



## Staff Report to the Zoning Administrator

Application Number: **201167**

Application Number: **201167**  
Applicant: **Alejandro (Alex) Monroy**  
Site Address: **125 Manfre Road**

APN(s): **049-303-12**  
Owner: **Monroy**  
Agenda Item: **5**

**Project Description:** The proposal is to establish the legality of one parcel of about 1.13 acres (49,223 square feet) in area, located in the R-1-20 zone district. This application is a request for a Parcel Legality Determination / Certificate of Compliance and a determination that the project is exempt from further review under the California Environmental Quality Act

**Location** The property is located on the west side of Manfre Road approximately 0.04 mile north of the intersection with Larkin Valley Road in the Pajaro Valley Planning Area.

**Permits Required:** Conditional Certificate of Compliance

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

### Staff Recommendation:

- A. Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- B. Direct that a Conditional Certificate of Compliance, attached as Exhibit E. be recorded.

### Background

Application APP-191042 was submitted on November 25, 2019, to obtain Building Permits to construct a single-family dwelling and a detached garage/storage building on the subject parcel. During the review of APP-191042 it was determined that there were concerns about the legality of the parcel and an application for a Lot Legality Determination and Certificate of Compliance was required before the Building Permit could be issued. This application has therefore been made to establish that APN 049-303-12 is a separate legal lot. The parcel is noted by the Assessor's office as unimproved.

### Analysis

Assessor's Parcel Number 049-303-12 was evaluated as to 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

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

and Santa Cruz County Code Sections 14.01.109 and 14.01.110. APN 049-303-12 is comprised of former APNs 049-303-08 and APN 049-303-10 that were combined by the Assessor, at the request of the former property owner, on June 19, 2003.

Parcel History: The chain of title submitted by the applicant indicates that APN 049-303-12 was created by deed instrument. The following is a brief history of the parcel:

**February 1, 1968**

Book 1862, Page 619 of Official Records; From: Joseph Amrein and Wilma Amrein, his wife, To: Wilma Leonard.

*This deed transferred a parcel of land (former APN 049-303-04) that includes current APNs 049-303-09, 11 and 12 (APN 049-303-12 includes former APNs 049-303-08 and 10 that were combined to create the subject parcel).*

*This is the "Parent Parcel".*

**April 04, 1968**

Book 1874, Page 288 of Official Records; From: Wilma Leonard, a married woman, dealing in her separate property, To: Jack Wagner.

*This deed transferred APN 049-303-04, the "Parent Parcel".*

**April 04, 1968**

Book 1874, Page 292 of Official Records; From: Jack Wagner and Leoda Wagner, his wife, To: Lesle E. Francis and Donna L. Francis, his wife, as joint tenants.

*This deed transferred APN 049-303-04, the "Parent Parcel".*

**January 18, 1972**

Book 2165, Page 514 of Official Records; From: Lesle E. Francis and Donna L. Francis, his wife, To: Marian Adams.

*This Quitclaim deed transferred APN 049-303-04, the "Parent Parcel", thereby recognizing the prior transfer of the parcel from Francis to Adams that was enacted on January 12, 1972 (unrecorded).*

**March 21, 1974**

Book 2394, Page 181 Of Official Records; From: Marian Adams, To: Jack Wagner and Leoda Wagner, his wife, as joint tenants.

*This deed transferred the northern approximately one-half of the "Parent Parcel" under a description that includes two land areas, Parcel A and Parcel B, where Parcel A corresponds to the northern portion of the subject parcel (former APN 049-303-08) and Parcel B corresponds to current APN 049-303-11.*

**April 08, 1988**

Book 4307, Page 114 of Official Records; From: Jack Wagner and Leoda Wagner, husband and wife, and Marian Adams, To: Ben Sotero and Kathleen Sotero, husband and wife, as joint tenants.

*This deed transferred the entire "Parent Parcel", described as four land areas, Parcels One, Two, Four and Six (Parcels Three and Five describe a right-of-way appurtenant to Parcels Two and Four). Parcel One corresponds to former APN 049-303-08, the northern portion of the subject parcel (Parcel A above), Parcel Two corresponds to APN 049-303-11 (Parcel B above), Parcel Four corresponds to APN 049-303-09, and Parcel six corresponds to former APN 049-303-10, the southern portion of the subject parcel.*

Parcel History (continued) ...

