



## Staff Report to the Planning Commission

Application Number: **05-0253**

**Applicant:** Herb Ichikawa  
**Owner:** Conti Leung  
**APN:** 037-151-03

**Agenda Date:** 12/14/05  
**Agenda Item #:** 14  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to divide an approximately 78,000 square foot parcel into three parcels.

Requires a Minor Land Division, a Residential Development Permit to utilize a less than 40 foot wide right of way for access, and a Roadway/Roadside Exception.

**Location:** Property located on the west side of Merrill Road approximately 900 feet north of Soquel Drive (3435 Merrill Road).

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

**Permits Required:** Minor Land Division, Residential Development Permit, Roadway/Roadside Exception

**Staff Recommendation:**

- Denial of Application 05-0253, based on the attached findings.

**Exhibits**

- |                  |                               |
|------------------|-------------------------------|
| A. Project plans | D. Assessor's parcel map      |
| B. Findings      | E. Zoning & General Plan maps |
| C. Location Map  | F. Comments & Correspondence  |

**Parcel Information**

Parcel Size:	78,000 square feet
Existing Land Use - Parcel:	Single family residence
Existing Land Use - Surrounding:	Residential neighborhood
Project Access:	Merrill Road
Planning Area:	Aptos
Land Use Designation:	R-UVL (Urban Very Low Density Residential)
Zone District:	R-1-15 (Single family residential - 15,000 sq ft min)
Coastal Zone:	<u>    </u> Inside <u>  X  </u> Outside

## Environmental Information

Geologic Hazards:	None mapped
Soils:	Partial report submitted - not accepted.
Fire Hazard:	Not a mapped constraint
Slopes:	15-30+%
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	440 cubic yards (cut) & 590 cubic yards (fill) per project plans
Tree Removal:	3 trees potentially impacted/removed for site improvements
Scenic:	Mapped scenic resource
Drainage:	Area of steep slopes draining onto adjacent neighboring properties
Archeology:	Not mapped/no physical evidence on site

## Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Sequel Creek Water District
Sewage Disposal:	Santa Cruz County Sanitation District
Fire District:	Central Fire Protection District
Drainage District:	Zone 5 Flood Control District

## Project Setting

The subject property is a 78,000 square foot parcel located on the west side of Merrill Road in Aptos. The property is located in an area of steep slopes and is currently developed with a single family dwelling. The property owner is currently constructing a detached accessory structure to the west of the existing residence. The surrounding neighborhood is residential with multi-family housing closer to Soquel Drive transitioning to single family dwellings on larger parcels in the hills further from Soquel Drive.

## Minor Land Division

The applicant proposes to divide the subject property into three separate parcels for the purposes of constructing single family residences. Two new parcels are proposed, at the lower (southern) portion of the property. The access to the subject property is narrow and steep, and portions of the proposed building envelopes may exceed slopes of 30 percent. Building envelopes created through land divisions *are* not allowed on slopes in excess of 30 percent (County Code section 16.10.70).

The proposed land division does not comply with County ordinances and policies and is not supported by Planning Department staff. The staff recommendation is based on numerous considerations, including the proposal to use a substandard vehicular right of way and paved roadway surface for access to the proposed development, and development in an area of steep slopes with the potential for drainage problems and accelerated erosion. Further discussion of these issues is continued below.

## **Project Access**

The existing and proposed development is accessed by Merrill Road, which is a County maintained road from Soquel Drive to Aster Lane. Beyond Aster Lane, the width of the right of way and paved surface narrows considerably as the roadway climbs a hill up to and past the subject property. The right of way width from Aster Lane to the subject property is 20 feet in width.

All vehicular rights of way which provide primary access to a proposed development must be a minimum of 40 feet in width (per County Code section 13.10.521). Rights of way serving more than two residences are required to be a minimum of 56 feet in width within the Urban Services Line unless a Roadway/Roadside Exception is granted. The existing right of way of Merrill Road which serves the property is less than 40 feet in width from Aster Lane, as well as along the frontage of the subject property. The applicant has not proposed acquiring additional vehicular right of way from Aster Lane to the subject property to serve the proposed development, but is proposing a dedication along the property frontage and widening to 20 feet within the existing right of way from Aster Lane. This roadway will serve a minimum of six residences in addition to the two proposed residences.

Given the lack of adequate vehicular right of way to serve this development and the presence of steep slopes in the area (with a lack of turn around areas for large trucks or fire equipment) the project access is not considered as acceptable for the creation of additional residential parcels.

## **Roadway/Roadside Exception**

As discussed above, the vehicular right of way which serves the proposed development is less than the 56 feet required (per the County Design Criteria) for new development within the Urban Services Line. This proposal will require a Roadway/Roadside Exception (per County Code section 15.11.050) to reduce the 56 foot wide right of way to 20 feet in width, and to reduce the paved surface to 20 feet in width and to eliminate parking, sidewalks, and landscape strips on both sides of the roadway. The request for an exception to this degree within the Urban Services Line is inconsistent with the minimum standards for urban local streets specified in the County Design Criteria, and the site conditions and right of way width are not suitable for access to new residential parcels proposed in this land division.

## **Steep Slopes**

The project plans include a slope map which is unclear, but from site visits by Planning Department staff, it is clear that the subject property contains areas of steep slopes. On the slope map it appears as though areas of slopes in excess of 30 percent are included within the proposed building envelopes. Building envelopes created through land divisions are not allowed on slopes in excess of 30 percent (County Code section 16.10.70).

## **Site Design (Grading, Drainage & Erosion Control)**

The proposed development will locate structures immediately adjacent to neighboring parcels which are down slope from the subject property. Due to the steep slopes on the property and the

lack of stepped foundations in the design of the proposed residences, it is likely that increased storm water runoff and accelerated erosion will adversely impact adjacent properties downhill from the proposed development.

#### Environmental Review

No environmental review has been performed for the proposed project. Projects that are to be disapproved are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA).

#### Conclusion

As proposed, the project is not 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.

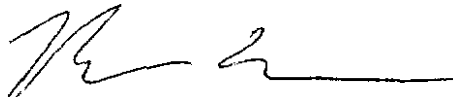
#### Staff Recommendation

- DENIAL of Application Number **05-0253**, based on the attached findings.

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

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

Report Prepared By: \_\_\_\_\_

  
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Santa Cruz County Planning Department  
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Santa Cruz CA 95060  
Phone Number: (831) 454-3218  
E-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@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.

