



Staff Report to the Planning Commission

Application Number: **06-0427**

Applicant: Thacher and Thomson, Architects

Agenda Date: February 14, 2007

Owner: Mar Sereno Estates, LLC

Agenda Item #: 8

APN: 039-061-09,15,16,17 & 19

Time: After 9:00 a.m.

Project Description: Proposal to modify the grading plans and architectural designs for Lots 1, 7, 8, 9 and 11 of the ~~Mar~~ Sereno subdivision.

Location: Mar Sereno Drive, Aptos

Supervisory District: Third District (District Supervisor: Ellen Pirie)

Permits Required: Amendment to Permit 98-080I and Preliminary Grading Approval

Staff Recommendation:

- Approval of Application 06-0427, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

Exhibits

- | | | | |
|----|--|----|------------------------------------|
| A. | Project plans | F. | Zoningmap |
| B. | Findings | G. | General Plan map |
| C. | Conditions | H. | Discretionary Application Comments |
| D. | Categorical Exemption (CEQA determination) | I. | Urban Designer's Memo |
| E. | Location map | | |

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Parcel Information

Parcel Size: Varies – see Exhibit A
Existing Land Use - Parcel: Vacant
Existing Land Use - Surrounding: Residential
Project Access: Mar Sereno Drive
Planning Area: Aptos
Land Use Designation: R-UVL (Urban Very Low Density Residential)
Zone District: R-1-10 (10,000 sq. ft. min. parcel size)
Coastal Zone: — Inside X Outside
Appealable to Calif. Coastal Comm. — Yes X No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
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: X Inside — Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire Protection District
Drainage District: 6

History

The Board of Supervisors approved the Mar Sereno Subdivision on **January** 29, 2002. The application included a rezoning and a subdivision to create eleven single-family lots, including approval of the architectural plans for the ten new houses. The Final Map was filed on September 17, 2003. During the construction of the site improvements, variations from the approved plans were discovered. These variations were primarily related to site grading and sound wall design. After the variations had been resolved, it was discovered that the house designs originally approved for the subdivision did not fit the approved grading plan for the site. To resolve this issue, an amendment to the house designs was required.

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Previous Application

The Planning Commission heard an application to revise the house designs for five lots on February 8, 2006. At the public hearing, several members of the immediate neighborhood questioned the proposed house designs, primarily focusing on the increased house sizes. The Commission, agreeing with the neighbors, continued the item to the February 22, 2006 agenda and directed the applicant to re-design of the homes to be more consistent with the approved house sizes.

On February 22, 2006, the applicant requested an additional continuance in order to meet with the neighbors, who had been consulted previously about the revised house plans (the hearing was continued to March 22nd). The applicant and owner then met with the neighbors. The outcome of the meeting (as indicated by the applicant) was that the original designs submitted to the Planning Commission on February 8th, were acceptable to the neighbors.

Based on that input, the owner, at the March 22nd hearing, requested that the Commission reconsider the original designs. The Commission's response was a re-affirmation of their earlier action on the application and a direction to staff to return with findings for denial on the consent agenda on April 12, 2006.

On April 12, 2006, the Planning Commission adopted the revised findings for denial based on concerns over neighborhood compatibility. (See Attachment 3 for the Development Permit findings for denial). On April 25, 2006, the applicant appealed the Planning Commission's decision.

On May 23, 2006, the Board of Supervisors accepted the revised designs and overturned the Planning Commission's denial with a unanimous vote.

Current Application

The applicant has resubmitted plans for the remaining houses on five lots in the Mar Sereno Subdivision on Soquel Avenue. The "Areas Table" on the Site Plan illustrates the existing and revised house footprints, Lot Coverage and Floor Area Ratios. All parcels have been redesigned to remain within the maximum Lot Coverage and Floor Area Ratio for this zoning district.

Most of the lot coverage percentages for the revised designs are within five percent of the ones formerly proposed (two ~~higher~~ and three lower). The Floor Area Ratios are similar for two of the lots, and higher on three of the lots. None of the lots have FAR's that approach the 50% maximum, they do not overpower the lot, and they are consistent with the character of the other designs being proposed.

