONTROL AND A MOTION SENSOR. PER ENERGY 116.3.
- J. ALL OTHER ROOMS: LIGHTING INSTALLED IN ALL OTHER ROOMS SHALL BE HIGH EFFICACY OR SHALL BE CONTROLLED BY EITHER DIMMERS OR VACUUM SWITCHES.

CARBON MONOXIDE ALARMS:

- CARBON MONOXIDE ALARMS REQUIRED BY SECTION 420.4.2 SHALL BE INSTALLED AND MAINTAINED IN THE FOLLOWING LOCATIONS:
 - A. OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE RESIDENCE (S).
 - B. ON EVERY LEVEL OF A DWELLING UNIT INCLUDING BASEMENTS.
 - C. IN GROUP FL OCCUPANCIES: ON THE CEILING OR ABOVE SLEEPING UNIT OR OTHER LOCATIONS WITHIN THE SLEEPING UNIT IN COMPLIANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
 - D. CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE MAIN SERVICE PANEL OR FROM A BATTERY BACKUP ALARM WIRING SHALL BE DIRECTLY CONNECTED TO THE PERMANENT BUILDING WIRING WITH A DISCONNECTING SWITCH OTHER THAN AS REQUIRED FOR OVERCURRENT PROTECTION.
 - E. WHERE MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN THE DWELLING UNIT OR WITHIN A SLEEPING UNIT, THE ALARM SHALL BE INTERCONNECTED IN A MANNER THAT ACTIVATION OF ONE ALARM SHALL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT.
 - F. CARBON MONOXIDE ALARMS SHALL BE LISTED AND COMPLY WITH UL 2034 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND MANUFACTURER'S INSTRUCTIONS.

SMOKE DETECTORS:

- A. SMOKE DETECTOR SYSTEM SHALL BE HARD WIRED, INTERCONNECTED TO SOUND SIMULTANEOUSLY AND EQUIPPED WITH BATTERY BACKUP.
- B. INSTALL DETECTORS IN EACH BEDROOM AT EACH CORNER OR NEAREST TO THE BEDROOM AT THE POINT OF ENTRY AND EACH STAIR AND HALLWAY.
- C. MULTIPLE SMOKE DETECTORS ARE REQUIRED WHEN CEILING LEVELS, ELEVATIONS CHANGE OR ARE INTERRUPTED BY ARCHITECTURAL ELEMENTS (GATED OPENINGS, ARCHWAYS, SPLIT-SHOT WELLS, ETC.).
- D. SMOKE DETECTORS SHALL BE LISTED AND COMPLY WITH UL 218 AND BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH NFPA 720 AND MANUFACTURER'S INSTRUCTIONS.

PLUMBING:

- A. ALL NEW TOILETS SHALL HAVE AN EFFECTIVE FLUSH VOLUME NOT TO EXCEED 1.28 GALLONS PER FLUSH.
- B. ALL NEW LAVATORY FACETS SHALL HAVE A MAXIMUM FLOW RATE OF 1.2 GALLONS PER MINUTE AT 60 PSI.
- C. ALL NEW SHOWERHEADS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI.
- D. ALL NEW KITCHEN FAUCETS SHALL HAVE A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI. KITCHEN FAUCETS MAY TEMPORARILY INCREASE THE FLOW ABOVE THE MAXIMUM RATE, BUT NOT TO EXCEED 2.5 GALLONS PER MINUTE AT 60 PSI AND MUST DEFAULT TO A MAXIMUM FLOW RATE OF 1.8 GALLONS PER MINUTE AT 80 PSI.

BATHROOM:

- A. WATER CLOSETS SHALL BE LOCATED IN SPACES NOT LESS THAN 36" IN WIDTH AND 24" IN FRONT.
- B. WATER RESISTANT GYPSUM BOARD SHALL NOT BE USED WHERE THERE WILL BE DIRECT EXPOSURE TO WATER. CRC 702.3.1.
- C. BACKERS FOR SHOWERS AND TUB SHOWERS SHALL BE FIBER-CEMENT, FIBER REINFORCED CEMENTITIOUS BACKER UNITS, GLASS MAT GYPSUM BACKERS OR FIBER-REINFORCED GYPSUM BACKERS TO A MIN HEIGHT OF 1" ABOVE THE FLOOR.
- D. USE 200 WOODEN BACKING IN ALL BATHROOM WALLS AT WATER CLOSET SHOWER AND BATH TUB, LOCATED AT 3" FROM FLOOR TO CENTER OF THE BACKING SUITABLE FOR THE ADDITION OF DRAIN BARS.
- E. DOORS AND PANELS OF TUB AND SHOWER ENCLOSURES SHALL BE FULLY TEMPERED LAMINATE SAFETY GLASS OR APPROVED PLASTIC.
- F. SHOWER COMPARTMENTS SHALL HAVE MIN INTERIOR FLOOR AREA OF 1024 SQ IN AND BE ABLE TO COMB A 30° SEA GORGE.
- G. SHOWER AND TUB SHOWER ENCLOSURE IN ALL BUILDING SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE-BALANCE OR THE THERMOSTATIC MIXING VALVE TYPE.