This finding can not be made, in that the project does not meet all of the technical requirements of the Subdivision Ordinance and is not consistent with the County Code or General Plan 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* not be made, in that the location and design of the proposed development in an area of steep slopes may result in drainage and erosion related impacts to adjacent downhill properties in conflict with General Plan Policies 6.3.1 (Slope Restrictions), 8.2.2 (Designing for Environmental Protection) & 8.6.5 (Designing with the Environment).

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 not be made, in that the land division will be accessed by a 20 foot wide right of way. All vehicular rights of way which provide primary access to a proposed development must be a minimum of 40 feet in width (County Code section 13.10.521). Due to the presence of steep slopes in the area (with a lack of turn around areas for large trucks or fire equipment) the project access is not considered as appropriate for the creation of additional residential parcels in this neighborhood.

It also appears that the building envelopes include areas of steep slopes which may exceed 30 percent. Building envelopes created through land divisions are not allowed *on* slopes in excess of 30 percent (County Code section 16.10.70).

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

This finding can not be made, in that the proposed land division is located in **an** area of steep slopes and is accessed by a substandard roadway.

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 not be made, in that the location and design of the proposed improvements may result in increased storm water runoff and accelerated erosion with associated downstream impacts.

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**Owner:** Conti Leung

- 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 not be made, in that the proposed improvements do not comply with the County Design Criteria and the proposed structures are not designed with stepped foundations to conform to the existing topography.

## 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 not be made, in that the project is located in an area of steep slopes and is accessed by a substandard vehicular right of way. The design of the proposed structures and site improvements may result in increased storm water runoff and accelerated erosion with associated impacts to properties downhill from the project site.

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 not be made, in that the land division will be accessed by a 20 foot wide right of way. All vehicular rights of way which provide primary access to a proposed development must be a minimum of 40 feet in width (County Code section 13.10.521). Due to the presence of steep slopes in the area (with a lack of turn around areas for large trucks or fire equipment) the project access is not considered as appropriate for the creation of additional residential parcels in this neighborhood.

It also appears that the building envelopes include areas of steep slopes which may exceed 30 percent. Building envelopes created through land divisions are not allowed on slopes in excess of 30 percent (County Code section 16.10.70).

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 not be made, in that the location and design of the proposed development in an area of steep slopes may result in drainage and erosion related impacts to adjacent downhill properties in conflict with General Plan Policies 6.3.1 (Slope Restrictions), 8.2.2 (Designing for Environmental Protection) & 8.6.5 (Designing with the Environment).

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

4. 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 proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed is consistent with the land use intensity and density of the neighborhood.

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5. 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 not be made, in that the proposed improvements do not comply with the County Design Criteria and the proposed structures are not designed with stepped foundations to conform to the existing topography.

## **Roadway/Roadside Exception Findings**

1. The improvements are not appropriate due to the character of development in the area and the lack of such improvements on surrounding developed property.

This finding can not be made, in that the proposed access is substandard for new developments within the Urban Services Line and is not appropriate for the creation of new parcels as proposed in this land division regardless of the lack of such improvements on surrounding adjacent property.

2. Local drainage or topographic conditions render the improvements physically infeasible.

This finding can not be made, in that road widening and associated roadside improvements could occur within a wider right of way, but sufficient right of way does not exist.

3. The improvements would constitute an unacceptable geologic hazard as substantiated by written report by a registered soils engineer or geologist;

This finding can not be made, in that there is no indication that road widening and associated roadside improvements would create a geologic hazard.

4. The improvements would be located in an environmentally sensitive area as shown by information on file in the planning department; and the impacts cannot be satisfactorily mitigated;

This finding can not be made, in that there is no indication that road widening and associated roadside improvements would be located in an environmentally sensitive area.

5. The required improvements would encroach on private property in which neither the developer nor the county have an interest sufficient to allow the improvements to be constructed or installed; the developer has attempted in good faith, but been unable to acquire such an interest; and the county has not acquired such an interest through its power of eminent domain pursuant to sections 14.01.513 or 18.10.240 of the County Code: or

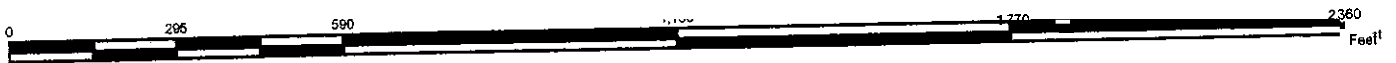
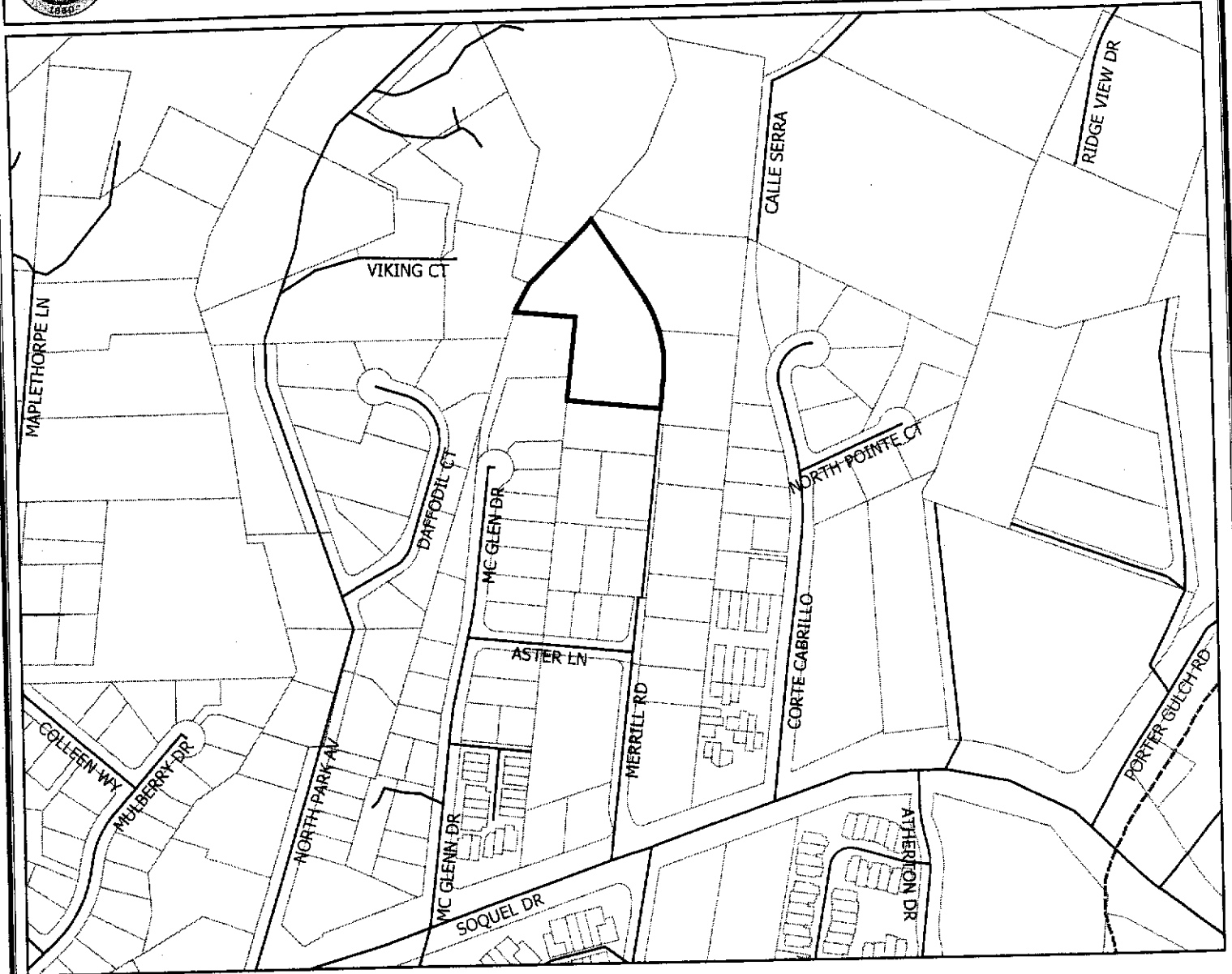
This finding can not be made, in that the developer has not indicated that any attempts have been made to acquire additional right of way. Even with such attempts, the proposed access is substandard for new developments within the Urban Services Line and is not appropriate for the creation of new parcels as proposed in this land division.

