

**From:** Carol Tinsley [REDACTED]  
**Sent:** Thursday, May 8, 2025 3:44 PM  
**To:** Council <Council@losgatosca.gov>; Planning <Planning@losgatosca.gov>  
**Cc:** Rick Tinsley [REDACTED]  
**Subject:** Concerns in advance of Council Meeting Tuesday May 13, 2025 concerning 16497 S Kennedy Road

[EXTERNAL SENDER]

Dear Town Council and Planning Commission Members,

Unfortunately, I am unable to attend next Tuesday's meeting in person as I have a professional conflict so I am writing with my concerns. My husband Rick and I reside at [REDACTED] S Kennedy Road and I am writing to support the repeal of the planning commission decision to approve the planned new home construction at 16497 S Kennedy Road owned by Robert Nicol, applicant Chris Spaulding.

The site is completely inappropriate for the size of the construction contemplated and the footprint for the house is basically situated to the exact size of a cliff/flat section on what is an otherwise very steep and unstable hillside. Has any sort of study been done for suitability/stability? That portion of the hillside has never had anything built on it, is a natural habitat for wildlife, including all manner of burrowing creatures what make walking around on it very precarious. Trees fall over quite frequently because the soil does not support them once the trees get to a certain height/weight. I understand that there will be a retaining wall built behind the structure to shore up the hillside/driveway but even that was given an exception and what are the plans to shore up the other side of the hillside from erosion/downhill effects?

Moreover, there is no contemplated space for the massive water tanks mandated by local and county fire for wildfire mitigation. My neighbors on the other side of my property, Ryan and Deanna Wall, at [REDACTED] S Kennedy Rd, have recently completed construction of their home (after about 5 years) and were forced to install gigantic water tanks holding thousands of gallons. The Walls went back and forth with fire authorities and would have happily installed a fire hydrant as Chris Spaulding asserted Mr. Nicol would be doing. They were flatly refused because there is not enough water pressure on the hillside to operate a fire hydrant. All of our houses require booster pumps and small pressure bladders that allow us to have sufficient water pressure but these pumps are in no way robust enough to pump up sufficient water for a hydrant and these pumps are electrical and so when the power goes out, so does the water, hence the rationale from fire authorities that hydrants are insufficient. Here are photographs of the size of the concrete pad and tanks that the Walls were forced to install and these tanks are intended only for their personal use, not the use of the entire hillside. Since we know this will ultimately be required by fire authorities for Mr. Nicol, placement of and construction needs for these extremely heavy tanks must be considered prior to approval. The proximity of the tanks at [REDACTED] S Kennedy so close to their dwelling must have also been a requirement from the fire authorities or certainly the Walls would have placed them elsewhere on their multi-acre (and much more level) property.







I would also like to point out that for some reason, our house has not been identified on Mr. Nicol's site plans despite being well within 500 feet of the building site. There are only 4 houses up here and we are noticeably absent even though we hold easements to use the driveway and utilities that run through the property. I question why that is. Moreover, we were never notified or brought building packages as Mr. Nichol mistakenly previously stated during the April planning meeting approving the application. Furthermore, as a fine point, the original materials brought before planning listing sizes and specs of homes on the hillside (no longer on the planning website), incorrectly stated our home to be two stories, which it is not. It is single story with a basement.

The final topic I would like to have addressed is the construction process itself. All of the homes on this hillside share a narrow and steep driveway that was significantly damaged when Mr. Nicol rebuilt the house at [REDACTED] S Kennedy. Prior to selling that house, he subdivided the property and he is now wanting to build on the other portion of the lot. But there is no driveway or access to this new site and the heavy equipment that will be required to grade, reinforce and build this new house will further damage the driveway and thus I would like to ask for reassurance that he bear the cost of repair and replacement of said driveway upon completion of this project. What is the daily protocol to have trash and debris removed from the shared driveway that could cause a hazard to pets, humans or vehicles and mitigate the attraction of coyotes and other scavengers that we have on the hillside? What is the plan for daily parking of workers' vehicles? What is the protocol for notifying neighbors when the driveway will be impeded by construction deliveries, etc?

