



Staff Report to the Zoning Administrator

Application Number: **171049**

Applicant: Oscar Gutierrez

Owner: Secondo

APN: 050-272-19

Agenda Date: May 19, 2017

Agenda Item #: 2

Time: After 9:00 a.m.

Project Description: Proposal to determine the legality of one parcel known as Assessor's Parcel Number 050-272-19. This requires a Lot Legality Determination and a Conditional Certificate of Compliance.

Location: Property located on the east side of Devon Court (between/behind 60 and 64 Devon Court) at about 250 feet north of the intersection with Devon Lane.

Supervisory District: 2nd District (District Supervisor: Zach Friend)

Permits Required: Lot Legality Determination and a Conditional Certificate of Compliance

Technical Reviews: none

Staff Recommendation:

- Determine that the proposal is not subject to Environmental Review under the California Environmental Quality Act.
- Approval of Application 171049, based on the attached findings and conditions.

Exhibits

- | | |
|---|---|
| A. Chain of Title, Copies of Deeds, and other supplemental information (on file with the Planning Department) | D. Conditional Certificate of Compliance |
| B. Minor Land Division 77-1126-MLD | E. Assessor's, Location, Zoning and General Plan Maps |
| C. Conditions of approval | F. Comments & Correspondence (if any received) |

Parcel Information

Parcel Size: 48,700 square feet
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Residential to the south, east and west, Commercial Agriculture to the north (livestock).
Project Access: Devon Court
Planning Area: Pajaro Valley
Land Use Designation: R-UVL (Urban Very Low Density Residential)
Zone District: R-1-10 (Single Family Residential - 10,000 square feet minimum)
Coastal Zone: ☐ Inside ☒ Outside
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

Environmental Information

Geologic Hazards: Mapped within a County Fault Zone
Soils: Report not required for this application
Fire Hazard: Not a mapped constraint
Slopes: Parcel slopes less than 15%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Not applicable to this application
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Pajaro Valley Water Management Agency
Sewage Disposal: Freedom Sanitation District
Fire District: Pajaro Valley Fire Protection District
Drainage District: Zone 7

History

Research into the history of APN 050-272-19 and adjacent parcel, APN 050-272-18, revealed that these two parcels, had been created by an unpermitted land division that split former APN 050-272-16. It was determined that the parcels had been created by deed instrument after January 20, 1972, in violation of sections 14.01.109 and 14.01.110 of the County Code and the applicable sections of the Subdivision Map Act and therefore a Notice of Violation was recorded on May 20 1974 at Book 2412, Page 38 of Official County Records. At that time (as currently) APN 050-272-19 was undeveloped and APN 050-272-18 was developed with a single family dwelling. The house was constructed under Building Permit #30257, issued August 16, 1972, on APN 050-272-16 (parent parcel for APNs 050-272-18 and 19).

Subsequently application 77-1126-MLD was approved on August 5, 1977, to recognize the land division, subject to conditions of approval that included a requirement that a Parcel Map be filed with the office of the County Surveyor and recorded prior to the expiration date of the approved Tentative Map. A related application, 77-1000-U, was also submitted for the construction of a single-family dwelling [on APN 050-272-19] and to maintain an existing single-family dwelling [on APN 050-272-18] with their principal frontage and means of access via a 30 foot right-of-way. This Permit was conditioned to require the recordation of a Parcel Map prior to the issuance of any building permits for the development of APN 050-272-19.

An application for an extension to 77-1126-MLD was submitted prior to October 20, 1978, the expiration date of the Tentative Map, but no application was made to extend 77-1000-U. The Planning Department notified the property owner of this omission in October 1978. No application to extend the Use Permit was submitted and therefore, as determined by County Counsel, the application for a Time Extension to 77-1126-MLD was abandoned in October 1979. Because these Permits were never exercised, both 77-1126-MLD and 77-1000-U are void and the lot split violation has not been rectified.

In 2001, application 01-0216 was made to recognize the legality of APNs 050-272-18 and 19. In the file for 01-0216 it was determined by the County Assessor's office that the ownership of APN 050-272-18 was first transferred as a separate parcel on August 16, 1972, but that the parcel was misidentified in that sale as APN 050-272-16. It is also noted that the permit for the dwelling on APN 050-272-18 had been issued on APN 050-272-16 in error. Therefore, on the advice of County Counsel, an Unconditional Certificate of Compliance was issued for APN 050-272-18 because this parcel was legally developed with a single-family dwelling. However, the legality of APN 050-272-19 was not determined and this parcel was deleted from the application.

Background

The application is for a determination that one parcel, identified as Assessor's Parcel Number 050-272-19, is a separate legal lot. Assessor's Parcel Number 050-272-19 is noted by the Assessor's office as unimproved.

Analysis

Assessor's Parcel Number 050-272-19 was re-evaluated to determine whether the parcel in question could be presumed to be lawfully created pursuant to Government Code Section 66412.6 and entitled to an Unconditional Certificate of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code sections 14.01.109 and 14.01.110.

Parcel History: The chain of title submitted by the applicant indicates that APN 050-272-19 was created by deed instrument. The following is a brief history of the parcel:

July 3, 1930

Book 180, Page 336, of Official County Records; Harold L. Rhoads and Esther Rhoades, his wife, to Carl B. Magee;

- This deed transferred a large parcel that extended from Green Valley Road to the east and Pinto Lake to the west that corresponds to all of the parcels currently included on Assessor's Book 50, page 27 of Maps.

Parcel History (continued)

July 11, 1944

Book 477, Page 283, of Official County Records; Carl B. Magee and Emma N. Magee, his wife, to Weaver Hurd and Anna Hurd, his wife, as joint tenants;
- This deed transferred the same large parcel described above.

March 9, 1946

Book 639, Page 84, of Official County Records; Weaver Hurd and Anna Hurd, his wife, to A. L. Bailey and Anna Bailey, his wife;
- This deed transferred the same large parcel described above.

July 14, 1947

Book 584, Page 391, of Official County Records; A. L. Bailey and Anna Bailey, his wife to Louie V. Ray and Cora E. Ray, his wife;
- This deed transferred the same large parcel described above.

July 14, 1947

Book 581, Page 331, of Official County Records; Louie V. Ray and Cora E. Ray, his wife to Lydia M. Taylor, a single person;
- This deed transferred the same large parcel described above.

October 27, 1947

Book 596, Page 250, of Official County Records; Lydia M. Taylor, a single woman, to Thomas M. Westfall and Mae K. Westfall, his wife, as joint tenants;
- This deed transferred a portion of the above land, to create a parcel that corresponds to current APNs 050-272-15, 18, 19, 20, 26 and 27, excepting a 10 foot strip along the northern property line.

February 15, 1962

Book 1453, Page 66, of Official County Records; Thomas M. Westfall and Mae K. Westfall, his wife, to Gerald F. Coats and Ruth W. Coats, his wife;
- This deed transferred the above parcel.

May 7, 1962

Book 1469, Page 8, of Official County Records; Thomas M. Westfall and Mae K. Westfall, his wife, to Gerald F. Coats and Ruth W. Coats, his wife;
- This deed (not contained within the Chain of Title) transferred a 10 foot wide strip of land that was then combined with the parcel conveyed on February 15, 1962 to result in a parcel that contains all the land within current APNs 050-272-15, 18, 19, 20, 26 and 27.

