

Ryan Safty

From: Shari Santos <shari.santos@msrlegal.com>
Sent: Tuesday, October 8, 2019 2:34 PM
To: Planning
Cc: Joel Paulson; Ryan Safty; Attorney; Town Manager; Nadia Costa; Art Coon; Travis Brooks; mattcurrie@me.com; April Kee
Subject: Appeal of August 13th Development Review Committee Decision Regarding Application No. S-18-060 (16336 Shady View Lane, Los Gatos, CA.): October 9, 2019 at 7:00 PM (Agenda Item No. 4) [IWOV-iManage.FID963274]
Attachments: 2019-10-08 Letter to Planning Commission.pdf

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TOWN OF LOS GATOS
PLANNING DIVISION

This email is sent on behalf of Nadia Costa.
Replies may be directed to Ms. Costa at nadia.costa@msrlegal.com. Thank you.

Shari Santos | Miller Starr Regalia

Legal Assistant to Nadia Costa

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**TOWN OF LOS GATOS
PLANNING DIVISION**

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

Re: Appeal of August 13th Development Review Committee Decision Regarding
Application No. S-18-060 (16336 Shady View Lane, Los Gatos, CA.):
October 9, 2019 at 7:00 PM (Agenda Item No. 4)

Chairman Hudes and Honorable Commissioners:

This office represents Matthew and Carrie Currie (the "Curries") in the above-referenced appeal of the Development Review Committee's August 13, 2019 Decision Regarding Application No. S-18-060 (the "Appeal"). We are in receipt of planning staff's October 3, 2019 report related to the Appeal, and wish to provide an update regarding the parties' efforts to resolve matters raised in the Appeal. In short, the Curries support the Commission's approval of the project that is the subject of the Appeal, but *only* if such approval is expressly conditioned on the project's incorporation of all of the design changes proposed by the project applicant on October 4, 2019 as reflected in the updated plans attached to the staff report as Exhibit 17.

As the staff report alludes, in the past weeks, the parties have worked to reach a reasonable resolution of the issues raised in the Appeal. Through this process, the Curries have made clear that they are not opposed to all redevelopment of 16336 Shady View Lane. Our clients merely requested that reasonable changes be made to the project to ensure the Curries' understandable expectations of privacy and design compatibility (i.e., massing, scale, etc.) are protected as required by the Town's Residential Design Guidelines and other applicable provisions.¹

After discussions with the Curries, on October 3, 2019, the project applicants formally submitted a revised project plan to the Town that: (1) encloses the project's originally proposed second-story balcony, (2) moves the proposed residence an additional 4.5 feet away from the Curries' property, and (3) includes an updated tree

¹ The Curries' requested project changes and the legal arguments in support of the Appeal are detailed in the Curries' August 22, 2019 appeal document and attached correspondence and shall be included in the administrative record for these proceedings.

Planning Division

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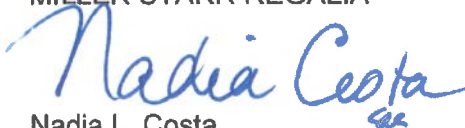
plan. The Curries wish to make clear that so long project approval is expressly conditioned on the project's full conformance with the updated plans submitted on October 3, 2019 (as reflected in Exhibit 17 attached to the October 3, 2019 staff report), including the three elements described above, the Curries will not oppose approval of the modified project.

Of course, if the Commission denies the appeal and approves the project without expressly incorporating the three crucial items listed above as conditions of approval, and without requiring conformance with the updated project plans, the Curries hereby reserve all rights to further appeal the Town's action in this regard to the Town Council as well as challenge any such project decision in litigation. Any such appeal/litigation would be based on all issues already raised by the Curries, and may also raise additional arguments available under the California Environmental Quality Act ("CEQA") as well as compliance with specified development standards, etc.

With the above in mind, the Curries appreciate the project applicants' willingness to resolve the issues raised in the Appeal by agreeing to revise and implement amended plans, as reflected in agreed-upon conditions of approval that incorporate the critical design changes indicated above. The Curries also appreciate the Town's continued review of new residential projects in a fair and uniform manner that complies with the Town's design guidelines and other relevant provisions, and takes into due consideration the often competing and compelling interests at hand in a consistent and equitable fashion.

Very truly yours,

MILLER STARR REGALIA



Nadia L. Costa

NLC

cc: Joel Paulson, Community Development Director
Ryan Safty, Associate Planner
Robert Shultz, Town Attorney
Laurel Prevetti, Town Manager
Art Coon, Miller Starr Regalia
Travis Brooks, Miller Starr Regalia
Matthew Currie
Carrie Currie

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