**June 14, 2001**

Instrument No. 2001-0036157 of Official Records; From: Ben Sotero, also known as Rinaldo B. Sotero, and Kathleen Sotero, To: Ben Sotero, also known as Rinaldo B. Sotero, and Kathleen Sotero, Trustees of The Sotero Revocable Family Trust Under Trust Agreement dated September 25, 2000

*This transferred the entire "Parent Parcel", described as Parcels One, Two, Three and Four, where Parcels One and Two are the same as described in the previous deed, (APNs 049-303-08 and 11), Parcel Three was previously Parcel Four (049-303-09) and Parcel Four was previously Parcel Six (APN 049-303-10), into a Trust.*

**September 30, 2003**

Instrument No. 2003-0099077 of Official Records; From: Ben Sotero, also known as Rinaldo B. Sotero, and Kathleen Sotero, Trustees of The Sotero Revocable Family Trust Under Trust Agreement dated September 25, 2000, To: Ray Gomes And Janice Gomes, husband and wife and Zachary Ray Gomes, a single man, all as joint tenants.

*This deed transferred the easterly portion of the "Parent Parcel", described as Parcels One and Two, where Parcel One is that same parcel as Parcel One described above (previously Parcel A, former APN 049-303-08) and Parcel Two is the same as Parcel Four as described above (previously Parcel Six, former APN 049-303-10). This deed included notation that the two parcels were combined to APN 049-303-12, the subject parcel.*

*This Deed created the subject property as a separate parcel.*

**April 12, 2013**

Instrument No. 2013-2013-18260 of Official Records; From: Ray Gomes and Janice Gomes, husband and wife and Zachary Ray Gomes, a single man, all as joint tenants, To: Zachary Ray Gomes, a single man

*This deed transferred the subject property, as described above (APN 049-303-12)*

**April 12, 2013**

Instrument No. 2018-006579 of Official Records; From: Zachary Ray Comes, a single man,

To: Alejandro Monroy and Maria G. Monroy, husband and wife as joint tenants.

*This deed transferred the subject property, as described above (APN 049-303-12), to the current owners.*

No information was provided regarding when, or how, the Parent Parcel was first re-described as containing four land areas. However, to qualify as separate legal parcels, each of the separately described lots would have to have been transferred by a separate deed instrument prior to January 21, 1972. No evidence has been submitted which clearly shows that either the subject parcel, known as APN 049-303-12, or the former parcels, APNs 049-303-08 and 10 that were combined in June 2003 to create the subject parcel, were described in separate deed instruments prior to that date. The subject parcel was not conveyed by a separate document as a separate parcel until September 30, 2003.

Based upon the submitted Chain of Title, the first transfer of any portion of the subject property by a separate deed instrument occurred on March 21, 1974, when the northern portion of the subject parcel, former APN 049-303-08, was transferred together on the same deed with land to the east, now recognized as APN 049-303-11. However, this transfer does not appear to have been a bona fide purchase of the land because, following this transaction (as evidenced by the deed recorded on April 8, 1988), all four land areas that make up the "Parent Parcel" continued to be held under a single ownership entity that included both of the parties listed on the March 21, 1974, deed.

Site Improvements: As indicated by the Assessor's Records, Building Permit records and information submitted by the applicant, APN: 049-303-12 is currently unimproved.

Development Approvals: The known development approvals issued by the County for the subject parcel and the two underlying Assessor's Parcel Numbers are as follows:

APN: 049-303-08 (northern half of the subject parcel)

- No Permits on file

APN: 049-303-10 (southern half of the subject parcel)

- No Permits on file

APN: 049-303-12 (subject parcel)

- No Permits on file

Development approvals issued by the County for the "Parent Parcel" and for the remaining land area not included in the subject parcel (currently held under two separate ownerships) include the following (Permits for repairs and other minor projects are not listed):

APN: 049-303-04 (The "Parent Parcel")

- Use Permit No. 3353-U, approved May 23, 1969 - To Establish a wood storage yard.

APN: 049-303-09

- Building Permit No. 0049070H-00138033, issued June 28, 2004, - to install a manufactured dwelling with an attached garage.

APN: 049-303-09-11

- Building Permit Nos. 0033184H-00125162 and 00125163, to install a manufactured dwelling and a detached garage.

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 1771, effective October 12, 1972

This Zoning Ordinance amended the County Zoning Plan for the Larkin Valley/Calabasas area, bounded by Freedom Boulevard, Highway 1 and the Watsonville Airport and placed the parcel in the R-1-15 zone district.

