



County of Santa Cruz

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 464-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

JACKIE YOUNG, AICP, DEVELOPMENT REVIEW PLANNER

Continued Agenda Date: January 26, 2000

January 14, 2000

PLANNING COMMISSION

County of Santa Cruz

701 Ocean Street

Santa Cruz, CA 95060

SUBJECT: Continued Agenda Item G-1
Minor Land Division Application No. 99-0288
Assessor's Parcel No. : 040-O12-12

Members of the Commission:

BACKGROUND

Application No. 99-0288, a request for a four-lot minor land division with one remainder lot, was heard by the Planning Commission on December 8, 1999 and was continued with a request for additional information.

ANALYSIS & DISCUSSION

The following list identifies the additional information requested and the information submitted/attached.

1. **Provide documentation which verifies that secondary access via Coyote Canyon/Victory Lane has been secured.**

Proof of clear title to secondary access via Coyote Canyon/Victory Lane was submitted by the Santa Cruz Title Company in the form of deeds and color-coded maps (Exhibit "B"). This submittal was reviewed and accepted by Joan Carpenter, County Surveyor, on 1-5-00 (Exhibit "C"). The Surveyor was also transmitted a copy of the 12-5-99 letter from Sylvia (Prescott) which disputed clear title to a segment of the secondary access. The Surveyor also reviewed this document and is of the opinion that no encumbrances to secondary access exist.

2. **Submit a letter from Ken Mabie which explains the leach field locations chosen. The information submitted must be reviewed in writing by John Ricker, Environmental Health Services.**

Ken Mabie, septic consultant, submitted the percolation test results for the locations chosen and a letter of explanation dated 1-5-00 which supports the leach field locations specified (Exhibit "D"). This information was reviewed and is corroborated by John Kicker, Environmental Health Services (Exhibit "E"). A letter was also received from Glen Ifland confirming adequate slope for the septic pipe (Exhibit "F").

3. **Specify the funding mechanism for the management of the biotic reserve which includes an escalator clause for inflation.**

Laura Perry, Land Trust of Santa Cruz County, submitted a letter specifying the funding mechanism for the management of the biotic reserve (Exhibit "G"). An escalator clause is included. The proposed funding mechanism was reviewed by Paia Levine, Environmental Planning (Exhibit "H"). Ms. Levine recommends increased funding. Staff supports her recommendations.

4. **Determine if the remainder parcel (biotic reserve) is considered a fifth lot under the Subdivision Map Act when title is transferred.**

County Code Section 14-01.107.6 (Exhibit "J") and State Map Act Section 66424.6 (Exhibit "K") support the definition of the biotic preserve as a "remainder parcel". The County of Santa Cruz requires a Certificate of Compliance prior to transfer of the remainder parcel.

5. **Quantity the benefit to the grassland habitat if Lot 1 was eliminated.**

The applicant has submitted three biotic impact tables illustrating impacts to grassland habitat located on the parcel (Exhibit "L"). Table 1 quantifies the impact to grassland given the project as presented on December 8, 1999, and Table 2 quantifies the impact given the deletion of Lot 1. The applicant also submitted Table 3 which quantifies impact given the addition of lands to the biotic preserve from the rear of Lots 1-3 via conservation easement. Both Tables 2 and 3 show an increase in the preservation of grassland. The alternatives submitted were reviewed by Paia Levine, Environmental Planning, (Exhibit "M"). Ms. Levine, in consultation with the County's consulting biologist, identifies the deletion of Lot 1 as the biologically superior alternative as "fringe" preservation is less desirable biologically than preservation of a larger, contiguous habitat.

6. **Review the configuration of Lot 2 to determine if additional grassland protection could be afforded.**

The applicant proposes to add grassland to the biotic reserve via a conservation easement along the fringe of Parcels 1-3 (Exhibit "A", Revised Tentative Map). The revised Tentative Map describes the lot size as "gross" (total area) and "net" (the gross area minus the proposed conservation easements and septic corridors). This would make Lot 2 the smallest lot: 1.03 "net" acres. Please note that County Code does not require the deletion of these areas from the gross area. The developer has chosen to note the area in this manner.

7. **Review the proposed building envelopes to determine if additional grassland protection could be accomplished.**

The applicant submitted a revised Tentative Map which reduces the size of the building envelopes for Lots 3 and 4 (Exhibit "A"). Although the revised building envelopes reduce the area and restrict the location in which structures could be erected, additional grassland preservation would not be accomplished because other forms of disturbance (e.g. landscaping) could be installed anywhere within the parcel boundaries. Staff does, however, support the proposed, reconfigured building envelopes as the envelopes are more conventionally shaped. Additionally, staff recommends conditioning the type of landscaping which would occur within the parcel boundaries to increase the probability of survival for native species which are located on the fringe of the parcel boundaries. Finally, staff recommends the inclusion of the proposed "biotic easements" for Lots 2 and 3 directly into the biotic reserve. This could be accomplished without reducing the two parcels below the minimum one acre area, and the probability of survival for these "fringe areas" would be enhanced by recommended landscaping restrictions.

Additionally, Commissioner Skillicorn requested code citations related to biotic protection. Applicable ordinances are attached as Exhibit "P", along with additional citations requested by neighboring property owners. Also, the colored biotic maps shown during the slide presentation are attached as Exhibit "A" as requested.

Finally, staff has attached all public correspondence related to the project (Exhibit "N"). Please note the letter of Claire Witherspoon, December 16, 1999, which was received after the December 8, 1999 hearing and describes neighborhood character by parcel size.

SUMMARY & RECOMMENDATION

Given the additional information submitted, Staff recommends the following proposed revisions/additions to the Conditions of Approval:

Add to Condition III.C.1.b: . . .and shall follow the recommendations of Paia Levine per her memorandum dated 1 - 1 1-00. (*References funding the management of the biotic reserve.*)

Add Condition IX: Prior to the sale of the remainder lot shown on the Tentative Map, the owner shall obtain a Certificate of Compliance from the Planning Department.

Add Condition III.D.8.c: Revise the plans as follows: (1) reduce the building envelopes for Lots 3 and 4 per the Tentative Map, Ifland dated 12-30-99; and (2) add the areas shown as "conservation easement" at the rears of Lots 1 and 2 into the biotic reserve, and revise the building envelopes accordingly. No lot shall be created which is less than one acre in area. The minimum one acre area shall not include the septic corridors.

Delete Conditions II.F.3.a-d: (*Generic Landscaping Criteria.*)

Add Condition II.F.3.e: The lots shall be landscaped only with species compatible with the preservation of the adjacent native grasslands. This requirement includes developing a compatible irrigation scheme. The final landscape plan shall be reviewed and approved by Environmental Planning, at the owners' expense, staff prior to building permit approval. This requirement shall be recorded on the deed by instrument of a declaration of acknowledgment. Management of the biotic preserve shall include site verification of compliance with this condition. Non-compliance shall be reported to the County Planning Department for corrective action. The cost of enforcement shall be borne by the property owner in non-compliance.

It is therefore, RECOMMENDED, that your Commission:

1. Certify the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act (CEQA), and
2. Approve Application 99-0288, subject to the Findings contained in the December 8, 1999 Staff Report and the Conditions of the same as revised by this continuation letter.

Sincerely,



Jackie Young, AICP
Development Review Planner

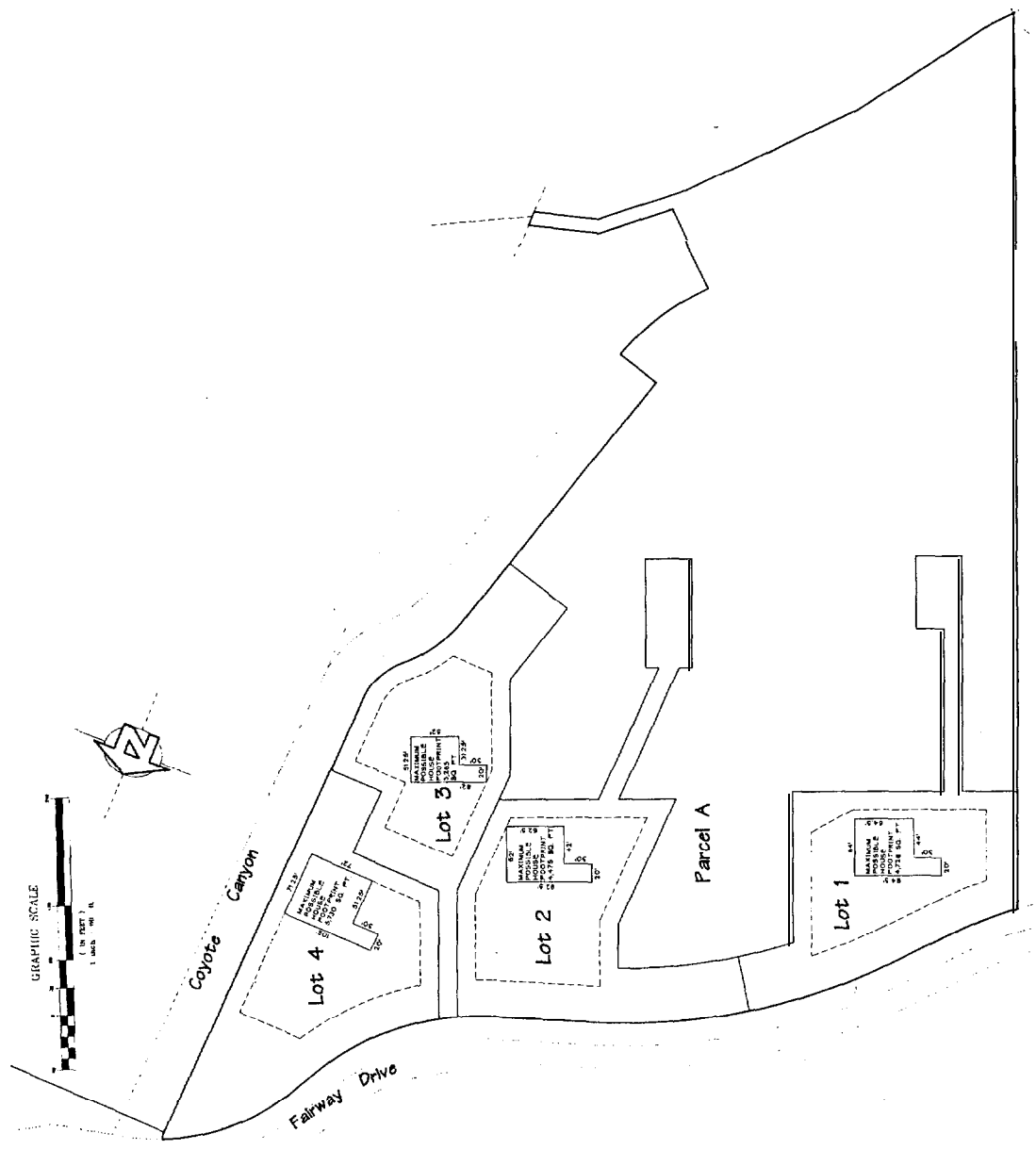
Exhibits:

- A. Revised Project Plans: Tentative Map. Ifland, dated 12-30-99.
Maximum Possible House Footprint (with lot lines shown),
Ifland, dated 12-19-97.
Maximum Possible House Footprint (without lot lines shown),
Ifland, dated 12-19-97.
Biotic Maps: Botanical Resource Map, Biotic Resources Group, dated 10-98.
Quality of Coastal Terrace Prairie, Biotic Resources Group, dated 10-98.
Habitat Plan, Biotic Resources Group, dated 10-98.
Fairway Drive Habitat Mitigation Plan/Habitat to be Impacted & Preserved,
Biotic Resources Group, dated 5-99.
Fairway Drive Habitat Mitigation Plan/Habitat Management Areas, Biotic
Resources Group, dated 5-99.
- B. Letter from Santa Cruz Title Company dated 12-13-99, re: secondary access.
- C. Memo from Joan Carpenter dated Z-5-00, re: secondary access.
- D. Letter from Ken Mabie dated 12-18-99, re: septic locations.
- E. Memo from John Ricker, Environmental Health Services, dated 1-5-00, re: septic locations.
- F. Letter from Glen Ifland dated 12-21-99, re: septic system/slope.
- G. Letter from Laura Perry, Land Trust of Santa Cruz County, dated 12-31-99, re: biotic
preserve management funding.
- H. Memo from Paia Levine, Environmental Planning, dated 1-11-00, re: biotic preserve
management funding.
- I. (Not used for ease of number/letter clarification.)
- J. County Code Section 14.01.107.6, re: remainder lots.
- K. State Map Act Section 66424.6, re: remainder lots.
- L. Biotic Impact Comparison Charts and Plan submitted by Zilver/Goldstein, re: grassland
preservation alternatives.
- M. Memo from Paia Levine, Environmental Planning, dated 1-14-00, re: grassland preservation
alternatives.
- N. Public Correspondence
- O. Original Staff Report to the Planning Commission dated 12-8-99.
- P. Requested Ordinances:
County Code: Chapter 7.38, Sewage Disposal
Chapter 13.14, Rural Density Matrix
Chapter 16.32, Sensitive Habitat Protection
General Plan: Policy 2.3.3, Averaging Parcel Sizes for Rural Land Divisions
Policy 5.1, Biological Resources
Policy 5.10, Visual Resources
Policy 6.5.10, Land Divisions Access Requirements

file: 990288pc2

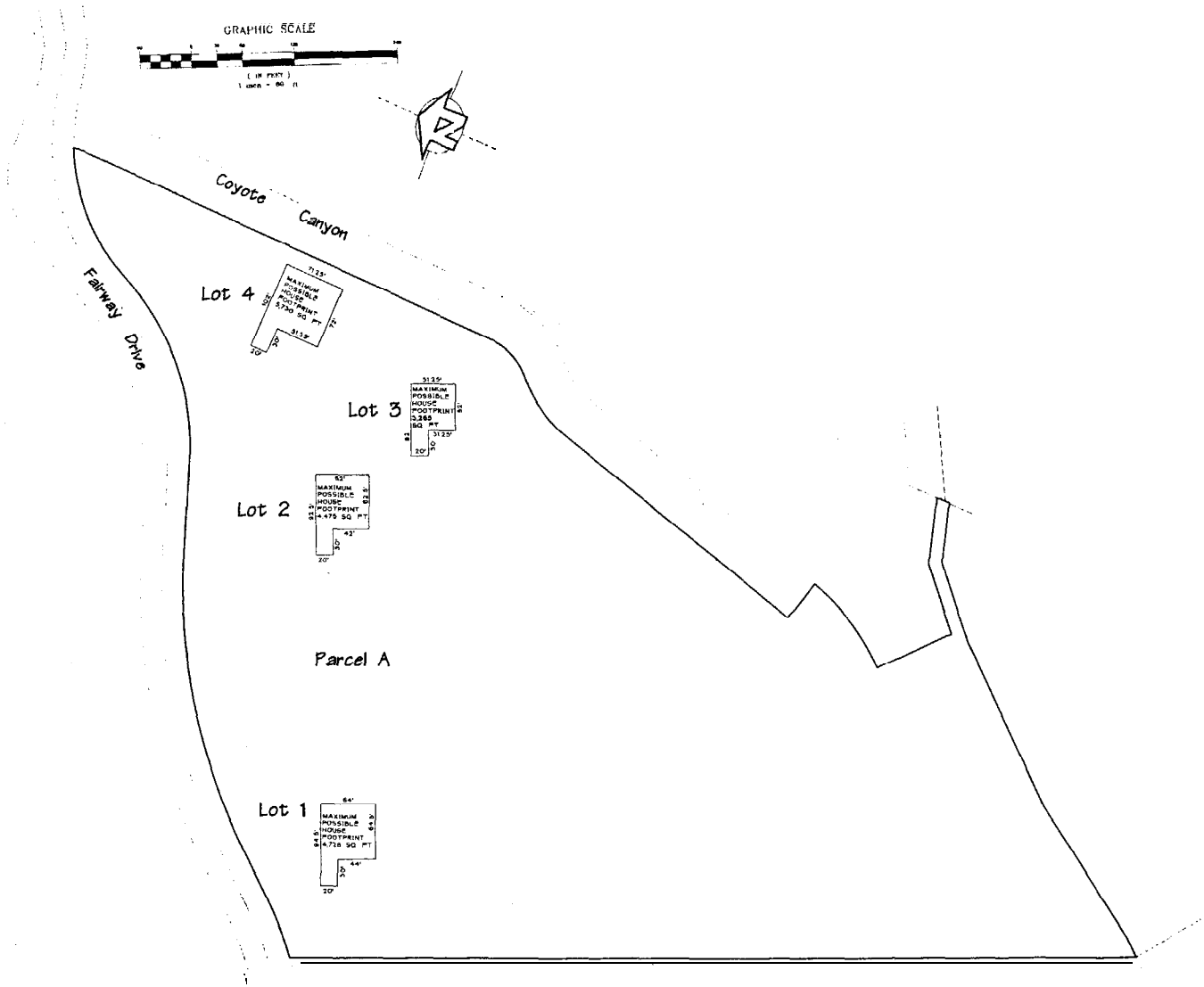
EXHIBIT A

| | | | |
|--|--|------------------------------|---|
| Michael Zolner CIVIL ENGINEERING • LAND SURVEYING • STRUCTURAL DESIGN 1100 WATER STREET SANTA CRUZ, CA 95062 TEL (408) 426-5215 FAX (408) 426-1763 REF: 5/15/03 | | CIVIL ENGINEERS, INC. 174 | CIVIL ENGINEERING • LAND SURVEYING • STRUCTURAL DESIGN 1100 WATER STREET SANTA CRUZ, CA 95062 TEL (408) 426-5215 FAX (408) 426-1763 REF: 5/15/03 |
|--|--|------------------------------|---|



179

EXHIBIT A



ATTACHMENT 5

| | | | |
|--|---------------|--|--|
| APN 040-012-12 | | Maximum Possible House Footprint | |
| DATE 12/18/87 | DRAWN BY | Michael Zelter | |
| CHECKED BY | DATE 12/18/87 | Fairway Drive, Santa Cruz County, California | |
| SHEET 1 | | OF 1 | |
| JOB NO. 97181 | | PROJECT | |
| CITY OF SANTA CRUZ | | COUNTY OF SANTA CRUZ | |
| STATE OF CALIFORNIA | | REGISTERED PROFESSIONAL ENGINEER | |
| No. 114 | | EXPIRATION DATE 12/31/90 | |
| 1000 WATER STREET | | SANTA CRUZ, CA 95062 | |
| TEL (408) 438-5313 | | FAX (408) 438-1783 | |
| CIVIL ENGINEERING • LAND SURVEYING • STRUCTURAL DESIGN | | Inland ENGINEERS, INC. | |

SANTA CRUZ TITLE COMPANY

201 RIVER STREET
P. O. BOX 1298
SANTA CRUZ, CA 95060
phone (831) 426-9090 * toll free (800) 323-8338
* fax (831) 426-8511

December 13, 1999

Santa Cruz County Planning Department
701 Ocean Street
Santa Cruz CA 95060
Attn: Jackie Young

Re: Goldstein/Zelver Project - Victory Lane

Dear Ms. Young,

Mr. Goldstein has asked that we help explain the information previously submitted to you relative to secondary emergency access for his project over Victory Lane and the extension thereof.

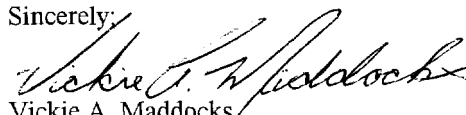
The parties acquired easements over the areas in question at different times by several documents. In order to give you a clearer picture, we have attempted to piece together and convert to a uniform scale the various assessor's maps so that all the information is now on one page. Along with said map, you will also find copies of the supporting recorded documents.

The following is a brief synopsis of the documentation.

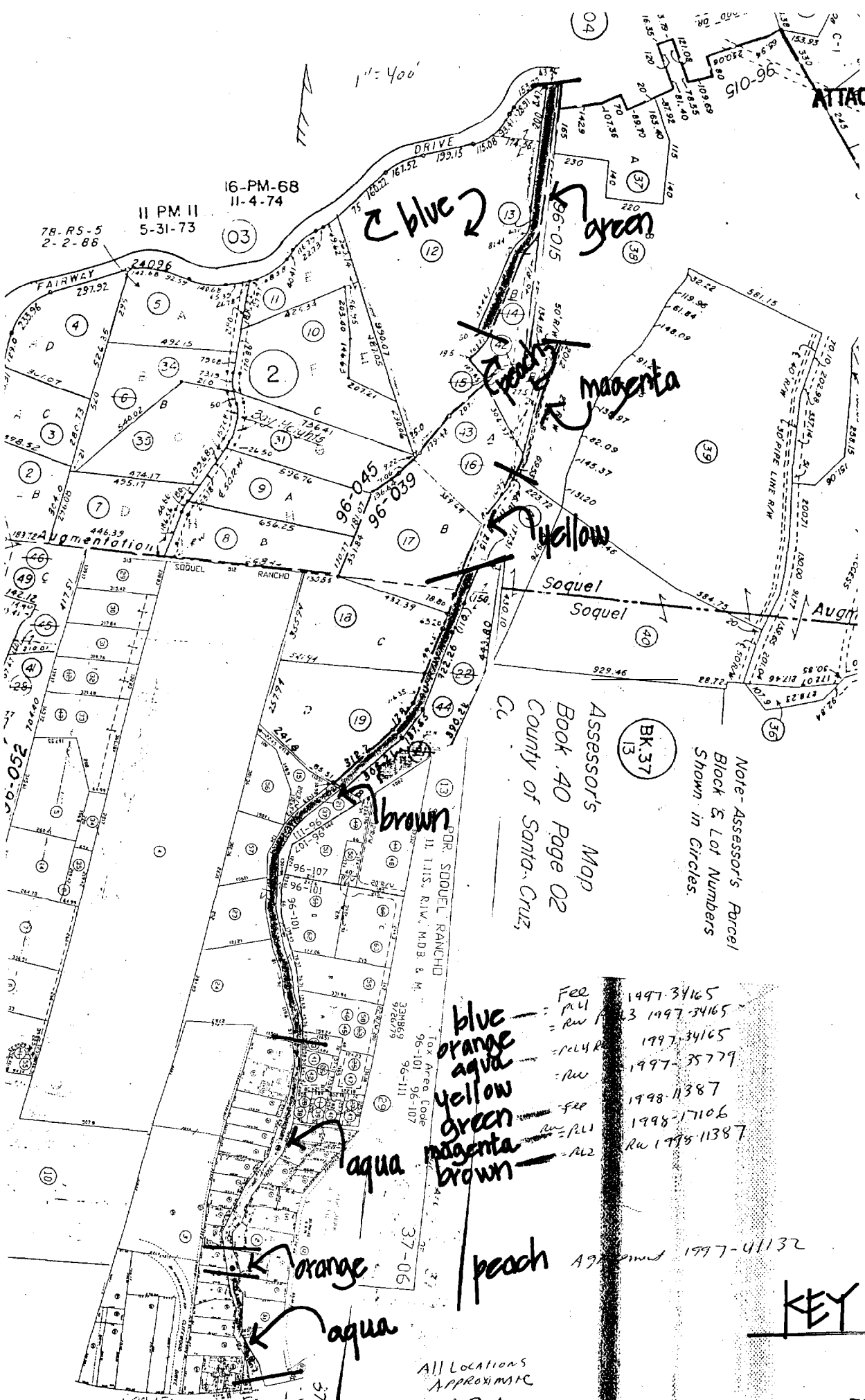
- 1.) 1997-0034065 Goldstein/Zelver acquired APN 040-012-12 (blue) together with an easement over APN's 037-112-14 (orange) & 037-112-13 & 15 (aqua).
- 2.) 1997-0035779 Goldstein/Zelver are deeded an easement over APN 040-022-41 (yellow).
- 3.) 1998-0011387 Goldstein acquires fee ownership to APN 040-012-13 (green).
- 4.) 1998-0017106 Goldstein/Zelver are deeded an easement over APN's 040-012-20 & 037-061-21 (brown) and 040-022-38 (purple).
- 5.) 1997-0041132 Discloses that Goldstein/Zelver are parties to an agreement wherein Nass, as owner of APN 040-012-42 (peach), would agree to grant an easement over said APN upon the fulfillment of certain conditions.

Hopefully this information addresses your concerns.

Sincerely,



Vickie A. Maddocks
Title Operations Manager



Assessor's Map
Book 40 Page 02
County of Santa Cruz

BK 37
13
Note - Assessor's Parcel
Block & Lot Numbers
Shown in Circles.

blue
orange
aqua
yellow
green
magenta
brown

Fee
= PL1 1497-34165
= RW 1497-34165
= PL4R 1497-34165
= RW 1497-35779
= Fee 1498-11387
= PL1 1498-17106
= PL2 RW 1498-11387

Approved 1997-41132

KEY MAP

All Locations
Approximate

1997-0041132

RECORDED AT THE REQUEST OF:

[Alan Goldstein]
[]

Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL

REC FEE 13.00

02:24PM 09-Sep-1997

BLS
Page 1 of 3

WHEN RECORDED MAIL TO:

[Alan Goldstein]
[Pacific Sun Properties]
[2715 Porter Street]
[Soquel CA 95073]
[]

MEMORANDUM OF AGREEMENT

=====

This Memorandum of Agreement is executed in connection with that certain Agreement to Sell/Purchase a Real Property Right-Of-Way, dated June 29, 1997, between Deborah Nass and Murray Nass ("Grantors"), and Alan L. Goldstein, as Trustee of the Pacific Sun Properties Retirement Trust, Michael Zelver and Ann Zelver ("Grantees"), pertaining to the purchase and sale of a right-of-way 25 feet in width on Santa Cruz County Assessor's Parcel No. 040-012-42 for the purpose of secondary emergency access. Said right-of-way shall be appurtenant to Santa Cruz County Assessor's Parcel No. 040-012-12 and any parcels created by subdivision thereof.

