

Town of Los Gatos
110 E Main St,
Los Gatos CA 95030
Attn: Town Council

October 8th, 2021

**17200 Los Robles Way, Los Gatos
Appeal Rebuttal re: LLA M 21-001**

Councilmembers:

As this is the second appeal for this project, I am limiting my comments here to points that I did not previously address in my original DRC submission and in the Appeal Rebuttal provided to the Planning Commission. I would respectfully request that you review these documents as they contain more detailed arguments.

I would like you to further consider these 4 points, which are worthy of consideration

1. The Appellant has no Grounds for Appeal:

The Appeal Packet requires that interested parties may appeal Residential projects if they are:

*"A 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.**"*

So I really have to question the grounds for an Appeal at all. This is a second Appeal and 'Loss of Privacy' is not an Injury.

2. The Appellant Questions why this LLA is Categorically Exempt from CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3): *A project is exempt from CEQA when the activity is covered by the common sense exemption that CEQA only applies to Projects, which have the potential for causing a significant effect on the environment.* Where it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA. The project simply proposes to modify lot lines between three legal, adjacent parcels.

No development is proposed at this time. So there can be no Environmental Impact with the LLA.

3. The Appellant also uses Sections of the SMA that are inapplicable to this LLA:

The Subdivision Map Act Section 66412 explicitly singles out LLAs of this nature by excluding other provisions of the Act, which the Appellant is attempting to use to disqualify it:

This division [SMA] shall be inapplicable to any of the following:

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. *A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.*

4. The Appellant further Suggests that 2 of the 3 Parcels should be Merged:

The Appellant has gone to great lengths to attempt to hijack this appeal hearing and turn it into a Request for Merger hearing. As a pre-cursor to the LLA application, the Town required the Owner to address the legality of the Parcels in question. Town has essentially made a “**Determination of Non-Merger**” by providing, after exhaustive research and consultant reviews, a recorded Certificate of Compliance – Doc# 25076094 for the Parcel 536-32-077 [attached] in which it explicitly states:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act of the State of California and the Town of Los Gatos Subdivision Ordinance enacted pursuant hereto. The parcels described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcels may require issuance of a permit or permits, or other grant or grants of approval.

In conclusion - It should be pointed out that the owner of the 3 parcels waited until the Certificates of Compliance were Approved before selling 2 of them [536-32-076 and 077] to a second party who is now a co-applicant in this LLA. The new owner purchased these 2 parcels with the explicit understanding that they were in fact 2 parcels [per the CoC]. It would be complex and expensive to ‘undo’ this sale.

I would ask the Town Council to consider the ‘before’ and ‘after’ lot configurations proposed by the LLA and determine which best fits the Town Zoning Ordinance for R1:20 residential lots; ratify the decisions of the DRC and the Planning Commission to approve the LLA; and finally to deny the appeal.

Thank you

Tony Jeans

25076094

Regina Alcomendras

Santa Clara County - Clerk-Recorder

08/24/2021 12:39 PM

Titles: 1 Pages: 7

Fees: \$0.00

Tax: \$0

Total: \$0.00

Recording Requested by:

TOWN OF LOS GATOS

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CERTIFICATE OF COMPLIANCE

17200 LOS ROBLES WAY

LOS GATOS, CA 95030

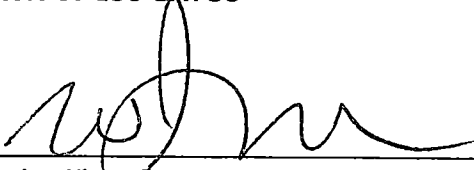
APN 532-36-075, 532-36-077

CERTIFICATE OF COMPLIANCE
17200 Los Robles Way, Los Gatos, CA 95030

NOTICE IS HEREBY GIVEN under the provisions of Section 66499.35 of the Government Code of the State of California, that the application of **Daran Goodsell, Successor Trustee of the JNT Trust (The Revocable Thompson Family Trust) dated January 19, 2005**, subject to Item No. 11 for parcels then owned by them and located at **17200 Los Robles Way, Los Gatos California; APNs 532-36-075 and 532-36-077**, was approved by the Development Review Committee of the Town of Los Gatos on May 25th, 2021; Subdivision Application M-21-001, are confirmed as two separate parcels as described on the attached Exhibits "A" and "C", and generally shown on Exhibits "B" and "D".

