

STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO.: 02-0538 **APN:** 032-041-48

APPLICANT: Jim Weaver - Pacific Rim

OWNER: Donna Krilanovich

PROJECT DESCRIPTION: Proposal to create three residential lots of approximately 9,495 square feet, 11,806 square feet, and 8,378 square feet; to demolish one single family **dwelling** and to construct two-story single-family dwellings on each of three lots.

LOCATION: Property located on the east side of 35th Avenue (920 35th Avenue) at approximately 350 feet south from Roland Drive.

PERMITS REQUIRED: Minor Land Division, a Coastal Development Permit, Residential Development Permit and Design Review

ENVIRONMENTAL DETERMINATION: Exempt

COASTAL ZONE: X Yes N o **APPEALABLE TO CCC:** Yes X No

PARCEL INFORMATION

PARCEL SIZE: 0.65 Acres (28,328 sq. ft)

EXISTING LAND USE:

PARCEL: single-family residential

SURROUNDING: single and multi-family residential

PROJECT ACCESS: 35th Avenue

PLANNING AREA: Live Oak

LAND USE DESIGNATION: R-UL (Urban Low Density Residential)

ZONING DISTRICT: R-1-6 (Residential - 6,000 square foot minimum lot size)

SUPERVISORIAL DISTRICT: First District (Jan Beautz)

ENVIRONMENTAL INFORMATION

- | | |
|----------------------|--|
| a. Geologic Hazards | a. Not mapped/no physical evidence on site |
| b. Soils | b. Soil 133 – Elkhorn sandy loam, soil 178 – Watsonville loam. |
| c. Fire Hazard | c. Not a mapped constraint |
| d. Slopes | d. 0-2% |
| e. Env. Sen. Habitat | e. Mapped resource/no physical evidence on site |
| f. Grading | No cut/fill/650 yards of fill |
| g. Tree Removal | g. No trees proposed to be removed |
| h. Scenic | h. Not a mapped resource |
| i. Drainage | i. Existing drainage adequate |
| j. Traffic | j. N/A |

- | | |
|-----------------------|--|
| k. Roads | k. Existing roads adequate |
| l. Parks | l. Existing park facilities adequate |
| m. Sewer Availability | m. N/A |
| n. Water Availability | n. N/A |
| o. Archeology | o. Not mapped/no physical evidence on site |

SERVICES INFORMATION

Inside Urban/Rural Services Line: X Yes N o

Water Supply: Santa Cruz Water District

Sewage Disposal: Santa Cruz Waste Water Management District

Fire District: Central Fire Protection District

Drainage District: Zone 5

HISTORY

On October 22nd, 2002, the County Planning Department accepted this application for a Minor Land Division, Coastal Development Permit, Design Review and a Soils Review Report. The project was deemed complete on July 11th, 2003. In accordance with the California Environmental Quality Act (CEQA) and the County Environmental Review Guidelines, the project was determined to be exempt from the California Environmental Quality Act (CEQA) as defined in Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

ANALYSIS AND DISCUSSION

The applicant requests approval to demolish a single-family residence, create 3 single-family lots and construct 3 new single-family residences on the newly created lots.

The project site is located at 920 35th Avenue. Access to 35th Ave and the project site is from Portola Drive in the Live Oak planning area. The subject property is 0.65 acres (28,328 square feet) in gross area and currently developed with a single-family residence and three outbuildings. The parcel is bordered on the north, east and south by one-story single-family residences and on the west by single-family residences and two-story multi-family apartments.

The interior of the site is open and covered mainly by seasonal grasses, with a 27-inch Willow tree located on the far northeastern portion of the parcel, two Cedar trees (15 & 16 inches) on the mid to lower southeastern portion of the parcel, two ornamental trees (36 and 21 inches) located on the lower southeastern portion of the parcel. No trees are proposed for removal.

The subject property has a gentle down slope, which slopes towards the rear of the parcel. The current use of the subject parcel is residential. Surrounding development consists predominately of single-family residential uses with some multi-family residential.

Project Description

The proposal is to demolish the existing single-family residence and three accessory outbuildings, create three new residential lots and construct a new home on each of the parcels. The newly created lots range in size from 8,378 square feet to 11,806 square feet. The applicant also proposes to construct a 6-foot wood fence along the rear and side perimeters of the properties and a 3-foot wood fence along the frontage of the properties. This proposal requires a Minor Land Division, a Coastal Development Permit, a Residential Development Permit and Design Review.

As proposed the applicant/owner will construct improvements to Marilyn Avenue which provides access to Parcel C, including the repaving of approximately 50% of Marilyn Avenue. As a condition of approval (condition II.3.D.a) the new owner of "Parcel C" will sign an agreement to maintain that portion of Marilyn Avenue. The agreement shall be submitted for review and approved by the Planning Department prior to filing the final map and shall state that the newly created parcel "C" agree to maintain and repair the portion of Marilyn Avenue proposed for improvements.

Approximately 600 cubic yards of grading (fill) will be needed for the building pads and driveway improvements. All proposed new single-family dwellings will meet all current existing zoning requirements, including but not limited to; floor area ratio, height, lot coverage and setbacks.

General Plan & Zoning Consistency

The project site has a General Plan land use designation of "R-UL" (Urban Low Density Residential). This designation allows a density range of 4.4 to 7.2 units per net developable acre, in areas within the Urban Services Line, which corresponds to lot size requirements of 6,000 square feet to 10,000 square feet of net developable parcel area. The objective of this land use designation is to provide for low-density residential development in areas within the Urban Services Line that have a full range of urban services.

The project site is 0.65 acres, gross area, and 0.50 acres, net developable area. The proposed development density is 6 units per net developable acre, which is within the required density range. The average lot size is 6,689 sq. ft of net developable area.

The project is in the R-1-6 Zone District (Single Family residential; 6,000 square feet of net developable land area per dwelling unit). The proposed division of land complies with the zoning ordinance as the property is intended for residential use, the lot sizes meet the minimum dimensional standard for the R-1-6 Zone District, and the setbacks on the new lots created will be consistent with the ~~minimum~~ zoning ordinance requirements. The three proposed new dwellings will meet development standards for the R-1-6 zone district. Each single-family residence will meet the required 20-foot front yard setbacks, the 5 and 8-foot side yard setbacks

and the 15-foot rear setbacks.

Parcel "A" meets the 30% lot coverage maximum and the structures on remaining parcels "B" and "C" each cover less than 30% of the total lot area. All proposed parcels will have a total floor area ratio of less than 50%. The proposed building footprints are shown on the architectural plans as Exhibit "A."

35th Avenue Dedication and Improvements to 35th Avenue

As a condition of approval (condition II.3.D.a), the applicant is required to make an irrevocable offer of dedication to the County of Santa Cruz for the right-of-way and improvements that are noted on the attached Tentative Map. The right-of-way offered shall be 28-feet in width along 35th Avenue. When the offer of dedication is accepted by the County, this road is to be County maintained. Two newly created driveways will be constructed to provide access to parcels "A" and "B." Lastly, additional storm drain outlets and improved sanitation systems will be installed, both of which have been previously approved by DPW Drainage and Sanitation (respectively).

Secondary Ingress and Egress

Secondary ingress and egress is not necessary nor required for the proposed Parcel C. Marilyn Avenue is not a dead end road, as it has a fire department lock box located at the end for fire department access.

Design Review

Because the project is a land division located inside the Urban Services Line, it is subject to the provisions of County Code Chapter 13.11; Site, Architectural and Landscape Design Review. A primary purpose of the Design Review ordinance, as defined by General Plan Objective 8.1, is to achieve functional high quality development through design review policies that recognize the diverse characteristics of the area, maintain design creativity, and preserve and enhance the visual fabric of the community. Architectural drawings and floor plans for the proposed new homes are included as part of Exhibit "A."

The new homes are proposed to be two-story with a design that incorporates California Contemporary design detailing. Siding is proposed to be lap wood (parcel A), rough sawn plywood siding (parcel B) and fiber-cement composition shingle siding. Walls are to be painted in earth tones, with the trim to be corresponding earth tones. Roofing material is to be brown, earth tone colored composition shingles.

To further compliment the existing neighborhood, the Urban Designer has recommended the following conditions be placed upon the proposed Minor Land Division and the newly created single-family residences:

Parcel A

1. Add trim around each window. Revise the front elevation around the stairway window.
2. Add more shutters on the front elevations or remove those above the garage
3. Window treatments (mullions) shall be consistent around the building
4. Add a siding glass door leading out to the side of the proposed residence

Parcel B

1. Front columns need additional detailing

Parcel C

1. Front columns need additional detailing

A condition of approval requires the applicant incorporate these minor changes prior to issuance of a building permit (condition ILJ).

Affordable Housing

The project is subject to the most recent affordable housing regulations as adopted by the Board of Supervisors. According to County Code Section 17.10.031, the owner/applicant is responsible for the payment of inclusionary housing in-lieu fees for small residential projects. A condition has been added to require the owner/applicant to enter into the appropriate affordable housing agreement, which will be recorded with the parcel map.

Conclusion

All required findings can be made to approve this application. The project is consistent with the General Plan in that the project constitutes a minor land division and residential use. The proposed density is compatible with the existing density and intensity of land use in the surrounding area, and is consistent with the zoning designation of the subject parcel. The project, as conditioned, will not have a significant effect on the environment.

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.

RECOMMENDATION

Staff recommends:

1. Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
2. **APPROVAL** of Application Number **02-0538**, based on the attached findings and conditions.

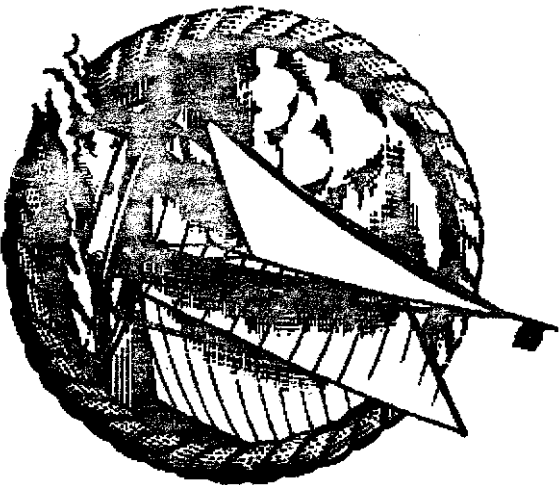
EXHIBITS

- A. Project plans
- B. Findings
- C. Conditions
- D. Categorical Exemption (CEQA determination)
- E. Urban Designer Comments
- F. Zoning Map
- G. General Plan Map
- H. Vicinity Map
- I. Comments & Correspondence

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.

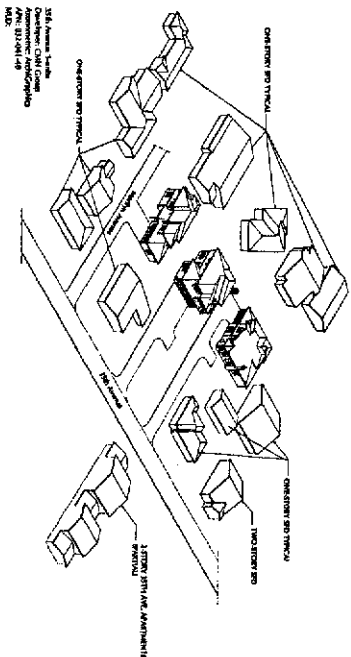
Report Prepared By: David Heinlein
David Heinlein
Santa Cruz County Planning Department
701 Ocean Street, 4th Floor
Santa Cruz CA 95060

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

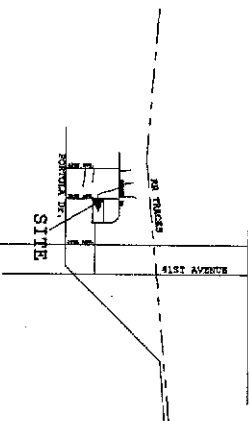


35TH AVENUE BY WINDWARD COMPANY INC.

