



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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TOM BURNS. PLANNING DIRECTOR

July 30, 2007

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

Agenda Date: **August 8, 2007**

Item #: 7

Time: After 9 AM

Subject: **Continuation** of application **04-0423**, a proposal to divide parcel **025-032-16** into **two lots** and to construct a new **single-family** dwelling.

Members of the Commission:

On July 11, 2007, your Commission considered this Minor Land Division. Following the public hearing and deliberation, your Commission continued this item to allow staff to respond to a number of concerns raised by the Commission. These concerns included:

- 1) Further discussion, with input from County Counsel, on the issue of the significantly non-conforming existing structure on the property.
- 2) Further clarification regarding maintenance agreements for Jody Court, and the inclusion of sewer and water lines in any agreement.
- 3) Clarification of the proposed floor plan changes to the existing house on Lot 1, in particular the proposed use of the space that was formerly labeled as garage.
- 4) Inclusion of the sign-off letter from the Central Fire District.
- 5) Roadway/Roadside Exception findings for Jody Court.

Staff has addressed these issues as follows:

Significantly Non-conforming Structure

The existing guesthouse and workshop/storage area on Lot 1 (the former one-car garage) is significantly non-conforming as it encroaches about one foot into the Jody Court right-of-way. This condition is the result of variance 81-366-V, in which the Zoning Administrator approved a reduction in the street side yard setback from Jody Court to 0 feet (see history in staff report). A subsequent survey discovered the structure encroaches up to one foot into the Jody Court right-of-way, making this portion of the structure significantly non-conforming. Culpability for the encroachment lies with both the previous applicant/owner and the Planning Department, as the plans were not accurate and the Planning Department did not confirm the location of the structure at the building permit stage.

County Code Section 13.102650 discourages the retention of portions of structures that are significantly non-conforming unless specific findings can be made to justify retention (see significantly non-conforming structure findings in staff report). These findings can be made, as the one-foot encroachment does not block vehicle site distance and does not impede access to light, air, and open space for adjacent properties. Therefore, the retention of the significantly non-conforming portion of the structure complies with the purposes of the street side-yard setback requirement. No structural alterations or expansion are proposed to the significantly non-conforming portion of the structure.

During the July 11th Planning Commission hearing, the Planning Commission requested that planning department staff consult with County Counsel regarding the relationship of the encroachment of the Lot 1 house into the Jody Court right of way, the significantly non-conforming nature of the house on Lot 1 as a result of the encroachment, and the options available to the Planning Commission during consideration of the minor land division or "lot-split" application. County Counsel indicates that its review of the County Zoning Code (Title 13) and the County Subdivision Ordinance (Title 14) did not indicate any relationship between the existence of the significantly non-conforming structure and the County's consideration of a minor land division application. In particular, County Code section 13.10.265 relating to non-conforming structures is silent on the issue of what effect the significantly non-conforming structure has on consideration of the "lot-split" application. Therefore, County Counsel concludes that the existence of the non-conforming structure in and of itself does not mandate any particular result (such as a requirement for removal of the non-conforming portion) on the lot-split application and that such an application is subject to the County's routine land-use discretionary authority. The Planning Department's determination that the lot-split application should not be precluded based upon the prior County approval in error of the building permit that resulted in the Jody Court encroachment would appear to be within such discretion.

Road Maintenance

Jody Court is a private road with no formal Road Maintenance Agreement; neighbors currently participate in an informal "gentleman's agreement" to undertake basic maintenance and repairs. As such, the County can only require that the new Lot 2 enter into any future Road Maintenance Agreement established by the Jody Court neighbors. Condition of Approval III. C. has been amended to require a deed restriction on Lot 2 requiring participation in any future Road Maintenance Agreement for Jody Court to cover maintenance costs for improvements within this right-of-way, including road pavement, waterlines, and sewer lines.

Floor Plan Changes

Prior to the July 11th hearing, the applicant reduced the number of driveways serving Lot 1 from one to two at the request of the Planning Department. In order to accommodate this reduction in driveways, the area shown as a one car garage on the architectural plans will now become a workshop and storage area. The garage door will be replaced with a doorway, per condition of approval.

Central Fire District Sign-off

The Central Fire District reviewed and approved the proposed minor land division, as evidenced in their letter of September 28, 2004. This letter has been added to your packet at Attachment 3.

Roadway and Roadside Exceptions for Jody Court

Jody Court is a private road with a **40-foot** wide right-of-way with 20 feet of pavement. **According** to the Department of Public Works Design Criteria, the minimum right-of-way for a road serving 5 or more lots is 56 feet wide with 24 feet of traveled roadway (excluding parking). Such a configuration is not feasible at this location as Jody Court is an existing right-of-way. An exception to the Design Criteria roadway standards is justified as the road and right-of-way exists, and the width of the road exceeds the minimum **18** feet required for adequate emergency vehicle access required under General Plan Policy 6.5.1 (emergency access standards).

Finally, the right of way and pavement width in the Design Criteria applies to new roads, or cases where a land division will extend an existing road. In this case, the new lot will not require an extension of the existing roadway, which continues past the project site to serve three more houses. Adequate parking will be provided for the new **lot**, so the lack **of** on-street parking (as **currently** exists) **will** not be a significant issue.

Conclusion

Staff continues to recommend that your Commission:

- **Certify the Certify the Mitigated Negative Declaration to the California Environmental Quality Act.**
- **APPROVE Application Number 05-0246, based on the attached findings and revised conditions.**

Sincerely,


David Keyon
Project Planner
Development Review

Reviewed By: 
Mark Deming
Assistant Planning Director
Development Review

Attachments:

1. Revised conditions of approval
2. Revised Findings
3. Approval ~~letter~~ from the Central Fire District, dated September 28, 2004
4. Staff report for the July 11, 2007 Planning Commission hearing

Conditions of Approval

Land **Division 04-0423**

Applicant: Adam Metaxes

Property Owner: Adam Metaxes

Assessor's Parcel Number(s): 025-032-16

Property Address and Location: 3561 Thurber Lane, at intersection of Thurber Lane and Jody Ct.

Planning Area: Live *Oak*

Exhibit A: Project plans, sheets A1 through A7 drawn by Dennis Anderson, Architect, and dated March 17, 2006 (revised January 25, 2007 and July 2, 2007). Sheets **TM 1-TM4** and **ECI** drawn by Ifland Engineers, Inc., and dated January 4, 2007. Sheet **L1** drawn by Gregory Lewis, dated August 20, 2004 and revised January 11, 2007.

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. Pay a fee of \$50 to **the** Clerk **of** the Board of the County of Santa Cruz as required by the California Department of Fish and Game.

- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:
 - A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All

other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.

- B. This land division shall result in no more than two single-family residential parcels.
- C. The minimum aggregate lot size shall be 6,000 square feet net developable land per lot.
- D. The following items shall be shown on the Parcel Map:
 - 1. Building setback lines located according to the approved Tentative Map. **The** building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 for **the** front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard. The street side yard setback for lot 1 is 0 feet, as established under Variance approval 81-366-V.
 - 2. Show the net area of each lot to nearest square foot, excluding any portions within right-of-ways.
 - 3. **The** map shall be revised to show one driveway for Lot 1, which complies with County standards and provides all required parking (four spaces), and the remainder area shall be landscaped.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to city of Santa **Cruz** Water District and shall comply with all district requirements.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
 - 3. **All** future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in the approved Exhibit "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 Department. Changes in window placement may require an amendment to **this** permit,

requiring a public hearing before final approving body (in this case the Planning Commission).

- b. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for **the** R-1-6 zone district. Development on each parcel shall not exceed 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.
 - c. **As** the proposed residence on Lot 2 is proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
 - d. Architectural plans **for** the house on Lot 2 shall incorporate the recommendations of the County's Urban Designer (Exhibit H). These recommendations include:
 - i. Incorporate horizontal siding instead of stucco in order to decrease the massive appearance of the structure.
 - ii. The entry doors and garage doors shall match.
 - iii. Columns on the porch shall be larger in order to be in scale with the rest of the residence, and shall incorporate both caps and bases.
4. final Landscape Plan for the entire site with the revised driveway layout for Lot 1 required under Condition II.D.3, specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:

- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue
- b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
- d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
 - 1. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
 - ii. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems,

rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.

- iii. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
 - iv. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- e. All planting shall conform to the landscape plan shown as part of the approved Exhibit "A", with the exception of the removal of one driveway on Lot 1 as required in Condition II.D.3:
- 1. Tree Protection: A letter from a certified arborist, detailing protection measures for the existing magnolias, redwood, and plumb trees on site during construction is required.
 - ii. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
 - iii. Notes shall be added to the improvement plans and the building permit plans that indicate the manner in which the trees shall be protected during construction. Include a letter from a certified arborist verifying that the protection measures recommended in the required arborist letter measures have been incorporated into the construction plans.
5. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
6. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by

the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. **The** erosion control plans shall identify the type of erosion control practices to be used and shall include the following:

- a. Water Quality: Silt and grease traps shall be installed according to the approved improvement plans.
 - b. **An** effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
7. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to **the** decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
 8. Submit an engineered sewer improvement plan showing sewers needed to provide service to the new lot. This plan shall be approved by the County of Santa Cruz Sanitation District and shall conform to the County of Santa Cruz Design Criteria.
 9. Submit an engineered drainage plan and calculations for review and approval by the Department of Public **Works**, Stormwater Management. This plan shall include the following information:
 - a. Submit revised drainage calculations reflecting the mitigation measures shown on the improvement plans (i.e., concrete pavers) and approved by DPW Stormwater Management. during the discretionary stage.
 - b. Details for silt & grease traps and pavers for the driveways.
 10. *Improvement plans shall include a note indicating the south side of Jody Court bordering Lots 1 and 2 will be re-stripped with red and clearly marked "No Parking-Fire Lane."*

- 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 as stated in the District's comments dated April 13, 2007 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. This plan must show the existing sewer lateral to lot 1, and all existing or proposed sewer easements.
 - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the maintenance agreement to the district.
 - C. *The applicant shall record a Deed Restriction on Lot 2 stating that the lot shall enter into any future Road Maintenance Agreement for Jody Court regarding continued maintenance of the roadway, water lines, and sewer laterals within the Jody Court right-of-way.*
 - D. A maintenance agreement for the on-site drainage facilities, silt and grease traps, and pervious paving shall be recorded on the deeds for both lots 1 and 2 and shall include the following, which are permit conditions:
 - 1. All drainage structures, including detention facilities shall be permanently maintained.
 - 2. Water Quality: Annual inspection of the silt and grease traps shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the property owners of parcels 1 and 2.
 - E. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
 - F. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or

landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.

