



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

July 28, 2015

**Agenda Date: August 18, 2015**

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

**Subject: CONSIDER TAKING JURISDICTION OF TWO SEPARATE APPEALS OF THE PLANNING COMMISSION APPROVAL OF A RESIDENTIAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF ONE SECOND UNIT AT THE SECOND FLOOR ABOVE A DETACHED GARAGE AND THE APPROVAL OF DESIGN GUIDELINES FOR STRUCTURES TO BE CONSTRUCTED IN CONJUNCTION WITH A MINOR LAND DIVISION AT 3304 WINKLE AVENUE IN LIVE OAK**

Members of the Board:

Application 141007, as considered by the Planning Commission, is a proposal to divide an existing 31,942 square foot parcel located at 3304 Winkle Avenue (APN 025-361-26) into three single-family parcels, and to develop one single-family dwelling, with an attached and/or detached garage and an Accessory Dwelling Unit (ADU) on each parcel, with the ADUs located above the garages on parcels 2 and 3, and to grade approximately 560 cubic yards of material. This proposal requires approval of a Tentative Map for a Minor Land Division, a Residential Development Permit to allow for ADUs that exceed one-story and 17 feet in height, Design Guidelines Review and Preliminary Grading Review.

On May 13, 2015, Application 141007 was approved by the Planning Commission, subject to an added condition of approval that required that the design and layout of one of the two rear parcels be revised, to shift an ADU at the second floor above the detached garage to a location built on grade.

As set out in County Code 18.10.340, written notice of appeals of an approval of a decision of the Planning Commission are required to be filed with the Clerk of the Board of Supervisors within fourteen calendar days of the date of approval. However, in accordance with Article 2 of the California Subdivision Map Act, Sections 66452.5(a)(1) & (2) and 66452.5(d)(1) (Attachment 5), and as set out in County Code Sections 14.01.312 et. seq. and 18.10.340(A) (Attachment 6), appeals of approvals of Tentative Maps must be filed within ten calendar days of the date of approval. The deadlines for filing an appeal of the decision of the Planning Commission were therefore Monday May 25, 2015 for the Tentative

Map (in accordance with County Code section 18.10.310(D), because the tenth calendar day following the approval of 141007 fell on a Saturday, the deadline was extended to the next business day), and Wednesday May 27 for an appeal of the associated approval of the Residential Development Permit and Design Guidelines. An e-mail confirming these deadlines was sent to the appellant, Pamela Mason, in response to her enquiry about appeal procedures, received on May 14, 2015 (Attachment 4). These deadlines were also relayed verbally to the project applicant, Caerus Ventures, LLC.

On May 27, 2015, two letters of appeal (Attachment 1) together with the required fee, were submitted to the Clerk of the Board and Planning Department, one by Pamela Mason on behalf of herself and neighbors Melissa Burke and Cyd Rawls, and the other by Matthew W. Eaton on behalf of the applicant, Cearus Ventures, LLC. Both appeals concerned the approval of the Residential Development Permit and Design Guidelines. No appeal of the approval of the Tentative Map was filed by either party.

This item therefore concerns two separate appeals of the Planning Commission's decision to approve the Residential Development Permit and Design Guidelines contained within Application 141007. Per County Code Section 18.10.340, your Board must now determine whether to accept jurisdiction or to allow the Planning Commission decision to stand.

In deciding whether to take jurisdiction of an appeal and grant further review, your Board must evaluate the information and be convinced that:

1. There was an error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer; or
2. There was a lack of a fair and impartial hearing; or
3. The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made; or
4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made; or
5. There is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.

If your Board finds, at the conclusion of this hearing, that sufficient grounds have been established for the Board to take jurisdiction, your Board may grant a hearing limited to the record of the entire proceedings or alternatively, may decide to conduct the proceedings de novo, as if no other hearing had been held.

In appropriate circumstances, without taking jurisdiction of the appeal, your Board may refer the matter back to the Planning Commission for reconsideration of new evidence or other considerations. In the event of such a referral, your Board may either require a report back to the Board for review and decision by the Board, or may provide that a Planning

Commission decision on reconsideration shall be final, although that decision is subject to further appeal to the Board as in the case of an original decision.

If your Board does not find sufficient grounds to take jurisdiction, or to refer the matter back to the Planning Commission, your Board should decline to schedule a hearing and the Planning Commission decision becomes final.

### **Project Setting**

The project site is located within the Urban Services Line on the eastern side of Winkle Avenue, opposite the intersection with Sequoia Drive and about 1100 feet north of Soquel Drive. The overall character of the immediately surrounding area is varied. Along Winkle Avenue and Sequoia Drive adjacent to the project site many of the existing homes are single-story, ranch style houses developed in the 1950s with a few newer or remodeled structures and occasional two story elements. However, immediately adjacent to the side and rear of the subject property there are newer two-story homes and also townhouses that are accessed from neighboring streets, developed in the 1980s. In addition, several of the lots that front onto Winkle Avenue, including the lots that lie to the north of the existing parcel, are relatively narrow and deep and each parcel includes two single-family dwellings with second single-family homes set behind the homes that front onto Winkle Avenue. Further, to the south of the project site there is also a parcel developed in a "flag lot" configuration, with a rear dwelling unit on its own parcel located behind the home that fronts onto Winkle Avenue. These rear homes are all accessed by a driveway or flag-corridor access from Winkle Avenue.

### **Background**

Application 141007 was submitted on January 30, 2014, as a proposal to divide an existing 31,942 square foot parcel to create four single-family parcels, three of which included attached ADUs located at the second floor above attached garages. During the intake of the application it was noted that the applicant had not yet held a pre-application neighborhood meeting. However, a meeting was scheduled for February 24, 2014 and so the application was taken in with a requirement that the results of the neighborhood meeting be submitted before the project could move forward (Attachment 8). At the meeting the initial proposal for a four unit development was presented, three of which included ADUs at the second floor above attached garages (Attachment 9).

During the review of this application by planning staff, based upon concerns about access, parking and visual impact of the proposed development, the project was revised to reduce the number of parcels to a maximum of three lots, each with a single family dwelling and an ADU. The design of the project was also revised to break up the massing of the proposed development, by detaching the garages with ADUs above, which created a cluster of smaller structures that were considered to be more compatible with the scale of existing developments in the neighborhood.

This revised proposal was presented to the Planning Commission at a public hearing that was held on October 22, 2014 (for the staff report see Attachment 2). At that hearing

concerns were expressed by neighbors that the proposed development was incompatible with the perceived rural character of the neighborhood and with the mostly single-story homes that are developed along Winkle Avenue. In particular there were concerns about impact of the proposed development on the adjoining parcels to the north, and about the appearance of the north-facing, rear elevations of the new homes on parcels two and three.

As a result of these public concerns, the Planning Commission determined that, although the project was in compliance with the general intent and purposes of the General Plan and zoning ordinance, the overall design of the project should be modified in order to reduce the impacts of the development on the surrounding area and to better address the concerns of the neighbors. A motion was therefore passed to continue the public hearing on the proposed project to a future date so that the applicant would have the ability to revise the design of the project (Attachment 4).

Following the hearing the applicant worked with Planning Department staff to revise the project and to address the concerns that had been raised. During this period several versions of revised projects were submitted to the Planning Department for review. One included a layout with attached ADUs at the second floor above attached garages, but this resulted in three large structures that were out of scale with the surrounding neighborhood. Another version was a layout with attached at-grade ADUs, but this resulted in a significant increase in impervious surface and parcel coverage, and also reduced the amount of available parking, landscaping and open space.

The third version of the revised project, which was accepted by staff and the subject of the Planning Commission public hearing held on May 13, 2015, included an attached at-grade ADU on parcel 1 (which relates mostly to Winkle Avenue), and detached garages with ADUs above on parcels 2 and 3, where the development relates mostly to two story homes and townhouses located to the south and east of the project site. In addition, significant revisions to the designs of the proposed dwellings and ADUs were made to reduce the impacts of all of the proposed second story elements of the proposed development on the surrounding area. A complete discussion of the revisions to the project that was presented at the public hearing is included in the letter from staff to the Planning Commission dated May 8, 2015 (see Attachment 3).

At that second public hearing for the project, held on May 13, 2015, the Planning Commission approved Application 141007 subject to the addition of a condition of approval that one of the ADUs on either parcels 2 or 3 be relocated to be on grade.