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Lot No.	Lot Size (sf)	Approved Lot Coverage	Approved Bldg Area (sf, w/o gar)	Approved FAR	Proposed Lot Coverage	Proposed Bldg Area (sf, w/o gar)	Proposed FAR
1	15,595	24.21 %	3,130	24 %	27 %	4,360	31.8 %
7	10,182	22.88 %	3,112	36.2 %	28.7 %	2,925	36.1 %
8	20,189	22.69 %	3,876	22 %	22.7 %	3,792	21.8 %
9	16,217	15.40 %	3,099	22.7 %	16.6 %	4,032	28.1 %
11	26,421	19.04 %	3,547	17 %	17.6 %	4,362	20.1 %

The current architectural plans have all been designed and referenced to the grading plan. In addition, the designs have been refined to be more compatible with each other and internally consistent. The proposed changes to the approved architectural designs comply with the requirements of the County Design Review Ordinance (13.11) and have been reviewed by the Urban Designer (see Exhibit I).

Grading Review and Architectural Revisions

During construction of improvements, it was discovered that site grading was inconsistent with the originally approved improvement plans. Part of the settlement agreement between the county and the applicant was to return the grades for the subdivision to those that were approved on the Final Map. The applicant complied with this requirement as confirmed by a licensed surveyor. The original designs for the residences did not reference floor elevations, spot elevations or any coordination with the approved grading plan. The grading for the location of these revised house designs on the specific lots has been reviewed by Environmental Planning and minor modifications were made (see Exhibit H), that are consistent with the improvement plans.

Environmental Review

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is located within the Urban Services line, is already served by existing water and sewer utilities, and no change of use is proposed.

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.

Application #: **06-0427**
APN: **039-061-09,15,16,17 and 19**
Owner: **Mar Sereno Estates, LLC**

Staff Recommendation

- **APPROVAL** of Application Number **06-0427**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

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

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

Report Prepared By: _____


Lawrence Kasparowitz
Cruz County Planning Department
01 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2676
E-mail: pln795@co.santa-cruz.ca.us

Report Reviewed By: _____


Mark Deming
Assistant Planning Director

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, 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 proposed residences 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.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the residences and the conditions under which they would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-10 (10,000 sq. ft. min. parcel size) zone district in that the primary use of the property will be residential.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed residential use is consistent with the use and density requirements specified for the Urban Very Low Density Residential (R-UVL) land use designation in the County General Plan.

The proposed residences will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meet 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 homes 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 residences are not improperly proportioned to their parcel sizes 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 residences will comply with the site standards for the R-1-10 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in structures consistent with a design that could be approved on any

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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.

This finding can be made, in that the proposed residences are to be constructed on existing, previously approved, undeveloped lots.

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.

This finding can be made, in that the proposed structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed residences are 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.

This finding can be made, in that the proposed residences will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. **The** Urban Designer has reviewed this application in accordance with Chapter 13.11 (Exhibit I) and found the designs to be in conformance with the ordinance.

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Conditions of Approval

Exhibit A: Architectural plans prepared by Thacher & Thompson Architects, Lots 1, 8 and 11
- dated August 8, 2006 and Lots 7 and 9 – dated October 10, 2006.

- I. This permit authorizes the substitution of five single-family residential architectural designs in a previously approved subdivision. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official.
 - C. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
NOTE: These conditions shall be recorded for each lot.
 - B. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Identify finish of exterior materials and color of roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. Grading, drainage, and erosion control plans.
 3. 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.

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This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site that clearly depict the total height of the proposed structure.

4. Details showing compliance with fire department requirement.
 5. Landscape plans for the front yards, including planting, irrigation, walkways with fence location and design. Lots 2 through 5 shall not have any rear yard fence or wall other than what was approved in the settlement agreement and any amendments thereto.
- C. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- D. Meet all requirements of and pay Zone 6 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- E. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- F. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer, if required.
- G. Pay the current fees for Parks and Child Care mitigation for:
- Lot 1 - two bedrooms.
 - Lot 7 – one bedrooms
 - Lot 8 – two bedrooms
 - Lot 9 – one bedrooms
 - Lot 11 – two bedrooms
- Currently, these fees are, respectively, \$1,000 and \$109 per bedroom.
(Note: credit has been given for three bedrooms for the fee paid during the subdivision process – all fees for Transportation and Roadside Improvements have been paid)
- H. Provide required off-street parking for three cars for Lots 7 & 8 and four cars for Lots 1, 8 & 11. 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.
- I. 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

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developer fees and other requirements lawfully imposed by the school district.

111. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - 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.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance 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 permit revocation.
- V. 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

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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.

