



## Staff Report to the Planning Commission

Application Number: **111082**

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**Applicant:** Dee Murray  
**Owner:** Lochhead et al  
**APN:** 028-252-40

**Agenda Date:** March 14, 2012  
**Agenda Item #:** 9  
**Time:** After 9:00 a.m.

**Project Description:** This is a proposal to amend Minor Land Division 05-0225 to modify the approved property line, modify the improvement plan, and redesign the approved residences and landscape plan.

**Location:** The property is located on the south side of Fresno Street about 600 feet east of 26<sup>th</sup> Avenue (2730 Fresno Street).

**Supervisory District:** First District (District Supervisor: John Leopold)

**Permits Required:** Amendment to Minor Land Division, Coastal Development Permit and Residential Development Permit 05-0225 and Time Extension 08-0281.

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 111082, based on the attached findings and conditions.

### Exhibits

- |    |  |    |                                     |
|----|--|----|-------------------------------------|
| A. | Project plans                                      | F. | Will Serve Letters                  |
| B. | Findings   | G. | Comments & Correspondence           |
| C. | Conditions   | H. | Neighborhood Meeting Results        |
| D. | Categorical Exemption (CEQA determination)         | I. | Staff Reports for 05-0225 & 08-0281 |
| E. | Assessor's, Location, Zoning and General Plan Maps |    |                                     |

### Parcel Information

Parcel Size:	18,495 square feet
Existing Land Use - Parcel:	Vacant
Existing Land Use - Surrounding:	Residential
Project Access:	Fresno Street
Planning Area:	Live Oak

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Land Use Designation: R-UM (Urban Medium Density Residential)  
Zone District: R-1-5-PP (Single-family residential, 5,000 square feet minimum parcel size, Pleasure Point combining district)  
Coastal Zone: ☒ Inside ☐ Outside  
Appealable to Calif. Coastal Comm. ☐ Yes ☒ No

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Watsonville Loam  
Fire Hazard: Not a mapped constraint  
Slopes: Relatively flat, about 4% to southeast  
Env. Sen. Habitat: Not mapped/no physical evidence on site  
Grading: 230 cubic yards of excavation / 505 cubic yards of fill  
Tree Removal: No trees proposed to be removed  
Scenic: Not a mapped resource  
Drainage: Drainage plan submitted and accepted by the Department of Public Works  
Archeology: Not mapped/no physical evidence on site

### Services Information

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

### History

Minor Land Division 05-0225, approved on June 28, 2006, allowed for the division of the subject parcel into two parcels, using a "flag lot" design, and the construction of two new dwellings. Since this approval, the Planning Commission granted the property owner a time extension which extended the permit expiration date to July 13, 2011. In addition, the California State Legislature passed legislation which automatically extended this tentative map to July 13, 2015. The current application is to amend the land division to make the rear parcel larger, modify the improvement plans, and change the architectural and landscape designs.

On June 13, 2011, the property owners applied for a building permit to construct the rear dwelling as proposed in the current Exhibit A. Because this parcel is located within the Coastal Exclusion zone, no discretionary permit is required to construct a single-family dwelling as it is a principal permitted use for the zone district. Prior to allowing the building permit to proceed, however, the property owners were required to sign a letter acknowledging the risks inherent in constructing a dwelling that does not match the design approved under the original land division. Those risks include the possibility that the Planning Commission would not approve this application, making it impossible to implement the original land division approval since the new design for the rear house would not meet the required front yard setback of the original approval.

## Project Setting

The subject parcel is located in the Pleasure Point area. Moran Lagoon is located about 600 feet to the southeast, and Monterey Bay is about 900 feet to the southwest. The project site is surrounded by a neighborhood of single-family residences, with pockets of multi-family residences. The neighborhood consists of parcels of varying sizes, including numerous flag lots, mostly resulting from smaller land divisions rather than as a part of a cohesive development. The result is an eclectic neighborhood with a mix of architectural styles and development patterns.

## Zoning & General Plan Consistency

The subject property is an 18,495 square foot lot, located in the R-1-5-PP (Single-family residential, 5,000 square foot minimum parcel size, Pleasure Point combining district) zone district, a designation which allows residential uses. No change in the density of the approved land division is proposed, and both proposed parcels will meet the 5,000 square foot minimum parcel size required for the zone district.

The original approval was for two lots of 6,748 and 11,747 square feet with a corridor access providing access to the rear parcel. The current proposal is the same basic flag lot design, but in this case the proposed lots are 5,173 and 13,280 square feet, with the rear parcel increasing in size by 1,533 square feet. With the corridor access deducted, the rear parcel's net site area will be 11,209 square feet.

Both the front and back dwellings comply with the site standards of the R-1-5 zone district as shown in the table below.

	<b>R-1-5</b>	<b>Parcel A (Front)</b>	<b>Parcel B (Back)</b>
<b>Parcel Size</b>	5,000 s.f. minimum	5,174 s.f.	13,244 s.f. gross 11,172 s.f. net (with corridor access deducted)
<b>Front Yard Setback</b>	20 feet	20 feet for the dwelling 14 feet for the porch*	24 + feet
<b>Side Yard Setback</b>	5 & 8 feet	5 & 10 feet	6.5 feet & 8 feet
<b>2<sup>nd</sup> Floor Side Yard Setback</b>	10 feet	10 feet	10 feet
<b>Rear Yard Setback</b>	15 feet	24 + feet	30 + feet
<b>Height</b>	28 feet maximum	22.75 feet	26 feet
<b>Lot Coverage</b>	40%	37.6%	36%
<b>Floor Area Ratio</b>	.5 (50%)	45% (2280 s.f.)	43%
<b>Parking</b>	3 bedroom = 3 spaces 5 bedroom = 4 spaces	3 spaces: 1 in the garage, 2 on driveway	4 spaces: 2 in the garage, 2 on driveway

\* The Pleasure Point design guidelines allow unenclosed front porches to encroach up to six feet into the front yard setback.

## Local Coastal Program Consistency

The proposed Amendment is in conformance with the County's certified Local Coastal Program, in that the two dwellings are sited and designed to be visually compatible, in scale with, and

integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family and multi-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles. 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.

## **Design Review**

The proposed design of the front house is an interpretation of the Spanish eclectic style, with a tiled roof, stucco walls, and wrought iron details. An unenclosed front porch, as allowed by the Pleasure Point design guidelines, is located within a portion of the front yard setback. This front porch creates a semi-public transition between the public right-of-way, and the privacy of the home. From Fresno Street, the front house will be the face of the land division.

The proposed rear house is also a variation of the Spanish eclectic style, but with a garage and storage area designed to appear as a barn finished in board and batten. The dwelling will be finished in stucco with a tile roof and details such as clay attic vents and redwood lintels over many of the windows. The dwelling's second floor is setback 10 feet from the property line, as required by the Pleasure Point design guidelines, and the mass and bulk of the dwelling is broken up with varied roof and wall planes. From Fresno Street, the view down the corridor access of will be of the dwelling's front porch. The County's Urban Designer accepted the proposed designs after a revision to the transition between the "barn" and the dwelling (see memo, Exhibit G).

The County's Urban Designer also reviewed and accepted a landscape plan by SSA Landscape Architects Inc. The landscape plan shows 14 olive trees, in 48 inch-box size, lining the corridor access with lavender plants below. The front yards of both parcels are landscaped in a Mediterranean style. A mini orchard, composed of apple and persimmon trees, is proposed for the front yard of the rear house. No conventional lawns are proposed and a water harvesting system is proposed beneath the parking area to provide irrigation water during dry months. Given the large size of the olive trees and the other plantings, the proposed landscape plan will soften the impact of the proposed new dwellings on the surrounding neighborhood by appearing relatively mature at initial planting.

Shadow and axonometric plans are included on sheet A1.3 of Exhibit A. Shading impacts are minimal, with the shading created by the front house falling on the corridor access and the shading of the rear house mostly falling on the side yards of the subject and adjacent parcels. The axonometric plan shows that the front dwelling fits into the neighborhood where the adjacent homes are also two-story. The axonometric plan also shows that the varied roof planes will help the rear dwelling fit into the surrounding neighborhood where there is a mix of one- and two-story homes. Given that this larger dwelling is located on a flag lot, its impact to the surrounding neighborhood will be minimal.

## **Improvement Plans**

The proposed land division and associated improvements will require site grading and preparation, primarily to establish final building pads and pavement elevations in order to maintain positive drainage away from structures to drainage swales and inlets. Grading is proposed to be about 230 cubic yards of excavation and 505 cubic yards of fill.

The drainage plan works in the following way. Rain falling on the front dwelling's roof will be collected in gutters and discharged onto splash blocks. The majority of the hard surfaces for both parcels, including the driveways and patios, are proposed to be semi-pervious (e.g. pavers placed on sand) which will facilitate the on-site percolation of runoff. On the front parcel, runoff that does not percolate will be directed either into an inlet or into a vegetative swale underlain by a perforated pipe which will function as a detention system. Runoff will be filtered by a water quality treatment unit and released to Fresno Street at the pre-development rate.