November 14, 1963

Book 1579, Page 284, of Official County Records; Lydia M. Taylor, a single woman; Thomas M. Westfall and Mae K. Westfall, his wife; Willian C. King and Eileen King, his wife, and Gerald F. Coats and Ruth W. Coats, his wife to Thomas M. Westfall and Mae K. Westfall, his wife; Willian C. King and Eileen King, his wife, and Gerald F. Coats and Ruth W. Coats, his wife;
- This deed concerned only the granting of rights-of-way and did not transfer any land.

Parcel History (continued)

November 14, 1963

Book 1579, Page 286, of Official County Records; Gerald F. Coats and Ruth W. Coats, his wife to Ben Secondo and Elva N. Secondo, his wife, as joint tenants;

- This deed transferred a portion of the above land to create a parcel that corresponds to current APNs 050-272-15, 18 and 19 (former APN 050-272-10) to the current owners.

April 9, 1970

Book 2011, Page 500, of Official County Records; Ben Secondo and Elva N. Secondo, his wife to First American Title Insurance Company, a California Corporation;

- This deed transferred the above described parcel of land to a Title Company, excepting therefrom a parcel of land that corresponds to current APN 050-272-15. This deed created a parcel that corresponds to current APNs 050-272-18 and 19, described as APN 050-272-10 (portion of). APN 050-272-15 was therefore created as an omitted or a remainder parcel.

April 9, 1970

Book 2011, Page 502, of Official County Records; First American Title Insurance Company, a California Corporation to Ben Secondo and Elva N. Secondo, his wife, as joint tenants;

- This deed transferred the above land back (excepting APN 050-272-15) to the property owner but described as two separate parcels that correspond to APNs 050-272-18 and 050-272-19 respectively. The metes and bounds description for Parcel One corresponds with APN 050-272-18 and for Parcel Two corresponds with APN 050-272-19. Although described separately, this deed did not create APNs 050-272-18 and 19 as legal separate parcels. The deed identifies the land transferred as APN 050-272-10 (portion of).

August 16, 1972

Book 2230, Page 648, of Official County Records; Jerry Secondo and Marilyn Secondo, his wife, to Paul R. Daniel and Margie L. Daniel, his wife, as joint tenants;

- This deed (not included in the Chain of Title but found within the file for application 01-0126) transferred a parcel with a metes and bounds description for APN 050-272-18 but was misidentified as APN 050-272-16 and also described as APN 050-272-10 (portion of).

This deed created APN 050-272-18 and the subject parcel, APN 050-272-19 as an omitted, or remainder parcel.

****This transaction does not appear to have been legal.** ** Based upon the submitted Chain of Title Jerry (Gerald) Secondo and Marilyn Secondo did not own any portion of the land at the time that this sale occurred. In addition, the metes and bounds description of this parcel (APN 050-272-18) continue to be included in the description of subsequent deeds included in the submitted Chain of Title for the subject parcel, concerning lands owned by Secondo. However, this appears to have been an ongoing error (see below).

Parcel History (continued)

February 22, 1978

Book 2876, Page 277, of Official County Records; Ben Secondo and Elva N. Secondo, his wife to Ben Secondo and Elva N. Secondo, Gerald E. Secondo and Marilyn J. Secondo, all as joint tenants;

- This deed revised the ownership of land owned by Ben and Nadine Secondo to include Gerald (Jerry) and Marilyn Secondo.

****This deed appears to include a significant error****. Based upon the metes and bounds description this deed transferred two parcels where Parcel One corresponds with APN 050-272-18 and Parcel Two corresponds with APN 050-272-19. However, the deed identifies the transferred parcels as APN 050-272-15 (omitted/remainder parcel created April 9, 1970 and retained by Secondo) and APN 050-272-19 (subject parcel). It appears that the metes and bounds description of Parcel one is incorrect and the intent was to change title on APN 050-272-15 since APN 050-272-18 had previously been sold to Paul R. Daniel and Margie L. Daniel.

February 2, 2007

Instrument No.2007-0006238, of Official County Records; Affidavit of death of Joint Tenants Benard Secondo and Elva Nadine Secondo, filed by Gerald Secondo;

- This document revised the ownership of APNs 050-272-15 and 19 following the death of two of the four joint tenants.

****This deed includes the same error as the previous deed****. The metes and bounds description of Parcel One corresponds with APN 050-272-18, not APN 050-272-15 as indicated. Parcel Two correctly identifies APN 050-272-19.

April 21, 2008

Instrument No.2008-0016878, of Official County Records; Quitclaim Deed from Gerald E. Secondo to Gerald E. Secondo;

- This Quitclaim Deed revised the ownership of APNs 050-272-15 and 19.

****This deed includes previous error and includes additional mis-information****. The metes and bounds description of Parcel One corresponds with APN 050-272-18, but the land is described as "APN 050-272-15 (a portion of)." Parcel Two correctly identifies APN 050-272-19 (subject parcel).

Notwithstanding the above described errors and other inconsistencies that are contained within the above described Parcel History, it appears that APN 050-272-19 was created as a remainder parcel on August 16, 1972, when APN 050-272-18 was sold to Paul R. Daniel and Margie L. Daniel. Further, since that date the parcel has remained in the same ownership (with revisions to the title) and has not been sold for a valuable consideration.

Site Improvements: The Assessor's Residential Building Records indicate that APN 050-272-19 is unimproved.

Development Approvals: There have been no development approvals issued for APN 050-272-19 as a separate parcel.

Zoning: The following is a brief zoning history affecting the site at the time of parcel creation.

Ord. 484 effective May 24, 1956

This was the Interim Zoning Ordinance for the County of Santa Cruz. Section 8 of this document placed the entire County in the U (Unclassified) zone district if not specifically placed in another zone district.

Ord. 1205 effective November 10, 1966

This ordinance specifically placed the property in the U (Unclassified) zone district.

Ord. 1864 effective June 7, 1973

This ordinance placed the property in the R-1-9 zone district.

Subdivision Map Act and Ordinance: Assessor's Parcel Number 050-272-19 was evaluated as to whether the parcel in question could be presumed to be lawfully created pursuant to Government Code Section 66412.6 and thereby entitled to an Unconditional Certificate of Compliance pursuant to Government Code Section 66499.35 and Santa Cruz County Code Section 14.01.109 and 14.01.110.

County Code Section 14.01.109(A) states that a parcel qualifies for an Unconditional Certificate of Compliance if the real property in question complies with the provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto as follows:

1. The subject property was conveyed by a separate document as a separate parcel on or before January 21, 1972.

Evidence was submitted indicating that the parcel known as APN 050-272-19 has never been described within a separate deed instrument or action that transferred ownership of the individual parcel (creation of the parcel). The parcel was created as an omitted, or remainder parcel on August 16, 1972 and has been held in the same family ownership since that time. Further the creation of APN 050-272-19 occurred after January 21, 1972. APN 050-272-19 therefore does not qualify for the issuance of an Unconditional Certificate of Compliance.

2. The parcel in question complied with the provisions of the Subdivision Map Act at the time of its creation.

At the time that the parcel was created as an omitted or remainder parcel, the provisions of the Subdivision Map Act required that a Parcel Map be recorded for any division of land. Further, local agency approval of a Tentative Map would have been required prior to the recordation of a Parcel Map. APN 050-272-19 was created by deed instrument, no Tentative Map was approved by the County of Santa Cruz at that time and no Parcel Map was recorded. Although a Tentative Map was subsequently approved in 1977 to recognize the unpermitted Minor Land Division, this approval was never exercised and the required Parcel Map was never recorded.

