



Staff Report to the Zoning Administrator

Application Number: 211121

Applicant: Dan Cunningham

Owner: Vance Brown Inc.

APN: 088-311-02 (& Santa Clara APN 544-21-016)

Site Address: No Situs - Skyline Boulevard

Agenda Date: April 1, 2022

Agenda Item #: 2

Time: After 9:00 a.m.

Project Description: The proposal is to establish the legality of Assessor's Parcel Number 088-311-02, an approximately 26.19-acre portion of a larger parcel that spans the Santa Cruz/Santa Clara County line. This requires a Lot Legality Determination, a Conditional Certificate of Compliance and a determination that the project is exempt from further review under the California Environmental Quality Act (CEQA).

Location: The property is located on the east and west side of Skyline Blvd (Highway 35), the center line of which is the County Line between Santa Cruz County and Santa Clara County (APN 088-311-02 is on the west side of Skyline Boulevard), approximately 1/2 mile northwest of Green Forest Road in the Skyline Planning Area.

Permits Required: Conditional Certificate of Compliance

Supervisory District: 5th District (District Supervisor: Bruce McPherson)

Staff Recommendation:

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificate of Compliance included as Attachment C be recorded for APN 088-311-02.

Background and Analysis

The application is for a determination that a parcel of land, identified as Assessor's Parcel Number (APN) 88-311-02 constitutes a separate legal lot. APN 088-311-02 is noted by the Assessor's office as unimproved.

APN 088-311-02 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 and Santa Cruz County Code Section 14.01.109 and 14.01.110.

Early Parcel History:

May 20, 1872 – Land Grant from The United States of America to Richard Clifford;

This sale of public lands created the original Land Grant Parcel, described as: the Northeast Quarter of the Northeast Quarter of section 35 (and) the South half of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section 36 (Land Grant Parcel - See Attachment C)

No information was submitted to the County of Santa Cruz regarding the parcel history between April 1820 and June 1961; however, based upon information provided by Santa Clara County, the following transactions occurred:

1953 - A 0.23 acre portion of the Northwest Quarter of the Northwest Quarter of section 36 was transferred by deed instrument to "Frances L. Gallagher" (recorded April 10, 1953, in Book 2616, Page 416 of Official Santa Clara County Records). The resulting parcel is recognized as legal as no Tentative or Parcel Map would have been required for this lot line adjustment.

January 5, 1977 - Prior to 1977 (details unknown) the Southwest Quarter of the Northwest Quarter of Section 36 was split off from the Land Grant Parcel. Subsequently, Parcel Map 386-M-24 was recorded by the County of Santa Clara for the division of that portion of the parcel that had been split off lying within their jurisdiction. This action legalized the remainder of the Land Grant Parcel, thereby creating a legal remainder parcel (the Parent Parcel - See Attachment C)

Parcel History 1961 to Present:

The Chain of Title and other information submitted by the applicant indicates that APN 088-311-02 was created by deed instrument.

June 2, 1961

Book 1398, Page 72 of Official Santa Cruz County Records; Theodore R. Mini, an unmarried man TO Theodore R. Mini Jr. and Adelle M. Mini, husband and wife as joint tenants.

This Grant Deed transferred ownership of the Parent Parcel, including the subject property within Santa Cruz County (29 acres), and the remainder of the parcel (90.7 acres), within Santa Clara County, described together as a single entity.

October 2, 2003

Instrument Number 2003-0100286 of Official Santa Cruz County Records; Theodore R. Mini Jr. and Adelle M. Mini, husband and wife as joint tenants TO Mary Louise Mini, as Trustee of the Mini Irrevocable Trust, dated May 19, 2003. This Grant Deed placed the Parent Parcel into a Trust. The property was described as a single entity, which included the subject property within Santa Cruz County (29 acres), and the remainder of the parcel (90.7 acres), within Santa Clara County.

Parcel History (continued) ...

May 4, 2005

Instrument Number 2005-0029702 of Official Santa Cruz County Records; Theodore R. Mini Jr. and Adelle M. Mini, husband and wife as joint tenants TO Mary Louise Mini, as Trustee of the Mini Irrevocable Trust, dated May 19, 2003. This deed revised the deed recorded on October 2, 2003.

June 2, 2011

Instrument Number 2011-0057435 of Official Santa Cruz County Records; Mary Louise Mini TO Father John Lyons, successor trustee. This Affidavit of Death of Trustee revised the Trustee of the Mini Irrevocable Trust.

December 19, 2013

Instrument Number 2013-0022371 of Official Santa Cruz County Records; Father John Lyons as Trustee of the Mini Irrevocable Trust, dated May 19, 2003 (both Exemption and Survivor's Portion) TO John Lyons, as Trustee of the Adele M. Mini Trust as amended. This deed corrected the deed recorded on May 4, 2005, pursuant to the Affidavit of Death of Trustee recorded June 2, 2011. (See Attachment D for deeds recorded in Santa Clara County that revised the original Trust)

March 11, 2014

Instrument Number 2014-0007852 of Official Santa Cruz County Records; Adelle M. Mini, an unmarried woman, TO Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, and John Lyons as Trustee of the Adelle M. Mini Trust as to the remainder as to Tract One and John Lyons as Trustee of the Adelle M. Mini as to Tract Two. This deed, executed by Adelle M. Mini, quitclaimed rights to her share of the Parent Parcel. The property is re-described in this deed as four separate land areas: two parcels entitled "Tract One", which describes those portions of the Parent Parcel lying within Santa Clara County (APN 544-21-019 and APN 544-21-016), and two parcels entitled "Tract Two" which describes those portions of the Parent Parcel lying within Santa Cruz County (the Subject Parcel, APN 088-311-02 and APN 088-331-05). It also places different Tracts (portions of the Parent Parcel) under different Trusts.

March 11, 2014

Instrument Number 2014-0007832 of Official Santa Cruz County Records; Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, as to an undivided 50% interest, and John Lyons, Trustee of the Adele M. Mini Trust, as to an undivided 50% interest, as to the remainder, as to Tract One; and John Lyons, as Trustee of the Adele M. Mini Trust, as to the remainder, as to Tract Two TO The Cats Investments, LLC a California Limited Liability Company. This deed transferred ownership of undivided shares of the Parent Parcel, described as Tract Two, lying within Santa Cruz County (the Subject Parcel, APN 088-311-02 and APN 088-331-05), together with a 50% undivided interest in those portions of the Parent Parcel described as Tract One, lying within Santa Clara County (APN 544-21-019 and APN 544-21-016).

Parcel History (continued) ...

March 27, 2014

Instrument Number 2014-0009459 of Official Santa Cruz County Records; The Cats Investments, LLC a California Limited Liability Company TO Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, as to an undivided 50% interest, and John Lyons, Trustee of the Adele M. Mini Trust, as to an undivided 50% interest, as to the remainder, as to Tract One and John Lyons, Trustee of the Adele M. Mini Trust, as to Tract Two.

This deed was recorded to correct the deed recorded on March 11, 2014. It transferred the ownership of all undivided shares of the Parent Parcel (described as Tract One and Tract Two, containing four separate land areas), back to Father John Lyons/John Lyons.

September 26, 2014

Instrument Number 2014-0032253 of Official Santa Cruz County Records; John Lyons, as Trustee of the Adele M. Mini Trust, as to Tract Two TO The Cats Investments, LLC a California Limited Liability Company.

This deed transferred a portion of the Parent Parcel lying within Santa Cruz County as described as Tract Two. This deed only described the Subject Parcel, APN 088-311-02. **This deed "created" the Subject Parcel.** (See Attachment D for deeds transferring Santa Clara APN 544-21-016)

October 14, 2014

Instrument Number 2014-0034210 of Official Santa Cruz County Records; The Cats Investments, LLC a California Limited Liability Company TO Scott Barker, an unmarried man, as to an undivided 10% interest and Sharon Johnson, an unmarried woman, as to an undivided 90% interest, as Tenants in Common.

This deed transferred ownership of the subject property, APN 088-331-02. (See Attachment D regarding Santa Clara APN 544-21-016)

July 22, 2015

Instrument Number 2015-0029849 of Official Santa Cruz County Records; Scott Barker, an unmarried man, as to his undivided 90% interest TO Sharon Johnson, an unmarried woman.

