



Staff Report to the Planning Commission

Application Number: **04-0429**

Applicant: Brett Brenkwitz
Owner: Roni & Kelly Walker
APN: 054-111-25

Agenda Date: 2/23/05
Agenda Item #: 10
Time: After 9:00 a.m.

Project Description: Proposal to divide an approximately 6,078 square foot parcel into two townhouse parcels, with a minimum of 3,000 square feet of net developable land per unit.

Location: Property located at the southwest corner of Seascap Boulevard & Vineyard Court.

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Minor Land Division, Coastal Development Permit, Residential Development Permit

Staff Recommendation:

- Approval of Application 04-0429, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | |
|-----------------------------------------------|--------------------------------------|
| A. Project plans | E. Location & Assessor's parcel maps |
| B. Findings | F. Zoning & General Plan maps |
| C. Conditions | G. Will Serve Letters |
| D. Categorical Exemption (CEQA determination) | H. Comments & Correspondence |

Parcel Information

Parcel Size:	6,078 square feet
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Single and Multi-Family Residential Neighborhood
Project Access:	Vineyard Court (Off Seascap Boulevard)
Planning Area:	Aptos
Land Use Designation:	R-UH (Urban High Density Residential)
Zone District:	RM-3 (Multi-Family Residential - 3,000 square foot

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

minimum)
Coastal Zone: X Inside Outside
Appealable to Calif Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: NIA – Existing Structure
Fire Hazard: Not a mapped constraint
Slopes: 2-5% slopes
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Traffic: No new units/no existing traffic problems
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Inside Urban/Rural Services Line: X Yes No
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6 Flood Control District

Project Setting

The subject property is located on a corner lot in the residential neighborhood of Seascapes. The property is vacant and level. The surrounding pattern of development includes both single and multi-family residential development.

Parcel Size & Developable Area

The subject property is one single parcel of 6,078 square feet. The division of the parcel into two separate townhouse parcels requires a minimum of 3,000 square feet of net developable land per unit. The proposed land division will comply with the minimum parcel size of the RM-3 (Multi-Family Residential – 3,000 square foot minimum) zone district.

The proposed development will be accessed off Vineyard Court via one driveway to two separate garages. As both garages are accessed through exclusive common areas, the driveway area is not deducted from the net developable land totals. The net developable land total exceeds 6,000 square feet in this proposal.

General Plan Consistency

The subject property is designated as Urban High Density Residential (R-UH) in the General Plan. The Urban High Density Residential (R-UH) General Plan designation requires a range of 2,500 to 4,000 square feet per dwelling unit. The existing and proposed development is within the required density range at 3,003 square feet per dwelling unit.

Local Coastal Program Consistency

The proposed land division is in conformance with the County's certified Local Coastal Program in that the structure is visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Utilities

Water, sewer, and electrical utilities are available to the subject property. The existing water and sewer mains will be capable of handling the additional volume necessary to serve the proposed development.

Residential Design & Neighborhood Compatibility

The surrounding neighborhood contains single family and multi-family residential development, with many duplexes and townhouse developments in the immediate area. The proposed architectural style and massing is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Environmental Review

Environmental Review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for this exemption due to the fact that the proposed parcels are located within the Urban Services line, will be served by a driveway to an existing roadway, and all utilities are available. No extenuating circumstances or special site conditions that would require further review under CEQA are evident in the proposed project.

Conclusion

The proposed division of the existing vacant parcel into two townhouse parcels will be compatible with surrounding development patterns and will not adversely impact scenic or environmental resources.

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

- APPROVAL of Application Number **04-0429**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

Report Prepared By: _____


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Report Reviewed By: _____


Cathy Graves
Principal Planner
Development Review

Subdivision Findings

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 as set forth in the findings below.

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.

This finding can be made, in that the proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two multi-family residential townhouse parcels and a common area parcel and is located in the Urban High Density Residential (R-UH) General Plan designation which allows a density of one unit for each 2,500 to 4,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the two townhouse parcels will share common area open space for a total of 3,000 square feet per each multi-family dwelling unit.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. Both units will be accessed by a shared driveway to Vineyard Court, which provides satisfactory access to the project. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular and pedestrian access.

The subdivision, 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 structure is consistent with the character of similar developments in the surrounding neighborhood.

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

This finding can be made, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the RM-3 (Multi-Family Residential – 3,000 square feet minimum) zone district where the project is located, which allows for interior setbacks to be reduced for parcels not abutting the periphery of the project site (per County Code section 13.10.323(d) 1(i)).

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. 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.

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

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 all proposed 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 easements are known to encumber the property.

