



Staff Report to the Planning Commission

Application Number: **111033**

Applicant: Matson Britton Architects,
Attn Kurt Ross

Agenda Date: April 27, 2011

Owner: Steve Johnston and Robert Deacon
APN: 042-232-42

Agenda Item #: /O
Time: After 9:00 a.m.

Project Description: Proposal to extend the approved building envelope at Lot B in order to allow for the construction of a one car garage to replace the approved bicycle storage. Requires an Amendment to Minor Land Division 06-0558.

Location: Property located on the northwest side of Martin Drive, 80 feet southwest of Aptos Beach Drive. (210 Martin Drive)

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

Permits Required: Amendment to Minor Land Division 06-0588

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111033, 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. Planning Commission Staff Report, |
| D. Categorical Exemption (CEQA
determination) | Findings and Conditions of Approval
for MLD 06-0558. |

Parcel Information

Parcel Size:	9,820 square feet
Existing Land Use - Parcel:	Single-family residence
Existing Land Use - Surrounding:	Single-family residential neighborhood
Project Access:	Martin Drive
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Density Residential)
Zone District:	R-1-4 (Single family residential - 4,000 square feet minimum)

Coastal Zone: X Inside Outside
Appealable to Calif. Coastal Yes X No
Comm.

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Report reviewed and accepted with 06-0558
Fire Hazard: Not a mapped constraint
Slopes: 2-5% at project site
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: No grading proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Site investigation completed – no evidence of resources

Services Information

Urban/Rural Services Line: X 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

History

Application 06-0558 to divide a 9,820 square foot parcel into two single-family residential parcels, to demolish an existing single-family residence and to construct two single-family dwellings, was approved by the Planning Commission on September 26, 2006 with an expiration date of October 10, 2009, a copy of that staff report is included as Exhibit F.

At this time a Parcel Map has not been recorded for the Minor Land Division but the approval remains active since, due to the current economic situation, the State of California enacted legislation that allowed tentative subdivision maps to be automatically extended under Government Code section 66452.21 for one year and 66452.22 for an additional period of two years. The expiration date of the approval has therefore been statutorily extended for an additional period of three years, such that the approval of 06-0558 will remain valid until October 10, 2012. A building permit application is under review for the construction of one single-family dwelling and a detached garage on the current parcel and this development corresponds with the approved design for the house and garage approved for Lot A of the Minor Land Division. The construction of the single-family dwelling approved for Lot B cannot however be approved until the Parcel Map has been recorded.

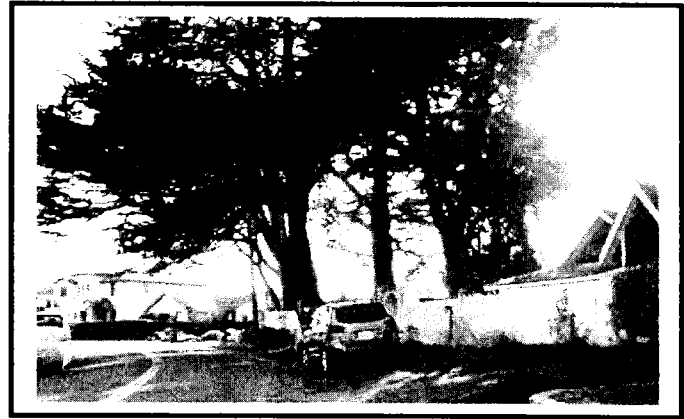
Project Setting

The subject property is located in a single-family residential neighborhood accessed by Martin Drive in Aptos. The property is developed with a small older one story single-family dwelling and contains two large existing cypress trees. The dwelling is located right at the front property line behind a 6 foot high wall that is located mostly within the public right of way.



ABOVE: Street view looking north on Martin Drive. Existing one story house in center of view to be demolished, front of proposed garage to be set back behind rear of this dwelling. Wall in foreground at 212 Martin Drive to remain.

BELOW: Street view looking south on Martin Drive. Structures in foreground are existing wall and dwelling at 210 Martin Drive, located at front property line.



Analysis and discussion.

Application 06-0558 approved the creation of two lots, each accessed directly from Martin Drive. Due to the narrow frontage of the parent parcel, the proposed Lot B had a reduced frontage of less than the required 35 feet to Martin Drive and the portion of the parcel of less than 35 feet in width was considered to be a corridor access per County Code. This area was deducted from the net developable area and was not counted as part of the required front yard for the parcel. Therefore, the approved building envelope for Lot B was designated at the minimum required front setback line, 15 feet from the end of the corridor access. This resulted in a physical setback from the street to the front of building envelope of 43 feet 2 inches. Due to the restricted size of the development area and because a minimum setback of 20 feet is required to a garage, the approved design for the proposed dwelling on Lot B did not include a garage but included an attached bicycle storage shed.

An Amendment is proposed to 06-0558 to extend the building envelope at the first floor toward Martin Drive to allow for a one story addition to be constructed to the bicycle storage shed thereby creating an attached one car garage. Per County Code section 13.10.510(f), the Planning Commission may establish building setback lines different from those required by the district standards when such district standards would impose a purposeless hardship on new buildings compared to the setback of existing buildings in the same block or area. A survey of setbacks to existing garages on the same block of Martin Drive prepared by the applicant, shows that garages for other dwellings are located at between 3 feet and 69 feet from the front property line, an average setback of 35.8 feet. If the one 69 foot setback is excluded, the average is 21.35 feet from the front property line. The amended setback line to the proposed garage would be 6 feet 1 inch from the end of the corridor access, which is 35 feet 10 inches from the front property line and around 58 feet from the edge of pavement for Martin Drive. All other dwellings on the block have either an attached or detached garage. However, due to the restricted size of the building envelope on Lot B, a reasonably sized house that is comparable to others in the

neighborhood and that also includes a garage would not be readily achievable. This creates a purposeless hardship for the proposed dwelling.

Design Review

The proposed attached one car garage complies with the requirements of the County Design Review Ordinance, in that the proposed structure would be in scale with and integrated with the character of the surrounding neighborhood. The front of the proposed garage would be set back around 35 feet 10 inches from the front property line and 58 feet from the edge of the travelled roadway. Therefore the proposed addition of 7 feet 4 inches to the building envelope for a single story addition at Lot B would not result in any material visual difference between the structure as approved and the addition of a garage as proposed by the amendment. In addition, the proposed garage would be set back behind the garage on Lot A, and at a similar setback to the larger dwelling immediately to the north and so will not be plainly visible in views from Martin Drive. It should also be noted that the proposed garage will be visually less intrusive than the existing dwelling that sits on the front property line and the high wall in the right-of-way, in that it will also be one story and much further back than these existing structures.

Zoning & General Plan Consistency

The proposed property will be a 4,950 square foot lot, located in the R-1-4 (Single family residential - 4,000 square feet minimum) zone district, a designation which allows residential uses. The proposed attached one car garage a principal permitted use within the zone district and the project is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

Environmental Review

Environmental review has not been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA) under Class 5: Minor Alterations to Land Use Limitations. The proposed modification of the building envelope to accommodate a garage is a minor exception to an existing approved Land Division to allow for a reduced setback consistent with other properties in the neighborhood.

Conclusion

As proposed and conditioned, the project will be 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.

