



Staff Report to the Planning Commission

Application Number: **05-0366**

Applicant: Powers Land Planning Inc.

Owner: 126 E Grove St LLC

APN: 081-253-19

Agenda Date: December 14, 2005

Agenda Item #: *11*

Time: After 9:00 a.m.

Project Description: Proposal to divide an existing split-zoned parcel into two parcels with separate zoning designations (C-2 and R-1-15) per Amendments to the Boulder Creek Specific Plan Adopted by the Board Of Supervisors on May 24, 1994.

Location: Property is located at the corner of E. Grove Street and State Highway 9 approximately 300 feet north of River Street on the east side of Highway 9 (126 E. Grove Street).

Supervisory District: 5th District (District Supervisor: Mark Stone)

Permits Required: Minor Land Division

Staff Recommendation:

- Certification that the proposal is categorically exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0366, based on the attached findings **and** conditions.

Exhibits

- | | | | |
|----|---------------------------------|----|------------------------------------|
| A. | Project plans | G. | Amendments to the Boulder Creek |
| B. | Findings | | Specific Plan Adopted May 24, 1992 |
| C. | Conditions | H. | Email from San Lorenzo Valley |
| D. | Categorical Exemption (CEQA | | Water District, dated October 12, |
| | determination) | | 2005 |
| E. | Assessor's parcel map | I. | Comments & Correspondence |
| F. | Location, Zoning & General Plan | | |
| | maps | | |

Parcel Information

Parcel Size: 22,500 square feet
Existing Land Use - Parcel: Commercial (restaurant) and Residential (single family dwelling and cottage)
Existing Land Use - Surrounding: Mixed Commercial and Residential
Project Access: Highway 9
Planning Area: San Lorenzo Valley

Land Use Designation: R-S & C-C (Suburban Residential & Community Commercial)
Zone District: C-2 & R-1-15 ((Community Commercial) & (Single Family Residential - 15,000 square foot minimum))
Coastal Zone: — Inside X Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: 0 to 5 %
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: State Highway 9
Drainage: Existing drainage adequate
Traffic: No new development proposed
Roads: Existing roads adequate
Parks: Existing park facilities adequate
Archeology: Mapped resource, however no ground disturbance proposed

Services Information

Rural Services Line: X Inside — Outside
Water Supply: San Lorenzo Valley Water District
Sewage Disposal: Private septic system
Fire District: Boulder Creek Fire Protection District
Drainage District: Zone 8

ANALYSIS & DISCUSSION

Background

The subject parcel has a split zoning of R-1-15 (Single family residential, 15,000 square foot minimum lot size) and C-2 (Community Commercial) with split corresponding General Plan land use designations of Suburban Residential and Community Commercial.

The western half of the parcel (Lot A), which is zoned C-2 and governed by the Community Commercial General Plan designation, is developed with an existing commercial structure that was last used as a restaurant but is currently vacant. No new use is proposed at this time. The eastern half of the parcel (Lot B), which is zoned R-1-15 and located within the Suburban Residential General Plan designation, is developed with a 3-bedroom house and a 1-bedroom cottage. Due to the separate commercial and residential uses historically maintained on *this* site, the two halves of the parcel have effectively functioned as two distinct parcels.

The subject parcel is within the Boulder Creek Specific Plan Area, which was adopted by the Board of Supervisors on May 12, 1992. In 1994, the Board adopted an Amendment to the Boulder Creek Specific Plan affecting this property. The Specific Plan Amendment states that the future subdivision of this property shall be allowed in order to “further the economic development goals of this Specific Plan by allowing the potential sale and improvement of the commercial portion of the property without necessitating the purchase of additional residential property.”

In 1959 Permit 155-U was approved to allow the construction of a drive-in restaurant on the site. Permit 37187 was issued in 1974 to enclose a patio and increase the interior dining area. Because the restaurant has not been in operation for more than a year, the use permit is no longer valid. Any future occupancy of the commercial structure or development of the commercial parcel will require a new Commercial Development Permit.

The 1-bedroom cottage was approved under Use Permit 3783-U in 1970. This use permit was required due to the split residential and commercial zoning. With this Minor Land Division, the 3-bedroom house will be a principal permitted use and the cottage an allowed use under Permit 3783-U.

Project Setting & Surroundings

The parcel is 22,500 square feet in area and is in the San Lorenzo Valley Planning Area. The subject parcel fronts Highway 9. The parcel is relatively flat, with slopes less than 5 percent. The surrounding development consists of multi-family residential to the east and commercial uses to the north, south and west. Zoning in the immediate area is C-2 and RM-6, with R-1-15 further to the north and west.

Project Description

The applicant proposes to create two lots of 10,935 square feet (Lot A - Commercial), and 11,565 square feet (Lot B - Residential) to coincide with the residential and commercial zoning districts, General Plan designations, and historic uses. No construction, site improvements or other changes to the existing buildings are proposed at this time.

Zoning & General Plan Consistency

As stated previously, the subject parcel is located in two zone districts; R-1-15 and C-2. The minimum parcel size is 15,000 square feet for the R-1-15 district and 10,000 square feet for the C-2 district. The parcel is only 22,500 square feet in area, therefore the Minor Land Division cannot meet

the minimum parcel size for both zoning districts. The proposed C-2 parcel (Lot A) is 10,935 square feet and proposed R-1-15 parcel (Lot B) is 11,565 square feet. Because the Boulder Creek Specific Plan supercedes the General Plan policies as well as the zoning ordinance, a Site Area Variance will not be required.

The land division will create an opportunity to renovate the long-vacant restaurant and revive this section of the South Village portion of Boulder Creek, consistent with the goals of the Boulder Creek Specific Plan Amendment. In addition, all future development will be required to comply with the Development Standards and Design Guidelines contained within the Boulder Creek Specific Plan.

Design Review

The project is subject to Design Review Guidelines and has been reviewed by Larry Kasparowitz, the County Urban Designer. The proposed Minor Land Division does not include any site improvements, construction, or other site disturbance. As stated above, the project is conditioned (Condition IV.A.5) to require all future development to comply with the Design Guidelines contained within the Boulder Creek Specific Plan in addition to guidelines specified in Section 13.11 of the County Code.

Environmental Resources and Constraints

The property is mapped as a biotic resource area for two protected plant species, white-rayed pentachaeta and Ben Lomond spineflower. The property is located in an urbanized portion of Boulder Creek and has been historically developed with residential and commercial development. Neither of the listed species have been observed on the site and due to the disturbed character of the property the likelihood of the species on the site is low. The site is additionally mapped as a Groundwater Recharge area. No ground disturbance is proposed as a part of this land division, therefore there are no impacts to groundwater resources. The project is conditioned to require future development to retain all drainage on-site.

