

August 4, 2022

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

**Applicant's Response to the Appeal of the July 12, 2022 Decision of the Development Review
Committee for 17291 Wedgewood Avenue**

Dear Planning Commissioners,

My wife and I are the owners of the property at 17291 Wedgewood Avenue. Please find our responses to the Appeal of the Decision of Development Review Committee below. We thank you in advance for taking the time to review our responses and believe you'll find that the proposed plan not only meets all of the applicable zoning regulations and design guidelines but has also been thoughtfully designed in careful consideration of our neighbors.

1. We have absolutely zero intent to convert the property into four rental units.

The Appellant's letter appealing the decision of the Development Review Committee is predicated on baseless assumptions of our intended plans for the property and defamatory remarks about my character. While we believe many of the fallacious statements do not merit a response, I would like to take a moment to provide some facts about ourselves and our intent for the property.

My wife and I have lived in the Peninsula and South Bay area for 40 years and raised our children here. We have lived in nearby towns like Menlo Park, Palo Alto, and San Jose, but have always hoped to one day make beautiful Los Gatos our home, where we have enjoyed visiting friends, dining at restaurants and making our weekend shopping trips to the farmer's market downtown. So when we had the opportunity to purchase the property at 17291 Wedgewood Avenue, we were extremely excited to build our dream home together.

We currently live in a small house located at the back of the property, which we plan to turn into an ADU. When we purchased the property, the house was in very poor condition and inhabitable. Prior to moving in, we completed some minor repairs so that we could live at the property. The yard was littered with debris and dead vegetation, which was a visible eyesore to the neighborhood. Since the first day of living on the property, we have spent a considerable amount of time, money, and energy making the property our home. My wife, who is a former florist, has planted many flowers, fruits, and vegetables all around our property, and spends over 2 hours every day tending her garden.

While the appellant claims that our proposed design is "clearly set up" and "obviously intended" to serve as multiple rental units, our design is in fact a function of our true intent for this property to become our forever home, where my wife and I can grow old together after my retirement. We designed a comfortable home where we will be able to spend time together, entertain friends and neighbors, and have our children and grandchildren visit and stay with us for the holidays.

Incidentally, if our true intent was indeed to convert the property into four rental units as the appellant alleges, we would have utilized the California SB-9 law to process the permits ministerially, which would have allowed us to bypass any discretionary review. But because we have absolutely no other intention than to build a home for us to live in, we submitted an Architecture and Site Application which would subject our plans to a lengthy design review process and discretionary approval.

2. I am a general contractor with a great track record.

The offensive references to me as “a rule-breaking contractor” with a “history of violating the law”, and a person who “does not consider the concerns of any of the neighbors, so long as he feels that his actions have a benefit to him” are slanderous, defamatory, and could not be further from the truth. I have built a business in the Bay Area as a general contractor for four decades with an excellent track record. My reputation in the business is of utmost importance to me and conduct myself in accordance with my values. The majority of my business comes from repeat clients and referrals from those clients, which I believe is a testament to the professionalism, standard of care, and most importantly, the integrity in which I conduct myself and my business.

While my wife and I were extremely disheartened to read the appellant’s statement that I am “not a member of (his) community, and an outsider who will leave the area as soon as he completes this 4 unit development”, we are comforted by the support we’ve received from many of our other neighbors, who have welcomed us with open arms into a community that we are already very much a part of.

3. The proposed design maximizes the available ground floor space after accounting for Town code and utility requirements, existing site constraints, and code-permitted uses and floor areas allotted for each and the placing the entirety of the proposed second floor square footage at the ground level is infeasible.

Our decision to design a 2-story home was largely a result of several site constraints that limit the amount of buildable area on the ground level. In addition to the code-required property setbacks, the Town requires a 20’ right-of-way dedication and an additional 10’ utility easement, both of which span the entirety of the property’s 92’ frontage. These requirements significantly restrict the available buildable area of the ground level. Additionally, there are several existing trees that will remain on our property that require construction offsets ranging from 15’ to 25’, and further restrict the amount of buildable area.¹

We have spent significant time and resources into making the existing house on the property a nice home to live in. The appellant’s demand that it be demolished is unwarranted and given that both the State and Town codes permit the conversion of our current home into an ADU. Because we intend to keep the existing structure on the property and provide it with comfortable separation from the proposed home, the available buildable area on the ground level is further restricted.