On the rear parcel, rain falling on the dwelling's roof will be directed to the rain harvesting system located under the driveway. Rain falling on the rest of the parcel will either percolate into the soil or be directed by semi-pervious swales to a large detention system at the rear of the parcel. Water entering the detention system will be filtered by a water quality treatment unit and released at the pre-development rate through an easement across the adjacent property to the east and into the storm drain system in Baker Street.

In addition, significant efforts to conserve water have been made. The landscape plan has eliminated a traditional lawn area, proposing patio areas of semi-pervious materials instead. Beneath the parking area on the rear parcel, a water "harvesting" system is proposed. As noted above, during the rainy season, a large cistern will collect water to be used for irrigation during the dry summer months.

## **Neighborhood Meeting**

A neighborhood meeting, as required by County Code, was held on Saturday, May 7, 2011 to introduce the neighborhood to the revised project. Eleven neighbors attended this meeting. According to the applicant, none of the neighbors had any objections to the proposal. Several neighbors requested that no sidewalks be installed (none are proposed). The results of the meeting are summarized by the applicant in Exhibit H.

## **Expiration Date**

The original expiration date for the Minor Land Division was July 13, 2008, which was subsequently extended to July 13, 2011 by the Planning Commission. Since then, two Assembly Bills were approved which automatically extended the expiration date of the subject land division to July 13, 2015. These extensions exceed the five years of extension that are possible under County Code with Planning Commission approval.

## 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 **111082**, 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](http://www.co.santa-cruz.ca.us)**

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

Cathy Graves  
Principal Planner  
Santa Cruz County Planning Department

## **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 no change in use or density from the original land division (05-0225) is proposed. The project is consistent with the General Plan in that the full range of urban services is available to the site including municipal water, sewer service, and nearby recreational opportunities. The land division is located on a local street that provides satisfactory access. The proposed land division is similar to the pattern and density of surrounding residential development, where many flag lots of similar size exist. The project site is located near neighborhood and community shopping facilities and opportunities, and enjoys adequate and safe vehicular and pedestrian access from public streets.

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

Further, the land division is not located in a geologically hazardous or environmentally sensitive area. The project is consistent with the Pleasure Point Community Design Combining District development standards.

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

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

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

This finding can be made, as the site is relatively flat, a geotechnical report prepared for the property concludes that the site is suitable for the land division, and the proposed parcel configuration is a flag-lot arrangement with lots of sufficient size to ensure development without the need for site standard exceptions or variances. There are no known environmental constraints. The property is a vacant lot (with the rear dwelling under construction) surrounded by residences developed to an urban density.

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

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

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

This finding can be made, in that in that municipal water and sewer are available to serve the proposed development (see "will-serve" letters, Exhibit F).

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

This finding can be made, in that no easements are known to encumber the property. There is no plan line for Fresno Street, so curb, gutters, and sidewalk improvements have not been required by the Department of Public Works.

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

This finding can be made, in that both lots will have rear-yard setbacks along the southern property lines in excess of the zone district standard, allowing for the possibility of passive heating and cooling 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 two proposed single-family dwellings will be of an appropriate mass, bulk, and scale relative to surrounding residences, and will be consistent with



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the range of architectural styles in the neighborhood. The front house will incorporate a second floor setback and a front porch, and will be of a similar size and bulk as homes on surrounding parcels, while the larger house on the rear parcel (parcel B) will be mostly obscured by the house in front and the proposed landscaping. The rear house also has a second floor setback and varied roof planes which breaks up the mass and bulk of the structure. The County's Urban Designer reviewed and accepted the proposed development (see memo Exhibit G).

## 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-1-5-PP (Single-family residential, 5,000 square feet minimum parcel size, Pleasure Point combining district), a designation which allows residential uses. No changes to the density or use approved under Minor Land Division 05-0225 are proposed.

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 as no such easements or restrictions are known to encumber the project site.

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

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors will be natural in appearance and complementary to the site; and the development site is not on a prominent ridge, beach, or bluff top. The two proposed single-family dwellings will be of an appropriate mass, bulk, and scale to surrounding residences, and will be consistent with the range of architectural styles in the neighborhood. The front house will incorporate a second story setback and front porch elements and will be of a similar size and bulk as homes on surrounding parcels, while the larger house on the rear parcel (parcel B) will be obscured by the house in front and the proposed landscaping.

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 (in this case, East Cliff Drive). Consequently, the minor land division 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 structure is sited and designed to be visually compatible, in scale with, and integrated with the character of the surrounding neighborhood. Additionally, no

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change in the use or density from the original, approved land division (05-0225) is proposed. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range of styles. The County's Urban Designer reviewed and accepted the proposed development (see memo Exhibit G).

## **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 minor land division will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets all current setbacks that ensure access to light, air, and open space in the neighborhood and the shadow study demonstrates that shading impacts will be minimal.

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 minor land division 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-1-5-PP (Single-family residential, 5,000 square feet minimum parcel size, Pleasure Point combining district) zone district as the primary use each new parcel will be one single-family dwelling that meets all current site standards for the zone district and the Pleasure Point design guidelines.

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 no change is proposed to the use or density approved under the original minor land division (05-0225). As demonstrated by the project plans, axonometric and shadow studies, the revised architectural designs will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties. The development meets all 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 proposed dwellings will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed dwellings 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 they will comply with the site standards for the R-1-5-PP zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in two structures consistent with a design that could be approved on any similarly sized lot in the vicinity.

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 dwellings are to be constructed on two undeveloped lots. The expected level of traffic generated by the proposed project is anticipated to be only 2 peak trips per day (1 peak trip per dwelling unit), the same as was anticipated with the original Minor Land Division (05-0225). An increase of two peak trips per day 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 proposed structures are located in a mixed neighborhood containing a variety of architectural styles, and the proposed development is consistent with the land use intensity and density of the neighborhood. No change to the density approved under Minor Land Division 05-0225 is proposed.

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 development will be of an appropriate scale and type of design that will enhance the aesthetic qualities of the surrounding properties and will not reduce or visually impact available open space in the surrounding area. The County's Urban Designer reviewed and accepted the proposed development (see memo Exhibit G).

## Conditions of Approval

### Amendment to Land Division 05-0255: 111082

Applicant: Dee Murray

Property Owner: Christopher Lochhead & Kari Cosentino

Assessor's Parcel Number: 028-252-40

Property Address and Location: 2730 Fresno Street Fresno Street

Planning Area: Live Oak

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#### Exhibits:

- A: Tentative Map and Improvement Plans: 9 sheets, by Joe L. Akers, dated 4/20/11, sheet C-1 & C-5 revised to 9/26/11, sheets C-2 – C-4 and C-6 – C-8 revised to 12/20/11; Architectural plans: 10 sheets, by John Craycroft, dated 4/8/11, sheet A-1.1, A3 and A5 – A8 revised to 6/20/11, sheet A2 and A4, revised to 5/6/11; Landscape plan: 2 sheets, by SSA Landscape Architects Incorporated, dated 9/5/11.
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All correspondence and maps relating to this land division shall carry the land division number noted above.

- I. Prior to exercising any rights granted by this Approval, the owner shall:
  - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
- 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 aggregate lot size shall be 5,000 square feet net developable land per unit.
- D. The following items shall be shown on the Parcel Map:
  - 1. Building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-5-PP zone district of 20 for the front yard (except for the front porch on Parcel A which may encroach six feet into the front yard setback per the Pleasure Point overlay district), 5 and 8 feet for the side yards, 10 feet for the second floor side yard setback, and 15 feet for the rear yard.
  - 2. Show the net area of each lot to nearest square foot.
  - 3. Show all easements.
- 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 both parcels must be assigned by the Assessors Office prior to applying for a building permit for the dwelling on the front parcel (Parcel A).
  - 2. Lots shall be connected for water service to city of Santa Cruz Water District.
  - 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 as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
    - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, shall be permitted without review and approval by the Planning Director.
    - b. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-5-PP zone district. Development on each parcel shall not exceed 40% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district.
  - 5. Submit a plan review letter from the project geotechnical engineer stating

the building plans are in compliance with the recommendations of the geotechnical report prepared by Bauldry Engineering, dated August 2004.

6. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development is located in a Mello-Roos Community Facilities District with additional fees.
7. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
  - a. 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. Pay Zone 5 Drainage fees based on the amount of impervious and semi-pervious surfaces.
10. Submit recorded maintenance agreements for the detention systems, silt and grease traps, and semi-pervious surfaces.
11. Complete and record a Declaration of Restriction to construct non-habitable storage areas on the rear parcel. **You may not alter the**



**wording of this declaration.** Follow the instructions to record and return the form to the Planning Department.

12. Obtain an Encroachment Permit for all improvements proposed to be within the Fresno Street right-of-way.
13. Submit a drainage plan meeting all the requirements of the Department of Public Works, Drainage, showing the following information:
  - a. Submit updated drainage calculations reflecting the approved drainage plan.
  - b. Upon approval of the building permit, a drainage "hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans. Contact DPW, Stormwater Management staff for direction on how to clear the hold.

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. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
- 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.
- D. All requirements of the Central Fire 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 the engineer's estimate of the cost of improvements), per Sections 14.01.510 and 511 of the Subdivision Ordinance, shall be executed to guarantee completion of this work. Improvement plans shall meet the following requirements:
  1. All improvements shall be prepared by a registered civil engineer and

shall meet the requirements of the County of Santa Cruz Design Criteria. Plans shall also comply with applicable provisions of the Americans with Disabilities Act and/or Title 24 of the State Building Code.

