



## Staff Report to the Planning Commission

Application Number: **05-0558**

**Applicant:** Stephen Graves & Associates  
**Owner:** Brad Piper  
**APN:** 026-193-67, formerly 026-193-35

**Agenda Date:** 5/10/06  
**Agenda Item #:** 8  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to divide an approximately 9,000 square foot parcel into two parcels with existing structures on each parcel.

**Location:** Property located on the west side of Leila Court approximately 100 feet south of Capitola Road (1332 Leila Court).

**Supervisory District:** First District (District Supervisor: Janet Beautz)

**Permits Required:** Minor Land Division and Roadside/Roadway Exception

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0558, based on the attached findings and conditions.

### Exhibits

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

### Parcel Information

|                                  |  |
|----------------------------------|--|
| Parcel Size:                     | 8,996 square feet  |
| Existing Land Use - Parcel:      | Residential  |
| Existing Land Use - Surrounding: | Residential  |
| Project Access:                  | Leila Court  |
| Planning Area:                   | Live Oak   |
| Land Use Designation:            | R-UH (urban high residential)                            |
| Zone District:                   | R-I-4,000 (single-family residential, 4,000 square foot) |

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

minimum parcel size)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: No soils report required  
Fire Hazard: Not a mapped constraint  
Slopes: 0-2%  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside  
Water Supply: City of Santa Cruz Water Department  
Sewage Disposal: Santa Cruz County Sanitation District  
Fire District: Central Fire Protection District  
Drainage District: Zone 5 Flood Control District

### History

The subject parcel was created in 1977 as a part of minor land division with the existing single-family dwelling (on proposed Parcel A) constructed in about 1977. The County recognized the 600 square foot accessory structure on proposed Parcel B as a guest house in about 1979 when the structure was rotated 90 degrees, placed onto a new foundation, and bathroom plumbing was installed. Since then, it appears that the interior of the guest house was remodeled into a dwelling unit without benefit of permits.

The current proposal is to divide the existing parcel into two lots, one with the existing single-family dwelling and the other with the accessory structure, which is proposed to be converted into a single-family dwelling as a part of the land division. This conversion will resolve the unauthorized remodel of the guest house into a dwelling unit. The proposed land division will require the demolition of the single-family dwelling's garage to accommodate the new property line.

### Project Setting

The project site is located about 100 feet south of Capitola Road on the west side of Leila Court, an approximately 400-foot long cul-de-sac with sidewalk improvements along the eastern side. One- and two-story single-family homes line Leila Court with a townhouse development at the

cul-de-sac's southern end. Although the west side of the subject parcel abuts Hidden Terrace Court, the parcel is not considered to be a double frontage lot since it does not have legal access from Hidden Terrace Court.

The existing three-bedroom ranch-style dwelling is one-story in height and finished in wood siding painted a neutral brown color. The one-bedroom accessory structure is also one-story in height and is finished in vertical siding painted gray.

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

The subject property is an 8,996 square foot lot, located in the R-1-4 (single-family residential, 4,000 square foot minimum parcel size) zone district, a designation which allows residential uses and implements the site's (R-UH) urban high residential General Plan designation which specifies a parcel area of 2,500 to 4,000 square feet.

The applicant proposes to divide the subject parcel into two lots of approximately 4,001 and 4,682 square feet and dedicate about **312** square feet for a sidewalk. Although one of these lots is significantly greater than 4,000 square feet, a higher density is not possible as insufficient area exists to create a third parcel.

The existing dwellings are a principal permitted use within the zone district, and the project is consistent with the district's site standards, including frontage width, lot coverage, floor area ratio (FAR), setbacks and parking requirements.

### **Design Review**

No new structures are proposed and the most significant visual change will be the removal of proposed Parcel A's attached garage which is necessary to accommodate the new property line. Additional visual changes are the removal of two fences on Parcel B, the construction of a side yard fence between the two parcels, and the addition of a parking space parallel to Leila Court in front of the dwelling on Parcel A. As a condition of approval, this parking space will be required to be screened with vegetation not to exceed three feet in height. The County's Urban Designer has reviewed and found the project to be in compliance with the County Design Review Ordinance.

### **Accessory Structure**

The one-bedroom accessory structure on proposed Parcel B was originally non-habitable. In approximately 1979, the owner moved the structure onto a new foundation and installed plumbing. Since then, it appears that the guest house's interior was remodeled into a dwelling unit without benefit of permits. As a part of this proposal, the structure will be required to obtain all required inspections and meet all current codes which will both resolve the un-permitted work and convert the structure into a legal single-family dwelling. No additions to the dwelling are proposed as a part of the minor land division.

## Roadside/Roadway Exception and Sidewalk Dedication

The Department of Public Works, Road Engineering supports the proposed roadside/roadway exception as Leila Court has contiguous curb and gutter, the properties along the street are developed, and the existing street width of 34 feet is not significantly less than the 36 feet typically required.