ATTIC/UNDERFLOOR INSTALLED FAN:

- A. UNIT SHALL BE ACCESSIBLE THROUGH AN OPENING AND PASSAGEWAY NOT LESS THAN THE LARGEST COMPONENT OF THE UNIT AND NOT LESS THAN 22-3/4" B. THE DISTANCE FROM THE PASSAGEWAY ACCESS TO THE UNIT SHALL NOT EXCEED 30".
- C. THE WIDTH OF THE PASSAGEWAY SHALL BE UNOBSTRUCTED AND SHALL HAVE SOLID FLOORING NOT LESS THAN 2" WIDE FROM THE ENTRANCE OPENING TO THE UNIT.
- D. A LEVEL WORKING PLATFORM NOT LESS THAN 30" BY 30" SHALL BE PROVIDED IN FRONT OF THE SERVICE SIDE OF THE UNIT.
- E. A PERMANENT 1/2" RECEPTACLE OUTLET AND LIGHTING FIXTURE SHALL BE INSTALLED NEAR THE UNIT. THE SWITCH CONTROLLING THE LIGHTING FIXTURE SHALL BE LOCATED AT THE ENTRANCE TO THE PASSAGEWAY.

KITCHEN VENTILATION:

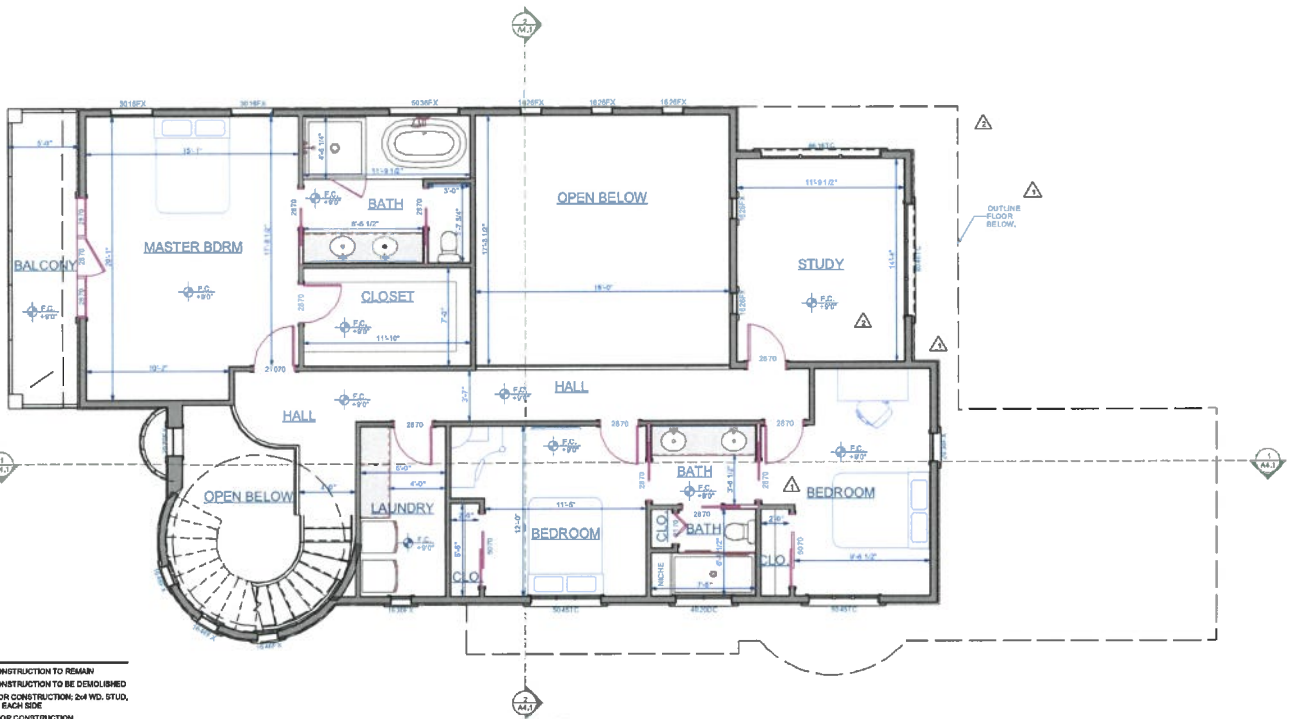
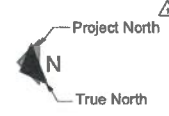
- WHERE COMBUSTION APPLIANCES OR SOLID-FUEL BURNING APPLIANCES ARE LOCATED INSIDE THE PRESSURE BOUNDARY, THE MAXIMUM ALLOWABLE NET EXHAUST FLOW OF THE TWO LARGEST EXHAUST FANS SHALL NOT EXCEED 15 CFM PER 100 SQ. FT. OF OCCUPYABLE SPACE, WHEN OPERATING AT FULL CAPACITY. IF THE DESIGNER TOTAL NET FLOW EXCEEDS THIS LIMIT, THE NET EXHAUST FLOW MUST BE REDUCED BY REDUCING THE EXHAUST FLOW OR PROVIDING COMPENSATING OUTDOOR AIR FLOW (NOTE: IF MAKE-UP AIR FAN IS INSTALLED IT MUST BE ELECTRICALLY INTERLOCKED WITH THE LARGEST EXHAUST FAN).