In closing, I would respectfully ask Town Council to send this proposal back to the planning commission for further and more comprehensive review and clarification, especially as pertains to soil suitability for building, construction of additional retaining walls, and the location of the mandatory wildfire water tanks (as well as the necessary booster pumps and reservoir tank). I would further request that our house be properly inserted on the site plan and that as further iterations of this plan are developed that all neighbors be equally informed and communicated with when the shared driveway will be impacted.

Thank you,  
Carol Tinsley  
[REDACTED] S Kennedy Road  
Los Gatos, CA. 95030  
[REDACTED]

Carol



Dear Town of Los Gatos Planning Commission,

This is written in representation for the owners of [REDACTED] from their son who attended and spoke at the meeting. I feel that the meeting held last Wednesday didn't address many important concerns regarding the proposed plan to construct 16497 South Kennedy road. There are four major exceptions to the planning code which would have to be granted and accounted for in order for the developer to be granted approval. One exception is to allow for a significant portion of the structure to be constructed on what is identified as the most catastrophic type of slope. Why is the city ok with this? Why was there barely any pushback from the city? The main pushback was regarding putting up drapes or blinds which were two suggestions from the planning commission to address privacy... this seems very basic and insulting to neighbors who are concerned about their privacy in homes they have lived in for decades since its very clear that one can remove blinds and drapes thus defeating the purpose. Why was the planning commission so eager to approve this massive home on a small extremely sloped lot with huge concern regarding Fire, the turnaround for a fire truck!? Why was the planning commission trying to move the project forward by 'working with the developer to address their concerns' instead of have the neighbors involved throughout the process more so?

At one point during the meeting one of the commissioners brought of the option to further continue the meeting for another date, as there were many unanswered questions, but then the main commissioner the main chair said something along the lines of no , we can work with the developer to move this along.

The commission did not recognize the fact that the developer illegally penetrated and drilled bolts into my historic 99 year old river rock wall thus damaging it. The commission did not have the developer admit this error. The meeting in general seemed very biased in favor of the developer and his proposed plans. It seemed not in the best interest of all people but instead in the best interest of the developer.

In the meeting no one talked about removing so much soil and thus destabilizing the hill and the road and the wall and potentially the foundation of [REDACTED]. [REDACTED] could incur significant structural damage.

There was lots of discussion about trees being placed on the down slope , no discussions about trees being placed above the structure so that the massive and tall building is " not in the face" of my home.

Furthermore, the hill is moving with active separation of the driveway above the unreinforced wall, that is already bending down the slope. The developers will add a retaining wall as part of the house structure. The panel is allowing them geological latitude as they remove the dirt. Not having studies before removing the dirt is an error. Not studying the proposed foundation far from the wall, does not preclude the need of a retaining wall closer to the wall, to better protect the embankment and the road above. The retaining wall under the house may protect the house, but the dirt removal will be larger on both sides of the house and may protect the house, but it is a guess as to how much laterally the retaining wall must be to protect/hold back the land above. I feel that grading and studying at the same time is inappropriate and dystopian.

No discussions about water tanks, which should. Be on flat land and not dug into the hill, which would further destabilize the hill.

In general the property to be constructed in front of [REDACTED] which is 16497 South Kennedy Road is way too big. The plans call for a 4,844 sq ft structure along with a 663 sq ft garage totaling close to 5,500 sq ft. The structure is going to interfere with the general living experience of its neighbors. There is a fire problem, mudslide problem and a flooding problem. The building is going to be a gigantic eye soar. It is not appropriately sized for the type of downslope lot and size of its lot. This lot is extremely sloped. There is a home below it, It is small, and can have grading issues which could create concern for its neighbors. I urge you not to grant approval for such a massive non-conforming structure in what for over 100 years has been empty and what appears to be not suitable for such a huge unnecessary home.

Thank You,

Fred Ebrahimi

[REDACTED]

and Matthew Ebrahimoon