

## Staff Report to the **Planning Commission**

Application Number: 07-0265

**Applicant:** Dee Murray

Owner: John M Felice Jr Trustee etal

**APN:** 037-191-29

Agenda Date: 4/23/08

Agenda Item #: 8

Time: After 9:00 a.m.

Project Description: Proposal to revise the improvement plans of an approved subdivision (04-0092) to include a new subsurface drainage system on Monterey Avenue and to revise building designs on all lots. The project requires an Amendment to Subdivision 04-0092.

Location: Property located at the southwest corner of Monterey Avenue and Soquel

Drive.

Supervisoral District: 1st District (District Supervisor: Janet Beautz)

Permits Required: Amendment to Subdivision 04-0092.

#### **Staff Recommendation:**

Approval of Application 07-0265, based on the attached findings and conditions, pursuant to the previously adopted Negative Declaration with Mitigation Measures.

F.

#### **Exhibits**

Project plans (On File) A.

E. Comments & Correspondence 04\0092 Staff Report

- B. **Findings**
- C. Conditions
- Reduced Architectural Plans D.

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#### Parcel Information

Parcel Size:

1.77 acres

Existing Land Use - Parcel:

Vacant

Existing Land Use - Surrounding:

Single family residential neighborhood

Project Access:

Monterey Avenue (off Soquel Drive)

Planning Area:

Soquel

Land Use Designation:

R-UL (Urban Low Density Residential) & O-U (Urban

Open Space)

Zone District:

R-1-6 (Single Family Residential - 6,000 square foot

minimum)

Coastal Zone:

Inside

X Outside

#### **Environmental Information**

The original subdivision approval (04-0092) included adoption of a Mitigated Negative Declaration pursuant to the requirements of the California Environmental Quality Act. Recirculation of the Negative Declaration has been determined to be unnecessary for the project amendment because substantial revisions have not been proposed by the revised drainage improvements as noted by the attached memorandum of the Deputy Environmental Coordinator (Exhibit E).

#### **Services Information**

Urban/Rural Services Line:

Outside X Inside Soquel Creek Water District

Water Supply:

Santa Cruz County Sanitation District

Sewage Disposal: Fire District:

Central Fire Protection District

Drainage District:

Zone 5 Flood Control District

## **Project Setting**

The subject property is located on the west side of Monterey Avenue within the Soquel Planning area near the intersection with Soquel Drive, with a portion of the property fronting on Soquel Drive. The project site is characterized by mostly level terrain, with some steep slopes down to Noble Gulch, which is an intermittent stream that runs along the west boundary of the project area. Riparian vegetation associated with Noble Gulch is located on the western edge of the subject property.

Land uses surrounding the project site include single-family residential development to the east, south, and west of the site, and a mixture of single and multi-family development to the north. A church facility is located west of the site across Noble Gulch.

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#### **Project Background**

This subdivision was originally approved June 7, 2005 under Application 04-0092. A mitigated Negative Declaration was adopted when approval was granted on the subdivision project. This project created seven new single family dwelling parcels ranging in size from 6,000 to almost 12,000 square feet, with associated architectural house designs. The project also included a rezoning from the R-1-9 to the R-1-6 zone district (single family residential-6,000 square feet minimum) to facilitate the development.

Access to the project is via Monterey Avenue and a new proposed cul-de-sac (Cypress View Court). This cul-de-sac complies with the County Design Criteria and was conditioned to be offered for dedication as a County road once constructed. The design of the existing access road (Rochelle Lane) along the southern portion of the subject property varied from the County Design Criteria in terms of width and improvements. Two new residential parcels will be accessed off of this existing access road (Rochelle Lane). The street will be located within an existing 40-foot right-of-way and is planned as a 24-foot road section and a 4-foot sidewalk on the north side fronting the proposed new homes. A Roadway/Roadside Exception was approved for this proposed project because the project did not provide a 56 foot right of way with parking and sidewalks on both sides of the cul-de-sac.

#### Drainage

## Previously Approved Drainage

Project improvements included a complete drainage and detention system for the entire project site, the installation of a curb and gutter on the west side of Monterey Avenue, the relocation of the existing driveway serving the corner lot from Monterey Avenue to Cypress Lane. A Riparian Exception was approved for the installation of a drainage outlet within Noble Gulch, including a silt and grease trap.

#### Proposed Drainage

Prior to map recordation it was determined that the site could not drain to Noble Gulch as originally designed due to slope issues. The revised plans now direct the drainage from the project to Monterey Avenue. The project now includes the installation of a new 18 inch underground pipe along the west side of Monterey Avenue from Rochelle Lane to the end of Street. The project includes catch basins at regular intervals along the street and a silt and grease trap at the end of the cul-de-sac on Monterey Avenue prior to drainage into Noble Gulch. These project revisions have been reviewed and approved by Public Works Drainage and the project conditions have been revised to address any additional design recommendations required prior to map recordation. Overall, this drainage design provides a better solution for the neighborhood. Neighbors had expressed concerns that runoff from existing residences along Monterey Avenue currently travels in an uncontrolled manner along the street. The project improvements will now direct runoff into drainage inlets and treat the water before it enters Noble Gulch, which will improve overall water quality in the gulch.

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## **Building Design**

## Original Design

Seven new single-family dwellings were approved on the new parcels. The new homes were approved as two story structures ranging in size from approximately 1,900 to 2,700 square feet. The homes included two car garages and front porches. Proposed building materials included shingle and stucco siding, white vinyl windows, composition shingle roofs and a variety of wood and rock trim around windows, doors and on the front facade of the homes.

## Proposed Design

The building plan changes proposed by the applicant include:

- Replacement of Plan 3 (Lot 4) with a new plan, though the original footprint and exterior finishes are consistent with originally approved plans. Also, the building entry door has been relocated from Cypress View Court to Monterey Avenue. No change is proposed to the driveway location.
- 2) Plan 3 (Lot 5) has been replaced with a new plan, though the entry and driveway location are consistent with the originally approved plans.
- 3) Elevations for lots 4 and 5 have been switched.
- 4) The originally approved square footages noted on Sheet T-1 were inaccurate and have been revised. They indicate an increase in the overall square footages proposed.
- 5) Floor plans and elevation drawings for Lot 4 and Lot 5 were approved with the wrong orientation and have been corrected with this submittal.
- Architectural details throughout the plans have been revised to provide decorative elements throughout.

The revised designs were subject to design review. The Urban Designer found these designs to be an improvement over the previously approved designs. See attached Exhibit E.

#### **Environmental Review**

Environmental Review was required for the original subdivision approval per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on February 14, 2005. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on February 17, 2005. The mandatory public comment period ended on March 23, 2005, without any comments affecting the Negative Declaration. The Mitigated Negative Declaration was adopted on June 7, 2005 when approval was granted on the subdivision project.

The current subdivision amendment before your Commission does not require additional

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environmental review because the proposed drainage changes and building design alterations do not result in any unanticipated impacts or require revision to the adopted mitigation measures. In particular, the original project directed development drainage to the rear of the site toward Noble Gulch and included a silt and grease trap with required regular maintenance to ensure protection of the creek from contaminants. The project drainage improvement revision redirects the site drainage to Monterey Avenue, where the runoff is treated by a silt and grease trap before it drains to Noble Gulch at the end of the cul-de-sac.

## **Conditions of Approval**

Attached are the original project conditions required for the project with a minor change reflecting changed improvement plans, changes to meet the Department of Public Works Sanitation District's current requirements, and to reference storm-water management staff comments. These condition modifications are highlighted for your review.

#### Conclusion

As revised and conditioned, the revised 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**

• Approval of Application 07-0265, 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: <a href="www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

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Report Reviewed By:

Mark Demino

**Assistant Planning Director** 

Development Review

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## **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, will be consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed 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, with the rezoning of the subject property, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for residential development,

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and the proposed parcels are properly configured to allow development in compliance with the required site standards. No environmental resources exist which would be adversely impacted by the proposed development.

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

This finding can be made, in that the riparian resource on the west side of the project site will be adequately protected through development setbacks and tree protection measures. No other mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

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

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

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

This finding can be made, in that no easements are known to encumber the property, other than the 40 foot wide right of way (Rochelle Lane) which will be retained and improved as a component of this development.

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

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

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

This finding can be made, in that the structures are sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

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## **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.

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 use of the property will be residential in nature and lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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 division of land, its design, and its improvements, are consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed structures are consistent with the character of similar developments in the surrounding neighborhood.

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

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1. 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 expected level of additional traffic generated by the proposed project is anticipated to be only 7 peak trips per day (1 peak trip per new dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

2. 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 project site is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

3. 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 sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

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## Roadway/Roadside Exception Findings

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

This finding can be made, in that the character of the existing and proposed development does not require full improvements to be installed on the existing access road along the southern portion of the subject property (Rochelle Lane). The design of this roadway varies from the County Design Criteria in terms of width and improvements. Two new residential parcels will be accessed off of the existing access road (Rochelle Lane). The street will be located within an existing 40-foot right-of-way and is planned as a 24-foot road section and a 4-foot sidewalk on the north side fronting the proposed new homes. This a Roadway/Roadside Exception is considered as appropriate due to the lack of residences on the opposite side of the access roadway and an adequate amount of parking within the driveways of the proposed parcels. This access road requires an exception to County Local Street Standards. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping.

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

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## **Conditions of Approval**

#### Land Division 07-0265

Tract No.: 1482

Applicant: Dee Murray

Property Owner: John M Filice Jr

Assessor's Parcel Number(s): 037-191-29

Property Address and Location: Southwest corner of Monterey Avenue & Soquel Drive.

Planning Area: Soquel

#### **Exhibits:**

A. Tentative Map prepared by Ifland Engineers, dated 7/29/04 12/06/05 with revisions through January 12, 2008; Landscape plans prepared by Gregory Lewis, dated 2/25/04 with revisions through 8/3/04; Architectural and floor plans, dated 10/03 prepared by DZ Design Associates, Inc. dated 10/03 and May 25, 2007 with revisions through 11/19/07.

All correspondence and maps relating to this land division shall carry the Land Division and Tract Number as 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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder). The conditions shall also be recorded on the Final Map and are applicable to all resulting parcels.
  - C. Pay a Negative Declaration De Minimis 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 mitigation fees program.
- II. A Final 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 Final 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 Final Map unless such

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improvements are allowable on the parcel as a whole (prior to approval of the land division). The Final Map shall meet the following requirements:

- A. The Final 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 seven (7) single-family residential parcels.
- C. The minimum aggregate lot size shall be 6,000 square feet net developable land per unit.
- D. The following items shall be shown on the Final Map:
  - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard. Street side yards shall be a minimum of 20 feet unless otherwise reduced by a street dedication per County Code.
  - 2. Show the net area of each lot to nearest square foot.
  - 3. The owner's certificate shall include:
    - a. An offer of dedication for the road improvements (Cypress View Court). The area dedicated shall be a 56 foot wide right of way with sidewalk on both sides and a cul-de-sac terminus as shown on the approved Tentative Map.
  - 4. A clearly delineated riparian corridor and buffer area must be shown on the Final Map, with notes indicating that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- E. The following requirements shall be noted on the Final 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 Soquel Creek Water District.
  - Lots shall be connected for sewer service to Santa Cruz County Sanitation
    District. All regulations and conditions of the Sanitation District shall be
    met.

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- 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 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. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. 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.
- 4. A final Landscape Plan for the entire site 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.

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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.
  - 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".
  - i. <u>Tree Protection</u>: Revise the grading plan to show the tree protection fencing, fencing demarcating the riparian setback, and accurately located and numbered trees #

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3,4,7,9-13,18 and # 16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the fifteen foot setback between the trees and any disturbance for the former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.

- ii. <u>Tree Protection</u>: Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
- iii. <u>Tree Protection</u>: The arborist shall review the revised grading plan and submit a letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be required prior to final inspection.
- iv. 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.
- f. The fence to be installed around the parcel for the existing single family dwelling at the corner of Monterey Avenue and Soquel Drive (which is not otherwise a part of this application) will be constructed of the same materials and be otherwise identical in appearance to the fencing on the boundary of the subject property.
- 5. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Bauldry Engineering, dated 1/2003.
- 6. 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.
- 7. 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

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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. <u>Water Quality</u>: 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.
- Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
- 8. 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.
- 9. Prior to any Building Permit issuance on the parcels adjacent to the riparian corridor (Lots 2, 3 & 7 as shown on the Tentative Map), the owner/applicant shall record a Statement of Acknowledgement regarding the presence of the riparian corridor and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department and shall include statements that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- 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 letter dated 9/17/04 project approval dated February 21, 2008 by Diane Romeo including, without limitation, the following standard conditions:
    - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
    - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.

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C. A Homeowners Association shall be formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. CC&R's shall be sent furnished to the Planning Department and shall include the following, which are permit conditions:

- 1. All landscaping within the public right of way of Cypress View Court and Rochelle Lane shall be permanently maintained by the Homeowners Association.
- 2. All drainage structures, including silt and grease traps and detention facilities, shall be permanently maintained by the Homeowners Association.
- 3. 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.
- D. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval of the water agency.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. 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.
- F. All requirements of the Central Fire Protection District shall be met.
- G. Park dedication in-lieu fees shall be paid for six (6) dwelling units. These fees are currently \$800 per bedroom, but are subject to change.
- H. Child Care Development fees shall be paid for seven (7) dwelling units. These fees are currently \$109 per bedroom, but are subject to change.
- I. Transportation improvement fees shall be paid for seven (7) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- J. Roadside improvement fees shall be paid for seven (7) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.

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K. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. This agreement must include the following statements:

- 1. The developer shall provide one designated affordable unit for sale to moderate income households. The current sales price for a 3 bedroom unit (under the above described guidelines for a moderate income family) is \$259,918. This sales price assumes a family of four at 80 percent of median income, with \$150 per month Homeowners Association dues, and is subject to change.
- 2. The developer shall pay in-lieu fees for the fractional equivalent of .05 unit in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code. These fees are calculated as .05 of the average purchase price of the market rate homes.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
    - a. The construction of the proposed access road (Rochelle Lane) shall include a 40 foot right of way, as shown on the project plans, a 24 foot paved road section, and a 4 foot sidewalk on one side of the roadway. A Roadside/Roadway Exception is approved to vary from County Standards with respect to the width of the right of way from 56 feet to 40 feet, and the elimination of sidewalk on one side, and on-street parking spaces.
  - 2. Complete drainage details addressing project comments of David Sims dated June 21, 2007, 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.

Owner: John M Felice Jr. Trustee Etal

3. <u>Water Quality</u>: 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.

- 4. The proposed curb area along Monterey Avenue fronting on the subject property shall be painted red to indicate that parking is not allowed.
- M. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be overexcavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project.. The plan shall be submitted for review and approval by the Planning Department.
- IV. Prior to any site disturbance or physical construction on the subject property the following condition shall be met:
  - A. <u>Pre-Construction Meeting</u>: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.
- V. 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

Owner: John M Felice Jr. Trustee Etal

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. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated 1/2003). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- VI. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless

Owner: John M Felice Jr. Trustee Etal

the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "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.

## VIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and

Owner: John M Felice Jr. Trustee Etal

operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

## A. Mitigation Measure: Pre-Construction Meeting (Conditions IV.A)

1. Monitoring Program: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.

## B. Mitigation Measure: Water Quality (Conditions II.E.7.a, III.C.3, III.L.4)

- 1. Monitoring Program: To protect ground and surface water from degradation due to silt, grease, and other contaminants from paved surfaces, prior to approval of the improvement plans the applicant/owner shall modify the drainage plan to include a silt and grease trap to protect Noble Gulch. The traps shall be maintained according to the following monitoring and maintenance procedures:
  - a. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 each year, at a minimum interval of once per year.
  - b. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.

## C. Mitigation Measure: Tree Protection (Condition II.E.4.e.i - iii)

- 1. Monitoring Program: In order to ensure that the trees designated as remaining will be preserved in good health, prior to public hearing the following shall occur:
  - a. Revise the grading plan to show the tree protection fencing, fencing demarcating the riparian setback, and accurately located and numbered trees # 3,4,7,9-13,18 and # 16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the

APN: 037-191-29

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fifteen foot setback between the trees and any disturbance for the former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.

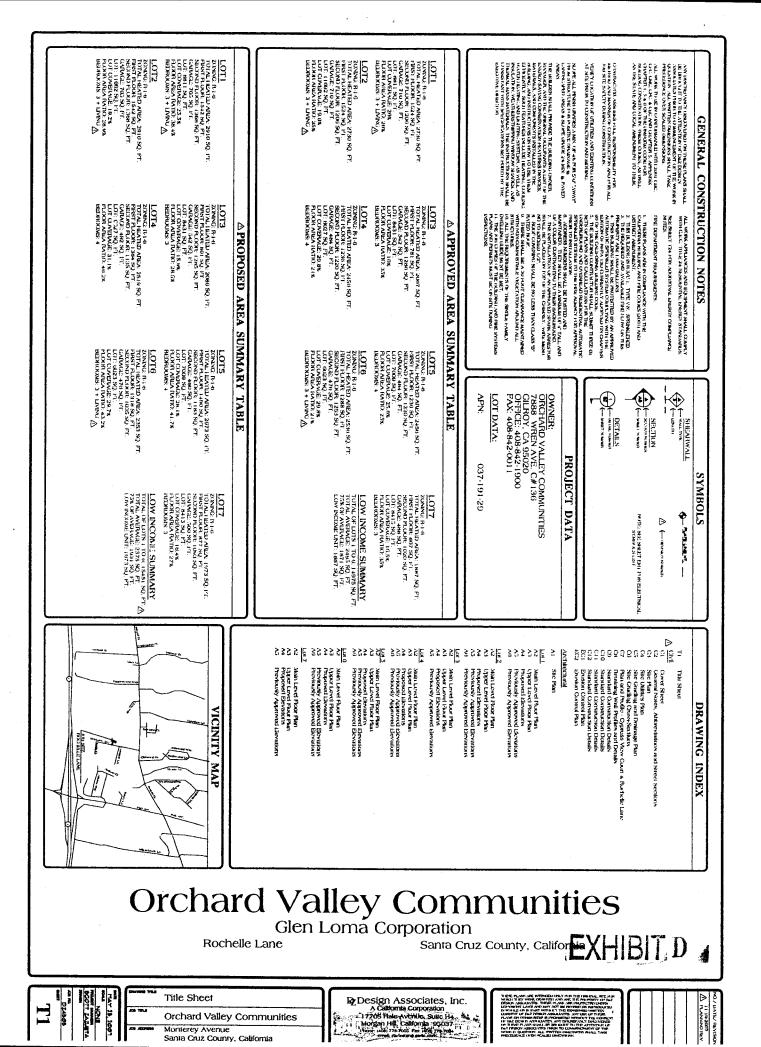
- b. Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
- c. The arborist shall review the revised grading plan and submit a letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be required prior to final inspection.

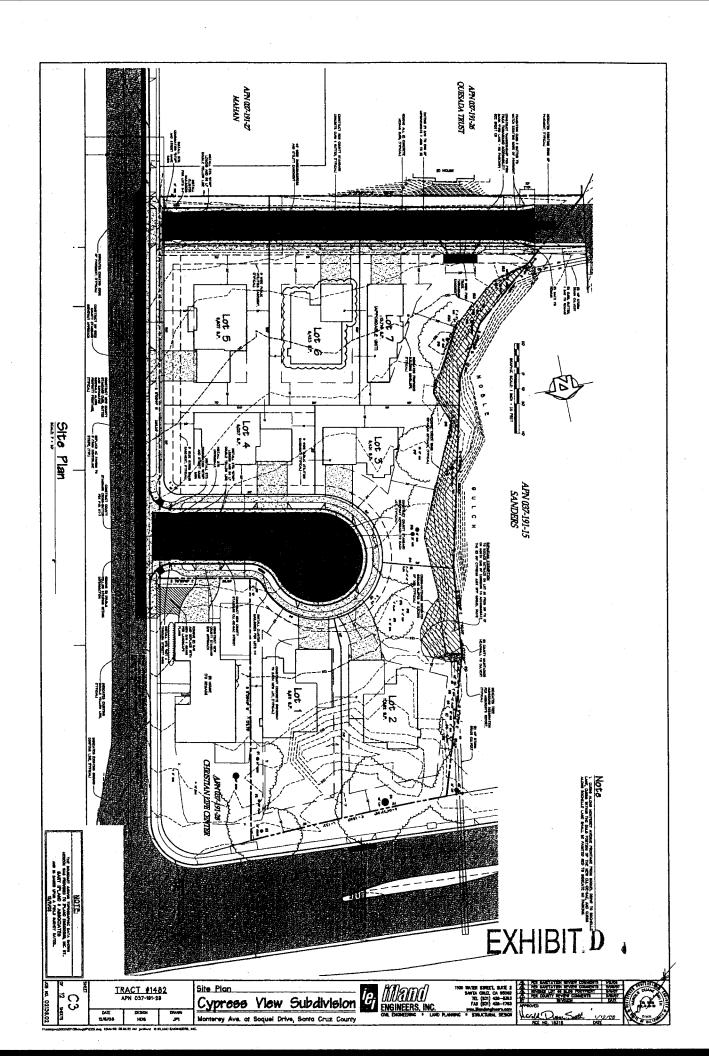
# AMENDMENTS TO THIS LAND DIVISION APPROVAL SHALL BE PROCESSED IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.

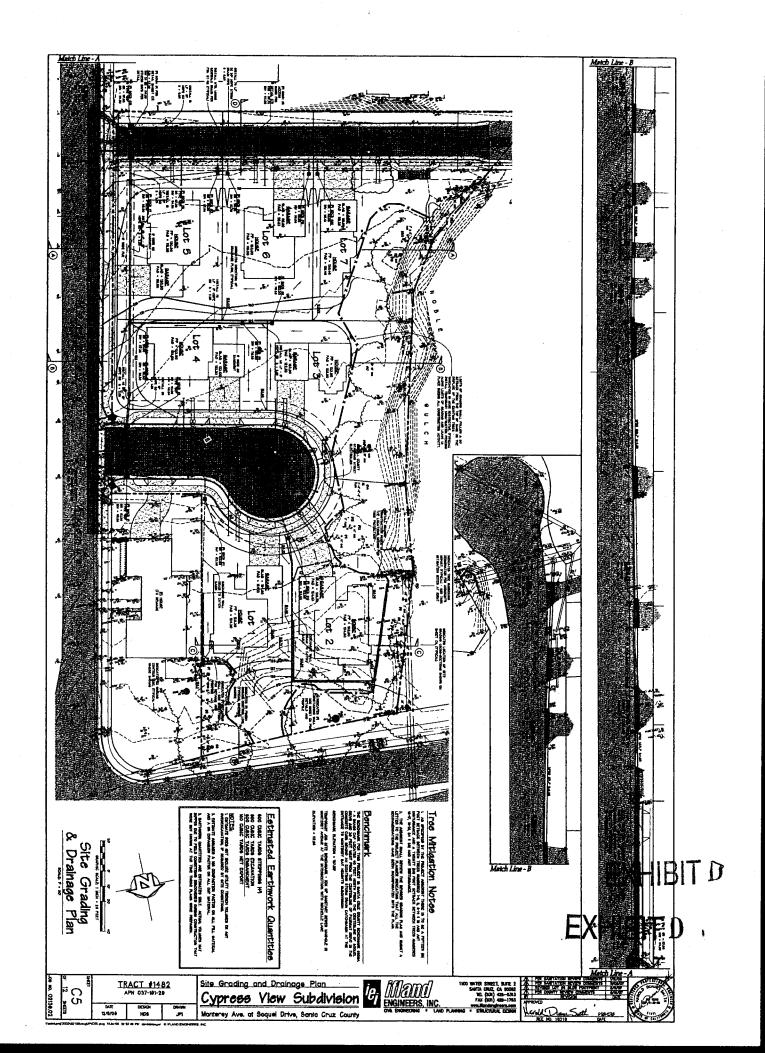
This Tentative Map is approved subject to the above conditions and the attached map, and expires 24 months after the 14-day appeal period. The Final Map for this division, including improvement plans if required, should be submitted to the County Surveyor for checking at least 90 days prior to the expiration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

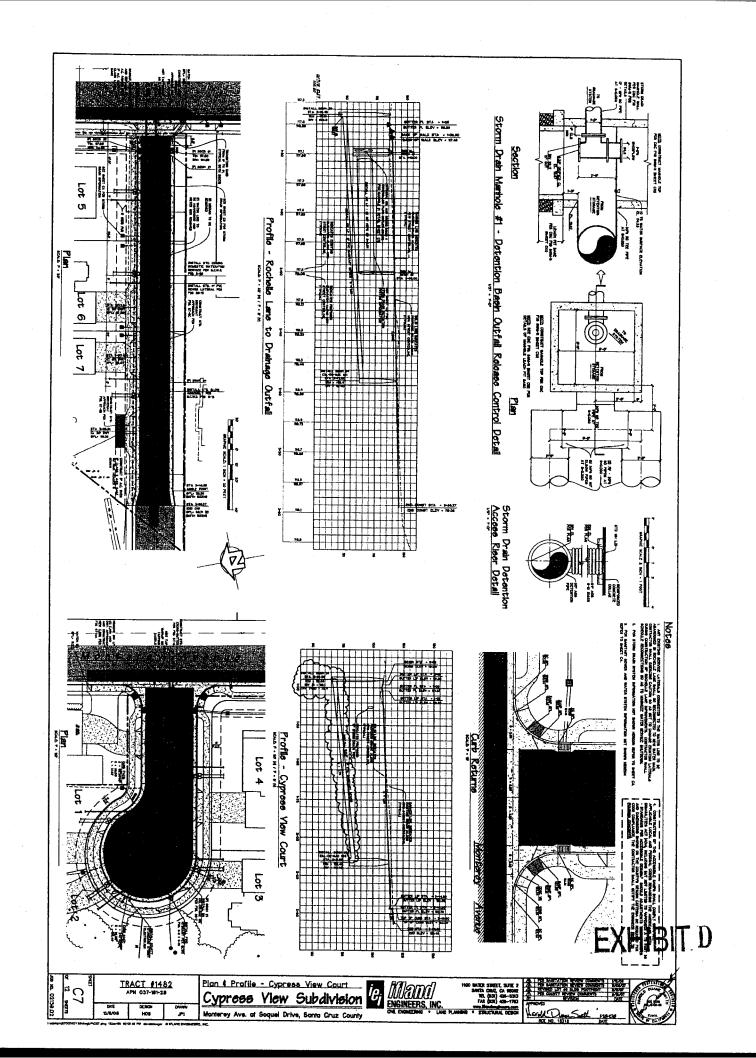
Approval Date:	
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Effective Date:	
Expiration Date:	·
Paia Levine	Sheila McDaniel
Principal Planner	Project Planner

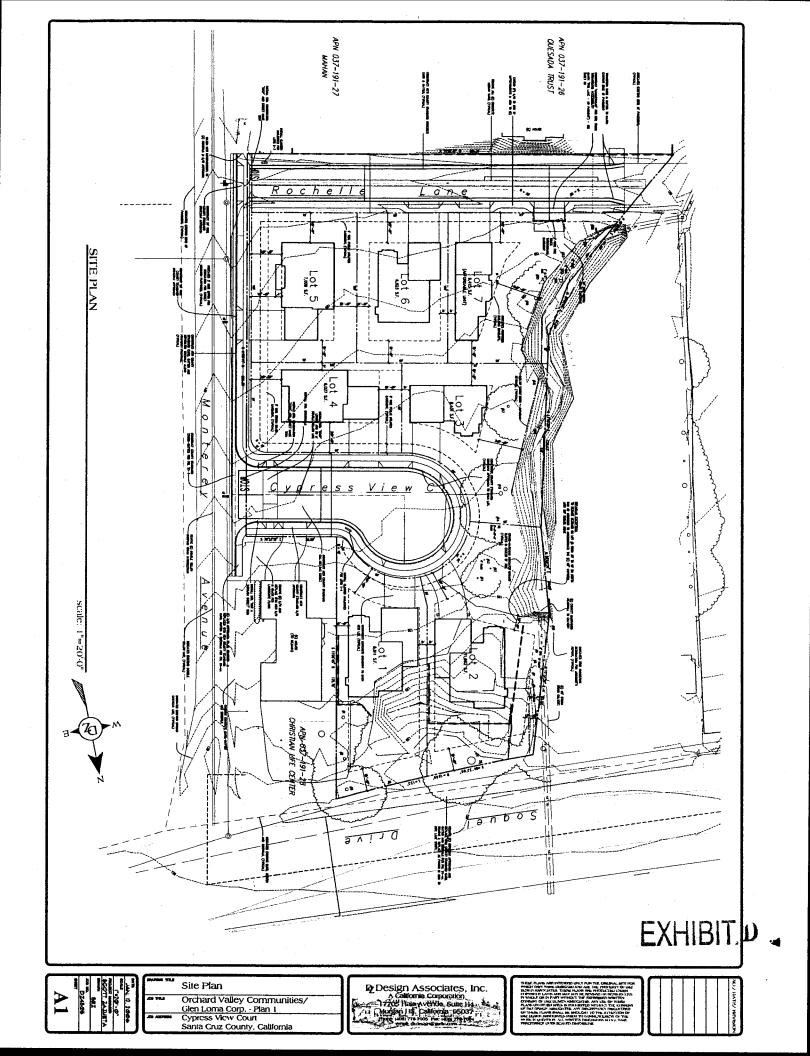
Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.











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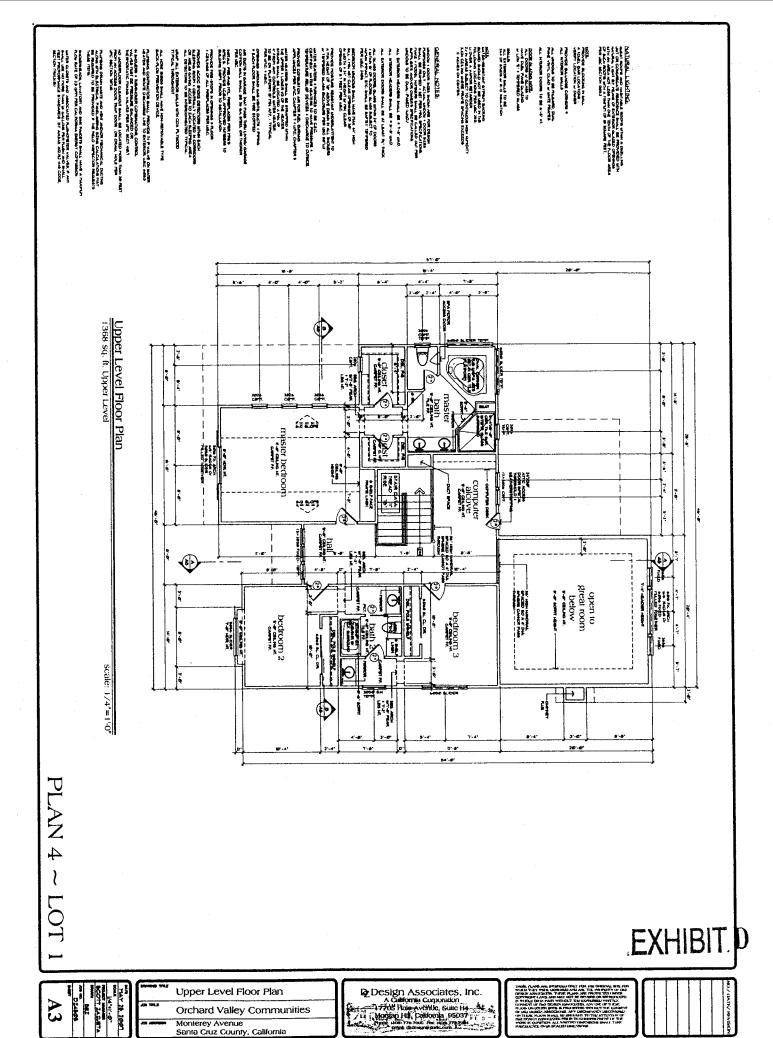
PLAN 4 ~ LOT 1

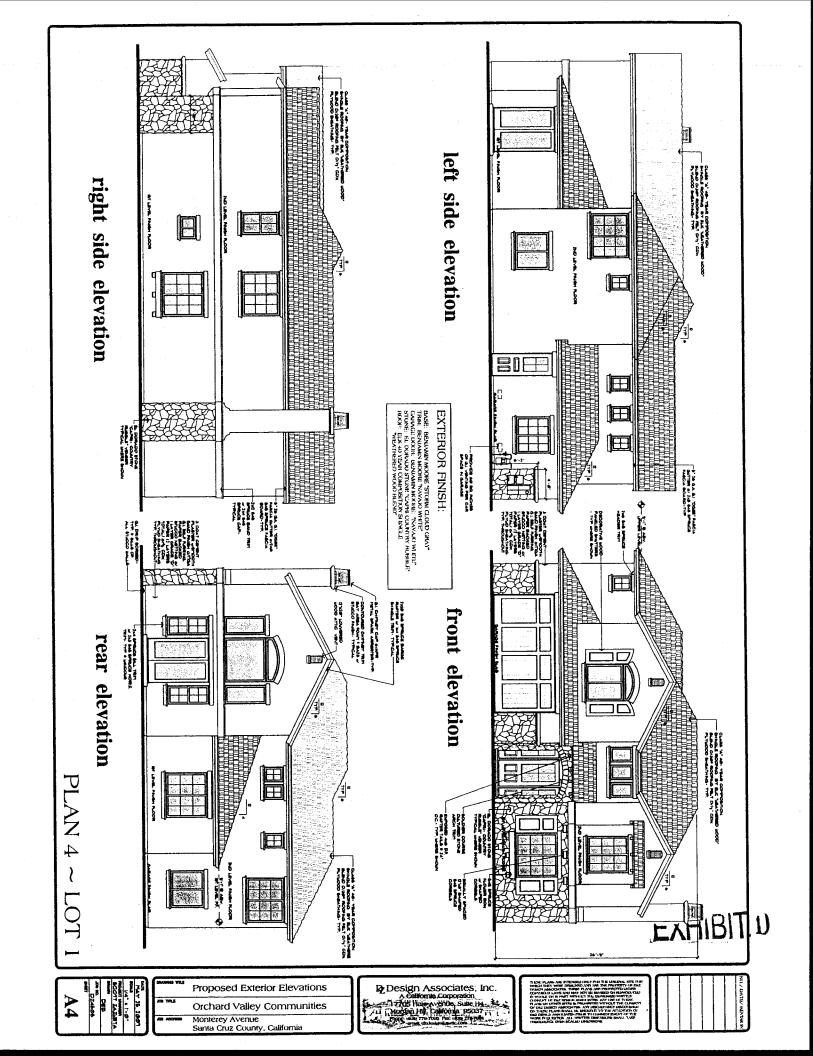
Main Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County

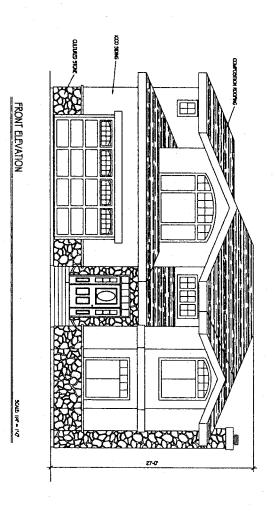


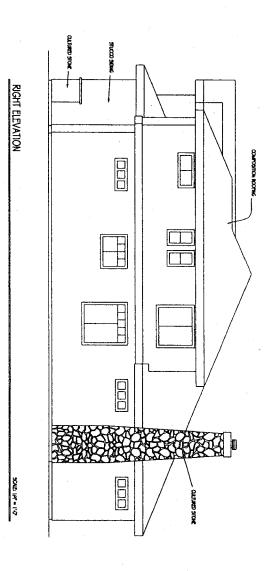
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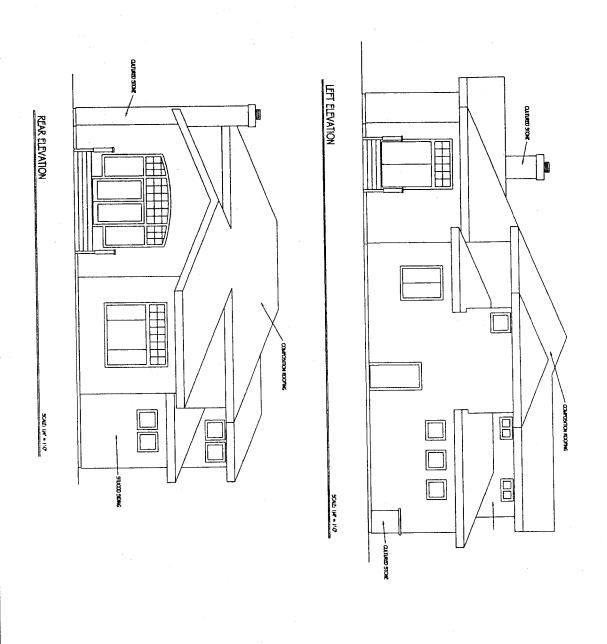
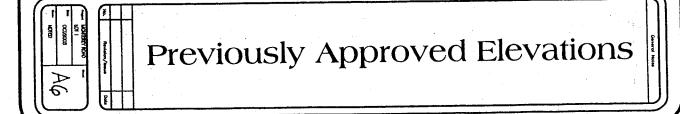
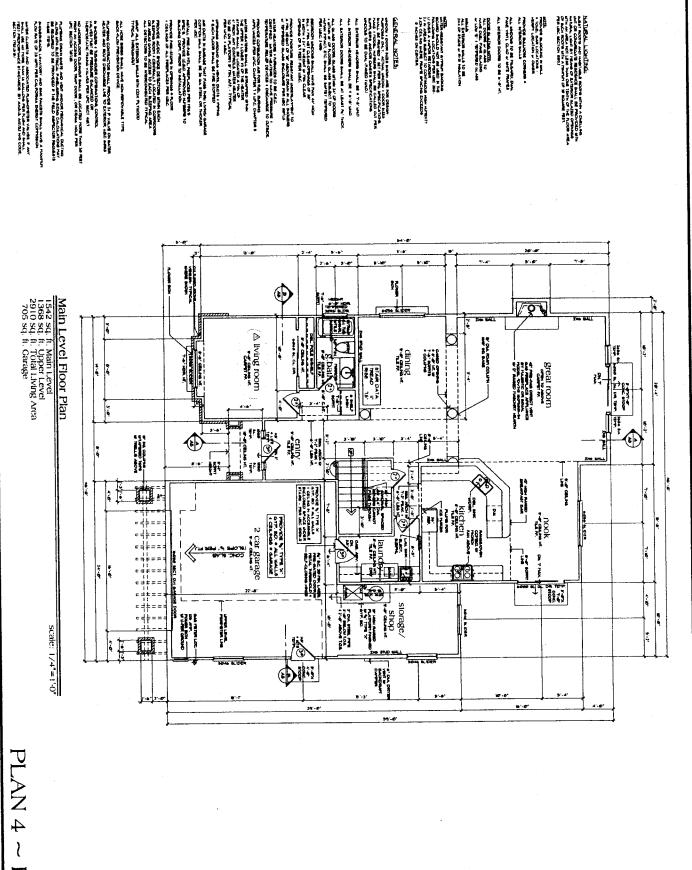


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**PLAN 4 ~ LOT 2** 

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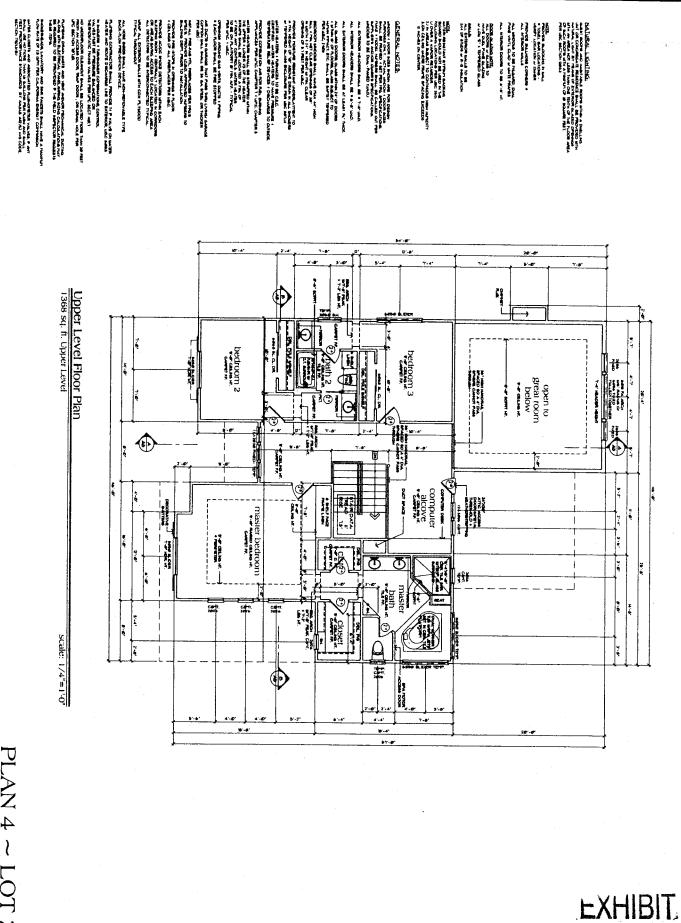
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A California Corporation
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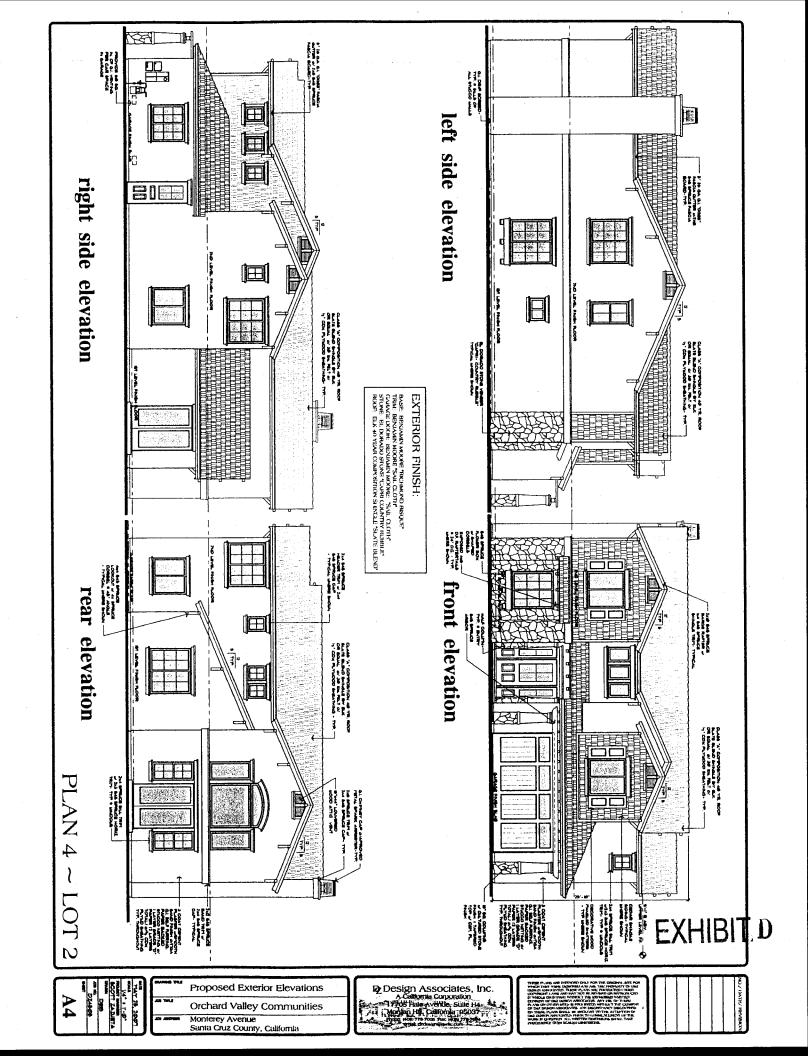
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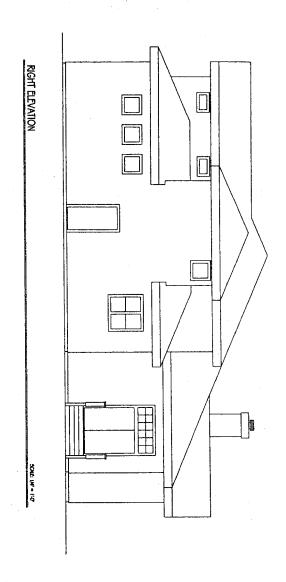
Upper Level Floor Plan

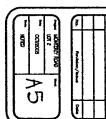
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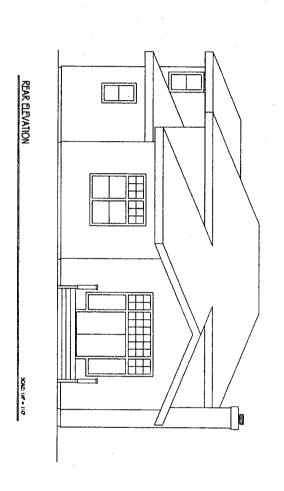
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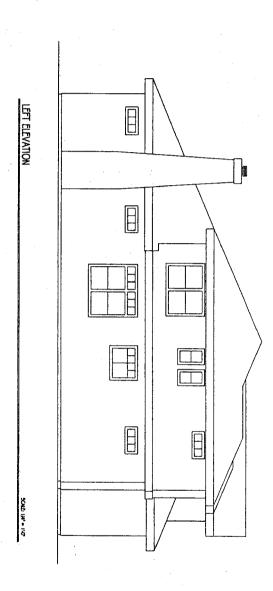




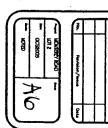


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Main Level Floor Plan 801 sq. ft. Main Level 1285 sq. ft. Upper Level 2085 sq. ft. Total Living Area 542 sq. ft. Garage

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Main Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County

PLAN 2 ~ LOT 3

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PLAN 2 ~ LOT 3

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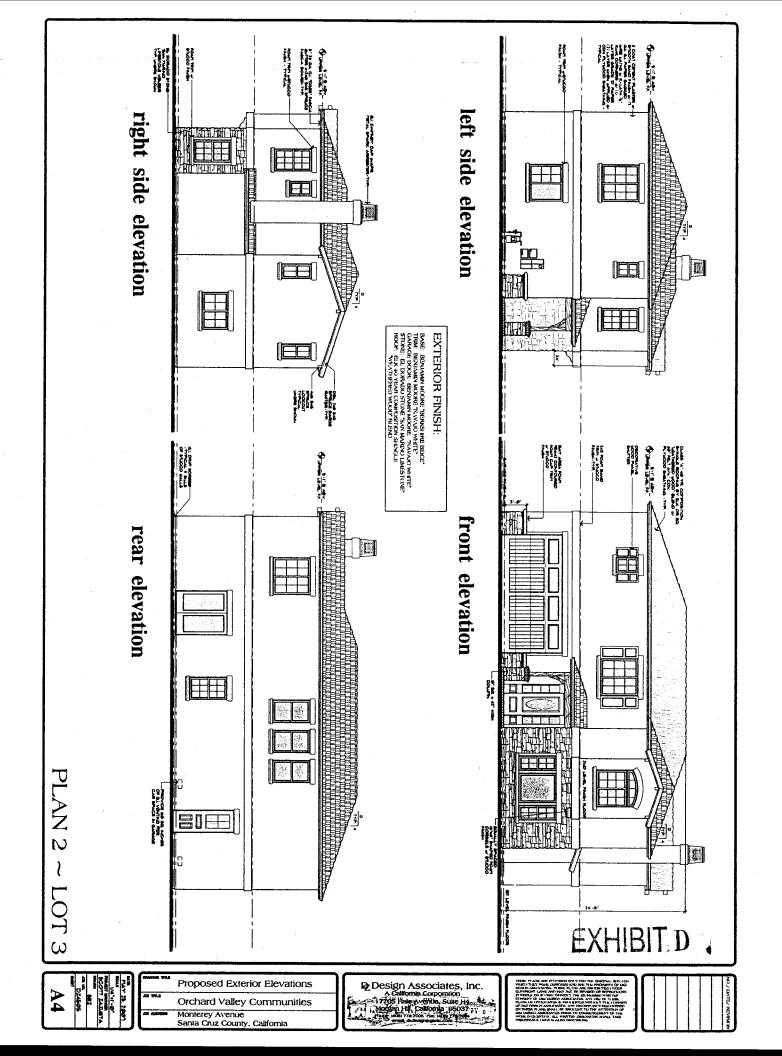
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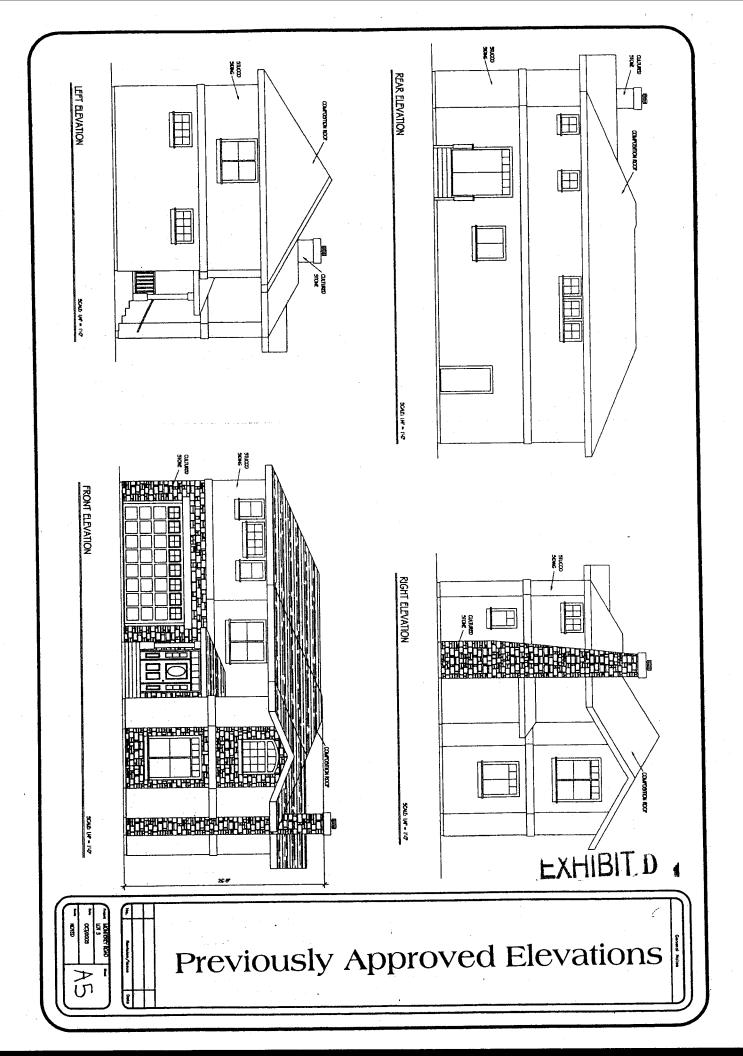
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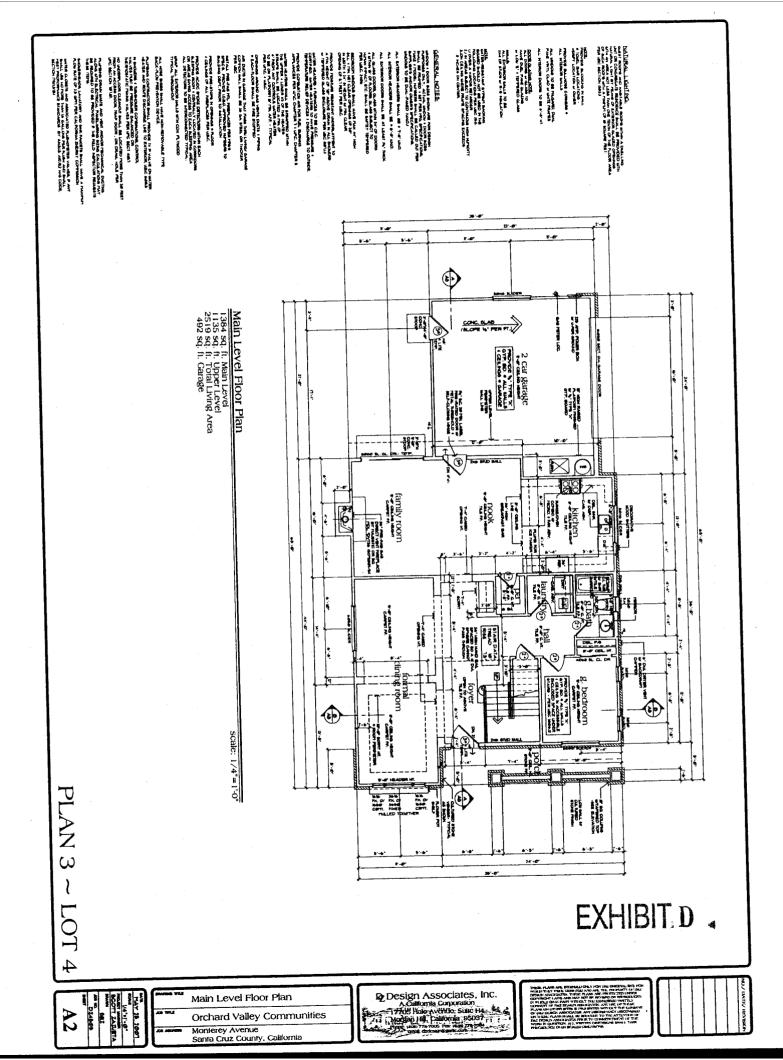












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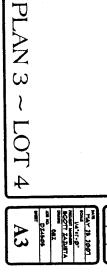
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Upper Level Floor Plan

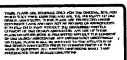
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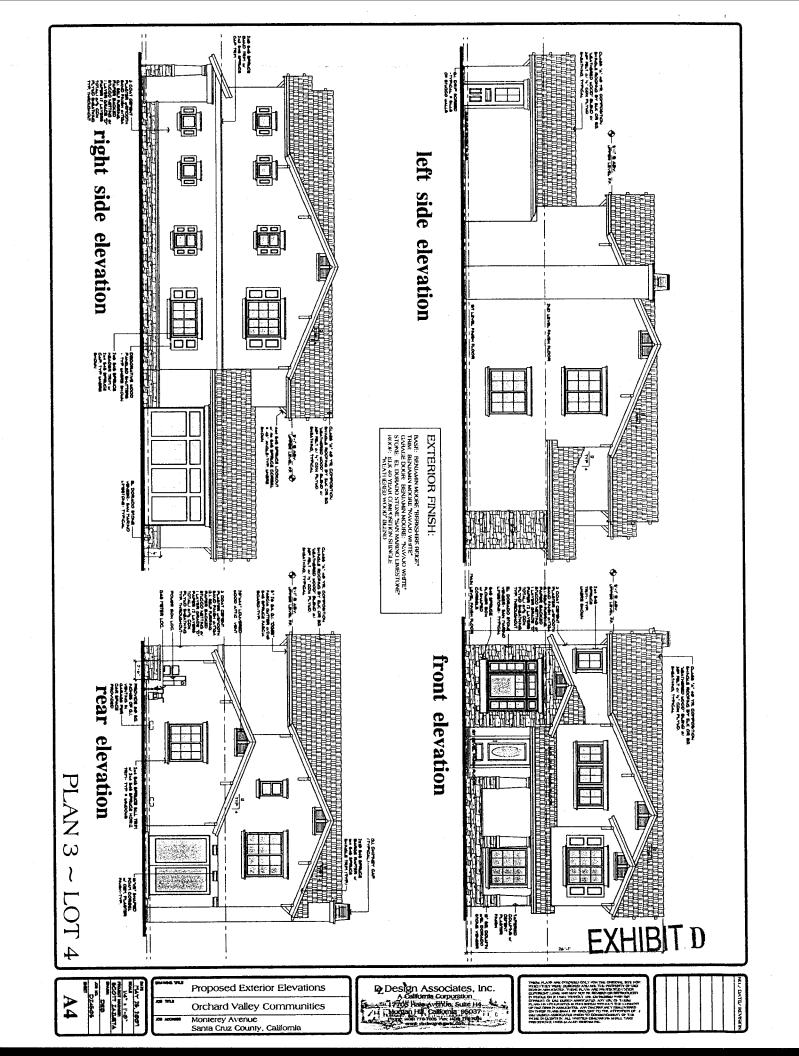
Upper Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County.

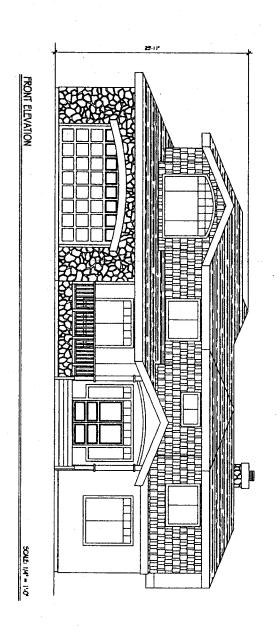
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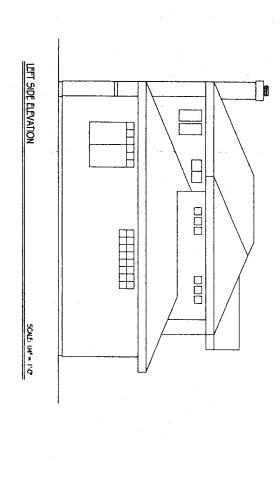






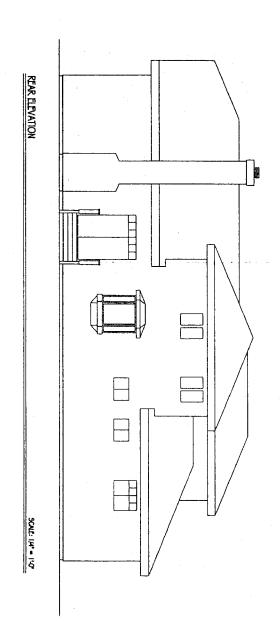








Previously Approved Elevations



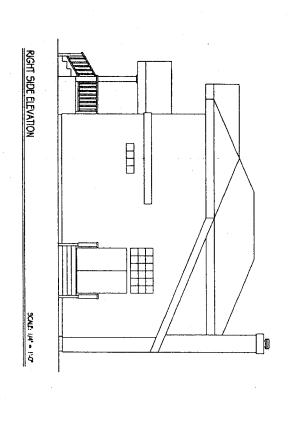
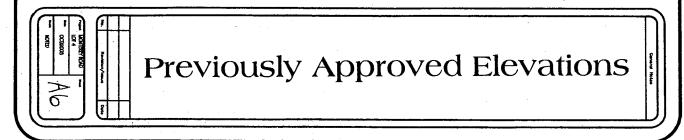
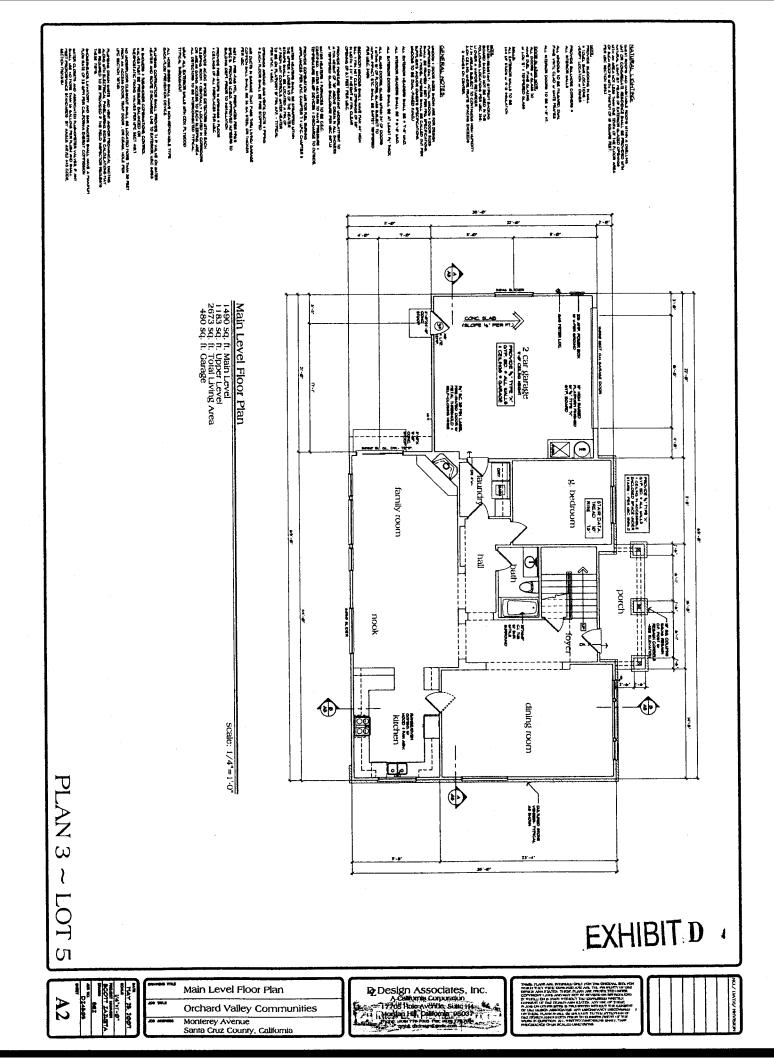


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Upper Level Floor Plan
1183 sq. ft. Upper Level

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EXHIBIT D

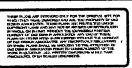


Upper Level Floor Plan

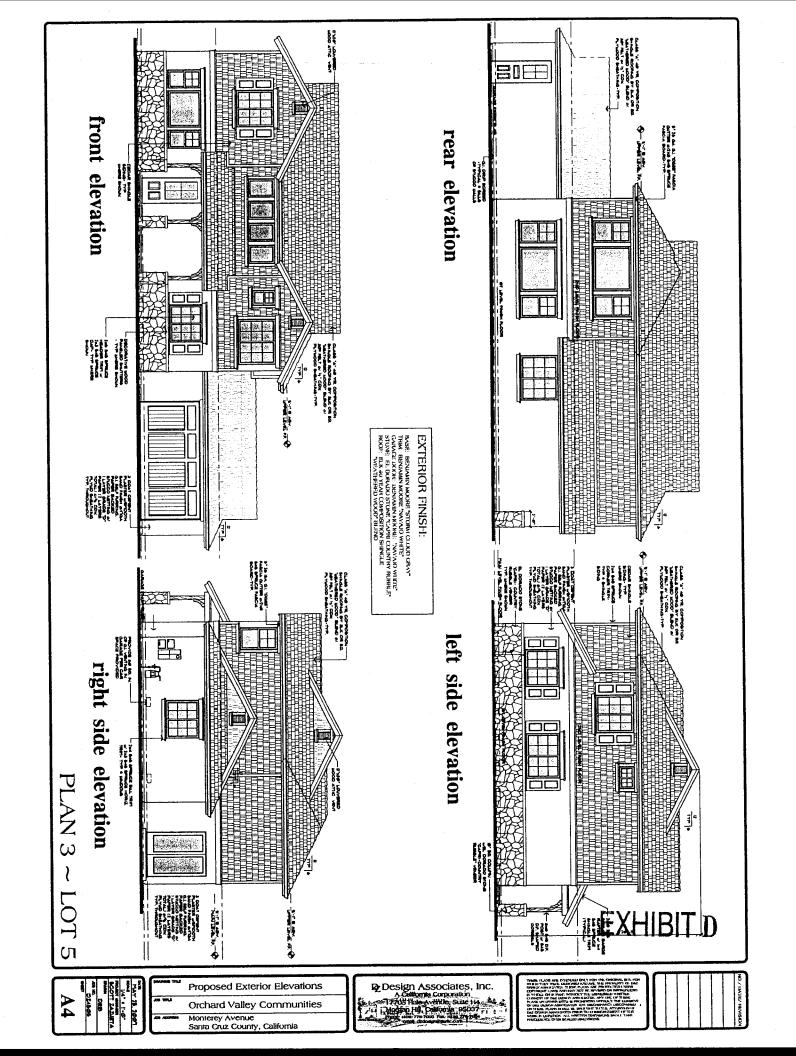
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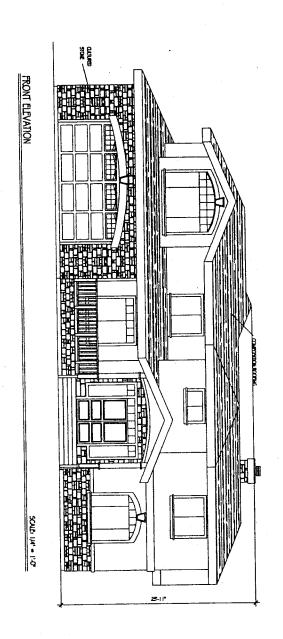
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Santa Cruz County, California

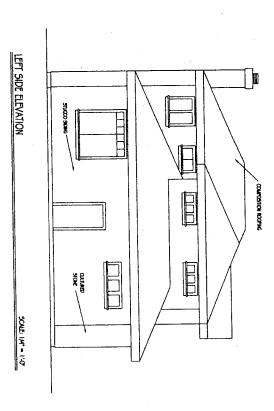


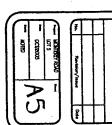




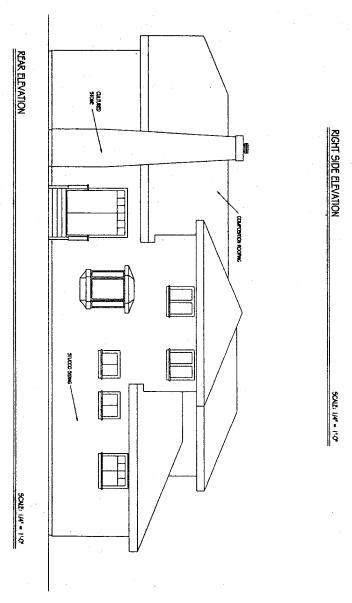


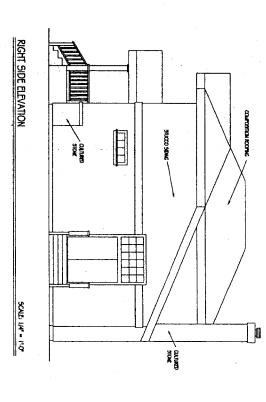


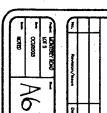




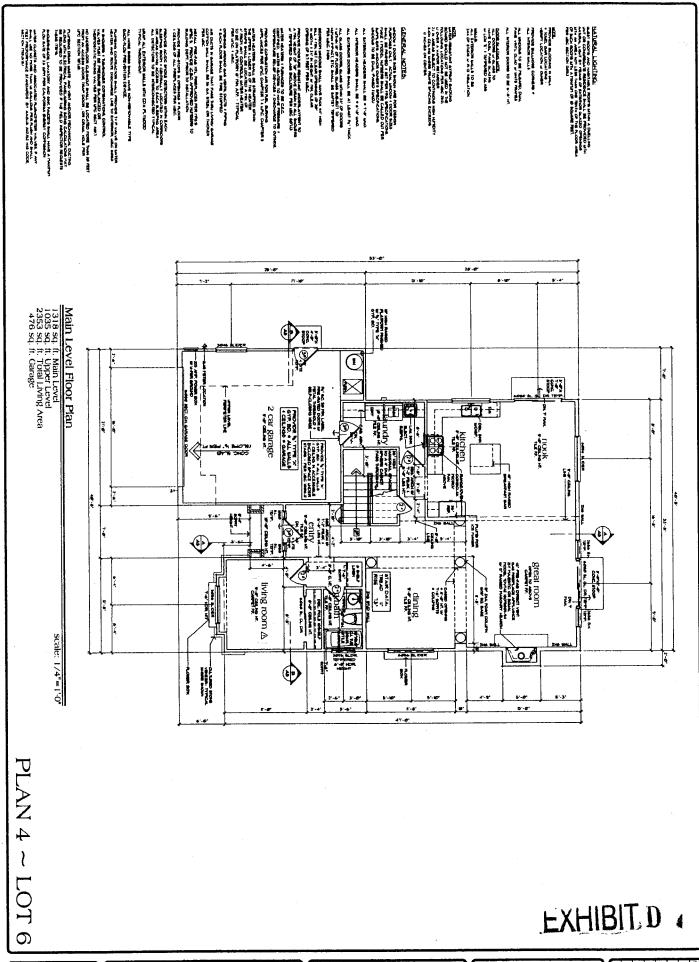
Previously Approved Elevations







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Previously Approved Elevations

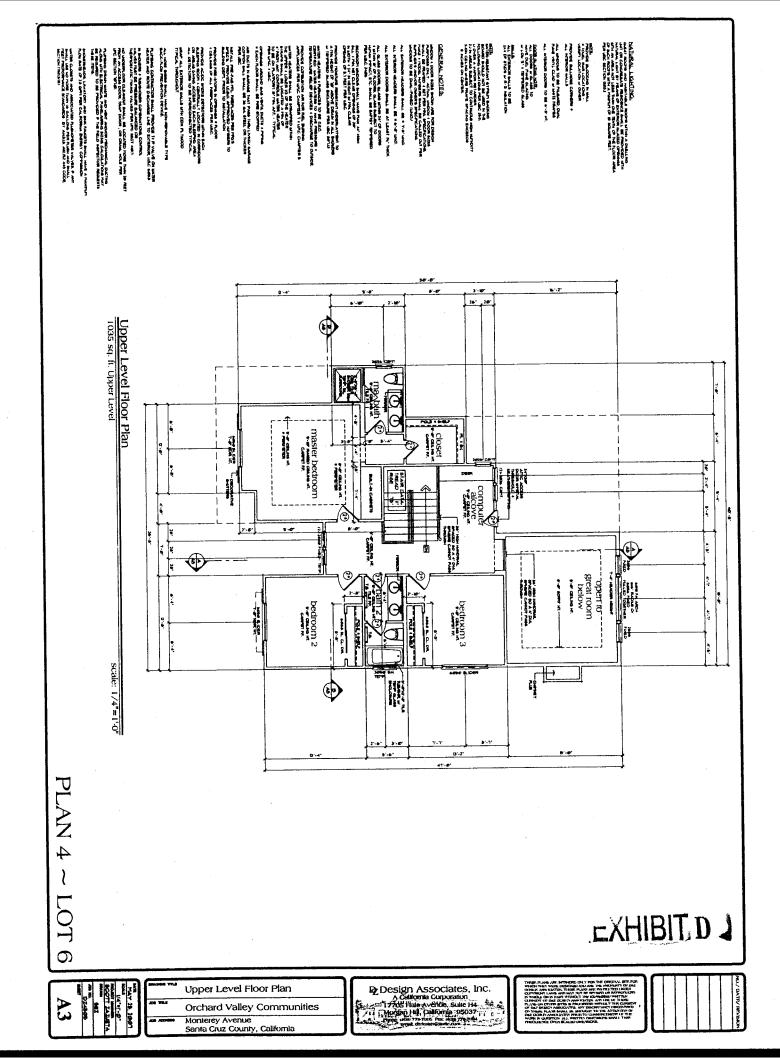


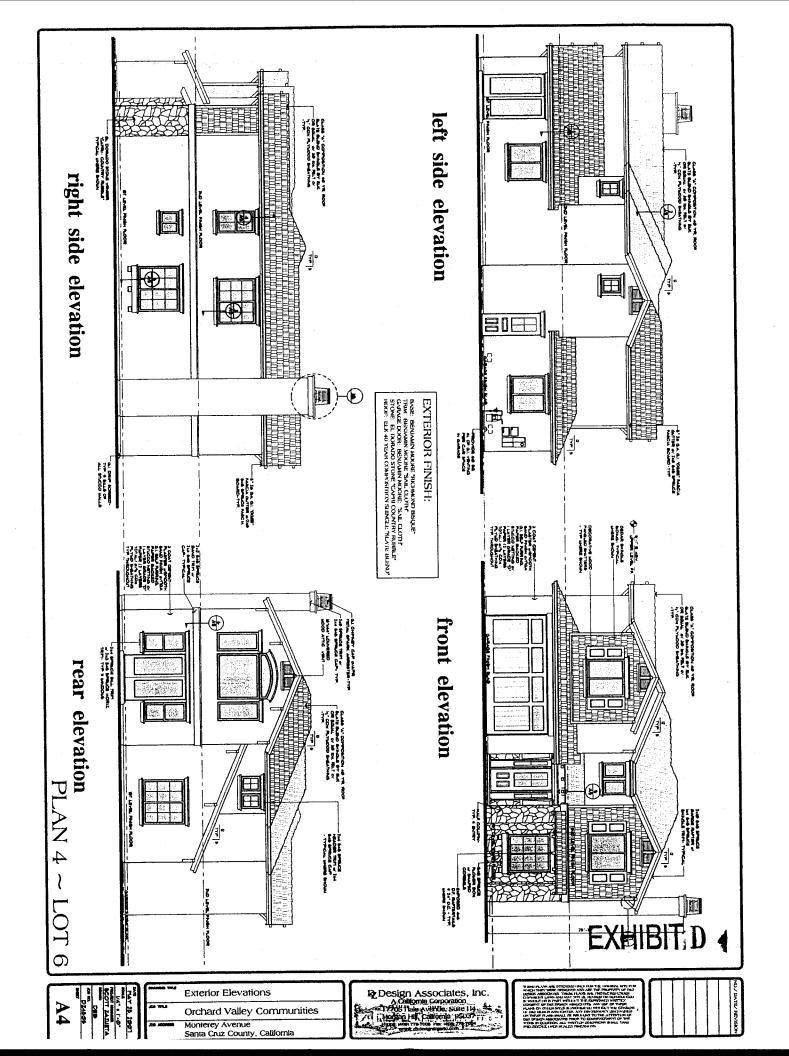
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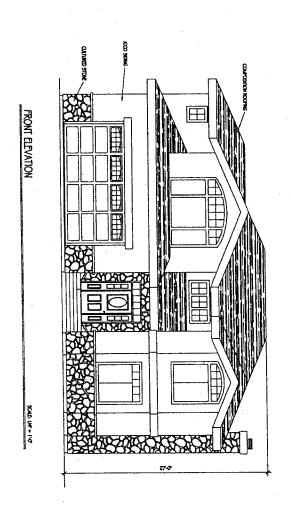
Main Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County, California

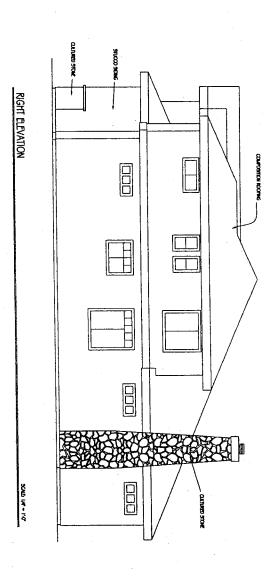
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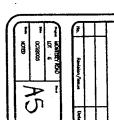
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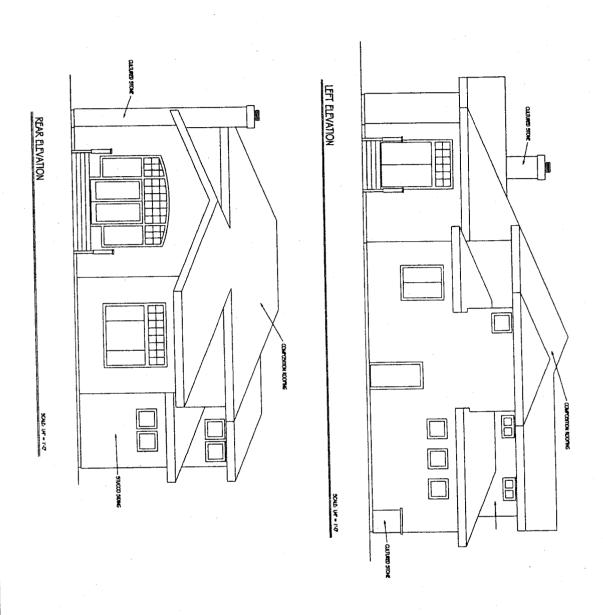


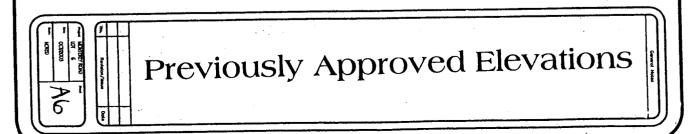


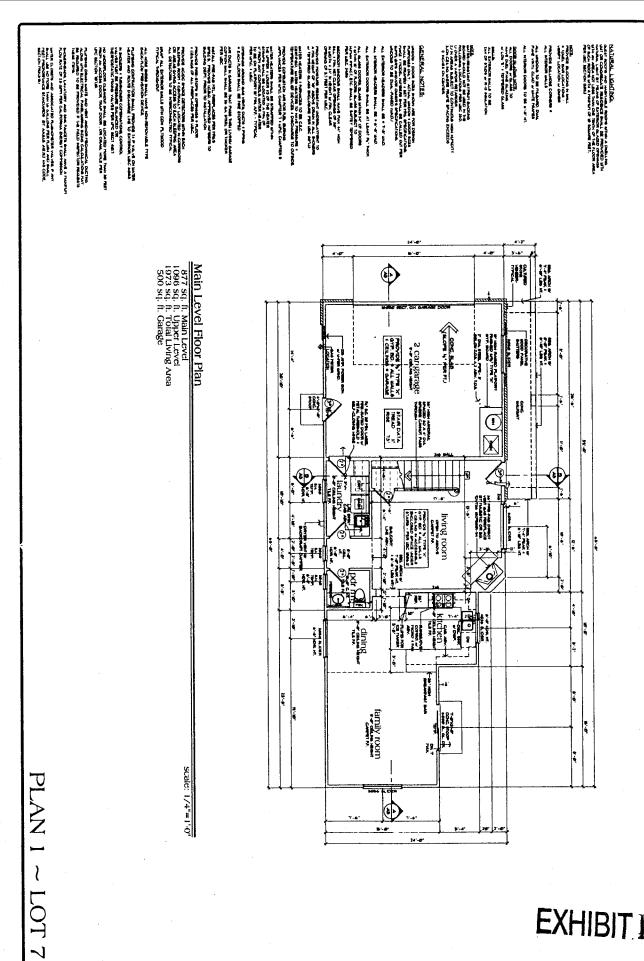




Previously Approved Elevations







PLAY 78. 2007 **A2** 

Main Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County,



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Upper Level Floor Plan 1096 sq. ft. Upper Level scale: 1/4"=1'-0"

PLAN  $1 \sim LOT 7$ 

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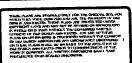
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EXHIBIT D

Upper Level Floor Plan Orchard Valley Communities Monterey Avenue Santa Cruz County, California



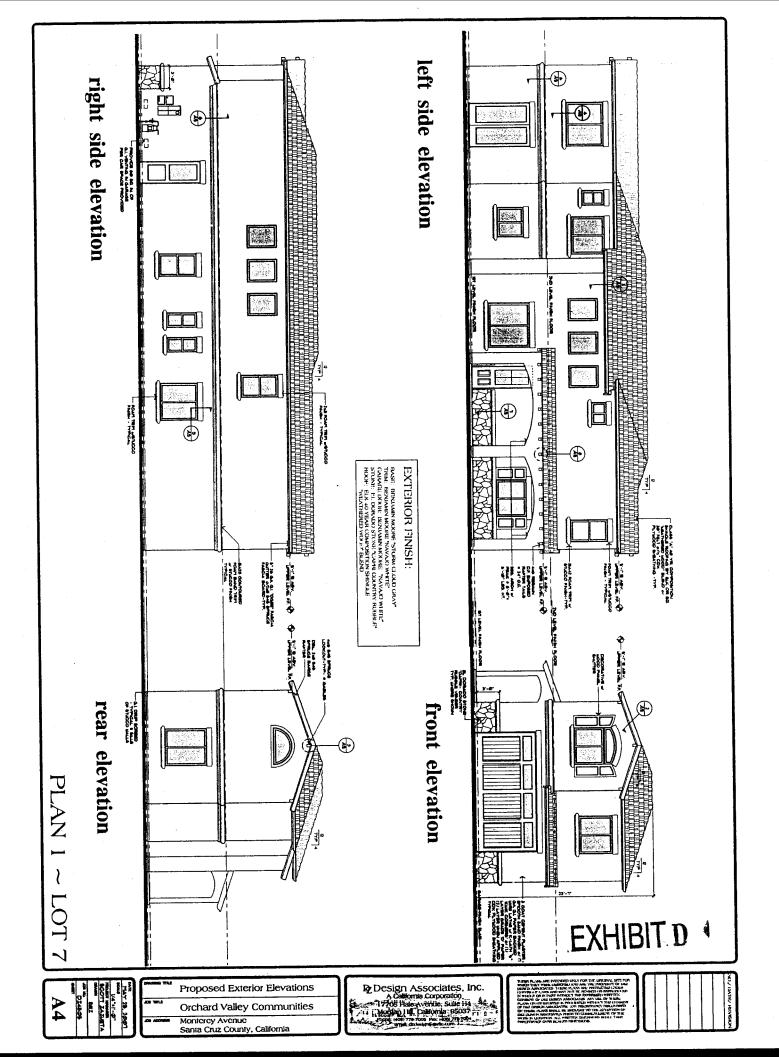


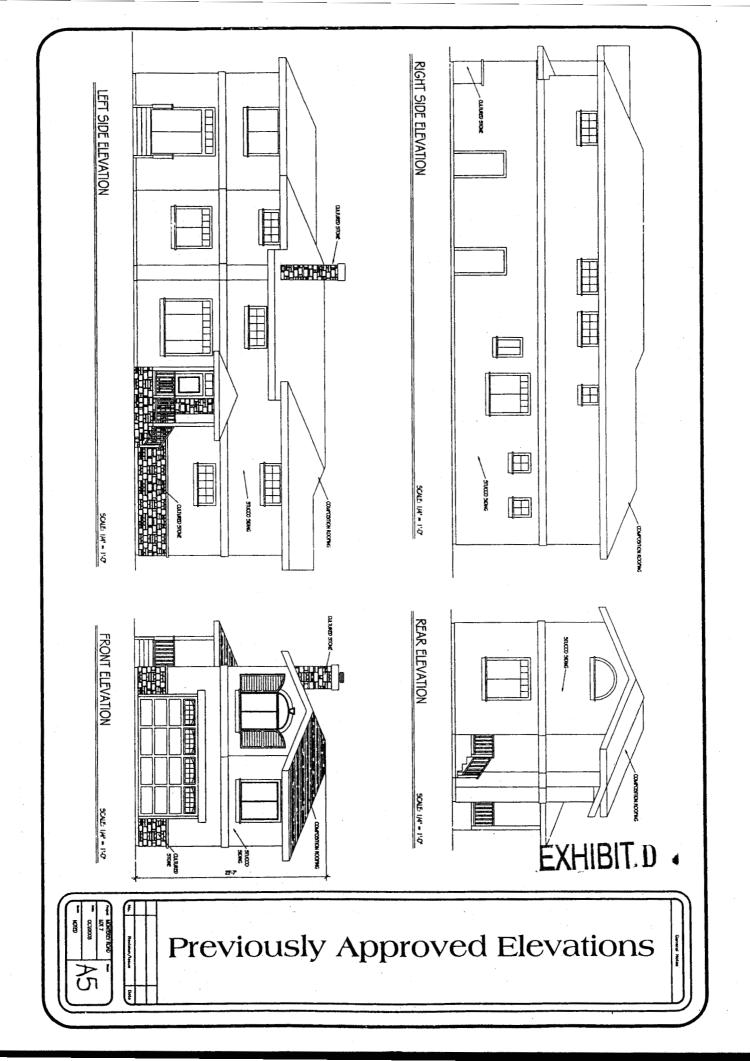
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## Design Associates, Inc.

17705 Hale Ave., Suite H4 Morgan Hill, CA 95037

Phone (408) 778-7005 FAX (408) 778-7004 Email: dzdesign@garlic.com www.dzdesignassocjates.com

November 15, 2007

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

Re:

APN: 037-191-29

Application Number: 07-0265

Project Address:

Monterey Avenue and Soquel Drive, Santa Cruz, Ca

To Whom It May Concern:

The following is a summary of the architectural modifications made to this project from the original approval.

- 1. Plan 3 (Lot 4) has been replaced with a new plan, but the original footprint and exterior finishes are maintained. The entry door on Lot 4 has been relocated from Cypress View Court to Monterey Avenue, but the driveway has maintained its original approved location.
- 2. Plan 3 (Lot 5) has been replaced with a new plan, but the entry location and the driveway location have been maintained.
- 3. Per the request of the Planning Department, the original elevations for Lots 4 and 5 switched lots.
- 4. The original approved square footages for these units were inaccurately indicated on the approved set, which is why the square footage numbers on the proposed summary table indicate an increase from the originally approved plans.
- 5. The original approved floor plans and elevations for Lots 4 and 5 were approved in the wrong orientation. I have corrected this on the new plans.

Respectfully

Śćotł///azueta

Vice/President/Secretary D&Z Design Associates, Inc.

EXHIBIT E

## **INTEROFFICE MEMO**

**APPLICATION NO: 07-0265** 

Date:

June 4, 2007

To:

Randall Adams, Project Planner

From:

Larry Kasparowitz, Urban Designer

Da.

Review of architectural redesign at Cypress View Court, Santa Cruz

The revised designs have been improved over the approved designs.

Elements which have been added or reworked which add to the design quality include:

- Garage doors are more appropriate for house style.
- Shutters added to some windows.
- Decorative vents at gables shown.
- Sill shown at windows.
- Decorative elements added to chimney.
- Outriggers added to gables.
- Stone used only at base.
- Columns given added thickness and historical detailing.
- Contoured "belly band" used for interest.

#### COUNTY OF SANTA CRUZ DISCRETIONARY APPLICATION COMMENTS

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

**APN:** 037-191-29

Date: March 4, 2008

Time: 08:29:50

Page: 1

#### Dpw Drainage Completeness Comments

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

The proposed plan is approved for discretionary stage stormwater management review. Please see miscellaneous comments for items required to be addressed before recording the final map and improvement plans. ======= UPDATED ON DECEMBER 18, 2007 BY DAVID W SIMS ========

No apparent changes to the plans for stormwater/drainage issues.

#### Dpw Drainage Miscellaneous Comments

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

Item 1) The calculation package was received unbound, unstamped, unsigned, apparently with work from two separate engineering firms with these contributions not well identified, with pages out of order and perhaps some of them missing. The table of contents did not match with the various unnumbered pages. Full review could not be assured, and the work has not been accepted. Please resubmit the entire calculation package with these problems corrected. Clearly identify the engineer(s) responsible for all portions of the calculations.

- Item 2) The silt and grease trap function is to be separated from the orifice outlet control function. The trap should be placed upstream of the detention chamber and outlet control system.
- Item 3) Please provide a reference for the design coefficient that matches the horizontal placement of the orifice plate. This positioning will submerge the contraction of the orifice jet, affecting free discharge and typical performance.
- Item 4) The offsite pipeline design along Monterey Ave. must be completely performed on the County standard spreadsheet Fig. SWM-6, including the hydrology. An on-line version is available: http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/CountyDesignCriteriaWebpag eSupportInformation.pdf
- Item 5) The pipe exiting catch basin #11 at the upper end of the offsite pipe line must exit on a straight alignment, or be offset with a manhole provided to make the alignment turn.
- Item 6) Civil sheet C5 still shows grading work along the stream bank where the prior pipe outfall was planned. The Architect's sheet A1 still shows a 10 foot easement in the same location that is no longer needed.
- Item 7) The retaining wall sub-drains may not be directly connected to the gutter flow line along Cypress View Ct. due to the potential for long term seepage and moss formation in the gutter. Discharge these lines to landscape or to the underground -

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

APN: 037-191-29

Date: March 4, 2008

Time: 08:29:50

Page: 2

pipe system.

Item 8) Plans must clearly indicate the method of discharge of roof runoff. The method must be compatible with the requirements to provide on-site control of small storms by BMP methods.

Item 9) The 5 foot storm drain easement on lots 4 and 5 is not fully shown.

Item 10) The 36 foot storm pipe segment under the entrance to Cypress View Ct must be 18" diameter if the cul-de-sac will be offered for dedication to the County, and there are not any utility conflicts that would prevent this size.

Item 11) Sheet C7. Detention pipe slope is not shown consistently in the various views.

Item 12) Sheets C9 and C10 contain out of date references to CDC figures. (SD-xx vs. SWM-xx) Please use current figures.

Item 13) A maintenance agreement for the detention system and silt and debris trap will need to be recorded and copies provided to Public Works.

The applicant is required to meet all additional comments made during review of plans before recording the final map and improvement plans.

A drainage impact fee will be assessed on the net increase in impervious area. The fees are currently \$0.95 per square foot, and are assessed upon permit issuance. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

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 DECEMBER 18, 2007 BY DAVID W SIMS ======== NO COMMENT

#### **Dpw Sanitation Completeness Comments**

No. 1 Review Summary Statement, App. No. 07-0265, APN: 37-191-29:

The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF

EXHIBITE

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

APN: 037-191-29

Date: March 4, 2008

Time: 08:29:50

Page: 3

Policy Compliance Items:

Item 1) This review notice is effective for one year from the issuance date 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 availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

#### Information Items:

Item 1) A complete engineered sewer plan, addressing all issues required by District staff and meeting County -Design Criteria- standards (unless a variance is allowed), is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

Sheet C12- Add Sanitation General Note No. 19.

Sheet C6 - Unclear cross section locations.

Sheet C4 and C7 - Replace cleanout with manhole.

Sheet C7 - Connection of proposed sewer mains to existing public main shall done per above shelf connection. See Fig. SS-4 and revise invert elevations and slopes.

Sheet C10 -Figs. SS-2A, 4, 10 and 12 have been revised. Fig. SS-2B needs to be resized. Use current details (available on site listed above).

Final map shall include both rights of way as P.U.E.s for District maintenance access.

Provide finish floor elevations for backflow prevention device requirements d note which lots require its installation.

The applicant shall deposit \$1,000 with the Planning Department for District-s discretionary permit review for this project.

Please see miscellaneous comments.

Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160. No. 2 Review Summary Statement, App. No. 07-0265, APN: 37-191-29:

The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: http://www.dpw.co.santa-

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

**APN:** 037-191-29

Date: March 4, 2008

Time: 08:29:50

Page: 4

cruz.ca.us/DESIGNCRITERIA.PDF

Policy Compliance Items:

Item 1) This review notice is effective for one year from the issuance date 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 availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

#### Information Items:

Item 1) A complete engineered sewer plan, addressing all issues required by District staff and meeting County -Design Criteria- standards (unless a variance is allowed). is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

The only sheets submitted for this second application review were C3, C5 and C7.

Sheet C5 - Show existing sewer main and manhole #155 at southern end of Monterey Avenue. Include profile of sewer main crossing if applicable.

Sheet C5 and 7 - Replace cleanout with manhole per Section D - Design of Sewer Systems in the County-s Design Criteria. The Sanitation Distr has added

requirements contained in -Standard Manhole Frame and Cover- and note shall added to plans that the manholes that are proposed to be constructed for this project shall meet District requirements for standardized frame and cover.

Sheet C5 and C7 - Connection of proposed sewer mains to existing public main shall be done per above shelf connection. See Fig. SS-4 and revise invert elevations and slopes. Additional manhole shall be constructed at connection of proposed sewer main in Rochelle Lane to the existing sewer main in Monterey Avenue (i.e. connecting to existing sewer utilizing existing manhole will not be allowed).

Note on plan that Lot 4 shall require the installation of backflow or overflow prevention device.

Item2) Attach an approved (signed by the District Engineer and Public Works Director) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvement prior to submission for building permits. Failure to obtain approval for sewer improvement plan at the discretionary permit phase will cause delay in receiving final map approval until improvement plants E proval is obtained.

Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160. ===== UPDATED ON DECEMBER 13.

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

**APN:** 037-191-29

Date: March 4, 2008

Time: 08:29:50

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The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition, and also lacks sufficient information for complete evaluation. The District/County Sanitation Engineering and Environmental Compliance sections cannot recommend approval of the project as proposed.

Reference for County Design Criteria: http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF

#### Policy Compliance Items:

Item 1) This review notice is effective for one year from the issuance date 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 availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

#### Information Items:

Item 1) A complete engineered sewer plan, addressing all issues required by District staff and meeting County -Design Criteria- standards (unless a variance is allowed), is required. District approval of the proposed discretionary permit is withheld until the plan meets all requirements. The following items need to be shown on the plans:

On final map, Rochelle Lane shall offer an easement to the district for sanitary sewer purposes or it shall be offered as a public utility easement.

Sheet C2: Note 29 is not current. Contact District staff for most current copy of District-s General Notes. (The General Notes are also found on Sheet C4 with same, none current language in Note 19). Sheet C4: Remove note in intersection of Rochelle Lane and Monterey Avenue that refers to -21 l.f. sewer-.- Upstream manhole in Rochelle Lane shall be a standard manhole per Fig. SS-4 (remove reference to cul-desac manhole-) and relocate lateral connection to sewer main. In Note 2, the new details for the manhole frame and cover should be referenced as Fig. SS-23 and SS-24.

Sheet C5: Upstream manhole in Rochelle Lane shall be a standard manhole per Fig. SS-4 (remove reference to cul-de-sac manhole-) and relocate lateral connection to sewer main.

Sheet C7: For proposed manhole connection in intersection of Cyprest X ten Burt End Monterey Avenue, revise

elevation (W In) to reflect above shelf connection per SS-4 and revise slope of sewer main. Sheet C10: Omit Fig. SS-10 Standard Cleanout since none will be in-

Project Planner: Sheila Mcdaniel

Application No.: 07-0265

**APN:** 037-191-29

Date: March 4, 2008

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stalled.

Item2) Attach an approved (signed by the District Engineer and Public Works Director) copy of the sewer system plan to the building permit submittal. A condition of the development permit shall be that Public Works has approved and signed the civil drawings for the land division improvement prior to submission for building permits. Failure to obtain approval for sewer improvement plan at the discretionary permit phase will cause delay in receiving final map approval until improvement plan approval is obtained.

There are no miscellaneous comments.

No. 4 Review Summary Statement; PN: 37-191-29; Appl. No. 07-0265 :

Reference for County Design Criteria: http://www.dpw.co.santacruz.ca.us/DESIGNCRITERIA.PDF

Completeness Items:

The sewer improvement plan submitted for the 4th routing for the subject project is approved by the District with the addition of current note number 19 of District-s General Notes. Future changes to these plans shall routed to the District for review to determine if additional conditions are necessitated by changes. All changes shall be highlighted as plan revisions and changes may cause additional requirements to meet District standards. There are no miscellaneous comments.

#### Dpw Sanitation Miscellaneous Comments

Attach an approved (signed by the District) copy of the sewer system plan to the building permit submittal.

Any questions regarding the above Miscellaneous comments should be directed Diane Romeo of the Sanitation Engineering division at (831) 454-2160. ======== UPDATED ON DECEMBER 14, 2007 BY DIANE ROMEO =========

====== UPDATED ON FEBRUARY 21, 2008 BY DIANE ROMEO ====== There are no miscellaneous comments.

EXHIBIT.E

## **COUNTY OF SANTA CRUZ**

Planning Department

## **MEMORANDUM**

Date: March 4, 2008

To: Sheila McDaniel

From: Matthew Johnston, Deputy Environmental Coordinator

Re: Monterey Avenue Subdivision Amendment application 07-0265

After review of the previous CEQA document and conditions of approval for application 04-0092, the Environmental Coordinator has found that the changes in drainage improvements proposed in application 07-0265 do not meet the definition of "substantial revision" as defined in section 15073.5.b of the CEQA guidelines. The mitigations in place to address contaminated storm water are essentially the same, as all runoff will be treated prior to discharge into Noble Gulch. Off site improvements on Monterey Avenue will result in improving water quality by catching and treating more road runoff than proposed in the approved project. The rerouting of drainage away from a direct discharge into Noble Gulch also eliminates impacts on the riparian corridor. Per section 15073.5.c of the CEQA guidelines, no further CEQA action is required.

#### Sheila McDaniel

From:

Matt Johnston

Sent:

Tuesday, March 04, 2008 4:28 PM

To:

Sheila McDaniel

Subject:

CEQA and that old Neg Dec

### 15073.5. Recalculation of a Negative Declaration Prior to Adoption.

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- (b) A "substantial revision" of the negative declaration shall mean:
- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
- (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
- (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
- (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- (d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.



Noble Gulch memo.doc

EXHIBIT, E



# COUNTY OF SANTA CRUZ

0483 Randa

#### PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

April 29, 2005

AGENDA DATE: June 7, 2005

Board of Supervisors County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060

Subject:

PUBLIC HEARING TO CONSIDER APPLICATION NO. 04-0092, A

PROPOSAL TO DIVIDE A PROPERTY TO CREATE SEVEN NEW PARCELS AND CONSTRUCT SEVEN NEW TWO-STORY SINGLE FAMILY DWELLINGS

Members of the Board:

The applicant has proposed a Subdivision to create seven new residential parcels and to construct seven new two story single family dwellings. The proposed land division will require a Rezoning of the southern portion of both parcels to achieve a consistent parcel configuration throughout the project. This public hearing has been set to consider this proposal.

#### Discussion

#### Project Setting

The subject property is located in the Soquel Planning Area on the west side of Monterey Avenue near the intersection with Soquel Drive, with a portion of the property fronting on Soquel Drive. The project site is characterized by mostly level terrain, with some steep slopes down to Noble Gulch, which is an intermittent stream that runs along the west boundary of the project area.

Land uses surrounding the project site include single-family residential development to the east, south, and west of the site, and a mixture of single and multi-family development to the north. A church facility is located west of the site across Noble Gulch.

## General Plan and Zoning Consistency

The subject property has a General Plan land use designation of R-UL (Urban Low Density Residential). The objective of the R-UL land use designation is to provide areas for low density residential development that are suitably located with respect to the level of existing urban services and the existing pattern of development within the County. The proposed development will be within the allowed density range of the Urban Low Density Residential (R-UL) General Plan land use designation of the subject property.

The two parcels included in this application have a split zoning, with the northern portion of both parcels located in the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district and the southern portion of both parcels located in the R-1-9 (Single Family Residential - 9,000 square foot minimum) zone district. The rezoning of the southern portion of these two parcels to the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district will be consistent with the current zoning of the northern portion both parcels and will be necessary to facilitate the proposed development. If the rezoning were not included as a component of this development, the split zoning of the southern portion would result in an unusual configuration of residential development with varying parcel sizes in a small area. The rezoning of the southern portion of APN 037-191-15 has been included to avoid the isolated island of R-1-9 zoning that would result if APN 037-191-29 was the only parcel to be rezoned. The proposed rezoning of both parcels is considered as appropriate due to the character and pattern of surrounding residential development.

# Subdivision

The intent of this project proposal is to divide the project site into seven new residential parcels. The proposed land division will be consistent with the density range of the R-UL General Plan land use designation, in that the proposed parcels are configured in a manner that is consistent with the surrounding pattern of development. Access to the proposed development will be off of Monterey Avenue and two access roads (Cypress View Court & Rochelle Lane). The proposed new access road (Cypress View Court) will be dedicated to the County after road improvements have been installed by the developer. Two of the proposed parcels will be accessed via an existing road (Rochelle Lane) and this roadway will require a Roadway/Roadside Exception to allow a reduced pavement width and a sidewalk on the side of the road fronting on the new parcels.

Seven new single-family dwellings are proposed to be constructed on the new parcels. The new homes will be two stories in height and range in size from approximately 1,900 to 2,700 square feet. The homes will include two car garages and front porches. Proposed building materials include shingle and stucco siding, white vinyl windows, composition shingle roofs and a variety of wood and rock trim around windows, doors and on the front facade of the homes. The proposed home sizes and architectural details will be consistent with the newer single-family residential development in the surrounding area.

# Planning Commission Recommendation

The Planning Commission discussed the application at a public hearing and received testimony from the project applicant. The Planning Commission recommended this application for approval and requested that the following items be added as conditions prior to this item being heard by your Board:

• Include a requirement that the replacement fencing for the adjacent existing single family dwelling match the fencing proposed for the subdivision.

# Fencing of Adjacent Parcel

The applicant has proposed to replace the fencing for the adjacent parcel (APN 037-191-28) where a single family dwelling exists. The requirement that this replacement fencing must match the fencing installed for the proposed subdivision has been added to the recommended conditions for this project, per the Planning Commission request. (Attachment 3 – Condition II.E.4.f)

# Conclusion

All required findings can be made to approve this proposal. The project is consistent with the General Plan in that the rezoning is appropriate due the surrounding pattern of residential development, and the proposed land division is compatible with the existing intensity of land use in the surrounding area. The project, as conditioned, will not have a significant effect on the environment.

# RECOMMENDATION

It is therefore, RECOMMENDED that your Board, based on the attached Findings (Attachment 2) and subject to the attached Conditions (Attachment 3), take the following actions:

- 1. Consider public testimony;
- 2. Certify the Mitigated Negative Declaration as complying with the requirements of the California Environmental Quality Act (Exhibit D to Attachment 5);
- 3. Adopt the attached Ordinance (Attachment 1) amending Chapter 13.10 of the Santa Cruz County Code that Rezones the property indicated from the R-1-9 zone district to the R-1-6 zone district; and
- 4. Approve Subdivision, Residential Development Permit, Roadway/Roadside Exception, and Riparian Exception No. 04-0092.

Tom Burns

Sincerelly

Planning Director

**RECOMMENDED:** 

SUSAN A. MAURIELLO

County Administrative Officer

EXHIBIT F

TB:CG:ra\G:\Board Letters\Pending

Board of Supervisors Agenda June 7, 2005 Public Hearing on Application No. 04-0092 Page 4 of 4

# Attachments:

- 1. Ordinance Amending Chapter 13.10 of the County Code
- 2. Findings
- 3. Conditions
- 4. Planning Commission Resolution No. 04-05
- 5. Planning Commission Staff Report, 4/27/05 agenda date
- 6. Planning Commission Minutes, 4/27/05 public hearing
- 7. Neighborhood Petition, 4/16/05 meeting
- cc: Dee Murray
  David & Kathleen Manning
  Larry & Margaret Sanders

O	RD	TNA	NCE	NO	

# ORDINANCE AMENDING CHAPTER 13 OF THE SANTA CRUZ COUNTY CODE CHANGING FROM ONE ZONE DISTRICT TO ANOTHER

The Board of Supervisors of the County of Santa Cruz ordains as follows:

# **SECTION I**

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the property located on the southwest corner of the intersection of Monterey Avenue and Soquel Drive (5650 Soquel Drive & adjacent vacant parcel); finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16 of the County Code have been complied with by the preparation and approval of a Mitigated Negative Declaration for the project.

#### SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan Amendment as described in Section III, and adopts their findings in support thereof without modification as set forth below:

- 1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
- 2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
- 3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

# **SECTION III**

Chapter 13.10, Zoning Regulations of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

Assessor's Parcel Number	Existing Zone District	New Zone District	
037-191-15 (part)	R-1-9	R-1-6	
037-191-29 (part)	R-1-9	EXHIBIT F	

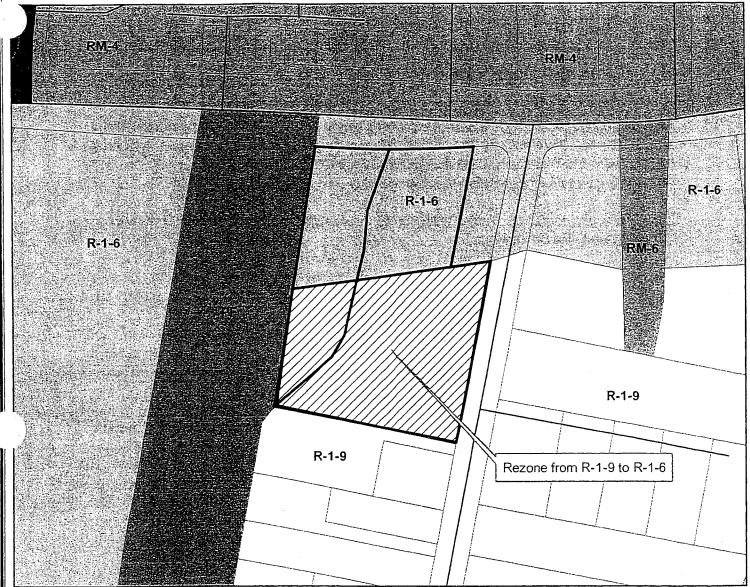
# SECTION IV

This ordinance	shall take	e effect on the 3	1 <sup>st</sup> day af	ter the date of fu	nal passage.		
PASSED AND County of Santa	ADOPT a Cruz by	ED THIS	day o	f	2005, by the Bo	ard of Supervisors of the	пе
AYES: NOES: ABSENT: ABSTAIN:	SUPER SUPER	VISORS VISORS VISORS VISORS					
				Tony Campos Chairman of the	ne Board of Sup	pervisors	
ATTEST:Cle	erk of the	e Board	_				
APPROVED .	AS TO	FORM:					
Assistant Cou	nty Cou	disel					
Exhibit: Rezo	ning Ma	ар			•		
DISTRIBUTI	ON:	County County Planning-Catl		es			

Assessor County GIS

EXHIBIT.F.





# Legend APNs 037-191-15, -29 Streets Assessors Parcels R-1-6 PF R-1-9

Area to be rezoned

RM-4



Map Created by County of Santa Cruz Planning Department March 2005

58

Application #: 04-0092 APN: 037-191-15, 29 Owner: David & Kathleen Manning

0490

# **Rezoning Findings**

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan; and,

This finding can be made, in that the project site has an Urban Medium Density Residential (R-UL) General Plan land use designation. The proposed R-1-6 (Single Family Residential 6,000 square foot minimum) zone district will be appropriate to achieve consistency with the surrounding pattern of residential development.

2. The proposed zone district is appropriate of the level of utilities and community service available to the land; and,

This finding can be made, in that the project site is within the Urban Services Line (USL) and is presently served by all public utilities. Adequate capacity exists for each utility to serve the existing and proposed residential development.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made, in that the surrounding parcels are all residentially zoned and the public interest would be better served through rezoning this split-zoned parcel to one zone district to allow an internally consistent residential development on the subject property. The proposed R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district will be consistent with the existing pattern of residential development.

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

0491

# **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, will be consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed 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, with the rezoning of the subject property, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for residential development,



0492

and the proposed parcels are properly configured to allow development in compliance with the required site standards. No environmental resources exist which would be adversely impacted by the proposed development.

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

This finding can be made, in that the riparian resource on the west side of the project site will be adequately protected through development setbacks and tree protection measures. No other mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

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

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

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

This finding can be made, in that no easements are known to encumber the property, other than the 40 foot wide right of way (Rochelle Lane) which will be retained and improved as a component of this development.

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

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

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

This finding can be made, in that the structures are sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

EXHIBIT F

Application #: 04-0092 APN: 037-191-15, 29 Owner: David & Kathleen Manning

0493

# **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.

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 use of the property will be residential in nature and lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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 division of land, its design, and its improvements, are consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed structures are consistent with the character of similar developments in the surrounding neighborhood.

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

Application #: 04-0092 APN: 037-191-15, 29 Owner: David & Kathleen Manning

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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 expected level of additional traffic generated by the proposed project is anticipated to be only 7 peak trips per day (1 peak trip per new dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the project site is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the structures are sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

0495

# Roadway/Roadside Exception Findings

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

This finding can be made, in that the character of the existing and proposed development does not require full improvements to be installed on the existing access road along the southern portion of the subject property (Rochelle Lane). The design of this roadway varies from the County Design Criteria in terms of width and improvements. Two new residential parcels will be accessed off of the existing access road (Rochelle Lane). The street will be located within an existing 40-foot right-of-way and is planned as a 24-foot road section and a 4-foot sidewalk on the north side fronting the proposed new homes. This a Roadway/Roadside Exception is considered as appropriate due to the lack of residences on the opposite side of the access roadway and an adequate amount of parking within the driveways of the proposed parcels. This access road requires an exception to County Local Street Standards. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping.

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

EXHIBIT F



Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that the only location for a properly functioning drainage outlet is within the riparian corridor down-slope from the proposed development.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made, in that a Riparian Exception is necessary to allow a properly functioning drainage outlet on the subject property.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made, in that proper erosion control methods will prevent impacts to water quality downstream or on the project site.

4. That the granting of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

Not applicable. The project is not located in the Coastal Zone.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program land use plan.

This finding can be made, in that the proposed project will provide residential housing, and will provide protection of the riparian habitat through site-sensitive design, erosion control and revegetation.

EXHIBIT F

Owner: David & Kathleen Manning

# **Conditions of Approval**

0497

# Land Division 04-0092

Tract No.: 1482

Applicant: Dee Murray

Property Owner: David & Kathleen Manning

Assessor's Parcel Number(s): 037-191-29

Property Address and Location: Southwest corner of Monterey Avenue & Soquel Drive.

Planning Area: Live Oak

# Exhibits:

A. Tentative Map prepared by Ifland Engineers, dated 7/29/04; Landscape plans prepared by Gregory Lewis, dated 2/25/04 with revisions through 8/3/04; Architectural and floor plans, dated 10/03.

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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder). The conditions shall also be recorded on the Final Map and are applicable to all resulting parcels.
  - C. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Final 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 Final 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 Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land

**EXHIBIT** F

EXHIBIT C

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

division). The Final Map shall meet the following requirements:

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- A. The Final 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 seven (7) single-family residential parcels.
- C. The minimum aggregate lot size shall be 6,000 square feet net developable land per unit.
- D. The following items shall be shown on the Final Map:
  - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard. Street side yards shall be a minimum of 20 feet unless otherwise reduced by a street dedication per County Code.
  - 2. Show the net area of each lot to nearest square foot.
  - 3. The owner's certificate shall include:
    - a. An offer of dedication for the road improvements (Cypress View Court). The area dedicated shall be a 56 foot wide right of way with sidewalk on both sides and a cul-de-sac terminus as shown on the approved Tentative Map.
  - 4. A clearly delineated riparian corridor and buffer area must be shown on the Final Map, with notes indicating that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- E. The following requirements shall be noted on the Final 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 Soquel Creek Water District.
  - Lots shall be connected for sewer service to Santa Cruz County Sanitation
    District. All regulations and conditions of the Sanitation District shall be
    met.

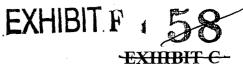
    EXHIBIT F

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

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 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. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. 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.
- 4. A final Landscape Plan for the entire site 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.



0500

- 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.
  - 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".
  - i. <u>Tree Protection</u>: Revise the grading plan to show the tree protection fencing, fencing demarcating the riparian setback, and accurately located and numbered trees #

0501

3,4,7,9-13,18 and # 16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the fifteen foot setback between the trees and any disturbance for the former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.

- ii. <u>Tree Protection</u>: Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
- iii. Tree Protection: The arborist shall review the revised grading plan and submit a letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be required prior to final inspection.
- iv. 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.
- f. The fence to be installed around the parcel for the existing single family dwelling at the corner of Monterey Avenue and Soquel Drive (which is not otherwise a part of this application) will be constructed of the same materials and be otherwise identical in appearance to the fencing on the boundary of the subject property.
- 5. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Bauldry Engineering, dated 1/2003.
- 6. 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.
- 7. 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

EXHIBIT F 58

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

0502

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:

- Water Quality: Silt and grease traps shall be installed according to a. the approved improvement plans.
- b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
- Spoils management that prevents loose material from clearing, c. excavation, and other activities from entering any drainage channel.
- 8. 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.
- 9. Prior to any Building Permit issuance on the parcels adjacent to the riparian corridor (Lots 2, 3 & 7 as shown on the Tentative Map), the owner/applicant shall record a Statement of Acknowledgement regarding the presence of the riparian corridor and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department and shall include statements that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- III. Prior to recordation of the Final Map, the following requirements shall be met:
  - Submit a letter of certification from the Tax Collector's Office that there are no A. outstanding tax liabilities affecting the subject parcels.
  - B. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated 9/17/04 including, without limitation, the following standard conditions:
    - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
    - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.

ATTACHMENT

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

- C. A Homeowners Association shall be formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. CC&R's shall be sent furnished to the Planning Department and shall include the following, which are permit conditions:
  - 1. All landscaping within the public right of way of Cypress View Court and Rochelle Lane shall be permanently maintained by the Homeowners Association.
  - 2. All drainage structures, including silt and grease traps and detention facilities, shall be permanently maintained by the Homeowners Association.
  - 3. 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.
- D. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval of the water agency.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. 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.
- F. All requirements of the Central Fire Protection District shall be met.
- G. Park dedication in-lieu fees shall be paid for six (6) dwelling units. These fees are currently \$800 per bedroom, but are subject to change.
- Child Care Development fees shall be paid for seven (7) dwelling units. These H. fees are currently \$109 per bedroom, but are subject to change.
- I. Transportation improvement fees shall be paid for seven (7) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- Roadside improvement fees shall be paid for seven (7) dwelling units. These fees J. are currently \$2,000 per unit, but are subject to change.

Application #: 04-0092 APN: 037-191-15, 29 Owner: David & Kathleen Manning

- K. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. This agreement must include the following statements:
  - 1. The developer shall provide one designated affordable unit for sale to moderate income households. The current sales price for a 3 bedroom unit (under the above described guidelines for a moderate income family) is \$259,918. This sales price assumes a family of four at 80 percent of median income, with \$150 per month Homeowners Association dues, and is subject to change.
  - 2. The developer shall pay in-lieu fees for the fractional equivalent of .05 unit in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code. These fees are calculated as .05 of the average purchase price of the market rate homes.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
    - a. The construction of the proposed access road (Rochelle Lane) shall include a 40 foot right of way, as shown on the project plans, a 24 foot paved road section, and a 4 foot sidewalk on one side of the roadway. A Roadside/Roadway Exception is approved to vary from County Standards with respect to the width of the right of way from 56 feet to 40 feet, and the elimination of sidewalk on one side, and on-street parking spaces.
  - 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



Application #: 04-0092 AFN: 037-191-15, 29

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to filter runoff from the parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.

- The proposed curb area along Monterey Avenue fronting on the subject 4. property shall be painted red to indicate that parking is not allowed.
- M. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be overexcavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project.. The plan shall be submitted for review and approval by the Planning Department.
- Prior to any site disturbance or physical construction on the subject property the following IV. condition shall be met:
  - Pre-Construction Meeting: In order to ensure that the mitigation measures are A. communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.
- All future construction within the property shall meet the following conditions: V.
  - All work adjacent to or within a County road shall be subject to the provisions of A. 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.
  - No land clearing, grading or excavating shall take place between October 15 and B. April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
  - No land disturbance shall take place prior to issuance of building permits (except C. the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).

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Application #: 04-0092 APN: 037-191-15, 29

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- 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. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated 1/2003). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- VI. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including

ATTACHMENT

Owner: David & Kathleen Manning

attorneys' fees), against the COUNTY, it 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.

- COUNTY shall promptly notify the Development Approval Holder of any claim, A. 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.
- Nothing contained herein shall prohibit the COUNTY from participating in the В. defense of any claim, action, or proceeding if both of the following occur:
  - COUNTY bears its own attorney's fees and costs; and 1.
  - 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.
- Successors Bound. "Development Approval Holder" shall include the applicant D. 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 E. 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.

#### Mitigation Monitoring Program VIII.

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the

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Owner: David & Kathleen Manning

adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

- Mitigation Measure: Pre-Construction Meeting (Conditions IV.A) A.
  - Monitoring Program: In order to ensure that the mitigation measures are 1. communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.
- Mitigation Measure: Water Quality (Conditions II.E.7.a, III.C.3, III.L.4) B.
  - Monitoring Program: To protect ground and surface water from 1. degradation due to silt, grease, and other contaminants from paved surfaces, prior to approval of the improvement plans the applicant/owner shall modify the drainage plan to include a silt and grease trap to protect Noble Gulch. The traps shall be maintained according to the following monitoring and maintenance procedures:
    - The traps shall be inspected to determine if they need cleaning or a. repair prior to October 15 each year, at a minimum interval of once per year.
    - A brief annual report shall be prepared by the trap inspector at the b. conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- Mitigation Measure: Tree Protection (Condition II.E.4.e.i iii) C.
  - Monitoring Program: In order to ensure that the trees designated as 1. remaining will be preserved in good health, prior to public hearing the following shall occur:
    - Revise the grading plan to show the tree protection fencing, a. fencing demarcating the riparian setback, and accurately located and numbered trees #3,4,7,9-13,18 and #16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the fifteen foot setback between the trees and any disturbance for the

Application #: 04-0092 APN: 037-191-15, 29

cc: County Surveyor

Owner: David & Kathleen Manning 0509

former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.

- b. Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
- c. The arborist shall review the revised grading plan and submit a letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be required prior to final inspection.

# 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.

Approval Date:	· · ·	
Effective Date:		 
Expiration Date:		<del></del>
Cathy Grav Principal Plan		dall Adams ect 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.

EXHIBIT.F .58

# PLANNING COMMISSION MINUTES- 4/27/05

Proceedings of the Santa Cruz County Planning Commission

Volume 2005, Number 7

April 27, 2005

LOCATION: Board of Supervisors, County Government Center, 701 Ocean Street, Room 525, Santa Cruz, CA 95060

# ACTION SUMMARY MINUTES

# **VOTING KEY**

Commissioners: Chair Bremner, Durkee, Holbert, Vice Chair Osmer, Shepherd Alternate Commissioners: Messer, Hancock, Hummel, Ouintanilla, Britton

Commissioners present were Chair Bremner, Durkee, Hummel, Vice Chair Osmer, and Shepherd

# **CONSENT ITEMS**

#### 6. APPROVAL OF MINUTES

To approve the minutes of the April 13, 2005 Planning Commission meeting as submitted by the Planning Department.

Minutes approved. Durkee made the motion and Osmer seconded. Roll call vote carried 5-0 with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

### **CONTINUED ITEMS**

There were no Continued Items on this agenda.

# **SCHEDULED ITEMS**

#### 7. 04-0092 5650 SOQUEL DRIVE & NO SITUS

APN(S): 037-191-15, 29 Proposal to create seven new residential parcels, construct seven new single-family dwellings, and rezone the rear portion of APNs 037-191-15 and 037-191-29 from the R-1-9 zone district to the R-1-6 zone district. Requires a Subdivision, a Rezoning, a Residential Development Permit, a Roadway/Roadside Exception, and a Riparian Exception. Property located at the southwest corner of Monterey Avenue and

Soquel Drive. (5650 Soquel Drive)

OWNER: DAVID & KATHLEEN MANNING

APPLICANT: DEE MURRAY SUPERVISORIAL DIST: 1

PROJECT PLANNER: RANDALL ADAMS, 454-3218

Approved staff recommendation with conditions as amended. Bremner made the motion and Durkee seconded. Voice vote carried 5-0, with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

EXHIBIT F .

8. 03-0253 5955 SOQUEL DR., SOQUEL

APN(S): 037-271-05

Proposal to demolish and reconstruct a gas station and convenience store with an attached car wash facility. Requires an Amendment to Commercial Development Permits 88-0477 and 02-0513 and a Rezoning from the C-1 (Neighborhood Commercial) Zone District to the C-2 (Community Commercial) Zone District. Property located at the northwest corner of the intersection of Park Avenue and Soquel Drive (5955 Soquel Drive).

OWNER: AKHTAR JAVED APPLICANT: DEE MURRAY SUPERVISORIAL DIST: 2

PROJECT PLANNER: DAVID KEYON, 454-3561

Approved staff recommendation with additional condition regarding compliance with the noise report. Durkee made the motion and Osmer seconded. Voice vote carried 5-0, with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

9. 04-0018 (\*\*) 807 THE SHORE LINE, LA SELVA BEACH APN(S): 046-341-23
Appeal of the Zoning Administrator's approval of Application 04-0018, a proposal to remodel and construct additions to a single-family dwelling and to construct a new roof with decreased pitch.
Additions include an expanded kitchen and family room, a garage (replacing a carport), a living room, and a master bathroom. Total addition of about 575 sq. ft. Also includes the demolition and construction of a new retaining wall along the northern property line. Requires a Coastal Development Permit. Property located at the northwestern end of The Shore Line about 350 feet north west of the intersection with Sand Dollar Lane (807 the Shore Line).

OWNER: RONALD & ESTHER UBALDI APPLICANT: ROBERT GOLDSPINK

APPELLANT: JONATHAN WITTWER, FOR FRIENDS OF SAND DOLLAR BEACH

SUPERVISORIAL DISTRICT: 2

PROJECT PLANNER: DAVID KEYON, 454-3561

Continued until June 8, 2005 with the request that the applicant submit any additional information at least two weeks prior to the hearing. Durkee made the motion and Osmer seconded. Voice vote carried 5-0, with ayes from Bremner, Durkee, Hummel, Osmer, and Shepherd.

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NEIGHBORHOOD MEETING: APRIL 16, 2005

This petition is for the proposed seven lot subdivision, described below. This meeting was held with the intent to make available all the plans, engineering, landscaping and architectural, for this project and to answer any questions or concerns the neighbors, who were able to attend, might have.

We the undersigned have no objections to the proposed seven lot subdivision known as APN: 037-191-29 located on Monterey Ave. and Soquel Dr. in Soquel.

Me see undersepred have no abjections to the Proposed 7 late Southelines of Row APN: 03 7-191-19 montary and so put some APN: 03 7-191-19

1) Carista C. Battell 2730 Monterey

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EXHIBIT F 58

# BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 04-05

On the motion of Commissioner Bremner duly seconded by Commissioner Durkee the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 04-0092, involving property located at the southwest corner of the intersection of Monterey Avenue and Soquel Drive (5650 Soquel Drive & adjacent vacant parcel), and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the "R-1-9" Single Family Residential – 9,000 square foot minimum zone district to the "R-1-6" Single Family Residential – 6,000 square foot minimum zone district.

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 27th day of April, 2005, by the following vote:

AYES: COMMISSIONERS Bremner, Durkee, Hummel, Osmer, Shepherd

**NOES: COMMISSIONERS** 

ABSENT:

**COMMISSIONERS** 

ABSTAIN: COMMISSIONERS

ROBERT BREMNER, Chairperson

ATTEST:

CATHY GRAVES, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

**EXHIBIT F** 

EXHIBIT

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# **Staff Report to the Planning Commission**

Application Number: 04-0092

Applicant: Dee Murray

Owner: David & Kathleen Manning

**APN:** 037-191-15, 29

Agenda Date: 4/27/05

Agenda Item #: 7

Time: After 9:00 a.m.

**Project Description**: Proposal to create seven new residential parcels, to construct seven new single family dwellings, and to rezone the rear portion of APNs 037-191-15 and 037-191-29 from the R-1-9 zone district to the R-1-6 zone district.

**Location**: Property located at the southwest corner of Monterey Avenue and Soquel Drive. (5650 Soquel Drive)

Supervisoral District: 1st District (District Supervisor: Janet Beautz)

Permits Required: Rezoning, Subdivision, Residential Development Permit,

Roadway/Roadside Exception, Riparian Exception

# **Staff Recommendation:**

 Adopt the attached resolution (Exhibit F), sending a recommendation to the Board of Supervisors for Approval of Application Number 04-0092, based on the attached findings and conditions, and recommend certification of the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.

# **Exhibits**

A .	TN 1 1 1	_
Λ.	Project tolan	
A.	Project plan	

B. Findings

C. Conditions

D. Mitigated Negative Declaration (CEOA Determination) with the

following attached documents:

(Attachment 2): Assessor's Final Map

(Attachment 3): Zoning map

(Attachment 4): General Plan map

E. Rezoning Map

F. Planning Commission Resolution

G. Axonometric Drawing

H. Reduced Architectural Plans

I. Comments & Correspondence

Application #: 04-0092 APN: 037-191-15, 29

Owner: David & Kathleen Manning

# Parcel Information

Parcel Size:

2.5 acres

(APN 037-191-15 - .75 acres & APN 037-191-29 - 1.77 acres)

Existing Land Use - Parcel:

Vacant

Existing Land Use - Surrounding:

Single family residential neighborhood

Project Access:

Monterey Avenue (off Soquel Drive)

Planning Area:

Soquel

Land Use Designation:

R-UL (Urban Low Density Residential) & O-U (Urban

Open Space)

Zone District:

R-1-6 (Single Family Residential - 6,000 square foot minimum) & R-1-9 (Single Family Residential - 9,000

square foot minimum)

Coastal Zone:

Inside

X Outside

# **Environmental Information**

An Initial Study has been prepared (Exhibit D) that addresses the environmental concerns associated with this application.

# **Services Information**

Urban/Rural Services Line:

X Inside \_ Outside

Water Supply:

Soquel Creek Water District

Sewage Disposal:

Santa Cruz County Sanitation District

Fire District:

Central Fire Protection District

Drainage District:

Zone 5 Flood Control District

# **Project Setting**

The project is proposed on a vacant parcel in the Soquel Planning Area. The subject property is located on the west side of Monterey Avenue near the intersection with Soquel Drive, with a portion of the property fronting on Soquel Drive. The project site is characterized by mostly level terrain, with some steep slopes down to Noble Gulch, which is an intermittent stream that runs along the west boundary of the project area. Riparian vegetation associated with Noble Gulch is located on the western edge of the subject property.

Land uses surrounding the project site include single-family residential development to the east, south, and west of the site, and a mixture of single and multi-family development to the north. A church facility is located west of the site across Noble Gulch.

## Rezoning

EXHIBIT F.

The area of the proposed rezoning (as indicated on Exhibit E), includes the southern portions of APNs 037-191-15 & 037-191-29. This areas is currently zoned R-1-9 (Single family residential – 9,000 square foot minimum). The rezoning of this area to R-1-6 (Single Family Residential -

6,000 square foot minimum) will be consistent with the current zoning of the northern portion of these two parcels and will be necessary to facilitate the proposed development. If the rezoning were not included as a component of this development the split zoning of the southern portion would result in an unusual configuration of residential development with varying parcel sizes in a small area. The rezoning of the southern portion of APN 037-191-15 has been included to avoid the isolated island of R-1-9 zoning that would result if APN 037-191-29 was the only parcel to be rezoned. The proposed rezoning of both parcels is considered as appropriate due to the character and pattern of surrounding residential development and will be within the allowed density range of the Urban Low Density Residential (R-UL) General Plan land use designation of the subject property.

## Subdivision

The proposed land division will create seven new single family residential parcels. The area of Cypress View Court will be dedicated to the County after road improvements have been installed by the developer.

The seven new residential parcels will range in size from 6,023 square feet to 11,692 square feet, all of which meet the minimum required size for the R-1-6 (Single Family Residential -6,000 square feet minimum) zone district.

The subject property is designated as Urban Low Density Residential (R-UL) in the General Plan. The Urban Low Density Residential (R-UL) General Plan designation requires new development to be within a density range of 6,000 to 10,000 square feet. The proposed land division complies with the density range required by the General Plan.

# Grading, Drainage & Utilities

The proposed road and associated improvements for the land division will require site grading and preparation. A total of approximately 1,200 cubic yards of earth will be cut from the project site and a total of approximately 600 cubic yards of earth will be placed as fill to allow for these improvements. These grading volumes are considered as reasonable and appropriate due to the nature and scale of the required improvements. Protection measures will be installed to preserve the existing trees and vegetation along the riparian corridor during construction. All trees proposed to be removed will be adequately mitigated through the planting of replacement trees within the proposed development.

Additional improvements include a complete drainage and detention system for the entire project site, the installation of a curb and gutter on the west side of Monterey Avenue, the relocation of the existing driveway serving the corner lot from Monterey Avenue to Cypress Lane, and the construction of a 6-foot fence along the frontage of Soquel Drive. A Riparian Exception will be required for the installation of a drainage outlet within Noble Gulch.

# Roadside Exception

The proposed development includes two access roadways, a new cul-de-sac (Cypress View Court) and an existing roadway which provides access to the church property to the west of the

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Owner: David & Kathleen Manning

project site. The new proposed cul-de-sac (Cypress View Court) will comply with the County Design Criteria and will be offered for dedication once constructed. The design of the existing access road along the southern portion of the subject property varies from the County Design Criteria in terms of width and improvements. Two new residential parcels will be accessed off of the existing access road (Rochelle Lane). The street will be located within an existing 40-foot right-of-way and is planned as a 24-foot road section and a 4-foot sidewalk on the north side fronting the proposed new homes. A Roadway/Roadside Exception is required for this proposed configuration in that it does not provide a 56 foot right of way with parking and sidewalks on both sides of the cul-de-sac. This a Roadway/Roadside Exception is considered as appropriate due to the lack of residences on the opposite side of the access roadway and an adequate amount

# **Building Design**

of parking within the driveways of the proposed parcels.

Seven new single-family dwellings are proposed to be constructed on the new parcels. The new homes will be two stories in height and range in size from approximately 1,900 to 2,700 square feet. The homes will include two car garages and front porches. Proposed building materials include shingle and stucco siding, white vinyl windows, composition shingle roofs and a variety of wood and rock trim around windows, doors and on the front facade of the homes.

# **Environmental Review**

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The project was reviewed by the County's Environmental Coordinator on 2/14/05. A preliminary determination to issue a Negative Declaration with Mitigations (Exhibit D) was made on 2/17/05. The mandatory public comment period ended on 3/23/05, without any comments affecting the Negative Declaration.

The environmental review process focused on the potential impacts of the project in the areas of drainage and existing trees. The environmental review process evaluated potential impacts and generated mitigation measures (including plan revisions which have been made prior to the public hearing for this item) that will reduce potential impacts from the proposed development and adequately address the above listed issues.

#### 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.

EXHIBIT F

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# **Staff Recommendation**

• Adopt the attached resolution (Exhibit F), sending a recommendation to the Board of Supervisors for **Approval** of Application Number **04-0092**, based on the attached findings and conditions, and recommend certification of the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act.

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

The County Code and General Plan, as well as hearing agendas and additional information are available online at: <a href="https://www.co.santa-cruz.ca.us">www.co.santa-cruz.ca.us</a>

Report Prepared By:

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Report Reviewed By:

Cathy Graves
Principal Planner
Development Review

## **Rezoning Findings**

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan; and,

This finding can be made, in that the project site has an Urban Medium Density Residential (R-UL) General Plan land use designation. The proposed R-1-6 (Single Family Residential -6,000 square foot minimum) zone district will be appropriate to achieve consistency with the surrounding pattern of residential development.

2. The proposed zone district is appropriate of the level of utilities and community service available to the land; and,

This finding can be made, in that the project site is within the Urban Services Line (USL) and is presently served by all public utilities. Adequate capacity exists for each utility to serve the existing and proposed residential development.

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made, in that the surrounding parcels are all residentially zoned and the public interest would be better served through rezoning this split-zoned parcel to one zone district to allow an internally consistent residential development on the subject property. The proposed R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district will be consistent with the existing pattern of residential development.

Owner: David & Kathleen Manning

## **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, will be consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed 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, with the rezoning of the subject property, in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for residential development,

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Owner: David & Kathleen Manning

and the proposed parcels are properly configured to allow development in compliance with the required site standards. No environmental resources exist which would be adversely impacted by the proposed development.

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

This finding can be made, in that the riparian resource on the west side of the project site will be adequately protected through development setbacks and tree protection measures. No other mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

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

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

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

This finding can be made, in that no easements are known to encumber the property, other than the 40 foot wide right of way (Rochelle Lane) which will be retained and improved as a component of this development.

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

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

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

This finding can be made, in that the structures are sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

**EXHIBIT F** 

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## **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.

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 use of the property will be residential in nature and lot sizes meet the minimum dimensional standards for the R-1-6 (Single Family Residential - 6,000 square foot minimum) zone district where the project is located.

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 division of land, its design, and its improvements, are consistent with the General Plan. The project creates seven single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one unit for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that the development will average a total of 7,677 square feet of net developable parcel area per residential parcel.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. All parcels will be accessed by two access roadways to Monterey Avenue. The cul-de-sac (Cypress View Court) is proposed to be built to County standards, and the existing access road (Rochelle Lane) will require an exception due to the lack of parking on both sides and a sidewalk only on one side of the street. These roadways 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 proposed residential development will be consistent with the pattern of the surrounding development, and the design of the proposed structures are consistent with the character of similar developments in the surrounding neighborhood.

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

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 expected level of additional traffic generated by the proposed project is anticipated to be only 7 peak trips per day (1 peak trip per new dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the project site is located in a mixed neighborhood containing a variety of architectural styles, and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

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

This finding can be made, in that the structures are sited and designed to be 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, with a predominance of single family residential developments in the immediate area. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Owner: David & Kathleen Manning

## Roadway/Roadside Exception Findings

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

This finding can be made, in that the character of the existing and proposed development does not require full improvements to be installed on the existing access road along the southern portion of the subject property (Rochelle Lane). The design of this roadway varies from the County Design Criteria in terms of width and improvements. Two new residential parcels will be accessed off of the existing access road (Rochelle Lane). The street will be located within an existing 40-foot right-of-way and is planned as a 24-foot road section and a 4-foot sidewalk on the north side fronting the proposed new homes. This a Roadway/Roadside Exception is considered as appropriate due to the lack of residences on the opposite side of the access roadway and an adequate amount of parking within the driveways of the proposed parcels. This access road requires an exception to County Local Street Standards. The County standard width for local roads within the Urban Service Line is 56 feet including parking, sidewalks, and landscaping.

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

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Owner: David & Kathleen Manning

## Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that the only location for a properly functioning drainage outlet is within the riparian corridor down-slope from the proposed development.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made, in that a Riparian Exception is necessary to allow a properly functioning drainage outlet on the subject property.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made, in that proper erosion control methods will prevent impacts to water quality downstream or on the project site.

4. That the granting of the exception, in the coastal zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

Not applicable. The project is not located in the Coastal Zone.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program land use plan.

This finding can be made, in that the proposed project will provide residential housing, and will provide protection of the riparian habitat through site-sensitive design, erosion control and revegetation.



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## **Conditions of Approval**

#### Land Division 04-0092

Tract No.: 1482

Applicant: Dee Murray

Property Owner: David & Kathleen Manning

Assessor's Parcel Number(s): 037-191-29

Property Address and Location: Southwest corner of Monterey Avenue & Soquel Drive.

Planning Area: Live Oak

#### Exhibits:

A. Tentative Map prepared by Ifland Engineers, dated 7/29/04; Landscape plans prepared by Gregory Lewis, dated 2/25/04 with revisions through 8/3/04; Architectural and floor plans, dated 10/03.

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. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder). The conditions shall also be recorded on the Final Map and are applicable to all resulting parcels.
  - C. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Final 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 Final 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 Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land

EXHIBIT.F

division). The Final Map shall meet the following requirements:

- A. The Final 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 seven (7) single-family residential parcels.
- C. The minimum aggregate lot size shall be 6,000 square feet net developable land per unit.
- D. The following items shall be shown on the Final Map:
  - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-6 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard. Street side yards shall be a minimum of 20 feet unless otherwise reduced by a street dedication per County Code.
  - 2. Show the net area of each lot to nearest square foot.
  - 3. The owner's certificate shall include:
    - An offer of dedication for the road improvements (Cypress View a. Court). The area dedicated shall be a 56 foot wide right of way with sidewalk on both sides and a cul-de-sac terminus as shown on the approved Tentative Map.
  - 4. A clearly delineated riparian corridor and buffer area must be shown on the Final Map, with notes indicating that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- E. The following requirements shall be noted on the Final 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 Soquel Creek Water District.
  - 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 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. For any structure proposed to be within 2 feet of the maximum height limit for the zone district, the building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface and the highest portion of the structure above. 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.
- 4. A final Landscape Plan for the entire site 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.

EXHIBIT

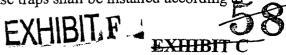
- c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain 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.
  - 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".
  - i. <u>Tree Protection</u>: Revise the grading plan to show the tree protection fencing, fencing demarcating the riparian

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setback, and accurately located and numbered trees # 3,4,7,9-13,18 and # 16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the fifteen foot setback between the trees and any disturbance for the former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.

- ii. <u>Tree Protection</u>: Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
- iii. Tree Protection: The arborist shall review the revised grading plan and submit a letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be required prior to final inspection.
- iv. 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.
- 5. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Bauldry Engineering, dated 1/2003.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. Prior to any Building Permit issuance on the parcels adjacent to the riparian corridor (Lots 2, 3 & 7 as shown on the Tentative Map), the owner/applicant shall record a Statement of Acknowledgement regarding the presence of the riparian corridor and buffer area on these parcels. These recordable documents shall be prepared by the Planning Department and shall include statements that any development within, or use of, the riparian corridor and/or buffer area is subject to the provisions of the County Code (section 16.30) related to riparian resource protection.
- 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 letter dated 9/17/04 including, without limitation, the following standard conditions:
    - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
    - 2. Pay all necessary bonding, deposits, and connections fees, and furnish a copy of the CC&R's to the district.
  - C. A Homeowners Association shall be formed for maintenance of all area under common ownership including sidewalks, driveways, all landscaping, drainage structures, water lines, sewer laterals, fences, silt and grease traps and buildings. CC&R's shall be sent furnished to the Planning Department and shall include the following, which are permit conditions:

Owner: David & Kathleen Manning

- 1. All landscaping within the public right of way of Cypress View Court and Rochelle Lane shall be permanently maintained by the Homeowners Association.
- 2. All drainage structures, including silt and grease traps and detention facilities, shall be permanently maintained by the Homeowners Association.
- 3. 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.
- D. Engineered improvement plans for all water line extensions required by Soquel Creek Water District shall be submitted for the review and approval of the water agency.
- E. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. 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.
- F. All requirements of the Central Fire Protection District shall be met.
- G. Park dedication in-lieu fees shall be paid for six (6) dwelling units. These fees are currently \$800 per bedroom, but are subject to change.
- H. Child Care Development fees shall be paid for seven (7) dwelling units. These fees are currently \$109 per bedroom, but are subject to change.
- I. Transportation improvement fees shall be paid for seven (7) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- J. Roadside improvement fees shall be paid for seven (7) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- K. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. This agreement must include the following statements:

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- 1. The developer shall provide one designated affordable unit for sale to moderate income households. The current sales price for a 3 bedroom unit (under the above described guidelines for a moderate income family) is \$259,918. This sales price assumes a family of four at 80 percent of median income, with \$150 per month Homeowners Association dues, and is subject to change.
- 2. The developer shall pay in-lieu fees for the fractional equivalent of .05 unit in accordance with the regulations and formulas as specified by Chapter 17.10 of the County Code. These fees are calculated as .05 of the average purchase price of the market rate homes.
- L. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
  - 2. Complete drainage details 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. <u>Water Quality</u>: 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.
  - 4. The proposed curb area along Monterey Avenue fronting on the subject property shall be painted red to indicate that parking is not allowed.
- M. The project geotechnical engineer shall prepare a soil treatment plan that includes a description of the technique used for the mixing and spreading operations, site map indicating soils storage areas and the boundaries of the area to be over-excavated and treated, barriers at the perimeter of the work area and soils poles adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project. The plan shall be submitted for review and approval by the Planning Department.

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- IV. Prior to any site disturbance or physical construction on the subject property the following condition shall be met:
  - A. <u>Pre-Construction Meeting</u>: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.
- V. 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:

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- 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. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated 1/2003). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- VI. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.
- VII. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, it 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.

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- 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. <u>Settlement</u>. 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. <u>Successors Bound</u>. "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.

### VIII. Mitigation Monitoring Program

The mitigation measures listed under this heading have been incorporated in the conditions of approval for this project in order to mitigate or avoid significant effects on the environment. As required by Section 21081.6 of the California Public Resources Code, a monitoring and reporting program for the above mitigation is hereby adopted as a condition of approval for this project. This program is specifically described following each mitigation measure listed below. The purpose of this monitoring is to ensure compliance with the environmental mitigations during project implementation and operation. Failure to comply with the conditions of approval, including the terms of the adopted monitoring program, may result in permit revocation pursuant to section 18.10.462 of the Santa Cruz County Code.

- A. Mitigation Measure: Pre-Construction Meeting (Conditions IV.A)
  - 1. Monitoring Program: In order to ensure that the mitigation measures are communicated to the various parties responsible for constructing the project, prior to any disturbance on the property the applicant shall convene a pre-construction meeting on the site. The following parties shall attend: applicant, grading contractor supervisor, project arborist, and Santa Cruz County Environmental Planning staff. The temporary construction fencing demarcating the edge of the riparian corridor setback and the tree protection fencing will be inspected at that time.

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- B. Mitigation Measure: Water Quality (Conditions II.E.7.a, III.C.3, III.L.4)
  - 1. Monitoring Program: To protect ground and surface water from degradation due to silt, grease, and other contaminants from paved surfaces, prior to approval of the improvement plans the applicant/owner shall modify the drainage plan to include a silt and grease trap to protect Noble Gulch. The traps shall be maintained according to the following monitoring and maintenance procedures:
    - The traps shall be inspected to determine if they need cleaning or a. repair prior to October 15 each year, at a minimum interval of once per year.
    - b. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- C. Mitigation Measure: Tree Protection (Condition II.E.4.e.i - iii)
  - 1. Monitoring Program: In order to ensure that the trees designated as remaining will be preserved in good health, prior to public hearing the following shall occur:
    - Revise the grading plan to show the tree protection fencing, a. fencing demarcating the riparian setback, and accurately located and numbered trees #3,4,7,9-13,18 and #16,19,21,24,25 as designated in the arborist report (E. Cooper, 2003 updated 2004). As specified by the project arborist, the plans shall indicate the fifteen foot setback between the trees and any disturbance for the former group and a twenty foot setback for the latter group. The plans shall indicate no grading within the dripline of a native tree greater than six inches.
    - b. Revise the landscape plan to reflect the setbacks given above and to remove irrigation from within the driplines of Coast Live oak trees unless the irrigation is specifically approved by the project arborist.
    - The arborist shall review the revised grading plan and submit a C. letter to the project planner indicating that all the recommendations have been incorporated into the plan. A final letter from the arborist indicating that tree protection measures, including root treatment, pruning, and mulching were properly carried out will be

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required prior to final inspection.

## 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.

Approval Date:

Effective Date:

Expiration Date:

Cathy Graves
Principal Planner

Randall Adams
Project Planner

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





# COUNTY OF SANTA CRUZ

#### PLANNING DEPARTMENT

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

## NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

9 (Single family residential – 9,000 square foot minimur residential – 6,000 square foot minimum per unit) zone	district, to divide parcel 037-191-29 into seven new y dwellings and a 150 foot long cul-de-sac, and to modify tion is in the Soquel Planning Area on the southwest
ACTION: Negative Declaration with Mitigations REVIEW PERIOD ENDS: March 23, 2005 This project will be considered at a public hearing by the Planning Commission. The time, date and location have not been set. When scheduling does occur, these items will be included in all public hearing notices for the project.	
significant effect on the environment. The expected en	gation measures or conditions shown below, will not have vironmental impacts of the project are documented in the is notice on file with the Planning Department, County of
Required Mitigation Measures or Conditions:  None XX Are Attached	
Review Period Ends March 23, 2005	
KEN Env	HART ironmental Coordinator ) 454-3127
If this project is approved, complete and file this notice	with the Clerk of the Board:
NOTICE OF DETERMINATION	
The Final Approval of This Project was Granted by	
on No EIR was prepared	under CEQA.
THE PROJECT WAS DETERMINED TO NOT HAVE S	IGNIEICANT EFFECT ON THE ENVIRONMENT

THE PROJECT WAS DETERMINED TO NOT HAVE SIGNIFICANT EFFECT ON THE ENVIRONMENT BIT F

Sate completed notice filed with Clerk of the Board:

EXHIBIT F

EXHIBIT