APN 040-012-42
040-012-12

DATED: 6-8-97

Murray Nass
MURRAY NASS

DATED: 7/29/97

Deborah Nass
DEBORAH NASS

D A T E D : 6 Aug 97

Alan L. Goldstein TRUSTEE
ALAN L. GOLDSTEIN
As Trustee of the Pacific Sun
Properties Retirement Trust

DATED: 8/11/97

Michael Zelver
MICHAEL ZELVER

DATED: 8/12/97

Ann Zelver
ANN ZELVER

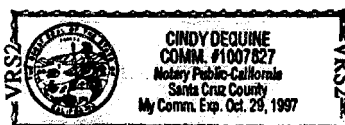
[PEACH]

STATE OF CALIFORNIA)
) ss:
 COUNTY OF SANTA CRUZ)

On July 29, 1997, 1997, before me, Cindy Dequine, a Notary Public in and for said County and State, personally appeared ~~Robert and Deborah Mass~~ ^{her} ~~person~~ ^{she} ~~whose name is~~ ^{her} subscribed to the within instrument and acknowledged to me that ~~she~~ ^{she} executed the same in ~~her~~ ^{her} authorized capacities, and that by ~~their~~ ^{her} signatures on the instrument the persons, or the entity on behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Cindy Dequine
 NOTARY PUBLIC



STATE OF CALIFORNIA)
) ss:
 COUNTY OF SANTA CRUZ)

On August 6, 1997, 1997, before me, Sharon Oster, a Notary Public in and for said County and State, personally appeared Alan L. Goldstein, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacities, and that by his signatures on the instrument the person, or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Sharon Oster
 NOTARY PUBLIC Sharon Oster
 My Commission Expires Nov. 19, 1999



STATE OF CALIFORNIA)
) ss:
 COUNTY OF SANTA CRUZ)

On August 12, 1997, 1997, before me, Sharon Oster, a Notary Public in and for said County and State, personally appeared Michael Zilver end ^{AM} Zilver, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity on behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Sharon Oster
 NOTARY PUBLIC Sharon Oster
 My Commission Expires Nov. 19, 1999
 Commission Number 1077816



MISC, GOLD-NAS.MEM; 7/16/97

STATE OF CALIFORNIA)

SS

County of)
Santa Cruz

Title or Type of Document

Number of pages _____ Date of Document _____

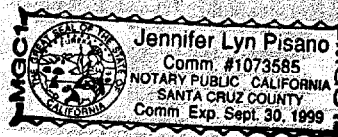
Signer(s) Other than named below _____

On August 6, 1997, before me, the undersigned, Notary Public,
personally appeared Murray Nass
personally known to me (or proved to me on the basis of satisfactory evidence) to be
the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the
instrument.

WITNESS my hand and official seal.

Signature

(Seal)



*Note - Assessor's Parcel
Block & Lot Numbers
Shown in Circles.*

Assessor's Map
Book 40 Page 02
County of Santa Cruz,
Ca.

BK. 37
3

37-06

Tax Area Code
96-101 96-107
96-111

SEC. 11, T.11S., R.1V., M.D.B. & J.

13

8 (7)

562

(21)

DRIVE
199.15

85

EXHIBIT B

185-

*original
received 8/12/97
from alan goldstein
into Santa Cruz Title
Company Escrow
by [Signature] # 9421296*

RECORDED AT THE REQUEST OF:

[Alan Goldstein]

WHEN RECORDED MAIL TO:

[Alan Goldstein
Pacific Sun Properties
2715 Porter Street
Soquel CA 95073]

GRANT OF EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, MURRAY NASS and DEBORAH NASS, Husband and Wife ("Grantors"), as owners of the real property situated in the County of Santa Cruz, California, known as Assessor's Parcel No. 40-012-42 and more particularly described in the deed from Randy S. Haig and Jo Anne S. Haig to Murray Nass and Deborah Nass, recorded April 28, 1978, in Book 2903, Page 536, Official Records of Santa Cruz County (the "Nass Property"), grant to ALAN L. GOLDSTEIN, as Trustee of the Pacific Sun Properties Retirement Trust, and MICHAEL ZELVER and ANN ZELVER ("Grantees"), an easement for the purpose of secondary emergency access over that portion of Grantors' property described as follows:

A strip of land 25 feet in width, the Northerly and Easterly sidelines of said strip being more particularly described as follows: Beginning at the most easterly point of Grantors' property, then proceeding South 61° 36' 52" West 134.15 feet along the boundary of Grantors' property, thence continuing North 0° 37' 28" West 515.24 feet along the Eastern boundary of Grantors' property, and also continuing South 61° 36' 52" West 25.00 feet along the prolongation of the boundary of Grantors' property first described above.

The foregoing easement shall be for the use, benefit and enjoyment of and shall be appurtenant to the real property situated in the County of Santa Cruz, California, known as Assessor's Parcel No. 040-012-12, and more particularly described in the grant deed from Apple River & Co., a California Limited Partnership, to Sea Oak, a California Limited Partnership, recorded November 21, 1996, in Volume 5941, Page 106, Official Records of Santa Cruz County, and any parcels created by subdivision of the foregoing property.

DATED: 8-6-97

[Signature]
MURRAY NASS

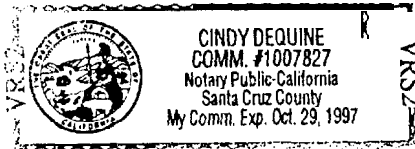
DATED: 7/29/97Deborah Nass
DEBORAH NASS

STATE OF CALIFORNIA)
) ss:
COUNTY OF SANTA CRUZ)

On July 29, 1997, ~~1997~~ before me, Cindy Dequine, a Notary Public in and for said County and State, personally appeared ~~Murray Nass~~ and Deborah Nass, ^{is} personally known to me (or proved to me on the basis of satisfactory evidence) ^{she} to be the persons whose names ^{her} are subscribed to the within ^{her} instrument and acknowledged to me that ~~they~~ executed the same in ~~their~~ authorized capacities, and that by ~~their~~ signatures on the instrument the persons, or the entity on behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Cindy Dequine
NOTARY PUBLIC



MISC, GOLD-NAS.EAS; 7/18/97

187

RECORDING REQUESTED BY

MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL TO

Alan Goldstein, Trustee, et al
734 Chestnut Street
Santa Cruz, California 95060

1998-0017106

Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL

REC FEE 13.00
TAX 33.00

01:59PM 02-Apr-1998

RMP
Page 1 of 3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 040-012-20
037-061-21
040-022-38 portion EASEMENT

GRANT DEED

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 33.00
() computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area () City of _____ and _____

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
JOHN S. CRAYCROFT AND KITTI A. CRAYCROFT, HUSBAND AND WIFE

hereby GRANT(S) to
ALAN L. GOLDSTEIN, TRUSTEE OF THE PACIFIC SUN PROPERTIES RETIREMENT TRUST, AS TO AN
UNDIVIDED 50% INTEREST AND MICHAEL ZELVER AND ANN ZELVER, HUSBAND AND WIFE, AS COMMUNITY
PROPERTY AS TO AN UNDIVIDED 50% INTEREST AS TENANTS IN COMMON
BEING A NON-EXCLUSIVE EASEMENT FOR EMERGENCY PURPOSES ONLY, OVER
the following described real property in the
County of SANTA CRUZ, State of California.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.
THIS EASEMENT SHALL BE A NON-EXCLUSIVE EASEMENT FOR EMERGENCY PURPOSES ONLY, AND IS
APPURTENANT TO GRANTEES' REAL PROPERTY, APN 040-012-12.

Dated: April 2, 1998

STATE OF CALIFORNIA
COUNTY OF Santa Cruz } ss.
On April 2, 1998
before me, the undersigned, a Notary Public, personally appeared
John S. Craycroft and
Kitti A. Craycroft
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sharon Oster
My Commission Expires November 19, 1999
MAIL TAX STATEMENT AS DIRECTED ABOVE

Title Order No. _____ Escrow or Loan No. _____

Form 242 Rev. 10/96

The form furnished by **SANTA CRUZ TITLE COMPANY**

|| MAGENTA &
BROWN ||

EXHIBIT "A"

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

[MAGENTA]

BEING AN EASEMENT FOR INGRESS AND EGRESS PURPOSES TWENTY-FIVE (25) FEET IN WIDTH, OVER A PORTION OF PARCEL D, AS SAID PARCEL IS SHOWN AND DELINEATED ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD ON THE 7TH DAY OF FEBRUARY, 1973, IN BOOK 9 OF PARCEL MAPS, AT PAGE 68, SANTA CRUZ COUNTY RECORDER'S OFFICE, THE WESTERN SIDELINE OF SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF THE ABOVE REFERRED PARCEL D, SAID POINT BEING AT THE NORTHWESTERLY TERMINUS OF THE COURSE NOTED AS "N 60° 16' W 229.70" ON THE ABOVE REFERRED MAP; THENCE ALONG THE WESTERN BOUNDARY OF SAID PARCEL D THE FOLLOWING COURSES:

1. NORTH 17° 31' EAST 69.53 FEET; THENCE
2. NORTH 7° 47' EAST 293.20 FEET; THENCE
3. NORTH 18° 05' EAST 201.20 FEET TO AN ANGLE POINT IN SAID BOUNDARY.

THE EASTERN SIDELINE OF THE ABOVE DESCRIBED EASEMENT TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT WITH THE SOUTHERN BOUNDARY OF PARCEL D ALONG THE ABOVE REFERRED COURSE NOTED AS "N 60° 16' W 229.70", AND TO INTERSECT WITH THE NORTHEASTERLY PROLONGATION OF THE COURSE NOTED AS "S 61° 53' W 134.15" ON THE ABOVE REFERRED PARCEL MAP.

PARCEL TWO:

[BLACK]

BEING A STRIP OF LAND 40 FEET WIDE AND DESCRIBED AS PARCEL 3 OF THE LANDS CONVEYED TO THOMAS W. PRESCOTT BY DEED RECORDED IN VOLUME 195, PAGE 350, OFFICIAL RECORDS, AND DESCRIBED BY ITS WESTERLY LINE AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LANDS CONVEYED TO REED, BY VOLUME 201, OFFICIAL RECORDS, PAGE 162, SANTA CRUZ COUNTY; THENCE FROM SAID BEGINNING NORTH 21° 47' WEST 170.90 FEET; NORTH 14° 41' WEST 92 FEET; NORTH 25° 34' WEST 81 FEET; NORTH 15° 51' WEST 170 FEET NORTH 2° 45' WEST 207 FEET; NORTH 22° 28' EAST 134 FEET; NORTH 35° 21' EAST 73 FEET; NORTH 46° 29' EAST 142.9 FEET; NORTH 43° 20' EAST 331.2 FEET; NORTH 29° 39' EAST 128 FEET; NORTH 15° 54' EAST 316 FEET; NORTH 11° 46' 142 FEET; NORTH 17° 03' EAST 300

ESCROW NO. 9421226 SRO

EXHIBIT "A"

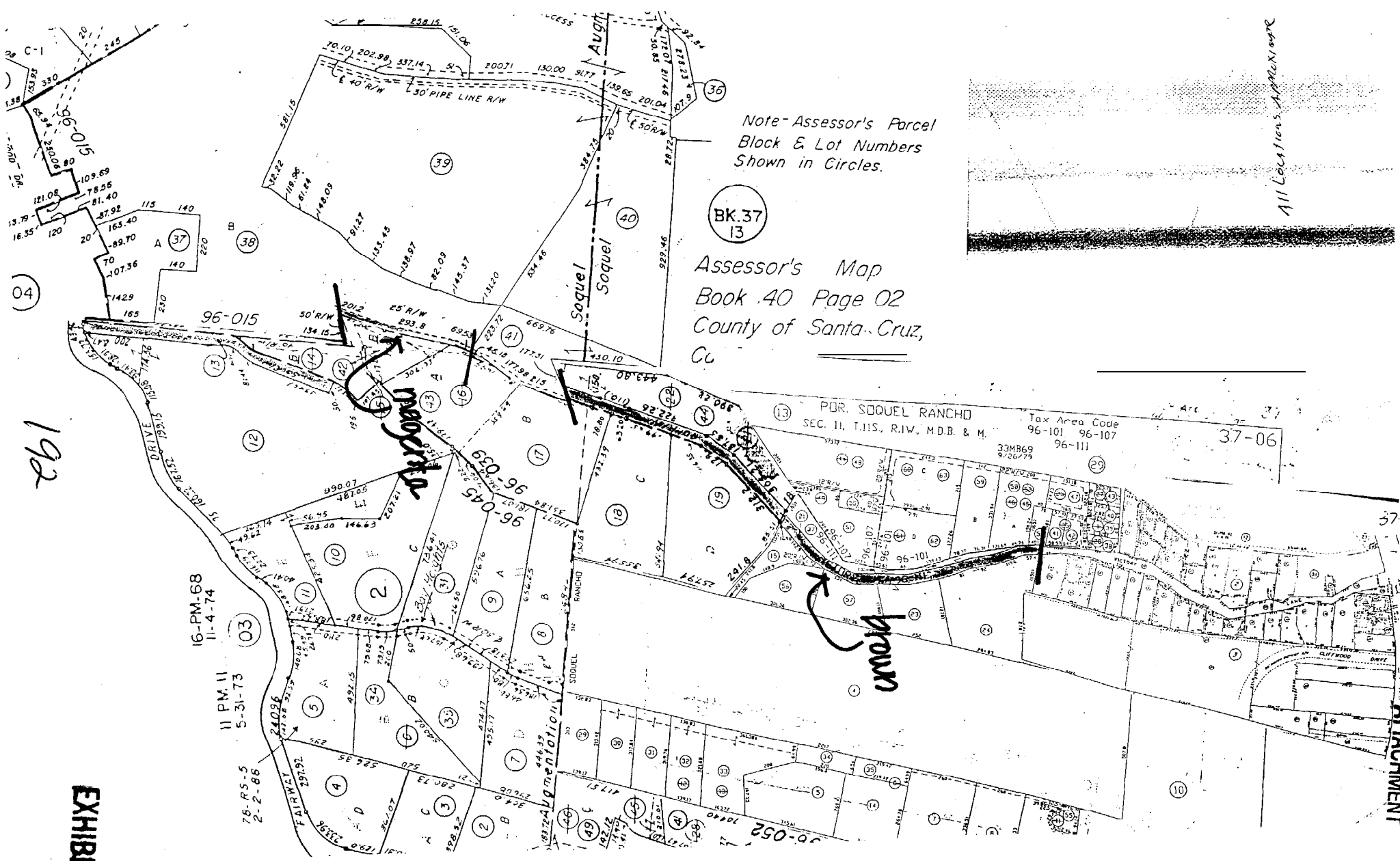
PARCEL TWO - CONTINUED

FEET NORTH 26° 16' EAST 82 FEET; AND NORTH 20° 05' EAST 169.6 FEET TO THE EASTERLY BOUNDARY OF LANDS OF SANTA CRUZ COUNTY BUILDING & LOAN ASSOCIATION BY VOL. 199, PAGE 140, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

EXCEPTING THEREFROM ALL THAT PORTION LYING WITHIN THE LANDS CONVEYED TO EUGENE F. ROWLEY ET UX., BY DEED RECORDED JULY 12, 1951 IN BOOK 830, OFFICIAL RECORDS, PAGE 398.

SAID EASEMENTS ARE TO BE APPURTENANT TO PARCEL ONE OF THE LANDS AS DESCRIBED IN THE DEED RECORDED NOVEMBER 21, 1996 IN BOOK 5941, PAGE 106, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

APN: 040-022-38 (PORTION) PARCEL ONE
040-012-20 PARCEL TWO
037-061-21 PARCEL TWO



All Locations Approximate

RECORDING REQUESTED BY

1998-0011387

Santa Cruz Title Company #9426168-SRO
MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL TO

Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL

I REC FEE 10.00
I TAX 1.10
I SURVEY 10.00

Alan Goldstein
Susan Goldstein
C/O PACIFIC SUN PROPERTIES
734 Chestnut Street
Santa Cruz, CA 95060

08:00AM 09-Mar-1998

I LPR
I Page 1 of 2

APN: 040-012-13

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 1.10

- (☒) computed on full value of property conveyed, or
 () computed on full value less value of liens and encumbrances remaining at time of sale.
 (☒) Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
 GEORGE J. BROTHERS, JR.

hereby GRANT(S) to
 ALAN GOLDSTEIN AND SUSAN GOLDSTEIN,
 HUSBAND AND WIFE, AS COMMUNITY PROPERTY

the following described real property in the
 County of SANTA CRUZ, State of California
 SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated: FEBRUARY 23, 1998

George J. Brothers, Jr.
 GEORGE J. BROTHERS, JR.

STATE OF CALIFORNIA
 COUNTY OF SANTA CRUZ

On: FEBRUARY 23, 1998

Before me, the undersigned, a Notary Public, personally appeared
 GEORGE J. BROTHERS, JR.

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal.

Signature

Michael Padgett

MAIL TAX STATEMENT AS DIRECTED ABOVE

Title Order No.

Form 242 Rev. 10/96

Escrow or Loan No.

This instrument is filed by

SANTA CRUZ TITLE COMPANY

[APEN]

193

EXHIBIT B

ESCROW NO. 9426168 SRO

EXHIBIT "A"

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ , STATE OF CALIFORNIA AND
DESCRIBE3 AS FOLLOWS:

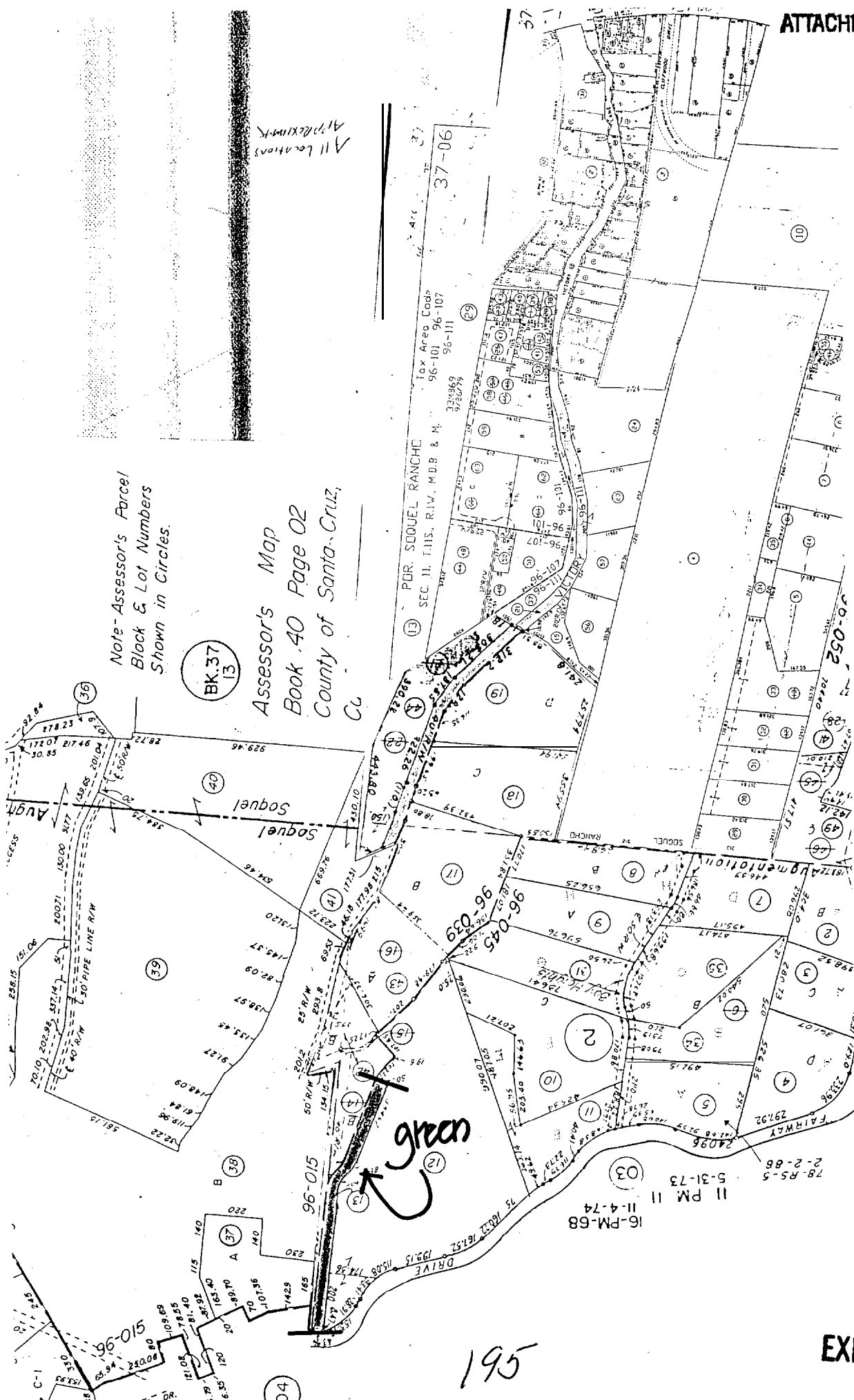
BEING A STRIP OF LAND OF 50 FEET WIDE, THE EASTERLY LINE OF WHICH
IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK
2, AS SAID LOT AND BLOCK ARE SHOWN UPON THE MAP OF SUBDIVISION
NO. 1, ALDERWALD, FILED FOF! RECORD JULY 25, 1929 IN MAP BOOK 23,
PAGE 6, SANTA CRUZ COUNTY RECORDS: THENCE FROM SAID POINT OF
BEGINNING ALONG THE WESTERN LINE OF SAID LOT 1, SOUTH 34° WEST
551.27 FEET TO A POINT; THENCE SOUTHERLY ALONG A TANGENT CURVE TO
THE RIGHT WITH A RADIUS OF 125 FEET THROUGH AN ANGLE OF 45° 55'
30" FOR A DISTANCE OF 100.19 FEET TO AN IRON PIPE AT A POINT OF
REVERSE CURVATURE; THENCE SOUTHERLY CURVING TO THE LEFT WITH A
RADIUS OF 100 FEET THROUGH AN ANGLE OF 31° 29' 30" FOR A DISTANCE
OF 54 96 FEET TO AN IRON PIPE; THENCE SOUTH 15° 00' WEST 334.67
FEET TO A POINT.

APN: 040-012-13

194

EXHIBIT B '5



Note- Assessor's Parcel
Block & Lot Numbers
Shown in Circles.

Assessor's Map
Book 40 Page 02
County of Santa Cruz,
CC

BK.37 13

green

195

1997-0035779

RECORDED AT THE REQUEST OF:

[]
[]

Recorded
Official Records
County of
SANTA CRUZ
RICHARD W. BEDAL

REC FEE 13.00

WHEN RECORDED MAIL TO:

[ALAN L. GOLDSTEIN, TRUSTEE]
271.5 Porter St.
Soquel, California 95073

03:59PM 07-Aug-1997 I LPR
I Pap 1 of 3

GRANT OF EASEMENT

THOMAS C. LAUER, INCORPORATED ("Grantor"), as owner of the real property situated in the County of Santa Cruz, California, known as Assessor's Parcel No. 040-022-41, and more particularly described in the deed from Charles T. Devlin and Cheryl E. Devlin to Thomas C. Lauer, Incorporated, recorded May 4, 1989, in Volume 4498, Page 520, Official Records of Santa Cruz County, grants to ALAN L. GOLDSTEIN, AS TRUSTEE OF THE PACIFIC SUN PROPERTIES RETIREMENT TRUST, and MICHAEL ZELVER AND ANN ZELVER ("Grantees") an easement for the purpose of secondary emergency access over the westerly 25 feet of Grantor's property and any parcels created by subdivision thereof.

The foregoing easement shall be for the use, benefit and enjoyment of and shall be appurtenant to the real property situated in the County of Santa Cruz known as Assessor's Parcel No. 040-012-12, and more particularly described in the grant deed from Apple River & Co., a California Limited Partnership, to Sea Oak, a California Limited Partnership, recorded November 21, 1996, in Volume 5941, Page 106, Official Records of Santa Cruz county, at such time as the foregoing property is acquired by Grantees.