Ord. 4315 passed on May 24, 1994

This Zoning Ordinance amended the County Zoning Plan to implement the 1994 General Plan and Local Coastal Program for the County of Santa Cruz and placed the parcel in the R-1-20 zone district.

## **Findings**

The current deed for the parcel indicates that the two underlying land areas that make up the subject parcel (049-303-08 and 11) are described separately, with two metes and bounds descriptions. Although the current deed does not include a statement indicating that it was the intent of that document to combine the property, as required by the Civil Code Section 1093, the two land areas described by APNs 049-303-08 and 10 that make up the subject parcel, were combined by the Santa Cruz County Assessor at the request of the property owner, on June 19, 2003. Furthermore, this combination of the parcels is noted on deeds that transferred the property in September 30, 200 and April 12, 2013, subsequent to that action.

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 two underlying Assessor's Parcel Numbers, APNs 049-303-08 and 10, that were combined to create the subject parcel, APN 049-303-12, on June 19, 2003, were not described within separate deed instruments or actions transferring the individual parcels (creation of the parcel) prior to January 21, 1972.

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

Based upon the submitted Chain of Title and accompanying deed instruments, the two underlying Assessor's Parcel Numbers, APNs 049-303-08 and 10, that were combined to create the subject parcel, 049-303-12 did not comply with the applicable provisions of the Subdivision Map Act at the time the parcel was created. In accordance with the Subdivision Map Act, and County Code chapter 14.0, all divisions of real property occurring after January 21, 1972, require local agency approval. After that date a Tentative Map and a Parcel Map were required for all subdivisions creating not more than four parcels. No evidence was submitted to show approval of a Tentative Map and recordation of a Parcel Map for any of the four land areas described by Assessor's Parcel Numbers 049-3-308, 09, 10 and 11, that make up the "Parent Parcel".

- 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.**

Assessor's Parcel Number 049-303-12 complied with the applicable standards in effect at the time the parcel was created on September 30, 2003. At this time the parcel was zoned R-1-20

(the current zoning) which requires that all new parcels have a minimum parcel size of 20,000 square feet, a minimum lot width of 90 feet and a minimum frontage onto a street of 60 feet. APN 049-303-12 complied with these standards in that the parcel has net developable a lot size of approximately 38,100 square feet, a site width of approximately 130 feet and a frontage of around 132 feet to a right of way along the southern property line.

In addition, the Subdivision Map Act (Government Code Section 66499.35 c) and the County Code (County Code Section 14.01.109(A)(2)) state that an Unconditional Certificate of Compliance shall be issued where the local agency has granted a development approval. In this case, no development approvals have been granted to either of the underlying APNs 049-303-08 and 10, or to the current APN 049-303-12. However, development approvals were issued for the two parcels that make up the remainder of the Parent Parcel, APNs 049-303-09 and 11 and these parcels are therefore recognized as legal separate parcels.

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

Evidence was submitted that confirmed that the underlying APNs 049-303-08 and 10, which make up the subject parcel, were combined by the action of the owner. However, the subject parcel is not subject to merger with any other parcel as outlined in section 14.01.111(B)(2) of the County Code and 66451.302 of the Government Code, in that APN 049-303-12 is not held in common ownership with any adjacent parcel..

**Conclusion**

Based upon the deed evidence submitted, APN 049-303-12 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. This is because neither the parcel nor the underlying land areas contained within former APNs 049-303-08 and 10, were conveyed by a separate document as a separate parcel on or before January 21, 1972. In addition, there was no subsequent local agency approval of Tentative Map resulting in the recordation of a Parcel Map for the subdivision of the land. 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 or for the issuance of any development approval.

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."

The original action by which the "Parent Parcel" was first described as containing four separate land areas (for which Assessor's Parcel Numbers were assigned) occurred sometime in the early 1970s, when the parcel was owned by Jack and Leoda Wagner and Marian Adams. Since this time, ownership of the property has been legally transferred four times (Wagner/Adams to Sotero; Sotero to R & J Gomes and Z Gomes; R & J Gomes to Z Gomes; Z Gomes to the current

owners). It is unlikely that any purchaser subsequent to Wagner/Adams had any awareness that the land did not contain four separate legal parcels.

The current owner purchased the land in March 2018 and it is clear that there was no involvement by this owner in the original perceived division of the "Parent Parcel" into four Assessor's Parcel Numbers. In addition, the current owners were not involved in the creation of the parcel, which occurred when APN 049-303-12 was first conveyed by a separate document as a separate parcel in September 2003 (Sotero to Gomes). Furthermore, the current owners received no financial benefit from these past actions.