6. For new local streets serving up to four units, if adjoining properties are built-out in accordance with the general plan and it is not possible to design access to meet the local street standard, an exception will be considered at a minimum local street standard, as specified in the County Design Criteria.


Not applicable

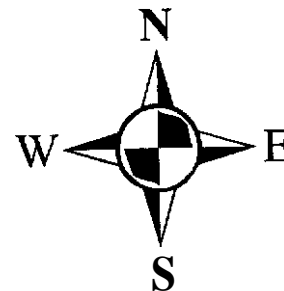


# Location Map



## Legend

-  APN 037-151-03
-  Streets
-  Assessors Parcels
-  INTERMITTENT STREAM



Map Created by  
County of Santa Cruz  
Planning Department  
April 2005

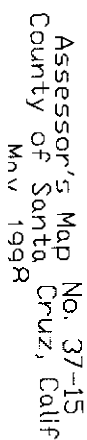
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EXHIBIT C

37-15

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# FOR TAX PURPOSES ONLY

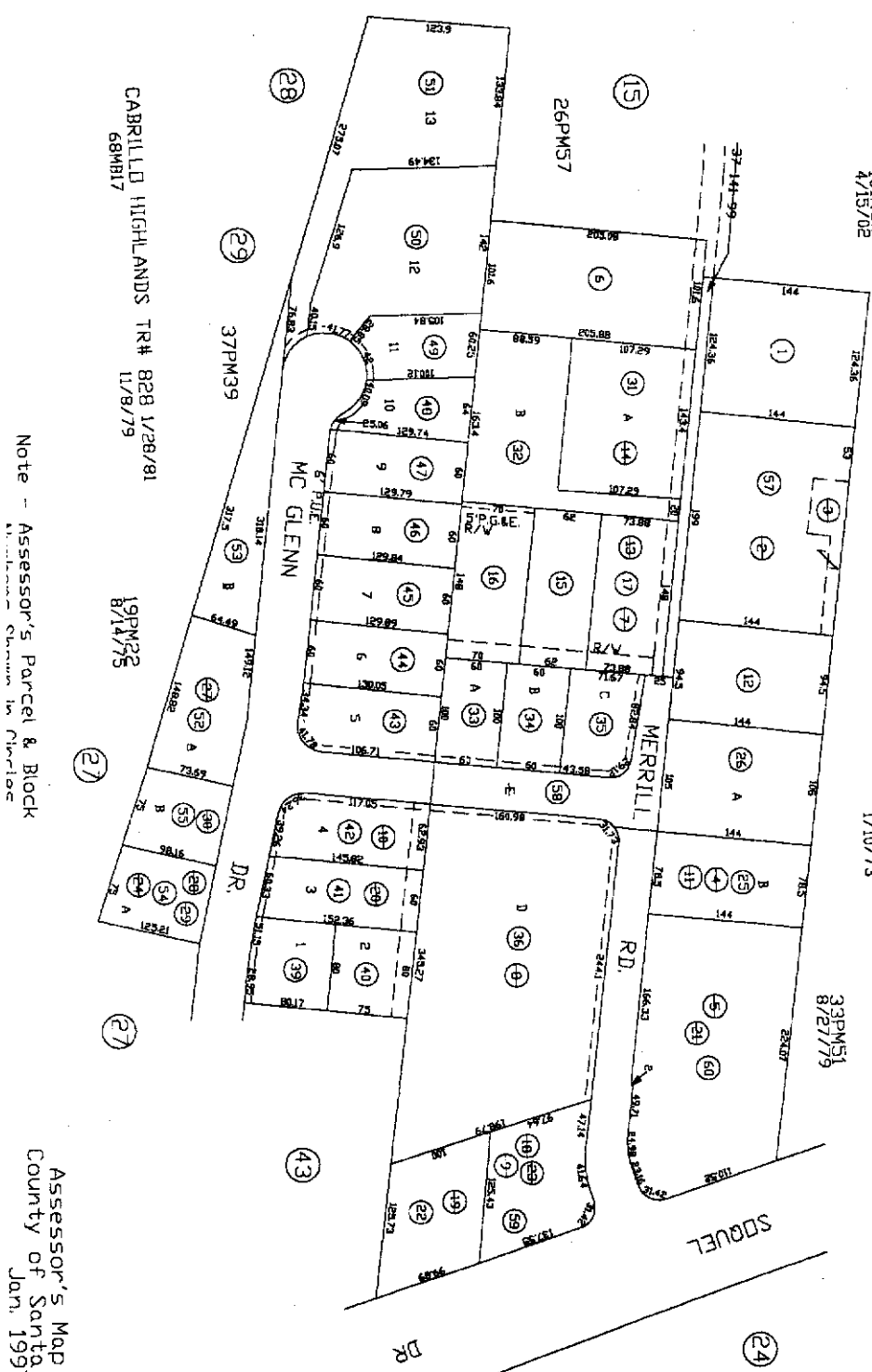
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PDR, SOQUEL RANCHO  
SEC. 11, T.11S., R.1W., M.D.B.&M.

