



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS, PLANNING DIRECTOR

Agenda Date. April 26, 2006

April 7, 2006

PLANNING COMMISSION

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

Subject: **Application No. 04-0472; Subdivision; Assessor's Parcel No.: 102-221-53**

Members of the Commission:

The above referenced application was continued from the February 8th and March 8th hearing dates. Between the February hearing and the scheduled March date, several issues were raised by the uphill property owners with respect to drainage and erosion control and liability for the proposed new homes. In addition, your Commission raised issues regarding the adequacy of the proposed dry streambed drainage controls on the individual parcels. The applicant has met with the neighbors to discuss these issues. Moreover, the project soils engineer completed additional soil investigation. As a result, the applicant has revised the building envelopes and the footprints of the proposed homes on Lots 3, 4 and 5 (the parcels at the back of the cul-de-sac) to provide a 15-foot setback from the toe of the 30% slope. This setback is consistent with the recommendations of the soils engineer and the requirements of the Uniform Building Code. The proposed houses on these three lots have been reduced in size as a result of this change to the setback.

To address the neighbors' issues with respect to access, openness and control of runoff and sediment, the applicant has added a second retaining wall along the property line, which supports a "v"-ditch for intercepting runoff from the uphill properties. At the slope above this retaining wall, the applicant will construct a wire mesh fence. This fence will provide a demarcation of the property line and contain pets while allowing water to flow through to the drainage ditch and providing the openness that the neighbors have requested.

A final neighborhood issue has been the walnut trees that were removed by the property owner. The developer proposes to plant trees on the neighbor's side of the fence to provide screening. Some neighbors have requested trees that will screen the view of the new houses, but would like

Application #: 04-0472
APN: 102-221-53
Owner: Loleta Heichel, Trustee

the more open views maintained. A condition has been added that the prior to building permit issuance on Lots 3, 4 and 5, the applicant shall plant a minimum of two trees on each neighboring parcel. The building plans shall show the size, location and species of each tree. If only two trees are planted, then both trees shall be a minimum of one 24-inch size. If multiple trees are planted, a minimum of one tree shall be a 24-inch box size.

As directed by your Commission, the applicant and the project engineer re-examined the proposed dry streambed detention system. The project has been modified to utilize a small detention pond system. This "pond" will serve as a decorative landscape element most of the year, however, during the rainy season, runoff will be diverted to the pond and will eventually flow into the proposed storm drain system. The new proposal will provide a more capacity than the previously proposed system. The Department of Public Works' staff has preliminarily reviewed this system and agrees that the proposal will provide more detention than the previously proposed method.

Staff is recommending that your Commission certify the Mitigated Negative Declaration and approve Application 04-0472 as now proposed, based on the revised findings and conditions (Exhibits B and C).

Prepared by:



Cathleen Carr
Project Planner
Development Review

Reviewed by:



Cathy Graves
Principal Planner
Development Review

Exhibit A	Revised Project Plans for Lots 3, 4 and 5 and Individual Drainage Systems revised on April 5, 2006
	Plans for Lots 1, 2, 6 and 7 dated 11/01/05
Exhibit B	Revised Findings
Exhibit C	Revised Conditions
Exhibit D	Soils Addendum
Exhibit E	Correspondence
Exhibit F	Planning Commission Staff Report of February 8, 2006

SUBDIVISION FINDINGS:

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION 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 seven new single-family lots and is located in the Residential, Urban Low General Plan designation. This designation allows a density range of 4.4 to 7.2 Units per Net Developable Acre (UNDA), which corresponds to lot size requirements of 6,000 to 10,000 net square feet. The objective of this land use designation is to provide for lower density residential development in areas within the Urban Services Line that have a full range of urban services. As proposed, the seven residential units on 1.05 net developable acres, resulting in a density of 6.7 UNDA, which is consistent with the density set forth for the R-UL General Plan designation.

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 land division will be served by a new cul-de-sac at the end of Dawn Lane, which is currently a dead end road. The proposed cul-de-sac will provide satisfactory access to the new parcels created by the project. Because the building sites will be located slightly more than 500 feet from the nearest through road (Old San Jose Road), a secondary emergency access is required consistent with General Plan policy 6.5.5. The project will complete the improvements of a 12-foot wide emergency secondary access road connecting the new Dawn Lane cul-de-sac on this existing dead-end road to an adjacent cul-de-sac (Hilltop Court) thereby providing increased circulation in the event of an emergency for these two residential neighborhoods. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and, with proposed road improvements, will have adequate and safe vehicular access.