2. **Sanitation:** Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter including, without limitation, the following standard conditions:
    - a. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
    - b. Pay all necessary bonding, deposits, and connections fees.
  3. **Stormwater Management:** 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. Drainage plans shall comply with all requirements of the Department of Public Works, Stormwater Management and the County Design Criteria, including the following:
    - a. Submit updated drainage calculations reflecting the approved drainage plan.
    - b. Label all surfaces and provide cross-section construction details as necessary.
    - c. Submit details for the installation of required silt and grease traps to filter runoff.
    - d. The discharge methods and locations for building downspouts are to be clearly shown and noted on the final improvement plans. Hard piping and/or impermeable surface routing of the roof runoff, except to the water harvesting system, will not be accepted. Runoff must be discharged to available and appropriate landscape areas and/or permeable surfaces such that it may receive effective filtration prior to discharge from each lot, and into other downstream mitigation measures.
    - e. Site plans shall specify maintenance requirements such as what needs to be maintained—including the semi-pervious surfaces and swales--, how often each drainage improvement needs to be maintained, what to look for indicating maintenance is required, and what the maintenance procedures are for each specific drainage improvement.
- F. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:
1. **Turf Limitation.** Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.

2. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
3. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
4. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
  - a. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
  - b. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
  - c. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - d. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
5. All planting shall conform to the landscape plan shown as part of the approved Exhibit "A".
  - a. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to

provisions of the County Design Criteria.

- G. Park dedication in-lieu fees shall be paid for three bedrooms. These fees are currently 1,000 per bedroom, but are subject to change.
  - H. Child Care Development fees shall be paid for three bedrooms. These fees are currently \$109 per bedroom, but are subject to change.
  - I. Transportation improvement fees shall be paid for one dwelling unit. These fees are currently \$3,000 per unit, but are subject to change.
  - J. Roadside improvement fees shall be paid for one dwelling unit. These fees are currently \$3,000 per unit, but are subject to change.
- IV. All future construction within the property shall meet the following conditions:
- A. All work adjacent to or within a County road shall be subject to the provisions of Chapter 9.70 of the County Code, including obtaining an encroachment permit where required. Where feasible, all improvements adjacent to or affecting a County road shall be coordinated with any planned County-sponsored construction on that road. Obtain an Encroachment Permit from the Department of Public Works for any work performed in the public right of way. All work shall be consistent with the Department of Public Works Design Criteria unless otherwise specifically excepted by these conditions of approval.
  - B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless the Planning Director approves a separate winter erosion-control plan that may or may not be granted.
  - C. No land disturbance shall take place prior to issuance of building permits (except the minimum required to install required improvements, provide access for County required tests or to carry out work required by another of these conditions).
  - D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.
  - E. To minimize noise, dust and nuisance impacts of surrounding properties to insignificant levels during construction, the owner/applicant shall or shall have the project contractor, comply with the following measures during all construction work:

1. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation.
  2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
  3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- F. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated August 2004.). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- V. Operational Conditions.
- A. All runoff shall be filtered through silt and grease traps prior to leaving the site. The traps shall be maintained according to the following monitoring and maintenance procedures:
1. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 of each year at a minimum.
  2. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- B. Pervious surfaces shall be maintained. Manufacturer's specifications for power washing, vacuuming or other remediation shall be followed. A brief annual report shall be submitted to the Planning Department prior to October 15 of each year describing the maintenance that was completed in the previous year.
- C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.

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

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

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

**cc: County Surveyor**

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

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

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

\_\_\_\_\_  
Cathy Graves  
Principal Planner

\_\_\_\_\_  
Annette Olson  
Project Planner

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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: 111082

Assessor Parcel Number: 028-252-40

Project Location: no situs

**Project Description: Amendment to an approved Minor Land Division to adjust approved property lines, house and landscape designs and improvement plans.**

**Person or Agency Proposing Project: Dee Murray**

**Contact Phone Number: (831) 475-5334**

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

Specify type:

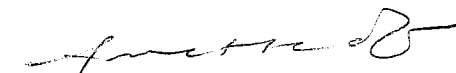
E.   X   **Categorical Exemption**

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

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

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

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

  
\_\_\_\_\_  
Annette Olson, Project Planner

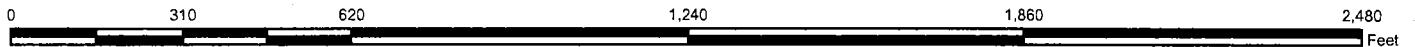
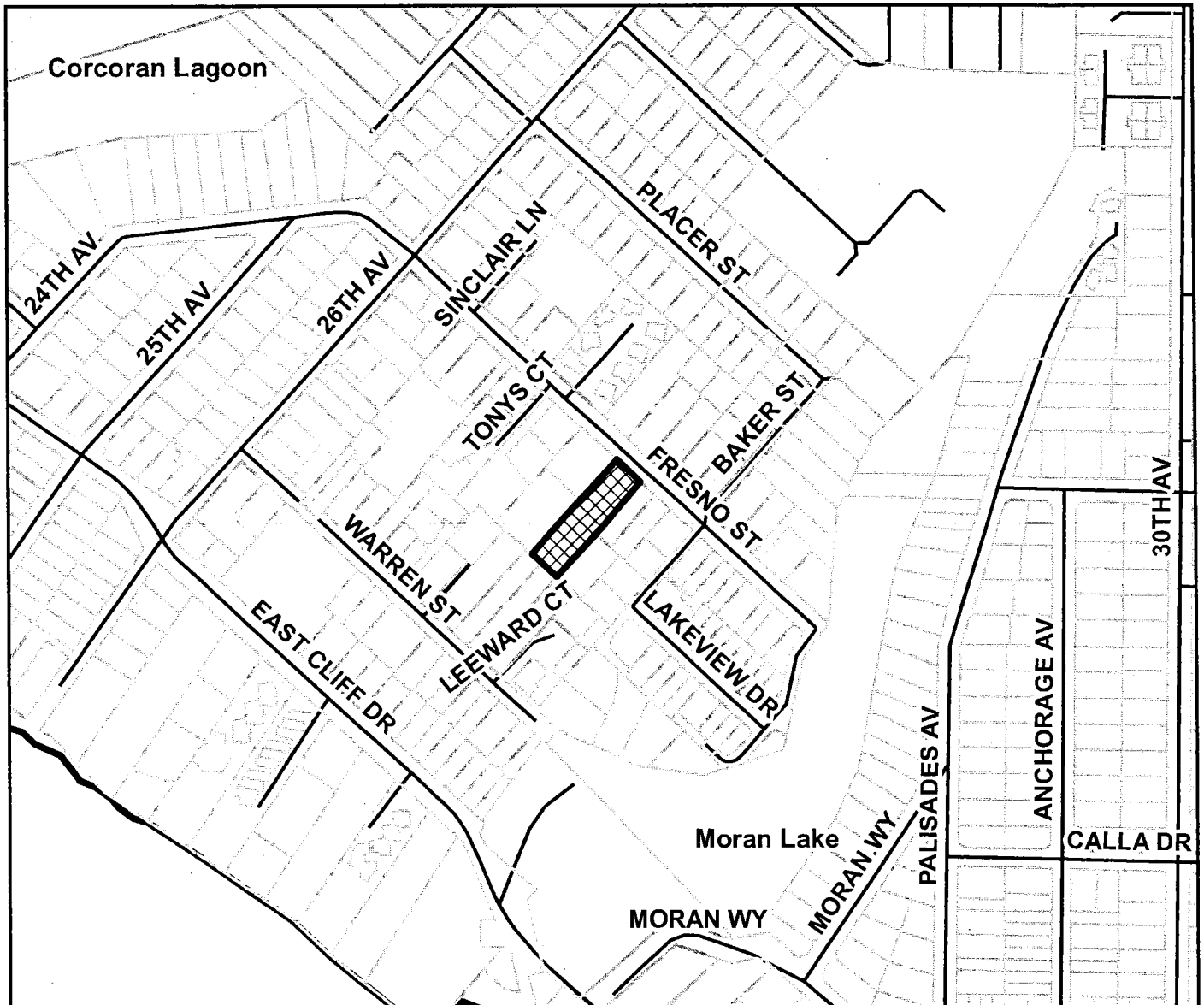
Date: 2/7/12