Tax Area Code  
96-101

37-14

Partially drawn 1/13/95 re  
1/25/98 CB (Cancelled 1-56, to 513  
5/20/98 CCA (CONSOLIDATION) re  
4/25/91 Ayn (changed page ref.)  
5/25/91 CB (Cor to Merrill Rd. 1-56)  
9/12/91 CB (1-0038295 & 6, To st. 1-59)  
3/7/92 PWN (1003227)  
6/11/92 GG (1977-9058738, Por to str. 1-60)



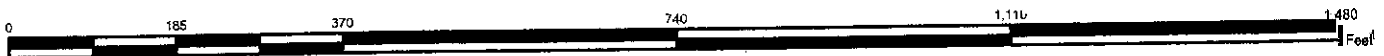
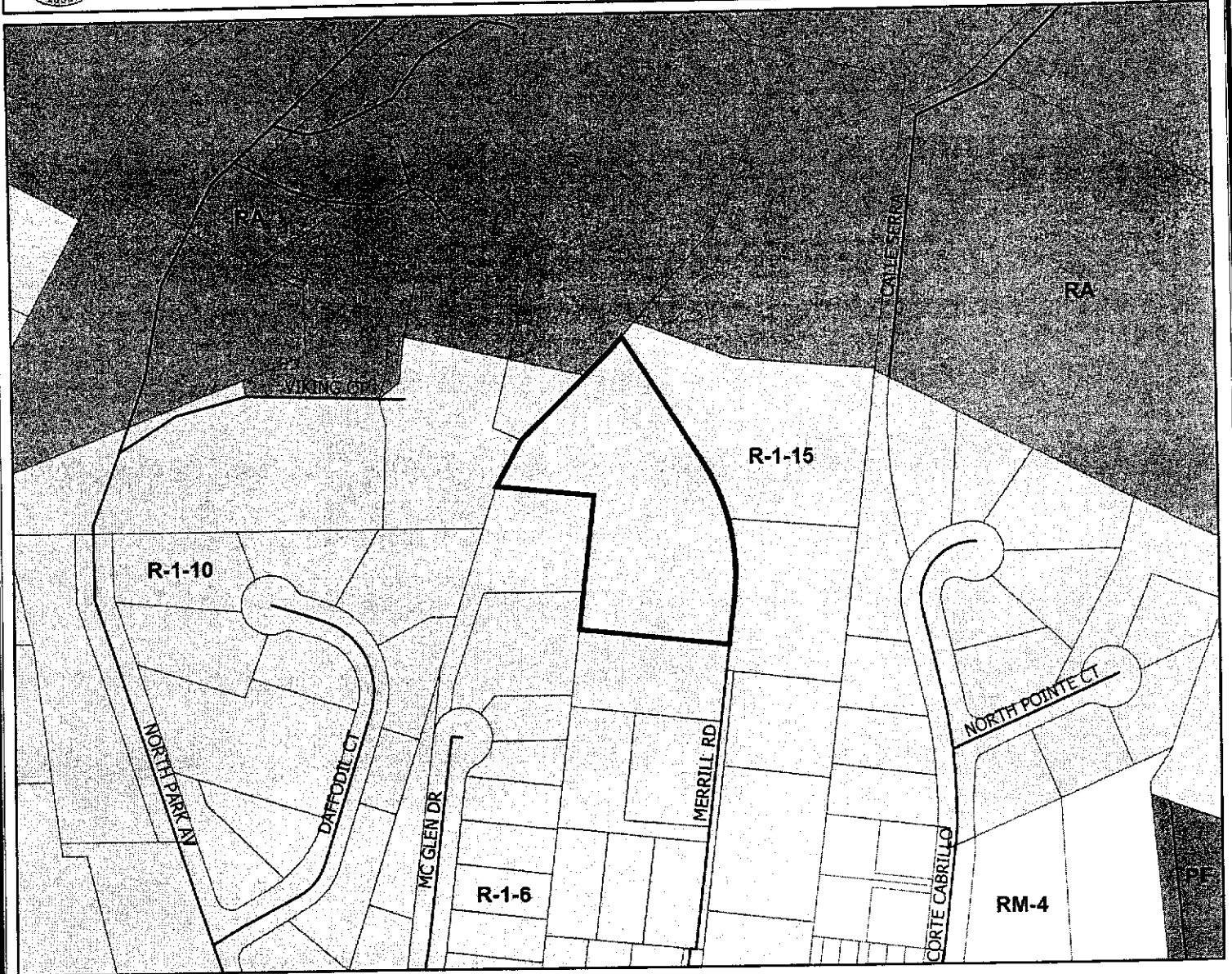
Note - Assessor's Parcel & Block  
Numbers Shown in Circles

Assessor's Map No. 37-14  
County of Santa Cruz, Calif.  
Jan. 1997

EXHIBIT D



# Zoning Map



## Legend



SPN 17-151-03

Assessors Parcels



AGRICULTURE RESIDENTIAL(RA)

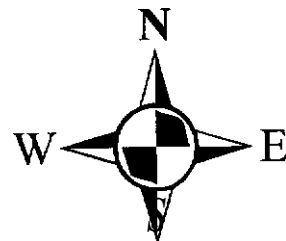


PUBLIC FACILITY (PF)



RESIDENTIAL-MULTIFAMILY (RM)

RESIDENTIAL-SINGLE FAMILY (R-1)



