



## Staff Report to the Planning Commission

Application Number: **05-0371**

---

**Applicant:** Rossana and Raul Grau  
**Owner:** Rossana and Raul Grau; Darryl and  
Gwen Fomshell  
**APN:** 026-081-25 and 38

**Agenda Date:** April 12, 2006  
**Agenda Item #:** 8  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to transfer about 632 square feet from APN 026-081-25 to APN 026-081-38 and to transfer about 579 square feet from APN 026-081-38 to APN 026-081-25 to correct a structural encroachment (shed); and a proposal to demolish an existing single family dwelling and divide APN 026-081-25 into three parcels (one single family lot and two townhouse units). Requires a lot line adjustment, minor land division, a Residential Development Permit and a variance to increase the driveway access from 50% to 58% of the front yard setback.

**Location:** Property is located on the west side of Capitola Road Extension about 800 feet south of the intersection of Soquel Avenue and Capitola Road Extension. Situs: 310 Capitola Road Extension, Santa Cruz.

**Supervisory District:** Third District (District Supervisor: Wormhoudt)

**Permits Required** Minor Land Division, Residential Development Permit, Variance and Lot Line Adjustment

### Staff Recommendation:

- Certification that the proposal is categorically exempt from further Environmental Review under the California Environmental Quality Act; and
- Approval of Application 05-0371, based on the attached findings and conditions.

### Exhibits

- |  |                                  |
|--|----------------------------------|
| A. Project Plans                                 | G. Will <i>Serve</i> Letters     |
| B. Findings                                      | H. Soil Report Conclusions       |
| C. Conditions                                    | I. Soil Report Acceptance Letter |
| D. Categorical Exemption (CEQA<br>Determination) | J. Arborist Report               |
| E. Assessor's Parcel Map                         | K. Comments & Correspondence     |
| F. Zoning & General Plan Maps                    |                                  |

## Parcel Information

Parcel Sizes:	026-081-25 – 13,541 square feet 026-081-38 – 14,400 square feet
Existing Land Use - Parcel:	026-081-25 – single family residence, misc. outbuildings 026-081-38 – single family residence, misc. outbuildings
Existing Land Use - Surrounding:	Multi and single family residential, cemetery, private school, nonconforming commercial uses
Project Access:	Capitola Road Extension
Planning Area:	Live Oak
Land Use Designation:	R-UM (Medium Density Urban Residential)()
Zone District:	RM-4 (Multi-family residential - 4,000 square foot minimum lot size)
Coastal Zone:	— Inside <u>XX</u> Outside

## Environmental Information

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Soils Report completed
Fire Hazard:	Not a mapped constraint
Slopes:	Gentle to level topography
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	Minimal to no grading anticipated
Tree Removal:	Three trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Drainage plan completed
Archeology:	Reconnaissance completed - no physical evidence on site

## Services Information

Urban/Rural Services Line:	<u>XX</u> Inside    — Outside
Water Supply:	<del>Santa</del> Cmz Municipal
Sewage Disposal:	Santa Cmz County Sanitation District
Fire District:	Central Fire
Drainage District:	Zone 5

## Project Setting

The project site (APN 026-081-25) is essentially level and is developed with a single family dwelling constructed circa 1920 and several outbuildings. This structure is not a designated historic resource in the Santa Cruz Survey of Historic Structures nor is it one of the structures being considered by the Historic Resources Commission for inclusion as a historic resource. These structures are proposed for demolition. There are two oaks at the southeast corner of the site (15-inch diameter and 30-inch diameter) oak, which will be retained. In addition, there is a 60-inch redwood located on the neighboring parcel near the northeast corner of subject parcel. An arborist has evaluated these trees to ensure the project will not adversely affect their long-term viability (Exhibit J). Three existing

trees, a 17-inch walnut, a 5-inch fruit tree and a 5-inch magnolia are located within construction areas and will be removed.

There is a structural encroachment of two sheds belonging to APN 026-081-38 onto the subject parcel (APN 026-081-25) across the rear (western) property line. A lot line adjustment is proposed as part of this application to place the sheds within the boundaries of APN 026-081-38. The proposed lot line adjustment will reduce the size of the subject parcel by 53 square feet.

### **Zoning & General Plan Consistency**

The subject parcel (APN 026-081-25) will be a 13,488 square foot lot after the boundary adjustment. The Department of Public Works Road Engineering Section has required a dedication of a 5-foot wide strip along the parcel frontage for road right-of-way and improvements, which leaves a total of 13,019 square feet of net developable area for the residential development. This parcel is zoned RM-4 (Multi-family residential - 4,000 square foot minimum lot size) and has a R-UM (Medium Density Urban Residential) General Plan land use designation. The purpose of the R-UM General Plan designation is to provide medium density development in areas within the Urban Services Line (USL) served by a full range of urban services with access onto collector or arterial streets and located near neighborhood, community or regional shopping facilities. Capitola Road Extension is designated as an urban collector. The project is designed at 10.0 units per net developable acre, which falls within the density range of 7.3 to 10.8 units per developable acre identified by the General Plan and zoning designation for the parcel. The RM-4 zone district allows for a variety of housing types, and both multi-family and single family residential uses are principal uses for this zone district. The RM-4 zoning is an implementing zone district for the R-UM General Plan designation. The proposed development consists of **one** single-family residential parcel (Parcel A) and two townhouse units with a common area (Parcels B, C and D). The townhouses will be semi-detached dwelling units, meaning the units will have a zero lot line at the shared property boundary. Both the proposed single-family development and the multifamily (townhouse) development are consistent with both the zoning and General Plan designation. The land division's density of 4,337 net developable area for the single family lot and **4,211** and **4,000** net developable square feet per dwelling unit for the townhouse development are consistent with the RM-4 minimum net site area.

The proposed minor land division complies with the zoning ordinance in that the property is intended for residential use, the parcels meet the minimum dimensional standard for the RM-4 zone district. The setbacks on the single family parcel (Parcel A) are meet or exceed the zone district minimum standards of 15 feet for the front yard with a minimum of 20 feet to the garage, 5 foot side yards and 15 feet for the rear yard. The site development standards for the townhouse development are a 15-foot minimum front yard setback, with a minimum of 20 feet to the garage, 15-foot minimum rear yard setbacks and 5-foot setbacks to the exterior property lines. An internal zero lot line is proposed between the two proposed townhouse residences. This configuration is defined as a "semi-detached single family" which is allowed in the RM-4 zone district with a Residential Development Permit. Each proposed residence will cover about 35 percent of the net site area for each lot, which is less than 40 percent maximum allowed. The proposed floor area ratio for the development on each new lot is less than 50 percent of the net site area. The proposed building footprints are shown on the architectural plans included as Exhibit A, as are the lot coverage and floor area ratio calculations.

The subject parcel's configuration is significantly deeper than it is wide and has two large *oak* trees

**Owner:** Rossana and Raul Grau; Danyl and Gwen Fomshell

in the front yard (northeast corner), which constrains the proposed parcels' driveway locations. The applicant has proposed contiguous driveways accessing **the** townhouses in order to minimize paving and disturbance underneath the dripline of the 30-inch *oak* tree. The Department of Public Works' Road Engineering staff has required the applicant to widen the driveway for Parcels B and C for safer access to and from the urban collector (Capitola Road Extension). The driveway configuration that the Department of Public Works staff has approved covers 58% of **the** required 15-foot front yard setback. Section 13.10.554(d) limits access drives to 50% of the required front yard setback for a residential use. Consequently, a Variance to this standard is being sought in accordance with section 13.10.554(l). The purpose of limiting paving and parking within the front yard setback is to avoid excess paving and to encourage landscaped areas along **the** street for aesthetic purposes. The driveway for Parcels B and C has been designed to minimize paving and provide landscaping and preserve the existing *oaks* trees, while meeting **the** safety requirements of the County's Road Engineering section. While it is possible to construct two 13-foot wide driveways that meet would meet the 50% requirement, the separation required between the driveways would place the driveway for Parcel C in close proximity to the 30-inch oak. This proposal would likely harm or eventually kill this tree. Alternatively, reducing the number of units from three to two would result in a project density of 6.7 units per developable acre, which is below the lowest density set forth for the R-UM General Plan density (7.3 units per developable acre). In sum, alternatives to the proposed design are infeasible or counter productive in that they would either provide inadequate ingress and egress or the density would be below that allowed by the General Plan. The variance findings can be made for exceeding 50% of the front yard for parking and are provided in Exhibit B.

## Design Review

The proposed plans have been reviewed by the Urban Designer and found to be consistent with the requirements and objectives of the County Design Review Ordinance. The area is a mixture of older dwellings, duplexes and multifamily and multi-residential development on the west side of Capitola Road Extension. The development on the east side of Capitola Road Extension is a mixture of non-conforming commercial uses, some single family residences and a private school. The proposed project will incorporate site and architectural design features such as articulated second story elements and rooflines, the use of wood siding on the second story and stucco on the first story to reduce the visual impact of the proposed development on surrounding land uses. In addition, the structures **are** setback further from **the** street than the minimum front yard setback to provide open space and landscaping opportunities. The site has been designed to preserve the two existing *oak* trees (15-inch diameter and 30-inch diameters) located at the southeast corner of the site, and to minimize impacts to the 60-inch redwood located on the neighboring parcel to the northeast.

## 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; and

- APPROVAL of Application **Number** 05-0371, based on the attached findings **and** conditions.


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

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

Report Prepared By:

  
Cathleen Carr  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3225  
E-mail: [cathleen.carr@co.santa-cruz.ca.us](mailto:cathleen.carr@co.santa-cruz.ca.us)

Report Reviewed By:

  
Cathv Graves  
Principal Planner  
Development Review

## **SUBDMSION FINDINGS:**

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDMSION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed division of land 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 division of land, its design, and its improvements, are consistent with the General Plan. The project creates one new single-family lot and a new, two-unit townhouse development and is located in the Residential, Urban Medium General Plan designation. This designation allows a density range of density range of 7.3 to 10.8 units per developable acre, which corresponds to lot size requirements of 4,000 to 6,000 net square feet, as well as single and multi-family residential development. The objective of this land use designation is to provide for medium density residential development in areas within the Urban Services Line that are served by a full range of urban services with access onto collector or arterial streets and located near neighborhood, community or regional shopping facilities. As proposed, the three residential units on 13,019 net developable square feet results in a density of 10.0 units **per** net developable acre and is therefore consistent with the General Plan.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the new parcels created, including municipal water and sewer service. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and, with proposed road and driveway improvements, will have adequate and safe vehicular access.

The land division, as conditioned, will be consistent with the General Plan regarding infill development in that the proposed mixed single-family and townhouse development will be consistent with the pattern of the surrounding development, and the design of the proposed homes are consistent with the character of the surrounding neighborhood. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

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, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the RM-4 zone district where the project is located, and all setbacks will **be** consistent with the zoning standards. The

proposed new dwellings will comply with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, minimum site width, floor area ratio and minimum site frontage. A wider driveway has been required by the Road Engineering section of the Department of Public Works for safer ingress and egress to the *two* townhouse units onto the Capitola Road Extension which is an urban collector street. A variance to increase the paving within the front yard setback from 50% to 58% is required to address Public Works' concerns. The Variance Findings for this exception can be made. Please see the Variance Findings.

**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 affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development that meets the site standards, with the exception of a Variance to slightly increase the paving within the front yard of the townhouse lots, as required by the Department of Public Works for access onto Capitola Extension, an urban collector street. No environmental constraints exist which would necessitate the area remain undeveloped.