AXONOMETRIC



VICINITY MAP



PROJECT TEAM

PROJECT: 3 single family homes

OWNER:

Royce Eberhardt & Olan Group
749 37th Ave.
Santa Cruz, CA 95062
(831) 462-4559

APPLICANT:

Windward Company Inc.
749 37th Ave.
Santa Cruz, CA 95062
Lic. # 573359-B
(831) 462-4559

LOCATION:

920 35th Ave
Santa Cruz, CA 95062
032-041-48

APN

Windward Company Inc.
749 37th Ave.
Santa Cruz, CA 95062
(831) 462-4559

DEVELOPER

Joe Abernethy
410 E Bay Ave.
Capitola, CA 95010
(831) 475-6557

CIVIL ENGINEER:

Gregory Lewis
736 Park Way
Santa Cruz, CA 95065
(831) 922-4747

LANDSCAPE ARCHITECT:

Hans Kaurich and Assoc.
116 E Lake Ave
Waterville, CA 95076

PARCEL A

GROSS LOT S.F.	8,498 S.F.	8,378
GROSS LOT S.F.	7,798 S.F.	8,378
1ST FLOOR	1,858 S.F.	819 S.F.
2ND FLOOR	688 S.F.	807 S.F.
TOTAL	2,546 S.F.	1,626 S.F.
GARAGE	427 S.F.	488 S.F.
PORCH	40 S.F.	785 S.F.

PARCEL B

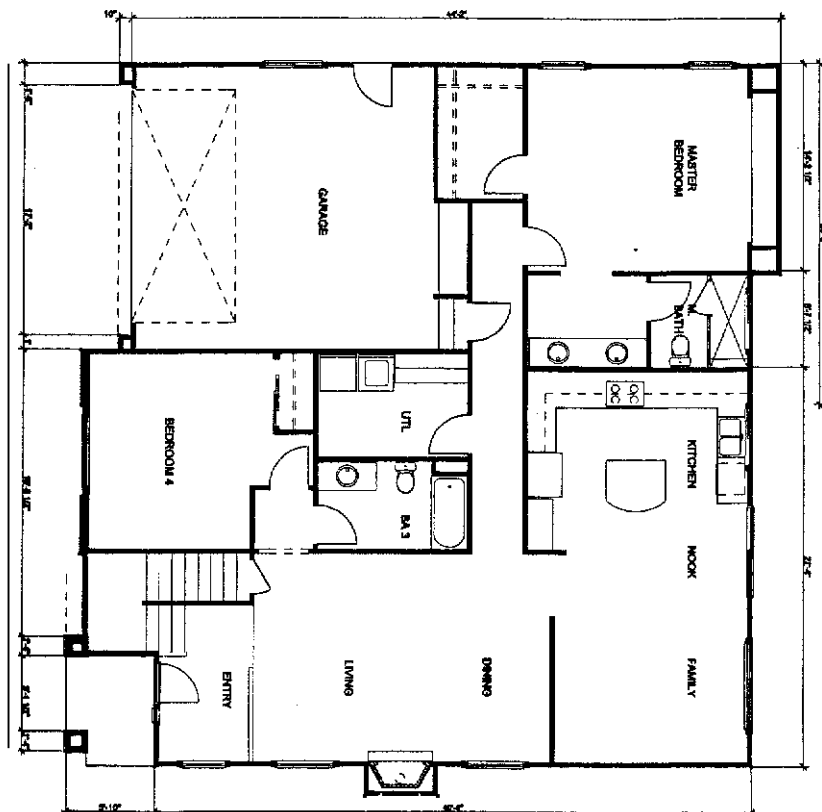
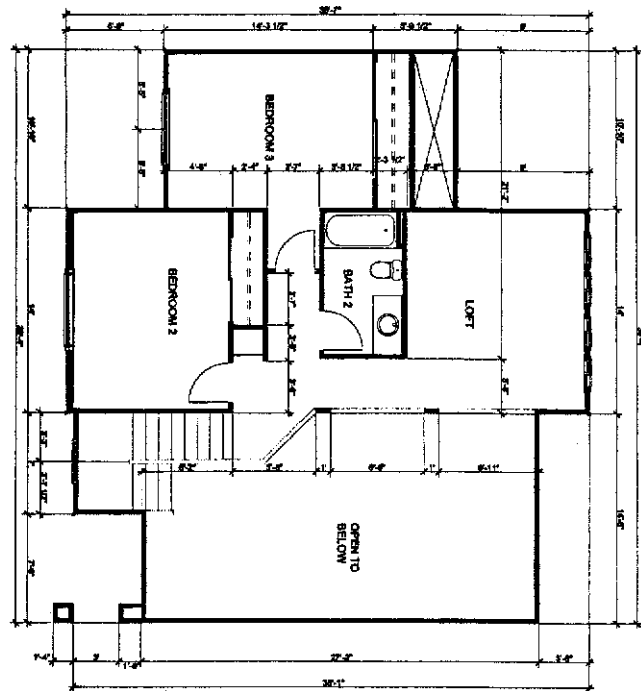
GROSS LOT S.F.	11,809
GROSS LOT S.F.	10,628
1ST FLOOR	880 S.F.
2ND FLOOR	941 S.F.
TOTAL	1,821 S.F.
GARAGE	448 S.F.
PORCH	132 S.F.

SHEET INDEX	REVISION
A1-A2 ELEVATIONS AND FLOOR PLANS	BY
C1-C2 CIVIL ENGINEERING	DATE
L1 LANDSCAPE	SCALE
	DRAWN BY
	CHECKED BY
	PROJECT NUMBER

35th Avenue 3-units
920 35TH AVE
APN: 032-041-48
MLD:



WINDWARD
COMPANY INC.
ARCHITECTS & DEVELOPERS
749 37th Avenue
Santa Cruz, CA 95062
(831) 462-4559



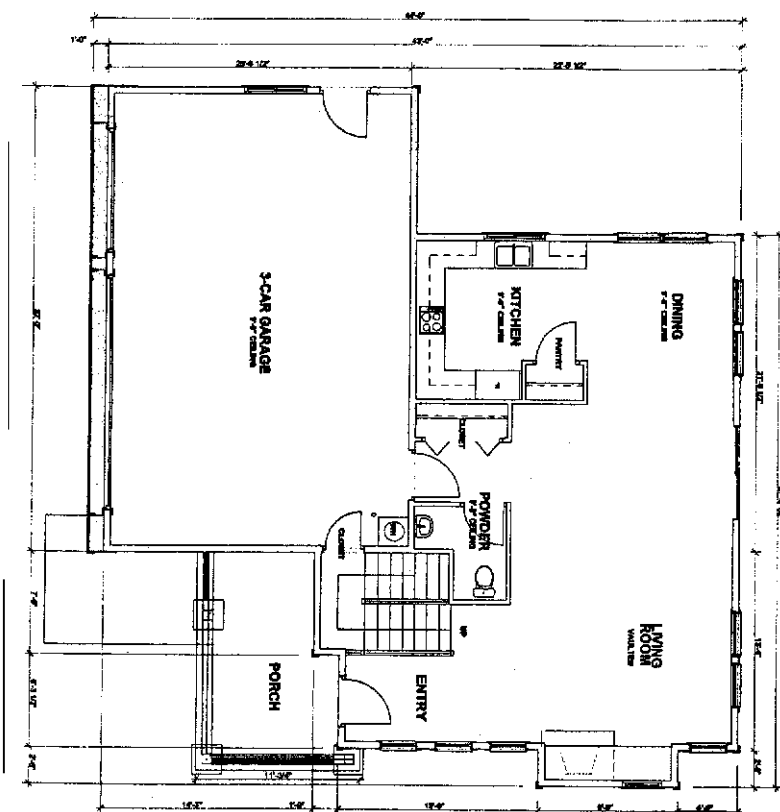
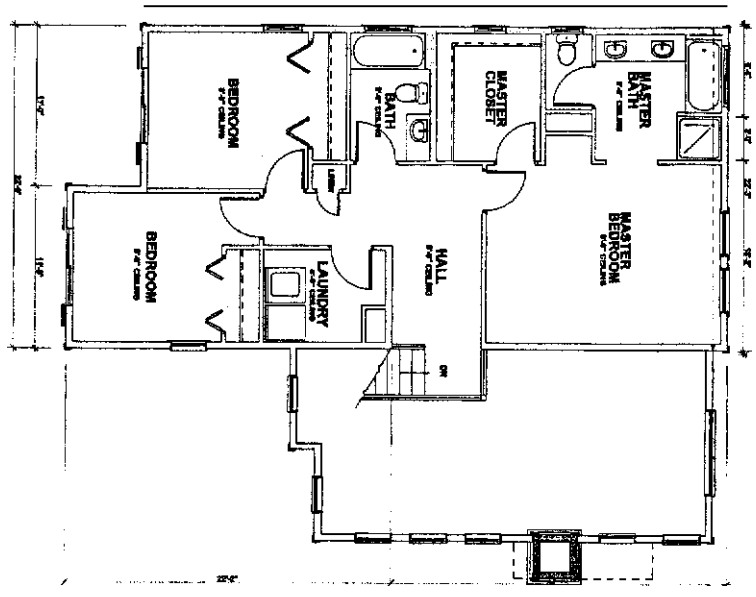
35th Avenue Parcel A
920 35th Ave., Santa Cruz
APN:032-041-48
MLD:

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BULLDOZERS & CRANE SERVICES
342 37th Avenue
Santa Cruz, CA 95062
(415) 425-4250