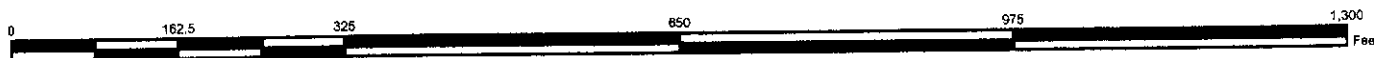
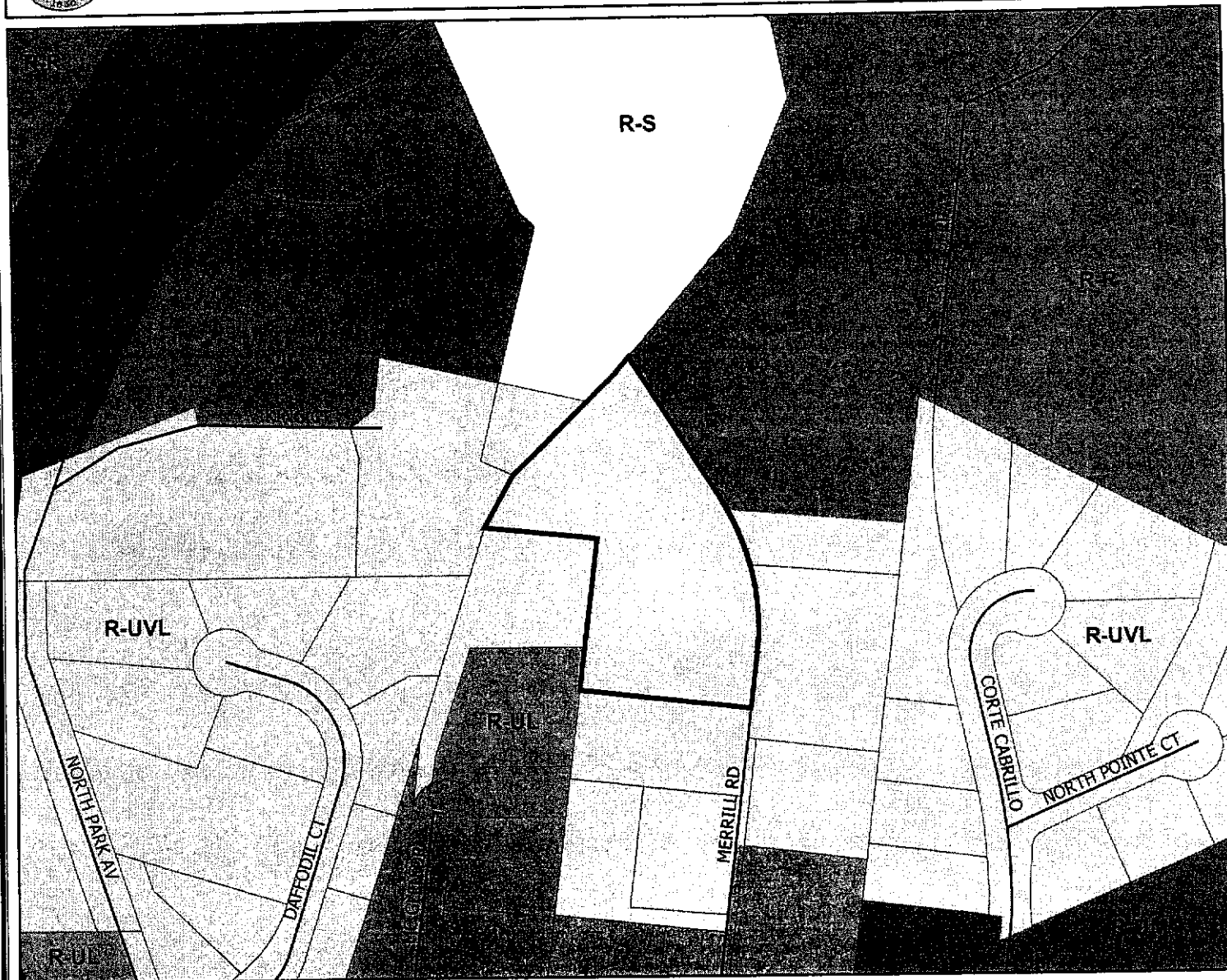
Map Created by  
County of Santa Cruz  
Planning Department  
April 2005

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EXHIBIT E

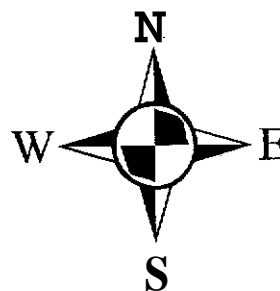


# General Plan Designation Map



## Legend

- APN 037-151-03
- Streets
- Assessors Parcels
- Residential-Mountain (R-M)
- Residential-Rural(R-R)
- Residential-Suburban (R-S)
- Residential- Urban Very Low Density (R-UVL)
- Residential- Urban Low Density (R-UL)
- Residential- Urban Medium Density (R-UM)



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Planning Department  
April 2005

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EXHIBIT E



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**TOM BURNS. PLANNING DIRECTOR**

September 20, 2005

Herb Ichikawa  
3175 Terrace Drive  
Aptos, Ca 95003

Subject: Application Number: **05-0253** - Conti Leung  
Assessor's Parcel Number: 037-151-03  
Application date: 4/26/05

Dear Herb Ichikawa,

This letter is regarding the resubmittal of materials for your land division application. After closer review by the project planner, he informs me that not all of the materials requested have been submitted. Aside from the geotechnical report, the submittal lacks a revised Tentative Map and landscape plan. In addition, the incompleteness letter requested that full and complete bound sets with revisions were to be submitted. I was not aware of this request, as I had not read the entire letter. Because the complete package was not submitted by the deadline (9/15/05), this application could be considered "abandoned". However, since I assisted you in submitting what materials you had, I thought it best to first review the project with your Planner to determine exactly where you were in the process.

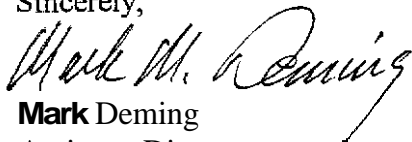
It appears that your project proposal has a number of conflicts with various codes and policies that are required of all development, most notably those that require that adequate access is provided and that grading be minimized. In addition, the proposed home designs leave much to be desired. The property is served by a right-of-way less than 56-feet in width, the standard width for local streets serving more than 2 residences. This right-of-way width insures that adequate street width can be constructed to provide for access to and from the new residences for all manner of vehicles and to provide other urban level **services** such as sidewalks, curbs and gutters. Based on the submitted information, the right-of-way appears to be no wider than 20-feet from the end of Merrill Road at Aster Lane and the proposed roadway no wider than 18-feet.

This proposed roadway will serve approximately 6 existing residences in addition to the 2 proposed residences. Approval of the minor land division utilizing this substandard roadway will require the approval of a roadway exception as defined in section 15.11.050(f) of the County Code (available online at [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)). I do not believe that staff can make the findings to support this exception. As submitted, this application will be recommended for denial. It is possible that you could convince the Planning Commission to approve the exception based on the low density of the area and the wishes of the existing neighbors.

The proposed development of the two new parcels requires substantial grading for each of the building pads. Alternative designs using step foundations or other techniques could minimize the grading. The home designs need to be revised to provide some variation in the designs.

At this point, I believe that we should take this application to the Planning Commission for a determination on the road issue before the project goes any further. Therefore, I ~~am~~ directing Randall Adams to prepare a report for consideration by the Planning Commission as soon as possible. If you do not wish **us** to do this, please submit a request to withdraw the application by October 15". I realize that the **property** owner has expended a great deal of money on this project, but this project does not meet the requirements for development in Santa Cruz County.

Sincerely,

A handwritten signature in cursive script that reads "Mark M. Deming".