As a part of this minor land division, the owner is dedicating a sidewalk to the County. Because of the sidewalk dedication, the front porch on Parcel B no longer meets the required 1.5-foot front yard setback. To remedy this, the applicant proposes to move the posts supporting the porch roof back 2 ½ feet, leaving the porch's eave and a deck of less than 18 inches within the setback. County Code allows for eaves and structures less than 18 inches to encroach into setbacks.

## Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

## Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **05-0558**, 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: \_\_\_\_\_  
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Report Reviewed By: \_\_\_\_\_  
Cathy Graves  
Principal Planner  
Development Review

## Subdivision Findings

1. That the proposed subdivision meets all requirements or conditions of the Subdivision Ordinance and the State Subdivision Map Act.

This finding can be made, in that the project meets all of the technical requirements of the Subdivision Ordinance and is consistent with the County General Plan and the Zoning Ordinance as set forth in the findings below.

2. That the proposed subdivision, its design, and its improvements, are consistent with the General Plan, and the area General Plan or specific plan, if any.

This finding can be made, in that the proposed land division, its design, and its improvements, will be consistent with the General Plan. The project creates two single-family residential parcels located in the Urban High Density Residential (R-UH) General Plan designation which allows a density of one unit for each 2,500 to 4,000 square feet of net developable parcel area. Although one of the parcels is proposed to be about 4,682 square feet, a higher density is not possible given the development potential of the subject parcel and the developed status of surrounding parcels.

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

Since both parcels have existing structures and no new structures are proposed as a part of this project, the land division will be consistent with the pattern of the surrounding development. In addition, the existing structures' designs are within the existing range of architectural styles in the area.

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

This finding can be made in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-4 (single-family residential, 4,000 square foot minimum parcel size) zone district where the project is located.

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

This finding can be made, in that no challenging topography affects the building site, the subject parcel is suitable for residential development as it has had an ongoing residential use for many decades, and the proposed parcels are configured to allow development in compliance with the required site standards. No environmental resources exist which would be adversely impacted by

the proposed development.

5. That the design of the proposed subdivision or **type** of improvements will not cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

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

6. That the proposed subdivision or type of improvements will not cause serious public health problems.

This finding can be made, in that municipal water and sewer are available to serve both proposed parcels.

7. That the design of the proposed subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or **use** of property within the proposed subdivision.

This finding can be made, in that no easements are known to encumber the property.

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

This finding can **be** made, in that the resulting parcels are oriented to the fullest extent possible in a manner to take advantage of solar opportunities.

9. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076) and any other applicable requirements of this chapter.

This finding can be made, in that the two residential structures have existed for many decades and continue to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. No additions are proposed to the existing structures and the proposed demolition **of** the garage will not negatively affect the character of the surrounding neighborhood.

## **Roadway/Roadside Exception Findings**

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

This finding can be made, in that the character of the existing and proposed development does not require full improvements to be installed on the existing access road (Leila CT). The design of this roadway varies from the County Design Criteria in terms of width **and** improvements. One additional residential parcel will be accessed off of the existing access road (Leila CT).

The street will be located within an existing 40-foot right-of-way and is planned as a 34-foot road section and a 4 ½ -foot sidewalk on the west side fronting the proposed new lots. This Roadway/Roadside Exception is considered as appropriate as Leila Court has contiguous curb and gutter, the properties along the street are developed, and the existing street width of 34 feet is not significantly less than the **36** feet typically required. This roadway requires an exception to County Local Street Standards. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping.

County Code Section 15.10.050(f)(1) allows for exceptions to roadside improvements when those improvements would not be appropriate due to the character of existing development.

## Conditions of Approval

### Land Division 05-0558

Applicant: Stephen Graves and Associates

Property Owner: Brad Piper

Assessor's Parcel Number(s): 026-193-67 (formerly 026-193-35)

Property Address and Location: 1332 Leila Court. Property located **on** the west side of Leila Court, approximately 100 feet south of Capitola Road.

Planning Area: Live *Oak*

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#### Exhibits:

- A. 2 sheets by Richard Irish, Engineer, dated 1/12/06; 2 sheets by ZOD of existing structures, dated 8/12/05; 1 sheet by McGregor Land Surveys, Topographic Survey.
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All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
- II. A 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 two (2) single-family residential parcels.



