

Appeal of CAL Fire Exception Denial for PLN15-10815-MOD1- APL1

Margaret Belska, Applicant and Appellant

October 14, 2021

Project Summary

- In September 2020 I submitted a Minor Modification to reduce the size of the house in my previously granted Site Approval.
- On March 24, 2020 Planning informed me that my parcel was located on a road that was too narrow and exceeded the dead-end road length limits and they would not approve my application until I remedied these factors.
- These new off-site improvements would require me to personally finance:
 - The widening of two miles of mountain road used by 45 other properties, including the purchase of any necessary easements.
 - The construction of up to two miles of new road across mountain properties I do not own in order to make the road a through-road, again purchasing all necessary easements.
- The cost of these improvements is in the millions of dollars and far exceeds the value of my parcel.
- Since I cannot afford these improvements, my previously fully approved parcel is now rendered unbuildable and has lost all of its value.

Arguments for Appeal Approval

- The Appeal should be granted based on the following reasons:
 1. The addition of the CAL FIRE requirements to my application is a violation of the Permit Streamlining Act
 2. The requirements violate Santa Clara County Ordinance Code
 3. The requirements are unconstitutional
 4. The requirements are from a law which has become desuetude and is unenforceable
 5. The inconsistent application of these requirements is discriminatory
 6. My parcel should be exempt per § 1270.02 (b)
 7. The requirements are unreasonable and will soon be obsolete
 8. Allowing the project to proceed will improve neighborhood fire safety
 9. The road in question effectively meets the requirements for existing roads per the revised Fire Safe Regulations

1) Requirements Violate Permit Streamlining Act

- The inclusion of the CAL FIRE requirements in question violates the Permit Streamlining Act.
- Per the Permit Streamlining Act **65940**. *“(a) Each public agency shall compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project.”*
- At the time of application submission on September 3, 2020 the published list of requirements and supporting documents did not include the specified CAL FIRE access road requirements in question.

1) Requirements Violate Permit Streamlining Act

- The Permit Streamlining Act section **65942** defines the conditions under which an agency can add new requirements:
- *“Any revisions **shall apply prospectively only** and shall not be a basis for determining that an application is not complete pursuant to Section 65943 if the application was received before the revision is effective”*
- The only exceptions are:
 - *revisions for the following reasons resulting from the conditions which were **not known and could not have been known** by the public agency at the time the application was received*
 - *(b) To comply with the enactment of **new or revised** federal, state, or local requirements, except for new or revised requirements of a local agency which is also the lead agency.*
- The exceptions do not apply.
 - The Fire Safe Regulations were known by Santa Clara Planning at the time of my application submission.
 - No new or revised version of the Fire Safe Regulations was enacted after my submission.

1) Requirements Violate Permit Streamlining Act

- Per the Permit Streamlining Act **65943.(a)** “In any subsequent review of the application determined to be incomplete, the local agency shall not request the applicant to provide any new information that was not stated in the initial list of items that were not complete.”
- The first Incomplete Letter dated October 6, 2020 did not include the CAL FIRE comments.
- The second Incomplete Letter dated March 9, 2021 did not include the CAL FIRE comments.
- The comments were added to an amended version of the Incomplete Letter on March 24, 2021

1) Requirements Violate Permit Streamlining Act

- Planning acknowledged that the addition of these items was a violation of the Permit Streamlining Act.
- A new Incomplete Letter was provided on June 8, 2020 with the unlawfully added CAL FIRE comments removed.
- A Complete Letter was received on July 30, 2021.
- Conditions of Approval were issued on September 28, 2021 which included the two CAL FIRE requirements as conditions of approval even though they were not legally part of the application.

The CAL FIRE comments are not legally part of this application and therefore cannot be applied as Conditions of Approval.