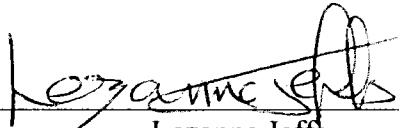
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **111033**, 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

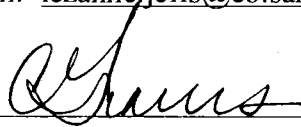
Report Prepared By: _____



Lezanne Jeffs

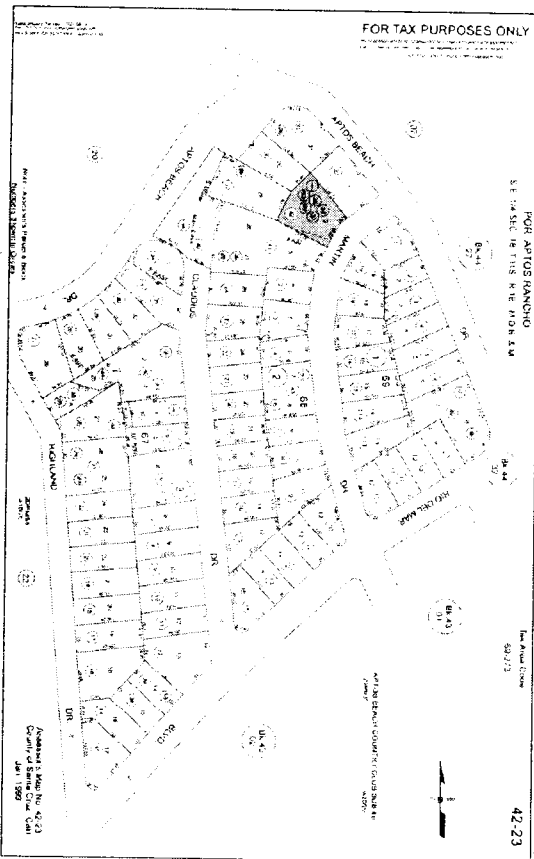
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-2480
E-mail: lezanne.jeffs@co.santa-cruz.ca.us

Report Reviewed By: _____



Cathy Graves
Principal Planner
Santa Cruz County Planning Department

210 MARTIN DRIVE
R/O DEL MAR
APTOS, CA 95003



PROJECT CALC'S

TOTAL LOT SIZE		4200 S.F.
LOT B: 4200 S.F.	4200 S.F.	
PLAS. STAIR	4025 S.F.	
LOT B' NET	4025 S.F.	
FLOOR AREAS FOR LOT B':		
PROPOSED FIRST FLOOR:	420 SQ. FT.	
PROPOSED SECOND FLOOR:	1020 SQ. FT.	
TOTAL FLOOR AREA:	1440 SQ. FT.	
LESS CANT. GARAGE CREDIT:	-220 SQ. FT.	
ADJUSTED TOTAL FLOOR AREA:	1220 SQ. FT.	
SECOND FLOOR OVERHANG:	170 SQ. FT.	
TOTAL LOT COVERAGE (1220+170):	1201 SQ. FT.	
PARK: 1600 S.F. / 4025 S.F. = 44.1%		
FLOOR AREA: 1201 S.F. / 4025 S.F. = 29.8%		

SHEET INDEX

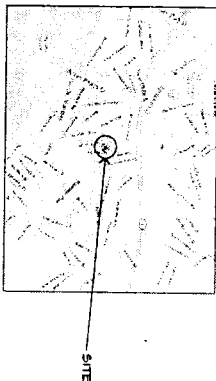
P1 TITLE SHEET
 P2 SITE PLAN
 P3 PROPOSED FIRST & SECOND FLOOR PLANS
 P4 PROPOSED EXTERIOR ELEVATIONS
 P5 REMOVED FIRST & SECOND FLOOR PLANS
 P6 REMOVED EXTERIOR ELEVATIONS
 P7 NEIGHBORHOOD SETBACK PLAN
 P8 SURVEY

CONSULTANTS

ARCHITECTS:
MATSON BRITTON ARCHITECTS
125 N. BRACKFORD
SANTA CRUZ, CA 95062
501-425-0544 F 501-425-4745

INTERIORS:
WARD SHURTLEYS
1724 SEABRIGHT AVE., SUITE A
SANTA CRUZ, CA 95060
501-426-5005

VICINITY MAP



PROJECT SUMMARY

OWNERS:	ROBERT DEACON & STEVE JOHNSON 490 SKYWARD DRIVE ATLANTA, GA 30305
A. P. N.:	043 - 232 - 42
OCCUPANCY	R-5 (L-1) (PER 2001 U.S.C.)
CONSTRUCTION	VB (SPRINKLERED)
TYPE:	
PROJ. ACT. DESCRIPTION:	
<p>THE PROJ. LOT IS CURRENTLY IN THE PROCESS OF BEING SPLIT INTO TWO PLOTS, LOT A AND LOT B. THIS SPLIT IS FOR LOT B. IT CONSISTS OF A NEW 2-STORY SINGLE-FAMILY DWELLING WITH THREE BEDROOMS, THREE BATHROOMS, AND AN ATTACHED ONE CAR GARAGE. THE EXISTING RESIDENCE IS TO BE DEMOLISHED.</p>	

OWNERS

W. R. Z.

GROUP,

TYPE:

VB (SPRINKLERED),

STEVE JOHNSON
430 SKYWARD DRIVE
APTOS, CA 95009
042 - 252 - 42

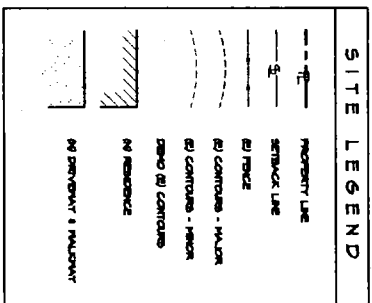
DEACON & JOHNSON
RESIDENCE
210 MARTIN DRIVE
APTOS, CA 95008
APR - 6 - 2 - 42

TITLE SHEET

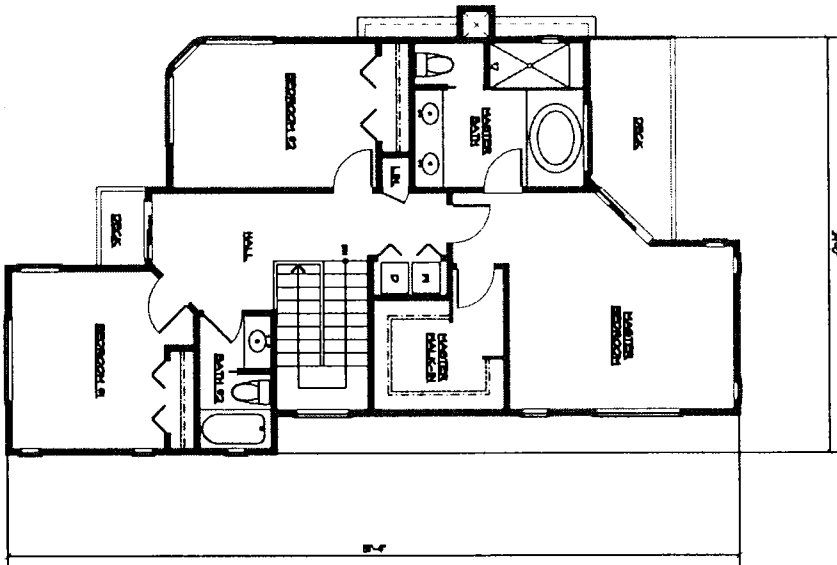
5

EXHIBIT

SCALE: 1/8" = 1'-0"

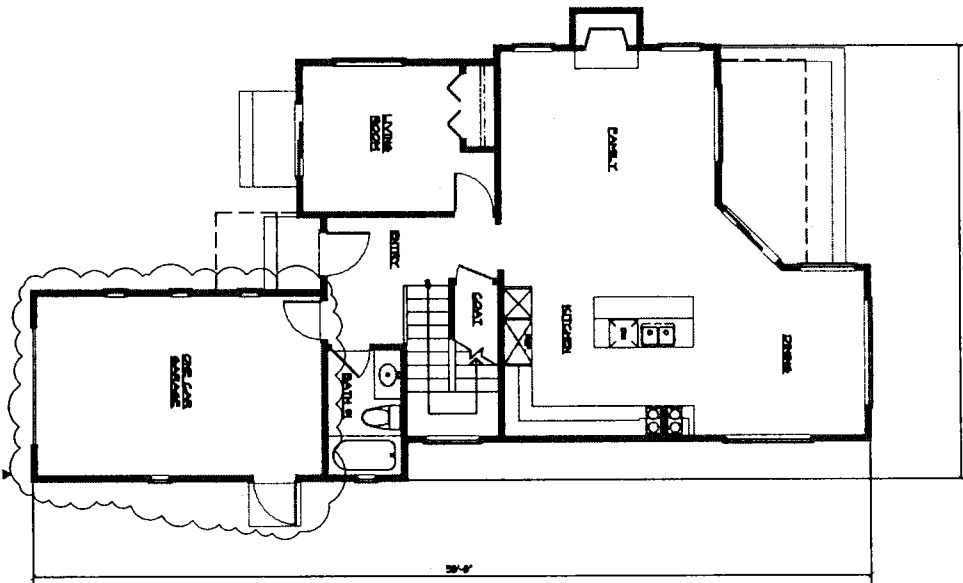


1. ALL ROOF GUTTERS SHALL BE PLACED AROUND ALL EAVES DOWNSPOUTS TO GO TO STORMBLOCKS.
2. SURFACE DRAINAGE ADJACENT TO FOUNDATION AND PATIENTS SHALL BE SLOPED AWAY FROM BUILDING @ 2% MINIMUM GRADIENT.
3. ARCHITECTS TO FIELD VERIFY LOCATIONS OF DOWNSPOUTS.