- C. The minimum aggregate lot size shall be 4,000 square feet net developable land per unit.
- D. The following items shall be shown on the Parcel Map:
  - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the **R-1-4** zone district of 15 feet for the front yard, **5** and **5** feet for the side yards, **15** feet for the rear yard.
  - 2. Show the net area of each lot to the nearest square foot.
  - 3. Show the sidewalk dedication and pedestrian easement.
- 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. All regulations and conditions of the Water District shall be met. All fees shall be paid in full.
  - 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. All fees shall be paid in full.
  - 3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
    - a. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department.
    - b. Any architectural changes to the dwellings, besides the demolition of the garage and repairs required to finish the exterior wall where the garage attached to the dwelling shall not be permitted without review and approval by the Planning Department, and may require a public hearing before the Planning Commission.
    - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-4 zone district. Development on each parcel shall not exceed 40% lot coverage, or 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback or six feet in height in the side and rear yard setbacks. Any future garages

must meet the required 20-foot setback from the front property line.

- d. Meet all requirements and pay the Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area. Currently, the fees are \$0.90 per square foot and are assessed upon permit issuance. These fees are subject to change.
4. A final Landscape Plan for the parcels' front yards specifying the species, their size, and irrigation plans which meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:
- a. The parking space on Parcel A which is parallel to Leila Court must be screened with vegetation not to exceed three feet in height. The County's Urban Designer must review and accept the proposed screening.
  - b. 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.
  - c. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
  - d. 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.
  - e. 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. Imigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-imgated 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. 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.
  - iii. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - iv. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
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. 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.
6. Prior to any demolition or building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
  - a. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
  - b. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.

7. 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 parcel.
- B. Apply and obtain final inspection for all required building permits, including those required for the conversion of the accessory structure into a single-family dwelling, demolition of the garage, repair of the area where the garage attached to the dwelling, and alteration of the porch support posts.
- C. Meet all requirements of the Santa Cruz County Sanitation District
- D. Meet all requirements and pay all fees of the Santa Cruz Water District.
  1. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency
- E. 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. Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- F. **All** requirements of the Central Fire District shall be met.
- G. Park dedication in-lieu fees shall be paid for one (1) bedroom. This fee is currently 1,000per bedroom, but is subject to change.
- H. Child Care Development fees shall be paid for one (1) bedroom. This fee is currently \$109 per bedroom, but is subject to change.
- I. Transportation improvement fees shall be paid for one (1) dwelling unit. This fee is currently \$2,080 per unit, but is subject to change.
- J. Roadside improvement fees shall be paid for **one** (1) dwelling unit. This fee is currently \$2,080 per unit, but is subject to change.

- K. Provide required off-street parking for 3 cars for Parcel A and 2 cars for Parcel B. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
- L. 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. 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, as required, including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.

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 unless otherwise specifically excepted by these conditions of approval.
- 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 demolition and construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all demolition and construction work:
1. Limit all demolition and construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation: and
  2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
  3. 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.
- F. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.

V. Operational Conditions

- A. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.

VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended,

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

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

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.

Application #: 05-0558  
APN: 026-193-67, formerly 35  
Owner: Brad Piper

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

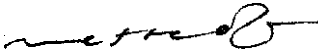
**Please note: This permit expires two years from the effective date unless you obtain the required permits and commence construction.**

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

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

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

\_\_\_\_\_  
Cathy Graves  
Principal Planner

  
\_\_\_\_\_  
Annette Olson  
Project Planner

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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: 05-0558

Assessor Parcel Number: 026-193-67 (formerly 026-193-35)

Project Location: 1332 Leila CT

**Project Description: Proposal to divide an approximately 9,000 square foot parcel into two parcels with existing structures on each parcel.**

**Person or Agency Proposing Project: Stephen Graves & Associates**

**Contact Phone Number: (831) 465-0677**

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).  
C. ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
D. ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

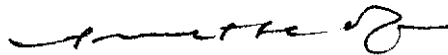
E. ☒ **Categorical Exemption**

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

**F. Reasons why the project is exempt:**

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

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



Annette Olson, Project Planner

Date: 4-24-06

# FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
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POR. OF N.E. 1/4 SEC. 17  
T.11S., R.1W. M.D.B. & M

