

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

November 17th, 2021

**17200 Los Robles Way, Los Gatos
Rebuttal Appellant Ltr: 11-12-21**

Council-members:

I am writing this letter to respond to certain points from the Appellant's Letter 11-12-21. Most of these points I have discussed before, but I will do so again here for clarity. They center around 3 areas, which I emphatically refute. **[Appellant Comments in Red]**:

1. That the Lot is not a Buildable Lot – primarily due to legal access.
2. That approval of the LLA would economically impact the neighboring properties.
3. That the General Plan [Land Use and Safety] does not allow the LLA.

BUILDABLE LOT ARGUMENT:

Appellant: “. . .most importantly the land has no legal access. . . there is no easement to 532-36-077 and you cannot create an easement over your own land.”

Response:

1. Legal access to 532-36-076 is undisputed along the Los Robles Way extension.
2. There is a further easement across 532-36-075 for access and EV turnaround.
3. A landowner who owns an adjacent parcel does not need an easement to cross his own land. He has right of passage [legal access] through common ownership.
4. Common ownership of 532-36-076 and 077 is undisputed.

Thus there is no restricted access to 532-36-077 and its access is legal. 532-36-077 would only be landlocked if a second party owned the adjacent parcel [532-36-076].

Appellant: “How exactly would a new ROW from Los Robles Way be implemented?”

Response:

It is true that a landowner would need to create such an easement by map or grant deed if the property were to be sold – but that is not the case here and so it is not relevant.

ECONOMIC IMPACT ARGUMENT:

Appellant: “This LLA should not be approved . . . especially with respect to the economic damage to numerous residents that abut the property if it were.”

Response:

An LLA does not cause economic damage. Nor is it fair on other neighbors to suggest that: “all the development should be at Los Robles Way rather than Worcester Lane”. I believe that the end result could be both attractive and appropriate to the neighborhood.

GENERAL PLAN ARGUMENT:

The Appellant has focused on 2 areas of the General Plan as areas of Conflict. I have responded separately to the request from the Council where I show overall General Plan compliance, so I will here just address the areas of Conflict singled out by the Appellant:

1. Land Use Element [Specifically LU-1.3]
2. Safety Element [Specifically Geologic Hazards SAF-1.1, 1.2, 1.3]

Land Use Element:

The section singled out by the Appellant is one of 6 Goals & Policies on Page 21 of 34.

LU-1.3 To preserve existing trees, natural vegetation, natural topography, riparian corridors and wildlife habitats, and promote high quality, well designed, environmentally sensitive, and diverse landscaping in new and existing developments.

Appellant: "Significant removal of protected trees will occur, wildlife frequent the property and a family of 6 coyotes living on the hillside help manage the ground squirrel problem on the land and subsequent neighboring properties"

Response:

1. I have shown that 90% of the trees on the property can be retained [150 of 165] with the suggested LLA configuration.
2. The coyotes have killed numerous neighborhood dogs and might better be relocated out of this semi-urban area to a more rural location.
3. The Land Use Designation at Low Density Residential calls for up to 5 housing units per acre. This property is 3.1 acres gross with 26% slope, or 1.6 acres net. Retaining an average of 50 mature trees per parcel, plus additional plantings is entirely consistent with this Land Use category.

SAFETY ELEMENT:

The sections singled out by the Appellant relate to possible Geologic issues.

SAF-1.1 Require reliable evaluations of the existing geologic conditions of sites proposed for development where conditions indicate the possibility of weak supporting soils or geologic structures.
SAF-1.2 Restrict new development and redevelopment based on the levels of acceptable risk and potential severity of geologic hazards.
SAF-1.3 Preserve as open space property that is unbuildable due to geologic conditions.

Appellant: "The JCP Report mentions a possible Landslide Hazard Area"

Response:

1. I have separately addressed the 'landslide/JCP' factor in my submitted response.
2. The Town requires significant geologic and geotechnical studies for an application to Build. These are peer reviewed by the Town Consultant Geologist. This is undertaken later, after the lot configurations are known and not before an LLA.
3. If the Town, or the Appellant, wanted to preserve this property as open space, they could have chosen to do so. To require it as such would be a taking.

The Owner has the right to develop their property according to the tenets of the Town of Los Gatos 2020 General Plan. The Appellant's letter shows no inconsistencies with this.

Tony Jeans