The property contains an area with slopes steeper than 30%. The proposed land division has excluded these areas from the calculation of the net developable acreage and from the building envelopes consistent with General Plan policies 6.2.5 and 6.3.1.

The land division, as conditioned, will be consistent with the General Plan regarding infill development in that the proposed single-family development will be consistent with the pattern of the surrounding development, and the design of the proposed home is 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, the lot sizes meet the minimum dimensional standards for the R-1-6 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.

The subdivision meets the requirements of County Code Section 17.10 in meeting the required Affordable Housing Obligation (AHO) of 1.05 units. The project will construct one affordable unit on Parcel 7 and the pay in lieu fees for the remaining 0.05 units. The proposed affordable unit is consistent with the overall development and meets the requirements set forth in County Code Section 17.10 with respect to the size and design of the affordable unit.

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 building sites, 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 without the need for variances or site standard exceptions. 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 received a mitigated Negative Declaration on October 17, 2005, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines that determined that all environmental impacts have been reduced to a less than significant level.

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, including a new hydrant to serve the new parcels created. **The building envelopes on Lots 3, 4 and 5 will be set back 15 feet from the 30% slopes to ensure the health and safety of the occupants of the future homes on these parcels in accordance with the Uniform Building Code. Retaining walls and “v”-ditches will be utilized at and adjacent to the property boundaries on the steeper slopes to ensure that runoff from the upslope properties is properly controlled, The Homeowner’s Association will be required to maintain the retaining walls and “v”-ditches to assure their continued functioning.**

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 the proposed new cul-de-sac completing Dawn Lane. In addition, a partially constructed emergency access lane between Dawn Lane and Hilltop Court will be completed on the subject property ensuring the emergency lane is accessible by both neighborhoods.

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, and solar power facilities are proposed for each new dwelling. 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 R-1-6 zone district, and all development standards for the zone district will be met.

The new homes are proposed to be two-stories with contemporary split-level designs that are consistent in size with the newer development in the area and incorporate some of the architectural character found on other older homes in the area. Siding for the new homes on Lots 1, 3, 5 and 6 is proposed to be cement plaster on the first floor and “hardishingle” siding for the

second floor. Lots 2, 4 and 7 will use also use cement plaster on the lower floor and “hardiplank” to finish the second story. The exterior colors for the homes are proposed to be earth tones in the rich browns, beige, cream, and gray tones. Roofing material is proposed to be charcoal colored composition shingles.

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 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 in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. **The building envelopes on Lots 3, 4 and 5 will provide a 15-foot setback from the 30% slopes in accordance with the Uniform Building Code requirements.** 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. A secondary emergency access will be completed connecting Dawn Lane to Hilltop Court providing these two neighbors with increased circulation in the event of an emergency.

An engineered drainage plan has been prepared for the project. The proposed drainage plan will handle the runoff generated by the increased impervious surfaces, and will also intercept existing runoff that currently crosses the site and adversely affects the downhill neighbors and place this runoff into a controlled drainage system. **Engineered retaining walls and “v” ditches will be utilized at and adjacent to the property boundaries with the neighboring parcels at the slope on Lots 3, 4 and 5 to ensure that runoff from the upslope properties is properly controlled.** In addition, the developer will be replacing an inadequate storm drain pipe with a new 24-inch storm drain pipe under Old San Jose Road.

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 R-1-6 (Single- Family Residential - 6,000 square foot minimum) zone district. The proposed location of the residential development and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 zone district in that the primary use of the property will be one single family residence on each lot, that meets all current site standards for the zone district.

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 seven new single-family lots and is located in the Residential, Urban Low General Plan designation. This designation allows a density range of 4.4 to 7.2 Units per Net Developable Acre (U/NDA), which corresponds to lot size requirements of 6,000 to 10,000 net square feet. The objective of this land use designation is to provide for lower density residential development in areas within the Urban Services Line that have a full range of urban services. The seven residential units proposed on 1.05 net developable acres results in a density of 6.7 U/NDA, consistent with the General Plan density.

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 the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure 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 that will replace three existing houses on one parcel with seven dwellings each on a separate lot. The expected level of traffic generated by the proposed project is anticipated to be four (4) new peak trips per day (1 peak trip per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

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

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 neighborhood of older one story homes and a few newer or redeveloped two story homes. 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.