DATED:

6/26/97

THOMAS C. LAUER, INCORPORATED

By

Thomas C. Lauer
President

[YELLOW]

See Exhibit A

| | |
|--|---|
| CUMENTARY TRANSFER TAX \$ | 0 |
| VALUE LESS THAN \$100.00 | |
| Computed on full value of property conveyed | |
| Or computed on full value less liens and encumbrances remaining at time of sale. | |
| <i>Sign Mark</i> PACIFIC SUN PROPERTIES | |
| Signature of Declarant or Agent determining tax. Firm Name | |

EXHIBIT "A"

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEING A PORTION OF THE LANDS CONVEYED TO EUGENE F. ROWLEY, ET UX., BY DEED RECORDED IN VOLUME 830, PAGE 398, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LANDS OF ROWLEY; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERLY BOUNDARY OF SAID LANDS SOUTH 17 DEGREES 31' WEST 46.18 FEET; SOUTH 29 DEGREES 56' WEST 177.98 FEET, SOUTH 14 DEGREES 49' WEST 215.66 FEET TO A SPIKE AT THE MOST WESTERLY CORNER OF SAID LANDS OF ROWLEY FROM WHICH AN IRON PIPE BEARS NORTH 60 DEGREES 4.5' EAST 44.28 FEET DISTANT; THENCE CONTINUING ALONG THE BOUNDARY OF SAID LANDS OF ROWLEY, NORTH 60 DEGREES 45' EAST 177.31 FEET TO AN ANGLE AND SOUTH 0 DEGREES 34' WEST 430.10 FEET TO THE SOUTHWESTERLY CORNER OF -THE LANDS' CONVEYED TO THOMAS C. DEVLIN, ET UX., BY DEED RECORDED IN VOLUME 1511, PAGE 213, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LANDS OF DEVLIN NORTH 17 DEGREES 30' EAST 669.76 FEET TO THE MOST NORTHERLY CORNER THEREOF ON THE NORTHEASTERLY BOUNDARY OF ABOVE MENTIONED LANDS OF ROWLEY; THENCE ALONG SAID NORTHEASTERLY BOUNDARY NORTH 60 DEGREES 07' 10" WEST 223.72 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

A RIGHT OF WAY OVER THE EXISTING ROAD ALONG THE WESTERLY BOUNDARY OF THE ABOVE DESCRIBED PARCEL OF LAND AND RUNNING SOUTHERLY TO SOQUEL DRIVE.

APN: 040-022-41

197

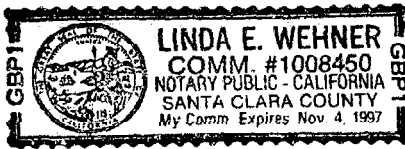
EXHIBIT B

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIACounty of SANTA CLARA

On JUNE 26, 1997 before me, LINDA E. WEHNER, NOTARY PUBLIC,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared *****THOMAS C. LAUER*****,
Name(s) of Signer(s)

C personally known to me — OR — ☒ proved to me on the basis of **satisfactory** evidence to be the **person(s)** whose name @ is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ **executed** the same in ~~his/her/their~~ **authorized capacity(ies)**, and that by ~~his/her/their~~ signature @ on the instrument the **person(s)**, or the entity upon behalf of which the **person(s)** acted, **executed** the instrument.



WITNESS my hand and official seal.

Linda E. Wehner
 Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: GRANT OF EASEMENTDocument Date: JUNE 26, 1997 Number of Pages: ONESigner(s) Other Than Named Above: NONE AT THIS TIME**Capacity(ies) Claimed by Signer(s)**Signer's Name: THOMAS C. LAUER

- ☐ Individual
☒ Corporate Officer
 Title(s): PRESIDENT
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing:

THOMAS C. LAUER, INC.

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing: _____

*Note- Assessor's Parcel
Block & Lot Numbers
Shown in Circles.*

Assessor's Map
Book 40 Page 02
County of Santa Cruz,

BK.37
13

37-06

Tax Area Code
96-101 96-107

POR. SOQUEL RÁNCHO

1

yellow

16-PM-68
11-4-74
11 PM 11
5-31-73
(03)

EXHIBIT B

199

RECORDING REQUESTED BY

1997-0034165

Santa Cruz Title Company
Escrow #9418561-TLH
MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL TO

Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL

REC FEE 19.00
TAX 346.50
SURVEY 10.00

Alan L. Goldstein, Trustee
2715 Porter Street
Soquel, Ca., 95073

08:00AM 30-Jul-1997 LPR
Page 1 of 5

APN: 040-012-12

GRANT DEED

he undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 346.50

☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens and encumbrances remaining at time of sale.
☐ Unincorporated area: () City of _____ and _____

OR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
SEA OAK, A CALIFORNIA LIMITED PARTNERSHIP

hereby GRANT(S) to ALAN L. GOLDSTEIN, TRUSTEE OF THE PACIFIC SUN PROPERTIES RETIREMENT TRUST, AS TO AN UNDIVIDED 50% INTEREST AND MICHAEL ZELVER AND ANN ZELVER, HUSBAND AND WIFE, AS COMMUNITY PROPERTY, AS TO AN UNDIVIDED 50% INTEREST, AS TENANTS IN COMMON

the following described real property in the
County of _____

SANTA CRUZ

State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

SEA OAK

A CALIFORNIA LIMITED PARTNERSHIP

Dated: JULY 21, 1997

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

BY:

H. JOHN COAKLEY, G

On JULY 29, 1997

before me, the undersigned, a Notary Public, personally appeared
H. JOHN COAKLEY

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

MAIL TAX STATEMENT AS DIRECTED ABOVE



Title Order No.

Form 242 Rev. 10/96

Escrow or Loan No.

This form furnished by

SANTA CRUZ TITLE COMPANY

BLUE,
ORANGE &
BLUE

ESCROW NO. 9418561 TLH

EXHIBIT "A"

The land referred to herein is described as follows:

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE: [BLUE]

BEING A PORTION OF THE LANDS AS DESCRIBED IN THE ORDER TERMINATING JOINT TENANCY INTEREST RECORDED IN VOLUME 744, PAGE 539, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF FAIRWAY DRIVE, AS SHOWN UPON THE MAP ENTITLED, "SUBDIVISION NO. 2 AND RESUBDIVISION OF PART OF SUBDIVISION NO. 1 OF MONTEREY BAY HEIGHTS, BEING A PART OF SOQUEL AND SOQUEL AUGMENTATION RANCHOS, SANTA CRUZ COUNTY, CALIFORNIA"; FILED FOR RECORD ON SEPTEMBER 10, 1935, IN MAP BOOK 25, PAGE 38, SANTA CRUZ COUNTY RECORDS, FROM WHICH THE MOST WESTERLY CORNER OF THAT STRIP OF LAND DESCRIBED IN PARCEL 3 IN THE DEED TO THE COUNTY OF SANTA CRUZ RECORDED IN VOLUME 1309, PAGE 205, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, BEARS NORTH 40° 11' EAST 160.22 FEET DISTANT; THENCE FROM SAID POINT OF BEGINNING ALONG SAID SOUTHERLY LINE OF FAIRWAY DRIVE, NORTH 40° 11' EAST 160.22 FEET TO SAID WESTERLY CORNER; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 3 AND ALONG SAID SOUTHERLY LINE OF FAIRWAY DRIVE EASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 325 FEET THROUGH AN ANGLE OF 29° 32' A DISTANCE OF 167.52 FEET TO A POINT AND NORTH 69° 43' EAST 149.10 FEET TO THE MOST WESTERLY CORNER OF PARCEL 4 OF SAID LANDS OF THE COUNTY OF SANTA CRUZ; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 4 AND THE SOUTHERLY LINE OF PARCEL 2 OF THE LANDS CONVEYED TO THE COUNTY OF SANTA CRUZ BY DEED RECORDED IN VOLUME 1309, PAGE 202, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, NORTH 69° 43' EAST 50.05 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 275 FEET THROUGH AN ANGLE OF 43° 26' 20" FOR A DISTANCE OF 208.49 FEET TO A POINT; THENCE NORTH 26° 16' 40" EAST 28.91 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 225 FEET THROUGH AN ANGLE OF 39° 08' 40" A DISTANCE OF 153.72 FEET TO A POINT ON THE EASTERLY LINE OF THE LANDS CONVEYED TO DON WILDER FALCONER, ET UX, BY DEED RECORDED IN VOLUME 1144, PAGE 325, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG SAID EASTERLY LINE AND ALONG THE WESTERLY LINE OF A 50 FOOT RIGHT OF WAY THE EASTERLY LINE OF WHICH IS DESCRIBED IN THE DEED CONVEYING LANDS TO J. LOWELL VETTERLE, ET UX, RECORDED IN VOLUME 1202, PAGE 29, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, SOUTHERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 26.29 FEET THROUGH AN ANGLE OF 18° 11' 30" A DISTANCE OF 8.47 FEET TO A POINT AND SOUTH 0° 43' WEST 200 FEET TO THE SOUTHEASTERLY CORNER OF SAID LANDS OF FALCONER;

ESCROW NO. 9418561 TLH

EXHIBIT "A"

PARCEL ONE - CONTINUED:

THENCE LEAVING SAID LANDS OF FALCONER CONTINUING ALONG THE WESTERLY LINE OF SAID 50 FOOT RIGHT WAY TO THE SOUTHERLY TERMINUS THEREOF, FROM WHICH AN IRON PIPE AT THE BEGINNING OF A 250 FOOT RADIUS CURVE IN THE WESTERLY LINE OF SAID LANDS OF VETTERLE BEARS SOUTH 75° 00' EAST; THENCE SOUTH 75° 00' EAST 50 FEET TO SAID IRON PIPE ON SAID WESTERLY LINE; THENCE ALONG SAID WESTERLY LINE, SOUTHERLY ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 250 FEET FROM A TANGENT BEARING SOUTH 15° 00' WEST, THROUGH AN ANGLE OF 23° 40' A DISTANCE OF 103.27 FEET TO AN IRON PIPE AT A POINT OF TANGENCY AND SOUTH 38° 40' WEST 19.50 FEET TO A STAKE AT THE MOST WESTERLY CORNER OF SAID LANDS OF VETTERLE; THENCE ALONG THE SOUTHWESTERLY LINE OF LAST MENTIONED LANDS, SOUTH 48° 26' EAST 92.60 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE LEAVING SAID LAST MENTIONED LANDS CONTINUING SOUTH 48° 26' EAST 15 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF PARCEL 1 OF THE LANDS CONVEYED TO J. LOWELL VETTERLE, ET UX, BY DEED RECORDED IN VOLUME 503, PAGE 213, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE ALONG SAID WESTERLY LINE OF PARCEL 1; SOUTH 47° 30' WEST 20 FEET, MORE OR LESS, TO THE NORTHERLY TERMINUS OF THE COURSE IN THE DESCRIPTION OF SAID PARCEL 1 DESCRIBED AS "NORTH 40° EAST 211.86 FEET"; THENCE CONTINUING ALONG SAID WESTERLY LINE SOUTH 40° 00' WEST 211.85 FEET TO A POINT; THENCE SOUTH 32° 15' WEST 179.52 FEET TO A POINT; THENCE SOUTH 39° 30' WEST 25 FEET TO A POINT; THENCE LEAVING SAID WESTERLY LINE NORTHWESTERLY IN A DIRECT LINE 1,000 FEET, MORE OR LESS, TO A POINT ON SAID SOUTHERLY LINE OF FAIRWAY DRIVE, FROM WHICH THE POINT OF BEGINNING BEARS ALONG SAID SOUTHERLY LINE EASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 450 FEET A DISTANCE OF 75 FEET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND A RADIUS OF 450 FEET A DISTANCE OF 75 FEET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE AND ALONG SAID CURVE 75 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS.

BEING A STRIP OF LAND OF 50 FEET WIDE, THE EASTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF LOT 1, IN BLOCK 2, ASSAID LOT AND BLOCK ARE SHOWN UPON THE MAP OF SUBDIVISION NO. 1 ALDERWALD, FILED FOR RECORD JULY 25, 1929 IN MAP BOOK 29, PAGE 6, SANTA CRUZ COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING ALONG THE WESTERN LINE OF SAID LOT 1, SOUTH 34° WEST 551.27 FEET TO A POINT; THENCE SOUTHERLY ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 125 FEET THROUGH AN ANGLE OF 45° 55' 30" FOR A DISTANCE OF 100.19 FEET TO AN IRON PIPE AT A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY CURVING TO THE LEFT WITH A RADIUS OF 100 FEET THROUGH AN ANGLE OF 31° 29' 30" FOR A DISTANCE OF 54.96 FEET TO AN IRON PIPE;

ESCROW NO. 9418561 TLH

EXHIBIT "A"

PARCEL TWO - CONTINUED:

THENCE SOUTH 15° 00' WEST 334.67 FEET TO A POINT AS GRANTED IN THE DEED FROM GEORGE J. BROTHERS, JR., TO SOQUEL UNION SCHOOL DISTRICT, A POLITICAL SUBDIVISION, RECORDED OCTOBER 11, 1989 IN VOLUME 4576, AT PAGE 905, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL THREE: [ORANGE]

A NON-EXCLUSIVE EASEMENT OF INGRESS AND EGRESS.

BEING A PORTION OF THE LANDS DESCRIBED IN THE DEED TO FRANK LONG, RECORDED IN VOLUME 1603, PAGE 413, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY BOUNDARY OF VICTORY LANE ON THE NORTHWESTERLY CORNER OF THE LANDS DESCRIBED IN THE DEED TO JOSEPH DAMA, ET UX, RECORDED IN VOLUME 1592, PAGE 72, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE FROM SAID POINT OF BEGINNING SOUTH 9° 30' 00" EAST 37.23 FEET ALONG THE EASTERLY BOUNDARY OF VICTORY LANE TO A POINT; THENCE CONTINUING ALONG THE AFORESAID BOUNDARY SOUTH 2° 30' 00" EAST 59.40 FEET TO A POINT; THENCE CONTINUING ALONG THE EASTERLY BOUNDARY OF VICTORY LANE SOUTH 24° 30' 00" WEST 17.00 FEET TO A POINT; THENCE LEAVING SAID EASTERLY BOUNDARY OF VICTORY LANE NORTH 88° 13' 35" WEST 45.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF VICTORY LANE; THENCE NORTH 16° 43' 00" WEST 104.00 FEET ALONG THE WESTERLY BOUNDARY OF VICTORY LANE; THENCE LEAVING SAID WESTERLY BOUNDARY OF VICTORY LANE SOUTH 88° 13' 35" EAST 38.00 FEET TO THE POINT OF BEGINNING AS GRANTED IN THE DEED FROM DAVID H. LEISTER, JR., ET UX, TO SOQUEL UNION SCHOOL DISTRICT, A POLITICAL SUBDIVISION, RECORDED OCTOBER 11, 1989 IN VOLUME 4576, AT PAGE 913, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

PARCEL FOUR: [AQUA]

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED LANDS:

A STRIP OF LAND LYING BETWEEN THE EASTERLY BOUNDARY OF LANDS CONVEYED BY LOUIS H. WESSENDORF AND M. J. GATES, AS TRUSTEES, TO SANTA CRUZ COUNTY BUILDING AND LOAN ASSOCIATION, A CORPORATION, BY DEED DATED MARCH 19, 1931 AND RECORDED IN VOLUME 199, PAGE 140, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AND THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A STATION AT THE NORTHEAST CORNER OF LANDS CONVEYED BY SANTA CRUZ COUNTY BUILDING AND LOAN ASSOCIATION, A CORPORATION, TO LESTER W. REED AND H. G. REED, BY DEED DATED APRIL 6, 1931 AND RECORDED IN VOLUME 201, PAGE 161, OFFICIAL RECORDS OF SANTA CRUZ COUNTY; THENCE FROM SAID POINT OF BEGINNING AND ALONG THE EASTERLY BOUNDARY OF SAID LAST MENTIONED LANDS, THE FOLLOWING COURSES AND DISTANCES:

ESCROW NO. 9418561 TLH

EXHIBIT "A"

PARCEL FOUR - CONTINUED:

SOUTH 21° 47' EAST 6.10 FEET; SOUTH 12° 07' EAST 84 FEET; SOUTH 0° 41' WEST 117 FEET; SOUTH 10° 19' WEST 270 FEET; SOUTH 29° 35' WEST 143 FEET; SOUTH 19° 14' WEST 205 FEET; SOUTH 16° 43' EAST 217 FEET; SOUTH 26° 20' EAST 85 FEET; SOUTH 3° 32' EAST 100 FEET; SOUTH 35° 41' EAST 100 FEET; THENCE LEAVING THE EASTERLY BOUNDARY OF SAID LAST MENTIONED LANDS SOUTH 20° 30' EAST 152 FEET TO THE NORTHERLY SIDE OF THE COUNTY HIGHWAY LEADING FROM SOQUEL TO WATSONVILLE.

EXCEPTING THEREFROM THE LANDS CONVEYED TO DONALD T. STODDARD, ET UX, BY DEED RECORDED DECEMBER 1, 1966 IN VOLUME 1795, PAGE 577, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

ALSO EXCEPTING THEREFROM THE LANDS CONVEYED TO THE COUNTY OF SANTA CRUZ, BY DEED RECORDED JUNE 16, 1971 IN VOLUME 2103, PAGE 659, OFFICIAL RECORDS OF SANTA CRUZ COUNTY AS GRANTED IN THE DEED FROM FRANK LONG, ET UX, TO SOQUEL UNION SCHOOL DISTRICT, A POLITICAL SUBDIVISION, RECORDED OCTOBER 11, 1989 IN VOLUME 4576, PAGE 909, OFFICIAL RECORDS OF SANTA CRUZ COUNTY.

APN: 040-012-12

204

EXHIBIT B

*Note - Assessor's Parcel
Block & Lot Numbers
Shown in Circles.*

Assessor's Map
Book 40 Page 02
County of Santa Cruz,

BK.37
13

blue

205

EXHIBIT B

COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

ATTACHMENT

5

DATE: 1/5/2000

TO: Jackie Young, Planning

FROM: Joan Carpenter, Department of Public Works



SUBJECT: MLD 99-0288 FAIRWAY DRIVE AND VICTORY LANE

We have reviewed the easements and rights of way for the secondary access for the subject project. The information provided indicates the applicant has obtained title to a continuous right of way/easement for ingress and egress from Fairway Drive to Soquel Drive. There is no information available that indicates any contradiction to this right of way/easement. The width of the right of way/easement varies along the route from Fairway Drive to Soquel Drive, but is adequate for the purpose required. Also the actual location within the right of way/easement of the traveled way is not indicated. It is assumed that any road improvements required for the secondary access would be constructed in the right of way/easement if necessary. If you have any further questions regarding this issue please contact me at extension 2804.

6401 Freedom Blvd.
Aptos, California 95003

Unitarian Universalist
Fellowship of Santa
Cruz County

Fax

Kathy Sweet
To: *Judy Parsons* From: *Sylvia*
Fax: *475-442-0309* Pages: *5*
Phone: *685-8637* Date: *12/1/99*
Re: *Property* CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Hope the e. help!

*P.S. Forsyth claim
does not apply to
Reed RIW.*

*Joan
Carpenter*

9/28/98

454-2160

Public Mkr, Real Property Div - Scott
Private rds. are not their jurisdiction, but if
map changed the Cassara Office had to have
a document to initiate the change.

Cassara Office
Rella Stalder & Suter 4542502

No legal documents in computer for Victory for
since saw in 3/94

Maps redaction to actual size of lots in 4+5/96.
Map redaction out into V. H. but Easement noted
on Exhibit A refers easement along side of lot back

to Maplethorpe.

Could investigate how that Easement to Maplethorpe
may be Ept for Reelin to V. H.

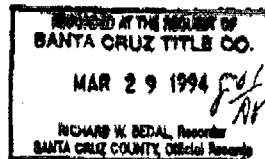
Ray's notes

VOL. 5477 PAGE 548

RECORDING REQUESTED BY
Pacific Trust Company

23440

AND WHEN RECORDED MAIL TO

Jack Steinke
Pacific Trust Company
P.O. Box 1853
Santa Cruz, CA 95061RE 6-1
MI 1
SF 2
SM 70
LN 1
CO 1
OP 1

MAIL TAX STATEMENTS TO

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AS ABOVE



The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ NONE

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

() Unincorporated area: () City of _____ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

PACIFIC TRUST COMPANY, TRUSTEE

hereby GRANT(S) to SYLVIA P. FORSYTH, TRUSTOR & TRUSTEE UNDER THE SYLVIA P. FORSYTH
LIVING TRUST, DATED OCTOBER 10, 1991 AS TO AN UNDIVIDED 1/2 INTEREST AND PAGE
A. WOELFEL, AN UNMARRIED WOMAN, AS TO AN UNDIVIDED 1/2 INTERESTthe following described real property in the
County of SANTA CRUZ

State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF...

APN: 37-112-13 & 15

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF...

APN: 37-112-M

THIS DOCUMENT HAS BEEN SUBMITTED
TO SANTA CRUZ TITLE COMPANY TO
RECORD AS AN ACCOMMODATION ONLY.
THIS DOCUMENT HAS NOT BEEN EXAMINED
BY SANTA CRUZ TITLE COMPANY FOR
EFFECT, SUFFICIENCY, NOR ACCURACY.THIS DOCUMENT HAS BEEN SUBMITTED
TO SANTA CRUZ TITLE COMPANY TO
RECORD AS AN ACCOMMODATION ONLY.
THIS DOCUMENT HAS NOT BEEN EXAMINED
BY SANTA CRUZ TITLE COMPANY FOR
EFFECT, SUFFICIENCY, NOR ACCURACY.

Dated: MARCH 17, 1994

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ } SS

On 3/18/94

before me, the undersigned, a Notary Public, personally appeared
Virginia W. Lupfer and
John W. Steinkepersonally known to me (or proved to me on the basis of satisfac-
tory evidence) to be the person(s) whose name(s) were subscribed
to the within instrument and acknowledged to me that he/she/
they executed the same in his/her/their authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

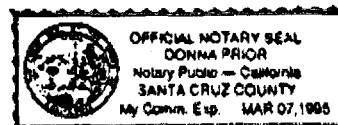
WITNESS my hand and official seal.

Signature

Donna Prior

This form furnished by

SANTA CRUZ TITLE COMPANY



Title Order No.

Exhibit or Loan No.

090411 ACCOM

FORM 242 REV 06/92

EXHIBIT C

Vol 5477 Page 549-A

EXHIBIT "A"

A strip of land conveyed to Frank Long by Deed from Donald G. Fields and Katherine A. Fields, et ux., recorded March 11, 1964 in Book 1603, Page 413, Official Records of Santa Cruz County;

EXCEPTING THEREFROM the lands conveyed to Donald T. Stoddard and Mary Stoddard, et ux., by Deed recorded December 1, 1966 in Book 1795, Page 573, Official Records of Santa Cruz County.

ALSO EXCEPTING THEREFROM an easement as granted in the deed from Frank Long and Mary Long et ux., to Soquel Union School District, a political subdivision, by Deed recorded October 11, 1989 in Volume 4576, Page 909, Official Records of Santa Cruz County.

APN 37-112-13 & 15

12/01/1999 13:39

4086840506

LUFSCC

PAGE 04

VOL. 5477 PAGE 549

EXHIBIT "B"

SITUATE in the County of Santa Cruz, State of California,

BEING a portion of the lands described in the Deed to Frank Long, recorded in Volume 1603, Page 413, Official Records of Santa Cruz County and more particularly described as follows:

BEGINNING at a point on the Easterly boundary of Victory Lane on the Northwestern corner of the lands described in the Deed to Joseph Dama, et ux., recorded in Volume 1592, Page 72, Official Records of Santa Cruz County; thence from said point of beginning South 9° 30' 00" East 37.23 feet along the Easterly boundary of Victory Lane to a point; thence continuing along the aforesaid boundary South 2° 30' 00" East 99.40 feet to a point; thence continuing along the Easterly boundary of Victory Lane South 24° 30' 00" West 17.00 feet to a point; thence leaving said Easterly boundary of Victory Lane North 88° 13' 35" West 45.00 feet to a point on the Westerly boundary of Victory Lane; thence North 16° 43' 00" West 104.00 feet along the Westerly boundary of Victory Lane; thence leaving said Westerly boundary of Victory Lane South 88° 13' 35" East 38.00 feet to the point of beginning.