- G. A recorded legal description of the proposed drainage easement **through** Lot 1 must be submitted to the Department of Public Works for approval prior to recording the final map.
- H. All requirements of the Central Fire District shall be met.
- I. Park dedication in-lieu fees shall be paid for four bedrooms. This fee is currently 1,000 per bedroom, but is subject to change.
- J. Child Care Development fees shall be paid for four (4) bedrooms. This fee is currently \$109 per bedroom, but **are** subject to change.
- K. Transportation improvement fees shall be paid for one (1) dwelling unit. **This** fee is currently \$2,200 per unit, but is subject to change.
- L. Roadside improvement fees shall be paid for one (1) dwelling unit. This fee is currently \$2,200 per unit, but is subject to change.
- M. Pay Zone 5 Flood Control District fees for increases in impervious area. The fees are currently \$0.95 per square foot, but are subject to increases. For credits, suitable documentation must be submitted to establish existing impervious pavement.
- N. Submit and secure approval of engineered improvement plans from the Department of Public **Works** and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions **of** approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and **511** of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
 - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 - 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway

improvements, complete drainage calculations and all volumes of excavated and fill soils.

3. Water Quality: Details for the installation of required silt and grease traps to filter runoff from **the** parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.

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

- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain **an** Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- D. Pursuant **to** Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact **or** other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. **The** procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have **the** project contractor, comply with the following measures during all construction work:
 1. Limit all construction to the time between 8:00 **am** and 5:00 pm weekdays unless a temporary exception to this time restriction is

approved in advance by County Planning to address and emergency situation; and

2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 3. **The** applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. **The** disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- F. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- V. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VI. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, ~~from~~ and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, ~~or~~ annul ~~this~~ development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (**60**) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

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

Subdivision Findings

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

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

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

This finding can be made, in that this project creates two parcels of 6,000 and 6,950 square feet, which is consistent with the R-UL (Residential, Urban Low density) General Plan land use designation which authorizes a density of development of one dwelling unit per 6,000-10,000 square feet of net developable area.

The project is consistent with the General Plan in that the full range of urban services is available to the site including municipal water, sewer service, and nearby recreational opportunities. The land division is located on a designated collector (local) street that provides satisfactory access. The proposed land division is similar to the pattern and density of surrounding residential development, near neighborhood and community facilities, and enjoys adequate and safe vehicular and pedestrian access from public streets.

The land division is consistent with the General Plan regarding infill development in that the proposed residential development is harmonious to the pattern of surrounding development, similar to the architectural style in the area, and compatible to the single-family residential character of the neighborhood.

Further, the land division is not located in a hazardous or environmentally sensitive area and protects natural resources by expanding in an area designated for residential development at the proposed density.

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

This finding can be made, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standard for the R-1-6 zone district where the project is located and all yard setbacks for the proposed dwelling on Lot 2 will be consistent with zoning standards. Further, the project, as conditioned, is consistent with all requirements of Chapter 13.11 of the County Code, the Site, Architectural and Landscape Design Review ordinance.

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

This finding can be made, in that no challenging topography affects **the** site and no environmental constraints exist which necessitate that the area remain fully 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.

This finding can be made, in that no mapped **or** observed sensitive habitats **or** threatened species exist on site and the project is categorically exempt from (or has received a mitigated Negative Declaration pursuant to) the California Environmental Quality Act and the County Environmental Review Guidelines.

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

This finding can be made, in that municipal water and sewer are available to serve the proposed development and the proposed single-family dwelling on Lot 2 will be required to meet all applicable building and fire codes.

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

This finding can be made, in that no easements exist through the property with the exception of the Jody Court right-of-way. The design of the proposed lot split, and the proposed improvements, will not conflict with vehicular access along Jody Court or Thurber Lane.

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

This finding can be made, in that the resulting parcels **from** the lot split have adequate orientation to allow for passive and active solar or natural heating and cooling.

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

This finding can be made, in that the proposed dwelling on Lot 2 will have a similar height, **bulk**, mass, and scale as homes on surrounding properties. Many homes in the vicinity have full second stories, similar to the proposed home. In order to minimize the mass of a house with a full second story, the Urban Designer recommends using horizontal siding instead of stucco, as reflected in condition of approval II.E.3.d.

Significantly non-conforming structure findings

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the existing significantly non-conforming structure is at least 11 feet from the edge of the paved road for Jody Court, and will therefore not interfere the vehicle and pedestrian visibility and will not reduce access to light, air, and open space for neighboring properties. The structure exceeds the 20 foot setback from Thurber Lane (at about 33 feet), and will therefore not interfere with visibility for vehicles turning onto Thurber Lane from Jody Court.

2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

This finding can be made, in that the retention of the existing structure will not deprive adjacent property owners of access to light, air, and open space, the primary objective of General Plan Policy 8.6.2 (Residential Development Standards Ordinance). Furthermore, the structure will comply with General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the structure will comply with floor area ratio and lot coverage requirements for the new Lot 1. No specific plan exists for the Thurber Lane area of Live *Oak*.

3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

This finding can be made, in that the retention of the existing structure is compatible with the surrounding neighborhood as the scale of the structure is similar to surrounding homes, and the setback from the roadway as traveled is similar to other homes in the vicinity with street side yard setbacks (such as homes along Thurber Lane that front onto Twin Hills Drive and Sequoia Drive).

4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

This finding can be made, in that the proposed alterations to the existing dwelling will not increase the non-conforming dimensions of the structure, as the structure will not encroach further into the Jody Court right-of-way.

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 dwelling on Lot 2 and the retention of the existing significantly non-conforming structure will not deprive adjacent properties **or** the neighborhood of light, air, or open space, in that the proposed dwelling will **meet** all site standards and setbacks and the existing dwelling is located more than 11 feet from the **edge** of the roadway for Jody Court.

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 existing significantly non-conforming single-family dwelling and the proposed single-family dwelling on Lot 2 and the conditions under which they will be operated or maintained will **be** consistent with all pertinent County ordinances and the purpose of the R-1-6 zone district in that the primary **use** of the property will be one single-family dwelling on each lot that meets all current site standards for the zone district, with the exception of the significantly non-conforming portion of the existing residence, for which findings have been made (above).

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 land division is consistent with **the** use and density requirements specified for the Urban Low Density Residential (R-UL) land **use** designation in the County General Plan (see Subdivision Findings, above).

The project complies with General Plan Policy **8.2.5** (Circulation), in that **the** proposed modifications to the driveway for 3561 Thurber Lane will result in *a* configuration similar to other homes on Thurber Lane (which back out into the traveled roadway) and will reduce the amount of paving in the front yard setback in order to improve the streetscape along Thurber Lane.

The retention of the existing significantly non-conforming structure will not adversely impact **the** light, solar opportunities, air, and/or open space available to other structures or properties, as the structure will still be set back at least 11 **feet** from **the** edge of the paved

roadway for Jody Court, ensuring access to light, air, and open space in the neighborhood. The proposed single-family dwelling on Lot 2 will comply with all site standards of the R-1-6 zone district, and will therefore comply with General Plan Policy 8.6.2 (Residential Development Standards Ordinance).

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed lot split will result in one additional single-family dwelling in a developed neighborhood with adequate water and sewer capacity. The expected level of additional traffic generated by the proposed project is anticipated to be only additional peak trip per day (1 peak trip per dwelling **unit**), and 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 single-family dwelling the existing significantly non-conforming dwelling are located in a mixed neighborhood containing a variety of architectural styles, and both are consistent with the range found in 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, **as** evidenced in Subdivision Finding 9, above.

Roadway/Roadside Exception Findings

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

This finding can be made, in that Jody Court is an existing private road with a 40-foot right-of-way and about 20 feet of pavement with no sidewalks, parking, or planting strips. County Code Section 15.10.050(f)(1) allows for exceptions to roadway standards and roadside improvements when those improvements would not be appropriate due to the character of existing development. The standards in the Design Criteria for a local residential street serving more than four units are not appropriate in this location as Jody Court is an existing street, and extension of the road is not necessary as the new lot constitutes infill development. Jody Court does not have curb, gutter, or sidewalk, so these improvements are not appropriate for the one additional lot.



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

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

Date: September 28, 2004
To: Warren Faleiro
Applicant: Owen Lawlor
From: Tom Wiley
subject **04-0423**
Address **3561 Thurber Lane**
APN 025-032-16
OCC: 2503216
Permit: 20040322

We have reviewed plans for the above subject project.

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

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

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

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

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

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

SHOW on the plans DETAILS of compliance with the District Access Requirements outlined on the enclosed handout.

An automatic sprinkler system shall be installed in any dwelling when more than 75% of the exterior walls are replaced, rebuilt or altered in any way with the exception of replacement of wall coverings.

DELINEATE exterior walls that have been replaced, rebuilt or altered in any way. **NOTE** the lineal feet of exterior walls. **NOTE** the lineal feet of exterior walls that have been altered.