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

This finding can be made, in that the resulting parcels are 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.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single family and multi-family residential development, with many duplexes and townhouse developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned RM-3 (Multi Family Residential - 3000 square foot minimum), a designation which allows residential uses. The proposed multi-family residential development is a principal permitted use within the zone district, consistent with the site's (R-UH) Urban High Density Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the residential development will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the RM-3 (Multi Family Residential - 3000 square foot minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single and multi-family residential dwellings. Size and architectural styles vary widely in the area, and the proposed structure is consistent with the surrounding architectural style.

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.

This finding can be made, in that 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 Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

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 use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the RM-3 (Multi-Family Residential – 3,000 square feet minimum) zone district where the project is located, which allows for interior setbacks to be reduced for parcels not abutting the periphery of the project site (per County Code section 13.10.323(d)1(i)).

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.

This finding can be made, in that the proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two multi-family residential townhouse parcels and a common area parcel and is located in the Urban High Density Residential (R-UH) General Plan designation which allows a density of one unit for each 2,500 to 4,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the two townhouse parcels will share common area open space for a total of 3,000 square feet per each multi-family dwelling unit.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. Both units will be accessed by a shared driveway to Vineyard Court, which provides satisfactory access to the project. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular and pedestrian access.

The subdivision, 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 structure is consistent with the character of similar developments in the surrounding neighborhood.

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

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 the expected level of traffic generated by the proposed project is anticipated to be only 2 peak trips per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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.

This finding can be made, in that the project site is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

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 structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single family and multi-family residential development, with many duplexes and townhouse developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Conditions of Approval

Minor Land Division & Coastal Development Permit No.: 04-0429

Applicant: Brett Brenkwitz

Property Owner: Roni & Kelly Walker

Assessor's Parcel No.: 054-1 11-25

Property Location and Address: Southwest corner of intersection of Seascapes Boulevard & Vineyard Court

Planning Area: Aptos

Exhibits:

- A. Project Plans including Tentative Map & Preliminary Improvement Plans by Michael Beautz, dated 12/04 and architectural plans prepared by Brett Brenkwitz, dated 9/7/04 with revisions through 1/14/05.

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, and
- II. A Final map for this 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 Final 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 Final map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final map shall meet the following requirements:
 - A. The Final map shall be in general conformance with the approved tentative map and shall conform with 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 two (2) multi-family residential townhouse lots and a common area parcel. A statement shall be added to clearly

state that the common area parcel surrounding the two multi-family residential townhouse lots is not a building site.

- C. The minimum lot size shall be 3,000 square feet, net developable land.
- D. The following items shall be shown on the Final map:
 - 1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 - 2. The net area of each lot to nearest square foot.
 - 3. Common areas clearly labeled **as**, 'Not a Building Site.'
- E. The following requirements shall be noted on the Final map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to Soquel Creek Water District.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
 - 3. All future construction of the lots shall conform to the Design Guidelines, the Architectural Floor Plans and Elevations, as stated or depicted in the approved Exhibit "A", and shall also meet the following additional conditions:
 - a. Notwithstanding the approved architectural plans, all future development shall comply with the development standards for the RM-3 zone district. Total development on the subject property shall not exceed 40% lot coverage, or a 50% floor area ratio, or other standards as may be established for the zone district.
 - 4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meeting the following criteria:
 - a. 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.
 - b. 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 separately.

- C Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydro-zones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.

Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.

Plants having similar water requirements shall be grouped together in distinct hydro-zones and shall be irrigated separately.

Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.

- e. All planting shall conform to the landscape plan shown as part of Exhibit A, as revised. The following specific landscape requirements apply:
- (i) A drip irrigation system shall be installed in the required landscape strip, which may be connected to the adjacent individual lot.

- f. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Tharp & Associates, dated 9/04.
 - g. 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, including the payment of Mello-Roos fees, if applicable.
- 5. 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. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - b. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- 6. Provide Environmental Planning staff with receipts that document the amount of fill that was brought to the County Landfill, if applicable.
- 7. Any changes between the Parcel Map and the approved Tentative Map must be submitted for review and approval by the Planning Department.
- 8. Any changes to the approved Exhibit "A" must be clearly labeled and referenced on all revised plans or the Parcel Map.

III. Prior to recordation of the Final 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 requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated 9/7/04, including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of an engineered sewer improvement plan

providing sanitary sewer service to each parcel.