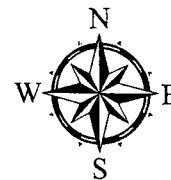


# Location Map



## LEGEND

-  APN: 028-252-40
-  Assessors Parcels
-  Streets
-  County Boundary
-  Lakes

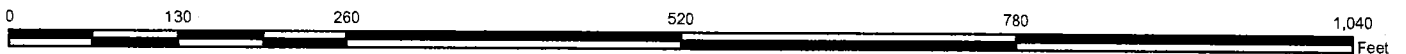
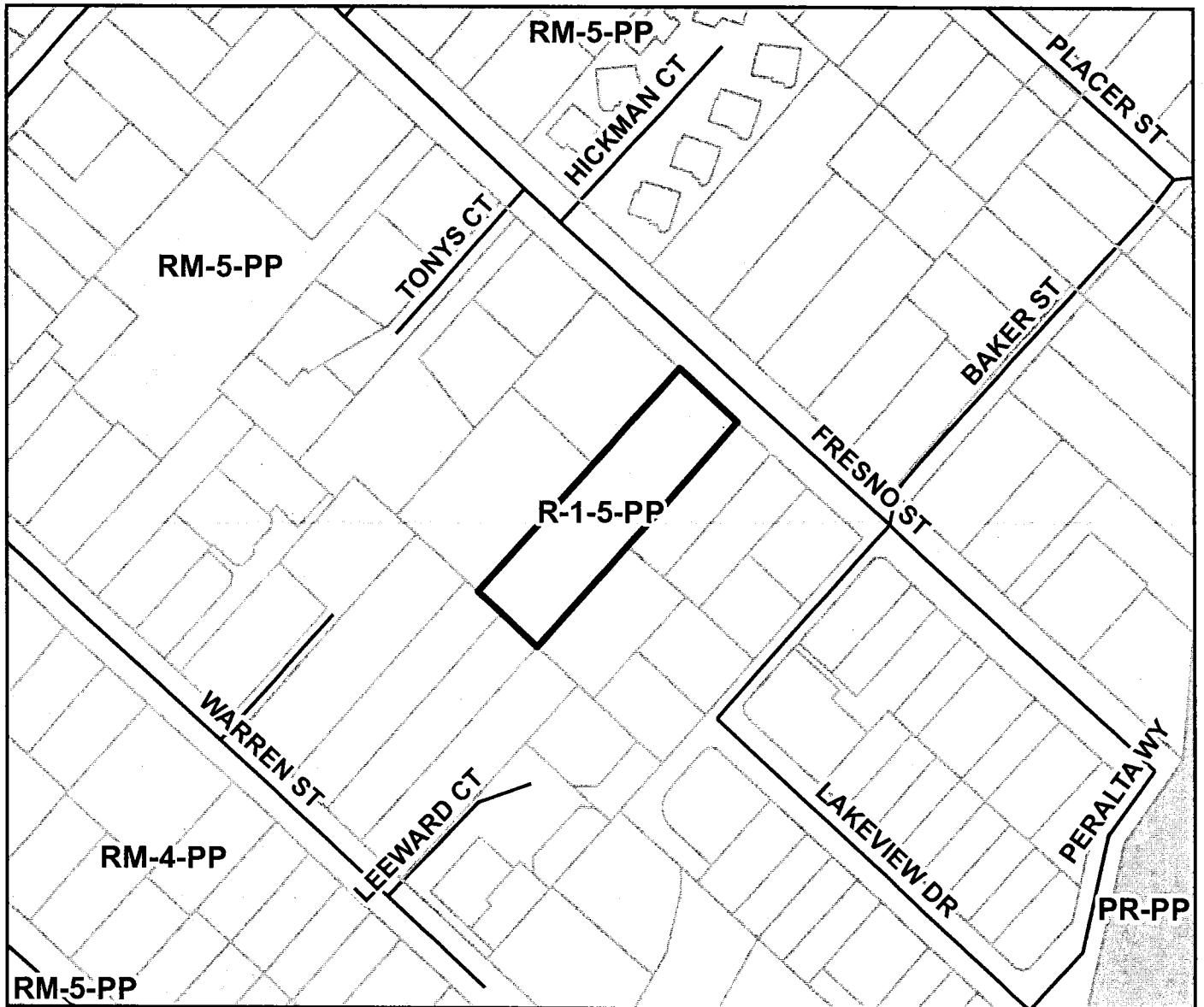


Map Created by  
County of Santa Cruz  
Planning Department  
May 2011

EXHIBIT F



# Zoning Map



## LEGEND



APN: 028-252-40



Assessors Parcels



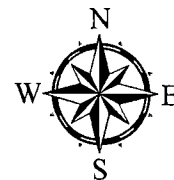
Streets

RESIDENTIAL-SINGLE FAMILY

RESIDENTIAL-MULTI FAMILY



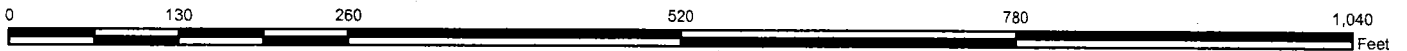
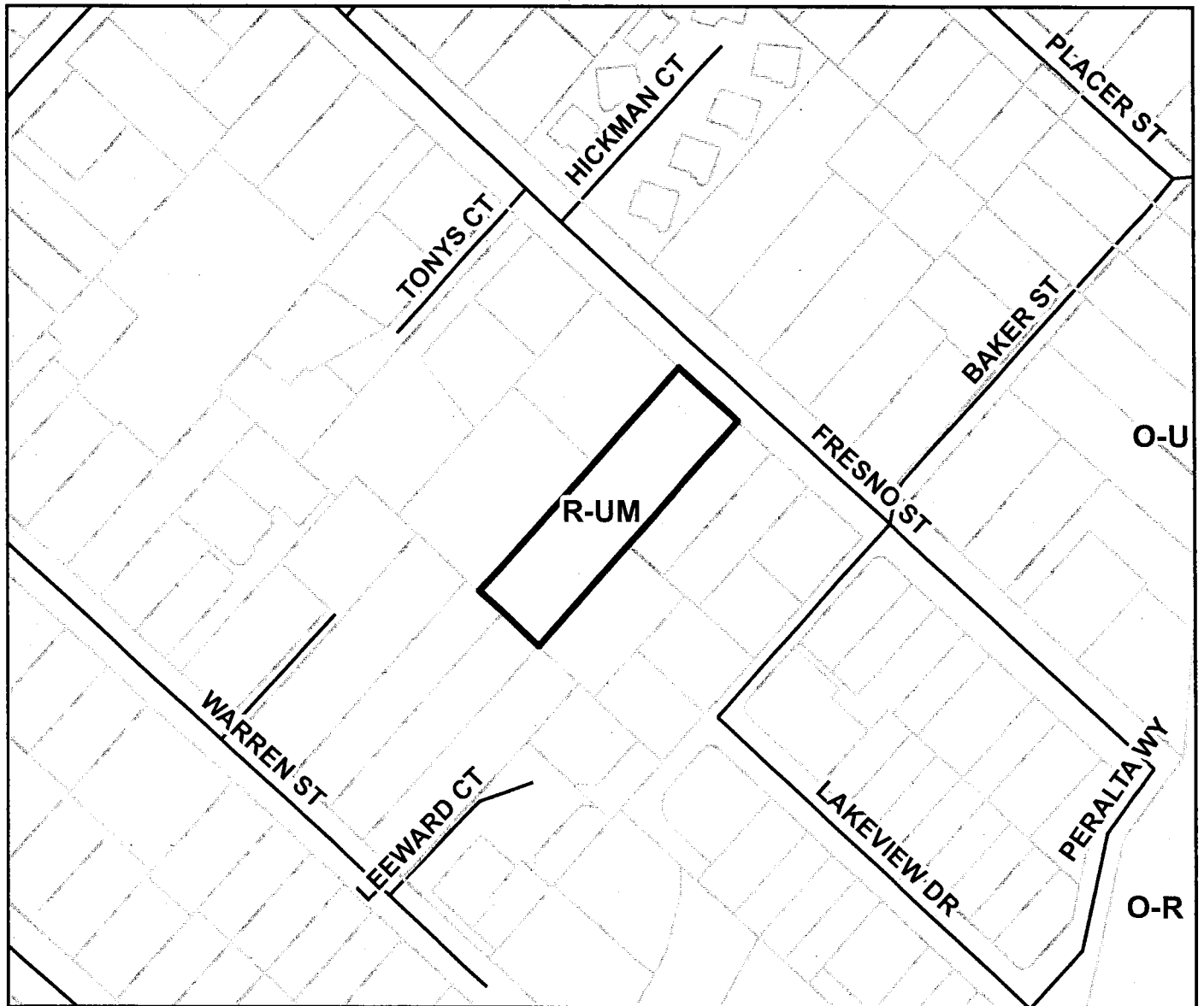
PARK



Map Created by  
County of Santa Cruz  
Planning Department  
May 2011



# General Plan Designation Map



## LEGEND



APN: 028-252-40



Assessors Parcels

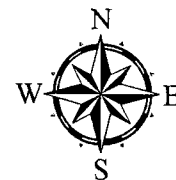


Streets

Residential - Urban Medium Density

Parks and Recreation

Urban Open Space



Map Created by  
County of Santa Cruz  
Planning Department  
May 2011



W A T E R   D E P A R T M E N T

212 Locust Street, Suite C, Santa Cruz CA 95060 Phone (831) 420-5210 Fax (831) 420-5201

October 31, 2011

Christopher Lochhead  
Kari Cosentino  
12391 Stockholm Way  
Truckee, CA 96161

Re: APN 028-252-40, 2720 Fresno, Proposed New Single Family Dwelling

Dear Mr. Lochhead and Ms. Kari Cosentino:

This letter is to advise you that the subject parcel is located within the service area of the Santa Cruz Water Department and potable water is currently available for normal domestic use and fire protection. Service will be provided to each and every lot of the development upon payment of the fees and charges in effect at the time of service application and upon completion of the installation, at developer expense, of any water mains, service connections, fire hydrants and other facilities required for the development under the rules and regulations of the Santa Cruz Water Department. The development will also be subject to the City's Landscape Water Conservation requirements.