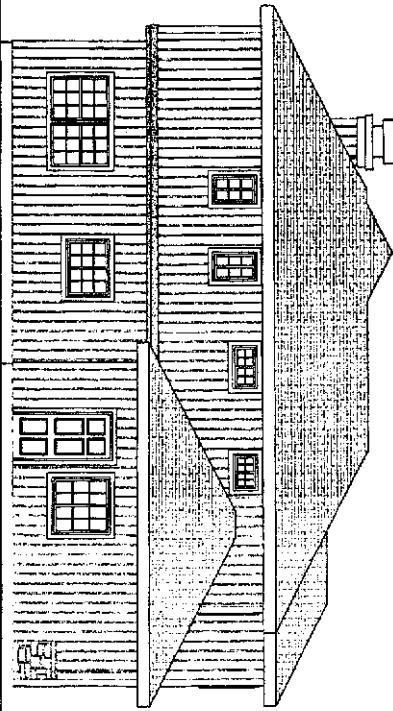
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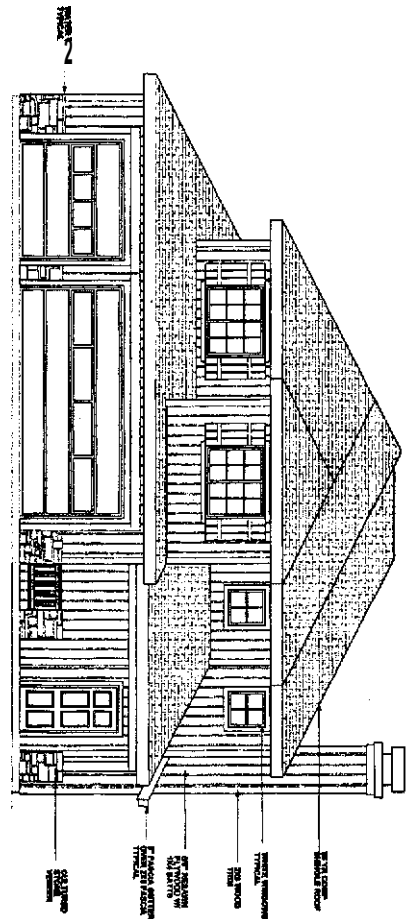
35th Avenue Parcel E
920 35th Ave., Santa Cruz
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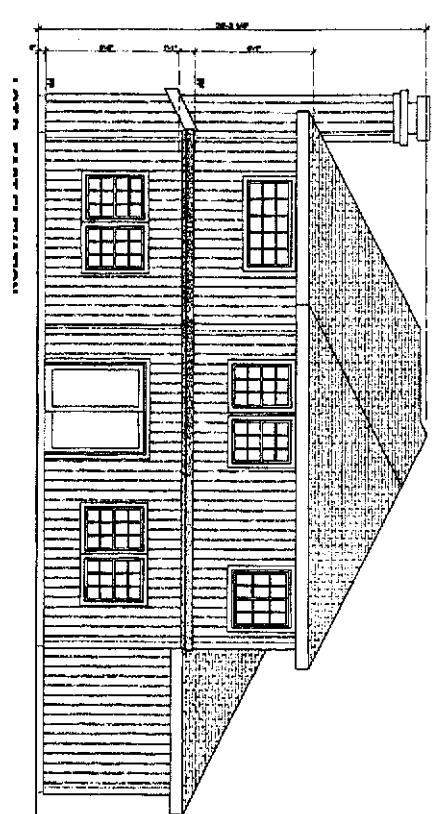
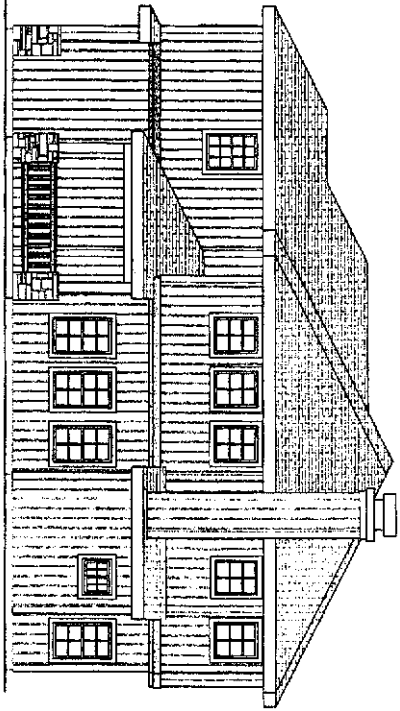
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4 OF 13 SHEETS



LOT B- NORTH ELEVATION



LOT B- WEST ELEVATION

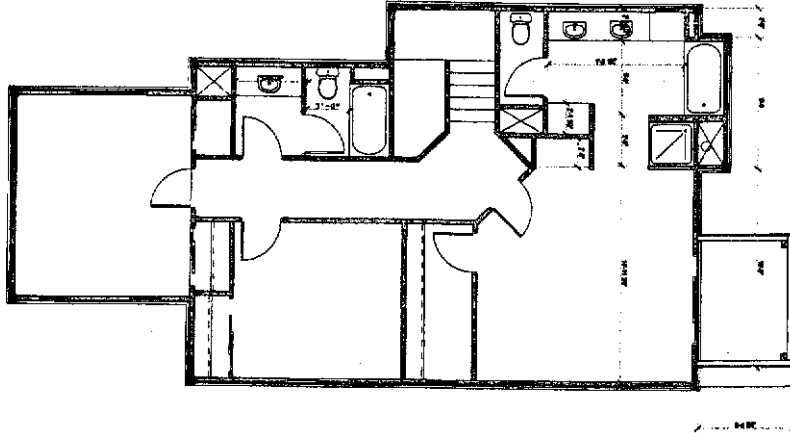


WINDWARD
COMPANY, INC.
BUILDERS & DESIGNERS
340 37th Avenue
Santa Cruz, CA 95062
408.426.1000

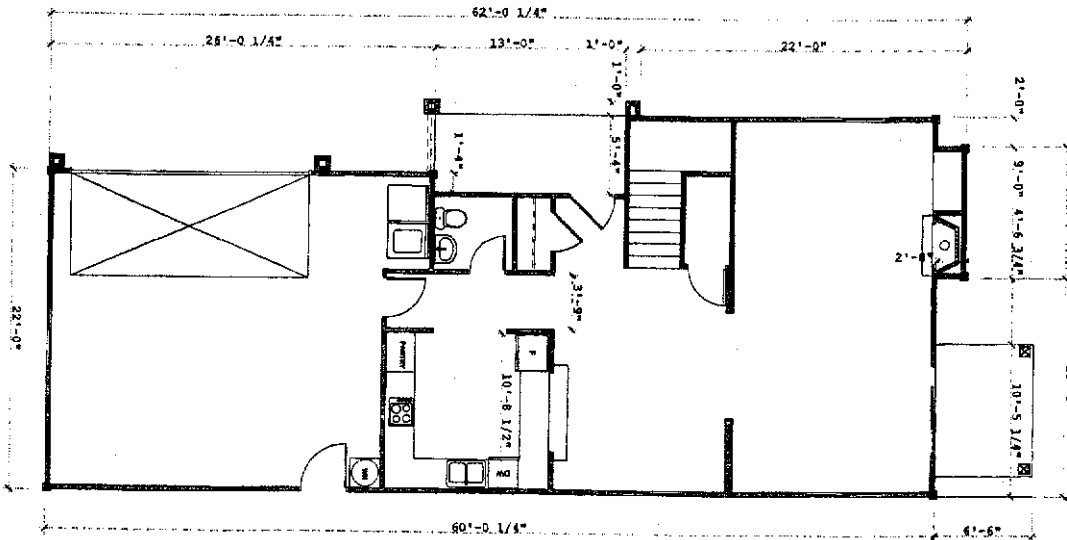
35th Avenue Parcel B
920 35th Ave., Santa Cruz
APN:032-041-48
MLD:

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5 OF 13 SHEETS	

SECOND FLOOR



FIRST FLOOR



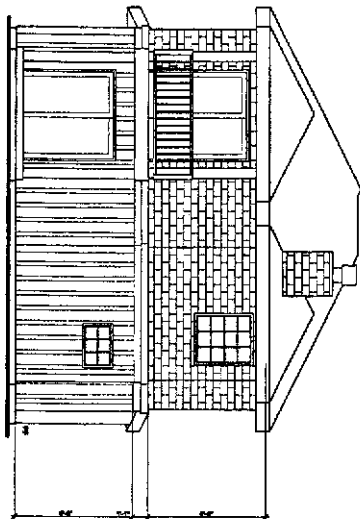
35th Avenue Parcel C
 920 35th Ave., Santa Cruz
 APN:032-041-48
 MLD:

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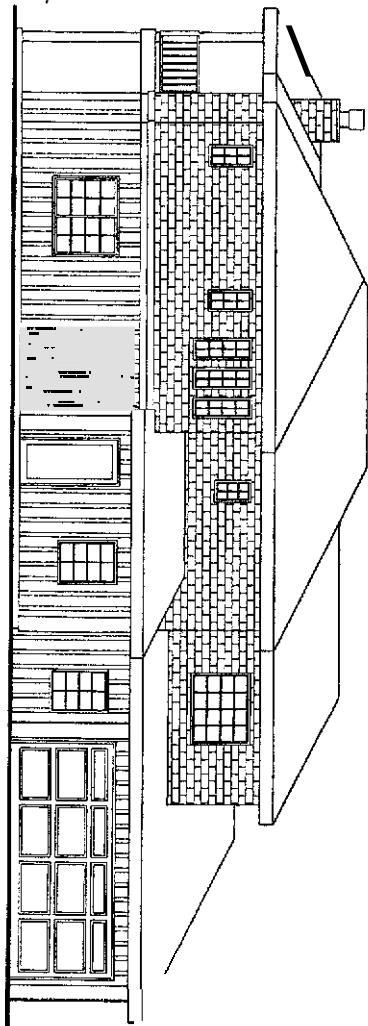


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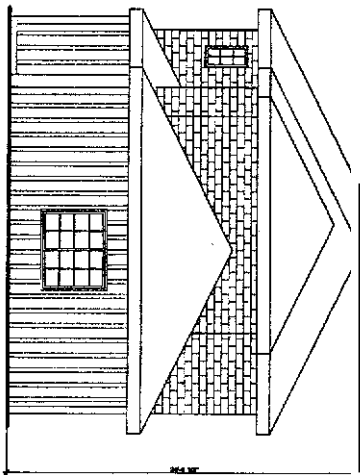
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 6 OF 5 SHEETS



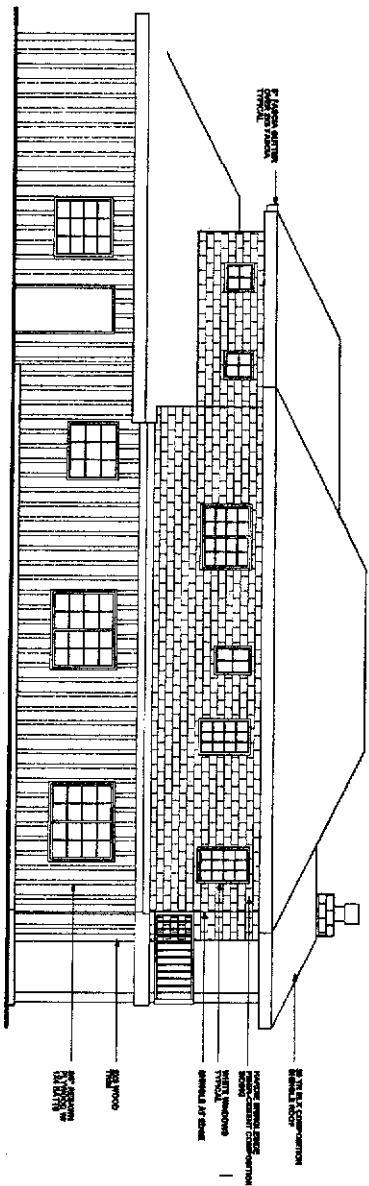
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