This deed, executed by Scott Barker, quitclaimed his rights to the subject property, APN 088-311-02 (deed shows a 90% interest but should be 10%.

Note: The corresponding deed recorded in Santa Clara on July 17, 2015, shows the correct percentages. (See Attachment D for deeds recorded in Santa Clara County including the corresponding quitclaim for Santa Clara APN 544-21-016)

May 30, 2019

Instrument Number 2019-0014421 of Official Santa Cruz County Records; Sharon Johnson, an unmarried woman TO Vance Brown Inc., a California Corporation.

This deed transferred the subject property to the current owner. (See Attachment D for deeds transferring Santa Clara APN 544-21-016)

The Chain of Title and other information submitted to Santa Clara County by the applicant indicates that the portion of the Parent Parcel described as APN 544-21-016, which lies to the east of Skyline Boulevard, was also created by deed instrument in 2014. Details of the Parcel History for APN 544-21-016 is included as Attachment D.

There is no information contained within the Chains of Title submitted to Santa Cruz County or to Santa Clara County regarding the sale of that portion of the Parent Parcel lying to the southeast, described as Santa Clara APN 554-21-019 and Santa Cruz APN 088-331-05. However, information provided by Santa Clara County staff indicates that this land was also transferred by deed into separate ownership at some time in 2014.

Site Improvements: Records indicate the following:

APN: 088-311-02

Assessor's information and Planning Department records indicate that this property is currently unimproved.

APN: 544-21-016

Information obtained from Santa Clara County indicates that this property is currently unimproved.

Development Approvals: Records indicate the following:

APN: 088-311-02

No development approvals have been issued.

APN: 544-21-016

Information obtained from Santa Clara County indicates that although an application was filed for building site approval in 2015, this application was deemed incomplete, and no development approval was issued (Attachment D).

Zoning: The following zoning and General Plan designations were in effect at the time of parcel creation in 2014.

APN: 088-311-02

General Plan: R-M (Mountain Residential)

Zoning: A (Agriculture)

APN: 544-21-016

General Plan: Hillsides

Zoning: HS-sr (Hillsides-scenic route)

Findings

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.

This finding cannot be made. Evidence was submitted indicating that the Subject Parcel, APN 088-311-02 was not described within separate deed instruments or actions transferring the individual parcel (creation of the parcel) prior to January 21, 1972. The parcel was first conveyed by a separate document as a separate parcel on September 26, 2014. Prior to this date Santa Cruz APNs 088-311-02 and 088-331-05 together with Santa Clara APNs 544-21-016 and 544-21-019 were transferred together as one parcel.

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

Evidence was found to indicate that the Subject Parcel, APN 088-311-02 did not comply with the applicable provisions of the Subdivision Map Act at the time the parcel was created. As set out in the Subdivision Map Act (Government Code Section 66411), regulation and control of the design and improvement of subdivisions is vested in the legislative bodies of local agencies and, as such, the division of the Parent Parcel would have required the approval by both Santa Cruz County and Santa Clara County, of a Tentative Map and Parcel Map. No application for the approval of a Tentative Map was submitted and no Parcel Map was recorded for a subdivision that would have created the Subject Parcel, APN 088-311-02 as a legal separate 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.

The parcel did not comply with the applicable standards in effect at the time the parcel was created. In accordance with the provisions of Santa Cruz County Code section 14.01.201(B) "a Tentative Map and a Parcel Map shall be required for all subdivisions creating not more than four parcels". No application for the approval of a Tentative Map was submitted and no Parcel Map was recorded for the division of the Parent Parcel.

However, notwithstanding the above, 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 for any parcel where the local agency has granted a development approval. After a portion of the Parent Parcel corresponding to Santa Clara APN 544-21-019 was conveyed by a separate document as a separate parcel in 2014, a permit was issued by Santa Clara County for the construction of a single-family dwelling (Attachment E). APN 544-21-019 would therefore qualify for the issuance of an Unconditional Certificate of Compliance and is therefore legally separate from the remainder of the Parent Parcel. Because it is no longer contiguous with the remainder of the Parent Parcel, which is comprised of Santa Cruz APN 088-311-02 (the Subject Parcel) and Santa Clara APN 544-21-016, Santa Cruz APN 088-331-05 is now also, by default, recognized as a separate parcel.

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 with any other parcel and 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

On the same day that the applicant acquired their interest in the Subject Parcel (May 30, 2019) they also acquired an interest in Santa Clara APN 544-21-016, which lies immediately to the east and is contiguous to the Subject Parcel. These two land areas are separated only by Skyline Boulevard, the center line of which is the County Line, and because the two land areas are located within separate jurisdictions, they have historically been allocated separate Assessor's Parcel Numbers. No Parcel Map has been recorded that legally recognizes these two land areas as separate legal parcels.

At around the same time that the Subject Parcel and Santa Clara APN 544-21-016 were sold in 2014 (exact date not known) the two remaining portions of the Parent Parcel (Santa Cruz APN 088-331-05 and Santa Clara APN 544-21-019) were transferred by separate documents as individual parcels to a different owner. This division of the Parent Parcel did not comply with the provisions of the Subdivision Map Act in that it would have required the approval of a Tentative Map and Parcel Map by both Santa Cruz County and Santa Clara County. However, subsequent to this transfer, a development approval was issued on Santa Clara APN 544-21-019 (Attachment F), such that the parcel would now qualify for the issuance of an Unconditional Certificate of Compliance. APN 544-21-019 is therefore now recognized as legally separate from the remainder of the Parent Parcel.

As a result of the issuance of a development approval on Santa Clara APN 544-21-019, under the provisions of the Subdivision Map Act, the Subject Parcel, APN 088-311-02 and Santa Clara APN 544-21-016, now together constitute one legal parcel that lies within two separate County jurisdictions. Because it is no longer contiguous with the remainder of the Parent Parcel, Santa Cruz APN 088-331-05 is also considered as a separate parcel.

Conclusion

Based upon the evidence submitted, APN 088-311-02 does not meet the criteria contained within section 14.01.109 and 14.01.110 of the County Code and the applicable sections of the Subdivision Map Act to be considered as an individual parcel. APN 088-311-02 has been shown to be a portion of a larger parcel that includes Santa Clara APN 544-21-016 and therefore does not individually warrant the recording of Unconditional Certificate of Compliance and requires the issuance of Conditional Certificate of Compliance.

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". At the time that the applicant acquired their interest in Santa Cruz the Subject Parcel on May 30, 2019, the subdivision of the Parent Parcel to create APN 088-311-02 as a separate legal parcel, would have required the approval of a Tentative Map and Parcel Map by both Santa Cruz County and Santa Clara County.

Therefore, the Conditional Certificate of Compliance to be recorded for the Subject Parcel requires that, prior the issuance of any permit for development of the subject parcel, a document shall be recorded in both Santa Cruz County and Santa Clara County, stating that Santa Cruz APN 088-311-02 and Santa Clara APN 544-21-016 constitute of one legal parcel held together in common ownership and that no portion of this parcel shall be sold separately. As a further condition, the recorded document shall clarify that this property may only be developed as a single parcel and that, prior to the issuance of any development approval by Santa Cruz County, the applicant/owner shall provide Santa Cruz County with copies of any permits issued by Santa Clara County affecting Santa Clara APN 544-21-016.

The Conditional Certificate of Compliance issued for the Subject Parcel also sets out that, prior to any sale, lease or finance of APN 088-311-02 as a separate parcel, a Tentative Map shall be approved by both Santa Cruz County and Santa Clara and that, if the proposed division is approved, a Parcel Map for the land division shall be recorded in both jurisdictions.

Staff Recommendation:

- Certify that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Direct that the Conditional Certificate of Compliance, attached as Attachment B, 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. Paper copies of the 1988 County Code and 1980 General Plan can be made available for viewing at the Santa Cruz County Planning Department.

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

Attachments

- A. Categorical Exemption (CEQA determination)
- B. Conditional Certificate of Compliance
- C. Diagrams illustrating the original Land Grant Parcel and legal Parent Parcel
- D. Parcel History for Santa Clara APN 544-21-016
- E. Application for Building Site approval (incomplete) for Santa Clara APN 544-21-016
- F. Development approval issued on Santa Clara APN 544-21-019
- G. Assessor's, Location, Zoning and General Plan Maps for APN 088-311-02

Chains of Title, Copies of Deeds, and other supplemental information are on file with the Planning Department

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: 211121

Assessor Parcel Number: 088-3121-02 (& Santa Clara APN 544-21-016)

Project Location: No Situs - Skyline Boulevard

Project Description: Proposal to establish the legality of APN 088-311-02 an approximately 26.19 acre portion of a larger parcel that spans the Santa Cruz/Santa Clara county line. This requires a Lot Legality Determination and a Conditional Certificate of Compliance.