2) Requirements Violate County Ordinance

- The CAL FIRE requirements violate Santa Clara County Ordinance Code as it pertains to improvements
- Per Sec. C12-324.:
 - *“Improvement requirements shall be limited to those improvements which are directly related to the proposed development and consistent with similar improvements in the immediate area.”*
- Previously approved projects along the same road were asked to contribute approximately \$20,000 in pro rata improvements of the shared private road
- I am being asked to contribute potentially millions of dollars in improvements on top of my already agreed-to pro rata improvement of a fire truck turnaround

3) Requirements are Unconstitutional

- Requiring a single landowner to bear the cost of off-site improvements used by others is unconstitutional.
- Per *Armstrong v. United States* (1960):
 - *“The Fifth Amendment's guarantee that private property shall not be taken for a public use without just compensation was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.”*
- *Higuera and Higuera Highland Lane* are used by the existing residents, who must also bear the cost of any improvements.
- The County agrees. Per the June 3, 2021 letter to the Board of Forestry:
 - *“Requiring a single landowner to pay to upgrade an entire private road that was not required of and will benefit others who previously developed their properties is inequitable and will likely lead to legal challenges.”*

The CAL FIRE comments are unconstitutional.

3) Requirements are Unconstitutional

- The Nollan/Dolan test states that the requirements placed on an application must be proportional to the impact of the application.
- There must be a “nexus” and “rough proportionality” between the government’s demand and the effects of the proposed land use.
- The impact of my application is to reduce traffic flow along Higuera and Higuera Highland Lane by reducing the size and number of bedrooms of the previously approved residence.
- Requiring additional road improvements is disproportionate to the impact of reduced traffic.

The CAL FIRE comments are unconstitutional.

3) Requirements are Unconstitutional

- Adding the CAL FIRE requirements as Conditions of Approval violates the ‘unconstitutional conditions doctrine’.
- In *Koontz v. St. John's River Water Management* 570 US 595 (2013)
 - *“The Court held that the government may not conditionally approve land-use permits unless the conditions are connected to the land use and approximately proportional to the effects of the proposed land use. This standard even applies when the government does not approve the permit but instead demands that the condition be met before granting the permit. Such demands, which amount to asking for property or money from an applicant, place a burden the applicant’s ownership of the land. This burden diminishes the value of the land, which violates the Constitutional protections against having property taken without just compensation.”* – www.oyez.org
- Applying Conditions of Approval that require a single landowner to pay millions of dollars for 1) significantly widening two miles of existing road, and 2) building up to two miles of new road, including the purchase of all necessary easements, is drastically disproportionate to the proposed land use of constructing a single-family home.

The CAL FIRE comments are unconstitutional.

3) Requirements are Unconstitutional

- Barring me from building on my property constitutes a Regulatory Taking under the Fifth Amendment
- Per *Lucas v. S.C. Coastal Council*, 505 U.S. 1003 (1992)
 - "[W]hen the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good...he has suffered a taking."
- Barring me from building on my property without just compensation is unconstitutional

The CAL FIRE comments are unconstitutional.

4) Requirements are a Desuetude Law

- *“In law, desuetude is a doctrine that causes statutes, similar legislation, or legal principles to lapse and become unenforceable by a long habit of non-enforcement or lapse of time.” - Wikipedia*
- Per the Planning Department May 27, 2021 report to HLUET:
 - *“Historically, since adoption, CAL-FIRE has not consistently enforced the regulations pertaining to site access. Many existing roads in the rural hillsides (both private and County-maintained) do not comply with existing 1991 standards, including those constructed after 1991.”*
 - *“The Administration estimates that a significant percentage of County-maintained roads and bridges in the rural hillsides do not meet these standards.”*
 - *“Although the regulations have been in effect since 1991, historically CAL-FIRE did not review existing roads leading to a development site for conformance with the Fire Safe Regulations.”*

Since the Fire Safe Regulations were not previously enforced, they are a now desuetude, and therefore unenforceable.

5) Discriminatory Practice

- Blocking my house while allowing the 40+ existing residences to remain unencumbered with no requirement to upgrade the road is a discriminatory practice.
- Despite the Regulations being in effect since 1991, other new building projects were allowed to proceed while mine is not.
- Officials cannot arbitrarily chose when they will or will not enforce a regulation.