APPROVED SECOND FLOOR PLAN (NO CHANGE)
 SCALE: 1/4" = 1'-0"

2



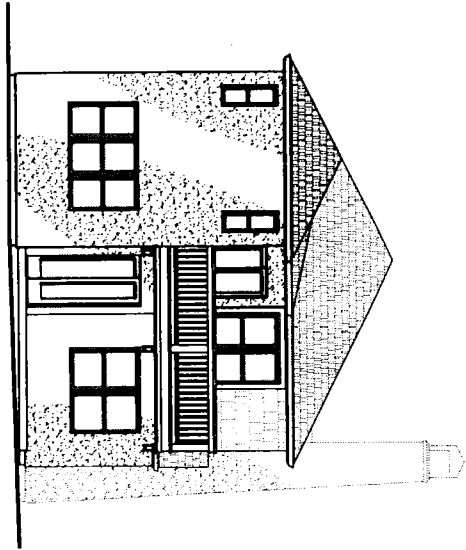
PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

1

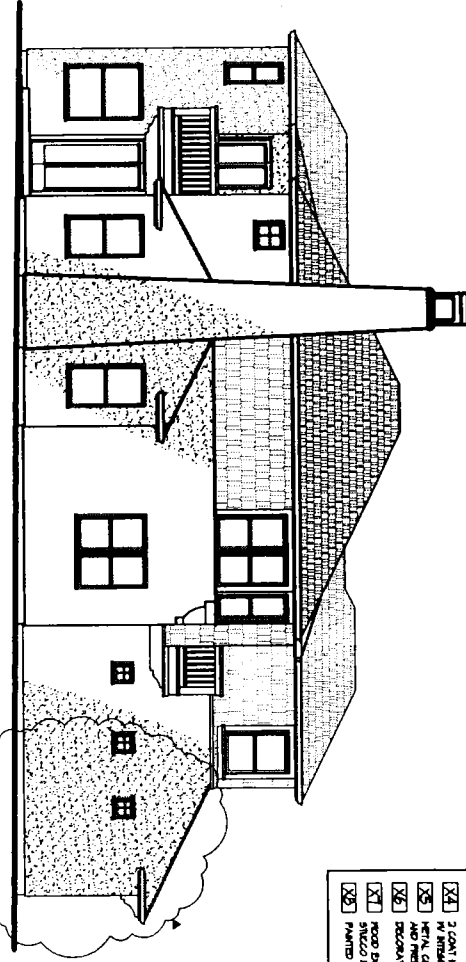
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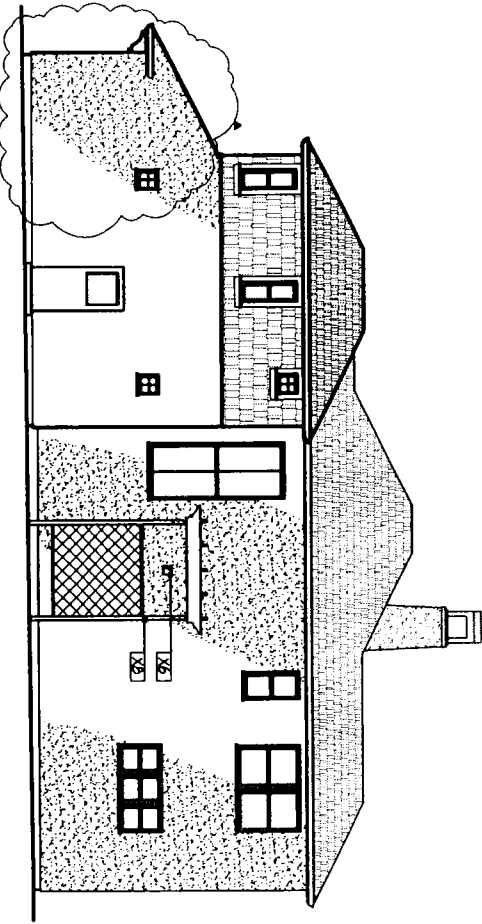
ELEVATION NOTES	
<input checked="" type="checkbox"/>	ROOF TO BE NEW GUTTER
<input checked="" type="checkbox"/>	CONCRETE SHALE
<input checked="" type="checkbox"/>	STAINED ROOF SHALE SLOPE
<input checked="" type="checkbox"/>	PAINTED ROOF TRIM
<input checked="" type="checkbox"/>	3 GALT HARD TROPIC STILCO
<input checked="" type="checkbox"/>	W/ INTERIOR COLOR
<input checked="" type="checkbox"/>	NEW CLAY ROOF PAVING
<input checked="" type="checkbox"/>	NEW BRICK ROOF PAVING
<input checked="" type="checkbox"/>	DECORATIVE BRICK BLOCK
<input checked="" type="checkbox"/>	ROOF EXTERIOR SATE AT
<input checked="" type="checkbox"/>	STILCO WALL
<input checked="" type="checkbox"/>	PAINTED ROOF TRIM IN VINES



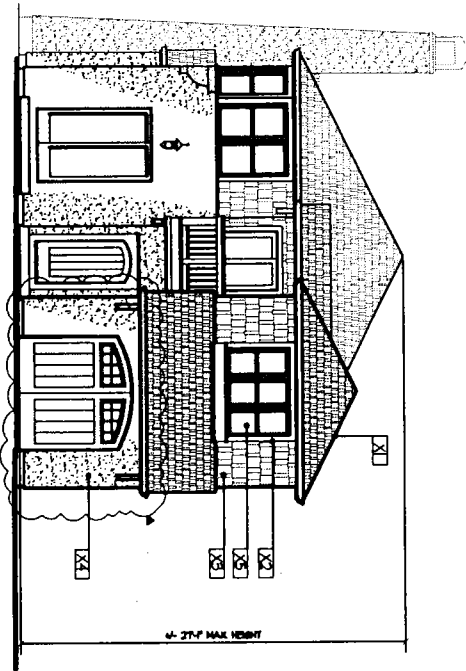
APPROVED NORTH ELEVATION (NO CHANGE)
SCALE: 1/4" = 1' - 0"



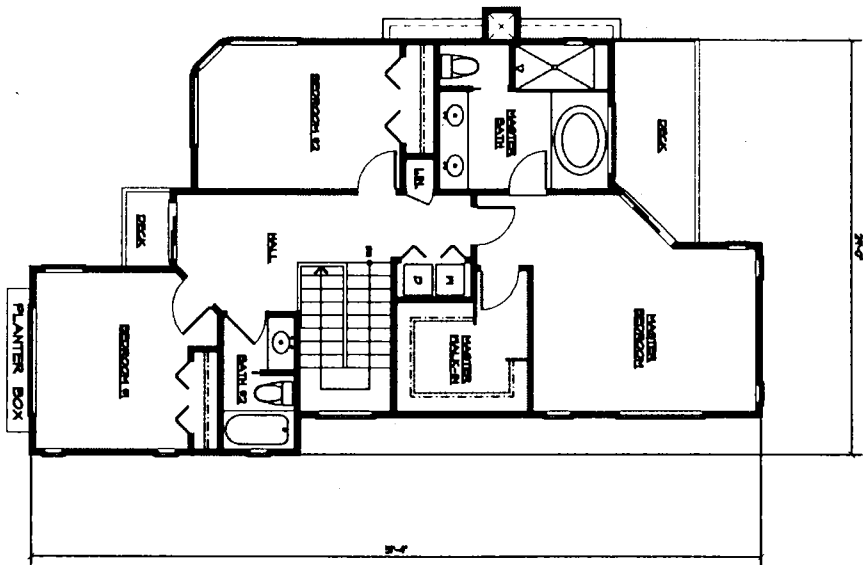
PROPOSED WEST ELEVATION N
SCALE: 1/4" = 1' - 0"



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1' - 0"



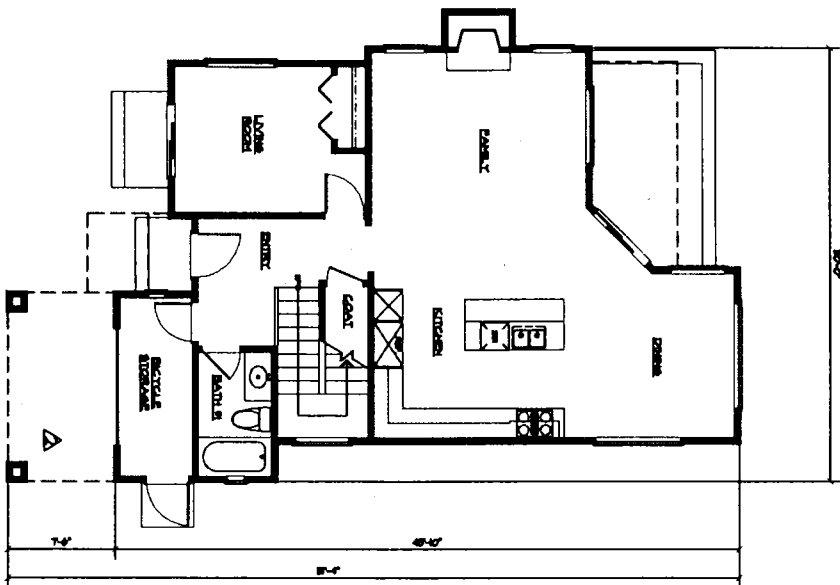
PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1' - 0"



APPROVED SECOND FLOOR PLAN
SCALE: 1/4" = 1' - 0"

SECOND FLOOR = 1021 SQ. FT.

