



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 08/25/2021

ITEM NO: 3

ADDENDUM

DATE: August 24, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider Approval for Construction of a New Single-family Residence and Site Improvements Requiring a Grading Permit on Vacant Property Zoned HR-5 Located on Wood Road. APN 510-47-045. Architecture and Site Application S-21-003. Property Owners: Omari and Kavita Bouknight. Applicant: Gary Kohlsaas, Architect. Project Planner: Sean Mullin.

REMARKS:

Exhibit 16 includes a letter from the applicant's civil engineer summarizing their research and conclusion regarding the neighbor's claim of easement on the subject property.

EXHIBITS:

Previously received with the July 28, 2021 Staff Report:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Visibility Analysis
5. Color and materials board
6. Project Description and Letter of Justification, dated July 21, 2021
7. Consulting Architect's Report, dated February 5, 2021
8. Consulting Arborist's Report, dated March 22, 2021
9. Applicant's neighbor outreach efforts
10. Public comments received by 11:00 a.m., Friday, July 23, 2021
11. Development Plans

Previously received with the July 28, 2021 Addendum Report:

12. Public comments received between 11:01 a.m., Friday, July 23, 2021 and 11:00 a.m., Tuesday, July 27, 2021

PREPARED BY: SEAN MULLIN, AICP
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: Wood Road (510-47-045)/S-21-003

DATE: August 24, 2021

Previously received with the August 25, 2021 Staff Report:

13. Applicant Response Letter, dated August 19, 2021

14. Public comments received between 11:01 a.m., Wednesday, July 28, 2021 and 11:00 a.m., Friday, August 20, 2021

15. Revised Development Plans, received August 19, 2021

Received with this Addendum Report:

16. Civil Engineer's letter, dated August 23, 2021



August 23, 2021

Members of the Planning Commission
Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

RE: ASA No. S-21-003, August 28, 2021 Agenda Item No. 2
Wood Road Easement

Dear Chair and Members of the Planning Commission,

The letter submitted by Matteoni, O’Laughlin, & Hechtman, dated July 23, 2021 refers to the Wood Road right of way across the property under application (APN 510-47-045) (the “Property”) and benefitting the adjacent owner, David Ebrahimi (APNs 510-46-006 and 510-46-007). Their letter includes an Exhibit 2 and claims the right of way is shown in blue.

Prior to 1965, the exact location of the easement for the right of way across the Property was not defined. The Record of Survey map filed on February 10, 1965 in Book 190 of Maps, page 52 shows a parcel labeled as “WOOD ROAD (30’ WIDE)” (see attached). However, a Record of Survey doesn’t establish easement rights. Title to this property was granted to the owner of Parcel 2 as shown on said Record of Survey via a Quitclaim Deed recorded March 6, 1972 in Volume 9731, pages 555-556, Official Records. The parcel labeled as “WOOD ROAD (30’ WIDE)” was APN 510-47-043 and Parcel 2 was APN 510-47-027.

In 1974 an easement for Wood Road was granted to the then owner of the Ebrahimi property with an Easement Deed recorded on July 31, 1974 in Volume B018, pages 553-554, Official Records. This Easement Deed describes a 36’ wide easement with complete bearings and distances traversing APNs 510-47-043 and 510-47-027 to the properties owned by Ebrahimi.

On October 26, 2016, a Certificate of Lot Line Adjustment was recorded, changing the boundary between the parcels described as APN 510-47-043 and APN 510-47-027 to Parcel A and Parcel B as shown on Exhibit “E” (see attached). Exhibit “E” shows the 36’ wide right of way.

I have found no evidence that the Record of Survey with the parcel labeled as “WOOD ROAD (30’ WIDE)” established easement rights to the portion of the parcel not used as Wood Road and the easement deed in 1974 formalized the exact location of the Wood Road right of way.

Regards,


Teresa Price, P.E.



SURVEYORS' CERTIFICATE

This map correctly represents a survey made by me, or under my direction in conformance with the requirements of the Land Surveyors' Act of the request of Charles B. Leibin January, 1965.

Henry D. Elliott
 Licensed Land Surveyor N72655

COUNTY SURVEYORS' CERTIFICATE

This map has been examined for conformance with the requirements of the Land Surveyors' Act this 10th day of February 1965.

James T. Pelt, County Surveyor
 By *Alan Cloninger* Deputy

RECORDERS CERTIFICATE

File No. 2773463 Fee Paid
 Filed for record this 16th day of February 1965 at 5:51 A.M.
 in Book 170 of Maps, of pages 52152, at the request of
 Mark Thomas & Co. Inc.
 \$ 17.00