**Applying existing laws to some people
but not to others is discrimination**

6) Exempt per § 1270.02 (b)

- § 1270.02 (b) These regulations do not apply where an application for a building permit is filed after January 1, 1991 for building construction on a parcel that was formed from a parcel map (...) approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were imposed by the parcel map....
- My parcel was created October 15, 1980
- The County Surveyor certified that “This map conforms with the requirements of the Subdivision Map Act and Local Ordinance.”
- Santa Clara County Local Ordinance in 1980 defined “conditions relating to perimeters and access to the buildings”

My parcel should be exempt per § 1270.02 (b)

OWNER'S CERTIFICATE

We hereby certify that we are the owners of, or have some right, title, or interest in and to the real property indicated within the subdivision shown upon the plans hereon that we are the only persons whose interests are necessary to the proper enjoyment of the said real property.

OWNERS:

John Richards et al. et al. Mr. Richards
Paul Killmeyer

LOT LINE ADJUSTMENT NOTE

This map is filed pursuant to Section 10300 of the Santa Clara County Ordinance Code for the purpose of adjusting lot lines between existing parcels. Approval of this map does not constitute building area approval as to any of the parcels shown hereon by the result of the lot line adjustment.

PARCEL MAP

CONSISTING OF ONE SHEET
OF LANDS OF

JOHN RICHARDS IV et ux B
RICHARDS CHILDRENS TRUST
BEING A PORTION OF LOT NO. 9 OF THE
PARTITION MAP & SURVEY OF THE HIGUERA RANCH
SUPERIOR COURT CASE NO. 9017, DECREE
RECORDED IN VOLUME 77 OF RECORDED MAPS PAGE 325, S.C.C.R.
ALSO ALL OF PARCELS WEST OF P.M. 600-40-01-01
SANTA CLARA COUNTY, CALIFORNIA

HERBERT F. KILLMEYER CO.
LAND SURVEYORS
CAMPBELL, CALIFORNIA

APRIL, 1980 SCALE: 1" = 300'

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction and was compiled from reliable data and field survey data in accordance with the requirements of the Subdivision Map Act of the State of California as of April 1, 1980. I hereby certify that this parcel map substantially conforms to the approval or conditionally approved tentative map, if any.

Herbert F. Killmeyer
Herbert F. Killmeyer of Killmeyer Co.

COUNTY SURVEYOR'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and Local Ordinances.

John P. Larson, County Surveyor
Signed: James R. [Signature]

RECORDER'S CERTIFICATE

I filed this map on the 15th day of April, 1980, at 10:00 AM in Book 473 of Maps of Page 23 of the report of Herbert F. Killmeyer Co. File No. 68700-41 Fee \$200.00

George A. Mann
County Recorder
Signed: James [Signature]

ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF SANJOSE
On this 14th day of September, 1980, before me
Gold's A. Maloney, a Notary Public bonded for
San Jose and County, personally appeared John Richards,
Elizabeth M. Richards, and Paul F. Killmeyer-Killmeyer
Surveyors in and to the persons whose names are subscribed
to the within instrument and acknowledged to me that they
executed the same as shown.