ELECTRIC VEHICLE (EV) CHARGING:

- ELECTRIC VEHICLE SUPPLY EQUIPMENT SHALL BE INSTALLED TO FACILITATE THE FUTURE INSTALLATION OF AN EV CHARGING DEVICE AND MUST COMPLY WITH THE FOLLOWING:
 - A. ALIASED TRADE SIDE 1 RACEWAY SHALL BE INSTALLED TO ACCOMMODATE A DEDICATED DEDICATED BRANCH CIRCUIT. THE RACEWAY SHALL ORIGINATE FROM THE MAIN SERVICE PANEL OR SUB-PANEL AND TERMINATES INTO A LISTED CABINET, BOX OR OTHER ENCLOSURE IN CLOSE PROXIMITY TO THE FUTURE CHARGING DEVICE.
 - B. THE SERVICE PANEL AND/OR SUB PANEL SHALL PROVIDE CAPACITY TO INSTALL A 20 AMP MAIN BRANCH CIRCUIT AND SPACE RESERVED TO ACCOMMODATE A BRANCH CIRCUIT OVERCURRENT PROTECTIVE DEVICE.
 - C. THE ELECTRICAL PANELS/SCHEDULE SHALL IDENTIFY THE OVERCURRENT PROTECTIVE DEVICE SPACE RESERVED FOR FUTURE EV CHARGING AS "EV GAP/PLE".
 - D. THE RACEWAY TERMINATION LOCATION SHALL BE PERMANENTLY AND VISIBLY MARKED AS "EV GAP/PLE".

TOWN STANDARDS:

- RESIDENTIAL ACCESSIBILITY:
 - A. ALL PASSAGE DOOR SHALL BE AT LEAST 32 INCH DOORS ON THE ACCESSIBLE FLOOR LEVEL.
 - B. THE PRIMARY ENTRANCE DOOR SHALL BE 34 INCH WIDE DOOR INCLUDING A 5/8" LEVEL LANDING, MORE THAN 1 INCH OUT OF PLANE WITH THE IMMEDIATE INTERIOR FLOOR LEVEL, AND WITH AN 18 INCH CLEARANCE AT INTERIOR ENTRANCE EDGE.
 - C. A DOOR BUZZER, BELL OR CHIME SHALL BE HARD WIRED AT PRIMARY ENTRANCE.
- FIRE PLACES:
 - A. NEW WOOD BURNING FIREPLACES SHALL BE AN EPA PHASE 2 APPROVED APPLIANCE OR GAS APPLIANCE PER TOWN ORDINANCE 1905. TREE LIMBS SHALL BE CUT WITHIN 10 FEET OF CHIMNEY.

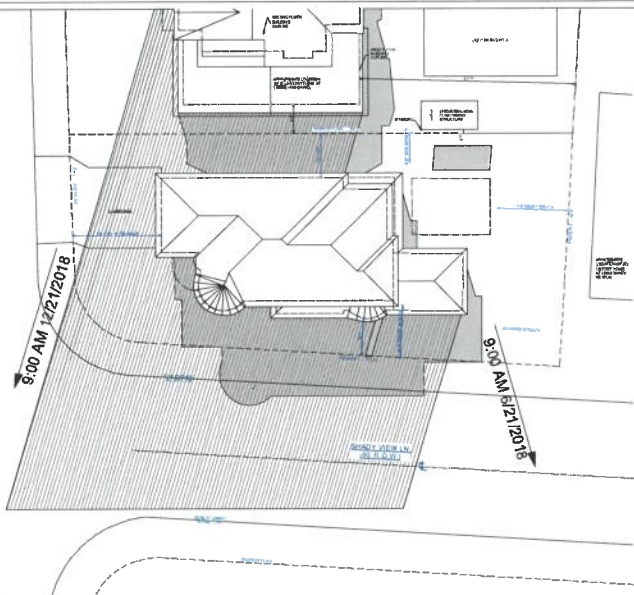


- LEGEND:**
- EXISTING CONSTRUCTION TO REMAIN
 - EXISTING CONSTRUCTION TO BE DEMOLISHED
 - NEW INTERIOR CONSTRUCTION: 2-4 WD. STUD. 1/2" OYR. BD. EACH SIDE
 - NEW EXTERIOR CONSTRUCTION:
 - NEW 1/2" OYR. BENTD WALL: 2-4 WD. STUD. 1/2" TYPE "X" OYR. BD. EACH SIDE. SEE PLAN FOR LOCATIONS.