At the present time:

- the required water system improvements are not complete; and
- financial arrangements have not been made to the satisfaction of the City to guarantee payment of all unpaid claims.

This letter will remain in effect for a period of two years from the above date. It should be noted, however, that City Council may elect to declare a moratorium on new service connections due to drought conditions or other water emergency. Such a declaration would supersede this statement of water availability.

If you have any questions regarding service requirements, please call the Engineering Division at (831) 420-5210. If you have questions regarding landscape water conservation requirements, please contact the Water Conservation Office at (831) 420-5230.

Sincerely,

Bill Kocher  
Director

# NEW WATER SERVICE INFORMATION FORM

City of Santa Cruz Water Department 212 Locust Street Suite C Santa Cruz, CA 95060 Phone (831) 420-5210 Fax 831-420-5201

APN: 028-252-40 Multiple APN? ☐ N Project Address: NW of 2742 Fresno

Date: 4/18/2005  
Revision 1: 8/10/2007  
Revision 2: 10/31/2011

## PROJECT DESCRIPTION:

Proposed 2 lot MLD w/new SFD on each lot from ex vacant lot. FEES ARE ESTIMATED.

## APPLICANT INFORMATION:

Name: Christopher Lochead, Kari Cosentino  
Mailing Address: 12391 Stockholm Wy  
City/St/Zip: Truckee CA 69161-  
E-Mail:

## REPRESENTATIVE INFORMATION:

Name: Dee Murray/Land Use Consultant  
Mailing Address:  
City/St/Zip:  
E-Mail:  
Phone: (831) 475-5334  
Cell:  
Fax:

## SECTION 1 EXISTING MAIN AND SERVICES

Main Size/Type/Age: 4" AC  
Elevation zone: ☐ N *No connection fee credit(s) for services inactive over 24 months*

## SECTION 2 FIRE FLOWS

Hyd #	Size/Type	4" whf	Flow	919	Flow w/20# Res.	1890	FF Date	09/04	Location: on Fresno @ Baker
Hyd #	Size/Type	Flow	Flow	Flow w/20# Res.	FF Date	FF Date	Location:		

## SECTION 3 WATER SERVICE FEE Totals (see Page 2 for Details)

Plan Review Fees:		Permit Fees:	Meter Inst Fees:	Water Conn Fees:	Sewer Conn Fees:	Zone Cap Fees:	Credits:	Total Due:
Service/Hydrant Eng	\$0	Service/Hydrant Install	\$0.00					
Backflow	\$0	Backflow	\$0.00					
Irrigation	\$0	St. Opening	\$0.00					
		Misc Fees	\$0.00					
Totals	\$0		\$1,040	\$13,060	\$0	\$0.00	\$0	\$14,100.00

## SECTION 4:

BP# ☐ PLAN APP # 08-0281 PLANNER Alice Daly REVIEWED BY Sherry Reiker

ADDITIONAL COMMENTS: FEES ARE ESTIMATED, APPROPRIATE BLDG PERM REQD TO SIZE METERS, PAY FEES & SET METERS. Letter Water Available 10/31/11. Submit approved building permit plans to the Water Dept to determine final meter sizes and service requirements. Services are installed by approved contractor per SCWD Standards. Information is available on the City of Santa Cruz Water Engineering Web site or call Engineering at 831-420-5210.

## QUALIFICATIONS

Service will be furnished upon: (1) payment of the required fees due at the time service is requested (an approved building permit set of plans is required); and, (2) installation of the adequately sized water services, water mains and fire hydrants as required for the project under the rules and regulations of the Santa Cruz Water Department and the appropriate Fire District and any restrictions that may be in effect at the time application for service is made. NOTICE: This form does not in any way obligate the city. It is provided only as an estimate to assist you in your planning and as a record for the Water Department. The requirements set forth on this form may be changed or corrected at any time without prior notice. Fees collected by other agencies are not included on this form.



# Santa Cruz County Sanitation District

701 OCEAN STREET, SUITE 410, SANTA CRUZ, CA 95060-4073  
(831) 454-2160 FAX (831) 454-2089 TDD: (831) 454-2123

JOHN J. PRESLEIGH, DISTRICT ENGINEER

November 8, 2011

DEE MURRAY  
2272 KINSLEY STREET  
SANTA CRUZ, CA 95062

SUBJECT: SEWER AVAILABILITY AND DISTRICT'S CONDITIONS OF SERVICE FOR  
THE FOLLOWING PROPOSED DEVELOPMENT:

APN: 28-252-40 APPLICATION NO.: 111082  
PARCEL ADDRESS: 2730 FRESNO STREET, SANTA CRUZ  
PROJECT DESCRIPTION: PROPOSED 2 LOT RESIDENTIAL MINOR LAND DIVISION

The Santa Cruz County Sanitation District has reviewed your application for development and sanitary sewer service is currently available to serve your project, based on the plans dated April 20, 2011. Once a tentative map is approved, this letter shall apply until the tentative map approval expires.

Both proposed structures shall require that a backflow or overflow preventative device be installed on the sewer laterals.

Any questions regarding the above criteria should be directed to Diane Romeo of the Santa Cruz County Sanitation District at (831) 454-2160.

Yours truly,

JOHN J. PRESLEIGH  
District Engineer

By:

*Rachél Lather*  
Rachél Lather  
Senior Civil Engineer

✓ DR:bbs/127.wpd

c: Property Owner: Christopher Lochhead  
12391 Stockholm Way  
Truckee, CA 96161

EXHIBIT F

## INTEROFFICE MEMO

APPLICATION NO: 111082

Date: July 11, 2011

To: Annette Olson, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Two lot subdivision on Fresno St., Santa Cruz

Design Review Authority**13.11.040 Projects requiring design review.**

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

Design Review Standards**13.11.072 Site design.**

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Site Design</b>			
Location and type of access to the site	✓		
Building siting in terms of its location and orientation	✓		
Building bulk, massing and scale	✓		
Parking location and layout	✓		
Relationship to natural site features and environmental influences	✓		
Landscaping	✓		
Streetscape relationship	✓		
Street design and transit facilities	✓		
Relationship to existing structures	✓		
<b>Natural Site Amenities and Features</b>			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridgeline protection	✓		



<b>Views</b>			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
<b>Safe and Functional Circulation</b>			
Accessible to the disabled, pedestrians, bicycles and vehicles	✓		
<b>Solar Design and Access</b>			
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
<b>Noise</b>			
Reasonable protection for adjacent properties	✓		

**13.11.073 Building design.**

Evaluation Criteria	Meets criteria In code ( ✓ )	Does not meet criteria ( ✓ )	Urban Designer's Evaluation
<b>Compatible Building Design</b>			
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture	✓		
Building scale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
<b>Scale</b>			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian	✓		
<b>Building Articulation</b>			
Variation in wall plane, roof line, detailing, materials and siting	✓		

Solar Design			
Building design provides solar access that is reasonably protected for adjacent properties	✓		
Building walls and major window areas are oriented for passive solar and natural lighting	✓		



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## Drainage Review

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**Routing No: 1 | Review Date: 07/12/2011**

GERARDO VARGAS (GVARGAS) : Complete

Application No.: 111082

G\_V

7/11/11

### Completeness Comments:

Application has been approved for the discretionary stage in regards to drainage.

### Miscellaneous Comments:

1. Please submit updated drainage calculation reflecting the current drainage plan.
2. Label all surfaces and provide cross-section construction details as necessary.

Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:

1. The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what got inspected whether invert elevations, pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.
2. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.
3. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone #. The civil engineer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage Hold if the submittal is satisfactory.



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## Drainage Review

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**Routing No: 1 | Review Date: 07/12/2011**

GERARDO VARGAS (GVARGAS) : Complete

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

**Routing No: 2 | Review Date: 11/14/2011**

GERARDO VARGAS (GVARGAS) : Complete

Application No.: 111082

G\_V

11/10/11

### Completeness Items:

Application has been approved for the discretionary stage in regards to drainage.

### Compliance Issues:

#### General Plan policies:

<http://www.sccoplanning.com/pdf/generalplan/toc.pasdfasdfasefdf>

#### 7.23.2 Minimizing Impervious Surfaces

Parcel A is proposing a significant amount of impervious area; projects are required to minimize impervious surfaces. This project is proposing concrete base for the majority of the walkways, driveway and patio areas.

#### Permit Conditions/Additional Information:

Site plans shall specify maintenance requirements such as; what needs to be maintained, how often each drainage improvement needs to be maintained, what to look for indicating maintenance is required, and what the maintenance procedures are for each specific drainage improvement.

Upon approval of the project, a drainage "Hold" will be placed on the permit and will be cleared once the construction is complete and the stormwater management improvements are constructed per the approved plans: In order to clear the Hold, one of these options has to be exercised:

1. The civil engineer has to inspect the drainage improvements on the parcel and provide public works with a letter confirming that the work was completed per the plans. The civil engineer's letter shall be specific as to what got inspected whether invert elevations,



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## Drainage Review

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**Routing No: 2 | Review Date: 11/14/2011**

GERARDO VARGAS (GVARGAS) : Complete

pipe sizing, the size of the mitigation features and all the relevant design features. Notes of "general conformance to plans" are not sufficient.