### **Discussion of Reasons for the Appeals**

As detailed above, two separate appeals of Application 141007 have been submitted: one from neighbors of the project and one from the applicant. In these letters, several reasons have been presented to support a determination that the Board should take jurisdiction of this appeal. The reasons for the appeal of the approval of the Residential Development Permit and Design Guidelines associated with Application 141007, and information from staff related to these reasons, are summarized below for each of the two letters of appeal:

Letter from neighbors (Pamela Mason, Melissa Burke and Cyd Rawls) dated May 26, 2015

1. Initial Public Meeting Prior to Application Submittal. The neighbors state that several people were unable to attend the neighborhood meeting because of the time and location that it was held, which they believe "wasn't in our neighborhood". They assert that no ADUs were mentioned during the neighborhood meeting, and that neighbors voiced concerns about density, traffic, parking and shading at the meeting.

*Staff response:* The meeting was held at 7:00 PM at the offices of the project engineer located at 5200 Soquel Avenue, which is about 1.5 miles by road from the project site, a driving time of approximately 5 minutes. Plans presented at that meeting showed a Minor Land Division to create four lots and the preliminary design plans for the proposed dwellings included attached garages with ADUs above on three of the four lots.

2. Revised project presented at the October 2014 Planning Commission public hearing. The neighbors state that they were confused and felt blind-sided by the new plans presented at the first Planning Commission public hearing held on October 22, 2014, because the project was entirely different - 6 dwellings instead of 4 - "even more dense than the initial concept" presented at the neighborhood meeting.

*Staff response:* Revisions were made by the applicants after the project was submitted to the County, due to staff concerns about impacts of the project as initially submitted. This resulted in a reduction in the proposed density of the development from four lots to three and also design changes intended to break up the size and mass of proposed homes and provide greater compatibility with the surrounding neighborhoods. Plans for the proposed revised development were available for viewing at the Planning Department prior to the advertised public hearing. A revised project description was also posted on the site August 14, 2014, in accordance with the requirements for neighborhood notification set out in County Code section 18.10.224.

3. Lack of fair and impartial hearing at May 2015 Planning Commission public hearing. The neighbors believe that the public hearing favored the applicant because the individual time allowed for members of the public and neighbors to speak was limited to only two minutes each, whereas the applicant's time was not limited. These appellants state that they had planned longer presentations, because they believe they had been allowed unlimited time at the October 2014 hearing, and therefore it was difficult to regroup and effectively articulate information to the Commission, and they were not allowed to fully voice concerns and submit evidence.

*Staff response:* Planning Commission bylaws state that the Commission may establish reasonable limits on the amount of time allotted to each speaker and also on the total amount of time allotted on a particular item. It is further set out that the applicant may be given a time of around 10 minutes to present justification for a proposal and other pertinent information, and that members of the public are generally given 5 minutes, individually or 10 minutes for persons representing a group. The applicant may also rebut arguments presented by the public and is generally given an additional 5 minutes for this.

At the public hearing on October 22, 2014 a total of seven neighbors were given up to around 5 minutes each to speak on the project, resulting in testimony that lasted around 25 minutes. The applicant, represented by the project architect, John Worden, and the project civil engineer, David Ramsey, spoke for a combined period of around eight minutes and also spoke for an additional 7 minutes as a rebuttal to public comments, a total time of fifteen minutes. At the public hearing on May 13, 2015, possibly because this was the second hearing on this project, where many of the same neighbors were present, and also possibly due to the total number of persons present who wished to speak, the Commission chairperson decided to give each member of the public two minutes to speak, although several spoke for longer. At this second hearing a total of nine members of the public addressed the Commission, five in opposition, one of whom was given additional time because she also spoke on behalf of her husband who was not present, and four voicing support. Public testimony again lasted approximately 25 minutes. At this second hearing the applicant spoke for a combined period of about 6 minutes with an additional rebuttal that followed lengthy discussions by the Commissioners, for two minutes, a total time of 8 minutes by the applicant.

4. The project considered on May 13, 2015 did not properly address Planning Commission concerns. The neighbors state that there were minimal changes from the initial proposal considered by the Planning Commission in October 2014, and that the Commission's concerns about density, scale, number of ADUs, parking and compatibility with the neighborhood were not adequately addressed. Also, no traffic analysis was presented. They also quote Commissioner Guth as saying that the revised project was "not in line with the General Plan" or "in the spirit of the R-1-6 development" and that it is a "private Townhouse development with a private road".

*Staff response:* On October 22, 2014 the Planning Commission approved a motion to continue Application 141007 to allow the applicant to consider revisions to the proposed project that would address the concerns raised during that hearing. Submittal of a traffic analysis was not requested. The revised project conforms to the low end of the density range allowed by the General Plan and well-exceeds the 6,000 square foot minimum lot size requirements set out in the zoning ordinance (9,053, 8111 and 9,126 square feet of net developable area respectively). The project proposes development of three single-family homes, each with an ADU, and is not a "townhouse development". ADUs are a single-family accessory use and are not counted toward density. They are specifically allowed by the zoning ordinance within all residential zone districts subject to identified development standards. The existing County Code allows development of ADUs with a building permit only, except that if ADUs are located on a second story or are over 17 feet tall, a discretionary Residential Development Permit is required, which is usually considered by the Zoning Administrator at a public hearing. Because the subject project also includes a Tentative Map, which is considered by the Planning Commission, both entitlements have been considered by the Planning Commission for this project.

As proposed, each of the three parcels include a greater number of required on-site parking spaces than the four spaces that are required under County Code section 13.10.552(A). Parcel one, that fronts onto Winkle Avenue, includes five off-street spaces

and parcels two and three each include six off-street spaces. The revisions made by the applicant to the project after the October 2014 public hearing focused upon ways to reduce the scale and visual impact of the development to ensure compatibility with the neighborhood and surrounding land uses. The proposed layout and design of the structures on each of the three parcels were completely changed to reduce the scale of the structures and potential shading, to increase the privacy of neighbors, and to increase available open space. Also, one of the ADUs over a garage was shifted to an on-grade location.

Applicant letter (Matthew W. Eaton on behalf of Cearus Ventures, LLC) dated May 27, 2015

1. Decision of the Planning Commission to approve the project subject to a condition that requires shifting one of the ADUs on either lot two or three to an on-grade location. The applicant feels that having two of the three ADUs located above the garage makes for a better project by maximizing open space and decreasing impervious coverage while staying within the applicable zoning district height limitations, and is in keeping with the highly vetted and well thought out intent of the project.

*Staff Response:* As set out in County Code section 13.10.681(D)(4) ADUs located within the Urban Services Line that exceed 17 feet in height or one-story may be constructed if a development permit is approved after consideration at a public hearing. ADUs that are one story and less than 17 feet do not require a discretionary permit, and require only a building permit. The proposed project included a Residential Development Permit to allow for the review of potential concerns related to location of ADUs at the second floor of detached garages on each of the parcels.

The inclusion of ADUs is consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family residential - 6,000 square foot minimum) zone district, in that the primary use of each property will be one single-family dwelling with a garage and one ADU. The proposed second story ADUs on parcels two and three will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the ADUs exceed all of the current setbacks that ensure access to these amenities. In addition, the proposed two-story ADUs are located farther from any existing dwelling than the proposed two-story homes on parcels two and three, since they are proposed to be located between the two main dwellings. Further, special care has been taken to ensure the privacy of neighbors to the greatest extent possible by the orientation of all living areas within the ADUs toward the private drive, by the careful placement of windows and the location of staircases with no windows at the north elevations. Sensitive massing of the structures, together with the retention of existing trees and also proposed new landscaping, that includes a hedge and tree planting along the northern property boundary, will further reduce any impacts for neighbors.

The proposed development as a whole is located in a mixed neighborhood containing one and two-story single-family homes and also two-story multi-family homes that have a variety of architectural styles. In addition, several neighboring parcels, including the two lots that lie immediately to the north along Winkle Avenue, are developed to include two single-family dwellings, and therefore the proposed development is consistent with the

land use intensity and density of the neighborhood. A complete discussion and Findings in support of the proposal to construct ADUs above detached garages are included in the October 22, 2014 staff report to the Planning Commission (Attachment 3)

The applicant's proposed revisions to the project were presented on May 13, 2015, which included a revised project with the ADU on parcel one relocated to be on-grade, and other significant design changes that further reduced the potential impacts of the ADUs on parcels two and three. Staff therefore recommended approval of the revised project that was presented to the Planning Commission on May 13, 2015. A further revision of the proposed project to implement the action of the Planning Commission that required shifting another ADU to an on-grade location, will reduce the level of open space provided by the project and increase impervious area. The closest existing residence to the proposed two-story ADUs is the existing rear unit of the two single-family dwellings that is located on the adjacent parcel to the north. The second story ADUs are approximately 25 feet and 75 feet, corner to corner, from that structure and no other residence lies closer than 75 feet from either of these second story ADUs. Most are located well over a hundred feet away.