**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 mapped or observed sensitive habitats or threatened species impede development of the site as proposed. The project was determined to be categorically 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 division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcel, and these services will be extended to serve the new parcels created.

**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 division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from Capitola Road Extension. A five foot wide strip along the frontage of the parcels will be dedicated to the County of Santa Cruz for improvements to the Capitola Road Extension.

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 division of land 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 given the orientation of the existing lot. All of the proposed parcels are conventionally configured and the proposed building envelopes meet the minimum setbacks as required by the zone district 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 proposed lot sizes meet the minimum dimensional standards for the RM-4 zone district, and all development standards for the zone district will be met.

The proposed plans have been reviewed by the Urban Designer and found to be consistent with the requirements and objectives of the County Design Review Ordinance. The area is a mixture of older dwellings, duplexes and multifamily and multi-residential development on the west side of Capitola Road Extension. The development on the east side of Capitola Road Extension is a mixture of non-conforming commercial uses, some single family residences and a private school. The proposed project will incorporate site and architectural design features such as articulated second story elements and rooflines, the use of wood siding on the second story and stucco on the first story to reduce the visual impact of the proposed development on surrounding land uses. In addition, the structures are setback further from the street than the minimum front yard setback to provide open space and landscaping opportunities. The site has been designed to preserve the two existing oak trees (15-inch diameter and 30-inch diameters) located at the southeast corner of the site, and to minimize impacts to the 60-inch redwood located on the neighboring parcel to the northeast.

## **Residential Development Permit Findings**

1. THAT THE PROPOSED LOCATION OF THE PROJECT AND THE CONDITIONS UNDER WHICH IT WOULD BE OPERATED OR MAINTAINED WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OR THE GENERAL PUBLIC, AND WILL NOT RESULT IN INEFFICIENT OR WASTEFUL USE OF ENERGY, AND WILL NOT BE MATERIALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY.

The location of the proposed residential development – one single family dwelling and two townhouse units sharing a common wall (semi-detached)- 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. Specifically, the project is located in an area designated for multifamily and single family residential uses and is not encumbered by physical constraints that preclude development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. A soils engineering report has been completed to ensure the proper design and functioning of the proposed residences. The proposed residential development will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood.

An engineered drainage plan has been prepared for the project. The proposed drainage plan will handle the runoff generated by the increased impervious surfaces associated with the proposed development.

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.

The project site is located in the **RM-4** (Multi-Family Residential - 4,000 square foot minimum) zone district. The two-unit townhouse development with semi-detached dwelling units and the single family residence proposed and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-4 zone district, with the exception of the paving in the front yard setback of the townhouse lots for which a variance is sought. The project meets the site standard requirements (setbacks, lot coverage, floor area ratio, height, parking and open space) for residential development on a RM-4 parcel, and semi-detached dwelling units are an allowed use in the **RM-4** zone district. The Road Engineering staff in the Department of Public Works has required a wider driveway accessing the two townhouse units due to the project's location on an urban collector street. Engineering staff recommended this change to allow for easier and safer turning movements and access to and from the townhouses and the Capitola Road Extension. The wider driveway requires a Variance to increase the paving in the front yard from 50% to 58%. Please see Variance findings for further discussion.

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.

As discussed in Subdivision Finding #2, the project creates three new residential lots – one single-family lot and a two-unit townhouse development. The project site is located in the Residential, Urban Medium General Plan designation. This designation allows a density range of 7.3 to 10.8 units per developable acre, which corresponds to lot size requirements of 4,000 to 6,000 net square feet. The objective of this land use designation is to provide for medium density residential development in areas within the Urban Services Line that have a full range of urban services with access to urban collector or arterial streets and regional shopping. As proposed, the three residential units on 13,019 net developable square feet results in a density of 10.0 units per net developable acre and is therefore consistent with the General Plan.

The proposed residential development will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the residential development will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed residential development will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed residential development will comply with the site standards for setbacks, lot coverage, floor area ratio, height, and number of stories set forth for the RM-4 zone district and will result in structures consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

4. THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it is a residential development on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be a net of two (2) peak trips per day (1 peak trip per new dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed residential development 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 in the vicinity, in that the proposed structure is two stories, in a mixed neighborhood of both one and two story home, multiple units and duplexes and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

6. THE PROPOSED DEVELOPMENT PROJECT IS CONSISTENT WITH THE DESIGN STANDARDS AND GUIDELINES (SECTIONS 13.11.070 THROUGH 13.11.076), AND ANY OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER.

The proposed development is consistent with the Design Standards and Guidelines of the County Code in that the proposed residential development will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The existing oak trees have been incorporated

into the design of the land division in order to retain these trees.

## Variance Findings

1. THAT BECAUSE OF SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY, INCLUDING SIZE, SHAPE, TOPOGRAPHY, LOCATION, AND SURROUNDING EXISTING STRUCTURES, THE STRICT APPLICATION OF THE ZONING ORDINANCE DEPRIVES SUCH PROPERTY OF PRIVILEGES ENJOYED BY OTHER PROPERTY IN THE VICINITY AND UNDER IDENTICAL ZONING CLASSIFICATION.

The subject parcel's configuration is significantly deeper than it is wide and has two large *oak* trees in the front yard (northeast corner), which constrains the proposed parcels' frontages and driveway locations. The applicant has proposed contiguous driveways accessing the townhouses in order to minimize paving and disturbance underneath the dripline of the 30-inch *oak* tree. Because Capitola Road Extension is an urban collector street, the Department of Public Works' Road Engineering staff has required the applicant to widen the driveway for Parcels B and C to allow for improved turning radii and therefore safer access to and from Capitola Road Extension. The driveway configuration that the Department of Public Works staff has strongly recommended covers 58% of the required 15-foot front yard setback. Section 13.10.554(d) limits access drives to 50% of the required front yard setback for a residential use. While it is possible to construct two 13-foot wide driveways that meet would meet the 50% requirement, the separation required between the driveways would place the driveway for Parcel C in close proximity to the 30-inch *oak*. This proposal would likely harm or eventually kill this tree, which is a significant aesthetic feature for the neighborhood and would be inconsistent with the County's Design Review ordinance. Alternatively, reducing the number of units from three to two would result in a project density of 6.7 units per developable acre, which is below the lowest density set forth for the R-UM General Plan density (7.3 units per developable acre), which conflicts with the County's General Plan policy for density. The strict application of this zoning regulation deprives the owner for development that meets the General Plan density, which is a privilege enjoyed by others with parcels in the R-UM General Plan designation, with similar net developable area in the **RM-4** zone district.

While it is possible to construct two 13-foot wide driveways that meet would meet the 50% requirement, the separation required between the driveways would place the driveway for Parcel C in close proximity to the 30-inch *oak*.

2. THAT THE GRANTING OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF ZONING OBJECTIVES AND WILL NOT BE MATERIALLY DETRIMENTAL TO PUBLIC HEALTH, SAFETY, OR WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS IN THE VICINITY.

The granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity for the following reasons. The Road Engineering staff of

the Department of Public Works has required the wider driveway for the townhouse units to allow for turning movements for safer access onto Capitola Road. Thus, the purpose of the proposed variance is to promote health and safety. The purpose of limiting paving and parking within the front yard setback is to avoid excess paving and to encourage landscaped areas along the street for aesthetic purposes. The minor increase of 8% for the proposed driveway has been designed to maintain a landscaped area and to preserve the existing *oaks* trees, while meeting the safety requirements of the County's Road Engineering section. Thus, the granting of this variance will not be materially detrimental to public health, safety, or welfare or injurious to property or improvements in the vicinity.

3. THAT THE GRANTING OF SUCH VARIANCES SHALL NOT CONSTITUTE A GRANT OF SPECIAL PRIVILEGES INCONSISTENT WITH THE LIMITATIONS UPON OTHER PROPERTIES IN THE VICINITY AND ZONE IN WHICH SUCH IS SITUATED.

The granting of the variance to use more than 50% (58%) of the required front yard setback for access will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone district in which the property is situated, in that multi-family residential properties with similar lot frontage restrictions, requiring access onto an urban collector or arterial street, that have large trees that need to be preserved in accordance with the Design Review regulation (Chapter 13.11) would be given equal consideration for a small increase in the amount of the front yard used for access and parking. Increasing the allowed use of the front yard setback will provide the property owner with a driveway meeting the Department of Public Works' Road Engineering section's ingress and egress requirements onto an urban collector, while maintaining the two existing *oak* trees. The granting of the Variance would not be considered a special privilege, considering a two-unit townhouse development on a slightly wider lot (4 feet wider) could construct a driveway meeting the Department of Public Works' requirements without needing this site standard variance. While it is possible to construct separated driveways for the two townhouses without exceeding 50% of the front yard setback, this configuration would require the removal of one 30-inch oak tree and a 15-inch *oak* tree which have considerable aesthetic value and would be inconsistent with the goals of the Design Review regulations in Chapter 13.11 of the County Code. In sum, alternatives to the proposed design are infeasible or counter productive in that they would either provide inadequate ingress and egress, would result in a density of development below that allowed by the General Plan or would require the removal of two large trees providing aesthetic value to the neighborhood and which are required to be preserved whenever possible. The granting of the variance to increase the paving for access within the front yard setback from 50% to 58% is not a special privilege and is not inconsistent with limitations of other RM zoned properties in the vicinity with similar widths, accessing an urban collector or arterial street and retaining significant trees within the front yard setback.

Consequently, a Variance to this standard is being sought in accordance with section 13.10.554(1). The purpose of limiting paving and parking within the front yard setback is to avoid excess paving and to encourage landscaped areas along the street for aesthetic purposes. The driveway for Parcels B and C has been designed to minimize paving and provide landscaping and preserve the existing *oaks* trees, while meeting the safety requirements of the County's Road Engineering section. The width of the original parcel precludes the construction of three driveways that meet County Design standards for width and off-street parking dimensions without exceeding 50% of the front yard setback. Reducing the number of units from three to two would result in a project density of 6.7

units per developable acre, which is below the lowest density set forth for the R-UM General Plan density (7.3 units per developable acre).

Alternatives to the proposed design are infeasible or counter productive in that they would result in inadequate fire vehicle access to the project and to nearby homes, require a variance to the required number of off street spaces or create an unnecessary hardship to the property owner. The granting of the proposed variance will not be detrimental to public health, safety or welfare and will not be injurious to nearby property or improvements.

## **Lot Line Adjustment Findings**

1. THE LOT LINE ADJUSTMENT WILL NOT RESULT IN A GREATER NUMBER OF PARCELS THAN ORIGINALLY EXISTED.

This finding can be made in that there were two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment and prior to the permitted land division of one of the parcels (APN 026-081-25).

2. THE LOT LINE ADJUSTMENT CONFORMS WITH THE COUNTY ZONING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 13.10.673), AND THE COUNTY BUILDING ORDINANCE (INCLUDING, WITHOUT LIMITATION, COUNTY CODE SECTION 12.01.070).

This finding can be made. No additional building sites will be created by this transfer, because the proposed lot line adjustment will place an outbuilding that straddles the property line and a shed over the property line on the adjacent parcel onto the parcel to which they belong. The parcel that will be subdivided will be slightly smaller in area after the lot line adjustment. None of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', are zoned 'TP' or have a designated Timber Resource as shown on the General Plan maps. Both lots are currently developed with single family dwellings and outbuildings. Both parcels will be significantly larger than the 4,000 square feet, which is the minimum parcel size for the RM-4 zone district.