If the above outlined condition is true:

NOTE on the plans that the building shall be protected by an approved automatic sprinkler system complying with the edition of NFPA 13D currently adopted in Chapter 35 of the California Building Code.

Serving the communities of Capitola, Live Oak, and Soquel

ATTACHMENT 4

Planning Commission Staff Report

July 11,2007



Staff Report to the Planning Commission

Application Number: **04-0423**

Applicant: Adam Metaxes
Owner: Adam Metaxes
APN: 025-032-16

Agenda Date: July 11, 2007
Agenda Item #: 7
Time: After 9:00 a.m.

Project Description: Proposal to divide a 12,950 sq. ft. lot into two lots of 6,000 and 6,950 sq. ft, construct one single-family dwelling, and remodel and demolish a part of an existing dwelling at 3561 Thurber Lane. Requires a Minor Land Division and a Residential Development Permit for modifications to an existing significantly non-conforming structure.

Location: Property located on the southwest corner of Thurber Lane and Jody Court at 3561 Thurber Lane.

Supervisory District: 1st District (District Supervisor: Jan Beautz)

Permits Required: Minor Land Division, Residential Development Permit

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application **04-0423**, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|---|
| A. | Project plans | | City Water |
| B. | Findings | H. | Urban Designer's comments, dated 10/16/06. |
| C. | Conditions | I. | Axonometric drawings |
| D. | Categorical Exemption (CEQA determination) | J. | Printout of discretionary application comments, dated June 5, 2007. |
| E. | Assessor's parcel map | K. | Comments & Correspondence |
| F. | Zoning & General Plan maps | | |
| G. | Will Serve Letter from Santa Cruz | | |

Parcel Information

Parcel Size: 16,650 square feet (12,950 net square feet).
Existing Land Use - Parcel: Single-family dwellings
Existing Land Use - Surrounding: Single-family dwellings

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access: Thurber Lane and Jody Court
Planning Area: Live Oak
Land Use Designation: R-UL (Urban Low Density Residential)
Zone District: R-1-6 (Single-family residential, 6,000 square foot minimum lot size)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Watsonville Loam
Fire Hazard: Not a mapped constraint
Slopes: 2% to 20% slopes, small portion at 40% plus in Jody Ct. r.o.w.
Env. Sen. Habitat: Mapped potential Zayante banded-winged grasshopper habitat
Grading: About 55 cubic yards, to be balanced on site
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Santa Cruz City water district
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Central Fire
Drainage District: Zone 5

History

The subject property used to be two separate parcels, 025-031-41 and **025-031-40**, created prior to **1971**. In **1981**, a previous property owner applied for a variance to reduce the street side yard setback from Jody Court to “about” 0 feet and to increase the lot coverage to **36%** in order to accommodate a two-story addition with a garage below and a guesthouse above (application number **81-366-V**). Planning staff did not support the increase in lot coverage above 30%, as findings of a special circumstance could not be made, so the lots were merged by action of the owner in order to accommodate the new addition. The variance to reduce the street side yard setback down to 0 feet was approved by the Zoning Administrator on August **3, 1981**. A subsequent minor variation was approved to increase the size of the addition to about **1,250** square feet.

The Planning Department finalized the building permit in December of **1982**, with a street side yard setback of zero feet and a bathroom and bedroom in the “guesthouse” above. Later surveys discovered the addition encroaches into the Jody Court right-of-way by about one foot, making the existing residence significantly non-conforming. However, as the addition was constructed

under a valid building permit and received final inspection, the resulting encroachment is partially the result of a past mistake by the Planning Department.

In 2005, a complaint was received about the presence of three separate living units within the same dwelling, resulting in a code compliance investigation. This complaint was received subsequent to the initial submittal for this land division, the processing of which was delayed until resolution of the violation. The previous property owner resolved the violation in September 2005, after the approval of building permit application 55249M.

Project Setting

The project site is located in a neighborhood of one and two-story single-family dwellings, with a zoning of R-1-6 (single-family residential, 6,000 square feet minimum lot size). Architectural styles vary in the neighborhood, but are a mix of ranch houses and 1970's suburban, when most of the houses on Jody Court were built.

No environmental constraints exist on site, as the site is surrounded by development on three sides. A parcel of about 1 acre in size exists immediately south of the project site, which may be developed with single-familyhouses in the future.

Project Scope

The current property owner proposes to divide the parcel into two lots of 6,950 square feet (Lot 1) and 6,000 square feet (Lot 2). In order to comply with floor area ratio and lot coverage regulations, the owner proposes to demolish about 675 square feet of the existing residence. Also, to comply with the proposed rear-yard setback from the new property line, the owner proposes to demolish a deck off of the second story "guesthouse."

Driveways for Lot 1

The driveway for the existing residence encompasses almost the entire front yard setback with about 1,850 square feet of paving and two curb cuts (one onto Thurber Lane and one coming off the intersection of Thurber Lane and Jody Court). In order to reduce the amount of impervious surface and improve compliance with existing road standards, the owner proposes to reduce the amount of paving to about 1,400 square feet **an** install additional landscaping. However, two curb cuts are proposed to remain, one to the existing one-car garage and one to three parking spaces proposed at the location of the existing garage (previously converted to habitable space).

The retention of two curb cuts is not ideal as more parking is provided on site than required by County Code (7 spaces are provided, when only 3 are required for a 4 bedroom house). Under County Code Section 13.10.552(d), the maximum number of parking spaces allowed shall not exceed by ten (10) percent the requirements as established above unless determined by the Approving Body to be necessary due to special circumstances **of** the use intended. The amount of parking provided substantially exceeds 10% of the required parking. Furthermore, though DPW Road Engineering has tentatively approved the two driveways for Lot 1, one curb cut is preferred. Staff recommends all parking be provided on one driveway with one curb cut off of Thurber Lane (Condition of Approval II.D.3.). Two options exist: Remove the 25' driveway at the southern portion of the property and widen the dnveway to the garage to provide all required

spaces in front of the one car garage. This would require additional grading, but would cluster all parking at the garage space. The other option would be to convert the one-car garage to non-habitable storage and remove the northern 10' wide driveway, concentrating all parking on the southern driveway with no covered parking. In either option, the remainder of the front yard will be required to become a landscaped area.

Both options would continue to require drivers to back out onto Thurber Lane, a condition that has been accepted by DPW Road Engineering staff. However, a driveway off of Jody Court is not possible at this location, as it would not meet County standards due to the location of the existing house and garage. Thurber Lane is not a heavily traveled street at this location, and numerous other houses to the south of the project site require drivers to back out into the street.

Proposed residence on Lot 2

The proposed residence on Lot 2 will be two stories and about 3,130 square feet in size (including the non-habitable garage), with four bedrooms. The house will be of a comparable size to surrounding homes on Jody Court and the surrounding neighborhood. Four off-street parking spaces will be provided, one more than the three required under the County Code (please note that the parking spaces shown on the architectural site plan are only representations, and are drawn larger than the 8 ½' x 18' size required by County Code).

Roadway improvements to Jody Court

Jody Court is currently in poor condition as no road maintenance association currently exists. In order to provide adequate access to the new lot, the owner proposes to re-surface the full width of Jody Court from Thurber Lane to the western end of the project site, an area encompassing 3,700 square feet. Lot 2 will be required to enter into a maintenance agreement for the continued repair and maintenance of Jody Court (Condition of approval III.C).

Zoning & General Plan Consistency

The project site has a General Plan Land Use Designation of R-UL (Urban Low Density Residential), a designation whose purpose is to provide lower density housing within the urban services line at densities equivalent to between 6,000 and 10,000 square feet of net developable area per unit (4.4 to 7.2 units per net developable acre). The proposed Minor Land Division results in a density of 6.7 units per net developable acre, which is within the density range for the R-UL General Plan Designation.

The proposed land division will result in two parcels which comply with the standards of the R-1-6 zone district for minimum lot size, width, and frontage. The proposed dwellings on Lot 2 will meet all R-1-6 zone district site standards, including setbacks, lot coverage, and floor area ratio, as shown in the following table:

	R-1-6 Site Standards	Proposed Lot 1	Proposed Lot 2
Front yard setback	20' min.	33' (prev. 18')	20'
Street Side Setback from Jody Ct. (Lot 1)	10'	-1' (existing encroachment)"	N/A
Rear yard setback	15' min.	15'	15'
Side yard setbacks	5' and 8' min.	18', -1'	5' and 15'
Maximum height	28'	21' 3"	21'
Maximum % lot coverage	30%	30%	29%
Maximum Floor Area Ratio	50%	35%	41%
Lot width	60' min.	70'	81'

No environmental issues exist on site as the site is surrounded on three sides by development of a suburban density. The area is mapped as potential Zayante banned-winged grasshopper habitat, but no evidence of habitat was found on site by Environmental Planning staff.

Drainage

The drainage system for Lot 2 drains to the southeast corner of the site, where it will be piped along the southern property line of Lot 1 to Thurber Lane in a proposed 8 foot wide drainage easement. The Stormwater Management section of the Department of Public Works reviewed and approved the preliminary drainage plans for the tentative map stage.

Conclusion

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

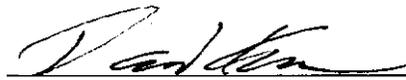
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **04-0423**, 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.

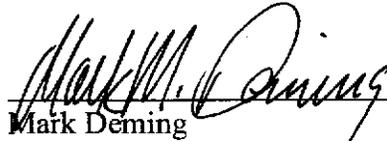
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By:



David Keyon
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
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E-mail: david.keyon@co.santa-cruz.ca.us

Report Reviewed By:



Mark Deming
Assistant Planning Director
Development Review

Subdivision Findings

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

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

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

This finding can be made, in that this project creates two parcels of 6,000 and 6,950 square feet, which is consistent with the R-UL (Residential, Urban Low density) General Plan land use designation which authorizes a density of development of one dwelling unit per 6,000-10,000 square feet of net developable area.