3. At the time the contract, deed or other document creating the subject parcel was signed, the subject parcel complied with the applicable County ordinances then in effect, including (without limitation) the parcel size required by the then applicable zone district.

APN 050-272-19 complied with the applicable standards in effect at the time the parcel was created in that the parcel contains an area of approximately 48,700 square feet where a minimum of 6,000 square feet was required within the U (Unclassified) zone district that was in effect at that time.

4. The parcel in question has not been combined by the owner, and is not subject to merger.

No evidence was found that the parcel has been combined by the action of the owner and the parcel is not subject to merger as outlined in section 14.01.111(B)(2) of the County Code and 66451.302 of the Government Code.

Summary

Based upon the deed evidence submitted, APN 049-121-50 does not meet the criteria contained within section 14.01.109 of the County Code and the applicable sections of the State Map Act to be considered as an individual parcel warranting the issuance of an Unconditional Certificate of Compliance. A Notice of Violation, for noncompliance with the Subdivision Map Act, regarding the subject parcel together with APN 050-272-18, was recorded on May 20, 1974, at Book 2412, Page 38 of Official County Records and this violation has not been rectified for the subject parcel. Although an Unconditional Certificate of Compliance was recorded on June 26, 2001 at 2001-0039064 for APN 050-272-18, this did not resolve the violation regarding APN 050-272-19.

Although the Tentative Map associated with Minor Land Division 77-1126-MLD and associated Use Permit 77-1000-U were approved in 1977 to recognize the creation of APNs 050-272-18 and 19 as separate legal parcels, the conditions of approval of that application were never met and the applications subsequently went void. No Parcel Map for the approved Minor Land Division was ever filed.

Conclusion

The subject parcel has been shown to have been created in violation of the Subdivision Map Act and County Ordinances enacted thereto. Therefore a Conditional Certificate is required to be recorded prior to the parcel in question being deemed a legal parcel for the purpose of sale, lease or financing.

As set out in the Subdivision Map Act (66499.35), where a Conditional Certificate of Compliance is to be recorded, "the conditions which would have been applicable to the division of the property at the time applicant acquired his or her interest therein may be applied". County Code section 14.01.109(B)(2), enacted thereto, sets out that "If the applicant (current owner) was not the owner at the time of the initial violation, the County shall issue and record a Conditional Certificate of Compliance imposing such conditions as would have been applicable

to the division of the property at the time that the applicant acquired his or her interest therein.” However, the parcel known as APN 050-272-19 is an omitted parcel, or remainder parcel, that is currently held in the ownership of the original subdivider and therefore these provisions do not apply.

Therefore, because a Minor Land Division was previously approved to recognize the creation of APN 050-272-19 (subject parcel) and APN 050-272-18, prior to any sale lease or finance of the subject property, it is required that those conditions of Minor Land Division 77-1126-MLD that are still relevant, be met.

The approval of 77-1126-MLD required that a Parcel Map be recorded to recognize the creation of APNs 050-272-18 and 19. However, in 2001 application 01-0216 was submitted, and as a result of that application an Unconditional Certificate of Compliance was recorded on APN 050-272-18, thereby recognizing that parcel as a separate legal lot. Because APN 050-272-18 is already considered to be a legal parcel and also because APN 050-272-18 is not held in the same ownership as the subject parcel, the office of the County Surveyor has advised that the recording of a Parcel Map is impractical. Therefore, a Record of Survey of the three parcels created from the parent parcel conveyed from Gerald E. Coats et ux, to Ben Secondo et ux, by the deed recorded on November 14, 1963 in Book 1579, Page 286 of Official Records (APNs 050-272-15, 18 and 19) is required to be recorded.

Additional conditions of approval of 77-1126-MLD include the payment of capital improvement fees for a future dwelling on APN 050-272-19. Therefore, prior to the recordation of the Record of Survey, proof of payment of capital improvement fees for one dwelling on APN 050-272-19 is required to be submitted. At the time that 77-1126-MLD was approved this included only an in-lieu park development fee. However, additional capital improvement fees for the provision of child care, roadside improvements and transportation improvements are now required to be paid for any proposed dwelling. Therefore payment of all current capital improvement fees will be required prior to the recordation of the Record of Survey.

Minor Land Division 77-1126-MLD also required that, prior to or concurrent with the filing of the Parcel Map, a 16 foot wide access road and a cul-de-sac turnaround with a minimum radius of 32 feet be constructed. As a condition of this application, engineered plans for the access road and a turnaround are required to be submitted for approval prior to the issuance of a Building Permit for a dwelling on APN 050-272-19. This road is required to be constructed in accordance with the approved plans. However, it is allowed that the cul-de-sac may be revised to be an alternative turnaround that meets the current requirements of the local Fire Agency.

Notwithstanding the above requirements, all future development of the parcel must also meet all requirements of the County Code and all other current standards that ensure the public health, safety and welfare prior to the issuance of any Building Permits or other permits for development.

The recommended conditions have incorporated as Exhibit C. of this document.

Staff Recommendation:

- Certify that the proposal does not require Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificate of Compliance, attached as Exhibit D be recorded.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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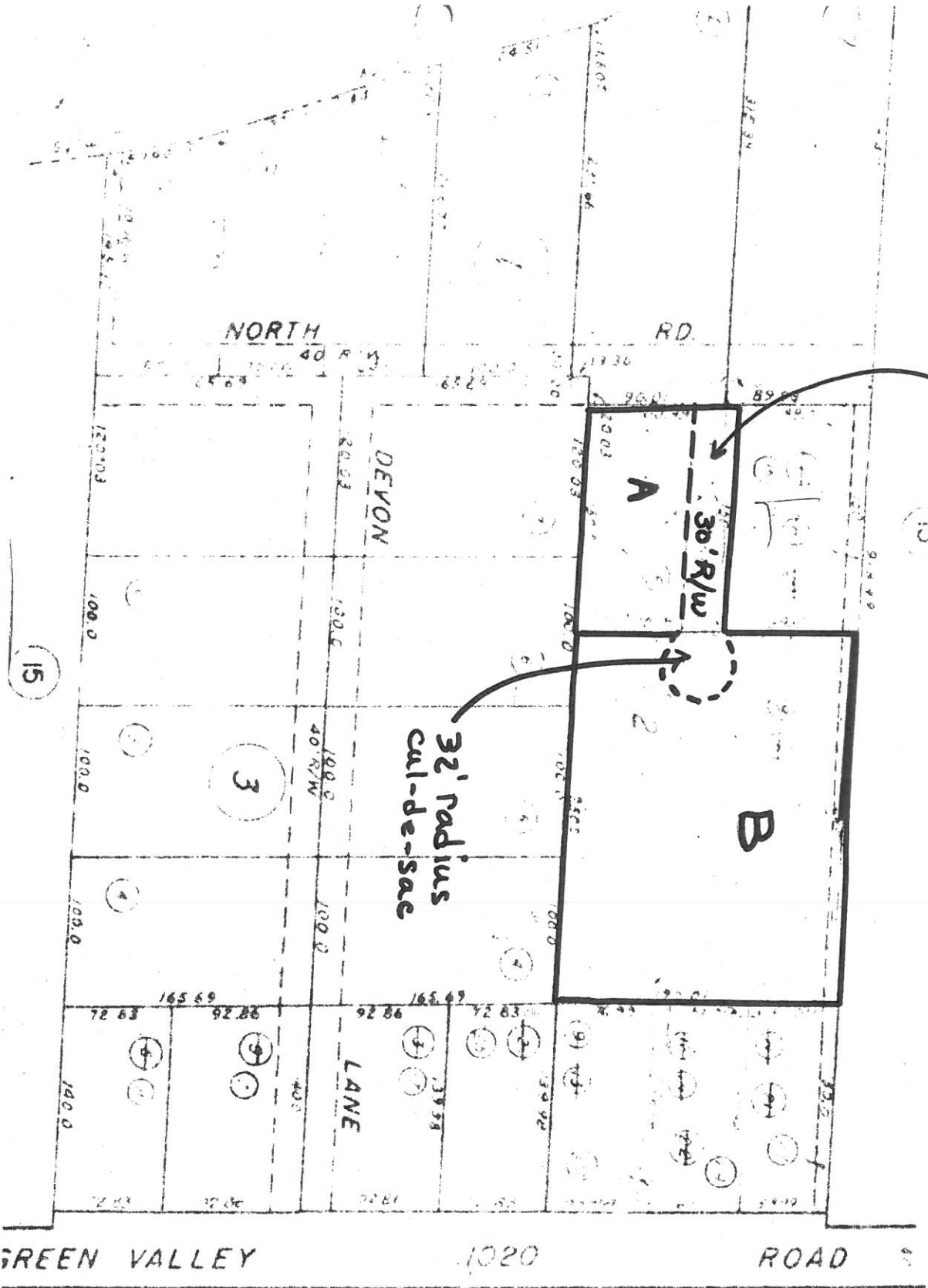
POR RANCHO DE LOS CORRALITOS
S.E. 1/4, SEC 20, T.11S., R.2E., M.D.B. & M. PROJECTED