APN: 37-112-14

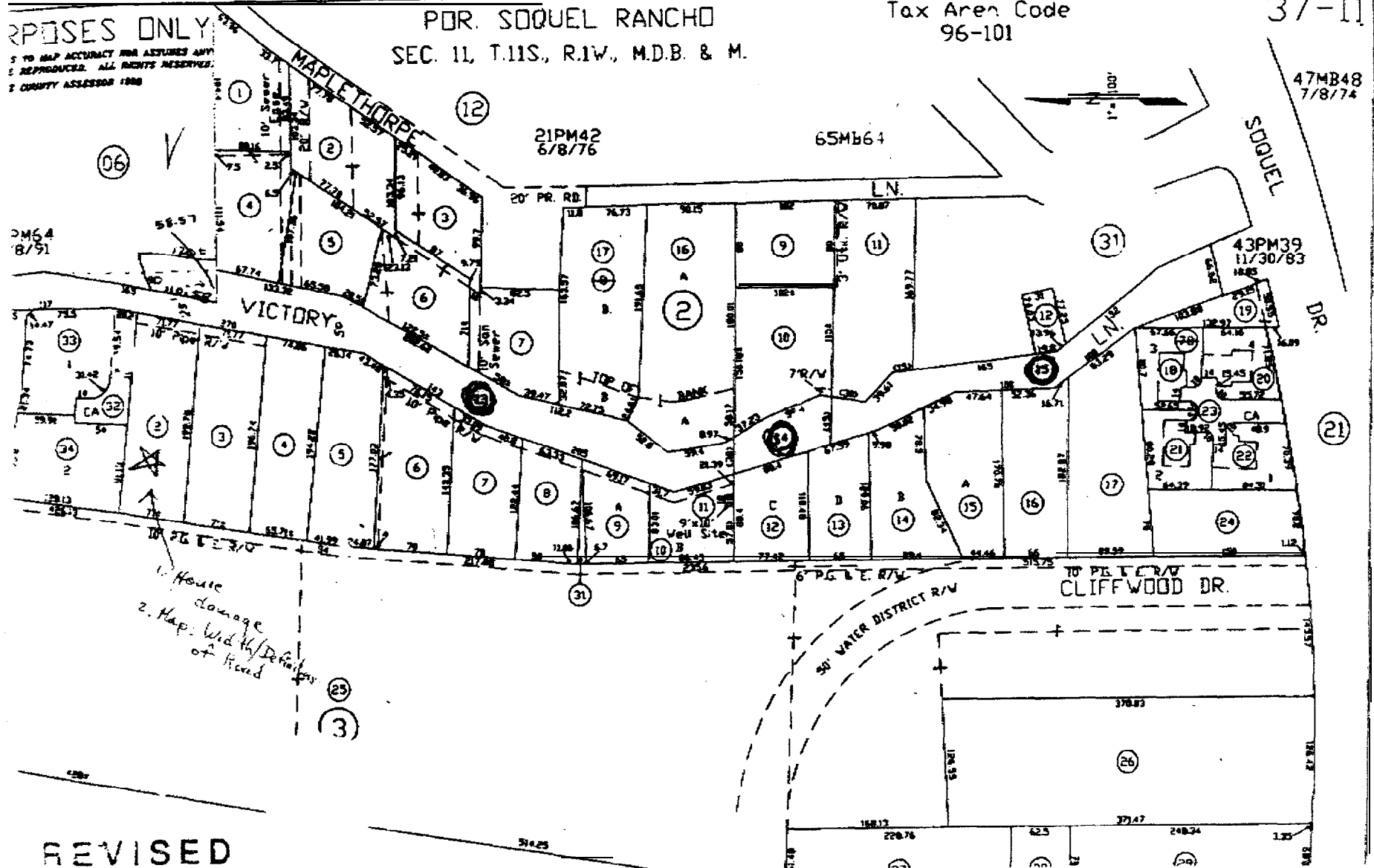
37-11

PROPOSES ONLY

5 TO MAP ACCURACY AND ASSURES ANY
1 REPRODUCED. ALL RIGHTS RESERVED.
2 COUNTY ASSESSOR 1988

POR. SOQUEL RANCHO
SEC. 11, T.11S., R.1W., M.D.B. & M.

47MB48
7/8/74



Environmental Concepts
Consulting Environmental Health Specialists

ATTACHMENT 5

County of Santa Cruz
Planning Commission
701 Ocean St.
Santa Cruz, CA 95060

December 18, 1999

RE: Leachfield sites for Lots 1 & 2, Zelter MLD, APN 040-012-12

Dear Commissioners,

This letter is regarding our investigation of the above referenced property to determine the best locations for the proposed septic systems for 4 new parcels. We have worked in the Fairway Drive area previously, and are aware that septic systems must be located carefully due to known soil conditions. The Sewage Disposal Code (Chapter 7.38) is very specific in requiring leachfield systems to be less than 6.5' deep, and preferably less than 4' deep. In locating the proposed leachfields, we dug testholes at 10 locations on the 13 acres. We found that the front and central parts of the parcel exhibited a dense clay loam layer down to 4 to 5'. This type of soil is poor for percolation, and therefore poor for leachfields. Sandy soils were found beneath this layer. As a result, we explored the back edges of the flatter meadow areas, and found this clayey layer to be thinner or not present. The finding of suitable soil for leachfields then became a function of locating the fields at lower elevations, i.e. off the meadows and at the back edge of the parcel. In summary, the lower elevations of the property demonstrated very suitable soils for septic system leachfields.

P.O. Box 1445, Aptos, CA 95001 (831) 684-1555

2/3

EXHIBIT D

Environmental Concepts
Consulting Environmental Health Specialists

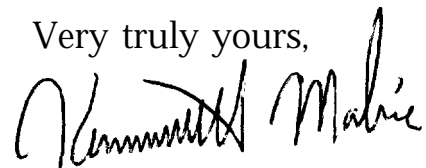
ATTACHMENT - 5

Regarding the locations of the leachfields, the question of piping the effluent long distances has been raised. We design this into septic systems fairly often because it may not be convenient to have the leachfield system occupying space immediately near the residence. We often see improvements such as landscaping or swimming pools conflicting with leachfield location. As long as about 1/8" per foot of fall can be demonstrated in the pipeline from the septic tank to the leachfield, no negative impacts are expected from this type of design.

A map of our testing performed on June 16, 1997 is enclosed. We also have submitted to EHS (June 1999) a proposed leachline layout for each site so that the septic envelopes on the MLD map could be verified. Adequate area is provided in the envelopes for both original leachfield installation and 100% expansion.

In my professional opinion, the plan we have submitted to EHS is the best arrangement for sewage disposal for this proposed MLD. Please contact me for further information or clarification.

Very truly yours,



Kenneth Mabie
REHS 3579

C = 0.27 (USE 0.401
250 CU.FT./ACRE
[250]/[13.32] = 3,330 CU.FT.

* 4 COTS W/5,000 S.F. OF IMPERVIOUS SURFACE

Soil Test Locations Zelver Subdivision

PROPOSED FIRE HYDRANT FOR
ADJACENT PROJECT TO BE
CONSTRUCTED IN 1998.

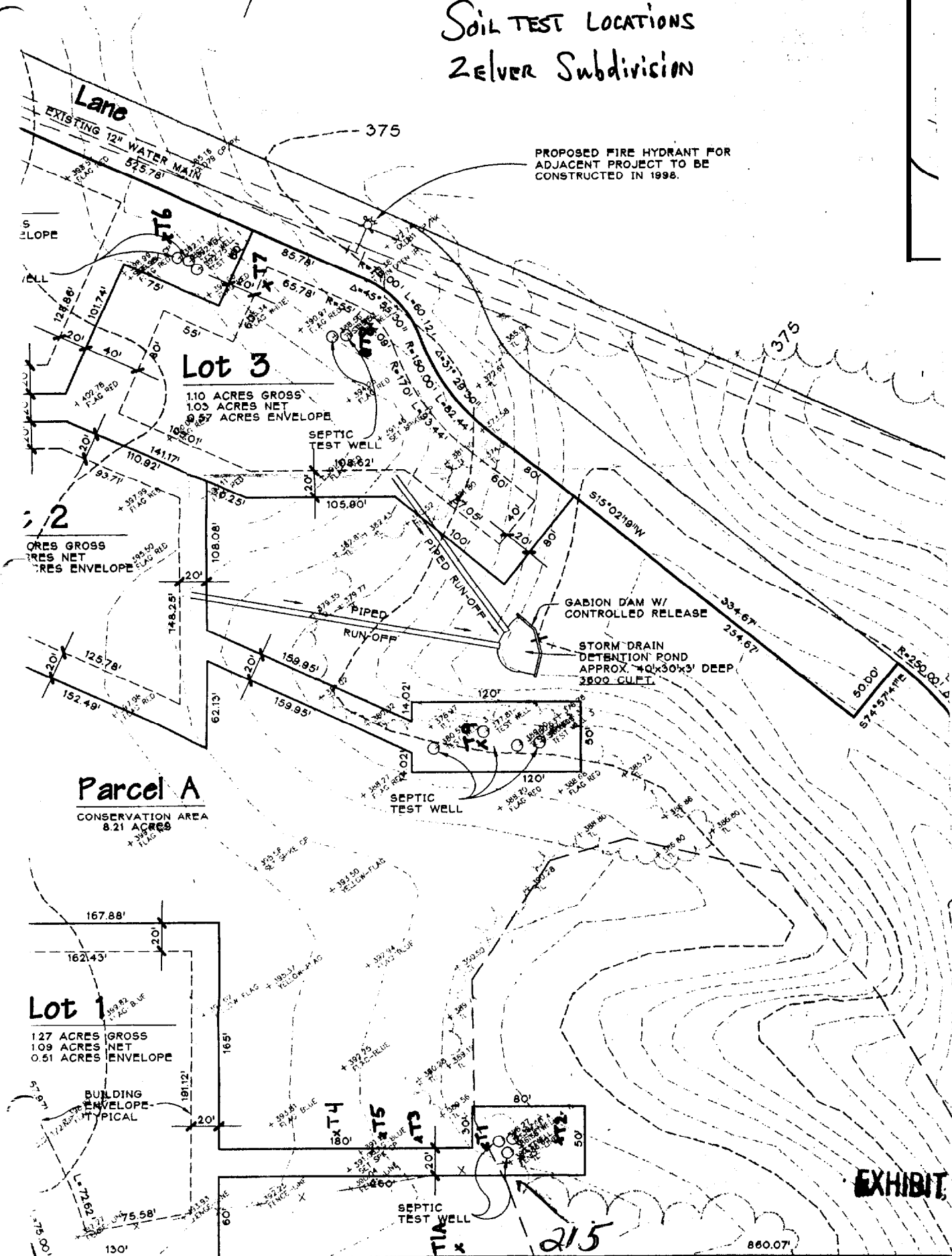


EXHIBIT D

COUNTY OF SANTA CRUZ
HEALTH SERVICES AGENCY
Environmental Health Service

MEMO

DATE: January 5, 2000
TO: Jackie Young, Planning
FROM: John Ricker, Environmental Health

jr

SUBJECT: Zilver MLD, APN 040-012-12

We have reviewed the letter from Ken Mabie to the Planning Commission, dated December 18, 1999. We have also reviewed Soil Conservation Service soil maps, as well as soil observations on the subject parcel and other areas in the general vicinity of the project. We would concur with the findings and conclusions of Mr. Mabie.

Soils on the upper parts of the property, closest to the homesites, are typical of soils on older marine terraces, with dense clay layers extending at least 4-6 feet deep. This was confirmed by the preliminary soil testing by Mr. Mabie. These soils are unsuitable for sewage disposal using current standards which call for shallow trenches no more than 4 to 6.5 feet deep. Older development in the area utilized deep trenches or deep seepage pits (20 feet or more deep) to get below the clay layer into more permeable soil. Such deep systems are no longer allowed for new development because the sewage is not treated as thoroughly in the deep soil layers, which tend to be much less biologically active. Under current standards, deep systems can only be utilized in conjunction with alternative technology to provide enhanced sewage treatment prior to disposal. However, under Chapter 7.38, alternative technology cannot be used for new subdivisions.

Lower on the property, where the slopes tend to be somewhat steeper, the upper clay layer has likely been eroded over recent geologic time, bringing the more suitable sandy loam layers closer to the surface. In conclusion, based on the information provided and our general experience with the area, it would appear that the sites proposed for the septic systems are the most suitable, and that soils are not suitable for sewage disposal under current standards in the upper areas close to the homesites.

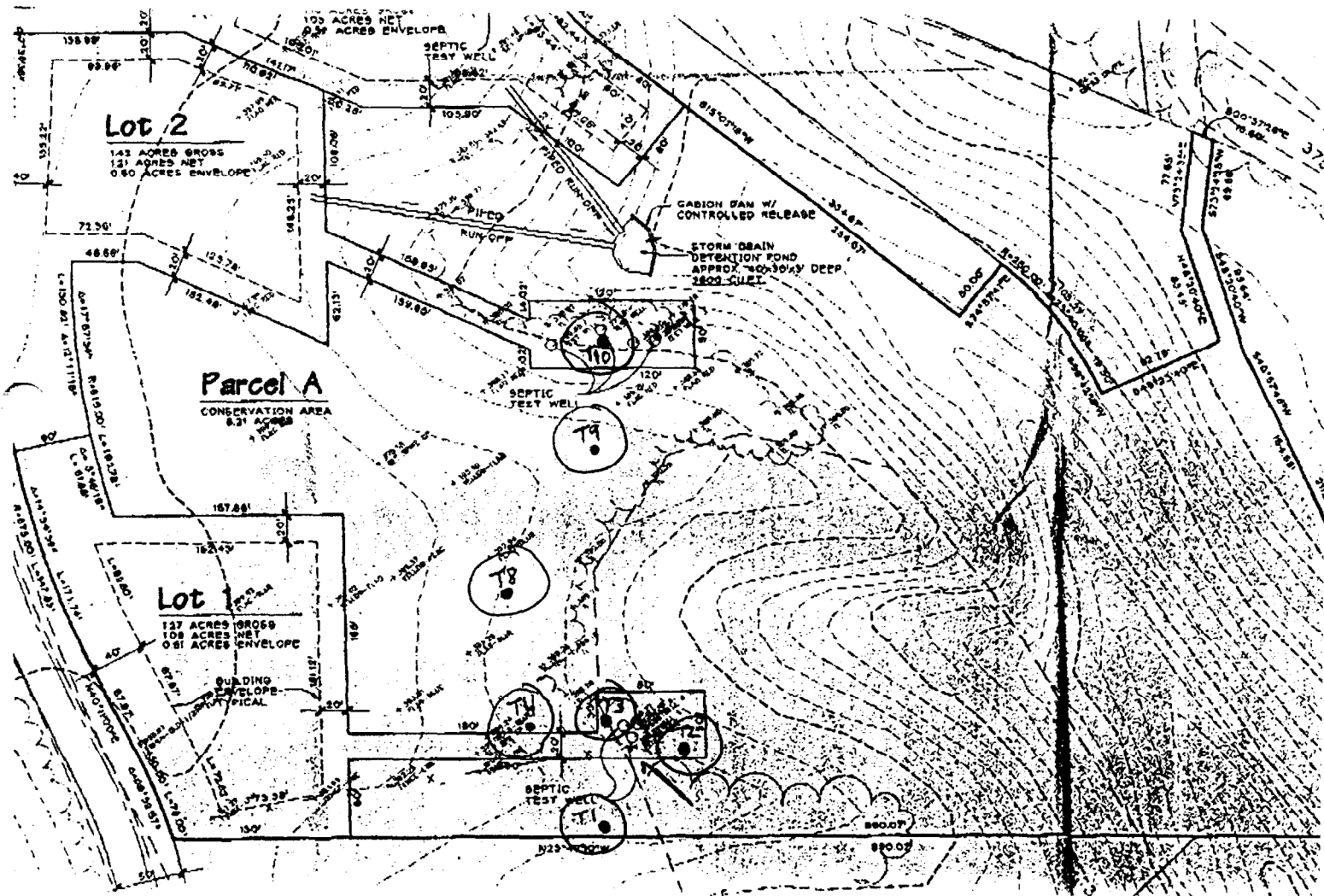
: ENVIRONMENTAL CONCEPTS

Ken Mabie - REHS # 3579 - Julie Mabie - REHS #4412
P. O. Box 1445, Aptos, CA 95901

SOIL LOG DESCRIPTION

Project: Goldstein MLD APN: 40-012-12
Date of Test 6/16/97 Site: Fairway @ Victory Ln.,
Soquel

| Boring # | Depth: | Description |
|----------|-----------------------------------|--|
| T1 | 0 - 1' 1 - 6' | Loamy top soil Clay Loam Very Dense Dry |
| I-2 | 0 - 18" 18" - 48" 48" - 14' | Loam top soil Sandy Loam, Tan Silty Sand, Gold Dry |
| T 3 | 0 - 18" 18" - 48" 48" - 14' | Loam top soil Sandy loam, Tan Silty sand, Gold Dry |
| T4 | 0 - 18" 18" - 4' | Loam top soil Clay loam Very Dense Dry |
| T5 | 0 - 18" 18" - 14' | Loam top soil sandy loam Increasing sands with depth Dry |
| T6 | 0 - 24" 24" - 14' | Loam top soil Sandy loam increasing sands with depth Dry |
| T7 | 0 - 1' 1 - 5' | Loam top soil Clay loam Very Dense Dry |
| T8 | 0 - 1' 1 - 5' | Loamy top soil Clay Loam Very Dense |
| T9 | 0 - 1' 1 - 4' | Loamy top soil Clay Loam Dense |
| T10 | 0 - 18" 18" - 4' 4' - 14' | Loam top soil Loam, Tan Silty sand, Gold |





Civil Engineering ■
Structural Design ■
Land Surveying ■
Development Planning ■

December 21, 1999

#97191

Michael Zelter
261 Fourth Avenue
Santa Cruz, CA 95062

RE: **A.P.N. 040-012-I 2**
Minor Land Division

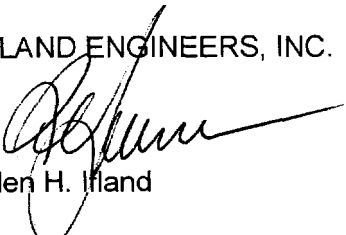
Dear Michael:

The Tentative Map for the project shows the septic leach fields to be located a distance from the location of the septic tanks near the proposed building envelope. The leach field areas on all four parcels are down-slope from the building envelopes and range from a 7.50% to a 25.0% slope.

If the pipeline from the septic tank to the leach fields are placed in a trench dug at a constant depth parallel to the existing ground surface, the pipe will far exceed the minimum slope of 1.0% (1/8" per foot).

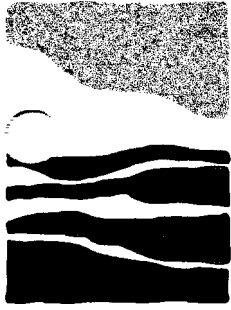
Sincerely,

IFLAND ENGINEERS, INC.



Glen H. Ifland

GHI/jh



LAND TRUST OF SANTA CRUZ COUNTY

Office
734 Chestnut Street
Santa Cruz, CA 95060
(831) 429-6116
Fax (831) 429-1166
landtrust@ltscc.org
www.ltscc.org

Correspondence
Post Office Box 1287
Santa Cruz, CA 95061

Board of Trustees

John Barnes
Kenneth Coale
Robert C. Daney
Frank Deck
S. Earnshaw
John Gilchrist
Bernard Goldner
Ron Hirsch
Richard Jahn
Ken Kimes
Bud McCrary
Melody Sharp
Sean Swezey
Lloyd Williams
Oliver Wright

Advisors

Peter Barr
Richard Beale
Pedro Castillo
Angie Christmann
Diane Cooley
Michael Corman
Ted Durkee
Leonard Moore
Pat Poulos
Alyce Prudden
Polly Raven
Ziggy Rendler-Bregman
Diane Ritch
Sally-Christine Rodgers
Robert Stephens
Robert Swenson

Executive Director
Laura Perry

Administrative Assistant
Claire Turner

DO NOT
INHERIT THE
LAND FROM
OUR ANCESTORS,
WE BORROW IT
FROM OUR
CHILDREN.

December 31, 1999

Michael Zilver
26 1 Fourth Avenue
Santa Cruz, CA 95062

RE: FAIRWAY DRIVE HABITAT MANAGEMENT PLAN,
APPLICATION NO. 99-0288

Dear Michael:

In response to Planning Commissioners' request for further information regarding implementation of the Habitat Management Plan for the proposed coastal terrace prairie preserve at your Fairway Drive property, I have prepared the following:

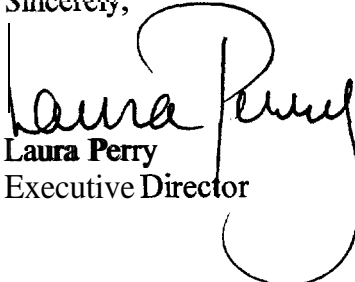
The funding mechanism for the Land Trust's implementation of the Habitat Management Plan for the proposed preserve would be either a cash endowment **from** the project proponents or a combination of such an endowment with annual Homeowners' Association fees specifically dedicated to management of the preserve area.

In calculating long-term management costs, it is this organization's practice to assume a conservative annual **inflation** rate of three percent (3%) in order to assure adequate funds for land stewardship. Based upon Ms. Lyons' projected costs for annual monitoring and maintenance, I calculate the following schedule of total annual costs as adjusted for that 3% rate of **inflation**:

| | |
|----------|---|
| Year 1: | Monitoring and management by project proponents |
| Year 2: | \$2,770.00 |
| Year 3: | \$2,853.10 |
| Year 4: | \$2,938.69 |
| Year 5: | \$3,026.85 |
| Year 6: | \$3,117.66 |
| Year 7: | \$ 839.50 (management responsibilities only) |
| Year 8: | \$3,307.52 |
| Year 9: | \$ 890.63 (management responsibilities only) |
| Year 10: | \$3,508.95 |

Please contact me if you have any questions regarding this information.

Sincerely,


Laura Perry
Executive Director

221

EXHIBIT G

Table A-1. Annual Monitoring Costs (starting in Year 2) for the Conservation Parcel and Conservation Easement Areas, Fairway Drive Project.

| Monitoring Tasks (3.1 acres) | Personnel Hours | Personnel Rate | Total |
|---|-----------------|----------------|----------------|
| Reconnaissance Monitoring (2) | 6 | \$85 | \$510 |
| Quantitative Monitoring (1) | 8 | \$85 | \$850 |
| Periodic Site Maintenance | 8 | \$35 | \$280 |
| Seasonal Mowing | 6 | \$75 | \$450 |
| Preparation of Annual Monitoring Report | 8 | \$85 | \$680 |
| Annual Total | | | \$2,770 |

The performance criteria are identified below on Table A-2.

Table A-2. Performance Standards for Coastal Terrace Prairie within Conservation Parcel and Conservation Easement Areas, Fairway Drive Project.

| Preserve Area | Establishment Period (Years 1-5) | | | | | Years |
|---|----------------------------------|-----------------|-----------------|---------------|---------------|-------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | 6-10 |
| Conservation Parcel | | | | | | |
| Minimum percent cover of native plant species (average of all plots) | 40 | 40 | 50 | 50 | 50 | 70 |
| Maximum percent cover of invasive non-native plant species (average of all plots) | 5 | 5 | 5 | 5 | 5 | 5 |
| Species richness of prairie (native plant species) (average of all plots) | 5 | 6 | 7 | 7 | 7 | 7 |
| Conservation Easement Area | | | | | | |
| Prairie Transplant and Salvage Areas | | | | | | |
| Minimum percent cover of native grasses | 60% of baseline | 60% of baseline | 80% of baseline | ≥ to baseline | ≥ to baseline | 60 |
| Maximum percent cover of invasive non-native plant species | 5 | 5 | 5 | 5 | 5 | 5 |

* Performance standards may be modified based on baseline data collected in spring/summer 2000.

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

DATE: January 11, 2000
TO: Jackie Young, Project Planner
FROM: Paia Levine, Environmental Planning
SUBJECT: FUNDING FOR MANAGEMENT AND MONITORING OF BIOTIC
RESOURCE PARCEL, APPLICATION # 99-0288

The Planning Commission has asked about the funding mechanism for the management and maintenance of the Coastal Terrace Prairie to be preserved in the remainder parcel.

Firstly, there is the question of the amount of money it will take to manage the area. The project biologist has estimated the management tasks and cost per task. This information was reviewed by the Land Trust staff, who built in a 3% per year cost increase. (Attachment 1, letter of Laura Perry).

We have asked the County Biologist to review the estimate. He has commented that several tasks are not given adequate time in the budget. Specifically, reconnaissance monitoring of 125 monitoring plots, given only ten minutes each, results in 21 hours required for this task. The project estimate is 8 hours. Similarly, periodic site maintenance, which includes control of invasive plants, will require on the order of 40 hours labor, as opposed to the 8 hours budgeted per year. This is because control of Pampas Grass and other tenacious invasives typically takes multiple visits to apply pesticide or manually remove plants. An amended estimate, per Mr. Davilla's comments and adjusted to include County review fees of the annual report, is attached. Environmental Planning staff recommends using these amended numbers for estimating maintenance and management costs. See Attachment 2.

Note that a 20% contingency has been added to the budget. This is because the project biologist's estimate assumes that the performance criteria will successfully be met with no supplemental planting or other inputs. This may occur; however, it would not be typical and cannot be counted upon. Therefore the County biologist recommends contingency funds in case planting is required to reach the management plan goals, which include new native species in the community as well as increased density of existing native grasses. The contingency fund is to be maintained at \$8000.

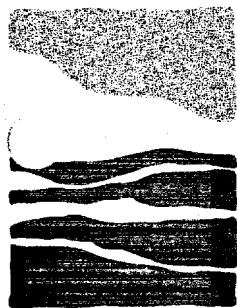
Secondly, the various legal agreements that will be required to create the remainder parcel preserve have not yet been drafted. The agreements are required, per the Negative Declaration mitigation measures, to be in place prior to filing of the map and accomplishment of the land division. We can anticipate, however, that the agreements will include the following:

- Preservation easement, recorded prior to or simultaneously with the map, that precludes development in perpetuity;
- An agreement to establish an endowment to pay for the management and

monitoring in perpetuity. Because annual costs may begin at \$6500 (Attachment 2) it is not feasible to require an endowment large enough to support the annual cost from interest alone. Alternatively, a smaller payment that would cover the first several to five years may be combined with a requirement to form a Homeowners Association. The Association would then be financially responsible for ongoing management. The documents that establish the Association would include language disclosing the approximate annual management fee, a requirement that the fee be paid one year in advance, and acknowledgment that the fee may increase due to unforeseen cost and that it is payable annually, in perpetuity. The document will also contain a remedy should future property owners default on payments; and

- A final version of the Habitat Mitigation and Management Plan that includes more specific contingency plans in case of failure to reach the success criteria. The Negative Declaration requires this plan to be reviewed and approved by the County prior to the map being filed. The plan has not formally been approved in its' current form.