Person or Agency Proposing Project: Dan Cunningham

Contact Phone Number: office 650-849-9900, cell 415-559-0449

- 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. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Issuance of a Conditional Certificate of Compliance that does not result in any changes to land use or density

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

Lezanne Jeffs, Project Planner

Date: _____

ATTACHMENT A

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 #: 211121

Notice of Compliance

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

CONDITIONAL CERTIFICATE OF COMPLIANCE

WHEREAS, Vance Brown Inc., a California Corporation., is 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 088-311-02, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Santa Cruz APN 088-311-02 and Santa Clara APN 544-21-016 constitute one legal parcel and shall not be sold, leased, or financed separately unless legally subdivided; and

WHEREAS, pursuant to an application for Parcel Legality Status Determination, the County of Santa Cruz has determined that Assessor's Parcel Number 088-311-02 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. 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:

Jocelyn Drake
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:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 35, IN
TOWNSHIP 8 SOUTH, RANGE 2 WEST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPTING THEREFROM ANY PORTION OF SAID LANDS LYING WITHIN THE
BOUNDARIES OF SANTA CLARA COUNTY.

APN: 088-311-02

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 the issuance of any permit for the development of the subject parcel, APN 088-311-02, a document shall be recorded in Santa Clara County, stating that Santa Cruz APN 088-311-02 and Santa Clara APN 544-21-016 constitute one legal parcel and setting out the following:

- a. Santa Cruz APN 088-311-02 and Santa Clara APN 544-21-016 shall be held together in common ownership and shall not not be sold, leased, or financed separately unless legally subdivided.

Once recorded, the applicant/owner shall provide a copy of the recorded document from Santa Clara County to Santa Cruz County.

- II. The above-described parcel, consisting of Santa Cruz APN 088-311-02 and Santa Clara APN 544-21-016, may only be developed as a single parcel in accordance with the following:

- a. All applicable laws, ordinances, and regulations in effect when any development is approved, including but not limited to state law and regulations, and the general plans and local ordinances of Santa Cruz County and Santa Clara County; and
- b. That, prior to the issuance of any permits on APN 088-311-02, the applicant/owner shall provide Santa Cruz County with copies of any permits issued by Santa Clara County affecting Santa Clara APN 544-21-016.

- III. Prior to the subject parcel, APN 088-311-02, being considered as a separate legal parcel that is not subject to the conditions set out under sections I. and II. above, the following requirements shall be met:

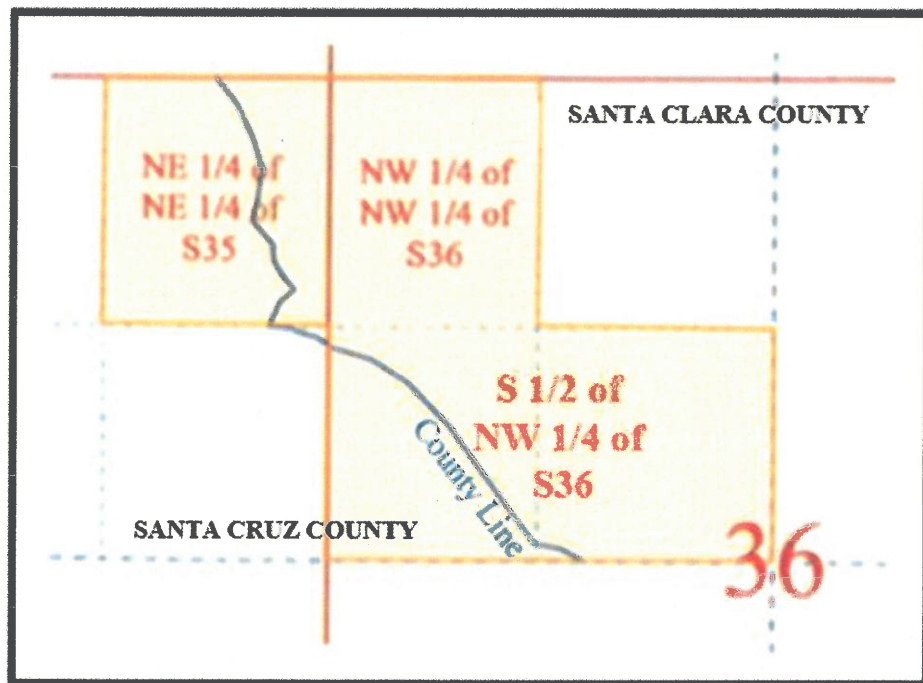
- a. A Tentative Map for the division of the property shall be approved by Santa Cruz County and Santa Clara County in accordance with the provisions of the California Subdivision Map Act and all other applicable laws, ordinances, and regulations.
- b. If the subdivision is approved by both jurisdictions, a Parcel Map for the approved subdivision shall be recorded in both Santa Cruz County and in Santa Clara County.

IV. Indemnification

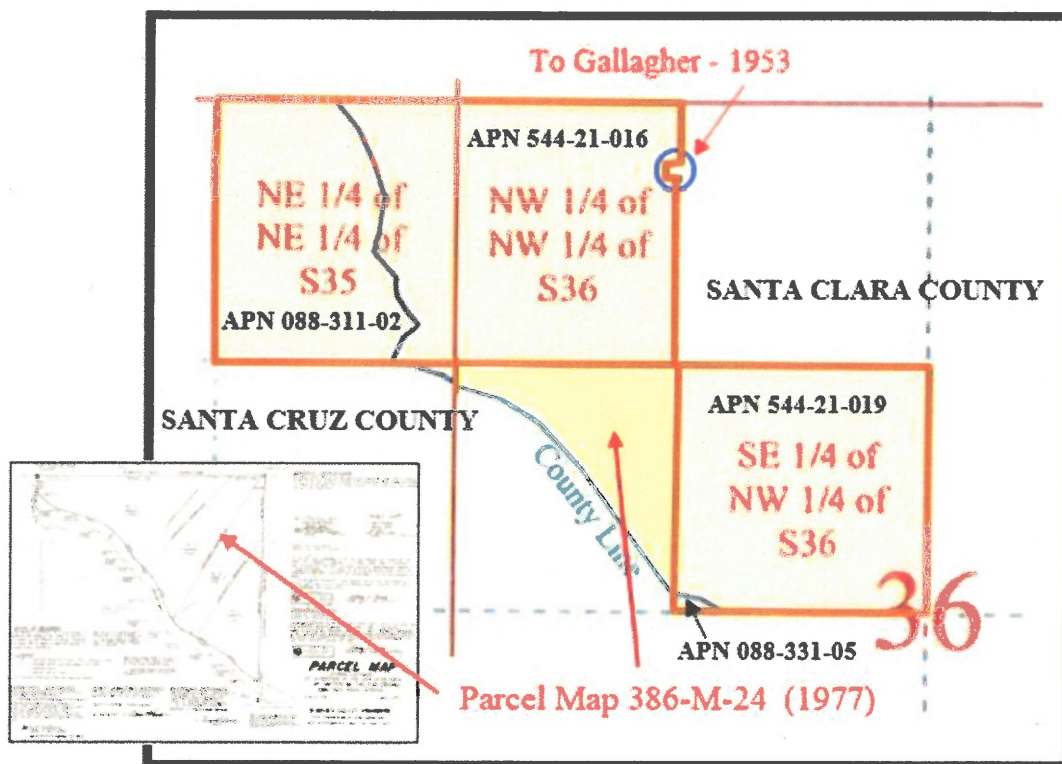
The applicant/owner shall indemnify, defend with counsel approved by the County of Santa Cruz (hereinafter the "COUNTY"), and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), 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.



1820 LAND GRANT PARCEL



PARENT PARCEL

RECORDED PARCEL HISTORY FOR APN 544-21-016
SANTA CLARA COUNTY

June 2, 1961 (This document corresponds with the document of the same date in the Chain of Title pertaining to Santa Cruz County)

Book 5186, Page 563 of Official Santa Clara County Records; Theodore R. Mini, an unmarried man TO Theodore R. Mini Jr. and Adelle M. Mini, husband and wife as joint tenants.