CONDITIONS OF APPROVAL

Land Division Permit 04-0472, Tract 1498

Applicant: Hamilton-Swift and Associates

Property Owners: Loleta Heichel, Trustee

Assessor's Parcel Number: 102-221-53

Property Address and Location: 4575 Dawn Lane; at the end of Dawn Lane about 400 feet west of the intersection of Dawn Lane and Soquel-San Jose Road, Soquel.

Planning Area: Soquel

Exhibits:

- A. Tentative Map and Preliminary Improvement Plans, prepared by Bowman and Williams Engineers, dated 9/24/04 **and Revised Project Plans for Lots 3, 4 and 5 and Individual Drainage Systems revised on April 5, 2006**

Architectural and floor plans prepared by William Rennie Boyd, Architect, Sheets last revised 11/01/05 (**Lots 1, 2, 6 and 7**) and **revised plans dated 4/5/06 (Lots 3, 4 and 5)**

Landscape Plans prepared by Ellen Cooper, Landscape Architect

Photo-simulations by ArchiGraphics dated 2005

All correspondence and maps relating to this land division shall carry the permit and tract 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 **prior to filing the Final Map.**

- D. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Final Map for this land division must be recorded prior to the expiration date of the Tentative Map and prior to sale, lease or financing of any new lots. The Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:
- A. The Final Map shall be in general conformance with the approved Tentative Map and shall conform 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 seven (7) single-family residential lots.
 - C. The minimum lot size shall be 6,000 square feet, net developable land.
 - D. The following items shall be shown on the Final Map:
 - 1. Building envelopes and/or building setback lines located according to the approved Tentative Map. The building envelope shall meet the minimum setbacks for the R-1-6 zone district. Garages shall be a minimum of 20 feet from the edge of the right-of-way. **Building envelopes for Lots 3, 4 and 5 shall meet the minimum setback of 15 feet from any slope exceeding 30%.**
 - 2. Show the net area of each lot to nearest square foot.
 - 3. A clearly marked line delineating the slopes exceeding 30% shall be shown on the Final Map, with notes that structures (with the exception of fences, **engineered retaining wall and approved drainage facilities**) and grading are prohibited in the area containing slopes over 30%.
 - 4. **The owner's certificate shall include:**
 - a. An irrevocable offer of dedication to the County of Santa Cruz for improvements (Dawn Lane) **and the emergency secondary access** shown on the approved Tentative Map.
 - E. The following requirements shall be noted on the Final Map as items to be completed prior to obtaining a building permit on lots created by this land division:

1. Lots shall be connected for water service to Soquel Creek Water District.
2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. 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 conform to the materials specified in Exhibit "A" and shall be painted in earth tones with accents and details, as shown on the approved plans. T1-11 type wood siding is not permitted.
 - b. Changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, are not permitted without review and approval by the Planning Commission.
 - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-6 zone district. The development of any lot shall not exceed 30 percent lot coverage, or 50 percent floor area ratio, or other standards as may be established for the zone district. **All** required on-site parking must be provided.
 - 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 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. **The**

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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.

1. 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.
- g. All planting shall conform to the preliminary plan shown as part of Exhibit A, except that all trees planted adjacent to or in the public right of way shall be 24" box in size and shall be selected from the suggested planting list in the Urban Forestry Master Plan. Also:
- i. 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.

- h. Prior to building permit issuance on Lots 3, 4 and 5, the applicant shall plant a minimum of two trees on each neighboring parcel. The building plans shall show the size, location and species of each tree. If only two trees are planted, then both trees shall be a minimum of one 24-inch size. If multiple trees are planted, a minimum of one tree shall be a 24-inch box size.**
5. 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.
6. 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 Final Map, the following requirements shall be met:

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Obtain Demolition Permits from the Building Official to remove the three existing dwellings. Prior to approval of any demolition permits, the applicant/owner shall complete the following:
 1. Obtain a Special Inspection of each existing dwelling to determine if the structure is structurally sound and capable of being relocated.
 2. Meet all requirements of County Code Section 12.06, for each structure determined to be suitable for habitation and capable of being relocated.
- C. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated 2/7/05, 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. Show all existing sewer laterals that shall be abandoned.
 4. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district, if applicable.
- D. 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.
- E. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 2. Submit complete 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 and construction details for the detention system, etc. Final drainage and grading plans shall incorporate the comments of Alyson Tom dated February 16 and May 3, 2005 and shall include the following:
 - a. The final drainage plan shall provide design details and calculations for the detention outlets and sizing. The outlets shall be designed such that all runoff from the project area is limited to pre-project levels. Safe overflow shall be included in the design