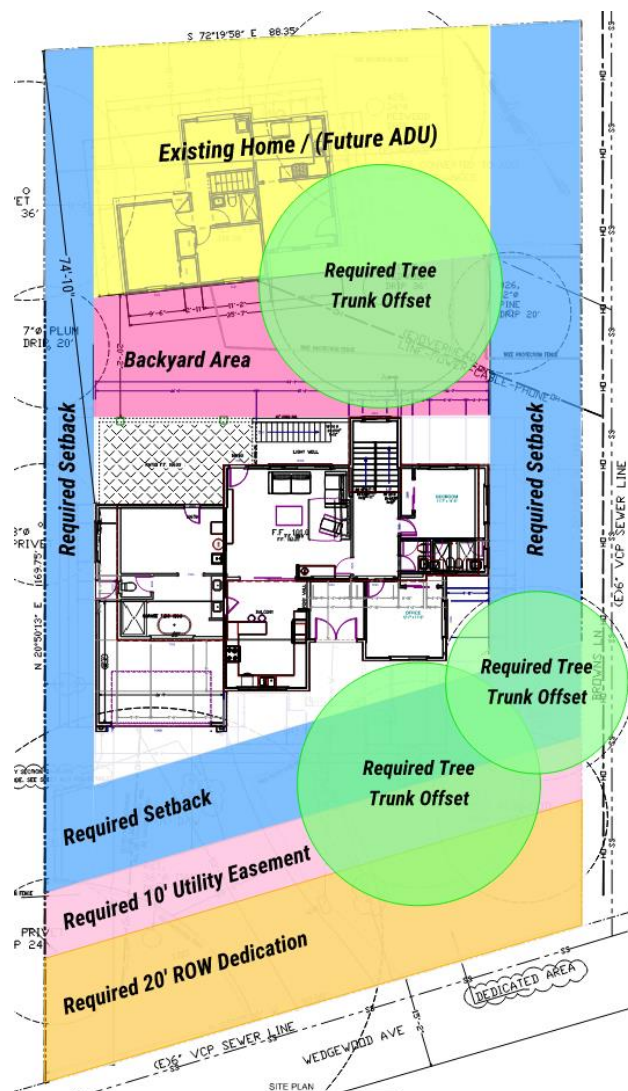
¹ The Architecture and Site Application S-21-027 Amended Draft Conditions of Approval No. 8 requires that the applicant “shall implement, at their cost, all recommendations identified in the Arborist’s report for the project (Consulting Arborist Report, Levison, W., Contract Town Arborist, 9/9/2021)” and that the “recommendations must be incorporated in the building permit plans and completed prior to issuance of a building permit where applicable.”

The proposed 775 sf garage is well below the code allowed maximum of 975 sf. We intend to use our garage for parking our two vehicles, which includes a pick-up truck with an extended truck bed I use as an active general contractor. We also intend to use the garage as overflow storage, which is arguably the most common way homeowners use their garage. Our garage will include a window to allow daylight into the space and is plumbed so we can install a utility sink.

We likely will use the proposed basement as a playroom for our grandchildren and an entertainment room. Because the space is in fact, a basement, and therefore is located below the ground level, we feel it is important to the comfort and usability of the space to have a wide enough entry that not only provides convenient outdoor access, but also lets in natural sun light and helps us reduce our ongoing energy costs.

Lastly, the ground floor level of the home could not be increased any further and still accommodate a modest amount of backyard space

The exhibit below depicts all of the site's existing constraints at the ground level and demonstrates that the proposed ground floor plan maximizes the available area after accounting for all of the factors mentioned above.



Based on all of the factors mentioned above, the appellant's demand that the proposed square footage of the second floor be placed entirely on the ground floor is infeasible and unreasonable. It would also render the home design inconsistent with many provisions of the Town of Los Gatos Single and Two Family Residential Design Guidelines ("Design Guidelines"), not least of which would create a large monolithic building without any articulation in the facades of the home.