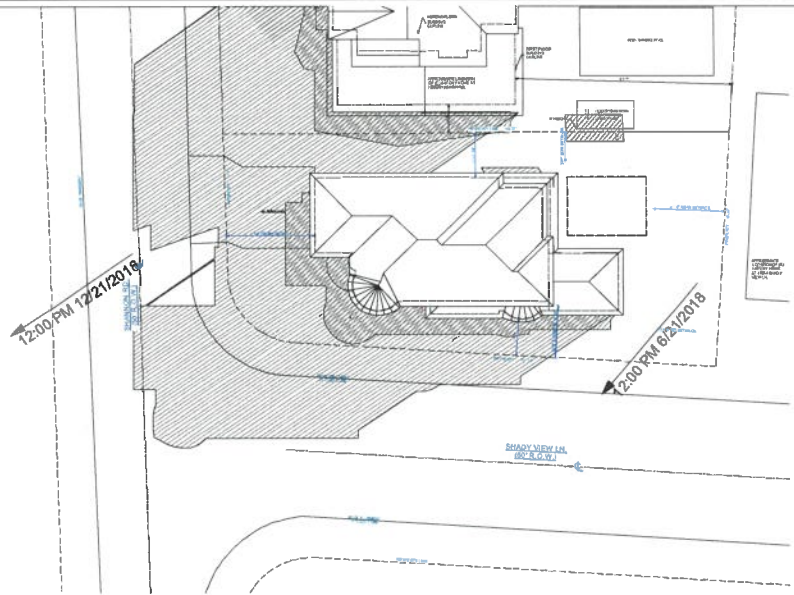
1 PROPOSED SECOND FLOOR PLAN
Scale: 1/4"=1'-0"

PLANNING SET 9/25/2019

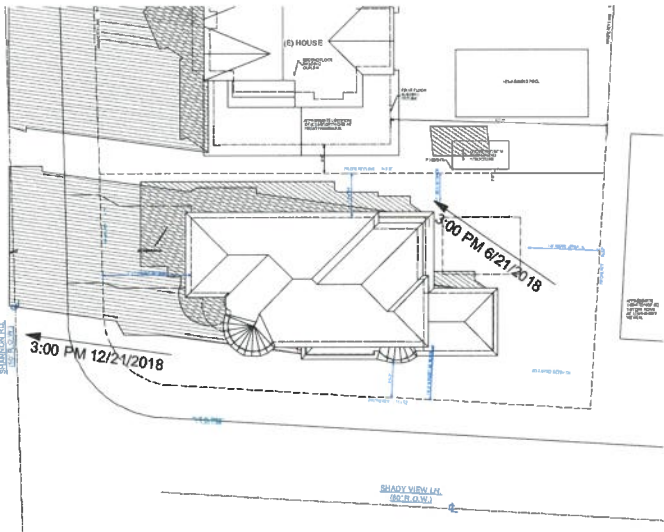
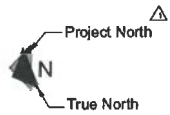
NO.	DESCRIPTION	BY	DATE
		DATE	DATE
SHEET TITLE: PROPOSED SECOND FLOOR PLAN			
PROJECT DESCRIPTION: Coulson Residence 16336 Shady View Ln Los Gatos, CA 95032			
DRAWING PROVIDED BY: Demetel Construction, Inc. 1738 THE WAY F: (408) 268-7616 F: (408) 268-6688 LIC # B-476455			
DATE: 12/17/2018			
SCALE: As shown			
DRAWN BY: LL / JW			
SHEET: A2.2			



1 PROPOSED FIRST FLOOR PLAN
 Scale: 1/16"=1'-0"
 June 21st 9:00am
 December 21st 9:00am



2 PROPOSED FIRST FLOOR PLAN
 Scale: 1/16"=1'-0"
 June 21st 12:00pm
 December 21st 12:00pm



3 PROPOSED FIRST FLOOR PLAN
 Scale: 1/16"=1'-0"
 June 21st 3:00pm
 December 21st 3:00pm

LEGEND:
 JUNE SHADOW
 DECEMBER SHADOW

NO.	DESCRIPTION	BY	DATE
1	RESPONSES TO PLANNING COMMENTS	LL	07/26/2018
2	RESPONSES TO PLANNING COMMENTS	LL	07/26/2018

SHEET TITLE:
 SHADOW STUDY

PROJECT DESCRIPTION:
 Coulson Residence
 16336 Shady View Ln
 Los Gatos, CA 95032

