



# COUNTY OF SANTA CRUZ

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## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

February 8, 2007

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

**Agenda Date: February 28, 2006**

**Item #: 8**

**Time: After 9 AM**

**APN: 028-052-63**

**Subject: Application 05-0606**

Members of the Commission:

### **History –**

This item came before the Commission on January 10, 2007. At that time, your Commission noted that the applicant had already moved the historical residence to accommodate the proposed minor land division. Because the applicant had removed the siding and re-arranged windows contrary to the approved Preservation Plan, staff informed your Commission that the Historical Resources Commission (HRC) was scheduled to consider the actions of the applicant at its meeting in February. A continuance was requested by staff to allow the HRC to complete its review of the matter.

Your Commission agreed that the HRC should complete its review before further action by the Planning Commission and continued the item until the February 28<sup>th</sup> agenda. Your Commission also commented on some additional issues that staff needed to address at that time, including the driveway access for Lot 1, consistency of plans and incorporating the HRC's conditions into the land division's conditions.

### **Historical Resources Commission review –**

The project has been considered on three separate occasions. The Historical Resources Commission first reviewed this project when the applicant requested moving and turning the house and placing it on a new foundation. This occurred on February 9, 2005 (before the application for the MLD was submitted).

At the second appearance at the HRC (October 20, 2005), the applicant requested demolishing a 150 sq. ft. addition at the rear of the house that was not part of the original structure.

The third review by the HRC (January 11, 2007) was conducted to review, after-the-fact, a plan to incorporate revisions to the exterior on all four sides of the structure (including relocation of windows and adding a new chimney). The HRC asked the applicant to match all historic siding

and apply for a new building permit that more closely detailed the actual work.

The draft minutes and the Notice of Action from the Historical Resources Commission are included as Attachments A and B. Planning Commissioners should note Condition 6 of the Notice of Action:

*"Staff shall transmit to the Planning Commission a recommendation that a condition be placed on Application 05-0606 requiring that the HRC be satisfied with the reconstruction before the Parcel Map may be recorded."*

Staff agrees with the Historical Resources Commission and recommends that the following Condition of Approval be added:

III. Prior to recordation of the Final Map, the following requirements shall be met:

L. A letter from the Historical Resources Commission shall be submitted to the Project Planner indicating final approval of the reconstruction of the historical residence.

#### **Driveway Locations and Number –**

In January, your Commission noted that the comments regarding project access from the Department of Public Works conflicted with the recommendation of Planning staff. DPW staff had recommended that all access to the project be from Merrill Street and that the 17<sup>th</sup> Avenue driveway be removed and replaced with curb, gutter and sidewalk. As indicated in the original staff report, Planning staff has recommended that the existing dwelling maintain its existing access from 17<sup>th</sup> Avenue and that the two new homes gain access from Merrill Street. The reason for this recommendation is that the Live Oak School District, the owner of Merrill Street, has limited access to 2 driveways to serve the new development. Exhibit K of the original staff report includes two letters from the Live Oak School District.

The first letter (of May 18,2005) clearly grants permission for two driveways for two single-family homes. The second letter (of January 20,2006) is the response to a request to modify the original approval to allow three driveways. The School Board did not approve the request and informed the applicant that he was to proceed per his original request. On June 29,2006, the School Board sent a memo to the applicant approving the number and locations of the driveways. The memo also stated "the safety concerns also appear to be met".

Following the January Planning Commission meeting, Planning staff contacted the Superintendent of the Live Oak School District to determine if there was any way to alter the limitations placed by the School Board. Mr. Payne indicated that there was not. The School Board's concerns are that the sidewalk along the north side of Merrill Street serves as the primary pedestrian access to Del Mar School and that more than 2 driveways would be an unacceptable safety risk. He also noted that there was an existing driveway serving the property on 17<sup>th</sup> Avenue.

#### **Turn around at Lot 1 –**

Staff encouraged the applicant to place a turn-around at the parking area on Lot 1 in order to

allow cars to leave the site heading forward out of the driveway. The Planning Commission questioned whether this space would be used as another parking space (defeating the purpose of the turn-around). Although the historical house is shown with one bedroom, requiring two parking spaces by code, the Commission indicated that there could be a conversion of interior space to provide a greater number of bedrooms. Because there is sufficient room to allow additional cars to park on the north side of the house, by extending the parking area, staff recommends that an additional space be required. Should the Commission agree, staff will include a condition requiring the provision of one additional tandem parking space (three space are required for two to four bedrooms) in this area, as well as a condition requiring that a "No Parking" sign be placed at the turn-around.

### Conclusion:

As discussed above, staff has addressed the major issues raised by the Commission at the January 10th meeting. The HRC has reviewed and accepted the changes to the building with added conditions and the issue of the driveway location has been reviewed again. The plans are now internally consistent and the conditions of approval reflect the HRC's recommendations and additional language has been added to address the parking for Lot 1.

Staff therefore recommends that your Commission:

- Certify the Negative Declaration under the California Environmental Quality Act; and
- Approve of Application 05-0606, based on the findings and revised conditions.

Sincerely,

  
Lawrence Kasparowitz  
Project Planner  
Development Review

Reviewed By:

  
Mark Deming  
Assistant Director

Exhibits:

- A. Revised Conditions of Approval
- B. Historic Resources Commission draft minutes, dated January 11,2007
- C. Historic Resources Commission Notice of Action, dated January 11,2007
- D. Revised plan reductions
- E. Staff Report to the Planning Commission, dated December 15,2006

## Conditions of Approval (Revised)

Minor Land Division Permit No.: 05-0606

Applicant and Property Owners: Michael and Kristine Achkar  
Assessor's Parcel No.: 028-052-63  
Property Address: 710-17th Avenue  
Planning Area: Live Oak

### Exhibits:

- a. Tentative map prepared by Mission Engineers (T- 1 and T-2), dated 10/3 1/06.
- b. Architectural plans prepared by Mike Achkar (A-1 to A-1 l), dated 9/15/06 with revisions of 12/07/05, 03/23/06 and 06/26/06.
- c. Civil drawings prepared by Mission Engineers (E-1 ,2), dated 6/19/06 and 4/11/06.
- d. Landscape drawings prepared by Mike Arnone, Landscape Architect (L-1), dated 4/10/06.

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

- I. This permit authorizes the division of one parcel into three lots: the construction of two single-family residences, and the relocation of the existing residence to Lot 1, per the conditions of the Historic Resources Commission (incorporated herein). 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.
- 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 three (3) single-family residential lots.

C. The minimum lot size shall be 4,000 square feet, net developable land.

D. The following items shall be shown on the Parcel Map:

1. Development envelopes and/or building setback lines located according to the approved Tentative Map.
2. Show the net area of each lot to nearest square foot.
3. The Owner's Certificate shall include an irrevocable offer of dedication to the County of Santa Cruz for the improvements shown on the tentative map.

E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:

1. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
2. Lots shall be connected for water service to City of Santa Cruz Water District
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. No changes in the placement of windows that face directly towards existing residential development, **as** shown on the architectural plans, shall be permitted without review and approval by the Planning Commission.
  - b. Exterior finishes shall incorporate wood siding or stucco, as shown on the architectural plans and color sample board.
  - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the RM-4 zone district. No residence shall exceed 40% lot coverage, or a 50% floor area ratio, or other standards **as** may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.
  - d. Lot 1 shall include a minimum of three (3) parking spaces located on the north side of the residence. The turn-around area located between the residence and 17\* Avenue shall

be maintained free of vehicles and shall be posted as a "No Parking" area with a small (1/2 sf) sign.

4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the criteria of the City of Santa Cruz Water Department.
  5. Submit a written statement signed by an authorized representative of the Live Oak School District 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. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
111. 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. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
    1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
    2. Pay all necessary bonding, deposits, and connection fees.
  - C. Engineered improvement plans are required for this land division, and a subdivision agreement backed by financial securities is necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
    1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval.

2. The applicant shall submit to the Planning Department for review and approval the following:
  - a. A soils report for this site. Plans shall comply with all requirements of the soils report. Plan review letters shall be submitted from the geotechnical engineer indicating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.
  - b. A preliminary grading plan to the Planning Department for review and approval.
  - c. **An** erosion control plan to the Planning Department for review and approval.
3. Engineered drainage plans shall be reviewed and approved by the Department of Public Works. The following will be required:
  - a. All necessary legal easement(s) will be required to be in existence across all neighboring parcels over which the constructed improvements will be built. The Improvement plans are to show these offsite improvements in sufficient detail that there is a clear record, and that they may be constructed.
  - b. A formal agreement for maintenance of these offsite drainage improvements must be created and recorded. The responsible parties for performance of such maintenance and associated costs is to be resolved between the affected landowners in the manner they deem **fit**.
3. All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
- D. Engineered improvement plans for all water line extensions required by City of Santa **Cruz** Water District shall be submitted for the review and approval of the water agency.
- E. All requirements of the Central Fire District shall be met.
- F. Park Dedication in-lieu fees shall be paid for four **(4)** bedrooms for Lot 2 and four **(4)** bedrooms for Lot **3**. Currently this fee is \$1,000 per bedroom, but is subject to change.
- G. Transportation Improvement fees shall be paid for two (2) single-family dwelling units. Currently, this fee is \$2,200 per unit, but is

subject to change. An application for a fee credit for any off site improvement installed may be applied for with the DPW.

- H. Roadside Improvement fees shall be paid for two **(2)** dwelling units. Currently, this fee is, \$2,200 per unit, but is subject to change.
  - I. Child Care Development fees shall be paid for four **(4)** bedrooms for Lot **2** and four **(4)** bedrooms for Lot **3**. Currently this fee is \$109 per bedroom, but is subject to change
  - J. **An** application for a fee credit for any off site improvement installed may be applied for with the DPW.
  - K. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
  - L. A letter from the Historical Resources Commission shall be submitted to the Project Planner indicating final approval of the reconstruction of the historical residence.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans. 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, if 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.
  - 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.
  - D. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required

EXHIBIT A



improvements, provide access for County required tests or to carry out other work specifically 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. Construction of improvements shall comply with the requirements of the geotechnical report prepared by United Soil Engineering, Inc., dated December 2005. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
  - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation.
  - 2. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site, on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on the site, and shall include the language "for construction noise and dust problems call the 24 hour contact number". The name, phone number, and nature of the disturbance shall be recorded by the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions.
  - 3. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent on nearby streets maybe be required to control the export of excess dust and dirt.

- 4. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
  - H. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
  - I. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map and/or the engineered improvement plans.
- V. All future construction within the subdivision 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.
- VI. 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 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:
- I. 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.

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 on the expiration date listed below 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.



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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(831)454-2580 FAX: (831)454-2131 TDD: (831)454-2123  
TOM BURNS, PLANNING DIRECTOR

## HISTORIC RESOURCES COMMISSION DRAFT MINUTES

Thursday, January 11, 2007  
5:30 p.m.  
REGULAR MEETING

Planning Department Small Conference Room  
County Building, 4<sup>th</sup> Floor  
Santa Cruz CA 95060

### 1. CALL TO ORDER/ROLL CALL

Chair Manning called the meeting to order at 5:35 p.m.  
Commissioners Present: Borg, Fisher, Kennedy, and Manning.  
Commissioners Absent: None  
Staff Present: Guiney, Bussey  
Members of the Public Present: Graham Bubb, Mathew Rose, Mike Achkar

### 2. AGENDA APPROVAL OR MODIFICATION

There were no agenda modifications.

### 3. APPROVAL OF MINUTES

There were no minutes to consider.

### 4. PUBLIC COMMUNICATIONS (Members of the public may speak on items not on this agenda)

No one spoke on an item not on the agenda

### 5. CONSENT ITEMS

There were no consent items.

### 6. PUBLIC HEARING ITEMS

A. Historic Preservation Plan Application 06-0722 of Michael and Kristine Achkar for after-the-fact approval to remove existing exterior shingle siding and replace with matching material on an existing historic resource at 710 17<sup>th</sup> Ave., Live Oak. APN: 028-052-63.

Staff presented the item and recommended that the Commission approve the amendment with conditions. Chair Manning opened the public hearing. Mr. Achkar and his associates, Mr. Bubb and Mr. Rose provided testimony. It was noted that the structure had termite damage and that the project engineer directed the shear wall be placed on the exterior rather than the interior walls. Mr. Achkar indicated that inspection services required the design since it was considered a reconstruction. The Public Hearing was closed and the item brought back to the Commission.

There ensued a discussion which focused on the window design and placement, the siding, the piecemeal approach of this project and the oversight to insure compliance.

*Commissioner Fisher* was concerned about the placement and design of the new windows, even though the HRC had previously approved the location. Commissioner Fisher also stated that a conflict exists between Inspection Services and HRC regarding the reconstruction code requirements.

*Commissioner Sullivan* was concerned about the "piece meal" approach being taken by the applicant with respect to the Historic structure.

*Commissioner Manning* was concerned about the project oversight and the compliance with and conditions.

**Commissioner Fisher** moved to approve the Historic Preservation Plan as recommended by staff with the following additional conditions:

- Recommend to the Planning Commission that a condition be placed on Minor Land Division request 05-0606 requiring that the HRC be satisfied with the reconstruction prior to the recording of the Parcel Map.
- That the applicant keep in contact with staff regarding the process and suggested requesting staff review of the siding and window changes prior to completion of the work to insure the correct exposure for the shakes.
- That oversight by staff is made to insure compliance.
- Those windows facing the streets (south and west bedroom and kitchen) are modified such that they are more in keeping with the original window design.
- That a HOLD be placed on the Building Permit for all the authorized work, and that the HOLD may be released after the exterior work has been completed.
- That the roof may be reconstructed, with the rook maintaining same design and pitch. OG gutters shall be used and shall be painted.

**Commissioner Kennedy** seconded. The motion passed 4-0.

7. **NEW BUSINESS**

There was no new business.

8. **OLD BUSINESS**

**Commissioner Fisher** noted that she had met with the Supervisors for that area who had some concerns regarding the recommendations on several of the proposed sites.

Staff noted that the proposed amendments Historic Resources inventory for the Live Oak area are set to go to the Board of Supervisors on 01.23.07.

Staff also noted that the Historic Incentives Ordinance Amendments as modified by the California Coastal Commission are pending at the Board of Supervisors for approval.

9. **COMMISSIONER PRESENTATIONS**

**Commissioner Kennedy** announced the former Episcopal Church the San Lorenzo Valley Museum has been accepted to the National Register. She requested that an item be set on the next agenda (presentation by Lisa Robinson) regarding the National Register process. She also invited all to the opening of the W.C.T.U. exhibit at the San Lorenzo Valley Museum on 01.28.07.

**Commissioner Borg** noted that the Pajaro Valley Historic Society has begun digitizing photographs. She indicated that some interesting information has come out of this so far.

**Commissioner Fisher** mentioned that she had been contacted by parties desiring to significantly modify the historic Hollins House.

**Commissioner Fisher** noted that she had received comments regarding what being designated historic means and suggested amending the ordinance or making available an article or some other educational material to the public.

**Commissioner Fisher** and **Commissioner Kennedy** indicated that they will not be available for the February meeting. The February meeting was cancelled and the next meeting will be on March 8, 2007.

**Commissioner's Manning, Borg, Fisher, and Kennedy** thanked Mr. Guiney for his work with the Commission.

10. **WRITTEN COMMUNICATIONS**

No written communications.

11. **ADJOURNMENT**

Chair Manning adjourned the meeting at 7:45 p.m.