3. NO AFFECTED PARCEL MAY BE REDUCED OR FURTHER REDUCED BELOW THE

## Conditions of Approval

### Minor Land Division, Lot Line Adjustment, Residential Development and Variance Permit 05-0371

Applicant: Rosanna Grau

Property Owners: Rosanna and Raul Grau (APN 026-081-25); Darryl and Gwen Fomshell (APN 026-081-38)

Assessor's Parcel Number(s): 026-081-25 and 38

Property Address and Location: Property is located on the west side of Capitola Road Extension about 800 feet south of the intersection of Soquel Avenue and Capitola Road Extension. Situs: 310 Capitola Road Extension, Santa Cruz.

Planning Area: Live Oak

---

Exhibits:

A. Tentative Map and Preliminary Improvement Plans, 7 sheets, prepared by Joe Akers, Engineer, last revised 3/09/06

Architectural and floor plans prepared by unsigned, dated June 2005;

Landscape Plans prepared by Greg Lewis, Landscape Architect, dated 6/09/05

---

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
  - A. Sign, date and return one copy of the Permit Form to indicate acceptance and agreement with the conditions thereof, and
  - B. Record the Conditions of Approval on the Final Map. The conditions of approval shall be applicable to all resulting parcels.
  - C. **The property owner(s) shall sign and record the Indemnity Waiver prior to submittal of the Final Map. Submit proof that the Indemnity Waiver has been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).**
- 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) single-family parcel and two (2) townhouse lots with one parcel in common ownership.
- C. The minimum lot size shall be 4,000 square feet, net developable land for the single family residential lot and a minimum density of 4,000 square feet, net developable land per unit for the townhouse lots.
- D. The following items shall be shown on the Parcel Map:
  1. Development envelopes and/or building setback lines located according to the approved Tentative Map. The building envelope shall meet the minimum setbacks for the **RM-4** zone district. Garages shall be a minimum of 20 feet from the edge of the sidewalk or from the edge of the right-of-way, whichever is the more restrictive setback.
  2. Show the net area of each lot to nearest square foot.
  3. The parcel map shall clearly delineate the intended uses of the common area, exclusive use easements *are* permitted for the driveways in the front yard area
  4. The owner's certificate shall include:
    - a. An irrevocable offer of dedication to the County of Santa Cruz for a five (5) foot wide strip of land along the frontage of Capitola Road Extension shall be shown on the Tentative Map.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
  1. Lots shall be connected for water service to City of Santa Cruz Water District.
  2. Lots shall be connected for sewer service to Santa **Cruz** County Sanitation District. All regulations and conditions of the Sanitation District shall be met.

3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in Exhibits "A" and shall also meet the following additional conditions:
  - a. Exterior finishes shall incorporate stucco side, wood shingles, and wood trim (painted in subdued tones) with accents and details, as shown on the approved plans. T1-11 type wood siding is not permitted.
  - b. Notwithstanding the approved preliminary architectural plans, all future developments shall comply with the development standards for the **RM-4** zone district. The development of any lot shall not exceed 40 percent lot coverage, or 50 percent floor area ratio, or other standards ~~as~~ may be established for the zone district.
  - C. All required on-site parking shall be shown on the plans.
  - d. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface (existing and final grades) and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site, which clearly depict the total height of the proposed structure.
  - e. For building sites containing fill placed as **part** of the land division improvements, the building height shall include the height of the fill above the original grade.
  - f. No fencing shall exceed three feet in height within the required front yard or street-side setbacks and shall not exceed six feet in height within the required interior side or rear yard setbacks.
  - g. Trimming or pruning of the *oak* trees in the common area is prohibited, unless completed under the supervision of the project certified arborist.
4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations and to the tree preservation recommendations contained in the Arborist Report by Matt Horowitz:
  - a. Turf Limitation. Turf area shall not exceed 25 percent of the total



landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.

- b. Plant Selection. At least 80percent of the plant materials selected for non-turf areas (equivalent to **60** percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
  - i. Plantings are prohibited within the critical root zone of the two existing *oak* trees.
  - ii. The critical root zone of the existing *oaks* shall be treated with mulch, wood chips, river rock or other treatment as recommended by the project Arborist.
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of **6** inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, overspray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
  - i. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list **the** amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
  - ii. Irrigation within the critical root zones established in the Arborist's Report is prohibited. Irrigation outside of the critical root zone, but under the dripline of each existing *oak*

shall be limited to very low flow drip-type emitters.

- iii. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
  - iv. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - v. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- e. All planting shall conform to the preliminary plan shown as part of Exhibit A, except that the two trees planted in the front landscaping shall be 24" box in size. Also:
- 1. All landscaping shall be permanently maintained by the property owner including any plantings within the County right of way along the frontage of the property.
  - ii. Any trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
  - iii. Notes shall be added to the improvement plans and the building permit plans that include all of the tree protection measures specified in the Arborist Report in order to protect the two existing *oak* trees during construction.
5. The final plans shall be consistent with the recommendation of the accepted soils report by *Tharp* and Associates, dated April 2005. Final plans shall reference the project soils report and soils engineer. A plan review letter from the project soils engineer is required.
6. The final plans shall be consistent with the recommendations of the accepted arborist report by Matt Horowitz, dated July 29, 2005. The final plans shall reference the project arborist report and include the arborist's name and contact number. A plan review letter ~~from~~ the project arborist is required.
7. Submit grading and drainage plans that include limits of grading, estimated earthwork, cross sections through all pads delineating existing and proposed cut and fill areas, existing and proposed grades, existing and proposed

drainage facilities, and details of devices such as back drains, culverts, energy dissipaters, etc. Final drainage and grading plans shall incorporate the comments of Alyson Tom dated October 12, 2005 and shall include the following:

- a. The final drainage plan shall include swales to allow for safe overflow from the retention facilities to Capitola Road Extension.
    1. For swales located under the dripline of **the** existing *oak* trees, the location(s) and construction types and construction methods must be specified on the plans and reviewed and approved in writing by the project arborist.
  - b. Clarify the overflow that will sheetflow at the rear of the property maintaining existing drainage patterns.
  - c. Zone 5 drainage fees will apply to the net increase in impervious surface.
  - d. **The** final grading plans shall include all tree protection measures including fencing locations and specifications set forth in the accepted Arborist Report.
  - e. The final grading plans shall be reviewed and approved by **the** Environmental Planning Section of the Planning Department and the Department of Public Works.
8. 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. In the case of Live *Oak* School District, the applicant/developer is advised that **the** development may be subject to inclusion in a Mello-Roos Community Facilities District.
9. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the location and **type** of erosion control practices and devices to be used and shall include the following:
- a. **An** effective sediment barrier placed along the perimeter of **the** disturbance area and maintenance of the barrier.
  - b. Soil management that prevents loose material from leaving the site.

c. A plan to prevent construction vehicles from carrying soil, dirt, gravel, or other material onto public streets. The owner/applicant is responsible for cleaning the street should materials from the site reach the street.

d. Tree protection fencing and straw bales.

10. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.

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 Santa Cruz County Sanitation District as stated in the District's letter dated June 22, 2005 including, without limitation, the following standard conditions:

1. Submit and secure final approval of an engineered sewer improvement plan showing on-site and off-site sewers needed to provide service to each lot proposed. The improvement plan shall conform to the County's "Design Criteria" and shall also show any roads and easements.

2. All existing and proposed easements shall be shown on the Final Map.

3. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district, if applicable.

C. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.

D. Engineered improvement plans are required for this land division, and an agreement backed by financial securities is 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. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations, and cross-sections for the grassy lined swales. The plans shall show construction details for the detention system. The detention system should include safe overflow and bypass provisions. Describe all paths of runoff.
  3. The final improvement plans shall be consistent with the recommendations of the accepted arborist report by Matt Horowitz, dated July 29, 2005. The final plans shall reference the project arborist report and include the arborist's name and contact number. A plan review letter from the project arborist is required.
  4. Plans shall comply with the accepted soils report by Tharp and Associates, dated April 2005. Plan review letters shall be submitted as needed to verify that the plans are in compliance with geotechnical recommendations.
- E. Engineered improvement plans for all water line extensions, if required by City of Santa Cruz, shall be submitted for the review and approval of the water agency.
- F. A street lighting plan shall be submitted and installed.
- G. All requirements of the Central Fire District shall be met as set forth in the District's letter dated June 21, 2005.
- H. Park dedication in-lieu fees shall be paid for two (2) dwelling units. These fees are \$3,000 per unit (which assumes three bedroom units at \$1,000 per bedroom), but are subject to change.
- I. Transportation improvement fees shall be paid for two (2) dwelling units. These fees are \$2,000 per unit, but are subject to change.
- J. Roadside improvement fees shall be paid for two (2) dwelling units. These fees are \$2,000 per unit, but are subject to change.
- K. Child Care Development fees shall be paid for two (2) dwelling units. These fees are \$327 per unit (which assumes three bedroom units at \$109 per bedroom), but are subject to change.
- L. Inclusionary Housing In-lieu Fee for Small Residential Projects shall be paid for one (1) new dwelling unit. This fee is \$10,000 per unit, but is subject to change.
- M. 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.

- N. A Homeowners Association shall be formed for maintenance of all areas under common ownership including driveways, front, side yard landscaping, drainage, water lines, sewer laterals and maintenance of the common roof area and shared wall for the townhouse development (Parcels B, C and D).
- O. The applicant shall furnish a copy of the CC&Rs for the townhouse development for review and acceptance by County Counsel and the Planning Department.

IV. All future construction within the property shall meet the following conditions:

- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. 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.
- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless *the* Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- C. 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).
- D. 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.
- E. 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 and 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.

- F. Construction of improvements shall comply with the requirements and recommendations of the accepted soil report by Tharp and Associates, dated April 2005. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with any geotechnical recommendations.
  - G. Construction of improvements and landscaping adjacent to the two *oak* trees shall comply with the requirements and recommendations of the accepted arborist report by Matt Horowitz, dated July 29, 2005. The arborist engineer shall supervise any trenching within the trees' driplines and shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with any report recommendations.
  - H. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
  - I. The health of the *oak* trees shall be evaluated by the project arborist within six months of completion of the land division improvements for health and long-term viability.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- A. The health of the *oak* trees on Lot D shall be monitored by the project arborist shall be monitored for a one-year period of time for health and vigor.
  - B. Any *oak* that dies or is removed shall be replaced by a minimum of one 36-inch box live *oak* tree.
- 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.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

**AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE  
PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

---

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.

