



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

July 2, 2008

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

Agenda Date: September 10, 2008

Item #: 8

Time: After 9 AM

APN: 028-252-4

Subject: Application 08-0281

A request to extend the approval for Minor Land Division and Coastal
Development Permit # 05-0225

Members of the Commission:

Project History

Application # 05-0225 was approved by the Planning Commission on June 28, 2006 (Pacific Rim was the applicant at the time of approval; the current applicant is The Old Orchard Company). This permit created a minor land division of two parcels on a vacant lot. The building plans, improvement plans, tentative map and landscape plans are included as Exhibit A and the original staff report to your Commission, dated June 28, 2006 is included as Exhibit E for project background information only.

The plans and tentative map have been reviewed and accepted by all reviewing agencies and County departments.

Permit Extension Process

County Code Section 18.10.133 (b) allows for the extension of a tentative map for a period or periods not to exceed a total of five years from the date of original expiration, if an application for extension is filed prior to the expiration of the conditionally approved tentative map. This mirrors the language in the Subdivision Map Act, Government Code Section 66452.6 (e). County Code requires that requests to extend tentative maps be processed pursuant to Level VI (Planning Commission) review for minor land divisions. County Code Section 18.10.133(a) allows for the extension of Development Permits (in this case, a Coastal Development Permit) associated with a Tentative Map for the same period as the tentative map.

In the case of the Tentative Map for Coastal Development Permit 05-0225, the map would have originally expired on July 13, 2008. The applicant is now requesting a three-year extension to July 13, 2011, due to poor market conditions. No changes, revisions or amendments to the approved project are proposed.

Application 08-0281
Applicant: The Old Orchard Company
Owner: The Old Orchard Company
APN: 028-252-40
Agenda Date: August 13, 2008

Page 2

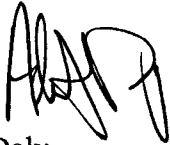
Environmental Reviews

The original minor land division approval was subject to environmental review and it was determined that a Categorical Exemption (CEQA Section 15315- Minor Land Divisions) was applicable, as the project is a division of land in an urbanized area with existing road access, available utilities and no potential significant impacts. The action to extend the tentative map is also exempt because that action in itself has no potential to cause a physical change in the environment. A Notice of Exemption from the Environmental Quality Act is included as Exhibit D.

Staff Recommendation

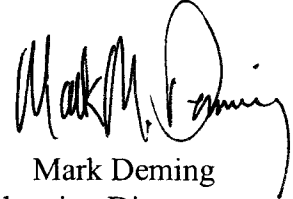
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0281**, extending the Tentative Map for Minor Land Division and Coastal Development Permit 05-0225 to July 13, 2011, based on the conditions of approval (Exhibit B) and incorporating the conditions of approval for 05-0225 (Exhibit E).

Sincerely,



Alice Daly
Development Review Planner

Approved by:



Mark Deming
Assistant Planning Director

Exhibits:

- A. Improvement plans prepared by Joe L. Akers (C1-C8), dated July 25, 2006
- B. Conditions of Approval, 08-0281
- C. Notice of Exemption from the California Environmental Quality Act
- D. Location Map
- E. Staff report to the Planning Commission, June 28, 2006 (for project background only)

Conditions of Approval

Exhibit A. Project plans, 8 sheets, prepared by Joe L. Akers, dated July 25, 2006.

- I. This permit is a Time Extension to Minor Land Division 05-0225 and all required conditions of approval for that permit are hereby incorporated into these conditions of approval by reference with the following exceptions:
 - A. The previously approved development shall be subject to the current regulations and fees in effect at the time of issuance of this Time Extension approval.
- II. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- III. Operational Conditions
 - A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

In accordance with Chapter 18.10 of the County Code, minor variations to this permit that do not affect the overall concept, intensity, or density may be approved by the Planning Director at the request of the applicant or staff.

Please note: This permit expires on July 27 2011 unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration date: _____

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 08-0281

Assessor Parcel Number: 028-252-40

Project Location: no situs; between 2710 and 2742 Fresno Street about 650 feet southeast of the 26th Avenue intersection.

Project Description: Time extension to a previously approved development permit.

Person or Agency Proposing Project: The Old Orchard Company

Contact Phone Number: 408-842-1900

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

Specify type:

- E. ☒ **Categorical Exemption**

Specify type: Class 5 - Minor Alterations in Land Use Limitations (Section 15305)

F. Reasons why the project is exempt:

Time extension to a previously approved Minor Land Division.

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

Alice Daly, Project Planner

Date: _____






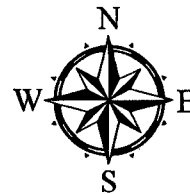
Location Map



0 180 360 720 1,080 1,440 Feet

LEGEND

-  APN: 028-252-40
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
June 2008



Staff Report to the Planning Commission

Application Number: **05-0225**

Applicant: Pacific Rim Planning Group (Jim Weaver)

Agenda Date: June 28, 2006

Owner: Daniel McKenzie

Agenda Item #: 9

APN: 028-252-40

Time: After 9:00 a.m.

Project Description: Proposal to divide one parcel into two parcels of 6,748 and 11,747 square feet and to construct two single-family dwellings. Requires a Minor Land Division, a Coastal Development Permit, and a Soils Report Review.

Location: Property located on Fresno Street, about 650 feet southeast of 26th Avenue (between 2710 and 2742 Fresno St.).

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

Permits Required: Minor Land Division, Coastal Development Permit, and Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0225, based on the attached findings and conditions.

Exhibits

- | | | | |
|----|--|----|---|
| A. | Project plans | G. | Soils report review letter, dated May 10, 2005. |
| B. | Findings | H. | Will Serve Letters |
| C. | Conditions | I. | Urban Designer Comments |
| D. | Categorical Exemption (CEQA determination) | J. | Comments & Correspondence |
| E. | Assessor's parcel map | | |
| F. | Zoning & General Plan maps | | |

Parcel Information

Parcel Size: 18,495 square feet (survey provided by applicant).
Existing Land Use - Parcel: Vacant lot
Existing Land Use - Surrounding: Single-family dwellings

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

EXHIBIT E

EXHIBIT E

Project Access: Fresno Street, a County maintained road
Planning Area: Live Oak
Land Use Designation: R-UM (Urban Medium Residential)
Zone District: R-1-5 (Single-family residential, 5,000 square foot minimum lot size)
Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Comm. X Yes No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Watsonville Loam
Fire Hazard: Not a mapped constraint
Slopes: Relatively flat, about 4% slope to the southeast
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: About 765 cubic yards
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Proposed drainage plan acceptable
Archeology: Not mapped/no physical evidence on site

Services Information

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

History

The site is a vacant lot, and has never been developed according to County records. The Code Compliance Section of the County Planning Department issued a violation on the property in 2002 due to the unpermitted use of the property as a vehicle and equipment storage yard for a paving business. The vehicles and equipment were removed from the property, and the violation was resolved in 2004.

Project Setting

The project site is surrounded by a neighborhood of single-family residences, with a few scattered multi-family residences and neighborhood commercial uses. The neighborhood consists of parcels of varying size, including numerous flag lots, mostly as a result of smaller land divisions rather than as part of a cohesive development. The result is a neighborhood with a mix of architectural styles and development patterns.

EXHIBIT E

No environmental constraints exist on site, as the site is surrounded by lots developed to an urban density. The project site is located more than 600 feet from the nearest area of potential sensitive

habitat (Moran Lake), and is located more than 800 feet from the beach. Due to the relatively flat topography of the area, the project site will not be visible from the public beach.

Project Scope

The property owner proposes to divide the existing parcel into two separate parcels of 6,748 square feet (parcel A) and 11,747 square feet (parcel B). Parcel B will be a flag lot with a 20 foot wide access corridor comprising a 12 foot wide driveway with two landscape strips of 4 feet in width on each side, resulting in a net parcel size of 9,044 square feet.

Two single-family residences will be constructed; one 3,329 square foot house on Parcel A and a 4,423 square foot house on Parcel B. Both will be two stories in height, similar to many homes in the vicinity. To minimize drainage runoff, the applicant proposes to use pervious concrete for the driveway to Parcel B.

Zoning & General Plan Consistency

The project site has a General Plan Land Use Designation of R-UM (Urban Medium Density Residential), a designation whose purpose is to provide medium density housing within the urban services line at densities equivalent to between 4,000 and 6,000 square feet of net developable area per unit (7.3 to 10.8 units per net developable acre). The proposed Minor Land Division results in a density of 5.5 units per net developable acre, which is less than the specified density range for the R-UM General Plan Designation. However, no more than two lots can be created as the current lot width of 70 feet can only accommodate an access corridor of 20 feet in width to meet the required 50-foot minimum width for the R-1-5 zone district. Expanding the width of the access way from 20 feet to an appropriate width to accommodate an additional lot would result in the width for Parcel A being reduced below the standards for the zone district. The lower density is appropriate given the awkward configuration of the existing lot and the pattern of development in the area.

The proposed land division will result in two parcels which comply with the standards of the R-1-5 zone district for minimum lot size, width, and frontage. The two proposed dwellings will meet all R-1-5 zone district site standards, including setbacks, lot coverage, and floor area ratio, as shown in the following table:

	R-1-5 Site Standards	Proposed Parcel A	Proposed Parcel B
Front yard setback	20' min.	30'	20'
Rear yard setback	15' min.	37'	32'
Side yard setbacks	5' and 8' min.	5' and 8'	8' and 5'
Maximum height	28'	26'	27'
Maximum % lot coverage	30%	30%	30%
Maximum Floor Area Ratio	50%	50%	47%
Lot width	50' min.	50'	70'

EXHIBIT E

Design Review

The two proposed single-family dwellings were reviewed for consistency with the County's Site, Architectural, and Landscape Design Review ordinance (Section 13.11 of the County Code), and were determined to comply with all applicable provisions. The front house, on Parcel A, will be of a similar size and scale to existing homes fronting on Fresno Avenue. The house on Parcel B will be larger, at about 4,423 square feet, but will be located to the rear of Parcel A and will therefore only be partially visible from the street.

Environmental Issues

A Soils Report was submitted and reviewed for the proposed project, and this report has been accepted by the County Geologist (see Soils Report Review Letter, Exhibit G). The recommendations of this report must be adhered to, as evidenced by a plan review letter from the project Geotechnical Engineer per Condition of Approval E.5.

Coastal Issues

The proposed division of land into two lots and the subsequent construction of two single-family dwellings complies with the County's Local Coastal Program, in that the project will be compatible with existing development in the neighborhood, will not impede public access to the coast, and will not be visible from any public beach. The project site is located more than 500 feet from any nearby inland watercourse, and is about 1,000 feet from the nearest public beach.

Drainage

The proposed stormwater runoff system for the site will connect to the existing system on Fresno Street, as approved by the Department of Public Works, Drainage division. The site will be graded to facilitate drainage towards Fresno Street. To minimize the amount of impervious surface on Lot B, the driveway will be paved with pervious concrete, which is required to be maintained for continued permeability (Conditions of Approval II.E.10 and V.B.)

Conclusion

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

Staff Recommendation

- **APPROVAL** of Application Number **05-0225**, based on the attached findings and conditions.
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.

EXHIBIT E

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

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

Report Prepared By: _____

David Keyon
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3561
E-mail: david.keyon@co.santa-cruz.ca.us

Report Reviewed By: _____

Cathy Graves
Principal Planner
Development Review

EXHIBIT E

EXHIBIT E

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 land division will result in two parcels of 6,748 and 9,044 net square feet on a property with a R-UM (Urban Medium Residential) General Plan Land Use designation. The proposed land division results in a density below the Urban Medium Residential density of development of one dwelling unit per 4,000-6,000 square feet of net developable area, as the property is of an insufficient size and width to allow adequate access for a third lot.

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

The land division is consistent with the General Plan regarding infill development in that the proposed residential development is harmonious to the pattern of surrounding development on Fresno Street, is compatible with the range of architectural styles in the area, and compatible with the residential character of the neighborhood.

Further, the land division is not located in a hazardous or environmentally sensitive area and protects natural resources as it will constitute infill development within a neighborhood developed to an urban density.

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

This finding can be made, in that the use of the property will be single-family residential, lot sizes meet the minimum dimensional standard for the R-1-5 zone district where the project is located, and all yard setbacks will be consistent with zoning standards. Further, the project, as conditioned, is consistent with all requirements of Chapter 13.11 of the County Code, the Site, Architectural and Landscape Design Review ordinance.

EXHIBIT E

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

This finding can be made, as the site is relatively flat, a geotechnical report prepared for the property concludes that the site is suitable for the land division, and the proposed parcel configuration offer a flag-lot arrangement with lots of sufficient size to ensure development without the need for site standard exceptions or variances. No environmental constraints exist as the property is a vacant lot surrounding by residences developed to an urban density.

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

This finding can be made, in that no mapped or observed sensitive habitats or threatened species exist on site, as the site is a vacant lot surrounded by a residential neighborhood developed to an urban density. The project is categorically exempt from further review under the California Environmental Quality Act and the County Environmental Review Guidelines as it is a land division of less than 5 parcels within an urbanized area.

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

This finding can be made, in that in that municipal water and sewer are available to serve the proposed development. Due to the previous use of the site as an un-permitted storage yard, prior to issuance of the building permits a letter from a hazardous materials specialist must be submitted for review by Environmental Planning staff to determine if re-mediation measures are required (Condition of Approval E.11).

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. No plan line exists for Fresno Street, so curb, gutters, and sidewalk improvements have not been required by the Department of Public Works.

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 both lots will have rear-yard setbacks along the southern property liens in excess of the zone district standard, allowing the future possibility of passive heating and cooling opportunities.

EXHIBIT E

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 two proposed single-family dwellings will be of an appropriate mass, bulk, and scale to surrounding residences, and will be consistent with the range of architectural styles in the neighborhood. The front house will incorporate craftsman elements and will be of a similar size and bulk as homes on surrounding parcels, while the larger house on the rear parcel (parcel B) will be partially obscured by the house in front and the proposed landscaping.

Coastal Development Permit Findings

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

This finding can be made, in that the proposed minor land division will result in two single-family residential lots, consistent with the R-1-5 (single-family residential, 5,000 square foot minimum lot size) zone district and the R-UM (Urban Medium Density Residential) General Plan/Local Coastal Program land use designation. The proposed land division results in a density below the R-UM (Urban Medium Residential) density of development of one dwelling unit per 4,000-6,000 square feet of net developable area, as the property is of an insufficient size and width to allow adequate access for a third lot.

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

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

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style and the site is surrounded by lots developed at a similar urban density. The two proposed single-family dwellings will be of an appropriate mass, bulk, and scale to surrounding residences, and will be consistent with the range of architectural styles in the neighborhood. The front house will incorporate craftsman elements and will be of a similar size and bulk as homes on surrounding parcels, while the larger house on the rear parcel (parcel B) will be partially obscured by the house in front and the proposed landscaping.

EXHIBIT E

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

This finding can be made, in that the project site is not located between the shoreline and the first through public road (East Cliff Drive in this instance). Consequently, the proposed dwellings will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified Local Coastal Program.

This finding can be made, as discussed in Subdivision Finding 2, above, and Development Permit Finding 2, below.

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, as the proposed land division will result in an improvement for the neighborhood as it constitutes infill development on a vacant parcel formerly used for vehicle storage. The proposed residences will be required to comply with all applicable building codes, ensuring safety and efficiency. Disruption of access to light on neighboring properties will be minimal as shadows from both houses will fall primarily on the subject properties. Disruption of privacy of existing surrounding residences will be minimal as the number of windows on side elevations has been minimized, and no windows face directly into adjacent residences. Furthermore, the rear yard on parcel B is greater than the required 15 foot setback (at over 30 feet), further maximizing privacy for neighbors to the rear of the project.

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

This finding can be made, in that the proposed land division and subsequent construction of two single-family dwellings will be consistent with all pertinent County ordinances and the purpose of the R-1-5 (Single-family residential, 5,000 square foot minimum lot size) zone district in the

the primary use of each property be one single-family dwelling. All site standards of the R-1-5 zone district will be met, including lot coverage, floor area ratio, and setbacks.

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

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

The two proposed single-family dwellings will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, as all current site and development standards for the R-1-5 zone district will be met as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The two proposed single-family dwellings will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), as both houses will comply with regulations for lot coverage, floor area ratio, height, and number of stories, and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

General Plan Policies regarding density are addressed in Subdivision Finding 2, above.

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

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

This finding can be made, in that adequate utility service is available to serve both houses. Additional traffic generated by both dwellings will not overburden streets in the vicinity as the amount of peak trip ends generated per day can be accommodated by the road system in the vicinity.

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

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

See Subdivision Finding 9, above.

EXHIBIT E

Conditions of Approval

Land Division 05-0255

Applicant: Jim Weaver – Pacific Rim Planning Group

Property Owner: Daniel Mc Kenzie

Assessor's Parcel Number: 028-252-40

Property Address and Location: Vacant lot between 2710 and 2742 Fresno Street.

Planning Area: Live Oak

Exhibits:

- A: Tentative Map, 6 sheets, drawn by Joel Akers, dated 8/25/05; Project plans, 8 sheets, drawn by D & Z Design Associates, dated 4/14/05; Landscape plan, 1 sheet, drawn by Gregory Lewis, dated 4/25/05.
-

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
 - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
 - B. 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 Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:

EXHIBIT E

EXHIBIT C

- A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
- B. This land division shall result in no more than two (2) single-family residential parcels.
- C. The minimum aggregate lot size shall be 5,000 square feet net developable land per unit.
- D. The following items shall be shown on the Parcel Map:
 - 1. Building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-5 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard.
 - 2. Show the net area of each lot to nearest square foot.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. Lots shall be connected for water service to city of Santa Cruz Water District.
 - 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 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-1-5 zone district. Development on each parcel shall not exceed 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setbacks.

- c. 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 (existing grade prior to site grading) and the highest portion of the structure above.
- 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.
 - 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. Tree Protection: A letter from a certified arborist is required, detailing protection measures for the Eucalyptus on the adjacent parcel to the southeast (APN 028-252-48).
 - ii. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
 - iii. Notes shall be added to the improvement plans and the building permit plans that indicate the manner in which the Eucalyptus tree on the adjacent parcel shall be protected during construction. Include a letter from a certified arborist verifying that the protection measures recommended in the required arborist letter measures have been incorporated into the construction plans.
5. Submit a plan review letter from the project geotechnical engineer stating the building plans are in compliance with the recommendations of the geotechnical report prepared by Bauldry Engineering, dated August 2004.
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 is located in a Mello-Roos Community Facilities District with additional

fees.

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. Soils 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. Pay Zone 5 Drainage fees based on the amount of impervious surface.
10. Submit recorded maintenance agreements for the detention systems, silt and grease traps, and the pervious concrete on Lot B.
11. Submit a letter from a Hazardous Materials Specialist stating what, if any, remediation measures are required on site due to the previous use of the site as a vehicle storage area.
12. Provide an owner agent form from neighboring property owners for any work proposed to be conducted on neighboring properties (such as retaining wall construction).
13. Submit a drainage plan meeting all the requirements of the Department of Public Works, Drainage, showing the following information:
 - a. Any drainage easements.
 - b. Provide a detail that showing the configuration of the proposed

outlet pipe from the "bubble boxes." It should be clear that the outlet pipes are /sized and the system is configured so that the required storage volume is available when the system is discharging the predevelopment rate.

- c. Specify if the roof downspouts will tie directly in to the detention system or be directed to the swales.
 - d. Demonstrate how runoff from the swales enter the detention trench. Specify measures to minimize clogging and maintenance measures.
 - e. The detention systems shall be designed to account for the runoff from the areas bypassing the systems.
 - f. The plan shall include the installation of signage adjacent to the proposed road inlets stating "No Dumping - Drains to Bay", or equivalent.
 - g. Notes on the plan detailing maintenance requirements for the detention systems, pervious concrete, and swale facilities.
- F. Applications for building permits on any lots resulting from this land division shall not be accepted by the Planning Department until new parcel numbers are issued by the County Assessor's Office.

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

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated 4/29/05 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.
- C. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
- D. 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.

- E. All requirements of the Central Fire District shall be met.
- F. Park dedication in-lieu fees shall be paid for seven bedrooms (3 on Lot A and 4 on Lot B). These fees are currently 1,000 per bedroom, but are subject to change.
- G. Child Care Development fees shall be paid for seven bedrooms (3 on Lot A and 4 on Lot B). These fees are currently \$109 per bedroom, but are subject to change.
- H. Transportation improvement fees shall be paid for two (2) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- I. Roadside improvement fees shall be paid for two (2) dwelling units. These fees are currently \$2,000 per unit, but are subject to change.
- J. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
 - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans With Disabilities Act and/or Title 24 of the State Building Code.
 - 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.
 - 3. Water Quality: Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.
- K. 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 soil piles

EXHIBIT E
EXHIBIT C

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.

- L. Submit a study prepared by a hazardous materials specialist detailing the presence, if any, of hazardous materials and/or waste on the site due to the former use of the property as a storage yard. The study must be approved by Environmental Health. Additional studies and re-mediation measures may be required if hazardous materials and/or waste are discovered on site.

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

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

advance by County Planning to address and emergency situation; and

2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

F. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated August 2004.). 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.

V. Operational Conditions.

A. All runoff shall be filtered through silt and grease traps prior to leaving the site. The traps shall be maintained according to the following monitoring and maintenance procedures:

1. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 of each year at a minimum.
2. 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 inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.

B. Pervious pavement shall be maintained per the plans submitted with the original drainage plan. Manufacturer's specifications for power washing, vacuuming or other remediation shall be followed. A brief annual report shall be submitted to the Planning Department prior to October 15 of each year describing the maintenance that was completed in the previous year.

C. 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.

EXHIBIT C

advance by County Planning to address and emergency situation; and

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EXHIBIT E

- VI. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.
- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.
- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 30 days of the issuance of this development approval, the Development Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement, which incorporates the provisions of this condition, or this development approval shall become null and void.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires on the expiration date listed below unless you obtain the required permits and commence construction.

EXHIBIT E

Application #: 05-0225
APN: 028-252-40
Owner: Daniel McKenzie

Approval Date: 6/28/06

Effective Date: 7/12/06

Expiration Date: 7/12/08

Cathy Graves
Principal Planner

David Keyon
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.

EXHIBIT E

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 05-0225
Assessor Parcel Number: 028-252-40
Project Location: No situs

Project Description: Divide one parcel into two parcels and construct two single-family dwellings within an urbanized area

Person or Agency Proposing Project: Pacific Rim Planning Group (Jim Weaver)

Contact Phone Number: (831) 591-6503

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

Specify type:

E. X **Categorical Exemption**

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

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

Division of a parcel in an urbanized area with existing road access and utilities available.

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

David Keyon, Project Planner

Date: _____

EXHIBIT E