Paul D. Teilih, County Recorder
 By *Donald E. Rubin* Deputy

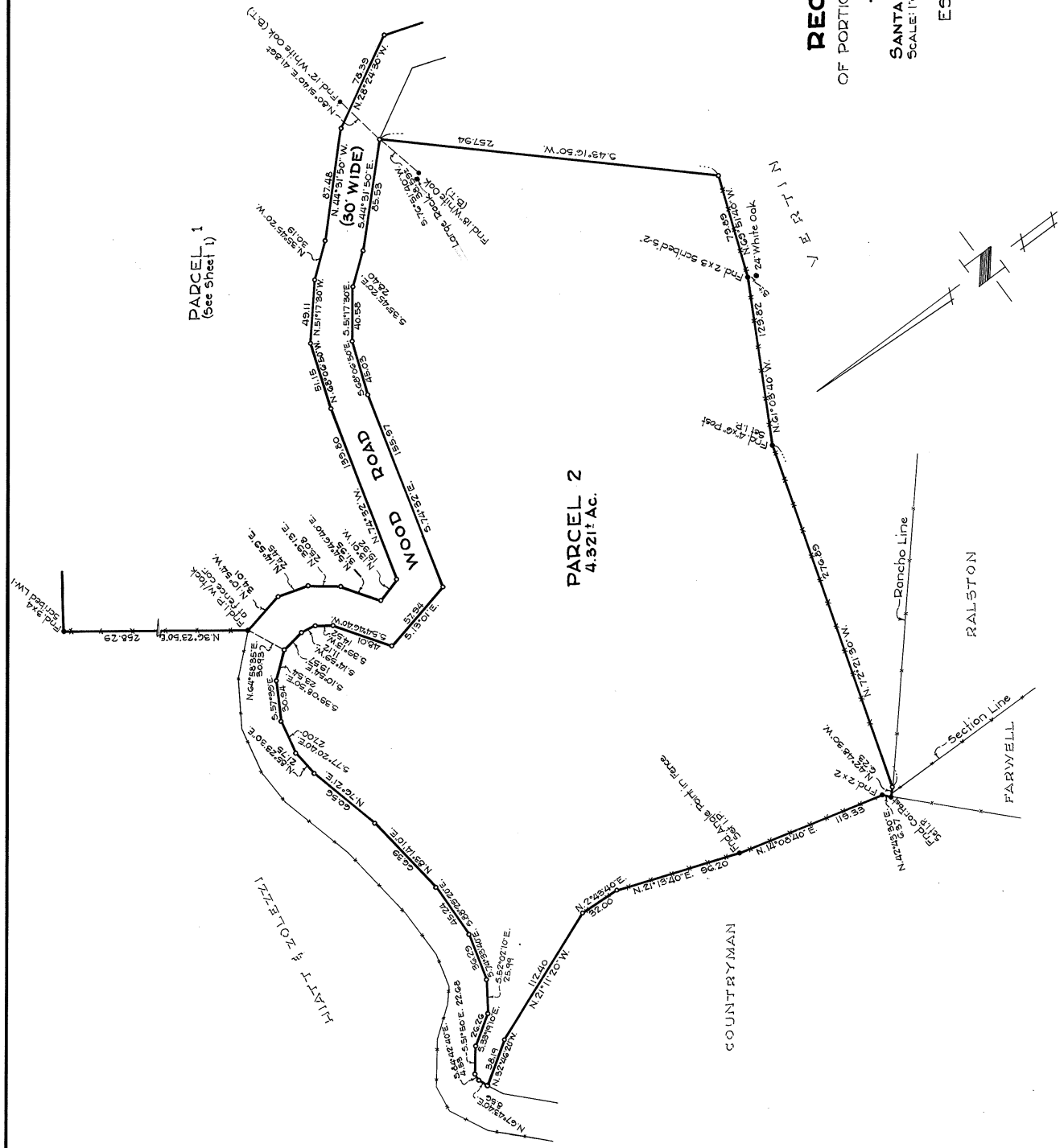
BASIS OF BEARINGS & NOTES

The bearing (S59°21'20"E on sheet 1) in the southeasterly corner of 4.85± ac. parcel as shown on the Record of Survey recorded in Book 29 of Maps of page 52, was used as the basis of bearings shown upon this map.
 All distances and dimensions are shown in feet and decimals thereof.
 • Indicates iron pipe set
 • Indicates iron pipe found, unless otherwise noted

RECORD OF SURVEY
 OF PORTIONS OF RANCHO BINCONADA
 DE LOS GATOS
 TOWN OF LOS GATOS
 SANTA CLARA COUNTY - CALIFORNIA
 SCALE: 1"=50'

FOR
 ESTATE OF IRMA L. FARWELL

MARK THOMAS & CO., INC.
 Civil Engineers & Surveyors
 San Jose, California



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82

RECORD OF SURVEY
 OF PORTIONS OF RANCHO RINCONADA
 DE LOS GATOS
 TOWN OF LOS GATOS
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FOR
 ESTATE OF IRMA L. FARWELL

MARK THOMAS & Co, INC.
 Civil Engineers & Surveyors
 San Jose
 California

LOUISE B. FARWELL

PARCEL 1
 G. 494± AC.