2. Pay all necessary bonding, deposits, and connection fees.
- C. Meet all requirements of the Soquel Creek Water District as stated in the District's letter dated 9/8/04, including, without limitation, the following standard conditions:
1. Submit and secure approval of water service to each parcel.
 2. Pay all necessary bonding, deposits, and connection fees.
- D. 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 meet the requirements of the County of Santa Cruz Department of Public Works Design Criteria Manual except as modified in these conditions of approval.
 2. A detailed erosion and sediment control plan for the subdivision shall be integrated with the improvement plans and shall be submitted to the Planning Department, Environmental Planning Section, for review and approval prior to submittal to the Department of Public Works and approval of the final map. The plan shall include a clearing and grading schedule, clearly marked disturbance envelope, re-vegetation specifications, temporary road surfacing and construction entry stabilization, details of temporary drainage control including lined swales, erosion protection at the outlets of pipes, sediment barriers around drain inlets and information on the disposal of spoils generated by excavation for the drainage pipe, etc.
 3. A landscape plan for areas designated on the tentative map shall be submitted for Planning Department review and approval prior to submittal to the Department of Public Works. Wherever irrigation for landscaping is required, stub outs for water service shall be shown on the improvement plans. The landscape plan shall be compared to the utility plan to prevent placement conflicts. No change in the landscape plan shall be granted without County review.

4. Plans shall comply with the requirements of the geotechnical report prepared by Tharp & Associates, dated 9/04. A plan review letter from the geotechnical engineer shall be submitted with the plans, stating that the plans have been reviewed and found to be in compliance with the recommendations of the geotechnical report.
 5. Engineered drainage plans shall be reviewed and approved by the Department of Public Works, Drainage division. Appropriate fees for new impervious surface shall be paid.
 6. All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer and all new utility vaults must be located underground.
 7. Acquire all rights of way and easements and make all dedications thereof as needed for construction of required improvements. Any and all costs incurred by the County of Santa Cruz to obtain title to any property in the event that condemnation proceedings are necessary to implement this condition, shall be paid in full by the applicant/sub-divider prior to the recording of the Final Map.
 8. All improvements shall comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Regulations.
- E. All requirements of the Aptos/La Selva Fire Protection District shall be met.
- F. Park dedication in-lieu fees shall be paid for two (2) multi-family dwelling units. Currently, these fees are **\$750** per bedroom, but are subject to change.
- G. Child Care Development fees shall be paid for two (2) multi-family dwelling **units**. Currently, these fees are \$109 per bedroom, but are subject to change.
- H. Transportation improvement fees shall be paid for two (2) multi-family dwelling units. Currently, these fees are \$1,400 per unit, but are subject to change.
- I. Roadside improvement fees shall be paid for two (2) multi-family dwelling units. Currently, these fees are \$1,400 per unit, but are subject to change.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition IILC. The construction of subdivision improvements shall also meet the following conditions:

- A. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate. During the meeting, the applicant shall identify the site(s) to receive the export fill and present valid grading permit(s) for those sites, if any site will receive greater than 100 cubic yards or where fill will be spread greater than two feet thick or on a slope greater than 20% gradient. Temporary fencing marking the disturbance envelope and silt fencing at the erosion repair in the drainage area shall be in place and inspected at that time.
- B. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road.
- C. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan.
- D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out other work specifically required by another of these conditions).
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- F. Construction of improvements shall comply with the requirements of the geotechnical report prepared by Tharp & Associates, dated 9/04. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. To minimize noise, dust, and nuisance impacts on surrounding properties to insignificant levels during construction, the owner/applicant shall, or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 A.M. and 5:00 P.M.

weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site, on a sign that shall be a minimum of two feet **high** and four feet wide. This shall be separate from any other signs on site, and shall include the language "for construction noise and dust problems call the 24-hour contact number." The name, phone number, and nature of the disturbance shall be recorded by the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions

2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
 3. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
- H. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- I. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map and/or the engineered improvement plans.
- V. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim,

action, or proceeding against which the COUNTY **seeks** to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. ~~When~~ representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement that incorporates the provisions of this condition, or this development approval shall become null and void.

Amendments to this land division approval shall be processed in accordance with chapter 18.10 of the county code.

This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking **at least 90 days** prior to the expiration date and in no event later than 3 weeks prior to the expiration date

cc: County Surveyor

Application # 04-0429
APN: **054-111-25**
Owner: Roni & Kelly Walker

Approval Date: _____
Effective Date: _____
Expiration Date: _____

Cathy Graves
Principal Planner

Randall **Adams**
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 04-0429

Assessor Parcel Number: 054-1 11-25

Project Location: No Situs

Project Description: Proposal to divide an existing parcel into two townhouse parcels

Person or Agency Proposing Project: Brett Brenkwitz

Contact Phone Number: (831) 662-8800

- 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).