DRAFT

EXHIBIT B



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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TOM BURNS, PLANNING DIRECTOR

## **NOTICE OF ACTION**

### HISTORIC RESOURCES COMMISSION COUNTY OF SANTA CRUZ Meeting of January 11, 2007

**Applicant:** ..... Mike Achkar  
**Owner:** ..... Michael & Kristine Achkar  
**Application No.:** ..... 06-0722  
**APNs:** ..... 028-052-63  
**Situs:** ..... 710 17<sup>th</sup> Avenue  
**Location:** ..... East side of 17<sup>th</sup> Avenue at northeast corner of intersection with  
Merrill Street  
**Historic Name:** ..... N/A  
**Current Name:** ..... N/A  
**Historic Rating:** ..... NR5

**PROJECT DESCRIPTION:** This is a proposal to recognize the un-permitted removal of existing exterior shingle siding and replace with matching material on an existing historic resource.

**HISTORIC RESOURCES COMMISSION ACTION:** On January 11, 2007, the Historic Resources took the following action on the proposed Historic Resources Preservation Plan:

**A. FINDINGS: Adopted the following Findings:**

1. The Historic Resource Preservation Plan, as conditioned, is consistent with General Plan Objective 5.20 and General Plan Policies 5.20.3 and 5.20.4 and with the purposes and goals of County Code Chapter 16.42;
2. The Historic Resource Preservation Plan, as conditioned, is in conformance with the requirements of Section 16.42.070 (Historic Preservation Criteria) of the County Code; and
3. The Historic Resource Preservation Plan, as conditioned, will preserve and maintain the cultural and historical heritage of the County and/or further cultivate the knowledge of the past.

**EXHIBIT C**

**B. APPROVAL: Approved the Historic Resource Preservation Plan as submitted, with the following conditions:**

1. **Obtain a building permit before continuing work.** Staff shall place a hold on the building permit, with the hold being removed after the exterior work has been completed to the satisfaction of staff in compliance with the following conditions.
2. **Replacement of Siding.** Applicant shall replace the removed shingle siding with matching material.
  - a. Applicant shall initially install the matching shingle siding on a portion of one wall only. Applicant shall then call staff for a field inspection. Only after staff has approved the type, color, and exposure of the shingle shall the applicant complete the siding replacement on the rest of the house.
3. **Roof Replacement.** Applicant shall replace the roof with a roof having the same design and pitches as the existing roof.
4. **Windows.** Two windows shall be modified as follows:
  - a. The window facing Merrill Street on the east side of the front door shall be modified by installing a mullion on the center pane to imitate the previously existing window.
  - b. The window facing 17<sup>th</sup> Avenue near the rear of the house shall be replaced with a window having a central pane with a casement window on either side.
5. **Gutters.** The gutters shall be replaced with OG gutters that shall be painted to match the house color.
6. **Minor Land Division.** Staff shall transmit to the Planning Commission a recommendation that a condition be placed on application 05-0606 requiring that the HRC be satisfied with the reconstruction before the Parcel Map may be recorded.
7. **Discovery of Historic Archaeological Resources and Native American Cultural Sites:** 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.



NOTICE OF ACTION

06-0722

028-052-63

710 17<sup>th</sup> Avenue

**Note: This is NOT a building permit.**

**You must obtain all other required permits and approvals before beginning work.**

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

Approval Date: January 11, 2007

Effective Date: January 25, 2007

Expiration Date: January 25, 2009



Steven Guiney  
Historic Resources Commission Secretary

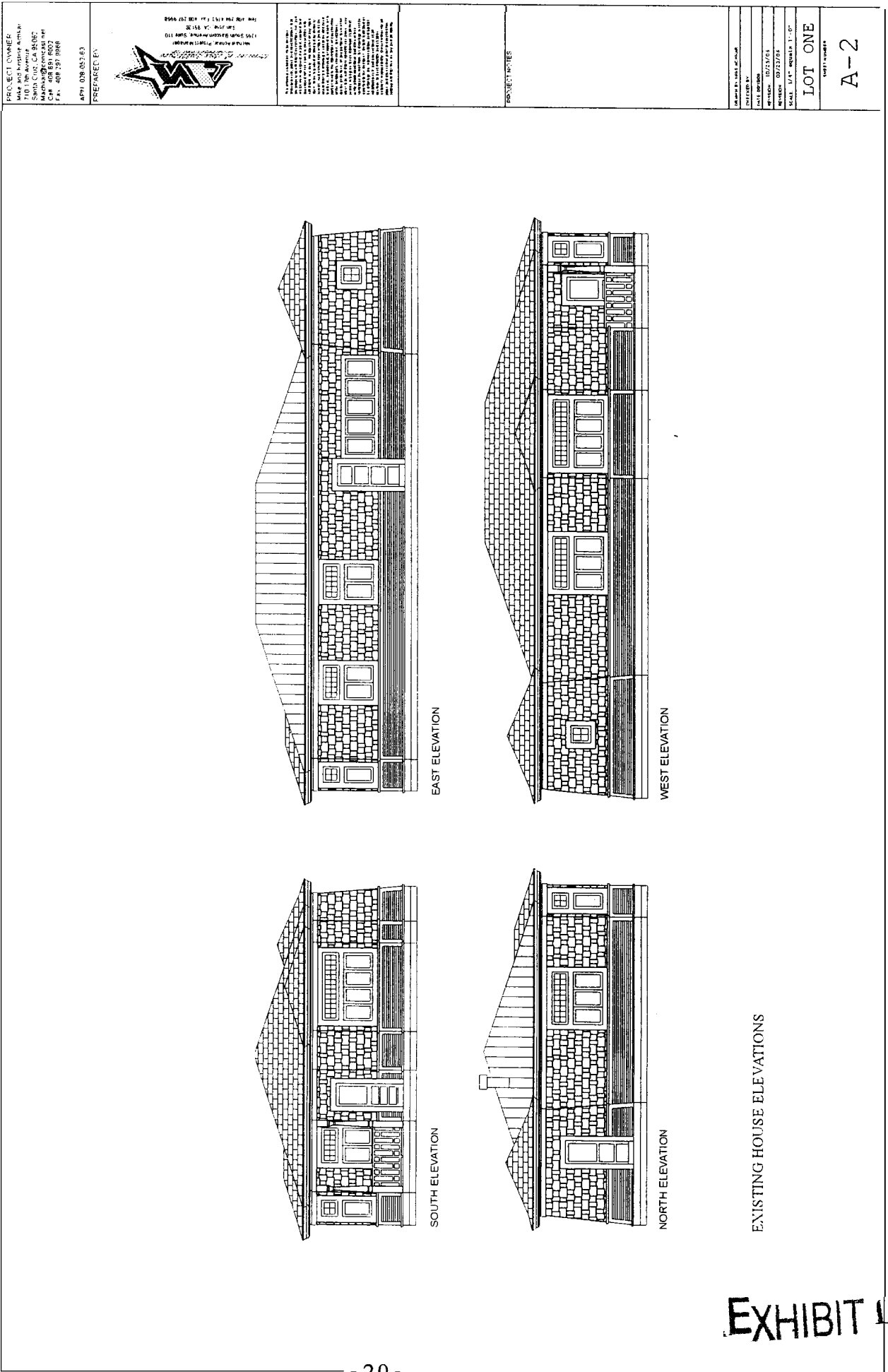
**APPEALS**

*This action may be appealed to the Board of Supervisors by the property owner, or other aggrieved person, or any other person whose interests are adversely affected by this act of the Historic Resources Commission. Appeals to the Board shall be taken by filing a written notice of appeal with the Clerk of the Board of Supervisors not later than the fourteenth (14<sup>th</sup>) calendar day after the day on which the act or determination appealed from was made. In this case, the Historic Resources Commission acted to approve the proposal with conditions on January 11, 2007. Therefore, an appeal must be filed with the Clerk of the Board of Supervisors not later than 5:00 p.m., January 25, 2007.*

EXHIBIT C







**PROJECT OWNER**  
Mike and Kristine Achta  
710 17th Avenue  
Santa Cruz, CA 95062  
Machward@comcast.net  
Cell: 408 691 6907  
Fax: 408 297 8868

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**SALE PRICE**

FOR OFFICIAL USE ONLY

DISPATCHED BY

DATE: 03/19/2005

10/25/01 MOSBY

REVISION 03/23/05, 12/05/04

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WEST ELEVATION

Fig. 10

EAST ELEVATION

Architectural drawing of a stone building facade. The structure features a gabled roof with a chimney on the left side. The main wall is constructed of rough-hewn stone blocks. There are two small, square windows with cross-hatching on the upper level, and a larger, multi-paned window on the lower level. A vertical section of the wall on the right shows horizontal lines, possibly indicating a different material or a section cut. The drawing is oriented vertically on the page.

NORTH ELEVATION

This architectural drawing shows a side elevation of a building. The roof is gabled and covered with a pattern of small, overlapping stones or tiles. The walls are constructed from large, irregular stone blocks. The facade features several windows: a large, multi-paned window on the left, a smaller window in the center, and a large, multi-paned window on the right. A small, square window is located above the central window. The drawing is oriented vertically, with the roofline on the left and the ground line on the right. A scale bar at the top left indicates a length of 0.5 meters.

## SOUTH ELEVATION

NEW HOUSE ELEVATIONS

EXHIBIT D

LOT ONE

Subject

A-3

Mike and Kristine Achkar  
710 17th Avenue  
Santa Cruz, CA 95062  
Machvare@comcast.net  
C# 408 691 6002  
F# 408 297 9968

APR 028.057.63  
PREPARED BY



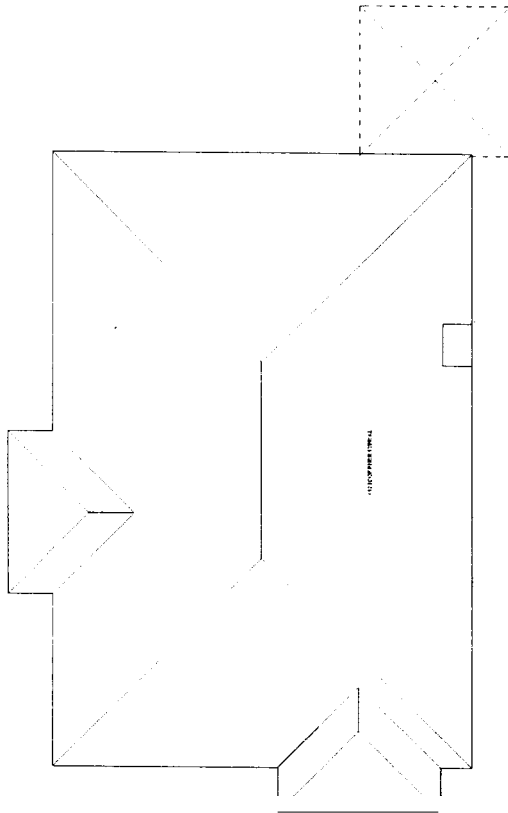
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REMARKS:

DATE	10/25/06
REVISION	03/23/06
SCALE	1/4" equals 1'-0"

LOT ONE

A-4



ROOF PLAN

EXHIBIT D

MADE WITH ADVANCE ARCHITECT  
 1101 1TH AVENUE  
 SUITE 100  
 MARYLAND CITY, MD 20646  
 TEL: 410 831 8007  
 FAX: 410 831 8008

DATE: 03/05/2023  
 PREPARED BY:



100 SOUTH BAYVIEW AVENUE, SUITE 110  
 ANNAPOLIS, MD 21403  
 TEL: 410 261 1111  
 FAX: 410 261 1110

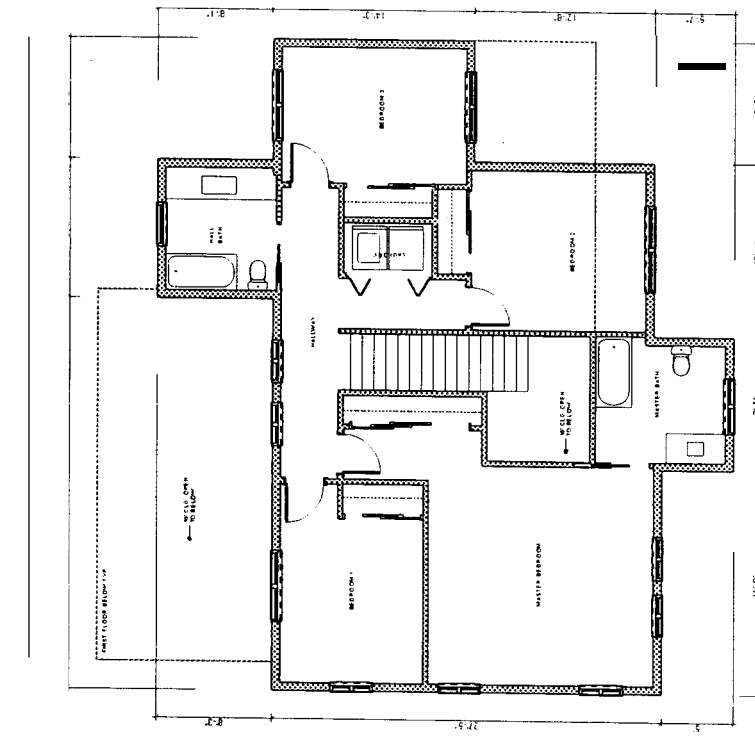
PROJECT NOTES:  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
 3. ALL WORK IS TO BE IN ACCORDANCE WITH THE 2018 INTERNATIONAL RESIDENTIAL CODE AND ALL APPLICABLE AMENDMENTS.  
 4. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 5. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.  
 7. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.

PROJECT NOTES

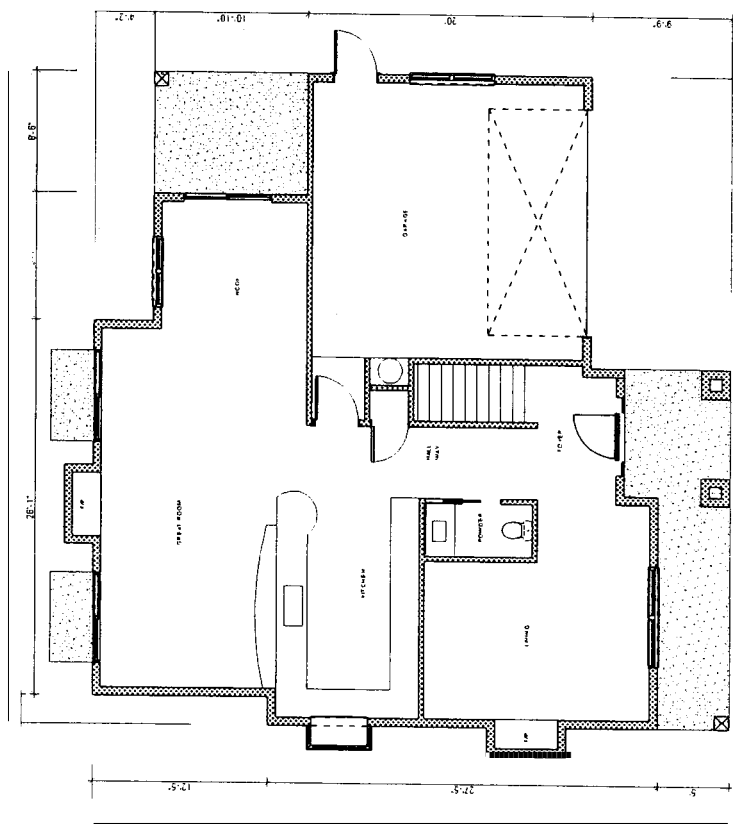
DATE: 03/05/2023  
 SCALE: 1/4" = 1'-0"