### **Discussion of Basis for Your Board Taking Jurisdiction**

In deciding whether to take jurisdiction of an appeal and grant further review, your Board must consider whether any of the criteria set forth in County Code Section 18.10.340 have been met. This project is unusual, in that both the applicant and the neighbors have filed appeals. While staff does not believe that there has been any error or abuse of discretion on the part of the Planning Commission, there may be a reason for your Board to accept jurisdiction of the appeals based upon information that did not enter into the discussion at the time of the public hearing in May 2015, or some other reason that the appellants or members of the public present at the jurisdictional hearing.

Staff comments regarding each of the County Code criteria are provided below for your Board's consideration in making your decision about whether or not to take jurisdiction. Your Board should also consider all applicant, appellant and public comments that will be made at the August 18<sup>th</sup> jurisdictional hearing before making your decision.

#### County Code Section 18.10.340 Criteria for Taking Jurisdiction

- 1. There was an error or abuse of discretion on the part of the Planning Commission, Zoning Administrator, or other officer.*

Staff has found no evidence that error or abuse of discretion on the part of the Planning Commission or other officer occurred. It does not appear that representatives of the County, including the Planning Commission and staff, made errors, or abused their discretion, in any way that warrants reconsideration by your Board of the approved Design Guidelines and Residential Development Permit to allow for second story ADUs that exceed 17 feet in height.

2. *There was a lack of a fair and impartial hearing.*

Staff has found no evidence that the noticing of and hearings for the review of Design Guidelines and the construction of ADUs located above detached garages in association with Application 141007 was inadequate, unfair and/or not impartial. The Planning Commission public hearings were duly noticed to owners located within 300 feet and residents located within 100 feet of the site. Members of the public are able to provide comments on the applications, either in writing or orally. Two separate public hearings were held to discuss the proposed project. After the first public hearing, project revisions were made in good faith by the applicant in response to Commission and public concerns. At the second public hearing, the applicant, neighbors and members of the public were allotted a reasonable amount of time (2 minutes each, 25 minutes total) to present the project and to provide comments in line with the Planning Commission bylaws. The Chair of the Planning Commission has the discretion to establish the amount of time each person will have to provide comments, and at times places a limitation due to the number of people who desire to comment, previous hearings on the same project, the length of the meeting agenda, or other reasons. It is rare that time provided is "unlimited". The Commissioners listened to each person who spoke at the hearings, made comments about the project according to their points of view, and voted to conditionally approve the project based on a majority view that another second story ADU should be shifted to the ground floor in response to concerns of nearby neighbors. It was not established which ADU would be shifted or to where, leaving that determination to staff to evaluate at the time the project submitted its Final Map and/or for building permits.

3. *The decision appealed from is not supported by the facts presented and considered at the time the decision appealed from was made.*

For this project, your Board is considering both an appeal of the approval by the applicant as well as an appeal of the approval by members of the public who are neighbors that live near the site of the proposed project.

Applicant appeal. The applicant disagrees with the Planning Commission that the project as conditioned to shift an ADU to the ground level is a better project, and believes that the proposed project as presented to the Commission, which is in compliance with the County Code, is a better project.

Neighbor appeal. The appeal letter filed by neighbors indicates that "there is significant evidence, relevant to the decision of the Planning Commission, which could not have been presented at the May 13, 2015 hearing as we were only allowed two minutes to speak and present our facts. This is a complex project with multiple complex issues ...". This appeal further states that "We believe the Planning Commission was hindered in making an informed decision to help mitigate potential liabilities and future litigation in that there was insufficient time to present all the available evidence."

This appeal letter emphasizes procedural concerns, but does not provided specifics about what aspects of the actual project design are at issue. At the May 2015 public

hearing itself, members of the public expressed concerns about massing, number of units, loss of views, and inconsistency of the project with the character of the neighborhood. In that the conditional approval of the project required another ADU to be shifted to ground level, leaving only one ADU located on a second story above a garage, it appears that the concerns may primarily relate to the number/existence of ADUs, and/or the massing of the proposed structures on the site and/or the change in neighborhood character that would result from development of the site with the approved project.

Regarding this criterion #3 for taking jurisdiction, the applicant appellant desires your Board to take jurisdiction due to a belief that the facts support a conclusion that the proposed project is better than the approved project as conditioned. At this time, there is no site plan or design for the approved project as conditioned, which could either support or not support a decision by your Board to take jurisdiction. Either the proposed project with two second story ADUs or the conditionally approved project with one second story ADU can yield a project design that would be compliant with the County Code, but there is less clarity about the conditionally approved project due to lack of specific plans at this time. Staff had determined that there would not be significant visual or character impacts from the proposed design, and there would be more area available for parking and open space and less impervious area if two ADUs, rather than one ADU, were placed over garages.

Regarding this criterion #3 for taking jurisdiction, the public appellants desire your Board to take jurisdiction primarily due to procedural concerns that they state hindered the Planning Commission from "making an informed decision to help mitigate potential liabilities and future litigation in that there was insufficient time to present all the available evidence", which appears to relate to substantive concerns about the project with regard to density, massing, views and neighborhood character.

*4. There is significant new evidence relevant to the decision which could not have been presented at the time the decision appealed from was made.*

There are multiple perspectives about this criterion #4.

From the perspective of the applicant appellant, there has been lack of an opportunity to provide information about what the conditionally approved project looks like, which would allow considerations of the trade-offs in determining whether the conditionally approved project is or is not "better" than the proposed project considered at the May hearing.

From the perspective of the public appellant, there has been a lack of opportunity for the neighbors/public to provide evidence and speak about their concerns about the project.

From the perspective of staff, it is also relevant to note that, during the May public hearing, the fact that the Board of Supervisors had directed staff (at its meeting of February 24, 2015) to prepare proposed code amendments that would remove certain regulatory obstacles to creation of more ADUs within our community was not part of the dialogue. The existing requirement for a discretionary development permit and public

hearing for ADUs on a second floor or over 17 feet in height is on the list of obstacles that will be considered for amendment. There is no requirement for single-family homes of two stories, or for additions thereto, or for kitchens on second floors of primary dwellings, to obtain a discretionary residential development permit. In that an ADU is considered accessory to a single-family residential use, and ADUs can be created either within/attached to a single-family dwelling or in a detached configuration, this is one of the factors that will be discussed when the ADU code amendments are considered in the future by the Planning Commission and your Board. Many communities consider ADUs above garages to be a very appropriate configuration, and such ADUs help supply needed housing. In the Draft Housing Element that was discussed by your Board on August 4, 2015, the important role of ADUs in meeting housing needs and demonstrating ability to meet the county's RHNA was emphasized.

5. *There is either error, abuse of discretion, or some other factor which renders the act done or determination made unjustified or inappropriate to the extent that a further hearing before the Board is necessary.*

Staff has found no evidence that error, abuse of discretion, or any other factor not reviewed above that would render the Planning Commission approval of the Design Guidelines and Residential Development Permit unjustified or inappropriate.

### Conclusion and Recommendation

As stated previously, filing of appeals by both the applicant and by neighbors/public over the approval of a project is unusual. Based on the appellants' letters and the presence of uncertainty about the impact of procedures, and of the conditional of approval to shift an ADU from a second story to at-grade, staff recommends that your Board decide to take jurisdiction over the project, and schedule a de novo public hearing to consider the proposed Residential Development Permit and Design Guidelines.

It is, therefore, RECOMMENDED that your Board take the following actions:

1. Consider the Appellants' requests that your Board take jurisdiction;
2. Take jurisdiction of the appeals; and
3. Set a date of October 6, 2015 for a public hearing before the Board of Supervisors to consider the appeals and Application 141007.

Sincerely,



Kathy Molloy Previsich  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

Attachments:

1. Letters of appeal submitted by Pamela Mason, on behalf of herself and neighbors Melissa Burke and Cyd Rawls, dated May 26, 2015 and by Matthew W. Eaton on behalf of the applicant, Cearus Ventures, LLC, dated May 27, 2015.
2. Planning Commission Staff Report for October 22, 2014
3. Letter to the Planning Commission prepared by staff for May 13, 2015
4. Minutes from the October 22, 2014, and May 13, 2015, Planning Commission Hearings.
5. E-mail regarding appeals procedures on the approval of Application 141007.
6. Article 2 of the California Subdivision Map Act, section 66452.5
7. County Code Sections 14.01.312 et. seq. and 18.10.340(A)
8. Results of the Neighborhood meeting held on February 24, 2014.
9. Initial submittal plans submitted January 30, 2014 and as presented to neighbors at the neighborhood meeting.