②



APPROVED FIRST FLOOR PLAN
SCALE: 1/4" = 1' - 0"

FIRST FLOOR = 920 SQ. FT.
BICYCLE STORAGE = 72 SQ. FT.

①

DEACON & JOHNSON
RESIDENCE

210 MARTIN DRIVE
1008

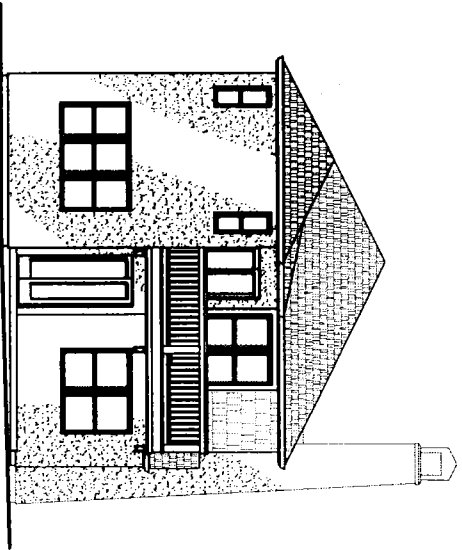
A - 10 - 3 - 42

FLOOR PLANS "B"

P5

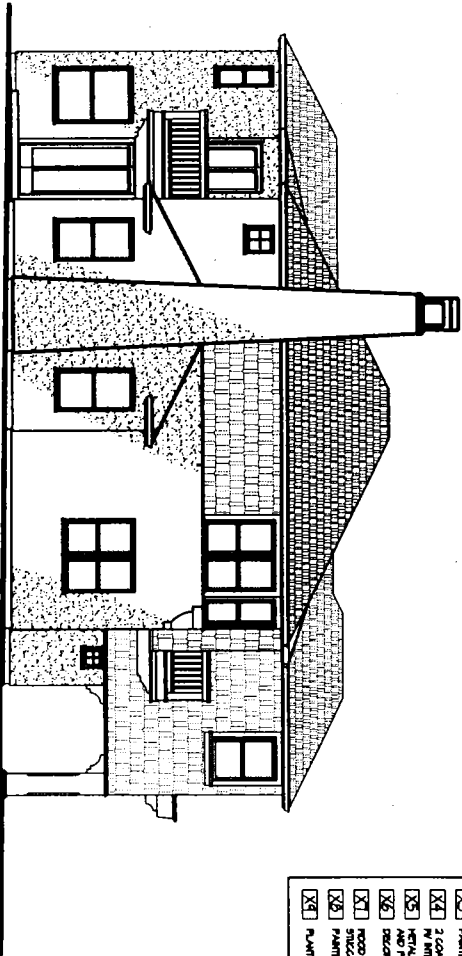
EXHIBIT A

ELEVATION NOTES	
<input checked="" type="checkbox"/>	ROOF TO BE NEW DECKING
<input checked="" type="checkbox"/>	CONCRETE SHAFTS
<input checked="" type="checkbox"/>	STAINED ROOF SHINGLE SIDING
<input checked="" type="checkbox"/>	PAINTED ROOF TRIM
<input checked="" type="checkbox"/>	3 COAT HAND ROWNEL STUCCO
<input checked="" type="checkbox"/>	IN INTERIOR COLOR
<input checked="" type="checkbox"/>	METAL CLAD ROOF RACKS
<input checked="" type="checkbox"/>	AND INSIDE DOORS
<input checked="" type="checkbox"/>	DECORATIVE ALUMINUM BLOCK
<input checked="" type="checkbox"/>	ROOF EXTENSION SAME AS
<input checked="" type="checkbox"/>	STUCCO WALL
<input checked="" type="checkbox"/>	PAINTED ROOF TRIM IN VARIOUS
<input checked="" type="checkbox"/>	PLASTER BOX



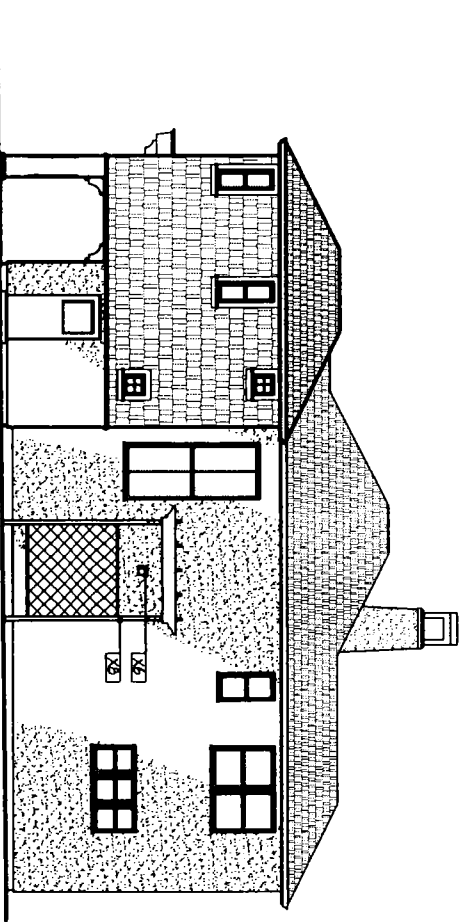
APPROVED NORTH ELEVATION
SCALE: 1/4" = 1' - 0"

④



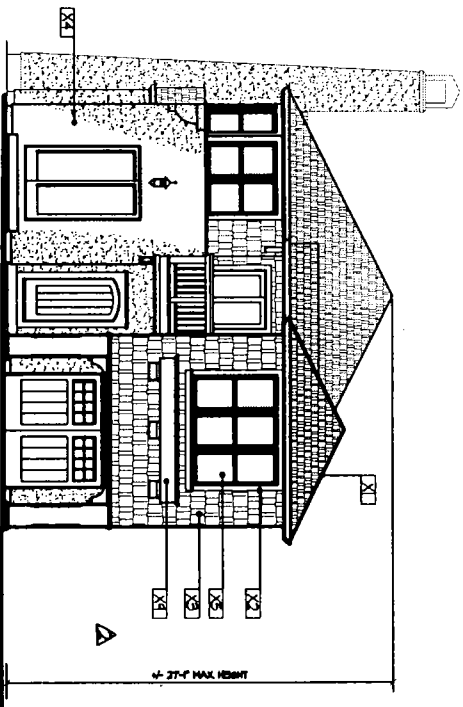
APPROVED WEST ELEVATION
SCALE: 1/4" = 1' - 0"

②



APPROVED EAST ELEVATION
SCALE: 1/4" = 1' - 0"

③



APPROVED SOUTH ELEVATION
SCALE: 1/4" = 1' - 0"

①

DATE: 02/24/11
SCALE: 1"= 20'
SHEET: 51



Development Permit Findings

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

This finding can be made in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed addition to the approved single-family dwelling for a one car garage will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure will be set back 35 feet 10 inches from the front property line and will meet all other setbacks that ensure access to light, air, and open space in the neighborhood.

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

This finding can be made, in that the proposed location of the single-family dwelling with an attached one car garage and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the R-1-4 (Single-family residential - 4,000 square feet minimum) zone district, as the primary use of the property will be one single-family dwelling with an attached one car garage that meets a revised front setback that is consistent with the intent of the R-1-4 zone district and that will meet all other current site standards for the zone district.