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TOWN OF LOS GATOS



Woojae Kim - Town Engineer
R.C.E. No.: 59532; Lic. Exp.: 12/31/2021

8/18/2021
DATE

Acknowledgement Required

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

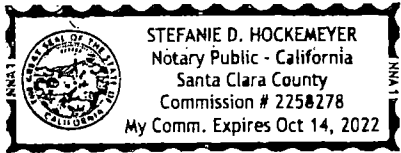
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Santa Clara)
On 9/18/2021 before me, Stefanie D. Hockemeyer, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Woojin Kim
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Stefanie D. Hockemeyer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document:
Document Date: Number of Pages:
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

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Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

EXHIBIT "A"

APN 532-36-075

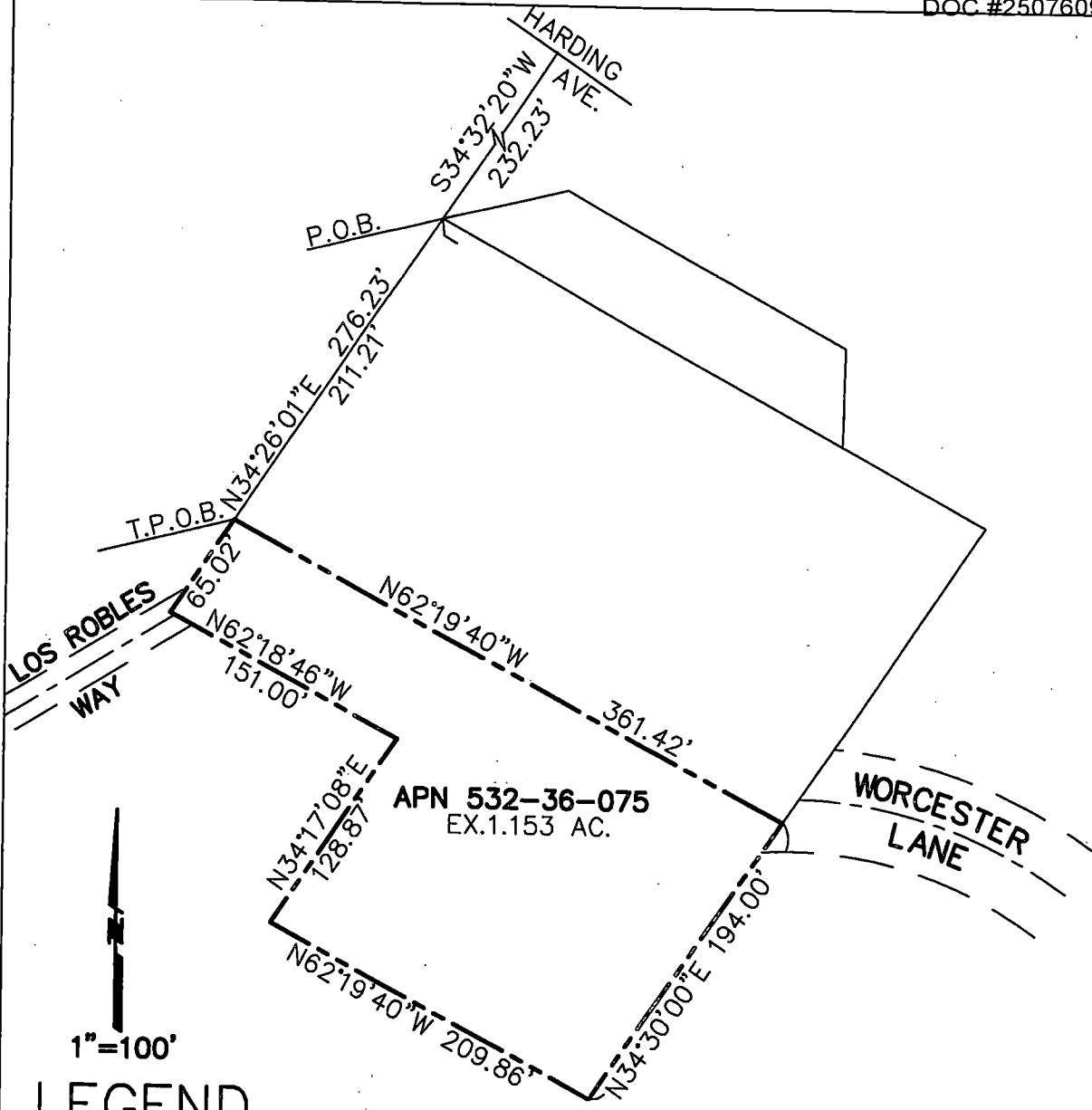
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Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed February 23, 1999 for record in Book 712 of Maps at Page 43, Santa Clara County Records, said point being South 34 Degrees 32 Minutes 20 Seconds West a length of 232.23 feet from the southerly right of way line of Harding Avenue; thence South 34 Degrees 26 Minutes 01 Seconds West a length of 276.23 feet to the True Point of Beginning; Thence North 34 Degrees 26 Minutes 01 Seconds East a length of 65.02 feet; thence South 62 Degrees 19 Minutes 40 Seconds East a length of 361.42 feet; thence South 34 Degrees 30 Minutes 00 Seconds West a length of 194.00 feet; thence North 62 Degrees 19 Minutes 40 Seconds West a length of 209.86 feet; thence North 34 Degrees 17 Minutes 08 Seconds East a length of 128.87 feet; thence North 62 Degrees 18 Minutes 46 Seconds West a length of 151.00 feet to the True Point of Beginning.