May 26, 2015

0745

May 13, 2015 Planning Commission Hearing

Re: 3304 Winkle Ave Development Conditional Approval

Permit approval \_APPEAL

To The Santa Cruz Board of Supervisors,

We would like to request an appeal of the planning commissions conditional approval for the permits on Application #141007 on Parcel #025-361-26, 3304 Winkle Avenue.

This whole process seemed to get off on the wrong foot, firstly, the meeting wasn't in our neighborhood. It was held at Ifland Engineers, across the freeway in Live Oak on February 24, 2014 at 7:00pm. There were several people that couldn't make it because of the time and location. Our initial neighborhood meeting/notification was unclear as to what was actually being proposed. 4 two-story houses and parcels. No ADU's were mentioned as can be attested by the neighbors in attendance, as well as Mr. John Leopold, who was also there. We voiced concern for density, traffic, parking and shading at that meeting.

At the first Commission Public Hearing on Oct 22, 2014 the developer/project planner presented something entirely different than what was discussed at the neighborhood meeting. 3 two story houses and 3 ADU's on top of three two car garages with single garages for the ADU's. 6 dwellings instead of 4, even more dense than the initial concept. We were confused and felt blind-sided, we needed more time to assimilate the "new" plans. We had no time limit on each person speaking and felt the Commission listened and took the proper action in asking for a continuance and to "*reduce the mass*". It was not fair to tell us one thing at the neighborhood meeting and then change it completely by the Commission hearing. We were unprepared for the abrupt change in direction in the concept.

Also at the first hearing Commissioner Aramburu, Commissioner Dann, Commissioner Guth, Commissioner Garcia and Commissioner Sheperd were in attendance. During the hearing, the commissioners each voiced concerns about the density, scale, number of ADU's, parking and compatibility with the neighborhood. Some of their comments:

Commissioner Guth: "This is new - applying with ADU at maximum density."

"This is denser than anything presented lately or ever."

"We are required to weigh in compatible site design, massing and scale, parking and street design."

"I would like to see an analysis of 1 block to each side of this - the amount of cars, the density."

Commissioner Shepherd: "This is too dense."

"This is too dense, I'm an advocate of ADU - not trying to squeeze in as many as possible though - it's too much."

Commissioner Aramburu: "The second units create density. I have concern about the impact on the North properties - the building height is pretty dramatic...it's too much for this."

Commissioner Guth's final words to the applicant, after the motion was seconded to continue indefinitely, were: "We've been quite articulate in our concerns." 0746

At the second Commission Public Hearing on May 13, 2015 there was a lack of a fair and impartial hearing. The fact that we were only allowed to speak for 2 minutes was an insufficient amount of time to deliver all of our concerns and evidence concerning this project. We had planned longer presentations as we were allowed unlimited time at the previous hearing. It was difficult to regroup and effectively articulate our information to the Commission.

It was unfair that the developer and his support team had unlimited time for presentation (timer wasn't set) and they were allowed rebuttal time of our presentations when we (the public) were cut short and our concerns were dismissed after 2 minutes and we were not allowed to fully voice our concerns and submit our evidence.


Commissioner Aramburu was not present at the second hearing and Commissioner Hemard (who did not attend the first hearing) was present, the rest of the Commissioner's who were present at the first hearing were also in attendance at the second hearing.


The plan brought back to the commission at this second hearing did not adequately address the concerns laid out by the Commissioners during the first hearing and the concept came back with "minimal changes" no traffic analysis was presented. Commissioner Guth expressed irritation with the lack of results stating, "I am mildly aggravated to see this plan come back this way" "not in the line with the general plan" "not anything like the spirit of R1-6 development, it's a private townhouse development with a private road" "It is a wall of 2 story buildings".


There is significant evidence, relevant to the decision of the Planning Commission, which could not have been presented at the May 13, 2015 hearing as we were only allowed two minutes to speak and present our facts. This is a complex project with multiple complex issues, 2 minutes was not enough time to discuss them all. This process was unfair and partial to the developer/applicant.

We believe the Planning Commission was hindered in making an informed decision to help mitigate potential liabilities and future litigation in that there was insufficient time to present all the available evidence.

Thank you for your time and consideration,

  
Pamela Mason  
3318 Winkle Ave  
Santa Cruz 95065  
831.234.1167

  
Melissa Burke

  
Cyd Rawls

0747

CAERUS Ventures, LLC  
1875 S. Bascom Ave., Ste. 2400  
Campbell, CA 95008

County of Santa Cruz  
c/o: Clerk of the Board of Supervisors  
Board of Supervisors  
701 Ocean Street  
Santa Cruz, CA 95060

May 27, 2015

Re: Appeal of planning commission's finding for application number 141007

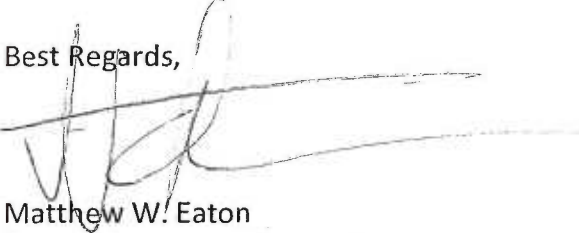
To: Clerk of the board of Supervisors

Please let this letter serve as a formal request for amending the May 13, 2015 Santa Cruz Planning Commission's determination on application number 141007 concerning the property division located at 3304 Winkle Avenue, Santa Cruz (APN: 025-361-26).

Specifically, we are requesting an appeal for the determination that the approved project's accessory dwelling unit on either lots two or three be moved to an on-grade location. We feel that having two of the three ADUs located above the garage makes for a better project by maximizing open space and decreasing impervious surface area while staying within the height limitations and keeping with the highly vetted and well thought out design intent of the project.

Thank you for considering this appeal.

Best Regards,



Matthew W. Eaton  
Caerus Ventures, LLC member



## Staff Report to the Planning Commission

0748

Application Number: **141007**

**Applicant:** Ifland Engineers,  
Attn. David Ramsey

**Agenda Date:** October 22, 2014

**Owner:** Caerus Ventures LLC

**Agenda Item #:** 6

**APN:** 025-361-26

**Time:** After 9:00 a.m.

**Project Description:** Proposal to divide an existing 31,942 square foot parcel to create three single-family parcels of 9,053 square feet, 8,111 square feet and 13,767 square feet that includes a net developable area of 8,283 square feet, and a corridor access/right-of-way of 5,485 square feet, and a dedication parcel of 1,011 square feet; to develop one single-family dwelling, with attached and/or detached garages and one detached Second Unit at the second floor above the garage on each parcel, and to grade approximately 560 cubic yards of material. This requires the approval of a Tentative Map for a Minor Land Division, a Residential Development Permit to allow for Second Units that exceed the one-story, 17 foot height limit, Design Guidelines Review and Preliminary Grading Review (141007) in the R-1-6 zone district. The project also includes a Soils Report Review (REV141012).

**Location:** The property is located on the east side of Winkle Avenue (3304 Winkle Avenue) opposite the intersection with Sequoia Drive.

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Minor Land Division  
Residential Development Permit  
Design Guidelines Review  
Preliminary Grading Review

**Technical Reviews:** Soils Report Review

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 141007, based on the attached findings and conditions.

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### Exhibits

- |   |   |
|---|---|
| A. Categorical Exemption (CEQA determination) | F. Assessor's, Location, Zoning and General Plan Maps |
| B. Findings                                   | G. Water Will Serve Letter                            |
| C. Conditions                                 | H. Comments & Correspondence                          |
| D. Project plans                              |   |
| E. Design Guidelines                          |   |

### Parcel Information

Parcel Size: 31,942 square feet  
Existing Land Use - Parcel: One single-family dwelling  
Existing Land Use - Surrounding: Residential neighborhood  
Project Access: Winkle Avenue  
Planning Area: Live Oak  
Land Use Designation: R-UL (Urban Low Residential)  
Zone District: R-1-6 (Single-family Residential)  
Coastal Zone:  Inside  Outside  
Appealable to Calif. Coastal Commission:  Yes  No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Soils report accepted  
Fire Hazard: Not a mapped constraint  
Slopes: Gently sloped towards the south and west.  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 40 cubic yards cut, 520 cubic yards import, 560 cubic yards fill  
Tree Removal: No trees proposed to be removed  
Scenic: Mapped within the Highway 1 scenic corridor. The parcel is not visible from the highway because of trees and buildings adjacent to the right-of-way for Highway 1.  
Drainage: Drainage plan and calculations submitted and accepted  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line:  Inside  Outside  
Water Supply: City of Santa Cruz Water Department  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Flood Zone 5

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## **History**

This Land Division involves one existing parcel that is currently developed with one single-family dwelling, constructed on the parcel in 1950 before building permits were required. In addition to the dwelling there were several small outbuildings that have now been demolished. Most of the undeveloped portion of the parcel is an open grassed area with trees that are located close to the property boundary.