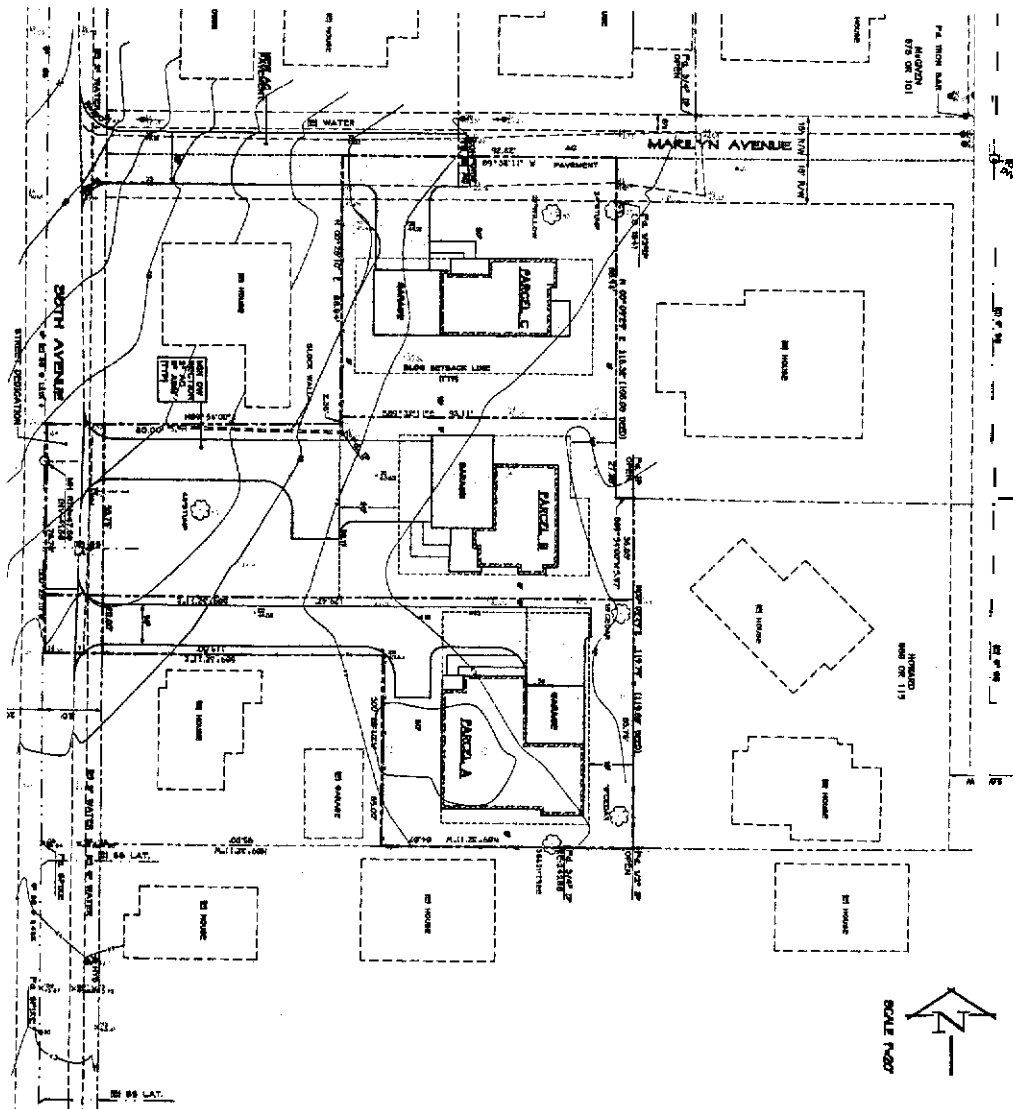
WINDWARD
COMPANY, INC.
705 37th Avenue
Santa Cruz, CA 95062
831.426.4242

35th Avenue Parcel C
920 35th Ave., Santa Cruz
APN:032-041-48
MLD:

13

REVISIONS	BY	DATE

DATE: 8/10/02
DRAWN: J.W. - E.P.
PROJECT NUMBER: 13
SHEET: 7 of 13 SHEETS
A7



TENTATIVE MAP NOTES

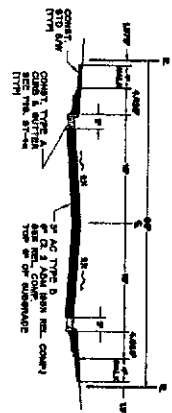
OWNER & DEVELOPER: CHA GROUP, LLC
 2000 N. 1ST AVE., SUITE 100
 SANTA CRUZ, CA 95060
 PH: 408-451-4000
 FAX: 408-451-4001

ENGINEER: JOE L. AKERS
 CIVIL ENGINEER
 920 35TH AVE., SUITE 100
 SANTA CRUZ, CA 95060
 PH: 408-451-4000
 FAX: 408-451-4001

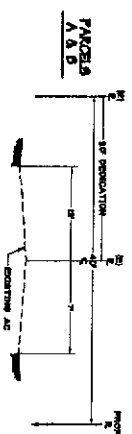
APN: 032-041-48
 ZONING: P-4
 DISTRICT: 1
 PREPARED FOR: CHA GROUP, LLC
 PREPARED BY: JOE L. AKERS, CIVIL ENGINEER

LOT DATA

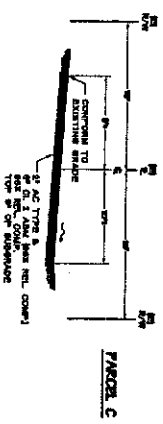
LOT	AREA (SQ. FT.)	STREET FRONTAGE (FT.)	DEPT. (FT.)	BLDG. AREA (SQ. FT.)	BLDG. COVERAGE (%)	LOT AREA (SQ. FT.)	BLDG. AREA (SQ. FT.)	BLDG. COVERAGE (%)
1	4,418	400	448	7,104	51.48	50	4,418	51.48
2	4,418	400	448	7,104	51.48	50	4,418	51.48
3	4,418	400	448	7,104	51.48	50	4,418	51.48
4	4,418	400	448	7,104	51.48	50	4,418	51.48
TOTAL	17,672	1,600	1,792	28,416	100.00	200	17,672	100.00



6TH EDDOWAY SECTION



35TH AVE. SECTION



MAREYN AVE. SECTION

SHEET
 C1
 OF
 8 OF 13

35TH 1.21.03
 DATE: 11/00
 DRAWN: CAT
 SCALE: 1"=20'

TENTATIVE MAP
 Site Plan
 920 35TH Ave. Santa Cruz County
 APN 032-041-48

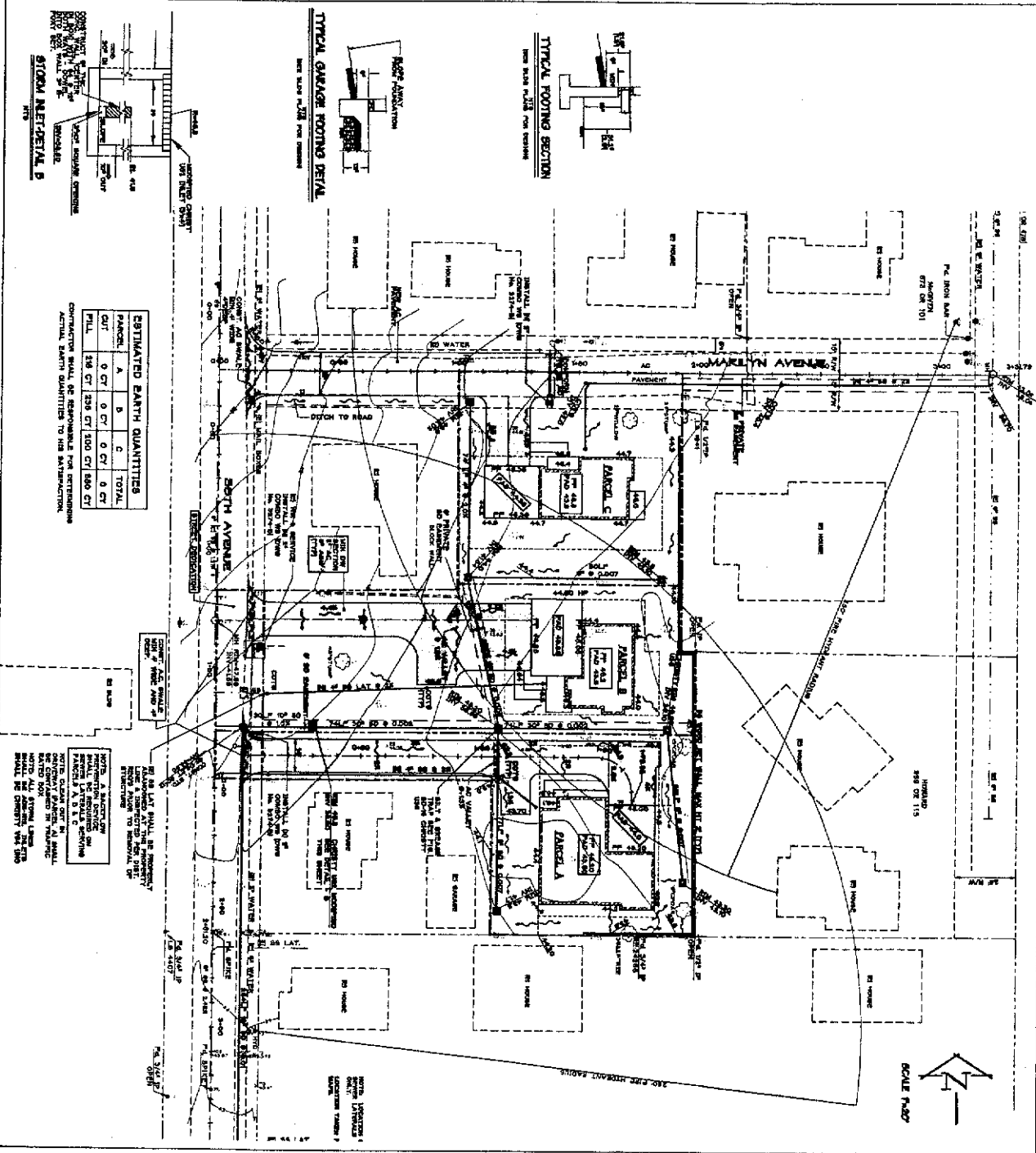
JOE L. AKERS
 CIVIL ENGINEER
 920 35TH AVE. SANTA CRUZ, CA 95060 (408) 451-4000

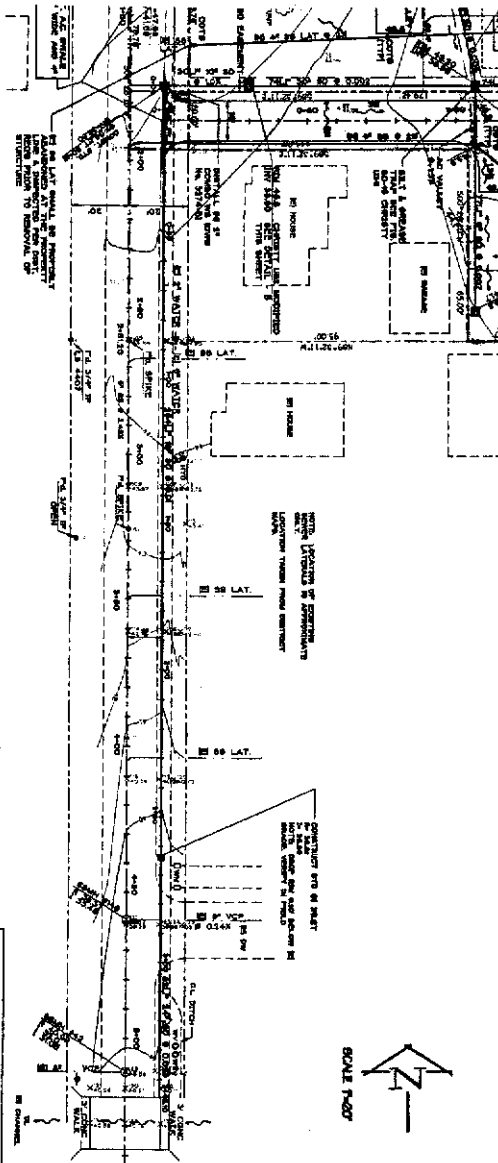


DATE	REVISION	BY
7-10-03	PLAN CHECK	AKA

1. All correspondence shall comply with applicable requirements in the current edition of the County of Santa Cruz Design Criteria.