This Grant Deed transferred ownership of the Parent Parcel, including 90.7 acres within Santa Clara County and 29 acres within Santa Clara County, described together as a single entity.

May 19, 2003 (This document corresponds with the document recorded on October 2, 2003, in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 17064884 of Official Santa Clara County Records; Theodore R. Mini Jr. and Adelle M. Mini, husband and wife as joint tenants TO Mary Louise Mini, as Trustee of the Mini Irrevocable Trust, dated May 19, 2003.

This Grant Deed placed the Parent Parcel, including 90.7 acres within Santa Clara County and 29 acres within Santa Clara County, described together as a single entity, into a Trust.

May 2, 2005 (No corresponding deed pertaining to Santa Cruz County)

Instrument Number 18349001 of Official Santa Clara County Records; Mary Louise Mini, as Trustee of the Mini Irrevocable Trust TO Mary Louise Mini as Trustee of the Mini Irrevocable Exemption Trust a 50% interest and Mary Louise Mini as Trustee of the Mini Irrevocable Survivor's Trust a 50% interest.

This Grant Deed revised the Trust holding for the Parent Parcel, (90.7 acres within Santa Clara County and 29 acres within Santa Clara County, described together as a single entity).

May 3, 2011

Instrument Number 21197961 of Official Santa Clara County Records; Father John Lyons, as Trustee of the Mini Irrevocable Exemption Trust utd May 13, 2003, TO Adelle M. Mini, as Trustee of the Adelle M. Mini Trust.

This Grant Deed revised a portion of the Trust relating to the entire Parent Parcel (90.7 acres within Santa Clara County and 29 acres within Santa Clara County, described together as a single entity).

March 11, 2014

Instrument Number 22540662 of Official Santa Clara County Records; Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, as to an undivided 50% interest, and John Lyons, Trustee of the Adele M. Mini Trust, as to an undivided 50% interest, as to the remainder, as to Tract One; and John Lyons, as Trustee of the Adele M. Mini Trust, as to the remainder, as to Tract Two TO The Cats Investments, LLC a California Limited Liability Company.

This deed transferred ownership of an undivided 50% interest in the Parent Parcel. The property is re-described in this deed as four separate land areas: two parcels entitled "Tract One", which describes those portions of the Parent Parcel lying within Santa Clara County (APN 544-21-019 and APN 544-21-016), and two parcels entitled "Tract Two" which describes those portions of the Parent Parcel lying within Santa Cruz County (APN 088-311-02 and APN 088-331-05).

ATTACHMENT D

Santa Clara Parcel History (continued) ...

March 12, 2014 (This document is similar to the document recorded March 11, 2014, at Instrument Number 2014-0007852 of Official Santa Cruz County Records in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 22541310 of Official Santa Clara County Records; Adelle M. Mini, an unmarried woman, TO Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, and John Lyons as Trustee of the Adelle M. Mini Trust as to Tract One and John Lyons as Trustee of the Adelle M. Mini Trust as to Tract Two.

This deed, executed by Adelle M. Mini, quitclaimed rights to her undivided share of the Parent Parcel. The property is described in this deed as four separate land areas as described above.

March 26, 2014 (This document corresponds with the document recorded March 27 in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 22554270 of Official Santa Clara County Records; The Cats Investments, LLC a California Limited Liability Company TO Father John Lyons, Trustee of the Mini Irrevocable Survivors Trust, as to an undivided 50% interest, and John Lyons, Trustee of the Adele M. Mini Trust, as to an undivided 50% interest, as to the remainder, as to Tract One and John Lyons, Trustee of the Adele M. Mini Trust, as to Tract Two.

This deed corrected the deed recorded March 11, 2014, and transferred the ownership of all undivided shares of the Parent Parcel (described as Tract One and Tract Two, containing four separate land areas), back to Father John Lyons/John Lyons.

September 26, 2014 (This document corresponds with the document of the same date in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 22721517 of Official Santa Clara County Records; John Lyons, as Trustee of the Adele M. Mini Trust, as to Tract Two TO The Cats Investments, LLC a California Limited Liability Company.

This deed transferred a portion of the Parent Parcel lying within Santa Clara County described as Tract One but only included APN 554-21-016 in Santa Clara. **This deed "created" APN 554-21-016 as a separate parcel from Santa Cruz APN 088-311-02.**

October 14, 2014 (This document corresponds with the document of the same date in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 22739207 of Official Santa Clara County Records; The Cats Investments, LLC a California Limited Liability Company TO Scott Barker, an unmarried man, as to an undivided 10% interest and Sharon Johnson, an unmarried woman, as to an undivided 90% interest, as Tenants in Common.

This deed transferred ownership of Santa Clara APN 554-21-016. On the same date APN 088-311-02 in Santa Cruz County was as purchased by to the same parties.

Santa Clara Parcel History (continued) ...

July 17 2015 (This document corresponds with the document of July 22, 2015 in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 23021838 of Official Santa Clara County Records; Scott Barker, an unmarried man, as to his undivided 10% interest TO Sharon Johnson, an unmarried woman.

This deed, executed by Scott Barker, quitclaimed his rights to Santa Clara APN 554-21-016.

May 30, 2019 (This document corresponds with the document of the same date in the Chain of Title pertaining to Santa Cruz County)

Instrument Number 24190618 of Official Santa Clara County Records; Sharon Johnson, an unmarried woman TO Vance Brown Inc., a California Corporation.

This deed transferred Santa Clara APN 554-21-016 to the current owner, who on the same date also purchased the subject parcel in Santa Cruz County, APN 088-311-02.

County of Santa Clara

Department of Planning and Development Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



4/6/2015

Sharon Johnson
481 N. Santa Cruz Ave. # 275
Los Gatos, CA 95030

FILE NUMBER: 10714 - 21 - 48 - 15B
SUBJECT: Building Site Approval
SITE LOCATION: Skyline Boulevard
DATE RECEIVED: 3/5/2015
APN: 544-21-016

Dear Ms. Johnson:

Your application for building site approval is incomplete. In order for application processing to resume, you must resolve the following issues and submit the information listed below. Resubmittals are made in person at the Planning Office counter and must include all requested information along with a completed application form (which is used to track the resubmittal). Once the information is submitted, the Planning Office will distribute the plans, reports and/or information to the appropriate staff or agency for review.

If you have any questions about the information being requested, you should first call the person whose name is listed as the contact person for that item. He or she represents a particular specialty or office and can provide details about the requested information.

**AN APPOINTMENT IS REQUIRED FOR THIS RESUBMITTAL.
PLEASE CALL ME AT (408) 299-5785 TO SCHEDULE AN APPOINTMENT.**

Submit 8 revised plans addressing the following items.

PLANNING OFFICE

1. The site plan must show all existing and proposed improvements, including the location of proposed /required water tanks and septic system. In addition, the site plan must show the entire property boundary with dimensions, the required setbacks from property lines, and any easements. Please revise the site plan accordingly.
2. The project site appears heavily wooded. If tree removal is proposed, please include in tabular format the number, size, and species of all trees to be removed.

LAND DEVELOPMENT ENGINEERING

Contact ED DUAZO (408) 299-5733/ ed.duazo@pln.sccgov.org) for information regarding the following item(s).

3. Show the limits of grading and how proposed finish contours will tie into existing grades.
4. Demonstrate that the proposed driveway and fire truck turnaround conform to County Standard Details SD5 and SD16, respectively.
5. Provide a profile of the proposed driveway. Please note that the driveway gradient may not exceed 20%, and may only exceed 15% for sections of up to 300 feet provided that a grade relief of less than 15% for 100-feet is provided between each 300 foot section.
6. The proposed development will increase the impervious area on-site by more than 2,000 square feet. Provide a Drainage Plan that demonstrates the following:
 - a. The site can be adequately drained,
 - b. The proposed development will not cause problems to the nearby properties, and
 - c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow or cause a hazard or public nuisance. . If this cannot be demonstrated, provide a detention system pursuant to the Design Guidelines in Section 6.3.3 of the 2007 Santa Clara County Drainage Manual.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Contact Darrin Lee (408 299-5748 / darrin.lee@deh.sccgov.org) for information regarding the following item(s).