## **Project Setting**

The project site is located on the eastern side of Winkle Avenue, opposite the intersection with Sequoia Drive. The overall character of the immediately surrounding area is varied. Along Winkle Avenue and Sequoia Drive adjacent to the project site the existing homes are nondescript single-story, ranch style houses that were mostly developed in the 1950s. However, immediately adjacent to the side and rear of the subject property there are newer two-story homes and townhouses accessed from neighboring streets, that were developed in the 1980s. In addition, several of the lots that front onto Winkle Avenue, including the lots that lie to both the north and south of the existing parcel, are relatively narrow and deep and have been developed to include second houses behind the homes that front onto Winkle Avenue. These homes are accessed by a driveway or corridor access from Winkle Avenue.

## **Zoning & General Plan Consistency**

The proposed land division will create three single-family residential parcels where there is currently one parcel. Parcel One will front onto Winkle Avenue and gain access directly from that street and parcels Two and Three will be accessed via a new driveway located within a 20-foot corridor that joins Winkle Avenue at the southwestern corner of the existing parcel. This corridor, which is part of parcel Three located at the rear of the existing parcel, is subject to the dedication of a right-of-way for access to parcel Two. In addition to the three residential parcels a 1,011 square foot, eight foot wide portion of the existing parcel that fronts onto Winkle Avenue, will be dedicated to the County of Santa Cruz.

The subject property is a 13,942 square foot lot and is zoned R-1-6 (Single-family residential – 6,000 square foot minimum) a designation which allows residential uses. The division of the property into three separate parcels requires a minimum of 6,000 square feet of net developable land per parcel, excluding vehicular rights-of-way.

The proposed minor land division is a principal permitted use within the zone district and the project is consistent with the site's (R-UL) Urban Low Residential General Plan designation, which requires new development to be within a density range of 6,000 to 10,000 square feet of net developable land per residential unit. The proposed land division complies with the General Plan density range in that three new parcels with a net developable area of 9,053 square feet, 8,111 square feet and 8,283 square feet will be created.

The proposed land division will comply with the minimum parcel size of the R-1-6 (Single-family residential – 6,000 square foot minimum) zone district and the zone district standards as demonstrated in the table below.

	<b>R-1-6 Site Standards</b>	<b>Proposed Parcel 1</b>	<b>Proposed Parcel 2</b>	<b>Proposed Parcel 3</b>
<b>Gross Parcel Size</b>	N/A	9,053 sq. ft.	8,111 sq. ft	13,767 sq. ft.
<b>Net developable Parcel Size</b>	6,000 sq.ft. min.	9,053 sq. ft.	8,111 sq. ft	8,283 sq. ft.
<b>Front yard setback</b>	20 ft.	20 ft.	20 ft.	20 ft.
<b>Rear yard setback</b>	15 ft.	20 ft.	17 ft.	16 ft. 6 in.
<b>Side yard setbacks</b>	5 ft. and 8 ft.	5 ft. and 10 ft.	10 ft. and 8 ft.	5 ft. and 10 ft.
<b>Frontage Length</b>	60 ft.	97.21	134.05 ft.	60.36 ft.

Although final designs have not been submitted for structures on the parcels, the Design Guidelines that have been submitted indicate that all parcels will also be developed in accordance with the maximum 50% Floor Area Ratio (FAR) and 40% Lot Coverage and the 28 foot maximum height limit for structures.

**Second Units**

The proposed land division includes a proposal to construct, a single-family dwelling, garages and a second unit on each parcel. Within the Urban Services Line a second unit/accessory dwelling unit is an allowed use on a residentially zoned parcel that meets the minimum lot size required by the zone district, subject to the requirement that the parcel is owner occupied as evidenced by the filing of a Homeowners Tax Exemption. The maximum size allowed for second units on urban parcels is 640 square feet and, in addition, units are limited to one-story with a maximum height limit of 17 feet unless a Residential Development Permit is approved to allow for an additional story or height.

The Tentative Map and Design Guidelines for the proposed minor land division show second units at the second floor above detached garages on each of the parcels. The proposed second units meet all of the site standards for the zone district and do not exceed 640 square feet, but because of the proposed second story location of the units, a Residential Development Permit is required to be approved. The location of the proposed units at the second floor above detached garages is desirable, since this location allows for the provision of additional parking. The second floor location also reduces the area of impervious surface coverage by structures and allows for increased yard areas for the dwellings and an associated increase in the amount of landscaping for the development as a whole. A complete list of Development Permit findings for the second story location and increased height of the proposed second units is included with this report.

Because of the requirement that parcels that have second units are owner occupied, a condition of approval of this application will be that future property owners of each of the parcels created by this minor land division must file a Homeowners Tax Exemption with the County of Santa Cruz Assessor's Office before they may rent out the second unit as a separate dwelling. In addition, prior to the issuance of Building Permits for any second unit, a Declaration of Restriction will be required to be recorded on each of the three lots that are created setting out these requirements for future purchasers.

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## Parking

A single-family dwelling that has three or four bedrooms is required to provide a minimum of three on-site parking spaces. In addition, where a second unit is constructed, one additional parking space is required to be provided for each bedroom in the second unit. As shown on the conceptual plans included within the submitted Design Guidelines, second units that have one-bedroom have been proposed, along with single-family dwellings with up to four bedrooms. Therefore a minimum of four parking spaces are required to be provided on-site for each of the parcels. The Design Guidelines indicate that each lot will include one two-car garage and one single-car garage with additional parking spaces in the driveways in front of each garage, so that six full sized parking spaces will be provided on each of the parcels. This will ensure that there is sufficient parking for the proposed development and minimize the potential for disruption to the surrounding neighborhood that might otherwise occur from the need to accommodate overflow parking along Winkle Avenue.

## Design Review

The proposed site plan is driven primarily by the corridor access (flag lot) design of the land division, necessitated by the configuration of the existing parcel which is relatively narrow and extends back away from Winkle Avenue. The 20-foot wide corridor access, which is a part of parcel Three and includes a hammerhead turn for emergency vehicles between parcels One and Two, will be located along the property's southern boundary. This corridor will also be used for access by parcel Two, which is desirable as it reduces the number of driveway corridors that open onto Winkle Avenue and also allows for additional landscaping and the retention of an existing mature tree in the front yard of parcel one. Parcel One will continue to be accessed directly from Winkle Avenue.

Although landscaping is not specifically required along a corridor access, the driveway has been designed to include a landscaped strip along its southern edge that will include grasses and vines with new fencing and lattice to soften the appearance of the driveway. Landscaping is also proposed within the side yard of parcel One and the front yards of parcels Two and Three to further enhance the appearance of the access drive. The choice of plant materials will include an emphasis on California natives suited to the region and climate to minimize the need for irrigation. In addition, the driveway will curve away from the southern property boundary to allow for the retention of an existing stand of mature weeping willow trees so that these trees can be a focal point for the two rear parcels.

The existing dwelling that is to be remodeled, a new garage with a second unit at the second floor and an existing mature tree in the front yard of parcel One will, together, obscure views of the dwellings on parcels Two and Three from Winkle Avenue. The Willow trees along the southern boundary will screen and soften the new development in views from existing homes on Laura Lane to the south, and a line of four existing Pine trees along the rear property boundary (also to be retained) will screen the new development in views from parcels to the rear. A proposed hedge, to be installed by the developer, will screen and soften the proposed minor land division in views from the north. In views directly along the corridor access from Winkle Avenue the Weeping Willow trees and new landscape plantings on parcel three will be the main focal point rather than the single story garage beyond and the retained Pine trees will provide a backdrop to the new structures.

In terms of architectural design, the project designer has incorporated several architectural features to help blend the proposed minor land division into the older neighborhood and to create a transition between single-story dwellings along Winkle Avenue and two-story homes on adjacent streets that abut the side and rear of the project site. The existing dwelling that fronts onto Winkle Avenue will be retained but will be remodeled to include a new second story. However, to maintain a single level eave along Winkle Avenue the second story will be accommodated within the new roofline with only a shed dormer window facing Winkle Avenue. This style will be echoed by a proposed detached garage with a second unit at the second floor. The remodeled house will also include a new wrap-around porch to provide a welcoming residential façade to the street that visually links the structures together and also provides a covered connection between the entrances to the house, two garages and second unit.