Containing 1.153 acres more or less



Harry Babicka



1"=100'

LEGEND

EXISTING BOUNDARY	—————
LIMIT OF EASEMENT	- - - - -
POINT OF BEGINNING	P.O.B.
CENTERLINE	—————
TRUE POINT OF BEGINNING	T.P.O.B.
EXISTING R.O.W.	—————
ACRES	AC.



Harry Babicka

EXHIBIT "B"

A PLAT TO ACCOMPANY A DESCRIPTION FOR CERTIFICATE OF COMPLIANCE

WESTFALL ENGINEERS, INC.

EXHIBIT "C"

Parcel name: remainder (APN 532-36-077)

All that certain property situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

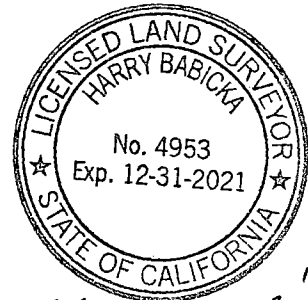
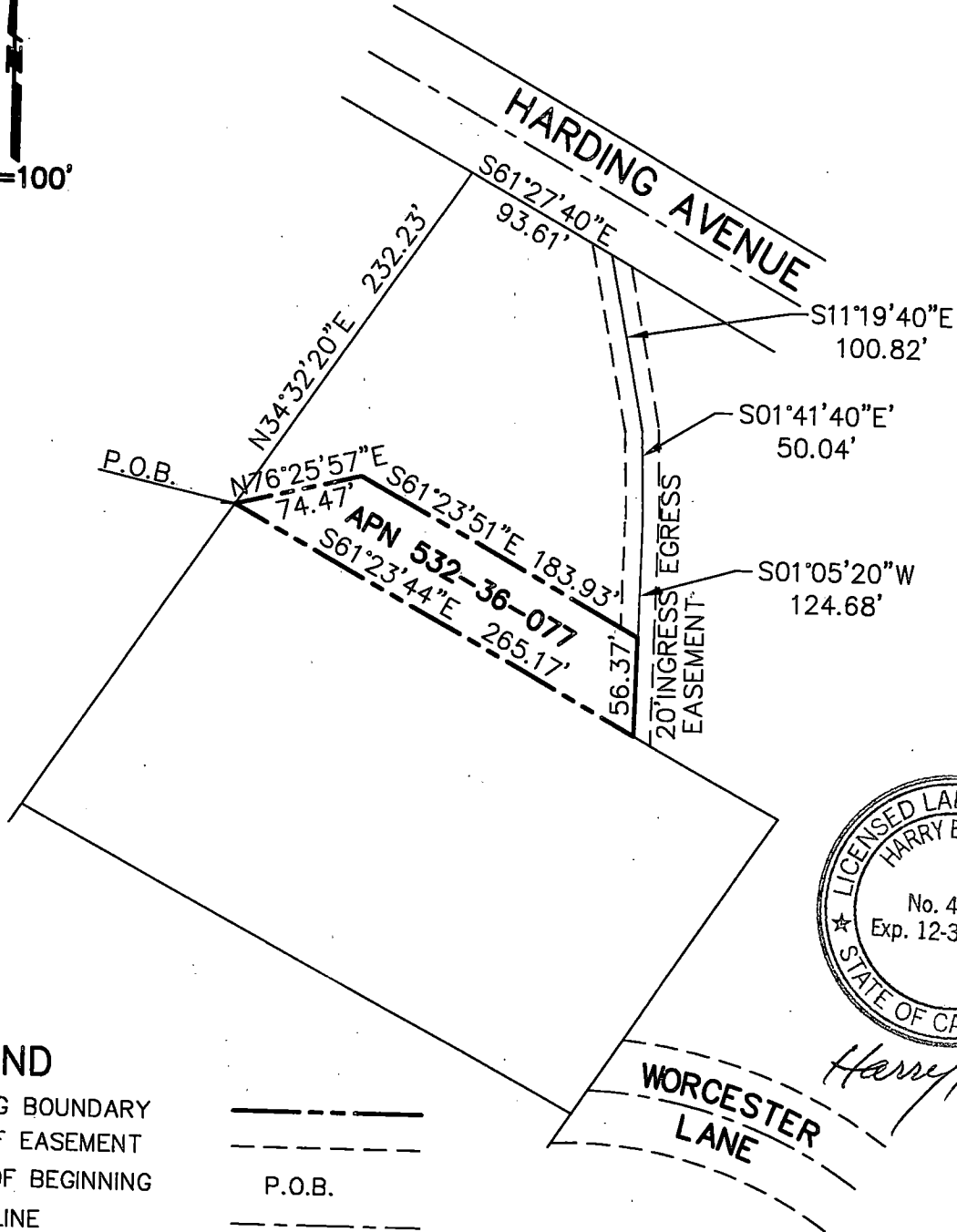
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Containing 0.258 acres more or less.



Harry Babicka

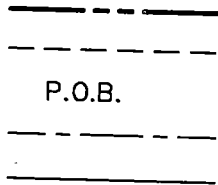
EXHIBIT "D"