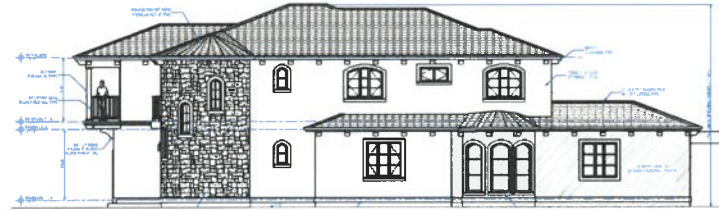
DRAWINGS PROVIDED BY:
 Delmatt Construction, Inc.
 1734 THE JAWA
 SAN JOSE, CA 95128
 P: (408) 266-7318
 F: (408) 266-6889
 LIC# B-476465

DATE:
 12/17/2018
SCALE:
 As shown
DRAWN BY:
 LL / JW
SHEET:

A6.2



16347 SHADY VIEW LN.



16336 SHADY VIEW LN.



16356 SHADY VIEW LN.



16344 SHADY VIEW LN.



16337 SHADY VIEW LN.



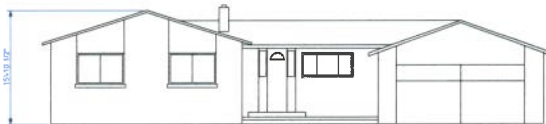
16311 SHANNON RD.



16330 SHANNON RD.



100 DEL CARLO CT.



104 HILOW CT.



100 HILOW CT.

THIS DOCUMENT IS THE PROPERTY OF DELMATTER CONSTRUCTION, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF DELMATTER CONSTRUCTION, INC.

NO.	DESCRIPTION	BY	DATE
1	ISSUED FOR PERMITS TO PLUM CHECK COMMENTS	LL	12/17/2018

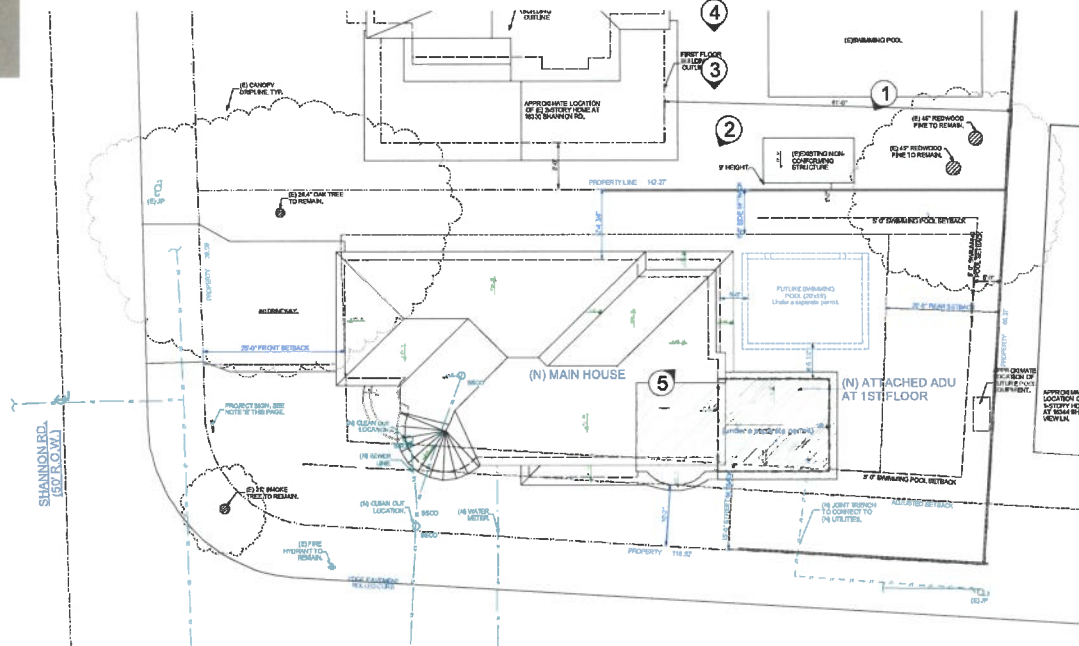
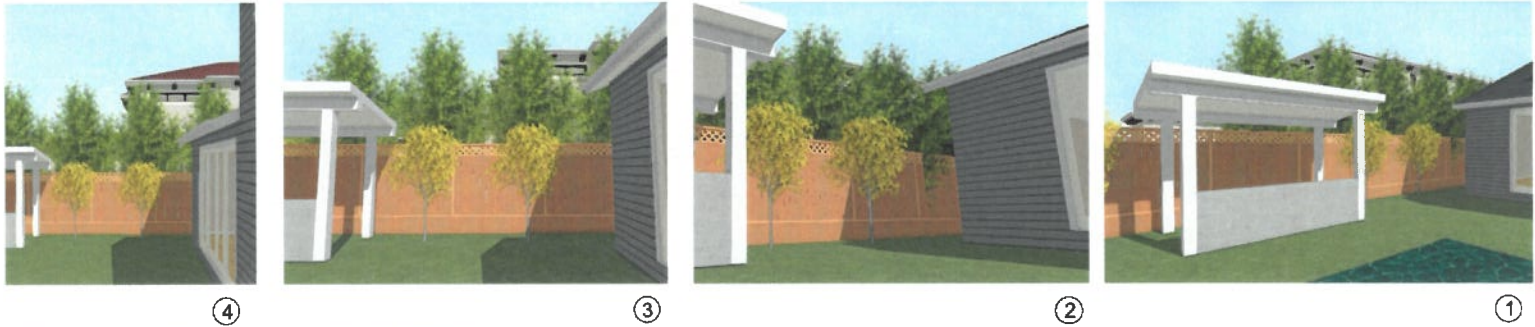
SHEET TITLE:
SCHEMATIC
NEIGHBORHOOD
ELEVATIONS