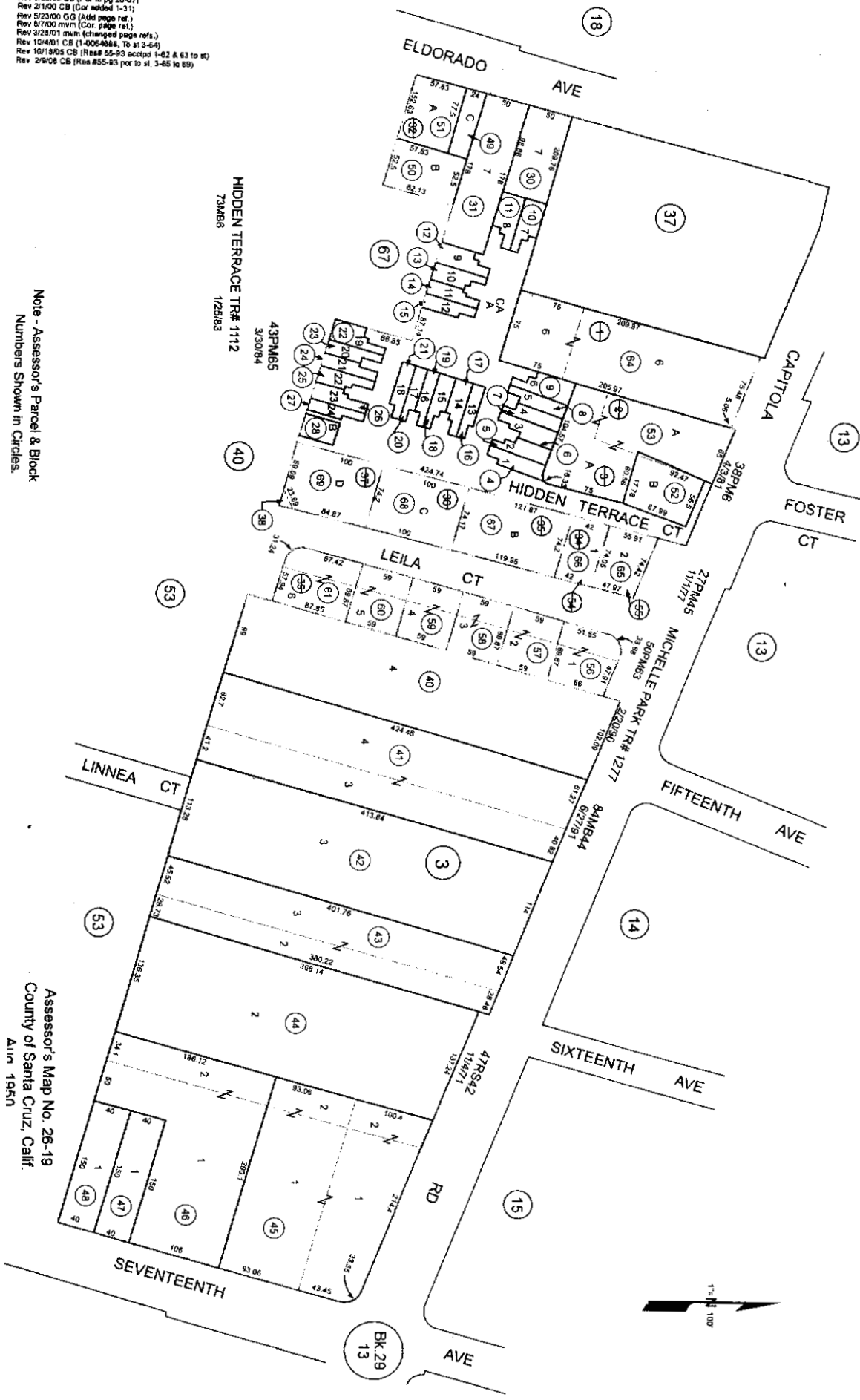
Tax Area Code  
82-040

26-19

Electronically drawn 8/28/85 K:SA  
Rev. 4/15/88 GG (CA consolidation)  
Rev. 9/28/88 CB (For to pg 26-67)  
Rev. 2/1/90 CB (For added 1-31)  
Rev. 5/23/90 GG (Add page ref.)  
Rev. 8/7/90 mmm (Cor. page ref.)  
Rev. 3/28/01 mmm (changed page refs.)  
Rev. 10/4/01 CB (1-0054888, To at 3-64)  
Rev. 10/1/05 CB (Rise 55-93 addpt 1-62 & 63 to st)  
Rev. 2/9/08 CB (Rise #55-93 por to at 3-65 to 69)