A reduced front setback is appropriate in this location since the requirement that the front setback be measured from the rear of the corridor access imposes a needless hardship on the property. The amended setback line to the proposed garage would be 6 feet 1 inch from the end of the corridor access, which is 35 feet 10 inches from the front property line. All other dwellings on the block have either an attached or detached garage or carport and these are located at an average, excepting one parcel, of less than 22 feet from the front property line. Further, a reasonably sized house that is comparable to others in the neighborhood and that also includes a garage would not be readily achievable on Lot B without a reduced setback.

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

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

The proposed single-family dwelling with a one car garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and will be set back 35 feet 10 inches from the front property line and meets all other 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 addition of a one car garage to the approved single-family dwelling will not adversely shade adjacent properties, and will meet a revised setback from the right-of-way that is consistent with other adjacent properties and meets all other current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed single-family dwelling with a one car garage will be properly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed one car garage will comply with an approved reduced setback to the corridor access and that is consistent with all other site standards for the R-1-4 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 the proposed addition of a one car garage to the approved single-family dwelling will not change the impact of the project on 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 proposed structure is located in a mixed neighborhood containing a variety of architectural styles, and the proposed amendment to the building envelope to allow for an addition of a one car garage to the approved single-family dwelling is consistent with the land use intensity and density of the neighborhood. A survey of setbacks to existing garages on the same block of Martin Drive prepared by the applicant, shows that garages for other dwellings are located at between 3 feet and 69 feet from the front property line, an average setback of 35.8 feet. If the one 69 foot setback is discounted, the average is 21.35 feet from the front property line. The amended setback line to the proposed garage would be 6 feet 1 inch from the end of the corridor access, which is 35 feet 10 inches from the front property line and around 58 feet from the edge of pavement for Martin Drive, which is consistent with other properties in 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 proposed one car garage that will replace the approved bicycle storage shed on Lot B will be of an appropriate scale and type of design that will blend with the aesthetic qualities of the surrounding properties and will not increase the overall visual impact of the approved dwelling. The proposed garage will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Tentative Map – prepared by Ward Surveying, dated 8/28/06; Architectural and floor plans (6 sheets) prepared by Matson Britton Architects, revised 2/24/11; Neighborhood setback survey, prepared by Matthew D. Ward, dated 2/24/11.

- I. This Permit authorizes the revision of the approved building envelope at Lot B as it was shown on the approved Tentative Map, to allow for a reduced front yard of 6 feet 1 inch from the rear of the corridor access and 35 feet 10 inches from the front property line to allow for a single story addition, and a revision of the approved design for the dwelling on that lot to allow for the deletion of bicycle storage and addition of a one car garage. This amends Minor Land Division and Residential Development Permit 06-0558 and all required conditions of approval for that permit are hereby incorporated into these conditions of approval by reference, with the following exceptions:
 - a. The previously approved development shall be subject to the current regulations and fees in effect at the time of issuance of this Amendment approval.
 - b. All future correspondence and maps relating to this land division shall carry the land division number 06-0558 and the number of this Amendment 111033.
- II. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/ owner shall:
 - a. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - b. Submit a revised Tentative Map in conformance with the original approval for 06-0558 and Amended as approved by this Permit for review and final approval by the Planning Department.
- III. A Parcel or Final Map for the land division as amended by this permit 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 or Final Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel or Final Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel or Final Map shall meet the following requirements:
 - a. The Parcel or Final Map shall be in general conformance with the approved Tentative Map as approved by 06-0558 and as amended by this permit and shall conform with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.

The following items shall be shown on the Parcel Map:

- i. Building envelopes and or building setback lines located according to the approved Tentative Map 06-0558 and as amended by this permit.
- ii. Show the net area of each lot to the nearest square foot. The net area of Lot B shall not include the area of the corridor access portion of the parcel as approved by 06-0558.

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

- a. Park dedication in-lieu fees shall be paid for one (1) additional dwelling unit. These fees are currently \$1000 per bedroom but are subject to change.
- b. Child Care Development fees shall be paid for one (1) additional dwelling unit. These fees are currently \$109 per bedroom but are subject to change.
- c. Transportation improvement fees shall be paid for one (1) additional dwelling unit. This fee is currently \$2,955 per unit but is subject to change
- d. Roadside improvement fees shall be paid for one (1) additional dwelling unit. This fee is currently \$2,955 per unit but is subject to change
- e. Submit proof that the Park, Childcare, Roadside and Transportation fees have been paid for the one (1) dwelling approved for Lot A that is to be constructed on the parent parcel prior to the recordation of the Parcel Map.
- f. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

V. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:

- a. The eastern elevation of the proposed residence on Lot B is to be revised to address privacy issues with the adjacent neighbor. This can be achieved through the use of either translucent window materials in appropriate locations or through the planting of an additional tree or trees between the two parcels.
- b. Submit four copies of the approved Minor Land Division 06-0558 and four copies of this Amendment with the Conditions of Approval for both approvals attached.

VI. Operational Conditions

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:
 - i. COUNTY bears its own attorney's fees and costs; and
 - ii. 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.

This Amendment to the Tentative Map is approved subject to the original Conditions of Approval and additional conditions as set out above. The original expiration date of the Tentative Map has been statutorily extended under Government Code sections 66452.21 and 66452.22 for an additional period of 3 years and the approved Tentative Map as Amended by this approval will therefore expire on the date below. The Parcel Map for this division 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.

Application #: 111033
APN: 042-232-42
Owner: Steve Johnston and Robert Deacon

Approval Date: _____

Effective Date: _____

Expiration Date: October 10, 2012

Cathy Graves
Principal Planner

Lezanne Jeffs
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: 111033

Assessor Parcel Number: 042-232-42

Project Location: 210 Martin Drive, Aptos

Project Description: proposal to extend the approved building envelope for Lot B to allow for the construction of a one car garage to replace the approved bicycle storage

Person or Agency Proposing Project: Matson Britton Architects, attn Kurt Ross

Contact Phone Number: (831) 425 0544

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

Specify type:

E. X **Categorical Exemption**

Specify type: Class 5: Minor Alterations to Land Use Limitations

F. Reasons why the project is exempt:

Minor exception to an existing approved Land Division to allow for a reduced setback consistent with other properties in the neighborhood.

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

Lezanne Jeffs, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVE
 ©COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

POR. APTOS RANCHO
 SE 1/4 SEC. 18, T11S, R1E, MDB & M.

Tax Area Code
 69-273

42-23

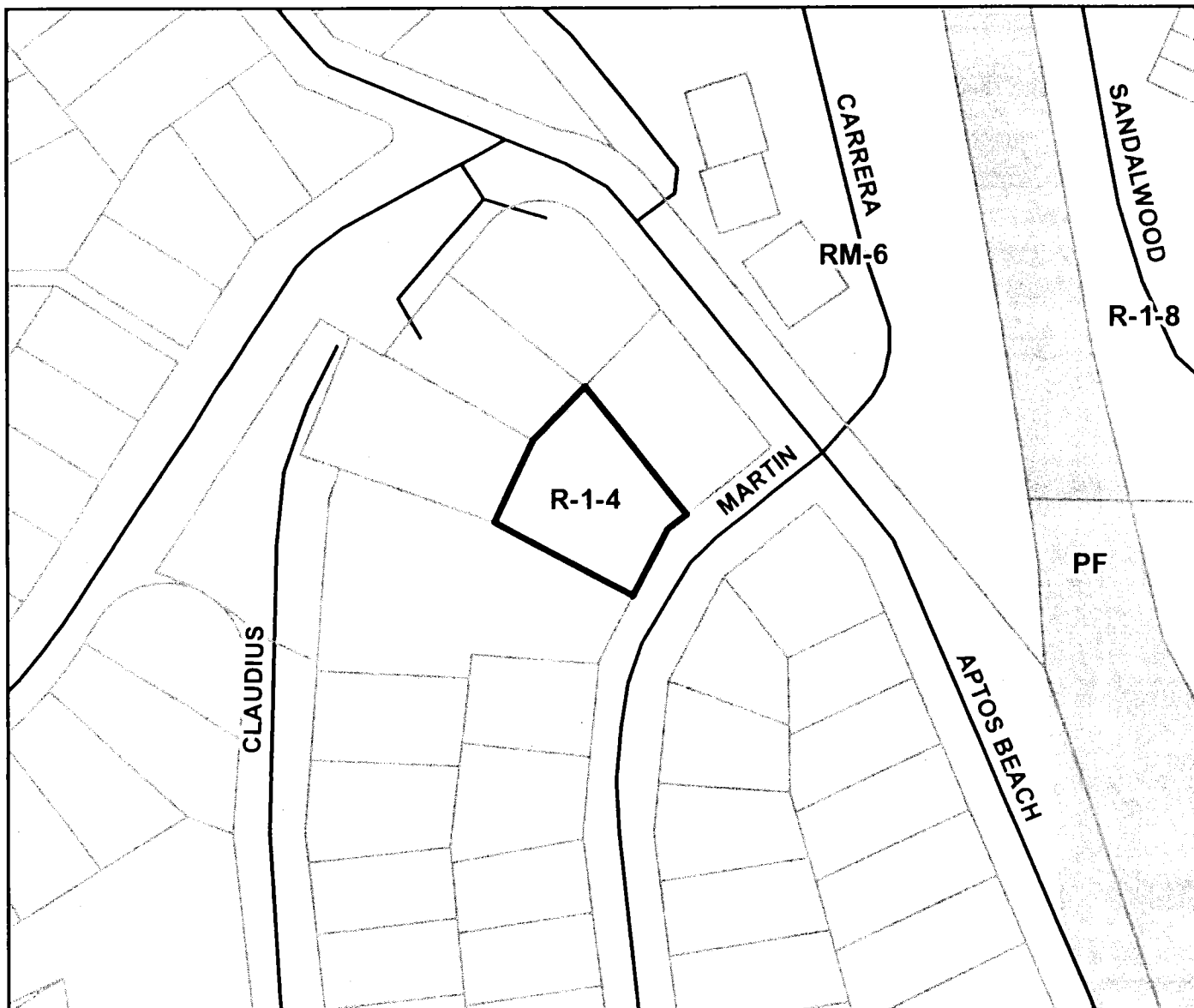
Note - Assessor's Parcel & Block
 Numbers Shown in Circles