**Mark** Deming  
Assistant Director

Cc: Conti Leung - 3435 Memll Road, Aptos, Ca 95003



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX. (831) 454-2131 TDD. (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

May 25, 2005

Herb Ichikawa  
3175 Terrace Drive  
Aptos, Ca 95003

Subject: **Incomplete Application - Additional Information Required**  
Application #: **05-0253**; Assessor's Parcel # **037-151-03**  
Owner: **Conti Leung**

Dear Herb Ichikawa:

This letter is to inform you of the status of your application. On 4/26/05, the above referenced application was submitted for a Minor Land Division with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has **been** submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. For your proposal to proceed, the following items should be submitted:

1. Please provide 8 full and complete sets of revised plans with the following additional information:
  - a. Please show the right of way that serves this parcel from the public roadway in terms of location and width.
  - b. Please show all existing and proposed road improvements on the revised plans. All proposed road widening must be clearly indicated.
  - c. Please show all existing and proposed vehicular rights of way on the revised plans. All proposed right of way areas will need to be deducted **from** the net developable land totals for each parcel proposed and the project **as** a whole.
  - d. Please show revised setbacks from all new proposed vehicular rights of way.

EXHIBIT F

- e. Please revise the slope map to indicate slopes in excess of **30** percent clearly. The current drawings appear to indicate shaded areas that did not reproduce clearly. A cross hatched, or other method of indicating the **30** percent slope areas is required.
  - f. Please show all parking (number, location, and dimensions) for **all** parcels
  - g. Please clarify the location and extent of all existing and proposed improvements for the existing residential use on the revised plans. Existing and proposed improvements must be shown consistently on all plan sets.
2. Please provide 3 copies of a revised geotechnical report, prepared and wet stamped by a licensed geotechnical engineer, which addresses the site conditions and the proposed construction for this project.
3. Please review the attached Discretionary Application Comments from all agencies. Comments listed **under** the heading "Completeness Comments" for each agency must be addressed and resolved prior to your application being considered complete and able to move forward with review. Questions related to these comments can be addressed to each separate agency.
- Environmental Planning (Kent Edler – **454-3168** & Jessica DeGrassi – **454-3162**): Please review the Environmental Planning comments and address these issues in your next submittal. A full format geotechnical report is required for this project.
  - Long Range Planning (Glenda Hill – **454-3216**): Please address the issues raised by this reviewing agency in your next submittal.
  - e Department of Public Works, Drainage (Alyson Tom – **454-2160**): Please provide the required drainage information and calculations.
  - e Department of Public Works, Road Engineering (Greg Martin – **454-2160**): Please provide the required road/driveway information on the revised plans.
  - Department of Public Works, Surveyor (Carl Rom – **454-2160**): Please address the issues raised by this reviewing agency in your next submittal.
  - Department of Public Works, Sanitation (Drew Byrne – **454-2160**): No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the review process.
  - Central Fire Protection District (Tom Wiley – **685-6690**): This reviewing agency has not yet commented on the proposed development. All requirements of the local fire agency will be required to be met in the review of your application. Please contact the fire agency directly to determine their requirements.
  - Soquel Creek Water District (Carol Carr – **475-8500**): No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the

review process.

- Urban Designer (Larry Kasparowitz – 454-2676): Please address the issues raised by this reviewing agency in your next submittal.

You must submit the required materials to the Planning Department at one time. Revisions to plans must be included in complete, updated sets of plans. All plan sets must be folded into an 8.5" x 11" format. You have until **8/26/05**, to submit the all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., 6/9/05.

#### Additional Issues

In addition to evaluating the completeness of your application, the initial review has identified other issues which will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be dealt with in later stages of your application process. At this point, they are included solely to make you aware of them.

A. It is recommended that the design of the proposed development be altered to comply with all pertinent County ordinances and General Plan Policies:

- County Code Section 13.10.323(a)(2) (Site Area) & General Plan Policy 6.2.5 (Slope Considerations for Land Division Calculations): The proposed land division does not comply with the minimum parcel size requirements for the R-1-15 (Single family residential – 15,000 square foot minimum) zone district. A minimum of 15,000 square feet is required for new parcels in the R-1-15 zone district. Areas that are in excess of 30 percent slope must be deducted from the net developable land area, regardless if they were created by human or natural means.
- County Code Section 13.10.521(a) (Site Access): The proposed land division may not comply with the 40 foot minimum right of way access width. The vehicular right of way serving the subject property will need to be a minimum of 40 feet in width from the public road to the project site in order to comply with this requirement. Otherwise, a request to utilize a less than 40 foot right of way will need to be included as a component of your application.

- General Plan Policy 6.3.9 (Site Design to Minimize Grading): The proposed parcel configuration does not seek to minimize grading and will lead to potentially accelerated erosion and other potential drainage problems. The design of the structures should use stepped foundations to minimize grading. The site design should be reconfigured to reduce slope steepness and to allow for adequate space between the proposed parcels and adjacent property for the installation of proper drainage and erosion control measures.
- B. Please note that additional vehicular **right** of way is required to serve this project along the project frontage, per the Department of Public Works, Road Engineering comments.
- C. Please note that road widening is required as a component of your proposed development.
- D. Please note that additional plan sets may be required prior to the public hearing for this application.
- E. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Miscellaneous Comments" for each agency shall either be addressed as Conditions of Approval for **this** permit, if approved, or will be required prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments ~~can~~ be addressed to each separate agency.

Should you have further questions concerning this application, please contact me at: (831) 454-3218, or e-mail: [randall.adams@co.santa-cruz.ca.us](mailto:randall.adams@co.santa-cruz.ca.us)

Sincerely,

Randall Adams  
Project Planner  
Development Review

EXHIBIT F

C O N T Y O F S A N T A R U Z  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Randal Adams  
Application No. : 05-0253  
APN: 037-151-03

Date: May 25, 2005  
Time: 15:11:26  
Page: 1

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Environmental Planning Completeness Comments

===== REVIEW ON MAY 6, 2005 BY JESSICA L DEGRASSI =====  
NO COMMENT

===== UPDATED ON MAY 17, 2005 BY KENT M EDLER ===== 1. A design level soils report needs to be submitted. The soils report submitted is only a geotechnical feasibility study.

Environmental Planning Miscellaneous Comments

===== REVIEW ON MAY 6, 2005 BY JESSICA L DEGRASSI =====  
Submit an erosion and sediment control plan at building permit submittal.

Submit a plan review letter from the soils engineer after the latest revisions to the plans have been addressed during building permit application review.