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.

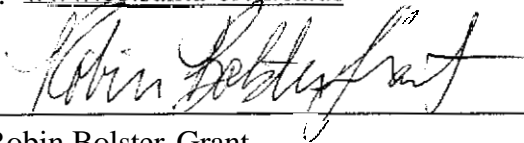
Staff Recommendation

- Certification that the proposal **is** exempt from ~~further~~ Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **05-0366**, based on the attached findings and conditions.

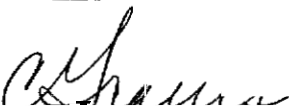
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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

Report Prepared By:


Robin Bolster-Grant
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-5357
E-mail: robin.bolster@co.santa-cruz.ca.us

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.

The proposed Minor Land Division **05-0366** meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act 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.

The proposed Minor Land Division 05-0366 is consistent with the Amendment to the Boulder Creek Specific Plan, which supercedes General Plan policies and County zoning ordinances. The project creates two parcels with distinct zoning and general plan designations, where currently a single parcel has dual zoning and general plan designations. The project creates a Community Commercial lot in a Community Commercial General Plan general plan designation and a single-family residential lot in the Suburban Residential General Plan designation.

Although the proposed single-family residential lot does not conform to the 1-5 acre per dwelling unit standard contained in the General Plan, the proposed Minor Land Division implements the stated goals of the Amendment to the Boulder Creek Specific Plan adopted by the Board of Supervisors in 1994, which allows the split of the subject parcel in order to provide the best economic use of the parcel.

The project is consistent with the General Plan in that access is provided by a road and driveway that meets rural road standards. Water, for domestic use and fire protection, will be provided by individual wells and the subject parcel has been determined to be suitable for individual septic systems.

The proposal is consistent with the General Plan regarding infill development in that *the* Minor Land Division will be compatible with the pattern of the surrounding development, and the design of any future development will be consistent with the character of 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.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, site dimensions and other applicable regulations, with the exception of site area standards for the proposed R-1-15 parcel, which will be nonconforming with respect to parcel size. AS stated in finding 2 above, the proposed division is in accordance with the Boulder Creek Specific Plan, which supercedes the General Plan policies and County zoning ordinance. Therefore, a Site Area Variance is not required. The proposed C-2 parcel is in conformance with all zone district site standards. The existing buildings on both proposed parcels comply with the development standards in the zoning ordinance as they relate to setbacks, minimum parcel coverage, minimum site width, floor area ratio and minimum site frontage.

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affect the site. There will be no increase in the density or intensity of use on either the proposed commercial or residential lots. No other environmental constraints exist which would necessitate a reduction or cessation of the commercial or residential use on the existing parcel. Any future development of the commercial parcel will require a Commercial Development Permit.

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.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. No change in the historic commercial or residential uses on the subject parcel is proposed. No improvements, ground disturbance or other construction is proposed as a part of this land division. No mapped or observed sensitive habitats or threatened species impede development of the site as proposed. The project was determined to be exempt from CEQA, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (Exhibit D).

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed land division or its improvements will not cause serious public health problems in that municipal water is available to serve the existing parcel and will be available to the proposed parcels as well. Additionally, Environmental Health Services has approved a separate septic system to serve the proposed residential parcel in addition to that, which already serves the commercial parcel.

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.

The design of the proposed Minor Land Division and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to both lots will be from existing public roads.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed Minor Land Division provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All of the proposed parcels are conventionally configured and the existing buildings meet the minimum setbacks as required by the *zone* districts for the property and County Code.

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 proposed development is consistent with the Design Standards and Guidelines of the County Code in that the all development standards for the zone districts will be met, with the exception of Site Area for the proposed R-1-15 parcel, which has been superseded by the Boulder Creek Specific Plan.

While no changes to the existing buildings are currently proposed, the project is conditioned such that all future development, construction, or other changes to the existing commercial structure must utilize a design that incorporates architectural details found on other businesses in the area and which conform to the standards contained in the Boulder Creek Specific Plan.

The proposed project will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the surrounding neighborhood.

Conditions of Approval

Land Division Permit 05-0366

Applicant: Powers Land Planning Inc.

Property Owners: 126 E. Grove St., LLC

Assessor's Parcel Number: 081-253-19

Property Address: 126 E. Grove Street: Boulder Creek

Planning Area: San Lorenzo Valley

Exhibit A: Tentative Map, one sheet, prepared by Robert DeWitt & Associates, Inc., dated 11/1/05

All correspondence and maps relating to this land division shall carry the land division number (05-0366) noted above. This Minor Land Division solely authorizes the division of an existing parcel into two new parcels; commercial (C-2 zoning) and residential (R-1-15 zoning) per Amendment 1 to the Boulder Creek Town Plan adopted May 24, 1994.

- I. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. A Parcel 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 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 one (1) residential and one (1) commercial lot.

- C. The minimum lot size for the commercial lot shall be 10,935 square feet, and the minimum lot size for the residential lot shall be 11,565 square feet.
 - D. The following items shall be shown on the Parcel Map:
 - 1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 - 2. Show the net area of each lot to the nearest square foot.
 - 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. Lots shall be connected for water service to San Lorenzo Valley Water District.
 - 2. All future construction on the lots shall meet the following conditions:
 - a. All future development shall comply with the development standards for the R-1-15 and C-2 zone districts, with the exception of site area. The development of the residential lot shall not exceed 30 % lot coverage, or 50 % floor area ratio, or any other standards as may be established for the zone district. The development of the commercial lot shall not encroach into the required 30-foot required rear yard setback, or any other standards as may be established for the zone district.
 - 2. 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.
- 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 requirements of the Environmental Health Services Department.
 - C. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's Parcel Numbers and situs address.
- IV. The applicant/owner shall obtain a Commercial Development Permit prior to any use or development of the commercial property (Lot A of Exhibit A). All future development on the commercial parcel shall meet the following conditions:

- A. Engineered improvement plans will be required prior to any improvement to the newly created parcels, and an agreement backed by financial securities will be necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
1. All improvement plans shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans with Disabilities Act and/or Title **24** of the State Building Code.
 2. Improvements plans must show both sides of Highway 9 and E. Grove Street as well as along the Highway to the south. Frontage improvements along Highway 9 and E. Grove St. are required, including a decomposed granite path, approximately 8-feet wide with a rolled asphalt curb and gutter along the frontage the highway. The curb, gutter and pedestrian path should continue along the commercial frontage on E. Grove Street at a width of four feet. Direct pedestrian access shall be required on both streets to the main entrance of the building located on the commercial lot. Five-foot bicycle lanes are required. **All** other requirements of the Road Engineering Section of the Public Works Department must be satisfied, prior to issuance of a building permit.
 3. Submit engineered drainage plans that conform to all requirements of the Drainage Section of the Department of Public Works, including calculations which demonstrate that post-development stormwater runoff levels will not exceed pre-development levels.
 4. Engineered grading and drainage plans shall be reviewed and approved by the Zone **8** drainage district. Appropriate fees for new impervious surfaces shall be paid.
 5. All future development on the commercial parcel is subject to County Design Criteria as well as Development Standards and Design Guidelines contained in the Boulder Creek Specific Plan. Prior to the issuance of any building permits, plans shall be reviewed by the County Urban Designer to assure compliance with these standards and guidelines.

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 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 to be visible from public streets or building entries.
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/developer prior to the recording of the Parcel Map.
8. Future development and improvement plans must indicate the required off-street parking spaces in compliance with Section 13.10.552 of the County Code.
9. To prevent drainage discharges from carrying silt, grease, and other contaminants into the storm drain system, a silt and grease trap shall be installed in a location to be approved by the Department of Public Works and shall be maintained as follows:
 - a. The trap shall be inspected to determine if it needs cleaning or repair prior to October 15 of each year and,
 - b. A brief annual report shall be prepared by the inspector at the conclusion of the October inspection and submitted to the Drainage Section of ~~the~~ Department of Public Works within five days of inspection. The report shall specify any repairs that have been done or that are needed for the trap to function properly.
- B. All work adjacent to or within a County-maintained 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-maintained road shall be coordinated with any planned County-sponsored construction on that road. Obtain ~~an~~ Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria.
- C. No land clearing, grading, or excavating shall take place between October 15 and April 15 unless ~~the~~ Planning Department approves a separate winter grading

approval. This approval may or may not be granted.

- 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 work 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. To minimize noise, dust and nuisance impacts of 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 ~~am~~ and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation; and
 - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 - 3. A soils report must be submitted prior to any proposed improvements on the commercial lot. The report must be reviewed and accepted by the County Senior Civil Engineer.
 - 4. All improvement plans must be reviewed by the project soils engineer and a plan review letter submitted, which states that the plans are in general conformance with the recommendations made in the soils report for the site.
- V. All future development on lots created by this land division shall comply with the requirements set forth in Condition ILE. above.
- VI. 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.

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

Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Robin Bolster-Grant
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: 05-0366

Assessor Parcel Number: 081-253-19

Project Location: 126E. Grove St., Boulder Creek

Project Description: Proposal **to** divide existing parcel into **two** new parcels; commercial (C-2) and residential (R-1-15) per amendments to the Boulder Creek Specific Plan approved by the Board Of Supervisors on May 12,1994.

Person or Agency Proposing Project: Powers Land Planning Inc.

Contact Phone Number: (831) 426-1663

- 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. ☒ 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.

Robin Bolster-Grant, Project Planner

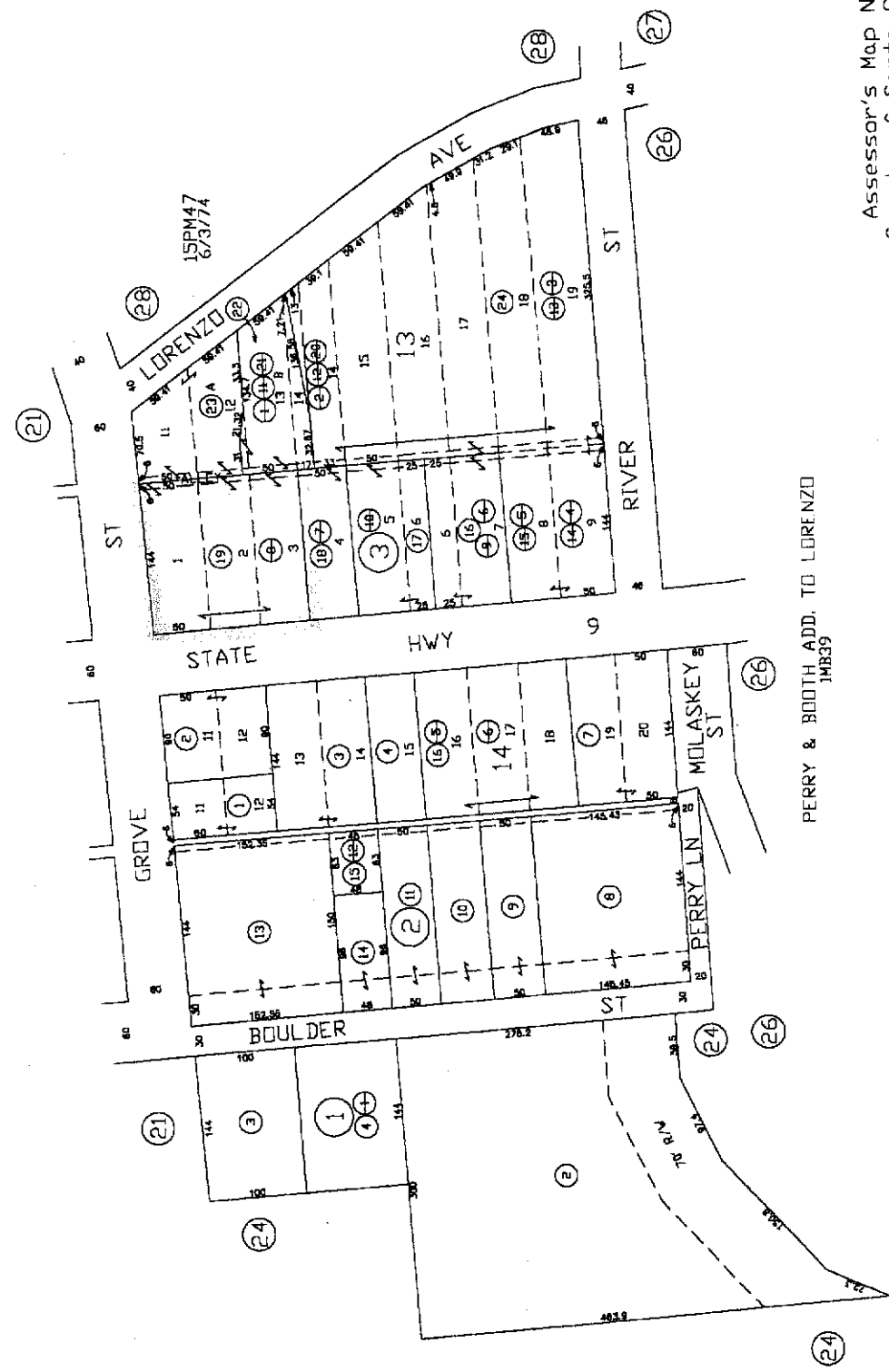
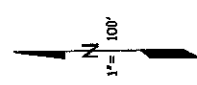
Date: _____

81-25

Tax Area Code
90-101

POB. S.E. 1/4 SEC. 30,
T.9S., R.2W., M.D.B. & M.