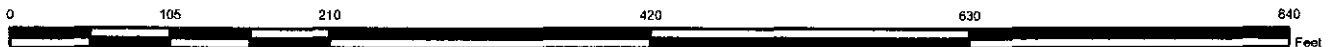
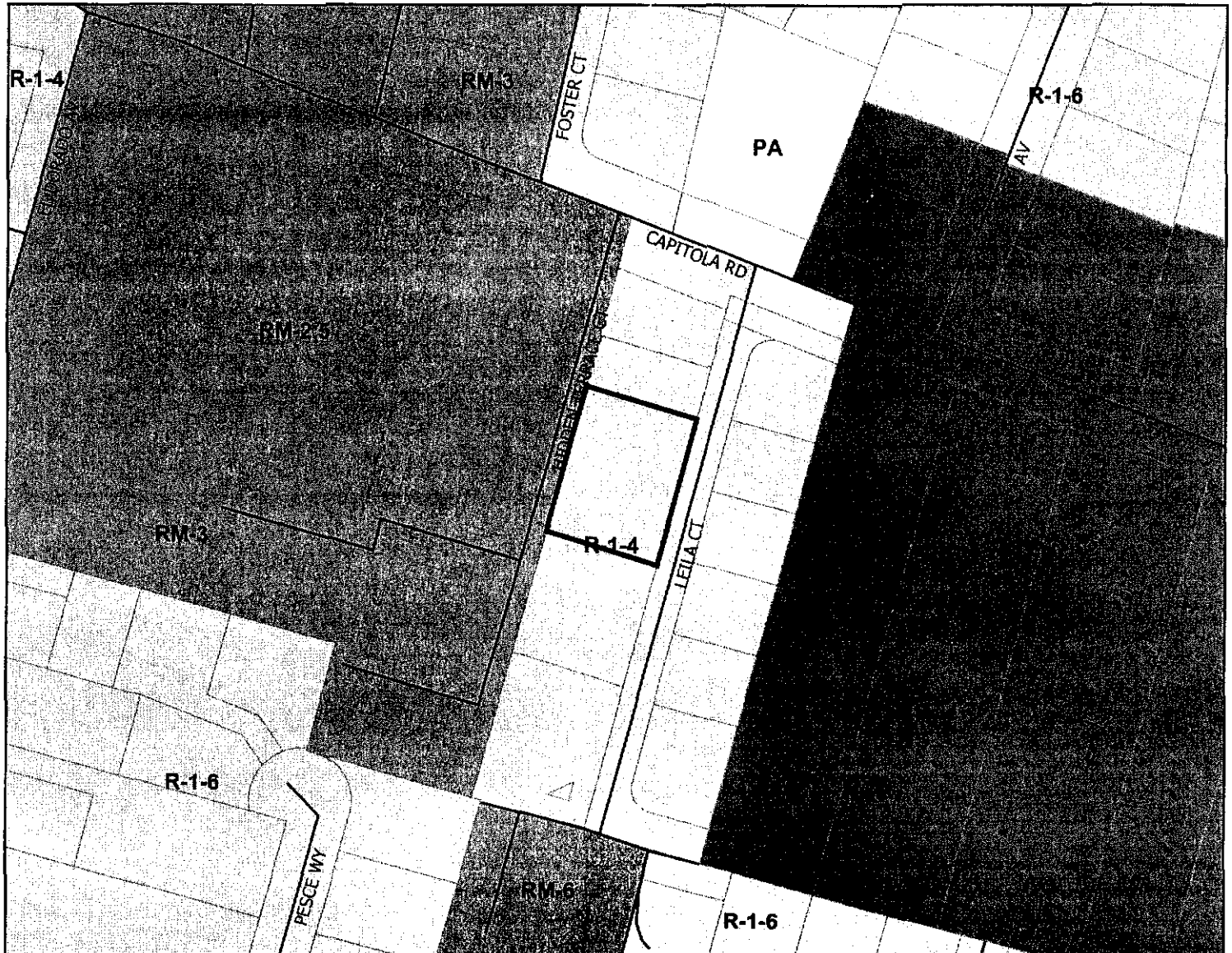
Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