Assessor's Map No. 42-23
 County of Santa Cruz, Calif.
 Jan. 1999





Zoning Map



LEGEND



APN: 042-232-42



Assessors Parcels

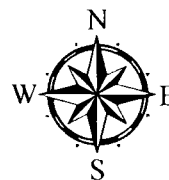


Streets

RESIDENTIAL-SINGLE FAMILY

RESIDENTIAL-MULTI FAMILY

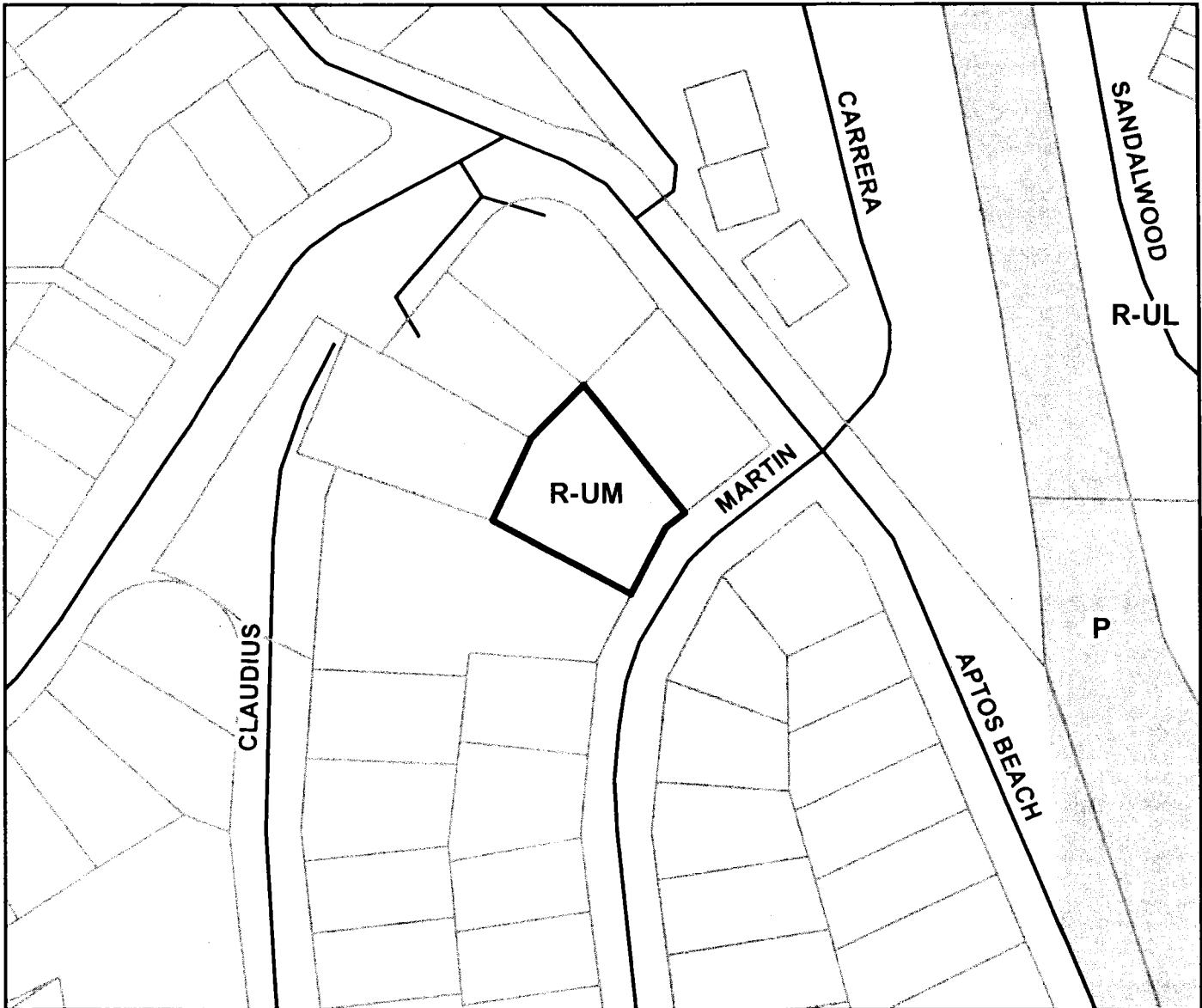
PUBLIC FACILITY



Map Created by
County of Santa Cruz
Planning Department
March 2011



General Plan Designation Map



LEGEND
APN: 042-232-42



Assessors Parcels

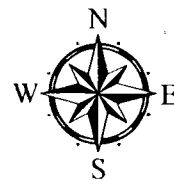


Streets

Residential - Urban Medium Density

Residential - Urban Low Density

Public Facilities

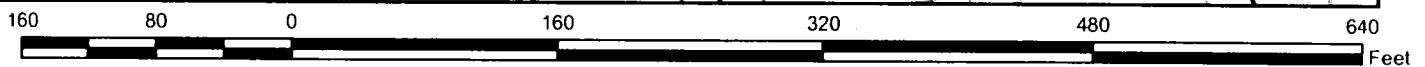
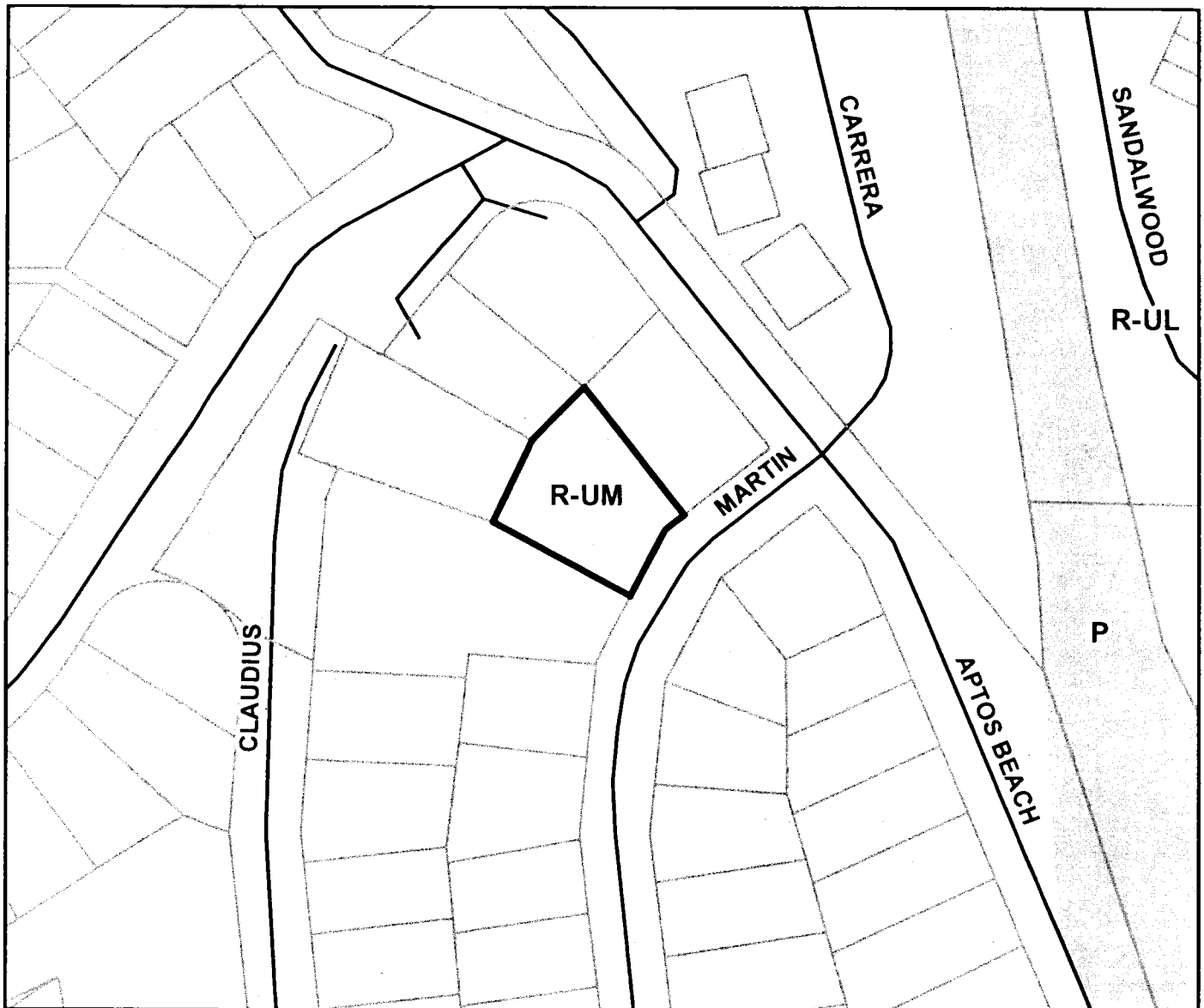


Map Created by
County of Santa Cruz
Planning Department
March 2011

EXHIBIT E



General Plan Designation Map



LEGEND



APN: 042-232-42



Assessors Parcels

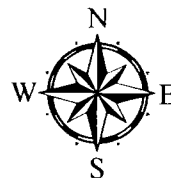


Streets

Residential - Urban Medium Density

Residential - Urban Low Density

Public Facilities



Map Created by
County of Santa Cruz
Planning Department
March 2011



Staff Report to the Planning Commission

Application Number: **06-0558**

Applicant: Jerry & Cheryl Glover
Owner: Jerry & Cheryl Glover
APN: 042-232-42

Agenda Date: 9/26/07
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: Proposal to divide a 9,820 square foot parcel into two single family residential parcels, demolish the existing single family residence, and construct two single family dwellings.

Location: Property located on the northwest side of Martin Drive, 80 feet southwest of Aptos Beach Drive. (210 Martin Drive)

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

Permits Required: Minor Land Division, Coastal Development Permit, Residential Development Permit, Roadway/Roadside Exception, Archaeological Site Review, Soils Report Review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 06-0558, based on the attached findings and conditions.

Exhibits

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

Parcel Information

Parcel Size:	9,820 square feet
Existing Land Use - Parcel:	Single family residence
Existing Land Use - Surrounding:	Single family residential neighborhood
Project Access:	Martin Drive
Planning Area:	Aptos
Land Use Designation:	R-UM (Urban Medium Density Residential)

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

Zone District: R-1-4 (Single family residential - 4,000 square feet minimum)
Coastal Zone: X Inside ___ Outside
Appealable to Calif. Coastal Comm. X Yes ___ No

Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site
Soils: Report reviewed and accepted
Fire Hazard: Not a mapped constraint
Slopes: 2-5% at project site
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Under 100 cubic yards proposed
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Site investigation completed - no evidence of resources

Services Information

Urban/Rural Services Line: X 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 Martin Drive in Aptos. The property is developed with an existing single family dwelling and contains two large existing trees. The existing single family dwelling is located at the front of the parcel in close proximity to Martin Drive. An existing wall is located adjacent to the roadway in front of the residence.

Minor Land Division

The proposed land division will create two single family residential parcels which will be accessed from separate driveways off Martin Drive.

The subject property is 9,820 square feet in area. The division of the parcel into two separate single family residential parcels requires a minimum of 4,000 square feet of net developable land per parcel. Both residences will be accessed by separate driveways with no shared vehicular access. The portion of the proposed Parcel B that is under 35 feet in width is allowed as a corridor access per County Code and has been deducted from the net developable land area. The proposed land division will comply with the minimum parcel size of the R-1-4 (Single family residential - 4,000 square feet minimum) zone district.

The subject property is designated as Urban Medium Density Residential (R-UM) in the General

Plan. The Urban Medium Density Residential (R-UM) General Plan designation requires new development to be within a density range of 4,000 to 6,000 square feet of net developable land per residential unit. The proposed land division complies with the General Plan density range.