7. The proposed single family dwelling, garage, and driveway appears to be located within the area where septic system feasibility/ testing was conducted. On a revised set of plans ensure the soil profile and percolation test holes locations are noted along with preliminary septic design to ensure that all minimum setbacks are observed for building site approval.

FIRE MARSHAL

Contact MAC BALA (408-299-5763 / mac.bala@pln.sccgov.org) for information regarding the following item(s).

8. Provide a driveway profile showing the width, length and slope.
9. Provide the source of water. Show on site plan the location of the aboveground water storage and the wharf hydrant. The tank has to be located where it provides positive flow to the wharf hydrant. The wharf hydrant has to set back a minimum 55 feet away from the building and accessible from the driveway. If wharf hydrant is to be located adjacent to the driveway a fire turnout is required.

If the requested information is not submitted within 180 days, you will be required to pay a fee of 10% of the application fee at the time the information is submitted. All requested information must be submitted within 1 year of the date of this letter and will not be accepted after 1 year. PARTIAL RESUBMITTALS WILL NOT BE PROCESSED. Fees required at the time of resubmittal will be those in effect at that time.

Please note that the following types of applications have been charged a minimum fee and will be charged additional fees to continue processing when the initial payment is exhausted - Architecture and Site Approval, Building Site Approval, Design Review Tier III, Environmental Assessment, Environmental Impact Report, General Plan Amendment, Grading Abatement, Grading Approval, Grading Permit, Special Permit for dwelling, Subdivision, Cluster Subdivision, Use Permit, and Zone Change.

In submitting this land use application, the owner/applicant included an initial application fee. Application fees are categorized as "fixed fees" and "billable fees", based on the particular application type(s). "Fixed fee" applications do not require any additional fees to continue processing. However, when funds associated with a "billable fee" application have been spent, an additional deposit will be required to continue processing the application. As of the date of this letter, approximately 25% of the initial deposit associated with your "billable fee" application(s) has/have been spent on the processing of your application.

If you have any additional questions regarding this application, please call me at (408) 299-5785 to discuss by telephone or to schedule an appointment to do so.

Sincerely,



Robert Salisbury
Planner III
robert.salisbury@pln.sccgov.org

cc:
Darrin Lee, DEH
Mac Bala, FMO
Ed Duazo, LDE
Roads and Airports

Resubmittal: Referral to Greg Bazhaw (copy of application and letter only)

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



1/13/2017

Curtis and Courtney Pulley
19100 Skyline Blvd.
Los Gatos CA 95033

FILE NUMBER: 10870 - 47 - 22 - 16B 16G
SUBJECT: Building Site and Grading Approval for a Primary
Residence and Secondary Dwelling
SITE LOCATION: 19100 Skyline Blvd. Los Gatos CA 95033
APN: 544-21-019

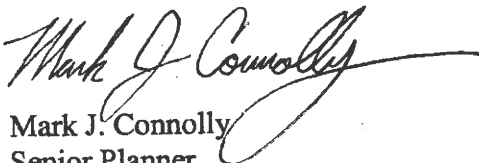
Dear Mr. and Mrs. Pulley:

Enclosed are your final conditions of approval for Building Site Approval, Grading and Design Review Exemption. This approval is valid for 48 months, and will expire on 1/13/2021. Before this date, certain conditions must be completed and a building permit must be issued.

For information about conditions of approval that must be satisfied prior to the issuance of a building permit, please contact the person listed under the individual office headings. A building permit will not be issued until all of the conditions have been satisfied as required.

Please note that any person dissatisfied with this decision may file an appeal within 15 calendar days of this decision. All appeals regarding this application shall be filed at the County Planning Office, and shall require the current filing fee. If you have any questions regarding this matter, please contact me at 408-299-5786 to discuss.

Sincerely,


Mark J. Connolly
Senior Planner
Mjc/tms

Final Conditions of Approval

FINAL
SINGLE BUILDING SITE APPROVAL AND GRADING
CONDITIONS OF APPROVAL

Date: January 13, 2017
Owner/Applicant: Curtis and Courtney Pulley
File Number: 10870 - 47 - 22 - 16B 16G

Project Description: Building Site and Grading Approval for a new approximately 4,600 square-foot single-family residence, 1,199 square-foot secondary living unit and two detached garages, with associated improvements including driveway and water tanks, on a 37.6.-acre lot with an average slope of 16 percent. Anticipated grading quantities are 230 cubic yards of cut and 230 cubic yards of fill. Plans Submitted July 29, 2016 shall be the approved plans

Items marked with an asterisk (*) must be completed prior to Building Permit issuance, if applicable.

Items marked with a double asterisk (**) must be completed prior to final occupancy or one year from the date of the land development agreement, whichever occurs first.

Items marked with a triple asterisk (***) must be completed prior to Grading Permit issuance.

Items marked with a quadruple asterisk (****) must be completed Prior to grading completion.

PLANNING

Contact Mark J. Connolly at (408) 299-5786 / mark.connolly@pln.sccgov.org regarding the following conditions:

1. Existing zoning is HS-sr. Maintain the following minimum setbacks:
Front: 30 ft. Sides: 30 ft. Rear: 30 ft.
2. The maximum height of dwellings is 35 feet tall and not more than three (3) stories.
3. Accessory structures are limited to two (2) plumbing fixtures (toilet and lav. sink) per Zoning Ordinance Chapter 4.20.020(I) (1). A Special Permit is required for detached structures with more than two plumbing fixtures.
- 4 * Prior to the issuance of a building permit a Deed Restriction shall be submitted to the County Planning Office for the proposed Secondary Living Unit. See: www.sccplanning.org-> secondary living units, for additional template information.

Final Conditions of Approval

5. Accessory structures must maintain the following minimum secondary structure setbacks:

The maximum height of accessory structures is 12 feet average.

Front: 75 ft. Sides: 0 to 5 ft. Rear: 0 to 5 ft. Building Separation: 6 ft.
(based on California building code)
(height to 12 ft. tall on average)

6. Two off-street parking spaces are required, one of which must be covered.

CEQA

7. The Categorical Exemption from CEQA is granted as a minor land alteration per section 15304 of CEQA and there being no other potentially significant environmental impacts.

Arborist Report

- 8.*/*** All recommended Conditions of Approval contained within the Arborist report by Kielty Arborist Services dated March 18, 2016. The final plans shall have a separate plan page with the Arborist report recommendation pages attached. **Please note: the Arborist report includes a requirement of trenching and review for tree protection, which must be achieved prior to issuance of a building permit, in addition to tree protective fencing.**

Landscape Plan

- 9.*/*** Prior to the issuance of a Grading Permit a final landscape plan shall be submitted and approved by the Planning Office. The plan shall include drought tolerant 24-inch box replacement trees in a 2:1 ratio to mitigate for the 13 trees proposed to be removed, shown on page three of the plans. The trees shall be arranged around the residence and garage closest to Skyline Road to help blend the structures into the natural environment. This plan shall also be included in the Building and Grading Permit plan set.

Tree Protection

- 10.*/*** All conditions of the Arborist report Kielty Arborist Services dated March 18, 2016 shall be followed. The final construction drawings shall have the five page Arborist report affixed to a plan page.
- 11.*/*** Prior to the issuance of a grading /building permit and prior to work commencing, all trees to remain shall be protected within the development area and protected using the County of Santa Clara Planning Office guidelines for tree protection. See:
www.sccplanning.org → Permits and development → tree removal / protection.

Final Conditions of Approval

Light Reflectivity Value (LRV)

- 12.* / ** To reduce the visual contrast of the structures as seen from the Scenic Road (Skyline Road and parts of the Santa Clara Valley floor), including water tank systems, proposed structures shall be painted with LRV of less than 45. Prior to the issuance of a permit, provide a color board showing these colors achieving this standard.

LAND DEVELOPMENT ENGINEERING

Contact Ed Duazo at (408) 299-5733/ ed.duazo@pln.sccgov.org regarding the following conditions:

Plan Review and Process:

- 13.* Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page;

www.sccplanning.org > I Want to... > Apply for a Permit > Grading Permit

Expect four to six weeks for plan review and plan check comments. Please contact LDE at (299-5734) for additional information and timelines.

- 14.* Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.