The project is consistent with the General Plan in that the full range of urban services is available to the site including municipal water, sewer service, and nearby recreational opportunities. The land division is located on a designated collector (local) street that provides satisfactory access. The proposed land division is similar to the pattern and density **of** surrounding residential development, near neighborhood and community facilities, and enjoys adequate and safe vehicular and pedestrian access from public streets.

The land division is consistent with the General Plan regarding infill development in that the proposed residential development is harmonious to the pattern of surrounding development, similar to the architectural style in the area, and compatible to the single-family residential character of the neighborhood.

Further, the land division is not located in a hazardous or environmentally sensitive area and protects natural resources by expanding in an area designated for residential development at the proposed density.

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

This finding can be made, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standard for the R-1-6 zone district where the project is located and all yard setbacks for the proposed dwelling on Lot 2 will be consistent with zoning standards. Further, the project, as conditioned, is consistent with all requirements of Chapter 13.11 of the County Code, the Site, Architectural and Landscape Design Review ordinance.

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

This finding can be made, in that no challenging topography affects the site and no environmental constraints exist which necessitate that the area remain fully undeveloped.

Application #: 04-0423

APN: 025-032-16

Owner: Adam Metaxes

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

This finding can be made, in that no mapped or observed sensitive habitats or threatened species exist on site and the project is categorically exempt from (or has received a mitigated Negative Declaration pursuant to) the California Environmental Quality Act and the County Environmental Review Guidelines.

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

This finding can be made, in that municipal water and sewer **are** available to serve the proposed development and the proposed single-family dwelling on Lot **2** will be required to meet **all** applicable building and **fire** codes.

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

This finding can be made, in that no easements exist through the property with the exception of the Jody Court right-of-way. The design of the proposed lot split, and the proposed improvements, will not conflict with vehicular access along Jody Court or Thurber Lane.

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

This finding can be made, in that the resulting parcels from the lot split have adequate orientation to allow for passive and active solar or natural heating and cooling.

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

This finding can be made, in that the proposed dwelling on Lot **2** will have a similar height, bulk, mass, and scale as homes on surrounding properties. Many homes in the vicinity have full second stories, similar to the proposed home. In order to minimize the mass of a house with a full second story, the **Urban** Designer recommends using horizontal siding instead of stucco, as reflected in condition of approval II.E.3.d.

Significantly non-conforming structure findings

1. That the existing structure and the conditions under which it would be operated and maintained is not detrimental to the health, safety or welfare of persons residing or working in the vicinity or the general public, or be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the existing significantly non-conforming structure is at least 11 feet from the edge of the paved road for Jody Court, and will therefore not interfere the vehicle and pedestrian visibility and will not reduce access to light, air, and open space for neighboring properties. The structure exceeds the 20 foot setback from Thurber Lane (at about 33 feet), and will therefore not interfere with visibility for vehicles turning onto Thurber Lane from Jody court.

2. That the retention of the existing structure will not impede the achievement of the goals and objectives of the County General Plan, or of any Specific Plan which has been adopted for the area.

This finding can be made, in that the retention of the existing structure will not deprive adjacent property owners of access to light, air, and open space, the primary objective of General Plan Policy 8.6.2 (Residential Development Standards Ordinance). Furthermore, the structure will comply with General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the structure will comply with **floor** area ratio and lot coverage requirements for the new Lot 1. No specific plan exists for the Thurber Lane area of Live *Oak*.

3. That the retention of the existing structure will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects of the neighborhood.

This finding can be made, in that the retention of the existing structure is compatible with the surrounding neighborhood **as** the scale of the structure is similar to surrounding homes, and the setback from the roadway as traveled is similar to other homes in the vicinity with street side yard setbacks (such as homes along Thurber Lane that front onto Twin Hills Drive and Sequoia Drive).

4. That the proposed project will not increase the nonconforming dimensions of the structure unless a Variance Approval is obtained.

This finding can be made, in that **the** proposed alterations to the existing dwelling will not increase the non-conforming dimensions of the structure, as the structure will not encroach further into the Jody Court right-of-way.

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 dwelling on Lot 2 and the retention of the existing significantly non-conforming structure will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the proposed dwelling will meet all site standards and setbacks and the existing dwelling is located more than 11 feet from the edge of the roadway for Jody Court.

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 existing significantly non-conforming single-family dwelling and the proposed single-family dwelling on Lot 2 and the conditions under which they will be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-6 zone district in that the primary use of the property will be one single-family dwelling on each lot that meets all current site standards for the zone district, with the exception of the significantly non-conforming portion of the existing residence, for which findings have been made (above).

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 land division is consistent with the use and density requirements specified for the Urban Low Density Residential (R-UL) land use designation in the County General Plan (see Subdivision Findings, above).

The project complies with General Plan Policy 8.2.5 (Circulation), in that the proposed modifications to the driveway for 3561 Thurber Lane will result in a configuration similar to other homes on Thurber Lane (which back out into the traveled roadway) and will reduce the amount of paving in the front yard setback in order to improve the streetscape along Thurber Lane.

The retention of the existing significantly non-conforming structure will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, **as** the structure will still be set back at least 11 feet from the edge of the paved roadway for Jody Court, ensuring access to light, air, and open space in the neighborhood. The proposed single-family dwelling on Lot 2 will comply with all site standards of the R-1-6 zone district, and will therefore

Application#: 04-0423
APN:025-032-16
Owner: Adam Metaxes

comply with General Plan Policy 8.6.2 (Residential Development Standards Ordinance).

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

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed lot split will result in one additional single-family dwelling in a developed neighborhood with adequate water and sewer capacity. The expected level of additional traffic generated by the proposed project is anticipated to be only additional peak trip per day (1 peak trip per dwelling unit), and 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 single-family dwelling the existing significantly non-conforming dwelling are located in a mixed neighborhood containing a variety of architectural styles, and both are consistent with the range found in 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, as evidenced in Subdivision Finding 9, above.

Application #: 04-0423
APN: 025-032-16
Owner: Adam Metaxes

Roadway/Roadside Exception Findings

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

This finding can be made, in that Jody Court is an existing private road of about 20 feet in width with no sidewalks or planting strips. County Code Section 15.10.050(f)(1) allows for exceptions to roadside improvements when those improvements would not be appropriate due to the character of existing development. Since surrounding properties do not have curb, gutter, and sidewalk, these improvements are **not** appropriate for the one additional lot fronting Jody Court.

Application#: 04-0423
APN: 025-032-16
Owner: Adam Metaxes

Conditions of Approval

Land Division 04-0423

Applicant: Adam Metaxes

Property Owner: Adam Metaxes

Assessor's Parcel Number(s): 025-032-16

Property Address and Location: 3561 Thurber Lane, at intersection of Thurber Lane and Jody Ct.

Planning Area: Live *Oak*

Exhibit A: Project plans, sheets **A1** through **A7** drawn by Dennis Anderson, Architect, and dated March 17, 2006 (revised January 25, 2007). Sheets **TM 1-TM4** and **EC1** drawn by Ifland Engineers, Inc., and dated January 4, 2007. Sheet **L1** drawn by Gregory Lewis, dated August 20, 2004 and revised January 11, 2007.

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

- I.** Prior to exercising any rights granted by this Approval, the owner shall:
 - A.** Sign, date and return one copy of the Approval to indicate acceptance and agreement with **the** conditions thereof, and
 - B.** Pay a fee of \$50 to **the** Clerk of the Board of the County of Santa Cruz **as** required by **the** California Department of Fish and Game.

- II.** A Parcel Map for this land division must be recorded prior to the expiration date of **the** tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (**prior** to approval of the land division). The Parcel Map shall meet the following requirements:
 - A.** The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of **the** property, or affecting public health and safety shall remain fully applicable.

- B. This land division shall result in no more than two single-family residential parcels.
- C. The minimum aggregate lot size shall be 6,000 square feet net developable land per lot.
- D. The following items shall be shown on the Parcel Map:
 - 1. Building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard. The street side yard setback for lot 1 is 0 feet, as established under Variance approval 81-366-V.
 - 2. Show the net area of each lot to nearest square foot, excluding any portions within right-of-ways.
 - 3. The map shall be revised to show one driveway for Lot 1, which complies with County standards and provides all required parking (four spaces), and the remainder area shall be landscaped.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to city of Santa Cruz Water District and shall comply with all district requirements.
 - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
 - 3. **All** future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in the approved Exhibit "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 Department. Changes in window placement may require an amendment to this permit, requiring a public hearing before final approving body (in this case the Planning Commission).
 - b. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards

for the R-1-6 zone district. Development on each parcel shall not exceed a 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setback.

- c. As the proposed residence on Lot 2 is proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. This requirement is in addition to the standard requirement of detailed elevations and cross-sections and the topography of the project site which clearly depict the total height of the proposed structure.
 - d. Architectural plans for the house on Lot 2 shall incorporate the recommendations of the County's Urban Designer (Exhibit H). These recommendations include:
 - i. Incorporate horizontal siding instead of stucco in order to decrease the massive appearance of the structure.
 - ii. The entry doors and garage doors shall match.
 - iii. Columns on the porch shall be larger in order to be in scale with the rest of the residence, and shall incorporate both caps and bases.
4. A final Landscape Plan for the entire site with the revised driveway layout for Lot 1 required under Condition II.D.3, specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:
- a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
 - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to **60** percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to **15** percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.

- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of **6** inches and amended with six cubic yards of organic material per 1,000 square feet **to** promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied **to** all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.

- d. Imigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source **of** water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed **to** avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
 - i. The irrigation plan and an irrigation schedule **for** the established landscape shall be submitted with the building permit applications. **The** irrigation plan shall show **the** location, size and **type of** components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
 - ii. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall **be** used **to** maximize the efficiency of water applied to the landscape.
 - iii. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
 - iv. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water **loss**.