Specify type:

E. X **Categorical Exemption**

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

F. Reasons why the project is exempt:

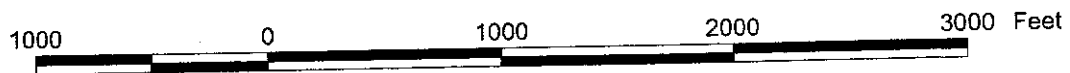
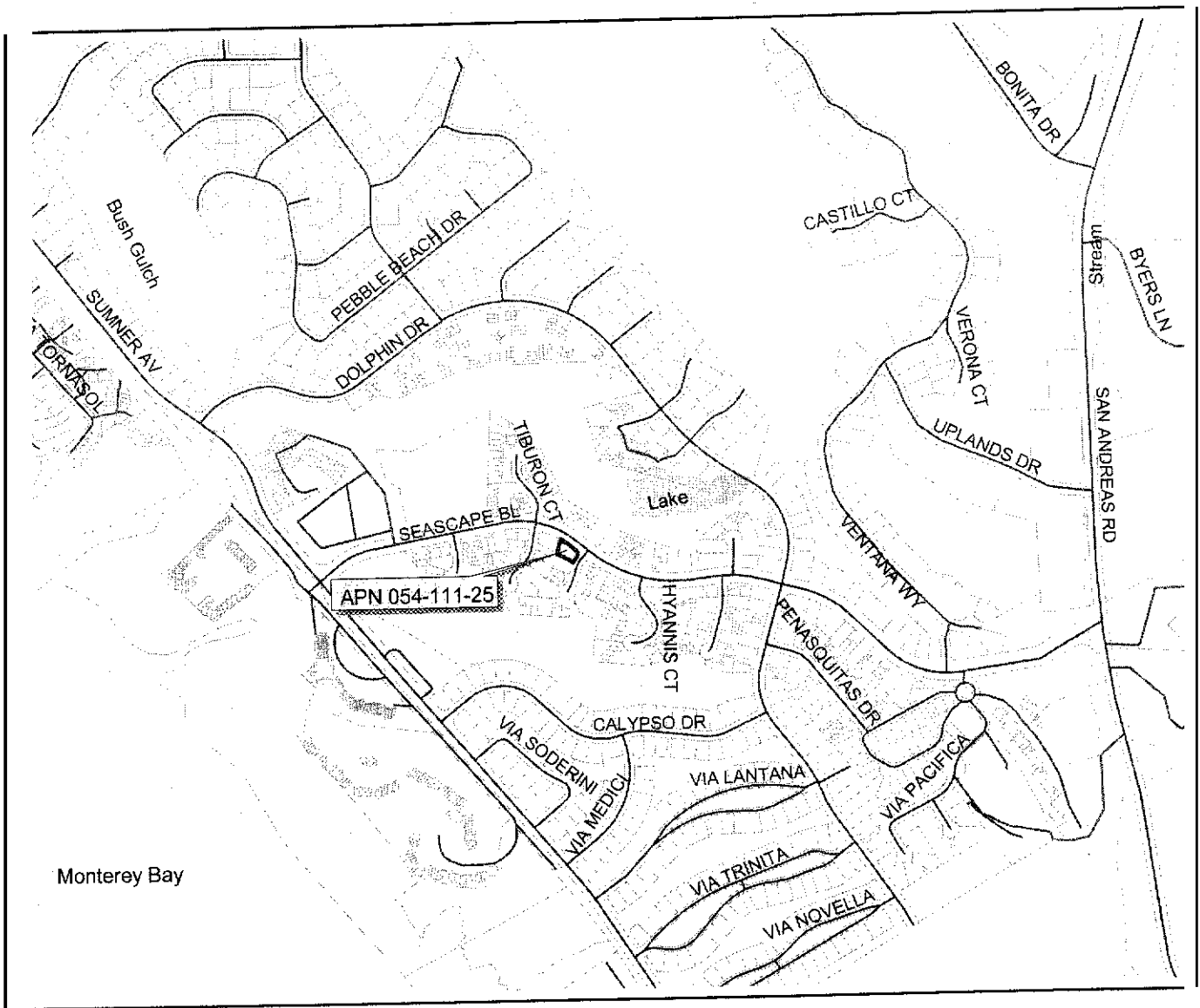
Division of a parcel in an urbanized area with existing road access and utilities available.