Harry Babicka

LEGEND

- EXISTING BOUNDARY
- LIMIT OF EASEMENT
- POINT OF BEGINNING
- CENTERLINE
- ADJOINING BOUNDARY



**A PLAT TO ACCOMPANY A DESCRIPTION
 FOR CETIFICATE OF COMPLIANCE**

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25076095

Regina Alcomendras

Santa Clara County - Clerk-Recorder

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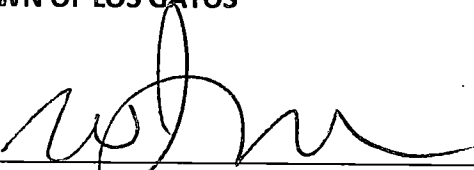
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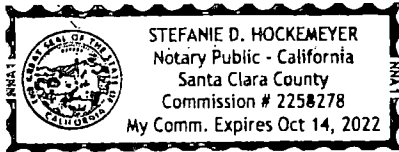
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County of Santa Clara)
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Date Here Insert Name and Title of the Officer
personally appeared Wojae Kim
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
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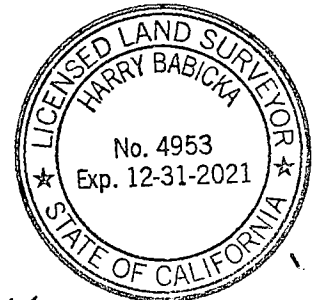
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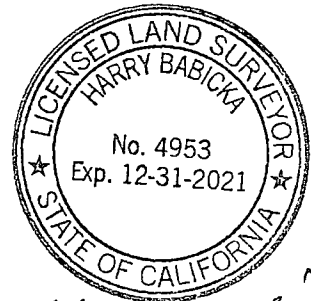
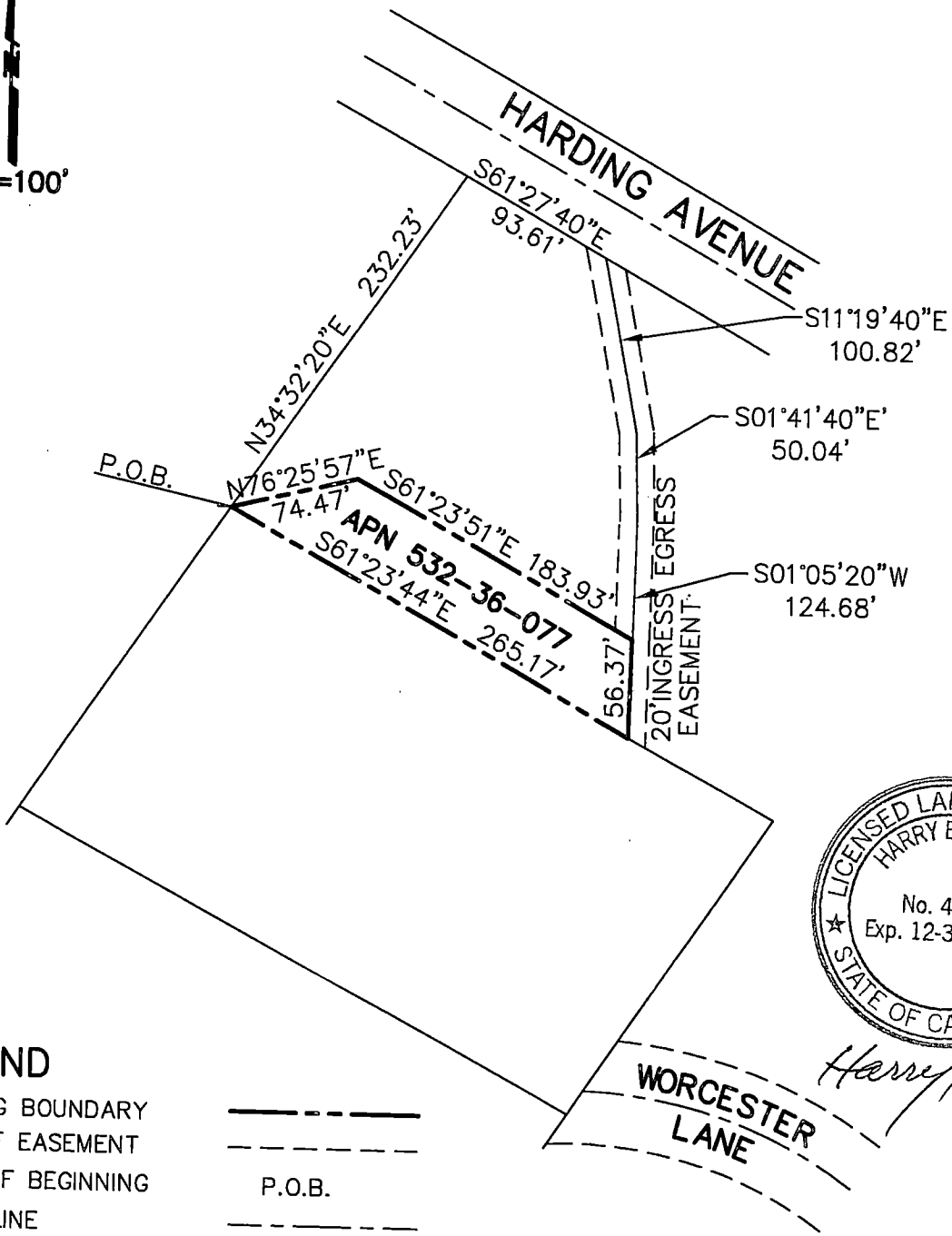
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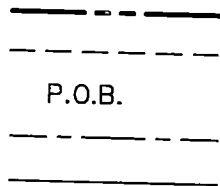
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