4. The architecture of the home is contemporary Craftsman style, and the proposed plans are in conformance with all required zoning code regulations, and consistent with the Town of Los Gatos Single and Two Family Residential Design Guidelines.

Our home's Architecture and Site Application meets all of the required zoning regulations, including, setbacks, building height, and FAR, and includes no requests for variances.

It also meets all of the applicable Town Design Guidelines. The proposed architecture of the home is contemporary Craftsman, with a mix of gable and hip roofs, and variations in setbacks and massing, to reduce perceived bulk, and minimize its impacts on the streetscape and neighbors. The design incorporates a mix of colors and materials that are compatible with the character of Los Gatos.

Confirmation of these items were indicated in the Consulting Architect's Report, in which Mr. Cannon states, "the project is modest in size, with an overall mass and articulation sympathetic to the immediate neighborhood". He also makes note of the fact that "new homes are just recently beginning to replace smaller, older homes". Please be advised that all of the recommended modifications within his report were followed and incorporated into the current design.

Lastly, the approval of our application by the Development Review Committee during its July 12th meeting, where the proposed project was determined to meet all required findings and considerations for approval, is further affirmation of our proposed plan's compliance and conformance with all the Town's applicable codes, regulations, and Design Guidelines.

5. The proposed plans were designed, revised, and refined over the past 21 months with input from Town staff, the Town Consulting Architect, and neighbors.

As soon as we purchased the property, we reached out to our neighbors to letting them know about the repairs we would be making to the existing home, to share our proposed plans to build our home, and to start a dialogue with each of our neighbors regarding their possible concerns. We are pleased to report that with the exception of the appellant and his son, all of our immediate neighbors, including our immediate neighbors to the north and west, provided positive responses, and expressed they thought our proposed home would be a "beautiful addition" to our neighborhood. The Neighbor Notification & Response forms from our neighbors are attached with this letter for your reference.

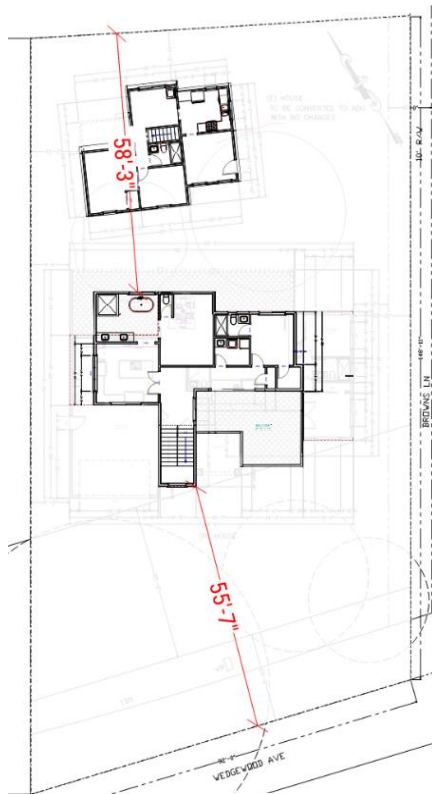
When we received feedback from the appellant and his son regarding potential impacts to their privacy, we understood the importance of addressing those concerns in our proposed plans. It should be noted however, that in a smaller lot single family residential neighborhood like ours, some visibility of one another's yards or even homes is unavoidable and an inherent part of living in a neighborhood where homes are spaced closer together. Nevertheless, we have worked diligently throughout the past 21 months to design, revise, and refine a plan for the home that not only meets

all of the applicable regulations and design guidelines, but also has minimal impact on our neighbors. To that end, we have made significant revisions to our original plan for the purpose of addressing the concerns about privacy from the appellant. More specifically, the following changes were made to the originally submitted plans in response to our neighbors' concerns regarding the proposed second floor and privacy:

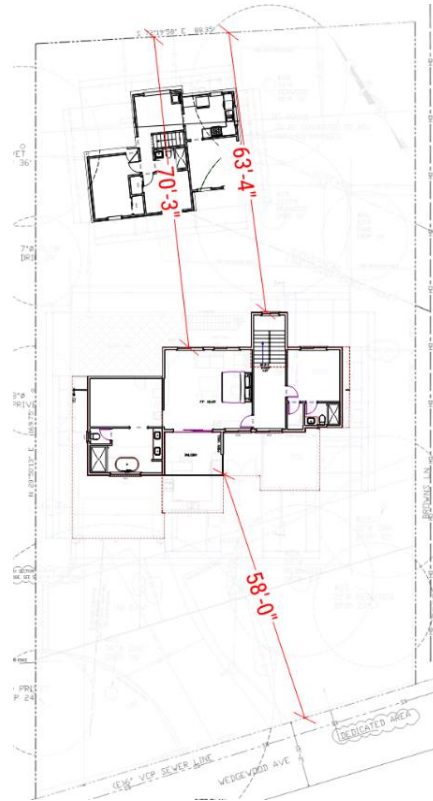
- A. The ground floor footprint of the home was shifted closer to Wedgewood Ave, away from the north and northwesterly property lines, increasing the setbacks by approximately 5' to 11.5'.



- B. The entire second floor layout was overhauled to rearrange the location of the primary bedroom, bathroom, and closet. This revised layout was not our preferred option, but we made a concession as a concerted effort to address the appellant's concerns and be good neighbors.
- C. We also revised the west elevation to include only a single clerestory window in the water closet, and the rear elevation so that the windows which face north – not to the northwest where the appellant's son's property at [REDACTED] – are now further inset and setback an additional 5' and 12' away from the northern property line.



Original Plan



Current Plan

D. Further, as directed by the DRC during its July 12th hearing, we will be obscuring the clerestory window of the primary bathroom and planting mature trees along the 20' of shared property line with [REDACTED].

Separately, a few months after we moved into our property, the appellant approached us with his plan to replace an old fence one along the 20' of the shared property line with his son's at [REDACTED] for privacy reasons. He asked us to split the cost of installing a new 6' fence, and as neighborly gesture of good faith, we agreed without hesitation, and have paid for half the cost of the work.

In spite of the many significant changes that were made to the proposed plans to address the appellant and his son's privacy concerns, he asserts the Planning Commission should require the elimination of all rear windows on the second story, and completely restrict any visibility out of the second floor of our home. As shown in the aerial image below, the limited visibility if any, from the second floor windows would be restricted to a small sliver of the backyard of [REDACTED]. Therefore, the appellant's demands are unreasonable and are not commensurate with the minimal impact our second-floor windows may have on the very edge of his son's property. Lastly, his demand for eliminating all rear windows run counter to one of his other primary complaints that the proposed home would look like a "prison cell block", which he attributed to the lack of windows on the left and right elevations.



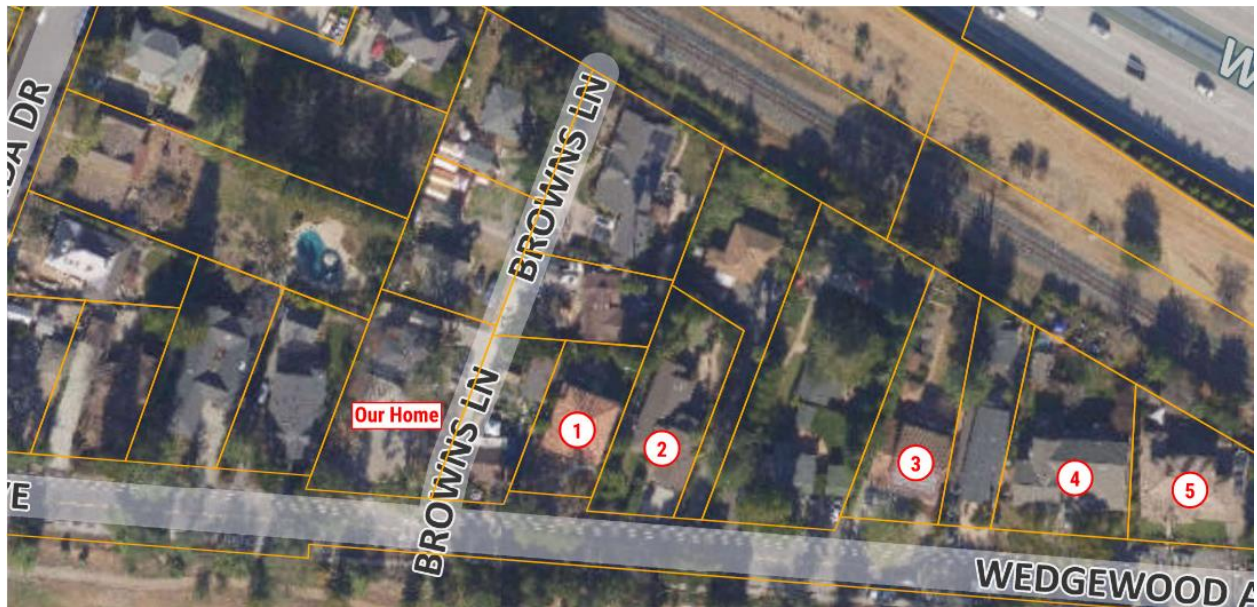
Aerial View of Proposed Second Floor Plan