FOR TAX PURPOSES ONLY
THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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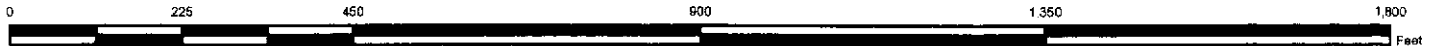
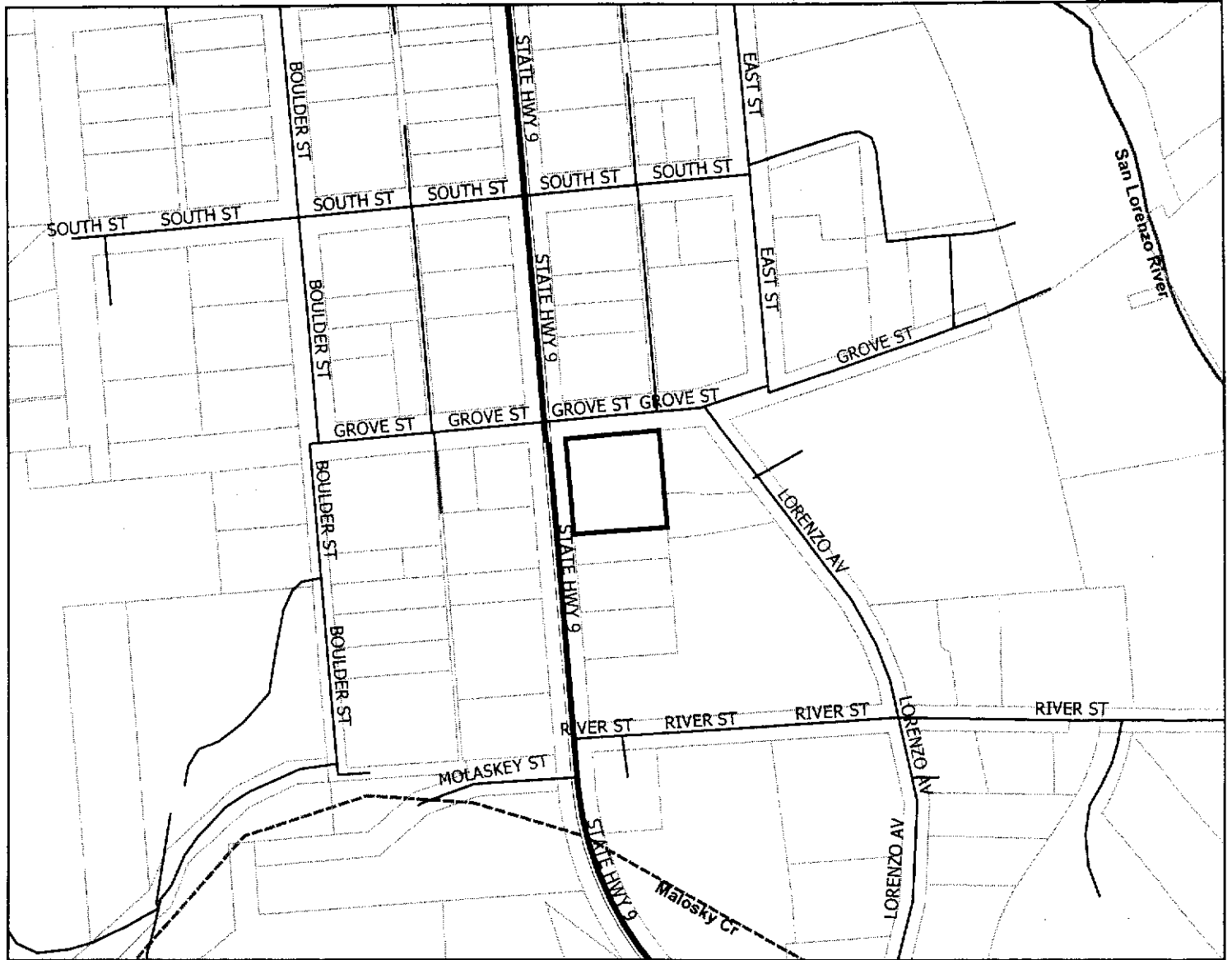
PERRY & BOOTH ADD. TO LORENZO
1MB39

Assessor's Map No. 81-25
County of Santa Cruz, Calif.
Sept., 2000

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

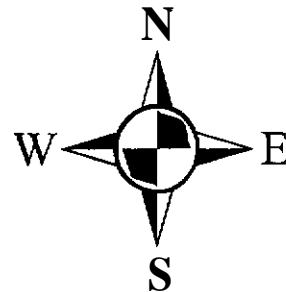


Location Map



Legend

- APN 081-253-19
- Streets
- Assessors Parcels
- State Highways
- INTERMITTENT STREAM
- PERENNIAL STREAM



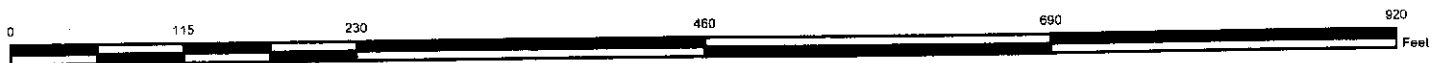
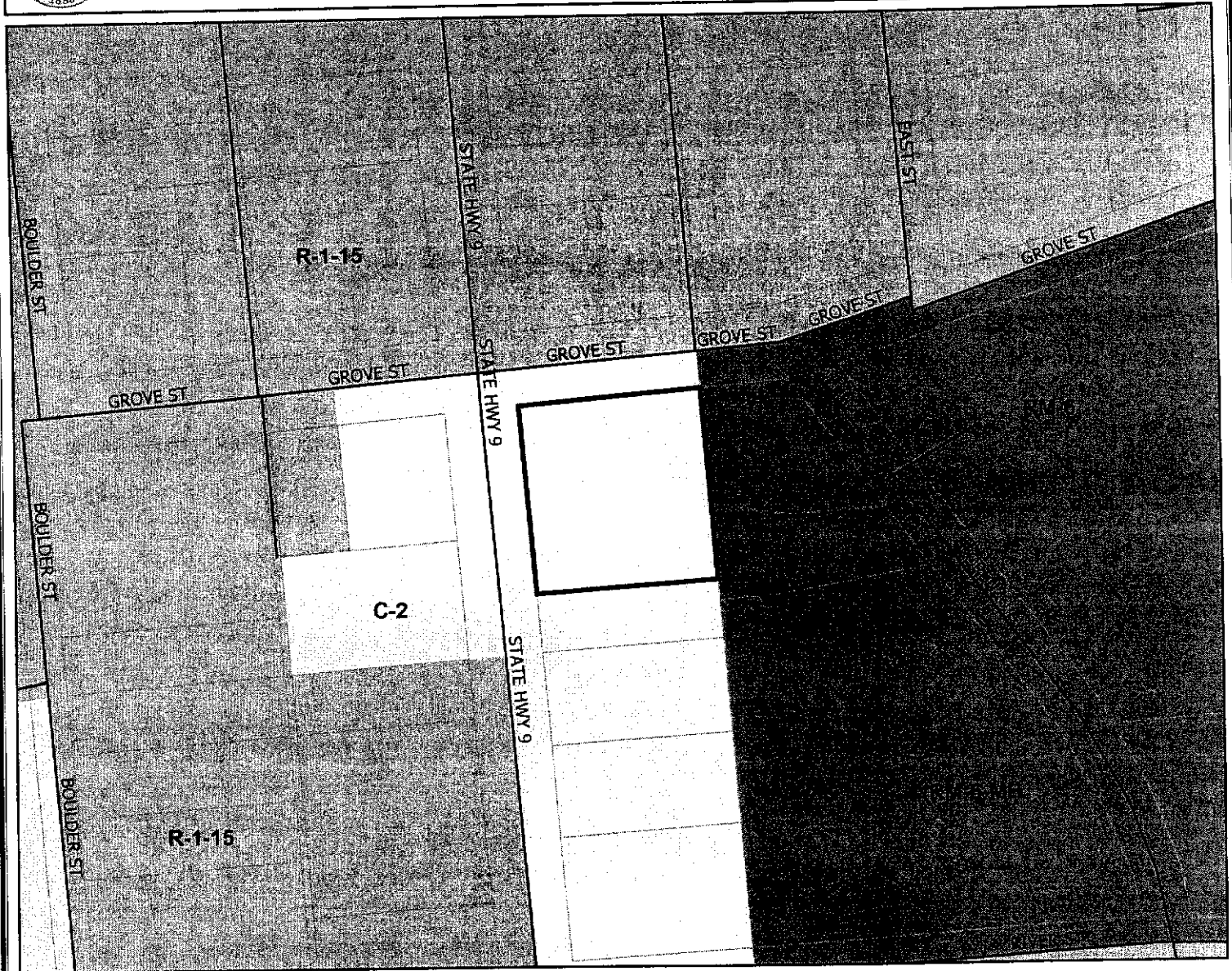
Map Created by
County of Santa Cruz
Planning Department
June 2005

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




EXHIBIT F

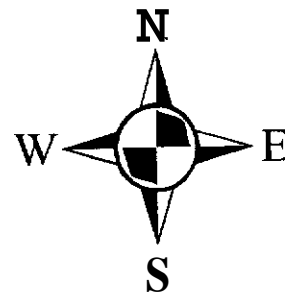


Zoning Map



Legend

-  APN 081-253-19
-  Streets
-  Assessors Parcels
- COMMERCIAL-COMMUNITY (C-2)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-1)



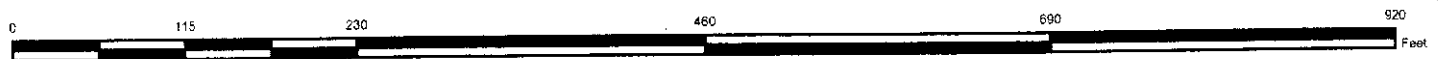
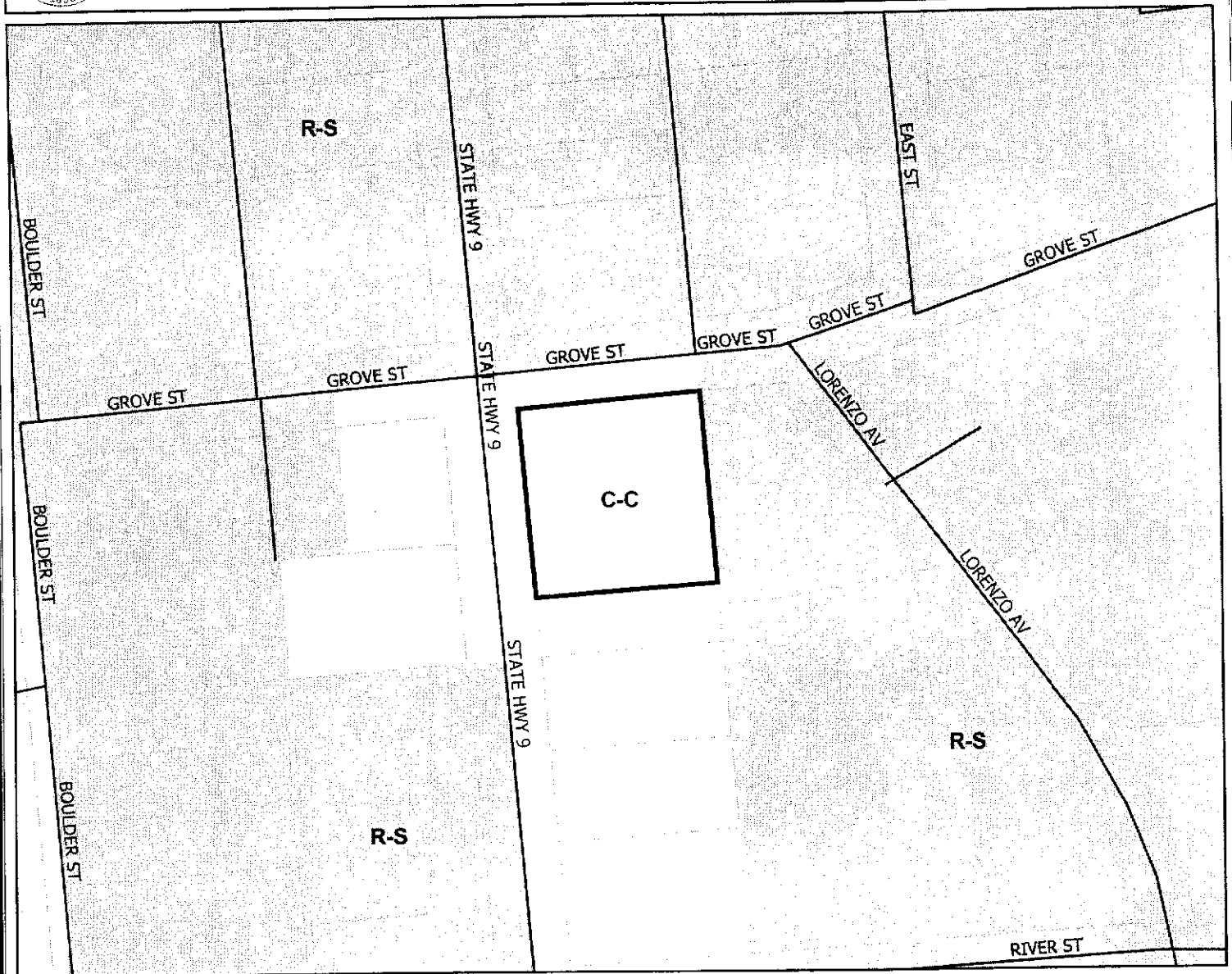
Map Created by
County of Santa Cruz
Planning Department
June 2005