- b. ~~All maintenance agreements~~ **The Homeowner's Association and the CC&R's** shall be submitted with the final improvement plans for ~~each the detention facilities facility~~. The ~~agreement(s)~~ **CC&R's** shall include specific maintenance guidelines for these facilities, **and a fiscal mechanism to assure funding for annual and periodic maintenance.**
 - c. The final drainage plans shall note that the detention facilities are to be maintained by the ~~property owners~~ **Homeowner's Association** and include the specific maintenance guidelines.
 - d. Include signage stating "No Dumping – Drains to Bay" or equivalent adjacent to all proposed storm drain inlets.
 - e. Zone 5 drainage fees will apply to the net increase in impervious surface.
3. The final engineered grading plans shall be consistent with the recommendation of the accepted soils report by Bauldry Engineering, dated 9/22/04. Final plans shall reference the project soils report and soils engineer. A plan review letter from the project soils engineer is required. The final grading plans shall include:
- a. Calculations of all volumes of excavated and fill soils
 - b. The final grading plans shall be reviewed and approved by the Environmental Planning Section of the Planning Department and the Department of Public Works.
 - c. Final grading plans shall provide cross sections showing the existing and proposed grades and the maximum fill depths through all building sites.
4. Prior to any 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. Identify the receiving site(s) for all fill and produce grading permits for the receiving site(s) as appropriate. The receiving site shall be approved by Environmental Planning staff prior to the start of site work. The exported fill material shall be taken either to the municipal landfill or another permitted site.
 - d. **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.
 - e. Water Quality: Silt and grease traps shall be installed according to **the** approved improvement plans. Sediment barriers shall be maintained around all drain inlets during construction.
- 5. Final plans for off-site drainage improvements at Old San Jose Road.
- 6. Plans shall comply with the accepted soils report by Bauldry Engineering, dated 9/22/04. Plan review letters shall be submitted as needed to verify that the plans are in compliance with geotechnical recommendations.
- F. Engineered improvement plans for all water line extensions, if required by Soquel Creek Water District, shall be submitted for the review and approval of the water agency.
- G. All requirements of the Central Fire District shall be met as set forth in the District's letter dated October 5, 2004.
- H. A ~~Road Homeowner's~~ **Homeowner's** Association shall be formed, and the ~~Road Maintenance Agreement CC&R's~~ shall be submitted to the Planning Department for review and approval, prior to filing **the** Final Map. The ~~Road Maintenance Agreement CC&R's~~ shall include, at a minimum, provisions for the permanent maintenance of the following:
 - 1. The silt and grease trap(s), ~~and~~ detention facilities, **"v"-ditches and retaining walls associated** with the storm drain system. Reference condition of approval ~~III(D)(2)~~ **III(E)(2)**.
 - 2. Maintenance and improvements to Dawn Lane should the street not be accepted by the County.
 - 3. Maintenance and improvements to **the** secondary emergency access lane.
- I. **Park** dedication in-lieu fees shall be paid for six **(6)** dwelling units (with three bedrooms each). These fees are \$2,400 per unit, but are subject to change.

- J. Transportation improvement fees shall be paid for seven (7) dwelling units. These fees \$2,000 per unit, but are subject to change.
 - K. Roadside improvement fees shall be paid for seven (7) dwelling units. These fees are \$2,000 per unit, but are subject to change.
 - L. Child Care Development fees shall be paid for seven (7) dwelling units. These fees \$327 per unit (which assumes three bedrooms at \$109 per bedroom), but are subject to change.
 - M. A credit for Capital Improvement fees may be granted for the original dwellings, if proof of their legality and the total number of bedrooms are provided.
 - N. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. This agreement must include the following statements:
 - 1. The developer shall provide one designated affordable unit for sale to moderate income households. The current sales price for a 3 bedroom unit (under the above described guidelines for a moderate income family) is \$259,918. This sales price assumes a family of four at 80 percent of median income, with \$150 per month Homeowners Association dues, and is subject to change.
 - 2. The developer shall pay in-lieu fees for the fractional equivalent of .05 units in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code. These fees are calculated as .05 of the average purchase price of the market rate homes.
 - O. Submit one reproducible copy of the Final Map to the County Surveyor for distribution and assignment of temporary Assessor's Parcel Numbers and situs address.
 - P. **Final improvement plans shall include engineered retaining walls with "v" ditches above. These walls shall be located at the base of the slope and along the property line of Lots 3, 4 and 5. The soils engineer shall review and approve the retaining wall locations and designs in writing.**
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition III.D. The construction of subdivision improvements shall also meet the following conditions:
- A. Prior to any disturbance, the owner/applicant shall organize a pre-construction meeting on the site. The applicant, grading contractor, Department of Public Works Inspector and Environmental Planning staff shall participate. During the meeting, the applicant shall identify the site(s) to receive the export fill and