2. As-built plans stamped by the civil engineer may be submitted in lieu of the letter. The as-built stamp shall be placed on each sheet of the plans where stormwater management improvements were shown.

3. The civil engineer may review as-built plans completed by the contractor and provide the county with an approval letter of those plans, in lieu of the above two options. The contractor installing the drainage improvements will provide the civil engineer as-built drawings of the drainage system, including construction materials, invert elevations, pipe sizing and any modifications to the horizontal or vertical alignment of the system. The as-built drawings, for each sheet showing drainage improvements and/or their construction details, must be identified with the stamp (or label affixed to the plan) stating the contractor's name, address, license and phone #. The civil engineer will review the as-built plans for conformance with the design drawings. Upon satisfaction of the civil engineer that the as-built plans meet the design intent and are adequate in detail, the civil engineer shall submit the as-built plans and a review letter, stamped by the civil engineer to the County Public Works Department for review to process the clearance of the drainage. Hold if the submittal is satisfactory.

## Project Review

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**Routing No: 1 | Review Date: 05/09/2011**

ANNETTE OLSON (AOLSON) : Incomplete

See letter in file dated 6/9/11.

**Routing No: 2 | Review Date: 07/21/2011**

ANNETTE OLSON (AOLSON) : Complete

**Routing No: 3 | Review Date:**

() :

## Surveyor Review

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**Routing No: 1 | Review Date: 05/31/2011**

KATE CASSERA (KCASSERA) : Incomplete

1. Revise application number on sheets on tentative improvement plans and tentative parcel map.
2. Improvement plans and parcel map must be labeled as "Tentative" per SMA.
3. Remove signature blocks from tentative improvement plans.



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## Surveyor Review

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**Routing No: 1 | Review Date: 05/31/2011**

KATE CASSERA (KCASSERA) : Incomplete

4. Provide a legend of all symbols, line types and abbreviations used in this plan set.
5. Per County Design criteria, show existing contours a minimum of 50' beyond project boundary.
6. Provide County Datum used to prepare tentative improvement plans and tentative parcel map.
7. New driveway radii do not meet County requirements.
8. Redwood header not allowed within County right of way. This must be an AC curb.
9. Please clarify what how new improvements on Fresno Street tie into existing. Since you are changing the flow line of Fresno Street, provide a profile of new improvements.
10. Provide right of way width and location on Fresno Street. Clarify right of way location.
11. Please clarify all overlapping text.
12. Provide verification from adjacent property owner for approval of AC overlay into their driveway.
13. Sheet C3, sections reference sheet C6, but no sections appear on C6. Please clarify.
14. Sheet C4, all text is too small to read. Please enlarge.
15. Please remove cover page and non-title sheets of parcel map from these plans. Sheets 1 of 3 and 3 of 3.
16. Parcel map must be labeled as tentative per SMA.
17. Please clarify linetypes used on tentative parcel map. You indicate new property line with the same line type as existing property line.
18. Northeast property corner appears to be offset. Please clarify.
19. Monument at the intersection of Parcel B and Sandeman property is offset. Please clarify.
20. Provide deed reference for existing parcel to be subdivided.
21. Please remove all +/- references or specifically reference the deed which contains such references.

**Routing No: 2 | Review Date: 07/11/2011**

KATE CASSERA (KCASSERA) : Complete

**Routing No: 3 | Review Date: 11/15/2011**

ANWARBEG MIRZA (AMIRZA) : Complete

Completed on 7/11/11 by Kate Cassera. (per GJM)

## Urban Designer Review

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**Routing No: 1 | Review Date: 06/07/2011**

LAWRENCE KASPAROWITZ (LKASPAROWITZ) : Incomplete

1. Design is problematic as there is no clear overall architectural style; part of the structure is Mediterranean-ish and part is ranch-ish. Not harmonious.
2. We recommend that they change this by selecting one finish material for the



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Urban Designer Review

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**Routing No: 1 | Review Date: 06/07/2011**

LAWRENCE KASPAROWITZ (LKASPAROWITZ) : Incomplete

entire house, e.g. all stucco.

3. Trimming the windows will improve the appearance of the structure. Use arch top windows behind arches.

4. Submit a shadow study (preferably a before and after to show change from original approval)

5. Submit an axonometric study.

**Routing No: 2 | Review Date: 07/18/2011**

LAWRENCE KASPAROWITZ (LKASPAROWITZ) : Complete

DEE MURRAY  
LAND USE CONSULTANT  
2272 KINSLEY STREET  
SANTA CRUZ, CA. 95062  
(831) 475-5334  
MAY 9, 2001

Annette Olson  
Project Planner  
County Planning Dept.  
701 Ocean Street  
400 Governmental Center  
Santa Cruz, Ca. 95060

RE: FRESNO STREET (BETWEEN 2720 & 2742 FRESNO STREET)  
APN: 028-252-40

Dear Annette,

I am submitting the names, addresses and a map outlining the property within a radius of 300 feet of the subject property where the owners and residents were notified of the Neighborhood Meeting that was held on May 7, 2011. Also the names and addresses of the property owners that attended the meeting with their comments and how their concerns would be address which were minimal.

Prior to the meeting, I received a phone call from Barbara Crawford who resides at 2660 Fresno Street, APN: 028-252-15 informing me that she would not be able to attend the meeting, but wanted to go on record that she will be happy to see the parcel developed. She attended the previous neighborhood meeting on the original application for the Minor Land Division and Coastal Permit.

I received a call from Mrs. Perez, 2825 Fresno Street, APN: 028-263-66 confirming where the meeting would be held.

I also received a call from Mr. Isle, 354 Tony Court, APN: 028-252-34, stating that he was pleased that when this vacant lot is developed it would enhance the area and has no objections to the proposal.

The following are names, addresses and Assessor' Parcel Nos. of the attendees at the meeting and their comments and answers to their concerns:



Benjamin Astor, 2800 Fresno Street, APN: 028-271-39, said he had no objection to the proposal and believes in property rights. The only two issues he has are that we do not install sidewalks or streetlights. We explained that we are not proposing sidewalks and streetlights with this application. The County did not require these improvements with the previous Minor Land Division Permit.

Chris & Kim Haas, 2742 Fresno Street, APN: 028-252-43, who resides just to the east of the subject property stated that they had no objections to the proposal.

Jeff Finsand, 2844 Fresno Street, APN: 028-271-34, said the proposed development would be a great addition to the neighborhood. He inquired about gaining access from the neighbor's driveway to the west to serve the rear parcel. We explained that that property owner had been contacted to try to obtain a right-of-way over his property, but he would not consent to granting a right-of-way.

Heather Murphy and Jeff Harding, 2731 Fresno Street, APN: 028-252-39. stated that they had no concerns and were delighted with the project.

Eleanor Perez, 2825 Fresno Street, APN: 028-263-66, stated she had no objections to this proposal.

Glen Marks, 2751 Fresno Street, APN: 028-263-29. stated that he had no concerns.

Sue Bowman, 2718 Placer Street, APN: 028-263-13. said that this proposal would have no negative impacts on the neighborhood.

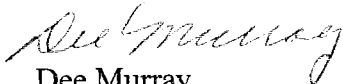
Susan Pearlman, 2810 Fresno Street, APN: 028-271-40, stated that she had no objections to the proposal. However, she does not want to see sidewalks constructed along the frontage of this parcel. The neighbors want to retain the rural feel along Fresno Street. We explained that we are not proposing sidewalks as part of our application.

Marina Martinez and Giancarlo Brignolo, 353 Baker Street, APN: 028-252-48, stated that they have no objections to the proposal provided that the existing eucalyptus tree with the trunk of the tree that is on their property with the limbs extending onto the subject property, remains for privacy. If the tree has to be removed, they want a replacement tree that does not shed leaves, etc, and does not want another eucalyptus tree. The Building Designer John Craycroft responded that we have contacted an Arborist who felt that the existing tree is unsafe, however, we are still waiting for a written response to determine the exact status of the tree and how that issue will be addressed.

Annette Olson  
Page 3

Arborist who felt that the existing tree is unsafe, however, we are still waiting for a written response to determine the exact status of the tree and how that issue will be addressed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dee Murray".

Dee Murray  
Land Use Consultant

DEE MURRAY  
LAND USE CONSULTANT  
2272 KINSLEY STREET  
SANTA CRUZ, CA. 95062  
(831) 475-5334  
APRIL 26, 2011

Dear Neighbor,

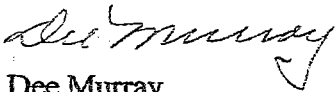
On Saturday May 07, 2011 from 1:30 to 2:30 PM, we will be conducting a neighborhood meeting on our vacant parcel of land between 2720 and 2742 Fresno Street known as Assessor's Parcel No. 028-252-40. The purpose of this meeting is to allow you an opportunity to review plans for an amendment to an approved Minor Land Division No. 08-0281 by modifying the property lines of the (2) two lots, one lot to maintain 5,295 square feet and the other 13,125 square feet. We are also proposing a redesign of the two dwellings.

After conducting this meeting we will be applying to the County Planning Dept. to modify the property lines, redesign of the residences and extend the expiration date of the Minor Land Division and Coastal Development Permit No. 08-0281 from 07/13/11 to 07/13/13,

We look forward to your attendance at this meeting to answer any questions or concerns that you may have. If you have any questions prior to the meeting date, please contact me Dee Murray at (831) 475-5334.

Thank you in advance for your time and consideration. Looking forward to meeting you at the meeting.

Sincerely,



Dee Murray,

Land Use Consultant

cc: Planning Director Kathleen Molloy Previsich  
Supervisor John Leopold

PLEASE SIGN  
HERE:

MAY 7, 2011

NEIGHBORHOOD MEETING:

NAME

ADDRESS

BENJAMIN ASTOR  
Chris & Kim Haas

2800 FRESNO ST  
2742 Fresno St.

JEFF FINSAW

2844 FRESNO

Heather Murphy

2731 Fresno st

Jeff Harding

2731 Fresno St.

Eleanor Perez

2825 Fresno St.

Glenn MARKS

2751 Fresno St.

Sue Bowman

2718 Placer St

Josun Perlman

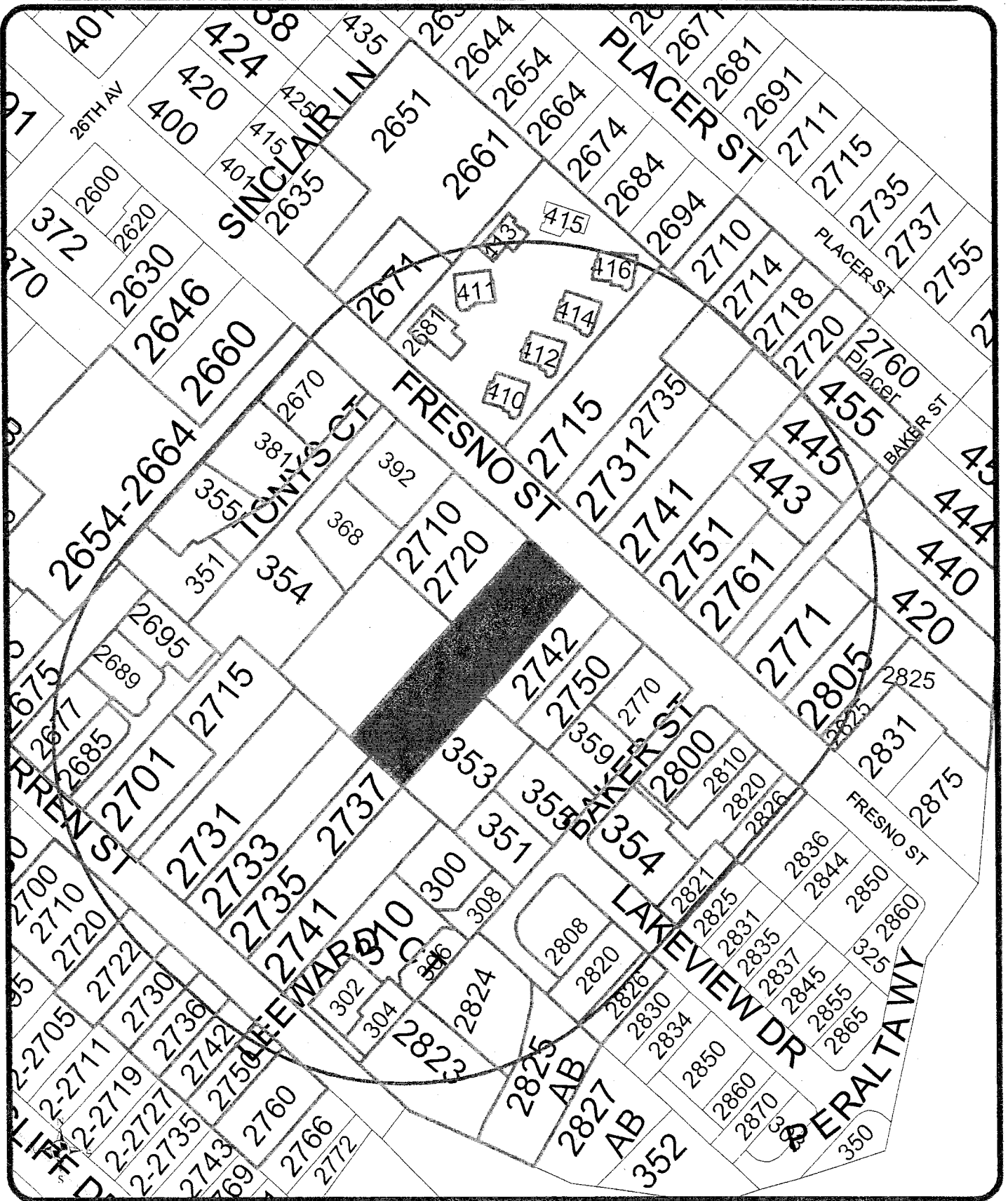
2810 Fresno St

Marina Martinez

353 Baker St.

Giancarlo Brignolo

7



Mail List for APN: 028-252-40

Buffer Distance: 300



PA 111022

DEE MURRAY  
LAND USE CONSULTANT  
2272 KINSLEY STREET  
SANTA CRUZ, CA. 95062  
(831) 475-5334  
APRIL 26, 2011

Dear Neighbor,

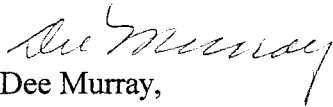
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We look forward to your attendance at this meeting to answer any questions or concerns that you may have. If you have any questions prior to the meeting date, please contact me Dee Murray at (831) 475-5334.

Thank you in advance for your time and consideration. Looking forward to meeting you at the meeting.

Sincerely,



Dee Murray,  
Land Use Consultant

cc: Planning Director Kathleen Molloy Previsich ✓  
Supervisor John Leopold



## Staff Report to the Planning Commission

Application Number: **05-0225**

**Applicant:** Pacific Rim Planning Group (Jim Weaver) **Agenda Date:** June 28, 2006

**Owner:** Daniel McKenzie

**Agenda Item #:** 9

**APN:** 028-252-40

**Time:** After 9:00 a.m.

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

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

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

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

### Staff Recommendation:

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

### Exhibits

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

### Parcel Information

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

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

### Environmental Information

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

### Services Information

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

### History

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

### Project Setting

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

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



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

### Project Scope

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

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

### Zoning & General Plan Consistency

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

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

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

## **Design Review**

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

## **Environmental Issues**

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

## **Coastal Issues**

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

## **Drainage**

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

## **Conclusion**

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

## **Staff Recommendation**

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

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

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

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

Report Reviewed By: \_\_\_\_\_  
Cathy Graves  
Principal Planner  
Development Review

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

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

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

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

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### Development Permit Findings

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

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

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

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

## Subdivision Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

See Subdivision Finding 9, above.

## Conditions of Approval

### Land Division 05-0255

Applicant: Jim Weaver – Pacific Rim Planning Group

Property Owner: Daniel Mc Kenzie

Assessor's Parcel Number: 028-252-40

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

Planning Area: Live Oak

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#### Exhibits:

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

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

- I. Prior to exercising any rights granted by this Approval, the owner shall:
  - A. Sign, date and return one copy of the Approval to indicate acceptance and agreement with the conditions thereof, and
  - B. Pay a Negative Declaration De Minimis fee of \$25 to the Clerk of the Board of the County of Santa Cruz as required by the California Department of Fish and Game mitigation fees program.
- II. A Parcel Map for this land division must be recorded prior to the expiration date of the tentative map and prior to sale, lease or financing of any new lots. The Parcel Map shall be submitted to the County Surveyor (Department of Public Works) for review and approval prior to recordation. No improvements, including, without limitation, grading and vegetation removal, shall be done prior to recording the Parcel Map unless such improvements are allowable on the parcel as a whole (prior to approval of the land division). The Parcel Map shall meet the following requirements:

- A. The Parcel Map shall be in general conformance with the approved Tentative Map and shall conform to the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
- B. This land division shall result in no more than two (2) single-family residential parcels.
- C. The minimum aggregate lot size shall be 5,000 square feet net developable land per unit.
- D. The following items shall be shown on the Parcel Map:
  - 1. Building setback lines located according to the approved Tentative Map. The building envelopes for the perimeter of the project shall meet the minimum setbacks for the R-1-5 zone district of 20 for the front yard, 5 and 8 feet for the side yards, and 15 feet for the rear yard.
  - 2. Show the net area of each lot to nearest square foot.
- E. The following requirements shall be noted on the Parcel Map as items to be completed prior to obtaining a building permit on lots created by this land division:
  - 1. Lots shall be connected for water service to city of Santa Cruz Water District.
  - 2. Lots shall be connected for sewer service to Santa Cruz County Sanitation District. All regulations and conditions of the Sanitation District shall be met.
  - 3. All future construction on the lots shall conform to the Architectural Floor Plans and Elevations as stated or depicted in the approved Exhibit "A" and shall also meet the following additional conditions:
    - a. No changes in the placement of windows that face directly towards existing residential development as shown on the architectural plans, shall be permitted without review and approval by the Planning Commission.
    - b. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-5 zone district. Development on each parcel shall not exceed 30% lot coverage, or a 50% floor area ratio, or other standard as may be established for the zone district. No fencing shall exceed three feet in height within the required front setbacks.