===== UPDATED ON MAY 17, 2005 BY KENT M EDLER ===== 1. The fill slopes south of Lot A are steeper than 2:1. These slopes will need to be revised to 2:1 or flatter (if required by the soils report).

2. The foundation design should utilize stepped foundations to minimize the amount of grading required for the parcels and potential erosion impacts to downhill properties.

3. Winter grading will not be allowed on either of these parcels

Long Range Planning Completeness Comments

===== REVIEW ON MAY 4, 2005 BY GLENDA L HILL =====

1. The existing garage and second unit shown on Sheet C01 should also appear on the Tentative Map page. 2. It is unclear where the proposed driveway serving the existing house is located. There are >30% slopes on this parcel and proposed driveway must be located to avoid crossing them.

Long Range Planning Miscellaneous Comments

----- REVIEW ON MAY 4, 2005 BY GLENDA L HILL -----

Page C01 of the plans show the garage and second unit as existing. The project description shows the second unit as proposed.

Dpw Drainage Completeness Comments

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

----- REVIEW ON MAY 12, 2005 BY ALYSON B TOM ----- Application with plans dated 9/04 has been recieved. Please address the following:

1) Submit a drainage plan that describes how runoff from the new impervious areas will be routed. This project is required to maintain existing runoff rates.

## Disc :ionary Coments - Continued

Project Planner: Randall Adams  
Application No. : 05-0253  
APN: 037-151-03

Date: May 25, 2005  
Time: 15:11:26  
Page: 2

- 2) Describe how this project will minimize proposed impervious areas.
- 3) Describe and analyze the downstream runoff path from the site to a safe point of release. This analysis should at least include the downstream private road and the path between the 2 homes described in the 2/9/05 letter by Dees and Associates. This project may be required to upgrade the downstream path if it is inadequate to handle the runoff from the project

Based on the response to the above comments additional requirements may be made

Please see miscellaneous comments for issues to be addressed prior to map recordation.

All submittals for this project should be made through the Planning Department, For questions regarding this review Public Works storm water management staff is available from 8-12 Monday through Friday.

### Dpw Drainage Miscellaneous Coments

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

===== REVIEW ON MAY 12, 2005 BY ALYSON B TOM ===== The following comments must be addressed prior to map recordation:

- 1) Provide a detailed drainage plan for the project.
- 2) All new road and driveway runoff should go through water quality treatment prior to discharge from the site. If structural treatment is used, a recorded maintenance agreement will be required
- 3) Provide a final review letter from the project geotechnical engineer approving of the drainage plan.
- 4) Zone 5 fees will be assessed on the net increase in impervious area due to the project.

### Dpw Road Engineering Completeness Comments

===== REVIEW ON MAY 16, 2005 BY GREG J MARTIN =====

An Urban Local Street with parking is the typical requirement along the frontage of the parcel based upon County standards and the proposed development. However, the development is within a low density urban zoning, therefore we have no objection to an exception for a forty foot right-of-way and a 24 foot wide road. At a minimum an 18 foot road is required from Aster Lane and along the project frontage. The improvement plans should include Merrill Road down to Aster Lane. The right-of-way dedication along the project frontage should be 20 feet as measured from the existing centerline. Parking along Merrill Road between the project and Aster Lane may need to be addressed through signage and enforcement by the Fire Department.

On Sheet One the existing residence must be represented as it currently exists. Caveats which put the information presented in question are not acceptable. All

Disc ionary Comments - Continued

Project Planner: Randall Adams  
Application No. : 05-0253  
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sheets should be consistent with one another

Please indicate the parking requirements on the improvement plan sheets fore existing and proposed residences. Each parking space should be identified and numbered. The edge of pavement for each driveway should be shown. The composition of the driveway should be identified in plan view. A profile of each driveway and elevations or slopes within each parking area are required.

The development is subject to Soquel Transportation Improvement (TIA) fees at a rate of \$4000 per additional lot created. The total TIA fee of \$8,000to be split evenly between transportation improvement fees and roadside improvement fees

If you have any questions please contact Greg Martin at 831-454-2811

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MAY 16, 2005 BY GREG J MARTIN =====

**COUNTY OF SANTA CRUZ**  
INTER-OFFICE CORRESPONDENCE

DATE: May 5, 2005

TO: Randall Adams, Planning Department

FROM: Carl Rom, Department of Public Works *Carl*

SUBJECT: APPLICATION 05-0253, APN 037-151-03, MERRILL ROAD

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As with all land divisions, the developer will have to submit a map and improvement plan to Public Works for review and approval. Upon approval of the plans and prior to recording the map, 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 comments specific to the subject application:

1. The application number should appear on all pages of the tentative map.
2. The tentative map or preliminary improvement plan should include information about zoning, utility purveyors, geotechnical engineer, grading quantities, standard general notes, etc.
3. The vicinity map on the tentative map and slope analysis sheets is incorrect.
4. Section 2 on Sheet C02 is pretty confusing, and it's not clear where it's going to be used.
5. The grading plan and sections show the creation of 2:1 slopes through the new property lines, which seems as if it would create drainage and/or erosion problems.

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

# SANTA CRUZ COUNTY SANITATION DISTRICT

## INTER-OFFICE CORRESPONDENCE

DATE: May 16, 2005  
TO: Planning Department, ATTENTION: RANDALL **ADAMS**  
FROM: Santa Cruz County Sanitation District  
SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE  
FOR THE FOLLOWING PROPOSED DEVELOPMENT  
APN: 37-151-03 APPLICATION NO.: 05-0253  
PROJECT DESCRIPTION: THREE LOT MINOR LAND DMSION

---

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, a new sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

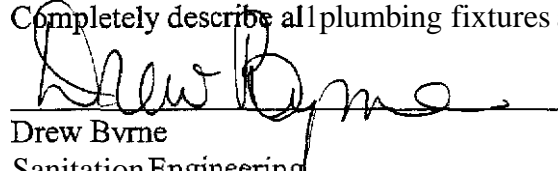
Department of Public Works and District approval shall be obtained for an engineered sewer improvement plan showing sewers needed to provide service to each lot or unit proposed. This plan shall be approved by the District and the County of Santa Cruz Public Works prior to the issuance of any building permits. This plan shall conform to the County of Santa Cruz Design Criteria and shall show any easements necessary. Existing and proposed easements pertaining to this development shall be shown on any required Final Map.

Please be aware that any new parcels created will be subject to the Merrill Road Repayment Area No. 19. This requires that the District collect \$4,467.21, at time of building permit, for every equivalent dwelling unit connecting to the Merrill Road sewer. These funds would then be transferred to the sewer installer for prorata compensation of sewer construction costs. This repayment area expires on November 2, 2005.