TENTATIVE PARCEL MAP FOR

77-1126-MLD

Tax Area Code
69-130

IMPROVE R/W TO 16 FOOT WIDTH



1"=100'

N

SANTA CRUZ COUNTY PLANNING COMMISSION
400 Governmental Center
701 Ocean Street
Santa Cruz, California 95060
Phone (408) 425-2191

TENTATIVE PARCEL MAP FOR MINOR LAND DIVISION NO. 77-1126-MLD
APPLICANT BEN SECONDO
ADDRESS 53 DEVON LANE
ASSESSOR'S PARCEL NO. 50-272-18,19 ZONE DISTRICT R-1-9
GENERAL LOCATION GREEN VALLEY Rd, PINTO LAKE AREA
77-1126-MLD

All correspondence and maps relating to this land division shall carry the above noted "MLD" number.

This Tentative Parcel Map is approved subject to the following conditions:

1. THE COUNTY OF SANTA CRUZ RESERVES THE RIGHT TO REZONE PROPERTY, EVEN THOUGH THE TENTATIVE MAP HAS BEEN FILED AND APPROVED. A PARCEL MAP CANNOT BE FILED IF THE ZONING, IN EFFECT AT THE TIME OF FILING, WOULD NOT ALLOW THE DIVISIONS AS PROPOSED IN THE TENTATIVE MAPS. ANY WORK OR EXPENDITURES BY AN OWNER OF THE PROPERTY PRIOR TO FILING OF THE PARCEL MAP SHALL BE AT THE OWNER'S RISK AND WOULD NOT AFFECT THE COUNTY'S RIGHT TO REZONE THE PROPERTY.
2. The attached Tentative Parcel Map denotes the manner in which the land shall be divided; all other State and County laws relating to improvement of the property, or affecting the public health and safety shall remain fully applicable.
3. The division of the above noted Assessor's Parcel No. shall result in no more than 2 total lots, in the approximate size and shape shown on the attached Tentative Parcel Map.
4. The minimum lot size shall be 19,000 ~~15,000~~ (square feet, ~~not acres~~) as required for ~~(septic tank regulations)~~ ~~(septic tank and well regulation)~~ (zoning) ~~(General Plan)~~.
5. A Parcel Map of this land division is required to be filed in the office of the County Surveyor and shall be recorded before the expiration date of the Tentative Parcel Map and prior to sale, lease or financing of these lots. The following checked items shall be shown on the map:

☒ Lots containing less than 0.50 acre shall show net area to nearest square foot. Lots containing 0.50 acre or more shall show net acreage to nearest hundredth. Gross acreage in lieu of net may be shown on lots containing 2.50 gross acres or more.

☒ A right-of-way (R/W) as indicated on the attached Tentative Parcel Map.

☐ A right-of-way (R/W) not less than feet in width as indicated on the attached Tentative Parcel Map. Where the alignment changes course, it shall be curved with a center line radius of at least 45 feet but preferably 75 feet. Intersections shall have a 20-foot radius return at property lines. A 40-foot radius is required at a cul-de-sac.

☐ The owner's certificate shall include an offer of dedication of the land noted on the approved Tentative Parcel Map.

(The following checked general notes shall be noted on the Parcel Map to reflect items to be completed prior to obtaining a building permit):

_____ Deeds of conveyance shall include a statement of common ownership of water system

_____ Lots shall be connected to _____

_____ Lots shall be connected to _____

6. Prior to or concurrent with filing of the Parcel Map, the following checked items shall be complied with:

_____ Sign and submit the attached form to combine Assessor's Parcels.

_____ Sign and submit attached agreement witnessed by a Notary Public.

_____ Submit legal evidence (grant deed) that the legal owner(s) of the whole parcel before division is (are) other than _____

_____ A grant deed shall be submitted to grant to the County a right-of-way as indicated on the attached Tentative Parcel Map.

✓ _____ Submit proof of legal access from public road, GREEN VALLEY Rd. to this property (40-foot right-of-way if access was recorded after December 28, 1962).

_____ Submit and secure approval of engineered improvement plans to the Department of Public Works to reflect grading, base and paving of roads, curbs and gutters, sidewalks, storm drains, sanitary sewers, erosion control or other improvements required by the Subdivision Ordinance to the extent noted on the attached map. An agreement backed by financial securities, per Sections 13.08.510 and 512 of the Subdivision Ordinance, shall be executed to guarantee completion of this work.

_____ A grading permit shall be obtained from the Building Official prior to construction of driveway or access road. Submit evidence of compliance with submittal of Parcel Map.

✓ _____ Construct an access road between the limits shown on the attached Tentative Parcel Map to the following standards, or better: Width of road base or paving shall be at least 16 feet. ~~The minimum centerline radius should be at least 75 feet. Maximum grade shall not exceed 20%.~~ A cul-de-sac shall be constructed to a radius of 32 feet. Asphalt berms are required where necessary to control drainage. Other drainage details shall conform to current engineering practice. All road construction materials shall conform to the State of California Standard Specifications.

✓ _____ The road shall be constructed with an oil and screenings seal coat, medium type, on at least 5-inches of aggregate base, class 2. ~~One and one-half inches of asphalt concrete pavement, type B, shall be provided in lieu of a seal coat on portions of road where grade exceeds 15%.~~

_____ The road shall be constructed with one and one-half inches of asphalt concrete pavement, type B, on at least five inches of aggregate base, class 2.

_____ Repair existing access road. Fill and compact pot-holes with asphalt concrete pavement, type B.

_____ Road surface shall be over-laid with one and one-half inches of asphaltic concrete pavement, type B.

_____ Road surface shall be over-laid with an oil and screenings seal coat, medium type.

_____ Submit proof to satisfy the Health Department that the depth of usable ground water is greater than 100 feet below ground surface.