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: _____

Mark Deming
Assistant Planning Director

Lawrence Kasparowitz
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 05-0582
Assessor Parcel Number: 039-061-09,15,16,17 and 19
Project Location: Mar Sereno, Aptos

Project Description: Proposal to modify the grading plans and architectural designs for Lots 1, 7, 8, 9 and 11 of the Mar Sereno subdivision.

Person Proposing Project: Thacher and Thomson


Contact Phone Number: (831) 457-3939

- 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).
E. X Categorical Exemption -
Specify type: Class 15 - Minor Land Divisions (Section 15315)

F. Reasons why the project is exempt:

Revised residential designs in a previously approved subdivision, 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.

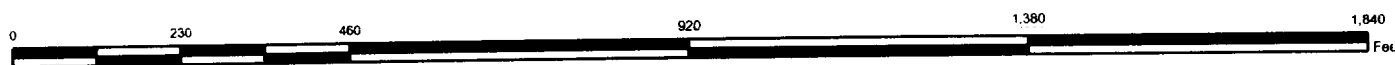
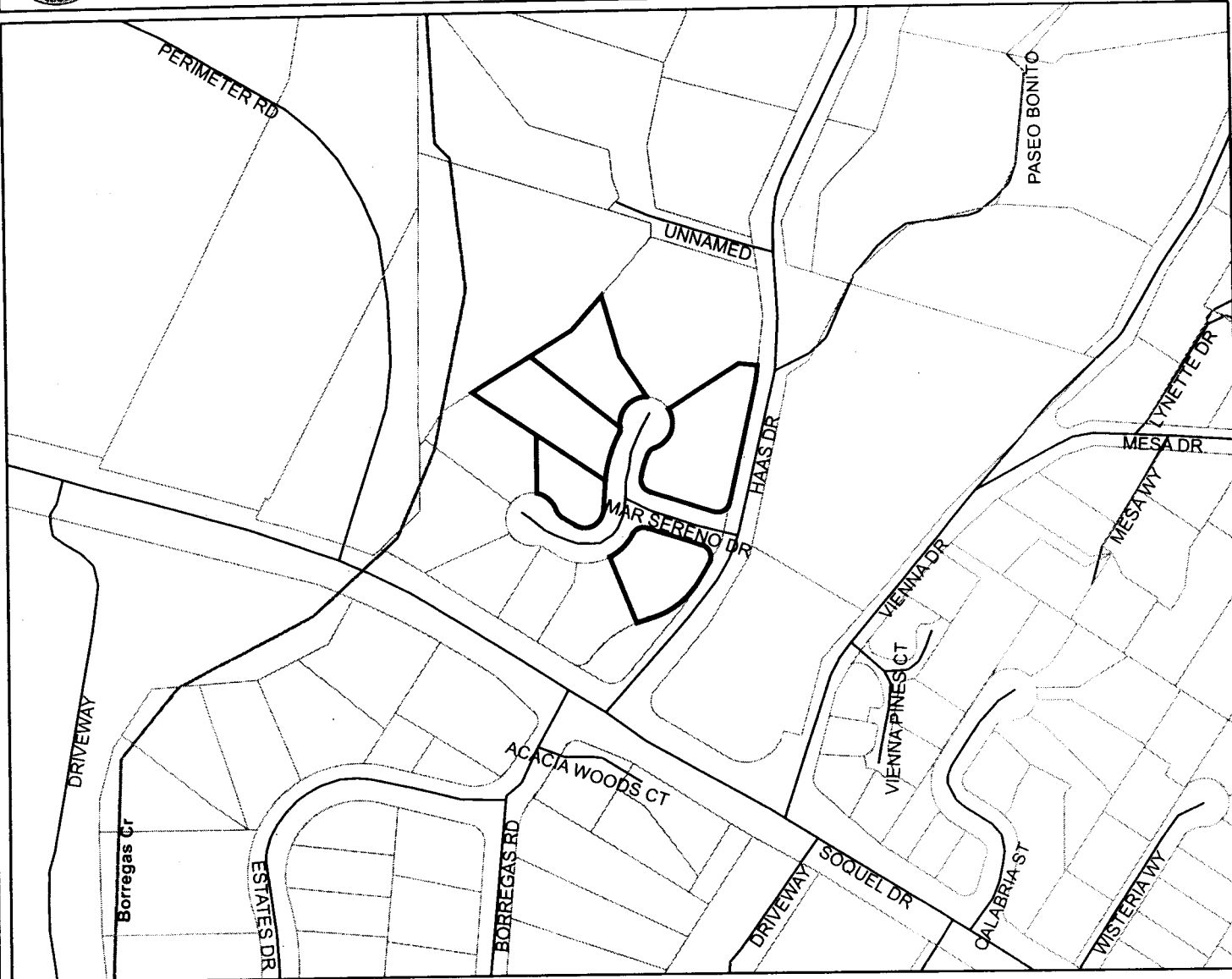