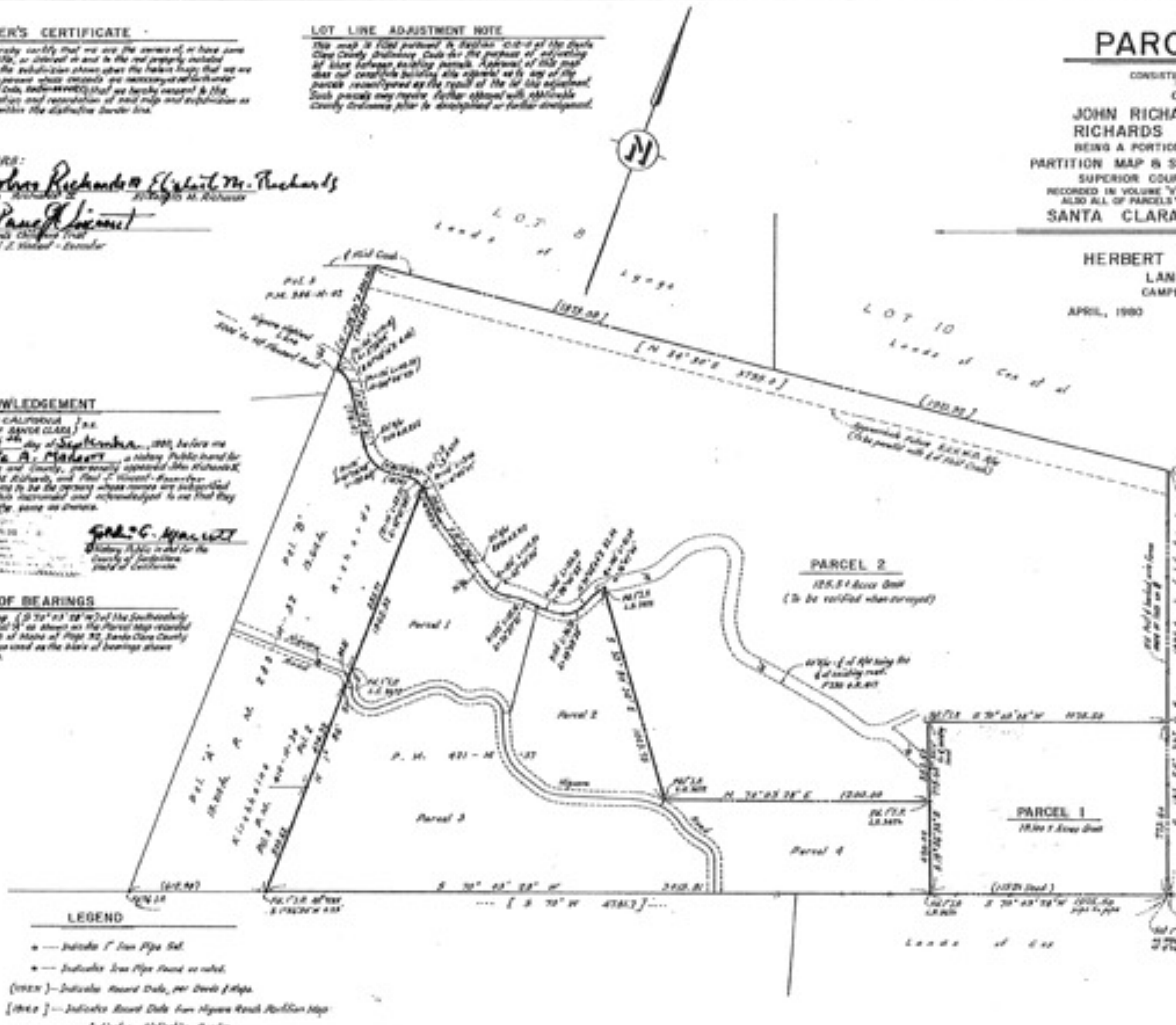
Paul F. Killmeyer
Notary Public in and for the
County of San Jose, State of California

BASIS OF BEARINGS

The bearing of S 70° 01' 28" W of the Southwesterly
line of Parcel 2 as shown on the Parcel Map recorded
in Book 283 of Maps of Page 32, Santa Clara County
Records, was used as the basis of bearings shown
on this map.

LEGEND

- - - - - Indicates 1" Iron Pipe Set.
- - - - - Indicates Iron Pipe Found as noted.
[OPEN] - Indicates Bound Data, per Deeds of Maps.
[AREA] - Indicates Bound Data, per Higuera Ranch Partition Map.
- - - - - Indicates Subdivision Boundary.



473
23

GRID NO: 85-54-08
86-55-08
FILE NO: 248-34-68-784

7) Requirements will soon be Obsolete

- Even when the motivation behind a regulation is good (reducing fire risk), it still needs to be **reasonable** and **fair**.
- The current version of the Fire Safe Regulations is neither reasonable or fair.
- All agencies **agree** which is why it is being **changed**.
- The latest draft of the Fire Safe Regulations has clarified that the two listed requirements will only apply to NEW roads, not to EXISTING roads.

7) Requirements will soon be Obsolete

- The **Board of Forestry** has clarified per a April 15, 2021 email from Edith Hannigan, Land Use Planning Program Manager for the Board of Forestry and Fire Protection, to Leza Mikhail and Rob Eastwood of the Santa Clara County Planning Department:

*“...their intention regarding the interpretation of the regulations’ applicability to existing roads is **not** to stop small- scale residential development such as Ms. Belska’s project, based on my extremely limited understanding of her proposal.*”

Due to the ambiguous nature of the existing regulations with regard to existing roads and the Board’s policy statements on that issue over the last six months, it would be appropriate for your local decision-making agency to approve a project such as the one Ms. Belska is proposing, as I understand her proposal.”

7) Requirements will soon be Obsolete

- **CAL FIRE** has clarified they would not block the project per an April 29, 2021 email from Marcus Hernandez:

*“Concerning this specific project, the local jurisdiction reached out directly to the Board of Forestry and Fire Protection and was given clear direction on what would be appropriate action for the local decision-making agency to take. **CAL FIRE will not object if the local decision-making agency were to act on the response received.**”*

8) Project Increases Safety

- The project in question includes many improvements that will benefit the entire neighborhood.
 - There is no fire truck turnaround at the terminus of Higuera Highland Lane.
 - As a condition of my 2016 Site Approval I was asked by the Santa Clara Fire Marshal's office to add a turnaround as my pro rata improvement share of Higuera Highland Lane.
 - If I am unable to build my house, it is unlikely this turnaround will ever be added
 - The lack of this turnaround puts both current home owners and fire fighters in danger.
 - The Fire Marshal's office should not dismiss a safety improvement they themselves asked for in lieu of unrealistic and unreasonable requirements that are unimplementable.
 - Additional safety features will include two 5,000 gallon tanks of fire protection water and a wharf hydrant.
 - The proposed project includes many fire-safe features:
 - All non-flammable exterior finishes and interior sprinkler system
 - Isolation of the house from nearby grassland via paved buffer zones and retaining walls

9) Existing Access Road Meets Requirements

- The segment of Higuera Road and Higuera Highland Lane in question effectively meets the requirements for existing roads per the revised Fire Safe Regulations
- Existing roads must have a “clear width” of 20’.
- Per survey, 97% of the road length has clear width of 20’ or more.
- On two short (less than 165’) segments the clear width is briefly reduced to 17’ and 18’ respectively.
- Many sections of these roads have been widened and improved with approval from the County in conjunction with new development.
- The access road therefore meets the goals of CAL FIRE:
 - The CAL FIRE Santa Clara Unit recommends providing safe access for emergency wildfire equipment and civilian evacuation concurrently, with the intent of providing unobstructed traffic circulation during a wildfire emergency.

Response to Staff Report

- On page 1, under Possible Actions, the Staff Report states:
- *“Grant the appeal, thereby allowing the project to proceed to a final determination without requiring access road improvements.”*
- This is misleading.
- Granting the appeal only removes the two soon-to-be-obsolete CAL FIRE requirements under question at this hearing.
- It does not allow “the project to proceed to a final determination without requiring access road improvements”.
- Granting appeal does not remove any other current or future access road improvement requirements, such as adding a fire truck turnaround on Higuera Highland Lane.

Response to Staff Report

- On page 2 the Staff Report states:
- *“CAL Fire provided comments that it would not approve the requested project”*
- This is inaccurate.
- In the April 29, 2021 email from Marcus Hernandez of CAL FIRE he clarified that *“CAL FIRE Santa Clara is not acting as a decision-making agency in relation to whether or not the project progresses”*
- On page 6, the Staff Report confirms that *“...it is true that CAL Fire does not approve or deny projects...”*

Response to Staff Report

- On page 3 the Staff Report states:
- *“On March 9, 2021, a second Incomplete Letter was sent to the applicant with new information submitted by CAL Fire”*
- This is incorrect.
- The letter sent on March 9, 2021 did not include any information from CAL FIRE.
- An amendment to the letter on March 24th included the new information.
- There is no provision in the Permit Streamlining Act to allow the addition of new requirements per an amendment of an Incomplete Letter.
- (The requirements were subsequently deemed unlawfully added and removed.)

Response to Staff Report

- On page 6 the Staff Report states:
- *“CAL Fire’s determinations are not advisory”*
- This contradicts the statement from CAL FIRE.
- In the April 29, 2021 email from Marcus Hernandez of CAL FIRE he states that *“The CAL FIRE Santa Clara Unit provides comments as fire protection recommendations...”*
- Recommendations are, by definition, advisory.

Response to Staff Report

- On page 7 the Staff Report states:
- “...*the Board [of Forestry] has not made any decisions or given any indication of how it will ultimately amend the Regulations.*”
- This is inaccurate.
- Although a final decision is still pending, the current draft version does give an indication of the direction for the final Regulations.

The County has two options:

Deny the Appeal

- Violate State, Local, and Federal Regulations
- Risk litigation
- Gain nothing
 - The requirements are unimplementable, unenforceable, unreasonable, and will soon be obsolete

Grant the Appeal

- Abide by State, Local, and Federal Regulations
- Unblock construction of fire safety improvements
- Lose nothing
 - The road meets CAL FIRE intent for existing roads

PARCEL MAP

CONSISTING OF ONE SHEETS
OF LANDS OF

**JOHN RICHARDS IV et ux &
RICHARDS CHILDRENS TRUST**
PARTITION MAP & SURVEY OF THE HIGUERA RANCH
SUPERIOR COURT CASE NO. 9017, DECEASED
JOHN RICHARDS, JR., DECEASED, S.C.C.R.
ALSO ALL OF PARCELS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

HERBERT F. KILLMEYER CO.
LAND SURVEYORS
CAMPBELL, CALIFORNIA
APRIL, 1980
SCALE: 1" = 300'

LOT LINE ADJUSTMENT NOTE
This map is filed pursuant to section 56101 of the Santa Clara County Ordinance Code for the purpose of this act. It does not constitute building site approval, or any other approval, nor does it constitute any other approval, nor does it constitute any other approval. Such permits and approvals, if any, shall be obtained from the appropriate County authorities prior to development or other occupancy.

OWNERS' CERTIFICATE
We hereby certify that we are the owners of, or have some right, title, or interest in and in the real property included within the subdivision shown upon the herein map; that we are the persons who have prepared, or caused to be prepared, the general subdivision map shown hereon; that we have consented to the preparation and recording of said map; and subdivision as shown within the distinctive border line.

OWNERS:
John Richards & Elizabeth M. Richards
John Richards & Elizabeth M. Richards
Paul J. Hines
Paul J. Hines - Executor
Richards Childrens Trust

ACKNOWLEDGEMENT
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA
On this 1st day of September, 1980, before me
Carole A. Maguire
Carole A. Maguire, a Notary Public and for
Strasburg M. Richards and Paul J. Hines - Executor
I appear in me to be the persons whose names are subscribed
to the foregoing map and who have acknowledged to me that they
executed the same as owners.

DR. G. C. MORALES
Notary Public and for the
County of Santa Clara,
State of California.

BASIS OF BEARINGS
The bearings (S 70° 03' 28" W) of the Southwesterly
line of Parcel 1 as shown on the Parcel Map created
on 12/18/79 are based on the 1983 California County
Records and used as the basis of bearings shown
on this map.

SURVEYOR'S CERTIFICATE
This map was prepared by me or under my direct supervision and compiled from recent data and field survey data in conformity with the requirements of the Subdivision Map Act of the State of California. I, the undersigned, hereby certify that the map is true and correct and that the same has been approved or conditionally approved in writing by me.

