



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/08/2021

ITEM NO: 2

DATE: September 3, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. APNs 532-36-075, -076, and -077. Lot Line Adjustment Application M-20-012. Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellants: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. Project Planner: Ryan Safty.

RECOMMENDATION:

Deny the appeal of a Development Review Committee decision approving a lot line adjustment between three adjacent lots on properties zoned R-1:20, located at 17200 Los Robles Way.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:20
Applicable Plans & Standards: General Plan
Existing Parcel Sizes: Parcel 1: 74,832 square feet, Parcel 2: 11,226 square feet, and Parcel 3: 50,239 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential, Open Space	Low Density Residential, Open Space	R-1:10
East	Residential	Low Density Residential	R-1:8, R-1:10
West	Residential	Low Density Residential	R-1:8, R-1:20

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

The project is Categorical 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 proposes to modify lot lines between three legal, adjacent parcels. No development is proposed at this time.

FINDINGS:

- The project is Categorical Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15061(b)(3).
- As required by Section 66474 of the Subdivision Map Act.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject parcels are located at the terminus of Los Robles Way and Worcester Lane (Exhibit 1). The application proposes to take three adjacent parcels and reconfigure the lot lines. The existing configuration has several non-conformities, most of which would be remedied with this proposed Lot Line Adjustment application. There is an existing residence on Parcel 1 (APN 532-36-076) that would remain, and the other two parcels are vacant. No construction is proposed with this application.

On November 11, 2020, the applicant submitted a Lot Line Adjustment application for the three parcels. After the initial review, the applicant was informed that they must verify the legality of Parcel 2 (APN 532-36-077) and Parcel 3 (APN 532-36-075).

On February 23, 2021, the applicant submitted Certificate of Compliance applications to verify the legality of Parcels 2 and 3. The Town's Consulting Surveyor reviewed the applications and determined that the parcels were legally created (Exhibit 7).

On May 25, 2021, the Development Review Committee (DRC) approved the Certificate of Compliance applications (Exhibit 8). Following verification of Parcels 2 and 3, the applicant continued with the Lot Line Adjustment application for the three parcels.

BACKGROUND (continued):

On July 13, 2021, the DRC approved the Lot Line Adjustment application (Exhibit 10).

On July 22, 2021, the decision of the DRC was appealed to the Planning Commission by adjacent neighbors (Exhibit 11).

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The subject parcels are located at the terminus of Los Robles Way and Worcester Lane (Exhibit 1). The surrounding properties are low density single-family residences and open space at Worcester Park.

B. Project Summary

The applicant is proposing to reconfigure the lot lines between three legal, adjacent parcels at 17200 Los Robles Way. All existing non-conformities would be resolved, except that Parcel 1 frontage on Los Robles Way will remain non-conforming.

C. Zoning Compliance

The proposed lot configurations would comply with the minimum lot size, lot depth, and setback requirements for the R-1:20 zone. There are four existing non-conformities associated with the three parcels. The proposal would remedy three out of the four, with one non-conformity remaining.

DISCUSSION:

A. Lot Line Adjustment Analysis

The application is proposing to reconfigure the lot lines of three adjacent parcels. There is an existing residence on Parcel 1, which would remain. Parcels 2 and 3 are vacant. Parcels 1 and 3 take access off Los Robles Way (Exhibit 13). Parcel 2 is land-locked, as the previous 10-foot ingress and egress easement running along the east property line, as noted on the project plans, was quitclaimed as stated in the appeal package (Exhibit 11).

DISCUSSION (continued):

The existing configuration consists of four nonconformities: the existing residence on Parcel 1 does not meet the required 15-foot side yard setbacks, Parcel 1 does not meet the minimum frontage requirement of 100 feet for lots not fronting on a cul-de-sac bulb, Parcel 2 does not meet the minimum lot size of 20,000 square feet, and Parcel 2 does not meet the minimum frontage requirement of 100 feet for lots not fronting on a cul-de-sac bulb.

The proposed lot line adjustment would reconfigure the lot lines so that Parcel 1 abuts and continues to take access off Los Robles Way, and Parcels 2 and 3 will take access off a future proposed cul-de-sac bulb at the terminus of Worcester Lane. All existing non-conformities would be resolved, except that Parcel 1 frontage on Los Robles Way will continue to be non-conforming.

No construction is proposed at this time. All driveway, cul-de-sac, and "future residence" footprints shown on the plans would require separate Architecture and Site applications.

B. Development Review Committee

The DRC considered the Certificate of Compliance applications for Parcels 2 and 3 on May 25, 2021. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

At the May 25, 2021 DRC hearing, three neighbors were present to speak in opposition to the Certificate of Compliance applications. The neighbors asked that the applications be denied due to the history of the area being used as a single parcel and stated that it should remain one parcel. The neighbors were also concerned with the potential impacts of the future construction of these vacant parcels (Exhibit 8).

Based on the determinations made by the Town's Consulting Surveyor (Exhibit 7), the DRC approved the Certificate of Compliance applications. No appeal on the DRC action was received, and the Certificate of Compliance applications were deemed approved.

The DRC considered the Lot Line Adjustment application on July 13, 2021. Written public hearing notices were sent to surrounding property owners and occupants within 300 feet of the subject property.

Prior to the hearing, several neighbors submitted comments in opposition to the proposed project. The comments were generally related to the proposed lot configurations and location of future construction activities. The comment letters, and responses from the applicant, are included in Exhibit 9.

DISCUSSION (continued):

At the July 13, 2021 DRC hearing, four neighbors were present and opposed the proposed Lot Line Adjustment application. The neighbors were concerned with the legality of the three parcels, as well as construction associated with the future residences and driveways (Exhibit 10).

The DRC found that the Lot Line Adjustment application was complete and in compliance with the Town Code and Subdivision Map Act (SMA). Based on the findings, the DRC approved the proposed project, subject to the recommended conditions of approval.

C. Appeal

On July 22, 2021, the decision of the DRC to approve the Lot Line Adjustment application was appealed to the Planning Commission by five neighbors to the east of the subject property, located at 304 Harding Avenue, 308 Harding Avenue, 111 Worcester Lane, 112 Worcester Lane, and 110 Worcester Loop.

A summary of the specific reasons for the appeal are provided below (verbatim), followed by the applicant's responses in *italic* font (verbatim). For more detail, the full 90-page appeal packet (Exhibit 11) and applicant's response letter (Exhibit 12) are attached to this report.

- Certificate of Compliance does not confer building rights or other privileges. No proof of buildability has been provided for parcel 532-36-077.

We agree that Certificate of Compliance does not confer building rights. There are now three legal lots.

- This parcel (-077) lacks legal and no access for emergency services, parcel not consistent with the general plan, does not meet current standards for domestic water supply (no will serve letter). Has not proven meets slope stability standards, site safety/geologic hazards.

In the slides following the appeal form, the appellants state that "buildability" consists of six criteria: parcel legality, legal access, access to water, sanitation, emergency access, and site safety/geologic hazards.

The issue of "Buildability" has been raised, but it should be noted that the owners are not requesting to build – so it is not relevant for this this hearing – that will come later. But I will address why I do think that these 3 lots are "Buildable Parcels", generally – using the Appellants' 6-point criteria.

DISCUSSION (continued):

1. *Parcel Legality: The Certificate of Compliance has recognized the legality of the 3 lots.*
 2. *Legal Access: The vacating of the access by the Town reduces the street (Los Robles Way) from public to private – but it is still legal – for access to 075 (Thompson Trust) and -076/-077 (Von Kaenel) via the defined easement. The right-of-way width is 20 feet – also legal.*
 3. *Access to Water: San Jose Water presently provides water to the site along Los Robles Way. San Jose Water is also available in the public right-of-way at Worcester Lane.*
 4. *Sanitation: The current home is on septic, but it is proposed that any new construction would tie into West Valley Sanitation District sewer. There is a sewer main on the property.*
 5. *Emergency Access: Emergency vehicles absolutely can turn around at the Los Robles Way terminus on the parcel – and serve 075 and 076. APN-077 could also take access from Los Robles Way. The proposed configuration with the Lot Line Adjustment would make emergency access simpler to all 3 parcels and is supported by the Santa Clara County Fire Department for this application.*
 6. *Site Safety/Geologic Hazards: Potential geologic and geotechnical concerns are addressed at the time of a Building Application through a comprehensive process involving Town Engineering and consultant peer reviews. Slopes in excess of 30 percent can be avoided on the present site. A JCP report is an advisory document only, produced without the benefit of any site visit, to alert the owner or any potential buyer of the property of potential hazards to investigate at the site.*
- While Parcel 1 and 3 now owned by separate owners (still unrecorded with the SCC clerk recorder office), structure is built over common property line and ROW access to parcel 1 was abandoned. Section 29.10.070 of Town's code of ordinances (copied below) states that no parcel shall be modified through a lot line adjustment procedure to meet criteria listed in the ordinance. Town would be setting precedent to allow developer to bypass formal subdivision application process. Buildability of existing site needs to be proven.

Sec. 29.10.070. - Lot merger.

- (a) A parcel of land does lawfully exist separately from other land and is a lot when the parcel meets each of the following criteria:
- 1) Comprises at least five thousand (5,000) square feet in area.
 - 2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - 3) Meets current standards for sewage disposal and domestic water supply.

DISCUSSION (continued):

- 4) Meets slope stability standards.
 - 5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - 6) Development of the parcel would create no health or safety hazards.
 - 7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
 - 8) No structures are built over a common property line which is shared with another parcel under the same or substantially the same ownership.
- (b) Any parcels under the same or substantially the same ownership that do not meet the criteria listed above shall be considered merged. In addition, no parcel shall be modified through a lot line adjustment procedure in order to meet the criteria listed above.

Appellant is suggesting that some of the properties should be considered “merged” if any of the following 8 criteria are not met – but they are all met.

1. *Parcels are all over 5,000 square feet (74,832, 11,226 and 50,239 sf);*
2. *Parcels were legal when created and a Certificate of Compliance issued by the Town was recorded;*
3. *Sewage Disposal (West Valley Sanitation District sewer on site);*
4. *Slope Stability (Building Permit Determination);*
5. *Legal Emergency Vehicle Access (20-foot right-of-way at Los Robles Way);*
6. *Health or Safety (Architecture and Site application hearing determination);*
7. *Consistent with General Plan and Zoning – except for size (conforms); and*
8. *No building built across property line (house is completely on 076).*

The Subdivision Map Act would require the Town to allow development of these parcels to be considered if a formal application were submitted.

[...]

In summary, this is a simple application that takes 3 non-conforming legal parcels that are not optimal for development and adjusts the lot lines to address the requirements of the Town General Plan and R-1:20 Zoning Laws. The owners have every right to propose reasonable improvements to their property and the Town has an obligation to apply the objective criteria in the approval of this Lot Line Adjustment per Town Code and the Subdivision Map Act.

DISCUSSION (continued):

D. Town Attorney's Office

Part (b) of Town Code Section 29.10.070, requiring involuntary lot mergers, was adopted in 1976 and amended in 1988. However, this provision of the Town Code is unenforceable as it is inconsistent with the SMA. The SMA has contained express merger provisions since 1976 and the current SMA merger provisions were enacted in 1986. Government Code Section 66451.10 states that, "two or more contiguous parcels or units of land which have been created under the provisions of this division [...] shall not be deemed merged by virtue of the fact that contiguous parcels or units are held by the same owner." The SMA's current merger provisions reflect two overall concerns. First, they provide landowners with elaborate procedural safeguards of notice and opportunity to be heard before their lots can be involuntarily merged (*Morehart v. County of Santa Barbara*). Second, they reveal, "a state concern over local regulation of parcel merger for purposes of development," as well as for purposes of sale, lease, or financing. In addition, California Civil Code Section 1093 requires an, "express written statement of the grantor," of their intent to alter or affect the separate and distinct nature of the parcels described therein. Therefore, the legal merger of two parcels occurs only through the express written statement of the grantor (*ibid.*) or through a local agency's compliance with the merger procedures contained in Sections 66451.10 and 66451.11 of the SMA, including the due process requirements contained therein (See *Morehart v. County of Santa Barbara*, *supra*, 7 Cal. 4th at p. 761 [SMA preempts the field for parcel mergers]).

Additionally, part (b) of Town Code Section 29.10.070, disallowing a, "parcel to be modified through a lot line adjustment procedure in order to meet the criteria listed above," is also unenforceable as it is inconsistent with the SMA. The SMA states that for a lot line adjustment, "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." Therefore, the Town cannot impose as conditions to a lot line adjustment that the current configuration of the lots meet certain criteria. Instead, the Town must confine its approval of a lot line adjustment on its conformance to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances resulting from the lot line adjustment.

DISCUSSION (continued):

E. Environmental Review

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.

PUBLIC COMMENTS:

Written notice of the DRC public hearing was sent to neighboring property owners and occupants. Following the appeal, written notice of the Planning Commission hearing was sent to neighboring property owners and occupants. At the time of preparation of this report, no additional public comment (outside of Exhibits 9 and 11) was received.

CONCLUSION:

A. Summary

The applicant is requesting approval of a Lot Line Adjustment application to reconfigure the lot lines between three adjacent, legal parcels at 17200 Los Robles Way. All existing non-conformities would be resolved, except that Parcel 1 frontage on Los Robles Way will continue to be non-conforming. No construction is proposed with this application. None of the findings from Section 66474 of the SMA could be made to deny the application (Exhibit 2).

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal, uphold the decision of the DRC, and approve the Lot Line Adjustment application:

1. Make the finding that the proposed 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 (Exhibit 2);

CONCLUSION (continued):

2. Make the required findings as required by Section 66474 of the Subdivision Map Act (Exhibit 2); and
3. Approve Lot Line Adjustment application M-20-012 with the conditions contained in Exhibit 3 and the development plans in Exhibit 13.

C. Alternatives

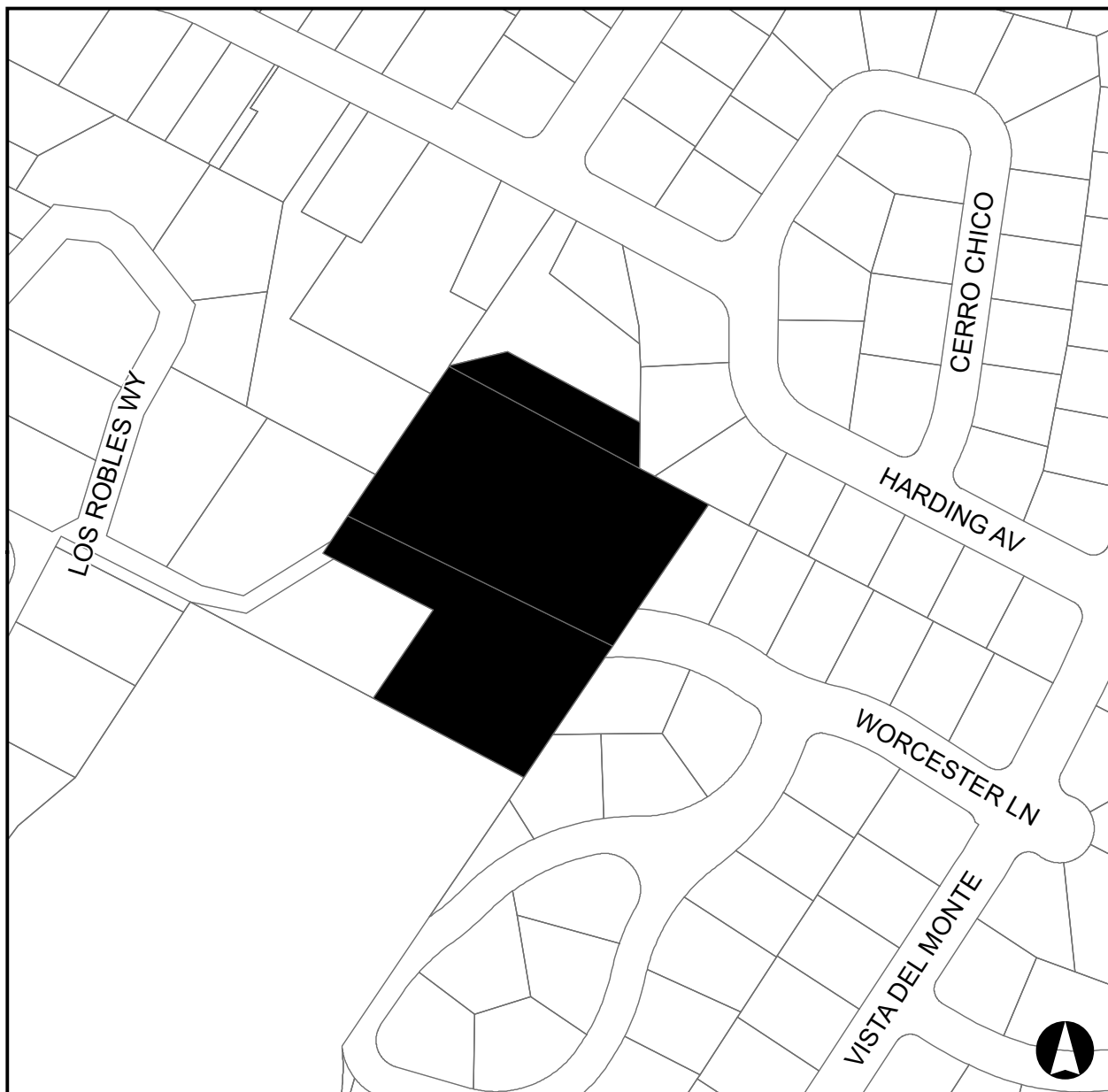
Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and approve the application with additional and/or modified conditions;
3. Grant the appeal and remand the application to the DRC with direction for revisions; or
4. Grant the appeal and deny the Lot Line Adjustment application.

EXHIBITS:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Pictures of subject properties, received January 8, 2021
5. Project Description and Letter of Justification, received February 19, 2021
6. Summary of neighborhood outreach, received March 31, 2021
7. Certificate of Compliance Consulting Surveyor Reviews, received April 14, 2021 and May 17, 2021
8. May 25, 2021 Development Review Committee meeting minutes
9. Public Comments and Applicant Responses received prior to 10:00 a.m., Tuesday, July 13, 2021
10. July 13, 2021 Development Review Committee meeting minutes
11. Appeal of Development Review Committee, received July 22, 2021
12. Applicant's response to appeal, received July 27, 2021
13. Development Plans approved by Development Review Committee on July 13, 2021

17200 Los Robles Way (Three Lots)



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PLANNING COMMISSION – September 8, 2021
REQUIRED FINDINGS FOR:

17200 Los Robles Way
Subdivision Application M-20-012

Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. APNs 532-36-075, -076, and -077. PROPERTY OWNERS: Daren Goodsell, Trustee and Mark Von Kaenel. APPLICANT: Tony Jean. APPELLANTS: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. PROJECT PLANNER: Ryan Safty.

FINDINGS

Required findings for CEQA:

- The project is not subject to the California Environmental Quality Act pursuant to the adopted Guidelines for the Implementation of CEQA, 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 proposes to modify lot lines between three legal, adjacent parcels. No development is proposed at this time.

Required findings to deny a Subdivision application:

- As required by Section 66474 of the State Subdivision Map Act the map shall be denied if any of the following findings are made: **None of the findings could be made to deny the application.**

Instead, the Planning Commission makes the following affirmative findings:

- a. That the proposed map is consistent with all elements of the General Plan.
- b. That the design and improvement of the proposed subdivision is consistent with all elements of the General Plan.
- c. That the site is physically suitable for the type of development.
- d. That the site is physically suitable for the proposed density of development.
- e. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.
- f. That the design of the subdivision and type of improvements is not likely to cause serious public health problems.

EXHIBIT 2

- g. That the design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

PLANNING COMMISSION – September 8, 2021
CONDITIONS OF APPROVAL

17200 Los Robles Way
Subdivision Application M-20-012

Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. APNs 532-36-075, -076, and -077. PROPERTY OWNERS: Daren Goodsell, Trustee and Mark Von Kaenel. APPLICANT: Tony Jean. APPELLANTS: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. PROJECT PLANNER: Ryan Safty.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. EXPIRATION: The Subdivision Application will expire two years from the date of approval, unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. ARCHITECTURE & SITE APPROVAL: Approval of an Architecture & Site Application is required for construction of the cul-de-sac, driveways, residences, and related grading.
4. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

5. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
6. ENGINEERING FEES: Engineering fees associated with the Lot Line Adjustment (see item 270 in the Town's [Comprehensive Fee Schedule](#)) shall be deposited with the Engineering Division of the Parks and Public Works Department prior to recordation.

7. GENERAL: The Owner and/or Applicant shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Lot Line Adjustment. Issuance of a Lot Line Adjustment will acknowledge the Town's acceptance of the parcel as legally created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.
8. CERTIFICATE OF LOT LINE ADJUSTMENT: A Certificate of Lot Line Adjustment shall be recorded. An electronic copy (PDF) of the legal description for each new lot configuration, a plat map (8-½ in. X 11 in.) and of the legal description of the land to be exchanged shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
9. CERTIFICATE OF COMPLIANCE: A Certificate of compliance shall be recorded. Two (2) copies of the legal description for each lot configuration, a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
10. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. An electronic copy (PDF) of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.



Los Robles Way



Worcester Lane

17200 Los Robles Way

The House



View from Los Robles Way



Front of House

17200 Los Robles Way

The House



The Right Side



The Left Side



The Rear + Pool

17200 Los Robles Way

Parcel #2



View from the House to Parcel #2



View from Worcester Lane to Parcel #2

17200 Los Robles Way

Parcel #3



View from the House to Parcel #3



View from Worcester Lane to Parcel #3

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Town of Los Gatos
110E Main St,
Los Gatos CA 95030
Attn: Planning/Engineering

February 19th, 2021

**17200 Los Robles Way, Los Gatos
Tentative Map Application M 21-001**

The Property:

The Property comprises 3 parcels of land in the R1:20 zoning district [APN: 532-36/075/6/7] at the end of Los Robles Way totaling 3.13 Acres. The overall slope of the property is 26%. At the moment there is one dilapidated house on the entire property with an empty swimming pool. The property is on a septic system.

The Parcel Configuration:

2 of the 3 parcels are accessed from the end of Los Robles Way
532-36-075 is traversed by an extension of Los Robles Way with 115 ft of frontage on a RoW considered vacated by the Town. It also has a small amount of frontage at the termination of Worcester Lane.

532-36-076 is at the terminus of the Los Robles Way extension with 37' of frontage. It also has frontage at the termination of Worcester Lane.

532-36-77 is a landlocked parcel with no street access, other than along a disputed easement to Harding which has never been used.

The Proposed LLA Solution:

It is proposed to reconfigure the 3 parcels to make them all more compliant with the Town Standards for the zoning district. They would be $1\frac{1}{2}$, 1 and $\frac{1}{2}$ acres in size. In doing so, the plan is to access only one of the resulting parcels from the narrow driveway at Los Robles Way and the other 2 from a cul-de-sac at Worcester Lane. In addition to improving the compatibility of the 3 parcels themselves, it will bring the setbacks for the existing residence into compliance.

Public Right of Way Changes:

The Town has determined that the extension of Los Robles Way as a RoW across 532-36-075 has been Vacated. We have shown it on the plans as such. The street frontage here for Parcel 1 would be very similar to the existing [sub-standard] frontage and we would explore enhancing safety measures with a subsequent A&S application for a house at this site.

At Worcester Lane the trees and topography were examined and it is deemed virtually impossible to install a Town standard Cul-de-Sac as a terminus for the street [which presently just stops!]. We do believe that a "Hillside" cul-de-sac can be reasonably accommodated and would be in compliance with the intent of allowing such a design where topography dictates.

This would require the removal of 5 medium sized oak trees [8", 10", 16" 18" & 18"], and a retaining wall no higher than 5 ft would be needed to terminate the street. The cul-de-sac proposal as drawn does provide legal street frontage for Parcels 2 and 3 at Worcester Lane as well as improving the termination of the street itself. We have revised the plans to show this as a Private extension.

Development Plans:

There are no plans being submitted with this application, but we are anticipating submitting plans for a new home on Parcel #1 to replace the existing, dilapidated home at 17200 Los Robles Way. There are no specific development plans for Parcels #2 and #3 at this time so all house placements are conceptual. Even with the cul-de-sac termination at Worcester Lane, we have left a Fire turnaround here to show that it would be possible if needed. It shows that compliance can be achieved moving forward.

Request for Minor Subdivision Approval:

We have modified the plan set, which includes:

A Cover Sheet.

A preliminary Tentative Map.

Existing and Proposed Site Plans

Aerial Topos at 20 and 30 scale.

We have also submitted a Certificate of Compliance application for the existing 532-36-077 parcel #2 to show that it was created legally, according to the Town rules and the Subdivision Map Act.

Thank you

Tony Jeans (408) 354-1833

Town Of Los Gatos
110 East Main St
Los Gatos CA 95030
Attn: Planning/Engineering

March 31st, 2021

17200 Los Robles Way, Los Gatos
Response to Neighbor Concerns M 21-001

I have conducted extensive neighborhood outreach commencing with a letter sent in February to all homes adjacent to the property [see attached]. I have since met with many of the individuals personally, or by phone and for the most part, have met with positive reactions to the project. A few neighbors chose to respond to the Town directly and voice their opposition as letters of public comment without responding to my outreach. It would appear that they are also contacting other nearby residents to encourage them to voice their concerns on their behalf as friends.

I will continue personal outreach on an ongoing basis to those who are prepared to respond, but for now would like to address these voiced concerns collectively as those being raised are common to several parties.

The concerns pretty much fall into 3 categories and I will address them separately:

1. "The Property is classified as a Landslide Hazard Zone by the JCP Report".
Comments by 3 immediate neighbors at 304,308 Harding & 111 Worcester Lane, and subsequently mentioned in comments by some of their friends.
2. "My Privacy will be Jeopardized if this Project is Allowed".
Comments by 3 immediate neighbors at 304,308 Harding & 111 Worcester Lane and also voiced by neighbors with whom I have spoken and suggested solutions.
3. "Wildlife will be restricted more if this Project is allowed".
Mentioned in comments, together with landslides, by a nearby resident friend.

It is my belief, having spoken privately to some of the parties who have written letters, that the real concern is simply one of privacy - and the fact that this 3 acres of land has remained under-developed for well over half a century and is seen by them as a natural extension to Worcester Park and is viewed as "their Private Back Yard".

I would also observe that it was never expected that Worcester Lane would "terminate" at the property boundary in such an abrupt manner. The proposed solution suggested by the Town and included in the Tentative Map is a significant enhancement to the streetscape.

Tony Jeans
Attachments: Hazard Analysis, Privacy Analysis.

17200 Los Robles Way, Los Gatos
Response to Neighbor Concerns M 21-001

Concern #1. "The Property is classified as a Landslide Hazard Zone by the JCP Report".

There appears to be some misunderstanding as to the intention of a JCP Hazard Report as it relates to a property. A JCP report is intended to alert the purchasers of any property as to potential hazards that should be considered when buying a property. It does not rely on any site-specific investigations or evaluations and any owner [and the Town] will require further detailed analyses at the time any construction is proposed.

I obtained a copy of the JCP report, and spoke to a JCP geographer [Jack Stark] about it at length and received clarification as to the various hazard zones listed. The report relies on a number of hazard maps from a variety of sources. As it states, it is very general in nature, but does call out specific hazard zones that would be applicable to this property.

Of those, the most relevant is the **"Very High Fire Hazard Severity Zone"**, identified in the attached statutory JCP Hazard Map as the "green shaded area" from the Legend, which also covers much of Los Gatos. The Report suggests certain specific building techniques that might be required, together with home maintenance for designing and living in a home.

A **"Seismic Hazard Zone - Landslide"** is also called out in the JCP report as a "bricked" Legend area - but when you look carefully at the map, it barely touches the property at the western most corner and reflects an area around Hollywood and Los Robles Way - not the Harding/Worcester Lane eastern most corner. This potential hazard zone is on the opposite side of the property from the neighbors who have expressed concern about 'Landslide Hazard' as being a high priority issue and there is no indication that construction on the proposed Parcel#2 would be problematic.

This property is not in the **"Special Flood Hazard Area"** and is classified as Flood Zone X in FEMA Maps. It is difficult to see how flooding of neighboring properties would be an issue with this LLA, as mentioned as a further concern of some neighbors.

Attached is the JCP Hazard Map for the property at 17200 Los Robles Way. Please look at it carefully - as it shows clearly that neighbors at the eastern-most corner of the property should not be concerned about landslides based on a true reading of this report.

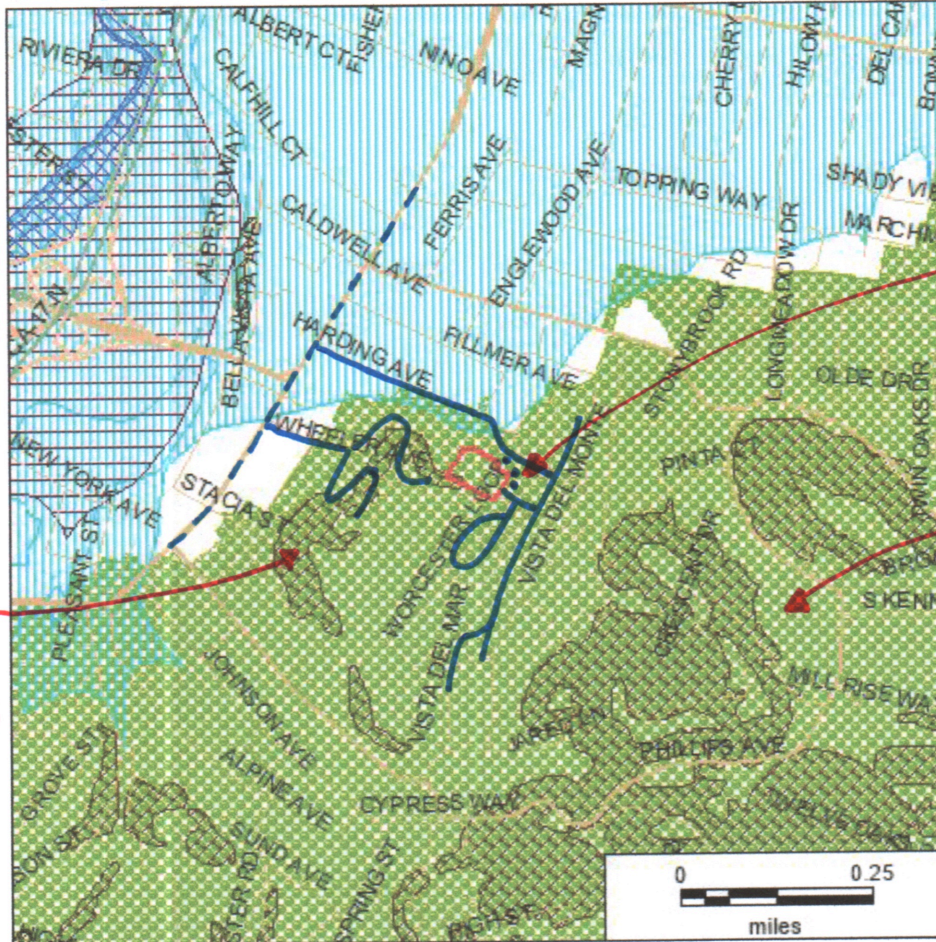
Attached: JCP Hazards Map for 17200 Los Robles Way.

**Map of Statutory Natural Hazards
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: See Addendum
Report Date: 04/17/2020
Report Number: 2642519

Map of Statutory Natural Hazard Zones



LOCATION OF CONCERNED PARTIES AT 304+308 HARDING & 111 WORCESTER LANE.

LANDSLIDE HAZARD ZONE IS AT LOS ROBLES WAY & HOLLYWOOD AVE. (NOT AT HARDING & WORCESTER LANE)

THE ENTIRE AREA IS IN A FIRE HAZARD ZONE.

		Subject Property
NO		Special Flood Hazard Area
NO		Area of Potential Flooding, Dam Failure
YES		<u>Very High Fire Hazard Severity Zone</u>
NO		Wildland Area, Substantial Forest Fire Risk
NO		Earthquake Fault Zone
PARTIAL		<u>Seismic Hazard Zone, Landslide</u>
NO		Seismic Hazard Zone, Liquefaction

This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

Received Pg 1-50:

Sign _____ DATE _____

Sign _____ DATE _____

17200 Los Robles Way, Los Gatos
Response to Neighbor Concerns M 21-001

Concern #2. "Neighboring Homes and Privacy at the End of our Private Cul-de-Sac".

In my 35 or so years of developing property and designing homes in and around Los Gatos and across the country, "Privacy" and "Fear of the Unknown" are the two most common factors which concern people at the outset of any project. That is why I have always tried to communicate with the immediate neighbors first. I also find that it is also a good way in which to learn a great deal about the neighborhood. In fact on this project I chatted with one neighbor who remembered the previous owner - deceased at 71 - as "a young attorney".

I believe also that an owner has the right to develop his or her property in any responsible manner as long as it is within the objective standards and guidelines of [in this case] the Town of Los Gatos. Additionally, if I were asked to design homes on the property, I would consider the more subjective guidelines, which the Town uses to constrain development so that neighborhoods remain consistent in their overall appearance and character.

I am afraid that "To be the last home on the street" is not a guarantee. It is clear from the existing street termination on Worcester Lane that was never the intent. But it is also reasonable to believe that with parcels of land over $\frac{1}{2}$ acre in size next to you that your next-door-neighbor would have room for reasonable screening so that privacy would not be an issue. Combined with responsible home design to further address privacy I feel that there will be plenty of room to address any "proximity concerns".

In the attachments, I have tried to show how privacy concerns of 304, 308 Harding and 111 Worcester Lane can be reasonably addressed in the future if and when a home is designed for Parcel #2 as identified in the Map Exhibits for the LLA.

308 Harding: Privacy does not need to be considered a concern for this home.

I recently walked the property with the owners [James & Nancy Neipp] and with the mature oak grove currently in the corner of Parcel #2 acts as a significant buffer. Some large shrubs or small trees placed about 150 ft away would aid in the obscuring any new home on Parcel #1 a couple of hundred feet away.

111 Worcester Lane: The potential privacy impact is from one window and the rear yard.

I have addressed this in the Proposed Site Plan by suggesting a house placement, with the home approximately 35 ft away from the side yard of 111 Worcester Lane allowing room for tree screening of the window in question. The mature oak grove in the corner of the property would also remain as a privacy buffer to their rear yard.

304 Harding: The privacy impact is presently a direct line of sight to the back yard.

Here house placement on Parcel #2 is important and I have suggested placing a home 50ft from 304 Harding's rear property line and would see a screen of trees placed there.

Attached: Photographs from Parcel #2 towards 111 Worcester Lane 308 & 304 Harding.

Please also note that I have located a potential building site on Parcel #2 that would not impact any of the mature oaks on the property, nor the eucalyptus trees. There are some privacy issues that can be reasonably mitigated if needed if and when an actual residence is proposed and these should be considered at that time.

NO TREE PLACEMENT NECESSARY AT 308 HARDING.



308 Harding is barely visible behind the Mature Oak Grove [mainly *quercus agrifolia*], which is a native California evergreen oak.

Any reasonable home designed for Parcel #2 would not be a privacy issue.

TREE PLACEMENT FOR PRIVACY AT 111 WORCESTER LANE



With a house 30 ft from the fence, Tree screening would be reasonable.

TREE PLACEMENT FOR PRIVACY AT 304 HARDING.



The Valley Oak on 304 Harding is deciduous – so evergreen tree screening would be beneficial close to the fence – and a house on Parcel #2 placed at a distance of 50 ft from the fence would allow plenty of room for this. This photograph is taken from the potential house location.

Date: February, 2021
To: All Neighbors of and nearby Residents.
From: Tony Jeans of T.H.I.S. Design and Development.
Subject: Proposed Lot Line Adjustment at 17200 Los Robles Way

Nearby Residents:

I am writing to introduce myself and to let you know that the owners of 17200 Los Robles Way have contracted with me to undertake some design/development work for them. The initial plan is to adjust the property lines of the 3 parcels that make up their property so that they are more in compliance with the Town zoning ordinances for this property. So we have applied to the Town to undertake a Lot Line Adjustment, which will take the 3 existing parcels and reconfigure them so that only one will continue to be accessed from Los Robles Way. The other 2 parcels will, in the future be accessed from Worcester Lane.

At present, the Town has asked us to consider installing a cul-de-sac turnaround at the end of Worcester Lane to better terminate the street. There are no immediate plans for the improvement of those 2 parcels, but this is obviously possible in the future. At Los Robles Way the plan is to design a new house at 17200 - but the details of that are still under discussion and I will contact nearby residents again when we get some more detailed ideas on paper. Suffice it to say that when this does happen, we will probably be asked to improve the Los Robles Way extension in some measure. It has deteriorated over the years and I am sure that the Fire Dept will want to see some upgrades.

The plans we have submitted for review so far show that the resulting parcel layouts are more conforming than the existing configuration and meet Town Zoning rules for any future development in terms of size, setbacks, frontage and other regulations. They also show that they would result in parcels that would sensibly allow for a house to be placed on each of the resulting lots. For those of you who are interested to see in more detail what I have put together, please contact me and we can talk on the phone or I can come by and we can have a socially distanced conversation and you can review the plans. I understand that disruption and privacy will be of concern to those close by, but I have tried to be considerate of neighbor sensibilities with what we have planned.

I have been developing properties, designing new homes, additions and remodels in Los Gatos, Monte Sereno, Saratoga and beyond for over 35 years and my wife, Carol and I are long-time local residents ourselves. If you have any questions, please call me at (408)354-1833 or email me at Tony@thisdesign.com . I would be happy to discuss them with you.

Tony Jeans

Neighbor Communication [as of April 1st, 2021]:

Sheet 6 of the Plans shows the relationship of neighbors who have been contacted to the Subject Property - 17200 Los Robles Way.

Neighborhood outreach commenced on January 24th has been ongoing and continues to this day. All immediate neighbors - those deemed most likely to be impacted by any future changes - were visited in January and early February and plans for the LLA proposal were shown to them and discussed with them. As a result of the proposed changes to the Worcester Lane termination, the Worcester Lane neighbors will again be contacted and the changes in the plans discussed.

Address	Name	Communication
110 Worcester Lane:	De Feo	Meetings, discussions, emails and phone calls
111 Worcester Lane:	[Renter]	Meeting and discussion.
111 Worcester Lane:	Gysin	[owner] Phone call after meeting with tenant.
109 Worcester Lane:	Bentinck	Phone conversation and discussion.
112 Worcester Loop:	Rinehart	Meetings, discussions, emails and phone calls.
17121 Los Robles Way:	Fenn	Meeting, plans, discussion and follow up emails.
17150 Los Robles Way:	Family	Meeting, plans and discussion.

The neighbors who will be less impacted by this project, and those who were repeatedly not at home when I visited them, I sent a letter explaining in broad-brush strokes the immediate and future scope of the project. I invited them to contact me by email or phone to either set up a meeting or to discuss the project in more detail.

Address	Name	Communication
308 Harding Ave:	Neipp	Letter, Email, Site Visit, Discussions.
304 Harding Ave:	Steer	Letter
246A Harding Ave:	Merrick	Letter + Meeting/Discussion
246B Harding Ave:	Clifford	Letter + Meeting/Discussion
242 Harding Ave:	Heller	Letter
236 Harding Ave:	Rector	Letter + Meeting/Discussion

To date I have met with and had discussions with 50% of the people who received letters. I continue to meet with the immediate neighbors and respond to their questions.

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April 14, 2021

TOWN OF LOS GATOS, PARK AND PUBLIC WORKS DEPARTMENT

Attn: Mike Weisz, P.E., Associate Engineer

41 Miles Avenue

Los Gatos, CA 95030

**SUBJECT: Certificate of Compliance Review for 17200 Los Robles Way
Second Submittal Comments**

Dear Mike,

I have completed the review of the Second Submittal of the Certificate of Compliance for 17200 Los Robles Road. Comments can be found below and on attached red-line prints.

General Comments

- From the information provided I can recommend approval of a Certificate of Compliance per California Subdivision Map Act 66499.35 (a) for Assessor's Parcel 532-36-77.

Plat & Legal for 532-36-77

- The plat and legal description appear to be technically correct.

If you or the Surveyor have any questions concerning these comments, please feel free to call me at 209-328-1123 extension 105 or email me at djurado@kierwright.com.

Sincerely,

KIER & WRIGHT

Dean A. Jurado PLS

SENIOR SURVEYOR

djurado@kierwright.com, 209-328-1123 ext. 3105



May 17, 2021

TOWN OF LOS GATOS, PARK AND PUBLIC WORKS DEPARTMENT

Attn: Mike Weisz, P.E., Associate Engineer
41 Miles Avenue
Los Gatos, CA 95030

**SUBJECT: Certificate of Compliance Review for 17200 Los Robles Way
First Submittal Comments**

Dear Mike,

I have completed the review of the First Submittal of the Certificate of Compliance for 17200 Los Robles Road. Comments can be found below and on attached red-line prints.

General Comments

- From the information provided I can recommend approval of a Certificate of Compliance per California Subdivision Map Act 66499.35 (a) for Assessor's Parcel 532-36-75.

Plat & Legal for 532-36-75

- The legal description appear to be technically correct.

If you or the Surveyor have any questions concerning these comments, please feel free to call me at 209-328-1123 extension 105 or email me at djurado@kierwright.com.

Sincerely,

KIER & WRIGHT

Dean A. Jurado PLS

SENIOR SURVEYOR

djurado@kierwright.com, 209-328-1123 ext. 3105



**TOWN OF LOS GATOS
DEVELOPMENT REVIEW
COMMITTEE REPORT**

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
MAY 25, 2021**

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on May 25, 2021, at 10:00 a.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online and not in the Council Chamber.

ROLL CALL

Present: Sally Zarnowitz, CDD Planning; Robert Gray, CDD Building; Corvell Sparks, PPW Engineering; Kenny Ip, SCCFD.

Absent: None.

Staff: Erin Walters, CDD Planning; Ryan Safty, CDD Planning; Mike Weisz, PPW Engineering; Robert Schultz, Town Attorney.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

- None.

CONSENT ITEMS

1. Approval of Minutes – May 4, 2021.

MOTION: Motion by Robert Gray to approve the consent calendar. **Seconded** by Kenny Ip.

VOTE: Motion passed unanimously 4-0.

PUBLIC HEARINGS

2. 21 W. Main Street

Conditional Use Permit Application U -21-009

Requesting approval of a Conditional Use Permit to allow a wine tasting room (Gali Vineyards) on a property zoned C-2-LHP. APN 529-01-018.

PROPERTY OWNER: Shari Flick

APPLICANT: Janice Gali

PROJECT PLANNER: Erin Walters

The project planner, Erin Walters, presented the staff report.

Opened Public Comment.

Janice Gali

Applicant speaking on behalf of the project. Her husband and she have lived in Los Gatos for over 30 years. They would like to open a tasting room in Downtown Los Gatos. They feel that it would be great for the community.

Janice Gali

In closing, she hopes that this application will be approved to allow a tasting room at this address.

Closed Public Comment.

MOTION: Motion by **Kenny Ip** to approve with the required findings and recommended conditions of approval. **Seconded** by **Robert Gray**.

VOTE: **Motion passed unanimously 4-0.**

Appeal rights were recited.

3. 17200 Los Robles Way

Certificate of Compliance M-21-001

Requesting issuance of a Certificate of Compliance for property zoned R-1:20. APNs 523-36-075 and 523-36-077.

PROPERTY OWNER: Daran Goodsell, Trustee

APPLICANT: Tony Jeans

PROJECT PLANNER: Ryan Safty

The project planner, Ryan Safty, presented the staff report. Public comments were received and shared with the applicant and committee.

Opened Public Comment.

Tony Jeans

Applicant speaking on behalf of the project. A presentation has been provided. This is the first step in a multi-step process. First is to obtain a Certificate of Compliance, then a request for a lot-line adjustment, and finally a proposal to build a new home on the lot(s). Application materials provided to the Town, and reviewed by the Town's Consultant Surveyor, verify the legality of the two parcels in question.

Alison and David Steer, 304 Harding Avenue

Asking for this application to be denied. A presentation has been provided, including history of the property in question.

Terry Rinehart, 110 Worlester Loop

Neighbors to the property. She and her husband are in agreement with the comments made from those requesting this application be denied. They state they were never notified of the lots going from one to three lots. There will be substantial economic damage to properties. There will also be significant flood damage. Comments and photos were provided prior to this meeting.

Nancy Neipp, 308 Harding

In agreement with the comments the Steers made. There will be flooding issues. There will be potential damages to the properties when getting this property up to code compliance with the earthquake safety guidelines. They request that this parcel be resubmitted as a single parcel and allow for an open and transparent process.

Tony Jeans

In closing, the owners of the property are asking that the Town recognizes that this is a three-parcel property. We are aware that these lots are considered non-conforming and that they may not be legal anymore. We are looking to legalize the lots.

Closed Public Comment.

MOTION: Motion by **Robert Gray** to approve with the required findings and recommended conditions of approval. **Seconded** by **Corvell Sparks**.

VOTE: **Motion passed unanimously 4-0.**

Appeal rights were recited.

OTHER BUSINESS

- None.

ADJOURNMENT

The meeting adjourned 10:36 AM

This is to certify that the foregoing is a true and correct copy of the minutes of the May 25, 2021 meeting as approved by the Development Review Committee.

Prepared by:

/s/Sally Zarnowitz, AIA, LEED AP, Planning Manager

Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

Attention: Mr. Ryan Safty

RE: Lot Line Adjustment Application M-20-012

May 11, 2021

Dear Mr. Safty,

We are writing to object to the proposed lot line adjustment on the property located at 17200 Los Robles Way, Los Gatos. We bought our property at 112 Worcester Lane, directly adjacent to the 17200 Los Robles Way lot, in 2003. Our objections fall into 4 categories:

1) water drainage off the lot into our backyard will be exacerbated thereby risking significant damage to our house,

2) the current proposal by Tony Jeans demonstrating that the resulting 'lot 3' is buildable requires the construction of a road that will bury what is now a natural rain drainage 'stream' that will significantly exacerbate run-off into our yard and our basement,

3) the proposal by Tony Jeans submitted to the town (which differs from the final plan he showed us) also includes a loss of some of our property in our front yard including the removal of a 30+ foot pine tree, and,

4) this same proposed road in 2) above will require cutting down portions of an Oak grove that is directly adjacent to our yard.

Below we detail the issues enumerated above.

- 1) Water drainage issues. When we purchased our home we learned that the previous owner had already experienced significant damage to the basement of our home due to run-off from the hill on the 17200 Los Robles Way lot. In subsequent years we also experienced flooding of our yard and basement as a result of this run-off leading us to make significant investments in French drains surrounding the house and on the edge of our yard adjacent to the lot, as well as a sump pump in the basement. In addition, we had to replace much of the subfloor in the section of our house closest to the areas that flood during rains. By allowing 3

additional structures and their associated hardscaping, this run-off will be significantly exacerbated.