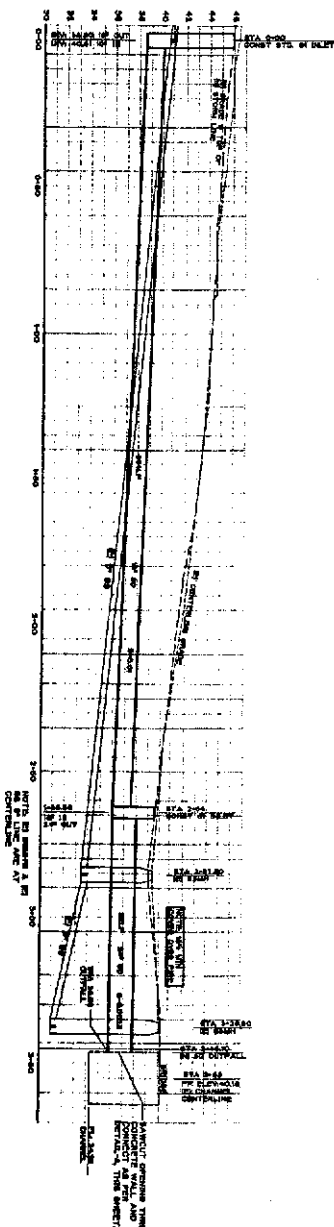
1. All for the final reference, unless otherwise specified, shall be evidence of the current edition of the County of Alameda Design Criteria.
2. The Department of Public Works or the authorized representative shall have the authority to stop work if the work is not being done in accordance with the approved Improvement Plans.
3. The Contractor shall notify the County Commission Engineer or ASST 444-6105 14 days prior to start of construction.
4. The Contractor shall notify the Southern District Inspector before 8:00 am of any 34 hours prior to the construction of any building sewer to the sewer lateral or to the construction of any building sewer to the street sewer. The construction will be treated until said sewer has been disconnected.
5. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides by shoring on all sides of the trench.
6. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
7. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
8. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
9. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
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14. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
15. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
16. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
17. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
18. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
19. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.
20. Each new sanitary sewer lateral not immediately connected to a building sewer shall be provided with a 2" x 4" x 8" trench box and trench shields. Any pipe to be placed on the street shall be protected by trench shields. The trench shields shall be properly supported by shoring on all sides and shall be removed by shoring on all sides of the trench.



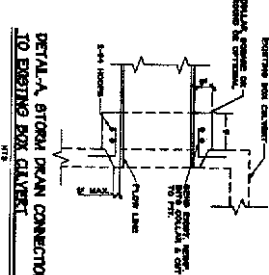


STORM DRAIN PLAN
SCALE 1"=40'

NOTE: ALL STORM DRAIN LATERALS THAT ARE BELIEVED NOT TO CONSTRUCT PER 6" SHALL BE REMOVED. ALL STORM DRAIN LATERALS THAT ARE BELIEVED TO CONSTRUCT PER 6" SHALL BE REMOVED. ALL STORM DRAIN LATERALS THAT ARE BELIEVED TO CONSTRUCT PER 6" SHALL BE REMOVED.



STORM DRAIN PROFILE
SCALE 1"=20'
HORIZONTAL 1"=40'
VERTICAL 1"=20'



DETAIL A, STORM DRAIN CONNECTION TO EXISTING BOX CULVERT
SCALE 1"=20'

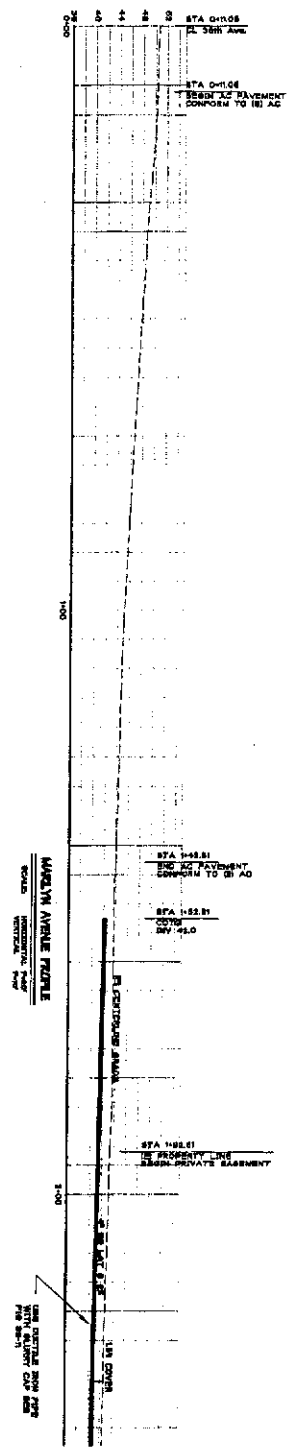
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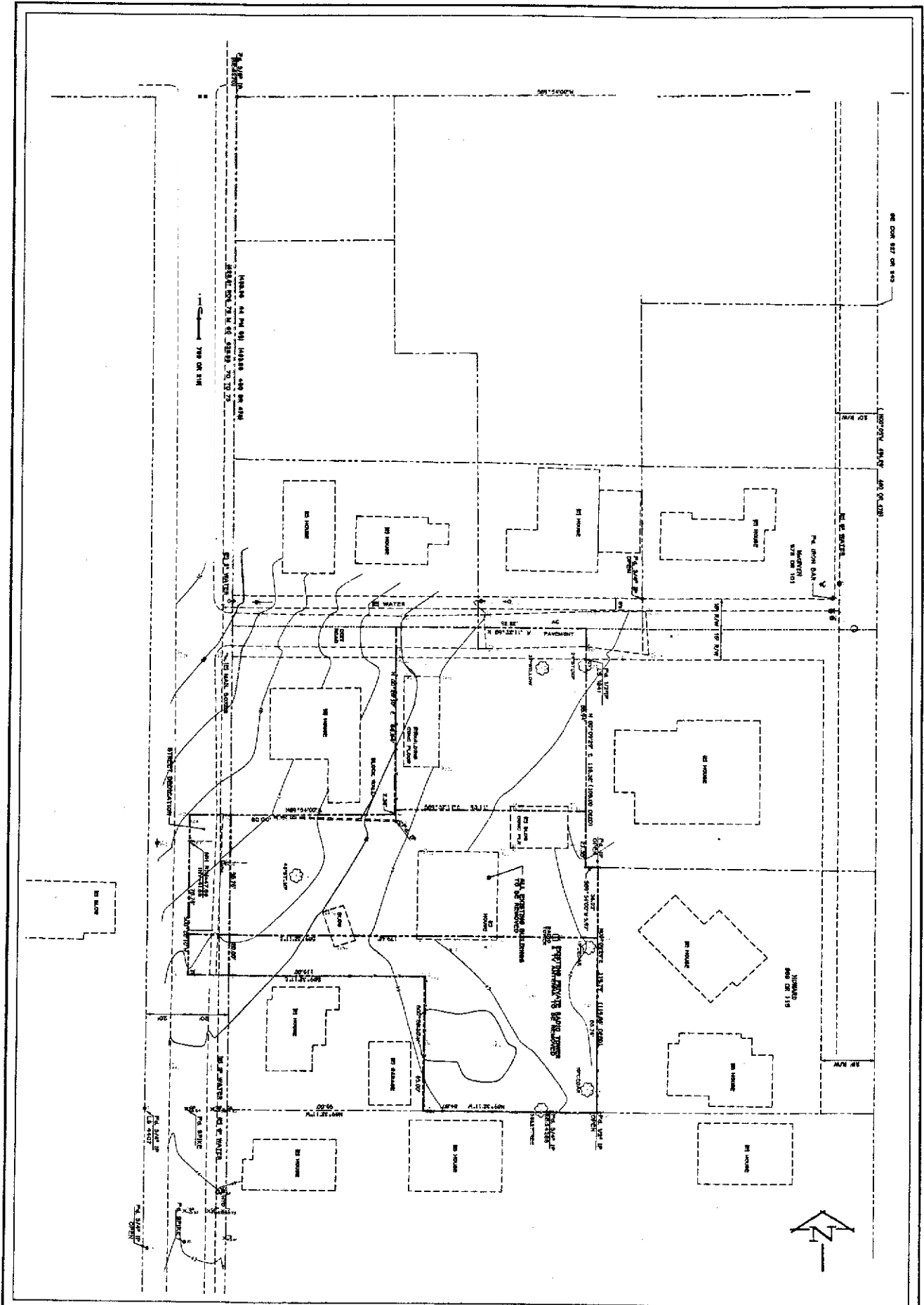
STORM DRAIN PROFILE
920 35TH Ave. Santa Cruz County
APN 032-041-48

JOE L. AKERS
CIVIL ENGINEER
680-E HWY 101, SANTA CRUZ, CA 95060 (505) 426-0007



DATE	REVISION	BY
7-10-03	PLAN CHECK	AEA





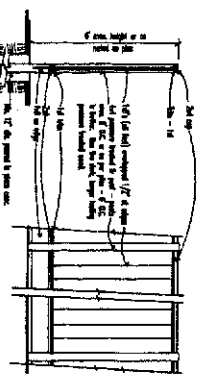
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12 OF 13

SSN: 1,21,03
DATE: 11/00
DRAWN: CAT
SCALE: 1"=20'

**EXISTING TOPO &
DEMOLITION PLAN**
920 35TH Ave. Santa Cruz County
APN 032-041-48

JOE L. AKERS
CIVIL ENGINEER
920-E HWY 101, ORTEGA, CA 95016 (408) 475-0002

DATE	REVISION	BY
7-11-03	PLAN CHECK	ABA



Wood Fence

1. See detail 12 and 13 for railing assembly for landscape deck and stairs.
2. See detail 14 for railing assembly for deck and stairs.
3. See detail 15 for railing assembly for deck and stairs.
4. See detail 16 for railing assembly for deck and stairs.
5. See detail 17 for railing assembly for deck and stairs.
6. See detail 18 for railing assembly for deck and stairs.
7. See detail 19 for railing assembly for deck and stairs.
8. See detail 20 for railing assembly for deck and stairs.
9. See detail 21 for railing assembly for deck and stairs.
10. See detail 22 for railing assembly for deck and stairs.

Planting Notes

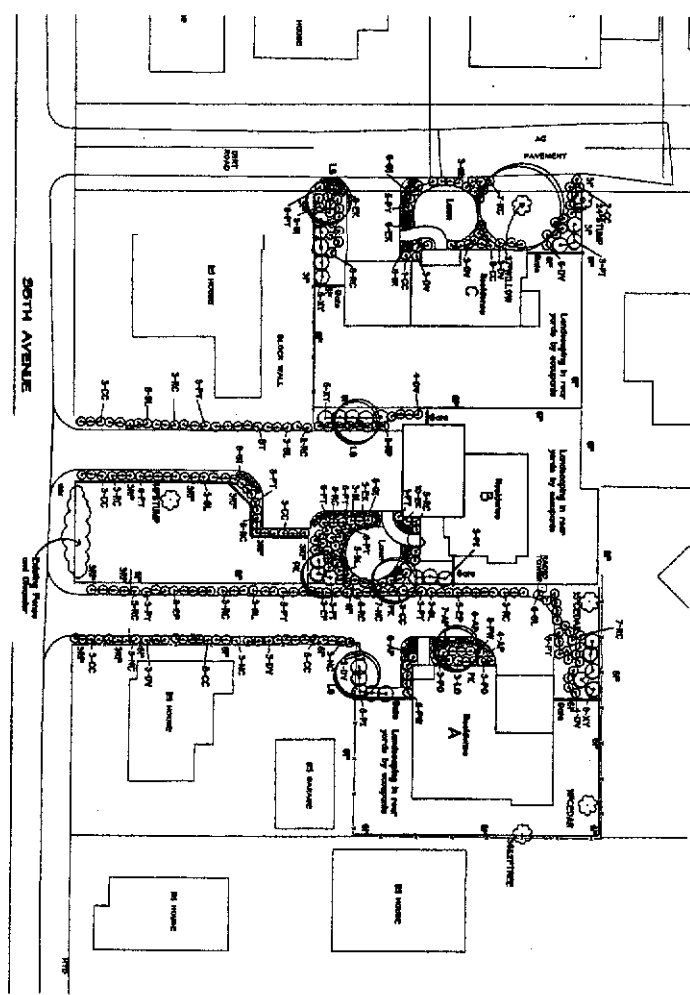
1. See detail 12 and 13 for railing assembly for landscape deck and stairs.
2. See detail 14 for railing assembly for deck and stairs.
3. See detail 15 for railing assembly for deck and stairs.
4. See detail 16 for railing assembly for deck and stairs.
5. See detail 17 for railing assembly for deck and stairs.
6. See detail 18 for railing assembly for deck and stairs.
7. See detail 19 for railing assembly for deck and stairs.
8. See detail 20 for railing assembly for deck and stairs.
9. See detail 21 for railing assembly for deck and stairs.
10. See detail 22 for railing assembly for deck and stairs.