We believe the current design has addressed all of the concerns from the appellant and his family to the extent that is feasible and reasonable. Being required to make any additional changes to the detriment of our home's livability would be unjustified.

6. The immediate neighborhood of the home includes a mix of 1-story and 2-story homes.

Contrary to the appellant's claims that the approval of our 2-story home "would set a precedent and ruin our neighborhood" and that "the houses built in our neighborhood have all been single story", our neighborhood includes a mix of both 1-story and 2-story homes, and the clear precedent for 2-story homes was established over 30 years ago.

On page 1 of CDG's Consulting Architect's Report, it states, "the site is located in an older neighborhood containing a mix of one and two-story homes." The project planner, Sean Mullen, reaffirmed this fact during his opening statement at the July 12, 2022, Development Review Committee, where he stated, "the proposed residence would not be the first two story residence in the immediate neighborhood, as one is located two properties down to the east and the project meets all the objective standards of the zoning code". There are in fact, five 2-story homes on the next block alone, starting from the home located two properties east of ours.



Based on the Town’s available online Building Permit Records², homeowners began renovating or constructing 2-story homes in our immediate neighborhood prior to 1994. The 1-story homes that the appellant referenced in his appeal letter are an incomplete portrayal of the history of home construction in the area. The table below clearly shows that homes in the immediate area of ours have been improved at various points over the past 30 years as 2-story homes. The addresses shown in red are those 1-story homes referenced in the appellant’s letter, while the addresses shown in blue are the 2-story homes that exist in our neighborhood today. As shown below, the homes referenced by the appellant in his letter were selected out of context to depict a false reality of our neighborhood.

Address	Stories	Permit Final Date
17177 Wedgewood	2 story	Before 1994*
17211 Wedgewood	2 story	Before 1994*
17481 Wedgewood	2 story	Before 1994*
14294 La Rinconada	2 story	Before 1994*
14300 La Rinconada	2 story	Before 1994*
14314 La Rinconada	2 story	Before 1994*
17311 Wedgewood	1 story	Before 1994*
17323 Wedgewood	1 story	1992
14292 Mulberry	2 story	1995
14299 Mulberry	2 story	1997

² Town of Los Gatos, Building Search Records. <https://permits.losgatosca.gov/Building/Search-Records>

14264 Mulberry	2 story	1998
17501 Wedgewood	2 story	1998
14330 Browns	1 story	1998
14322 Mulberry	2 story	2002
14330 Mulberry	2 story	2004
17159 Wedgewood	2 story	2006
17471 Wedgewood	1 story	2008
14317 La Rinconada	2 story	2009
17251 Wedgewood	2 story	2015
17265 Wedgewood	2 story	2015
14325 Mulberry	1 story	2016
14333 Mulberry	2 story	2018
14340 Mulberry	1 story	2016
14350 La Rinconada	1 story	2021
14311 Mulberry	2 story	2021
*Town's Building Permit History records prior to 1994 are not available online and therefore assumed to have been completed prior to then.		