Assessor's Map No. 26-19  
County of Santa Cruz, Calif.  
A.M. 1981







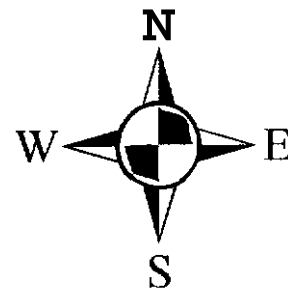


# Zoning Map



## Legend

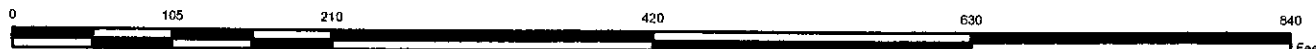
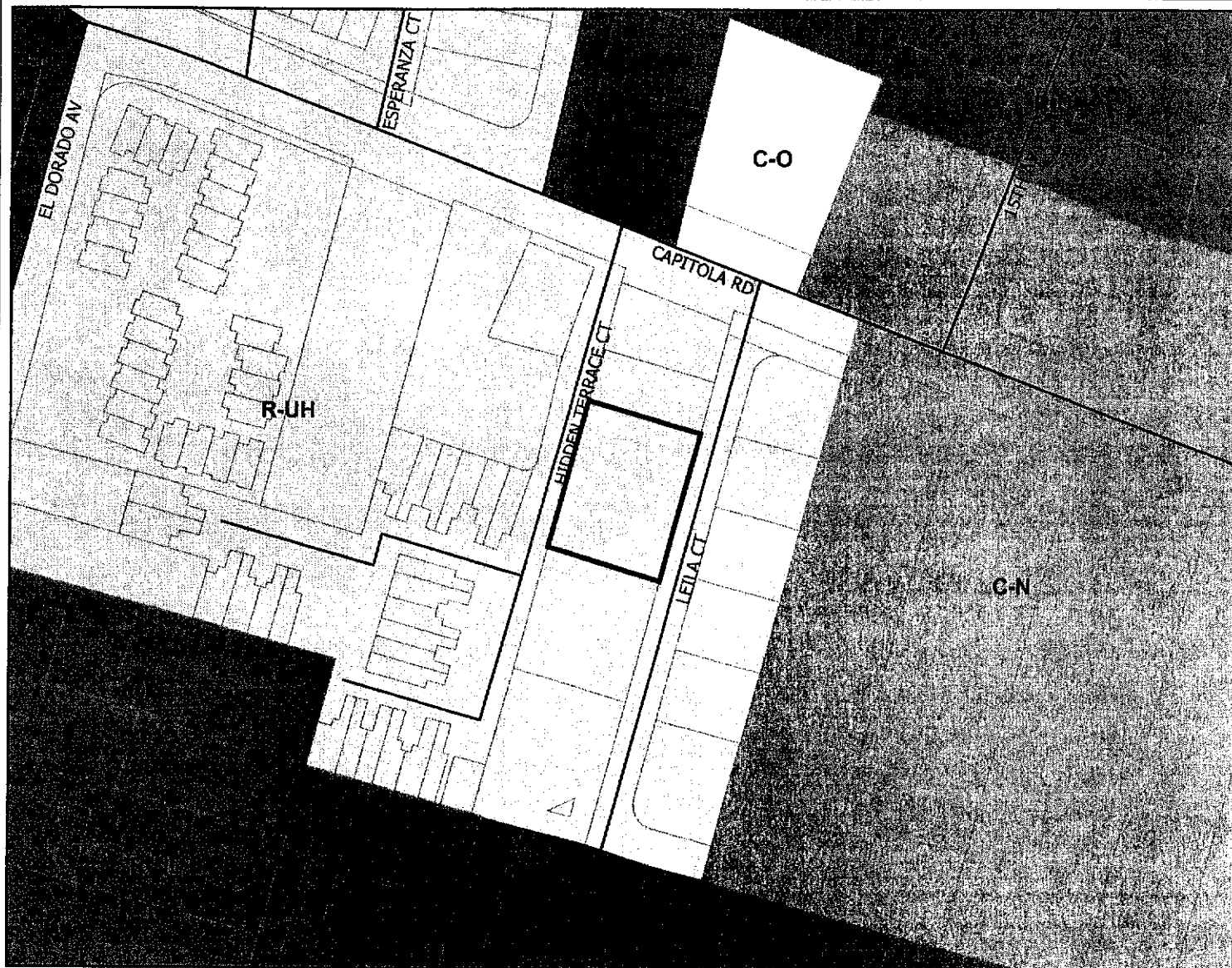
-  APN 026-193-35
-  Streets
-  Assessors Parcels
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  COMMERCIAL-PROF OFFICE (PA)











Map Created by  
County of Santa Cruz  
Planning Department  
August 2005

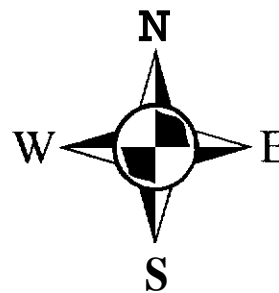


# General Plan Designation Map



## Legend

-  APN 026-193-35
-  Streets
-  Assessors Parcels
-  Residential - Urban High Density (R-UH)
-  Commercial-Neighborhood (C-N)
-  Residential - Urban Low Density (R-UL)
-  Residential - Urban Medium Density (R-UM)
-  Commercial-Office (C-O)



Map Created by  
County of Santa Cruz  
Planning Department  
August 2005

20

EXHIBIT F

## MEMORANDUM

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**Application No: 050558**

Date: April 5, 2006

To: Annette Olson, **Project** Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for a two lot Minor Land Division at Leila Court, Santa Cruz

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- *There are **no** design issues with this application. Buildings are existing and not proposed to be altered*

# COUNTY OF SANTA CRUZ

## INTER-OFFICE CORRESPONDENCE

DATE: February 1, 2006

TO: Annette Olson, Planning Department

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

SUBJECT: APPLICATION 05-0558, APN 026-193-35, LEILA COURT, THIRD ROUTING

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**This** submittal appears to have addressed all the comments in my memo dated August 14, 2005, and this application is now complete from my perspective.

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

CDR:cdr

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

Project Planner: Annette Olson  
Application No. : 05-0558  
APN: 026-193-35

Date: April 5, 2006  
Time: 09:15:28  
Page: 1

**Dpw Drainage Completeness Comments**

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

===== REVIEW ON SEPTEMBER 7, 2005 BY ALYSON B TOM ===== Application with plans dated July 2005 has been received. Application is complete with regards to drainage for the discretionary stage. Please see miscellaneous comments for issues to be addressed prior to final map recordation.