LOT TWO

A-5



2ND FLOOR PLAN




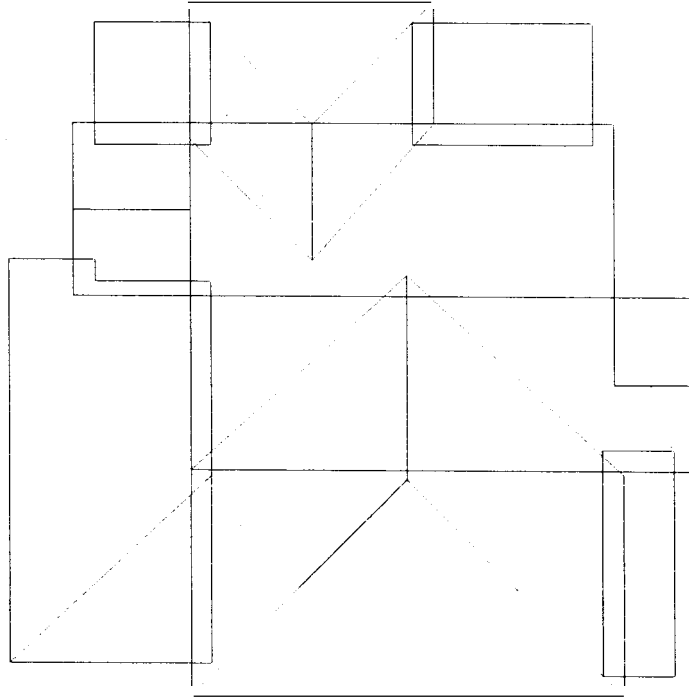
1ST FLOOR PLAN

EXHIBIT D





PROJECT OWNER MAX AND KATHLEEN ADAMS 710 1TH AVENUE SAN JOSE, CA 95002 (408) 651-8002 FAX: 408 797 9888	APN: 078-02743 PREPARED BY  MICHAEL ADAMS PROJECT MANAGEMENT 1290 SOUTH BAYVIEW AVENUE, SUITE 110 SAN JOSE, CA 95128 (408) 251-1515 FAX: 408 251 5888	NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE PROJECT OWNER.	PROJECT NOTES	SHEET NO. 1 OF 1 DATE: 07/26/04 DRAWN BY: JH/ST/DA SCALE: 1/4" = 1'-0" LOT TWO A-7
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ROOF PLAN

EXHIBIT D

Mills and Kirsner Architects  
 710 17th Avenue  
 Suite 200, Denver, CO 80202  
 Phone: 303.733.8800  
 Fax: 303.733.8888

APN: 028-022-03  
 PREPARED BY:



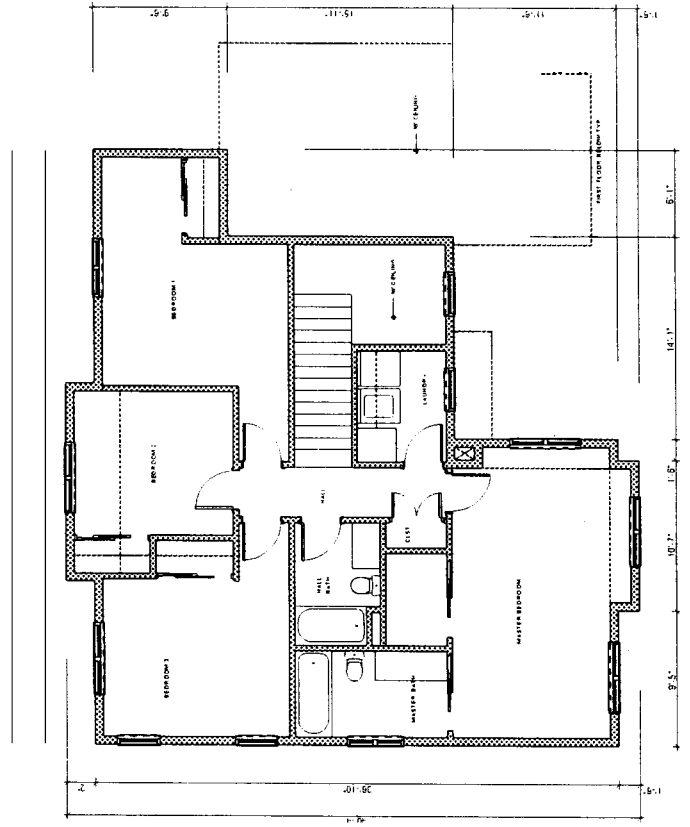
DESIGNED BY: MILLS AND KIRSNER ARCHITECTS  
 710 17th Avenue, Suite 200, Denver, CO 80202  
 Phone: 303.733.8800, Fax: 303.733.8888  
 www.millsandkirsner.com

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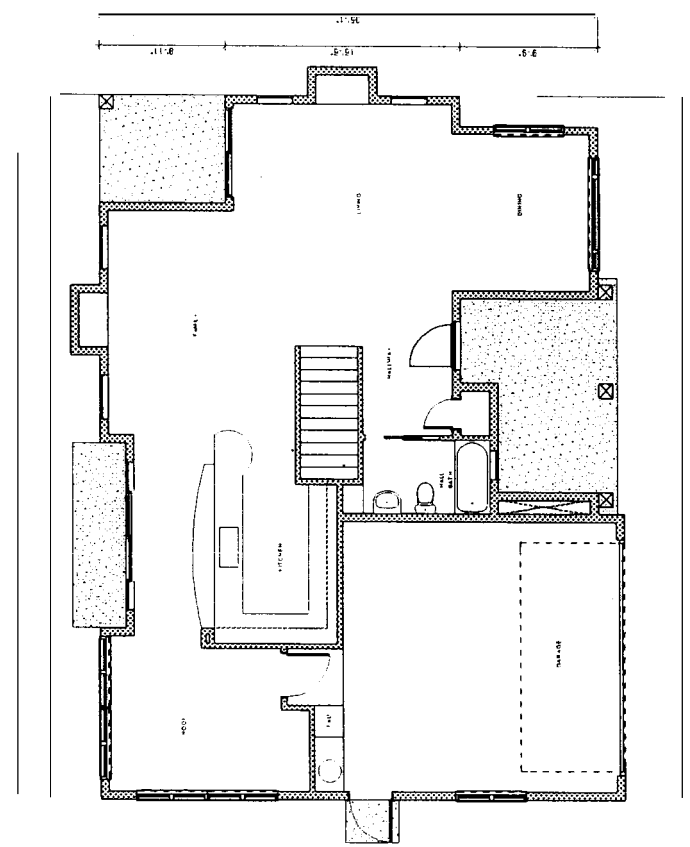
PROJECT NOTES

DATE: 01/11/2011  
 DRAWN BY: J. KIRSNER  
 CHECKED BY: J. KIRSNER  
 SCALE: 1/4" = 1'-0"  
 LOT THREE

A-8



ROOF PLAN




FIRST FLOOR PLAN

EXHIBIT D

**PROJECT OWNER**  
Mike and Kristine Achlar  
710 17th Avenue  
Santa Cruz, CA 95062  
Machlar@comcast.net  
Cell 408 691 6007  
Fax 408 297 9868

APR 028-052-63  
PREPARED BY

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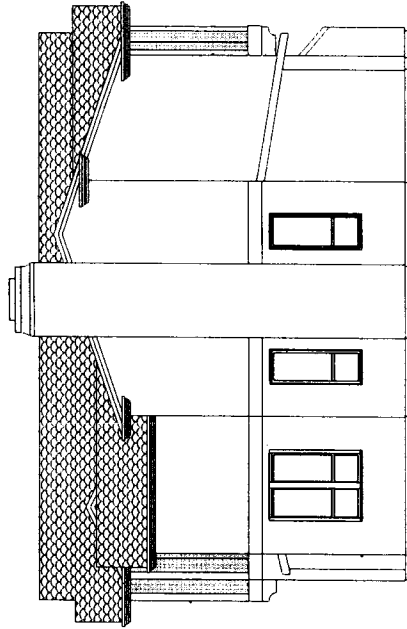
POST TEST NOTES

OPERATION BY: 44145 AC 10/06	DATE: 09/18/06
CHARGED BY:	REVISION: 10/25/06
	REVISION: 03/23/06

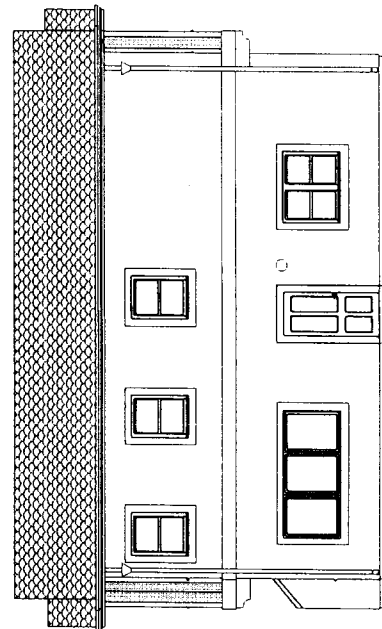
LOT THREE

**Subject number:**

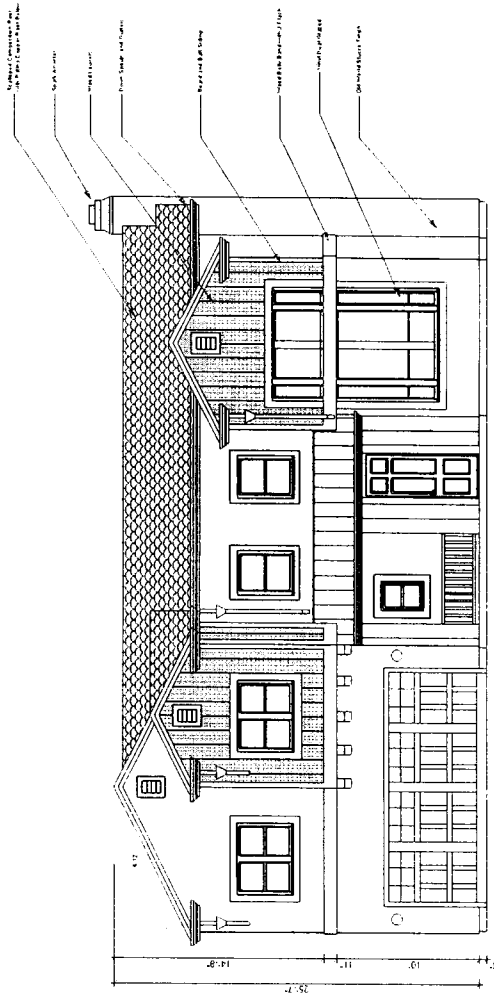
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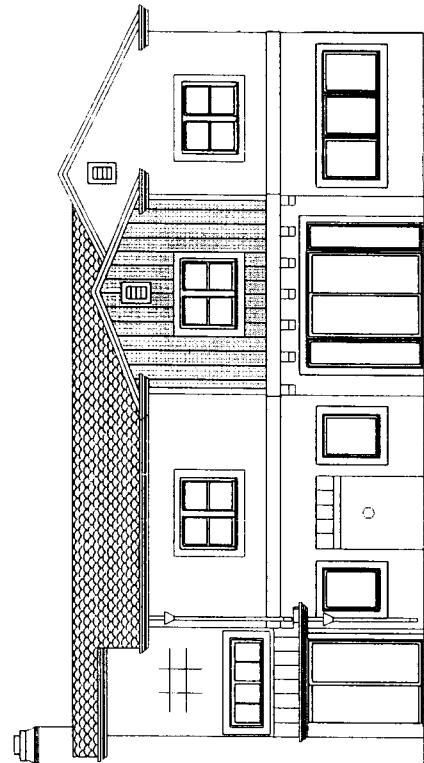
EAST ELEVATION



