



Staff Report to the Planning Commission

Application Number: **10-0041**

Applicant: Richard Emigh
Owner: Lowe & Wiskemann
APN: 039-051-02, -16, -17

Agenda Date: 9/8/10
Agenda Item #: 10
Time: After 9:00 a.m.

Project Description: Proposal to divide an existing 137,991 square foot parcel (in two parcels separated by a tax code line) into two parcels of 13,021 square feet and 124,419 square feet, and to transfer 37,880 square feet of the larger parcel to the adjacent property.

Requires a Minor Land Division, a Residential Development Permit to utilize a less than 40 foot wide right of way for access, and a Lot Line Adjustment.

Location: Property located on the north side of Mesa Drive 100 feet east of Viewpoint Drive.
(7413 Mesa Drive)

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Minor Land Division, Residential Development Permit,
Lot Line Adjustment

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0041, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size:	137,991 square feet (APNs 039-051-16 & -17)
Existing Land Use - Parcel:	Single family residence and second unit
Existing Land Use - Surrounding:	Single family residential neighborhood, Aptos Creek

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

Project Access: Mesa Drive
Planning Area: Aptos
Land Use Designation: R-UL (Urban Low Density Residential), O-U (Urban Open Space)
Zone District: R-1-10 (Single family residential - 10,000 square feet minimum)
Coastal Zone: ☐ Inside ☒ Outside

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: N/A
Fire Hazard: Not a mapped constraint
Slopes: N/A
Env. Sen. Habitat: Riparian corridor to north of property - no improvements proposed
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Mapped resource - no improvements proposed
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: ☒ Inside ☐ Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire Protection District
Drainage District: Zone 6 Flood Control District

Project Setting

The subject property is located in a single family residential neighborhood accessed by Mesa Drive in Aptos. The property is developed with an existing single family dwelling and detached second dwelling unit at the front of the property. At the rear of the property, behind the existing dwellings, the topography slopes down towards Aptos Creek. This rear area of the property is wooded and undeveloped due to the steep topography. The property to be divided is one legal parcel comprised of two separate Assessor's Parcel Numbers (039-051-16 & -17) that are separated by a tax code line.

Minor Land Division

The proposed land division would create two single family residential parcels consistent with the existing layout of the two residential dwellings and improvements on the subject property. No new residential structures are proposed. The two proposed parcels would be accessed from the existing driveway from Mesa Drive. Minor paving improvements are proposed to achieve minimum driveway width and to provide a fire turn around at the upper residence.

The subject property is 137,991 square feet in area. The division of the parcel into three separate single family residential parcels requires a minimum of 10,000 square feet of net developable land per parcel. The proposed 20 feet wide right of way, and an additional 5' wide roadway dedication along the property frontage, would be deducted from the net developable land area. The proposed land division will comply with the minimum parcel size of the R-1-10 (Single family residential - 10,000 square feet minimum) zone district, in that each parcel would contain a minimum of 10,000 square feet of net developable land area.

The subject property is designated as Urban Low Density Residential (R-UL) in the General Plan. The Urban Low Density Residential (R-UL) General Plan designation requires new development to be within a density range of 6,000 to 10,000 square feet of net developable land per residential unit. Although the proposed parcels would exceed 10,000 square feet in net developable land area, the proposed land division is in compliance with the General Plan density requirements, in that the front portion of the property is currently developed and the rear portion of the property is not suitable for further development due to steep topography and the presence of riparian resources.

Access is proposed via the existing shared driveway within a 20 feet wide right of way, which is less than the 40 feet minimum width required by code. An exception to the 40 feet minimum width is recommended due to the limited number of residences served, the topography in the area, and the presence of existing improvements.

Lot Line Adjustment

A boundary adjustment is proposed with the adjacent property (APN 039-051-02). This property is developed with an existing single family dwelling and the boundary adjustment would transfer a portion of the rear, sloped and wooded, section of the subject property to align with the existing shared property line. The owner of the adjacent property will acquire approximately 37,880 square feet from the subject property for this purpose. The proposed transfer complies with the requirements for boundary adjustments and will allow the adjacent property owner to retain the existing improvements. No impacts to riparian resources or other features would occur as a result of the boundary adjustment, in that no development is proposed in this area.

Conclusion

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

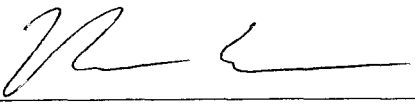
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **10-0041**, based on the attached findings and conditions.

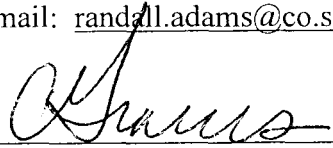
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

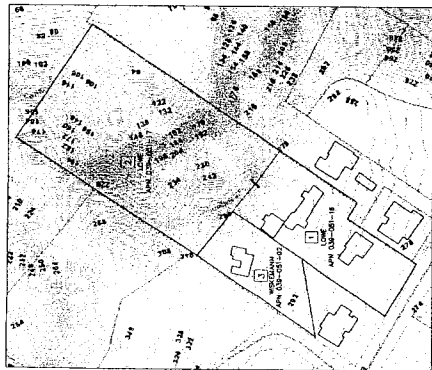
The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

Report Prepared By: _____

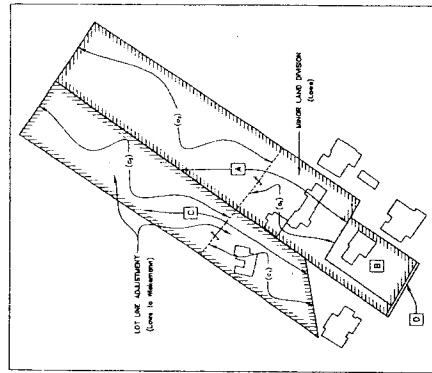

Randall Adams
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
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Report Reviewed By: _____


Cathy Graves
Principal Planner
Santa Cruz County Planning Department



EXISTING PARCELS
SCALE: 1"=100'
NOTE: Contours shown above from County of Santa Cruz GIS database



PROPOSED LOTS
SCALE: 1"=100'

LOT AREA CALCULATION

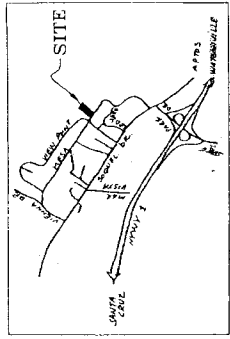
EXISTING PARCELS (Ac. +/-)	TRANSFER AREAS (Ac. +/-)	PROPOSED LOTS (Ac. +/-)	LESS	NET
APN	OWNER	PARCEL	ACRES	ACRES
1	038-051-16	1	24.83	24.83
2	038-051-17	2	13.07	13.07
3	038-051-02	3	20.10	20.10
TOTALS			58.00	58.00

NOTE: Parcel 1 (Lot 1) is a portion of a single parcel. The owner's parcel has been divided into two parcels due to the tax area. The owner is requesting the parcel.

**From County GIS database.

GENERAL NOTES

- 1) PREPARED AT THE REQUEST OF MICHAEL DASH, PHONE: 725-1442, ADDRESS: 2115 N. 1ST AVE., SUITE 100, SAN JOSE, CA 95131.
- 2) APN: 038-051-16, -17 (Lands & 038-051-02 (MCDONALD'S))
- 3) COUNTY & ASSOCIATES, INC. SAN JOSE, CALIFORNIA AND COUNTY OF SANTA CRUZ, CALIFORNIA.
- 4) THIS SURVEY WAS COMPLETED JANUARY 2010.
- 5) ALL LOTS HAVE EXISTING WATER CONNECTION TO KIDDELL CREEK WASTE TREATMENT PLANT.
- 6) LOTS 1 & 2 ARE CONNECTED TO KIDDELL CREEK WASTE TREATMENT PLANT.
- 7) THESE LOTS ARE CONNECTED TO EXISTING SEWERAGE FOR KIDDELL CREEK WASTE TREATMENT PLANT.
- 8) THESE LOTS ARE CONNECTED TO EXISTING WATER FOR KIDDELL CREEK WASTE TREATMENT PLANT.
- 9) PROPOSED USE IS RESIDENTIAL, SINGLE-FAMILY.
- 10) ZONING IS R-1-10.
- 11) GENERAL PLAN DESIGNATION IS URBAN LOW DENSITY RESIDENTIAL.
- 12) PARCEL 20' WIDE RIGHT OF WAY AND UTILITY EASEMENT FOR KIDDELL CREEK WASTE TREATMENT PLANT ARE SHOWN IN THE SURVEY. THESE RIGHTS WERE ESTABLISHED BY RECORDS IN BOOK 2003-0051084 AND 2003-0051085.
- 13) THE SURVEY WAS COMPLETED BY MICHAEL DASH, COUNTY OF SANTA CRUZ, CALIFORNIA.
- 14) THE SURVEY WAS COMPLETED BY MICHAEL DASH, COUNTY OF SANTA CRUZ, CALIFORNIA.
- 15) THE SURVEY WAS COMPLETED BY MICHAEL DASH, COUNTY OF SANTA CRUZ, CALIFORNIA.



VICINITY MAP
NOT TO SCALE

LINE TYPES

- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- TAX CODE LINE
- EASEMENT LINE

- INDICATES FOUND 1/2" IRON PIPE, TAPPED AS TAP, UNLESS OTHERWISE NOTED.
- INDICATES RECORD DATA PER RECORD MAPS AND RECORDS.
- INDICATES RECORD AND MEASURED.

ELEVATION DATUM

COUNTY OF SANTA CRUZ BENCHMARK FOR BRASS CAP THIS SURVEY WAS TIED TO COUNTY BENCHMARK, ADJACENT TO THE SURVEY. THE BENCHMARK IS LOCATED AT MESA DRIVE AND VIEWPOINT DRIVE PER FRANCISCO SURVEY BY GERALD ANANIA, FEB. 1990, ELEVATION ON 3.5 M, 100-271.7.

BASIS OF BEARINGS

THE BEARING SIGHT/NOTES BETWEEN TRANSFER MONUMENTS ALONG THE NORTHEASTERN SIDE LINE OF MESA DRIVE IS THE BASIS OF BEARINGS OF THIS SURVEY AS SHOWN ON 2003-0051084.

SHEET INDEX

- TN1 SITE PLAN
- TN2 PRELIMINARY IMPROVEMENT PLAN

Robert L. Dawitt & Associates, Inc.
Civil Engineers & Land Surveyors
(408) 425-0224 FAX
1807 Ocean Street, Suite 100
San Jose, CA 95128

APPLICATION NO. 10-0041

TENTATIVE MAP

OF THE LANDS OF

LOWE TRUST & WISKEMAN TRUST

AS RECORDED IN
DOC. NO. 2003-0064788 & 2003-0051084

FOR A

2 LOT MINOR LAND DIVISION & LOT LINE ADJUSTMENT

LOCATED AT

7413 MESA DR. & 7447 VIEWPOINT DR.

APNs: 038-051-16, -17, & 038-051-02



5-12-10
DATE

SITE PLAN

SCALE: 1"=40'

Subdivision Findings

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

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

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

This finding can be made, in that the proposed division of land, its design, and its improvements, will be consistent with the General Plan. The land division creates two single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one parcel for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that each residential parcel will contain a minimum of 10,000 square feet of net developable area. Although the proposed parcels would exceed 10,000 square feet in net developable land area, the proposed land division is in compliance with the General Plan density requirements, in that the front portion of the property is currently developed and the rear portion of the property is not suitable for further development due to steep topography and the presence of riparian resources.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. Parcels will be accessed by the existing private driveway to Mesa Drive.

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

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

This finding can be made, in that the use of the property will be residential in nature, unit densities meet the minimum standards for the R-1-10 (Single family residential - 10,000 square feet minimum) zone district where the project is located, and the project will be consistent with the required site standards of the R-1-10 zone district.

Access is proposed via the existing shared driveway within a 20 feet wide right of way, which is less than the 40 feet minimum width required by County Code section 13.10.521. An exception to the 40 feet minimum width is recommended due to the limited number of residences served, the topography in the area, and the presence of existing improvements.

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

This finding can be made, in that the building sites are already developed and the existing units are properly configured to allow division in compliance with the required site standards. No environmental resources would be adversely impacted by the proposed development.

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

This finding can be made, in that no mapped or observed sensitive habitats or threatened species will be adversely impacted through the development of the site.

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

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

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

This finding can be made, in that no such easements are known to affect the project site.

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

This finding can be made, in that the resulting parcels are oriented in a manner to allow future development to take advantage of solar opportunities.

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

This finding can be made, in that the existing structures are visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single family residential development. The existing residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses. Construction will comply with prevailing building technology, the California Building Code, and County ordinances to insure the optimum in safety and the conservation of energy and resources.

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

This finding can be made, in that the use of the property will be residential in nature, unit densities meet the minimum standards for the R-1-10 (Single family residential - 10,000 square feet minimum) zone district where the project is located, and the project will be consistent with the required site standards of the R-1-10 zone district.

Access is proposed via the existing shared driveway within a 20 feet wide right of way, which is less than the 40 feet minimum width required by County Code section 13.10.521. An exception to the 40 feet minimum width is recommended due to the limited number of residences served, the topography in the area, and the presence of existing improvements.

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

This finding can be made, in that the proposed division of land, its design, and its improvements, will be consistent with the General Plan. The land division creates two single family residential parcels and is located in the Urban Low Density Residential (R-UL) General Plan designation which allows a density of one parcel for each 6,000 to 10,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that each residential parcel will contain a minimum of 10,000 square feet of net developable area. Although the proposed parcels would exceed 10,000 square feet in net developable land area, the proposed land division is in compliance with the General Plan density requirements, in that the front portion of the property is currently developed and the rear portion of the property is not suitable for further development due to steep topography and the presence of riparian resources.

The project is consistent with the General Plan in that the full range of urban services is available, including public water and sewer service. Parcels will be accessed by the existing private driveway to Mesa Drive.

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

developments in the surrounding area.

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

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

This finding can be made, in that no new residential structures are proposed and the level of traffic generated by the proposed project will not adversely impact existing roads and intersections in the surrounding area.

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

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

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

This finding can be made, in that the existing structures are visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The surrounding neighborhood contains single family residential development. The existing residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Lot Line Adjustment Findings

1. The lot line adjustment will not result in a greater number of parcels than originally existed.

This finding can be made, in that there are two parcels prior to the adjustment and there will be two parcels subsequent to the adjustment, with the land division to follow the boundary adjustment.

2. The lot line adjustment conforms with the county zoning ordinance (including, without limitation, County Code section 13.10.673), and the county building ordinance (including, without limitation, County Code section 12.01.070).

This finding can be made, in that no additional building sites will be created by the transfer as the two resulting parcels are currently developed, none of the parcels have a General Plan designation of 'Agriculture' or 'Agricultural Resource', technical studies are not necessary as both parcels are developed with single family dwellings and the proposal complies with the General Plan designation of the parcels per 13.10.673(e).

3. No affected parcel may be reduced or further reduced below the minimum parcel size required by the zoning designation, absent the grant of a variance pursuant to County Code section 13.10.230.

This finding can be made, in that the resulting parcels will not be reduced below the minimum parcel size required by the zone district as a result of this lot line adjustment.

Conditions of Approval

Land Division 10-0041

Applicant: Richard Emigh

Property Owner: Rodney & Rachel Lowe, Trustees

Assessor's Parcel Number(s): 039-051-16 & -17 (and boundary adjustment with 039-051-02)

Property Address and Location: Property located on the north side of Mesa Drive 100 feet east of Viewpoint Drive. (7413 Mesa Drive)

Planning Area: Aptos

Exhibit(s):

- A. Tentative Map & Improvement Plans - prepared by Robert L. DeWitt & Associates, revised 5/12/10.

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
- A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof.
- II. Prior to submitting a Parcel Map to the County Surveyor (Department of Public Works) the following must be completed:
- A. A deed which implements the Lot Line Adjustment between APNs 039-051-16 & -17 and 039-051-02, as shown on the approved Exhibit A, must be recorded with the County Recorder's office. The deed(s) of conveyance must contain the following statement after the description of the property(ies) or portion(s) of property to be transferred:
1. "The purpose of the deed is to adjust the boundary between Assessor's Parcel Number 039-051-16 & -17 and Assessor's Parcel Number 039-051-02 as approved by the County of Santa Cruz under Application 10-0041. This deed and approval of the related Lot Line Adjustment number 10-0041 shall be deemed to extinguish and merge all underlying parcels existing prior to the approval of the lot line adjustment. This conveyance may not create a separate parcel, and is null and void unless the boundary is adjusted as stated."
- III. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such

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

- A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than two (2) single family residential parcels, and a private right of way for access, utilities, and landscaping.
 - C. The minimum aggregate parcel area shall be 10,000 square feet of net developable land per unit.
 - D. The following items shall be shown on the Parcel Map:
 - 1. Building envelopes, common area and/or building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-10 zone district of 20 for front yards, 10 feet for side yards, and 15 feet for rear yards.
 - 2. Show the net area of each lot to nearest square foot.
 - 3. All easements and dedications to be recorded prior to recordation of the Parcel Map.
 - 4. The owner's certificate shall include:
 - a. A dedication for road improvements along Mesa Drive as depicted on the Tentative Map.
 - E. Any changes from the approved Exhibit "A", including but not limited to the Tentative Map or Preliminary Improvement Plans, must be submitted for review and approval by the Planning Department. Changes may be forwarded to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code. Any changes that are on the final plans which do not conform to the project conditions of approval shall be specifically illustrated on a separate sheet and highlighted in yellow on any set of plans submitted to the County for review.
- IV. Prior to recordation of the Parcel Map, the following requirements shall be met:
- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.

- B. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following standard conditions:
 - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
 - 2. Pay all necessary bonding, deposits, and connections fees.
- C. All new utilities shall be underground.
- D. All requirements of the Aptos/La Selva Fire Protection District shall be met.
- E. Submit and secure approval of engineered improvement plans from the Department of Public Works and the Planning Department for all roads, curbs and gutters, storm drains, erosion control, and other improvements required by the Subdivision Ordinance, noted on the attached tentative map and/or specified in these conditions of approval. A subdivision agreement backed by financial securities (equal to 150% of engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
 - 1. All improvements shall be prepared by a registered civil engineer and shall meet the requirements of the County of Santa Cruz Design Criteria except as modified in these conditions of approval. Plans shall also comply with applicable provisions of the State Building Code regarding accessibility.
 - a. The existing access driveway shall be widened to a minimum of 12 feet in width.
 - b. A fire turn around shall be constructed, per the requirements of the Aptos/La Selva Fire Protection District, as depicted on the approved Exhibit "A".
 - 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.
 - 3. A detailed erosion control plan shall be submitted which includes the following: a clearing and grading schedule that limits grading to the period of April 15 - October 15, clearly marked disturbance envelope, revegetation specifications, silt barrier locations, temporary road surfacing and construction entry stabilization, sediment barriers around drain inlets, etc. This plan shall be integrated with the improvement plans that are approved by the Department of Public Works, and shall be submitted to Environmental Planning staff for review and approval prior to recording of the final map.

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

- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
- C. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
- D. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:
 - 1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation; and
 - 2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
 - 3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- E. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.

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

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

Application #: 10-0041
APN: 039-051-02, -16, -17
Owner: Lowe & Wiskemann

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

cc: County Surveyor

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Randall Adams
Project Planner

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

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: 10-0041

Assessor Parcel Number: 039-051-02, -16, -17

Project Location: 7413 Mesa Drive

Project Description: Minor land division to divide an existing parcel and boundary adjustment with adjacent property

Person or Agency Proposing Project: Richard Emigh

Contact Phone Number: (831) 479-1452

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

Specify type:

E. ☒ **Categorical Exemption**

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

F. Reasons why the project is exempt:

Minor land division within the Urban Services Line and all structures are existing with all urban services available

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

Randall Adams, Project Planner

Date: _____

THE ASSASSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED ALL RIGHTS RESERVED.

SEC 7-18, R.E., M.D.B. & M.

1997-1998

1001

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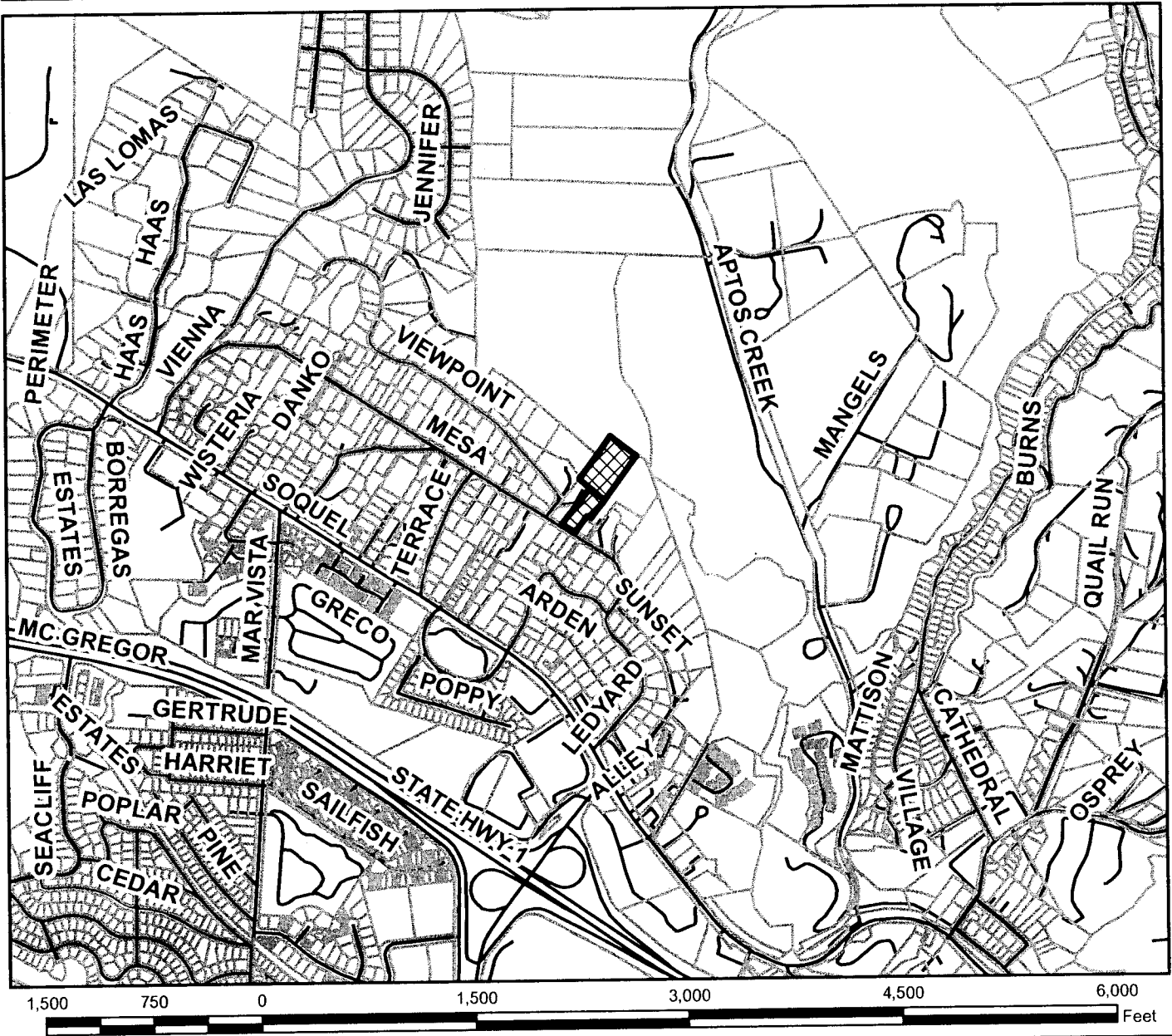
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18MB56 2/25/25

Assessor's Map No. 39-05
County of Santa Cruz, Calif
July 1995





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

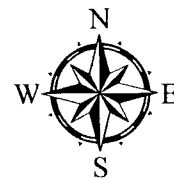


Location Map



LEGEND

-  APN: 039-051-17
-  APN: 039-051-16
-  Assessors Parcels
-  Streets

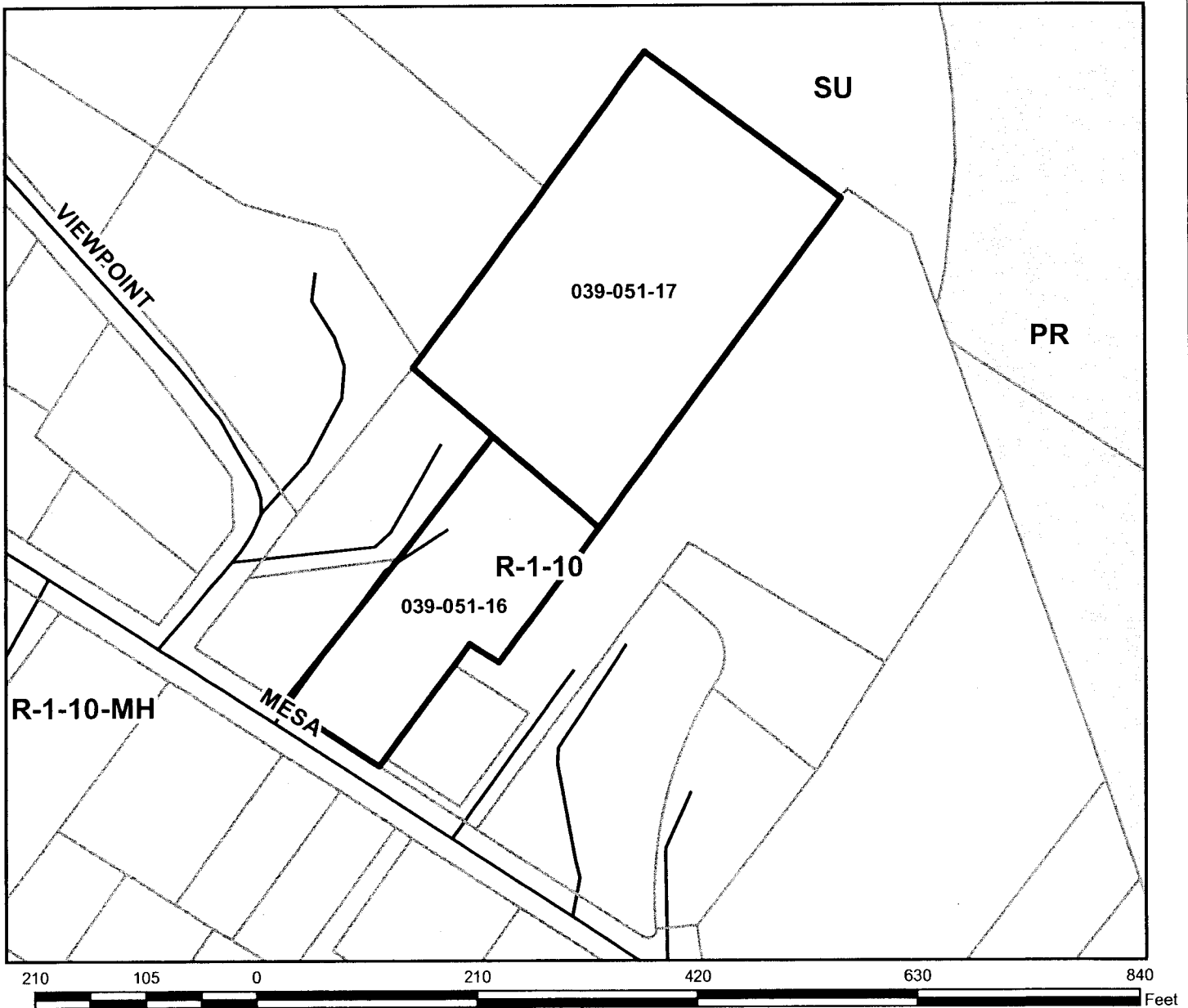


Map Created by
County of Santa Cruz
Planning Department
February 2010





EXHIBIT E

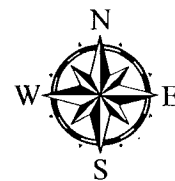


Zoning Map



LEGEND

-  APN: 039-051-17
-  APN: 039-051-16
-  Assessors Parcels
-  Streets
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- PARK

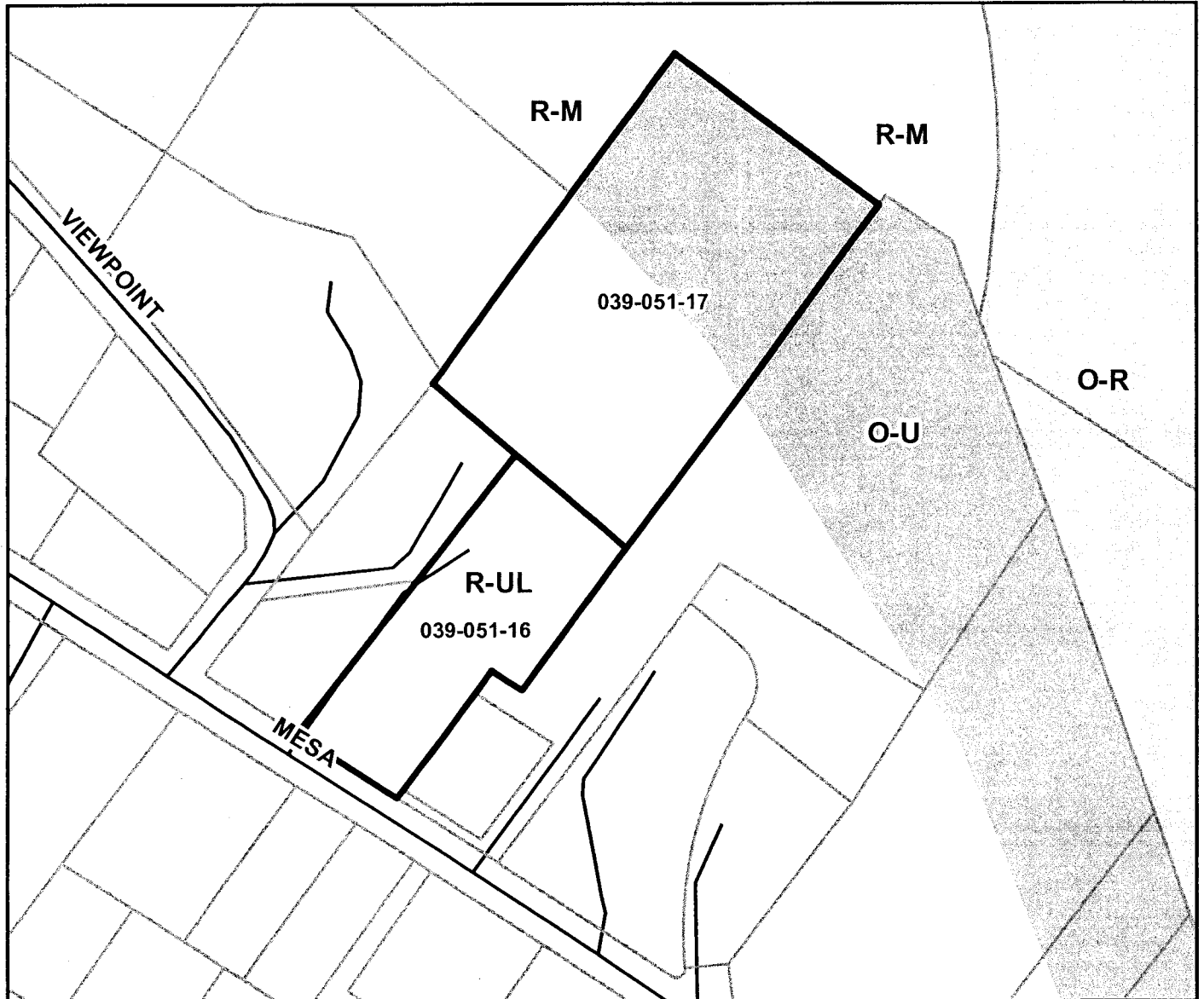


Map Created by
County of Santa Cruz
Planning Department
February 2010

EXHIBIT E

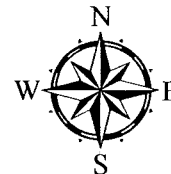


General Plan Designation Map



LEGEND

- APN: 039-051-17
- APN: 039-051-16
- Assessors Parcels
- Streets
- Residential - Urban Low Density
- Residential-Mountain
- Parks and Recreation
- Urban Open Space



Map Created by
County of Santa Cruz
Planning Department
February 2010

EXHIBIT E

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

Project Planner: Randall Adams
Application No.: 10-0041
APN: 039-051-02

Date: July 28, 2010
Time: 15:59:22
Page: 1

Dpw Drainage Completeness Comments

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

===== REVIEW ON MARCH 10, 2010 BY TRAVIS RIEBER =====

See miscellaneous comments for issues to be addressed prior to recording the final map.

Dpw Drainage Miscellaneous Comments

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

===== REVIEW ON MARCH 10, 2010 BY TRAVIS RIEBER =====

1. Please provide downstream assessment, describing and showing in detail on the plans the off-site drainage path along Mesa Drive to the improved swale in the frontage of the downstream neighbors property. Indicate any and all drainage problems found along the length of this flow path, and propose any needed improvements.

2. It is not clear from the plans how driveway runoff is controlled and directed to a safe point of release. Demonstrate that driveway runoff does not flow into the roadway uncontrolled. Proposed any needed improvements to control and direct runoff to the roadside swale.

Dpw Road Engineering Completeness Comments

===== REVIEW ON MARCH 3, 2010 BY RODOLFO N RIVAS =====
NO COMMENT

Dpw Road Engineering Miscellaneous Comments

===== REVIEW ON MARCH 3, 2010 BY RODOLFO N RIVAS =====
NO COMMENT

Dpw Sanitation Completeness Comments

===== REVIEW ON MARCH 8, 2010 BY DIANE ROMEO ===== Sanitation Engineering Division No. 1 Review Summary Statement; Appl. No. 10-0041; APN: 39-051-6 & 17:

Sewer service is available for this project. The Proposal is out of compliance with District or County sanitation policies and the County Design Criteria (CDC) Part 4, Sanitary Sewer Design, June 2006 edition. This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Reference for County Design Criteria: <http://www.dpw.co.santa-cruz.ca.us/DESIGNCRITERIA.PDF> Completeness Items: As a condition of approval of this permit application, the applicant shall contact Local Agency Formation Commission to annex APN: 39-051-17 into the Sanitation District and begin the reorganization process. Applicant shall pay all District annexa-

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 10-0041
APN: 039-051-02

Date: July 28, 2010
Time: 15:59:22
Page: 2

tion fees to District as a condition of annexation of parcel into Sanitation District. Location of existing and proposed sewer laterals shall be included on next submittal of plans. Each parcel shall have its own lateral connection to public sewer and shall be located in a private sewer easement of public utility easement as required by location. Note elevations of nearest upstream manhole rim and finish floor of each structure (lowest floor elevation with plumbing) to determine need for sewer overflow or backflow device installation requirements. If finish floor elevation is less than one foot above nearest upstream manhole rim elevation, note on plans that a sewer backflow or overflow device shall be installed. Applicant shall pay to the Planning Department the Sanitation Division at-cost review fee of \$1,000 for minor land division project review. Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160. There are no Sanitation Miscellaneous comments. ===== UPDATED ON APRIL 19, 2010 BY DIANE ROMEO ===== Sewer service is available for this project based upon the plans submitted for the second review dependent upon the following comment being reflected in the permit requirements. (Any future changes to these plans submitted for discretionary review shall be routed to the District for review to determine if additional conditions by the District are required by the plan change. All changes shall be highlighted as plan revisions and changes may cause additional requirements to meet District standards). This review notice is effective for one year from the issuance date to allow the applicant the time to receive tentative map, development or other discretionary permit approval. If after this time frame this project has not received approval from the Planning Department, a new availability letter must be obtained by the applicant. Once a tentative map is approved this letter shall apply until the tentative map approval expires.

Parcel Number: 39-051-17 is outside of the Santa Cruz County Sanitation District Boundary and is not eligible for sewer service. This parcel shall continue to be assigned a separate parcel number to allow the southerly parcel boundary to act as the southerly boundary of the Sanitation District. There are no Miscellaneous comments. Any questions regarding the above criteria should be directed to Diane Romeo of the Sanitation Engineering division at (831) 454-2160.

Dpw Sanitation Miscellaneous Comments

===== REVIEW ON MARCH 8, 2010 BY DIANE ROMEO ===== Miscellaneous: There are no Sanitation Miscellaneous comments.

Dpw Surveyor Completeness Comments

===== REVIEW ON MARCH 5, 2010 BY KATE N CASSERA =====

Add MLD number to all sheets in the plan set. One sheet of the tentative map should provide all information for the parcel map, but show no improvements or contour lines. Plans as shown have parcel map information on two separate plans. All symbols and line types used in the plan set shall appear in the legend. Please revise your plans to utilize consistent line types for parcel boundary. A subdivision of a parcel should result in lots. Please revise your plan to show Lot A and Lot B. Per County Design Criteria requirements, show contour lines a minimum of 50' beyond the project boundary. Remove tax code line from plan on sheet 2. ===== UPDATED ON MARCH 5, 2010 BY KATE N CASSERA =====

Remove owner information and assessor parcel number from plan. Sheet 2, parcel B -

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 10-0041
APN: 039-051-02

Date: July 28, 2010
Time: 15:59:22
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is dashed line the front yard set back? Please clarify. Provide bearings and distances for all property lines and easement lines on parcel map. Provide a distance for southerly property line of parcel B adjacent to Mesa Drive. Please clarify all dimension points. Dimensions as shown are unclear as to exactly what they are dimensioning. Please clarify to whom Lot 1 will be dedicated. Is the 20' wide utility easement on the southwesterly property line existing? If so, label as such. Provide a 6' PUE adjacent to Mesa Drive. Existing driveway as shown is not contained within the property boundary. Provide verification that an easement has been obtained from adjacent property owner for existing driveway. Is shaded area existing AC? Your plan indicates a 40' wide right-of-way along Mesa Drive, but it scales at 55'. Please clarify. ===== UPDATED ON MARCH 5, 2010 BY KATE N CASSERA =====

===== UPDATED ON APRIL 26, 2010 BY KATE N CASSERA =====

===== UPDATED ON APRIL 26, 2010 BY KATE N CASSERA =====

===== UPDATED ON MAY 25, 2010 BY KATE N CASSERA =====

Dpw Surveyor Miscellaneous Comments

ALL previous survey comments have been addressed ===== REVIEW ON MARCH 5, 2010 BY KATE N CASSERA =====

===== UPDATED ON APRIL 26, 2010 BY KATE N CASSERA =====

1. AS PREVIOUSLY STATED PROVIDE P.U.E. AT THE FRONT OF THE PROPERTY. 2. PROVIDE SPECIFIC BEARINGS AND DISTANCES FOR ALL PROPERTY LINES. 3. PROPOSED PROPERTY LINES AND EXISTING PROPERTY LINES ARE TO BE TWO DISTINCTLY SEPARATE LINE TYPES. REVISE YOUR PLAN TO SHOW TWO LINE TYPES. 4. SHEET TM1. AS PREVIOUSLY STATED, REMOVE TAX CODE LINE FROM TENTATIVE MAP. REMOVE ALL INFORMATION THAT DOES NOT PERTAIN TO TENTATIVE MAP, I.E. "STEEP WOODED SLOPE". 5. THERE IS NO TRANSFER AREA ON A PARCEL MAP. PLEASE CLARIFY NOTE ON SHEET TM1. IS THERE A LOT LINE ADJUSTMENT TO BE DONE PRIOR TO FILING THE PARCEL MAP? 6. SHEET TM2. PLEASE CLARIFY RIGHT OF WAY ON MESA DRIVE. INDICATED IS 40', SCALED IS 45'. 7. SHEET TM2. EXISTING FENCE SHOULD BE RELOCATED TO BE CONTAINED WITHIN PROPERTY LINES BEING ESTABLISHED WITH THIS PARCEL MAP. 8. AS PREVIOUSLY STATED: ALL SYMBOLS AND LINE TYPES USED IN THESE PLANS SHALL BE INDICATED IN THE PLAN LEGEND. REVISE YOUR PLANS. ===== UPDATED ON APRIL 26, 2010 BY KATE N CASSERA =====

===== UPDATED ON MAY 25, 2010 BY KATE N CASSERA =====

Aptos-La Selva Beach Fire Prot Dist Completeness C

===== REVIEW ON MARCH 10, 2010 BY ERIN K STOW =====

DEPARTMENT NAME: Aptos/La Selva Fire District APPROVED WITH THE CONDITIONS: See letter dated March 10, 2010

SHOW on the plans, DETAILS of compliance with the driveway requirements. The driveway shall be 12 feet minimum width and maximum twenty percent slope.

The driveway shall be in place to the following standards prior to any framing construction, or construction will be stopped:

- The driveway surface shall be "all weather", a minimum 6" of compacted aggregate base rock, Class 2 or equivalent certified by a licensed engineer to 95% compaction and shall be maintained.
- ALL WEATHER SURFACE: shall be a minimum of 6" of compacted Class II base rock for grades up to and including 5%, oil and screened for grades up to and including 15% and asphaltic concrete for grades exceeding 15%, but in no case exceeding 20%.
- The maximum grade of the driveway shall not exceed 20%, with grades of 15% not permitted for distances of more than 200 feet at a time.

Discretionary Comments - Continued

Project Planner: Randall Adams
Application No.: 10-0041
APN: 039-051-02

Date: July 28, 2010
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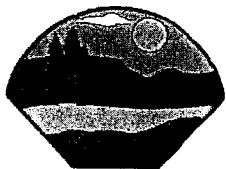
The driveway shall have an overhead clearance of 14 feet vertical distance for its entire width. - A turn-around area which meets the requirements of the fire department shall be provided for access roads and driveways in excess of 150 feet in length. - Drainage details for the road or driveway shall conform to current engineering practices, including erosion control measures. - All private access roads, driveways, turn-arounds and bridges are the responsibility of the owner(s) of record and shall be maintained to ensure the fire department safe and expedient passage at all times. - The driveway shall be thereafter maintained to these standards at all times.

===== UPDATED ON APRIL 21, 2010 BY ERIN K STOW =====
DEPARTMENT NAME:Aptos/La Selva Fire APPROVED

Aptos-La Selva Beach Fire Prot Dist Miscellaneous

===== REVIEW ON MARCH 10, 2010 BY ERIN K STOW =====
NO COMMENT

===== UPDATED ON APRIL 21, 2010 BY ERIN K STOW =====
NO COMMENT



Aptos/La Selva Fire Protection District

6934 Soquel Drive • Aptos, CA 95003
Phone # 831-685-6690 • Fax # 831-685-6699

April 21, 2010

Planning Department
County of Santa Cruz
Attention: Randall Adams
701 Ocean Street
Santa Cruz, CA 95060

Subject: APN: 039-051-02,16,17 / Appl #10-0041
7447 Viewpoint Road/7413 Mesa Drive

Dear Mr. Adams:

Aptos/La Selva Fire Department has reviewed the plans for the above cited project and has no objections as presented.

A plan review fee of **\$50.00** is due and payable to the Aptos/La Selva Fire Department **PRIOR TO APPROVAL** of building application. Reminder: the enclosed Permit/Service Fees form must be submitted to the Aptos/La Selva Fire Department at time of payment.

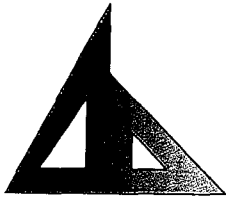
- Any other requirements will be addressed in the Building Permit phase.
- Plan check is based upon plans submitted to this office. Any changes or alterations shall be re-submitted for review prior to construction.

Sincerely,

Jim Dias, Fire Marshal
Fire Prevention Division
Aptos/La Selva Fire Protection District

Cc: Christine Wiskemann
337 Margarita Drive
San Rafael, CA 94901

Cc: Richard Emigh
413 Capitola Avenue
Capitola, CA 95010



RICHARD L. EMIGH **A.I.B.D.**
DRAFTING, DESIGNING & LAND USE ANALYSIS

413 Capitola Avenue
Phone: 831-479-1452

Capitola, CA 95010
Fax: 831-479-1476

February, 4, 2010

To the occupant or homeowner

This letter is to invite you to a meeting at 7413 Mesa drive at the Lowe's house. They are submitting plans to create two lots. Lot A has an existing ADU (Accessory Dwelling Unit). Lot B has the existing Larger Dwelling Unit. The Net Lot Area's are 13,021 square feet and 19,157 square feet respectfully.

The meeting will be at the larger house on Lot B.

Enclosed is a small copy of the proposed lots showing the location of the existing houses and a vicinity map of the area being notified about the event and meeting.

The meeting is scheduled for Wednesday Feb 10 at 6 PM.

You can call or fax me any comments or questions you may have on this Proposed Minor Land Division or you can email me at redesigns02@yahoo.com

Respectfully

Richard L Emigh