Improvement Plans:

- 16.* Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road, driveway, structures and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line;

- March 1981 Standards and Policies Manual, Volume 1 (Land Development)

www.sccplanning.org > Plans & Ordinances > Land Development Standards and Policies

- 2007 Santa Clara County Drainage Manual

Final Conditions of Approval

www.sccplanning.org > Plans & Ordinances > Grading and Drainage Ordinance

17. * Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
18. ** Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
19. * The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County's Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
20. * All applicable easements affecting the parcel(s) with benefactors and recording information shall be shown on the improvement plans.

Drainage:

21. * Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.
22. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Utilities:

Final Conditions of Approval

23. * All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.

Storm Water Treatment - SF Bay watershed

24. * Include one of the following site design measures in the project design: (a) direct hardscape and/or roof runoff onto vegetated areas, (b) collect roof runoff in cisterns or rain barrels for reuse, or (c) construct hardscape (driveway, walkways, patios, etc.) with permeable surfaces. Though only one site design measure is required, it is encouraged to incorporate as many site design measures as possible into the project. For additional information, please refer to the C.3 Stormwater Handbook (April 2012) available at the following website:
- www.scvurppp.org > Resources > reports and work products > New Development and Redevelopment > C.3 Stormwater Handbook (April 2012)

Soils and Geology:

25. * Submit one copy of the signed and stamped geotechnical report for the project.
26. * Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plan.

Notice of Intent

27. * Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at: www.waterboards.ca.gov > Water Issues > Programs > Stormwater

Other Conditions:

28. ** Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

Final Conditions of Approval

ENVIRONMENTAL HEALTH

Contact Darrin Lee at (408) 299-5748 / darrin.lee@pln.sccgov.org regarding the following conditions:

- 29. * Based on a percolation rate of 54 minutes per inch, sewage disposal conditions have been determined at 600 plus 600 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 2000 gallon septic tank will be required. This septic system is adequate to serve a new single family dwelling with 5 bedrooms and a 2 bedroom secondary unit.
- 30.* Domestic water shall be supplied by an approved individual water system installed to Environmental Health standards. The water system application must be approved prior to obtaining a septic system or building permit. A well log must be submitted which shows a 50 foot sanitary seal, and pump tests, bacterial and chemical testing must be completed. Contact Nicole Jorgensen at the Department of Environmental Health at 408-918-3492 for detailed information. More information can be found by consulting the DEH website at www.ehinfo.org and viewing the drinking water section.
- 31. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.
- 32. ** Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

FIRE MARSHAL

Contact Mac Bala at (408) 299-5763 / mac.bala@pln.sccgov.org regarding the questions:

FIRE PROTECTION WATER

IMPORTANT: Fire protection water system shall be installed, functioning and inspected prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A stop work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.

- 33. **ON-SITE WATER STORAGE:** Where on-site storage tanks are required, details for fire protection water supply shall be included with the building permit set of drawings. Submittal shall include, but not be limited to, location of water supply, (e.g. onsite well, shared well; tank location and capacity, pipe size, wharf hydrant orifice size and location, domestic and fire protection water tanks and piping configuration).

Final Conditions of Approval

- a) All installations shall include a primary aboveground storage tank with a capacity of not less than 3,000 gallons dedicated to domestic and fire sprinkler system demand. Storage capacity may be increased due to sprinkler design demand or additional domestic (including landscaping) required by the Environmental Health Department.
- b) Provide a minimum 10,000 gallon secondary aboveground storage tank dedicated to the wharf hydrant.
- c) Aboveground storage tanks shall be provided with automatic refill. Manual refilling of tanks is not acceptable.
- d) Installation of aboveground storage tanks less than 20 ft. to a structure requires tanks to be of noncombustible construction.
- e) Installation of the tank system shall comply with Fire Marshal Standard CFMO-W5.
- f) Underground storage tanks and swimming pools shall not be accepted in place of aboveground storage tanks.

34. **WHARF HYDRANT:** One on-site wharf hydrant with 2-1/2 inch orifice is required to be installed when fire protection water is supplied by on-site aboveground storage tank(s). Installation of hydrants shall be in accordance with Fire Marshal Standard Detail CFMO-W4.

- a) Minimum distance to structure shall not be less than 55 ft. from the closest portion of the structure and shall not exceed 150 ft. from the furthest portion of the structure (measured along path of travel).
- b) Hydrant shall be installed within 8 ft. of driving surface in a location acceptable to the Fire Marshal's Office.
- c) Installation of a hydrant adjacent to a driveway (12 ft. wide) requires a turnout complying with SD-16 to allow additional emergency vehicles to pass.
- d) Hydrant shall have a positive flow by means of gravity feed or where that is not possible, from a reliable, listed automatic pump approved by the Fire Marshal. Elevation of hydrants and tanks in relation to each other shall be a major consideration. NOTE: tank and hydrant elevations shall be noted on the site plan submitted for building permit.

35. **FIRE SPRINKLER SYSTEM:** An approved residential fire sprinkler system complying with CFMO-SP6 shall be installed throughout the structure this to include the secondary dwelling and any accessory structures in excess of 500 sf.

NOTE: The fire sprinkler system shall be installed and finalized by this office prior to occupancy. A separate permit shall be obtained from this office by a state licensed C-16 contractor prior to installation. Please allow for a minimum of 30 days for plan review of fire sprinkler plans by this office.

Final Conditions of Approval

FIRE DEPARTMENT ACCESS

36. GENERAL REQUIREMENTS:

- a) These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply.
- b) Construction of access roads and driveways shall use good engineering practice.
- c) All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation, and shall be maintained throughout construction. A stop work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained at all times.

37. ACCESS ROADS for fire department access shall comply with the following:

- a) Width: Clear drivable width of 18 ft. plus a 3 ft. shoulder on each side.
- b) Vertical Clearance: Minimum vertical clearance of 15 ft. shall be maintained to building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
- c) Curve Radius: Inside turn radius for curves shall be a minimum of 42 ft.
- d) Grade: Maximum grade shall not exceed 15%.
- e) Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
- f) Gates & Traffic-Calming Devices: Any obstruction to emergency access such as gates, speed bumps/humps, traffic circles, etc. shall require prior approval from the County.

38. DRIVEWAYS (roads serving only one lot) shall comply with the following when the distance between the centerline of the access road and any portion of the structure exceeds 150 ft. (measured along the path of travel).

- a) Width: Clear width of drivable surface of 12 ft and 14 ft of unobstructed horizontal width.
- b) Vertical Clearance: Minimum vertical clearance of 13 ft. 6 in. shall be maintained between the access road and the building site (trim or remove, tree limbs, electrical wires, structures, and similar improvements).
- c) Grade: Maximum grade shall not exceed 16%.
- d) Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
- e) Turnarounds: Turnaround shall be provided for driveways in excess of 150 ft. as measured along the path of travel from the centerline of the access road to the structure. Acceptable turnarounds shall be 40 ft. by 48 ft. pad, hammerhead, or bulb of 32 ft. radius complying with County Standard SD-16. All turnarounds shall have a slope of not more than 5% in any direction.

Final Conditions of Approval

- f) Gates: Gates shall not obstruct the required width or vertical clearance of the driveway and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.

MISCELLANEOUS:

39. Property is located within the Santa Clara County Fire Department response area.
40. This property is located in the Wildland/Urban Interface Fire Area. All of the following conditions shall apply:
- a) A Class "A" roof assembly is required. Detail shall be included in plans submitted for building permit.
 - b) Provide a 1/2 inch spark arrester for the chimney.
 - c) Remove significant combustible vegetation within 30 feet of the structure to minimize risk of wildfire casualty. Maintain appropriate separation of vegetative fuels in areas between 30 and 100 feet from the structure.
41. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.
- Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

COUNTY GEOLOGIST

Contact Jim Baker at (408)-299-5774 / jim.baker@pln.sccgov.org regarding the following conditions:

42. No Geology requirements are necessary for this application.

COUNTY BUILDING DEPARTMENT

- 43.* For a list of submittal requirements for a Building permit and Green Building requirements, please visit www.sccbldg.org

Preliminary Conditions of Approval

STATEMENT OF ACCEPTANCE:

I/We, Curtis and Courtney Pulley, as property owner(s) of subject application, hereby agree to the aforementioned preliminary conditions of approval and request a final action to be taken in accordance with these conditions.