PROJECT DESCRIPTION:
Coulson Residence
16336 Shady View Ln
Los Gatos, CA 95032

DRAWINGS PREPARED BY:
DeMatter Construction, Inc.
1734 The Alameda, San Jose, CA 95125
P: (408) 292-7516
F: (408) 292-6688
L: (408) 292-6688

DATE:	12/17/2018
SCALE:	As shown
DRAWN BY:	LL / JW
SHEET:	

A6.3



1 SITE/ROOF PLAN
Scale: 1"=10'

PLANNING SET 9/25/2019

NO. DESCRIPTION	BY DATE
SHEET TITLE: PRIVACY EXHIBIT	
PROJECT DESCRIPTION: Coulson Residence 16336 Shady View Ln Los Gatos, CA 95032	
DRAWINGS PROVIDED BY: Demattal Construction, Inc. 1754 17th Ave., San Jose, CA 95126 P: (408) 285-7518 F: (408) 284-6589 LIC# B-174165	
DATE:	12/17/2018
SCALE:	As shown
DRAWN BY:	LL / JW
SHEET:	PE

Ryan Safty

From: Jim Whitney <jimw@demattei.com>
Sent: Friday, September 27, 2019 11:35 AM
To: Nadia Costa; Town Manager; Attorney; Ryan Safty
Cc: Travis Brooks; mattcurrie@me.com; Shari Santos; Lerika Liscano
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

RECEIVED

Follow Up Flag: Follow up
Flag Status: Flagged

SEP 27 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Hello Nadia,

Thank you for your note. In the essence of time and in the face of certain scheduling difficulties, we would like to propose discussing the Currie's outstanding concerns via email or by phone. We hope that the outstanding concerns are few and feel that this would be the most efficient method to resolving the impasse. Please let us know if this is agreeable to you. Also, if you could please clarify who specifically you wish to be part of the meeting.

Thank You,
Jim Whitney
Architectural Project Manager,
IT Oversight

De Mattei
Construction Inc.

GENERAL CONTRACTOR
Building Relationships

1794 The Alameda
San Jose, CA 95126
408.350.4200 p
408.674.0440 c
[website](#) | [facebook](#) | [Houzz](#)

From: Nadia Costa [mailto:nadia.costa@msrlegal.com]
Sent: Friday, September 27, 2019 8:34 AM
To: manager@losgatosca.gov; attorney@losgatosca.gov; Ryan Safty <RSafty@losgatosca.gov>
Cc: Travis Brooks <travis.brooks@msrlegal.com>; mattcurrie@me.com; Shari Santos <shari.santos@msrlegal.com>; Lerika Liscano <lerika@demattei.com>; 'Jim Whitney' <jimw@demattei.com>
Subject: FW: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Good morning Ryan et al:

On behalf of the appellant, please see below for our recent correspondence with the applicant and proposed next steps. As indicated below, the Curries are very interested in pursuing an expeditious resolution to this matter and look forward to meeting with the applicant team in the very near term to discuss opportunities in this regard.

Given the currently scheduled hearing on October 9th, we look forward to providing the Town with additional updates as soon as feasible regarding the possibility of resolving the matter in a way that is mutually acceptable to the Curries, the applicant as well as the Town.

In the interim, please do **not** hesitate to call me with any questions regarding the foregoing.