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

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

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

---

Cathy Graves  
Principal Planner

---

Cathleen Carr  
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: 05-0371

Assessor Parcel Number: 026-081-25 and 38

Project Location: 310 Capitola Road Extension

Project Description: Proposal to adjust the boundary between two parcels to correct a structural encroachment remove 3 houses and divide a parcel into seven new single-family residential lots between **6,000** and **9,500** square feet in size and to grade about **900** cubic yards of grading

Person or Agency Proposing Project: Rossana and Raul Grau

Contact Phone Number: **(831) 901-2282**

- 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:

F. Reasons why the project is exempt:

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

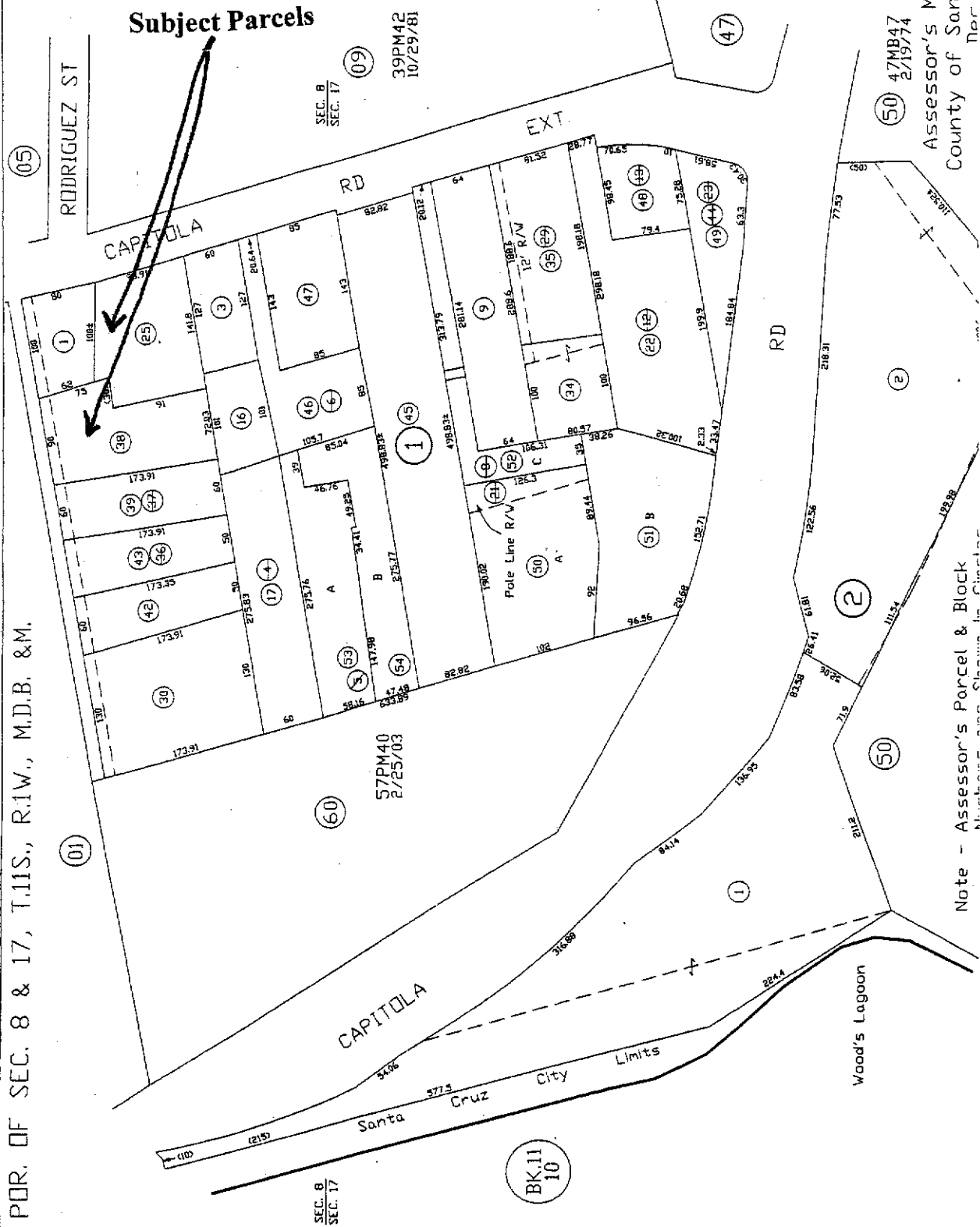
In addition, none of the conditions described in Section 15300.2 apply to this project



Cathleen Carr, Project Planner

Date: 3/13/06

POR. OF SEC. 8 & 17, T.11S., R.1W., M.D.B. & M.



Assessor's Map No. 26-08  
County of Santa Cruz, Calif.  
Per 2001

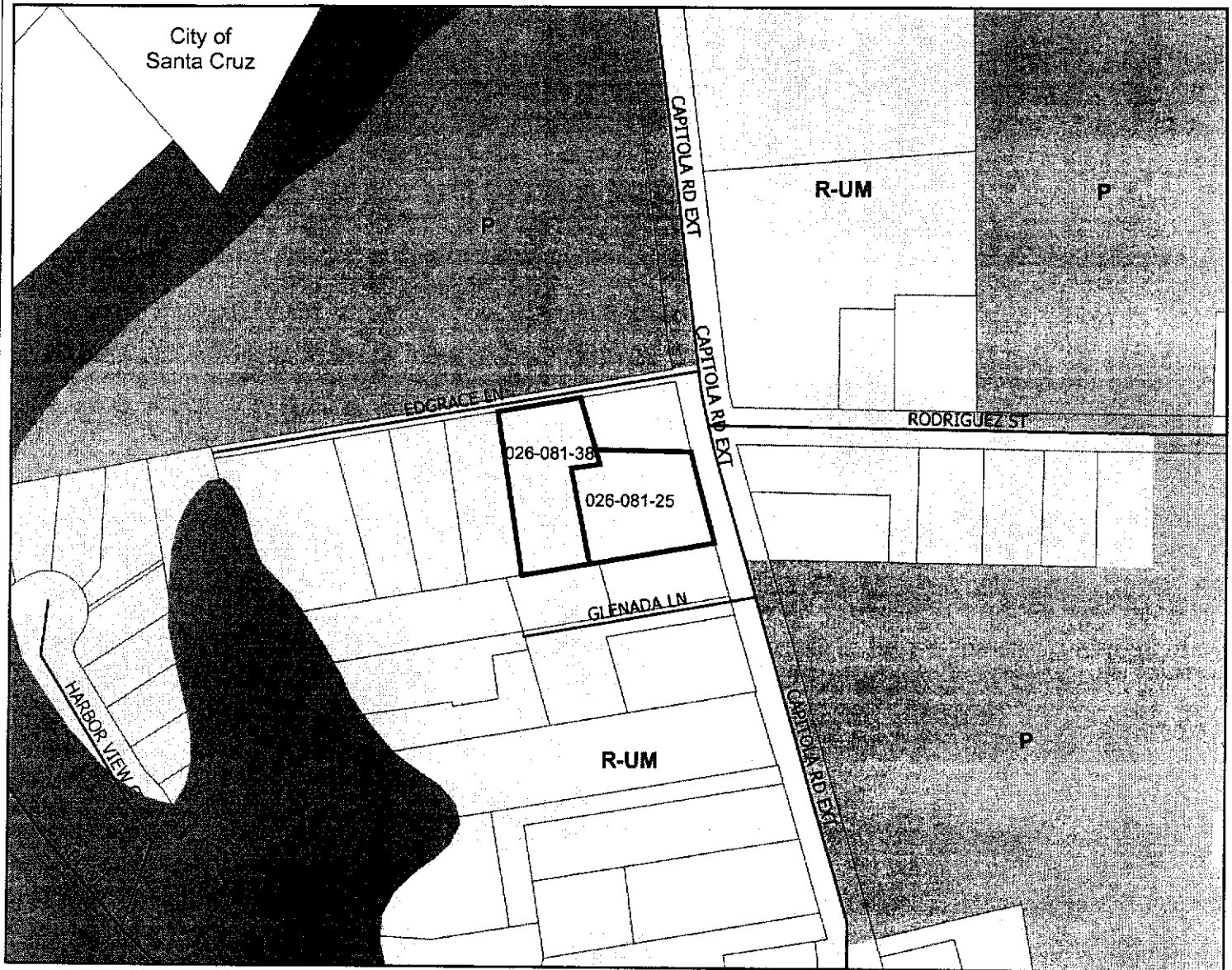
Note - Assessor's Parcel & Block

ASSESSOR'S PARCEL MAP


EXHIBIT E

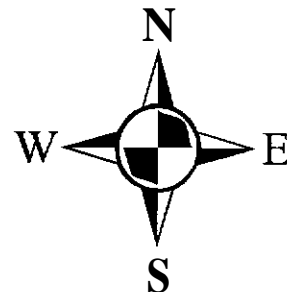


# General Plan Designation Map



## Legend

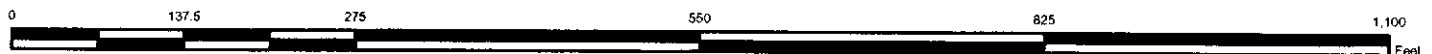
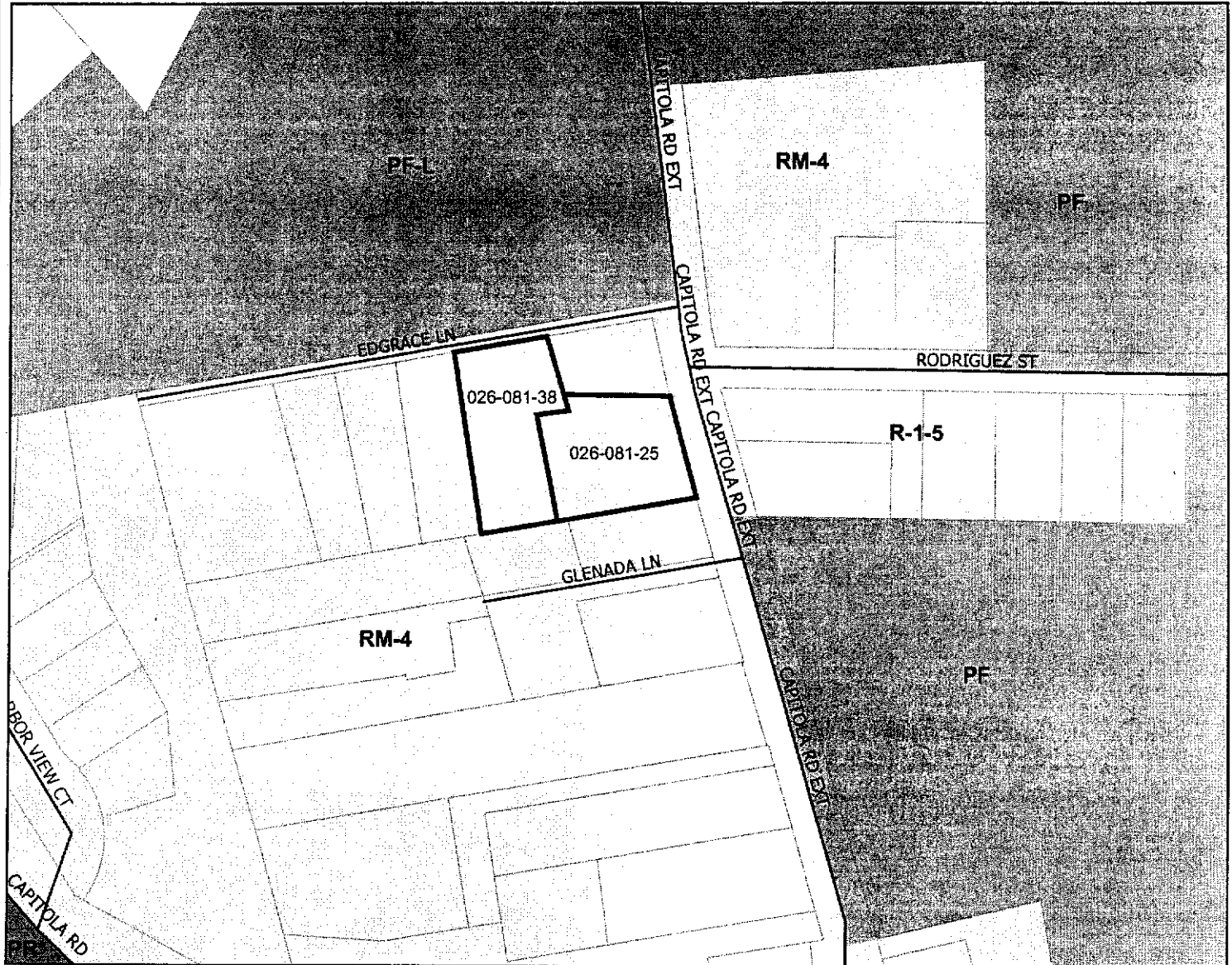
-  APNs 026-081-25 & 026-081-38
-  Streets
-  Assessors Parcels
-  Public Facilities (P)
-  Residential - Urban Medium Density (R-UM)
-  Urban Open Space (O-U)