Date 1/13/17

Signature



Date 1/13/17

Signature



1/13/17

Signature



STATEMENT OF REJECTION:

I/We, Curtis and Courtney Pulley, as property owner(s), s property owners, of subject application, do not agree to the aforementioned preliminary conditions of approval and request to meet with the agencies/departments imposing the following conditions. (Please list conditions by number and explain your reasons.)

We disagree with the following conditions:

Date

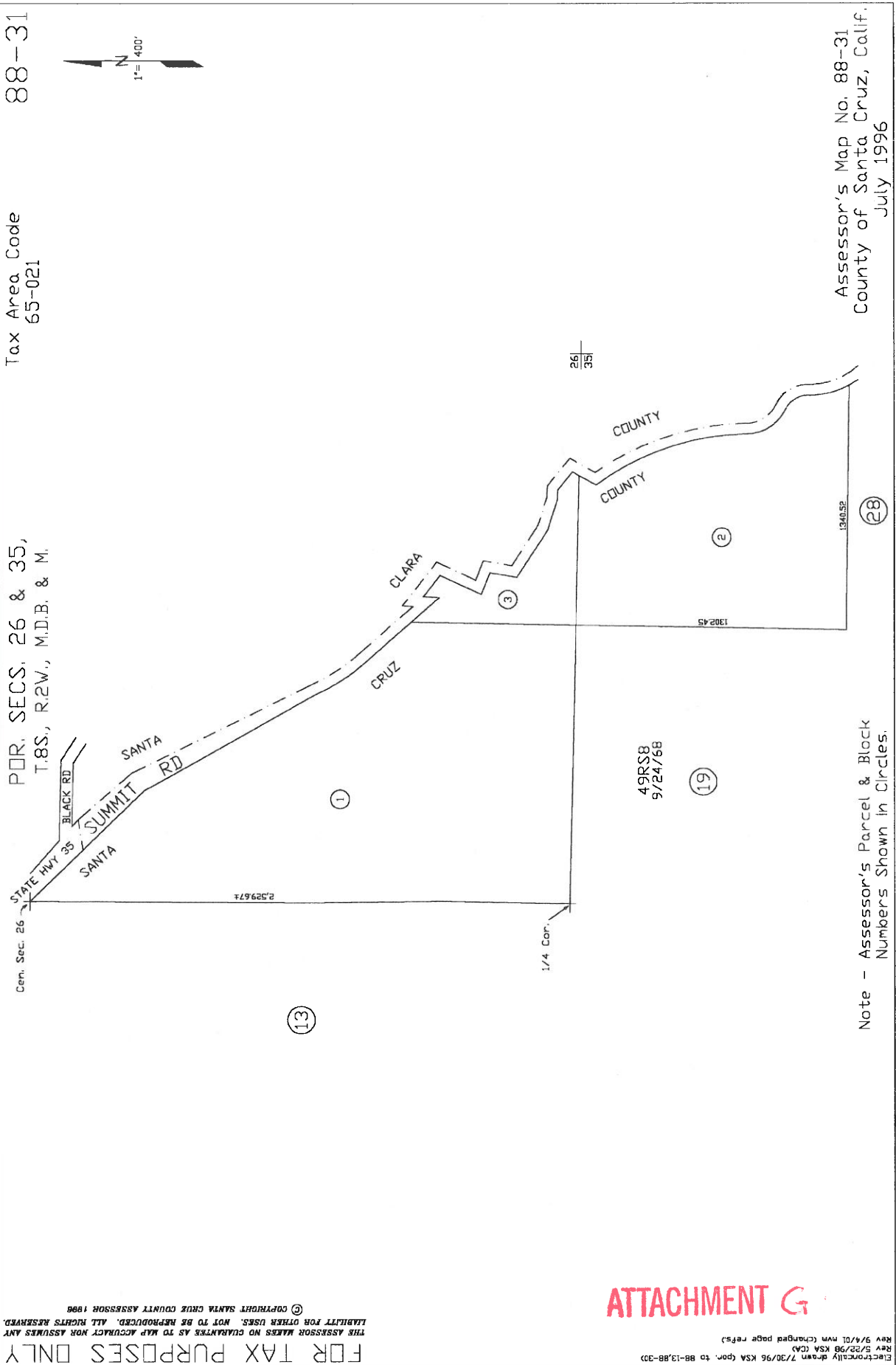
Signature

Date

Signature

NOTE: Please return one copy of this page of the conditions, as per instructions in the enclosed cover letter, to:

Mark J Connolly / mark.connolly@pln.sccgov.org
County of Santa Clara
Planning Office
70 W. Hedding Street
San Jose, CA 95110