Lawrence Kasparowitz, Project Planner







Date: 2/14/07

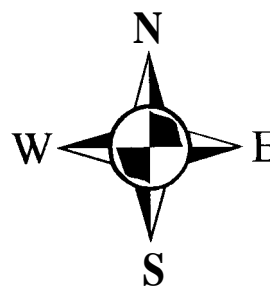


Location Map



Legend

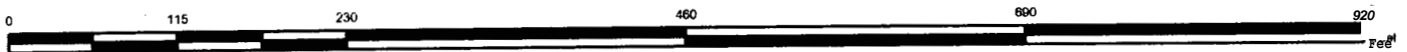
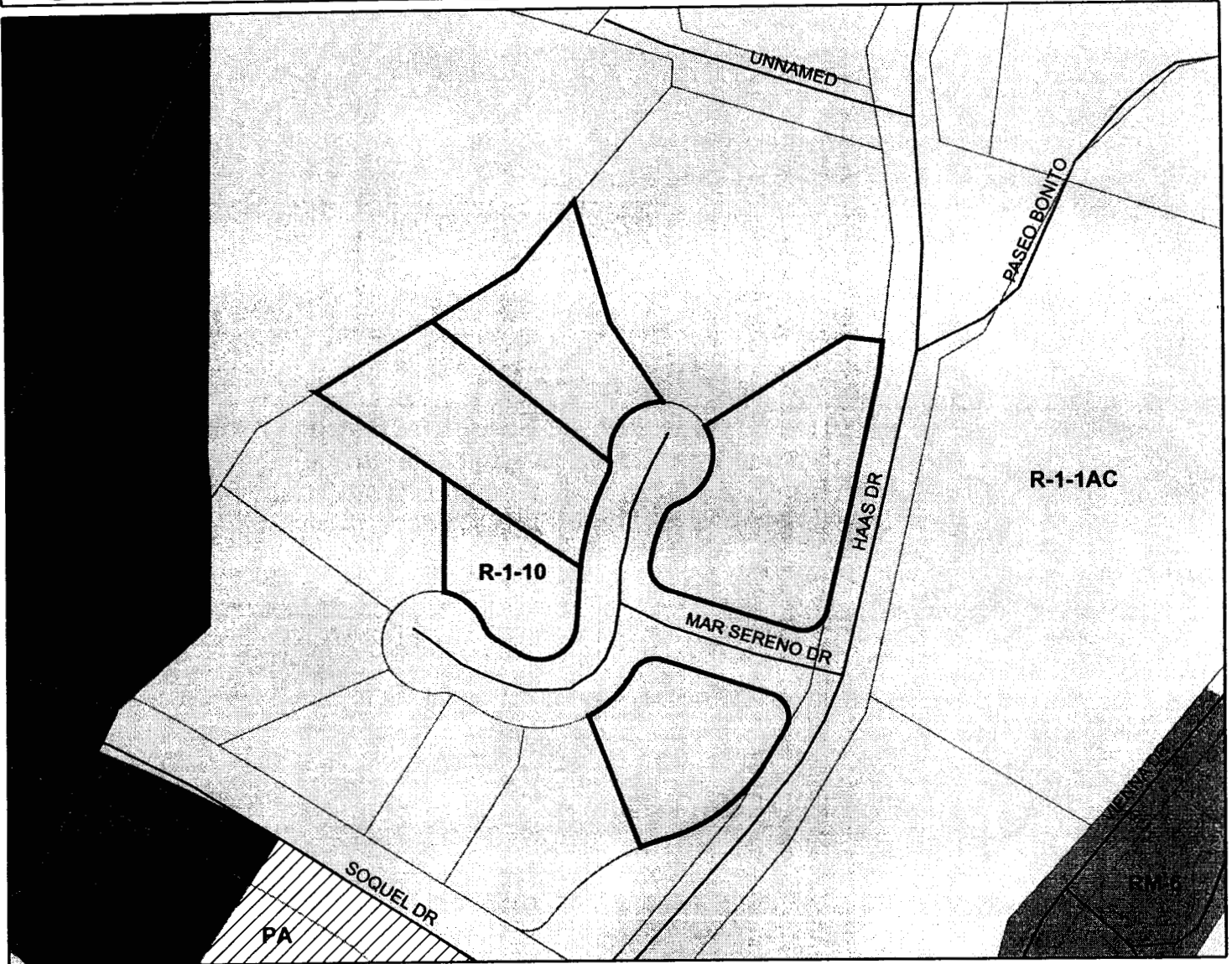
-  Project Parcels
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  LAKE
-  PERENNIAL STREAM