present valid grading permit(s) for those sites, if any site will receive greater than 100 cubic yards or where fill will be spread greater than two feet thick or on a slope greater than 20% gradient, where applicable.

- B. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. An Encroachment Permit is required for the offsite drainage improvements at Old San Jose Road. All work shall be consistent with the Department of Public Works Design Criteria.
- C. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- E. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- F. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation; and
 - 2. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

3. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
- G. Construction of improvements shall comply with the requirements and recommendations of the accepted soil report by Bauldry Engineering, dated 9/22/04. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with any geotechnical recommendations.
- H. All required land division improvements must be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- I. The project engineer who prepares the grading plans must certify in writing that the grading was completed in conformance with the approved tentative map and/or engineered improvement plans.
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or ~~annul~~ this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
 - A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
 - B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
- 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.

VIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted ~~as~~ a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Identification of Fill Disposal Site(s) (Conditions III.D.4.c.)
1. Monitoring Program: In order to ensure that the excavated materials exported from the site are disposed of properly, the Santa Cruz County Environmental Planning staff will review the Erosion Control plans submitted as part of the Improvement plans for the subdivision. The final map cannot be recorded without an approved fill disposal site.
- B. Mitigation Measure: Soils Engineering (Conditions II.E.3.g., III.D.3 and 65, IV.F.)
1. Monitoring Program: To mitigate potential impacts from liquefaction and displacements in the soil underneath structures the applicant shall implement all recommendations given in the approved geotechnical report (Bauldry Engineering, September 22, 2004). The subdivision grading

improvements plans must reference the project soils engineering report and engineer. Prior to approval and recordation of the Final Map and Subdivision improvement plans, the applicant must submit a letter of plan review and approval by the soils engineer stating that the plans conform to the report recommendations. The Department of Public Works staff and the project planner will verify that this letter has been received and references the specific plans that have been submitted before the Final Map can be recorded. Environmental Planning and Building Plan Check staff will require a soils engineer's letter of review and approval of the foundation and grading designs **prior** to the approval and issuance of grading or building.

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

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

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.

Bauldry Engineering, Inc.

CONSULTING GEOTECHNICAL ENGINEERS

718 SOQUEL AVENUE, SANTA CRUZ, CA 95062

(831) 457-1223

FAX (831) 457-1225

0031-SZ973-C41

March 21, 2006

Mr. Larry Hattis
3555 Clares Street, Suite WW
Capitola, CA 95010

Subject, Slough Wall, Slope Drainage, Tree Stumps
Proposed Subdivision
APN 102-221-53
4575 Dawn Lane
Soquel California

Dear Mr. Hattis,

On February 28th and March 3rd, I participated in site meetings with the upslope neighbors, members of the project design team and representatives of the County of Santa Cruz. The purpose of our meeting was to address the neighbor's concerns regarding the following issues:

1. measures to mitigate the recent cutting of 8 to 9 mature trees along the toe of the slope
2. measures for protecting the proposed downslope houses from erosion and surface sloughing
3. measures for controlling slope drainage

Setting

The westernmost boundary of the site is bordered by a hillside with an ascending slope that ranges in height from roughly 25 to 40 feet. The ascending slope has a general gradient that ranges from approximately 50% to 70%. A row of houses line the top of the slope with various levels of landscaping and improvements along the slope.

We did not observe any evidence of slope instability on the flank of the neighboring hillside during our field investigation.