Map Created by  
County of Santa Cruz  
Planning Department  
June 2005

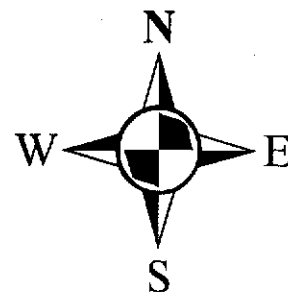


# Zoning Map



## Legend

-  APNs 026-081-25 & 026-081-38
-  Streets
-  Assessors Parcels
-  PARK (PR)
-  PUBLIC FACILITY (PF)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  CITY PROPERTY



Map Created by  
County of Santa Cruz  
Planning Department  
June 2005

# NEW WATER SERVICE INFORMATION FORM

## SANTA CRUZ MUNICIPAL UTILITIES

809 Center Street, Room 102  
Santa Cruz, CA 95060  
Telephone (831) 420-5210

Multiple AFN? N

APN: **026-081-25**

Date: **6/28/2005**

Revision Date 1 :

Revision Date 2 :

**PROJECT ADDRESS: 310 Capitola Road Extension**

### APPLICANT INFORMATION:

Name: **Raul & Rosanna Grau**  
Mail Street: **2305 Benson Ave**  
City/St/Zip: **Santa Cruz CA 95065-**  
Phone: **(831) 901-2282** Fax:   
Cell:

### PROJECT DESCRIPTION:

Lot line adjustments to this and parcel #38 then minor land division of lot 25 into 3 parcels.

### SECTION 1 EXISTING MAIN AND SERVICES

Main Size/Type/Age: **14" CI 1966**

Elevation zone: **N**

Sizes	Account #'s	Old SIO #'s	Status	Date Closed	Type
3/4"	070-0775		Active		sfd

*No connection fee credit(s) for services inactive over 24 months*

### SECTION 2 FIREFLOWS

Hyd # **1117** Size/Type: **6" dbl** Static **80** Res **72** Flow **1256** Flow w/20# Res. **3728** FF Date **05/03**

Location: **on Capitola Rd Ext @ Rodriguez St**

Hyd #  Size/Type:  Static  Res  Flow  Flow w/20# Res.  FF Date

Location:

### SECTION 3 WATER SERVICE FEES

Service Type	Service Size	Meter Size	Meter Type	# SIOs	Meter Eng Inst	Plan Review	Permit Insp	Rvw Fee	Backflow Permit Type	Permit Fee	Water System Dev	Sewer Connection	Zone Capacity
Domestic													
Dom/Fire	2x314	5/8 x 5/8	Disc	3	\$1,578	\$150	\$540				\$15,672		
Irrigation													
Business													
Fire Svc													
Hvdrant			Type										

**WATER SERVICE FEE TOTALS** **\$1,578** **\$150** **\$540** **5** **5** **\$47,016** **\$** **\$00**

**Street Opening Fee** **\$** **Irr Plan Review Fee** **\$** **Total** **\$49,284** **-Credits** **\$6,530** **GRAND TOTAL** **\$42,754**

### ADDITIONAL COMMENTS

Townhouse units may share fire service if on a single parcel. Otherwise each individual parcel must have its own fire and domestic service. Fees listed above include credit for one existing single family dwelling. Water system development charges for standard single family dwelling = \$6,530, for townhouse units = \$4,571 ea. List of SCWD approved service installation contractors enclosed for your use.

### SECTION 4 QUALIFICATIONS

1. Service will be furnished upon:

(1) payment of the required fees due at the time service is requested (a building permit is required), and; (2) installation of the adequately sized water services, water mains and fire hydrants as required for the project under the rules and regulations of the Santa Cruz Water Department and the appropriate Fire District and any restrictions that may be in effect at the time application for service is made.

2. Fees and charges noted above are accurate as of the date hereof, and are subject to change at any time without notice to applicant.

BP#  PLAN APP # **05-0371** PLANNER **Cathleen Carr** REVIEWED BY **M. Fisher**

NOTICE: This form does not in any way obligate the City. It is provided only as an estimate to assist you in your planning and as a record for the Water Department. The requirements set forth on this form may be changed or corrected at any time without prior notice. Fees collected by other agencies are not included on this form.

**SANTA CRUZ COUNTY SANITATION DISTRICT**  
**INTER-OFFICE CORRESPONDENCE**

DATE: June 22, 2005

TO: Planning Department, ATTENTION: CATHLEEN CARR

FROM: Santa Cruz County Sanitation District

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

APN: 026-081-25 APPLICATION NO.: 05-0371

PARCEL ADDRESS: 310 CAPITOLA ROAD EXT.

PROJECT DESCRIPTION: DEMOLISH ONE SINGLE FAMILY RESIDENCE, CONSTRUCT ONE  
SINGLE FAMILY RESIDENCE, TWO TOWNHOUSE UNITS

---

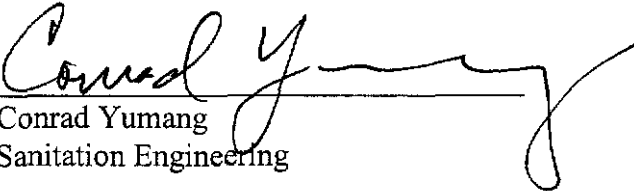
Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this 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.

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.

Existing lateral(s) must be properly abandoned (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.

The plan shall 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.

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

  
Conrad Yumang  
Sanitation Engineering

CAY:abc/4 18.wpd

c: Property Owner: GRACE, RAUL & ROSSANA  
2305 BENSON AVENUE  
SANTA CRUZ CA 96065

(Rev. 3-96)

30

**EXHIBIT G**

April 19, 2005  
Project No. 05-22

Rossana Grau  
1715 42<sup>nd</sup> Avenue, Suite C  
Capitola, California 95010

SUBJECT:           **GEOTECHNICAL INVESTIGATION - DESIGN PHASE**  
§                   Proposed New Single Family Residence and New Duplex  
                      310 Capitola Road Extension, Santa Cruz County, California

REFERENCE:       R.B. Seed, K.O. Cetin, R.E.S. Moss, A.M. Kammerer, J. Wu, J.M. Pestana,  
                      M.F. Riemer, R.B. Sancio, J.D. Bray, R.E. Kaven, A. Faris, Recent Advances  
                      In Soil Liquefaction Engineering: A Unified And Consistent Framework,  
                      Dated April 30, 2003.

Dear Ms. Grau:

I.     **INTRODUCTION**

1.1   Purpose

- a.     This report presents the results of our geotechnical investigation for the proposed new single family residence and new duplex located at 310 Capitola Road Extension in Santa Cruz County, California.
- b.     The purpose of our investigation is to provide preliminary geotechnical design parameters and recommendations for development of the site. Conclusions and recommendations related to site grading, drainage, helix anchors, slabs-on-grade, retaining structures, and pavements are presented herein.
- c.     Final grading, structural, and foundation plans are unavailable as of the date of this report. The intention, as we understand it, is to use the findings and recommendations of this report as a basis for developing such plans.

## 1.2 Proposed Development

- a. Based on our discussions, it is our understanding that the subject project consists of the construction of a new single family residence and a new duplex.
- b. Anticipated construction consists of wood frame walls, and roof with concrete slab-on-grade garage floors. Exact wall, column and foundation loads are unavailable, but are expected to be typical of such construction.
- c. Also anticipated is the construction of attendant driveways, utilities, retaining structures, and associated landscape improvements.
- d. The subject site consists of a developed parcel off of Capitola Road Extension in Santa Cruz County, California. The site is developed with a single family residence and auxiliary structures. It is our understanding that the existing residence and auxiliary structures are to be removed.

## 1.3 Scope of Services

The scope of services provided during the course of our investigation included:

- a. Review of previous geotechnical, geologic, and seismological reports and maps pertinent to the site.
- b. Field exploration consisting of 3 borings, drilled to depths between 19.0 ± feet and 9.0 ± feet below existing grade.
- c. Logging and sampling of the boring by our Field Engineer, including the collection of soil samples for laboratory testing.
- d. Laboratory testing of soil samples considered representative of subsurface conditions.
- e. Geotechnical analyses of field and laboratory data.
- f. Preparation of a report (6 copies) presenting our findings, conclusions and recommendations.

## 1.4 Authorization

This investigation, as outlined in our Proposal dated April 4, 2005, was performed in accordance with your written authorization of April 12, 2005.



- c. Grain size analyses were performed on three samples considered representative of the potentially liquefiable soils encountered. Results of our grain size analyses are presented in Appendix B, Figures B-5 and B-6.

#### 5.2.3 Results and Discussion

The liquefaction analyses completed for the subject site, under the conditions anticipated during the design seismic event, determined that the silty sands have a low potential for liquefaction. Based on the map produced by William R. Dupre, Maps Showing Geology and Liquefaction Potential of Quaternary Deposits in Santa Cruz County, California, the subject site is located in a zone mapped as Low Potential For Liquefaction.

6 CONCLUSIONS AND RECOMMENDATIONS

6.1 General

- a Based on the results of our investigation, it is our opinion that from the geotechnical standpoint, the subject site will be suitable for the proposed development provided the recommendations presented herein are implemented during grading and construction.
- b If these recommendations are implemented in the design and construction, the danger to life and property is considered an ordinary risk (General Plan).
- c No active faults are known to exist through the site although published maps indicate the presence of faults nearby.
- d Due to the very loose soil conditions, expansive sandy lean clay, and the shallow groundwater, we recommend that the proposed single family residence and duplex be founded on helix anchors and grade beams, raised wood floors and concrete slab-on-grade garage floors. The helix anchors should be founded a minimum of 8 feet below the bottom of the grade beams.
- e Based on the results of our laboratory testing, we recommend that the grade beams be designed to withstand 2000 psf of uplift pressure. The dead load of the residence may be used to offset the expansive pressure on the grade beams.
- f In order to ensure uniform compression characteristics and to obviate any potential for differential settlements, site preparation, consisting of overexcavation and recompaction will be required prior to placement of concrete slabs-on-grade garage floors, new fills, and pavements. See Subsection 6.2.3 for earthwork recommendations. We also recommend that slabs-on-grade (garage and patio) be structurally independent from the grade beams.
- g We recommend that structural retaining walls, if required, for the project, be founded on helix anchors. Due to the expansive nature of the on-site soils, a three foot zone of granular material; 3/4 inch clean gravel, should be placed behind retaining wall. The backdrain for the retaining walls may be incorporated within the 3 foot zone of granular material.