Dwellings and accessory structures on parcels Two and Three have been designed with one and two-story elements and include varied roof and wall lines that will break up the mass of the proposed structures and add visual interest. Each parcel within the development will be treated as a small complex of structures so that the project reads as a village of buildings, in keeping with the varied scale and character of the surrounding neighborhoods. Each parcel will also include a distinct palate of materials and details as well as a different roof style that will be used for the main dwelling as well as the accessory structures on the lot. However, to create a cohesive project, consistent features such as paving materials, fencing design and landscaping will be used throughout the development, along with detailing “echoes” such as matching porch soffits; chimney caps; covered porches, breezeways and roof pitches to weave the parcels together visually.

The proposed minor land division complies with the requirements of the County Design Review Ordinance, in that, as described above, the project has been laid out and designed to reduce the visual impact of the proposed development on surrounding land uses and the natural landscape. Further, special care has been taken with regard to the placement of windows and living areas within the proposed structures and all of the mature trees on the parcel will be retained to ensure privacy for the existing neighbors adjacent to the property.

### **Trees**

As noted above, several existing mature trees are to be retained as part of the proposed development. These include a 24-inch diameter specimen tree (species unknown) that is located within the front yard adjacent to Winkle Avenue, two 16-inch diameter Weeping Willow trees adjacent to the southern property boundary and one 18-inch and three 16-inch diameter Pine trees along the rear property boundary. A small scrubby Oak tree and a small Pine tree located in the southwestern corner of the parcel will be removed to allow for the installation of the proposed driveway.

To ensure that the trees that are to be retained will survive the construction of the new dwellings and driveways the applicant is required, as a condition of approval prior to the approval of the improvement plans, to submit a report prepared by a Certified Arborist. The report is to include protection recommendations for all of the trees to be retained, including specific locations for tree protection fencing and a required observation schedule during construction. In addition, the report is required to include recommendations for selective pruning and maintenance of the Pine trees at the rear of the parcel to reduce shading on the neighboring dwelling to the rear and also to ensure their ongoing health and vitality.

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Prior to the commencement of earthwork at the site, the recommended tree protection fencing will be required to be inspected subject to a preconstruction meeting attended by Environmental Planning staff, the project arborist, the grading contractor, the soils engineer and the project civil engineer.

### **Grading, Drainage & Utilities**

The proposed land division and associated improvements will require site grading and preparation, primarily to fill a low point towards the center of the site and to establish final building pads and pavement elevations in order to maintain positive drainage away from structures to drainage inlets. A total of approximately 40 cubic yards of earth will be cut, approximately 520 cubic yards of earth will be imported and 560 cubic yards of material will be placed as fill to allow for the preparation of the project site. The grading volumes are considered as reasonable and appropriate due to the nature and scale of the required improvements. Protection measures, as recommended by the project arborist, will be required during grading and construction to preserve the existing trees that are to be retained.

The access driveway within the corridor access is proposed to be asphalt and private driveways and walkways serving individual units will be finished with either concrete or pavers. The hammerhead fire turnaround will be finished with concrete pavers. This increase in impervious and semi-impervious surfaces on the parcel from paved areas and also from new structures, requires approval of a drainage plan for the proposed development.

In broad strokes, the drainage plan works in the following way. The natural flow of runoff from the property is in a southerly and southwesterly direction across the site and towards Winkle Avenue. The site also receives offsite runoff from the north. The proposed drainage plan for the development has been developed in accordance with Best Management Practices and includes seven individual Drainage Management Areas that have been designed to minimize stormwater discharge volumes leaving the site as well as to reduce stormwater pollutants to the storm drain system. Each of these seven Drainage Management Areas will drain to raingardens that are designed to capture, retain and treat stormwater runoff. For smaller, two year, events this will result in a retention of all stormwater runoff onsite and in the event of larger, ten year storms the raingardens are designed to release runoff from these retention/detention areas to the street via metered pipes at a rate that does not exceed the existing, predevelopment rate. The proposed improvement plan and Drainage Calculations have been accepted by the Department of Public Works Stormwater Management Division.

In addition, water, sewer, and electrical utilities are available to the subject property. The existing water and sewer mains are capable of handling the additional volume necessary to serve the proposed development. A will serve letter from the City of Santa Cruz Water Department and a sewer availability letter from the County Sanitation District are attached.

### **Environmental Review**

Environmental Review has not been required for the proposed project since, as proposed, the project is for the division of property into four or fewer parcels within an urbanized area and the parcel to be divided was not involved in a division of a larger parcel within the previous 2 years. The parcel to be divided is zoned for residential uses and the division is in conformance with the

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General Plan and zoning. No Variances or Exceptions are required. Further, the parcel does not have an average slope greater than 20 percent and all services and access to the proposed parcels are available in accordance with local standards. Therefore the project qualifies for an exemption under the California Environmental Quality Act (CEQA) consistent with the CEQA guidelines in Section 15315, Minor Land Divisions.

### Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 141007, based on the attached findings and conditions.

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

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](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  
 E-mail: [lezanne.jeffs@santacruzcounty.us](mailto:lezanne.jeffs@santacruzcounty.us)

Report Reviewed By: \_\_\_\_\_

Steven Guiney AICP  
 Principal Planner  
 Development Review  
 Santa Cruz County Planning Department

CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NOTICE OF EXEMPTION

0756

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: 141007  
Assessor Parcel Number: 025-361-26  
Project Location: 3304 Winkle Avenue, Santa Cruz

**Project Description: Proposal to divide an existing parcel to create three single-family parcels and to develop one single-family dwelling, one detached second dwelling unit and attached and detached garages on each parcel.**

**Person or Agency Proposing Project: Ifland Engineers, attn. David Ramsey**

**Contact Phone Number: (831) 426 5313**

- 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: Class 15 - Minor Land Divisions (Section 15315)

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

Minor land division within the Urban Services Line with all urban services available

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

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

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

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## Subdivision Findings

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**1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.**

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance.

**2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.**

The proposed division of land, its design, and its improvements, will be consistent with the General Plan. The project creates three single-family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation, which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan since the development creates three parcels with net developable areas of 9,053 square feet, 8,111 square feet and 8,283 square feet.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. Each parcel will be accessed from Winkle Avenue, parcel One directly and parcels Two and Three via a corridor access, and this roadway will provide satisfactory access to the project. The proposed land division is similar to the pattern and density of surrounding development, is not far from commercial shopping facilities and recreational opportunities, and will have adequate and safe access.

The land division, as conditioned, will be consistent with the General Plan regarding infill development, in that the proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed structures, as conditioned, is consistent with the character of similar developments in the surrounding neighborhood.

Therefore this finding can be made.

**3. That the proposed subdivision complies with Zoning Ordinance provisions as to uses of land, lot sizes and dimensions and any other applicable regulations.**

The project proposes the development of one single-family dwelling and one second unit on each of the three parcels that will be created. A second unit/accessory dwelling unit is an allowed use on a residentially zoned parcel that, within the Urban Services Line, meets the minimum lot size required by the zone district. Therefore this finding can be made in that the use of the property will be residential in nature, the proposed parcels meet the minimum lot size and dimensional standards for the R-1-6 (Single-family residential - 6,000 square foot minimum) zone district, where the project is located, and the project will be consistent with the required site standards of the R-1-6 zone district.

The maximum size allowed for second units on urban parcels is 640 square feet and, in addition, units are limited to one-story with a maximum height limit of 17 feet unless a Residential Development Permit is approved to allow for an additional story or height. The proposed second

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units do not exceed 640 square feet in size but, due to their location above the detached garage on each parcel, they will exceed the story limitation and maximum height. A complete list of Development Permit findings for the second story location and increased height of the proposed second units is included with this report. 0758

County Code section 13.10.521 (Site Access) requires a minimum right-of-way width of 40 feet for newly created parcels. However, other chapters of the County Code, including County Code Chapter 16, define a right of way serving two properties as a driveway rather than a street. These other sections of County Code recognize that rights-of-way serving one or two parcels function differently from rights-of-way serving three or more parcels and require a narrower width. The proposed corridor access that is to serve both parcels two and three is 20-foot wide and complies with the provisions of County Code section 13.20.520(B) (Corridor Access Lots). An exception to the 40-foot wide right-of-way is therefore not required.

**4. That the site of the proposed subdivision is physically suitable for the type and density of development.**

This finding can be made, in that no challenging topography affects the building site. Technical reports prepared for the property conclude that the site is suitable for residential development, and the proposed parcels are properly configured to allow development in compliance with the required site standards., also no environmental resources exist which would be adversely impacted by the proposed development.

**5. That the design of the proposed subdivision or type of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.**

No mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site, therefore this finding can be made.