_____ Each well shall be developed to the requirements of the Health Department.

_____ Submit proof of adequate water supply to satisfy requirements of the Health Department.

Submit certification by a Registered Sanitarian to ascertain suitability of soils for installation of individual septic tank system to satisfy requirements of the Health Department.

A lot check is required on these parcels. Contact the Environmental Health Department to perform the lot check. A fee will be required.

✓ Submit proof of payment of fee in-lieu of park dedication. Receipt from the Planning Department will meet this requirement.

✓ Submit proof that there are no outstanding tax liabilities against the affected parcels. A certification from the Tax Collector's Office will satisfy this requirement.

✓ THE FINAL PARCEL MAP SHALL REFLECT

A SETBACK OF 10' MINIMUM FROM THE EDGE OF THE 30 FOOT R/W TO THE EXISTING

This Tentative Parcel Map is approved on 8-5-77 SINGLE FAMILY DWELLING ON PARCEL SD-271-19 subject to the above conditions and the attached map, and expires 14 months from the date stamped hereon.

Sincerely yours,

KAY BOWDEN
PLANNING DIRECTOR

BY Richard Pearson RP

Attachment: Tentative Parcel Map
cc: County Surveyor
Applicant

NOTE:

Santa Cruz County Code, Section 13.08.312 states: "A subdivider, or any person adversely affected by the decision of the Planning Director, for subdivisions for which a parcel map is required, may file an appeal with the Secretary of the Planning Commission within 15 days after the decision rendered by the Planning Director." If no appeal is submitted, this approval will become effective on 8-20-77.

PLN-31
4/76

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Conditions of Approval

- I. Prior to Assessor's Parcel Number 050-272-19 being considered as a legal parcel for the purposes of sale lease or finance, the following shall be completed:
 1. A Record of Survey of APNs 050-272-15, 18 and 19 is required to be filed in the office of the County Surveyor and shall be recorded. The Record of Survey shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be constructed on APN 050-272-19 prior to recording the Record of Survey.
 2. The Record of Survey shall meet the following requirements:
 - a. The Record of Survey shall be in general conformance with the approved Tentative Map for 77-1126-MLD and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - b. The Record of Survey shall show no more than three (3) total lots
 - c. A right-of-way (R/W) with a minimum width of 30 feet for access to APN 050-272-19.
 - d. The Record of Survey shall reflect a minimum 10 foot setback from the edge of the 30 foot right-of-way to the existing single-family dwelling on APN 050-272-15.
- II. Prior to or concurrent with the recording of the Record of Survey, comply with the following:
 1. Submit proof of payment of Park dedication fees for a three bedroom dwelling on APN 050-272-19. Currently these fee are \$1000/bedroom, but are subject to change. Additional fees/ fee credit may be applied if the future building permit for a dwelling on the parcel includes additional/fewer bedrooms.
 2. Submit proof of payment of Child Care fees for a three bedroom dwelling on APN 959-272-19. Currently these fee are \$109/bedroom, but are subject to change. Additional fees/ fee credit may be applied if the future building permit for a dwelling on the parcel includes additional/fewer bedrooms.
 3. Submit proof of payment of Roadside improvement fees for one dwelling. These fees are currently \$1,500 per unit, but are subject to change.
 4. Submit proof of payment of Transportation improvement fees for one dwelling. These fees are currently \$4,500/unit per unit, but are subject to change.
 5. Submit proof that there are no outstanding tax liabilities against the affected parcel. A certification from the Tax Collector's office will satisfy this requirement.

III. Prior to the issuance of a Building Permit for the development of APN 050-272-19, the following conditions shall be met:

1. Submit engineered plans for an access road, located between the limits of the 30 foot access easement, for review and approval by the Department of Public Works Road Engineering Division and Stormwater Management Division. The road shall conform to the following standards:
 - a. Width of the road base or paving shall be at least 16 feet. A cul-de-sac shall be constructed on APN 050-272-19 to a radius of 32 feet. An alternative turnaround may be constructed if the revised design is approved by the local Fire Agency.
 - b. Drainage details shall conform to current engineering practice and the County Design Criteria.
 - c. All road construction materials shall conform to the State of California Standard Specifications.
 - d. The road shall include an oil and screenings seal coat, medium type, on at least 5 inches of aggregate base, class 2.
2. Meet all requirements of the County Code and all other current standards that ensure the public health, safety and welfare.
3. Meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code and Santa Cruz County Affordable Housing Guidelines.
 - a. New units are subject to an Affordable Housing Impact Fee based on habitable square footage. Currently the fee is \$2 per square foot for homes under 2,000 square feet; \$3 per square foot for homes between 2,001-2,500 square feet; and \$5 per square foot for homes between 2,501-3000 square feet.
4. A hold will be placed on any Building Permit that is issued on APN 050-272-19 requiring site inspection before the permit may be finalized, in order to verify that the access road has been constructed in conformance with conditions III.1.a-d above.

IV. As a condition of this approval, the holder ("Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents, to attack, set aside, void, or annul this approval of the COUNTY or any subsequent amendment of this approval which is requested by the Approval Holder.

- a. COUNTY shall promptly notify the Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Approval Holder within sixty (60) days of any such claim, action, or

proceeding, or fails to cooperate fully in the defense thereof, the Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Approval Holder.

- b. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - i. COUNTY bears its own attorney's fees and costs; and
 - ii. COUNTY defends the action in good faith.
- c. Settlement. The Approval Holder shall not be required to pay or perform any settlement unless such Approval Holder has approved the settlement. When representing the County, the Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- d. Successors Bound. "Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to this approval which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Approval Date: _____

Effective Date: _____

Wanda Williams
Deputy Zoning Administrator

Lezanne Jeffs
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department
County of Santa Cruz
701 Ocean Street, 4th Floor
Attention: Lezanne Jeffs
Application #: 171049

Notice of Compliance

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(CALIFORNIA GOVERNMENT CODE §27361.6)

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Gerald E. Secondo and Marilyn J. Secondo, are the property owners or vendee of such owners of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 050-272-19, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that such real property does not comply with all the provisions of the State of California Subdivision Map Act and the County Subdivision Ordinance enacted pursuant thereto but that a Certificate of Compliance with conditions may appropriately be issued.

NOW, THEREFORE a Conditional Certificate of Compliance is hereby issued for the above-described parcel described in Exhibit "A" attached hereto subject to the conditions attached as Exhibit "B".

FURTHERMORE, THIS CONDITIONAL CERTIFICATE OF COMPLIANCE SHALL NOT CONSTITUTE A DETERMINATION THAT SAID PARCEL IS BUILDABLE OR IS ENTITLED TO A BUILDING PERMIT OR OTHER DEVELOPMENT APPROVAL ABSENT FULFILLMENT AND IMPLEMENTATION OF THE ENUMERATED CONDITIONS ATTACHED AS EXHIBIT "B" AND COMPLIANCE WITH THE PROVISIONS OF **ALL** OTHER SANTA CRUZ COUNTY ORDINANCES AND REGULATIONS.

COMPLIANCE WITH THE ENUMERATED CONDITIONS SHALL BE REQUIRED PRIOR TO THE SALE, LEASE OR FINANCE OF THE PARCEL.