Best, Nadia

Nadia Costa | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | c: 925.788.7311

4695 MacArthur Court, 11th Floor, Newport Beach, CA 92660
t: 949.719.2960 | c: 925.788.7311

nadia.costa@msrlegal.com | www.msrlegal.com

For all matters that involve scheduling, please copy my assistant Shari Santos at shari.santos@msrlegal.com so that she can confirm my availability.

From: Nadia Costa
Sent: Friday, September 27, 2019 8:25 AM
To: 'Jim Whitney'; Travis Brooks
Cc: Matthew Currie; Shari Santos
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Good morning Jim:

Thank you very much for your recent correspondence – we very much appreciate the applicant’s willingness to find “common ground” and believe there may be an opportunity to resolve this matter. To that end, may I suggest an in-person meeting next week with you/the applicant as well as my client and me to discuss in more detail the revised plans and our questions regarding same? Assuming there is concurrence in this regard, we would also like to discuss the best way to expeditiously memorialize the parties’ understanding.

Please let me know if the foregoing works for the applicant and if so, some potential dates/times for a meeting. Given everyone’s hectic schedules, it would be great to get this meeting on the calendar today, if possible. My assistant, Shari, is on this email and she can help coordinate a convenient time.

Best, Nadia

Nadia Costa | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | c: 925.788.7311

4695 MacArthur Court, 11th Floor, Newport Beach, CA 92660
t: 949.719.2960 | c: 925.788.7311

nadia.costa@msrlegal.com | www.msrlegal.com

For all matters that involve scheduling, please copy my assistant Shari Santos at shari.santos@msrlegal.com so that she can confirm my availability.

Ryan Safty

From: Nadia Costa <nadia.costa@msrlegal.com>
Sent: Wednesday, October 2, 2019 3:07 PM
To: 'Jim Whitney'
Cc: Town Manager; Attorney; Ryan Safty; Travis Brooks; 'mattcurrie@me.com'; Shari Santos; 'Lerika Liscano'; 'Linda Baron'; Art Coon
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED

OCT 02 2019

TOWN OF LOS GATOS
PLANNING DIVISION

Good afternoon Jim:

I thought it would be helpful, without broaching any confidentiality provisions that relate to settlement negotiations (e.g., Evid. Code section 1152 *et seq.*), to briefly outline or the Town's benefit the outcome of our call today and potential next steps. (And please feel free to augment/modify accordingly if your team believes there is any misunderstanding regarding the below summary.)

As a preliminary matter, I would again like to thank you and the others from the applicant team for your time today during the call. Overall, we found it very productive in terms of moving the parties to an expeditious resolution of the matter. To that end, the group discussed the following next steps:

1. The applicant team will submit updated plans, including a revised tree planting proposal, to Town staff for review/comment. The applicant agreed to provide these plans to the appellant for concurrent review, for the purposes of (a) confirming it reflects the agreed-upon design changes; and (b) to outline the applicant's proposal regarding tree screening. On this latter point, the appellant emphasized the importance of ensuring there are sufficient trees planted and maintained to address remaining privacy as well as massing concerns.
2. MSR will prepare a draft settlement agreement for the applicant's review. As I explained during the call, this agreement can be very simple and short, and merely serves to memorialize the parties' mutual understanding. Doing so is in everyone's best interest and is necessary for the successful resolution of the matter. Again, we can ensure it is concise, straightforward (without unnecessary "legalese"), and will provide a draft to the applicant team by tomorrow COB. As a showing of good faith and in recognition of the applicant's willingness to make the agreed-upon design changes, my client is willing to pay for MSR to prepare the initial draft for the applicant's consideration.

The group also discussed the practical suggestion of requesting a two-week continuance to provide a sufficient opportunity to finalize this arrangement and appropriately memorialize it. We agree with the applicant team that moving forward as expeditiously as possible is in everyone's interest. However, in MSR's experience, this type of short continuance is time very well spent for the following reasons:

1. This additional amount of time enables the applicant to update the plans; Town staff sufficient time to review and comment on these updated plans; as well as gives the appellant the opportunity to confirm these plans and the related conditions of approval accurately reflect the settlement. If sufficient time is not taken for these steps, inadvertent errors and other issues can arise, which then must be handled at the hearing or otherwise – this is far from ideal, can introduce additional unnecessary delay, and can generally complicate the matter for all involved.
2. This provides sufficient time for the parties to review and document the agreement. This step is critical in any type of pre-litigation resolution. Without memorializing the arrangement, both parties are at risk. (As an example, from an applicant's perspective, it would typically want assurance that no litigation would be brought if that applicant seeks and obtains approval for a modified project. And from an appellant's perspective, an agreement would be necessary to ensure the agreed-upon changes are made and approved and to avoid any potential waiver issues.)
3. This creates fewer administrative/process issues for the Town. Given the upcoming appeal hearing is currently scheduled for next Wednesday, we are assuming that Town staff is working to finalize the PC packet, etc now. With a brief continuance, this provides additional time for the parties to formally resolve the matter and thus provides Town staff an opportunity to present a staff report and related packet that reflects this resolution, as opposed to having to update the Commissioners and the public at the hearing (assuming settlement has been reached).