The State Map Act (66499.35) states that 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". APN 049-303-12 was purchased by the current owner on March 05, 2018. The subject parcel has been located in the R-1-20 (single-family residential, 20,000 square foot minimum lot size) zone district since 1994, and the zoning is consistent with the site's R-UVL (Urban Very Low Density Residential) and O-U (Urban Open Space) General Plan designations (the O-U designation reflects a riparian buffer that crosses the southwest corner of the parcel). Therefore, at the time that the current owner acquired their interest in the parcel, the current standards would be applied to the division of land. The subject parcel, APN 049-303-12, complies with all applicable County ordinances in effect for the R-1-20 zone district including (without limitation) the minimum 20,000 square foot parcel size. The lot exceeds this requirement in that, excluding a 40-foot right-of-way along the southern property line, slopes of greater than 30% and land within the riparian buffer, it has a net developable area of approximately 38,100 square feet. In addition, the parcel exceeds the 90-foot minimum lot width and 60-foot frontage requirements, in that it is approximately 130 feet wide and has a frontage of 132 feet. Access to the parcel complies with the requirements of County Code section 13.10.521(a) "Right-of-Way Access" in that right-of-way that provides access to the parcel has a width of a 40-feet. This right-of-way connects to Manfre Road, a 50-foot wide County right-of-way. Furthermore, APN 049-303-12 is larger in size than the other Assessor's Parcel Numbers constituting the remaining portions of the original, legal, "Parent Parcel" (APNs 049-303-09 and 10) which could now be recognized as legal because of the past issuance of development approvals.

Since the Subdivision Map Act allows flexibility with regard to the conditions that may be required, the special circumstances that apply to this lot, as discussed (above), warrant the imposition of modified standards from those that would have been in effect at the time that the current owner took possession of the property. It has therefore been determined that, because all surrounding parcels, including APNs 049-303-09 and 11, that constitute the remainder of the Parent Parcel, are now recognized as legal, separate parcels, the requirement for a Tentative Map and a Parcel Map can be waived in accordance with the provisions of County Code section 14.01.201.5. As set out in this section, the Planning Director may waive the requirement for a parcel map as otherwise set out in County Code chapter 14.01 "Subdivision Regulations", if it can be found that the proposed division of land complies with the requirements of the Subdivision Map Act and County Code Chapter 14.01, as to parcel size, improvements and design, flood water drainage control, appropriate improved public roads, sewage disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and County Code, and if the County Surveyor determines that the boundaries of the parcel are adequately monumented.

Therefore, as required by the Conditional Certificate of Compliance the property owner is required to demonstrate the parcel meets these requirements and that all future development will meet all current standards that ensure the public health, safety and welfare. These conditions are required to be met prior to the sale, lease or finance of the parcel and prior to the issuance of any Building Permits or other permits for development.

The recommended conditions have been incorporated into the Conditional Certificate of Compliance (Exhibit C) that is to be recorded on the title of APN 049-303-12.

**Staff Recommendation:**

- Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that a Conditional Certificate of Compliance, attached as Exhibit E. 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 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](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Lezanne Jeffs  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-2480

**Exhibits**

- A. Categorical Exemption (CEQA determination)
- B. Conditional Certificate of Compliance



# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: «Application\_Number»

Assessor Parcel Number: «APN»

Project Location: «Site\_Address»

**Project Description:** «Brief\_Project\_Description»

**Person or Agency Proposing Project:** «Applicant»

**Contact Phone Number:** «Applicants\_Phone»

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
C. \_\_\_\_\_ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. \_\_\_\_\_ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).  
E.   X   **Categorical Exemption**

Specify type: Section 15305: Minor Alterations in Land Use Limitations

**F. Reasons why the project is exempt:**

Minor alteration in land use limitation that does not result in any changes to the existing land use or density.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Lezanne Jeffs, Project Planner

Date: \_\_\_\_\_

**EXHIBIT A**

Recording requested by:

County of Santa Cruz

Return recorded form to:

Planning Department  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Attention: Lezanne Jeffs  
Application #: 201167

---

**Notice of Compliance**

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

## CONDITIONAL CERTIFICATE OF COMPLIANCE

---

WHEREAS, Alejandro Monroy and Maria G. Monroy, husband and wife, are the property owner(s) or vendee of such owner(s) of certain real property located in the County of Santa Cruz, State of California, known as Santa Cruz County Assessor's Parcel Number 040-303-12, 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 application for a building permit or another development permit approval by the County of Santa Cruz.

**This certificate of compliance relates only to issues of compliance or noncompliance with the subdivision map act and local ordinances enacted pursuant thereto. 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.**

DATED \_\_\_\_\_ COUNTY OF SANTA CRUZ

By:

\_\_\_\_\_  
Annette Olson  
Principal Planner

**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 \_\_\_\_\_

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:

### PARCEL ONE:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF MANFRE ROAD, A COUNTY ROAD 40 FEET WIDE, AT THE NORTHWESTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO LESLE E. FRANCIS, ET UX, RECORDED APRIL 4, 1968 IN VOLUME 1874 OF OFFICIAL RECORDS, AT PAGE 292, SANTA CRUZ COUNTY RECORDS; RUNNING THENCE ALONG SAID LINE OF MANFRE ROAD, NORTH 87 DEGREES 36' EAST 159.61 FEET TO A POINT; THENCE LEAVING SAID ROAD LINE AND RUNNING SOUTH 5 DEGREES 16' WEST 195 FEET, MORE OR LESS, TO A POINT WHICH BEARS SOUTH 75 DEGREES 38' 30" EAST FROM THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO JACK WAGNER, ET UX, RECORDED NOVEMBER 26, 1971 IN VOLUME 2149 OF OFFICIAL RECORDS, AT PAGE 544 AND THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN; RUNNING THENCE FROM SAID TRUE POINT OF BEGINNING, NORTH 5 DEGREES 16' EAST 195 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF SAID MANFRE ROAD; RUNNING THENCE ALONG SAID ROAD LINE, EASTERLY ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80 FEET, A DISTANCE OF 60.95 FEET TO A POINT; THENCE SOUTH 49 DEGREES 49' EAST 27.00 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 120 FEET A DISTANCE OF 40.49 FEET TO A POINT; THENCE 69 DEGREES 05' EAST 20 FEET, MORE OR LESS, TO THE NORTHWESTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO ORVAL F. FISHER, ET AL, RECORDED FEBRUARY 23, 1946 IN VOLUME 591 OF OFFICIAL RECORDS, AT PAGE 401; THENCE LEAVING THE SOUTHERLY LINE OF MANFRE ROAD AND RUNNING ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED TO FISHER, SOUTH 5 DEGREES 16' WEST (CALLED SOUTH 5 DEGREES 32' WEST IN SAID DEED) 160 FEET, MORE OR LESS, TO A POINT WHICH BEARS SOUTH 75 DEGREES 38' 30" EAST FROM THE TRUE POINT OF BEGINNING HEREIN; THENCE LEAVING SAID WESTERLY LINE AND RUNNING NORTH 75 DEGREES 38' 30" WEST 138 FEET, MORE OR LESS, TO THE SAID TRUE POINT OF BEGINNING.

### TOGETHER WITH:

### PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF MANFRE ROAD, A COUNTY ROAD 40 FEET WIDE, AT THE NORTHWESTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO LESLE E. FRANCIS, ET UX, RECORDED APRIL 4, 1968 IN VOLUME 1874 OF OFFICIAL RECORDS, AT PAGE 292, SANTA CRUZ COUNTY RECORDS; RUNNING THENCE ALONG SAID LINE OF MANFRE ROAD, NORTH 87 DEGREES 36' EAST 159.61 FEET TO A POINT; THENCE LEAVING SAID ROAD LINE AND RUNNING SOUTH 5 DEGREES 16' WEST 195 FEET, MORE OR LESS, TO A POINT WHICH BEARS SOUTH 75 DEGREES 38' 30" EAST FROM THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO JACK WAGNER,

ET UX, RECORDED NOVEMBER 26, 1971 IN VOLUME 2149 OF OFFICIAL RECORDS, AT PAGE 544 TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND TO BE DESCRIBED HEREIN; RUNNING THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 5 DEGREES 16' EAST 185 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED TO FRANCIS, ABOVE REFERRED TO; RUNNING THENCE ALONG SAID SOUTHERLY LINE, SOUTH 64 DEGREES 50' EAST 125 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY LINE OF MANFRE ROAD; RUNNING THENCE ALONG SAID LINE NORTH 18 DEGREES 50' EAST 84.60 FEET TO THE MOST SOUTHERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO ORVAL F. FISHER, ET AL, RECORDED FEBRUARY 23, 1946 IN VOLUME 591 OF OFFICIAL RECORDS, AT PAGE 401; THENCE LEAVING SAID LINE OF MANFRE ROAD AND RUNNING ALONG THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN SAID DEED TO FISHER, NORTH 5 DEGREES 16' EAST (CALLED NORTH 5 DEGREES 32' EAST IN SAID DEED) 130 FEET, MORE OR LESS TO A POINT WHICH BEARS SOUTH 75 DEGREES 38' 30" EAST FROM THE TRUE POINT OF BEGINNING HEREIN; RUNNING THENCE NORTH 75 DEGREES 38' 30" WEST 138 FEET, MORE OR LESS, TO SAID TRUE POINT OF BEGINNING.

PARCEL ONE AND PARCEL TWO WERE COMBINED BY THE ACTION OF THE OWNER ON JUNE 19, 2003 AND CONSTITUTE ONE SEPARATE PARCEL.

APN: 049-303-12

## EXHIBIT B

### CONDITIONS:

All future development on the subject property described in the attached Exhibit "A" is subject to the following conditions:

- I. Prior to Assessor's Parcel Number 049-303-12 being considered as a separate legal parcel, meet the following requirements:
  1. Demonstrate that the parcel is in conformance with all current requirements for the creation of parcels located within the R-1-20 zone district as follows:
    - a. The parcel shall contain a minimum "Net Developable Area" of 20,000 square feet. "Net Developable Area" means the portion of the parcel which can be used for density calculations and excludes all land within public or private rights-of-way and any area of land that is not developable. The following areas shall not be considered as developable land:
      - i. Land with slope greater than 30 percent and coastal bluffs.
      - ii. Riparian corridors, wooded arroyos, canyons, stream banks, areas of riparian vegetation and areas within a 50-foot setback from the top of riparian corridor.
      - iii. Lakes, marshes, sloughs, wetlands, water areas, beaches and areas within the 100-year floodplain.
      - iv. Areas of recent or active landslides.
      - v. Land within 50 feet of an active or potentially active fault trace.
      - vi. Commercial agricultural land and mineral resource areas.
      - vii. Areas subject to inundation as defined by a Geologic Hazards Assessment or full geologic report.
    - b. The parcel shall have a minimum site width of 90 feet. "Site width" means the horizontal distance between the side property lines of a site measured on an alignment parallel to the front property line along the rear line of the required front yard.
    - c. The parcel shall have a minimum frontage onto Manfre Road of 60 feet. "Frontage" means the property line of a site abutting on a street or on the edge of a right-of-way, not including the side line of a corner lot.
  2. Provide a letter from the County Surveyor to confirm that the boundaries of the parcel are adequately monumented.



II. Prior to being considered as a buildable parcel and prior to the issuance of any building permits, all of the following shall be completed:

1. Submit a letter from Environmental Health Services indicating that satisfactory arrangements have been made for the installation of an approved sewage disposal system for the lot to include as follows:
  - a. A statement that facilities proposed to be installed for sewage disposal for the parcel can be accomplished without creating a nuisance, either public or private, and without menace to the public health.
2. Submit a Will Serve Letter to obtain water service from a Water District or, if applicable, an Individual Water Service Permit Issued by the County Environmental Health Department for a well or other water source.
3. Comply with all of the requirements of the Local Fire Agency with regard to access for emergency vehicles and also for fire protection and safety as follows:
  - a. Fire hydrants or adequate storage facilities for a fire protection water supply shall be provided and installed in accordance with the requirements of the fire district providing fire protection to the subdivision.
  - b. The access road connecting the parcel with a County-maintained road that lies within the 40-foot right of way for Las Colinas Drive, shall be improved for its entire length in accordance with the current requirements of the fire district for Emergency Vehicle access.
4. The building site shall be determined to be free from geologic hazards to the extent that the safety of any proposed dwelling or other structure may be ensured:
  - a. Where it is determined to be necessary by County Environmental Planning staff to fulfill this requirement, a Soils Report (also called a Geotechnical Report) and/or Geological Report shall be provided to assess or address all environmental/safety concerns. Where such reports are required, all construction shall be performed in conformance with the recommendations contained therein.
5. The location of any proposed structure and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-20 (Single-Family Residential) zone district. All Construction on the parcel shall comply with the requirements of the prevailing building technology, the California Building Code, and the County Building Ordinance to insure the optimum in safety and the conservation of energy and resources.
  - a. Obtain a Building Permit from the Santa Cruz County Building Official for the construction all structures proposed on the parcel.

III. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this



development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- 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:
  - 1. COUNTY bears its own attorney's fees and costs; and
  - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner 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. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.