THIS CERTIFICATE OF COMPLIANCE RELATES ONLY TO ISSUES OF COMPLIANCE OR NONCOMPLIANCE WITH THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES ENACTED PURSUANT THERETO. ONCE THE ENUMERATED CONDITIONS HAVE BEEN MET, THE PARCEL DESCRIBED HEREIN MAY BE SOLD, LEASED OR FINANCED WITHOUT FURTHER COMPLIANCE WITH THE SUBDIVISION MAP ACT OR ANY LOCAL ORDINANCE ENACTED PURSUANT THERETO. DEVELOPMENT OF THE PARCEL MAY REQUIRE ISSUANCE OF A PERMIT OR PERMITS, OR OTHER GRANT OR GRANTS OF APPROVAL.

Executed on _____, 20__.

COUNTY OF SANTA CRUZ

By: _____
Wanda Williams
Assistant Planning Director

**ALL SIGNATURES ARE TO BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC.
IF A CORPORATION, THE CORPORATE FORM OF ACKNOWLEDGMENT SHALL
BE ATTACHED.**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA, COUNTY OF SANTA CRUZ} ss

On _____, before me, _____, Notary Public, personally appeared _____, who 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 on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature _____
(Notary Public in and for said County and State)

EXHIBIT A

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

BEING a portion of the Rancho Corralitos and of the lands conveyed by Gerald F. Coats, et ux, to Ben Secondo, et ux, by Deed recorded November 14, 1963 in Book 1579, Page 286, of Official Records and sore particularly described as follows:

BEGINNING at a point on the Southern line of Said land from which the Southwest 'corner thereof bears, North 86° 30' West 150.00 feet; thence leaving said line,

- (1) North 189.99 feet, more or less, to a point on the North line of said land, from which the Northwest corner bears North 86° 30' West 150.00 feet distant; thence along said Northerly line,
- (2) South 86° 30' East 250 feet, more or less, to the Northeast corner thereof; thence, along the East line, of said land;
- (3) South 189.99 feet, more or less, to the Southeast corner thereof; thence, along the Southerly line of said land,
- (4) North 86° 30' West 250 feet, more or less, to the point of beginning.

EXHIBIT B

- I. Prior to Assessor's Parcel Number 049-121-50 being considered as a legal parcel for the purposes of sale lease or finance, the following shall be completed:
 1. A Parcel Map of this division is required to be filed in the office of the County Surveyor and shall be recorded. The following shall be shown on the map:
 - a. The division shall result in no more than two (2) total lots that shall conform to the approved Tentative Map for 77-1126-MLD.
 - b. The minimum lot size shall be 14,000 square feet.
 - c. A right-of-way (R/W) as indicated on the Tentative Map approved by 77-1126-MLD with a minimum width of 30 feet.
 - d. The Parcel map shall reflect a minimum 10 foot setback from the edge of the 30 foot right-of-way to the existing single-family dwelling on APN 050-272-15.
- II. Prior to or concurrent with the recording of the Parcel Map, comply with the following:
 1. Submit engineered plans for an access road, located between the limits shown on the approved Tentative Parcel Map, for review and approval by the Department of Public Works Road Engineering Division and Stormwater Management Division. The road shall conform to the following standards:
 - a. Width of the road base or paving shall be at least 16 feet. A cul-de-sac shall be constructed to a radius of 32 feet. Asphalt berms are required where necessary to control drainage. Other Drainage details shall conform to current engineering practice and the County Design Criteria. All road construction materials shall conform to the State of California Standard Specifications.
 - b. The road shall be constructed with an oil and screenings seal coat, medium type, on at least 5 inches of aggregate base, class 2.
 2. Submit proof of legal access from Green Valley Road to this parcel (minimum 40 foot right-of-way if this access was recorded after December 28, 1962).
 3. Submit proof of payment of Park dedication fees for a three bedroom dwelling on APN 959-272-19. Currently these fee are \$1000/bedroom, but are subject to change. Additional fees/ fee credit may be applied if the future building permit for a dwelling on the parcel includes additional/fewer bedrooms.
 4. Submit proof of payment of Child Care fees for a three bedroom dwelling on APN 959-272-19. Currently these fee are \$109/bedroom, but are subject to change. Additional fees/ fee credit may be applied if the future building permit for a dwelling on the parcel includes additional/fewer bedrooms.
 5. Submit proof of payment of Roadside improvement fees for one dwelling. These fees are currently \$1,500 per unit, but are subject to change.

6. Submit proof of payment of Transportation improvement fees for one dwelling. These fees are currently \$4,500/unit per unit, but are subject to change.
7. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code and Santa Cruz County Affordable Housing Guidelines.
 - a. New units are subject to an Affordable Housing Impact Fee based on habitable square footage. Currently the fee is \$2 per square foot for homes under 2,000 square feet; \$3 per square foot for homes between 2,001-2,500 square feet; and \$5 per square foot for homes between 2,501-3000 square feet.
8. Submit proof that there are no outstanding tax liabilities against the affected parcel. A certification from the Tax Collector's office will satisfy this requirement.

III. As a condition of this approval, the holder ("Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents, to attack, set aside, void, or annul this approval of the COUNTY or any subsequent amendment of this approval which is requested by the Approval Holder.

- a. COUNTY shall promptly notify the Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Approval Holder.
- b. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - i. COUNTY bears its own attorney's fees and costs; and
 - ii. COUNTY defends the action in good faith.
- c. Settlement. The Approval Holder shall not be required to pay or perform any settlement unless such Approval Holder has approved the settlement. When representing the County, the Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- d. Successors Bound. "Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.