Irrigation Concept

1. See detail 12 and 13 for railing assembly for landscape deck and stairs.
2. See detail 14 for railing assembly for deck and stairs.
3. See detail 15 for railing assembly for deck and stairs.
4. See detail 16 for railing assembly for deck and stairs.
5. See detail 17 for railing assembly for deck and stairs.
6. See detail 18 for railing assembly for deck and stairs.
7. See detail 19 for railing assembly for deck and stairs.
8. See detail 20 for railing assembly for deck and stairs.
9. See detail 21 for railing assembly for deck and stairs.
10. See detail 22 for railing assembly for deck and stairs.

Plant Legend

KEY	SYMBOL	COMMON NAME
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Planting Plan

1"=20'-0"



920 35th Avenue
Santa Cruz County
APN 032-041-48



GREGORY LEWIS LANDSCAPE ARCHITECT
1000 N. Santa Cruz Ave., Suite 100, Santa Cruz, CA 95060
Tel: (408) 298-1111 Fax: (408) 298-1112
www.gregorylewis.com

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SUBDIVISION FINDINGS

1. THAT THE PROPOSED SUBDIVISION MEETS ALL REQUIREMENTS OR CONDITIONS OF THE SUBDIVISION ORDINANCE AND THE STATE SUBDIVISION MAP ACT.

The proposed division of land meets all requirements and conditions of the County Subdivision Ordinance and the State Map Act 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.

The property is zoned (R-1-6) Residential – 1 unit/6,000 sq. ft, a designation which allows residential uses. The proposed Minor Land Division is an allowed use within the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

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.

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

The proposed division of land, its design, and its improvements, are consistent with the General Plan. The project creates three single family lots and is located in the Residential, Urban Low Density General Plan designation which allows a density of one dwelling for each 6,000 to 10,000 square feet of net developable parcel area.

The project is consistent with the General Plan in that the full range of urban services is available and will be extended to the newly created parcels, including municipal water and sewer service. The land division is on an existing street, which does require minor modifications to Marilyn Avenue provide satisfactory access to the parcel "C." Improvements are included as part of the project proposal. The proposed land division is similar to the pattern and density of surrounding development, is near commercial shopping facilities and recreational opportunities, and will have adequate and safe vehicular access.

The land division, as conditioned, will be consistent with the General Plan regarding infill development in that the proposed single-family developments will be consistent with the pattern of the surrounding development, and the design of the proposed homes is consistent with the character of the surrounding neighborhood. The land division is not in a hazardous or environmentally sensitive area and protects natural resources by providing residential development in an area designated for this type and density of development.

3. THAT THE PROPOSED SUBDIVISION COMPLIES WITH ZONING ORDINANCE PROVISIONS AS TO USES OF LAND, LOT SIZES AND DIMENSIONS AND ANY OTHER APPLICABLE REGULATIONS.

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site.

The proposed division of land complies with the zoning ordinance provisions as to uses of land, lot sizes and dimensions and other applicable regulations in that the use of the property will be residential in nature, lot sizes meet the minimum dimensional standards for the R-1-6 Zone District where the project is located, and all setbacks will be consistent with the zoning standards. The proposed new dwellings will comply with the development standards in the zoning ordinance as they relate to setbacks, maximum parcel coverage, minimum site width, floor area ratio and minimum site frontage

4. THAT THE SITE OF THE PROPOSED SUBDIVISION IS PHYSICALLY SUITABLE FOR THE TYPE AND DENSITY OF DEVELOPMENT.

The site of the proposed land division is physically suitable for the type and density of development in that no challenging topography affects the site, the existing property is unusually shaped, but to ensure efficiency in further development of the property, and the proposed parcels offer a traditional arrangement and shape to insure development without the need for variances. Though mapped biotic, site visits by environmental and planning staff determined that no additional environmental constraints exist which would necessitate the area remain undeveloped.

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.

The design of the proposed division of land and its improvements will not cause environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. There are no mapped or observed sensitive habitats or threatened species impede development of the site as proposed.

6. THAT THE PROPOSED SUBDIVISION OR TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed division of land or its improvements will not cause serious public health problems in that municipal water is currently available and as a condition of approval, sewer availability will be required for the proposed parcels, and these additional services will be extended to serve the new parcels created. The roadside improvements along Marilyn Avenue from the existing terminus to the south of the site to the north of the property will increase the safety for

pedestrians and commuters.

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.

The design of the proposed division of land and its improvements will not conflict with public easements for access in that no easements are known to encumber the property. Access to all lots will be from public roads that will be improved as part of the proposed project.

8. THE DESIGN OF THE PROPOSED SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES.

The design of the proposed division of land provides to the fullest extent possible, the ability to use passive and natural heating and cooling in that the resulting parcels are oriented in a manner to take advantage of solar opportunities. All of the proposed parcels are conventionally configured and the proposed building envelopes meet the minimum setbacks as required by the zone district for the property and County code.

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.

The new homes are proposed to be two-story with a design that incorporates California Contemporary design detailing. Siding is proposed to be lap wood (Parcel A), rough sawn plywood siding (Parcel B) and fiber-cement composition shingle siding (Parcel C). Walls are to be painted in earth tone colors, with the trim to be corresponding earth tones. Roofing material is to be brown, earth tone colored composition shingles.

The County's Urban Designer has reviewed the design in relationship to Chapter 13.11 of the County Code and the applicant has suggested some minor changes. These changes have been incorporated as a condition of approval (condition ILJ). As conditioned, staff believes that the proposed development is consistent with the Design Standards and Guidelines of the County Code.

The proposed lot sizes meet the minimum dimensional standards for the R-1-6 zone district, and all development standards for the zone district.

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.

The property is zoned R-1-6 (Residential - 6,000 square foot minimum lot size), a designation which allows residential uses. The proposed residential development is a principal permitted use within the zone district, consistent with the site's (R-UL) Urban Low Density Residential General Plan designation.

2. THAT THE PROJECT DOES NOT CONFLICT WITH ANY EXISTING EASEMENT OR DEVELOPMENT RESTRICTIONS SUCH AS PUBLIC ACCESS, UTILITY, OR OPEN SPACE EASEMENTS.

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

3. THAT THE PROJECT IS CONSISTENT WITH THE DESIGN CRITERIA AND SPECIAL USE STANDARDS AND CONDITIONS OF THIS CHAPTER PURSUANT TO SECTION 13.20.130 et seq.

The proposal is consistent with the design and use standards pursuant to Section 13.20.130 in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to an urban density; the colors shall be natural in appearance and complementary to the site; the development site is not on a prominent ridge, beach, or bluff top.

4. THAT THE PROJECT CONFORMS WITH THE PUBLIC ACCESS, RECREATION, AND VISITOR-SERVING POLICIES, STANDARDS AND MAPS OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE PLAN, SPECIFICALLY CHAPTER 2: FIGURE 2.5 AND CHAPTER 7, AND, AS TO ANY DEVELOPMENT BETWEEN AND NEAREST PUBLIC ROAD AND THE SEA OR THE SHORELINE OF ANY BODY OF WATER LOCATED WITHIN THE COASTAL **ZONE**, SUCH DEVELOPMENT IS IN CONFORMITY WITH THE PUBLIC ACCESS AND PUBLIC RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT COMMENCING WITH SECTION 30200.

The project site is not located between the shoreline and the first public road. Consequently, the residential development 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.

The proposed project is in conformity with the County's certified Local Coastal Program 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, residential uses are allowed uses in the R-1-6 (Residential - 6,000 square foot minimum lot size) zone district of the area, as well as the General Plan and Local Coastal Program land use designation. Developed parcels in the area contain single and multi-family dwellings. Size and architectural styles vary widely in the area, and the design submitted is not inconsistent with the existing range.

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.

The location of the proposed three additional single-family homes and the conditions under which they 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 in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the Uniform Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed residential development 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.

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.

The project site is located in the R-1-6 Zone District (Single Family residential; 6,000 square feet of net developable land area per dwelling unit) zone district. The proposed location of the additional single-family residences 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-1-6 zone district in that the primary use of the property will be three new single-family residences, all

which meet current site standards for the zone district.

3. **THAT THE PROPOSED USE IS CONSISTENT WITH ALL ELEMENTS OF THE COUNTY GENERAL PLAN AND WITH ANY SPECIFIC PLAN WHICH HAS BEEN ADOPTED FOR THE AREA.**

The project is located in the Urban Low Density Residential (R-UL) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in General Plan Objective (Urban Low Density Residential).

The proposed three additional single-family dwellings will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and will meet 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 residential development 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 three additional 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), in that the proposed residential development will comply with the site standards for the R-1-6 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and as conditioned, will result in structures consistent with a design that could be approved on any similarly sized lot in the vicinity.

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

4. **THAT THE PROPOSED USE WILL NOT OVERLOAD UTILITIES AND WILL NOT GENERATE MORE THAN THE ACCEPTABLE LEVEL OF TRAFFIC ON THE STREETS IN THE VICINITY.**

The proposed use will not overload utilities or generate more than the acceptable level of traffic on the streets in the vicinity in that it consists of three additional single-family homes on an existing developed lot. The expected level of traffic generated by the proposed project is anticipated to be only 3 peak trips per day (per dwelling unit), such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. THAT THE PROPOSED PROJECT WILL COMPLEMENT AND HARMONIZE WITH THE EXISTING AND PROPOSED LAND USES IN THE VICINITY AND WILL BE COMPATIBLE WITH THE PHYSICAL DESIGN ASPECTS, LAND USE INTENSITIES, AND DWELLING UNIT DENSITIES OF THE NEIGHBORHOOD.

The proposed three additional single-family residences, as conditioned, 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 in the vicinity, in that the proposed structures are two stories, in a mixed neighborhood of one and two-story homes and multi-family residences and the proposed residential development is consistent with the land use intensity and density of the neighborhood.

The County's Urban Designer reviewed the proposed Minor Land Division and three new single-family residences (Exhibit "E") and proposed minor changes which have been incorporated as a condition of approval (condition II.J), required prior to issuance of a building permit.

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.

The proposed three additional single-family residences, as conditioned, are consistent with the Design Standards and Guidelines of the County Code in that they are 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 the proposed Minor Land Division and three new single-family residences (Exhibit "E") and proposed minor changes which have been incorporated as a condition of approval (condition II.J), required prior to issuance of a building permit.