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

Randall Adams, Project Planner

Date: _____

Location Map



Map created by Santa Cruz County
Planning Department:
September 2004



EXHIBIT E

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

© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

TR. 569 UNIT 13 APTOS SEASCAPE
56MB24 4/11/72

36MB24 4/11/72

⑧

SEC. 2

8

⑧

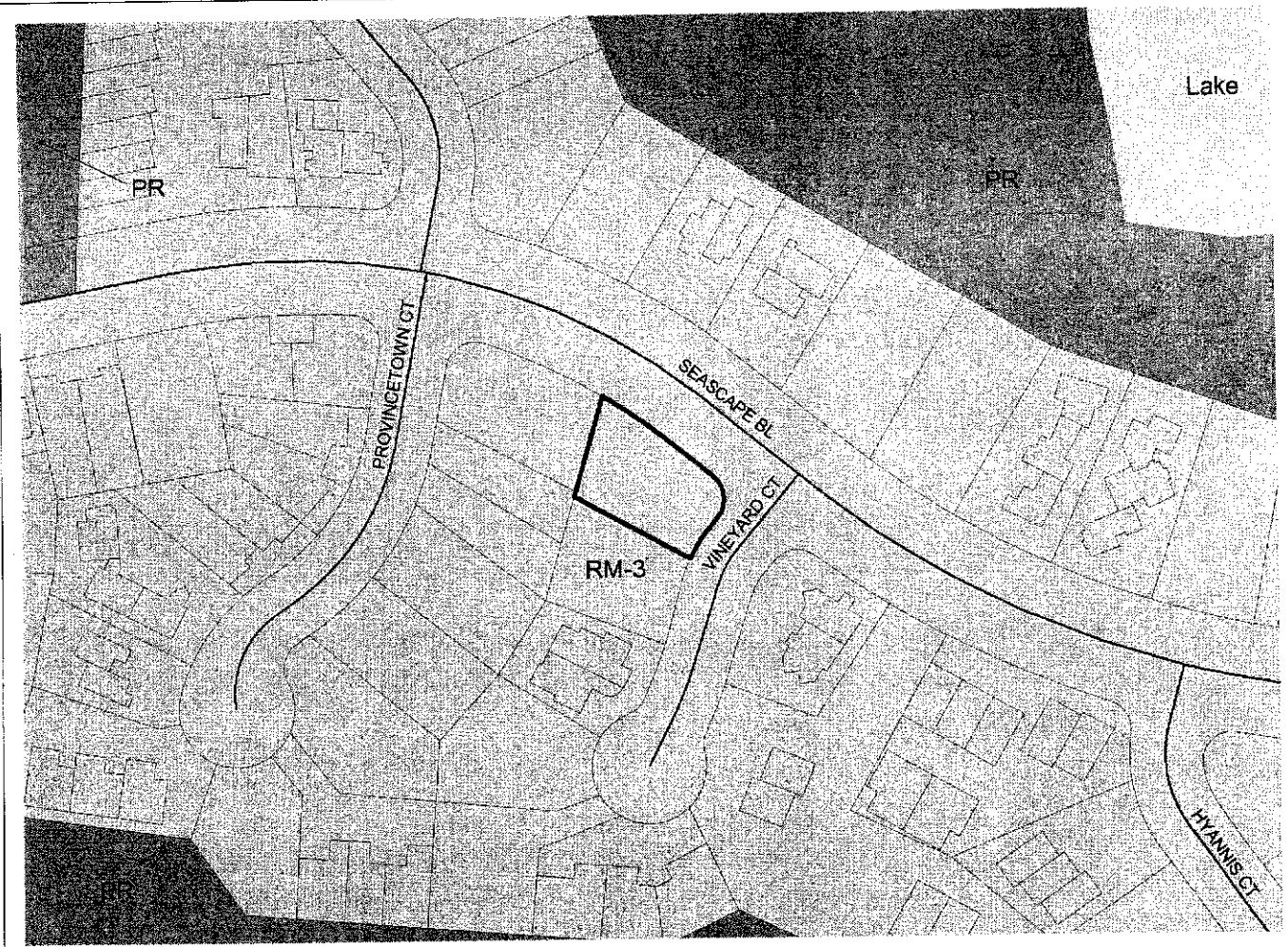
 $\lambda' = 1.60$

electronically returned 9/29/03 KSA
Rev 7/23/03 CB (S8PMT2, Sp 1-74 to 76)