As depicted in the exhibit below, 2-story homes within a two-block radius of our home, constitute nearly third of all homes in the immediate neighborhood.

***Out of the 60 homes shown within this map view, 18 homes are two-story, which constitute 30% of all homes in this area**



The proposed design of our home is a culmination of nearly two-years' worth of discussions with our design team, project planner, and most importantly, our neighbors. The plan has been thoroughly studied and refined through the design process, and meets all of the required Town code regulations and Design Guidelines, with any requests for variances.

We believe the current design has addressed all of the concerns from our neighbors, including those of the appellant, to the extent that is feasible and reasonable.

My wife and I are incredibly happy to be part of this wonderful community and look forward to your approval of our proposed plans on August 24th and allowing us to begin building our forever home.

Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Young Kim', with a stylized, cursive script.

Young Kim
Owner of 17291 Wedgewood Avenue

New Home Construction
Neighbor Notification & Response

Property Address: 17291 Wedgewood Ave
Los Gatos, CA

Property Owner: Young and Tai Kim

Contact Info: (408) 206-2788 / youngchkim@gmail.com

Dear Neighbor,

We are planning to submit preliminary plans of my residence to the Town of Los Gatos for their Architecture and Site Plan application review. We respectfully request you to complete and sign this form to indicate you have had an opportunity to review and comment on the proposed plans.

Please note this notice and preliminary plans are being provided to all adjoining property owners and the property owner(s) across the street from the property address.

Neighbor Name: Paul Brown **Date:** 4/22/21

Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email):- [REDACTED]

Thoughts and comments can be provided below:

Looks like a great and welcomed
addition to our neighborhood!

Welcome to Wedgewood.

Neighbor Signature: 

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Neighbor Name: Kamran Shafiei **Date:** 04/22/2021

Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email):- [REDACTED]

Thoughts and comments can be provided below:

Supportive of your plans and
happy to see the neighbourhood
develop.

Neighbor Signature: [Signature]

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Neighbor Name: Mike Schmidlin **Date:** 4/20/21

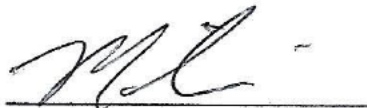
Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email):- [REDACTED]

Thoughts and comments can be provided below:

I am very happy to have Young
& Kim as neighbors. Looks
like it will be a nice house.

Neighbor Signature:



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Neighbor Name:

Caterina + Don Peterson

Date:

4/21/21

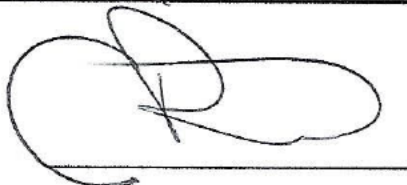
Neighbor Address:

Neighbor Contact Info (Phone or email):-

Thoughts and comments can be provided below:

Would love to see more trees. Look forward
to hearing about next steps and city
review. It's beautiful!

Neighbor Signature:



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Neighbor Name: John Wallace **Date:** 4-22-21

Neighbor Address:

Neighbor Contact Info (Phone or email):-

Thoughts and comments can be provided below:

The Kim family have shared their plans for a new home.
We are excited for them, and their house looks like it
will be a beautiful addition to the neighborhood.

Neighbor Signature:



New Home Construction
Neighbor Notification & Response

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Neighbor Name: Michael Kowitz **Date:** 04/23/2021

Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email):- [REDACTED]

Thoughts and comments can be provided below:

Everything looks good, looking forward
to seeing your home built.

Neighbor Signature:



New Home Construction
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Neighbor Name: Cathy Vafas **Date:** 4/22/2021

Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email):- [REDACTED]

Thoughts and comments can be provided below:

A nice addition to the neighborhood.

Neighbor Signature:



New Home Construction
Neighbor Notification & Response

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Neighbor Name: Zack Kowitz **Date:** 4/23/21

Neighbor Address: [REDACTED]

Neighbor Contact Info (Phone or email): [REDACTED]

Thoughts and comments can be provided below:

I'm not against any of the building
plans proposed by Young & Tai Kim

Neighbor Signature:

