



Staff Report to the Planning Commission

Application Number: **07-0232**

Applicant: John Bunting
Owner: Michelle & Tod Strain
APN: 030-101-64

Agenda Date: 2/27/08
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: This is a proposal to divide an approximately 8,010 square foot parcel into two townhouse parcels and one parcel in common ownership where two single-family dwellings exist and recognize an over-height fence located in the front yard setback.

Location: The property is located on the east side of Center Street about 250 feet from Soquel Drive in Soquel (3036 & 3040 Center St.).

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

Permits Required: Minor Land Division, Residential Development Permit and Roadside Exception

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 07-0232, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	8,010 square feet
Existing Land Use - Parcel:	Residential
Existing Land Use - Surrounding:	Residential, Commercial and Public Facility
Project Access:	Center Street

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

Planning Area: Soquel
Land Use Designation: R-UM (Urban Medium Density Residential)
Zone District: RM-4 (Multi-family Residential, 4,000 square foot minimum site area)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: No soils report required
Fire Hazard: Not a mapped constraint
Slopes: 0-5%
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: No changes proposed to drainage (no new construction)
Archeology: No construction proposed

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: County Sanitation
Fire District: Central Fire Protection District
Drainage District: Zone 5

Project Setting and History

This project is located in Soquel Village on Center Street approximately 250 feet north of Soquel Drive and across the street from the historic Congregational Church of Soquel. The subject parcel is part of a multi-family zone district that provides a transition between the commercial uses along Soquel Drive and the single-family zone district further north.

Discretionary Permit 02-0368 authorized a dwelling group on the parcel consisting of two single-family dwellings. At the back of the property is a two-bedroom, single-story dwelling which was constructed in 1947. At the front of the property, is a three-bedroom, two-story dwelling constructed in 2003. The six required parking spaces for these dwellings are provided on-site.

The current proposal is for a minor land division to create two townhouse parcels and one parcel in common ownership. No new construction is proposed.

Townhouse Conversion

Because this land division will create townhouse parcels, it is subject to the County's Condominium and Townhouse Conversion Regulation (County Code 14.02) which has specific noticing and occupancy requirements. In projects involving fewer than four existing units, County Code requires that a minimum of one-half of the existing units be sold to persons who have resided in the units for a minimum of three years prior to the conversion. On parcels with two units, such as this one, the property owner's occupancy may fulfill this requirement. Michelle and Tod Strain, the owners of the property, have lived on-site in the front house for over three years. In addition, they have complied with the County's noticing requirements for the tenants in the rear house (Exhibit H).

Parcel Size, Developable Area & Zoning

This parcel is part of Area 15 in the Soquel Village Plan, and was rezoned from C-2 (Community Commercial) to RM-4 (Multi-family Residential – 4,000 square feet minimum) as a part of the zoning changes implement with the adoption of the plan by the Board of Supervisors. This particular aspect of the zoning changes was intended to support the desired concentration of commercial development in the village core (Soquel and Porter) by limiting commercial zoning in areas surrounding the core. The RM-4 zoning was intended to provide a transition between the commercial core and more distant single-family residential zoning to the north.

The division of the subject parcel into two separate townhouse parcels with one common area requires a minimum of 4,000 square feet of net developable land per unit, or 8,000 square feet total. This parcel, with 8,010 square feet in net developable land, meets this requirement. In addition, both units are accessed by separate driveways with no shared vehicular access and will meet the site standards for the RM-4 zone district. Currently, the southern side of the back house is nonconforming with respect to the side yard setback. As a condition of approval, the applicant will be required to move the southern garage wall approximately two feet to meet the five-foot side yard setback. This will have no impact on the project's parking requirement.

General Plan Consistency

The subject property is designated as Urban Medium Density Residential (R-UM) in the General Plan which requires a density of 4,000 to 6,000 square feet per dwelling unit. The project is consistent with the General Plan, in that the two townhouse parcels will share a common area for a minimum of 4,000 square feet per dwelling unit.

Residential Design & Neighborhood Compatibility

The surrounding neighborhood contains single- and multi-family residential development as well as a church and commercial uses to the south. The architectural styles of the two houses are compatible with the diverse range of architecture in the neighborhood and the surrounding pattern of development. Prior to the approval of Discretionary Permit 02-0368 (which allowed the dwelling group), the design of the front house was subject to the County's Design Review ordinance and, with revisions to the original design, was accepted by the County's Urban Designer. No new construction is proposed.

Utilities and Common Use Area

Water, sewer, and electrical utilities currently serve the subject property. The Department of Public Works, Sanitation has conditioned their support of this project on the construction of a second sewer lateral. This has been added as a condition of approval (Condition III.B.1).

A common use area is proposed which will be jointly managed under a recorded shared maintenance agreement to ensure its long-term maintenance. This common area is the driveway area which serves the rear parcel and the landscape strip that runs along the north side of the driveway. The owners have proposed this area as a common area because the residents of the front property use it to transport their garbage and recycling to Center Street for pick-up.

Roadside Exception

A Roadside Exception allows a variation from the Department of Public Works Design Criteria for improvements such as curbs, sidewalks, and landscaping. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping. Center Street, however, is a 60-foot wide right-of-way with only a few sections of frontage improvements. On the eastern side, where the subject parcel is located, there are no frontage improvements except in front of the church further north. Therefore, the Department of Public Works has no objection to the exception.

Over-height Fence

This proposal also includes the recognition of an over-height fence located in the front yard of the front home. The approximately four-foot tall wooden fence and five and one-half-foot tall gate pose no line of sight hazard for the adjacent driveway. In addition, the fence is compatible with the surrounding development as it is of an open, split-rail design.

Conclusion

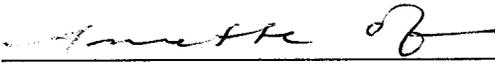
As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

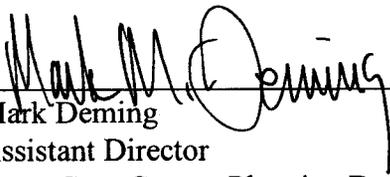
Staff Recommendation

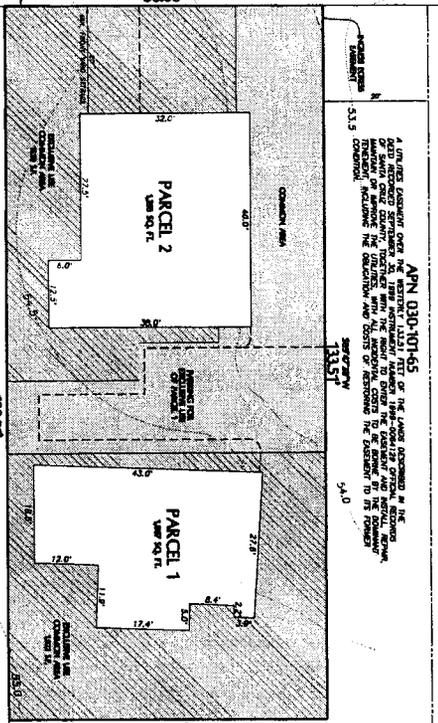
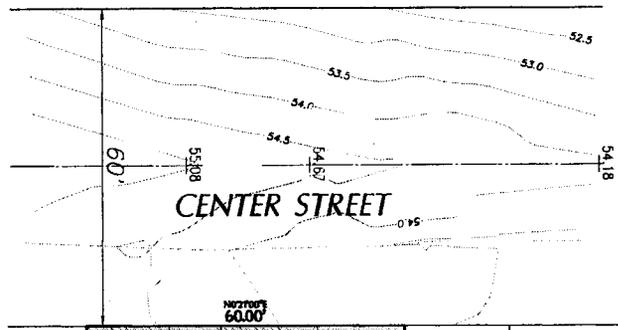
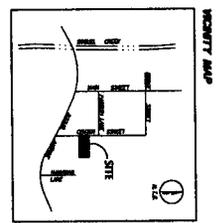
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **07-0232**, based on the attached findings and conditions.

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

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Report Reviewed By: 
Mark Deming
Assistant Director
Santa Cruz County Planning Department



APN 030-101-65
 1. THE APPLICANT HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND HAS RECEIVED THE NECESSARY CONSENTS FROM THE LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT HAS GRANTED THE NECESSARY CONSENTS TO THE APPLICANT FOR THE PROPOSED PROJECT. THE APPLICANT HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND HAS RECEIVED THE NECESSARY CONSENTS FROM THE LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT HAS GRANTED THE NECESSARY CONSENTS TO THE APPLICANT FOR THE PROPOSED PROJECT.

LEGEND

COMMON AREA

AREA SUMMARY

PARCEL 1	1,047 SQ. FT.
PARCEL 2	1,200 SQ. FT.
COMMON AREA	3,382 SQ. FT.
TOTAL	5,629 SQ. FT.

STATEMENT OF OWNERSHIP

I, HENRY STALE, THE APPLICANT, HEREBY STATE THAT THIS MAP WAS PREPARED UNDER MY PERSONAL SUPERVISION AND I AM AWARE OF THE CONTENTS AND I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: _____

NO.	DESCRIPTION	AREA	PERCENTAGE
1	PARCEL 1	1,047	18.6%
2	PARCEL 2	1,200	21.3%
3	COMMON AREA	3,382	59.9%
4	TOTAL	5,629	100.0%



APPLICATION NO. CP-2832

TENTATIVE PARCEL MAP

TOD & MICHELLE STALE

DATE: _____

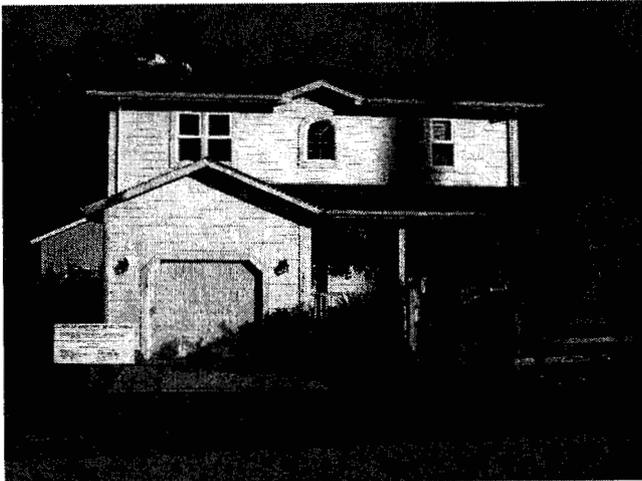
PROPOSER'S CERTIFICATION

I, THE APPLICANT, HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE RECEIVED ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE LOCAL GOVERNMENT HAS GRANTED THE NECESSARY CONSENTS TO THE APPLICANT FOR THE PROPOSED PROJECT.

ALL APPLICANTS HAVE BEEN ADVISED AND ADVISED THAT THE LOCAL GOVERNMENT HAS GRANTED THE NECESSARY CONSENTS TO THE APPLICANT FOR THE PROPOSED PROJECT.

DATE: _____

Exhibit A: Photos of the Existing Dwellings



Front House (parcel 2)



Northern driveway (proposed common area)



Rear house (parcel 1)

Subdivision Findings

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

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

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

This finding can be made, in that the proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates two residential townhouse parcels and a common area parcel and is located in the Urban Medium Density Residential (R-UM) General Plan designation which allows a density of one unit for each 4,000 to 6,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the two townhouse parcels will share common area open space for a minimum of 4,000 square feet per dwelling unit.

The project is consistent with the General Plan in that the full range of urban services is available to the existing dwellings, including public water and sewer service. Both units are currently accessed by separate driveways which provide satisfactory access to the project. The proposed subdivision is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular and pedestrian access.

The subdivision, as conditioned, will be consistent with the General Plan regarding infill development, in that the existing residential development is consistent with the pattern of the surrounding development, and the design of the structures are consistent with the character of similar developments in the surrounding neighborhood.

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, lot sizes meet the minimum dimensional standards for the RM-4 (Multi-family Residential – 4,000 square feet minimum) zone district where the project is located. No deviation from the required setbacks, parcel coverage, or height of the existing structures are proposed as a part of this project.

This proposal complies with the requirements of County Code section 14.02.040(c) (Condominium Conversions), in that no fewer than one-half of the units to be converted will be owned by persons who have resided in the project for a period of three years prior to the notification of intention to convert.

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 the structure and all site improvements have already been installed.

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

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted by this land division. The conversion of the existing dwellings to townhouses will not create any adverse environmental impact.

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 serve both proposed townhouse parcels.

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

This finding can be made, in that no easements acquired by the public at large are known to encumber the property. Access to both lots will be from existing driveways.

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

This finding can be made, in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. The existing structure will not be modified and will meet the minimum setbacks as required within the zone district.

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 structures are existing and are visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single-family and multi-family residential development. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

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 location of the approximately four-foot high fence and five and one-half-foot high gate along Center Street will allow adequate sight distance for vehicles to enter and exit the subject parcel in a safe manner, in that the fence is of an open design and poses no line of sight conflict.

The location of the fence and gate on the property and their design do not contain any corners or pockets that would conceal persons with criminal intent.

The design of the fence and gate did not utilize an excessive quantity of materials or energy in their construction or maintenance, in that the fence and gate are relatively insignificant structures that are accessory to the residential use allowed on the property.

The design and location of the fence and gate will not adversely impact the available light or the movement of air to properties or improvements in the vicinity, in that the fence and gate are of an open design.

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 location of the fence and gate and the conditions under which they are operated and maintained are consistent with the purpose of the RM-4 (Multi-family Residential – 4,000 square feet minimum) zone district in that the primary use of the property will be residential, and a fence and gate are a normal ancillary use in the zone district. Specific regulations for fencing and walls are contained in section 13.10.525. This proposal complies with the requirements and intents of that section, in that:

- The fence and gate are situated on the property in a manner that allows adequate sight distance for vehicles traveling along the roadway as well as entering and exiting the property, in that the fence and gate are set back from the traveled roadway and are of an open design.
- The fence and gate are set back from the street and allow adequate light and air to pass through to the street area.
- The location of the fence and gate on the property and their design do not contain any corners or pockets that would conceal persons with criminal intent.

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Owner: Michelle & Tod Strain

- The location and design of the fence and gate are compatible with the visual neighborhood character of the surrounding neighborhood in which other fences greater than three feet in height front along the roadside.

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 fence and gate are set back from the road and allow adequate sight distance consistent with road standards specified in the General Plan. The project is located in the R-UM (Urban Medium Density Residential) land use designation. In addition, the overheight fence and gate do not conflict with any policies in the Soquel Village Plan.

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 fence and gate do not utilize utilities and will not generate any additional traffic on the streets in the vicinity.

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 fence and gate are compatible with the visual character of the neighborhood due to their height, design, and location. The color is a natural, muted one, and the fence and gate do not alter or increase the density or intensity of residential use within the surrounding neighborhood.

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.

Center Street requires a roadside exception to County Local Street Standards as no frontage improvements are proposed as a part of this project. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping. Although Center Street with a 60-foot width exceeds the County standard, it has only a few sections with frontage improvements.

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. Given that Center Street is mostly unimproved, it would be out of character to require the subject parcel to meet the County Local Street Standard. If, as a part of this project, the owners were to construct frontage improvements, this parcel would be the only parcel along the eastern side of Center Street to have improvements except for the Christian Scientist church further north. Since this would be out of character with the existing development, County staff supports an exception.

Conditions of Approval

Minor Land Division No.: 07-0232

Applicant: John Bunting

Property Owner(s): Michelle and Tod Strain

Assessor's Parcel No.: 030-101-64

Property Location and Address: 3036 & 3040 Center Street, Santa Cruz

Planning Area: Soquel

Exhibits:

- A. Tentative Map by Douglas Snyder, Registered Professional Engineer, dated 12/21/07; Parking Plan and Floor Plan for 3040 Center Street by John Bunting, dated 8/29/07; Floor Plan for 3036 Center Street by Ron Ragsdale and revised by John Bunting; Existing Site Plan by Ron Ragsdale and revisions by John Bunting; Site Sections by Ron Ragsdale; Landscape Plan, Revision Feb. 2003.

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
- B. The owner shall comply with noticing and filing requirements of County Code 14.02 (Condominium and Townhouse Conversion Regulations) including:
1. Each of the tenants of the proposed project will be given written notification within ten (10) days of the project's approval for the proposed conversion.
 2. Each of the tenants of the proposed project has been or will be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, or approval of the application by the County if a subdivision public report is not required, unless the tenant gives prior written notice of his or her intention not to exercise the right.
 3. Each of the tenants of the proposed project who resided in the project at the time of the issuance of the notification of intention to convert has or will be offered

moving and relocation assistance amounting to one and one-half times the tenant's monthly rent, except when the tenant has given notice of his or her intent to move prior to issuance of the notification of intention to convert.

- 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 with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than two (2) multi-family residential townhouse lots and a common area parcel.
 - C. The minimum amount of parcel area per dwelling unit shall be 4,000 square feet of net developable land.
 - D. The following items shall be shown on the Parcel Map:
 - 1. Building envelopes and/or building setback lines located according to the approved Tentative Map.
 - 2. The net area of each lot to nearest square foot.
 - 3. Common areas clearly labeled as, "Not a Building Site."
- III. Prior to recordation of the Parcel Map, the following requirements shall be met:
- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
 - B. Meet all requirements of the Santa Cruz County Sanitation District, including, without limitation, the following conditions:
 - 1. Submit and secure approval of a sewer improvement plan providing sanitary sewer service to each parcel. A second, separate sewer lateral shall be constructed at the owners' expense.
 - 2. Pay all necessary bonding, deposits, and connection fees.
 - C. Record a shared maintenance agreement to include all area under common ownership including driveways, all landscaping, drainage structures, water lines, sewer laterals, fences and buildings. This maintenance agreement must be submitted to the Planning

Department for review prior to recordation.

1. Included in the maintenance agreement shall be a statement acknowledging that the existing discharge of runoff from the buildings to surrounding ground surfaces and landscape shall be maintained, and that stormwater shall not be piped to the street in the future without equivalent levels of mitigation provided that achieve flow rate control, infiltration and water quality filtering.
 - D. Water service shall be reviewed by the City of Santa Cruz Water District. New meters or separate connections shall be provided, if required by the Santa Cruz City Water District.
 - E. All requirements of the Central Fire Protection District shall be met.
 - F. Three parking spaces shall be provided for each unit. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular rights-of way and shall be paved with two inches of asphalt concrete over five inches of Class II base rock or equivalent.
 - G. All future construction of the lots shall meet the following additional conditions:
 1. All future development shall comply with the development standards for the RM-4 zone district. Total development on the subject property shall not exceed 40% lot coverage, or a 50% floor area ratio, or other standards as may be established for the zone district.
 - H. Any changes to the approved map and/or improvement plans shall be reviewed and accepted by the Planning Department prior to recordation of the Parcel Map. Further review by the approving body and possible amendment of the development approval may be required.
 - I. A building permit must be obtained to alter the southern wall of the garage on Parcel 1 so that it conforms to the five-foot side yard setback.
- IV. 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.
- V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement that incorporates the provisions of this condition, or this development approval shall become null and void.

Amendments to this land division approval shall be processed in accordance with chapter 18.10 of the county code.

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

cc: County Surveyor

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Mark Deming
Assistant Director

Annette Olson
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 07-0232

Assessor Parcel Number: 030-101-64

Project Location: 3036 & 3040 Center St., Soquel

Project Description: Proposal to divide a parcel into two townhouse parcels and one parcel in common ownership where two single-family dwellings exist and recognize an overheight fence located in the front yard setback

Person or Agency Proposing Project: John Bunting

Contact Phone Number: (310) 737-7583

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

Specify type:

E. **Categorical Exemption**

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

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

Minor land division within an urbanized area with all urban services available.

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

Annette Olson, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

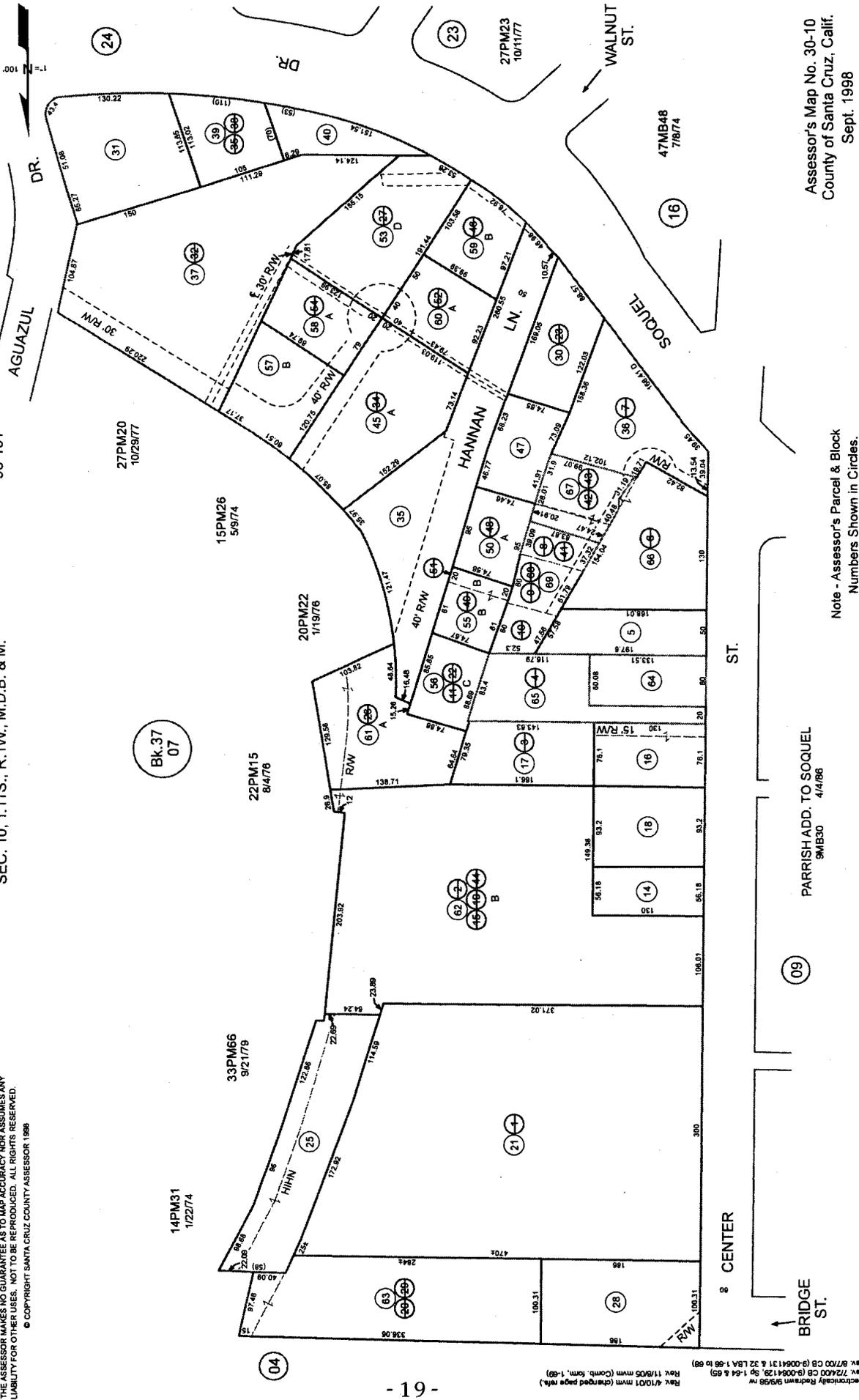
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. SOQUEL RANCHO

SEC. 10, T.11S., R.1W, M.D.B. & M.

Tax Area Code
96-101

30-10



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

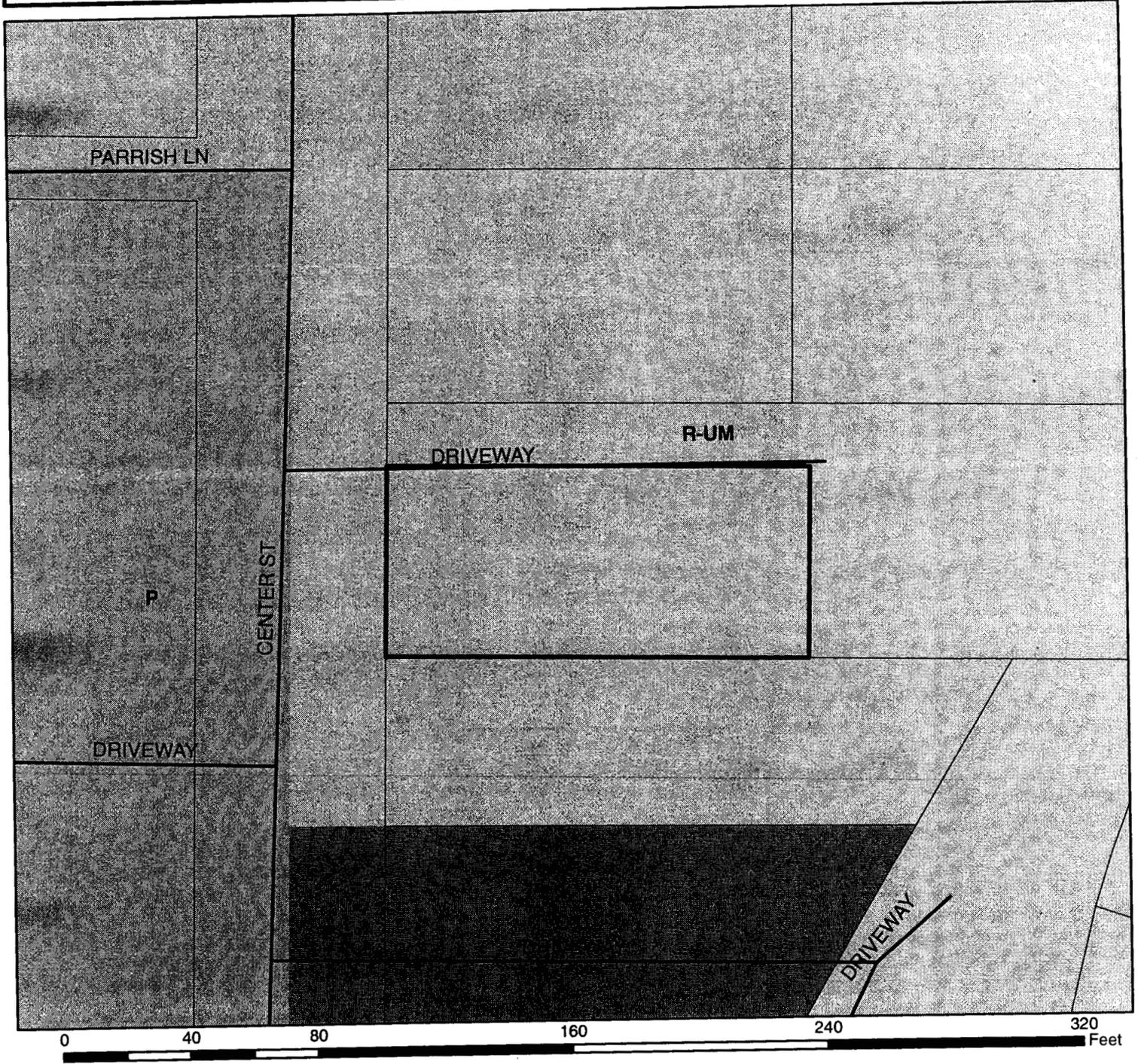
PARRISH ADD. TO SOQUEL
9MB30 4/4/86

Assessor's Map No. 30-10
County of Santa Cruz, Calif.
Sept. 1998

Electronically Redrawn 9/9/98 by 144 & 69
 Rev. 7/24/00 CB (9-0054131 & 32 LBA 1-56 to 69)
 Rev. 8/7/00 CB (9-0054131 & 32 LBA 1-56 to 69)
 Rev. 4/10/01 mmm (changed page refs.)
 Rev. 11/30/05 mmm (Comb. form, 1-69)



General Plan Designation Map



LEGEND

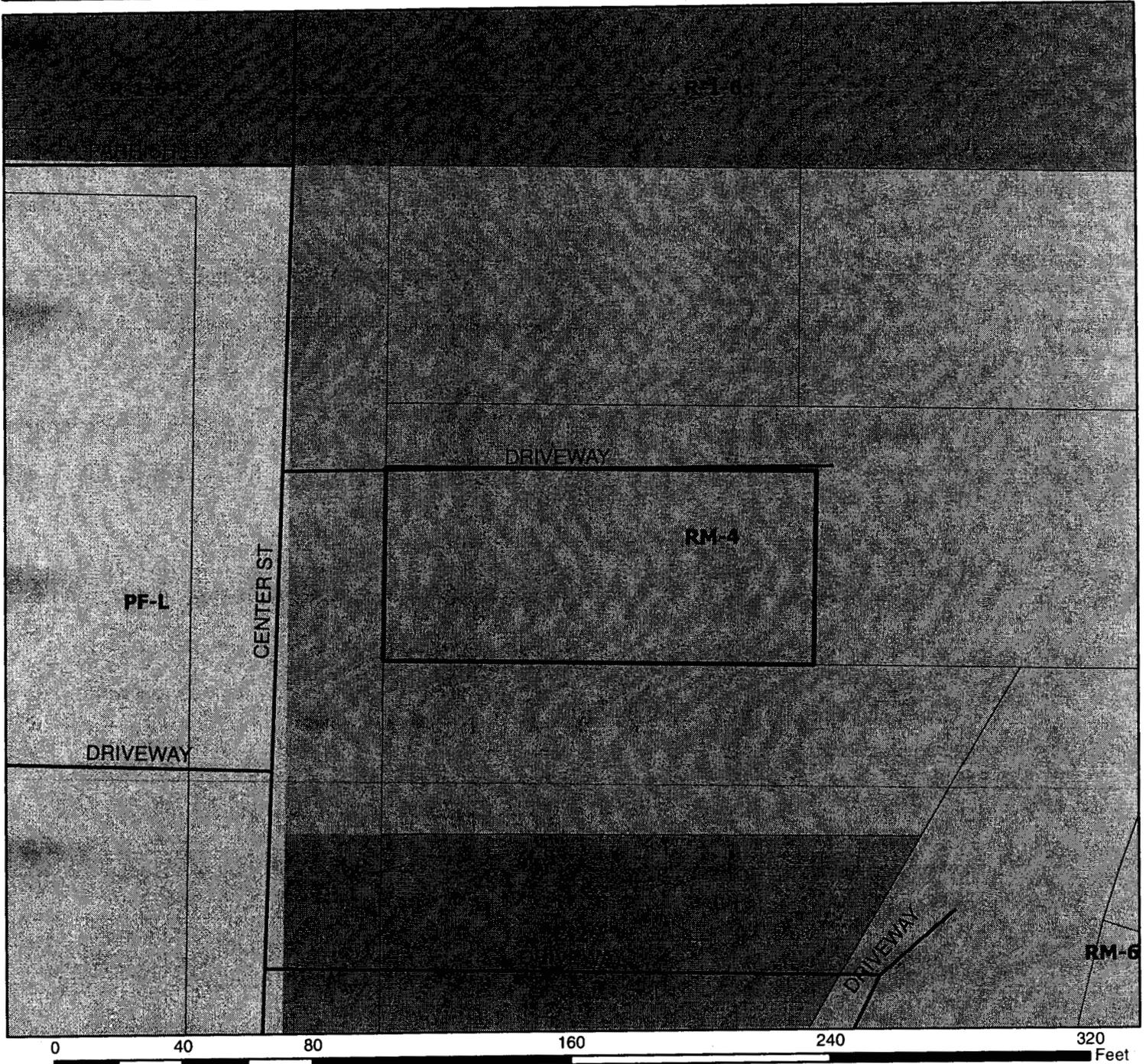
- APN: 030-101-64
- Assessors Parcels
- Streets
- Commercial-Community
- Public Facilities
- Residential - Urban Medium Density

Map Created by
 County of Santa Cruz
 Planning Department
 January 2008

EXHIBIT B



Zoning Map



LEGEND

- APN: 030-101-64
- Assessors Parcels
- Streets
- RESIDENTIAL-MULTI FAMILY
- COMMERCIAL-COMMUNITY
- PUBLIC FACILITY
- RESIDENTIAL-SINGLE FAMILY

Map Created by
County of Santa Cruz
Planning Department
January 2008

EXHIBIT F

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

Project Planner: Annette Olson
Application No.: 07-0232
APN: 030-101-64

Date: January 31, 2008
Time: 08:17:40
Page: 1

Environmental Planning Completeness Comments

===== REVIEW ON JUNE 8, 2007 BY ANTONELLA GENTILE ===== NO COMMENT

Environmental Planning Miscellaneous Comments

===== REVIEW ON JUNE 8, 2007 BY ANTONELLA GENTILE =====
Misc comments by A. Gentile 6/8/07

Sheets C-1, C-2, and L-1 show new and proposed structures and grading. If no new improvements or grading are proposed as part of the project, the plans should reflect this.

Dpw Drainage Completeness Comments

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

===== REVIEW ON JUNE 7, 2007 BY DAVID W SIMS =====
Information items:

1) Incomplete. Please show on the plans for the proposed common area parcel where all the existing drainage and mitigation facilities were constructed (per 0048146H), so that this positioning can be evaluated with respect to the proposed exclusive use driveway boundaries. There is potential that these boundaries may need to be differently defined, or that some form of easement or revised maintenance agreement provided to assure continued access for operation and maintenance of the drainage and mitigation facilities.

2) Incomplete. Please submit a copy of the prior maintenance agreement recorded for the detention systems noted on sheet C1 of the plans for 0048146H.

Because this application is incomplete in addressing County requirements, resulting revisions and additions will necessitate further review comment and possibly different or additional requirements.

All resubmittals shall be made through the Planning Department. Materials left with Public Works will not be processed or returned.

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON AUGUST 14, 2007 BY DAVID W SIMS =====

Prior items 1 and 2) Discussion with the applicant has clarified that the notations referring to detention on the prior plans referred to only temporary erosion control measures and not permanent facilities. Applicant added clarifying notes to the current routing resolving prior comments.

Approval of this land division has the following condition:

CC&R's written for the MLD shall specify that the existing discharge of runoff from the buildings to surrounding ground surfaces and landscape shall be maintained, and

Discretionary Comments - Continued

Project Planner: Annette Olson
Application No.: 07-0232
APN: 030-101-64

Date: January 31, 2008
Time: 08:17:40
Page: 2

that stormwater shall not be piped to the street in the future without equivalent levels of mitigation provided that achieve flow rate control, infiltration and water quality filtering.

There are no further review comments.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON JUNE 7, 2007 BY DAVID W SIMS =====

NO COMMENT

===== UPDATED ON AUGUST 14, 2007 BY DAVID W SIMS =====

NO COMMENT

Dpw Road Engineering Completeness Comments

===== REVIEW ON MAY 29, 2007 BY GREG J MARTIN =====

Please number and dimension each parking space. Each parking space is recommended to have 24 feet back out space. =====

UPDATED ON AUGUST 8, 2007 BY RODOLFO N RIVAS

We do not recommend the construction of sidewalks along the project's frontage since there are no sidewalks on the parcels adjacent to the project. =====

UPDATED ON OCTOBER 2, 2007 BY GREG J MARTIN =====

No Comment. =====

UPDATED ON OCTOBER 2, 2007 BY GREG J MARTIN =====

NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MAY 29, 2007 BY GREG J MARTIN =====

===== UPDATED ON JUNE 7, 2007 BY GREG J MARTIN =====

===== UPDATED ON AUGUST 8, 2007 BY RODOLFO N RIVAS =====

NO COMMENT

===== UPDATED ON OCTOBER 2, 2007 BY GREG J MARTIN =====

===== UPDATED ON OCTOBER 2, 2007 BY GREG J MARTIN =====

Dpw Sanitation Completeness Comments

===== UPDATED ON OCTOBER 4, 2007 BY BEATRIZ - BARRANCO =====

Sewer service is currently available.

Dpw Sanitation Miscellaneous Comments

===== UPDATED ON OCTOBER 4, 2007 BY BEATRIZ - BARRANCO ===== Sewer service is available.

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

DATE: June 14, 2007

TO: Samantha Haschert, Planning Department

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

SUBJECT: APPLICATION 07-0232, APN 030-101-64, CENTER STREET

As with all minor land divisions, the developer will have to submit a parcel map to Public Works for review and approval. Prior to recording the map, the developer will have to meet all the conditions included in the discretionary approval.

I have the following comments on this application:

1. Prior to hearing, the minor land division number should be added to all sheets of the tentative map.
2. I would suggest that the applicant consider revising the townhouse parcel lines to include the private yard spaces within the parcels, and limit the common area to the driveway and access areas. Alternatively, the private spaces could be designated as exclusive use common areas for the corresponding unit. Either of these changes would make it clearer to future owners of the property which areas they would have control over, and probably enhance the value of the project.

I'll defer to the traffic and drainage folks for any comments relevant to their areas of concern.

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

CDR:cdr



P.O. Box 158
Mail to: 5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

**PROJECT
COMMENT
SHEET**

Date of Review: 06/04/07
Reviewed By: Carol Carr

Returned: Samantha Haschert
Project: County of Santa Cruz
Comments to: Planning Department
701 Ocean St., Ste. 400
Santa Cruz, CA 95060-4073

Owner: Michelle & Tod Strain
3036 Center St.
Soquel, CA 95073

Applicant: John Bunting
11840 Westminster Ave.
Los Angeles, CA 90066

Type of Permit: Development Permit
County Application #: 07-0232

Subject APN: 030-101-64

Location: Located on the east side of Center Street about 200 feet from Soquel Drive.

Project Description: Proposal to create two townhouse parcels of 1355 square feet and 1124 square feet with 5531 square feet of common area.

→ REQUIRES A MINOR LAND DIVISION
Requires a Coastal Development Permit and Variances to reduce the required front yard setback from 20 feet to 1 foot, to increase the allowed coverage of the required front yard by parking from 50% to about 57%.

Notice

Notice is hereby given that the Board of Directors of the Soquel Creek Water District is considering adopting policies to mitigate the impact of development on the local groundwater basins. The proposed project would be subject to these and any other conditions of service that the District may adopt prior to granting water service.

It should not be taken as a guarantee that service will be available to the project in the future or that additional conditions will not be imposed by the District prior to granting water service.

Requirements

The developer/applicant, without cost to the District, shall:

- 1) Destroy any wells on the property in accordance with State Bulletin No. 74;
- 2) Satisfy all conditions imposed by the District to assure necessary water pressure, flow and quality;
- 3) Satisfy all conditions for water conservation required by the District at the time of application for service, including the following:
 - a) All applicants for new water service from Soquel Creek Water District shall be required to offset expected water use of their respective development by a 1.2 to 1 ratio by retrofitting existing developed property within the Soquel Creek Water District service area so that any new development has a "zero impact" on the District's groundwater supply. Applicants for new service shall bear those costs associated with the retrofit as deemed appropriate by the District up to a maximum set by the District and pay any associated fees set by the District to reimburse administrative and inspection costs in accordance with District procedures for implementing this program.



P.O. Box 158
Mail to: 5180 Soquel Drive
Soquel, CA 95073-0158
PHONE (831) 475-8500 FAX (831) 475-4291

**PROJECT
COMMENT
SHEET**

- b) **Plans for a water efficient landscape and irrigation system shall be submitted to District Conservation Staff for approval;**
- c) **All interior plumbing fixtures shall be low-flow and have the EPA Energy Star label;**
- District Staff shall inspect the completed project for compliance with all conservation requirements prior to commencing water service;**
- 4) Complete LAFCO annexation requirements, if applicable;
- 5) All units shall be individually metered with a minimum size of 5/8-inch by 3/4-inch standard domestic water meters;

A memorandum of the terms of this letter shall be recorded with the County Recorder of the County of Santa Cruz to insure that any future property owners are notified of the conditions set forth herein.

Soquel Creek Water District Project Review Comments:

1. SCWD has reviewed the plans prepared by John Bunting and has made comments. 1) The applicant is an existing SCWD customer. Review of the plans does not indicate the need for changes in the current service. 2) Should the Fire District require additional fire protection to the subject project, a Fire Protection Requirements Form should be submitted to SCWD.

Attachments:

- Soquel Creek Water District Procedures for Processing Minor Land Divisions (MLD) dated November 9,1992
- Soquel Creek Water District Procedures for Processing Water Service Requests for Subdivisions and Multiple Unit Developments
- Resolution 79-7, Resolution of the Board of Directors of the Soquel Creek County Water District Establishing Landscape Design and Irrigation Water Use Policy
- Water Demand Offset Policy Fact Sheet
- Soquel Creek Water District New Water Service Application Request.
- Soquel Creek Water District Variance Application
- Soquel Creek Water District Water Waiver For Pressure and/or Flow
- Fire Protection Requirements Form



**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: May 29, 2007
To: Michelle and Tod Strain
Applicant: **John Bunting**
From: Tom Wiley
Subject: **07-0232**
Address: **3040 Center St.**
APN: 030-101-64
OCC: 3010164
Permit: 20070158

We have reviewed plans for the above subject project.

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

Please ensure designer/architect reflects equivalent notes and requirements on velums as appropriate when submitting for **Application for Building Permit**.

Please ensure designer/architect reflects equivalent notes and requirements on velums as appropriate when submitting for **Application for Building Permit**.

When plans are submitted for multiple lots in a tract, and several standard Floor Plans are depicted, include Fire District Notes on the small scale Site Plan. For each lot, submit only sheets with the following information; Site Plan (small scale, highlight lot, with District notes), Floor Plan, Elevation (roof covering and spark arrestor notes), Electrical Plan (if smoke detectors are shown on the Architectural Floor Plan this sheet is not required). Again, we must receive, VIA the COUNTY, SEPARATE submittals (appropriate site plans and sheets) FOR EACH APN!!

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 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).

NOTE on the plans that a 30-foot clearance will be maintained with non-combustible vegetation around all structures.

Submit a check in the amount of \$100.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 722-2393, or email me at tomw@centralfpd.com. All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.

Any beneficially interested party has the right to appeal the order served by the Fire Chief by filing a written "NOTICE OF APPEAL" with the office of the Fire Chief within ten days after service of such written order. The notice shall state the order appealed from, the identity and mailing address of the appellant, and the specific grounds upon which the appeal is taken.

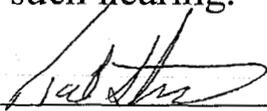
3010164-052907

NOTICE OF INTENTION TO CONVERT
(As required by 66452.9 of the Government Code)

To the occupant (s) of

3040 Center Street Soquel, CA 95073

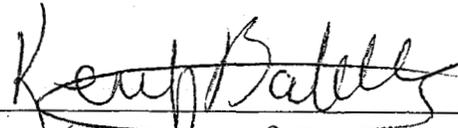
The owner (s) of these buildings, at 3040 and 3036 Center Street, Soquel, California, have filed an application with the County of Santa Cruz to convert these buildings to a condominium. You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.



(signature of owner)

11-19-2006

(date)



(signature of tenant)

11-19-06

(date)

NOTICES REQUIRED BY THE GENERAL PROVISIONS
(Contained in 14.02.040 of the Government Code)

We, the tenant's of 3040 Center Street, have received the following notices from Tod & Michelle Strain regarding the proposed town-house conversion at 3036 & 3040 Center Street, Soquel California.

1. We have signed the Notice of Intention to Convert dated November 19, 2006.
2. We have been notified of our right to contract for the purchase of our current residence. We have no intention to exercise our right to purchase the unit at this time.
3. We understand that we have the right to cancel our existing lease and have been made aware that we could receive moving and relocation assistance amounting to one and one-half times our monthly rent.

FUTURE NOTIFICATIONS:

1. We have been made aware there will be a public hearing and that we have the right to appear and to be heard on the proposed conversion. Notice of the public hearing will be sent out by the County.
2. We have been made aware that the applicant will submit copies of the staff report and tentative map to us at least three (3) days prior to any public hearing or action on the map. Such submittal will be forthcoming.
3. We have been made aware that we will be given ten (10) day written notification of approval of a final map. Such notification will be forthcoming.

We acknowledge and are in agreement with the above statements.



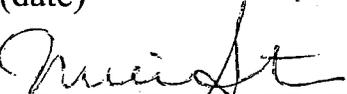
(signature of owner)
9/20/07

(date)



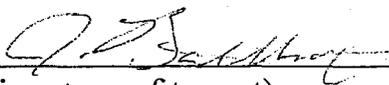
(signature of tenant)
9-20-07

(date)



(signature of owner)
9/20/07

(date)



(signature of tenant)
9/20/07

(date)

NEIGHBORHOOD MEETING RESULTS
(County Code 18.10.211)

We obtained the list of homeowners and residents within 300 feet of the project from the County Geographic Information Services and fifty (50) notices were certified mailed. On Sunday, September 16, 2007 between 12:00 noon and 3pm we held a neighborhood meeting at our residence at 3036 Center Street.

We displayed an oversized tentative map of the proposed conversion on a table for neighbors to review and ask questions. The map demonstrated the separate proposed parcels and common areas. The one question that consistently came up was what new construction would there be to which our response was that there would be no new construction.

A total of four (4) neighbors attended, all in support of our proposed town-house conversion and minor land division. Their comments can be read on the pages attached.

We believe there should be no objections to our application at the public hearing.

Attachments Include:

- Copy of Neighborhood Meeting Notice
- Copy of Mailing Lists
- Copy of Attendance List
- Filled-out neighbor comment forms
- Blown-up Tentative Map
- Receipt of Certified Mailings

Tod & Michelle Strain
3036 Center Street
Soquel, CA 95073

September 6, 2007

To Our Neighbors:

We have submitted to the County of Santa Cruz a request to convert our property located at 3036 & 3040 Center Street, Soquel to two (2) town-home parcels.

We are required by the county to hold a neighborhood meeting to discuss the proposed minor land division and to field any questions or comments that may arise.

We invite you to a neighborhood meeting to be held at our home at 3036 Center Street on Sunday, September 16th from 12:00 noon 3:00 pm.

Our application requires **NO NEW CONSTRUCTION** or any improvement work to be done. The sole requirement is to receive approval for a minor land division and to record a parcel map showing two separate town-home parcels.

We look forward to meeting you on the 16th!

Sincerely,

Tod & Michelle Strain

Tod & Michelle Strain
3036 Center Street
Soquel, CA 95073

September 6, 2007

To Our Neighbors:

We have submitted to the County of Santa Cruz a request to convert our property located at 3036 & 3040 Center Street, Soquel to two (2) town-home parcels.

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Our application requires NO NEW CONSTRUCTION or any improvement work to be done. The sole requirement is to receive approval for a minor land division and to record a parcel map showing two separate town-home parcels.

We look forward to meeting you on the 16th!

Sincerely,

Tod & Michelle Strain

*We have no objection.
More power to you
Horraine Sintetos
also for
Jim Sintetos*

NEIGHBORHOOD MEETING COMMENTS

I/We have attended a neighborhood meeting on September 16, 2007 and have reviewed a copy of the tentative map showing parcels 1 and 2 which will be converted to town-homes at 3036 & 3040 Center Street in Soquel, California.

I/We have the following comments regarding the proposed project:

*We are in the house behind this parcel —
our address is 3050 Center St.*

*We have no problem with the
proposed plan.*

No Comment: (check box)

Signed: Robin McFarland Date: 9/16

Name: Robin McFarland
(please print)

Address: 3050 Center St.
Soquel CA 95073

Jeff Barbier
Jeff Barbier
3050 Center St.
Soquel CA 95073

NEIGHBORHOOD MEETING COMMENTS

I/We have attended a neighborhood meeting on September 16, 2007 and have reviewed a copy of the tentative map showing parcels 1 and 2 which will be converted to town-homes at 3036 & 3040 Center Street in Soquel, California.

I/We have the following comments regarding the proposed project:

THE COUNTY SHOULD NOT CHARGE
LAND OWNERS FOR THIS KIND
OF NON-EVENT PARCEL SPLIT. LET'S
USE SOME COMMON SENSE - THIS
IS A NO-BRAINER - OF COURSE
IT SHOULD BE APPROVED.

No Comment: (check box)

Signed: MARSHA KEENER

Date: 9/16/07

Name: MARSHA KEENER
(please print)

Address: 3108 KAWAN LN.
SOQUEL, CA 95073

NEIGHBORHOOD MEETING COMMENTS

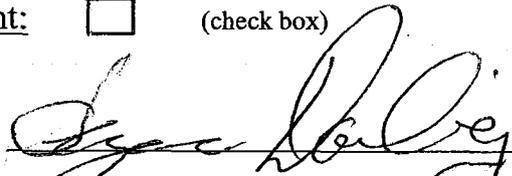
I/We have attended a neighborhood meeting on September 16, 2007 and have reviewed a copy of the tentative map showing parcels 1 and 2 which will be converted to town-homes at 3036 & 3040 Center Street in Soquel, California.

I/We have the following comments regarding the proposed project:

NEIGHBORHOOD APPROVAL IS A
GIVEN - NO PROBLEM AT ALL
WITH THIS AT ALL - THANKS!

No Comment: (check box)

Signed:


Name: SUZANNE DOWLING
(please print)

Date: 9/16/07

Address:

3109 HAWMAN LANE
SOQUEL CA 95073