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






Assessor's Map No. 54-11
County of Santa Cruz, Calif.
Sep. 2000

Zoning Map



250 0 250 500 Feet

Legend

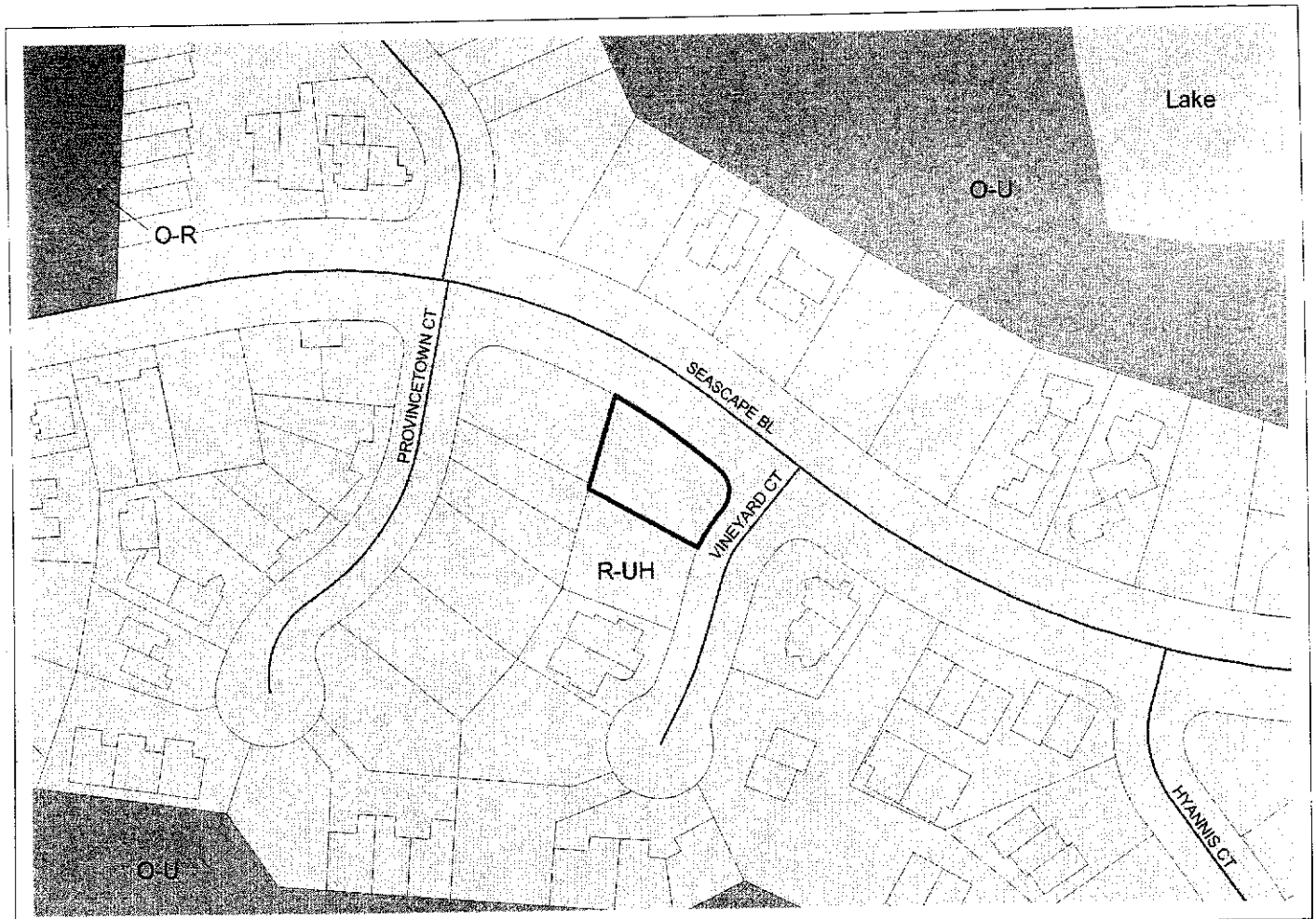
-  APN 054-111-25
-  Streets
-  Lake
-  RM
-  PR









Map created by Santa Cruz County
Planning Department:
September 2004

EXHIBIT F

General Plan Map



Legend

-  APN 054-111-25
-  Streets
-  Lakes
-  Parks and Recreation(O-R)
-  Urban Open Space (O-U)
-  Residential - Urban High Density (R-UL)



Map created by Santa Cruz County
Planning Department:
September 2004

EXHIBIT F

September 8, 2004

Mr. Brett Brenkwitz
P.O. Box 597
Aptos, CA 95001

SUBJECT: Water **Service** Application for Vineyard Court & Seascap Blvd. Aptos,
APN 054-111-25

Dear Mr. Brenkwitz:

In response to the subject application, the Board of Directors of the Soquel Creek Water District at their regular meeting of September 7, 2004 voted to serve your new townhouse subdivision subject to such conditions and reservations as may be imposed at the time of entering into a final contract for service. Neither a final contract for service nor a service installation order will be issued until such time as all approvals from the appropriate land-use agency and any other required permits from regulatory agencies have been granted and all conditions for water service have been met to the satisfaction of the District.

This present indication to serve is valid for a two-year period from the date of this letter; however, it should not be taken as a guarantee that service will be available to the project in the future or that additional conditions, not otherwise listed in this letter, will not be imposed by the District prior to granting water service. Instead, this present indication to serve is intended to acknowledge that, under existing conditions, water service would be available on condition that the developer agrees to provide the following items without cost to the District:

- 1) Destroys any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfies all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfies all conditions of Resolution No. 03-31 Establishing a Water Demand Offset Policy for New Development, which states that all applicants for new water service shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.