**6. That the proposed subdivision or type of improvements will not cause serious public health problems.**

This finding can be made in that municipal water and sewer are available to serve the proposed units on all three parcels.

**7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of property within the proposed subdivision.**

This finding can be made in that no existing easements are known to encumber the property. The County Surveyor has required that a 6 foot Public Utility Easement be dedicated along the Winkle Avenue frontage of the proposed development. In addition, a right-of-way for access, together with an easement for storm drain and utility purposes will be granted in favor of parcel Two, over the corridor access portion of parcel Three.

**8. The design of the proposed land division provides, to the extent feasible, for future passive or natural heating or cooling opportunities.**

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This finding can be made, in that the resulting parcels and the proposed new dwellings and second units are sited towards the northern property boundary to take advantage of an unobstructed southern exposure and each of the structures has been oriented to the fullest extent possible in a manner to take advantage of solar opportunities.

**9. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076) and any other applicable requirements of this chapter.**

The design guidelines for the proposed minor land division incorporate architectural features to help blend the proposed development into the older neighborhood along Winkle Avenue and to create a transition between single-story dwellings along that street and two-story homes on adjacent streets that abut the side and rear of the project site. This will reduce the visual impact of the proposed development on surrounding land uses and the natural landscape.

The existing dwelling that fronts onto Winkle Avenue will be retained but will be remodeled to include a new second story. However, to maintain a single level eave along Winkle Avenue the second story will be accommodated within the new roofline with only a shed dormer window facing Winkle Avenue. This style will be echoed by a proposed detached garage with a second unit at the second floor. Dwellings and accessory structures on parcels two and three have been designed with one and two-story elements and include varied roof lines and massing to break up the structures and add visual interest.

Each parcel within the development will be treated as a small complex of structures so that the project reads as a village of buildings, in keeping with the varied scale and character of the surrounding neighborhoods. Each parcel will also include a distinct palate of materials and details as well as a different roof style that will be used for the main dwelling as well as the accessory structures on the lot. However, to create a cohesive project, consistent features such as paving materials, fencing design and landscaping will be used throughout the development, along with design details that are "echoed" on each parcel, such as matching porch soffits, chimney caps, covered porches, breezeways and roof pitches, to weave the parcels together visually.

The proposed project includes landscaping within the front yards of parcels as well as along the southern edge of the proposed corridor access driveway and within the side yard of parcel one to further enhance to appearance of the new development. In addition, a hedge will be installed along the northern property boundary. Further, all of the existing mature trees on the parcel will be retained to screen and soften views to the new development from surrounding homes. The existing stand of willow trees along the southern property boundary will also to serve as a visual focal point for the new homes and in views along the proposed access drive from Winkle Avenue.

Therefore this finding can be made.

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## Development Permit Findings

1. **That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.**

The project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with 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.

The proposed second story second units will not deprive adjacent properties or the neighborhood of light, air, or open space, in that all of the structures will meet or exceed all of the current setbacks that ensure access to light, air, and open space in the neighborhood. Further, the proposed second units have been designed and laid out so that living areas at the second floor will be oriented and/or located away from surrounding existing homes. Special care has been taken to ensure the privacy of neighbors to the greatest extent possible. Sensitive massing, placement of windows and retention of existing trees landscaping will ensure good relations between the project and its neighbors.

Therefore this finding can be made.

2. **That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.**

This finding can be made, in that the proposed location of the structures on each of the parcels and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 (Single-family residential - 6,000 square foot minimum) zone district, in that the primary use of each property will be one single-family dwelling, with or without an attached garage, and one second unit over a detached garage, that meet all of the current site standards for the zone district.

Second Units within the Urban Services Line are limited to one story and a maximum height of 17 feet, as set out in County Code section 13.10.681(D)(4). The intent of these restrictions on second units is to minimize the potential for neighborhood conflict due to loss of privacy at surrounding dwellings from second unit living areas that are located at the second floor. Therefore a Development Permit is required to allow for additional review of proposed second units that exceed these restrictions so as to ensure that no such conflicts occur. As set out above, the proposed second units have been sited and designed so that the living areas are located away from the existing homes on adjacent parcels and that the privacy of surrounding dwellings will be maintained. Further, all of the second units will meet or exceed current setbacks that ensure access to light, air, and open space in the neighborhood.

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**3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.**

The proposed residential use is consistent with the use and density requirements specified for the Urban Low Density (R-UL) land use designation in the County General Plan. The R-UL land use designation requires new development to be within a density range of 6,000 to 10,000 square feet of net developable land per residential unit and the proposed land division complies with the General Plan density range in that three new parcels with a net developable area of 9,053 square feet, 8,111 square feet and 8,283 square feet will be created.

The proposed second units to be located above detached garages on each of the parcels will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. The proposed second units will meet all current site and development standards for the zone district, so that, as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), they will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed second units will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that all structures will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories). Further, second units will be clearly subordinate in size and scale to the main residences on each of the parcels.

The design guidelines submitted for this project show that the proposed second units have been designed and laid so that living areas at the second floor will be oriented and/or located away from surrounding existing homes. Special care has been taken to ensure the privacy of neighbors to the greatest extent possible. Sensitive massing, placement of windows and retention of existing trees and landscaping will ensure good relations between the project and its neighbors.

This will result in parcels that are developed in a manner that is compatible with the existing neighborhood and are consistent with other accessory structures with second units that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for this portion of the County.

This finding can therefore be made.

**4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.**

This finding can be made, in that each parcel within the proposed minor land division will be developed with one single-family dwelling and one second unit. Within the Urban Services Line a second unit is an allowed use on a residential parcel and a Development Permit is not required unless the unit exceeds the maximum one story or 17 foot maximum height. The proposal to include second dwelling units above the proposed detached garages on each parcel therefore will not increase the level of traffic or overload utilities to any greater extent than would single story

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units. However, a relatively minor increase in traffic and increase in utilities is anticipated as a result of the minor land division as a whole but such an increase will not adversely impact existing roads and intersections in the surrounding area and will not result in a significant increase in the demand for utilities.

**5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.**

The second proposed minor land division is located in a mixed neighborhood containing one and two-story homes that have a variety of architectural styles. Several of the lots that front on to Winkle Avenue, including the lots that lie to the north of the existing parcel are developed to include second houses. The area immediately behind the parcel is developed with two story townhouses. Therefore the proposed second units that will be located at the second floor above detached garages on each parcel are consistent with the land use intensity and density of the neighborhood.

Therefore this finding can be made.

**6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.**

This finding can be made in that, the design guidelines for the proposed minor land division incorporate architectural features to help blend the proposed development into the older neighborhood along Winkle Avenue and to create a transition between single-story dwellings along that street and two-story homes on adjacent streets that abut the side and rear of the project site.

The proposed second unit that will be developed on parcel one that fronts onto Winkle Avenue is designed so that it will be located mostly at the first floor level behind the proposed garage, with only one bedroom at the second floor. The structure has been designed to maintain a single level eave along Winkle Avenue. The second story bedroom will be accommodated within the new roofline with only a shed dormer window facing Winkle Avenue. The accessory structures on parcels Two and Three have been designed with one and two-story elements and include varied roof lines and massing to break up the structures and add visual interest.

Each parcel within the development will be treated as a small complex of structures so that each dwelling and the associated second unit and garages will read as a village of buildings that has consistent architectural detailing and roof style along with a distinct palate of materials. Further, the structures on each parcel will be linked by consistent features such covered porches, paving and landscaping.

## Conditions of Approval

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**Minor Land Division 141007**

Applicant: Ifland Engineers, Attn. David Ramsey

Property Owner: CAERUS VENTURES, LLC.

Assessor's Parcel Number: 025-361-26

Property Address and Location: The property is located at 3304 Winkle Avenue, on the east side of Winkle Avenue opposite the intersection with Sequoia Drive.

Planning Area: Live Oak

## Exhibit(s):

- D. Tentative Map (1 sheet), Preliminary Improvement Plans (6 sheets) and Preliminary Erosion Control Plan (1 sheet) - prepared by Ifland Engineers, dated 01/30/14, as revised 7/18/14.
- E. Design Guidelines prepared for Caerus Ventures, LLC., dated 7/7/14

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
  - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
  - B. Record the Conditions of Approval with the Parcel Map. The Conditions of Approval shall be applicable to all resulting parcels.
- II. A Parcel Map for the land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
  - A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
  - B. This land division shall result in no more than three (3) single family residential units, a private right of way for access, utilities, and landscaping and a dedication parcel to the County of Santa Cruz (Parcel A).
  - C. The minimum aggregate parcel area shall be 6,000 square feet of net developable land per unit.