**Dpw Drainage Miscellaneous Comments**

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

===== REVIEW ON SEPTEMBER 7, 2005 BY ALYSON B TOM ===== Please address these comments prior to final map recordation.

1) Zone 5 fees will be assessed on the net increase in impervious area due to the project. This includes the impervious area related to the proposed sidewalk. Gravel/rock surfacing is considered semi impervious,

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON SEPTEMBER 19, 2005 BY GREG J MARTIN =====  
The existing fence is required to be removed. A new fence along the property line is required. The height of the fence should be 36 inches or less where the new fence is adjacent to the driveway and 20 feet from the front property line. Driveways with an accessible sidewalk behind it are required. A pedestrian easement is not recommended. The sidewalk should be dedicated right-of-way. An exception is required for the road section for Leila Court. The proposed road section has contiguous curb and gutter and 34 feet of street width measured curb face to curb face. The standard 56-foot section should be drawn crossed out on the plans and the actual section shown. Public Works has no objection to the exception since the street already has curb and gutter, the properties along the street are developed, and the existing street width of 34 feet is not significantly less than the 36 feet typically required. ===== UPDATED ON DECEMBER 21, 2005 BY GREG J MARTIN =====  
Please number each parking space. The curved parking space is recommended to be modified to meet the following criteria. A 60 degree angle is allowed between the driveway and the street. The driveway may have an inside radius of 15 feet. Since a portion of the parking area is curved which requires more maneuvering than a typical parking space a ten foot width is required. The length of the parking space should be 20 feet instead of 18 feet to accommodate the curve in the parking space. The driveway entrance for each driveway is recommended to be 12 feet.

Easements are required for the handicapped wraparound for each sidewalk. =====  
UPDATED ON FEBRUARY 2, 2006 BY GREG J MARTIN =====  
Previous comments have been addressed adequately.

**Dpw Road Engineering Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 19, 2005 BY GREG J MARTIN =====

Discretionary Comments - Continued

Project Planner: Annette Olson  
Application No.: 05-0558  
APN: 026-193-35

Date: April 5, 2006  
Time: 09:15:28  
Page: 2

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===== UPDATED ON DECEMBER 21, 2005 BY GREG J MARTIN =====  
===== UPDATED ON FEBRUARY 2, 2006 BY GREG J MARTIN =====



**COUNTY OF SANTA CRUZ**  
**DEPARTMENT OF PUBLIC WORKS**  
INTER-OFFICE CORRESPONDENCE

DATE: April 6, 2006  
TO: PLANNING/ANNETTE OLSEN  
FROM: SANITATION/CONRAD YUMANG  
SUBJECT: APN 026-193-35

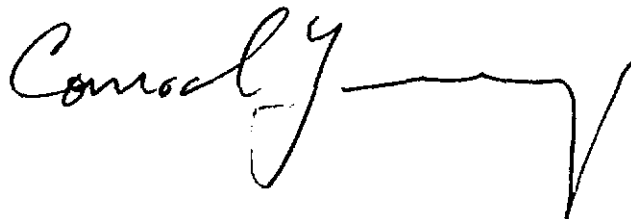
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ANNETTE:

Referencing sheet C-2 of engineering plans by Richard Irish Engineering dated 12-January-06, it appears that said sheet C-2 is adequate for a preliminary approval for sanitary service. This preliminary approval is valid for one year after the above date of this letter.

Please have the sub-divider submit building plans which will allow a fixture unit count, when he or she applies for a sewer connection permit.

Also refer the sub-divider to the "County Design Criteria" for our sewer connection standards.

A handwritten signature in black ink, appearing to read "Conrad Yumang", followed by a long horizontal line and a checkmark-like flourish.



# Santa Cruz County Sanitation District

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060-4073  
(831) 454-2160 FAX (831) 454-2089 TDD: (831) 454-2123

THOMAS L. BOLICH, DISTRICT ENGINEER

August 25, 2005

STEPHEN GRAVES AND ASSOCIATES  
2735 PORTER STREET  
SOQUEL CA 95073

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

APN: 026-193-35 APPLICATION NO.: N/A  
PARCEL ADDRESS: 1332 LEILA COURT  
PROJECT DESCRIPTION: 2 LOT MINOR LAND DIVISION

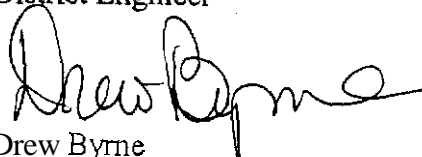
Sewer service would be available following completion of an approved preliminary sewer design submitted as part of a tentative map, development or other discretionary permit approval process. Please note that this letter does not reserve sewer service availability. Only upon completion of an approved preliminary sewer design submitted as part of a tentative map, development or other discretionary permit approval process shall the District reserve sewer service availability.