EXHIBIT (

Water Demand Offset factors have been applied as we understand your lot and your project, and will be adjusted if your final project differs from what is proposed.

- 4) Satisfies all conditions for water conservation required by the District at the time of application for service, including the following:
 - aj Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval. Current Water Use Efficiency Requirements are enclosed with this letter, and are subject to change;
 - b) All interior plumbing fixtures shall be low-flow and all Applicant-installed water-using appliances (e.g. dishwashers, clothes washers, etc.) shall have the EPA Energy Star label;
 - c) District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing domestic water service;
- 5) Completes LAFCO annexation requirements, if applicable;
- 6) All units shall be individually metered with a minimum size of 5/8-inch by %-inch standard domestic water meters;
- 7) A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

Future conditions which negatively affect the District's ability to serve the proposed development include, but are not limited to, a determination by the District that existing and anticipated water supplies are insufficient to continue adequate and reliable service to existing customers while extending new service to your development. In that case, service may be denied.

You are hereby put on notice that the Board of Directors of the Soquel Creek Water District is considering adopting additional policies to mitigate the impact of new development on the local groundwater basins, which are currently the District's only source of supply. Such actions are being considered because of concerns about existing conditions that threaten the groundwater basins and the lack of a supplemental supply source that would restore and maintain healthy aquifers. The Board may adopt additional mandatory mitigation measures to further address the impact of development on existing water supplies, such as the impact of impervious construction on groundwater recharge. Possible new conditions of service that may be considered include designing and installing facilities or fixtures on-site or at a specified location as prescribed and approved by the District which would restore groundwater recharge potential as determined by the District. The proposed project would be subject to this and any other conditions of service that the District may adopt prior to granting water service. As policies are developed, the information will be made available.

EXHIBIT

Sincerely,

SOQUEL CREEK WATER DISTRICT

A handwritten signature in black ink, appearing to read "Jeffery N. Gailey".

Jeffery N. Gailey

Engineering Manager/Chief Engineer

Cc: Kelly & Boni Wauker

541 Cuesta Drive

Aptos, CA 95003

Enclosure: Water Use *Efficiency* Reaquirements

EXHIBIT G



Santa Cruz County Sanitation District

701 OCEAN STREET, SUITE 410, SANTACRUZ, CA95060-4073
(831) 454-2160 FAX (831) 454-2089 TDD: (831) 454-2123

THOMAS L BOLICH, DISTRICT ENGINEER

September 7, 2004

BRETT BRENKWITZ
P.O. BOX 597
APTOS, CA 95001

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE
FOR THE FOLLOWING PROPOSED DEVELOPMENT:

APN: 054-111-25 APPLICATION NO. N/A
PARCEL ADDRESS VINEYARD COURT
PROJECT DESCRIPTION: CONSTRUCT 2 TOWNHOUSES ON EXISTING
VACANT LOT

Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, the applicant must obtain a new sewer service availability letter. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Proposed location of on-site sewer lateral(s), clean-out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

Department of Public Works and District approval shall be obtained for an engineered sewer improvement plan, showing on-site and off-site sewers needed to provide service to each lot or unit proposed, before sewer connection permits can be issued. The improvement plan shall conform to the County's "Design Criteria," and shall also show any roads and easements. Existing and proposed easements shall be shown on any required Final Map. If a Final Map is not required, proof of recordation of existing or proposed easement is required.

Show **all** existing and proposed plumbing fixtures on floor plans of building application. The plan shall completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.

Applicant must show proposed sewer laterals, property lines, and sewer lateral easements (if any) on tentative map.

The existing sewer system and sewer line shall be surveyed and plotted on the site plan for the building permit application. No permanent improvements shall be constructed within the easement.

EXHIBIT

The applicant must form a Homeowner's Association with ownership and maintenance for all on-site sewers for this project; reference to the homeowner's association shall be included on the Final Map and in the Association CC&Rs which shall be recorded and include District-approved language on maintenance responsibilities. Applicant shall provide a copy of CC&Rs to District prior to the filing of the final map.

No downstream capacity or other issue is known at this time. However, downstream sewer requirements will again be studied at time of Planning Permit review, at which time the District reserves the right to add or modify downstream sewer requirements.