019

EXHIBIT F



General Plan Designation Map



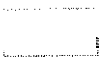
Legend



APN 081-253-19



Streets

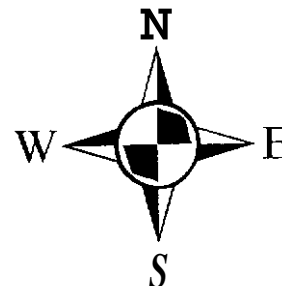


Assessors Parcels

Commercial-Community (C-C)



Residential-Suburban (R-S)



Map Created by
County of Santa Cruz
Planning Department
June 2005

020

EXHIBIT 1

AMENDMENTS TO THE BOULDER CREEK SPECIFIC PLAN
ADOPTED MAY 12, 1992

1. The Specific Plan was adopted without the inclusion of the land use plan for the area described below. Chapter V discusses the implementation of the plan. A new section will be added to read:

"F. Grove Street/Highway 9 (Central Ave) Intersection

The property located at the southeast corner of the Grove Street/Central Avenue intersection (APN 081-253-19) shall have a split land **use** designation as shown on the land use plan, recognizing the current residential and commercial **uses** on the property. Future subdivision of this property, consistent with that land **use** designation, shall be allowed, provided that septic system standards can be satisfied, and notwithstanding minimum lot size, urban services provision, and setback requirements of the respective zone districts that apply to this property. This special circumstance is provided in order to further the economic development goals of this Specific Plan by allowing the potential future sale and improvement of the commercial portion of the property without necessitating the purchase of additional residential property."

Parcel specific re-designations within the Boulder Creek Town Plan area:

NAME AND ADDRESS	PARCEL NUMBER	EXISTING LAND USE AND ZONING	REVISED LAND USE AND ZONING
2. Barbour, Jeffrey	APN: 081-123-21	C-C/R-1-15	R-S/R-1-15
3. Currier, Chris	APN: 081-123-29	C-C/C-2*	C-C/C-2*

* The C-2 zone district of the Boulder Creek Plan in this area allows for residential development as a principal permitted use. The attached zoning map includes an additional reference line for the special C-2 zone district for the plan. This line was inadvertently omitted from the adopted zoning map.

Robin Bolster

From: Jim Mueller [jmueller@slvwd.com]
Sent: Wednesday, October 12, 2005 11:19 AM
To: Robin Bolster
Cc: ron@powersplanning.com
Subject: Minor Land Division Application 05-0366

Robin Bolster-Grant

Re; Minor Land Division Application 056366

By correspondence dated June 28, 2005, San Lorenzo Valley Water District responded to the request to divide APN 081-253-19 (126 East Grove Street, Boulder Creek, CA) into two (2) separate parcels. Said correspondence stated that one (1) existing water service meter provided water service to the existing parcel and all associated development thereon, and District Ordinance No. 8 requires each separate parcel to have separate water services meters. Therefore, the District requested SCCO to condition approval of the request to divide the existing parcel into two (2) separate parcel upon the applicant obtaining a new water service meter from the District.

The purpose of this correspondence is to confirm, based upon further review by the District, that the subject parcel currently has two (2) separate water service meters. One (1) water meter provides service to the residential development, and **one** (1) water meter provides service to the commercial development. Therefore, the District respectfully requests that the prior conditions for approval of the land division as stated in the June 28, 2005 correspondence be withdrawn and deleted.

If you have any questions regarding this matter please do not hesitate to contact me @ 430-4625.

Jim Mueller
District Manager
San Lorenzo Valley Water District

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: Robin Bolster
Application No.: 05-0366
APN: 081-253-19

Date: November 15, 2005
Time: 11:55:14
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JUNE 24, 2005 BY JESSICA L DEGRASSI =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JUNE 24, 2005 BY JESSICA L DEGRASSI =====
NO COMMENT

Housing Completeness Comments

===== REVIEW ON JUNE 29, 2005 BY TOM POHLE =====

The proposed project results in only two housing units on one parcel. While it creates a second parcel, the second parcel contains only one commercial unit. Based on this understanding of the proposed project, there is no affordable housing obligation (AHO)

Housing Miscellaneous Comments

===== REVIEW ON JUNE 29, 2005 BY TOM POHLE =====
none

Long Range Planning Completeness Comments

===== REVIEW ON JUNE 23, 2005 BY GLENDA L HILL =====
NO COMMENT
===== UPDATED ON JUNE 23, 2005 BY GLENDA L HILL =====

Long Range Planning Miscellaneous Comments

===== REVIEW ON JUNE 23, 2005 BY GLENDA L HILL =====
Comments in the Parcel Notebook under this APN explain the history of the regulations for this property and serve as the Policy Section comments for this application.