- h Due to the wet soil conditions and to help alleviate the potential for groundwater, and/or irrigation water to migrate tlie beneath grade beams, we recommend that subdrains be placed a minimum of 3 feet below the finished grade, or 1 foot below the bottom of the grade beams whichever is greater. We also recommend that the grade beams be founded a minimum of 2 feet below finished grade. See Subsection 6.4.3, for subdrain design.
- i We consider that tlie anticipated grading will not adversely affect, nor-be adversely affected by, adjoining property, with due precautions being taken.
- j It is assumed that final grades will not vary more than  $3\pm$  feet from current grades. Significant variations will require that these recommendations be reviewed
- k The final Grading Plans, Foundation Plans and design loads should be reviewed by this office during their preparation, prioio- to contract bidding
- l The design recommendations of this report must be reviewed during the grading phase when subsurface conditions in the excavations become exposed.
- m Field observation and testing must be provided by a representative of Tharp & Associates, Inc. to enable them to form an opinion regarding the adequacy oftlie site preparation, the adequacy of fill materials, and the extent to which the earthwork is performed iii accoi-dance with the geotechnical conditions present the requirements of the regulating agencies, the project specifications and the recommendations presented in this report. Any earthwork performed in connection with the subject project without the full knowledge of, and not under the direct observation of Tharp & Associates, Inc., the Geotechnical Consultant, will render the recommendations of this report invalid
- n The Geotechnical Consultant should be notified at least 5 working days prior to any site clearing or other earthwork operations on the subject project in order to observe the stripping and disposal of unsuitable materials and to ensure coordination with the grading contractor. During this period, a preconstruction conference should be held on the site to discuss project specifications, observation/testing requirements and responsibilities, and scheduling. This conference should include at least the Grading Contractor, the Ai-chitect, and the Geotechnical Consultant.

6.3 Foundations

6.3.1 General

- a. Based on the results of our field exploration and laboratory testing, it is our opinion that the site will be suitable for the support of the proposed single family residence and duplex on helix anchors and grade beams, raised wood floors and concrete slab-on-grade garage floors.
- b. **We recommend that the grade beams be founded a minimum of 2 feet below finished grade. This will help to mitigate against moisture infiltration beneath the grade beams.**
- c. We recommend that the grade beams be designed to withstand 2000 psf of uplift pressure. The dead load of the residence may be used to offset the expansive pressure on the grade beams.
- d. At the time we prepared this report, the grading plans and foundation details had not been finalized.
- e. We request an opportunity to review these items during the design stages to determine if supplemental recommendations will be required.

6.3.2 Slabs-On-Grade

- a. **Concrete floor slabs may be founded on compacted engineered fill per the recommendations in Subsection 6.2.3.** The subgrade should be proof-rolled just prior to construction to provide a firm, relatively unyielding surface, especially if the surface has been loosened by the passage of construction traffic.
- b. The allowable bearing capacity used should not exceed 2100 lbs/ft<sup>2</sup>.
- c. A modulus of subgrade reaction of 200 kcf may be used for design purposes.

- d. The slab-on-grade should incorporate a minimum 4 inch capillary break consisting of 3/8 inch to 3/4 inch, clean crushed gravel overlain by a 10 mil waterproof membrane. Structural considerations may govern the thickness of the capillary break. Place a 2 inch layer of moist sand on top of the membrane. This will help protect the membrane and will assist in equalizing the curing rate of the concrete. Where moisture sensitive floor coverings are anticipated or vapor transmission may be a problem, the waterproof membrane will help to reduce moisture condensation under the floor coverings.
- e. Requirements for pre-wetting of the subgrade soils prior to the pouring of the slabs will depend on the specific soils and seasonal moisture conditions and will be determined by the Geotechnical Consultant at the time of construction. It is important that the subgrade soils be thoroughly saturated for 24 to 48 hours prior to the time the concrete is poured.
- f. The subgrade should be presoaked as follows:  
  
With Medium Expansivity Soil - 5 percentage points above optimum, or to 125 percent optimum, whichever is greater, to 15 feet depth
- g. For presoaking purposes the expansivity of the on site soils may be considered Medium
- h. **Due to the expansive on-site soils, we recommend that the concrete slabs-on-grade be reinforced with a minimum of #4 bars 12 inches on center both ways. We recommend that expansion joints be placed a maximum of 9 feet on center. We also recommend that slabs-on-grade (garage and patio) be structurally independent from the grade beams.**
- i. Slab thickness, reinforcement, and doweling should be determined by the Project Structural Engineer, based on the design live and dead loads, including vehicles.



# 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 TOLL (831) 454-2123

**TOM BURNS, PLANNING DIRECTOR**

July 5, 2005

Raul and Rossana Grau  
2305 Benson Ave  
Santa Cruz, CA, 95065

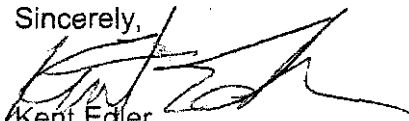
**Subject:** Review of Geotechnical Investigation by Tharp and Associates  
Dated April 19, 2005; Project No. 0522  
**APN: 026-081-25,-38, Application No: 05-371**

Dear Mr. and Mrs. Grau:

The purpose of this letter is to inform you that the Planning Department has accepted the subject report and the following items shall be required:

1. All construction shall comply with the recommendations of the report

Sincerely,



Kent Edler  
Civil Engineer

Cc: Cathleen Carr, Project Planner

**NOTICE TO PERMIT HOLDERS WHEN A SOILS REPORT HAS BEEN  
PREPARED, REVIEWED AND ACCEPTED FOR THE PROJECT**

After issuance of the building permit, the County requires your soils engineer to be involved during construction. Several letters or reports are required to be submitted to the County at various times during construction. They are as follows:

1. When a project has engineered fills and / or grading, a letter from your soils engineer must be submitted to the Environmental Planning section of the Planning Department prior to foundations being excavated. This letter must state that the grading has been completed in conformance with the recommendations of the soils report. Compaction reports or a summary thereof must be submitted.
2. Prior to placing concrete for foundations, a letter from the soils engineer must be submitted to the building inspector and to Environmental Planning stating that the soils engineer has observed the foundation excavation and that it meets the recommendations of the soils report.
3. At the completion **of** construction, a *final letter* from your soils engineer is required to be submitted to Environmental Planning that summarizes the observations and the tests the soils engineer has made during construction. The final letter must also state the following: "Based upon our observations and tests, the project has been completed in conformance with our geotechnical recommendations."

If the *final soils letter* identifies any items **of** work remaining to be completed or that any portions of the project were not observed by the soils engineer, you will be required to complete the remaining items of work and may be required to perform destructive testing in order for your permit to obtain a final inspection.



Forest City Consulting  
Matt Horowitz  
PMB # 305  
225 Crossroads Boulevard  
Carmel, CA 93923  
831-464-9302

July 29, 2005

Rossana Grau  
1715 42<sup>nd</sup> Ave.  
Capitola CA 95010

Re: Arborist Report for APN 026-081-25, 310 Capitola Road Extension

Dear Ms. Grau:

#### Introduction

This letter is to present my findings on the trees located on the parcel described as APN 026-081-25, located in Live Oak California. Please refer to the Tree Map below for the exact location of these trees, (numbered 1 through 3). You asked me to review the proposed plans and make recommendations for tree preservation during your project.

I inspected the trees on July 25, 2005 and made the following observations:

#### Observations

Tree 1 is a mature Coast Redwood (*Sequoia sempervirens*) measuring 60 inches in diameter at breast height (DBH). The root crown, bole and crown of the tree all appear to be healthy at this time.

Tree 2 is a Coast Live Oak (*Quercus agrifolia*) measuring 30 inches DBH. The root crown, bole and crown of the tree all appear to be healthy at this time.

Tree 3 is a Coast Live Oak measuring 17 inches DBH. The root crown appears to be healthy at this time. There is a conk growing on an old limb scar on the bole approximately 4 feet above grade. No other defects were noted on the bole during the inspection. The crown appears to be healthy at this time.

There is a small amount of debris accumulating under the oaks.

The site is adjacent to Capitola Road Extension on the east and bounded by residential properties on the north, west and south sides. The neighborhood is mixed residential and commercial area. There is a slight grade of approximately 1.5% that descends to the west on the parcel. There is an existing home on the site currently. There are high voltage power lines on the eastern edge of





the site. These power lines **will** require periodic **trimming** to maintain compliance **with** state law. This **trimming** is normally done by the utility.

#### Analysis and Testing

All observations **were** made **from** the ground. No root **inspection** was made and **no** invasive **testing** was done.

#### Discussion

Tree 1 is located **near** the northeast corner of the **site**. The driveway to the existing residence runs **adjacent** to tree 1 **along** the **north** side of the site. **Most** of the tree's roots occur **near** the root crown and **this driveway is compromising valuable root zone space**. **Moving** this driveway 15 feet south (as per the plans) will enhance the root zone of **this** redwood. **After** construction **ends**, planned **landscaping** and irrigation near this tree will also enhance the redwood's root zone.

Trees 2 and 3 are located **near the southeast corner** of the property. Currently the plans show a drainage pipe running **dong** the southern edge of the property. **This drainage pipe terminates at Capitola Road Extension** where it discharges its **storm water**.

#### Conclusions

Tree 1 **should** benefit **from this project as proposed**. Trees 2 and 3 are coast live oaks and cannot tolerate summer irrigation **especially** near **the** root crowns where the majority of roots will grow. While **the** proposed drain **would** normally only carry water during **rain** events it **will** lead to quicker field saturation (**of water**) near the root crowns, **reducing** the amount of oxygen available to the **roots** of trees 2 and 3. **This** can compromise tree health over the long term.

The conk noted on tree 3 signifies that the **fungus** has reached sexual maturity and **can** reproduce. **This** tree should be monitored for new **areas** of decay.

#### Recommendations

I recommend **realigning the drainage pipe**, currently planned for the southern edge of the property, to **follow the outside** northern and western edges of tree 2's dripline to the extent practical, **and** then discharge at **the** street. All trenching/tunneling for utilities should avoid **the driplines** of the **oaks as much as possible** and **follow the measures** described below.

Dead and diseased wood should be removed **from** the oaks periodically. Debris should be removed **from under** the dripline of **the oaks**.

#### Protection of retained trees

The trees to **be** retained should be protected from damage by **the** construction related activities. **The primary method of limiting work** areas away from the trees should be by **installing** a Tree Protection Fence.

#### Tree Protection Fence (TPF)

A temporary **fence** should be erected on the property **and maintained** through **construction**. The fence will incorporate the dripline of each retained tree, where possible

All **areas** protected by the TPF shall be considered **off-limits** during all stages of development. These areas **shall** not be **used** to park cars, store materials, pile debris, or place equipment. Gates into the protected areas may be installed to allow normal residential use of the property.

#### Utility trenching

When possible, utilities should be placed in the **same trench**. **Care** will be taken to avoid **trenching** on two **sides** of a tree. Major roots encountered **should** be tunneled under or **bridged** over and retained when possible. The portion **of** the utility trenching within the **area** protected by the TPF **should** be dug using hand-tools **or** with light equipment under the **supervision** of a **qualified** arborist or **forester**.

#### Roots encountered

**Roots encountered** during trenching, **grading and** excavation that **are** not to be retained should be cleanly cut to promote re-growth and to prevent increased **damage from** **breaking** the root **closer** to the tree than is **necessary**. If **cutting** the root(s) will significantly affect the stability or vitality **of** the **tree**, the roots should either be bridged over or tunneled under where feasible.