- e. All planting shall conform to the landscape plan shown **as** part of the approved Exhibit "A", with the exception of **the** removal of one driveway on Lot 1 **as** required in Condition ILD.3:
 1. **Tree Protection**: A letter from a certified arborist, detailing protection measures for the existing magnolias, redwood, and plum trees on site during construction is required.

- ii. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
 - iii. Notes shall be added to the improvement plans and the building permit plans that indicate the manner in which the trees shall be protected during construction. Include a letter from a certified arborist verifying that the protection measures recommended in the required arborist letter measures have been incorporated into the construction plans.
5. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development may be subject to inclusion in a Mello-Roos Community Facilities District.
6. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. Water Quality: Silt and grease traps shall be installed according to the approved improvement plans.
 - b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
7. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.

8. Submit an engineered sewer improvement plan showing sewers needed to provide service to each new lot. This plan shall be approved by the County of Santa Cruz Sanitation District and shall conform to the County of Santa Cruz Design Criteria.
9. Submit an engineered drainage plan and calculations for review and approval by the Department of Public Works, Stormwater Management. This plan shall include the following information:
 - a. Submit revised drainage calculations reflecting the mitigation measures shown on the improvement plans (i.e., concrete pavers) and approved by DPW Stormwater Management. during the discretionary stage.
 - b. Details for silt & grease traps and pavers for the driveways.

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 as stated in the District's comments dated April 13, 2007 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. This plan must show the existing sewer lateral to lot 1, and all existing or proposed sewer easements
 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the maintenance agreement to the district.
- C. The new Lot 2 shall enter into a Road Maintenance Agreement for Jody Court, which shall be recorded on the deed for maintenance of the driveway, landscaping, water lines, sewer laterals, and fences. Prior to recordation, this agreement shall be approved by the Planning Department and County Council, and shall include details on funding mechanisms to perform the required maintenance.
- D. A maintenance agreement for the drainage facilities, silt and grease traps, and pervious paving shall be recorded on the deeds for both lots and shall include the following, which are permit conditions:
 1. All drainage structures, including detention facilities shall be permanently maintained.

2. Water Quality: Annual inspection of the silt and grease traps shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the Homeowners Association.
- E. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
- F. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.
- G. A recorded legal description of the proposed drainage easement ~~through~~ Lot I must be submitted to the Department of Public Works for approval prior to recording the final map.
- H. All requirements of the Central Fire District shall be met.
- I. Park dedication in-lieu fees shall be paid for four bedrooms. This fee is currently 1,000per bedroom, but is subject to change.
- J. Child Care Development fees shall be paid for four **(4)** bedrooms. This fee is currently **\$109** per bedroom, but are subject to change.
- K. Transportation improvement fees shall be paid for one (1) dwelling unit. **This** fee is currently \$2,200 per unit, but is subject to change.
- L. Roadside improvement fees shall be paid for one (1) dwelling unit. **This** fee is currently \$2,200 per unit, but is subject to change.
- M. Pay Zone 5 Flood Control District fees for increases in impervious area. The fees are currently \$0.95 per square foot, but are subject to increases. For credits, suitable documentation must be submitted **to** establish existing impervious pavement.
- N. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per

Sections 14.01.510 and 51I of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:

1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.
3. Water Quality: Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.

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

- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- E. To minimize noise, dust and nuisance impacts of surrounding properties to

insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:

1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address and emergency situation; and
2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

F. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.

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

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

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

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

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~~ Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 04-0423
Assessor Parcel Number: 025-032-16
Project Location: 3561 Thurber Lane

Project Description: Divide one parcel into two parcels of 6,000 and 6,950 net square feet

Person or Agency Proposing Project: Adam Metaxes

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. **Categorical Exemption**

Specify type: 15315: Minor Land Division

F. Reasons why the project is exempt:

Proposal will divide one parcel into two parcels, and will not require any new variances and the average slope is less than 20%.

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

David Keyon, Project Planner

Date: _____



25-03

Bk. 102
12

Tax Area Code
96-103

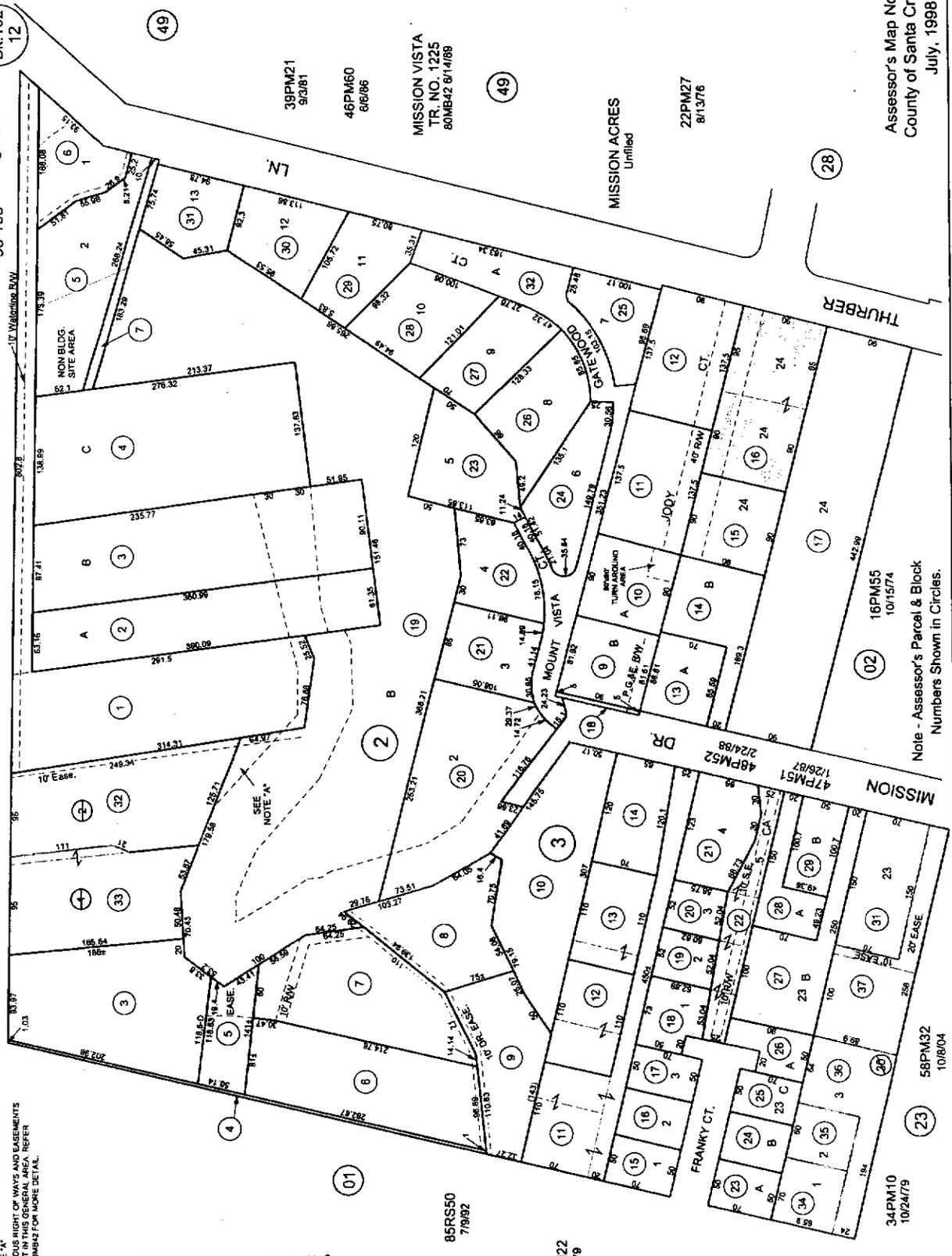
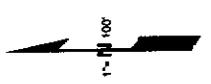
30PM63

POR. OF SEC. 9, T. 11S., R. 1W., M.D.B. & M.

NOTE "A"
VARIOUS RIGHT OF WAYS AND EASEMENTS
EXIST IN THIS GENERAL AREA. REFER
TO BUNCH FOR MORE DETAIL.

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP CONTACT NOR ASSUMES ANY
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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85RS50
7/9/92