- c. The building plans must include a roof plan and a surveyed contour map of the ground surface, superimposed and extended to allow height measurement of all features. Spot elevations shall be provided at points on the structure that have the greatest difference between ground surface (existing grade prior to site grading) and the highest portion of the structure above.
4. A final Landscape Plan for the entire site specifying the species, their size, and irrigation plans and meet the following criteria and must conform to all water conservation requirement of the City of Santa Cruz water conservation regulations:
  - a. Turf Limitation. Turf area shall not exceed 25 percent of the total landscaped area. Turf area shall be of low to moderate water-using varieties, such as tall or dwarf fescue.
  - b. Plant Selection. At least 80 percent of the plant materials selected for non-turf areas (equivalent to 60 percent of the total landscaped area) shall be well-suited to the climate of the region and require minimal water once established (drought tolerant). Native plants are encouraged. Up to 20 percent of the plant materials in non-turf areas (equivalent to 15 percent of the total landscaped area), need not be drought tolerant, provided they are grouped together and can be irrigated separately.
  - c. Soil Conditioning. In new planting areas, soil shall be tilled to a depth of 6 inches and amended with six cubic yards of organic material per 1,000 square feet to promote infiltration and water retention. After planting, a minimum of 2 inches of mulch shall be applied to all non-turf areas to retain moisture, reduce evaporation and inhibit weed growth.
  - d. Irrigation Management. All required landscaping shall be provided with an adequate, permanent and nearby source of water which shall be applied by an installed irrigation, or where feasible, a drip irrigation system. Irrigation systems shall be designed to avoid runoff, over-spray, low head drainage, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways or structures.
    - i. The irrigation plan and an irrigation schedule for the established landscape shall be submitted with the building permit applications. The irrigation plan shall show the location, size and type of components of the irrigation system, the point of connection to the public water supply and designation of hydrozones. The irrigation schedule shall designate the timing and frequency of irrigation for

- each station and list the amount of water, in gallons or hundred cubic feet, recommended on a monthly and annual basis.
- ii. Appropriate irrigation equipment, including the use of a separate landscape water meter, pressure regulators, automated controllers, low volume sprinkler heads, drip or bubbler irrigation systems, rain shutoff devices, and other equipment shall be used to maximize the efficiency of water applied to the landscape.
  - iii. Plants having similar water requirements shall be grouped together in distinct hydrozones and shall be irrigated separately.
  - iv. Landscape irrigation should be scheduled between 6:00 p.m. and 11:00 a.m. to reduce evaporative water loss.
- e. All planting shall conform to the landscape plan shown as part of the approved Exhibit "A".
- i. Tree Protection: A letter from a certified arborist is required, detailing protection measures for the Eucalyptus on the adjacent parcel to the southeast (APN 028-252-48).
  - ii. Trees planted in the County right of way shall be approved by the Department of Public Works and shall be installed according to provisions of the County Design Criteria.
  - iii. Notes shall be added to the improvement plans and the building permit plans that indicate the manner in which the Eucalyptus tree on the adjacent parcel shall be protected during construction. Include a letter from a certified arborist verifying that the protection measures recommended in the required arborist letter measures have been incorporated into the construction plans.
5. Submit a plan review letter from the project geotechnical engineer stating the building plans are in compliance with the recommendations of the geotechnical report prepared by Bauldry Engineering, dated August 2004.
6. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district in which the project is located. In the case of Live Oak School District, the applicant/developer is advised that the development is located in a Mello-Roos Community Facilities District with additional

fees.

7. Prior to any building permit issuance or ground disturbance, a detailed erosion control plan shall be reviewed and approved by the Department of Public Works and the Planning Department. Earthwork between October 15 and April 15 requires a separate winter grading approval from Environmental Planning that may or may not be granted. The erosion control plans shall identify the type of erosion control practices to be used and shall include the following:
  - a. Water Quality: Silt and grease traps shall be installed according to the approved improvement plans.
  - b. An effective sediment barrier placed along the perimeter of the disturbance area and maintenance of the barrier.
  - c. Soils management that prevents loose material from clearing, excavation, and other activities from entering any drainage channel.
8. Any changes between the approved Tentative Map, including but not limited to the attached exhibits for architectural and landscaping plans, must be submitted for review and approval by the decision-making body. Such proposed changes will be included in a report to the decision making body to consider if they are sufficiently material to warrant consideration at a public hearing noticed in accordance with Section 18.10.223 of the County Code.
9. Pay Zone 5 Drainage fees based on the amount of impervious surface.
10. Submit recorded maintenance agreements for the detention systems, silt and grease traps, and the pervious concrete on Lot B.
11. Submit a letter from a Hazardous Materials Specialist stating what, if any, remediation measures are required on site due to the previous use of the site as a vehicle storage area.
12. Provide an owner agent form from neighboring property owners for any work proposed to be conducted on neighboring properties (such as retaining wall construction).
13. Submit a drainage plan meeting all the requirements of the Department of Public Works, Drainage, showing the following information:
  - a. Any drainage easements.
  - b. Provide a detail that showing the configuration of the proposed

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

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

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

- A. Submit a letter of certification from the Tax Collector's Office that there are no outstanding tax liabilities affecting the subject parcels.
- B. Meet all requirements of the Santa Cruz County Sanitation District as stated in the District's letter dated 4/29/05 including, without limitation, the following standard conditions:
  - 1. Submit and secure approval of an engineered sewer improvement plan providing sanitary sewer service to each parcel.
  - 2. Pay all necessary bonding, deposits, and connections fees.
- C. Engineered improvement plans for all water line extensions required by City of Santa Cruz shall be submitted for the review and approval of the water agency.
- D. All new utilities shall be underground. All facility relocation, upgrades or installations required for utilities service to the project shall be noted on the construction plans. All preliminary engineering for such utility improvements is

the responsibility of the owner/applicant. Pad-mounted transformers shall not be located in the front setback or in any area visible from public view unless they are completely screened by walls and/or landscaping (underground vaults may be located in the front setback). Utility equipment such as gas meters and electrical panels shall not be visible from public streets or building entries.

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

adequate to contain any material that contains lime or other treatment, and a schedule indicating the number of work days required to complete the treatment phase of the project.. The plan shall be submitted for review and approval by the Planning Department.

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

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

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

advance by County Planning to address and emergency situation; and

2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site.
  3. The applicant shall designate a disturbance coordinator and a 24-hour contact number shall be conspicuously posted on the job site. The disturbance coordinator shall record the name, phone number, and nature of all complaints received regarding the construction site. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- F. Construction of improvements shall comply with the requirements of the geotechnical report (Bauldry Engineering, dated August 2004.). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- G. All required land division improvements shall be installed and inspected prior to final inspection clearance for any new structure on the new lots.
- V. Operational Conditions.
- A. All runoff shall be filtered through silt and grease traps prior to leaving the site. The traps shall be maintained according to the following monitoring and maintenance procedures:
1. The traps shall be inspected to determine if they need cleaning or repair prior to October 15 of each year at a minimum.
  2. A brief annual report shall be prepared by the trap inspector at the conclusion of each October inspection and submitted to the Drainage Section of the Department of Public Works within 5 days of inspection. This monitoring report shall specify any repairs that have been done or that are needed to allow the trap to function adequately.
- B. Pervious pavement shall be maintained per the plans submitted with the original drainage plan. Manufacturer's specifications for power washing, vacuuming or other remediation shall be followed. A brief annual report shall be submitted to the Planning Department prior to October 15 of each year describing the maintenance that was completed in the previous year.
- C. In the event that future County inspections of the subject property disclose non-compliance with any Conditions of this Approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including Approval revocation.

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

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

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



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

Approval Date: 6/28/06

Effective Date: 7/12/06

Expiration Date: 7/12/08

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Cathy Graves  
Principal Planner

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David Keyon  
Project Planner

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



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

**TOM BURNS, PLANNING DIRECTOR**

July 2, 2008

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

**Agenda Date: September 10, 2008**

**Item #: 8**

**Time: After 9 AM**

**APN: 028-252-4**

**Subject: Application 08-0281**

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

Members of the Commission:

### **Project History**

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

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

### **Permit Extension Process**

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

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

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

Page 2

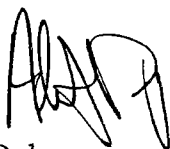
### Environmental Reviews

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

### Staff Recommendation

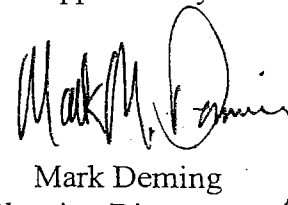
- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **08-0281**, extending the Tentative Map for Minor Land Division and Coastal Development Permit 05-0225 to July 13, 2011, based on the conditions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

Sincerely,



Alice Daly  
Development Review Planner

Approved by:



Mark Deming  
Assistant Planning Director

### Exhibits:

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

## Conditions of Approval

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

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

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

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

Approval Date: 9/10/08  
Effective Date: 9/24/08  
Expiration date: 7/13/11