#### Pruning for construction

Branches located close to **construction** activities **are** subject to breakage **from** contact with heavy equipment and materials. A properly pruned branch will heal faster and is generally less damaging to the tree than a broken branch. Branches subject to breakage should be pruned **when such pruning will** not cause **significant** damage to the health, vitality and safety of the **tree**. Pruning should be **conducted under** the **supervision** of an Arborist certified by the International Society of Arboriculture.

#### Construction contracts

All **construction contracts for the** project **should** include a provision requiring that all contractors and subcontractors **performing work on this project** be given a copy of the arborist report and conditions of approval and **agree to** implement the provisions **of the** arborist report and conditions of approval. In addition, the contracts **should** also identify a County approved **Arborist** or **Forester** to be available to interpret this report or **provide** additional recommendations.





Sincerely,

*Matt Horowitz*

*Matt Horowitz*

Matt Horowitz  
Certified Arborist/Utility Specialist #3163  
Member International Society of Arboriculture



**CENTRAL  
FIRE PROTECTION DISTRICT**  
of Santa Cruz County  
Fire Prevention Division

---

930 ■7<sup>th</sup> Avenue, Santa Cruz, CA 95062  
phone (831) 479-6843 fax (831) 479-6847

Date: October 4, 2005  
To: Raul and Rossana Grau  
Applicant: same  
From: Tom Wiley  
subject: **05-0371**  
Address: **310 Capitola Rd.**  
APN: 026-081-25  
OCC: 2608125  
Permit: 20050295

We have reviewed plans for the above subject project.

The following NOTES must be added to notes on velums by the designer/architect in order to satisfy District requirements when submitting for Application for Building Permit:

Based upon a review of the plans submitted, District requirements appear to have been met, and PLANS ARE APPROVED FOR MINOR LAND DIVISION.

Please ensure designer/architect reflects equivalent notes and requirements on velums as appropriate when submitting for Application for Building Permit.

When plans are *submitted* for multiple lots *in* a tract, and several standard Floor Plans are depicted, include Fire District Notes on the small scale Site Plan. For each lot, submit only sheets with the following information; Site Plan (small scale, highlight lot, with District notes), floor Plan, Elevation (roof covering and spark arrestor notes), *Electrical Plan* (If smoke detectors are shown on the Architectural Floor Plan this sheet is not required). Again, we must receive, VIA the COUNTY, SEPARATE submittals (appropriate site plans and sheets) FOR EACH APN!!

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2001) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and either SPRINKLERED or NON-SPRINKLERED as determined by the building official and outlined in Chapters 3 through 6 of the 2001 California Building Code (e.g., R-3, Type V-N, Sprinklered).

The FIRE FLOW requirement for the subject property is 1000 gallons per minute for 120 minutes. NOTE on the plans the REQUIRED and AVAILABLE FIRE FLOW. The AVAILABLE FIRE FLOW information can be obtained from the water company.

SHOW on the plans a public fire hydrant, meeting the minimum required fire flow for the building, within 250 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to and during time of construction (CFC 901.3).

*Serving the communities of Capitola, Live Oak, and Soquel*

465

EXHIBIT K

On the plans that the building shall be required to install an approved automatic sprinkler system complying with the edition of NFPA 13 that is adopted in Chapter 35 of the California Building Code.

NOTE that the designer/installer shall submit three (3) sets of plans and calculations for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (e.g., foyer, balcony, or porch)
- One detector in each sleeping room
- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder
- There must be at least one detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

NOTE on the plans where address number will be preserved and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a size that is legible to the fire engine.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to be less than 1/2 inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

NOTE on the plans that a 100-foot clearance will be maintained with non-combustible vegetation around all structures.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 Late Fee may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 or leave a message, or email me at [tomw@centralfpd.com](mailto:tomw@centralfpd.com). All other questions may be directed to Fire Prevention at (831) 479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.

Any order of the Fire Chief shall be appealable to the Fire Code Board of Appeals as established by any party beneficially interested, except for order affecting acts or conditions which, in the opinion of the Fire Chief, pose an immediate threat to life, property, or the environment as a result of panic, fire, explosion or release.

Any beneficially interested party has the right to appeal the order served by the Fire Chief by filing a written "NOTICE OF APPEAL" with the office of the Fire Chief within ten days after service of such written order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is taken.

2608125-100405

# COUNTY OF SANTA CRUZ

INTER-OFFICE CORRESPONDENCE

DATE: October 11, 2005

TO: Cathleen Carr, Planning Department

FROM: Carl Rom, Department of Public Works



SUBJECT: APPLICATION 05-0371, APN 026-081-25, -38, CAPITOLA ROAD  
EXTENSION, SECOND SUBMITTAL

---

The following comments from my memo dated June 22, 2005 have not been addressed:

1. The application number should appear on all pages of the application.
2. There is not a sheet labeled "tentative map." I'd suggest renaming Sheet 3.

I have one new comment:

1. The project should be conditioned to demolish all buildings prior to recordation of the map to avoid creating non-conforming lots.

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

CDR:cdr

## MEMORANDUM

Application **No: 05-0371**

Date: September 29, 2005

To Cathleen Carr, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for a three residences at Capitola Road Extension, Santa Cruz

### GENERAL PLAN / ZONING CODE ISSUES

#### Design Review Authority

**13.20.130** The Coastal Zone Design Criteria are applicable to any development requiring a Coastal Zone Approval.

#### Design Review Standards

**13.20.130** Design criteria for coastal zone developments

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
Visual Compatibility			
All new development shall be sited, designed and landscaped to <b>be</b> visually compatible and integrated with the character of surrounding neighborhoods or areas	✓		
Minimum <b>Site</b> Disturbance			
Grading, earth moving, and removal of major vegetation shall be minimized.			<b>NIA</b>
Developers shall be encouraged to maintain all mature trees over 6 inches in diameter except where circumstances require their removal, such as obstruction of the building site, dead or diseased trees, or nuisance species.			<b>N/A</b>
Special landscape features (rock outcroppings, prominent natural landforms, tree groupings) shall be retained.			<b>NIA</b>



Structures located near ridges shall be sited and designed not to project above the ridgeline or tree canopy at the ridgeline			N/A
Land divisions which would create parcels whose only building site would be exposed on a ridgetop shall not be permitted			N/A
<b>Landscaping</b>			
New or replacement vegetation shall be compatible with surrounding vegetation and shall be suitable to the climate, soil, and ecological characteristics of the area			N/A
<b>Rural Scenic Resources</b>			
<b>Location of development</b>			
Development shall be located, if possible, on parts of the site not visible or least visible from the public view.			N/A
Development shall not block views of the shoreline from scenic road turnouts, rest stops or vista points			N/A
<b>Site Planning</b>			
Development shall be sited and designed carefully so that its presence is subordinate to the natural character of communities)			N/A
Screening and landscaping suitable to the site shall be used to soften the visual impact of development in the viewshed			N/A
<b>Building design</b>			
Structures shall be designed to fit the topography or the site by cutting, grading, or filling for construction			N/A
Pitched, rather than flat roofs, which are surfaced with non-reflective materials except for solar energy devices shall be encouraged			N/A

Natural materials and colors which blend with the vegetative cover of the site shall be used, or if the structure is located in an existing cluster of buildings, colors and materials shall repeat or harmonize with those in the cluster			N/A
Large agricultural structures			
The visual impact of large agricultural structures shall be minimized by locating the structure within or near an existing group of buildings			N/A
The visual impact of large agricultural structures shall be minimized by using materials and colors which blend with the building cluster or the natural vegetative cover of the site (except for greenhouses).			N/A
The visual impact of large agricultural structures shall be minimized by using landscaping to screen or soften the appearance of the structure			N/A
Restoration			
Feasible elimination or mitigation of unsightly, visually disruptive or degrading elements such as junk heaps, unnatural obstructions, grading scars, or structures incompatible with the area shall be included in site development			N/A
The requirement for restoration of visually blighted areas shall be in scale with the size of the proposed project			N/A
Signs			
Materials, scale, location and orientation of signs shall harmonize with surrounding elements			N/A
Directly lighted, brightly colored, rotating, reflective, blinking, flashing or moving signs are prohibited			N/A
Illumination of signs shall be permitted only for state and county directional and informational signs, except in designated commercial and visitor serving zone districts			N/A

In the Highway 1 viewshed, except within the Davenport commercial area, only CALTRANS standard signs and public parks, or parking lot identification signs, shall be permitted to be visible from the highway. These signs shall be of natural unobtrusive materials and colors			N/A
<b>Beach Viewsheds</b>			
Blufftop development and landscaping (e.g., decks, patios, structures, trees, shrubs, etc.) in rural areas shall be set back from the bluff edge a sufficient distance to be out of sight from the shoreline, or if infeasible, not visually intrusive			N/A
No new permanent structures on open beaches shall be allowed, except where permitted pursuant to Chapter 16.10 (Geologic Hazards) or Chapter 16.20 (Grading Regulations)			N/A
The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area. Natural materials are preferred			N/A

Desian 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.

Desian 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	✓		
Relationship to natural site features and environmental influences			N/A
Landscaping	✓		
Streetscape relationship	✓		
Street design and transit facilities			NIA
Relationship to existing structures	✓		
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography			NIA
Retention of natura amenities			NIA
Siting and orientation which takes advantage of natural amenities			NIA
Ridgeline protection			NIA
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
<b>Safe and tional Circulat</b>			
Accessible to the disabled,	✓		
Reasonable protection for adjacent properties	✓		

Reasonable protection for currently occupied buildings using a solar energy system	✓		
Reasonable protection for adjacent	✓		

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Massing of building form</b>	✓		
<b>Building silhouette</b>	✓		
<b>Spacing between buildings</b>	✓		
<b>Street face setbacks</b>	✓		
Character of architecture	✓		
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, detailing, materials and siting	✓		
<b>Solar Design</b>			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting		✓	

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: Cathleen Carr  
Application No.: 05-0371  
APN: 026-081-25

Date: March 23, 2006  
Time: 11:17:11  
Page: 1

---

**Environmental Planning Completeness Comments**

===== REVIEW ON JUNE 27. 2005 BY ANDREA M KOCH =====

6/27/05

- 1) Denied pending review of the soils report. Additional comments may be added after soils report review.
- 2) Please submit a letter from a licensed arborist regarding construction impacts on the 30" oak, 15" oak, and 60" redwood. The letter should include discussion of tree protection measures during construction.

===== UPDATED ON JULY 5. 2005 BY KENT M EOLER ===== 1. The soils report has been accepted. No further completeness comments.

===== UPDATED ON OCTOBER 17, 2005 BY ANDREA M KOCH =====

- 1) Project application complete by Environmental Planning. Drainage was re-aligned to avoid saturating the existing oak trees, as recommended by the arborist's report.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON JUNE 27. 2005 BY ANDREA M KOCH =====

6/27/05

- 1) Adhere to requirements and recommendations of the approved soils report
- 2) Revise erosion control plan to show gravel covering access to the property to prevent sediment from leaving the site during construction. Also, it appears that straw bales will be placed around the property for erosion control. Please clearly identify on the erosion control site plan which erosion control devices are to be used, and provide details of all of them.

===== UPDATED ON JULY 5. 2005 BY KENT M EDLER ===== 1. Revise the grading quantities to include the over-excavation recompaction quantities required by the soils engineer in order to remove the expansive soils.

2. The erosion control plan is not realistic. Revise the erosion control plan to show erosion and sediment control devices to be implemented during construction that is functional for the site.