32PM22
4/1/778

47PM51
1/26/87

48PM52
2/24/88

16PM55
10/15/74

58PM32
10/8/04

34PM110
10/24/79

39PM21
9/3/81

46PM60
6/6/86

MISSION VISTA
TR. NO. 1225
80MB42 8/1/89

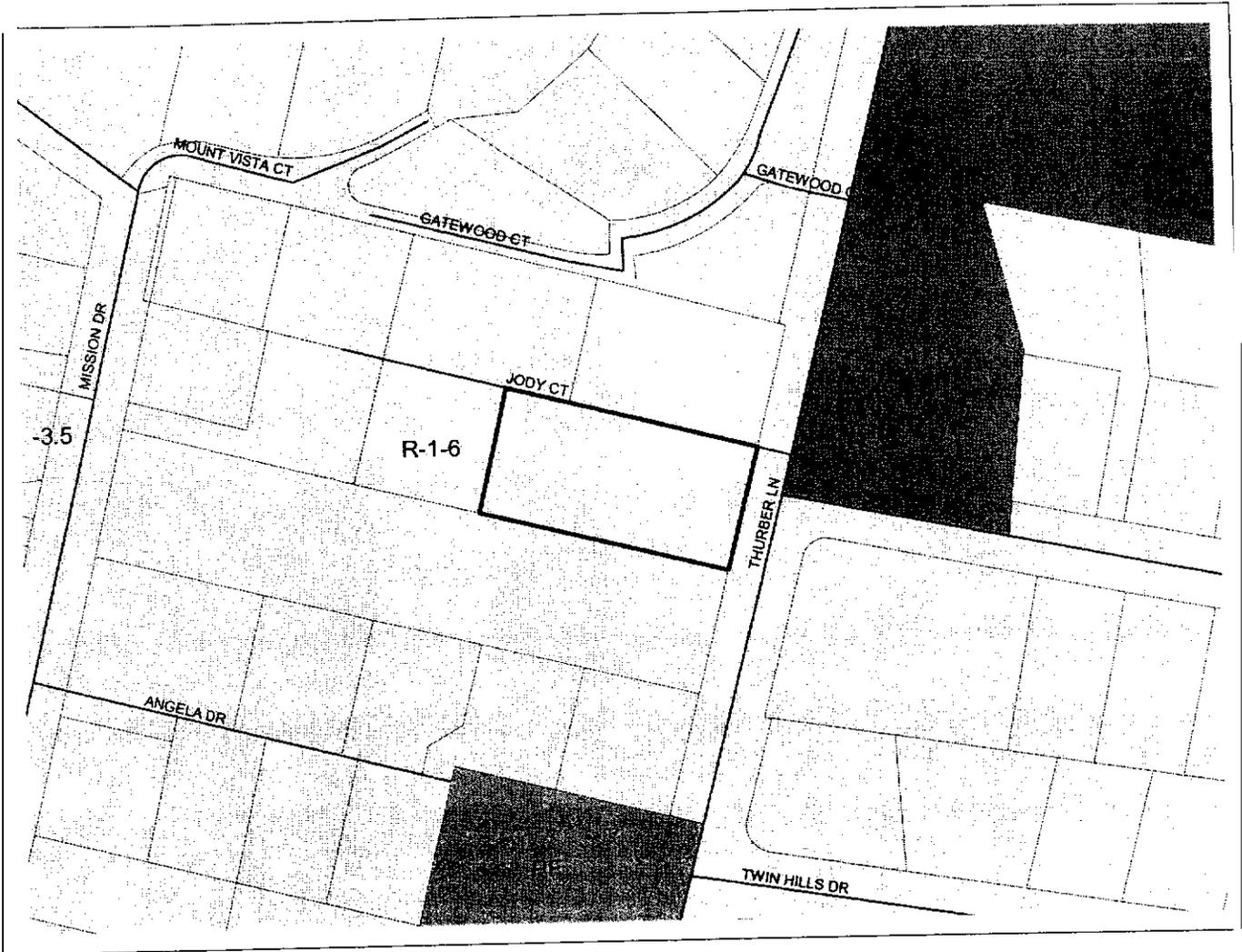
MISSION ACRES
Unfiled

22PM27
8/13/76

Assessor's Map No. 25-03
County of Santa Cruz, Calif.
July, 1998

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

Zoning Map



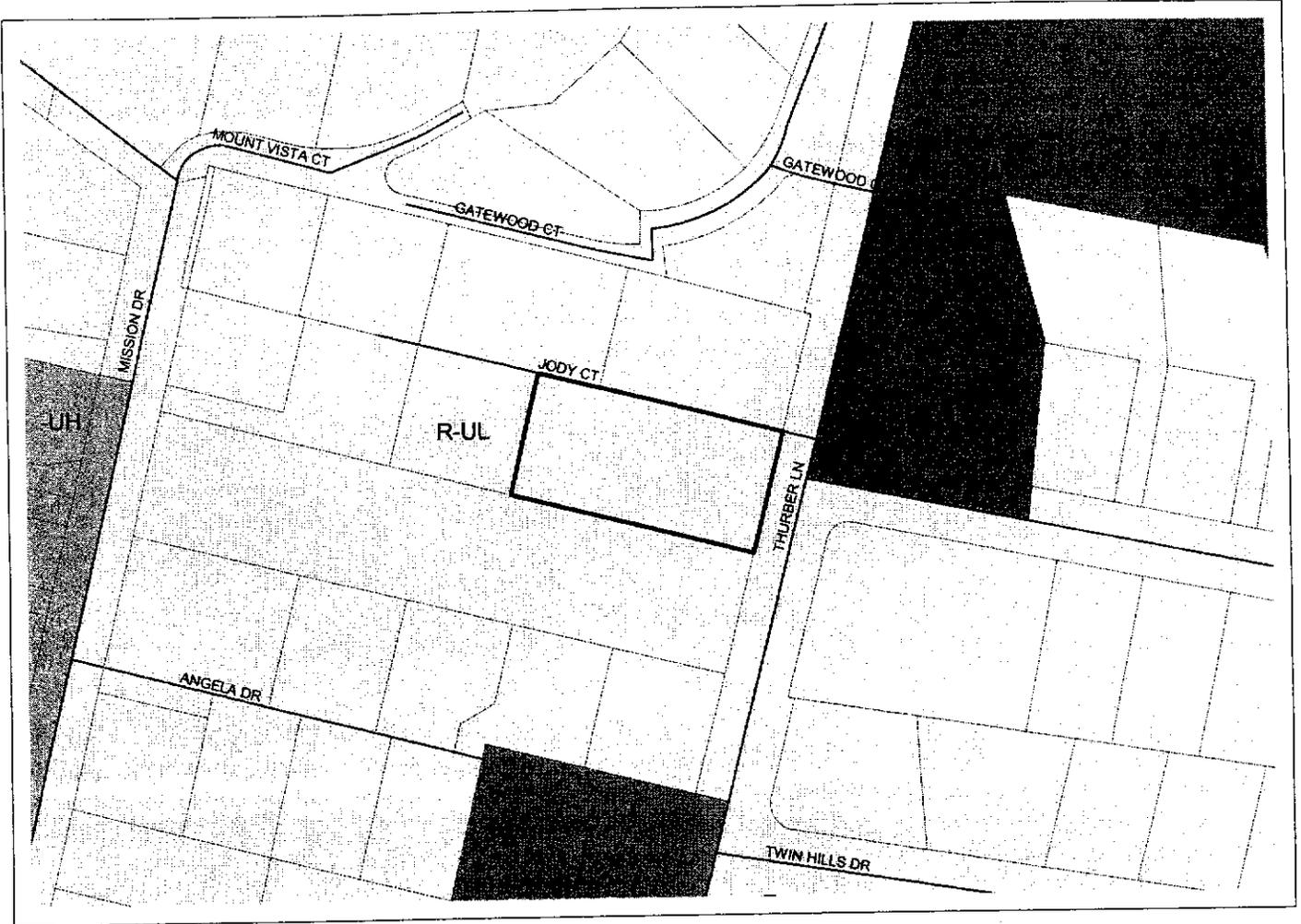
Legend

	APN 025-032-16
	Streets
	R-1-X
	PF
	SU



Map created by Santa Cruz County
Planning Department:
September 2004

General Pian Map



Legend

	APN 025-032-16
	Streets
	Urban Open Space
	Public Facilities
	Residential - Urban High Density
	Residential - Urban Low Density



Map created by Santa Cruz County
 Planning Department:
 September 2004



WATER DEPARTMENT

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

April 5, 2007

Adam Metaxas
3561 Thurber Lane
Santa Cruz, CA 35065

Re: APN 025-032-16, 3561 THURBER LN, PROPOSED 2 LOT MLD

Dear Mr. Metaxis:

This letter is to advise you that the subject parcel is located within the service area of the Santa Cruz Water Department and potable water is currently available for normal domestic use and fire protection. Service will be provided to 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.

Additionally, in order to serve this development, a water main replacement of approximately 100 lineal feet may be required on Jody Court for a 6" steamer fire hydrant if required by the Central Fire Protection Agency.

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

MEMORANDUM

Application No: **04-0423** (fifth routing)

Date: March 2, 2007

To: David Keyon, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a new residence at 3561 Thurber Lane, Santa Cruz

GENERAL PLAN / ZONING CODE ISSUES

Design Review Authority

13.11.040 Projects requiring design review.

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

Design Review Standards

13.11.072 Site design.

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

Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Accessible to the disabled, pedestrians, bicycles and vehicles			NIA
properties	✓		
Reasonable protection for currently	✓		
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

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

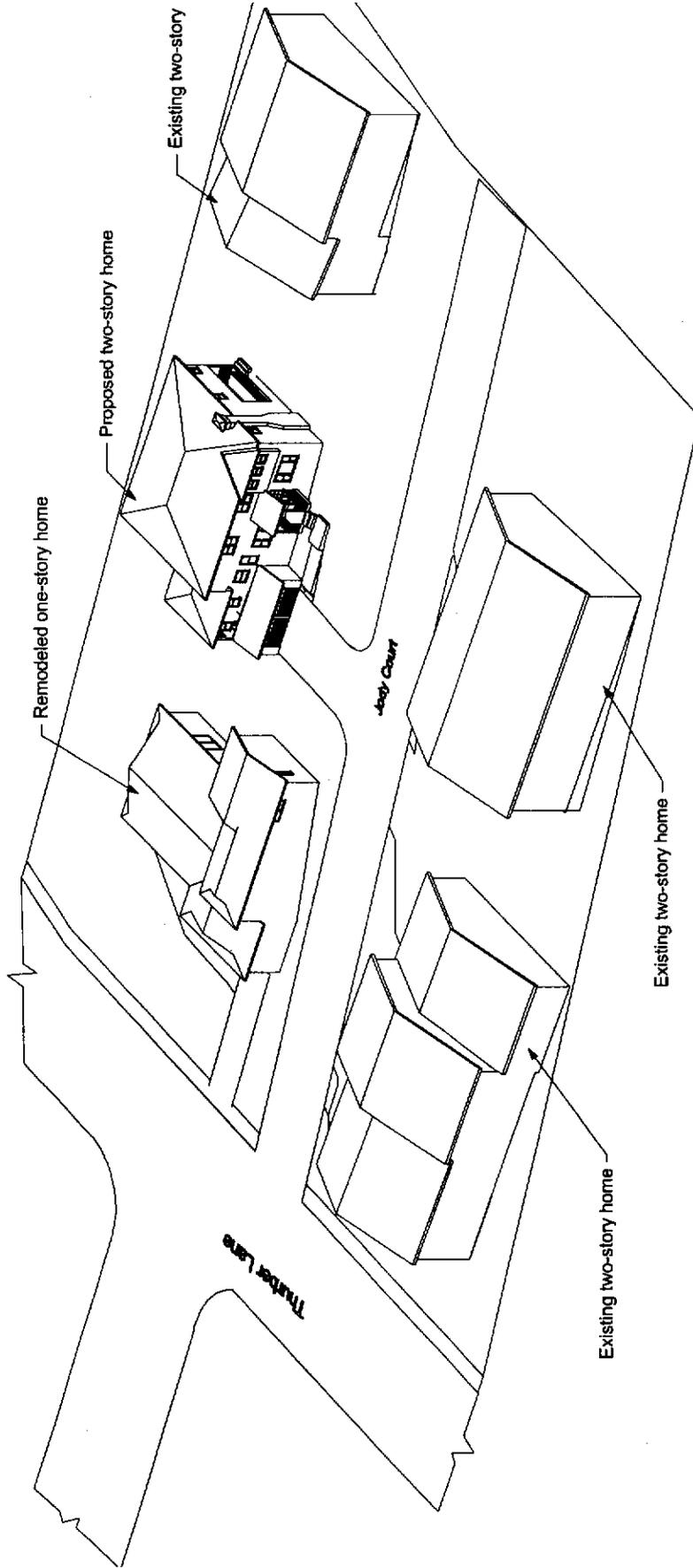
Variation in wall plane, roof line, detailing, materials and siting	✓		
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		