These types of agreements have been used in other development projects, such as the biotic preservation easements at Graham Hill Showgrounds and on the Prescott parcel across Coyote Canyon road. The legal documents will be drafted by project Counsel and revised and approved by County Counsel prior to execution.



LAND TRUST OF SANTA CRUZ COUNTY

Office
734 Chestnut Street
Santa Cruz, CA 95060
(831) 429-6116
Fax (831) 429-1166
landtrust@ltscc.org
www.ltscc.org

Correspondence
Post Office Box 1287
Santa Cruz, CA 95061

Board of Trustees
John Barnes
Kenneth Coale
Robert C. Daney
F. 'Deck'
S. arnshaw
John Gilchrist
Bernard Goldner
Ron Hirsch
Richard Jahn
Ken Kimes
Bud McCrary
Melody Sharp
Sean Swezey
Lloyd Williams
Oliver Wright

Advisors
Peter Barr
Richard Beale
Pedro Castillo
Angie Christmann
Diane Cooley
Michael Corman
Ted Durkee
Leonard Moore
Pat Poulos
Alyce Prudden
Polly Raven
Ziggy Rendler-Bregman
Diane Ritch
Sally-Christine Rodgers
Robert Stephens
Robert Swenson

Executive Director
Laura Perry

Administrative Assistant
Claire Turner

DO NOT
INHERIT THE
LAND FROM
OUR ANCESTORS,
WE BORROW IT
FROM OUR
CHILDREN

December 31, 1999

Michael Zelter
261 Fourth Avenue
Santa Cruz, CA 95062

RE: FAIRWAY DRIVE HABITAT MANAGEMENT PLAN,
APPLICATION NO. 99-0288

Dear Michael:

In response to Planning Commissioners' request for further information regarding implementation of the Habitat Management Plan for the proposed coastal terrace prairie preserve at your Fairway Drive property, I have prepared the following:

The funding mechanism for the Land Trust's implementation of the Habitat Management Plan for the proposed preserve would be either a cash endowment from the project proponents or a combination of such an endowment with annual Homeowners' Association fees specifically dedicated to management of the preserve area.

In calculating long-term management costs, it is this organization's practice to assume a conservative annual inflation rate of three percent (3%) in order to assure adequate funds for land stewardship. Based upon Ms. Lyons' projected costs for annual monitoring and maintenance, I calculate the following schedule of total annual costs as adjusted for that 3% rate of inflation:

Year 1: Monitoring and management by project proponents 6545
Year 2: \$2,770.00 6741
Year 3: \$2,853.10 6943
Year 4: \$2,938.69 7151
Year 5: \$3,026.85 7366
Year 6: \$3,117.66 7587
Year 7: \$ 839.50 (management responsibilities only) ≈ 2550
Year 8: \$3,307.52 8049
Year 9: \$ 890.63 (management responsibilities only) ≈ 2705
Year 10: \$3,508.95 8539

Please contact me if you have any questions regarding this information.

Sincerely,

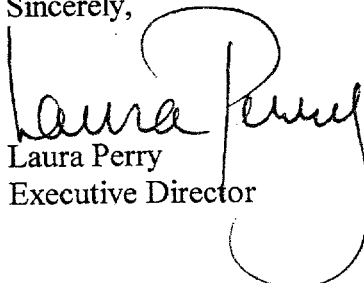

Laura Perry
Executive Director

EXHIBIT H

225

** revision 1/11/00*

Table A-1. Annual Monitoring Costs (starting in Year 2) for the Conservation Parcel and Conservation Easement Areas, Fairway Drive Project.

| Monitoring Tasks (3.1 acres) | Personnel Hours | Personnel Rate | Total |
|---|-----------------|----------------|--------------|
| Reconnaissance Monitoring (2) | 21 | \$85 | \$1785 |
| Quantitative Monitoring (1) | 8 | \$85 | \$850 |
| Periodic Site Maintenance | 40 | \$35 | \$1400 |
| Seasonal Mowing | 6 | \$75 | \$450 |
| Preparation of Annual Monitoring Report | 8 | \$85 | \$680 |
| Annual Total | 4 | \$72 | \$292 |

County Staff time (review)

Contingency (20%)

Annual Total

The performance criteria are identified below on Table A-2.

1088

6545

Table A-2. Performance Standards for Coastal Terrace Prairie within Conservation Parcel and Conservation Easement Areas, Fairway Drive Project.

| Preserve Area | Establishment Period (Years 1-5) | | | | | Years |
|---|----------------------------------|-----------------|-----------------|---------------|---------------|-------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | 6-10 |
| Conservation Parcel | | | | | | |
| Minimum percent cover of native plant species (average of all plots) | 40 | 40 | 50 | 50 | 50 | 70 |
| Maximum percent cover of invasive non-native plant species (average of all plots) | 5 | 5 | 5 | 5 | 5 | 5 |
| Species richness of prairie (native plant species) (average of all plots) | 5 | 6 | 7 | 7 | 7 | 7 |
| Conservation Easement Area | | | | | | |
| <i>Prairie Transplant and Salvage Areas</i> | | | | | | |
| Minimum percent cover of native grasses | 60% of baseline | 60% of baseline | 80% of baseline | ≥ to baseline | ≥ to baseline | 60 |
| Maximum percent cover of invasive non-native plant species | 5 | 5 | 5 | 5 | 5 | 5 |

* Performance standards may be modified based on baseline data collected in spring/summer 2000.

range allowed by the General Plan density designation.
No matrix calculation shall be required for this purpose.

(b) **Processing Levels.**

Minor Lot Line Adjustment applications shall be processed at Level III pursuant to Chapter 18.10.112(a)3. All other Lot Line Adjustment applications outside the Coastal Zone shall be processed at Level IV pursuant to County Code Section 18.10.112(a)4 and all other Lot Line Adjustment applications within the Coastal Zone shall be processed at Level V pursuant to County Code Section 13.20.100(a). Notwithstanding the foregoing, Section 18.10.123(b) of the County Code shall apply.

(c) **The following findings shall be required for approval of a Lot Line Adjustment application:**

1. The Lot Line Adjustment will not result in a greater number of parcels than originally existed.
2. The Lot Line Adjustment conforms with the County Zoning Ordinance (including, without limitation, County Code Section 13.10.673) and the County Building Ordinance (including, without limitation, County Code Section 12.01.070).
3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code Section 13.10.230.

(d) **The following additional finding shall be required for approval of a Minor Lot Line Adjustment application: The Lot Line Adjustment conforms to the definition for a Minor Lot Line Adjustment set forth in County Code Section 14.01.105-L.**

(e) **Conditions of Approval for Lot Line Adjustment Applications.**

The approval of a Lot Line Adjustment application shall be conditioned as necessary to require conformity with the County Zoning Ordinance and County Building Ordinance, or to facilitate the relocation of existing utilities, infrastructure, or easements. The Lot Line Adjustment shall be accomplished by a grant deed which shall be recorded. No record of survey shall be required for a Lot Line Adjustment unless required by Section 8762 of the Business and Professions Code. (Ord. 4281, 12/14/93)

→ **14.01.107.6 DESIGNATED REMAINDER AND OMITTED PARCELS.**

(a) When a subdivision is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. If the subdivider elects to designate a remainder parcel or to omit a parcel, the following requirements shall apply:

1. The designated remainder or omitted parcel shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.

2. For a designated remainder or omitted parcel described in this subdivision, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be requirement until a permit or other grant of approval for development of the remainder parcel is issued by the County of until the construction of the improvements, including the payment of fees associated with any deferred improvements, is required pursuant to an agreement between the subdivider and the County. In the absence of that agreement, the Approving Body may require fulfillment of the construction requirements, including the payment of fees associated with any deferred improvements, within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding that fulfillment of the construction requirements is necessary for reasons of:

A. The public health and safety; or

B. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(b) The provisions of subdivision (a) providing for deferral of the payment of fees associated with any deferred improvements shall not apply if the designated remainder or omitted parcel is included within the boundaries of a benefit assessment district or community facilities district.

(c) A designated remainder or an omitted parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, provided that a conditional certificate of compliance is first obtained from the County.

14.01.108 PARCEL LEGALITY STATUS DETERMINATION. Whether a particu-

lar parcel has the status of being a legal parcel shall be determined by consideration of whether the parcel is:

(a) entitled to a Certificate of Compliance pursuant to Section 14.01.109.

(b) combined with another parcel by action of an owner, pursuant to Section 14.01.110; or

(c) merged with another parcel pursuant to Section 14.01.111.

(d) in violation of the Subdivision Map Act or the Santa Cruz County Subdivision Ordinance pursuant to Section 14.01.112;

(Amended by Stats. 1976, Ch. 660.)

66424. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in subdivision (f) of Section 135 1 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 135 1 of the Civil Code.

(Amended by Stats. 1982, Ch. 87. ~~Effective~~ March 1, 1982; Amended by Stats. 1992, Ch. 400; Amended by Stats. 1994, Ch. 458.)

66424.1. Nothing in Section 46424 shall prevent a purchaser of a unit of land created under the provisions of this division or a local ordinance enacted pursuant thereto, from subdividing the land one or more times, pursuant to the provisions of this division prior to the time that an equalized county assessment roll has been completed reflecting the creation of the unit proposed to be subdivided.

Nothing contained in this chapter shall prevent the same subdivider of a unit of land created under the provisions of this division, or a local ordinance enacted pursuant thereto, from making consecutive subdivisions of the same parcel or any portion thereof.

Further, local agencies shall not, by ordinance or policy, prohibit consecutive subdivision of the same parcel or any portion thereof either by the same subdivider or a subsequent purchaser because the parcel was previously subdivided.

Nothing contained in this section shall limit the authority of a local agency to impose appropriate conditions or requirements on the consecutive subdivisions.

(Amended by Stats. 1977, Ch. 234. Effective July 7, 1977; Amended by Stats. 1986, Ch. 35.)

66424.5. (a) "Tentative map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

(b) "Vesting tentative map" refers to a map which meets the requirements of subdivision (a) and Section 66452.

(Amended by Stats. 1984, Ch. 11 13. Operative January 1, 1986. See note following Section 66498.1.)

→ 66424.6. (a) When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. If the subdivider elects to designate a remainder, the following requirements shall apply:

(1) The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required.

(2) For a designated remainder parcel described in this subdivision, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred

improvements, shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the local agency or, where provided by local ordinance, until the construction of the improvements, including the payment of fees associated with any deferred improvements, is required pursuant to an agreement between the subdivider and the local agency. In the absence of that agreement, a local agency may require fulfillment of the construction requirements, including the payment of fees associated with any deferred improvements, within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the local agency that fulfillment of the construction requirements is necessary for reasons of:

(A) The public health and safety; or

(B) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(b) If the subdivider elects to omit all or a portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing, the omitted portion shall not be counted as a parcel for purposes of determining whether a parcel or final map is required, and the fulfillment of construction requirements for offsite improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development is issued on the omitted parcel, except where allowed pursuant to paragraph (2) of subdivision (a).

(c) The provisions of subdivisions (a) and (b) providing for deferral of the payment of fees associated with any deferred improvements shall not apply if the designated remainder or omitted parcel is included within the boundaries of a benefit assessment district or community facilities district.

(d) A designated remainder or any omitted parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the local agency may require a certificate of compliance or conditional certificate of compliance.

(Added by Stats. 1979, Ch. 383; Amended by Stats. 1985, Ch. 1504; Amended by Stats. 1991, Ch. 907.)

COASTAL TERRACE PRAIRIE HABITATS TO BE IMPACTED AND PRESERVED, FAIRWAY DRIVE PROJECT, SOQUEL, CA

EXISTING DEVELOPMENT PLAN

Summary: This plan creates a Conservation Parcel with 2.83 acres of coastal terrace prairie. The majority of this area is moderate density prairie (1.93 acres), with a lesser amount of high-density prairie (0.90 acre). In addition, the parcel preserves approximately 0.27 acre of non-native grassland. The non-native grassland and the prairie will be managed to control non-native plant species and promote the growth of native plant species. The septic lines for Lots 1 and 2 will be placed into conservation easements. High and moderate density prairie (totaling 0.26 acre) will be preserved and managed within these easements.

| Development Area | Existing Coastal Terrace Prairie (acres) | | | Non-Native Grassland |
|---|--|--|------------------|----------------------|
| | High Density (native grass stands) | Moderate Density (mixed grass stands) | Prairie Subtotal | |
| Permanent Impacts to Coastal Terrace Prairie | | | | |
| Lot 1 | 0.05 | 0.44 | 0.49 | 0.60 |
| Lot 2 | 0.16 | 0 | 0.16 | 0.61 |
| Lot 3 | 0.11 | 0.02 | 0.13 | 0.81 |
| Lot 4 | 0.06 | 0.06 | 0.12 | 0.97 |
| TOTALS | 0.38 | 0.52 | 0.90 | 2.99 |
| Temporary Impacts / Preserved in Conservation Easements | | | | |
| Lot 1 Septic | 0.02 | 0.11 | 0.13 | 0 |
| Lot 2 Septic | 0.13 | 0 | 0.13 | 0 |
| TOTALS | 0.15 | 0.11 | 0.26 | 0 |
| Preservation of Coastal Terrace Prairie in Conservation Parcel | | | | |
| Parcel A | 0.75 | 1.82 | 2.57 | 0.27 |
| TOTAL PRAIRIE AND GRASSLAND PRESERVED (Within Conservation Parcel and Conservation Easement Areas) | 0.90 | 1.93 | 2.83 | 0.27 |

REVISED DEVELOPMENT PLAN OPTION A, DELETION OF LOT 1

Summary: The elimination of Lot #1 would add 1.27 acres to the Conservation Parcel. The majority of this area is low quality non-native grassland (0.60 acre) that requires management to control non-native plant species. An additional 0.55acre of moderate density prairie and 0.07 acre of high-density prairie would also be added to the conservation parcel. The septic lines for Lot 2 will be placed into a conservation easement. High-density prairie (totaling 0.13 acre) will be preserved and managed within this easement.

In comparison to the Existing Development Plan, this option results in a Conservation Parcel/Conservation Easements with 3.32 acres of coastal terrace prairie. It also increases the amount of non-native grassland that must be managed to control non-native/invasive plant species.

| Development Area | Existing Coastal Terrace Prairie (acres) | | | Non-Native Grassland |
|---|--|--|------------------|----------------------|
| | High Density (native grass stands) | Moderate Density (mixed grass stands) | Prairie Subtotal | |
| Permanent Impacts to Coastal Terrace Prairie | | | | |
| Lot 1 | 0 | 0 | 0 | 0 |
| Lot 2 | 0.16 | 0 | 0.16 | 0.61 |
| Lot 3 | 0.11 | 0.02 | 0.13 | 0.81 |
| Lot 4 | 0.06 | 0.06 | 0.12 | 0.97 |
| TOTALS | 0.33 | 0.08 | 0.41 | 2.39 |
| Temporary Impacts / Preserved in Conservation Easements | | | | |
| Lot 1 Septic | 0 | 0 | 0 | 0 |
| Lot 2 septic | 0.13 | 0 | 0.13 | 0 |
| TOTALS | 0.13 | 0 | 0.13 | 0 |
| Preservation of Coastal Terrace Prairie in Conservation Parcel | | | | |
| Parcel A | 0.82 | 2.37 | 3.19 | 0.87 |
| TOTAL PRAIRIE AND GRASSLAND PRESERVED (Within Conservation Parcel and Conservation Easement Areas) | 0.95 | 2.37 | 3.32 | 0.87 |

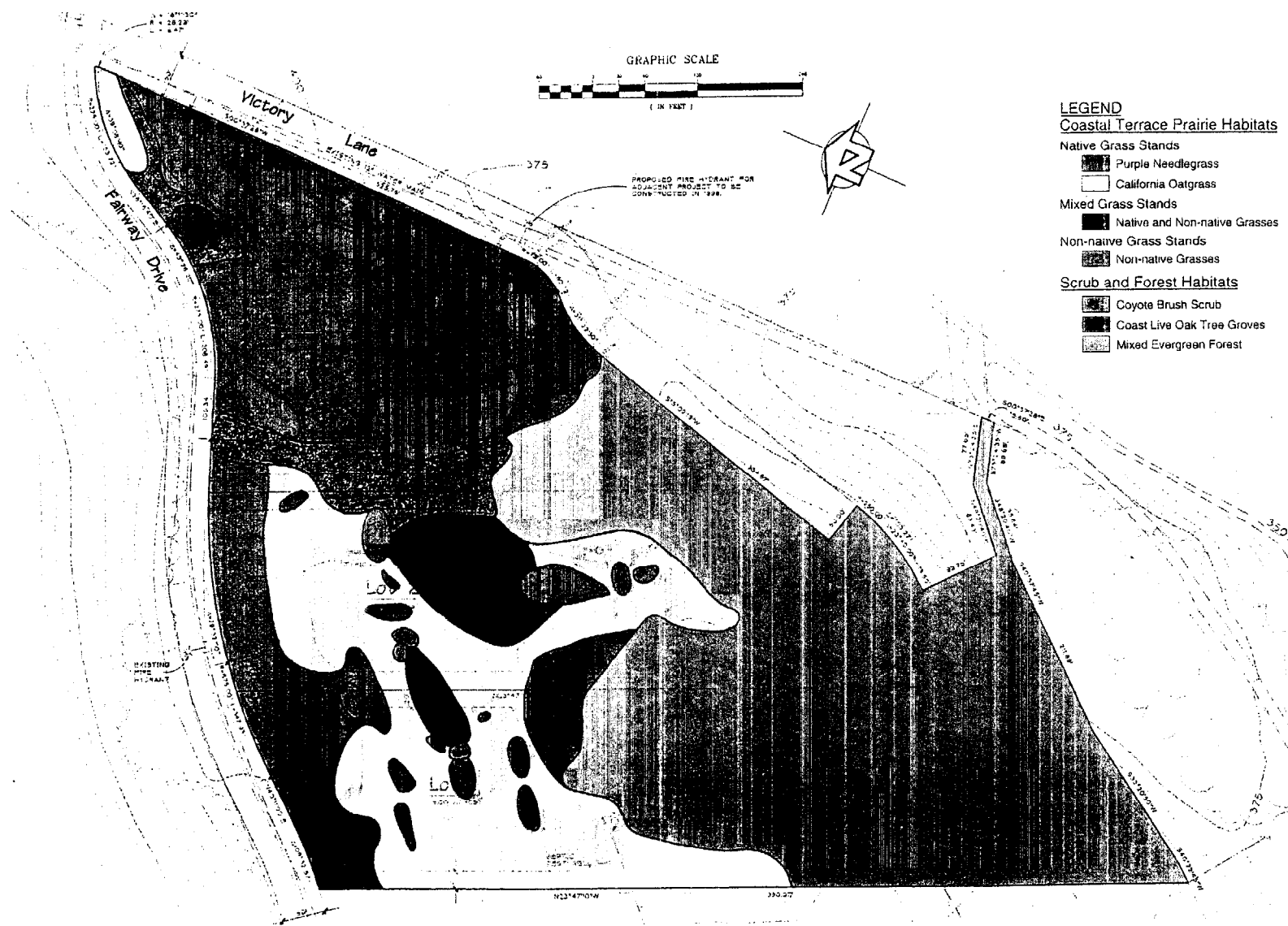
REVISED DEVELOPMENT PLAN**OPTION B – ADDITION OF HIGH AND MODERATE PRAIRIE INTO CONSERVATION EASEMENTS (LOTS 1, 2 AND 3)**

Summary: This alternative retains the same lot lines as the existing development plan but imposes conservation easements on prairie habitat that abuts the Conservation Parcel. As the conservation easement areas will be managed and protected as if they are part of the conservation parcel; an additional 0.32-acre of prairie will be preserved (0.14 acre of high density and 0.18 acre of moderate density). An additional 0.14-acre of non-native grassland will also be preserved. The non-native grassland and the prairie will be managed to control non-native plant species and promote the growth of native plant species. As with the Existing Development Plan, the septic lines for Lots 1 and 2 will be placed into conservation easements, High and moderate density prairie (totaling 0.26 acre) will be preserved and managed within these easements.

In comparison to the Existing Development Plan, this option results in a Conservation Parcel/Conservation Easements with 3.15 acres of coastal terrace prairie. It also increases the amount of non-native grassland that must be managed to control non-native/invasive plant species.

| Development Area | Existing Coastal Terrace Prairie (acres) | | | Non-Native Grassland |
|---|--|--|------------------|----------------------|
| | High Density (native grass stands) | Moderate Density (mixed grass stands) | Prairie Subtotal | |
| Permanent Impacts to Coastal Terrace Prairie | | | | |
| Lot 1 | 0.05 | 0.26 | 0.31 | 0.62 |
| Lot 2 | 0.04 | 0 | 0.04 | 0.60 |
| Lot 3 | 0.09 | 0.02 | 0.11 | 0.70 |
| Lot 4 | 0.06 | 0.06 | 0.12 | 0.97 |
| TOTALS | 0.24 | 0.34 | 0.58 | 2.89 |
| Temporary Impacts / Preserved in Conservation Easements | | | | |
| Lot 1 Septic | 0.02 | 0.11 | 0.13 | 0 |
| Lot 2 Septic | 0.13 | 0 | 0.13 | 0 |
| TOTALS | 0.15 | 0.11 | 0.26 | 0 |
| Preservation of Coastal Terrace Prairie in Conservation Easements | | | | |
| Lot 1 | 0 | 0.18 | 0.18 | 0.02 |
| Lot 2 | 0.12 | 0 | 0.12 | 0.01 |
| Lot 3 | 0.02 | 0 | 0.02 | 0.11 |
| TOTALS | 0.14 | 0.18 | 0.32 | 0.14 |
| Preservation of Coastal Terrace Prairie in Conservation Parcel | | | | |
| Parcel A | 0.75 | 1.82 | 2.57 | 0.27 |
| TOTAL PRAIRIE AND GRASSLAND PRESERVED (Within Conservation Parcel and Conservation Easement Areas) | 1.04 | 2.11 | 3.15 | 0.41 |

234



Biotic Resources Group
P.O. Box 14 • Santa Cruz, CA 95063

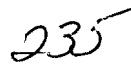
Fairway Drive, Santa Cruz County
Botanical Resource Map

Figure 2
10/98
104-01

ATTACHMENT

EXHIBIT A

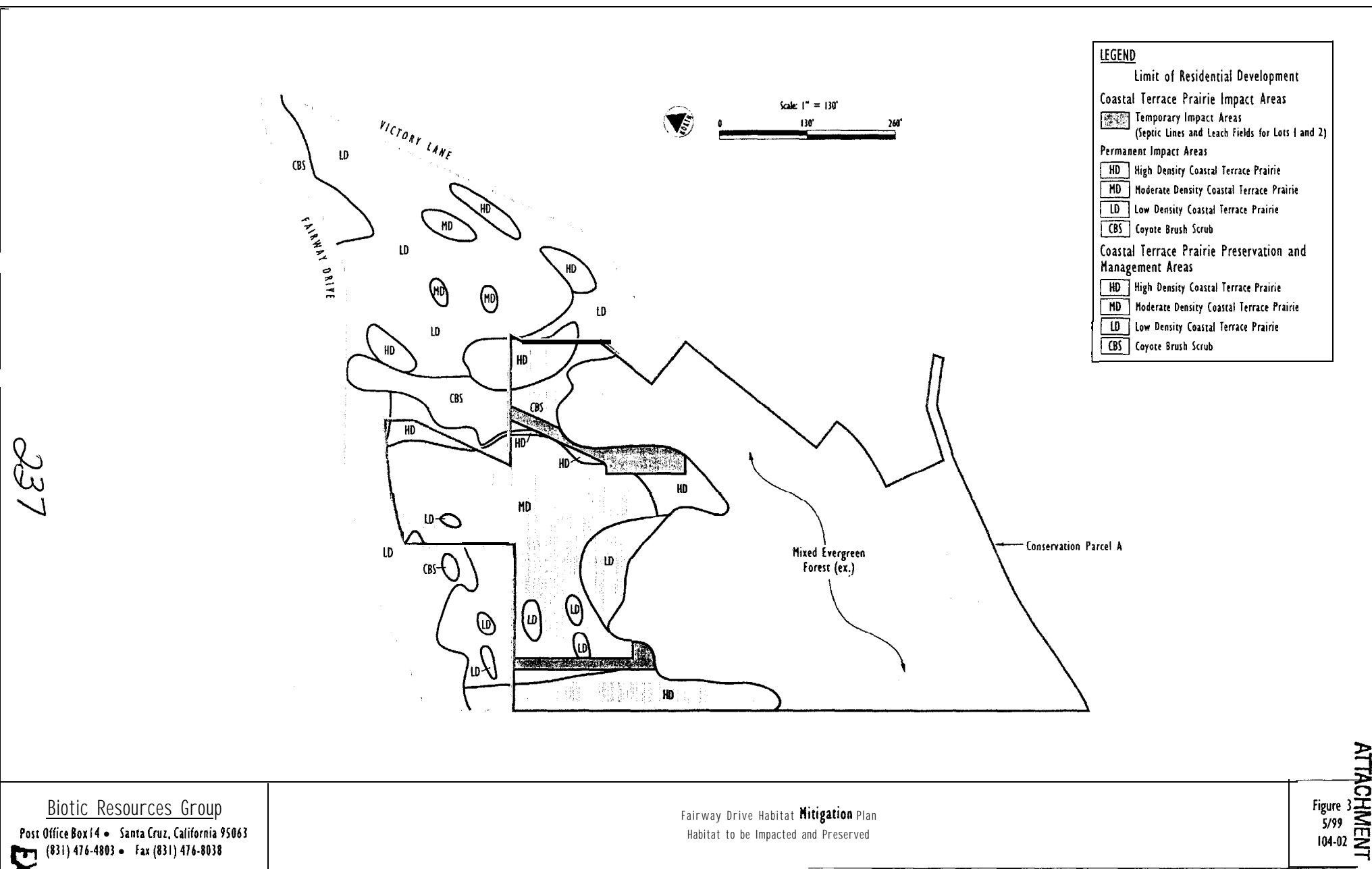
* COLORED MAP AVAILABLE:
JACKIE YOUNG (831) 454-3181