3. A plan review letter from the soil engineer will be required during the building permit stage.

===== UPDATED ON OCTOBER 17, 2005 BY ANDREA M KOCH =====

===== UPDATED ON OCTOBER 17, 2005 BY ANDREA M KOCH =====

- I) Adhere to the arborist's recommendations for preserving the existing on-site trees. Show on the plans tree protection fencing to protect the trees during construction.

Discretionary Comments - Continued

Project Planner: Cathleen Carr  
Application No.: 05-0371  
APN: 026-081-25

Date: March 23, 2006  
Time: 11:17:11  
Page: 2

---

Housing Completeness Comments

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

Three and four unit projects are subject to County Code 17.10.031 which requires the payment of an In Lieu Fee for small projects. A three unit project currently requires a fee of \$10,000. This fee must be paid at the time of permit issuance. Please note that the fee is subject to change in the future.

Housing Miscellaneous Comments

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

Dpw Drainage Completeness Comments

LATEST COMMENTS HAVE NOT **YET** BEEN SENT TO PLANNER FOR THI GEN Y

===== REVIEW ON JULY 5, 2005 BY ALYSON B TOM ===== Application with civil plans dated 6/8/05 has been received. Please address following:

- 1) The site naturally drains towards the back of the site to the west. The proposed plans call for grading the site to drain a large portion to the east to Capitola Road Extension. Existing drainage patterns should be maintained. The applicant should attempt to obtain easements, etc. so that existing drainage patterns are maintained. Diversion of runoff to Capitola Road Extension will only be acceptable **if it** is not possible to maintain existing drainage patterns.
- 2) **If** the diversion of site runoff to Capitola Road Extension is accepted, a complete analysis of the proposed diversion path and upgrade of any inadequate sections is required. The analysis should assume no detention on site and full build out of the watershed. 3) Please provide documentation that the existing
- 3) Please provide documentation that the existing impervious areas are either permitted or were built prior to 1969 for fee and impact credit.
- 4) The proposed "combined detention/retention" system was sized based on detention criteria that assume a controlled constant release. How is this release accommodated in the proposed system? **If** the only safe release is percolation into the ground and the required storage volume is updated accordingly, the storage volume is not feasible. Describe how the release will be controlled.
- 5) Describe the safe overflow path for the proposed drainage system. The detail for the retaining wall indicates a swale, where will the swale(s) drain? Will the swales direct concentrated flows over the proposed retaining walls?
- 6) How has this project minimized proposed impervious areas as required in general plan? Consider tactics such as utilizing pervious surfacing for the walkways and driveways, moving the development closer to Capitola Road Extension, etc. to meet this requirement.

Discretionary Comments - Continued

Project Planner: Cathleen Carr  
Application No.: 05-0371  
APN: 026-081-25

Date: March 23, 2006  
Time: 11:17:11  
Page: 3

Zone 5 fees will be assessed on the net increase in permitted impervious area due to this project.

Additional completeness and miscellaneous comments may be made after review of subsequent submittals that address the above comments.

All submittal 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

===== UPDATED ON OCTOBER 12, 2005 BY ALYSON B TOM ===== Application with plans dated 6/9/05 and calculations dated 9/21/05 has been received and complete with regards to drainage. Please see miscellaneous comments for issues to be addressed prior to map recordation.

**Dpw Drainage Miscellaneous Comments**

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

===== REVIEW ON JULY 5, 2005 BY ALYSON B TOM ===== See completeness comments

===== UPDATED ON OCTOBER 12, 2005 BY ALYSON B TOM ===== The following should be addressed prior to map recordation:

- 1) Provide swales to allow for safe overflow from the retention facilities to Capitola Road Extension.
- 2) Add notes/details to clarify that overflow will sheetflow from the rear of the parcels, maintaining existing drainage patterns.
- 3) Zone 5 fees will be assessed on the net increase in impervious area.

**Dpw Driveway/Encroachment Completeness Comments**

===== REVIEW ON JUNE 21, 2005 BY DEBBIE F LOCATELLI =====  
No comment, project involves a subdivision or MLD.

**Dpw Driveway/Encroachment Miscellaneous Comments**

===== REVIEW ON ~~JUNE~~ JUNE 21, 2005 BY DEBBIE F LOCATELLI =====  
Driveway to conform to County Design Criteria Standards.  
Encroachment permit required for all off-site work in the County road right-of-way at the time of building permit submittal.

**Dpw Road Engineering Completeness Comments**

REVIEW ON JULY 7, 2005 BY GREG J MARTIN =====  
Capitola Road Extension is an urban collector. The required right-of-way is 60 feet, therefore the proposed project is recommended to dedicate five feet of right-of-way along Capitola Road Extension. Curb, gutter, and sidewalk frontage improve-



Discretionary Comments - Continued

Project Planner: Cathleen Carr  
Application No.: 05-0371  
APN: 026-081-25

Date: March 23, 2006  
Time: 11:17:11  
Page: 4

ments are not required as there are no adjacent improvements. Utility service boxes should preferably be located outside of the right-of-way or to minimize the potential for conflicts with future street improvements. Cross sections along Capitola Road Extension are required. Any striping should be shown on the plans. Topographic survey information should be shown on either side of the project to facilitate the review of drainage facilities.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON OCTOBER 14, 2005 BY GREG J MARTIN ===== The driveways have been revised. The required radii for each 20 foot driveway is ten feet for the inside radii and 19 feet for the outside radii. Please show each required parking space and how these radii requirements will be met for each parking space.

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

===== UPDATED ON NOVEMBER 18, 2005 BY GREG J MARTIN =====  
The driveways meet the requirements of the County Design Criteria ensuring safe access to Parcels A, B, and C from Capitola Road Extension.

**Dpw Road Engineering Miscellaneous Comments**

===== REVIEW ON JULY 7, 2005 BY GREG J MARTIN =====  
===== UPDATED ON OCTOBER 14, 2005 BY GREG J MARTIN =====  
===== UPDATED ON NOVEMBER 18, 2005 BY GREG J MARTIN =====



# 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

August 31, 2005

Raul and Rossana Grau  
2305 Benson Avenue  
Santa Cruz, CA 95065

**SUBJECT: Archaeological Reconnaissance Survey for  
APNs 026-081-25 & 026-081-38**

To Whom It May Concern,

The County's archaeological survey team has completed the Phase 1 archaeological reconnaissance for the parcels referenced above. The research has concluded that pre-historical cultural resources were not evident at the site. A copy of the review documentation, if any, is attached for your records. No further archaeological review will be required for the proposed development.

Please contact me at 831-454-3372 if you have any questions regarding the process of this review.

Sincerely,

Elizabeth Hayward  
Planning Technician

# Santa Cruz County Survey Project

## Exhibit B

Santa Cruz Archaeological Society  
1305 East Cliff Drive, Santa Cruz, California 95062

### Preliminary Cultural Resources Reconnaissance Report

Parcel APN 026-081-25; 026-081-38 SCAS Project number SE-05-1033

Development Permit Application No 05-0371 Parcel Size 15961 sq.

Applicant Grau, Raul

Nearest Recorded Cultural Resource CA-SCR-2104 .4 mile SW; CA-SC-413, et al <.2 miles SE

On 7/30/2005 (date) 2 (#) members of the Santa **Cruz** Archaeological Society spent a total of 5 hours on the above described parcel for the purpose of ascertaining the presence or absence of cultural resources on the surface. Though the parcel was traversed on foot at regular intervals and diligently examined, the Society cannot guarantee the surface absence of cultural resources where soil **was** obscured by grass, underbrush, or other obstacles. No core samples, test pits or any subsurface analysis was made. A standard field form indicating **survey** methods, type of terrain, soil visibility, closest freshwater source, and presence or absence of prehistoric and/or historic cultural evidence was completed and filed with **this** report at the Santa Cruz County Planning Department.

The preliminary field reconnaissance did not reveal any evidence of cultural resources on the parcel. The proposed project would therefore, have no direct impact on cultural resources. If subsurface evidence of such resources should be uncovered during construction the County **Planning** Department should be notified.

**Further** details regarding **this** reconnaissance are available **from** the Santa Cruz County Planning Department or from Rob Edwards, Director, Cabrillo College Archaeological Technology Program, 6500 Soquel Drive, Aptos, CA 95003, (831) 479-6294, or email redwards@cabrillo.edu.

Page 4 of 4

SCAS/CCATP Field Forms



Right of Way  
340 PAJARO ST  
SALINAS, CA 93901  
831-754-8165

## Memorandum

To: CATHLEEN CARR, Planning Department FAX: 831-454-2131

cc:

From:

Roxie Tossle, Right of Way Mgr (831)754-8165

Date:

Thursday, June 30, 2005

Re:

MLD - 05-0371

FEE OWNER: **Raul & Rossana Grau**

location:

310 Capitola Rd. Ext., & 290 Edgrace Lane

APN: 026-081-25, APN: 026-081-38

---

### Message:

Per your request our SBC Engineer Chrls Barraza (831-728-0160) has reviewed the proposed project plans for the above mentioned MLD and has determined the following:

- Our engineer has determined that SBC can serve this MU) with existing facilities on Capitola Road Extension.
- No Additional Right of Way is required to serve this MLD at this time.
- Please provide me a copy of the Tract Map upon Final Recording for my files.

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

Thank You,  
Roxie

EXHIBIT K

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

**DATE:** October 18,2005  
**TO:** Cathleen Carr, Planning Department, Project Planner  
**FROM:** Melissa Allen, Planning Liaison to the Redevelopment Agency  
**SUBJECT:** Application **05-0371, 2<sup>nd</sup> Routing**, APN 026-081-25 & 38, 310 Capitola Rd Ext., LO

---

The applicant is proposing to transfer about 632 square feet from APN 026-081-25 to APN 026-081-38 and to transfer about 579 square feet from APN 026-081-38 to APN 026-081-25 to correct a structural encroachment (shed); and a proposal to demolish an existing single family dwelling and divide APN 026-081-25 into three parcels (one single family lot and two townhouse units). The project requires a Lot Line Adjustment, Minor Land Division, and Residential Development Permit. The property is located on the west side of Capitola Road Extension about 800 feet south of the intersection of Soquel Avenue and Capitola Road Extension (310 Capitola Road Ext.), Live Oak.

This application was considered at an Engineering Review Group (ERG) meeting on July 6,2005 and on October 5,2005. Please see the previous Redevelopment Agency (RDA) comments on this application dated July 11,2005 (attached). RDA has the following additional comments regarding the proposed project.

1. No landscape or irrigation plans were provided with this set of routed plans. The previous plans showed landscaping and irrigation in the front yards. This project should be conditioned such that the Flowering Plum trees (PK) proposed in the front yards are installed at 24" box sizes. Any landscaping or other improvements within the public right-of-way are the owner's responsibility.
2. RDA supports the preservation of the existing large trees on and offsite (adjacent redwood). See Environmental Planning's comments regarding arborists recommendations required to ensure that the trees to be retained will survive given the proposed development. (New utilities and driveway are proposed within the 30-foot dripline of the 30" diameter *oak* onsite.)

The items and issues referenced above should be evaluated as part of this application or addressed by conditions of approval. RDA does not need to see future routings of this project unless there are changes proposed relative to comments made by RDA. The Redevelopment Agency appreciates this opportunity to comment. Thank you.

cc: Greg Martin, DPW Road Engineering  
Paul Rodrigues, RDA Urban Designer