Map Created by
County of Santa Cruz
Planning Department
August 2006

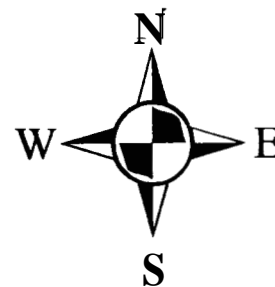


Zoning Map



Legend

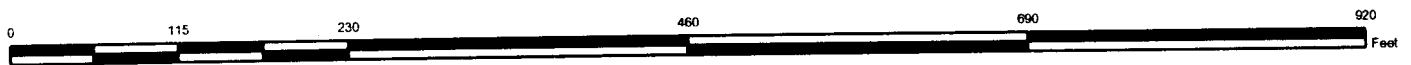
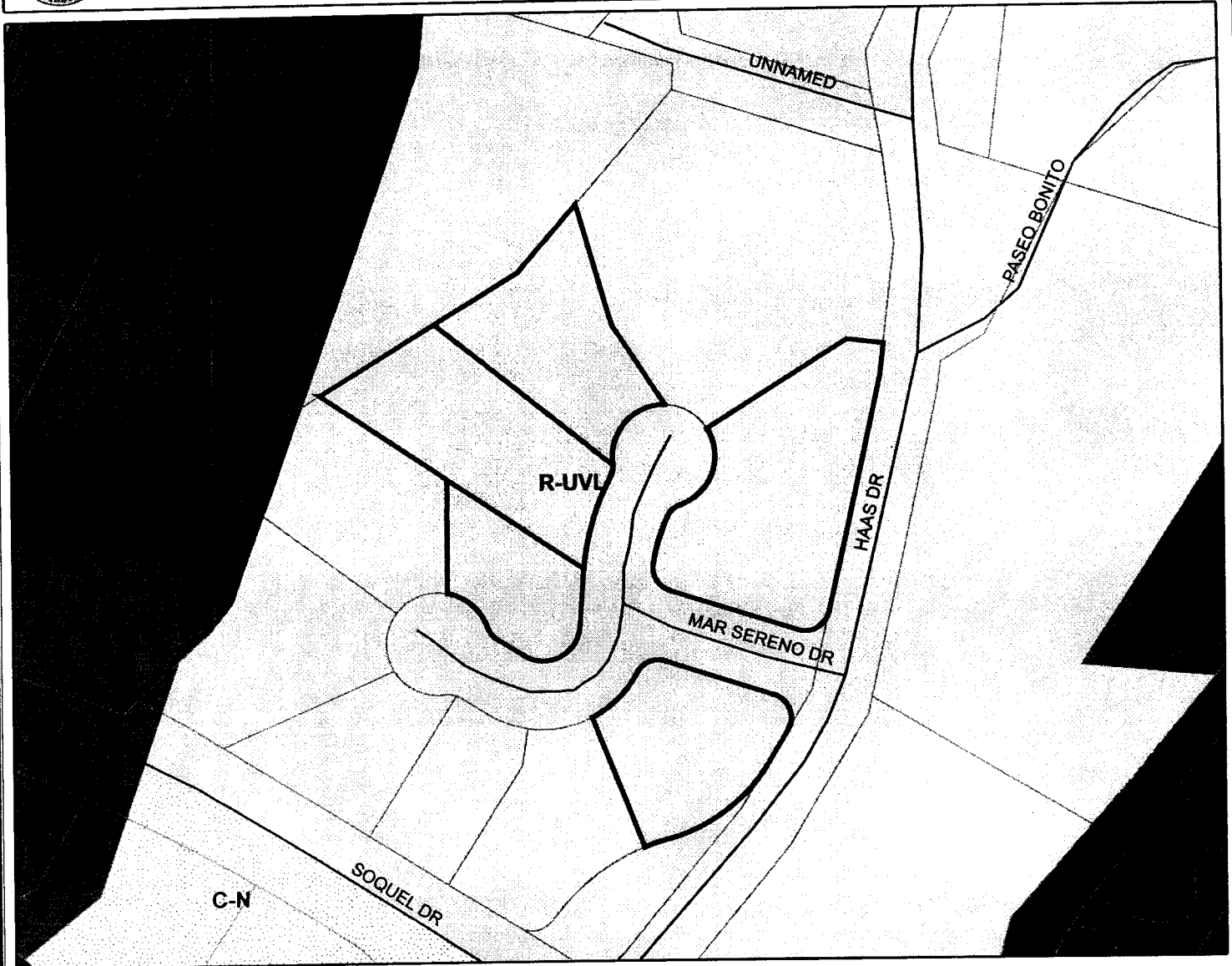
-  Project Parcels
-  Assessors Parcels
-  Streets
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  RESIDENTIAL-MULTI FAMILY (RM)
-  COMMERCIAL-NEIGHBORHOOD (C-1)
-  PUBLIC FACILITY (PF)
-  COMMERCIAL-PROF OFFICE (PA)