Design Review

The existing single family dwelling is proposed to be demolished and two single family dwellings are proposed to be constructed on the new parcels. The new homes will be two stories in height and will contain three bedrooms. The two residences will be approximately 2,300 square feet (Parcel A) and 2,000 square feet (Parcel B) in size, respectively. A detached garage will be located in front of the proposed residence on Parcel A in order to preserve an existing (60" diameter) cypress tree.

Proposed building materials include shingle and stucco siding, and composition shingle roofs. The buildings include varied roof planes, with porches, balconies, and trellis elements. These features and the variety of proposed materials will break up the visual bulk and mass of the proposed structures.

The existing wall at the front of the subject property exceeds the maximum allowed 3 feet in height and is proposed for removal as a component of this application.

Local Coastal Program Consistency

The proposed land division is in conformance with the County's certified Local Coastal Program, in that the structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. The project site is not located between the shoreline and the first public road and is not identified as a priority acquisition site in the County's Local Coastal Program. Consequently, the proposed project will not interfere with public access to the beach, ocean, or other nearby body of water.

Pedestrian Easement

A pedestrian easement exists which serves the adjacent parcel (APN 042-232-41). The adjacent parcel has adequate pedestrian access to Martin Drive, and the pedestrian easement does not appear to be necessary at this time. The applicant has designed the proposed development to allow continued access through the subject property by the residents of the adjacent parcel.

Roadside Exception

Martin Drive varies from the County Design Criteria in terms of width and improvements with a 50 feet wide right of way, 24 feet wide pavement section, and no sidewalks, formal parking or landscaping on either side of the roadway. The County Design Criteria standard for a local street is a 56 feet wide right of way with parking, sidewalks, and landscaping on both sides of the roadway. Although no new roadways are proposed, a Roadway/Roadside Exception is required for the proposed land division to recognize the existing condition of Martin Drive. A Roadway/Roadside Exception is considered as appropriate due to the existing conditions along Martin Drive and within the surrounding neighborhood.

Utilities

Water, sewer, and electrical utilities are available to the subject property. The existing water and sewer mains are capable of handling the additional volume necessary to serve the proposed development.

Environmental Review

Environmental Review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for this exemption due to the fact that the proposed parcels are located within the Urban Services line, will be served by driveways to an existing roadway, and the existing parcel is currently served by water and sewer utilities. No extenuating circumstances or special site conditions that would require further review under CEQA are evident in the proposed project.

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.

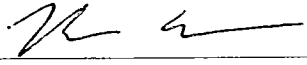
Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number 06-0558, based on the attached findings and conditions.

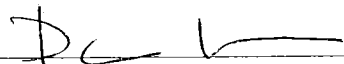
Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

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
Phone Number: (831) 454-3218
E-mail: randall.adams@co.santa-cruz.ca.us

Report Reviewed By:


Paia Levine
Principal Planner - Development Review
Santa Cruz County Planning Department

Coastal Development Permit Findings

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

This finding can be made, in that the property is zoned R-1-4 (Single family residential - 4,000 square feet minimum), a designation which allows residential uses. The proposed land division is consistent with the site's (R-UM) Urban Medium Density Residential General Plan designation.

