



## Staff Report to the Planning Commission

Application Number: **08-0332**

**Applicant:** Owen Lawlor  
**Owner:** Christopher Haltom  
**APN:** 029-013-16

**Agenda Date:** February 10, 2010  
**Agenda Item #:** 11  
**Time:** After 9:00 a.m.

**Project Description:** Proposal to divide an existing parcel into two parcels, convert one dwelling of an existing two unit dwelling group to a second unit with a habitable accessory structure on the second story, and construct one new single-family dwelling. Requires a Minor Land Division, Residential Development Permit, and a Variance to reduce the required parcel frontage and width from 60 feet to approximately 55 feet, required front yard setback from 20 feet to 10 feet, required street side yard from 20 feet to 10 feet, and a Roadway Roadside Exception to reduce the required 56 foot right of way to a 20 foot right-of-way.

**Location:** Property located on the northwest corner of Bali Way and Chanticleer Avenue (1870 Bali Way) in the Live Oak Planning area.

**Supervisory District:** 1st District (District Supervisor: John Leopold)

**Permits Required:** Minor Land Division, Residential Development Permit, Variances, Roadway/Roadside Exception

**Technical Reviews:** Soils Report Review

### **Staff Recommendation:**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Denial of Application 08-0332, based on the attached findings and conditions.

### **Exhibits**

- A. Project plans
- B. Findings
- C. Categorical Exemption (CEQA determination)
- D. Assessor's, Location, Zoning and General Plan Maps
- E. Comparison of site plan of required setbacks and proposed setbacks
- F. Copy of Standard Variance Findings
- G. Correspondence and Comments

### Parcel Information

Parcel Size: 12,749 square feet  
Existing Land Use - Parcel: 2 unit residential dwelling group  
Existing Land Use - Surrounding: Single family residential  
Project Access: Bali Way, 20 foot right-of-way  
Planning Area: Live Oak  
Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: R-1-6 (Residential, 1 Unit Per 6000 square feet)  
Coastal Zone: ☐ Inside ☒ Outside  
Appealable to Calif. Coastal ☐ Yes ☒ No  
Comm.

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Soils Report accepted by Environmental Planning  
Fire Hazard: Not a mapped constraint  
Slopes: The site is flat  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 155 cubic yards proposed for site preparation  
Tree Removal: No trees proposed to be removed at this time  
Scenic: Not a mapped resource  
Drainage: On site drainage has not been addressed, see Public Works  
Drainage Section comments, attached as Exhibit G.  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### Introduction

A land division application is typically not brought to your Commission until it has been found to be complete and has undergone thorough review including environmental review under CEQA. This application is an unusual one that is being brought to your Commission for discussion of the development potential of the property even though it is in incomplete status and environmental review has not yet been done.

The application is a proposal to divide a single property that is developed with a legal, non-conforming, two-unit dwelling group into two lots. The two existing structures will

remain on one lot and a new home would be constructed on the second lot. To accomplish the land division as proposed a number of variances to site standards would be required. Minimum parcel frontage, minimum parcel width, front yard setback and street side yard setbacks all would not be met. It is very unusual to consider creating lots that do not meet current site standards. However, because the applicant has requested a hearing before your Commission, staff has agreed to bring the application forward. Your options for acting on this project are discussed later in this report, after the details of the proposed project are described and relevant issues are discussed.

## **History**

The property contains a two unit dwelling group approved by Use Permit 89-0446. The main single-family dwelling is an approximately 1623 square foot, two-bedroom structure, constructed in 1951 (Assessor's estimate). The structure is *non-conforming* with respect to the street side yard setback as it is approximately 5 feet from the property line where 10 feet are required. The other single-family dwelling is an approximately 1123 square foot, two story, one bedroom structure that was originally constructed as a garage and was converted into a one-bedroom dwelling following the use approval in 1989. This structure is also *non-conforming* with respect to the current rear yard setback, which is approximately 11 feet where 15 feet are required. In addition, this structure contains an unpermitted addition at the rear, which is 4 feet from the property line where 5 feet are required.

The applicant submitted a previous application in 2007 for a land division consultation where standards for development were discussed. In addition, a similar land division/townhouse project application was submitted in 2007. The applicant was informed at that time that the Department could not support a recommendation for approval given the need for variances. The Department subsequently abandoned this application due to inactivity on the part of the applicant. During this current application review period, the applicant was informed again that staff could not support the proposed variances. Project correspondence is attached as Exhibit G.

## **Setting and Description of Property**

The subject property is situated at the corner of Chanticleer Avenue and Bali Way within the Live Oak Planning area (Exhibit D). Chanticleer Avenue is a 40-foot wide arterial street that is improved with two travel lanes, bicycle lanes, and curb, gutter, and sidewalks on both sides. Bali Way is a 20-foot wide, private, non-County maintained right-of-way, improved with asphalt that varies in width between 16 and 18 feet. Bali Way provides access to three single-family residences beyond the subject property.

The parcel is a 12,749 square foot, largely rectangular property that varies in width. The property is approximately 55 feet in width along the Chanticleer Avenue frontage and widens to approximately 63 feet half way along its 221-foot length along Bali Way. The existing two unit dwelling group is located toward the eastern half of the site.

The subject property is located in the R-1-6 zone district, a designation that allows development densities of one unit per 6000 square feet of net developable land area. Surrounding properties on the west side of Chanticleer Avenue are zoned R-1-6 and designated Residential Urban Medium, while properties on the east side of the subject property on Chanticleer Avenue are a mix of RM-4 (Multi-Family Residential, 4000 square feet per unit), Urban Medium Residential, and Public Facility by the General Plan (Exhibit D).

The property is designated Residential Urban Medium by the General Plan, which allows a range of 4000 to 6000 square feet per dwelling unit. The two existing units represent the maximum density allowed by the zone district and are consistent with the General Plan density.

### **Description of the Project**

The applicant is proposing to divide an existing 12,749 square foot parcel into two parcels of approximately 6,749 square feet (Parcel A) and 6,000 square feet (Parcel B). The larger of the two parcels (Parcel A) contains the two unit dwelling group that is proposed for conversion to a second unit and habitable accessory structure. The first floor of this building is proposed as the second dwelling unit, while the second floor is proposed as the habitable accessory structure. Removal of a portion of this building is proposed in order for the building to meet the interior side yard setback. The other existing dwelling is proposed to be slightly reduced in size and relocated on Parcel A to provide a 10 foot street side yard setback. The applicant proposes to construct a new 2067 square foot single family dwelling on the newly created lot (Parcel B). A 10-foot street side yard setback along Bali Way is proposed. Both lots will be accessed from Bali Way.

See Exhibit E and the table in the next section for a summary of the issues having to do with minimum setbacks and minimum parcel width.

### **Zoning , General Plan Consistency, and Need for Variances**

The site standards contained in County Code Section 13.10.323 are shown for the subject property based on the R-1-6 zoning as follows:

Site Standards	Front Setback	Side Setback	Rear Setback	Parcel Width	Site Frontage
Minimum Standard	20'	5' & 10' (Existing Corner Lot Street Side) 5' & 20' (New Corner Lot Street Side)	15'	60'	60'
Existing Parcel	20' (from Chanticleer)	4' (Interior) and <b>5'</b> (Street Side)	<b>11'</b>	63'	63'
Proposed Lot A	<b>11' (from Bali Way)</b>	8' (Interior Side) and 10' (Street Side <b>from Bali Way</b> )	15'	63.04'	63.04'
Proposed Lot B	20'	5' (interior Side) and 10' (Street Side <b>from Bali Way</b> )	15'	<b>54.98'</b>	<b>54.98'</b>

Existing and proposed non-conforming setbacks are shown in **bold**.

Pursuant to County Code Section 13.10.510(a) (Subsequent Divisions), "No parcel shall be divided so as to reduce the building site area, width, depth or frontage below those required by this Chapter, except as indicated in Section 13.10.323(d) 1." County Code Section 13.10.323 (d) (1) (A) (Site and Structural Dimension Exceptions Relating to Parcels- Parcels Created from New Land Divisions) goes on to say that " Within any new land division project, all development standards on all lots or parcels which abut the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained." Thus, this project requires a variance to reduce the minimum 60 foot parcel width and frontage to approximately 55 feet for Parcel B, a variance to reduce the required front yard setback along Bali Way from 20 feet to 11 feet for Parcel A and a street side setback along Bali Way from 20 feet to 10 feet for both parcel A and B.

Variances to site standards for the creation of new parcels are difficult to support. In this case the subject property is developed with two legal single-family dwellings, a density that is consistent with the zone district standard of 1 unit per 6,000 square feet and that is within the General Plan density range of 4000 to 6000 square feet per unit. The location of the existing structures leaves an open yard area that is large enough to meet the minimum size for a new lot. However, because of the geometry of the parcel, the location of the structures, and 20-foot roadway access, five variances and a roadside/roadway exception would be required to divide it from the rest of the parcel. Staff opinion is that findings for approval of variances cannot be made to support this project because: the property is already developed to the allowed density, there is no special circumstance that causes a strict interpretation of the Zoning Ordinance to deprive the owner of privileges that other property owners enjoy, and approving the variances would create a special advantage for the property owner that is not available to owners of

similar parcels. In addition, there are unresolved design issues that must be evaluated further before staff can make the finding that the project would not be detrimental to public health and safety. A full description of these points is found in Exhibit B, Findings.

### **Outstanding Design Issues**

#### **Road Design:**

Bali Way is a local street serving four and potentially five parcels (County Code 15.10.040 (d)). County Design Criteria establishes a minimum 56-foot right of way for local streets, streets serving 3 or more properties. Bali Way has a 20-foot right of way and therefore a roadway/roadside exception is required.

Planning staff supports a smaller right of way as Bali Way is a low traffic volume street and additional right of way, which is unlikely to be needed, would be difficult to acquire. The Public Works Department Road Engineering staff does not object to a roadway/roadside exception provided that the curb cut at Chanticleer is widened from 16 feet to 24 feet and the Bali Way road surface is widened from 16 to 24 feet for a 25-foot length. This would require dedication of additional property for road widening and would allow adequate space for two travel lanes at the Bali Way entry for passing vehicles. However, this would require removal of mature Cypress trees located on the southeast corner of the subject property and at the Bali Way entry to the property. The removal of the trees is not supported by the Planning Department. Alternatively, Public Works has indicated that it may be feasible to maintain the existing curb cut width if the applicant demonstrates that there is adequate sight distance from Bali Way along Chanticleer Avenue in both directions. This has not yet been addressed by the applicant and is one of the reasons the application is incomplete. The Public Works Department does not support the proposed project at this time.

The Bali Way right-of-way is currently improved with 16 to 18 feet of asphalt. Portions of the roadway extend over the subject property at the corner and rear of Bali Way. This area is indicated on the southwest portion of Parcel A on the Tentative Map (Exhibit A). This overlap onto the parcel provides necessary turning radius for vehicles traveling to properties further down Bali Way. However, the tentative map does not formally address this issue.

Issues of right of way width and sight distance notwithstanding, General Plan Policy 6.5.1 establishes a minimum 18-foot road width for two-way roads. This policy also requires a turnaround for access roads and driveways in excess of 150 feet in length. The current turnaround area is the driveway space in front of the last parcels on the road. That is the roadway standard that was approved with the dwelling group in 1989. And, to preserve adequate turning radius for other property owners on the street, it is recommended that right-of-way is dedicated, deduction of this area reflect the dedication, and roadway surface improvements to the street are provided.

#### Drainage:

The drainage improvement plans proposed by the applicant route drainage runoff close to large Cypress trees at the corner of Bali Way and proposed piping is located between the trees in the root zone. Chapter 13.11. requires developers to preserve existing trees over 6 inches in diameter where feasible. Department of Public Works staff has commented that drainage pipes would be more appropriately located toward the rear of Parcel B, since that is the general direction of existing runoff across the site.

#### Environmental Review:

The project has been determined to be exempt from Environmental Review pursuant to the statutory exemption for projects that are denied (Exhibit C). If the project is not denied and is remanded to staff for further analysis and processing an Initial Study will be prepared for full review under CEQA at that time.

#### **Alternative Project Approaches**

Staff has researched the potential for project alternatives and concluded that the existing and proposed structures could be remodeled, relocated, or removed to conform to the setback standards if desired. Nonetheless, a rezoning from R-1-6 to R-1-5 would be required to address the minimum frontage and width standards. The minimum frontage and parcel width in R-1-5 is fifty feet, rather than sixty, and variance would not be required. Further, rezoning would encourage infill development. However, based on preliminary analysis staff believes this would be considered "spot zoning" and that the findings for rezoning cannot be made at this time.

If the Commission believes that residential infill and creation of a new lot is important, another alternative is for the applicant to propose a planned unit development. This would allow the development to occur without variances. Pursuant to County Code Section 18.10.183, approval of a PUD is required by the Board of Supervisors with findings for residential PUD's including, but not limited to, "the permitted departures from the otherwise required development standards will provide specific benefits to the neighborhood and/or the community in which the Planned Unit Development is located, and that such benefits are specified by the Board of Supervisors in connection with its approval of a Planned Unit Development, and that any conditions required to achieve such benefits are incorporated into the project and made conditions of approval."

#### **Options For Taking Action On This Application**

Staff has brought this application, which is in incomplete status, to your Commission at the request of the applicant. The applicant desires a hearing before the decision makers on the central question, which is whether or not the variances needed for land division may be approved. Staff is recommending denial of the project because of our inability to make findings in support of the several variances. As proposed, the project is not consistent with all applicable codes and policies of the Zoning Ordinance and General

Plan/Local Coastal Plan. Even though there are unresolved design issues and the application is considered to be incomplete, staff believes there is adequate information on which to base the recommendation for denial. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

If your Commission is not inclined to deny the application today you may remand the application to staff for further analysis and processing. If your Commission feels that a variance for a land division could potentially be justified, please provide staff with guidance relating to the required findings. A copy of the required findings is attached as Exhibit F.


#### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **DENIAL** of Application Number **08-0332**, based on the attached findings.

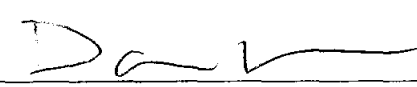
**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

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

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

  
Paia Levine  
Principal Planner  
Santa Cruz County Planning Department



# 1870 BALI WAY

## SHEET INDEX

- A1 GENERAL VICINITY CALCULATIONS, EXISTING & PROPOSED PROJECT SCOPE, PROJECT TEAM, 3D SIMULATION
- A1.1 SITE PLAN
- A7 (N) HOUSE FLOOR PLANS
- A3 (M) HOUSE ELEVATIONS
- A4 EXISTING ACCESSORY DWELLING REMODEL
- A5 EXISTING HOUSE PLAN & ELEVATIONS
- A6 SHADOW STUDY
- L1 PLANTING PLAN
- TM1 TENTATIVE SITE MAP - MINOR LAND DIVISION
- TM2 IMPROVEMENT PLAN
- TM3 EROSION CONTROL & GRADING
- TM4 EXISTING CONDITION - AERIAL PHOTO
- TM5 LINE OF SIGHT DISTANCE EXHIBIT

## PROJECT SCOPE

PROPOSAL TO DIVIDE AN EXISTING PARCEL INTO TWO LOTS. CONVERT ONE DWELLING OF AN EXISTING TWO-UNIT DWELLING GROUP INTO A SINGLE UNIT. ROTATE AND MOVE ONE EXISTING SINGLE FAMILY DWELLING AND CONSTRUCT ONE NEW SINGLE FAMILY DWELLING ON THE NEWLY CREATED LOT.

REQUIRES A MINOR LAND DIVISION AND A RESIDENTIAL DEVELOPMENT PERMIT TO CONVERT AN EXISTING TWO-STORY DWELLING INTO A ONE STORY SECOND UNIT ABOVE EXISTING SPACE.

## PROJECT TEAM

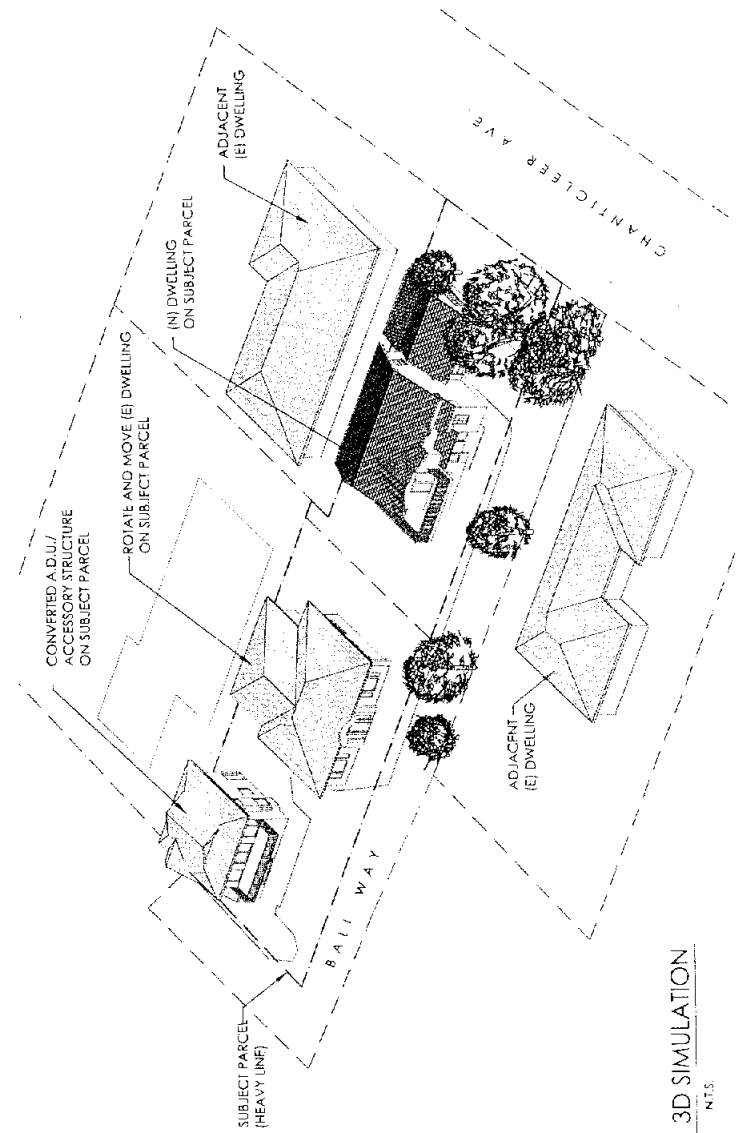
- ARCHITECT: JOHN MCKELVEY  
535 SOQUEL AVENUE  
SANTA CRUZ, CA 95062  
831-457-6546
- CIVIL ENGINEER: GLENN INLAND, P.E.  
INLAND ENGINEERS, INC. 2  
1425 SOQUEL AVENUE  
SANTA CRUZ, CA 95062  
831-424-5313
- LANDSCAPE ARCHITECT: GREGORY LEWIS  
734 PARK WAY  
SANTA CRUZ, CA 95065  
831-425-4747
- OWNER & SUBDIVIDER: CHRISTOPHER HALTOM  
C/O OWEN LAWLOR  
LAWLOR AND ASSOCIATES  
1425 SOQUEL AVENUE  
SANTA CRUZ, CA 95062



## GENERAL VICINITY MAP

N.T.S.

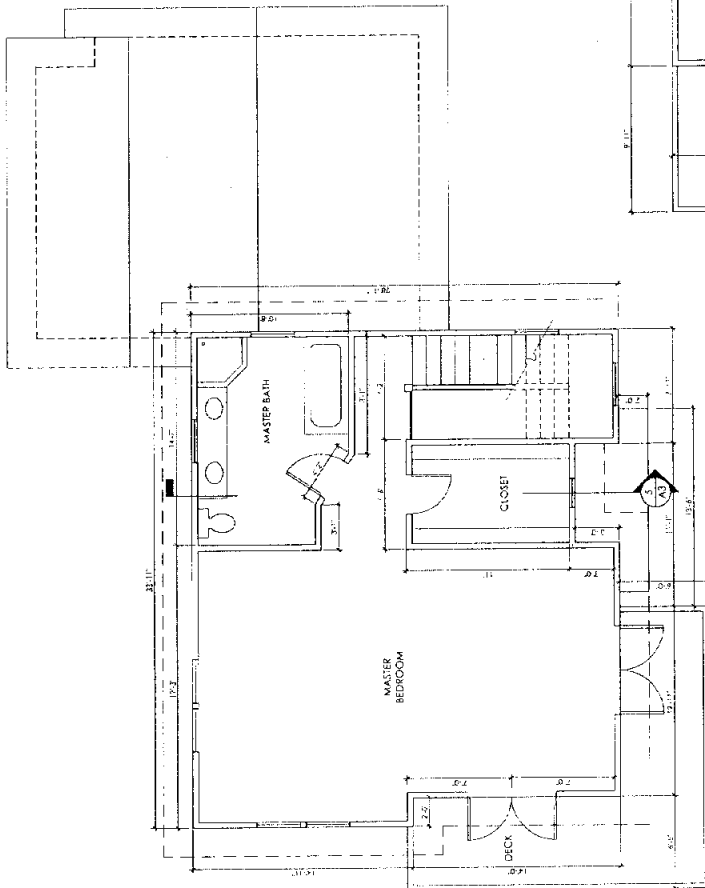
AREA CALCULATIONS	
EXISTING ONE-STORY MAIN HOUSE (ROTATED & EXISTING ADDITION TO BE REMOVED). SEE SHEET A5	EXISTING 1623 SF PROPOSED 1441 SF
EXISTING TWO-STORY A.D.U. SEE SHEET A4	LOWER LEVEL 520 SF UPPER LEVEL - STAIR 507 SF EXISTING A.D.U. TOTAL 1027 SF
PROPOSED ONE-STORY A.D.U. & EXERCISE ROOM SEE SHEET A4	LOWER LEVEL A.D.U. 328 SF UPPER LEVEL EXERCISE RM. + STAIR 397 SF
PROPOSED TWO-STORY MAIN HOUSE SEE SHEETS A2 & A3	LOWER LEVEL AREA 925 SF W/O GARAGE UPPER LEVEL AREA 859 SF GARAGE 510 SF GARAGE CREDIT 1625 SF
(N) RESIDENCE TOTAL 2067 SF	
AREA / PERCENTAGE	
EXISTING LOT AREA: 12749 SF / 100%	
BUILDING FOOTPRINT AREA: 3473 SF / 27%	
IMPERVIOUS SURFACE AREA: SEE CIVIL DRAWINGS	
FLOOR AREA RATIO:	
EXISTING LOT AREA: 12749 SF / 100%	
EXISTING HOUSE: 1441 SF / 11%	
PROPOSED A.D.U. / ACCESSORY STRUCTURE CONVERSION: 1123 SF / 9%	
PROPOSED (N) 2-STORY RESIDENCE: 2067 SF / 16%	
PROPOSED FLOOR AREA RATIO: 4631 SF / 36%	



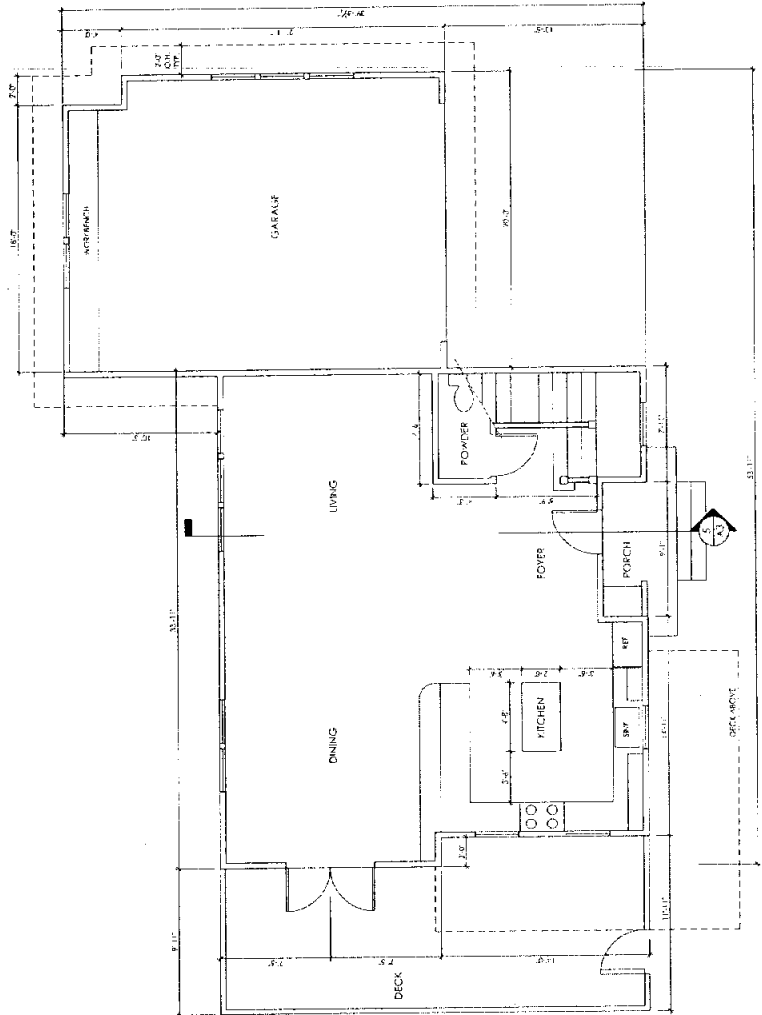
3D SIMULATION  
N.T.S.



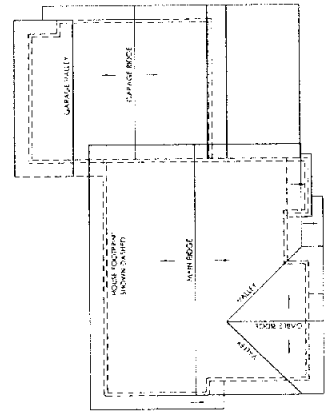
(2) (N) UPPER FLOOR PLAN  
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(1) (N) LOWER FLOOR PLAN  
SCALE: 1/8" = 1'-0"



(3) (N) ROOF PLAN  
SCALE: 1/8" = 1'-0"





ANDERSON  
ENGINEERS  
1111 BUREAU AVENUE  
SANTA CRUZ, CA 95062  
TEL: 408/298-1111  
FAX: 408/298-1112

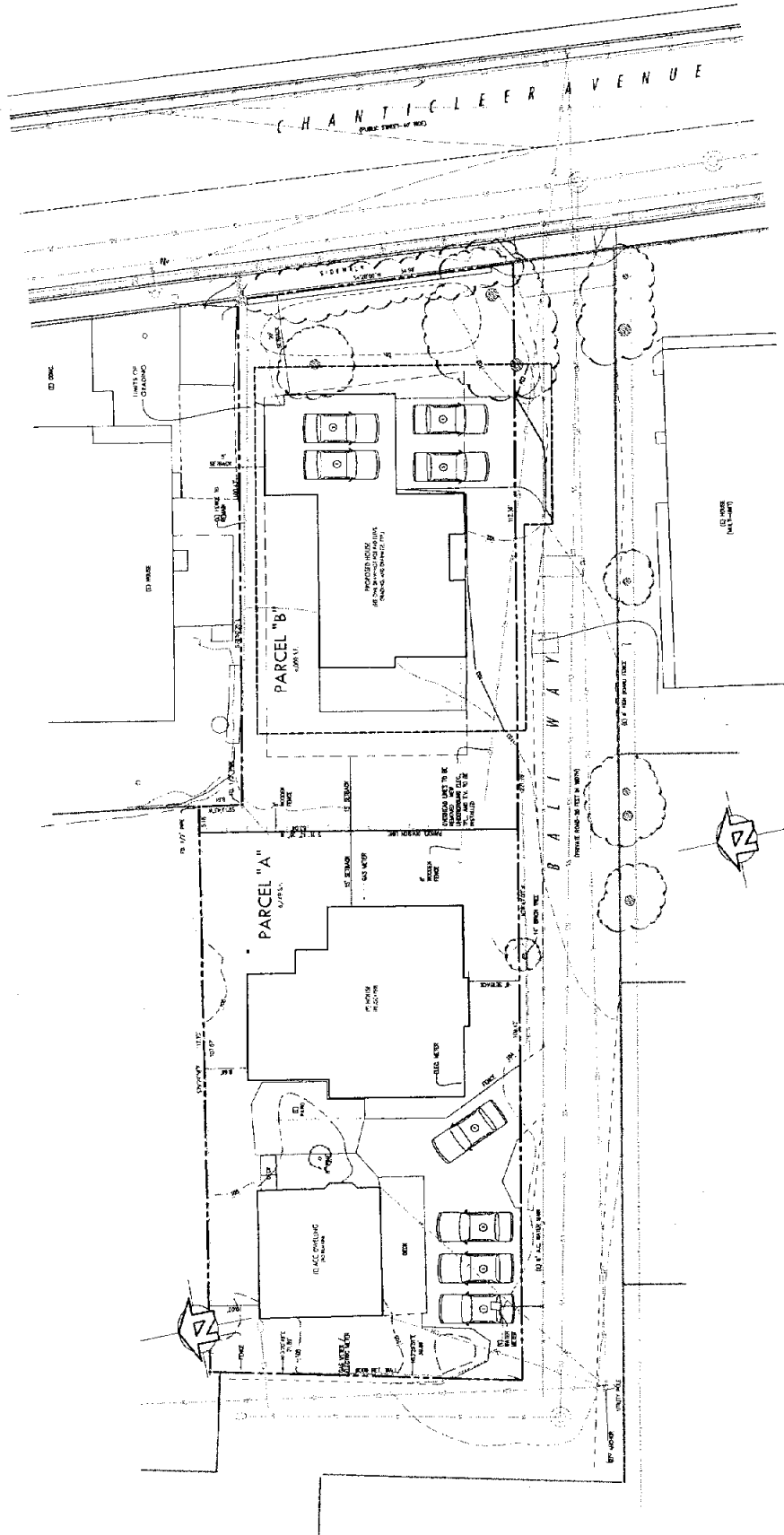


1870 BALI WAY  
SANTA CRUZ, CA 95062  
APR 02/01 013-15

SHEET 1

DESIGN  
DATE  
SCALE  
DATE

DATE  
SCALE  
DATE



SITE PLAN  
SCALE: 1" = 10' 0"

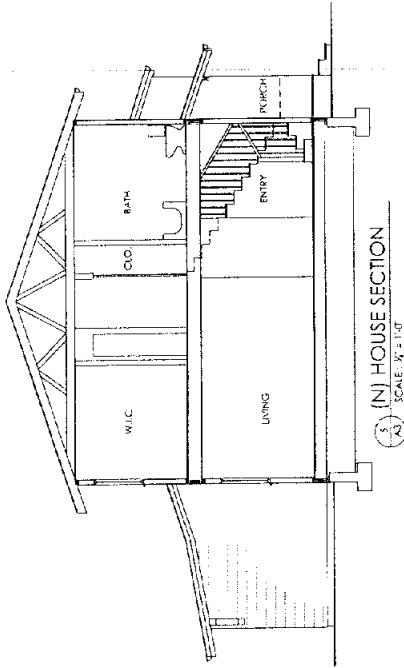


1870 BALI WAY  
SANTA CRUZ, CA 95062  
APN 009-013-12

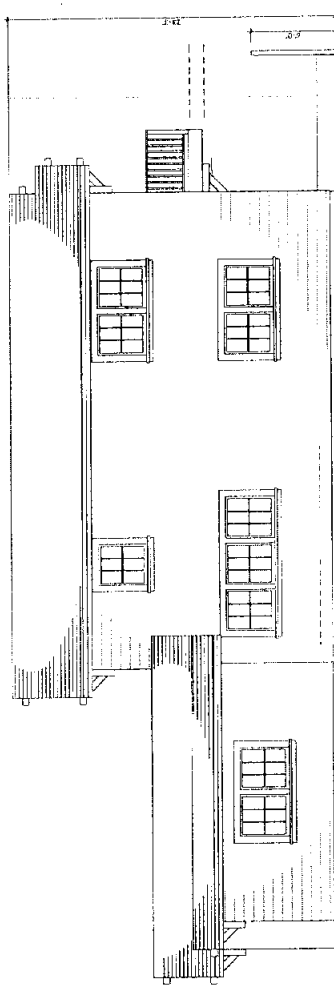
(N) HOUSE  
ELEVATIONS

DRAWN JANUARY 2008  
SCALE  
DATE 26 JULY 2008

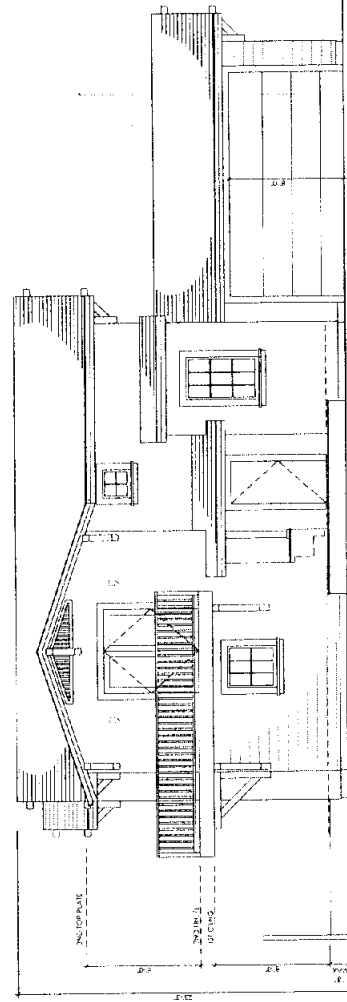
A3



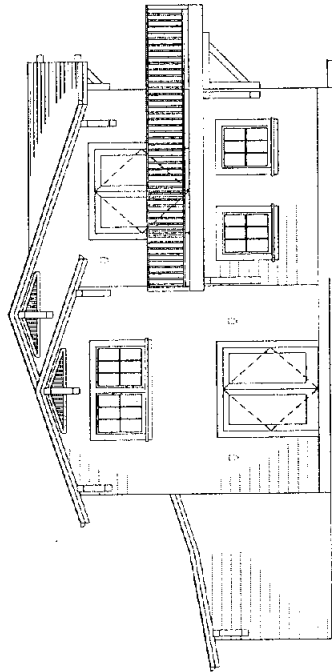
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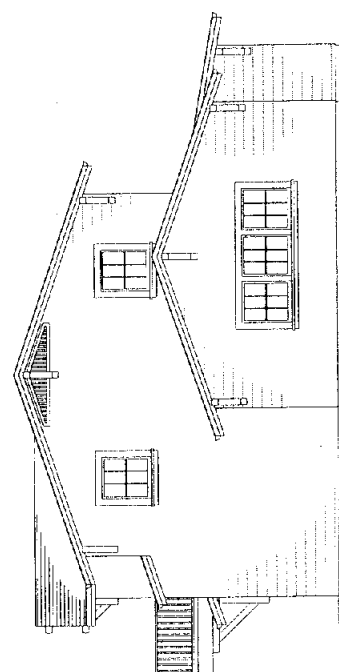
(2) (N) HOUSE REAR ELEVATION  
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(1) (N) HOUSE FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



(4) (N) HOUSE LEFT ELEVATION  
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(3) (N) HOUSE RIGHT ELEVATION  
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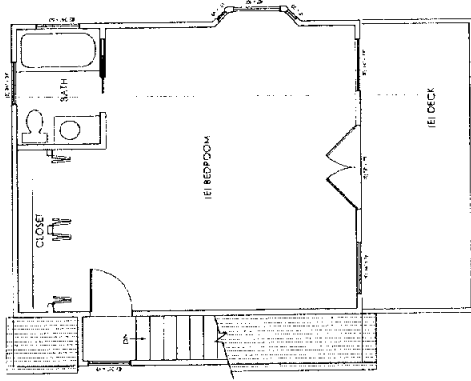


1870 BALI WAY  
SANTA CRUZ, CA 95062  
APR 09/03/16

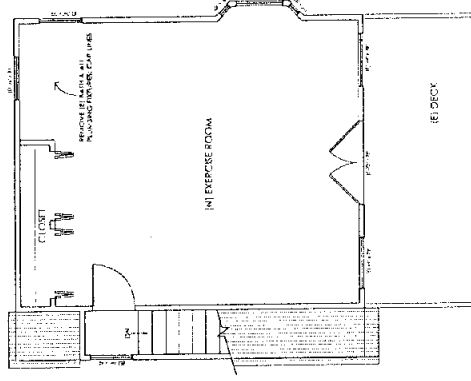
(E) ACCESSORY  
STRUCTURE  
REMODEL  
FLOOR PLANS  
& ELEVATIONS

DRAWN: JAMES HARRIS  
SCALE: 1/8" = 1'-0"  
DATE: 24 JULY 2008

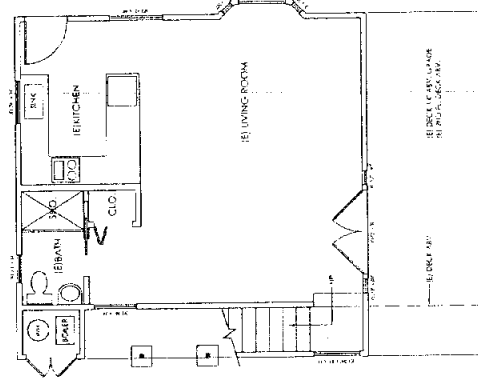
A4



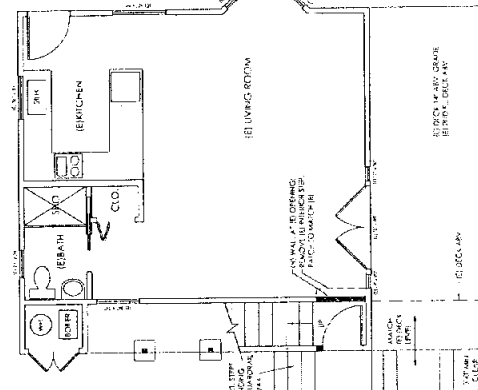
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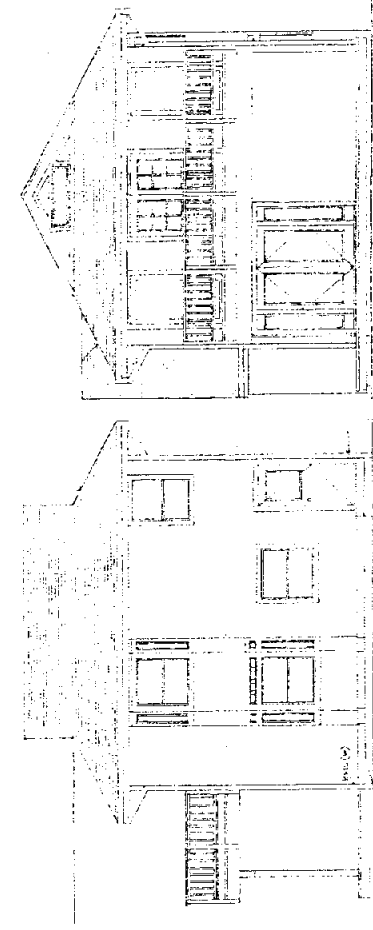
3. PROPOSED UPPER FLOOR PLAN  
SCALE: 1/8" = 1'-0"



1. EXISTING A.D.U. LOWER FLOOR PLAN  
SCALE: 1/8" = 1'-0"

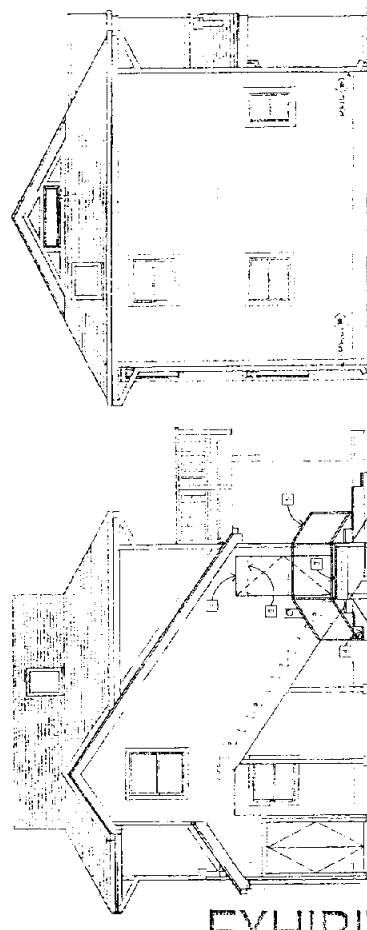


4. PROPOSED A.D.U. LOWER FLOOR PLAN  
SCALE: 1/8" = 1'-0"



5. PROPOSED EAST ELEVATION  
SCALE: 1/8" = 1'-0" (NO CHANGE)

6. PROPOSED SOUTH ELEVATION  
SCALE: 1/8" = 1'-0" (NO CHANGE)



7. PROPOSED WEST ELEVATION  
SCALE: 1/8" = 1'-0" (NO CHANGE)

8. PROPOSED NORTH ELEVATION  
SCALE: 1/8" = 1'-0" (NO CHANGE)

A4 ELEVATION KEYNOTES

1	1/2" x 6" x 8" T&G CEDAR SHAKES
2	1/2" x 6" x 8" T&G CEDAR SHAKES
3	1/2" x 6" x 8" T&G CEDAR SHAKES
4	1/2" x 6" x 8" T&G CEDAR SHAKES
5	1/2" x 6" x 8" T&G CEDAR SHAKES
6	1/2" x 6" x 8" T&G CEDAR SHAKES
7	1/2" x 6" x 8" T&G CEDAR SHAKES
8	1/2" x 6" x 8" T&G CEDAR SHAKES
9	1/2" x 6" x 8" T&G CEDAR SHAKES
10	1/2" x 6" x 8" T&G CEDAR SHAKES
11	1/2" x 6" x 8" T&G CEDAR SHAKES
12	1/2" x 6" x 8" T&G CEDAR SHAKES
13	1/2" x 6" x 8" T&G CEDAR SHAKES
14	1/2" x 6" x 8" T&G CEDAR SHAKES
15	1/2" x 6" x 8" T&G CEDAR SHAKES
16	1/2" x 6" x 8" T&G CEDAR SHAKES
17	1/2" x 6" x 8" T&G CEDAR SHAKES
18	1/2" x 6" x 8" T&G CEDAR SHAKES
19	1/2" x 6" x 8" T&G CEDAR SHAKES
20	1/2" x 6" x 8" T&G CEDAR SHAKES
21	1/2" x 6" x 8" T&G CEDAR SHAKES
22	1/2" x 6" x 8" T&G CEDAR SHAKES
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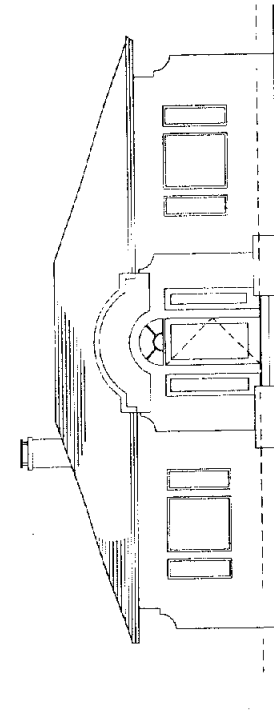


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SANITA C 012, CA 95062  
APN 029 012 16

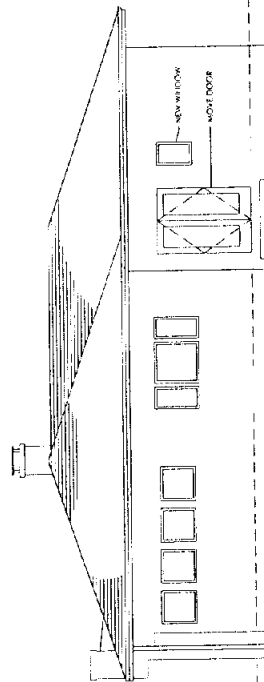
EXISTING  
MAIN HOUSE  
FLOOR PLAN &  
ELEVATIONS

DRAWN: JMW/AMM  
SCALE: 1/8" = 1'-0"  
DATE: 26 JULY 2008

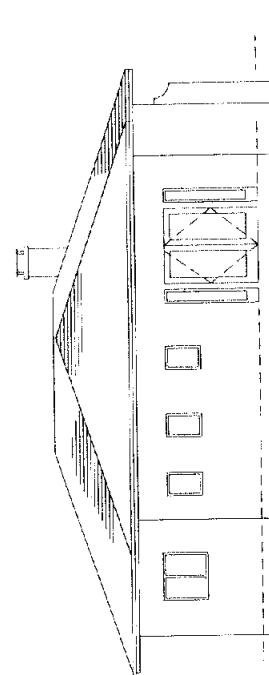
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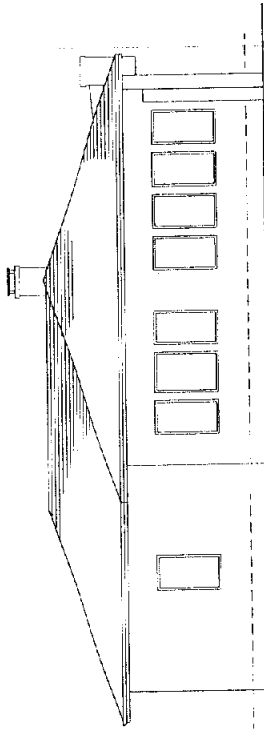
3 (E) MAIN HOUSE FRONT ELEVATION  
AS SCALE: 1/8" = 1'-0"



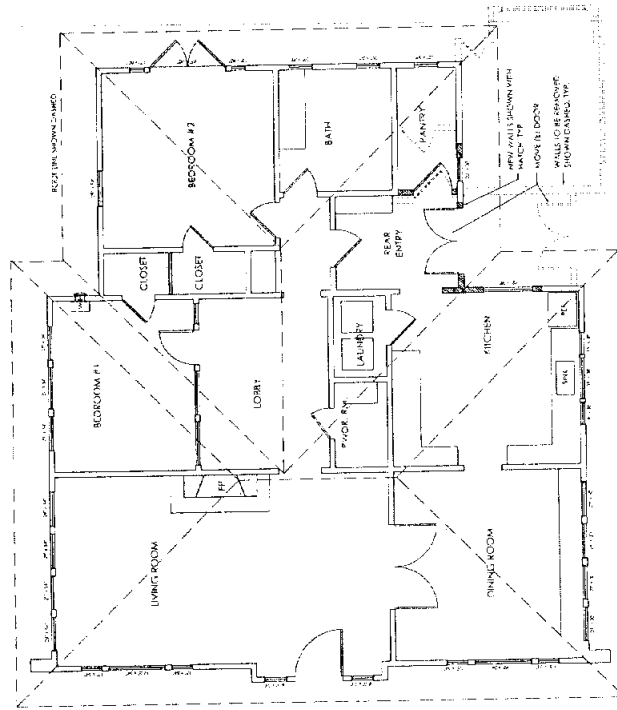
3 (E) MAIN HOUSE RIGHT ELEVATION  
AS SCALE: 1/8" = 1'-0"



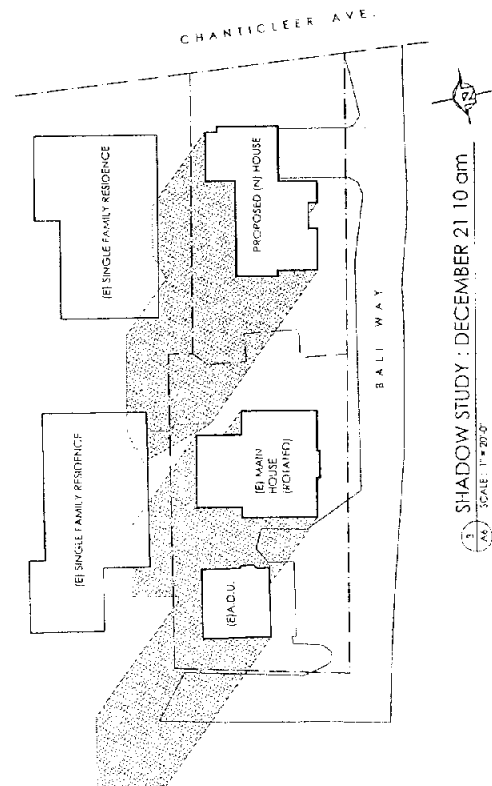
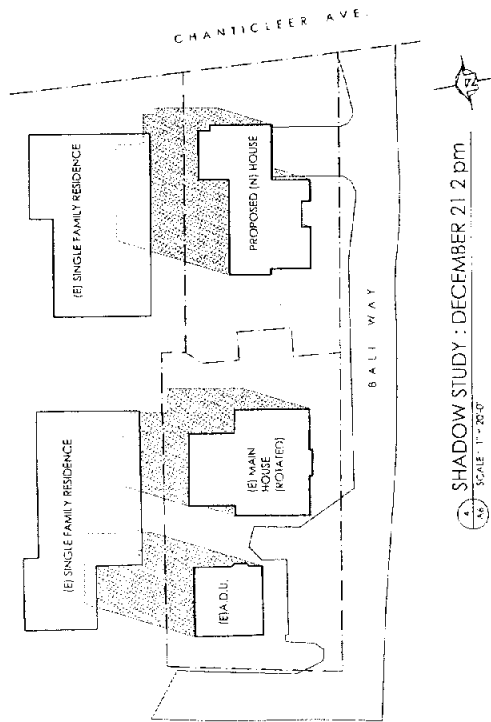
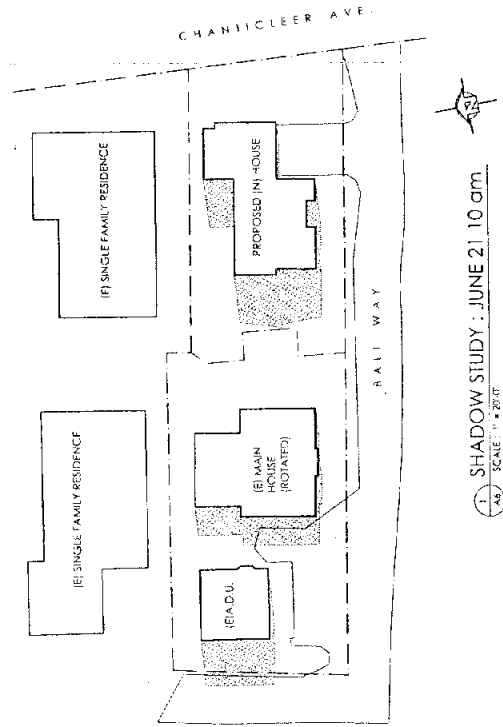
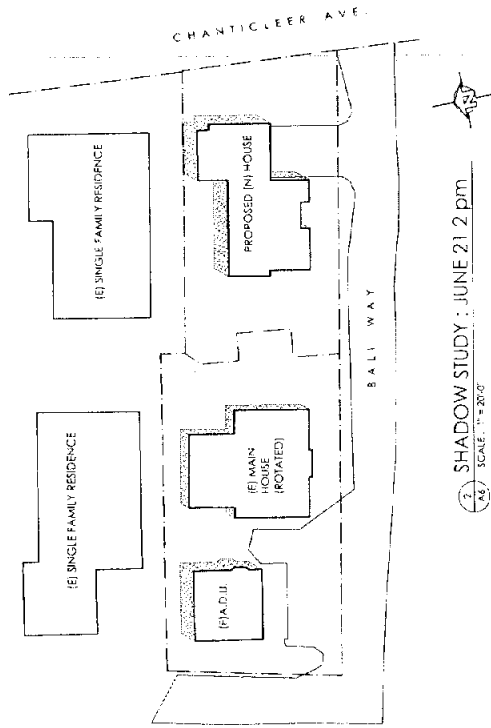
3 (E) MAIN HOUSE REAR ELEVATION  
AS SCALE: 1/8" = 1'-0"



3 (E) MAIN HOUSE LEFT ELEVATION  
AS SCALE: 1/8" = 1'-0"



1 (E) MAIN HOUSE PLAN  
AS SCALE: 1/8" = 1'-0"





# Project Data

## Owner & Subdivider

Christopher W. Halton  
C/O Chris Halton Land Use Consultants  
1555 Sycamore Avenue  
San Jose, CA 95128  
Phone: (408) 457-0321

## Project Area

3.21 Acres ± 1.13 Acreal

## Existing Zoning

RM-16

## Existing Use

Existing Duplex and Vacant Land

## Proposed Use

20 PARCELS WITH SINGLE FAMILY RESIDENCES

## Project Benchmark

152.500 MSL NEAR THE CORNER OF CHANTICLEER AVE.  
ELEVATION - LOCAL ELEVATIONS BASED ON COUNTY  
BENCHMARK 4541 NEAR THE INTERSECTION OF  
MATTISON LANE AND 17TH AVE. ELEV. 85.1

## Water Supply

City of Santa Cruz Water

## Sewer Disposal

San Jose County Sewer District

## Gas & Electric

Pacific Gas and Electric Company

## Telephone Service

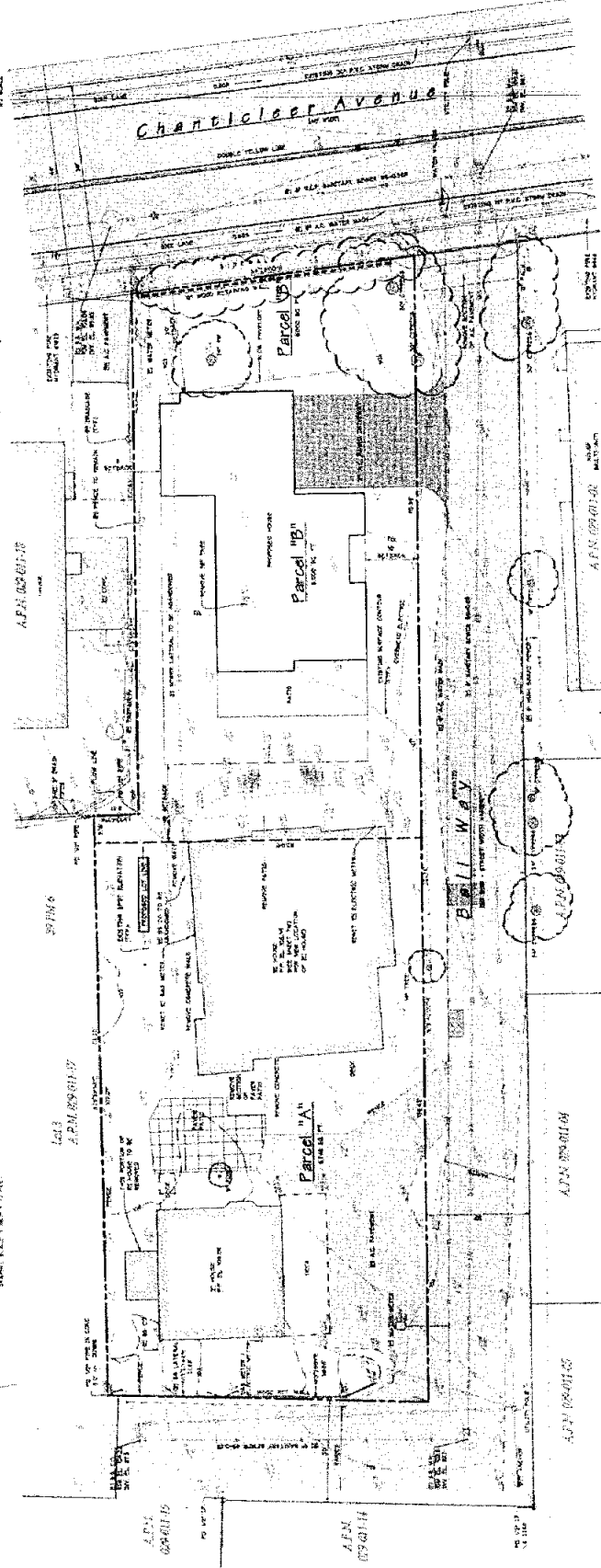
AT&T

**SITE**  
THE PROJECT AREA IS LOCATED WITHIN THE  
CITY OF SANTA CRUZ, CALIFORNIA. THE  
PROJECT AREA IS A 3.21 ACRE ± LOT.  
WHILE ISLAND ENGINEERS HAS MADE A SITE  
VISIT TO THIS LOT, THE DATA PROVIDED  
HEREIN IS BASED ON THE RECORDING OF  
THE RECORD AND/OR TOPOGRAPHIC DATA.

PROJECT SITE - AVERAGE LOT 1.13

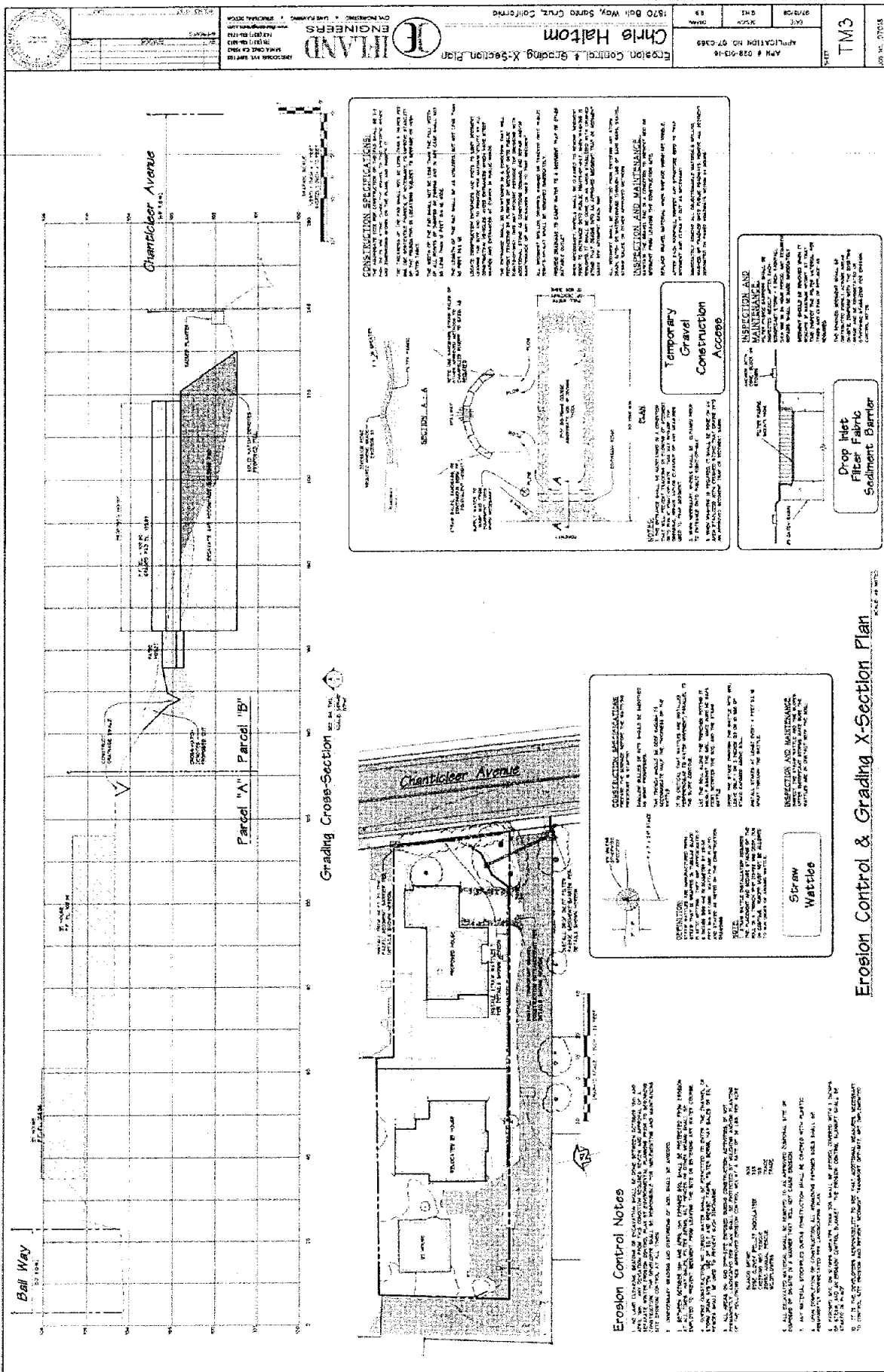


Neighborhood Map

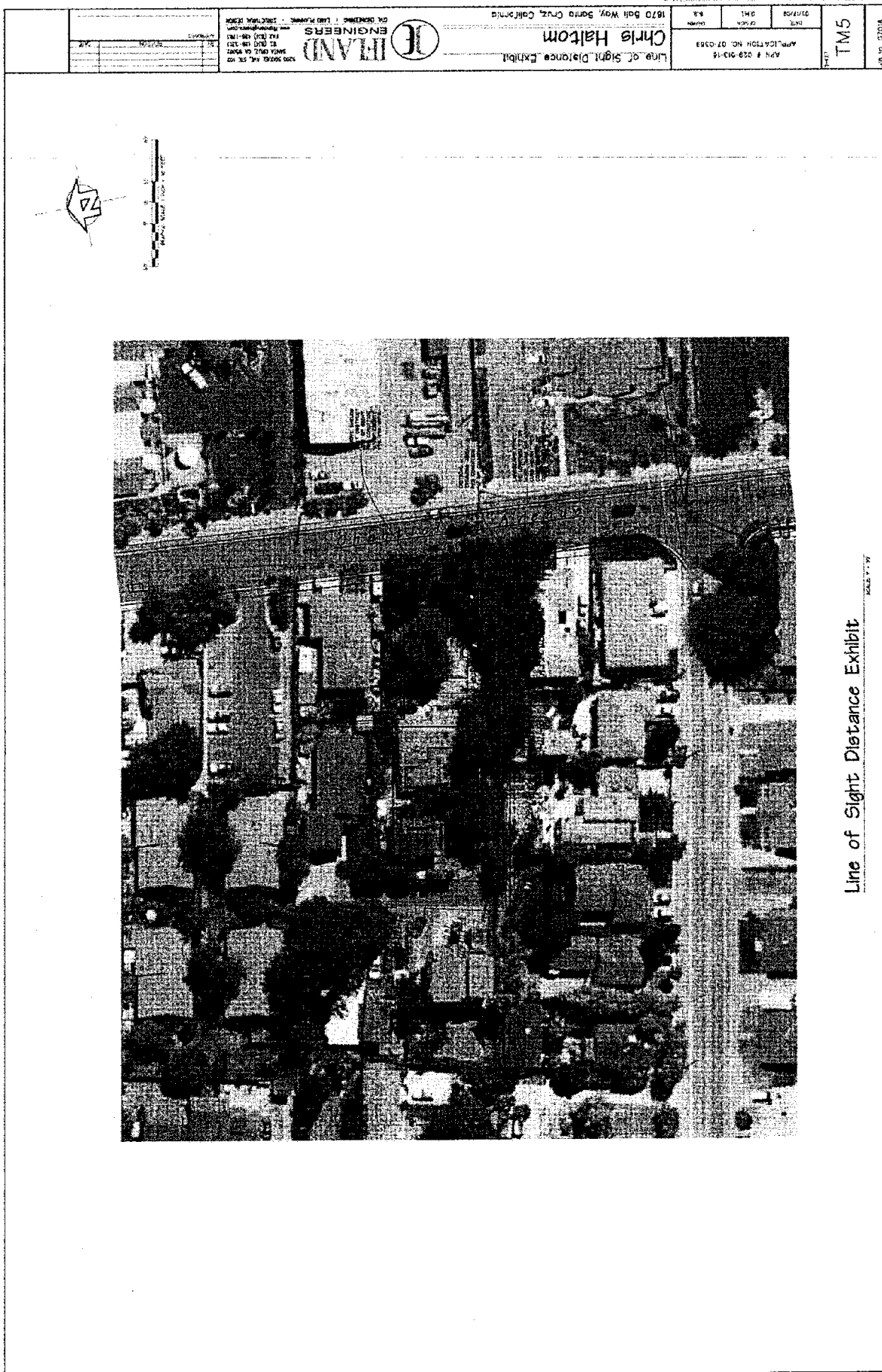


Tentative Map - Minor Land Division









## **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 cannot be made, in that the proposed project would allow an additional dwelling unit and habitable accessory structure to be located on a street that has not been shown to provide adequate sight distance at the intersection with Chanticleer Avenue. Public Works staff required sight distance to be addressed by a registered engineer. An acceptable report addressing sight distance has not been submitted to date and the Public Works staff does not support the proposed project as proposed. In addition, the Bali Way right-of-way is a substandard roadway, with a substandard curb cut width, currently developed with 16 to 18 feet of asphalt, with portions of the roadway extending over the property line at the corner and rear of Bali Way and the subject parcel. A roadway/roadside exception is required pursuant to County Code Section 15.10 for any roadway less than the full 56 foot local street standard. While a reduction in the road standards may be appropriate for this site, General Plan Policy 6.5.1 requires a minimum of 18 feet for roads serving three or more properties. The plans do not propose improvements to meet the minimum standard or address the public works recommendations to widen the site entry. Also, turning radius at the southwest corner of the property has not been formally addressed by dedication of the area for right-of-way purposes or improvements to the roadway to ensure traffic safety.

The project improvement plans have not demonstrated adequate control of stormwater impacts on or offsite. The project has not submitted a storm water mitigation plan that identifies the amount of runoff received from adjacent upstream property or shown that the project holds runoff levels to the predevelopment levels required by the County Design Criteria consistent with General Plan Drainage Policies 7.23.1, 7.23.2, 7.23.3, 7.23.4 and 7.23.5.

As long as the issues described above remain unresolved, there is not adequate documentation to state that the project will not be materially detrimental to public health, safety, and welfare and that it will not be injurious to property or improvements in the vicinity.

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 cannot be made, in that pursuant to County Code Section 13.10.510(a) (Subsequent Divisions), "No parcel shall be divided so as to reduce the building site area, width, depth or frontage below those required by this Chapter, except as indicated in Section 13.10.323(d) 1." County Code Section 13.10.323 (d) (1) (A) (Site and

Structural Dimensions Exceptions Relating to Parcels- Parcels Created from New Land Divisions) states that "within any new land division project, all development standards on all lots or parcels with about the periphery of the project site are subject to all the restrictions stated in this section unless a variance is obtained." The project does not comply with the required front setback, street side setbacks, or minimum frontage or width standards and would require variance to these standards. Required variances include a reduction of the minimum 60 foot parcel width and frontage to approximately 55 feet for Parcel B, a variance to reduce the required front yard setback along Bali Way from 20 feet to 11 feet for Parcel A and a street side setback along Bali Way from 20 feet to 10 feet for both parcels A and B. See "Variance Findings" for details on why findings cannot be made.

See also Finding 1, above, with regard to inconsistency with roadway standards.

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 cannot be made, in that the proposed project is inconsistent with General Plan Policy 6.5.1, which requires that roadways provide a minimum of 18-foot travel lanes when serving more than two driveways. The improvement plans do not show improvements meeting this standard.

The project is inconsistent with General Plan Policy 8.6.5 (Designing with the Environment) in that the proposed drainage improvements are located within the root system of mature Cypress trees and require grading and disruption of the root system when drainage can be directed elsewhere on the property. Trees greater than 6 inches in diameter are subject to protection by the Design Review Ordinance (General Plan Policy 8.1.2). Project requirements to provide an arborist report, tree protection plan, and replacement tree plan have not been provided to date.

The proposed minor land division does not comply with all the current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the structures will not meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood. Variance findings, attached, cannot be made. See the findings for additional discussion.

The project proposes to retain two existing houses, which is consistent with General Plan Policy 8.4.2; however, it is inconsistent with General Plan Policy 8.4.1 (Neighborhood Character-Project density in established residential neighborhoods shall be compatible with existing neighborhood density) in that the proposed project increases housing density from a two unit dwelling group to three dwelling units and a habitable accessory structures on a site that does not conform to the site standards. This does not exist on other lots in the neighborhood.

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

## Variance Findings

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This finding cannot be made, in that the subject property is an approximately 12,749 square foot, flat site and contains an existing two unit dwelling group, which meets the maximum permitted density of the zone district in which it is located. The R-1-6 zone district requires a minimum of 1 unit per 6,000 square feet and thus allows 2 units per 12,000 square feet. The two unit dwelling group also complies with the General Plan Urban Medium range of 4,000 to 6,000 square feet per unit. Thus, there is no special circumstance applicable to the property that would deprive the property of its full development density or the otherwise density enjoyed by other property in the vicinity. In addition, the variances to front yard and side yard setbacks could be avoided by removing, remodeling, or relocating the existing structures, and to this extent the need for variances is a self-imposed hardship.

3. That the granting of such variances shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated.

This finding cannot be made, in that most of the other properties in the vicinity of the subject property contain one single-family dwelling and meet the required setback requirements for improvements to their property. Also, the existing and proposed structures on the subject property can either be removed, relocated or remodeled to comply with the required setbacks as part of the land division; and thus, variances to reduce the required front and side setbacks are not an absolute necessity for the creation of this land division.

The proposed project also creates additional housing density (from a two unit dwelling group to three dwelling units and a habitable accessory structure) on a site that is nonconforming with respect to existing site standards. This project will result in a housing density otherwise absent from this single-unit, single-family neighborhood. No other properties in the immediate vicinity contain this proposed development density without compliance with the site standards. The proposed infill development intensifies these nonconformities.

For all of the above reasons, approval of these variances would be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone district in which this site is situated.

# 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: 08-0332  
Assessor Parcel Number: 029-013-16  
Project Location: 1870 Bali Way

**Project Description: Proposal to divide an existing parcel into two parcels, convert one dwelling of an existing 2-unit dwelling group to a second unit and a habitable accessory structure, and construct one new single family dwelling.**

**Person or Agency Proposing Project: Owen Lawlor**

**Contact Phone Number: (831) 457-1331**

- 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.   x   **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type: Statutory Exemption - 15270 - Projects which are disapproved

E. \_\_\_\_\_ **Categorical Exemption**

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

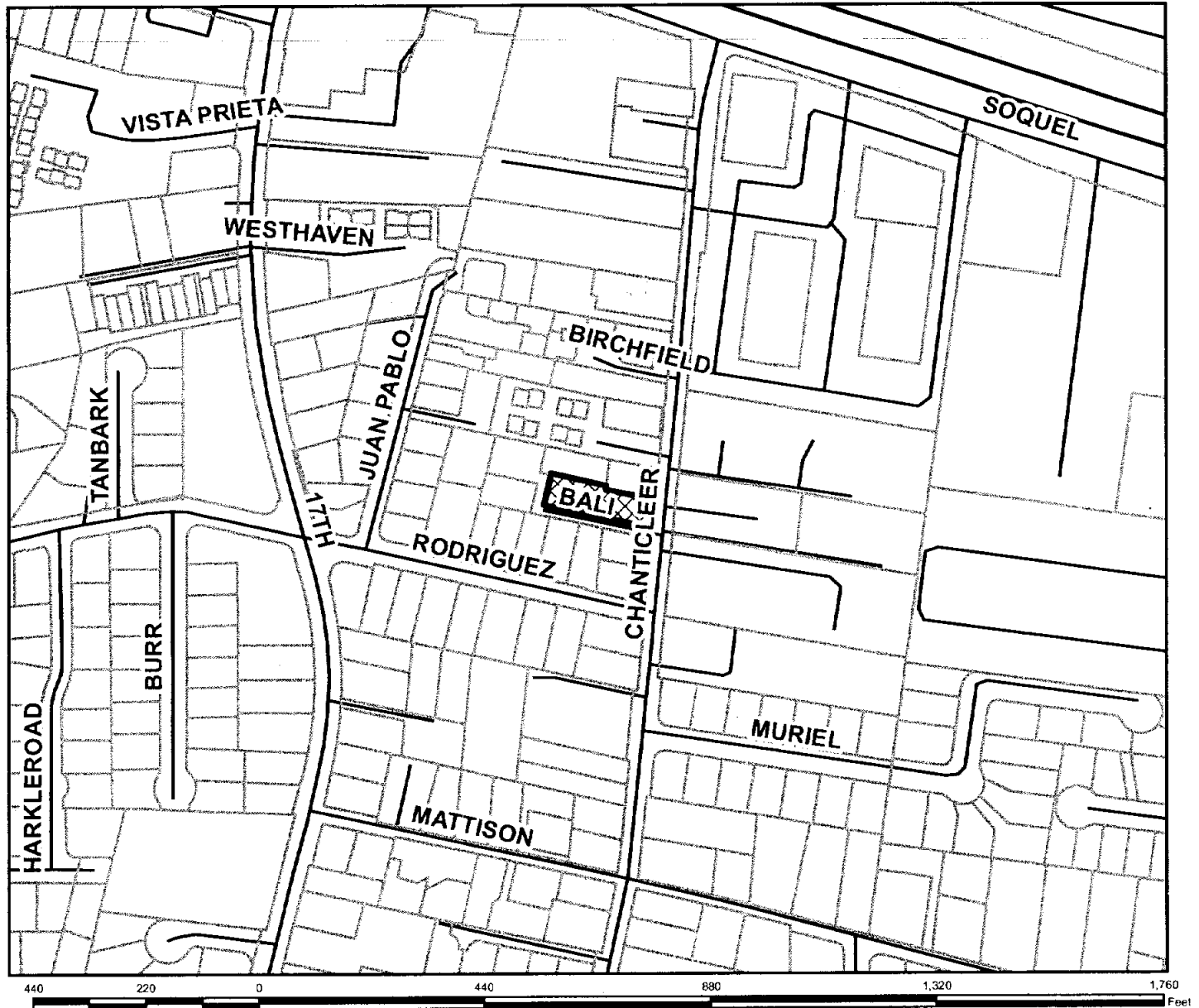
In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Sheila McDaniel, Project Planner




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

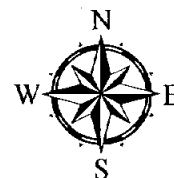


# Location Map



## LEGEND

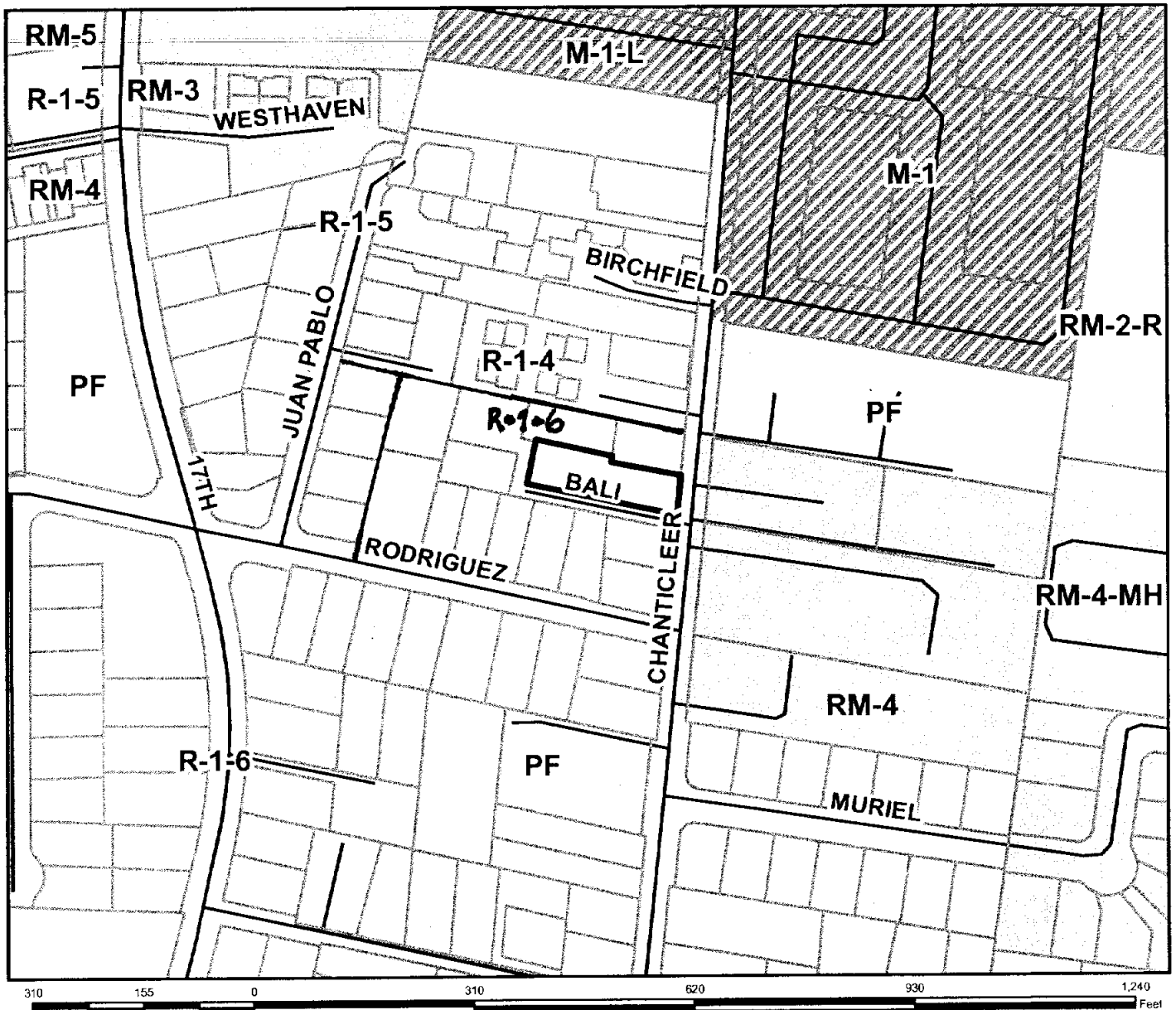
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-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
January 2010



# Zoning Map



## LEGEND

APN: 029-013-16

Assessors Parcels

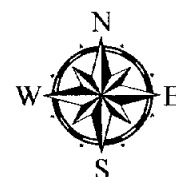
Streets

RESIDENTIAL-SINGLE FAMILY

RESIDENTIAL-MULTI FAMILY

PUBLIC FACILITY

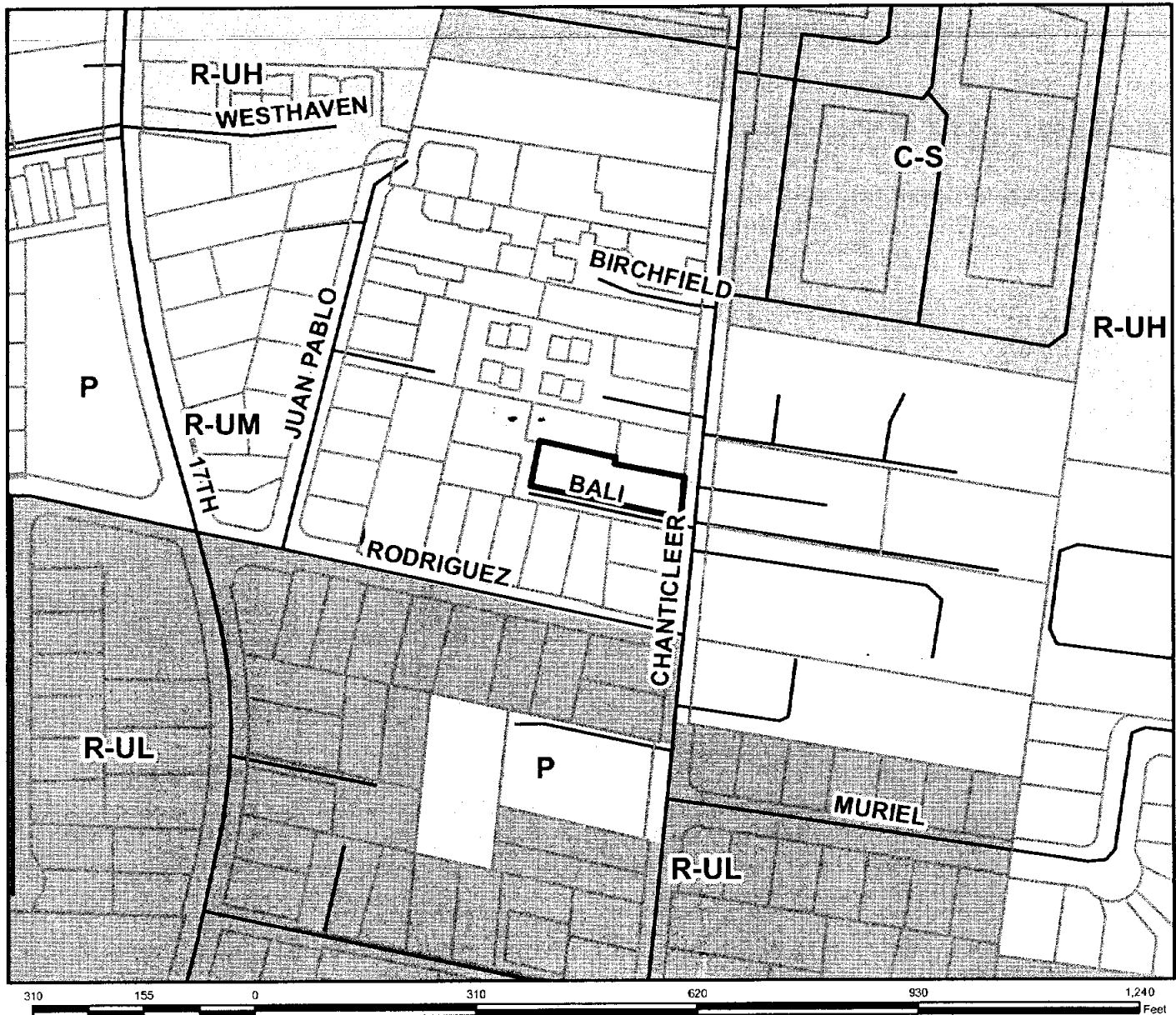
LIGHT INDUSTRIAL



Map Created by  
County of Santa Cruz  
Planning Department  
January 2010

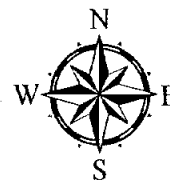


# General Plan Designation Map



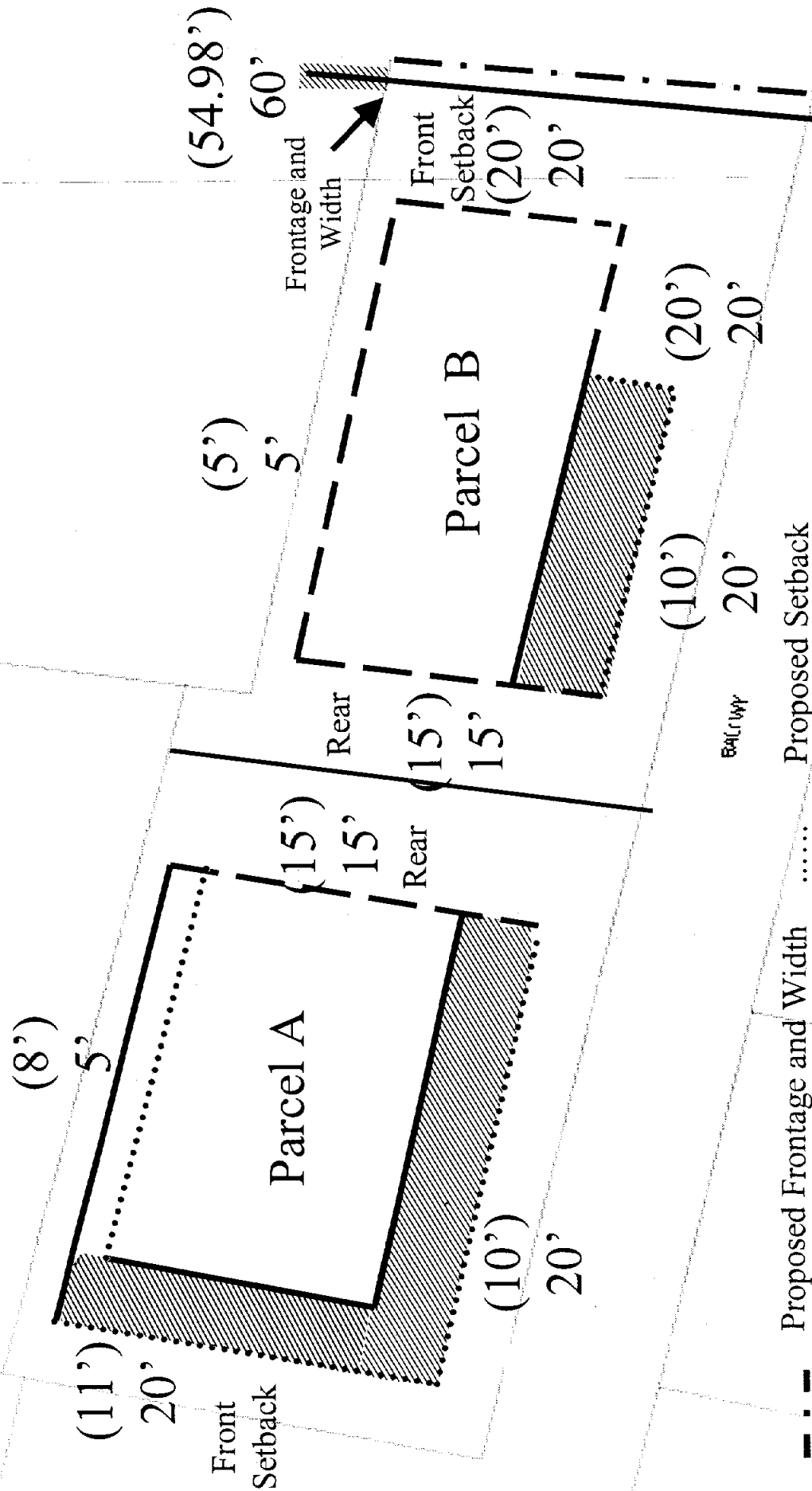
## LEGEND

- APN: 029-013-16
- Assessors Parcels
- Streets
- Residential - Urban Medium Density
- Residential - Urban High Density
- Residential - Urban Low Density
- Public Facilities



Map Created by  
County of Santa Cruz  
Planning Department  
January 2010

EXHIBIT D



### **13.10.230 Variance Approvals.**

(a) **Description.** A Variance Approval is a discretionary authorization of exceptions to the zoning district site and development standards for a property including Design Standards and Guidelines and regulations for special uses. The power to grant Variance Approvals does not allow changes in use which are affected only by Use Approvals pursuant to Section 13.10.220, rezoning of the property pursuant to Section 13.10.215, or amendment to the regulations of this Chapter. Variances to site area requirements may be approved only in the case where no new additional building sites would thereby be created (relief in which case may be provided only through rezoning of the property), or in any of the following instances:

1. To facilitate certificates of compliance.
2. To facilitate dedications of rights-of-way or other required improvements for public benefit.
3. To allow the consideration of the creation of new lots when the size of the lot is within 1% of the zoning requirement and is consistent with the General Plan.

(b) **Procedures.** All regulations and procedures regarding application, review, approval, appeal, enforcement, etc., for a Variance Approval shall be in accordance with the provisions of Chapters 18.10 and 19.01 for a Level V approval and paragraph (c) "findings" below except that site area variances which create new building sites under the circumstances described in Section 13.10.230(a) shall be processed at Level VII.

(c) **Findings.** The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06)



# 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**

August 19, 2009

Owen Lawlor  
612 Spring Street  
Santa Cruz, CA 95060

Subject: **Incomplete Application - Additional Information Required**  
Application #: **08-0332**; Assessor's Parcel #: **029-013-16**  
Owner: **Christopher Haltom**

Dear Owen Lawlor:

This letter is an update on the status of your application. On July 22, 2009 you submitted additional materials for the above listed development permit. The most recent submittal has been reviewed and it has been determined that your application is still **incomplete**.

\*\*Please note that your project has **significant compliance issues**. Prior to submitting any of the information listed below, please review the compliance issues section of this letter, below. Your project, as currently proposed, cannot be supported by Planning Department staff.\*\* Staff is prepared to recommend denial of this project based on the policy conflicts identified. Your project continues to be incomplete at this time due to a number of outstanding agency informational issues. However, staff does not recommend you spend any more time or expense on this application given staff's forthcoming recommendation for denial. However, please recognize that if the project is scheduled for hearing before the project completeness determination is made, the project will not go to Environmental Review and any favorable decision by the Planning Commission will first require the project to be remanded to the Planning Department for Environmental Review and require resolution of application completeness issues identified below. You will be notified when your project has been scheduled for hearing.

### ISSUES OF CONSISTENCY WITH COUNTY REGULATIONS AND POLICIES

As previously noted in the incompleteness letter dated August 29, 2008 it is recommended that the design of the proposed development be altered to comply with all pertinent County ordinances and General Plan Policies:

- County Code Section 13.10.323 (Single Family Residential Site Standards): This property is zoned R-1-6 (Single Family Residential – 6,000 square feet minimum) and the project proposes to create two corner lots; therefore, the following standards apply:

Front Yard Setback: 20' (From property line along Chanticleer Avenue) and 20 feet from Bali Way

Interior Side Yard Setback:	5'
Street Side Yard Setback:	20' (From property line along Bali Way)
Rear Yard Setback:	15'
Lot Coverage:	40%
Floor Area Ratio:	50%
Frontage:	60'
Width	60'
Right-of-way width	40'

The revised project plans provide proposed street side setbacks for both proposed Parcels A and B shown as 10 feet from the property line along Bali Way. In addition, the frontage and width for proposed Parcel B are shown as 55' (please note: parcel width is measured at the rear line of the required front yard). The plans show both parcels accessing off of a 20-foot right-of-way where 40 feet is required by code.

Staff will not support a Variance to the site standards for a land division. As we have discussed previously, it will be your responsibility to convince the Planning Commission of the merits of this project.

- County Code Section 13.10.265 (Nonconforming Structures): As proposed, the laundry room has been removed from the existing non-conforming two story second unit. This structure is located 10 feet within the required 20-foot front yard setback of proposed Parcel "A". This building is currently nonconforming with respect to setbacks and will become more non-conforming as a result of this application. The existing main dwelling is also located within a few feet of Bali Way. The building will also be relocated to 10 feet from the property line. While these changes will be an improvement over the existing site circumstances, overall, this project does little to rectify the nonconformities, creates additional nonconformities, and requires numerous site area variances, which will not be supported.
- Historic Structures: In many discussions between myself, the project architect and yourself, you have emphasized the historic character of the main dwelling as a means to argue for preservation of the structure so that the building is not required to remove additional portions of the structure to comply with the required setback. However, it is now clear that it is not your intent to pursue designation of the existing dwelling as a historic structure by the Historic Resources Commission. Without designation as a historic structure, this structure will not be protected and is open for further relocation and or demolition as a means to comply with the site development standards. While there are competing policies, the site simply cannot meet the site standards for development of another parcel without a variance. This variance will not be supported for creation of another building site that requires the site development standards to be compromised in doing so.
- Department of Public Works Design Criteria: As you are already aware, the Department of Public Works is recommending that Bali Way be widened to 24 feet at the intersection of Chanticleer for a length of 25 feet; however, two existing cypress trees are located within the area of recommended widening. A roadway exception was suggested by Planning staff as an option to avoid these requirements. Public Works has recommended that line of sight and Bali Way entry issues should be addressed so that health and safety

issues do not result if an exception is approved. Thus, staff previously requested that a written sight distance analysis be provided by the traffic engineer in the north and south directions along Chanticlear Avenue from the Bali Way entrance. This information has not been provided to date. In addition, the Public Works staff has recommended that Bali Way be widened to improve the passing distance for on-coming vehicles entering the site from Chanticlear Avenue as much as possible. Public Works staff has suggested that Bali Way be widened to the full 20 feet, 50 feet from the edge of the proposed driveway so that vehicles may be allowed to pass. Regardless of the traffic engineer analysis, in order for this project to be approved, a roadway/roadside exception must be supported by the Planning Commission.

- Access and Circulation: Roads serving more than two parcels are required to provide roadways meeting the local street standard. A minimum 40-foot right-of-way is the standard. It should be noted that the Fire Department requires a minimum 20-foot paved road surface and fire turnaround as a standard. The improvement plans do not include any improvements to Bali Way to bring the road into greater conformance with these standards or provide improvements to the turning radius necessary to pass around to the adjoining properties. Furthermore, the roadway does not provide any street parking for the existing or proposed residence(s). While I will agree that the local street standard width is far greater than appropriate for this site, as proposed, the 16-foot width may create additional health and safety conflicts for the residents already residing here.
- Tree Protection: The project has not been designed in a manner that provides protection of the trees proposed for preservation. Proposed grading improvements undermine the existing Redwood Tree and the proposed drainage design undermines the protection of the Cypress trees. Public Works staff has assured me that the proposed drainage improvements can be redesigned to avoid construction of a drainage pipe trench through the mature Cypress trees. In addition, the plans can be revised to flip the layout of the house so that grading is not required for the garage, or revised to provide a stem wall foundation to avoid fill within the root zone of the redwood tree

Notwithstanding the policy conflicts, your project continues to be incomplete for most of the issues previously mentioned in my last letter. Please be aware that the project will be scheduled for hearing at this time in the absence of required completeness items.

**Prior to scheduling the project for hearing the following is required:**

1. An owner agent form is required. Without this form, the project will be abandoned and closed. Please submit within two weeks or the project will be abandoned. Staff is not authorized to act on this project without an owner/agent approval form.

**Completeness Items Forwarded to Planning Commission for Consideration**

Should the Commission consider approval of this project, these items will be forwarded to the Planning Commission as items that will be recommended to be addressed prior to any project approval.

1. Please submit 10 full and complete sets of revised plans which include the following information:

- a. Please submit the attached worksheet to determine floor area ratio and lot coverage for each parcel independently. This was previously requested in the last incompleteness letter.
  - b. All revisions required by each of the reviewing agencies listed below.
2. Please review the attached comments from all agencies. Comments, which require additional information to be submitted, must be addressed and resolved prior to your application being considered complete and able to move forward with the review. The agencies listed below have comments, which will require additional information to be submitted. Questions related to these comments and the specific information that is required should be addressed to each separate agency:
  - a. Environmental Planning (Antonella Gentile – 454-3164): Please submit a revised arborist's report that references the new project plan sheets, and makes recommendations for protection of the other trees that may be affected by the project. Submit a revised tree protection plan incorporating the arborist's revised recommendations. Please include the species, size, and location of the replacement trees as recommended by the arborist on the planting plan.

Please note that if the project is revised to remove the trees for traffic safety, the arborist report and plans will be required to be revised to reflect this modification.

**Please note that notwithstanding the above comments, planning staff is recommending that the project be revised to eliminate the proposed drainage trench between the trees. This staff direction will be forwarded to the Planning Commission.**
  - b. Department of Public Works Drainage (Travis Rieber – 454-2160): Previous comments were not completely addressed. Please address all detailed comments attached.

**Notwithstanding the comments of Public Works, planning staff recommends that the project be revised to eliminate the proposed drainage trench located between the existing trees. This staff direction will be forwarded to the Planning Commission.**
  - c. Department of Public Works Survey (Kate Seifried – 454-2160): Please revise the plans to address all comments.
3. Please submit an annotated list detailing where the required information has been provided in your next submittal. Please affix a copy of the annotated list, and required submittal materials (technical reports, drainage calculations, arborist report, etc.) to each agency plan set prior to submittal of all the plans to ensure that requested materials are routed to the appropriate agencies.
4. Please note that you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. Please do not prepare

or install the sign until all other completeness issues have been resolved as the description may change during the review process. Neighborhood Notification Guidelines online: [www.sccoplanning.com/brochures/neighbornotice.htm](http://www.sccoplanning.com/brochures/neighbornotice.htm) If you require a paper copy, please let us know and one can be provided to you.

5. The project is not exempt from CEQA and is subject to Environmental Review. This is completed after project completeness, but prior to hearing. In cases where the project is recommended for denial, a statutory exemption from CEQA based on the intent of the Department to deny the application. Any approval by the Planning Commission will first require Environmental Review. This will require that the project be remanded to the Department for this process.

You have until **9/4/09**, to submit the Owner Agency form as required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees. Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal the determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., 9/4/09.

Should you have further questions concerning this application, please contact me at: (831) 454-3439, or e-mail: [sheila.mcdaniel@co.santa-cruz.ca.us](mailto:sheila.mcdaniel@co.santa-cruz.ca.us)

Sincerely,



Sheila McDaniel  
Project Planner  
Development Review

( COUNTY OF SANT CRUZ  
DISCRETIONARY APPLICATION COMMENTS

Project Planner: Sheila McDaniel  
Application No.: 08-0332  
APN: 029-013-16

Date: August 24, 2009  
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~~Environmental Planning Completeness Comments~~

===== REVIEW ON AUGUST 11, 2008 BY KENT M EDLER =====

Soils report accepted under application 07-0369. Note to Planner, please check that soils report review fee under that application was not refunded.

===== UPDATED ON AUGUST 28, 2008 BY ANTONELLA GENTILE =====

1. Submit an arborist's report that makes recommendations for the protection of trees to be preserved.
2. Submit a plan review letter from the arborist that references the plans by final revision date and states that the plans are in conformance with the recommendations provided in the arborist's report.
3. Submit a plan review letter from the soils engineer that references the plans by final revision date and states that the plans are in conformance with the recommendations provided in the soils report.

===== UPDATED ON APRIL 22, 2009 BY KENT M EDLER ===== Previous comments by Kent Edler still apply.

===== UPDATED ON MAY 12, 2009 BY ANTONELLA GENTILE =====

1. The arborist's report submitted was completed for the previous application for a minor land division on this parcel which did not include moving the existing house on the east portion of the proposed parcel A. Submit a revised arborist's report that references the new project plan sheets, and makes recommendations for protection of the other trees that may be affected by the project.
2. Submit a revised tree protection plan incorporating the arborist's revised recommendations.
3. Include the species, size, and location of the replacement trees as recommended by the arborist on the planting plan.

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON AUGUST 11, 2008 BY KENT M EDLER ===== The following are Compliance Comments in regards to soils and grading issues:

No Comments

The following are Misc. Comments/Conditions of Approval in regards to soils and grading issues:

1. The soils report will need to be updated to include requirements of the 2007 CBC.
2. Please include excavation and recompaction of the building pad in the grading quantities submitted with the building permit application.
3. A plan review letter from the soils engineer shall be submitted along with the

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building permit application. The plan review letter shall state that the project plans conform to the report's recommendations. The author of the soils report shall write this letter.

===== UPDATED ON AUGUST 28, 2008 BY ANTONELLA GENTILE =====

Additional conditions:

4. An erosion control and tree protection plan, incorporating the arborist's recommendations, shall be submitted prior to building permit issuance.
5. Final building plans shall include a reference to the arborist's report, contact information, and all of the arborist's recommendations.
6. The final plans shall include a reference to the soils report and contact information for the soils engineer.

===== UPDATED ON APRIL 22, 2009 BY KENT M EDLER ===== Previous comments by Kent Edler still apply.

===== UPDATED ON MAY 12, 2009 BY ANTONELLA GENTILE =====

See above for conditions. Additional conditions shall be added once the arborist's report has been updated.

#### Dpw Drainage Completeness Comments

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

===== REVIEW ON AUGUST 21, 2008 BY ALYSON B TOM ===== The present development proposal has not demonstrated adequate control of stormwater impacts. The Stormwater Management section cannot recommend approval of the project as proposed. See compliance issues.

===== UPDATED ON MAY 1, 2009 BY TRAVIS RIEBER =====

Previous comments have not been addressed completely.

1. Please submit a proposal that contains a stormwater mitigation plan which holds runoff levels to predevelopment rates for a broad range of storms up through the 10-year event, includes substantial and effective best management practices, and minimizes impervious surfaces. While an -existing ponding area- has now been labeled on sheet TM2 it is not clear if this facility is meant to provide mitigation for the proposed project. If this facility is meant to provide mitigation for the project describe how runoff from new impervious areas will be directed to the facility, how discharge will be controlled and how the facility has been designed to meet County Design Criteria (CDC) requirements. Provide plans, details and calculations demonstrating adequate control per the CDC.

2. Please quantify the amount of runoff being received on site from adjacent/upstream properties. Provide calculations demonstrating that the routing path has adequate capacity to a reasonable safe point of release. Please reference the Santa Cruz County Design Criteria for design requirements. The design criteria can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/DESIGN%20CRITERIA.PDF>

3. An access opening is required for the proposed tie into the County-s 12 inch

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storm drain along the western side of Chanticleer per the CDC. Demonstrate that the proposed 4 inch lines meet the CDC.

4. Easements for all common drainage facilities are required. If the ponding area, existing inlet or other existing or proposed facility will be/is used for runoff from multiple properties an easement should be established.

5. The applicant is responsible for obtaining an easement for the construction and maintenance of the proposed off-site pipes and silt and grease trap inlet in Bali Way. ===== UPDATED ON AUGUST 14, 2009 BY TRAVIS RIEBER =====  
Previous comments have not been addressed completely.

1. Please submit a proposal that contains a storm water mitigation plan which holds runoff levels to predevelopment rates for a broad range of storms up through the 10-year event, includes substantial and effective best management practices, and minimizes impervious surfaces. While an -existing ponding area- has now been labeled on sheet TM2 it is not clear if this facility is meant to provide mitigation for the proposed project. If this facility is meant to provide mitigation for the project describe how runoff from new impervious areas will be directed to the facility, how discharge will be controlled and how the facility has been designed to meet County Design Criteria (CDC) requirements. Provide plans, details and calculations demonstrating adequate control per the CDC.

2. According to the grading cross section on sheet TM3 the existing storm drainage ponding area (proposed detention area?) is partial within a fill slope. The cross section also indicates that the existing grade at the base of the fill slope is 101.5 while the site plan shows the proposed detention system outlet grate elevation at 101.5. If these elevations are correct the detention area being provided would be significantly less than 400 cubic feet that the plans suggest is be proposed. Please clarify and revise.

3. Please quantify the amount of runoff being received on site from adjacent/upstream properties. Provide calculations demonstrating that the routing path has adequate capacity to a reasonable safe point of release. Please reference the Santa Cruz County Design Criteria for design requirements. The design criteria can be found on the internet at: <http://www.dpw.co.santa-cruz.ca.us/DESIGN%20CRITERIA.PDF>

4. An access opening is required for the proposed tie into the County-s 12 inch storm drain along the western side of Chanticleer per the CDC. Demonstrate that the proposed 4 inch lines meet the CDC.

5. Easements for all common drainage facilities are required. If the ponding area, existing inlet or other existing or proposed facility will be/is used for runoff from multiple properties an easement should be established.

6. The applicant is responsible for obtaining an easement for the construction and maintenance of the proposed off site pipes and silt and grease trap inlet in Bali Way.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON AUGUST 21, 2008 BY ALYSON B TOM ===== Application with civil plans dated 5/7/08 has been received. Please address the following comments (Note, many of these comments are outstanding comments from application No. 07-0369):

Compliance Items:

1) Please submit a proposal that contains a stormwater mitigation plan which holds runoff levels to predevelopment rates for a broad range of storms up through the 10-year event, includes substantial and effective best management practices, and minimizes impervious surfaces. While an -existing ponding area- has now been labeled on sheet TM2 it is not clear if this facility is meant to provide mitigation for the proposed project. If this facility is meant to provide mitigation for the project describe how runoff from new impervious areas will be directed to the facility, how discharge will be controlled and how the facility has been sited to meet County Design Criteria (CDC) requirements. Provide plans, details and calculations demonstrating adequate control per the CDC.

2) Easements for all common drainage facilities are required. If the ponding area, existing inlet or other existing or proposed facility will be/is used for runoff from multiple properties an easement should be established.

3) An access opening is required for the proposed tie into the County's 12 inch storm drain along the western side of Chanticleer per the CDC. Demonstrate that the proposed 4 inch lines meet the CDC.

4) The applicant is responsible for obtaining an easement for the construction and maintenance of the proposed off site pipes and silt and grease trap inlet in Bali Way. A recorded maintenance agreement is required for the silt and grease trap inlet.

Informational Items:

1) County inventory indicates differing stormdrain facilities along Chanticleer Avenue than what is shown on the submitted plans. While some information on sheet TM2 has been updated, information on sheet TM1 has not. There are two storm drain lines shown on the eastern side of Chanticleer, is this accurate? Please review and provide correct representation on the plans as needed.

2) Section A-A on sheet TM3 shows a graded swale in the same location as sheet TM2 shows an improved patio area. Please review and clarify.

3) Provide details for all proposed swales. Plans should demonstrate that flow from these swales will not adversely impact adjacent properties.

4) Maintenance procedures for the drainage facilities and mitigation measures must be provided on the plans.

5) Please note on the plans provision for permanent bold markings at each inlet that read:-NO DUMPING - DRAINS TO BAY-.

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6) A drainage impact fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials. Credit is given for existing permitted areas.

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

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

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions.

===== UPDATED ON MAY 1, 2009 BY TRAVIS RIEBER =====

1. County inventory indicates differing stormdrain facilities along Chanticleer Avenue than what is shown on the submitted plans. While some information on sheet TM2 has been updated, information on sheet TM1 has not. There are two storm drain lines shown on the eastern side of Chanticleer, is this accurate? Please review and provide correct representation on the plans as needed.

2. Section A-A on sheet TM3 shows a graded swale in the same location as sheet TM2 shows an improved patio area. Please review and clarify.

3. Provide details for all proposed swales. Plans should demonstrate that flow from these swales will not adversely impact adjacent properties.

4. Maintenance procedures for the drainage facilities and mitigation measures must be provided on the plans.

5. A recorded maintenance agreement will be required for the proposed silt and grease trap and mitigation facility. Please contact the County of Santa Cruz Recorder's office for appropriate recording procedure. The maintenance agreement form can be picked up from the Public Works office or can be found online at: <http://www.dpw.co.santa-cruz.ca.us/Storm%20Water/FigureSWM25.pdf>

6. Please note on the plans provision for permanent bold markings at each inlet that read: -NO DUMPING - DRAINS TO BAY-.

7. For fee calculations please provide tabulation of existing impervious areas and new impervious areas resulting from the proposed project. Make clear on the plans by shading or hatching the limits of both the existing and new impervious areas. To receive credit for the existing impervious surfaces please provide documentation such as assessor's records, survey records, aerial photos or other official records that will help establish and determine the dates they were built.

Note: A drainage fee will be assessed on the net increase in impervious area. Reduced fees are assessed for semi-pervious surfacing to offset costs and encourage more extensive use of these materials.

Because this application is incomplete in addressing County requirements, resulting revisions and additions will necessitate further review comment and possibly dif-

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Sewer service is currently available.

**Dpw Sanitation Miscellaneous Comments**

===== REVIEW ON AUGUST 18, 2008 BY CARMEN M LOCATELLI =====

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

Existing lateral(s) must be properly abandoned at property line (including inspection by District) prior to issuance of demolition permit or relocation or disconnection of structure. An abandonment permit for disconnection work must be obtained from the District.

Show all existing and proposed plumbing fixtures on floor plans of building application.

**Environmental Health Completeness Comments**

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

===== REVIEW ON AUGUST 21, 2008 BY JIM G SAFRANEK ===== I'll reroute this plan back to Planning. No septic, no onsite water, no need for EHS review. It appears no EH review was collected.

**Environmental Health Miscellaneous Comments**

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

===== REVIEW ON AUGUST 21, 2008 BY JIM G SAFRANEK =====  
NO COMMENT

Project Planner: Sheila McDaniel  
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ferent or additional requirements.

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

Please call the Dept. of Public Works, Stormwater Management Section, from 8:00 am to 12:00 noon if you have questions. ===== UPDATED ON AUGUST 14, 2009 BY TRAVIS RIEBER =====

See previous miscellaneous comments

#### Dpw Driveway/Encroachment Completeness Comments

===== REVIEW ON AUGUST 14, 2008 BY DEBBIE F LOCATELLI =====  
No Comment, project adjacent to a non-County maintained road.

#### Dpw Driveway/Encroachment Miscellaneous Comments

===== REVIEW ON AUGUST 14, 2008 BY DEBBIE F LOCATELLI =====  
Encroachment permit required for all work proposed within the county right-of-way; to be submitted at the time of building permit application. ===== UPDATED ON AUGUST 7, 2009 BY DEBBIE F LOCATELLI =====  
No further comments.

#### Dpw Road Engineering Completeness Comments

===== REVIEW ON AUGUST 19, 2008 BY GREG J MARTIN =====  
Proposed driveway is 16 feet wide at the curb cut. We recommend a 24 foot wide driveway apron and a road 24 feet wide extending back 25 feet from the back of sidewalk to ensure normal ingress and egress to Chanticleer. Please contact Rodolfo Rivas 831-454-2160 if you have any questions. ===== UPDATED ON AUGUST 6, 2009 BY GREG J MARTIN =====  
The previous recommendation regarding constructing the driveway and first 25 feet to standard has not been incorporated into the plans. We recommend the driveway be constructed to standard. The sight distance to the south is not adequate. The sight distance will need to be addressed either by mitigation or additional analysis by a qualified civil engineer or traffic engineer.

#### Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON AUGUST 19, 2008 BY GREG J MARTIN =====  
===== UPDATED ON AUGUST 6, 2009 BY GREG J MARTIN =====  
===== UPDATED ON AUGUST 6, 2009 BY GREG J MARTIN =====

#### Dpw Sanitation Completeness Comments

===== REVIEW ON AUGUST 18, 2008 BY CARMEN M LOCATELLI =====



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

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

**Date:** August 11, 2009  
**To:** Christopher Halton  
**Applicant:** same  
**From:** Tom Wiley  
**Subject:** 08-0332  
**Address:** 1870 Bali Dr.  
**APN:** 029-013-16  
**OCC:** 2901316  
**Permit:** 20090208

We have reviewed plans for the above subject project.

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

NOTE on the plans that these plans are in compliance with California Building and Fire Codes (2007) and District Amendment.

NOTE on the plans the OCCUPANCY CLASSIFICATION, BUILDING CONSTRUCTION TYPE-FIRE RATING and SPRINKLERED as determined by the building official and outlined in the 2007 California Building Code (e.g., R-3, Type V-B, Sprinklered).

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

SHOW on the plans a public fire hydrant, type and location, meeting the minimum required fire flow for the building, within 600 feet of any portion of the building.

NOTE ON PLANS: New/upgraded hydrants, water storage tanks, and/or upgraded roadways shall be installed PRIOR to construction (CFC 508.5).

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

NOTE on the plans that the designer/installer shall submit two (2) sets of plans, calculations, and cut sheets for the underground and overhead Residential Automatic Sprinkler System to this agency for approval. Installation shall follow our guide sheet.

Show on the plans where smoke detectors are to be installed according to the following locations and approved by this agency as a minimum requirement:

- One detector adjacent to each sleeping area (hall, foyer, balcony, or etc).
- One detector in each sleeping room.

*Serving the communities of Capitola, Live Oak, and Soquel*

- One at the top of each stairway of 24" rise or greater and in an accessible location by a ladder.
- There must be at least one smoke detector on each floor level regardless of area usage.
- There must be a minimum of one smoke detector in every basement area.

NOTE on the plans where address numbers will be posted and maintained. Note on plans that address numbers shall be a minimum of FOUR (4) inches in height and of a color contrasting to their background.

NOTE on the plans the installation of an approved spark arrestor on the top of the chimney. Wire mesh not to exceed ½ inch.

NOTE on the plans that the roof coverings to be no less than Class "B" rated roof.

NOTE on the plans that a 100-foot clearance will be maintained with non-combustible vegetation around all structures.

NOTE on the plans that the electric gate shall be equipped with the Central Fire Protection District key entry system.

Submit a check in the amount of \$115.00 for this particular plan check, made payable to Central Fire Protection District. A \$35.00 **Late Fee** may be added to your plan check fees if payment is not received within 30 days of the date of this Discretionary Letter. INVOICE MAILED TO APPLICANT. Please contact the Fire Prevention Secretary at (831) 479-6843 for total fees due for your project.

If you should have any questions regarding the plan check comments, please call me at (831) 479-6843 and leave a message, or email me at [tomw@centralfpd.com](mailto:tomw@centralfpd.com). All other questions may be directed to Fire Prevention at (831)479-6843.

CC: File & County

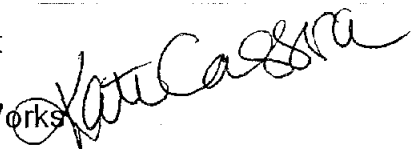
As a condition of submittal of these plans, the submitter, designer and installer certify that these plans and details comply with applicable Specifications, Standards, Codes and Ordinances, agree that they are solely responsible for compliance with applicable Specifications, Standards, Codes and Ordinances, and further agree to correct any deficiencies noted by this review, subsequent review, inspection or other source. Further, the submitter, designer, and installer agrees to hold harmless from any and all alleged claims to have arisen from any compliance deficiencies, without prejudice, the reviewer and the Central FPD of Santa Cruz County.  
2901316-081109

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

DATE: August 10, 2009

TO: Shelia McDaniel, Planning Department

FROM: Kate Cassera, Department of Public Works



SUBJECT: APPLICATION 08-0332, APN 029-013-16, 1870 Bali Way, THIRD  
SUBMITTAL

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I have the following comments on this application:

**Compliance**

1. Provide bearing of proposed property line on sheet TM1.
2. Show existing contours a minimum of 50 feet beyond project boundary.
3. The Department of Public Works will not approve the Improvement Plans until final approval by a certified arborist has been provided for installation of a storm drain line between two 30" Cypress trees to remain.
4. Provide a tree protection plan.
5. Drainage structure will be required at connection point of new storm drainage line and existing storm drainage line on Chanticleer Avenue.
6. Fill wedge shown on sheet TM3 will interfere with existing 24" redwood tree to remain and will encroach into existing storm drainage pond. Please clarify.

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

If you have any questions or would like to discuss these comments, please call me at extension 2824.

KNS:kns

## INTEROFFICE MEMO

APPLICATION NO: 08-0332 (second routing)

Date: May 18, 2009

To: Sheila McDaniel, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: New residence in a two-lot Minor Land Division, Santa Cruz

## COMPLETENESS ITEMS

- none

## COMPLIANCE ISSUES

Design Review Authority

13.11.040 Projects requiring design review.

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

Design Review Standards

13.11.072 Site design.

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

<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection			N/A
<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles			N/A
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

**13.11.073 Building design.**

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

Design elements create a sense of human scale and pedestrian	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting	✓		
<b>Solar Design</b>			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		



# 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

August 29, 2008

Owen Lawlor  
612 Spring Street  
Santa Cruz, CA 95060

Subject: **Incomplete Application - Additional Information Required**  
Application #: **08-0332**; Assessor's Parcel #: **029-013-16**  
Owner: **Christopher Haltom**

Dear Owen Lawlor:

This letter is to inform you of the status of your application. On July 31, 2008, the above referenced application was submitted for a Minor Land Division and Residential Development Permit with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**.

**In addition to evaluating the completeness of your application, the initial review has identified areas where your project appears to be inconsistent with County regulations and General Plan policies, which will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be addressed in order for staff to make a recommendation of approval to the decision-making body. These topics are included to make you aware of them and to allow you to address these issues prior to or in conjunction with addressing the completeness items.**

### **ISSUES OF CONSISTENCY WITH COUNTY REGULATIONS AND POLICIES**

It is recommended that the design of the proposed development be altered to comply with all pertinent County ordinances and General Plan Policies:

- County Code Section 13.10.323 (Single Family Residential Site Standards):  
This property is zoned R-1-6 (Single Family Residential – 6,000 square feet minimum)

and the project proposes to create two corner lots; therefore, the following site standards apply:

Front Yard Setback: 20'  
Interior Side Yard Setback: 5'  
Street Side Yard Setback: 20'  
Rear Yard Setback: 15'  
Lot Coverage: 30%  
Floor Area Ratio: 50%  
Frontage: 60'  
Width: 60'

The proposed street side setbacks along Bali Way for both proposed Parcels A and B are shown at 10-feet as measured from the property line. In addition, the frontage and width for proposed Parcel B are shown as 55' (please note: parcel width is measured at the rear line of the required front yard), and the Lot Coverage for Parcel A may be over the required 30%. The application does not include a request for Variance approvals for any of the above stated site standards. If you are requesting variance approval(s), please specify in your resubmittal and include a Statement of Justification for each Variance requested that specifically refers to each of the Variance findings under County Code Section 13.10.230 (attached). Staff strongly suggests that the site is redesigned to comply with all of the site standards for the zone district as it is unclear at this time if a Variance request will be supported as part of a land division.

Alternatively, if you would like to apply for a Planned Unit Development, which allows for modifications from the existing site standards for the zone district, the project will be elevated to a Level VII and would go to the Board of Supervisor's for review. For more information, please discuss this option with your Project Planner.

- County Code Section 13.10.265 (Nonconforming Structures):

The existing single family dwelling, currently proposed for conversion to a second unit, was constructed under building permit 87278, which was finalized in 1988. The unit was constructed as a two story garage and then converted to a dwelling unit in 1989 under permit 89-0446. This dwelling unit does not comply with the setback requirements for the current zone district; however, because a building permit was finalized on the structure, the structure is now a legal nonconforming structure. It appears that some small modifications are proposed to the structure that are allowed with a building permit as per the County Code.

In addition, it appears that the "laundry area" (as labeled on the plans associated with the 07-0151 consultation) shown on the north wall of the structure, was not approved under permit 89-0446 or under subsequent or previous building permits. This portion of the structure, that appears to have been built illegally, encroaches 6 feet into the 10 foot side yard setbacks that were approved under permit 89-0446. If you have a building permit for this addition, please submit a copy of the building permit with your resubmittal. If no building permit exists for this addition, then this illegal portion of the residence will need to be removed or you will need to apply for a variance to approve an addition to an existing nonconforming structure that encroaches further into the required setback area.

Staff would likely not be able to make the findings to support an approval of this variance.

\*Please note: As stated below in the completeness items, there are inconsistencies between the architectural plans and engineered plans that were submitted; therefore, it is unclear if the "laundry area" is proposed to be removed as a part of the proposed project. Please clarify this information as part of your next submittal.

- County Code Section 13.10681(d)(2):

It appears that the plans are proposing to create a habitable accessory structure (exercise room) on the upper floor of the existing westernmost dwelling unit and a second unit on the first floor of the dwelling unit. However, the square footage of a habitable accessory structure is included in determining the total square footage of a second unit if they are attached. This parcel is about 12,780 square feet and is located within the Urban Services Line and is served by public sewer; therefore, a second unit must meet the maximum 640 square footage requirement as stated in County Code Section 13.10.681. Alternatively, if the upper floor is proposed to be nonhabitable, the square footage will not be combined with the first floor to determine second unit size limitation requirements. A nonhabitable room cannot be mechanically heated, cooled, humidified or dehumidified but may be insulated and finished.

- Historic Structures:

If there is an interest in pursuing a historic designation on any of the existing structures on site, the project must be taken to the Historic Resources Commission for a determination prior to the application being deemed complete. Please contact Don Bussey at 454-3182 for a list of the application materials required to propose a historic designation.

- Department of Public Works Design Criteria:

The Department of Public Works is recommending that Bali Way be widened to 24 feet at the intersection of Chanticleer for a length of 25 feet; however, an existing Cypress tree is located within that area of widening, therefore, a roadway exception will be required for the project.

Please submit the following materials for completeness:

1. Please propose variances to the street side yards, frontage, site width, and/or other site standards for which you do not comply. Please submit a Statement of Justification for each Variance proposed.
2. Please submit 6 sets of full and complete plans that include the following additions/revisions:
  - a. Please verify if the proposed exercise room will be habitable or non-habitable.
  - b. Please ensure internal consistency within the plan set, specifically between the architectural drawings and the engineered plans. For example:
    - i. There is a bump out on the western most single family dwelling that is

labeled as a laundry room on previous project's plans that is shown on the engineered drawings and not on the architectural plans.

ii. The improvement plans show the existing "main house" to be relocated. This new location should also be shown on the Tentative Map.

- c. Please revise the 3D simulation on Sheet A1 to show the entry of the existing residence facing Bali Way. (Urban Designer – Larry Kasparowitz 454-2676)
3. Please complete the attached owner-agent form.
4. Please complete the attached worksheet to determine Floor Area Ratio and Lot Coverage for each parcel independently.
5. Please submit an arborist report that makes recommendations for the protection of trees to be preserved. (Environmental Planning- Antonella Gentile 454-3164)
6. Please submit a plan review letter from the arborist that references the plans by final revision date and states that the plans are in conformance with the recommendations provided in the arborist's report. (Environmental Planning)
7. Please submit a plan review letter from the soils engineer that references the plans by final revision date and state that the plans are in conformance with the recommendations provided in the soils report. (Environmental Planning)
8. Please submit a stormwater management plan that proposes a system to adequately control stormwater impacts. (DPW Drainage – Alison Tom 454-2160)
9. Central Fire Protection District (Tom Wiley – 479-6843): No further information is required for completeness.
10. Please note that you will be required to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for preparing your sign. **Please do not prepare or install the sign until all other completeness issues have been resolved as the description may change during the review process.** Neighborhood Notification Guidelines online: [www.sccoplanning.com/brochures/neighbornotice.htm](http://www.sccoplanning.com/brochures/neighbornotice.htm) If you require a paper copy, please let us know and one can be provided to you.

You must submit the required materials to the Planning Department at one time. Revisions to plans must be included in complete, updated sets of plans. All plan sets must be individually stapled and folded into an ~ 9" x 12" format (per Folding Plans handout). To reduce waste and to aid in recycling efforts, plan sets should be printed on bond (white) paper and should not include colored binding material of any kind. You have until **December 1, 2008**, to submit the all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be formally submitted through the Zoning Counter of the Planning Department at 701 Ocean Street, Santa Cruz, California no later than 5:00 p.m. on September 12, 2008.

#### Additional Information

In addition to evaluating the completeness of your application, the initial review has identified other issues which will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be dealt with in later stages of your application process. At this point, they are included solely to make you aware of them.

- A. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Miscellaneous Comments" for each agency shall either be addressed as Conditions of Approval for this permit, if approved, or will be required prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.

Should you have further questions concerning this application, please contact me at: (831) 454-3439, or e-mail: [sheila.mcdaniel@co.santa-cruz.ca.us](mailto:sheila.mcdaniel@co.santa-cruz.ca.us)

Sincerely,

 on behalf of:

Sheila McDaniel

Project Planner

Development Review



# 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**

August 15, 2007

Owen Lawlor  
612 Spring Street  
Santa Cruz, CA 95062

Subject: **Incomplete Application**  
Application #: **07-0369**  
Assessor's Parcel #: **029-013-16**  
Owner: **Christopher Haltom**

Dear Mr. Lawlor:

This letter is to inform you of the status of your application. On 07/17/07, the above referenced application was submitted for a Subdivision with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. For your proposal to proceed, the following items should be submitted: Comments about the completeness of the application are found below.

1. Policy issues

It is important to note that as submitted, planning staff will not be able to prepare a recommendation that the Planning Commission approve the project.

Both the existing residence and the existing second unit are within the setbacks, making them non-conforming. Planning does not support adding another structure to form town house development when both existing structures are non-conforming. The lot pattern of the new dwelling does not appear to meet Section 13.10.323(d)(1)(A) - it should not abut the property line of the existing lot. The lot pattern as shown does not recognize paths, etc. This would make an awkward maintenance situation. Lastly, a standard lot that meets R-1 site standards is more appropriate than a townhouse with detached units in this location.

2. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Completeness Comments" for each agency must be addressed and resolved prior to your application being considered complete and able to move forward with the review. Questions related to these comments can be addressed to each separate agency.

1. Project Planning (Lawrence Kasparowitz - 454-2676)

1. Please provide an Owner-Agent form.
2. Please provide the disclosure forms (found in the LORI)
3. Please indicate the setbacks for the zoning district around the perimeter of the property (this is required for townhouse developments).

Provide the information requested by this reviewing agency in your next submittal.

Note: A Roadway/Roadside Exception, as well as a more complete description that includes the townhouse method of subdivision will be added to the description of the project.

2. Environmental Planning (Antonella Gentile - 454-3164):

1. The soils report was received on August 11, 2007. A Geotechnical report review is underway.

3. Department of Public Works, Drainage (David Sims - 454-2160):

No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the review process.

4. Department of Public Works, Surveying (Carl Rom - 454-2160):

1. See attached comments.

Provide the information requested by this reviewing agency in your next submittal.

5. Department of Public Works, Road Engineering (Greg Martin - 454-2160):

1. A request for a roadway exception requires showing the cross sections of a standard road (crossed out) and the proposed road.

Provide the information requested by this reviewing agency in your next submittal.

6. Santa Cruz County Sanitation District (Diane Romero - 454-2160):

2. Please note that the review for this project for completeness states "The proposal...lacks sufficient information for complete evaluation".
3. Show approximate location of existing sewer laterals to single family residence and second dwelling unit.

Provide the information requested by this reviewing agency in your next

submittal.

7. Central Fire Protection District (Janette Lambert - 479-6843): No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the review process.
8. City of Santa Cruz Water District (Carol Carr - 475-8500): No further information is necessary to satisfy the requirements of this reviewing agency at this stage in the review process.
9. Urban Designer (Larry Kasparowitz - 454-2676):
  1. A color board is required.

Provide the information requested by this reviewing agency in your next submittal.

3. Neighborhood Notification and Project Signage:

Please note that you will be required to hold a public meeting and to install signage on the subject property that notifies the public of your development permit application. Please refer to the Neighborhood Notification Guidelines for the standards for holding your meeting and for preparing your sign.

*Please do not prepare or install the sign until all other completeness issues have been resolved as the description may change during the review process.*

Neighborhood Notification Guidelines online:  
[www.sccoplanning.com/brochures/neighbornotice.htm](http://www.sccoplanning.com/brochures/neighbornotice.htm)

If you require a paper copy of these guidelines, please let us know and one can be provided to you.

You must submit the required materials to the Planning Department at one time. Revisions to plans must be included in complete, updated sets of plans. All plan sets must be folded into an ~ 8.5" x 11" format. You have until **10/11/07**, to submit the all of the information required in this letter. Pursuant to Section 18.10.430 of the Santa Cruz County Code, failure to submit the required information may lead to abandonment of your application and forfeiture of fees.

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

You have the right to appeal this determination that the application is incomplete pursuant to Section 18.10.320 of the County Code and Section 65943 of the Government Code. To appeal, submit the required fee for administrative appeals and a letter addressed to the Planning Director stating the determination appealed from, and the reasons you feel the determination is unjustified or inappropriate. The appeal letter and fee must be received by the Planning Department no later than 5:00 p.m., 8/27/07.

### Additional Issues

In addition to evaluating the completeness of your application, the initial review has identified other issues, which will affect the processing of your project. Although it is not necessary for you to address these items for your application to be declared complete, they will need to be dealt with in later stages of your application process.

- A. Please review the attached Discretionary Application Comments from all agencies. Comments listed under the heading "Miscellaneous Comments" for each agency shall either be addressed as Conditions of Approval for this permit, if approved, or will be required prior to approval of any Building or Grading Permit(s) for this project. Questions related to these comments can be addressed to each separate agency.

Should you have further questions concerning this application, please contact me at:  
(831) 454-2676, or e-mail: [pln795@co.santa-cruz.ca.us](mailto:pln795@co.santa-cruz.ca.us)

Sincerely,

Lawrence Kasparowitz  
Project Planner  
Development Review

# Lawlor LandUse and Consulting

July 30, 2009

Sheila McDaniel  
Project Planner  
County of Santa Cruz  
701 Ocean Street, 4<sup>th</sup> Floor  
Santa Cruz, CA 95060

Subject: 1870 Bali Way, APN 029-013-16  
Application 08-0332

Sheila,

This letter contains our response to your letter dated May 20, 2009. As you know a number of different design scenarios were considered by us and County staff over the last few years. John and I have met with several planners to review the issues you raise in your August 29, 2008 letter, as well as many others, and we have designed the project to be consistent with the suggestions and directions that we received, particularly as they relate to setbacks, and frontage, and right-of-way width. These meetings and subsequent discussions have left us with the understanding that you could support several site standard variances, and as such the lack of support in your letter for the proposed variances is a surprise. We hope you will reconsider your position. Nonetheless, we would like to proceed to a hearing before the Planning Commission as soon as practical. It seems that we need additional direction from the Planning Commission given the conflicting input we have received from staff to date. This project has been submitted in several different forms, each of which had been a design response following significant input from staff. At different times starting with a LORI form that Cathy Graves completed on 04/25/07 and continuing with subsequent discussions and with Lawrence Kasparowitz, Paia Lavin, and yourself.

As you advised, we are hereby requesting several relatively small variances per County 13.10.230 to the site standards to accommodate the site because of the unique characteristics of the parcel. None of these proposed variances would make the proposed lot inconsistent with the surrounding uses. Note that the existing parcel is 12,749 sq ft so the existing parcel is of sufficient size that 2 parcels can be created under the existing R-1-6 zone district. Therefore, the findings can be made under 13.10.230 (c) for a variance to the site standards. A review of the site and proposal in context and a reading of the findings required under 13.10.230 (c) show that circumstances are present to support a variance request.

I have reviewed each of the required findings under 13.10.230 (c) and added *my view of how* the findings can be made below:

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(831) 457-1331 • facsimile (831) 457-1338  
[owen.lawlor@gmail.com](mailto:owen.lawlor@gmail.com)  
[www.LawlorLandUse.com](http://www.LawlorLandUse.com)

# Lawlor LandUse and Consulting

Findings. The following findings shall be made prior to granting a Variance Approval in addition to the findings required for the issuance of a Development Permit pursuant to Chapter 18.10:

1. That because of special circumstances applicable to the property, including size, shape, topography, location, and surrounding existing structures, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

This is clearly the case with this parcel: The parcels' shape and location (surrounded by right-of-way on 3 sides) clearly deprives the property owner of the privileges enjoyed by other property owners under identical zoning *if the variances are not granted.*

2. That the granting of such variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity.

Clearly the proposed project is completely consistent with the surrounding uses and will not be injurious in any way. *The retention of the original structure minimizes the impact of the development on the surrounding properties.*

3. That the granting of such variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such is situated. (Ord. 746, 1/8/62; 1048, 2/1/65; 1578, 2/23/70; 1704, 4/25/72; 1739, 7/17/72; 2459, 7/19/77; 2506, 11/22/77; 2800, 10/30/79; 3186, 1/12/86; 3344, 11/23/82; 3432, 8/23/83; 3632, 3/26/85; 4836 §§ 5, 6, 10/3/06)

There is no special privilege being sought or granted

The setback from Bali Way was reduced from 20' to 10 feet to improve the solar access for the neighbor to the north Mr. and Mrs. Crabtree per the guidance we received at the neighborhood meeting. Since the parcel fronts on Bali Way the site as proposed, the frontage is greater than 60'.

In addition to the above variances, we would like to have the Planning Commission consider allowing the applicant to leave the existing main house in its current location. While this would require additional site standards variances, it would also reduce significantly the amount of energy consumed by the project by not requiring the demolition of the existing foundation and infrastructure and its replacement with new construction.

**County Code Section 13.10.265 (nonconforming structures):** The laundry room will be removed (as the plans indicate) at the rear of the 2 story structure on the property. The two story second unit was approved in its current location by previous county permit. We are proposing to remove the bathroom from the second level and convert the second level to non-habitable space.

**Department of Public Works Design Criterion:** Since we could access the proposed lot directly off of Chanticleer in lieu of the proposed off of Bali Way and not run afoul of the County Design Criterion we can eliminate the issue in that manner. However, both

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## Lawlor LandUse and Consulting

County staff and ourselves believe it is preferable from a safety perspective to access the parcel from Bail Way. You indicated at our meeting that you would support a reduced roadway at our meeting so your change of mind is unexpected. We propose to vastly improve the sightlines for these entering Chanticleer from Bali Way by reducing the size the large hedge that currently fronts on the subject parcel.

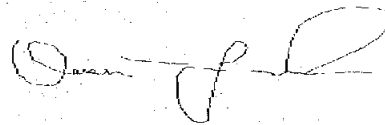
**Updated Arborist report (Antonella Gentile):** In lieu of submitting a revised Arborist Report at this juncture I would suggest that we submit an updated Arborist report once we have additional guidance from the Planning Commission at the final building plans stage as Antonella requests in her comments.

**Department of Public Works Drainage (Travis Rieber):** Please see revised Sheets from Ifland Engineers in the newly submitted package

**Department of Public Works Survey (Kate Seifried):** Please see revised Sheets from Ifland Engineers in the newly submitted package

I trust you that you can schedule this project for a hearing in the near future.

Best Regards,



Owen Lawlor  
Lawlor LandUse

Cc: John McKelevy AndersonMckelevy  
Chris Haltom

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