**WEST ELEVATION**

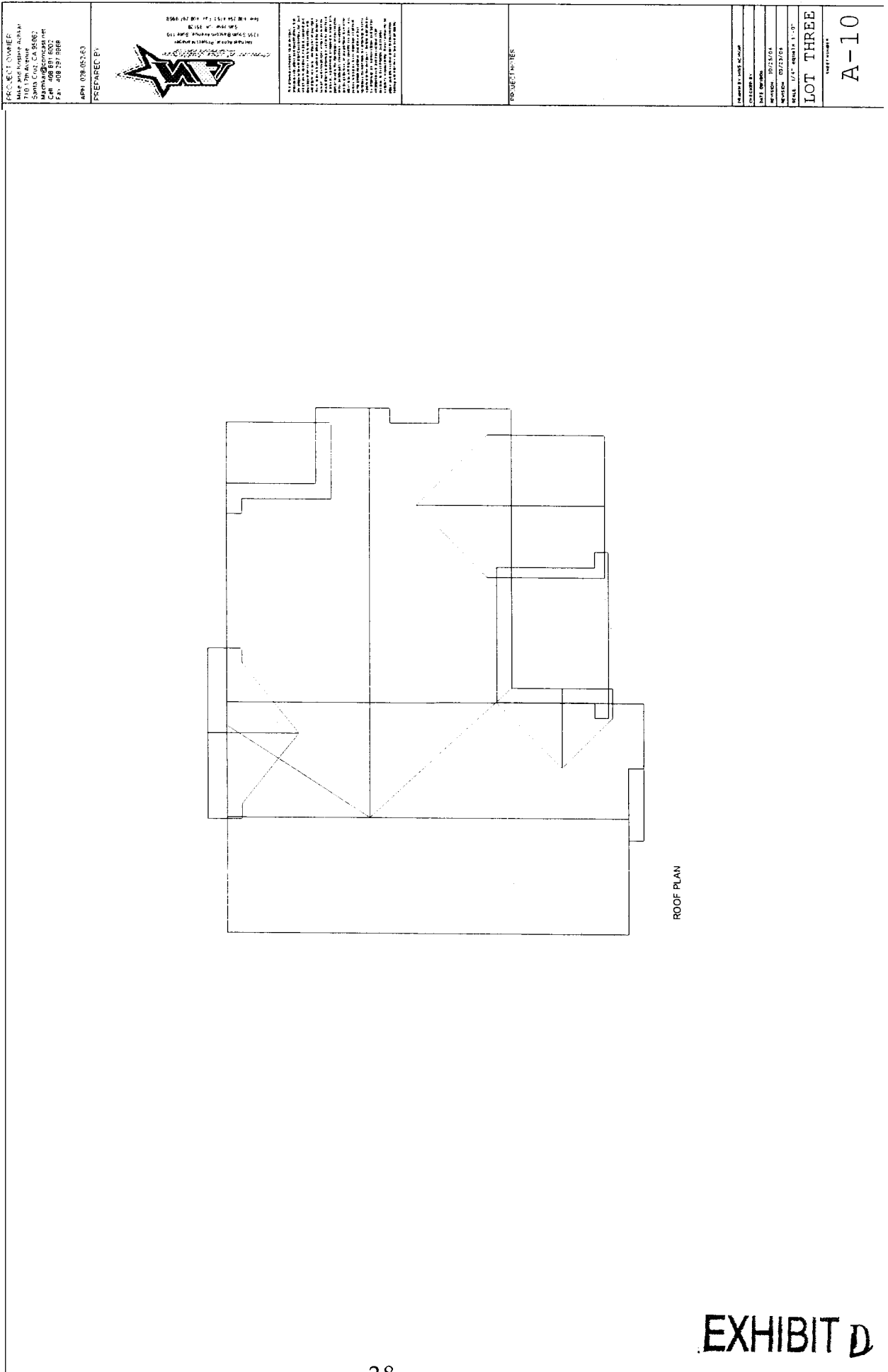


**SOUTH ELEVATION**



NORTH ELEVATION

EXHIBIT D



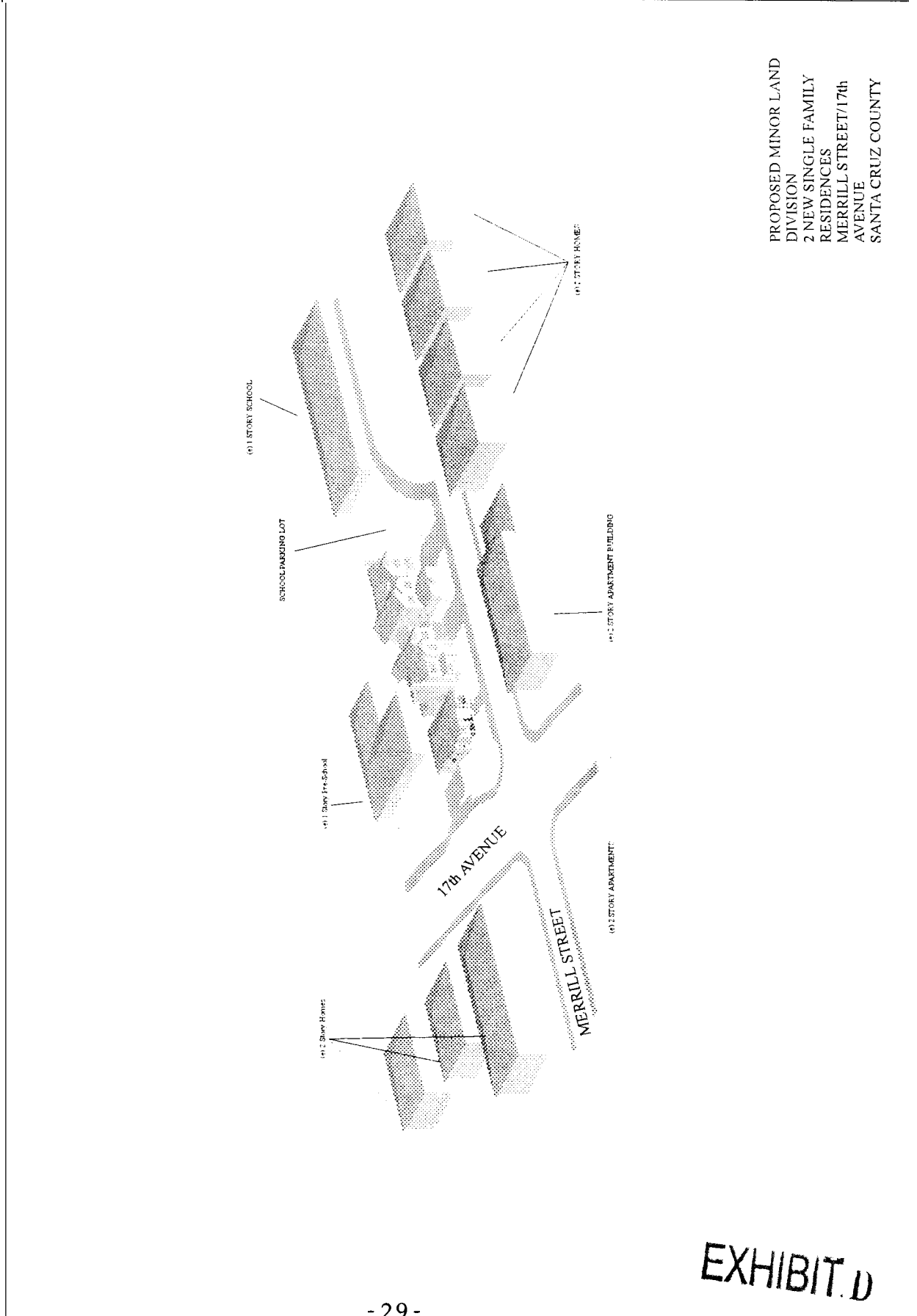


EXHIBIT D







REVISIONS	DATE	BY	CHKD	APP'D
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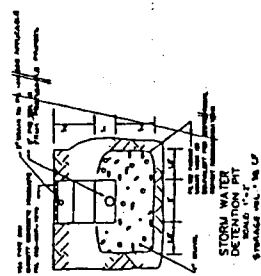
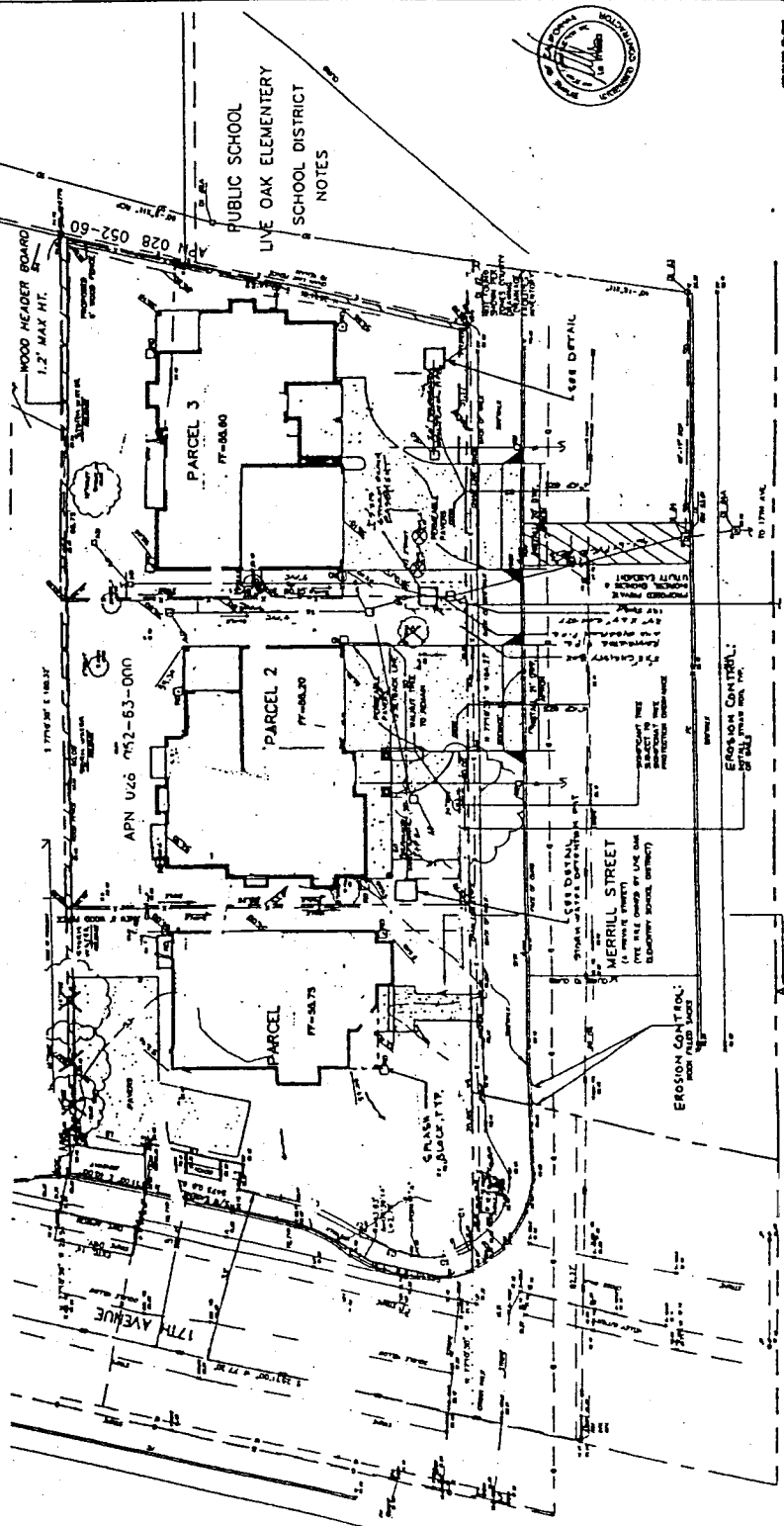
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STORM WATER MANAGEMENT AND



PUBLIC SCHOOL  
LIVE OAK ELEMENTARY  
SCHOOL DISTRICT  
NOTES

- LEGEND
- STORM WATER DETENTION PIT
  - AREA DRAIN
  - ROOF DRAIN WITH SPASH BUCK
  - SLOPE (POSITIVE DRAINAGE)
  - (N) ELEVATION
  - (S) SURVEYOR
  - TO BE REMOVED







PLANT LEGEND (cont'd)

## LEGEND

[illegible]

**Application Number: 05-0606**

## **Exhibit E**

**Staff Report to the Planning Commission dated 1/10/07**



## Staff Report to the Planning Commission

Application Number: **05-0606**

**Applicant:** Michael and Kristine Achkar  
**Owner:** Michael and Kristine Achkar  
**APN:** 028-052-63

**Agenda Date:** January 10, 2007  
**Agenda Item #:** //./  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to:

- a. Relocate a historic single family dwelling to one side of a large lot,
- b. Divide the property into three lots (the lot along 17<sup>th</sup> Avenue to contain the historical structure) and,
- c. Construct a single family dwelling on each of the remaining two lots.

**Location:** 710 17<sup>th</sup> Avenue, Santa Cruz

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

**Permits Required:** Minor Land Division, Coastal Development Permit and Residential Development Permit

**Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0606, based on the attached findings and conditions.

**Exhibits**

- |   |   |
|---|---|
| A. Project plans                              | I. Discretionary Application comments                       |
| B. Findings                                   | J. Urban Designer's memo                                    |
| C. Conditions                                 | K. Live Oak School District letters                         |
| D. Categorical Exemption (CEQA determination) | L. Construction Impact analysis, Maureen Hamb, Arborist     |
| E. Location map                               | M. Historic Resource Preservation plan and Notice of Action |
| F. General Plan map                           | N. Reduced project plans                                    |
| G. Zoning map                                 |   |
| H. Will Serve letters                         |   |

**Parcel Information**

Parcel Size:	13,852 square foot (.31 acre)
Existing Land Use - Parcel:	Single family residential
Existing Land Use - Surrounding:	Single family residential, school
Project Access:	Merrill Avenue (corner of 17 <sup>th</sup> Avenue)

Application #: 05-0606  
APN: 028-052-63  
Owner: Michael and Kristine Achkar

Page 2

Planning Area: Live Oak  
Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: RM-4 (Multi-Family Residential - 4,000 sq. ft. min. 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: 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 – Existing California Walnut to remain and be protected during construction.  
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

### Project Setting

The subject parcel fronts on 17<sup>th</sup> Avenue (a county maintained street) and Merrill Avenue, which is a privately maintained street. The parcel is very gently sloping, with slopes less than 5%.

The current use of the subject parcel is residential which is a conforming use given the parcel's RM-4 zoning and R UM General Plan designation. The existing residence is a historic structure (NR5), which is planned to be rotated on the parcel so that the two additional lots can be developed. Adjacent sheds, which are not considered historic, are to be demolished. Surrounding development consists of a school and across the street there are residential uses, developed to a similar density as that requested by this proposal.

### Local Coastal Program Consistency

The proposed single family residences are in conformance with the County's certified Local Coastal Program, in that the structure will be sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Developed

**EXHIBIT E**

parcels in the area are primarily single-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

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

The subject property is a 13,852 square foot (.31 acre) lot, located in the RM-4 (Multi-Family Residential - 4,000 sq. ft. min. parcel size) zone district, a designation that allows residential uses. The proposed minor land division is a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

The proposed division of land complies with the zoning ordinance as the property is intended for residential use. The lot sizes meet the minimum dimensional standards for the RM-4 Zone District, and the setbacks on the new lots created will be consistent with the minimum zoning ordinance requirements with two exceptions.

The proposed new dwellings would meet development standards for the zone district as shown below. Each home will meet the required setbacks. Each proposed dwelling covers less than 40% of the total lot area, the proposed floor area ratio is less than or equal to 50%, and none of the homes exceeds the maximum 28 feet height limit. The proposed building footprints are shown on the architectural plans included as Exhibit "A", as are the lot coverage and floor area ratio calculations.

**SITE DEVELOPMENT STANDARDS TABLE**

	<b>R-1-4 standards</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>
<b>Site Area</b>	4,000 sq. ft. min.	4,452 sq. ft.	4,815 sq. ft.	4,811 sq. ft.
<b>Parcel Width / Frontage</b>	35 ft. min.	66.47'	60.00'	51.17'
<b>Front yard setback:</b>	15 feet min.	23'	21'	21'
<b>Side yard setback:</b>	5 feet / 5 feet	5'-0"/ 15'-0"	5'-0"/ 9'-6"	5'-0"/ 5'-0"
<b>Rear yard setback:</b>	15 ft. min.	15'-0"	15'-0"	25'-0"
<b>Lot Coverage:</b>	40 % maximum	23 %	33 %	34 %
<b>Building Height:</b>	28 feet maximum	16'-0"	26'-1"	25'-7"
<b>Floor Area Ratio</b>	0.5:1 maximum (50 %)	22 %	50.00 %	49.97 %

EXHIBIT

<b>(F.A.R.):</b>				
<b>Parking</b>	2 for one bdrm. 3 for three to five	two uncovered	two in garage two uncovered	two in garage two uncovered

### Density

The site is proposed to be developed at the maximum density possible given the design limitations placed upon the site by the zone district site standards. A maximum of three lots is all that may be achieved on this site. The proposed three-lot land division is consistent with the site's R-UM (Urban Medium Residential) General Plan designation. The objective of this land use designation is to provide for medium-density residential development in areas within the Urban Services Line that have a full range of urban services.

The Urban Medium Residential land use designation allows for a range of density from 7.3 – 10.8 units per acre and a range of lot sizes from 4,000 sq. ft. – 6,000 sq. A. This Minor Land Division is at a density of 9.4 units per acre, which is within the allowable density range. All of the lots fall within the allowable range of lot sizes as well (see Table above).

Although the site is zoned for multi-family residential, there is no advantage to providing attached housing due to the need to maintain the historical structure, and the total number of units that might be allowed within the General Plan range (the lot will only accommodate a maximum of three units – one of which is used by the relocated historical structure).

### Historical Resources Review

This application includes the relocation of an existing historical structure located on the property. The single family dwelling is considered to be “a good example of a vernacular house seen in both the agricultural and vacation areas of Santa Cruz and it's significance lied in the fact that it is a good example of the style of the period and it does not appear to be altered”.

The Historic Resources Commission reviewed and approved the application for relocation on February 9, 2006. Two sheds at the rear of the property were proposed to be demolished and the commission found that they were not historically or architecturally significant. A building permit was issued to relocate the single family dwelling to a new concrete foundation in the location shown on Exhibit A. This project is currently being constructed.

### Design Review

Because the project is a land division located inside the Urban Services Line, it is subject to the provisions of County Code Chapter 13.11; Site, Architectural and Landscape Design Review. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Architectural drawings for the proposed new homes are included as part of Exhibit “A.”

**EXHIBIT E**

The new homes are proposed to be two stories, with a design that incorporates some of the detailing found on the existing homes in the area. Siding for the homes are to be a mixture of shingles and stucco on one home, and board and batt siding with stucco on the other home. Walls are to be painted in beige tones, with the trim to be a corresponding beige tone. Roofing material is proposed to be dark colored composition shingles and pre-patina copper.

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibits "A".

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. A condition has been added to require street trees selected from the Department of Public Works list.

### Drainage Issues

A Preliminary Grading and Drainage Plan has been submitted (Exhibit A) that includes drainage improvements to address runoff from the proposed new development. General sheet flow is designed to carry water from one of the rear corners of each lot to the sides and then to the front. All surface water on each lot will be directed to area drains connected to a storm water detention pit and then brought to the face of the curb. The bottom of these pits must be at least five feet deep to reach the "clayey sand" soils as described in the geotechnical investigation. A condition of approval reflects this requirement.

Driveways and front walkways are constructed of permeable pavers. While the pavers are attractive, the soil is "silty clay" and will probably not absorb a great amount of moisture. Department of Public Works Stormwater Management staff has approved the proposed drainage plans.

### Access Issues

The Live Oak School District owns the portion of Merrill Street from the school to Seventeenth Avenue. The district will only allow two driveways from this property onto Merrill Street (see Exhibit K). As proposed, the two driveways serving Lots 2 and 3 meet this limit.

The Department of Public Works is requesting that the driveway to the parking that is required for the historic structure on Lot 1 not be located on Seventeenth Avenue. The applicant is proposing to leave the current driveway location to remain where it is.

Given the two competing interests, planning staff would support the applicant's choice of not relocating the current driveway location.

### Geotechnical Investigation

United Soil Engineering, Inc. prepared a soils report for this site in December 2005. A boring was taken on each lot, ranging between 10 and 20 feet deep. No groundwater was encountered

**EXHIBIT F**

The report was reviewed and accepted by the Environmental Planning Division (See Exhibit I). The surface soils on this site are typical terrace deposits of silty clay mixtures. While there was no indication of any fill materials, previous site grading may have removed some materials. It is recommended by the geotechnical engineer that run-off water be directed away from the planned improvements.

The report recommends continuous perimeter footings and isolated interior piers. Where concrete slab on grade is used the report recommends thickened and reinforced elements

### **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 with the Urban Services line, is already served by existing water and sewer utilities, and no change of uses from General Plan and Zoning is proposed. As conditioned, the project will not have a significant effect on the environment.

### **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**

- e Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- e **APPROVAL** of Application Number **05-0606**, 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)**

**EXHIBIT E**



Application #: 05-0606  
APN: 028-052-63  
Owner: Michael and Kristine Achkar

Page 7

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

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

Report Reviewed By: \_\_\_\_\_

Mark Deming  
Assistant Planning Director

EXHIBIT E

## Subdivision Findings

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

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 two single family lots and is located in the Residential Urban Medium Density General Plan designation which allows a density of one dwelling for each 4,000 to 6,000 square feet of net developable parcel area.

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 parcel created, including municipal water and sewer service. The land division is on an existing street, and no improvements are needed to provide satisfactory access to the project, with the exception of a new driveway to each lot. 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 access.

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 homes are consistent with the character of the surrounding neighborhood. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

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

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the **RM-4** Zone District where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new dwellings will both 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

**EXHIBIT E**

~~**EXHIBIT B**~~

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

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is commonly shaped to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development 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. An Initial Study and Negative Declaration was prepared, pursuant to the California Environmental Quality Act and the County Environmental Review Guidelines (see Exhibit D).

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

The proposed division of land or its improvements will not cause serious public health problems in that municipal water and sewer are available to serve the proposed parcels, and these services will be extended to serve the new parcels created.

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

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from existing public roads.

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. 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

(Section 13.11.070 through 13.11.076) and 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 a design that incorporates some of the Craftsman detailing found on other homes in the area. Siding for the new homes is proposed to be horizontal siding, vertical siding and stucco. Walls are proposed to be painted in beige tones. Roofing material is proposed to be dark colored composition shingles.

To assure that the final construction is in conformance with the information submitted, a condition of approval has been included that requires all construction to be as presented in Exhibit "A". The Planning Commission has incorporated an additional condition of approval that prohibits changes in the placement of windows that face directly towards existing residential development without review and approval.

The proposed project has been designed to complement and harmonize with the existing and proposed land uses in the vicinity. It will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood. Street trees are required in the project conditions.

## Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned RM-4 (Multi-Family Residential - 4,000 sq. ft. min. parcel size), a designation that allows residential uses. The proposed single family residences is a principal permitted use within the zone district, consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style: the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the single family residences will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the RM-4 (Multi-Family Residential - 4,000 sq. ft. min. parcel size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single-family dwellings. Size and architectural styles vary widely in the area. and the design submitted is not inconsistent with the existing range.

**EXHIBIT E**  
~~**EXHIBIT B**~~

## 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 single family 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 single family residences and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the RM-4 (Multi-Family Residential - 4,000 sq. ft. min. parcel size) zone district in that the primary use of the property will be one single family residences 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.

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

The proposed single family residences 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 single family residences 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 single family residences 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 single family residences will comply with the site standards for the RM-4 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.

This finding can be made, in that two additional single family residences are proposed to be constructed. The expected level of traffic generated by the proposed project is anticipated to be only two 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.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed single family residences 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.

This finding can be made, in that the proposed single family 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.

## Conditions of Approval

Minor Land Division Permit No.: 05-0606

Applicant and Property Owners: Michael and Kristine Achkar

Assessor's Parcel No.: 028-052-63

Property Location and Address: 71017<sup>th</sup> Avenue

Planning Area: Live Oak

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Exhibits:

- a. Tentative map prepared by Mission Engineers (T-1 and T-2), dated 10/31/06.
- b. Architectural plans prepared by Mike Achkar (A-1 to A-11), dated 9/15/06 with revisions of 12/07/05, 03/23/06 and 06/26/06.
- c. Civil drawings prepared by Mission Engineers (E-1, 2), dated 6/19/06 and 4/11/06,
- d. Landscape drawings prepared by Mike Arnone, Landscape Architect (L-1), dated 4.10.06.

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

- I. This permit authorizes the division of one parcel into three lots, the construction of two single-family residences, and the removal and relocation of the existing residence to a new parcel. 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.
- 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.

**EXHIBIT E**  
**EXHIBIT C**



- B. This land division shall result in no more than three (3) single-family residential lots.
- C. The minimum lot size shall be 4,000 square feet, net developable land.
- D. The following items shall be shown on the Parcel Map:
  - 1. Development envelopes and/or building setback lines located according to the approved Tentative Map.
  - 2. Show the net area of each lot to nearest square foot.
  - 3. The Owner's Certificate shall include:
    - a. An irrevocable offer of dedication to the County of Santa Cruz for the improvements shown on the tentative map.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
  - 1. Lots shall be connected for sewer service to Santa Cruz County Sanitation District.
  - 2. Lots shall be connected for water service to City of Santa Cruz Water District.
  - 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. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, shall be permitted without review and approval by the Planning Commission.
    - b. Exterior finishes shall incorporate wood siding or stucco, as shown on the architectural plans and color sample board.
    - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the RM-4 zone district. No residence shall exceed **40%** lot coverage, or a 50% floor area ratio, or other standards as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.

EXHIBIT i

**EXHIBIT C**

4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the criteria of the City of Santa Cruz Water Department.
5. Submit a written statement signed by an authorized representative of the Live Oak School District 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. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.

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. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
  1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
  2. Pay all necessary bonding, deposits, and connection fees.
- C. Engineered improvement plans are required for this land division, and a subdivision agreement backed by financial securities is necessary. Improvements shall occur with the issuance of building permits for the new parcels and shall comply with the following:
  1. All improvements shall meet the requirements of the County of Santa Cruz Design Criteria except 2s modified in these conditions of approval.
  2. The applicant shall submit to the Planning Department for review and approval the following:
    - a. A soils report for this site. Plans shall comply with all

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**EXHIBIT C**

requirements of the soils report. Plan review letters shall be submitted from the geotechnical engineer indicating that the plans have been reviewed and found to be in compliance with the recommendations of the soils report.

- b A preliminary grading plan to the Planning Department for review and approval.
  - c An erosion control plan to the Planning Department for review and approval.
- 3. Engineered drainage plans shall be reviewed and approved by the Department of Public Works. The following will be required:
  - a. All necessary legal easement(s) will be required to be in existence across all neighboring parcels over which the constructed improvements will be built. The Improvement plans are to show these offsite improvements in sufficient detail that there is a clear record, and that they may be constructed.
  - b. A formal agreement for maintenance of these offsite drainage improvements must be created and recorded. The responsible parties for performance of such maintenance and associated costs is to be resolved between the affected landowners in the manner they deem fit.
- 4 All new utilities shall be constructed underground. All facility relocations, upgrades or installations required for utilities service to the project shall be noted on the improvement plans. All preliminary engineering for such utility improvements is the responsibility of the developer.
- D. Engineered improvement plans for all water line extensions required by City of Santa Cruz Water District shall be submitted for the review and approval of the water agency.
- E. All requirements of the Central Fire District shall be **met**.
- F. Park Dedication in-lieu fees shall be paid for four (4) bedrooms for Lot 2 and four (4) bedrooms for Lot 3. Currently this fee is \$1,000 per bedroom, but is subject to change.
- G. Transportation Improvement fees shall be paid for two (2) single-family dwelling units. Currently, this fee is \$2,200 per unit, but is subject to change. An application for a fee credit for any off site improvement installed may be applied for with the DPW.

**EXHIBIT E**  
**EXHIBIT C**

- H. Roadside Improvement fees shall be paid for two (2) dwelling units. Currently, this fee is, \$2,200 per unit, but is subject to change.
  - I. Child Care Development fees shall be paid for four **(4)**bedrooms for Lot 2 and four (4) bedrooms for Lot 3. Currently this fee is \$109 per bedroom, but is subject to change
  - J. An application for a fee credit for any off site improvement installed may be applied for with the DPW.
  - K. Submit one reproducible copy of the Parcel Map to the County Surveyor for distribution and assignment of temporary Assessor's parcel numbers and situs address.
- IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans. 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, if 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.
  - 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.
  - 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 other work specifically 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 site is discovered, the applicant shall immediately notify the Planning Director and the County Archaeologist.

**EXHIBIT E**  
**EXHIBIT C**

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. Construction of improvements shall comply with the requirements of the geotechnical report prepared by United Soil Engineering, Inc., dated December 2005. The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
1. Limit all construction to the time between 8:00 ~~am~~ and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation.
  2. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site, on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on the site, and shall include the language "for construction noise and dust problems call the 24 hour contact number". The name, phone number, and nature of the disturbance shall be recorded b the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions.
  3. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent on nearby streets maybe be required to control the export of excess dust and dirt.
  4. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
- H. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision

**EXHIBIT E**  
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- I. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map and/or the engineered improvement plans.
- V. All future construction within the subdivision 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.
- 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

**EXHIBIT C**

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.

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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 on the expiration date listed below unless you obtain the required permits and commence construction.**

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

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

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

\_\_\_\_\_  
Mark Deming  
Assistant Planning Department

\_\_\_\_\_  
Lawrence Kasparowitz  
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.

**EXHIBIT E**  
~~**EXHIBIT C**~~

# 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: 05-0606  
Assessor Parcel Number: 028-052-63  
Project Location: 710 17th Avenue, Santa Cruz

Project Description: Proposal to divide a property developed with one historic single-family dwelling into three lots.

Person Proposing Project: Michael and Kristine Achkar

Contact Phone Number:

- 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.   X   Categorical Exemption

Specify type: 15315 Minor Land Divisions

Reasons why the project is exempt:

*four or fewer parcels in an urbanized areas zoned for residential when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available. the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent..*

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

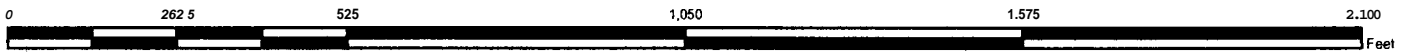
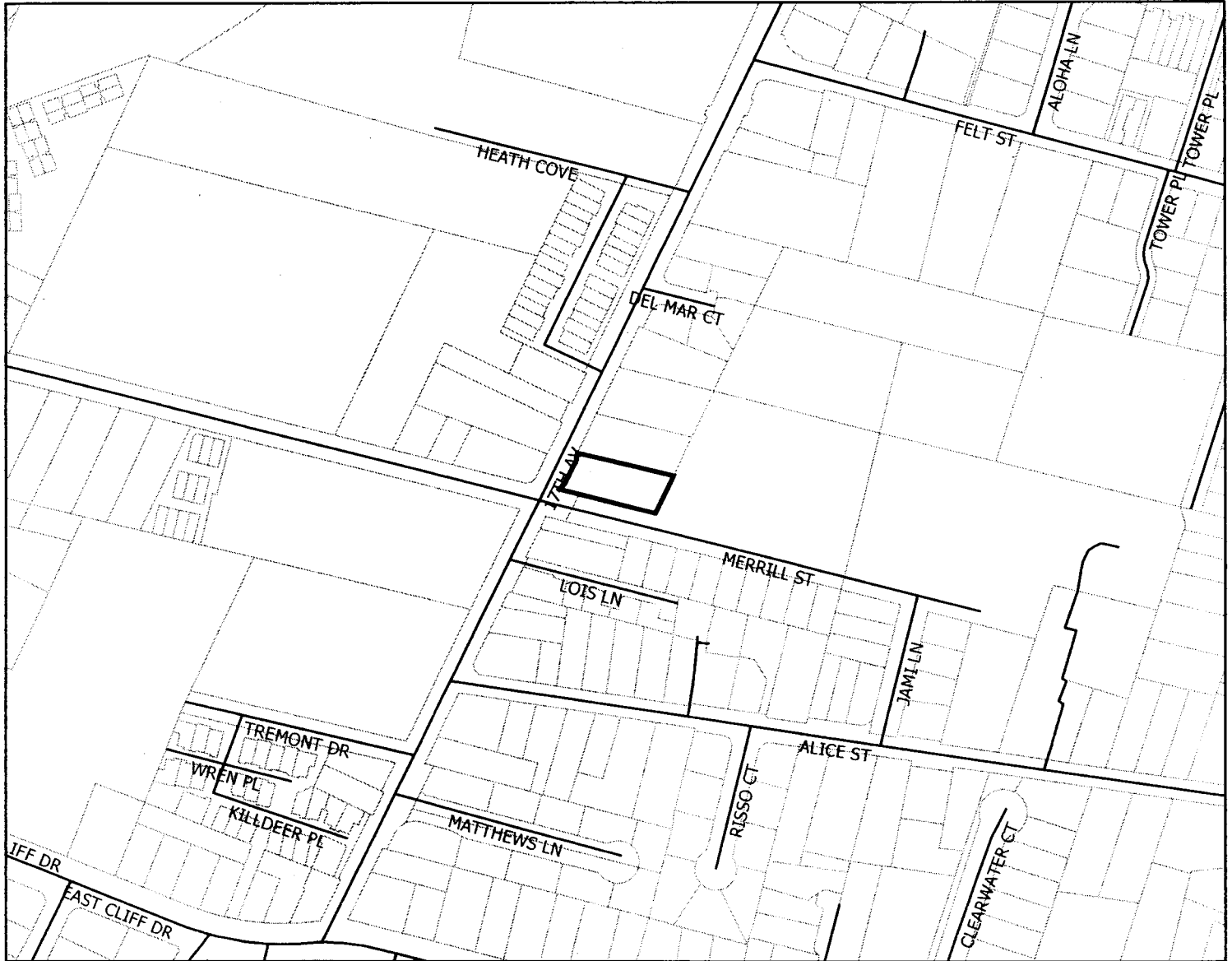
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Lawrence Kasparowitz, Project Planner