Tree Removal Mitigation Measures

Several mature trees along the toe of the slope were recently cut down. The tree stumps, if left in place to decay, could weaken the lower 6-8 feet of the slope and exacerbate erosion or soil slumping along the toe of the slope. It is my recommendation that the tree stumps and the root balls be ground out or otherwise gently removed. The tree stumps must not be yanked out as this could cause significant soil disturbance along the toe of the slope. The voids left from the stump removal should be backfilled with adequately compacted engineered fill.

March 6, 2006

The engineered fill should be compacted and tested in accordance with the recommendations provided in the Geotechnical Investigation Report for the project. A representative of Bauldry Engineering, Inc. should observe the stump removal and perform compaction testing during the backfill operations.

If the recommendations provided in this report are implemented, it is our opinion that the stability of the slope will not be diminished.

Setback of Homes

It is our understanding that the site plan is being revised. The proposed homes will now be set back a minimum of 15 feet from the toe of the slope.

It is our opinion that this setback provides sufficient protection for the new homes from slope drainage, erosion and surface sloughing, should it occur.

Concrete Drainage Ditch and Slough Wall

The project architect and civil engineer have produced a conceptual design for controlling slope drainage and protecting the downslope backyards from slope erosion and surface sloughing. The design includes the construction of a slough wall along the property line and a concrete drainage ditch on the uphill side of the new slough wall. The slough wall should extend a minimum of 2 feet above ground surface or the top of the concrete drainage swale, whichever is higher, and the wall should be supported by a pier and grade beam foundation system. The grade beam should extend a minimum of 1 foot below finish ground surface. The piers should extend a minimum of 7 feet below the base of the grade beam,

It is my opinion that provided the above recommendations are incorporated into the design, the proposed slough wall and drainage concrete swale will be adequate for the intended use of protecting the downslope backyards and from slope drainage, erosion and surface sloughing. The slough wall and concrete drainage ditch will also provide an additional level of protection for the homes.

If you have any questions, please call our office.

Very truly yours,

Bauldry Engineering

Brian D. Bauldry
REGISTERED PROFESSIONAL ENGINEER
No. 2479
Brian D. Bauldry
Principal Engineer
G. E. 2479 CALIFORNIA
Exp. 12/31/06

Engineering/Projects/0031slough wall 1.doc

Copies: 1 to Larry Hattis

2 to Hamilton Swift Land Use & Development

1 to Bowman & Williams

1 to William Rennie Boyd

TRANSMITTAL

April 5, 2006

To: Cathleen Carr
Santa Cruz County Planning
701 Ocean Street
Santa Cruz, CA 95060

From: Deidre Hamilton 
Hamilton-Swift LUDC
1509 Seabright Avenue, Suite A-I
Santa Cruz, CA 95062

Subject: Application #04-0472; APN 102-221-53

Date	Item
4/06	Architect (Rennie Boyd) and Landscape Architect (Ellen Cooper) Plan Revisions
4/06	Revised Engineer Plans by Bowman and Williams

Comments: Here are the plan revisions for the upcoming Planning Commission hearing on the above referenced project. These revisions address concerns expressed by the neighbors on Valera Dr. We have now proposed the installation of two retaining walls. One along the west property line adjacent to Valera Dr. and the other at the toe of the 30% slope. These walls are in keeping with the recommendation of our geotechnical engineer, Brian Bauldry, in his letter dated 3/21/06 (previously submitted). We are also showing a drainage culvert located to the rear of both of these walls as well as a wire mesh fence, (which is what the neighbors asked for) along the Valera property line. Please see engineer plans, sheet C1 for details. Secondly, we have moved the houses on lots 3, 4, and 5, 15 feet from the toe of the 30% slope. This addresses a concern by staff that the setback we previously proposed might not be in keeping with State building code requirements. The revised designs are very similar to the previous plan, and are still in keeping with the neighborhood and the hillside. The sizes of the houses have been reduced and now there are more useable rear yards. These change resulted in revisions to the drainage and landscape plans that are all included for your consideration. Lastly, we have tried to make the landscape plan and drainage plans more easily understood. I would be happy to set down with you to go over any of these revisions. Just let me know. The project team is also available to answer any of your questions and will be available at the Planning Commission Hearing. Thank you for you time and consideration.

APPLICATION NO. 04-0472
STAFF REPORT TO THE PLANNING COMMISSION

EXHIBIT F:
PLANNING COMMISSION STAFF REPORT OF
FEBRUARY 8, 2006 -- On File at the Planning Department