Yours truly,

THOMAS L. BOLICH
District Engineer

by: 

Rachél Lather-Hidalgo
Sanitation Engineering

BB:abc/110

cc: Owner: KELLY WALKER
54 CUESTA DRIVE
APTOS CA 95003

Survey

EXHIBIT G

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Randal1 Adams
Application No. : 04-0429
APN: 054-111-25

Date: January 13, 2005
Time: 15:28:34
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON SEPTEMBER 22, 2004 BY ROBIN M BOLSTER =====

This project requires a geotechnical (soils) report. The report must address foundation and retaining wall design, site drainage (including potential impacts to adjacent property) and site grading (if any). Please submit three copies of the soils report to the County for review by the Senior Civil Engineer.

Environmental Planning Miscellaneous Comments

===== REVIEW ON SEPTEMBER 22, 2004 BY ROBIN M BOLSTER =====

Prior to building application approval the following items must be addressed:

- 1) Please submit a plan review letter from the project soils engineer. which states that the final building, grading and drainage plans are in conformance with the recommendations made in the report prepared for this site.
- 2) Please revise erosion control plan to include construction entrance/exit traffic stabilization measures.
- 3) Please revise site plan to include the name and contact information for the project soils engineer

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 7, 2004 BY CARISA REGALADO =====

Not enough drainage information has been given to consider acceptance of this application. To be approved by this division at the discretionary application stage, all potential off-site impacts and mitigations must be determined: therefore, proposed projects must conclusively demonstrate that (see drainage guidelines):

- The site is being adequately drained.
- Site runoff will be conveyed to the existing downstream drainage conveyance system or other safe point(s) of release, if taken off-site.
- The project will not adversely impact roads and adjacent or downslope properties if taken off-site.

Please address the following comments:

- 1) The amount of proposed impervious area does not appear to be reflected sufficiently in the post-development runoff coefficient, Please list proposed impervious areas and amounts. Please show the calculation of a composite runoff coefficient based on these new impervious areas. The post-development runoff amount and net increase will also need to be revised.

EXHIBIT H

Project Planner: Randal Adams
Application No.: 04-0429
APN: 054-111-25

Date: January 13, 2005
Time: 15:28:34
Page: 2

2) Further description of the existing off-site drainage system proposed for use is needed. Please describe the adequacy of this system to accept the increase in runoff from this development (based on revised calculations - see item #1).

Further drainage plan guidance may be obtained from the County of Santa Cruz Planning website: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm>

All subsequent submittals for this application must be done through the Planning Department. Submittals made directly to Public Works will result in delays.

Please call or visit the Dept. of Public Works. Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions.

Dpw Drainage Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 7, 2004 BY CARISA REGALADO =====

1) An easement and maintenance agreement will be needed for the proposed storm drain line for Lot 1 through Lot 2 exclusive area. A maintenance agreement for the silt and grease trap is also needed from both Lot 1 and Lot 2. A recorded legal description of the easement and recorded maintenance agreements must be submitted prior to recording the final map.

2) For increases in impervious area, a drainage fee will be assessed. The fees are currently \$0.85 per square foot. (See 2004/05 Santa Cruz County Department of Public Works Service & Capital Improvement Fees.) For credits, suitable documentation must be submitted to establish existing impervious pavement.

Dpw Road Engineering Completeness Comments

===== REVIEW ON NOVEMBER 16, '2004 BY GREG J MARTIN ===== No Comment.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON NOVEMBER 16, 2004 BY GREG J MARTIN =====

Environmental Health Completeness Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 10, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Environmental Health Miscellaneous Comments

LATEST COMMENTS HAVE NOT YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON NOVEMBER 10, 2004 BY JIM G SAFRANEK =====
NO COMMENT

EXHIBIT

Discretionary Comments - Continued

Project Planner: Randal1 Adams
Application No.: 04-0429
APN: 054-111-25

Date: January 13, 2005
Time: 15:28:34
Page: 3

Aptos-La Selva Beach Fire Prot Dist Completeness C

LATEST COMMENTS HAVE **NOT** YET BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 5, 2004 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire Dept. APPROVED

All Fire Department building requirements and fees will be addressed in the Building Permit phase.

Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON OCTOBER 5, 2004 BY ERIN K STOW =====

NO COMMENT

Randall Adams

From: Carisa Regalado
Sent: Tuesday, January 04, 2005 5:49 PM
To: Randall Adams
Subject: Appl #04-0429

Hi Randall.

This is another application that is late. I have comments approving it but am unable to post so I'm including the below. Please include the Miscellaneous Comments to the applicant since they will need these for the final map process.

Thanks!
- Carisa

COMPLETENESS COMMENT – REVIEW ON 1/4/05

Revised plans dated December 2004 were received. This application is complete for the Discretionary stage.

Please see Miscellaneous Comments for items to be completed.

MISCELLANEOUS COMMENT – REVIEW ON 1/4/05

For the final map:

Calculations for the offsite drainage system were noted. If needed, further comments may be issued.

A description for the condition of the outlet (#5) must be submitted.