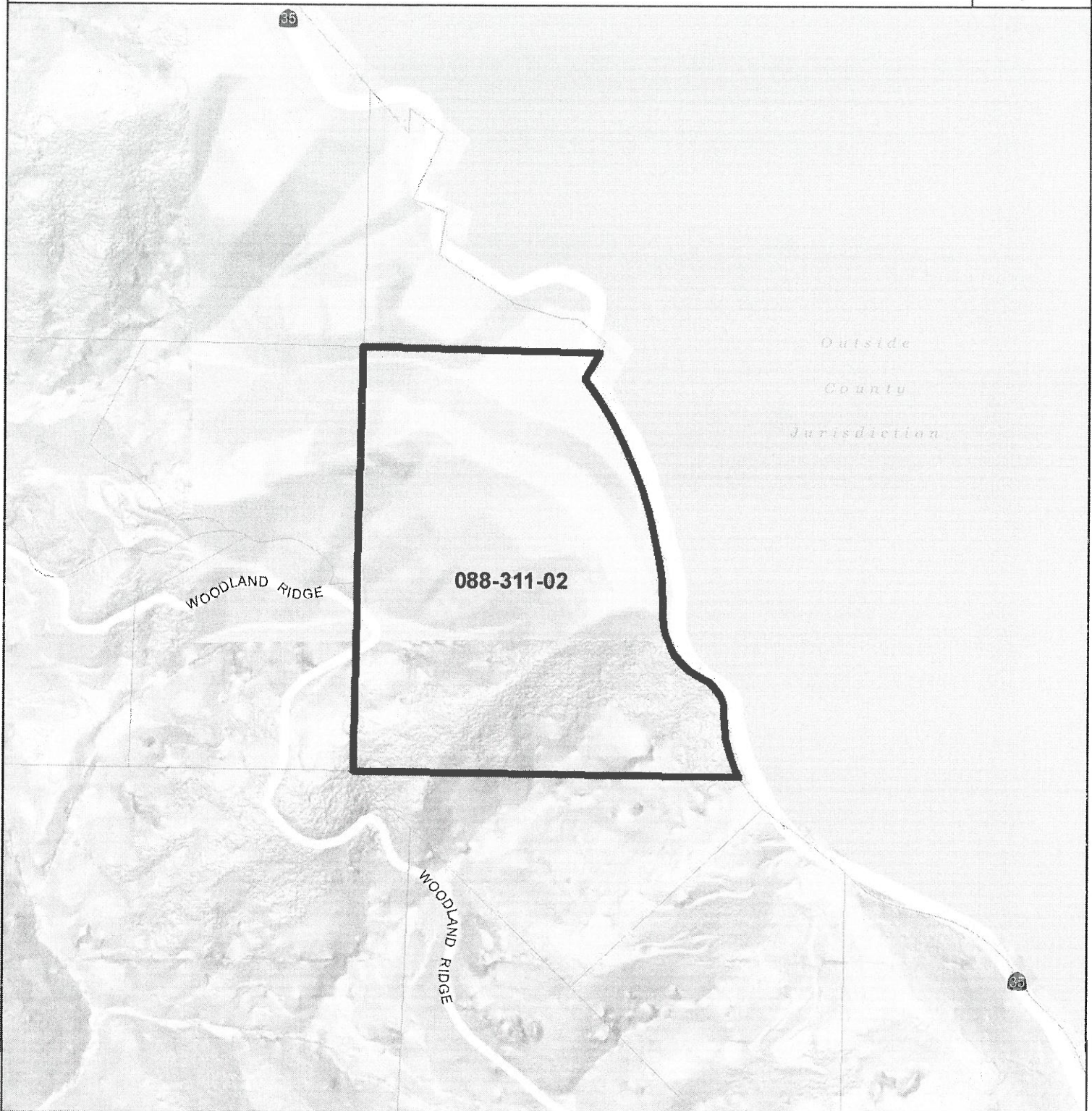


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map



Mapped
Area



Parcel: 08831102

-  Study Parcel
-  Assessor Parcel Boundary

Map printed: 16 Feb. 2022

ATTACHMENT G



0 140 280
Feet

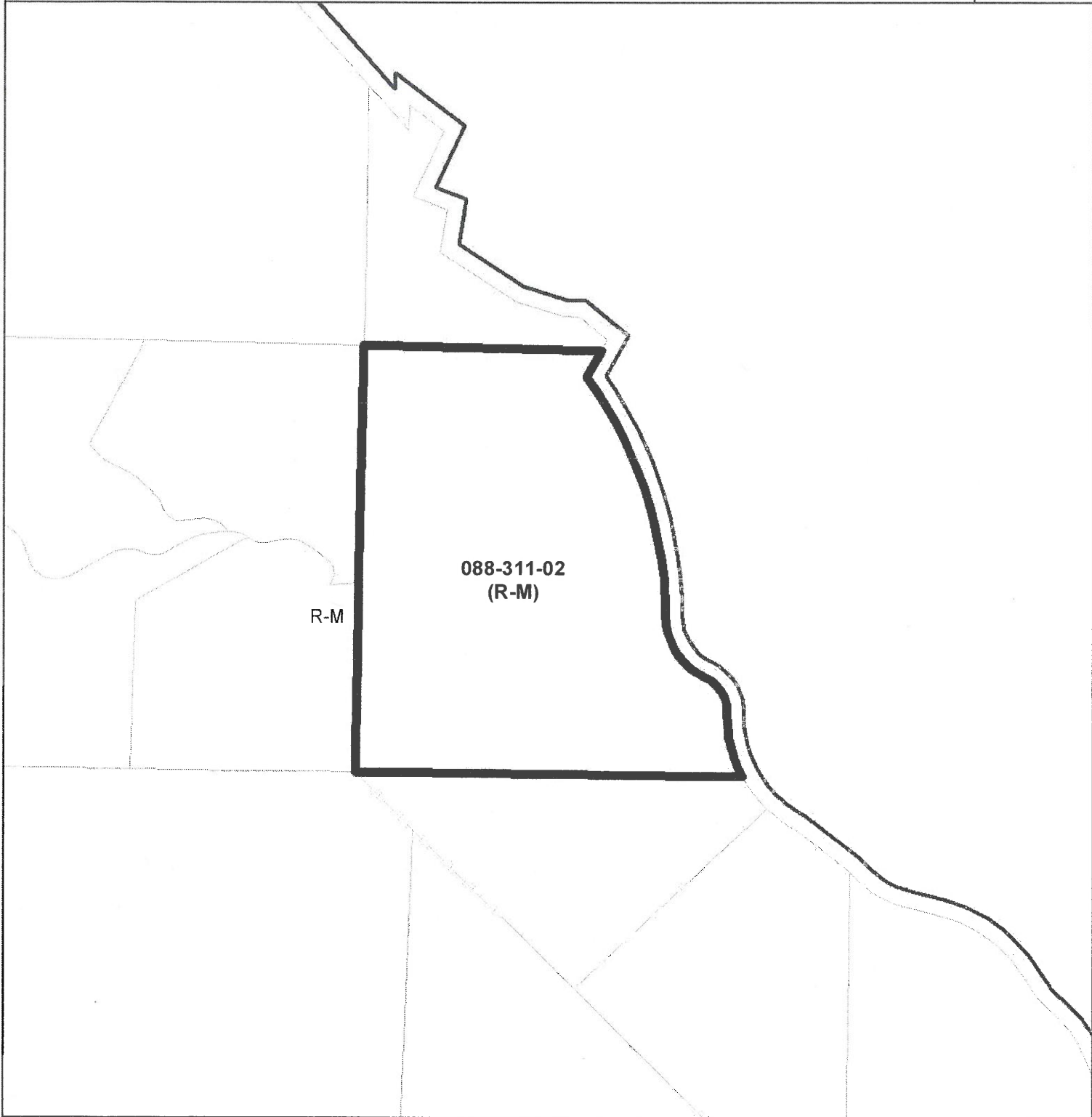


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel General Plan Map

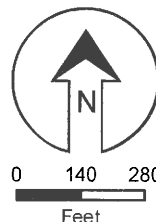


Mapped
Area



☐ R-M Residential Mountain

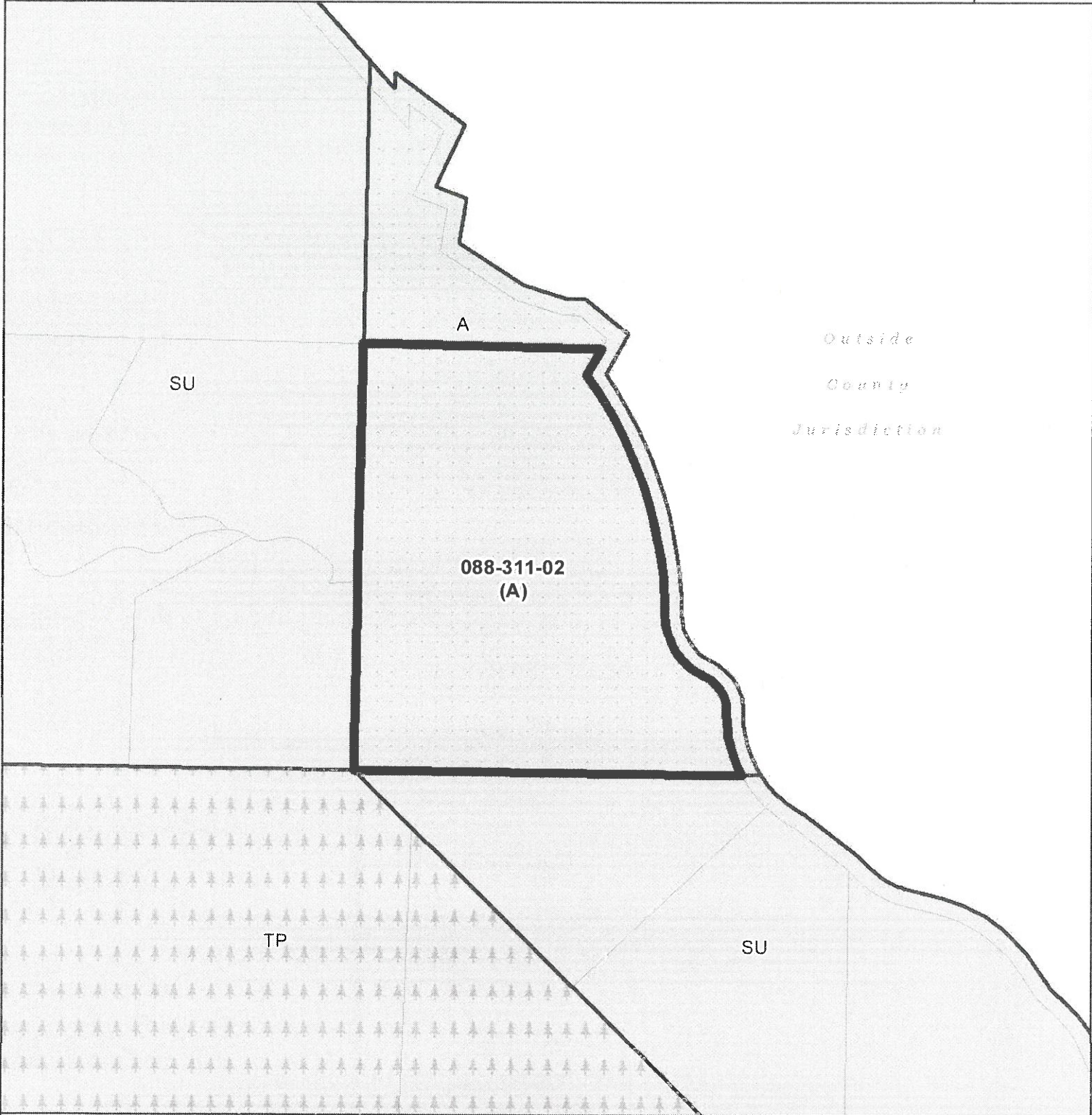
ATTACHMENT *G*





Mapped Area

Parcel Zoning Map



- A Agriculture
- SU Special Use
- TP Timber Production

ATTACHMENT G



0 140 280
Feet