- 2) Road construction on 'lot 3' (the proposed lot directly adjacent to our property). This road, which we were told was proposed in order to show that 'lot 3' is 'buildable', and is required as a turn-around for emergency vehicles for the lot to be viable, is directly on top of a natural rain drainage stream that empties into our yard. This construction will also severely exacerbate the run-off into our property. According to Mr. Jeans, the proposed 'lot 3' is not buildable without this road. The plan submitted to the town differs from the plan showed to us by Tony Jeans that addressed some of our concerns by pushing the road deeper into the lot (not over the drainage stream), thereby reducing the impact on the Oaks (see 4 below) and did not have the impacts on our front yard as does the plan currently submitted to the town. The plan showed to us is below at bottom.
- 3) Loss of property and large Pine tree in front yard. In order to create a cul-de-sac at the end Worcester Lane, the current proposed plan requires the sidewalk, street light and most significantly, a large Pine Tree in our yard to be removed. We strenuously object to the removal of the tree and any loss in property in our front yard.
- 4) Impacts on Oak trees adjacent to our property. I have attached several photos below showing what exists today where the proposed road would traverse. Currently there is an extensive and dense Oak grove that extends throughout the area. Removing these will not only reduce the number of mature Oak trees in the area but would also itself contribute to water run-off issues into our yard.

Thank you for your consideration in this matter,

Gianfranco and Eileen de Feo

112 Worcester Lane

(408) 455-3720







This is a picture from our property at 110 Worcester Loop looking towards Parcel 3

Showing the many oaks that would be impacted with this development.



Thank you for your consideration of these issues.

Yours Sincerely,

Terry and Bob Rinehart
110 Worcester Loop
Los Gatos, CA 95030
tlrinehart@comcast.net
rwrinehart@comcast.net

Ryan Safty

From: Gary Gysin <garymgysin@gmail.com>
Sent: Sunday, July 11, 2021 3:19 PM
To: Ryan Safty; Michelle
Subject: 17200 Los Robles Way

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Ryan:

We have previously sent a letter stating our objection to the proposed project on 17200 Los Robles Way, but want to send our view again as it seems that there is an upcoming hearing.

We are not supportive of the lot line adjustment and even further not supportive of opening up Worcester Ln to access the property. We purchased our property at 111 Worcester Ln specifically to be at the end of a cul de sac and are not eager to have traffic going by the house.

We are not sure whether these objections matter to the city or not but want to be on record that we do not support this proposed plan.

Best,

Gary & Michelle Gysin
111 Worcester Ln

--

Gary M Gysin
garymgysin@gmail.com
[linkedin.com/in/gysin](https://www.linkedin.com/in/gysin)
mobile - 408-656-0475

Los Gatos Planning Department
2021
110 E. Main St
Los Gatos

March 16th

RE: Subdivision Application M-20-012

Dear Mr Safty,

We are writing to express our objection to the planned lot line adjustment for a 3-parcel development of 17200 Los Robles Way. When we bought our property at 111 Worcester Ln in March 2017, there was only one buildable parcel next to our property and that was located at the top of the hill on Parcel 1. If the new owners wish to build on that parcel, we will have no objection. But any other development on this unstable hill (we understand that the hill is a seismic hazard zone and landslide risk per the JCP Hazard Disclosure reports) we would not support. In addition, we are currently at the end of a cul de sac and would not support opening up the street to traffic to access the 3 new properties. Being at the end of a cul de sac was very important to our decision to buy the property due to little traffic and a very quiet neighborhood and we do not wish to devalue our property should such a development move ahead.

Given the existence of the JCP hazard report, we would also be very concerned about any excavation done to the hillside or any trees being removed that would result in landslide or flood risk to our property, and/or destabilize our foundations.

As you can see in the property listing this was promoted as two adjacent **hilltop** parcels that were to be accessed from Los Robles Way. The second parcel 523-36-077 is clearly not a buildable lot, and it's unclear why the property was originally divided this way.

<https://search.kwbae.com/idx/details/listing/b011/ML81798535/17200-Los-Robles-WAY-LOS-GATOS-CA-95030>

In summary, we do not support the creation of access from Worcester Lane to add three new properties that would require extensive excavation into an already unstable hillside. Please advise of any upcoming hearings regarding this proposed development.

Sincerely,

Gary and Michelle Gysin
111 Worcester Ln
Los Gatos
Ph: 408-656-0475
garymgysin@gmail.com

Ryan Safty

From: Babette Ito <babetteito@gmail.com>
Sent: Saturday, March 13, 2021 1:48 PM
To: Ryan Safty
Cc: Babette Ito
Subject: Subdivision Application M-20-012

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Subject: Subdivision Application M-20-012.

Hi Ryan - We have lived at 127 Worcester Loop, Los Gatos, for 16 years. We oppose the application to add more houses and build into the hillside area. Construction will deplete even more wildlife and make that hillside unstable and possibly add to the fire and flood hazard in that area of which we're already at issue where insurance co's won't insure the area. Pls do not allow new building of homes and a new cul de sac in that small space by Worcester Lane.

We will try to attend any events but if not, please allow this to be our "voice" in this matter.

Babette and Doug Ito
127 Worcester Loop, Los Gatos, CA 95030

--
Yours,
Babette Ito
mobile: 408-279-9064

--
Yours,
Babette Ito
mobile: 408-279-9064

Ryan Safty

From: Planning Comment
Sent: Monday, May 24, 2021 9:37 AM
To: AAI
Cc: Ryan Safty
Subject: RE: Proposed Development for 17200 Los Robles Way - Meeting on Tuesday, May 25, 2021
Attachments: Maintain this easement (top photo).pdf; Shows easement to be eliminated.pdf
Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello,

Thank you for providing your comments for 17200 Los Robles Way. Your comments have been forwarded to the Planner assigned to this project, copied here. Should you have additional comments, you can share them directly with the Planner.

Sincerely,



Planning Department

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6874 • PlanningComment@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

In accordance with the Santa Clara County Public Health order issued March 16, all Town Offices are closed until further notice. If you have questions pertaining to County Public Health information please visit the Santa Clara County website. If this is an emergency, please dial 911. Thank you.



General Plan update, learn more at www.losgatos2040.com

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Think Green, please consider the environment before printing this e-mail.

From: AAI <36kibo@gmail.com>
Sent: Monday, May 24, 2021 9:12 AM
To: Planning Comment <PlanningComment@losgatosca.gov>
Subject: Proposed Development for 17200 Los Robles Way - Meeting on Tuesday, May 25, 2021

My property is located adjacent to 17200 Los Robles Way, Los Gatos. I would like to express my concern about the proposal submitted. It appears that the new plan is to eliminate the existing easement adjacent to our property. Am I correct? Can lot lines be changed without both parties agreeing to it? I would like to keep the easement down to our iron gates. My

understanding is that this agreement was set up years ago. We purchased this home last March, 2020.

Where is the entrance going to be for Parcel 1? 2? 3? I am not very good at reading these plans.

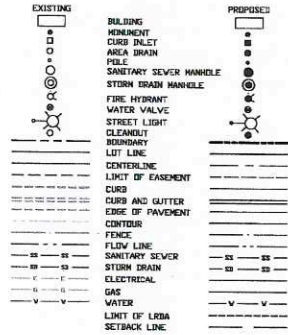
I plan to sign into the meeting tomorrow at 10:00am via Zoom webinar.

I look forward to finding out more about the plans to develop the property adjacent to us (Parcel 1) and below us (Parcel 3)

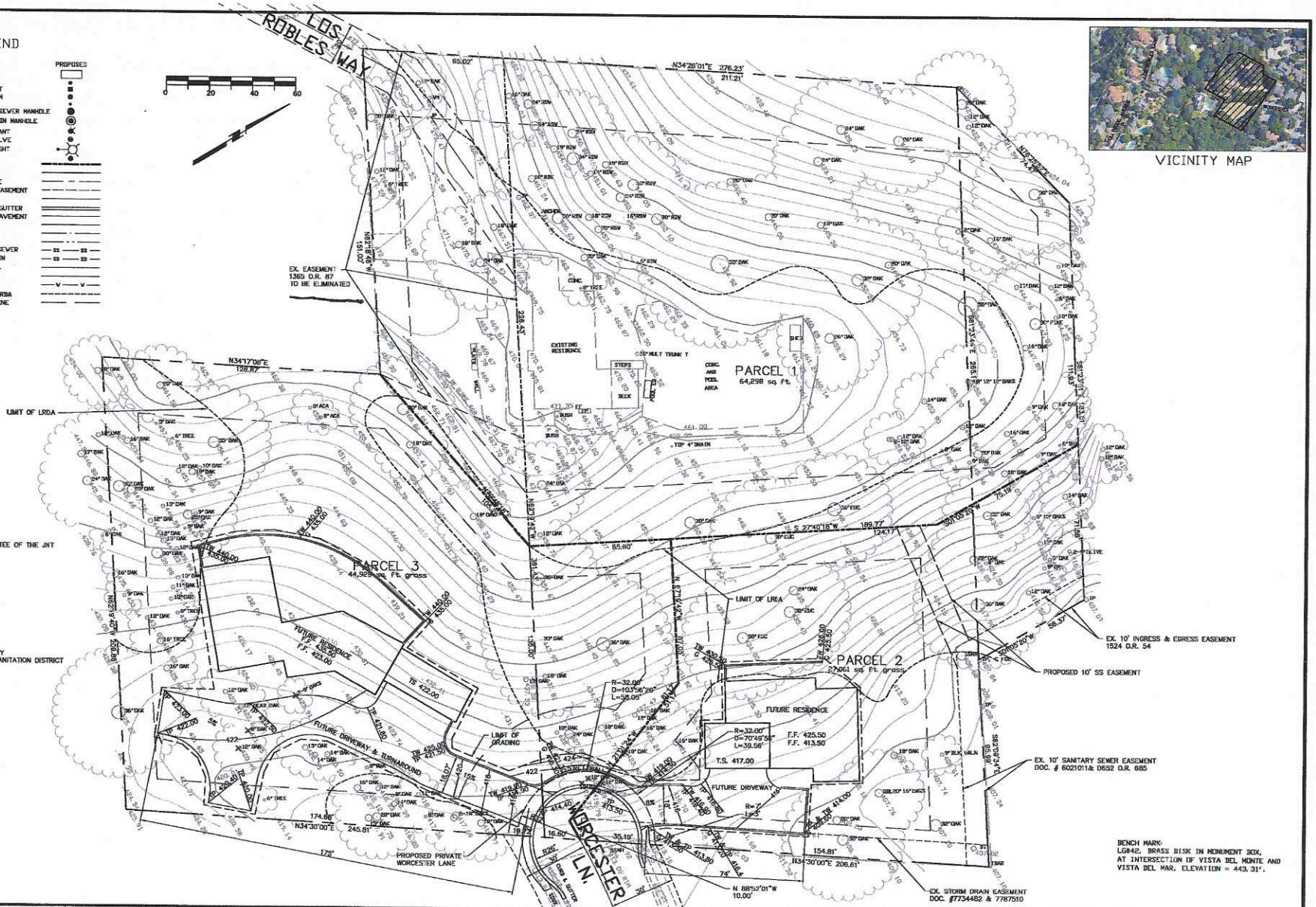
Sincerely,

Andrea Immelt
17150 Los Robles Way
Los Gatos, CA 95030

LEGEND



VICINITY MAP



NOTES:
 OWNER: DARAN GOODSELL, SUCCESSOR TRUSTEE OF THE JNT TRUST
 D.GOODSELL@CSUCHICO.EDU
 CHICO, CA 95913
 530-52-6754

ENGINEER: WESTFALL ENGINEERS, INC.
 14983 BIG BASIN WAY
 SARATOGA, CA 95070
 408-867-0244

UTILITIES:
 WATER - SAN JOSE WATER COMPANY
 SANITARY SEWER - WEST VALLEY SANITATION DISTRICT
 GAS AND ELECTRIC - P.G.&E.
 TELEPHONE - ATT
 CABLE - COMCAST

EX. 10' INGRESS & EGRESS EASEMENT
 1924 O.R. 54

PROPOSED 10' SS EASEMENT

EX. 10' SANITARY SEWER EASEMENT
 DOC. # 6021011 & D632 O.R. 685

BENCH MARK:
 LG#42, BRASS DISK IN MENDOTA BOX,
 AT INTERSECTION OF VISTA DEL MONTE AND
 VISTA DEL MAR, ELEVATION = 443.31'

EX. STORM DRAIN EASEMENT
 DOC. #7734482 & 7787510

NO.	BY	DATE	REVISION

DATE: FEBRUARY, 2021
 SCALE: HOR. 1"=20'
 VERT. 1"=10'
 DESIGNED: HB
 DRAWN: JC
 PROJ. ENGR: HB

BY: HARRY BABICKA, LS 4933
 DATE: _____

WESTFALL ENGINEERS, INC.
 14983 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

PROPOSAL FOR LOT LINE ADJUSTMENT
WORCESTER LANE & LOS ROBLES WAY, LOS GATOS, CA

JOB NO. 2020-021
 SHEET 2
 OF 6

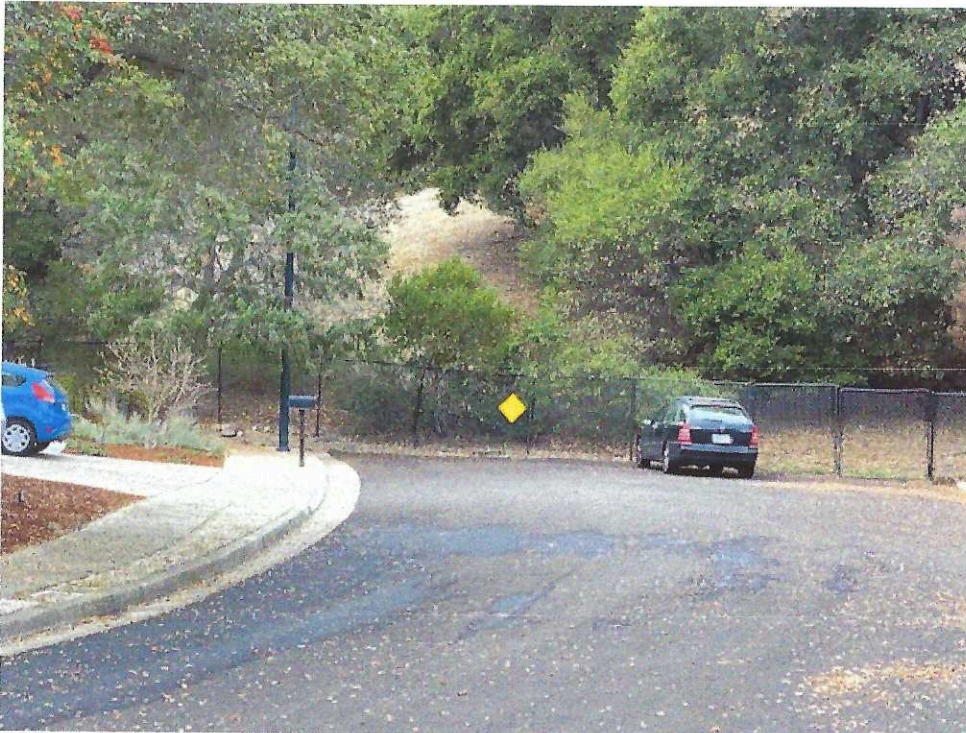
17200 Los Robles Way

Access to Property



REQUEST
THIS EASEMENT
TO BE
MAINTAINED
DOWN TO
IRON GATES

Los Robles Way



Worcester Lane

Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Monday, May 24, 2021 5:25 PM
Cc: AAI; Ryan Safty
Subject: Re: Proposed Development for 17200 Los Robles Way - Easement Documentation
Attachments: Map APN 532-36 Los Robles.pdf; Map Subdivision XM48.pdf; Map RoS 580M20 End Los Robles Rt.pdf; Map RoS 579M33 End Los Robles Lt.pdf

Andrea:

I can help with this as the Town is not normally a resource for this type of information, unfortunately.

Firstly the APN map of your property and the neighboring properties [with which you might be familiar.

Here is the documentation I found relating to the extension of Los Robles Way to the 17200 Property. and how all these properties were initially created. Hope it is not too confusing.

It describes its original creation in 1927 of the Los Robles Subdivision:

More recently a Record of Survey of your property done in 1987. This shows your property in relation to the Los Robles Way Right of Way which is 10 ft on your side and 10 ft on the other side for a 20 ft RoW in total [which I am calling the Los Robles Way extension] but might in fact be part of Los Robles Way itself. The Town is confused about this. We can chat about this sometime.

This is a similar Record of Survey [also in 1987] for the owner's property across the other side of the Los Robles Way Extension:

Hope this helps. You would otherwise have to get this from a Title company or surveyor. It should have been included to in your Preliminary Title Report when you purchased the property.

Tony

On May 24, 2021, at 3:59 PM, Planning Comment <PlanningComment@losgatosca.gov> wrote:

Hello,

Thank you for your question on 17200 Los Robles Way. Your question has been forwarded to the Planner assigned to this project, copied here. Should you have additional questions or comments, you can share them directly with the Planner (RSafty@losgatosca.gov).

Sincerely,

<image004.jpg> **Planning Department**

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6874 • PlanningComment@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

In accordance with the Santa Clara County Public Health order issued March 16, all Town Offices are closed until further notice. If you have questions pertaining to County Public Health information please visit the Santa Clara County website. If this is an emergency, please dial 911. Thank you.

<image002.jpg>

General Plan update, learn more at www.losgatos2040.com

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Think Green, please consider the environment before printing this e-mail.

From: AAI <36kibo@gmail.com>

Sent: Monday, May 24, 2021 3:43 PM

To: Planning Comment <PlanningComment@losgatosca.gov>

Cc: tony@thisdesign.com

Subject: Re: Proposed Development for 17200 Los Robles Way - Easement Documentation

Hi Ryan,

I have one more question regarding the easement that is owned by us and our neighbor. Is there any documentation re the easement, detailing right of way across our property? I did not receive any information from the previous owners when we purchased this property last March.

I appreciate your follow up on this matter.

Thanks,

Andrea Immelt

17150 Los Robles Way

Los Gatos, CA 95030

On Mon, May 24, 2021 at 9:37 AM Planning Comment <PlanningComment@losgatosca.gov> wrote:

Hello,

Thank you for providing your comments for 17200 Los Robles Way. Your comments have been forwarded to the Planner assigned to this project, copied here. Should you have additional comments, you can share them directly with the Planner.

Sincerely,

<image001.jpg> **Planning Department**

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6874 • PlanningComment@losgatosca.gov

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<image002.jpg>

General Plan update, learn more at www.losgatos2040.com

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Think Green, please consider the environment before printing this e-mail.

From: AAI <36kibo@gmail.com>

Sent: Monday, May 24, 2021 9:12 AM

To: Planning Comment <PlanningComment@losgatosca.gov>

Subject: Proposed Development for 17200 Los Robles Way - Meeting on Tuesday, May 25, 2021

My property is located adjacent to 17200 Los Robles Way, Los Gatos. I would like to express my concern about the proposal submitted. It appears that the new plan is to eliminate the existing easement adjacent to our property. Am I correct? Can lot lines be changed without both parties agreeing to it? I would like to keep the easement down to our iron gates. My understanding is that this agreement was set up years ago. We purchased this home last March, 2020.

Where is the entrance going to be for Parcel 1? 2? 3? I am not very good at reading these plans.

I plan to sign into the meeting tomorrow at 10:00am via Zoom webinar.

I look forward to finding out more about the plans to develop the property adjacent to us (Parcel 1) and below us (Parcel 3)

Sincerely,

Andrea Immelt

17150 Los Robles Way

Los Gatos, CA 95030

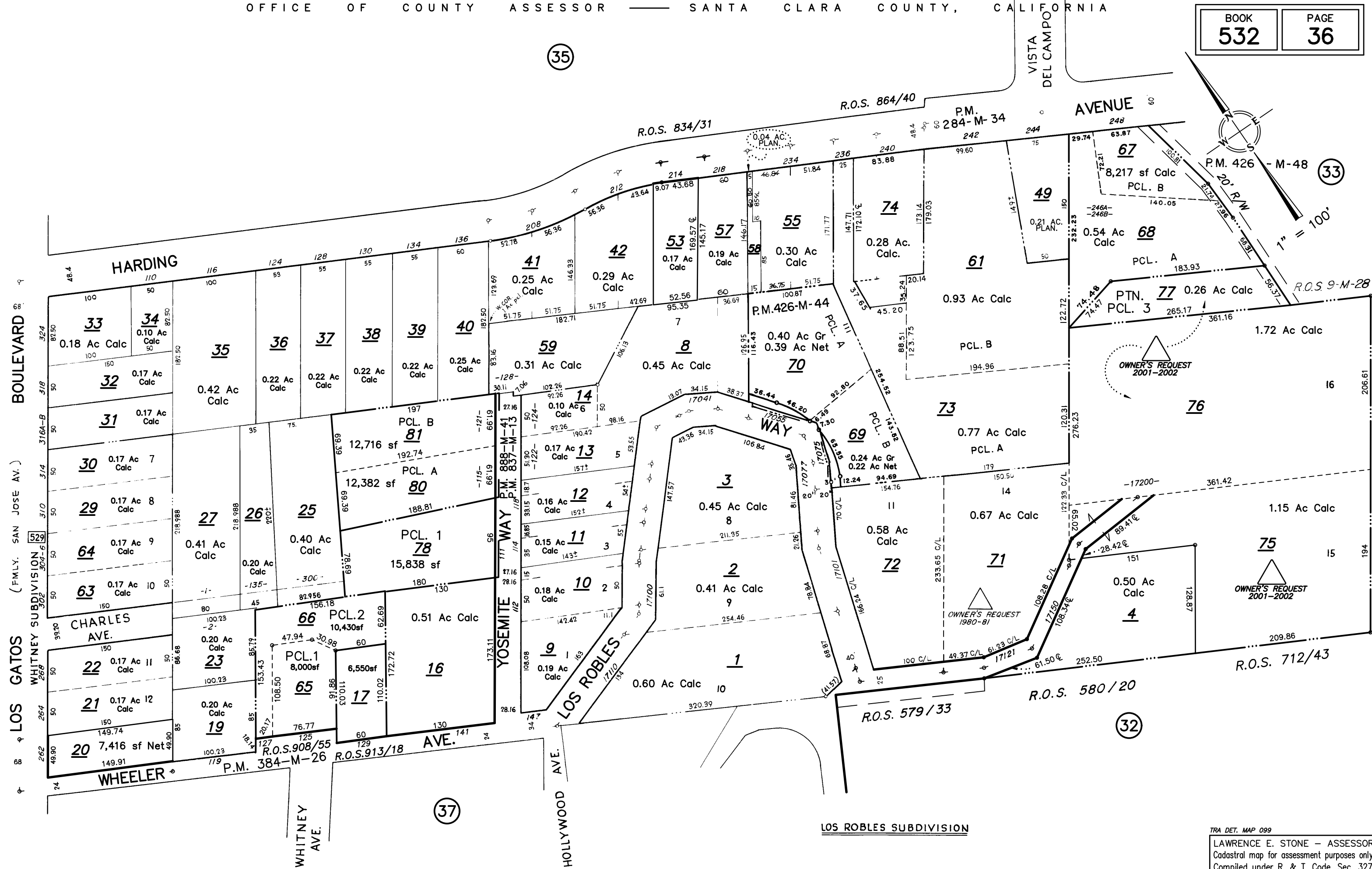
<Easement (Top Photo).pdf>

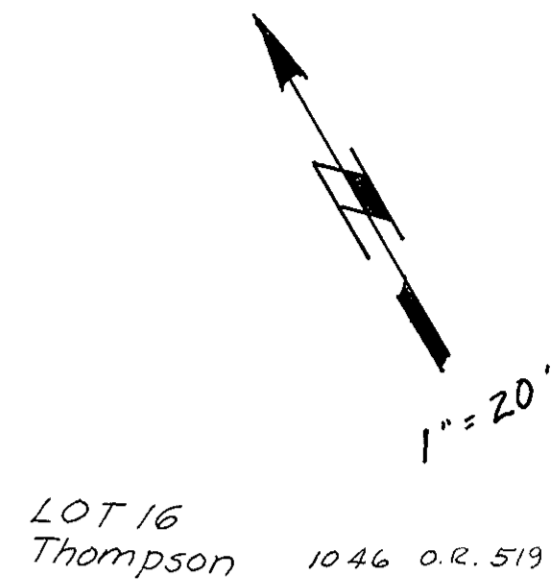
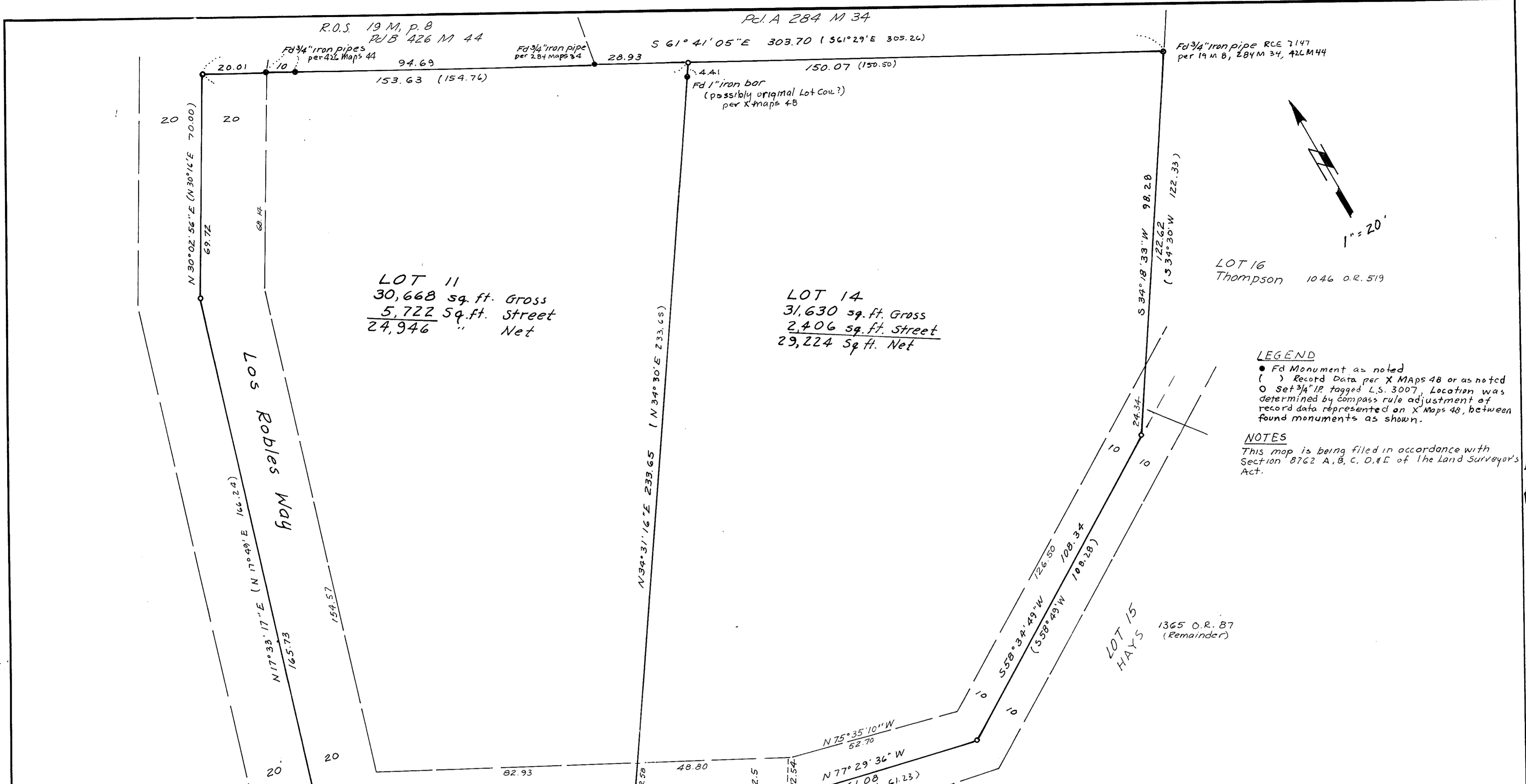
35

33

32

37





LEGEND
 ● Fd Monument as noted
 () Record Data per X MAPS 48 or as noted
 ○ Set 3/4" IP tagged L.S. 3007, Location was determined by compass rule adjustment of record data represented on X Maps 48, between found monuments as shown.

NOTES
 This map is being filed in accordance with Section 8762 A, B, C, D, E of The Land Surveyor's Act.

Book 579
 Page 33

579
 33

RECORD of SURVEY

of
LOTS 11 & 14 (BK X MAPS 48)
LOS ROBLES SUBDIVISION
 in the
TOWN of LOS GATOS
SANTA GLARA COUNTY, CALIF.
AUGUST 1987 1" = 20'

SURVEYOR'S STATEMENT
 This map correctly represents a survey made by me in person or by direction in conformance with the requirements of the Land Surveyor's Act at the request of **OLD NATIONAL FINANCIAL CO.** in July 1987.
 Thomas H. Kelly
 L.L.S. No. 3007
 Exp: 6-30-88

COUNTY SURVEYOR'S STATEMENT
 This map has been examined in accordance with Section 8766 of the Land Surveyor's Act this 10th day of October 1987.
 JAMES F. SIRR
 County Surveyor
 By Deputy: Martin D. Marcond
 Exp: 6-30-88

RECORDER'S STATEMENT
 Filed this 20th day of OCTOBER 1987 at 2:51 pm in Book 579 of Maps at page 33 at the request of OLD NATIONAL FINANCE CO. File No. 9472711 Fee: \$ 6.00
 LAURIE KANE
 County Recorder
 By Deputy: Robert L. Horvath

BASIS OF BEARING
 The bearing N 61° 49' W of the southwesterly line of LOS ROBLES WAY as shown on the map of LOS ROBLES SUBDIVISION filed in book X of maps, pages 48 & 49 SANTA CLARA COUNTY records was the basis of bearings for this survey.

GRID No: 139-30-51

33

33

LOS

LOT 16
ROBLES SUBDIVISION X MAPS 48

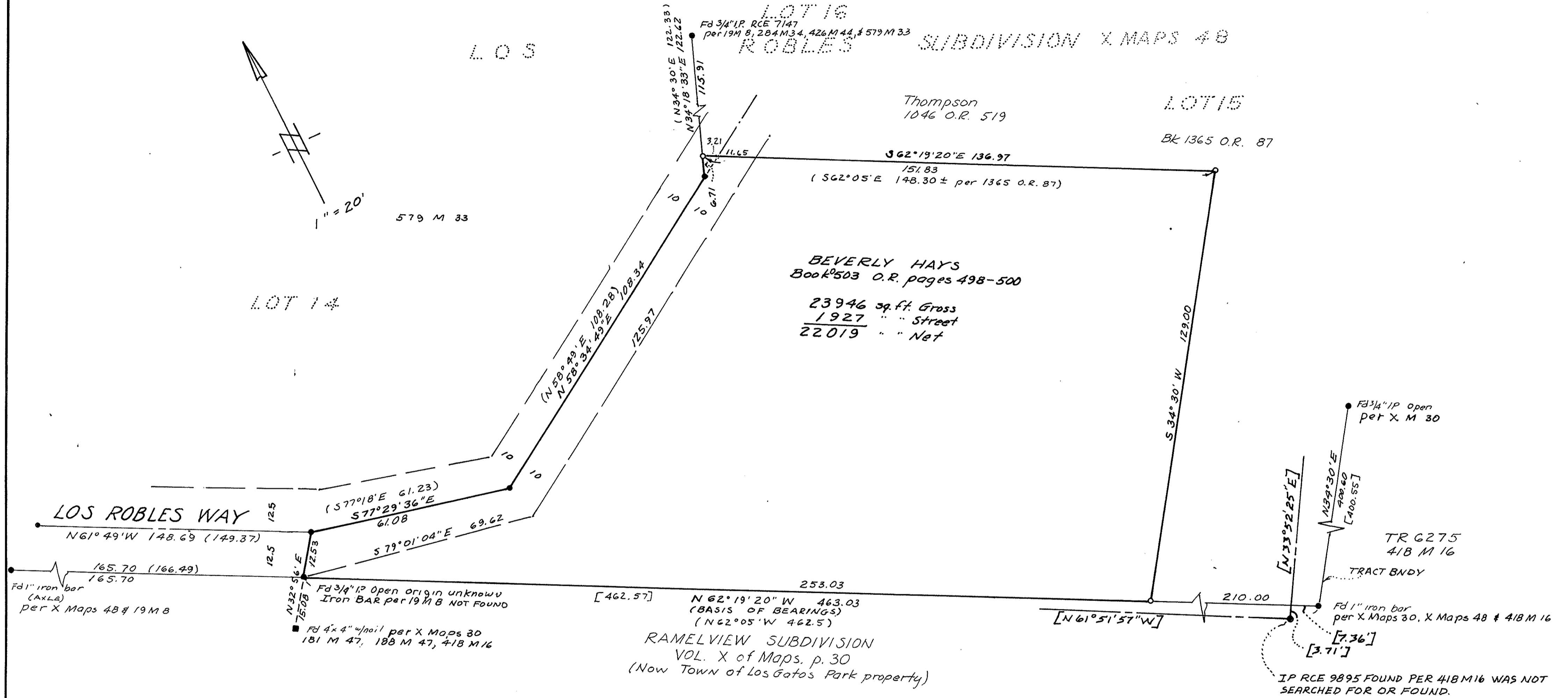
Thompson
1046 O.R. 519

LOT 15
BK 1365 O.R. 87

BEVERLY HAYS
Book 503 O.R. pages 498-500
23946 sq. ft. Gross
1927 " " Street
22019 " " Net

LOT 14

LOS ROBLES WAY



LEGEND:
 ○ 3/4" iron pipe set tagged L.S. 3007.
 ● 3/4" iron pipe found, per 579 M 33, tagged L.S. 3007, or as noted.
 () Record data per X Maps 48, or as noted.
 [] Record data per 418 M 16.

SURVEYOR'S STATEMENT

This map correctly represents a survey made by me or under my direction in compliance with the requirements of the Land Surveyor's Act at the request of **BEVERLY HAYS** in **AUGUST** 19 **87**.
 Thomas H. Riley
 LLS No 3007
 Expires: 6-30-88

COUNTY SURVEYOR'S STATEMENT

This map has been examined in accordance with Section 8766 of the Land Surveyor's Act this **12th** day of **November** 19 **87**.
 JAMES F. SIRR
 County Surveyor
 Martin D. Mancuso
 Deputy
 Exp 6-30-88

RECORDER'S STATEMENT

Filed this **12th** day of **November**, 19 **87** at **2:45** p.m. in Book **580** of Maps at page **20** at the request of **BEVERLY HAYS**.
 File No. **9502318** Fee: \$ **6.00**
 LAURIE KANE
 County Recorder
 By Deputy **[Signature]**

BASIS OF BEARING

The bearing **S 62° 19' 20" E** as shown on Map of **RAMBLVIEW**, filed in Book X of Maps, page 30 Santa Clara County records was the basis of bearings for this survey.
 This map is being filed in accordance with section 8762 A, B, C, D, E of the Land Surveyor's Act.

RECORD OF SURVEY

of
LAND OF BEVERLY HAYS
 being a portion of
LOTS 15 & 16
LOS ROBLES SUBDIVISION
X MAPS, 48
TOWN OF LOS GATOS
SANTA CLARA COUNTY, CALIF.
SEPTEMBER 1987 1" = 20'

Thomas H. Riley, Land Surveyor
Los Gatos, California.

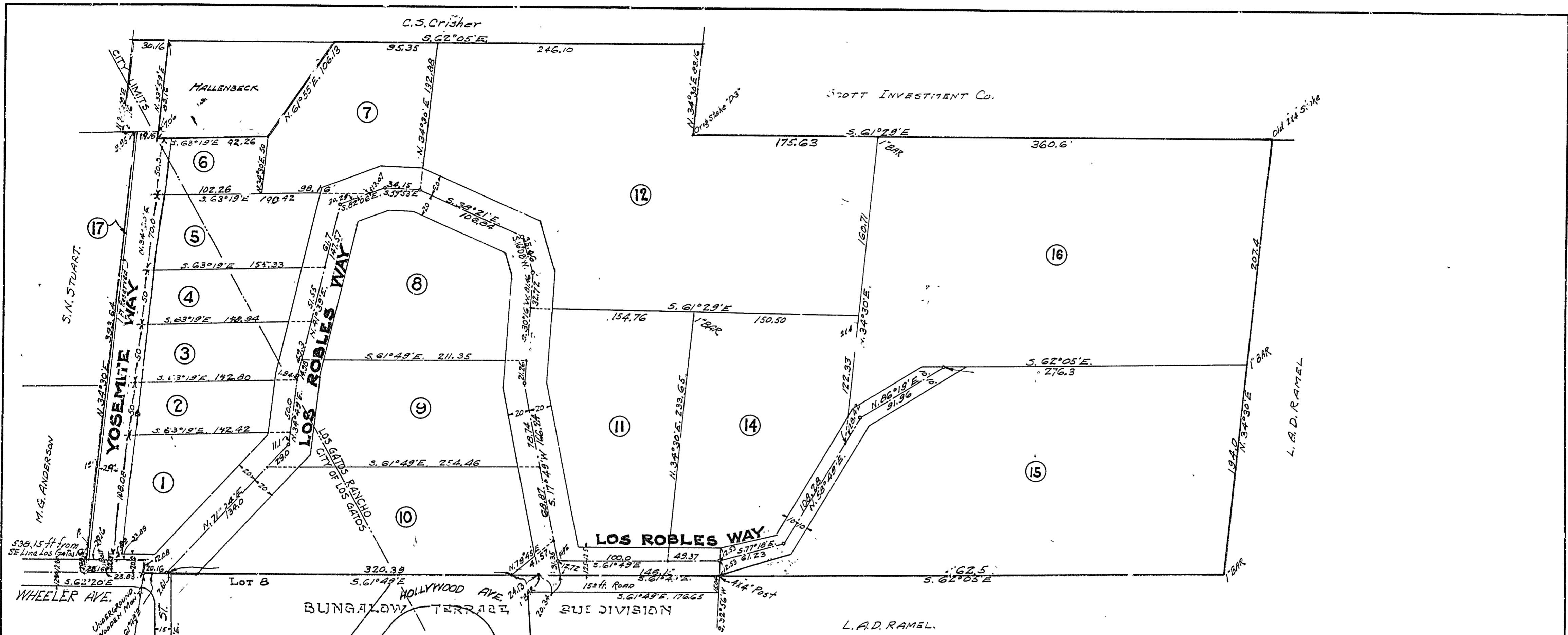
GRID No. 139-30-51

Book 580
Page 20

580
20

20

20



MAP OF
LOS ROBLES SUBDIVISION
 SITUATED IN THE
CITY OF LOS GATOS
 AND
RANCHO RINCONADA DE LOS GATOS
 SANTA CLARA COUNTY-CALIF.

McMILLAN & McMILLAN - CIVIL ENGRS.
 AUGUST, 1927 SAN JOSE, CALIF.
 SCALE 1 IN. = 60 FT.

NOTE: All Lot Lines run to the center line of Los Robles Way
 and to the sides of Wheeler Ave and Yosemite Way

H 17864

SHEET No 1

118

MAP OF LOS ROBLES SUBDIVISION

SITUATED IN THE CITY OF LOS GATOS AND RANCHO RINCONADA DE LOS GATOS SANTA CLARA COUNTY-CALIF.

H 17864 FILED FOR RECORD at the request of S. G. Hays on the 12 day of August A.D. 1927, at 24 Minutes past 3 o'clock P.M., and recorded in Volume X of Maps, Pages 48444, Records of Santa Clara County, California May E. Flannery County Recorder \$5.00 Sgt. E. Tully Deputy

McMILLAN & McMILLAN - CIVIL ENGRS. AUGUST, 1927 SAN JOSE, CALIF.

This is to certify that Josephine M. Hays and S.G. Hays, her husband, and Fern L. Nuss are the owners of that tract of land embraced within the red lines on sheet No. 1 of a map entitled "Map of Los Robles Subdivision" that F.H. Benson is the Trustee under that certain Deed of Trust recorded in Book 338 of Official Records, Page 307, Records of Santa Clara County, California, and Nellie J. Heal, is the Beneficiary, are the only persons whose consent is necessary to pass a clear and legal title to that certain tract of land shown on the within map, and that they hereby dedicate all streets and parts of streets, as shown on said map, as public thoroughfares.

Josephine M. Hays S.G. Hays Fern L. Nuss F.H. Benson Trustee Nellie J. Heal Beneficiary

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. It is hereby certified that a bond in an amount fixed by the Board of Supervisors inuring to the benefit of said county, and conditioned for the payment of taxes which were at the time of the filing of the annexed map, a lien against the tract or subdivision delineated on said map, but not yet payable, has been filed with the Board of Supervisors, as approved by law. IN WITNESS WHEREOF: I have set my hand and affixed the seal of the Board of Supervisors, this 12 day of August A.D. 1927.

Henry A. Butler Clerk of the Board of Supervisors of Santa Clara County, California. Gilbert M. Ditt Deputy

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. On this 2nd day of October A.D. 1927, before me L. H. Walper a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared Josephine M. Hays, S.G. Hays, Fern L. Nuss, F.H. Benson and Nellie J. Heal known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF: I have hereunto set my hand, and affixed my official seal this 2nd day of October, A.D. 1927. L. H. Walper Notary Public in and for the County of Santa Clara, State of California

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. The within map, having been presented to the Board of Supervisors of Santa Clara County, California, on the 21 day of November A.D. 1927, it is hereby ordered by said Board that said map be, and the same is hereby approved. It is further ordered that all streets and parts of streets offered for dedication on sheet No. 1 of said map, be rejected as public thoroughfares on behalf of the public. IN WITNESS WHEREOF: I have hereunto set my hand and affixed the seal of the Board of Supervisors this 21 day of November A.D. 1927.

Henry A. Butler Clerk of the Board of Supervisors of Santa Clara County - California By Eugene M. Don Deputy

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. It is hereby certified that a bond in an amount fixed by the Board of Supervisors inuring to the benefit of said county, and conditioned for the payment of taxes which were at the time of the filing of the annexed map, a lien against the tract or subdivision of land delineated on said map, but not yet payable, has been filed with the Board of Supervisors, as approved by law. IN WITNESS WHEREOF: I have set my hand and affixed the seal of the Board of Supervisors, this day of A.D. 1927.

Clerk of the Board of Supervisors of Santa Clara County, California Deputy

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. I Arthur B. Langford, County Auditor of Santa Clara County, California, do hereby certify that there are no liens for unpaid State, County or Municipal, or other taxes, except taxes not yet payable against the tract or subdivision of land described in and by the annexed map or any other part thereof. Signed and Sealed this 21 day of November A.D. 1927. Arthur B. Langford County Auditor By J. M. Sublette Deputy

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. We, R. B. Chandler and C. Y. Pitman, County Surveyor and County Assessor, respectively of Santa Clara County, California, do hereby certify that we have examined the annexed map, and that the lots delineated thereon are suitable for residence and commercial purposes. Robert B. Chandler County Surveyor C. Y. Pitman County Assessor By J. M. Sublette Deputy

I hereby certify that the subdivision shown on the annexed map is made from my own survey of the ground, and that the monuments are of the nature and in locations shown on said map. Percy W. McMullan Licensed Surveyor Approved by the City Planning Commission of the City of Los Gatos Robert H. Walper Secretary

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. On this day of A.D. 1927, before me a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that executed the same. IN WITNESS WHEREOF: I have hereunto set my hand and affixed my official seal this day of A.D. 1927. Notary Public in and for the County of Santa Clara, State of California.

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. On this day of A.D. 1927, before me a Notary Public in and for the County of Santa Clara, State of California, residing therein, duly commissioned and sworn, personally appeared known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that executed the same. Notary Public in and for the County of Santa Clara, California.

The accompanying map having been presented to the City Board of Trustees of the City of Los Gatos, California on this day of November A.D. 1927, it is hereby ordered by said board that said map be and the same is hereby approved. It is further ordered that all streets and parts of streets as shown on said map be accepted as public highways on behalf of the public. IN WITNESS WHEREOF: I have hereunto set my hand and affixed the Seal of the City of Los Gatos this 7 day of November A.D. 1927. Donna M. Cunningham City Clerk.

STATE OF CALIFORNIA COUNTY OF SANTA CLARA } s.s. I, H. B. Fisher, City Engineer of the City of Los Gatos, California, do hereby certify that I have examined the annexed map, and that the lots delineated thereon are suitable for residence and commercial purposes. Henry B. Fisher City Engineer of the City of Los Gatos. SHEET 2

This is to certify that Yosemite Way is dedicated to public use forever, that the 16 foot strip shown as Lot 17 on the within map to be dedicated to public use forever, whenever the adjacent property owners dedicate a 20.0 foot strip for public use. Josephine M. Hays S.G. Hays Fern L. Nuss F.H. Benson Nellie J. Heal

Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

Attention: Mr. Ryan Safty

May 25, 2021

Dear Mr. Safty,

My husband Jason and I live at 246 Harding Avenue, which is the property that backs up to 17200 Los Robles, more specifically, APN 532-36-077. Mr Jeans came by in February of this year (2021), to talk with us about the proposed lot line adjustment of the property mentioned above.

Our main concern is the hillside behind our house that shares the property line of APN 532-36-077. My family has owned our property, at 246 Harding Avenue, since 1974, and in that time there has been quite a bit of movement and erosion of the hillside. One year, after an earthquake, loads of rock and debris ended up in our backyard, where a structure currently stands. Following the earthquake, there was a deep chasm at the top of the cliff/hillside. I have included in this letter several photos of our current hillside condition.

With the proposed new build, we feel that the earth movers, other construction vehicles, and the building of a structure, will further push the earth on the hill to continue to erode our hillside/property, and ultimately bring most of the hillside down into our yard.

We would like to see that there will be measures taken to ensure the safety of the hillside, and ultimately the safety of our home/property.

Our hope is that the town, and the new property owners of APN 532-36-077, will hear our concerns and take actions to ensure that our property is protected.

Best,

Shelley Clifford Merrick and Jason Merrick



Caption



Los Gatos Planning Department
110 E. Main St
Los Gatos

March 23rd 2021

RE: Subdivision Application M-20-012

Dear Ryan,

I am writing as a follow up to my earlier email to formalize our objection to the planned lot line adjustment for a 3 parcel development of 17200 Los Robles Way.

When we purchased our 308 Harding property, we signed a disclosure acknowledging that we were aware that the property at 17200 Los Robles was declared a "A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code" – landslide zone". I have a current copy of the JCP report for the 17200 property and that declaration remains in place today.

The only way to build on Parcel 2 and 3 is to cut down several historic oaks and a grove of large eucalyptus trees and to excavate deep into the steep slope to accommodate a new cul de sac and two building pads. This would further destabilize the hillside and create landslide and flooding risk. In addition, the process of excavating could impact the integrity of the foundations, hardscape and swimming pools in the surrounding area.

We did meet with Tony and discussed the privacy issue. He offered to plant trees along the hillside, which we appreciated. However, the bigger concern is the instability issue.

What is the expected timeframe for the public hearing on this matter? I want to be sure we are available to participate.

Thanks,

Jim and Nancy Neipp

nancyneipp@gmail.com

jimneipp@gmail.com

408 981-1748

Ryan Safty

From: Nancy Neipp <nancyneipp@gmail.com>
Sent: Wednesday, March 10, 2021 11:00 AM
To: Ryan Safty
Subject: Re: Los Robles property development plan?

Importance: High

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Ryan

On behalf of the property owners surrounding 17200 Los Robles, we would like to go on record with our concerns about the proposed lot line adjustments.

The primary issue is with the development of the proposed Parcel 2, directly behind 304 and 308 Harding, and alongside 111 Worcester Lane. When we purchased the 308 property, we signed a disclosure acknowledging that we were aware that the property at 17200 was declared a “A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code” – landslide zone”.

I have a current copy of the JCP report for 17200 and that declaration remains in place today.

The only way to build on Parcel 2 is to cut down several historic oaks and a grove of large eucalyptus trees and to excavate into the steep slope behind our homes. This would further destabilize the hillside and create landslide and flooding risk.

What’s the next step in the process to halt the lot line adjustment proposal?

Thanks

Nancy

408 981 1748

Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Sunday, March 14, 2021 3:20 PM
To: Ryan Safty
Cc: Sally Zarnowitz
Subject: Re: Objection to Subdivision Application M-20-012
Attachments: WorcesterHarding Neighbors.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Ryan:

Just spent an hour with Nancy and James Neipp [308 Harding]. We walked the property and also went to their house. I did not feel that they were serious objectors, but perhaps might want to support their neighbors at 304 [Alison and Dave Steer].

I am attaching 3 photographs:

With 111 Worcester Lane there is one window where screening would help - but that is easy.

The second photo perhaps mostly explains Alison's concern - as there is a direct line of sight into the backyard of 304 Harding which I will need to mitigate - but for that I will need to talk to Alison and she does not want to talk for now. The house on Parcel 2 would be 50 or so feet away - so plenty of room for screening.

With 308 Harding there is no privacy issue as they are very well screened and you can barely see the house.

No response required - just keeping you informed.

Tony

On Mar 12, 2021, at 10:17 AM, Ryan Safty <RSafty@losgatosca.gov> wrote:

Please see additional public comment below regarding the proposed lot-line adjustment at 17200 Los Robles Way.

Respectfully,
Ryan Safty

From: Alison Steer <alison.steer@gmail.com>
Sent: Friday, March 12, 2021 6:05 AM
To: Ryan Safty <RSafty@losgatosca.gov>
Subject: Objection to Subdivision Application M-20-012

Hi Ryan,

Please find attached letter that we would like to submit to the public record.







Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

Attention: My Ryan Safty

RE: Lot Line Adjustment Application M-20-012

May 11, 2021

Dear Mr. Safty,

We are writing to object to the proposed lot line adjustment on the property located at 17200 Los Robles Way, Los Gatos, and are also questioning the process that was undergone to divide this property into three separate lots without notification to surrounding neighbors. When we bought our property at 110 Worcester Loop in 1980, we backed onto a single lot which was listed as accessible only from Los Robles Way. We recognized and appreciated the natural beauty of our backyard with view of historic California oaks. The proposed development behind our home would certainly result in devaluation of our property. As the proposal stands now, the driveway is inches from our property line with no setback or easement. This has a direct negative impact on our property value and quality of life from our yard. We object in the strongest terms the building of a driveway and home in the place it is represented on the drawing to the town.

In addition, one issue that is not stated on the drawings submitted to the city, is the natural drainage that runs through the property at the proposed site of Parcel 3. During very rainy years this becomes a stream that has flooded the adjacent property (112 Worcester Lane) several times and has caused extensive damage. The installation of a driveway and home will create an additional impervious surface that would cause further flooding.

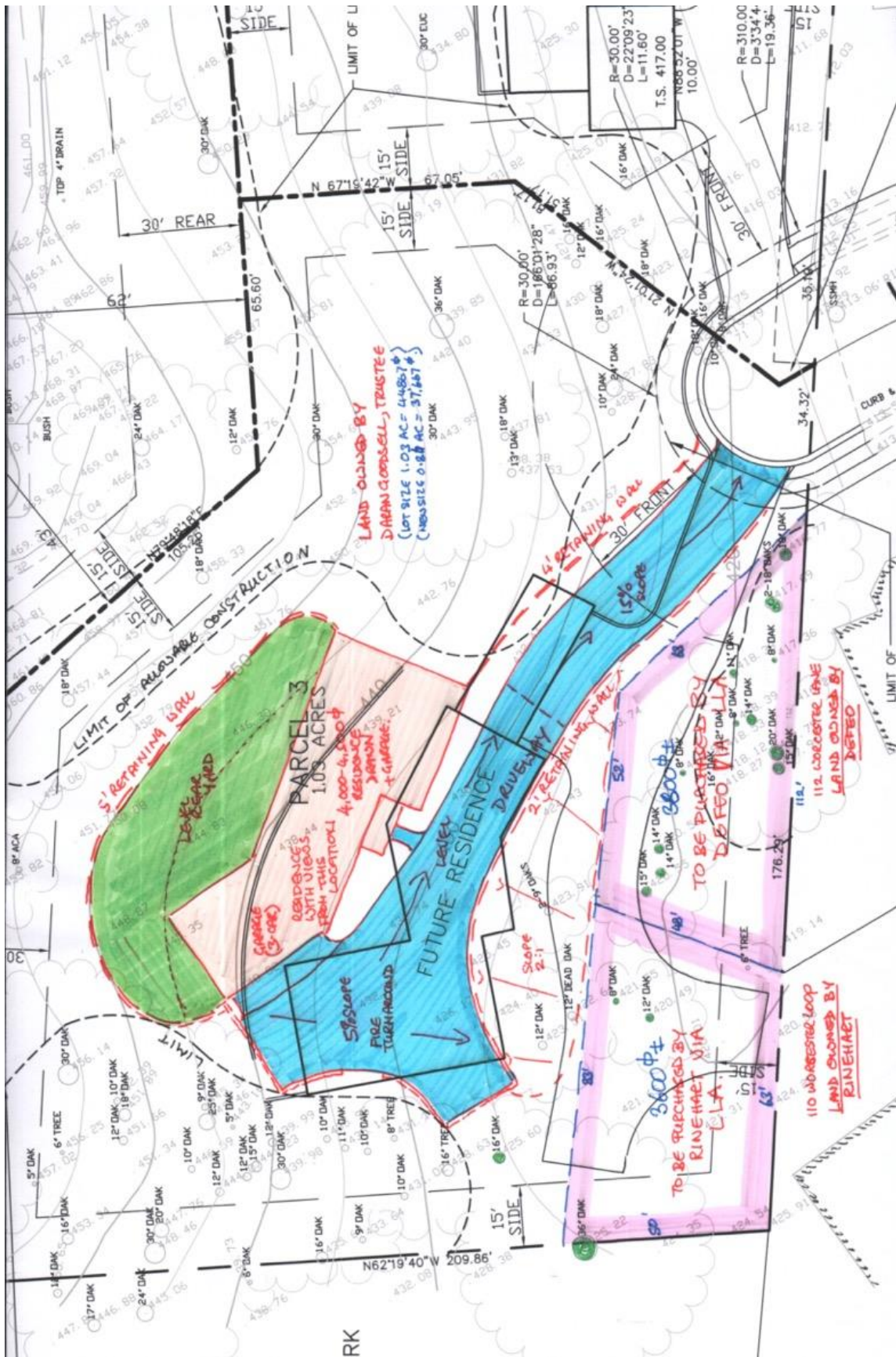
On discussion with Tony Jeans he provided us a revised proposal that does not appear to have been submitted to the town, as attached, that attempts to mitigate the issue of the driveway immediately beside our fence. However; there has been no commitment that we would be able to purchase this additional land that currently belongs to "Parcel 3", or that any future home would be developed further up the hillside. The

impact of a house on Parcel 3 would also severely impact the several mature oaks in the area. I have included some pictures from our deck of the adjacent trees.

This is a link to the plans submitted to the Town of Los Gatos

<https://www.losgatosca.gov/DocumentCenter/View/27125/Neighborhood-Outreach-and-Response---17200-Los-Robles-Way>

This is the drawing done for us with the purchase of the land adjacent to our property at 110 Worcester Loop and the home and driveway considerably farther up the hill and not inches from our property. We are concerned that if the LLA is approved with the drawing of a home on Parcel 3 as it is now presented it will a tacit approval of that proposed home location on the parcel.



IRK

This is a picture from our property at 110 Worcester Loop looking towards Parcel 3

Showing the many oaks that would be impacted with this development.



Thank you for your consideration of these issues.

Yours Sincerely,

Terry and Bob Rinehart
110 Worcester Loop
Los Gatos, CA 95030
tlrinehart@comcast.net
rwrinehart@comcast.net

Town Of Los Gatos
110 East Main St
Los Gatos CA 95030
Attn: Planning/Engineering

May 13th, 2021

17200 Los Robles Way, Los Gatos
Response to Rinehart Concerns M 21-001

This response is to the letter from the Rineharts, dated May 11th, 2021, which I received yesterday. I have previously met with them and their neighbors [the De Feos] who both live adjacent to the proposed future 1-acre Parcel 3 identified in the LLA application.

Firstly - a couple of points: The property in question has had a single house on it for many years, and this is possibly the cause of some confusion. When first created in 1929, 2 separate parcels were established as part of the original subdivision. A third was purchased later and together they have been used by the longtime owner as a single property. The town's consultant Civil Engineer and Land Surveyor is undertaking an analysis of their legal creation. This is part of the Certificate of Compliance process.

As is obvious, their configuration is unusual, but it did not matter when the owner was using the whole property. It is now the intention to sell the property and a very interested party would like to build on one of them at the top, but a Lot Line Adjustment process was necessary in order to make the 3 parcels more conforming than they are now. The town has asked that we consider a cul-de-sac termination for Worcester Lane, which would be a conforming street termination and the new Parcels 2 and 3 would be accessed from there.

With the LLA, I am required to show that a house and driveway could be placed on each of the new resulting parcels. This is to indicate to the town and the fire dept that it would be better than what is there now. Yes - Parcel 3 is one acre and there are other options and we discussed some of those when we all met at your property. However the owners want first to complete their application to make certain that the general concept of what they want to do is acceptable to the town. At that point, there could be room for discussion of other options that might work better for all parties. In part because of Covid, this process is taking a lot longer than we all had hoped. The owners have been patient with the process so far but they do not want to slow the process down further with anything new.

Drainage would be addressed when a house application is considered. It is required by the town not to make things worse, but at that time there might also be the opportunity to improve the situation somewhat.

I hope that this helps clarify the situation.

Tony Jeans

Los Gatos Planning Department
110 E. Main St
Los Gatos

March 11th 2021

RE: Subdivision Application M-20-012

Dear Mr Safty,

We are writing to express our objection to the planned lot line adjustment for a 3 parcel development of 17200 Los Robles Way. When we bought our property at 304 Harding Ave in December 2015, there was only one buildable parcel behind our property and that was located at the top of the hill on "LOT B", per image below. In addition, given we had privacy concerns that anything built behind our home would have direct line of sight into our backyard, we were informed that the hillside had been deemed as a seismic hazard zone and landslide risk per the JCP Hazard Disclosure reports. This information was important to our decision to buy the property due to the specific privacy issues mentioned, and devaluation of our property should such a development move ahead.

Given the existence of the JCP hazard report, we would also be very concerned about any excavation done to the hillside or any trees being removed that would result in landslide or flood risk to our property, and/or destabilize our foundations.

As you can see in the property listing this was promoted as two adjacent **hilltop** parcels that were to be accessed from Los Robles Way. The second parcel 523-36-077 is clearly not a buildable lot, and it's unclear why the property was originally divided this way. The image below showing lot A and lot B are both to be accessed from Los Robles Way.

<https://search.kwbae.com/idx/details/listing/b011/ML81798535/17200-Los-Robles-WAY-LOS-GATOS-CA-95030>

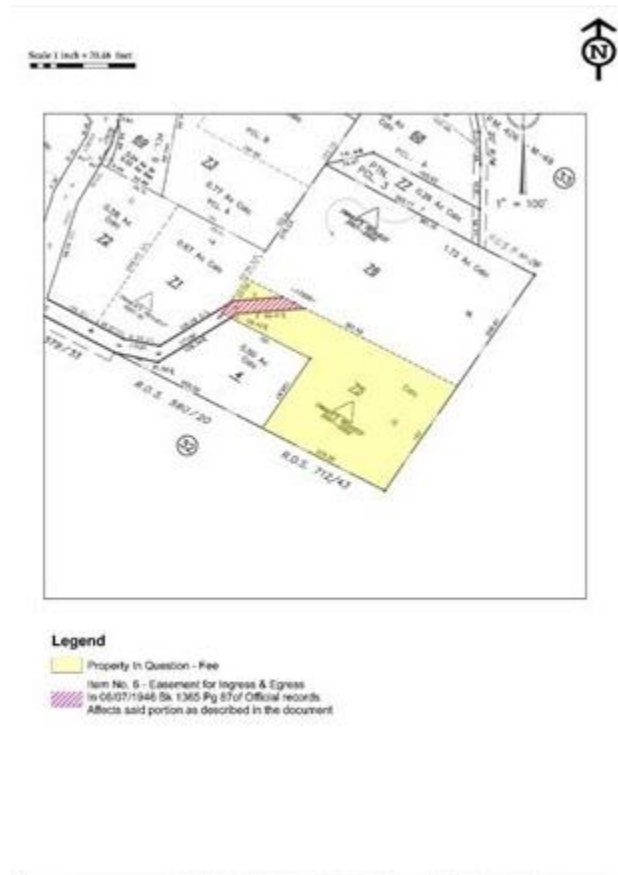
In summary, we do not support the creation of access from Worcester Lane to add two new properties that would require extensive excavation into an already unstable hillside and put our home and our neighbors at substantial risk.

Please advise of any upcoming hearings regarding this proposed development.

Sincerely,

David and Alison Steer
304 Harding Ave
Los Gatos
Ph: 650-996-5809
Alison.steer@gmail.com

Dave.steer@yahoo.com





Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Sunday, March 14, 2021 9:04 AM
To: Alison Steer
Subject: Re: 17200 Los Robles Way LLA

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Alison:

I fully understand your potential concerns of privacy and possible potential earth movement - per your email. What I had hoped to do was visit with you and look at the 17200 from your side of the fence to see whether there are creative ways in which I might be able to address some of the privacy concerns that you might have.

A JCP report gives an owner and a buyer a very broad brush overview of potential issues to be addressed in the sale/purchase or development of any property. But it is only an overview. It is my experience that the Town of Los Gatos is very careful in not allowing anything to be built that would be unstable and they usually require much more rigorous investigations before any construction is allowed to begin.

I can only say at this time that the suggested locations for any structures on Parcel 2 are conceptual - just to show the Town that there is a reasonable location for a house to be built in a responsible way. That is one of the reasons that I really would like to take this opportunity to meet, talk, and see for myself what could be done to allay your privacy concerns. Privacy is a 2-way street and I am sure that any potential owner of the Parcel 2 property would like to ensure that there is privacy also. I have also tried to show a potential house location that would require little or no tree removal and not impact the slope in any significant way.

So - if you do change your mind in allowing me to meet with you, I would welcome it. It would enable me to do a better job for all concerned. Yes - you might still choose to object, but you would at least be more knowledgeable and you would know that you have worked hard to try to get the best solution possible. Maybe I will even be able to allay your fears?

I will still keep you in the loop as to what is planned as time goes on and maybe we can chat later.

Thank you

Tony

(408)354-1833

On Mar 13, 2021, at 4:22 PM, Alison Steer <alison.steer@gmail.com> wrote:

Hi Tony,

We don't see the benefit of meeting since we are definitively opposed to the proposal, period.

Sincerely,
Alison and Dave Steer

On Sat, Mar 13, 2021 at 10:51 AM Tony Jeans <tony@thisdesign.com> wrote:

Alison and Dave:

I just sent a similar email to Nancy at 308 - so we could all get together - if you feel comfortable with covid. We can socially distance - and I have been vaccinated 2x. But I would not want to slow things down by making that more difficult.

Thanks again

Tony

> On Mar 13, 2021, at 10:43 AM, Tony Jeans <tony@thisdesign.com> wrote:

>

> Alison & Dave:

>

> I am the person who dropped off an introductory letter last month when I knocked on your door and no-one was home.

>

> Now that I have a better way of contacting you, I would like an opportunity to meet with you both to see what things look like "from your side of the fence" before any serious planning goes into this project. I would also like to take the opportunity of letting you know what is generally being planned and hear from you directly your real areas of concern.

>

> I have read your letter to the town and we can talk about that and other things too.

>

> Are you available this weekend? I am available today and tomorrow in the afternoons after 1:00.

>

> I look forward to meeting with you both.

>

> Tony

>

>

15th March 2021

Ryan Safty

Los Gatos, Planning Department
110 E Main St
Los Gatos, CA 95030

RE: Subdivision Application M-20-012

Dear Mr. Safty,

I am writing to express my opposition to the planning proposal **Subdivision Application M-20-012**. This design has requested approval for a lot line adjustment between three adjacent lots on properties zoned R-1:20. APNs 523-36-075,-076, -077 and **build two new properties** in these new lots. While I respect that planning permission is under the jurisdiction of the council I would like to lead my support to my constituents in their opposition to this proposal.

I am opposed to this development for the following reasons:

- The land itself is an important and valuable piece of green space and wildlife, and building two separate properties will irreversibly damage the biodiversity of the area
- The removal of historic trees will reduce privacy and increase flood and mudslide risk for other residents on Worcester Lane and Harding Avenue

In summary, **we oppose the creation of access from Worcester Lane to add two new properties** that would require extensive excavation into an already unstable hillside and put our home and our neighbors at substantial risk.

Please advise of any upcoming hearings regarding this proposed development.

Sincerely,

Ben Wu and Irene Lee

105 Worcester Loop
Los Gatos, CA 95030
(408) 256-2508
wubenhe@gmail.com

17200 Los Robles Way, Los Gatos
Stated Neighbor Hazard Concerns

"The Property is classified as a Landslide Hazard Zone by the JCP Report".

There appears to be some misunderstanding as to the intention of a JCP Hazard Report as it relates to this property, or in fact any property. A JCP report is intended to alert possible purchasers as to potential hazards that should be considered when buying a property. It does not rely on any site-specific investigations or evaluations and any owner [and the Town] will require further detailed analyses at the time any construction is proposed.

I obtained a copy of the JCP report, and spoke to a JCP geographer [Jack Stark] about it at length and received clarification as to the various hazard zones listed. The report relies on a number of hazard maps from a variety of sources. As it states, it is very general in nature, but does call out specific hazard zones that would be applicable to this property.

Of those, the most relevant is the **"Very High Fire Hazard Severity Zone"**, identified in the attached statutory JCP Hazard Map as the "green shaded area" from the Legend, which also covers much of Los Gatos. The Report suggests certain specific building techniques that might be required, together with home maintenance for designing and living in a home.

A **"Seismic Hazard Zone - Landslide"** is also called out in the JCP report as a "bricked" Legend area - but when you look carefully at the map, it barely touches the property at the western most corner and reflects an area around Hollywood and Los Robles Way - not the Harding/Worcester Lane eastern most corner. This potential hazard zone is on the opposite side of the property from the neighbors who have expressed concern about Hazard as being a high priority issue and there is no indication that construction on the proposed Parcel#2 would be problematic.

This property is not in the **"Special Flood Hazard Area"** and it is difficult to see how flooding of neighboring properties would be an issue with this LLA

Attached is the JCP Hazard Map for the property at 17200 Los Robles Way. It shows the eastern-most corner of the property is far from any Landslide Hazard.

Please also note that I have located a potential building site on Parcel #2 that would not impact any of the mature oaks on the property, nor the eucalyptus trees. There are some privacy issues that can be reasonably mitigated if needed if and when an actual residence is proposed and these should be considered at that time.

Tony Jeans

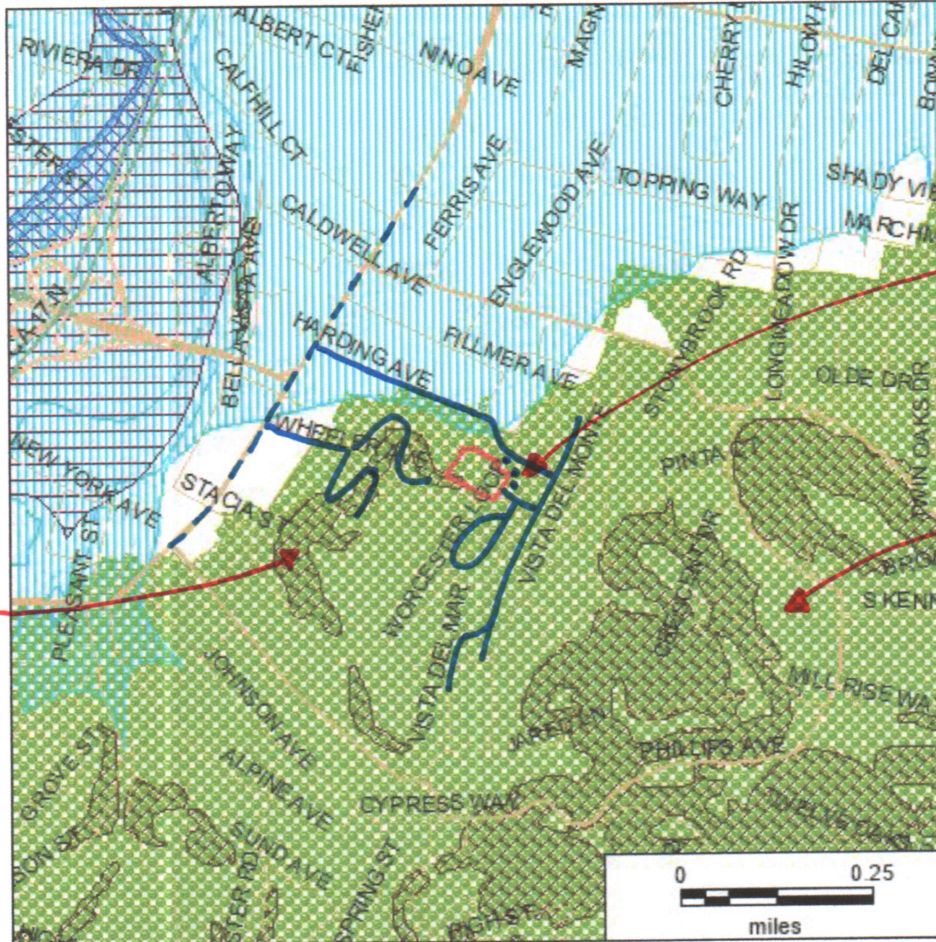
March 2021

**Map of Statutory Natural Hazards
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: See Addendum
Report Date: 04/17/2020
Report Number: 2642519

Map of Statutory Natural Hazard Zones



LANDSLIDE HAZARD ZONE IS AT LOS ROBLES WAY & HOLLYWOOD AVE.
(NOT AT HARDING & WORCESTER LANE)

LOCATION OF CONCERNED PARTIES AT 304+308 HARDING & 111 WORCESTER LANE.

THE ENTIRE AREA IS IN A FIRE HAZARD ZONE.

		Subject Property
NO		Special Flood Hazard Area
NO		Area of Potential Flooding, Dam Failure
YES		<u>Very High Fire Hazard Severity Zone</u>
NO		Wildland Area, Substantial Forest Fire Risk
NO		Earthquake Fault Zone
PARTIAL		<u>Seismic Hazard Zone, Landslide</u>
NO		Seismic Hazard Zone, Liquefaction



This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

Received Pg 1-50:

Sign _____ DATE _____

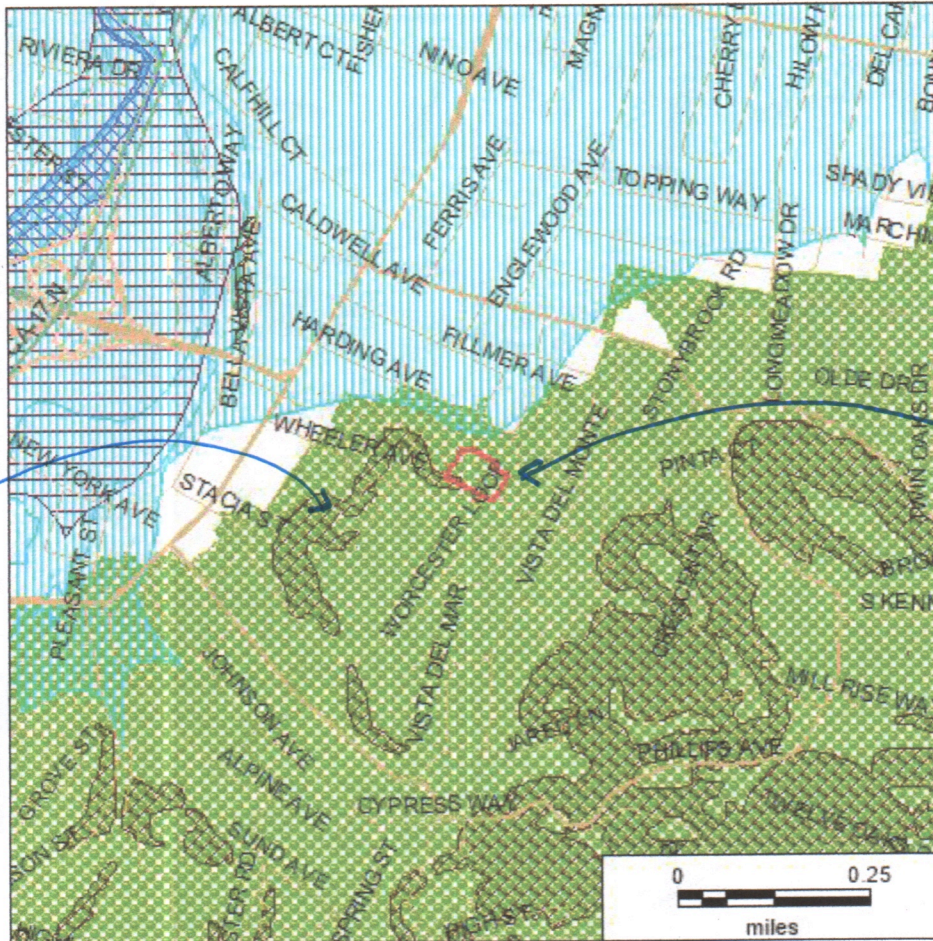
Sign _____ DATE _____

**Map of Statutory Natural Hazards
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: See Addendum
Report Date: 04/17/2020
Report Number: 2642519

Map of Statutory Natural Hazard Zones



POTENTIAL
LANDSLIDE
ZONE

LOCATION OF
304, 308 HARDING
& WORCESTER LANE
[NOT ADJACENT TO
POTENTIAL LANDSLIDE
HAZARD ZONE]

Subject Property

NO	[Blue diagonal lines]	Special Flood Hazard Area
NO	[Light blue]	Area of Potential Flooding, Dam Failure
✓	[Green]	Very High Fire Hazard Severity Zone
NO	[Orange]	Wildland Area, Substantial Forest Fire Risk
NO	[Red diagonal lines]	Earthquake Fault Zone
PARTIAL	[Yellow diagonal lines]	Seismic Hazard Zone, Landslide - AT WESTERN MOST CORNER.
NO	[Purple]	Seismic Hazard Zone, Liquefaction

This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

Received Pg 1-50:

Sign _____ DATE _____

Sign _____ DATE _____

Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Friday, March 12, 2021 10:50 AM
To: Ryan Safty
Cc: Sally Zarnowitz
Subject: Re: Objection to Subdivision Application M-20-012

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Ryan

Thank you for forwarding these comments (from 304 & 308 Harding and 111 Worcester Lane). I have sent letters to both Harding properties and knocked on the door several times, but nobody has been home. The 111 renter says that his main concerns were loss of privacy and construction.

Now that I have their email addresses, I will try to set up a meeting with them as continued outreach.

For what it is worth, the JCP report for the property (in fact for any property) is explicitly generic and is not based on any site visit or site specific analysis. It points out potential hazards which would need to be addressed prior to construction, which the Town would require in any event.

As these neighbors are being specific (JCP Report) as to a potential negative impact of any development of Parcel 2 on their property, I will respond to their concerns separately. It should be noted that the proposed building site on Parcel 2 avoids the LRDA and requires no tree removals, especially of mature oaks. Grading would be minimal and a resulting home, designed as shown, is more likely to provide a buffer to them from any potential "landslides" - and "flooding" just does not make sense at all in this location.

Thanks again.

Tony

Sent from my iPhone

> On Mar 12, 2021, at 10:17 AM, Ryan Safty <RSafty@losgatosca.gov> wrote:

>

> Please see additional public comment below regarding the proposed lot-line adjustment at 17200 Los Robles Way.

>

> Respectfully,

> Ryan Safty

>

> From: Alison Steer <alison.steer@gmail.com>

> Sent: Friday, March 12, 2021 6:05 AM

> To: Ryan Safty <RSafty@losgatosca.gov>

> Subject: Objection to Subdivision Application M-20-012

>

> Hi Ryan,

>

Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Sunday, March 14, 2021 12:26 PM
To: Ryan Safty
Cc: Sally Zarnowitz
Subject: Re: Objection to Subdivision Application M-20-012
Attachments: JCP Hazard Map.pdf

Ryan:

I obtained a copy of the JCP report and have gone through it. It is very general in nature, but does call out specific hazard zones that would be applicable to this property.

Of those, the most relevant is the “very high hazard severity zone” which requires certain specific building techniques and home maintenance.

A “seismic hazard zone, landslide” is also called out - but when you look at the map, it only just touches the property at the western most corner and reflects an area around Hollywood and Los Robles - not the Harding/Worcester Lane eastern most corner.

Flooding is not an issue at all for this property and it is unclear from the map how any activity on the property would exacerbate the situation.
for any neighbors on Harding.

I am convinced that the real issue is “change” and “privacy”. I am continuing to reach out to the 2 neighbors on Harding and am meeting Nancy Neipp at 1:00 today to talk to her personally.

Attached is the JCP Hazard Map for the property.

I will keep you informed of progress.

Tony

On Mar 12, 2021, at 10:17 AM, Ryan Safty <RSafty@losgatosca.gov> wrote:

Please see additional public comment below regarding the proposed lot-line adjustment at 17200 Los Robles Way.

Respectfully,
Ryan Safty

Ryan Safty

From: Tony Jeans <tony@thisdesign.com>
Sent: Friday, March 26, 2021 2:41 PM
To: Alison Steer; Nancy Neipp; garymgysin@gmail.com
Subject: A Hazard Discussion re: 17200 Los Robles Way
Attachments: Hazard DiscussionMap - Neighbors.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

All:

I am addressing this email to those neighbors who have expressed a concern relating to the Proposed Lot Line Adjustment at 17200 Los Robles Way based on 'Hazard Concerns' noted in the JCP Report for the property. I am happy to let you know that there is no 'Seismic Hazard Concern - Landslide' noted in the JCP Report as it relates to any portion of the property adjacent to Harding Ave and Worcester Lane where you live.

Please look at the attached 'Hazard Discussion' and review it carefully and call me if you have any questions. I hope that this puts your minds at rest, and if you are talking to neighbors - please let them know too.

I would welcome talking to those of you who are like to talk about privacy - but this would be on an individual basis as each of your properties has different aspects to consider. I find that meeting at the property in person works best and I can make myself available when you have time.

Again - the owner is only looking for a Lot Line Adjustment at this time and any future development of the property would require more rigorous investigation to be undertaken before a house could be built.

Thank you

Tony Jeans

(408)354-1833



**TOWN OF LOS GATOS
DEVELOPMENT REVIEW
COMMITTEE REPORT**

**MINUTES OF THE DEVELOPMENT REVIEW COMMITTEE MEETING
JULY 13, 2021**

The Development Review Committee of the Town of Los Gatos conducted a Regular Teleconference Meeting on July 13, 2021, at 10:00 a.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic and was conducted via Zoom. All committee members and staff participated from remote locations and all voting was conducted via roll call vote. In accordance with Executive Order N-29-20, the public could only view the meeting online and not in the Council Chamber.

ROLL CALL

Present: Jennifer Armer, CDD Planning; Robert Gray, CDD Building; Mike Weisz, PPW Engineering; Corvell Sparks, PPW Engineering; Kenny Ip, SCCFD.

Absent: None.

Staff: Ryan Safty, CDD Planning; Robert Schultz, Town Attorney.

MEETING CALLED TO ORDER AT 10:00 AM

VERBAL COMMUNICATIONS

- None.

CONSENT ITEMS

1. Approval of Minutes – June 22, 2021.

MOTION: **Motion by Robert Gray to approve the consent calendar. Seconded by Mike Weisz.**

VOTE: **Motion passed unanimously 4-0.**

PUBLIC HEARINGS

2. 17200 Los Robles Way
Lot Line Adjustment Application M-20-012

Requesting approval for a lot line adjustment between three adjacent lots on properties zoned R-1:20. APNs 532-36-075, -076, and -077.

PROPERTY OWNER: Daran Goodsell, Trustee and Mark Von Kaenel

APPLICANT: Tony Jeans

PROJECT PLANNER: Ryan Safty

The project planner, Ryan Safty, presented the staff report.

Opened Public Comment.

Tony Jeans, Applicant

This application is to take three non-conforming lots and make them more conforming. Parcel 1 will have the house and access from Los Robles, Parcel 2 will be enlarged to comply with Town Code with access from Worcester Ln, and Parcel 3 will remain one acre of land and will take access from Worcester Ln. No construction is being proposed with the Lot Line Adjustment application. He is available for questions.

Alison Steer, Neighbor

She wants clarification on the access of Parcel 2 from Worcester Ln as there hasn't been documentation of this and no access has been granted. It has always been from Los Robles. She also stated that the APNs on the site plans are incorrect (should be 532 vs 533) and asks that they be corrected. She noted that she thought this application was withdrawn because it was removed from the website. She wants to know why that was. She wants to understand what is happening today as far as what is being approved. She understands that it is for the lot line adjustment, but it leads to fear of next steps with building on the lands. She is concerned with the necessary tree removals and that more than just a lot line adjustment is being approved.

Geoff Defeo, Neighbor

He has four major concerns. First, is water run-off and flooding associated with future construction and impervious surfaces. Second, Lot 3, as proposed, would have a fire truck turn-around directly adjacent to their property. Third, he is concerned that several mature trees will need removal. Lastly, the future cul-de-sac would also require several tree removals and the removal of existing right-of-way improvements.

Terry Rinehart, Neighbor

They want to confirm whether this access to Parcel 3 from Worcester Ln as there hasn't been approval in the past. It has always been from Los Robles. There is concern that in the lot line adjustment conceptual plan has building sites on them which would cause trees to be

removed. There has been no soil or earthquake analysis as of yet but should take place as there are concerns.

Nancy Neipp, Neighbor

There are general concerns on this lot line adjustment around tree removal requirement as well as possible damages occurring when building starts later. There is concern with the stability of the hillside where these lots are. She questioned who is responsible if damages occur to her property during construction.

Tony Jeans, Applicant

Most of the comments are related to the future construction, which is not being reviewed with this Lot Line Adjustment application. These concerns will be reviewed in detail once Architecture and Site application are submitted. Regarding Worcester Lane access, the two properties border Worcester Lane, which is a public street. He stated that a future sewer line would be oriented to avoid tree removals. Regarding construction run-off, he commented on the construction requirements that already address this. Lastly, he will discuss moving the house on Parcel 3 up the hill for the neighbor.

Closed Public Comment.

Committee Discussion.

Ryan Safty, Planner

He was not aware that the application was removed from Pending Projects. It may have been removed by mistake when the Certificate of Compliance project was being removed. This project is on the Pending Projects website for viewing at this time, and required noticing was completed. Staff clarified that the conceptual driveways and building footprints were requested by staff so the Town can ensure that future development is feasible. He reiterated that the only thing being approved and reviewed at today's DRC hearing is the request to move lot lines.

Mike Weisz, Engineering

The properties in question have access on Worcester Lane. All future construction notes on the plans are conceptual and in no way approved at this time. There is no easement being proposed or approved at this time. At Architecture and Site application stage, a detailed study on geotechnical impacts will be conducted. He clarified that the developer is responsible if damages occur during construction.

MOTION: **Motion by Robert Gray** to approve with the required findings and recommended conditions of approval. **Seconded by Corvell Sparks.**

VOTE: **Motion passed unanimously 4-0.**

Appeal rights were recited.

3. 15897 Camino Del Cerro
Architecture and Site Application S-20-006

Requesting approval for demolition of an existing single-family residence, construction of a new single-family residence to exceed the floor area ratio standards, and site work requiring a grading permit on property zoned R-1:8. APN 523-24-044.

PROPERTY OWNER: Francesco Iacopino and Leire Carbone Aguero

APPLICANT: Robin McCarthy

PROJECT PLANNER: Ryan Safty

The project planner, Ryan Safty, presented the staff report.

Opened Public Comment.

Robin McCarthy, Applicant and Architect

Representing a family of four who are excited for this new farm-house style single-story home. Because the Town requires the first 10 feet of the property to be dedicated to the Town, they have had to downsize the original plan to accommodate this. They feel the design is modest in size and fits the neighborhood.

Tiffany Finocchio, Neighbor

They are very excited about this project as it will replace an existing unsightly building.

Jack and Barbra Hardin, Neighbors

They are very happy to welcome this young family to our neighborhood. They are excited about the design to come. The one concern they have is that their views of their hillside for the last 31 years will be considerably diminished. They are requesting the roofline be adjusted a bit to allow no distribution of their views. They would also like learn about what trees would be planted.

Robin McCarthy, Applicant

Solar panels will be part of the building permit and will go on the north facing side. We plan to plant some young ornamental trees at the front of the home since there are already so many beautiful, mature trees. The proposed roof is only increasing by a few feet, and the existing 13.5-foot detached garage in the rear yard would be removed. The home owner is happy to meet with the Hardins to discuss further.

Francesco Iacopino, Owner

He would be happy to discuss further any issues neighbors may have.

Closed Public Comment.

MOTION: **Motion** by **Robert Gray** to approve with the required findings and recommended conditions of approval. **Seconded** by **Kenny Ip**.

VOTE: **Motion passed unanimously 4-0.**

Appeal rights were recited.

OTHER BUSINESS

- None.

ADJOURNMENT

The meeting adjourned 10:51 AM

This is to certify that the foregoing is a true and correct copy of the minutes of the July 13, 2021 meeting as approved by the Development Review Committee.

Prepared by:

Jennifer Armer, Senior Planner

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**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT**

110 E. Main Street
Los Gatos, CA 95030

**APPEAL OF THE DECISION OF
DEVELOPMENT REVIEW COMMITTEE**

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DEVELOPMENT REVIEW

COMMITTEE as follows: DATE OF DECISION: 07/13/2021 _____

PROJECT/APPLICATION: 17200 Los Robles Way Lot Line Adjustment M-20-012 ____

LOCATION: 17200 Los Robles Way _____

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

Interested person means:

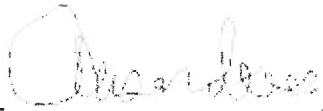
1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED: Certificate of Compliance does not confer building rights or other privileges. No proof of buildability has been provided for parcel 532-36-077. This parcel lacks legal and no access for emergency services, parcel not consistent with the general plan, does not meet current standards for domestic water supply (no will serve letter). Has not proven meets slope stability standards, site safety/geologic hazards. In addition, while parcel 1 and 3 now owned by separate owners (still unrecorded with the SCC clerk recorder office), structure is built over common property line and ROW access to parcel 1 was abandoned. Sec 29.10.070 of Town's code of ordinances states that no parcel shall be modified through a lot line adjustment procedure to meet criteria listed in the ordinance. Town would be setting precedent to allow developer to bypass formal subdivision application process. Buildability of existing site needs to be proven.

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Development Review Committee. If the tenth (10th) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10th) day, usually a Monday.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the planning commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter a new and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public

hearing. **RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT**

PRINT NAME:Alison and David Steer SIGNATURE: 
DATE: July 21st 2021. ADDRESS:304 Harding Ave, Los Gatos, CA 95030
PHONE: 650-996-5809. EMAIL: Alison.steer@gmail.com

PRINT NAME:Nancy and Jim Neipp SIGNATURE: 
DATE: July 21st 2021. ADDRESS:308 Harding Ave, Los Gatos, CA 95030
PHONE:408-981-1748. EMAIL: Nancyneipp@gmail.com

PRINT NAME:Gary and Michelle Gysin SIGNATURE: 
DATE: July 21st 2021. ADDRESS: 111 Worcester Lane, Los Gatos, CA 95030
PHONE: 408-656-0475 EMAIL: garymgysin@gmail.com

PRINT NAME:Gianfranco and Eileen De Feo SIGNATURE: 
DATE: July 21st 2021. ADDRESS: 112 Worcester Lane, Los Gatos, CA 95030
PHONE: 408-455-3720. EMAIL: defeohome@yahoo.com

PRINT NAME:Terry and Bob Rinehart SIGNATURE: 
DATE: July 21st 2021. ADDRESS: 110 Worcester Loop, Los Gatos, CA 95030
PHONE: 408-391-4932 EMAIL: TLRinehart@comcast.net

*****OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION: 1. DATE: 2. DATE: 3. DATE:
PLAPPEAL \$ 221.00 Residential
PLAPPEAL \$ 882.00 Commercial
PLAPPEAL \$ 90.00 Tree Appeals

Appeal of DRC Lot Line Adjustment Approval for 532-36-075/76/77

Vista Neighborhood

304 and 308 Harding Ave, 111 and 112 Worcester Lane, 110
Worcester Loop

What a Certificate of Compliance Signifies

- Many property owners fail to realize that Compliance Certificates are distinct from local zoning approvals, building codes and other legal structures. A Compliance Certificate merely confirms that the parcel to which it applies was created legally and remains in compliance with local property laws. **It doesn't confer building rights, zoning variances or other privileges.** In fact, Compliance Certificates are often issued for "interior" parcels that lack legal means of access and can't be built upon under existing zoning codes

Buildability consists of six criteria

- Parcel legality - parcel must be a legal parcel of record. (Accomplished with CofC).
- Legal Access - parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way.
- Access to Water - is there a will serve letter from the local water company/department?
- Sanitation - parcel must have access to sewer or be suitable for septic.
- Emergency access - the building site must be accessible to emergency vehicles.
- Site Safety/Geologic Hazards: The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A soils (also called geotechnical) and/or geological report may be required to assess or address environmental/safety concerns. This also includes slopes in excess of 30%.

Letter from Tony Jeans to Town

The Property:

The Property comprises 3 parcels of land in the R1:20 zoning district [APN: 532-36/075/6/7] at the end of Los Robles Way totaling 3.13 Acres. The overall slope of the property is 26%. At the moment there is one dilapidated house on the entire property with an empty swimming pool. The property is on a septic system.

The Parcel Configuration:

2 of the 3 parcels are accessed from the end of Los Robles Way
532-36-075 is traversed by an extension of Los Robles Way with 115 ft of frontage on a RoW considered vacated by the Town. It also has a small amount of frontage at the termination of Worcester Lane.

532-36-076 is at the terminus of the Los Robles Way extension with 37' of frontage. It also has frontage at the termination of Worcester Lane.

532-36-77 is a landlocked parcel with no street access, other than along a disputed easement to Harding which has never been used.

- If ROW is considered vacated by the Town, how does 532-36-076 have any frontage on Los Robles Way?

532-36-077
"Parcel 2"

- Parcel legality - parcel must be a legal parcel of record. (Accomplished with CofC).
- Legal Access - parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way. Subject parcel has a 10ft ROW, but does not meet current standards for access for ingress/egress. Minimum driveway width is 12 ft.)
- Access to Water - is there a will serve letter from the local water company/department?
- Sanitation - parcel must have access to sewer or be suitable for septic.
- Emergency access - the building site must be accessible to emergency vehicles. Parcel is landlocked
- Site Safety/Geologic Hazards: The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A soils (also called geotechnical) and/or geological report may be required to assess or address environmental/safety concerns. This also includes slopes in excess of 30%.

532-36-076
"Parcel 1"

- Parcel legality - parcel must be a legal parcel of record. (Accomplished with CofC).
- Legal Access - parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way. **Subject parcel has a ROW considered vacated by the town**
- Access to Water - **is there a will serve letter from the local water company/department?**
- Sanitation - parcel must have access to sewer or be suitable for septic.
- Emergency access - the building site must be accessible to emergency vehicles. **Emergency vehicles cannot turnaround**
- Site Safety/Geologic Hazards: The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A soils (also called geotechnical) and/or geological report may be required to assess or address environmental/safety concerns. **JCP report states 17200 Los Robles is Seismic and Landslide risk.**

532-36-075
"Parcel 3"

- Parcel legality - parcel must be a legal parcel of record. (Accomplished with CofC).
- Legal Access - parcel may not be used as a building site unless its principal frontage and access is located on a public or private right-of-way. **Principal frontage is from Los Robles Way**
- Access to Water - **is there a will serve letter from the local water company/departement?**
- Sanitation - parcel must have access to sewer or be suitable for septic.
- Emergency access - the building site must be accessible to emergency vehicles. **Emergency vehicles cannot turnaround**
- Site Safety/Geologic Hazards: The building site must be free from geologic hazards to the extent that the safety of the structure can be ensured. A soils (also called geotechnical) and/or geological report may be required to assess or address environmental/safety concerns.

Town of Los Gatos Code of Ordinances

Zoning Regulations

Sec. 29.10.070. - Lot merger.

- (a) A parcel of land does lawfully exist separately from other land and is a lot when the parcel meets each of the following criteria:
 - (1) Comprises at least five thousand (5,000) square feet in area.
 - (2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.
 - (3) Meets current standards for sewage disposal and domestic water supply.
 - (4) Meets slope stability standards.
 - (5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.
 - (6) Development of the parcel would create no health or safety hazards.
 - (7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
 - (8) No structures are built over a common property line which is shared with another parcel under the same or substantially the same ownership.
- (b) Any parcels under the same or substantially the same ownership that do not meet the criteria listed above shall be considered merged. In addition, no parcel shall be modified through a lot line adjustment procedure in order to meet the criteria listed above.
- (Ord. No. 1316, § 3.10.010, 6-7-76; Ord. No. 1337, 11-1-76; Ord. No. 1432, 6-4-79; Ord. No. 1438, 8-6-79; Ord. No. 1756, § 1, 8-1-88)

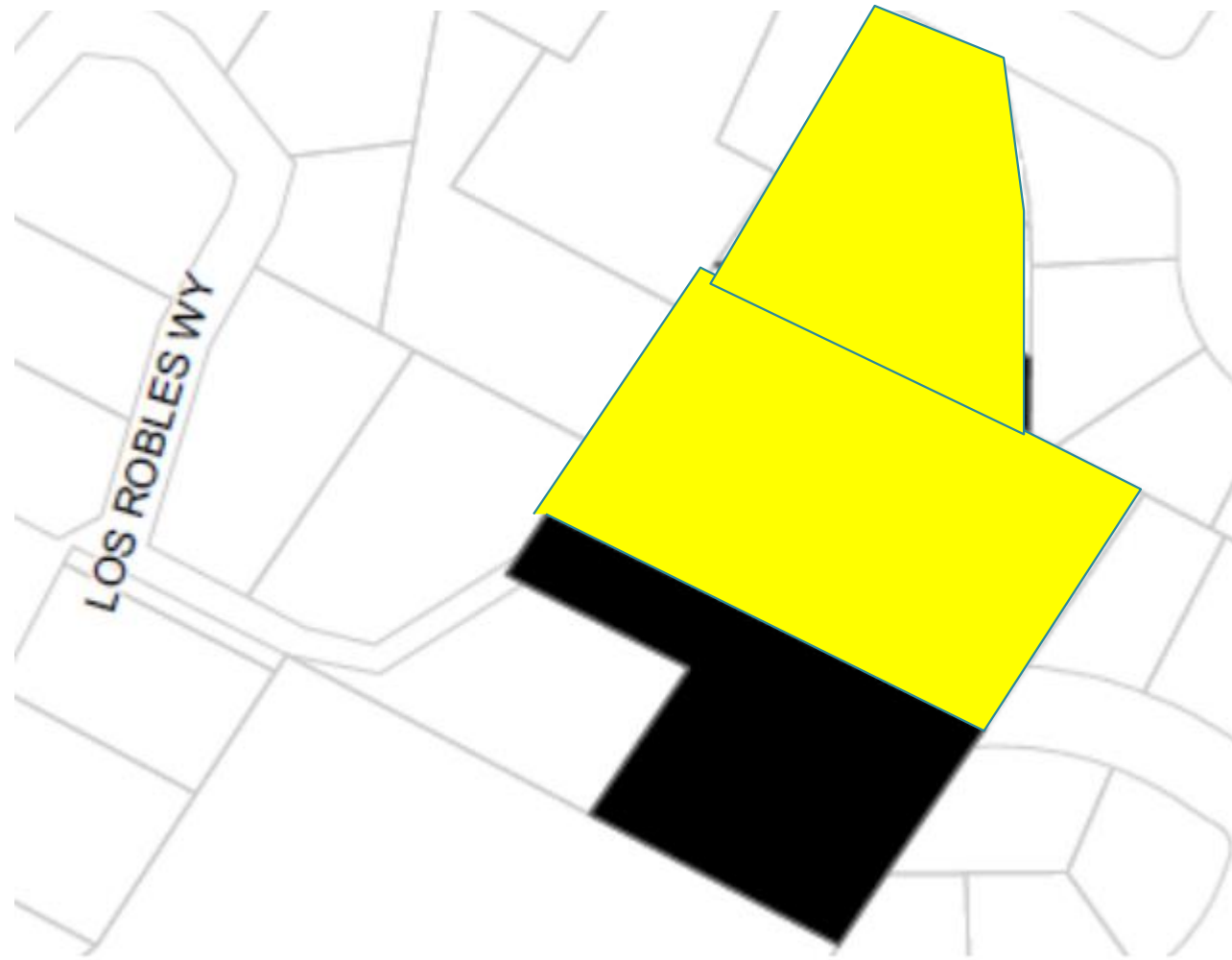
Are there any CA Towns that allow Lot Line Adjustments on non- buildable parcels?

https://library.municode.com/ca/napa_county/codes/code_of_ordinances?nodeId=TIT17SU_C17.46LOLIAD

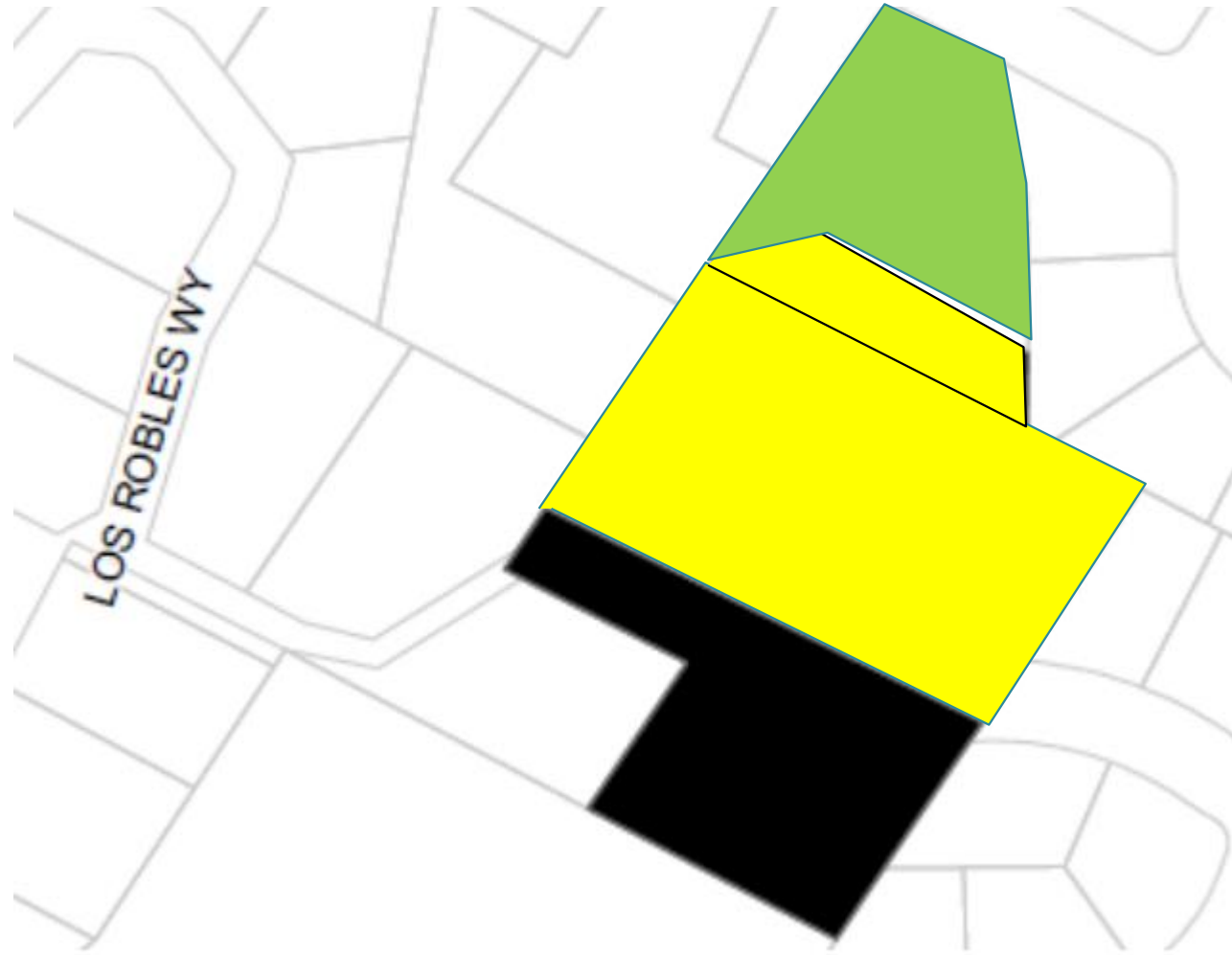
A non-buildable parcel **will not be made buildable** by the lot line adjustment. For purposes of this standard, a lot is considered buildable if it meets all three of the following criteria:

- a. The parcel contains a minimum two thousand four hundred square feet of net lot area as defined in [Section 17.02.350](#);
- b. The parcel has existing access rights to a public street as defined in [Section 17.02.020](#); and
- c. The parcel contains a building site, as defined in [Section 17.02.080](#), which is a minimum of twenty-five feet wide and twenty-five feet deep;

Land owned
by Tom C.
Haire in 1947
Deeds



Orphaned land
with no
frontage or
access created
between Haire
and Oatle
Land



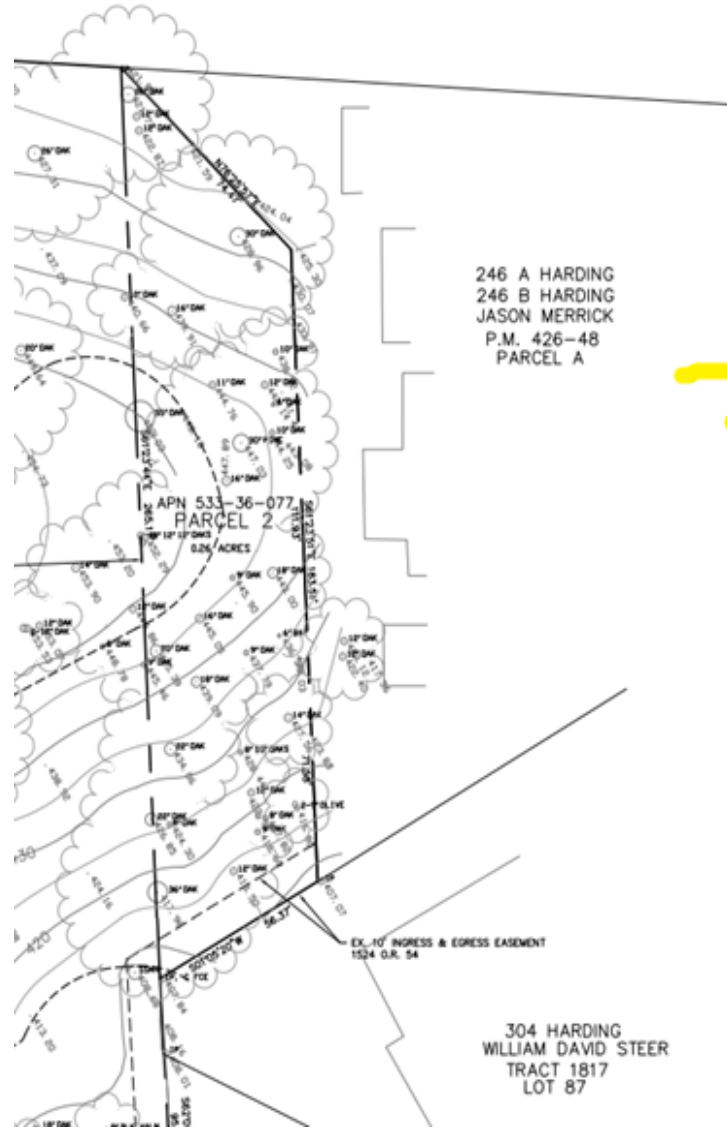
California Subdivision Map Act 66499.35 (a)

PARCEL	FRONTAGES		DEPTH	WIDTH	SETBACKS			
	LOS ROBLES	WORCESTER			FRONT	LT.SIDE	RT.SIDE	REAR
1	37'	42'	211'	360'	90'	0	153'	200'
2	NONE	NONE	50'	174'	--	--	--	--
3	115'	19'	245'	360'	--	--	--	--

66499.35.

(a) Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and **a local agency shall determine, whether the real property complies with** the provisions of this division and of **local ordinances enacted pursuant to this division**. If a local agency determines that the real property complies, the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division of the real property complies with applicable provisions of this division and of local ordinances enacted pursuant to this division. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

APN 532-36-077 has no frontage and only 50' depth. Has no frontage and no buildable area



PARCEL	FRONTAGES		DEPTH	WIDTH	SETBACKS			
	LOS ROBLES	WORCESTER			FRONT	LT.SIDE	RT.SIDE	REAR
1	37'	42'	211'	360'	90'	0	153'	200'
2	NONE	NONE	50'	174'	--	--	--	--
3	115'	19'	245'	360'	--	--	--	--

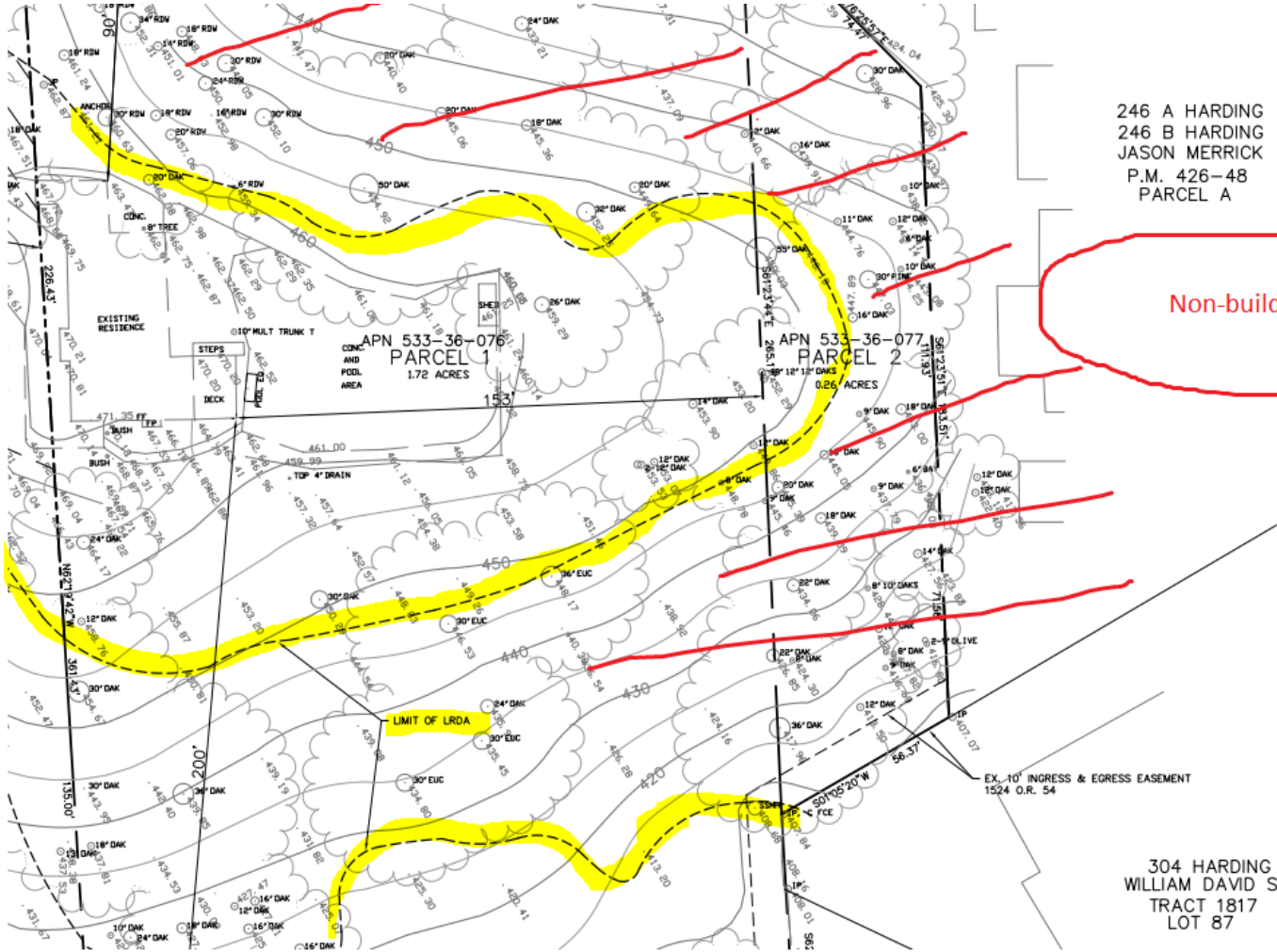
AVERAGE SLOPE CALCULATIONS:
(ENTIRE PROPERTY)

CONTOUR INTERVAL (I) 5 FEET
CONTOUR LENGTH (L) 7102 FEET
AREA (A) 3.13 ACRES 136343 SQUARE FEET

AVERAGE SLOPE (S)

$$S = IL/A = 5' * 7102' / 136343 \text{ S.F.} = 26\%$$

Limit of LRDA



246 A HARDING
246 B HARDING
JASON MERRICK
P.M. 426-48
PARCEL A

Non-buildable area

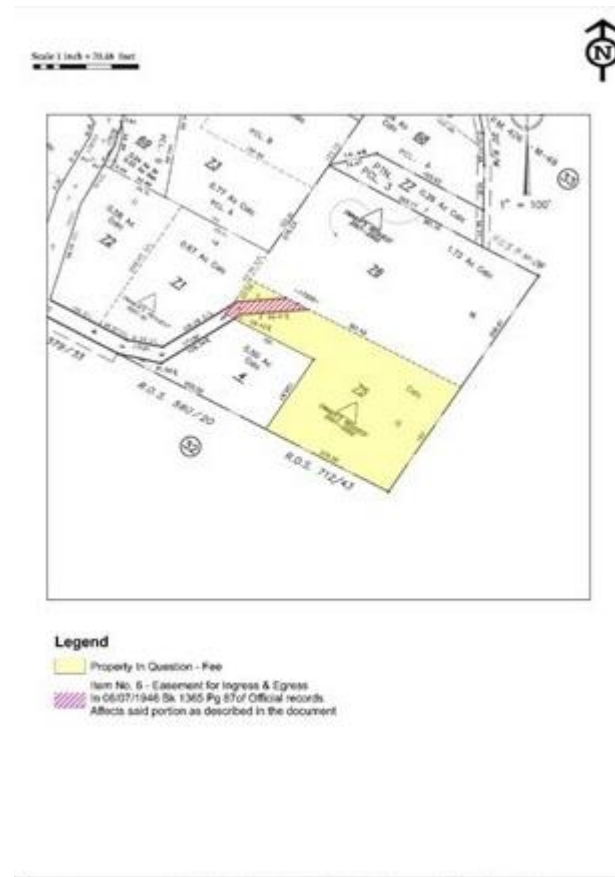
304 HARDING
WILLIAM DAVID STEER
TRACT 1817
LOT 87

Processing

- 1) All Lot Line Adjustment applications will be reviewed by the Development Review Committee (DRC). The DRC must limit its review to the following items:
 - a) Lot size remains conforming to the existing zoning ordinance. If the lots are currently nonconforming as to size, they cannot become more nonconforming (smaller).
 - b) Setbacks remain conforming or do not become more nonconforming.
 - c) Lot frontage and lot depth requirements **remain** conforming.

Lot Line Adjustment Procedures

Property Listing shows two large adjacent lots as shown here. Access from Los Robles



Attention developers, investors and contractors! Rare, once in a lifetime opportunity to own one of the last large view parcels close to downtown Los Gatos to build your dream home or estate. Two adjacent hilltop parcels (532-36-076 & 532-36-077) sold together totaling just under 2 acres of rolling hills situated with an amazing building pad and sweeping views from San Jose to Mountain View and beyond above and through the treetops! Existing 2,715 SF structure for easier building approval.



Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

Attention: Mr. Ryan Safty

May 25, 2021

Dear Mr. Safty,

My husband Jason and I live at 246 Harding Avenue, which is the property that backs up to 17200 Los Robles, more specifically, APN 532-36-077. Mr Jeans came by in February of this year (2021), to talk with us about the proposed lot line adjustment of the property mentioned above.

Our main concern is the hillside behind our house that shares the property line of APN 532-36-077. My family has owned our property, at 246 Harding Avenue, since 1974, and in that time there has been quite a bit of movement and erosion of the hillside. One year, after an earthquake, loads of rock and debris ended up in our backyard, where a structure currently stands. Following the earthquake, there was a deep chasm at the top of the cliff/hillside. I have included in this letter several photos of our current hillside condition.

With the proposed new build, we feel that the earth movers, other construction vehicles, and the building of a structure, will further push the earth on the hill to continue to erode our hillside/property, and ultimately bring most of the hillside down into our yard.

We would like to see that there will be measures taken to ensure the safety of the hillside, and ultimately the safety of our home/property.

Our hope is that the town, and the new property owners of APN 532-36-077, will hear our concerns and take actions to ensure that our property is protected.

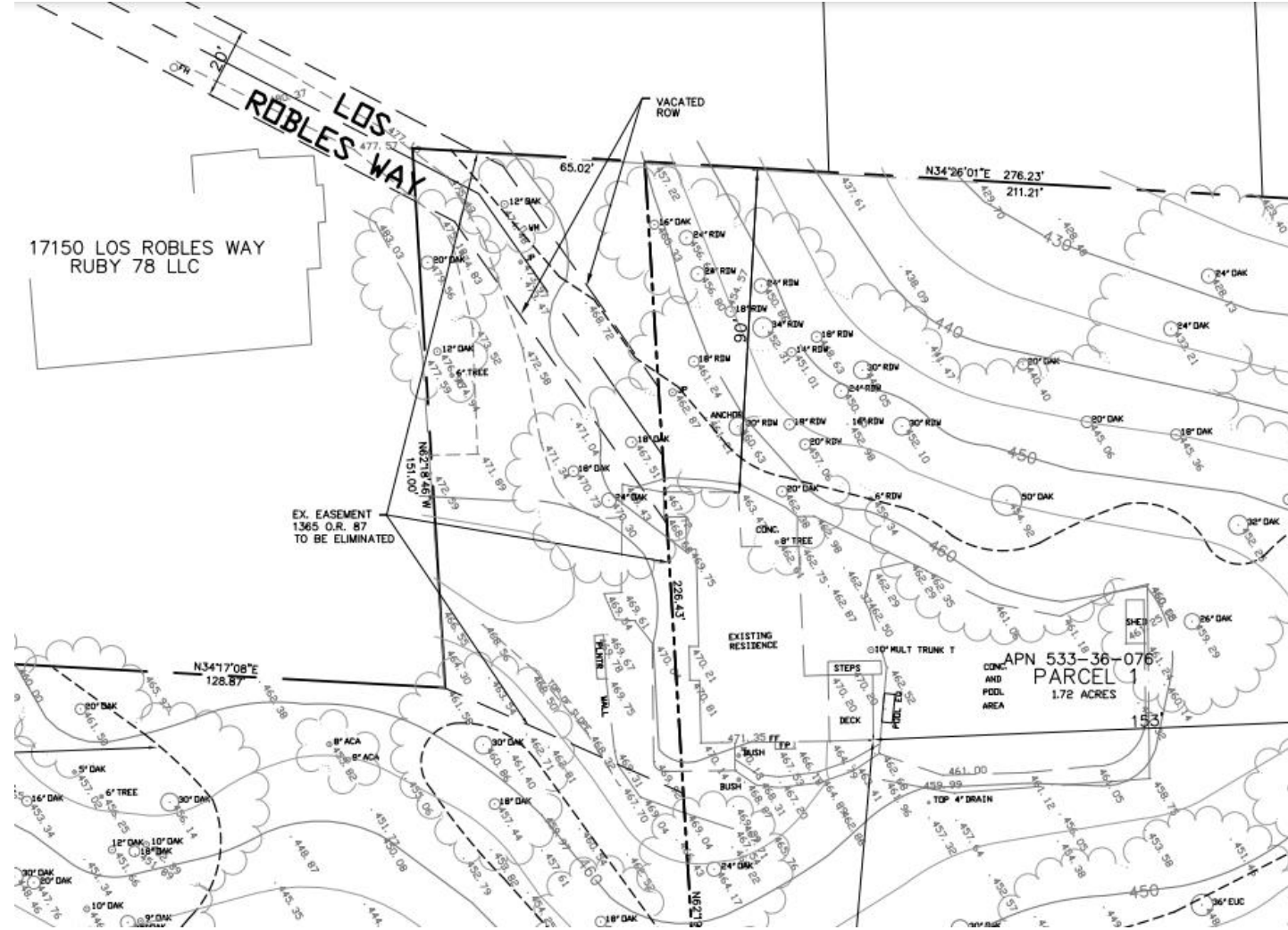
Best,

Shelley Clifford Merrick and Jason Merrick

View of land
locked Parcel
2, from 304
Harding Ave



Structure on Parcel 1, including planter wall situated such that Parcel 1 and 3 were effectively merged



Reserving from the property herein conveyed a right of way over the northwesterly 148.30 feet of the northeasterly 65 feet thereof, for ingress and egress to the lands of the party of the first part.

In this recent case, building was removed before Lot Line Adjustment could be recorded

C. & D. C., Inc.

5901 Cadiz Drive
San Jose, CA 95123
(408) 966-0165

September 5, 2020
Job No. 20-020

Mr. Ryan Safty
Associate Planner
Community Development Department
Planning Division
Town of Los Gatos
110 East Main Street
Los Gatos, CA 95030

Re: 16484 South Kennedy Road
Lot Line Adjustment Application M-20-006
Project Description Letter / Justification Letter

Dear Mr. Safty:

There are presently two legal lots, which will remain at two lots with a lot line adjustment. The existing rectangular Parcel 1, 53,171 square feet in size, lying adjacent to and south of South Kennedy Road, is relatively flat and fully developed with an existing residence, detached garage and asphalt driveway, parking and turnaround area. The existing rectangular shaped Parcel 2, 39,609 square feet in size, lying adjacent to and north of Los Cerritos Road, is a vacant sloped lot with a heavy growth of trees.

With a lot line adjustment, the Parcel sizes will be more equal and rectangular in shape, with access only to South Kennedy Road. The new Parcel 1 will contain 46,671 square feet of land. And, the Parcel 2 will contain 46,110 square feet of land.

To develop the existing vacant Parcel 2 would require the removal of numerous trees and substantial grading. The proposed lot line adjustment will provide substantially better access from South Kennedy Road, will preserve numerous trees, and will reduce grading to the bare minimum, almost none.

As stated above, there are existing structures on the property (Parcel 1) which must be removed before the lot line adjustment can be recorded. We would like to request a demolition permit for those structures, so that the lot line adjustment can be recorded as soon as possible.

As you know, cities' LLA processing parameters are pretty severely limited by GC section 66412 subpart (d), which states relevant here:

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.

Based on the above, please approve this lot line adjustment. If you need more information, please do not hesitate to call at your convenience.

Very truly yours,
C. & D.C., Inc.



Velimir Sulic
Principal

Supreme Court Ruling Merging non- conforming lot under same ownership

The Murr Property and Alleged Taking

The two lots are located along the picturesque St. Croix River in the town of Troy, Wisconsin. The Murr siblings' parents purchased the first lot in 1960 in the name of the family plumbing company. The Murr parents then purchased the second adjacent lot in 1963 in their personal names and built a family cabin on the first lot. The Murr parents held title to the two parcels under two different names until 1994 and 1995 when the lots were conveyed to the Murr adult children.

As a result of the passage of the Wild and Scenic Rivers Act in the late 1960s, the State of Wisconsin was required to develop rules governing the development of the land around the St. Croix River. In the 1970s, St. Croix County adopted zoning ordinances that paralleled the state rules, including limitations on the minimum developable area of lots along the St. Croix River.

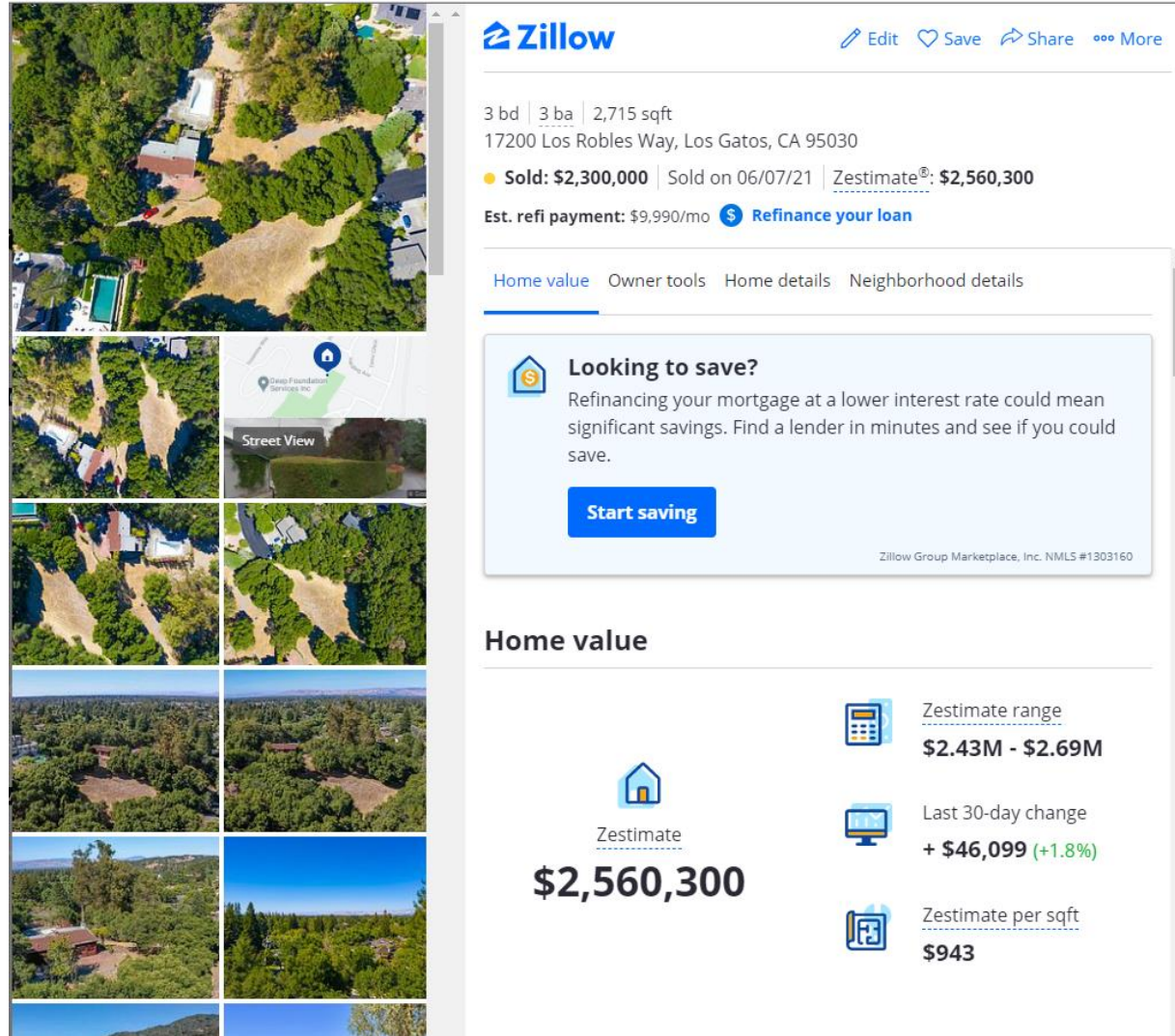
Under the new zoning ordinances, neither of the parcels meet the new minimum developable area requirements and both are therefore undevelopable. The new zoning ordinance contains a grandfather clause that allowed substandard lots to be developed so long as they were not under common ownership. Further, the zoning ordinance contained a merger provision that merged adjacent substandard lots under common ownership so that the lots could not be sold or developed as separate lots. Thus, under the zoning laws enacted in the 1970s, the Murr lots could be separately sold and developed until they came under common ownership in 1995.

In 2011, the Murr siblings sought to move the family cabin on one of the lots and fund that move with the sale of the adjacent lot. The zoning ordinances prohibited the sale of the adjacent lot separate from the lot on which the cabin existed and the Murr siblings brought suit alleging that the zoning ordinances rose to a taking of the adjacent lot by the government without just compensation, a violation of the Fifth Amendment of the U.S. Constitution.

The New Zoning Ordinances Did Not Constitute a Taking

After working its way through the Wisconsin state courts, the Murr siblings appealed to the U.S. Supreme Court. The Supreme Court noted the established right of state and local governments to adjust the rights of property owners for the public benefit; and further noted the Court's longstanding precedent that every loss of a property right caused by regulation does not arise to a taking under the Fifth Amendment.

Parcel 1 and Parcel 2 sold on June 7th



Zillow Edit Save Share More

3 bd | 3 ba | 2,715 sqft
17200 Los Robles Way, Los Gatos, CA 95030

● Sold: **\$2,300,000** | Sold on 06/07/21 | Zestimate®: **\$2,560,300**

Est. refi payment: \$9,990/mo [Refinance your loan](#)


[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)


Looking to save?
Refinancing your mortgage at a lower interest rate could mean significant savings. Find a lender in minutes and see if you could save.


[Start saving](#)


Zillow Group Marketplace, Inc. NMLS #1303160

Home value


Zestimate
\$2,560,300

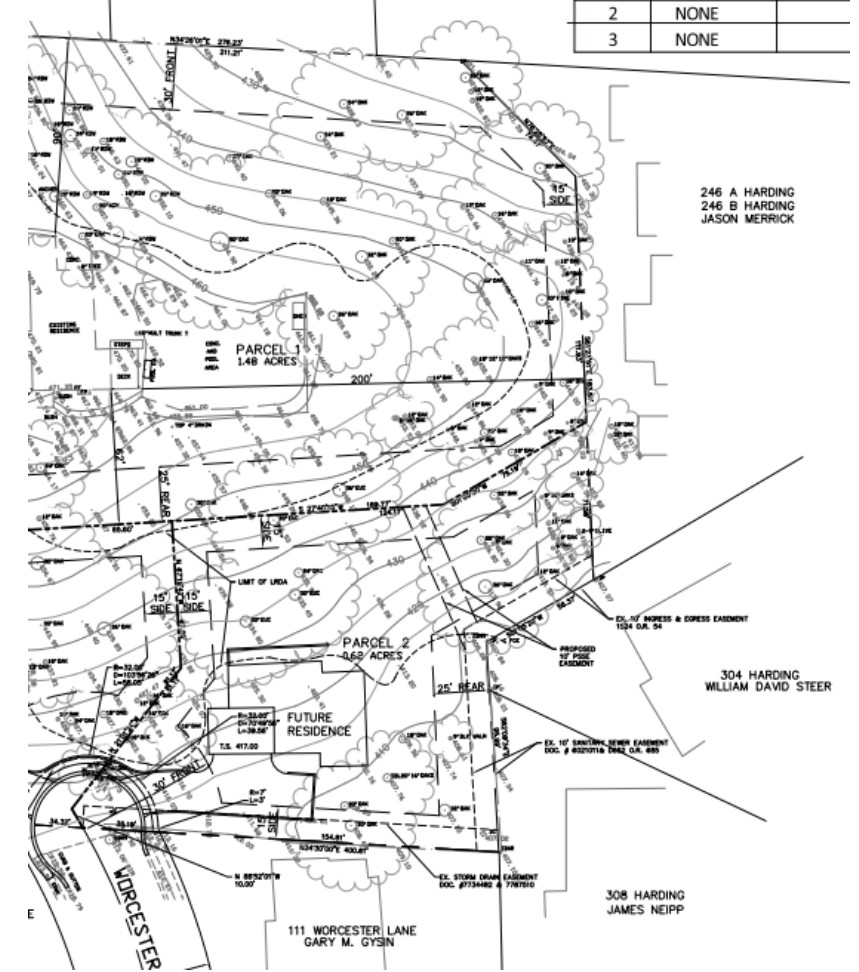
 Zestimate range
\$2.43M - \$2.69M

 Last 30-day change
+ \$46,099 (+1.8%)

 Zestimate per sqft
\$943

(b) Any parcels under the same or substantially the same ownership that do not meet the criteria listed above shall be considered merged. In addition, no parcel shall be modified through a lot line adjustment procedure in order to meet the criteria listed above.

Parcels 1 & 2
sold on June
6th to the
Trust's realtor.



🏠 IN CONTRACT 322 Days
\$2,599,000 3 Bd 3 Ba 2,715 Sqft

17200 Los Robles Way,
 Los Gatos, CA 95030

- The Town was informed on June 7, 2021, that Mark Von Kaenel closed on the purchase of 2 of the lots (-076 and -077).

Town Code Section 29.40.400 Ordinance No. 1571 from 3/7/83

Shows Depth requirement for R-1-20 as 140ft. APN 532-36-077 is only 50 ft.

APN 532-36-076 and 077 now under
NEW OWNERSHIP

Sec. 29.40.400. - Lot frontage and depth.

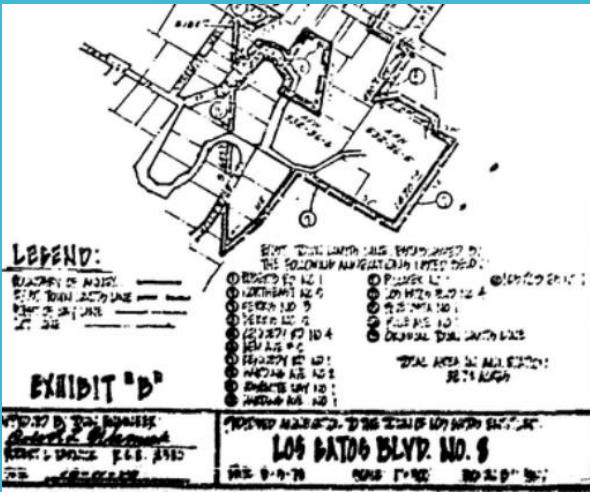


The following are the frontage and depth requirements for lots in the R-1 or single-family residential zone:

[EXPAND](#)

Zone	Frontage Interior Lot	Frontage Corner Lot	Depth
R-1: 8,000	60 ft.	80 ft.	90 ft.
R-1: 10,000	80 ft.	90 ft.	100 ft.
R-1: 12,000	90 ft.	95 ft.	100 ft.
R-1: 15,000	100 ft.	100 ft.	100 ft.
R-1: 20,000	100 ft.	115 ft.	140 ft.
R-1: 30,000	100 ft.	120 ft.	145 ft.

History of APN 532-36-005



- “APN 532-36-005 was the APN prior to 2001. It **subdivided** to APNs 532-36-075, 532-36-076, and 532-36-077 in 2001 per owner’s request.”
 - *Tuan Au*
Office of the Assessor
Mapping & Property I.D. Supervisor
- APN-532-36-005 shown in drawing to left as single lot, not combination of multiple lots. It was operated this way for over 50 years.
- Structure on 17200 Los Robles was located such that the lot 15 and 16 (Parcel 1 and 3) were merged per Town Ordinance. The assigning of three APNs in 2001 created two non-conforming lots: APN 532-36-076 and APN 532-36-077
- APN 532-36-077 was never intended as a buildable lot, but is an orphaned piece of land due to steep ravine between two properties.

Closing Statement

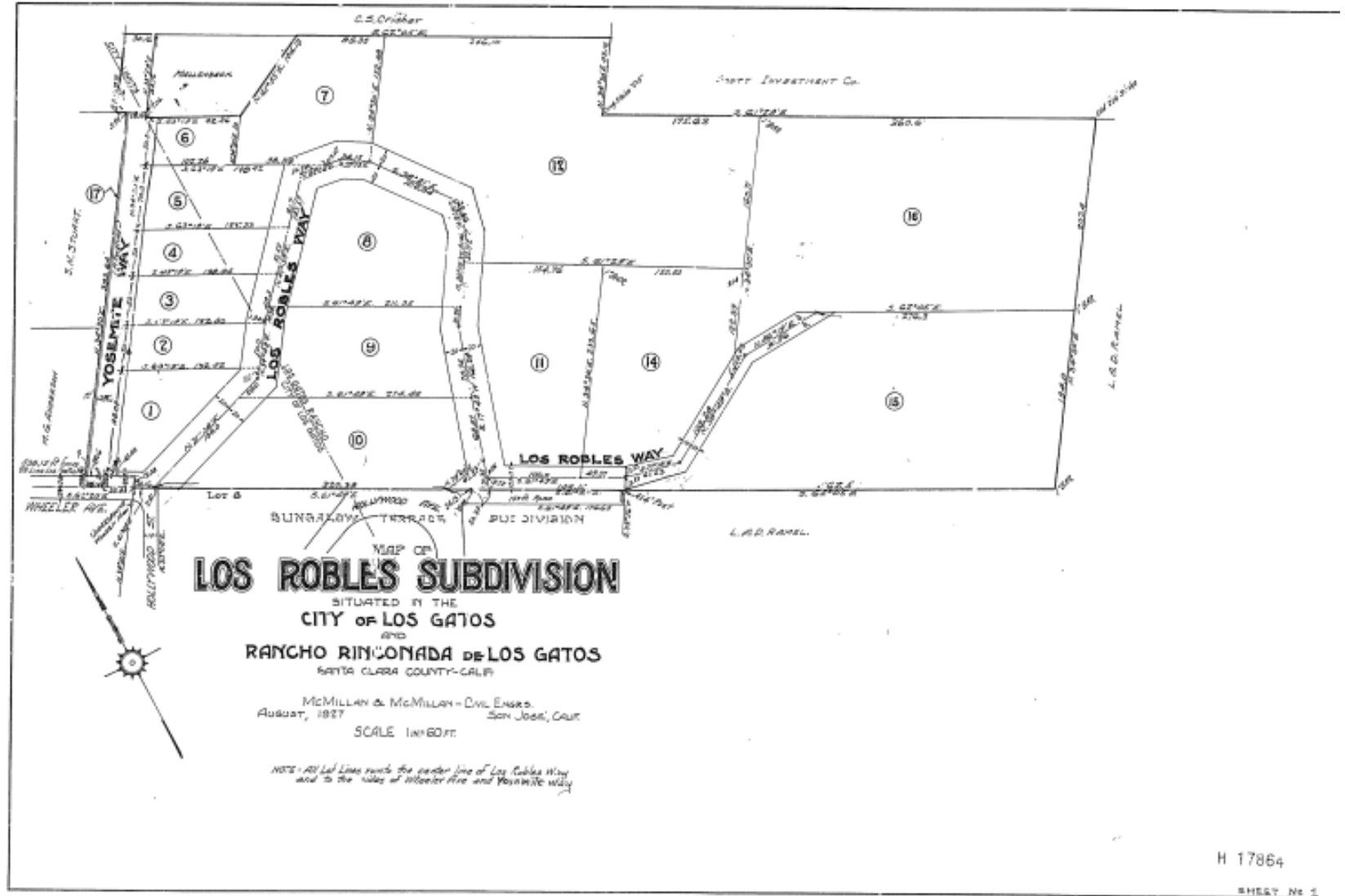
- Per Town Ordinance Lot Line Adjustment procedure cannot be used. You cannot take a non-buildable lot and make it buildable through Lot Line Adjustment procedure
- APN 532-36-077 is a non-conforming lot with no frontage , accessible access for vehicular or safety equipment . Has landslide concerns (see letter from the Merrick's).
- 17200 Los Robles Way is recorded as Landslide risk on JCP reports.
- There is only one potentially “buildable” parcel on this entire lot.
- Developer needs to show buildability of all three parcels before Lot Line adjustment application could be approved. Otherwise this is a subdivision application. Two lots already sold.
- Parcel 1 and Parcel 2 have effectively been merged due to purchase on June 7th.

Appendix

Original Subdivision Map 1927 – Land owned by Hays and Nuss

Lot 15 was carved into
separate lot (now APN 532-36-
004) for Hays leaving flag lot.

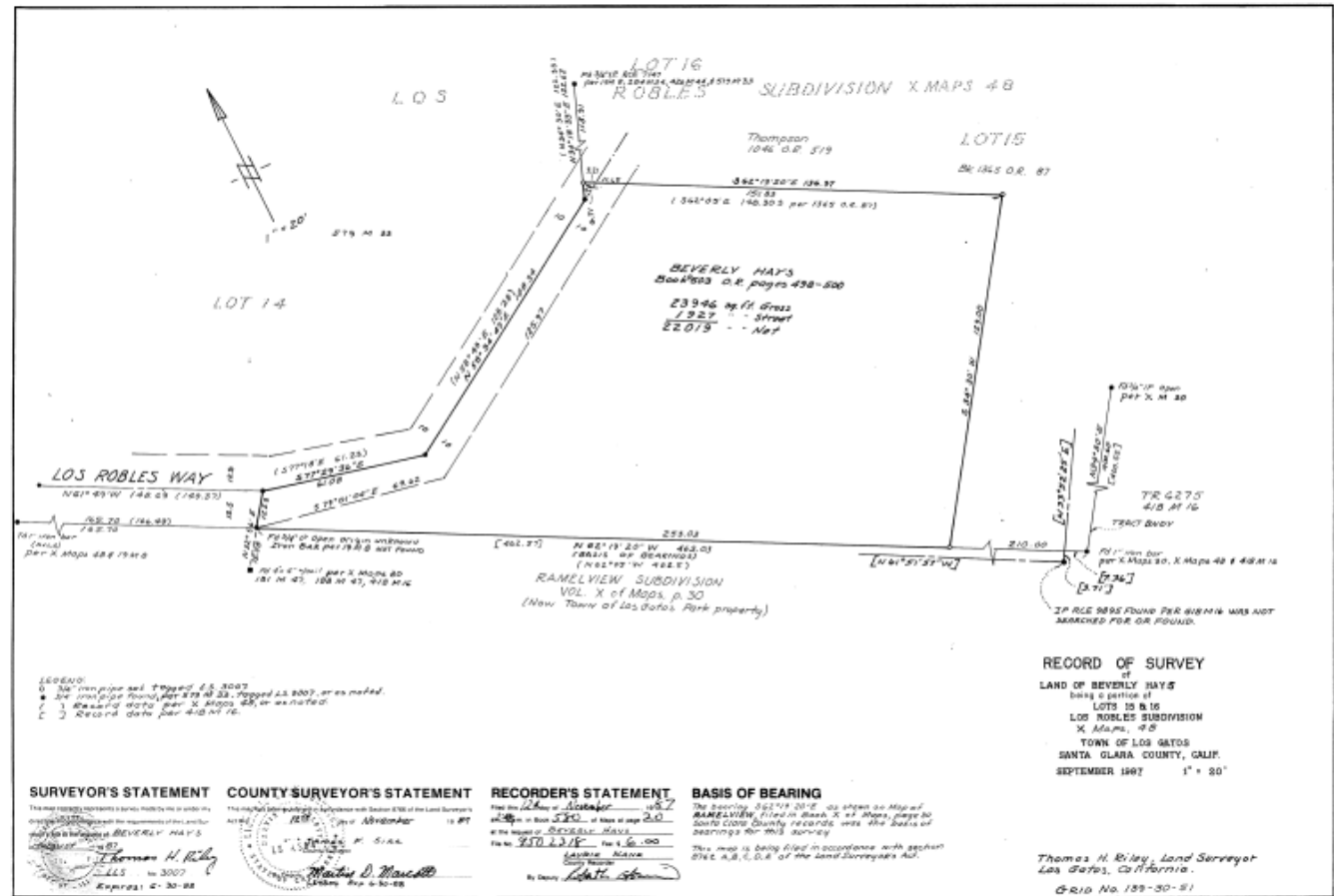
Lot 16 and Remainder of Lot
15 and orphaned strip of land
became APN 532-36-005 in
1947



H 17864

SHEET No. 1

Land Carved out for Beverly Hays prior to 1947

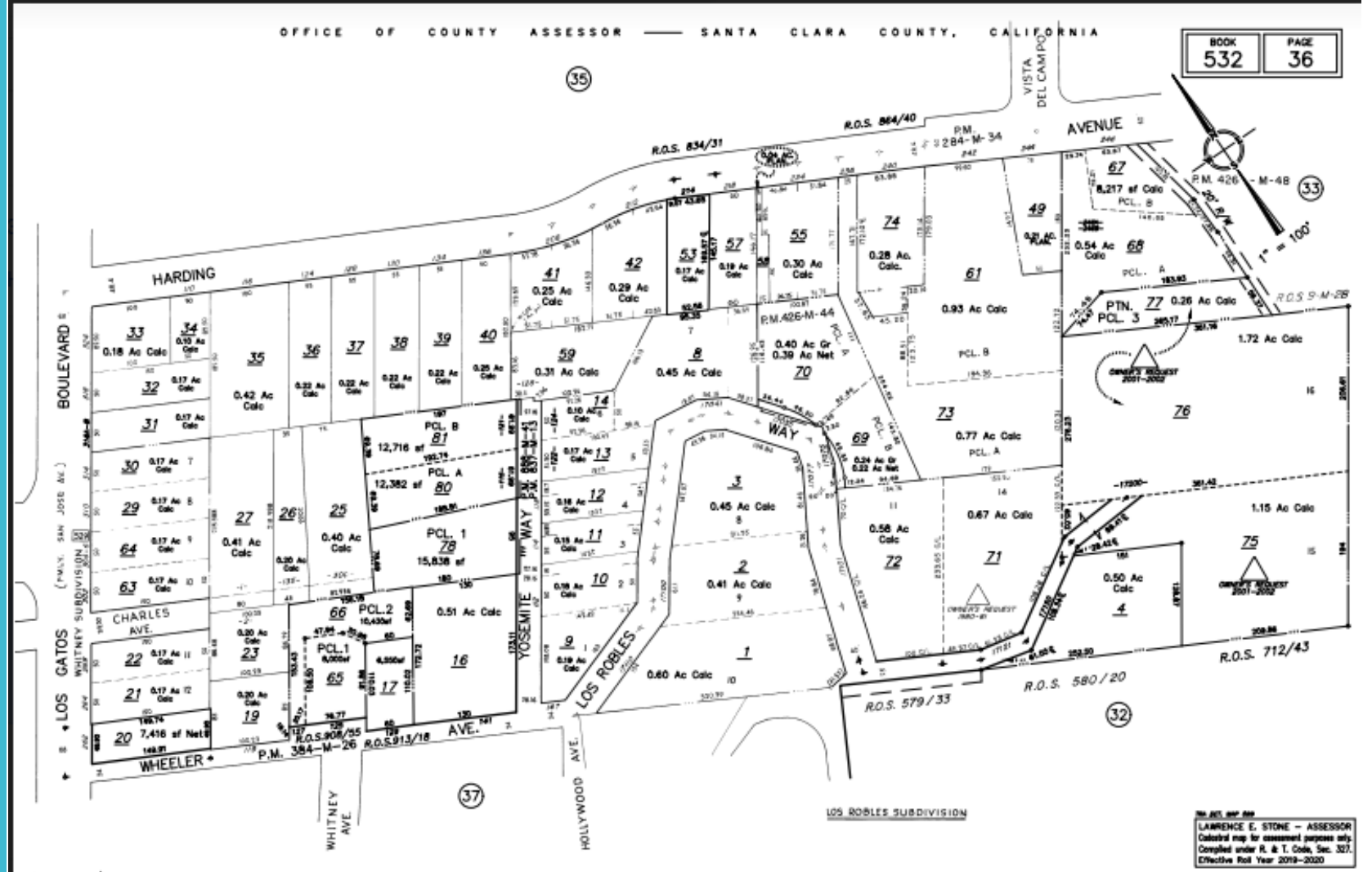


Book
Ref.

570
20

2c

Map APN 532-36 Los Robles



Town of Los Gatos
110 East Main St
Los Gatos, CA 95030

Attention: Mr. Ryan Safty

May 25, 2021

Dear Mr. Safty,

My husband Jason and I live at 246 Harding Avenue, which is the property that backs up to 17200 Los Robles, more specifically, APN 532-36-077. Mr Jeans came by in February of this year (2021), to talk with us about the proposed lot line adjustment of the property mentioned above.

Our main concern is the hillside behind our house that shares the property line of APN 532-36-077. My family has owned our property, at 246 Harding Avenue, since 1974, and in that time there has been quite a bit of movement and erosion of the hillside. One year, after an earthquake, loads of rock and debris ended up in our backyard, where a structure currently stands. Following the earthquake, there was a deep chasm at the top of the cliff/hillside. I have included in this letter several photos of our current hillside condition.

With the proposed new build, we feel that the earth movers, other construction vehicles, and the building of a structure, will further push the earth on the hill to continue to erode our hillside/property, and ultimately bring most of the hillside down into our yard.

We would like to see that there will be measures taken to ensure the safety of the hillside, and ultimately the safety of our home/property.

Our hope is that the town, and the new property owners of APN 532-36-077, will hear our concerns and take actions to ensure that our property is protected.

Best,

Shelley Clifford Merrick and Jason Merrick



Caption



**Disclosure Report Summary Pages
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: 532-36-076
Report Date: 03/08/2021
Report Number: 2814395

**Statutory Natural Hazard Disclosure ("NHD") Statement
and Acknowledgment of Receipt**

DISCLAIMER: This NHD Summary (a) is not valid unless delivered with the complete JCP-LGS Disclosure Report which buyer must read and acknowledge before close of escrow, and (b) is subject to the Terms and Conditions contained in that complete Disclosure Report.

The seller and seller's agent(s) or a third-party consultant disclose the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the Property. Seller hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the Property.

The following are representations made by the seller and seller's agent(s) based on their knowledge and maps drawn by the state and federal governments. This information is a disclosure and is not intended to be part of any contract between the seller and buyer. THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency

Yes ___ No **X** Do not know and information not available from local jurisdiction ___

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes ___ No **X** Do not know and information not available from local jurisdiction ___

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this Property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes **X** No ___

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this Property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes ___ No **X**

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes ___ No **X**

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) **X** Yes (Liquefaction Zone) ___

No ___ Map not yet released by state ___

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. SELLER(S) AND BUYER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Seller(s)	Date	Signature of Seller(s)	Date
Signature of Seller's Agent	Date	Signature of Seller's Agent	Date

Seller(s) and their agent(s) represent that the information herein is true and correct to the best of their knowledge as of the date signed by the transferor(s) and agent(s).

Seller(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Section 1103.7 of the Civil Code, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Section 1103.4 of the Civil Code. Neither seller(s) nor their agent(s) (1) has independently verified the information contained in this statement and Report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below:

Third-Party Disclosure Provider(s) FIRST AMERICAN PROFESSIONAL REAL ESTATE SERVICES, INC. OPERATING THROUGH ITS JCP-LGS DIVISION.
Date 08 March 2021

Buyer represents that he or she has read and understands this document. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the seller(s) or agent's disclosure obligations in this transaction.

Signature of Buyer(s)	Date	Signature of Buyer(s)	Date
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BUYER(S) REPRESENTS ABOVE HE/SHE HAS RECEIVED, READ AND UNDERSTANDS THE COMPLETE JCP-LGS DISCLOSURE REPORT DELIVERED WITH THIS SUMMARY:

- A. Additional Property-specific Statutory Disclosures: Fire Hazard Severity Zone (AB 38), Former Military Ordnance Site, Commercial/Industrial Use Zone, Airport Influence Area, Airport Noise, San Francisco Bay Conservation and Development District Jurisdiction (in S.F. Bay counties only), California Energy Commission Duct Sealing Requirement, Notice of Statewide Right to Farm, Notice of Mining Operations, Sex Offender Database (Megan's Law), Gas and Hazardous Liquid Transmission Pipeline Database.
- B. Additional County and City Regulatory Determinations as applicable: Airports, Avalanche, Blow Sand, Coastal Zone, Dam/Levee Failure Inundation, Debris Flow, Erosion, Flood, Fault Zone, Fire, Groundwater, Landslide, Liquefaction, Methane Gas, Mines, Naturally Occurring Asbestos, Redevelopment Area, Right to Farm, Runoff Area, Seiche, Seismic Shaking, Seismic Ground Failure, Slope Stability, Soil Stability, Subsidence, TRPA, Tsunami.
- C. General advisories: Methamphetamine Contamination, Mold, Radon, Endangered Species Act, Abandoned Mines, Oil & Gas Wells, Tsunami Maps (coastal only), Wood-burning fireplaces.
- D. Additional Reports - Enclosed if ordered: (1) PROPERTY TAX REPORT (includes state-required Notices of Mello-Roos and 1915 Bond Act Assessments, and Notice of Supplemental Property Tax Bill, (2) ENVIRONMENTAL SCREENING REPORT (discloses Transmission Pipelines, Contaminated Sites, and Oil & Gas Wells). Enclosed if applicable: Local Addenda.
- E. Government Guides in Combined Booklet with Report. Refer to Booklet: (1) ENVIRONMENTAL HAZARDS: "A Guide for Homeowners, Buyers, Landlords and Tenants"; (2) EARTHQUAKE SAFETY: "The Homeowners Guide To Earthquake Safety" and included "RESIDENTIAL EARTHQUAKE HAZARDS REPORT FORM"; (3) LEAD-BASED PAINT: "Protect Your Family From Lead In Your Home"; (4) BRIEF GUIDE TO MOLD, MOISTURE AND YOUR HOME; (5) WHAT IS YOUR HOME ENERGY RATING? Government Guides are also available on the Company's "Electronic Bookshelf" at <http://www.disclosures.com/>.

**JCP-LGS Residential Resale Property Disclosure Reports
Disclosure Report Summary Pages
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: 532-36-076
Report Date: 03/08/2021
Report Number: 2814395

PROPERTY DISCLOSURE SUMMARY - READ FULL REPORT

Statutory NHD Determinations	IN	NOT IN	Map N/A*	Property is:	NHD Report page:
Flood		X		NOT IN a Special Flood Hazard Area. The Property is IN a FEMA-designated Flood Zone(s) D, X500.	6
Dam		X		NOT IN an area of potential dam inundation.	6
Very High Fire Hazard Severity	X			IN a very high fire hazard severity zone.	7
Wildland Fire Area		X		Not in a wildland-state responsibility area.	7
Fault		X		NOT IN an earthquake fault zone designated pursuant to the Alquist-Priolo Act.	8
Landslide	X			IN an area of earthquake-induced land sliding designated pursuant to the Seismic Hazard Mapping Act.	8
Liquefaction		X		NOT IN an area of potential liquefaction designated pursuant to the Seismic Hazard Mapping Act.	8

County-level NHD Determinations	IN	NOT IN	Map N/A*	Property is:	NHD Report page:
Compressible Soils		X		NOT IN a county-designated compressible soils hazard zone	10
Dike Failure		X		NOT IN a county-designated dike failure flooding hazard zone	10
Fault	X			IN a county-designated fault rupture hazard zone	10
Landslide	X			IN a county-designated landslide hazard zone	10
Liquefaction		X		NOT IN a county-designated liquefaction hazard zone	10

City-level NHD Determinations	IN	NOT IN	Map N/A*	Property is:	NHD Report page:
Fault	X			IN a High Fault Rupture Hazard Management Zone.	11
Fire	X			IN Very High Fire Hazard Area for Fire hazard area.	11

Additional Statutory Disclosures	IN	NOT IN	Map N/A*	Property is:	NHD Report page:
Fire Hazard Severity Zone (AB 38)	X			IN a mapped Very High Fire Hazard Severity Zone.	13
Former Military Ordnance		X		NOT WITHIN one mile of a formerly used ordnance site.	14
Commercial or Industrial	X			WITHIN one mile of a property zoned to allow commercial or industrial use.	14
Airport Influence Area		X		NOT IN an airport influence area.	15
Airport Noise Area for 65 Decibel		X		NOT IN a delineated 65 dB CNEL or greater aviation noise zone.	16
Bay Conservation and Development Commission		X		NOT IN an area that is within the jurisdiction of the San Francisco Bay Conservation and Development Commission.	17
California Energy Commission	X			IN a climate zone where properties are usually subject to duct sealing and testing requirements	18
Right to Farm Act		X		NOT IN a one mile radius of designated Important Farmland.	19
Notice of Mining Operations		X		NOT IN a one mile radius of a mapped mining operation that requires a statutory "Notice of Mining Operation" be provided in this Report:	20

General Advisories	Description	NHD Report page:
Registered Sex Offender Data Base (Megan's Law) Notice	Provides an advisory required pursuant to Section 290.46 of the Penal Code. Information about specified registered sex offenders is made available to the public.	21

DISCLAIMER: This NHD Summary (a) is not valid unless delivered with the complete JCP-LGS Disclosure Report which buyer must read and acknowledge before close of escrow, and (b) is subject to the Terms and Conditions contained in that complete Disclosure Report.

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General Advisories	Description	NHD Report page:
Gas and Hazardous Liquid Transmission Pipeline Database Notice	Provides a notice required pursuant to Section 2079.10.5(a) of the Civil Code. Information about transmission pipeline location maps is made available to the public.	22
Methamphetamine Contamination	Provides an advisory that a disclosure may be required pursuant to the "Methamphetamine Contaminated Property Cleanup Act of 2005".	23
Mold	Provides an advisory that all prospective purchasers of residential and commercial property should thoroughly inspect the subject property for mold and sources for additional information on the origins of and the damage caused by mold.	24
Radon	Provides an advisory on the risk associated with Radon gas concentrations.	25
Endangered Species	Provides an advisory on resources to educate the public on locales of endangered or threatened species.	25
Abandoned Mines	Provides an advisory on resources to educate the public on the hazards posed by, and some of the general locales of, abandoned mines.	26
Oil and Gas Wells	Provides an advisory on the potential existence of oil and gas wells and sources for additional general and/or specific information.	26
Electromagnetic Fields Advisory	Provides an advisory about electromagnetic fields in the local environment and their assessment.	27
Tsunami Map Advisory	Provides an advisory about maximum tsunami inundation maps issued for jurisdictional emergency planning.	28
Residential Fireplace Disclosure	Provides disclosure of restrictions on the use of wood-burning fireplaces imposed by the Bay Area Air Quality Management District.	29

Determined by First American Professional Real Estate Services, Inc.

For more detailed information as to the foregoing determinations, please read this entire Report.

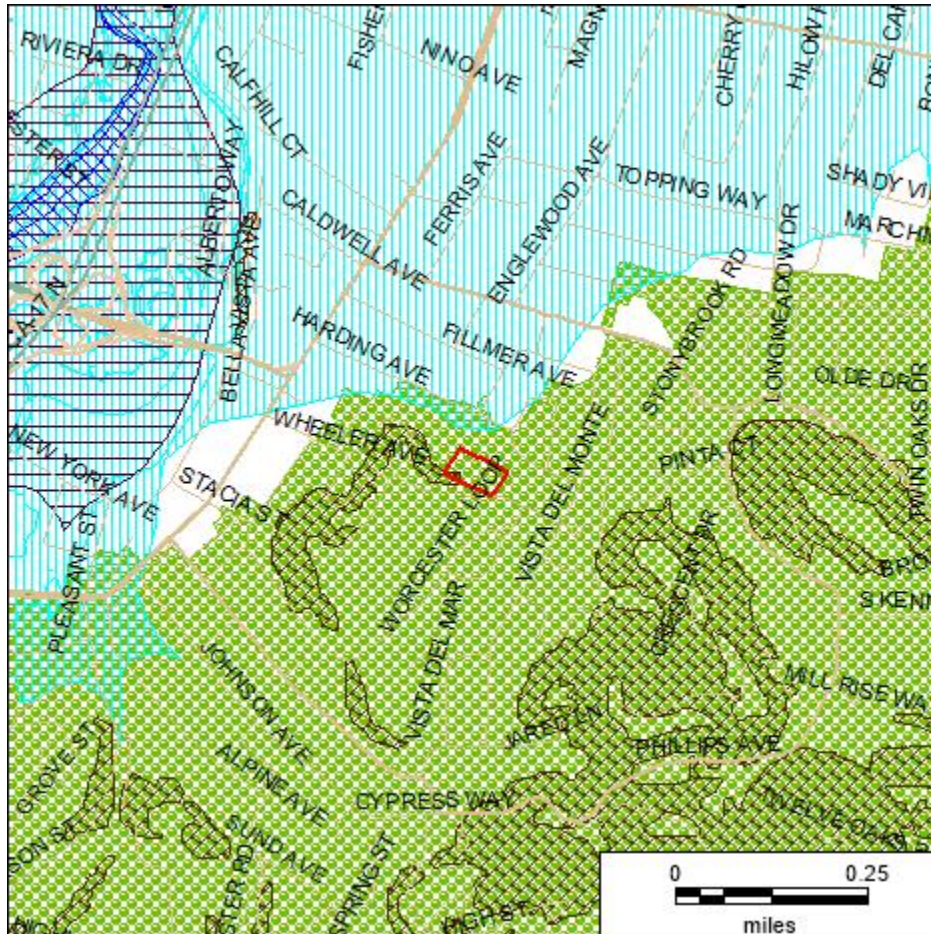
DISCLAIMER: This NHD Summary (a) is not valid unless delivered with the complete JCP-LGS Disclosure Report which buyer must read and acknowledge before close of escrow, and (b) is subject to the Terms and Conditions contained in that complete Disclosure Report.

**Map of Statutory Natural Hazards
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
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Map of Statutory Natural Hazard Zones



□ Subject Property

	Special Flood Hazard Area
	Area of Potential Flooding, Dam Failure
	Very High Fire Hazard Severity Zone
	Wildland Area, Substantial Forest Fire Risk
	Earthquake Fault Zone
	Seismic Hazard Zone, Landslide
	Seismic Hazard Zone, Liquefaction



This map is provided for convenience only to show the approximate location of the Property and is not based on a field survey.

**JCP-LGS Residential Resale Property Disclosure Reports
Natural Hazard Disclosure (NHD) Report
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
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("Property")

APN: 532-36-076
Report Date: 03/08/2021
Report Number: 2814395

**Statutory Natural Hazard Disclosure ("NHD") Statement
and Acknowledgment of Receipt**

The seller and seller's agent(s) or a third-party consultant disclose the following information with the knowledge that even though this is not a warranty, prospective buyers may rely on this information in deciding whether and on what terms to purchase the Property. Seller hereby authorizes any agent(s) representing any principal(s) in this action to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the Property.

The following are representations made by the seller and seller's agent(s) based on their knowledge and maps drawn by the state and federal governments. This information is a disclosure and is not intended to be part of any contract between the seller and buyer. THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

A SPECIAL FLOOD HAZARD AREA (Any type Zone "A" or "V") designated by the Federal Emergency Management Agency

Yes ___ No **X** Do not know and information not available from local jurisdiction ___

AN AREA OF POTENTIAL FLOODING shown on a dam failure inundation map pursuant to Section 8589.5 of the Government Code.

Yes ___ No **X** Do not know and information not available from local jurisdiction ___

A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. The owner of this Property is subject to the maintenance requirements of Section 51182 of the Government Code.

Yes **X** No ___

A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. The owner of this Property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the state's responsibility to provide fire protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.

Yes ___ No **X**

AN EARTHQUAKE FAULT ZONE pursuant to Section 2622 of the Public Resources Code.

Yes ___ No **X**

A SEISMIC HAZARD ZONE pursuant to Section 2696 of the Public Resources Code.

Yes (Landslide Zone) **X** Yes (Liquefaction Zone) ___

No ___ Map not yet released by state ___

THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. SELLER(S) AND BUYER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

Signature of Seller(s) _____ Date _____ Signature of Seller(s) _____ Date _____

Signature of Seller's Agent _____ Date _____ Signature of Seller's Agent _____ Date _____

Seller(s) and their agent(s) represent that the information herein is true and correct to the best of their knowledge as of the date signed by the transferor(s) and agent(s).

Seller(s) and their agent(s) acknowledge that they have exercised good faith in the selection of a third-party report provider as required in Section 1103.7 of the Civil Code, and that the representations made in this Natural Hazard Disclosure Statement are based upon information provided by the independent third-party disclosure provider as a substituted disclosure pursuant to Section 1103.4 of the Civil Code. Neither seller(s) nor their agent(s) (1) has independently verified the information contained in this statement and Report or (2) is personally aware of any errors or inaccuracies in the information contained on the statement. This statement was prepared by the provider below:

Third-Party Disclosure Provider(s) FIRST AMERICAN PROFESSIONAL REAL ESTATE SERVICES, INC. OPERATING THROUGH ITS JCP-LGS DIVISION.
Date 08 March 2021

Buyer represents that he or she has read and understands this document. Pursuant to Civil Code Section 1103.8, the representations made in this Natural Hazard Disclosure Statement do not constitute all of the seller(s) or agent's disclosure obligations in this transaction.

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**JCP-LGS Residential Resale Property Disclosure Reports
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Oil and Gas Wells	Provides an advisory on the potential existence of oil and gas wells and sources for additional general and/or specific information.	26
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Tsunami Map Advisory	Provides an advisory about maximum tsunami inundation maps issued for jurisdictional emergency planning.	28
Residential Fireplace Disclosure	Provides disclosure of restrictions on the use of wood-burning fireplaces imposed by the Bay Area Air Quality Management District.	29

Determined by First American Professional Real Estate Services, Inc.

For more detailed information as to the foregoing determinations, please read this entire Report.

JCP-LGS Residential Resale Property Disclosure Reports
Natural Hazard Disclosure (NHD) Report
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Natural Hazard Disclosure Report

Part 1. State Defined Natural Hazard Zones

Statutory Natural Hazard Disclosures

Section 1103 of the California Civil Code mandates the disclosure of six (6) natural hazard zones if the Property is located within any such zone. Those six "statutory" hazard zones, disclosed on the **Natural Hazard Disclosure Statement** ("NHDS") on Page one of this Report, are explained below. Note that the NHDS does not provide for informing buyers if a property is only partially within any of the delineated zones or provide additional flood zone information which could be very important to the process. The following summary is intended to give buyers additional information they may need to help them in the decision-making process and to place the information in perspective.

SPECIAL FLOOD HAZARD AREA

DISCUSSION: Property in a Special Flood Hazard Area (any type of Zone "A" or "V" as designated by the Federal Emergency Management Agency ("FEMA")) is subject to flooding in a "100-year rainstorm." Federally connected lenders require homeowners to maintain flood insurance for buildings in these zones. A 100-year flood occurs on average once every 100 years, but may not occur in 1,000 years or may occur in successive years. According to FEMA, a home located within a SFHA has a 26% chance of suffering flood damage during the term of a 30-year mortgage. Other types of flooding, such as dam failure, are not considered in developing these zones. Flood insurance for properties in Zones B, C, D, X, X500, and X500_Levee is available but is not required.

Zones A, AO, AE, AH, AR, A1-A30: Area of "100-year" flooding - a 1% or greater chance of annual flooding.

Zone A99: An "adequate progress" determination for flood control system construction projects that, once completed, may significantly limit the area of a community that will be included in the Special Flood Hazard Area (SFHA). Such projects reduce but do not eliminate, the risk of flooding to people and structures in "levee-impacted" areas, and allow mandatory flood insurance to be available at a lower cost.

Zones V, V1-V30: Area of "100-year" flooding in coastal (shore front) areas subject to wave action.

Zone B: Area of moderate flood risk. These are areas between the "100" and "500" year flood-risk levels.

Zones C, D: NOT IN an area of "100-year" flooding. Area of minimal (Zone C) or undetermined (Zone D) flood hazard.

Zones X: An area of minimal flood risk. These are areas outside the "500" year flood-risk level.

Zone X500: An area of moderate flood risk. These are areas between the "100" and "500" year flood-risk levels.

Zone X500_LEVEE: An area of moderate flood risk that is protected from "100-year flood" by levee and that is subject to revision to high risk (Zone A) if levee is decertified by FEMA.

Zone N: Area Not Included, no flood zone designation has been assigned or not participating in the National Flood Insurance Program.

Notice: The Company is not always able to determine if the Property is subject to a FEMA Letter of Map Revision ("LOMR") or other FEMA letters of map change. If Seller is aware that the Property is subject to a LOMR or other letters of map change, the Seller shall disclose the map change and attach a copy of the FEMA letter(s) to the Report. Contact FEMA at <http://msc.fema.gov> for additional information.

For more information about flood zones, visit:

https://efotg.sc.egov.usda.gov/references/public/NM/FEMA_FLD_HAZ_guide.pdf

PUBLIC RECORD: Official Flood Insurance Rate Maps ("FIRM") compiled and issued by the Federal Emergency Management Agency ("FEMA") pursuant to 42 United States Code §4001, et seq.

AREA OF POTENTIAL FLOODING (DAM FAILURE)

Since 1998 California law has required seller disclosure of areas of potential inundation due to sudden or total dam failure as delineated on inundation maps submitted by dam owners to the California Office of Emergency Services ("OES") for review and approval; however, as of June 27, 2017, the date on which Senate Bill 92 (SB 92) became operative, the review and approval of inundation maps prepared by licensed civil engineers and submitted by dam owners became the statutory responsibility of the California Department of Water Resources ("DWR") Division of Safety of Dams ("DSOD") as required by California Water Code Section 6161. These inundation maps are a component of emergency action plans submitted by dam owners to comply with statutory requirements set forth under the California Water Code for extremely high, high, and significant hazard dams and their critical appurtenant structures. Inundation maps are not required by the California Water Code for low hazard dams. SB 92 further requires dam owners to update the emergency action plan, including an inundation map, no less frequently than every 10 years or sooner.

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To date DWR has yet to review, approve, and make publicly available inundation maps and data for many facilities with inundation areas that are subject to disclosure requirements. Inundation maps will continue to be posted and updated maps will replace outdated maps as they are approved by DSOD. In the absence of DSOD-approved data, inundation maps previously approved by the OES will be used by the Company to facilitate compliance with specified statutory real estate transfer disclosure requirements. These include inundation maps for federally owned dams over which DSOD has no jurisdictional authority and for which inundation maps are not available from DSOD. These dams include, among others, Folsom Dam, Isabella Dam, Hansen Dam, Prado Dam, and Seven Oaks Reservoir (owned by the U.S. Army Corps of Engineers) as well as Monticello Dam, New Melones Dam, and Shasta Dam (owned by the U.S. Bureau of Reclamation). The Company may also use OES-approved maps should the mapped inundation area for a given facility be greater than that depicted on a DSOD-approved map.

PUBLIC RECORD: (1) Official dam inundation maps made publicly available prior to June 27, 2017 by the State of California Office of Emergency Services ("OES") pursuant to California Government Code §8589.5; (2) Official inundation boundary digital data made publicly available since June 28, 2017 by the State of California Department of Water Resources (DWR) pursuant to California Water Code §6161. DWR states that its inundation boundary data typically includes flooding depths greater than one foot but some information may be redacted for security purposes.

VERY HIGH FIRE HAZARD SEVERITY ZONE (VHFHSZ)

DISCUSSION: VHFHSZs can be defined by the California Department of Forestry and Fire Protection ("Calfire") as well as by local fire authorities within "Local Responsibility Areas" where fire suppression is the responsibility of a local fire department. Properties located within VHFHS Zones may have a higher risk for fire damage and, therefore, may be subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices. Contact the local fire department for a complete list of requirements and exceptions.

PUBLIC RECORD: Maps issued by Calfire pursuant to California Government Code § 51178 recommending VHFHSZs to be adopted by the local jurisdiction within its Local Responsibility Area, or VHFHSZs adopted by the local jurisdiction within the statutory 120-day period defined in California Government Code § 51179.

WILDLAND FIRE AREA (STATE RESPONSIBILITY AREA)

DISCUSSION: The State Board of Forestry classifies all lands within the State of California based on various factors such as ground cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks. Fire prevention and suppression in all areas which are not within a Wildland - State Responsibility Area ("WSRA") is primarily the responsibility of the local or federal agencies, as applicable.

For property located within a WSRA, please note that (1) there may be substantial forest fire risks and hazards; (2) except for property located within a county which has assumed responsibility for prevention and suppression of all fires, it is NOT the state's responsibility to provide fire protection services to any building or structure located within a WSRA unless the Department has entered into a cooperative agreement with a local agency; and (3) the property owner may be subject to (i) additional construction requirements such as a "Class A" roof for new construction or replacement of existing roofs; and (ii) additional maintenance responsibilities such as adequate vegetation clearance near the structure, spark screens on chimneys and stovepipes, leaf removal from roofs, and other basic fire-safety practices.

The existence of local agreements for fire service is not available in the Public Record and, therefore, is not included in this disclosure. For very isolated properties with no local fire services or only seasonal fire services there may be significant fire risk. If the Property is located within a WSRA, please contact the local fire department for more detailed information.

PUBLIC RECORD: Official maps issued by the California Department of Forestry and Fire Protection ("Calfire") pursuant to California Public Resources Code § 4125.

SRA Fire Prevention Benefit Fee Advisory: In 2011, the California Legislature and Governor enacted a "Fire Prevention Fee" on habitable structures in the State's wildland fire responsibility area. Effective July 1, 2017, as authorized by Assembly Bill 398 and signed by the Governor, that fire prevention fee is suspended until 2031. For more information, please refer to "Part 6. State Responsibility Area Fire Prevention Fee" in the JCP-LGS Property Tax Report.

High or Very High Fire Hazard Severity Zone (AB 38)

Effective January 1, 2021, a new disclosure law specifies a notice to be provided to the buyer under certain conditions regarding wildfire hazard severity zones. Please see "**Additional Statutory Disclosures**" in the Property Disclosure Summary table (above) and "Part 3. Additional Property Specific Disclosures" (below) for that AB 38 disclosure.

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EARTHQUAKE FAULT ZONE

DISCUSSION: Earthquake Fault Zones are delineated and adopted by California as part of the Alquist-Priolo Earthquake Fault Zone Act of 1972. Property in an Earthquake Fault Zone ("EF Zone") does not necessarily have a fault trace existing on the site. EF Zones are areas or bands delineated on both sides of known active earthquake faults. EF Zones vary in width but average one-quarter (1/4) mile in width with the "typical" zone boundaries set back approximately 660 feet on either side of the fault trace. The potential for "fault rupture" damage (ground cracking along the fault trace) is relatively high only if a structure is located directly on a fault trace. If a structure is not on a fault trace, shaking will be the primary effect of an earthquake. During a major earthquake, shaking will be strong in the vicinity of the fault and may be strong at some distance from the fault depending on soil and bedrock conditions. It is generally accepted that properly constructed wood-frame houses are resistant to shaking damage.

PUBLIC RECORD: Official earthquake fault zone or special study zone maps approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2622.

SEISMIC HAZARD MAPPING ACT ZONE

DISCUSSION: Official Seismic Hazard Zone ("SH Zone") maps delineate Areas of Potential Liquefaction and Areas of Earthquake-Induced Landsliding. A property that lies partially or entirely within a designated SH Zone may be subject to requirements for site-specific geologic studies and mitigation before any new or additional construction may take place.

Earthquake-Induced Landslide Hazard Zones are areas where the potential for earthquake-induced landslides is relatively high. Areas most susceptible to these landslides are steep slopes in poorly cemented or highly fractured rocks, areas underlain by loose, weak soils, and areas on or adjacent to existing landslide deposits. The CGS cautions these maps do not capture all potential earthquake-induced landslide hazards and that earthquake-induced ground failures are not addressed by these maps. Furthermore, no effort has been made to map potential run-out areas of triggered landslides. It is possible that such run-out areas may extend beyond the zone boundaries. An earthquake capable of causing liquefaction or triggering a landslide may not uniformly affect all areas within a SH Zone.

Liquefaction Hazard Zones are areas where there is a potential for, or an historic occurrence of liquefaction. Liquefaction is a soil phenomenon that can occur when loose, water saturated granular sediment within 40 feet of the ground surface, are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly. The Public Record is intended to identify areas with a relatively high potential for liquefaction but not to predict the amount or direction of liquefaction-related ground displacement, nor the amount of damage caused by liquefaction. The many factors that control ground failure resulting from liquefaction must be evaluated on a site specific basis.

PUBLIC RECORD: Official seismic hazard maps or digital data thereof approved by the State Geologist and issued by the California Department of Conservation, California Geological Survey pursuant to California Public Resources Code §2696.

STATUTORY NATURAL HAZARD DISCLOSURE REPORTING STANDARD: "IN" shall be reported if any portion of the Property is located within any of the above zones as delineated in the Public Record. "NOT IN" shall be reported if no portion of the Property is located within any of the above zones as delineated in the Public Record. Map Not Available shall be reported in areas not yet evaluated by the governing agency according to the Public Record. Please note that "MAP NOT AVAILABLE" will be applicable to most portions of the state. Official Seismic Hazard Zone ("SH Zone") maps delineate Areas of Potential Liquefaction and Areas of Earthquake-Induced Landsliding.

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Part 2. County and City Defined Natural Hazard Zones

HAZARD MAPS IN THE LOCAL GENERAL PLAN

General Plan regulates property development. There are currently over 530 incorporated cities and counties in California. The state Government Code (Sections 65000 et seq.) requires each of those jurisdictions to adopt a comprehensive, long-term "General Plan" for its physical development. That General Plan regulates land uses within the local jurisdiction in order to protect the public from hazards in the environment and conserve local natural resources. The General Plan is the official city or county policy regarding the location of housing, business, industry, roads, parks, and other land uses.

Municipal hazard zones can affect the cost of ownership. Each county and city adopts its own distinct General Plan according to that jurisdiction's unique vegetation, landscape, terrain, and other geographic and geologic conditions. The "Safety Element" (or Seismic Safety Element) of that General Plan identifies the constraints of earthquake fault, landslide, flood, fire and other natural hazards on local land use, and it delineates hazard zones within which private property improvements may be regulated through the building-permit approval process, which can affect the future cost of ownership. Those locally regulated hazard zones are in addition to the federal and state defined hazard zones associated with statutory disclosures in the preceding section.

City and/or County natural hazard zones explained below. Unless otherwise specified, only those officially adopted Safety Element or Seismic Safety Element maps (or digital data thereof) which are publicly available, are of a scale, resolution, and quality that readily enable parcel-specific hazard determinations, and are consistent in character with those statutory federal or state disclosures will be considered for eligible for use as the basis for county- or city-level disclosures set forth in this Report. Please also note:

- If an officially adopted Safety Element or Seismic Safety Element map relies on data which is redundant of that used for state-level disclosures, this Report will indicate so and advise Report recipients to refer to the state-level hazard discussion section for more information.
- If an officially adopted Safety Element or Seismic Safety Element cites underlying maps created by another agency, those maps may be regarded as incorporated by reference and may be used as the basis for parcel-specific determinations if those maps meet the criteria set forth in this section.
- Because county- and city-level maps are developed independently and do not necessarily define or delineate a given hazard the same way, the boundaries for the "same" hazard may be different.

If one or more maps contained in the Safety Element and/or Seismic Safety Element of an officially adopted General Plan are used as the basis for local disclosure, those maps will appear under the "Public Record(s) Searched" for that county or city.

REPORTING STANDARDS

A good faith effort has been made to disclose all hazard features on pertinent Safety Element and Seismic Safety Element maps with well-defined boundaries; however, those hazards with boundaries that are not delineated will be deemed not suitable for parcel-specific hazard determinations. Some map features, such as lines drawn to represent the location of a fault trace, may be buffered to create a zone to facilitate disclosure. Those map features which can not be readily distinguished from those representing hazards may be included to prevent an omission of a hazard feature. If the width of a hazard zone boundary is in question, "IN" will be reported if that boundary impacts any portion of a property. Further explanations concerning specific map features peculiar to a given county or city will appear under the "Reporting Standards" for that jurisdiction.

PUBLIC RECORDS VS. ON-SITE EVALUATIONS

Mapped hazard zones represent evaluations of generalized hazard information. Any specific site within a mapped zone could be at less or more relative risk than is indicated by the zone designation. A site-specific evaluation conducted by a geotechnical consultant or other qualified professional may provide more detailed and definitive information about the Property and any conditions which may or do affect it.

PROPERTY USE AND PERMITTING

No maps beyond those identified as "Public Record(s)" have been consulted for the purpose of these local disclosures. These disclosures are intended solely to make Report recipient(s) aware of the presence of mapped hazards. For this reason -- and because local authorities may use on these or additional maps or data differently to determine property-specific land use and permitting approvals -- Report recipients are advised to contact the appropriate local agency, usually Community Development, Planning, and/or Building, prior to the transaction to ascertain if these or any other conditions or related regulations may impact the Property use or improvement.

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SANTA CLARA COUNTY GEOLOGIC ZONES DISCUSSION

PUBLIC RECORD(S) SEARCHED: The following Public Records are utilized for those county-level disclosures below: Officially adopted digital data of "County Geologic Hazard Zones" as prepared by Santa Clara County Department of Planning and disclosure of which is required by County Ordinance Sec C12-624 as revised March 19, 2002.

FAULT

The County identifies Fault Rupture Hazard Zones as both "active" and "potentially active" fault zones as well as other faulting-related geologic features. Active faults are known to have experienced fault rupture in the last 11,000 years and are usually seismically active (produce earthquakes periodically). Potentially active faults are not seismically active, and it cannot be definitely proven that these faults have moved in the last 11,000 years. Potentially active faults far outnumber active faults in Santa Clara County. Because potentially active faults are included in the zone description, all Fault Rupture Hazard Zone are not necessarily equal to an Alquist-Priolo Earthquake Fault Zone which only includes active faults.

Reporting Standards: If any portion of the Property is situated within a fault zone as delineated in the Public Record, "WITHIN" shall be reported.

LANDSLIDE

Landslide Hazard Zones include areas with a high potential for earthquake-induced landslides. It does not necessarily mean that landslides exist on the Property or that landsliding is imminent or probable in the area. It does mean that the designated area has a greater chance of landsliding than properties in flat-lying areas. The County has also included a United States Geological Survey Report and State of California Geologic Survey Earthquake-Induced Landslide Hazard Zones into the zone description. These include areas where there has been a recent landslide, or where local slope, geological, geotechnical, and ground moisture conditions indicate a potential for landslides as a result of earthquake shaking.

Reporting Standards: If any portion of the Property is situated within a landslide zone as delineated in the Public Record, "IN" shall be reported.

LIQUEFACTION

Liquefaction Hazard Zones include areas the California Geological Survey has defined as areas of historic occurrence or potential for liquefaction. Liquefaction is a rare soil phenomenon that can occur when loose, water saturated, fine-grained sands and silty sands that lie within 50 feet of the ground surface are shaken in a significant earthquake. The soil temporarily becomes liquid-like and structures may settle unevenly. The County has also included zones of liquefaction susceptibility from a United States Geological Survey Report of soil deposits that may be prone to liquefaction.

Reporting Standards: If any portion of the Property is situated within an area of potential liquefaction as delineated in the Public Record, "IN" shall be reported.

COMPRESSIBLE SOILS

Compressible Soils Zones include areas where there is a chance that the ground will settle locally during severe shaking due to the potential compression of peaty-type soils in these areas. Risk of injury is relatively low in these areas as a result of settlement alone.

Reporting Standards: If any portion of the Property is situated within an area of compressible soils as delineated in the Public Record, "IN" shall be reported.

DIKE FAILURE

Dike Failure Flooding Zones include areas where there is a significant chance of flooding following a large earthquake if the perimeter dike systems of the bay fail.

Reporting Standards: If any portion of the Property is situated within an area of potential dike failure as delineated in the Public Record, "IN" shall be reported.

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CITY OF LOS GATOS GEOLOGIC DISCUSSION

PUBLIC RECORD(S) SEARCHED: The following Public Record(s), contained in the Safety Element of the City General Plan adopted by the Los Gatos Town Council in 2011 and the companion Background Report, is/are utilized for those city-level disclosure(s) below: "Figure SAF-3: Wildland Urban Interface Fire Area", "Figure 16-2: Fault Rupture Hazard Zones".

FAULT

According to the Geology Chapter of the General Plan Background Report, fault traces belonging to numerous faults, including the Shannon and Monte Vista Faults, are located in the vicinity of Los Gatos. As a result, significant bands of both high and moderate fault rupture hazard cover most of the Town of Los Gatos. These zones are generally northwest/southeast running, in conformance with the direction of the surrounding San Andreas and Monte Vista Fault systems. Nearly the entire southern portion of the Town is an area of high fault rupture hazard. Smaller portions of central Los Gatos are of moderate rupture hazard, while a large zone of high rupture hazard intersects the northern portion of Town. The Public Record indicates only small portions of northern, central and southern Los Gatos lie outside of fault rupture areas. According to the Town of Los Gatos Geotechnical Report Guidelines, proposed development in fault rupture hazard zones is subject to full geologic evaluation, including description of site conditions and appropriate design recommendations.

Reporting Standards: "IN" shall be reported as will the more severe hazard designation ("High" or "Moderate") if any portion of the Property is located within one or more Fault Rupture Potential Hazard Zone(s) within the City's Sphere of Influence as delineated in the Public Record. "NOT IN" shall be reported if no portion of the Property is located within a mapped Fault Rupture Potential Hazard Zone.

FIRE

Los Gatos is susceptible to destruction from both urban and wildland fires. There are several factors that influence the potential for fire hazard, including population growth, vegetation, slope of topography, and weather. The Town's Emergency Operations Plan identifies wildfire risk as a seasonal risk. The types of vegetation and typically high moisture content reduce the wildfire risk in the area. During drought years winds blow from the east, dry out the hillsides and increase the wildfire potential. In addition to Very High Fire Hazard Areas (VHFHA), modeled largely after CalFire Recommended Very High Fire Hazard Severity Zones in Local Responsibility Areas, the City has also designated Wildland-Urban Interface Fire Areas (WUIFA). As defined in Chapter 9 of the City's Municipal Code, a WUIFA is "a geographic area identified by the State as a 'Fire Hazard Severity Zone' or other areas by the enforcing agency to be at a significant risk from wildfires." Hazard vegetation and fuel management standards (including defensible space) for building and structures located within VHFHA and WUIFA are detailed in the City's Municipal Code and available from the local fire authority.

Reporting Standards: "IN" shall be reported as well as the Fire Area designation shall be reported if any portion of the Property is located within a Very High Fire Hazard Area (VHFHA) or Wildland-Urban Interface Fire Area (WUIFA) within the City's Sphere of Influence as delineated in the Public Record. "NOT IN" shall be reported if no portion of the Property is located within a VHFHA or WUIFA as delineated in the Public Record.

OTHER HAZARDS

The fault zones depicted in "Figure SAF-1: Regional Faults" are mapped at a scale which does not permit property-specific disclosure. "Figure SAF-2: Seismic Hazards" demonstrates that the Town of Los Gatos has adopted Areas of Potential Liquefaction and Earthquake-Induced Landslides delineated on official maps issued by the California Geological Survey pursuant to the Seismic Hazard Mapping Act. For more information about these seismic hazards, please refer to the state-level discussion and disclosure of Seismic Hazard Mapping Act Zones in the preceding section of this Report. For the most current FEMA flood information please refer to the state-level discussion and disclosure of Special Flood Hazard Area in the preceding section of this Report. Likewise, please refer to the state-level discussion and disclosure of Areas of Potential Flooding (due to Dam Inundation) in the preceding section of this Report for identification of mapped areas susceptible to potential inundation due to dam failure.

The Safety Element and Background Report discuss but do not provide boundary maps for the following hazards:

GROUND SHAKING

Los Gatos is within a seismically active region and earthquakes have the potential to cause ground shaking of significant intensity. Any slip along all or part of a fault surface releases accumulated energy that radiates in all directions away from the source, in the form of earthquake waves. Associated ground shaking varies in intensity depending on the severity of earthquake activity, proximity to that activity and local soil and geological conditions. Because Los Gatos is within the "near source" zone of both the San Andreas and Monte Vista Faults, the Town is subject to particularly strong ground shaking effects.

Reporting Standards: No determination is reported because the Public Record does not include a map which delineates the boundaries for this hazard within the City.

SHRINK-SWELL POTENTIAL

Certain types of soils have characteristics that make them more susceptible to geotechnical hazards such as erosion and expansion. Identifying local soil types and understanding their associated characteristics help cities to establish appropriate

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engineering and construction standards for new buildings and remodeling. The primary soil types in the Los Gatos area are clay and clay loam. Due to the presence of clay minerals, these soils tend to expand when wet and shrink upon drying, a phenomena known as shrink-swell potential. This action can cause seasonal uplifting of structural foundations and roads, accompanied by significant and often dangerous cracking. As a result, clay and clay loam soils have limitations as substrates for engineering and construction purposes. Due to the predominance of clays, most of the Town of Los Gatos is identified as having moderate to high shrink-swell potential. Although there are small pockets of land with low potential for such soil action, soils throughout most of the central area of the Town exhibit moderate risk of shrink-swell action. Shrink-swell potential increases towards the south of the Town, and areas of the highest potential are concentrated in the very southeastern corner of Los Gatos.

Reporting Standards: No determination is reported because the Public Record does not include a map which delineates the boundaries for this hazard within the City.

EROSION POTENTIAL

The potential for erosion generally increases with steepness of slope and rainfall and is greater in areas where the protective soil and/or vegetation cover has been removed by fire or grading. Due to the varied topography of Los Gatos, the erosion potential within the Town ranges from low to very high. The potential for erosion in Los Gatos is highest in the eastern, southern and southwestern areas of the Town. Erosion potential decreases toward the center of Town, and is non-existent in the flat areas just east of the Highway 17 corridor. However, erosion potential is high to very high in the areas surrounding the north end of the Los Gatos Creek corridor.

Reporting Standards: No determination is reported because the Public Record does not include a map which delineates the boundaries for this hazard within the City.

END OF LOCAL AREA DISCLOSURES AND DISCUSSIONS SECTION

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Part 3. Additional Property Specific Disclosures

NOTICE REGARDING FIRE HAZARD SEVERITY ZONE (AB 38)

DISCUSSION: The California Legislature finds and declares that wildfires, among other things, have grown larger and have increased in intensity over the last several decades. More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of "high" or "very high" fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection ("CAL FIRE"). There is a pressing need to increase wildfire resistance within developed areas to minimize wildfire impacts and implement comprehensive vegetation management measures in wildlands to minimize wildfire size and severity. [Source: Calif. Assembly Bill 38 as amends the law on November 18, 2019]

As codified in California Civil Code Section 1102: On or after January 1, 2021, in addition to any other disclosure required pursuant to this article, the seller of any real property subject to this article that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, shall provide the following prescribed disclosure notice to the buyer, if the home was constructed before January 1, 2010 [Subsection 1102.6f.(a)]:

This home is located in a high or very high fire hazard severity zone and this home was built before the implementation of the Wildfire Urban Interface building codes which help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org> (California Civil Code Section 1102.6f.(a)(1))

Seller's Documentation of Compliance or Inspection.

On and after July 1, 2021, a seller of a real property subject to this article that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, shall provide to the buyer documentation stating that the property is in compliance with Section 4291 of the Public Resources Code or local vegetation management ordinances, as follows [Section 1102.19.(a)]:

- (1) In a local jurisdiction that has enacted an ordinance requiring an owner of real property to obtain documentation that the property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the seller shall provide the buyer with a copy of the documentation that complies with the requirements of that local ordinance and information on the local agency from which a copy of that documentation may be obtained.
- (2) In a local jurisdiction that has not enacted an ordinance for an owner of real property to obtain documentation that a property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the seller shall provide the buyer with the documentation obtained in the six-month period preceding the date the seller enters into a transaction to sell that real property and provide information on the local agency from which a copy of that documentation may be obtained.

Buyer's Written Agreement to Comply.

On and after July 1, 2021, if the seller of a real property described in subdivision (a) has not obtained documentation of compliance in accordance with paragraph (1) or (2) of subdivision (a), the seller and the buyer shall enter into a written agreement pursuant to which the buyer agrees to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance as follows [Subsection 1102.19.(b)]:

- (1) In a local jurisdiction that has enacted an ordinance requiring an owner or buyer to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the buyer shall comply with that ordinance.
- (2) In a local jurisdiction that has not enacted an ordinance requiring an owner or buyer to obtain documentation of compliance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the buyer shall obtain documentation of compliance within one year of the date of the close of escrow.

About the Fire Hazard Severity Zone Maps.

According to the Office of the State Fire Marshal, CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These designations, referred to as Fire Hazard Severity Zones ("FHSZ"),

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mandate how people construct buildings and protect property to reduce risk associated with wildland fires. These maps were last updated in 2007-2010 and are currently being updated to incorporate improved fire science, data and mapping techniques. The proposed FHSZ maps denote lands of similar hazards where the state has financial responsibility for wildland fire protection, known as state responsibility area or SRA, and will be available for review and public comment. It is anticipated that in late 2020 or 2021 CAL FIRE will produce FHSZ maps for the areas of California where local governments have financial responsibility for wildland fire protection, known as Local Responsibility Area or LRA. Per law, only lands zoned as Very High Fire Hazard Severity are currently identified within local responsibility areas. [Source: "Fire Hazard Severity Zones", CAL FIRE website, current on December 8, 2020:

<https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildfire-prevention-engineering/fire-hazard-severity-zones/>]

PUBLIC RECORD: Until further notice, per guidance of the California State Fire Marshal's Office (December 2020), maps relied upon for this FHSZ determination shall be the official digital data of "Fire Hazard Severity Zones in State Responsibility Areas ["SRA"]" as adopted by CAL FIRE on November 7, 2007, pursuant to California Public Resources Code Section 4201-4204; and the official digital data for separate "Very High Fire Hazard Severity Zones in LRA [Local Responsibility Areas]" as recommended by CAL FIRE on various dates (2008-2011) and subject to modification by local jurisdictions, pursuant to California Government Code Section 51175-89. For more information please refer to the statutory disclosures of Wildland Fire Area (in SRA) and Very High Fire Hazard Severity Zones (in LRA) discussed in the previous section of this Report.

REPORTING STANDARD: "IN" shall be reported as will the more severe mapped Fire Hazard Severity Zone (High or Very High) affecting any portion of the Property. "NOT IN" shall be reported if no portion of the Property is located within a mapped High or Very High Fire Hazard Severity Zone.

FORMER MILITARY ORDNANCE SITE DISCLOSURE

DISCUSSION: Former Military Ordnance (FUD) sites can include sites with common industrial waste (such as fuels), ordnance or other warfare materiel, unsafe structures to be demolished, or debris for removal. California Civil Code Section 1102 requires disclosure of those sites containing unexploded ordnance. "Military ordnance" is any kind of munitions, explosive device/material or chemical agent used in military weapons. Unexploded ordnance are munitions that did not detonate. NOTE: **MOST** FUD sites do not contain unexploded ordnance. Only those FUD sites that the U.S. Army Corps of Engineers (USACE) has identified to contain Military Ordnance or have mitigation projects planned for them are disclosed in this Report. Additional sites may be added as military installations are released under the Federal Base Realignment and Closure (BRAC) Act. Active military sites are NOT included on the FUD site list.

PUBLIC RECORD: Data contained in Inventory Project Reports, Archives Search Reports, and related materials produced for, and made publicly available in conjunction with, the Defense Environmental Restoration Program for Formerly Used Defense Sites by the U.S. Army Corps of Engineers. Sites for which no map has been made publicly available shall not be disclosed.

REPORTING STANDARD: If one or more facility identified in the Public Record is situated within a one (1) mile radius of the Property, "WITHIN" shall be reported. The name of that facility or facilities shall also be reported.

COMMERCIAL OR INDUSTRIAL ZONING DISCLOSURE

DISCUSSION: The seller of real property who has actual knowledge that the property is affected by or zoned to allow commercial or industrial use described in Section 731a of the Code of Civil Procedure shall give written notice of that knowledge to purchasers as soon as practicable before transfer of title (California Civil Code Section 1102.17). The Code of Civil Procedure Section 731a defines industrial use as areas in which a city and/or county has established zones or districts under authority of law wherein certain manufacturing or commercial or airport uses are expressly permitted. The "Zoning Disclosure" made in this Report DOES NOT purport to determine whether the subject property is or is not affected by a commercial or industrial zone. As stated above, that determination is based solely upon ACTUAL KNOWLEDGE of the seller of the subject property.

In an effort to help determine areas where this may be applicable, this disclosure identifies if a property exists within one mile of the seller's property that is zoned to allow for commercial or industrial use. Very commonly, a home will have in its vicinity one or more properties that are zoned for commercial or industrial use such as restaurants, gasoline stations, convenience stores, golf courses, country club etc.

PUBLIC RECORD: Based on publicly-available hardcopy and/or digital zoning and land use records for California cities and counties.

REPORTING STANDARD: If one or more property identified in the Public Record as "commercial," "industrial," or "mixed use" is situated within a one (1) mile radius of the Property, "WITHIN" shall be reported. Please note that an airport facility that may be classified as public use facility in the Public Record will be reported as "commercial/industrial" in this disclosure.

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AIRPORT INFLUENCE AREA DISCLOSURE

DISCUSSION:

Certain airports are not disclosed in this Report. JCP-LGS has made a good faith effort to identify the airports covered under Section 1102.6a. Sources consulted include official land use maps and/or digital data made available by a governing Airport Land Use Commission (ALUC) or other designated government body. Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. Not disclosed in this Report are public use airports that are not in the "California Airports List", airports that are physically located outside California, heliports and seaplane bases that do not have regularly scheduled commercial service, and private airports or military air facilities unless specifically identified in the "California Airports List". **If the seller has actual knowledge of an airport in the vicinity of the subject property that is not disclosed in this Report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the buyer.**

Most facilities for which an Airport Influence Area has been designated are included on the "California Airports List" maintained by the California Department of Transportation's Division of Aeronautics. The inclusion of military and private airports varies by County, and heliports and seaplane bases are not included, therefore, airports in these categories may or may not be included in this disclosure.

NOTE: Proximity to an airport does not necessarily mean that the property is exposed to significant aviation noise levels. Alternatively, there may be properties exposed to aviation noise that are greater than two miles from an airport. Factors that affect the level of aviation noise include weather, aircraft type and size, frequency of aircraft operations, airport layout, flight patterns or nighttime operations. Buyer should be aware that aviation noise levels can vary seasonally or change if airport usage changes.

PUBLIC RECORD: Based on officially adopted land use maps and/or digital data made publicly available by the governing ALUC or other designated government body. If the ALUC or other designated government body has not made publicly available a current officially adopted airport influence area map, then California law states that "a written disclosure of an airport within two (2) statute miles shall be deemed to satisfy any city or county requirements for the disclosure of airports in connection with transfers of real property."

REPORTING STANDARD: "IN" shall be reported along with the facility name(s) and the "Notice of Airport in Vicinity" if any portion of the Property is situated within either (a) an Airport Influence Area as designated on officially adopted maps or digital data or (b) a two (2) mile radius of a qualifying facility for which an official Airport Influence Area map or digital data has not been made publicly available by the ALUC or other designated governing body. "NOT IN" shall be reported if no portion of the Property is within either area.

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("Property")

APN: 532-36-076
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AIRPORT NOISE DISCLOSURE

DISCUSSION: California Civil Code §1102.17 requires the seller(s) of residential real property who has/have actual knowledge that the property in the transaction is affected by airport use must give written notice of that knowledge, as soon as practicable, before transfer of title.

Under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program Part 150*, certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps have been produced for some airports. Not all airports have produced noise exposure maps. A property may be near or at some distance from an airport and not be within a delineated noise exposure area, but still experience aviation noise. Unless 65dB CNEL contour maps are published, helipads and military sites are not included in this section of the Report.

The *Airport Noise Compatibility Planning Program* is voluntary and not all airports have elected to participate. Furthermore, not all property in the vicinity of an airport is exposed to 65dB CNEL or greater average aviation noise levels. Conversely a property may be at some distance from an airport and still experience aviation noise. Buyer should be aware that aviation noise levels can vary seasonally or change if airport usage changes after a map is published or after the Report Date. JCP-LGS uses the most seasonally conservative noise exposures provided.

Federal funding may be available to help airports implement noise reduction programs. Such programs vary and may include purchasing properties, rezoning, and insulating homes for sound within 65dB areas delineated on CNEL maps. Airport owners have also cooperated by imposing airport use restrictions that include curfews, modifying flight paths, and aircraft limitations.

PUBLIC RECORD: Certain 65 decibel (dB) Community Noise Equivalent Level (CNEL) contour maps produced under the Federal Aviation Administration's *Airport Noise Compatibility Planning Program Part 150*.

REPORTING STANDARD: "IN" shall be reported if any portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record. "NOT IN" shall be reported if no portion of the Property is situated within a 65 decibel Community Noise Equivalent Level contour identified in the Public Record.

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**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT
COMMISSION DISCLOSURE**

DISCUSSION: As of July 1, 2005, Civil Code §1103.4 mandates disclosure to buyers of certain real estate if the boundary of the property is determined to be (1) within 100 feet of the San Francisco Bay shoreline as mapped in 1997 by the National Ocean Survey (NOS), an agency of the National Oceanographic and Atmospheric Administration (NOAA); or (2) within another mapped zone established by the Bay Conservation and Development Commission (BCDC). The BCDC has regulatory jurisdiction within 100 feet inland from the point of "mean higher high water" as mapped by the NOS, and within other zones the agency has defined along the San Francisco Bay margin (BCDC Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568").

Notice is required to prevent unknowing violations of the law by new owners who were unaware that certain activities on the real property are subject to the BCDC's permit requirements. The BCDC notes that the Bay is a highly dynamic environment and the shoreline changes over time (see Discussion below). In addition, there is inherent uncertainty in the shoreline position as mapped by the NOS or any agency. The BCDC advises the buyer and other interested parties to contact its office if a more authoritative jurisdictional determination is desired. The BCDC office is located at 50 California Street, Suite 2600, San Francisco, California 94111, and can be reached at (415) 352-3600, or by email to info@bcdc.ca.gov

The BCDC has issued maps for some parts of its jurisdiction, including the San Francisco Bay Plan maps (California Code of Regulations, Title 14, Section 10121) and the Suisun Marsh Plan maps (Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974). Official maps have not been issued for other parts of the BCDC jurisdiction (McAteer-Petris Act areas) because the Bay is a highly dynamic environment and the shoreline changes over time (in part because the sea level also changes over time). In those areas where official BCDC maps are not available or along the edges of the BCDC's mapped jurisdiction, to meet the disclosure requirements, this Report will indicate that the property "could be within" the BCDC's jurisdiction and that a location-specific jurisdictional determination should be made by consulting the BCDC. This determination of "could be within" the BCDC's jurisdiction was recommended by the BCDC in that certain Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568" issued in February 2005 and posted on the BCDC website.

PUBLIC RECORDS: San Francisco Bay Plan maps (California Code of Regulations, Title 14, Section 10121) and the Suisun Marsh Plan maps (Nejedly-Bagley-Z'berg Suisun Marsh Preservation Act of 1974) made publicly available by BCDC and that certain Memo entitled "Guidance on Determining Commission Jurisdiction Pursuant to Senate Bill 1568" issued by BCDC in February 2005 and posted on the BCDC website ("BCDC Memo").

REPORTING STANDARD: "WITHIN" shall be reported if any portion of the Property is situated within an areas mapped by BCDC or is within the 100-foot shoreline band. "COULD BE WITHIN" shall be reported if any portion of the Property is situated within one-quarter (1/4) mile of either an area mapped by BCDC or the 100-foot shoreline band. "NOT WITHIN" shall be reported if no portion of the Property is situated within an area that would otherwise be reported as either "WITHIN" or "COULD BE WITHIN".

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CALIFORNIA ENERGY COMMISSION DUCT SEALING & TESTING REQUIREMENT

DISCUSSION: According to the California Energy Commission ("CEC") most California homes have improperly sealed central air conditioning and heating system ducts such that approximately 30 percent of the conditioned air actually leaks outside the home.

Effective July 1, 2014, in order to combat this waste of energy and money, the CEC updated its residential duct sealing and testing requirements in the 2013 Building Energy Efficiency Standards (Title 24). Previously, such duct sealing and testing was required only in certain CEC-designated climate zones when a central air conditioner or furnace is installed or replaced. **The revised standards now make duct sealing and testing mandatory in all California climate zones when such a system is installed or replaced.** Ducts found to leak more than 15 percent or more must be repaired. Once a contractor tests and fixes these ducts, you must have an approved third-party verifier determine that the ducts have been properly sealed. The CEC cautions homeowners that a contractor who fails to obtain a required building permit and fails to test and repair your ducts "is violating the law and exposing you to additional costs and liability." If you do not obtain a permit, you may be required to bring your home into compliance with code requirements for that work and may incur additional penalties and fines that have to be paid prior to selling your home. Remember that you have a duty to disclose whether you obtained required permits for work performed to prospective Buyers and appraisers. Local governments may mandate more stringent requirements.

Please note there are specific alternatives that allow high efficiency equipment and added duct insulation to be installed instead of fixing duct leaks. Please also be advised that there are separate regulations which govern duct insulation levels required by climate zone and HVAC system.

For more information please contact the California Energy Commission or visit the official CEC "2013 Building Energy Efficiency Standards" portal at: <http://www.energy.ca.gov/title24/2013standards/index.html>

PUBLIC RECORD: 2013 Building Energy Efficiency Standards (Title 24).

REPORTING STANDARD: "WITHIN" shall be reported regardless of CEC-designated climate zone pursuant to the revised Title 24 Standards.

COOLING AND HEATING ENERGY-EFFICIENCY ADVISORY

Effective January 1, 2015, new federal energy-efficiency standards apply to the repair and replacement of residential heating, ventilation and air conditioning ("HVAC") systems. The new standards raise the minimum efficiency requirements for air conditioning systems and certain types of heating systems. Energy efficiency is measured by the Seasonal Energy Efficiency Ratio ("SEER"), which compares the amount of cooling (or heating) output by an HVAC system to the amount of energy (electricity or gas) input over its operating season. The higher the system's SEER value, the more energy-efficient it is and the lower the unit cost of cooling (or heating) a home.

For the first time, federal minimum-efficiency standards will vary by region. Prior to 2015 one standard, called SEER 13, applied nationwide. Now, in California, Nevada, Arizona and New Mexico (the Southwestern Region), SEER 13 has been replaced by the more efficient SEER 14 standard. In the Southwestern Region the new rule allows repairs to existing SEER 13-compliant systems. However, in many cases a full system replacement (both the indoor and outdoor unit) will be necessary to make the system compatible, and replacement is allowed only with a SEER 14-compliant unit. The higher standard may increase the replacement cost to the property owner because the SEER 14 efficiency improvements require increased complexity of the new equipment, and the SEER 14 units may not fit in the existing space, requiring structural modifications at the owner's expense. In some cases the SEER 14 standard could double the cost of replacement over the earlier replacement cost. For applicable details and codes, see the California Energy Commission web page at: http://www.energy.ca.gov/title24/2013standards/residential_manual.html (The new federal standards go into effect on January 1, 2015, which is six months after the July 1, 2014, effective date of the 2013 Standards.) Federal energy-efficiency standards are updated from time to time. To determine the current applicable federal standard inquire with a home inspector or other appropriately licensed professional.

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STATEWIDE RIGHT TO FARM DISCLOSURE

DISCUSSION:

California has a "Right to Farm Act" (Civil Code Section 3482.5) to protect farming operations. When agricultural land within the State's agricultural areas is bought and sold, the purchasers are often not made aware of the fact that there are right-to-farm laws. This has led to confusion and a misunderstanding of the actual uses of the land or uses of the surrounding agricultural lands.

In 2008 the State of California enacted Assembly Bill 2881 to limit the exposure of farmers to nuisance lawsuits by homeowners in neighboring developments. The mechanism of this bill is a formal notification of the Buyer, through a "Notice of Right to Farm" in an expert disclosure report that advises the Buyer if the subject property is within one mile of farmland as defined in the bill.

If the seller has actual knowledge of an agricultural operation in the vicinity of the subject property that is not disclosed in this Report, and that is material to the transaction, the seller should disclose this actual knowledge in writing to the Buyer.

PUBLIC RECORD: Based on the most current available version of the "Important Farmland Map" issued by the California Department of Conservation, Division of Land Resource Protection, utilizing solely the county-level GIS map data, if any, available on the Division's Farmland Mapping and Monitoring Program website, pursuant to Section 11010 of the Business and Professions Code, and Section 1103.4 of the California Civil Code.

REPORTING STANDARD: "IN" shall be reported and the "Notice of Right to Farm" provided if any portion of the Property is situated within, or within one mile of, a parcel of real property designated as "Prime Farmland," "Farmland of Statewide Importance," "Unique Farmland," "Farmland of Local Importance," or "Grazing Land" in the public record. "NOT IN" shall be reported if no portion of the Property is within that area.

Some counties, or parts thereof, are not included in the Public Record because they have not been mapped for farmland parcels under this State program. Typically, this is because the county area is public land and not planned for incorporation, or, in the case of San Francisco, the county is entirely incorporated. In those instances, we report "Map Not Available" above, or "Map N/A" in the table of summary determinations at the beginning of this Report.

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NOTICE OF MINING OPERATIONS DISCLOSURE

DISCUSSION: Historically mining operations have been located in remote areas. However, increasing urbanization has resulted in some residential projects being developed near existing mining operations.

California Public Resources Code §2207 requires owners and operators of mining operations to provide annually specific information to the California Department of Conservation ("DOC"), including but not limited to, (i) ownership and contact information, and (ii) the latitude, longitude, and approximate boundaries of the mining operation marked on a specific United States Geological Survey map. The Office of Mining Reclamation ("OMR") is a division of the DOC. Using the mandatory data specified above, OMR provides map coordinate data that can be used by GIS systems to create points representing mine locations ("OMR Maps"). For more information please visit OMR's Mines OnLine Map Viewer (<http://maps.conservation.ca.gov/mol/index.html>).

Effective January 1, 2012, California Civil Code §1103.4 requires the seller of residential property to disclose to a Buyer if the residential property is located with one (1) mile of mining operations as specified on OMR Maps.

Special Notes:

1. This statutory disclosure does not rely on the OMR's "AB 3098 List," a list of mines regulated under the Surface Mining and Reclamation Act of 1975 ("SMARA") that meet provisions set forth under California Public Resources Code §2717(b). The AB 3098 List does not include map coordinate data as required under California Public Resources Code §2207 and may not include all mining operations subject to the "Notice of Mining Operations" disclosure.

2. This "Notice of Mining Operations" disclosure is not satisfied by disclosing abandoned mines. An abandoned mine is NOT an operating mine. California Civil Code §1103.4 is satisfied only by disclosing based on OMR Maps.

PUBLIC RECORD: Mining operations as provided on OMR Maps made publicly available by DOC pursuant to California law.

REPORTING STANDARD: "IN" is reported if any portion of the Property is located within a one (1) mile radius of one or more mining operation(s) identified in the Public Record for which map coordinate data is provided. If "IN", the name of the mining operation(s) as it appears in the Public Record is also reported. "NOT IN" is reported if no portion of the Property is located within a one (1) mile radius of a mining operation specified on OMR Maps.

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Part 4. General Advisories

REGISTERED SEX OFFENDER DATABASE DISCLOSURE REQUIREMENT
("MEGAN'S LAW")

Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides.

DISCUSSION: California law (AB 488), signed by the Governor on September 24, 2004, provides the public with Internet access to detailed information on registered sex offenders. The Sex Offender Tracking Program of the California Department of Justice (DOJ) maintains the database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.46 of the Penal Code. The online database is updated with data provided by local sheriff and police agencies on an ongoing basis. It presents offender information in 13 languages; may be searched by a sex offender's specific name, zip code, or city/county; provides access to detailed personal profile information on each registrant; and includes a map of your neighborhood.

California Department of Justice Information Sources:

Megan's Law Sex Offender Locator Web Site: <http://www.meganslaw.ca.gov>

California Department of Justice Megan's Law Email Address: meganslaw@doj.ca.gov

Local Information Locations For The Property:

All sheriff's departments and every police department in jurisdictions with a population of 200,000 or more are required to make a CD-ROM available free to the public for viewing. Although not required, many other law enforcement departments in smaller jurisdictions make the CD-ROM available as well. Please call the local law enforcement department to investigate availability.

The following are the law enforcement departments in your county that are REQUIRED to make information available:

Santa Clara County Sheriff's Department	(408) 808-4400
San Jose Police Department	(408) 277-8900

Explanation and How to Obtain Information

For over 50 years, California has required certain sex offenders to register with their local law enforcement agencies. However, information on the whereabouts of the sex offenders was not available to the public until implementation of the Child Molester Identification Line in July 1995. The available information was expanded by California's "Megan's Law" in 1996 (Chapter 908, Stats. of 1996). Megan's Law provides certain information on the whereabouts of "serious" and "high-risk" sex offenders. The law specifically prohibits using the information to harass or commit any crime against the offender. The information on a registered sex offender includes: name and known aliases; age and sex; physical description, including scars, marks and tattoos; photograph, if available; crimes resulting in registration; county of residence; and zip code (from last registration). Accessing the online database requires agreement to the DOJ's terms of use on the web page.

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**GAS AND HAZARDOUS LIQUID TRANSMISSION PIPELINE
DATABASE DISCLOSURE REQUIREMENT**

DISCUSSION: Following a number of pipeline disasters in the U.S., such as the 2010 San Bruno explosion in Northern California, there is an increased awareness of the potential dangers associated with underground transmission pipelines. As a result, the California Legislature unanimously passed Assembly Bill 1511 (Bradford), signed by Governor Jerry Brown on July 13, 2012. This law, which becomes effective January 1, 2013, is chaptered as California Civil Code Section 2079.10.5 and mandates the disclosure of the following notice to Buyers:

**NOTICE REGARDING GAS AND HAZARDOUS LIQUID
TRANSMISSION PIPELINES**

This notice is being provided simply to inform you that information about the general location of gas and hazardous liquid transmission pipelines is available to the public via the National Pipeline Mapping System (NPMS) Internet Web site maintained by the United States Department of Transportation at <http://www.npms.phmsa.dot.gov/>. To seek further information about possible transmission pipelines near the property, you may contact your local gas utility or other pipeline operators in the area. Contact information for pipeline operators is searchable by ZIP Code and county on the NPMS Internet Web site. (California Civil Code Section 2079.10.5(a))

Civil Code Section 2079.10.5(c) adds, "Nothing in this section shall alter any existing duty under any other statute or decisional law imposed upon the seller or broker, including, but not limited to, the duties of a seller or broker under this article, or the duties of a seller or broker under Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2."

Such "existing duties" include the disclosure of actual knowledge about a potential hazard, such as may be created by the delivery of a letter from the local utility company informing the seller that a gas transmission pipeline exists within 2,000 feet of the Property.

Beginning on the law's January 1, 2013, effective date, except where such "existing duties" apply, "Upon delivery of the notice to the transferee of the real property, the seller or broker is not required to provide information in addition to that contained in the notice regarding gas and hazardous liquid transmission pipelines in subdivision (a). The information in the notice shall be deemed to be adequate to inform the transferee about the existence of a statewide database of the locations of gas and hazardous liquid transmission pipelines and information from the database regarding those locations." (California Civil Code Section 2079.10.5(b))

The disclosure of underground transmission pipelines helps the parties in a real estate transaction make an informed decision and is in the best interest of the public. Buyer should be aware that, according to the NPMS Internet Web site, gas and/or hazardous liquid transmission pipelines are known to exist in 49 of California's 58 counties, the exceptions being in rural mountainous parts of the state. Every home that utilizes natural gas is connected to a gas "distribution" pipeline, which is generally of smaller size and lower pressure than a transmission pipeline.

For More Information

To investigate whether any pipeline easement (right-of-way) exists on the Property, Buyer should review the Preliminary Title Report. Buyer should consult an attorney for interpretation of any law. This notice is for information purposes only and should not be construed as legal advice.

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METHAMPHETAMINE CONTAMINATED PROPERTY DISCLOSURE ADVISORY

DISCUSSION: According to the "Methamphetamine Contaminated Property Cleanup Act of 2005" a property owner must disclose in writing to a prospective buyer if local health officials have issued an order prohibiting the use or occupancy of a property contaminated by meth lab activity. The owner must also give a copy of the pending order to the buyer to acknowledge receipt in writing. Failure to comply with these requirements may subject an owner to, among other things, a civil penalty up to \$5,000. Aside from disclosure requirements, this new law also sets forth procedures for local authorities to deal with meth-contaminated properties, including the filing of a lien against a property until the owner cleans up the contamination or pays for the cleanup costs.

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MOLD ADVISORY

DISCUSSION: The Buyer is hereby advised that naturally occurring molds may exist both inside and outside of any home and may not be visible to casual inspection. Persons exposed to extensive mold levels can become sensitized and develop allergies to the mold or other health problems. Extensive mold growth can damage a structure and its contents. All prospective purchasers of residential and commercial property are advised to thoroughly inspect the Property for mold. Be sure to inspect the Property inside and out for sources of excess moisture, current water leaks and evidence of past water damage.

As part of a buyer's physical inspection of the condition of a property, the buyer should consider engaging an appropriate and qualified professional to inspect and test for the presence of harmful molds and to advise the buyer of any potential risk and options available. This advisory is not a disclosure of whether harmful mold conditions exist at a property or not. No testing or inspections of any kind have been performed by The Company. Any use of this form is acknowledgement and acceptance that The Company does not disclose, warrant or indemnify mold conditions at a property in any way and is not responsible in any way for mold conditions that may exist. Information is available from the California Department of Health Services Indoor Air Quality Section fact sheet entitled, "Mold in My Home: What Do I Do?" The fact sheet is available at <https://archive.cdph.ca.gov/programs/IAQ/Pages/IndoorMold.aspx> or by calling (510) 620-3620.

The Toxic Mold Protection Act of 2001 requires that information be developed regarding the potential issues surrounding naturally occurring molds within a home. Information was written by environmental authorities for inclusion in the *Residential Environmental Hazards: A Guide for Homeowners, Buyers, Landlords and Tenants* booklet developed by the California Environmental Protection Agency and the Department of Health Services. It is found in Chapter VII of that booklet, and includes references to sources for additional information.

For local assistance, contact your county or city Department of Health, Housing, or Environmental Health.

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RADON ADVISORY

DISCUSSION: For its Radon Advisory, JCP-LGS uses the updated assessment of radon exposure published in 1999 by the Lawrence Berkeley National Laboratory (LBNL) and Columbia University, under support from the U.S. Environmental Protection Agency (EPA), the National Science Foundation, and the US Department of Energy (published online at <http://www2.lbl.gov/Science-Articles/Archive/radon-risk-website.html>). Based on this recent assessment, JCP-LGS radon advisory is as follows:

All of California's 58 counties have a predicted median annual-average living-area concentration of radon below 2.0 pCi/L (picocuries per liter of indoor air) -- which is well below the EPA's guideline level of 4 pCi/L and equivalent to the lowest hazard zone (Zone 3) on the 1993 EPA Map of Radon Zones.

The "median concentration" means that half of the homes in a county are expected to be below this value and half to be above it. All houses contain some radon, and a few houses will contain much more than the median concentration. **The only way to accurately assess long-term exposure to radon in a specific house is through long-term testing (sampling the indoor air for a year or more). The EPA recommends that all homes be tested for radon.** Columbia University's "Radon Project" website offers help to homeowners in assessing the cost vs. benefit of testing a specific house for radon or modifying it for radon reduction (see <http://www.stat.columbia.edu/~radon/>).

NOTE: JCP-LGS does not use the EPA's 1993 map for advisory purposes because that map shows "short-term" radon exposure averaged by county. It was based on "screening measurements" that were intentionally designed to sample the worst-case conditions for indoor air in US homes--using spot checks (sampling for just a few days), in the poorest air quality (with sealed doors and windows), at the worst time of the year (winter), in the worst part of the house (the basement, if one was available). These short-term, winter, basement measurements are both biased and variable compared to long-term radon concentrations (averaged over a year) in the living area of a house. Long-term concentrations are a more accurate way to judge the long-term health risk from radon. For the above reasons, the EPA expressly disclaims the use of its 1993 map for determining whether any house should be tested for radon, and authorizes no other use of its map for property-specific purposes. For additional information about EPA guidelines and radon testing, see "Chapter VII--Radon", in the California Department of Real Estate's *Residential Environmental Hazards: A Guide for Homeowners, Homebuyers, Landlords and Tenants*.

ENDANGERED SPECIES ACT ADVISORY

DISCUSSION: The Federal Endangered Species Act of 1973 ("ESA"), as amended, requires that plant and animal species identified and classified ("listed") by the Federal government as "threatened" or "endangered" be protected under U.S. law. Areas of habitat considered essential to the conservation of a listed species may be designated as "critical habitat" and may require special management considerations or protection. All threatened and endangered species -- even if critical habitat is not designated for them -- are equally afforded the full range of protections available under the ESA.

In California alone, over 300 species of plants and animals have been designated under the ESA as threatened or endangered, and over 80 species have critical habitats designated for them. Most California counties are host to a dozen or more protected species and, in many cases, 10 or more species have designated critical habitats within a county.

ADVISORY: An awareness of threatened and endangered species and/or critical habitats is not reasonably expected to be within the actual knowledge of a seller.

No federal or state law or regulation requires a seller or seller's agent to disclose threatened or endangered species or critical habitats, or to otherwise investigate their possible existence on real property. Therefore, Buyer is advised that, prior to purchasing a vacant land parcel or other real property, Buyer should consider investigating the existence of threatened or endangered species, or designated critical habitats, on or in the vicinity of the Property which could affect the use of the Property or the success of any proposed (re)development.

FOR MORE INFORMATION: Complete and current information about the threatened and endangered species in California that are Federally listed in each county -- including all critical habitats designated there -- is available on the website of the U.S. Fish & Wildlife Service, the Federal authority which has enforcement responsibility for the ESA.

U.S. Fish & Wildlife Service Endangered Species Database (TESS)

http://ecos.fws.gov/tess_public/

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ABANDONED MINES ADVISORY

DISCUSSION: According to the California Department of Conservation, Office of Mine Reclamation, since the Gold Rush of 1849, tens of thousands of mines have been dug in California. Many were abandoned when they became unproductive or unprofitable. The result is that California's landscape contains many thousands of abandoned mines, which can pose health, safety, or environmental hazards on and around the mine property. Mines can present serious physical safety hazards, such as open shafts or adits (mine tunnel), and they may create the potential to contaminate surface water, groundwater, or air quality. Some abandoned mines are such massive problems as to earn a spot on the Federal Superfund environmental hazard list.

No California law requires the disclosure of abandoned mines in a real estate transaction, unless the existence of an abandoned mine is within the actual knowledge of the Seller and is deemed to be a fact material to the transaction.

The Office of Mine Reclamation (OMR) and the U.S. Geological Survey maintain a database of abandoned mines -- however, it is known to be incomplete and based on maps that are often decades out of date. Many mines are not mapped because they are on private land. The OMR warns that, **"Many old and abandoned mines are not recorded in electronic databases, and when they are, the information may not be detailed enough to accurately define, differentiate or locate the mine feature, such as a potentially hazardous vertical shaft or horizontal adit or mine waste."** (See reference below.)

Accordingly, this Report does not contain an abandoned mines disclosure from any government database or map or any other source, in order to protect the seller from liability for non-disclosure of unrecorded abandoned mines.

Parties concerned about the possible existence or impact of abandoned mines in the vicinity of the Property are advised to retain a State-licensed geotechnical consultant to study the site and issue a report. Other sources of information include, but are not limited to, the State Office of Mine Reclamation at (916) 323-9198 (website: <http://www.conservation.ca.gov/OMR>), and the Engineering, Planning or Building Departments in the subject City and County.

FOR MORE INFORMATION: For more information visit the State Office of Mine Reclamation's website at: http://www.conservation.ca.gov/omr/abandoned_mine_lands/Pages/index.aspx

OIL & GAS WELL ADVISORY

California is currently ranked fourth in the nation among oil producing states. Surface oil production is concentrated mainly in the Los Angeles Basin and Kern County, and in districts elsewhere in the state. In recent decades, real estate development has rapidly encroached into areas where oil production has occurred. Because the state's oil production has been in decline since the 1980's, thousands of oil and gas wells have been shut down or abandoned, and many of those wells are in areas where residential neighborhoods now exist.

According to the California Department of Conservation ("DOC"), to date, about 230,000 oil and gas wells have been drilled in California and around 105,000 are still in use. The majority of remaining wells have been sealed ("capped") under the supervision of the DOC's Geologic Energy Management Division (CalGEM). A smaller number have been abandoned and have no known responsible operator -- these are called "orphan" wells. The state has a special fund that pays the cost of safely capping orphan wells, however, that program is limited in its scope and progress.

Buyer should be aware that, while the DOC database is the most comprehensive source available for California oil and gas well information, the DOC makes no warranties that the database is absolutely complete, or that reported well locations are known with absolute accuracy.

For More Information

For a search of the state's databases of oil and gas wells and sites of known environmental contamination on or near the Property, please obtain the JCP-LGS Residential Environmental Report. For general information, visit the California Department of Conservation, Geologic Energy Management Division (CalGEM) at <https://www.conservation.ca.gov/CalGEM/>.

**JCP-LGS Residential Resale Property Disclosure Reports
Natural Hazard Disclosure (NHD) Report
For SANTA CLARA County**

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: 532-36-076
Report Date: 03/08/2021
Report Number: 2814395

ELECTROMAGNETIC FIELD ("EMF") ADVISORY

According to the National Cancer Institute ("NCI") a 1979 study pointed to a possible association between living near electric power lines and childhood leukemia. More recent studies have not found an association or have found one only for those children who lived in homes with very high levels of magnetic fields present in few residences. The NCI also notes that a majority of epidemiological studies have also shown no relationship between breast cancer in women and exposure to extremely low frequency EMFs ("ELF-EMF"s) in the home, although a few individual studies have suggested an association; only one reported results that were statistically significant. Sources of extremely low frequency ELF-EMF include power lines, electrical wiring, and electrical appliances such as shavers, hair dryers, and electric blankets. For more information please visit the NCI Electromagnetic Fields and Cancer portal at <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/electromagnetic-fields-fact-sheet>

Weighing in on the same matter The World Health Organization ("WHO") states, "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields. However, some gaps in knowledge about biological effects exist and need further research." WHO also asserts, "Despite many studies, the evidence for any effect remains highly controversial. However, it is clear that if electromagnetic fields do have an effect on cancer, then any increase in risk will be extremely small. The results to date contain many inconsistencies, but no large increases in risk have been found for any cancer in children or adults." For more information please visit WHO's EMF Q&A website at <https://www.who.int/news-room/q-a-detail/electromagnetic-fields>

The National Institute of Environmental Health Science ("NIEHS") Electric & Magnetic Fields web page at <https://www.niehs.nih.gov/health/topics/agents/emf/index.cfm> states, "If you are concerned about EMFs emitted by a power line or substation in your area, you can contact your local power company to schedule an on-site reading. You can also measure EMFs yourself with the use of a gaussmeter, which is available for purchase online through a number of retailers."

For further information and additional reading please visit:

- United States Environmental Protection Agency ("U.S. EPA")
<https://www.epa.gov/radtown/electric-and-magnetic-fields-power-lines>
- The National Institute of Environmental Health Sciences ("NIEHS") & National Institutes of Health ("NIH")
https://www.niehs.nih.gov/health/materials/electric_and_magnetic_fields_associated_with_the_use_of_electric_power_questions_and_answers_english_508.pdf

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TSUNAMI MAP ADVISORY

DISCUSSION: The California Emergency Management Agency (CalEMA), the University of Southern California Tsunami Research Center (USC), and the California Geological Survey (CGS) have prepared maps that depict areas of maximum tsunami inundation for all populated areas at risk to tsunamis in California (20 coastal counties). The maps were publicly released in December 2009 with the stated purpose that the maps are to assist cities and counties in identifying their tsunami hazard and developing their coastal evacuation routes and emergency response plans only.

These maps specifically contain the following disclaimer:

Map Disclaimer: This tsunami inundation map was prepared to assist cities and counties in identifying their tsunami hazard. It is intended for local jurisdictional, coastal evacuation planning uses only. This map, and the information presented herein, **is not a legal document and does not meet disclosure requirements for real estate transactions nor for any other regulatory purpose.** The California Emergency Management Agency (CalEMA), the University of Southern California (USC), and the California Geological Survey (CGS) make no representation or warranties regarding the accuracy of this inundation map nor the data from which the map was derived. Neither the State of California nor USC shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of this map.

A tsunami is a series of ocean waves or surges most commonly caused by an earthquake beneath the sea floor. These maps show the maximum tsunami inundation line for each area expected from tsunamis generated by undersea earthquakes and landslides in the Pacific Ocean. Because tsunamis are rare events in the historical record, the maps provide no information about the probability of any tsunami affecting any area within a specific period of time.

Although these maps may not be used as a legal basis for real estate disclosure or any other regulatory purpose, the CGS has, however, provided diagrams of the maps online which the public can view. To see a maximum tsunami inundation map for a specific coastal community, or for additional information about the construction and/or intended use of the tsunami inundation maps, visit the websites below:

State of California Emergency Management Agency, Earthquake and Tsunami Program:
<http://myhazards.calema.ca.gov/>

University of Southern California -- Tsunami Research Center:
<http://www.usc.edu/dept/tsunamis/2005/index.php>

State of California Geological Survey Tsunami Information:
http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/index.htm

National Oceanic and Atmospheric Agency Center for Tsunami Research (MOST model):
<http://nctr.pmel.noaa.gov/time/background/models.html>

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RESIDENTIAL FIREPLACE DISCLOSURE

Residential wood burning is the leading source of wintertime air pollution in the Bay Area and studies have confirmed there are significant health impacts from exposure to fine particulate matter found in wood smoke. The Bay Area Air Quality Management District ("BAAQMD") established the Wood Burning Devices (Wood Smoke Rule), Regulation 6, Rule 3 to reduce wintertime smoke pollution and protect public health. The Wood Smoke Rule requires anyone selling, renting or leasing a property in the Bay Area to disclose the potential health impacts from air pollution caused from burning wood. Fine particulate matter, also known as PM2.5, can travel deep into the respiratory system, bypass the lungs and enter the blood stream. Exposure may cause short term and long term health effects, including eye, nose and throat irritation, reduced lung function, asthma, heart attacks, chronic bronchitis, cancer and premature deaths. Exposure to fine particulates can worsen existing respiratory conditions. High PM2.5 levels are associated with increased respiratory and cardiovascular hospital admissions, emergency department visits, and even deaths. Children, the elderly and those with pre-existing respiratory or heart conditions are most at risk from negative health effects of PM2.5 exposure. The Buyer should consult with a licensed professional to inspect, properly maintain, and operate a wood burning stove or fireplace insert according to manufacturer's specifications to help reduce wood smoke pollution. The Air District encourages the use of cleaner and more efficient, non-wood burning heating options such as gas-fueled or electric fireplace inserts to help reduce emissions and exposure to fine particulates.

When the BAAQMD issues a Winter Spare the Air Alert during the winter season from November 1 through the end of February, it is illegal to burn wood, manufactured fire logs, pellets or any solid fuels in fireplaces, wood stoves or outdoor fire pits. To check when a Winter Spare the Air Alert is issued and it is illegal to burn wood, please call 1-877-4NO-BURN or visit www.baaqmd.gov or www.sparetheair.org.

END OF NATURAL HAZARD DISCLOSURE REPORT SECTION
See Terms and Conditions at end of this Report.

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TERMS and CONDITIONS

ACCEPTANCE OR USE OF THE WEBSITE, CUSTOMER SERVICE, OR ANY REPORT CONSTITUTES APPROVAL AND ACCEPTANCE OF THESE TERMS AND CONDITIONS AS STATED HEREIN.

The Website (defined below), Customer Service (defined below) and any Report (defined below) are subject to each of the following Terms and Conditions. Any User (defined below) accessing, using, or reviewing the Website, Customer Service, or any Report, including any portion thereof, agrees that the Website, Customer Service and Reports are subject to the following Terms and Conditions, and such User agrees to be bound by these Terms and Conditions, regardless of whether the User ordered a Report on the Website or over the telephone through Customer Service, and regardless of whether the User paid for the Report. Use of any kind of the Website or a Report by any User constitutes acceptance of these Terms and Conditions, which are incorporated by this reference into every Report.

A Report is not an insurance policy.

A Report is made for the Property (defined below) and solely for the transaction for which it was originally purchased ("Transaction"). The Property shall not include any property beyond the boundaries of the real property described in a Report. The Property shall not include any structures (whether located on the Property, or not), easements, or any right, title, interest, estate, or easement in any abutting streets, roads, alleys, lanes, ways, or waterways.

IMPORTANT NOTICE: Transferor(s) and transferee(s) shall read a complete Report in its entirety before the close of escrow. A "Signature Page" or "Summary Pages" document may be included in the electronic delivery of the Report. Those documents do not replace the complete Report or remove the need to read a complete Report, and do not remove the requirement to disclose. The Signature Page and Summary Pages documents are subject to these Terms and Conditions.

1) Definitions.

- a. **"Company"** shall mean First American Professional Real Estate Services, Inc., a California corporation, operating through its Natural Hazard Disclosure division, "JCP-LGS."
- b. **"Company Content"** shall mean all editorial content, graphics, data, and information contained in the Report or on the Website, any portion thereof, including the selection, coordination, and arrangement of the editorial content, graphics, data, and information on the Website, and the hierarchy of the Website.
- c. **"Customer Service"** shall mean Company's customer service telephone service department or representatives.
- d. **"User"** shall mean any person or entity.
- e. **"Property"** shall mean the real property specifically described in a Report.
- f. **"Report"** shall mean any residential disclosure report prepared by the Company, including but not limited to a JCP-LGS Residential Property Disclosure Report, available through the Website or Customer Service.
- g. **"Website"** shall mean the www.fanhd.com website, the www.disclosures.com website, the www.reodisclosure.com website, and any other individual sites as may be added to, or available through, the foregoing or any other Company website, including, without limitation, the data and computer code, underlying, contained on, or transmitted from the Website, a Report, and the Company Content. Any reference herein to the Website shall be to each individual item and also to the Website as a whole.

2) **No Third Party Reliance on Any Report.** Only the transferor(s) and transferee(s), and their agents/brokers, if any, involved in the Transaction (collectively, the "Recipients") may use and rely on a Report and only after they have paid in full for the Report. While disclosures made on the Natural Hazard Disclosure Statement in a Report may indicate certain risks to the Property, the disclosures are only "...between the transferor, the transferor's agents, and the transferee, and shall not be used by any other party, including, but not limited to, insurance companies, lenders, or governmental agencies, for any purpose." Cal. Civil Code section 1103.2, subdivision (g).

3) **Seller and Seller's Agent's Responsibility of Full Disclosure.** Recipients are obligated to make disclosures, and always disclose material facts, that are within their actual knowledge.

4) **Scope of Any Report.** A Report is limited to determining whether the Property is located in those specified natural hazard zones and property tax districts, and in proximity to those specified environmental sites (depending on the report product ordered), as defined in the Report. The Report is not a geologic report or a land survey, and no site inspection has been made in producing the Report. Company makes no determination, expresses no opinion or view, and assumes no responsibility in any Report concerning the right, entitlement, or ability to develop or improve the Property. Company has no information concerning whether the Property can be developed or improved. No determination is made, and no opinion is expressed or intended by any Report concerning structures or soils on or outside of the Property, including, without limitation, habitability of structures or the Property, suitability of the Property for construction or improvement, potential for soil settlement, drainage, soil subsidence, or other soil or site conditions. The Recipient(s) is advised to consult the local Planning Department to determine whether factors beyond the scope of any Report may limit the transferee(s) ability to use or improve the Property.

The Report is not a title report, and no determination is made and no opinion is expressed, or intended, by the Report as to title to the Property or liens against the Property, recorded or otherwise, or whether the Property is comprised of legal lots in conformance with the California Subdivision Map Act or local ordinances. The Report is not a property inspection report, and no determination is made and no opinion is expressed, or intended, by the Report concerning architectural, structural, mechanical, engineering, or legal matters, or the marketability or value of the Property. Company has not conducted any testing or physical or visual examination or inspection of the Property, nor is the Report a substitute for any such testing, physical or visual examination, or inspection.

5) **Tax and Environmental Disclosures (if included in Report).** No determination is made and no opinion is expressed, or intended, by a Report concerning the existence of property tax liabilities, or the existence of hazardous or toxic materials or substances, or any other defects, on, under, or in proximity to the Property, unless specifically described in the Report.

6) **Company Database Updates.** To the extent databases are used in preparing a Report, each database is updated by the responsible agency at various intervals. Updates for a database are determined by the responsible agency and may be made at any time and without notice. The Company maintains an update schedule

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and makes reasonable efforts to use updated information. For these reasons, the Company reports information as of the date when the database was last updated by the Company. That date is specified as the "Database Date" for each database. The Tax Report discloses Mello Roos Community Facilities Districts, 1915 Bond Act Assessments and PACE assessments documented in the county's Fiscal Year annual secured property tax roll. The Report may disclose PACE contracts where PACE taxes were first assessed or liens were recorded after the Fiscal Year secured property tax roll, where recordation data is available to JCP-LGS. To discover a PACE lien on the Property executed more recently, the buyer should read the preliminary title report and obtain and read all exceptions listed therein. Note that, in the title report, lien exceptions are named as recorded with the county; therefore, a PACE lien may be listed under a name that is not obvious.

- 7) **Statutory and Additional Disclosures, Advisories, and Local Addenda (if included in Report).** No determination is made and no opinion is expressed, or intended, by a Report concerning the need to purchase earthquake or flood insurance for the Property. In preparing the Report, Company accurately reported on information contained in public maps and databases ("Government Records"). Company reviewed and relied upon those Government Records specifically identified and described in the Report. Company has not reviewed or relied upon any Government Records that are not specifically identified in the Report. Company also has not reviewed any plat maps, survey maps, surveyor maps, assessor maps, assessor parcel maps, developer maps, or engineering maps, whether or not such maps have been recorded. No determination is made and no opinion is expressed, or intended, by the Report concerning any matters identified in Government Records that were not reviewed by Company. Local Addenda, where applicable, are included "AS IS" as an accommodation to the local real estate board that provided the content; Company assumes no responsibility for the accuracy of any information included in the Local Addenda.
- 8) **FEMA Flood Determination Certificate (if accompanying the Report).** No determination is made, and no opinion is expressed or intended by a Report concerning the requirement for or cost of flood insurance on the Property. Recipient(s) understands that a lender may require flood insurance to secure its loan collateral independent of whether FEMA may require flood insurance under the National Flood Insurance Program on a federally backed mortgage. The FEMA Flood Determination Certificate ("Flood Certificate") that may accompany the Report, is produced by a third-party expert certified by FEMA to provide Flood Certificates. Company assumes no liability for errors in that third-party flood determination.
- 9) **Changes to Government Record after Report Date.** A Report is issued as of the Report Date identified in the Report. Company shall have no obligation to advise any Recipient of any information learned or obtained after the Report Date even if such information would modify or otherwise affect the Report. Subsequent to Company's acquisition of Government Records, changes may be made to said Government Records, and Company is not responsible for advising Recipients of any changes. Company will update the Report upon request and at no charge during the transaction process for which the Report was issued, but not to exceed one year from the date of the Report. Likewise, Company is not liable for any impact on the Property that any change to the Government Records may have.
- 10) **Government Record Sources.** Company relies upon the Government Records specifically identified in a Report without conducting an independent investigation of their accuracy. Company assumes no responsibility for the accuracy of the Government Records identified in the Report. Company makes no warranty or representation of any kind, express or implied, with respect to the Report. Company expressly disclaims and excludes any and all other express and implied warranties, including, without limitation, warranties of merchantability or fitness for a particular purpose. The Company Report is "AS IS."
- 11) **Not for Credit Purposes.**

The Company Content available in any Report has not been collected for credit purposes and is not intended to be indicative of any consumer's credit worthiness, credit standing, credit capacity, or other characteristics listed in Section 1681(a) of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. The Report shall not be used:

- a. as a factor in establishing an individual's eligibility for credit or insurance,
- b. in connection with underwriting individual insurance,
- c. in evaluating an individual for employment purposes,
- d. in connection with a determination of an individual's eligibility for a license or other benefit granted by a governmental authority,
- e. in any way that would cause the Report to constitute a "consumer report" under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., or
- f. in any other manner that would cause such use of the Report to be construed as a consumer report by any pertinent governmental authority.

12) Limitation of Company's Liability

- a. Company is not responsible for:
 - Any inaccuracies or incompleteness of the information in the Public Records.
 - Inaccurate address information provided for the Property.
 - Any other information not contained in the Public Records as of the Report Date.
 - Any information which would be disclosed by a physical inspection of the Property.
 - Any information known by you, a Recipient, a User, the transferor or transferee, or their agents/brokers.
 - The health or risk to humans or animals that may be associated with any of the disclosed hazards.
 - The costs of investigating or remediating any of the disclosed hazards.
- b. In no event shall Company or its data suppliers be liable for any damages resulting from the inability or failure to access or interface with the Website or Customer Service.
- c. Except as otherwise expressly set forth in these Terms and Conditions, Company's total liability and responsibility to all Users accessing the Website, Customer Service, or any Report collectively for any and all liabilities, causes of action, claim or claims, including, but not limited to, claims for breach of contract or negligence, shall be for actual proven damages only caused directly by Company's error. In no event shall Company's total liability exceed the difference between the amount actually paid for the Property and the fair market value on the date of the disclosure, as measured by a retrospective appraisal performed by - an MAI Designated Member of the Appraisal Institute specializing in the subject property category (e.g., residential, commercial or vacant land). Company expressly disclaims any liability for Recipients' or Users' indirect, incidental and/or consequential damages, including, without limitation, lost profits, even if such damages are foreseeable, and you, User and Recipients hereby waive and release any right to assert a claim against Company for such amounts.
- d. **Product and Service Claims.** User shall provide prompt notice to Company, and a reasonable opportunity to cure, any known error, omission or mistake that may result in a claim on products or services provided under these Terms and Conditions, prior to making a claim against the Company. In addition, User shall

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use their best efforts to mitigate any losses resulting from any products or services provided pursuant to these Terms and Conditions. If User does not perform according to the requirements of this section, Company will not be liable. User also must provide sufficient documentation, as deemed appropriate by Company, to evidence any out-of-pocket, actual monetary loss.

- e. **Links.** Where Company provides hypertext links to other Internet websites on the Website, or in any Report, the Company does so for informational purposes only, and such links are not endorsements by Company of any products or services on such sites. Company shall not accept, and shall not incur, any liability for such products or services and makes no endorsement or approval of the same.

13) Reporting of Risk Elements for Condominium Projects, Planned Unit Developments, and Other Properties with Common or Undivided Interests ("Common Interests") Unless otherwise noted, this report is based solely on the real Property referenced by the Property's Assessor's Parcel Number ("APN"). An APN whose boundary does not include all Common Interests associated with the parcel will generate a report which does not identify the natural hazards relating to the Common Interests that extend beyond the APN parcel boundary. Accordingly, it is imperative that you consult with the property's homeowners association(s) to determine those risks.

14) User Account and Information.

- a. To obtain and use a Report, User must order the Report through the Website or over the telephone through Customer Service or by email. To order the Report online, User must register for an account on the Website and provide information required in the Website registration form. As part of that registration, User agrees to accurately furnish all contact and other information requested by Company and notify Company immediately of any change in the information.
- b. Company reserves the right to refuse or reject any request to create an account for any or no reason at Company's sole discretion. User solely is responsible for their account, contact information and other information made available through User's account or otherwise via the Website. User shall use reasonable care to protect the confidentiality of their account log-in information and will not share it with any other person or entity. User will be entirely responsible for the conduct of any person using their account information to access the Website, Customer Service, or any Report.
- c. User only shall access the Website using a password or other security mechanism to prevent unauthorized access. Sharing of User access is prohibited, and any automation of accessing information is strictly prohibited unless expressly authorized in writing by Company. It is User's sole responsibility to maintain the confidentiality of all usernames and passwords, and User shall be responsible for all charges relating to the use of said usernames and passwords whether or not authorized by User. In no event shall User use the Website, Customer Service, or any Report for illegal purposes or in any manner that is defamatory, libelous, unlawfully threatening or unlawfully harassing, or that otherwise violates any federal, state or local statute, law or regulation, for debt collection, skip tracing, or electronic telephone directory assistance or otherwise breaches or violates these Terms and Conditions.

15) Confidentiality. User acknowledges that the Website and any Report contain valuable commercial products, the development of which has involved the expenditure of substantial time and money. User shall take appropriate measures and shall initiate strict security measures to prevent the accidental or otherwise unauthorized use or release of any and all proprietary and confidential information of the Company and any third parties associated with the Report or provided through the Website or Customer Service.

16) License to Use Website, Customer Service, and Any Report. Subject to User's compliance with these Terms and Conditions, Company grants User a limited, non-exclusive, revocable, non-assignable, personal and non-transferable license to access and make use of the Website, Customer Service, and any Report solely for the purposes specified in these Terms and Conditions, and not for any other purpose whatsoever. The foregoing license does not include any resale or commercial use of the Website, Customer Service, Report, or Company Content obtained from the Website, Customer Service, or any Report. The Website, Report, and the Company Content therein, and any portion thereof, may not be reproduced, duplicated, copied, sold, resold, visited, or otherwise exploited for any commercial purposes without Company's express written consent. This license does not include any derivative use of this Website or the Report, or any Company Content therein nor any use of data mining, robots, or similar data gathering and extraction tools. User may not frame or utilize framing techniques to enclose any trademark, logo, or other proprietary information (including images, text, page layout, or form) of the Website, the Report or the Company Content without express written consent of the Company. User may not use any meta tags or any other "hidden text" or trademarks without the express written consent of the Company. Any unauthorized use terminates the permission or license granted by the Company.

17) Use of the Website, Customer Service, and Report. User acknowledges and agrees that their use of and access to the Website, Customer Service, and any Report may be logged and monitored. User agrees that Company controls the terms of all access to, and use of, the Website (including any upgrades, modifications or updates thereto), Customer Service, and all products, services, and materials contained therein that are delivered by means of the Website, including the Reports, and all third-party products and information and data that may be included therein. The Company reserves the right to revise or alter the Website, Customer Service, the Reports, and the provisions of these Terms and Conditions at any time, in its sole discretion. By accessing or using the Website, Customer Service, or a Report, User agrees not to use the Website, Customer Service, or Report in any way that:

- is unlawful, fraudulent, tortious, or in any other manner Company deems in its sole discretion to be inappropriate or impermissible;
- may harm Company, any Recipient, or any other person or entity;
- violates or infringes the rights of the Company or any third party;
- gains or tries to gain unauthorized access to the Website, Customer Service, Company's computers and networks, any Report, or the Company's data, or that otherwise modifies or interferes with the permitted use or operation of the Website or Customer Service, or the permitted use of the Report;
- imposes an unreasonable or disproportionately large load on Company's infrastructure, including but not limited to transmitting spam or using other unsolicited communications or techniques;
- repurposes, copies, excerpts, disassembles, decompiles, manipulates, alters, damages, or deletes any Company Content or removes or modifies any copyright or other intellectual property notices that appear on the Website or any Report;
- contains computer viruses or other disruptive, damaging or harmful files or programs; or
- otherwise violates these Terms and Conditions, or any other terms, guidelines, or policies provided by Company.

In addition, User represents and warrants that:

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- the information and other content that User provides using the Website, Customer Service, or Report does not infringe, violate, misappropriate or otherwise conflict with the rights of the Company or any third party; complies with all applicable local, state, national, and other laws, rules and regulations; and does not violate these Terms and Conditions;
- User will use their true legal name, address, electronic mail address, and only provide true, accurate and complete information on the Website;
- User will not impersonate another party or misrepresent or falsify their affiliation with another person, such as by using another user name, password or other account information or another name, likeness, image or photograph, or using fictitious personal or address information;
- User is at least 18 years of age, or the legal age of majority where User resides;
- User has all requisite rights and authority to use the Website, Customer Service, and Report, and to enter into these Terms and Conditions; and
- the performance of User's obligations under these Terms and Conditions will not violate, conflict with, or result in a default under any other agreement, including confidentiality agreements between User and third parties.

18) User Content. User hereby represents and warrants that any content that they upload to the Website, if permitted, or content that User uses in connection with any Report shall not be used in any manner that is defamatory, libelous, unlawfully threatening or unlawfully harassing, and does not and shall not infringe upon or misappropriate any rights, including, without limitation, intellectual property rights, proprietary rights or confidentiality rights, or rights of publicity or privacy of any third parties or the Company, and that such content is free of worms, viruses, Trojan Horses and other disabling code. For the avoidance of doubt, "content" as used in this section in connection with the User shall be construed broadly so as to include, but not be limited to, all materials, documents, data, information or other materials that User may upload to the Website or use in connection with any Report.

19) Intellectual Property.

- Unless otherwise provided, Company owns the copyrights, trademarks, service marks, and trade dress rights to all materials and content displayed on and from the Website and any Report (including visual interfaces, interactive features, graphics, designs, databases and their data, computer code, products, software and all other elements and components of the Website and Report). User may not reproduce, repurpose, modify, excerpt, create derivative works, display, frame, perform, publish, distribute, sell, disseminate, transmit, broadcast, sell, or circulate any such materials or content, including, without limitation, the Report or Website, or the contents thereof, to any third party (including displaying or distributing the material using a third-party website) without Company's prior written consent.
- Copyrights. The Website and any Report are owned and copyrighted by Company. No ownership rights are being granted to User by these Terms and Conditions. Subject to the limited license provided in these Terms and Conditions, Company reserves all rights in and to Website and any Report, including, but not limited to, the exclusive rights under copyright and other intellectual property and the right to grant further licenses. User shall only use the Website as specifically stated herein. Company and its licensors reserve and retain all copyright, intellectual property and other proprietary rights in and to Company Content, including without limitation, all rights in any public information that may have been gathered, including as a compilation. All Company Content is protected by U.S. and/or international copyright laws, international treaties and/or other applicable laws. Unauthorized use of the Website or the Company Content is strictly prohibited and may subject User to prosecution. User acknowledges that all information accessed through the Website and any Report are proprietary information of Company, including any third-party suppliers (including, without limitation, real property ownership information) under copyright, and have been furnished to User in trust. Any revision, republication and re-use of Company Content or the Website for any purpose are strictly prohibited in whole or in part. Except as expressly permitted herein, the materials from the Website including, but not limited to, Company Content may be used solely for limited non-commercial informational purposes only as necessary to do business with the Company or for evaluating or purchasing Company's products and services. Except for downloading as may be expressly authorized by Company within specific portions of the Website, the Company Content may not be reproduced, licensed, copied, displayed, published, sold, modified, transmitted or distributed without the Company's prior written permission which may be withheld in Company's sole discretion. Linking to and/or framing the Website is strictly prohibited unless Company expressly consents in writing to such a link or frame, and User enters into a further agreement for such linking to and/or framings. Any person or entity wishing to establish a link to the Website, frame the Website, or request the Company's consent to other uses of the Website or Company Content, may send their request by e-mail to the Company Webmaster. All other uses of the Website and/or Company Content not expressly addressed in these Terms and Conditions are strictly prohibited.
- Trademarks. Company and/or its parent company, subsidiaries or affiliates own several trademarks and service marks that are used in connection with, among other things, the Website and any Report, including, but not limited to, First American, JCP-LGS, the Eagle logo ® ("Company Marks"). Any use of the Company Marks requires prior approval in writing by the Company which may be withheld in Company's sole discretion. The "look and feel" of the Website and any Report, and the contents thereof, including, without limitation, the Company Content, such as the color combinations, buttons, layout, and other graphical elements are protected by applicable U.S. and international intellectual property laws, including, without limitation, trademark, copyright and trade dress laws. Nothing contained herein shall constitute a license (either express or implied) for User to use any of the Company Marks or trade dress, including the elements that constitute the "look and feel" of the Website and any Report.
- Company retains all rights that are not otherwise expressly granted in these Terms and Conditions.
- At Company's request, User shall return or delete any and all Website or Report content or portion thereof in their possession.

20) In the event of a dispute involving a violation of Paragraphs 15, 16, 17, 18, or 19 of these Terms and Conditions, such dispute shall not be subject to the Small Claims or Arbitration provisions set forth in Paragraph 23 below. In any litigation to stop a violation of those Paragraphs, the prevailing party shall be entitled to recover its reasonable attorneys' fees, expert fees and costs.

21) Pricings/Billing and Payment Processing. Company reserves the right to change any Report pricing, including whether a Report is billed for, at any time without notice. To the extent applicable, charges or fees for any Report will be accumulated under the licensee account number and will be invoiced either through escrow or directly to licensee, depending upon how licensee sets up their account.

In the event that any credit card payments are processed by a third-party card processing company, such third-party card processing company will be contractually required by Company to use commercially adequate security and confidentiality measures. That agreement requires the card processing company to use adequate security and confidentiality measures to protect User's payment information. All payment information that User provides through the Website will be transmitted directly to the card processing company over a secure connection. Company will not record User's credit card number, expiration date, or CVV number. However, this information may be stored by the card processing company in the normal course of its business, or as required or authorized by law, statute, regulation, or Payment Card Industry standard.

Property Address: 17200 LOS ROBLES WAY
LOS GATOS, SANTA CLARA COUNTY, CA 95030
("Property")

APN: 532-36-076
Report Date: 03/08/2021
Report Number: 2814395

- 22) **Governing Law.** These Terms and Conditions, and a User's use of the Website, Customer Service, or any Report shall be governed by, and construed in accordance with, the laws of the State of California.
- 23) **Small Claims or Arbitration.** This provision constitutes an agreement to arbitrate disputes on an individual basis. Any party may bring an individual action in small claims court instead of pursuing arbitration, so long as the action remains in that court. All disputes and claims arising out of or relating to the Website, Customer Service, or any Report, except for those covered by Paragraph 20 above, must be resolved by binding arbitration. This agreement to arbitrate includes, but is not limited to, all disputes and claims between Company, transferor(s) and transferee(s) and claims that arose prior to purchase of the Report, but it excludes disputes and claims covered by Paragraph 20 above. This agreement to arbitrate applies to transferor(s) and transferee(s) successors in interest, assigns, heirs, spouses, and children. As noted above, a party may elect to bring an individual action in small claims court instead of arbitration, so long as the dispute falls within the jurisdictional requirements of small claims court.
- Any arbitration must take place on an individual basis. Company, transferor(s) and transferee(s) agree that they are waiving any right to a jury trial and to bring or participate in a class, representative, or private attorney general action, and further agree that the arbitrator lacks the power to grant relief affecting anyone other than the individual claimant. If a court decides that any of the provisions of this paragraph are invalid or unenforceable as to a particular claim or request for a particular remedy (such as a request for public injunctive relief), then that claim or request for that remedy must be brought in court and all other claims and requests for remedies must be arbitrated in accordance with this agreement
- The arbitration is governed by the Consumer Arbitration Rules (the "AAA Rules") of the American Arbitration Association ("AAA"), as modified by this Agreement, and will be administered by the AAA. Company will pay all AAA filing, administration and arbitrator fees for any arbitration it initiates and for any arbitration initiated by another party for which the value of the claims is \$75,000 or less, unless an arbitrator determines that the claims have been brought in bad faith or for an improper purpose, in which case the payment of AAA fees will be governed by the AAA Rules #A COPY OF THESE RULES IS AVAILABLE FROM THE AAA'S WEB SITE AT WWW.ADR.ORG OR ON REQUEST FROM THE COMPANY. THE ARBITRATION AWARD MAY INCLUDE ATTORNEY'S FEES IF ALLOWED BY FEDERAL, STATE, OR OTHER APPLICABLE LAW AND MAY BE ENTERED AS A JUDGMENT IN ANY COURT OF PROPER JURISDICTION.
- The arbitration will take place in the same county in which the property covered by the Report is located. The Federal Arbitration Act will govern the interpretation, applicability and enforcement of this arbitration agreement. This arbitration agreement will survive the termination of the Report.
- 24) **Term; Termination.** The application of these Terms and Conditions will commence upon User's acceptance of the provisions of these Terms and Conditions by clicking "I Accept," calling Customer Service, or in any way accessing any Report or portion thereof and shall continue in perpetuity, unless sooner terminated pursuant to the terms hereof (the "Term"). Notwithstanding the foregoing, upon written notice to User, the Company may immediately terminate these Terms and Conditions, and terminate User's access to and use of the Website, Customer Service, and all Reports, for any reason at any time.
- 25) **Notices.** Any notice or other communication required or permitted under these Terms and Conditions shall be sufficiently given if delivered in person or sent by one of the following methods:
- Registered U.S. mail, return receipt requested (postage prepaid);
 - Certified U.S. mail, return receipt requested (postage prepaid); or
 - Commercially recognized overnight service with tracking capabilities.
- Notices to the Company shall be sent to 4 First American Way, Santa Ana, California 92707, with a copy to the Company's counsel at the same address marked Attention: Legal Department. Notices to User shall be sent to the address entered by User in the Website. Notices or communications shall be deemed properly delivered as of the date personally delivered or sent by mail or overnight service.
- 26) **Severability.** Except as otherwise provided above, if any provision of these Terms and Conditions is determined to be invalid or unenforceable for any reason, then such provision shall be treated as severed from the remainder of the Terms and Conditions, and shall not affect the validity and enforceability of all of the other provisions of the Terms and Conditions.
- 27) **Other Agreements.** These Terms and Conditions constitute the entire, integrated agreement between Company and any User using, possessing, or accessing the Website and/or Report, and supersede and replace all prior statements, representations, negotiations, and agreements.

END OF REPORT

Ryan Safty

From: Alison Steer <alison.steer@gmail.com>
Sent: Thursday, August 5, 2021 5:54 PM
To: Ryan Safty
Cc: Nancy Neipp; Gary Gysin; E and G De Feo; Terry Rinehart
Subject: Re: Applicant Response to Appeal - 17200 Los Robles Way
Attachments: complete boundary survey.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Thanks Ryan,

This does highlight that my documentation was actually incorrect in one regard. The access to Harding Ave has actually been closed off for over 40 years now there was an assumed quit claim between Blaine Thompson (17200 Los Robles) and Brad Clifford (246 Harding) , as well as Daniel Williams (304 Harding Ave) that enabled the building of 248 Harding Ave in 1980 over the contested easement as shown below.

I have requested documentation of the same from the SCC recorder office; it's not clear whether this was fully documented with the county however the issue still stands that the easement has been blocked off with fencing for over 40 years and a residence now built over the easement. I am not confident we will receive the documents before August 25th since they must first research then mail to us, and we are not allowed to do this in person. Is it possible to push out the appeal meeting several weeks to ensure we receive this information in time to add to the staff report packet, or does the town already acknowledge the quit claim release of this easement based on the creation of 248 Harding Ave?

Please see attached which we received when we purchased the 304 Harding Ave property.



On Wed, Aug 4, 2021 at 3:12 PM Ryan Safty <RSafty@losgatosca.gov> wrote:

Good afternoon,

Please see attached response letter to the appeal of 17200 Los Robles Way. Both your appeal letter and this response letter will be included within the staff report packet.

Respectfully,

Ryan Safty • Associate Planner
Community Development Department • 110 E. Main Street, Los Gatos CA 95030
Ph: 408.354.6802 • rsafty@losgatosca.gov
www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:
Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday



Learn more at www.losgatos2040.com

In accordance with the Santa Clara County Public Health Office Order, Town Offices are closed until further notice. No in-person counter services are currently available, but the Town is open for business and we are working towards full reopening for in-person services. Inspections that can be completed via video are being scheduled and other on-site inspection services are evaluated on a case by case basis. Staff resources are available to perform work on permits remotely and meet with the public via Zoom, Microsoft Teams, or phone. Electronic permit submittal, resubmittal, and issuance is available. Please visit the [Building](#) and [Planning](#) webpages for further information on electronic permit submittal.

JAMES & NANCY THOMPSON
17200 LOS ROBLES WAY
LOS GATOS CA 95030

January 23, 1999

Daniel E. Williams
304 Harding
Los Gatos Ca

^{DS}
KWBT

^{DS}
DS

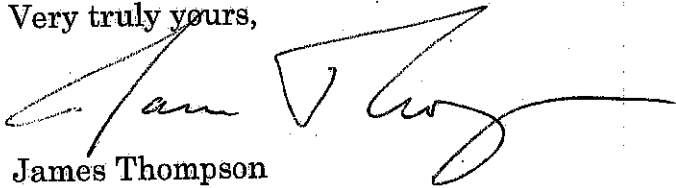
^{DS}
AS

Dear Mr. Williams,

We have recently completed a boundary survey of our property, which adjoins your back yard. It appears from that survey that you have constructed a fence which is actually several inches onto our property.

So long as you are not seeking to adversely possess any part of our property or otherwise disparage in any way our title as described by our deed, we make no present demand that you move or alter the fence. Please advise us of your position at your earliest convenience.

Very truly yours,



James Thompson

~~THIS~~ LTR NOT SENT IN THIS FORM

DANIEL ENOCH & RAYBORNA S. WILLIAMS
304 HARDING AVE
LOS GATOS, CA 95030

See next page

January 31, 1999

James Thompson
17200 Los Robles Way
Los Gatos, CA

DS
KWBT

DS
DS

DS
AS

Dear Mr. Thompson

SENT

I acknowledge your letter of January 23, 1999, and your request that I advise you of my position on the matter therein discussed.

I agree that the centerline of my fence lies approximately 3 1/2 inches west of the center of the surveyor's stake; and, at this point, the northeast boundary of your property, my fence is entirely on your property.

I am sorry for this intrusion. I did not at the time, nor do I on this or on any future date, seek to adversely possess any part of your property or otherwise disparage in any way your title as described by your deed. I sincerely wish that it had not happened.

I would like to make a statement of fact as to the reason for my relocation of the fence approximately 20 years ago. In all of the following I do not state that I remember word for word conversations that occurred at that time, but to the best of my recollection the following is what transpired and what was said.

NOT SENT

On several occasions between 1967, when I moved here, and the late 70's, Blaine Thompson and I discussed problems related to and arising from trespass on his and my property. The problem became acute after the Wooster development and Wilderness Park were completed. At that time there was daily trespass, with weekend intrusions of groups of persons of all ages. Children used the easement as a short cut to Harding on their way to and from school. On one occasion a group of approximately 20 teen-age boys, a troop of scouts, or some such, trekked through, apparently entering your father's property from the Los Robles park gate, traversing across his property and exiting onto Harding between the residences at 246 and 300 Harding Ave. No Trespassing signs were ignored, destroyed, and/or defaced.

On one occasion Blaine Thompson telephoned and I met with him behind my house. He said he had been approached by Brad Clifford; and after several discussions with him, and personal investigation of town and county codes, had determined that his easement to Harding Ave was no longer viable. He asked if I had any objection to his giving Clifford a quitclaim for the easement on the east of his property. He said the reason for issuing

not sent

the quitclaim was to permit Clifford to subdivide his property. He also asked if I would like to have a quitclaim release of his interest in my property.

I responded that if the easement was not viable, there was no reason for the quitclaim. My reason (not stated) was that I didn't want to pay for something of no value. Blaine Thompson then stated that in part, or in total consideration of his release of interest in Brad Clifford's property, Clifford was to construct a fence on the boundary between the Clifford and Thompson properties. Blaine Thompson said he was not asking me for cash money, but if I would move my fence to the property line, the fence Clifford was to erect, and my relocated fence, would close the area to through traffic, and that would be compensation enough from me.

I agreed to relocate my fence. Brad Clifford then came to our home and had my wife and me sign some papers. At a later date Clifford personally gave me a copy of the Quitclaim Deed to my property, and shortly thereafter I moved my fence.

The relocation of my fence and subdivision of the Clifford property resolved the traffic problem. But trespass continues. Just this fall, four teenaged girls used an area just west and south of my southwest boundary as a place to meet, chat and smoke. On one occasion this fall I removed about two dozen empty glass beer and malt containers from behind my fence. On several other occasions I removed smaller quantities. Litter and cigarettes are a continuing problem.

I appreciate your decision not to make any present demand that I move or alter the fence. In my 49 years of home ownership I have always tried to be a considerate and cooperative neighbor, and my desire is to continue in this tradition with you.

Very truly yours,

Daniel Enoch Williams

For record only. Point of all this .
moved fence to control traffic. BUT
(1) CLIFFORD NEVER BUILT FENCE.
(2) Thompson has never secured his south boundary
& so trespass continues & litter & etc continues.
Fire hazard has increased since Blaine
Thompson died.

Order No.
Escrow No.
Loan No.

PHOTOCOPY -

1 COPY IN BANK BOX

1 " " FILE/DEED DATA

DS
DS

DS
AS

DS
KWBT

WHEN RECORDED MAIL TO:

Daniel E. Williams
304 Harding Ave
Los Gatos, CA 95030

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

Daniel & Rayborna Williams
304 Harding Ave
Los Gatos, CA 95030

DOCUMENTARY TRANSFER TAX \$

COMPUTED ON FULL VALUE OF PROPERTY CONVEYED

COMPUTED ON FULL VALUE LESS LIENS AND

ENCUMBRANCES REMAINING AT TIME OF SALE

Signature of Declarant or Agent determining tax - Firm Name

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

R. BLAINE THOMPSON and WINIFRED M. THOMPSON, his wife

do hereby REMISE, RELEASE AND FOREVER QUITCLAIM to

DANIEL ENOCH WILLIAMS and RAYBORNA S. WILLIAMS,
his wife, as joint tenants

the real property in the City of Los Gatos
County of Santa Clara

, State of California, described as

Lot 67 as shown on the Map of Tract No. 1817 Los Gatos Terrace
Unit No. 2, which Map was filed for record in the office of
the Recorder of the County of Santa Clara, State of California,
on July 2, 1958 in Book 95 of Maps, at page 2.

1524 540

No Revenue Stamps Required

Grant Deed

L. N. BALL and GRACE BALL, his wife,

the first parties, hereby Grant to

TOM C. HAIRE

the second party, all that real property situated in the

County of Santa Clara, State of California, described as follows:

Beginning at a one inch bar in the Southwesterly boundary of that certain 24.98 acre tract of land conveyed by Scott Investment Company, a corporation, to L. N. Ball and Grace Ball, his wife, by Deed dated February 27, 1945 and recorded March 21, 1945 in Book 1250 of Official Records, at page 168, Santa Clara County Records, and distant thereon S.62°E. 174.60 feet from the Westerly corner of said 24.98 acre tract of land; thence parallel with the Northwesterly boundary of said 24.98 acre tract of land N.34°E. 232.45 feet to a 3/4 inch iron pipe set in the Southwesterly line of the proposed extension of Harding Avenue; thence along the Southwesterly line of proposed extension of Harding Avenue, S.62°E. 93.65 feet to a point in the center line of a right of way 20 feet wide, hereinafter referred to; thence along the center line of said 20 foot right of way, S.11°52'E. 100.82 feet; S.2°14'E. 50.04 feet and S.0°33'W. 124.61 feet to a point in the Southwesterly boundary of said 24.98 acre tract of land, said point being distant along said Southwesterly boundary S.62°00'E. 265.30 feet from the point of beginning of this description; thence along said Southwesterly boundary, N.62°00'W. 265.30 feet to the point of beginning and containing 1 acre of land, more or less, and being a portion of said 24.98 acre tract in the Rancho Rinconada de Los Gatos, and also being a portion of that parcel of land designated as Parcel No. 3, on that certain Map entitled, "Record of Survey of a portion of land of L. N. and Grace Ball, being a portion of the Kennedy Tract in the Rancho Rinconada de Los Gatos, Santa Clara County, Calif.", and which said Map was recorded in the office of the Recorder of the County of Santa Clara, State of California, on August 8, 1946 in Book 9 of Maps, at page 28.

Reserving therefrom a right of way for ingress and egress over the Easterly 10 feet of said lands, said Easterly 10 feet being a strip of land 10 feet wide adjacent to and Westerly of the Easterly line of said lands.

Together with a right of way for ingress and egress over a strip of land 10 feet wide adjacent to and Easterly of the Easterly line of the parcel of land hereinabove described said strip extending from the Southeasterly prolongation of the Northeasterly line of said lands hereinabove described to the Southwesterly line of said 24.98 acre tract.

In Witness Whereof, the said first parties have executed this conveyance this

4th day of November, 1947

L. N. Ball
Grace Ball

State of California,
County of Santa Clara } ss.

On this 4th day of November, 1947, before me

Leeta Wicker, a Notary Public in and for said

County, personally appeared L. N. Ball and Grace Ball

known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged that they executed the same.

Witness my hand and official Seal.



Leeta Wicker
Notary Public in and for the County of Santa Clara, State of California.

487634

Grant Deed
INDIVIDUAL

L. N. Ball, et ux.

— TO —

Tom C. Haire

Dated November 4, 1947

INDEXED
GRANTOR
GRANTEE
SPECIAL

Filed for record at the Request of
San Jose Abstract & Title Insurance Co.
NOV 5 1947 at 10:29 AM
Recorded in Vol. of Official Records,
of Santa Clara
County Records.

Grace Ball

San Jose Abstract & Title Insurance Co.
76 NORTH FIRST STREET
SAN JOSE, CALIF.

200

Order No. 19715
When recorded please mail this deed to
Deliver to Joseph W. Oettle

BOOK 1524 PAGE 546

Grant Deed

JOINT TENANCY

(~~RECORD~~) TOM O. HAIRE and MARYON E. HAIRE, husband and wife

Do hereby Grant to CUBERT W. OSTLE and MARGARET E. OSTLE, husband and wife,

as joint tenants

all that real property situate in the

County of Santa Clara, State of California, described as follows:

Beginning at a one inch bar in the Southwesterly boundary of that certain 24.98 acre tract of land conveyed by Scott Investment Company, a corporation, to L. N. Ball and Grace Ball, his wife, by Deed dated February 27, 1945 and recorded March 21, 1945 in Book 1250 of Official Records, at page 168, Santa Clara County Records, and distant thereon S. 62° E. 174.60 feet from the Westerly corner of said 24.98 acre tract of land; thence parallel with the Northwesterly boundary of said 24.98 acre tract of land N. 34° E. 232.45 feet to a 3/4 inch iron pipe set in the Southwesterly line of the proposed extension of Harding Avenue; thence along the Southwesterly line of proposed extension of Harding Avenue, S. 62° E. 93.65 feet to a point in the center line of a right of way 20 feet wide, hereinafter referred to; thence along the center line of said 20 foot right of way, S. 11° 52' E. 100.82 feet, S. 2° 14' E. 50.04 feet and S. 0° 33' W. 69.27 feet to the point of intersection of said center line with a line running parallel with and distant Northeasterly at right angles 50 feet from the Southwesterly line of said 24.98 acre tract, said point of intersection being distant N. 0° 33' E. 56.34 feet from a point in the Southwesterly line of said 24.98 acre tract, said last mentioned point being distant along said Southwesterly line S. 62° E. 265.30 feet from the point of beginning of this description; thence leaving the center line of said 20 foot right of way and running along said line that is parallel with and distant Northeasterly 50 feet at right angles from the Southwesterly line of said 24.98 acre tract, N. 62° W. 124.02 feet to a point in said parallel line that is distant thereon S. 62° E. 50 feet from the intersection of said parallel line with the first course of this description; thence S. 75° 51' W. 74.51 feet to the point of beginning and containing 0.75 acres of land, more or less, and being a portion of said 24.98 acre tract in the Rancho Rinconada de Los Gatos, and also being a portion of that parcel of land designated as Parcel No. 7, on that certain Map entitled, "Record of Survey of a portion of Land of L. N. and Grace Ball, being a portion of the Kennedy Tract in the Rancho Rinconada de Los Gatos, Santa Clara County, Calif.", and which said Map was recorded in the office of the Recorder of the County of Santa Clara, State of California, on August 8, 1946 in Book 9 of Maps, at page 28.

Together with a right of way for ingress and egress over a strip of land 10 feet wide adjacent to and Easterly of the Easterly line of the parcel of land hereinabove described, said strip extending from the Southeastern prolongation of the Northeasterly line of said lands to the Southeastern prolongation of the Southwesterly line of said lands hereinabove described.

Reserving therefrom a right of way for ingress and egress over the Easterly 10 feet of said lands, said Easterly 10 feet wide strip of land 10 feet wide adjacent to and Easterly of the Easterly line of said lands.

Witness ONLY 8

4th day of November 1947
Tom C. Haire
Maryon E. Haire

BOOK 1524 PAGES 548

State of California,
County of Santa Clara

On this 4th day of November 1947 before me
Leta Wicker, a Notary Public in and for said
County, personally appeared Tom C. Haire and Maryon E. Haire

known to me to be the person, whose name subscribed to the foregoing
instrument and acknowledged to me that they executed the same.

Witness my hand and official Seal.

Leta Wicker

Notary Public in and for the County of Santa Clara, State of California



1487635

Grant Deed
(JOINT TENANCY)

Tom C. Haire, et ux

TO

Joseph H. Grille, et ux

INDEXED FILED
GRANTOR GRANTEE
GRATILE SPECIAL

Filed for record at the Request of
San Jose Abstract & Title Insurance Co.
NOV 5 1947 at 8:29 a.m.
Recorder in Vol. of Official Records
page at 800, Santa Clara
County Records.

Release of Grant Deed
17-210

San Jose Abstract & Title Insurance Co.
76 NORTH FIRST STREET
San Jose, California

Created By: SSCHILLING
Created On: 2/13/2021 8:34 AM
Last Search Date: 2/13/2021 8:34 AM

Search Type	Search Parameters	State/County	Status
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6293381

Local Agency Formation Commission
County Administration Building
70 West Hedding Street
San Jose, California 95110
Area Code 408
299-4321

County of Santa Clara
California

E 302 PAGE 489

E 302 PAGE 489

D.H.

[Handwritten signature]

6293381

CERTIFICATE OF COMPLETION

I, Paul E. Sagers, the Assistant Executive Officer of the Santa Clara County Local Agency Formation Commission, issue this Certificate of Completion pursuant to Section ~~56450-56451~~ 35351 of the Government Code.

I hereby certify that I have examined the resolution for a change in organization/~~reorganization~~ attached hereto and have found this document to be in compliance with the resolution adopted on December 6, 1978 by the Santa Clara County Local Agency Formation Commission approving said change in organization or reorganization.

The name of the ~~District~~/City is: Los Gatos

The entire ~~District~~/City is located in Santa Clara County.

The change of organization completed is a n annexation.
A map and description of the boundaries of the change of organization is appended hereto.

The title of this proceeding is: LOS GATOS BLVD. NO. 8

The change of organization was ordered subject to the following terms and conditions:

None

The date of adoption of the resolution ordering the change of organization/~~reorganization~~ is Feb. 20, 1979.

Dated Feb. 23, 1979

Paul E. Sagers
Assistant Executive Officer
Santa Clara County
Local Agency Formation Commission

E 302-490

RESOLUTION AND ORDER OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA ANNEXING TERRITORY
DESIGNATED AS LOS GATOS BLVD. NO. 8
TO THE ~~CITY~~/TOWN OF LOS GATOS
PURSUANT TO GOVERNMENT CODE SECTION 35150(f) OF
THE MUNICIPAL ORGANIZATION ACT OF 1977

WHEREAS, the Board of Supervisors of the County of Santa Clara has held a duly noticed public hearing pursuant to the Municipal Organization Act of 1977 on the proposed annexation of territory designated as Los Gatos Blvd. No. 8 to the ~~CITY~~/Town of Los Gatos; and

WHEREAS, the Board of Supervisors is authorized by the Santa Clara County Local Agency Formation Commission to order annexation of this territory without an election pursuant to Government Code Section 35150(f) of the Municipal Organization Act of 1977;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Clara does hereby resolve, determine and order as follows:

1. The territory described in Exhibit A is annexed to the ~~CITY~~/Town of Los Gatos. A map of this territory, marked Exhibit B, is attached.

2. The Clerk of the Board of Supervisors is directed to make the filings necessary to complete the annexation pursuant to Government Code Section 35350.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on FEB 20 1979, by the following vote:

AYES: Supervisors CORTESE, MCGRODDALE, STEINBERG, DIRIDON, WILSON

NOES: Supervisors NONE

ABSENT: Supervisors NONE

Donald M. Rains
Chairperson, Board of Supervisors

ATTEST: DONALD M. RAINS, Clerk
Board of Supervisors

Donald M. Rains

EXHIBIT "A"

E 302~~MS~~ 451

TOWN OF LOS GATOS
LOS GATOS BOULEVARD #6 ANNEXATION

All that real property situate in the County of Santa Clara, State of California, described as follows:

Beginning at the Southernmost corner of Ferris Avenue No. 3 annexation to the Town of Los Gatos, said corner being on the centerline of Kennedy Road; thence along the Northeasterly line of said annexation, the following courses and distances: Northeasterly 432 feet more or less; thence Northwesterly 188 feet more or less to the intersection thereof with the Westerly line of last said annexation, the last said line also being the centerline of San Jose Avenue; thence along last said line Northeasterly 164 feet more or less to the intersection thereof with the Southerly line of Northeast No. 9 annexation to the Town of Los Gatos; thence along the boundary of last said annexation Northwesterly 320 feet more or less; thence Northeasterly 228 feet more or less, thence Northwesterly 101 feet more or less; thence Northeasterly 140 feet more or less to the intersection thereof with a Southeasterly line of last said annexation, the last said line also being a Westerly line of Roberts Road No. 1 annexation to the Town of Los Gatos; thence along last said line Northwesterly 400 feet more or less to the intersection thereof with the Easterly line of Pine Avenue No. 1 annexation to the Town of Los Gatos; thence along the boundary of last said annexation the following courses and distances:

South 33°28' West 503.79 feet; thence
North 56°31' West 100 feet more or less; thence
North 33°28' East 488.92 feet; to the intersection
thereof with said Westerly line of Roberts Road No. 1 annexation;
thence along last said line Northwesterly 210 feet more or less
to the Northeasterly corner of Pine Vista No. 1 annexation to the
Town of Los Gatos; thence along the perimeter of last said
annexation the following courses and distances:
Southwest 459.56 feet; thence
Northwesterly 275.02 feet; thence
Southwesterly 67 feet more or less; thence
Southeasterly 23 feet more or less; thence
Southerly 129 feet more or less; thence
Southeasterly 299 feet more or less; thence
Southwesterly 123 feet more or less to the
intersection with the Original Town of Los Gatos Boundary; thence
along the Original Town of Los Gatos Boundary Southeasterly 410
feet more or less to the intersection with the westerly line of
Los Gatos Boulevard No. 4 annexation to the Town of Los Gatos;

E 302 492

thence along last said annexation boundary the following courses and distances:

North 33°30' East 122.75 feet; thence

South 56°25' East 435.00 feet; thence

South 33°30' West 122.75 feet to the intersection

thereof with said original Town of Los Gatos boundary; thence

along last said boundary the following two courses and distances:

Southeast 60 feet more or less; thence

South 230 feet more or less to the Northerly corner

of the Fillmer Avenue No. 1 annexation; thence along the boundary

of the last said annexation Southeast, Southwest, and Northwest

503 feet to the intersection thereof with said original boundary

of the Town of Los Gatos; thence along said boundary South 260

feet more or less to the Northerly corner of Harding Avenue No.

1 annexation to the Town of Los Gatos; thence along the boundary

of last said annexation Southeast and Southwest 341 feet more or

less to the intersection with the original boundary of the Town

of Los Gatos; thence along said boundary Southerly 170 feet more

or less to the Northerly corner of Yosemite Way No. 1 annexation

to the Town of Los Gatos; thence along the boundary of last said

annexation Southeast, Southwest and Northwest 365 feet more or

less to the intersection thereof with said original boundary of

the Town of Los Gatos; thence South along last said boundary 165

feet more or less to the intersection thereof with the Easterly

boundary of Los Robles Way No. 1 annexation to the Town of Los

Gatos; thence along the perimeter of last said annexation generally

Northeast, Southwest, Northeast and Southwest 1290 feet more or

less to the intersection thereof with said original boundary of

the Town of Los Gatos; thence along last said line South 645 feet

more or less to the Northwest corner of Kennedy Road No. 1

annexation to the Town of Los Gatos; thence along the boundary of

last said annexation Northeast, Southeast, Northeast and Northwest

1470 feet more or less to the Southerly corner of Harding Avenue

No. 2 annexation to the Town of Los Gatos; thence along the boundary

of last said annexation Northwest, Southwest and Northeast 490

feet more or less to the South side of Harding Avenue, last said

line also being the boundary of Kennedy Road No. 1 annexation;

thence along the boundary of last said annexation the following

two courses and distances:

Northwesterly 170 feet more or less; thence

Northeasterly 500 feet more or less to the Southwest

line of Kennedy Road No. 4 annexation to the Town of Los Gatos;

thence along last said line Northwest 110 feet more or less to the

Easterly corner of Gem Avenue No. 2 annexation to the Town of Los

Gatos; thence along the boundary of last said annexation Southwest,

Northwest, Southwest, Northwest and Northeast 615 feet more or less

to the intersection thereof with said boundary of Kennedy Road

no. 4 annexation; thence along last said line Northwest 220 feet

more or less to the Southwesterly corner of last said annexation;

E 302 PAGE 493

thence along the Northwesterly line of last said annexation northeasterly 180 feet more or less to the intersection thereof with the Southwest line of Ferris Avenue No. 2 annexation to the Town of Los Gatos, said line also being the centerline of Kennedy Road; thence along last said line and along said Southwest line of last said annexation Northwest 110 feet more or less to the Southeasterly corner of Ferris Avenue No. 3 annexation to the Town of Los Gatos; thence continuing along last said centerline and along the Southerly line of last said annexation Northwest 210 feet more or less to the point of beginning.

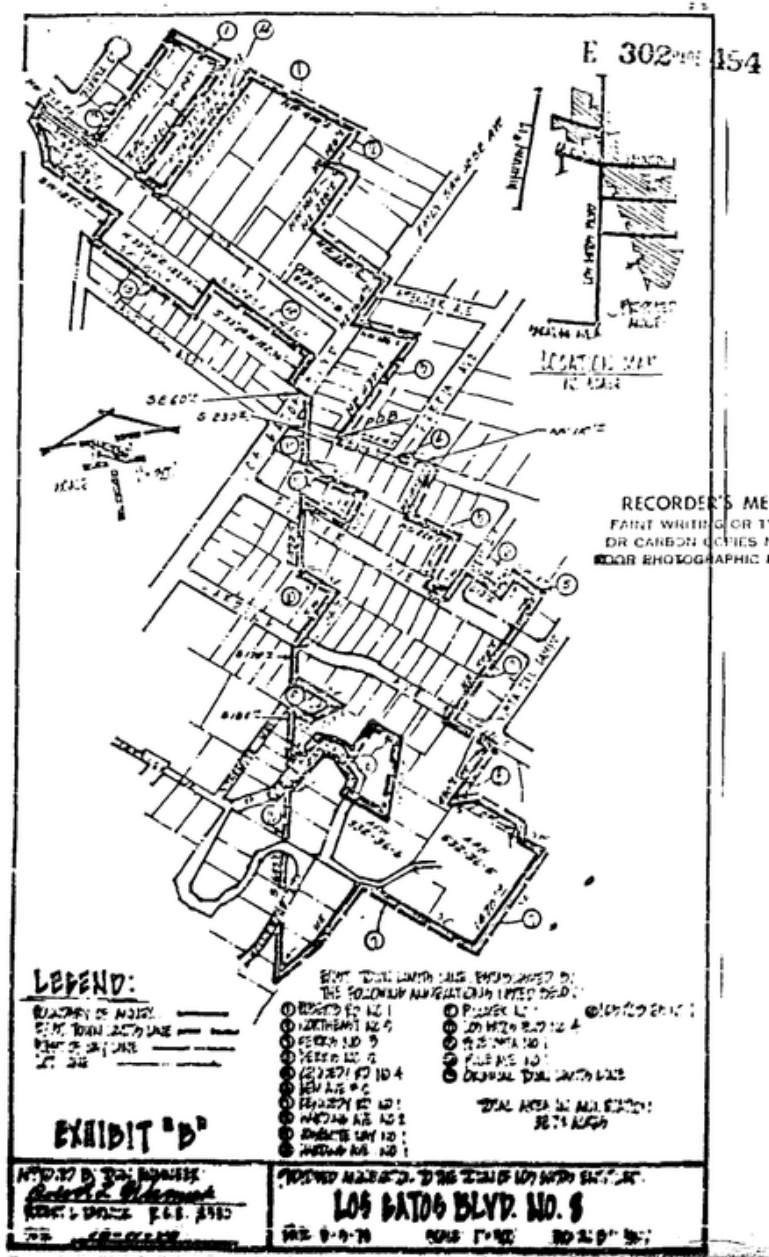
Containing 38.7 acres more or less.

The foregoing instrument is a
correct copy of the original
ATTEST: DONALD M. RAINS
Clerk of the Board
By *Anna Ferguson* DEPUTY CLERK
FEB 23 1979

THE FOREGOING INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ATTEST: DONALD M. RAINS
CLERK, BOARD OF SUPERVISORS

BY *Anna Ferguson*
Deputy Clerk

DATE: 12-8-78



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

Revised: August 25th, 2021

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

Commission Members:

I have updated this rebuttal based on receipt of the neighbors' letter August 22nd, 2021.

I have visited with all the neighbors who are adjacent to the property, except the Steers at 304 Harding Ave, who did not want to meet with me or discuss the project, and the common thread would appear to be one of privacy and not wanting to lose the park-like setting they have enjoyed for many decades. It is disappointing that we have to be here.

That said, I will address the various technical aspects of the Appeal [slideshow] point by point in this Rebuttal, as I cannot do so at the Hearing in a 5 minute presentation.

Statement/Slide by the Appellant:

CoC does not confer Building Rights. It just proves Legality.

Response: We agree - there are now 3 legal lots.

- | | | |
|-----------------------------|-------------|--------------------------------|
| 1. Parcel 1: APN 532-36-076 | 1.718 Acres | Owned by Mark VonKaenel |
| 2. Parcel 2: APN 532-36-077 | 0.258 Acres | Owned by Mark VonKaenel |
| 3. Parcel 3: APN 532-36-075 | 1.153 Acres | Owned by Thompson Family Trust |

Statement/Numerous Slides by the Appellant:

Are these really Buildable Lots?

Response: The issue of "Buildability" has been raised, but it should be noted that the Owners are not requesting to build - so it is **Not Relevant for This Hearing** - that will come later. But I will address why I do think that these 3 lots are "Buildable Parcels", generally - using the Appellants' 6-point criteria.

• **Parcel Legality.**

The CoC has recognized the Legality of the 3 lots.

• **Legal Access.**

The 'vacating' of the access by the Town reduces the street [Los Robles Way] from Public to Private - but it is still legal - for access to 075 [Thompson Trust] and 076/077 [Von Kaenel] via the defined easement. The RoW width is 20 ft - also legal.

• **Access to Water.**

San Jose Water presently provides water to the site along Los Robles Way. San Jose Water is also available in the public RoW at Worcester Lane.

• **Sanitation.**

The current home is on septic, but it is proposed that any new construction would tie in to WVSD sewer. There is a sewer main on the property.

- **Emergency Access.**

Emergency Vehicles absolutely CAN turn around at the Los Robles Way terminus on the parcel - and serve 075 and 076. APN-077 could also take access from Los Robles Way. The proposed configuration with the LLA would make Emergency Access simpler to all 3 parcels and is supported by SCFD for this application.

- **Site Safety/Geologic Hazards.**

Potential Geologic and Geotechnical concerns are addressed at the time of a Building Application through a comprehensive process involving Town Engineering and consultant Peer Reviews. Slopes in excess of 30% can be avoided on the present site. A JCP report is an advisory document only, produced without the benefit of any site visit, to alert the owner or any potential buyer of the property of potential hazards to investigate at the site.

Statement/Slide by the Appellant:

Merger of properties - per Los Gatos Town Code: 29.10.070 is Required.

Response: Appellant is suggesting that some of the properties should be considered "Merged" if any of the following 8 criteria are not met - **but they are all met.**

1. Parcels are all over 5,000 sf. [74,832, 11,226 & 50,239 SF]
2. Parcels were legal when created and a CoC issued by the Town was recorded.
3. Sewage Disposal [WVSD sewer on site]
4. Slope Stability [Building Permit Determination]
5. Legal Emergency Vehicle Access [20' RoW at Los Robles Way]
6. Health or Safety [A&S Hearing Determination]
7. Consistent with GP & Zoning - except for size. [Conforms]
8. No Building built across Property Line [House is completely on 076]

The Subdivision Map Act would require the Town to allow development of these parcels to be considered if a formal application were to be submitted.

Statement/Slide by the Appellant:

Napa County Code has three Criteria for non-buildability.

Response: So this would be allowed in Napa too!

1. Property is less than 2,400 sq ft
2. Parcel does not have Access to a Public Street.
3. Parcel does not contain a Building site 25' x 25'.

Statement/Two Slides by the Appellant:

Parcel 2: APN 532-36-077 has no Frontage or Legal Access

Response: The Legal Creation of Lot 077 was considered by the Town Consultant Surveyor, when the CoC was applied for and approved. An access corridor 'Flag Lot' to Harding Lane was reserved in the creation of this lot. This has since been quitclaimed [in 1980 per Appellant, to allow a neighbor to build a home on Harding Ave], but the legal access at Los Robles Way can provide frontage at any time the applicant [Von Kaenel] chooses to develop the parcel. I am not certain whether the Appellant is questioning the CoC approval with these slides but it is not relevant to this LLA application.

Statement/Two Slides by the Appellant:

Parcel 2: APN 532-36-077 has no Frontage, is only 50' wide and has no Buildable Area

Response: The Town of Los Gatos issued a Certificate of Compliance for 077. We have shown only the Frontages on Los Robles Way and Worcester Lane - as these will be applicable for the resulting parcels. 077 is only 50 Ft wide - which was conforming when it was created. The Appellant is also representing the LRDA as the only allowable building area on the property. It is not. It is desirable to stay within the LRDA, but not required.

Statement/Slide by the Appellant:

In its Processing, the DRC must review an LLA Application as to 3 items

Response: The implication by highlighting the word 'REMAIN' is that the Lot Frontage and Lot Depth need to be conforming initially, in order to Remain so. 077 was a legally created Flag Lot with Access and Frontage on Harding Ave. As such, in reality its 'Front from a Planning Perspective remains at 56.34 ft, its Depth is $(183.93+265.17)/2 = 224.55$ [legal, conforming]. But even if this were not the case, because it was legal, conforming when created - 'Remain' would still apply.

Statement/Slide by the Appellant:

In an earlier 'Listing' 2 Lots, both accessed from Los Robles Way were shown.

Response: It was clearly the intention of the Town that Worcester Lane would eventually continue past 'the fence'. If they had wanted to preclude access from Worcester Lane to the Property in Question, they would have terminated it with a cul-de-sac originally.

Slide by the Appellant:

Letter from Shelley Clifford Merrick and Jason Merrick

Response: When I met with Shelley at 246 Harding, we discussed the property behind her, which is 077. She asked if her fence could be moved to the property line, from its current location at the bottom of the hill. I spoke to Mark VonKaenel and he immediately agreed. Additionally, during any construction, 'debris collection' fencing should be placed along the hillside, in addition to standard erosion control measures. But that is for another day. This is not an LLA matter.

Statement/Slide by the Appellant:

View of 'Land-locked' 077 from 304 Harding Ave

Response: The one property I was unable to visit, unfortunately. It is not landlocked because it could be developed with Los Robles Access.

Statement/Slide by the Appellant:

A 2 ft high Planter, crossing a property line Merges a lot.

Response: No it does not. It does not even require a permit.

In Summary:

This is a simple application that takes 3 non-conforming legal parcels that are not optimal for development and adjusts the lot lines to address the requirements of the Town General Plan and R1:20 Zoning Laws. The owners have every right to propose Reasonable Improvements to their Property and the Town has an obligation to apply the objective criteria in the approval of this LLA per Town Code and the Subdivision Map Act.

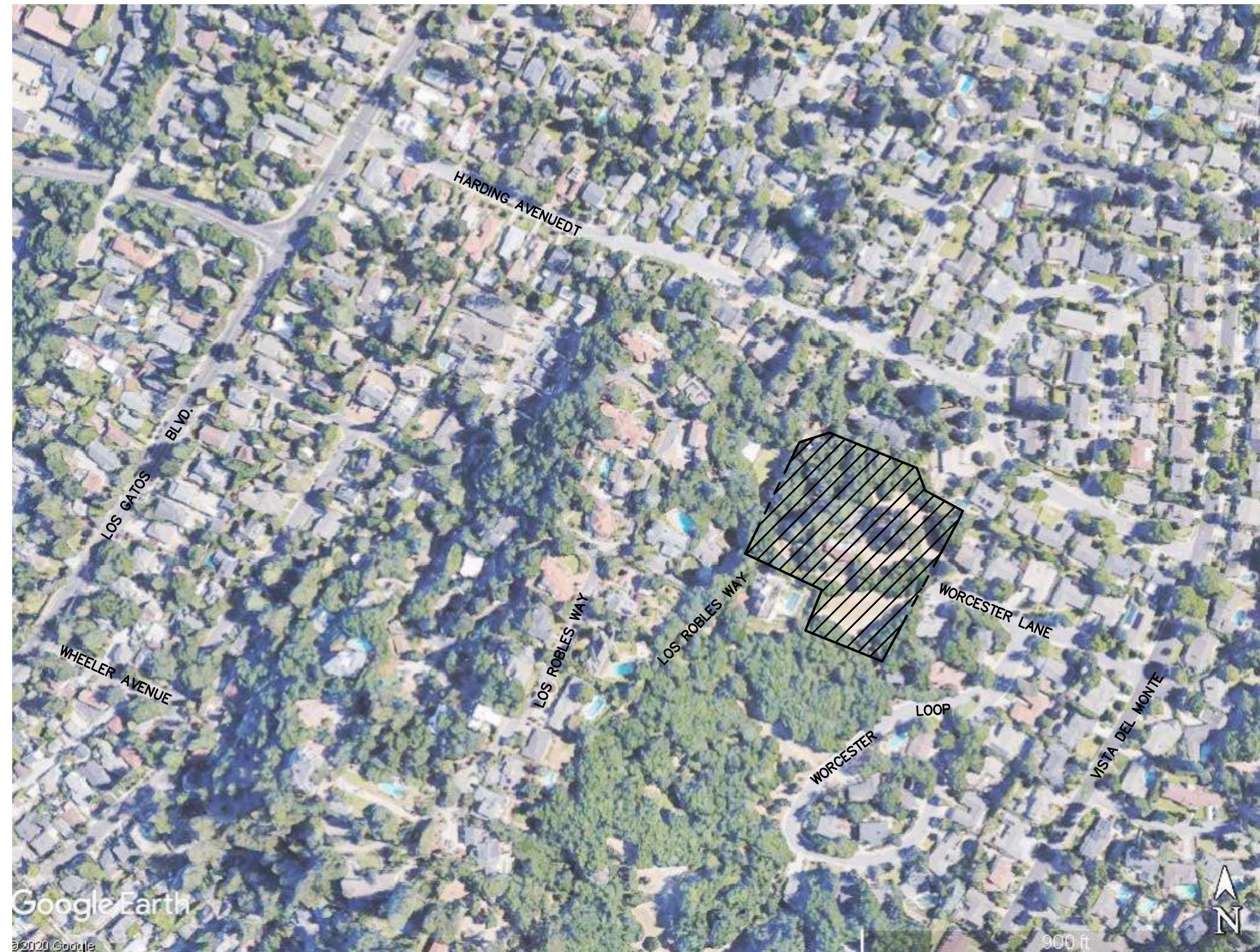
Tony Jeans (408) 354-1833

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BENCH MARK:
 LG#42, BRASS DISK IN MONUMENT BOX,
 AT INTERSECTION OF VISTA DEL MONTE AND
 VISTA DEL MAR, ELEVATION = 443.31'

LEGEND

EXISTING		PROPOSED
	BUILDING	
	MONUMENT	
	CURB INLET	
	AREA DRAIN	
	POLE	
	SANITARY SEWER MANHOLE	
	STORM DRAIN MANHOLE	
	FIRE HYDRANT	
	WATER VALVE	
	STREET LIGHT	
	CLEANDOUT	
	BOUNDARY	
	LOT LINE	
	CENTERLINE	
	LIMIT OF EASEMENT	
	CURB	
	CURB AND GUTTER	
	EDGE OF PAVEMENT	
	CONTOUR	
	FENCE	
	FLOW LINE	
	SANITARY SEWER	
	STORM DRAIN	
	ELECTRICAL	
	GAS	
	WATER	
	LIMIT OF LRDA	
	SETBACK LINE	



VICINITY MAP

NOTES:

OWNER:
 DARAN GOODSSELL SUCCESSOR TRUSTEE OF THE JNT TRUST
 DLGOODSELL@CSUCHICO.EDU
 CHICO, CA 95973
 530-521-6754

ENGINEER:
 WESTFALL ENGINEERS, INC.
 14583 BIG BASIN WAY
 SARATOGA, CA 95070
 408-867-0244

UTILITIES:

WATER - SAN JOSE WATER COMPANY
 SANITARY SEWER - WEST VALLEY SANITATION DISTRICT
 GAS AND ELECTRIC - P.G.&E.
 TELEPHONE - ATT
 CABLE - COMCAST
 THE SUBJECT PROPERTY IS NOT SUBJECT TO INUNDATION.
 ZONE X - AREA DETERMINED TO BE OUTSIDE OF THE 0.2%
 ANNUAL CHANCE FLOOD PLAN

	EXISTING	PROPOSED
PARCEL 1	74,832 s.f.	64,300 s.f.
PARCEL 2	11,226 s.f.	27,073 s.f.
PARCEL 3	50,239 s.f.	44,925 s.f.

INDEX

- SHEET 1 COVER SHEET
- SHEET 2 PROPOSAL FOR LOT LINE ADJUSTMENT
- SHEET 3 EXISTING SITE PLAN
- SHEET 4 PROPOSED SITE PLAN
- SHEET 5 AERIAL TOPO 1"=20'
- SHEET 6 AERIAL TOPO 1"=30'



Harry Belick

NO.	BY	DATE	REVISION

DATE: April 2021
 SCALE: HOR. N. T. S. VERT.
 DESIGNED: JC
 CHECKED: KC
 PROJ. ENGR: JC

BY: KAREL CYMBAL, RCE 34534
 DATE:

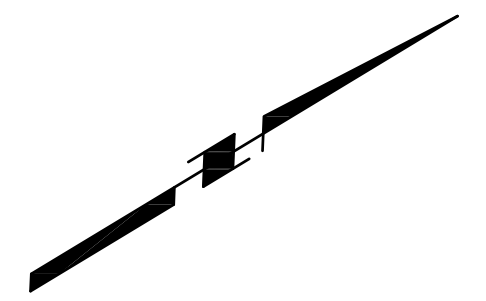
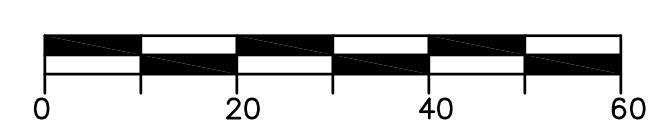
WESTFALL ENGINEERS, INC.
 14583 BIG BASIN WAY, SARATOGA, CA 95070 (408)867-0244

COVER SHEET
WORCESTER LANE & LOS ROBLES WAY, LOS GATOS

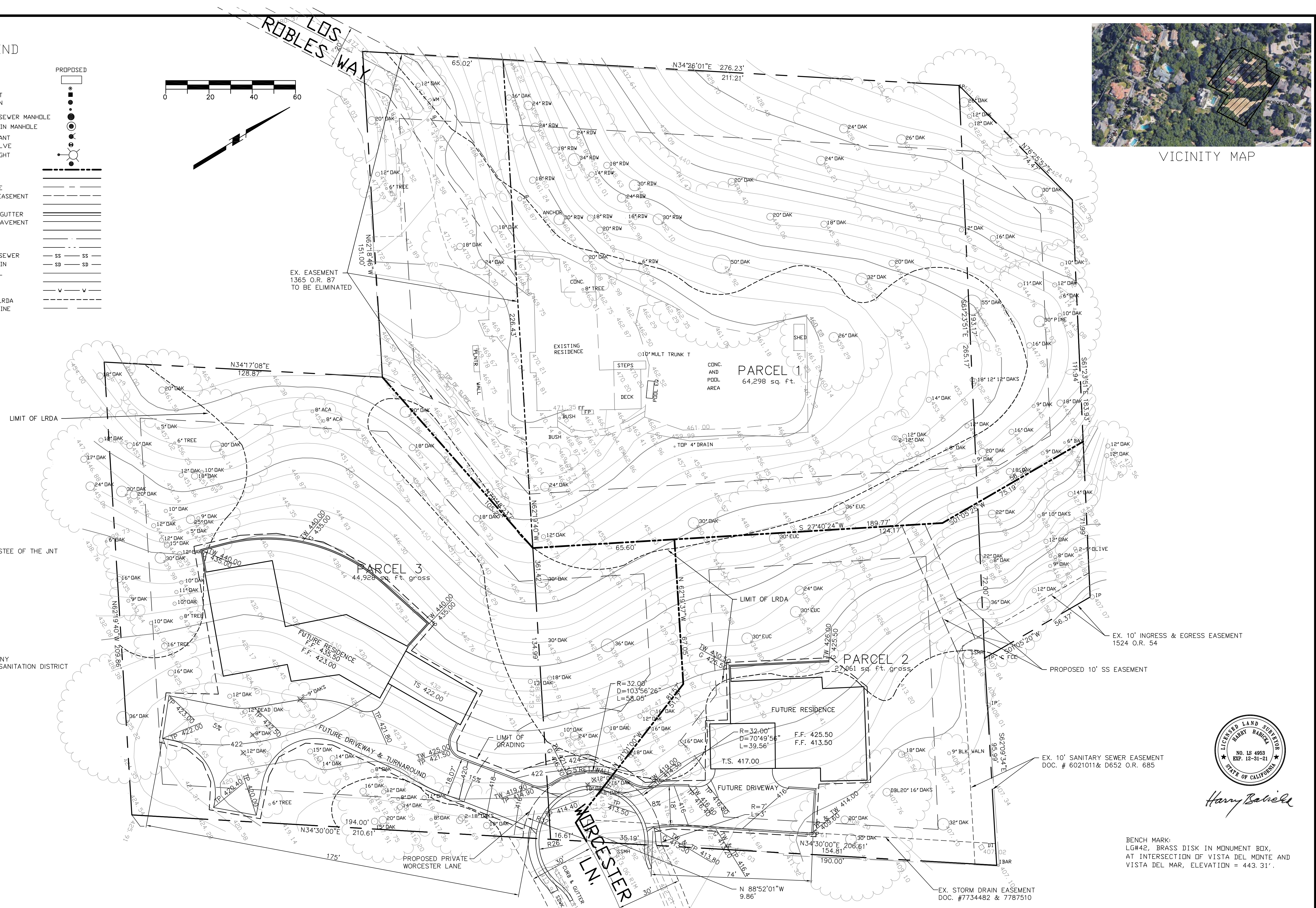
JOB NO.
 2020-021
 SHEET
 1
 OF
 6

LEGEND

EXISTING	PROPOSED



VICINITY MAP



NOTES:
 OWNER:
 DARAN GOOSELL SUCCESSOR TRUSTEE OF THE JNT TRUST
 DLGOOSELL@CSUCHICO.EDU
 CHICO, CA 95913
 530-521-6754

ENGINEER:
 WESTFALL ENGINEERS, INC.
 14583 BIG BASIN WAY
 SARATOGA, CA 95070
 408-867-0244

UTILITIES:
 WATER - SAN JOSE WATER COMPANY
 SANITARY SEWER - WEST VALLEY SANITATION DISTRICT
 GAS AND ELECTRIC - P.G.&E.
 TELEPHONE - ATT
 CABLE - COMCAST

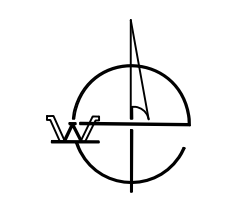


Harry Babicka

BENCH MARK:
 LG#42, BRASS DISK IN MONUMENT BOX,
 AT INTERSECTION OF VISTA DEL MONTE AND
 VISTA DEL MAR, ELEVATION = 443.31'.

NO.	BY	DATE	REVISION

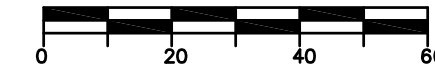
DATE: April, 2021
 SCALE: HOR. 1"=20'
 VERT.
 DESIGNED: HB
 DRAWN: JC
 PROJ. ENGR: HB



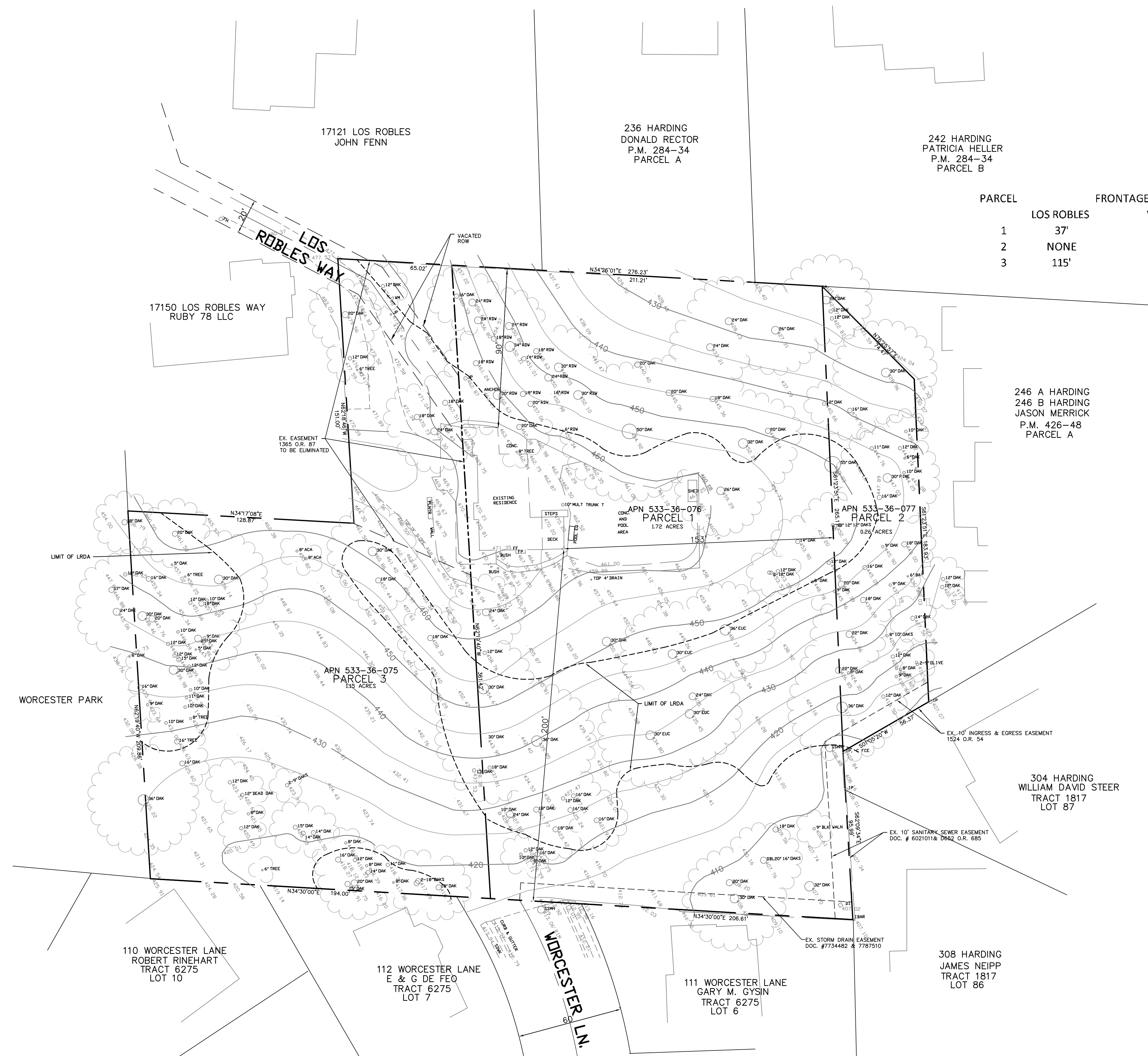
WESTFALL ENGINEERS, INC.
 14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

**PROPOSAL FOR LOT LINE ADJUSTMENT
 WORCESTER LANE & LOS ROBLES WAY, LOS GATOS, CA**

JOB NO.
 2020-021
 SHEET 2
 OF 6



BENCH MARK:
LG#42, BRASS DISK IN MONUMENT BDK,
AT INTERSECTION OF VISTA DEL MONTE AND
VISTA DEL MAR, ELEVATION = 443.31'



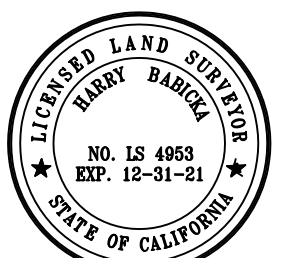
PARCEL	FRONTAGES		DEPTH	WIDTH	SETBACKS			
	LOS ROBLES	WORCESTER			FRONT	LT.SIDE	RT.SIDE	REAR
1	37'	42'	211'	360'	90'	0	153'	200'
2	NONE	NONE	50'	174'	--	--	--	--
3	115'	19'	245'	360'	--	--	--	--

AVERAGE SLOPE CALCULATIONS:
(ENTIRE PROPERTY)

CONTOUR INTERVAL (I) 5 FEET
CONTOUR LENGTH (L) 7102 FEET
AREA (A) 3.13 ACRES 136343 SQUARE FEET

AVERAGE SLOPE (S)

$$S = I/L = 5 \times 7102 / 136343 \text{ S.F.} = 26\%$$



Harry Benelli

NO.	BY	DATE	REVISION

DATE: April 2021
SCALE: HOR. 1"=30'
VERT.
DESIGNED: JC
CHECKED: KC
PROJ. ENGR: JC

BY: KAREL CYMBAL, RCE 34534
DATE:

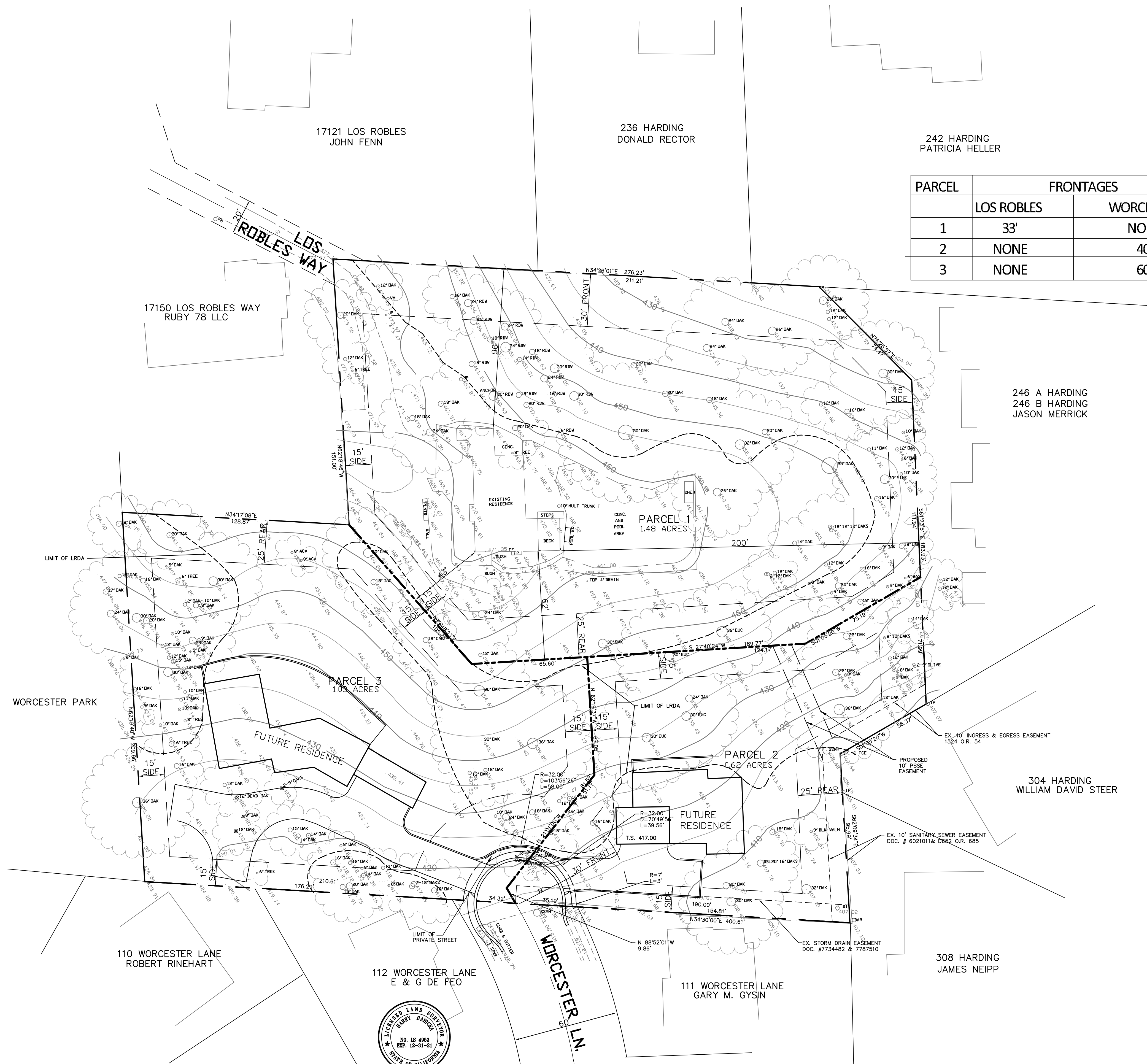
WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

EXISTING SITE PLAN
WORCESTER LANE & LOS ROBLES WAY, LOS GATOS

JOB NO.	2020-021
SHEET	3
OF	6



BENCH MARK:
LGM#42, BRASS DISK IN MONUMENT BOX,
AT INTERSECTION OF VISTA DEL MONTE AND
VISTA DEL MAR, ELEVATION = 443.91'

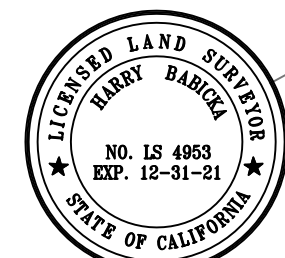


PARCEL	FRONTAGES		DEPTH	WIDTH	SETBACKS			AVERAGE SLOPE
	LOS ROBLES	WORCESTER			FRONT	SIDE	REAR	
1	33'	NONE	225'	323'	90'	43'	153'	25%
2	NONE	40'	200'	150'	30'	15'	25'	27%
3	NONE	60'	210'	258'	30'	15'	25'	26%

PARCELS 2 & 3 FRONTAGES ARE ON CUL-DE-SAC

TREE REMOVALS (STREET)

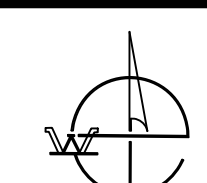
- 8" OAK (Q.A.)
- 10" OAK (Q.A.)
- 16" OAK (Q.A.)
- 18" OAK (Q.A.)
- 18" OAK (Q.A.)
- 18" OAK (Q.A.)



NO.	BY	DATE	REVISION	BY	DATE

DATE: April 2021
SCALE: HDR. 1"=30'
VERT.
DESIGNED: JC
CHECKED: KC
PROJ. ENGR: JC

Henry Bielecki
BY: KAREL CYMBAL, RCE 34534
DATE:



WESTFALL ENGINEERS, INC.
14583 BIG BASIN WAY, SARATOGA, CA 95070 (408) 867-0244

PROPOSED SITE PLAN
WORCESTER LANE & LOS ROBLES WAY, LOS GATOS

JOB NO. 2020-021
SHEET 4
OF 6

- L1 S01°05'25"W 75.19'
- L2 S88°52'01"W 9.86'
- L3 N62°19'37"W 67.05'
- L4 S01°05'20"W 56.37'
- L5 N34°30'00"E 16.61'

EXISTING PARCELS

PARCEL 2
APN 532-36-077

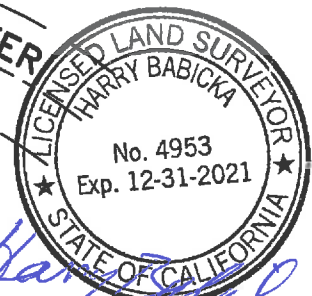
PARCEL 1
APN 532-36-076

PARCEL 3
APN 532-36-075

PARCEL 1
EX.1.718 AC.
ADJ. 1.476 AC.

PARCEL 2
EX.0.258 AC.
ADJ. 0.622 AC.

PARCEL 3
EX.1.153 AC.
ADJ. 1.031 AC.

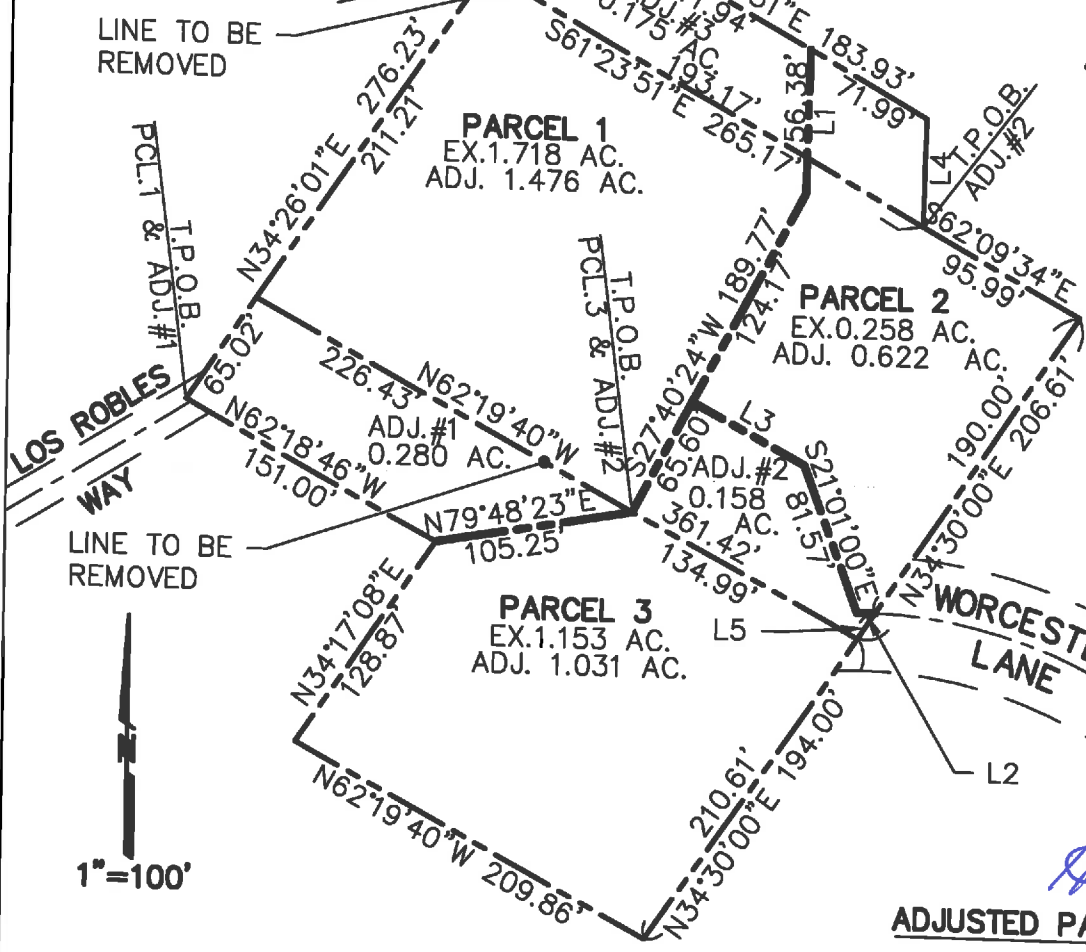


ADJUSTED PARCELS

PARCEL 1
APN 532-36-076

PARCEL 2
APN 532-36-077

PARCEL 3
APN 532-36-075



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.

EXHIBIT "A"
**A PLAT TO ACCOMPANY A DESCRIPTION
 FOR LOT LINE ADJUSTMENT**

WESTFALL ENGINEERS, INC.

EXHIBIT "B"

Adjustment #1 (from APN 532-36-075 to APN 532-36-076)

Being a portion of Lot 15 of the "Map of Los Robles Subdivision" filed for record August 12, 1929 in Volume X of Maps at pages 48 and 49, Santa Clara County Record, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 along the Westerly line of parcel 16 as shown on said subdivision map South 34 Degrees 26 Minutes 01 Seconds a length of 276.23 feet to the true point of beginning;

Thence North 34 Degrees 26 Minutes 26 Seconds 01 Seconds East a length of 65.02 feet; thence South 62 Degrees 19 Minutes 40 Seconds East a length of 226.43 feet; thence South 79 Degrees 48 Minutes 23 Seconds West a length of 105.25 feet; thence North 62 Degrees 18 Minutes 46 Seconds West a length of 151.00 feet to the true point of beginning.

Containing 0.280 acres more or less.



Harry Babicka

Adjustment #2 (from APN 532-36-076 to APN 532-36-075)

Being a portion of Lot 16 of the "Map of Los Robles Subdivision" filed for record August 12, 1929 in Volume X of Maps at pages 48 and 49, Santa Clara County Records, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 a length of 211.21 feet; thence South 62 Degrees 19 Minutes 40 Seconds East a length of 226.43 feet to the true point of beginning;

Thence North 27 Degrees 40 Minutes 24 Seconds East a length of 65.60 feet; thence South 62 Degrees 19 Minutes 37 Seconds East a length of 67.05 feet; thence South 21 Degrees 01 Minutes 00 Seconds East a length of 81.57 feet; thence North 88 Degrees 52 Minutes 01 Seconds East a length of 9.86 feet to the point on a center line of Worcester Lane; thence South 34 Degrees 30 Minutes 00 Seconds West a length of 16.61 feet; thence North 62 Degrees 19 Minutes 40 Seconds West a length of 134.99 feet to the true point of beginning.

Containing 0.158 acres more or less.



Harry Babicka

Adjustment #3 (from APN 532-36-077 to APN 532-36-076)

Being a portion of Parcel 3 as shown on the Record of Survey Map filed for a record on August 8, 1946 in Book 9 of Maps at Page 28 Santa Clara County Records, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 North 76 Degrees 25 Minutes 57 Seconds East a length of 74.47 feet; thence South 61 Degrees 23 Minutes 51 Seconds East a length of 111.94 feet; thence South 01 Degrees 05 Minutes 25 Seconds West a length of 56.38 feet; thence North 61 Degrees 23 Minutes 51 Seconds West a length of 193.17 feet to the point of beginning.

Containing 0.175 acres more or less.



Harry Babicka

Existing Parcel 1 APN 532-36-076)

Being a portion of Lot 15 of the "Map of Los Robles Subdivision" filed August 12, 1929 for record in Volume X of Maps at pages 48 and 49, Santa Clara County Record, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 61 Degrees 23 minutes 51 Seconds East a length of 265.17 feet; thence South 62 Degrees 09 Minutes 34 Seconds East a length of 95.99 feet; thence South 34 Degrees 30 Minutes 00 Seconds West a length of 206.61 feet; thence North 62 Degrees 19 Minutes 40 Seconds West a length of 361.42 feet; thence North 34 Degrees 26 Minutes 01 Seconds East a length of 211.21 feet to the point of beginning.

Containing 1.718 acres more or less.



Harry Babicka

Existing Parcel 2 (APN 532-36-077)

Being a portion of Parcel 3 as shown on the Record of Survey Map filed for a record on August 8, 1946 in Book 9 of Maps at Page 28 Santa Clara County Records , situated in the Town of Los Gatos, County of Santa Clara, State of California, , more particularly described as follows:

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 North 76 Degrees 25 Minutes 57 Seconds East a length of 74.47 feet; thence South 61 Degrees 23 Minutes 51 Seconds East a length of 183.93 feet to the center of existing 20 feet wide ingress and egress easement recorded in Book 1524, Page 546 Official Records of Santa Clara County; thence along said centerline South 01 Degree 05 Minutes 20 Seconds West a length of 56.37 feet ; thence leaving said centerline along original Southerly boundary of parcel of land described in a deed from L. N. Ball to Tom C Haire North 61 Degrees 23 Minutes 51 Seconds West a length of 265.17 feet to the point of beginning.

Containing 0.258 acres more or less.



Harry Babicka

Existing Parcel 3 APN 532-36-075)

Being a portion of Lot 15 of the "Map of Los Robles Subdivision" filed August 12, 1929 for record in Volume X of Maps at pages 48 and 49, Santa Clara County Record, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

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 East a length of 276.23 feet to the true point of beginning;
Thence North 34 Degrees 26 Minutes 01 Seconds West 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

Adjusted Parcel 1

Being a portion of Lot 16 of the "Map of Los Robles Subdivision" filed for record August 12, 1929 in Volume X of Maps at pages 48 and 49, Santa Clara County Records, and Parcel 3 as shown on the Record of Survey Map filed for a record on August 8, 1946 in Book 9 of Maps at Page 28 Santa Clara County Records situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 a length of 276.23 feet to the true point of beginning;
Thence North 34 Degrees 26 Minutes 01 Seconds East a length of 276.23 feet; thence North 76 Degrees 25 Minutes 57 Seconds East a length of 74.47 feet; thence South 61 Degrees 23 Minutes 51 Seconds East a length of 111.94 feet; thence South 01 Degrees 05 Minutes 25 Seconds West a length of 75.19 feet; thence South 27 Degrees 40 Minutes 24 Seconds West a length of 189.77 feet; thence South 79 Degrees 48 Minutes 23 Seconds West a length of 105.25 feet; thence North 62 Degrees 18 Minutes 46 Seconds West a length of 151.00 feet to the point of beginning.

Containing 1.476 acres more or less.



Harry Babicka

Adjusted Parcel 2

Being a portion of Lot 16 of the "Map of Los Robles Subdivision" filed for record August 12, 1929 in Volume X of Maps at pages 48 and 49, Santa Clara County Records, and Parcel 3 as shown on the Record of Survey Map filed for a record on August 8, 1946 in Book 9 of Maps at Page 28 Santa Clara County Records situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 61 Degrees 23 Minutes 51 Seconds East a length of 265.17 feet to the true point of beginning;
Thence South 62 Degrees 09 Minutes 34 Seconds East a length of 95.99 feet; thence South 34 Degrees 30 Minutes 00 Seconds West a length of 190.00 feet; thence South 88 Degrees 52 Minutes 01 Seconds West a length of 9.86 feet to the point on a centerline of Worcester Lane; thence North 21 Degrees 01 Minutes 00 Seconds West a length of 81.57 feet; thence North 62 Degrees 19 Minutes 37 Seconds West a length of 67.05 feet; thence North 27 Degrees 40 Minutes 24 Seconds East a length of 124.17 feet; thence North 01 Degree 05 Minutes 25 Seconds East a length of 75.19 feet; thence South 61 Degrees 23 Minutes 51 Seconds East a length of 71.99 feet; thence South 01 Degree 05 Minutes 20 Seconds West a length of 56.37 feet to the true point of beginning.

Containing 0.622 acres more or less.



Harry Babicka

Adjusted Parcel 3

Being a portion of Lot 15 and 16 of the "Map of Los Robles Subdivision" filed for record August 12, 1929 in Volume X of Maps at pages 48 and 49, Santa Clara County Records, situated in the Town of Los Gatos, County of Santa Clara, State of California, more particularly described as follows:

Beginning at a property corner described as found 1 inch diameter axle with no tag, and shown on the Record of Survey Map filed for record February 23, 1999 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 a length of 211.21 feet; thence South 62 Degrees 19 Minutes 40 Seconds East a length of 226.43 feet to the true point of beginning;
Thence North 27 Degrees 40 Minutes 24 Seconds East a length of 65.60 feet; thence South 62 Degrees 19 Minutes 37 Seconds East a length of 67.05 feet; thence South 21 Degrees 01 Minutes 00 Seconds East a length of 81.57 feet; thence North 88 Degrees 52 Minutes 01 Seconds East a length of 9.86 feet to the point on a center line of Worcester Lane; thence South 34 Degrees 30 Minutes 00 Seconds West a length of 210.61 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 79 Degrees 48 Minutes 23 Seconds East a length of 105.25 to the true point of beginning.

Containing 1.031 acres more or less.



Harry Babicka



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 09/08/2021

ITEM NO: 2

DESK ITEM

DATE: September 8, 2021
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. Located at 17200 Los Robles Way. APNs 532-36-075, -076, and -077. Lot Line Adjustment Application M-20-012. Property Owners: Daran Goodsell, Trustee and Mark Von Kaenel. Applicant: Tony Jeans. Appellants: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. Project Planner: Ryan Safty.

REMARKS:

Town staff has added a draft condition of approval to ensure consent from all holders of Deeds of Trust on the parcels is provided. Exhibit 14 includes the updated draft conditions of approval, with the added condition (Condition #11) shown underlined.

EXHIBITS:

Previously received with the September 8, 2021 Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval
4. Pictures of subject properties, received January 8, 2021
5. Project Description and Letter of Justification, received February 19, 2021
6. Summary of neighborhood outreach, received March 31, 2021
7. Certificate of Compliance Consulting Surveyor Reviews, received April 14, 2021 and May 17, 2021
8. May 25, 2021 Development Review Committee meeting minutes
9. Public Comments and Applicant Responses received prior to 10:00 a.m., Tuesday, July 13, 2021

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

PAGE 2 OF 2

SUBJECT: 17200 Los Robles Way/M-20-012

DATE: September 8, 2021

EXHIBITS (continued):

10. July 13, 2021 Development Review Committee meeting minutes
11. Appeal of Development Review Committee, received July 22, 2021
12. Applicant's response to appeal, received July 27, 2021
13. Development Plans approved by Development Review Committee on July 13, 2021

Received with this Desk Item:

14. Amended Conditions of Approval

PLANNING COMMISSION – September 8, 2021
CONDITIONS OF APPROVAL

17200 Los Robles Way
Subdivision Application M-20-012

Consider an Appeal of a Development Review Committee Decision Approving a Lot Line Adjustment Between Three Adjacent Lots on Properties Zoned R-1:20. APNs 532-36-075, -076, and -077. PROPERTY OWNERS: Daren Goodsell, Trustee and Mark Von Kaenel. APPLICANT: Tony Jean. APPELLANTS: Alison and David Steer, Terry and Bob Rinehart, Nancy and Jim Neipp, Gary and Michelle Gysin, and Gianfranco and Eileen De Feo. PROJECT PLANNER: Ryan Safty.

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
2. EXPIRATION: The Subdivision Application will expire two years from the date of approval, unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. ARCHITECTURE & SITE APPROVAL: Approval of an Architecture & Site Application is required for construction of the cul-de-sac, driveways, residences, and related grading.
4. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

5. APPROVAL: This application shall be completed in accordance with all the conditions of approval listed below and in substantial compliance with the latest reviewed and approved development plans. Any changes or modifications to the approved plans or conditions of approvals shall be approved by the Town Engineer.
6. ENGINEERING FEES: Engineering fees associated with the Lot Line Adjustment (see item 270 in the Town's [Comprehensive Fee Schedule](#)) shall be deposited with the Engineering Division of the Parks and Public Works Department prior to recordation.

7. GENERAL: The Owner and/or Applicant shall comply with all Town, County, State and Federal laws and regulations applicable to this land division. No other proposed development is included in this particular application of the Lot Line Adjustment. Issuance of a Lot Line Adjustment will acknowledge the Town's acceptance of the parcel as legally created in accordance with the Subdivision Map Act. Any subsequent development will be required to demonstrate compliance with the Town Development Standards and Codes.
8. CERTIFICATE OF LOT LINE ADJUSTMENT: A Certificate of Lot Line Adjustment shall be recorded. An electronic copy (PDF) of the legal description for each new lot configuration, a plat map (8-½ in. X 11 in.) and of the legal description of the land to be exchanged shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
9. CERTIFICATE OF COMPLIANCE: A Certificate of compliance shall be recorded. Two (2) copies of the legal description for each lot configuration, a plat map (8-½ in. X 11 in.) shall be submitted to the Engineering Division of the Parks and Public Works Department for review and approval. The submittal shall include closure calculations, title reports less than ninety (90) days old and the appropriate fee. The certificate shall be recorded prior to the issuance of any permits.
10. PRIVATE EASEMENTS: Agreements detailing rights, limitations, and responsibilities of involved parties shall accompany each private easement. An electronic copy (PDF) of the recorded agreement(s) shall be submitted to the Engineering Division of the Parks and Public Works Department prior to the issuance of any permit.
11. LENDER CONSENT: Prior to recording the map, evidence of consent from all holders of Deeds of Trust associated with the parcels shall be provided to the Town.