Dpw Drainage Completeness Comments

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

===== REVIEW ON JULY 5, 2005 BY DAVID W SIMS =====
Approved without requirements. No change in drainage routing, and a small reduction in impervious coverage. ===== UPDATED ON SEPTEMBER 16, 2005 BY DAVID W SIMS
=====

Approved status remains. If frontage improvements are made as indicated by Road Engineering, the application should be rerouted to drainage for comment on these changes.

Dpw Drainage Miscellaneous Comments

Discretionary Comments - Continued

Project Planner: Robin Bolster
Application No.: 05-0366
APN: 081-253-19

Date: November 15, 2005
Time: 11:55:14
Page: 2

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

===== REVIEW ON JULY 5, 2005 BY DAVID W SIMS =====

NO COMMENT

===== UPDATED ON SEPTEMBER 16, 2005 BY DAVID W SIMS =====

NO COMMENT

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON JUNE 17, 2005 BY DEBBIE F LOCATELLI =====

No comment. project involves a subdivision or MLD.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON JUNE 17, 2005 BY DEBBIE F LOCATELLI =====

No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON JULY 5, 2005 BY GREG J MARTIN =====

The plans should show both sides of State Highway 9 and East Grove Street. The plans should also show the highway to the south of the project. Frontage improvements along State Highway 9 and East Grove Street shall be required. Driveway access is not recommended from State Highway 9. The Boulder Creek Village Plan calls for a decomposed granite path, approximately eight feet wide with a rolled asphalt curb and gutter along the frontage of the highway. Five foot bicycle lanes are required. A standard intersection with a 30 foot radius is required. The curb, gutter, and pedestrian path should continue along the commercial frontage on East Grove Street at a width of four feet. Direct pedestrian access shall be required on both streets to the main entrance of the building. The driveway access should be a minimum of 8 feet from the end of the tangent point. The improvements along State Highway 9 shall require a Caltrans encroachment permit. Parking requirements for the existing structures on both lots should be provided on the plans. Please show driveway and parking areas clearly and identify their composition. Every parking space should be identified and numbered on each parcel. A five foot landscaping buffer is required between parking and the property line on the commercial lot. Parking and parking access should not be shared between the parcels or residences.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON AUGUST 19, 2005 BY GREG J MARTIN =====

It is our understanding preliminary improvement plans and frontage improvements may not be required by the Planning Department for this minor land division. The existing commercial site has undefined driveways along the frontages of a State Highway and County Road and does not meet the requirements of the town plan or County standards and policies. There is a history of collisions at the intersection of State Highway 9 and Grove Street that may be related to the poor design of the site. We recommend that access to the State Highway be eliminated and access to the County road be designed to current standards. In addition, the parking layout should meet current standards. This will improve safety for vehicles ingress/egressing the site as well as for through traffic. At this time it is unknown whether the parcel can be developed and comply with the town plan and County standards and policies. We con-

Discretionary Comments - Continued

Project Planner: Robin Bolster
Application No.: 05-0366
APN: 081-253-19

Date: November 15, 2005
Time: 11:55:14
Page: 3

tinue to recommend preliminary improvement plans be prepared and improvements be constructed as part of the minor land division. ===== UPDATED ON SEPTEMBER 16, 2005 BY GREG J MARTIN =====
Previous comments apply.

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON JULY 5, 2005 BY GREG J MARTIN =====
===== UPDATED ON AUGUST 19, 2005 BY GREG J MARTIN =====
===== UPDATED ON SEPTEMBER 16, 2005 BY GREG J MARTIN =====

Environmental Health Completeness Comments

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

===== REVIEW ON JUNE 30, 2005 BY JIM G SAFRANEK ===== The existing septic leachfield serving the rest. appears to be located behind the SFR. and therefore off of the property based on the new proposed property line. In addition, the 1980 septic permit for the rest. shows a gravel depth of 15' which may not meet groundwater separation standards. An onsite septic system to serve the rest. will probably be needed. Contact Cheryl Wong for confirmation and septic permitting requirements at 454-3219.

===== UPDATED ON SEPTEMBER 13, 2005 BY JIM G SAFRANEK ===== Completeness now achieved by applicant. See misc comments.

Environmental Health Miscellaneous Comments

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

===== REVIEW ON JUNE 30, 2005 BY JIM G SAFRANEK =====

NO COMMENT

===== UPDATED ON SEPTEMBER 13, 2005 BY JIM G SAFRANEK =====

The proposed project requires that septic system be upgraded to meet current standards. Applicant must obtain an approved sewage disposal permit for a repair/upgrade. Contact the appropriate Land Use staff of Environmental Health at 454-3219 (C. Wong). Septic application approval is required prior to EH granting Building Clearance.

**SANTA CRUZ COUNTY HEALTH SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICE
701 Ocean Street • Room 312, Santa Cruz, CA 95060 (831) 454-2022**

SITE EVALUATION

68-41-20
PE4201

05-130

☐ **PRELIMINARY LOT INSPECTION REPORT**
MLD # _____ PROPOSED LOT _____ LOT SUE _____ SITE LOCATION 126 E. GRACE ST. SCOTTS VALLEY, CA
APN 021-355-19 WATER SUPPLY SUNNY OWNER'S WRITTEN PERMISSION ATTACHED YES — NO —

☐ **SITE EVALUATION** VALIDATION _____
☒ FULL ☐ SOIL ☐ GROUNDWATER ☐ PERCOLATION ☐ REPAIR ☐ ALTERNATIVE SYSTEM

☐ **OTHER CONSULTATION** _____

REQUESTED BY: ANDREW BARNHART 650 BENTLEY DR. SCOTTS VALLEY, CA 408-9116
(NAME) (ADDRESS) (PHONE)
OWNER: 126 E. GRACE ST. LLC 126 E. GRACE ST. SCOTTS VALLEY, CA 95060 408-785-9500
(NAME) (ADDRESS) (PHONE)

- ☐ Item/s checked below do not meet present sewage disposal requirements or require further testing:
- ☐ Soil tests indicate soils *not* suitable.
 - ☐ Lot slope excessive, area has been graded and/or unable to provide setback from cut bank
 - ☐ Winter water table testing required.
 - ☐ Tests indicate failure to provide required separation of leaching and seasonal high groundwater.
 - ☐ Unable to provide a 100 foot separation between a septic system and a well, spring, stream, or waterway.
 - ☐ Inadequate space for both the sewage disposal system and the required future expansion area.
 - ☐ Septic area in floodplain.
 - ☐ Other _____

☐ Preliminary inspection of this lot indicates suitability for individual sewage disposal using conventional septic technology under standards currently in effect, subject to any limitations identified below.

☐ Water supply must be developed.

Site conditions may be mitigated by alternative technology. Further testing and evaluation is needed.

Design Parameters

Percolation Rate 1-5 (6-30) 30-60 60-120 Groundwater Depth for Design Purposes _____

REMARKS:

9-9-05 - Site visit w/ consultation on
9-12-05 - Environmental Health Service - review of site plan
w/ Santa Cruz Health Services

NOTE: Preliminary inspections and evaluations do not take into account all factors which are considered in the issuance of a sewage disposal permit. An application for sewage disposal will be subject to further evaluation based on the specific sewage disposal design; the possible presence of geologic hazards, biotic resources, or other site constraints; and, the provisions of the Sewage Disposal Ordinance in effect at the time of permit application.

ENVIRONMENTAL HEALTH SPECIALIST DATE 9/26/05 026 SUPERVISOR 9/26/05
EXHIBIT

Santa Cruz County Environmental Health Services
701 Ocean Street, Room 312, Santa Cruz, CA 95060 (831) 454-2022

EHS # _____

Application Fee: Paid ☒ Waived ☐ None ☐

ENVIRONMENTAL HEALTH CLEARANCE TO APPLY FOR BUILDING PERMIT FOR RURAL PROPERTIES
***THIS IS NOT A PERMIT**

TO BE COMPLETED BY APPLICANT:

9/26/05 081-233-19 126 E. GROVE ST., GILROY, CA 95020
Date Assessor's Parcel Number Construction Site Location
081-233-19 081-233-19 (408) 785-9500
Applicant's Name Owner's Name Applicant's Phone Number
126 E. GROVE ST., GILROY, CA 95020
Mailing Address

PROPOSED PROJECT

ENVIRONMENTAL HEALTH REQUIREMENTS (SEE BELOW)

- | | |
|---|---------|
| <input type="checkbox"/> New Residence | 1,(2),5 |
| <input type="checkbox"/> Affordable Second Dwelling | 3,(4),5 |
| <input type="checkbox"/> Accessory Habitable Structure/Guest House (No Kitchen) | 3,(4),5 |
| <input type="checkbox"/> Replacement of Structure | 3,(4),5 |
| <input type="checkbox"/> Reconstruction of Destroyed Residence; Date Destroyed _____
(Provide documentation of catastrophe) | 3,(4),5 |
| <input type="checkbox"/> Remodel Increasing Number of Bedrooms and/or an addition of
more than 500 sq. ft. of floor area. Proposed Total Bedrooms _____ | 3,(4),5 |
| <input type="checkbox"/> Remodel with a one-time addition of 500 square feet or less with no bedroom increase | 3,5 |
| <input checked="" type="checkbox"/> Other <u>LIVED-IN COMMERCIAL & RESIDENTIAL</u> | |
| <input type="checkbox"/> Simple foundation replacement with no change in footprint, wiring, plumbing, roofing, interior remodeling with no increase in bedrooms, and/or exterior remodeling with no change in footprint | |

Applicant's Signature APRIL STONE

TO BE COMPLETED BY ENVIRONMENTAL HEALTH STAFF: ADDITIONAL FEE REQUIRED \$ _____

ENVIRONMENTAL HEALTH REQUIREMENTS

MAXIMUM NUMBER OF BEDROOMS ALLOWED	Permit #	Approved:	Denied
<input type="checkbox"/> 1 Individual Sewage Disposal Permit - New	_____	_____	_____
<input type="checkbox"/> 2a Individual Water System Permit	_____	_____	_____
<input type="checkbox"/> 2b Connection to Existing Water System: _____	_____	_____	_____
<input type="checkbox"/> 3 Evaluation of Existing Septic System	_____	_____	_____
<input type="checkbox"/> 4 Individual Sewage Disposal Permit-Repair/Upgrade	_____	_____	_____
<input type="checkbox"/> 5 No construction over septic system or in expansion area	_____	_____	_____

ADDITIONAL CONDITIONS OR REMARKS: _____

This Clearance is granted subject to the conditions specified above and in approved Environmental Health permits. Building plans submitted with the building permit application must be in compliance with those conditions and with the above project description. Applications not in compliance will be denied by Environmental Health.

- ☐ Clearance to Apply for Building Permit Approved - Application Review and Clearance Valid until _____
Environmental Health Requirements Cannot Be Met - Clearance Denied (Date)
☐ Environmental Health Clearance not required per Section 7.38.080B(6).
☐ Compliance with Environmental Health requirements not yet determined-owner applies for Bldg. Permit at own risk

By _____
Environmental Health Staff

027 Date: _____

EXHIBIT 1

COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

DATE: June 22, 2005

TO: Robin Bolster-Grant, Planning Department

FROM: Carl Rom, Department of Public Works 

SUBJECT: APPLICATION 05-0366, APN 081-253-19

As with all land divisions, the developer will have to submit a map to Public Works for review and approval. If any improvements are required, our department should also review the improvement plan, and the developer will have to sign a subdivision agreement and submit securities to guarantee the construction of all work shown on the improvement plans.

I have the following comment specific to the subject application:

1. The application number should appear on the tentative map.

I'll defer to the traffic and drainage folks for any other comments related to those areas.

If you have any questions or would like to discuss these comments, please call me at extension 2806.

CDR:cdr

M

Application No: 05-0366

Date: June 24, 2005

To: Robin Bolster-Grant, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for a two lot Minor Land Division on the corner of Grove and Highway 9, Boulder Creek (Powers Land Planning / applicant, 126 E. Grove St., LLC / owner)

There are no Design Review issues with this application.

July 6, 2005

Memorandum

7/6/2005
FAX: 831-454-2131

To: Robin Bolster-Grant- Planning Dept. -County of Santa Cruz
Cc:
From: Roxie Tossle, Right of Way Mgr (831) 754-8165
Date: Wednesday, July 06, 2005
Re: MLD 05-0366
Fee Owner: 126 E Grove St. LLC
Applicant: Powers Land Planning Inc.
Location: 126 E. Grove St., Boulder Creek
cc: Chris Barraza

Message:

Per your request our SBC Engineer Robin De Alvarez (831-728-5032) has reviewed the proposed project plans for the above mentioned Improvement project and has determined the following:

- SBC has an Aerial Drop Wire serving the existing home on the above property.
- The Aerial Drop will need to be removed or re-routed at owners expense to eliminate facility conflicts to serve the MLD with SBC facilities.
- Call USA before you dig - 000-642-2444

Please call me if you require any additional information on 831-754-8165

Thank You,
Roxie