Biotic Resources Group
P.O. Box 14 • Santa Cruz, CA 95063

237

EXHIBIT A



Biotic Resources Group

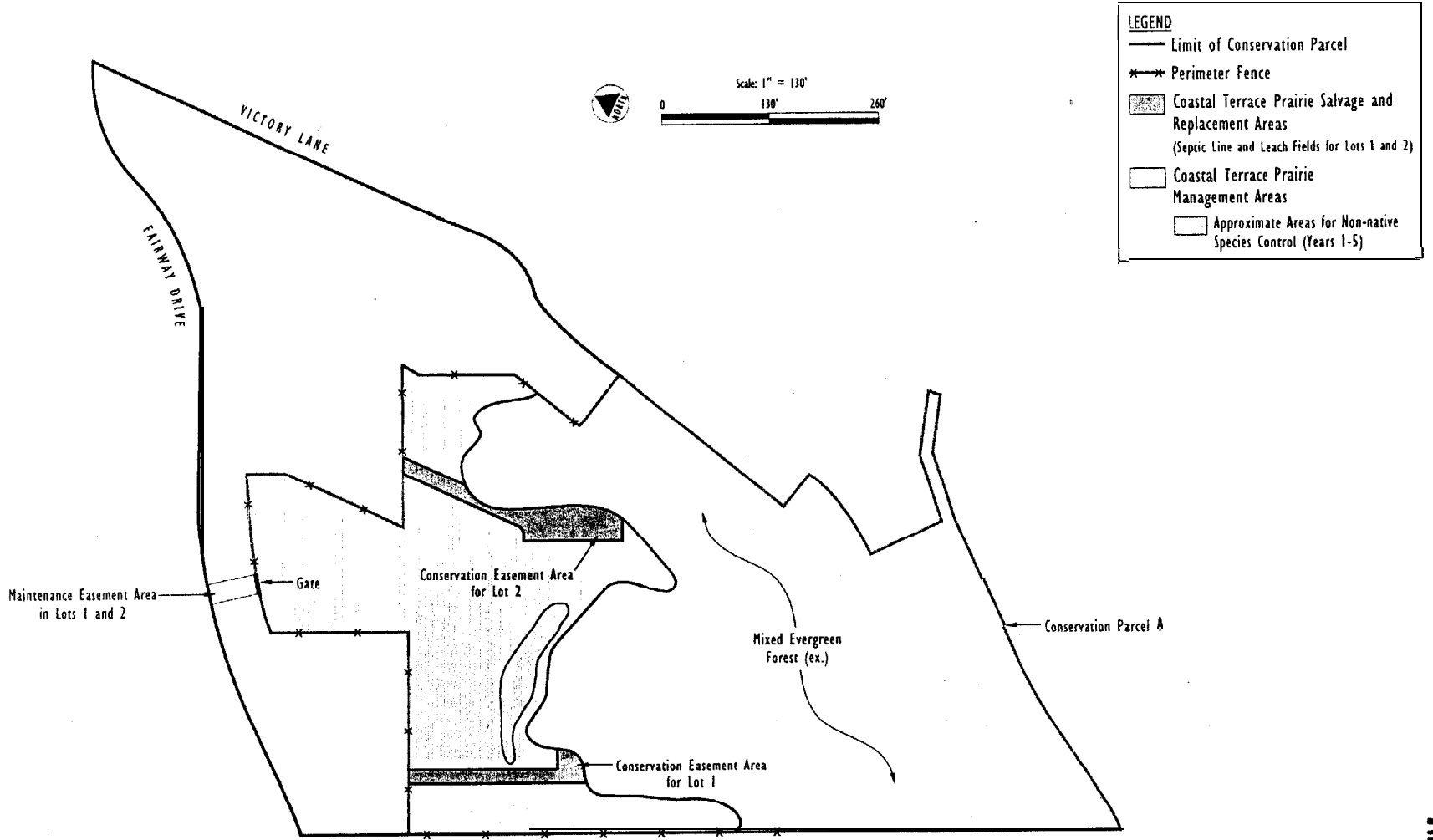
Post Office Box 14 • Santa Cruz, California 95063
(831) 476-4803 • Fax (831) 476-8038

Fairway Drive Habitat Mitigation Plan
Habitat to be Impacted and Preserved

Figure 3
5/99
104-02

ATTACHMENT

* COLORED MAP AVAILABLE:
DACKIE YOUNG (831) 454-3181



238

Biotic Resources Group

Post Office Box 14 • Santa Cruz, California 95063
(831) 476-4803 • Fax (831) 476-8038

**Fairway Drive Habitat Mitigation Plan
Habitat Management Areas**

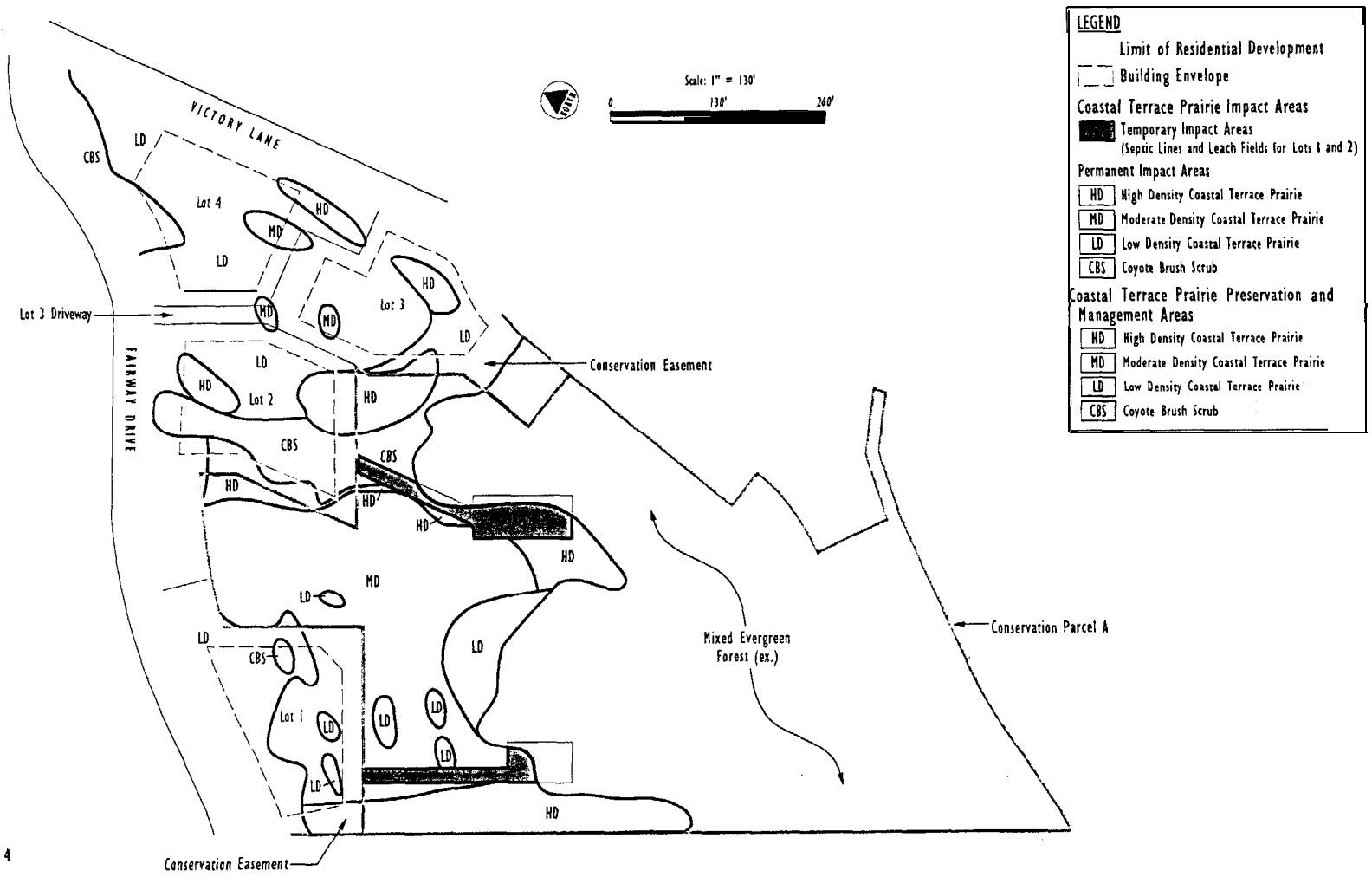
ATTACHMENT 1
Figure 1
5/99
104-02

5

* COLORED MAP AVAILABLE:
JACKIE YOUNG (831) 454-3181

EXHIBIT A

239



Note: Location of driveways for lots 1, 2 and 4 to be submitted with house plans.

Biotic Resources Group
Post Office Box 14 • Santa Cruz, California 95063
(831) 416.4803 • 476-8038

Fairway Drive Habitat Mitigation Plan
Habitat to be Impacted and Preserved, Option B

Figure A-2
1/00
104-02

ATTACHMENT 5

*COLORED MAP AVAILABLE:
JACKIE YOUNG (831) 454-3181

EXHIBIT L

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

DATE: January 14, 2000
TO: Jackie Young, Project Planner
FROM: Paia Levine, Environmental Planning
SUBJECT: ANALYSIS OF TWO REVISED SITE PLANS

INTRODUCTION:

This is a summary of the relative benefits to the native grasslands of the two different scenarios that have been proposed. The Planning Commission has asked about the removal of Lot 1, and the applicant has proposed an alternative that keeps Lot 1 but that adds a conservation easement on Lots 1, 2, and 3. Staff has consulted with the County Biologist, Bill Davilla, in formulating the following summary.

GRASSLAND AREA GAINED IN EACH PROPOSAL:

The amount of grassland area gained in each proposal, and the type of grassland gained, are but two factors in weighing the two proposals, and they are not the most important. However, to summarize the numbers

1. The original plan resulted in a "permanent" loss of .90 acres of prairie. Deleting Lot 1 decreases this loss to .41 acres, which is a 55% decrease in loss. The alternative proposal with easements decreases the loss to .58 acres, which is a 36% decrease from the original proposal. From a strictly quantitative perspective, the deletion of Lot 1 preserves more of the habitat than adding the conservation easements.
2. There is a difference in the type of habitat each proposal conserves. Deleting Lot 1 saves more grassland overall, but proportionately more "moderate density" (mixed native/non native) grassland and less "high density" (mostly native) grassland than that preserved with the easements. The easement scenario preserves some of the high density area, though more moderate density area is lost. Comparison as follows:
Deleting Lot 1- .33 acres high density lost, .08 moderate density lost
Easements- .24 acres high density lost, .34 moderate density lost.

COMPARISON OF THE MERITS OF THE TWO PROPOSALS:

Of greater importance than this distinction between high and moderate density grassland is the amount of fragmentation in the habitat. In general, the survival of a plant community is enhanced by size and a high degree of contiguity. The scenario that deletes Lot 1 results in a more contiguous preservation parcel than the easement proposal. There is a smaller ratio of "edge" to interior space, which means less of the habitat is exposed to influences on the other

side of the boundary . On the other hand, the easement proposal has a greater proportion of "edge", the building envelopes directly border the easement area (no buffer), and the native areas are more fragmented. From the standpoint of ecological restoration the deletion of Lot 1 creates a more desirable situation.

Regarding particular plant species, the deletion of Lot 1 adds approximately half an acre of *Danthonia* (California native oat grass) to the preserve parcel, and also eliminates the disturbance associated with the septic field inside the preservation parcel. There is also the possibility that the non native area adjacent to the *Danthonia* could improve over time, especially with added effort such as ripping the ground.

The easement proposal adds both *Danthonia* and *Nassella pulchra* (purple needle grass). The needle grass, however, is in close proximity to building sites. Because the needle grass is a dry land species that is vulnerable to indirect impacts caused by irrigation, it may not be successfully protected even though it is in an easement. Over time nearby irrigation can lead to changes in the soil that can cause it to be inhospitable (too friable) to support needle grass against invading species.

CONCLUSION:

Mr. Davilla has stated that, from the perspective of conserving grassland, for the reasons given above the elimination of Lot 1 is a superior alternative compared to the easement proposal. However the Planning Commission decides among the alternatives, it would be helpful to native grassland management and improvement to condition the lot owners to landscape only with compatible species. This would include plants that are not invasive, do not have excessive seed rain, and do not involve irrigation in proximity to stands of *Nassella*. Any conservation easements should be fenced and, via easement, managed as part of Parcel A.

Judy Parsons
4453 Fairway Drive
Soquel, CA 95073
476-1871

(2) photos
(8) polaroids
(4) cut-outs
Laura Perry's card

To: Jackie Young, Planning Department

Re: Proposed Minor Land Division
H2, 99-0288, APN: 040-012-12

12-B Parsons 12-G Sweet
12-B Herdocia 12-4 Gerard
12-B Herring 12-1 Sylvia
12-B Parsons new 12-16
12-B Miranda witherspoon
12-B Wolf

On behalf of the Upper Monterey Bay Heights neighbors, I would like to make the following requests:

✓ 1. Please provide all documents not included in the final staff report. Include all letters to the commission as well as any written comments that were turned in at the December 8 Planning Commission hearing..

✓ 2. Provide the results of all septic percolation tests performed on proposed lots 1 and 2.

color

✓ 3. Provide any documentation regarding secondary right of way access on Coyote Canyon and Victory Lane submitted by the developers.

✓ 4. Provide a copy of the color plot maps that the commissioners were shown at the public hearing.

5. Also provide copies of the sections of County Code you are relying on to support your decisions re prairie grass; secondary access; parcel averaging; the rural density matrix determination, especially what constitutes an important view; including any language that guarantees developers the numbers of lots determined by the preliminary evaluation; the siting of septic systems and why these five lots are considered a Minor Land Division and not a Subdivision.

2.3.3

5.1.5 # 16.32

13.14.030 (a)

26.5.10

8.10.1

13.14

no guarantee

Vol. I

(See #16)

3rd Floor

7.38

14.01.107.6 # 66424.6

We need this information before January 3 to prepare for our Upper Monterey Bay Heights Neighbors meetings. Please let me know when it will be available. I can pick it up from your office if necessary.

Sincerely,

Judy Parsons

Judy Parsons

cc: Jan Beautz and Katherine Sweet

Bob Lotay

- (e) res's have pits.
- first 5-10' are clay &
- silty, sand soils towards rear.
- p. 5 (C.3)

Dec.16, 1999

to: County of Santa Cruz Planning Commissioners

ATTACHMENT

5

Dear Commissioners,

As a resident of Fairway Dr. I would like to express my concern regarding the lot split Proposal located at the southwest corner of Fairway Dr. and Coyote Canyon. If this proposal is approved it will adversely effect the "Character of the neighborhood" which is an aspect of the code in which the Commission has some discretionary power.

I would describe the "Character" of the acreage zoned portion of Fairway Dr. as having a semi - rural feeling where the houses are set on relatively large parcels (relative to city lot sizes). Single family homes are separated by large areas and set back far off the road (i.e. over 100 ft. in most cases). To describe the "Character" more quantitatively I have attached copies of parcel maps 40-44 and 40-01 and two Tables which indicate the acreage and square footage of the houses in this area (taken from the County Assessors records*).

I have separated the lots immediately adjacent to Fairway dr. in Table 1 from the other acreage properties in the area because the properties listed in Table 1 are the properties you actually see from Fairway Dr. and thus define the "Character" of the open acreage. However, I think by studying Table 2 you can see that other acreage properties in the area also support my original description.

The average parcel in Table 1 is 2.83 acres and the average square footage house /parcel is 3302.5 square feet. The proposed lots are less than half the size of the average existing parcel! The potential house size is almost double the average existing size house. The average distance of the existing homes from the road is 2 1/2 times the proposed front set back. Qualitatively and quantitatively this proposal does not honor the neighborhood "Character".

Another of my concerns involves the Land Trust donation. All of the acreage parcels around Fairway Dr. have some unusable land. Unusable acreage has always been divided up in our neighborhood to create large parcels. That may mean that there are less build able lots but that also defines the open space and "Character" of our neighborhood. Is it fair to the current residents that these new properties are not held to the same criteria? Does this open the door for me to donate my none usable acreage to the Land Trust? How will this impact tax revenues? Will the neighborhood have access to this Land? These are all questions of fairness and land use which need to be addressed.

Part of the beauty of our County is that we have so much open space close to our towns. We need to control growth. Natural resources such as water and power are becoming increasingly scarce. One way of limiting growth is to preserve our large parcels. Do not allow these open spaces to be split into smaller and smaller pieces.

Sincerely,



Claire Witherspoon
4090 Fairway Dr.

cc-Jan Beutz
Katherine Sweet

243

EXHIBIT N

Table I
Parcels Immediately Adjacent to Fairway dr.

| <u>address</u> | <u>parcel #</u> | <u>acreage in acres</u> | <u>sq. ft. of house</u> | <u>distance of * house from road</u> |
|---------------------|-------------------|-----------------------------|-----------------------------|--|
| 3920 Fairway | 040-44 1-05 | 2.27 | 5286 | >100ft |
| ----- " | 040-441-06 | 2.53 | | ----- |
| 4090 " | 040-441-12 | 3.6 | 3257 | >100ft |
| 4096 " | 040-012-02 | 2.99 | 2969 | >100ft |
| 4110 " | 040-O 12-02 | 2.28 | 2735 | >100ft |
| 4134 " | 040-012-03 | 2.19 | 2912 | >100ft |
| 4200 " | 040-O 12-04 | 3.12 | 4440 | <100ft |
| 100 Bay | 040-012-05 | 3.32 | 2866 | >100ft |
| <u>4330 Fairway</u> | <u>040-012-11</u> | <u>3.18</u> | <u>1955</u> | <u><00ft</u> |
| | averages= | 2.83 | 3303 | >100ft |

*measurements taken by C. Witherspoon

~~Table 2~~
Near by Acreage Parcels

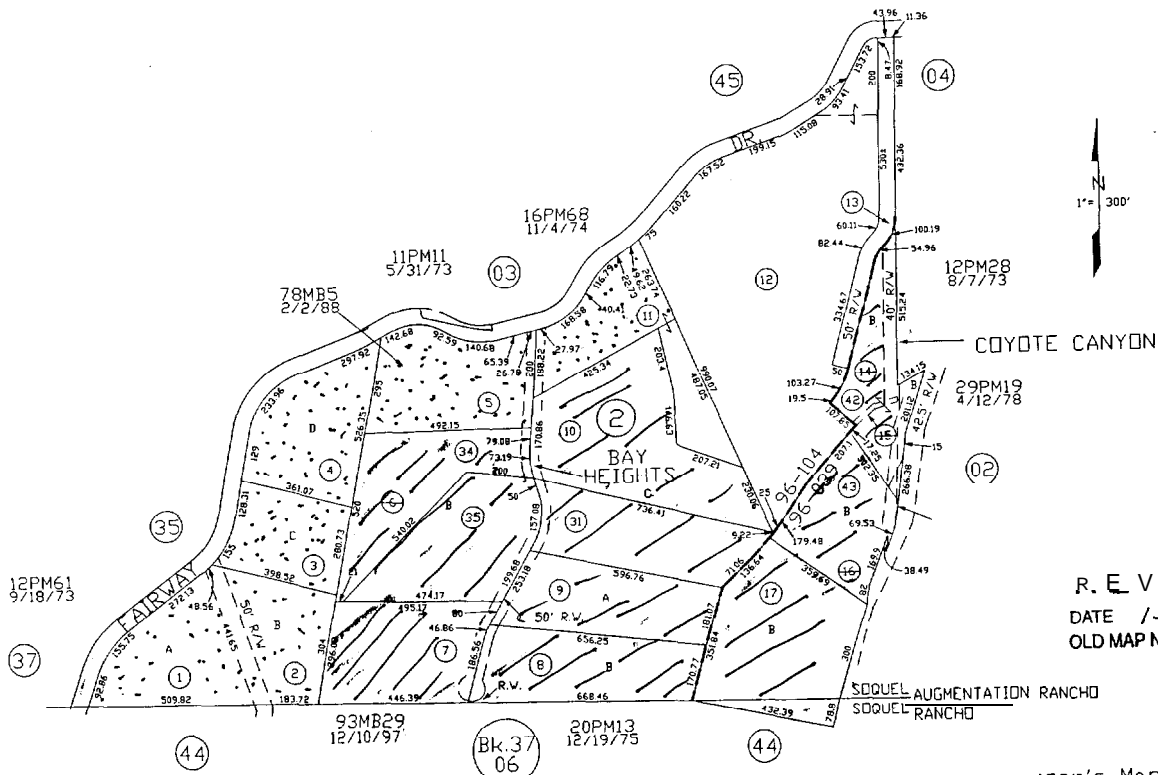
| <u>address</u> | <u>parcel #</u> | <u>acres</u> | <u>sq. ft.</u> |
|-------------------|-------------------|--------------|----------------|
| 3770 Faye | 040-441-04 | 1.92 | 2313 |
| 3780 Falconer | 040-441-07 | 2.6 | 2980 |
| 3775 " | 040-441-08 | 2.55 | 3391 |
| 3800 " | 040-441-10 | 3.2 | 1988 |
| 4 100 Fairway | 040-44 1- 11 | 2.5 | 1508 |
| 1 10 Bay Heights | 040-012-34 | 3.12 | 1410 |
| 105 " " | 040-012-35 | 3.39 | 1344 |
| 134 " " | 040-O 12-07 | 3.31 | 2496 |
| " " | 040-012-1 0 | 5.11 | 1860 |
| 125 " " | 040-012-31 | 3.15 | 1880 |
| 129 " " | 040-012-09 | | |
| 139 " " | 040-012-08 | 3.12 | 5005 |
| 3821 Coyote Cany. | 040-012-42 | 2.6 | 2495 |
| 3737 " " | 040-012-43 | 2.56 | 1332 |
| 3661 " " | 040-012-1 7 | 4.43 | 1554 |
| 3581 " " | 040-442-01 | 3.9 | 1756 |
| 3501 " " | 040-442-02 | 3.99 | 2463 |
| <u>3420 " "</u> | <u>040-442-04</u> | <u>4.34</u> | <u>768</u> |
| | averages= | 3.33 | 2190 |

ISES ONLY
AP. ACCURACY NOT ASSUMES ANY
COULDED ALL RIGHTS RESERVED
77 ASSESSOR 1997

POR. SOQUEL AUGMENTATION & SOQUEL RANCHOS
SEC, 2, T.11S., R.1W., M.D.B.&M.

Tax Area Code
96-039 96-104

40-01



R.E.V.I.S.E.D
DATE 1-19-99
OLD MAP NO. 40-01

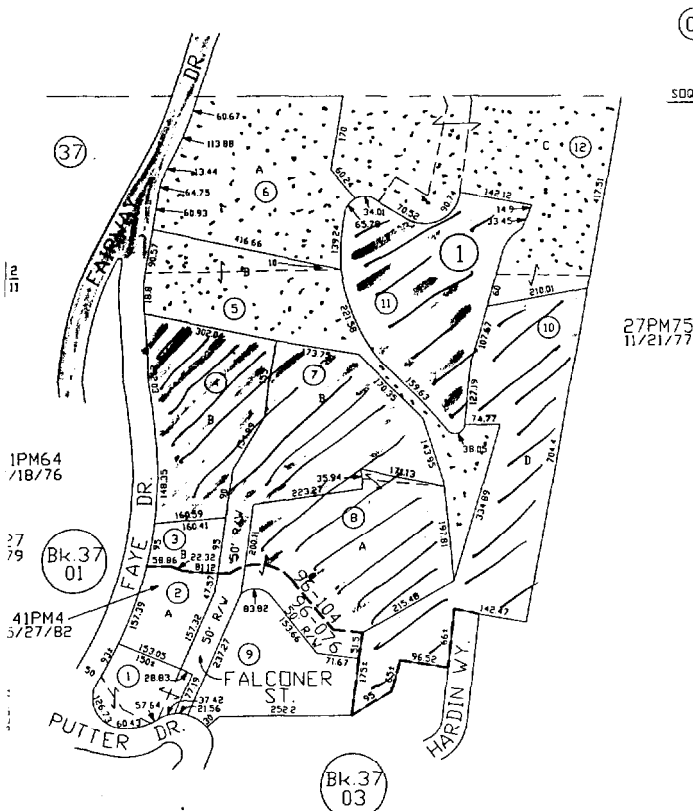
Assessor's Map No. 40-01
County of Santa Cruz, Calif
Dec., 1997

Note - Assessor's Parcel Block &
Lot Numbers Shown in Circles.