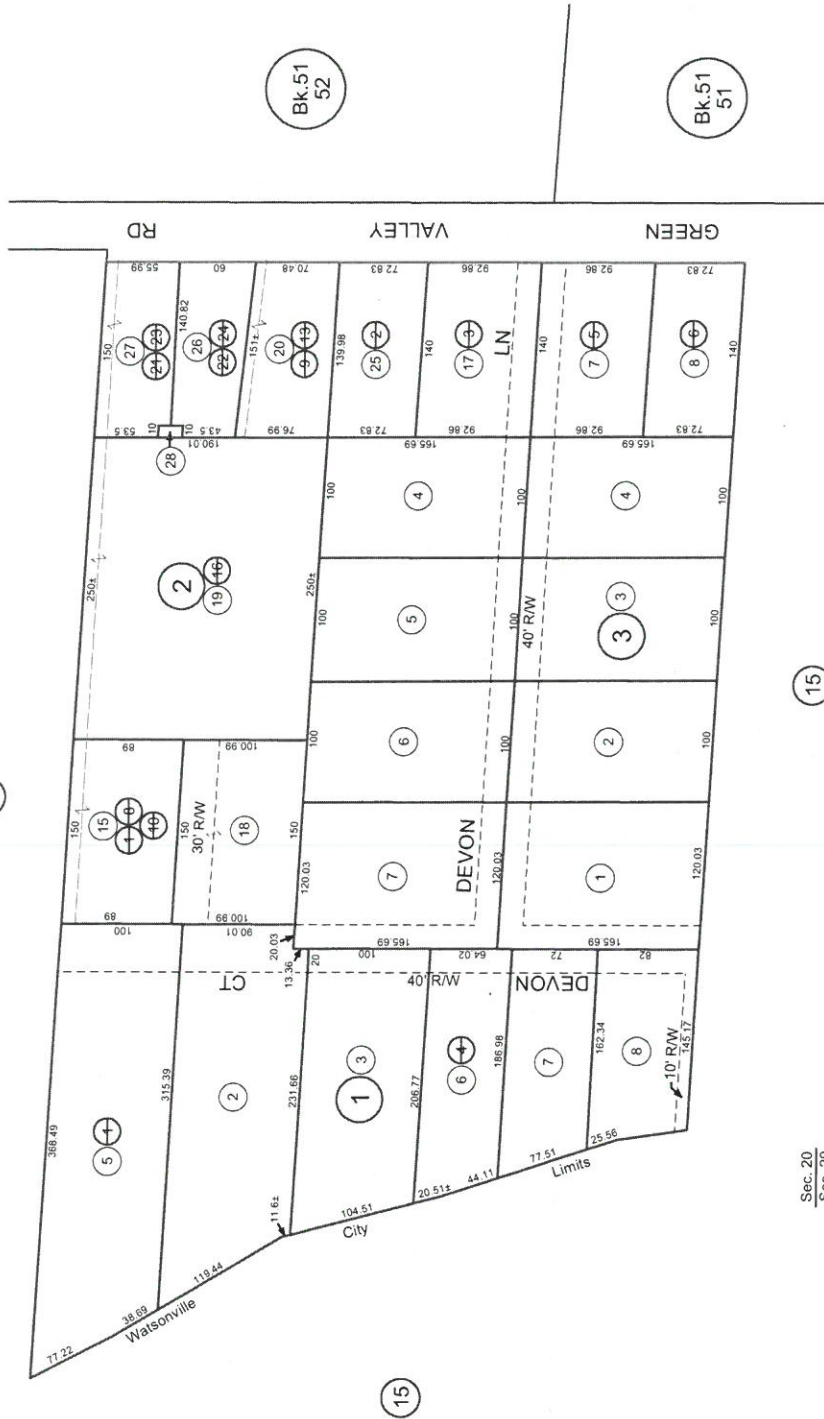
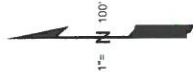
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. RANCHO DE LOS CORRALITOS
S.E. 1/4, SEC. 20, T.11S., R.2E., M.D.B. & M.

Tax Area Code
69-255

50-27

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$$\frac{\text{Sec. 20}}{\text{Sec. 29}}$$

Electronically redrawn 5/26/00 KSA
Rev. 4/12/05 mwm (Added Devon Ct.)

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

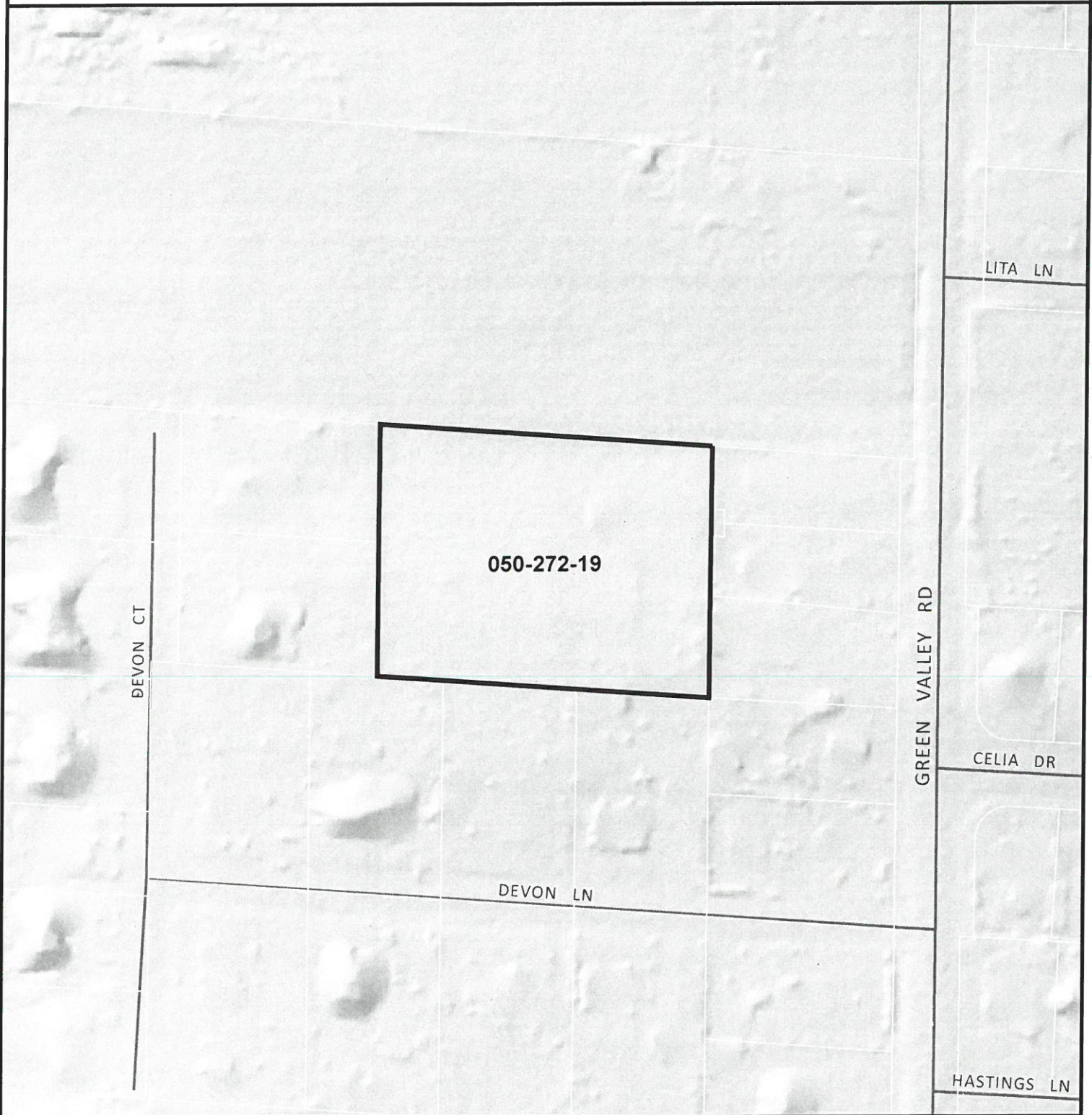
Assessor's Map No. 50-27
County of Santa Cruz, Calif.
May 2000