URBAN DESIGNERs COMMENTS

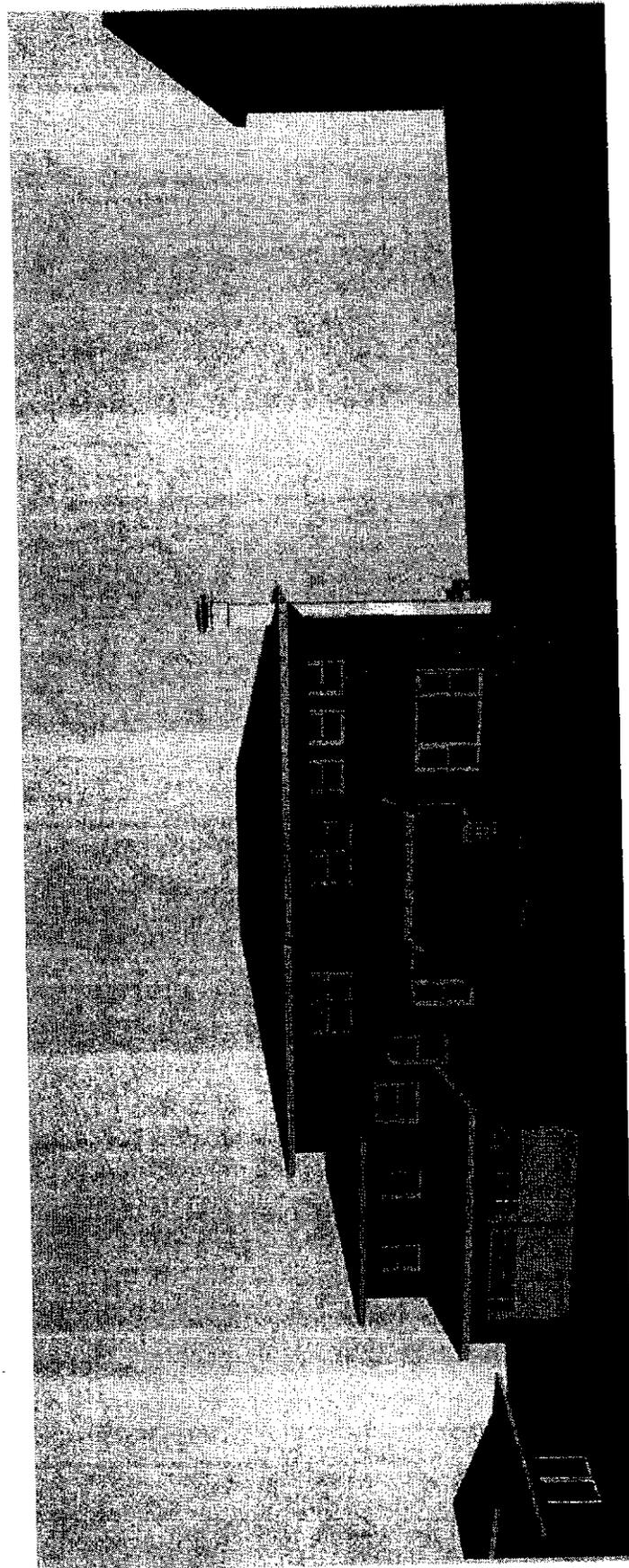
- *The design should have horizontal **siding** instead of stucco. The stucco increases the look of massiveness and the haphazard window placement.*

Columns on porches should be bigger and have both caps and bases (i.e. 1x trim).
- *Neither the civil plan nor the architect's site plan should show ANY new landscaping.*
- *The new driveway at the south side of the front lot does not match the landscape plan or civil site plan in width.*

The landscape architect should label the species of Magnolias to remain (these are not shown on the civil plan).



Thurber Lane Minor Land Division
August 15, 2006
Axonometric: ArchiGraphics



C O U N T Y O F S A N T A C R U Z
Discretionary Application Comments

Project Planner: David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 1

Environmental planning Completeness Comments

----- REVIEW ON SEPTEMBER 22, 2004 BY ROBIN M BOLSTER =====
NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON SEPTEMBER 22, 2004 BY ROBIN M BOLSTER =====

Prior to building application approval the following item must be addressed

1) A detailed erosion/sediment control plan must be submitted, which includes locations and construction details for all proposed erosion control devices. The plan must include construction entrance/exit traffic stabilization measures to ensure that no sediment is allowed to leave the construction site and enter the roadway.

Dpw Drainage Completeness Comments

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

----- REVIEW ON SEPTEMBER 30, 2004 BY CARISA REGALADO =====

Not enough drainage information has been given to consider acceptance of this application. To be approved by this division at the discretionary application stage, all potential off-site impacts and mitigations must be determined; therefore, proposed projects must conclusively demonstrate that (see drainage guidelines):

- The site is being adequately drained
- Site runoff will be conveyed to the existing downstream drainage conveyance system or other safe point(s) of release. if taken off-site.
- The project will not adversely impact roads and adjacent or downslope properties if taken off-site.

Please address the following comments:

- 1) It appears that planned new impervious surfaces for Lot 2 are the home and driveway. Are any other impervious surfaces planned for this lot such as in the rear yard? If so, how will these surfaces be kept from impacting Lot 1?
- 2) A swale is shown on the landscaping plan, sheet L1. Is this proposed for use as a drainage feature? Will this be a natural channel? It appears to flow towards the trench drain proposed in the driveway. Will this drain capture driveway runoff and runoff from the swale?
- 3) How will runoff from Jody Court be kept from impacting Lot 2? Is the swale shown on L1 intended for this purpose?
- 4) A drain line is shown on sheet TM-1 for taking roof and driveway runoff from Lot 2 to Thurber Lane. Is the whole length of the line proposed? Will Lot 1 use this

project **Planner:** David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 2

line also? Where does runoff go after entering Thurber Lane? Please describe the existing off-site drainage system including adequacy to accept the increase in runoff from this development to determine if there will be any impacts to offsite areas.

Further drainage plan guidance may be obtained from the County of Santa Cruz Planning website: <http://sccounty01.co.santa-cruz.ca.us/planning/brochures/drain.htm>

All subsequent submittals for this application must be done through the Planning Department. Submittals made directly to Public Works will result in delays.

Please call or visit the Dept. of Public Works. Stormwater Management Division, from 8:00 am to 12:00 pm if you have any questions. ===== UPDATED ON OCTOBER 19, 2005 BY CARISA REGALADO =====

Revised civil drawings dated 1/7/05 and calculations dated 2/10/05 were received. Please address the following items:

- 1) The storm drainage calculations on the plans and calculation under separate cover do not match. The area used for Q10 pre-development does not add up to the project area of 0.38 acres. Please correct and adjust calculations if needed.
- 2) The existing impervious surface calculations on the plans and calculation under separate cover show a total of 1510 sf. Please correct. Adjust the storm drain calculations if needed.
- 3) This 2nd routing has clarified that a storm drain line is proposed as the drainage system to drain runoff from Lot 2 to Thurber Lane. No mitigations for the impacts of the increase in runoff have been proposed. Please show Best Management Practices that will be used on Lot 2 to mitigate for this development. Such measures include pervious or semi-pervious pavements, runoff surface spreading, discharging roof and driveway runoff into landscaping before reaching collection points, etc.

Until clarification is submitted addressing the above comments, a thorough review of this application cannot be completed. Once submitted, additional items may need to be addressed before the application can be deemed complete. ===== UPDATED ON APRIL 20, 2006 BY CARISA R DURAN =====

Revised civil drawings dated 3/24/06 were received.

The application can not be approved as submitted. Please address the following items:

- 1) Item #3. 10/19/05 Review: Comment not addressed
- 2) Storm Drain Calculations shown on sheet TMB do not accurately describe the increase in runoff to be directed to Thurber Lane. Calculations account for the entire existing parcel size with both pervious and impervious surfaces in pre and post-development. However, the development of Lot 2 proposes to directly pipe all new impervious surfaces to Thurber Lane. Calculations must match the drainage system being proposed in this development.

Until clarification is submitted addressing the above comments, a thorough review of

Project Planner: David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 3

this application cannot be completed. Once submitted, additional items may need to be addressed before the application can be deemed complete. ===== UPDATED ON OCTOBER 24, 2006 BY CARISA R DURAN =====
Revised civil drawings dated 9/11/06 were received.