TAX PURPOSES ONLY
OR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
R OTHER USES NOT TO BE REPRODUCED ALL RIGHTS RESERVED
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

POR. SOQUEL AUGMENTATION AND SOQUEL RANCHOS
SECS. 2 & 11, T.11S., R.1W., M.D.B. & M.

Tax Area Code
96-104 96-039
96-111 96-076

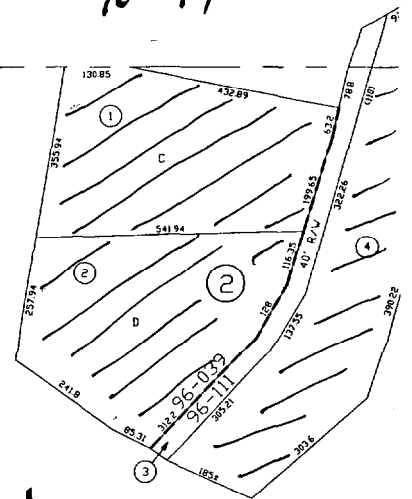


SOQUEL AUGMENTATION RANCHO
SOQUEL RANCHO

Bk.37
06

27PM75
11/21/77

40-44



☐ = Table 1
☐ = Table 2
☐ = Fairway Dr.

REVISED
DATE 4-28-98
OLD MAP NO. 40-44

Assessor's Map No.
County of Santa Cruz
Dec., 1997

Note Assessor's Parcel Block &
Lot Numbers Shown in Circles.

245

EXHIBIT N

12/9/99

Jackie -

Please forward copies (included) to the
Planning Committee (Chairperson + members = total 5)
and a copy for yourself.

Thank you,

Derek Wolf.

24/6

Derek Wolf
4457 Fairway Drive
Soquel, Ca. 95073

December 8, 1999

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, Ca. 95060

- Application No. 99-0288
- Apn: 040-012-12

Dear Chairperson and Members of the Planning Committee,

First of all, I would like to commend the Committee for taking an interest in the neighbor's point of view and asking pertinent questions during the public hearing this afternoon.

I had every intention of addressing the following issues, but could not get my nerve up to speak publicly. I am addressing my concerns in this letter and I hope I am clear and concise with my thoughts.

I have lived at 4457 Fairway Drive for approximately 10 years. The beauty of the surrounding neighborhood was paramount in my decision in choosing my residence. As this afternoon's meeting can attest, there is often confusion and misleading information. One of my main goals is for the final outcome to be beneficial for the neighborhood. Many residents have lived here for decades and deserve to be heard and their concerns addressed. Many times, projects are approved, and the end results are a far cry from their original concept. I would hate for any proposed plan be implemented and then be altered during the course of construction. It is not uncommon for an individual to map out a remodel plan, and then change it as new ideas and visions are discovered. I would hope that any approved plan stay true to the original concept. There is great concern that two recent developments in the nearby area changed drastically from inception to completion. It would be a travesty to witness this on a larger scale—specifically the Fairway Minor Land Division.

During the Public Hearing, there were many discrepancies that needed to be addressed. I am grateful to the Committee for questioning the document's validity. Too often, printed words are taken for the truth, when in reality they are often only someone's interpretation. When I purchased my home, the Multiple Listing Real Estate Book (official house listings—not an advertising magazine) noted my home as "overlooking pretty greenbelt". The greenbelt reference is referring to the 13 acres in question. After I moved in, I was told that the 13 acres were not a greenbelt, but rather one parcel zoned for one house. Then I heard that the 13 acres was zoned for five 2.5-acre parcels. Currently, the 13 acres are now under review to divide into 4 buildable lots less than 2 acres each. The point I am trying to make is that there is no conformity. Any resulting decisions to this acreage needs to be agreed upon and noted as permanent.

The following is a list of my concerns that were addressed during the hearing:

- Septic Tanks

The proposed septic tanks placements for lot #1 and lot #2 is ludicrous. They extend 280 feet beyond the fence line—directly in the heart of the proposed conservation area. My property is one-sixth the size and I contain my septic tanks, leach lines, pits, etc. directly on my property. I cannot fathom why this property would need to encroach on the conservation area. As an addendum to this issue, I find there may be some duplicity directly involved using this additional square footage in order to increase the building envelope.

Derek Wolf
4457 Fairway Drive
Soquel, Ca. 95073

- Parcel Shape & View Shed

The proposed shape of the parcels (including the septic tank area) is not favorably for Fairway Drive residents. Again, I am referring to Lots #1 and #2. Specifically, the 180 X 60-foot section directly off of Fairway Drive—in front of Parcel A (conservation area). These odd rectangle inclusions of these 2 lots, with the inclusion of Lot 4 will monopolize the entire street-side of Fairway Drive. Each landowner will own the land that butts up against Fairway Drive, leaving no access to the conservation area. As a result, the only residents benefiting would be those in the new development. They would have a private backyard for their view and enjoyment only. Secondly, because they own the strip of land that parallels Fairway Drive, they could landscape this area in a manner in which would close off all views of the conservation. As an example, the planning committee has a large pine that grows outside their window. If there were additional pines planted side by side, you would not be able to see the mountains across the way. As proposed, the conservation would be inaccessible to the neighbors and the view shed could be dramatically altered. I would suggest that the conservation area be enlarged to include Lot 1 and extend all the way to Fairway Drive. In addition, the odd rectangle plot attached to Lot 2 be included within the conservation area.

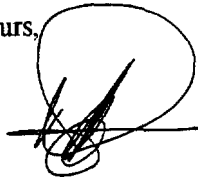
- Land Trust

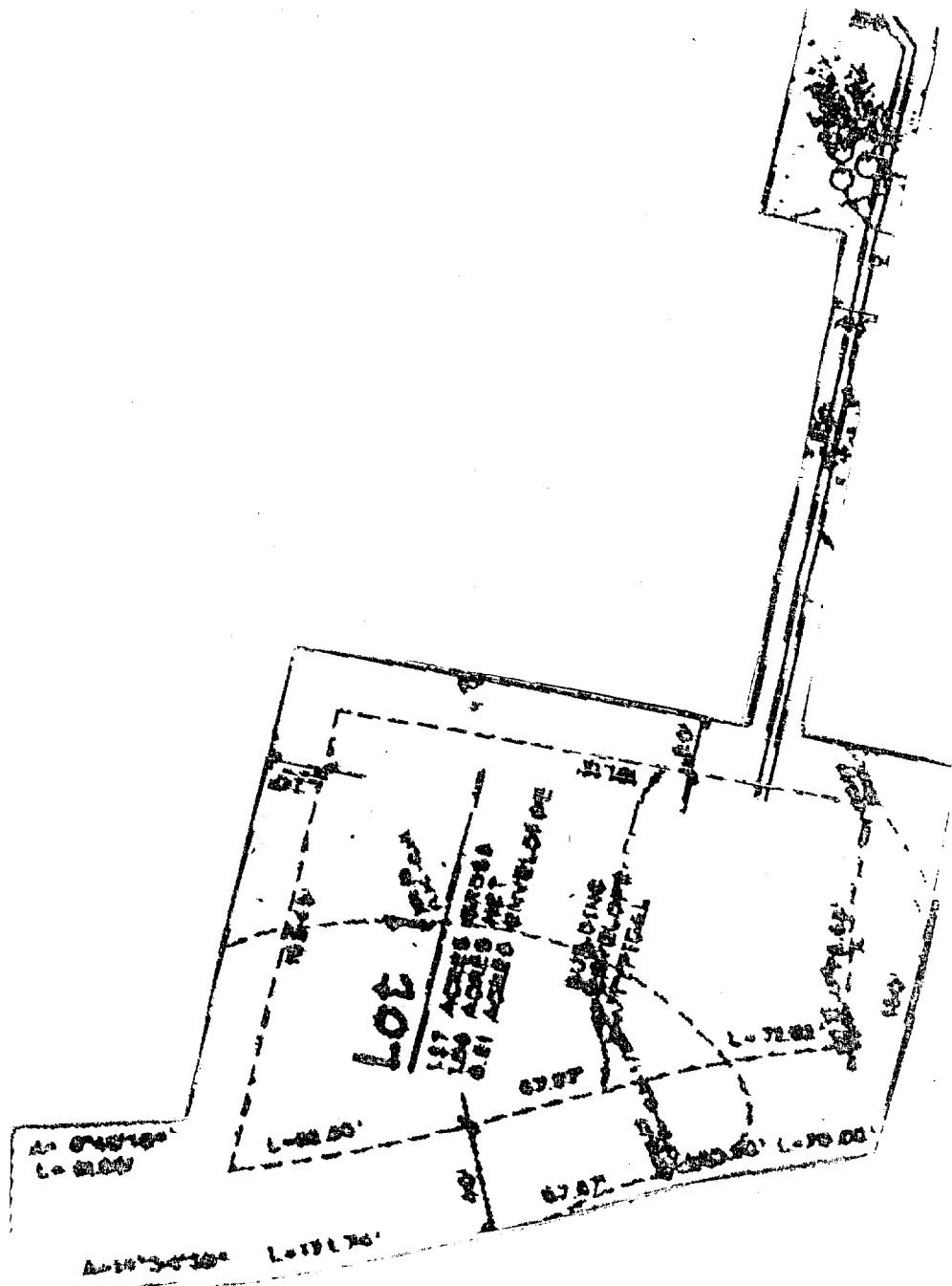
The Land Trust endowment is a nice gesture on the developers part; however, this endowment as noted above and discussed at the hearing is not clear. My major concern is the size of the conservation area and the accessibility. What good will this endowment be for the neighborhood, if the residents can not see it (blocked by buildings and non-native landscaping) or use it. Neighbors have been using the 13 acres for decades. Everyone respects the nature aspect of the acreage—as it is used primarily for nature walks. No one is abusing this property and the native grasses are thriving. If and when this acreage is donated to the Land Trust, it is pertinent that the neighbors have assurance that the Land Trust cannot trade, sell or otherwise change this protected property.

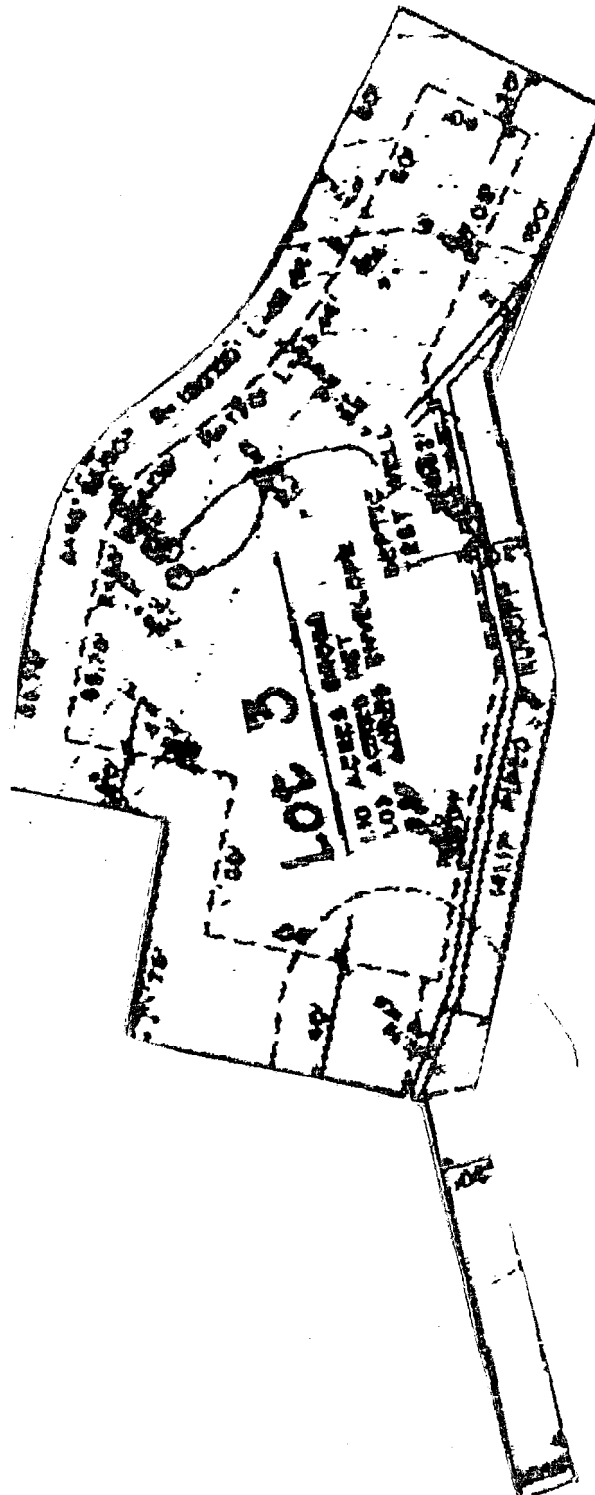
In conclusion, the most important thing said at the meeting was by Mr. Bremner. He stated that Fairway Drive neighbors have legitimate concerns about development in their area. He went on to say that a developer will come and go, but the neighbors are the ones that will remain. It is myself and fellow neighbors that will have to view and witness the final outcome of this project. I think it is only fair that our concerns are addressed and respected. We live here. This is our home. We need the council to support us and deny the proposed application.

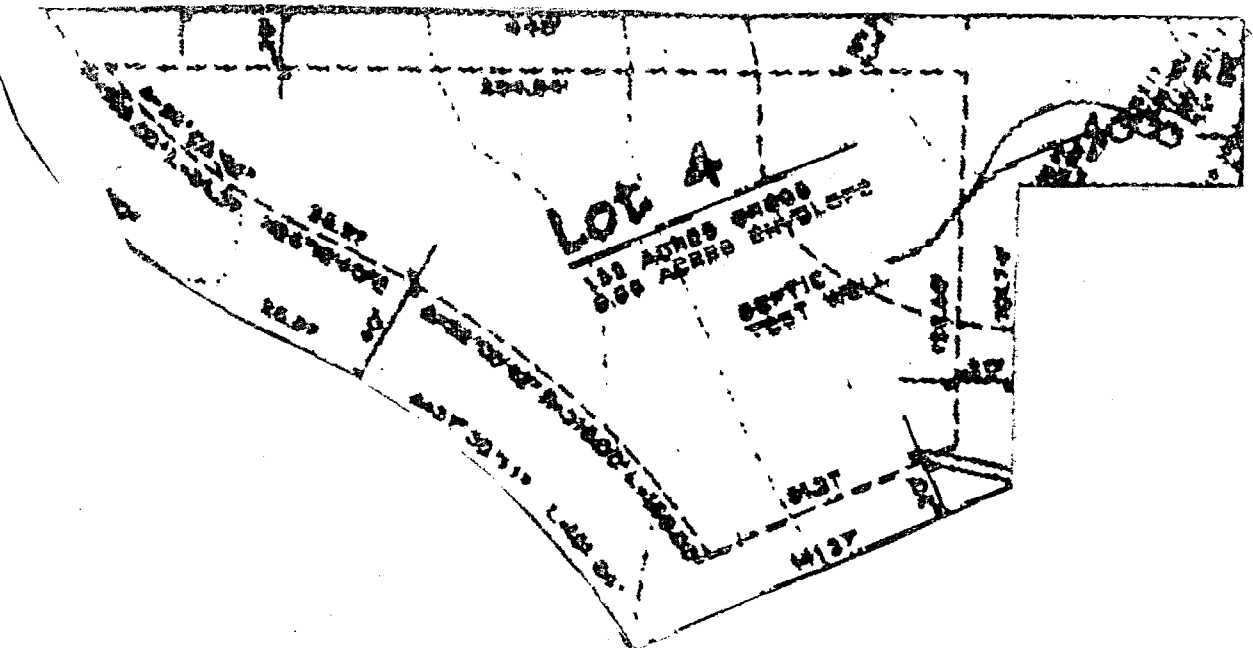
Respectfully yours,

Derek Wolf









252

December 8, 1999

To the Planning Commission:

Please allow me to share a bit of the history of the Monterey Bay Heights area with you. My friend and long time resident of Fairway Drive, Dean Reynolds, has researched the area for some time and has shared some of this information with me.

Around 1928, a group of developers from San Jose purchased a large parcel in order to create the Monterey Bay Heights golf course and a subdivision of summer homes, on the north side of the road facing the golf course. These lots were 50 foot parcels.

At about the same time, Thomas Prescott acquired another parcel from the Gregory Ranch and extended Fairway Drive with a subdivision of small lots on either side. The name of the subdivision and the road was Eaglewood. (Alderwahl).

Shortly after the original golf course was built, our country experienced a depression and the plan was abandoned.

After World War Two, the Eaglewood Golf course was created by Mr. Prescott.

About that time, the Soquel School District purchased a portion of the original golf course. That is the property now in question.

About 1966, a developer purchased and subdivided the rest of the golf course into parcels of two and one half to three acres. He sold those parcels with the promise of further potential lot splits. However, by then, the general plan had assigned a 2 1/2 to 20 acre zoning restraint to the land, and no further lot splits occurred on Fairway drive.

Recently the Prescott property (Eaglewood) was sold to a developer who subdivided it into four large lots and a remainder parcel. He also promised that no home would exceed 3600 square feet. This promise has not been adhered to and now these monument homes are being cited in the staff report as examples of typical homes in the area.

My concern is this. If this property is allowed to be divided into one acre parcels, it would only be fair for existing property owners to ask for further lot splits on their properties thus doubling or tripling the number of homes. Keep in mind that this land is outside the urban services line. There are no sewers, there is no secondary access and the traffic is so bad that many of the neighbors feel the necessity for speed bumps. The large homes, and possibly accessory homes,

allowable under this request would greatly impact and change the ambience of the entire neighborhood.

Zoning regulations ^{of} ~~and~~ lot splits are there for a reason. I know of no rule or right that says that a developer is granted the ability to make money by buying and selling land. Please do not allow these developers to profit from our grief.

Sincerely,

Judy Parsons
4453 Fairway Drive
Soquel, CA 95073
476-1871



VIEW OF
SUBJECT PARCEL
FROM ACROSS
STREET



VIEW OF
SUBJECT

PARCEL
FROM ACROSS
STREET

Remaining View



Lot 2 Potential Roof
Line - 40 ft back
28 ft up

Remaining View



Lot 4 Potential Roof
Line - 40 ft back
28 ft. up

Remaining View



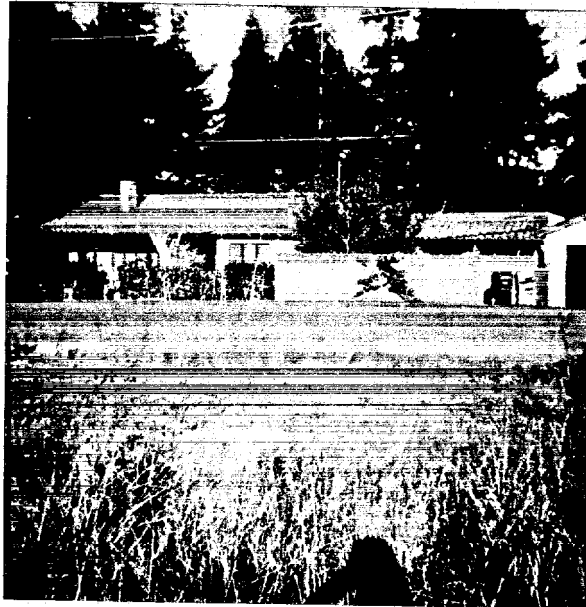
Lot 2 Potential Roof
Line - 40 ft back
28 ft up

Remaining View



Lot 1 Potential Roof
Line - 40 ft back
28 ft up

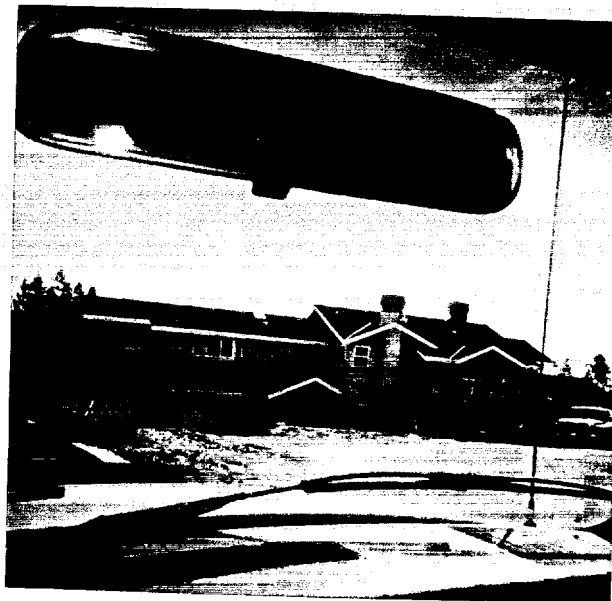
4453 FAIRWAY



LOW ROOFLINE &
TREES



MONSTER HOUSE



Theresa Herning
4881 Fairway Dr.
Sage, Ca 95073

County of Santa Cruz
Planning Commission
701 Ocean St. Rm 525
Santa Cruz, Ca 95060

December 8, 1999

To whom it may concern,

I have lived on Fairway Drive for two years and particularly close this neighborhood because of the rural surroundings and character. The open spaces and sight of wild animals is something my whole family enjoys.

We were told that the minimum lot size for building a house on the flat side of the street is 2.5 acres minimum. If you allow people to build on 1 acre lots, it will set a precedent for further lot splits, which could destroy the rural character of the neighborhood.

My other concern is the increase in traffic and impact of heavy trucks on already damaged roads. The area is already overloaded with one road in and out of it, and the shoulder of the road is disintegrating in many places. Also, cars traveling at high speeds have been a large safety concern of residents and more cars mean more traffic to be concerned about.

I respectfully ask the Planning Commission to deny the proposal for this proposed lot split and building on Fairway Dr.

260 Sincerely,

Theresa Herning

EXHIBIT N

Bonnie Herdocia
4301 Fairway Drive, CA 95073
(83 1) 476-522 I
December 8, 1999

Board of Supervisors
County government Center
701 Ocean street, Rm. 525
Santa Cruz, CA 05060

Concerning: Development of the open space on Fairway Dr. called the
"school Property"

Dear Supervisor:

I appeal to you to deny the proposal.

I feel that it is unfair to make an exception to the house requirement of a 2.5 or larger parcel requirement that has been in affect for years.

I do not feel it is fair for the owners to give away land that can not be built upon in exchange for tax relief. Because of the terrain, most neighbors could make that request.

Fairway Drive is collapsing near the bottom of the hill and we don't need more trucks or cars to hasten its sinking.

I personally have seen 3 parked cars in front of my house totaled from being hit by speeding cars. We don't need any more cars going up this dead end street.

Please again, I ask that you deny this proposal.

Sincerely,

Bonnie Herdocia

Bonnie Herdocia

Robyn Miranda
4331 Fairway Drive
Soquel, CA 95073

December 8, 1999

Santa Cruz Planning Commission
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060

Dear Commissioners,

I reside on Fairway Drive in Soquel and have for ten years. I would like to express my concerns regarding the proposed land division on Fairway Drive that your commission will discuss today.

It is my understanding that the existing General Plan requires a minimum of 2 ½ acre lots on the side of the street that the development is proposed. However, the developer's plan shows, quite clearly, that there are four one acre lots that will result from the proposed land division. This is achieved, apparently, by first dividing the land before the lots are defined and then donating the unusable, unbuildable, and inaccessible acres to the Santa Cruz Land Trust.

Other residents who own under five acres on Fairway Drive have not been permitted to divide their land because of the General Plan requirements. How is possible that a disingenuous "sleight of hand" donation of junky land can afford a developer the ability to subvert the requirements of the General Plan?

My other concern is that in recent years there has been a proliferation of gargantuan homes built on Fairway Drive on the same side of the street as the proposed land division. These homes are dramatically out of character with the existing residences to which they are adjacent. It's fine to put that kind of house on large, private acreage, where neighbors are not daily subjected to the vista of ostentatious and pretentious consumerism, but this proposed development fronts almost a quarter mile of Fairway Drive, and the lots are quite close to the road.

Please conform to the requirements of the General Plan, requirements that all Santa Cruz County residences are subject to. In addition, please establish design limitations on the homes themselves that are consistent with directly adjacent homes.

Sincerely,


Robyn Miranda

Judy Parsons
4453 Fairway Drive
Soquel, CA 95073

December 8, 1999

To the Santa Cruz County Planning Commission:

Over the past 25 years, I have met with and worked with a number of planners on various issues. As a member of the public, I have always been treated fairly and with courtesy. Unfortunately that has not been the case in this matter.

I believe that in fairness to the residents on Fairway Drive, I must state my concerns about the way the planner has treated us.

The original notice of "Environmental Review Period" was posted on a telephone pole about September 1. It was not brought to our attention until the 8th. I immediately went to the Planning department to pick up a copy of the Initial Staff Report and was told that it was not in the file and couldn't be found, but that I would be called when it was available. I was never called. I called back on the 14th to ask if the review period could be extended because we had not seen the report. I was told that we had had two weeks and the planner would not request an extension.