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D. The following items shall be shown on the Parcel Map:

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1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 feet for front yards, 5 and 8 feet for side yards, and 15 feet for rear yards. In addition, a minimum 10 foot separation is required between detached structures on the same parcel.
2. Show the gross and net area of each lot to nearest square foot.
3. All easements and dedications to be recorded prior to recordation of the Parcel Map.

E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:

1. New parcel numbers for all of the parcels must be assigned by the Assessor's Office prior to application for a Building Permit on any parcel created by this land division.
2. Lots shall be connected for water service to the City of Santa Cruz Water District. All regulations and conditions of the water district shall be met. Proof of water service availability is required prior to issuance of a building permit on any parcel.
3. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met. Proof of sewer service availability is required prior to issuance of a building permit on any parcel.
4. All future construction on the lots shall conform to the design guidelines approved for this land division and shall also meet the following additional conditions:
  - a. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-6 zone district, including setbacks, maximum height and separation between structures. Development on each parcel shall not exceed 40% lot coverage, or 50% floor area ratio, or other standard as may be established for the zone district.
  - b. Second Units may be constructed at the second floor, above detached garages on each parcel, as approved by this permit, but must comply with all other requirements of County Code section 13.10.681.
5. All future development on the lots shall comply with the requirements of the approved geotechnical report(s) for this project.
6. All requirements of the Environmental Planning Section of the Planning

Department shall be met, including the following:

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- a. The applicant shall provide recommendations from a certified arborist for protection of trees to remain (including the specific locations for tree protection fencing and a required observation schedule) and incorporate those recommendations into the project plans. The report shall also include recommendations for selective pruning of the pine trees along the rear property boundary to improve the shape and overall health of the trees.
  - b. Plans shall reference the soils report and include a statement that the project shall conform to the reports recommendations.
  - c. The applicant shall provide a plan review letter from the project soils engineer approving the final revised plans once all agency comments have been addressed.
  - d. The applicant shall provide a stormwater pollution control plan that meets the requirements set forth in the County's Construction Site Stormwater Pollution Control BMP Manual. The Manual may be found on our website at [www.ccoplanning.com](http://www.ccoplanning.com) by navigating to Environmental / Erosion and Stormwater Pollution Control / Construction Site Stormwater BMP Manual.
7. The access road shall be designated as a fire lane. The fire lane (both sides of the road) shall be painted and posted as a fire lane meeting the requirements of Section 22500.1 of the California Vehicle.
  8. Note on the plan that the area designated as the fire apparatus turnaround shall meet the above prohibited parking marking requirements.
  9. The proposed private road shall be named. Naming shall meet the requirements of the Santa Cruz County Street Naming and Addressing Ordinance. Application for the street name shall be done through the street naming and Addressing Coordinator in the Santa Cruz County Planning Department.
  10. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
  11. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
    - a. Silt and grease traps shall be installed according to the approved improvement plans.

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- b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
  - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
12. Any changes from the approved Exhibit "D", including but not limited to the Tentative Map or Preliminary Improvement Plans, must be submitted for review and approval by the Planning Department. Changes may be forwarded to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

III. Prior to recordation of the Parcel Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all drainage requirements of the Department of Public Works, Stormwater Management Services section including, without limitation, the following conditions:
  1. Provide revised plans to show how this project will minimize impervious surfacing for the proposed paved private road and driveways. The requirement to minimize impervious surfacing can be achieved by the use of porous pavement (paver blocks, turf blocks, base rock, gravel, pervious concrete, etc.) where feasible.
  2. Provide cross section construction details for the proposed rain gardens, semi-impervious paving, graded swales, GO inlet, connection to the existing inlet and under sidewalk drains to facilitate proper construction by the contractor.
  3. Include in the drainage calculations a typical cross section detail of the proposed rain gardens making clear where the retention and detention volumes are being provided. Also make clear how the detention system release structure will be configured to maintain a constant release rate for the detention volume. The detention sizing calculations assume a constant release rate however no calculations have been provided demonstrating how the constant release rate will be maintained.
  4. The drainage calculations indicate 40% void space in the bioretention soil mixture. Please provide technical justification for this value.
  5. Site plans shall specify maintenance requirements such as; what needs to be maintained, how often each drainage improvement needs to be maintained, what to look for indicating that maintenance is required, and what the maintenance procedures are for each specific drainage improvement. A recorded maintenance agreement (Type B) is required for the proposed rain gardens

within the development. The maintenance agreement form can be picked up from the Public Works office or can be found online at:

[http://www.dpw.co.santa-cruz.ca.us/Storm\\_Water/FigureSWM25B.pdf](http://www.dpw.co.santa-cruz.ca.us/Storm_Water/FigureSWM25B.pdf) 0767

Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure.

6. For fee calculations please provide tabulation of new impervious and semi impervious (gravel, base rock, paver blocks, pervious pavement) areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces to be removed please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. The fees are currently \$1.14 per square foot, and are subject to increase based on the fee amount applicable at the time of permit issuance. Reduced fees (50%) are assessed for semi pervious surfacing (such as gravel, base rock, paver blocks, porous pavement, etc.) to offset costs and encourage more extensive use of these materials.

7. Per Part 3 Section G #3 of the design criteria; if the parcel being developed receives existing runoff from an adjacent drainage area, the recordation of a drainage easement, maintenance agreement, deed restriction, or other document recorded on the parcel deed will be required. The recorded document shall acknowledge that the parcel does and will continue to receive upstream runoff, that the property owner is responsible for maintenance of the drainage pathway through the parcel, and that the County and Flood Control Districts are not responsible for the upstream runoff or for maintenance of the drainage pathway.

C. Meet all requirements of the Environmental Planning section of the Planning Department including, without limitation, the following conditions:

1. The applicant shall provide a tree protection plan showing the precise location of the tree protection fencing as recommended by the project arborist.
2. The applicant shall provide a plan review letter from the project arborist approving the final revised grading, utility, and tree protection plans.

D. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:

1. The six inch line that comes out of the final Private Sanitary Clean-Out (Rim=133.26, Inv=129.16) shall exit the clean-out at a 90 degree angle and connect into the existing Sanitary Sewer on Winkle with a New Manhole provided and installed by the Applicant.
2. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
3. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of

any CC&R's to the district.

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- E. A Homeowners Association (HOA) shall be formed, or a shared maintenance agreement shall be established, for maintenance of all areas under common ownership including: access road; fire lane painting marking and signs; fire hydrant and annual required testing of the detector check/backflow prevention device; all landscaping; drainage structures; water lines; sewer laterals; fences, and silt and grease traps. CC&R's and/or the shared maintenance agreement shall include the following, which are permit conditions:
1. All landscaping within the corridor access/private right-of-way shall be permanently maintained by the HOA or shared maintenance association.
  2. All drainage structures, including the proposed detention system, porous asphalt concrete, proposed swale in the private drainage easement, and silt and grease traps, shall be permanently maintained by the HOA or shared maintenance association.
  3. Annual inspection of the silt and grease traps and drainage structures shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the HOA or shared maintenance association.
    - a. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
  4. The six inch private Sanitary Sewer line, Private Sanitary Sewer Clean-Outs (3), and Private Sanitary Sewer Manhole (1) shall be maintained by the HOA or shared maintenance association.
- F. Engineered improvement plans for all water line extensions required by The City of Santa Cruz Water District shall be submitted for the review and approval of the water agency.
- G. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries. Backflow prevention devices must be located in the least visually obtrusive location.
- H. Park dedication in-lieu fees shall be paid for nine (9) bedrooms (which assumes two (2) new dwelling units, each with three (3) bedrooms, and three (3) second units, each with one (1) bedroom). These fees are currently \$1,000 per bedroom, but are subject to

change.

- I. Child Care Development fees shall be paid for nine (9) bedrooms (which assumes two (2) new dwelling units, each with three (3) bedrooms, and three (3) second units, each with one (1) bedroom). These fees are currently \$109 per bedroom, but are subject to change.
- J. Transportation improvement fees shall be paid for two (2) new lots/dwelling units. These fees are currently \$3,000 per unit, but are subject to change.
- K. Roadside improvement fees shall be paid for two (2) new lots/dwelling units. These fees are currently \$3,000 per unit, but are subject to change.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the State Building Code regarding accessibility.
    - a. The proposed access road shall be constructed per the approved improvement plans for this permit.
  2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils, including the following information and plan revisions:
- M. Submit a final Landscape Plan for the entire site for review and approval by the Planning Department. The landscape plan shall specify plant species, size and location, and shall include irrigation plans, which meet the following criteria and must conform to all water conservation requirements of the local water district and the following conservation regulations:
  1. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
  2. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated