

Community Development Director

Town of Los Gatos

110 E. Main St., Los Gatos CA 95030

Date: Sept 23rd, 2021

Dear Mr Paulson,

We are writing to request that the Town of Los Gatos comply with their Town Ordinance §29.10.070 and initiate the Lot Merger procedure of the two parcels with APNs 532-36-076 and 532-36-077 per the Subdivision maps Act §66541.10 and §66541.11 a and pursuant to California Civil Code Section 1093.

The Town of Los Gatos is a General Law City operating under the provisions of the State Government Code.

“For general law cities, state law requires that the city attorney draft all ordinances. Further, state law requires that the mayor of a general law city sign the ordinances and that the city clerk attest the ordinances. Ordinances are approved by a majority vote of the entire city council. The California Constitution provides that a city may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws.”

Subdivision Maps Act § 66451.11 specifies that “a local agency **MAY**, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of the

determination or merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards

and

(c) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13, and is afforded the opportunity for a hearing pursuant to Section 66451.14.

For purposes of this section, when determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

Los Gatos Town Ordinance §29.10.70 states that "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."

Per the Standard Evidence Code for the State of California , SHALL is a mandatory term, and MAY is permissive. The Development Review Committee and representatives of the Town of Los Gatos are legally required to follow the direction of their own town ordinance.

As you are certainly familiar:

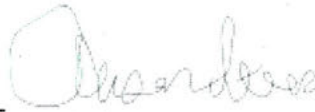
"California Civil Code Section 1093 requires an, "express written statement of the grantor," of their intent to alter or affect the separate and distinct nature of the parcels described therein. Therefore, the legal merger of two parcels occurs only through the express written statement of the grantor (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"

We have clearly established that APN 532-36-077 has no legal access which is adequate for vehicular and safety equipment access and maneuverability per the 1978 quit claim deeds for the Harding Ave ROW, and two parcels (APN 532-36-076 and APN 532-36-077) have been under same ownership since that time. It would have been very clear to the developer, landowner and the town that this parcel was already landlocked when reviewing the ROW access to Harding Ave. We are requesting the town initiate the merger procedure of APN 532-36-076 and APN 532-26-077 in compliance with SMA Section 66451 without further delay.

We are requesting an acknowledgement and your response to this letter.

PRINT NAME: Alison and David Steer

SIGNATURE: _____



DATE: Sept 23rd 2021.

ADDRESS: 304 Harding Ave, Los Gatos, CA 95030

PRINT NAME: Nancy and Jim Neipp

SIGNATURE: _____



DATE: Sept 23rd 2021.

ADDRESS: 308 Harding Ave, Los Gatos, CA 95030

PRINT NAME: Gary and Michelle Gysin

SIGNATURE: _____

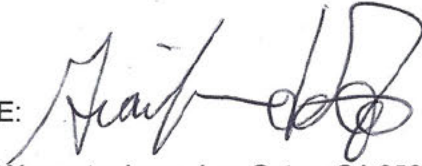


DATE: Sept 23rd 2021.

ADDRESS: 111 Worcester Lane, Los Gatos, CA 95030

PRINT NAME: Gianfranco and Eileen De Feo

SIGNATURE:



DATE: Sept 23rd 2021. .

ADDRESS: 112 Worcester Lane, Los Gatos, CA 95030

[REDACTED]

[REDACTED]

PRINT NAME: Terry and Bob Rinehart

SIGNATURE:



DATE: Sept 23rd 2021.

ADDRESS: 110 Worcester Loop, Los Gatos, CA 95030

[REDACTED]

[REDACTED]