The District reserves the right to expand, modify, and/or rescind the mitigation requirements noted up to the time the tentative map is approved.

Yours truly,

THOMAS L. BOLICH  
District Engineer

By:

  
Drew Byrne  
Sanitation Engineering Staff

DB:abc/486.wpd

c: Property Owner: BRAD PIPER  
1332 LEILA COURT  
SANTA CRUZ CA 95062

(REV. 3-01)



W A T E R   D E P A R T M E N T

809 Center Street, Room 102 Santa Cruz CA 95060 Phone (831) 420-5200 Fax (831)420-5201

August 8,2005

Brad Piper  
c/o Steve Graves and Associates  
Attention: Zach Dahl  
2735 Porter Street  
Soquel. CA 95073

Re: **APN 026-193-35, 1332 Leila Court, Santa Cruz, CA / 2 Lot MLD**

Dear Mr. Piper:

This letter is to advise you that the subject parcel is located within the service area of the Santa Cruz Water Department and potable water is currently available for normal domestic use and fire protection. Service will be provided to the parcel upon payment of the fees and charges in effect at the time of service application and upon completion of the installation, at developer expense, of any water mains, service connections, fire hydrants and other facilities required for the parcel under the rules and regulations of the Santa Cruz Water Department. The development will also be subject to the City's Landscape Water Conservation requirements.

At the present time:

the required water system improvements are not complete; and  
financial arrangements have not been made to the satisfaction of the City to guarantee  
payment of all unpaid claims.

This letter will remain in effect for a period of two years from the above date. It should be noted, however, that the City Council may elect to declare a moratorium on new service connections due to drought conditions or other water emergency. Such a declaration would supersede this statement of water availability.

If you have any questions regarding service requirements, please call the Engineering Division at (831) 420-5210. **If you** have questions regarding landscape water conservation requirements, please contact the Water Conservation Office at (831) 420-5230.

Sincerely,

Bill Kocher  
Director



## *Live Oak School District*

Excellence is achieved through a caring partnership.

September 23, 2005

Steve Graves  
2735 Porter Street  
Soquel, CA 95073

RE: APN 026-193-35  
Application No. 05-0558

To Whom It May Concern:

Under its authority, and consistent with the County's General Plan, the District has established a Mello-Roos Facilities District. The Mello-Roos is to meet the supplemental mitigation cost not covered by the District's current developer fees. The mitigation costs are set forth in the District's adopted Facilities Master Plan: Developmental Impact Mitigation Plan.

The District seeks mitigation as a condition of approval of the impact of your project of development [creating two (2) or more lots] within its boundaries. This condition is based on the full mitigation impacts of these developments upon the District's facilities. You are required to enroll your property in the District's Mello-Roos to help meet the impact of mitigation on the school district. The supplemental mitigation necessary after the developer fee assessment is \$11,636 for single family homes and \$5,818 for multi-family homes. These amounts could either be paid as a one-time assessment or paid over time as a parcel fee through the District's Mello-Roos CFD, in which case the fee will be assessed through the annual property taxes paid on the property. We will be offering Mello-Roos options to finance the cost should you choose to do so.

Please contact me at 475-6333 ext. 215 if you have any questions or would like to discuss finance options.

Your cooperation and assistance in this matter is greatly appreciated

mines  
Assistant Superintendent, Business Services

✓C: Annette Olson, County Project Planner

DISTRICT OFFICE 984-1 BOSTWICK LANE SANTA CRUZ, CA 95062-1798 (831) 475-6333 Fax (831) 475-2638  
Del Mar School 1959 Merrill Street 477-2063 Green Acres School 966 Bostwick Lane 475-0111  
Live Oak School 1916 Capitola Road 475-?OM Shoreline Middle School 855 17th Avenue 475-6565  
Ocean Alternative School 984-6 Bostwick Lane 475-0767 Cypress Charter High School 2039 Merrill Street 477-0302  
[www.lodo.santacruz.k12.ca.us](http://www.lodo.santacruz.k12.ca.us)



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

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930 17<sup>th</sup> Avenue, Santa Cruz, CA 95062  
phone (831) 479-6843 fax (831) 479-6847

**Date:** September 13, 2005  
**To:** Brad Piper  
**Applicant:** **Stephen Graves**  
**From:** Tom Wiley  
**Subject:** **05-0558**  
**Address:** **1332 Lella ct**  
**APN:** 026-193-35  
**OCC:** 2619335  
**Permit:** 20050271

We have reviewed plans for the above subject project. District requirements appear to have been met.

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

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 and 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 daims 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.

2619335-091305

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