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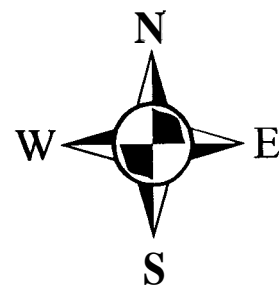


General Plan Designation Map



Legend

-  Project Parcels
- Assessors Parcels
-  Streets
-  Residential - Urban Very Low Density (R-UVL)
-  Urban Open Space (O-U)
-  Residential - Urban Low Density (R-UL)
-  Commercial-Neighborhood (C-N)



Map Created by
County of Santa Cruz
Planning Department
August 2006

C O U N T Y O F S A N T A C R U Z
D I S C R E T I O N A R Y A P P L I C A T I O N C O M M E N T S

Project Planner: Larry Kasparowitz
Application No.: 06-0427
APN: 039-061-09

Date: January 29, 2007
Time: 10:26:01
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON SEPTEMBER 5, 2006 BY KENT M EDLER =====

Completeness Comments:

1. Submit a plan review letter from the soils engineer.
2. Lots 9 and 11 show new access from a private driveway / adjacent property. The plans must clearly show the easements and grading to be performed on the adjacent property. An owner-agent form will be required if work is to be performed outside of the easement.
3. The plans appear to only show grading quantities outside of the building footprint. The plans should show grading x-sections through the proposed structures as well as the quantities within the footprint.

===== UPDATED ON OCTOBER 31, 2006 BY KENT M EDLER =====

An owner-agent form was not routed to EP for lots 9 & 10 access issues. As long as the Project Planner has a copy of the owner-agent form, there are no remaining completeness comments.

Environmental Planning Miscellaneous Comments

===== REVIEW ON SEPTEMBER 5, 2006 BY KENT M EDLER =====

1. The revised grading plans need to clearly indicate the drainage patterns on the individual parcels.

===== UPDATED ON OCTOBER 31, 2006 BY KENT M EDLER =====

Condition of Approval:

1. A plan review letter from the soils engineer is required for each lot during the building permit application stage.

MEMORANDUM**Application No: 06-0427**

Date: September 6, 2006
To: Lawrence Kasparowitz, Project Planner
From: Urban Designer
Re: Design Review for revisions to Mar Serran Subdivision

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

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

Design Review Standards**13.11.072 Site design.**

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria(✓)	Urban Designer's Evaluation
Location and type of access to the site			N/A
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences			N/A
Landscaping		✓	
Streetscape relationship	✓		
Street design and transit facilities			N/A
Relationship to existing structures	✓		

Relate to surrounding topography	✓		
Retention of natural amenities			N/A
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Safe and Functional Circulation			
Accessible to the disabled, pedestrians, bicycles and vehicles	✓		
Solar Design and Access			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria(✓)	Urban Designer's Evaluation
Compatible Building Design			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		

Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting			N/A

URBAN DESIGNER s COMMENTS:

- *A landscape design for the front yards should be required to be submitted with final building plans.*