The application can not be approved as submitted. Please address the following items :

1) Item #3, 10/19/05 Review: Comment not adequately addressed. An 18-inch perforated pipe has been added to the proposed drainage system. It is assumed that this is to be a mitigation measure for the development. However, from NRCS Soil Survey for Santa Cruz County, the soil is poor for percolation. Site specific data for the soil differing from this information has not been submitted. Therefore, this becomes a detention system. Detention is not allowed as a form of mitigation for increases in runoff.

2) Item #2. 4/20/06 Review: Comment not addressed. Please note that the net increase in impervious area for the parcel can be used in the calculations. If quantifiable mitigation measures are used in the development of Lot 1 and Lot 2 such as pervious pavements, this amount could be further decreased.

3) Proposed drainage structures, with exception to 3-inch pipes through sidewalk to gutter, are not allowed in the County right-of-way. Structures shown at the north-east corner of the parcel must be located within the parcel similar to structures proposed in the southeast corner of the parcel. ===== UPDATED ON FEBRUARY 26, 2007 BY CARISA R DURAN ===== Revised civil drawings dated 1/4/07 and calculations dated 12/4/06 were received.

Items accepted as submitted. Application is complete for the Discretionary stage. Please see Miscellaneous Comments for items to be addressed at the Final Map stage.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON SEPTEMBER 30, 2004 BY CARISA REGALADO =====

1) An easement will be needed for the proposed storm drain line for Lot 2 through Lot 1. A recorded legal description of this easement must be submitted prior to recording the final map.

2) For increases in impervious area, a drainage fee will be assessed. The fees are currently \$0.85 per square foot. (See 2004/05 Santa Cruz County Department of Public Works Service & Capital Improvement Fees.) For credits, suitable documentation must be submitted to establish existing impervious pavement. ===== UPDATED ON OCTOBER 19, 2005 BY CARISA REGALADO =====

No comment. ===== UPDATED ON APRIL 20, 2006 BY CARISA R DURAN =====

No comment. ===== UPDATED ON OCTOBER 24, 2006 BY CARISA R DURAN =====

No comment. ===== UPDATED ON FEBRUARY 26, 2007 BY CARISA R DURAN ===== The following items must be addressed for the Final Map phase:

Project Planner: David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 4

- 1) Sheet 1 of calculations contains mathematical errors. Please correct. Adjust sheet 2 as needed. Adjust plan sheets as needed.
- 2) Sheet 2 of calculations inaccurately describes that the increase in runoff from Lot 2 is "...directly conveyed to the street gutter..." Mitigation measures, including roof runoff flow through landscaping and driveway pavers, have been proposed. These features do have some affect on the increase expected to be generated by Lot 2. Please include these benefits in calculations.
- 3) Sheet TM2 notes that 2573 sf of impervious area will be removed. This does not match information given in calculations. These items must match. Please adjust as needed.
- 4) Sheet TM1 notes a proposed concrete driveway. This does not match sheet TM3 noting installation of concrete pavers. These items must match. Please adjust as needed.
- 5) Add details for silt & grease traps and paver driveway
- 6) **It** must be noted in the plans for Lot 2 that the property owner is required to maintain the drainage system, including the semi-pervious driveway, as installed by this development to maintain capacity and function as intended by the design.
- 7) This application is for development in the Zone 5 Flood Control District; therefore, for increases in impervious area, a drainage fee will be assessed. The fees are currently \$0.95 per square foot. For credits, suitable documentation must be submitted to establish existing impervious pavement.

Noted for consideration: If Lot 2 driveway sloped towards the adjacent landscaped area with the area graded as a low point at the proposed U-21 catchbasin. the proposed 9" square NDS catchbasin and 4" pipe could be eliminated.

Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON SEPTEMBER 22, 2004 BY DEBBIE F LOCATELLI =====
No comment, project involves a subdivision or MLD.

Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON SEPTEMBER 22, 2004 BY DEBBIE F LOCATELLI =====
No comment.

Dpw Road Engineering Completeness Comments

===== REVIEW ON OCTOBER 7, 2004 BY GREG J MARTIN =====
The existing concrete driveway is failing in some places. Public Works recommends the road be repaired to the equivalent of current road section standards. =====
UPDATED ON OCTOBER 18, 2005 BY GREG J MARTIN =====
The new driveway should have ten foot returns. The architectural plans do not match the civil plans. The setback from the property line to the face of garage is less than 20 feet on the architectural plans.

project Planner: David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 5

The driveway ramp from Jody Court to Thurber Lane can be reduced in width to 20 feet. The triangular pavement can be eliminated. The road should be constructed with concrete in order to match the existing road.

The existing house appears to encroach into the private right-of-way. It is recommended that no portion of the house encroach into the private right-of-way.

If you have any questions please call Greg Martin at 831-454-2811. ===== UPDATED ON OCTOBER 18, 2005 BY GREG J MARTIN =====
===== UPDATED ON APRIL 20, 2006 BY GREG J MARTIN =====

Previous comments have not been addressed, the project is recommended to be denied as it-s shown currently. The driveway for parking space number 1 for Lot 1 obtains access from Thurber Lane and Jody Court simultaneously which is unacceptable. The driveway ramp from Jody Court to Thurber Lane can be reduced in width to 20 feet. All of the parking for Lot 1 should be accessed from the driveway at the southern edge of the property if possible. Please show a profile for all driveways. The new driveway to Lot 2 is recommended to have ten foot returns.

The existing house appears to encroach into the private right-of-way. It is recommended that no portion of the house encroach into the private right-of-way. An exception is required for Jody Court. Please show the standard 56 foot wide section crossed out and a typical section for Jody Court. We have no objection to an exception for Jody Court to a concrete road 20 feet wide. On Sheet TM1 it references -Replace AC Drive- which should be concrete. On Sheet TM1 the sawcut line on Thurber Lane should be 2 feet from the lip of new gutter. On Sheet TM1 the pedestrian path to Lot 1 is recommended to be concrete sidewalk

Please arrange a meeting with David Keyon and Greg Martin to discuss these comments ===== UPDATED ON OCTOBER 23, 2006 BY GREG J MARTIN =====

The requested cross sections on Jody Court have not been provided so it is unclear what the structural section of Jody Court shall be.

----- The driveway profiles are not complete. The new curb, gutter, and sidewalk should be shown and the slopes as a percent should be provided. The slope of the parking area should be shown and should be two percent.

----- There is no sidewalk shown around one of the driveways to Thurber Lane. ===== UPDATED ON FEBRUARY 27, 2007 BY GREG J MARTIN =====

Previous comments have been addressed satisfactorily

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON OCTOBER 7, 2004 BY GREG J MARTIN =====
===== UPDATED ON OCTOBER 18, 2005 BY GREG J MARTIN =====
===== UPDATED ON APRIL 20, 2006 BY GREG J MARTIN =====
===== UPDATED ON OCTOBER 23, 2006 BY GREG J MARTIN =====
===== UPDATED ON FEBRUARY 27, 2007 BY GREG J MARTIN =====

Dpw Sanitation Completeness Comments

===== REVIEW ON APRIL 13, 2007 BY DREW BYRNE =====

Project Planner: David Keyon
Application No.: 04-0423
APN: 025-032-16

Date: June 5, 2007
Time: 16:55:00
Page: 6

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON APRIL 13, 2007 BY DREW BYRNE =====

Sewer service is available for the subject development upon completion of the following conditions. This notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new sewer service availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Following completion of the discretionary permit process and prior to obtaining a building permit, the following conditions shall be met during the final plan (Public Works) review process:

1) Department of Public Works and District approval shall be obtained for an engineered sewer improvement plan showing sewers needed to provide service to each lot or unit proposed. This plan shall be approved by the District and the County of Santa Cruz Public Works prior to the issuance of any building permits. This plan shall conform to the County of Santa Cruz Design Criteria and shall show any easements necessary. Existing and proposed easements shall be shown on any required Final Map. A utility or sewer easement for Lot 2 over Lot 1 shall be shown on the Parcel Map.

2) The existing sewer lateral for Lot 1 shall be shown on the engineered plans.

Following completion of the above mentioned engineered sewer plan and Final Map, the following conditions shall be met during the building permit process:

1) Proposed location of on site sewer lateral(s), clean out(s), and connection(s) to existing public sewer must be shown on the plot plan of the building permit application.

2) Show all existing and proposed plumbing fixtures on floor plans of building application. Completely describe all plumbing fixtures according to table 7-3 of the uniform plumbing code.

Environmental ~~Health~~ Completeness Comments

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

===== REVIEW ON NOVEMBER 10, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Environmental ~~Health~~ Miscellaneous Comments

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

===== REVIEW ON NOVEMBER 10, 2004 BY JIM G SAFRANEK =====
NO COMMENT

Additions to the Staff Report for the Planning Commission

Item 7: 04-0423

Late Correspondence

July 10, 2007

Planning Commission
County Government Center
701 Ocean St., 4th Floor
Santa Cruz, CA 95060

Re: Item 7, Application **04-0423**, 3561 Thurber Ln., Santa Cruz,
APN 025-032-16.

In regard to this item, the following **should** be addressed:

1. The access that will be used is a private road that does not **comply with** Section 16.20.180 Design **standards** for private roads.
2. The garage and guest quarters on the north side **of** the existing structure are **an** addition **to** the original building. They are built on the side setback **from** Jody Court and appear to even encroach on the Jody Court private road easement. A **survey** should be made.
3. The easement **for** Jody Court traverses the property on which the existing house and the proposed additional house are sited. **For** other houses are accessed via this easement. There is **no** road maintenance agreement for Jody Court.

Sincerely,



Perry Martin
P.O. Box 515
Santa Cruz, CA 95061
Phone : 831-425-1121