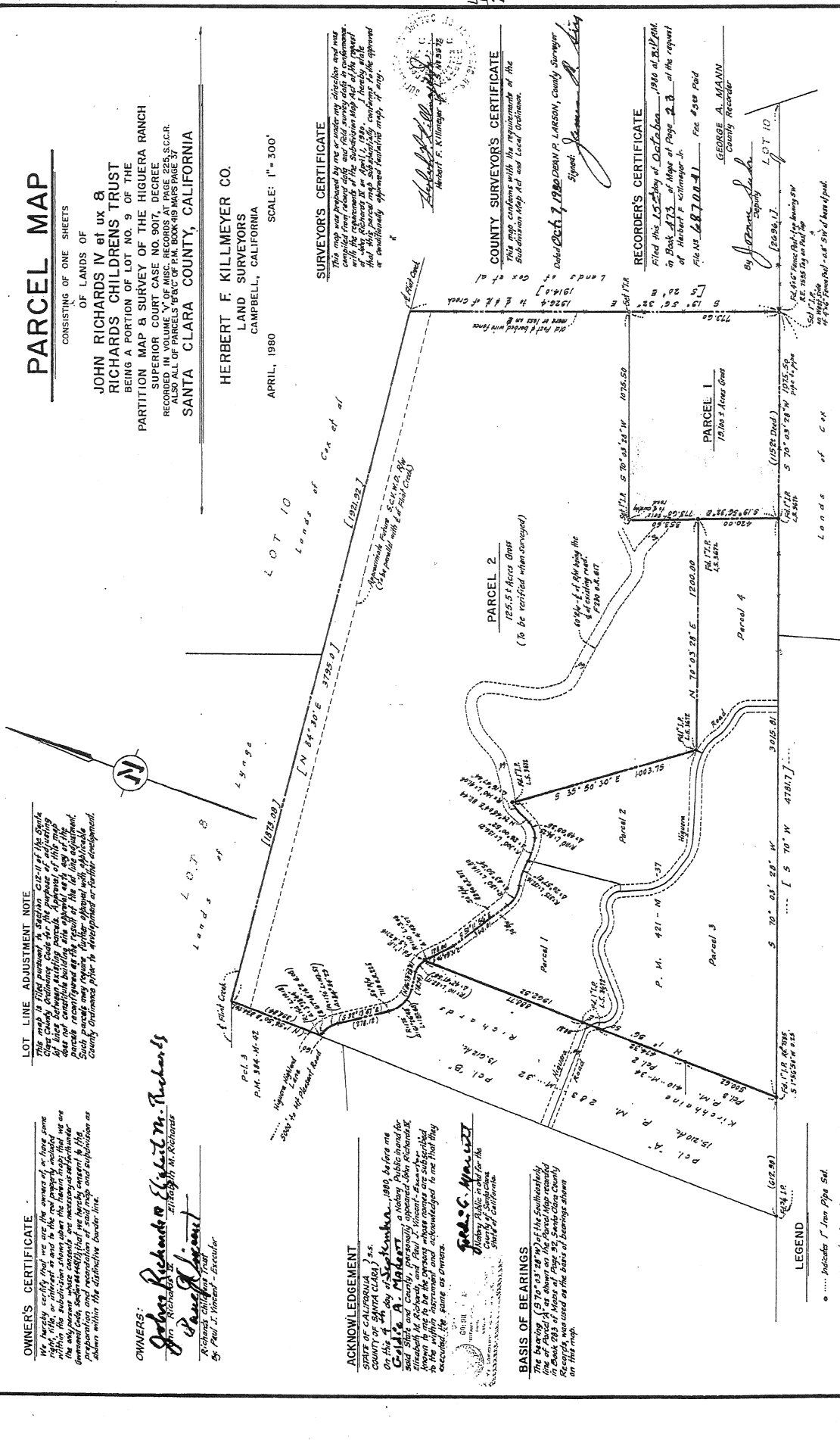
Herbert F. Killmeyer
Herbert F. Killmeyer
12/18/79

COUNTY SURVEYOR'S CERTIFICATE
This map conforms with the requirements of the Subdivision Map Act and Local Ordinance.

Dated Dec 7 1980 DEAN P. LARSON, County Surveyor
Signed: *Dean P. Larson*

RECORDER'S CERTIFICATE
Filed this 15th day of October, 1980 at 10:12 AM
in Book 473 of Maps of Page 27 at the request
of Herbert F. Killmeyer, Jr.
File No. 68700-41 Fee \$50.00

GEORGE A. MANN
County Recorder
Signed: *George A. Mann*



GRID NO.: 85-54-C8
FILE NO.: 248-54-68-78A