We certainly understand the applicant's reticence to continue the matter if it would result in unnecessary and unproductive delay. However, as explained above, this is not the case. To the contrary, the appellant is suggesting this brief continuance in order to facilitate a prompt and mutually acceptable arrangement, which would then avoid further controversy, further appeals and/or potential litigation. This would appear to be in all parties' best interest and we are hopeful that both the applicant and the Town will concur in this regard.

Again, we wish to reiterate the Curries' appreciation for the applicant's willingness to make the proposed changes and believe that a mutually acceptable resolution is close at hand; and

the Curries continue to be willing to take, with good faith and diligent, all reasonable steps to timely achieve this outcome.

Best, Nadia

Nadia Costa | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | c: 925.788.7311

4695 MacArthur Court, 11th Floor, Newport Beach, CA 92660
t: 949.719.2960 | c: 925.788.7311

nadia.costa@msrlegal.com | www.msrlegal.com

For all matters that involve scheduling, please copy my assistant Shari Santos at shari.santos@msrlegal.com so that she can confirm my availability.

From: Nadia Costa
Sent: Tuesday, October 01, 2019 3:57 PM
To: 'Jim Whitney'
Cc: manager@losgatosca.gov; attorney@losgatosca.gov; Ryan Safty; Travis Brooks; mattcurrie@me.com; Shari Santos; Lerika Liscano; Linda Baron
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Good afternoon Jim:

Please see below for a list of questions/comments that we would like to discuss tomorrow as part of our broader conversation on potential opportunities to resolve the matter.

- 1) Please confirm that the applicant continues to be willing to entirely omit the second floor balcony from the project.
- 2) How far is the applicant's new second floor enclosed space/room from the Curries' shared property line?
- 3) How far off of the shared property line is the portion of the applicant's home that is closest to the Curries' residence?
- 4) Please confirm that the applicant is still proposing to move the entire home 4 1/2 feet from the location indicated on plans submitted to the Town for Design Review Committee, as well as confirm that the entire home will be a total of 12 1/2 feet from the Curries' shared property line.
- 5) What is the total square footage of the proposed home?
- 6) Does this square footage conform to their FAR limitation? If so, please provide methodology/calculations.
- 7) Is the applicant proposing any other changes to the home from the plans submitted to the Town for the Design Review Committee? It is difficult to identify changes on the 3D model they sent.

- 8) Please confirm that the applicant will be obligated to fund, install and maintain a row of 24" box trees the entire length of the shared property line to the edge of the redwood canopy.
- 9) Please omit any references to purported unpermitted structures on the Curries' property, since this is not accurate. (As has been previously stated, under the applicable Town Code provisions, their pergola does not need to be permitted. Therefore, any references to improvements on the Curries' property on the applicant's plans should be unnecessary.)

In addition to the above technical issues, assuming that agreement can be reached between the parties, let's discuss and confirm how best to expeditiously memorialize this agreement.

Best, Nadia

Nadia Costa | Miller Starr Regalia

1331 North California Boulevard, Fifth Floor, Walnut Creek, CA 94596
t: 925.935.9400 | c: 925.788.7311

4695 MacArthur Court, 11th Floor, Newport Beach, CA 92660
t: 949.719.2960 | c: 925.788.7311

nadia.costa@msrlegal.com | www.msrlegal.com

For all matters that involve scheduling, please copy my assistant Shari Santos at shari.santos@msrlegal.com so that she can confirm my availability.

From: Jim Whitney [<mailto:jimw@demattei.com>]
Sent: Tuesday, October 01, 2019 1:07 PM
To: Nadia Costa
Cc: manager@losgatosca.gov; attorney@losgatosca.gov; Ryan Safty; Travis Brooks; mattcurrie@me.com; Shari Santos; Lerika Liscano; Linda Baron
Subject: RE: 16336 Shady View Lane Development [IWOV-iManage.FID1007514]

Hello Nadia,

Can we expect to receive the comments today?

Thank You,
Jim Whitney
Architectural Project Manager,
IT Oversight

De Mattei
Construction Inc.

GENERAL CONTRACTOR
Building Relationships

1794 The Alameda
San Jose, CA 95126
408.350.4200 p
408.674.0440 c
[website](http://www.demattei.com) | [facebook](https://www.facebook.com/demattei) | [Houzz](https://www.houzz.com/pro/demattei)

***This Page
Intentionally
Left Blank***