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





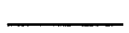
# Location Map



## Legend

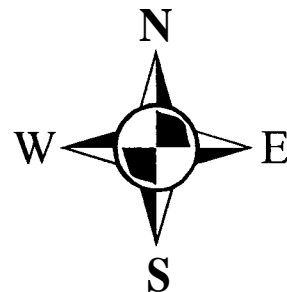


APN 028-052-63



Streets

Assessors Parcels



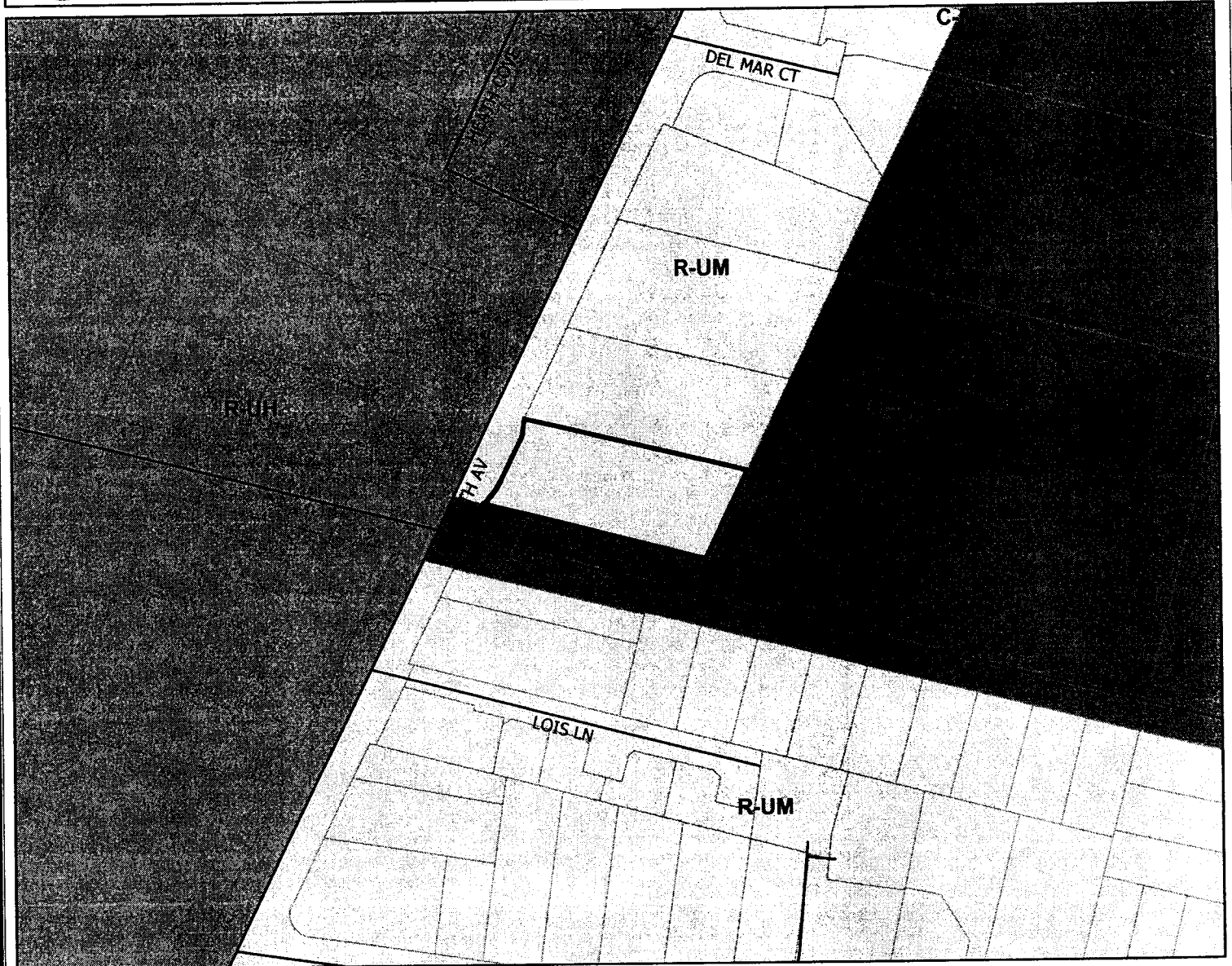
Map Created by  
County of Santa Cruz  
Planning Department  
September 2006

**EXHIBIT E**







**EXHIBIT E**

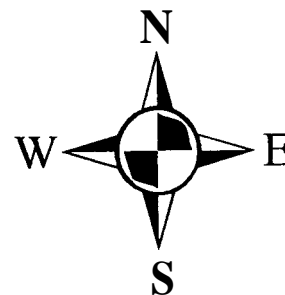


# General Plan Designation Map



## Legend

-  APN 028-052-63
-  Streets
-  Assessors Parcels
-  Residential - Urban Medium Density (R-UM)
-  Residential - Urban High Density (R-UH)
-  Public Facilities (P)



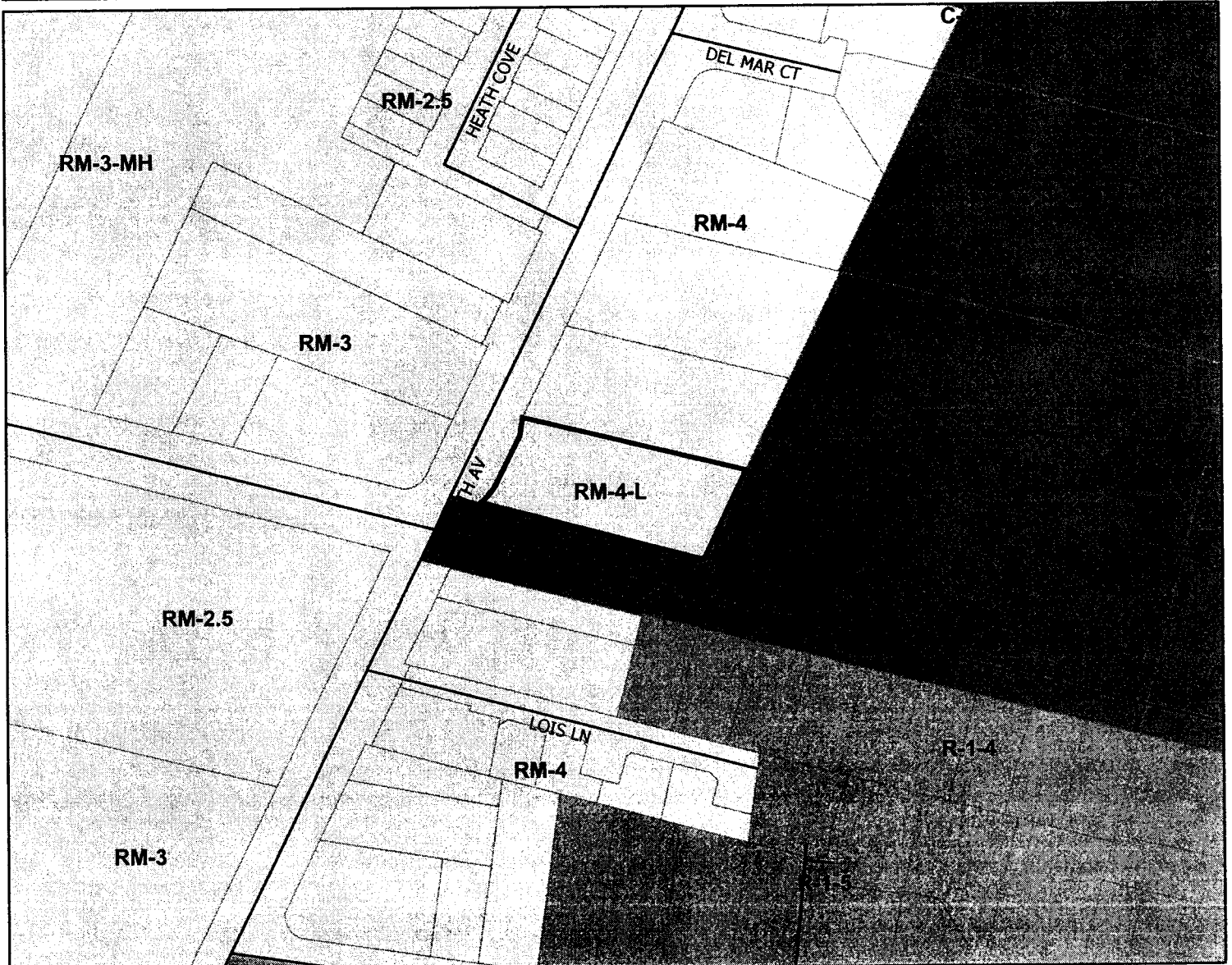
Map Created by  
County of Santa Cruz  
Planning Department  
September 2003

EXHIBIT E







EXHIBIT F

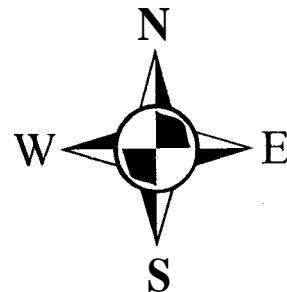


# Zoning Map

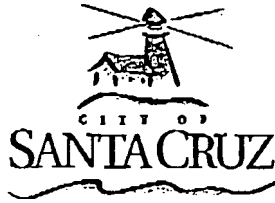


## Legend

-  APN 028-052-63
-  Streets
-  Assessors Parcels
-  RESIDENTIAL-MULTI FAMILY (RM)
-  RESIDENTIAL-SINGLE FAMILY (R-I)
-  PUBLIC FACILITY (PF)



Map Created by  
County of Santa Cruz  
Planning Department  
September 2005



WATER DEPARTMENT

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

September 12, 2005

Mike Achker  
1265 South Bascom Avenue Suite 110  
San Jose CA 95128

**Re: APN 028-052-63, 710 17\* Avenue 3 lot Minor Land Division**

Dear Mr. Achker:

**This** letter is to advise **you** that the proposed development 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 each and every lot of the development 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 development 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



## 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

MICHAEL ACHKAR  
1265 SOUTH BASCOM AVENUE, #110  
SAN JOSE CA 95128

January 25, 2005

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

APN: 028-052-26 APPLICATION NO.: N/A  
PARCEL ADDRESS: 710 17<sup>TH</sup> AVENUE  
PROJECT DESCRIPTION: THREE PARCEL MINOR LAND DIVISION

In answer to your January 16, 2005, Sewer Service Availability Questionnaire, access to the public sewer located in the Live Oak School access driveway would require a private sewer or utility easement from the owner of this driveway. This is because of a gap between the existing sewer easement and your south property line. Access to the public sewer in 17<sup>th</sup> Avenue could be obtained with a minimum 5 foot wide private sewer easement through parcels between 17<sup>th</sup> Avenue and the newly created parcel.


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/231

c: Property Owner: ORMOND AEBI  
710 17<sup>TH</sup> AVENUE  
SANTA CRUZ CA 95062

(REV. 3-01)

EXHIBIT E  
EXHIBIT II

**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. : 05-0606  
APN: 028-052-63

Date: October 11, 2006  
Time: 14:51:48  
Page: 1

**Environmental Planning Completeness Comments**

===== REVIEW ON SEPTEMBER 28, 2005 BY JESSICA L DEGRASSI =====

Please clarify the removal of the 24" tree at the front of the parcel. Sheet A1 shows the tree to be removed. although sheet T1 shows the tree to remain. This tree is considered a significant tree. therefore you need to provide an arborist report stating the tree is unhealthy and poses a threat to spreading disease or falling on a structure. in order for staff to grant the removal of the tree under a significant tree removal permit. Please clarify

Please submit the landscape plans for review.

===== UPDATED ON APRIL 27, 2006 BY JESSICA L DEGRASSI =====

Received arborist report for recommendations for protecting walnut tree.

Application complete for review.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON SEPTEMBER 28, 2005 BY JESSICA L DEGRASSI =====

This project will require a soils report. which may be submitted under the building permit applications for the proposed houses.

The grading plans shall include more details when submitted with the building permit application.

Also, the erosion and sediment control plan shall be more detailed when submitted for the building permit applications. ===== UPDATED ON SEPTEMBER 28, 2005 BY

JESSICA L DEGRASSI =====

===== UPDATED ON APRIL 27, 2006 BY JESSICA L DEGRASSI =====

**Historical Completeness Comments**

===== REVIEW ON OCTOBER 3, 2005 BY STEVE D GUJNEY ===== Proposal to move the historic house has been reviewed and approved by the Historic Resources Commission. No further historic review of the current land division proposal is needed. While not required by ordinance. the current proposal would be more sensitive to the historic house if the proposed new house on new lot 2 were a) single story for some distance back from the west property line and/or b) used materials and finish compatible with the historic house.

**Historical Miscellaneous Comments**

===== REVIEW ON OCTOBER 3, 2005 BY STEVE D GUJNEY ===== No comment

**Housing Completeness Comments**

===== REVIEW ON SEPTEMBER 23, 2005 BY TOM POHLE =====

This project proposes to divide a property with 1 existing historic home into 3 par-

## Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11, 2006  
Time: 14:51:48  
Page: 2

cells relocating the historic home on 1 of the lots and building 2 new SHDs on the other 2 lots.

As the proposed project creates only 2 new lots and homes. per County Code 17.10. there is no Affordable Housing Obligation (AHO) for this project.

### Housing Miscellaneous Comments

===== REVIEW ON SEPTEMBER 23, 2005 BY TOM POHLE =====  
none

### Long Range Planning Completeness Comments

===== REVIEW ON OCTOBER 3, 2005 BY STEVE D GUINEY =====  
NO COMMENT

### Long Range Planning Miscellaneous Comments

===== REVIEW ON OCTOBER 3, 2005 BY STEVE D GUINEY =====  
NO COMMENT

### Dpw Drainage Completeness Comments

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

===== REVIEW ON OCTOBER 6, 2005 BY DAVID W SIMS =====  
1st Routing:

General Plan policies: <http://sccounty01.co.santa-cruz.ca.us/planning/PDF/generalplan/toc.pdf> 7.23.1 New Development 7.23.2 Minimizing Impervious Surfaces 7.23.4 Downstream Impact Assessments 7.23.5 Control Surface Run-off

A drainage plan was submitted with the application. and was reviewed for completeness of discretionary development, and compliance with stormwater management controls and County policies listed above. The plan was found to need the following additional information and revisions prior to approving discretionary stage Stormwater Management review.

- 1) The development will be required to hold runoff levels to pre-development rates per policy 7.23.1 for the County standard 10-year storm. Detention will be allowed/required only to the extent that predevelopment runoff rates cannot be maintained through other applied measures. and where drainage problems are not resolved. Show what other measures are to be used.
- 2) This development is required to minimize impervious surfacing per policy 7.23.2. Please indicate how this will be met. Orientation of garages and driveways on parcels 1 and 3 could be changed to reduce surfacing extents. Porous pavements could be used in place of impervious surfaces.
- 3) Consistent with policy 7.23.4. a capacity assessment will be required to determine

Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11, 2006  
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mine if two downstream pipe sections serving this development have adequate capacity to accept watershed flows. The two pipes in question are located about 150 ft south of the development on 17th Ave., beginning at an eastern-side curb inlet shown as 72 feet of 12" RCP pipe and then crossing under 17th Ave. shown as 40 feet of 22"x13" CMP. Additional stormdrains of 15" and 18" diameter exist upstream of the questionable section running through private properties. Mapping of these pipes is available from the survey office of Public Works on sheet B2 of the Zone 5 Drainage Facilities Inventory, and also from the Roads Section on improvement plans S-94 for 17th Avenue. The best detailed topography is available from the Public Works GIS section. Assessment is to include evaluation of the actual section capacity present. If the assessment finds these pipe sections to be inadequate in capacity, replacement of the pipes is required.

4) The development will be required to provide water quality filtration by either structural or vegetative means. Driveways, including any existing driveway, may not be drained to the street without effective filtration.

5) County policy requires topography be shown a minimum of 50 feet beyond the project work limits. Provide proposed contours as well as existing contours to this limit.

6) Fully describe on the plans the conditions and routing of all offsite drainage received and released. Applicant should provide drainage information to a level addressed in the "Drainage Guidelines for Single Family Residences" provided by the Planning Department. This may be obtained online: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm> ===== UPDATED ON MAY 18, 2006 BY DAVID W SIMS =====

2nd Routing: Insufficient information has been provided to demonstrate feasibility of the proposal made. The proposal made is still inconsistent with some of the development policies that are to be met.

Prior item 1) Incomplete. As shown, the proposed mitigation measures labeled "storm water detention pit" on the plans are not feasible to control runoff rates to pre-development levels for the required design storm. The pits are too small and cannot store the proper quantity of runoff. The site is mapped as Watsonville type soil, which at the depth shown and for the size of pit proposed is too restrictive to provide adequate percolation. The pits cannot operate as detention structures because no on-going metered release mechanism is provided. The pits will rapidly fill once, and then overflow onto the surface with runoff rates uncontrolled. The water trapped in the pit will not percolate in time to provide any storage control for a subsequent storm event. Please provide mitigation measures that meet policy and will function properly.

Prior item 2) Complete. This item is complete on the condition that the use of pavers on all driveways will be designed to provide substantial and effective runoff control through the appropriate design and selection of permeable materials and construction methods. Reorientation of the lot 3 building has allowed reduction of this driveway's pavement extent.

Prior item 3) Incomplete. This item must be addressed. Claims that no runoff will leave the site are untrue, and cannot be accepted as justification or a basis for



Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11, 2006  
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dispensing with this policy requirement

Prior item 4) Complete. This item is complete on the condition that the use of pavers on all driveways will be designed to provide substantial and effective runoff control through the appropriate design and selection of permeable materials and construction methods. Such permeability will also act as a filtration mechanism for auto pollutants deposited on the driveway surface.