After I picked up the packet, I realized that there was no map showing how the land was to be divided. When I requested this information, I was given another number to call. That person said that it was the job of the planner to provide that to us. We did not receive a map from the county until we picked up the final staff report.

When a neighbor called to ask if a secondary access was required, she said that she did not know and, in fact, never called back with the needed information.

Meanwhile, the neighbors scheduled a meeting to discuss the issues. We invited the developer, the Land Trust and the planner. The developer, Michael Zilver came (and finally provided us with a map), the Executive Director of the Land Trust was not able to come and the planner said that she did not think it was appropriate because it would look like she was supporting the neighbors.

I can only wonder how many times she met with the developer and how much support she offered to them in creating those convoluted parcels.


The planner did say, however, that she would be willing to meet with a few of us in her office. Our neighborhood meeting was on November 29, Saturday. When I called on the 3 1st to schedule an appointment, I got an answering machine message stating that she was out of town for a week. I left a message for her to call back and I also left a message for her supervisor to call. (He did not)

It was at that time that we decided that if we were ever going to get the information we needed we would need to hire a consultant. We met with her and she has researched the project and produced a very fine response which you should all have by now.

When the planner finally returned my call yesterday, I advised her of the report. She questioned the credentials of the consultant and she wanted to summarize the report before it went to the commissioners. I did not believe that was appropriate. She would have had time to review our concerns if she had met with us. In the end she hung up in anger.

That is not appropriate behavior for any person who deals with the public. I have always believed that staff members should be impartial and professional and treat the public and the developers equally. I believe that the information provided in the response by our consultant will show that this has not been the case.

Sincerely,


Judy Parsons

Katherine Sweet
Land Use Consultant
Tel 831.475.4470 Fax 831.475.0309

December 6, 1999

Santa Cruz County Planning Commission
701 Ocean Street
Santa Cruz, California 95073

Re: Response to Staff Report

Application No.: 99-0288
Applicant: Michael Zelter
Owner: Alan Goldstein Trustee Etal
APN: 040-012-1 2

To the Commission:

This response is on behalf of the Upper Monterey Bay Heights Neighbors. This group, representing an overwhelming majority of the property owners within one-quarter mile of this project has been formed in response to this proposed project.

This report was released to the public, after 3 PM, on Wednesday, December 1, 1999. Neighbors of the project have had little time to absorb and comment on the staff recommendations and findings. Regretfully, with these time constraints, we were unable to have our response to you in time to be included in your packet.

Upper Monterey Bay Heights Neighbors recognize that the owners of APN 040-012-12 have a right to develop their property.

Upper Monterey Bay Heights Neighbors are apprehensive about what will be built in the midst of their long-established neighborhood. The staff recommends that the Commission approve this project but the report does not address many of the neighborhood's concerns. The planner declined to meet with the Upper Monterey Bay Heights Neighbors prior to making her recommendations so it is unclear if she is even aware of the nature of their concerns.

Upper Monterey Bay Heights Neighbors request that the Planning Commission deny this application.

Upper Monterey Bay Heights Neighbors request that issues addressed in this response and any other public testimony taken by the Commission be

1265

EXHIBIT N

considered by the staff if any future land division application is received for this parcel.

Staff Report Analysis and Discussion

Project Setting and Surroundings (Page 3)

The second paragraph implies that this proposed development is in close proximity to "newer two-story estate homes in the surrounding hills above."

Most of those large "estate" homes are actually one-half mile or more away from the project site and are not visible from the site. Three large "estate" homes have recently been built off Fairway Drive and Coyote Canyon and one is under construction. All are on larger parcels than those proposed by this project and well removed from Fairway Drive. One is only visible from Coyote Canyon and one home is behind several older houses on Fairway and visible only in a limited way from Fairway Drive. The developer told the neighbors that he would limit the homes to 3600 square feet each but each appears much larger; some have accessory buildings; and all present intrusive new visual impacts to this neighborhood.

Other than these newly constructed homes, the actual surrounding neighborhood is comprised of older, one-story, ranch style homes ranging from 1000 to 2200 square feet. There have been no lot splits of less than 2.5 acres in the Rural Residential areas here for at least thirty years. It is hard to understand why this applicant would be allowed to divide this parcel into lots half the size that other applicants have been denied, even with parcel averaging with the to-be-donated remainder parcel.

The applicant shows his intention of building large estate homes in his September 9, 1999 letter. He argues that because of his generosity in donating 8.75 acres, with no public access, to the Land Trust ("A clear benefit for the community"), and having only four 1-acre lots to develop, that he should be allowed to double the allowable building size to 20% lot coverage.

The proposed project would allow building structures totaling 6185 square feet in a neighborhood characterized by much smaller houses. His request, not recommended in this application, would have resulted in 12,000+ square foot homes.

Project Description

1. Drainage

This section states that drainage from the four residential parcels will be conveyed to either an "on-site" detention pond with a gabion dam to control runoff or an energy dissipater. In either event, drainage from all residential lots will end up on the conservation parcel.

The conservation parcel, rather than being a stand-alone parcel dedicated to conserving prairie grasses, is actually intrinsic to residential development plans.

2. Access

Coyote Canyon connects directly to Victory Lane. Approximately $\frac{3}{4}$ of a mile from Fairway, Coyote Canyon/Victory Lane has a chain across the road. Victory Lane, on the other side of the chain, continues to Soquel Drive. This is the secondary access alluded to in the report.

There are approximately thirty parcels on Victory Lane. Last year Mr. Goldstein called the Victory Lane property owner of three key parcels and asked to purchase an easement. He was refused. This owner has not been approached again and her answer is still "No."

The Rural Matrix Determination scored 13 points to this parcel as if a secondary access was currently guaranteed. It does not exist at the time of this application. Without those points, this property could have only been divided into minimum 5-acre lots.

Clearly, the staff presumption of guaranteed secondary access is tenuous at best. The applicant should demonstrate legal easements guaranteeing secondary access before project approval.

3. Site and Architectural Design

RA Zoning District (Page 4) This parcel has a Rural Agricultural District designation. The purpose of RA zoning is to provide areas of development that will allow small-scale commercial agriculture, such as animal keeping, truck farming, and specialty crops, in conjunction with the primary residential use of the property.

As you drive up Fairway Drive, you observe several homes, on larger parcels, with large gardens, horse rings and barns, and goat pens. These uses serve the intent of RA zoning - not the singular large custom homes the planner assumes will be built here.

With no elevations or design plans to illustrate the developer's intentions, how can it be determined that these four smaller parcels will serve the intent of RA zoning? (County Code; Section 13.10.321(b))

Design (Page 4) This project splits the existing parcel into five parcels of record, four single-family residential parcels and a remainder parcel designated as a conservation easement. Section 13.11.040(b) of County Code requires Design Review for any residential development of three or more units, whether or not they are in the Urban Services Line.

Along with other requirements, Chapter 13.11 and Section 18.10.21 O(e) requires preliminary architectural plans, including exterior elevations showing building height, exterior materials and the location and size of glazing. These sections also require a site analysis diagram which shows all building footprints; contiguous land uses, including land uses across the street from the project site; and a perspective drawing "depicting the elevations visible from all street frontages and contain sufficient information to gauge the project's impact on the surrounding neighborhood."

Section 13.11.073(b) states that an objective on building design is to "address the present and future neighborhood, community, and zoning district context." Compatible building design includes (F) Scale, defined as "the size of a building as a whole in relation to adjacent buildings; and the size of the project in relation to the building site."

Homes greater than 6000 square feet with a height of up to 28' are not compatible with the existing neighborhood.

4. Biotic Resources (Page 4)

Again, this project submits a promise instead of reality to justify itself. The developer has not come to final terms with the Land Trust. The decision to accept this conservation parcel rests with the Land Trust Board which has not been presented this proposal as yet. The consulting staff biologist has expressed concern that the proposed mitigation plan will cost more than the applicant's proposed endowment and that amount is still under negotiation.

The proposed mitigation and monitoring program will expire in ten years. How does this ten-year plan square with the conditions of this project that assures the monitoring and reporting conditions for "perpetuity?" The required endowment funding is also projected to end in 2008. In this application is ten years the definition of perpetuity?

What happens if the Land Trust chooses not to accept this property?
How would the remainder parcel then be protected?

Without the assurance of an organization such as the Land Trust taking responsibility for protecting the sensitive prairie habitat, should the Mitigation and Monitoring be reevaluated?

Residents also wonder about the degree of access allowed the four parcels created adjacent to the conservation parcel. The Mitigation and Monitoring Program proposed recommends a wood and wire fencing. An additional condition should be included prohibiting any gated access from Lots 1, 2 and 4.

Approximately 3.1 acres of prairie will be preserved (Attachment 3, Page 60). Why is the conservation parcel over eight acres? What is the value of the additional five acres as sensitive habitat? It would seem that donating the additional five acres would be of more value for the developer to use for parcel averaging.

General Plan and Zoning Consistency {Page 6}

Rural Density Matrix

The Rural Density Worksheet is a way of evaluating the entire parcel to determine the appropriate size of any land division. Computation of the Rural Density Matrix determined in 1987 that this parcel could be divided into 2.5-acre parcels.

The matrix was reevaluated for the current application and it was again determined that minimum lot size for any land division should be 2.5 acres. The current Matrix Determination Score, without parcel averaging, is **.6** (point 6) above the score that would have only allowed five-acre minimum lots.

The matrix Worksheet also scores 13 points as if the site had a guaranteed secondary access. It doesn't. Even deducting one additional point from the score would result in a determination of 5-acre minimum lots.

The last item on the worksheet (Attachment 13, Page 5) is checked as "not applicable." This item identifies parcels which are Mixed Grassland Habitat. This parcel does include Mixed Grassland Habitat. Attachment 3 - Habitat Mitigation and Monitoring Plan delineates the grassland species on the site. The "applicable" box should have been checked,

The Matrix Worksheet notes that if development is proposed outside the grassland habitat, that land divisions may be considered only at the lowest end of the General Plan Designation.

Rural Residential Zoning requires 2.5 to 20 net developable acres per residential unit. The low end of that range is 20 acres.

At the most, this parcel should be split into the 2.5 acre parcels determined appropriate by both the 1987 Matrix Determination (Attachment 12) and the Matrix Determination (Attachment 13) done for the current proposal before any parcel size averaging was done.

Averaging Parcel Size

This application asks for four parcels, each considerably each smaller than the 2.5-acre minimum required under RR and RA designations and contrary to the historic pattern of land divisions in this area. The proposed conservation parcel, almost twice as large as all of the other parcels together, is used to justify the smaller parcels.

The General Plan allows averaging parcel sizes for rural land divisions only when three separate conditions are met. The second of these three conditions specifically states that the number of new parcels shall not exceed the "maximum number of parcels which would otherwise be allowed without averaging, based on the Rural Density Matrix and other applicable LCP Land Use policies and zoning regulations."

That number is four parcels. This project proposes five parcels of record. The fact that one of the parcels is a remainder parcel that the developer will donate to the Land Trust, doesn't change the fact that the five parcels now proposed do not satisfy General Plan Parcel Averaging requirements. (General Plan; Chapter 2, Section 2.3.3 (b))

Under state law and County ordinance, the potential exists that, in the future, this parcel could be abandoned as a conservation parcel and again be acreage which could be developed under any applicable ordinances.

Further, creating five or more adjacent parcels, now or in the future, is regulated by the California Subdivision Map Act. Why is this land division not considered a subdivision?

Dimensional Standards

Development Standards for RR and RA Districts require a minimum site width of 100 feet. Lots 1 and 2 include portions that are only 20' wide. These are "special" sections are parts of the septic systems for these two parcels and are essentially surrounded by the conservation area. Both

lots also enjoy 60' wide front strips along Fairway Drive which are, respectively, 61' and 130' long.

Development standards require that Rural Residential parcels be at least 100' wide. (Section 13.10.323, Site and Structural Dimensions Chart) Lots 1 and 2 on the proposed project fail to meet that requirement.

The remainder parcel, rather than being a stand-alone conservation parcel, is intrinsic to the residential development plans, serving not only as the drainage area for all four parcels but the location of the septic systems for two parcels. It is a contrivance to include these two strangely shaped pieces of land as parts of their respective larger lots.

Why aren't the septic systems for these two parcels located on the greater parts of the lots, as done on Lots 3 and 4? Has percolation testing been done on the greater portions of these lots? Is it possible for the septic systems to be located on the bulk of the lots? The inability of the front portions of Lots 1 and 2 to have septic systems would explain the necessity of the odd placement of the proposed systems.

Because these special septic areas and frontage pieces are part of the parcels of record, the developer is also able to incorporate that square footage into the overall building calculation of 10% net square footage. This could allow an additional 1700 square feet of any structure on Parcel 2, and an additional 1066 square feet on Parcel 1. This extra footage actually exceeds the house size of many of the neighborhood homes.

This arrangement would allow 5532 and 6185 square foot homes that would otherwise be limited to 4466 and 5085 square foot homes.

The new County second unit program would allow each of these parcels to legally add an 800 square foot second residence that can be built concurrently with the other single family dwelling. Does the square footage of a second unit count as part of the total allowable square footage or is it allowed in addition to the main residence? Can applications for second units be denied on parcels that meet the acreage requirement?

There is another concern about placing these septic systems so far away from the parcels that they serve.

Septic systems do overflow and inundate leach fields. A property owner with a leach field in closer proximity to a residence would recognize a problem with a septic system by the characteristic odor.

These systems are well removed and downhill from the residential portions of the parcels. Problems that occur might well go unnoticed for a long space of time. The Land Trust will only monitor the property periodically. Septic failure could be catastrophic for the intermittent stream in Noble Gulch and affect the properties that are on the other side of the remainder parcel.

Staff Report Analysis and Discussion

This proposed land division should be denied because it is in substantial non-compliance with the General Plan and applicable zoning regulations. (County Code 14.01.403 (a) This project should be denied because the developer has failed to demonstrate that the design of this project would be consistent with applicable general plan and zoning ordinances. (County Code 14.01.403 (b))

Subdivision Findings (Page 10)

This application was received as a Minor Land Division. The staff report, in its findings, refers to this project as a subdivision. Creating five or more adjacent parcels, now or in the future, is regulated by the California Subdivision Map Act.

It is possible, in the future, for the remainder parcel to abandon its conservation designation. If that happens, it would revert to developable acreage and is of sufficient size to allow development while still protecting the sensitive habitat areas on it.

If this is a subdivision, and not a minor land division, this application is required to go to a hearing before the Board of Supervisors and follow all applicable subdivision law. Explain why this is a minor land division and not a subdivision.

The proposed use is not consistent with all elements on the County General Plan.

- The failure to demonstrate legally recorded secondary access is sufficient grounds alone for denial of this project.
- The innovative and unusual site dimensions proposed on Lots 1 and 2 do not comply with County regulations.
- The applicant should have been required, with four units, to present architectural elevations. Without elevations, it's impossible to determine whether or not the proposed plan will complement and harmonize with the existing neighborhoods.
- The applicant should have been required, with four units, to present a site analysis diagram which shows all building footprints; contiguous land uses, including land uses across the street from the project site; and a perspective

drawing "depicting the elevations visible from all street frontages and contain sufficient information to gauge the project's impact on the surrounding neighborhood."

- The applicant should demonstrate justification for establishing an 8.75 conservation remainder parcel, used for parcel averaging, when it contains only 3.1 acres of sensitive habitat.

Conditions of Approval

These are concerns from the neighborhood that are not addressed in the Conditions of Approval.

1. There will be a strong visual impact created by building large structures with only 40 feet from Fairway Drive.
2. There will be a major loss of view sheds along Fairway and Coyote Canyon.
3. There is **great** disparity of allowing 28-foot structures in a neighborhood primarily composed of one-story homes.
4. Is the proposed secondary access legally available?
5. Is it possible to add additional dwellings to each parcel under the County's Second Unit program?
6. There is no public access to conservation parcel.
7. There is no public view shed to the conservation parcel from Fairway Drive.
8. There are no landscaping plans of what will be planted along Fairway Drive.
9. There is a potential damage to Fairway Drive, already in poor condition, as a result of heavy construction vehicles.
10. How many **structures** will be allowed on each parcel?
11. **Will** approval of this project, as proposed, establish a precedent for future lot splits in this area?

Upper Monterey Bay Heights Neighbors request that the Santa Cruz County Planning Commission deny this application. We request that the Commission direct Planning staff to review all of testimony received at this hearing if any future application for this site is received.

Katherine Sweet
For
Upper Monterey Bay Heights Neighbors

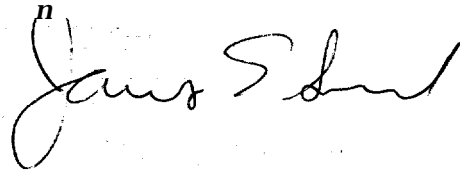
To: Santa Cruz County Planning Commission
County Government Center
701 Ocean Street
Santa Cruz, Ca 95060

Dec 4, 1999

Dear Planning Commision:

I live at 4330 Fairway Drive, the property located next door to the parcel APN(s) 040-012-12 owned by Mr. Goldstein et all. At no time did anyone consult with me or any of my neighbors about a proposed variance in the zoning . It is not acceptable to me to change the zoning or allow a variance to divide the parcels into 4 1 acre plots. The previous 2 owners and others were not allowed to do so because it would be harmful to the neighborhood ecology and violates the zoning as I understand it. I have not been allowed to split my parcel into a 2-1 / 2 acre lot so why should Mr. Goldstein et all be allowed to do this. There are many disturbing things about the way the sale of the former school property was handled. The neighborhood and myself would have liked to buy this property and because of the way it was handled did not even have knowledge that it was for sale. The drainage and sewage problems are something that could effect my well, let alone other homeowners. Also the new "Monster homes" that were built up the road do not fit into the character of the neighborhood. I do not want Soquel to look like Scotts Valley. I moved here for the ruralness and the quiet. The big construction trucks not only speed up and down Fairway Drive but have damaged the already fragile roadway. If necessary I will undertake legal action to prevent any more than 2 homes from being built on this property. The ruse of giving away unusable land to escape taxation is patently unfair and may be unlawful. It certainly is not fair to current taxpayers.

Sincerely Yours,
James E. Gerard
4330 Fairway Drive
Soquel, Ca. 95073
(mailing address PO Box 1359)



6401 Freedom Blvd.
Aptos, California 95003Unitarian Universalist
Fellowship of Santa
Cruz County**Fax**Kathy Sweet
To: Judy Parsons
Fax: 475-~~4400~~ 9309
475-5986

From: Sylvia

Pages: 5

Phone: 685-8637

Date: 12/1/99

Re: Property

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Hope the e. help!

275

EXHIBIT N

12/98

454-2160

Public Wks., Real Property Div. - Scott

Private rds. are not their jurisdiction; but if map changed the Assessors Office had to have a document to instigate the change.

Assessors Office

Hella Gisladottir 454-2502

No legal documents in computer for Victory h.m. since ours in 3/94

Maps redrawn to actual size of lots in 4+5/96. Lot 38 does stick out into V. h. but Easement noted on Exhibit A refers to easment along side of lot back to Mapletorpe.

Could investigate how that Easement to Mapletorpe may be Exit for Devlin to V. h.

Page's notes

12/01/1999 13:39 4086840505

UUFSCC

PAGE 02

VOL. 5477 PAGE 548

| | |
|--|---|
| <p>RECORDING REQUESTED BY</p> <p>Pacific Trust Company</p> <p>AND WHEN RECORDED MAIL TO</p> <p>Jack Steinke Pacific Trust Company P.O. Box 1855 Santa Cruz, CA 95061</p> | <p style="text-align: right; font-weight: bold;">23440</p> <p>RE <u>6-1</u> MI <u>1</u> SF <u>2</u> SM <u>10</u> LN <u>1</u> CO <u>1</u> OP <u>1</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>RECORDED AT THE OFFICE OF SANTA CRUZ TITLE CO. MAR 29 1994 <i>for AM</i> ROMAN W. BEDAL, Recorder SANTA CRUZ COUNTY, Official Recorder</p> </div> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">GRANT DEED</p> |
| <p>MAIL TAX STATEMENTS TO</p> <p>AS ABOVE</p> | <p>SPACE ABOVE THIS LINE FOR RECORDER'S USE</p> |

The undersigned grantor(s) declare(s):
 Documentary transfer tax is \$ NONE
 () computed on full value of property conveyed, or
 () computed on full value less value of liens and encumbrances remaining at time of sale.
 () Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

PACIFIC TRUST COMPANY, TRUSTEE

hereby GRANT(S) to SYLVIA P. FORSYTH, TRUSTOR & TRUSTEE UNDER THE SYLVIA P. FORSYTH
 LIVING TRUST, DATED OCTOBER 10, 1991 AS TO AN UNDIVIDED 1/2 INTEREST AND PAGE
 A. WOELFEL, AN UNMARRIED WOMAN, AS TO AN UNDIVIDED 1/2 INTEREST
 the following described real property in the
 County of SANTA CRUZ, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF...

APN: 37-112-13 & 15

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF...

APN: 37-112-14

THIS DOCUMENT HAS BEEN SUBMITTED
 TO SANTA CRUZ TITLE COMPANY TO
 RECORD AS AN ACCOMMODATION ONLY.
 THIS DOCUMENT HAS NOT BEEN EXAMINED
 BY SANTA CRUZ TITLE COMPANY FOR
 EFFECT, SUFFICIENCY, NOR ACCURACY.

THIS DOCUMENT HAS BEEN SUBMITTED
 TO SANTA CRUZ TITLE COMPANY TO
 RECORD AS AN ACCOMMODATION ONLY.
 THIS DOCUMENT HAS NOT BEEN EXAMINED
 BY SANTA CRUZ TITLE COMPANY FOR
 EFFECT, SUFFICIENCY, NOR ACCURACY.

Dated: MARCH 17, 1994

STATE OF CALIFORNIA
 COUNTY OF Santa Cruz } ss.

On 3/18/94
 before me, the undersigned, a Notary Public, personally appeared
Virginia W. Lupfer and
John W. Steinke

personally known to me (or proved to me on the basis of satisfac-
 tory evidence) to be the person(s) whose name(s) were subscribed
 to the within instrument and acknowledged to me that he/she/
 they executed the same in his/her/their authorized capacity(ies),
 and that by his/her/their signature(s) on the instrument the
 person(s), or the entity upon behalf of which the person(s) acted,
 executed the instrument.

WITNESS my hand and official seal.

Signature Roman W. Bedal

OFFICIAL NOTARY SEAL
 DONNA PRIOR
 Notary Public - California
 SANTA CRUZ COUNTY
 My Comm. Exp. MAR 07, 1995

SANTA CRUZ TITLE COMPANY

This form furnished by

277

EXHIBIT N

Vol. 5477 Page 549-A

EXHIBIT "A"

A strip of land conveyed to Frank Long by Deed from Donald G. Fields and Katharina B. Fields, et ux., recorded March 11, 1964 in Book 1603, Page 413, Official Records of Santa Cruz County;

EXCEPTING THEREFROM the lands conveyed to Donald T. Stoddard and Mary Stoddard, et ux., by Deed recorded December 1, 1966 in Book 1795, Page 577, official Records of Santa Cruz County.

ALSO EXCEPTING THEREFROM an easement as granted in the deed from Frank Long and Mary Long et ux., to Soquel Union School District, a political subdivision, by Deed recorded October 11, 1989 in Volume 4576, Page 909, Official Records of Santa Cruz County.

APN 37-112-13 & 15

VOL. 5477 PAGE 549

EXHIBIT "B"

SITUATE in the County of Santa Cruz, State of California.

BEING a portion of the lands described in the Deed to Frank Long, recorded in Volume 1603, Page 413, Official Records of Santa Cruz County and more particularly described as follows:

BEGINNING at a point on the Easterly boundary of Victory Lane on the Northwesterly corner of the lands described in the Deed to Joseph Dama, et ux., recorded in Volume 1592, Page 72, Official Records of Santa Cruz County; thence from said point of beginning South 9° 30' 00" East 37.23 feet along the Easterly boundary of Victory Lane to a point; thence continuing along the aforesaid boundary South 2° 30' 00" East 59.40 feet to a point; thence continuing along the Easterly boundary of Victory Lane South 24° 30' 00" West 17.00 feet to a point; thence leaving said Easterly boundary of Victory Lane North 88° 13' 35" West 45.00 feet to a point on the Westerly boundary of Victory Lane; thence North 16° 43' 00" West 104.00 feet along the Westerly boundary of Victory Lane; thence leaving said Westerly boundary of Victory Lane South 88° 13' 35" East 38.00 feet to the point of beginning.

APN: 37-112-14

EXHIBIT N

SECRET

37-11

Tax Area Code
96-101

POR. SOQUEL RANCHO
SEC. 14 T.15S., R.1W., M.D.B. & M.

INDEX

THE UNIVERSITY OF CHICAGO PRESS

47MB48
7/8/74

SDQUEL

RR

43PM39
1/30/83

4-99W59

21PM42
6/8/76

~~MAO~~
SEC

014

70 PLT CTRD
CLIFFWOOD DR.

1/8 - 1/2 1/2 1/2 1/2 1/2

1. Force

2. Map: Wild W/Deer
of Food

SECRET

EXHIBIT N

280