CONDITIONS OF APPROVAL

Exhibit A: Preliminary improvement plans, A-1 – A-7, prepared by Windward Company on July 16th, 2002, Tentative map, sheets C-1 – C-5, prepared by Joe Akers in November, 2000, sheet L-1, prepared by Gregory Lewis on August 21st, 2002, and revised plans and tentative map C-1, C-3, C-4, C-5, prepared by Joe Akers in November, 2000.

- I. This permit authorizes the Minor Land Division and the construction of three single-family dwellings. 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.
- 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. One vellum copy shall also be submitted to the County Surveyor. 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 with the conditions contained herein. All other State and County laws relating to improvement of the property, or affecting public health and safety shall remain fully applicable.
 - B. This land division shall result in no more than three (3) lots.
 - C. The minimum lot size shall be 6,000 (acres/square feet), net developable land.
 - D. The following items shall be shown on the Parcel Map:
 1. Development envelopes located according to the approved Tentative Map. The development envelopes shall be designed so that a minimum 20-foot front yard setbacks, minimum 5 and 8-foot side yard setbacks and the 15-foot rear yard setbacks are maintained.
 2. The net area of each lot to the nearest square foot.
 3. The owner's certificate shall include:

- a. An irrevocable offer of dedication to the County of Santa Cruz for the right-of-way and improvements that are noted on the attached Tentative Map. The right-of-way offered shall be 28-feet in width along 35th Avenue. When the offer of dedication is accepted by the County, this road is to be County maintained. **(DPW Road Engineering)**
- 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 Santa Cruz Water District.
 2. Lots shall be connected for sewer service to County of Santa Cruz Sanitation District.
 3. All future construction on the lots shall conform to the architectural floor plans and elevations as stated or depicted in 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. Exterior finishes shall incorporate stucco, wood and architectural accents as shown on Exhibit A. T-1-11 type siding is not allowed. Exterior color combinations shall be interspersed throughout the development.
 - c. Notwithstanding the approved preliminary architectural plans, all future development shall comply with the development standards for the R-1-6 zone district. No residence shall exceed 30% lot coverage, or 50% floor area ratio, or other standard as may be established for the zone district.
 4. A final Landscape Plan for the front yards of each parcel shown on the preliminary improvement plans, specifying the species, their size, and irrigation plans and meeting the following criteria:
 - 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. 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.

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.

Landscape irrigation should be scheduled between 600 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 Exhibit "A."
- F. All future development on the lots shall comply with the requirements of the geotechnical report (Haro, Kasunich and Associates, dated August 24th, 2001).
- G. Obtain a Demolition Permit from the Santa Cruz County Building Official.
- H. Obtain a Building Permit from the Santa Cruz County Building Official.
- I. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- J. Applicant/owner shall incorporate the Urban Designers comments on pages (3-4) on Exhibit "E" to be approved by Planning Department staff prior to obtaining the building permit.
- 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. Submit and secure approval of engineered improvement plans from the

Department of Public Works for all roads, curbs and gutters, sidewalks, storm drains, erosion control, street lighting, street trees 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.

- C. Provide a detailed erosion control plan. Identify what type of erosion control practice will be utilized (e.g. straw bales, silt fencing, etc.), where it will be installed and provide construction details for each practice. **(Environmental Planning)**
- D. A Plan Review letter from the project geotechnical engineer will be required for each new development proposed on the new parcels. **(Environmental Planning)**
- E. Submit geotechnical approval letter for the final drainage plans. The letter shall refer to dated plans and state that the proposed drainage will not cause any erosion or stability problems on site or downstream from the site. Review shall include approval of the storm drain outlet into the downstream channel. **(DPW Drainage)**
- F. Submit a recorded maintenance agreement for the proposed silt and grease trap(s) or other water quality BMP(s). **(DPW Drainage)**
- G. Provide a 25-year analysis for the proposed storm drain system that shows safe overflow is available. If needed, this project may need to enhance/install a safe overflow path from the inlet labeled **1-6** to the channel. **(DPW Drainage)**
- H. Confirm that there is no grading associated with this project as stated on the plans. **(DPW Drainage)**
- I. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- J. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.
- K. Child Care Development fees shall be paid for two (2) single-family dwelling units. On July 1st, 2003, these fees were \$327 per unit (which assumes three bedrooms/unit at \$109 per bedroom), but are subject to change
- L. Roadside improvement fees shall be paid for two (2) single-family dwelling units. On July 1st, 2003, these fees were \$2,000 per unit, but are subject to change.
- M. Transportation improvement fees shall be paid for two (2) single-family dwelling units. On July 1st, 2003, these fees were \$2,000 per unit, but are subject to change.
- N. Park dedication in-lieu fees shall be paid for two (2) single-family dwelling units. On July 1st, 2003, these fees were \$3,000 per unit (which assumes three bedrooms/unit at \$1,000 per bedroom), but are subject to change.
- O. Provide required off-street parking for 3 cars for each parcel. Parking spaces must be 8.5 feet wide by 18 feet long and must be located entirely outside vehicular

rights-of way. Parking must be clearly designated on the plot plan.

- P. 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.
- Q. A road maintenance agreement is required for the improvements to Marilyn Avenue. The maintenance agreement will include the newly created Parcel "C." This agreement shall state that the owner of the newly created Parcel "C" shall maintain and repair, if necessary that portion of Marilyn Avenue proposed for improvements and shall be reviewed and approved by the Planning Department prior to map recordation.
- R. Enter into a Certification and Participation Agreement with the County of Santa Cruz to meet the Affordable Housing Requirements specified by Chapter 17.10 of the County Code. The developer must pay in-lieu fees in accordance with the regulations as specified by Section 17.10.031 of the County Code.

IV. All subdivision improvements shall be constructed in accordance with the approved improvement plans and in conformance with the requirements of the subdivision agreement recorded pursuant to condition IILD. The construction of subdivision improvements shall also 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.
- B. No land clearing, grading or excavating shall take place between October 15 and April 15 unless a separate winter erosion-control plan is approved by the Planning Director.
- 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 other work specifically required by another of these conditions).
- D. Construction of improvements shall comply with the requirements of the geotechnical report (Haro, Kasunich and Associates, dated August 24th, 2001). The geotechnical engineer shall inspect the completed project and certify in writing that the improvements have been constructed in conformance with the geotechnical report.
- E. To minimize noise, dust, and nuisance impacts on 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 A.M. and 5:00 P.M. weekdays, unless a temporary exemption to this time restriction is approved in advance by the Planning Department to address an emergency situation. The owner/developer shall designate a disturbance coordinator

to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site, on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on site, and shall include the language "for construction noise and dust problems call the 24-hour contact number." The name, phone number, and nature of the disturbance shall be recorded by the disturbance coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions.

2. Each day it does not rain, wet all exposed soil frequently enough to prevent significant amounts of dust from leaving the site. Street sweeping on adjacent or nearby streets may be required to control the export of excess dust and dirt.
 3. Saw cuts within the traveled roadway, which cause temporary depressions in the surfacing prior to repair, shall be leveled with temporary measures and signage shall be posted noting such.
- F. All required subdivision improvements shall be installed and inspected prior to final inspection clearance for any new structure on the subdivision lots.
- G. The project engineer who prepares the grading plans must certify that the grading was completed in conformance with the approved tentative map and/or the engineered improvement plans
- V. All future development on lots created by this subdivision shall comply with the requirements set forth in Condition II.E, above.
- VI. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.
 - 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.

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

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 TWO YEARS FROM THE EFFECTIVE DATE UNLESS YOU OBTAIN THE REQUIRED PERMITS AND COMMENCE CONSTRUCTION.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

David Heinlein
Project Planner

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

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

Application Number: 02-0538

Assessor Parcel Number: 032-041-48

Project Location: 920 35th Avenue, Santa Cruz

Project Description: Minor Land Division

Person or Agency Proposing Project: Jim Waever - Pacific Rim

Contact Phone Number: (831) 457-2033

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

Specify type:

E. ☒ **Categorical Exemption**

Specify type: 15315 Minor Land Divisions

F. Reasons why the project is exempt:

Infill project

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

David Heinlein, Project Planner

Date: _____

COUNTY OF SANTA CRUZ

Planning Department

INTEROFFICE MEMO

APPLICATION NO: 02-0538 (Third and Final Routing)

Date: July 23, 2003

To: David Heinlein, Project Planner

From: Larry Kasparowitz, Urban Designer

Re: Design Review for a three lot subdivision at 35th Avenue, Santa Cruz (Krivanovich, owner, Pacific Rim Planning Group / applicant)

COMPLETENESS ISSUES

- The plans as submitted are complete enough for Design Review.

GENERAL PLAN / ZONING CODE ISSUES

Design Review Authority

13.11.040 Projects requiring design review.

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

Design Review Standards

13.11.072 Site design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✓)	Urban Designer's Evaluation
Compatible Site Design			
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		✓	<i>I recommend that the residence on Lot B be moved to the front of the lot to align with the existing residences on either side.</i>
Street design and transit facilities	✓		
Relationship to existing structures	✓		
Natural Site Amenities and Features			
Relate to surrounding topography	✓		
Retention of natural amenities	✓		
Siting and orientation which takes advantage of natural amenities	✓		
Ridge line protection	✓		
Views			
Protection of public viewshed	✓		
Minimize impact on private views	✓		
Accessible to the disabled, pedestrians, bicycles and vehicles	✓		
Reasonable protection for adjacent properties	✓		
Reasonable protection for currently occupied buildings using a solar energy system	✓		
Noise			
Reasonable protection for adjacent properties	✓		

13.11.073 Building design.

Evaluation Criteria	Meets criteria In code (✓)	Does not meet criteria (✗)	Urban Designer's Evaluation
Massing of building form	✓		
Building silhouette	✓		
Spacing between buildings	✓		
Street face setbacks	✓		
Character of architecture		✗	<i>See comments below</i>

Buildingscale	✓		
Proportion and composition of projections and recesses, doors and windows, and other features	✓		
Location and treatment of entryways	✓		
Finish material, texture and color	✓		
Scale			
Scale is addressed on appropriate levels	✓		
Design elements create a sense of human scale and pedestrian	✓		
Building Articulation			
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	✓		

OTHER URBAN DESIGNER SUGGESTIONS :

Architectural Comments

■ PARCEL A:

1. There will be ~~trim~~ around each window with the exterior siding chosen by the designer. Revise the front elevation to show ~~bim~~ around the stairway window.
2. Either add more shutters **on the front** elevation or remove **those** above the garage.
3. Window treatments (mullions) should be **consistent** around the **building**. Add simulated divided lights to **side** and rear windows
4. The orientation **on the lot** would suggest that there be sliding glass doors **out to the side** (Family Room and/or Living-Dining area).

■ PARCEL B

1. The columns at the front elevation need some further detailing, i.e. **him**, etc. (cap, base), and greater **thick ness**.