Prior item 5) Incomplete. The required minimum extents of topographic information have not been provided.

Prior item 6) Incomplete. The lack of topography on adjacent parcels leaves unanswered how offsite drainage is received. The owner's incorrect assertion that no runoff will leave the site is also consistent with a lack of information provided on the plans, resulting in inadequate description of the release paths that will actually occur.

See miscellaneous comments. ===== UPDATE3 ON JULY 19, 2006 BY DAVID W SIMS =====

3rd Routing: Insufficient information has been provided to demonstrate feasibility of the proposal made. The proposal made is still inconsistent with some of the development policies that are to be met.

Prior item 1) Incomplete. See prior comments. Please provide mitigation measures that meet policy and will function properly.

Prior item 2) Complete. See prior comments.

Prior item 3) Complete. Calculations were submitted demonstrating that a 12 inch diameter pipe of 72 feet length on 17th Ave is inadequate in capacity. This determination was also confirmed by independent review check calculations. The problem is actually more severe than indicated by the submitted calculations because the actual drainage areas are larger than assumed and unusually low runoff coefficients were used by the project engineer. Replacement of this pipe section and all related work will be required as a condition of approval of this development. See miscellaneous comment item "D" for more info.

Prior item 4) Complete. See prior comments

Prior items 5 and 6) Incomplete. See prior comments

===== UPDATED ON AUGUST 10, 2006 BY DAVID W SIMS =====

4th Routing (marked 3rd routing) It is recommended that the applicant and project engineer meet with the reviewer to discuss feasibility problems with the proposal

Prior item 1) Incomplete. See prior comments. Please provide mitigation measures that meet policy and will function properly. Plans are inconsistent with sheets T1 and E1 showing different drainage configurations, neither of which are approvable. The submitted calculations for sizing the detention/retention pits while approximately correct cannot be implemented on the site as proposed. There is neither adequate soil permeability to provide retention, nor is there any provision for

Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11, 2006  
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ongoing release of detained water as presumed in the calculations. Basic feasibility issues have still not been addressed with adequate information and necessary proposals to make it work.

Prior item 2. 3. 4) Complete

Prior items 5 and 6) Complete. ===== UPDATED ON SEPTEMBER 22, 2006 BY DAVID W SIMS =====

5th Routing (marked 2nd routing)

Prior item 1) Complete. Applicant has proposed providing a pipe under Merrill Street to provide for a release path for the detention design. Also proposed is an easement area between parcels 2 and 3 for locating detention control facilities. This resolves the basic issues of feasibility and proposal intent.

Prior items 2 to 6) Complete.

#### Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON OCTOBER 6, 2005 BY DAVID W SIMS =====

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$0.90 per square foot and are assessed upon permit issuance. Reduced fees are assessed for semi pervious surfacing to offset costs and encourage more extensive use of these materials

You may be eligible for fee credits for pre-existing impervious areas to be demolished. To be entitled for credits for pre-existing impervious areas, please submit with the building application documentation of permitted structures to establish eligibility. Documentations such as assessor's records, surveys records, or other official records that will help establish and determine the dates they were built, the structure footprint, or to confirm if a building permit was previously issued is accepted.

Because this application is incomplete in addressing County development policies, resulting revisions and additions will necessitate further review comment and possibly different or additional requirements. The applicant is subject to meeting all future review requirements as they pertain to the applicant's changes to the proposed plans.

All resubmittals shall be made through the Planning Department. Materials left with Public Works may be returned by mail, with resulting delays.

Please call the Dept of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON MAY 18, 2006 BY DAVID W SIMS =====

Miscellaneous:

A) Driveway extents are inconsistently shown between the Landscape Architect's and other designer's sheets. Clarify what is actually being proposed.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11 2006  
Time: 14:51:48  
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B) Impervious area figures in the table on sheet T1 are in error. It is also not clear if these figures represent just the homes or include site hardscaping. The existing shed is not listed. Please clarify with an itemized breakdown in addition to a parcel total.

C) Permeable pavements will be assessed at 50% of the actual surface coverage for impact fee purposes. ===== UPDATED ON JULY 19, 2006 BY DAVID W SIMS =====  
Miscellaneous:

D) The applicant will be required to submit from a civil engineer the offsite design for the 72 feet of pipe to be replaced prior to recording the final map and improvement plans for the MLD. 18" diameter pipe will be the minimum allowed, with actual size determined by calculations. The calculations must be submitted on form SWM-6, and be supported with detailed drainage area mapping. ===== UPDATED ON AUGUST 10, 2006 BY DAVID W SIMS =====

See prior comments. ===== UPDATED ON SEPTEMBER 22, 2006 BY DAVID W SIMS =====

See prior comments.

E) Detention design calculations and full construction details for all mitigation measures will need to be submitted for the configuration proposed prior to recording the final map and improvement plans. Neatness, organization and congestion of the Civil plans will need to be improved.

Dpw Driveway/Encroachment Completeness Comments

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

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON SEPTEMBER 21, 2005 BY DEBBIE F LOCATELLI =====  
No comment.

Dpw Road Engineering Completeness Comments

===== UPDATED ON OCTOBER 7, 2005 BY GREG J MARTIN =====  
No access shall be allowed from 17th Avenue. The existing driveway shall be removed and replaced with curb, gutter, and sidewalk. There are three alternatives that should be considered for Merrill Street. The applicant should consult with the School District over which alternative is best. A letter from the School District is required selecting one of the three alternatives. The three alternatives are: 1) No improvements (Do nothing) 2) Add bike lanes. This would require 12 feet for parking and a bike lane, two 11 foot travel lanes, a 6 foot bike lane, and a six foot sidewalk. 3) Improve to County Standard. This would require widening the road by 3 feet, a 4 foot landscape strip, and a separated 4 foot sidewalk along the project frontage.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON MAY 11, 2006 BY GREG J MARTIN ===== Please provide documentation from the school that the improvements on Merrill Street are satisfactory.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
Application No.: 05-0606  
APN: 028-052-63

Date: October 11, 2006  
Time: 14:51:48  
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Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 7, 2005 BY GREG J MART N =====  
===== UPDATED ON MAY 11. 2006 BY GREG J MARTIN =====

## MEMORANDUM

Application No: 06-0606 (third routing)

Date: July 24, 2006

To: Cathleen Carr, Project Planner

From: Lawrence Kasparowitz, Urban Designer

Re: Design Review for three lot Minor Land Division at Merrill Street, Santa Cruz

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	✓		
Buildingsiting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
	✓		
	✓		
	✓		
Relate to surrounding topography	✓		
Retention of natural amenities	✓		

EXHIBIT E

~~EXHIBIT J~~

Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			NIA
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Accessible to the disabled, pedestrians, bicycles and vehicles			NIA
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

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

Building Articulation			
Variation in wall plane, roof line, detailing, materials and siting	✓		
Solar Desian			
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	✓		

JUN-9-2005 09:21

I E OAK DIST

831 4752638

P.02

LIVE **OAK** SCHOOL DISTRICT

Business Services Department  
Steve Romines, PhD Assistant Superintendent, Business Services

May 18, 2005

Mike Achkar  
710<sup>th</sup> 17<sup>th</sup> Ave  
Santa Cruz, Ca. 95062

RE: Authorization to use Merrill Street (Private Road owned by the Live Oak School District)

Dear Mr. Achkar;

This is formal notification that the board has conditionally approved your use of Merrill Street, a private road owned by the Live **Oak** School District. This approval is to build two driveways for the purpose of ingress and egress for two single-family homes to be constructed at the 710 17<sup>th</sup> Ave. property.

The conditions placed on this approval are as follows:

The payment of a one-time fee of \$55,000. This payment is due at the time building permits are approved by the County of Santa Cruz.

Presenting copies of approved construction drawings and building permits to School District.

Payment of other fees associated with typical development projects within the Live **Oak** School District.

Installation of various safety items discussed with the board during the approval process with the Board of Education.

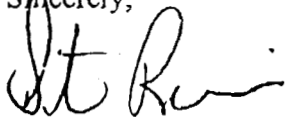
Annual payment of the District's private road tax levied on **all** residences **utilizing** the private road.

The signing of a construction agreement ensuring the Board of Education that all conditions related to safety, construction, insurance, and timing are adhered too.

We can finalize the conditions listed above once financing **has** been secured and you have notified the District that you wish to continue the process.

Thank you very much.

Sincerely,

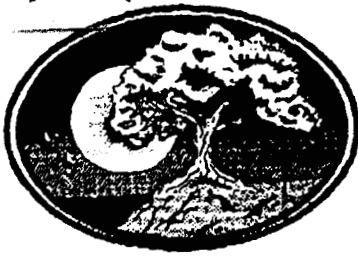


Steve Romines Ph.D  
Assistant Superintendent

EXHIBIT E

EXHIBIT K





## Live Oak School District

Excellence is achieved through a caring partnership.

January 20, 2006

Mike Achkar  
71017<sup>th</sup> Ave  
Santa Cruz, Ca. 95062

RE: Driveway **Clarification** Authorizing two Driveways **only** on **Merrill Street** (Private Road owned by the Live Oak School District), Santa Cruz County **Application OS-0606**.

Dear Mr. Achkar;

Your **request** to have the board modify their original tentative **approval**, (see attached letter of May 18, 2005), of two **driveways** on Merrill Street to **three** driveways, **was** not approved.

The board also decided that they **would like** you to provide these **two driveways**, each serving one single family home, as **originally** configured in your March 2005 presentation. At that time the side-by-side, figure 2, location **was** the Board's preferred **configuration** to **allow** access to Merrill Street.

Further, the **board** expressed concern over your proposal to place a **third** driveway on the public right of **way** area. Should **you** feel it necessary to continue **with** that **option** the board would formally object to the county and/or remove approval for the originally approved **driveways**.

Thank you very much.

Sincerely,

Steve Romines Ph.D  
Assistant Superintendent

Cc: Cathleen Carr, S.C.C. 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  
Live Oak School 1916 Capitola Road 475-2000  
Ocean Alternative School 984-6 Bostwick Lane 475-0767  
Green Acres School 966 Bostwick Lane 475-0111  
Shoreline Middle School 855 17th Avenue 475-6366  
Cypress Charter High School 2039 Merrill Street 477-0302  
www.lodo.santacruz.k12.ca.us

- 73 -

P.01 831 4752638

LIVE OAK DIST

15:30 475-2006

EXHIBIT E  
EXHIBIT K

June 29, 2006

To Whom It May Concern:

The plan documents dated 3/23/06 meet the driveway number and locations requested by the board of education. The safety concerns also appear to be met.



Steve Romines

Assistant Superintendent  
Live Oak School District  
831-475-6333 ext.215

EXHIBIT E

EXHIBIT K

*Maureen Hamb-WCISA Certified Arborist #2280  
Professional Consulting Services*



**CONSTRUCTION IMPACT ANALYSIS  
CALIFORNIA WALNUT TREE  
710 17<sup>TH</sup> AVENUE**

**Prepared for**

**Mike Achkar**

**1265 South Bascom Avenue, Suite 110  
San Jose, CA 95128**

**February 20,2006**

*49 Almar Ave. Suite C #319  
Santa Cruz, CA 95060  
mail: maureenah@csbeglobal.net*

*Telephone: 831-420-1287  
Fax: 831-420-1751  
Mobile: 831-420-1751*

**EXHIBIT E**

~~EXHIBIT I~~

## **ASSIGNMENT/SCOPE OF SERVICES**

A development plan is proposed for property located at the corner of 17<sup>th</sup> Avenue and Merrill Street. The project will divide the large site into three residential lots and require the demolition of several older outbuildings and a portion of an existing residence. One mature walnut tree growing on the site could be impacted by the proposed site changes. Mike Achkar, the property owner has requested that I evaluate the condition of the tree and review the development plans to assess potential impacts. I have inspected the tree and prepared a tree protection plan that is included in this report.

## **SUMMARY**

I have inspected one mature walnut tree growing on property at the corner of 17<sup>th</sup> Avenue and Merrill Street and reviewed proposed development plans for the site.

The tree is healthy with a well balanced symmetrical canopy. It is growing near the Merrill Street sidewalk frontage, approximately 15 feet from the proposed residence on lot two, where it will be incorporated into the new landscape.

The tree will be protected during the construction by creating an exclusion zone surrounded by fencing that will act as a barricade. I have recommended pre-construction root pruning that will eliminate damage to the root system during excavation for the foundation, front porch, walkway and driveway.

## **BACKGROUND**

On February 10, 2006, I completed a site inspection at 710 17<sup>th</sup> Avenue. I visually assessed the health and structural integrity of one walnut tree to determine suitability for incorporation into the development project proposed for the site. Potential construction impacts were assessed using development plans provided by Mike Achkar, the property owner.

A site map documenting the location of the tree and the protection measures is attached within this report.

## **OBSERVATIONS**

### **Site Description**

The property is a large, flat corner parcel where an older home and several barn type outbuildings currently stand. Several small older fruit trees and the mature walnut are the only trees growing on the property.

### **Tree Description**

The only large tree on the property is a California walnut, 17 inches in trunk diameter and approximately 50 feet in height. It is growing just behind the sidewalk that faces Merrill Street. The tree has a single vertical trunk and symmetrical branch structure. Tree form and structural integrity could be improved with minor pruning to thin and reduce branch length.



EXHIBIT E  
EXHIBIT L

## **CONSTRUCTION IMPACTS**

The proposed residence is approximately 15 feet from the trunk of the tree on one side; the driveway is a similar distance on another side. The excavation required for foundation construction and pavement installation can be damaging to both the structural and absorbing tree roots.

Small fibrous roots (absorbing roots) are present in the upper soil layers and can extend beyond the canopy of the tree. A small cut of two to four inches can remove a portion of the absorbing root layer. This layer is responsible for supplying the tree with moisture and nutrients. When they are removed, the tree can display symptoms of water stress and loss of vigor. Trees can tolerate the loss of a percentage of this layer as they can regenerate quickly. Loss of the entire layer would lead to the decline and possible death of the tree.

The equipment used for excavation can severely damage the structural roots of trees. When roots are torn and shattered the damaged area cannot seal properly and decay enters the root. Damage and decay in the structural roots can cause destabilization. Root severance close to the tree trunk, or on two or more sides of the tree can also compromise stability.

## **RECOMMENDATIONS**

### **Protection Fencing**

Fencing is a simple and effective way to protect trees during construction. Fencing supported by posts in the ground creates both a physical and visual barrier between the trees, the construction workers and their equipment.

The recommended location of the protection fencing is documented on the attached site map.

### **Root Pruning**

Preconstruction root pruning is recommended at the foundation, driveway and walkway on lot two. These areas are highlighted in yellow on the attached map.

This procedure is performed in advance of construction and prevents damage to roots by equipment. It also allows time for the tree to respond to the impact and begin to redevelop absorbing roots prior to construction.

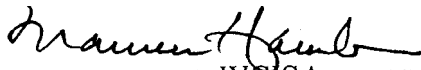
This procedure begins with the staking of the "final line of disturbance". An area just outside the stakes is excavated using a "ditchwitch" or manual labor. Hand tools are used to further expose the roots and they are properly pruned at the final line of excavation. The excavated area is then covered with layers of moistened burlap and backfilled. If necessary, the area can be irrigated during the summer months. When construction begins, the foundation is dug carefully using the burlap layer as a boundary.

## CONCLUSION

The development proposed for 710 17<sup>th</sup> Avenue can be completed while retaining the California walnut growing on the site. Pre-construction root pruning will eliminate the detrimental impacts related to excavation within the root zone. Protection fencing erected prior to construction will help prevent inadvertent damage to the tree during the development process.

Please call my office with any questions or concerns about the tree on this site.