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

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements in that no such easements or restrictions are known to encumber the project site. A private pedestrian easement crosses the southeast portion of the subject property. The project has been designed to allow continued pedestrian access through this area.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

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

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

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the structures are sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, residential uses are allowed uses in the R-1-4 (Single family residential - 4,000 square feet minimum) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single family dwellings. The proposed residential development is compatible with the architecture in the neighborhood and the surrounding pattern of development.

Subdivision Findings

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

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

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

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

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 Martin Drive. The existing access road (Martin Drive) will require an exception to the County Design Criteria due to variation in pavement width, parking configuration, and lack of roadside improvements. The proposed roadway design provides adequate and safe vehicular and pedestrian access.

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

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

This finding can be made, in that the use of the property will be residential in nature, unit densities meet the minimum standards for the R-1-4 (Multi-family Residential - 4,000 square feet minimum) zone district where the project is located, and the project will be consistent with the required site standards of the R-1-4 zone district.

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

This finding can be made, in that no challenging topography affects the building site, technical reports prepared for the property conclude that the site is suitable for residential development, and the proposed units are properly configured to allow development 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 to the extent possible in a manner to take advantage of solar opportunities.

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

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

Development Permit Findings

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

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

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

This finding can be made, in that the use of the property will be residential in nature, unit densities meet the minimum standards for the R-1-4 (~~Multi~~^{Single}-family Residential - 4,000 square feet minimum) zone district where the project is located, and the project will be consistent with the required site standards of the R-1-4 zone district.

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 project creates two single family residential parcels and is located in the Urban Medium Density Residential (R-UM) General Plan designation which allows a density of one parcel for each 4,000 to 6,000 square feet of net developable parcel area. The proposed project is consistent with the General Plan, in that each residential parcel will contain a minimum of 4,000 square feet of net developable area.

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 Martin Drive. The existing access road (Martin Drive) will require an exception to the County Design Criteria due to variation in pavement width, parking configuration, and lack of roadside improvements. The proposed roadway design provides adequate and safe vehicular and pedestrian access.

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

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

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

This finding can be made, in that the expected level of additional traffic generated by the proposed project is anticipated to be 1 additional peak vehicle trip per day (1 per single family dwelling), the proposed increase will not adversely impact existing roads and intersections in the surrounding area.

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

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

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

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

Roadway/Roadside Exception Findings

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

This finding can be made, in that full local street improvements would not be consistent with the pattern of development in the neighborhood or the improvements on the remainder of the existing roadway (Martin Drive). Martin Drive varies from the County Design Criteria in terms of width and improvements with a 50 feet wide right of way, 24 feet wide pavement section, and no sidewalks, formal parking or landscaping on either side of the roadway. The County Design Criteria standard for a local street is a 56 feet wide right of way with parking, sidewalks, and landscaping on both sides of the roadway. Although no new roadways are proposed, a Roadway/Roadside Exception is required for the proposed land division to recognize the existing condition of Martin Drive. A Roadway/Roadside Exception is considered as appropriate due to the existing conditions along Martin Drive and within the surrounding neighborhood.

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

Conditions of Approval (Revised at PC 9/26/07)

Land Division 06-0558

Applicant: Jerry & Cheryl Glover

Property Owner: Jerry & Cheryl Glover

Assessor's Parcel Number(s): 042-232-42

Property Address and Location: Northwest side of Martin Drive, 80 feet southwest of Aptos Beach Drive. (210 Martin Drive)

Planning Area: Aptos

Exhibit(s):

- A. Tentative Map - prepared by Ward Surveying, dated 8/28/06; Improvement Plans - prepared by RI Engineering Inc., dated 9/06; Architectural and floor plans - prepared by Matson Britton Architects, revised 1/19/07.
-

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.

- N/A*
Exempt
~~B. Pay the required fee to the Clerk of the Board of the County of Santa Cruz for posting the Negative Declaration as required by the California Department of Fish and Game mitigation fees program.~~

- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:

- A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety

shall remain fully applicable.

- B. This land division shall result in no more than two (2) single family residential parcels.
- C. The minimum parcel area shall be 4,000 square feet of net developable land per parcel.
- 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 shall meet the minimum setbacks for the R-1-4 zone district of 15 for front yards, 5 feet for side yards, and 15 feet for rear yards.
 - 2. Show the net area of each lot to nearest square foot.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
 - 1. New parcel numbers for all of the parcels must be assigned by the Assessors Office prior to application for a Building Permit on any parcel created by this land division.
 - 2. Lots shall be connected for water service to Soquel Creek Water District. All regulations and conditions of the water district shall be met.
 - 3. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the sanitation district shall be met.
 - 4. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations, and the Perspective Drawing as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
 - a. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-4 zone district. Development on each parcel shall not exceed a 40% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district.
 - b. No fencing shall exceed three feet in height within the required street facing yard setback.
 - c. **The eastern elevation of the residence proposed on Lot B will**

be revised to address privacy issues with the adjacent neighbor. This can be achieved through either translucent windows in appropriate locations or through the planting of an additional tree between the two parcels. (Added at PC 9/26/07)

5. All future development on the lots shall comply with the requirements of the geotechnical report prepared by Butano Geotechnical Engineering, dated 8/06.
6. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located.
7. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
 - a. Silt and grease traps shall be installed according to the approved improvement plans.
 - b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
 - c. Spoils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
8. Any changes from the approved Exhibit "A", including but not limited to the Tentative Map, Preliminary Improvement Plans, or the attached exhibits for architectural and landscaping 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.
9. **Prior to Building Permit issuance the existing residence must be demolished and/or removed from the project site. A Demolition Permit will be required for the demolition. (Added at PC 9/26/07)**

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

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District including, without limitation, the following 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. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries. Backflow prevention devices must be located in the least visually obtrusive location.
- D. All requirements of the Aptos/La Selva Fire Protection District shall be met.
- E. Park dedication in-lieu fees shall be paid for two (2) dwelling units. These fees are currently \$1000 per bedroom, but are subject to change. **A fee credit will be granted for bedrooms in the existing dwelling to be demolished. (Added at PC 9/26/07)**
- F. Child Care Development fees shall be paid for two (2) dwelling units. These fees are currently \$109 per bedroom, but are subject to change. **A fee credit will be granted for bedrooms in the existing dwelling to be demolished. (Added at PC 9/26/07)**
- G. Transportation improvement fees shall be paid for two (2) dwelling units. These fees are currently \$2,200 per unit, but are subject to change. **A fee credit will be granted for the existing dwelling to be demolished. (Added at PC 9/26/07)**
- H. Roadside improvement fees shall be paid for two (2) dwelling units. These fees are currently \$2,200 per unit, but are subject to change. **A fee credit will be granted for the existing dwelling to be demolished. (Added at PC 9/26/07)**
- I. 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 access road (Martin Drive) include an existing 24 feet wide paved road section. A Roadside/Roadway Exception is approved to vary from County standards with respect to the width of the right of way, sidewalks, and on-street parking spaces.
 2. Complete drainage details including existing and proposed contours, plan views and centerline profiles of all driveway improvements, complete drainage calculations and all volumes of excavated and fill soils.
 3. Details for the installation of required silt and grease traps to filter runoff from the parking area. Submit a silt and grease trap maintenance agreement to the Department of Public Works.
 4. 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 Parcel Map.
 5. A tree protection plan which indicates the locations of the tree protection fencing per the recommendations of the project arborist, as specified in the arborist report prepared by Maureen Hamb, dated 1/8/07. A plan review and approval letter from the project arborist is required prior to recordation of the Parcel Map.
- IV. Prior to any site disturbance or physical construction on the subject property the following condition(s) shall be met:
- A. Tree protection fencing shall be installed per the recommendations of the project arborist.

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

3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- F. Construction of improvements shall comply with the requirements of the geotechnical report prepared by Butano Geotechnical Engineering, dated 8/06. The project geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report(s).
 - G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- VI. Operational Conditions
- A. Annual inspection of the silt and grease traps shall be performed and reports sent to the Drainage section of the Department of Public Works on an annual basis. Inspections shall be performed prior to October 15 each year. The expense for inspections and report preparation shall be the responsibility of the individual property owners.
 1. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage section of the Department of Public Works within 5 days of the inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
 - B. 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.**


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 Parcel 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.

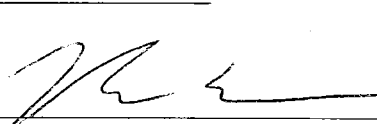
cc: County Surveyor

Approval Date: 9/26/07

Effective Date: 10/10/07

Expiration Date: 10/10/09


Mark Deming
Assistant Director


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.