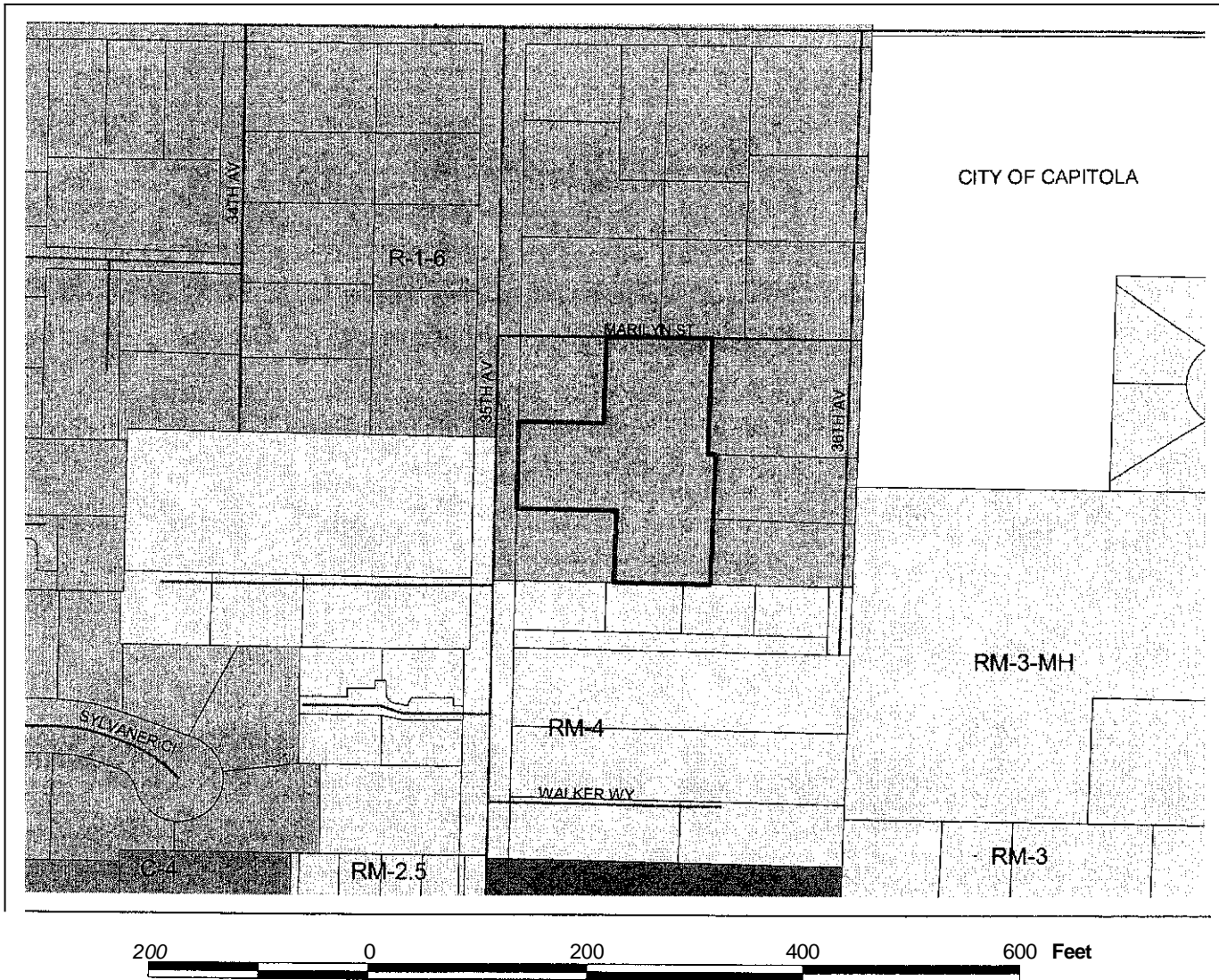
■ **PARCEL C:**

1. *The mixture of plywood and batts and the shingle siding is too busy. The designer should pick either and use it continuously or possibly consider stucco.*
2. *The style of the front door should be ~~more~~ like the other designs*
3. *The columns at the front elevation need ~~some~~ further detailing, i.e. trim, etc.*

Landscape Comments

1. *The long driveways could be punched with tall narrow trees.*

Zoning Map



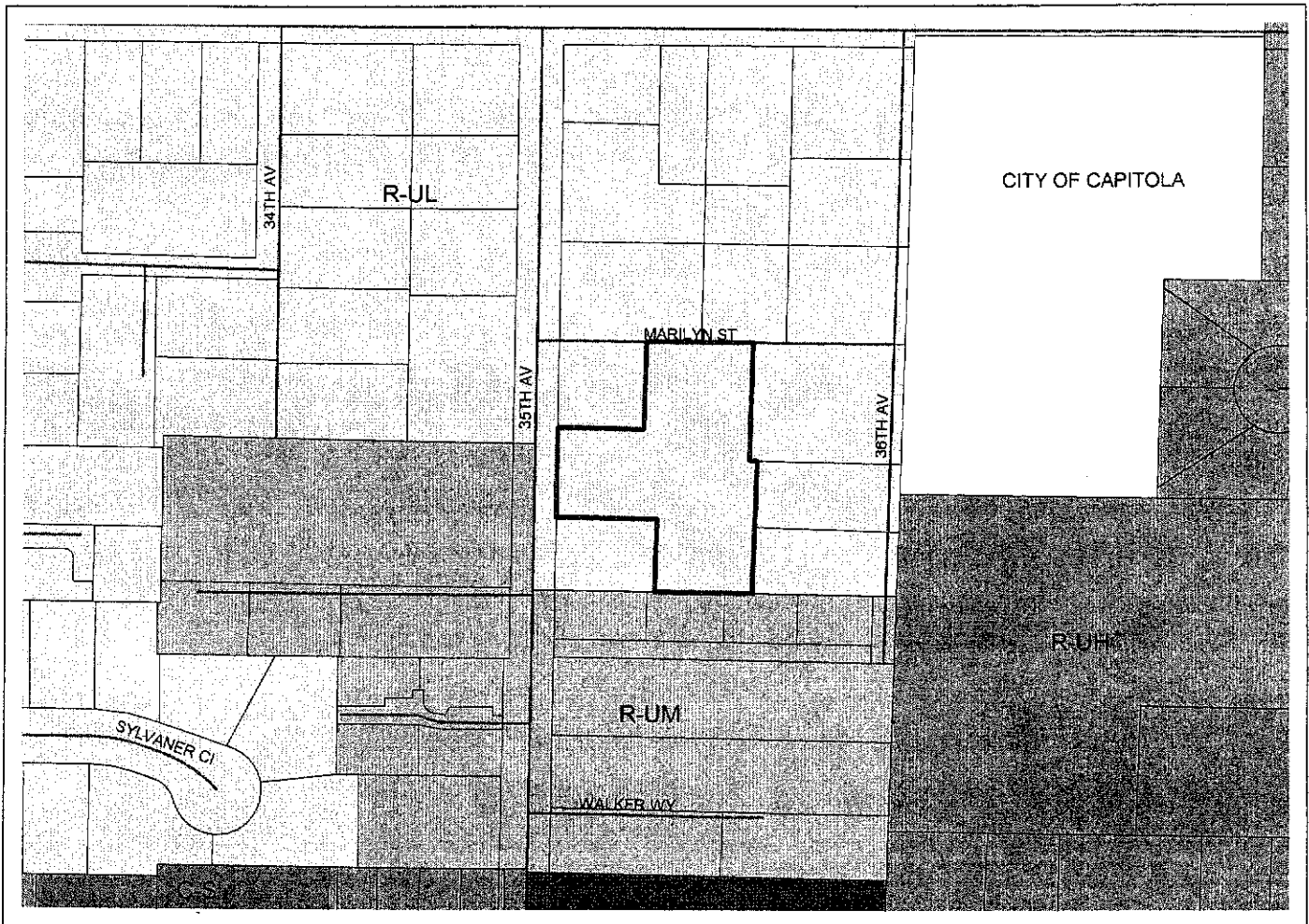
Legend

- APN 032-041-48
- Streets
- c-2
- c-4
- R-1-X
- RM
- City of Capitola



Map created by Santa Cruz County
Planning Department:
March 2004

General Plan Map



200 0 200 400 600 Feet

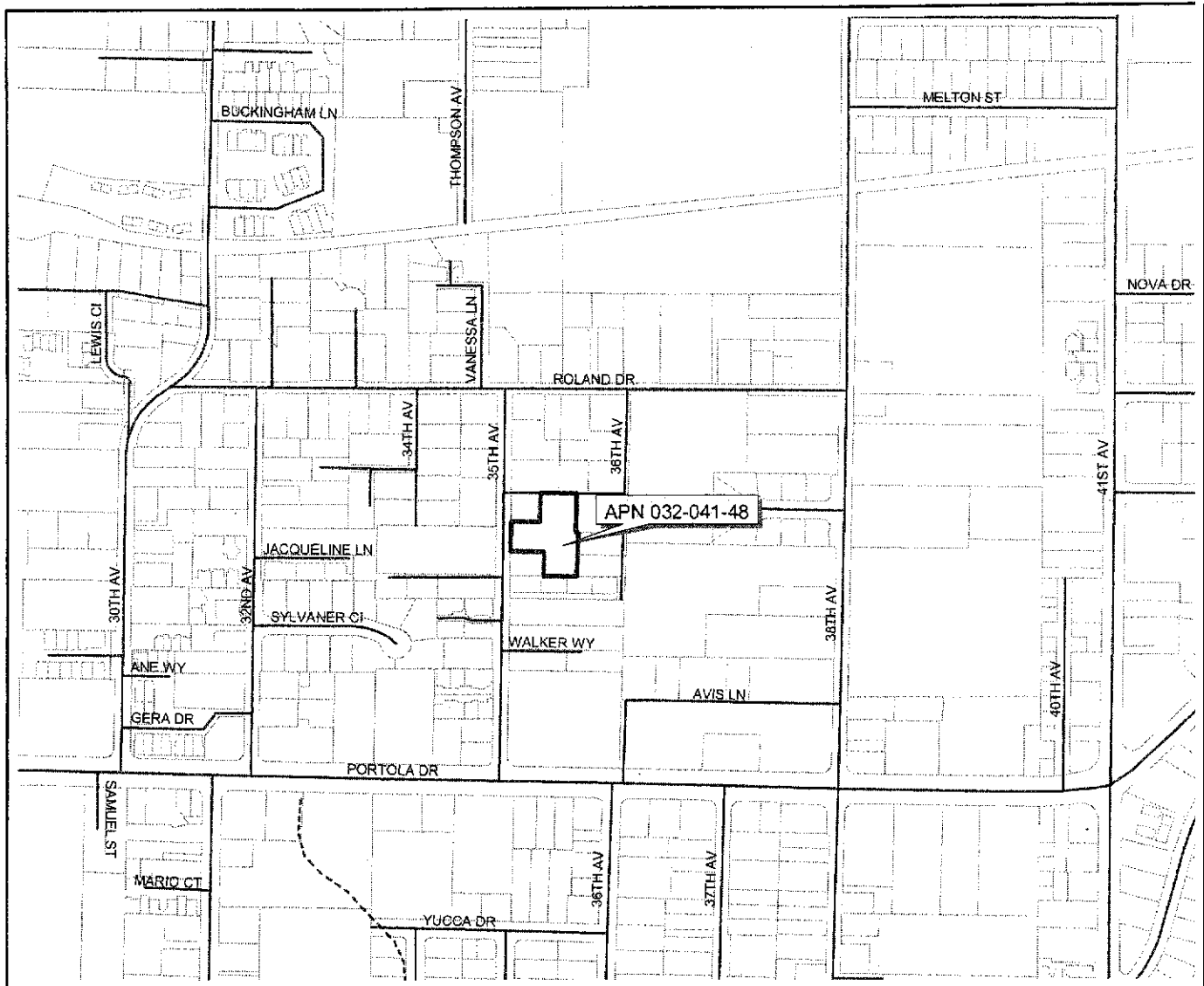
Legend

- APN 032-041-48
- Streets
- Community Commercial
- Service Commercial
- Residential - Urban High Density
- Residential - Urban Medium Density
- Residential - Urban Low Density
- City of Capitola



Map created by Santa Cruz County
Planning Department:
March 2004

Location Map



1000 0 1000 Feet

Map created by Santa Cruz County
Planning Department:
March 2004