Parcel Location Map

Santa Cruz County Planning Department

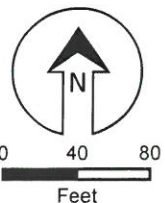
Parcel Number
050-272-19
May. 1, 2017



Location Overview

Symbol Key

— Street





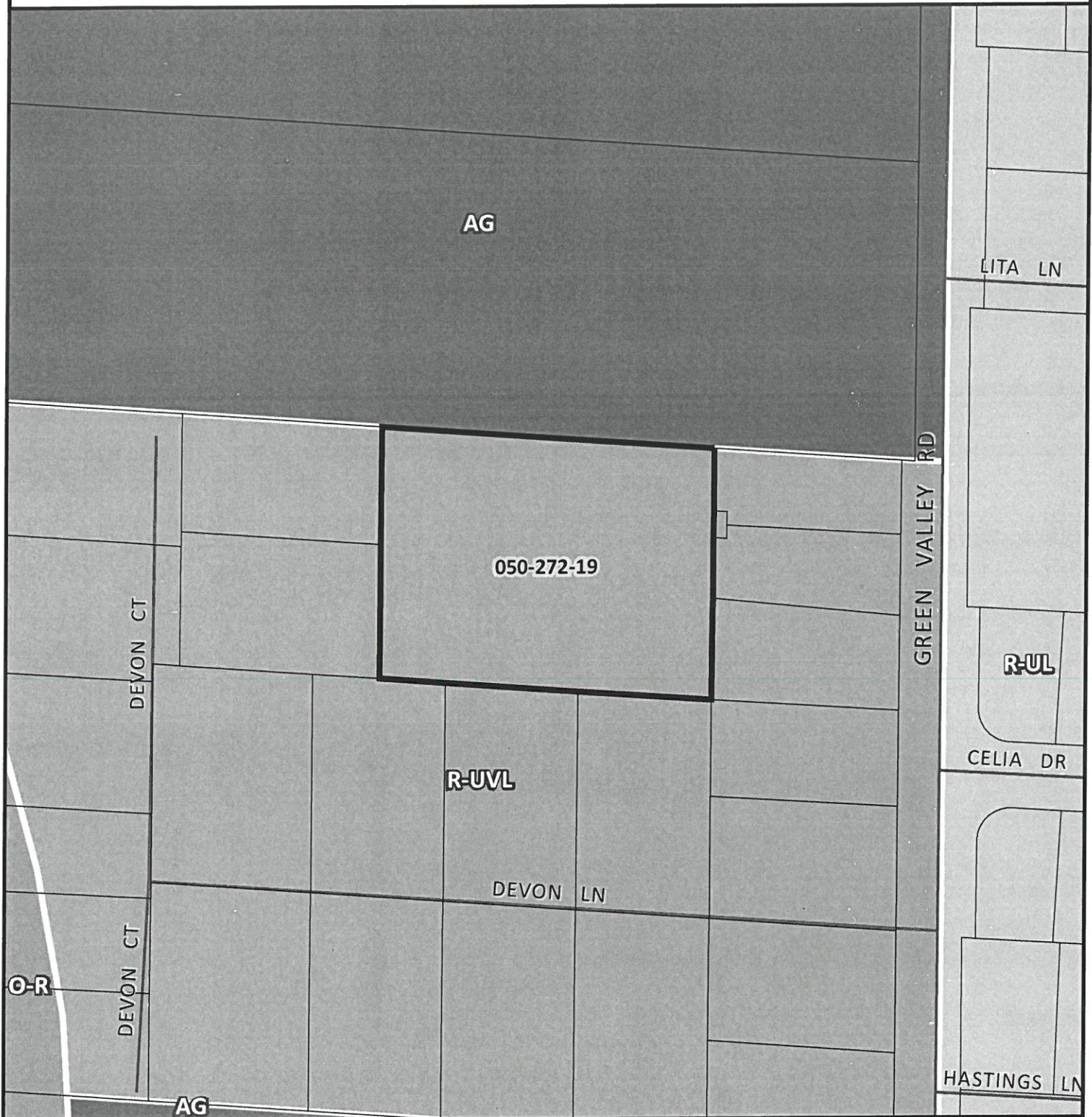
Parcel General Plan Map

Santa Cruz County Planning Department

Parcel Number

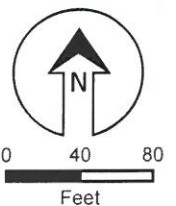
050-272-19

May. 1, 2017



General Plan

- AG - Agriculture
- O-R - Parks and Recreation
- R-UVL - Residential - Urban Very Low Density
- R-UL - Residential - Urban Low Density

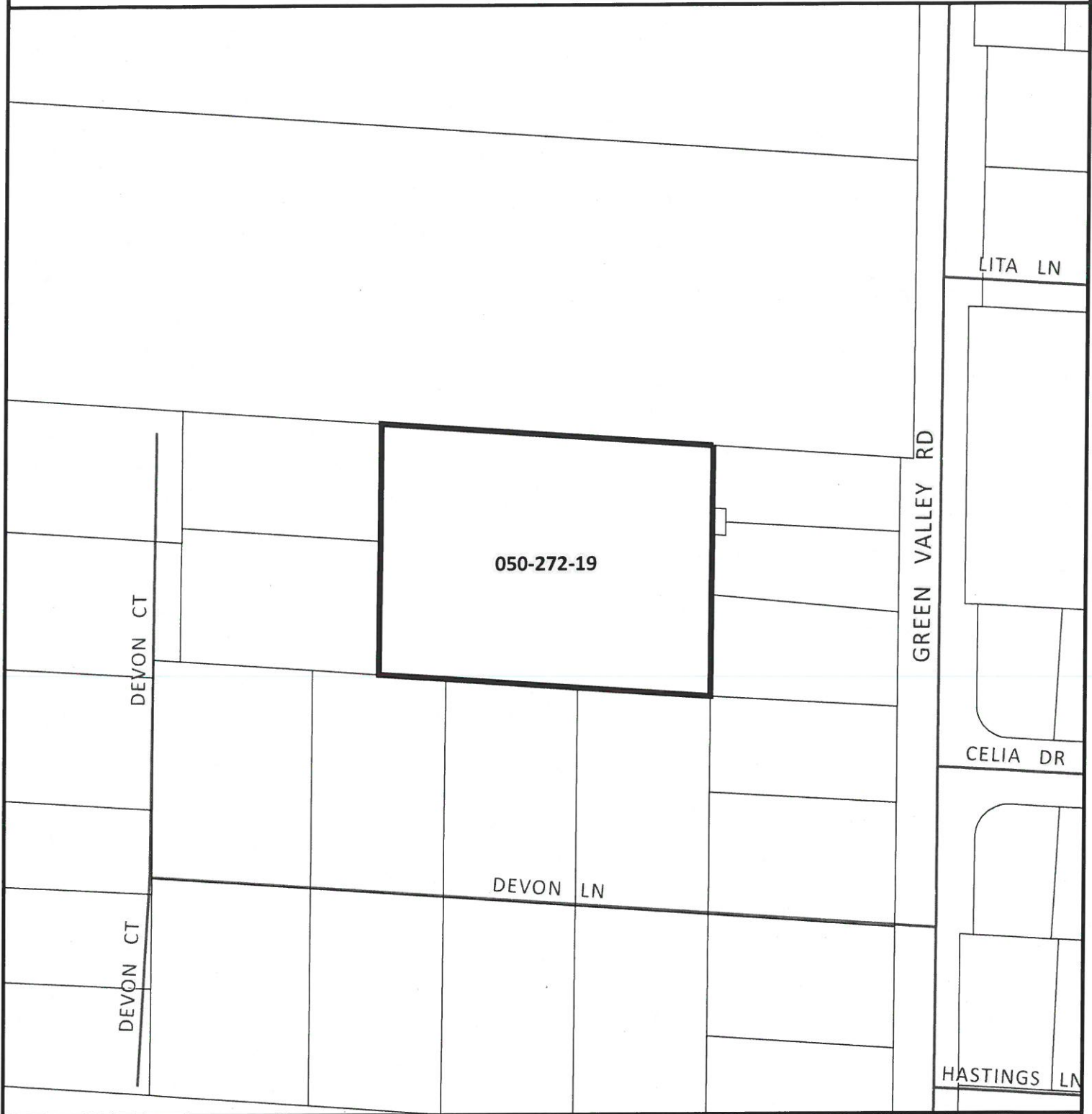




Parcel Zoning Map

Santa Cruz County Planning Department

Parcel Number
050-272-19
May. 1, 2017



Zoning