PARCEL 2
 (See Sheet 2)

NOTE
 ○ Indicates iron pipe set
 • Indicates iron pipe found, unless otherwise noted

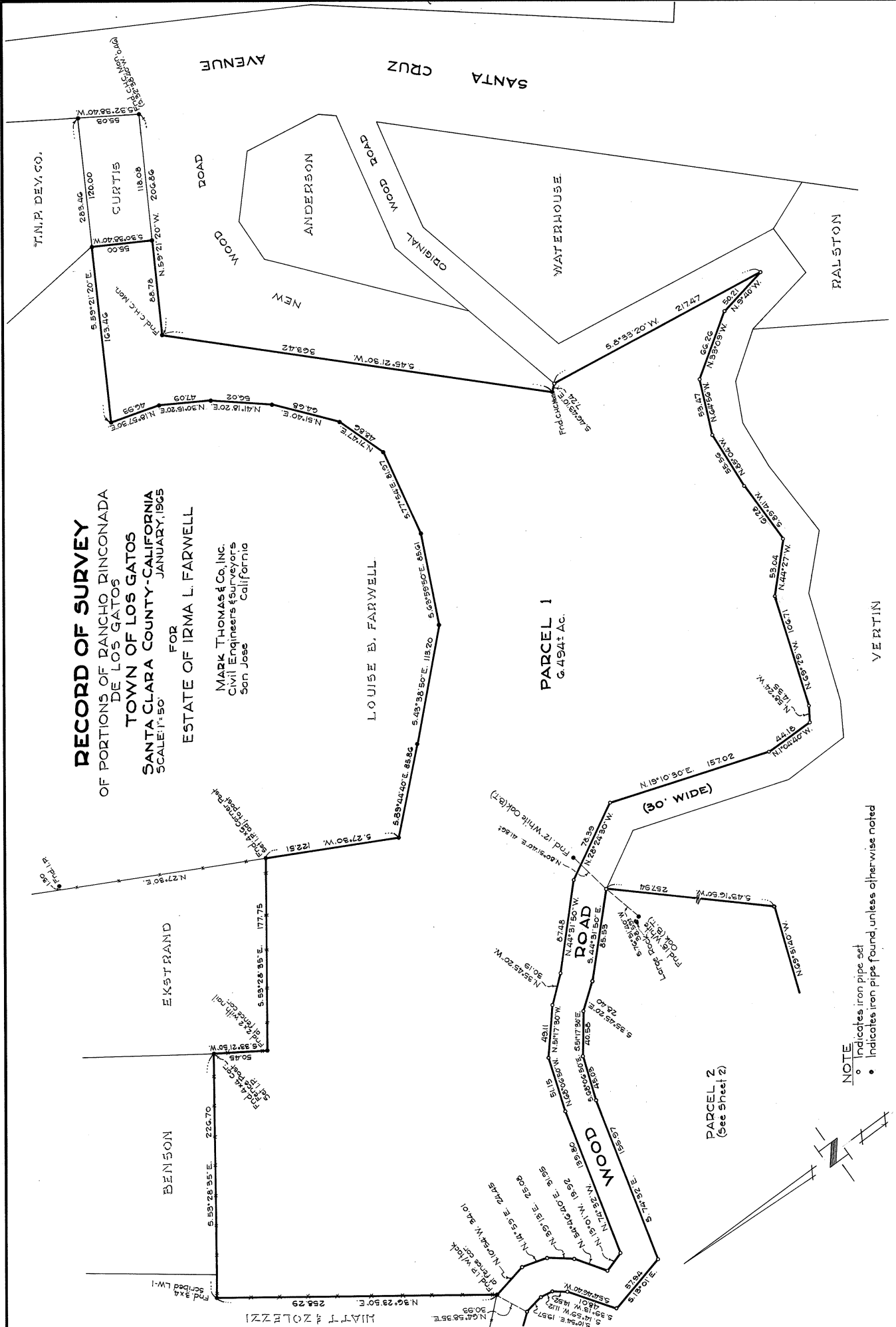


EXHIBIT "E"
 PLAT TO ACCOMPANY LEGAL DESCRIPTION
 FOR EASEMENT

APN 510-47-038

Scale 1" = 100'



846 - M - 38

APN 510-47-038

Parcel 1

190 - M - 52

FOUND
 1/2" OPEN PIPE

PARCEL B

APN 510-47-043

N21°31'04"E
 (N21°13'40"E)
 96.55 (96.20)

202.94'
 N68°54'25"E

112.95'
 S75°27'16"E

S13°01'00"E
 19.92

S68°06'50"E
 51.15

S51°17'30"E
 49.11

S35°45'20"E
 21.55 +/-

Edge of existing
 36" wide Right of Way
 as per Doc. 4820200,
 B18, Page 553

Easement for
 Ingress, Egress & Utilities

139.80'
 S74°32'00"E

FOUND 1/2"
 OPEN PIPE

PARCEL A

APN 510-47-027

Point of Beginning

FOUND 1" PIPE
 LS 3242

Parcel 2

190 - M - 52



EDMUNDSON
 & ASSOCIATES
 LAND SURVEYING

LEGEND

- = SET 1/2" PIPE LS 8307
- ⊗ = FOUND SURVEY MONUMENT AS NOTED

1512 SEABRIGHT AVENUE
 SANTA CRUZ, CA 95062
 PHONE (831) 425-1796
 FAX (831) 425-1795

Olin S. Edmundson
 10/12/16