Following completion of the discretionary permit process, the following conditions shall be met during the building permit process:

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.

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

  
Drew Byrne  
Sanitation Engineering  
DB:db

c: Applicant: Herb Ichikawa, 3175 Terrace Drive, Aptos CA 95003  
Owner: Conti Leung, 3434 Merrill Road, Aptos CA 95003

**EXHIBIT F**



P.O. Box 158  
Mail to: 6160 Soquel Drive  
Soquel, CA 95073-0158  
PHONE (831) 475-4500 FAX (831) 475-4291

## PROJECT COMMENT SHEET

Date of Review: 3/30/05  
Reviewed By: Carol Carr

Returned Project	Randall Adams County of Santa Cruz
Comments to:	Planning Department 701 Ocean St., Ste. 400 Santa Cruz, CA 95060-4073

Owner: Conti Leung  
3436 Merrill Rd.  
Aptos, CA 96003

Applicant: Herb Ichikawa  
3175 Terrace Dr.  
Aptos, CA 95003

Type of Permit Development Permit  
County Application #: 05-0253

Subjtem APN: 087-161-03

Location: Property located on the west side of Merrill Road approximately 900 feet north of Soquel Drive (3436 Merrill Road).

Project Description: Proposal to divide an existing parcel of approximately 78,000 sq. ft. into three parcels and to construct a second story second dwelling unit above an existing approved garage.

### Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District is considering adopting policies to mitigate the impact of development on the local groundwater basins. The proposed project would be subject to these and any other conditions of service that the District may adapt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

### Requirements

The developer/applicant, without cost to the District, shall:

- 1) Destroy any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:
  - a) All applicants for new water service from Soquel Creek Water District 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 the District for the retrofits and inspection costs in accordance with District procedures for implementing this program.
  - b) Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;

026



P.O. Box 168  
 Mail to: 5180 Soquel Drive  
 Soquel, CA 95073-0168  
 PHONE (408) 475-8800 FAX (408) 475-4291

## PROJECT COMMENT SHEET

- c) All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;  
 District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;
- 4) Complete LAFCO annexation requirements, if applicable;
- 6) All units shall be individually metered with a minimum size of 5/8-inch by 3/4-inch standard domestic water meters;

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.

### Soquel Creek Water District Project Review Comments:

1. SCWD reviewed this project under application no. 05-0163. SCWD has reviewed the plans prepared by Herbert Ichikawa, Architect again as they appear under this application no. 05-0253. Comments remain essentially the same and are re-iterated below.
2. 1) The applicant will need to follow the *Procedures For Processing Minor Land Divisions (MLD)*. 2) A *New Water Service Application Request* will need to be completed and submitted to the SCWD Board of Directors; however, please be advised that additional conditions may be imposed as per the above Notice. A Will Serve Letter, which is the first step in the application process, was issued on 9/7/2004. 3) The applicant shall be required to offset the expected water use of their respective development by a 12 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area. Applicants for new service shall bear those costs associated with the retrofit. Calculations for the expected water demand for the new parcels were issued at the time of the request for a Will Serve letter. Those calculations have been revised to reflect the accessory dwelling unit added to the site. 4) All units shall be metered separately, including accessory dwelling units. 5) All interior plumbing fixtures shall be low flow and have the EPA Energy Star label. 6) The landscape-planting plan has been reviewed and approved by District Conservation Staff. 7) A Fire Protection Requirements Form will need to be completed and reviewed by the appropriate Fire District.

### Attachments:

- ☒ Soquel Creek Water District Procedures for Processing Minor Land Divisions (MLD) dated November 9, 1992
- ☐ Soquel Creek Water District Procedures for Processing Water Service Requests for Subdivisions and Multiple Unit Developments
- ☒ The Soquel Creek Water District Water Use Efficiency Requirements for Single-Family Lots
- ☒ Water Demand Offset Policy Fact Sheet
- ☒ copy of Will Serve Letter
- ☐ Soquel Creek Water District Variance Application
- ☐ Soquel Creek Water District Water Waiver For Pressure and/or Flow
- ☐ Fire Protection Requirements Form



**Board of Directors**  
 Bruce Daniels, *President*  
 Dr. Thomas R. LaHue, *Vice President*  
 John W. Beebe  
 Dr. Bruce Jaffe  
 Daniel F. Krieger

~aurd. Brown, *General Manager*

September 8, 2004

Conti Leung  
 3435 Merrill Ra.  
 Aptos, CA 95003

**SUBJECT: Water Service Application for 3435 Merrill Rd., Aptos, APN 037-151-03**

Dear Mr. Leung:

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** proposed development 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.

## Water Service Application - APN 037-151-03

Page 2 of 3

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:
- a) **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.

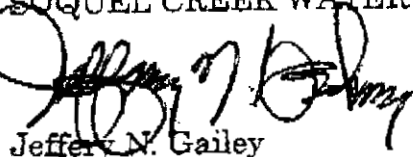
**You are hereby** put on notice that **the Board** of Directors of the **Soquel Creek** Water District **is** considering adopting additional policies to mitigate the impact of new development on the **local** groundwater basins, **which are** currently the District's only source of **supply**. **Such** 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

**Water Service Application - APN 037-151-03****Page 3 of 3**

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**.

Sincerely,

SOQUEL CREEK WATER DISTRICT



Jeffery N. Gailey

**Engineering Manager/Chief Engineer**

Enclosure: Water Use Efficiency Requirements

**MEMORANDUM**Application **No: 050253**

Date: May 13, 2005

To: Randall Adams, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a minor land division with two new residences at Merrill Road, Aptos

**COMPLETENESS ISSUES**

- *The existing garage is not shown on the survey map.*
- *Driveways should be shown continuing to the street.*

**GENERAL PLAN / ZONING CODE ISSUES****Design Review Authority****13.11.040 Projects** requiring design review.

(d) All minor land divisions, as defined in Chapter 14.01, occurring within the Urban Services Line or Rural Services Line, as defined in Chapter 17.02; all minor land divisions located outside of the Urban Services Line and the Rural Services Line, which **affect** sensitive sites; and, all land divisions of **5** parcels (lots) or more.

**Design Review Standards****13.11.072** Site design.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Site Design</b>			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout		✓	<i>The parking parallel to the residences on each lot is inappropriate and unnecessary.</i>

Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship		✓	
Street design and transit facilities	✓		
Relationship to existing structures			N/A
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes	✓		
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

## 13.11.073 Building design.

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Building Design</b>			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture		✓	<i>There should be greater variation than merely change in roof forms.</i>

Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
<b>Scale</b>			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line,	✓		
that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		