Respectfully submitted,



Maureen Hamb-WCISA Certified Arborist #2280

## **TREE PRESERVATION SPECIFICATIONS**

These specifications should be printed on all pages of the development plans. Contractors and sub contractors should be aware of the tree protection guidelines and restrictions. Contracts should incorporate tree protection language that includes “damage to protected trees will be appraised using the Guide to Plant Appraisal 9th Edition and monetary fines assessed”.

### **Establishment of a tree preservation zone (TPZ)**

Fencing with stakes embedded in the ground, no less than 72 inches in height, shall be installed in areas defined on the attached map. Fencing will be installed prior to equipment staging or site disturbance. Fencing placement will be inspected by the project arborist.

### **Restrictions within the TPZ of existing trees**

No storage of construction materials, debris, or excess soil will be allowed within the TPZ. Parking of vehicles or construction equipment will be allowed in defined areas only. Solvents or liquids of any type should be disposed of properly, never within this protected area.

### **Minimize soil compaction on the construction site**

Protect the soil surface with a deep layer (at least three inches) of mulch (tree chips). The addition of mulch will reduce compaction, retain moisture, and stabilize soil temperature. Areas where equipment and personnel are concentrated will be mulched to a depth of at least six inches.

### **Alteration of grade**

Maintain the natural grade around trees. No additional fill or excavation will be permitted within the critical root zone. If trees roots are unearthed during the construction process the consulting arborist will be notified immediately. Exposed roots will be covered with moistened burlap until a determination is made by the project arborist.

### **Trenching requirements**

Any areas of proposed trenching will be evaluated with the consulting arborist and the contractor prior to construction. **All** trenching on this site will be approved by the project arborist. Tree roots encountered will be avoided or properly pruned under the guidance of the consulting arborist.

### **Tree canopy alterations**

Unauthorized pruning of the tree on this site will not be allowed. If any tree canopy encroaches on the building site the required pruning will be done on the authority of the consulting arborist and to **ISA** pruning guidelines and **ANSI A-300** pruning standards.



APN 028-052-60  
SCHOOL PARKING LOT

PRE-SCHOOL

MERRILL STREET

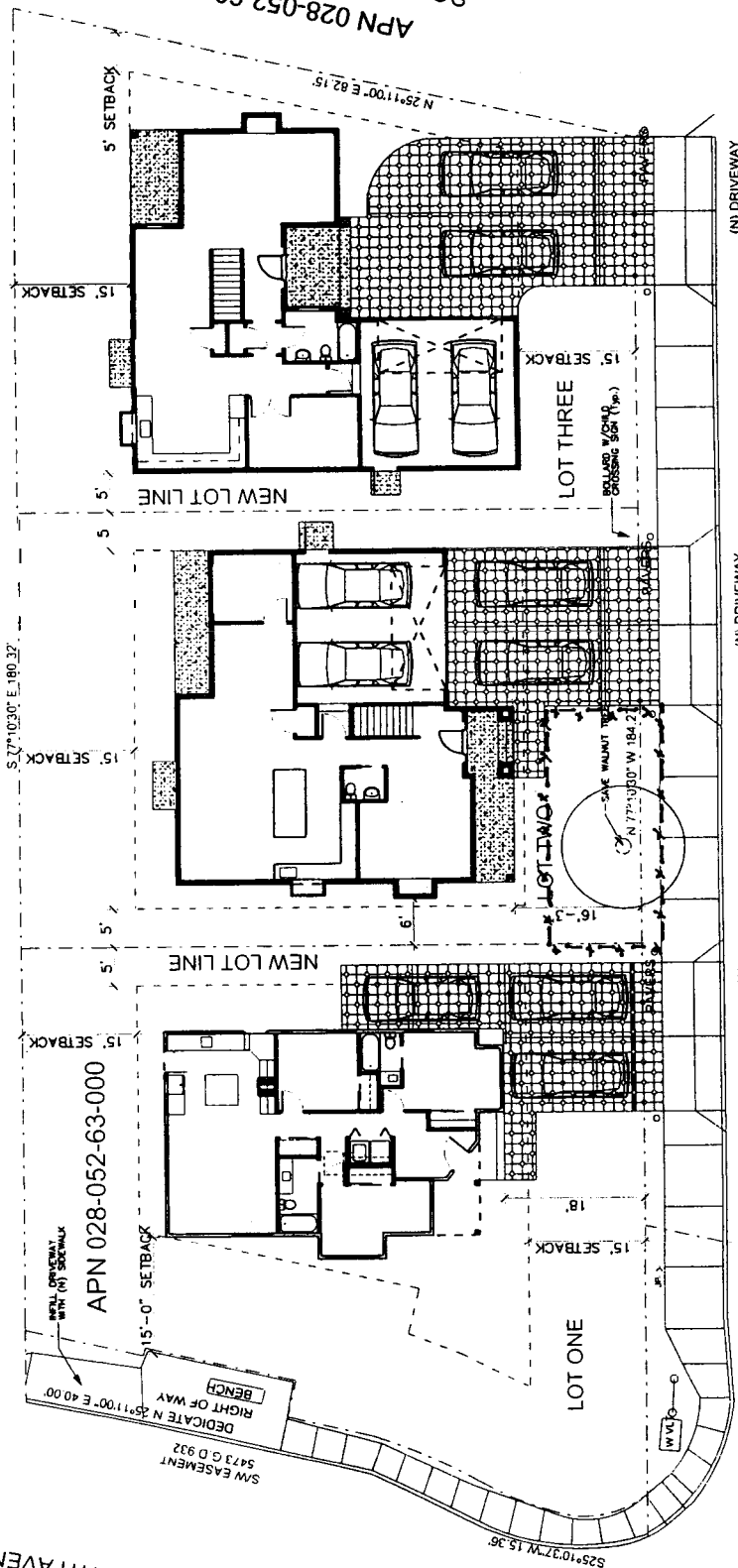
APN 028-052-63-000

SEVENTEENTH AVENUE

EXHIBIT E  
~~EXHIBIT L~~

~~EXHIBIT~~

of MYOANT





# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

February 2, 2005

**AGENDA: February 9, 2005**

### HISTORIC RESOURCE PRESERVATION PLAN

**Applicant:** ..... Mike Achkar  
**Owner:** ..... Michael & Kristine Achkar  
**Application No.:** ..... 05-02H  
**APN:** ..... 028-052-63  
**Situs:** ..... 710 17<sup>th</sup> Avenue  
**Location:** ..... East side of 17<sup>th</sup> Avenue at northeast corner of intersection with Merrill Street  
**Historic Name:** ..... N/A  
**Current Name:** ..... N/A  
**Rating:** ..... NR5

### Existing Site Conditions

**Parcel Size:** ..... 13,848 square feet  
**Use:** ..... Single family residence

### Planning Policies

**Planning Area:** ..... Live Oak  
**Zone District:** ..... RM-4-L  
**General Plan Land Use Designation:** ..... Urban Medium Residential  
**Community, Specific, or Town Plan:** ..... N/A  
**General Plan Resources and Constraints:** ..... None  
**Coastal Zone:** ..... Yes

## **I. PROJECT DESCRIPTION**

This is a proposal to relocate and restore the existing house on the site. The house would be rotated about 100 degrees to the left and moved about 15 feet to the south and 20 feet to the west and a new foundation installed. There are two deteriorated **shed** structures on the rear of the property that will be demolished.

## **II. DISCUSSION**

### **A. Background and Site Description**

The existing building on this parcel is listed in the County's Historic Resources Inventory (HRI) with a historic rating of **NR5**, which the County Code defines as "[a] property determined to

have local historical significance.” According to the HRI, “[t]he structure is a good example of a vernacular house seen in both the agricultural and vacation areas of Santa Cruz” and “[i]t’s significance lied in the fact that it is a good example of the style of the period and it does not appear to be altered.”

Please refer to the attached pages from the HRI for the complete information about the historic and architectural significance of the building.

The building is located on the east side of 17<sup>th</sup> Avenue at the northeast corner of 17<sup>th</sup> and Merrill Street. The property abuts the Live Oak Elementary School and is across 17<sup>th</sup> Avenue from Live Oak Middle School. A Santa Cruz Metro bus stop is situated on the property frontage along 17<sup>th</sup> Avenue. At the rear of the property are two deteriorated shed buildings.

## **B. . Proposal**

The proposal involves turning the house about 100 degrees to the left so that the front porch of the house will face Merrill Street rather than 17<sup>th</sup> Avenue, moving the house some 15 feet to the south and 20 feet to the west, and placing it on a new foundation. The plans show the two shed buildings on the rear of the property as “to be removed.” There is no mention of them in the Historic Resource Inventory form and the context for evaluation is single family architecture of the period 1850 – 1940. Therefore, it does not appear that those buildings are historically or architecturally significant. Further, they are in a deteriorated condition.

## **C. Purview of the HRC**

Your Commission is requested to consider an Historic Resource Preservation Plan to address the proposed relocation of an existing designated historic resource by rotating it and moving it 15 to 20 feet on the same parcel. In so doing, your Commission will be considering the effect of the proposal on the architectural and historic integrity, significance, and setting of the existing historic building.

## **D. Historic Preservation Criteria**

General Plan Policies 5.20.3 and 5.20.4 require that development activities on property containing historic resources protect, enhance, and/or preserve the “historic, cultural, architectural, engineering, or aesthetic values of the resource as determined by the Historic Resources Commission” based on the Commission’s review and approval of historic preservation plans. Chapter 16.42 of the County Code implements those General Plan Policies.

County Code Subsection 16.42.040(a) and Section 16.42.070 are applicable to the proposal. Subsection 16.42.040(a) states, in relevant part, that

[n]o person shall make or cause any material change to the exterior of an historical structure. . . unless such action is in conformance with a valid Historic Resource Preservation Plan approved by the Historic Resources Commission. In addition to these

requirements, no relocation or demolition without reconstruction of an entire historic structure shall occur unless an Historical Documentation Report is submitted to and approved by the Historic Resources Commission concurrent with the review of the Historic Resource Preservation Plan.

Subsection 16.42.070, Historic Preservation Criteria, requires that relocation of historic resources meet certain criteria. Those criteria are listed below, each followed by a discussion of the applicability of the criterion and how the proposal does or does not meet that criterion.

#### **E. Relocation Criteria**

1. *Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.*

No change in use is proposed. The building was originally constructed as a residence and is currently used as a residence.

2. *The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.*

No removal or alteration of any historic material or distinctive architectural features is proposed.

3. *All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier or later appearance shall be discouraged.*

No alterations are proposed to the historic building.

4. *Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.*

No changes through time would be affected by the proposed work.

5. *Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.*

No changes are proposed to the physical features of the house are proposed.

6. *Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material*

*should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.*

No deteriorated architectural features are involved.

7. *The surface cleaning of structures shall **be** undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material should not be utilized.*

No surface cleaning is proposed.

8. *Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.*

No mapped archaeological resources appear in the vicinity of the site and no work is proposed that would disturb any known archaeological resource.

9. *Alterations and additions to existing properties shall not destroy significant historical, architectural or cultural elements or materials, and shall be compatible with the size, scale, color, materials, and character of the property, neighborhood or environment.*

No alteration or addition is proposed to the historic building.

70. *Whenever possible, new additions or alterations to structures shall be done in a manner so that the essential form and integrity of the structure would be unimpaired.*

No new additions or alterations are proposed.

### III. CONCLUSION

The proposal involves rotating the house and moving it a few yards and placing on a new foundation. No work is proposed that will adversely affect the historic and architectural significance of the building. No Historic Documentation Report was required for this proposal because the relocation involves moving the building only some 15 to 20 feet. The setting will not be affected. The proposal is generally consistent with the requirements of County Code regarding relocation of historic resources.

### IV. RECOMMENDATION

Therefore, it is RECOMMENDED that your Commission take the following actions:

**A. Adopt the following Findings:**

1. The Historic Resource Preservation Plan, as submitted, is consistent with General Plan Objective 5.20 and General Plan Policies 5.20.3 and 5.20.4 and with the purposes and goals of County Code Chapter 16.42; and
2. The Historic Resource Preservation Plan, as submitted, is in conformance with the requirements of Section 16.42.070 (Historic Preservation Criteria) of the County Code; and
3. The Historic Resource Preservation Plan, as submitted, will preserve and maintain the cultural and historical heritage of the County and/or further cultivate the knowledge of the past.

**B. Approve the Historic Resource Preservation Plan as submitted, with the following conditions:**

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**Exhibits**

- A. Applicant's Historic Resource Preservation Plan Submittal
- B. Historic Resources Inventory pages for the subject site
- C. CEQA Notice of Exemption

Report prepared by:

Steven Guiney  
Planner IV  
Historic Resources Commission Staff



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

## **NOTICE OF ACTION**

### HISTORIC RESOURCES COMMISSION COUNTY OF SANTA CRUZ

Meeting of February 9, 2005

**Applicant:** ..... Mike Achkar  
**Owner:**..... Michael & Kristine Achkar  
**Application No.:**..... 05-02H  
**APN:** ..... 028-052-63  
**Situs:** ..... 710 17<sup>th</sup> Avenue  
**Location:**..... East side of 17<sup>th</sup> Avenue at northeast corner of intersection with Merrill Street  
**Historic Name:**..... N/A  
**Current Name:**..... N/A  
**Rating:**..... NR5

**PROJECT DESCRIPTION:** This is a proposal to rotate and relocate the existing house on the site, including installation of a new foundation. Two deteriorated shed structures on the rear of the property will be relocated off the site or demolished.

**HISTORIC RESOURCES COMMISSION ACTION:** On February 9, 2005, the Historic Resources took the following action on the proposed Historic Resource Preservation Plan:

**A. FINDINGS. Adopted the following three Findings:**

1. The Historic Resource Preservation Plan, as conditioned, is consistent with General Plan Objective 5.20 and General Plan Policies 5.20.3 and 5.20.4, and with the purposes and goals of County Code Chapter 16.42; and
2. The Historic Resource Preservation Plan, as conditioned, is in conformance with the requirements of Section 16.42.070 (Historic Preservation Criteria) of the County Code; and
3. The Historic Resource Preservation Plan, as conditioned, will preserve and maintain the cultural and historical heritage of the County and/or further cultivate the knowledge of the past; and

**Notice of Action on Historic Resource Preservation Plan  
710 17<sup>th</sup> Avenue, Live Oak**

**B. APPROVAL. Approved the Historic Resource Preservation Plan as conditioned.**

**C. SPECIAL CONDITIONS. Applied the following Special Conditions:**

1. The house may be rotated and relocated on the lot consistent with zoning regulations such that it will front on Merrill Street.
2. Any restoration at this time, without further Historic Resources Commission review, shall be limited to in-kind replacement and repair.
3. The electrical and gas meters shall be relocated to the east side of the house when it is relocated.
4. Prior to any movement or demolition of any building on the site, the applicant shall prepare and submit to the Historic Resources Commission photo-documentation of all buildings on the site, including photos of all elevations of each building and a photo or photos showing the entire site and all of the buildings.
5. Any future development beyond the approved relocation of the house and removal of the outbuildings shall require additional review by the Historic Resources Commission and may require a new Historic Resource Preservation Plan application.

**C. STANDARD CONDITIONS. Applied the following Standard Conditions:**

1. A building permit is required before the work may begin.
2. **Discovery of Historic Archaeological Resources and Native American Cultural Sites:** 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.

**APPEALS**

*This action may be appealed to the Board of Supervisors by the property owner, or other aggrieved person, or any other person whose interests are adversely affected by this act of the Historic Resources Commission. Appeals to the Board shall be taken by filing a written notice of appeal with the Clerk of the Board of Supervisors not later than the fourteenth (14<sup>th</sup>) calendar day after the day on which the act or determination appealed from was made. In this case, the Historic Resources Commission acted to approve the proposal on February 9, 2005. Therefore, any appeal must be filed with the Clerk of the Board of Supervisors not later than 5:00 p.m., February 23, 2005.*



